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SECOND SESSION

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 88th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES

THURSDAY, AUGUST 13, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Timothy 1: 7: *For God hath not given us the spirit of fear; but of power, and of love, and of a sound mind.*

Eternal God, our Father, who art daily making us the beneficiaries of Thy bountiful providence, may our hearts now go out toward Thee with prayers of gratitude and pledges of love and devotion to the cause of righteousness and peace.

Inspire us with increasing tenacity of faith and obedience to Thy holy will and a loyalty and dedication that is determined to make a worthy contribution to the welfare and happiness of all mankind.

May we be more acutely sensitive and more eagerly responsive to Thy voice, calling us to give ourselves courageously to the task of safeguarding our heritage of freedom, which we greatly prize and are privileged to enjoy and share with others.

Grant that our President, our Speaker, and the Members of Congress may continue to manifest and maintain an unfailing trust in Thy divine sovereignty.

To Thy name may we ascribe all majesty, dominion, and power. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 11083. An act to amend the Public Health Service Act to extend the authorization for assistance in the provision of graduate or specialized public health training, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11241. An act to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3846. An act to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. CHURCH, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4649) entitled "An act to amend the Internal Revenue Code of 1954 to authorize the use of certain volatile fruit-flavor concentrates in the cellar treatment of wine," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10199) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to Senate amendment No. 10 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 10723) entitled "An act making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to Senate amendments Nos. 34, 46, and 47 to the foregoing bill.

LAND AND WATER CONSERVATION FUND ACT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, MORRIS, O'BRIEN of New York, SAYLOR, and KYL.

TRIBUTE TO THE LATE HONORABLE JOHN B. BENNETT

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I want to join with my colleagues in paying tribute to the memory of our departed colleague, and an intimate friend, JOHN B. BENNETT of Michigan.

JOHN BENNETT was a man dedicated to public service. He was a leader of the Michigan Republican delegation in the House, and a leader of my party.

He rose to be the ranking minority member of our Committee on Interstate and Foreign Commerce, and as such became an authority of the intricate legislation coming before that committee.

He also served on our House Administration Committee.

We will miss his faithful and dedicated service as will the State of Michigan.

I join with my colleagues in extending our condolences to his family and his friends.

ELECTION OF MICHAELIAN AS PRESIDENT OF NATIONAL ASSOCIATION OF COUNTY OFFICIALS

Mr. REID of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REID of New York. Mr. Speaker, I am happy to inform the House of the election in Washington yesterday of Edwin Michaelian as president of the National Association of County Officials for 1964–65. This 30th annual convention of the association was the largest gathering of county officials reportedly ever held in the United States—with some 2,800 delegates in attendance.

Mr. Michaelian, the county executive of Westchester County, is an outstanding American with broad experience in public service.

As president of the association—which includes representatives of 1,700 counties—Mr. Michaelian will, I am certain, be a forceful exponent for local government. He recognizes the importance of building local government and of not underestimating its capabilities to find creative and affirmative approaches to suburban living.

The platform plank of the convention on local government is—I believe—worth the attention and consideration of Members. Specifically, this plank states:

> Leave to private initiative all the functions that citizens can perform privately; use the level of government closest to the community for all public functions it can handle; utilize cooperative intergovernmental agreements where appropriate to attain economical performance and popular approval; reserve national action for residual participation where State and local governments are not fully adequate, and for the continuing responsibilities that only the National Government can undertake.

CALL OF THE HOUSE

Mr. GILBERT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 221]

Alger
Ashley
Avery
Baring
Barrett
Blatnik
Bolton,
  Frances P.
Buckley
Burton, Utah
Cameron
Casey
Cohelan
Dingell
Flynt
Gill
Hagan, Ga.
Haley
Harvey, Mich.
Healey
Hébert
Hoffman
Jones, Ala.
Kee
Landrum
Lankford
Lesinski
Lloyd
Mailliard
Mathias
May
Meader
Miller, N.Y.
Morrison
Nedzi
Norblad
O'Hara, Mich.
Olson, Minn.
Passman
Powell
Ryan, Mich.
Scott
Senner
Sheppard
Shipley
Sibal
Smith, Va.
Staebler
Thompson, La.
Thompson, N.J.
Toll
Winstead

The SPEAKER. On this rollcall, 379 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING ADDITIONAL COPIES OF HOUSE REPORT NO. 1480

Mr. WILLIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 349) authorizing the printing of additional copies of House Report No. 1480.

The Clerk read the concurrent resolution, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed two thousand additional copies of House Report Numbered 1480, Eighty-eighth Congress, second session, entitled "State Taxation of Interstate Commerce," with illustrations and maps, for the use of the House Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

INDEPENDENT OFFICES APPROPRIATION BILL, 1965

Mr. THOMAS. Mr. Speaker, I call up the conference report on the bill (H.R. 11296) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1781)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11296) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 23, 24, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62, 63, 65, 66, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 83, 84, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 101, 102, 103, 104, 106, 107, 108, 109, 110, 111, 112, 113, 114, 116, 117, 118, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 191, 210, and 214.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 8, 17, 22, 195, 196, 203, 205, 206, 211, and 216, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,600,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$400,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$900,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$75,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ", and not to exceed $14,500,000 shall be available for management expenses for civil defense including not to exceed 1,000 positions"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$30,200,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Restore the matter stricken, amended to read as follows:

"No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for construction of fallout shelters except in construction of new buildings under the heading, "Construction, Public Buildings Projects", for the fiscal year 1965."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,875,000"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,607,500"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,358,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$82,500,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$21,996,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$273,500"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "fourteen"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "ten"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$542,600,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,200,000"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$40,000,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,565,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,710,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$16,385,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,439,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,875,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$219,185,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ": *Provided further*, That no part of this appropriation may be used after January 1, 1965, to finance the cost of any new or expanded space requirement of any department or agency, including moving, rental, alteration, equipment, or any other cost relating thereto, which has not previously been funded by transfer of funds to the General Services Administration to cover such costs for at least one full fiscal year"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "fallout shelters (in new buildings only) and"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$153,167,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$13,204,300"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,383,300"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$810,700"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,981,800"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,614,600"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,050,700"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,487,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$954,600"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,804,500"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,120,300"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,956,100"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$12,230,200"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,145,900"; and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,176,800"; and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$6,502,500"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$26,108,100"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,670,000"; and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,055,000"; and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,937,500"; and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,517,500"; and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$20,000,000"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,725,000"; and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,375,000"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$25,000"; and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$15,784,000"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "thirty-seven"; and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$25,485,000"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows: In lieu of the sum named in said amendment insert: "$4,363,594,000"; and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows: Insert the matter proposed by said amendment, amended to read as follows:

"GENERAL PROVISIONS

"Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation.

"Not to exceed $35,000 of the appropriation 'Administrative Operations' in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive."

And the Senate agree to the same.

Amendment numbered 209: That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert "purchase, maintenance and operation of one aircraft; hire of one aircraft;"; and the Senate agree to the same.

Amendment numbered 212: That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$40,009,000"; and the Senate agree to the same.

Amendment numbered 213: That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$155,125,000"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$37,000,000"; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$37,100,000"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$98,103,000"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: ", but not to exceed $380,000,000,"; and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,747,500"; and the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$9,687,500"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$78,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 28, 186, 187, 188, 208, and 220.

ALBERT THOMAS,
JOE L. EVINS,
GEORGE MAHON,
HAROLD C. OSTERTAG,
CHARLES R. JONAS,
Managers on the Part of the House.

WARREN G. MAGNUSON,
ALLEN J. ELLENDER,
RICHARD B. RUSSELL,
SPESSARD L. HOLLAND,
A. S. MIKE MONRONEY,
CLINTON P. ANDERSON,
GORDON ALLOTT,
MILTON R. YOUNG,
LEVERETT SALTONSTALL,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11296) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

Executive Office of the President

Office of Emergency Planning

Amendment No. 1: Appropriates $4,600,000 for salaries and expenses instead of $4,285,000 as proposed by the House and $4,855,000 as proposed by the Senate.

Amendment No. 2: Authorizes $400,000 for research and studies instead of $250,000 as proposed by the House and $600,000 as proposed by the Senate.

Amendment No. 3: Inserts language proposed by the Senate authorizing use of research and study funds for emergency preparedness.

Office of Science and Technology

Amendment No. 4: Appropriates $900,000 for salaries and expenses instead of $880,000 as proposed by the House and $950,000 as proposed by the Senate.

Department of Defense

Civil Defense

Amendment No. 5: Appropriates $75,000,000 for operation and maintenance instead of $70,000,000 as proposed by the House and $85,000,000 as passed by the Senate.

Amendment No. 6: Authorizes $16,000,000 for matching grants for personnel and administrative expenses of State and local civil defense organizations instead of $15,000,000 as proposed by the House and $17,000,000 as proposed by the Senate.

Amendment No. 7: Restores language proposed by the House and stricken by the Senate amended to limit management expenses to $14,500,000 instead of $13,500,000 as proposed by the House and restores House limitation of not to exceed 1,000 positions.

Amendment No. 8: Deletes House language and inserts Senate language as proposed by the Senate concerning marking and stocking of fallout shelters.

Amendment No. 9: Appropriates $30,200,000 for research, shelter survey, marking and stocking instead of $19,200,000 as proposed by the House and $69,200,000 as proposed by the Senate.

Amendment No. 10: Restores language proposed by the House and stricken by the Senate prohibiting use of any funds for fallout shelter construction, amended to except new buildings under the General Services Administration for the fiscal year 1965 only.

Department of Health, Education, and Welfare

Amendment No. 11: Appropriates $8,875,000 for emergency health activities of the Public Health Service instead of $8,500,000 as proposed by the House and $9,250,000 as proposed by the Senate.

Independent offices

Civil Aeronautics Board

Amendment No. 12: Appropriates $10,607,500 for salaries and expenses instead of $10,440,000 as proposed by the House and $10,775,000 as proposed by the Senate.

Amendments Nos. 13 and 14: Appropriate $82,500,000 for payments to air carriers instead of $79,000,000 as proposed by the House and $86,124,000 as proposed by the Senate; and authorize $3,358,000 for subsidy for helicopter operations instead of $3,000,000 as proposed by the House and $4,300,000 as proposed by the Senate. The conferees have been wrestling many years with continuing subsidies for helicopter service for three cities while 39 other cities need it as badly as those that now have it. This is the last money to be recommended by the committee for these projects exclusively. The conferees respectfully request the CAB not to include one penny for these three lines in its budget next year. This position is unanimously agreed to by the House conferees and a majority of the conferees of the Senate.

Civil Service Commission

Amendment No. 15: Appropriates $21,996,000 for salaries and expenses instead of $21,805,000 as proposed by the House and $22,187,000 as proposed by the Senate.

Amendment No. 16: Authorizes $273,500 for administrative expenses of the employees life insurance fund instead of $270,000 as proposed by the House and $277,000 as proposed by the Senate.

Federal Aviation Agency

Amendment No. 17: Deletes language proposed by the House relating to flight service stations as proposed by the Senate.

Amendments Nos. 18 and 19: Authorize purchase of 14 passenger motor vehicles of which 10 are for replacement only instead of purchase of 12 vehicles of which 8 are for replacement as proposed by the House and purchase of 16 vehicles of which 12 are for replacement as proposed by the Senate.

Amendment No. 20: Appropriates $542,600,000 for operation instead of $537,600,000 as proposed by the House and $544,100,000 as proposed by the Senate.

Amendments Nos. 21 and 22: Authorize $6,200,000 for the total cost of aviation medicine instead of $6,000,000 as proposed by the House and $6,344,000 as proposed by the Senate; and limits the number of positions to 406 as proposed by the Senate instead of 396 as proposed by the House.

Amendment No. 23: Appropriates $50,000,000 for facilities and equipment as proposed by the House instead of $66,000,000 as proposed by the Senate.

Amendment No. 24: Deletes language proposed by the Senate concerning reimbursement for the cost of road improvements.

Amendment No. 25: Appropriates $40,000,000 for research and development instead of $21,000,000 as proposed by the House and $42,000,000 as proposed by the Senate. The conferees recommend that the number of jobs at the National Aviation Facilities Experimental Center be reduced and that a larger part of the research be done by private contract. The budget proposes spending over $30,000,000 at the facility, of which $17,500,000 is charged to research, and includes costly modernization, which is certainly excessive. In its next budget presentation to the committees, the FAA is respectfully requested to include everything relating to this facility as a separate item so as to give a complete picture of the cost and work performed at this center.

Amendment No. 26: Appropriates $3,565,000 for operation and maintenance of Washington National Airport instead of $3,530,000 as proposed by the House and $3,600,000 as proposed by the Senate.

Amendment No. 27: Appropriates $1,710,000 for construction at Washington National Airport instead of $1,620,000 as proposed by the House and $1,800,000 as proposed by the Senate.

Amendment No. 28: Reported in disagreement.

Federal Communications Commission

Amendment No. 29: Appropriates $16,385,000 for salaries and expenses instead of $16,310,000 as proposed by the House and $16,460,000 as proposed by the Senate. The Commission has not been living up to many directives in recent years earmarking additional funds for processing applications for licenses in the Bureau of Safety and Special Radio Services. The present backlog is disgraceful and the Commission is directed not to divert any of the employees presently engaged in processing such applications, and to get the work current without further delay.

Federal Power Commission

Amendment No. 30: Appropriates $12,439,500 for salaries and expenses instead of $12,180,000 as proposed by the House and $12,699,000 as proposed by the Senate.

Federal Trade Commission

Amendment No. 31: Appropriates $12,875,000 for salaries and expenses instead of $12,725,000 as proposed by the House and $13,025,000 as proposed by the Senate.

General Services Administration

Amendment No. 32: Appropriates $219,185,000 for operating expenses of the Public Buildings Service instead of $213,800,000 as proposed by the House and $224,570,000 as proposed by the Senate.

Amendment No. 33: Restores language proposed by the House and stricken by the Senate amended to prohibit financing, beginning January 1, 1965, of new or expanded space costs which have not previously been funded by transfer to GSA to cover such costs for at least one full fiscal year.

Amendment No. 34: Inserts language proposed by the Senate amended to permit use of funds to provide fallout shelters in new buildings only.

Amendment No. 35: Appropriates $153,167,000 for construction of public buildings projects instead of $151,722,000 as proposed by the House and $161,247,500 as proposed by the Senate.

Amendment No. 36: Provides $144,800 for Federal office building, Centre, Ala., as proposed by the House instead of $152,850 as proposed by the Senate.

Amendment No. 37: Provides $417,200 for post office and Federal office building, Cullman, Ala., as proposed by the House instead of $440,350 as proposed by the Senate.

Amendment No. 38: Provides $169,900 for post office and Federal office building, Vernon, Ala., as proposed by the House instead of $179,300 as proposed by the Senate.

Amendment No. 39: Provides $311,700 for post office and Federal office building, Hope, Ark., as proposed by the House instead of $329,000 as proposed by the Senate.

Amendment No. 40: Provides $178,100 for post office and Federal office building, Marshall, Ark., as proposed by the House instead of $188,000 as proposed by the Senate.

Amendment No. 41: Provides $91,800 for post office and Federal office building, McCrory, Ark., as proposed by the House instead of $96,900 as proposed by the Senate.

Amendment No. 42: Provides $179,800 for post office and Federal office building, Mountain Home, Ark., as proposed by the House instead of $189,800 as proposed by the Senate.

Amendment No. 43: Provides $306,300 for post office and Federal office building, Blythe, Calif., as proposed by the House instead of $323,300 as proposed by the Senate.

Amendment No. 44: Provides $146,000 for post office and Federal office building, Del Mar, Calif., as proposed by the House instead of $154,100 as proposed by the Senate.

Amendment No. 45: Provides $152,500 for post office and Federal office building, Harbor City, Calif., as proposed by the House instead of $160,950 as proposed by the Senate.

Amendment No. 46: Provides $255,600 for post office and Federal office building, Jackson, Calif., as proposed by the House instead of $269,800 as proposed by the Senate.

Amendment No. 47: Provides $2,572,200 for Customs and appraisers warehouse, Los Angeles-Long Beach Harbor area, Calif., as proposed by the House instead of $2,715,100 as proposed by the Senate.

Amendment No. 48: Provides $146,000 for post office and Federal office building, Solana Beach, Calif., as proposed by the House instead of $154,100 as proposed by the Senate.

Amendment No. 49: Provides $126,700 for post office and Federal office building, Weed, Calif., as proposed by the House instead of $133,750 as proposed by the Senate.

Amendment No. 50: Provides $13,204,300 for Federal office building, West Los Angeles, Calif., instead of $13,101,300 as proposed by the House and $13,932,150 as proposed by the Senate.

Amendment No. 51: Provides $312,100 for post office and Federal office building, Glenwood Springs, Colo., as proposed by the House instead of $329,450 as proposed by the Senate.

Amendment No. 52: Provides $176,400 for post office and Federal office building, Leadville, Colo., as proposed by the House instead of $186,200 as proposed by the Senate.

Amendment No. 53: Provides $240,700 for post office and Federal office building, Windsor Locks, Conn., as proposed by the House instead of $254,050 as proposed by the Senate.

Amendment No. 54: Provides $141,700 for post office and Federal office building, Cross City, Fla., as proposed by the House instead of $149,550 as proposed by the Senate.

Amendment No. 55: Provides $152,800 for post office and Federal office building, Oakland Park Branch, Fort Lauderdale, Fla., as proposed by the House instead of $161,300 as proposed by the Senate.

Amendment No. 56: Provides $6,383,300 for Federal office building, Jacksonville, Fla., instead of $6,266,300 as proposed by the House and $6,731,400 as proposed by the Senate.

Amendment No. 57: Provides $204,400 for post office and Federal office building, Gratigny Branch, Miami, Fla., as proposed by the House instead of $215,750 as proposed by the Senate.

Amendment No. 58: Provides $124,300 for post office and Federal office building, Ocoee, Fla., as proposed by the House instead of $131,200 as proposed by the Senate.

Amendment No. 59: Provides $127,000 for post office and Federal office building, Acworth, Ga., as proposed by the House instead of $134,050 as proposed by the Senate.

Amendment No. 60: Provides $208,400 for post office and Federal office building, Chatsworth, Ga., as proposed by the House instead of $219,950 as proposed by the Senate.

Amendment No. 61: Provides $282,600 for post office and Federal office building, Toccoa, Ga., as proposed by the House instead of $298,300 as proposed by the Senate.

Amendment No. 62: Provides $70,200 for post office and Federal office building, Warm Springs, Ga., as proposed by the House instead of $74,100 as proposed by the Senate.

Amendment No. 63: Provides $110,600 for post office and Federal office building, Arthur, Ill., as proposed by the House instead of $116,750 as proposed by the Senate.

Amendment No. 64: Provides $810,700 for Federal office building, East St. Louis, Ill., instead of $773,700 as proposed by the House and $853,700 as proposed by the Senate.

Amendment No. 65: Provides $342,900 for post office and Federal office building, Edwardsville, Ill., as proposed by the House instead of $361,950 as proposed by the Senate.

Amendment No. 66: Provides $94,600 for post office and Federal office building, Red Bud, Ill., as proposed by the House instead of $99,850 as proposed by the Senate.

Amendment No. 67: Provides $1,981,800 for courthouse and Federal office building, Evansville, Ind., instead of $1,900,800 as proposed by the House and $2,087,400 as proposed by the Senate.

Amendment No. 68: Provides $1,614,600 for post office and Federal office building, Evansville, Ind., instead of $1,542,600 as proposed by the House and $1,700,300 as proposed by the Senate.

Amendment No. 69: Provides $232,900 for post office and Federal office building, Scottsburg, Ind., as proposed by the House instead of $245,850 as proposed by the Senate.

Amendment No. 70: Provides $119,700 for post office and Federal office building, Shoals, Ind., as proposed by the House instead of $126,350 as proposed by the Senate.

Amendment No. 71: Provides $8,050,700 for Federal office building, Des Moines, Iowa, instead of $7,931,700 as proposed by the House and $8,491,350 as proposed by the Senate.

Amendment No. 72: Provides $281,000 for post office and Federal office building, Scott City, Kans., as proposed by the House instead of $296,600 as proposed by the Senate.

Amendment No. 73: Provides $259,200 for post office and Federal office building, Wellington, Kans., as proposed by the House instead of $273,600 as proposed by the Senate.

Amendment No. 74: Provides $185,300 for post office and Federal office building, Clinton, Ky., as proposed by the House instead of $195,600 as proposed by the Senate.

Amendment No. 75: Provides $3,438,000 for Treasury Regional Service Center (Internal Revenue Service), Covington, Ky., as proposed by the House instead of $3,629,000 as proposed by the Senate.

Amendment No. 76: Provides $102,200 for post office and Federal office building, Cumberland, Ky., as proposed by the House instead of $107,900 as proposed by the Senate.

Amendment No. 77: Provides $148,400 for post office and Federal office building, Olive Hill, Ky., as proposed by the House instead of $156,650 as proposed by the Senate.

Amendment No. 78: Provides $218,100 for post office and Federal office building, Paris, Ky., as proposed by the House instead of $230,200 as proposed by the Senate.

Amendment No. 79: Provides $160,800 for Federal office building, Richmond, Ky., as proposed by the House instead of $169,750 as proposed by the Senate.

Amendment No. 80: Provides $86,100 for post office and Federal office building, Russell Springs, Ky., as proposed by the House instead of $90,900 as proposed by the Senate.

Amendment No. 81: Provides $3,487,000 for post office and Federal office building, Baton Rouge, La., instead of $3,393,000 as proposed by the House and $3,675,500 as proposed by the Senate.

Amendment No. 82: Provides $303,500 for post office and Federal office building, Crowley, La., as proposed by the House instead of $320,350 as proposed by the Senate.

Amendment No. 83: Provides $101,600 for post office and Federal office building, Gueydan, La., as proposed by the House instead of $106,200 as proposed by the Senate.

Amendment No. 84: Provides $72,000 for post office and Federal office building, Mamou, La., as proposed by the House instead of $76,000 as proposed by the Senate.

Amendment No. 85: Provides $80,300 for post office and Federal office building, Mansura, La., as proposed by the House instead of $84,750 as proposed by the Senate.

Amendment No. 86: Provides $97,400 for post office and Federal office building, Oberlin, La., as proposed by the House instead of $102,800 as proposed by the Senate.

Amendment No. 87: Provides $954,600 for post office and courthouse, Opelousas, La., instead of $903,600 as proposed by the House and $1,004,800 as proposed by the Senate.

Amendment No. 88: Provides $263,500 for post office and Federal office building, Thibodaux, La., as proposed by the House instead of $278,150 as proposed by the Senate.

Amendment No. 89: Provides $278,200 for post office and Federal office building, Calais, Maine, as proposed by the House instead of $293,650 as proposed by the Senate.

Amendment No. 90: Provides $104,500 for post office and Federal office building, Lubec, Maine, as proposed by the House instead of $110,300 as proposed by the Senate.

Amendment No. 91: Provides $220,600 for post office and Federal office building, Machias, Maine, as proposed by the House instead of $232,850 as proposed by the Senate.

Amendment No. 92: Provides $205,000 for post office and Federal office building, Centreville, Md., as proposed by the House instead of $217,000 as proposed by the Senate.

Amendment No. 93: Provides $114,800 for post office and Federal office building, North East, Md., as proposed by the House and $121,200 as proposed by the Senate.

Amendment No. 94: Provides $185,900 for post office and Federal office building, Prince Frederick, Md., as proposed by the House instead of $196,250 as proposed by the Senate.

Amendment No. 95: Provides $3,213,000 for central heating plant, Suitland, Md., as proposed by the House instead of $3,341,500 as proposed by the Senate.

Amendment No. 96: Provides $883,800 for Federal records center, General Services Administration, Boston, Mass., as proposed by the House instead of $932,900 as proposed by the Senate.

Amendemnt No. 97: Provides $3,748,500 for Treasury Regional Service Center (Internal Revenue Service), Boston-Lawrence area, Massachusetts, as proposed by the House instead of $3,956,750 as proposed by the Senate.

Amendment No. 98: Provides $242,800 for post office and Federal office building, Marlboro, Mass., as proposed by the House instead of $256,300 as proposed by the Senate.

Amendment No. 99: Provides $274,600 for post office and Federal office building, Milford, Mass., as proposed by the House instead of $289,850 as proposed by the Senate.

Amendment No. 100: Provides $2,804,500 for post office and Federal office building, Springfield, Mass., instead of $2,704,500 as proposed by the House and $2,954,750 as proposed by the Senate.

Amendment No. 101: Provides $2,925,000 for Internal Revenue Service National Administrative Center and Regional Training Center Building, Detroit, Mich., as proposed by the House instead of $3,087,500 as proposed by the Senate.

Amendment No. 102: Provides $89,000 for post office and Federal office building. Lawton Mich., as proposed by the House instead of $93,950 as proposed by the Senate.

Amendment No. 103: Provides $94,100 for post office and Federal office building, Mancelona, Mich., as proposed by the House instead of $99,300 as proposed by the Senate.

Amendment No. 104: Provides $159,700 for post office and Federal office building, Baudette, Minn., as proposed by the House instead of $168,550 as proposed by the Senate.

Amendment No. 105: Provides $9,120,300 for courthouse and Federal office building, St. Paul, Minn., instead of $8,993,300 as proposed by the House and $9,620,150 as proposed by the Senate.

Amendment No. 106: Provides $154,800 for post office and Federal office building, Bay Springs, Miss., as proposed by the House instead of $163,400 as proposed by the Senate.

Amendment No. 107: Provides $83,500 for post office and Federal office building, Coldwater, Miss., as proposed by the House instead of $88,150 as proposed by the Senate.

Amendment No. 108: Provides $154,400 for post office and Federal office building, Port Gibson, Miss., as proposed by the House instead of $163,000 as proposed by the Senate.

Amendment No. 109: Provides $80,700 for post office and Federal office building, Richton, Miss., as proposed by the House instead of $85,200 as proposed by the Senate.

Amendment No. 110: Provides $142,200 for post office and Federal office building, Branson, Mo., as proposed by the House instead of $150,100 as proposed by the Senate.

Amendment No. 111: Provides $125,900 for post office and Federal office building, Crystal City, Mo., as proposed by the House instead of $132,900 as proposed by the Senate.

Amendment No. 112: Provides $248,000 for post office and Federal office building, Montgomery City, Mo., as proposed by the House instead of $261,750 as proposed by the Senate.

Amendment No. 113: Provides $178,700 for post office and Federal office building, Fullerton, Nebr., as proposed by the House instead of $188,600 as proposed by the Senate.

Amendment No. 114: Provides $147,800 for post office and Federal office building, Gothenburg, Nebr., as proposed by the House instead of $156,000 as proposed by the Senate.

Amendment No. 115: Provides $1,956,100 for post office and courthouse, Carson City, Nev., instead of $1,889,100 as proposed by the House and $2,061,050 as proposed by the Senate.

Amendment No. 116: Provides $317,000 for post office and Federal office building, Berlin, N.H., as proposed by the House instead of $334,600 as proposed by the Senate.

Amendment No. 117: Provides $133,200 for post office and Federal office building, Avenel, N.J., as proposed by the House instead of $140,600 as proposed by the Senate.

Amendment No. 118: Provides $261,800 for post office and Federal office building, Burlington, N.J., as proposed by the House instead of $276,350 as proposed by the Senate.

Amendment No. 119: Provides $12,230,200 for Federal office building, Newark, N.J., instead of $12,121,200 as proposed by the House and $12,903,600 as proposed by the Senate.

Amendment No. 120: Provides $319,000 for post office and Federal office building, Raton, N. Mex., as proposed by the House instead of $336,900 as proposed by the Senate.

Amendment No. 121: Provides $11,145,900 for Federal office building, Buffalo, N.Y., instead of $11,034,900 as proposed by the House and $11,758,950 as proposed by the Senate.

Amendment No. 122: Provides $106,100 for post office and Federal office building, Keeseville, N.Y., as proposed by the House instead of $112,000 as proposed by the Senate.

Amendment No. 123: Provides $105,100 for post office and Federal office building, Andrews, N.C., as proposed by the House instead of $110,95C as proposed by the Senate.

Amendment No. 124: Provides $111,600 for post office and Federal office building, Cary, N.C., as proposed by the House instead of $117,800 as proposed by the Senate.

Amendment No. 125: Provides $274,700 for post office and Federal office building, Jacksonville, N.C., as proposed by the House instead of $289,950 as proposed by the Senate.

Amendment No. 126: Provides $164,300 for Federal office building, Kinston, N.C., as proposed by the House instead of $173,400 as proposed by the Senate.

Amendment No. 127: Provides $101,700 for post office and Federal office building, Mars Hill, N.C., as proposed by the House instead of $107,350 as proposed by the Senate.

Amendment No. 128: Provides $226,900 for post office and Federal office building, Raeford, N.C., as proposed by the House instead of $239,500 as proposed by the Senate.

Amendment No. 129: Provides $87,300 for post office and Federal office building, Rich Square, N.C., as proposed by the House instead of $92,250 as proposed by the Senate.

Amendment No. 130: Provides $401,000 for post office and Federal office building, Waynesville, N.C., as proposed by the House instead of $423,300 as proposed by the Senate.

Amendment No. 131: Provides $151,100 for post office and Federal office building, Windsor, N.C., as proposed by the House instead of $159,500 as proposed by the Senate.

Amendment No. 132: Provides $337,300 for post office and Federal office building, Hillsboro, Ohio, as proposed by the House instead of $356,050 as proposed by the Senate.

Amendment No. 133: Provides $154,400 for post office and Federal office building, Mantua, Ohio, as proposed by the House instead of $163,000 as proposed by the Senate.

Amendment No. 134: Provides $107,300 for post office and Federal office building, Afton, Okla., as proposed by the House instead of $113,250 as proposed by the Senate.

Amendment No. 135: Provides $222,400 for post office and Federal office building, Elk City, Okla., as proposed by the House instead of $234,750 as proposed by the Senate.

Amendment No. 136: Provides $269,500 for post office and Federal office building, Hugo, Okla., as proposed by the House instead of $284,450 as proposed by the Senate.

Amendment No. 137: Provides $174,800 for post office and Federal office building, Jay, Okla., as proposed by the House instead of $184,500 as proposed by the Senate.

Amendment No. 138: Provides $1,176,800 for post office and Federal office building, Baker, Oreg., instead of $1,117,800 as proposed by the House and $1,238,900 as proposed by the Senate.

Amendment No. 139: Provides $195,900 for post office and Federal office building, Enterprise, Oreg., as proposed by the House instead of $206,800 as proposed by the Senate.

Amendment No. 140: Provides $252,300 for post office and Federal office building, Prineville, Oreg., as proposed by the House instead of $266,300 as proposed by the Senate.

Amendment No. 141: Provides $125,700 for post office and Federal office building, Scappoose, Oreg., as proposed by the House instead of $132,700 as proposed by the Senate.

Amendment No. 142: Provides $267,800 for post office and Federal office building, Berwick, Pa., as proposed by the House instead of $282,700 as proposed by the Senate.

Amendment No. 143: Provides $154,400 for post office and Federal office building, Brookville, Pa., as proposed by the House instead of $163,000 as proposed by the Senate.

Amendment No. 144: Provides $151,700 for post office and Federal office building, Dallas, Pa., as proposed by the House instead of $160,100 as proposed by the Senate.

Amendment No. 145: Provides $92,300 for post office and Federal office building, Duncannon, Pa., as proposed by the House instead of $97,400 as proposed by the Senate.

Amendment No. 146: Provides $96,700 for post office and Federal office building, Falls Creek, Pa., as proposed by the House instead of $102,050 as proposed by the Senate.

Amendment No. 147: Provides $119,500 for post office and Federal office building, Galeton, Pa., as proposed by the House instead of $126,150 as proposed by the Senate.

Amendment No. 148: Provides $151,700 for post office and Federal office building, Hawley, Pa., as proposed by the House instead of $160,100 as proposed by the Senate.

Amendment No. 149: Provides $224,400 for post office and Federal office building, Irwin, Pa., as proposed by the House instead of $236,850 as proposed by the Senate.

Amendment No. 150: Provides $151,700 for post office and Federal office building, Montrose, Pa., as proposed by the House instead of $160,100 as proposed by the Senate.

Amendment No. 151: Provides $154,400 for post office and Federal office building, New Bethlehem, Pa., as proposed by the House instead of $163,000 as proposed by the Senate.

Amendment No. 152: Provides $182,300 for post office and Federal office building, Cedarhurst Branch, Pittsburgh, Pa., as proposed by the House instead of $192,450 as proposed by the Senate.

Amendment No. 153: Provides $182,300 for post office and Federal office building, Green Tree Branch, Pittsburgh, Pa., as proposed by the House instead of $192,450 as proposed by the Senate.

Amendment No. 154: Provides $182,300 for post office and Federal office building, Pleasant Hills Branch, Pittsburgh, Pa., as proposed by the House instead of $192,450 as proposed by the Senate.

Amendment No. 155: Provides $96,700 for post office and Federal office building, Youngsville, Pa., as proposed by the House instead of $107,050 as proposed by the Senate.

Amendment No. 156: Provides $181,300 for post office and Federal office building, Humacao, P.R., as proposed by the House instead of $191,350 as proposed by the Senate.

Amendment No. 157: Provides $235,300 for post office and Federal office building, Olneyville Station, Providence, R.I., as proposed by the House instead of $248,350 as proposed by the Senate.

Amendment No. 158: Provides $87,400 for post office and Federal office building, Elloree, S.C., as proposed by the House instead of $92,250 as proposed by the Senate.

Amendment No. 159: Provides $246,500 for post office and Federal office building, Ridgeland, S.C., as proposed by the House instead of $260,200 as proposed by the Senate.

Amendment No. 160: Provides $91,800 for post office and Federal office building, Williston, S.C., as proposed by the House instead of $96,900 as proposed by the Senate.

Amendment No. 161: Provides $131,800 for post office and Federal office building, Oneida, Tenn., as proposed by the House instead of $139,100 as proposed by the Senate.

Amendment No. 162: Provides $86,000 for post office and Federal office building, Buffalo, Tex., as proposed by the House instead of $90,800 as proposed by the Senate.

Amendment No. 163: Provides $235,600 for post office and Federal office building, Carthage, Tex., as proposed by the House instead of $248,700 as proposed by the Senate.

Amendment No. 164: Provides $168,700 for post office and Federal office building, Fairfield, Tex., as proposed by the House instead of $178,050 as proposed by the Senate.

Amendment No. 165: Provides $224,000 for post office and Federal office building, Gonzales, Tex., as proposed by the House instead of $236,450 as proposed by the Senate.

Amendment No. 166: Provides $104,100 for post office and Federal office building, Naples, Tex., as proposed by the House instead of $109,900 as proposed by the Senate.

Amendment No. 167: Provides $279,500 for post office and Federal office building, Sulphur Springs, Tex., as proposed by the House instead of $295,000 as proposed by the Senate.

Amendment No. 168: Provides $161,300 for post office and Federal office building, Heber, Utah, as proposed by the House instead of $170,250 as proposed by the Senate.

Amendment No. 169: Provides $378,000 for post office and Federal office building, Provo, Utah, as proposed by the House instead of $399,000 as proposed by the Senate.

Amendment No. 170: Provides $335,000 for post office and Federal office building, St. Johnsbury, Vt., as proposed by the House instead of $353,600 as proposed by the Senate.

Amendment No. 171: Provides $120,200 for post office and Federal office building, Cle Elum, Wash., as proposed by the House instead of $126,900 as proposed by the Senate.

Amendment No. 172: Provides $393,200 for Federal office building, Colville, Wash., as proposed by the House instead of $415,050 as proposed by the Senate.

Amendment No. 173: Provides $136,700 for post office and Federal office building, Newport, Wash., as proposed by the House instead of $144,300 as proposed by the Senate.

Amendment No. 174: Provides $6,502,500 for courthouse and Federal office building, Spokane, Wash., instead of $6,385,500 as proposed by the House and $6,857,250 as proposed by the Senate.

Amendment No. 175: Provides $426,500 for Federal office building, Vancouver, Wash., as proposed by the House instead of $450,200 as proposed by the Senate.

Amendment No. 176: Provides $115,200 for post office and Federal office building, Gassaway, W. Va., as proposed by the House instead of $121,600 as proposed by the Senate.

Amendment No. 177: Provides $159,300 for post office and Federal office building, Glenville, W. Va., as proposed by the House instead of $168,150 as proposed by the Senate.

Amendment No. 178: Provides $171,200 for post office and Federal office building, Parsons, W. Va., as proposed by the House instead of $180,700 as proposed by the Senate.

Amendment No. 179: Provides $157,500 for post office and Federal office building, Pineville, W. Va., as proposed by the House instead of $166,250 as proposed by the Senate.

Amendment No. 180: Provides $232,200 for post office and Federal office building, Summerville, W. Va., as proposed by the House instead of $245,100 as proposed by the Senate.

Amendment No. 181: Provides $129,300 for post office and Federal office building, White Sulphur Springs, W. Va., as proposed by the House instead of $136,500 as proposed by the Senate.

Amendment No. 182: Provides $152,700 for post office and Federal office building, Eagle River, Wis., as proposed by the House instead of $161,200 as proposed by the Senate.

Amendment No. 183: Provides $113,400 for post office and Federal office building, Elroy, Wis., as proposed by the House instead of $119,700 as proposed by the Senate.

Amendment No. 184: Provides $120,800 for post office and Federal office building, Horicon, Wis., as proposed by the House instead of $127,500 as proposed by the Senate.

Amendment No. 185: Provides $26,108,100 for Housing and Home Finance Agency building, District of Columbia, instead of $26,027,100 as proposed by the House and $27,554,050 as proposed by the Senate.

Amendments Nos. 186 and 187: Reported in disagreement.

Amendment No. 188: Reported in disagreement. The conferees are agreed that they will recommend $20,109,000 for sites and expenses of 37 authorized public buildings projects instead of $33,200,000 for 43 projects as proposed by the Senate. Two projects have been deleted because they have not been authorized and if authorized funds will be forthcoming next year. Four other projects proposed for the District of Columbia have been deleted but will receive early consideration in the bill when submitted next year.

Amendment No. 189: Appropriates $50,670,000 for operating expenses of the Federal Supply Service instead of $48,920,000 as proposed by the House and $52,420,000 as proposed by the Senate.

Amendment No. 190: Appropriates $15,055,000 for operating expenses of the National Archives and Records Service instead of $14,955,000 as proposed by the House and $15,155,000 as proposed by the Senate.

Amendment No. 191: Appropriates $5,465,000 for operating expenses of the Transportation and Communications Service as proposed by the House instead of $5,765,000 as proposed by the Senate.

Amendment No. 192: Authorizes $2,937,500 for operating expenses, strategic and critical materials, instead of $2,875,000 as proposed by the House and $3,000,000 as proposed by the Senate.

Amendment No. 193: Appropriates $1,517,500 for salaries and expenses, Office of Administrator, instead of $1,505,000 as proposed by the House and $1,530,000 as proposed by the Senate.

Amendment No. 194: Limits amount which may be deposited into the administrative operations fund to $20,000,000 instead of $19,565,000 as proposed by the House and $21,840,000 as proposed by the Senate.

Amendment No. 195: Appropriates $100,000 to the working capital fund as proposed by the Senate.

Housing and Home Finance Agency

Amendment No. 196: Inserts language authorizing purchase of one passenger motor vehicle at not to exceed $4,000 as proposed by the Senate.

Amendment No. 197: Appropriates $15,725,000 for salaries and expenses, Office of the Administrator, instead of $15,525,000 as proposed by the House and $15,925,000 as proposed by the Senate.

Amendment No. 198: Authorizes $3,375,000 for nonadministrative expenses of the Office of the Administrator instead of $3,250,000 as proposed by the House and $3,500,000 as proposed by the Senate.

Amendment No. 199: Appropriates $25,000 for administrative expenses, low income housing demonstrations, instead of $50,000 as proposed by the Senate.

Amendment No. 200: Appropriates $15,784,000 for administrative expenses of the Public Housing Administration instead of $15,484,000 as proposed by the House and $16,084,000 as proposed by the Senate.

Interstate Commerce Commission

Amendment No. 201: Authorizes purchase of 37 passenger motor vehicles instead of 36 as proposed by the House and 38 as proposed by the Senate.

Amendment No. 202: Appropriates $25,485,000 for salaries and expenses instead of $25,260,000 as proposed by the House and $25,710,000 as proposed by the Senate.

National Aeronautics and Space Administration

Amendment No. 203: Inserts heading as proposed by the Senate.

Amendment No. 204: Appropriates $4,363,594,000 for research and development instead of $4,413,594,000 as proposed by the Senate.

Amendment No. 205: Appropriates $262,880,500 for construction of facilities as proposed by the Senate.

Amendment No. 206: Appropriates $623,525,500 for administrative operations as proposed by the Senate.

Amendment No. 207: Inserts language proposed by the Senate relating to transfer of funds and funds available to the Administrator amended to delete emergency expense.

Amendment No. 208: Reported in disagreement.

National Science Foundation

Amendments Nos. 209 and 210: Insert language proposed by the Senate amended to authorize purchase, maintenance, and operation of one aircraft, and hire of one aircraft, and delete language proposed by the Senate.

Selective Service System

Amendment No. 211: Inserts language proposed by the Senate authorizing hire of motor vehicles.

Amendment No. 212: Appropriates $40,009,000 for salaries and expenses instead of $39,440,000 as proposed by the House and $40,578,000 as proposed by the Senate.

Veterans' Administration

Amendment No. 213: Appropriates $155,125,000 for general operating expenses instead of $155,000,000 as proposed by the House and $155,250,000 as proposed by the Senate.

Amendment No. 214: Appropriates $14,200,000 for medical administration and miscellaneous operating expenses as proposed by the House instead of $14,500,000 as proposed by the Senate.

Amendments Nos. 215 and 216: Appropriate $37,000,000 for medical and prosthetic research instead of $36,000,000 as proposed by the House and $38,000,000 as proposed by the Senate; and authorize $1,275,000 for prosthetic research as proposed by the Senate instead of $1,170,000 as proposed by the House.

Amendment No. 217: Appropriates $37,100,000 for readjustment benefits instead of $34,600,000 as proposed by the House and $39,600,000 as proposed by the Senate.

Amendment No. 218: Appropriates $98,103,000 for construction of hospital and domiciliary facilities instead of $91,233,000 as proposed by the House and $98,733,000 as proposed by the Senate. The increase of $6,870,000 over the House includes funds to convert 2,000 beds for nursing home-type patients within the overall 125,000-bed limitation. No funds are included for fallout shelters.

Amendment No. 219: Restores House limitation on funds for property acquisition and other loan guarantee and insurance operations and authorizes $380,000,000 instead of $257,000,000 as proposed by the House.

Amendment No. 220: Reported in disagreement.

TITLE II—CORPORATIONS

Federal Home Loan Bank Board

Amendment No. 221: Authorizes $3,747,500 for administrative expenses instead of $3,670,000 as proposed by the House and $3,825,000 as proposed by the Senate. No part of the funds allowed are for printing costs in excess of the amount used in fiscal year 1964.

Housing and Home Finance Agency

Amendment No. 222: Authorizes $9,687,500 for administrative expenses of the Federal Housing Administration instead of $9,000,000 as proposed by the House and $10,375,000 as proposed by the Senate.

Amendment No. 223: Authorizes $78,000,000 for nonadministrative expenses of the Federal Housing Administration instead of $75,000,000 as proposed by the House and $78,750,000 as proposed by the Senate.

ALBERT THOMAS,
JOE L. EVINS,
GEORGE MAHON,
HAROLD C. OSTERTAG,
CHARLES R. JONAS,
Managers on the Part of the House.

Mr. THOMAS (interrupting the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement. I shall attempt to explain the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, the Subcommittee on Independent Offices Appropriations of the Committee on Appropriations brings back this conference report. I shall repeat a few facts well known to all the Members.

This report covers some 24 or 25 agencies. When the bill was considered in the House, it carried about $13,454 million before the unauthorized space item was stricken on a point of order, so we will refer to the figure as being $13,319 million.

The bill went to the other body, and I believe I speak the sentiments of all the conferees on both sides of the aisle when I say that the other body did perhaps a magnificent job, one of the finest jobs we have ever seen it do. They changed the House figures only some $300 million, which is a relatively small amount. They did a fine job. Our relationships with the conferees of the other body are always pleasant, and were certainly pleasant this year.

In conference we reduced that $300 million to about $135 million.

There were 223 amendments in the Senate bill. That sounds like a lot of amendments and in truth and in fact it is a large number, but 150 are related to changes in limitations on construction projects.

We bring back to you in agreement everything in the conference report except six items in disagreement, and in truth and in fact there is not a single item in disagreement, since the six items were brought back because of technicalities. Everything was agreed to.

With that, Mr. Speaker, I would like to include a summary table of the bill. I hope the conference report will be adopted.

Summary tabulation, independent offices appropriation bill, 1965 (H.R. 11296)

Item	1965 budget estimate and 1964 supplementals	Passed House	Passed Senate	Conference action	Conference action compared with—		
					Budget estimate	House	Senate
National Aeronautics and Space Council	$525,000	$500,000	$500,000	$500,000	−$25,000		
Office of Emergency Planning	13,700,000	9,975,000	10,545,000	10,290,000	−3,410,000	+$315,000	−$255,000
Disaster relief	20,000,000	20,000,000	20,000,000	20,000,000			
Office of Science and Technology	950,000	880,000	950,000	900,000	−50,000	+20,000	−50,000
Civil Defense, Department of Defense	358,000,000	89,200,000	154,200,000	105,200,000	−252,800,000	+16,000,000	−49,000,000
Civil Defense, Department of Health Education, and Welfare	9,507,000	8,500,000	9,250,000	8,875,000	−632,000	+375,000	−375,000
Civil Aeronautics Board	93,599,000	89,440,000	96,899,000	93,107,500	−491,500	+3,667,500	−3,791,500
Civil Service Commission	115,025,000	114,505,000	114,887,000	114,696,000	−329,000	+191,000	−191,000
Federal Aviation Agency	831,850,000	775,249,000	818,999,000	799,374,000	−32,476,000	+24,125,000	−19,625,000
Federal Communications Commission	16,610,000	16,310,000	16,460,000	16,385,000	−225,000	+75,000	−75,000
Federal Home Loan Bank Board	(17,233,000)	(16,790,000)	(16,945,000)	(16,867,500)	(−365,500)	(+77,500)	(−77,500)
Federal Power Commission	13,335,000	12,180,000	12,699,000	12,439,500	−895,500	+259,500	−259,500
Federal Trade Commission	13,270,000	12,725,000	13,025,000	12,875,000	−395,000	+150,000	−150,000
General Services Administration	603,387,400	537,992,600	595,613,100	566,894,100	−36,493,300	+28,901,500	−28,719,000
Housing and Home Finance Agency	434,690,000	262,362,400	262,812,400	262,587,400	−172,102,600	+225,000	−225,000
Federal National Mortgage Association	(8,800,000)	(8,500,000)	(8,500,000)	(8,500,000)	(−300,000)		
Federal Housing Administration	(90,125,000)	(84,000,000)	(89,125,000)	(87,687,500)	(−2,437,500)	(+3,687,500)	(−1,437,500)
Public Housing Administration	230,670,000	215,484,000	216,084,000	215,784,000	−14,886,000	+300,000	−300,000
Interstate Commerce Commission	25,850,000	25,260,000	25,710,000	25,485,000	−365,000	+225,000	−225,000
National Aeronautics and Space Administration	5,445,000,000	(1)	5,300,000,000	5,250,000,000	−195,000,000	+5,250,000,000	−50,000,000
National Capital Housing Authority	37,000	37,000	37,000	37,000			
National Science Foundation	487,620,000	420,400,000	420,400,000	420,400,000	−67,220,000		
Renegotiation Board	2,600,000	2,600,000	2,600,000	2,600,000			
Securities and Exchange Commission	15,325,000	14,680,000	14,680,000	14,680,000	−645,000		
Selective Service System	43,020,000	39,440,000	40,578,000	40,009,000	−3,011,000	+569,000	−569,000
Veterans' Administration	5,446,941,000	5,423,978,000	5,439,028,000	5,434,473,000	−12,468,000	+10,495,000	−4,555,000
Total, definite appropriations	14,221,511,400	[1] 8,091,698,000	13,585,956,000	13,427,591,500	−793,919,900	[1] +5,335,893,500	−158,365,000
Indefinite appropriations of receipts	28,142,000	27,267,500	27,267,500	17,267,500	−874,500		
Total	14,249,653,400	[1] 8,118,965,500	13,613,224,000	13,454,859,000	−794,794,400	[1] +5,335,893,500	−158,365,000

[1] NOTE.—Does not reflect $5,200,000,000 recommended by the House committee for the NASA, which was deleted from the bill in the House on a technicality. Comparative figures should reflect this adjustment.

That wraps it up. I would now like to yield to our distinguished colleague from New York [Mr. Ostertag], for 5 minutes.

Mr. OSTERTAG. Mr. Speaker, I concur with the comments made by our distinguished chairman, the gentleman from Texas [Mr. Thomas], with regard to the many perplexities and problems that are involved in this bill. As he indicated, your conferees, the managers on the part of the House, were faced with some 223 differences or amendments as between the Senate version and the House version of the bill. Of course, you will remember that when the bill was passed by the House, the appropriation of funds for NASA was eliminated by virtue of a point of order because the authorization had not yet become law. Aside from that, though, and the figures that are entailed, the point remains that the Senate increased the House figure by $294,258,000. Out of these 223 items or amendments in disagreement we finally resolved our differences after considerable struggle back and forth. We finally succeeded in reducing the Senate figure by $158,365,000. By the same token and on the other hand the House figure as it passed the House of Representatives originally was increased by about $135 million.

You might be interested to know that originally the House independent offices appropriation bill was $925 million below the budget estimate. As it comes to us today in the form of a conference report it remains $794,794,000 below the original budget estimate.

Now, there are many important programs and items in this bill, however we resolved our differences by splitting the figures as between the Senate and the House in many instances. The time allotted to me will not permit an explanation at this particular point in regard to all of these 223 amendments.

Mr. Speaker, I support this conference report, and I believe the House conferees have resolved these differences with reasonable and satisfactory results. Many large and important agencies of our Federal Government are involved in this appropriation bill, including the Veterans' Administration, the General Services Administration, NASA, FAA and the Housing and Home Finance Agency. I believe this net reduction of nearly $800 million under the budget estimates to be sound and justifiable.

Mr. THOMAS. Mr. Speaker, I yield to the gentleman from Louisiana [Mr. Waggonner].

Mr. WAGGONNER. Mr. Speaker, I thank the gentleman for yielding.

I would like to ask the chairman of the subcommittee a question about amendment No. 188 as contained on page 23 of the conference report of the independent offices appropriation bill. This amendment was reported in disagreement and in part it reads:

> Two projects have been deleted because they have not been authorized and, if authorized, funds will be forthcoming next year.

I should like at this time to ask the gentleman if the two projects to which reference is made here are the projects for a Federal building at Shreveport, La., and another building at Lincoln, Nebr.

Mr. THOMAS. The gentleman is correct.

Mr. WAGGONNER. Mr. Speaker, I should like to thank the chairman of the subcommittee and the members of the committee for their consideration and express my understanding of the problems involved under the rules which require an authorization.

Mr. THOMAS. The gentleman from Louisiana is always gracious and we appreciate his help.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Hampshire, a member of the committee [Mr. Wyman].

Mr. WYMAN. Mr. Speaker, when this bill was before the House, a point of order was made against more than $5 billion in funds for NASA because the authorization had not at that time been approved. This meant that the appropriation of a sum in excess of $5,000 million has never been debated on this floor.

This is a staggering amount of money to be appropriated for any agency and more particularly when it is to be no year funds to remain available until expended. It is a sum in excess of the entire appropriation for the legislative branch of the Government, for the Interior Department and for many other departments combined. In fairness to the American taxpayer who must pay these bills and to all Americans whose real earnings are directly affected by variations in the purchasing power of their dollars, we should reduce a portion of these funds.

The combination of reduced revenues from taxation and several expensive nonfunded new programs sent to Congress by this administration without regard to vastly increased deficits and a substantial cumulative increase in the national debt makes it imperative to examine the justifications for the commitment of these vast sums to a single Government agency, romantic as may be the concept of a moonshot.

More than $4,363 million of this appropriation is requested for research and development in the NASA program and of this nearly $4 billion is for the project called Apollo, calling for a man on the moon by 1970.

As I have tried to point out in minority views as a member of the Appropriations Subcommittee charged with the responsibility of screening these spending requests, there is no justification whatever for the establishment and continuation of a 1970 target date to land a man on the moon. Such a target date establishes a race to the moon with ourselves. It not only unnecessarily lends a crash element to procurements and spending in this field but creates the possibility of the impression of failure if we are late, for whatever reason.

It is indisputable that more money has been spent in this program derived from haste than was needed to have been spent had haste not been a factor. When sums as astronomical as those continually requested from Congress by this agency are involved, someone has to put on the brakes to protect against continual raids on the Public Treasury by overenthusiastic space advocates. It is up to us here in Congress to do this and in this direction I shall offer a motion to recommit this bill with instructions to reduce the Apollo spacecraft procurement by $200 million.

I will admit in all candor that this is nowhere near the amount by which I would personally prefer to see this program cut back, for the time being, but I am also very much aware of the fact that the program has captured the popular imagination and that to achieve something for our people in the way of a sound economy is perhaps better than to have merely tried and achieved nothing. I want to assure every Member of this great House of Representatives that they can, without harm to this program and with a very direct and real saving to the taxpayers of the Nation, support this motion to recommit in this amount. Let me explain:

Almost a billion dollars in the appropriation is requested for the advance procurement of space capsules to be used in a manned lunar landing that is not even scheduled to take place for half a decade in the future. This is bad enough in the sense that it is far too long a leadtime in view of the rapid modern-day expectable breakthroughs in the world of science. Yet it is worse when we realize that it is for capsules that are designed to rendezvous with each other from lunar orbit, when we have not yet even demonstrated a capability to rendezvous in space between manned spacecraft.

This development will be tested next year in the Gemini program. It is to be fervently hoped that the two-man flights of Gemini will work out successfully and that the follow-on flights in which astronauts will separate in space and then rejoin will also be successful. No part of the funds for this Gemini program are affected in any way by my motion to recommit.

However, with all due respect to the learned space enthusiasts, we are not sure and we cannot be sure that these things are capable of being done by man in space. We are not even sure—and we cannot be sure until there has been a human guinea pig—that a human being can survive protracted periods of weightlessness in space without serious and possibly fatal bodily harm. It will take a week at least to get to the moon and come back and this is a very important factor.

We should not be appropriating sorely needed marginal hundreds of millions of dollars for the advance procurement now of things that we may never even be able to use.

Thus, again with all due respect to my earnest colleagues on the authorizing committee, you cannot tell me or this House or the American people that the Gemini program is going to work. You cannot stand here on the floor of this House at this hour and give any assurance whatever to us that we will ever be able to use the lunar excursion module or command and service modules for which there is an advance appropriation in this bill of $710 million and I might add, cumulative prior appropriations of hundreds of millions more.

Furthermore, although the scientific achievement and technical precision of Ranger 7 is undeniable, as well as something of which the divisions of NASA responsible for this success can well be proud, the photographs transmitted to earth from Ranger 7 establish better than any argument I can make here now the total absence of life and unsuitability for life on the surface of the moon. Exactly what may be suggested as materially contributing to improved life on earth is to be found in attempting to land a human being in the vacuum that prevails on the lunar surface at a cost of billions of sorely needed earthly dollars is beyond me.

If it could be said with any cogency that we must do this before the Communists do or risk obliteration from a moon controlled earthly constructed military establishment, the situation would be different. But as of this hour, at this moment, there is no responsible evidence that the Communists are even engaged in an attempt themselves to put a man on the moon. Incidentally, this is not to say that they are not engaged in important space programs. Of course they are. But their space programs are militarily inspired with a military objective to establish control of space around the earth by communism. One does not have to be a graduate of the War College or a member of the National Security Council to know that such is the Communist objective in space, just as it is the Communist objective on earth.

All of which brings me back to the point I have sought to emphasize ever since becoming a member of this Appropriations Subcommittee, which is that our policy in our space programs is wrong and should be reevaluated; for what we should be developing in space is a manned and maneuverable capsule that can be launched into orbit, change its orbit, move laterally and vertically and return to earth when its pilot is directed or wishes to do so. Such capsules should have a weapons system. They should be able to inspect other objects in space and, if necessary, to destroy them.

Yet these are not the kind of capsules for which the billions in this bill are requested. It seems to me to be unnecessarily fraught with great risk to the national security as we proceed into this space age for our manned space flight programs at great costs to be directed toward a landing on the moon when our first priority both in regard to world opinion and the national security must be the continued American military capability to control space.

And so today I urge the Members of the House to support this small reduction in this appropriation directed to avoiding the commitment of some of the millions for the long-term procurement of spacecraft in the Apollo program. True, this will delay somewhat the construction of these spacecraft. But we should delay this construction until a successful Gemini shows we can use this kind of spacecraft for our lunar objective. I would like to emphasize at this point and as a part of my explanation of this motion to recommit, that if the Gemini program is successful and if it is established that astronauts can rendezvous, separate and rejoin in space, then I shall not thereafter seek to delay such procurement or otherwise to interfere with a rational and orderly advance toward whatever a majority of the Congress shall determine to be the then appropriate space policy of this Nation.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the able and distinguished gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I want to thank the gentleman from Texas and express my concern and regret that amendment No. 188 which will be reported in disagreement, which is for 37 authorized public building projects, in this instance includes money for St. Louis, Mo.

Mr. Speaker, I had urged in testifying before the House subcommittee that this money be deleted and that the General Services Administration be required to answer why they had changed basic plans which were clearly economical to adopt new plans which looked, without further explanation, not to be in accord with good economy and good procedure.

Mr. Speaker, the House in its wisdom did not put this item in the appropriation bill. But when it went to the other body I find that the other body placed this money in the bill.

In addition, Mr. Speaker, I might state that there is a group of people in St. Louis, very important people, including I might say our distinguished newspaper, the St. Louis Post-Dispatch, who are opposing this for different reasons than my own. Their reason for opposing it is in the field of esthetics. I do not profess to know much about that. There is their desire to preserve the historical building presently on this site.

Mr. Speaker, I do think that they are entitled to be heard and I regret the action on the part of the other body in going ahead in what I regard as a very callous way so that those in St. Louis who would like to be heard on this other aspect cannot be heard and the point of view they wish to express evaluated.

I again emphasize on top of this is the inability or failure of the GSA to justify this from an economic standpoint, which is the point I raise.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include at this point the pertinent correspondence I have had with the GSA, which I think will point out to anyone the highhanded manner in which this agency is moving forward to force onto the community of St. Louis an item which they do not care to receive in this fashion.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. I thank the gentleman from Texas.

Mr. Speaker, the correspondence above referred to follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 20, 1963.

Mr. R. T. DALY,
Commissioner, Public Buildings Service,
General Services Administration,
Washington, D.C.

DEAR MR. DALY: During the past 5 months we have carried on a lengthy correspondence regarding the Old Customhouse at Eighth and Olive in St. Louis. Even as late as last summer the GSA indicated to Mr. Arthur E. Wright, Jr., formerly executive director of Downtown St. Louis, Inc., that they hoped to sell the Eighth and Olive site. Last fall a complete reversal in this policy was made, and, as you later reasoned to me in your letter of February 1, 1963:

"The General Services Administration's plans for the old customhouse and post office building and the site at Eighth and Olive Streets, St. Louis, Mo., about which you wrote us January 9, contemplate retention of the property for continued postal use and as the site for a future Federal building, construction of which will be proposed at the first reasonable opportunity under provisions of the Public Buildings Act of 1959."

In my letter of February 5, in response to this I said:

"This decision is a reversal of the previous decision to sell this very valuable site and repurchase a less costly site which was more suitable to the Government's needs. Under this decision the Federal Government would have gained several millions of dollars, the difference between the cost of the two sites; and the city of St. Louis would have regained in its tax base probably the most valuable site in the city.

"In light of this change of decision would you inform me what new factors went into the decision? Surely the Federal Government does not need the location at Eighth and Olive for reasons of efficiency of providing Federal office space: Indeed, other locations would seem to be much more efficient and suitable for the Government's purpose."

You responded to this on March 15 stating the following conclusion:

"We believe that the most practical means to serve patrons in the downtown retail business district is to utilize the customhouse property as a site for a future Federal building to house the Central Postal Station and other Federal activities."

You gave as reasons for this conclusion the following:

"The principal factor which influenced our decision to retain the property as a site for a future Federal building was the Post Office Department's continuing need for a postal station in the immediate Eighth and Olive Streets area."

You added that the Department had been "unsuccessful in its several attempts to acquire suitable quarters to permit the relocation of its Central Postal Station now housed in the old customhouse." You said that "alternative schemes for satisfying this postal requirement have also been explored but found infeasible by reason of the excessive costs involved." Finally you said that "* * * expansion of Federal activities in St. Louis has increased our requirements to the extent that we contemplate the construction of another public building as a part of our long-range plans for the city."

In a letter of April 5, 1963, I asked you to go into more detail on each of these points. In your reply of May 28 after noting that there was need for 230,000 more square feet of general office space and 14,000 square feet for an area post office, you said:

"A major consideration which influences our decision to retain the Eighth and Olive Streets property as a site for a future Federal building is the Post Office Department's continuing need for a postal station to serve the immediate area. Over an extended period the Department has been unsuccessful in its attempts to acquire suitable leased quarters to permit the relocation of the Central Postal Station now housed in the old customhouse."

To this I replied on June 10 and continue to reply, by referring to the basic question I asked in my letter of February 5:

"In light of this change in decision would you inform me what new factors went into this decision? Under the previous decision which you have overruled I pointed out the Federal Government would have gained several millions of dollars, the difference between the cost of the two sites (note the previous decision contemplated the erection of a new Federal building also, but on a less costly location) and the city of St. Louis would have regained in its tax base probably the most valuable site in the city."

Your reply of July 18 led me to believe that my suggestions had finally had some effect. Although you reiterated your belief that the postal requirements of downtown St. Louis necessitated a new building on the Eighth and Olive locations you agreed that "normally a site closer to other Federal buildings in St. Louis would be more suitable," and said:

"Before a recommendation for construction of an additional public building is submitted to the Committees on Public Works under the Public Buildings Act of 1959, an intensive economic analysis will be made of alternate locations which would provide adequate postal service to the area as well as provide a suitable location for other Federal agencies."

However, a mere 18 days later, in a letter to Senator SYMINGTON, Deputy Administrator Lawson Knott anounced that "the early approval be sought from the Public Works Committees of the Congress for a new Federal building in St. Louis, to be constructed on the site of the old customhouse at Eighth and Olive Streets." The reasons for the decision showed none of the benefit of the "intensive economic analysis" you promised. Indeed, the reasons given were the same that had been reiterated several times in our correspondence. You said:

"The foregoing decision has been reached after careful consideration of the Federal space situation in St. Louis. The proposed building will satisfy the critical need for improved and consolidated space to house a number of agencies now located in scattered leased space and certain Government-owned buildings which are inefficient and obsolete. In view of the specific requirement for a postal station in the immediate vicinity of Eighth and Olive Streets to serve the central business district, we believe that it would be in the best interest of the Government and the public to use the Government-owned site at this location for the proposed building."

This provides no answer to my original question. It does not follow from the fact that there is need for increased Federal office space that the space should be provided on the Eighth and Olive location. It would be cheaper to sell this site and build on another location. Moreover, it would be more efficient in terms of Federal operation if the new building were close to the existing Federal buildings, especially the main post office at 1720 Market, and the new Federal Office Building at 1520 Market. Finally such a decision would fit better into the city's long-range plans. I quote from a letter of Mr. Arthur E. Wright, former executive director of Downtown St. Louis, Inc., in 1960:

"As I believe you know, our organization has for the past several years been anxious to have the Federal Government sell the old post office at Eighth and Olive so this important block can be redeveloped and put back on the tax rolls. This is perhaps the most important single block available for redevelopment in the downtown area and is the real 'key' in our overall program.

"The City Planning Commission of St. Louis has also recommended unanimously that the block now occupied by the old post office be redeveloped along these same general lines—a tall, thin office building combined with an open plaza and underground parking.

"None of this, however, will be attainable unless the Government disposes of the property."

The reason you offer for building on the location of the old Customhouse is the need for adequate mail facilities for the downtown central area. The first thing that comes to mind is the disparity between the amount of square feet needed for the operation of the post office, 14,000 square feet, and the proposed size of the building, "approximately one-half million square feet of interior space." You mentioned that the Post Office Department rejected four bids that were recently submitted. What was the size of each of these bids, and what factors other than cost went into the decision? Have the lease costs contained in the bids been cast against the cost of a new building at Eighth and Olive, as compared to the cost of a building elsewhere in the city? Has the possibility of leasing space in a new but privately owned building at Eighth and Olive been explored? In other words, has the "intensive economic analysis" you promised actually been undertaken? If it has I would appreciate being sent a copy of the data upon which you have based your conclusions rather than the mere repetition of the conclusions themselves. In a word, the planning that has gone into a decision like that to build on Eighth and Olive is one of the primary reasons for the exorbitantly high Federal expenditures with which we are confronted. I think that a proper plan, along the lines I suggested above, would make better use of the land in St. Louis to the fiscal benefit, not only of the Federal Government, but also the St. Louis city government.

Sincerely,

THOMAS B. CURTIS.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., September 27, 1963.

Hon. THOMAS B. CURTIS,
House of Representatives,
Washington, D.C.

DEAR MR. CURTIS: We have carefully reviewed the matters discussed in your letters of August 20 and September 20 to Commissioner Daly of the Public Buildings Service. Following this review, and after again studying the entire space situation in St. Louis, we believe that the best interests of the Government will be served by the construction of a new Federal building on the site of the old customhouse at Eighth and Olive Streets.

The Eighth and Olive Streets property admirably meets the basic criteria which General Services Administration applies in its selection of sites for proposed Federal buildings in that it offers maximum convenience and accessibility for both the general public and employees, provides an exceptional opportunity for economic and efficient management of the Government's expanding space needs in St. Louis, and will contribute to efficiency and economy in construction, maintenance, and operation. As previously indicated, this site satisfies the Post Office Department's specific need for a postal station in the immediate vicinity of Eighth and Olive Streets. Further, the construction of a multimillion-dollar permanent Federal building with a life expectancy of not less than 50 years, should be a definite asset to the energetic program which has been undertaken by a group of business people in downtown St. Louis to revitalize the area.

We have checked our records carefully, both in Washington and in our Kansas City regional office, and find no record of any correspondence with Mr. Arthur E. Wright, Jr., former executive director of Downtown St. Louis, Inc., in which we indicated that we would sell the Eighth and Olive Streets site. It is true that when the new Federal office building was approved by the Public Works Committees of the Congress in 1956, it appeared that we would be able to dispose of the old customhouse. It is also true that in correspondence from that time until the summer of 1962, we indicated that disposal of this property was still contemplated. Frequently our initial plans for the housing of Federal agencies in a community change between the time a new building is programed and the date it is actually occupied. It is for this reason that we withhold any final determination on the retention, conversion, or disposal of existing buildings until shortly before the new building is ready for occupancy, at which time we again review the overall Federal space requirements in the community. Your files will show that in a letter dated January 5, 1960, we advised you in the next to the last paragraph that we would again review the overall space situation in St. Louis before taking final action on disposal of the old customhouse building.

The question of whether we will retain or dispose of a Government-owned building is not one which can be resolved by an arbitrary determination. The Federal Property and Administrative Services Act of 1949, as amended, permits the disposal of surplus property only when the Administrator of General Services determines that such property is not required for the needs and the discharge of the responsibilities of all Federal agencies. Inasmuch as there exists a definite need for the Eighth and Olive Streets property in order for the Post Office Department and other Federal agencies to discharge their responsibilities, we could not, even if we were otherwise inclined to do so, dispose of this site. Further, even if this property were surplus to Federal requirements, our regulations provide that prior to advertising the property for public sale, notice that it is surplus to the needs of the Federal Government must first be given to the Governor of the State in which the property is located, to the county clerk, or other appropriate official of the county in which the property is located, and to the mayor or other appropriate official of the city or town in which the property is located, any of whom, under certain prescribed conditions, may acquire the property at fair market value or at discounts up to 100 percent.

With reference to the present position of Downtown St. Louis, Inc., it is noted that following our announcement that the site would be retained for Federal use, this organization, in a news release dated December 7, 1962, did not object to the construction of a Federal building on this site provided the project were implemented promptly. In addition, they volunteered that having large numbers of Federal employees working in the central business district would be a definite economic asset to the city.

After reviewing the urgent need to consolidate Federal agencies in St. Louis now housed in leased space, and in order to provide for the continuing needs of the Post Office Department, in relation to urgently needed public building projects throughout the Nation, we have concluded that we should seek early approval from the Public Works Committees of the Congress for a new Federal building to be constructed on the site of the old customhouse at Eighth and Olive Streets. We have therefore developed a prospectus for submission to the Director of the Bureau of the Budget, after which, if approved, it will be referred in January 1964 to the Public Works Committees for consideration under the Public Buildings Act of 1959.

Sincerely yours,

BERNARD L. BOUTIN,
Administrator.

OCTOBER 28, 1963.

Mr. BERNARD L. BOUTIN,
General Services Administration,
Washington, D.C.

DEAR MR. BOUTIN: I wish to acknowledge your letter of September 27, 1963.

It is now quite conclusive the GSA has no clear reason it is willing to disclose for changing the policy decision that had been made by your predecessor in respect to the best utilization of the old customhouse site at Eighth and Olive in St. Louis.

The previous decision for the Federal Government to sell this valuable piece of property and acquire a less costly site better suited to the Federal Government's use was based upon the sound economics of proper land utilization and was in accordance with long-range city planning. The Federal Government stood to gain several millions of dollars as the result of this decision. The city of St. Louis stood to gain a considerable increase in its revenues by returning this property, the most valuable piece of real estate in the city, to its tax base.

In light of the failure of the GSA to come forward with any understandable explanation of this change in policy, I believe it would be in the best interests of the Federal Government and the St. Louis metropolitan area that Congress specify that no funds be spent for a new Federal building in St. Louis until a policy approved by the Congress has been adopted.

To say I am deeply disappointed in the criteria, whatever it may be, which you seem to have established for reaching decisions in the GSA as exemplified by this particular case is putting it mildly. The overall public good is, of course, the only proper basis for any public decision and the reasons supporting such decision should always have full public disclosure and discussion. To merely reiterate that the GSA has rendered a judgment without setting forth the criteria for the judgment, as all of your letters on this point have done, is insufficient public disclosure.

Sincerely,

THOMAS B. CURTIS.

Mr. THOMAS. Mr. Speaker, I yield to our very able and distinguished friend from Pennsylvania [Mr. FULTON], who in my humble judgment is one of the top men in the House, who knows as much about the space program as anybody. I know the membership would like to hear him. I therefore yield the gentleman 5 minutes.

Mr. FULTON of Pennsylvania. I would like to explain to the House what this proposed amendment, that would result in a $200 million cut in funds, would do to our U.S. manned space flight and lunar landing program. As I understand the thrust of that amendment, it is aimed at the LEM, or lunar excursion module, that will permit American astronauts to effect a landing on the surface of the moon. The budget plan of NASA calls for $189.9 million of fiscal year 1965 funds to be obligated for the LEM, and $520.5 million for the command and service modules. Such a cut would, therefore, totally eliminate the lunar excursion module and also affect the rest of the spacecraft effort. Is that correct?

Mr. WYMAN. There are $720 million for space capsules in the appropriation, and there are accumulated funds remaining unexpended amounting to a billion dollars more.

Mr. FULTON of Pennsylvania. I refer to the specific items that are involved in the proposed reduction. These are correct, are they not?

Mr. WYMAN. That is correct.

Mr. FULTON of Pennsylvania. Now it is clear that all of the major contracts for the Apollo project have been underway for several years, including the LEM contract with Grumman Aviation Engineering Corp. To decide to terminate that contract right now could, at best, result in a reduction to NASA appropriation of some $170 million, since there are funds already obligated in fiscal year 1965. But that is an important sum.

Let me mention the economic impact of such a move: Grumman, and its 21 major subcontractors that are responsible for about one-half of the LEM effort, would have to lay off people now employed. Up to 18,000 would be added to the unemployment rolls by this October. This would affect all areas of the country, including New England. And it would not be all. Another $30 million, affecting some 4,000 jobs, would have to be cut from other areas of the Apollo effort.

In addition to that, there will be this problem: Since June 30, NASA has been operating on a continuing resolution. This means that NASA has been spending at the same rate they had been spending for the fiscal year 1964 on the command and service modules programs. This is at the rate of $508.3 million, and for the lunar excursion module, $144.5 million. That means that if we now approve a $200 million cut and NASA in the 2 months has spent at the old rate, the net result will be a much larger cutback to reach the $200 million in the remaining months of this fiscal year.

It is not logical to accept a cut of such magnitude in a single program element; good management dictates that the program as an entirety be reexamined and redirected. But under these conditions, a $200 million reduction can only equal a delay of 2 to 3 years in the manned lunar landing. It would require at least 2 years after canceling the LEM effort to reestablish an operating technical team that would be able to carry on from the point of termination. And each year of delay in the manned lunar landing target date costs the Nation a billion dollars.

I may say to the House that the members of the Science and Astronautics Committee have followed this program very closely. Under the leadership of the gentleman from Texas [Mr. TEAGUE] we receive monthly briefings on the progress that is made in the development and shakedown of these large installations. We are kept informed of the industrial effort throughout the United States. We are kept posted on the progress of development of launch vehicles and spacecraft and the training of flight and ground operational crews, and we are kept advised about organizational and administrative matters. I have asked Dr. Robert Seamans, the NASA Associate Administrator, and Dr. George Mueller, head of manned space flight, the effect of such a $200 million cut in research and development on NASA management of the manned space program. They agree it would be chaotic.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Does the gentleman believe that a cut of $200 million out of an appropriation of $5,300 million would raise chaos?

Mr. FULTON of Pennsylvania. Yes. I understand, however, that what really worries the gentleman from New Hampshire is whether Gemini will work. He keeps harping on his fear that our astronauts will fail to learn the rendezvous technique in time for use in the Apollo program.

If he had spent as much time investigating the space program as have the members of the Committee on Science and Astronautics, I believe he would not be so frightened. Rendezvous in space is a logical next step in the development of space flight. Rendezvous is a precise operation, and it will take some time to develop the necessary skills and experience. But it is no more challenging a task than refueling aircraft in flight.

I have discussed the matter with Dr. Mueller, the head of NASA's manned space flight activity, and he assures me that the necessary guidance accuracy is well within present technology and requires no new breakthrough in research and development.

He tells me that all the facts necessary to rendezvous and docking maneuvers are known.

The basic philosophy of all of our space programs is that testing is carried out on the ground wherever possible and flight missions are employed only to verify the results of ground tests, using elaborate simulators, to test the docking maneuvers and equipment. I have seen the testing and simulation work in progress. Our committee has been provided with monthly reports of the status of these preparations. I have complete confidence in our astronauts and the NASA team. This is the same team that was so outstandingly successful in the Mercury program. We launched six astronauts into space. Six men carried out their missions. Six men returned safely to earth. There is every reason to expect they will be just as successful in the Gemini program.

Now, I am a Republican too, and I certainly am eager for efficiency and economy. The cut proposed here would be false economy. We should recognize that the contracts in this program have already been let. It is planned well ahead. The cut proposed here today would delay the program 2 to 3 years. Each year of delay in a program of this magnitude adds $1 billion to the cost to the taxpayers. It just does not make sense to reduce this appropriation by $200 million this year if it will cost $2 to $3 billion more in the long run and, incidentally, postpone the time when we will have the proven capability for lunar flight.

Mr. OSTERTAG. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Pennsylvania. I yield to the gentleman from New York.

Mr. OSTERTAG. I think it might well be pointed out that in the House original figure we appropriated $5,200 million for the space agency, and the Senate increased that by $100 million. In the conference we are bringing back a report which called for a reduction of $50 million in the field of research and development. So there is already $50 million that has been applied in the reduction of the original figure on research and development.

Mr. FULTON of Pennsylvania. That is a very good comment. But let me add that the conference report, carrying the figure of $5,250 million, is $195 million lower than the amount originally requested by the administration in a very tight budget. This is a very serious cut and NASA will have a very difficult time in programing the amount that remains in a way that will permit filling the Nation's needs and commitments in space.

This conference report then is within $50 million of the House amount, which makes it a pretty good conference report to me. So I compliment the gentleman from Texas [Mr. THOMAS] and his subcommittee.

Mr. MAHON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BELL].

Mr. BELL. Mr. Speaker, I am very much interested in the argument of the gentleman from New Hampshire in support of cutting this program because he used these same economy arguments on projects involving photography of the moon. He was wrong then and perhaps he will be wrong again.

My honored colleague has proposed in effect that a man-on-the-moon program should be stretched out, and that a more leisurely pace be adopted. He proposes to reduce the cost to the American taxpayer by withholding funds for the procurement of long-lead time items for Project Apollo until all the answers on the Gemini rendezvous experiment have been thoroughly digested.

He makes this proposal in the name of economy.

The Committee on Science and Astronautics has investigated the economic aspects of a program stretchout—and indeed has looked into the effects of a speedup—in the fiscal 1965 hearings for the NASA authorization bill. The Administrator of NASA, Mr. Webb, was closely questioned on this point. Mr. Webb said, "the ultimate cost will be increased for each year in which the achievement of our goal is delayed." The committee heard that the Office of Manned Space Flight had made a careful study of the effects of a stretched out lunar program. As the gentleman from Pennsylvania has just said, this study indicates that the cost of lunar exploration would be increased by approximately $1 billion for each year that the landing was delayed. To quote Mr. Webb:

> The program has been planned so it is a well-knit, tight program that can be done in this decade. If we spread it out then overhead encroaches too largely and costs you more money and you also deny yourself the area of technology.

Further, the NASA study indicated that any attempt to speed up the program would also introduce higher total program costs.

Our hearings clearly indicate that the program of minimum cost to the American taxpayer is a program which adheres closely to our established goal of man-on-the-moon by 1970. I therefore urge that the proposed motion to recommit be defeated.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. I think the gentleman might point out that a company in his own district, the Douglas Aircraft Co., went into a very detailed study of this program and of the effects of a stretchout of the program, and as a result of that study they told us it would greatly increase the cost if we stretched out this program.

Mr. WYMAN. Mr. Speaker, can the gentleman give us any assurance that we are ever going to be able to use this lunar excursion module for which $189 million is provided in this year in this bill. Can the gentleman give us any such assurance, until we have tested Gemini and established that we can separate and rejoin space capsules in orbit?

Mr. BELL. I think the gentleman well knows that we have to first get some leadtime developed so that we can develop the module to the point where it can be used, and by the gentleman's act he would in effect be cutting the leadtime so that we would not be able to develop the module in time to achieve our declared goals for Gemini and Apollo.

Mr. WYMAN. Does the gentleman feel that there might be as much as 5 years of leadtime in these appropriations?

Mr. FULTON of Pennsylvania. Of course, the reason for research and development is to find out what is the correct construction of module for the lunar landing. We will use the research and development money for this purpose. If we cut the research and development funds the way that the gentleman from New Hampshire recommends we will never know whether it is the correct construction or the best practical approach for the manned lunar landing. So this is the time to find out, spending the necessary research and development funds in an orderly plan and with adequate leadtimes.

Mr. BELL. I thank the gentleman. That is the point I was trying to make.

Mr. THOMAS. Mr. Speaker, I yield to the distinguished gentleman from Florida [Mr. GURNEY].

Mr. GURNEY. Mr. Speaker, I rise in support of this conference report. I want to commend the gentleman from Texas [Mr. THOMAS], the manager on the part of the House, and other members of the conference committee on the part of the House for the excellent job they have done on this conference report.

I also want to express my concern about the motion that is going to be presented later on to cut back the program. I strongly oppose their attempt to cut back the program. It would be disastrous to our Project Apollo, and the whole space program of the Nation.

Let me say as far as the Republicans on this side of the aisle are concerned, there are a good many members on our Committee on Science and Astronautics, and I am certainly one of them, who have always expressed our position in this House on the side of economy. We are concerned with economy. By the same token, we are not in favor of false economy. It is my firm opinion, if we cut back this program, that is exactly what we would be doing, practicing false economy.

We held extremely extensive hearings in our committee with thousands of pages of testimony being taken. Certainly the committee as a whole, in a bipartisan and a nonpartisan fashion, as has been pointed out, was convinced that the pace at which we are proceeding is a good one; and that we are not involved in a crash program and that the program is a sensible one and that the dollar of the American taxpayers is being wisely spent. I am convinced from the testimony before our committee that to slow down and stretch out the program would increase the cost considerably.

I would like to point this out, which is evident in this program when you work closely with it. It is a program that does require long leadtime. It is a program which is a step-by-step program. It is obvious we need to go to Gemini first to find out how we can best rendezvous, to train our astronauts, to work out our space network. But we need to get on with the lunar excursion module so that it will be ready for follow-on, after Gemini.

All these things are required in a sensible program of finally attaining the lunar goal which we have set for this Nation.

It is true also, that in the development of LEM which has been discussed, the lunar excursion module, we have to begin now to do the designing and to do the planning and the manufacturing so that the lunar excursion module will be ready when the other "building blocks" have been done and then we will be ready to use it in the whole scheme of the lunar journey.

I believe the committees have done an excellent job, both the Appropriations Committee and the authorization committee.

I wish to point out that we have an Oversight Committee which meets with NASA once a month. We go over the program carefully. We see what has been done during the previous month. We are apprised of what money has been spent and committed, and we are brought up to date, so that the House will know, through the NASA Oversight Committee, every month what is going on and whether the program is proceeding in an orderly fashion.

As a member of this Oversight Committee I am certainly convinced it is.

I should like to point out another fact. The cost of Government has increased each year, and has increased with each session of the Congress, yet I believe it is compelling evidence to note that so far as the budget for NASA is concerned the appropriation this year, which we shall vote upon in a few minutes, is almost exactly what it was for last year. In other words, we are not increasing it. We are proceeding at the same pace we authorized a year before. To me this is certainly a compelling argument, that the program is well in hand spendingwise.

After working closely with this program I emphatically say the House ought to support it.

There is one other point I wish to make before I close. We have heard some criticism about "moondoggling" and a trip to the moon as having no sensible part of our space program, but the point of the matter is that what we are doing in space, as a nation, actually is development of powerful engines, development of reliable boosters, developing of spacecraft and training of astronauts. This is the capability we are endeavoring to attain for this Nation, and when we do, as we shall if we continue at our present pace, then we shall be first in space. As a matter of fact, the end product, the final journey to the moon, will merely put to use the other ingredients we learn in the meantime.

I support the program wholeheartedly, I urge my colleagues to vote for this conference report and to oppose and vote down the motion to cut back this program, when it is offered later.

Mr. THOMAS. Mr. Speaker, the time is growing short. I now yield to the distinguished chairman of the Committee on Science and Astronautics, the gentleman from California [Mr. MILLER]. Thereafter I will yield briefly to the able and distinguished chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS], the gentleman from Michigan [Mr. FORD], and my friend, the gentleman from Ohio [Mr. VANIK]. Then we will move the previous question.

I yield 5 minutes to the gentleman from California [Mr. MILLER.]

Mr. MILLER of California. Mr. Speaker, I was rather surprised by the statement made today that this bill had never received, as to appropriations, a fitting review in the House. I refer Members to the CONGRESSIONAL RECORD for March 25, wherein 50-some pages record some 3 hours of general debate; at that time the matter was thoroughly explained and threshed out.

I have made a check as to this independent offices appropriation bill. The NASA item is the only money bill which requires an annual authorization by the Congress before it can be submitted to the Committee on Appropriations.

This is where the program is explained, and it is here the program is set forth in great detail.

Going to the moon is merely one plateau in the exploration of outer space. The techniques we are developing in doing this will make the exploration of outer space possible.

I have read much written recently by people who, critical of this program, say that we are going too fast, that we have no use for this or that facet of it. These critics imply that this House does not know what is involved in the space effort.

Let me call your attention to the fact that not too many years ago we were greatly concerned with the missile lag. It is only now that we have NASA functioning in an orderly manner that we can say that this will not occur again. The leadtimes are long in the field of astronautics.

This is no crash program. It is not something that was pulled out of the air. Because there is a lot of money involved, there are those who jump at conclusions and irresponsibly cry "crash program." There is no "crash program" here.

You have been told how the Subcommittee on Oversight functions. It has to see to it that NASA has laid out a well-organized program. Our Committee on Science and Astronautics follows its progress carefully through its Oversight Committee on NASA. It follows it carefully with the other two committees that are set up to handle the authorization bill. The bill is just too big for one committee to handle. However, I think the greatest compliment that has been paid to the Science and Astronautics Committee is that since it began functioning and since it has broken down its activities in three subcommittees, its authorization bill has been adopted in one instance unanimously and in other instances with very few dissenting votes. This is the future of the country and the future of the world. You have just witnessed one of the greatest exploits of all time in the Ranger shot. We are going to send other unmanned craft to the moon before we attempt to land men there. Living in the hostile environment of outer space is one of the things that NASA must thoroughly investigate, study and overcome. This is the process being done.

If the object of NASA's work was merely to put a man on the moon, I would be one of the first to oppose it, but this is merely a step in the great exploration of outer space. We already have parted the curtains behind which space hides her secrets in the area of weather projection and communication. New and challenging vistas have been opened for exploitation. No one can tell what the future holds. If you are going to cut out the lunar module as has been suggested, how can you do this consistently and then not cut out the booster to put it into space? There is no consistency in the argument that has been made against facets of spatial exploration. You have heard all of this before. I personally want to congratulate the Committee on Appropriations that has done its usual thorough job in protecting the interests of the people of this country. I commend them and I thank them and I tell them we will work together with them as we have in the past, to advance the United States interest in science and astronautics.

Mr. THOMAS. Mr. Speaker, I yield to the able and distinguished chairman of the House Committee on Interstate and Foreign Commerce, the gentleman from Arkansas [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I take this time to compliment the distinguished chairman of this subcommittee, the gentleman from Texas [Mr. THOMAS], and all members of the committee for the consideration the committee has given to the problems of the Federal Aviation Agency. You will recall when the appropriation was before the House, I offered an amendment for myself and as chairman of the Committee on Interstate and Foreign Commerce to try to preserve the operation of the flight service stations as they are now and during this fiscal year. The House approved the amendment preserving the operation of this service. I explained at that time how the reduction of the funds then requested would adversely affect this service. The conferees increased the appropriation for operations by $5 million. This amount will assure the continued operation of the flight service stations as outlined in our committee report filed a few days ago. By this action the amendment that I offered, which was approved, is no longer necessary.

Also I want to take this occasion to compliment and thank the committee for the consideration it has given to the item of research and development for the Federal Aviation Agency. I thought a good case was made by the agency. I know the committee has been concerned with this problem, and I think, after the consideration given by the conference, the entire item will permit the work to continue as scheduled. The committee is to be commended for this. It is to be commended by this House for the consideration it has given to these items, and I again personally thank the chairman and members of the committee for their action.

Mr. THOMAS. Mr. Speaker, I yield such time as he may require to the genial and able gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Speaker, amendment 188, which is in technical disagreement will provide $20,109,000 in funds for site acquisition and designs and plans for the GSA, for the public buildings program. As I understand, the intent of this action is to provide funds for a number of projects in a number of States, excluding however, four projects in Washington, D.C., one in Louisiana, and one in Nebraska, the latter two not being authorized, as I understand it; is that correct?

Mr. THOMAS. That is correct.

Mr. FORD. There is one that happens to be in my hometown, Grand Rapids, and I am interested to know if it was on the list.

Mr. THOMAS. I am sure that it was approved.

Mr. FORD. I thank the gentleman very much.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. VANIK].

Mr. VANIK. Mr. Speaker, I want to take this opportunity to commend the Independent Offices Subcommittee and its distinguished chairman, the gentleman from Texas, the Honorable ALBERT THOMAS, for the splendid work which was done on this bill in the House and in conference. We owe the subcommittee and its chairman a deep debt of gratitude for restraining and deferring the proposals for several agencies to expand and construct new buildings in the Greater Washington area.

Although a $26,108,000 appropriation was provided for the construction of a new building for the Housing and Home

Finance Agency in the District of Columbia, it is my hope that this appropriation may mark a turning point in the further establishment of Federal bureaucracy offices in this already congested area. There is no question that the Housing and Home Finance Agency needs the space, but I feel that the decision to provide new space in Washington for this Agency is unwise. It could more effectively operate in any other major large city in America.

The critical congestion of Federal bureaucracy in Washington is well beyond the point of tolerance. Government agencies will function more effectively and their employees will live better where there is more open space.

Frankly, the Housing and Home Finance Agency should have displayed some of its expertise in better housing its own administration.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, as I understand it, this bill is $158 million below the Senate figure, but it is almost $136 million over the bill as it left the House.

Mr. THOMAS. That is correct.

Mr. GROSS. If the gentleman will permit one quick observation, I would like to recall to the minds of the Members of the House the warning given to the House by the chairman of the Committee on Ways and Means, the gentleman from Arkansas [Mr. MILLS], when he called upon the House to vote for a tax reduction bill. At that time he said this:

> In enacting this revenue bill * * * we are choosing tax reduction as the road toward a larger, more prosperous economy and we are rejecting the road of expenditure increases.

Mr. Speaker, I oppose this conference report for the reason that an increase of $136 million over the original House figures is not economy in the operation of this Government.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Speaker, I wish to thank the chairman of the subcommittee for including a much needed item which I had previously recommended to the committee for the construction of a post office and Federal office building at Elk City, Okla., in the amount of $222,400, among other items.

Mr. THOMAS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONNER). The question is on agreeing to the conference report.

Mr. WYMAN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. WYMAN. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WYMAN moves to recommit the conference report to the committee of conference with instructions to the managers on the part of the House to reduce the amount specified in amendment No. 204 from $4,363,594,000 to $4,163,594,000.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. WYMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 114, nays 271, not voting 45, as follows:

[Roll No. 222]

YEAS—114

Abbitt
Abele
Adair
Anderson
Andrews, N. Dak.
Arends
Ashbrook
Avery
Ayres
Baker
Barry
Becker
Beermann
Belcher
Berry
Betts
Bolton, Oliver P.
Bow
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Corbett
Cunningham
Curtis
Dague
Derwinski
Devine
Dole
Findley
Fino
Foreman
Frelinghuysen
Gathings
Goodling
Griffin
Gross
Hall
Halleck
Harrison
Harsha
Harvey, Ind.
Hoeven
Horan
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Kilburn
King, N.Y.
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
McClory
McCulloch
McLoskey
MacGregor
Martin, Nebr.
May
Meader
Michel
Minshall
Moore
Morton
Nelsen
O'Konski
Pelly
Pillion
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Robison
St. George
Saylor
Schadeberg
Schenck
Schneebeli
Schwengel
Short
Sibal
Siler
Skubitz
Smith, Calif.
Snyder
Stafford
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tuck
Tupper
Westland
Whalley
Widnall
Williams
Wilson, Ind.
Wyman
Younger

NAYS—271

Abernethy
Addabbo
Albert
Andrews, Ala.
Ashley
Aspinall
Auchincloss
Baldwin
Barrett
Bass
Bates
Battin
Beckworth
Bell
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brock
Bromwell
Brooks
Broomfield
Brotzman
Brown, Calif.
Burke
Burkhalter
Burleson
Burton, Calif.
Byrne, Pa.
Cahill
Carey
Casey
Celler
Chelf
Chenoweth
Clark
Clawson, Del
Collier
Colmer
Conte
Cooley
Corman
Cramer
Curtin
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Diggs
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Fogarty
Ford
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Glenn
Gonzalez
Goodell
Grabowski
Grant
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Hawkins
Hays
Hébert
Hechler
Henderson
Herlong
Holifield
Holland
Horton
Huddleston
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Knox
Kornegay
Libonati
Lipscomb
Long, La.
Long, Md.
McDade
McDowell
McFall
McIntire
McMillan
Macdonald
Madden
Mahon
Marsh
Martin, Mass.
Matsunaga
Matthews
Miller, Calif.
Milliken
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
O'Neill
Osmers
Ostertag
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Pirnie
Poage
Pool
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Riehlman
Rivers, Alaska
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Rumsfeld
Ryan, N.Y.
St Germain
St. Onge
Schweiker
Secrest
Senner
Sheppard
Shriver
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Smith, Va.
Springer
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Thomas
Thompson, Tex.
Tollefson
Trimble
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Wallhauser
Watson
Watts
Weaver
Weltner
Wharton
White
Whitener
Whitten
Wickersham
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Young
Zablocki

NOT VOTING—45

Alger
Ashmore
Baring
Bolton, Frances P.
Buckley
Burton, Utah
Byrnes, Wis.
Cameron
Cohelan
Dingell
Flynt
Forrester
Gill
Hagan, Ga.
Haley
Harvey, Mich.
Healey
Hoffman
Hosmer
Jones. Ala.
Kee
Landrum
Lankford
Leggett
Lesinski
Lloyd
Mailliard
Martin, Calif.
Mathias
Miller, N.Y.
Nedzi
Norblad
Olson, Minn.
Passman
Powell
Rivers, S.C.
Ryan, Mich.
Scott
Selden
Shipley
Staebler
Thompson, La.
Thompson, N.J.
Toll
Winstead

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hoffman for, with Mr. Martin of California against.

Until further notice:

Mr. Toll with Mr. Mathias.
Mr. Gill with Mr. Norblad.
Mr. Shipley with Mr. Miller of New York.
Mr. Baring with Mr. Alger.
Mr. Nedzi with Mr. Harvey of Michigan.
Mr. Cameron with Mrs. Frances P. Bolton.
Mr. Cohelan with Mr. Mailliard.
Mr. Thompson of Louisiana with Mr. Burton of Utah.
Mr. Ryan of Michigan with Mr. Hosmer.
Mr. Dingell with Mr. Byrnes of Wisconsin.
Mr. Lesinski with Mr. Powell.

Mr. Flynt with Mr. Buckley.

Mr. Jones of Alabama with Mrs. Kee.

Mr. Thompson of New Jersey with Mr. Lankford.

Mr. Hagan of Georgia with Mr. Healey.

Mr. Ashmore with Mr. Passman.

Mr. Rivers of South Carolina with Mr. Winstead.

Mr. Landrum with Mr. Leggett.

Mr. Selden with Mr. Staebler.

Mr. Haley with Mr. Olson of Minnesota.

Mr. JOHNSON of Pennsylvania changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 28: Page 15, line 23, insert:

"Funds appropriated under this or any other Act for expenditure by the Federal Aviation Agency may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Agency, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows: In lieu of the matter proposed, insert the following:

"Funds appropriated under this Act for expenditure by the Federal Aviation Agency may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Agency, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 186: Page 33, line 16, insert: "and the maximum construction improvement cost for construction of the border station facility at Derby Line, Vermont, provided in the Independent Offices Appropriation Act, 1962, is hereby increased by $183,000."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 186 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 187: Page 33, line 21, insert: "Not to exceed $120,000 heretofore appropriated under the heading 'Construction, Public Buildings Projects', in the Independent Offices Appropriation Act, 1963, may be transferred to the appropriation for 'Construction, United States Mission Building, New York, New York', for the payment of contractor's claims."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 187 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 188: Page 34, line 4, insert:

"SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

"For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, as specified under this head in the Independent Offices Appropriation Acts of 1959 and 1960, including preliminary planning of public buildings projects by contract or otherwise, $33,200,000, to remain available until expended."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 188 and concur therein with an amendment, as follows: In lieu of the sum proposed in said amendment, insert "$20,109,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 208: Page 48, line 9, insert:

"No part of any appropriation made available to the National Aeronautics and Space Administration by this Act shall be used for expenses of participating in a manned lunar landing to be carried out jointly by the United States and any other country without the consent of the Congress."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 208 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 220: Page 56, line 9, insert: "*Provided further*, That, in addition, not to exceed $200,000,000 of unobligated balances of said Direct loans revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amount as may be necessary to provide for the foregoing expenses and the Administrator of Veterans' Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer."

Mr. THOMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMAS moves that the House recede from its disagreement to the amendment of the Senate numbered 220 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the several motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

STATUE OF FATHER EUSEBIO FRANCISCO KINO

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up a concurrent resolution (H. Con. Res. 275) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document, with illustrations and bound, in such style as may be directed by the Joint Committee on Printing, the proceedings in Congress at the unveiling in the rotunda, together with such other matter as the joint committee may deem pertinent thereto, upon the occasion of the acceptance of the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona; and that there be printed five thousand additional copies, of which two thousand copies shall be for the use of the Senate, and for the use of the Senators from the State of Arizona, three thousand copies for the use of the House of Representatives, and for the use of the Representatives in Congress from the State of Arizona.

SEC. 2. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall provide suitable illustrations to be bound with these proceedings.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF SCHOOL PRAYER HEARINGS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up the House Concurrent Resolution 336 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary, House of Representatives, four thousand additional copies each, to be printed concurrently with the publications entitled "Proposed Amendments to the Constitution Relating to Prayer and Bible Reading in the Public Schools, Hearings Before the Committee on the Judiciary, House of Representatives, parts 1, 2, and 3", Eighty-eighth Congress, second session.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON FEDERAL RESERVE SYSTEMS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent

Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Banking and Currency, House of Representatives, three thousand five hundred additional copies of volumes I and II of the hearings before the Subcommittee on Domestic Finance of the Committee on Banking and Currency, House of Representatives, entitled "The Federal Reserve System After Fifty Years", dated January 21, 22, 23, 29, and 30; and February 3, 4, 5, and 6, 1964; and February 11, 25, and 26, and March 3, 4, 5, 9, 10, 11, 12, and 25, 1964, respectively.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON FEDERAL RESERVE SYSTEM

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 346, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Banking and Currency, House of Representatives, three thousand five hundred additional copies of volume III of the hearings before the Subcommittee on Domestic Finance of the Committee on Banking and Currency, House of Representatives, entitled "The Federal Reserve System After Fifty Years", dated April 9, 13, 14, 16, 22, and 29, 1964.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE REPORT NO. 176, 88TH CONGRESS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 347 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities eight thousand additional copies of the committee's annual report for the year 1962, House Report Numbered 176, Eighty-eighth Congress, first session.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS HOUSE DOCUMENTS THE PUBLICATIONS "WORLD COMMUNIST MOVEMENT—SELECTIVE CHRONOLOGY, 1818–1957, VOLUME 2 AND VOLUME 3"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 348 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the publications entitled "World Communist Movement—Selective Chronology, 1818–1957, Volume 2, 1946–1950; and Volume 3, 1951–1953" prepared by the Legislative Reference Service of the Library of Congress, Eighty-eighth Congress, be printed as House documents; and that there be printed ten thousand additional copies of said documents for the use of the Committee on Un-American Activities.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF PUBLICATION "COMMUNIST ECONOMIC WARFARE—CONSULTATION WITH DR. ROBERT LORING ALLEN, APRIL 6, 1960"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 826 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Un-American Activities thirty-seven thousand additional copies of a publication entitled "Communist Economic Warfare—Consultation With Doctor Robert Loring Allen, April 6, 1960".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF PUBLICATION ENTITLED "THE IRRATIONALITY OF COMMUNISM—CONSULTATION WITH DR. GERHART NIEMEYER, AUGUST 8, 1958"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 827 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Un-American Activities thirty-three additional copies of a publication entitled "The Irrationality of Communism—Consultation With Doctor Gerhart Niemeyer, August 8, 1958".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF PUBLICATION ENTITLED "A COMMUNIST IN A 'WORKERS' PARADISE'—JOHN SANTO'S OWN STORY"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 828 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Committee on Un-American Activities nine thousand additional copies of a publication entitled "A Communist in a 'Workers' Paradise'—John Santo's Own Story", Eighty-eighth Congress, first session.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF A "COMPILATION OF WORKS OF ART AND OTHER OBJECTS IN THE U.S. CAPITOL"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 350, and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations as a House document a "Compilation of Works of Art and Other Objects in the United States Capitol", prepared under the direction of the Architect of the Capitol; and that there be printed thirty-seven thousand two hundred and fifty additional copies of such document, of which ten thousand three hundred copies shall be for the use of the Senate, twenty-one thousand nine hundred and fifty copies shall be for the use of the House of Representatives, and five thousand for the use of the Architect of the Capitol.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HOUSING ACT OF 1964

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 841, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12175) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of the bill H.R. 12175, it shall be in order in the House to take from the Speaker's table the bill S. 3049 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H.R. 12175 as passed by the House.

Mr. O'NEILL. Mr. Speaker, at this time I yield myself such time as I may consume, at the conclusion of which I shall yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, House Resolution 841 provides for consideration of H.R. 12175, a bill to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes. The resolution provides an open rule with 2 hours of general debate, waiving points of order, and making it in order after passage of H.R. 12175 to take S. 3049 from the Speaker's table, strike out all after the enacting clause and insert the House-passed language.

Generally, H.R. 12175 would provide additional authorizations and funds to continue existing federally assisted housing programs for another year. In addition, the bill contains a number of amendments designed to improve FHA sales and rental housing programs and to improve the operation of the urban renewal program. The bill's major features are as follows:

Title I of the bill would permit lower downpayments and higher mortgage amounts on FHA sales housing, and would provide additional protection against foreclosure for FHA homeowners.

Title II would authorize additional funds for low-interest direct loans for rental housing for the elderly, and would provide new housing aids for the handicapped.

Title III would, first, authorize an additional $600 million for grants under the urban renewal program; second, tighten the urban renewal program requirements to encourage more rehabilitation and code enforcement; third, provide a new program of rehabilitation loans to aid homeowners and businesses in urban renewal areas to improve their properties; and, fourth, tighten relocation requirements and provide additional relocation benefits to displaced businesses, nonprofit organizations, individuals, and families.

Title IV would authorize 35,000 additional units of low-rent public housing.

Title V would authorize an additional $150 million for direct loans under the rural housing program administered by the Farmers Home Administration.

Title VI would authorize a limited grant program to encourage on-the-job training and short-term courses of instruction to provide the skills needed for local administration of urban programs.

Title VII would provide an additional $20 million for the public works planning advance program.

Title VIII would broaden the investment authority of savings and loan associations.

Title IX would provide an additional $25 million for grants for the open space—parks and playgrounds—program.

Mr. Speaker, I urge the adoption of House Resolution 841.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may use.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Massachusetts [Mr. O'NEILL] has explained rather cogently the provisions of House Resolution 841. It provides for the consideration of the bill H.R. 12175, the so-called housing bill, the extension of the Housing Act to fiscal 1965. It provides for 2 hours of general debate, following which the measure will be open for the offering of amendments under the 5-minute rule.

This is a rather complicated piece of legislation, or probably I should describe it as being a comprehensive piece of legislation, because it would spend for the balance of this fiscal year, 1965, or for about 10 months from the time the bill would be signed into law, additional appropriations amounting to about $1 billion.

The bill itself, on which very curtailed or short hearings were held before the Rules Committee, consists of some 78 pages. The report on the bill, which I recommend be read by Members, consists of 125 pages. The bill and the report came from the Committee on Banking and Currency to the members of the Rules Committee one evening about 5:30 or 6, and I think we remained in session until 8:30 that night. The next morning we were asked to hold a hearing and report the measure in 30 minutes; a procedure to which some of us objected because we wanted to find out at least what the cost would be.

I asked the sponsor of the bill, the chairman of the committee, what the total cost of the bill would be, and he advised us it would be around $900 million. However, we did take time the next day to look a little further into the bill, and I should like to call your attention, if I may, to the fact that the measure itself contains, as the gentleman from Massachusetts has so well explained, nine different titles dealing with many different housing problems or subjects.

At this point in my discussion of this bill I should like to include, if I may, Mr. Speaker, a breakdown, title by title, of the provisions of this bill as some of us have been able to interpret them, the cost thereof, and precisely what the titles provide for, in as short and as clear language as we can describe these titles.

H.R. 12175, HOUSING ACT OF 1954

TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

Mortgage limits for homes under section 203 programs—section 101: Mortgage limits would be increased from $25,000 to $30,000 for one-family homes; from $27,500 to $32,500 for two- or three-family homes; and from $35,000 to $37,500 for four-family homes. Downpayments would be lowered 10 percent to 7½ percent for homes having an appraised value between $15,000 and $20,000; and from 25 percent to 20 percent for homes having an appraised value above $20,000. For homes appraised at $15,000 or under, the downpayment remains at 3 percent for new homes, but would be reduced from 10 percent to 8 percent for existing homes.

For low-cost housing in outlaying areas the mortgage limit would be increased from $9,000 to $11,000—section 101(b).

Additional relief for home mortgagors in default due to circumstances beyond their control—section 103—the bill would permit the lender, in recasting or reamortizing a mortgage in default, to include delinquent interest, and to extend the time beyond the maximum statutory maturity of the mortgage.

TITLE II—HOUSING FOR THE ELDERLY AND HANDICAPPED

Loan program.—Section 201: The total amount authorized for direct loans under the housing for the elderly program would be increased from $275 to $350 million, that is, $75 million.

Housing for the handicapped—Section 203: This section amends various provisions of the housing laws to provide thereunder the same special treatment for handicapped persons and families as is presently provided for the elderly.

TITLE III—URBAN RENEWAL

This title would first, authorize an additional $600 million—$4 billion to $4.6 billion—for grants under the urban renewal program—Section 301; second, tighten the urban renewal program requirements to encourage more rehabilitation and code enforcement—Section 302; third, provide a new program of rehabilitation loans to aid homeowners and businesses in urban renewal areas to improve their properties; and fourth, tighten relocation requirements and provide additional relocation benefits to displaced businesses, nonprofit organizations, individuals, and families.

TITLE IV—HOUSING FOR LOW-INCOME FAMILIES

This title would extend eligibility to displaced individuals for low-rent public housing—Section 401—authorize a subsidy of up to $120 per dwelling unit year for urban renewal and low-rent housing displacees—Section 402—increase by $27 million the existing limit on the aggregate amount for the low-rent housing program, which should provide about 35,000 additional units of low-rent housing.

TITLE V—RURAL HOUSING

This title extends the authority to insure loans made to provide rental housing and related facilities for the elderly in rural areas—section 501—increases from $700 million to $850 million, that is, $150 million, the Secretary of Agriculture's authority to obtain funds for direct loans under the farm housing program, which is administered by the Farmers Home Administration.

TITLE VI—FEDERAL-STATE TRAINING PROGRAMS

This title authorizes $10 million, without fiscal year limitation, for grants, which States must match, to encourage on-the-job training and short-term courses of instruction to provide the skills needed for local administration of urban programs.

TITLE VII—COMMUNITY FACILITIES

This title would provide an additional $20 million for the public works planning advance program.

TITLE VIII—SAVINGS AND LOAN ASSOCIATIONS

This title would extend the basic lending area of a federally chartered savings and loan association from 50 miles to 100 miles from its home office—section 801—would increase from $35,000 to $40,000 the maximum loan which can be made by a federally chartered S. & L. association on a single-family home—section 802—and would broaden the investment authority of savings and loans associations in several other areas.

TITLE IX—MISCELLANEOUS

This title would amend the National Housing Act to eliminate the statutory limit of $20,000 per family residence or dwelling unit on mortgages purchased by FNMA in its secondary market operations —section 901— would increase the maximum amount of any short-term loan made by FNMA in its secondary market operations from 80 to 90 percent—section 902—would increase from $50 to $75 million—$25 million—the total amount of grants which may be made by the HHFA Administrator under the open-space land program—section 903 —and would provide for other miscellaneous provisions.

ADDITIONAL AUTHORIZATIONS FOR GRANTS AND LOANS

Grants

[In millions]

Urban renewal (capital grants) (p. 36)	$600
Urban renewal planning grant authorization (p. 51)	30
Subsidy for urban renewal and low-rent housing displacees (p. 57)	27
Low-income housing demonstration program (p. 61)	5
Federal-State training programs (p. 65)	10
Open-space program (p. 75)	25
Total for grants	697

Loans

[In millions]

Housing for the elderly and handicapped (p. 32)	$75
Rehabilitation loans (p. 48)	50
Rural housing direct loan program (p. 61)	150
Advances for public works planning (p. 67)	20
Total for loans	295

I think your attention should be called to the fact that the total cost of this measure during the next 10 months, during the balance of fiscal year 1965, will be $992 million. That is just a very small amount under $1 billion, and even in this day and age $1 billion is still a considerable amount of money. Of this amount, $697 million would, under the provisions of this bill, go for grants, mostly capital grants, and grants means gifts, if you please, that are not recoverable, but once made are gone forever, and of course are a direct charge against the U.S. Treasury.

Of the $697 million in grants $600 million would be for a continuation of the urban renewal program upon which we have already spent some $4 billion. There has been in recent years a growing criticism, at least in many communities, as to the value of these urban renewal programs. But this measure provides that we contribute $600 million more in the form of grants in the next 10 months for expediting the urban renewal programs throughout the country.

Then the bill carries also a $30 million authorization for an appropriation to meet the costs of urban renewal planning. That will be by grants or by gifts.

Next there is a subsidy of $27 million in grants for urban renewal and low-rent housing displacees.

Then the bill carries a provision for an authorization to appropriate $5 million for low-income housing demonstration programs.

There is another authorization in the amount of $10 million, something new by the way, to be in the form of grants for Federal-State training programs so as to train representatives of the States and the local communities how to best come down here and ask for money under this program and how best to obtain it, at least in the easiest manner.

Then next, of course, is another $25 million grant for open space programs. If you will read that section of the bill carefully, you will find that it is a little difficult to understand just what open spaces will be. We all like open spaces, of course, in residential communities. But according to some of those who have criticized the bill, and the members of the committee in charge of the legislation can explain it, perhaps, this will include golf courses and other recreational facilities. Of course, that is not unusual because now the Department of Agriculture is busy helping to build golf courses, too, out in the rural areas. Perhaps that is a good thing to do. At least, seemingly, it is possible under the open space program provided under this section.

This makes a total, as I said a moment ago, of $697 million in the form of grants or gifts under the provisions of this act.

This act also provides for the construction of some 35,000 additional public housing units and for certain subsidies of low-income families living in these housing units.

In the form of loans $295 million in all have been provided in this bill—$75 million will be in the form of loans to carry out the housing program for the elderly and the handicapped. This is a program by the way, which seems to be rather helpful and the testimony has so indicated.

Then there is $50 million more furnished for what the bill describes as rehabilitation loans, I presume, to rehabilitate existing property—$150 million would be authorized to be appropriated under the bill for rural housing, in the form of direct loans. If anybody wanted to build a rural home, up to a certain limitation he could apply and could get a part, at least, of the $150 million.

Finally, there is a provision which authorizes appropriations in the amount of $20 million for advances for public works planning.

This is all in addition to other programs in effect and to other programs which have been proposed and are now contained in pending legislation. We must remember that in some instances not only are funds to be provided under the provisions of this bill, either in the form of outright gifts or grants or in the form of loans, but also funds may be obtained for virtually the same purposes under many other programs financed and funded by the Federal Government for the purpose of helping those who are in need.

Before closing I should mention that this bill has several other provisions which may be of interest. It will be perhaps more helpful for those who want to purchase higher priced housing than they can now purchase with FHA insurance. Such loans are to be insured up to $50,000 per house.

Some of us wondered why so much attention was being given to the higher priced homes instead of giving closer attention to the needs of those who are ill-housed now, and who, because of urban renewal or other activities, have been put out of the places in which they live and find it impossible to locate living quarters at prices they can afford to pay in some other sections of some of our cities.

Again I wish to point out that during the past 2 or 3 years, according to the testimony we have received, there has been a sharp reduction in the number of cities willing to go along with urban renewal programs or public housing programs. In a number of the cities of the country in which such questions have been put to a vote, they have been rejected by the voting public of those communities.

That does not mean—and I do not charge, nor do I claim—that any or all of these particular programs contained in the bill are bad, either completely bad or partially bad. I do say that the evidence seems to be piling up that some day we may have to bring an end to this entire Federal housing program and get back on a more realistic footing to meet the needs and the requirements of the general public for housing.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Ohio.

Mr. BOW. Would the distinguished gentleman from Ohio explain to the House why points of order are to be waived by the resolution?

Mr. BROWN of Ohio. Points of order would be waived, over the objection of some of us who are members of the Rules Committee, on the basis that a revolving fund is involved, wherein certain funds are paid into the revolving fund and then paid out again.

Again, there are some of us who fear that perhaps this is a method not only of sidestepping and evading the authority and the jurisdiction of the Committee on Appropriations, but, also, perhaps, of permitting backdoor spending.

Mr. BOW. Is it not a fact that this would violate a rule of the House on the question of appropriations?

Mr. BROWN of Ohio. We believe so. Yes. And we are told, in fact, that unless the points of order were waived, a point of order would lie against that section of the bill and it could be stricken out on objection.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Iowa.

Mr. GROSS. So it is increasingly considered to be bad practice for the Committee on Appropriations and, therefore, the House of Representatives to scrutinize all expenditures. Is that the case?

Mr. BROWN of Ohio. Well, of course, I have a strong feeling and a strong belief that the House of Representatives, in carrying out its responsibilities to the people that the Members represent, should scrutinize all appropriations and expenditures closely. That is exactly what I tried to do as quickly and as tersely as I could in connection with this particular bill.

I want to call the attention of the House to what it does and what it does not do. I hope the explanation I will include with my remarks in the Record on just exactly what can be done under each title of this bill, or what may be done, will be of some help and benefit to the Members of the House.

Mr. GROSS. I appreciate my friend's statement and say to him I certainly agree with him.

Mr. BROWN of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12175) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12175, with Mr. Keogh in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. Patman] will be recognized for 1 hour, and the gentleman from New York [Mr. Kilburn] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. Patman].

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 12175, the Housing Act of 1964, will extend for 1 year our housing and community development programs. It will do so in a strengthened and improved form.

This bill makes important changes designed to permit those of our people who are most in need of help to participate more fully in the benefits of these programs. It is a bill that expresses the concern of Congress for families of low income, for the elderly, the handicapped, and the displaced. Moreover it provides greater protection of human values in our wide-ranging housing and urban improvement activities. My distinguished colleague, the gentleman from Alabama, Albert Rains, chairman of the Housing Subcommittee of the Banking and Currency Committee, will give you a comprehensive review of the provisions of the bill. But first may I call your attention to a few particular provisions which are addressed to areas of special need.

That part of the bill which deals with FHA mortgage insurance programs provides additional relief for home mortgagors in default due to circumstances beyond their control. It affords additional special assistance to housing cooperatives, which have proved so effective in meeting the needs of middle-income families. It enables FHA programs to serve low- and moderate-income families by reducing downpayment requirements. It reactivates the program of insured mortgages for low-cost homes in outlying areas. It broadens mortgage insurance for nursing homes to include those operated on a nonprofit basis.

Elderly single persons are made eligible for FHA-assisted housing for moderate income or displaced families. The program of direct loans for housing for the elderly is carried forward.

Physically handicapped persons are made eligible in the several programs designed to provide housing for the elderly, in FHA programs for moderate income or displaced families, in public housing, and in the low-income housing demonstration program.

Individuals and families displaced by urban renewal operations are given further protection in the form of additional relocation payments and tightened requirements that decent housing be available for them to move to. Similarly, greater assistance is provided for displaced businesses. Moreover, it is provided that this same kind of assistance shall be afforded to individuals, families, and businesses displaced by public housing projects.

The bill before you would extend the federally aided low-rent public housing program so as to permit contracts for about 35,000 additional units. This authorization is consistent with the actual rate at which new units were placed under contract during the past year and with the level of the program over the past decade. This extension of the program is amply supported by pending applications and fully justified by the predictable needs of low income families. It also takes account of displacement by urban renewal and other community improvement programs. That is the least that we can do for those in greatest need of our help.

The housing needs of rural people are recognized more fully in provisions that extend for another year the program of insured loans for rental housing for the elderly in rural areas, and by an additional authorization for the program of direct rural housing loans which has been so successful in improving housing conditions in farm and rural nonfarm areas.

Finally, I come to those provisions of the bill which will strengthen the capabilities of savings and loan institutions to meet the rapidly growing demand for their services. Familiarity with the savings and loan movement of this country over many years has convinced me that these uniquely valuable institutions have reached a point where enlargement of the scope of their operations is clearly justified. I take particular pride in the provisions of this bill which would accomplish this.

Extending the area of operations of a savings and loan institution from 50 to 100 miles is completely consistent with the expansion of our urban centers throughout the country. The effectiveness of these savings and loan institutions will be significantly increased by the provisions which liberalize their investments in leaseholds, in urban renewal housing, and in State corporations, and which permit them to invest in municipal bonds.

This bill is a product of extraordinary bipartisan cooperation in the Committee on Banking and Currency. It was reported by an 18-to-1 vote. I am hopeful that it will receive overwhelming approval by the Members of the House on the same nonpartisan basis.

In closing, I want to pay tribute to the expert handling of this legislation by the gentleman from Alabama [Mr. Rains], who, as chairman of the Housing Subcommittee, has for so long dedicated his great talents to the development of better programs in the housing and urban renewal field. His retirement will mean a loss to this House of one of its ablest Members, and to those of us concerned with housing programs, the loss of an irreplaceable leader. We shall miss him sorely.

Mr. Chairman, I yield to the distinguished gentleman from Alabama, the Honorable Albert Rains, such time as he may consume.

Mr. RAINS. Mr. Chairman, the legislation we are considering today is the first omnibus housing bill brought before the Congress since the enactment of the Housing Act of 1961. Like the Housing Act of 1961, and the housing acts of prior years, it covers a broad range of housing and community development programs and activities. The legislation before us today does not, however, parallel the Housing Act of 1961 in terms of authorizing new programs and initiating new approaches. Rather, its general pattern is to provide a limited, 1-year extension of existing programs, and to couple this with a number of improvements, particularly in FHA and urban renewal operations, on which there appeared to be fairly general agreement.

This pattern was developed with the agreement of both the majority and minority members of the Housing Subcommittee. I cannot too highly praise my good friend, the gentleman from New Jersey [Mr. Widnall], for his cooperation. I know that there are a number of items which he wanted to take up in connection with this legislation but recognizing the urgent need to keep existing programs going and the lateness of the session, he agreed to defer some matters until next year, just as we did on our side.

In our hearings in the Housing Subcommittee we considered the administration bill and the bill introduced by our ranking minority member, the gentleman from New Jersey [Mr. Widnall], and other members on his side. The reported bill, H.R. 12175, includes provisions from both of these measures as well as from other bills before the committee. The subcommittee agreed on these provisions by a unanimous vote of 11 to 0, and the gentleman from New Jersey [Mr. WIDNALL] and I introduced identical bills containing these provisions, and I hope the Members will note that in particular because it has not happened many times. The bill was then considered by the full committee in executive session and reported out without change by the overwhelming bipartisan vote of 18 to 1, with 4 voting "present."

The limited approach taken in the bill now before us does not mean that proposals for new programs have not been made, or that such proposals have not been considered by your committee, or that the committee has necessarily rejected these proposals.

The subcommittee held extensive hearings in which all of these programs and recommendations were carefully examined. I believe that the provisions in this bill have the support of most groups interested in housing—mayors, civic groups, homebuilders and lenders, unions, and others.

Because this bill deals with most of our housing programs, it is necessarily lengthy and complex. All of the provisions are fully explained in the committee report and I will describe only the major provisions.

Title I of the bill would improve the mortgage insurance programs of the Federal Housing Administration in order to make them more workable in their role of encouraging the investment of private funds in the provision and improvement of housing.

Home ownership would be encouraged by the authority provided in the bill for lower downpayments when homes are purchased with FHA-insured mortgages.

The modest reductions that would be made can be of great help in enabling families to get the better homes they need, particularly in the case of larger families.

The bill would also increase the dollar limits on amounts of home mortgages which can be insured by FHA. These changes are needed to enable FHA to serve a broader range of market needs and reflect today's higher costs. The higher limits would make insured mortgages available where they cannot now be used, especially in outlying areas, because increases in construction costs have made houses too expensive to be purchased with an FHA-insured mortgage.

Rental housing better suited for family living would result from changes provided in the bill for computing the maximum amount of an insured rental housing mortgage. Under present law the maximum amount of an insured mortgage financing rental housing is based on a per-room limit.

I may say parenthetically that two or three distinguished gentlemen have shown me an amendment they would propose to the nonprofit nursing home proposal. While the bill provides for 90 percent, I know that several Members would like to make it 100 percent. I am a bit afraid this would take it a little too far; that even in the case of a nonprofit organization there should be made at least a downpayment on the part of the nonprofit organization. Where it is a church group there might be more reason for going higher, perhaps to 95 percent. However, the FHA section on nursing homes has been such a wonderful success I do not want it to be cut too thin because I do not want to do anything to impede such a desirable program.

The bill would make other changes in FHA loan insurance programs. These include putting cooperative housing insurance on a mutual basis the same as the regular FHA sales housing program, and authority for insured supplemental cooperative housing loans to cover resales of memberships in cooperatives.

Title II of the bill would authorize $75 million in additional appropriations for direct loans for housing for the elderly. As the author of this program I take particular pride in it and I believe it is doing a good job of meeting an important and growing need.

For the first time, special assistance for housing for the physically handicapped would be provided by title II of the bill. In general, they would be given the same consideration provided for the elderly. A number of existing housing programs would be made available to provide housing for the handicapped. This would include the programs of the FHA-insured mortgages and direct loans for rental housing for the elderly. In addition, a single low-income person would be made eligible for public housing and individual handicapped persons would be made eligible for the purchase or rental of the FHA section 221 housing for low- or moderate-income families—including the below-market rental housing.

I should like to say for the RECORD, Mr. Chairman, that on this section of the bill very extensive hearings were held. The author is the distinguished gentleman from Ohio [Mr. ASHLEY].

Mr. WESTLAND. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from Washington.

Mr. WESTLAND. The gentleman knows my interest, always, in housing legislation and my general support for it. I wish the gentleman in the well would discuss some of these items that appeared in the press that I have read about FHA foreclosures, that there has been too great an extension of credit in the FHA mortgages. Is this the fault of the legislation itself or is it the fault of the credit reporting companies? What does the gentleman think about this? I would be very much interested in hearing his views.

Mr. RAINS. I would say to the distinguished gentleman that long and extensive hearings were held by the Senate and it was gone into considerably by our committee concerning foreclosures under FHA. The truth is that most of the foreclosures under FHA have been brought about because of shifts of Government installations, Government military projects, or the closing down of certain plants and, in one or two sections of the country, maybe like in Florida, under one of our cheap, low-cost housing programs that was overbuilt. But in the main the inventory of the FHA is looking up and is brighter every day, because, as a matter of fact, the FHA today is selling houses in the inventory faster than any are being foreclosed. The truth is that percentagewise—I will have a little later in the debate the exact figure—percentagewise the FHA foreclosure rate is somewhere around 2 percent, which is not a very alarming rate.

Mr. WESTLAND. Two percent is the emergency foreclosures?

Mr. RAINS. Yes, that is correct. I will be glad to put that into the RECORD. But generally most of the foreclosures have been brought about by those very factors I can mention. I can mention some in my home State. I am pretty sure I know some in the gentleman's State, where it is because of dislocation of people who had available a fine, good loan, but they moved someplace else or lost their jobs.

Mr. WESTLAND. I am pleased the gentleman has discussed this, because these stories have appeared in the press quite often, and they have disturbed me.

Mr. RAINS. I will say to the gentleman further that the fund in the FHA reserve insurance fund is still growing instead of being reduced. The figure is astronomical as to how much actual reserve insurance has been accumulated in the FHA fund. It is around $1 billion.

Mr. WESTLAND. These funds are sometimes returned to the borrower, are they not?

Mr. RAINS. A certain percentage of the funds at pay off event is returned to the buyer in the way of an adjusted payment.

Mr. WESTLAND. You put a bunch in a basket, and if you happen to be in a good group sometimes you get some of your money back?

Mr. RAINS. If you live long enough you get some of your money in the form of a rebate, but the real reason is to show the amount of insurance necessary to take care of the foreclosures we have at the present time. Actually the agency is doing a good job. It is better than it was a few months ago.

Mr. WESTLAND. I thank the gentleman.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from New York.

Mr. MULTER. I think it also should be pointed out that the FHA foreclosures are no different than conventional foreclosures, and are caused by local conditions that prevail generally, and are not due to bad administration. The same facts that affect conventional mortgages affect those of the FHA.

Mr. RAINS. I would be somewhat derelict in my duty if I were not to say that the administration of the FHA as of now is being done exceptionally well, and I think the record will show it.

That leads me, knowing what is coming later, to make a stab against an amendment that is going to be offered by one of my dear friends and colleagues a little later.

We talk about the FHA which is a child and a creature of the Congress of the United States. The operation of it belongs to the Congress and is the duty of the Congress to watch over the FHA—or it should be.

Therefore, that is why we have this bill that at the end of this year the Congress shall have the right to look at the FHA again. In other words, I am frank to say I think the Congress ought to keep under constant surveillance the operation of the FHA. I hope we remember that when a certain committee amendment is offered that the more we stay in touch with them, no matter what the program is, and that is the way I feel about it, the better off we will be.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I yield to the gentleman since I mentioned his amendment.

Mr. OLIVER P. BOLTON. I am sure the gentleman in fairness at this point that the Committee on Appropriations each year appropriates the administrative funds for the FHA and therefore has a chance to review the entire program.

Mr. RAINS. That is absolutely correct. Of course, there are many strong supporters of the FHA who say that the FHA ought to be able to just use its funds on and on without coming back even to the Committee on Appropriations. I do not believe that. Likewise, I do not believe that the authorizing committee should not have the opportunity to look at it every year as well as the Committee on Appropriations. I recognize that fact and I know that there are those who believe that, as a matter of fact.

Title III of the bill deals with urban renewal and urban planning assistance programs.

The slum clearance and urban renewal program, begun by the Housing Act of 1949, has proven to be of tremendous benefit to our towns and cities. It has made possible a direct attack on slums which blight nearly every community of any size in this country.

Last fall the Housing Subcommittee undertook a thorough review and evaluation of this program. This review lead us to conclude that the urban renewal program generally is succeeding. Many of the sore spots of our cities have been converted into healthy, attractive assets to the community. In general, the program is well administered and has been singularly free of graft or misuse of funds or authority.

While I do not intend to get into any individual debate about individual housing or urban renewal projects either here or elsewhere in this country, we have to look at the general overall aspects of the legislation. I want to point out one thing about urban renewal. Constantly, there come to the members of our subcommittee the GAO reports. They are often critical, not only of urban renewal but of every other agency of Government—and well they should be. I read them all. They are actually very helpful. They have been critical of some misjudgments—and there is no doubt about it—in the urban renewal program as they have been critical of some aspects of our military program and every other program that we have, and I wish you would read their reports.

They have said in answer to questions, and I urge you to read the testimony where I asked the question:

> That in all that vast program, and it is a tremendous program in amounts of dollars, not one dollar of corruption or graft or misuse of money have they found.

That is a pretty good record. There is no other agency that can have any better record.

Not only that, and I want this to show in the Record, to my mind one of the keenest hawkeyes among our fellow Members in this Congress is the gentleman from Texas [Mr. Thomas]. Every agency that comes before the Independent Offices Appropriation Committee knows that they have been scrutinized to the *n*th degree when his committee gets through with them. I compliment them for that.

I am sorry our good colleague, the gentleman from Texas, is not here but I want to say he is not too free with compliments to the so-called chiefs of the agencies, if you will read the hearings or if you drop in on the hearings some time. But when he heard the whole story of urban renewal with this nearly $4 billion of expenditures, he said he thought it was fantastic that not a single case of corruption could be found in the administration of this program.

That is a pretty good compliment from a very worthy gentleman.

While, as I say, there have been some mistakes made in the administration of urban renewal, FHA, public housing, and all the programs of the Government, I can say I believe it can be proved beyond peradventure of doubt that whatever is wrong has been the result of bad judgment instead of misuse of funds, which, in a way, is a great compliment.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. RAINS. I am glad to yield to the gentleman from Iowa.

Mr. KYL. The gentleman from Alabama and his subcommittee have tried to solve a serious problem which frequently has resulted from programs of the type of which he is speaking.

This week, within the past few days, a letter came to Members of Congress from the District of Columbia Redevelopment Land Agency. I do not know to what extent this reflects the attitude of such agencies across the country, but I wish to ask a question in this regard.

In the letter we find the statement:

> Even though it is essential that the public housing program be expanded to provide units for eligible families who otherwise must continue to occupy unsatisfactory housing, we do not believe that social progress would be achieved by adoption of a policy of deferring urban renewal projects and other governmental activities until all families eligible for a publicly owned dwelling unit have been relocated into either a public housing unit or a satisfactory, privately owned unit.

Is this the attitude of one agency, or of these agencies generally? Further, is this the philosophy of the committee?

Mr. RAINS. I must admit that I am not conversant with the letter which the gentleman has, but as I understood it, it was said that they should not uproot people by urban renewal and public housing unless full and adequate provision were made to rehouse the people displaced in good housing. Is that what it says?

Mr. KYL. No; the gentleman reads the wrong context in, as I understand the thought. It was expressed in certain quarters that if a group of people had been displaced because of one activity further destruction of homes should not be undertaken until those people had been relocated in suitable public or private housing, or had at least been given an opportunity to be relocated; but this is a denial of that fact when it says:

> We do not believe that social progress would be achieved by adoption of a policy—

Which would secure that.

Mr. RAINS. I can announce the feeling of a committee, I say to the distinguished gentleman, and this bill has given particular emphasis toward trying to achieve it. It is the philosophy of this legislation and of this bill in particular, because we took more than passing pains to do something about it, that in no instance should people be uprooted by urban renewal or any other governmental program unless adequate provision is made for the rehousing of those people in decent, sanitary, and good housing, either public or private housing.

This bill, thanks to my distinguished friend, the gentleman from New Jersey [Mr. Widnall], makes a great deal of effort toward reaching the very problem the gentleman has stated.

Mr. KYL. I thank the gentleman for his response, because I want that in the Record.

Mr. RAINS. I will continue with that thought for a minute. I wish to credit my distinguished colleague, the gentleman from New Jersey [Mr. Widnall], for the leading role he played in the development of the provisions of this bill which authorize the 3 percent direct loan program to enable the owners of property in urban renewal areas to finance needed repairs and rehabilitation. The existing programs designed to stimulate private rehabilitation of property in urban renewal areas have not been successful. I have great confidence that this new 3 percent interest program will make possible the private repair and rehabilitation of a substantial amount of property in urban renewal areas. It will provide a source of financing to those persons who own property in urban renewal areas presently who are unable to undertake the necessary rehabilitation of their property because they cannot obtain loans in sufficient amounts or on terms they can afford.

I ask Members to note this well, because it is a very fine section, in my opinion.

Another important innovation in this bill which we owe largely to the efforts of the gentleman from New Jersey is that which emphasizes the role of code enforcement in urban renewal objectives. In recognition of this, the bill authorizes urban renewal projects which consist entirely or substantially of a program of intensive code enforcement. Thus, it provides that Federal grant assistance shall be available to help pay the cost of enforcing codes in such project areas, and as a corollary, requires that the locality shall be required to increase proportionately its total expenditure for code enforcement.

In further support of these objectives, the bill provides that beginning 3 years hence no workable program, which is a prerequisite for urban renewal assistance, will be approved or recertified unless the locality is carrying out an effective program of housing code enforcement. That is quite a section. Very frankly, this particular section is aimed at putting onto the local authorities the responsibility so after 3 years they cannot qualify unless they have an adequate code enforcement at the local level. Had it been carried out over the long years past, we would not have the slums and blight we now have in the cities of this country.

I compliment my distinguished friend from New Jersey [Mr. WIDNALL] for the good work he has done on that particular section.

Title IV of the bill provides for 35,000 units of public housing. That has always been known as the minimum number of public housing units. I point out in the 1961 act the Congress completely authorized all of the remaining units they would have in the 1949 act, but by a dollar limitation in this bill it is limited to 35,000 units.

Title V of the bill would continue the programs designed to give help to our farm and rural nonfarm families. The program which we set up in 1949 to provide low interest loans to enable rural families to build homes of their own has been one of our most successful. The problem of inadequate housing is just as serious in farm areas as it is in the big cities and these loans from the Farmers Home Administration are doing an outstanding job of overcoming it. The provision in the bill to authorize an additional $150 million for these loans will not meet all of the applications but it will keep the program going for 1 year.

This title would also make 1-year extension of the authority to insure loans on rental housing for the elderly in rural areas.

Title VI of the bill would authorize the Housing and Home Finance Administrator to make matching grants to States to assist them in developing special training programs for technical and professional people who are, or are likely to be, employed by a governmental or public body which has responsibilities for community development. The bill would authorize $10 million to be appropriated. This provision will strengthen State and local government by providing skilled personnel to deal with the problems of our towns and cities.

Federal programs to assist housing and community development involve billions of dollars in Federal expenditures. To a great degree these expenditures are for federally supported local programs managed by employees of State and local governments. Well-trained people at the local level can repay the Federal share of the cost of these training programs many times over in improved efficiency in the use of Federal funds made available for urban renewal, urban planning, waste treatment facilities, highways, and so forth.

Title VII of the bill would make a number of refinements in the Public Facility Loan program to make that program more useful and efficient. In this connection, I would like to note that I have been asked whether or not the language in section 701 of the bill would cover such a project as the proposed Interama in Florida. I can state definitely that it would, and I subscribe wholeheartedly to the colloquy which took place between Senator SPARKMAN and Senator HOLLAND on this point which appears on page 17592 of the RECORD.

Title VII of the bill would also authorize an additional $20 million to be appropriated to carry out the planning advance program. The present authorization has been exhausted.

For the past two decades, under successive authorizations, this program of advances for the planning of public works has provided communities throughout the country with funds that have enabled them in advance of construction to develop the plans for public works and facilities. It is an extremely useful and successful program.

Title VIII of the bill would strengthen our savings and loan institutions to meet the expanding needs of the communities they serve.

They would extend the basic lending area of savings and loan institutions from 50 to 100 miles of the home office; increase the maximum loan on a single, family house by an association from $35,000 to $40,000, and broaden the permissible types of investments which can be made by loan institutions. The bill would, for example, permit a Federal savings and loan association to invest in municipal bonds and increase the maximum home improvement loans by a Federal association from $3,500 to $5,000. The bill would also permit broader investment of public funds in insured savings and loan accounts.

All of these measures would help expand the service and broaden the scope of these invaluable local community institutions, which today constitute by far the largest single source of home mortgage financing, as well as a major channel of savings and investment for the average citizens.

Provisions in title IX of the bill would make two perfecting changes in the secondary market operations of the Federal National Mortgage Association. FNMA now has authority to make up to 80 percent loans on insured or guaranteed mortgages. However, this ratio has proved to be inadequate; and the bill would, therefore, authorize loans for up to 90 percent of value.

Also, the bill would remove the present $20,000 limit on the mortgages which FNMA can purchase under its secondary market operations. This provision is now in effect a second and unnecessary limitation on that program. FNMA has been, and would continue to be, controlled by the ceilings applicable in the various FHA mortgage insurance programs. There is no reason to disqualify for secondary market purchase those few FHA-insured mortgages which exceed the $20,000 limit.

Another provision of this title would increase by $25 million the grant authorization in the open space program which is designed to provide parks and playgrounds in our towns and cities. This program, authorized in the Housing Act of 1961, is now well established and is receiving an increasing volume of applications for assistance in spite of the rather low—20 and 30 percent—level of grants available. The proposed additional funds will carry the program for the coming year.

Other provisions in this title are for the most part designed to meet special local problems caused by limitations in the various housing programs.

The bill, as I have indicated, is a relatively modest bill. Its enactment is essential to the continuation of programs which are vital to our efforts to provide better housing and better communities for all of our people. It will improve those programs and permit continued progress during the coming year while at the same time provide a foundation for consideration of the many important proposals that have been made for new solutions to old problems and new approaches to current and future problems.

May I say to my fellow Members there is much to be done by future Congresses, and in this reference to the future I cannot but conclude with a personal comment. In view of my announced retirement from congressional service, this will be the last housing bill I will be privileged to bring before this body. Over the years I have had the honor to present this legislation to the House I have received the most respectful and responsible consideration and reception from all of my colleagues in this body on both sides of the aisle. The record of those years covers some of the most significant domestic legislation in our history. It is a proud record, and it is your record, not mine. However, I have been honored to perform this role for so many years and I can take deep pride and personal satisfaction in what we have achieved together for the betterment of the people of our country.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, may I first state this: It is a sad day for the House of Representatives when our very esteemed and very distinguished chairman of the Housing Subcommittee [Mr. RAINS] leaves the Halls of Congress. He has been an able and dedicated legislator for many years. He has worked cooperatively with members of the minority. Although we have differed many times on specific things within a housing program, we have had a common objective. We have disagreed violently many times on the way to approach that objective, but he has always been, I would say, a dedicated American who has the trust and there is belief in his own character and his own leadership on both sides of the aisle.

When you leave this House, you will not only have the regrets of the members of the Democratic Party but also those of the minority, the Republican Party. It is going to be a loss to our subcommittee, to the full committee, and to the House because of the distinguished way in which you have represented not just your people but the people of America.

On this bill that we are considering today, I would like to express again my appreciation to the chairman of the fair way in which he has considered the views of the minority and the legislation that we proposed earlier this year.

We have worked hard together and over a period of time to bring in a bill that to me is a bipartisan bill with a common objective. It was reported unanimously by the subcommittee and came out of the full committee, as the gentleman from Alabama, Representative RAINS, has reported, by a vote of 18 to 1, with 4 voting "present" at the time. And I would say not because they were against the bill but because there were some things within the bill that they wanted to look into further before putting themselves on record completely one way or the other.

I am pleased to report to the House today that this bill before us contains provisions offered by the minority which I believe will contribute greatly to the change in direction which we feel is necessary for the urban renewal program to reach its full potential.

First, a new $50 million rehabilitation loan program will be made available to home owners and businessmen. For too long the stress has been on moving people out of an area and seldom returning them to their old neighborhoods after renewal. Although rehabilitation has been an expressed goal of Congress for 10 years the tools of this rehabilitation effort have been lacking. At least this need has been met in part by the new proposed loan program. It is by definition designed to reach those who, due to the marginal nature of their business, their age or their income status are unable to carry the high interest costs of a commercial loan even if they could qualify for credit.

Although the risks are being borne by the Federal Government directly in this program I would suggest that the risks and the costs would be much greater without the program.

The percentage of small businesses who failed when forced to relocate has been much too high and the number of projects favoring rehabilitation instead of forced relocation has been much too low.

I remind my colleagues that this bill is $800 million lower in urban renewal grants than called for by the Administration. I am sure that if the loan program works even half as well as I expect it to the costs in the future will be correspondingly less. With this new tool in mind the committee accepted another suggestion of the minority which would require the Administrator to make an affirmative finding that the goal of a project calling for demolition could not be gained through rehabilitation or some other method of preservation and renewal. This is an additional clear statement of priorities, and hopefully it would require the locality to consider alternative plans rather than whatever is handed them by planners with a bulldozer complex.

Third, a whole new section deals with increased use of code enforcement, another means to lower costs and increase the likelihood of fewer slums and fewer dislocations. The original emphasis on code enforcement and the use of the workable program recertification procedure as a stick for getting local efforts in this direction comes from the minority bill.

I do not believe there is any reason to fear Federal involvement or control—this is, instead, an effort to promote more local responsibility and a lessening of the need for future Federal assistance and involvement.

Attention should be called to the new efforts made to provide relocation assistance to small business, individuals, and families. This is the first time that business has been named in the law as requiring assistance. There is also a provision providing for quick access to awards for property taken regardless of future administrative or court action. This will allow individuals and businesses to have access to cash they are due without having to saddle themselves with borrowing for relocation or the purchase of a new home or business location. And there have been many instances called to the attention of the committee where there has been hardship in this area over the years during which the urban renewal program has been in effect.

Mr. Chairman, there still remains much to be done in the urban renewal program. We have made use of studies by Brown University for the Small Business Administration and reports from various advisory committees on civil rights.

Mr. Chairman, we believe that this is not a substitute, however, for a full investigation by the appropriate committees of Congress.

Mr. Chairman, in the field of compensation for property acquired we believe that the Housing Subcommittee in the future should pay attention to a report which is expected in the fall from the Special Subcommittee on Public Works.

Mr. Chairman, in the final analysis the success or failure of these new approaches rests with the administration of the program at both the Federal and local levels. I do not believe they will take the intent of Congress lightly. Based upon the number of letters received from areas around this country the administration will have ample opportunity to prove its own sincerity in following the intent of Congress with reference to projects now in the planning stage.

Mr. Chairman, this represents only a 1-year extension of these programs. A review of urban renewal next year will give Congress the opportunity to judge the wisdom of its own efforts and the administration thereof by the executive branch.

For the record, Mr. Chairman, I would like to put in these dollar amounts with respect to the housing bill.

On urban renewal grants there is $600 million involved for a 1-year program. The original administration bill requested $1.4 billion for a period of 2 years.

Mr. Chairman, there is $50 million for rehabilitation loans in the new program. Nothing was requested in the administration bill for this purpose.

Mr. Chairman, for the housing demonstration program there is $5 million, exactly the amount requested by the administration.

In farm housing loans, where there appears to be considerable demand and where there is a successful program in being, the committee bill provides $150 million. The administration requested $100 million.

Mr. Chairman, for farm labor housing the committee bill provides no money. The administration bill provided for $75 million.

For housing for the elderly there is $75 million in this program for a continuation of a successful program. The administration bill had no limit.

The urban planning grants carry $30 million. The administration program had no limit.

For the public works planning advances there is the sum of $20 million. There was no limit in the administration bill.

For the open space program there is the amount of $25 million. There was no limit in the administration bill.

For a combined Federal-State training program to train employees of municipalities to understand and work with planning—I am not talking about fellowships and college programs or anything like that, but to train existing employees and those who will be employed by municipalities to understand and to be able to intelligently administer these programs—there is $10 million. The sum of $60 million was requested in the administration bill.

So, Mr. Chairman, the total in this bill is $965 million. The original request was for $1,790 million.

Mr. Chairman, I believe this is a good bill. I believe it has substantial support throughout the United States. So far as I know this is one of the few housing bills that has come to the floor of the House without a major controversy being involved. At least, it is true to my knowledge right up to this moment.

Mr. Chairman, I urge the passage of this bill. I believe it is in the best interest of our country.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I am happy to yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, I would like to thank the gentleman personally for his very fine statement and for the tremendous effort which he has put forth in trying to remove some of the shortcomings of the program in housing, particularly in the field of urban renewal.

Mr. Chairman, the code enforcement and the rehabilitation sections of H.R.

12175 represent a welcome and long-overdue approach to urban renewal. They were taken from the Republican housing bill.

In "The Legislative Analysis of the Housing Act of 1964," S. 3049, and the Republican housing bill which I cosponsored with our distinguished colleague, the ranking minority member of the House Housing Subcommittee [Mr. WIDNALL], the American Enterprise Institute points out that in the Republican housing bill and the administration bill:

> We have two alternatives clearly presented. On the one hand, adherence to the administration proposals would assure continuance of a program largely concerned with relocation of people, demolition of buildings, and rebuilding for occupancy of a more affluent class with land clearance and assembly being financed with the assistance of Federal capital grants. On the other hand, the Widnall bill would be largely concerned with preservation of existing neighborhoods through rehabilitation financed with loans on easy terms made by local agencies from advances by the Federal Government out of a special revolving fund.

The Republican housing bill, providing as it did for code enforcement and rehabilitation to prevent the spread and recurrence of slums was so appealing and persuasive that these provisions have been included with only minor technical changes in the bill, H.R. 12175, which we are considering today.

That a new approach to urban renewal is needed, and that this is recognized by wide sections of the American people, including the members of the House Housing Subcommittee and the House Banking and Currency Committee, is most dramatically shown by the fact that the bill before us today was voted out of the full Banking and Currency Committee 19 to 1.

The criticism of the Federal urban renewal program has been mounting in recent years. In 1961 when this program was before us it carried by only a few votes.

Barrons had this to say on July 27, in a front-page article, after two earlier articles which studied urban renewal in depth:

> In view of its flawed design it could hardly do otherwise. For to cure what is purely a local ill, urban renewal prescribes a Federal remedy. Far from reducing the number of slum dwellers, it has swelled their number. Far from correcting social evils, it has spawned fresh abuses. Most notably it has sought to challenge the wise opinion of Federal Judge E. Barrett Prettyman, that "Government has not an unrestricted power to seize one man's property and sell it to another." Urban renewal is eminent domain—and bureaucratic arrogance—run wild. It's high time Congress called a halt.

There are many things which remain to be done, and Congress and especially the House Housing Subcommittee, should get about the urgent task of investigating the abuses of this program in city after city across the Nation.

Up to now the independent studies are the only ones we have, including the letters which all of us receive, to show how the Federal urban renewal program is working. I would call your attention to this comment by Dr. Basil G. Zimmer, professor of sociology at Brown University, author of an independent study of urban renewal financed by the Small Business Administration. Dr. Zimmer said he felt:

> It is a shame—actually almost a disgrace—that the Federal Government would continue to spend millions of dollars on urban renewal without providing significant funds for objective outside appraisals of the consequences of these programs. There are few problems in modern American society more in need of research.

The National Federation of Independent Business, a nationwide organization of small business and professional men, recently polled its entire membership on my Republican housing bill, and my bills on eminent domain. The members overwhelmingly supported my bills providing for full and just compensation. The House housing bill before us today does not provide full and just compensation, for either homeowners or businessmen. How far it falls short of the constitutional guarantees is shown by the splendid work of the Select Subcommittee on Real Property Acquisition of the House Committee on Public Works. This subcommittee, chaired by the gentleman from Tennessee [Mr. DAVIS] and the ranking minority member of which is the gentleman from New York [Mr. ROBISON], has held hearings around the country, two in Tennessee, three in California, one in Boston, and one in Rhode Island.

However, the House Housing Subcommittee, has not held similar hearings at which the people most affected by this program could testify.

Why not? It is certainly needed, as has been repeatedly shown. Chet Huntley said on September 26, 1963, on the NBC–TV network:

> Urban renewal for the Negro is really Negro removal, because in every urban renewal project in America there has been almost a total displacement of lower income Negro families. All urban renewal does is redistribute the slum, so that Negro families who were living in slum conditions once they've been cleared out, simply move to either an existing slum in another part of the city or create a new slum in a fringe area.

Chet Huntley added that in Washington, D.C., under urban renewal:

> In the last 5 years 13,000 low-income Negro families have been displaced by renewal, and very few have found decent homes.

I was astounded, as I am sure many of you were, by the following statement on page 9 of a letter furnished each Member of this House this week by the District of Columbia Redevelopment Land Agency which, as all of us know, is in charge of urban renewal in the Nation's Capital—surely one of the worst run programs in this Nation. It is this Agency which has built the luxury housing and prime office space in the Southwest Washington urban renewal program and spent $100 million of the taxpayers money in the process.

I now quote from this letter which was signed by Neville Miller, Chairman:

> Even though it is essential that the public housing program be expanded to provide units for eligible families who otherwise must continue to occupy unsatisfactory housing, we do not believe that social progress would be achieved by adoption of a policy of deferring urban renewal projects and other governmental activities until all families eligible for a publicly owned dwelling unit have been relocated into either a public housing unit or a satisfactory, privately owned unit. Such a policy would not assure relocation of those on the waiting list but would halt all urban renewal activity.

This is the Agency, however, which was highly critical of the plank in the Republican platform on urban renewal which declares that:

> Under housing and urban renewal programs, notably in the Nation's Capital, it has created new slums by forcing the poor from their homes to make room for luxury apartments, while neglecting the vital need for adequate relocation assistance.

It is clear that this Agency has an answer for every occasion, just as do the Federal urban renewal officials, particularly William L. Slayton, the Federal Urban Renewal Commissioner.

The Joint Economic Committee of the Congress, in its 1964 Joint Economic Report, states that:

> State and local governments have failed to make maximum use of the enormous potential inherent in the property tax for either the prevention or the cure of poor housing and other blight conditions. In fact, since the tax is based on the value of land and improvements, those who permit their property to deteriorate, reducing area property values, are rewarded with lower property taxes. Landlords who enhance the value of their property have their assessments raised.

The Joint Economic Committee added that:

> We do not undertake to suggest what would be a proper method for a State or local community to tax the property of its citizens. We do recommend, however, that a model, uniform property tax code be drafted which would encourage, rather than discourage, the best economic uses of land.

In conclusion, I would simply like to note that it is becoming increasingly clear that the Federal urban renewal program is in urgent need of far-reaching reforms.

This bill, H.R. 12175, is a major step in the direction of reform, particularly in its code enforcement, relocation, and rehabilitation sections which are greatly indebted to the Republican housing bill.

I think it is most deplorable that we have tended to look to the Federal Government for help in renewing our cities. In looking to the Federal Government, we have neglected to do what we could do at the local level of government.

Too many cities have not taken action to renew themselves, too many have failed to enforce housing codes, and to provide the entirely proper and necessary tax incentives for the private property owner.

For too long our cities have been bound by traditional tax policies which have, first, created slums, and second, perpetuated them by making them more profitable than standard real property.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from New York.

Mr. ROBISON. I would like to commend my friend from New Jersey, Mr.

Chairman, for the leadership which he has brought to this field to help the cause of housing. He really defined the purposes of the urban renewal program, and especially those sections relating to relocation.

The gentleman mentioned the Select Committee on Land Acquisition Problems in the Committee on Public Works, and I am glad to hear him say that because, as a ranking member of the committee under the leadership of the gentleman from Tennessee [Mr. Davis], we have had an opportunity to contribute something in this area. I think the gentleman is aware of the hearings we have held in this field.

Mr. WIDNALL. I thank the gentleman for his contribution.

Mr. ROBISON. Just one other comment. I have no objection to these improvement liberalizations and relocation payments. I think they are good. The only thing I would suggest is that we are putting another patch in the patchwork quilt on this sort of approach to supplementing payments to the fair market value approach. Is it not correct to say that the bill that passed the House recently and is now law actually carries the urban renewal and relocation provision, and insofar as these provisions are concerned it is already obsolete?

Mr. WIDNALL. That is true, but there would be no duplication of payments involved.

Mr. ROBISON. I understand that. The point I am trying to make is that when this select committee makes its full report we hope it will bring together some uniformity of treatment because this has been so unfair to our citizens and so many are affected by this urban program.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from New York.

Mr. FARBSTEIN. I wonder whether the gentleman could tell me if this bill carries any restrictions insofar as the type of rental and cooperative housing is concerned under urban renewal?

Is this restricted to low- and middle-income rental and cooperative housing, or does this also include all types of housing, and by that I mean low, middle, and luxury housing.

Mr. WIDNALL. To the best of my knowledge this does not restrict the present operations. It has improved in many areas of existing law.

Mr. FARBSTEIN. Does the gentleman feel provision should be made in this bill for luxury housing, that the Federal Government should help support by FHA insurance or other means the building of luxury cooperatives or luxury rental houses?

Mr. WIDNALL. There is a clause in the bill that refers to the single-family house which would insure the amounts that can be insured through FHA. I would remind the gentleman that the FHA program has been a profitable program, it has resulted in no cost to the taxpayers of the United States. There is in the insurance fund over $1 billion, and there is a need—at least, it was demonstrated to the committee—for the ability to insure some higher priced housing in the field. This does not involve Government funds.

Mr. FARBSTEIN. Does the gentleman feel that a housing bill of this nature should make provision of any kind for luxury housing? Does not the gentleman feel that private enterprise is well able to take care of the building of luxury houses, whether it is a private apartment rental building, or cooperative, or homes of any kind?

Mr. WIDNALL. The best answer to that is that the committee felt in recent years the cost of construction has materially increased, both the material cost and land cost, to the point where the limit should be increased to give recognition to these costs. I do not think there was any intent on the part of the members of the committee on either side of the aisle to provide for luxury housing, but there is a recognition of increased costs. This is particularly true in the urban areas of some of the great metropolitan cities where land costs are very high today, and also the cost of construction.

Mr. FARBSTEIN. As a matter of policy, does the gentleman take the position in connection with luxury housing in apartment buildings, that the Government should become involved?

Mr. WIDNALL. May I say to the gentleman I certainly feel we should help those in the low- and middle-income brackets. There is no priority given to this. It will provide jobs, it will maintain jobs in some of the high-cost areas.

I know in my own particular congressional district the laboring man there is probably the highest paid construction worker in the housing field in the United States, and the cost has gone up materially in that area.

Mr. MULTER. The FHA insurance program does not insure the luxury house, either rented or sold, whether one or multi-family units. On the other hand, in the renewal program, if the local plan is adopted by the community and approved by the housing agency as contemplated, low-income housing, middle-income housing, and luxury housing are part of the overall trend. In some instances the housing agency has approved that kind of plan. I think that is what the gentleman from New York was referring to. There have been some abuses where apartment houses only have been able to acquire at low cost some of the property acquired to aid slum clearance apartment property. To the extent that some luxury housing does come under the urban renewal plan, I think it is sold off as fast as possible. They are not to operate luxury housing.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from New York.

Mr. FARBSTEIN. Does not the gentleman feel that as a matter of policy any urban renewal building of any nature or description should be restricted to the lower-income housing? Those abuses the gentleman and I know have taken place in the past in this connection.

Mr. MULTER. Let me say to the gentleman from New York that is only by violating the clear intent that has been written into the housing laws all through the years as part of the preamble or in the law itself. It is a violation of that intent to encourage luxury housing as part of these plans. If it is a small part of it, it has a proper place, but there have been too many abuses, they have gotten too much help out of this program. To that extent, I think the agency should stop that from happening. The present intent of the report and the legislation itself is to create more housing for the masses, the middle-income housing and low-income housing.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Washington.

Mr. PELLY. I think the gentleman as well as the House know my constituents have had cause for complaint in regard to the attitude taken in connection with appraisals when they are dislocated by urban renewal projects. I have spoken to the gentleman because of the fact that these individuals do not receive enough money to acquire comparable housing elsewhere. I had hoped maybe the committee would see fit to send their subcommittee around to the areas, such as I have mentioned to look into this matter, because I think it is serious.

Mr. WIDNALL. I know the gentleman has called this to my attention and undoubtedly other Members of the House. This is being suggested for investigation by the subcommittee.

Mr. PELLY. There are some areas where a newspaper article came out and said these people are bulldozing human rights, and that is certainly the way the people feel.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. GROSS. I seem to get the impression from the colloquy between the gentleman from New York [Mr. Farbstein] and the gentleman from New York [Mr. Multer] that the abuses of the luxury housing fund are in New York, that is the city of New York probably. I wonder if this could be true and if that is where most of the violations have taken place?

Mr. WIDNALL. I think in all fairness this has happened in a great many areas throughout the United States. There have been some in New York, I believe, and some right here in Washington, D.C., which you can see as you look out your window.

Mr. GROSS. Then this is more general than I supposed. Would the gentleman expand on that a little as to how much of these funds are going for luxury apartments and luxury housing?

Mr. WIDNALL. The urban renewal funds in this bill do not go to builders to build the buildings. The funds do go to acquire property which is sold to the developers. In that way there can be a subsidy for luxury housing which should not be, and I think I agree with the purpose of the gentleman asking the question—I think we should get back to the original conception of the urban renewal effort on clearing slums and helping those who live in the slums to have a decent home environment and to have a decent home.

Mr. GROSS. The trouble with this is in New York and Washington principally? Is this the way it has been operating?

Mr. WIDNALL. No, there are areas in which this has taken place and the law is so written that it can take place.

Mr. GROSS. But not in New Jersey or Iowa?

Mr. WIDNALL. It is in the law so that it can be done, but it is not the intent of the Congress.

Mr. GROSS. But this is not taking place in New Jersey or Iowa? Is that correct?

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. PIRNIE. I would like first to compliment the gentleman and the committee for this bill and take this time to inquire as to the provision of housing for the elderly. Could the gentleman comment as to the extent of the demand there is for such financing and whether the provision included in this bill is in the opinion of the gentleman adequate?

Mr. WIDNALL. I do not have the figures with me. Perhaps the gentleman from Alabama [Mr. RAINS] or another member of the subcommittee has the figures, but I will obtain the figures later and before we act on this bill, I will answer the gentleman's question in connection with that.

Mr. PIRNIE. I thank the gentleman.

Mr. WIDNALL. I feel that this is a program for which there is a great demand. It seems to be operating satisfactorily at the present time at least, so far as our committee as a subcommittee has been able to find in studying the program.

Mr. PIRNIE. In other words, the demand is being met through this source?

Mr. WIDNALL. The present demand, yes, I believe.

Mr. PIRNIE. That is, the demand as of the present time. I thank the gentleman for the information.

Mr. BARRETT. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I want to take this opportunity to associate myself with the remarks of the gentleman now addressing the Committee of the Whole in the well of the House for his splendid commendation of our retiring chairman.

Mr. Chairman, the bill which we worked out in the Housing Subcommittee and which is now before us is a sound bill and has my wholehearted support. Of course, I will be frank to say that I had hoped that we could include a larger authorization for the urban renewal program and a larger number of low-rent public housing units. However, we had to reckon with the fact that it was late in the session and it was necessary to work out the best bill we could, as quickly as possible. This bill will carry all of our vital programs for housing, urban renewal, and community development for the year to come and, as we all know, there will be major housing legislation next spring.

While this bill does not go as far as some of us would like, it is by no means simply a "barebones" bill.' In addition, to the $600 million authorization for the urban renewal program and the 35,000 new units of public housing, it makes a considerable number of improvements in the housing field. I am particularly pleased that it makes some meaningful progress toward easing the burden on people displaced by urban renewal and other government programs. It does this by providing that a displaced family will have its rent paid for the first 3 months in the new quarters. This will help them get a good start in better housing. Also, displaced small business firms will receive an outright payment of $1,000 in addition to present moving expense payments to help them get a new start.

The bill also has a very valuable provision to help handicapped people. In general, the handicapped would get the same special provisions under existing programs which are now available to the elderly. This includes the low-interest direct loans for rental and cooperative housing.

The provisions of this bill will help cities throughout the country and I know that Philadelphia will benefit greatly. The urban renewal program, along with the mass transit program enacted earlier this year, can contribute much toward making Philadelphia an ever better place to live and work.

In Philadelphia, blight that was threatening to engulf large sections of the city has been arrested, and a program launched to rehabilitate these areas. Hopeless slums have come down. New buildings—residential, business, and commercial—are rising on the cleared sites. In deteriorating neighborhoods where rehabilitation is feasible, old but sound structures have been upgraded and general neighborhood improvements instituted. Historic landmarks have been restored.

These activities have all given new life and beauty to the city. And areas and neighborhoods which paid little in taxes, have been turned into tax assets. Mayor Tate recently reported that the increase in tax ratables through urban renewal exceeds the assessments removed through redevelopment activity.

As we know, communities that participate in the Federal aid programs make substantial contributions toward their cost. But private enterprise and local government cannot finance the job by themselves. Federal financial aid is essential.

We have made progress, but there is still much to be done—in Philadelphia and in the other cities of the Nation. Millions of people still live in slums. Millions live in housing that is inadequate. Over a half million families need decent low-rent housing. In summary, we have still to redeem the 1949 Housing Act pledge of "a decent home in a decent neighborhood for every American family." This 1964 Housing Act is another step toward the redemption of that pledge. I earnestly urge its enactment.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Texas.

Mr. DOWDY. In regard to some of the questions asked a while ago, and I have forgotten just who asked the questions, but right here in the District of Columbia about which I have more information than about other areas, thus far in 14 or 15 years under the urban renewal program there has not yet been built under the urban renewal program a single unit of low-cost or middle-income housing. I thought that information might be of interest. I have a great number of letters in my office for any gentleman in the House who cares to see them, and I have some from the gentleman's own State. I have some from every State in the Union including New Jersey about what people think about the urban renewal program in their areas. I would be glad for them to see any of these statements that the gentleman wishes to see.

Mr. WIDNALL. In conclusion, I would like to remind the Members that this bill does not include District of Columbia urban renewal. That is handled through the District of Columbia Committee. It does not come out of our committee.

Mr. BETTS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from Ohio.

Mr. BETTS. Mr. Chairman, I ask unanimous consent that the gentlewoman from Ohio [Mrs. FRANCES P. BOLTON] may extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. FRANCES P. BOLTON. Mr. Chairman, as you and other Members of the House know, I have always supported legislation that would bring improved housing to the people of our country. I am particularly interested in the bill that is before the House today, and want to state that if I were present I would vote for this housing bill. I deeply regret that unforeseen circumstances make it necessary for me to be out of Washington when this vote is taken.

Mr. PATMAN. Mr. Chairman, I yield 10 minutes to the distinguished majority leader of the House, the gentleman from Oklahoma, the Honorable CARL ALBERT.

Mr. ALBERT. Mr. Chairman, I rise in support of this bill.

This is legislation of a high order of importance. It comes to us as a bipartisan measure, the result of intensive study by the Subcommittee on Housing of all phases of the Government's role in housing and community development. It is my understanding that it was approved by the subcommittee unanimously, and by the full Banking and Currency Committee with only one dissenting vote.

This is an omnibus bill in the sense that it deals in comprehensive fashion with programs of housing, urban renewal and planning, and community facilities. It is nevertheless a moderate bill in that it is addressed to the needs of only a 12-month period. It is mainly concerned with the improvement of programs previously authorized.

Though moderate and limited, the Housing Act of 1964 is nevertheless essential to the vital interests of our people and our communities. A number of our most important programs in the field of urban renewal and housing cannot go forward without the additional authorizations provided in this legislation. Once given this extension, they can proceed with still greater effectiveness than in the past.

At this time I wish to express my admiration for the remarkable cooperation among both majority and minority members of the Banking and Currency Committee in developing this legislation. The distinguished chairman of the subcommittee the gentleman from Alabama [Mr. RAINS] is recognized as a foremost authority in the subject matter of this bill. He is no less recognized for his expertise than for his fairmindedness and diplomacy.

The ranking minority members, the gentleman from New Jersey [Mr. WIDNALL], abjuring partisanship, has provided statesmanlike leadership in seeking a consensus in support of a sound bill to present to this body. We all know also the deep interest which the distinguished chairman of the Banking and Currency Committee, the gentleman from Texas [Mr. PATMAN] has taken in this field of legislation over many, many years. This bill is still further evidence of the quality of his leadership.

To those who might wish that this bill were bolder in its innovations and dealt more directly with some of the great predictable problems of the future, I say that these things should come at their proper time. We are dealing now with the problems of today and the immediate future. The broader measures that have been proposed for some of the great emerging problems have not been rejected and will not be forgotten. It is a safe prediction that this body, next year and in the years to come, will be asked to do all those things which need to be done to enable our Federal Government to discharge its responsibilities in the housing and urban field.

The bill's major features are as follows:

Title I of the bill would permit lower downpayments and higher mortgage amounts on FHA sales housing and would provide additional protection against foreclosure for FHA homeowners.

Title II would authorize additional funds for low interest direct loans for rental housing for the elderly, and would provide new housing aids for the handicapped.

Title III would, first, authorize an additional $600 million for grants under the urban renewal program; second, tighten the urban renewal program requirements to encourage more rehabilitation and code enforcement; third, provide a new program of rehabilitation loans to aid homeowners and businesses in urban renewal areas to improve their properties; and fourth, tighten relocation requirements and provide additional relocation benefits to displaced businesses, nonprofit organizations, individuals, and families.

Title IV would authorize 35,000 additional units of low-rent public housing.

Title V would authorize an additional $150 million for direct loans under the rural housing program administered by the Farmers Home Administration.

Title VI would authorize a limited grant program to encourage on-the-job training and short-term courses of instruction to provide the skills needed for local administration of urban programs.

Title VII would provide an additional $20 million for the public works planning advance program.

Title VIII would broaden the investment authority of savings and loan associations.

Title IX would provide an additional $25 million for grants for the open space—parks and playgrounds—program.

I must comment on one saddening aspect of the task before us today. This is the last such bill that will be brought to us through the efforts of the present great chairman of the Housing Subcommittee. His leadership in the field of housing and urban legislation has resulted in the enactment of some of the most significant domestic legislation in the history of the United States. In this body he is the recognized authority on the subject, having been a member of the Banking and Currency Committee since 1945 and chairman of its Subcommittee on Housing since 1955. During almost every year since he became a member of the Banking and Currency Committee, comprehensive legislation has been enacted covering the many aspects of housing and home financing. An omnibus housing bill was enacted each year from 1948 through 1959. A major comprehensive housing bill was enacted in 1961, a Senior Citizens Housing Act was enacted in 1962, and the Urban Mass Transportation Act of 1964 was enacted last month. The gentleman from Alabama has dealt with the needs of both rural and urban dwellers throughout the Nation, and with the needs of our cities for community facilities, urban renewal, planning and housing for low-income families. In addition to his important role in early legislation, beginning with the Housing Act of 1955 the gentleman's subcommittee handled all of the large and complex housing bills, and he personally managed each of these bills, save one, on the floor. The modern day demand for new Federal housing programs—student and faculty housing on college campuses, housing for the elderly, those displaced by governmental action, and other moderate-income families requiring special financial measures to bring housing within their means, all have been handled by the able and dedicated gentleman from Alabama. His loss after so many years of extraordinary service to the people of his State and to the Nation is a loss we can hardly sustain. It is typical of his entire career that the bill he brings us now is one of such constructive purpose and of such high technical quality, thoroughly considered, and enjoying broad bipartisan support. The gentleman from Alabama is one of the great Americans of our generation. He is truly one of the great Congressman of all time.

Mr. HOLIFIELD. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 223]

Alger
Auchincloss
Baring
Bolton, Frances P.
Buckley
Burton, Utah
Cameron
Cohelan
Cooley
Davis, Tenn.
Diggs
Dingell
Edwards
Evins
Flynt
Giaimo
Gill
Griffin
Hagan, Ga.
Haley
Hanna
Harsha
Harvey, Mich.
Hays
Healey
Hébert
Hoffman
Jones, Ala.
King, Calif.
Landrum
Lankford
Lesinski
Lloyd
Mailliard
Mathias
Miller, N.Y.
Morrison
Nedzi
Olson, Minn.
Passman
Pillion
Powell
Rivers, Alaska
Ryan, Mich.
Scott
Selden
Senner
Sheppard
Shipley
Springer
Staebler
Teague, Tex.
Thompson, La.
Toll
Willis
Wilson, Charles H.
Winstead

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. KEOGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 12175, and finding itself without a quorum, he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, at this time may I yield such time as she may require to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Chairman, the Housing Act of 1964 is legislation which deserves the support of all our colleagues, on both sides of the aisle. It is a modest bill but a highly constructive one. It would provide new life and funds for a number of very important housing programs but it would also adopt significant reforms, especially in the urban renewal program.

It is a product of compromise in the best sense of the word—the adjustment of differences between responsible legislators who want to continue and improve government programs of great importance to people and to the economy. A measure of the success of this compromise effort is the fact that the Housing Subcommittee reported the bill to the full Banking and Currency Committee without a single dissenting vote while the full committee reported the bill favorably by a vote of 18 to 1 with 4 members voting present.

Major credit for this achievement must be shared by the chairman and ranking minority member of the Housing Subcommittee, the gentleman from Alabama, Congressman RAINS, and the gentleman from New Jersey, Congressman WIDNALL, respectively, who are chiefly responsible for producing the compromise bill. As a member of the subcommittee and a cosponsor with the gentleman from New Jersey, Congressman WIDNALL, of the Republican housing bill, I am especially pleased that the compromise bill contains several important features of our earlier bill.

The committee bill is notable, too, Mr. Chairman, for what it has left out. It was the committee's judgment—in light of the questions raised during the hearings and the absence of totally convincing testimony—that several new administration proposals should be omitted from this year's bill. These included the proposal for a new FHA insurance program for subdivision development and the development of new satellite communities.

In addition to the extension of existing programs and the authorization of necessary new funds, generally for a 1-year period, the committee bill includes several provisions of special interest or importance. For example, the bill would increase the dollar limits on the amounts of home mortgages insured by the FHA, thus reflecting the higher average cost of home building and the increasing number of people buying houses for growing families and in higher cost areas. It would also encourage the private rehabilitation of older residential areas by liberalizing the standards by which the FHA determines whether to insure home improvement loans. Under existing standards, insured home improvement loans in the so-called gray areas of a community are virtually impossible to obtain—an ironic situation which helps defeat the supposed objectives of our overall housing program and serves only to assure further need for public urban renewal activities.

The committee has taken a significant further step, Mr. Chairman, in its continuing effort to reduce the number of foreclosures on FHA-insured mortgages and help people save their homes when temporary misfortune causes them to default on their mortgage payments. In 1959, our committee encouraged lenders to hold off foreclosure in worthy cases by assuring them that they would not lose interest on defaulted payments, and we authorized the Commissioner of the FHA to acquire mortgages as a last resort when lenders refused to cooperate in avoiding foreclosures. The pending bill moves further in this direction by providing additional authority to the FHA Commissioner to protect the interests of lenders when they agree to exercise forbearance and to provide assistance to mortgagors who want to save their homes but are faced with foreclosure through no fault of their own.

One of the most successful programs in the field of housing has been housing for the elderly, including the program of direct loans to private nonprofit corporations and consumer cooperatives to provide housing for older persons who are ineligible for public housing but unable to afford decent housing in the local private market. Since the existing $275 million authorization for the revolving fund will shortly be exhausted, this bill would authorize an additional $75 million for loan purposes and thus would keep the program alive until Congress can review the situation again next year.

In the related section 221 program, the committee proposes to make individual elderly persons who are 62 or older eligible to occupy or purchase special low-interest FHA-insured housing, providing they meet the same low- or moderate-income qualifications which apply to families under the present law.

The committee bill would also broaden the existing housing for the elderly programs to include the same types of assistance for handicapped families or individuals whose impairments substantially impede their ability to live independently and for whom more suitable housing would improve their ability to live independently. The situation of handicapped persons is very similar to that of elderly persons and the demonstrated success of the housing programs in question in meeting the particular needs of older people strongly suggests they would serve equally well the needs of the handicapped.

Of all its features, Mr. Chairman, this bill's urban renewal provisions may be of the greatest consequence. Few would disagree with the basic purpose of the slum clearance and urban renewal program—that is, to help our centers of population wipe out the slums that breed disease and delinquency and perpetuate poverty, and to help restore cities as decent places in which to live and work. But in the view of many of us, the actual functioning of urban renewal has too often departed from its fundamental objectives.

We have strongly criticized the overreliance on bulldozer techniques as opposed to more selective clearance and greater emphasis on rehabilitation of existing structures. We have objected to the replacement of residential housing with high-cost commercial construction which has tended to create new slum conditions elsewhere and magnify problems of dislocation. We have expressed concern at the sometimes inadequate arrangements for helping the people and small businesses who are displaced by urban renewal. And, in general, we have insisted that the human element in urban renewal should not be sacrificed to business and economic considerations.

Many of our criticisms and objectives were reduced to legislative form when minority members of the Housing Subcommittee introduced our alternative bill, shortly before the administration sent its recommended legislation to the Congress. The subcommittee's earlier investigation of the urban renewal program and the testimony we received during hearings on the housing bill confirmed the validity of our approach and demonstrated the need for the reforms we proposed. In reporting out the present compromise bill, Mr. Chairman, the full committee has, in effect, agreed with its minority's position and a number of our recommendations are included in the bill.

Among them, the bill would prohibit approval of an urban renewal project involving the demolition or removal of buildings unless the Administrator of HHFA determines that the objectives of the urban renewal plan could not be achieved. As the committee report points out:

> Extensive clearance and redevelopment of an urban renewal area should not be undertaken unless it is clear that the objectives of the urban renewal plan cannot be achieved by less costly and less drastic procedures.

We trust that the Administrator, in implementing this provision, will take an active interest in encouraging greater use of rehabilitation in urban renewal project areas and refuse to make the new requirement a merely token one.

In a related provision, the committee has given real substance to the minority's insistence on greater use of rehabilitation by authorizing a new program of low-interest loans to owners and tenants of residences or business property in urban renewal areas to help finance the rehabilitation required for code enforcement purposes or for conformity with the urban renewal plan. Rehabilitation has long been recognized as one of the potentially most valuable tools in helping to make our communities more livable. This provision of our bill will help make the financing of rehabilitation—which has been the great stumbling block—a great deal more practicable, and therefore make an important contribution toward saving property which otherwise would deteriorate into hopeless slums.

Another provision of the bill would authorize the Administrator to offer local governments technical and professional assistance in the development of self-help programs including self-liquidating redevelopment projects and rehabilitation projects which involve no Federal financial assistance. Here, too, energetic and imaginative leadership on the part of the Administrator could transform the new authority into a really effective and creative device, not to speak of an economical one.

In the same vein, the committee bill would authorize a new kind of urban renewal project, one which would consist entirely or substantially of intensive code enforcement in an urban renewal area. This would be preventive urban renewal of the most constructive sort, designed to prevent slums and blight before deterioration has had an opportunity to take hold in an area. The committee, in its report, has made its intention perfectly clear by stating its expectation that the Administrator will see that the code enforcement effort is, in effect, proportionate to the effort for clearance and redevelopment or for rehabilitation and conservation projects.

Taken together, Mr. Chairman, these several reform provisions should help make possible in the future a substantial reduction in the need for urban renewal capital grant funds to carry out expensive slum clearance projects. The old aphorism that an ounce of prevention is worth a pound of cure is particularly true in the area of urban renewal.

In a related matter, the committee also endorsed the position of its minority by refusing to accept an administration recommendation that the proportion of capital grant funds which can be used for nonresidential urban renewal projects be increased from the present 30 percent to 35 percent. The committee has thus made it clear it intends that the urban renewal program be employed primarily for purposes of improving residential opportunities in our communities.

One of the most constructive aspects of this bill, Mr. Chairman, is the attention it gives to the problems of people, including owners, tenants, and small businessmen who are displaced by urban renewal projects. The bill would increase relocation payments to a more realistic level and would insure that adequate housing for displaceees is made available and that effective assistance is provided families and individuals in finding such housing. These provisions implement the concern many of us have expressed at the frequent examples of serious hardship resulting from displacement.

I also want to mention, Mr. Chairman, that the bill includes a provision which I have proposed, in carrying out a recommendation of the Advisory Commission on Intergovernmental Relations, that all counties, regardless of population, be made eligible for urban planning assistance under section 701 of the Housing Act.

At present, the law restricts such assistance to counties with a population of 50,000 or less, and experience has shown that this has deprived suburban areas in particular of the help they need to meet their serious planning needs.

I have mentioned these several provisions in the housing bill to indicate my conviction that the real significance of this legislation lies not so much in the extension of existing housing programs but rather in the attention it gives to the need for reforming the programs in light of the convincing experience we have had. This bill will make our housing programs more humane and more effective and place much greater emphasis on prevention of slums and blight than has ever been the case before. We can expect important dividends as a result.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. Oliver P. Bolton].

Mr. OLIVER P. BOLTON. Mr. Chairman and members of the Committee, in beginning my remarks may I join with our other colleagues in paying tribute to the distinguished gentleman from Alabama [Mr. Rains]. It has not been my privilege to serve on the Housing Subcommittee, but in all dealings that I have had with him in committee, he has not only been courteous to me, but he has been considerate, has gone out of his way not only to explain the reasons behind the propositions we were considering but to work with me and with other members in the committee in solving the problems that bothered us about various pieces of legislation which came before the committee.

His leadership and his knowledge will be greatly missed by all Members of this House, but particularly by the members of the Committee on Banking and Currency. But may I say in addition to that that the Members who are here next year, and thereafter, will miss not only that knowledge but also the man himself for the friendship and character that he has brought to all his work here in the House of Representatives.

May I say that there will be some in this body who will, perhaps, be surprised to hear me say I am in support of this bill. If they remember the argument and the discussions which we had on the mass transit bill, I pointed out very clearly that I did not believe that many of the problems which we were handling not only in this bill but also in the mass transit bill should have the priorities and the financing and the direction of them set at the Federal level; that it was the responsibility of the Federal Government to make sure that the States and local governments had the funds—and, yes, the incentive—to take care of these programs; but that the priorities and planning for a direction of them should be done at a local level.

Nevertheless, I do agree with the objective of many of the things this bill tries to accomplish and that many of the programs deal with problems which we need to tackle in this country. Therefore, inasmuch as it is not within my ability to change the mechanics or the way in which this program is organized and financed, and because these programs are in existence and have accomplished much and they would die if the bill is not enacted, I find myself in support of it.

Nevertheless, there are certain sections of the legislation which I should like to call to the Committee's attention, and I shall offer an amendment under the 5-minute rule to change one section.

What would that amendment do? I point out to the Committee that under the bill as it is written the Federal Housing Agency and its power to insure loans and mortgages will cease as of October 1 next year. After that date it would be unable to make further commitments for loan guarantees unless this House enacts an additional housing bill prior to that time, or takes some legislative action.

I point out to the members of the Committee the serious situation which this is going to create in the housing industry. As my letter to each Member of the House indicated, the financing of the housing business must be done ahead of time. Those companies which are engaged in the loaning business in the real estate field must plan their commitments well in advance.

It may be said to me that the FHA has been in existence for many years, that certainly this Congress will renew its authority, that certainly this Congress wants the FHA program, and that next year Congress will renew the authority and extend it beyond next October; but I ask any Member of this House, "Can you say, assuredly, that this House will consider a housing bill before next October?" If we look at the history of housing bills, they have generally come up at the end of a session. In addition, as has been indicated in the colloquy here up to this point, there are points under the housing bill which members of the Housing Subcommittee desire to investigate in the field.

This will take time and that time will work against a timely extension of FHA. I say to you that no loaning institution can commit funds beyond October 1 or plan upon committing funds beyond October 1, because they cannot be sure, legally sure, that they will be able to insure any such program.

Let me point out to you that if you are thinking in terms of multifamily programs or large programs asking for insurance, it will be impossible to start any program after the spring of the year and to start planning on it, because time will not premit to get a commitment and to get the plans approved and the planning done and then get an FHA commitment before the 1st of October.

I say to you it is my opinion that if we are going to continue the FHA program in a sensible, even way, if we do not wish to create a crisis in the housing business, then this is the time for action. Do not wait until next year. Why? Again because of the time lag, because of the necessary planning ahead and the commitments ahead that must be made, and planning on applying for FHA guarantees that must be made.

Let me say this: What does the amendment do? It adopts the language which this House adopted in the 1961 housing bill, which was recommended by the Subcommittee on Housing, which came to this House and was adopted by this House and then was stricken in conference and changed for a date which was then 4 years ahead. What does it do? In effect it creates a rollover, setting as October 1 the dollar limit of commitment which FHA can make and thereafter permitting FHA to make further guarantees only as their commitments are either canceled or paid back.

The question has been raised does this take the program out of the control of the Congress? No, it does not. Why? First, because the Committee on Appropriations appropriates the funds for the running of this program every year. Does it take control out of the authorizing committee, the Committee on Banking and Currency? No, it does not. Why? All it says is that we in the Congress want FHA to continue, that we in the Congress do not want to do anything at this time with private housing on a decline to create a situation which could well cause a crisis in the housing business next year. No, it does not take it out of the purview of the Committee on Banking and Currency, but, rather, it merely says to the industry this is going to continue; and if we wish to expand it, if we wish to change it, this is always within the purview of the committee and can be handled if the housing bill is passed next year.

Mr. O'HARA of Michigan. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. Bass). The Chair will count. [After counting.]

One hundred and twenty-two Members are present, a quorum.

Mr. OLIVER P. BOLTON. The point has also been made about this amendment that this in actuality is a 1-year bill, a 1-year continuation, and therefore why not just have a cutoff date for FHA, too, which would be continued in the housing bill?

I would point out that this bill does not cut off urban renewal or public housing operations at the end of the year. It does put a time limit on expenditures. It does not, however, put a time limit on the taking of applications, the processing of applications, or the setting of priorities of applications pending the grant of further funds by the Congress.

I urge serious consideration of this amendment. Let us not let FHA down now.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Multer].

Mr. MULTER. Mr. Chairman, I shall not presume upon the time of the Members to elaborate upon the already detailed explanations that have been made of this housing bill that is before us. I think the bill is a good bill, as you have already heard. I think the House will adopt the committee's recommendations and pass it.

I do want to take time, however, to reemphasize some of the things that have been said about our very distinguished colleague, the gentleman from Alabama [Mr. Rains]. I believe that this piece of legislation, H.R. 12175, will be one more legislative monument to a truly great statesman. This is a man who is a gentleman in every possible interpretation of the word; a great scholar, a diplomat, and a legislator who will long be remembered in this House.

When I first came to the House in 1947 he was already a senior member of the Banking and Currency Committee which I joined that year. But more than a senior member, he was a top member, so far as the respect and esteem of his colleagues was concerned, not only on the committee but in all of the House.

I dare say that there is more than one very good piece of legislation that would have been lost in committee and on the floor were it not for the statesmanship of this great man. He has done a yeomanlike job in all these undertakings, with respect for all views, no matter how strongly he might have differed with them. He reconciled differences of opinion that seemed irreconcilable. He will be sorely missed by his colleagues on the committee and in the House.

I want to echo all that has been said by the Members who have preceded me and by our distinguished majority leader.

Albert, you will be sorely missed here. We wish you well in all that you undertake in the years ahead and we know what you have done in your years of service will always be a landmark to those who will try to follow, as good legislators do, your fine example in representing not only their constituents but the entire country in bringing to it the finest legislation that we in the Congress can give to them.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. Kilburn].

Mr. KILBURN. Mr. Chairman, I would just like to say first that I cannot take the time to tell the House what I think of the gentleman from Alabama, Al Rains. We all know about him. He happens to be not just an esteemed colleague but a very close friend of mine.

Mr. Chairman, in my opinion the amendment which will be offered by the gentleman from Ohio [Mr. Oliver P. Bolton] is a good one. I just want to take a minute to tell the committee that I am going to vote against the bill. I voted against the bill in the committee.

Mr. Chairman, I do believe that the subcommittee tried its best to draft a good bill and to bring it to the floor of the House. I believe it has done a better job in this instance than it did in the past on some of the big bills that have come out. Nevertheless, it does have a great many grants on urban renewal and it has 35,000 units of public housing. For that reason I am going to vote against the bill.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. McDade].

Mr. McDADE. Mr. Chairman, I am happy to rise in support of this bill and to urge its passage.

Mr. Chairman, before commenting on the bill I should like to express my appreciation for the privilege of having worked with the distinguished and able gentleman from Alabama [Mr. Rains], chairman of the Subcommittee on Housing, during the past 2 years. His retirement will be a loss to the Congress and the Nation, yet no man will quarrel with his decision to seek a few hours of leisure away from public pressure in view of the tremendous service which he has rendered.

The bill before us today represents conscientious effort on the part of all members on the Housing Subcommittee, Republicans and Democrats alike, to generate a meaningful new Housing Act. So much time has been spent in the discussion of this bill and so much achieved by way of a temperate and unemotional view of its provisions that I am proud to support all nine titles.

Certain sections of the bill I think are worthy of your special attention. Under a provision in title I of the bill an amendment would be inserted to modify all the present FHA multifamily programs. This is done for purposes of substituting the present "dollar limit per room" on the maximum amount of an insured mortgage. A new concept based on the number of family units in the project with dollar limit on the units varying with the number of bedrooms in each unit would be substituted.

Under the old room count standard, the legislation placed the emphasis on an architect's plans which would include the largest number of rooms to obtain the highest possible mortgage amount. This resulted in the obvious distortion of seeking only to have the highest number of rooms whether they be needed or not. In this change in the legislation we see a shift in emphasis to insure the development of more livable family units without regard to artificial and oftimes confusing standards. Additionally, title I amends section 203(k) of the National Housing Act. This section provided an FHA insurance program for home improvement loans for properties located outside urban renewal areas. Its purpose was and is enabling the homeowner to make an improvement to his property without refinancing his existing mortgage. This more feasible method of financing is to prevent the onset of decay or blight in a neighborhood which might well result otherwise in the necessity of a complete urban renewal project.

Under the act of 1961 however, the Commissioner had to determine that the property to be improved was economically sound. The standard used here is the same standard which a property in a neighborhood must meet in order to secure new FHA-insured home mortgages. It is the opinion of the committee, in which I concur, that this standard is too inflexible and that a good program designed to save the taxpayers money is thereby frustrated. As a result, this section of the act would be amended and a new standard, the accepted-risk program, would be substituted.

While there is no guarantee that this new standard will be fully effective, past experience has shown this program can best be implemented through a revision in the law governing the Commissioner's decision. It is to be hoped that this program will provide a substantial saving to the taxpayers of the Nation.

Closely allied to this concept is a bold new program in title III which would deal with properties located in urban renewal areas. Under this section $50 million of low-interest loans would be authorized. The loans would be available to owners or tenants of homes or business properties.

The purpose would be to finance the rehabilitation which might be necessary to make the properties previously referred to conform to code requirements of a municipality or carry out the long-range objectives of an urban renewal plan. This much needed program will fill a void comparable to the one which, in my opinion, existed for FHA-insured home improvement loans mentioned previously, where the same situation existed by analogy. In some proposed urban renewal areas there are properties which exist and are in such structural shape they are not suitable fare for the bulldozer or wrecking cranes. Through this program of low-interest loans we can also hope to save the taxpayers considerable moneys by avoiding the necessity of full-scale urban renewal projects or the waste of Federal tax dollars in unnecessary projects of reclaiming such structurally sound buildings. Both these programs especially merit your attention.

I am pleased to support this legislation.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri [Mrs. Sullivan].

Mrs. SULLIVAN. Mr. Chairman, I have served on the Housing Subcommittee for 10 years. The chairman during all of that period has been the distinguished and greatly respected gentleman from Alabama, one of the ablest legislators it has been my privilege to know. He has made it a real pleasure, as well as a source of great satisfaction, to serve on the Subcommittee on Housing. We have all admired his tremendous grasp of the complex laws in this field, and his remarkable ability for explaining the complexities to the House during debate on our legislation. The gentleman from Alabama [Mr. Rains] is the kind of gentleman and public servant that Alabama—or any State—could be proud of. I am sorry that he is retiring from Congress, for we who have had his strong leadership on housing legislation, and his wise counsel on other issues coming before the Committee on Banking and Currency, will sorely miss his judgment and insight on these matters. I want to take this opportunity—as we debate the final one of a long series of outstanding housing bills written chiefly by the gentleman from Alabama, Albert Rains, as chairman of the Subcommittee on Housing—to express here on the House floor my gratitude for what he has done for the lower-income and moderate-income families of this country in helping them to obtain decent housing at costs within their means. This job is far from done. It is a battle far from won. But the gentleman from Alabama, Albert Rains, has been a great architect in the design of a structure of laws which will mean better housing for all citizens, and new life and freedom from blight for our cities and rural areas.

There is nothing I could add to the fine presentation made here today by the gentleman from Alabama, Chairman Rains, on the provisions of the new Housing bill. There are features in it which will help millions of American families, from the very poor, to the middle-income family buying a $30,000 home. It will help our cities to continue the battle against blight, slums and strangulation. It provides new machinery for solving the terribly serious problems of dislocation and hardship suffered by those who must move from urban renewal areas.

In this respect, the bill establishes a better approach to an extremely important need—the need for human redevelopment to go hand in hand with urban redevelopment. This was the basic concern of a speech which I delivered a month ago, prior to committee action on the new housing bill, when I addressed the Southwest Regional Convention of the National Association of Housing and Redevelopment Officials.

Mr. Chairman, under unanimous consent previously granted in the House, I submit at this point in my remarks the text of my talk at the NAHRO convention, because I think it places in perspective the scope of the problems this bill seeks to help solve, and also sets out some of the things we in the cities are doing on our own to provide help to so many of those mired deep not only in the slums of tenement districts but in the slums of the human spirit.

The President's war on poverty bill, which Congress has just passed in final form this week, provides another avenue to the solution of these problems, as do the Vocational Educational Act, the food stamp bill, the tax cut bill, and now this housing bill, to name a few of our major achievements in this Congress.

The speech referred to is as follows:

Remarks by Congresswoman Leonor K. Sullivan at Luncheon Meeting of Southwest Regional Convention, National Association of Housing and Redevelopment Officials, Chase Hotel, St. Louis, Mo., Tuesday, July 14, 1964

I am delighted to be able to participate in this regional conference—for a great many personal, as well as official reasons—and I think it was most thoughtful of the Republican Party to schedule their national convention this week so that Congress would not be in session and I could be here in St. Louis. As a rule, I do not leave Capitol Hill even for a luncheon in downtown Washington, when the House is in session—no matter how minor the business before the House might appear to be on a particular day—so it would have been unlikely for me to be here if we were not in recess right now.

Now that I am here, there are several courses of action open to me. As a native, all-my-life St. Louisan, I could welcome you to my hometown and express the hope that you are enjoying your stay here. But I hardly think that is necessary, in view of the fact that the convention is already 3 days old and you have been appropriately welcomed by the mayor and other officials and civic leaders. Moreover, I cannot imagine how a group such as this could possibly fail to have a wonderful time in St. Louis, and I am just going to assume you have enjoyed every minute of your stay.

Well, then, I could tell you all about the great achievements of St. Louis—and the problems, too—in housing and in redevelopment. But you have seen our handiwork in housing and redevelopment and you know it is good. And the problems here are not too different from those all of you encounter in your own communities.

Should I then outline for you what the Congress will, or might, do about housing and urban renewal legislation in this amazing session which has been writing legislative history so dramatically in so many new directions? You have already had the opportunity to hear, at your banquet last night, from the one person who knows more about housing and related legislation than any other single Member of Congress—my chairman on the Subcommittee on Housing of the House Committee on Banking and Currency—Congressman Albert Rains. His wisdom and legislative skill have been primarily responsible for the far-reaching improvements made by Congress in the past decade in the legislation which is remaking our cities and towns, and making them better places in which to live and to work than they have been in many years. No, it would be unnecessary for me to try to cover that same ground.

This is my 10th year—out of a dozen spent in the Congress—in which I have served on the Housing Subcommittee. In all of that time, Congressman Rains has been not just the chairman but also the moving spirt—the key—the motivator—the miracle worker, if you will, of congressional action on housing legislation. His decision to leave Congress after this session will deprive us of tested leadership genius in housing and urban renewal legislation, and will make it harder for you who are the implementers of that legislation to do your job. That means that we in the Congress and you in the cities and towns are going to have to work much harder if we are to maintain the progress which Albert Rains has made possible in this field. Naturally, we all feel we have been working pretty hard at the job already, so the prospect of even harder work and greater responsibility, and the need for more imagination on our part to fill the gap left by Congressman Rains' retirement from Congress are not exactly appealing at this point.

If you and I believe in what we have been doing, and trying to do under his leadership, then we have no choice but to do our best to carry on next year and in the years thereafter to the best of our respective abilities. The strength of our system of government lies in the fact that most Americans, when faced with greater responsibilities in the public interest and in public service, find renewed energy somewhere and try to rise to new challenges, I am sure that will be true in this case, too.

But there will be many instances when we will feel a little lost because the gentleman from Alabama who shouldered these responsibilities so ably for so long in the Congress is resting on his laurels down in Alabama, or wherever he may be, and I, for one, will certainly want to keep in touch with him and have the benefit of his advice and guidance.

Federal participation in the rehabilitation and redevelopment of our cities goes back three decades to the early days of the first administration of Franklin D. Roosevelt. The basic idea then was to provide jobs, and housing construction was then—as it is today—one of the best generators of employment opportunities, and one of the most socially desirable types of work to encourage. In these past 30 years or so, America has been transformed from a country composed largely of renters to a country in which a majority of the families own or are buying the homes in which they live. The cooperative apartment program helped to accelerate that trend. On the other hand, however, most of the single-family dwellings were going up outside the city limits, where land costs were cheaper and a moderate-income family would have a better chance of affording a lot which had a little yard alongside or in back of the dwelling.

In 1949, Congress made perhaps its most important single step in the rescue of the American city from the blight and strangulation which was taking place in so many of our major urban centers. Since then, as you all know, city after city has embarked on tremendous urban renewal projects transforming horrible slums and decaying commercial wasteland into beautiful new plazas and apartment developments and intelligently planned industrial or commercial parks. This rejuvenation and glamorization—if that is the word—of onetime ugly and wretched urban badlands is still going on and has a long way yet to go before we can consider our cities the models of modern-day comfort and convenience they can and should be.

But every advance has been slow, and at the expense of great sacrifice on the part of many. Each improvement has carried a price tag, not only in terms of Federal and local tax funds, or the lost profits of displaced businesses, but, more importantly, at the expense of much human turmoil and dislocation and hardship.

Much of this could have been avoided if we had all been a bit wiser, if human beings were not so unpredictable and often just plain contrary, if bureaucrats were all resilient and superintelligent, and if the public had had a better understanding and appreciation of what was being attempted.

When you toured the dramatic new areas of St. Louis during this convention, you saw some outstanding fruits of civic leadership and community spirit and government-labor-business cooperation carried out here in truly impressive fashion. We are all proud of those new areas, and of the contribution they make to our great city. But who—even in St. Louis—except the battle-scarred people who led the way—remembers the endless hours of wrangling and discord, the personal abuse, the political warfare, the missed meals and the missed hours of sleep and the indigestion and possible heart attacks which accompanied the planning and the initiation and the early stages of these great achievements?

This is the sort of thing we in the Congress are used to. It sometimes takes years to battle a program through to enactment, and more years to get it into operation, leading eventually to something someone can see or touch and understand, and perhaps enjoy. During the years of infighting over the idea, the only people among the general public who seem to show much interest are those who are strongly and bitterly opposed to the whole concept, and who see the doom of the Republic and the destruction of all of our liberties in whatever it is of a new and different nature which has been proposed. But by the time the idea becomes law, and from law becomes program, and from program becomes a funded budget item, and from the appropriations stage eventually becomes reality, most of those who opposed the idea so bitterly tend to become reconciled to it and from there even go on to approve of it, even if grudgingly. Some seem to forget entirely about the fight they put up to block it. There is a good example of that in Washington, for instance, in the Peace Corps.

This is not always true, of course, for there are some who still weep over the Social Security Act of 1935 and there are certainly those who tend to believe that all of the bathtubs in the public housing projects are still full of coal.

My advice to you, then—you who are the professionals in the housing and redevelopment field or who are the appointive or elected officials who must make judgments and determinations affecting your committees' participation in these programs—is to keep always ahead of you, in plain sight, what it is you are striving to do, and the results you envision, and then try to communicate to your neighbors the dreams you are dreaming. I would say this is the biggest part of your jobs. Very often, it is the part which is neglected in favor of trying to solve the daily crises over details which, in the long run, will be pretty trivial, even though they cause you heartaches and fatigue at the moment.

I am very much taken with the theme of your convention, particularly for this group of men and women who have performed so many miracles of urban facelifting, the theme: "The Total Picture." What you do to and for our cities is a dramatic example of physical rebuilding. You have been given the power and the funds to do these tremendous jobs, however, not because the politicians who vote the funds, or the public who pays them in taxes, are so all-fired beauty conscious. Urban renewal, just as in the case of public housing, has grown out of human needs, rather than esthetic yearnings. I hope it is not heresy for me to say that here. Even if it were, I wouldn't care.

We needed to rejuvenate our cities because the people who lived in them were drowning in filth and in congestion and in discomfort ranging to misery. But as we began getting on with the job of wiping out slums and rebuilding for a better environment, the revolution in farm technology and in argricultural economics sent millions of new people to the cities looking for jobs, and we have never caught up with or worked our way out of the resulting demand for decent housing at reasonable cost.

Relocation of the families uprooted and dislocated by urban improvements thus becomes almost a nightmare.

I do not need to tell this audience that no matter how many glorious monuments and beautiful neighborhoods we build under urban renewal, that vital program cannot be a success unless and until we solve the rehousing problem of people who are displaced. Urban renewal and belatedly the highway program and now the new mass transit program just enacted by the Congress, cannot go forward unless we provide a just and equitable program to take care of the victims of progress. And by taking care of them, no person of conscience can mean simply providing those who live in our rundown slums with other rundown slums in which to live.

Experience has shown that many people displaced by programs such as urban renewal can afford to live in better housing with the help and guidance of relocation authorities. But the cruel fact remains that there are many—such as those handicapped by infirmities, illiteracy or lack of skills, broken families, and so on—who cannot find good housing on their own. By relocation we must mean finding decent homes for those who can afford them and also finding decent homes for those who need them, but cannot afford them. If we cannot achieve this, our other programs can be only limited successes at best.

This brings us, inevitably, to the question of public housing. In the Congress of the United States, this is almost a bad word.

Public housing was originally, and still is, a bold, pioneering effort, and, therefore, it has lived in a goldfish bowl in which none of its faults can be hidden from the attacks of avowed opponents or even the casual criticism of well-meaning observers. You have been so badgered and hounded by professional antipublic housers that it almost takes a major act of courage to admit and rectify the genuine problems that have arisen.

All too often, those of us who know the facts of public housing and who are devoted to its objectives have been placed on the defensive. Too often, you have been so preoccupied with defending the program against bitter attack and fighting for its mere continuation that it has limited your ability to find ways of doing your job more effectively. It has taken an all-out fight just to preserve the existing public housing program.

We also know that the public housing program has not achieved all of its goals, and know that for all the good it has accomplished it is an embattled and controversial thing.

But we will never solve the relocation crisis for displaced low-income families forced to move from slum-ridden urban renewal sites unless and until the role of public housing in the relocation process is more generally recognized and appreciated. And that will not occur until those of you who are in the public housing field work more effectively to win community acceptance for your projects and more vigorously to eliminate those things about the projects which contribute to public misunderstanding or animosity.

It was once thought that the role of the housing authority was merely to provide good, decent, livable dwelling accommodations and to let the tenants strictly alone to enjoy them as they saw fit, within reasonable bounds, of course. What was not often understood was the many of the families which were moved into these clean and well-built dwellings had had no experience whatsoever in how to live in an urban apartment. The bright, clean walls of a new apartment, or of a newly redecorated one, do not automatically convey civilizing influences upon people not previously introduced to such modes of life. So the public housing people found they had to put in extra duty as home economists, tutors, judges, social work consultant, legal aid bureau, visiting nurse, recreation director, and a lot of other specialties if masses of people suddenly thrown together in the unfamiliar environment of a modern housing development were to get along, and get along with each other.

Well, you still have a long way to go in this direction, and Marie McGuire is on the right track—and most of us in Congress are with her on this.

There is an urgent need for public housing officials and relocation officials to work with every other Government agency which can provide social services to low-income families. This was emphasized in the testimony of Ira Robbins speaking for NAHRO at our housing hearings earlier this year. He noted the fact that the low-income family of today is different from that of the 1930's when poverty and unemployment were so widespread. At that time, public housing was more of a way station, and a very high proportion of the original occupants were lifted out of the projects by the general rise in business activity. Now, however, low-rent projects tend to fill up with those who cannot fully take advantage of even the highest prosperity unless they are given special help. This is what we are doing here in St. Louis. In cooperation with a wide variety of public and private agencies, we are making a strong concerted effort to attack these problems.

I am really excited about the plans of the metropolitan area here in St. Louis—the city and the county—for a massive attack on the causes of poverty and of delinquency, through the newly created St. Louis Human Development Corporation. This represents a centering in one group of all of the resources of the community for meeting the most serious problem of domestic American life, particularly in the cities. This plan is an experiment—a demonstration project—supported in part with Federal funds. I hope all of you will interest yourselves in its operation, and both contribute to and learn from its plans for human renewal.

Fundamentally, this is where all attempts to improve our cities must be solidly based—in bringing to all of our citizens in the cities a sense of participation in the life of the city, and an opportunity, to be better than they are.

The opportunities available to youth today to train in all kinds of skills and professions are unlimited; each youth with the mental capacity must be led to understand the scope of his opportunities, and must be given the inner motivations which will lead him to take advantage of these great opportunities.

Kids standing around the corners feeling hopeless and bereft of opportunity must have rooted out of their minds the idea that they are doomed to lives of emptiness. The opportunities exist. It is hard for most youngsters to get into the college of their choice these days, and it is terribly expensive for anyone to go or be sent to college, but believe me—no youth today who can handle college work—and who is actively and genuinely interested in going to college—who is motivated—need end his schooling after high school. This can be shown—it can be proved. Let's show these youngsters—and their parents—particularly the parents.

The new Federal vocational training program—new in concept and new in approach— will open the door to a satisfying job and a satisfying future for many other boys and girls who sincerely want a chance, but up to now have felt locked out. And the President's war on poverty will, when enacted, set up a variety of new programs, including the Job Corps modeled on the old Civilian Conservation Corps idea, which will make hopelessness obsolete and unjustified for any youngster with any gumption or self-respect. For adults, too, there will be new avenues of escape from economic despair.

These programs and the needs they are designed to fulfill are just as much your concern as they are of the educator and the sociologist. For you are deeply involved, whether you want to be or not—and I hope you want to be—in the people, the families, whose environment you touch so directly.

The public housing project, and the new neighborhoods created by urban renewal should, in my opinion, incorporate as standard facilities, like fire extinguishers, a consumer information center—whether staffed professionally or by volunteers among the residents themselves—to provide information or material on request on such things as installment contracts, interest rates, credit union activities, plentiful and low-cost foods, the food stamp program, housekeeping shortcuts, sewing, educational opportunities, and so on. Printed material on all of these subjects, and many more, is available from public sources—the Department of Agriculture, for instance, has a great library of factual and readable material which can be obtained free. The Agricultural Extension service working out of the University of Missouri has done a great job in urban St. Louis in this very direction. Is this sort of thing your business in housing and redevelopment? It certainly is—and must be.

What you are doing now is vital to the physical health of our cities. What you must do more of lies in the field of human redevelopment. For the two must go hand in hand. Your bold new buildings and beautiful plazas can make a city look beautiful; the city can be beautiful only if all the people are really part of its life.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 12175, the Housing Act of 1964.

This legislation is the work of many people, but it, together with all housing legislation over the past 20 years, is a monument to the genius of one legislator, the gentleman from Alabama [ALBERT RAINS].

In any presidential election year, and especially in this particular year, partisan feelings run strong and housing legislation has never been considered noncontroversial. Executive sessions of this bill began 12 days after the end of the Republican National Convention.

Because of the legislative genius of the chairman of the Subcommittee on Housing, and despite these pitfalls, the subcommittee by a totally bipartisan basis vote reported the bill by a unanimous vote of 11 to 0.

The legislative genius of the gentleman from Alabama, ALBERT RAINS, was felt in the Full Committee on Banking and Currency which reported the bill to the House on a bipartisan basis, with only one vote of nay.

I am convinced that the legislative genius of ALBERT RAINS rests on the fact that he puts duty to Nation ahead of duty to party, and favors his colleagues ahead of himself.

In this election year, there might have been temptation to write a housing bill for which the Democrats could claim sole credit. The gentleman from Alabama, ALBERT RAINS, resisted such temptation and has produced a bill which is in large measure the work of the gentleman from New Jersey [Mr. WIDNALL]. The gentleman from New Jersey [Mr. WIDNALL] and his Republican colleagues of the committee are equally deserving of praise because they, instead of cooperating, could have succumbed in this election year, to the temptation to put partisan politics before the Nation's need for a housing bill this year.

The gentleman from Alabama, ALBERT RAINS, will not be serving in the House of Representatives next year. It would be only human nature if "Mr. Housing" of the U.S. Congress would want to have exclusive credit for the last housing bill he expects to shepherd through Congress. But, ALBERT RAINS always considers his colleagues ahead of himself. In the subcommittee, in the full committee, and on the floor of the House, the gentleman from Alabama, ALBERT RAINS, has always been careful to give credit to the gentleman from New Jersey [Mr. WIDNALL] and others who contributed to this bill even though by deft alteration of language he could have claimed the authorship for himself.

Mr. Chairman, because of the guiding genius of the gentleman from Alabama, ALBERT RAINS, the bill we bring to the floor is a bipartisan one in the highest and best traditions of legislating in this body.

Mr. Chairman, I hope that we can pass this bill by an overwhelming margin not only as a tribute to the gentleman from Alabama, ALBERT RAINS, but also to the spirit of bipartisan support of housing which his genius created.

Mr. PATMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. ASHLEY].

Mr. ASHLEY. Mr. Chairman, in the years I have been on the Subcommittee on Housing I have always looked forward to the annual presentation of the housing bill, but I do so this year with considerable regret. The decision of the gentleman from Alabama [ALBERT RAINS], to retire from the Congress is one that saddens us all. I know that I speak for all when I say that we have come to have the highest regard and respect for the unusual and outstanding ability of this unusual man. I think all of us are grateful, as indeed the Nation should be, for the very significant contribution this gentleman from Alabama has made in the field of housing. It is not saying too much that the name of ALBERT RAINS is synonymous with the many housing programs that have been drafted and become law in the past decade. His is a really significant contribution, and I know that the Nation is grateful to ALBERT RAINS.

Mr. Chairman, the various titles of the bill before us have been explained already. I would, however, like to take just a moment to comment briefly on the provisions of the bill which relate to housing for the handicapped.

The Office of Vocational Rehabilitation estimates that today there are 16 to 18 million severely disabled people in the country. Many have been able to make an adjustment to their disability, either by themselves or with help, and by and large are able to lead satisfactory and productive lives.

But there is a category of handicapped persons who are severely limited in their activity who with some attention and some help can become more productive citizens. It is these handicapped persons that our bill seeks to assist by extending eligibility to the various programs which hitherto have been limited to the elderly and disabled, specifically, direct loans for rental housing, for low-rent public housing, and for mortgage insurance under section 231.

Special attention has been directed in Denmark and other countries to developing and making available housing for handicapped persons but this is a field which has been long neglected in this country. The provisions in the bill before us, I feel, represent a significant start.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I want at this time to concur in the fine statement by my distinguished colleague from Ohio, and express the profound sentiment of the people of my community for the splendid leadership of the gentleman from Alabama [Mr. RAINS]. Our great progress in urban renewal and community development has been a direct result of his leadership in this vital field.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, it is a sad fact that this is the last housing bill to come to us under the leadership of ALBERT RAINS. The benefits of his work are across the length and breadth of our land. The human beings he has helped are legion in every area. Our loss in this House is our country's loss. We hope to see him often in good health and sure success.

This bill will be of particular assistance to an area of my district, the people of which wish to rehabilitate and renew not relocate or destroy. With this bill the local authority of Los Angeles has a clear path to help the people of Venice. I hope action will be speedy. The entire bill is wise in its improvements. I support it wholeheartedly.

Mr. WIDNALL. Mr. Chairman, at this time I yield to the gentleman from New York [Mr. LINDSAY] such time as he may require.

Mr. LINDSAY. At first, Mr. Chairman, I would like to join with others in paying tribute to the distinguished gentleman from Alabama [Mr. RAINS]. His absence will be deeply felt in the House of Representatives.

Second, Mr. Chairman, I intend to support the Bolton amendment which will be offered. The amendment, in my judgment, is a sound and sensible amendment.

Third, I join with the distinguished gentleman from New Jersey [Mr. WIDNALL] who has made enormous contributions throughout the years in the field of housing in support of this legislation, so much of which is his skillful handiwork.

Mr. Chairman, this housing bill of 1964 has incorporated into it a number of very constructive provisions from an earlier bill, H.R. 9771, introduced by our distinguished colleague from New Jersey [Mr. WIDNALL], ranking minority member of the Housing Subcommittee. As a result of these improvements, the subcommittee approved the bill as amended by the unanimous vote of 11 to 0. Later the bill was reported favorably by the full Banking and Currency Committee by a vote of 18 to 1.

Mr. Chairman, I support this bill. The gentleman from New Jersey [Mr. WIDNALL] has made important contributions in the field of housing. This is another. The bill continues for another year the existing Housing Act, with some important amendments. It is in effect stopgap legislation. The Congress has not been able to come up with longer range legislation which would permit longer range planning. There are sound improvements to existing law. The bill contains a number of amendments designed to improve FHA sales and rental housing programs and to improve the operation of the urban renewal program.

The major features of the bill's nine titles are as follows:

Title I of the bill would permit lower downpayments and higher mortgage amounts on FHA sales housing, and would provide additional protection against disclosure for FHA homeowners.

Title II would authorize additional funds for low interest direct loans for rental housing for the elderly, and would provide new housing aids for the handicapped.

Title III would first, authorize an additional $600 million for grants under the urban renewal program, second, tighten the urban renewal program requirements to encourage more rehabilitation and code enforcement, third, provide a new program of rehabilitation loans to aid homeowners and businesses in urban renewal areas to improve their properties, and fourth, tighten relocation requirements and provide additional relocation benefits to displaced businesses, nonprofit organizations, individuals, and families.

Title IV would authorize 35,000 additional units of low rent public housing.

Title V would authorize an additional $150 million for direct loans under the rural housing program administered by the Farmers Home Administration.

Title VI would authorize a limited grant program to encourage on-the-job training and short-term courses of instruction to provide the skills needed for local administration of urban programs.

Title VII would provide an additional $20 million for the public works planning advance program.

Title VIII would broaden the investment authority of savings and loans associations.

Title IX would provide an additional $25 million for grants for the open space—parks and playgrounds—program.

I particularly want to call this body's attention to certain features of title III, many of which are the product of the bill of the gentleman from New Jersey [Mr. WIDNALL]. This title includes an approach to urban renewal which in previous years has been given too little emphasis. This approach provides for the implementation of policies that, hopefully, will eliminate and prevent the development and spread of slum and blight without the use of urban renewal capital grant funds. But another way, this title attempts to provide means to upgrade neighborhoods from within—an approach which could make final resort to the bulldozer less necessary. In time, this particular approach could save the Nation millions of dollars and also help maintain the viability and integrity of the neighborhood.

To achieve these objectives, the bill will do the following: Strengthen the role of code enforcement by local communities, and authorize a new program of rehabilitation loans. The first feature, in providing for more intensive enforcement of housing codes in such areas as safety and sanitation, could eliminate the first stage of slum and blight and prevent the need for subsequent clearance in rehabilitation activities. The bill therefore authorizes a new type of urban renewal project which would consist entirely or substantially of a program of intensive code enforcement in an urban renewal area.

The second feature would authorize a new $50 million program of low-interest loans to owners or tenants of dwelling units or business property in urban renewal areas to finance the rehabilitation required to make these dwelling units or business properties conform to code requirements or carry out the objectives of an urban renewal plan for the area. Purpose of the program is to provide a source of financing to those persons and businesses in an urban renewal area who are presently unable to improve their property because they cannot obtain loans in sufficient amounts or at such terms they can afford to carry. In my view this is a feasible method of stimulating private owners to undertake rehabilitation projects in urban renewal areas. There can be little doubt that the cost of these loans will be recaptured many times over by the reduction in the need for demolition of houses and buildings in urban renewal areas.

In addition to title III, I would like to emphasize the importance of title IV, which makes significant improvements in the public housing program for low-income families. Four of these improvements relate to relocation. They are designed either to enhance the capacity of local housing authorities to provide low-rent housing for displacees or to assure that those displaced by the public housing program itself will be entitled to the same basic safeguards and assistance as are now available to urban renewal displacees. I also want to note the importance of a fifth provision, which would encourage the continued exploration and development of new techniques for providing housing for low-income families by increasing the authorization, now virtually exhausted, for grants for low-income housing demonstrations.

This is a necessary bill, Mr. Chairman, and I urge that it be passed.

Mr. WIDNALL. Mr. Chairman, I yield to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Chairman, I rise to support this legislation reported by the Committee on Banking and Currency and to say with sadness that we are losing a great and distinguished Democrat leader, the gentleman from Alabama [Mr. RAINS].

I also wish to emphasize, Mr. Chairman, that I too support the Bolton amendment.

This is a good piece of legislation and it is in keeping with the positive approach to housing that was exemplified by the Eisenhower administration, and is now being carried on by the Republican Members of both the House and the Senate.

We who care about the value of the individual are especially pleased by the overall self-help concept that runs through the major sections of H.R. 12175.

I would call particular attention to title I, which enhances the FHA loan insurance program by extending and enlarging its present provisions. Under H.R. 12175, FHA can increase the dollar limits on its home mortgages for four of its programs. This increase is necessary to keep the program in line with the increased cost of homebuilding. In addition, title I would lower the downpayment requirements in certain selected FHA programs, thereby expanding the home ownership market to yet a lower income level.

Title I also introduces two new FHA programs—insurance for condominiums, and insurance for the purchase of units in cooperatives. These two programs will extend the benefits of FHA to those families who have found it more convenient to live in city or suburban apartments, but still hold the traditional American dream of owning one's own home.

Finally, title I changes the criterion for FHA home improvement loan insurance by substitution of the term "acceptable risk" for "economically sound" as the basis for eligibility. This change will enable the so-called "gray areas" of our cities to rehabilitate without resorting to costly urban renewal programs.

I would also like to point out that H.R. 12175 extends the senior citizens housing loan program, making elderly individuals eligible for housing under the FHA section 221 program. Both provisions will be of great assistance to the elderly as they struggle to meet their housing needs. May I add that I am proud to see so many elderly families, and now individuals, being assisted by private nonprofit agencies who do not hesitate in their responsibilities to the aged. These senior citizen loans and the FHA loan insurance program are a blessing to those who want to see private efforts do the housing job that faces this Nation regarding its senior citizens.

Title III of H.R. 12175 extends to the controversial urban renewal program an increased authorization of $600 million for its title I slum clearance grants. In addition, it would authorize a new $50 million program of low interest loans to owners or tenants of homes or business property in urban renewal areas to finance repairs required to make property in the urban renewal areas conform to code requirements to carry out the objectives of the urban renewal plan for the area. Several important provisions would expand and improve the relocation assistance available, and substantial increases are authorized in the relocation payments which may be made to those displaced by urban renewal.

Most important, this bill will strengthen and emphasize the role of code enforcement by local communities in eliminating and preventing slums and the development of blight, and authorize a new kind of urban renewal project which would consist entirely or substantially of a program of intensive code enforcement.

While I have some reservations as to the urban renewal program in general, I am glad to support H.R. 12175 because it goes a long way toward returning this program to the local communities and the people of those communities. It stresses self-help through the rehabilitation loan program and through the code enforcement provision. This measure more nearly approaches the traditional Republican position on housing, that grants for massive rehabilitation projects should be held to the necessary minimum. The desires of the Washington planners notwithstanding, the code enforcement and rehabilitation loan provisions on H.R. 12175 will give us a better, more democratic urban renewal program and at a far lower cost to the American taxpayer.

If time permitted, I should like to discuss some of the other provisions of H.R. 12175, but all I really need to add is that the other programs extended or refined under this act are in the best interest of the Nation. The wild schemes of the administration have been discarded in favor of some realistic self-help proposals. There is greater emphasis on the FHA approach to our housing difficulties, and huge spending programs are conspicuous by their absence. In short, Mr. Chairman, H.R. 12175 is a bill that a Republican can vote for with a clear conscience.

Mr. PATMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I wish to associate myself with all the commendations that have been so deservedly made on this floor of the able gentleman from Alabama [Mr. RAINS].

In almost 16 years of service in the two Houses of the Congress, I have never on the whole, known a more able and dedicated legislator than the gentleman from Alabama, ALBERT RAINS.

All over America there are millions of people living in decent homes because of the gentleman from Alabama, ALBERT RAINS.

All over America there are elderly citizens living in comfortable, low-rent homes or apartments that they could not enjoy if it were not for the gentleman from Alabama, ALBERT RAINS.

All over America there are disabled people who can get into their houses because of the way those homes have been constructed because of the foresight and the able legislative record of the gentleman from Alabama, ALBERT RAINS.

All over America there are children growing up in wholesome environments, free of the curse of slums, because of the gentleman from Alabama, ALBERT RAINS.

All over America there are altars and hearthstones and firesides of happy families that have been made possible by the leadership of the gentleman from Alabama, ALBERT RAINS.

All over America democracy is more meaningful because of the gentleman from Alabama, ALBERT RAINS.

Mr. Chairman, when the gentleman from Alabama, ALBERT RAINS, leaves this House, he will carry with him the gratiture of millions of Americans who have been the beneficiaries of his distinguished service, and he will carry with him, too, the respect and the affection of all Members of the Congress.

Mr. PATMAN. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. MINISH].

Mr. MINISH. Mr. Chairman, this bill is urgently needed by the cities of this Nation. The people in the cities know the need for more public housing and urban renewal assistance. They all know it, from the highest to the lowest, in the area which I have the honor to represent. The people appreciate the benefits of urban renewal and public housing programs there and want to continue the job that has been only begun.

They are willing to pay what it costs to upgrade their communities, to provide better housing and better neighborhoods. They want to see obsolescence wiped out. They want to see economic decline reversed.

Only yesterday ground-breaking ceremonies were held for the Hallmark House Newark's Broad Street urban renewal project which will provide sorely needed moderate income housing. This project is a splendid illustration of the part played by the urban renewal program in creating new economic and social values and strengthening the foundations of our democracy.

The people of Newark are doing their best to meet the costs of urban renewal. Federal aid must supply the rest. If this bill is not passed, the Newark redevelopment program will have to be abandoned because the total cost of renewal cannot be borne by the city entirely.

Even with Federal aid, the city's one-third share would be impossible to meet, considering the limitations of its borrowing capacity and other capital needs, were it not for the fact that we may get credit for such capital facilities as new or modernized schools, hospitals, libraries, playgrounds, and other public improvements.

It is a great satisfaction to me that the Congress in past years has recognized the Federal responsibility for aiding the communities with their housing and urban renewal programs. The Housing Acts of past years have consistently and bipartisanly recognized this Federal role, and the Housing Act of 1964 confirms that responsibility.

A measure of the value of the urban renewal program is that it has enlisted support from all quarters. A nonpartisan and bipartisan organization has developed in Newark's "war on slums and technological community obsolescence," as one Newark businessman puts it. As he also pointed out, the urban renewal program is a "result of the fusion of effort of labor, government, and business" and "a coalition of labor, business, and civic leadership."

Our businessmen's concern with the revitalization of Newark is good business. As one of them explained, urban renewal in industrial parlance would come under the heading of "new product development." And he went on to point out that one urban renewal project will net the city alone a $750,000 gain in income.

My communities' urban renewal programs have for their objective the prevention of further blight, the preservation of good housing and neighborhoods, the clearance of slums, the rehabilitation and conservation of deteriorated but essentially sound buildings and areas, and, of course, the provision of good homes for all our people.

In all of these objectives we are making progress.

The lovely Oranges—East Orange, South Orange, West Orange, and Orange—are utilizing the Federal aids to make their communities even more attractive and desirable. An editorial that appeared last May 28 in the East Orange Record in praise of public housing for the elderly reflects the support given the housing programs by most residents of the Oranges. I am proud of my constituency's strong sense of public responsibility and fine spirit of progress and achievement. The editorial reads as follows:

[From the East Orange (N.J.) Record, May 28, 1964]

MORE HOUSING FOR THE ELDERLY

The housing authority has asked city council to approve the erection of 150 more units of public housing for the elderly. Council sentiment appears to be favorable and an early contract agreement between the two bodies is expected to be consummated soon.

The completion of such units takes about 3 years, if we follow the pattern established in the erection of Concord Towers. This 64-unit public housing project for senior citizens on North Grove Street is really a project in the best sense of the word, not in the sense of a stereotyped brick and steel barracks. It contains tastefully and cleverly designed apartments with all the amenities for persons of advanced years. In addition, its common rooms on the first floor also house services for the elderly that carry the theme right through to its proper conclusion. Its day center, for instance, with facilities for caring for problems that may arise frequently and for catering to the needs of our senior citizens, is a most welcome adjunct.

The subsequent steps may take a little longer than in the case of Concord Towers because there are presently no more housing credits available in this area under the Federal Housing Act. A new housing bill is buried in the Senate, awaiting action while the civil rights bill is being debated. Unless this bill is acted upon soon, the necessary enabling legislation may not be enacted until late this year. Without it, there are no funds for public housing, senior citizens or otherwise.

Once this hurdle is cleared, we can see the beginning of the road to more apartments.

In a city where the words "public housing" were once anathema, the change in climate brought by Concord Towers is refreshing and enlightening. We see the results of a need fulfilled. We see a public unit returning funds to the city treasury in lieu of taxes. We see some of our most valued citizens able to live out their remaining years in dignity and comfort, repaid in some measure for the years they gave to us.

We see the urban renewal process, not only in terms of bricks and mortar, the demolition or erection of buildings, not only in terms of dollars and cents. We see urban renewal, primarily, as a means of human conservation, as the expression of the needs, dreams, and aspirations of the people for whom the ideas are conceived. The strength of our Nation is only a reflection of the strength of our people. Urban renewal—by its provision of a healthy environment for people—is a part of the means of keeping our Nation strong.

Mr. WIDNALL. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. Kunkel].

Mr. KUNKEL. Mr. Chairman, I rise in support of this legislation. I would also like to state I am strongly in favor of the Bolton amendment.

Mr. FASCELL. Mr. Chairman, I rise in support of the legislation before us today. This bill has had careful and thorough consideration by the Subcommittee on Housing and the full Committee on Banking and Currency. Its great importance and impact on our Nation's welfare and well-being cannot be minimized.

The explosive increase in our country's population demands a forward looking approach to family housing to better community facilities and assistance to our elderly and handicapped.

Under the capable direction of its distinguished chairman, the gentleman from Alabama, the Subcommittee on Housing has developed such a forward looking bill.

This hard-working subcommittee held extensive hearings, and during those hearings a particular problem affecting the University of Miami was brought out. This unique situation has been of great concern to the university officials, to my able and distinguished colleague from the Third Congressional District of Florida, Claude Pepper, and to me.

In 1947 the University of Miami completed a loan to provide college housing for the increasing number of veterans returning to civilian life. It was a 27-year loan for $4,969,110 at an interest rate of 4 percent and made by the Trust Co. of New Jersey.

The loan covered 533 apartment units and the student union of the university, but the inadequate student union facilities did not allow the university to meet its responsibility of providing adequately for student recreation. The university received approval from HHFA for a loan to develop the student union into a recreational center, but required title to the union site which was encumbered by mortgage.

After almost a year's negotiation, the Trust Co. of New Jersey refused to consider a partial release of the site and it was therefore necessary to develop a commercial loan at a higher rate of interest to pay in full the Trust Co. of New Jersey mortgage so that refinancing could be accomplished.

The university paid the mortgage in full and under protest paid an adjusted premium charge of $49,691 in spite of the fact that the university had never been in default or arrears in its payments; that the refinancing at a higher interest rate and additional expense to the university was necessary in order for HHFA to make a major loan to the university for the added facilities; that the University of Miami is a nonprofit educational institution with purposes directly concerned with the national interests, and the education of people regardless of race, creed, or color.

I am very pleased that the subcommittee took note of the inequities involved and adopted an amendment which the gentleman from Florida, Congressman Pepper, and I had proposed to the committee and which would eliminate this unjust treatment. While the amendment would not have widespread application, it will eliminate this unfair premium charge to nonprofit education institutions, which are fortunate enough to be able to pay off a mortgage prior to maturity.

While there is obvious justification and a long-accepted financial practice in providing prepayment penalties for ordinary business transactions there seems little justification, if any, to charge this penalty to nonprofit educational institutions throughout the United States and for the U.S. Government to collect it, when the Government is providing funds in many different ways to these institutions.

The citizens of Miami and Dade County certainly owe a debt of gratitude to the esteemed chairman of the subcommittee and the full committee and to the vigorous and dynamic legislator from Florida's Third Congressional District, the gentleman from Florida, Claude Pepper, who as a member of the Banking and Currency Committee steered this vital matter to House passage.

Mr. MOORHEAD. Mr. Chairman, I rise in support of H.R. 12175. I speak from firsthand knowledge of what federally aided housing and community development programs have meant to the people of Pittsburgh. I have seen hundreds of acres of slums and blight and thousands of slum shacks in Pittsburgh replaced by sparkling urban renewal projects and low-rent public housing developments. I have seen wastelands of misery and despair transformed into municipal showplaces.

Pittsburgh is justly famous for its renaissance. This program has received strong and vocal bipartisan support in my city.

Our renewal program started 20 years ago, 5 years before the Federal Government started its renewal program under the Housing Act of 1949. Fifteen urban redevelopment projects have been completed or are in execution in Pittsburgh. More than 4,000 families have been moved out of blight and slums, and the vast majority have relocated in improved housing—homes they have bought or rented in many neighborhoods. Outstanding examples of renewal in Pittsburgh are Gateway Center, which has added glitter to the shining Golden Triangle; the Lower Hill redevelopment project with its famous Civic Arena and projected Cultural Center; and, more recently, the magnificent Allegheny Center project which will bring about the renaissance of our North Side.

Of the 15 renewal projects in Pittsburgh, 8 were financed without Federal aid. But no one today in Pittsburgh believes that the urban redevelopment needed by our city can come into being without Federal aid. There is complete unanimity, joined in by leaders in banking, industry, and all other groups, that the Federal urban renewal program is essential.

There is still much to be done in Pittsburgh. Thousands of our people in Pittsburgh are badly housed in crowded neighborhoods. A great many of these people are elderly, are poor, are unemployed, are sick. They need help. They will get help if Pittsburgh continues to renew itself and recover from the decline it suffered until our renewal program started.

With urban renewal and good new community planning, Pittsburgh is coming alive. City revenues have risen greatly. Real estate tax revenues have tripled in the renewal areas as a group. Many thousands more people are working in our gateway center than worked there a number of years ago. The renewal program is creating several thousands jobs a year in direct employment. New businesses have been attracted to the city.

What has happened in Pittsburgh can happen elsewhere. Many other cities have sent their officials to Pittsburgh to see what has happened and why it has happened. What they learn is that all of Pittsburgh is united in this effort.

The housing bill of 1964 must be passed to replenish the funds for urban renewal and public housing. The amounts that would be authorized in this bill are minimal. If anything, this bill shortchanges our cities in the amounts that could be allocated to them for these vital programs.

However, this bill is a good 1-year compromise. It contains some important improvements which will make hardships much less likely to occur when dislocation is necessary in renewal areas. It will help bring private capital into the rehabilitation market.

I earnestly ask your support for the bill as reported by the subcommittee.

Mr. PATTEN. Mr. Chairman, I ask unanimous consent that the gentleman from Delaware [Mr. McDowell] may extend his remarks at this point in the Record and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. McDOWELL. Mr. Chairman, I rise in support of H.R. 12175, the House housing bill which was reported by the House Banking and Currency Committee by a vote of 19 to 1. This bill, in its code enforcement, and rehabilitation sections, takes long strides in protecting the small businessman and the homeowner. It is one of the best housing bills in years.

For too long, as national magazines and newspapers have pointed out, the Federal urban renewal program has been identified with the bulldozer, the swinging ball, and the wrecking crew, with the destruction of good buildings, the displacement of homeowners and small businessmen from the older residential areas of our cities.

I am especially pleased that the House Housing Subcommittee, under the leadership of its distinguished chairman, the gentleman from Alabama [Mr. Rains], who will, unfortunately, not be with us next year, has included in House Report No. 1703 accompanying H.R. 12175 the following section—page 31—stating:

> SPECIAL ASSISTANCE FOR SECTION 221 OUTSIDE OF URBAN RENEWAL AREAS
>
> Your committee received a recommendation that it include in the bill a provision making FNMA special assistance available for FHA-insured section 221(d)(2) mortgages on sales type single-family dwellings for low- and moderate-income families wherever they live and without regard to whether they are displaced families. FNMA's existing special assistance is available for section 221(d)(2) mortgages on homes in urban renewal areas, and on homes outside such areas if they are for displaced families.
>
> FNMA under its regular secondary market operations (as distinguished from special assistance) is continuously in the market for the purchase of section 221(d)(2) mortgages on low-cost homes without regard to the displaced or nondisplaced status of the mortgagors or to the location of their homes inside or outside of urban renewal areas. In this connection, your committee has learned that effective July 17, 1964, FNMA, under its secondary market operations, increased its purchase prices for section 221(d)(2) mortgages so that they now command the same purchase prices, on a nationwide basis, as other comparable FHA-insured 5¼-percent home mortgages. This FNMA action should help materially to broaden the availability of section 221(d)(2) mortgage financing for low-income families.
>
> However, because your committee desires that section 221(d)(2) mortgage financing for low-cost homes be reasonably available to all low-income families, it recommends that reconsideration be given by FNMA to the limitations on the purchase of these mortgages under FNMA's present special assistance program. If it is determined that the existing special assistance authority should properly be enlarged with respect to those section 221(d)(2) mortgages on low-cost single-family dwellings for low-income families, your committee suggests that an appropriate authorization be sought from the President, pursuant to his ample existing authority under section 305 of the FNMA character act, to accomplish that purpose.

This section in this report on the House housing bill is of special interest and concern to me because of the fact that earlier this year I introduced a bill, H.R. 10251, which had as its purpose the provision of section 221(d)(2), mortgage financing for low-cost homes so that these homes would be reasonably available to all low-income families. I introduced H.R. 10251 because of my conviction that the Federal urban renewal program was, as a Harvard University conference early last month declared, a "complete failure" in providing low- and moderate-income housing. I also introduced my bill because I agree completely with President Johnson that the existence of slum housing in our rich Nation—in our cities, towns, and rural areas—is totally unnecessary and is totally subversive of our democratic ideals.

Surely it is time to carry out, and not just talk about, the national housing policy, set forth in the Housing Act of 1949, which calls for providing, as soon as feasible, decent, safe, and sanitary housing for every American family.

When I took my bill, H.R. 10251, up with the gentleman from Alabama, Chairman Rains, he suggested that its worthy purpose could be achieved by including language in the House report, and he wrote me on August 3, 1964:

> We have always had a special interest in the FHA section 221 sales housing program and have sought to find ways to make it more useful. Right now, FNMA has the authority to buy these mortgages but they have not used it. I believe the best solution would be to put language in the committee report on the Housing bill which would set HHFA in the direction of using this authority. I believe that we can get the Housing Agency to act on this because I know that section 221 is important to them.

The inclusion of this section in this report, on page 31, will, I trust, as I told the gentleman from Alabama, Chairman Rains, with whom I found myself in complete agreement, adequately, and promptly, achieve the purposes I had in mind in introducing my bill, H.R. 10251.

Support of the purposes of my housing plan, and for the inclusion of language in the House report on H.R. 12175 to effectuate it, was expressed, I am pleased to say, by several members of the House Banking and Currency Committee, in addition to Chairman Rains, shortly after I introduced my bill. Among those expressing interest in my housing plan were the gentlewoman from Missouri [Mrs. Sullivan], the gentleman from Florida [Mr. Pepper], the gentleman from Texas [Mr. Gonzalez], and the gentleman from Pennyslvania [Mr. Moorhead].

A 1961 amendment to the National Housing Act provided that the liberal provisions of FHA mortgage insurance would apply to low- and moderate-income purchasers as well as families faced with forced relocation due to urban renewal or other governmental action. Previously, the FHA section 221(d)(2) provisions applied only to displaced families. This 1961 amendment was a good one, and the intent of the Congress in adopting it should be carried out by HHFA.

At the present time, families other than displacees can, indeed, qualify for single-family homes under the FHA program, while two-, three-, and four-family properties under this section are limited to displaced families. But while single-family purchasers can qualify, they can do so only with a significant handicap. For example, on a $10,000 single-home property a 3-percent or $300 downpayment and a 97-percent mortgage is required of purchasers who are not displacees. On the other hand, a displaced family may receive a 100-percent mortgage with minimum equity of $200 which may be deferred under agreement with the mortgagee. As a result of these and still other handicaps, which I discussed in the Congressional Record of June 10, 1964—page 13302—thousands of low- and moderate-income families not qualifying for the "displaced family" eligibility find they cannot afford to take advantage of the 1961 National Housing Act provisions of the FHA section 221(d)(2) program.

I have noted with interest that some amendments contained in H.R. 12175 do not appear in the comparable Senate-passed bill, S. 3049; and the Senate version of the housing bill does not contain all of the provisions which appear in the bill as reported out by the Banking Committee of this House. With great confidence in the ability of the prospective conferees from this House and from our Committee on Banking and its Subcommittee on Housing, I look forward to a final bill which will contain the meritorious provisions from both the House and Senate bills currently in process, especially with respect to the FHA's section 221 low-income housing programs.

In particular I endorse section 507(b) of the Senate bill and the amendment adopted on the floor of the Senate, an amendment which was offered by Senator Sparkman, of Alabama, chairman of the Senate Housing Subcommittee. The text of this amendment, and Senator Sparkman's explanation, appears on pages 17596–17597 of the Congressional Record for July 31, 1964. I understand these meritorious and significant amendments meet with the approval of the officials of FHA, and are strongly supported by the National Association of Home Builders.

I believe the need for low-income housing is so great in this country that all forms of incentives should be fully available to persuade private investors to place funds into housing our needy and poor families, just as they now invest in luxury apartments. The human goals to be satisfied by investment in and construction of low-income housing far exceed those met by the construction of luxury housing. Congress should do everything possible to influence the private investment market to place equity capital into low-income housing. The Senate amendments are a sound step forward. I fully believe that they will accomplish their goal and will accord to low-income housing the same tax treatment now available to high-rent, high-priced, luxury apartments. Therefore, I hope that the conferees will accept the Senate amendments on this point and that the final bill will contain these needed amendments.

I am convinced that the existing Federal housing programs, regardless of the legislative intent, do not meet in their administration at least, the real, urgent need for low-cost rental housing. There is among our population a large number of workingmen, military personnel, particularly of the enlisted cadre, and young families with transistory occupations which require them to be rentors rather than homeowners. There are conditions which exist near our military bases, as evidenced by the reports that have come to my office, revealing a scarcity of reasonable rental property which prohibits a serviceman from bringing his family to join him for his tour of duty. As industries move into new locations and workers are transferred or recruited for the labor force, they are confronted with the same problem of finding adequate housing at reasonable rents until they are secure and profitable enough in their employment to own a home.

The private construction industry, which oftentimes overlooks the low rental group, has responded to the various Federal programs for homeowners. They have not, however, moved into this low rental housing gap which affects the lives of so many of our workers and servicemen, and many charge exorbitant rents for the housing they do build. The vigorous administration of the Federal section 221 low-cost housing programs would help to minimize these exploiting landlords.

Government programs already exist which pledge the faith and credit of the taxpayers through various types of authorities to build tunnels, bridge and toll roads, and to support industrial and development commissions. All of the activities use the credit of the State or Federal Government. Nothing, or little, is being done to meet the urgent, basic need of rental housing for those in our midst whose circumstances necessitate rental rather than ownership housing.

What is needed today is a program for housing as revolutionary as the Model T was in its day. Just as Henry Ford put the workingman on wheels by developing an inexpensive, reliable, and durable means of transportation—and incidentally brought profits and employment to a vast new industry and its supporting suppliers—the housing industry needs to build large numbers of reasonable, adequate, rental units. It may well be that the need can be met by private industry—but thus far private efforts have been directed to construction of homes to sell. There is found on too many of our streets substandard housing, in the large cities, small towns, and even rural areas, around which are parked large and expensive automobiles. Their presence suggests the availability on the part of the owners of sufficient resources to afford better housing.

It is in this situation that is found a root cause of many accompanying ills that are costly not only in terms of broken homes, juvenile delinquency, and unsanitary conditions, but also in terms of depressed land values, tax assessments, and tax revenues for State and local governments and local school districts. In the urban areas, renewal projects have been launched which require that families move only to new congested areas while years pass before the construction of new homes is accomplished. Meanwhile, the children in these families grow up, marry, compounding the need for low-cost rental housing.

I do not intend to reflect unfavorably on the strides that have been made by private building industries with the encouragement of the various lending agencies of the Federal Government. They have met, and met well, the need for homeowners by building the suburbs of America--sprawling or otherwise. But we need, desperately so, more than high-rise luxury apartments, "new cities" of homeowners clustered around shopping centers. We need a vast housing program that will provide adequate and reasonable rentals in the locations where great numbers of our people live, work, and serve others in the défense of the country—and this can and should be accomplished through the cooperation of private enterprise and the Federal and State Governments.

Mr. KEITH. Mr. Chairman, this Housing Act provides for the continuation, among other things, of the urban renewal program which, historically now, has been of great assistance in the rebuilding of many unproductive areas in our older cities and larger towns—particularly in the Northeastern States. It is a program which, when thoughtfully conceived and soundly financed, has been widely accepted by both sides of the aisle during the administrations of Presidents Truman, Eisenhower, and the late President Kennedy. I am very pleased, therefore, that the program before the House once again reflects a positive approach to the problems of urban renewal.

An important feature of this bill is the authorization of an additional $600 million for urban renewal grants. By tightening up program requirements, as well, it will encourage more and better rehabilitation by participating communities. By also tightening relocation requirements and providing rehabilitation benefits to displaced businesses, nonprofit organizations, individuals, and families, this bill will receive, I know, even greater support in my district.

Tuesday of this week, I met with the mayor of New Bedford, Mass., and his executive director for urban renewal, Howard Baptista, for a detailed discussion of that city's activities under the urban renewal program. One of the main reasons I am supporting this legislation is because of the sound and constructive application of the urban renewal program in my district, fn New Bedford and the town of Plymouth. In New Bedford, for example, there is underway preliminary work for an extensive renewal project. We were very pleased several weeks ago when the Urban Renewal Administration approved an advance planning grant and reserved from its authorization more than $7,400,000 for the city's unique central waterfront renewal project. As an economically depressed area, New Bedford has long recognized that fishing, shipping, and the waterfront industries are the key to the future. This investment of Federal urban renewal funds, in cooperation with the local authorities, will pay rich dividends in new industries, new jobs, and new prosperity for a city that now has a labor surplus.

Future phases of the city's long-range renewal program, I am happy to report, contemplate additional waterfront development, historical preservation, central business district development and provision for low- and moderate-income private housing.

I am particularly interested in the preservation program, for New Bedford, like Boston and Plymouth, is rich in American history and much of that history is naturally centered in the area of the waterfront and the older commercial and industrial areas of the city. The historical preservation aspects of the urban renewal program will be of importance to the city, not only in helping save and restore irreplaceable structures, but in permitting the city to take full advantage of the development possibilities of these historic sites. New Bedford has a valuable asset in potential tourism and this program will be helpful, therefore, in realizing the economic benefits of this asset.

In the past, Mr. Chairman, for one reason or another, I have regrettably been unable to support some of the Housing bills that have come before us. I am particularly glad, therefore, in view of the valuable aid the urban renewal program is giving and will give my district, that this legislation does not include the features—such as "back-door financing"—that in some former years caused me to reluctantly withhold my support.

Mr. FRASER. Mr. Chairman, one of the finest examples of constructive, successful Federal approach to the problems of modern society is Federal housing legislation. I wholeheartedly support the extension and liberalization of this legislation. There is a manifest need for continued and improved Federal activity in this area.

The bill we are considering contains innovations which promise to improve markedly the urban renewal program. The provision of 3-percent interest, 15-year-term loans for homeowners and businesses to allow them to rehabilitate their property is a big step forward. Many people in renewal areas, especially the elderly, have been simply unable to afford the cost of rehabilitating their homes. These loans ought to be of great help in this connection. And the loan program should pay for itself many times over, because it will avoid the necessity of demolishing structures which can be brought up to renewal standards.

Another significant improvement embodied in the bill is the authorization of increased relocation payments for families, individuals, and small businesses. At present, families and individuals receive only up to $200 for moving expenses and direct loss of property.

Small businesses receive up to $3,000. Experience has shown that these amounts are insufficient. Families and individuals who move from renewal areas must often increase the amount of money they spend for housing. Small businesses which move are often faced with higher cost and a lower volume of sales.

The provisions of this bill which grant $1,000 to displaced small businesses in addition to what they presently receive, and which authorize the payment of the first 3 months rent of displaced individuals and families will be an important liberalization of the law.

The bill also permits low income individuals displaced by governmental action to relocate in public housing. At present, such individuals must be either elderly or handicapped. Other improvements include liberalization of FHA home mortgage terms, housing assistance for the elderly and the handicapped, increased authorization for the rural housing and loan program, and grants for special training programs for local administrators of community development programs. I commend all of these provisions to the approval of my colleagues.

Mr. Chairman, the Subcommittee on Housing worked long and hard to draft legislation which not only extends important housing programs, but takes cognizance of the human problems involved in programs such as urban renewal. This bill by no means solves all of these problems. Nevertheless, it is an important step in the right direction. I congratulate the committee on this fine piece of legislation and urge its quick approval by the House.

Mr. CORMAN. Mr. Chairman, I join with my colleague, the gentleman from Florida [Mr. PEPPER], in commending the gentleman from Alabama [Mr. RAINS]. The people of my district are very grateful to him, for 90 percent of them live in homes built under legislation he authored. I urge the passage of H.R. 12175, the Housing Act of 1964. This legislation will make a major contribution to the well-being of millions of Americans. It will bolster the slum clearance program, continue the urban renewal program which has been so beneficial to Los Angeles, and authorize additional housing for the elderly and the handicapped. In 1964 every citizen is entitled to good housing. This bill will go far toward achieving that goal.

I am pleased the Committee on Banking and Currency accepted my bill, H.R. 5544, to permit certain home improvement loans to be insured under the Housing Act. This bill, incorporated in section 110 of the committee bill, will be a valuable aid to property owners in Los Angeles and other areas who are liable for the cost of sidewalks, curbs, and other public improvements.

Mr. Chairman, the committee has written a fine bill. It is worthy of our complete support. It is by legislation such as this that the Congress meets its responsibilities to the people of the Nation.

Mr. RYAN of New York. Mr. Chairman, I support H.R. 12175, the Housing Act of 1964. It is essential to enact its provisions extending existing programs, including public housing, housing for the elderly, and urban renewal. The new features, such as housing assistance for the handicapped are very important. However, at the same time I must admit my disappointment in the limited scope of the bill.

It is tragic that we have both the know-how and means to solve almost all our housing problems, and, yet we lack the will.

I appeared before the Subcommittee on Housing in February of this year to support the administration's housing bill—H.R. 9571. That bill was, as I stated at the time, minimum legislation. I urged that it be expanded and improved. But that bill has been abandoned to the detriment of the hopes of millions of ill-housed Americans.

Others also appeared before the House committee to plead for an expanded public housing program and corrective legislation to recommit the urban renewal program to the improvement of the living environment of the Nation's poor.

This administration and the Democratic Party in both Houses should present to the people of this country a housing proposal in keeping with the spirit of the New Frontier. The 88th Congress should deliver on the long overdue promise of a decent home for every American.

We ought to be on our way to a new understanding of housing and what it means to the desperate and alienated people in our urban ghettos.

Instead of this, I am confronted with a paradox. I must now argue for the passage of a substitute housing measure, H.R. 12175, which in no way meets the need for a comprehensive housing program for the United States.

It is called a barebones bill. It is that and will certainly be taken as such by the millions who are living in poverty. Here we have a measure that will take care of about 35,000 needy families when 36 million persons in the United States are living in housing that is either dilapidated, deteriorating, or lacking basic plumbing facilities.

Can we do any better? The National Association of Housing and Redevelopment Officials thinks so. In this year's hearings on the Omnibus Housing Act, their president, Ira S. Robbins, recommended a $2 million survey of public housing need and an additional 200,000 public housing units over the next 2 years. Furthermore, Mr. Robbins stated that "the recommendations of the administration bill for 60,000 units of low-income housing a year is simply not enough; in fact, it is utterly inadequate."

Boris Shishkin, housing expert with the AFL–CIO, agrees with Mr. Robbins. During the hearings he told the committee:

> On the basis of our careful and conservative examination of the problem, and of the indications of the most immediate and urgent need expressed by the local housing authorities themselves, we strongly and urgently recommend an authorization for construction of 100,000 new housing units per year for a period of 5 years.

Mr. Shishkin added:

> In making this recommendation, I emphasize its carefully measured and extremely conservative character. We believe it to be the absolute minimum that must be met if the public interest is to be served.

To further emphasize the conservative character of Mr. Shishkin's estimate, I call your attention to the fact that Paget L. Alves of the National Urban League has urged Congress to increase the authorization for low-income units to 400,000 annually for the next 5 years. Mr. Alves pointed out:

> The 1960 census reports there were a total of 13.9 million families, some 31 percent, with incomes under $4,000 a year. Eighty-one percent, or 11.3 million were white families. Six and a third million, or 45 percent of the 13.9 million were living in substandard housing. White families were approximately 69 percent, or 4.4 million, and nonwhites were approximately 30 percent, or 1.9 million families. At the proposed allocation of 60,000 public housing units a year, it will take us about 100 years to house these families adequately.

We are now about to extend this time schedule up to somewhere between 100 and 150 years, depending on what emergency action is taken next session. After all, what is a 100 years in the life of a civilized nation?

I have heard sophisticated remarks about next year, or the year after, about what we can get through Congress this session, and the compromises that are necessary. These excuses fall hard and cold on the ears of a young Harlemite, or an older man who cannot house his family.

However, H.R. 12175 is now before the House. It extends the public housing program and increases the urban renewal authorization by some $600 million. In addition, the bill contains a number of amendments designed to improve FHA sales and rental housing programs and other sections providing additional authorizations for open-space, senior citizens housing, public works planning, and rural housing programs.

Though far below what the President asked for in early 1964, and even further below what leading witnesses before the subcommittee on Housing estimated actual need to be, this measure is, nevertheless, necessary to prevent a virtual halt in Federal housing activity.

I am pleased that the Subcommittee on Housing has included FHA-insured supplemental loans to management-type cooperatives to finance the purchase and sale of memberships in the cooperatives. I have long advocated the use of the FHA concept to promote home ownership in our Nation's cooperative apartments. This measure should have an expansive effect on the production of cooperatives in the country's middle income market.

I am also pleased that the home improvement loan insurance program will be liberalized under this bill, so that the benefits of this FHA program will extend to the gray areas of the Nation that have thus far been excluded. The removal of "economic soundness" as the criterion and its replacement with the term "acceptable risk" will bring this program to many potential slum areas and save them from the bulldozer.

Another commendable addition to our housing legislation is the provision of H.R. 12175 which would make individual elderly persons eligible to purchase or occupy housing for low and moderate income families financed with mortgages insured by the FHA under the section 221 program. There were 2,773,000 deficient housing units in 1960, headed by persons over 65. The extension of the senior citizens loan program for another year, also provided for in H.R. 12175, will be of even greater benefit to the Nation's elderly.

I also support the provision in H.R. 12175, which would authorize a new program of rehabilitation loans to aid homeowners and businesses in urban renewal areas to improve their properties. This section would restore interest in preserving the character of many neighborhoods, and put a much needed roadblock in the path of the total clearance approach to urban renewal.

Another provision in H.R. 12175 would tighten relocation requirements in urban renewal developments. I have long supported this, and have, in fact, introduced legislation to that effect. It is hoped that this section will put some limitations on the haphazard way some local authorities are moving the impoverished from slum to slum.

These are all good provisions of this bill. They all deserve our support. But, what about all those things that have been left out? Where is the 2-year supplemental relocation payment program which would provide relocation payments equal to the difference between rentals on standard housing in their communities and 20 percent of their gross income?

Under H.R. 12175, increased relocation payments for individuals and families are far less flexible than those requested by the President. In lieu of the President's 2-year plan, the bill offers 3 months' rent payment up to $200 in addition to the $200 for moving expenses. However, it must be admitted that this is better than no increase at all.

The same thing applies to the President's request for a separation payment for small business of up to $2,500 upon displacement from an urban renewal project. This provision has been changed to $1,000, but, again, I must admit, even this payment will be a great help.

I am especially distressed that no provision has been included in this bill which will put an end to the building of luxury housing on urban renewal land.

How many times during the last two Congresses have I spoken about the construction of high-rise luxury apartments on land that formerly housed poverty stricken slum dwellers? I have called attention to the Manhattantown scandal, where luxury housing was finally built on urban renewal land with rents beginning at $49 per room, and the Washington Square Village development where apartments rent for as much as $246 per room per month.

Meanwhile, New York City continues to be vitally affected by the urban renewal program. According to the December 31, 1963, project directory of URA, New York City has 24 projects involving the clearance or rehabilitation of over 600 acres of land. More important, these areas contain, or did at one time contain, over 23,000 people. It is the interests of these people that should come first.

I will continue to fight for legislation to restrict the building of luxury apartments on urban renewal land, just as I have in the past. I will continue to speak—at length—on the subject until I have made the point that the urban renewal program must be for the ill-housed in our urban cores, for middle- and low-income people.

Of course, I support the extension of the public housing program authorized by H.R. 12175, and the increased authorization which will enable us to build 35,000 new housing units per year. I must add, however, that I do so with a sense of great frustration.

I have already mentioned the total inadequacy of the original public housing proposal made by the administration. Let me tell you what this unbelievably low authorization will mean to my constituents.

As you know, I represent a district in Manhattan, which is 100 percent urban in character. Not only is it 100 percent urban, but it is also 100 percent urban core. My district is on Manhattan Island. When we speak in general terms about the problems of the urban core, we are speaking specifically about the problems that are characteristic of my district.

Census data for 1960 show 96 million people living in urbanized areas. Of that 96 million, 58 million live in central cities and 38 million live on the urban fringe. So, despite the great increase in the population of our suburban society, we must recognize the fact that most of our urban citizens still live in the central city.

We should also realize that, on the whole, they make less money, live under more crowded conditions, and suffer more unemployment than their suburban counterparts.

Let us focus our attention on the island of Manhattan. To many people this is New York. It is host to most of the World's Fair visitors, but it is also the home of over 57,000 unemployed people, and over 90,000 families, 22 percent of all Manhattan families, with incomes under $3,000.

Under H.R. 12175, New York State, let alone New York City, will be eligible for only 5,250 new public housing units during the next year, due to the 15-percent limitation on public housing going to any one State. This 15 percent restriction should be eliminated, and I have introduced H.R. 5877 to remove it.

In 1963 alone, New York City received 97,568 applications for public housing and could accommodate but 11,115 families. This backlog grows day by day.

Last year Mayor Wagner pointed out:

> We still have slums in New York City. In fact, according to the 1960 census more than 500,000 housing units in New York City are deteriorating or in substandard condition. More than 276,000 such units are dilapidated or without essential plumbing facilities. Moreover, according to the 1960 census, and here is a key fact, 79 percent of all families now living in substandard quarters have incomes of less than $5,000 per year. In summary, there are a minimum of 200,000 ill-housed, low-income families in New York City whose only prospect for improving their housing consists of low-rent public housing.

Mr. Chairman, I am the author of legislation (H.R. 4581) to authorize Federal participation in the cost of acquiring air rights as part of an urban renewal project. Air rights can be used very effectively in urban renewal development, particularly in our major cities where open space is either nonexistent or at a heavy premium.

I understand that the Senate bill (S. 3049) includes a section addressed to the question of air rights. It extends title I assistance to the construction of buildings and platforms over railroad yards and tracks and highways.

I hope that in conference an air-rights provision will be written into the final bill. In congested areas air rights offer a unique opportunity to construct middle-income and low-income housing.

Mr. Chairman, I hope that my words will be heeded not so much by the opponents of housing legislation, but by its friends. If we do not respond to the housing needs of our cities, we will pay a heavy price. I hope that my words will not be misunderstood. I simply believe that decent housing for all Americans is an obligation of our society which Congress must fully meet.

Mr. DONOHUE. Mr. Chairman, because the evidence and expert testimony clearly show that slum clearance, urban renewal, housing for the elderly, low-cost public housing and similar programs are still urgently needed in almost every section of this country, I consider it a legislative obligation to urge support and prompt enactment of this bill, H.R. 12175, designed to extend and amend the present laws relating to housing, urban renewal, community facilities and other purposes.

The distinguished chairman of the House subcommittee and his associate members have worked long and hard to bring a reasonable omnibus housing bill before this House and, with noticeable bipartisan effort, I think it is apparent their common patriotic objective has been achieved in this measure. Admittedly many of the provisions are complex but the distinguished subcommittee chairman has patiently and exhaustively attempted to explain them all to this body. There is probably no greater challenge to any of our committees than the subject of housing and we are fortunate indeed to have the benefit of such a knowledgeable and conscientious committee chairman with a most diligent committee membership.

As an example of their conscientiousness and diligence they have made an heroic effort in this measure to provide, against past criticism, that in no instance should peopled be uprooted by urban renewal or any other governmental program unless such action was approved at the local level and unless adequate provision was made for the rehousing of the affected people in good, sanitary and wholesome accommodations of either a public or private nature. One of the most practical provisions of this measure is that authorizing a program for some 3 years of graduate training of city planners. The record of past disappointments in what appeared to be promising housing or renewal programs emphasizes the need for advance planning based on realistic knowledge and awareness of the technical and human relations problems likely to be encountered.

Most of the funds recommended in this measure would provide for urban renewal grants and an addition of some 35,000 units of public housing.

Other noteworthy features include funds for direct housing loans for the elderly and appropriations to begin an imperatively needed program of low-rent housing for migrant workers.

A further and most wholesome provision is designed to initiate a program of low-interest loans for improving already renewed areas.

Another most important innovation in this measure is that which emphasizes the role of code enforcement in urban renewal objectives. This provision is designed to place more responsibility on local authorities so that after a period of 3 years they cannot qualify for any further urban renewal assistance unless they have an adequate code enforcement impact at the local level. It seems clear that had this idea been carried out over the past years we very likely would not have such widespread slum and blight areas presently and unfortunately existing in so many cities throughout this great country.

Also within the provisions of this measure a single low-income person would be made eligible for public housing and individual handicapped persons would be given eligibility for the purchase or rental of FHA housing for low or moderate income families.

Mr. Chairman, the record shows that in general, the program has been well administered and it has been exceptionally free from misuse of funds or authority.

Mr. Chairman, this housing bill is certainly a relatively modest one. It surely seems essential for the continuation of programs that are vital to our efforts and our obligations to encourage better housing in better surroundings for all of our people. Because it is clearly in accord with our national traditions, because it is designed to prudently meet a foundation national need and because it is obviously intended to promote the health, the safety, and the happiness of all our citizens, I urge that it be promptly enacted.

Mr. WIDNALL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Housing Act of 1964".

TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

Mortgage limits for homes under section 203 programs

SEC. 101. (a) Section 203(b)(2) of the National Housing Act is amended—

(1) by striking out "$25,000", "$27,500", "$27,500", and "$35,000" and inserting in lieu thereof "$30,000", "$32,500", "$32,500", and "$37,500", respectively; and

(2) by striking out "90 per centum", "90 per centum", and "75 per centum" and inserting in lieu thereof "92 per centum", 92½ per centum", and "80 per centum", respectively.

(b) Section 203(i) of such Act is amended by striking out "$9,000" and inserting in lieu thereof "$11,000".

Home improvement loans outside of urban renewal areas

SEC. 102. Section 203(k) of the National Housing Act is amended by striking out "economically sound" in clause (2) of the first sentence and inserting in lieu thereof "an acceptable risk".

Additional relief for home mortgagors in default due to circumstances beyond their control

SEC. 103. (a) Section 204(a) of the National Housing Act is amended by striking out the fourth proviso and inserting in lieu thereof the following: ": *And provided further,* That with respect to any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, if the Commissioner finds, after notice of default, that the default was due to circumstances beyond the control of the mortgagor, he may, upon such terms and conditions as he may prescribe, (1) approve the request of the mortgagee for an extension of the time for the curing of the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property to such time as the Commissioner may determine is necessary and desirable to enable the mortgagor to complete the mortgage payments, including an extension of time beyond the stated maturity of the mortgage, and in the event of a subsequent foreclosure or acquisition of the property by other means the Commissioner is authorized to include in the debentures an amount equal to any unpaid mortgage interest, or (2) approve a modification of the terms of the mortgage for the purpose of changing the amortization provisions by recasting, over the remaining term of the mortgage or over such longer period as may be approved by the Commissioner, the total unpaid amount then due, as determined by the Commissioner, with the modification to become effective currently or to become effective upon the termination of an agreed-upon extension of the period for curing the default; and the principal amount of the mortgage, as modified, shall be considered to be the 'original principal obligation of the mortgage' as that term is used in this Act for the purpose of computing the total face value of the debentures to be issued or the cash payment to be made by the Commissioner to a mortgagee".

(b) Section 230 of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence heretofore or hereafter insured under this Act, the Commissioner, in his discretion and for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that he has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance, may acquire the loan and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the loan plus any unpaid mortgage interest plus reimbursement for such costs and attorney's fees as the Commissioner finds were properly incurred in connection with the defaulted mortgage and its assignment to the Commissioner, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Commissioner, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto."

Maximum amount of section 207 rental housing mortgages

SEC. 104. Section 207(c)(2) of the National Housing Act is amended by striking out all that follows the first colon and precedes "to mortgages on housing in Alaska", and inserting in lieu thereof the following: "*Provided,* That this limitation shall not apply".

Family unit limits on FHA rental housing

SEC. 105. (a) Section 207(c)(3) of the National Housing Act is amended by striking out the first paragraph and inserting in lieu thereof the following:

"(3) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms or not to exceed $1,800 per space or $500,000 per mortgage for trailer courts or parks; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher cost incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require."

(b) Section 213(b)(2) of such Act is amended by striking out all that precedes the third proviso and inserting in lieu thereof the following:

"(2) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms, and not to exceed 97 per centum of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed physical improvements are completed: *Provided,* That as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design: *Provided further,* That the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require".

(c) Section 220(d)(3)(B)(iii) of such Act is amended to read as follows:

"(iii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require: *Provided,* That nothing contained in this subparagraph shall preclude the insurance of mortgages covering existing multifamily dwellings to be rehabilitated or reconstructed for the purposes set forth in subsection (a) of this section; and".

(d) (1) Section 221(d) (3) (ii) of such Act is amended to read as follows:

"(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require; and".

(2) Section 221(d) (4) (ii) of such Act is amended to read as follows:

"(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require;".

(e) Section 231(c) (2) of such Act is amended to read as follows:

"(2) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require;".

(f) (1) Clause (2) in the first sentence of section 810(f) of such Act is amended by striking out "$2,500 per room (or $9,000 per family unit if the number of rooms in such property or project is less than four per family unit)" and inserting in lieu thereof "$9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms".

(2) The second sentence of section 810(f) of such Act is amended to read as follows: "The Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require."

Supplemental cooperative loans under section 213(j)

SEC. 106. (a) Section 213(j) (1) of the National Housing Act is amended—

(1) by striking out "or" at the end of clause (A);

(2) by striking out the period at the end of clause (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new clause:

"(C) Cooperative purchases and resales of memberships in order to provide necessary refinancing for resales of memberships which involve increases in equity; but in such resales by the cooperative the downpayments by the new members shall not be less than those made on the original sales of such memberships."

(b) Section 305(e) of such Act is amended by adding at the end thereof the following new sentence: "Without regard to any of the limitations of this subsection except the total amount of authorizations available, the Association is authorized to enter into advance commitment contracts and purchase transactions on supplementary cooperative loans with respect to which the Federal Housing Commissioner shall have issued, pursuant to section 213(j), either a commitment to insure or a statement of eligibility; but such commitments and purchases shall be made solely where there is a management-type cooperative involved which is certified by the Federal Housing Commissioner as a consumer cooperative."

Mutuality for management-type cooperatives

SEC. 107. (a) Section 213 of the National Housing Act is amended by adding at the end thereof the following new subsections:

"(k) There is hereby created a Cooperative Management Housing Insurance Fund (hereinafter referred to as the 'Management Fund'). The Management Fund shall be used by the Commissioner as a revolving fund for carrying out the provisions of this section with respect to mortgages or loans insured, on or after the date of the enactment of this subsection, under subsections (a)(1), (a)(3) (if the project is acquired by a cooperative corporation), (i), and (j). The Management Fund shall also be used as a revolving fund for mortgages, loans, and commitments transferred to it pursuant to subsection (m). The Commissioner is directed to transfer to the Management Fund from the Housing Insurance Fund established pursuant to section 207(f) such amount as the Commissioner determines to be necessary and appropriate. General expenses of operation of the Federal Housing Administration relating to mortgages or loans which are the obligation of the Management Fund may be charged to the Management Fund.

"(l) The Commissioner shall establish in the Management Fund, as of the date of the enactment of this subsection, a General Surplus Account and a Participating Reserve Account. The aggregate net income thereafter received or any net loss thereafter sustained by the Management Fund, in any semiannual period, shall be credited or charged to the General Surplus Account or the Participating Reserve Account or both in such manner and amounts as the Commissioner may determine to be in accord with sound actuarial and accounting practice. Upon termination of the insurance obligation of the Management Fund by payment of any mortgage or loan insured under this section, and at such time or times prior to such termination as the Commissioner may determine, the Commissioner is authorized to distribute to the mortgagor or borrower a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice: *Provided,* That in no event shall the amount of the distributable share exceed the aggregate scheduled annual premiums of the mortgagor or borrower to the year of payment of the share less the total amount of any share or shares previously distributed by the Commissioner to the mortgagor or borrower: *And provided further,* That in no event may a distributable share be distributed until any funds transferred to the Management Fund pursuant to section 219 have been repaid in full to the transferring fund. No mortgagor, mortgagee, borrower, or lender shall have any vested right in a credit balance in any such account or be subject to any liability arising out of the mutuality of the Management Fund. The determination of the Commissioner as to the amount to be paid by him to any mortgagor or borrower shall be final and conclusive.

"(m) The Commissioner is authorized to transfer to the Management Fund commitments for insurance issued under subsections (a)(1) (i), and (j) prior to the date of the enactment of this subsection, and to transfer to the Management Fund the insurance of any mortgage or loan insured prior to the date of the enactment of this subsection under subsection (a)(1), (a)(3) (if the project is acquired by a cooperative corporation), (i), or (j), but only in cases where the consent of the mortgagee or lender to the transfer is obtained or a request by the mortgagee or lender for the transfer is received by the Commissioner within such period of time after the date of the enactment of this subsection as the Commissioner shall prescribe: *Provided,* That the insurance of any mortgage or loan shall not be transferred under the provisions of this subsection if on the date of the enactment of this subsection the mortgage or loan is in default and the mortgagee or lender has notified the Commissioner in writing of its intention to file an insurance claim. Any insurance or commitment not so transferred shall continue to be an obligation of the Housing Insurance Fund.

"(n) Notwithstanding the limitations contained in other provisions of this Act, premium charges for mortgages or loans insured under sections 207, 213, 231, and 232 may be payable in debentures issued in connection with mortgages or loans transferred to the Management Fund or in connection with mortgages or loans insured pursuant to commitments transferred to the Management Fund, as provided in subsection (m) of this section."

(b) Section 213 of such Act is further amended—

(1) by inserting before the period at the end of subsection (a) the following: ": *Provided,* That as applied to mortgages the mortgage insurance for which is the obligation of the Management Fund, the reference to the Housing Fund in section 207(b) (2) shall be construed to refer to the Management Fund"; and

(2) by inserting before the period at the end of subsection (e) the following: ": *Provided,* That as applied to mortgages or loans the insurance for which is the obligation of the Management Fund (1) all references to the Housing Insurance Fund or Housing Fund shall be construed to refer to the Management Fund, and (2) all references to section 207 shall be construed to refer to subsections (a)(1), (a)(3) (if the project involved is acquired by a cooperative corporation), (i), and (j) of this section".

(c) Section 207(f) of such Act is amended by inserting at the end thereof the following new sentence: "This subsection shall not be applicable to a mortgage or loan, insured under section 213, the mortgage or loan insurance for which is the obligation of the Cooperative Management Housing Insurance Fund."

(d) Section 219 of such Act is amended by striking out "or the Servicemen's Mortgage Insurance Fund" and inserting in lieu thereof "the Servicemen's Mortgage Insurance Fund, or the General Surplus Account of the Cooperative Management Housing Insurance Fund."

Mortgage limits under section 220 sales housing mortgage insurance program

SEC. 108. Section 220(d)(3)(A)(i) of the National Housing Act is amended—

(1) by striking out "$25,000", "$27,500", "$30,000", "$35,000", and "$35,000" and inserting in lieu thereof "$30,000", "$32,500", "$32,500", "$37,500", and "$37,500", respectively; and

(2) by striking out "90 per centum", "90 per centum", and "75 per centum" and inserting in lieu thereof "92 per centum", "92½ per centum", and "80 per centum", respectively.

Mortgage limits under section 220 multifamily housing mortgage insurance program

SEC. 109. Section 220(d)(3)(B)(i) of the National Housing Act is amended by striking out "$20,000,000" and inserting in lieu thereof "$30,000,000".

Loans to cover the cost of public improvements

SEC. 110. (a) The second sentence of section 220(h)(1) of the National Housing Act is amended to read as follows: "As used in this subsection—

"(A) the term 'home improvement loan' means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit made—

"(i) for the purpose of financing the improvement of an existing structure (or in connection with an existing structure) which was constructed not less than ten years prior to the making of such loan, advance of credit, or purchase, and which is used or will be used primarily for residential purposes: *Provided,* That a home improvement loan shall include a loan, advance, or purchase with respect to the improvement of a structure which was constructed less than ten years prior to the making of such loan, advance, or purchase if the proceeds are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or which were caused by fire, flood, windstorm, or other casualty; or

"(ii) for the purpose of enabling the borrower to pay that part of the cost of the construction or installation of sidewalks, curbs, gutters, street paving, street lights, sewers, or other public improvements, adjacent to or in the vicinity of property owned by him and used primarily for residential purposes, which is assessed against him or for which he is otherwise legally liable as the owner of such property;

"(B) the term 'improvement' means conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement, or remodeling; and

"(C) the term 'financial institution' means a lender approved by the Commissioner as eligible for insurance under section 2 or a mortgagee approved under section 203 (b)(1)."

(b) Section 220(h)(2)(i) of such Act is amended by inserting before the semicolon at the end thereof the following: ", and be limited as required by paragraph (11)".

(c) Section 220(h) of such Act is further amended by adding at the end thereof the following new paragraph:

"(11) Notwithstanding any other provision of this Act, no home improvement loan made in whole or in part for the purpose specified in clause (A) (ii) of the second sentence of paragraph (1) shall be insured under this subsection if such loan (or the portion thereof which is attributable to such purpose), when added to the aggregate principal balance of any outstanding loans insured under this subsection or section 203(k) which were made to the same borrower for the purpose so specified (or the portion of such aggregate balance which is attributable to such purpose), would exceed $10,000."

Home improvement loans on property held under lease

SEC. 111. Section 220(h)(2)(vi) of the National Housing Act is amended by striking out "a period of not less than 50 years to run from the date of the loan" and inserting in lieu thereof "an expiration date in excess of 5 years later than the maturity date of the loan".

Private mortgagors under section 221(d)(3)

SEC. 112. Section 221(d)(3) of the National Housing Act is further amended by inserting after "section" in the matter preceding clause (i) the following: ", or a mortgagor approved by the Commissioner which (A) as a condition of obtaining the insurance of a mortgage under this section, and prior to the submission of its application for such insurance, has entered into an agreement, in form and substance satisfactory to the Commissioner, to sell the property or project covered by such mortgage (upon its completion) to a private nonprofit corporation, association, or other mortgagor approved by the Commissioner at the actual cost of the property or project as certified pursuant to section 227, and (B) is regulated or supervised by the Commissioner, under a regulatory agreement or otherwise, as to rents, charges, and methods of operation in such form and in such manner as in the opinion of the Commissioner will effectuate the purposes of this section".

Mortgage insurance for servicemen

SEC. 113. Section 222(b) of the National Housing Act is amended—

(1) by striking out "203(b) or 203(i)" in paragraph (1) and inserting in lieu thereof "203(b), 203(i), or 221(d)(2),"; and

(2) by striking out "such principal obligation shall not exceed $9,000" in paragraph (2) and inserting in lieu thereof "or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section".

Private financing of sale of FHA-acquired properties

SEC. 114. Section 223(c) of the National Housing Act is amended by striking out "limitation upon eligibility contained in this title II" and inserting in lieu thereof the following: "limitations or requirements contained in this title upon the eligibility of the mortgage, upon the payment of insurance premiums, or upon the terms and conditions of insurance settlement and the benefits of the insurance to be included in such settlement (except that in any case the payment of insurance shall be in debentures)".

Mortgage insurance for nonprofit nursing homes

SEC. 115. Section 232(b)(1) of the National Housing Act is amended by inserting after "proprietary facility" the following: "or facility of a private nonprofit corporation or association".

Experimental housing

SEC. 116. (a) Section 233(a) of the National Housing Act is amended by striking out ", in the case of mortgages insured under subsection (b)(2) of this section,".

(b) Section 233(b) of such Act is amended to read as follows:

"(b) To be eligible for insurance under this section, a mortgage shall meet the requirements of one of the other sections of this title; except that, in determining the appraised value or the replacement cost of the property in cases involving new construction or the estimated cost of repair and rehabilitation or improvement in cases involving existing properties, the Commissioner's estimate may be based upon an estimate of the cost of replacing the property using comparable conventional design, materials, and construction, and any limitation upon the maximum mortgage amount available to a nonoccupant owner shall not, in the discretion of the Commissioner, be applicable to mortgages insured under this section."

(c) Section 233 of such Act is further amended by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"(e) Any mortgagee under a mortgage insured under subsection (b) shall be entitled to insurance benefits determined in the same manner as such benefits would be determined if such mortgage or loan were insured under the section of this title for which it otherwise would have been eligible except for the experimental feature of the property involved."

(d) Section 233 of such Act is further amended by redesignating subsections (g) and (h) as subsections (f) and (g), respectively, and by striking out "subsections (e) and (f)" in the first sentence of the subsection so redesignated as subsection (f) and inserting in lieu thereof "subsection (e)".

Mortgage insurance for condominiums

SEC. 117. (a) Section 234 of the National Housing Act is amended—

(1) by striking out the heading and inserting in lieu thereof "MORTGAGE INSURANCE FOR CONDOMINIUMS";

(2) by striking out "structure" each place it appears and inserting in lieu thereof "project" (and by striking out "structures" in the last sentence of subsection (c) and inserting in lieu thereof "projects");

(3) by striking out "the term 'mortgage' for the purposes of this section" in subsection (b) and inserting in lieu thereof "the term 'mortgage' for the purposes of subsection (c)";

(4)(A) by striking out "this section" each time it appears in subsection (c) and inserting in lieu thereof "this subsection";

(B) by striking out "under another section" in the first sentence of subsection (c) and inserting in lieu thereof "under any section";

(5) by striking out "section 213" each time it appears in subsection (c) and inserting in lieu thereof "section 213(a) (1) and (2)";

(6) by striking out the third sentence of subsection (c) and inserting in lieu thereof the following: "To be eligible for insurance pursuant to this subsection, a mortgage shall (A) involve a principal obligation in an amount not to exceed $30,000, and not to exceed the sum of (i) 97 per centum of $15,000 of the amount which the Commissioner estimates will be the appraised value of the family unit including common areas and fa-

cilities as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of $15,000 but not in excess of $20,000, and (iii) 80 per centum of such value in excess of $20,000, and (B) have a maturity satisfactory to the Commissioner, but not to exceed, in any event, thirty-five years from the date of the beginning of amortization of the mortgage or three-fourths of the Commissioner's estimate of the remaining economic life of the project, whichever is the lesser.";

(7) by redesignating subsection (d) as subsection (g), by redesignating subsections (e) and (f) as subsections (i) and (j), respectively, and by inserting after subsection (c) the following new subsections:

"(d) In addition to individual mortgages insured under subsection (c), the Commissioner is authorized, in his discretion and under such terms and conditions as he may prescribe, to insure blanket mortgages (including advances on such mortgages during construction) which cover multifamily projects to be constructed or rehabilitated in cases where the mortgage is held by a mortgagor, approved by the Commissioner, which—

"(1) has certified to the Commissioner, as a condition of obtaining the insurance of a blanket mortgage under this subsection, that upon completion of the multifamily project covered by such mortgage it intends to commit the ownership of the multifamily project to a plan of family unit ownership under which each family unit would be eligible for individual mortgage insurance under subsection (c) and will faithfully and diligently make and carry out all reasonable efforts to establish such plan of family unit ownership and to sell such family units to purchasers approved by the Commissioner; and

"(2) shall be regulated or restricted by the Commissioner as to rents, charges, capital structure, rate of return, and methods of operation until the termination of all obligations of the Commissioner under the insurance and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage. The Commissioner may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary to render effective the regulation and restriction of such mortgagor. The stock or interest acquired by the Commissioner shall be paid for out of the Apartment Unit Insurance Fund, and shall be redeemed by the mortgagor at par at any time upon the request of the Commissioner after the termination of all obligations of the Commissioner under the insurance.

"(e) To be eligible for insurance, a blanket mortgage on any multifamily project of a mortgagor of the character described in subsection (d) shall involve a principal obligation in an amount—

"(1) not to exceed $20,000,000, or not to exceed $25,000,000 if the mortgage is executed by a mortgagor regulated or supervised, under Federal or State law or by a political subdivision of a State or an agency thereof, as to rents, charges, and methods of operation;

"(2) not to exceed 90 per centum of the amount which the Commissioner estimates will be the replacement cost of the project when the proposed physical improvements are completed;

"(3) not to exceed, for such part of the project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require; and

"(4) not to exceed an amount equal to the sum of the unit mortgage amounts determined under the provisions of subsection (c) assuming the mortgagor to be the owner and occupant of each family unit.

"(f) Any blanket mortgage insured under subsection (d) shall provide for complete amortization by periodic payments within such term as the Commissioner may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest (exclusive of premium charges for insurance) at not to exceed 5¼ per centum per annum on the amount of the principal obligation outstanding at any time. The Commissioner may consent to the release of a part or parts of the mortgaged property from the lien of the blanket mortgage upon such terms and conditions as he may prescribe and the blanket mortgage may provide for such release. The project covered by the blanket mortgage may include five or more family units and such commercial and community facilities as the Commissioner deems adequate to serve the occupants.";

(8) by striking out "this section" each time it appears in the subsection redesignated as subsection (g) by paragraph (7) of this subsection and inserting in lieu thereof "subsection (c) of this section";

(9) by inserting after the subsection redesignated as subsection (g) by paragraph (7) of this subsection the following new subsection:

"(h) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), (m), (n), and (p) of section 207 shall be applicable to mortgages insured under subsection (d) of this section, except that all references to the Housing Insurance Fund, or Housing Fund, shall be construed to refer to the Apartment Unit Insurance Fund."; and

(10) by amending the subsection redesignated as subsection (j) by paragraph (7) of this subsection to read as follows:

"(j) The provisions of sections 225 and 230 shall be applicable to the mortgages insured under subsection (c) of this section."

(b) Section 212(a) of such Act is amended by adding at the end thereof the following new sentence: "The provisions of this section shall also apply to the insurance of any mortgage under section 234(d)."

(c) Section 227(a) of such Act is amended by striking out "or (vii)" and inserting in lieu thereof "(vii)", and by inserting before the semicolon at the end thereof ", or (viii) under section 234(d)".

Prepayment of mortgages by nonprofit educational institutions

SEC. 118. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

"Prepayment of mortgages by nonprofit educational institutions

"SEC. 517. (a) Notwithstanding any other provision of this Act, no adjusted premium charge shall be collected in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor certifies to the Commissioner that the loan was paid in full by or on behalf of a nonprofit educational institution which intends to use the property for educational purposes.

"(b) The Commissioner shall refund any adjusted premium charge collected subsequent to July 1, 1962, and prior to the date of the enactment of the Housing Act of 1964, in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor under such mortgage makes the certification prescribed by subsection (a)."

Increase in number of units insurable under section 810 program

SEC. 119. Section 810(i) of the National Housing Act is amended by striking out "five thousand dwelling units" and inserting in lieu thereof "ten thousand dwelling units".

Mr. RAINS (interrupting the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. OLIVER P. BOLTON

Mr. OLIVER P. BOLTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIVER P. BOLTON: On page 32, after line 5 insert the following new section:

"GENERAL FHA MORTGAGE INSURANCE AUTHORIZATION

"SEC. 120. Section 217 of the National Housing Act is amended to read, as follows:

" 'GENERAL MORTGAGE INSURANCE AUTHORIZATION

" 'SEC. 217. Notwithstanding any other limitations contained in this Act on the aggregate amount of principal obligations of mortgages or loans which may be insured (or insured and oustanding at any one time), the aggregate amount of the principal obligations of all mortgages and loans which may be insured and oustanding at any one time after October 1, 1965, under insurance contracts pursuant to the provisions of this Act other than section 2, section 221, and title VIII, plus the aggregate amount of the principal obligations of all mortgages and loans covered by commitments to insure pursuant to any of such provisions which may be outstanding at such time, shall not exceed the sum of the outstanding principal balances of all mortgages and loans insured pursuant to such provisions as of October 1, 1965 (as estimated by the Commissioner on the basis of scheduled amortization payments without taking into account prepayments or delinquencies), and the principal amount of all outstanding commitments to insure pursuant to such provisions as of that date.' "

Mr. OLIVER P. BOLTON. Mr. Chairman, this is the amendment to which I made reference a few short moments ago. This amendment would restore to the Federal Housing Administration the basic authority which until passage of the Housing Act of 1961 it always had, to use returning insurance authority to issue and honor commitments to insure after reaching its total dollar ceiling, or expiration date, as set by the Congress.

The significance and purpose of the amendment is to assure that the Federal Housing Administration can continue in existence as an insurance agency and yet, at the same time, not exceed the ceiling limits beyond its total insurance authority as authorized by the Congress.

Within the expiration date of October 1, 1965, as set by the Congress in the

Housing Act of 1961, and within the total dollar ceiling as set by the Congress in the act prior to 1961, this authority would permit the FHA to continue to use, on a "rollover" basis, the insurance authority which is derived from cancellations of existing commitments and payoff of insured mortgage loans, resulting in release of committed insurance authority.

I say again what I said a bit earlier. If we are to have a steady guarantee by FHA for the housing business next year, it seems to me that we must extend its life now so that committing groups and financing groups will know that such guarantees will be available. If such priorities must be rushed now, every FHA office will be clogged to death between now and the first of October.

The language as used in this amendment is the language which was adopted by the House. It was adopted in the Housing Act of 1961. That is why I chose this way of insuring the continuance of the FHA.

The question is quite simple, it seems to me. Either we are for FHA, we are for a steady and sure position in the guarantee of mortgages and loans, we are for the building of a continually better housing industry and against creating any crisis in that industry which could affect the industry in the next year, or we are against a smooth continuation of this program.

Mr. Chairman, I yield back the remainder of my time.

Mr. RAINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the truth is I regret that this amendment comes up. As has been said all the way through, we have practically unanimous agreement on this bill in the committee. I regret also to oppose it because of my personal esteem for the distinguished gentleman from Ohio. But this is not a good amendment. This amendment is diametrically opposed to the usual belief of my distinguished friend over here.

This amendment seeks to release from the Congress of the United States the control of a Government agency and turn it over to a bureaucracy. This amendment seeks to do that which we so often have said we did not want to do, that is, release from congressional control the creation of the creature of congressional control.

I am quite sure my distinguished friend did not realize he had in this amendment a statement right at the bottom of the page that would mean perpetual extension of FHA. I read, and I do not know who wrote it, but I call your attention to the fact that it says, "and the principal amount of all outstanding commitments."

Under the usual operation as it has been in days gone by of the FHA, that would likely carry FHA for from 5 to 10 years without coming back to the Congress of the United States. I have just read that out of the amendment, and it says, "and the principal amount of all outstanding commitments." The last time we tried this there were over $3.5 billion of outstanding commitments. When we tried to roll over one time the result was great confusion.

I hope you will listen to this. This amendment was not even discussed in either the Housing Subcommittee or the Committee on Banking and Currency. This is an exercise in futility.

The Senate of the United States has passed a bill that does not have it in it. Next year there is to be a housing bill. I have been around here long enough to know that you are not going to be able to extend one section of the housing bill beyond the expiration date of the other, not through both bodies of this Congress of the United States. So what I am trying to do here is to talk actual facts about it. I am not against FHA. I never have been. I know the gentlemen over here are not.

However, what we are doing is arguing about something that has nothing to do with the merits of FHA. The simple truth of the business is this: that if we are not to keep congressional control of FHA, then why keep congressional control of community facilities? Why keep congressional control of public housing? Why keep congressional control of urban renewal? You must remember that FHA puts a tremendous contingent liability on the Government of the United States. It is true that up to now the Government has not lost any money on FHA. But if the day should ever come when that contingent liability should be called this Congress would be called on to pick up the tab. Therefore, this Congress, as we are wont to do on every issue, should keep its finger on any place where this Government has to pick up the tab if something goes wrong.

So it seems to me that we are right back dealing with a fundamental fact. Are we in order to take one particular segment of the housing bill and provide an almost perpetual continuation? Are we willing to do that? Are we willing to say to FHA with all the dangers that may be involved—are we willing to turn it loose for 4 years? Stop and think about that before you go too far with a bureaucracy that would have total control of it for 4 years or 2 years or 3 years.

No, this has something else back of it. This actually is the dream that there ought to be some way to have housing bills voted on piecemeal; bring in one bill on public housing, bring in another one for FHA, bring in another one on urban renewal. I have had this suggested to me by groups many, many times over. But you cannot legislate like that. You have to face the general overall problem of housing as it affects the whole country. The Congress, I repeat, certainly does not want to give up prerogatives that it cherishes so much.

Mr. MULTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the distinguished gentleman from Alabama [Mr. RAINS] has already made the point that there was not a word of testimony offered to the committee in support of this amendment. I want to call your attention to the fact that the testimony makes up a volume of almost 1,000 pages that the committee took in connection with this bill; and I repeat, not a word of testimony was offered, not a single request was made of the subcommittee to consider this amendment.

As has already been indicated, this program has been a very smooth operation ever since it was brought into being. The distinguished gentleman from Ohio [Mr. OLIVER P. BOLTON], is mistaken when he says that the housing bill always comes in at the end of a session and you have not got enough time to consider it. The fact of the matter is that in 1959 the major housing bill came in and was passed in June of 1959. In 1961 the major housing bill was brought in and passed in June of 1961.

Let me recall to the committee that there was a time when we did not have the control over FHA that we have now and which would be eliminated if this amendment prevails. FHA went overboard, made commitments over and beyond the amount that was authorized and in order to be able to make good their unauthorized commitments we had to pass retroactive legislation to bail out FHA.

This agency must know that we expect it to stay within the limits of the law and make its commitments within the limits of the law. So long as it is doing the right job we will continue to extend the authority of this agency and keep it a smooth-running operation.

Let me say also to the gentleman from Ohio and to the rest of the committee that I am sure nobody in this House wants to preclude the new Congress that comes in next year, even though it may include most of us or many of us, from reviewing this whole program and saying whether or not it should continue or should not continue.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. MULTER. Surely, I yield to the gentleman from Ohio.

Mr. OLIVER P. BOLTON. As a longtime member of the committee the gentleman, of course, was on the committee when in 1961 the subcommittee adopted the language of my amendment; the Committee on Banking and Currency adopted the language, and the House adopted it.

Am I not correct that this is the first time since FHA has come up that it has approached a specific date deadline?

Mr. MULTER. That is not my recollection. I believe we have had this problem before. We have given them extensions, sometimes a temporary extension, but we have always kept the program alive and operating, operating smoothly, and there is no danger of this program being disrupted or of there not being enough money authorized for them to make advance commitments. There will always be enough money in the pipeline for them to plan ahead—and some of this planning, as the gentleman from Ohio said, requires 6 months or more. There is ample in this program to keep it running smoothly and planning ahead. If ever there is any danger of their running out of money, they can always come back to the Congress and we can let them obtain the proper authorization well in advance.

Mr. Chairman, I heard during the course of the debate on the rule, several Members remark about the fact that we ought to be certain that there is nothing in this bill that is going to take from the Appropriations Committee the right to review this program. If this amendment is adopted it will take that right not only away from the Committee on Appropriations but away from the Committee on Banking and Currency and from the Congress itself.

Mr. Chairman, I note that the gentleman from Ohio is shaking his head. I would be pleased to hear an explanation from the gentleman to the contrary.

Mr. OLIVER P. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from Ohio.

Mr. OLIVER P. BOLTON. The gentleman knows that there is not a word in the amendment that has anything to do with the prerogatives of the Committee on Appropriations and that this program must come under the review of the Committee on Appropriations every year for its administrative funds.

Mr. MULTER. Let us stop there.

Mr. OLIVER P. BOLTON. In addition to that——

Mr. MULTER. Let us not confuse the issue. "Administrative funds" does not mean reviewing the authorization for the insurance or grants or any other part of this program.

Mr. OLIVER P. BOLTON. That is correct.

Mr. MULTER. It is for administrative funds only. The Appropriations Committee does not have the time to review the operation of these programs or any one of them. It would need a whole year merely to review this one FHA program. Although it has the right to review the operations of the program, it limits itself to administration. It reviews the administrative problems and budgets.

Mr. OLIVER P. BOLTON. Mr. Chairman, if the gentleman will yield further, does the gentleman feel that the committee has lost control and lost touch of the college housing and loan program of $2,875 million of back-door spending, or of the Community Facilities Administration or, for that matter, the programs as put forth for the Public Housing Administration?

Mr. MULTER. No; because there are specific limitations as to each of those programs and we must review them every year or every 2 years and then extend them if we see fit to do so. By "we," I mean both the Committees on Banking and Currency and Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. OLIVER P. BOLTON].

The question was taken and the Chairman announced that the "noes" appeared to have it.

Mr. OLIVER P. BOLTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. PATMAN and Mr. OLIVER P. BOLTON.

The Committee divided, and the tellers reported that there were—ayes 89, noes 100.

So the amendment was rejected.

The Clerk read as follows:

TITLE II—HOUSING FOR THE ELDERLY AND HANDICAPPED

Housing for the elderly—Loan program

SEC. 201. Section 202(a)(4) of the Housing Act of 1959 is amended by striking out "$275,000,000" and inserting in lieu thereof "$350,000,000".

FHA section 221 housing for low- or moderate-income elderly persons

SEC. 202. Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: "Any person sixty-two years of age or over shall be deemed to be a family within the meaning of the terms 'family' and 'families' as those terms are used in this section."

Housing for the handicapped

SEC. 203. (a)(1) The heading of title II of the Housing Act of 1959 is amended by striking out "HOUSING FOR THE ELDERLY" and inserting in lieu thereof "HOUSING FOR THE ELDERLY OR HANDICAPPED".

(2) Section 202 of such Act is amended—

(A) by striking out "elderly families and elderly persons" wherever it appears in subsections (a)(1), (a)(2), and (e) and inserting in lieu thereof in each instance "elderly or handicapped families";

(B) by amending subsection (d)(1) to read as follows:

"(1) The term 'housing' means structures suitable for dwelling use by elderly or handicapped families which are (A) new structures, or (B) provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for proposed dwelling use by such families.";

(C) by striking out the first sentence of subsection (d)(4) and inserting in lieu thereof the following: "The term 'elderly or handicapped families' means families which consist of two or more persons and the head of which (or his spouse) is sixty-two years of age or over or is handicapped, and such term also means a single person who is sixty-two years of age or over or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Administrator, to have a physical impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions.";

(D) by inserting before the period at the end of subsection (d)(7) the following: "or rehabilitation, alteration, conversion, or improvement of existing structures"; and

(E) by amending subsection (d)(8) to read as follows:

"(8) The term 'related facilities' means (A) new structures suitable for use by elderly or handicapped families as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities, and (B) structures suitable for the above uses provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for such uses."

(b) The last sentence of section 221(f) of the National Housing Act (as added by section 202 of this Act) is amended by striking out "person sixty-two years of age or over" and inserting in lieu thereof "person who is sixty-two years of age or over, or who is a handicapped person within the meaning of section 202 of the Housing Act of 1959,".

(c) Section 231 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any of the provisions of this section, the housing provided under this section may include family units which are specially designed for the use and occupancy of any person or family qualifying as a handicapped family as defined in section 202 of the Housing Act of 1959, and such special facilities as the Commissioner deems adequate to serve handicapped families (as so defined). The Commissioner may also prescribe procedures to secure to such families preference or priority of opportunity to rent the living units specially designed for their use and occupancy."

(d) The second sentence of section 2(2) of the United States Housing Act of 1937 (as amended by section 401(a) of this Act) is amended by inserting after "and includes" the following: "a single person who is handicapped within the meaning of section 202 of the Housing Act of 1959 or who is".

(e) Section 207 of the Housing Act of 1961 (as amended by section 407 of this Act) is further amended by inserting before the period at the end of the first sentence the following: "and of demonstrating the types of housing and the means of providing housing that will assist low income persons or families who qualify as handicapped families as defined in section 202 of the Housing Act of 1959".

Mr. ST GERMAIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to support and urge the passage of the bill we are debating today, the Housing Act of 1964, as it will have far-reaching effects on the economy of all of our States.

In my own State of Rhode Island, our elderly are anxiously awaiting the action taken by the Congress on this legislation. The units which have already been constructed in my State were assigned to applicants long before they were completed. Enactment of this legislation which will carry forward the Nation's housing, urban renewal and community development programs, will be an integral step forward in the attainment of full employment and alleviation of poverty.

Our children and our children's children will feel the adverse effects, if our Nation's elderly do not have the security to which they are rightfully entitled. However, this bill before us today does not pretend to offer final solutions to our housing and community development problems. It represents less than the administration asked for and less than some of us on the Housing Subcommittee hoped for earlier this year, but, as it stands, it is a realistic bill, drafted and approved of by reasonable men, in response to immediate needs of the country, with an optimistic insight toward future provisions for completion of all community development.

This measure continues existing programs, long since established by the Congress, and in continuing these programs another year, the committee has made some important improvements. Among these improvements are new incentives for private industry and for local governments to act on local problems. All Federal assistance provided in the measure is offered solely to help local and State governments and private industry to do the job they cannot do with their limited resources.

I am pleased with the new provisions which will tremendously strengthen the urban renewal program. My constituents are very interested in this program, as we have achieved national recognition for our own extensive urban renewal in Providence, where nine individual projects are involved. The transitional movement of urban renewal has given new life to building projects, public and private, providing the new look in downtown America for the three-fourths of our people who reside in urban areas. It is my strong belief that community development and urban renewal programs hold the key to the economic future of my State, and for that reason I strongly urge my colleagues to vote for this bill as it has been reported by our committee.

New provisions, which have been included by our committee, strengthen the urban renewal process in the areas of relocation and rehabilitation. In that connection may I point out that this measure as presented to you requires that local relocation programs be formulated as early as possible; that relocation payments be made to displacees as promptly as possible and that the Small Business Administration facilities be made available to adequately assist displaced small businesses.

The measure also provides incentives to stimulate nondemolition renewal projects. A revolving fund of $50 million would be authorized for low-interest loans to businesses and families to rehabilitate sound structures, and there are ample safeguards to assure that the loans are not misused for speculative or other purposes. The loans would reduce the need for demolition, would spur neighborhood rehabilitation and would facilitate housing code enforcement activities.

The measure under consideration broadens relocation features to give individuals as well as families protection when they are displaced by urban renewal, and the requirement that local agencies find decent, safe, and sanitary dwellings for displacees would be extended to individuals in projects hereafter. Personal knowledge of the inconveniences and hardships endured by many of my constituents in the past, makes me keenly aware of the necessity and importance of this provision.

I want also to call attention to the fact that this bill includes a provision which will mean a saving of approximately $600,000 to the city of Providence, R.I. The Fox Point Hurricane Dam which is now under construction at a cost of approximately $17 million, of which $5.1 million is being supplied from local funds, is considered an eligible public facility by the Urban Renewal Administration. Therefore, under Urban Renewal Administration regulations, federally assisted urban renewal projects being served by this public facility, if they meet certain criteria, will receive noncash contributions from that agency.

Because of certain technicalities beyond the control of the city of Providence, the cutoff date for eligibility has already occurred. Therefore, the amendment will, in effect, reestablish the eligibility of the railroad relocation project for a noncash grant from the Urban Renewal Administration.

After 15 years, urban renewal has reached the stage where it is making an enormous impact on our communities and where it is being subjected to the most searching and critical examination. Opponents have hurled many unfounded charges against the program. Our committee held hearings on the legislation now before you and opponents were afforded an excellent opportunity to air all criticisms. However, no charges of abuse of authority by the administering agencies were sustained. The programs were found to be singularly free of scandals or misuse of funds and it is a great tribute to the quality of government at every level in America that the purposes of these programs have been carried out with such ability and devotion. No one contends that the measures enacted in the past have been perfect, in either their conception or their execution. However, the main purpose of the Housing Act of 1964 is to improve the operations of these well-tested programs.

We are living in an urban society and this measure will prove a boon to the Nation's cities in their struggle to resist blight. The President's antipoverty program will be well reinforced by the passage of this measure, as it makes the urban renewal process easier and more economical for our cities and easier on the citizens of our cities affected by the process.

I enjoin my colleagues to vote for the passage of this legislation.

The Clerk read as follows:

TITLE III—URBAN RENEWAL

Capital grant authorization

SEC. 301. Section 103(b) of the Housing Act of 1949 is amended by striking out "not to exceed $4,000,000,000" and inserting in lieu thereof "not to exceed $4,600,000,000".

Mr. SCHENCK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do this in order to ask my esteemed friend and colleague, the gentleman from Alabama, some questions. Before I do that may I pay my sincere respects to him and express my thanks for his service here in Congress and my wishes for a long, successful, happy, and healthy life.

Mr. Chairman, it is my understanding, under the provisions of the current housing bill and that it is the intention of the Congress as applied to owners of property within an urban renewal development area, when an individual who owns property within an urban renewal area and who is ready, willing, and able to erect and finance a building which meets all requirements of the overall development plan, that it is the intention of the Congress that such an individual be permitted and encouraged to develop and build on his own land himself, so long as such building and land use meets the requirement of the overall plan?

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. SCHENCK. I yield to the gentleman from Alabama.

Mr. RAINS. In answer to the question posed by the gentleman from Ohio, there is nothing in the Federal urban renewal law prohibiting an owner of property in an urban renewal area from developing his land for the use or uses specified in the locally approved renewal plan where he is ready, willing, and able to do so.

If I may continue, whether the property owner may so develop his land is, in the final analysis, a decision that must be made locally and in accord with the provisions of the local law by the agency carrying out the project.

Of course, where the property owner can and does redevelop his land in conformity with the plan requirements, there is no need for the local agency carrying out the project to acquire this property, either by purchase or condemnation.

That answers one question, but this is the one I want to get to.

Some States, as I am sure the gentleman knows, have a statutory requirement that property owners in an urban renewal area must be given a reasonable opportunity to redevelop their land in accordance with the plan provisions. Other States have no such requirement.

Finally, I may say to my good friend from Ohio that I think this is a matter for local determination, and that there is absolutely nothing in the Federal law which will prevent it.

Mr. SCHENCK. Then, I will say to my friend from Alabama that under the housing law we are now considering and other housing laws in existence, nothing therein would prevent an owner who was ready, willing, and able to develop his own land from doing so, so long as the development was in accordance with the overall plan.

Mr. RAINS. That is correct.

Mr. SCHENCK. Is it the intention of Congress that such an owner be exempted from condemnation proceedings by any local housing authority?

Mr. RAINS. It is the intention of the Congress that if he develops it according to the plan, of course there would be no need to condemn it. The only time the condemnation law will take effect will be when he cannot or does not want to develop it in accordance with the plan.

Mr. SCHENCK. Suppose the local housing authority desires to develop the entire area itself, either by a single contractor or a group of contractors, and then chooses not to exempt a given piece of land, under the present law is the owner then foreclosed from doing so himself?

Mr. RAINS. I cannot say as to that. In the present Federal law there is no prohibition against that, but we likewise cannot write into law any direction that it must be done by the local government. Therefore, part of the gentleman's question, from the Federal standpoint, I answer "Yes," the other part I answer the other way.

Mr. SCHENCK. My understanding is that the local housing authority developing an urban renewal program must obtain approval from the Urban Renewal Administration.

Mr. RAINS. The approval of their application; that is correct.

Mr. SCHENCK. Is there anything in the rules and regulations and laws which would prohibit the local authority from taking over the whole thing without full approval of the Urban Renewal Administration?

Mr. RAINS. There is nothing at all that would prevent the local authority from taking over under the Federal law. In other words, it is strictly up to the local authority. I will repeat, there is nothing in this bill or in the Federal law that would prohibit a man from doing what you ask, but there is nothing in the law which directs that it must be done.

Mr. SCHENCK. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

Code enforcement

SEC. 302. (a) The first sentence of section 110(c) of the Housing Act of 1949 is amended by inserting after "or rehabilitation or conservation in an urban renewal area," the following: "or a program of code enforcement in an urban renewal area,".

(b)(1) Paragraph (5) of the second sentence of section 110(c) of such Act is amended (1) by striking out "a program of" and inserting in lieu thereof "programs of code enforcement or", and (2) by adding before the semicolon at the end of such paragraph the following: ": *Provided*, That no program of code enforcement shall be included as part of an urban renewal project unless the locality shall agree to increase its total expenditures with respect to code enforcement, during the period such project is under contract for a loan or capital grant, by an amount equal to the required local grants-in-aid with respect to the code enforcement included as part of such project".

(2) Any contract for a capital grant under title I of the Housing Act of 1949 executed prior to the date of the enactment of this Act may be amended to incorporate the provisions of paragraph (1) for costs incurred on or after such date.

(c) Section 101(c) of such Act is amended by adding at the end thereof the following new sentence: "Commencing three years from the date of the enactment of the Housing Act of 1964, no workable program will be certified or recertified unless the locality has had in effect for at least six months prior to such certification or recertification a minimum standards housing code, related but not limited to health, sanitation, and occupancy requirements, which is deemed adequate by the Administrator; and unless the Administrator is satisfied that the locality is carrying out an effective program of enforcement to achieve compliance with such housing code."

Relocation of displacees from urban renewal areas

SEC. 303. (a)(1) Section 105(c) of the Housing Act of 1949 is amended by striking out "families" wherever it appears and inserting in lieu thereof "individuals and families".

(2) The requirement imposed by the amendments made by paragraph (1) shall not be applicable to any project receiving Federal recognition prior to the date of the enactment of this Act.

(b) Section 105(c) of such Act is further amended by inserting before the period at the end thereof the following: ": *Provided*, That the Administrator shall issue rules and regulations to aid in implementing the requirements of this subsection and in otherwise achieving the objectives of this title which shall require that there be established, at the earliest practicable time, for each urban renewal project involving the displacement of families, individuals, or business concerns occupying property in an urban renewal area, a relocation assistance program which shall include such measures, facilities, and services as may be necessary or appropriate in order (1) to determine the needs of such families, individuals, and business concerns for relocation assistance, (2) to provide information and assistance to aid in relocation and otherwise minimize the hardships of displacement, and (3) to assure the necessary coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community which may affect the carrying out of the relocation program".

(c) Section 114(e) of such Act (as added by section 306 of this Act and redesignated by section 317 of this Act) is amended by adding at the end thereof the following new sentence: "Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred."

(d) Section 8(b) of the Small Business Act is amended—

(1) by striking out "and" at the end of paragraph (12);

(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof "; and "; and

(3) by adding after paragraph (13) the following new paragraph:

"(14) to provide at the earliest practicable time such information and assistance as may be appropriate, including information concerning eligibility for loans under section 7(b)(3), to local public agencies (as defined in section 110(h) of the Housing Act of 1949) and to small-business concerns to be displaced by federally aided urban renewal projects in order to assist such small-business concerns in reestablishing their operations."

Disposal of land for low- and moderate-income housing

SEC. 304. Subsections (a) and (b) of section 107 of the Housing Act of 1949 are amended to read as follows:

"(a) Upon approval of the Administrator and subject to such conditions as he may determine to be in the public interest, any real property held as part of an urban renewal project may be made available to (1) a limited dividend corporation, nonprofit corporation or association, cooperative, or public body or agency, or (2) a purchaser who would be eligible for a mortgage insured under section 221(d)(4) of the National Housing Act, for purchase at fair value for use by such purchaser in the provision of new or rehabilitated rental or cooperative housing for occupancy by families or individuals of moderate income.

"(b) When it appears in the public interest that real property acquired as part of an urban renewal project should be used in whole or in part for a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act, the property shall be made available to the public housing agency undertaking the low-rent housing project at a price equal to its fair value, as determined in accordance with subsection (a), and such amount shall be included as part of the development cost of such low-rent housing project: *Provided*, That the local contribution in the form of tax exemption or tax remission required by section 10(h) of such Act, or by analogous provisions in legislation authorizing such State or local program, with respect to the low-rent housing project into which such property was incorporated on or after September 23, 1959, shall (if covered by a contract which, in the determination of the Public Housing Commissioner, will assure that such local contribution will be made during the entire period that the project is used as low-rent housing within the meaning of such Act, or by provisions found by the Administrator to give equivalent assurance in the case of State or local programs) be accepted as a local grant-in-aid equal in amount, as determined by the Administrator, to one-half (or one-third in the case of an urban renewal project on a three-fourths capital grant basis) of the difference between the cost of such property (including costs of land, clearance, site improvements, and a share, prorated on an area basis, of administrative, interest, and other project costs) and its sales price, and shall be considered a local grant-in-aid furnished in a form other than cash within the meaning of section 110(d) of this Act."

Rehabilitation of property in urban renewal areas

SEC. 305. Section 110(c) of the Housing Act of 1949 is amended by adding immediately after and below paragraph (7) the following new paragraph:

"Notwithstanding any other provision of this title, no contract shall be entered into for any loan or capital grant under this title for any project which provides for demolition and removal of buildings and improvements unless the Administrator determines that the objectives of the urban renewal plan could not be achieved through rehabilitation of the project area."

Relocation payments to displaced persons and businesses

SEC. 306. (a) Title I of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"Relocation

"SEC. 114. (a) Notwithstanding any other provision of this title, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this title shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, 'displaced' refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

"(b) A local public agency may pay to any displaced business concern or nonprofit organization—

"(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed $3,000 (or, if greater, the total certified actual moving expenses); and

"(2) an additional $1,000 in the case of a private business concern with average annual net earnings of less than $10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of the real property under the third sentence of section 102(a)), (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.

"(c)(1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed $200: *And provided further*, That the Administrator may authorize payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

"(2) A local public agency may pay (in addition to any amount under paragraph (1)), to or on behalf of any displaced individual or family, the monthly rental (or mortgage payment) required for the dwelling accommodations in which such individual or family is relocated during the first three months (after displacement) for which such rental (or payment) is due; except that no amount in excess of $200 shall be paid under this paragraph to or on behalf of any displaced individual or family, and payments under this paragraph shall be available only in the case of individuals and families displaced on or after January 27, 1964.

"(d) The Administrator is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section."

(b) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by section 114 of the Housing Act of 1949.

(c) Section 106 of the Housing Act of 1949 is amended by striking out subsection (f).

Incentives for local realty tax abatement for section 221(d)(3) projects

SEC. 307. Section 110(d) of the Housing Act of 1949 is amended by striking out "and (3)" and inserting in lieu thereof the following: "(3) the amount of any abatement of realty taxes granted by appropriate authority in reduction of realty taxes which would, except for such abatement, be payable by a project the mortgage on which is insured under section 221 of the National Housing Act and bears an interest rate fixed pursuant to the proviso in section 221(d)(5) of such Act; and (4)".

Rehabilitation loans

SEC. 308. (a) To assist rehabilitation in an urban renewal area and thereby reduce the need for demolition and removal of structures, the Housing and Home Finance Administrator is hereby authorized, through the utilization of local public and private agencies where feasible, to make loans as herein provided to the owners or tenants of property in such area to finance rehabilitation required to make the property conform to applicable code requirements or to carry out the objectives of the urban renewal plan for the area. No loan shall be made under this section unless the Administrator finds (1) that the applicant is unable to secure the necessary funds from other sources upon reasonable terms and conditions, and (2) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan.

(b) For the purposes of this section—

(1) the term "rehabilitation" means the improvement or repair of a structure or facilities in connection with a structure, and may include the provision of such sanitary or other facilities as are required by applicable codes or the urban renewal plan to be provided by the owner or tenant of the property;

(2) the term "urban renewal area" means a slum area or a blighted, deteriorated, or deteriorating area as defined in section 110(a) of the Housing Act of 1949;

(3) the term "tenant" means a person or organization who is occupying a structure under a lease having a period to run at the time a rehabilitation loan is made under this section of not less than the term of the loan; and

(4) the term "Administrator" means the Housing and Home Finance Administrator.

(c) A rehabilitation loan made under this section shall be subject to the following limitations:

(1) The loan shall be subject to such terms and conditions as may be prescribed by the Administrator.

(2) The term of the loan may not exceed fifteen years or three-fourths of the remaining economic life of the structure after rehabilitation, whichever is less.

(3) The loan shall bear interest at such rate as the Administrator determines to be appropriate but not to exceed 3 per centum per annum of the amount of the principal outstanding at any time, and the Administrator may prescribe such other charges as he finds necessary, including service charges and appraisal, inspection, and other fees.

(4) The amount of the loan may not exceed—

(A) in the case of residential property, the amount of a loan which could be insured by the Federal Housing Commissioner under section 220(h) of the National Housing Act; and

(B) in the case of nonresidential property, $50,000, or the cost of rehabilitation, or an amount which when added to any outstanding indebtedness related to the property securing the loan creates a total outstanding indebtedness that exceeds the amount of a loan which the Administrator determines could be reasonably secured by a first mortgage on the property.

(5) A loan shall be secured as determined by the Administrator.

(d) There is authorized to be appropriated not to exceed $50,000,000 which shall constitute a revolving fund to be used by the Administrator in carrying out this section.

(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this section, the Administrator shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402 of the Housing Act of 1950 (except subsection (c)(2)).

(f) The Administrator is authorized to delegate to or use as his agent any local public or private agency or organization to the extent he determines appropriate and desirable to carry out the objectives of this section in the area involved.

(g) The Administrator is authorized to issue such rules and regulations and impose such requirements and conditions (in addition to those specified in this section) as he determines to be desirable to carry out the objectives of this section, including limitations on the amount of a loan and restrictions on the use of the property involved.

Self-help programs for community improvement

SEC. 309. Section 101(d) of the Housing Act of 1949 is amended by inserting immediately after "local urban renewal programs" the following: "(including rehabilitation projects requiring no additional assistance under this title or self-liquidating redevelopment projects)".

Urban renewal demonstration program

SEC. 310. Section 314 of the Housing Act of 1954 is amended—

(1) by inserting "(a)" after "314." at the beginning of the section;

(2) by inserting before the period at the end of the second sentence the following: ", but such a grant may in addition cover the full cost of writing and publishing the reports on such activities and undertakings";

(3) by inserting "activities and" before "undertakings" in the third sentence;

(4) by striking out the fourth and fifth sentences; and

(5) by adding at the end thereof the following subsections:

"(b) The Administrator is further authorized to pay for the cost of (1) writing and publishing reports on activities and undertakings financed by grants made under this section, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of this section, and (2) writing and publishing summaries and other informational material on such reports.

"(c) The aggregate amount of grants made under subsection (a), and other costs incurred pursuant to subsection (b), shall not exceed $10,000,000 and shall be payable from the grant funds provided under and authorized by section 103(b) of the Housing Act of 1949. The Administrator may make advance or progress payments on account of any contract entered into pursuant to this section, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended.".

Urban and regional planning grants

SEC. 311. (a) Section 701(a) of the Housing Act of 1954 is amended by striking out "resulting from rapid urbanization" in clause (B) of paragraph (1).

(b) Section 701(a) of such Act is amended—

(1) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(2) by adding after paragraph (5) the following new paragraph:

"(6) metropolitan and regional planning agencies, with the approval of the State planning agency or (in States where no such planning agency exists) of the Governor of the State, for the provision of planning assistance within the metropolitan area or region to cities, other municipalities, counties, groups of adjacent communities, or Indian reservations described in clauses (A), (B), (C), and (D) of paragraph (1); and".

Planning grant authorization

SEC. 312. Section 701(b) of the Housing Act of 1954 is amended by striking out "$75,000,000" in the last sentence and inserting in lieu thereof "$105,000,000".

Planning grants for Indian reservations

SEC. 313. (a) Section 701(a) of the Housing Act of 1954 is amended—

(1) by striking out "and" at the end of clause (B) of paragraph (1);

(2) by inserting ", and (D) Indian reservations" before the semicolon at the end of paragraph (1); and

(3) by adding after paragraph (6) (as added by section 311(b) of this Act) the following new paragraph:

"(7) tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation to which no State planning agency or other agency or instrumentality is empowered to provide planning assistance under clause (D) of paragraph (1)."

(b) Section 701(d) of such Act is amended—

(1) by striking out "and urban regions" in the first sentence and inserting in lieu thereof "urban regions, and Indian reservations"; and

(2) by inserting the following after "instrumentalities" in the second sentence: ", and Indian tribal bodies,".

Eligibility of counties for planning assistance

SEC. 314. Section 701(a) of the Housing Act of 1954 is amended by striking out clause (A) of paragraph (1) and inserting in lieu thereof the following: "(A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: *Provided*, That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Administrator finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after the date of enactment of the Housing Act of 1964, for the purposes of this section,".

Planning problems resulting from treaties or other international agreements

SEC. 315. Section 701(a)(4) of the Housing Act of 1954 is amended to read as follows:

"(4) official governmental planning agencies for areas where (A) urban planning problems have resulted or are expected to result from the implementation of a Federal treaty or other international agreement or understanding, or (B) rapid urbanization has resulted or is expected to result from the establishment or rapid and substantial expansion of a Federal installation;".

Small business administration loans

SEC. 316. Section 7(b)(3) of the Small Business Act is amended by inserting before the period at the end thereof the following: "; and the purposes of a loan made pursuant to this paragraph may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises from which it was displaced".

Relocation payments in cases of property affected by coal mine subsidence or underground mine fires

SEC. 317. (a) Section 114 of the Housing Act of 1949 (as added by section 306 of this Act) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"(d) In any case in which property owned by an individual, family, business concern, or nonprofit organization has been rendered partially or wholly unusable on account of the subsidence or collapse of underlying coal mines, or because of an underground mine fire or fires, relocation payments under this section may include (in addition to any amounts payable under subsection (b) or (c)) an amount equal to the difference between (1) the actual market value which such property would have if the diminution in its value occasioned by such subsidence or collapse or fire were ignored, and (2) the price paid for the acquisition of such property by the local public agency."

(b) The first sentence of section 114(a) of such Act (as so added) is amended by striking out "organizations" and all that follows and inserting in lieu thereof the following: "organizations. Any contract for financial assistance under this title shall provide that no part of the amount of such payments (except such payments made pursuant to subsection (d)) shall be required to be contributed as a local grant-in-aid, and that the capital grant otherwise payable for the project shall be increased by an amount equal to (1) any of such payments made pursuant to subsection (b) or (c), plus (2) any of such payments made pursuant to subsection (d), reduced by the amount of the local grants-in-aid applicable to such payments."

(c) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by the amendments made by this section so long as the project involved has not yet been completed on such date.

(d) Section 15(8) of the United States Housing Act of 1937 (as added by section 406 of this Act) is amended by striking out "section 114 (b) or (c)" and inserting in lieu thereof "section 114 (b), (c), or (d)".

AMENDMENT OFFERED BY MR. FARBSTEIN

Mr. FARBSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARBSTEIN: On page 55, after line 17, insert the following new section:

"USE OF REDEVELOPMENT HOUSING FOR LOW- AND MIDDLE-CLASS INCOME GROUPS

"SEC. 318. (a) Section 105(b) of the Housing Act of 1949 is amended by striking out 'and (iii)' and inserting in lieu thereof the following: '(iii) to give satisfactory assurances that any rental housing or cooperative housing which may be constructed on such property in the redevelopment of the area will be designed primarily for occupancy by persons from the low- and middle-income segments of the population (as determined by the local public agency).'

"(b) Paragraph (4) of section 110(c) of such Act is amended by striking out 'for uses in accordance with the urban renewal plan' and inserting in lieu thereof 'for uses in accordance with (A) the urban renewal plan, and (B) the applicable contract made with the local public agency as provided in section 105,'."

Mr. FARBSTEIN. Mr. Chairman, under this section which is the urban renewal section, as it presently exists, in certain instances the Federal Government pays two-thirds of the cost of clearing an area and the municipality pays one-third of the cost.

That cleared area is then sold to a builder or developer who may then build luxury housing on this cleared area. I do not think this is the intention and purpose of this legislation or at least that it is not the intention of the Congress.

Therefore, Mr. Chairman, I am offering this amendment which declares that any rental or cooperative housing which may be built on such property in the redevelopment of the area will be designed primarily for occupancy by persons from the low- and middle-income segments of the population. In other words, no luxury housing will be permitted to be built in this area which has been cleared as a result of payment by the Federal Government as well as payment by the local municipality.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from Ohio.

Mr. TAFT. I wonder if the gentleman would comment as to the effect of his amendment on plans already pending for various projects. Is it not true that his amendment might call for radical changes in some plans already underway for urban renewal?

Mr. FARBSTEIN. That is a situation I believe we can meet when the occasion arises, especially in view of the fact that this is a policy amendment. The local authority would not be circumscribed in its determination insofar as the gentleman's situation is concerned.

Mr. RAINS. Mr. Chairman, I rise in opposition to the amendment.

I point out that the gentleman from Ohio has put his finger on the problem. This would be a completely devastating amendment to programs as they now exist. It would require that the highest priced land in the United States, at these places where it has been cleared, be used to build public housing or some kind of low-income housing. It is totally incompatible to build extremely low-cost housing on extremely high-cost land.

Not only that, but also this amendment, with respect to housing, would take away from the local government—to which we say we want to give control of this business—the local control, completely.

I ask for a vote on the amendment, and I hope the amendment will be defeated.

Mr. RYAN of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the use of title I funds to subsidize luxury housing is one of the really serious questions confronting us as we analyze the urban renewal program.

I have been greatly concerned for a number of years about the fact that the Federal Government has been subsidizing luxury housing through the urban renewal program. Time and again high-cost housing has been constructed, displacing site tenants who can not afford the rents in the new apartments.

In New York City, for instance, in the Washington Square Village development apartments rent as high as $246 a room.

It is ridiculous to be subsidizing luxury housing, when there are millions of people who need low-income housing and middle-income housing.

One of the real disappointments with respect to the bill before us today, to my mind, is the fact that it provides for only 35,000 units of public housing.

Let us concentrate our attention, let us concentrate our energies, let us concentrate our resources on the great need which faces us in this country—that is, to build housing for middle-income people and low-income people.

There is no necessity for the Federal Government's subsidizing high-cost luxury housing.

When the Housing Act of 1961 was considered on the floor I offered an amendment to prohibit the construction of luxury housing with urban renewal funds. I have appeared before the committee. I have discussed this subject with the distinguished chairman of the subcommittee over a long period of time. I have introduced H.R. 4577 to prohibit the construction of luxury housing under urban renewal. I feel strongly that Congress should at least write into the law the sense of the Congress that urban renewal funds are to be used for the construction of moderate-cost housing, of housing for middle-income families, and for low-income families.

I believe the amendment before the House has merit. As I understand, it would leave the determination of a ceiling and the definition of low- and middle-income housing to the local authorities. Section 304 of the bill does not deal with this problem at all. That merely brings housing for moderate-income individuals as well as families under the existing program under section 107. It also makes the "fair value" land purchase formula applicable to public housing as well as to moderate-income housing.

Mr. Chairman, we have a housing crisis in this country. The urban renewal program should benefit people who desperately need housing.

Mr. GROSS. Mr. Chairman, I move to strike out the necessary number of words.

I note that the gentleman from Texas [Mr. Dowdy], is on the floor. He has provided the House with some startling information concerning the Southwest development in the District of Columbia, and perhaps he can help me to understand the meaning of this amendment.

Does it mean, if this amendment is adopted, that there can be no further building of semidetached houses in the Southwest area such as the $30,000 Bobby Baker shack for his girl Friday, Carole Tyler? This was once a slum area. Can developers repeat this performance in Washington or somewhere else if this amendment is adopted?

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. DOWDY. I might say to the gentleman I am not quite sure I understood the amendment, as read, but I do not believe it would have the beneficial effect that you would hope for. I think it probably only applies to cooperative housing or something of that sort. Am I correct?

Mr. MULTER. Will the gentleman yield to me?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. MULTER. The amendment covers low-income and middle-income housing as well as cooperative housing, but there is nothing in this that applies to the District of Columbia.

Mr. DOWDY. That would be right.

Mr. GROSS. If the amendment is adopted, would Bobby Baker be able to get one of those lavender carpeted houses such as they have in the Southwest area as housing for his secretary?

Mr. MULTER. The answer to the last question is that neither the gentleman from Iowa, nor Bobby Baker, nor anyone else can get it unless he qualifies.

Mr. GROSS. What do you have to do to qualify? Have a girl Friday or what?

Mr. MULTER. I am not familiar with these girls Friday, so I could not answer that question.

Mr. GROSS. Or does it take $30,000 or $35,000 to erect one of these houses?

Mr. MULTER. I think if a person is of good character and passes a credit examination and has the downpayment, he could qualify and get a house.

Mr. GROSS. Does the gentleman think Bobby Baker is of good character?

Mr. MULTER. What has Bobby Baker got to do with this bill?

Mr. GROSS. I was merely using this situation down in Southwest Washington where they cleared out a slum and then put up luxury apartments and houses. I was wondering if this is what the gentleman from New York [Mr. Farbstein] is trying to head off with his amendment.

Mr. MULTER. If it is sumptuous and luxurious, as the gentleman seems to indicate, it would not come within the meaning or the words of this amendment that the gentleman from New York [Mr. Farbstein] has offered, because he is talking here about low- and middle-income housing and trying to stop luxury and sumptuous housing that the gentleman referred to.

Mr. GROSS. I do not know whether Bobby Baker is supposed to be a man of low or middle income.

Mr. MULTER. I cannot answer that question. Again I would like to say to the gentleman I do not see that it has any bearing either on the bill or the pending amendment.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. DOWDY. I believe Bobby Baker's house to which the gentleman has reference is not in an urban redevelopment area; however, I am not positive about that. The gentleman asked how he might take advantage of this. You would have to be in good with a man by the name of Doyle and a man by the name of Slayton and get them to give you a contract. They give them to their favorites and nobody but a favorite has a chance. I am now talking about the District of Columbia, which is what I understand the gentleman was talking about. Nobody else has a chance, because they negotiate their sales, and refuse to use competitive bidding in dispositions. The urban renewal part of this bill tightens the noose around the neck of private homeowner, and the proposed amendment does not alter that unfortunate fact.

Mr. GROSS. If this amendment does not apply to Southwest Washington would it apply to Foggy Bottom and the State Department clientele?

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. RAINS. I would like to assure the gentleman that we are not legislating for the District of Columbia. This is not the District of Columbia Committee.

Mr. GROSS. It would not apply, then, to the District of Columbia?

Mr. RAINS. No more so than to every other place in the country.

Mr. GROSS. I am glad to have the gentleman make this clear.

Mr. MOORHEAD. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I rise first to say to the proponents of this amendment that section 304, referred to by the gentleman from New York [Mr. Multer], not only permits but encourages the things that are sought in the amendment.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MOORHEAD. I yield to the gentleman.

Mr. FARBSTEIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like again to reply to the question raised by the gentleman from Ohio [Mr. Taft]. I think he knows the answer pretty well without even asking the question, because we cannot pass a law that would be ex post facto; in other words, overcome any previous contracts made.

Basically, the amendment is merely a statement of policy. It talks about redevelopment of the area and designed primarily for occupancy of low- and middle-income housing and so forth. That makes legislative history. It says that it is designed primarily for low- and middle-income housing and it is up to the local authority whether under the circumstances there should be this restriction or not.

Mr. TAFT. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, with reference to the answer given by the gentleman to my previous question, my question referred to plans already in existence and to land which has already been purchased but for which no contracts for construction have as yet been let. So we are not talking about existing contracts that would not be affected. We are talking here about land which may have already been purchased and, as the chairman of the subcommittee has pointed out, land which may be very high cost land indeed. The amendment would change the nature of the construction that it is sought to put on such land, which may have the effect of making a proposed and existing project entirely unfeasible.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield.

Mr. FARBSTEIN. In the instance to which the gentleman referred where there has been no contract made again I suggest that this is a policy statement. It says—designed primarily for persons from the low- and middle-income segments of the population. And it is within the discretion of the local authority to determine whether or not they want to continue with this. This is only a policy statement and I think we should not bar the local authority from this right.

Mr. TAFT. Mr. Chairman, I would suggest that if it is only a policy statement, then the amendment should be defeated. A statement of policy could be included elsewhere. I am sure to the maximum extent we would all like to see possible the purposes of the gentlemen's amendment applied. However, because of the nature of the projects, it is not practical in many, many urban renewal projects to do that.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I would be glad to yield to the chairman of the subcommittee, the gentleman from Alabama [Mr. Rains].

Mr. RAINS. I appreciate the gentleman's offer to yield. I am trying to see if we can get a vote on the amendment in order that we may move along.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The question is on the amendment offered by the gentleman from New York [Mr. FARBSTEIN].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WYDLER

Mr. WYDLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDLER: On page 53, after line 17, insert the following new section:

"PLANNING ASSISTANCE FOR AREAS ADVERSELY AFFECTED BY CURTAILMENT OF GOVERNMENT ACTIVITIES

"SEC. 316. (a) Section 701(a) of the Housing Act of 1954 is amended—

"(1) by striking out 'and' at the end of paragraph (6) (as added by section 311(b) of this Act);

"(2) by striking out the period at the end of paragraph (7) (as added by section 313(a) of this Act) and inserting in lieu thereof '; and'; and

"(3) by adding after paragraph (7) (as so added) the following new paragraph:

"'(8) to official governmental planning agencies for any area where there has occurred a substantial reduction in employment opportunities as the result of (A) the closing (in whole or in part) of a Federal installation, or (B) a decline in the volume of Government orders for the procurement of articles or materials produced or manufactured in such area.'

"(b) Section 701(b) of such Act is amended by inserting after 'subsection (a) (3),' the following: 'to an official governmental planning agency for an area described in subsection (a)(8),'."

And redesignate the succeeding sections accordingly.

Mr. WYDLER. Mr. Chairman, this is a very simple amendment. This amendment if adopted would authorize urban planning grants under section 701 to official Government planning agencies for any area where there had occurred a substantial reduction in employment opportunities as a result of the closing, in whole or in part, of a Federal installation, or a decline in the volume of Government orders for the procurement of articles or materials produced or manufactured in such area.

Mr. Chairman, this amendment calls for no additional expenditures.

In my opinion it is a sensible and sound amendment.

Mr. Chairman, the Housing Act of 1954 already provides assistance to communities where new Federal facilities are moved in. Yet often the withdrawal of these facilities creates just as many problems which require the use of Federal assistance. I know the Long Island area has been particularly hard hit by defense layoffs and could use such assistance.

Mr. RAINS. Mr. Chairman, will the gentleman yield to me?

Mr. WYDLER. Yes, I yield to the gentleman from Alabama, the honorable chairman of the committee.

Mr. RAINS. I am in sympathy, as I am sure the gentleman from New York is, with the intent of this amendment.

However, Mr. Chairman, I would like to point out two things. First of all we have already liberalized this section considerably in the pending bill. This, as the gentleman knows, is in the Senate bill. Since we have no opportunity to study it or to know anything at all about it, no facts, no figures, no anything, would not the gentleman be content if I assured him that I have a wide open mind and that we shall do everything we can with regard to the matter when we get to conference, may I suggest that the gentleman withhold the amendment, and let it go to conference where we will give careful and adequate consideration to it.

If we adopt the amendment it locks us in, as the gentleman knows, as well as prevents us the opportunity to give consideration to it.

I believe my distinguished friend, the gentleman from New York [Mr. WYDLER] would agree with me that we would like to have more information than we can obtain, even though the gentleman makes a good 5-minute speech.

I would like to assure the gentleman of my most careful consideration when we go to conference.

Mr. WYDLER. Mr. Chairman, I am glad to accept the chairman of the subcommittee's kind words and assurances. Therefore, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York [Mr. WYDLER] will be withdrawn.

There was no objection.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have not offered an amendment as yet, but I thought I should discuss the question of refinancing in the various sections of this bill, particularly in connection with the multiple units that are rented which are FHA insured, and where conditions beyond the control of the individual who secured the loan has made it impossible for him to carry out his obligation.

The objective of my amendment would be that the FHA is permitted to refinance even in the urban renewal area or outside the urban renewal area, so as to prevent a foreclosure under that process.

The matter was discussed in the Senate. The matter has been discussed with the administration. They have some authority to bring about refinancing in certain areas.

What I would like to know is, if such a matter is possible to be placed in conference the committee would consider it with the objective of prohibiting a foreclosure and still at the same time permit the financing of FHA loans to continue?

Mr. RAINS. Mr. Chairman, I will say to the gentleman, as he well knows the gentleman from New Jersey and I have done our level best to understand the rather complicated amendment which the gentleman has. I have come to the conclusion that about three-fourths of what the gentleman has done is a brand-new section in the bill which would prevent the foreclosure of the units the gentleman is talking about in the first instance.

Mr. ROGERS of Colorado. No.

Mr. RAINS. The FHA is not in favor of what we are talking about, because in their words it would become a complete bailout. They are fearful that 221(d)(3) funds would be dissipated in refinancing existing mortgages.

Mr. ROGERS of Colorado. They already have bad loans. The question is trying to refinance them in another section of the FHA. That is all I am asking in this particular amendment that I would offer.

As I indicated, if the loan has gone sour they will no doubt have to proceed with a foreclosure, but if my amendment were accepted they would then be permitted to enter into an area of refinancing, and not have a complete default. That is what I had in mind.

Mr. RAINS. Is the matter in the Senate bill?

Mr. ROGERS of Colorado. It was discussed, and there is the possibility that under this section there could be some amendment offered or attached to section 207 that would authorize them to do that.

Mr. RAINS. Will the gentleman give us a memorandum of what he has in mind, and if he thinks there is a chance for it to be discussed in conference I assure the gentleman it will be discussed. But we cannot of course be sure of the outcome.

Mr. ROGERS of Colorado. To be frank, the matter was discussed on the floor of the Senate and, due to the fact that not enough information was given as to how much of the area would be covered, no amendment was accepted. However, I am informed by some who know that you could in conference rectify and make it possible for the FHA to bring about a refinancing. Of course, if my amendment were accepted there would be no question about that. I am also informed that there would not be a complete bailout of all the loans under 207, and that the bailout would be very small.

Mr. RAINS. I assure the gentleman we will discuss it in conference if it is in conference, and if we can work that out without endangering anything we will do the best we can.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. SCHENCK. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I should like to ask the chairman of the subcommittee just one question: As I understand the gentleman, it is the intention of the Congress to grant in the greatest degree of freedom possible to a private individual who is ready, willing, and able to develop his own land, which is in an urban renewal area, as long as the owner's plans meet all requirements of the overall plan?

Mr. RAINS. I should like to phrase it a little differently. There is no prohibition in this bill or in the existing Federal law which would prohibit him from doing so.

Mr. SCHENCK. I thank the gentleman.

Mr. BALDWIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to address one question to the gentleman from Alabama, if I may.

In the Senate bill there is section 202, which is entitled "Loan Contract for Two or More Projects." As I understand it, that makes it possible for a redevelopment agency to consolidate their loans and not take it project by project.

I should like to read a part of a letter from the redevelopment agency of the city of Richmond, Calif., which the gentleman from Alabama has been kind enough to visit in past years:

> The bill passed by the Senate on July 31 includes one particular section that would be highly beneficial to our program, which is not included in the House bill. This is section 202 of the Senate bill, which would permit agencies such as ours to consolidate our annual temporary private financing to cover all projects at one time. Instead of borrowing separately each year for each project with duplicate advertising, legal and administrative costs, we could borrow on an annual basis for all operations. This probably would also produce a lower interest rate because of the larger amount of the combined loan. Any help you could give to urging the incorporation of this proposal in whatever bill is finally adopted would be greatly appreciated.

I should like to ask the chairman, it seems to me the intent of section 202 of the Senate bill is desirable. I cannot see any unfavorable aspects to it. I hope very much the conferees on the House side will give favorable consideration to this when you go to conference.

Mr. RAINS. The fact that it is not included in the House bill does not mean that it will be opposed in conference. The gentleman can be assured it will be given consideration in conference.

Mr. SECREST. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I ask the chairman this question: Can any urban redevelopment project or any project in an urban renewal area be undertaken without the consent of the local authority?

Mr. RAINS. No.

Mr. SECREST. The final authority rests with the local authority and not with the Federal Government?

Mr. RAINS. The final say-so is in the local government.

Mr. SECREST. The final say-so is there, and so must be the origination?

Mr. RAINS. The origination must be in the local government.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—HOUSING FOR LOW-INCOME FAMILIES

Eligibility of displaced individuals for low-rent public housing

SEC. 401. (a) Section 2(2) of the United States Housing Act of 1937 is amended to read as follows:

"(2) The term 'families of low income' means families (including elderly and displaced families) who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. The term 'families' includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term 'elderly families' means families whose heads (or their spouses), or whose sole members, have attained the age at which an individual may elect to receive an old-age insurance benefit under title II of the Social Security Act or are under a disability as defined in section 223 of that Act. The term 'displaced families' means families displaced by urban renewal or other governmental action."

(b) Section 10(g)(2) of such Act is amended by striking out "those displaced by urban renewal or other governmental action" and inserting in lieu thereof "displaced families".

(c) Section 15(7)(b) of such Act is amended by striking out "family displaced by urban renewal or other governmental action" in clause (ii) and inserting in lieu thereof "displaced family".

Additional subsidy for urban renewal and low-rent housing displacees

SEC. 402. Section 10(a) of the United States Housing Act of 1937 is amended by inserting before the period at the end of the third sentence the following: ": *Provided further,* That such an additional payment may also be made, on the same terms and conditions and subject to the same limitations, with respect to a unit occupied on the last day of the project fiscal year by a displaced family if such family was displaced by an urban renewal or low-rent housing project on or after January 27, 1964, and if and to the extent that the rental of such unit was less than the rental which, in the determination of the Authority based on average or estimated average project rentals, would have been established in leasing the unit to another family which was neither an elderly family nor similarly displaced".

Increase in authorization for annual contributions

SEC. 403. Section 10(e) of the United States Housing Act of 1937 is amended by inserting immediately after "per annum," the following: "which limit shall be increased by $27,000,000 on the date of the enactment of the Housing Act of 1964,".

Payments in lieu of taxes by local housing authorities; local contributions

SEC. 404. Section 10(h) of the United States Housing Act of 1937 is amended by striking out all that follows the first colon and inserting in lieu thereof the following: "*Provided,* That, with respect to any such project which is not exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivisions, such contract shall provide, in lieu of the requirement for tax exemption and payments in lieu of taxes, that no annual contributions by the Authority shall be made available for such project unless and until the State, city, county, or other political subdivisions in which such project is situated shall contribute, in the form of cash or tax remission, the amount by which the taxes paid with respect to the project exceed 10 per centum of the annual shelter rents charged in such project: *Provided further,* That, prior to execution of the contract for annual contributions the public housing agency shall, in the case of a tax-exempt project, notify the governing body of the locality of its estimate of the annual amount of such payments in lieu of taxes and of the amount of taxes which would be levied if the property were privately owned, or, in the case where the project is taxed, its estimate of the annual amount of the local cash contribution, and shall there after include the actual amounts of such payments or contributions in its annual report. Contracts for annual contributions entered into prior to the effective date of the Housing Act of 1964 may be amended in accordance with the first sentence of this subsection."

Relocation of families and individuals displaced from project sites

SEC. 405. (a) Section 15(7)(b) of the United States Housing Act of 1937 is amended by striking out "and" before "(ii)", and by inserting before the period at the end thereof the following: "; and (iii) unless the public housing agency has demonstrated to the satisfaction of the Authority that there is a feasible method for the temporary relocation of the displaced families from the project site, and that there are or are being provided, in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of such displaced families, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and reasonably accessible to their places of employment".

(b) The amendments made by subsection (a) shall not be applicable to any project for which an application for preliminary loan has been approved by the local governing body prior to the date of the enactment of this Act.

Relocation payments

SEC. 406. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph:

"(8) The Authority may authorize the cost of relocation payments made by public housing agencies to be included with the development or acquisition cost of any project for purposes of determining the amount of loans and annual contributions authorized to be made with respect to such project under sections 9 and 10, but such costs shall be separately stated as relocation costs and shall be excluded from any amounts on which the computation of annual contributions is based for purposes of determining the amount of local contributions required with respect to such project under section 10(h). For purposes of this paragraph, a 'relocation payment' is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency, (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 114 (b) or (c) of the Housing Act of 1949 for relocation payments made to individuals, families, business concerns, or nonprofit organizations, as the case may be."

Low-income housing demonstration program authorization

SEC. 407. Section 207 of the Housing Act of 1961 is amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000".

TITLE V—RURAL HOUSING

Extension of senior citizens rental housing insurance program

SEC. 501. Section 515(b)(5) of the Housing Act of 1949 is amended by striking out "September 30, 1964" and inserting in lieu thereof "September 30, 1965".

Rural housing direct loan program

SEC. 502. (a) Section 511 of the Housing Act of 1949 is amended by striking out "$700,000,000" and inserting in lieu thereof "$850,000,000".

(b) Section 502(a) of such Act is amended by inserting after "a loan may be made by the Secretary to said applicant" the following: ", in a principal amount not exceeding $15,000,".

Definition of domestic farm labor

SEC. 503. Section 514(f)(3) of the Housing Act of 1949 is amended to read as follows:

"(3) the term 'domestic farm labor' means persons who receive a substantial portion (as determined by the Secretary) of their income as laborers on farms situated in the United

States and either (A) are citizens of the United States or (B) reside in the United States after being legally admitted for permanent residence therein."

TITLE VI—FEDERAL-STATE TRAINING PROGRAMS

Findings and purpose

SEC. 601. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development and (2) support research in new or improved methods of dealing with community development problems.

(b) It is the purpose of this title to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are likely to be, employed by a governmental or public body which has responsibilities for community development; and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

Matching grants to States

SEC. 602. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Administrator may make matching grants to States to assist in—

(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are likely to be, employed by a governmental or public body which has responsibilities for community development; and

(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

(b) No grants may be made to a State under this title unless the Administrator has approved a plan for the State which—

(1) sets forth the proposed use of the funds and the objectives to be accomplished;

(2) explains the method by which the required amounts from non-Federal sources will be obtained;

(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this title;

(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State program under this title; and

(5) provides that such officer or agency will make such reports to the Administrator, in such form, and containing such information, as may be reasonably necessary to enable the Administrator to perform his duties under this title.

(c) No grant may be made under this title for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

(d) There is authorized to be appropriated for grants under this title, without fiscal year limitation, not to exceed $10,000,000.

State limit

SEC. 603. Not more than 10 per centum of the total amount authorized to be appropriated by section 602(d) may be used for making grants to any one State.

Technical assistance, studies, and publication of information

SEC. 604. In order to carry out the purpose of this title, the Administrator is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Administrator under any other provision of law.

Miscellaneous

SEC. 605. (a) As used in this title, the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and the term "Administrator" means the Housing and Home Finance Administrator.

(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title.

TITLE VII—COMMUNITY FACILITIES

Public facility loans

SEC. 701. (a) Section 202(a) of the Housing Amendments of 1955 is amended by striking out "instrumentalities of States" in clause (1) of the first sentence and inserting in lieu thereof "instrumentalities of one or more States", and by striking out "in the same State" in such clause and inserting in lieu thereof "of one or more States".

(b) Section 202(b)(4) of such amendments is amended by inserting "(A)" before "to any municipality" in the first sentence, and by striking out everything in such sentence after "most recent decennial census, or" and inserting in lieu thereof the following: "(B) to any public agency or instrumentality serving one or more municipalities, political subdivisions, or unincorporated areas in one or more States, unless each municipality, political subdivision, and unincorporated area to be served by the specific public work or facility for which assistance is sought under this section has a population less than the applicable figure under clause (A) according to such census."

Advances for public works planning

SEC. 702. (a) Section 702(e) of the Housing Act of 1954 is amended to read as follows:

"(e) In order to provide moneys for advances in accordance with this section, the Administrator is hereby authorized to establish a revolving fund which shall comprise (1) all moneys heretofore or hereafter appropriated pursuant to this section, together with all repayments and other receipts heretofore or hereafter received in connection with advances made under this section, and (2) all repayments and other receipts received after June 30, 1964, and all advances (and claims in connection with advances) outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) and the Act of October 13, 1949 (63 Stat. 841–2). There are authorized to be appropriated to such revolving fund, in addition to amount authorized to be appropriated for the purposes of this section prior to the date of the enactment of the Housing Act of 1964, such sums, not to exceed $20,000,000, as may be necessary to carry out the purposes of this section."

(b) Section 702 of such Act is further amended by adding at the end thereof the following new subsection:

"(h)(1) Notwithstanding any other provision of law, if a public agency or Indian tribe undertakes to construct only a portion of a public work planned with an advance under this section, under title V of the War Mobilization and Reconversion Act of 1944, or under the Act of October 13, 1949, it shall repay only such proportionate amount of the advance relating to the public work as the Administrator determines to be equitable.

"(2) The Administrator is authorized to terminate, upon such terms and conditions as he shall deem equitable, all or a portion of the liability for repayment of any advance made under this section, title V of the War Mobilization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Administrator determines that there is no reasonable likelihood that the public work, or a portion of the public work planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Administrator."

(c) Section 702 of such Act is further amended—

(1) by striking out "public agencies" wherever that term appears in subsection (a) and inserting in lieu thereof "public agencies and Indian tribes";

(2) by striking out "public agency" in clause (3) of subsection (b) and inserting in lieu thereof "public agency or Indian tribe";

(3) by striking out "to any public agency" and "by the public agency" in subsection (c) and inserting in lieu thereof "to any public agency or Indian tribe" and "by the public agency or Indian tribe", respectively, and by striking out "by such agency" in such subsection and inserting in lieu thereof "by such agency or tribe"; and

(4) by striking out "That if" and all that follows down through *"And provided further,"* in subsection (c).

(d) Section 702(f) of such Act is amended by striking out "$50,000" and inserting in lieu thereof "$100,000".

(e) Section 702(a) of such Act is amended by inserting immediately before the first colon the following: ", including in the case of public works to be constructed in connection with the development of a medical center, a general plan for the development of such center".

(f) Section 702(b) of such Act is amended by striking out the last sentence.

TITLE VIII—SAVINGS AND LOAN ASSOCIATIONS

SEC. 801. (a) The first sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "fifty miles" and inserting in lieu thereof "one hundred miles".

(b) The third sentence of section 403(b) of the National Housing Act is amended by striking out all that precedes the first semicolon and inserting in lieu thereof the following: "Each applicant for such insurance shall also file with its application an agreement that during the period that the insurance is in force it will not make any loans beyond one hundred miles from its principal office, except (1) loans in the area beyond such one-hundred-mile limit in which it was operating prior to June 27, 1934, and (2) loans which are made pursuant to regulations of the Corporation: *Provided,* That such agreement shall further provide that any loan made beyond fifty miles from the applicant's principal office (and outside the territory in which it was operating on such date) shall also be subject to such regulations".

SEC. 802. The first proviso in section 5(c) of the Home Owners' Loan Act of 1933 is amended—

(1) by striking out "$35,000" and inserting in lieu thereof "$40,000"; and

(2) by striking out ", except that the aggregate sums invested pursuant to the two

exceptions in this proviso shall not exceed 30 per centum of the assets of such association".

SEC. 803. The next to last paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"Without regard to any other provision of this subsection, any such association is authorized to invest not more than 5 per centum of its assets in, or in interests in, real property located within urban renewal areas as defined in subsection (a) of section 110 of the Housing Act of 1949 and obligations secured by first liens on real property so located, but no investment shall be made by an association under this sentence in real property or any interest therein if the aggregate investment of the association under this sentence in real property and interests therein, determined as prescribed by the Board, would thereupon exceed 2 per centum of the assets of the association."

SEC. 804. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof a new paragraph as follows:

"For the purpose of this section the terms 'real property' and 'real estate' shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is renewable automatically or at the option of the holder (or at the option of the association) so as not to expire, for at least fifteen years beyond the maturity of the debt, or for such shorter period as the Board, by regulation, may prescribe."

SEC. 805. Section 5(c) of the Home Owners' Loan Act of 1933 is further amended by adding at the end thereof (after the paragraph added by section 804 of this Act) the following new paragraph:

"Subject to rules and regulations of the Board, any such association is authorized to invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of that State, District, Commonwealth, territory, or possession and by Federal savings and loan associations having their home offices therein, but no association may make any investment under this sentence if its aggregate outstanding investment under this sentence, determined as prescribed by the Board, would thereupon exceed 2 per centum of its assets."

SEC. 806. Section 10(b) of the Federal Home Loan Bank Act is amended—

(1) by striking out "twenty-five" in clause (1) and inserting in lieu thereof "thirty"; and

(2) by striking out "$35,000" in clause (2) and inserting in lieu thereof "$40,000".

SEC. 807. The second proviso in the first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out "or in the obligations of the Federal National Mortgage Association" and inserting in lieu thereof the following: "; or in obligations of the Federal National Mortgage Association or of any other agency of the United States; or in obligations of or guaranteed by, or special obligations (which may be defined by the Board) issued by, any one or more of the following: any State, any county, municipality, or political subdivision of any State, or any district, public instrumentality, or public authority of any one or more of the foregoing; and as used in this proviso the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States".

SEC. 808. The first sentence of the second paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows: "Without regard to any other provision of this subsection except the area requirement, any such association is authorized to invest a sum not in excess of 20 per centum of the assets of such association in loans insured under title I of the National Housing Act, in home improvement loans insured under title II of the National Housing Act, in unsecured loans insured or guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as amended, or chapter 37 of title 38 of the United States Code, and in other loans for property alteration, repair, or improvement: *Provided*, That no such loan, unless so insured or guaranteed, shall be made in excess of $5,000."

SEC. 809. Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"Investment of certain funds in accounts of insured institutions

"SEC. 409. The savings accounts and share accounts held by institutions insured by the Corporation, to the extent they are insured by the Corporation, shall be lawful investments and may be accepted as security for all public funds of the United States, fiduciary and trust funds under the authority or control of the United States or any officer or officers thereof, and for the funds of all corporations organized under the laws of the United States, regardless of any limitation of law upon the investment of any such funds or upon the acceptance of security for the investment or deposit of any of such funds."

TITLE IX—MISCELLANEOUS

FNMA—Removal of $20,000 mortgage amount limitation

SEC. 901. Section 302(b) of the National Housing Act is amended—

(1) by striking out "any mortgage" in clause (3) and inserting in lieu thereof "any mortgage under section 305"; and

(2) by striking out the proviso in clause (3).

FNMA—Ninety per centum loans

SEC. 902. Section 304(a)(2) of the National Housing Act is amended by striking out "80 per centum" and inserting in lieu thereof "90 per centum".

Open-space program—grant authorization

SEC. 903. Section 702(b) of the Housing Act of 1961 is amended—

(1) by striking out "$50,000,000" and inserting in lieu thereof "$75,000,000"; and

(2) by adding at the end thereof the following: "All funds so appropriated shall remain available until expended."

College housing loans

SEC. 904. The second paragraph of section 404(b) of the Housing Act of 1950 is amended by adding at the end thereof the following new sentence: "Where State law would prevent the institution (or all of the institutions) for whose students or students and faculty the housing is to be provided from cosigning the note, the Administrator shall instead require the approval of the corporation and the proposed project by such institution (or by any one or more of such institutions)."

Acquisition of certain housing by Secretary of Defense

SEC. 905. The first sentence of section 404(a) of the Housing Amendments of 1955 is amended by inserting before the period at the end thereof the following: ", or (3) any housing situated on or adjacent to a military installation which was (A) completed prior to July 1, 1952, (B) considered by the Department of Defense, prior to construction, as being necessary to meet an existing military family housing need and considered as military housing by the Federal Housing Commissioner, and (C) financed with mortgages insured under section 608 of the National Housing Act, including adjacent property constructed primarily to provide commercial facilities for the occupants of such housing".

Forest Hills project in Paducah, Kentucky

SEC. 906. The Federal Housing Commissioner is authorized and directed to sell to the Paducah-McCracken County Development Council, Incorporated, of Paducah, Kentucky, for use as a public facility (including such use by the Paducah Junior College as may be deemed appropriate by such Council), and for a total price of $1,000,000, all right, title, and interest of the United States in and to the housing project in Paducah known as Forest Hills (a project constructed under title VIII of the National Housing Act as in effect prior to August 11, 1955, and subsequently acquired by the Federal Housing Administration).

Payment in lieu of taxes by Hawaii Housing Authority

SEC. 907. Notwithstanding the provisions of any other law or any contract or rule of law, the Public Housing Commissioner shall approve a payment in lieu of taxes to be made for the fiscal year ended June 30, 1959, in the amount of $24,167.78, by the Hawaii Housing Authority to the city and county of Honolulu.

Transfer of land for urban renewal purposes by Philadelphia Housing Authority

SEC. 908. (a) Notwithstanding the provisions of title I of the Housing Act of 1949 and the United States Housing Act of 1937, the Housing and Home Finance Administrator and the Public Housing Commissioner are authorized and directed to consent to the transfer by the Philadelphia Housing Authority to the Philadelphia Redevelopment Authority of all property acquired by the Housing Authority for low-rent housing project numbered Pennsylvania 2–51, on condition that (1) an amount which, together with any funds of the Housing Authority available for the purpose, is sufficient to pay and discharge all obligations incurred by the Housing Authority in connection with such low-rent housing project and owing at the time of transfer, will be paid by the Redevelopment Authority to the Public Housing Administration to be applied in satisfaction of the Housing Authority's obligations which it cannot meet with its own funds available for the purpose, and (2) the total amount so paid by the Redevelopment Authority will be included in the gross project cost of its Whitman urban renewal project, Pennsylvania R–35.

(b) The Housing and Home Finance Administrator and the Public Housing Commissioner are authorized to modify any contracts heretofore entered into and to take any other appropriate action necessary to carry out the provisions of subsection (a).

Eligibility of certain local grants-in-aid

SEC. 909. Notwithstanding the date of the commencement of construction of the Fox Point hurricane dam in Providence, Rhode Island, local expenditures made in connection with such dam shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the railroad relocation urban renewal project (Rhode Island R–8) in accordance with the provisions of title I of the Housing Act of 1949.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIDNALL: On page 72, line 4, strike out "Subject to rules and regulations of the Board."

On page 72, line 16, strike out "2" and insert in lieu thereof "1".

Mr. WIDNALL. Mr. Chairman, the purpose of this amendment is simply to make it clear that Federal savings and loan associations may invest in the securities of certain State chartered corporations whose purpose is to supplement and facilitate the services of the savings and loan associations. In my State, the Central Corporation of Savings and Loan Associations, organized under State law, has served a useful purpose and we want to make sure that Federal savings and loan associations in New Jersey may invest in that corporation if they wish to.

By eliminating the power to regulate such investments, we make certain that the New Jersey corporation will not be discriminated against solely because its charter might permit it to do a wider variety of things than a Federal agency might consider proper.

To give assurance that this will have no significant effect on the basic purpose of Federal savings and loan associations, my amendment would also reduce from 2 percent to 1 percent the portion of assets that may be invested. In other words, it would reduce the amount that a Federal association could invest in State corporations to such a small percentage of its assets that it would not be necessary to prescribe further restrictions and regulations.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman.

Mr. RAINS. As the gentleman has stated, this affects, I think, only the State of New Jersey. The amendment meets with approval on this side, and we see no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. WIDNALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAFT

Mr. TAFT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAFT: Page 74, after line 18, insert the following new section:

"SEC. 810. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting after the second paragraph the following new paragraph:

"'Without regard to any other provision of this subsection, any such association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to as "loans" made for the payment of expenses of college or university education, but no association shall make any investment in loans under this paragraph if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets.'"

Mr. PATMAN. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I am glad to yield to the gentleman.

Mr. PATMAN. I will state to the gentleman that we have considered the amendment on this side. It limits the amount to 5 percent of the assets of the association; that is correct is it not?

Mr. TAFT. That is correct, yes.

Mr. PATMAN. We are ready to accept the amendment.

Mr. TAFT. I thank the gentleman.

I would say to my colleagues that the purpose of the amendment is to extend to Federal savings and loan associations power to make college loans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TAFT].

Mr. TAFT. Mr. Chairman, this amendment grants to Federal savings and loan associations the power to make college loans. Such power is in the public interest and if supplemented by proper State legislation could bring these institutions into State guaranteed college loan plans. In Ohio in 1961 we enacted such a law. Since that time there have been made 4,864 such loans by Ohio banks. Such loans are 80 percent guaranteed by the State. The total amount loaned on such loans has been $3,662,176. The maximum interest charge allowed is 5 percent. Hopefully, with this amendment adopted, such a plan could be extended to both federally and State-chartered savings and loan associations, thereby reducing the need for National Defense Education Act loans for which we are about to be asked to extend many more millions of Federal funds. The State approach is a preferable one.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OLIVER P. BOLTON

Mr. OLIVER P. BOLTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLIVER P. BOLTON: Page 75, after line 8, insert the following new section:

"TRANSFER OF MORTGAGOR'S EQUITY IN RESIDENCE COVERED BY FHA-INSURED MORTGAGE

"SEC. 903. (a) If—

"(1) an individual is the mortgagor under a mortgage which is insured under the National Housing Act and which covers a one-, two-, three-, or four-family residence being used by such individual as his principal residence;

"(2) such individual is not in default on any payments under such mortgage, and either (A) at least one year has expired since the date of the execution of the mortgage or (B) such individual's equity in the property covered by the mortgage is at least $500; and

"(3) such individual is required to move to a new location in the United States for reasons of health, because of a change in his employment, or for any other cause determined by the Federal Housing Commissioner to be reasonable or unavoidable,

"then under regulations prescribed by the Federal Housing Commissioner, such individual may transfer his equity in the property to a similar dwelling in the new location, in the manner provided by subsection (b).

"(b) An individual desiring to transfer his equity as provided in subsection (a) shall make application therefor to the Federal Housing Commissioner in such manner and form, and in accordance with such terms and conditions, as the Commissioner may require. The Commissioner may approve the application if he finds that the individual meets the conditions specified in subsection (a) and in the preceding sentence, and if the Commissioner holds title to a dwelling in the new location (acquired by him under section 204, 213(e), 220(f)(1), 221(g)(1), 222(d), 233(e), or 809(d) of the National Housing Act, or in any other manner) which such individual desires to purchase for use as his principal residence in the new location. Upon approving the application the Commissioner shall effect the transfer of the individual's equity by accepting the conveyance from him of title to his existing dwelling and selling to him the dwelling in the new location, for cash or credit and on terms and conditions as nearly equivalent to those applicable to the existing dwelling as may be practicable, but in any case reducing the purchase price thereof by an amount equal to the equity held by such individual in the existing dwelling.

"(c) As used in this section, the term 'equity', with respect to any property, means the amount determined by the Federal Housing Commissioner to be the value of the owner's interest in the property after deducting an amount equal to the customary sales expense and conveyancing costs prevailing in the locality for similar properties."

And redesignate the succeeding sections accordingly.

Mr. OLIVER P. BOLTON. Mr. Chairman, this amendment attempts to make possible the transfer of the equity which a buyer has in a house covered by an FHA guarantee who has to move to another town either to secure work or for any other reason. It gives the FHA the right—it is not mandatory, but it is voluntary on the part of the FHA, to take title to the house which the person owned and was paying on in exchange for the title to the house that the FHA has had to foreclose on in some other area of the country.

Mr. RAINS. Mr. Chairman, will the gentleman yield?

Mr. OLIVER P. BOLTON. I yield to the gentleman from Alabama.

Mr. RAINS. As I understand the gentleman's amendment, it would cover a case in which a man had a home with an FHA-insured mortgage and some equity in it and was required, by reason of health or employment or something else, to transfer to some other part of the country. This would let him apply that equity toward the purchase of an FHA-held house in his new location.

I see nothing wrong with the gentleman's amendment. I note it does not apply to GI loans in their original form and will be applicable to limited cases. I can see some good in the amendment, because a man might lose money if he had to sell his home too hastily.

I am glad that I can agree with the gentleman.

Mr. OLIVER P. BOLTON. I appreciate the gentleman's comments and his acceptance of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BOLTON].

The amendment was agreed to.

Mr. KILBURN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to inform the Committee that I expect to offer a motion to recommit with instructions to include the Bolton amendment. In my opinion, the amendment would protect the builders and financiers to assure them the continuation of FHA mortgages.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, the gentleman from New York [Mr. KEOGH], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 12175) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, pursuant to House Resolution 841, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KILBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KILBURN. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KILBURN moves to recommit the bill (H.R. 12175) to the Committee on Banking and Currency with instructions to report the same back to the House forthwith with the following amendment:

Page 32, after line 5, insert the following new section:

"GENERAL FHA MORTGAGE INSURANCE AUTHORIZATION

"SEC. 120. Section 217 of the National Housing Act is amended to read as follows:

"*'General mortgage insurance authorization*

" 'SEC. 217. Notwithstanding any other limitations contained in this Act on the aggregate amount of principal obligations of mortgages or loans which may be insured (or insured and outstanding at any one time), the aggregate amount of the principal obligations of all mortgages and loans which may be insured and outstanding at any one time after October 1, 1965, under insurance contracts pursuant to the provisions of this Act other than section 2, section 221, and title VIII, plus the aggregate amount of the principal obligations of all mortgages and loans covered by commitments to insure pursuant to any of such provisions which may be outstanding at such time, shall not exceed the sum of the outstanding principal balances of all mortgages and loans insured pursuant to such provisions as of October 1, 1965 (as estimated by the Commissioner on the basis of scheduled amortization payments without taking into account prepayments or delinquencies), and the principal amount of all outstanding commitments to insure pursuant to such provisions as of that date.' "

The SPEAKER. The question is on the motion to recommit.

Mr. KILBURN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 194, not voting 52, as follows:

[Roll No. 224]

YEAS—184

Abbitt
Abele
Abernethy
Adair
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Auchincloss
Ayres
Baker
Baldwin
Barry
Bates
Battin
Becker
Beermann
Belcher
Bell
Berry
Betts
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burton, Utah
Byrnes, Wis.
Cahill
Casey
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Derwinski
Devine
Dole
Dorn
Dwyer
Ellsworth
Findley
Fisher
Ford
Foreman
Fountain
Frelinghuysen
Fulton, Pa.
Gathings
Glenn
Goodell
Goodling
Grant
Gross
Grover
Gubser
Gurney
Hall
Harrison
Harsha
Harvey, Ind.
Henderson
Herlong
Hoeven
Horan
Horton
Hosmer
Huddleston
Hutchinson
Jarman
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
Kilgore
King, N.Y.
Knox
Kornegay
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
McClory
McCulloch
McDade
McIntire
McLoskey
MacGregor
Marsh
Martin, Nebr.
May
Meader
Michel
Milliken
Minshall
Moore
Morse
Mosher
Nelsen
Norblad
Osmers
Ostertag
Pelly
Pillion
Pirnie
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Robison
Roudebush
Rumsfeld
St. George
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Selden
Short
Shriver
Sibal
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Springer
Stafford
Taft
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Tollefson
Tuck
Tupper
Utt
Van Pelt
Wallhauser
Watson
Weaver
Westland
Whalley
Wharton
Whitten
Widnall
Williams
Wilson, Bob
Wydler
Wyman
Younger

NAYS—194

Addabbo
Albert
Ashley
Aspinall
Barrett
Bass
Beckworth
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Brademas
Brooks
Burke
Burkhalter
Burleson
Burton, Calif.
Byrne, Pa.
Carey
Celler
Chelf
Clark
Cohelan
Cooley
Corman
Daddario
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Donohue
Dowdy
Downing
Dulski
Duncan
Edmondson
Elliott
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Fogarty
Fraser
Friedel
Fulton, Tenn.
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffiths
Hagen, Calif.
Halpern
Hansen
Harding
Hardy
Harris
Hawkins
Hébert
Hechler
Holifield
Holland
Hull
Ichord
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Jones, Mo.
Karsten
Karth
Kastenmeier
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Leggett
Libonati
Long, La.
Long, Md.
McDowell
McFall
McMillan
Macdonald
Madden
Mahon
Matsunaga
Matthews
Miller, Calif.
Mills
Minish
Monagan
Moorhead
Morgan
Morris
Morrison
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neill
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Poage
Pool
Price
Pucinski
Purcell
Rains
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, N.Y.
St Germain
St. Onge
Senner
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Thomas
Thompson, N.J.
Thompson, Tex.
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vinson
Waggonner
Watts
Weltner
White
Whitener
Willis
Wilson, Charles H.
Wright
Young
Zablocki

NOT VOTING—52

Alger
Avery
Baring
Bolton, Frances P.
Brown, Calif.
Buckley
Cameron
Derounian
Dingell
Edwards
Flynt
Forrester
Fuqua
Gill
Griffin
Hagan, Ga.
Haley
Halleck
Hanna
Harvey, Mich.
Hays
Healey
Hoffman
Jones, Ala.
Kee
Landrum
Lankford
Lesinski
Lloyd
Mailliard
Martin, Calif.
Martin, Mass.
Mathias
Miller, N.Y.
Montoya
Morton
Nedzi
Olson, Minn.
Passman
Powell
Ryan, Mich.
Scott
Sheppard
Shipley
Staebler
Stinson
Teague, Tex.
Thompson, La.
Toll
Wickersham
Wilson, Ind.
Winstead

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Mr. Hoffman for, with Mr. Hays against.

Mr. Haley for, with Mr. Cameron against.

Mrs. Frances P. Bolton for, with Mr. Shipley against.

Mr. Wilson of Indiana for, with Mr. Brown of California against.

Mr. Alger for, with Mr. Toll against.

Mr. Scott for, with Mr. Dingell against.

Mr. Martin of California for, with Mr. Nedzi against.

Mr. Mathias for, with Mr. Ryan of Michigan against.

Mr. Winstead for, with Mr. Lesinski against.

Mr. Derounian for, with Mr. Powell against.

Until further notice:

Mr. Fuqua with Mr. Avery.

Mr. Gill with Mr. Harvey of Michigan.

Mr. Hagan of Georgia with Mr. Martin of Massachusetts.

Mr. Hanna with Mr. Morton.

Mr. Staebler with Mr. Mailliard.

Mr. Jones of Alabama with Mr. Stinson.

Mr. Thompson of Louisiana with Mr. Healey.

Mr. Wickersham with Mr. Buckley.

Mr. Flynt with Mr. Lankford.

Mr. Montoya with Mrs. Kee.

Mr. Forrester with Mr. Sheppard.

Mr. Landrum with Mr. Passman.

Mr. Olson of Minnesota with Mr. Teague.

Mr. Edwards with Mr. Baring.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. WIDNALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 308, nays 68, not voting 56, as follows:

[Roll No. 225]

YEAS—308

Addabbo
Albert
Andrews, N. Dak.
Arends
Ashley
Aspinall
Auchincloss
Avery
Ayres
Baker
Baldwin

Barrett
Barry
Bass
Bates
Battin
Beckworth
Bell
Bennett, Fla.
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton, Oliver P.
Bonner
Bow
Brademas
Brock
Bromwell
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke
Burkhalter
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Cederberg
Celler
Chamberlain
Chelf
Chenoweth
Clancy
Clark
Clausen, Don H.
Cleveland
Cohelan
Collier
Conte
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Daddario
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derwinski
Diggs
Donohue
Downing
Dulski
Duncan
Dwyer
Edmondson
Elliott
Ellsworth
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Fogarty
Ford
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Glenn
Gonzalez
Goodell
Goodling
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gurney
Hagen, Calif.
Halpern
Hansen
Harding
Hardy
Harris
Hawkins
Hébert
Hechler
Henderson
Herlong
Hoeven
Holifield
Holland
Horan
Horton
Hosmer
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
King, Calif.
King, N.Y.
Kirwan
Kluczynski
Knox
Kornegay
Kunkel
Kyl
Laird
Langen
Latta
Leggett
Lennon
Libonati
Lindsay
Long, La.
Long, Md.
McDade
McDowell
McFall
McIntire
McLoskey
Macdonald
MacGregor
Madden
Matsunaga
Matthews
May
Meader
Michel
Miller, Calif.
Milliken
Mills
Minish
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nelsen
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neill
Osmers
Ostertag
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pilcher
Pirnie
Poage
Price
Pucinski
Purcell
Quie
Rains
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan, N.Y.
St. George
St Germain
St. Onge
Saylor
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Senner
Shriver
Sibal
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Springer
Stafford
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Tollefson
Trimble
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Wallhauser
Watts
Weaver
Weltner
Westland
Whalley
Wharton
White
Whitener
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Wyman
Young
Younger
Zablocki

NAYS—68

Abbitt
Abele
Abernethy
Adair
Anderson
Andrews, Ala.
Ashbrook
Ashmore
Becker
Beermann
Belcher
Bray
Brown, Ohio
Bruce
Burleson
Casey
Clawson, Del
Colmer
Curtis
Devine
Dole
Dorn
Dowdy
Findley
Fisher
Gathings
Grant
Gross
Hall
Harrison
Harsha
Harvey, Ind.
Huddleston
Hutchinson
Jensen
Johansen
Jones, Mo.
Kilburn
Kilgore
Lipscomb
McClory
McCulloch
McMillan
Mahon
Marsh
Martin, Nebr.
Minshall
Pillion
Poff
Pool
Quillen
Rhodes, Ariz.
Rogers, Fla.
Rogers, Tex.
Roudebush
Schadeberg
Selden
Short
Siler
Skubitz
Smith, Calif.
Smith, Va.
Snyder
Tuck
Utt
Watson
Whitten
Williams

NOT VOTING—56

Alger
Baring
Bolton, Frances P.
Brown, Calif.
Buckley
Burton, Calif.
Burton, Utah
Cameron
Derounian
Dingell
Edwards
Flynt
Foreman
Forrester
Fuqua
Gill
Griffin
Hagan, Ga.
Haley
Halleck
Hanna
Harvey, Mich.
Hays
Healey
Hoffman
Jones, Ala.
Kee
Landrum
Lankford
Lesinski
Lloyd
Mailliard
Martin, Calif.
Martin, Mass.
Mathias
Miller, N.Y.
Montoya
Morton
Nedzi
Olson, Minn.
Passman
Powell
Ryan, Mich.
Scott
Sheppard
Shipley
Staebler
Stinson
Teague, Tex.
Thompson, La.
Toll
Wickersham
Wilson, Ind.
Winstead

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Derounian for, with Mr. Hoffman against.

Mr. Hays for, with Mr. Winstead against.

Mrs. Frances P. Bolton for, with Mr. Alger against.

Mr. Martin of California for, with Mr. Foreman against.

Until further notice:

Mr. Toll with Mr. Mathias.

Mr. Gill with Mr. Burton of Utah.

Mr. Hanna with Mr. Griffin.

Mr. Shipley with Mr. Mailliard.

Mr. Hagan of Georgia with Mr. Stinson.

Mr. Montoya with Mr. Martin of Massachusetts.

Mr. Cameron with Mr. Wilson of Indiana.

Mr. Thompson of Louisiana with Mr. Morton.

Mr. Wickersham with Mr. Harvey of Michigan.

Mr. Fuqua with Mr. Buckley.

Mr. Dingell with Mr. Powell.

Mr. Staebler with Mr. Scott.

Mr. Brown of California with Mr. Baring.

Mr. Jones of Alabama with Mrs. Kee.

Mr. Lesinski with Mr. Teague of Texas.

Mr. Nedzi with Mr. Haley.

Mr. Ryan of Michigan with Mr. Sheppard.

Mr. Flynt with Mr. Olson of Minnesota.

Mr. Forrester with Mr. Passman.

Mr. Edwards with Mr. Healey.

Mr. Landrum with Mr. Burton of California.

Mr. SENNER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RAINS. Mr. Speaker, pursuant to House Resolution 841, I call up from the Speaker's table for immediate consideration the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the Senate bill.

Mr. RAINS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAINS: Strike out all after the enacting clause of S. 3049 and insert in lieu thereof the text of H.R. 12175, as passed, as follows:

"That this Act may be cited as the 'Housing Act of 1964'.

"TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

"Mortgage limit for homes under section 203 programs

"SEC. 101. (a) Section 203(b)(2) of the National Housing Act is amended—

"(1) by striking out '$25,000', '$27,500', '$27,500', and '$35,000' and inserting in lieu thereof '$30,000', '$32,500', '$32,500', and '$37,500', respectively; and

"(2) by striking out '90 per centum', '90 per centum', and '75 per centum' and inserting in lieu thereof '92 per centum', '92½ per centum', and '80 per centum', respectively.

"(b) Section 203(i) of such Act is amended by striking out '$90,000' and inserting in lieu thereof '$11,000'.

"Home improvement loans outside of urban renewal areas

"SEC. 102. Section 203(k) of the National Housing Act is amended by striking out 'economically sound' in clause (2) of the first sentence and inserting in lieu thereof 'an acceptable risk'.

"Additional relief for home mortgagors in default due to circumstances beyond their control

"SEC. 103. (a) Section 204(a) of the National Housing Act is amended by striking out the fourth proviso and inserting in lieu thereof the following: ': *And provided further,* That with respect to any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, if the Commissioner finds, after notice of default, that the default was due to circumstances beyond the control of the mortgagor, he may, upon such terms and conditions as he may prescribe, (1) approve the request of the mortgagee for an extension of the time for the curing of the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property to such time as the Commissioner may determine is necessary and desirable to enable the mortgagor to complete the mortgage payments, including an extension of time beyond the stated maturity of the mortgage, and in the event of a subsequent foreclosure or acquisition of the property by other means the Commissioner is authorized to include in the debentures an amount equal to any unpaid mortgage interest, or (2) approve a modification of the terms of the mortgage for the purpose of changing the amortization provisions by recasting, over the remaining term of the mortgage or over such longer period as may be approved by the Commissioner, the total unpaid amount then due, as determined by the Commissioner, with the modification to become effective currently or to become effective upon the termination of an agreed-upon extension of the period for curing the default; and the principal amount of the mortgage, as modified, shall be considered to be the "original principal obligation of the mortgage" as that term is used in this Act for the purpose of computing the total face value of the debentures to be issued or the cash payment to be made by the Commissioner to a mortgagee'.

(b) "Section 230 of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: 'Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence heretofore or hereafter insured under this Act, the Commissioner, in his discretion and for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that he has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance, may acquire the loan and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the loan plus any unpaid mortgage interest plus reimbursement for such costs and attorney's fees as the Commissioner finds were properly incurred in connection with the defaulted mortgage and its assignment to the Commissioner, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Commissioner, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto.'

"Maximum amount of section 207 rental housing mortgages

"SEC. 104. Section 207(c)(2) of the National Housing Act is amended by striking out all that follows the first colon and precedes 'to mortgages on housing in Alaska', and inserting in lieu thereof the following: '*Provided,* That this limitation shall not apply'.

"Family unit limits on FHA rental housing

"SEC. 105. (a) Section 207(c)(3) of the National Housing Act is amended by striking out the first paragraph and inserting in lieu thereof the following:

"'(3) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms or not to exceed $1,800 per space or $500,000 per mortgage for trailer courts or parks; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require.'

"(b) Section 213(b)(2) of such Act is amended by striking out all that precedes the third proviso and inserting in lieu thereof the following:

"'(2) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms, and not to exceed 97 per centum of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed physical improvements are completed: *Provided,* That as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design: *Provided further,* That the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require'.

"(c) Section 220(d)(3)(B)(iii) of such Act is amended to read as follows:

"'(iii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require: *Provided,* That nothing contained in this subparagraph shall preclude the insurance of mortgages covering existing multifamily dwellings to be rehabilitated or reconstructed for the purposes set forth in subsection (a) of this section; and'.

"(d)(1) Section 221(d)(3)(ii) of such Act is amended to read as follows:

"'(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require; and'.

"(2) Section 221(d)(4)(ii) of such Act is amended to read as follows:

"'(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require;'.

"(e) Section 231(c)(2) of such Act is amended to read as follows:

"'(2) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require;'.

"(f)(1) Clause (2) in the first sentence of section 810(f) of such Act is amended by striking out '$2,500 per room (or $9,000 per family unit if the number of rooms in such property or project is less than four per family unit)' and inserting in lieu thereof '$9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms'.

"(2) The second sentence of section 810(f) of such Act is amended to read as follows: 'The Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require.'

"Supplementary cooperative loans under section 213(j)

"SEC. 106. (a) Section 213(j)(1) of the National Housing Act is amended—

"(1) by striking out 'or' at the end of clause (A);

"(2) by striking out the period at the end of clause (B) and inserting in lieu thereof '; or'; and

"(3) by adding at the end thereof the following new clause:

"'(C) Cooperative purchases and resales of memberships in order to provide necessary refinancing for resales of memberships which involve increases in equity; but in such resales by the cooperative the downpayments by the new members shall not be less than those made on the original sales of such memberships.'

"(b) Section 305(e) of such Act is amended by adding at the end thereof the following new sentence: 'Without regard to any of the limitations of this subsection except the total amount of authorizations available, the Association is authorized to enter into advance commitment contracts and purchase transactions on supplementary cooperative loans with respect to which the Federal Housing Commissioner shall have issued, pursuant to section 213(j), either a commitment to insure or a statement of eligibility; but such commitments and purchases shall be made solely where there is management-type cooperative involved which is certified by the Federal Housing Commissioner as a consumer cooperative.’

“Mutuality for management-type cooperatives

“Sec. 107. (a) Section 213 of the National Housing Act is amended by adding at the end thereof the following new subsections:

“‘(k) There is hereby created a Cooperative Management Housing Insurance Fund (hereinafter referred to as the “Management Fund”). The Management Fund shall be used by the Commissioner as a revolving fund for carrying out the provisions of this section with respect to mortgages or loans insured, on or after the date of the enactment of this subsection, under subsections (a)(1), (a)(3) (if the project is acquired by a cooperative corporation), (i), and (j). The Management Fund shall also be used as a revolving fund for mortgages, loans, and commitments transferred to it pursuant to subsection (m). The Commissioner is directed to transfer to the Management Fund from the Housing Insurance Fund established pursuant to section 207(f) such amount as the Commissioner determines to be necessary and appropriate. General expenses of operation of the Federal Housing Administration relating to mortgages or loans which are the obligation of the Management Fund may be charged to the Management Fund.

“‘(l) The Commissioner shall establish in the Management Fund, as of the date of the enactment of this subsection, a General Surplus Account and a Participating Reserve Account. The aggregate net income thereafter received or any net loss thereafter sustained by the Management Fund, in any semiannual period, shall be credited or charged to the General Surplus Account or the Participating Reserve Account or both in such manner and amounts as the Commissioner may determine to be in accord with sound actuarial and accounting practice. Upon termination of the insurance obligation of the Management Fund by payment of any mortgage or loan insured under this section, and at such time or times prior to such termination as the Commissioner may determine, the Commissioner is authorized to distribute to the mortgagor or borrower a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice: *Provided,* That in no event shall the amount of the distributable share exceed the aggregate scheduled annual premiums of the mortgagor or borrower to the year of payment of the share less the total amount of any share or shares previously distributed by the Commissioner to the mortgagor or borrower: *And provided further,* That in no event may a distributable share be distributed until any funds transferred to the Managament Fund pursuant to section 219 have been repaid in full to the transferring fund. No mortgagor, mortgagee, borrower, or lender shall have any vested right in a credit balance in any such account or be subject to any liability arising out of the mutuality of the Management Fund. The determination of the Commissioner as to the amount to be paid by him to any mortgagor or borrower shall be final and conclusive.

“‘(m) The Commissioner is authorized to transfer to the Management Fund commitments for insurance issued under subsections (a)(1), and (i), and (j) prior to the date of the enactment of this subsection, and to transfer to the Management Fund the insurance of any mortgage or loan insured prior to the date of the enactment of this subsection under subsection (a)(1), (a)(3) (if the project is acquired by a cooperative corporation), (i), or (j), but only in cases where the consent of the mortgagee or lender to the transfer is obtained or a request by the mortgagee or lender for the transfer is received by the Commissioner within such period of time after the date of the enactment of this subsection as the Commissioner shall prescribe: *Provided,* That the insurance of any mortgage or loan shall not be transferred under the provisions of this subsection if on the date of the enactment of this subsection the mortgage or loan is in default and the mortgagee or lender has notified the Commissioner in writing of its intention to file an insurance claim. Any insurance or commitment not so transferred shall continue to be an obligation of the Housing Insurance Fund.

“‘(n) Notwithstanding the limitations contained in other provisions of this Act, premium charges for mortgages or loans insured under sections 207, 213, 231, and 232 may be payable in debentures issued in connection with mortgages or loans transferred to the Management Fund or in connection with mortgages or loans insured pursuant to commitments transferred to the Management Fund, as provided in subsection (m) of this section.’

“(b) Section 213 of such Act is further amended—

“(1) by inserting before the period at the end of subsection (a) the following: ‘: *Provided,* That as applied to mortgages the mortgage insurance for which is the obligation of the Management Fund, the reference to the Housing Fund in section 207(b)(2) shall be construed to refer to the Management Fund’; and

“(2) by inserting before the period at the end of subsection (e) the following: ‘: *Provided,* That as applied to mortgages or loans the insurance for which is the obligation of the Management Fund (1) all references to the Housing Insurance Fund or Housing Fund shall be construed to refer to the Management Fund, and (2) all references to section 207 shall be construed to refer to subsections (a)(1), (a)(3) (if the project involved is acquired by a cooperative corporation), (i), and (j) of this section’.

“(c) Section 207(f) of such Act is amended by inserting at the end thereof the following new sentence: ‘This subsection shall not be applicable to a mortgage or loan, insured under section 213, the mortgage or loan insurance for which is the obligation of the Cooperative Management Housing Insurance Fund.’

“(d) Section 219 of such Act is amended by striking out ‘or the Servicemen’s Mortgage Insurance Fund’ and inserting in lieu thereof ‘the Servicemen’s Mortgage Insurance Fund, or the General Surplus Account of the Cooperative Management Housing Insurance Fund’.

“Mortgage limits under section 220 sales housing mortgage insurance program

“Sec. 108. Section 220(d)(3)(A)(i) of the National Housing Act is amended—

“(1) by striking out ‘$25,000’, ‘$27,500’, ‘$30,000”, ‘$35,000’, and ‘$35,000’ and inserting in lieu thereof ‘$30,000’, ‘$32,500’, ‘$32,500’, ‘$37,500’, and ‘$37,500’, respectively; and

“(2) by striking out ‘90 per centum’, ‘90 per centum’, and ‘75 per centum’ and inserting in lieu thereof ‘92 per centum’, ‘92½ per centum’, and ‘80 per centum’, respectively.

“Mortgage limits under section 220 multifamily housing mortgage insurance program

“Sec. 109. Section 220(d)(3)(B)(i) of the National Housing Act is amended by striking out ‘$20,000,000’ and inserting in lieu thereof ‘$30,000,000’.

“Loans to cover the cost of public improvements

“Sec. 110. (a) The second sentence of section 220(h) (1) of the National Housing Act is amended to read as follows: ‘As used in this subsection—

“‘(A) the term “home improvement loan” means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit made—

“‘(i) for the purpose of financing the improvement of an existing structure (or in connection with an existing structure) which was constructed not less than ten years prior to the making of such loan, advance of credit, or purchase, and which is used or will be used primarily for residential purposes: *Provided*, That a home improvement loan shall include a loan, advance, or purchase with respect to the improvement of a structure which was constructed less than ten years prior to the making of such loan, advance, or purchase if the proceeds are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or which were caused by fire, flood, windstorm, or other casualty; or

“‘(ii) for the purpose of enabling the borrower to pay that part of the cost of the construction or installation of sidewalks, curbs, gutters, street paving, street lights, sewers, or other public improvements, adjacent to or in the vicinity of property owned by him and used primarily for residential purposes, which is assessed against him or for which he is otherwise legally liable as the owner of such property;

“‘(B) the term “improvement” means conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement, or remodeling; and

“‘(C) the term “financial institution” means a lender approved by the Commissioner as eligible for insurance under section 2 or a mortgagee approved under section 203(b)(1).’

“(b) Section 220(h)(2)(i) of such Act is amended by inserting before the semicolon at the end thereof the following: ‘, and be limited as required by paragraph (11)’.

“(c) Section 220(h) of such Act is further amended by adding at the end thereof the following new paragraph:

“‘(11) Notwithstanding any other provision of this Act, no home improvement loan made in whole or in part for the purpose specified in clause (A)(ii) of the second sentence of paragraph (1) shall be insured under this subsection if such loan (or the portion thereof which is attributable to such purpose), when added to the aggregate principal balance of any outstanding loans insured under this subsection or section 203(k) which were made to the same borrower for the purpose so specified (or the portion of such aggregate balance which is attributable to such purpose), would exceed $10,000.’

“Home improvement loans on property held under lease

“Sec. 111. Section 220(h)(2)(vi) of the National Housing Act is amended by striking out ‘a period of not less than fifty years to run from the date of the loan’ and inserting in lieu thereof ‘an expiration date in excess of five years later than the maturity date of the loan.’

“Private mortgagors under section 221(d)(3)

“Sec. 112. Section 221(d)(3) of the National Housing Act is further amended by inserting after ‘section’ in the matter preceding clause (i) the following: ‘, or a mortgagor approved by the Commissioner which (A) as a condition of obtaining the insurance of a mortgage under this section, and prior to the submission of its application for such insurance, has entered into an agreement, in form and substance satisfactory to the Commissioner, to sell the property or project covered by such mortgage (upon its completion) to a private nonprofit corporation, association, or other mortgagor approved by the Commissioner at the actual cost of the property or project as certified pursuant to section 227, and (B) is regulated or supervised by the Commissioner, under a regulatory agreement or otherwise, as to rents, charges, and methods of operation in such form and in such manner as in the opinion of the Commissioner will effectuate the purposes of this section'.

"Mortgage insurance for servicemen

"Sec. 113. Section 222(b) of the National Housing Act is amended—

"(1) by striking out '203(b) or 203(i)' in paragraph (1) and inserting in lieu thereof '203(b), 203(i), or 221(d)(2),'; and

"(2) by striking out 'such principal obligation shall not exceed $9,000' in paragraph (2) and inserting in lieu thereof 'or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section'.

"Private financing of sale of FHA-acquired properties

"Sec. 114. Section 223(c) of the National Housing Act is amended by striking out 'limitation upon eligibility contained in this title II' and inserting in lieu thereof the following: 'limitations or requirements contained in this title upon the eligibility of the mortgage, upon the payment of insurance premiums, or upon the terms and conditions of insurance settlement and the benefits of the insurance to be included in such settlement (except that in any case the payment of insurance shall be in debentures)'.

"Mortgage insurance for nonprofit nursing homes

"Sec. 115. Section 232(b)(1) of the National Housing Act is amended by inserting after 'proprietary facility' the following: 'or facility of a private nonprofit corporation or association'.

"Experimental housing

"Sec. 116. (a) Section 233(a) of the National Housing Act is amended by striking out ', in the case of mortages insured under subsection (b)(2) of this section,'.

"(b) Section 233(b) of such Act is amended to read as follows:

"'(b) To be eligible for insurance under this section, a mortgage shall meet the requirements of one of the other sections of this title; except that, in determining the appraised value or the replacement cost of the property in cases involving new construction or the estimated cost of repair and rehabilitation or improvement in cases involving existing properties, the Commissioner's estimate may be based upon an estimate of the cost of replacing the property using comparable conventional design, materials, and construction, and any limitation upon the maximum mortgage amount available to a nonoccupant owner shall not, in the discretion of the Commissioner, be applicable to mortgages insured under this section.'

"(c) Section 233 of such Act is further amended by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"'(e) Any mortgagee under a mortgage insured under subsection (b) shall be entitled to insurance benefits determined in the same manner as such benefits would be determined if such mortgage or loan were insured under the section of this title for which it otherwise would have been eligible except for the experimental feature of the property involved.'

"(d) Section 233 of such Act is further amended by redesignating subsections (g) and (h) as subsections (f) and (g), respectively, and by striking out 'subsections (e) and (f)' in the first sentence of the subsection so redesignated as subsection (f) and inserting in lieu thereof 'subsection (e)'.

"Mortgage insurance for condominiums

"Sec. 117. (a) Section 234 of the National Housing Act is amended—

"(1) by striking out the heading and inserting in lieu thereof 'MORTGAGE INSURANCE FOR CONDOMINIUMS';

"(2) by striking out 'structure' each place it appears and inserting in lieu thereof 'project' (and by striking out 'structures' in the last sentence of subsection (c) and inserting in lieu thereof 'projects');

"(3) by striking out 'the term "mortgage" for the purposes of this section' in subsection (b) and inserting in lieu thereof 'the term "mortgage" for the purposes of subsection (c)';

"(4)(A) by striking out 'this section' each time it appears in subsection (c) and inserting in lieu thereof 'this subsection';

"(B) by striking out 'under another section' in the first sentence of subsection (c) and inserting in lieu thereof 'under any section';

"(5) by striking out 'section 213' each time it appears in subsection (c) and inserting in lieu thereof 'section 213(a) (1) and (2)';

"(6) by striking out the third sentence of subsection (c) and inserting in lieu thereof the following: 'To be eligible for insurance pursuant to this subsection, a mortgage shall (A) involve a principal obligation in an amount not to exceed $30,000, and not to exceed the sum of (i) 97 per centum of $15,000 of the amount which the Commissioner estimates will be the appraised value of the family unit including common areas and facilities as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of $15,000 but not in excess of $20,000, and (iii) 80 per centum of such value in excess of $20,000, and (B) have a maturity satisfactory to the Commissioner, but not to exceed, in any event, thirty-five years from the date of the beginning of amortization of the mortgage or three-fourths of the Commissioner's estimate of the remaining economic life of the project, whichever is the lesser.';

"(7) by redesignating subsection (d) as subsection (g), by redesignating subsections (e) and (f) as subsections (i) and (j), respectively, and by inserting after subsection (c) the following new subsections:

"'(d) In addition to individual mortgages insured under subsection (c), the Commissioner is authorized, in his discretion and under such terms and conditions as he may prescribe, to insure blanket mortgages (including advances on such mortgages during construction) which cover multifamily projects to be constructed or rehabilitated in cases where the mortgage is held by a mortgagor, approved by the Commissioner, which—

"'(1) has certified to the Commissioner, as a condition of obtaining the insurance of a blanket mortgage under this subsection, that upon completion of the multifamily project covered by such mortgage it intends to commit the ownership of the multifamily project to a plan of family unit ownership under which each family unit would be eligible for individual mortgage insurance under subsection (c) and will faithfully and diligently make and carry out all reasonable efforts to establish such plan of family unit ownership and to sell such family units to purchasers approved by the Commissioner; and

"'(2) shall be regulated or restricted by the Commissioner as to rents, charges, capital structure, rate of return, and methods of operation until the termination of all obligations of the Commissioner under the insurance and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage. The Commissioner may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary to render effective the regulation and restriction of such mortgagor. The stock or interest acquired by the Commissioner shall be paid for out of the Apartment Unit Insurance Fund, and shall be redeemed by the mortgagor at par at any time upon the request of the Commissioner after the termination of all obligations of the Commissioner under the insurance.

"'(e) To be eligible for insurance, a blanket mortgage on any multifamily project of a mortgagor of the character described in subsection (d) shall involve a principal obligation in an amount—

"'(1) not to exceed $20,000,000, or not to exceed $25,000,000 if the mortgage is executed by a mortgagor regulated or supervised, under Federal or State law or by a political subdivision of a State or an agency thereof, as to rents, charges, and methods of operation;

"'(2) not to exceed 90 per centum of the amount which the Commissioner estimates will be the replacement cost of the project when the proposed physical improvements are completed;

"'(3) not to exceed, for such part of the project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require; and

"'(4) not to exceed an amount equal to the sum of the unit mortgage amounts determined under the provisions of subsection (c) assuming the mortgagor to be the owner and occupant of each family unit.

"'(f) Any blanket mortgage insured under subsection (d) shall provide for complete amortization by periodic payments within such term as the Commissioner may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest (exclusive of premium charges for insurance) at not to exceed 5¼ per centum per annum on the amount of the principal obligation outstanding at any time. The Commissioner may consent to the release of a part or parts of the mortgaged property from the lien of the blanket mortgage upon such terms and conditions as he may prescribe and the blanket mortgage may provide for such release. The project covered by the blanket mortgage may include five or more family units and such commercial and community facilities as the Commissioner deems adequate to serve the occupants.';

"(8) by striking out 'this section' each time it appears in the subsection redesignated as subsection (g) by paragraph (7) of this subsection and inserting in lieu thereof 'subsection (c) of this section';

"(9) by inserting after the subsection redesignated as subsection (g) by paragraph (7) of this subsection the following new subsection:

"'(h) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), (m), (n), and (p) of section 207 shall be applicable to mortgages insured under subsection (d) of this section, except that all references to the Housing Insurance Fund, or Housing Fund, shall be construed to refer to the Apartment Unit Insurance Fund.'; and

"(10) by amending the subsection redesignated as subsection (j) by paragraph (7) of this subsection to read as follows:

"'(j) The provisions of sections 225 and 230 shall be applicable to the mortgages insured under subsection (c) of this section.'

"(b) Section 212(a) of such Act is amended by adding at the end thereof the following new sentence: 'The provisions of this section shall also apply to the insurance of any mortgage under section 234(d).'

"(c) Section 227(a) of such Act is amended by striking out 'or (vii)' and inserting in lieu thereof '(vii)', and by inserting before the semicolon at the end thereof ', or (viii) under section 234(d)'.

"Prepayment of mortgages by nonprofit educational institutions

"SEC. 118. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

"'Prepayment of mortgages by nonprofit educational institutions

"'SEC. 517. (a) Notwithstanding any other provision of this Act, no adjusted premium charge shall be collected in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor certifies to the Commissioner that the loan was paid in full by or on behalf of a nonprofit educational institution which intends to use the property for educational purposes.

"'(b) The Commissioner shall refund any adjusted premium charge collected subsequent to July 1, 1962, and prior to the date of the enactment of the Housing Act of 1964, in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor under such mortgage makes the certification prescribed by subsection (a).'

"Increase in number of units insurable under section 810 program

"SEC. 119. Section 810(i) of the National Housing Act is amended by striking out 'five thousand dwelling units' and inserting in lieu thereof 'ten thousand dwelling units'.

"TITLE II—HOUSING FOR THE ELDERLY AND HANDICAPPED

"Housing for the elderly—Loan program

"SEC. 201. Section 202(a)(4) of the Housing Act of 1959 is amended by striking out '$275,000,000' and inserting in lieu thereof '$350,000,000'.

"FHA section 221 housing for low- or moderate-income elderly persons

"SEC. 202. Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: 'Any person sixty-two years of age or over shall be deemed to be a family within the meaning of the terms "family" and "families" as those terms are used in this section.'

"Housing for the handicapped

"SEC. 203. (a)(1) The heading of title II of the Housing Act of 1959 is amended by striking out 'HOUSING FOR THE ELDERLY' and inserting in lieu thereof 'HOUSING FOR THE ELDERLY OR HANDICAPPED'.

"(2) Section 202 of such Act is amended—

"(A) by striking out 'elderly families and elderly persons' wherever it appears in subsections (a)(1), (a)(2), and (e) and inserting in lieu thereof in each instance 'elderly or handicapped families';

"(B) by amending subsection (d)(1) to read as follows:

"'(1) The term "housing" means structures suitable for dwelling use by elderly or handicapped families which are (A) new structures, or (B) provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for proposed dwelling use by such families.';

"(C) by striking out the first sentence of subsection (d)(4) and inserting in lieu thereof the following: 'The term "elderly or handicapped families" means families which consist of two or more persons and the head of which (or his spouse) is sixty-two years of age or over or is handicapped, and such term also means a single person who is sixty-two years of age or over or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Administrator, to have a physical impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions,';

"(D) by inserting before the period at the end of subsection (d)(7) the following: 'or rehabilitation, alteration, conversion, or improvement of existing structures'; and

"(E) by amending subsection (d)(8) to read as follows:

"'(8) The term "related facilities" means (A) new structures suitable for use by elderly or handicapped families as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities, and (B) structures suitable for the above uses provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for such uses.'

"(b) The last sentence of section 221(f) of the National Housing Act (as added by section 202 of this Act) is amended by striking out 'person sixty-two years of age or over' and inserting in lieu thereof 'person who is sixty-two years of age or over, or who is a handicapped person within the meaning of section 202 of the Housing Act of 1959,'.

"(c) Section 231 of such Act is amended by adding at the end thereof the following new subsection:

"'(f) Notwithstanding any of the provisions of this section, the housing provided under this section may include family units which are specially designed for the use and occupancy of any person or family qualifying as a handicapped family as defined in section 202 of the Housing Act of 1959, and such special facilities as the Commissioner deems adequate to serve handicapped families (as so defined). The Commissioner may also prescribe procedures to secure to such families preference or priority of opportunity to rent the living units specially designed for their use and occupancy.'

"(d) The second sentence of section 2(2) of the United States Housing Act of 1937 (as amended by section 401(a) of this Act) is amended by inserting after 'and includes' the following: 'a single person who is handicapped within the meaning of section 202 of the Housing Act of 1959 or who is'.

"(e) Section 207 of the Housing Act of 1961 (as amended by section 407 of this Act) is further amended by inserting before the period at the end of the first sentence the following: 'and of demonstrating the types of housing and the means of providing housing that will assist low income persons or families who qualify as handicapped families as defined in section 202 of the Housing Act of 1959'.

"TITLE III—URBAN RENEWAL

"Capital grant authorization

"SEC. 301. Section 103(b) of the Housing Act of 1949 is amended by striking out 'not to exceed $4,000,000,000' and inserting in lieu thereof 'not to exceed $4,600,000,000'.

"Code enforcement

"SEC. 302. (a) The first sentence of section 110(c) of the Housing Act of 1949 is amended by inserting after 'or rehabilitation or conservation in an urban renewal area,' the following: 'or a program of code enforcement in an urban renewal area,'.

"(b) (1) Paragraph (5) of the second sentence of section 110(c) of such Act is amended (1) by striking out 'a program of' and inserting in lieu thereof 'programs of code enforcement or', and (2) by adding before the semicolon at the end of such paragraph the following: ': *Provided*, That no program of code enforcement shall be included as part of an urban renewal project unless the locality shall agree to increase its total expenditures with respect to code enforcement, during the period such project is under contract for a loan or capital grant, by an amount equal to the required local grants-in-aid with respect to the code enforcement included as part of such project'.

"(2) Any contract for a capital grant under title I of the Housing Act of 1949 executed prior to the date of the enactment of this Act may be amended to incorporate the provisions of paragraph (1) for costs incurred on or after such date.

"(c) Section 101(c) of such Act is amended by adding at the end thereof the following new sentence: 'Commencing three years from the date of the enactment of the Housing Act of 1964, no workable program will be certified or recertified unless the locality has had in effect for at least six months prior to such certification or recertification a minimum standards housing code, related but not limited to health, sanitation, and occupancy requirements, which is deemed adequate by the Administrator; and unless the Administrator is satisfied that the locality is carrying out an effective program of enforcement to achieve compliance with such housing code.'

"Relocation of displacees from urban renewal areas

"SEC. 303. (a)(1) Section 105(c) of the Housing Act of 1949 is amended by striking out 'families' wherever it appears and inserting in lieu thereof 'individuals and families'.

"(2) The requirement imposed by the amendments made by paragraph (1) shall not be applicable to any project receiving Federal recognition prior to the date of the enactment of this Act.

"(b) Section 105(c) of such Act is further amended by inserting before the period at the end thereof the following ': *Provided*, That the Administrator shall issue rules and regulations to aid in implementing the requirements of this subsection and in otherwise achieving the objectives of this title which shall require that there be established, at the earliest practicable time, for each urban renewal project involving the displacement of families, individuals, or business concerns occupying property in an urban renewal area, a relocation assistance program which shall include such measures, facilities, and services as may be necessary or appropriate in order (1) to determine the needs of such families, individuals, and business concerns for relocation assistance, (2) to provide information and assistance to aid in relocation and otherwise minimize the hardships of displacement, and (3) to assure the necessary coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community which may affect the carrying out of the relocation program'.

"(c) Section 114(e) of such Act (as added by section 306 of this Act and redesignated by section 317 of this Act) is amended by adding at the end thereof the following new sentence: 'Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred.'

"(d) Section 8(b) of the Small Business Act is amended—

"(1) by striking out 'and' at the end of paragraph (12);

"(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof '; and'; and

"(3) by adding after paragraph (13) the following new paragraph:

"'(14) to provide at the earliest practicable time such information and assistance as may be appropriate, including information concerning eligibility for loans under section 7(b)(3), to local public agencies (as defined in section 110(h) of the Housing Act of 1949) and to small-business concerns to be displaced by federally aided urban renewal projects in order to assist such small-business concerns in reestablishing their operations.'

"Disposal of land for low- and moderate-income housing

"SEC. 304. Subsections (a) and (b) of section 107 of the Housing Act of 1949 are amended to read as follows:

"'(a) Upon approval of the Administrator and subject to such conditions as he may determine to be in the public interest, any real property held as part of an urban renewal project may be made available to (1) a limited dividend corporation, nonprofit corporation or association, cooperative, or public body or agency, or (2) a purchaser who would be eligible for a mortgage insured under section 221(d)(4) of the National Housing Act, for purchase at fair value for use by such purchaser in the provision of new or rehabilitated rental or cooperative housing for occupancy by families or individuals of moderate income.

"'(b) When it appears in the public interest that real property acquired as part of an urban renewal project should be used in whole or in part for a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act, the property shall be made available to the public housing agency undertaking the low-rent housing project at a price equal to its fair value, as determined in accordance with subsection (a), and such amount shall be included as part of the development cost of such low-rent housing project: *Provided,* That the local contribution in the form of tax exemption or tax remission required by section 10(h) of such Act, or by analogous provisions in legislation authorizing such State or local program, with respect to the low-rent housing project into which such property was incorporated on or after September 23, 1959, shall (if covered by a contract which, in the determination of the Public Housing Commissioner, will assure that such local contribution will be made during the entire period that the project is used as low-rent housing within the meaning of such Act, or by provisions found by the Administrator to give equivalent assurance in the case of State or local programs) be accepted as a local grant-in-aid equal in amount, as determined by the Administrator, to one-half (or one-third in the case of an urban renewal project on a three-fourths capital grant basis) of the difference between the cost of such property (including costs of land, clearance, site improvements, and a share, prorated on an area basis, of administrative, interest, and other project costs) and its sales price, and shall be considered a local grant-in-aid furnished in a form other than cash within the meaning of section 110(d) of this Act.'

"Rehabilitation of property in urban renewal areas

"SEC. 305. Section 110(c) of the Housing Act of 1949 is amended by adding immediately after and below paragraph (7) the following new paragraph:

"'Notwithstanding any other provision of this title, no contract shall be entered into for any loan or capital grant under this title for any project which provides for demolition and removal of buildings and improvements unless the Administrator determines that the objectives of the urban renewal plan could not be achieved through rehabilitation of the project area.'

"Relocation payments to displaced persons and businesses

"SEC. 306. (a) Title I of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"'Relocation

"'SEC. 114. (a) Notwithstanding any other provision of this title, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this title shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, "displaced" refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

"'(b) A local public agency may pay to any displaced business concern or nonprofit organization—

"'(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided,* That such payment shall not exceed $3,000 (or, if greater, the total certified actual moving expenses); and

"'(2) an additional $1,000 in the case of a private business concern with average annual net earnings of less than $10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of the real property under the third sentence of section 102(a)), (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.

"'(c)(1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided,* That such payment shall not exceed $200: *And provided further,* That the Administrator may authorize payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

"'(2) A local public agency may pay (in addition to any amount under paragraph (1)), to or on behalf of any displaced individual or family, the monthly rental (or mortgage payment) required for the dwelling accommodations in which such individual or family is relocated during the first three months (after displacement) for which such rental (or payment) is due; except that no amount in excess of $200 shall be paid under this paragraph to or on behalf of any displaced individual or family, and payments under this paragraph shall be available only in the case of individuals and families displaced on or after January 27, 1964.

"'(d) The Administrator is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section.'

"(b) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by section 114 of the Housing Act of 1949.

"(c) Section 106 of the Housing Act of 1949 is amended by striking out subsection (f).

"Incentives for local realty tax abatement for section 221(d)(3) projects

"SEC. 307. Section 110(d) of the Housing Act of 1949 is amended by striking out 'and (3)' and inserting in lieu thereof the following: '(3) the amount of any abatement of realty taxes granted by appropriate authority in reduction of realty taxes, which would, except for such abatement, be payable by a project the mortgage on which is insured under section 221 of the National Housing Act and bears an interest rate fixed pursuant to the proviso in section 221(d)(5) of such Act; and (4)'.

"Rehabilitation loans

"SEC. 308. (a) To assist rehabilitation in an urban renewal area and thereby reduce the need for demolition and removal of structures, the Housing and Home Finance Administrator is hereby authorized, through the utilization of local public and private agencies where feasible, to make loans as herein provided to the owners or tenants of property in such area to finance rehabilitation required to make the property conform to applicable code requirements or to carry out the objectives of the urban renewal plan for the area. No loan shall be made under this section unless the Administrator finds (1) that the applicant is unable to secure the necessary funds from other sources upon reasonable terms and conditions, and (2) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan.

"(b) For the purposes of this section—

"(1) the term 'rehabilitation' means the improvement or repair of a structure or facilities in connection with a structure, and may include the provision of such sanitary or other facilities as are required by applicable codes or the urban renewal plan to be provided by the owner or tenant of the property;

"(2) the term 'urban renewal area' means a slum area or a blighted, deteriorated, or deteriorating area as defined in section 110(a) of the Housing Act of 1949;

"(3) the term 'tenant' means a person or organization who is occupying a structure under a lease having a period to run at the time a rehabilitation loan is made under this section of not less than the term of the loan; and

"(4) the term 'Administrator' means the Housing and Home Finance Administrator.

"(c) A rehabilitation loan made under this section shall be subject to the following limitations:

"(1) The loan shall be subject to such terms and conditions as may be prescribed by the Administrator.

"(2) The term of the loan may not exceed fifteen years or three-fourths of the remaining economic life of the structure after rehabilitation, whichever is less.

"(3) The loan shall bear interest at such rate as the Administrator determines to be appropriate but not to exceed 3 per centum per annum of the amount of the principal outstanding at any time, and the Administrator may prescribe such other charges as he finds necessary, including service charges and appraisal, inspection, and other fees.

"(4) The amount of the loan may not exceed—

"(A) in the case of residential property, the amount of a loan which could be insured by the Federal Housing Commissioner under section 220(h) of the National Housing Act; and

"(B) in the case of nonresidential property, $50,000, or the cost of rehabilitation, or an amount which when added to any outstanding indebtedness related to the property securing the loan creates a total outstanding indebtedness that exceeds the amount of a loan which the Administrator determines could be reasonably secured by a first mortgage on the property.

"(5) A loan shall be secured as determined by the Administrator.

"(d) There is authorized to be appropriated not to exceed $50,000,000 which shall constitute a revolving fund to be used by the Administrator in carrying out this section.

"(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this section, the Administrator shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402 of the Housing Act of 1950 (except subsection (c)(2)).

"(f) The Administrator is authorized to delegate to or use as his agent any local public or private agency or organization to the extent he determines appropriate and desirable to carry out the objectives of this section in the area involved.

"(g) The Administrator is authorized to issue such rules and regulations and impose such requirements and conditions (in addition to those specified in this section) as he determines to be desirable to carry out the objectives of this section, including limitations on the amount of a loan and restrictions on the use of the property involved.

"Self-help programs for community improvement

"SEC. 309. Section 101(d) of the Housing Act of 1949 is amended by inserting immediately after 'local urban renewal programs' the following: '(including rehabilitation projects requiring no additional assistance under this title or self-liquidating redevelopment projects)'.

"Urban renewal demonstration program

"SEC. 310. Section 314 of the Housing Act of 1954 is amended—

"(1) by inserting '(a)' after '314.' at the beginning of the section;

"(2) by inserting before the period at the end of the second sentence the following: ', but such a grant may in addition cover the full cost of writing and publishing the reports on such activities and undertakings';

"(3) by inserting 'activities and' before 'undertakings' in the third sentence;

"(4) by striking out the fourth and fifth sentences; and

"(5) by adding at the end thereof the following new subsections:

"'(b) The Administrator is further authorized to pay for the cost of (1) writing and publishing reports on activities and undertakings financed by grants made under this section, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of this section, and (2) writing and publishing summaries and other informational material on such reports.

"'(c) The aggregate amount of grants made under subsection (a), and other costs incurred pursuant to subsection (b), shall not exceed $10,000,000 and shall be payable from the grant funds provided under and authorized by section 103(b) of the Housing Act of 1949. The Administrator may make advance or progress payments on account of any contract entered into pursuant to this section, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended.'

"Urban and regional planning grants

"SEC. 311. (a) Section 701(a) of the Housing Act of 1954 is amended by striking out 'resulting from rapid urbanization' in clause (B) of paragraph (1).

"(b) Section 701(a) of such Act is amended—

"(1) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

"(2) by adding after paragraph (5) the following new paragraph:

"'(6) metropolitan and regional planning agencies, with the approval of the State planning agency or (in States where no such planning agency exists) of the Governor of the State, for the provision of planning assistance within the metropolitan area or region to cities, other municipalities, counties, groups of adjacent communities, or Indian reservations described in clauses (A), (B), (C), and (D) of paragraph (1); and'.

"Planning grant authorization

"SEC. 312. Section 701(b) of the Housing Act of 1954 is amended by striking out '$75,000,000' in the last sentence and inserting in lieu thereof '$105,000,000.'

"Planning grants for Indian reservations

"SEC. 313. (a) Section 701(a) of the Housing Act of 1954 is amended—

"(1) by striking out 'and' at the end of clause (B) of paragraph (1);

"(2) by inserting ', and (D) Indian reservations' before the semicolon at the end of paragraph (1); and

"(3) by adding after paragraph (6) (as added by section 311(b) of this Act) the following new paragraph:

"'(7) tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation to which no State planning agency or other agency or instrumentality is empowered to provide planning assistance under clause (D) of paragraph (1).'

"(b) Section 701(d) of such Act is amended—

"(1) by striking out 'and urban regions' in the first sentence and inserting in lieu thereof 'urban regions, and Indian reservations'; and

"(2) by inserting the following after 'instrumentalities' in the second sentence: ', and Indian tribal bodies,'.

"Eligibility of counties for planning assistance

"SEC. 314. Section 701(a) of the Housing Act of 1954 is amended by striking out clause (A) of paragraph (1) and inserting in lieu thereof the following: '(A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: *Provided*, That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Administrator finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after the date of enactment of the Housing Act of 1964, for the purposes of this section,'.

"Planning problems resulting from treaties or other international agreements

"SEC. 315. Section 701(a)(4) of the Housing Act of 1954 is amended to read as follows:

"'(4) official governmental planning agencies for areas where (A) urban planning problems have resulted or are expected to result from the implementation of a Federal treaty or other international agreement or understanding, or (B) rapid urbanization has resulted or is expected to result from the establishment or rapid and substantial expansion of a Federal installation;'.

"Small Business Administration loans

"SEC. 316. Section 7(b)(3) of the Small Business Act is amended by inserting before the period at the end thereof the following: '; and the purposes of a loan made pursuant to this paragraph may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises from which it was displaced'.

"Relocation payments in cases of property affected by coal mine subsidence of underground mine fires

"SEC. 317. (a) Section 114 of the Housing Act of 1949 (as added by section 306 of this Act) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"'(d) In any case in which property owned by an individual, family, business concern, or nonprofit organization has been rendered partially or wholly unusable on account of the subsidence or collapse of underlying coal mines, or because of an underground mine fire or fires, relocation payments under this section may include (in addition to any amounts payable under subsection (b) or (c)) an amount equal to the difference between (1) the actual market value which such property would have if the diminution in its value occasioned by such subsidence or collapse or fire were ignored, and (2) the price paid for the acquisition of such property by the local public agency.'

"(b) The first sentence of section 114(a) of such Act (as so added) is amended by striking out 'organizations' and all that follows and inserting in lieu thereof the following: 'organizations. Any contract for financial assistance under this title shall provide that no part of the amount of such payments (except such payments made pursuant to subsection (d)) shall be required to be contributed as a local grant-in-aid, and that the capital grant otherwise payable for the project shall be increased by an amount equal to (1) any of such payments made pursuant to subsection (b) or (c), plus (2) any of such payments made pursuant to subsection (d)', reduced by the amount of the local grants-in-aid applicable to such payments.'

"(c) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by the amendments made by this section so long as the project involved has not yet been completed on such date.

"(d) Section 15(8) of the United States Housing Act of 1937 (as added by section 406 of this Act) is amended by striking out 'section 114 (b) or (c)' and inserting in lieu thereof 'section 114 (b), (c), or (d)'.

"TITLE IV—HOUSING FOR LOW-INCOME FAMILIES

"Eligibility of displaced individuals for low-rent public housing

"SEC. 401. (a) Section 2(2) of the United States Housing Act of 1937 is amended to read as follows:

"'(2) The term "families of low income" means families (including elderly and displaced families) who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. The term "families" includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term "elderly families" means families whose heads (or their spouses), or whose sole members, have attained the age at which an individual may elect to receive an old-age insurance benefit under title II of the Social Security Act or are under a disability as defined in section 223 of that Act. The term "displaced families" means families displaced by urban renewal or other governmental action.'

"(b) Section 10(g)(2) of such Act is amended by striking out 'those displaced by urban renewal or other governmental action' and inserting in lieu thereof 'displaced families'.

"(c) Section 15(7)(b) of such Act is amended by striking out 'family displaced by urban renewal or other governmental action' in clause (ii) and inserting in lieu thereof 'displaced family'.

"Additional subsidy for urban renewal and low-rent housing displacees

"SEC. 402. Section 10(a) of the United States Housing Act of 1937 is amended by inserting before the period at the end of the third sentence the following: ': *Provided further,* That such an additional payment may also be made, on the same terms and conditions and subject to the same limitations, with respect to a unit occupied on the last day of the project fiscal year by a displaced family if such family was displaced by an urban renewal or low-rent housing project on or after January 27, 1964, and if and to the extent that the rental of such unit was less than the rental which, in the determination of the Authority based on average or esimated project rentals, would have been established in leasing the unit to another family which was neither an elderly family nor similarly displaced'.

"Increase in authorization for annual contributions

"SEC. 403. Section 10(e) of the United States Housing Act of 1937 is amended by inserting immediately after 'per annum,' the following: 'which limit shall be increased by $27,000,000 on the date of the enactment of the Housing Act of 1964,'.

"Payments in lieu of taxes by local housing authorities; local contributions

"SEC. 404. Section 10(h) of the United States Housing Act of 1937 is amended by striking out all that follows the first colon and inserting in lieu thereof the following: '*Provided,* That, with respect to any such project which is not exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivisions, such contract shall provide, in lieu of the requirement for tax exemption and payments in lieu of taxes, that no annual contributions by the Authority shall be made available for such project unless and until the State, city, county, or other political subdivisions in which such project is situated shall contribute, in the form of cash or tax remission, the amount by which the taxes paid with respect to the project exceed 10 per centum of the annual shelter rents charged in such project: *Provided further,* That, prior to execution of the contract for annual contributions the public housing agency shall, in the case of a tax-exempt project, notify the governing body of the locality of its estimate of the annual amount of such payments in lieu of taxes and of the amount of taxes which would be levied if the property were privately owned, or, in the case where the project is taxed, its estimate of the annual amount of the local cash contribution, and shall thereafter include the actual amounts of such payments or contributions in its annual report. Contracts for annual contributions entered into prior to the effective date of the Housing Act of 1964 may be amended in accordance with the first sentence of this subsection.'

"Relocation of families and individuals displaced from project sites

"SEC. 405. (a) Section 15(7)(b) of the United States Housing Act of 1937 is amended by striking out 'and' before '(ii)', and by inserting before the period at the end thereof the following: '; and (iii) unless the public housing agency has demonstrated to the satisfaction of the Authority that there is a feasible method for the temporary relocation of the displaced families from the project site, and that there are or are being provided, in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of such displaced families, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and reasonably accessible to their places of employment'.

"(b) The amendments made by subsection (a) shall not be applicable to any project for which an application for preliminary loan has been approved by the local governing body prior to the date of the enactment of this Act.

"Relocation payments

"SEC. 406. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph:

"'(8) The Authority may authorize the cost of relocation payments made by public housing agencies to be included with the development or acquisition cost of any project for purposes of determining the amount of loans and annual contributions authorized to be made with respect to such project under sections 9 and 10, but such costs shall be separately stated as relocation costs and shall be excluded from any amounts on which the computation of annual contributions is based for purposes of determining the amount of local contributions required with respect to such project under section 10(h). For purposes of this paragraph, a "relocation payment" is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency, (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 114 (b) or (c) of the Housing Act of 1949 for relocation payments made to individuals, families, business concerns, or nonprofit organizations, as the case may be.'

"Low-income housing demonstration program authorization

"SEC. 407. Section 207 of the Housing Act of 1961 is amended by striking out '$5,000,000' and inserting in lieu thereof '$10,000,000'.

"TITLE V—RURAL HOUSING

"Extension of senior citizens rental housing insurance program

"SEC. 501. Section 515(b)(5) of the Housing Act of 1949 is amended by striking out 'September 30, 1964' and inserting in lieu thereof 'September 30, 1965'.

"Rural housing direct loan program

"SEC. 502. (a) Section 511 of the Housing Act of 1949 is amended by striking out '$700,000,000' and inserting in lieu thereof '$850,000,000'.

"(b) Section 502(a) of such Act is amended by inserting after 'a loan may be made by the Secretary to said applicant' the following: ', in a principal amount not exceeding $15,000,'.

"Definition of domestic farm labor

"SEC. 503. Section 514(f)(3) of the Housing Act of 1949 is amended to read as follows:

"'(3) The term "domestic farm labor" means persons who receive a substantial portion (as determined by the Secretary) of their incomes as laborers on farms situated in the United States and either (A) are citizens of the United States or (B) reside in the United States after being legally admitted for permanent residence therein.'

"TITLE VI—FEDERAL-STATE TRAINING PROGRAMS

"Findings and purpose

"SEC. 601. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are likely to be, employed by a governmental or public body which has responsibilities for community development; and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"Matching grants to States

"SEC. 602. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Administrator may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are likely to be, employed by a governmental or public body which has responsibilities for community development; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this title unless the Administrator has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this title;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State program under this title; and

"(5) provides that such officer or agency will make such reports to the Administrator, in such form, and containing such information, as may be reasonably necessary to enable the Administrator to perform his duties under this title.

"(c) No grant may be made under this title for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"(d) There is authorized to be appropriated for grants under this title, without fiscal year limitation, not to exceed $10,000,000.

"State limit

"Sec. 603. Not more than 10 per centum of the total amount authorized to be appropriated by section 602(d) may be used for making grants to any one State.

"Technical assistance, studies, and publication of information

"Sec. 604. In order to carry out the purpose of this title, the Administrator is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Administrator under any other provision of law.

"Miscellaneous

"Sec. 605. (a) As used in this title, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and the term 'Administrator' means the Housing and Home Finance Administrator.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title.

"TITLE VII—COMMUNITY FACILITIES

"Public facility loans

"Sec. 701. (a) Section 202(a) of the Housing Amendments of 1955 is amended by striking out 'instrumentalities of States' in clause (1) of the first sentence and inserting in lieu thereof 'instrumentalities of one or more States', and by striking out 'in the same State' in such clause and inserting in lieu thereof 'of one or more States'.

"(b) Section 202(b)(4) of such Amendments is amended by inserting '(A)' before 'to any municipality' in the first sentence, and by striking out everything in such sentence after 'most recent decennial census, or' and inserting in lieu thereof the following: '(B) to any public agency or instrumentality serving one or more municipalities, political subdivisions, or unincorporated areas in one or more States, unless each municipality, political subdivision, and unincorporated area to be served by the specific public work or facility for which assistance is sought under this section has a population less than the applicable figure under clause (A) according to such census.'

"Advances for public works planning

"Sec. 702. (a) Section 702(e) of the Housing Act of 1954 is amended to read as follows:

"'(e) In order to provide moneys for advances in accordance with this section, the Administrator is hereby authorized to establish a revolving fund which shall comprise (1) all moneys heretofore or hereafter appropriated pursuant to this section, together with all repayments and other receipts heretofore or hereafter received in connection with advances made under this section, and (2) all repayments and other receipts received after June 30, 1964, and all advances (and claims in connection with advances) outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) and the Act of October 13, 1949 (63 Stat. 841–2). There are authorized to be appropriated to such revolving fund, in addition to amounts authorized to be appropriated for the purposes of this section prior to the date of the enactment of the Housing Act of 1964, such sums, not to exceed $20,000,000, as may be necessary to carry out the purposes of this section.'

"(b) Section 702 of such Act is further amended by adding at the end thereof the following new subsection:

"'(h)(1) Notwithstanding any other provision of law, if a public agency or Indian tribe undertakes to construct only a portion of a public work planned with an advance under this section, under title V of the War Mobilization and Reconversion Act of 1944, or under the Act of October 13, 1949, it shall repay only such proportionate amount of the advance relating to the public work as the Administrator determines to be equitable.

"'(2) The Administrator is authorized to terminate, upon such terms and conditions as he shall deem equitable, all or a portion of the liability for repayment of any advance made under this section, title V of the War Mobilization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Administrator determines that there is no reasonable likelihood that the public work, or a portion of the public work, planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Administrator.'

"(c) Section 702 of such Act is further amended—

"(1) by striking out 'public agencies' wherever that term appears in subsection (a) and inserting in lieu thereof 'public agencies and Indian tribes';

"(2) by striking out 'public agency' in clause (3) of subsection (b) and inserting in lieu thereof 'public agency or Indian tribe';

"(3) by striking out 'to any public agency' and 'by the public agency' in subsection (c) and inserting in lieu thereof 'to any public agency or Indian tribe' and 'by the public agency or Indian tribe', respectively, and by striking out 'by such agency' in such subsection and inserting in lieu thereof 'by such agency or tribe'; and

"(4) by striking out 'That if' and all that follows down through '*And provided further,*' in subsection (c).

"(d) Section 702(f) of such Act is amended by striking out '$50,000' and inserting in lieu thereof '$100,000'.

"(e) Section 702(a) of such Act is amended by inserting immediately before the first colon the following: ', including, in the case of public works to be constructed in connection with the development of a medical center, a general plan for the development of such center'.

"(f) Section 702(b) of such Act is amended by striking out the last sentence.

"TITLE VIII—SAVINGS AND LOAN ASSOCIATIONS

"Sec. 801. (a) The first sentence of section 5(c) of the Home Owners' Loan Act of 1953 is amended by striking out 'fifty miles' and inserting in lieu thereof 'one hundred miles'.

"(b) The third sentence of section 403(b) of the National Housing Act is amended by striking out all that precedes the first semicolon and inserting in lieu thereof the following: 'Each applicant for such insurance shall also file with its application an agreement that during the period that the insurance is in force it will not make any loans beyond one hundred miles from its principal office, except (1) loans in the area beyond such one-hundred-mile limit in which it was operating prior to June 27, 1934, and (2) loans which are made pursuant to regulations of the Corporation: *Provided,* That such agreement shall further provide that any loan made beyond fifty miles from the applicant's principal office (and outside the territory in which it was operating on such date) shall also be subject to such regulations'.

"Sec. 802. The first proviso in section 5(c) of the Home Owners' Loan Act of 1933 is amended—

"(1) by striking out '$35,000' and inserting in lieu thereof '$40,000'; and

"(2) by striking out ', except that the aggregate sums invested pursuant to the two exceptions in this proviso shall not exceed 30 per centum of the assets of such association.'

"Sec. 803. The next to last paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"'Without regard to any other provision of this subsection, any such association is authorized to invest not more than 5 per centum of its assets in, or in interests in, real property located within urban renewal areas as defined in subsection (a) of section 110 of the Housing Act of 1949 and obligations secured by first liens on real property so located, but no investment shall be made by an association under this sentence in real property or any interest therein if the aggregate investment of the association under this sentence in real property and interests therein, determined as prescribed by the Board, would thereupon exceed 2 per centum of the assets of the association.'

"Sec. 804. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof a new paragraph as follows:

"'For the purpose of this section the terms "real property" and "real estate" shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is renewable automatically or at the option of the holder (or at the option of the association) so as not to expire, for at least fifteen years beyond the maturity of the debt, or for such shorter period as the Board, by regulation, may prescribe.'

"Sec. 805. Section 5(c) of the Home Owners' Loan Act of 1933 is further amended by adding at the end thereof (after the paragraph added by section 804 of this Act) the following new paragraph:

"'Any such association is authorized to invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of that State, District, Commonwealth, territory, or possession and by Federal savings and loan associations having their home offices therein, but no association may make any investment under this sentence if its aggregate outstanding investment under this sentence, determined as prescribed by the Board, would thereupon exceed 1 per centum of its assets.'

"Sec. 806. Section 10(b) of the Federal Home Loan Bank Act is amended—

"(1) by striking out 'twenty-five' in clause (1) and inserting in lieu thereof 'thirty'; and

"(2) by striking out '$35,000' in clause (2) and inserting in lieu thereof '$40,000'.

"Sec. 807. The second proviso in the first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out 'or in the obligations of the Federal National Mortgage Association' and inserting in lieu thereof the following: '; or in obligations of the Federal National Mortgage Association or of any other agency of the United States; or in obligations of or guaranteed by, or special obligations (which may be defined by the Board) issued by, any one or more of the following: any State, any county, municipality, or political subdivision of any State, or any district, public instrumentality, or public authority of any one or more of the foregoing; and as used in this proviso the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States'.

"Sec. 808. The first sentence of the second paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows: 'Without regard to any other provision of this subsection except the area requirement, any such association is authorized to invest a sum not in excess of 20 per centum of the assets of such association in loans insured under title I of the National Housing Act, in home improvement loans insured under title II of the National Housing Act, in unsecured loans insured or guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as amended, or chapter 37 of title 38 of the United States Code, and in other loans for property alteration, repair, or improvement: *Provided*, That no such loan, unless so insured or guaranteed, shall be made in excess of $5,000.'

"Sec. 809. Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"'Investment of certain funds in accounts of insured institutions

" 'Sec. 409. The savings accounts and share accounts held by institutions insured by the Corporation, to the extent they are insured by the Corporation, shall be lawful investments and may be accepted as security for all public funds of the United States, fiduciary and trust funds under the authority or control of the United States or any officer or officers thereof, and for the funds of all corporations organized under the laws of the United States, regardless of any limitation of law upon the investment of any such funds or upon the acceptance of security for the investment or deposit of any of such funds.'

"Sec. 810. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting after the second paragraph the following new paragraph:

" 'Without regard to any other provision of this subsection, any such association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to as "loans" made for the payment of expenses of college or university education, but no association shall make any investment in loans under this paragraph if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets.'

"TITLE IX—MISCELLANEOUS

"FNMA—Removal of $20,000 mortgage amount limitation

"Sec. 901. Section 302(b) of the National Housing Act is amended—

"(1) by striking out 'any mortgage' in clause (3) and inserting in lieu thereof 'any mortgage under section 305'; and

"(2) by striking out the proviso in clause (3).

"FNMA—Ninety per centum loans

"Sec. 902. Section 304(a)(2) of the National Housing Act is amended by striking out '80 per centum' and inserting in lieu thereof '90 per centum'.

"Transfer of mortgagor's equity in residence covered by FHA-insured mortgage

"Sec. 903. (a) If—

"(1) an individual is the mortgagor under a mortgage which is insured under the National Housing Act and which covers a one-, two-, three-, or four-family residence being used by such individual as his principal residence;

"(2) such individual is not in default on any payments under such mortgage, and either (A) at least one year has expired since the date of the execution of the mortgage or (B) such individual's equity in the property covered by the mortgage is at least $500; and

"(3) such individual is required to move to a new location in the United States for reasons of health, because of a change in his employment, or for any other cause determined by the Federal Housing Commissioner to be reasonable or unavoidable,

then, under regulations prescribed by the Federal Housing Commissioner, such individual may transfer his equity in the property to a similar dwelling in the new location, in the manner provided by subsection (b).

"(b) An individual desiring to transfer his equity as provided in subsection (a) shall make application therefor to the Federal Housing Commissioner in such manner and form, and in accordance with such terms and conditions, as the Commissioner may require. The Commissioner may approve the application if he finds that the individual meets the conditions specified in subsection (a) and in the preceding sentence, and if the Commissioner holds title to a dwelling in the new location (acquired by him under section 204, 213(e), 220(f)(1), 221(g)(1), 222(d), 233(e), or 809(d) of the National Housing Act, or in any other manner) which such individual desires to purchase for use as his principal residence in the new location. Upon approving the application the Commissioner shall effect the transfer of the individual's equity by accepting the conveyance from him of title to his existing dwelling and selling to him the dwelling in the new location, for cash or credit and on terms and conditions as nearly equivalent to those applicable to the existing dwelling as may be practicable, but in any case reducing the purchase price thereof by an amount equal to the equity held by such individual in the existing dwelling.

"(c) As used in this section, the term 'equity', with respect to any property, means the amount determined by the Federal Housing Commissioner to be the value of the owner's interest in the property after deducting an amount equal to the customary sales expense and conveyancing costs prevailing in the locality for similar properties.

"Open-space program—Grant authorization

"Sec. 904. Section 702(b) of the Housing Act of 1961 is amended—

"(1) by striking out '$50,000,000' and inserting in lieu thereof '$75,000,000'; and

"(2) by adding at the end thereof the following: 'All funds so appropriated shall remain available until expended.'

"College housing loans

"Sec. 905. The second paragraph of section 404(b) of the Hosuing Act of 1950 is amended by adding at the end thereof the following new sentence: 'Where State law would prevent the institution (or all of the institutions) for whose students or students and faculty the housing is to be provided from cosigning the note, the Administrator shall instead require the approval of the corporation and the proposed project by such institution (or by any one or more of such institutions).'

"Acquisition of certain housing by Secretary of Defense

"Sec. 906. The first sentence of section 404(a) of the Housing Amendments of 1955 is amended by inserting before the period at the end thereof the following: ', or (3) any housing situated on or adjacent to a military installation which was (A) completed prior to July 1, 1952, (B) considered by the Department of Defense, prior to construction, as being necessary to meet an existing military family housing need and considered as military housing by the Federal Housing Commissioner, and (C) financed with mortgages insured under section 608 of the National Housing Act, including adjacent property constructed primarily to provide commercial facilities for the occupants of such housing'.

"Forest Hills project in Paducah, Kentucky

"Sec. 907. The Federal Housing Commissioner is authorized and directed to sell to the Paducah-McCracken County Development Council, Incorporated, of Paducah, Kentucky, for use as a public facility (including such use by the Paducah Junior College as may be deemed appropriate by such Council), and for a total price of $1,000,000, all right, title, and interest of the United States in and to the housing project in Paducah known as Forest Hills (a project constructed under title VIII of the National Housing Act as in effect prior to August 11, 1955, and subsequently acquired by the Federal Housing Administration).

"Payment in lieu of taxes by Hawaii Housing Authority

"Sec. 908. Notwithstanding the provisions of any other law or any contract or rule of law, the Public Housing Commissioner shall approve a payment in lieu of taxes to be made for the fiscal year ended June 30, 1959, in the amount of $24,167.78, by the Hawaii Housing Authority to the city and county of Honolulu.

"Transfer of land for urban renewal purposes by Philadelphia Housing Authority

"Sec. 909. (a) Notwithstanding the provisions of title I of the Housing Act of 1949 and the United States Housing Act of 1937, the Housing and Home Finance Administrator and the Public Housing Commissioner are authorized and directed to consent to the transfer by the Philadelphia Housing Authority to the Philadelphia Redevelopment Authority of all property acquired by the Housing Authority for low-rent housing project numbered Pennsylvania 2–51, on condition that (1) an amount which, together with any funds of the Housing Authority available for the purpose, is sufficient to pay and discharge all obligations incurred by the Housing Authority in connection with such low-rent housing project and owing at the time of transfer, will be paid by the Redevelopment Authority to the Public Housing Administration to be applied in satisfaction of the Housing Authority's obligations which it cannot meet with its own funds available for the purpose, and (2) the total amount so paid by the Redevelopment Authority will be included in the gross project cost of its Whitman urban renewal project, Pennsylvania R–35.

"(b) The Housing and Home Finance Administrator and the Public Housing Commissioner are authorized to modify any contracts heretofore entered into and to take any other appropriate action necessary to carry out the provisions of subsection (a).

"Eligibility of certain local grants-in-aid

"Sec. 910. Nothwithstanding the date of the commencement of construction of the Fox Point hurricane dam in Providence, Rhode Island, local expenditures made in connection with such dam shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the railroad relocation urban renewal project (Rhode Island R–8) in accordance with the provisions of title I of the Housing Act of 1949."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 12175) was laid on the table.

Mr. RAINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, with a House amendment thereto, insist upon the House amendment, and request an immediate conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Messrs. PATMAN, RAINS, MULTER, BARRETT, WIDNALL, FINO, and Mrs. DWYER.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4364) entitled "An act to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University".

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8864) entitled "An act to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes".

CONFERENCE REPORTS

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, August 13, 1964, to file a conference report on the bill H.R. 4364, to provide for the free entry of one mass spectrometer for the use of Oregon State University.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, August 13, 1964, to file a conference report on the bill H.R. 8864, to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight Saturday, August 15, 1964, to file a conference report on the bill H.R. 8000, to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain resolutions.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no obligation.

LAND ACQUIRED FOR THE FLANDREAU BOARDING SCHOOL

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11052) to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 2, after line 2, insert:
>
> "SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission."

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, and I do this to direct a question to the chairman of the Committee on Interior and Insular Affairs to inquire whether or not the amendment to this bill and the others which he will present to the House are all germane to each and every bill?

Mr. ASPINALL. Mr. Speaker, this is the first bill I shall call up. The amendments are all germane and are not of any particular importance except as part of the procedural matter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DISPOSITION OF FUNDS ARISING FROM A JUDGMENT IN FAVOR OF THE SHAWNEE TRIBE OR NATION OF INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8834) to provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Page 3, line 25, strike out all after "income" over to and including "States" in line 4 on page 4 and insert: "tax".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PREPARING A ROLL OF PERSONS ELIGIBLE TO RECEIVE FUNDS FROM AN INDIAN CLAIMS COMMISSION JUDGMENT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8080) to authorize the Secretary of the Interior to prepare a roll of persons eligible to receive funds from an Indian Claims Commission judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon, to prorate and distribute such funds, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 3, strike out lines 9 to 14, inclusive.
>
> Page 3, line 15, strike out "5" and insert: "4".
>
> Page 3, line 19, strike out "6" and insert: "5".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs of the House may have until midnight tonight to file a report on the bills S. 2961 and S. 1169.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

LEGISLATIVE PROGRAM

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I take this time to ask the majority leader if he will advise us as to the program for tomorrow?

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the acting minority leader, it is planned tomorrow to call up the bill (H.R. 11904) to amend the National Defense Education Act.

In addition, other bills which have been previously announced may be in order.

There are three bills that have not yet been considered. It is intended to bring up S. 1006, previously announced, with regard to fishing vessel construction. In addition to that, there are other bills eligible under rules, which may or may not be brought up tomorrow, depending on the time situation:

S. 1686, referring to annuities to widows of Supreme Court Justices.

H.R. 3869, regarding technical agricultural assistance to Guam.

H.R. 11893, to retain "1964" on coins temporarily.

H.R. 7107, regarding the Fire Island National Seashore.

House Resolution 809, with regard to travel authority for the Committee on the Judiciary.

There are also three bills that may be called up under unanimous consent:

H.R. 2500, to equalize the treatment of Reserves and Regulars in the payment of per diem.

H.R. 10328, for the relief of certain commissioned officers of the Army or Air Force.

H.R. 12193, with regard to Armed Forces cash awards.

I shall later ask unanimous consent that the House meet at 10 o'clock tomorrow. If that permission is granted, we will not come in on Saturday. Otherwise it will probably be necessary to meet on Saturday.

Mr. ARENDS. In other words, it is the purpose to come in at 10 o'clock tomorrow, complete a full day, with the program the gentleman has just announced, and then adjourn over until next Monday?

Mr. ALBERT. That is correct.

HOUR OF MEETING TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ARE MISSILES IN CUBA?

Mr. CRAMER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRAMER. Mr. Speaker, we see in both the UP and AP reports of today that there have been new reported sightings of possible missiles in Cuba. In this instance, there was an explosion in Pinar del Rio, and there were some missiles 120 feet long believed to be removed from the area. It was reported by underground and refugee sources that the missiles, some 120 feet long, were at the La Guatana Military Base in Pinar del Rio Province. This was discovered as the result of an explosion that took place in the area, possibly of some of the missile apparatus.

Shortly thereafter, under the cloak of darkness, these long, large vehicles containing missiles were reported to be moved from the area and Fidel Castro personally, according to the press report, appeared at the site.

These reports have been persistent that missiles, perhaps capable of reaching the United States, continue to remain in Cuba. It has been established beyond a doubt that there are caves capable of housing such missiles.

I think the time has come that the American people be satisfied beyond a reasonable doubt that these missiles either are or are not still in Cuba. I think it is the time that onsite inspections, if possible through the sponsorship of the Organization of American States, be insisted on by the United States. The Stennis committee in its report of recent date expressed alarm over recurring reports of remaining missiles and stated as a finding that the only way to disprove these reports was with onsite inspections.

Such inspections were a part of our demands on Russia during the missile crisis and quarantine period but were abandoned even before the quarantine was lifted. During the crisis it was acknowledged that the only reliable information on the number of missiles in Cuba was based on those cited by our air observers, meaning those that were exposed to overflight photography. Actual inspection of missiles leaving Cuba aboard Russian ships was not carried out. Thus, the fact that there is no positive proof that some missiles did not remain in Cuba is obvious.

The Free Cuba Committee that reported these latest reports to the press has again raised this question and the people of the United States and of this hemisphere are entitled to an answer based upon foolproof detection methods. Of course, the administration denies knowledge based upon its limited intelligence reports of the existence of such missiles—which should surprise no one that remembers similar statements preceding the previous missile crisis.

It was practically admitted that our intelligence gathering people in that previous incident gave too little weight to Cuban escapee and exile reports. Could history be repeating itself? Only onsite inspections can answer the question.

CUBA

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, on the first reading of these reports that the gentleman from Florida [Mr. CRAMER] just mentioned, I had some concern too. But rather than take the reports at face value, since they are reports of happenings that go back many months, these reports have all been checked out by the Department of Defense and by the governmental agencies. I checked this afternoon and the Department of Defense has issued a statement that there is no foundation that any intermediate missiles exist in Cuba, and that these reports have no real foundation at all as far as such missiles being in Cuba is concerned.

I thought that the Members of the House would like to know this.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman.

Mr. CRAMER. The gentleman, of course, is familiar with the Stennis report which indicates that there is no way of knowing whether there are missiles in Cuba or not and suggests that the only way to determine it is by onsite inspections and further persistent rumors are forthcoming. This is one of the most concrete examples. The only way to prove it one way or the other is by onsite inspections. Is the gentleman objecting to onsite inspections and saying that onsite inspection is not needed?

Mr. ROGERS of Florida. Every one of us would like to have onsite inspection. There is no question about that. But we are having inspections through our overflights and our defense people know what type of missiles are there. Of course, that information is classified. The Department of Defense knows all about this and are right on top of the situation. I do not think we need to start false rumors here at this time.

AMENDMENT TO H.R. 11904—THE NATIONAL DEFENSE EDUCATION ACT

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, tomorrow when the House takes up consideration of amendments to the National Defense Education Act, it is my intention to offer a series of amendments to remove from H.R. 11904, section 209(c) and related sections, which would prohibit institutions of higher learning from participating in more than one Federal loan program.

The proposal, as reported out by the House Committee on Education and Labor, now pending before the House would prevent institutions of higher learning from obtaining part of their funds from the Department of Health, Education, and Welfare under the National Defense Education Act and another part of their funds from legislation previously approved by Congress to help the Nation's medical, dental, and nursing schools.

I regret very much the full committee including this recommendation in H.R. 11904 which will be debated in the House tomorrow. If this proposed concept included in H.R. 11904 were to prevail, it would create a great deal of confusion and hardship for the various universities of this country.

Such a limitation upon the universities in Chicago, for instance, in obtaining funds from more than one source, would play particular havoc with their ability to meet their constant, pressing, and ever-increasing needs. The great universities in my city which have separate medical schools, separate nursing schools, separate dental schools, and separate liberal arts colleges, and other specialized institutions such as engineering or law, would be severely handicapped in meeting the problems of expansion.

As a practical proposition, this would mean that the University of Illinois, Chicago University, DePaul, Loyola, or Northwestern, would have to elect whether they want to obtain Federal assistance from the National Defense Education Act or from legislation approved earlier providing specific financial assistance to medical, dental, or nursing schools.

While I can appreciate the committee's intention to reduce the proliferation of lending programs by including this limitation in the bill so that all funds would flow from a single source, it is my judgment that the universities actually would suffer a considerable reduction in the money made available to them.

The single source approach would ultimately make less money available to the universities at a time when their needs are mounting. It does not appear logical to me to undo the program approved by an overwhelming majority in the House to provide funds for the specific needs of the Nation's medical, dental, and nursing schools and commingle available funds with all the other academic pursuits that one finds in our large universities.

Congress approved aid to our various medical schools because it was demonstrated that a particular need exists among these schools. It appears to me to be a miscarriage of equity now to attempt to turn the clock back.

Granted that the bill before us tomorrow authorizes greater expenditures. But we know that in reality, the total amount of money to be made available will never meet the amount that would be separately allocated for these special needs.

There are those who would argue that by retaining the present practice of permitting universities to draw their assistance from the two different sources, it would be conceivable to see a demand some time in the future for specific funds to be established for other specialized fields, such as law, economics, and so forth.

Those who would submit this type of argument overlook the fact that in the final analysis, it is the Congress that decides these questions.

The Congress, quite properly, established a special program to help our medical, dental, and nursing schools because it was proven beyond any doubt that a specific need existed in this particular field.

It is with this thought in mind, Mr. Speaker, that I have advised the gentlelady from Oregon [Mrs. GREEN], sponsor of H.R. 11904, that I will offer such amendments and have asked her to accept them in the interests of our institutions of higher learning.

It is my understanding that the chairlady of the subcommittee will consider favorably accepting amendments which would restore the loan program to the position under which it now operates, with universities free to draw their assistance from the aid-to-medical-school legislation for their medical schools and from the National Defense Education Act for their other needs.

WALTER M. BESTERMAN—A TRIBUTE TO A DEDICATED CIVIL SERVANT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, there are men high in the Government service who have won for themselves the deepest gratitude and the sincerest praise of the Congress of the United States and the people of this country and yet may never be mentioned, even as a footnote, in the history of this great Nation. The most noteworthy of these effective and selfless servants of the legislative branch of our Government is Walter M. Besterman who has just resigned as of the forthcoming September from his post as counsel to the House Immigration Subcommittee.

This anonymous worker in the legislative vineyard is without a question of a doubt the Nation's ablest and most knowledgeable expert in the field of immigration. It is a source of profound satisfaction and pleasure for me to reach out and hold up the work of Walter M. Besterman to the House of Representatives for the recognition is so amply earned not only because of his rigidly self-imposed anonymity, but because of the humane standards, the compassion, and the sound sense and practicality of his counsel and advice.

In fact, I hold it a tribute more factual than rhetorical to suggest that there are millions of people around the world who owe their post World War II security and happiness in part to this remarkable toiler for legislative justice. Besterman was not only immersed in the traditional decency of the American heritage. He sought not only to help the hundreds of thousands of refugees who were homeless and stateless and who represented the rejected human flotsam and jetsam of the greatest war of all time. Much more than that he wanted to help them within the practical limits acceptable under law and with the truest possible regard for the public interest and the American capacity to deal with the problem. He was not an undisciplined idealist or what is sometimes cynically called a do-gooder acting out of an overabundance of the milk of human kindness. Rather he made the greatest possible, practical, and compassionate use, out of the materials at hand, to produce results that served best the elected members of the committee on which he served and that, at the same time, implemented the American heritage of liberalism and asylum.

Moreover, Besterman recognized for himself the outposts of his influence as a counselor and never to my knowledge in the slightest degree preempted the field of decisionmaking which belongs exclusively to the committee and its chairman whose servant he was so loyally and so devotedly. Besterman researched and presented the facts with a strict and inflexible integrity for the whole truth and then he let the facts and the history behind them speak for themselves. When, as so often happened, his counsel and personal advice were sought by those who were charged with the responsibility for legislation and for action, he provided it in a manner that cast a penetrating shaft of light on the facts of a situation.

For 19 years his close and intimate, his diligent and tireless service as a staff chief, helped far more than is generally known, in the liberalization of immigration policy by the Congress of the United States. Indeed, if I had to put it into a single sentence, I would say that the force of his intelligence and his craftsmanship and knowledge, did good of course for the people from abroad who wanted to make their home in the United States, but it also served decisively the enlightened self-interest of this country.

The very best features of American immigration policy in those historic 19 years that Besterman served this Congress can be traced in no small part to the indefatigable energy and persistence, the unrelenting quest for truth and justice, that motivated this hardworking, dedicated, supremely honorable, and cooperative civil servant. In this sense Besterman served not only the Congress, and not only the unfortunate refugees and the innocent victims of the most vicious and the most devastating war of all time, but he served also the reputation, and, as they say, the image, of the Government worker.

It is men like Besterman who give the whole Government service a tone and a style, a reputation for high ideals and selfless dedication, that add dignity and stature to the 2 million civil employees in the Federal Government. When we speak of a Government servant like Besterman the matter of his pay, of the remuneration he gets, has no meaning. Besterman lent to the field of congressional legislation in his area the noblest quality of the ideals our country stands for.

How is this to be evaluated in terms of pay?

Civil servants like Besterman are underpayed no matter what pay they get. For this is the kind of work that makes an impression on history and that is without any kind of personal reward except the respect and the recognition of those of us who, as I am doing today, want the record to show that what they do that means so much to our interests as a nation, does not go without some manner of recognition and applause.

Finally, I regard it a piece of immense good fortune for the problems of world migration, that Walter M. Besterman, when he leaves here, will take the post of deputy director of the Intergovernmental Committee for European Migration in Geneva. It may very well be that this new post, dealing as it does with an organization of 39 nations, will widen the reach of Besterman's service for the good of man. The new post is especially pertinent for Mr. Besterman because he is himself so vitally responsible for the birth of this organization. And it is noteworthy that, pursuing the Besterman formula for human compassion in the area of migration, this very combination of governments is, as I speak, the body that in 13 years has taken 1.3 million European refugees out of their wandering wretchedness and resettled them where they could pursue useful and contented lives.

I take great pride in saluting Walter M. Besterman and congratulating him for his service to the Congress of the United States, to the refugees and workers of a desolated postwar Europe, and for holding high the reputation of the Federal civil service.

HUBERT HUMPHREY FOR VICE PRESIDENT

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an address by Senator HUBERT H. HUMPHREY.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, last evening I had the honor to listen to an outstanding address delivered to an audience of some 2,000 members of the National Association of County Officials. This address was delivered by a man who is attractive, prudent, and progressive. He is also a man who is well received in all States of the Union, among all our people.

He happens to be a man who is experienced in foreign relations and domestic affairs.

He is a man of the people who feels a compassionate concern for their welfare and who enjoys public service and is dedicated to it.

Mr. Speaker, this man's name is HUBERT H. HUMPHREY and under unanimous consent his address follows:

THE AMERICAN SYSTEM AND THE GREAT SOCIETY

(By HUBERT H. HUMPHREY)

It is fashionable today in American politics to look back with a touch of nostalgia to the good old days when the simple life still prevailed in this land. We hear a great deal about the need to recapture the simple and direct approach of our ancestors in solving our contemporary crises and challenges. Many people tingle with anticipation at the thought of reliving those golden days. And this call of the lost horizon possesses a certain appeal to persons weary of their charter membership in the crisis-of-the-week club.

In this stampede to the past it is generally forgotten that every generation has had its share of complex problems and crises. Read any period of our history and the lesson is always the same: Democracy in America is a difficult business. In fact, man's eternal struggle to govern himself is the most demanding of all human endeavors. This is just as true today as it was in the golden days of some unidentified past.

But every generation has heard its false prophets pleading for a return to the glories of yesterday, only thereby to sacrifice their right to participate in the building of today and tomorrow. One hundred years in the future—in the year 2064—I am confident there will be the same fervent pleas to recapture the verities which guided Americans in the early decades of the nuclear and space age. Then we will suddenly become the hardy pioneers whose understanding of virtue and principle will provide the instant solutions to the problems of the interplanetary world of the 21st century. But depend upon it: This message will be just as false then as it is now.

Despite the problems and crises which have always been before us, democracy in America has prevailed. It has prevailed because each generation of Americans has joined in this struggle with the faith and courage displayed by our late President John F. Kennedy when he proclaimed in his inaugural address: "I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation." And democracy has prevailed because of the faith and courage displayed by our President Lyndon B. Johnson when he addressed a grief-stricken Congress and Nation on November 27, 1963: "This is our challenge—not to hesitate, not to pause, not to turn about and linger over this evil moment, but to continue on our course so that we may fulfill the destiny that history has set for us."

This affirmation has been proclaimed anew by every generation of Americans. It does not promise prefabricated solutions to the complex problems of democratic government. It recognizes that the essence of politics is the asking and reasking of the most difficult of all questions: What is justice? What is right? We can never seek these answers and never govern ourselves successfully on the basis of generalities, half-truths, and myths—no matter how superficially appealing they may be.

As one who has served in local government—the mayor of a city of over one-half million people, Minneapolis, Minn.—I believe I have some appreciation of the importance of local government in our Federal system. Those of us who have served at the local level come face to face with the tough daily problems of the relationship of government to the people.

And make no mistake about it, when the people think of government, they are primarily thinking of that government which touches their lives—the police and fire departments, the health and transportation services, the education and cultural facilities, and, yes, even the property taxes and the sales tax.

American Government is more than Washington. American Government is Washington, the State capitol, the county courthouses, the city and village halls, the town meetings, and the thousands of independent separate governmental authorities that range from port authorities to sewage systems, from metropolitan airports commissions to the local school boards.

No nation in the world has had as much experience in self-government as ours. If there is one area of human activity in which we can claim superior knowledge and greater experience it is in the field of representative self-government. I salute those public officials—elected and appointed—who serve on the front line of public service and who all too often go unappreciated and unrewarded.

We are, however, exposed to some of the most remarkable notions about the role of the Federal Government in relation to the States, counties, and localities.

We have heard the shopworn phrases about "Washington's ever eager fingers of bureaucracy" grabbing responsibilities which supposedly have been defaulted by local governments. We are exposed to the same tired misconceptions of a pitiless Federal establishment solely "obsessed by the enlargement of its role and its personnel" and trampling over the rights of a helpless populace. We are told of certain unnamed people who "seek solutions only by concentrating more and more power in fewer and fewer hands."

These tired complaints demonstrate a most profound misunderstanding of the dynamics of the American Federal system. As professionals in the increasingly difficult task of governing our counties, you know that State, county, and local government is not about to collapse from any merciless onslaught from Washington.

Indeed, the facts demonstrate that in recent years expansion of American Government has occurred primarily at the State and local levels as these governments have struggled with the gigantic task of governing America. Financial and employment figures tell much of the story. Since 1946, for example, State, county, and local governments and their budgets have grown more rapidly than the Federal Government despite our national commitments to national defense, space exploration, nuclear development, veterans' benefits, postal service, and welfare programs. While Federal spending has increased 46 percent over this period, State, county, and local expenditures have soared by over 400 percent. Federal taxes per capita have increased almost 75 percent, but State, county, and local taxes have jumped 213 percent. The Federal debt has risen by slightly more than 10 percent in the past 18 years; State, county and local debt has climbed by more than 400 percent.

This is not criticism; it is a factual analysis that tells the story of a growing and demanding America. The willingness of our State, county, and local governments to assume a greater share of our common burden deserves explicit recognition and commendation. So, let's stop suggesting that the localities have either sold out or caved in to the Federal Government. This is one Senator who considers them very much alive.

To those who say that the Federal Government is taking over our local governments, I can only point out that the number of Federal employees has declined about 10 percent since 1946—while employees of the State, county, and local governments have risen by over 100 percent. Not long ago the ratio of Federal employees was 19 per thousand of the total U.S. population; today that number has fallen to 13 per thousand. Of these 13, 5 are located in the Defense Department, 3 in the Post Office Department, and 1 in the Veterans' Administration. The remainder—about 600,000 employees—comprise about 100,000 persons less than it takes to operate the Bell Telephone System.

Government has indeed grown since World War II—right from the grassroots of America. And why has this remarkable growth taken place? I am sure you know the reason far better than I. Government has grown because America has grown. You see and feel America develop and grow every month—every year.

I came to the U.S. Senate in 1949. Since then, the United States has added people equal to the entire present population of Great Britain and we continue to grow at the rate of 3 million new persons each year. These people have needed roads, housing, jobs, police and fire protection, water and sewer systems, transportation facilities and the whole range of essential services which comprise good government in the 20th century.

The country is now gripped by an industrial and technological revolution which, when coupled with our population growth, requires us to create 300,000 additional jobs each month just to stay even in terms of unemployment percentages. Life expectancy has increased from 49 years in 1900 to 70 years today; 1,000 people per day reach the age of 65. In 1950 there were 2.3 million students in institutions of higher learning; by 1970 there will be 7 million—more than a 300-percent increase. We are still lacking 60,000 classrooms in elementary and secondary schools if we want to eliminate overcrowding. Each year 100,000 qualified high school graduates fail to attend college because they lack the necessary funds. Can responsible government simply ignore these social and economic realities? Of course not.

Those persons who denounce the response of our Federal, State, and local governments to these forces remind me of the Kansas farmers who tried in the 1860's to lynch a weatherman because he correctly predicted a tornado.

I suggest that it is time to talk sense to the American people. It is time to ask this fundamental question: What should be the appropriate roles of the Federal, State, county, and local governments in terms of the social and economic realities of 1964? Can we devise methods and procedures whereby the unique capabilities of each level are used to the fullest? Will each segment of our Federal system be prepared to allocate the human and economic resources necessary to get the job done? These are questions worthy of a free people determined to make democracy work.

In seeking these answers, one fact stands out above all others: the respective levels of government in the American system are partners in a common enterprise. The basis for this truth has been recognized since the dawn of our Republic. Writing in the Federalist Papers (No. 46), James Madison noted that "the Federal and State governments are in fact but different agents and trustees of the people." In our democracy the people are masters at all levels. If this is true, and I believe it is, it makes little sense to drive a wedge between the people and the government at any level.

Government and people are collaborators in the common cause of securing the national interest, not mutual antagonists contending against one another for power and glory.

Without bothering to wrap all of this up in fancy political theory, we have attained a sound and workable modus operandi for our Federal system. No one advocates running everything from Washington. Indeed, the major Federal agencies have delved an immense amount of decisionmaking to their State and regional offices which are generally run by local individuals. Most Federal programs are administered on terms highly favorable to the States and localities: the Federal Government provides a substantial portion of the money, demands certain minimal standards, and the rest is left to the wisdom and abilities of local officials.

The development of these methods and procedures has proceeded for many decades, during the ascendancy of both major parties, and is about as bipartisan an operation as the observance of the Fourth of July. Beginning with the Kestenbaum Commission in 1954, the Joint Federal-State Action Committee in 1957, and continuing with the permanent Advisory Commission on Intergovernmental Relations, established by act of Congress in 1959, the question of Federal relationships has received—and is receiving—detailed and searching reexamination. The Senate and House have subcommittees specifically charged with similar responsibilities. Topics ranging from government in metropolitan areas to periodic reassessments of Federal grant-in-aid programs have recently occupied the Senate subcommittee of which I am proud to be a member. All of these bodies are constantly exploring for ways to improve what is already a remarkably effective system of intergovernmental relations.

As President Johnson proclaimed so eloquently in his address at the University of Michigan on the great society: "The solution to these problems does not rest on massive programs in Washington, nor can it rely solely on the strained resources of local authority. They require us to create new concepts of cooperation, a creative federalism, between the National Capital and the leaders of local communities."

Let's look at some specific situations. You—as county officials—and I—as a former mayor of Minneapolis—have direct knowledge of the severe limitations on the revenue resources of our local governments.

As many of you know, for many years I have been concerned with the revenue losses accruing to county and municipal governments due to tax-free Federal properties. I have attempted to devise an equitable formula of Federal payments in lieu of taxes. This effort to devise such a formula should be resumed in the 89th Congress.

Consistent with the requirements of national defense, the Federal government should advocate fiscal and monetary policies and sponsor action programs to increase local tax revenues. The Kennedy-Johnson administration has been doing just this through the tax cut, the investment tax credit, and accelerated depreciation schedules.

These policies have produced the longest sustained period of economic growth in 110 years, a factor which certainly enhances the revenue resources of governments at all levels in our Federal system.

There is, of course, one problem of special urgency and importance now confronting our country. The issue of civil rights and racial justice challenges the wisdom, abilities, and resources of our Federal, State, and local governments to an extent not equaled by any other issue of this century. And its resolution will only be possible through the unique relationship of partnership and cooperation which characterizes the American system.

In passing the civil rights bill we sought to create a framework of law wherein men of good will and reason could attempt to resolve peacefully the difficult and emotional issues of human rights. Passage of the bill certainly did not solve these problems, but it did establish certain channels and procedures to make their solution more probable.

As county officials, you know that most of this burden rests upon the shoulders of our local governmental officials. Only when communities and States are unable to meet their responsibilities set forth in this act is direct Federal action authorized. This is surely within the best traditions of our American system.

Every responsible public official has the obligation to see that civil peace is maintained across this land. No solutions to these terribly difficult problems are possible in the midst of chaos, violence, and disorder. As I have stated on numerous occasions: Civil wrongs do not make civil rights.

But neither can we afford to believe that by driving angry mobs from the street we are touching the festering sores of unemployment, dilapidated and overcrowded housing, drug addiction, and hopelessness which afflict the ghetto areas of our large urban centers.

We speak of restoring civil peace to our cities, and so we must. But let it be a peace with justice. Let us understand that we can no longer postpone the massive problem of restoring our decaying cities in both a material and spiritual sense. We can no longer afford the luxury of pretending that the problem is unreal, or that it will somehow go away, or that the people trapped in these ghettos rather enjoy their misery.

No responsible public official suggests that the States, counties, and cities are prepared to command the financial and human resources needed in this historic job of urban restoration. Without the active cooperation of the Federal Government, we can never achieve the massive programs of academic and vocational education, job training, youth work, mass transportation, slum eradication, recreational and community development which are essential in saving our cities. This is a job we postpone only at our gravest peril.

There is one area of responsibility which is the special task of the Federal Government; namely, to preserve our national security during these trying years of the cold war.

I am shocked that any candidate for the Presidency could stand on this platform and assert that "we are disarming ourselves and demoralizing our allies." I find it difficult to believe that any candidate for high public office could be so tragically misinformed about our defense posture to suggest that "our guard is dropping in every sense."

In an attempt to close the information gap which must have contributed to such misleading statements, let me summarize the facts about the administration's record in bolstering our national defense.

The administration has invested a total of $30 billion more for fiscal years 1962–65 than would have been spent if we continued at the level of fiscal year 1961, the last year of the Eisenhower administration.

What have these additional $30 billion procured for America's Defense Establishment:

A 150-percent increase in the number of nuclear warheads and a 200-percent increase in total megatonnage in our strategic alert forces.

A 60-percent increase in the tactical nuclear force in Western Europe.

A 45-percent increase in the number of combat-ready Army divisions.

A 44-percent increase in the number of tactical fighter squadrons.

A 75-percent increase in airlift capability.

A 100-percent increase in funds for general ship construction and conversion to modernize our fleet.

An 800-percent increase in the Department of Defense special forces trained for counterinsurgency.

Today we have more than 1,100 strategic bombers, 800 fully armed and dependable ICBM's deployed on launchers (30 times the number we had in January 1961), 256 Polaris missiles deployed in 16 nuclear submarines (compared with 32 missiles available in 2 submarines in January 1961), 16 combat-ready Army divisions (compared to 11), 79 tactical fighter squadrons (compared to 55), and a planned Navy fleet of 883 ships (compared to 817 proposed in the budget in fiscal year 1961).

Funds expended for military research and development have increased by 50 percent over the level prevailing during the last 4 years of the Republican administration.

On June 3, 1964, President Johnson summed up the situation quite succinctly with this statement: "In every area of national strength America today is stronger than it has ever been before. It is stronger than any adversary or combination of adversaries. It is stronger than the combined might of all nations in the history of the world."

It was precisely this massive array of balanced military forces which permitted President Johnson to select the appropriate response to the outrageous attack on our destroyers in the Gulf of Tonkin. President Kennedy had demonstrated similar firmness and skill during the Cuban missile crisis of 1962. But prior to 1961 this Nation lacked a credible limited war capability and thereby ran the grave risk of being unable to muster the type of military response which punished an aggressor but avoided the risks of all-out nuclear war.

Today this Nation is prepared to meet any type of military threat to our national security. Our allies understand this fact—and so do our enemies.

There is one final area—the war on poverty—which cries out for the full involvement and participation of all segments of the American system. The war on poverty is crucial because it involves the meaning of one cherished word—"America." We hear much these days about the need to encourage individualism and self-reliance—and these qualities are important components of the American character. But let us never forget that America has—from its very beginnings—possessed another national trait which sets us apart from all other peoples: a profound sense of obligation to assist the less fortunate in this country and around the world. This is the essence of the word—"America"—and the heart of the democratic faith.

The Statue of Liberty standing in New York Harbor symbolized this feeling to the millions of immigrants who came to make a new life on these shores. We now have the opportunity to provide a similar beacon of hope to those 35 million Americans who find themselves aliens in our prosperous and affluent society.

The Congress won the first battle of the war on poverty by passing President Johnson's Economic Opportunity Act of 1964. This legislation is founded squarely on the American principles of federalism; all levels of government will have an opportunity to participate in implementing the broad range of programs included in the act. In particular, the community action programs authorized in title II will rely heavily upon the expertise, experience, and skill of our local units of government.

But this legislation is only the beginning. The war on poverty is related intimately to our crusade to build the great society which President Johnson described with these words:

> "The great society rests on abundance and liberty for all. It demands an end to poverty and racial injustice. The great society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. It is a place where the city of man serves not only the needs of the body and the demands of commerce, but the desire for beauty and the hunger for community.* * * But most of all, the great society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor."

This is a vision which merits the total commitment of every American. This is a vision worthy of our faith that man does possess the courage, wisdom, charity, and love to govern himself. And—never forget—the great society will be a product of all levels of our Federal system, laboring together in pursuit of this common goal. Not Federal against State or county against municipality, but one free people joined in common cause to give new and richer meaning to that glorious word—America.

A VERY GRAVE ERROR, OR HIGH-LEVEL IRRESPONSIBILITY?

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FOREMAN. Mr. Speaker, last Friday, and again on Tuesday, in discussions before this body, I took issue with the President of the United States over his preemption of this country's retaliatory attacks upon Communist Vietnam's PT boat installations in the Gulf of Tonkin. My question was directed at the propriety of the President's action in announcing our retaliatory air attacks 1 hour and 39 minutes before the attack actually started.

By such action, the President is guilty of at least one of two very serious mistakes: First, he made an almost unbelievable technical error in timing; or, second, he and his White House advisers made a very irresponsible, grandiose political play to the American public to gain a prime television audience. I certainly prefer to believe the first. But in either case, it is hard to conceive of a more flippant, irresponsible attitude toward the realities of both war and foreign policy, being shown by persons in such high offices. All America should be concerned over the facts surrounding and hidden in this matter.

Because certain members of this body have questioned my remarks in this matter, even to the point of questioning their authenticity, I take this time to, point by point, substantiate the critical facts. I will also discuss some of the facts as presented by the Pentagon, the White House, the national news services, and the commander of the attacking force involved; and further explore the extremely grave questions that this irresponsible action has raised.

On Tuesday, August 4, following the unprovoked attack by the Communist Vietnamese PT boats upon the U.S. destroyers *Maddox* and *C. Turner Joy*, the President made a television announcement to the American people. The announcement was made at 11:36 p.m., eastern daylight time. In his announcement, the President said:

> Repeated actions of violence against the Armed Forces of the United States must be met not only with alert defense, but with positive reply. That reply is being given as I speak to you tonight. Air action is now in execution against gunboats and certain supporting facilities in North Vietnam which have been used in these hostile operations.

The events of that historic night were reported in the August 7 edition of the Washington Post as follows:

> The President went on the air to announce what was happening at 11:36 p.m., e.d.t., Tuesday, and talked for 6 minutes. At 12:02 a.m., Wednesday, McNamara told a news conference that some of the action had already taken place.

Now the facts are that the initial attack, the attack on Quang Khe, the southernmost PT boat base, did not commence until 1:15 a.m., eastern daylight time. The first attack on the northernmost base, Hon Gay, did not take place until 3:45 a.m., eastern daylight time, a full 4 hours and 9 minutes after the President's nationwide television announcement. This time schedule is available through the Secretary of Defense's Pentagon office. The final attack, a restrike on PT bases at Vinh, was at 4:45 a.m., eastern daylight time. This was over 5 hours after the President's television announcement.

The Pentagon news report on the attacks states:

> Aircraft attacking Hon Gay experienced moderate to heavy antiaircraft fire during the attack from numerous gun positions. * * * Also, all operating guns aboard all of the patrol craft were fired throughout the attack.

The Communists had the opportunity of over 4 hours notice of the impending attack on Hon Gay.

The Secretary's statement continues:

> One (1) A-4 Skyhawk from *Constellation* was shot down by antiaircraft fire during the attack on Hon Gay. The pilot reported he was hit after completing his second attack on the patrol boats in Hon Gay Harbor. He indicated that his plane was uncontrollable and that he was ejecting. Witnessing pilots, who were also being subjected to heavy antiaircraft fire, indicated that they saw a splash approximately 3 miles from the harbor entrance, which could have been the downed Skyhawk. A 60-second beeper, which is normally activated when a chute opens, was heard over the radio, but there has been no confirmed report of the sighting of a parachute. Lt. (jg.) Everett Alvarez, Jr., of San Jose, Calif., previously reported as missing, was the pilot of this plane.
>
> A second aircraft from *Constellation*, an A-1 Skyraider was lost due to antiaircraft fire during the attack on Loc Chao. No parachute was seen and the aircraft was observed to crash into the sea in the vicinity of the Loc Chao Estuary.

The grave question arises, "Would our fliers have been captured or killed if the enemy had not had the opportunity of forewarning?" Yes, the parents, the wives, and the families of the American boys that were killed or captured in those air strikes are going to be asking a grave and penetrating question, "Would we have our own son, or husband or daddy if the planned attack had not been announced an hour and 39 minutes ahead of time?" Americans will ponder this question and others, in the days and weeks ahead.

A GI soldier leaking information to the enemy 1 hour and 39 minutes in advance of a raid would be tried for treason, and he could expect grave and serious consequences.

A study of these time differentials raises many questions. What if bad weather or other conditions had caused a lengthy delay in our attack? Would we then have met Chinese Communist jets head on? The attack was an apparent military success, but the outcome could easily have been much different.

Yes, Mr. Speaker, the emotion of the moment, and the apparent success of the venture hide a most grave situation, a situation that seems to me to spell irresponsibility at the highest level. Certainly, the Pentagon's and the White House's awkward attempts to cover up this horrendous blunder only go to prove how extremely irresponsible this unfortunate television announcement really was.

Secretary of Defense McNamara, in what appeared to be a most feeble attempt to explain away this deplorable occurrence, issued a list of reasons why the President's television announcement was made at the time it was. He said:

> By that time [President's TV program] U.S. naval aircraft had been in the air and on their way to their targets approximately 1 hour. Hanoi, through its radar had then received indications of the attack.

Even the most naive must ask, How did Mr. McNamara know that our planes had been picked up by the North Vietnamese radar? In fact, a statement by Rear Adm. Robert B. Moore, commander of the task force that led the raids, indicates another situation. He said on August 10, in an interview with United Press International, that in his opinion, our planes had not been detected by the enemy radar at the time of the President's prime television performance. In addition, news reports from the scene of action—reported by Newsweek magazine, Monday, August 10—states:

> The first attack group, six F-8's from the *Ticonderoga*, flew low under the storm clouds, hoping to cross up enemy radar. They succeeded.

Secretary McNamara further excused the preemption by saying:

> The time remaining before the aircraft arrived over their targets would not permit the North Vietnamese to move their boats to sea or to alert their forces.

But we know from the Secretary of Defense's own reports that the Communists were at their antiaircraft batteries, and surely all must agree that it does not take an hour and 39 minutes to move a modern automated PT boat, even with a crew as small as two or three men, and possibly, some boats had been moved.

Further, Mr. McNamara said:

> It was important that the people of our country learn of the manner in which their Government was responding to the attacks on its vessels from their President, rather than from Hanoi, which was expected to announce the attack at any moment.

Here, it is apparent that the Secretary is caught up in his own web of deception, for the North Vietnamese would not, or could not, have announced the attacks for at least an hour and 39 minutes. They had not even been attacked. Most certainly, by the time they could have made the announcements, most Americans would have been in bed and out of view of their television screens. In addition, I cannot believe that any American is so suspicious or desirous of immediate military information that he would jeopardize the lives and safety of American boys fighting to protect the honor of this Nation.

The Secretary of Defense further said:

> It was desirable that the North Vietnamese Government and others be told as soon as possible the character of the attack.

In answer to this, I say that a telephone call to the appropriate embassy here in Washington, D.C., at the beginning of our first attack, would have been sufficient to notify Hanoi and Peiping of our limited intentions. There seems little reason to give our Communist enemies a full hour and 39 minutes to prepare defense against, and to shoot down, attacking American planes.

Indeed, by this weak and illogical explanation, the administration seems to be saying to the mothers and wives of American fighting men, "We are sending your sons and husbands to fight for their country, but we are informing the enemy of our action, so they can have their guns ready to shoot down your boys when they arrive."

Certainly, Mr. Speaker, I support action taken to demonstrate our willingness and determination to stand firm and strong against the Communist aggressors. But I cannot understand, condone, or tolerate the irresponsible and unwise action taken by this administration last Tuesday night, in announcing our military intentions a full hour and 39 minutes before the actual attack; nor can I, or will I, tolerate such action which thrust unnecessary dangers upon American fighting men.

I have been calling and working for a positive foreign policy since the beginning of this administration. If we are to prevent escalated war and further hostile provocations, the United States must make it unmistakably clear to the Communist aggressors that we will not back down in the defense of American lives and freedom, and further, we are prepared to use whatever force necessary to maintain this firm foreign policy.

I wish to include news release No. 579-64, from the Office of the Department of Defense with the time schedules discussed. Further, I have all other material and releases, herein referred to, on file in my office:

SUMMARY OF CARRIER AIR STRIKES AGAINST TARGETS IN NORTH VIETNAM

Following are the results, based on latest reports, of the 64 attack strike sorties flown from the U.S. Navy aircraft carriers U.S.S. *Ticonderoga* and U.S.S. *Constellation* to five targets in the Gulf of Tonkin, North Vietnam:

(a) Of the some 30 patrol craft sighted during the attacks, it is estimated that 25 patrol boats were destroyed or damaged.

(b) Ninety percent of petroleum storage facility at Vinh destroyed.

(c) Seven antiaircraft installations in Vinh area destroyed or severely damaged.

The U.S.S. *Ticonderoga* aircraft conducted three of the attacks against North Vietnam patrol boat concentrations and their associated support facilities. One strike was on the boats and facilities located at Quang Khe. The second and third were on additional boats and activities at Phuc Loi and on the petroleum storage area located at nearby Vinh. In addition, there was also a restrike made on the Vinh oil storage area.

The Quang Khe attack, which took place at 1:15 a.m., e.d.t., was accomplished by six F-8 Crusader jets. The strike at Phuc Loi, including the nearby oil storage area at Vinh, was conducted at 1:25 a.m., e.d.t., by six F-8 Crusaders, six A-4 Skyhawks, and four A-1 Skyraider aircraft. Ten A-4 Skyhawks and four F-8 Crusader jets participated in the restrike at Vinh at 4:45 a.m., e.d.t. An estimated eight storage tanks were set ablaze during the first attack on Vinh. From two to four additional tanks were set ablaze during the second raid.

Moderate antiaircraft fire was encountered during the first strike on Vinh and two antiaircraft positions near the oil storage area were attacked and destroyed. During the restrike, a heavier concentration of antiaircraft was encountered and an estimated five guns of a six-gun position were subsequently destroyed.

One Crusader aircraft sustained flak damage during the first attack on Vinh but proceeded safely to Danang, South Vietnam.

Navy aircraft from the carrier *Constellation* began a simultaneous attack on the remaining two targets, Hon Gay and Loc Chao at 3:45 a.m., e.d.t. Ten A-4 Skyhawks, two F-4 Phantoms, and four A-1 Skyraiders, participated in the attack on Hon Gay. Five A-4 Skyhawks, three F-4 Phantoms, and four A-1 Skyraiders participated in the raid on Loc Chao.

Five patrol craft were sighted during the attack on Hon Gay and it was estimated that all five were destroyed. At Loc Chao, two of the six patrol craft sighted were seriously damaged. Both attacks lasted 25 minutes.

Aircraft attacking Hon Gay experienced moderate to heavy antiaircraft fire during the attack from numerous gun positions on the hill overlooking the harbor. Also, all operating guns aboard all of the patrol craft were fired throughout the attack. The Navy aircraft utilized 2.75-inch rocket and 20-millimeter strafing attacks at both Hon Gay and Loc Chao.

One A-4 Skyhawk from *Constellation* was shot down by antiaircraft fire during the attack on Hon Gay. The pilot reported he was hit after completing his second attack on the patrol boats in Hon Gay Harbor. He indicated that his plane was uncontrollable and that he was ejecting. Witnessing pilots, who were also being subjected to heavy antiaircraft fire, indicated that they saw a splash approximately 3 miles from the harbor entrance, which could have been the downed Skyhawk. A 60-second "beeper" which is normally activated when a chute opens was heard over the radio, but there has been no confirmed report of the sighting of a parachute. Lt. (jg.) Everett Alvarez, Jr., of San Jose, Calif., previously reported as missing, was the pilot of this plane.

A second aircraft from *Constellation*, an A-1 Skyraider was lost due to antiaircraft fire during the attack on Loc Chao. No parachute was seen and the aircraft was observed to crash into the sea in the vicinity of the Loc Chao Estuary.

A third aircraft from *Constellation*, an A-1 Skyraider was hit by antiaircraft fire in the vicinity of Loc Chao but made a safe return to the ship with minor damage.

THE VIETNAM SITUATION AND THE RADAR CLAIMS

Mr. FOREMAN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HOSMER] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HOSMER. Mr. Speaker, the administration of our Government has officially claimed that President Johnson's announcement of U.S. Navy reprisal against North Vietnamese PT boat bases 1 hour and 39 minutes before it began did not provide the North Vietnamese defenders opportunity for a prior warning. The administration officially claims that at the time President Johnson spoke our aircraft already had been picked up on North Vietnamese radar.

At an air speed of 500 miles per hour a jet aircraft travels approximately 825 miles in 1 hour and 39 minutes. If the naval aircraft were that far away, it obviously would have been impossible to detect them and identify them as intending an attack.

Contrarily, if the aircraft were within credible radar range they must have been maneuvering on varying courses during the 1 hour and 39 minute period from which it would have been impossible to identify them as intending an attack.

Both yesterday and the day before yesterday I called on the administration from this forum to explain this obvious defect in its claim. No explanation has been made. Again, I call for an explanation.

BEEF IMPORTS

Mr. BATTIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. BATTIN. Mr. Speaker, in its lead editorial this morning, the Washington Post in effect argues that the American cattle industry is expendable in the interests of larger foreign trade policy objectives.

This editorial reflects an attitude all too prevalent in the higher policymaking echelons of the Johnson administration. For as I have pointed out many times in the past, the crux of our Nation's beef import problem lies in our Government's failure to look after the interests of domestic producers as foreign countries protect their domestic economic interests.

In my speech of August 4, I stated that while our domestic beef industry has been under growing economic assault from foreign producers, notably those of British Commonwealth nations, the Johnson administration has failed to take the firm steps necessary to safeguard our vital national economic interests.

> Is it too much to ask—

I said in that speech—

> that this administration be willing to protect American cattlemen as other countries protect their own?

In this regard, I cited British imposition of direct tariff increases as a means of enforcing beef import controls. Actually, the British have relied on methods other than direct tariffs to enforce such controls in the interests of market stability in that country. In fact, according to the authoritative study of the U.S. Department of Agriculture's Foreign Agricultural Service, an agreement was reached last year, 1963, for at least one beef-producing country completely to curtail shipments into Britain to stabilize cattle prices there.

Obviously, the affected producing country might be expected to face a surplus problem unless the U.S. market provided a substitute for lost British trade. In this way, stabilized British cattle prices could result in further market instability in the United States. But my point here is not to criticize such an agreement, for the British are within their rights to attempt to stabilize their domestic markets. This supports my primary point on August 4 that the British have never hesitated to take whatever domestic economic steps they felt necessary to protect their own economy.

British Commonwealth nations have constructed a veritable maze of trade barriers, both direct tariff and nontariff in nature, to protect their livestock and meat industries. The Foreign Agricultural Service cites instance after instance of Australian and New Zealander prohibitions and inhibitions against meat produced in the United States.

In fact, a combination of such barriers protects over 50 percent of the affected industries of these British Commonwealth areas, although both Australia and New Zealand are among the largest beef exporters in the world.

Once again, I cite these arguments not to dispute the right of other countries to impose such domestic restrictions as they believe are needed to protect their native producers. Rather, all I am asking is that our own U.S. Government exercise equal rights in seeking to stabilize our own beef market here.

In this regard, I find it strange that some spokesmen for Britain and British Commonwealth countries, as well as the Common Market countries, argue against our right to protect our domestic interests in the way they protect their own. For whether the British and other foreign nations curtail U.S. products by means of direct tariff or indirect nontariff barriers, when they object to U.S. efforts to safeguard our own cattle industry they in effect seek to establish a double standard in foreign trade policies.

For the fact is that the United States is the only open market in the world for beef imports, since every European nation—and I include the nations of the Commonwealth—imposes restrictions or barriers to bar or curb beef imports.

I have said in the past—and I say again: Our foreign competitors zealously pursue international trade policies aimed at protecting their own domestic industries. Once more then I direct my question at the policy formulators of the Johnson administration: Is it too much to ask that this administration be willing to protect American cattlemen as other countries protect their own?

THE UNEMPLOYMENT PROBLEM IS BY NO MEANS SOLVED

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, for a number of years a debate has existed between those who believe that the Nation's persistent high level of unemployment results from an inadequate level of aggregate demand and those who feel that it arises primarily from structural imbalances in the economy between the supply and demand for specific skills. The Democratic administration has placed primary reliance upon heating up the economy in order to solve the unemployment problem. Others, including myself, have urged more attention to retraining and vocational education as a means to putting the unemployed back to work.

The recent tax cut was a victory for those who support the aggregate demand theory. Although it still remains to be seen how successful this effort will be in reducing our unemployment, some of the proponents of the aggregate demand thesis are already beginning to claim success for their approach and to downgrade those approaches designed to correct structural imbalances in the economy. From the point of view of the unemployed, nothing could be more unfortunate.

In an editorial of August 11, for example, the Washington Post says that the dip in the unemployment rate to 4.9 percent in July "undermines the argument of the structuralists," whom the Post says, believe that unemployment "cannot be reduced by accelerating economic growth." When the Post says that the structuralists believe that unemployment cannot be reduced by heating up the economy, it is setting up a convenient strawman. Obviously, a rapidly expanding economy will facilitate the reduction of structural unemployment. It also carries the danger, however, of reaching a point of aggregating inflationary pressures which, aside from all the other damaging effects of inflation, can hasten the day of an economic correction with all of its attendant hardship.

The Post's editorial makes it perfectly clear that the aggregate demand theorists have no intention of strongly attacking structural problems, which are very real, in spite of the lipservice which they regularly pay to the cause. If there is any single reason why the Nation has had no success in reducing its unemployment and eliminating its pockets of poverty it is because of this halfhearted tokenism toward labor market policy which has been adopted by the Democratic administration and their friends and allies. Unless their attitudes change—and there is no sign at present that they will—our hope of getting unemployment down to tolerate levels is slim indeed.

The Washington Post article follows:

UNEMPLOYMENT DROPS

The problem of joblessness in the United States is not resolved, but the figures for July contain encouraging evidence that the heat of the strong economic expansion is beginning to melt the iceberg of unemployment. For the first time in nearly four and a half years—since February of 1960—the seasonally adjusted number of unemployed dipped below 5 percent of the labor force.

This reduction in the rate of unemployment which began in May undermines the argument of the "structuralists," those who maintain that unemployment is largely ascribable to vocational deficiencies and cannot be reduced by accelerating economic growth. But to demonstrate that unemployment can be reduced by expanding output does not eliminate the problem. There are still more than 3.8 million wholly unemployed persons, about a third of whom are teenagers. And when the number of partially unemployed are taken into account, it appears that the economy is losing 5.7 percent of the man-hour potential of a fully employed labor force.

More than 72 million Americans had jobs in July, but Labor Secretary Wirtz struck an appropriately sober note when he remarked that 3.8 million unemployed are "an awful lot of people to be left out of a record prosperity." By sustaining and perhaps increasing the present rate of economic growth, unemployment can be pushed down toward 4 percent of the labor force. But even that modest goal may not be attained and is unlikely to be surpassed unless progress is made in tackling the problems of the teenagers and those older workers who have been idle for long periods of time.

WE HAVE AN EMPLOYMENT PROBLEM

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, there is a disturbing paradox present in the American economy that indicates that the Johnson administration's argument that unemployment can be substantially reduced by increasing consumer demand is not convincing. An article in the August 4 Wall Street Journal notes that while the economy is continuing to expand, one of the Nation's chief economic worries is still an intolerably high rate of unemployment. Yet, the article maintains, there is ample evidence that factory production is being held back by a severe shortage of workers.

While large numbers of unskilled workers look for jobs and often find that they have vanished, companies say they are being forced to turn away business, or keep customers waiting for deliveries, because they cannot find the skilled workers they need to raise output as rapidly as demand for their products would dictate. To cope with the shortage, companies are stepping up training programs, putting the skilled workers they do have on heavy overtime schedules—often at the expense of profits—and vigorously raiding each other for skilled people.

The prevalence of both unemployment and job vacancies is a problem that has been developing for some time. Rapid automation and mechanization of production has been creating a need for highly trained workers to handle sophisticated machinery faster than educational and training facilities have been preparing workers.

We must revise our thinking about the unemployed and realize the need to prepare the man for the job rather than merely create the job only to find that there is no skilled man to fill it.

The Journal article describes in detail the difficulty of matching available men and available jobs. With unanimous consent, I place it in the RECORD at this point:

SCARCE SKILLS: OUTPUT OF SOME PLANTS IS CURBED BY SHORTAGE OF HIGHLY TRAINED HELP—DIEMAKER SAYS IT'S LOSING $50,000 SALES; OVERTIME, TRAINING PROGRAMS EXPAND—MOONLIGHTING, PIRACY GROW

(By Ted Turpin)

CLEVELAND.—Factory production is being held back by a severe shortage of workers.

That statement may sound insane, since U.S. industrial production currently is rising at the smartest pace of the 41-month business upswing, and one of the Nation's chief remaining economic worries is the failure of that upswing to cut unemployment below a relatively high 5 percent of the labor force.

But a growing number of companies insist the statement is true, nevertheless. While large numbers of unskilled workers look for jobs, and often find they have vanished, these companies say they're being forced to turn away business, or keep customers waiting for deliveries, because they can't find the skilled workers they need to raise output as rapidly as demand for their products would dictate.

TURNING DOWN WORK

"We're turning work down every day," says Louis Zeitler, president of Die-Matic Corp., a Cleveland tool and diemaker for metalworking manufacturers. The company expects to chalk up sales of $400,000 this year, but "we'd be doing at least $50,000 more business this year if we had enough skilled help," he says. Right now Mr. Zeitler is looking for four machinists, so far in vain.

In Milwaukee, Koehring Co. has "missed getting quite a large number of orders" for a line of large powershovels because customers aren't willing to wait for delivery, says David Marchant, excavation group vice president. The company, he says, "has been unable to build up our work force in Milwaukee" to increase output and cut delivery times; it's particularly short of machinists and welders. Despairing of finding them in Milwaukee, Koehring has decided to reopen a plant in Chattanooga, Tenn., that it closed 3 years ago. It will seek to lure back some of the workers it let go then.

Similar, if less desperate, reports come from many other industries. Inland Steel Co. has hired over 900 workers in the last few months but still needs almost 150 skilled employees for its Indiana Harbor mill, including 15 welders, a half-dozen instrument servicemen, and "as many machinists as we can get," says Philip W. Morris, personnel director.

Ford Motor Co. reports "quite a serious shortage" of skilled workers at its plants throughout the country. And personnel executives of General Dynamics Corp's Electric Boat Division at Groton, Conn., flew 1,600 miles to Houston, Tex., earlier this summer to interview 30 applicants for piping-draftsmen jobs. "We've pretty well drained the East" explains one of the traveling recruiters.

MORE OVERTIME

To cope with the shortage, companies are stepping up training programs for workers, putting the skilled employees they do have on heavy overtime schedules—often at the expense of profits—and vigorously raiding each other for skilled people, according to many personnel executives. Nevertheless, there are signs the shortage is if anything getting worse.

For one thing, manufacturers are now deep into the vacation season for their present skilled employes. But demand in many industries has not slacked off this year as much as it usually does in the summer. Steel production this summer, for instance, has not gone below 72 percent of the industry's capacity, although it got down to 56 percent of a smaller capacity last summer.

Meanwhile, steel mills are granting 13-week vacations to some of their workers, under a union agreement signed last year. "Our needs are directly due to these new vacation schedules," says a spokesman for Granite City (Ill.) Steel Co., which has hired four millwrights recently but is looking for four more.

But the end of the vacation season will bring only a slight easing, if that, in the shortage for many companies. Kearney & Trecker Corp., Milwaukee machine tool builder, already sees signs the shortage will hinder it all through 1965. "Since machine tools take a long time to make, the company is booking orders for next year and," says John S. Randall, executive vice president, "turning our back on any that we see we cannot work into next year's production schedules. We've determined what our capacity is going to be for the year, and it would be at least 5 percent to 10 percent greater if we could get the help to turn out the number (of machine tools) we'd like to."

AUTO HIRING

The immediate cause of the shortage, of course, is the Nation's long and currently accelerating business advance, which is raising demand, production, and the need for workers. Some manufacturers, indeed, blame much of their trouble on the auto industry, which expects to assemble a record 9.7 million cars and trucks this year. They say the auto makers are hiring all the skilled help available, leaving little for other industries. Auto makers readily concede they're snapping up machinists, electricians, and welders as fast as technical schools and apprentice programs can turn them out, but, like Ford, they complain they too can't get as many as they want.

But current rises in production are only making acute a problem that has been developing for a decade or more. Rapid automation and mechanization of U.S. production has been creating a need for highly trained workers to handle sophisticated machinery faster than educational and training facilities have been preparing such workers. At the same time, it has been cutting the need for the unskilled laborers who throng unemployment compensation offices.

As early as 1954, the American Iron & Steel Institute classified 27.8 percent of the steel industry's hourly workers as skilled, and only 23.4 percent as unskilled. The remainder were classified as semiskilled.

The proportion of semiskilled workers today is almost unchanged. But the proportion of skilled workers rose to 30.2 percent in 1959 and to 32.2 percent in 1963 where it still hovers. The proportion of unskilled workers declined to 20.9 percent in 1959 and to 18.9 percent in 1963 and so far this year.

An illustration of why: One Midwest steel company a decade ago employed 1,000 workers in its tinplating department, and 400 of them performed such simple tasks as hand-dipping steel in tinpots or inspecting the plated steel by hand. Today the department still employs 1,000 but only 150 to 200 are unskilled; the others are highly trained workers who run an electroplating line installed 2 years ago, or handle automatic inspecting equipment.

Companies in other industries tell much the same story. Standard Products Co., a maker of auto-window stripping, employed 46 engineers, supervisors and skilled workers among 279 employees of the Gaylord, Mich., plant in 1961. Today, following installation of new extruding equipment, a continuous curing line and a new method of attaching nylon, the plant employs 50 skilled workers in a total labor force of only 172.

A Cleveland Electric Illuminating Co. digging crew for underground power lines a decade ago consisted of 19 unskilled laborers and a foreman. Today, with mechanized trench-digging equipment, no unskilled workers are needed at all. The crew consists of one man operating a trench digger and one running a tamping machine.

Consequently, while unemployment is high for a period of record production, few of the jobseekers are the kind businesses are scrambling to get. In May, the Bureau of Labor Statistics figures, only 3.2 percent of the U.S. unemployed were skilled workers. That compares with an average of 4.8 percent even last year, and 5.3 percent in 1959.

Ohio State Employment Service offices at Cleveland and Cincinnati report they have 200 still-unfilled requests for machine operators from machine-tool builders alone. "And if you can't find them in these two cities, they're just not on the market," says Emden D. Schultz, manager of the Cleveland industrial labor office. Lewis Evans, head of the Cincinnati office, classes two-thirds of the Cincinnati unemployed as unskilled, with many of the remainder only semiskilled, and remarks: "We're just not getting any calls for unskilled workers any more. You can only deduce that employers simply no longer have the kind of work these people can do."

To cope with the shortage, companies are trying various strategies. Blaw-Knox Co., Pittsburgh maker of steel mill equipment, is seeking to get the most out of the workers it has by "working men at some plants 6 days a week, including a lot of overtime," a spokesman says. National Acme Co., a Cleveland machine-tool builder, is following the same course. "Our costs for overtime—and this of course has a bearing on earnings—have already been almost as great so far this year as for all of 1963," says Raymond E. Channock, vice president and treasurer.

National Acme also is expanding its training programs to develop the skilled workers it can't find outside; it recently hired its first full-time training director and plans to spend more than $100,000 on training this year, double the 1963 outlay.

Amsted Industries, Inc., Chicago maker of railroad equipment, is considering admitting high school dropouts to some apprentice programs, rather than insisting on a high school diploma as it does now; it's trying to find 100 machinists, mechanics, and millwrights for its American Steel Foundries Division. Dravo Corp., Neville Island, Pa., maker of barges and heavy materials-handling equipment, is conducting 2-hour voluntary classes for welders after they complete their regular 8-hour work turns in an effort to upgrade employees within the company.

Many companies also are trying to hire skilled workers away from other firms—a practice denounced as "pirating" by those who lose the workers. Inland Steel's Mr. Morris complains that one nearby company lured four instrument service specialists away from Inland in 2 months by offering them higher pay and better fringe benefits.

Some recruiters, indeed, are putting this practice on a systematic basis. "We now keep a card system of about 25,000 names of persons which we keep up to date," says Carl Kuenzi, president of H. Fischer & Associates, Inc., a Cleveland management and engineering consultant firm. "When we have an assignment for a client that we're unable to fill from our staff we start calling likely persons in the file. We ask him how his wife and family are, whether he's happy in his present job and whether he'd consider a change. If he would we make him an offer." The company has hired at least 10 piping designers, machine designers, and draftsmen this way in the last month, Mr. Kuenzi reports.

With demand for their services so strong, some skilled workers are holding down more than one job—a practice known as moonlighting. "We get a lot of moonlighters from the rubber industry," says the personnel manager of a northeastern Ohio auto plant. The plant is within easy driving distance of Akron, where rubber company workers are on a 6-hour daily shift.

MEAT IMPORT MISCHIEF

Mr. HARVEY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY of Indiana. Mr. Speaker, an editorial in today's issue of the Washington Post entitled "Meat Import Mischief, "is so misleading and unfair to the beef industry that its content should not go unchallenged.

The editorial states that our agricultural exports are running at the rate of $4.6 billion per year which is true but would leave the impression that the figure of $280 million beef imports is the only source of agricultural imports. This is far from true—in fact our imports closely follow our exports in dollar value. If the value of our surplus food exports moved under Public Law 480 before credit or grants are taken into consideration, we actually have an export deficit.

But the point of my complaint is that the editorial leaves the impression that imported beef is not a factor in the price of a beef in our local retail stores. Nothing could be further from the truth. A considerable portion of even the best fed steer carcass becomes hamburger and cheaper cuts of meat. So importation of very cheap and low quality meat actually depresses measurably the price of the animal to the producer.

The cattle producers have frequently expressed their willingness to live with the normal fluctuations of their product and have done so with subsidy or price support from the Government.

The increase from 3 to 4 percent which has been the historical percent of beef imports to 11 percent in a few weeks and the prospect of an ever increasing avalanche is the cause of their concern.

This editorial writer apparently has little concern for the ultimate destruction of one of our major industries. He seems to think that it is OK for any other country to exploit our markets with impunity and that any complaint if it runs counter to a Johnson administration policy is not only unwarranted but unjustified. This editorial is certainly unfair to a great industry of the United States and with your permission Mr. Speaker, I wish to have it printed in the RECORD as it appeared in this morning's edition of the Washington Post:

MEAT IMPORT MISCHIEF

The success of the Kennedy round of tariff cutting negotiations and, indeed, the position of the United States in world trade will be seriously jeopardized if the House follows the Senate in imposing rigid quotas on imported meat products.

A very sharp increase in the output of Choice beef has driven down domestic prices, enveloping the producers in a painful cost-price squeeze and causing many of them to incur losses. The economic distress of the cattlemen is real, but in ascribing their plight to imports and in demanding that Congress impose rigid quotas on virtually all imported meat products, they are the victims of a delusion that could undermine this country's international trade policies.

If this country were importing grain fed, Choice grade beef, one might be able to make a case against imports as the cause of the distress. But virtually all of the imported beef is of the grass fed "manufacturing grade," the low-priced type used for hamburger and luncheon meat products. These products, being in a much lower price class, do not compete directly with Choice grade domestic beef.

If the House goes along with the Senate and the quotas are imposed, the cattlemen will not obtain an ounce of relief in the shape of price increases. Relief will not come before beef production is reduced by culling out cows and bulls and slaughtering more calves for veal. But the undesirable side effects of imposing quotas would be instantly manifested. Consumers in the lowest income brackets, those living in poverty, would be deprived of inexpensive meat, a point made by the League of Women Voters and other consumer groups in opposing the quota bill. And there would be instant retaliation against U.S. exports, especially by Australia, New Zealand, Ireland, and Mexico, the four allies which are signatories to the recently established voluntary quotas on beef.

Total cash exports of U.S. agricultural products are now running at the rate of $4.6 billion a year and imports of meat products are running at the rate of $280 million. The question which the Members of the House of Representatives must cooly consider is whether it is worth jeopardizing $4.6 billion in agricultural exports in order to stop a $280-million trickle of meat imports. They have to decide whether it is worth offending our allies and violating the General Agreement on Tariffs and Trade in an effort to assist the cattlemen that is rated no chance of success by either logic or experience.

H.R. 1839, the meat quota, passed as a rider to a House bill, has been sent to a House-Senate conference committee where there is little chance of reaching a compromise that would not conflict with established trade policies of the United States. Hopefully, this bill will be defeated on the floor of the House, and in the event that it passes, killed by a Presidential veto.

LEO SZILARD'S 10 COMMANDMENTS

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, on June 1, 1964, I announced from the well of the House the death of Dr. Leo

Szilard, and noted the grief of the Nation at the passing of this famed nuclear scientist who, working with Enrico Fermi and others under the grandstands at Stagg Field at the University of Chicago campus, achieved the first atomic chain reaction. He was a great man in every sense and I was enriched by his personal friendship.

Today I received a letter from Mrs. Leo Szilard, 2380 Torrey Pines Road, La Jolla, Calif., with a translation of her husband's "10 commandments" which he wrote in German a number of years ago and by which he always abided. Because of their great and moving interest to so many persons in every part of the world, I am extending my remarks to include Mrs. Szilard's letter and the "10 commandments" of her famed husband.

Dear Mr. O'Hara: Many years ago, while still in Europe, Leo wrote his own "10 commandments." He wrote them in German and was never satisfied with any attempts at translation; he considered them untranslatable. They were therefore published only in the German edition of his book, "The Voice of the Dolphins," and are known only to a few.

To me they represent his true "last will and testament," and I want to share it with our friends whose kind words and deeds have given me so much comfort after Leo left me: I got him back a little bit reflected, as it were, in the mirror of his friends.

On this occasion, for those of our friends who do not read German, a colleague and friend of Leo at the Salk Institute has kindly prepared the enclosed translation at my request.

Thank you for your wonderful tribute of June 1.

Sincerely,

Gertrud W. Szilard.

Ten Commandments

1. Recognize the connections of things and the laws of conduct of men, so that you may know what you are doing.
2. Let your acts be directed toward a worthy goal, but do not ask if they will reach it; they are to be models and examples, not means to any end.
3. Speak to all men as you do to yourself, with no concern for the effect you make, so that you do not shut them out from your world; lest in isolation the meaning of life slips out of sight and you lose the belief in the perfection of the creation.
4. Do not destroy what you cannot create.
5. Touch no dish, except that you are hungry.
6. Do not covet what you cannot have.
7. Do not lie without need.
8. Honor children. Listen reverently to their words and speak to them with infinite love.
9. Do your work for 6 years; but in the seventh, go into solitude or among strangers, so that the memory of your friends does not hinder you from being what you have become.
10. Lead your life with a gentle hand and be ready to leave whenever you are called.

VIETNAM

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Grover] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROVER. Mr. Speaker, last week, the President made a difficult but necessary decision to strike back at the North Vietnamese torpedo boats and their bases, following several instances of unprovoked attacks by the North Vietnamese upon certain of our naval units in international waters.

This decision was one which the Congress almost unanimously supported and it was one which met with the approbation of the American people.

Many of us are very disturbed, however, and concerned with the sequence of the timing of the announcement by the President 90 minutes prior to the actual engagement and have found the explanation by the Defense Department entirely unsatisfactory.

Accordingly, I have requested the Armed Services Committee to commence an investigation to determine the extent to which the security of this operation may have been compromised and who was responsible for advising the President in the matter.

My letter to the gentleman from Georgia, Chairman Vinson of the Armed Services Committee, reads as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., August 13, 1964.

The Honorable Carl Vinson,
Chairman, House Armed Services Committee, House Office Building,
Washington, D.C.

Dear Mr. Chairman: The developments in southeast Asia, which provoked U.S. action in the Gulf of Tonkin last week found Congress practically unanimous in support of the decision of our Commander in Chief, President Johnson.

Many Members of Congress, however, are very concerned about the apparent serious breach of security attending the event of our retaliatory attack upon the torpedo boat bases in North Vietnam and the nationwide TV announcement made by the President last week—1½ hours before the air strike.

As a former Air Force communications and security officer, having served incidentally in China during World War II, I am personally shocked that the Defense Department did not coordinate its operations and communications and advise the President so this announcement would have been timed to protect the security of the air strike.

An explanation has been given that it was desirable to have the news given first to the American people by the President and not by the Hanoi or other Communist news media. It was also stated that North Vietnamese radar had picked up our planes when the announcement was made. Aircraft with 500-miles-per-hour-plus speeds can travel 750 miles in an hour and one-half. Radar doesn't pick up aircraft at such distances.

The obviously unsatisfactory coverup with such conflicting pronouncements from the Pentagon by Secretary McNamara and others should be immediately investigated by the Armed Services Committee.

Sincerely yours,

James R. Grover, Jr.,
Member of Congress.

PROTESTING SQUANDERING OF TAXPAYERS' MONEY

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from Maine [Mr. McIntire] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McINTIRE. Mr. Speaker, I would like to add my voice to those in this House who already have protested the squandering of the taxpayers' money, year in and year out, in what euphemistically is referred to as the foreign aid program. In all probability this body will again have the foreign aid bill for consideration, and I feel it is time to delve deeply into the uses to which this money is to be put. Before voting more foreign aid, we should consider how the billions of dollars which have been shoveled into the program over the past years have been applied.

I view the foreign aid appropriations as one of the most blatant examples of wasted tax money. I do not contend that all the money has been wasted; most certainly somewhere in all the billions that have been poured into the coffers of well over 100 nations since the end of World War II some good has been accomplished. I believe it is proper that we should offer aid to certain nations for certain specific needs. But I cannot support this annual giveaway program that rewards dictators and fosters the most horrible forms of oppression; I cannot condone funneling millions of dollars into countries whose political philosophy is inimical to the most elementary ideas of freedom.

Today, because of the haphazard methods which have been used to indiscriminately spread billions of dollars all over the world, we find ourselves helping countries, at the expense of our own economy, on the other side of the Iron Curtain.

Today, we are caught up in our own duplicity, for we find ourselves the bankers of opposing forces throughout the world. Instead of breathing the air of freedom and economic assistance, the program has generated conditions of armed hostility between nations who should be good neighbors. Pakistan and India, for instance, both receive our aid, and they face each other in unconcealed enmity. We help Nasser and the rotten prison state of Haiti, and Sukarno and other Communist-oriented nations have accepted the American dollar while sneering at "Uncle Sap." Our plan appears to have neither identity nor sensible direction, for these are not the only examples of how foreign aid has crippled the cause of freedom.

I cannot help but wonder just how Americans must feel about the deposed leaders of countries who milked the foreign aid cornucopia for millions of dollars, these taxpayer dollars ending up in these leaders' Swiss bank accounts. It must be difficult for Americans living on low incomes to understand why their Government throws more money into wasteful efforts when, all the while, they must worry over the price of bread. But the giveaway continues, and too often the money of our American people is accepted with undisguised disdain, and lines the pockets of officials rather than solving economic problems.

The President is asking for more than $3 billion for foreign aid. Yet, still in the pipeline, in available funds, is the staggering sum of more than $7 billion waiting to be given away. But this is not all. The poor citizen of the United States is paying more than $3 billion interest a year on the money the Government has borrowed for its foreign aid plans.

The U.S. Government is borrowing money at a rate of interest four times as great as the interest it is asking in return for loans which may not even be repaid. If this is sensible or responsible, then we live in an unusual era.

On top of this, there are so many people involved in the giving away of the taxpayers' money that one wonders if anyone knows what is going on. There are more than 70,000 people being paid to dispense these billions, and there are 26 Federal agencies working at it. Roads have been built that lead to nowhere and Cadillacs have become the symbol of the recipients of foreign aid—while people starve within sight of such opulence and live under the terror of gestapolike police states.

I would suggest that a few changes should be made in our foreign aid program. First, cut the number of personnel involved in the program by at least 50 percent—they will not be missed by our taxpayers.

The second step should be a complete reanalysis of the way foreign aid funds are being used. Let foreign aid be on a project basis, and let the projects—each and every one of them—be approved by the Congress of the United States. With the $7 billion already in the pipeline, I see no reason to appropriate another $3 billion at this time. I cannot see any reason for going deeper into debt by paying interest on money which is standing around unused.

I would like to see an end to foreign aid funds being given to dictators and to support economies which are socialistic, communistic, or just plain unrealistic. The American people expect their Government to operate on sound fiscal principles, so why should they not expect their Government to ask the same of other countries whom we assist?

The forces of democratic government are waging a life-and-death war with communism throughout the world—why should not the American people demand that their tax money be used to support only those nations which offer their citizens something more than oppression and varied stages of slavery?

Is it too much to ask that the billions of dollars the American people have given to help others should be used on projects that offer help for those who most need it, rather than end up in the pockets of the greedy and dishonest?

TRADE EXPANSION AMENDMENTS

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. MOORE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE. Mr. Speaker, on June 25 of this year, I joined with more than 50 other Members of this House, including members of both parties, in introducing a bill to amend the Trade Expansion Act of 1962.

The proposed legislation would prevent further tariff reductions under the authority of the Trade Expansion Act in all instances in which imports have, in the past 5 years, demonstrated their competitive advantage in the domestic market by capturing a liberal share of it. Under these circumstances, it is clear that the existing tariff is not repressive, nor is it in need of another cut, let alone one of 50 percent. To slash the tariff would be to invite disaster for many of our industries, with no redeeming benefit to offset the damage. The proposed legislation would prevent this.

It has often been said by the free trade doctrinaires that the superior American industrial prowess, based on advanced technology and heavy capital investment, has nothing to fear from import competition. This is an unfortunate holdover from classroom economic theories that have not been tested in the marketplace.

Mr. Speaker, the view of the price-profit system, which was so darkly frowned upon in recent years, was the outgrowth of narrow considerations dreamed up by highly emotional attitudes.

Profits were condemned as the quest of purely selfish interests and not applauded for what they are—the energy fuel of the private enterprise system. Wages were correctly regarded as the principal foundation of purchasing power, but their dependence on a lively business activity was not correctly assessed.

It was because of complete failure to understand the American productive system with its complex interdependence among certain uniquely American creations of the technological, regulatory, merchandising, and economic mechanisms, that the free-trade philosophy was foisted on this system with the intemperate impatience that we still witness. It has had one very distinct effect; namely, the flight of American capital abroad in search of competitive opportunity. These investments are needed at home; and as a result of flight abroad, they are becoming more rare in the domestic market.

Mr. Speaker, I offer for the RECORD a discussion of this subject in a paper that probes into hitherto neglected corners of economic and psychological factors. It brings together a combination of considerations that have been overlooked but that explain the uniqueness of the American economic system. It throws much needed light on the vulnerability of this system to external forces that threaten the grounds of its confidence in the future.

The paper was presented to the committee on resolutions of the Republican National Convention, July 9, 1964, in San Francisco. Its author is O. R. Strackbein, chairman of the Nation-Wide Committee on Import-Export Policy. The analysis is an eyeopener. I commend it to the attention of my colleagues.

STATEMENT OF O. R. STRACKBEIN, CHAIRMAN, THE NATION-WIDE COMMITTEE ON IMPORT-EXPORT POLICY BEFORE THE COMMITTEE ON RESOLUTIONS, REPUBLICAN NATIONAL CONVENTION, SAN FRANCISCO, CALIF., JULY 9, 1964

The Nation-Wide Committee on Import-Export Policy is composed of industries, companies, agricultural and labor groups, having in common the problem of import competition.

This problem, contrary to a common impression, has become more of a threat to the American economy than at any time in the past. The problem has undergone a startling transformation that has not yet been recognized and now poses an ominous dilemma to our economy.

The old cliches in support of the free-trade doctrine no longer apply. We live in a new competitive world internationally. A new bead must be drawn on the evolving new competitive world, or we will suffer unfortunate consequences that may not soon be reversible.

At the base of the transformation is the proliferation of modern technology across national boundaries and its breaking down of the productivity barrier while the wage barrier remains.

The American economy long unique and insular in the world because of its mass production, mass consumption and fair competitive foundation, suddenly (in terms of history) finds itself virtually naked against the outer world of its own making.

This exposure, coming atop of the drastic tariff reductions in the past quarter century, called for readjustments that have neither yet fully run their course nor bared all their teeth.

These adjustments could indeed be made without excessive disruption if conditions more conducive to orderly transition than are now contemplated were arranged.

The fundamental difficulty has arisen from the effects of the breakdown of one of the very foundation stones of our formerly unique economic system.

Our continent is bountifully endowed with resources and enjoys a temperate climate. It was settled by people of resolution, toil-willingness and a strong appetite for discipline. Freedom was the quest of their endeavor and toil; and they were able to mount prodigious feats of energy and endurance in the course of their quest and in the exercise of its attainment.

The population had its trace minerals of inventive genius; and the right climate for the mining process was all that was needed. If rare men invented novel means of saving time, getting more work done with fewer hands, they needed incentive if their endeavors were to thrive.

Here, after cumulative inventions and discoveries, we came on the cradle of mass production; but what would it profit us to produce massively and cumulatively more and more if consumptive absorption failed and dammed the flow of goods? Obviously we needed mass consumption; and this, as it was only dimly perceived at first, rested principally on wages. Mass consumption would drain away the mass-produced stream of products and thus provide the impetus that would keep the wheels turning.

There were other factors essential to the operation of the system and these were not fully understood; and yet less understood was the meshing of the varied factors with each other, and their interdependence and inability to function properly without each other.

Motive power or incentive was necessary all along the line, from inventor to builder or producer, to merchant and salesman. In our system of freedom, profit provided this lure and furnished the incentive that drove men far beyond ordinary exertion. It took the place of the knout or whip, and, unlike the latter, it was self-propulsive.

Yet, by itself it tended toward excesses and monopoly. Of all the factors of uniqueness of the American economic system, perhaps as rare as any, was the concept of competition. Not only would competition disperse the onsetting inertia of complacency that would soon produce rigid and stubborn centers of unchallengeable power; it would provide one of the two indispensable elements of mass consumption; i.e., it would bring to the consumer the benefits of lower costs which in turn were the fruits of our advancing technology.

We had early recognized both the value of temporary monopoly and of incentive through the patent system. At the same time we recognized the value of the individual and the vast potentials that he might develop were he allowed to enjoy the fruits of his labor. This was the essence of private enterprise. An inventive genius could be expected to exert himself far beyond the ordinary call of his inner ferment if he were assured that he could own what he invented and profit from the practical uses to which it might be put. The entrepreneur who was the next link in the chain would also do his best if he knew that he could enjoy the fruits of his efforts. The producer and the salesman responded in the same manner.

The inventor himself was seldom the business enterpriser. For this function other and different qualities were needed. The builder who had the vision of future and of growth and empire was needed to bring the inventor's work to the service of the population. Yet another element, the last in the line, was needed; namely, the merchandiser. He told the people of the wonders that were on the way, and whetted their appetite for them.

The function of the merchandiser has often been overlooked although it is all about us and constantly bombarding us. Its importance in the unique American economy can best be appreciated if we reflect that this economy for its richness and diversification depended on meeting secondary human needs, as distinguished from the necessities of bread and butter. People did not have to be told that they needed to eat or to be covered against the cold and sheltered against the weather. Instinct, spoke loud enough to be heard by all.

With respect to the new contrivances that catered to secondary needs, the innovations and rearrangements wrought by technology, people had to be awakened. Consumers did not of themselves see immediately the advantages of novel apparatus, ingenious new designs, unheard of contraptions of power, or brandnew products. In fact, they were inclined to be skeptical. The scientists, engineers, and technicians were doing their work and produced their wonders, but the merchandiser and salesmen's job had only just begun. One of his principal instruments was advertising, and the atrocities of incitation to which the public was subjected by the advertisers only attested to the inertia of the consumers and to the soundness of their slumber; but here, too, was incentive; for the greater the sales the higher the profits might go.

Obviously, with so much ferment and freedom of enterprise the need of yet something else became not only apparent but indispensable if the released energies were not to destroy themselves by excesses of license and greed. A restraining hand of order and moderation was needed; and this called for a person of yet a different breed. He was the analyzer, the ponderer, not himself a participant, except indirectly, in the ferment of enterprise, often aloof and withdrawn—the professor, the economic theorist, whose blood was seeded with corpuscles of criticism. He was not impressed with the utilities and the beauties of the rampant materialism; or rather he was impressed with its excesses and corruptive powers.

He called for restraints, and the fruits of his labors were the antitrust statutes, laws of fair competition, etc.

We had stirred up quite a brew. The thinkers, to put it differently—those of active and penetrating mind, who enjoyed perhaps more than they realized what was stirring but felt the acids of indigestion coming over them like a gorge, were prone to see only the crass and the obtrusive, the shallow and the raucous, and were appalled. They beheld the system running feverishly up the mountain from time to time, heedless of ominous signs of danger only to stumble and roll head over heels down the declivities with awful and resounding results as they pulled down the debris of enterprises and great structures after them.

Yes, even the institution of fair competition had failed. The private enterprise system, rooted in the profit motive and governed or ill-governed by the price mechanism, seemed uncontrollable and at the mercy of blind forces which ran wild and from time to time collapsed, as in 1929.

The reaction was typical. The deep economic frustration of the people opened the way to bitter second thoughts and disillusionment. The great system was about to be condemned out of hand not by the more judicious-minded but from the depth of the despairful emotions that had seized the dispossessed, the archly disappointed and the midstream founderers, who now saw the system as a bloated but empty and soulless fraud.

All was now to be regulated, restrained and guided. Only the Government could be trusted as disinterested and as the spokesman of the public welfare. Since employment was the source of purchasing power, which only now came to be recognized openly by the economists, as Henry Ford or someone near him recognized it instinctively two decades earlier, it became the obsession, and public works were to put us back on our feet.

Under the circumstances the concept of consumer demand came to flower and the function of purchasing power was enthroned; but unfortunately its linkage with the self-propelling agency of private profit was overlooked or, if noticed, denied or concealed.

Purchasing power and mass consumption were fancied as residing in employment alone and even in "production for use and not for profit." This represented an oversimplification that took us to the brink of major error.

What was overlooked was the failure of incentive in the public works concept. Public works are disjointed and often unrelated sequences that do not and cannot produce a lure along the whole economic front. Spottiness is their chief characteristic. There is little of the futurity in them that leads participants, owners, managers and their entourage to build and expand for the years that lie ahead, with fortunes waiting to be wooed and won. When the flow of public money ceases, dependent on governmental appropriations, work ceases. The lure of public works, from school and hospital building to highway and dam construction as a means of exciting continuing effort and imagination has about the magnetism of lead bullion.

Today we have regained respect for profit up and down the line, and we also hold the function of high wages and high employment in high esteem as the foundations of mass consumption. Since the latter is what we need if mass production is to be sustained, we recognize the common interest in production, employment, good wages and good profits. Because of the great potentials of technology in reducing the need for human labor we also perceive the need of extending consumption to hitherto unreached customers if our land and factories are to find an outlet for their goods. This is to say we need more consumption per capita if we are to have as much per capita employment as before, because each worker, thanks to technology, is producing more.

As we have pondered this dilemma we have recognized the role of incentive and have adjusted our taxes accordingly to a degree.

We have, however, not given equal recognition to the function of market outlook as the ruling element of confidence. Our economy is pitched on futurity to an astounding degree. It is not and cannot be a static economy. Futurity is its medium. It looks ahead and gets its extra propulsive power from a good outlook.

If the outlook is obscure, hesitancy sets in. If the outlook is discouraging, stagnation or even decline occurs.

If the market to which the economy is dedicated consisted only of the staples, such as salt, flour, butter, eggs, beans, gingham dresses, plain heavy shoes, etc., the question of confidence would be negligible. Economists with slide rules could quickly calculate the market's requirements, and the men and machines needed to meet these requirements could be put to work in a static economy, expanding only with the population.

Our economic system would collapse under such circumstances. It is above all a dynamic contrivance.

This brings us to the heart of our dilemma. We have cushioned many if not all the falls to which domestic economic factors may be subject. Unemployment compensation, bank deposit insurance, farm price supports, high stock market margins, etc., are examples. As a result of our recognition of consumer demand or purchasing power, we outlawed the principal threat that menaced it, namely, sweatshop wages, child labor, etc.

However, we not only left a door open; we opened it wider. We came to look on foreign trade as a lifesaver and cut our tariffs severely. Some of this was justified; but by intemperate tariff cutting we were undoing what we were accomplishing elsewhere, namely, creation of fair wage standards and the bases of fair competition embodied in the Federal Trade Commission and the Robinson-Patman Acts. Other countries could then do to our economy what we had outlawed at home; and we invited them by lowering the threshold.

In industry after industry now the future is clouded. The market outlook is not bright and therefore not alluring for expansion-propensive industries. Now industries rush into automation to save themselves against foreign competition and not for the classical reason of building a great market. Firms go overseas where costs are cheaper and technology as prevalent as here. Our exports, but for temporary stimulation from this outflow of capital and subsidies, face a doubtful future, with shrinkage the more probable outcome.

An increasing share of our employment is moving from production into service trades, where wages are lower, thus shrinking purchasing power; and a rising share of our imports are entering as finished products, thus displacing more workers and discouraging expansion.

The outward trek of investment should be reduced, not by legal obstacles, but by generating a more attractive market outlook at home.

This can only be done by regulating imports in a manner that will assure our industries of a fair competitive opportunity at home. Only in that way will mechanization and automation return to their earlier function. Instead of being robbed by open-end imports of their markets and thus finding themselves dispossessed of the prospects that alone justified expansion in the past, they will again respond to a growing market with confidence under the assurance that a bright future awaits them if they offer the consumers good quality articles at lower prices.

Our trade law must be modified to offer the necessary assurances. (1) Tariff reductions must continue to be made cautiously and selectively, and (2) a remedy against market stagnation by imports must be provided in terms that are administratively responsive to the needs and not as hitherto, themselves depressants of market confidence.

THE FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA COMMENDS CHAIRMAN JOHN L. McMILLAN FOR DEFENSE AGAINST URBAN RENEWAL EXCESSES

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. KYL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KYL. Mr. Speaker, an official of the 23,000-member Federation of Citizens Associations of the District of Columbia has brought to my attention for inclusion in the CONGRESSIONAL RECORD today a letter of commendation addressed to Chairman JOHN L. McMILLAN of the Committee on the District of Columbia of the House of Representatives.

The letter is in appreciation for Chairman McMILLAN's public-spirited defense of the citizens of the District of Columbia against the excesses of the District's urban renewal program.

I am pleased to include it here as part of my remarks for the information of my colleagues:

FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA,
August 12, 1964.

Hon. JOHN L. McMILLAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN McMILLAN: The Federation of Citizens Associations, representing 43 organizations and 23,000 members, would like to congratulate you and Congressman JOHN DOWDY on your handling Tuesday of the Columbia Plaza bill and S. 628 as amended by your committee.

We deprecate the repeated attacks on you by the Washington Post as not being in the public interest. This newspaper has repeatedly attacked you and Congressman DOWDY, other members of your committee and staff members of your committee both editorially and in the slant given to the reporting in its news columns.

We do not know what its reasons are for the stand it takes. It is for urban renewal as long as it dispossesses only the homeowners and small businessmen. It is against urban renewal when the vital interests and personal property of the Myers family, which founded the Post, are involved. In this connection, your attention is invited to the testimony of Mr. Fontaine Bradley, a member of the firm of Covington & Burling and a leading member of the Washington Post hierarchy, before the District Commissioners on the Adams-Morgan project in July 1963. Most of our members are not so fortunate in being able to have their property excluded from these programs as they are threatened.

It is refreshing and reassuring to know that, in these days of pressure on Congressmen by money groups and vested interests, that there are a few who are willing to fight for the ordinary taxpaying citizen and the small businessman. This genuine concern for the citizenry and for the public welfare illustrates the true principles of democracy which made our country great.

Again, let me express on behalf of our members our appreciation for the battles you have waged on our behalf and assure you that, despite the criticism of special groups and a biased newspaper, the great work of your committee is appreciated and recognized. The homeowners and small businessmen of the District of Columbia are indeed fortunate in having as their champions men so dedicated to the public interest.

Sincerely yours,
JOHN R. IMMER,
President.

WAGE AND HOUR LEGISLATION IN THE 88TH CONGRESS A CONTINUING CHALLENGE

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, the 88th Congress once appeared headed for the title of the "Minimum Wage Congress." During the two sessions, several bills were introduced to raise the minimum wage, lower the maximum hours provision, provide double time for overtime, and extend the minimum wage. The only one to die without a hearing was the bill to raise the minimum to $1.50 an hour. The administration apparently did not have enough nerve to bring that one up. It was a little bolder with the others, however.

Hearings were held on bills that would have required 40 hours pay for 35 hours work but its supporters could not hide the fact that it would raise labor cost 14 percent without any increase in productivity. This was a little too inflationary even for those who erroneously think that a little inflation is a good thing. The double time bill got a little further. It would have required double the base rate of pay for hours worked in excess of 40 in industries singled out for this questionable honor by committees appointed by the Secretary of Labor. When the administration could not please the unions with this, they decided to scrap it. It never made sense and when it turned out not to have political appeal; it had to go.

The bill to extend the minimum wage coverage to hotels, motels, restaurants, resorts, and small logging operations came the closest to passage. Months of hearings were held. Several changes were made. The bill was even reported out by the subcommittee considering it. But when it turned out that the subcommittee bill asked more questions than it answered, the full committee thought they better wait a while, so they deferred action on it.

THE MINIMUM WAGE HAS DONE ITS JOB

No one doubts that the Fair Labor Standards Act has been a benefit to the country. It forced the elimination of some oppressive conditions and ended whatever exploitation of workers was existent at the time of its passage. The act has been beneficial because it succeeded in doing what it was designed to do: place a floor under wages and a ceiling over hours in those industries which because of their interstate nature were better regulated by the Federal rather than State Governments. The Fair Labor Standards Act was not designed to guarantee high wages or short hours or good fringe benefits. The achievement of these ends was to be left to the workers and the individual employer to be determined in the light of the existing economic situation in the individual plant. Now as a means of attracting votes, the faltering and misguided administration leadership wants to push on with the Fair Labor Standards Act beyond its original purposes. They intend to make it more attractive without regard to what it would do. Even good things are subject to the law of diminishing returns under which their beneficial effects is lost when the good thing is pushed too far. Let us look at these proposals individually.

A HIGHER MINIMUM WAGE MEANS A MINIMUM OF WORKERS

Today we are at least on the threshold of the era of automation. Daily, machines are developed which can do the work of humans. Machines in some ways do the job better than humans. Machines work longer hours, provide a more uniform product, and are not afflicted by human frailties. However, these machines are expensive and this is the chief factor militating against their increased use. However, if you artifically raise the cost of human labor, you force the plant owner to reassess the possibility of saving money by buying the machine.

A higher minimum wage does not confine its impact to the lowest paid workers. Differentials exist based on higher skill requirements in various jobs. When you raise the wage of your lowest paid workers, you necessarily have to raise the wage of every other worker up the ladder.

These new machines have not replaced too many executives, but they are capable of replacing a large number of marginal workers. It is these marginal workers, those who have the minimum of skill and receive the minimum wage, who are most severely threatened by automation. Today more and more education and skills are required for virtually every job. People displaced by automation have a very difficult time finding other work. A high minimum wage discourages training the older and slower-to-learn worker. The trend is to hire only those who already possess the skills to do the job. This practice is harmful to youths who have no training as well as to older people who have no currently useful skills. Witness the remarks of Henry Hazlitt in the July 6 Newsweek:

> It is true that the highest percentage of present unemployment (averaging 5.3 percent in April 1964) is found among youths of 14 to 19 (16.3 percent). But a large part of the blame for this must be put on a minimum legal wage which makes it uneconomical to employ some of these people, who would otherwise be employed at a lower rate (which could still yield an income above the typical relief payment).

As Dr. Jules Backman has remarked:

> Any increase in the minimum wage would increase joblessness by pricing out of the market workers at the lower end of the wage pyramid where unemployment is heaviest.

A wage of $1.50 per hour is fine to the man who keeps his job, but it is a cruel jest to the marginal worker who finds himself replaced by a machine or facing the closed doors of a business forced to liquidate because it can't afford the machine to replace him.

DOUBLE TIME FOR OVERTIME WILL NOT CREATE JOBS

Another part of this dubious package of cost-increasing legislation was the bill providing double time for overtime work in industries where a committee set up by the Secretary of Labor finds "excessive overtime." The President was really pushing this for a while, all the time pretending that it would create jobs. What he did not seem to realize is that overtime is already very expensive and most of it is unavoidable. This was top priority legislation for a while.

I testified before the subcommittee which considered this bill. In opposition to it, I said:

> The double pay or more for overtime bill would be bad in theory because double pay for overtime will not create new jobs. While the Secretary of Labor says that the equivalent number of new jobs represented by workers now working overtime is over 900,000, he does not recognize that there are not available skilled men able to fill these positions full time.
>
> Because of limited plant space and equipment, most industries would be required to work overtime regardless of the penalty. Such industries, while finding the double pay penalty costly, would still find it cheaper to pay the overtime penalty than to train new workers, pay more fringe benefits, and expand their plant size. These industries would accordingly have to charge costs off to the consumer or have to absorb them themselves at a loss to profits and capital expansion. Some industries forced to pay penalty overtime rates may even have to reduce the scale of their business operations in order to remain competitive. The bill proposed proceeds on a false premise. Businessmen do not prefer to pay overtime if they can avoid it. If industries could eliminate overtime, they would do so now.

I also pointed out that double time for overtime could be "harmful not only to business but to the workingman and to the consumer"—CONGRESSIONAL RECORD, April 6, 1964, page 6921. The New York Times in a July 27 editorial, presented by me in the CONGRESSIONAL RECORD, August 3, 1964, page 17837, stated:

> This proposal is no more realistic than organized labor's demand for reducing the workweek * * *. The overtime solution is no solution at all, but as long as it receives support in such high quarters, it will detract from other more meaningful and concrete efforts.

The business community really showed its mettle in rising up against this legislation. I heard from many plants in my district, and I passed these remarks on to the subcommittee. Even the unions opposed it as introduced and finally the President decided to leave it hanging. It lay around the committee room for several months before the majority got around to finishing up the hearings on it. This way the majority was able to save face and not add any more trouble to the businessman and the marginal worker.

LOCAL INDUSTRIES ARE BEST REGULATED BY STATE LAWS

The Fair Labor Standards Act does not apply to every worker in the country nor should it. Purely local industries and those with special problems have always been exempt from the act. In their desire to impose a full welfare state, the administration has been trying to bring the few remaining exempt workers under the act. Another part of the package of wage-hour bills was designed to do this and it came the closest to passing. The bill is H.R. 11838, sponsored by Congressman ROOSEVELT.

HOTELS, RESTAURANTS, AND LOGGERS THREATENED

This bill would have for the first time brought hotels, motels, restaurants, resorts, small logging and many agricultural operations under the Federal wage-hour control. In the CONGRESSIONAL RECORD, February 7, 1964, page 2529, I pointed out:

> The Federal Government wields a two-edged sword that cuts both ways when it deals with the hotel and motel industry. Uncle Sam is financing the construction of new and unneeded hotel space and at the same time stiffening regulations on existing and established hotels and motels.

Hearings were held all across the country. The bill advanced all the way up to the full committee—the only one of the package to do so. While it did not pass, it was never defeated. It will likely be revived early in the next session of Congress. It is more likely that it will be revived and passed than any of the other bills, though they all will be reintroduced and each will be a serious threat to industry and to the workers they are designed to protect unless the complexion of Congress is changed as a result of events on November 3. These industries to be covered are all local industries. A hotel moves no goods in interstate commerce. It is there to accept those people who would come to it. A restaurant is clearly a local industry. The perishability of its products requires purchases in the local market. Hotels and motels, restaurants and resorts hire their people in the local market. They sell service and service is a very human thing. The better it is sold, the more it costs to sell it. Productivity in the service industry is necessarily limited. It has to be if the service is to be good, for the more a service employee divides his attention among guests, the poorer is the quality of the service.

In an era of increased automation, the service industries have done much to absorb workers displaced by other industries. These workers are often marginal workers. They are not always well educated. They are often the old or very young and frequently temporary in the time they wish to serve.

These people have been absorbed by hotels, motels, restaurants, and resorts, for it takes but little training to provide good service. Many pensioners work in our New Hampshire resorts. They want something to do. They need something to do for their happiness and well-being. They seek just enough income to supplement their retirement benefits. Age precludes their working full time at arduous tasks. They are not skilled enough for many types of employment. They in turn do not demand high wages, and the employer being free of the Federal law, is permitted to pay them according to their contribution.

We have a minimum wage law in New Hampshire that applies to hotels, motels, restaurants, and resorts. It provides a fair wage for pensioners and students alike, but it recognizes the value of the many other benefits these employees receive, such as free meals, uniforms, and the very substantial factor of tips and lodging. The proposed Federal law does not adequately take into account these many benefits.

In New Hampshire, we have many students who are able to complete college and go on to greater opportunities, only because they were able to find work in our hotels, motels, restaurants, and resorts. In New Hampshire we have many pensioners who are able to live comfortably and avoid public welfare only because they, too, can find employment in these places. Is it wise to cut off this source of employment for these two groups of people solely because the Federal Government wants to extend its already vast power? No, of course, it is not. But, about the only way we can convince the social planners of this is to make it clear at the polls.

THE LOGGING PROBLEM

Under the present wage-hour law, loggers are exempt if they have less than 13 employees. The reason for this is to free them of the tremendous bookkeeping burden and timekeeping burdens as well as a recognition of the fact that less than 13 men just cannot cut enough trees to affect interstate commerce. I testified before the General Subcommittee on Labor concerning this problem. I said:

> Small timber operations are in danger of being crippled by proposed wage regulations.

Speaking of the bookkeeping problem, I stated:

> In general, men engaged in logging operations are able to earn and do earn substantially in excess of the minimum wage. The large companies, all of which are subject to the act, are able to record hours worked on their woods operations and pay overtime. But where the operation is small, the farmer or part-time operator cannot spend his time in supervision or in keeping time and other records.

More than just wages, bookkeeping, and staying in business are at stake here.

There is an element of conservation to be considered as well. I referred to this also before the subcommittee when I said:

> An additional consideration is the fact that if the small farmer-owner crews are driven out of business, an important force behind selective cutting and good forestry practices may be lost. Larger crews working under the pressures of the act may be forced by cost factors to slash-cut for maximum immediate efficiency. This could be a serious setback for good forestry practices.

BATTLES TO BE FOUGHT AGAIN NEXT YEAR

The power-grabbing centralized-minded administration was defeated on this whole package of legislation this year. But their record shows that they do not give up easily. They will try again next year for sure. We will again face the threat of unwise increases in minimum wages, double time for overtime, more pay for less work, and extension of the Federal minimum wage. There is but one solution. It is to return control of Congress to those who believe that business should be run chiefly and to the extent possible by businessmen and not by bureaucrats in Washington.

PUBLIC LAW 480

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. FINDLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FINDLEY. Mr. Speaker, next Monday this body is expected to consider, under suspension of rules, a 3-year extension of Public Law 480. Under this program, surplus farm commodities are sold and/or donated abroad.

It is a good idea gone astray.

One reason—perhaps the principal reason—is the complex nature of the program. Sam Lubell, who once called farm legislation a "conspiracy against public understanding," could very well have had Public Law 480 in mind as the prize exhibit to prove his contention.

Most of the transactions under this program are described loosely as sales, but they are a far cry from sales in the usual commercial sense. Under title I of the act, we get paid for the commodities in foreign currencies which are spendable only under severely limited rules. Still, the aura of commercial respectability lingers on, and few have the perseverance to dig into the complexities of the agreements which control how "sales" proceeds are used. Under section 104(e) of title I, grants for economic development may be made without prior approval of the Appropriations Committee. In many instances, these grants have been excessive. The Congo, for example, received a 90-percent grant on a "sale" for foreign currency.

Actually, this program has ranged far from its original twin purposes: Surplus commodity disposal and market development.

It has become a massive although little-known foreign aid program which benefits friend and foe alike.

Indeed the magnitude of this program rivals that of the much-publicized and annually scrutinized foreign aid program. This body recently approved a foreign aid bill in the amount of $3 billion, spending about a legislative week on the authorization, and another legislative week on the appropriation.

The bill before us today authorizes a 3-year program—not just one for a single year. Under title I alone it authorizes a total of $5.5 billion for this period. If the money is used evenly over the 3-year period, it will average $1.7 billion a year—over half the amount appropriated this year for foreign aid. Under title II, donations of an additional $1.3 billion are authorized.

Spending may, at the option of the administration, be accelerated to the level of $2.5 billion a year under title I. In that case, of course, the authorization would be depleted at the end of 2 years.

Instead of devoting the equivalent of 2 legislative weeks each year to debating, scrutinizing, and improving this program, as in the case of the foreign aid program, we will now consider this 3-year bill under suspension of the rules, a procedure which prevents amendment and severely limits debate time to 20 minutes on each side.

The bill covers 3 years and this body will have but one look at it. It will not come back to us in the form of an appropriations bill, because the entire program is financed by "back-door spending."

At the outset I described Public Law 480 as a good idea gone astray. It has done a lot of good through the years, despite its wandering ways. Very definitely H.R. 12298 provides improvements. These of course are described adequately in the committee report.

Further improvement is badly needed. Back-door financing should be eliminated. Money to reimburse the Commodity Credit Corporation should be authorized through appropriations before commitments are made.

Most of all, careful annual scrutiny by Congress is needed. Congress has consistently and properly rejected proposals for multiyear authorizations for the foreign aid program. The same policy should apply here.

This program has heaped aid on friend and foe alike. Under title III donations, in 1964, 112 different countries were benefited—even more than those benefited under the foreign aid program—see pages 19–22, committee report. This included such countries as Laos—now under the thumb of the Communist-dominated coalition. Communist-leaning British Guiana, Communist Poland, Communist Yugoslavia, Communist-leaning Indonesia, and Ghana—where the U.S. flag was recently ripped from the American flagpole. Forty-nine of these countries have also benefited from the giveaway feature of title I "sales"—see pages 12–13, committee report.

Title II of this program authorizes government-to-government donations to "friendly nations." These are straight-out gifts, unencumbered and unconfused by the "soft currency" rigmarole. Under section 107 of Public Law 480, "friendly nation" means "any country other than (1) the U.S.S.R., or (2) any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement."

Table 4 on page 15 of the committee report lists nations which have received donations under this title. The list includes such "friendly" nations as Czechoslovakia, Soviet-occupied Germany, Hungary, and Yugoslavia.

Defining these nations as "friendly" required a nifty bit of mental dexterity, and unfortunately nothing in this bill will prevent a repetition of this dexterity in the future.

Careful scrutiny should also be given to the effect of Public Law 480 on our farm commodity programs. The argument is frequently advanced that Public Law 480 has enabled us to siphon off huge amounts of surplus grain which otherwise would be stored at high cost to the taxpayer.

This siphoning process has also served to put off the day of reckoning when Congress must finally act. If this giveaway program had not taken the pressure off, so to speak, Congress undoubtedly would have faced up to its responsibilities long ago in regard to sound domestic legislation.

A FREE PRESS AND AN INFORMED PUBLIC

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. REUSS. Mr. Speaker, I include the text of my remarks Monday to the opening general session of the National Association of Counties' convention at the Sheraton Park Hotel here in Washington. My address follows:

ADDRESS BY MR. REUSS

I am delighted to be here to discuss ways and means by which we public servants—Federal, State, and local—can keep the public informed. Though I am now on the Federal payroll—recently refreshed—my first public job was as assistant corporation counsel for Milwaukee County years ago. And I found the county a mighty good place to work.

If the people are to rule, they must know what is going on. As Patrick Henry said: "The liberties of the people never were, nor never will be, secure when the transactions of their rulers may be concealed from them."

Unfortunately, the transactions of rulers are still all too often concealed from the people.

I want to talk this morning about what we in Washington and in the county seats can do to make sure that the press gets full access to information. And then I want to talk about what responsibilities citizens may reasonably ask of the press when it gets the information it is after.

The House Freedom of Information Subcommittee, of which I have the honor to be a member, was set up 10 years ago to safeguard the public's right to have Washington officialdom make available, as near as possible, the truth, the whole truth, and nothing but the truth.

In the 10 years of the subcommittee's existence, it has found a lot of Government officials, both Republicans and Democrats, who have taken it upon themselves to decide what information the people shall have. They have forgotten about the public's basic right to know. Instead their information policy goes something like this:

They will make information about the operations of their agency freely available to the public unless they decide the information is merely "preliminary"; unless they decide the information is part of "an internal document"; unless they believe the information would cause "controversy"; unless they think the release of the information would not be "timely"; or unless the official believes that the information might be "misunderstood" or "misinterpreted" by the people.

These alibis reflect a disturbing lack of faith in the people and in our democratic processes. I grant you that in today's world, certain information must be withheld for reasons of national security. But security has nothing whatever to do with many many cases of clamming up by the executive branch. For example:

A few years ago the Pentagon attempted to keep the stamp of military secrecy on a new variation of the bow and arrow.

One agency claimed a report on shark attacks was a military secret, even though part of the report covered attacks in New York Harbor during the last century.

Another agency tried to keep secret an engineering report that was based on the fact that water runs downhill.

The information subcommittee puts continuing pressure on the executive branch to let the people know what officials are doing. If it weren't for this, I'm afraid our secretive officials would conceal even more.

I wish I could report to you that the legislative branch of the Federal Government, by contrast, has an unblemished record with respect to the people's right to know. But we in Congress, alas, are not without sin ourselves.

Although Congress quite properly demands that the executive branch open up, Congress' call to itself is somewhat less clarion.

More than one-third of all sessions of congressional committees are held in secret—during 1963, 1,463 of 3,868, or 38 percent, were closed to the public. Of course it is proper that hearings where matters of security, or matters tending to degrade an individual, are discussed, be held behind closed doors. But executive sessions are used—unjustifiably—in a great many other cases.

In the House, the Apporpriations Committee holds all its meetings in secret.

In both Chambers, the processes of amending and preparing legislation for the floor, and voting on it—the so-called "markup"—is likewise traditionally held in secret. I believe that the public has a right to know how its Representatives vote, and why.

A third example is the discharge petition procedure in the House, whereby 218 Members may, by signing a petition, bring a bill out on the floor despite a recalcitrant committee. The names of the signers of a discharge petition are supposed to be kept secret, except for what the press can get through frequent leaks. Here again, the public is entitled to know how its Representatives are representing it.

So far, I have been talking about the public's right to know at the Federal level. But I'm afraid the problem of secrecy exists at the county seat as well. A 1959 survey by the State University of Iowa on freedom of information in Iowa concluded that "of all the agencies of government * * * the county board of supervisors causes the most difficulty." Increasingly, I think, the trend among county governments will be toward more freedom of public access to their deliberations.

But I do not wish to leave the impression that a local citizenry can become well informed simply because county officials lift the veil of secrecy. In addition to the negative action of coming clean, there must be a positive effort by county officials to inform the public. For instance:

1. Readable reports on county activities should be made frequently. Only 250 cities, and fewer counties, issue even annual reports today. New county ordinances often are fully reprinted, complete with legal jargon, in the press. But it is up to the county to go beyond this, and inform people in simple and understandable terms what is being accomplished.

2. County officials need the wherewithal to communicate with their constituents. Congressmen have elaborate telephone and mail and secretarial allowances to make possible this communication. Only recently some of the larger counties, like Fairfax, Va., have been providing secretarial help for their supervisors. Much more is needed.

3. County public information officers are still much too rare. The citizen should not be allowed to wander around the courthouse endlessly looking for someone to answer his question.

The problem of a county's getting its message across from the courthouse to the people, I suspect, is a little like the problem of the Voice of America's getting America's message out to the world. If our national policy is dynamic, if we are going somewhere, if it is being carried out by live-wire human beings, the Voice of America's job is that much easier.

So it is with the county. County public relations are going to be that much better depending on how well counties do their jobs. Here, without getting into substantive matters, I can suggest two areas in which county governments are making great forward strides. When they do, it makes the county story that much easier to tell.

The first has to do with metropolitan government. Often the county is the most appropriate unit of government with geographic jurisdiction over an entire built-up area. There is no reason why the need for metropolitan government today cannot be very largely met by county government, with its increased responsibility for health and transportation and welfare and recreation. This is exactly what is happening in my home community of Milwaukee today, and we are all benefiting.

A second spectacular opportunity for county government lies in the elected county executive. We in Milwaukee County have had a most exciting development of this function under our first County Executive John Doyne. John Doyne happens to be an absolutely first-class public servant. For some years before he became county executive, he was a Milwaukee County supervisor—1 out of 20 Milwaukee County supervisors. I'm sure he was saying and doing many worthwhile things in those days but I'm darned if I ever read much about it. The press in Milwaukee had no focus of county government, no executive, on which to concentrate. So the Milwaukee County story largely went untold. Now, with John Doyne as county executive, more and more Milwaukeeans are learning what an effective and responsive local government a modern county can be.

The moral of this story of the metropolitan county and of the county executive is this: the press and the public will be a lot more interested and a lot better informed, if there is something dynamic going on.

But the public's right to know—in Washington and in the county seat—becomes valueless if the newspapers and other media fail to do an adequate job of informing our people. Though America is blessed with some of the best newspapers and newspapermen in the world, our press is a long way from being perfect.

Specifically, it suffers from the twin evils of bias and blandness.

I doubt that there is a public official in this room who has not, at one time or another, been the victim of reporting that is just plain unfair by any standard. And I know that even more frequently, we and our constituents are bored to tears by bland reporting—protective colorlessness—that comes when an editor, usually a monopoly editor in a one-paper town, is nervous about antagonizing any part of his market.

But however much we in public life may suffer at the hands of a press occasionally afflicted with bias or with blandness, the concept of a free press requires that we grin and bear it. A free press may be a hair shirt but it is one that we must wear if we value a free society.

So it is no laughing matter to read that Mr. Buz E. Lukens, president of the National Federation of Young Republicans, has called for help in a "10-year program for the takeover of the press by young Republicans." If this country ever has to put up with a press deliberately packed by agents of any political party, consciously shaping the news to fit their own ends, that will be the end of democracy. These tactics of infiltration and subversion are the tactics of the John Birch Society, and of all other extremists who claim to hold the key to final truth.

Since they believe they hold the key to final truth, they believe that no debate is necessary. If they are successful, no debate will be possible.

The Lukens takeover is not the only ominous cloud over freedom of the press.

One of Senator GOLDWATER's campaign aides, Stephen Shadegg, tells how in the 1958 Arizona campaign he followed the advice of Mao Tse-Tung. "We had cell group members working for most of the radio and television outlets in Arizona." Apparently, what's good for Arizona in 1958 is good for the Nation in 1964.

Reporters covering the Republican convention in San Francisco were met with consistent hostility. They were the subject of a drumfire of charges.

A TV reporter was manhandled and hustled from the hall, in a misunderstanding that clearly reflected the spirit of the convention.

Delegates wore badges that read: "Stamp out Huntley and Brinkley"—some in jest, many in bitter seriousness.

The delegates and a former President seemed unable to understand the distinction which the American press makes more sharply and more consistently than any other between the roles of reporting and commenting. The convention's uproar over columnists and commentators underlined the fact that rarely has a party selected a candidate whose public pronouncements require more interpretation and exposition, more columns and more comment.

The assault upon the integrity and credibility of the press, the unparalleled spate of charges of "misquotation," "lying," and "dishonesty" on the part of the press, are all the more amazing since they come from representatives of a party that has always enjoyed the editorial support of a vast majority of America's newspapers.

In the presidential elections since 1948, the Republican candidate has had the editorial support of as many as 68 percent of America's daily newspapers, and never fewer than 54 percent. The Democratic nominee has had the backing of only 16, 15, 17, and 15 percent of the papers.

James Madison was chairman of the committee that drafted the first amendment. "Knowledge," he said, "will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it, is but a prologue to a farce."

For the future of our democracy we need an end to every trace of unnecessary secrecy in government—whether at the Federal, State, or local level, in the executive or legislative branch. We need affirmative programs to keep the people informed. We need a press that should be fair and must be free.

With all of these, we might just squeak by.

PANAMA CANAL ZONE: SOVEREIGNTY AND PROTECTION

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Flood] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLOOD. Mr. Speaker, in an address to this body on May 5, 1964, entitled, "Under Two Flags: Blunders, Confusion, and Chaos at Panama," I emphasized the prime cause of our problems in the Canal Zone, and quoted an extended correspondence with that department in support of my views.

Two of the most alarming actions by our officials as regards the canal were: First, the 1960 formal display of the Panama flag in the Canal Zone, which served to confuse the question of sovereignty and opened the door to chaos; and second, an attempted hiring of Panamanian nationals in 1964 as members of the Canal Zone police force.

The original single-flag display in the zone during the last 4 years has been extended to numerous additional places and caused the removal of the U.S. flag from certain important sites, such as the Governor's mansion. The hiring of aliens as Canal Zone police, because of its condemnation in the Congress as being tantamount to treason, has been delayed but this dangerous proposal has not been abandoned. Does this mean that after the adjournment of the Congress this plan will be put into effect just as was the case in the 1960 flag display?

Our late distinguished chairman of the Committee on Appropriations, Representative Clarence Cannon, in a move to help bring order out of confusion and chaos in the Canal Zone, introduced House Concurrent Resolution 105 in the first session of the present Congress to clarify and make definite our treaty bases policy as regards the Canal Zone and Panama Canal.

My able and distinguished colleague from Ohio [Mr. Bow] and I introduced identical measures. All of these—House Concurrent Resolutions 105, 113, and 120—are before the Committee on Foreign Affairs, which, as yet, has not acted thereon. It is understood that elements in the Department of State oppose this greatly needed declaration of policy because such action might offend Panama. Instead, such action by the Congress would actually benefit both Panama and the United States because it would uphold the indispensable authority of our Government in the exercise of its grave responsibilities with respect to the operation and maintenance of the canal.

The legislative commission of the American Legion, in a letter dated July 28, 1964, forwarded to me copies of the resolution of its 1963 annual convention opposing surrender of U.S. jurisdiction over the Canal Zone and Panama Canal and supporting House Concurrent Resolution 105, and of the commission's June 18, 1964, letter to Senator Allen J. Ellender in opposition to the employment of Panamanian nationals as members of the Canal Zone police force.

The vital question of U.S. policy as to the Panama Canal is not one of partisan character but a matter to be decided on the highest plane of statesmanship in which the Congress is the ultimate authority. It would, indeed, be splendid if both of the two great political parties would unite in upholding the indispensable authority of the United States in the premises. I have not the slightest doubt that such unity would be welcomed by the citizens and taxpayers of our country.

In these connections, I would again stress that the two current key problems relating to the Panama Canal are sovereignty and protection, which certainly cannot be dealt with by half measures. Thus, in line with the considered views of such organizations as the American Legion and many others which have formally expressed their stands, I again urge prompt action on House Concurrent Resolution 105 and on legislation to prohibit employment of aliens in security positions in the Canal Zone.

In reply, Mr. Speaker, to elements in our Government who have shown their readiness to liquidate U.S. control over the Canal Zone and Panama Canal, I would ask the question: With how much less authority than that granted the United States by treaty and which it has always exercised, can our Nation perform its treaty required canal functions for the benefit of the entire world? Let some responsible authority in the executive branch answer this question. The people of our country and the Congress would like to have the answer.

The previously cited papers and House Concurrent Resolution 105 follow:

THE AMERICAN LEGION,
Washington, D.C., July 28, 1964.

Hon. Daniel J. Flood,
House of Representatives,
House Office Building,
Washington, D.C.

Dear Congressman Flood: Thank you very much for your letter of July 24, 1964, in connection with House Concurrent Resolution 105 and your suggestion that the American Legion may wish to support this resolution.

I am happy to advise you that the American Legion is on record in support of House Concurrent Resolution 105 on the basis of resolution No. 335, adopted at the 1963 national convention, a copy of which is enclosed. We wrote to the Foreign Affairs Committee on June 12, 1963, requesting an opportunity to testify in support of this resolution when hearings were scheduled. Apparently the committee has taken no action to consider this measure.

In connection with the same general subject, we recently wrote a letter to Senator Allen J. Ellender, chairman of the Appropriations Subcommittee on Public Works, protesting the plan announced by the Governor of the Canal Zone to hire Panamanian citizens as policemen within the Canal Zone. A copy of our letter is also enclosed.

We appreciate your concern in these matters. I am sure you appreciate the fact that our organization can do very little if the House Committee on Foreign Affairs does not schedule the resolution for consideration.

With best wishes, I am,

Sincerely yours,

John S. Mears,
Assistant Director.

RESOLUTION 335

Resolution of the 45th Annual National Convention of the American Legion, Miami Beach, Fla., Sept. 10–12, 1963

Committee: Foreign Relations.

Subject: Surrender of U.S. jurisdiction over the Canal Zone and the Panama Canal opposed.

Whereas the United States, by treaty with the Republic of Panama, acquired complete and exclusive sovereignty over the Canal Zone, in perpetuity, for the construction, maintenance, operation, sanitation, and protection of the Panama Canal; and

Whereas because of continuing claims of sovereignty over the Canal Zone by Panama which, if granted, would liquidate U.S. control of the Panama Canal and the Canal Zone, it is deemed necessary and timely that the American Legion continue to oppose any effort to relinquish U.S. sovereignty over the Panama Canal and the Canal Zone, and to support all legislation aimed at preventing further erosion of our Government's exclusive control over the Panama Canal Zone: Now, therefore, be it

Resolved by the 45th Annual National Convention of the American Legion, assembled in Miami Beach, Fla., September 10–12, 1963, That the American Legion insists that the Government of the United States make clear to the Republic of Panama that the sovereign rights, power, and authority of the United States within the Canal Zone are not negotiable, and that there will be no treaty with Panama liquidating or changing our control over the Panama Canal; and be it further

Resolved, That the American Legion support and endorse all legislation introduced into Congress supporting our objectives on this subject including, but not limited to, House Concurrent Resolution 105 of March 4, 1963; and be it further

Resolved, That this legislative objective (and the reasons therefor) be given the widest possible news coverage through American Legion publications and other available news media; and be it further

Resolved, That the provisions of resolution No. 230 of the 1962 national convention are hereby reiterated and reemphasized.

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMISSION,
Washington, D.C., June 18, 1964.

Hon. Allen J. Ellender,
Chairman, Subcommittee on Public Works,
Senate Committee on Appropriations,
Senate Office Building, Washington, D.C.

Dear Chairman Ellender: This is in connection with H.R. 11579, the public works appropriations bill, which passed the House of Representatives June 16, and which we understand will be assigned to your subcommittee for consideration.

The American Legion is concerned with that portion of the bill which would provide funds for the salaries of policemen for the Panama Canal Zone. We understand that it is the intention of the Governor of the zone to use these funds to hire policemen without regard to their nationality.

It is our firm conviction that the hiring of Panamanian nationals as Canal Zone policemen would be but another step in a series of actions undertaken by our Government as an appeasement measure which will ultimately lead to a worsening of an already undesirable situation.

In January of this year, immediately following the January 9, 1964, attack upon the Canal Zone by Panama citizens, our national commander, Daniel F. Foley, sent a telegram to President Johnson in which he said: "The American Legion has observed with increasing concern the deteriorating situation involving the Panama Canal Zone. This organization fully supports the position taken by the administration that the treaty with Panama in giving the United States exclusive sovereignty over the Canal Zone in perpetuity is not negotiable." To the best of our knowledge this position of our Government with respect to the treaty with the Government of Panama has not changed. We are at a loss to understand why the Governor of the Canal Zone, Robert J. Fleming, Jr., apparently on his own initiative, would decide to take such a step in the wake of the January 1964, riotous attack upon the Canal Zone, and in the light of our Government's announced position.

This proposal, combined with the flying of the Panamanian flag beside our own, the use of Panamanian stamps, and the recognition within the Canal Zone of exequaturs issued by the Republic of Panama, are not only acts of appeasement on our part, but result in giving to the Government of Panama the indicia of sovereignty and control it so desperately desires. We say "desperate" because there is strong evidence the Panamanian Government condoned and abetted the illegal riots of January last in its efforts to achieve its goal.

There can be no doubt that such acts are not in the best interest of the United States. In the case of *Doyle* v. *Fleming* (Civil No. 5456, U.S. District Court for the District of the Canal Zone, Balboa Division), Judge Guthrie F. Crowe in his memorandum opinion of July 8, 1963, made the following observations: "It may well be that the acts of defendant, Fleming, in raising the flag of Panama daily beside that of the United States, using stamps supplied by Panama and recognizing in the Canal Zone exequaturs issued by the Republic of Panama are against the interests of the United States and its citizens and taxpayers. Certainly such actions are confusing and not understood. The flying of two national flags side by side in a disputed territory for an undeclared purpose is a position of weakness that can lead to further misunderstanding and discord."

This decision, of course, was rendered in connection with the flag issue and prior to the announcement that Panamanian nationals would be hired as Canal Zone policemen. However, Judge Crowe went on to say, "The people living in the Canal Zone are entitled to police protection, adequate courts, orderly government, health programs, and all of the things that stem from the sovereign. When the sovereign is uncertain and in doubt these fundamental rights are of necessity weakened and may be lost." It is inconceivable that the Governor of the Canal Zone now proposes to hire as policemen, individuals who owe their allegience to the flag of Panama, and who may have been members of the violent mob which invaded the Canal Zone, and to entrust them with the duty and responsibility of providing the police protection due U.S. citizens by our Government.

There is a further danger in this move. In an address by Ambassador Ellsworth Bunker, Representative of the United States, Council of the Organization of American States, on January 31, 1964, in reference to the January 9, 1964, riots, the following statement was made: "If an investigation is made * * * it will show that violent mobs, infiltrated and led by extremists, including persons trained in Communist countries for political action of the kind that took place, assaulted the zone on a wide perimeter setting fire to buildings inside the zone and attacking with incendiary bombs and rocks the people who were inside. It will show that the Government of Panama, instead of attempting to restore order, was, through a controlled press, television, and radio, inciting the people to attack and to violence." These allegations have recently been substantiated by the OAS investigating team composed of impartial jurists. Who can say that it would not be possible for subversive agents to be hired as Canal Zone policemen? If another riot occurs, who can say what side these foreign nationals will take? Also, if some are subversive, who can say what terrible deeds they may commit during such a riot while clothed in a uniform of the United States.

The American Legion is deeply concerned over this matter and urges you and the members of your subcommittee to restrict the use of funds for the payment of salaries of policemen in the Canal Zone to U.S. citizens. We make this request because we consider the hiring of Panamanian nationals to perform police duty in the zone to be incompatible with the stated policy of this Government concerning our treaty rights in the Canal Zone and is not in the best interests of the United States and its citizens.

In conclusion, Mr. Chairman, we would appreciate it very much if you would incorporate this letter in the printed record of the hearings on this bill. Enclosed is a copy of resolution No. 27, on this subject, which was adopted by the national executive committee at its meeting in Indianapolis, Ind., April 30 to May 1, 1964. We believe it would be appropriate if this resolution was also included in the record of the hearings.

With best wishes, I am,

Sincerely yours,

CLARENCE H. OLSON,
Director.

H. CON. RES. 105

Whereas the United States, under the Hay-Bunau-Varilla Treaty of 1903 with Panama, acquired complete and exclusive sovereignty over the Canal Zone in perpetuity for construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

Whereas all jurisdiction of the Republic of Panama over the Canal Zone ceased on exchange or ratifications of the 1903 treaty on February 26, 1904; and

Whereas since that time the United States has continuously exercised exclusive sovereignty and control over the Canal Zone and the Panama Canal; and

Whereas where the responsibility is imposed there must be given for its effectuation adequate authority; and with respect to the Panama Canal the treaty of 1903 so provided; and

Whereas the United States has fully and effectively discharged all its treaty obligations with respect to the Panama Canal and the only legitimate interest that Panama can have in the sovereignty of the Canal Zone is one of reversionary character that can never become operative unless the United States should abandon the canal enterprise; and

Whereas the policy of the United States since President Hayes' message to the Congress on March 8, 1880, has been for an interoceanic canal "under American control," that is to say, under the control of the United States; and

Whereas the grant by Panama to the United States of exclusive sovereignty over the Canal Zone for the aforesaid purposes was an absolute, indispensable condition precedent to the great task undertaken by the United States in the construction and perpetual maintenance, operation, sanitation, and protection of the Panama Canal, for the benefit of the entire world; and for which rights, the United States has paid the Republic of Panama the full indemnity and annuities agreed upon by the two nations; and

Whereas on February 2, 1960, the House of Representatives in the Eighty-sixth Congress, by an overwhelming vote, approved H. Con. Res. 459, favorably reported by the Committee on Foreign Affairs, as follows:

"*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that any variation in the traditional interpretation of the treaties of 1903, 1936, and 1955 between the United States and the Republic of Panama, with special reference to matters concerning territorial sovereignty shall be made only pursuant to treaty"; and

Whereas, because of continuing claims of sovereignty over the Canal Zone by Panama which, if granted, would liquidate United States control of the Panama Canal and Canal Zone a further declaration by the Eighty-eighth Congress is deemed necessary and timely: Now, therefore, bt it

Resolved by the House of Representatives (the Senate concurring), That (1) the United States, under treaty provisions, constitutionally acquired and holds, in perpetuity, exclusive sovereignty and control over the Canal Zone for the construction of the Panama Canal and its perpetual maintenance, operation, sanitation, and protection; and

(2) That there can be no just claim by the Republic of Panama for the exercise of any sovereignty of whatever character over the Canal Zone so long as the United States discharges its duties and obligations with respect to the canal; and

(3) That the formal display of any official flag over the Canal Zone other than that of the United States is violative of law, treaty, international usage, and the historic canal policy of the United States as fully upheld by its highest courts and administrative officials; and will lead to confusion and chaos in the administration of the Panama Canal enterprise.

(4) That the provisions of House Concurrent Resolution 459, Eighty-sixth Congress, are reiterated and reemphasized.

THE AMERICAN GUILD OF VARIETY ARTISTS GIVES THANKS TO PRESIDENT LYNDON B. JOHNSON

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the July–August 1964 issue of the AGVA News, published by the American Guild of Variety Artists, contains a letter from the AGVA to President Lyndon B. Johnson. This letter expresses the appreciation by the members of the guild for the manner in which President Johnson took over the reins of Government on that terrible day last November when President Kennedy was assassinated. That day and the ones that followed were a critical time, and this democracy was faced with one of the most serious tests of its history; namely, whether in an open society a representational form of government can successfully change its chief executive upon the death of its elected President. We have lost Presidents before. But never in the nuclear age when international tensions constantly pose a threat to world peace. The test has been met, thanks to the orderly procedures established by our laws and thanks to President Lyndon B. Johnson. As the AGVA states in its letter to the President:

> All the world and all America can never forget how you took over the reins of government without the heart or the pulse of our country skipping a beat.

With unanimous consent of the Members of this House, I am inserting the letter from the American Guild of Variety Artists to the President in the RECORD.

> The Honorable LYNDON B. JOHNSON.
>
> MY DEAR MR. PRESIDENT: All of the world and all of America can never forget how you took over the reins of government without the heart or the pulse of our country skipping a beat.
>
> The battle for survival and human decency cannot be yours alone. All of us have a stake in your fight for civil rights, antipoverty, old-age security, juvenile decency and insurance for peace. The people of the entertainment world have always been in the frontline trenches in every fight for human dignity. We now offer you our talents and our hearts to help you in this battle for the freedom of the world. All you have to do is call on us, and we will be ready to help.
>
> Yours very sincerely,
>
> AMERICAN GUILD OF VARIETY ARTISTS,
> JOEY ADAMS, *President*.

GOLDWATER GIVES COMFORT TO THE EXTREMISTS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, if there was any doubt as to which elements in our society the now infamous apology for extremism in the Republican nominee's acceptance speech was intended to attract and benefit, that doubt has been dispelled by the manner in which the extremists and fanatics themselves have taken that statement to their bosoms. One such rightwing extremist is Dan Smoot, who publishes the Dan Smoot Report, a weekly magazine, in Dallas, Tex.

Smoot formerly was the commentator for 3½ years for H. L. Hunt's "Facts Forum," a now defunct radio program famous for its belief that "a democracy is the most evil kind of government possible." And Smoot has stated that "modern liberalism, communism, and fascism are all essentially the same."

In the Dan Smoot Report dated August 10, 1964, he has this to say:

> "Every conservative should remember and live by the splendid lines from Senator GOLDWATER's acceptance speech at San Francisco:
>
> "* * * extremism in the defense of liberty is no vice * * * moderation in the pursuit of justice is no virtue."

No amount of pussyfooting over that statement, no second thoughts about it, no interpretations, interpolations, translations, or explanations can change the fact that this statement is equivalent to the proposition that the ends justify the means. That proposition, of course, is the one by which Adolph Hitler lived, and by which millions of his victims died.

PROPOSED LEGISLATION ON CONFLICT OF INTEREST AS IT AFFECTS MEMBERS OF CONGRESS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. HANNA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HANNA. Mr. Speaker, I have this day introduced a bill which attempts to give constructive attention to the problem of conflict of interest as that problem affects Members of Congress. It has seemed to me that there exists some irrefutable argument for public interest in the private holdings of public servants including elected representatives. It is equally clear that there exists ample justification for the concern of officeholders that any disclosure would be distorted and abused by his political opponents. The difficulty then comes of giving a public disclosure to that extent which assures that some objective third-party assessment of possible conflict situations has been made and the results of the determination published.

The bodies of the House or the Senate nor any components thereof could scarce place themselves in the position of determining the seating of a member on the difficult problem of conflict of interest. It is so much a matter of degree and is a value judgment best left to the people who select their representative. These bodies or their appropriate committee could and should provide a mechanism whereby the member could make his disclosure of private holdings in a forum untainted by political distortion and could allow that forum to publish the conclusion as to whether any substantive question of conflict of interest is present.

The average representative is on the horns of a particularly difficult and painful dilemma. If he wishes to make a disclosure which would remove all doubt as to his condition and status, there exists no appropriate machinery for such disclosure. An offer to so disclose, without adequate mechanism, is apt to be a self-serving declaration. On the other hand unless the disclosure for those persons who have some outside involvements and interests are intelligently handled, a matter of slight significance could be cast by political opponents in a garb or setting to make such matter of extreme importance in a given campaign.

Conflict of interest is a very complex thing. There is the obvious point where all agree that conflict exists. Such as where a Representative or Senator has a pecuniary interest in a contract made by the Government and where his decision aids in the commitment of his Government to the contract. There are the cases where the Representative acts on a fee to serve a client in the same place where he would be obligated to act as an official for a constituent. If he uses his office for a fee as he is elected to use it for service, a conflict is obvious. Where the judgment becomes more difficult is the instance where the Representative has some stock or other ownership interest in a business activity affected affirmatively or adversely by legislation which lies before a committee of which he is a member.

Here the field ranges wide. His interest may be small in comparison to the total ownership. His particular interest may be in a particular segment of a large class so to be affected. A question of degree of self-interest may here be raised. Again it can be argued that within any committee there should be men experienced in the matters upon which they must make decisions. Such experience ordinarily follows from interest and activity in the field. This does not of itself necessarily dictate that such a person will pursue self-interest in conflict with or contrary to public interest. Here it would seem that if full disclosure has been made as to what the self-held interest is, the constituency could judge against the record of the Member as to whether public trust has been abused.

I have attempted in the proposal set before this body to provide a simplified and direct machinery for disclosure by individual Members. This disclosure is to a committee of his peers in the body in which he serves. These peers are to judge the disclosure and the Members committee assignments and determine the question of conflict. They are to thereafter make findings and publish them annually. The bill provides first, for constitutionality of the measure as a law establishing rules for both Houses. Second, filing by Members of a copy of income tax forms to disclose annual income and inventory of property to show assets. These are filed with the Committee on Rules and Administration in the Senate, and the Committee on House Administration in the House of Representatives. The committees may request further information if deemed necessary for a finding or may waive such filings as are deemed unnecessary for such findings. The findings shall report the presence or absence in the committees' judgment of a substantial question of conflict of interest with respect to questions of public policy coming before the committee to which the Member has been assigned. Objections to findings may be filed by Members adversely affected. The bill leaves to the judgment of the electors of respective constituencies the question of the Members continued service in the light of the findings.

A Member may or may not submit the required documents. In the absence of such filings the committee would simply report the failure to file.

There may be and probably are valid criticisms to the approach here attempted. It may be asserted that many persons will refuse to make themselves available for office, if they are to lose the privacy of their personal affairs. However that may be, it does seem that some approach which shows respect for the integrity of the Member and respect for the right of the public to make a selection based on an appraisal of a particular candidates private interest in public policy should be devised.

SCIENCE AND TECHNOLOGY

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. DADDARIO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. DADDARIO. Mr. Speaker, in a complex industrial society such as ours where the impact of science and technology is daily becoming more direct and influential, the Congress has a responsibility to itself and the American people to maintain and continually upgrade its ability to interpret and utilize available scientific information. As the amount of Federal support in the fields of science rises above $15 million, the need to pinpoint the kinds and types of scientific information and advice that can be useful to Congress in determining national policies becomes clear.

As a result of this need I asked the committee staff of the Subcommittee on Science, Research, and Development, to make a preliminary investigation to inventory and assess the ways in which existing sources already available to the committees charged with handling scientific and technological issues can be made more effective. The study has recently been published and is the fourth such report this year in the subcommittee's continuing study of the complex relationships between Government and science. The study, while not conclusive, suggests that the nature of the problem may be somewhat different in character than has been supposed and that steps are now available to help solve it. The needs appear to have a stronger policy and management flavor than a technical direction.

The strengthening of existing channels of aid and the use of others that have been less than fully employed can go a long way in providing for congressional requirements. Several specific recommendations are increased use of ad hoc consultant groups; improved liaison with the President's Office of Science and Technology, the Academy of Sciences, and the proposed Academy of Engineering; the strengthening of committee staffs; and the improvement of the scientific divisions of the Legislative Reference Service. Perhaps the most important recommendation is for closer cooperation among the different congressional committees which deal with varying facets of the same scientific or technological problems.

The critical need for Congress to study and evaluate its uses of scientific information cannot be minimized. It is imperative that we be prepared to assemble the necessary information for Congress to make complex policy decisions in order to meet national goals. As I have indicated we are more concerned with the policy of the decision than its technical aspects. In making these decisions the translation and conversion of scientific and technical information into policy terms is essential.

This staff study is important in meeting these needs and furnishes insight into the problems which Congress faces daily. It highlights these needs which will require further definition as the Congress faces increasingly technical decisions in the years to come.

ELECTRON MICROSCOPES—NECESSITY FOR PROTECTING DOMESTIC MANUFACTURERS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from New Jersey [Mr. CAHILL] is recognized for 15 minutes.

Mr. CAHILL. Mr. Speaker, in June of 1961, H.R. 3385 passed the House of Representatives and was later signed into law by the late President John F. Kennedy. This bill exempted foreign manufacturers of electron microscopes from payment of import duties. The bill was enacted under the impression that there were no domestic manufacturers of electron microscopes in the United States. Mr. Ikard, of Texas, and Mr. MILLS, chairman of the House Committee on Ways and Means later acknowledged that at the time H.R. 3385 was passed it was their sincere belief and conviction that electron microscopes could only be obtained from foreign manufacturers. Had the facts as they existed been known to the House of Representatives and to the other body, I am certain that H.R. 3385 would never have passed and never would have been signed into law by the President. I have introduced H.R. 9787 which I hope will be acted upon in the House of Representatives before the 88th Congress concludes its work. The purpose of this discussion today, Mr. Speaker, is to inform the Congress of the background of electron microscopes and to set forth the true facts concerning this important field. First, let me say that there are two general classes of electron microscopes in use throughout the world. The vast majority of those used for basic research are complex, sophisticated instruments and are priced above $30,000. Radio Corp. of America is the only domestic manufacturer of electron microscopes in this category. The statements contained herein apply to these more sophisticated instruments.

The second class of electron microscope is less complex and does not have the performance capabilities of the basic research type of instruments. Their price is approximately half that of the larger units. Several foreign manufacturers offer microscopes in both categories; however, the only domestic manufacturer of these less complex instruments is Mikros, Inc., a small business firm in Portland, Oreg.

Mr. Speaker, the electron microscope is the only instrument which reveals the appearance—size, shape, and organization—of otherwise invisible structures. It is unique because it provides magnifications many thousands of times greater than those possible with even the finest light-optical microscopes. Useful magnifications of up to 1 million times enlargement are often obtained. To the scientist, the electron microscope plays the same analytical function as the eyes do to the general medical practitioner.

The polio virus was first seen and protective vaccines were developed with the assistance of the RCA electron microscope. Viruses widely believed to be causes of cancer were also first seen on an electron microscope and already several hundred instruments are in use in this country in cancer research. The ready availability of the electron microscope has completely revolutionized the science of biology, and its effect promises to be greater than that caused in physics by the development of instruments capable of detecting atomic particles. Through it the practical medical fields of immunology, pharmacology, and pathology have and will continue to benefit tremendously.

Almost every field of science has profited greatly by the development of the electron microscope. Completely new areas of metallurgical progress are providing materials for space technology and modern industry, an outgrowth of the ability to see the basic structure of materials. Major strides have been made in the field of chemistry, particularly in the development of synthetic fibers and plastics. Important discoveries have been made in the field of solid state science, so necessary to the development of transistors for the electronic and space industries.

It is essential that the United States preserve the present skills and capabilities in this increasingly important field of electron-optical instrumentation.

Mr. Speaker, some question may be raised in a Member's mind concerning the performance of domestic microscopes as compared to foreign manufactured microscopes. Since RCA is the sole domestic producer, let me say something about this domestically produced microscope.

RCA electron microscopes with standard and optional features are scientifically equivalent and, in some respects, superior to any electron microscope being manufactured in the world. While these instruments differ in their basic design features, the research functions which they accomplish are identical. The RCA instrument is designed to be the most productive electron microscope and is noted for its ease of operation by multiple operators. However, it is also capable of performing any scientific task that is possible on foreign units.

The Commerce Department Report of May 16, 1960 to the House Committee on Ways and Means relative to H.R. 11573, pertaining to duty-free importation of two electron microscopes for specifically named institutions, stated:

> 1. The German and United States produced instruments are not identical in physical construction.
>
> 2. The functional or performance characteristics of the two instruments are not precisely identical although performance may be equal in the hands of competent operators.
>
> 3. The U.S. instrument has been on the market since 1940 but recent improvements have not been fully evaluated in various normal laboratory applications. The U.S. manufacturer claims substantially identical performance and in some respects superior performance.
>
> The Department concluded that the United States, German, and Japanese instruments are competitive pieces of equipment and that therefore there existed no basis for an exception to dutiable status for imports of such articles.

Dr. C. E. Hall, associate professor of biophysics at Massachusetts Institute of Technology, who has been active in electron microscopy for over 24 years and is recognized as one of the world's foremost authorities in the field, has recently stated:

> Microscopes of American manufacture are being produced which are the scientific equivalent of any electron microscope manufactured abroad.

RCA has been supplying electron microscopes to medical, biological, industrial, and defense laboratories since 1940. There have been, of course, many developments and improvements since that time and more should occur in the future. The design of RCA's microscopes and accessories, as they have been developed and improved, permits the interchangeability of various parts and accessories, so that new developments can be added to microscopes already in the field.

Claims of superiority by foreign manufacturers which at first glance may seem valid, on analysis can be shown to be misleading. As a case in point let us consider "resolving power" which may be defined as the smallest particle which an electron microscope reveals as a separate entity. This is always expressed in angstrom units—one angstrom equals one two hundred and fifty millionths of an inch—and the lower the number the better the resolving power of the instrument. This is the most important criteria in evaluating the capability of an electron microscope, yet there is no recognized uniform procedure for measuring this capability.

Resolving power cannot be meaningfully compared unless one knows the kind of specimen used, defines the measurement criteria employed, and specifies the percentage of the time this resolution can be achieved. When this is done all the microscopes cited are comparable in resolving power. See attachment B. As for magnification, the "useful magnification" of an electron microscope fundamentally is determined by its resolving power in which all these microscopes are comparable. One can easily magnify a specimen by, let us say, 1 million times. But, if at 1 million times magnification one cannot see greater detail than at 100,000 times, the effort is worthless. In such a case the "useful magnification" is still only 100,000 times. The RCA microscope can magnify specimens 200,000 times which is comparable to all other units.

Mr. Speaker, what was the situation between domestic and foreign manufacturers of electron microscopes when the import duty was applicable and what is the situation today?

Removal of the tariff has placed RCA, the only U.S. manufacturer of advanced research type microscopes, at a decided disadvantage. Since a very high percentage of all electron microscopes sold in the United States are purchased by nonprofit organizations, the ultimate consequence of the tariff removal from these instruments can be extremely serious to the domestic manufacturer. A review of RCA sales from 1953 to January 1, 1964, shows that 83 percent of its domestic sales were to nonprofit organizations.

At the present there are five major foreign manufacturers of electron microscopes whose instruments are sold in the United States either through domestic subsidiaries or through domestic organizations which act as manufacturer's representatives. These five are Siemens & Halske of West Germany, Hitachi & JEM—Japan Electron Optics Laboratory Co., Ltd.—of Japan, Phillips Electronics of Holland, and Associated Electrical Industries of England. In addition to these, Akashi & Shimadzu of Japan and Zeiss of Germany, though not in the major category at present, can be expected to increase their sales activities in the United States in the future because of the price advantage the removal of customs duty affords them.

A comparison of prices currently quoted by domestic and major foreign manufacturers of advanced research type electron microscopes is revealing.

Manufacturer and model	Price with tariff (now applies to approximately 15 percent of market)	Price without tariff (applies to approximately 85 percent of market)
RCA EMU-3G (domestic)	$36,725	$36,725
Siemens & Halske (Germany)	38,632	31,720
Hitachi HU-11 (Japan)	36,500	31,000
Phillips EM-200 (Holland)	[1] 45,100	41,000
J.O.E.L. JEM-6A (Japan)	33,247	28,402
AEI EM-6 (England)	[1] 43,000	[1] 37,500

[1] Estimated.

These figures plainly show that the domestic and foreign electron microscopes were competitively priced while the tariff was in effect. With the tariff removed, however, foreign manufacturers are given a greatly unfair advantage.

Mr. Speaker, what effect has H.R. 3385 had upon the domestic user of foreign-made electron microscopes? Certainly the intent of Congress in passing H.R. 3385 was not to subidize the foreign manufacturers of electron microscopes to the detriment of the domestic manufacturer. Yet, as the chart below clearly indicates, this actually has the effect of the removal of custom duty.

	Price with duty	Price without duty	Actual dollar reduction passed along to nonprofit organization	Actual price reduction (in percent) passed along to nonprofit organization
RCA EMU-3G (domestic)	$36,725	$36,725	----------	----------
Siemens & Halske (Germany)	38,632	31,720	$6,912	17.9
Hitachi HU-11 (Japan)	36,500	31,000	5,500	15.1
Phillips EM-200 (Holland)	[1] 45,100	41,000	4,100	[2] 9.1
J.O.E.L. JEM-6A (Japan)	33,247	28,402	4,845	14.6
AEI EM-6 (England)	[1] 43,000	[1] 37,500	5,500	12.7

[1] Estimated.

[2] Phillips claims that it imports its microscopes in a partially disassembled state, therefore its instruments were subject to only 10 percent customs prior to removal of the tariff.

As these figures indicate, some foreign manufacturers of electron microscopes have apparently taken advantage of the removal of the tariff by raising their base price to the nonprofit organizations. The effect is that the nonprofit organization gets as little as 15.1-percent reduction in price.

It shoud be pointed out here that Hitachi, Siemens, and Phillips rank among the largest corporations in the world.

As might be expected, Mr. Speaker, this unfair competition has had a tremendous effect upon the domestic customer and only a further deterioration of the situation can be expected unless the tariff on electron microscopes is reinstated.

Electron microscopes are expensive instruments and the time cycle from initial sales contact or application for funds to actual purchase is usually a year and a half or more in length. For this reason the effect of tariff removal was only partially evident in 1962. Other factors were: the Japanese instruments were just beginning to find acceptance in the United States; the German instrument was in limited production; the Dutch had just introduced an advanced model; the British had made no serious effort to sell their microscopes here. This picture changed markedly in 1963 when RCA sales dropped by 25 percent. During the early months of 1964 these foreign manufacturers have greatly increased their sales efforts to capitalize on the tariff exemption. Hence, this trend can only be expected to worsen.

The domestic manufacture and sale of electron microscopes is a business. As such, the funds which become available for research and engineering to continually improve the electron microscope and to anticipate and meet the needs of electron microscopists are directly dependent on sales. This continuing deterioration of sales will make it progressively more difficult for RCA to provide the American community of scientists with instruments suitable to their requirements.

It is obviously of extreme importance to these scientists that electron microscope instrumentation keep pace with the present technological explosion. The best guarantee that this need will be realized is to maintain an equitable competitive situation between the domestic and foreign manufacturers of electron microscopes.

The chart clearly illustrates the trend of sales of RCA electron microscopes before and after removal of tariff. Combined sales of all manufacturers of electron microscopes exhibit a steady growth pattern. In view of the constantly increasing funds being allocated to research, this overall growth can be expected to continue and possibly accelerate. RCA sales of these instruments, however, show a drastic decline which unquestionably can be attributed to the unfavorable competitive position in which it has been placed by removal of tariff protection.

In conclusion, Mr. Speaker, let me urge that the tariff on electron microscopes be reinstated.

THE LATE HONORABLE JOHN B. BENNETT

The SPEAKER pro tempore. Under previous order of the House the gentleman from Michigan [Mr. Ford] is recognized for 1 hour.

EXTENSION OF REMARKS

Mr. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend and revise their remarks following mine in the Record at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD. With the tragic and unexpected passing of our late colleague, John B. Bennett, all of us have lost a mighty good friend, a most able legislator, and a truly dedicated American.

In his 59-plus years John Bennett lived a constructive and productive life. In his 20 years in the House of Representatives he made solid contributions on vitally important legislation that came from the committee on which he served so ably, the Committee on Interstate and Foreign Commerce.

In the investigative field John Bennett was fearless and unbiased. The Committee on Interstate and Foreign Commerce has wide legislative jurisdiction with the important responsibility of constantly checking the administrative agencies under its control. John Bennett in his quiet but determined manner spearheaded many investigations that were for the public good. He has left an indelible mark as a member of strength in this great committee that has so much to do with the health and welfare of the American people.

His early life trained him well for his 20 successful years as a Member of the House of Representatives. Born in Garden, Mich., on January 10, 1904, he attended the public schools, graduating from Watersmeet High School in Michigan.

John Bennett earned his degree from Marquette University Law School in 1925 and took postgraduate work at Chicago University Law School. He was a member of the Wisconsin and Michigan bars.

From 1929 to 1934 John Bennett was prosecuting attorney for Ontonagon County and deputy commissioner of the Michigan State Department of Labor and Industry 1935–37.

He began his congressional career January 3, 1943, serving in the 78th Congress. John Bennett, after an interim of 2 years, was reelected to the House of Representatives in 1946 and served consecutively for the succeeding Congresses until his death.

It has been said many times by countless citizens of the district that John Bennett was their friend. He listened to their problems and diligently sought action on their behalf. No problem was too great, no roadblock too difficult as he conscientiously worked for the individual and collective best interests of his constituents, his State, and the Nation.

It grieves us all that we have lost a humble friend who was a tower of strength as he quietly and effectively did his job.

Mrs. Ford joins me in extending our most sincere sympathy to his lovely and loving wife and to all members of his family.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. Knox].

Mr. KNOX. Mr. Speaker, in this dark hour of sadness over the death of our honored and able colleague, John B. Bennett, I stand in the well of the House filled with sorrow and deprived of words adequate to pay tribute to this departed American who served his Nation, State, and district so well.

In terms of tenure John Bennett was dean of the Michigan congressional delegation; in terms of devotion to country John Bennett had no peer. He loved the district he represented and the honored record of accomplishment he leaves is a tribute to the devotion which he brought to his onerous duties. Over the past several years John Bennett and I have worked closely together representing the northern area of Michigan. In this common endeavor my departed colleague consistently proved himself a stalwart and capable legislator. He worked with resourcefulness and diligence in behalf of any cause he knew to be just.

Mr. Speaker, John Bennett and I were close personal friends for many, many years. Our social life was close. We visited back and forth in our homes. We played golf together, we lunched together and we were at dinners together.

Mr. Speaker, I might say his attainments speak for themselves and need neither elaboration nor enumeration by me. Suffice it to say that America is a better place today because John Bennett devoted his life to public service. He has been a leader in such major fields of legislative concern as conservation, transportation, health and safety, community improvement, resource development, and communications. In each of these areas he distinguished himself by the great contribution he made to the fulfillment of laudable objectives. He believed in and worked for the people.

Mr. Speaker, in the passing of John Bennett I have lost even more than a congressional colleague. I have also lost one of my most cherished and most respected friends. The closeness of my association with him makes the sadness of the hour a shattering experience. The ordeal of trying to pay adequate and appropriate oral tribute to a departed friend is never easy, but in this case the insufficiency of any eulogy I might utter fills me with anguish and distress for the worth of his friendship deserves better comment.

Mr. Speaker, John Bennett has gone to the reward of eternal peace that is promised to us all. To those of us who remain to carry on the work that he did so well there is his example to show us the way; to his close associates there is the memory of his friendship to sustain us now and for the rest of our time.

We are all grateful for the privilege of knowing John Bennett and serving with him in the Congress of the United States. We will not soon forget the meaning of his friendship nor the significance of his labors. Because we once knew John Bennett we will continue more ably in our endeavors in behalf of our country and the causes of individual liberty and human progress.

Mr. Speaker, our country is stronger and its future is filled with greater opportunity because John Bennett gave his life to a career of distinguished public service.

Mrs. Knox joins with me in extending our most heartfelt sympathy to the Bennett family in this time of bereavement.

Mr. FORD. Mr. Speaker, I yield to the gentleman from Indiana, the distinguished minority leader [Mr. Halleck].

Mr. HALLECK. Mr. Speaker, it is with profound sorrow that we mark the passing today of one of our most distinguised Republican colleagues, the Honorable John B. Bennett of Michigan, ranking minority member of the House Committee on Interstate and Foreign Commerce.

It has been my privilege to know John Bennett since he first came to Congress in 1943 and during our long years of association I came to admire him as an able and valuable legislator who served his country and his constituency well.

When the Republicans organized the House in the 80th Congress, I left the Interstate and Foreign Commerce Committee and John was assigned to it. Since that time we have shared a common interest in committee problems.

Mr. Speaker, a man's stature is revealed in many ways, but one of the most meaningful tests is the attitude of those closest to him—his friends, neighbors, and constituents—by those who knew him best through the years. By this measure, JOHN BENNETT was outstanding. No man in Michigan's Upper Peninsula was better known or more highly regarded.

I can testify from personal knowledge on this fact because I visited his district on many occasions, on campaign assignments, and was always impressed by the profound respect and admiration shown for our friend by all who knew him.

JOHN BENNETT was a conscientious legislator—hardworking, friendly, and modest. In his Congressional Directory biography he described himself simply as:

> JOHN B. BENNETT, Republican, of Ontonagon, Mich.; representing the smallest (in population) but the most important district in the United States; elected to the 78th, the 80th, and all succeeding Congresses.

Mr. Speaker, we will miss our departed colleague and friend. He will be affectionately remembered by all of us who had the privilege of serving with him in the Congress.

Mrs. Halleck joins me in extending our most sincere sympathy to Mrs. Bennett and to all members of the family.

Mr. FORD. Mr. Speaker, I yield to the distinguished gentleman from Illinois [Mr. ARENDS].

Mr. ARENDS. Mr. Speaker, nothing I can say will add to the stature of our distinguished colleague from Michigan, JOHN BENNETT. Nothing I can say will adequately express the loss I personally feel with his passing, nor the loss to the Congress.

The great contribution he has made to the work of the Congress stands forever on the records of the Interstate and Foreign Commerce Committee on which he so ably served and on the records of our deliberations on this floor. His words and deeds are a lasting monument to which the wise and honest can repair and from which all of us may draw inspiration.

JOHN's office has been next door to mine in the New House Office Building, now known as the Longworth Building. In the fullest sense, JOHN was a friend and neighbor of mine. A friend and neighbor I miss and shall long remember. Lasting in my memories will not alone be his many kindnesses to me as a friend but also will be a neighbor's knowledge of how long and diligently he, and his office, worked to serve the district of Michigan he represented.

There are many things I could say about JOHN BENNETT's work in Congress. But I do not believe I need say more than that no man served here more devoted to the people he represented, more devoted to his party and more devoted to his country. He was a man of convictions with the courage of his convictions.

JOHN BENNETT will be greatly missed by all of us. While now dead, he lives. He lives on the pages of history. He lives in our minds and hearts, and in the minds and hearts of all who were privileged to know him.

I extend my deepest sympathy to his wife and family. I hope they will find some consolation in the knowledge that his loss is not alone theirs, not alone ours, but is shared by countless others.

Mr. FORD. Mr. Speaker, I yield to the distinguished gentleman from Oklahoma, the majority leader [Mr. ALBERT].

Mr. ALBERT. Mr. Speaker, I join our colleagues from Michigan in their expression of grief over the death of our late colleague, JOHN BENNETT.

JOHN BENNETT was a distinguished and respected Member of this House. He was intelligent; he was wise; he was knowledgeable; he was genteel. He was a gentleman in all the finest connotations of that word. All who knew him loved him. He was a great man. His death was a great loss to this House and to the country.

Mr. FORD. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. HARRIS], chairman of the Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Speaker, it was with deep regret and a profound feeling of sorrow when I learned of the untimely passing of our colleague and my warm personal friend, JOHN BENNETT.

Mr. Speaker, when JOHN left Washington to go back to his district in June, I did not know that he was desperately ill, and neither did JOHN.

When I left here to go back to my district in early July, I did not know that he had gone to the hospital. I did not learn of his serious illness until I returned last Monday a week ago, August 3. He sent word to me from his hospital bed at Mayos about his condition. I was terribly grieved.

Mr. Speaker, when one has gone to school and has shared the school bench with a person for many years, when that person goes out of his life, one loses a part of his own life. When JOHN BENNETT passed away I lost a part of my own life, because for many years JOHN occupied the chair next to me on the rostrum of the Committee on Interstate and Foreign Commerce.

Mr. Speaker, when one sat next to JOHN as I did for many years, one gets to know this person rather intimately. It is hard even now for me to believe that JOHN's large frame will not be sitting next to me any longer, stretching those long arms high in the air and extending his fingers when he wanted to make a point. We were very close.

Mr. Speaker, JOHN confided in me, as is well known by members of our committee, and he confided in me about his condition 2 years ago when as we know he suffered, unfortunately, a heart attack. He had tried to preserve himself and to take care of himself during that time, having little thought and little idea that another dreaded disease would fall upon him.

Mr. Speaker, it was a warm and pleasant association that we had. I first knew JOHN when he came to the Congress in 1943. He was out for one term after his first term here and then came back. He became a member of the Committee on Interstate and Foreign Commerce in 1947. We have worked together during all these years.

Mr. Speaker, JOHN BENNETT was a very able person. I know this from my personal experience with him. He was a worthy adversary. He must have been a very able, effective and successful district attorney.

He served in that position and he was well trained for the work he had to do here in the Congress in representing his own people, his district, State and Nation.

We, of course, disagreed on occasion. We have had sharp controversies, but he was always warm and friendly, and he was generally cooperative. Being the ranking member of his own party on the committee, he had a lot of confidence in me, and I had a lot of confidence in JOHN. He was devoted to his work if ever a man in this House was.

He was a man of sterling character, a devoted Christian, devoted to his family. I heard him talk about them so often. So I shall always fondly remember him.

JOHN would assume this pose rather frequently because when any piece of legislation came before the committee he would unhesitatingly state his views. He was fiercely independent in his thinking. He was a rugged individual. He went all out in representing his constituents and if he felt they would benefit by a particular program, he did not care whether such a program might happen to be sponsored by a Democratic administration or his own party.

When our Subcommittee on Legislative Oversight had to investigate unsavory activities in Federal regulatory agencies, he proved to be a tenacious member. Painstakingly he went through the evidence which the staff had accumulated and fearlessly he cross-examined the witnesses without regard to what political party they might belong.

With JOHN's passing, a void has been created on our committee which will not be easily filled. JOHN's contributions to our committee's work have been numerous.

He was particularly concerned in protecting small investors from being exploited by promoters of phony securities. When scrutinizing new Federal programs designed to promote the health and welfare of our people he was careful to insist on minimizing Federal Government control and maximizing State and local initiative.

With JOHN BENNETT's passing all of us here in the House and each of his constituents have lost a loyal, conscientious and valuable friend. All of us here share with his family in their grief over JOHN's passing. It is our hope that their sorrows will be mitigated by the realization that JOHN has lived a rich life, that he was proud and fond of his work, his family and his associates. No man would want to ask for more than that.

Mr. Speaker, all of us who have known and worked with JOHN BENNETT are grateful for the many years of our association with him. In spirit JOHN will be with us for a long, long time though he has gone to his Creator.

Mrs. Harris joins me in extending to his very charming and lovely wife, his daughters and son and the entire family our deepest sympathy in their bereavement.

Mr. FORD. I thank the gentleman from Arkansas for his moving and warm tribute to JOHN BENNETT.

I now yield to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, it is always a sad occasion that calls us here to eulogize one of our Members. Nothing that can be said can ever adequately express the sense of loss each of us feels in such a situation and nothing that we can say will change it and bring our friend back among us. It is on such occasions that we face again the eternal truth that mankind is one family and in the words of John Donne "No matter for whom the bell tolls, it tolls for thee." Each of us loses a little of himself when one of our colleagues departs this House, nevermore to tread these aisles and nevermore to stand before us and fight for the things in which he believes. So it is with JOHN BENNETT this day.

As all things are relative so too is the sense of loss one feels in the passing of an associate. It must depend somewhat upon the opportunity one has experienced to meet and work with the man. Because of this I am sure I can speak for the other members of the Committee on Interstate and Foreign Commerce as well as for myself in saying that we, particularly shall miss JOHN BENNETT. He had been a member of the committee before many of us and in the case of his Republican colleagues before any of them joined the committee. He had seen legislative proposals come and go and had heard some of them many times. And in committee one gets the true flavor of a legislator because there the work is done and there we do business in the traditional give and take of committee activities. In all phases of such activity JOHN BENNETT had become a master. At times he was the relentless prosecutor, at times the line of communication between waning factions.

A great deal of important legislation has come to bear the stamp of JOHN BENNETT's influence and convictions. Although this is no place or time to discuss and review legislation, it should be appropriate to point out that the distinctive mark of JOHN BENNETT can be clearly seen in such legislation as that dealing with railway labor, securities regulation, and communications. Those in the business world who deal in these matters and know the depth of his convictions and his determination to make our body of law better have great respect for his knowledge of their problems and his approach to them. They shall also miss him here.

To many citizens the name of his Congressman rings no bell. It is a sad fact which we dislike to admit, but which in stark reality we must. The rule, which could be characterized as almost universal, did not apply in any degree to JOHN BENNETT. If being known, respected, and loved by one's constituents can be said to be a sign of greatness, JOHN was a great man. No man in this House and perhaps in any Congress before his time, has had so close and personal a relationship with the people he has represented. JOHN BENNETT was known well to those who returned him here time after time. He was known to their children. Most of all he was known to those who needed individual help. The pensioner, the veteran, the unemployed miner, the old and the infirm came to him as individuals and got his help in every instance. He could not fail to assist them or try his best in doing so. It was some kind of a driving force in his person and his people knew it and appreciated it. No man can do all the things he should. We can and we do criticize our fellows for real or fancied shortcomings according to our lights, and according to the way we do our own jobs. If JOHN BENNETT lacked anything in his makeup it was not humanitarianism or the desire and spirit to help people.

It has been said that a prophet is appreciated everywhere but in his own country. Here is the exception to the rule. JOHN BENNETT, as a statesman, as a Congressman, was loved best by those who knew him best. The outpouring of concern from all parts and all elements of his constituency says far more about JOHN BENNETT than perhaps many of us knew about him and certainly it says far more than anything we can put in the RECORD. Perhaps the best we can do is to join them.

Mr. FORD. Mr. Speaker, I yield to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Speaker, I suppose that I was closer to Congressman JOHN BENNETT than to any other Member of this body. Since the middle 1940's, I have owned a summer home at Rockland, Mich., 12 miles from Congressman BENNETT's home at Ontonagon. I have campaigned with him in his district and know the people he represented and the affection and esteem they held for him.

Populationwise, Congressman BENNETT's district was the smallest in the Nation with a 1960 population of 178,251.

In the light of all the litigation and congressional concern regarding congressional and legislative districts, it can be said that the 12th District of Michigan was overrepresented.

Mr. Speaker, the 12th District of Michigan was overrepresented. Congressman BENNETT devoted himself in an unusually personal way to help solve the problems of citizens of his area. His service was not perfunctory and, in many instances which came to my attention, it seemed to me that he went to bat for his people with a vigor and effectiveness which would do credit to any advocate.

As one of his longtime friends said to me at the funeral this morning the 12th was truly "JOHN BENNETT's district."

But the 12th District of Michigan was also overrepresented by a man who made an intensive study of the legislation and the agencies and departments which came within the scope of jurisdiction of the House Committee on Interstate and Foreign Commerce, of which at the time of his death, he was the ranking minority member.

JOHN BENNETT was an expert on the duties, the structure, and the functioning of the regulatory bodies. He was a valued member of the subcommittee known as the Legislative Oversight Committee. He was a fighter for what he believed was right.

The people of the 12th district and the people of the United States have suffered a loss in the passing of this able legislator. I have suffered a personal loss.

To Corrine, his widow, to Marilyn, Nancy, and John, his children, to Didi, his granddaughter, and to Mrs. Bennett, his mother, Mrs. Meader and I extend our deep sympathy. I urge them to find comfort in the knowledge that JOHN BENNETT ably fought the good fight in his time.

Mr. FORD. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CEDERBERG].

Mr. CEDERBERG. Mr. Speaker, it is with heavy heart that I rise to pay my respects to the late Congressman JOHN B. BENNETT, my friend, my coworker, and my close associate of the Michigan delegation. The swiftness with which affliction struck down our colleague from Michigan leaves us virtually wordless. It seems only a few days ago that JOHN BENNETT was in this Chamber participating in our deliberations. Because of this, it is difficult today for those of us who knew him intimately and who worked closely with him to speak of his passing because we still feel his presence with us. His sudden death has again brought home to us the frailty of life.

JOHN BENNETT was dean of the Michigan Republican delegation whose members work closely together in matters pertaining to our great State. He was a man of firm conviction and yet one always considerate of the views of others.

Our colleague represented what he delighted in calling "the smallest—in population—but the most important district in the United States." His district was at the northern extremity of our State. The interests of his constituents were diversified and he saw to it that he was personally familiar with them all. He loved his district and its people and they loved him.

I need not repeat what my colleagues have said here today about his statesmanship because it is well known to all of us. He was a great force in the Interstate and Foreign Commerce Committee, of which he had become the ranking minority member, as well as in the Chamber.

Michigan and our Nation has lost a public servant of highest caliber and deepest conviction.

Mrs. Cederberg and I express our deep sympathy to Mrs. Bennett and to the children in their hour of bereavement.

Mr. FORD. Mr. Speaker, I yield to the gentleman from Michigan [Mr. JOHANSEN].

Mr. JOHANSEN. Mr. Speaker, I share with my colleagues from Michigan and in this House the deep grief over the passing of Congressman BENNETT.

JOHN BENNETT was an able legislator, a devoted American and a true representative of his district.

He served with distinction as ranking minority member of the Committee on Interstate and Foreign Commerce. He combined courage, skill, and total impartiality in helping pursue unpleasant but necessary investigative functions of the Oversight Subcommittee.

JOHN BENNETT was a quiet, friendly, and helpful colleague. On more than one occasion he devoted his time and energies to assist me in dealing with certain complex and difficult problems in my own district.

Since the retirement of our distinguished former colleague, Hon. Clare Hoffman, John has been the dean of the Michigan delegation in the House and he was uniformly courteous and helpful to all of his colleagues in our delegation.

I shall miss him greatly.

Mrs. Johansen joins me in heartfelt sympathy to Mrs. Bennett and his family.

In the beauteous words of the litergy of his faith, "May he rest in peace and may perpetual light shine upon him."

Mr. FORD. Mr. Speaker, I ask unanimous consent that all Members may have the authority to include extraneous matter with their own remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CHAMBERLAIN. Mr. Speaker, I, too, want to associate myself with the thoughts and sentiments of those Members of the House, in silence or in speech, pay a final tribute to our departed colleague, John B. Bennett.

It has been the sad experience of this House to have witnessed in this session the passing of a number of its most venerable Members. Most certainly the figure of John Bennett stands with those whom he now joins in the devotion of himself and his life to one of the highest vocations to which an American citizen may be called. The measure of that devotion and service to country can be only gauged by his colleagues and constituents. Every Representative stands before their judgments.

The essence of what a Representative ought to be has perhaps been no more eloquently stated than in Edmund Burke's famous speech to his constituents when he said:

> It ought to be the happiness and glory of a Representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasure, his satisfaction, to theirs. And above all, ever, and in all cases, to prefer their interest to his own. But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure—no, nor from the law and the Constitution. They are a trust from providence, for the abuse of which he is deeply answerable.

John Bennett's 20 years of public service speaks its own eloquent tribute to his efforts to live this ideal of representative government. His efforts, now a part of this Nation's history, will stand over the years as a truer and finer tribute than can be spoken here today.

I join John Bennett's legions of friends in offering my deepest sympathies to Mrs. Bennett and their family in their personal loss.

Mr. CHENOWETH. Mr. Speaker, I wish to join in the tribute to our departed colleague John Bennett. I was greatly shocked and saddened when I learned of his passing. I had heard he was ill, but had assumed he would soon be back with us. I want to extend my sincere sympathy to my colleagues from Michigan in this heavy loss they have sustained.

I recall when John Bennett came to Congress. We formed a friendship at that time which has continued over the years. I had the pleasure of serving 2 years on the Interstate and Foreign Commerce Committee with John and sat next to him on the Committee. This gave me the opportunity to have many fine visits with John and to learn of his outstanding career of public service. We also had mutual friends in Colorado, who had previously lived in Michigan.

I liked John and it was a real privilege to serve with him in the House. He was faithful and conscientious in the discharge of his duties, and never failed to look after the interests of his people.

John was a great American and his passing is an irreparable loss not alone to his district, but to the State of Michigan and the entire Nation. I am going to miss John, as will his many friends in the House.

Mrs. Chenoweth joins me in extending our deep personal sympathy to Mrs. Bennett and the other members of the family.

Mr. DERWINSKI. Mr. Speaker, the death of John Bennett is a great loss to the House, to his district, and to his numerous friends and admirers. He was respected for his ability and integrity and the other fine qualities he possessed.

John Bennett was an outstanding legislator; he was a great Congressman, a man of firm convictions and honesty. He served his district, his State, and his Nation in accordance with his judgment and his conscience.

The people of the 12th District of Michigan will miss him—we will all miss him in this body, for he served in a manner that reflected great credit not only on himself and the people of his district but on the entire country as well.

Mrs. Derwinski and I extend to Mrs. Bennett and her family our deep and sincere sympathy in their great loss.

Mr. BROOMFIELD. Mr. Speaker, the death of our beloved colleague and the dean of the Michigan delegation to the House of Representatives was a sad shock to all of us.

John B. Bennett had served his Nation and its people well, and he will be sorely missed in the days ahead.

For almost 20 of his 60 years, John Bennett ably represented the Upper Peninsula of Michigan here in the House of Representatives. He knew the north country, the land of lakes and pines, and he loved it.

He knew the people of the Upper Peninsula, those who pitted their lives and their livelihood against the often harsh elements because he was one of them.

He was born in Garden, Mich., in the Upper Peninsula. Before studying law at Marquette University and the University of Chicago, John Bennett worked as a laborer and a railroad brakeman. He returned to his beloved northland to private law practice in 1925 as soon as his education was completed. He soon was elected prosecuting attorney for Ontonagon County, a position he held for 6 years.

He served as deputy commissioner of labor in Michigan's Department of Labor and Industry, a post in which his firsthand knowledge and experience was of great benefit to his State.

He was first elected to the House of Representatives in 1942, serving his Nation and his district with integrity and brilliance. After suffering his only defeat in 1944, he was reelected for the next 9 terms to the House of Representatives, serving until his death.

As ranking Republican on the House Interstate and Foreign Commerce Committee and a member of the House Legislative Oversight Subcommittee, John Bennett carried out numerous investigations into conflicts of interest and questionable practices with brilliance and energy.

He was a man of quiet strength who believed in the worth of his fellow man, who fought for him and for his rights and whose compassion and understanding matched his courage.

The House of Representatives is and will be a better place because John Bennett came this way. He will be sadly missed in the days ahead. We mourn his loss to his country and to his State.

Mr. HUTCHINSON. Mr. Speaker, it is in a spirit of sadness that I join my colleagues in observing the passing of John Bennett. I know him personally for only the current term of Congress, but I have known of him, and his service to the country for a long time. Some years ago I was campaigning the State of Michigan for statewide office, I shall not soon forget the feeling of loyalty expressed to me on every hand for John Bennett in his district in the Upper Peninsula of Michigan at that time. His home town of Ontonagon is a small countyseat community on the shores of Lake Superior. His friends and neighbors, indeed everyone in that community, thought well of him indeed—and well they should. During the last 20 months, in my service with John in this House, I found him a friendly, quiet, highly respected colleague. He proudly pointed out that his district was the smallest in population but the most important congressional district in the land. His record of service to the people of that area as their Congressman is unsurpassed.

Mr. GRIFFIN. Mr. Speaker, with the passing of Congressman John Bennett, the great State of Michigan lost one of its most respected and most powerful representatives in the Congress of the United States.

Those of us in the Michigan delegation, who looked to John Bennett as our dean, have lost not only a distinguished leader but also a close personal friend.

John Bennett seldom raised his voice, and his speeches on the floor of the House were infrequent. But in his quiet, friendly way he was one of the most effective Members of this body.

JOHN BENNETT will be remembered in the history of Congress for his many significant contributions to the long list of important laws that have flowed from the great Committee on Interstate and Foreign Commerce, on which he served as the senior minority member.

I shall remember him as a wise and a warm counsellor and friend who was also an outstanding legislator.

I join my colleagues in extending deepest sympathy to the members of his family.

Mrs. GRIFFITHS. Mr. Speaker, JOHN BENNETT was one of the kindest and the best liked Members of the House. He understood the problems of the Members and the problems of his constituency, and he voted his convictions.

Those of us who are from Michigan will miss him. We extend to his bereaved family our condolences.

Mr. ROGERS of Florida. Mr. Speaker, the Congress of the United States has lost an outstanding Member. JOHN BENNETT was a man who served his district with dedication, his State with distinction, and his country with greatness. He was a kind and gentle man who enjoyed the respect of all who knew him.

JOHN BENNETT's service in the Congress has added much to the history and destiny of America. I was privileged to serve with him on the Interstate and Foreign Commerce Committee, there witnessing his fine sense of fairness and judgment contribute to the many solutions he participated in before that body.

May I join the many who extend their sympathies to Mrs. Bennett and his three children. JOHN BENNETT's memory survives as an example for us all.

Mr. BYRNES of Wisconsin. Mr. Speaker, I want to join my colleagues in tribute to JOHN BENNETT. He was recognized by all of us as sincere, hardworking, and able. He was a friend of all who knew him.

The passing of JOHN BENNETT grieves us all. We have lost a valuable Member of this House.

I extend my deepest sympathy to his family.

Mr. LIBONATI. Mr. Speaker, the mastermind of the Michigan delegation, JOHN BENNETT, has been gathered to his silent bivouac by the will of God. As dean of the Michigan delegation, and ranking Republican of the House Interstate and Foreign Commerce Committee, he was looked upon as a brilliant lawyer of the highest integrity.

Mr. BENNETT added to his great reputation as a cross-examiner in the investigations conducted by the House Subcommittee for Legislative Oversight which conducted conflict-of-interest probes in the late fifties. His powerful public attacks and statements concerning the facts brought out in evidence resulted in the investigation into kickbacks by record companies to popular radio disk jockies. He forced the probe into the Securities and Exchange Commission's handling of violations by a firm owned by Boston industrialist, Bernard Goldfine. He instigated the probe into the Federal Communication Commission's approval of a Miami television station which led to resignations of FCC members of the Commission.

His official life was pure in every honest sense—and his home life as perfect as the rules of religious rites guide God-fearing humans in their sincere worship. He had a courage seldom outwardly shown for public consideration of his criticism of Government officials.

He was a rugged individualist—raised in the northern peninsula of iron ore mines and forests. He was a laborer and railway brakeman, before studying law and becoming Ontonagon County prosecutor. He was elected to Congress in 1942, subsequent to serving as State deputy commissioner of labor.

He was reelected in 1946 and was reelected to each succeeding Congress.

He contributed much to his party fortunes in politics. His quick and shrewd mind did not prevent him from weighing the facts on both sides of the case. Once he arrived at a decision, he buried the hatchet deep. He was a good Member to have on your side. His earnestness in arriving at the truth reflected his fairness, whether in debate on the floor, or in committee hearings. We have lost one of our outstanding Members—laborious in his tasks, and sincere in his devotion to the public interest.

The Members of the Illinois delegation extend our heartfelt condolences to his lovely wife, Corrine, and his three children, John, Jr., of Bethesda; Mrs. Harry Harner of Washington, Mrs. Leo J. Cannon of Chevy Chase; and one grandchild, Meredith Anne Cannon.

The Nation and the State of Michigan have lost a dedicated servant, and the Congress a valued colleague and a spirited and patriotic American.

Mr. BROTZMAN. Mr. Speaker, one of the great pleasures I have experienced during my first term was getting to know our departed colleague, JOHN BENNETT. He was an able lawyer and skilled leader in his capacity as ranking Republican member on the Interstate and Foreign Commerce Committee. Mrs. Brotzman and I extend our sincere sympathy to Mrs. Bennett and the members of the family.

Mr. GLENN. Mr. Speaker, the burden of sorrow which accompanies the realization that one has lost a dear friend, often renders the most fluent among us inarticulate. Yet, I have many happy memories of my colleague and friend, JOHN B. BENNETT, and from this reservoir of memory I can give voice to them, and perhaps somehow death becomes less formidable and not quite so final.

JOHN was a strong and friendly man, and yet, in the strength of his firmness he mixed a kindness and a pleasant gift of understanding. I had the privilege of serving with him on the Committee on Interstate and Foreign Commerce and looked to him many times for guidance and leadership as the ranking minority member of this great committee. He always had a fine grasp of the problems before the committee and was always willing to share his convictions with other members. As a friend he was kind and considerate, never harsh, and even in disagreement he was pleasant and logical in his reasoing. JOHN BENNETT was a fine legislator and a great American, and if measured by the magnitude of his contributions to his State and Nation, neither brevity nor fleetness is sufficient to express the extent of time he will remain with us. To his beloved wife and to his children, I extend my deepest sympathy in their bereavement.

Mr. BROYHILL of North Carolina. Mr. Speaker, JOHN BENNETT was not only my friend, but my confidant and adviser.

As a new Member of Congress I was assigned to the important Interstate and Commerce Committee, of which JOHN BENNETT was the ranking minority member. He was the person to whom I looked for guidance and leadership. In this role, he did not fail me. His quiet, confident manner was an example for me as a new Member of the House. When JOHN BENNETT rose to speak, I knew that he had something important on his mind and had a contribution worth making.

JOHN BENNETT was a great Representative, not only for his district and State, but for the Nation. He will be missed, and he will be remembered. I will always remember him as one who took the time and interest to help a younger Member in his first days of service in this House.

Mrs. Broyhill and I extend to Mrs. Bennett and the entire family our deepest sympathy and condolences.

Mr. CURTIN. Mr. Speaker, it is with a heavy heart that I rise to join in the tributes being paid to our departed friend and colleague, JOHN B. BENNETT.

During the years that I have been privileged to be a member of the House Committee on Interstate and Foreign Commerce, I have come to know well and admire the late JOHN BENNETT, who was the ranking minority member of our committee all during my period of service on it.

He was faithful to his party, yet made his own determinations in matters affecting the public interest. He was a realist, practical and understanding of the problems of his people. He was kind and considerate of the rights of others and fought for principles to protect their interest. The State of Michigan has lost a personage of high statesmanship in this body; the Nation has lost an outstanding public servant.

We send our heartfelt condolences to his bereaved widow and his fine family. Words are probably of small solace to them at this time, but in the time ahead, I am sure they will find great comfort from the knowledge of the high place JOHN BENNETT held in the hearts of his many friends who respected and admired him.

Mr. HORAN. Mr. Speaker, I too, wish to join my colleagues in paying sincere tribute to JOHN BENNETT.

I came to Congress with JOHN in 1943 and have always cherished the friendship of this quiet, cultured, friendly man. His attractive personality grew on you and it became no mystery to you why the "peninsula folks" of upper Michigan had kept him here to represent them for 20 years.

He became an authority on the myriad of matters which came to the Interstate and Foreign Commerce Committee on which he was ranking minority member at his death.

JOHN BENNETT served the peninsula well and was a personal representative of every voter in that district. No problem was too small or too inconsequental to command his full talents in the search for a solution.

He loved the rugged grandeur of the Michigan peninsula and was proud of every advance it made, as a summer home and resort area, as an area famous for its recreation and its commerce.

We will miss JOHN BENNETT for he, like others who assemble here to do their level best for the people of their disstricts, the progress of their districts, the well-being of their districts, is what makes the House of Representatives the great institution that it has grown to be.

Mrs. Horan joins me in sending our deepest sympathies to his widow Corrine, his two daughters Marilyn and Nancy, and to his son John and the entire family.

Mr. PICKLE. Mr. Speaker, it has been my privilege to serve with the Honorable JOHN B. BENNETT on the Interstate and Foreign Commerce Committee, and I value that experience very much.

Although I have only been on this committee approximately 6 months, I have learned to respect JOHN BENNETT greatly. As senior ranking Republican member, he took special pains to make me, and especially the younger members of the committee, feel comfortable. I remember one particular occasion in connection with the Hill-Burton Act when he was helpful to me in the discussion of a particular amendment. He was quiet but considerate, and I always felt that I could talk to him personally and in confidence.

I found that the other members of the committee held the same high respect for Mr. BENNETT, and I shall always remember the honor and the privilege that was mine in serving with him.

I join all Members of this Congress in extending our personal sympathy to all members of Mr. BENNETT's family.

Mr. SCHENCK. Mr. Speaker, I find it extremely difficult to adequately express the shock and feeling of great personal loss I feel as the result of the untimely death of my personal friend and colleague, the Honorable JOHN B. BENNETT.

It is a high honor and great privilege to serve here in the Congress of the United States. There are many compensations for which we are each deeply grateful. Serving one's constituents, the area he represents, and the entire Nation to the best and limit of one's ability and in accordance with the principles in which he believes all add up to a sense of inner satisfaction impossible to adequately express in words. There are also other compensations not the least of which is to learn to know one's colleagues in a personal way which creates mutual friendship and respect. Such memories are very precious and remain with us all long after the stresses and strains of our daily tasks are forgotten.

It was my privilege and honor to serve with our late and distinguished colleague, JOHN BENNETT, on two important committees of the House for many years. We served together on the Committee on Interstate and Foreign Commerce and on the Committee on House Administration. During these many years it is only natural and to be expected that JOHN and I would disagree on some measures and on some provisions in measures. Neither of us ever hesitated to express his views as strongly and as vigorously as he could. We were nearly always able to resolve our differences through thorough consideration, but never at any time was there ever any feeling of disagreeableness between us because I know we held each other in the highest of mutual regard. The faculty of being able to disagree on occasion with one's colleagues without being disagreeable is the mark of a statesman and our late colleague, the Honorable JOHN B. BENNETT, was just such a statesman.

Congressman BENNETT, for the past several years has been the senior ranking Republican member of our Committee on Interstate and Foreign Commerce. He not only had the experience and great capacity to understand and help shape the very complicated and far-reaching effects of the legislative measures which come within the unusually broad legislative jurisdiction of our great committee, but his keen mind usually cut right through to the basic purpose of the measures before us. He also had the ability, will, determination, and tenacity to press for his point of view as long as he felt it was necessary to fully develop the thoughts and purposes he had in mind. His kind yet thorough interrogation of witnesses before our committee was always very effective. In addition to all these fine attributes he was also a good team player and thoroughly understood and followed the best principles of a good captain. He never failed to recognize and respect the senior ranking Republican members on the several subcommittees and nearly always insisted upon such senior ranking subcommittee members to handle their respective measures on the floor of the House. He also saw to it that appropriate members of these subcommittees were appointed to necessary joint House-Senate conference committees because he fully realized their firsthand knowledge of the various measures was essential in working out an appropriate conference report.

Our distinguished late colleague, the Honorable JOHN BENNETT, also served on the Committee on House Administration on which I have the honor to be the senior ranking Republican member and I could always depend upon him for his able and strong support on matters of importance to the House and its Members.

Thus, Mr. Speaker, there has grown a very strong bond of personal friendship and mutual respect between our late colleague and me. I am deeply grateful for this and I shall miss him greatly during the balance of the time it shall be my honor and privilege to serve here in the Congress.

Congressman JOHN BENNETT was an able, dedicated, sincere Member of the Congress and the entire Nation has lost an outstanding public servant with his passing.

JOHN B. BENNETT was also a devoted family man who had great inner pride and satisfaction as a result of his fine family. Mrs. Schenck joins me in expressing our deepest and heartfelt sympathy to his bereaved ones. It is our sincere hope and prayer that the Father of us all will speak to each of them in a very personal way and that through His ministrations they will receive the courage and strength to meet the long days ahead with faith and confidence.

Mr. O'HARA of Illinois. Mr. Speaker, in the passing of the Honorable JOHN B. BENNETT, this body has lost one of its gentlest Members, one of the sweetest personalities I have known. He was a man of ability, of virile strength and dedication, and his accomplishments in the House of Representatives of the Congress of the United States were many. They were in the finest traditions of statesmanship, reflecting credit on his native State of Michigan, on the Nation he served so well and upon the University of Chicago, in the district I have the honor to represent, and the law school of which he attended.

But the gentleness of JOHN BENNETT, who never raised his voice in annoyance and never met a person he did not treat as a friend will forever be remembered by his colleagues. He was a fine man in every sense, and his passing has left a void that cannot be filled.

To his mother, his wife and children, and to his grandchild I extend my deepest sympathy.

Mr. AUCHINCLOSS. Mr. Speaker, it is very hard to express one's feelings about the death of a dear friend for whom you had great respect and admiration. Words are entirely inadequate and such is the case in trying to express one's feeling at the passing of that great American, JOHN B. BENNETT.

He was a man devoted to the best interests of our country and in his quiet and efficient way, worked hard to complete the great contribution that he made as a Member of the House of Representatives. He did not think of his own aggrandizement but his motives were always prompted by his great spirit of fair play, honest thinking, and unselfish ambition to do something constructive. I know of no one who made a greater impression on his colleagues, and by his quiet and sound reasoning, impressed everyone with his sincerity of purpose.

He will be greatly missed in the Congress but the example of his character and his unassuming demeanor will linger a long while in the memory and hearts of those who knew him. He had a host of friends and the memory of his life of service will be treasured by them for the rest of time.

Mrs. Auchincloss joins me in expressing our sympathy to his widow and family, and we trust that they will find comfort in the knowledge that JOHN BENNETT was a great man honored and loved by all who knew him.

Mr. STAGGERS. Mr. Speaker, for the 12th time in the life of the 88th Congress "death has shaken out the sands of our glass." And yet, while we mourn the passing of a comrade and coworker—

> A voice within us speaks the startling word,
> "Man, thou shalt never die."
> —Richard Henry Dana.

I knew John Bennett well. We sat around the same table through many long and tedious hours in the Committee on Interstate and Foreign Commerce, where we attempted to resolve conflicting testimony on my intricate problems involving the public weal, and afterwards to find the right answer. In many respects our careers were curiously parallel. He knew well the struggle of youth against poverty and underprivilege. He followed the path of manual labor to the respect and esteem of his neighbors and friends. His integrity and faithfulness called him to local public service. Finally the great State of Michigan summoned him to a seat in this legislative body.

His district, too, bears marks of similarity to my own, though geographically they are far apart. Both are sparsely peopled with honest and industrious citizens who love the land, and hold fast to it through the generations. In each there are agricultural and mineral interests which insure a laborious but certain livelihood. It is only natural that we should be bound together by ties of mutual understanding and sympathy.

In this hour of sadness—

> Ye, against whose familiar names not yet
> The fatal asterisk of death is set.
> —Longfellow.

We may well ponder a thoughtful observation: "That life is long which answers life's great end." The great end of a Congressman is to serve the purposes of the people of his district with intelligence, fidelity, and righteousness. The testimony of his host of friends, especially of his colleagues from Michigan, and those of us who have worked with him on the House committee, is that he was ever faithful to his trust.

On the evening before he was led away to execution, Sir Walter Raleigh sat down and wrote:

> Even such is time, that takes in trust
> Our youth, our joys, our all we have,
> And pays us but with age and dust;
> Who in the dark and silent grave,
> When we have wandered all our ways,
> Shuts up the story of our days.
> But from this earth, this grave, this dust,
> My God shall raise me up, I trust.

This is the brave assurance which we all may carry with us in our speeding journey toward that supersenuous world which awaits us. And to his grieving family we may commend those oft-quoted lines of Whittier:

> Life is ever lord of death,
> And Love can never lose its own.

Mr. REUSS. Mr. Speaker, I want to express my profound sorrow over the death of our distinguished colleague, John Bennett.

I pay tribute to him as a fine Congressman and as a fine man. As an investigator, he made the proud record of always seeking the truth whatever the cost.

I knew John Bennett not only as a Congressman but as the devoted son of Mrs. James G. Bennett, of Milwaukee. He was often in my home city visiting his mother and sister.

Years ago, he studied law at Marquette University in Milwaukee before embarking on his dedicated career of public service. Congress, to which he gave 20 years of public-spirited effort, will be poorer for his absence.

I offer my deep sympathy to his widow, his mother, and the rest of his family.

Mr. ROONEY of New York. Mr. Speaker, it is with profound sadness that I join my colleagues in paying tribute to the Honorable John B. Bennett, of Michigan.

To express in words the grief and sorrow one feels when one of our Members is suddenly taken from us is difficult, just as it is difficult to adequately describe the many qualities which John possessed. He was a quiet man, but a determined one who never gave up when he was fighting for something in which he believed.

Several years ago, when my office was near his, I learned to know him well, and I greatly valued our friendship during the years that followed. He was a capable and conscientious legislator, dedicated to serving his district with unselfish and faithful devotion.

To his widow and his family, I extend my heartfelt sympathy in their great loss.

Mr. FLYNT. Mr. Speaker, Congressman John B. Bennett late a Representative of Michigan, leaves the memory of a man of fearless integrity, unselfish dedication and tireless service to the Nation and to the people he represented. His death marks an indelible imprint on our hearts.

I am privileged to have known John Bennett, of Michigan, as a friend and colleague for 10 of the 20 years he so ably served his district and State in the House of Representatives.

Not only was I permitted to observe this man at work on the floor of the House of Representatives, but from 1954–62, I saw the strength of his convictions materialize into effective legislation when I served with him on the House Committee on Interstate and Foreign Commerce. Advancing through the years, he became the ranking minority member of the Interstate and Foreign Commerce Committee in which capacity he was serving at the time of his death. In this capacity John Bennett made noteworthy contributions to such major fields of legislation as so vitally affect the welfare of our Nation's people.

From my close association with him on several subcommittees, including the Special Subcommittee on Legislative Oversight, John Bennett won my admiration and deep respect.

Keenly sensitive to the trends of his constituency, Congressman Bennett was a Representative in the true sense of the word. This quality, together with a keen insight into and expert ability in the intricacies of legislation endeared him to his constituents as well as made him an asset to the Nation and this Congress. Now we all must suffer his loss.

John Bennett's background and training was such that when he came to Congress, he was well prepared and skilled for constructive legislative service. He was an able and constructive Representative and performed his duties courageously and conscientiously

As a devoted and humble public servant, an able legislator and a warm friend to all who knew him, one could say that in John B. Bennett, there was a man.

Mrs. Flynt joins me in extending heartfelt condolences to Mrs. Bennett and to the members of his family.

Mr. FISHER. Mr. Speaker, I have never known a more honorable man than the late John Bennett. He was a very able man who worked hard in the discharge of his duties. With him the welfare of the country came first in all his considerations. In a manner of speaking, John was a model Congressman. He commanded respect from all, was firm in his convictions, and effective in his work. He has left some big shoes to be filled.

To the widow and family I extend my deepest sympathy in their bereavement.

Mr. EVINS. Mr. Speaker, the news of the passing of our esteemed colleague and friend, Hon. John B. Bennett, the gentleman from Michigan, has saddened the Members of this House. I desire to join with my colleagues and others in paying a brief but sincere tribute to his memory.

Congressman Bennett had a career of notable service as a Member of this body extending over more than 20 years. He was the dean of the Michigan congressional delegation and the ranking Republican member of the House Committee on Interstate and Foreign Commerce. He was a skilled and effective legislator, and a gentleman of integrity and character who served his district, his State, and the Nation honorably and well.

I knew John Bennett as a warm and considerate friend, and as a man of independent views and strong convictions. He always voted as his judgment and conscience dictated, and with a thorough understanding of the issues. Unyielding in his devotion to high principles, John Bennett fought consistently and vigorously to maintain standards of integrity in our Government.

He was a great American and he will be missed greatly.

I extend to Mrs. Bennett and to other members of his family an expression of my deepest sympathy in their loss and bereavement.

Mr. ZABLOCKI. Mr. Speaker, I wish to join with my colleagues in expressing my sorrow at the untimely passing of our esteemed colleague, the Honorable John Bonifas Bennett.

It was a privilege to serve with him in the House of Representatives. John Bennett was not only from the neighboring State of Michigan, but also a fellow alumnus of Marquette University, in Milwaukee.

He demonstrated many sterling qualities. We will remember him best for his tireless, judicious service on the House Subcommittee on Legislative Oversight. He was stern and forthright in matters dealing with shortcomings in Government.

JOHN BENNETT's kindness and courtesies won for him many friends. He served his district, his State, and our Nation with ability and distinction through his legislative and personal endeavors.

My wife joins me in expressing deep sympathy to his widow and family. May they derive some small consolation from the knowledge that his loss is shared by his many friends.

Mr. CHELF. Mr. Speaker, I am sure that every man in this House of Representatives today shares with me a sense of distinct personal loss and sorrow over the passing away of our esteemed colleague, the Honorable JOHN B. BENNETT.

JOHN was a Member of the House when I was first elected to Congress and having been associated with him in our daily work here for almost 20 years, I feel I am in a position to speak authoritatively of his many sterling qualities. He was a kind, sympathetic, tolerant, hardworking, honest, and intelligent public servant who represented his district effectively here in the Congress and served his country faithfully by his loyalty, his prudence and his courage. He was a stalwart among men—one who stood forthrightly by his ideals and thus made a mammoth contribution to the American way of life.

To the family of this wonderful man, I extend my deeply felt condolences and pray that God will comfort each and every one of them.

Mr. O'HARA of Michigan. Mr. Speaker, the death of our friend, JOHN BENNETT, is a grievous loss to the Michigan delegation, of which he was the senior member, to the Committee on Interstate and Foreign Commerce, of which he was ranking minority member, and to the Congress, in which he was a leader. In 20 years of congressional service, JOHN BENNETT established an enviable reputation for ability, courage, and integrity. He will be sorely missed.

Most of all, he will be missed by the people of his congressional district. He was known and loved by many thousands of his constituents. JOHN BENNETT, a Republican, was elected to Congress time after time by thumping majorities in a congressional district which almost always gives a majority to Democratic candidates for other offices. This is a remarkable achievement. It is a tribute which JOHN BENNETT earned by his genuine interest in the problems of the people he represented and his diligent attention to their needs. There is hardly a resident of the area who had not been, in some way or another, in contact with Congressman JOHN BENNETT.

The most striking feature of JOHN BENNETT's career, however, was the fidelity and perception which he assessed the interests and sentiments of his district and advanced them. I know of no man whom I have considered to represent more truly his constituency than did JOHN BENNETT. It is perhaps this more than any other factor, that accounted for his tremendous personal popularity.

Mr. Speaker, the Upper Peninsula in Michigan has lost a real friend; all the people of my State have lost a conscientious public servant whose integrity and sense of duty were unquestioned, and the people of the United States have lost a responsible and able legislator. JOHN BENNETT shall be missed by all of us.

Mr. McMILLAN. Mr. Speaker, I was shocked to learn of the passing of my good friend and colleague the Honorable JOHN B. BENNETT. I had the pleasure of knowing Congressman BENNETT and working closely with him during the 20 years he had been a Member of the House of Representatives.

Mr. BENNETT was a conscientious and hard-working Congressman and he was certainly a credit to his State and the Nation.

We shall always miss him here on Capitol Hill. I do not know of any man that was held in higher esteem and commanded the respect of every Member of the House than JOHN BENNETT.

I could not permit this opportunity to get by without expressing my opinion of this statesman.

COTTON FIBER PAPER AS THE ALTERNATIVE TO MICROFILM: A COMMENTARY ON GOVERNMENT RECORDKEEPING

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. CONTE] is recognized for 15 minutes.

Mr. CONTE. Mr. Speaker, I rise to address the House of Representatives on a matter of great concern, namely, the process whereby the records of this great Nation may be retained for all posterity.

One need not be an archivest or historian to appreciate the fact that our very deliberations in this body, and the decisions made at 1600 Pennsylvania Avenue and in the committees of this Congress will be of cosmic import in the interpretation and understanding of the future.

This said, I wonder how many people are aware of a most disturbing set of disclosures made recently by the U.S. Department of Commerce? The report, in the form of a handbook by the National Bureau of Standards, is titled "Inspection of Processed Photographic Record Films for Aging Blemishes." I urge my distinguished colleagues who are interested in the subject of recordkeeping to examine this report, and join with me in an effort to turn the tide of what could prove to be a disastrous trend.

At the outset, I would like to quote from this handbook, a most interesting study and one that is deserving of high praise. In a foreword, A. V. Astin, Director, of the National Bureau of Standards, makes the following statement:

> Over the years the National Bureau of Standards has conducted considerable research on the permanence of record materials, including both paper and photographic film. Recently microscopic blemishes have been found on microfilms; apparently they had developed after the film was put in storage. Practically no information loss has been observed, but any potential threat to the permanence of Government records is a matter of concern not only to the National Bureau of Standards but to records officers throughout the Government. There is much to be learned from these blemishes and they are being studied in many laboratories.
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> This publication contains a description of the blemishes, illustrated with photomicrographs in color. It also describes methods used to inspect, sample, and report on the blemishes. It is felt that early publication of this information will serve to unify methods and terminology and thus aid in coordinating the various independent studies of the problem. This handbook should also provide the guidance needed for large-scale inspections of Government records.

Mr. Speaker, I compliment the Bureau on this study, and I want to urge that they continue to pursue this matter. It is one that, I am certain, will stimulate a great deal of interest in this Congress.

In short, the revelation that blemishes have appeared on some microfilm records apparently "after the film was put in storage," is one that must be developed to an even greater extent.

Because microfilm can contain a great deal of information in a small space by relative standards, it is used extensively in the Government as a means of recordkeeping. It has continued to assume a role of increased importance so that a considerable portion of all records are on microfilm at the present time.

The immediate implication here is that Government records may not be as safe from deterioration as has been assumed. There may be a significant danger in putting future records to microfilm or any other recordkeeping material that has not proven itself to be permanent.

Most disturbing is the fact that the causes of the blemishes have not yet been established.

C. S. McCamy makes this point together with additional disclosures in a brief statement on the purposes of the Bureau of Standards inspection.

He states, and I quote in full:

INSPECTION OF PROCESSED PHOTOGRAPHIC RECORD FILMS FOR AGING BLEMISHES

(By C. S. McCamy)

> Inspections of microfilms have recently revealed blemishes which apparently developed 2 to 20 years after the films were processed. Most of the blemishes are small spots, usually reddish or yellowish in color, ranging from about 15 to 150 microns across. These blemishes have been classified on the basis of size, shape, color, and character. This publication describes and gives colored illustrations of the various types, describes the method of observing them, and recommends sampling procedures for microfilm inspectors. The cause, the exact mechanism of formation of the various types, and generally accepted preventive measures are not as yet known. This publication is intended to promote uniform terminology, inspection, and reporting.
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> 1. INTRODUCTION
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> Because of its ability to record a large amount of information in a small space and its stability relative to most record materials, photographic film is one of the most common media for the storage of records. A considerable percentage of U.S. Government records are stored on microfilm. Even though such films have been prepared by the best known techniques and stored in the best known manner, the only assurance that such records are being well maintained is a systematic program of careful inspection. Im-

proper processing or storage conditions have long been known to promote general fading and various kinds of biological attack. Inspections of large numbers of rolls of microfilm recently have revealed several kinds of blemishes not heretofore noted. It appears that they have developed from 2 to 20 years after the film was processed and placed in storage. The blemishes have been classified on the basis of size, shape, color, and character. The purpose of this publication is to name and describe the various blemishes, to provide illustrations of them, to describe the method of observing them, and to recommend sampling procedures for microfilm inspectors. Although the chemistry and physics of these blemishes are under investigation at the National Bureau of Standards and in research laboratories in the photographic industry, the causes of the blemishes, the exact mechanisms of their formation, and generally accepted preventive measures have not yet been established. A vital part of the research program is accurate reporting of blemishes, so that the incidence of the various types can be correlated with processing and storage variables. In this stage of the investigation, it cannot be expected that the types of blemishes described necessarily exhaust the possibilities, nor can the types be regarded as necessarily mutually exclusive.

Mr. Speaker, I wish the Congressional Record could reproduce colored photographs so that my distinguished colleagues could see the spots and blemishes for themselves.

There is no question in my mind that important Government records could be irreparably damaged if present methods of preservation are continued.

Every effort must be made to substitute cotton fiber paper so that a serious loss of information does not occur in the future.

Why do I say cotton fiber paper?

The answer is, of course, obvious. It is perhaps the only possible solution to the problem. In grammar as in life, there is often one alternative and I think the alternative in this case is fine, durable paper which would last for centuries. This, Mr. Speaker, is not a vague plea for a certain interest. I need not repeat the case for cotton fiber paper, which has played a powerful role in preserving our records. It is both permanent and perfect. It has stood the test of time.

The issue here is a basic one. Should the Government continue to put its records on microfilm when the consequences of that action could prove disastrous?

I believe that an immediate investigation is necessary. The records of this Nation are far too important to warrant anything but the most careful precautions.

Accordingly, I will take appropriate steps to set this investigation in motion.

My resolution, introduced today, and viewed in a favorable light by other Members of the House, is hereby noted in full:

Whereas the National Bureau of Standards in its Handbook 96 entitled "Inspection of Processed Photographic Record Film for Aging Blemishes" has discovered certain blemishes on some microfilm records processed and placed in storage; and

Whereas a considerable portion of all Government records are today being placed on microfilm; and

Whereas Government records may not be as safe from deterioration as assumed, and there may be a significant danger in consigning records to microfilm or any other recordkeeping material that has not proven itself to be permanent: Now, therefore, be it

Resolved, That it is the sense of the House that the Administrator of General Services and all officers of the Federal Government having responsibility of permanent Government records should investigate the permanence of all recordkeeping materials now being used, including but not limited to microfilm, for the purpose of insuring that those records of the Federal Government which should be permanently retained will be stored on recordkeeping material which has proven itself to be of a permanent nature, such as 100 percent cotton fiber paper.

I intend, Mr. Speaker, to continue to pursue this matter in an effort to insure that all future recordkeeping of this Nation be such that its permanency be established for all time. I welcome the support of all individuals interested in the future flow of information to join with me in this fight. The poet, Carl Sandburg has said the "best witness is a written paper." Our records must be preserved on paper that will insure, for all time, their stature as documents and records of our way of life.

PUBLIC WORKS APPROPRIATION BILL, 1965

Mr. KIRWAN submitted a conference report on the bill (H.R. 11579) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission for the fiscal year ending June 30, 1965, and for other purposes.

ARTICLES IMPORTED FOR USE OF CERTAIN UNIVERSITIES—CONFERENCE REPORT

Mr. MILLS submitted a conference report and statement on the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University.

INTERNATIONAL COFFEE AGREEMENT ACT OF 1964—CONFERENCE REPORT

Mr. MILLS submitted a conference report and statement on the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. Mathias (at the request of Mr. Halleck) for the balance of the week on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Leggett, for 30 minutes, on August 18, 1964; and to revise and extend his remarks and to include extraneous matter.

Mr. Conte (at the request of Mr. Schweiker), for 15 minutes, today, and to revise and extend his remarks, and to include extraneous matter.

Mr. Grant (at the request of Mr. Patten), for 60 minutes, tomorrow, August 14; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Gathings.

Mr. Donohue and to include extraneous matter.

Mrs. Sullivan (at the request of Mr. Patten) to extend her remarks during debate on H.R. 12175 and to include extraneous matter.

Mr. Minish (at the request of Mr. Patten) to revise and extend his remarks and include extraneous matter on H.R. 12175.

(The following Members (at the request of Mr. Schweiker) and to include extraneous matter:)

Mr. Westland.

Mr. Minshall.

Mr. Lindsay.

Mr. Horton.

Mr. Hosmer.

(The following Members (at the request of Mr. Patten) and to include extraneous matter:)

Mr. St. Onge.

Mr. Powell in seven instances.

Mr. Fascell.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5044. An act to amend the act entitled "An act to provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes";

H.R. 5337. An act to increase the partial pay of educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement, and for other purposes;

H.R. 6350. An act to amend the act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended;

H.R. 7301. An act to amend section 341 of the Internal Revenue Code of 1954, relating to collapsible corporations, and to amend section 543(a)(2) of such Code, relating to the inclusion of rents in personal holding company income;

H.R. 7441. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," approved March 1, 1899, as amended; and

H.R. 9653. An act to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 927. An act to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title;

S. 1451. An act to amend section 41(a) of the Trading With the Enemy Act;

S. 1627. An act to enable the United States to contribute its share of the expenses of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos; and

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety.

ADJOURNMENT

Mr. PATTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, August 14, 1964, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2407. A letter from the Comptroller General of the United States, transmitting a report on a review relating to the unnecessary costs to the Government in the leasing of electronic data processing systems by the Boeing Co., Aero-Space Division, Seattle, Wash., Department of Defense; to the Committee on Government Operations.

2408. A letter from the Comptroller General of the United States, transmitting a report on a review relating to the unnecessary costs resulting from noncompetitive procurement of military ¾-ton trucks, Department of the Army, has disclosed that the Government has incurred unnecessary costs of about $12.1 million because the Army did not competitively procure ¾-ton trucks even though it could have purchased Chrysler Motors Corp.'s drawings in 1960 that would have provided information sufficient for use in competitive procurement, Department of the Army; to the Committee on Government Operations.

2409. A letter from the Secretary of Agriculture, transmitting a report of all claims adjudicated and paid by the Department of Agriculture for the period of the fiscal year ending June 30, 1964, pursuant to the Federal Tort Claims Act (28 U.S.C. 2671–2680); to the Committee on the Judiciary.

2410. A letter from the Comptroller General of the United States, transmitting a report on a review relating to wage rates for federally financed housing construction improperly determined in excess of the prevailing rates for similar work in southeastern areas of the United States, Department of Labor; to the Committee on Government Operations.

2411. A letter from the Comptroller General of the United States, transmitting a report on a review relating to unnecessary costs to the Government in the leasing of electronic data processing systems by General Electric Co., Light Military Electronics Department, Utica, N.Y., Department of Defense; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 275. Concurrent resolution providing for printing of proceedings in connection with the unveiling of the Father Eusebio Francisco Kino, of Arizona, statue; without amendment (Rept. No. 1782). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 336. Concurrent resolution to provide for the printing of 4,000 additional copies of School Prayer Hearings; without amendment (Rept. No. 1783). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 330. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System; without amendment (Rept. No. 1784). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 346. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System; without amendment (Rept. No. 1785). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 347. Concurrent resolution authorizing the printing of additional copies of House Report 176, 88th Congress, 1st session, entitled, "Annual Report for the Year 1962, Committee on Un-American Activities"; without amendment (Rept. No. 1786). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 348. Concurrent resolution to print as House documents the publications "World Communist Movement—Selective Chronology, 1818–1957, Volume 2 and Volume 3," and to provide for the printing of additional copies; without amendment (Rept. No. 1787). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 826. Resolution authorizing the printing of additional copies of "Communist Economic Warfare—Consultation With Dr. Robert Loring Allen, April 6, 1960"; without amendment (Rept. No. 1788). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 827. Resolution authorizing the printing of additional copies of a publication entitled "The Irrationality of Communism—Consultation With Dr. Gerhart Niemeyer, August 8, 1958"; without amendment (Rept. No. 1789). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 828. Resolution authorizing the printing of additional copies of a publication entitled "A Communist in a 'Workers' Paradise'—John Santo's Own Story"; 88th Congress, 1st session; without amendment (Rept. No. 1790). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Concurrent Resolution 350. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes; without amendment (Rept. No. 1791). Ordered to be printed.

Mr. PATMAN: Committee on Banking and Currency. H.R. 12267. A bill to provide for notice of change in control of management of insured banks, and for other purposes; with amendment (Rept. No. 1792). Referred to the Committee of the Whole House on the State of the Union.

Mr. MARSH: Committee on Interior and Insular Affairs. H.R. 10204. A bill to extend the Osage mineral reservation for an indefinite period; with amendment (Rept. No. 1793). Referred to the Committee of the Whole House on the State of the Union.

Mr. KIRWAN: Committee of conference. H.R. 11579. A bill making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes; without amendment (Rept. No. 1794). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 850. Resolution providing for the consideration of H.R. 3869, a bill to establish Federal agricultural services to Guam, and for other purposes; without amendment (Rept. No. 1795). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 851. Resolution providing for the consideration of H.R. 7107, a bill to provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes; without amendment (Rept. No. 1796). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 852. Resolution providing for the consideration of H.R. 11904, a bill to amend and extend the National Defense Education Act of 1958; without amendment (Rept. No. 1797). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 809. Resolution authorizing the Committee on the Judiciary to conduct, within or without the United States, studies and investigations in certain matters under its jurisdiction; without amendment (Rept. No. 1798). Referred to the House Calendar.

Mr SMITH of Virginia: Committee on Rules. House Resolution 845. Resolution providing for consideration of H.R. 11926, a bill to limit jurisdiction of Federal courts in reapportionment cases; without amendment (Rept. No. 1799). Referred to the House Calendar.

Mr. TAYLOR: Committee on Interior and Insular Affairs. S. 1169. An act to authorize a per capita distribution of $350 from funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation; without amendment (Rept. No. 1800). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROYBAL: Committee on Interior and Insular Affairs. S. 2961. An act to provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Mont.; without amendment (Rept. No. 1801). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee of conference. H.R. 4364. A bill to provide for the free entry of one mass spectrometer for the use of Oregon State University; without amendment (Rept. No. 1802). Ordered to be printed.

Mr. MILLS: Committee of conference. H.R. 8864. A bill to carry out the obligations of the United States under the International

Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes; without amendment (Rept. No. 1803). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DENT:

H.R. 12369. A bill to extend Public Laws 815 and 874, 81st Congress (federally affected areas), for 1 year, until June 30, 1966; to the Committee on Education and Labor.

By Mr. HANNA:

H.R. 12370. A bill to provide for the disclosure of certain financial interests by Members of Congress, and for other purposes; to the Committee on Rules.

By Mr. McMILLAN:

H.R. 12371. A bill to amend the District of Columbia Sales Tax Act to provide an exemption from the tax imposed by such act for certain operations of the majority and minority rooms of the House of Representatives; to the Committee on the District of Columbia.

By Mr. McMILLAN (by request):

H.R. 12372. A bill to amend the District of Columbia Business Corporation Act and the District of Columbia Nonprofit Corporation Act; to the Committee on the District of Columbia.

By Mr. MINISH:

H.R. 12373. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, delivery, and possession of habit-forming barbiturate drugs, amphetamine, and other habit-forming central nervous system stimulant drugs, and other drugs that have a potential for abuse resulting in psychotoxic effects or antisocial behavior; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 12374. A bill to amend the act of March 3, 1899, to authorize the United States to recover by civil actions the cost of removing certain obstructions from the navigable waters of the United States, and for other purposes; to the Committee on Public Works.

By Mr. FORD:

H.R. 12375. A bill for the relief of certain displaced nationals of the Netherlands; to the Committee on the Judiciary.

By Mr. BECKWORTH:

H.R. 12376. A bill to provide for Federal assistance, on a dollar-matching basis, to State and local governments and agencies thereof and to certain individuals for planning, constructing, operating, and maintaining water conservation and water storage projects; to the Committee on Agriculture.

By Mr. CONTE:

H. Res. 846. Resolution relating to Federal records; to the Committee on Government Operations.

By Mrs. GREEN of Oregon:

H. Res. 847. Resolution to create a select committee to conduct a study and investigation of all factors relating to the general welfare and education of congressional pages; to the Committee on Rules.

By Mr. PATMAN:

H. Res. 848. Resolution providing for consideration of House Joint Resolution 1101, a joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population; to the Committee on Rules.

By Mr. OLIVER P. BOLTON:

H. Res. 849. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 835; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 12377. A bill for the relief of Theodore Giannopoulos; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 12378. A bill for the relief of Ignazio Barravecchio; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 12379. A bill for the relief of Demetrios Basdekis; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 12380. A bill for the relief of Milton Thomas Sealy; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 12381. A bill for the relief of Larry Dale Lewis; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 12382. A bill for the relief of Mrs. Kazuyo Watanabe Ridgely; to the Committee on the Judiciary.

By Mr. PUCINSKI:

H.R. 12383. A bill for the relief of Vasilios Livaditis; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 12384. A bill for the relief of the Bielecki family; to the Committee on the Judiciary.

H.R. 12385. A bill for the relief of Ofelia Gamba; to the Committee on the Judiciary.

By Mrs. ST. GEORGE:

H.R. 12386. A bill for the relief of Wiktor Truszkowski; to the Committee on the Judiciary.

By Mr. STINSON:

H.R. 12387. A bill for the relief of Mimi Abadi, Zaki Ezra Abadi, Ezra Abadi, Rachel Abadi, Meyer Abadi, Rosette Abadi, Hayem Abadi, Albert Abadi, and Eliahu Abadi; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.J. Res. 1157. A joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1007. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., requesting that a resolution of praise be passed honoring the U.S. armed services men lost in the recent episode in the Gulf of Tonkin and in or near North Vietnam; these men were lost in an action ordered by the President of the United States. They were Americans, and it is inconceivable to think they are to be forgotten so quickly. Referred to the Committee on Armed Services.

◆

SENATE

Thursday, August 13, 1964

The Senate met at 10 o'clock a.m., and was called to order by Hon. Daniel K. Inouye, a Senator from the State of Hawaii.

Rabbi Saul Wisemon, Beth-el Synagogue, Torrington, Conn., offered the following prayer:

Our Father, who art in heaven, we pray that Thou wilt bless these Senators, chosen by the people of this Nation.

We pray for the President of these United States and for all who minister to the needs of the people—the representatives of the people and all others in authority—that it may please Thee so to rule their hearts that they may rightly use for the good of all people the trust committed to them.

Our Father, Thou alone knowest the difficulties these Senators must face and the grave decisions they must make. O Thou who dost meet us in the solitariness of our own souls, deal with us, one by one, with Thy still, small voice.

We ask, not for deliverance from our tasks, nor for smaller burdens, but for strength sufficient to crown our daily work with usefulness. Teach us, once again, that only as we lose ourselves in something higher than ourselves, can we really find ourselves.

Give us great causes to live for. Let high decisions be made on the right side of the great questions which lie before us. Give us Thy faith and courage, that with the very hardships which beset us, we, too, may help save the world.

Grant, we pray Thee, to our Nation wisdom, sanity, courage, and patience. May our leaders ever continue to put forward the Nation's welfare above the party. And when our children's children remember us in times to come, may they be able to give thanks for our devotion to justice, liberty, and peace.

Save us from saying, שלים שלים ואין שלום "Peace, peace, where there is no peace." Give us the honesty to face hard facts; and yet, with it all, we pray Thee to give us courage. Grant us wisdom, that we may find the way out of our darkness, into Thy light. Grant us a new vision of the causes that we should serve. Show us that though we be little, we can stand for the greatest truths. Lord, lift up leaders in our time.

Save us from racial prejudice and discrimination which destroy our influence for good around the world.

Grant, we pray Thee, that to all you give your benediction.

יברכך יהוה וישמרך
יאר יהיה פניו אל'ך ו'חנך
ישא יהיה פניו אל'ך וישם לך שלום

"The Lord bless you and keep you, the Lord deal kindly and graciously with you, the Lord bestow His favor upon you, and grant you peace."

Let us say Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., August 13, 1964.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. Daniel K. Inouye, a Senator from the State of Hawaii, to perform the duties of the Chair during my absence.

Lee Metcalf,
Acting President pro tempore.

Mr. INOUYE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request by Mr. Humphrey, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 12, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on August 12, 1964, the President had approved and signed the act (S. 3001) to amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1451. An act to amend section 41(a) of the Trading With the Enemy Act;

S. 1627. An act to enable the United States to contribute its share of the expenses of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos; and

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 16. An act to provide for the establishment of the Ozark National Rivers in the State of Missouri, and for other purposes;

S. 646. An act to prohibit the location of chanceries and other business offices of foreign governments in any residential area in the District of Columbia; and

S. 1664. An act to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the United States, and for other purposes.

The message further announced that the House had passed the bill (S. 502) to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1927. An act to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict, and their widows and children, and for other purposes;

H.R. 4731. An act to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act;

H.R. 5986. An act to amend the Tariff Act of 1930 with respect to the rate of duty on brooms made of broom corn;

H.R. 8068. An act to amend section 403(b) of the Federal Aviation Act of 1958 to permit the granting of free transportation to guides or dog guides accompanying totally blind persons; and

H.R. 8407. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 1927. An act to amend title 38, United States Code, to revise the pension program for veterans of World War I, World War II, and the Korean conflict, and their widows and children, and for other purposes; and

H.R. 5986. An act to amend the Tariff Act of 1930 with respect to the rate of duty on brooms made of broom corn; to the Committee on Finance.

H.R. 4731. An act to amend section 402(d) of the Federal Food, Drug, and Cosmetic Act; and

H.R. 8068. An act to amend section 403(b) of the Federal Aviation Act of 1958 to permit the granting of free transportation to guides or dog guides accompanying totally blind persons; to the Committee on Commerce.

H.R. 8407. An act to amend the District of Columbia Income and Franchise Tax Act of 1947, as amended, and the District of Columbia Business Corporation Act, as amended, with respect to certain foreign corporations; to the Committee on the District of Columbia.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. HUMPHREY, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Overobligation of an Appropriation

A letter from the Deputy Administrator of Veterans' Affairs, Veterans' Administration, Washington, D.C., reporting, pursuant to law, the overobligation of an appropriation in that Administration; to the Committee on Appropriations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government in the leasing of electronic data processing systems by the Boeing Co., Aero-Space division, Seattle, Wash., Department of Defense, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs resulting from noncompetitive procurement of military ¾-ton trucks, Department of the Army, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation concerning the claim of Vermont Maple Orchards, Inc., Burlington, Vt. (with an accompanying paper); to the Committee on Government Operations.

Certification of Adequate Soil Survey and Land Classification, Broadview Water District, California

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the Broadview Water District, California, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition (Rept. No. 1384).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1752. A bill for the relief of Lt. Robert C. Gibson (Rept. No. 1397);

S. 2856. A bill for the relief of Teresa Marangon (Rept. No. 1398);

H.R. 1172. An act for the relief of Rolando de la Torre Arceo and John Anthony Arceo (Rept. No. 1403);

H.R. 1262. An act for the relief of Mrs. Maisie Magdalene Lim Ketchens (Rept. No. 1404);

H.R. 1263. An act for the relief of Rickert & Laan, Inc. (Rept. No. 1405);

H.R. 2324. An act for the relief of Rosa Stefano Ratajczak (Rept. No. 1406);

H.R. 4223. An act to provide for audit of accounts of private corporations established under Federal law (Rept. No. 1407);

H.R. 4786. An act for the relief of the State of New Mexico (Rept. No. 1408);

H.R. 5154. An act for the relief of Wilfredo Lacar de Leon (Rept. No. 1409);

H.R. 5155. An act for the relief of Mrs. Guiseppa D'Aquanno, Maria D'Aquanno, and Benedicto D'Aquanno (Rept. No. 1410);

H.R. 5543. An act to extend the provisions of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 District of Columbia Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia (Rept. No. 1411);

H.R. 6040. An act for the relief of Chrisoula Baker (Rept. No. 1412);

H.R. 6578. An act for the relief of Mrs. Cesira Doddy (Rept. No. 1413);

H.R. 7219. An act to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment (Rept. No. 1414);

H.R. 7617. An act for the relief of Vula Roed (Rept. No. 1415);

H.R. 8399. An act for the relief of Mrs. Edeltraud Englisch Franklin (Rept. No. 1416);

H.R. 9150. An act for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros) (Rept. No. 1417);

H.R. 9290. An act for the relief of Danny Hiromi Oyama (Rept. No. 1418);

H.R. 9519. An act for the relief of Young Soon Kim and Tai Ung Choi (Rept. No. 1420);

H.R. 9560. An act for the relief of Lim Sam Soon (Rept. No. 1419);

H.R. 9561. An act for the relief of Moni Parvanoff Floroff (Rept. No. 1421); and

H.R. 10216. An act for the relief of Dr. Miguel de Socarraz (Rept. No. 1422).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 2588. A bill for the relief of Luther D. Stull (Rept. No. 1399);

S. 2803. A bill for the relief of Joao Carlos Senra Ferreira, Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira (Rept. No. 1400); and

H.R. 6910. An act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes (Rept. No. 1423).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 437. A bill for the relief of William Konyen (Rept. No. 1401);

S. 1717. A bill for the relief of Marie Jane Lewis (Rept. No. 1402); and

H.R. 9361. An act for the relief of Kathryn Choi Ast (Rept. No. 1424).

By Mr. JOHNSTON, from the Committee on the Judiciary, without amendment:

S. 2696. A bill to make permanent the district judgeship for the northern district of Ohio created by section 2(e)(2) of the act of May 19, 1961 (Rept. No. 1393);

H.R. 5964. An act to provide for the inclusion of Hopkins County, Tex., within the Paris Division of the Eastern District for the U.S. District Court in Texas (Rept. No. 1395);

H.R. 7508. An act to amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases (Rept. No. 1394); and

H.R. 9436. An act to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended (Rept. No. 1385).

By Mr. KEATING, from the Committee on the Judiciary, without amendment:

H.R. 7088. An act for the relief of Joseph Di Ciccio (Rept. No. 1389); and

H.R. 11520. An act to amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts (Rept. No. 1390).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 2392. A bill to provide an additional place for holding court in the district of North Dakota (Rept. No. 1391).

By Mr. FONG, from the Committee on the Judiciary, without amendment:

H.R. 7132. An act for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif. (Rept. No. 1392).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 7138. An act for the relief of St. Francis Levee District, Arkansas (Rept. No. 1396).

By Mr. HART, from the Committee on the Judiciary, with amendments:

S. 2208. A bill granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity (Rept. No. 1388).

By Mr. McNAMARA, from the Committee on Labor and Public Welfare, without amendment:

H.R. 7662. An act to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company (Rept. No. 1386).

By Mr. McNAMARA, from the Committee on Labor and Public Welfare, with amendments:

H.R. 8344. An act to amend the Railway Labor Act to provide that the terms of office of members of the National Mediation Board shall expire on July 1 (Rept. No. 1387).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 5739. An act to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies (Rept. No. 1428).

By Mr. BIBLE, from the Committee on the District of Columbia, without amendment:

H.R. 11652. An act to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation (Rept. No. 1430).

By Mr. BIBLE, from the Committee on the District of Columbia, with an amendment:

H.R. 8451. An act to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies (Rept. No. 1431).

By Mr. McINTYRE, from the Committee on the District of Columbia, with an amendment:

H.R. 8355. An act to amend the Life Insurance Company Act of the District of Columbia (48 Stat. 1145), approved June 19, 1934, as amended (Rept. No. 1432).

By Mr. MORSE, from the Committee on the District of Columbia, with an amendment:

S. 763. A bill to amend the District of Columbia Public Assistance Act of 1962 so as to provide for the furnishing of medical assistance for the aged to eligible residents of the District of Columbia (Rept. No. 1433).

By Mr. McCLELLAN, from the Committee on Government Operations, without amendment:

H.R. 10446. An act to permit the use of statistical sampling procedures in the examination of vouchers (Rept. No. 1425);

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation (Rept. No. 1426); and

H.R. 11211. An act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes (Rept. No. 1427).

By Mr. HART, from the Committee on Commerce, without amendment:

H.R. 9334. An act to amend the act of May 31, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers (Rept. No. 1429).

PRESIDENTIAL AND VICE-PRESIDENTIAL SUCCESSION—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS — ADDITIONAL COSPONSORS OF JOINT RESOLUTION (S. REPT. NO. 1382)

Mr. BAYH. Mr. President, from the Committee on the Judiciary, I report favorably, with amendments, the joint resolution (S.J. Res. 139) proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office, and I submit a report thereon, together with the individual views of the Senator from Nebraska [Mr. HRUSKA] and the Senator from New York [Mr. KEATING]. I ask unanimous consent that the report, together with the individual views, be printed.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The report will be received and the joint resolution will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Indiana.

Mr. BAYH. Mr. President, I ask unanimous consent that the names of the distinguished Senator from Massachusetts [Mr. SALTONSTALL], the distinguished Senator from Illinois [Mr. DOUGLAS], the distinguished Senator from Wyoming [Mr. SIMPSON], the distinguished Senator from Pennsylvania [Mr. SCOTT], and the distinguished Senator from South Dakota [Mr. McGOVERN] be added to the list of the sponsors of the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I should like to add that the great awareness on the part of my colleagues in the Senate of the need for this legislation is apparent from the growing list of sponsors of it. I again voice the opinion and hope that before we terminate this session, the Senate will deal with this double-barreled problem, which is aimed at the heart of our constitutional system.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. DOMINICK. I ask unanimous consent that I may have my name added to the list of sponsors.

Mr. BAYH. I am honored to have the Senator's name added.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1964—REPORT OF A COMMITTEE—MINORITY VIEWS (S. REPT. NO. 1383)

Mr. RANDOLPH. Mr. President, from the Committee on Public Works, I report favorably, with an amendment, the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the minority views of Senators BOGGS, MILLER, and PEARSON.

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from West Virginia.

REPORTS OF COMMITTEE ON THE JUDICIARY

INCREASED FUNDS FOR STUDY OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 352); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 261, Eighty-eighth Congress, agreed to February 10, 1964 (authorizing a study of administrative practice and procedure), is hereby amended on page 2, line 22, by striking out "$120,000.00" and inserting in lieu thereof "$130,000.00".

INCREASED FUNDS TO INVESTIGATE ANTITRUST AND MONOPOLY LAWS OF THE UNITED STATES

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 353); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 262, Eighty-eighth Congress, agreed to February 10, 1964 (authorizing an investigation of antitrust and monopoly laws of the United States), is hereby amended on page 3, line 8, by striking out "$512,000.00" and inserting in lieu thereof "$561,000.00".

INCREASED FUNDS AUTHORIZING A STUDY OF MATTERS PERTAINING TO CONSTITUTIONAL AMENDMENTS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 354); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 264, Eighty-eighth Congress, agreed to February 10, 1964 (authorizing a study of matters pertaining to constitutional amendments) is hereby amended on page 2, line 18, by striking out "$55,000.00" and inserting in lieu thereof "$59,000.00".

INCREASED FUNDS TO INVESTIGATE MATTERS PERTAINING TO CONSTITUTIONAL RIGHTS

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 355); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 265, Eighty-eighth Congress, agreed to February 10, 1964 (authorizing an investigation of matters pertaining to constitutional rights), is hereby amended on page 2, line 16, by striking out "$165,000.00" and inserting in lieu thereof "$182,000.00".

INCREASED FUNDS TO STUDY MATTERS PERTAINING TO IMMIGRATION AND NATURALIZATION

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 356); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 266, Eighty-eighth Congress, agreed to February 10, 1964 (to study matters pertaining to immigration and naturalization), is hereby amended on page 2, line 16, by striking out "$135,000.00" and inserting in lieu thereof "$145,000.00".

INCREASED FUNDS TO INVESTIGATE THE ADMINISTRATION, OPERATION, AND ENFORCEMENT OF THE INTERNAL SECURITY ACT

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 357); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 268, Eighty-eighth Congress, agreed to February 10, 1964 (relating to an investigation of the administration, operation, and enforcement of the Internal Security Act), is hereby amended on page 3, line 2, by striking out "$360,000.00" and inserting in lieu thereof "$386,577.48".

INCREASED FUNDS TO INVESTIGATE PROBLEMS CREATED BY THE FLOW OF REFUGEES AND ESCAPEES FROM COMMUNISTIC TYRANNY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 358); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 271, Eighty-eighth Congress, agreed to February 10, 1964 (authorizing an investigation of refugees and escapees from Communist tyranny), is hereby amended on page 2, line 17, by striking out "$87,500.00" and inserting in lieu thereof "$93,800.00".

INCREASED FUNDS FOR STUDY OF THE REVISION AND CODIFICATION OF THE STATUTES OF THE UNITED STATES

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 359); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 272, Eighty-eighth Congress, agreed to February 10, 1964 (study of the revision and codification of the Statutes of the United States), is hereby amended on page 2, line 17, by striking out "$28,200.00" and inserting in lieu thereof "$31,045.12".

INCREASED FUNDS TO INVESTIGATE JUVENILE DELINQUENCY

Mr. EASTLAND, from the Committee on the Judiciary, reported an original resolution (S. Res. 360); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That S. Res. 274, Eighty-eighth Congress, agreed to February 10, 1964 (authorizing an investigation of juvenile delinquency), is hereby amended on page 3, line 2, by striking out "$188,000.00" and inserting in lieu thereof "$205,000.00".

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Francis M. Wheat, of California, to be a member of the Securities and Exchange Commission.

By Mr. DOUGLAS, from the Committee on Banking and Currency:

Otto Eckstein, of Massachusetts, to be a member of the Council of Economic Advisers.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

James L. Greenfield, of the District of Columbus, to be an Assistant Secretary of State.

Mr. FULBRIGHT. Mr. President, I also report favorably sundry nominations for appointment and promotion in the Diplomatic and Foreign Service. Since these names have previously appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations ordered to lie on the desk are as follows:

Dr. George I. Mishtowt, of the District of Columbia, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

By Mr. EASTLAND, from the Committee on the Judiciary:

Sidney I. Lezak, of Oregon, to be U.S. attorney for the district of Oregon; and

Francisco A. Gil, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico.

By Mr. DODD, from the Committee on the Judiciary:

Robert P. Anderson, of Connecticut, to be U.S. circuit judge, second circuit; and

Robert C. Zampano, of Connecticut, to be U.S. district judge for the district of Connecticut.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

S. 3116. A bill to establish the Lewis and Clark Trail Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. MILLER when he introduced the above bill, which appear under a separate heading.)

By Mr. AIKEN (for himself and Mr. PROUTY):

S. 3117. A bill for the relief of Vermont Maple Orchards, Inc.; to the Committee on the Judiciary.

By Mr. KEATING:

S.J. Res. 194. Joint resolution authorizing and requesting the President to designate an appropriate day from April 8 through May 6 in each calendar year for observance of the courage displayed during the uprising in the Warsaw Ghetto against the Nazis; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above joint resolution, which appear under a separate heading.)

RESOLUTIONS

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolutions, which, under the rule, were referred to the Committee on Rules and Administration:

S. Res. 352. Resolution to increase the amount of funds authorizing a study of administrative practice and procedure;

S. Res. 353. Resolution to increase the amount of funds to investigate antitrust and monopoly laws of the United States;

S. Res. 354. Resolution to increase the amount of funds authorizing a study of matters pertaining to constitutional amendments;

S. Res. 355. Resolution to increase the amount of funds to investigate matters pertaining to constitutional rights;

S. Res. 356 Resolution to increase the amount of funds to study matters pertaining to immigration and naturalization;

S. Res. 357. Resolution to increase the amount of funds to investigate the administration, operation, and enforcement of the Internal Security Act;

S. Res. 358. Resolution to increase the amount of funds to investigate problems created by the flow of refugees and escapees from communistic tyranny;

S. Res. 359. Resolution to increase the amount of funds for a study of the Revision and Codification of the Statutes of the United States; and

S. Res. 360. Resolution to increase the amount of funds to investigate juvenile delinquency.

(See the above resolutions printed in full when reported by Mr. EASTLAND, where they appear under the heading "Reports of Committees".)

TO ESTABLISH THE LEWIS AND CLARK TRAIL COMMISSION

Mr. MILLER. Mr. President, I send to the desk a bill to establish the Lewis and Clark Trail Commission, and for other purposes, and ask that it be printed in the RECORD and also that it be printed and appropriately referred.

This bill is a follow-on piece of legislation from House Concurrent Resolution 61 adopted in the last session of Congress, expressing the sense of the Congress that the famous Lewis and Clark Expedition Trail from St. Louis to the Pacific Northwest be identified, marked, and kept available for the inspiration and enjoyment of the American people. Such action is an important part of our long-term conservation and recreation program.

My bill is designed as a companion bill to H.R. 12289. The 27-member Commission would serve in an advisory and recommending capacity to the various agencies involved in the development of the trail for public enjoyment. It would be authorized to hold hearings, and within 2 years after this bill becomes law it must submit a report of its activities, along with appropriate recommendations, to the President, both Houses of Congress, and interested Federal and State agencies. The Commission would be authorized to accept donations of personal services or property to assist in carrying out the objectives of this legislation. An annual appropriation of not to exceed $50,000 is provided for.

The Lewis and Clark Trail project is largely the work of the "Ding" Darling Foundation, formed to further the objectives of the late J. N. "Ding" Darling of Des Moines, Iowa, one of the Nation's leading conservationists, and presently under the chairmanship of Sherry R. Fisher, presently also the vice chairman of the Iowa Conservation Commission. I might point out that establishment of the Lewis and Clark Trail Commission is one of the foundation's recommended steps in fulfillment of this project.

As I pointed out at the time I introduced Senate Concurrent Resolution 13—the companion resolution to House Concurrent Resolution 61, the Outdoor Recreation Resources Review Commission strongly recommended increased Federal, State, local, and private activity in meeting the greatly expanding needs of our people for adequate outdoor recreational facilities. The implementation of the Lewis and Clark Trail project fits perfectly with this program.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3116) to establish the Lewis and Clark Trail Commission, and for other purposes, introduced by Mr. Miller, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established an advisory and coordinating commission to be known as the "Lewis and Clark Trail Commission" (hereinafter referred to as the "Commission"), which shall be composed of twenty-seven members.

PURPOSE AND FUNCTIONS OF COMMISSION

SEC. 2. In furtherance of the objectives set forth in House Concurrent Resolution 61, which expressed the sense of the Congress that the route traversed by Captains Meriwether Lewis and William Clark on their expedition of 1804–1806 from Saint Louis, Missouri, to the Pacific Northwest should be identified, marked, and kept available for the inspiration and enjoyment of the American people; in order to advance public awareness and knowledge of the far-reaching and historic significance of the Lewis and Clark Expedition; in order to supplement such awareness with an appreciation of the great resources of the vast region through which the Lewis and Clark Trail extended, and thereby to encourage desirable long-term conservation objectives in the public interest of the people of that region and the Nation as well as the public use and outdoor recreation benefits therefrom, the Commission is authorized to consider such plans and programs as in its judgment will carry out the aforesaid purposes. The Commission may make recommendations to agencies of the Federal Government, States, and other public and private agencies, but the functions and responsibilities of the Commission hereunder shall not operate to restrict or inhibit the aforesaid agencies in any operations they may otherwise undertake in carrying out the general objectives referred to in this Act. The Commission is authorized also to render advice and assistance in a manner that will encourage the development by State or Federal agencies of a suitable connecting network of roads following the general route of the Lewis and Clark Trail with appropriate markers for such roads.

MEMBERSHIP OF COMMISSION

SEC. 3. The Commission may comprise the following—

(a) Ten members to serve, subject to their acceptance of membership, on behalf of the States of Missouri, Kansas, Iowa, Nebraska, South Dakota, North Dakota, Montana, Idaho, Washington, and Oregon; the individual member from each State being the Governor thereof or his designated representative;

(b) Four members, who shall be Members of the House of Representatives, two from each party, to be appointed by the Speaker of the House of Representatives;

(c) Four members, who shall be Members of the Senate, two from each party, to be appointed by the President of the Senate;

(d) Five members, who shall be the Secretaries of the following Departments, or their designated representatives: Interior; Agriculture; Defense; Health, Education, and Welfare; and Commerce;

(e) Four members, who shall be appointed by the J. N. "Ding" Darling Foundation (a nonprofit corporation).

ORGANIZATION OF THE COMMISSION

SEC. 4. (a) The Chairman of the Commission shall be elected for such term as may be determined by the membership thereof. The Secretary of the Interior shall convene the Commission within ninety days following enactment of this Act at such time and place as he may designate for the Commission;

(b) The Chairman shall designate a Vice Chairman from members of the Commission;

(c) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made;

(d) Where any member ceases to serve in the official position from which originally appointed under section 3, his place on the Commission shall be deemed to be vacant;

(e) The Commission is authorized to issue such rules and regulations as it may consider desirable in the conduct of its activities pursuant to this Act.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 5. (a) The Commission may hold hearings at such times and places as it deems advisable for purposes of this Act.

(b) Each department, agency, and instrumentality of the executive branch of the Government is authorized to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions. Any Federal agency is hereby authorized to furnish the Commission with suitable office space to carry out its functions.

(c) The Commission may employ, without regard to the Civil Service laws or the Classification Act of 1949, as amended, an executive officer and such other employees as may be necessary to carry out its functions: *Provided,* That no employee whose position would be subject to the Classification Act of 1949, as amended, if said Act were applicable to such position, shall be paid a salary at a rate in excess of the rate payable under said Act for a position of equivalent difficulty or responsibility. Such rates of compensation may be adopted by the Commission as may be authorized by the Classification Act of 1949, as amended, as of the same date such rates are authorized for positions subject to said Act. The Commission shall make adequate provision for equitable administrative consideration and review of personnel matters affecting the functions or personnel of the Commission.

COMPENSATION OF COMMISSION MEMBERS

SEC. 6. (a) Members of the Commission who are Members of Congress, officers of the executive branch of the Federal Government, Governors, or full-time salaried officers of State or local governments shall serve without compensation in addition to that received in their regular public employment, but shall be allowed necessary and reasonable travel expenses when approved by the Chairman.

(b) Members of the Commission, other than those to whom subsection (a) is applicable, may receive compensation at a rate prescribed by the Chairman of not more than $50 per day for each day they are engaged in the performance of their duties as members of the Commission, and upon approval of the Chairman, shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

REPORTS AND RECOMMENDATIONS

SEC. 7. Within two years following the approval of this Act, the Commission shall submit a report concerning its activities. Such report shall be submitted, together with any recommendations it may have, to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives, and to other Federal and State agencies named in this Act. The Commission may thereafter from time to time as indicated by circumstances, but at least every two years, submit such additional reports as it may deem appropriate. The final report of the said Commission shall be submitted no later than ten years following the approval of this Act, at which time the Commission shall cease to exist. The records and property of the Commission shall be turned over to the Secretary of the Interior for such use or disposition as he shall find to be appropriate.

DONATIONS, EXPENDITURES, ACCOUNTS

Sec. 8 (a) The Commission is authorized to accept donations of personal services or property to assist in carrying out the purposes of this Act. The Commission may secure supplies, services, make contracts, and exercise those powers generally that it deems necessary to enable it to carry out effectively and in the public interest the purposes of this Act.

(b) Expenditures of the Commission shall be paid by the Executive Officer, who shall keep complete and accurate record of such expenditures and who shall account for all funds received by the Commission. Such accounts shall be subject to audit by the General Accounting Office of the United States.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 9. There is authorized to be appropriated annually, through the Department of the Interior and related agencies appropriation Acts, not to exceed the sum of $50,000 to carry out the provisions of this Act.

DESIGNATION OF AN APPROPRIATE DAY FOR OBSERVANCE OF COURAGE DISPLAYED DURING UPRISING IN WARSAW GHETTO AGAINST THE NAZIS

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 194) authorizing and requesting the President to designate an appropriate day from April 8 through May 6 in each calendar year for observance of the courage displayed during the uprising in the Warsaw ghetto against the Nazis, introduced by Mr. Keating, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. KEATING. Mr. President, this resolution authorizes the President to designate 1 day each year between April 8 and May 6 as a day devoted to the memory of the Warsaw ghetto uprising which took place in April 1943. It also authorizes the President to invite the citizens of the United States to observe this day with appropriate ceremonies and activities. In the past, Congress has requested the President to set aside a day commemorating the Warsaw uprising, but the request was made for only a single year. My resolution would assure that 1 day each year be set aside in memory of this tragic episode.

There are many reasons why this event ought to be celebrated annually. It is important for us to remember the bravery of the men, women, and children of the Warsaw ghetto who believed in liberty and were willing to die for freedom. By 1943 only 70,000 of the 400,000 Jews who were originally ordered into the Warsaw ghetto by the Nazis were still alive. Hitler's goal was to destroy all the Jews in Europe. Today it is hard to conceive of the horrors that were perpetrated in the attempt to fulfill the goal of this madman. It is because it is so difficult to conceive of such horrors that we should commemorate the efforts of those who resisted the implementation of this nightmare.

The members of the Warsaw ghetto who revolted in April of 1943 fought against overwhelming odds. The truth is there was no chance whatsoever that these people who had been subjected to the cruelest treatment that any men have ever suffered at the hands of their fellow men in the history of the modern world could overcome their oppressors. They were short of food and suffering from disease. Their morale was fading and they all knew that millions—yes, millions—of their colleagues had already been destroyed. Yet for 3 weeks they gave the world an example of courage and dedication that has seldom, if ever, been equaled. They showed there are things worth dying for—ideals such as freedom, human dignity, spiritual independence, and love of those intangibles that make life worth living.

That such a thing as the Warsaw ghetto could have existed at all is a shame to the civilized world. It is even more shocking that remnants of the spirit which made the ghetto possible still exist today, that there is open anti-Semitism in the Soviet Union and Argentina, that Red China is using the hate that thrives on anti-Semitism and ignorance to woo the Arab bloc. Even today man has not wholly learned his lesson from the horrors of the last war. Recognition and remembrance of the past is essential if we are to learn from the mistakes of the past.

The Warsaw ghetto struggle was a proud—but tragic—event in the history of the Jewish people and of all men. Out of the worst horror of man's history emerged an act of such courage and fortitude that it awes all who know the story. I hope that the Senate will take this opportunity to insure that a day is set aside to be remembered by all Americans and that the ideals it celebrates will be reaffirmed annually.

It should be noted that no specific date has been designated for this annual observance. This is because in the Hebrew calendar the date on which the uprising began—the 27th of Nisan—has no exact counterpart in the calendar that we use. Hence, each year the date is different and must be designated to coincide with worldwide celebrations and the actions of the chief rabbinate in Israel.

Man must learn from the past if he is not to make the same tragic mistakes over and over again. I believe that this event is deeply meaningful for all mankind and I hope that the Senate will act to approve this resolution to commemorate 1 day each year in honor of the uprising of the Warsaw ghetto, a tragic moment in the history of man's enduring fight against tyranny.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the outstanding courage displayed during the uprising in the Warsaw ghetto against the Nazis, and in memory of the men, women, and children who met death on that tragic day and those who perished in concentration camps and in gas chambers symbolizing the indestructible spirit of liberty which throughout history has ultimately triumphed against the forces of tyranny, the President is authorized and requested to designate an appropriate day from April 8 through May 6 in each calendar year in observance of the Warsaw ghetto uprising, and to issue a proclamation inviting the people of the United States to observe with appropriate ceremonies and activities the anniversary of such uprising.

CONTINUATION OF CERTAIN RULES RELATING TO DEDUCTIBILITY OF ACCRUED VACATION PAY—AMENDMENT (AMENDMENT NO. 1216)

Mr. LONG of Louisiana, by request, submitted an amendment, intended to be proposed by him, to the bill (H.R. 10467) to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay, which was ordered to lie on the table and to be printed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1217)

Mr. SMATHERS submitted an amendment, intended to be proposed by him, to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. RIBICOFF (for himself, Mr. Dodd, and Mr. Javits) submitted an amendment (No. 1218), intended to be proposed by them, jointly, to House bill 11380, supra, which was ordered to lie on the table and to be printed.

INCORPORATION OF AMERICAN ACADEMY OF ACTUARIES—ADDITIONAL COSPONSORS OF BILL

Mr. DODD. Mr. President, I ask unanimous consent that the names of the able junior Senator from Indiana [Mr. Bayh] and my distinguished colleague from Connecticut [Mr. Ribicoff] be added as cosponsors of S. 3027, a bill to incorporate the American Academy of Actuaries, at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARING ON CERTAIN POSTMASTER NOMINATIONS

Mr. JOHNSTON. Mr. President, pursuant to the rules for committee procedure of the Committee on Post Office and Civil Service, the standing Subcommittee on Contested Nominations will hold a hearing in room 6202, New Senate Office Building, Tuesday, August 18, 1964, at 10:30 a.m. on the following postmaster nominations:

New Jersey: Belvidere, Lakewood, Mays Landing, and Vernon.

Ohio: Cleveland.

Pennsylvania: Arendtsville, Mechanicsburg, and Oil City.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SCOTT:

Address on Cyprus, delivered by Senator KEATING to the Order of Ahepa, at New York, N.Y., on July 3, 1964.

GOVERNMENT SUBSIDIES PAID TO 1962 SUGARCANE AND SUGARBEET PRODUCERS

Mr. WILLIAMS of Delaware. Mr. President, much has been said by this administration about its concern for the small farmer, but in actual practice the benefits of many of the farm programs of the New Deal Frontiersmen go to the big corporate-type farmers. This is particularly true of the subsidies paid under the Sugar Act.

The small farmer not only gets little or no benefit from these subsidy programs but ofttimes is actually forced out of business by the large operators who collect these large subsidies from the Government.

For example, I shall give a breakdown of the large Government subsidy payments to the 1962 sugarcane and sugarbeet producers: The large operators collect the most of the payments on sugarcane while the sugarbeet growers are predominantly smaller farmers.

IN FLORIDA

Four farmers collected an average subsidy of $458,777 each. Each cultivated over 5,000 acres.

Three farmers collected an average subsidy of $107,877 each. Each cultivated between 2,000 and 3,000 acres.

One farmer collected a Government subsidy of $102,590. This farmer cultivated between 3,000 and 4,000 acres.

Other payments ranged from $49,000 down to $369 per farm.

IN PUERTO RICO

Two farmers collected a Government subsidy of over $500,000 each:

One collected $531,430. He cultivated over 15,000 acres.

One collected a Government subsidy of $542,022. This farmer cultivated between 12,000 and 15,000 acres.

One farmer cultivating between 6,000 and 8,000 acres collected a subsidy of $358,284.

One farmer cultivating between 8,000 and 10,000 acres collected a subsidy of $345,167.

Four farmers cultivating between 2,000 and 3,000 acres each, collected an average of $92,018 each.

To illustrate just how the small farmer benefits under this subsidy program, 6,962 small farmers in Puerto Rico collected an average of $97 each, while another 2,124 farmers collected an average of $302 each.

IN THE VIRGIN ISLANDS

Four farmers cultivating over 100 acres each, collected a subsidy of $26,625 apiece.

Seventeen farmers cultivating between 15 and 50 acres collected an average subsidy per farm of $1,224.

Thirty-nine farmers collected an average of $14 each, while another 30 farmers collected $31 each.

IN HAWAII

Five farmers cultivating over 5,000 acres each, collected Government subsidy checks averaging $625,368 apiece.

Five farmers cultivating between 4,000 and 5,000 acres each, collected subsidies averaging $369,153 apiece.

Three farmers cultivating between 3,000 and 4,000 acres collected subsidies averaging $320,420 each.

Eleven farmers cultivating between 2,000 and 3,000 acres collected average subsidy payments of $248,868 each.

Two farmers cultivating between 1,000 and 2,000 acres apiece collected Government subsidies of $205,600 per farm.

One hundred and fifty-four small farmers cultivating an average of between 1 and 5 acres each collected average payments of $400 apiece.

SUGARBEET AREA

Subsidies in the sugarbeet area seem to be going to the smaller farmers with only 56 farmers cultivating between 500 and 1,000 acres. They collected an average payment per farm of $31,990.

Forty-one farmers, cultivating between 400 and 500 acres each, collected an average payment per farm of $19,590.

The rest were broken down in smaller payments. For instance, 5,225 farmers collected average payments per farm of $2,455; 7,242 farmers collected average payments per farm of $1,350; 6,204 farmers collected average payments of $664 each; and, 1,408 farmers collected average payments of $289 each.

IN LOUISIANA

Thirty-six farmers cultivating over 1,000 acres each, collected average Government subsidies of $60,175 apiece.

Seventy-two farmers cultivating between 500 and 1,000 acres each, collected average annual subsidies of $16,041 apiece.

Fifty-two farmers cultivating between 400 and 500 acres each, collected average subsidies of $11,238 apiece.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the U.S. Department of Agriculture dated June 26, 1964, signed by Mr. E. A. Jaenke, Acting Administrator, Agriculture Stabilization and Conservation Service, along with a breakdown of all these payments made under the Sugar Act for the 1962 crop year. This report is broken down by States and size of farms.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND
CONSERVATION SERVICE,
Washington, D.C., June 26, 1964.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: This further replies to your letter of May 20, to the Secretary, asking for a breakdown by size groups of payments under the Sugar Act.

With the exception of Hawaii, the reporting of this information by size groups of payments (the manner shown in the enclosure to your letter) was discontinued effective for the 1955 crop. In its place we have been compiling information in our field offices on the number of farms and tonnages of sugarbeets and sugarcane produced by acreage groupings. For Florida, Puerto Rico, and the Virgin Islands, the average Sugar Act payment per farm in each grouping is also available. Tables showing this information for each of the domestic sugar producing areas are enclosed.

For the beet area and Louisiana, it was necessary to compute an estimated average payment for each farm by applying the average payment per ton of beets or cane produced for the entire beet area and Louisiana, respectively, to the actual production for all farms in the grouping.

Payment data shown for Hawaii includes actual data for the 27 plantations and a computed figure for the independent growers. For the purpose of presenting comparable data for all areas, the payments to independent growers were converted from a size grouping to an acreage grouping.

We appreciate your interest in the sugar program and are pleased to furnish this information to you.

Sincerely yours,

E. A. JAENKE,
Acting Administrator.

FLORIDA (1962 CROP)

Size of farm (acres)	Number of farms	Average Sugar Act payment per farm
0.1 to 5.0	1	$369
5.1 to 10.0	2	563
10.1 to 25.0	3	1,441
25.1 to 50.0	9	1,893
50.1 to 100.0	14	5,775
100.1 to 200.0	15	9,250
200.1 to 300.0	17	10,880
300.1 to 400.0	13	16,847
400.1 to 500.0	4	17,100
500.1 to 1,000.0	14	26,764
1,000.1 to 2,000.0	10	49,761
2,000.1 to 3,000.0	3	107,877
3,000.1 to 4,000.0	1	102,590
4,000.1 to 5,000.0	1	49,605
5,000.1 and above	4	458,777
Total and average	111	35,127

PUERTO RICO (1962–63 CROP)

0.1 to 5.0	6,962	$97
5.1 to 10.0	2,124	302
10.1 to 15.0	914	523
15.1 to 25.0	757	832
25.1 to 50.0	711	1,539
50.1 to 100.0	360	2,978
100.1 to 150.0	148	5,701
150.1 to 200.0	89	7,886
200.1 to 250.0	60	10,741
250.1 to 500.0	133	16,529
500.1 to 750.0	32	27,429
750.1 to 1,000.0	5	31,463
1,000.1 to 1,500.0	8	56,313
1,500.1 to 2,000.0	5	71,561
2,000.1 to 3,000.0	4	92,018

PUERTO RICO (1962–63 CROP)—continued

Size of farm (acres)	Number of farms	Average Sugar Act payment per farm
3,000.1 to 4,000.0	--------	--------
4,000.1 to 6,000.0	1	148, 410
6,000.1 to 8,000.0	1	358, 284
8,000.1 to 10,000.0	1	345, 167
10,000.1 to 12,000.0	--------	--------
12,000.1 to 15,000.0	1	542, 022
15,000.1 and above	1	531, 430
Total and average	12, 317	1, 065

VIRGIN ISLANDS (1962 CROP)

0.1 to 1.0	39	$14
1.1 to 2.0	30	31
2.1 to 3.0	18	60
3.1 to 5.0	24	103
5.1 to 10.0	17	223
10.1 to 15.0	7	423
15.1 to 50.0	17	1, 224
50.1 to 100.0	--------	--------
100.1 and above	4	26, 625
Total and average	156	891

HAWAII (1962 CROP)

0.1 to 5.0	154	$400
5.1 to 10.0	137	1, 170
10.1 to 25.0	192	1, 808
25.1 to 50.0	54	4, 013
50.1 to 100.0	18	7, 452
100.1 to 200.0	4	16, 510
200.1 to 300.0	2	18, 714
300.1 to 400.0	1	51, 599
400.1 to 500.0	--------	--------
500.1 to 1,000.0	--------	--------
1,000.1 to 2,000.0	2	205, 600
2,000.1 to 3,000.0	11	248, 868
3,000.1 to 4,000.0	3	320, 420
4,000.1 to 5,000.0	5	369, 153
5,000.1 and above	5	625, 368
Total and average	588	17, 307

SUGARBEET AREA (1962 CROP)

0.1 to 5.0	355	$129
5.1 to 10.0	1, 408	289
10.1 to 25.0	6, 204	664
25.1 to 50.0	7, 242	1, 350
50.1 to 100.0	5, 225	2, 455
100.1 to 200.0	1, 856	4, 752
200.1 to 300.1	358	8, 775
300.1 to 400.0	111	13, 577
400.1 to 500.0	41	19, 590
500.1 to 1,000.0	56	31, 990
1,000.1 and above	--------	--------
Total and average	22, 856	1, 890

LOUISIANA (1962 CROP)

0.1 to 5.0	200	$44
5.1 to 10.0	211	106
10.1 to 25.0	370	309
25.1 to 50.0	453	771
50.1 to 100.0	482	1, 591
100.1 to 200.0	342	3, 345
200.1 to 300.0	129	5, 756
300.1 to 400.0	66	8, 322
400.1 to 500.0	52	11, 238
500.1 to 1,000.0	72	16, 041
1,000.1 and above	36	60, 175
Total and average	2, 413	3, 141

PAGEBOY PATRONAGE

Mr. YOUNG of Ohio. Mr. President, the proposal for the construction of a dormitory for pages of the Senate, House of Representatives, and Supreme Court will cost taxpayers more than $1 million, if it goes into effect. Maintenance of this facility will be a continuing expense. In my judgment, this expenditure is an unnecessary extravagance, and is not compatible with the economy program announced by President Johnson. If we really mean to cut excess Government spending, this is a prime opportunity to prove it. I hope very much that this proposal will not be even considered further during the present session of the Congress, or seriously considered in any coming session of Congress.

The pages who work in the legislative and judicial branches of Government are very fine boys indeed. They perform useful services. Nevertheless, there is a question as to whether we are justified in spending more than a million dollars to construct a dormitory to house them.

In my judgment, consideration should be given by Senators not only to whether we should build this facility, but also as to whether the entire tradition of hiring young boys to work as pages and providing schooling for them should be continued.

Tradition is a wonderful thing. However, it should not serve as a mask for maintaining an expensive or inadequate system of providing service, when it is quite possible that more practical alternatives are available.

The page system has evolved over the years to become a part of Senate tradition. Originally, in 1789, Congress employed a few runners to carry out necessary errands. Later, about 1841, Members of Congress who took an interest in orphan boys in destitute circumstances engaged a number of these boys to serve as runners, now called pages. The sum of $250 was appropriated at the end of the session for each of them for their services. It is a far cry from that time to the $5,100 that will be paid to pages under the recent pay raise bill—that is the per annum rate being paid to these 14-, 15-, and 16-year-old boys.

Years ago, as a young lawyer in Cleveland, Ohio, with a wife and two babies, struggling to establish a practice, if I had been offered a position paying me $5,100 per annum, I certainly would have accepted it. Of course, had I done that, I might not be standing here as the junior Senator from Ohio at this moment.

Since 1841, to my knowledge, the hiring of pages has never been questioned. It is time to review the entire situation. Further hearings should be held. It should be determined whether we are justified in embarking upon an expenditure of more than $1 million to perpetuate the present page system, when further study might determine that it would be better to hire college students, ages 17 to 22, to perform the duties of pages. This would provide students with a means of working their way through college and relieve Congress of the burden of responsibility for educating and looking after young boys. A similar system of hiring many college students as policemen and elevator operators for the Capitol and congressional office buildings has proven highly successful.

It is time to practice as well as preach economy. We should not undertake to spend a million dollars of taxpayers' money until we have established an absolute need. In the case of a page school, such a need has clearly not been shown.

Mr. President, a recent editorial in the Cincinnati Enquirer, one of Ohio's finest newspapers, entitled "Pageboy Patronage" supports the view that a new hard look should be given to this entire question. I ask unanimous consent that this editorial be printed at this point in the RECORD as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Cincinnati (Ohio) Enquirer of July 25, 1964]

PAGEBOY PATRONAGE

When a youth of 14 can draw $5,100 in Federal salary, and when 80 of the same group can become the beneficiaries of a proposed $1 million outlay of public funds, it seems a good time to review one of the most firmly established offshoots of our political system.

The offshoot is that of pageboy positions in Washington, positions that are purely and simply ones of political patronage.

There are 80 of the youngsters working on Capitol Hill, including 4 in the Supreme Court. They are paid $4,700 in annual salary, but, under a pending pay raise, would receive $5,100. They attend school in the Library of Congress from 6:30 a.m. until 10 a.m., then go to their various jobs.

News stories in Washington newspapers concerning poor living conditions for the youngsters, and of wild parties involving them, apparently provided the motivation for a bill that calls for construction of a $1 million dormitory.

The bill was introduced in, and passed, the Public Works Subcommittee of the Senate. Ohio Senator STEPHEN M. YOUNG objected to the bill and called for a review of the system.

The Senator suggested that the positions might better be given to young men and women aged 17 to 22, thus providing some college students with a valuable inside view of Congress, a means of paying their way through school and, at the same time, a relief for Congress from what amounts to babysitting chores.

It is unlikely that any politician will do away with patronage. But it does seem that the Senate would do well to take a hard look at Mr. YOUNG's suggestions and apply the funds where they would be of more immediate value.

ANOTHER IMPORTANT MODERNIZATION OF OUR SOCIAL SECURITY SYSTEM—A LOWER RETIREMENT AGE

Mr. BYRD of West Virginia. Mr. President, I am interested in certain provisions of H.R. 11865—the Social Security Amendments of 1964—because they represent the principle that this is a dynamic system capable of adjustment to changing conditions to begin with, the 5 percent increase in the amount of benefits is a modest but necessary adjustment to the increases in the cost of living since the last across-the-board adjustment upward was made in 1958. Secondly, the provision that young survivors or dependents can continue to receive benefits beyond the present cutoff of age 18, provided they are attending school, is another recognition that times have changed, since the 1930's. Additionally, the inclusion in the system of some of our very elderly people—those 72 and over—is an adjustment called for by the fact that many of them were actually excluded from the program in its early years. Finally, I approve of the principle incorporated in the provision that would allow widows to claim benefits at age 60, rather than at age 62 as in existing law, if they decide to accept an actuarially reduced benefit to take account of the longer period over which benefits will be paid. It is my conviction that all of our people—men and women—should have the right to this choice at age 60. I call on the facts of our time as witness.

History shows that, when the Social Security Act was adopted almost three decades ago, in 1935, the retirement age was set at 65 years to a large degree because it was believed that if workers could retire at that age, new job opportunities would be created for younger workers who needed them so badly in those depression years. This goal of the system was somewhat under emphasized during the period of World War II and as a result of the prosperity which generally prevailed since that period for most of the country. But then we began, slowly, to realize that our industrial structure was changing, chiefly because of the rapid development of a new phenomenon—automation. At first there were only spotty indications that the new machines were, inexorably, replacing men, and those who were lucky enough to hold onto their jobs indulged in the comforting delusion that these new machines were no menace because they would create more jobs for more men.

Some of us who saw the job-robbing effects—almost overnight—of automation in certain industries were not so optimistic. We saw daily evidence that our economy was on the brink of a new industrial revolution which would make the appalling conditions which 18th century England experienced, seem like a mild dip in the economy. We concluded that this new age which was upon us, called for adjustment, rather than wishful thinking. And one adjustment, it seemed clear, should be a shortening of the working life, as well as a shortening of the workweek, in order to create new jobs for our young people entering the labor force.

This is one reason why, when I came to Congress in 1953, one of my first concerns was to lower the retirement age for people on social security to age 60. I pointed out then, and in succeeding Congresses, that this modernization of our social security system must have its appropriate priority. I noted that, although many other improvements had been made in our social security system since its inception, away back in 1935, no change whatsoever had been made in the age 65 retirement age. Finally, in 1956, the Congress changed the law to provide benefits at age 62 for widows, and actuarially reduced benefits for wives and women workers who chose to retire at that age rather than to wait for the larger benefits to which they would be entitled at age 65. And, in 1961 an amendment that men should also become eligible for actuarially reduced benefits at age 62—was adopted and became law. A similar amendment offered by me had previously been accepted by the Senate but had been deleted in conference with the House of Representatives. The actuarial reduction was deemed wise, by the Congress, from the standpoint of financing the system because it substantially reduced costs to the employer and to the employee. I believe that the next step forward, in our automatized age, is to move the eligibility age for both men and women down to age 60, provided they choose to accept a lesser benefit at that time. As in present law, earlier retirement would be a purely voluntary matter. Since the amount of the reduced benefit is governed by the time this choice is made—and the amount of the benefit can be increased by each month this choice is delayed—those people who can afford to wait until age 65 are well advised to do so.

Too many people in our country today do not have that choice. There is, I believe, no better evidence that too many of our countrymen have been retired by the facts of our time, rather than by the rote of our statutes, than the fact that millions of Americans, given the choice, have chosen to receive social security benefits as soon as they are eligible at age 62. Rather than struggling to eke out an existence while waiting for their 65th birthday, they have chosen the smaller benefit to which they were entitled at the earlier age, because they wished to attain the relative self-sufficiency and independence which their social security check represents.

Mr. President, it is a fact of our time that automation is putting many people out of work this year and will continue to do so, increasingly, for a long time to come. It is a fact that young men and women looking for their first jobs, today, are up against a situation in which people already in the work force are being replaced by sophisticated electronic brains of one kind or another. The mining industry of my own State of West Virginia has already experienced this modernization which replaces men with machines, thus accounting for some of the problems we are trying to solve. But the problem of the future is not going to be limited to West Virginia and her sister States. It is becoming apparent in the ranks of bookkeepers, clerks, statisticians, and accountants. Even the ranks of what we know as middle management are starting to be thinned out by computers which make minor decisions automatically. Automation is a development which West Virginia has already experienced, but as the time goes by it will become clearer and clearer, I believe, that it is not a regional problem but a national problem.

In truth, we have known in the mining industry for some time that in this kind of work, as with other similarly hazardous and hard jobs, age 60 is a realistic time for retirement for physical reasons alone. Now it is becoming clearer that it is also realistic in terms of our changing industrial pattern for all of our people, regardless of their kind of work. Our young men need jobs. Our older men, too frequently, have been laid off because their job has been absorbed by a machine, and many of our older people are not physically able to continue working in hazardous jobs until they reach age 62.

I predict that we are going to come to the conclusion, in the near future, that public policy will be served best by providing full benefits at age 60 for all of our people in our social security system. In the meantime, I urge that we revise the plan so that those men and women who wish to do so, can at least qualify for an actuarially reduced benefit at age 60.

INDIANA DUNES NATIONAL LAKESHORE

Mr. DOUGLAS. Mr. President, the Interior Committee report on the Indiana Dunes National Lakeshore, which has just been made available in the Senate, contains individual views by a member of the committee—Senator SIMPSON, of Wyoming—which make allegations wholly unfounded in fact. I wish to set the record straight.

These views allege that the Federal Government would "force its plans for providing recreational facilities upon a State or local government when the needs are being met and the proposed plan would bring hardship, dissension, and conflict to and between the people of the area and the various levels of government." The facts are that the lakeshore is vigorously endorsed by the Governor of the State of Indiana and its department of conservation, as well as by the two Senators from Indiana. The hearings held before the Senate subcommittee in March showed very strong local support for the park.

The individual views allege that the "lakeshore would incorporate an existing profitable Indiana Dunes State Park and encompass some small towns and their highly developed residential areas." The facts are that the national lakeshore would not incorporate the State park, but, to the contrary, the sponsors of the bill and the administration have always intended cooperative development of the State and National areas. The bill specifically provides that the State park would not be acquired by the Federal Government, unless, at some future time, the State of Indiana should ask for, or assent to, such Federal acquisition. A fundamental consideration is that the national lakeshore, by providing recreational areas to absorb the mass use which will be made of the parks by the 10 million people living within 100 miles of the dunes, will permit the State park to preserve its great areas of wild and growing dunes from the destructive pressures of mass use. The Governor of the State of Indiana officially informed the principal sponsors and the Interior Committee that he understands there is to be cooperative development and that it is not intended that the national lakeshore would take the State park.

With respect to the towns, the lakeshore excludes entirely two of the three highly developed residential areas in the lakeshore area—namely, Ogden Dunes and the built-up areas of Dunes Acres. The administration bill introduced last fall proposed the exclusion, also, of the most highly developed section of the third principal community, Beverly Shores. The principal sponsors of the bill, however, recommended to the committee that the excluded sections of Beverly Shores be included within the park, because of the very strong representations they received from the residents of these sections of Beverly Shores, who urged that they be included. Another small residential development near Tremont was also put into the park, because 100 percent of the residents asked the sponsors and the committee to include them.

The individual views also allege that "there is still some question about the effect this proposed Federal lakeshore area would have on the building of a Lake Michigan port for Indiana and the industrial development of the area." This allegation completely ignores the facts. Senator Bayh and Senator Hartke have firmly stated that the park proposal does not interfere with the development of the proposed harbor, port, and industry. The hearings before the subcommittee show that the two principal industrial interests which own nearly all the property around the proposed harbor side, amounting to several thousand acres, do not object to the national lakeshore. These companies are Bethlehem Steel and National Steel. Moreover, these individual views completely ignore the testimony of administration witnesses who pointed out that the national lakeshore is, indeed, an integral part of the park and port compromise established by the administration. The enactment of this national lakeshore bill, in fact, is a prerequisite or first step toward Indiana's getting a Federal deep-draft harbor at Burns Ditch.

The facts are that there is nearly complete understanding with respect to this national lakeshore bill on the part of most of the interested parties. Satisfactory agreement has been reached. To suggest that this legislation should be suspended is simply to urge that the people of the Midwest be denied this much-needed recreation and natural area, and that the State of Indiana be denied the opportunity to secure a Federal deep-draft harbor.

Any impartial observer must conclude that, through 7 years of effort, we have indeed attained widespread agreement on this proposal. The cost of attaining this agreement was the loss of several thousand acres of irreplaceable natural beauty. We cannot afford the loss of more of the dunes because of imagined and nonexistent bogeymen.

ADDRESS BY SENATOR HUMPHREY TO NATIONAL ASSOCIATION OF COUNTIES

Mr. INOUYE. Mr. President, my good friend and colleague, the distinguished senior Senator from Minnesota [Mr. Humphrey], delivered a magnificent address on Wednesday evening, August 12, at the Sheraton Park Hotel, before some 2,300 delegates to the National Association of Counties Conference.

In his speech, Senator Humphrey laid to rest for all time the baseless charges that our defense posture is being weakened and the dark warnings that the Federal Government is taking over local governments.

Senator Humphrey's speech was indeed a glorious tribute to America—its past, present, and future. It was also a tribute to his statesmanship and to his own great pride in his Nation.

I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The American System and the Great Society—Address by Senator Humphrey

It is fashionable today in American politics to look back with a touch of nostalgia to the good old days when the simple life still prevailed in this land. We hear a great deal about the need to recapture the simple and direct approach of our ancestors in solving our contemporary crises and challenges. Many people tingle with anticipation at the thought of reliving those golden days. And this call of the lost horizon possesses a certain appeal to persons weary of their charter membership in the crisis-of-the-week club.

In this stampede to the past it is generally forgotten that every generation has had its share of complex problems and crises. Read any period of our history and the lesson is always the same: Democracy in America is a difficult business. In fact, man's eternal struggle to govern himself is the most demanding of all human endeavors. This is just as true today as it was in the golden days of some unidentified past.

But every generation has heard its false prophets pleading for a return to the glories of yesterday, only thereby to sacrifice their right to participate in the building of today and tomorrow. One hundred years in the future—in the year 2064—I am confident there will be the same fervent pleas to recapture the verities which guided Americans in the early decades of the nuclear and space age. Then we will suddenly become the hardy pioneers whose understanding of virtue and principle will provide the instant solutions to the problems of the interplanetary world of the 21st century. But depend upon it: This message will be just as false then as it is now.

Despite the problems and crises which have always been before us, democracy in America has prevailed. It has prevailed because each generation of Americans has joined in this struggle with the faith and courage displayed by our late President, John F. Kennedy, when he proclaimed in his inaugural address: "I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation." And democracy has prevailed because of the faith and courage displayed by our President, Lyndon B. Johnson, when he addressed a grief-stricken Congress and Nation on November 27, 1963: "This is our challenge—not to hesitate, not to pause, not to turn about and linger over this evil moment, but to continue on our course so that we may fulfill the destiny that history has set for us."

This affirmation has been proclaimed anew by every generation of Americans. It does not promise prefabricated solutions to the complex problems of democratic government. It recognizes that the essence of politics is the asking and reasking of the most difficult of all questions: What is justice? What is right? We can never seek these answers and never govern ourselves successfully on the basis of generalities, half-truths, and myths—no matter how superficially appealing they may be.

As one who has served in local government—the mayor of a city of over one-half million people, Minneapolis, Minn.—I believe I have some appreciation of the importance of local government in our Federal system. Those of us who have served at the local level come face to face with the tough daily problems of the relationship of government to the people.

And make no mistake about it, when the people think of government, they are primarily thinking of that government which touches their lives—the police and fire departments, the health and transportation services, the education and cultural facilities, and, yes, even the property taxes and the sales tax.

American government is more than Washington. American government is Washington, the State capitol, the county courthouses, the city and village halls, the town meetings and the thousands of independent separate governmental authorities that range from port authorities to sewage systems, from metropolitan airport commissions to the local school boards.

No nation in the world has had as much experience in self-government as ours. If there is one area of human activity in which we can claim superior knowledge and greater experience it is in the field of representative self-government. I salute those public officials—elected and appointed—who serve on the front line of public service and who all too often go unappreciated and unrewarded.

We are, however, exposed to some of the most remarkable notions about the role of the Federal Government in relation to the States, counties, and localities.

We have heard the shopworn phrases about "Washington's ever eager fingers of bureaucracy" grabbing responsibilities which supposedly have been defaulted by local governments. We are exposed to the same tired misconceptions of a pitiless Federal establishment solely "obsessed by the enlargement of its role and its personnel" and trampling over the rights of a helpless populace. We are told of certain unnamed people who "seek solutions only by concentrating more and more power in fewer and fewer hands."

These tired complaints demonstrate a most profound misunderstanding of the dynamics of the American Federal system. As professionals in the increasingly difficult task of governing our counties, you know that State, county and local government is not about to collapse from any merciless onslaught from Washington.

Indeed, the facts demonstrate that in recent years expansion of American government has occurred primarily at the State and local levels as these governments have struggled with the gigantic task of governing America. Financial and employment figures tell much of the story. Since 1946, for example, State, county, and local governments and their budgets have grown more rapidly than the Federal Government despite our national commitments to national defense, space exploration, nuclear development, veterans' benefits, postal service, and welfare programs. While Federal spending has increased 46 percent over this period, State, county, and local expenditures have soared by over 400 percent. Federal taxes per capita have increased almost 75 percent, but State, county, and local taxes have jumped 213 percent. The Federal debt has risen by slightly more than 10 percent in the past 18 years; State, county, and local debt has climbed by more than 400 percent.

This is not criticism; it is a factual analysis that tells the story of a growing and demanding America. The willingness of our State, county, and local governments to assume a greater share of our common burden deserves explicit recognition and commendation. So, let's stop suggesting that the localities have either sold out or caved in to the Federal Government. This is one Senator who considers them very much alive.

To those who say that the Federal Government is taking over our local governments, I can only point out that the number of Federal employees has declined about 10 percent since 1946—while employees of the State, county, and local governments have risen by over 100 percent. Not long ago the ratio of Federal employees was 19 per thousand of the total U.S. population; today that number has fallen to 13 per thousand. Of those 13, 5 are located in the Defense Department, 3 in the Post Office Department, and 1 in the Veterans' Administration. The remainder—about 600,000 employees—comprise about 100,000 persons less than it takes to operate the Bell Telephone System.

Government has indeed grown since World War II—right from the grassroots of America. And why has this remarkable growth taken place? I am sure you know the reason far better than I. Government has grown because America has grown. You see and feel America develop and grow every month—every year.

I came to the U.S. Senate in 1949. Since then, the United States has added people equal to the entire present population of Great Britain and we continue to grow at the rate of 3 million new persons each year. These people have needed roads, housing, jobs, police and fire protection, water and sewer systems, transportation facilities and the whole range of essential services which comprise good government in the 20th century.

The country is now gripped by an industrial and technological revolution which, when coupled with our population growth, requires us to create 300,000 additional jobs each month just to stay even in terms of unemployment percentages. Life expectancy has increased from 49 years in 1900 to 70 years today; one thousand people per day reach the age of 65. In 1950 there were 2.3 million students in institutions of higher learning; by 1970 there will be 7 million—more than a 300-percent increase. We are still lacking 60,000 classrooms in elementary and secondary schools if we want to eliminate overcrowding. Each year 100,000 qualified high school graduates fail to attend college because they lack the necessary funds. Can responsible government simply ignore these social and economic realities? Of course not.

Those persons who denounce the response of our Federal, State, and local governments to these forces remind me of the Kansas farmers who tried in the 1860's to lynch a weatherman because he correctly predicted a tornado.

I suggest that it is time to talk sense to the American people. It is time to ask this fundamental question: What should be the appropriate roles of the Federal, State, county, and local governments in terms of the social and economic realities of 1964? Can we devise methods and procedures whereby the unique capabilities of each level are used to the fullest? Will each segment of our Federal system be prepared to allocate the human and economic resources necessary to get the job done? These are questions worthy of a free people determined to make democracy work.

In seeking these answers, one fact stands out above all others: the respective levels of government in the American system are partners in a common enterprise. The basis for this truth has been recognized since the dawn of our Republic. Writing in the Federalist Papers (No. 46), James Madison noted that "the Federal and State governments are in fact but different agents and trustees of the people." In our democracy the people are masters at all levels. If this is true, and I believe it is, it makes little sense to drive a wedge between the people and the government at any level.

Government and people are collaborators in the common cause of securing the national interest, not mutual antagonists contending against one another for power and glory.

Without bothering to wrap all of this up in fancy political theory, we have attained a sound and workable modus operandi for our Federal system. No one advocates running everything from Washington. Indeed, the major Federal agencies have devolved an immense amount of decisionmaking to their State and regional offices which are generally run by local individuals. Most Federal programs are administered on terms highly favorable to the States and localities: the Federal Government provides a substantial portion of the money, demands certain minimal standards, and the rest is left to the wisdom and abilities of local officials.

The development of these methods and procedures has proceeded for many decades, during the ascendancy of both major parties, and is about as bipartisan an operation as the observance of the Fourth of July. Beginning with the Kestenbaum Commission in 1954, the Joint Federal-State Action Committee in 1957, and continuing with the permanent Advisory Commission on Intergovernmental Relations, established by act of Congress in 1959, the question of Federal relationships has received—and is receiving—detailed and searching reexamination. The Senate and House have subcommittees specifically charged with similar responsibilities. Topics ranging from government in metropolitan areas to periodic reassessments of Federal grant-in-aid programs have recently occupied the Senate subcommittee of which I am proud to be a member. All of these bodies are constantly exploring for ways to improve what is already a remarkably effective system of intergovernmental relations.

As President Johnson proclaimed so eloquently in his address at the University of Michigan on the "Great Society": "The solution to these problems does not rest on massive programs in Washington, nor can it rely solely on the strained resources of local authority. They require us to create new concepts of cooperation, a creative federalism, between the National Capital and the leaders of local communities."

Let's look at some specific situations. You—as county officials—and I—as a former mayor of Minneapolis—have direct knowledge of the severe limitations on the revenue resources of our local governments.

As many of you know, for many years I have been concerned with the revenue losses accruing to county and municipal governments due to tax-free Federal properties. I have attempted to devise an equitable formula of Federal properties in lieu of taxes. This effort to devise such a formula should be resumed in the 89th Congress.

Consistent with the requirements of national defense, the Federal Government should advocate fiscal and monetary policies and sponsor action programs to increase local tax revenues. The Kennedy-Johnson administration has been doing just this through the tax cut, the investment tax credit, and accelerated depreciation schedules.

These policies have produced the longest sustained period of economic growth in 110 years, a factor which certainly enhances the revenue resources of governments at all levels in our Federal system.

There is, of course, one problem of special urgency and importance now confronting our country. The issue of civil rights and racial justice challenges the wisdom, abilities, and resources of our Federal, State, and local governments to an extent not equaled by any other issue of this century. And its resolution will only be possible through the unique relationship of partnership and cooperation which characterizes the American system.

In passing the civil rights bill we sought to create a framework of law wherein men of good will and reason could attempt to resolve peacefully the difficult and emotional issues of human rights. Passage of the bill certainly did not solve these problems, but it did establish certain channels and procedures to make their solution more probable.

As county officials, you know that most of this burden rests upon the shoulders of our local government officials. Only when communities and States are unable to meet their responsibilities set forth in this act is direct Federal action authorized. This is surely within the best traditions of our American system.

Every responsible public official has the obligation to see that civil peace is maintained across this land. No solutions to these terribly difficult problems are possible in the midst of chaos, violence and disorder. As I have stated on numerous occasions: Civil wrongs do not make civil rights.

But neither can we afford to believe that by driving angry mobs from the street we are touching the festering sores of unemployment, dilapidated and overcrowded housing, drug addiction, and hopelessness which afflicts the ghetto areas of our large urban centers.

We speak of restoring civil peace to our cities, and so we must. But let it be a peace with justice. Let us understand that we can no longer postpone the massive problem of restoring our decaying cities in both a material and spiritual sense. We can no longer afford the luxury of pretending that the problem is unreal, or that it will somehow go away, or that the people trapped in these ghettos rather enjoy their misery.

No responsible public official suggests that the States, counties and cities are prepared to command the financial and human resources needed in this historic job of urban restoration. Without the active cooperation of the Federal Government, we can never achieve the massive programs of academic and vocational education, job training, youth work, mass transportation, slum eradication, recreational and community development which are essential in saving our cities. This is a job we postpone only at our gravest peril.

There is one area of responsibility which is the special task of the Federal Government; namely, to preserve our national security during these trying years of the cold war.

I am shocked that any candidate for the Presidency could stand on this platform and assert that "we are disarming ourselves and demoralizing our allies." I find it difficult to believe that any candidate for high public office could be so tragically misinformed about our defense posture to suggest that "our guard is dropping in every sense."

In an attempt to close the information gap which must have contributed to such misleading statements, let me summarize the facts about the administration's record in bolstering our national defense.

The administration has invested a total of $30 billion more for fiscal years 1962–65 than would have been spent if we continued at the level of fiscal year 1961, the last year of the Eisenhower administration.

What have these additional $30 billion procured for America's Defense Establishment:

A 150-percent increase in the number of nuclear warheads and a 200-percent increase in total megatonnage in our Strategic Alert Forces.

A 60-percent increase in the Tactical Nuclear Force in Western Europe.

A 45-percent increase in the number of combat-ready Army divisions.

A 44-percent increase in the number of tactical fighter squadrons.

A 75-percent increase in airlift capability.

A 100-percent increase in funds for general ship construction and conversion to modernize our fleet.

An 800-percent increase in the Department of Defense Special Forces trained for counterinsurgency.

Today we have more than 1,100 strategic bombers, 800 fully armed and dependable ICBM's deployed on launchers—30 times the number we had in January 1961, 256 Polaris missiles deployed in 16 nuclear submarines—compared with 32 missiles available in two submarines in January 1961, 16 combat-ready Army divisions—compared to 11, 79 tactical fighter squadrons—compared to 55, and a planned Navy fleet of 883 ships—compared to 817 proposed in the budget in fiscal year 1961.

Funds expended for military research and development have increased by 50 percent over the level prevailing during the last 4 years of the Republican administration.

On June 3, 1964, President Johnson summed up the situation quite succinctly with this statement: "In every area of national strength America today is stronger than it has ever been before. It is stronger than any adversary or combination of adversaries. It is stronger than the combined might of all nations in the history of the world."

It was precisely this massive array of balanced military forces which permitted President Johnson to select the appropriate response to the outrageous attack on our destroyers in the Gulf of Tonkin. President Kennedy had demonstrated similar firmness and skill during the Cuban missile crisis of 1962. But prior to 1961 this Nation lacked a credible limited war capability and thereby ran the grave risk of being unable to muster the type of military response which punished an aggressor but avoided the risks of all-out nuclear war.

Today this Nation is prepared to meet any type of military threat to our national security. Our allies understand this fact—and so do our enemies.

There is one final area—the war on poverty—which cries out for the full involvement and participation of all segments of the American system. The war on poverty is crucial because it involves the meaning of one cherished word—America. We hear much these days about the need to encourage individualism and self-reliance—and these qualities are important components of the American character. But let us never forget that America has—from its very beginnings—possessed another national trait which sets us apart from all other peoples: a profound sense of obligation to assist the less fortunate in this country and around the world. This is the essence of the word—America—and the heart of the democratic faith.

The Statue of Liberty standing in New York Harbor symbolized this feeling to the millions of immigrants who came to make a new life on these shores. We now have the opportunity to provide a similar beacon of hope to those 35 million Americans who find themselves aliens in our prosperous and affluent society.

The Congress won the first battle of the war on poverty by passing President Johnson's Economic Opportunity Act of 1964. This legislation is founded squarely on the American principles of federalism; all levels of government will have an opportunity to participate in implementing the broad range of programs included in the act. In particular, the community action programs authorized in title II will rely heavily upon the expertise, experience, and skill of our local units of government.

But this legislation is only the beginning. The war on poverty is related intimately to our crusade to build the "great society" which President Johnson described with these words:

"The great society rests on abundance and liberty for all. It demands an end to poverty and racial injustice. The great society is a place where every child can find knowledge to enrich his mind and to enlarge his talents. * * * It is a place where the city of man serves not only the needs of the body and the demands of commerce, but the desire for beauty and the hunger for community. * * * But most of all, the great society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor."

This is a vision which merits the total commitment of every American. This is a vision worthy of our faith that man does possess the courage, wisdom, charity, and love to govern himself. And—never forget—the great society will be a product of all levels of our Federal system, laboring together in pursuit of this common goal. Not Federal against State or county against municipality, but one free people joined in common cause to give new and richer meaning to the glorious word—America.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

STATE, JUSTICE, AND COMMERCE DEPARTMENTS APPROPRIATIONS, 1965

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate turn to the consideration of Calendar No. 1316, H.R. 11134.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Mr. JOHNSTON. Mr. President, the Congress, through the years, has endeavored to protect Government employees from political harassment and at the same time leave them free to exercise legitimate political interests. Of principal note coming from the Congress has been the Hatch Act, which contains the legal essentials or, one might say, the limits for political activity by Government employees. Too often, however, our civil servants look upon the Hatch Act with fear and misunderstanding and, as a result, hibernate when it comes to political activity.

As chairman of the Senate Post Office and Civil Service Committee, it has been my fortune to become personally and deeply acquainted with the problems facing Government employees when it comes to their political activities. My contention has been that Government employees should be kept keenly aware of their rights under the Hatch Act and other regulations and that they should be encouraged to participate, insofar as the law permits, in political activity. They should feel that they are full citizens with the right to fully participate in politics within the confines of the reasonable limits that have been set by the Congress.

In this connection, I feel it is the duty of administrative personnel in the Federal Government to recite to employees their political prerogatives and rights and to issue statements necessary to encourage employees to be expressive in politics. After all, just because a man or woman becomes an employee of the American Government should not deprive that individual of his own American constitutional rights to be involved in politics. The Hatch Act and related regulations governing political activity of Federal employees was designed to prohibit excesses and possible conflicts of interest in the political activity of Federal employees, but these things were not designed to frighten or intimidate or exclude Federal employees from the field of political activity.

I would like to bring to the attention of the Senate a statement issued by Mr. Rex Whitton, Federal Highway Administrator, dealing with this subject. Mr. Whitton has rightly encouraged, in this statement, political activity by Federal employees. Of course, he has cautioned that this activity should be within the confines of the law, but he has, without political prejudice, urged that Federal employees play their part in the historic decisions of elections, and that they participate to the full limit of their ability in politics.

I would like to commend Mr. Whitton for his forthright statement and for his position taken in this matter and urge that other Government leaders in other Government agencies do likewise. For their guidance and assistance, I ask unanimous consent that Mr. Whitton's statement on "Civil Service and Civic Responsibility" be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[From News in Public Roads, August 1964]

CIVIL SERVICE AND CIVIC RESPONSIBILITY

(By Rex M. Whitton)

The attitude of some Government employees toward their Government is something like that of the drowning man who heard rescuers shouting, "This is the Red Cross. We're coming," but who shouted back, "Go away. I gave at the office."

They might be dedicated and competent employees. They might serve their Government well as civil servants, but when they are presented with opportunities to participate in their community or Nation's affairs as citizens, they say, like the man in the lake, "Go away. I'm in civil service."

Considering the conditions under which Government employees often work—conditions in terms of pay, long hours, lack of public recognition, even sometimes danger—Government service contrasted with the attractions of private industry might be a true sacrifice for many. Civil service, nevertheless, is employment. It is not a substitute for civic responsibility. A good day's work for Uncle Sam is one thing, but it will not make up for failure to participate intelligently and effectively in the democratic process to insure that we will continue to have good government in the United States at all levels—Federal, State, and local.

The laws and the regulations concerning the political activities of Federal employees are in fact and intent guarantees of your political rights. They were enacted and prescribed to insure that your constitutional rights to vote as you choose and to freely express yourself on any party or issue shall not be interfered with because of your employment.

Your political activity is somewhat limited as a Federal employee, of course. But if you will examine the Hatch Act and the Civil Service Commission regulations, you will see that the limitations are only those necessary to insure that you could not use your position for an improper political purpose. More important, limitations on Government employees essentially are only those necessary to protect the rights of other Government employees.

I would hope, therefore, that as a Bureau of Public Roads employee and a good citizen you will be concerned not only with avoiding prohibited political activities, but with accepting what is really your responsibility to participate in permitted political activities.

Every election is a historical event affecting the direction of our Nation. You will have the opportunity to play your part in the historic decision that will be made this November. I would hope that you would inform yourself on the issues and candidates. I would hope that you would make your decisions on the facts after careful deliberation. And, finally, I would hope you would support your decisions and convictions by freely expressing your opinions, by financially supporting the party or candidates you choose, and by voting on election day.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE, JUSTICE, AND COMMERCE DEPARTMENTS APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 11134), making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. HUMPHREY. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the State, Justice, and Commerce Departments appropriation bill.

Mr. McCLELLAN. Mr. President, I have only a few brief remarks to make concerning the pending bill, which makes appropriations for the Departments of State, Justice, and Commerce, the judiciary, and 10 related agencies, and for other purposes, for the fiscal year ending June 30, 1965.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. SALTONSTALL. I thank the Senator for yielding. I must go to a conference being held on the military construction bill. I wish to say, as the senior Republican on the Appropriations Committee, that the bill the Senator from Arkansas is presenting is in good shape. I hope it will be passed promptly so that it may go to conference.

Mr. McCLELLAN. I thank the distinguished Senator from Massachusetts. I am sure the Senator agrees that we worked on the bill very diligently. The bill the committee reported, and which is now being presented, has the unanimous support of the full committee. I therefore hope the bill can be passed without change, without further amendment, and without hesitation.

Mr. SALTONSTALL. With all those statements I agree.

Mr. McCLELLAN. I thank the Senator.

The bill as reported to the Senate is in the amount of $1,730,885,700, or a net increase of $28,257,900. It is $268,279,000 below the total estimates for 1965, which estimates include an item of $41,400,000 requested for the Chamizal project, and which was not considered by the House. In addition to the sum appropriated from the general fund and mentioned above, the committee has authorized to be appropriated from the highway trust fund the sum of $3,648,500,000 that is needed to carry out the authorized highway program this fiscal year.

For the State Department the committee has added to the House bill $39,459,000. The major increase, of course, relates to the $30 million approved for the Chamizal project, which item, as I indicated above, was not considered by the House. The committee also felt that an additional $2,600,000 was necessary for the "salaries and expenses" item to permit an improvement of the Department's extensive communications system and to provide additional security for some of our oversea facilities. Also allowed in this item is $600,000 of the $1 million requested to expand the oversea commercial program. An additional $1,696,000 has also been added to the bill to cover the cost of some high-priority projects that should be started this fiscal year under the foreign buildings program. Of this sum, $1 million is paid from our special foreign currency fund that has generated under the Public Law 480 program.

The committee also added $4,604,000 to the exchange activities program in order to maintain the 1964 level of planned programs this fiscal year. Another important item under the educational exchange programs carried out by the Department concerned the East-West Cultural Center in Hawaii. The committee added $300,000 to the House allowance of $5,300,000 so that the 1964 program level could be maintained in the technical training and student scholarship activities.

Regarding the request for the purchase of $12 million of U.S.-owned Egyptian pounds as the U.S. contribution to remove and preserve the ancient temples of Abu Simbel, the committee has recommended the approval of the contribution, but to be funded through a grant of currencies available under Public Law 480, title I, section 104(e), instead of by making a direct appropriation. The Department has indicated its approval of this recommendation.

For the Department of Justice, the committee approved the House allowance of $364,036,000, as the Department indicated they were satisfied with such allowances to cover their operating expenses of the various departments in fiscal year 1965.

For the Department of Commerce the committee approved the direct appropriation of $727,481,900. This sum is a net reduction below the House figure of $2,604,100, and, as the report indicates, represents the difference between $5,695,900 recommended in five activities; namely, $795,000 for international activities, $624,000 for Coast and Geodetic Survey, $970,000 for the Bureau of Standards, $140,000 for the Office of Technical Services, $3,166,900 for the Weather Bureau, and reductions below the House in the total amount of $8,300,000 in four categories; namely, $300,000 in the Area Redevelopment Administration, $5 million in the Maritime Administration, ship subsidy program, and $3 million in the Bureau of Public Roads.

For the judiciary, the committee recommended a total amount of $68,944,800. This sum is an increase of $114,000 over the amount allowed by the House and, as the report indicates, it is needed to permit the funding of three additional full-time referee positions and the conversion of four part-time positions to full time.

For the 10 related agencies the committee recommends the direct appropriation of $187,127,000. This sum is a net reduction of $8,711,000 below the total recommended by the House. The reduction results from the following changes recommended by the committee:

For the U.S. Information Agency the committee has recommended a reduction of $11,400,000 in the construction of radio facilities program and $750,000 in the informational media guarantee program. For the Arms Control and Disarmament Agency the committee has recommended a reduction of $2 million of the $11 million provided in the House bill.

Conversely, the committee recommended total increases of $5,439,000 as follows: $175,000 for the Federal Maritime Commission, $25,000 for the special representative for trade negotiations, and $5,239,000 for the salaries and expenses appropriation of the USIA.

I believe we have a good bill, and it has the unanimous approval of the committee.

Mr. President, at this time I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded for the purposes of amendment as original text, provided that no point of order shall have been considered to have been waived by reason of agreement to this request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The amendments are considered and agreed to en bloc.

The amendments agreed to en bloc are as follows:

On page 3, at the beginning of line 5, to strike out "$163,000,000" and insert "$165,600,000".

On page 4, at the beginning of line 7, to strike out "$18,125,000" and insert "$18,821,000".

On page 4, line 22, after the word "expended", to strike out "$4,000,000" and insert "$5,000,000".

On page 6, line 3, after "(5 U.S.C. 3031–3039)", to insert "purchase not to exceed three passenger motor vehicles;", and in line 5, after "(5 U.S.C. 170g)", to strike out "$3,100,000" and insert "$3,234,000".

On page 8, line 13, after the word "investigations", to strike out "$760,000" and insert "$785,000".

On page 9, after line 19, to insert:

"CHAMIZAL SETTLEMENT

"For expenses necessary to enable the United States to meet its obligations under the Convention between the United States and Mexico, signed August 29, 1963, and to carry out the American-Mexican Chamizal Convention Act of 1964, including purchase of four passenger motor vehicles, $30,000,000, to remain available until expended: *Provided*, That this appropriation shall not be available for expenses of operation and maintenance of works provided for in said Convention and Act."

On page 12. line 1, after the word "Congress", to strike out "$2,000,000" and insert "$2,100,000".

On page 12, line 22, after the word "amended", to strike out "$44,125,000" and insert "$48,729,000"; in line 23, after the word "than", to strike out "$18,500,000" and insert "$20,250,000"; and on page 13, line 1, after the word "exceed", to strike out "$2,250,000" and insert "$2.310,000".

On page 13, at the beginning of line 9, to strike out "$5,300,000" and insert "$5,600,000".

On page 18, line 21, after the word "be", to strike out "$22,000" and insert "$30,000".

On page 24, line 7, to strike out "$14,000,000" and insert "$13,700,000".

On page 27, at the beginning of line 1, to strike out "$9,425,000" and insert "$10,145,000".

On page 27, line 13, after "(22 U.S.C. 401)", to strike out "$4,500,000" and insert "$4,575,000".

On page 28, line 15, after the word "law", to strike out "$27,000,000" and insert "$27,624,000".

On page 30, line 23, after the word "physics", to strike out "laboratory" and insert "laboratory, a standard frequency broadcasting station", and on page 31, line 2, after the word "therefor", to strike out "$2,800,000" and insert "$3,770,000".

On page 31, line 16, after the word "Services", to strike out "$1,060,000" and insert "$1,200,000".

On page 31, line 24, after the word "law", to strike out "$65,000,000" and insert "$67,266,900".

On page 32, line 6, after the word "equipment", to strike out "$10,400,000" and insert "$11,300,000".

On page 34, line 14, after the word "Commission", to strike out "$190,000,000" and insert "$185,000,000".

On page 38, line 14, after the word "exceed", to strike out "$46,750,000" and insert "$47,250,000".

On page 39, line 6, after the word "expended", to strike out "$3,648,000,000" and insert "$3,648,500,000", and in line 10, after the word "and", to strike out "$2,225,163,315" and insert "$2,225,663,315".

On page 40, line 19, after the word "expended", to strike out "$8,000,000" and insert "$7,000,000", and in line 21, after the word "and", to strike out "$4,700,000" and insert "$3,700,000".

On page 41, line 5, after the word "expended", to strike out "$4,000,000" and insert "$2,000,000".

On page 47, at the beginning of line 11, to strike out "$2,670,000" and insert $2,750,000".

On page 47, line 17, after the word "exceed", to strike out "$5,750,000" and insert "$5,784,000".

On page 50, line 9, after "(5 U.S.C. 2131)", to strike out "$2,763,000" and insert "$2,938,000".

On page 52, line 12, after the words "per diem", to strike out '$500,000" and insert "525,000".

On page 53, line 20, after "(75 Stat. 631; 77 Stat. 341)", to strike out "$11,000,000" and insert "$9,000,000".

On page 56, at the beginning of line 3, to strike out "$137,550,000" and insert "$142,789,000".

On page 58, line 21, after the word "otherwise", to strike out "$13,400,000" and insert "$2,000,000".

On page 59, after line 2, to strike out:

"INFORMATIONAL MEDIA GUARANTEE FUND

"For the 'Information media guarantee fund', for partial restoration of realized impairment to the capital used in carrying on the authority to make information media guarantees, as provided in section 1011 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1442), $750,000."

FUNDS FOR EAST-WEST CENTER

Mr. FONG. Mr. President, I express my appreciation for the Senate action today in upholding the recommendation of the Appropriations Committee in providing $5.6 million for the East-West Center in Hawaii, an increase of $300,000 over the amount provided by the House of Representatives.

Under the House version of the bill, only 20 technical trainees could be financed, instead of 100 approved in the budget for 1965. The technical training program is a very practical and useful one, and should be increased over the years, not cut back as the House amount would require. The House figure would also mean a reduction of five in the student grantee program.

The Senate Appropriations Committee has recommended that the entire $300,000 restored go for scholarships and grants. Together with $71,500 in unobligated funds left from the fiscal year 1964, the East-West Center scholarship and grant program should be able to move ahead nearly as planned.

I hope the House conferees will agree with the Senate amount, so that the East-West Center may continue its steady march toward a meaningful and effective program to promote greater understanding and friendship among the peoples of the Asia and Pacific region and the people of our country.

I am confident that the Senate conferees will do their best to sustain the Senate position.

In closing, I commend the chairman of the State Department Appropriations Subcommittee, the able and distinguished senior Senator from Arkansas [Mr. McCLELLAN], and the able and distinguished senior Senator from Maine [Mrs. SMITH] for their diligence over the years in attending the hearings on East-West Center. This year, both of these friends of the Center continued to show their keen interest in, and concern for, the improvement of the Center.

I commend all members of the subcommittee for their great and continuing interest in the success of the East-West Center and for their support of this institution, which is becoming ever more important to our Nation's effectiveness in the Pacific and in Asia.

Finally, deep appreciation is due the minority leader and the majority leader for their stanch support of the Center, and to all other Members of the Senate who believe in the Center and have joined in approving the necessary funds for its progress and growth.

THE CHAMIZAL APPROPRIATION

Mr. YARBOROUGH. Mr. President, with the appropriation of $30 million to comply with the Convention on the Chamizal, we come to the peaceful end of an ofttimes stormy voyage. From 1911 until 1963 the story of the Chamizal was that of a series of unsuccessful attempts to arrive at a just settlement of a longstanding border dispute between the United States and Mexico. On August 29, 1963, as a result of the statesmanship of President John F. Kennedy, Ambassador Thomas C. Mann, Commissioner Joseph F. Friedkin, and President Lopez Mateos of Mexico, an agreement was reached in Mexico City, ending over 50 years of frustration. Inspired leadership in this matter has been continued under President Lyndon B. Johnson, with the timely enactment of the enabling legislation and now with the actual appropriation of funds.

With this money available the wheels will be set in motion to effectuate the actual settling of the boundary. Land and homes in the disputed zone will be bought and paid for. A new, permanent channel will be constructed for the Rio Grande River; railroad tracks will be relocated; new bridges will be built; and certain El Paso City properties will be moved.

The handling of the Chamizal negotiations and the drafting of the compliance legislation were marked by a high degree of skill and good sense from all who played a part. I am sure that this capable management will continue in the final chapter of the Chamizal story, and will insure a rapid and orderly settlement of all claims and disputes in El Chamizal.

USIA INFORMATIONAL MEDIA GUARANTEE

Mr. KEATING. Mr. President, I am very much disturbed by the Appropriations Committee's denial of the USIA's request for funds to maintain its Informational Media Guarantee Division. These funds comprise a minor part of the Agency's authorization, but a very major part of its commitment to the purpose of spreading information about the American way of life to the people of other nations. By making possible the sale of American books and publications to peoples who might otherwise not have access to them, this program has made a substantial contribution to the purposes for which this Agency was established, purposes which most of us can agree serve the national interest of the United States.

I believe, Mr. President, that the arguments aimed against this request in committee lost sight of the long-range hope and promise contained in this program. Although we cannot measure the exact influence of some of America's finest books and magazines in a country like Poland or Pakistan or Korea, we can safely assume that such efforts are not lost. The vital role of media competition in this country is not questioned; yet some of my distinguished colleagues suggest that we should bury our heads in the sand when it comes to international media competition.

Mr. President, I suggest that $1 million is, if anything, too small a price to pay for the distribution of American publications overseas. When one considers that our allies spend many times more on similar programs, when one sees that the United States ranks far below the Soviet Union and the United Kingdom in number of books distributed internationally every year, the suggestion that the informational media guarantee program is merely "a subsidy to a lot of publishers in New York City," is truly alarming. Can we afford to allow ourselves to lose sight of the all-important contribution of education, of which books and magazines are an integral part, either here or abroad? This is the question we must ask ourselves in evaluating the work of this program. Mr. President, I sincerely hope that all or at least part of the funds requested by the USIA for its program to promote American publication sales overseas will be restored in conference.

Mr. JAVITS subsequently said: I wish to point out that the State, Justice, and Commerce, the judiciary and related agencies appropriation bill was passed this morning very quickly, without advance notice. I had very serious objections to the lack of new funds for the informational media guarantee fund administered by the U.S. Information Agency. I am hopeful that the matter may be appropriately resolved in conference. I make a strong plea for new funds for the program as being a critically important one to American foreign policy.

I am most deeply concerned over the failure of the Appropriations Committee to recommend new funds for the informational media guarantee program. This important program enables foreign countries with serious dollar exchange problems to import U.S. books, periodicals, films, and other informational media. The U.S. materials are exported through normal commercial channels and are sold in the participating countries with the result that members of foreign countries have an opportunity to be exposed to important sources of information concerning the United States. Exports under the program are controlled by the issuance of guarantee contracts entered into between the U.S. Information Agency and American exporters of U.S. informational material. Under the program, foreign importers make payments in their own currency to American exporters, who then exchange the foreign currency for U.S. dollars through application to the U.S. Information Agency. Most of the foreign currencies acquired under the program are sold to U.S. Government agencies which use them to meet local operating expenses. Dollars paid for such currencies are credited to the IMG revolving fund.

The 1965 budget estimate for the informational media guarantee fund was $1 million, including $330,000 for additional program financing and $670,000 for the payment of interest to the Treasury. The House passed this appropriation bill on May 6 and included a total appropriation of $750,000 for this program. The Senate Appropriations Committee recommended that no new funds be appropriated for this program. Last year the Congress appropriated $750,000 of which $650,000 was for interest repayment on the revolving fund. During the debate on the Departments of State, Justice, and Commerce appropriation bill for fiscal year 1964 on December 12, 1963, a number of Senators indicated their support of the continuation of this important program.

Concern was reflected that a reduction of funds for this program would adversely affect the distribution of educational and worthwhile materials. Materials generally eligible for IMG support include books, periodicals, and publications in the fields of pure and applied science, engineering and technology, social sciences and education, law and public administration, business, economics, and finance, American history and geography, philosophy, biographies of Americans, American architecture and applied art, general reference works, and materials for teaching English as a foreign language.

According to the testimony of the USIA officials before the House Appropriations Committee, the program is operated under criteria which requires that all materials sold under the program make a positive contribution in support of U.S. policy objectives and reflect favorably on the United States.

It should be noted that last year the conference committee on this bill in appropriating $750,000 allowed $100,000 more than the Senate appropriation which in itself appears to be an indication of congressional intent that the informational media guarantee program should continue.

The need for a full exchange of information has become particularly urgent in view of the propaganda competition between Communist-bloc and the free world nations. The U.S.S.R. has made a particular effort in dissemination of cultural information. I estimate that the Communist-bloc countries spend as much as $100 million a year in these activities, and this is roughly 40 times more than the U.S. Government is spending for comparable activities.

It is absolutely essential that American books, magazines, and other information material be available to people in other countries especially in those countries whose currency is not truly convertible.

INFORMATIONAL MEDIA GUARANTEE PROGRAM

Mr. CHURCH. Mr. President, I note with concern that the committee has not recommended any funds for the informational media guarantee program of the U.S. Information Agency. The committee report merely states that no new funds are recommended for this program. Last December, in acting on the fiscal 1964 bill, there was considerable discussion on the floor and a number of Senators expressed their views on the value of this program.

I hope the Senate conferees will agree to the restoration of funds in the conference committee to permit the program to continue during the current fiscal year. The Foreign Relations Committee has before it an administration bill, S. 2589, introduced by the chairman of the committee, proposing certain amendments in the present program. The committee has not been able to hold hearings on this as well as a number of other bills this year, but should be able to do so early next year.

The informational media guarantee program is an exceedingly effective way of getting American books and magazines into some key countries where this is not possible for one reason or another through normal commercial means. The countries in which the program is now operating are Afghanistan, Guinea, Korea, Pakistan, Poland, Turkey, Vietnam, and Yugoslavia. In the past fiscal year the program permitted the export of about $4 million worth of American books and other publications to these countries at a net cost to the U.S. Government of probably less than 10 percent of this amount. These U.S. publications were purchased by consumers in these countries because they wanted them and therefore carried little or no taint of government-sponsored propaganda. There is an opportunity now to extend this program into other Eastern European countries in addition to Poland and Yugoslavia and it would be exceedingly unfortunate if the program were to be discontinued at this time in the face of this opportunity.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 11134) was passed.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McClellan, Mr. Ellender, Mr. Magnuson, Mr. Holland, Mr. Pastore, Mr. Fulbright, Mrs. Smith, Mr. Saltonstall, and Mr. Mundt conferees on the part of the Senate.

Mr. McCLELLAN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO SENATOR M'CLELLAN

Mr. HUMPHREY. Mr. President, I wish to take a moment to commend the able Senator from Arkansas [Mr. McClellan] for the excellent work he has performed in bringing to the Senate the bill making appropriations for the Department of State, Justice, and Commerce, and for the expeditious manner in which these very important appropriations were handled.

Mr. McCLELLAN. I thank the Senator from Minnesota. We worked very hard in committee to be certain that we would remove all the wrinkles from the bill and have it smoothed out so that the Senate could accept it promptly.

Mr. HUMPHREY. The Senator has done exceedingly well, and we are most grateful.

Mrs. SMITH. Mr. President, as the ranking minority member of the Subcommittee on Appropriations for the Departments of State, Justice, and Commerce, I wish to say that seldom is a chairman more diligent and thorough in his committee effort than the able chairman of our subcommittee.

Like other appropriation bills, this one requires much study, and the distinguished Senator from Arkansas has given careful attention to it. The bill has received thorough scrutiny by all the members of the subcommittee and their work is reflected in the results.

You will note in the committee report accompanying H.R. 11134 that we went above the House figure. However, this was due to the fact that subsequent to the passage of the bill by the House, an amended budget estimate was sent directly to the Senate involving a total of $41 million for the Chamizal settlement. I believe that every Senator will agree that while the committee did not allow the full request for this item, a sufficient amount has been recommended to take care of the immediate needs.

Additional funds in the amount of $2 million were also recommended for an improved communications system for the Department of State. The Department has been directed to use the money solely for this purpose.

Turning now to another important item in the bill, we have recommended funds for additional commercial attachés in the amount of $600,000. This was an unbudgeted request and although unbudgeted the committee felt this money was required to strengthen our export program.

Mr. President, I will not take the time of this body to go over each item individually. I just want to say again that this bill has been carefully considered at all levels and I feel it is deserving of the support of every Member of the Senate.

I wish also to commend the staff for their excellent performance in behalf of the committee.

Mr. McCLELLAN. I thank the distinguished Senator from Maine. She was one of the members of the committee who was most faithful in attendance. She was diligent in her labors, to the end that we could bring out a bill with a unanimous report of the committee.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. HUMPHREY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PLANS FOR DEVELOPMENT OF A SUPERSONIC TRANSPORT AIRCRAFT

Mr. MAGNUSON. Mr. President, during the last 2 years we have read a great deal about the plans for the development of a supersonic transport aircraft. It has been widely discussed and has been the subject of a number of congressional committee examinations.

The reason for the great interest is the simple fact that we are not considering here merely a new type of aircraft, but a radically different form of transportation which will have an enormous impact upon all citizens of this country and other countries.

The aviation community, along with the appropriate agencies of the Government, have done a great deal of work to date in developing guidelines for this new type of transportation. Although much has been learned, much remains to be learned before we know whether or not the supersonic transport will be feasible.

This feasibility, of course, must be determined by the specialists. It is they who are running wind tunnel tests, determining the effect of sonic booms, and weighing many other factors which must go into the final determination as to whether or not the program should be pushed forward to completion. I have been struck by recent evidence that there are some doubts as to whether or not the United States should seriously consider building a supersonic aircraft at all—quite apart from its feasibility. Some of these doubts take the form of asking questions such as: "Do we really want an aircraft that flies faster than the speed of sound?" "Assuming we do have such a plane, do we really want to fly to Paris in 2 hours?" "Is speed really this important?"

These are important questions for all of us and deserve thoughtful answers. I was impressed by the answers that were provided by Stuart G. Tipton, president of the Air Transport Association of America. He addresses himself directly to the point of why the United States and its citizens will benefit from the introduction of supersonic aircraft and makes, in my opinion, an excellent case for the advantages which will flow from the introduction of faster-than-sound aircraft.

Mr. President, I ask unanimous consent to have the address of Mr. Tipton to the American Bar Association in New York on August 11, 1964, printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

THE NEED FOR A SUPERSONIC TRANSPORT

(Address by Stuart G. Tipton)

I'm delighted to be here today. It isn't often that I get a chance to have a group of lawyers sitting in one room listening to me. Usually, it seems, I'm listening to lawyers. I work with them all day and when I go home I find another, and a considerably more attractive one, waiting for me at the front door.

Nevertheless, I enjoy talking about legal matters and I was tempted to tell you about some of the legal problems of the supersonic transport program. As you can imagine, there are some problems. But you can see these as well as I. Rather than tell you about your own business, let me discuss the reasons for having a supersonic aircraft in the first place. As I see it, that is the No. 1 problem now and it is by no means settled.

The United States should build a supersonic aircraft. They should do so not because it helps the balance-of-payments problem, which it does. Not because of the need to meet competition, which it would. And not because other nations might assume aviation leadership, which they could. Rather this country should build a supersonic aircraft because in and of itself, this new transportation tool is good for the United States.

There is no reason for the United States to be a tool of circumstance when it comes to producing this important new form of transportation. It is not necessary for us to simply react to some other country's action. It is not necessary for the United States to be a "me too" country. The United States can and should seize the opportunity which is within our grasp.

I'm sure all of you were proud when you read last week of the great success of the flight of *Ranger 7* to the moon. We don't know now what we will learn from this flight and the scientists say it will take some years before we do know. Some 4,000 excellent photographs were taken. It will now be the job of the scientists and astronomers to study the photographs and tell us what it all really means.

It is obvious right now, of course, that it means a great deal to the United States in terms of its ultimate mastery of space.

I was struck by the comments by President Johnson when the flight was completed. He criticized those who would have called off Project Apollo and said that if man had not taken advantage of his scientific ability he would still be using an oxcart.

I think that the President's words are particularly apt when we consider the status of all proposals to move into the future. And to me this future very definitely includes the age of the supersonic transport aircraft.

All of us I'm sure, when we're tired, have haunting thoughts of the good old days when the pace of life was slower. We hear a lot about the halcyon days of yesteryear. It has become quite fashionable to harken back to those wonderful days of the horse and buggy. The pace of today's living, we're told, is such that we miss much of the simple joys of life. We're told that man's progress in this era of technological growth has brought material gains but at the expense of man's dignity, health, and peace of mind. The argument has even been advanced that progress itself is a bad thing.

I get tired too and when I do I rather wish that progress could somehow be stopped. But these aberrations pass. There have been too many advances in our standard of living, in lengthening our life expectancy and in the improvement of medical science to really seriously suggest that the good old days are better than the days we have now.

There are some personal reasons for progress. I'm sure you have your own lists. Who would give up Salk vaccine for the 5-cent stein of beer? Who would turn back the X-ray machine for the old swimming hole?

Even so we must answer the question, Why build supersonics in the first place? Why not just tinker a little more with the present fleet of subsonic jets and let it go at that? They are good planes. They get us there as fast as we want to go. Why not turn our back on progress and do with what we have? Who wants to fly at speeds of 2,000 miles an hour? Who needs it?

I think we all need it. Man has always turned a technological advance to his advantage. The advance here is speed and speed in transportation is good in itself.

Time, after all, is our one irreplaceable resource. It can never be recalled. Since productivity of man is limited by time and space, success and time are very much related. If we observe the successful managers and leaders of our society, whether in business, government, education, law, social work, philosophy, or the arts, they are almost constantly on the move. They fly to see for themselves, to teach and be taught, to absorb impressions, to mix and mingle with others, to inspire and be inspired.

The jet has made instant mobility possible. The massive cross-fertilization of ideas and information is one reason the United States is the most productive in the world.

Critics of the supersonic program ask the question: Do passengers really want to fly this fast? Is it that important to get a letter delivered in half the time or to ship cargo across the country in 2 hours instead of 5? Our answer, based on the 50 years of air transportation, is that they do want this. Our history is short but it is explicit on this point. Every time that an airline or airlines have offered to the public a faster trip between two points, the results have been clear and positive. When one airline ordered an aircraft which could cut the flying time from New York to Chicago from 10 hours to 8 hours, that airline got the business.

The history of air transportation in this country and around the world has been marked by periodic reequipment programs. Each of these programs has had a booming effect upon the industry's growth curve. In 1938 when we operated twin-engine aircraft, at speeds of 220 miles an hour, we flew 1.5 million passengers. The four-engine, 360 mile-an-hour era came in just after World War II and travel ballooned to 15 million passengers a year. When critics were telling us that we had achieved a plateau the jet age came in and 5 years after the first jet flew, we found we were flying 71 million passengers a year. And now on the threshold of the supersonic jet age, there is no doubt that this new equipment will act as a further stimulant and the travel curve will take another sharp upward jump.

I think the results of the jet age to date prove conclusively that increased speed of transportation and communications play a very vital role in the expansion of trade and in strengthening the Nation's economy. If the airlines had stood pat with their piston equipment, the chances are that business would have increased somewhat and there would have been some benefits to the economy—but nothing like the increase that has come from the introduction of some 300 pure jet aircraft on the Nation's airlines. Here are just a few of the direct results of the jet age:

In the 5 years of the jet age, the airlines have created 25,000 new jobs in their industry alone; also, more than 100,000 new jobs have been created in supporting industries.

The number of passengers has increased 45 percent, cargo ton-miles have increased 104 percent and mail volume has increased 100 percent.

The first 5 years of the jet age show the airlines investing $3.5 billion in new jet flight and supporting equipment. New equipment on order for the next 3 years will add more than $1 billion to that figure.

I am sure all of you who have contemplated business trips to distant cities or thought of vacations to foreign lands find that the jet has made these goals easily attainable. I took a jet flight to Tahiti this spring. It's a trip I had always hoped to take but it wasn't until the jet cut flight time so dramatically that I was able to find the time to go to the South Pacific. A day doesn't go by but what some distant resort, be it in the Caribbean or South America or any part of the world, doesn't report new waves of tourists borne to their shores by 600-mile-an-hour jets. The dollar value of increased pleasure travel to these places can hardly be calculated. There literally is no part of the world which is not now within range of a person with a 2-week vacation and a modest amount of vacation funds. The SST will extend this horizon that much further.

World trade has been stimulated by the advent of the jet age. With more businessmen flying more frequently and more quickly to foreign business centers, the flow of export and import business follows in their wake. So as it has been with the subsonic jet, it will be with the supersonic aircraft. Greater speeds will bring distant countries even closer, encourage more flights for business and pleasure and the wheels of commerce and industry will be spun that much faster.

So far I have confined my remarks on the advantages of speed—to the benefits that accrue to the businessman and the pleasure traveler and the effects of these two passengers upon the national economy. I have not yet mentioned the emergency aspects of transportation which are so well satisfied by speed. I am sure you are all familiar with the many cases of medical emergencies which have seen lifesaving blood plasma, iron lungs and medical specialists flown across the country and around the world to perform important humane functions. When a life hangs in the balance, the difference between 10 hours flight time and 6 hours can often mean life or death.

Speed has a value in national defense. In these days when brushfire wars seem to break out around the globe, it is essential that transportation for men and materiel be as fast as possible. The movement of troops to Lebanon, the flights that supported the Cuban crisis of 1962 and now the Vietnam situation all point to the value of having transportation available which will rush in troops and supplies to help put our brushfires before they become raging wars.

The Department of Defense has said that they see no military value in the supersonic transport, and for the moment there seems to be no reason to quarrel with their conclusion. However, I will be very much surprised if the supersonic transport does not play a crucial role in the development of military mobility.

But we are not in the supersonic age yet—much remains to be done. This is a good time to set forth the needs which the airlines see as being basic for any successful application of the SST:

1. The airplane should have a speed potential of more than mach 2.2, or 2.2 times the speed of sound.

2. It should be capable of being operated by the airlines at a reasonable profit.

3. It must be operated without undue annoyance to persons on the ground.

4. It must fit efficiently into the total air transportation pattern without excessive restrictions on the other parties.

5. Finally, the airlines should be able to operate the aircraft while continuing to improve their safety record as they have in the past.

The stewardship of the supersonic development program has been given to the Federal Aviation Agency. The man who is sitting in the driver's seat of that program is serving on the panel with me today—Najeeb E. Halaby, Administrator of the FAA. I would like to take this opportunity to tell you that he and his agency have done an outstanding job in getting this program underway. But as all of us know, a big part of any problem is solved if you can just get started toward a solution.

I will mention only one of the endless problems—the sonic boom. I do this partly because it is so difficult and partly because of the obvious legal complications involved. Supersonic aircraft do break the sound barrier, of course, and when they do, there is often resultant effect upon people on the ground. The FAA in cooperation with the National Aeronautics and Space Administration has just completed a 6-month test program in Oklahoma City. You have probably read of the reaction from some of the citizens. Handling these complaints has been the job of the FAA. The task has been hard and Mr. Halaby and his colleagues have done an admirable job. The citizens of Oklahoma City are also to be praised because it was they, after all, who had to endure the eight sonic booms a day which were thrown at them. The citizens have been praised by the American Municipal Association at their recent annual congress. I would like to just read a portion of the resolution which the AMA adopted:

"Whereas, the results of the sonic boom tests will be of great importance in making the age of the supersonic transport as safe, efficient and useful as possible for this Nation and all the nations of the world, be it resolved, that the citizens of Oklahoma City are to be commended for their participation in the sonic boom tests; demonstrating by their understanding and cooperation that their city is a leading center of world aviation and world trade and a progressive, forward-looking metropolis."

These tests were essential and more tests will undoubtedly be made because we must know more about the sonic boom than we do now. This phenomenon will very well have a greater effect upon the size, shape and method of operation of the new airplane than any other single factor.

During the last 2 years of supersonic preparation, these questions have often come up: Why is the U.S. Government in the program at all? Why is the Government considering advancing up to $1 billion for the development of a commercial transport aircraft? There are good answers to these. I think they deserve our attention.

The funding necessary to develop a supersonic aircraft is so vast that the private sector of the economy cannot undertake it alone. The resources of the manufacturers just will not allow the investment of close to $1 billion to develop the supersonic transport. Government aid in this initial stage is clearly necessary as Presidents Kennedy and Johnson have pointed out.

There is ample precedent for such government investment in the private sector. The merchant marine is a good example. Years ago it was decided that it was in the national interest to invest Federal funds in the U.S. design and construction of merchant ships. Since then, hundreds of millions of dollars have been spent. As recently as 1958, the Maritime Administration was looking forward to a replacement program which by 1972 could require more than $2 billion in Government aid.

The reason for this expenditure is to guarantee the maintenance of our construction capability and thus the effectiveness of our merchant marine.

The need for a U.S. supersonic transport program is similarly as justified and equally critical. One congressional critic of the program has suggested that if an SST will be useful, why not let the French and English make one and let the U.S. airlines buy it. This would be a great mistake. Our industry has taken the lead for many years in the production of the most advanced aircraft, the same aircraft which have been crucial in maintaining our national security. Also, our manufacturers have led the world in building transport aircraft. This maintained our security and contributed enormously to our national economy. Our foreign trade was enhanced by a billion dollars or more just because our manufacturers were able to build the finest of the world's jet transports. We just can't afford to step out of the SST program. It would begin the gradual erosion of our manufacturers' strength, so essential to future manned aircraft needs.

Another reason for U.S. leadership is that the airlines of the world are in vigorous competition. In most cases, the foreign airlines are arms of their governments. I do not believe it reasonable for the United States to expect its airlines to maintain their successful positions with procurement and maintenance of their most advanced equipment dependent upon the good will and generosity of their competitors.

Let's talk about the more direct benefits of U.S. leadership in the manufacture of the SST. The Stanford Research Institute recently determined that there is a potential market for some 325 mach 3 aircraft on first-round orders only. Even with the competition from Anglo-French Concord, the SRI estimates that we could sell some 216 mach 3 planes. The manufacturers of these planes in this country would result in 385,000 man-years of work, or an average employment per year of 24,000 men and women.

Why should the United States be the builder and seller and not the buyer? One very practical reason lies in the area of our national economy. In addition to the new jobs which it will create, it will have an important effect on our balance of payments. Because of leadership in the subsonic jet production, we have sold more than $3 billion worth of aviation equipment to foreign countries. Our own airlines have invested some $4 billion. If the United States had turned its back on developing the commercial jet transports, it would have been necessary for U.S. airlines to go abroad to buy their jets, thus adding a $4 billion debit to the balance of payments. It is quite possible that the SST orders can be as high as $10 billion during the 1970's. If we have to go abroad to buy the aircraft, that much money and possibly that much gold will flow out of this country.

All of these reasons, I feel, are valid reasons for the need for the United States to build and for the airlines to put into service a supersonic aircraft. But they are only supporting reasons. The real point must be emphasized and that is that the United States should build a supersonic transport because that plane would be a useful device in and of itself. We know, of course, that the French and English have joined in a consortium to build a supersonic plane to be known as the Concord. We also hear that the Russians are planning a similar aircraft. This should have no bearing on our ambition to build the plane. We are not, and should not be, in a race with others to build the first SST. We should be concerned here only with building the best SST and building it because this country needs it and not because we are engaged in senseless competition with another country to win a race for the sake of winning it.

It is true that there is a large measure of prestige for the nation which can build the finest SST or, for that matter, the finest anything. That should not guide our hands. We should build this aircraft because first of all we know that we can build it and because all of our past judgment, all of our experience, all of our lessons from the past indicate to us that this vast improvement in air transportation will have benefits for many years for all of our citizens.

No one knows yet, of course, how much it will cost finally to produce a SST aircraft. One estimate that seems realistic is that it will cost about $1 billion to develop the aircraft.

This is a vast sum but it seems small compared to the $20 billion that has been required so far to support another national program—getting a Ranger vehicle to the moon. It would take another $20 billion to land a manned vehicle on the moon. Is it worth it? These are questions that our Government must decide and consider in terms of total national goals. The answer has been affirmative with the moon exploration. I know it will also be affirmative in the SST as well.

I think the timing of these two national goals—the lunar landing and the supersonic transport—is interesting. The lunar scientists expect that they will have Americans on the moon by 1970. Our aviation scientists tell us that we cannot expect supersonic aircraft in regular service until 1972 or perhaps a bit later. Certainly it is interesting to note the fact that we will be able to journey into space before we can fly as passengers at supersonic speeds between New York and Paris.

Richard Witkin, the perceptive aerospace editor of the New York Times, said this last week about the moon program:

"To project leaders, the most damaging kind of adverse comment is the argument often heard that the lunar landing is little more than a multibillion-dollar stunt that will reap prestige of dubious value.

"To these leaders, the lunar landing is anything but a stunt. They see it as the focus for a national effort to achieve a broad-gage capability in space. They look on the lunar landing as just a first step in a new age of exploration that will extend at least to other planets.

"They agree wholeheartedly with the late President Kennedy that the Nation must learn to sail on this new sea if it is to maintain its greatness."

So it is with the supersonic development program. The United States must not only learn to sail on this new sea, it must provide the flagship and the crew, if it is to maintain its greatness.

THE FUTURE OF AMERICA'S AEROSPACE INDUSTRY

Mr. MAGNUSON. Mr. President, this is a time for proper concern over both the immediate and distant future of America's great aerospace industry. It is not a time for panic or even undue pessimism.

Although the events of the past few days in North Vietnam indicate once again that we can never afford to relax our defense posture, it is possible that defense expenditures will level off or even decline slightly during the next several years. But those who view this development as disastrous for the future of the aerospace industry reckon without our dynamically expanding space program.

Last week in Seattle, Dr. Edward C. Welsh, executive secretary of the National Aeronautics and Space Council, discussed the future of the space program with the Aerospace Industries Council. It would not be exaggerating to say that Dr. Welsh was confident and even bullish about the future of the space program and the potential rewards for industries engaged in that program. Dr. Welsh pointed to the "remarkable rate of expansion" in the Government's investment in space—"more than six times what it was in 1960"—and noted that "the trend of space expenditures would be upward."

Dr. Welsh stated:

> In addition to a wide range of space projects, both classified and unclassified, it is reasonable to expect that this country will develop larger and longer lived manned space stations, follow the initial lunar landing with extended exploration of the lunar surface, and engage in an expanding program of interplanetary exploration. For these projects and the spacecraft and propulsion systems necessary to make them successful, it is important that we begin as soon as possible to invest adequately our talents and funds in the essential long leadtime items.

To those aerospace firms which are facing cutbacks in the production of weapons systems, Dr. Welsh noted that the resources now engaged in the production of military equipment can well be transferred "to other useful types and forms of economic activity."

The same is true in the field of oceanography, on which we are just beginning to embark. There are many things that are not known concerning three-fourths of the earth's surface, which would be of benefit to mankind.

Dr. Welsh continues:

> The most efficient and logical direction of such transfer would be toward an expanding space program. It would be difficult for anyone to name an activity more clearly identifiable with economic progress than is the exploration of outer space. From such

activity flow new materials, new processes, and improved management techniques. In what activity do we discover greater stimuli to education and to increasing our gross national product? Moreover, it is reasonable to conclude that increased space activity would actually accentuate the trend toward world peace by diverting the same skills and facilities from weapons systems to space systems. It is my thesis that mutual disarmament—and prudence dictates that there should be no other kind—would greatly increase the flow of funds and efforts in space exploration and into the building of greater space capability.

The Senator from Washington adds to that the field of building a greater capability in the field of oceanography.

Dr. Welsh sounds an optimistic note for America's aerospace industry.

As a member of the Aeronautical and Space Sciences Committee and Chairman of the Appropriations Subcommittee which passes upon space appropriations, I share that optimism.

I ask unanimous consent that Dr. Welsh's address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY DR. EDWARD C. WELCH, EXECUTIVE SECRETARY, NATIONAL AERONAUTICS AND SPACE COUNCIL, TO AEROSPACE INDUSTRIES ASSOCIATION COUNCIL, SEATTLE, WASH., AUGUST 8, 1964

This is indeed a distinguished audience. Without the organizations and resources you command, this great Nation might otherwise be in a second place position in strength, in technology, and in prosperity. I compliment you on the job you are doing.

PROFIT MOTIVE

I very much appreciate the frequent briefings which we receive from your representatives in regard to new developments, new studies, and new proposals. They are mostly excellent. The quality of the individuals making such presentations is very high. I am also impressed with what they have to say and how they say it. I do, however, have one complaint regarding this service. Frequently—not always—but frequently—the briefers will somewhat apologetically admit that, in addition to the main motives of patriotism and the desire to beat the Russians, their companies also have interest in making some money out of a development or production contract. Whenever I hear something like that, I feel like giving a little lecture to the effect that in a capitalistic society one should not apologize for seeking to make a reasonable profit. It is a myth that your Government is opposed to private profits. The defensive attitude of some of your representatives in this respect does tend to perpetuate that myth. Obviously, profits should not be the only motivation of your companies, but it should be a major one, and you should be proud of it.

AEROSPACE TRENDS

This leads me, without too much strain, to a subject of interest to all of you; namely, what does the future hold so far as aerospace activity is concerned. Obviously, I can only suggest some trends and express some personal opinions. These could be summarized as follows:

1. I do not see any substantial decrease in the dollar amount of defense spending in the immediate future. However, to the extent that conditions warrant such a decrease, it would be a sad commentary on our type of society if we were not able to transfer some of our energies from the production of military equipment to other useful types and forms of economic activity.

2. The most efficient and logical direction of such transfer would be toward an expanding space program. It would be difficult for anyone to name an activity more clearly identifiable with economic progress than is the exploration of outer space. From such activity flow new materials, new processes, and improved management techniques. In what activity do we discover greater stimuli to education and to increasing our gross national product? Moreover, it is reasonable to conclude that increased space activity would actually accentuate the trend toward world peace by diverting the same skills and facilities from weapons systems to space systems. It is my thesis that mutual disarmament—and prudence dictates that there should be no other kind—would greatly increase the flow of funds and effort in space exploration and into the building of greater space capability.

3. Part of any decrease in the production of weapons systems should be offset by an increase in the research and development of advanced weapons technology. We must stay on the technological alert. All too often, the emotional impact of disarmament falls upon the fields of research and development rather than upon operational and obsolescing weapons systems where it belongs. Economies can properly be found in the discontinuance of systems and facilities no longer needed, but savings should not be sought from investments necessary for the development of new methods and new systems.

4. Space systems have peculiar advantages in the keeping of peace. Hence, a trend away from weapons of aggression should be replaced with a trend toward systems of surveillance, detection, and interception from space. I hasten to add that such measures cannot and should not be expected to meet all of the defense needs of a nation seeking to maintain a permanent peace. However, space systems can be and will be an increasingly important factor in helping to maintain the peace. This is a type of insurance we should stimulate.

5. Shifts in emphasis, from weapons systems to advanced research and development and to space systems, will have a significant effect upon the aerospace industry. Even if the dollar volume of your contracts increases—and I expect over the coming years this will be the case—the major demand will be for your most able engineers, scientists, and managers. Less attention will go to quantity of output; more attention to quality of personnel and equipment. This is going to present a considerable challenge to the management of each of your companies.

6. Contrary to alarming reports, there is no depression in the space business. Look at the record. The total spent on space by all agencies of the Government in 1964 is more than 6 times what it was in 1960. This is a business which has moved in the last 4 years from a gross of less than $1 billion to more than $6 billion. That is a remarkable rate of expansion. True, such a rate of increase is not going to continue, but assuming a favorable election this year, I would expect that the trend of space expenditures would be upward. Such trend should be consonant with an increasing gross national product.

7. It is probable that the large number of new starts which has characterized the space business during the few short years of its history will decline. Of necessity, more emphasis will be placed toward completing or expanding projects already started. While there will probably be fewer starts, the new projects which do commence will probably be more sizable. The lunar project seems like a huge enterprise—and in a sense it is—but if one strips it of the new facilities and other assets of general utility to the whole space program, he finds that what is left is not particularly large dollarwise compared with what might be expected for the more complex projects of the future.

8. We are just at the beginning of a technological revolution, sometimes referred to as the age of space. It is indeed a very shortsighted person who thinks that we have arrived at a technological plateau. As I see it, by 1980, the new developments will be so manifold that people will look back at these days and wonder how we could have been impressed with the few developments which characterized them. It is wise to invest your faith and your resources in the expansion of technology.

9. In addition to a wide range of space projects, both classified and unclassified, it is reasonable to expect that this country will develop larger and longer-lived manned space stations, follow the initial lunar landing with extended exploration of the lunar surface, and engage in an expanding program of interplanetary exploration. For these projects and the spacecraft and propulsion systems necessary to make them successful, it is important that we begin as soon as possible to invest adequately our talents and funds in the essential long leadtime items.

PUBLIC EDUCATION

On a previous occasion, I have suggested that members of the aerospace industries share with their Government a responsibility for educating the general public to the importance of the national space program. On that occasion, there were some who misinterpreted my remarks as a suggestion for decreasing advertising in the trade journals, since I had noted that significant amounts of money were being spent in that fashion. My point is, however, that the aerospace companies should not do less advertising, but rather that they should do more advertising, some of which should be for specific products and some for a better public understanding of the space program.

I believe that a somewhat less than impressive job is being done in selling the space program on which the country's future may well depend. Consequently, I suggested and now reemphasize that some of the time, energy, and funds available to members of the aerospace industries would be well invested if they were used to stress the importance of space competence to our national security, our national welfare, and our standard of living. In fact, I would even go so far as to suggest that some such expenditures might be worthwhile profitwise even if they were not allowable as costs in government contracts.

As we attempt to carry out our responsibilities in educating the general public about the national space program, there are a few concepts which need particular emphasis.

SPACE PROGRAM VALUES

The space program has been a catalyst, a stimulus to education at all levels, with particular attention to science and engineering. How much is it worth to have raised the educational sights of our young people and at the same time to have increased significantly the wealth of knowledge with which to condition them? I cannot put a price on it, but I believe its value will exceed the total cost of the space program.

The contribution of our space program to our national security is also considerable. How much more secure are we, due to improved communications, more accurate navigation, more complete weather information, and better worldwide mapping? How much is it worth to be better informed about potential sources of danger? How can we assess the advantage of developing competence to detect and offset possible aggression from space? I cannot put a price on these contributions to national security, but I am confident that their value also exceeds the total cost of the space program.

The space program stimulates the development of new products, new productive processes, and new managerial techniques. I cannot place a precise value upon such innovations, but I would estimate that such investment will repay itself many times over.

A substantial difference in influence in world affairs evolves from whether a country is in a first position or a second position in power. To a significant degree, a nation's relative position depends on how it stands in advanced technology. International prestige is not a mantle to be weighed lightly or to be worn carelessly. We should be concerned with the image that people of other nations have of the United States. The ideal picture is that of a nation strong in ideas, in technology, in freedom, in standards of living, and in military power to protect the viability of the other prestige ingredients. The space program, effectively and imaginatively conducted, contributes positively to all of those ingredients. I do not know how much such a contribution is worth, but I am confident that if we fail to strive for it, we will be making it clear that we no longer value our freedom highly.

Combining, as the space program does, the best talents in management, in engineering, and in science, with the most modern facilities available, the net result is the production of progress. A program which stimulates education, expands research and development, augments total productivity, increases employment, and improves our international relations, is a program of the greatest economic significance. By increasing our total national income and gross national product, the national space program expands to a significant degree the size of the base on which our taxes are levied. It increases the profitability—yes, the constructive profitability—of the private sector of our economy.

Gentlemen, you can gather from the preceding remarks that I am an optimist as regards the basic strength and growth of the space program. However, I believe that each of us has a responsibility to spread throughout the Nation solid understanding of the program and its benefits, if such optimism is to be warranted. Thank you.

SENATE RESOLUTION 351 AFFIRMING THAT PIERRE SALINGER IS ENTITLED TO A SEAT IN U.S. SENATE

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1315, Senate Resolution 351.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate..

The resolution (S. Res. 351) was read as follows:

Resolved, That PIERRE SALINGER is entitled to a seat in the United States Senate as a Senator from the State of California.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, at this time I have the pleasure and honor of reporting on Senate Resolution 351.

On August 5 of last week the Senate ordered as follows:

IN THE SENATE OF THE UNITED STATES:

Ordered, That the oath be administered to Mr. SALINGER without prejudice, and that the credentials be referred to the Committee on Rules and Administration with instructions to consider all matters pertaining to the said appointment and to report back not later than August 13.

In compliance with that order of the Senate, the distinguished chairman of the Subcommittee on Privileges and Elections, the Senator from Rhode Island [Mr. PELL], called for hearings on Monday of this week, at which time hearings were held. The committee heard everyone whose testimony ought to be heard, so far as I know, and I am certain that that statement is correct.

On Tuesday of this week the Subcommittee on Privileges and Elections reported to the full committee on Rules and Administration with a recommendation. It is my honor at this time to present the Senator from Rhode Island [Mr. PELL], the chairman of the Subcommittee on Privileges and Elections, who handled the entire subject up to the time that it was reported to the full committee. I shall ask him to address the Senate and present the findings of the subcommittee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, last Monday, August 10, the Subcommittee on Privileges and Elections met and heard all those who wished to be heard on the subject of PIERRE SALINGER's credentials. The committee heard George Murphy, the Republican nominee for the Senate, who came from California; Stanley Mosk, the attorney general of the State of California; Hon. Pierre Salinger, our colleague; Fred Scribner, the lawyer for the Republican National Committee; and Mr. Robert Finch, the lawyer for Mr. Murphy. Those gentlemen appeared and made their statements, and they were given opportunity for rebuttal. A copy of the hearing is on the desk of each Senator.

On August 11 the Subcommittee on Privileges and Elections met in executive session. A majority of the subcommittee determined that the appointment of Senator PIERRE SALINGER was valid, and that Mr. SALINGER was entitled to a seat in the U.S. Senate.

Subsequently the subcommittee so reported to the Committee on Rules and Administration.

Our reasons for taking the position which we took were fourfold:

First, the committee decided and affirmed that the Governor of a State may appoint a person who possesses the qualifications for the office of U.S. Senator as established by article I, section 3, clause 3, of the U.S. Constitution even though that person may not be fully qualified under the constitutional provisions and the laws of the State concerned.

The courts have uniformly held that States cannot violate the provisions of the U.S. Constitution. Laws are construed very carefully in order to give full faith and credit to the enactments of sovereign States. However, where a clear conflict of laws exists between the provisions of the U.S. Constitution and those of the constitution of a State, those sections, words, and phrases of State law which are violative of the Federal Constitution, the supreme law of the land, must fall.

The courts have consistently held, however, that where State laws which infringe upon or conflict with the U.S. Constitution are severable, then only those portions that conflict will fall and all other portions will stand.

The second question that the subcommittee decided was that under article I, section 5, clause 1, the Senate is the sole and exclusive judge of the elections, returns, and qualifications of its own Members. Pursuant to this authority, the oath of office was properly and validly administered to the appointee in the instant case.

The third point was that the Governor of the State of California was empowered to fill the vacancy in the U.S. Senate from that State by the appointment of PIERRE SALINGER. To the extent that the provisions of California law require the appointment of an elector of that State, they infringe upon the Federal Constitution because they seek to enlarge upon the qualifications for U.S. Senator. The portion of section 25001 of the California Elections Code authorizing the Governor to appoint a person who possesses the qualifications for the office to the U.S. Senate is valid as clearly authorized by the provisions of the 17th amendment to the Constitution of the United States. This part of the section can stand alone and remain in force since it can be separated from the invalid part of that section.

The fourth point decided was that Mr. PIERRE SALINGER is both de facto and de jure a U.S. Senator from the State of California. He has been validly appointed by the Governor of his State; he has executed the required oath of office; and he possesses the constitutionally prescribed qualifications.

Finally, the Committee on Rules and Administration finds that the credentials of PIERRE SALINGER (app. 1) are in proper order, that the oath of office was administered to him on legal and valid grounds, and no reason exists in fact or law to alter that action.

Accordingly, the Committee on Rules and Administration is reporting favorably the following original resolution:

Resolved, That PIERRE SALINGER is entitled to a seat in the United States Senate as a Senator from the State of California

With the recommendation that it be agreed to by the Senate.

Mr. CURTIS. Mr. President, it is a most unpleasant task to rise in opposition to the resolution. It is not a happy or comfortable feeling to oppose the seating of an individual in the U.S. Senate, an individual who, regardless of how the election may turn out in California some months from now, will be serving here with all of us for some time this fall.

As I said the other day, I have known Mr. SALINGER for a long time. He served as a staff member of a committee upon which I served. Any feeling that I have about the law is certainly not prompted by any personal feeling.

I point out also that this is not a partisan question. Certainly, if Mr. SALINGER's seating should be determined to be illegal—and I am thoroughly convinced that it is—the Governor of California would appoint a member of the same party, and he would do so, no doubt, in accord with the laws of California. Therefore, I address myself only to the law involved.

The certificate submitted by the Governor of California concerning the attempted appointment of Mr. SALINGER is, on the face of it, incorrect and false.

I ask unanimous consent that a copy of the document which purports to be the certificate of appointment of Mr. SALINGER by the Governor of California be printed at this point in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

CERTIFICATE OF APPOINTMENT OF PIERRE SALINGER AS A U.S. SENATOR FROM THE STATE OF CALIFORNIA

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

Certificate of appointment

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of California, I, Edmund G. Brown, the Governor of said State, do hereby appoint PIERRE EMIL GEORGE SALINGER, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Clair Engle, is filled by election as provided by law.

Witness: His Excellency our Governor, and our seal hereto affixed at Sacramento, Calif., this fourth day of August, in the year of our Lord, 1964.

By the Governor:

EDMUND G. BROWN,
Governor of the State of California.
FRANK M. JORDAN,
[SEAL] *Secretary of State.*
WALTER C. STUTLER,
Assistant Secretary of State.

Mr. CURTIS. Mr. President, it will be noticed that that certificate states that the appointment was made pursuant to the Constitution of the United States and the laws of California. That is not true at all. The appointment was made in contradiction to the laws of California. The laws of California were flouted. The certificate does not even recite that they are disregarding the laws of California because they believe them to be unconstitutional. Such would perhaps be an accurate description of their action. I would not agree with their conclusion that the statute of California was unconstitutional.

Perhaps it is important that, for the purposes of the RECORD, we turn our attention to the 17th amendment to the Constitution of the United States.

I ask unanimous consent that that amendment to the Constitution of the United States appear in the RECORD at this point in my remarks.

There being no objection, the 17th amendment was ordered to be printed in the RECORD, as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Mr. CURTIS. Mr. President, let us consider the historical background of the 17th amendment. Prior to that time the power to choose a U.S. Senator was vested in the legislature. The people, through their State governments, ratified an amendment to the Constitution which changed that. They said that the power to choose Senators shall not be vested in the legislature, but shall be vested in the people directly.

However, they did not make a complete transition. They provided that if there is a vacancy the executive authority of such State shall issue writs of election to fill vacancies. But then they went on to say:

Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

In other words, the only power that a chief executive of a State has to appoint a U.S. Senator is when that State enacts legislation pursuant to the 17th amendment.

It is said that when the State of California enacted its statute, it was of no force and effect; that it was invalid.

Perhaps, for the sake of the RECORD, we should have incorporated at this point in the RECORD a copy of the California statute, section 25001. I ask unanimous consent that it appear at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

If a vacancy occurs in the representation of this State in the Senate of the United States, the Governor may appoint and commission an elector of this State who possesses the qualifications for the office, to fill the vacancy until his successor is elected and qualifies and is admitted to his seat by the U.S. Senate. However, whenever a vacancy occurs within a term fixed by law to expire on the 3d day of January following the next general election, the person so appointed shall hold office for the remainder of the unexpired term unless such vacancy is filled at a special election held prior to such general election, in which case the person elected at such special election shall hold office for the remainder of the unexpired term. An election to fill a vacancy in the term of a U.S. Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election.

Mr. CURTIS. Mr. President, what the Legislature of California did in that particular case was to limit the power of the Governor of California to appoint. It did not change, add to, detract from, or modify the qualifications set forth in the Constitution for U.S. Senators. It merely participated in the selection of a U.S. Senator, and did not disturb the basic constitutional qualifications.

Had the Governor of California followed the law and appointed an elector, it would not have changed the qualifications for U.S. Senators. They would still have to be citizens of the United States, inhabitants of the State they represented, and 30 years old.

The participation in the selection by the Legislature of California, and the limitation of the power of the Governor to appoint, do not add additional qualifications. State after State has a provision in its statutes that if a vacancy occurs within so many days before there is to be an election, the appointment shall or shall not be made, or there shall or shall not be called a special election. Those laws have been followed. They direct the Governors pursuant to what the Constitution clearly provides.

The Constitution says that a Governor shall appoint pursuant to State law. If a legislature has the right to enact laws on this subject, it can lay down guidelines; it can limit the power of the Government; it can even take part in the appointment. Those laws have not provided that an appointee does not have to be an inhabitant; that he does not have to be a citizen; that he does not have to be at least 30 years of age.

It is said that if all these were limitations on the power of the executive to select someone, and he meets these qualifications, the qualifications are not being changed.

Mr. President, the laws of California are clear that one has to be a resident in the State 1 year to be an elector.

I ask unanimous consent that a section of the Constitution of California defining "elector" be incorporated in my remarks at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Querataro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State 1 year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercize the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upward on October 10, 1911; provided further, that the legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

Mr. CURTIS. Mr. President, when this matter was before the Senate on an earlier occasion, the question was raised about an additional provision in the California constitution that permits nonelectors to vote for President, but not for anyone else. That point was not even maintained and contended for by the distinguished attorney general of California. It does not apply to this case.

What Californians did about the constitutional amendment and the subsequent statutes was to say that if that somebody was an elector in another State and would have been eligible to vote, and he was in California 54 days before the election, he could vote for President. The law did not say he was an elector. It did not pretend to change the constitutional definition of an elector.

Mr. President, I did not come to the Senate to take my oath of office for the purpose of totally dismantling the States of the Union. That is what is involved here.

We face the legal proposition that if someone is going to come from another State and become a U.S. Senator, at least the people of the State into which he comes will have to pass on it. But if the Governor is going to appoint a U.S. Senator under the 17th amendment, he must do so according to the laws of that State. That has not been done in this case, and no one asserts that it has.

It has been done by flouting the law of the State of California. I call attention to a very recent case which was before this body. The Senate was saddened by the death of the late Richard L. Neuberger. The Governor of Oregon was a distinguished Republican who is still Governor of Oregon, Mr. Mark Hatfield. He rightfully followed the State law. What was that State law? I ask unanimous consent that at this point in my remarks section 236.130 and section 236.100 of the Oregon Revised Statutes, be printed in the RECORD.

There being no objection, the statutes were ordered to be printed in the RECORD, as follows:

> Whenever there is a vacancy in the office of Senator of the United States, the Governor shall fill the vacancy by appointment until such time as the vacancy is filled by a Senator of the United States regularly elected and qualified.
>
> Whenever a vacancy occurs in any partisan elective office in this State and is to be filled by appointment, including the office of U.S. Senator, no person shall be eligible for such appointment unless he is affiliated, as determined by the appropriate entry on his official election registration card, with the same political party as that by which the elected predecessor in such office was designated on the election ballot.

Mr. CURTIS. What do these sections provide? They provide, in substance, that whenever there is a vacancy in the office of Senator of the United States or any other elective office, the Governor shall appoint someone affiliated with the same political party as successor. Oregon so acted. The action of the Governor was not in contravention of the 17th amendment. Not one voice was raised in this Chamber alleging that it was. The successor was unanimously accepted by the Senate.

Mr. President, what sort of situation would we have had if the Governor of Oregon had falsely and inaccurately recited in the certificate that he had appointed someone pursuant to the Constitution of the United States and the laws of Oregon and then had appointed a Republican? It would have been a false certificate. We have a false certificate before us today. The least the distinguished Governor of Oregon could have done, had he wished to violate State law, or if he had the deep conviction that it was not in accord with the Constitution, would have been to recite, not that it was done in accord with the laws of Oregon, but, rather, that the laws of Oregon were null and void because they violated the Constitution.

Mr. President, I wish to answer another fallacious argument which was presented the other day. It was that California was entitled to two Senators; therefore this appointment should be accepted.

How ridiculous can we become? It would take only 5 minutes to make the appointment of someone in the manner provided by the laws of California. It would not be necessary to delay California's representation by two Senators in this body for a single vote. Everyone knows it.

It is also contended, I believe without foundation, although I agree it is seriously contended in good faith, that the statute of California which limits the power of its Governor to appoint an elector who has the qualifications set forth in the statute is unconstitutional in one part, and that the rest of it stands.

That is an unprecedented contention. Why is it that the Senate, when it enacts legislation having many sections, and is concerned about the constitutionality of one section, adds a severability clause in the bill which provides that if one section of it is held invalid, it is the intention of the Senate that the rest shall stand?

There is a long line of cases providing that if a court strikes down a statute, and in so doing strikes at the heart of it, the whole statute falls.

It is self-evident that if the Governor of California is correct in holding that the provisions of the statute limit his power to appoint an elector, he has no power whatever. I read the sentence involved:

> If a vacancy occurs in the representation of this State in the U.S. Senate, the Governor may appoint and commission an elector of this State who possesses the qualifications of the office to fill the vacancy until his successor is elected and qualified and is admitted to his seat by the U.S. Senate.

It would be necessary to apply the doctrine of severability to striking out a part of a sentence. I submit that no one can find a single court decision which supports such a theory.

Mr. President, let me read how the language would appear if we were to strike out the words "an elector." The language would read:

> If a vacancy occurs in the representation of this State in the U.S. Senate, the Governor may appoint and commission of this State who possesses the qualifications of the office to fill the vacancy until his successor is elected and qualified and is admitted to his seat by the U.S. Senate.

It does not even make a complete sentence. There is no court precedent to the effect that a part of a statute can be held invalid and that it is possible to read something else into the statute. The only time a part of a statute stands when some of it falls is when it deals with different subjects, or when different sections deal with the subject.

This matter was discussed before the committee. Inquiries were propounded to the attorney general of California, and he cited a case dealing with severability of California statutes. The case he cited is not in point; it is not controlling here. It involved the construction of a statute having several sections, and the court separated the sections. In that case, the remaining sections made sense after the language that the court said was unconstitutional had been struck down. The case I refer to is *Danskin* v. *San Diego Unified School District*, 28 California 2d 536.

If from this section the words "an elector" are stricken, no valid section is left. The sentence is not complete. So this statute either stands or falls in its entirety. If it stands, it ought to be obeyed. No court to this very hour has held the California statute invalid. No court has ever held invalid a similar statute that limits the power of the Governor in the appointment of a U.S. Senator.

There is a basic reason for that. The 17th amendment provides that the Governor shall appoint pursuant to State law. That was not done in this case. The certificate states that it was; but the certificate is incorrect. If a statute is valid, it should be followed. If a statute is invalid, the Governor has no authority to appoint.

I cite a recent case in Wisconsin, which occurred when the late distinguished Senator Joseph McCarthy died. Wisconsin was without a law authorizing the Governor to appoint. The seat remained vacant until an election was held and our distinguished colleague [Mr. PROXMIRE] filled it.

I am not unaware that it will be contended that the Nye case, from North Dakota, is contrary to that. There are two answers that ought to be given consideration. I believe I am correct in saying that one is the Governor of North Dakota had, by statutes, general power to fill vacancies. Also—and this is an important fact—the committee that heard the Nye case held that there was no power to make the appointment. The majority of the committee so voted. The case was pending here for a long time. Finally, the minority view was adopted

by a vote of 41 to 39, with 15 Senators not voting. I assume they were absent. But the fact is that the committee heard the case, went into the very point concerning the power of a Governor to appoint if the State is not following the 17th amendment, and the legislature acted. The greatest weight that could be given to the North Dakota case is that it was a draw. The committee decided one way; the Senate decided the other way by a margin of two votes.

I ask unanimous consent that the minority views prepared and submitted by me, as contained in the committee report, be printed at this point in the RECORD.

There being no objection, the minority views (Rept. No. 1381) were ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF MR. CURTIS

INTRODUCTION

In this matter, I cannot agree with the majority report. The majority has refused to accord proper recognition to either the laws of California or the facts which pertain to the seating of PIERRE SALINGER as a Senator from California.

STATEMENT OF FACTS

The facts are as follows: For some years past, PIERRE SALINGER has admittedly been a citizen, voter, and inhabitant of the State of Virginia. The testimony, as set forth hereafter, is clear that up until March 20, 1964, Mr. SALINGER resided at 917 Lakeview Drive, Falls Church, Va.

"Senator CURTIS. What was your residence prior to March 20, 1964?

"Senator SALINGER. I had a residence at 917 Lakeview Drive, Falls Church, Va.

"Senator CURTIS. And on that date you chose to establish a residence in California?

"Senator SALINGER. That is correct."

At approximately 4 a.m., on March 20, 1964, Mr. SALINGER arrived in California, and established his residence at the Fairmont Hotel in San Francisco. Thereafter, at approximately 5 p.m. that very same day, he filed as a candidate for the Democrat nomination for the U.S. Senate from California.

"Senator CURTIS. When did you become a candidate?

"Senator SALINGER. March 20, 1964.

"Senator CURTIS. The same day?

"Senator SALINGER. That is correct.

"Senator CURTIS. What time did you arrive in California?

"Senator SALINGER. Oh, I believe it was sometime around 4 o'clock in the morning."

On July 30, 1964, the late Senator from California, Clair Engle, died. Thereafter, on August 4, 1964, the Governor of California, Edmund G. Brown, signed a commission purporting to authorize Mr. Salinger to act as U.S. Senator from California to fill the unexpired term of the late Senator Engle.

ISSUES OF LAW

The basic authorization for filling of vacancies occurring in the representation of a State in the U.S. Senate is found in the 17th amendment to the Federal Constitution. That amendment provides, in part, as follows:

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

The 17th amendment could have given authority to the chief executive of the respective States to fill vacancies in the U.S. Senate. However, that amendment does not so provide. In lieu thereof it provides that "the legislature of any State may empower" its chief executive to fill Senate vacancies. The 17th amendment to the Federal Constitution clearly states that if a temporary appointment is to be made, it must be done pursuant to State law as duly enacted by the legislature.

In 1957 the Wisconsin Legislature had failed to implement the aforesaid provision of the 17th amendment, and no temporary appointment could be made after the death of Senator McCarthy. Instead, Senator McCarthy's seat remained vacant until a special election was held, at which time Senator PROXMIRE was duly elected by the people of Wisconsin.

If a legislature elects not to give authority to its Governor to fill Senate vacancies, then any vacancy occurring in the representation of that State in the U.S. Senate must remain unfilled until such time as an election may be held. In other words, the legislature of each State can decide whether or not it wants to have Senate vacancies filled by appointment.

The absolute power of the legislature to decide whether or not vacancy-filling authority shall be enacted includes the lesser power to determine the manner in which the Governor shall act to fill the vacancy. The time-honored form used for appointments to the U.S. Senate is set forth on page 6 of the Senate Manual and recites as follows:

"CERTIFICATE OF APPOINTMENT

"To the President of the Senate of the United States:

"This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of ———, I, A——— B———, the Governor of said State, do hereby appoint C——— D——— a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the ——— of E——— F———, is filled by election as provided by law.

"Witness: His Excellency our Governor ———, and our seal hereto affixed at ——— this ——— day of ———, in the year of Our Lord 19—.

"G——— H———,
"Governor."

Pursuant to the above-quoted authorization from the 17th amendment to the Federal Constitution, the Legislature of California enacted section 25001 of the California Elections Code, which provides as follows:

"If a vacancy occurs in the representation of this State in the Senate of the United States, the Governor may appoint and commission an elector of this State who possesses the qualifications for the office, to fill the vacancy until his successor is elected and qualifies and is admitted to his seat by the U.S. Senate. However, whenever a vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, the person so appointed shall hold office for the remainder of the unexpired term unless such vacancy is filled at a special election held prior to such general election, in which case the person elected at such special election shall hold office for the remainder of the then unexpired term. An election to fill a vacancy in the term of a U.S. Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election."

Thus, the committee should have determined whether PIERRE SALINGER was in fact an "elector" as defined under California law in order to determine whether Governor Brown had the statutory power to appoint him to fill a vacancy in the U.S. Senate. Governor Brown, as the California statutes show, was given no power to appoint a "nonelector" to fill a vacancy in the U.S. Senate. The California Legislature chose to give to its Governor the power to appoint an elector of the State of California as that term is defined by the constitution of California and the statutes of California.

An elector is defined in the California Election Code, section 20, as a person who is qualified to vote under section 1 of article II of the California constitution, which provides:

"Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Querataro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State 1 year next preceding the day of the election, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upward on October 10, 1911; provided further, that the legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held."

Thus, to qualify as an elector under California law, Mr. SALINGER would have been required to maintain a residence in that State for at least 1 year, in a county for at least 90 days, and in an election precinct for at least 54 days.

Mr. SALINGER meets none of the requirements of the California statutes. By his own testimony, Mr. SALINGER has admitted that prior to March 20, 1964, he was neither an elector, citizen, nor resident of California, but was instead an elector, resident, and taxpaying citizen at 917 Lakeview Drive, Belvedere Precinct, Falls Church, Fairfax County, Va.

The language chosen by the Legislature of California empowering the Governor to appoint a Senator in case of vacancies was not enacted into law by accident or mistake. The California statutes permit the Governor to appoint a person who has been a resident of California for at least a year. The statutes withhold power to appoint anyone who has been a resident of California for less than a year.

When the Legislature of California restricted the power of the Governor of California to appoint an elector who otherwise had all of the qualifications required to be a Senator of the United States, it did not add to, subtract from, or modify the qualifications provided in the Constitution of the United States. It merely provided a limitation on the power of the Governor of the

State to appoint. In other words, in California, if a nonelector seeks to be elected to the U.S. Senate, the voters of the State must pass on him. This is in conformity with the basic intent of the 17th amendment; to wit, the direct election of U.S. Senators by the people. The 17th amendment is clear to the effect that if the chief executive of a State is to make an appointment to the U.S. Senate, he must be guided by the laws of his State legislature.

A case in point was established by the State of Oregon, and accepted and approved unanimously by the U.S. Senate on March 16, 1960. The laws of Oregon, Oregon Revised Statutes, section 236.130 and section 236.100, respectively, provide:

"Whenever there is a vacancy in the office of Senator of the United States, the Governor shall fill the vacancy by appointment until such time as the vacancy is filled by a Senator of the United States regularly elected and qualified.

"Whenever a vacancy occurs in any partisan elective office in this State and is to be filled by appointment, including the office of U.S. Senator, no person shall be eligible for such appointment unless he is affiliated, as determined by the appropriate entry on his official election registration card, with the same political party as that by which the elected predecessor in such office was designated on the election ballot."

Acting under those Oregon statutes, the Governor of Oregon, Mark Hatfield, a Republican, appointed a Democrat, Hall S. Lusk, to serve temporarily in the U.S. Senate and fill the vacancy created by the death of Senator Richard L. Neuberger. The Senate's unanimous acceptance of Mr. Lusk was a clear recognition of the power of the State to limit the authority of the Governor in appointing an individual who otherwise meets the qualifications set forth in the Federal Constitution.

Finally, if it is contended that the California legislation, section 25001, is void insofar as it limited the Governor's right to make an appointment to that of appointing an "elector," but otherwise valid by holding that the unconstitutional portion of the section could be severed from the balance of the statute, it is submitted that the entire statute must fall. This statute considered by the committee is not severable. If the words "elector of this State" are eliminated from the first sentence of section 25001, the sentence becomes meaningless. It contains no authority for the Governor to appoint anyone. If the specification that the appointee must be an "elector" is invalid, this invalidity affects the entire sentence, and any attempt to give partial effect to that sentence without the limiting clause would bring a result not conceivably intended by the California Legislature.

Likewise, if section 25001 of the California Elections Code is unconstitutional, its entire first sentence is null and void, and the Governor has no power or authority to make any senatorial appointments whatsoever. However, it is elementary that a duly enacted statute is considered valid until held unconstitutional by a court of competent jurisdiction. No court has declared section 25001 unconstitutional. Instead, in the present instance, the chief executive of California, Edmund G. Brown, arbitrarily determined that an act of his own legislature was unconstitutional and refused to abide by it as written. It is no long step from this to realize that if the Senate of the United States shields this gubernatorial usurpation, it establishes the far-ranging proposition that a chief executive, be he President or Governor, may pick and choose what laws he will abide by and enforce, depending upon his own views of their constitutionality and without first obtaining any judicial decision.

CONCLUSION

Inasmuch as Mr. SALINGER is not an "elector" of California, Governor Brown did not act within the authority given to him by the legislature. Governor Brown's appointment of Mr. SALINGER was the appointment of an individual who does not meet the test of California law, and therefore the appointment is without effect. Inasmuch as the appointment of Mr. SALINGER is void, he should not be seated as a Member of the U.S. Senate. Accordingly, I cannot approve the resolution which declares PIERRE SALINGER to be entitled to a seat in the U.S. Senate as a Senator from the State of California.

CARL T. CURTIS.

Mr. CURTIS. Mr. President, one of the country's most distinguished lawyers appeared before our committee, without fee, and presented an excellent brief. He presented it in conjunction with another outstanding lawyer—and I refer to Mr. Robert H. Finch, of Los Angeles, Calif.—who appeared for Mr. George Murphy, the Republican nominee for the Senate. My first reference was to Mr. Fred C. Scribner, Jr., of Washington, D.C., and Portland, Maine. Mr. Scribner is well and favorably known as a constitutional lawyer. He was called upon to be counsel to the U.S. Treasury. He served there with distinction. I know of no agency that needs better legal counsel. If something were to happen that could put our tax laws in jeopardy, the Treasury Department would need good legal advice. So any lawyer who rates that position is one whose opinions merit attention.

I ask unanimous consent to have printed at this point in the RECORD the memorandum brief submitted to the committee by Fred C. Scribner, Jr., and Robert H. Finch.

There being no objection, the memorandum brief was ordered to be printed in the RECORD, as follows:

MEMORANDUM RE VALIDITY OF APPOINTMENT OF PIERRE SALINGER TO FILL A VACANCY IN THE U.S. SENATE AND SENATE ACTION THEREON

To the Members of the Subcommittee on Privileges and Elections of the Rules Committee of the U.S. Senate:

I. STATEMENT OF FACTS

On August 4, 1964, Gov. Edmund G. Brown purported to appoint PIERRE SALINGER to the U.S. Senate to fill a vacancy created by the untimely death of Senator Clair Engle, and a purported commission evidencing such appointment was issued. On August 5, 1964, the Senate of the United States temporarily seated SALINGER "without prejudice" and referred the certificate of appointment to the Rules Committee "for consideration of all matters raised pertaining to the appointment."

SALINGER is not an "elector" of the State of California since he was not a resident of the State for 1 year next preceding the day of his appointment, nor was he a resident of the county within the State in which he claims his vote 90 days prior to the date of his appointment, nor was he a resident in any election precinct of the State for 54 days prior to his appointment—all of which requirements must be met under the California constitution and statutes.

Mr. George Murphy, Republican nominee for the U.S. Senate, petitioned the Superior Court of the State of California on August 5, 1964, and thereafter filed on August 7, 1964, with the Supreme Court for the State of California a petition for writ of mandate requesting that the court direct Governor Brown to vacate the purported appointment of SALINGER to the Senate.

II. ISSUE PRESENTED

Has the California Legislature under its grant from article XVII of the U.S. Constitution empowered the Governor to appoint an individual who is not an "elector" of California to fill a vacancy in the office of U.S. Senator from California.

III. ARGUMENT

Under the U.S. Constitution, and the statutes of California, the Governor's appointment was patently unlawful.

PIERRE SALINGER should not be seated as U.S. Senator from California because he does not possess the qualifications which the Legislature of California specified in authorizing the Governor of California to make temporary appointments to the U.S. Senate and, therefore, SALINGER is not entitled to a certificate of appointment.

A

The California Legislature authorized the Governor to appoint only electors to Senate vacancies.

The basic authorization for filling of vacancies occurring in the representation of a State in the U.S. Senate is found in the 17th amendment of the Federal Constitution. This amendment provides in part, as follows:

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct."

Pursuant to the above-quoted authorization, the Legislature of California enacted section 25.001 of the California Elections Code, which provides as follows:

"If a vacancy occurs in the representation of this State in the Senate of the United States, the Governor may appoint and commission an elector of this State who possesses the qualifications for the office, to fill the vacancy until his successor is elected and qualifies and is admitted to his seat by the United States Senate. However, whenever a vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, the person so appointed shall hold office for the remainder of the unexpired term unless such vacancy is filled at a special election held prior to such general election, in which case the person elected at such special election shall hold office for the remainder of the unexpired term. An election to fill a vacancy in the term of a United States Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election."

B

PIERRE SALINGER is not a California elector.

One must be a resident of the State of California for 1 year to be an elector within the meaning of the term as used in section 25.001.

The attorney general of California in an opinion issued earlier this month, dated August 4, 1964, a copy of the same having been published in the CONGRESSIONAL RECORD, page 18111, made the following statement clarifying the 1-year residential requirement.

"Certainly the pertinent portion of Section 25.001 of the California Elections Code requires something more of the appointee than being 30 years of age, 9 years a citizen of the United States, and being an inhabitant of the State. U.S. Constitution, article I, section 3, clause 3. To the extent that it requires him to be an elector; i.e., a resident of the State for 1 year, it is enlarging upon the U.S. constitutional qualifications for office and is invalid."

Pierre Salinger not having been a resident of California for 1 year was not at the time of his appointment and is not now an elector.

It has been contended that since California has statutory provisions allowing individuals who reside in the State for at least 54 days, but less than 1 year, to vote for presidential electors, but not for other officials, and since Pierre Salinger might become a resident of California for 54 days, and therefrom might vote for presidential electors, he is an "elector" within the meaning of that term as used in section 25.001. It is clear, however, both from the attorney general's opinion cited above, and from the statutory language creating the limited right to vote for presidential electors, that one given this limited right is not an elector under the law of California.

The 1958 addition to the California Constitution, article II, section 1½, provides:

"The Legislature may extend to persons who have resided in this State for at least 54 days but less than one year the right to vote for presidential electors, but for no other office; provided, that such persons were either qualified electors in another State prior to their removal to this State or would have been eligible to vote in such other State had they remained there until the presidential election in that State, and; provided further, that such persons would be qualified electors under Section 1 hereof except that they have not resided in this State for one year."

Sections 750 et seq. of the elections code set forth detailed provisions permitting,

"A person who has been a resident of this State for at least 54 days but less than one year prior to the date of the general election at which presidential electors are to be selected * * * to vote for presidential electors at that election, but for no other offices."

Section 751, Elections Code

These sections, as well as section 20, all were adopted in 1961 as part of statutes 1961, chapter 23; and inasmuch as section 20 defining "elector" states only it means a person who qualified under section 1 of article II of the Constitution, and does not also refer to one qualified to vote for a presidential elector under section 1½ of that article, there is no room for interpreting the legislative intent as including within the term "elector" one who may be or become entitled to vote in the presidential general election as a "new resident."

Accordingly, because said section 1½ does not purport or attempt to define the term "elector" at all—indeed its very language assumes that one entitled to vote thereunder is not an elector—and because section 20, adopted after said section 1½ was added to the Constitution, is limited expressly to a person qualified under section 1, article II of the Constitution, respondent Salinger is not an elector under the provisions of section 25.001 of the elections code even if entitled to vote for the presidential electors in the general election on November 3.

C

The California Legislature in authorizing its Governor to make temporary appointments to the U.S. Senate was authorized to place limitations on the manner in which such authority should be exercised by the Governor.

The 17th amendment could have given authority to the chief executives of the respective States to fill Senate vacancies. It does not so provide. In lieu thereof it provides that "the legislature of any State may empower" an executive to fill a vacancy. If the legislature elects not to give authority to the Governor to fill a vacancy then any vacancy occurring in the representation of that State in the Senate must remain unfilled until the State has acted to fill it by an election. In other words, the legislature of each State can decide whether or not it wants to have Senate vacancies filled by appointment.

The absolute power of the legislature to decide whether or not vacancy-filling authority shall be enacted, includes the lesser power to determine the manner in which the Governor shall act to fill the vacancy. The Legislature of California, acting within its authority and having limited its Governor's power to fill vacancies in the U.S. Senate, the Governor of California has no authority to act on Senate appointments except to fill Senate vacancies by the appointment of "an elector of the State who possesses the qualifications of the office."

Mr. Salinger is not "an elector" of California; Governor Brown did not act within the authority given to him by the legislature; Governor Brown's appointment of Salinger was the appointment of an individual who does not meet the test of the California law and therefore the appointment is without effect.

In the instant case, the Senate is not considering the constitutional provisions covering an election to the U.S. Senate. The question here is not whether a State legislature may add to the qualifications which one seeking to take office as an elected U.S. Senator must possess. Here we are dealing with the qualifications which must be possessed by one who seeks to serve in the U.S. Senate by virtue of an appointment. The State legislature, authorized as it is by the Constitution to act or not to act in this area, is authorized to place limits upon the appointing power of the Governor.

D

If it is held that the Legislature of California had no authority under the Federal Constitution to limit, in any manner, the power of the Governor to file a vacancy then the California legislation authorizing the filling of vacancies is unconstitutional and void and the Governor is without authority to fill vacancies.

If section 25.001 is void then the only authority given the Governor of California to fill Senate vacancies becomes void and of no effect and therefore the Governor is without authority to make temporary appointments to the U.S. Senate and the seat formerly held by Senator Engle must remain vacant until an election has been held in California.

E

The alleged invalid portion of the California statute is not severable.

The attorney general of California, in the opinion cited previously in this memorandum, would hold that the California legislation was void insofar as it limited the Governor's right to make an appointment to that of appointing an elector, but the attorney general sought to save the legislation by holding that the unconstitutional portion thereof could be severed from the rest of the statute and that having removed the restrictive provision the statute could stand without limitation, and give the Governor authority to act.

It is submitted that the California legislation now being discussed is not severable. If the words "elector of this State" are eliminated from the first sentence of section 25.001, the sentence becomes meaningless. It contains no authority for the Governor to appoint anyone. If the specification that the appointee must be an "elector" is invalid, this invalidity affects the entire sentence and any attempt to give partial effect to such sentence without the limiting clause would bring a result not conceivably intended by the legislative body.

MEMO OF SCRIBNER AND FINCH RE SALINGER

Under the doctrine of severability the whole statute fails unless (1) the parts valid and invalid are so distinctly separable that one can stand without the other, and (2) it is clear that the legislative intent was that the valid part should remain even though the invalid portion should fail.

Marsh v. *Supervisors* (1896), 111 C. 368.

Roberts v. *Police Court* (1905), 148 C. 131.

County of Los Angeles v. *Jessop* (1938), 11 C. 2d 273.

Robinson v. *Payne* (1937), 20 C.A. 2d 103.

See 11 Cal. Jur. 2d, Const. Law, sec. 88, note 2.

It is unreasonable to assume that the legislature intended the reference to elector to be severable from the balance dealing with the Governor's power to fill vacancies or that the legislature would have given the Governor an appointive power without limiting the classes of eligible appointees to electors. They did not do so.

The limits of the doctrine of severability in California were clearly defined in an analagous case. In *Marsh* v. *Supervisors,* 111 Cal. 368 (1896), after holding that a primary election act limited in operation and effect to two counties in the State was unconstitutional, this court held that it could not, by striking out a portion of the act expressly limiting the operation of the law to the two counties, make the law applicable throughout the State. The court said at page 372:

"If we should do so, we would be imposing upon the whole State a law which it is clear the legislature intended to apply in only two counties, and which would not otherwise have passed. This we cannot do, as it would be nothing short of legislation."

If, therefore, the California Legislature in enacting authority for the Governor to fill Senate vacancies improperly limited the class of prospective appointees to electors, then the entire legislative grant under elections code section 25001 fails and the Governor had no power to appoint Salinger or anyone else.

IV

This committee and the Senate should take no action until the California Supreme Court has rendered its decision.

All of the above makes clear that a very precise and fundamental point of statutory interpretation involving the 17th amendment to the U.S. Constitution as well as the Constitution and Statutes of the State of California is here involved. This question has been properly submitted to the Supreme Court of the State of California. The officers of that court have indicated that a decision would be forthcoming on or before the 12th of August. The Rules Committee of the U.S. Senate has been requested to return to that body with its recommendation on the permanent seating of Pierre Salinger on or before August 13. As the highest lawmaking body in the land, we would hope that the U.S. Senate would not totally ignore the legal implications of a decision forthcoming from California's highest tribunal. It is noteworthy that both Governor Brown and Mr. Salinger have accepted personal service in the Supreme Court hearing and thus submitted themselves to the jurisdiction of the court.

It cannot be argued that the Senate, the people of California, or indeed Mr. Pierre Salinger himself is prejudiced by maintaining the status quo. He is able to participate in the proceedings of the Senate and to vote on the matters before it. He is afforded an office, staff and all of the other prerogatives of a U.S. Senator.

In the face of this situation, it would be incompatible with the high standards of this body for the Senate to use its undisputed power and arbitrarily remove from the courts the opportunity to settle a question which may in the future involve the Governors and legislatures in any or every one of our 50 States and possible opponents of every Senator now in office.

Gentlemen, consider the implications of this matter in connection with the traditional division of powers at the Federal and State levels. In this instance, the Chief

Executive of California arbitrarily determined that an act of his own legislature was unconstitutional and refused to abide by it as written. It is no long step from this to realize that if the Senate of the United States shields this gubernatorial usurpation, it establishes the far-ranging proposition that the Chief Executive—be he President or Governor—may pick and choose what laws he will abide by and enforce, depending upon his own views of their constitutionality and without first obtaining any judicial decision.

To provide a specific example of a Governor honoring his oath of office and abiding by the directed will of the State legislature, we should like to point out that Gov. Mark Hatfield, a Republican, upon the death of Senator Neuberger, a Democrat, found himself with a State law which required that a person appointed to the U.S. Senate by the Governor of Oregon must be of the same political party as his predecessor. Unhappy as Governor Hatfield may have been, he nonetheless followed the law and appointed a Democrat to succeed Senator Neuberger. He honored his oath of office.

V. CONCLUSION

This hearing involves only the question whether the Governor acted validly in exercising the right of appointment granted by the State legislature under authority of the Federal Constitution amendment. No issue is here presented as to the qualifications of PIERRE SALINGER for the office of U.S. Senator.

We submit the legislature properly limited the class from which the Governor might choose appointees without going to the people; and if that limitation was not valid there is nothing in the legislation to indicate that the Governor could appoint anyone, otherwise qualified for the office, who had just moved in from somewhere else as was the case here.

The right to decide whether some such person should represent the people of this State in the Senate, is with the people under the 17th amendment except only where a Governor properly appoints pursuant to legislative authority. This was not done here.

Respectfully submitted.

FRED C. SCRIBNER, Jr., Esq.
WASHINGTON, D.C.
ROBERT H. FINCH, Esq.
LOS ANGELES, CALIF.
AUGUST 10, 1964.

Mr. CURTIS. Mr. President, a Senator has an obligation to the sovereign State he represents. I call attention to the facts in this case by reading a brief portion of the testimony. Mr. SALINGER appeared before the committee and stated that he established a residence in California on May 20, 1964. This colloquy took place:

> Senator CURTIS. What was your residence prior to March 20, 1964?
>
> Senator SALINGER. I had a residence at 917 Lakeview Drive, Falls Church, Va.
>
> Senator CURTIS. And on that date, you chose to establish a residence in California?
>
> Senator SALINGER. That is correct.

This colloquy is also found in the hearings.

> Senator CURTIS. When did you become a candidate?

Meaning, of course, a candidate for the U.S. Senate.

> Senator SALINGER. March 20, 1964.
>
> Senator CURTIS. The same day?
>
> Senator SALINGER. That is correct.
>
> Senator CURTIS. What time did you arrive in California?
>
> Senator SALINGER. Oh, I believe it was around 4 o'clock in the morning.

He filed for office at 5 o'clock in the afternoon. He did not even stay overnight.

Mr. President, the law states that if someone comes into any State and asserts, "I am an inhabitant. I have hung my hat on a rack in a hotel. I am an inhabitant of this State. I wish to be Senator," that question must be submitted to the people. The Constitution provides that if he is an inhabitant of a State, he can run. But the Constitution also states that if the Governor is to appoint, he shall do so under State law.

What does it mean to act under State law? It means to act in accordance with State law, to act within the limitations of the powers delegated under State law.

The legislature of the State of California limited the power of the Governor to appoint an individual having the qualifications of a Senator and who is an elector.

Again I state that the law has not been held to be invalid by any court. I also remind the lawyers in the Senate that a statute is valid until it is declared and held to be unconstitutional. It is not for the citizens of this country to pick and choose what laws they shall obey.

If someone believes that certain sections of the Civil Rights Act are unconstitutional, can he legally disregard them? Of course not. The law must be followed until it is held to be unconstitutional.

The Governor of California had not one iota of authority to disregard the law of his sovereign State. He either should have followed it or had a court determination made. The record is without dispute that there is a declaratory judgment law in the State of California. The Governor could have gone into court. He could have had a determination made as to its constitutionality. He did not have to act in an unlawful manner. He did not have to act by submitting a purported certificate of appointment which is inaccurate on its face.

I remind Senators who represent their sovereign States that someone may come into a State at 4 o'clock in the morning and at 5 o'clock in the afternoon declare that he is a candidate for the U.S. Senate.

Here is an interesting question and answer:

> Senator CURTIS. For what purpose did you establish a residence in California?
>
> Senator SALINGER. Well, I was returning to my native State, and I also became a candidate for public office in that State.

He did not choose to become an inhabitant of the State to live there, to take up employment, according to his testimony. I am not judging beyond that. He selected a State, went into it, signed his name on a hotel register, and said, "I am an inhabitant of this State."

There are those who believe that the Consitution should be changed to take out the word "inhabitant" and substitute the word "elector."

Such a change will have to await the constitutional process, because the Constitution is clear that if an individual submits himself to the voters, he can become an inhabitant. The Constitution is likewise clear that if the Governor—one man—is to make the decision as to who should be a Senator of the United States, he shall do so pursuant to law. That means that the legislators will have something to say about it. They can narrow the base, or they can limit the power of a Governor.

They did so in this case. They said that he must be an elector. It is not overlapping the requirement that he must be an inhabitant, 30 years old, and a citizen.

It is likewise agreed by all parties that the Senate of the United States has sole power to decide this question.

The power of this body should never be used capriciously. The power to decide something means power exercised pursuant to basic laws.

This body could take jurisdiction and flout all manner of laws, because it has the final voice in the matter.

But, if we are a Government of laws—and we are—our authority to act as a court of last resort, as to who shall be a Senator, must take into account and adhere to the law.

The law is—and again I read:

> Provided the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancy by election as the legislature may direct.

Years ago, the State of California, soon after the ratification of the amendment, implemented it with a law. It is now the law of California. It has never been held to be invalid. Anyone who contends that it can be disregarded because in his opinion it is unconstitutional, must also take the stand that every law of the land can be so interpreted. He must take the stand that all through the length and breadth of the country, if a citizen believes that a certain section of the Civil Rights Act is unconstitutional, he does not need to obey it, that he can sign a certificate and state that he acted in accordance with the law, when he has not done so, merely because he believes the law to be unconstitutional.

We all know that that is not only unsound law, but also that it is tommyrot. It marks a decay in our government of laws. People should obey the law until the law is held to be invalid. The Governor of California had a remedy and an avenue. He could have appointed someone within the power given to him by the legislature of the State of California.

If he wanted to make the appointment that he did make, the avenues were open to him to go into court, obtain a declaratory judgment, and test his opinion on that matter. Instead, he took the law into his own hands. He violated the law. He disregarded the law. He said, I will not follow the law. I believe it is unconstitutional. Are we going to invite our citizens to take the same view?

Mr. President, I shall not speak longer. I anticipate that I am outnumbered numerically. On the law, Mr. President, the position that I have expounded is correct. No court in the land has held otherwise.

I yield the floor.

Mr. JORDAN of North Carolina. Mr. President——

Mr. KUCHEL. Mr. President, I should like to ask a couple of questions of the Senator from Nebraska.

Mr. JORDAN of North Carolina. Mr. President, I yield the floor in order that the Senator from California [Mr. KUCHEL] may obtain it in his own right. I shall seek recognition later.

Mr. KUCHEL. Mr. President, I apologize for coming in late. I was in attendance at a meeting of the Committee on Interior and Insular Affairs until this moment.

I notice that on page 34 of the transcript of the hearings, when Mr. Scribner was testifying, he stated in part:

> Mr. SCRIBNER. I have been told by Mr. Finch that there is reason to believe that the Supreme Court of California will take jurisdiction of this matter. It is, I think, of significance that both Mr. SALINGER and Governor Brown have accepted service in the action which is now pending in court, so that they are properly before the court. With the assurance that there will be prompt action, we urge that this committee give itself the benefit of such decision as the Supreme Court of California may hand down in this particular case.
>
> I believe the attorney general will agree with me—and there may be some legislation in California which would produce a different result—but I believe that legislation, properly adopted by the legislature and signed by the Governor, is deemed to be constitutional until held otherwise by a court having jurisdiction; that an opinion by counsel, although it be an attorney general, does not wipe the legislation from the books or render it, by virtue of that opinion, unconstitutional. It requires a decision by a court having jurisdiction in the matter.

Can the distinguished Senator from Nebraska describe what relief was prayed for in the writ filed last week in the Supreme Court of the State of California?

Mr. CURTIS. It has not been my privilege to see the pleadings. It is my understanding that the court did not make a finding that the State statute was unconstitutional. It declined jurisdiction. I believe everyone is agreed that the Senate has jurisdiction.

I was referring to the right and opportunity of the Governor to go to court and obtain a declaratory judgment, had he wanted to pursue that course.

I do not know of anyone who contends that the action of the California court earlier this week held the statute to be unconstitutional.

Mr. KUCHEL. Mr. President, I believe the point is important, not only in the debate and the action here, but also generally, so that the complete facts may be spread upon the record. I quite agree with what Mr. Scribner said, that the committee ought to give itself the benefit of the decision of the Supreme Court of California. And the decision of my State's highest court has now been rendered on the matter.

Is it not true that a petition for a writ of mandate was filed in the Supreme Court of California against the Governor of California, and others, praying that the appointment which the Governor purported to have made be held null and void?

Mr. CURTIS. I have not seen any of the pleadings. But I am thoroughly satisfied that if the Supreme Court of the State of California had held the statute to be unconstitutional, its opinion would have been flown here and made a part of the record.

Mr. KUCHEL. Mr. President, the highest court in my State has rejected the petition which was filed in this case.

Mr. CURTIS. The Senator is referring to the petition filed after the Senate had jurisdiction, for under the Constitution, the Senate has the sole and final power. I do not know what that court decided in California. I repeat that if the court wrote an opinion holding this statute to be unconstitutional, one could bet his life that it would have been flown here and placed in the RECORD long ago.

Mr. KUCHEL. Is it not true that the California Supreme Court rejected the petition asking for a writ of mandate against the Governor of California?

Mr. CURTIS. I do not know what the California Supreme Court did. I believe that if it had rendered a decision going to the merits of this case in favor of the appointee, it would be here.

Mr. KUCHEL. I respectfully inform the Senator that originally a petition for a writ of mandate was filed in a trial court in the County of Los Angeles, Calif. Thereafter, a similar petition for a writ of mandate was filed in the State Supreme Court of California against the Governor of California and others.

The issues raised by the Senator were raised in the petition which was filed. They were reflected in the testimony before the Committee on Rules and Administration. The distinguished attorney, Mr. Fred Scribner, in his testimony went on to say that he urged the committee to give itself the benefit of the California Supreme Court decision. Of course, it should. So should the Senate.

Later in the hearing, Mr. Robert Finch, a well-known member of the California bar, testified before the committee. He stated that Mr. SALINGER had accepted service, and that the clerk of the supreme court—referring to page 38 of the transcript of hearings—assured counsel that the supreme court would act on the matter before August 13.

I inform the Senator that the supreme court did act on the matter. It acted on it by rejecting the petition. It acted with finality. That is what it did. The supreme court had a right to determine whether it would issue a written opinion or simply reject the petition. It did the latter. And that is the highest court in my State speaking. I want that to appear in the RECORD. And I agree that the Senate should have the benefit of that ruling in passing judgment on the pending resolution.

Mr. CURTIS. Mr. President, I, too, support the position of Mr. Scribner. He said that this committee should have the benefit of the decision. If he had obtained a decision and had an opinion which went to the merits of this matter, it should have been brought here. If the court merely declined to go into the matter, that is not a discussion of it on the merits.

Mr. KUCHEL. I believe it is fair to draw the conclusion that the supreme court of my State did go into the matter, and, having done so, rejected the petition for a writ of mandate. And, in declining to write a decision, it demonstrated that it did not believe there was any merit in the petition which was filed.

Mr. CURTIS. If the court said that, I wish the Senator would produce the opinion.

When the court acted, the Senate of the United States had jurisdiction. It is admitted that the Senate is the final judge of the question. If the court rendered a decision on the merits of the case, and wrote an opinion, I should like to see it. That is the position that Mr. Scribner took.

Mr. KUCHEL. I shall not quibble, and I shall not take any more time on this subject in the Senate.

Mr. CURTIS. There is no doubt that the Senate is a court of last resort, the sole judge of its membership, as provided in the Constitution. Does the Senator deny that?

Mr. KUCHEL. Of course I do not. I merely say that the petition, filed in the California Supreme Court, was rejected; and that is a relevant fact which should be included in the debate here.

Mr. President, I ask unanimous consent that there be printed in the RECORD a letter to me with the accompanying petition for writ of mandate and notice of intention to apply for preemptory writ of mandate.

There being no objection, the letter and attachments were ordered to be printed in the RECORD, as follows:

LOS ANGELES, CALIF.,
August 4, 1964.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KUCHEL: Enclosed are copies of the petition for writ of mandate and notice of intention to apply for peremptory writ of mandate, together with exhibits A and B to said notice. The originals of each of these documents will be filed at approximately 8 a.m., P.d.t., on August 5, 1964, in the subject proceeding on behalf of our client, George Murphy.

Very truly yours,
OVERTON, LYMAN & PRINCE,
By LAWRENCE J. LARSON,
Attorneys for George Murphy.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES—GEORGE MURPHY, PETITIONER

v.

EDMUND G. BROWN, GOVERNOR OF THE STATE OF CALIFORNIA, RESPONDENT, PIERRE SALINGER, REAL PARTY IN INTEREST—No. —, NOTICE OF INTENTION TO APPLY FOR PEREMPTORY WRIT OF MANDATE

TO RESPONDENT AND REAL PARTY IN INTEREST:

Please take notice that on August 17, 1964, at 9:30 o'clock a.m., in department 65 of the above-entitled court, 111 North Hill Street, Los Angeles, Calif., petitioner will apply to the court for the writ of mandate prayed for in the petition for writ of mandate, a true and correct copy of which is annexed hereto, marked exhibit A, and made a part hereof.

Said application will be made on the basis of this notice; on the said petition; on the points and authorities attached hereto, marked exhibit B, and made a part hereof;

on such evidence, oral or documentary as may be offered at the time and place of the hearing on said application; and on all the papers and records on file herein.

Dated: August 5, 1964.

OVERTON, LYMAN & PRICE,
EUGENE OVERTON,
CARL J. SCHUCK,
LAWRENCE J. LARSON,
Attorneys for Petitioner.

EXHIBIT A

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES—GEORGE MURPHY, PETITIONER, VERSUS EDMUND G. BROWN, GOVERNOR OF THE STATE OF CALIFORNIA, RESPONDENT, PIERRE SALINGER, REAL PARTY IN INTEREST, NO. —, PETITION FOR WRIT OF MANDATE

George Murphy respectfully petitions this honorable court to issue a writ of mandate directing respondent to vacate, annul, set aside, and recall his purported appointment of real party in interest to the U.S. Senate and the purported commission granted by respondent pursuant thereto, and in support of said petition alleges as follows:

1. Petitioner is and for many years has been a citizen, resident, and elector of the County of Los Angeles, State of California.

2. Petitioner is the duly selected candidate of the Republican Party for the office of U.S. Senator at the general election to be held on November 3, 1964. Real party in interest is the candidate for said office of the Democratic Party at said election.

3. Respondent is the duly elected and acting Governor of the State of California.

4. On August 4, 1964, respondent purportedly appointed real party in interest to the U.S. Senate to fill the vacancy caused by the recent death of then U.S. Senator from California, Clair Engle; and on said date respondent signed a commission purporting to authorize real party in interest to act as U.S. Senator from California to fill the unexpired term of the late Senator Engle.

5. The 17th amendment to the U.S. Constitution provides that the legislature of any State may empower the Governor to make a temporary appointment to fill a vacancy in the representation of the State in the U.S. Senate until the people fill such vacancy at an election. The Legislature of California has empowered the Governor to make such an appointment in section 25001 of the Elections Code providing that such appointment may be made only of a person possessing the requisite qualifications for the office and who also is an elector of California. Under the provisions of section 20 of said Elections Code and in section 1 of article II of the California constitution an elector must have been a resident of this State for a period of at least 1 year prior to his appointment or election, a resident of a county in which he seeks to vote for a period of at least 90 days prior to said appointment or election, and a resident of the election precinct in which he desires to vote for a period of at least 54 days prior to said appointment or election.

6. Real party in interest is not an elector within the meaning of section 25001 of the Elections Code of the State of California in that he has not been a resident of the State of California for a period of at least 1 year prior to August 4, 1964, nor will he have been a resident of California for a period of at least 1 year on the date of the next general election on November 3, 1964. Petitioner is informed and believes and therefore alleges that real party in interest is not such an elector in that he has not been a resident of any county of this State for a period of 90 days prior to either of said dates or a resident of any election precinct of this State for a period of at least 54 days prior to either of said dates. Petitioner is further informed and believes and therefore alleges that real party in interest has been for many years and now is a resident and elector of the State of Virginia.

7. Said appointment by respondent of real party in interest to the U.S. Senate and the granting of said commission is void and of no force or effect in that it contravenes the aforesaid provisions of the 17th amendment of the U.S. Constitution and of section 25001 of the California Elections Code.

8. Unless this honorable court issues the writ of mandate herein prayed for, petitioner is informed and believes and therefore alleges that respondent and real party in interest will represent to the U.S. Senate that said appointment and said commission are valid and real party in interest may be sworn in and admitted as a Member of the U.S. Senate, notwithstanding his appointment and the commission granted to him as aforesaid are and each of them is invalid and void. Accordingly, petitioner has no plain, speedy or adequate remedy at law.

Wherefore, petitioner prays that this honorable court issue a peremptory writ of mandate directing respondent to vacate, annul, set aside, and recall the purported appointment of August 4, 1964, of real party in interest to the U.S. Senate and the purported commission granted to said real party in interest on said date, and for such other and further relief as to the court seems just and proper.

Respectfully submitted.

OVERTON, LYMAN & PRINCE,
EUGENE OVERTON,
CARL J. SCHUCK,
LAWRENCE J. LARSON,
Attorneys for Petitioner.

VERIFICATION

I, George Murphy, am the petitioner, in the above action. I have read the foregoing petition and the same is true of my own knowledge, except as to the matters which are therein stated on my information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, Calif., on August 4, 1964.

GEORGE MURPHY.

EXHIBIT B

POINTS AND AUTHORITIES

On August 4, 1964, the respondent purported to appoint real party in interest to the U.S. Senate to fill the vacancy created by the death of the late U.S. Senator, Clair Engle, and to grant a commission evidencing such appointment. These acts of the Governor were invalid and void in that Mr. SALINGER is not an "elector" of California and the Governor has no power to make an appointment to the U.S. Senate of a person unless he is an "elector." Inasmuch as the Governor's acts may appear to be valid on their face and may be acted on by the Senate as authorized, it is necessary that the writ of mandate be issued so as to require the Governor to comply with the applicable provisions of the Federal Constitution and the California laws adopted pursuant thereto.

Section 2 of the 17th amendment to the U.S. Constitution provides:

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct."

Pursuant to the foregoing amendment, the California Legislature enacted section 25001 of the elections code providing that the Governor may, if a vacancy occurs in the representation of this State in the Senate, "appoint and commission an elector of this State, who possesses the qualifications for the office, to fill the vacancy until his successor is elected and qualifies and is admitted to his seat by the U.S. Senate."

An elector is defined in section 20 of the California Elections Code as a person who is qualified to vote under section 1 of article II of the California constitution, which in turn, requires residence in the State for at least 1 year, in the county for at least 90 days, and in the election precinct for at least 54 days. Mr. SALINGER meets none of these requirements according to the allegations of the petition and, indeed, according to his own admissions widely quoted in the press, that while he is a candidate for U.S. Senator in the forthcoming elections, he is ineligible to vote for that office at that election.

Accordingly, there can be no question that the attempted appointment of Mr. SALINGER was beyond the power of the Governor granted to him by Elections Code section 25001. If it be argued that this statute is invalid, then the Governor has no power to make any appointment and the vacancy must be filled by an election. If it be claimed that only the reference to "elector" is invalid in that it is inconsistent with the provisions of the Federal Constitution establishing the requisite qualifications of a Senator, the answers are clear:

(1) The statute does not purport to establish additional qualifications for the office—it is merely a grant of a limited power to the Governor to fill a vacancy by appointment from among a limited class of persons possessing the constitutional qualifications for the office. This section is no more inconsistent with the Federal Constitution than a statute granting the Governor the appointment power but providing that he could not appoint a person confined in a State prison.

(2) It is clearly unreasonable to assume that the legislature intended that the reference to "elector" is severable from the balance of the section or that it would have given the Governor any appointive power whatever without limiting the class of eligible appointees to electors. Thus, if the limitation is invalid, the entire statute falls and the Governor had no power to make the subject appointment; and, of course, if the statute is valid, the same conclusion must follow.

The petition meets all of the requirements of sections 1084, et seq. of the Code of Civil Procedure, and the facts plainly establish the need for the writ to prevent a clear usurpation of gubernatorial power contrary to the 17th amendment to the U.S. Constitution and the provisions of Elections Code section 25001 adopted pursuant thereto.

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES—GEORGE MURPHY, PETITIONER, v. EDMUND G. BROWN, GOVERNOR OF THE STATE OF CALIFORNIA, RESPONDENT, PIERRE SALINGER, REAL PARTY IN INTEREST, NO. —, PETITION FOR WRIT OF MANDATE

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1. Petitioner is and for many years has been a citizen, resident, and elector of the County of Los Angeles, State of California.

2. Petitioner is the duly selected candidate of the Republican Party for the office of U.S. Senator at the general election to be held on November 3, 1964. Real party in interest is the candidate for said office of the Democratic Party at said election.

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U.S. Senate to fill the vacancy caused by the recent death of then U.S. Senator from California, Clair Engle; and on said date respondent signed a commission purporting to authorize real party in interest to act as U.S. Senator from California to fill the unexpired term of the late Senator Engle.

5. The 17th amendment to the U.S. Constitution provides that the legislature of any State may empower the Governor to make a temporary appointment to fill a vacancy in the representation of the State in the U.S. Senate until the people fill such vacancy at an election. The Legislature of California has empowered the Governor to make such an appointment in section 25001 of the Elections Code providing that such appointment may be made only of a person possessing the requisite qualifications for the office and who also is an elector of California. Under the provisions of section 20 of said Elections Code and in section 1 of article II of the California constitution an elector must have been a resident of this State for a period of at least 1 year prior to his appointment or election, a resident of a county in which he seeks to vote for a period of at least 90 days prior to said appointment or election, and a resident of the election precinct in which he desires to vote for a period of at least 54 days prior to said appointment or election.

6. Real party in interest is not an elector within the meaning of section 25001 of the Elections Code of the State of California in that he has not been a resident of the State of California for a period of at least 1 year prior to August 4, 1964, nor will he have been a resident of California for a period of at least 1 year on the date of the next general election on November 3, 1964. Petitioner is informed and believes and therefore alleges that real party in interest is not such an elector in that he has not been a resident of any county of this State for a period of 90 days prior to either of said dates or a resident of any election precinct of this State for a period of at least 54 days prior to either of said dates. Petitioner is further informed and believes and therefore alleges that real party in interest has been for many years and now is a resident and elector of the State of Virginia.

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Wherefore, petitioner prays that this honorable court issue a peremptory writ of mandate directing respondent to vacate, annul, set aside, and recall the purported appointment of August 4, 1964, of real party in interest to the U.S. Senate and the purported commission granted to said real party in interest on said date, and for such other and further relief as to the court seems just and proper.

Respectfully submitted.

OVERTON, LYMAN & PRINCE,
EUGENE OVERTON,
CARL J. SCHUCK,
LAWRENCE J. LARSON,
By LAWRENCE J. LARSON,
Attorneys for Petitioner.

VERIFICATION

I, George Murphy, am the petitioner in the above action. I have read the foregoing petition and the same is true of my own knowledge, except as to the matters which are therein stated on my information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Los Angeles, Calif., on August 4, 1964.

GEORGE MURPHY.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield at that point?

Mr. CURTIS. I yield.

Mr. JORDAN of North Carolina. I hold in my hand the decision of the Supreme Court of the State of California, which was filed on August 10, and certified by William I. Sullivan, clerk of the supreme court, in the case of Murphy against Brown.

Mr. Murphy brought an action to stay the right of the Governor to make the appointment. The petition was denied, and the order was signed by the chief justice of the State of California. I should be glad to let the distinguished Senator look at it. The order was flown here and sent to the Committee on Rules and Administration. It arrived after the hearing.

Mr. CURTIS. I thank the distinguished Senator. I believe the distinguished Senator should put it in the RECORD. It merely states, "Petitions for writ of mandamus denied." It contains no discussion whatever of the merits of the case, and does not indicate that the court passed upon the validity of the California statute.

Mr. JORDAN of North Carolina. I should like to add that the decision was arrived at by a vote of 6 to 1 of the Supreme Court of the State of California.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. CURTIS. I yield to the distinguished Senator from Virginia.

Mr. ROBERTSON. We are considering the question of whether our distinguished colleague from California [Mr. PIERRE SALINGER], has been properly seated in the Senate. I called attention to a precedent in North Dakota relating to the senior Senator from North Dakota, MILTON R. YOUNG.

A statute in North Dakota provided that no member of the legislature could hold any other office than the one to which he had been elected during his term of office. The Governor of North Dakota appointed MILTON R. YOUNG to be a Senator of the United States. The Senate ruled, and correctly so, that that limitation upon members of the legislature was in violation of the Constitution, which imposed only one limitation; namely, that the appointee must be a resident. He was a resident, and he was seated.

I concede to my distinguished friend, the Senator from Nebraska [Mr. CURTIS], the right to challenge court decisions on the point and to express his personal view that the appointee ought not to be seated. He might do so on general grounds or on the ground that the appointee was not an elector. But we have before the Senate a decision of the Supreme Court of the State of California on that very point. We also have a 1962 decision on the same point in South Dakota, in volume 116, Northwestern Reporter at page 233.

A question was propounded by the Governor to the justices of the Supreme Court of South Dakota as to whether or not the Governor or the Lieutenant Governor of the State was eligible to receive and accept an interim appointment. The Governor wished to appoint Lieutenant Governor Bottum. The court said that he could appoint Mr. Bottum, because the provision of the South Dakota constitution that placed a limitation upon the office of Senator violated the U.S. Constitution.

So Mr. Bottum came to the Senate; the Senate seated him.

The same situation arose in Wyoming. A provision of the constitution of the State of Wyoming provided that a Governor shall not be eligible to hold any other office during the term for which he was elected. Gov. Lester C. Hunt, whose term as Governor ran from January 1947 to January 1951, ran in a Democratic primary for Senator, and won the nomination. The contention was made that he was not eligible for the office. The Supreme Court of Wyoming held in *State* v. *Crane*, 197 Pacific Reporter, 2d series, at page 864, that the restriction of the Wyoming constitution had no effect, because it violated the U.S. Constitution.

Mr. President, I am not going into the question in any great detail other than to say that under all the court decisions and by all the precedents of this body, no State legislature and no State constitution can place a limitation upon the qualifications of a man to serve in this body other than what is in the Constitution itself; and the Senate is the sole judge of the qualifications of its Members. The Committee on Rules and Administration, having considered both the law and the prophets, so to speak, has reported to us that, according to law and precedents, the Governor had the right to appoint Mr. SALINGER to be a Senator from California, and we should permit him to take his seat permanently.

There is only one other subject I wish to mention briefly, if the Senator will yield.

Mr. CURTIS. I yield.

Mr. ROBERTSON. There is an anomalous situation. It seems that some Senators do not wish to adjourn sine die on August 22. There has been before the Senate since July 31 the foreign assistance bill, and the Senate has not yet come to any resolution on it. Now, with 30 minutes notice, suddenly an amendment is to be offered which, we are told, has been gathering dust in the Committee on Rules and Administration for years. I hold in my hand a resolution submitted 2 years ago by the Senator from Vermont [Mr. PROUTY] and a number of other Senators. I understand that no hearings before the committee have been requested. Without any committee hearings and without any reports, they wish to establish a new legislative committee which would take jurisdiction away from the Committee on Banking and Currency, and which would encounter all sorts of trouble with the Committee on Commerce and probably other committees. It is desired to create a committee which would consider proposed legislation relating to small business. Who knows what is small business and what is big business? How are we going to pass a law relating to small business that does not also affect big business?

Now, when Senators serve on only two legislative committees, we do not have time enough now to maintain quorums in these two committees, and yet it is proposed to create a new committee. We have recently raised the pay of the staff members of committees until the top members will soon receive more than Senators now receive, and yet it is proposed that another committee be created, and that it be established by an amendment adopted quickly as a rider to the resolution relating to the appointment of the distinguished Senator from California [Mr. SALINGER].

Mr. President, there is no need for the Senate to adopt the proposed rider.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a statement which I submitted to the Committee on Rules and Administration on this very proposal in September 1963.

If we expect to adjourn on August 22, we cannot bring up important new controversial issues at this time. I should like to see the Senate confine itself to the essential appropriation bills and adjourn sine die.

I thank the Senator.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

HISTORY OF SMALL BUSINESS LEGISLATION BY THE SENATE BANKING AND CURRENCY COMMITTEE

For many years this committee has been primarily responsible for small business legislation. This committee established the Small Business Administration and its predecessors. This committee explored the credit gap which faced small businesses and developed the Small Business Investment Act and the small business investment companies to fill it, and for years this committee has made special provisions for small business in more general legislation referred to the committee such as the Reconstruction Finance Corporation Act, the Defense Production Act, housing, urban renewal, and related acts.

CREATION OF INDEPENDENT AGENCY

In 1942, this committee reported out S. 2250 (Public Law 603—77th Cong., approved June 11, 1942), to mobilize the productive facilities of small business in the successful prosecution of the war, and for other purposes, which established the Smaller War Plants Corporation. This corporation lasted until 1945. In 1948, the Reconstruction Finance Corporation Act was amended (Public Law 548—80th Cong., approved May 25, 1948), to state specifically that, "to encourage small business * * * the corporation * * * is authorized—(1) To purchase the obligations of and to make loans to any business enterprise organized or operating under the laws of any State or the United States."

The Small Defense Plants Administration, the immediate predecessor of the Small Business Administration, was created by section 714 of the Defense Production Act Amendments of 1951 (Public Law 96—82d Cong., approved July 31, 1951). This section also provided authority to the RFC to make loans or give other financial assistance to small businesses recommended to it by SDPA.

On the same date, June 30, 1953, Public Law 95—83d Congress, abolished the SDPA, and Public Law 163—83d Congress, established the Small Business Administration.

SMALL BUSINESS INVESTMENT ACT OF 1958

The Small Business Investment Act of 1958 is one of the most important small business laws to be reported out of this committee. It provides for the licensing of small business investment companies by the Small Business Administration. These companies are designed to help meet the long-term credit and equity needs of small business. The act also provides for loans to State and local development companies.

The SBIC program was based on a very comprehensive study by the Small Business Subcommittee and a thorough review of the credit needs of small business by the Federal Reserve Board made at the request of this committee. The Federal Reserve Board's report of April 11, 1958, covered 549 pages. In June 1957, the Small Business Subcommittee held 9 days of hearings on the credit needs of small business. In April and May 1958, the subcommittee held an additional 10 days of hearings on this same subject. The Small Business Investment Act of 1958 became law on August 21, 1958.

At the present time over 700 licenses have been issued by SBA under this act. Small business investment companies now have a total capitalization of over $575 million. This is a new program and the number of companies and the amount of money available for small business financing through these companies can be expected to increase materially in the next few years.

Through August of this year, SBA has approved over $9 million in loans to State development companies and over $45 million in loans to local development companies.

SMALL BUSINESS SUBCOMMITTEE

A Small Business Subcommittee was first appointed by the Banking and Currency Committee in the 80th Congress. A Special Subcommittee on Aids to Small Business was selected to serve during the 82d Congress.

The following is a tabulation of bills referred to the Small Business Subcommittee and the Special Subcommittee on Aids to Small Business from the 80th Congress to the present. This list does not include bills relating to small business which were not referred to any subcommittee or were referred to another subcommittee.

Congress	Bills referred	Subcommittee hearings	Days of hearings	Bills reported	Public Laws
80th	5	2	3	1	1
81st	6	3	9	6	2
82d	6	2	7	1	1
83d	4	2	8	2	1
84th	15	2	4	3	3
85th	31	3	20	4	4
86th	15	1	8	3	2
87th	11	4	10	3	3
88th	5	3	6	0	0
Total	98	22	75	23	17

The main body of the legislation affecting small business reported out of this committee concerns financial aids, either directly or indirectly, to small business firms. There is a close correlation between the bills which deal with the credit problems of small business; i.e., the regular business loan program of the Small Business Administration and the new small business investment company program, and other committee bills which relate to financial aid to commerce and industry, for example, the area redevelopment program. These small business bills are also related to the monetary and credit policies involving the Federal Reserve System.

About 70 of the small business investment companies, which have offered stock for sale to the public or by having more than 100 stockholders, come under the purview of the Securities and Exchange Commission. Since this is a new and growing program there is every reason to believe that there will be an even greater number of these companies which will be involved in dual jurisdiction by SBA and the SEC. Amendments have been proposed in this and in earlier Congresses to amend the Investment Company Act of 1940 and the Small Business Investment Act of 1958 to exempt SBIC's from certain aspects of this dual jurisdiction. As SBIC's increase in number there no doubt is going to be an increase in legislative efforts to correct problems that will arise between SBA and SEC.

This committee, in considering the bill which became the Defense Production Act of 1950 (Public Law 774, 81st Cong., approved Sept. 8, 1950), made many special provisions for small business which were vital to small business under the mobilization conditions (allocations, priorities, price and wage controls, etc.) that that act was designed to meet.

Section 701 of that act provided that the President provide small businesses with full information concerning the provisions of the act. It provided for the appointment of small business advisory committees for purposes of consultation in the formulation of rules, regulations, or orders issued under the act. It provided for the exemption of small businesses from the terms of the act, if such exemptions would not impede the accomplishment of the objectives of the act. Section 708 of the act authorized the President to consult with representatives of industry, business, financing, agriculture, labor, and other interests to encourage the making by such persons of voluntary agreements and programs to further the objectives of the act. This section also directed the Attorney General to make surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the administration of the act. Domestic programs were also established under the authority of this act to assist small producers to expand and market their production, especially in the field of metals and minerals.

Section 5 of the Defense Production Act Amendments of 1955 (Public Law 295, 84th Cong., approved Aug. 9, 1955) required the Office of Defense Mobilization to study the share of Government procurement going to small business and to submit a report with recommendations of actions to increase the share. This report was submitted to the Congress and was included as part of the record of this committee's hearings on the Defense Production Act Amendments of 1956 on pages 54–95.

The operations of the Export-Import Bank have an important bearing upon the role of small business in the economy. (See attached S. Rept. 262, 88th Cong., 1st sess., Export-Import Bank Act Extension, pp. 15–18.)

Small business is also closely involved in housing legislation reported out of this committee, particularly in the field of urban renewal. Small businesses are often displaced in urban renewal projects and this has been a matter of great concern when the committee considers housing legislation. This displacement of small business problem is also present in the proposed mass transportation program. This problem led to the passage of an amendment to the Housing Act of 1961 (Public Law 87–70, approved June 30, 1961), establishing a new SBA disaster loan program for small businesses suffering economic injury by such displacement. The study of the problems which Government acquisition of real estate causes to businesses displaced or otherwise affected by the acquisition, which is now being undertaken by a subcommittee of the House Public Works Committee, is an outgrowth of a bill, S. 671, 87th Congress, 1st session, introduced by Senator Sparkman and referred to the Senate Government Operations Committee. The staff work on this bill was done by this committee's staff.

SMALL BUSINESS AND THE EXPORT-IMPORT BANK

The operations of the Export-Import Bank have an important bearing upon the role of small business in the economy. Under the insurance program of the Bank, an exporter is permitted to extend credit to oversea customers with assurance that unforeseen developments abroad will not expose him to large losses or seriously impair his working capital. Exporters who have insurance find it easier to get financing for their transactions from commercial banks, to which the policies or their proceeds may be assigned. According to the testimony on March 27, 1963, of the President of the Export-Import Bank before the House Select Committee on Small Business, from its beginning in February 1962 through February 15, 1963, FCIA issued 1,240 comprehensive policies in the amount of approximately $500 million. Of these policies more than 150 were issued to small- and medium-sized companies that never exported before. The Bank and FCIA have determined not to turn down any application because of lack of previous experience in exporting or because of the smallness of the applicant.

Under the enlarged program of commercial bank guarantees of the Export-Import Bank, exporters can obtain nonrecourse financing of medium-term transactions by commercial banks under guarantees of the Export-Import Bank. As mentioned earlier, the Eximbank provides the commercial bank with a political-risk guarantee on the early maturities of a medium-term transaction (for which the commercial bank assumes the credit risks) and a guarantee covering both political and credit risks on the remainder of the term of the transaction. In turn, the commercial bank has to furnish funds to finance the transactions without recourse on the exporter. In almost all cases, there must also be a cash payment by the buyer (10 to 20 percent) and a 15-percent nonguaranteed participation by the exporter. During the first 15 months of this program ending December 31, 1962, acording to the President of the Export-Import Bank, the Bank had issued guarantees in the face amount of $350 million. Aside from aircraft and commodities, the guaranteed loan to exporters and commercial banks was small—an average of about $150,000, with nearly one-fourth of the transactions less than $25,000.

Under the project lending program of the Eximbank, a project loan often involves the sale of a large complex piece of industrial equipment or a multitude of equipment and service items. In these sales, the prime contractor usually subcontracts a substantial part of the work to other concerns, often small businessmen. For one manufacturing plant of Compania de Acero del Pacifico of Chile, financed in part by the Bank, over 3,000 orders were placed with 900 suppliers. For a jet aircraft contract, there were some 2,000 subcontractors in 38 States. The smallest transaction ever financed directly by the Bank was the sale by a small company in Georgia of a disk harrow for $885, the Bank's credit being $550.

The Bank has furnished booklets and other information to the Small Business Administration to be distributed by its regional offices for the information of small businesses. The Bank also furnishes the Small Business Administration with announcements of all project loans in order that small exporters may become acquainted with the opportunity to participate in subcontracting under large export sales. At the suggestion of the Eximbank, the American Bankers Association has recently published a bulletin, "World Trade Is Banking's Business," which describes and endorses the guarantee and insurance programs of the Eximbank for the opportunities they afford to producers to enter foreign markets and increase U.S. exports. This booklet was sent to 17,000 member banks of the ABA. To stimulate further interest in the Bank's services, meetings with bankers and exporters, both large and small, have been held in various parts of the country.

The chairman of the board of the National Small Business Association, a manufacturer in Indianapolis, Ind., who is also a member of the National Advisory Council of the Small Business Administration, endorsed the program of the Eximbank and indicated his support of the proposed legislation to extend the life of the Bank and increase its funds. He said:

"There are many areas, particularly for the small business exporter, where the matter of foreign credit is probably much more important than the matter of price. The services of the Bank in meeting the credit problem, and in protecting against political risk certainly make possible a large volume of export business which otherwise could never take place. * * * the guarantee of commercial bank loans by the Export-Import Bank has been extremely helpful in facilitating the expansion of small business exports."

While the policy of the Export-Import Bank has been to expand its guarantee program for medium-term export credits, it has relied on insurance to meet the need for assisting short-term transactions (up to 180 days).

As was brought out in the following colloquy between Representative Reuss and Mr. Linder in the House hearings:

"Mr. Reuss. I note on the bottom of page 7 of your prepared statement, when you were discussing guarantees and insurance, you say that you don't need any guarantee program for short-term paper; that is, a year or under, because the insurance program fully meets the existing need.

"I have a little difficulty in grasping that. The insurance program on credits of up to 1 year would simply say that if the debtor goes broke, or if there is political expropriation, then the U.S. firm that is making the export will be made whole. But what does that firm do about its banking? We assume a perfectly sound debtor and an exemplary country of destination. Isn't there a gap in our export financing there?

"Mr. Linder. I don't think so, sir. May I explain that most short-term transactions all over the world, even in a country which is more dependent than we are on exports—the United Kingdom is an example—are financed by the seller using his normal line of credit or using no credit. The best proof is that the Export Credit Guarantee Department of the Board of Trade which we know pretty well manages to insure 20 percent of the United Kingdom's exports, and of that, some three-quarters are on a short-term basis.

"Mr. Reuss. Some three-quarters of it is short term.

"Mr. Linder. Is short term.

"We do not anticipate getting to so high a percentage. In the first place, their insurance program is intensively sold throughout the small area that comprises England. In the second place, England has, of course, no big bulk commodities to export which loom large in our figures. That is to say, they don't export wheat; they don't export cotton or lumber. They do very little coal exporting nowadays. All of these we export and these items loom rather large in our figures.

"Now, the short-term sale, is for the most part arranged on the basis of either cash against documents or payment immediately on arrival or on open account. That is, a buyer and a seller have been doing business for a long time and the buyer gets 30 or 60 days. As he pays one bill, he is incurring a new liability, and this goes on in much the same way as domestic business is conducted.

"Where, however, the seller feels he needs protection on the short term, what he wants is an insurance policy. If he needs credit from the bank in order to accommodate the needs of a buyer, he can take that insurance policy to his bank and use it as specific collateral. If the bank knows that he is insured, the chances are that he is going to be able to get his funds through normal commercial arrangements.

"I may say that none of the banks who are most anxious to have us provide guarantees for the medium-term transactions which for the most part run from 181 days to 5 years have suggested that we provide comparable facilities for short term. It would be mechanically impossible for us to work this out with the commercial banks on the same basis that we would work out our medium-term guarantees.

"What I was referring to here, sir, was the fact that we did not have a comparable relationship with the commercial banks on the short term and I hope I have explained why."

The committee recognizes the force of Mr. Linder's remarks but urges that the Export-Import Bank and the Small Business Administration consult together to assure that there exists no credit gap in this area for small business.

Senate Committee on Banking and Currency Hearings, Reports, and Publications Relating to Small Business Prior to Formation of Small Business Subcommittee

SEVENTY-SEVENTH CONGRESS

Conversion of Small Business Enterprise to War Production: Hearings, part 1, February 17, 18, 19, 24, 26, and March 4, 1942; part 2, March 11, 18, 20, 24, 1942 (S. 2250). Senate Report 1219. Public Law 603 (Smaller War Plants Act).

SEVENTY-EIGHTH CONGRESS

To amend the act entitled "An act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes," approved June 11, 1942 (S. 2004). Senate Report 999. Public Law 474.

SEVENTY-NINTH CONGRESS

Extending the Life of Smaller War Plants Corporation: Hearing, February 6, 1945 (S. 105). Senate Report 45. Public Law 42.

Establishment of a Permanent Small Business Finance Corporation: Hearing, July 25, 1946—not printed (S. 1320).

EIGHTIETH CONGRESS

To Make Credit Available to Small Business Enterprise and To Continue the Reconstruction Finance Corporation for the Purpose of Effectuating a Policy of Credit Assistance to Competitive Small Business Enterprise (S. 217): Hearing, March 25, 1947 (not printed).

Federal Reserve Assistance in Financing Small Business: Hearing, April 17, 1947 (S. 408). Senate Report 145.

To Encourage Fuller Participation by Small Business Concerns in Soundly Expanded Foreign Trade Through Government Insurance for U.S. Exports (S. 414): Hearings, March 25 and April 8, 1957.

To Ratify and Confirm Amendments to Certain Contracts for the Furnishing of Petroleum Products to the United States (S. 1857): Senate Report 1560 (S. 1857). Public Law 770 (H.R. 4659).

To Amend the Reconstruction Finance Corporation Act, As Amended, and for Other Purposes (S. 2287); Senate Report 974. Public Law 548.

To Amend the Reconstruction Finance Corporation Act (H.R. 2535): Senate Report 73. Recommitted to committee April 24, 1947. Hearing, June 6, 1947 (not printed).

EIGHTY-FIRST CONGRESS

Extension of Voluntary Agreements: Hearing, January 27, 1949 (S. 547). Senate Report 23. Public Law 6.

Continue Authority for Export Control: Hearings, January 28, February 1, 2, and 3, 1949 (S. 548). Senate Report 31. Public Law 11.

Special Committee To Study Problems of Small Business: Hearing, February 15, 1949 (S. Res. 29 and S. Res. 55). Senate Report 128.

Funds for small business: Hearing, April 6, 1949 (S. Res. 101) (not printed). Senate Report 218.

Plans of ECA with reference to small business: Hearing, June 6, 1949.

Petroleum prices: Hearings, June 29, 30, 1949.

Effect of economic power of labor unions upon banking and credit policies, small business enterprises, consumers' prices, and national economic stabilization: Hearings, June 25, 26, 27, 28, 29, August 1, 2, 9, 10, 11, 15, 16, 17, 18, 24, 25, and 26, 1949.

To amend the Reconstruction Finance Corporation Act, as amended: Hearings, August 2, 3, 11, 12, and 19, 1949 (S. 2344).

Problems of independent small business—Lustron dealers: Hearings, March 1, 1950.

Small business: Hearings, June 22, 23, 27, and 28, 1950 (S. 529, S. 2943, S. 2947, S. 2975, S. 3386, and S. 3625). Senate Report 1328 (S. 2943).

Defense Production Act of 1950: Hearings, July 24, 25, 26, and 27, 1950. Supplemental Hearing August 7. Senate Report 2250 (S. 3936). Public Law 774 (H.R. 9176).

Report of Subcommittee on Small Business, with recommendations: Senate Report 1263.

EIGHTY-SECOND CONGRESS

Reconstruction Finance Corporation: Hearings, April 27, 30, May 1, 2, 22, and 23, 1951 (S. 514, S. 515, S. 1116, S. 1123, S. 1329, S. 1376, and S.J. Res. 44).

Amendments to the Defense Production Act of 1950: Hearings, May 7, 8, 9, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31, June 1, 4, 5, 6, 7, August 30 and 31, 1951 (S. 1397, S. 1928, S. 2048, and S. 2073).

Special Subcommittee on Aid to Small Business: Hearing, July 10, 1951 (S. 1329, S. 1397, S. 1542, S. 1543, and S.J. Res. 49).

Joint hearings before the Committee on Banking and Currency and Select Committees on Small Business, to hear Charles E. Wilson, Director, Office of Defense Mobilization, and Manly Fleischmann, Administrator, National Production Administration, on Production and Allocations: Hearing, October 12, 1951.

To Amend the Defense Production Act of 1950, and for Other Purposes: Report 470 (S. 1717). Public Law 96. (Created Small War Plants Administration.)

Authorizing the Select Committee on Small Business To Employ Temporary Personnel During the 82d Congress: Senate Report 73 (S. Res. 42).

To Investigate Problems Relating to Banking and Credit Legislation, Small Business, and Economic Stabilization: Senate Report 79 (S. Res. 64).

To continue for a temporary period the Defense Production Act of 1950; the Housing and Rent Act of 1947, as amended; and for other purposes: Passed Senate June 29, 1951 (no report). Public Law 69.

EIGHTY-THIRD CONGRESS

Government Lending Agencies: Hearings, May 20, 21, 22, 25, 26, 27, July 13, and 14, 1953 (S. 892, S. 1523, S. 1559, S. 1771, S. 1907, S. 1912, S. 1913, and H.R. 5141). Senate Report 604 (S. 1523). Public Law 163 (Small Business Act of 1953).

To Amend Section 205 of the Small Business Act of 1953: Senate Report 834 (H.R. 6648).

EIGHTY-FOURTH CONGRESS

Extension of Small Business Administration: Hearings, May 5, 9, and 11, 1955 (S. 16, S. 150, S. 381, S. 382, S. 383, S. 1500, and S. 1802). Senate Report 405 (S. 2127). Public Law 268.

Defense Production Act Amendments of 1955: Hearings, June 20, 21, and 27, 1955 (S. 2163 and S. 2165). Senate Report 696 (S. 2391). Public Law 295.

SBA Disaster Loans: Hearing, January 16, 1956 (S. 2775, S. 2856, and S. 2866). Senate Report 1405 (S. 2960). Public Law 402 (H.R. 7871).

Defense Production Act Amendments of 1956: Hearings, April 23, and 25, 1956 (S. 3407).

To extend for temporary period the Small Business Act of 1953: Senate Report No. 639 (S.J. Res. 85). Public Law 119.

EIGHTY-FIFTH CONGRESS

Increased Loan Authority for SBA: Hearing, January 22, 1957 (S. 637). Senate Report 12. Public Law 85–4.

Credit Needs of Small Business: Hearings, June 3, 4, 5, 6, 10, 11, 13, 18, 20, 1957; May 23, 1958 (S. 55, S. 244, S. 246, S. 300, S. 545, S. 719, S. 720, S. 1762, S. 1789, S. 1992, S. 2160, S. 2184, S. 2185, S. 2286, S. 2729, S. 2825, S. 2993, S. 3319, S. 3434, S. 3453, S. 3664, S. 3791, S. Res. 138, and H.R. 7963). Senate Report 1714 (H.R. 7963). Public Law 85–536 (Small Business Act).

Small Business Disaster Loans: Hearing, January 22, 1958 (S. 2918, S. 2920, and S. 2959). Senate Report 1185 (S. 2920). Public Law 85–335.

Financing Small Business: Hearings, April 21, 22, 23, 24, 25, 28, 29, 30, May 1, and 2, 1958 (S. 2160, S. 2185, S. 2286, S. 3191, S. 3643, and S. 3651). Senate Report 1652 (S. 3651). Public Law 85–699. (Small Business Investment Act of 1958.)

To Amend and Extend the Small Business Act: Senate Report 597 (S. 2504). Public Law 85–120.

Financing Small Business, report by Federal Reserve System, April 11, 1958 (Committee Print). Development Corporations and Authorities (Committee Print).

EIGHTY-SIXTH CONGRESS

Small Business Amendments of 1959: Hearings, June 22, 29, 30, July 1, 7, 20, 21, and 22, 1959 (S. 1340, S. 1351, S. 1609, S. 1666, S. 1777, S. 1879, S. 2032, and S. 2139).

Amendments to Small Business Investment Act: Senate Report 833 (S. 2611). Public Law 86–502.

Amending the Small Business Act: Senate Report 834 (S. 2612). Public Law 86–367.

To amend the Small Business Act so as to authorize an additional $150 million for loans to small businesses, and for other purposes: Senate Report 1748 (H.R. 11207).

Development Corporations and Authorities—Revised (Committee Print).

EIGHTY-SEVENTH CONGRESS

Small Business Act Amendments of 1961: Hearings, March 15, 16, 17, and April 24, 1961 (S. 836). Senate Report 802. Public Law 87–305.

Small Business Investment Act, 1961: Hearings, July 31, and August 2, 1961 (S. 902), Senate Report 801. Public Law 87–341.

SBA Amendments of 1962: Hearing, April 12, 1962 (S. 2970). Senate Report 1542. Public Law 87–550.

Construction Set-Aside Amendments: Hearings, June 7, 8, and 26, 1962 (S. 1363 and S. 3096).

Disaster loans to small business concerns which suffer economic injury due to federally aided highway construction programs (S. 1803): Included in section 305 of S. 1922 (Housing Act of 1961). Senate Report 281 (S. 1922). Public Law 87–70.

Section-by-section summary of the provisions of S. 1922, the Housing Act of 1961, as reported to the Senate (committee print).

Section-by-section summary of the provisions of S. 1922, the Housing Act of 1961 (Public Law 87–70) (committee print).

EIGHTY-EIGHTH CONGRESS

Construction Set-Asides, 1963: Hearings, May 7, 8, and 9, 1963 (S. 757).

SBA and SBIC Amendments, 1963: Hearings, May 14 and 15, 1963 (S. 298 and S. 1309).

Conflicts of Interest in the SBIC Program: Hearing, September 5, 1963 (S. 298).

Since the time of the preparation of this memorandum, S. 1309 has been enacted into law, becoming Public Law 88–264, approved February 5, 1964. This act broadens the present casual basis for disaster loans made to small businesses which have suffered economic injury to cover all types of natural disasters. It would also provide criminal penalties for any person who with intent to defraud steals property which has been mortgaged to SBA as security for a loan.

S. 298 has also been enacted into law, becoming Public Law 88–273, approved February 28, 1964. This act among other things, increases the amount of money that small business investment companies can borrow from the Small Business Administration. It permits SBIC's to invest funds not reasonably needed for their operations in any institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. It also directs the Small Business Administration to issue regulations regarding conflicts of interest in the small business investment company program.

Mr. PELL. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I congratulate the Senator from Nebraska on his fine and reasoned presentation concerning the question of the seating of PIERRE SALINGER. I believe that the questions that were to be resolved and the arguments and conclusions contained on pages 4 to 7 of the report and in appendix 3, containing a memorandum prepared by the Legislative Reference Service of the Library of Congress, should also be included in the RECORD, in view of the fact that agreement was given to have the minority views inserted. Accordingly, I ask unanimous consent that they be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS TO BE RESOLVED BY THE COMMITTEE ON RULES AND ADMINISTRATION AND THE U.S. SENATE

1. Can the Governor of a State appoint a person who possesses the qualifications for the office of U.S. Senator as established by article I, section 3, clause 3, of the U.S. Constitution, even though that person may not be fully qualified under the constitutional provisions and the laws of the State concerned?

2. Can the oath of office as U.S. Senator be validly administered to such an appointee?

3. Did the Governor of the State of California possess the power to appoint PIERRE SALINGER to fill the vacancy in the U.S. Senate from that State?

4. Does PIERRE SALINGER possess the necessary qualifications to be a U.S. Senator?

ARGUMENT

The proposition that the 17th amendment to the U.S. Constitution, authorizing a State legislature to empower the executive thereof to make temporary appointments to fill vacancies in the Senate as the legislature may direct, places a limitation upon the power of the executive to appoint is not tenable.

The 17th amendment grants to a State legislature the power either to authorize or not to authorize the executive to make temporary appointments.

That amendment also empowers a State legislature to enact election procedures governing the time period during which the appointee shall serve in the Senate prior to the issuance of writs for a special election or the date of a general election.

It was never contemplated that the U.S. Constitution would delegate power to State legislatures to enlarge upon or affect in any manner the qualifications of persons elected or appointed to the Senate of the United States, as set forth in article I, section 3, clause 3 of the Constitution.

Following the ratification of the 17th amendment, the several States enacted laws authorizing the executive authority to make temporary appointments to the Senate. Forty-five of the States have adopted in their laws empowering the executives to make appointments to fill vacancies almost the identical language of the 17th amendment; i.e., "temporary appointment" of a person, of a Senator, of some suitable person, some person, without defining in any manner the qualifications of such appointee.

Only five States have adopted laws which purport to limit the power of the executive authority to appoint a person to fill a vacancy. Constitutional authorities hold that those words of limitation are neither constitutional nor enforcible.

An argument has been made by those who challenge the validity of the appointment of Senator SALINGER that if section 25001 of the California Elections Code is unconstitutional because it requires the appointment of an elector of California to fill the vacancy in the U.S. Senate, then the entire section is null and void and, consequently, the Governor of California has no power to appoint at all. In the opinion of the committee, this argument is simply without merit. (See the memorandum from the American Law Division, Legislative Reference Service, Library of Congress (app. 3).)

It is well settled that the qualifications established by the U.S. Constitution for the office of U.S. Senator are exclusive, and a State cannot, by constitutional or statutory provisions, add to or enlarge upon those qualifications. *State* v. *Crane* (197 P. 2d 864 (Wyo. 1948)), and cases cited therein; *Stockton* v. *McFarland* (56 Ariz. 138 (1940)); opinion of the attorney general of the State of California (app. 2). See also the case of *Hellman* v. *Collier* (217 Ind. 93 (1958)), wherein the court held that a candidate for the office of U.S. Representative need not be a resident of the congressional district from which he sought election.

A compelling argument in opposition to the contention of a State that it may establish qualifications such as residence as an enlargement of the U.S. constitutional qualifications may be found in the legislative history of the Constitution. At a meeting of the Constitutional Convention an attempt was made to introduce a qualification of 1 year's residence before election to the House of Representatives. That effort was defeated with six States voting against it, four States voting in favor of it, and one State divided (Journal of the Constitutional Convention, pp. 224–225).

An argument has been made by those who challenge the validity of the appointment of Senator SALINGER that such appointment is invalid because section 25001 of the California Elections Code requires the appointment of an "elector" of California to fill a vacancy in the U.S. Senate, and that since Mr. SALINGER does not qualify as an elector under that provision his appointment by the Governor is contrary to State law.

Whether Mr. Salinger qualifies as an elector within the statutory terms may be debated, but State statutory provisions cannot create additional qualifications for the office of U.S. Senator. To the extent State law conflicts with the Federal Constitution, it has no meaningful effect.

It is well settled under the provisions of article I, section 5, clause 1, of the U.S. Constitution, that each House of Congress is the sole and exclusive judge of the elections, returns, and qualifications of its own Members (*Barry* v. *United States*, 279 U.S. 597 (1929); *Keogh* v. *Horner*, 8 F. Supp. 933 (1934)).

Volume 107 of the American Law Reports, Annotated, beginning at page 206, contains a thorough and well-documented review of the whole body of law and precedents, Federal and State, with respect to qualifications of Members of the Senate and the House of Representatives; the sole and exclusive jurisdiction of each House to judge the elections, returns, and qualifications of its own Members; and the lack of jurisdiction in the courts, both Federal and State, to determine the legality of election, appointment, or seating of a Member of either House of the Congress.

Senate Document No. 71, of the 87th Congress, 2d session, published in 1962 and entitled, "Senate Election, Expulsion, and Censure Cases From 1789 to 1960," contains all reported cases involving Senators and candidates for the Senate during those years. That document on page VII records the Senate Committee on Privileges and Elections as stating in a 1921 report that:

"The Senate is jealous of its constitutional right to be 'the judge of the elections, returns, and qualifications of its own Members'."

Article I, section 3, clause 3, of the Constitution of the United States sets forth the sole qualifications for Members of the U.S. Senate. It requires that a Senator must have reached the age of 30 years, be 9 years a citizen of the United States and be an inhabitant of the State which he represents. PIERRE SALINGER is more than 30 years of age, has been a citizen of the United States for more than 9 years, and was, when appointed, an inhabitant of the State of California.

CONCLUSIONS

It is the judgment of the Committee on Rules and Administration that all four of the questions presented earlier in this report must be answered in the affirmative:

1. The Governor of a State may appoint a person who possesses the qualifications for the office of U.S. Senator as established by article I, section 3, clause 3, of the U.S. Constitution even though that person may not be fully qualified under the constitutional provisions and the laws of the State concerned.

The courts have uniformly held that States cannot violate the provisions of the U.S. Constitution. Laws are construed very carefully in order to give full faith and credit to the enactments of sovereign States. However, where a clear conflict of laws exists between the provisions of the U.S. Constitution and those of the constitution of a State, those sections, words, and phrases of State law which are violative of the Federal Constitution, the supreme law of the land, must fall.

The courts have consistently held, however, that where State laws which infringe upon or conflict with the U.S. Constitution are severable, then only those portions that conflict will fall and all other portions will stand.

2. Under article I, section 5, clause 1, the Senate is the sole and exclusive judge of the elections, returns, and qualifications of its own Members. Pursuant to this authority, the oath of office was properly and validly administered to the appointee in the instant case.

3. The Governor of the State of California was empowered to fill the vacancy in the U.S. Senate from that State by the appointment of PIERRE SALINGER. To the extent that the provisions of California law require the appointment of an elector of that State, they infringe upon the Federal Constitution because they seek to enlarge upon the qualifications for U.S. Senator. The portion of section 25001 of the California Elections Code authorizing the Governor to appoint a person who possesses the qualifications for the office to the U.S. Senate is valid as clearly authorized by the provisions of the 17th amendment to the Constitution of the United States. This part of the section can stand alone and remain in force since it can be separated from the invalid part of that section.

4. PIERRE SALINGER is both de facto and de jure a U.S. Senator from the State of California. He has been validly appointed by the Governor of his State; he has executed the required oath of office; and he possesses the constitutionally prescribed qualifications.

Finally, the Committee on Rules and Administration finds that the credentials of PIERRE SALINGER (app. 1) are in proper order, that the oath of office was administered to him on legal and valid grounds, and no reason exists in fact or law to alter that action.

Accordingly, the Committee on Rules and Administration is reporting favorably the following original resolution:

"*Resolved*, That PIERRE SALINGER is entitled to a seat in the United States Senate as a Senator from the State of California."

With the recommendation that it be agreed to by the Senate.

APPENDIX 3

MEMORANDUM FROM THE AMERICAN LAW DIVISION, LEGISLATIVE REFERENCE SERVICE, LIBRARY OF CONGRESS, RE EFFECT OF SUPPOSED INVALIDITY OF SECTION 25001 OF THE CALIFORNIA ELECTIONS CODE[1]

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., August 10, 1964.

To: Senate Subcommittee on Privileges and Elections (Attention: Mr. Duffy).
From: American Law Division.
Subject: Effect of supposed invalidity of section 25001, California Elections Code.

In reference to your request for a statement on the charge that section 25001 of the California Elections Code is invalid because

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[1] The attached has been prepared for the personal use of the Member requesting it in conformance with his directions and is not intended to represent the opinion of the author or the Legislative Reference Service.

> it requires the appointment of an elector of California to fill a vacancy in the U.S. Senate, and consequently the Governor has no power to appoint, the following is suggested for your consideration:
>
> As for the charge that section 25001 of the California Elections Code is invalid and thus the Governor of California had no authority to appoint Senator SALINGER, this is wholly without merit.
>
> The California courts have consistently held that a law which is unconstitutional in part only is not to be held wholly void unless the invalid portion is so important to the general plan and operation of the law in its entirety as to reasonably lead to the conclusion that the law would not have been adopted if the legislature had perceived the invalidity of the part so held to be unconstitutional (see *In Re Phillips Estate,* 203 Cal. 106, 263 P. 1017, 1020 (1928): *Ex parte Frazer,* 54 Cal. 94; *People* v. *Perry,* 79 Cal. 105, 21 P. 423; *People* v. *McFadden,* 81 Cal. 496, 22 P. 851; *McGowan* v. *McDonald,* 111 Cal. 65, 43 P. 418; *People* v. *Hill,* 7 Cal. 103; *People* v. *Burbank,* 12 Cal. 393; *Niells* v. *Sargent,* 36 Cal. 382; *Ex parte Gerino,* 143 Cal. 412, 77 P. 166; *In re Bell,* 19 Cal. 2d 488, 122 P. 2d 22). Such invalid provisions will not vitiate the whole act unless it would be impossible to maintain it without them. (See above.) The scope of the interpretation is indicated in *People* v. *McCaughan,* 49 Cal. 2d 409, 317 P. 2d 974, 979 (1957), where the court excised several qualifying words from one sentence of a misdemeanor statute and held the remainder constitutional. Consequently, the fact that section 25001 contains the added qualification of "elector" does not vitiate the rest of the statute relating to the Governor's authority to fill vacancies from the State in the U.S. Senate by appointment.
>
> Furthermore, even assuming that the charge were correct, the authority of the Governor would not be abrogated for "the general rule is that when an official person or body has apparent authority to appoint to public office, and apparently exercises such authority, and the person so appointed enters on such office, and performs its duties, he will be an officer de facto, notwithstanding there was want of power to appoint in the person who professed to do so * * *" (43 American Jurisprudence, "Public Officers," sec. 481, p. 233). The Governor of California is granted general authority under article 5, section 8 of the California constitution to fill vacancies in any office where no mode is provided by the constitution or law for filling such vacancy. The authority to appoint would exist even though section 25001 were completely invalid.
>
> However, since the Senate is the final judge of the qualifications of its Members, it makes the ultimate determination on qualification, as the cases have held, despite the validity or invalidity of State statutes (see, for instance, the case of Senator Turnbull of Illinois, 34th Cong., 1st sess., and Senator Faulkner of West Virginia, 50th Cong., 1st sess.). And a judgment by the Senate, although acting as a judicial body (see *Barry* v. *U.S. ex rel. Cunningham,* 279 U.S. 597 (1929)), does not ex post facto invalidate a State qualifications statute. That function rests with the judiciary.
>
> ROBERT L. TIENKEN,
> *Legislative Attorney.*

Mr. PELL. Also, I wish to place in the RECORD two case citations, as follows: *State ex rel Johnson* v. *Crane,* 197 P. 2d 864 (Wyoming), 1948; and *In re Opinion of the Judges,* 116 NW. 2d 233 (South Dakota) 1962.

Finally, Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a copy of the rejection of the petition for writ of mandamus by the Supreme Court of the State of California.

There being no objection, the order was ordered to be printed in the RECORD, as follows:

> "ORDER DENYING ALTERNATIVE WRIT—SAC. NO. 7594
>
> "(In the Supreme Court of the State of California—in bank—*Murphy* v. *Brown, etc., et al.*)
>
> "Petition for writ of mandamus denied.
>
> "McCouch, J. is of the opinion that the writ should be granted."
>
> I, William I. Sullivan, clerk of the Supreme Court of the State of California, do hereby certify that the preceding is a true copy of an order of this court, as shown by the records of my office.
>
> Witness my hand and the seal of the court this 10th day of August A.D. 1964.
>
> WILLIAM SULLIVAN,
> *Clerk.*
> By K. HAWKINS,
> *Deputy Clerk.*
> GIBSON,
> *Chief of Justice.*

Mr. PELL. Mr. President, I also make reference, without unduly encumbering the RECORD, to the fact that the senior Senator from California [Mr. KUCHEL] read into the RECORD a few days ago the opinion of Attorney General Mosk. At this point I should like to read for the RECORD that portion of his opinion which specifically refers to separability. He said, as shown on page 11 of the report:

> The portion of section 25001 of the elections code authorizing the Governor to appoint a person who possesses the qualifications for the office to the U.S. Senate is valid as clearly authorized by the provisions of the 17th amendment to the Constitution of the United States. This part of the section can stand alone and remain in force since it can be separated from the invalid part of the section, namely, the elector requirement, since it constitutes a completely operative expression of the legislative intent.

Finally, our own view rests on the fact that any qualifications added by a State body to those contained in the Constitution are invalid. All the argument concerning the qualifications in California law, or even a decision of the Supreme Court of California, are extraneous to the central issue before the Senate, which is that the Senate is the supreme arbiter of the qualifications of its own Members.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield such time to the Senator from Utah as he may wish.

Mr. BENNETT. Mr. President, I wish to associate myself with the statement made by the chairman of the Committee on Banking and Currency with respect to the proposal to invade the jurisdiction of that committee by transferring to the Select Committee on Small Business the power to make legislative references.

As the chairman has so clearly pointed out, this proposal would involve a substantial change in the organizational pattern of the Senate. Such a change should take place only after careful consideration and careful hearings by the Committee on Rules and Administration, and only after members of the Banking and Currency Committee, whose jurisdiction would be affected, have had an opportunity to present their views in the situation.

Mr. ROBERTSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. ROBERTSON. Would not another complication be presented for my distinguished colleague from Utah and my distinguished colleague from Alabama? If the proposed committee should become a standing committee, a choice would have to be made between the new standing committee and the Banking and Currency Committee. Senators would have to get off one or the other. They could not have that dual responsibility.

Mr. BENNETT. That would be true of the Senator from Alabama. I am not a member of the Committee on Small Business, but at one time I had the privilege of serving as chairman of the Subcommittee on Small Business of the Committee on Banking and Currency.

We are in a peculiar situation. We are attacking a proposal before it has been made by its proponent. But because the chairman of the Banking and Currency Committee took the opportunity to point out a weakness of this proposal, I wanted to associate myself with his position and call upon the Members of the Senate to reject this proposal. If the Senate should determine at a later time that the relative responsibilities and jurisdictions of the two committees should be reviewed, and that it should change the organizational pattern of the Senate set up by the Reorganization Act of 1946, ample time should be given for study.

The Small Business Administration, which was set up after studies by the Banking and Currency Committee, whose jurisdiction then was not challenged, is now interlocked with the Area Redevelopment Administration and with the Housing Administration, both of which are still subject to the jurisdiction of the Banking and Currency Committee.

I think we would create many jurisdictional problems if we permitted to be transferred from the Banking and Currency Committee to the other committee the power to handle legislative problems. We would soon find ourselves in direct jurisdictional conflicts with respect to proposals which would affect, directly or indirectly, the housing program or the program of the Area Redevelopment Administration. Both those programs were created as a result of action which originated in and was studied by the Banking and Currency Committee.

I can realize the political appeal that may exist at this time in a proposal to transfer these powers to a committee with the title of Select Committee on Small Business, but I believe the jurisdiction of the Banking and Currency Committee is broader. Its experience and background are broader. I would hope, at this late hour in the session of the Senate this year, with only a limited time remaining, that we would not open up this Pandora's box and disturb the pattern of the Senate as organized under the Legislative Reorganization Act.

I yield the floor.

Mr. JAVITS. Mr. President——

Mr. JORDAN of North Carolina. Mr. President, I have the floor.

Mr. JAVITS. I have totally extraneous business.

Mr. PROUTY. Mr. President, I wish to offer an amendment.

Mr. JORDAN of North Carolina. Mr. President, it is my intention to ask for a vote on Senate Resolution 315, but the distinguished Senator from Vermont [Mr. Prouty] says he wishes to offer an amendment to the resolution. I do not know any good way I can prevent him from doing so.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. JAVITS. I wish to be recognized when the Senator is through.

Mr. MILLER. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN of North Carolina. For a question? I yield, without losing the floor.

Mr. MILLER. I ask the Senator to yield for a brief statement as a foundation for a question.

Mr. JORDAN of North Carolina. I yield for that purpose.

Mr. MILLER. My statement is a foundation for a question with respect to an article which appeared in the August 11 issue of the Washington Post, with the dateline San Francisco, in which a commentary on the particular matter under consideration by the Senate was made; also, it quoted a statement of the chairman of the subcommittee, the Senator from Rhode Island [Mr. Pell]. It was to this subcommittee that the matter had been referred. The statement reads as follows:

> Pell said the California Supreme Court ruling would have no bearing on the committee's decision.

My question is whether, first of all, this is an accurate statement; secondly, if it is an accurate statement, why should it be said that the opinion of the highest court of the State of California on this subject would not have any bearing on the committee's decision?

Mr. JORDAN of North Carolina. I shall refer that question to the chairman of the subcommittee, the Senator from Rhode Island, who is purported to have made that statement. I cannot very well answer that question myself.

Mr. PELL. The statement is accurate. I said so at that time, and I believe so now. As I said a few moments ago on the floor of the Senate, the central question at issue is whether the Senate itself is the final arbiter of the qualifications of its Members.

I said that it made no difference whether the Supreme Court of California ruled in favor of or against the seating of the Senator, because the ruling could not be used as substantive evidence so far as our views were concerned.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. MILLER. I have always understood that there never was any issue over the question of whether or not the Senate had complete and sole jurisdiction over this particular subject.

Mr. JORDAN of North Carolina. The Senator is correct.

Mr. MILLER. I do not believe that that question was at issue at all. It seems to me that the issue, assuming and granting that the Senate is the sole arbiter of this question, was how it exercised this jurisdiction and how it decided this case. That, it seems to me, is the real question. In reaching a sound judgment and in arriving at its decision, it seems to me that the ruling of the highest court of the State of California would be most relevant. If I had had the privilege of being a member of the subcommittee considering this subject, I believe that I would have wished to determine what the decision of the highest court of the State of California was in interpreting the State statutes. Sitting as a member of the subcommittee, I would have carte blanche in making up my own mind. That is the real thrust of my argument.

Mr. PELL. As a matter of interest, may I ask whether the Senator is aware of the decision of the Supreme Court of California?

Mr. MILLER. Yes; however, it was my understanding that the decision was rendered after the Senator from Rhode Island made the statement to which I have referred.

Mr. PELL. The Senator is correct.

Mr. MILLER. I would not have worried about it so much if the supreme court's decision had been rendered before the statement was made. It seems to me that in reinforcing the subcommittee's opinion on this matter, the distinguished chairman of the subcommittee would have wished to say that the decision of the highest court of the State of California had a bearing on how the committee would arrive at its judgment on this question, which is under our sole jurisdiction. However, that was not the case. The failure to make such a statement, and, in fact, the statement to the complete contrary, namely, "We don't care what the State of California has to say on this subject, because we are going to make up our own minds," did not seem to me to be as responsive to the situation as it should have been.

Mr. PELL. That is where the Senator and I must agree to disagree. If the Supreme Court of California had rendered its decision prior to that time, either contrary to or favoring our view, it would not have affected my judgment. I continue to refer back to the Constitution as my basis.

Mr. MILLER. Apropos of what the Senator has said, I should have had no particular objection if he had been quoted as saying, "The California Supreme Court's ruling would have no bearing on my decision as a member of the subcommittee." That is not what he said. He said that the California Supreme Court's ruling would have no bearing on the committee's decision. Therefore it seemed to me that he was speaking for the committee.

Mr. PELL. The Senator is correct. I should not have used words which implied that I was speaking for the Senator from Nebraska [Mr. Curtis] or the Senator from Arizona [Mr. Hayden]. I used the word "committee" in a broad sense. It was my view as chairman of the subcommittee on what was in question.

Mr. MILLER. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield to the Senator from Kentucky, who is a member of the Committee on Rules and Administration.

Mr. COOPER. Mr. President, I wish to address myself to the question before the Senate. I am not a member of the Subcommittee on Privileges and Elections of the Rules Committee which conducted the hearings, and which heard the arguments, both for and against the seating of Mr. Salinger. However, I am a member of the Senate Committee on Rules, and I had to make my decision. I voted to sustain the majority finding.

It might have been helpful if the committee had had the opinion of the highest court in the State of California. However, no opinion was rendered by that court in refusing the mandate to vacate the appointment made by the Governor of California.

Today we must face the issue, for under the provisions of article I, section 5, clause 1 of the Constitution each House of Congress is the sole and exclusive judge of elections, returns, and qualifications of its own Members.

When Mr. Salinger presented his credentials, I voted against seating him, until the validity of his appointment had been considered and determined by the Committee on Rules and Administration. Nevertheless, the Senate voted that he be seated without prejudice, awaiting the consideration of this matter by the Rules Committee.

My decision in this case is based upon my study and consideration of the Constitution of the United States and the California law, applicable to the case. These cases are difficult. Our decisions make precedents—good precedents, or bad precedents—but they make precedents which will be helpful or harmful in the future. In making a decision in this case, we must vote according to our understanding of the law, and with awareness of the effect of the precedent that we would establish with respect to similar cases that may come to the Senate in the future.

I would have preferred that the Constitution had provided that a Member of the Senate, whether elected or appointed, should be a resident of the State and an elector of the State. But the Constitution does not so provide. During the debates in the Constitutional Convention, this question was argued and voted upon.

The framers of the Constitution, decided by vote that they would not include as one of the qualifications of a Member of the Senate that he be a resident or an elector of the State he represents. It was finally determined that the person elected need be an inhabitant—one who lived in the State at the time of his election—without any requirement as to length of residence, or his qualifications as a voter. Article I, section 3, clause 3 of the U.S. Constitution provides only three qualifications for a member of the Senate. They have been read before, but I shall read them again. This is the relevant part:

> No person shall be a Senator who shall not have attained the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

It may be repetitious to cite them again, but these three qualifications are: The person shall be 30 years of age; shall have been 9 years a citizen of the United States; and, at the time of election, must be an inhabitant of the State for which he shall be chosen.

It has been argued that a distinction should be drawn between one who is elected by the citizens of the State and one who may be appointed to fill a vacancy. I cannot subscribe to that view. When we read the Constitution of the United States, I do not believe we can read one section, which refers to a certain subject, and reach a conclusion as to its interpretation, and then read another section, which refers to the same subject, and reach a different interpretation as to its meaning. The Constitution must be read and interpreted as a whole. That means that the article to which I have referred, which sets forth the qualifications for a Senator—and perhaps it was intended at that time for an elected Senator—must be read in conjunction with the 17th amendment, which authorizes a method for the filling of senatorial vacancies. The relevant part of the 17th amendment reads:

> *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

Any principle of legal interpretation of the Constitution and commonsense would lead one to relate the 17th amendment, providing for the appointment of Members of the Senate, to article I, section 3, clause 3, in determining the qualifications of one who is appointed. I do not consider it reasonable or logical to believe that it was intended that there should be distinctions between the qualifications of one appointed to the Senate and one elected to the Senate.

If such were the case, there could be 50 qualifications enacted by the 50 different States as to appointed Members, qualifications which would differ from those required by the Constitution for elected Members.

I invite attention to one other source that reinforces the position that the qualifications for elected and appointed Members are the same under the Constitution. The reported cases have held uniformly that States cannot impose additional qualifications for elected Members of the Senate. It seems to me that the same legal reasoning applies to qualifications of one who is appointed by a Governor of a State.

I must conclude that no State may distinguish between qualifications for an elected Member and qualifications for an appointed Member of the Senate, and impose its own qualifications upon the appointed Member.

A second question that has been raised is a rather troubling question, and one that deserves discussion. I do not believe the matter is thoroughly discussed in the report, although the issue was raised by those who contended that the appointment was invalid. The question is this: If it is held by the Senate, or by the Members of the Senate, that the attempt of the State of California, through its legislature, to impose qualifications additional to those required by the Constitution of the United States in respect to an appointed Member was invalid and was beyond the authority of the legislature, does it follow that the entire statute that empowered the Governor to make the appointment falls? If that is the case the Governor of California was without authority to make any appointment.

But if we consider this argument, I find it fallacious. It implies that the State of California has the right to impose the qualification that the appointee must be an elector, and that the Governor must observe the limitation, or else his power to appoint is withheld. If a State wants to make certain, that a person not a resident, or an elector of the State be appointed to the U.S. Senate, it can do so by refusing to empower the Governor to make an appointment, and can leave the position unfilled until a special election is held.

But if the State legislature takes action to empower the Governor to make an appointment, he is empowered to do so, and any attempt to limit that power is, in my judgment, invalid.

The Legislature of California acted to give the Governor the power to make an appointment. Having done so, I do not believe it can be argued that he could not exercise the power for failure to comply with an invalid limitation. To apply any other reasoning would presuppose that the State, through its legislature, has authority to impose upon the qualification of a Senator of the United States limitations.

It has been said that if the word "elector" should be excised or severed from the statute, that the statute would have no meaning. Again, this is a question of reasonable interpretation and of commonsense. What is an elector? An elector is a person. Section 20 of the California Elections Code defines "elector" as a person having certain qualifications.

When the State of California empowers the Governor of California to appoint a person to fill a vacancy, as it had a right to do, but which it was not required to do, it expressed its intention that he should appoint someone to fill the vacancy. What was invalid was the attempt to impose a limitation against the clear provisions of the Constitution of the United States.

In my judgment, it cannot be gainsaid that the legislature empowered the Governor to appoint.

Without reference to political implications or to personalities, I can only say that I make my judgment on my interpretation of the Constitution and the reported legal authorities.

Mr. KEATING. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. KEATING. The Senator from Kentucky—as he always does—has helped to clarify the thinking of the Senate on this problem. He is a fine lawyer; and today he has given us the benefit of his great experience and ability.

The Senate is not being asked to decide today whether the people of California should be represented by a Virginia resident and taxpayer who cannot satisfy California's requirements for voting. That is an issue on which the people of California will have to pass judgment this November.

The question before the Senate is not whether the Governor of California should have appointed someone who is not qualified as a voter under California law, but whether the appointment is lawful. This is a question of constitutional interpretation, not of electoral preference, and it must be dealt with objectively and not in a narrow partisan vein. I will say on the legal issue that I am inclined to agree with the Senator from Kentucky, but I would like to ask him one or two questions to further clarify the situation.

As I understand the California law the Governor was authorized to appoint an elector to fill a vacancy, and an elector was defined in California law as one who has——

Mr. COOPER. Lived there a year.

Mr. KEATING. Lived there a year.

Mr. COOPER. Yes; lived there a year, in the county for 90 days, and in the precinct for 54 days.

Mr. KEATING. The argument was made, when this matter came up before, that the Senator-designate had resided 54 days in California and therefore could vote for a President and Vice President under another California law, and that made him an elector.

My first question is, Has the Senator any views on that question, and were any expressed at the hearings?

Mr. COOPER. I was not on the subcommittee which conducted the hearings, but I have read the briefs and the arguments made. I do not believe that the point raised by the Senator was argued as a matter of substance.

That point is not controlling. My opinion is based on the ground that the attempt to prescribe qualifications additional to those prescribed by the Constitution is not within the power of the Legislature of California—or any other State.

I would prefer that one of the qualifications for a Senator would be that he must be a resident of his State for a specified period of time and that he must be an elector; however, the framers of the Constitution did not adopt such qualifications—in fact, they voted against their inclusion in the Constitution.

Mr. KEATING. In other words, as I understand the Senator's position, it is that the State law of California, insofar as it requires that an elector be appointed, cannot stand in the face of the U.S. Constitution; is that not the substance of the Senator's position?

Mr. COOPER. That is my position—that the legislature had no authority to impose such a limitation. The Governor was not bound to comply with it. On his own initiative he could—as Governor Mark Hatfield did in Oregon—have decided to appoint an "elector" according to the expressed wishes of the legislature, but he was not bound to do so.

Mr. KEATING. In other words, it would be the opinion of the Senator from Kentucky that the California statute, which required that the Governor was limited to appoint an elector, was unconstitutional. Am I correct in that assumption, or am I putting it too strongly?

Mr. COOPER. It has not been so determined. To put it another way: I believe the legislature had no authority, to prescribe any qualifications other than those fixed by the Constitution.

Mr. KEATING. Would that go to the extent of invalidating the entire statute, giving the Governor this power at all, or would it apply only to that part of the statute which provided that he must name an elector?

Mr. COOPER. I discussed the question briefly, because it was one which worried me. It might appear that if a part of the statute fell, the whole statute must fall, and that the Governor had no authority of any kind. Therefore, there could be no appointment.

But I do not believe the invalid qualification invalidated the power of appointment. If the legislature did not wish to risk the appointment of a person not an elector, or possessing some other qualification, it was not required to enact a statute empowering the Governor to appoint. But it has given the Governor the power to make an appointment and I do not believe that it could be revoked except by repeal of the statute. The power of appointment could not be invalidated by an invalid condition or limitation. To hold otherwise would accept the view that a legislature has the power to impose a limitation.

Mr. KEATING. It would be the opinion of the Senator that the statute gave the Governor the power to appoint, and that that action was valid, but that insofar as the statute required qualifications more restrictive than those set forth in the Constitution, that part of the statute would be invalid.

Mr. COOPER. That is my opinion.

Mr. KEATING. Mr. President, the Senator has been very persuasive in his presentation, and very helpful to us in reaching a conclusion on this rather unusual and complex situation.

Mr. COOPER. I thank the Senator. He is a great lawyer.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. JAVITS. Mr. President, I am not satisfied that we have to go as far as the Senator seems to have gone. Therefore I would like to question the Senator on the subject matter.

We begin with the proposition that in determining the qualifications of our Members, we can go as far as we wish. It is not a question of power. Second, an applicant for a seat, who has already been seated, has the constitutional qualifications to occupy it.

The sole question, therefore, is, Did the Governor have the power to appoint him, and should we collaterally attack that certificate of appointment?

I asked the Senator whether he feels that we should lay down as a rule of decision in the Senate—bearing in mind that we have the power; it is not a question of law—that we will not collaterally attack a certificate of appointment that is valid on its face.

Mr. COOPER. No; I would not go that far.

Mr. JAVITS. Except for cause.

Mr. COOPER. Yes. We have a right to attack collaterally a certificate of appointment that is valid on its face.

Mr. JAVITS. If we have cause.

Mr. COOPER. Yes.

Mr. JAVITS. Laying that proposition aside, we proceed to the next point and determine whether we believe this is a power of appointment that has been validly exercised under the California constitution. In that regard, the Senator from Kentucky [Mr. COOPER] makes a distinction between the part of the statute which, in his judgment, can be saved, and the part of the statute which, in his judgment, should not be controlling because, in the judgment of the Senator, it is unconstitutional.

Mr. COOPER. That is correct.

Mr. JAVITS. The Senator bases his opinion on the fact that, having a certificate of appointment that is valid on its face, he believes that we should go behind that and test the fundamental question.

Mr. COOPER. Absolutely. If we did not do that, I believe the section of the Constitution which gives us the authority to determine the elections, returns and qualifications would have no meaning.

Mr. JAVITS. Does the Senator believe also, as a rule of decision, that we should be bound by the court decisions in the particular case if findings are made with respect to the validity of the certificate of appointment?

Mr. COOPER. I would be bound by the Supreme Court of the United States. I would take cognizance of the rulings of other courts. But I do not believe that we would be bound by the decisions of all courts. The ultimate power and responsibility rests with the Senate to determine the qualifications of its Members.

Mr. JAVITS. Does the Senator feel that there is a reason that we should not adopt the rule of decision that we shall not collaterally attack a certificate of appointment that is valid on its face, except for substantive cause? In other words, having received a certificate from the Governor of California, appointing Mr. SALINGER to the seat, we shall accept that and let those who wish to challenge it, challenge it under the law to determine if they can prevent the Governor from exercising an unlawful authority. We shall not consider that cause for going behind that certificate, but we shall accept it. If the man has no character defect to disqualify him, or any disqualification under the Constitution, we assume that he should be seated. What would be the imperfection in that way of approaching it?

Mr. COOPER. I hesitate to make any broad generalization on that subject. I have considered the case at hand, although I recognize, as the Senator does, that when we make a decision it becomes a precedent for other decisions.

Mr. JAVITS. That is correct.

Mr. COOPER. I do not know that I can expand any more than I have on the subject.

Mr. JAVITS. Mr. President, it seems to me that we would make it a rule of decision that if the credentials were valid on their face, substantively, we would not go behind the certificate. But we would let those who have a statutory right to do so, question the validity of the credentials. For example, a citizen of California could challenge—and, I presume has—challenged the Governor's right in the State court.

The question has been decided by the highest court in California. It seems to me that if we did this, we could save ourselves from being a court of last resort, in terms of law, as well as a body having power to decide whom we should accept and whom we should not, in terms of membership. But in this particular case, as the Senator said, I, too, like my colleague from New York [Mr. KEATING], consider the argument of the Senator from Kentucky [Mr. COOPER] on constitutionality to be very impressive.

I was merely trying to phrase what I had in mind by way of precedent as to whether this could not be based on the principle that whoever questions credentials that are presented, other than on substantive grounds, must challenge them in the appropriate forum. This is not an appropriate forum.

Mr. COOPER. I believe that contention has great weight.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JAVITS. I yield under the conditions previously stated.

COLUMBUS DAY A NATIONAL HOLIDAY

Mr. KEATING. Mr. President, yesterday it was my honor to preside over the Senate Subcommittee on Federal Charters, Holidays, and Celebrations hearing on Senate bill 108, which would make Columbus Day a national holiday.

I was particularly impressed with the wide support this bill received from people throughout the country. Now that the hearings have been completed and the Judiciary Committee has today reported the bill favorably, I am hopeful it will be given prompt consideration by the Senate. We have talked about making Columbus Day a national holiday for years. Now is the time to proceed beyond the talking stage.

I ask unanimous consent that my statement in support of S. 108 be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR KENNETH B. KEATING BEFORE THE SENATE SUBCOMMITTEE ON FEDERAL CHARTERS, HOLIDAYS, AND CELEBRATIONS, IN SUPPORT OF THE BILL (S. 108) TO MAKE COLUMBUS DAY A NATIONAL HOLIDAY, AUGUST 12, 1964

This is a hearing of the Senate Subcommittee on Federal Charters, Holidays, and Celebrations to consider S. 108, the bill to make Columbus Day a legal holiday which has been cosponsored by a large group of Senators on both sides of the political aisle. Obviously, it is not a partisan bill. It has been presented and is backed by men and women of both parties, of many different national backgrounds and from all parts of the Nation.

The demonstration of support for this measure which is evident today is tremendously impressive. Many of the leading citizens of my State have come here at great expense and inconvenience to voice their strong backing for this bill. I trust this committee will do its best to make certain that these efforts are not in vain.

America has had many heroes during its existence and a number have been honored by having a day set aside for them on which the whole Nation can pay tribute to the contribution they have made to our welfare. If ever there was a man who deserved to be added to this illustrious group, it is Christopher Columbus, that brave Italian explorer, who discovered America more than 470 years ago.

He found a new continent, a sprawling America that was destined to grow and prosper into the leader of the free world. As his noted biographer, Samuel Eliot Morrison, writes, "Columbus belonged to an age that was past, yet he became the sign and symbol of this new age of hope, glory, and accomplishment."

Every child's textbook vividly records the harrowing adventures of this great Italian. Amid countless misfortunes and disappointments, he steadfastly refused to turn back. He was a man with a mission, and we are the ones who reap the fruits of success from his discoveries. It is because of him that America, with its vast resources, can now stand as the beacon of hope and promise to the world's oppressed.

The spirit of Columbus is an inspiration to us all to meet our challenges boldly and to prove with determination and vigor the rightness of a worthy cause. We know, as did he, that there is no turning back; the world we seek still lies ahead like a new continent. Today, we have the great challenges of trying to maintain the peace on this globe and trying to advance the interests of the human race. Today, we are charting unknown courses into the Arctic below and the space beyond. Today in the 20th century, as never before, the faith and determination of a man like Christopher Columbus is a symbol deserving of national recognition.

Columbus is a special inspiration to the millions of Americans of Italian descent who followed him to this land in search of new opportunity. From the first immigrant, Peter Ceasar Alberti, to the most recent, each succeeding generation of Americans who set sail from Italy has served as one of the great vitalizing forces of this Nation. Their zeal, their hard work, their wealth of intellect and of talent has added mightily to the growth and prosperity of the United States. They serve in the Senate and House of Representatives, in our highest courts, and in the executive branch.

New Yorkers have a particular fondness for that great figure in American life who served in the Congress and later became perhaps the greatest mayor New York City ever had, Fiorello La Guardia. His career typifies the contribution made by other Americans of Italian descent in such fields as politics, music, labor, business, and the arts. On the 12th of each October, we would do well to recall these achievements and to recognize the many contributions of the other 40 million Americans of Italian descent who have made long voyages across the Atlantic to find new opportunity in the land Columbus discovered.

Columbus Day is already a legal holiday in 37 States, and it is my fervent hope that this Congress will follow the lead of these States in honoring the man who braved the challenging and uncharted seas to discover America. Because he inspires all courageous Americans, because he first linked this continent to the growth and trade we enjoy today, because of the respect we have for the Italian-Americans who followed him, the figure of Columbus amply justifies national commemoration. I hope very much that the committee will approve this bill proclaiming Columbus Day a national holiday to be observed by Americans of every race, creed, and national origin.

Mr. JAVITS. Mr. President, first, I wish to congratulate my colleague [Mr. KEATING] for having brought about a hearing on the bill to make Columbus Day a national holiday. He has given pleasure to many millions of Americans in bringing to pass a measure of justice long overdue. I hope very much that the bill will be enacted into law at the earliest possible time. I congratulate the Senator on causing it to advance as far as it has.

Mr. KEATING. I thank my colleague.

MEAT IMPORT QUOTAS' ADVERSE EFFECTS ON UNITED STATES

Mr. JAVITS. Mr. President, I invite the attention of Senators to a situation of very grave concern to American consumers, as well as to American prosperity because it deals with the exports and imports of our country. It relates to the losing fight which I waged on the floor of the Senate against H.R. 1839, the wild animals bill, which became a protectionist bill to restrict severely meat imports into the United States. The Senate acted by a very decisive vote. But second thoughts on the part of the administration are raising many eyebrows in Washington and around the world.

I ask unanimous consent to have printed at this point in my remarks a news story which was published in the Journal of Commerce.

There being no objection, the news story was ordered to be printed in the RECORD, as follows:

ON SEVERAL COUNTS ADMINISTRATION FEARS BILL ON BEEF IMPORTS

(By Richard Lawrence)

WASHINGTON, August 11.—A weakened Kennedy round, higher consumer prices, and an overall loss in U.S. export-import trade—these are among the threats administration officials see in Congress imposing highly restrictive import controls on beef. Government policymakers here are expressing deep concern over what now seems a strong possibility that Congress will vote a bill in the next 10 days cutting back beef imports about 35 percent from 1962–63 levels.

EYE ON ELECTIONS

Exploiting the upcoming elections, U.S. cattlemen have persuaded what seems to be a majority of Congress that tough import quotas are needed against foreign beef, even though imports this year have peaked off and prices have been rising.

The shrewd political maneuvering of the cattle lobby has taken much of Washington by surprise. It looks too late for administration forces to prevent the beef controls bill from reaching the White House.

President Johnson is reported to have told cattle spokesmen that he would veto their import controls bill. That, however, was several weeks ago. The 1964 elections may cause him to reflect further on the veto.

HOUSE PASSAGE LIKELY

The beef quota measure passed the Senate by an overwhelming margin and it probably will slip easily through the House, which is expected to recommend the bill to joint House-Senate conference this week. The legislation reportedly has drawn support from such States as New York, besides the big cattle-producing areas of the West.

The foreign policy troubles the beef quota bill would cause the United States are manifold.

For one thing, officials here feel that the beef issue could upset the whole Kennedy round of trade negotiations, at a time when they see some "give" in the European Common Market's attitude on agricultural trade problems.

The U.S. policy in the Kennedy round is that agricultural as well as industrial trade concessions be negotiated. Any new beef controls would take the prop out from under the U.S. agricultural position, officials warn.

As a result, the Common Market's stand on agricultural negotiations may harden, closing out the possibility of the United States winning much wanted market assurances for such important farm commodities as grains.

BIG GRAIN MARKET

U.S. grains exports to the Common Market alone last year totaled over $350 million, more than the value of total U.S. beef imports.

At the same time, the United States would be faced with compensatory demands from its foreign beef suppliers—Australia, New Zealand, Ireland, Mexico, and other Latin American countries. Under international rules, these countries would be entitled to new U.S. trade concessions equal to the sales losses they suffer under the quotas.

The compensation could lead to increased U.S. imports in other sectors, adversely affecting American farming and industry.

If compensation were not given, the countries could legally retaliate by hiking their import restrictions against American goods of all kinds. Officials estimate that about $100 million in U.S. exports might be lost.

Still other complications would arise. If put into law, the quotas would cast strong doubts on U.S. capacity to honor international agreements.

FOUR PACTS SIGNED

Earlier this year, the United States signed pacts with its four main foreign beef suppliers—Australia, New Zealand, Mexico, and Ireland—providing for a mild cutback in their shipments this year and a reasonable growth factor in succeeding years. The congressional quotas would wreck these agreements.

This would vitally affect U.S. policy since the administration is trying to use international agreements to assure outlets for some of its own farm exports.

There is the added fear that if the cattle industry's drive is successful, other domestic groups, such as wool mills, steel producers, and shoe manufacturers, will be encouraged to press for unilateral quotas, too. The result would raise the frightening prospect of economic nationalism spreading throughout the free world, disrupting fundamental Western relations, officials here indicate.

The situation, as it stands now, has more than its share of ironic twists. The protectionist quotas were introduced by the administration's No. 1 spokesman in the Senate—Majority Leader MIKE MANSFIELD, Democrat, of Montana. He is up for reelection this November.

And it has been shown repeatedly that the bulk of the foreign beef does not compete with U.S. beef. American beef generally is of higher quality. Excessive U.S. cattle production—not imports—has been established as the cause of the recent price decline. A Tariff Commission study all but said that.

U.S. officials fervently hope that a single interest group, with hardly a valid argument for import controls, will not be able to impose its will on the Government this election year to the detriment of other domestic interests and U.S. foreign policy.

Mr. JAVITS. Mr. President, the story is that the administration is becoming worried about its weakened position in the so-called Kennedy round of negotiations on tariffs and trade, higher consumer prices, and an overall loss in U.S. export-import trade which will result if the meat import quotas are imposed as contemplated by the bill passed in the Senate, from which even the wild animals provisions were deleted through the amendment of my colleague from New York [Mr. KEATING]. If the bill is enacted into law, it will cut back beef imports by at least 35 percent below 1962–63 levels. It will not help the cattlemen. It does not involve the kind of meat which is principally consumed in the United States, and it would hurt consumers, because consumers will be hit with higher prices for meat that goes into hamburgers and frankfurters—the very meat which is imported. That point was not apparently recognized in the Senate Chamber when the juggernaut rolled over me as I opposed the bill.

Apparently the administration knew it all the time. It is inconceivable to me that the State Deprtment and the administration could have allowed the bill to roll through, with the principal opposition coming from me on the Republican side and without any help from the administration so far as I knew. Certainly such help was not shown in the vote. Now suddenly the administration is worried about it. It reveals its worry by indicating that the bill would be inimical to the best interests of the United States. We can well understand that when we appreciate the billions of dollars in exports which are at stake, including $1 billion worth of farm exports into the European Common Market.

It is not too late to do something about the question. The bill is still not law. It is locked in conference between the Senate and the House. The conferees can make their recommendations on the bill in any way they choose, or they can make no recommendations and permit the bill to die where it is.

The worries of the administration and the State Department about this subject demonstrate their apparent inability to make their recommendations fully and frankly to the Congress and to the country. They cannot control us, but they can certainly have a very important effect upon what we do here if they state their position clearly. It is inconceivable that the administration should condone meat import quotas. They will not help the people they are designed to help. They will only hurt the consumer. Therefore, silence on the part of the State Department and on the part of the President cannot be condoned. If there really is—and I believe there is every reason why there should be—legitimate fear that the proposed meat import quota bill will be harmful to the American position in the world and to consumers in the United States, then the President should speak now, declaring that he would be compelled to veto the bill if passed, or giving a line of policy to the Congress which the Congress could, if it chose, follow with full cognizance of the position of the executive branch of the U.S. Government.

Mr. President, it is my intention promptly to ask the administration—I shall do so today—that it state its policy upon the question so that the Congress may be informed before, rather than after, action is taken.

I ask to have printed at this point in my remarks an editorial from the Washington Post entitled "Meat Import Mischief."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEAT IMPORT MISCHIEF

The success of the Kennedy round of tariff cutting negotiations and, indeed, the position of the United States in world trade will be seriously jeopardized if the House follows the Senate in imposing rigid quotas on imported meat products.

A very sharp increase in the output of Choice beef has driven down domestic prices, enveloping the producers in a painful cost-price squeeze and causing many of them to incur losses. The economic distress of the cattlemen is real, but in ascribing their plight to imports and in demanding that Congress impose rigid quotas on virtually all imported meat products, they are the victims of a delusion that could undermine this country's international trade policies.

If this country were importing grain-fed, Choice grade beef, one might be able to make a case against imports as the cause of the distress. But virtually all of the imported beef is of the grass-fed "manufacturing grade," the low-priced type used for hamburger and luncheon meat products. These products, being in a much lower price class, do not compete directly with Choice grade domestic beef.

If the House goes along with the Senate and the quotas are imposed, the cattlemen will not obtain an ounce of relief in the shape of price increases. Relief will not come before beef production is reduced by culling out cows and bulls and slaughtering more calves for veal. But the undesirable side effects of imposing quotas would be instantly manifested. Consumers in the lowest income bracket, those living in poverty, would be deprived of inexpensive meat, a point made by the League of Women Voters and other consumer groups in opposing the quota bill. And there would be instant retaliation against U.S. exports, especially by Australia, New Zealand, Ireland, and Mexico, the four allies which are signatories to the recently established voluntary quotas on beef.

Total cash exports of U.S. agricultural products are now running at the rate of $4.6 billion a year and imports of meat products are running at the rate of $280 million. The question which the Members of the House of Representatives must coolly consider is whether it is worth jeopardizing $4.6 billion in agricultural exports in order to stop a $280 million trickle of meat imports. They have to decide whether it is worth offending our allies and violating the General Agreement on Tariffs and Trade in an effort to assist the cattlemen that is rated no chance of success by either logic or experience.

H.R. 1839, the meat quota, passed as a rider to a House bill, has been sent to a House-Senate conference committee where there is little chance of reaching a compromise that would not conflict with established trade policies of the United States. Hopefully this bill will be defeated on the floor of the House, and in the event that it passes, killed by a presidential veto.

Mr. JAVITS. Mr. President, the editorial ends, in the only way it could end, with the statement:

> H.R. 1839, the meat quota, passed as a rider to a House bill, has been sent to a House-Senate conference committee where there is little chance of reaching a compromise that would not conflict with established trade policies of the United States.

As indeed it would.

> Hopefully this bill will be defeated on the floor of the House, and in the event that it passes, killed by a Presidential veto.

I do not believe that the Congress ought to be in the position of acting without knowing the administration's policy. I believe it is high time that that policy was stated by the State Department and the President. I am promptly requesting such a statement of policy from the administration.

COFFEE COUNCIL RAISES EXPORT QUOTAS

Mr. JAVITS. Mr. President, in light of the intense Senate debate which occurred over approval of the bill, H.R. 8864, to implement the International Coffee Agreement, I am sure that my colleagues will be interested to note that the Coffee Council at its recent meeting in London decided to fix the level of world coffee exports for the quota year beginning October 1 at 48 million bags or about 800,000 bags above the preceding quota year. An additional 500,000 bags may be placed on the market next April 30 if agreed upon at the next meeting of the Council in March 1965.

The new quota is believed to be roughly in line with expected growth in consumption and informed coffee traders indicate that this quota should provide the market with a firm underpinning without precipitating sharp price changes.

As my colleagues will recall last year the Coffee Council fixed coffee quotas initially at 45.7 million bags, a level which was found to be inadequate in light of the subsequent world coffee shortage which resulted from frost and drought damage which afflicted Brazilian coffee supplies. In February 1964 the Coffee Council voted to increase the export quota by 2.4 million bags. In April 1964 an additional 388,000 bags were added to world supplies. As a result, for the quota year ending September 1964, 48.5 million bags of coffee were made available for the world market. For various reasons only 47.2 million bags are expected to be exported for the period ending September 1964.

It is, therefore, fair to conclude that at least up to the present the Coffee Council is functioning with a clear regard for the interests of the consuming nations. At the same time it is contributing to the stabilization of coffee prices which is so essential to coffee-producing countries in Latin America and Africa, countries whose economic well-being is so closely tied to the security of the United States.

I ask unanimous consent that an article from the Wall Street Journal of August 10, 1964, describing the Council's action, may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WORLD COFFEE EXPORT QUOTAS ESTABLISHED AT 48 MILLION BAGS, BREAKING DEADLOCK

LONDON.—The Council of International Coffee Organization broke a deadlock and set a world coffee export quota of 48 million bags for the 1964–65 coffee year. But this was some 2.5 million bags more than producer nations sought, and representatives of some of these nations charged the agreement was "unfairly dictated" by the United States and other large consumers.

In the current year ending in September, 47.2 million bags of coffee are expected to be exported under quotas set last year, while an additional 1.1 million, for a total of 48.3 million bags, was allowed on the market by means of quota waivers for hard-pressed coffee producing developing nations. Each bag contains 132.2 pounds.

OUR ONLY CHOICE

"The United States squeezed us into accepting these high quota levels," charged the delegate of one large producer nation. "We had to accept this arrangement because it was our only choice. They said, 'Take it this way or we'll go home without any quotas at all.' They came with rigid ideas, allowing no margin for negotiations. If a country doesn't want to negotiate, why bother to come to a negotiating meeting. The Americans are too worried about public opinion of the consumer at home."

The 62-nation council, holding its fifth session, had been meeting here for 10 days. The session was scheduled to wind up Friday, but was extended 24 hours to break the deadlock. The council was charged with fixing export quotas for the second year of the current 5-year international coffee agreement. This treaty, signed in 1962, came into force in mid-1963. The current coffee year ends September 30.

The conference had been in jeopardy over the setting of quotas. Some producer nations had sought lower export quotas for the coming year to boost world coffee prices; consumer nations, on the other hand, pushed for higher quotas in an effort to prevent prices from spiraling. In broad terms, the producer nations were said to have been holding out for a quota of 45.5 million bags, while consumers wanted export quotas of 50 million bags.

The Council finally set the world coffee quota at 47,506,518 bags. These will be placed on the market during the year in quarterly portions. Another 500,000 bags will be automatically put on the market on January 8, 1965 (also quarterly), bringing the total to 48,006,518 for the whole coffee year.

VETO IS EXPECTED

The agreement also stipulated that another 500,000 bags may be placed on the market next April 30 if agreed upon at the next Council session in March. But since producer nations are expected to veto this, the final 500,000 bags aren't expected to reach the world market.

The United States was satisfied with the new agreement. "We feel this quota will adequately safeguard the interests of the American consumer and consumer nations in general," said Henry Brodie, Director of the Office of International Resources of the U.S. Department of State and head of the six-man American delegation. "We look forward to reasonably stable coffee prices in the coming year. At the same time we feel the producers are adequately protected against a sharp decline in prices in this period," he added.

The United States is the world's largest coffee importer. Green coffee imports into the United States accounted for slightly less than 50 percent of world coffee imports in 1963 and amounted to $956,912,000. Other large consumer nations are West Germany and France; each accounts for roughly 10 percent of total world imports. John F. McKiernan, president of the U.S. National Coffee Association, which accounts for 90 percent of American coffee trade, added that "the agreement isn't bad, but we think we could have had a little more coffee."

Leonidas Lopes Borio, head of the Brazilian delegation, told delegates that the formula arrived at "doesn't meet * * * as completely as it should the interests of the producing nations." He added: "My country rejects now, as she did in the past and as she will do in the future, any formula intended as an ultimatum or a political dictate * * * in this council, or in any other international forum, Brazil doesn't accept the mortgaging of the destinies of the Brazilian people." Brazil is the world's largest coffee exporter. Its coffee exports account for 40 percent of the world total and about half of this is sold to the United States.

Because of drought and frost in Brazil it is estimated that Brazil's exportable production in 1964–65 will drop to 4 million bags from 18 million in the current year.

Coffee prices have been steadying this year but are still well below their recent peak, mainly because of Brazil's weather difficulties. The price of Santos 4s, the most widely used in the United States, stood at 33 cents a pound last September. It rose to 51 cents a pound in March and has since slipped to 46.5 cents.

SENATE RESOLUTION 351 AFFIRMING THAT PIERRE SALINGER IS ENTITLED TO A SEAT IN U.S. SENATE

The Senate resumed the consideration of the resolution (S. Res. 351) resolving that PIERRE SALINGER is entitled to a seat in the U.S. Senate as a Senator from the State of California.

Mr. MANSFIELD. Mr. President, it seems to me that the Senate is spending an inordinate amount of time on a measure which ought to be considered by the Senate and voted on as expeditiously as possible. I refer to the resolution reported from the Committee on Rules and Administration by a vote of 7 to 1. There has been enough discussion of this resolution. I would hope the Senate would consider a final decision one way or the other in the very near future, because the Senate has other legislation to consider which may be debated at length.

I would at this time urge that this matter be brought to a head so that the Senate can reach a decision. Otherwise it may be necessary to turn to other business, if permission can be granted, and accept as a fact that the Senator from California, who was seated last Wednesday, has been seated properly.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Is it not true that since this matter was referred to the Rules Committee the Supreme Court of California has ruled, by a vote of 6 to 1, that under strict California law as well as Federal laws our distinguished friend from California is entitled to the seat to which he was appointed?

Mr. MANSFIELD. There is no question in the world about it.

Mr. PROUTY. Mr. President, I have an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. On page 1, after line 3, it is proposed to insert the following:

And be it further resolved, That S. Res. 58, Eighty-first Congress, agreed to February 20, 1950, as amended, is amended to read as follows:

"That there is hereby created a select committee to be known as the Committee on Small Business, to consist of seventeen Senators to be appointed in the same manner and at the same time as the chairman and members of the standing committees of the Senate at the beginning of each Congress, and to which shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the problems of American small business enterprises.

"It shall be the duty of such committee to study and survey by means of research and investigation all problems of American small business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation.

"Such committee shall from time to time report to the Senate, by bill or otherwise, its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction."

SEC. 2. Subsection (e) of XXV of the Standing Rules of the Senate is amended by striking out in paragraph 2, the words "under this rule."

Mr. PROUTY. Mr. President, on January 15, 1963, almost 20 months ago, on behalf of 31 other Senators and myself, I introduced in the Senate, Senate Resolution 30, which seeks to give to the Select Committee on Small Business the authority to report bills. Since that time, 6 other Senators have entered their names, making a present total of 37 cosponsors.

I have been advised by several small business groups that additional Senators have indicated to them that they heartily support these proposals. I think there are some 56 or 57 Senators who, either as cosponsors or in letters to small business organizations, have indicated their interest in this resolution.

The bill was, of course, referred to the Senate Committee on Rules and Administration. There it has lain dormant ever since. I realize that this committee and the Senate have had many other grave issues to consider in these 20 months. But I had hoped that some action might have been started during this Congress. It is for that reason that I am now speaking and announcing my intention of proposing that this matter be made an amendment to the pending resolution.

As Senators are no doubt aware, the Select Committee on Small Business, as now constituted, has the obligation "to study and survey by means of research and investigation all problems of American small business enterprises and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation, and to report to the Senate from time to time the results of such studies and surveys." The resolution establishing the committee continued:

> No proposed legislation shall be referred to such committee and such committee shall not have power to report by bill or otherwise have legislative jurisdiction.

It is particularly this last provision which has in a very real sense hampered the full effectiveness of the Senate Small Business Committee. My resolution would empower the Small Business Committee from time to time to report to the Senate by bill or otherwise its recommendations with respect to matters referred to the committee or otherwise within its jurisdiction. With this authority, the committee could genuinely accomplish much that is now left undone.

Much of the work of the Small Business Committee is familiar to all of you. It and its predecessor committees, going back to the opening days of World War II, have done an invaluable job of providing information about small business and its problems to the Nation at large. They have prodded the executive agencies where such prodding was needed. They have referred matters requiring legislation to the appropriate standing committees of the Senate. The record of this committee is a distinguished one, within the limitations of the resolution which established it.

The committee has been more active than any other part of the Government in letting the people of the United States know the true magnitude of the problems facing small business. It has consistently publicized the high rate of business failures—a rate which is far too high to be genuinely compatible with a true free enterprise system.

The committee has shown the Nation and the appropriate committees of Congress the dangers involved in the continuing merger movements in this country. This movement has become quite incompatible with our historic traditions of free enterprise and fair competition among large, medium sized, and small businesses.

No one has been more alert to this problem than the chairman of the Senate Small Business Committee who, only a few months ago, had the following words to say on this subject:

> I am not sure that we are as concerned about concentration as we should be. Since World War II our industrial activity has become more and more centered in fewer very large corporations. For example, in 1947, the top 200 corporations accounted for 30 percent of the value added by manufacture. By 1958, their proportion had climbed to 38 percent—an increase in slightly more than a decade of 27 percent.

Senator SPARKMAN concluded with these serious words:

> I think the time has come when we should recognize the modern merger movement for what it is: a dangerous threat to many small businesses which otherwise might look forward to a bright future as independent and prosperous enterprises. I can assure you that the members of the Senate Small Business Committee are deeply concerned about the merger movement.

Unfortunately, Mr. President, concern is all the present Small Business Committee can express. We are unable to translate that concern into viable legislative proposals.

The committee has also been actively engaged in publicizing the various kinds of unfair competition which have handicapped small businesses. One such deserves particular mention. This is the increasingly common practice of what is commonly called dual distribution, that is, where industrial manufacturing giants, refusing to utilize fully existing channels of retail distribution, instead set up their own stores to compete, and often compete unfairly, with small, independent, locally owned and operated retail establishments. In many industries we see giant corporations shouldering their way into the retail and the service trades.

The committee has been a consistent advocate of greater participation by small business in the various Government procurement programs. It has prodded the various Government agencies, in particular those of the Department of Defense, to increase the share of small business in their purchasing programs. This has been a long and hard struggle and the results are still far from satisfactory. But the Small Business Committee can only recommend, it can only suggest. Our task is more difficult because the very reason for which any congressional investigation or inquiry should be conducted—the production of constructive legislation—is lacking from our mandate.

The Senate Small Business Committee has also been a prime mover in the establishment of the Small Business Administration and as a watchdog to see that this executive agency has in fact performed the duties which Congress has intended it to fulfill. However, if there is any finding that the Small Business Administration is not functioning properly, or if changes in the law could improve the situation, our committee is powerless to attempt to make the changes through legislation.

Useful as the functions of the Small Business Committee, as it is now set up, have been, there can be little doubt that the committee has consistently been frustrated in doing and accomplishing what it would like to do and what the small business community of the Nation have a right to expect it to do. Without legislative responsibility, the Small Business Committee of the Senate finds itself, again and again, in a position where it provides facts to other committees and then must sit by, powerless to see that any action is taken. This is not surprising when we consider the crowded calendars of the existing committees.

The only way in which the problems of the small businesses of this Nation will receive full and prompt consideration, is for these problems to be dealt with consistently and logically by a single committee that has not only factfinding responsibilities, such as those presently conferred upon the Senate Small Business Committee, but also has the authority to make legislative recommendations. As things stand now, the parceling out of the legislative problems germane to small business to half a dozen different legislative committees serves only to dilute a vital strength.

Therefore, I respectfully, but most urgently, request that the amendment I am proposing which incorporates the substance of Senate Resolution 30 be adopted without delay. Only in this way will we in the Senate be able to play our rightful role in strengthening the small business sector of the American economy and thereby the very essence of the free enterprise system which always has, and always will, be a paramount factor in the strength and prosperity of these United States.

A FUTURE FOR SMALL BUSINESS

Mr. President, is the American way of life irrevocably changing? I ask my colleagues to reflect on the status of small business.

We are a nation of many people. We are the leader of the free world. We are young and virile. But, we are great today not solely because of our machines—our technology—the sheer weight of our numbers. We are great because of little men, individuals who had the courage and wisdom to confront the future and say, "I will shape your course."

The early giants of industry, government, and the arts were not the products of well-oiled, well-heeled corporations. They were the products of themselves, of individuality, of singleness of effort. They rose to greatness because they were once given the chance to be small. Ford, Edison, Carnegie—these were small businessmen, yes; small businessmen who became big businessmen in a future much of their own design. Where would this Nation be today if that old-fashioned kind of individuality has been forced out of business by some superior force?

The world of Ford and Edison and Carnegie is no more. America is fully industrialized, but the need of inventive spirit lives on. If these men were alive today could they conquer high taxation, mergers, and capital shortage?

Small business is in a predicament. Retailers, service industries, and small manufacturers all face tremendous odds in starting and operating small businesses. Small business is treated as dangerous by its larger rivals, risky by lending agencies accustomed to the high-finance operations of established concerns, and inefficient by sophisticates accustomed to wide variety, high-volume, high-discount management. In fact, small business is none of these; it is an old and honored form of business full of the tradition and purposefulness which molded our present leaders in industry and government. Customers and clients are not statistics but real persons with individual desires and whims to which only small business can be responsive. Product and service quality are personal warranties of the seller. Management reliability and experience, not dollar volume, is the measure of businesses' responsibility.

No single item tells all of small businesses' difficulties. But it can be easily demonstrated that small business is waging a constant battle for the right to be small.

In this battle the almighty dollar is a force for both good and evil. It takes money to make money. When you are big, you have money or access to it. When you are small, you neither have it nor ready access to it. The big get bigger and the small get squeezed. The financial disparity of size can be that simply stated.

Meanwhile, as the total dollar volume of small business loans increases, small business growth is otherwise thwarted. Its participation in military prime contract awards has fallen off severely. The small business share of such awards declined more than $320 million between fiscal 1962 and fiscal 1963. So, while $313,900,000 was being pumped into small business by SBA loans, $320 million was being bled off by the decline in the small business share of prime military contracts. We are getting nowhere. In fact, we are losing ground at an alarming rate.

There are 19,000 fewer small manufacturers than there were in 1957, a decline of 5.8 percent, while the national economy expanded at half that rate every year.

On a percentage basis more people than ever before are entering the labor force as employees than as proprietors. Stimuli for becoming your own boss are engulfed in the quest for bigness. No more can a man honestly say that his future is with himself. That desk among many in the office downtown is replacing the old backroom laboratory which spawned the likes of Marconi, Pasteur, and the Wright brothers. Only a modern-day David could take on our present Goliaths and he would have no historical guarantee of success.

Let me, for a moment, touch on a note that is not often enough discussed by those concerned with the future of small business. When small business declines personal freedom declines. No man is so free as the man who is his own boss.

There are those who cannot stand the strain of self-employment. For them there is profit and reward working for somebody else. That is the freedom and flexibility of our system.

But it is equally as essential to that freedom and that flexibility that the door be left open for those who choose self-employment. When this opportunity is foreclosed a piece of the American dream vanishes.

Bigness in business, bigness in labor, and bigness in government are byproducts of our growing country. War and the threat of war have created new technological demands on government and business. Each has grown to meet the challenge. And, as business grows, labor grows. So we must not view bigness itself as a mortal enemy. But we cannot condone bigness to the exclusion of individuality—bigness to the exclusion of smallness.

Government, business, and labor have the obligation to come to the aid of small business. Small business is not a helpless dependent of affluent parents. It is a forefather of our present greatness. If it is left to wither by disinterested heirs, the arteries of national commerce will harden, springs of industrial creation will run dry, and the body politic may be forced to socialize small business to keep vital machinery running.

We cannot and must not acknowledge the demise of small business as a natural consequence of the new nuclear world. Small business is the bedrock of private enterprise. It is capitalism's shield against creeping socialism. We must not let it down.

On January 15, 1963, I introduced Senate Resolution 30, a resolution designed to give the Senate Small Business Committee legislative status and continuity. Small business needs a champion here on the Hill. It needs a protector. It needs a willing ear in Congress. It needs someone to take the fight forward.

The future of small business slips a notch in passing every day. We can no longer afford to defer its problems to the future. For small businessmen across this great country, their only hope for a future is the hope for action today.

I have heard from small business groups throughout the length and breadth of the Nation. I do not know how many letters I have received from small businessmen all over the country, urging that they be given greater recognition and power in Congress.

I sincerely hope that my amendment will be looked upon favorably. The only reason why I have attached it to the so-called Salinger resolution is that it had to be an amendment to a Senate resolution, which does not involve legislation.

Mr. MANSFIELD. Mr. President——

Mr. PROUTY. I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President——

Mr. PROUTY. I have not yielded the floor.

Mr. MANSFIELD. I thought the Senator had finished.

Mr. PROUTY. No, but I am happy to yield to the Senator.

Mr. MANSFIELD. No; I thought the Senator had finished.

Mr. PROUTY. Mr. President, I have before me a memorandum which I believe should be called to the attention of the Senate at the conclusion of my remarks.

In the Committee Calendar for the 2d session of the 88th Congress the Subcommittee on Small Business has been assigned only five matters for its consideration. Two of these measures were enacted into law. One dealt with the Small Business Investment Act 1958, the other with the Small Business Act. On two measures hearings were held but no formal action was taken. In each instance at issue was an amendment to the Small Business Act. On the fifth measure, likewise involving the Small Business Act, no action whatsoever was taken.

In contrast, however, the Select Committee on Small Business in its annual report for 1964 discussed and made recommendations in a multitude of far-reaching areas. The areas of inquiry included:

First. The Small Business Act—business loans, disaster loans and ARA loans.

Second. The Small Business Investment Act—investment companies and development companies.

Third. Procurement and technical assistance—size standards, set-asides, subcontracts, certificates of competency.

Fourth. Facilities inventory program.

Fifth. Management and research assistance.

Sixth. Taxation—the committee's recommendations were acted upon by the Finance Committee not at the request of the Small Business Committee but as part of the administration tax bill.

Seventh. Government procurement—competition in military procurement, subcontractor's claims, participation in nonmilitary Government procurement.

Eighth. Antitrust activity—space satellite communications, Federal patent policies, dual distributions.

Ninth. Oil import allocation.

Tenth. Cooperative advertising.

Eleventh. Export trade.

Twelfth. Performing rights societies.

Thirteenth. Lease guarantee.

Fourteenth. Labor surplus areas-defense spending.

The efforts of the Small Business Subcommittee of the Committee on Banking and Currency fell far short of considering even a small portion of all the questions raised by the Select Committee on Small Business.

This is due almost entirely, I am sure, to the fact that this great and important committee has too much of a workload to devote the attention necessary to the problems of the small business community.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum on small business foreclosure.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMO ON SMALL BUSINESS FORECLOSURES

The 14th Annual Report of the Small Business Committee begins with this statement:

"The brightest chapter in the annals of American business history was written in 1963. The annual reports of 69 of the first 150 industrial companies to announce 1963 results showed record earnings. All manufacturing groups, except steel, showed year-to-year increases in profits."

These statistics and observations related to the billion dollar corporations.

With small- and medium-sized firms, however, the picture was different. Although systematic statistical information on the small business sector as such is not available, the report shows that:

"One factor, however, seemed to remain, as in past years, constant in 1963: profits of small manufacturers, both as a percentage of sales and of stockholder's equity, remained well under those of the Nation's larger corporations."

This difficult situation also prevails in the retail community. The University of Illinois made a study of the problem and reported:

"If nonmonetary returns were of no significance, it would appear that at least 9 percent of the retailers interviewed should definitely discontinue operations, since they discovered that when allowance was made for their salary, their rate of return on investment was negative. In other words, had proper deductions been made for their salary, there would have been an attrition of their investment, or, considered another way, part of their labor was uncompensated.

"An additional 25 percent might have gained just as much by placing their money in a savings account or some form of Government bonds; this group's rate of return on investment amounted to 3.9 percent or less. The median rate of return on investment for the entire sample was 7.6 percent."

Hence, 34 percent of the small retailing firms in this country would do better financially if they were to close up shop, work for a salary, and put their savings in a savings account at 4 percent.

BUSINESS FAILURES

The number of small business failures for 1963 was 14,374. This, while down slightly from the 1962 level of 15,782, must be considered together with the upward trend of dollar liabilities with 1963's casualties posting a new liabilities high of almost $1.4 billion.

The Small Business Committee annual report sums up:

"Slight fluctuations in the business-failure rate do not seem to your committee to be an especially significant indicator of the competitive position of small business at large."

BUSINESS MERGERS

The Small Business Committee's 14th Annual Report says:

"Your committee was dismayed to learn that the 972 mergers and acquisitions in mining and manufacturing counted by FTC in 1963 exceeded by 44 percent the previous year's total of 672 mergers and acquisitions in those areas.

"Mergers in all fields (retail, wholesale, service) and partial acquisitions has a history of overall increase:

	Number of mergers
1959	1,050
1960	1,012
1961	1,234
1962	1,260
1963	1,311

The report adds this final comment:

"Your committee wonders how long this high rate of merger activity—especially in the manufacturing sector—can continue without undermining the small business foundation of the Nation's economy."

Mr. PROUTY. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. PROUTY. Mr. President, I suggest the absence of a quorum.

Mr. SMATHERS. Mr. President, would the Senator from Vermont be willing to withdraw his request for a quorum call at this time? I should like to call up a conference report, which is a privileged matter. After it has been disposed of, I shall be glad to assist the Senator in obtaining an order for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Vermont withdraw his request for a quorum call?

Mr. PROUTY. Yes; I yield to the Senator from Florida for the purpose he has requested.

INTERNATIONAL COFFEE AGREEMENT—CONFERENCE REPORT

Mr. SMATHERS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. WALTERS in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6; and agree to the same.

HARRY F. BYRD,
RUSSELL B. LONG,
GEO. A. SMATHERS,
JOHN J. WILLIAMS,
FRANK CARLSON,
Managers on the Part of the Senate.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
JOHN W. BYRNES,
THOS. B. CURTIS,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SMATHERS. Mr. President, the bill as passed by the House provides implementing legislation necessary to enable the United States to perform its responsibilities under the International Coffee Agreement. Specifically the bill authorizes the President, first, to limit imports of coffee from nonmember nations; second, to prohibit imports of coffee from member nations unless the imported coffee is accompanied by a certificate of origin; and third, to require recordkeeping with respect to importation, distribution, prices, and consumption of coffee.

The Senate accepted these provisions and added one amendment to the bill.

The amendment, offered by Senator DIRKSEN, provides a means for setting in motion the U.S. withdrawal from the International Coffee Agreement. Under the Senate bill, whenever the Congress finds in a concurrent resolution that there is an unwarranted increase in the price of coffee attributable in whole or in part to the agreement, and if the President finds, after referring the resolution to the Coffee Council, that no steps were taken within 30 days to remedy the situation, the United States would commence withdrawal under article 68.

The House conferees accepted this Senate amendment. After the bill passed the Senate, a question arose as to the constitutionality of the Dirksen amendment. Upon closer analysis, it developed that the constitutional issue was misstated and did not apply to the provision in the Senate bill. When they learned of this, the House conferees were not hesitant in agreeing to the Senate amendment.

I urge adoption of the conference report.

Mr. JAVITS. Mr. President, this is a serious matter. I should like to ask some questions about it. As I understand the situation at present, an amendment has been adopted which provides for a concurrent resolution of the Senate and House; is that not correct?

Mr. SMATHERS. The Senator is correct.

Mr. JAVITS. If such a resolution is approved, stating that a price increase is unreasonable or unwarranted—whatever words are used in the memorandum, is the President then bound, without any discretion on his part, to start proceedings to withdraw from the agreement?

Mr. SMATHERS. The President is not bound. The President must make a determination that the price increase in coffee results from the agreement. The Congress sends the President the concurrent resolution, and the President himself makes the finding. If the Coffee Council did not act, the President is instructed to take action in connection with the Coffee Council, to see if the quota cannot be increased, so that the price cannot be reduced. If, after that has been recommended by the President, the Coffee Council refuses to act, under the concurrent resolution the President is authorized and required at that time to institute proceedings under the International Coffee Agreement to take us out of it.

Mr. JAVITS. What discretion has the President? From what the Senator has said, it sounds as though the President were only a ministerial officer, taking instructions from Congress and making protests to the Coffee Council, and if they do not concur and raise the quota, withdrawing from the agreement.

Mr. SMATHERS. The President is required, as the Senator has just said, to proceed to take us out of the agreement at his discretion. His discretion is, having presented the case to the Coffee Council, that he can determine that the Coffee Council has taken appropriate action in order to meet the objections of the Congress and of the country, and if that is the determination, he would not withdraw our membership. So, he has that much discretion.

Mr. JAVITS. Suppose the Coffee Council takes no action, and the President believes that in the interests of the Nation, notwithstanding the fact that the Council has taken no action and notwithstanding the fact that Congress has approved a resolution, he still does not wish to take us out of the agreement?

Mr. SMATHERS. The President can find that no action was necessary on the part of the Coffee Council, if he wishes to do so.

Mr. JAVITS. Let us understand each other, so that we do not talk in circles.

Even if mine is the only vote in opposition, I shall not vote for a conference report which deprives the President of the United States of his constitutional power to act, when he considers it in the highest interests of the United States to act in a certain way, with respect to an international treaty or an international agreement which is a part of the foreign policy of the United States, once we have entered into such an agreement or treaty. This is essential in terms of the prerogatives—which the Senate has always jealously guarded in approving international agreements—of the President to implement and carry them out, and also to carry out the foreign policy of the Nation.

I thoroughly agree with the Senator from Florida and the Senator from Illinois, that the action of Congress should have a strong effect upon the President. I agree with that. I understand why we are considering this concurrent resolution provision. What I am trying to avoid is an interpretation which will deprive the President of his constitutional authority, and that is the reason I am raising these questions.

I believe that it is important to make it clear that we are not stripping the President of his constitutional authority to retain treaties and agreements to which the United States is a party.

Mr. SMATHERS. I thank the able Senator from New York. I appreciate his comments. I share his concern. This was a question which was brought up in conference. After consultation with a number of other representatives of the State Department and others, it was felt that, in light of the record which had been made, such a provision would be entirely constitutional.

I should now like to yield to the distinguished author of the amendment, the able minority leader, the Senator from Illinois [Mr. DIRKSEN].

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Vermont yield to the Senator from Illinois?

Mr. PROUTY. Mr. President, I believe that I have the floor. I am, however, glad to yield to the Senator from Illinois.

Mr. DIRKSEN. I thank the Senator from Vermont for yielding to me.

If the Senator from New York will give heed for a moment, let me say to him that the State Department has cherished the identical opinion of the Senator from New York. Accordingly, I asked the Department of Justice to run down all the precedents and make a determination of whether, in its judgment, the language was constitutional, or whether it was an invasion of the rights of the Chief Executive.

I was so notified, and was supplied with a copy of an opinion by the Department of Justice in connection therewith. The State Department then submitted alternative language which was open ended and did not satisfy me.

I indicated that at the appropriate time I would try to contrive some additional language. But at 2 or 3 o'clock yesterday afternoon, I was called by a representative of the Secretary of State and informed that they had performed the additional work and had come to the conclusion that it was not an invasion of the President's constitutional function; that they were quite satisfied with the language and were therefore willing to go along with it in conference, and that the alternative which they submitted could be disregarded.

Mr. JAVITS. Let me ask the Senator from Illinois, who apparently feels as I do, that the President should not be stripped of his constitutional powers, about a situation in which the President has transmitted a copy of such concurrent resolution as the Congress adopts to the International Coffee Council and the Executive Board; 30 days then expire, and the Council and the Board take no action. Nonetheless, the President finds that it is in the paramount national interest that he should not withdraw the United States from this agreement as an act—and I quote from the words of the amendment—"necessary to remedy the situation." If he finds, therefore, that he should not withdraw the United States from the International Coffee Agreement because that is not an act necessary to remedy the situation, do I correctly understand that he retains the constitutional authority not to withdraw?

Mr. DIRKSEN. The Senator is correct. I do not believe we can direct the President to do so and impair his power, because we would have to look at the various stages of the proceedings. We could come to the conclusion that the right of Congress to compel the abrogation of a treaty would only result in the President performing a ministerial function and nothing more. Under the Constitution, we do not believe that can be done. It must be remembered that this procedure involves a concurrent resolution, which the Congress adopts, and which the President does not sign.

Mr. JAVITS. Exactly. I am well aware of that.

Mr. DIRKSEN. I believe that sufficient latitude is necessary, and so do the Department of Justice and the Department of State.

Mr. JAVITS. The Senator from Illinois understands my reason for raising this question. As always, he is very gracious and understanding. If in good conscience as a lawyer one studies these words—and the Senator, as the author of the amendment stated clearly what he understood them to mean—this is not an effort to strip the President of his fundamental constitutional authority, in the final analysis. However, the words could be read in that way. It might later have been argued that the President is a tyrant, that he is not doing what Congress told him to do, that we would not have obtained the agreement if we had not thought it would work, and that it was airtight.

But the Senator has given the matter constitutional validity and accommodation to the separate powers of the President. Therefore, I am very grateful to him.

Mr. DIRKSEN. I should like to add one thought. I do not believe that Congress can ever mandate the President to do something he does not wish to do when the constitutional right is on his side, because obviously such an effort would have to fall on the basis of being unconstitutional.

Mr. JAVITS. I thank the Senator from Illinois. I know that he understands what I am trying to get at.

Mr. DIRKSEN. Oh, yes. I understand.

Mr. JAVITS. If we had not had this colloquy, it might have appeared that we had made it a condition upon which the President must act and that the President has not done this, that, or the other thing, and so on. I am entirely satisfied with the Senator's explanation.

Mr. SMATHERS. Mr. President, I appreciate the Senator's having raised the point, and I am grateful to the Senator from Illinois for having made a very fine explanation of the situation. This is the identical expression of many members of the conference.

Mr. President, I urge adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ARTICLES IMPORTED FOR USE OF CERTAIN UNIVERSITIES—CONFERENCE REPORT

Mr. SMATHERS. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same.
>
> That the House recede from its disagreement to the amendment to the title of the bill; and agree to the same.
>
> HARRY F. BYRD,
> RUSSELL B. LONG,
> GEO. A. SMATHERS,
> JOHN J. WILLIAMS,
> CARL T. CURTIS,
> *Managers on the Part of the Senate.*
>
> W. D. MILLS,
> CECIL R. KING,
> HALE BOGGS,
> JOHN W. BYRNES,
> THOS. B. CURTIS,
> *Managers on the Part of the House.*

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills of the House:

H.R. 1988. An act to provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands; and

H.R. 8334. An act to transfer to the Salt River Pima-Maricopa Indian community certain lands within the Salt River Pima-Maricopa Indian Reservation.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3198) to promote the economic and social development of the Trust Territory of the Pacific Islands, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. MORRIS, Mr. O'BRIEN of New York, Mr. SAYLOR, and Mr. KYL were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11296) making appropriations for sundry independent executive bureaus, boards, commission, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 186, 187, 208, and 220 to the bill, and concurred therein, and that the House receded from its disagreement to the amendments of the Senate numbered 28 and 188 to the bill, and concurred therein, each with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5673. An act to prohibit the introduction into interstate commerce of any shipping container manufactured in the United States from imported steel unless the container is marked so as to indicate the country of origin of the steel; and

H.R. 12259. An act to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 5673. An act to prohibit the introduction into interstate commerce of any shipping container manufactured in the United States from imported steel unless the container is marked so as to indicate the country of origin of the steel; to the Committee on Commerce.

H.R. 12259. An act to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba; to the Committee on Foreign Relations.

SENATE RESOLUTION 351 AFFIRMING THAT PIERRE SALINGER IS ENTITLED TO A SEAT IN U.S. SENATE

The Senate resumed the consideration of the resolution (S. Res. 351) resolving that PIERRE SALINGER is entitled to a seat in the U.S. Senate as a Senator from the State of California.

Mr. PROUTY. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, it is my intention to move to table the pending amendment. I do so for a number of reasons.

I must apologize to the distinguished Senator from Vermont [Mr. PROUTY] for not notifying him ahead of time. But I did not know about the amendment to the pending resolution until yesterday. And I did not know what the amendment purported to do until today. I point out that there is legislation, as stated by the distinguished Senator from Vermont designed to do the very thing which he advocates. Such proposed legislation, covering that matter, has been pending in the Committee on Rules and Administration for some time. However, it would appear to me that if the Senate were to approve the creation of a Committee on Small Business at this time, it would have to approve other committees that would be just as worth while, if not more so—such as a Committee on Veterans' Affairs, which activities are now distributed among several committees; a Committee on Merchant Marine and Fisheries, such as exists in the House, and perhaps others as well.

I cannot promise that hearings will be held on the proposal by the Committee on Rules and Administration this year. But I believe that the prospects are reasonably good that hearings will be held on the Small Business Committee proposal next year. If hearings are held, I hope they will be held before a proposed Committee on Veterans' Affairs, which has more sponsors than does the legislation designed to create a permanent Committee on Small Business with the power to introduce, propose, and carry through legislation.

Mr. President, in view of those brief statements, I now move that the amendment offered by the distinguished Senator from Vermont [Mr. PROUTY] be tabled.

Mr. KEATING. Mr. President, will the Senator withhold his motion for about 2 minutes?

Mr. MANSFIELD. Briefly. And, by briefly, I mean 1 minute.

Mr. KEATING. Mr. President, I hope the distinguished Senator from Montana [Mr. MANSFIELD] will not move to table the amendment.

At the very opening of the 88th Congress, the able senior Senator from Vermont [Mr. PROUTY], in behalf of himself and other Senators, introduced a resolution—Senate Resolution 30—to confer legislative authority—that is, the authority to receive and report legislation—upon our Small Business Committee. I am pleased to have been one of the original cosponsors of this resolution, and am extremely gratified that as of the present time a total of 54 Senators have lent their names, thereby pledged their support to this measure.

Mr. President, I intend no criticism of our Rules Committee, to which this resolution has been referred, or of any of its members—who, as all Senators, have been working hard and diligently on pressing legislative tasks—when I say that it always strikes me as anomalous to see any bill or resolution declared for in advance by a majority or more of the Senate languish in committee for so long without action being taken. This Veterans' Committee legislation is not, of course, civil rights legislation nor any other kind of sensitive measure provoking regional passions or raising difficult constitutional questions. It is simply a proposal to augment the powers of one of the Senate's own committees, to be sure, at the expense of existing power in other committees, but nevertheless a proposal which surely can be settled one way or another within the family without breaking any heads. I like to think always that we are reasonable men who should be given the chance at least to debate and pass on such measures.

Congress has been subjected to much criticism, most of it exaggerated, but still some of it well founded, since the very beginnings of the Republic. However, I can think of fewer things which reflect so adversely upon the U.S. Senate than its inability to debate on its merits a resolution sponsored by a number of Senators more than sufficient to pass it.

I believe we should have the opportunity before this session draws to a close to consider this measure of such importance to permit unified, coordinated legislation affecting the lives and destinies of the small businesses and their employees who constitute such a vital segment of the American economy to be acted on by a single committee in the Senate.

The PRESIDING OFFICER. The 2 minutes requested by the Senator from New York have expired.

Mr. KEATING. The majority leader imposed no such limitation.

Mr. MANSFIELD. I said the Senator could speak briefly on the resolution.

Mr. KEATING. I should like to have some additional time. But I do not need it. I hope the Senate will defeat such a motion.

The PRESIDING OFFICER. The Chair understood the Senator from New York to ask for 2 minutes.

Mr. KEATING. That is correct. But I do not understand that the majority leader imposed any such limitation. I never heard of it being done before. I have completed most of what I had to say. It would have taken me only another 30 seconds.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROUTY. Mr. President, I hope the distinguished majority leader will permit Senators to vote on the merits of the amendment, rather than use a parliamentary device to table the amendment. I believe that the people of the country are beginning to realize that this is a means to defeat small business legislation. I believe that millions of people around the country have a right to know how the Senate stands on this major proposal.

I hope that the Senator will reconsider his motion to table the amendment.

Mr. MANSFIELD. Mr. President, I appreciate the statements by both the distinguished Senator from New York [Mr. Keating] and the distinguished Senator from Vermont [Mr. Prouty]. But I point out that this is something which should be given consideration in the committee to which it has been assigned. It delves into the authority now exercised by several Senate committees, just as other proposed standing committees do.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield, for 1 minute.

Mr. JORDAN of North Carolina. Mr. President, I have no objection to holding hearings on this measure next year. I believe the chairman of the subcommittee will verify the statement that I have not had a request from any member of the committee to hold hearings.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. MANSFIELD. One moment.

Mr. PROUTY. Mr. President, I wrote to the distinguished Senator from North Carolina [Mr. Jordan] on December 30, 1963, asking that the committee give attention to S. Res. 30, and I received his reply on January 2. Earlier, the Senator referred, I believe inadvertently, to the fact that no one had requested him to hold hearings.

Mr. JORDAN of North Carolina. Mr. President, I assure the Senator that we shall hold hearings next year. But that was in the subcommittee, and no one followed up on the request.

Mr. MANSFIELD. Mr. President, I renew my motion to table; and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana [Mr. Mansfield] to table the amendment of the Senator from Vermont [Mr. Prouty].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arkansas [Mr. Fulbright], the Senator from Ohio [Mr. Lausche], and the Senator from Louisiana [Mr. Long], are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson] and the Senator from Massachusetts [Mr. Kennedy], are absent because of illness.

I further announce that the Senator from Nevada [Mr. Cannon] is necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. Long], would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is detained on official business.

The result was announced—yeas 68, nays 25, as follows:

[No. 542 Leg.]

YEAS—68

Bayh
Beall
Bennett
Bible
Brewster
Burdick
Byrd, Va.
Clark
Cooper
Cotton
Curtis
Dirksen
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Gore
Hart
Hartke
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Kuchel
Long, Mo.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McIntyre
McNamara
Monroney
Morse
Morton
Moss
Muskie
Nelson
Neuberger
Pastore
Pell
Proxmire
Ribicoff
Robertson
Russell
Salinger
Saltonstall
Simpson
Smathers
Smith
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, Del.
Yarborough
Young, Ohio

NAYS—25

Aiken
Allott
Bartlett
Boggs
Byrd, W. Va.
Carlson
Case
Church
Dodd
Fong
Gruening
Javits
Keating
McGovern
Mechem
Metcalf
Miller
Mundt
Pearson
Prouty
Randolph
Scott
Sparkman
Williams, N.J.
Young, N. Dak.

NOT VOTING—7

Anderson
Cannon
Fulbright
Goldwater
Kennedy
Lausche
Long, La.

So Mr. Mansfield's motion to table the amendment offered by Mr. Prouty was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. Dirksen].

Mr. TOWER. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may call up my amendment No. 1214.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment offered by the Senator from Texas will be stated.

The legislative clerk read as follows:

On page 12, between lines 15 and 16, insert the following:

"(g) Amend section 620(j) to read as follows:

" '(j) In light of the actions of Indonesia in alining itself with North Vietnam, a nation which has aggressively attacked United States naval vessels, and the actions of Indonesia in threatening the peace and security of the nation of Malaysia—

" '(1) No further United States assistance shall be furnished to Indonesia under this Act or any other provision of law; and

" '(2) All Indonesian nationals now receiving training at United States military schools or bases or at any other United States Government facilities, or under any United States Government contract with any private institution or facility, shall be notified of the immediate termination of such training, and no other training of Indonesian nationals shall be initiated.' "

On page 12, redesignate succeeding subsections.

Mr. TOWER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, at the outset, I may say to the distinguished majority leader that I am prepared to agree to a controlled time situation, if the majority leader prefers to have one.

Mr. MANSFIELD. Mr. President, I appreciate the suggestion of the Senator from Texas. I wish I could comply with his suggestion, but I am under an inhibition or restriction as to limitation of time so far as this bill is concerned.

Mr. TOWER. Mr. President, foreign aid is perhaps the most remarkable phenomenon of our times.

We have suffered through the Economic Cooperation Administration, the Mutual Security Agency, the Technical Cooperation Administration, and Foreign Operations Administration, the International Cooperation Administration, the Development Loan Fund, and now the euphonious AID—Agency for International Development.

We have appropriated more than $30 billion over the last 9 years; $18 billion for economic assistance and some $12 billion for military assistance.

This money, provided by a well-intentioned and trusting American public, has accomplished some good works. It also has bought such vital items as:

TV sets for bush country natives.

Wives.

Yachts, castles, and cloverleafs for backwoods potentates.

Roads that go nowhere.

Hydroelectric plants without transmission lines.

Irrigation systems with no water.

Massive religious monuments.

Now, this is not to say that all foreign aid is bad. In general our military aid programs have been helpful. In general our economic aid programs have been fragmented, expensive, and wasteful.

Dollars from the foreign aid pipeline now are dispersed in tiny, often useless, spurts to some 108 nations and territories. There seems to be no one at AID with a sense of priorities. Or perhaps they just cannot say "No."

It is time for the Congress to say "No."

Already we have said, "Go slow."

Already available in holdover funds from past appropriations are more than $7 billion—or exactly twice what the Agency wants to spend this year.

AID's system of first obligating, then deobligating, the reobligating, and its habit of funding projects in excess of the cost needed to complete them have resulted in the surplus of funds from past appropriations. Juggling and overfunding have been so rampant that AID has deobligated funds from 232 projects in just the last 2 months.

In achieving these dubious goals, the Agency for International Development has felt it necessary to call upon the efforts of 71,416 employees. That is more people than live in the entire city of Galveston in my State.

I am tempted to ask what all those people do. But the answer stumbles upon the heels of my question. They are spending taxpayer dollars. They are progressively building up a nice cushion of unspent appropriations, and they are busily coming back for more.

I think it is time to call a halt.

Almost everybody agrees that the present administration of foreign aid can be improved. The Marshall plan gave us evidence that a carefully conceived and directed assistance program can reap benefits for the United States and the world.

Let the Congress, then, call upon the administration to revise and to revitalize foreign aid. Let us set priorities. Let us do away with the scattergun sweep and place our aid fire directly upon carefully chosen targets.

And, while these revisions are being made and justified to the Congress, let us let AID struggle along on that $7 billion it has piled up for emergencies. It is past time for an emergency to be declared over AID, and that $7 billion fund should enable the Agency to operate for at least 2 years while American foreign aid is reoriented and put in order.

Mr. President, American foreign aid funds have been misspent in many ways. One of our worst faults is our continuing failure to distinguish between friends and enemies. I want to detail what I regard to be just one of those instances.

Let us take note of Indonesia and Sukarno.

The United States now is spending money to train Indonesian military and police personnel. Meantime, Indonesian is killing and wounding troops of our British allies and threatening the freedom and peace of Malaysia—a nation which we support and which I believe proved to be one of the most stable of the emerging new nations of Africa and Asia. The British are to be commended for bringing the Malaysian Federation into existence. It is a tribute to the ability of the British to impart to other people their experience in the art of self-government.

As recently as the last week of June some 100 Indonesian terrorists drove across the Malaysian border killing and looting. Some of them may have been trained here, or have gotten instruction from men trained here.

I think the Senate must face the fact that Mr. Sukarno is no friend of the United States. We also must face the fact that he is walking in lockstep with the Communist Party of his nation, the PKI. It is, indeed, likely that he can do nothing not approved by the Communists. Sukarno and the Reds are identified with the same goals.

As one Western diplomat has said:

> If President Sukarno didn't exist, the Communists would have to invent him.

Two Communist Party leaders, Chairman D. N. Aidit and First Deputy M. H. Lukman, already hold the rank of minister in Sukarno's state advisory council. Their ties with Red China are close.

Sukarno continues to state publicly that he is out to crush our ally, Malaysia. He clearly demonstrated his peaceful neutrality when he torpedoed the cease-fire arranged in the area last January. He continues to send his volunteer troops against British Commonwealth forces in Sarawak and Sabah. Informed sources say there probably are 600 well-equipped Indonesian soldiers inside Malaysian territory—an increase of 450 in this year alone.

Yet, the gullible United States continues to train Sukarno's forces.

As of late April there were 187 Indonesian armed forces personnel training in the United States, plus 38 police personnel, a total of 225.

Here is a breakdown of the U.S. folly:

Under the Army, 94 Indonesian trainees are at work. Sixty-one of them are scattered among such regular military career courses as engineering, adjutant general, finance, ordnance, armor, signal, medical, infantry, women's army corps, military police, chaplain, supply, quartermaster, transport, artillery and the U.S. Command and General Staff School. Thirty-three others are in what our State Department calls civic action courses which somehow includes infantry training.

Until this year Indonesian trainees here were given guerrilla and counterinsurgency courses.

Under the supervision of our Navy, 68 Indonesian trainees are assigned to various U.S. military schools in such career courses as naval aviation, oceanography, supply, electronics, engineering, motor transport, and the Navy command course. Another seven are in those elusive civic action courses.

Under the Air Force, there are 18 Indonesian trainees; 10 in air force career courses, and 8 in civic action.

In addition 38 Indonesian police are training in this Nation. Thirteen are taking police management and internal security courses at AID's International Police Academy right here in Washington. They get special instruction in traffic, patrolling, and railroad security—all handy things to know in a dictatorship.

Eighteen more Indonesian policemen are at U.S. military schools working in telecommunications maintenance, weapons and ammunition repair, Coast Guard organizations, maintenance and operation, search, rescue, maritime law enforcement, and military police organization and operations.

Three others are studying at private institutions in the field of telecommunications. One is studying police administration at the University of Southern California; three are taking courses here in Washington under that catch-all civic action heading.

While this U.S.-financed training goes on, our ally Malaysia is being invaded and British troops in the area killed by Indonesian military forces.

This would seem a good place for the Johnson administration to make a start at getting our foreign assistance programs out of the realm of the ridiculous and back to the realm of reason.

Of particular interest is the police training program administered by the Agency for International Development since 1954 and upon which, to date, American taxpayers have spent more than $16 million.

AID blithely admits that the training is designed to increase the competence of the 110,000-man national police of Leftist-Dictator Sukarno. We are to help train the police officers, modernize their radio communications, update their transport facilities, and improve their supply system.

American taxpayers are footing the bill for this so that Sukarno will not lose control of his island nation. That is a priority set by our foreign assistance program. It could use some prompt rethinking.

Among the major items of equipment we have sent to Indonesia are 1,800 vehicles of all types, 53 small patrol craft for sea police, 5 small aircraft for air police, laboratory equipment in the amount of $206,000, records and identification equipment in the amount of $130,000, and investigative equipment to the tune of $25,000.

Approximately $2 million have been expended to provide a radio, teletype and telephone communication network giving Sukarno's police comprehensive coverage throughout the widespread nation.

Nothing quite appeals to a dictator like being able to keep in touch with his lieutenants throughout his oppressed nation.

Now Mr. President, I have been detailing here the folly of U.S. foreign assistance in but 1 of the 108 nations and territories which would get bits and pieces of our money under this year's program. Other Senators have mentioned other places where shortcomings are equally obvious.

I hope the Senate will take this occasion to call for a reappraisal of foreign aid. This year's appropriation could be entirely cut out without affecting in the least the $7 billion already available to AID. At the very least this year's appropriation can be cut by the 21 percent which has been the average yearly reduction by Congress over the 9 years of the program.

American foreign aid must be curtailed, then revised, then reapplied with reason. Unless it is, the Sukarnos will come home to haunt us.

In fact, Mr. Sukarno established diplomatic relations with North Vietnam on August 10 thus alining himself with the aggressor nation which so recently attacked our destroyers. This act alone should be enough to exclude him from any U.S. foreign aid and to eliminate from our military schools any of his officers and policemen.

Since it is unlikely that we shall undertake a reappraisal of foreign aid, we should adopt the amendment cutting off aid to Sukarno, who is engaging in hostile activity against a friendly ally.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point two supporting letters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., May 12, 1964.

Hon. JOHN G. TOWER,
U.S. Senate.

DEAR SENATOR TOWER: Thank you for your letter of April 28, requesting details and statistics on the training of Indonesian military and police personnel in the United States.

As of late April there were 187 Indonesian armed forces personnel training in the United States plus 40 police personnel, a total of 227 trainees. This figure differs from the figure of 280 recently cited by the Department. The latter figure was based on an earlier tabulation, subsequent to which there have been various course completions, withdrawals, and other personnel changes. The following is a breakdown of these trainees by branch of service and the type of training they are undergoing:

Army: A total of 94 trainees, of whom 33 are taking civilian management courses related to the Indonesian armed forces civic action program. The remaining 61 are scattered among a variety of regular military career courses, including engineering, adjutant general, finance, ordnance, armor, signal, medical, infantry, Woman's Army Corps, military police, chaplain, supply, quartermaster, transport, artillery, and Command and General Staff School. Aside from the 33 in the civic action program, the largest single number (8) is in various phases of infantry training. None of the trainees have been assigned to counterinsurgency courses since 1963.

Navy: A total of 75 trainees, of whom 7 are taking civic action courses. The remainder are assigned to various career courses such as naval aviation, oceanography, supply, electronics, engineering, motor transport, General Line School, Navy Command Course, etc. The Navy contingent includes both officers and enlisted men of the Indonesian Navy and Marine Corps.

Air Force: A total of 18 trainees, with 8 in civic action courses and the remainder taking various Air Force career courses.

Police: Of the Indonesian National Police personnel now training in the United States, 13 are studying police management, operations, and internal security at AID's International Police Academy in Washington, D.C., with specialized training in traffic, instructor training, patrol operations in railroad security. Eighteen are taking training at U.S. military schools and installations in telecommunications maintenance; weapons/ammunition and repair; coast guard organizations, maintenance, and operation (search, rescue, and maritime law enforcement); and military police organization and operations.

Three are studying at private institutions in the field of telecommunications. One is studying police administration at the University of Southern California. Three others are taking management courses in Washington, D.C., relating to Indonesia's civic action program.

None is being trained in guerrilla warfare or ranger tactics.

If I can be of further assistance to you in this matter, please do not hesitate to let me know.

Sincerely yours,

ROBERT E. LEE,
Acting Assistant Secretary,
for Congressional Relations.

DEPARTMENT OF STATE,
AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., May 28, 1964.

Hon. JOHN G. TOWER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TOWER: Mr. Frederick G. Dutton, Assistant Secretary, Department of State, informed you in his letter of April 27 that the Agency for International Development would reply to you regarding your request of April 20 on U.S. assistance to the National Police of Indonesia.

Following is a summary of the program:

The program which began in fiscal year 1954 is now scheduled to terminate in fiscal year 1968. Project activities past and present have been to increase the competence of the 110,000-man national police in order that they can assume the principal role within the Government of Indonesia in maintaining internal security and preserving law and order.

This project is specifically designed to:

(a) Increase civil police ability to control civil disturbances.

(b) Continue improvement of faculty and staff for several police training schools; supply additional training aids; upgrade training facilities.

(c) Develop a nationwide police telecommunications complex through increased training of management, operator, and maintenance personnel; construct additional building space to house equipment; provide limited commodity and spare parts support.

(d) Improve transportation capability (air, sea, and land) through continued training of personnel, construction of supporting facilities, and providing limited commodity and spare parts support.

(e) Continue assisting in the development of an efficient supply system necessary for proper support of police units throughout the archipelago. This will be accomplished by constructing a subdepot at Surabaya, and continuing emphasis on training in supply management.

(f) Analyze police requests for assistance in the improvement of police-community relations and police capability in rural areas of Java and the outer islands. This particular project now has first priority in GOI police development plans and involves the allocation of GOI funds for police civil activities through the construction of rural police stations, provincial police schools, and housing facilities for police personnel.

(g) Improve control of traffic and degree of police service to the population in major urban areas and on principal highways of the country in terms of continued training, improved techniques, better personnel management, and providing vehicles and communications commodity support.

(h) Improve capability of police in maintenance of records, identification, and scientific crime detection by better management, continued training, and limited commodity support.

The foregoing activities have been selected for U.S. support since public order and internal security, including the prevention or the defeat of renewed Communist or other insurgency, are prerequisites to political stability and economic growth.

Generally viewed, the project is 60 percent complete. There are 15 U.S. Public Safety technicians in Indonesia at present.

Approximately 460 Indonesian participants have completed training in the United States, Philippines and Japan to date and there are 51 participants presently in training, 38 in the United States, and 13 in the Philippines. I believe the nature of this training has been furnished to you in another letter.

Through our U.S. advisers stationed in Indonesia, the United States has directly participated in course curriculums in in-country training programs involving 62,000 Indonesian policemen in 20 police training schools at the national and provincial levels. These courses involved training in supply, logistics, motor maintenance, equipment salvage and rehabilitation, telecommunication operation and repair, management practices, criminal identification and police records, public relations, control of juvenile delinquency, criminalistics, etc.

Major commodity items furnished to the police include 1,800 vehicles of all types, 53 patrol craft for the sea police, 5 small aircraft for the air police, crime laboratory equipment in the amount of $206,000, records and identification equipment in the amount of $130,000, and investigative equipment in the amount of $25,000.

Approximately $1,900,000 has been expended to provide a police telecommunication network giving comprehensive coverage throughout Indonesia. This communication system, through the base station in Djakarta, connects the national police headquarters with its provincial units via radio and teletype. In addition, a police radio patrol car system has been established in Djakarta and a highway patrol is in operation between the major cities of Java.

Another major accomplishment has been the development by the police with the help of U.S. advisers of a police supply and maintenance system which is considered to be one of the most efficient in use in southeast Asia. This has contributed to a continuing acceptable level of care and utilization of U.S.-furnished commodities.

Due to the present confrontation with Malaysia, commodity assistance has been sharply curtailed, including suspension of delivery of weapons and ammunition since October 5, 1963.

The cost to the United States from the beginning of the program in fiscal year 1954 through fiscal year 1963 is $16,474,000, which includes $2,700,000 currently suspended.

If I can be of further assistance to you in this matter, please do not hesitate to let me know.

Sincerely yours,

CRAIG RAUPE,
Director, Congressional Liaison Staff.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. KEATING. As the Senator from Texas has stated, this has been a matter of interest to me for a long time. I have had rather extensive and somewhat unsatisfactory correspondence with the Department of State on this subject.

Mr. TOWER. I am well aware of a Senator's activities in this field, and I am grateful to him for the groundwork he has done on it.

Mr. KEATING. I thank the Senator. It seems to me it makes no sense whatever for us to be training Indonesian soldiers in this country to enable them to be ready to fight against Malaysia, which is a friendly country and is using American taxpayers' dollars for this purpose.

Every Member of the Senate knows that I have been a supporter of the foreign aid program over the years. The distinguished Senator from Texas and I have some differences of opinion as to the program generally. But I am not sure that we should cut off all aid to Indonesia. I believe some Indonesian students are studying in the United States. Perhaps that is desirable. It is the training of military personnel that seems to me absolutely indefensible.

The American people should know about this. I had a hard time getting information from the Department of State on this subject. I received much doubletalk in their first replies.

I first learned from a constituent that the United States was training Indonesian soldiers in this country. I could not believe it, so I asked the State Department whether we were. They replied, in effect, that we are trying to maintain good relations with all countries. Their reply was in 2 pages.

I wrote back, saying, "I agree with that purpose, but I want to know whether the United States is training Indonesian soldiers in this country at taxpayers' expense, to the tune of 270 persons.

The State Department replied and said the number was not 270; it was 280; and that several of them were being trained in counterinsurgency. The Department calls it counterinsurgency, which is a fancy word for guerrilla warfare.

Mr. President, such a program makes no sense. It is completely indefensible. I am sure that that has been recognized now, because I have received more recently a letter from the Department of Defense dated July 22, 1964, signed by Assistant Secretary of Defense Arthur Sylvester. In his letter, Mr. Sylvester wrote:

> As of the end of April 1964, there were 187 Indonesian armed forces personnel training in the United States, plus 40 police personnel, a total of 227 trainees. This figure was reduced to a total of 103 trainees by June 15.

I am happy to note the reduction.

Thereafter, a question about the 103 trainees was raised on the floor of the Senate.

If I might make a suggestion to the distinguished Senator from Texas, I believe that his amendment would be strengthened if wherever the phrase "Indonesian nationals" appears it were changed to "Indonesian military or police personnel." So far as I am aware, they are the only ones who are receiving training at U.S. military schools or bases, or any other U.S. Government facilities.

I understand that some civilians are receiving training under contract with private institutions or facilities. As to them, I should say there is a greater question about cutting off assistance.

I wonder if the argument of the Senator from Texas is not directed primarily to what I have been fighting; namely, military and police personnel.

Mr. TOWER. Mr. President, I am grateful to the Senator from New York for offering this modification. I think it will enhance the amendment. I am pleased to accept the modification suggested by him. I ask unanimous consent that my amendment may be so modified.

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. KEATING. I thank the Senator from Texas. I believe his amendment is not open to any possible criticism. If our foreign aid program is to be used to advance the interests of our foreign policy, it should certainly not be used, even though only a relatively small amount is involved, for the purpose of training soldiers who, we know, will be engaged in activities against our allies and who, we now know, are threatening aggression against a neighbor—Malaysia.

I sincerely hope that the amendment as modified will be adopted.

There are some inconsistencies in our foreign policy that cannot be tolerated—specifically, providing aid to an active aggressor, Indonesia, with our left hand, while assisting its victims, Malaysia, with our right. Such action violates the antiaggression provision of the Foreign Assistance Act of 1963, which specifically provides that:

> No assistance shall be provided under this or any other act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against * * * any country receiving assistance under this or any other act.

Unfortunately this language has been totally ignored by the executive agencies of our Government.

Last September, when President Sukarno, of Indonesia, unleashed his guerrilla and regular troops against the new Federation of Malaysia, the United States found itself in the embarrassing and irresponsible position of betting on both sides.

While Indonesian guerrillas were killing the defenders of Malaysia's borders at the rate of 30 per month, the United States continued to train Indonesian military and police officials in our military training centers. The Department of State reluctantly admitted this to me after a lengthy exchange of correspondence this spring.

I asked about this training of aggressors in several letters to the State Department, and in mid-April received a reply which indicated that 178 of the 280 Indonesian military and police personnel being trained in the United States were indeed taking military courses; 7 of these had recently completed counterinsurgency courses at Fort Bragg. "The course they attended," I was assured by the Department of State, "was not guerrilla warfare, but counterinsurgency." Frankly, the distinction between counterinsurgency and guerrilla training is pretty thin. For in order to train Indonesians to counter guerrilla warfare, we obviously had to teach them the methods of guerrillas. What was to prevent Sukarno from enlisting the counterinsurgency know-how of his soldiers recently graduated from Fort Bragg in his aggression against Malaysia?

In response to continued pressure on my part, the Defense Department has recently informed me that only 103 of the original 280 Indonesian Armed Forces and police personnel remained in the United States as of June 15. However, despite this improvement, our position is untenable as long as a single Indonesian military man receives American training in military activities or organization. I request unanimous consent that at the conclusion of my remarks the text of the letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KEATING. Mr. President, more than 400 Indonesians have been killed or captured by Malaysian defenders of North Borneo and Sarawak since the start of 1964. Captured Indonesian documents leave no doubt about the fact that this subversive campaign is directed by Indonesian Regular Army officers, acting on the directives of President Sukarno. Sukarno stated on May 1 his intention to step up guerrilla activities aimed at crushing the Federation of Malaysia. And on June 25, the Soviet Union's troubleshooter, First Deputy Premier Anastas Mikoyan, announced that the U.S.S.R. was supplying Sukarno with modern weapons and Soviet personnel to train his troops to use them in the struggle with their "neocolonialist" neighbor, Malaysia.

Nevertheless, $9.8 million is requested for AID's technical assistance program for Indonesia in fiscal year 1965's program, plus an unspecified sum of military assistance in the form of training. The program for use of military assistance funds has not been divulged.

The United States should not support the army of a government that commits aggression against its neighbors. Sukarno's excuse for his vow to crush Malaysia is that the Malaysian Federation of 10 million people threatens his nation of 100 million; his real reason for aggression is the traditional mad ambition characteristic of dictators like Mussolini, Hitler, and now Nasser, to distract a poverty-ridden, badly governed people's attention from their own plight—and to keep happy the well-fed army of 350,000 that comprises the armed support of the Sukarno regime.

Both supporters and opponents of the foreign aid program realize that we cannot make friends everywhere, but we must also realize that we can actually do great damage by helping to shore up regimes fundamentally opposed to the principles of international peace and order. To provide aid to the military and police personnel of a nation actively committed to the destruction of a free nation cannot possibly be reconciled either with our own principles or those of the United Nations.

Moreover, to think that $9.8 million or $43 million or $150 million will convert the men on Sukarno's payroll to democracy is mere illusion. The current program of aid to Indonesia is admittedly a small effort; but of what value is it at all? Could not these funds slated for Indonesia's militarists under the military assistance program, be put to better use in a peace-loving nation that would use it for the benefit of the people, rather than the dictators?

Mr. President, I support the Senator's amendment if it is modified to apply only to Indonesian military and police personnel and not to bona fide civilian students, doctors, engineers and so on. I think it is a fine idea to expose Indonesian civilians to U.S. life and ideas, but I can see no justification for U.S. aid to train the Indonesian military or police forces in more efficient forms of aggression or repression.

EXHIBIT 1

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., July 22, 1964.

Hon. KENNETH B. KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: This is in reference to your recent communication in behalf of a constituent who raises a number of questions concerning the training of Indonesian military personnel in the United States and Exercise Desert Strike.

As of the end of April 1964, there were 187 Indonesian armed forces personnel training in the United States, plus 40 police personnel, a total of 227 trainees. This figure was reduced to a total of 103 trainees by June 15.

A number of these trainees have been taking civilian management courses relating to the Indonesian armed forces civic action program. The remaining personnel have been scattered among a variety of regular military career courses, including engineering, adjutant general, finance, ordnance, medical, chaplain, women's army corps, quartermaster, transport, etc. None of the Indonesian military trainees have been assigned to counterinsurgency courses (including guerrilla warfare training at Fort Bragg) since 1963.

The provision of military training for Indonesian military personnel has been of mutual benefit to the United States and Indonesia. It has provided both countries an opportunity to remain in close contact and is a vehicle for the exchange of ideas.

With respect to Exercise Desert Strike, only a small number of foreign observers were present at the exercise and they represented friendly allied nations.

Sincerely,

ARTHUR SYLVESTER.

Mr. DOMINICK. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield to the Senator from Colorado.

Mr. DOMINICK. I am happy to support the amendment as modified. I have been actively critical of Mr. Sukarno in particular for some time, having delivered a speech on the floor of the Senate on this subject on November 1, 1963. Almost immediately thereafter, I made another speech about him on November 15, following a protest by the Ambassador from Indonesia about my verbiage in connection with Mr. Sukarno in my first speech. I did not withdraw the comments I had made.

Mr. Sukarno is an interesting person. His background is not often outlined for us. It is most difficult for me to understand why the United States is supporting Mr. Sukarno and his Government. I should like to detail a little of his background, so that we will know what we are talking about. A fuller explanation is contained in my speech of November 15, 1963, at page 21935 of the CONGRESSIONAL RECORD.

At the time most of us were fighting the Japanese and the Nazis in World War II, Mr. Sukarno was holding down the important post of general political adviser to the Japanese Military Government, in Indonesia. He is a fine type of person to have immediately picked up as a supporter.

While he was engaged in that work, he turned 2 million of his own countrymen over to the Japanese to be treated, in the words of Major General Willoughby, who was then chief of our intelligence in that area, like "coolie slaves."

One of Sukarno's chief tasks was to try to get the Indonesians engaged in a greater war effort against the free world. In this effort, one of his slogans was: "We shall flatten out America." Another was: "We shall overturn England."

In 1944, Sukarno organized a really big anti-American rally in Djakarta. A caption under photographs of pictures being burned by Sukarno read: "Roosevelt, Churchill Condemned."

In 1945, Sukarno decided he was not on the winning side, so he jumped over and joined the Russians. This man is not a great idealistic leader. He is an opportunist of the first order, one who tries to keep himself in power. He jumped over and asked Stalin for support.

In 1949, when he became President of Indonesia, he was awarded the Order of Lenin by the Russians. According to his own statement, he said, "This means I am a Communist of the highest order." It is reported that he said this with a chortle. Whether that was meant as entertainment or as self-satisfaction, I am not certain.

Sukarno has, of course, endorsed the Communist Party in Indonesia as a major participant in his Government. The Communist Party in Indonesia at the present time is the largest Communist Party outside the all-Communist nations.

It is interesting, strategically speaking, to look at that section of the world and see what is happening. We are engaged in an effort to assist the people of South Vietnam to control their own Government and to be able to control their own lives.

From the north, with the aid and assistance of Red China and the North Vietnamese, come guerrillas moving down through the peninsula onto the great land mass of Asia. While they are doing that, in come the Russians from the other side.

Those who are supposed to be friendly to us are moving into Indonesia. They supply armaments to Indonesia to make the country strong in its military forces in the entire Asian area. Indonesia, in turn, is moving against Malaysia, so there is a vast pincer movement coming in from both sides, one supported by the Red Chinese, and the other supported by the Russian Communists.

Both sides are trying to gain control of the area of southeast Asia which, if effective, would effectively cut us off from any opportunity to save that portion of the world for the free world, and would substantially place in danger our perennial and longtime allies, New Zealand and Australia.

So I would say to the Senate that from a purely strategic military position, we are dealing with a crucial area of the world. To have us give money or training to the military forces of Indonesia, which are largely using Russian weapons in order to continue their aggressive efforts, so far as I am concerned, is nothing but a complete denial of our own purpose and principle in Asia.

Last year, when the amendment was before the Senate, we were well assured that only a modicum of aid would be continued to Indonesia, that in fact no new programs were being authorized, and we really did not have to worry about it. Yet, I am told, the President of the United States has publicly stated that it is in the interest of the United States to continue giving aid to the Indonesian people.

Apparently, we are trying to use the "carrot on the stick" approach, because from time to time our Ambassador, in an effort to do something over there, has indicated that perhaps our aid should not be continued.

Mr. President, I hold in my hand an article published in the Washington Post of March 26, 1964, entitled " 'Go to Hell With Your Aid,' Sukarno Tells United States."

If Sukarno wishes to tell us that, so far as I am concerned, there is no reason to conclude that his island is any worse than where he is telling us to send our aid—or any better, for that matter. I would as soon keep our money in the United States.

Mr. TOWER. We might get a greater return from it if we sent the money to the place Mr. Sukarno recommends.

Mr. DOMINICK. I agree with the Senator from Texas.

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"GO TO HELL WITH YOUR AID," SUKARNO TELLS UNITED STATES

DJAKARTA, March 25.—President Sukarno, of Indonesia, today told the United States to "go to hell with your aid" and said his country would not collapse without foreign assistance.

Sukarno, speaking at the laying of a stone for a 14-story building here, pointed to American Ambassador Howard P. Jones, laughed and said:

"There is one country threatening to stop its foreign aid to Indonesia. That country thinks it can scare Indonesia. I say go to hell with your aid."

Sukarno said "Indonesia is rich in natural resources. Indonesia is rich in manpower with its 103 million inhabitants—not like Malaysia with 10 million."

Sukarno's reference to Malaysia drew a sharp burst of applause from an estimated 2,000 persons who attended the ceremony.

Sukarno's speech followed by 1 day a statement by U.S. Secretary of State Dean Rusk in Washington that the United States would not give any new aid to Indonesia until the Malaysia dispute was settled.

Sukarno interrupted his speech to ask Jones in a loud voice, "When was that you wanted to stop your aid?"

Jones did not answer the President's question and only smiled and nodded his head.

(In Bangkok, Thailand, Indonesian Foreign Minister Subandrio today said his government has accepted with certain conditions a formula by the Philippines to settle the Malaysian dispute. He said the reply was communicated to the Filipinos and it was up to them to publish it.

(The original formula called for the phased withdrawal of Indonesian guerrillas from Malaysian Borneo, the simultaneous opening of political discussions at the ministerial level, and a heads of government summit meeting between Malaysia, Indonesia, and the Philippines.)

Mr. DOMINICK. Page 184 of the hearings on the list under technical assistance program, indicates that fairly substantial projects are still under construction or still in process of being completed in Indonesia, to the total, so far as the RECORD shows, of $24 million.

It reports that in fiscal 1964, under the proposal mutual defense and development program, there will be a continuation of limited technical assistance activity in the amount of $9.5 million.

In addition, there is, of course, the military program. Unfortunately, the hearings do not reveal what the particular programs are, because for some reason or other, a security angle seems to be involved. I have a hard time seeing what it is, in view of what has already been said on the floor of the Senate. At any rate, the hearing record, on page 515, on the bottom of the page, clearly shows that we are continuing training programs with regard to the military in Indonesia.

It seems difficult for me, or for any normal American citizen, to see any valid reason for the United States deliberately to spend U.S. taxpayer funds to support a dictator with a large Communist backing who is aggressively attacking one of our pro-Western neutral countries in that area—namely, Malaysia.

It seems almost more difficult to understand this, when he has already told us what we can do with our aid.

Mr. TOWER. Does it not seem to be inconsistent to the Senator from Colorado that very often the United States supports far rightwing dictators as well as leftwing dictatorships?

Mr. DOMINICK. I agree that it has seemed to be governed that way during the past few years, and perhaps even before that. I cannot understand why we support any dictatorship of the right or the left which is actively trying to impose its power on people outside its geographical boundaries. It seems to me that that is just so wholly wrong that it is ridiculous to support them with taxpayers' money.

Mr. TOWER. Does the Senator feel that there is any valid claim that Indonesia could lay to the territory of Malaysia?

Mr. DOMINICK. None at all, so far as I know. I understand that they are doing it on the basis that Malaysia is an extension of British imperialism. What they are really in effect saying is that they are using the word "imperialism" as a method to eliminate self-government and to impose their will on a neighboring people.

There are some more instances which I believe are quite interesting. A good portion of the record should be laid before the Senate. The idea with respect to Malaysia, of course, is well known. I do not believe that anyone would dispute the validity of it at this point, in view of the fact that the British have had to put a number of support troops into Malaysia to keep the Indonesians out.

The interesting thing about some of our aid programs is that we give economic aid, over the protests of many Senators to Indonesia, in order to try to prevent inflation.

What happens?

Immediately, Sukarno comes in and buys 3 Convairs and flies all over the world, telling everyone what a great fellow he is, taking his girl friends and his advisers with him. Why he does it, he does not say, so far as any sensible program is concerned, designed to be of assistance either to the self-determination of peoples or to free world ideals. Yet we continue to spend American taxpayers' funds in order to support a dictator of this kind.

I thoroughly and wholeheartedly support the amendment of the Senator from Texas.

Mr. President, I yield the floor.

Mr. MORSE. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I have yielded the floor. The Senator can obtain the floor in his own right.

Mr. MORSE. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. Let me say to the Senator from Texas that I shall support his amendment. For years, I have opposed foreign aid to any dictatorship, either right or left. I have opposed giving support to the so-called presidential escape clause in the foreign aid bill. I happen to believe that Congress has the duty, under our checks and balances system, to appropriate money or not appropriate money without giving to a President arbitrary, discretionary power to give foreign aid to dictatorships because he might decide it to be in our national interest to do so.

In case of any emergency, the President can always lay his case before Congress and secure enactment of legislation, if in the wisdom of Congress it should be granted to him. There is the great danger which I have argued for so many years on the floor of the Senate, of weakening our system of coordinate and coequal branches of government by building up, step by step, more and more of a government by executive supremacy.

If we do not stop it, we shall jeopardize the freedoms and liberties of the American people, because if we develop a system of government by executive supremacy we will lose the effectiveness of legislative checks and controls. We need to be on guard, from the standpoint of the abstracts principle of our Government, without reference to any given President to stop this trend toward government by presidential supremacy. My objection has nothing to do with the particular individual who occupies the White House. It is bad from the standpoint of protecting our constitutional system.

Therefore, I shall support the amendment of the Senator from Texas. Sukarno is a corrupt and dangerous dictator. Not 1 cent of taxpayers' dollar should be made available to him. The President should be denied any discretion to grant Sukarno a dollar unless each dollar is specifically approved by Congress. This amendment seeks to cut Sukarno off from all foreign aid. I have urged that action for 3 years and I am glad to vote for the Tower amendment.

Mr. JAVITS subsequently said: Mr. President, I wish to state my reasons for voting "no" on the amendment on aid to Indonesia. I am very well aware of the activities of the Sukarno regime and disapprove as fully as anyone in this Chamber of the continued inspired guerrilla activities against Malaysia and any identity of interest with the North Vietnamese. I join with my colleagues in condemning unreservedly any support extended by the Sukarno regime to the enemies of freedom in south and southeast Asia. It is for these very reasons that I do not wish to see an absolute cutoff of any hope of saving Indonesia from being devoured by the Communists. It certainly may be personally gratifying to be able to denounce activities I consider so inimical to the free world by voting for this amendment. But it is too high a price to pay to contribute to cutting off any hope that Indonesia can be saved from the Communists by tying the President's hands as this amendment would do in respect of any operation in Indonesia no matter how it might appeal to the U.S. Government as being helpful in in checkmating Communist influences there—this is most unwise in my judgment. We should aid, not cut off whatever effort we may be able to make to maintain our free world position which is so critically important. By cutting off this aid completely, we are denied any such opportunity. I would not wish wittingly to do that, as I believe that is against our interest in the struggle for freedom and peace in the world.

I thank my colleague for yielding.

Mr. MANSFIELD. Mr. President, I hope it will be possible to come to the vote requested by the distinguished Senator from Texas [Mr. TOWER] very shortly.

The present amendment provides, as has been brought out in the debate so far:

> No assistance under this Act shall be furnished to Indonesia unless the President determines that the furnishing of such assistance is essential to the national interests of the United States. The President shall keep the Foreign Relations Committee, and the Appropriations Committee of the Senate, and the Speaker of the House of Representatives fully and currently informed of any assistance furnished to Indonesia under this Act.

There is not much more that I can say. The amendment was brought forward largely, I believe, through the efforts of the distinguished Senator from Wisconsin [Mr. PROXMIRE] and other Senators. The issue is drawn. The distinguished Senator from Texas [Mr. TOWER] wants to go a good deal further and drop everything absolutely and completely.

It is my belief that the President should have a small degree of flexibility, at least.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DIRKSEN. Mr. President, there is one reason why I believe the amendment of my distinguished friend from Texas ought not to be defeated.

It is now roughly two months since the distinguished leader in Indonesia, Mr. Sukarno, stated publicly to all the world—and it was carried by every wire service—that, "The United States can go to hell with its aid."

What was in my mind at the time was that probably that was the only country that was not receiving aid. But if Sukarno does not want it, and if he wants us to go to hell with our aid, I shall be the last one under any circumstance to force it on him, or to even put in the hands of the President the authority to force it on him.

Sukarno left no doubt as to where he stood. All the world knows it. And this is one time that we can be exceptionally selective and take the leader at his word when he tells us to go to hell with our foreign aid.

I shall take him at his word. I shall vote for the amendment of the distinguished Senator from Texas.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas [Mr. Tower].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. Byrd], the Senator from Ohio [Mr. Lausche], the Senator from Florida [Mr. Smathers], and the Senator from Tennessee [Mr. Walters], are absent on official business.

I also announce that the Senator from New Mexico [Mr. Anderson], and the Senator from Massachusetts [Mr. Kennedy], are absent because of illness.

I further announce that the Senator from Nevada [Mr. Cannon], is necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. Lausche], would vote "yea."

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is detained on official business.

The Senator from Kansas [Mr. Carlson] is detained on official committee business, and, if present and voting, would vote "yea."

The Senator from Massachusetts [Mr. Saltonstall] is necessarily absent, and, if present and voting, would vote "yea."

The result was announced—yeas 62, nays 28, as follows:

[No. 543 Leg.]

YEAS—62

Aiken
Allott
Bayh
Beall
Bennett
Bible
Boggs
Burdick
Byrd, W. Va.
Case
Church
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Ellender
Ervin
Fong
Gruening
Hartke
Hickenlooper
Hill
Hruska
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Long, La.
Magnuson
McClellan
McIntyre
Mechem
Miller
Morse
Morton
Moss
Mundt
Nelson
Pearson
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Scott
Simpson
Smith
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, Del.
Young, N. Dak.

NAYS—28

Bartlett
Brewster
Clark
Edmondson
Fulbright
Gore
Hart
Hayden
Holland
Humphrey
Inouye
Javits
Mansfield
McCarthy
McGee
McGovern
McNamara
Metcalf
Monroney
Muskie
Neuberger
Pastore
Pell
Salinger
Sparkman
Williams, N.J.
Yarborough
Young, Ohio

NOT VOTING—10

Anderson
Byrd, Va.
Cannon
Carlson
Goldwater
Kennedy
Lausche
Saltonstall
Smathers
Walters

So Mr. Tower's amendment was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the bill itself, which is open to amendment. The amendment of the Senator from Illinois [Mr. Dirksen] is pending.

Mr. DODD. Mr. President, I send to the desk an amendment for printing——

Mr. MANSFIELD. Mr. President, the pending business is the amendment of the Senator from Illinois. I would like, with the permission of the Senate, to call up certain measures on the calendar to which there is no objection, and dispose of them.

Mr. DIRKSEN. I yield for that purpose.

THE CALENDAR

On request of Mr. Mansfield, and by unanimous consent, the following measures on the calendar were considered and acted upon, as indicated:

ELFRIEDE UNTERHOLZER SHARBLE

The bill (H.R. 1174) for the relief of Elfriede Unterholzer Sharble was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate consider the measures on the calendar beginning with Calendar No. 1306, Senate bill 2981, and the remaining measures in sequence.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

The Senate proceeded to consider the bill (S. 2981) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes, which has been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

Sec. 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (72 Stat. 481), as amended, is amended to read as follows:

"Sec. 101. The annual rates of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	7	8	9
Class 1:									
Subclass (a)	$6,010	$6,330	$6,650	$6,970	$7,290	$7,610	$7,930	$8,250	$8,570
Fire private.									
Police private.									
Subclass (b)	6,300	6,620	6,940	7,260	7,580	7,900	8,220	8,540	8,860
Private assigned as:									
Technician I.									
Plainclothesman.[1]									
Subclass (c)	6,590	6,910	7,230	7,550	7,870	8,190	8,510	8,830	9,150
Private assigned as:									
Technician II.									
Station clerk.									
Motorcycle officer.									
Class 2:									
Subclass (a)	7,290	7,610	7,930	8,250			8,570	8,890	9,210
Fire inspector.									
Subclass (b)	7,580	7,900	8,220	8,540			8,860	9,180	9,500
Fire inspector assigned as:									
Technician I.									
Subclass (c)	7,870	8,190	8,510	8,830			9,150	9,470	9,790
Fire inspector assigned as:									
Technician II.									
Class 3	7,900	8,220	8,540	8,860			9,180	9,500	9,820
Assistant marine engineer.									
Assistant pilot.									
Detective.									
Class 4:									
Subclass (a)	8,185	8,505	8,825	9,145			9,465	9,785	10,106
Fire sergeant.									
Police sergeant.									
Subclass (b)	8,655	8,975	9,295	9,615			9,935	10,255	10,575
Detective sergeant.									
Subclass (c)	8,765	9,085	9,405	9,725			10,045	10,365	10,685
Police sergeant assigned as:									
Motorcycle officer.									

"[1] Service as such for over 60 consecutive calendar days."

"SALARY SCHEDULE—Continued

"Salary class and title	Service step						Longevity step		
	1	2	3	4	5	6	7	8	9
Class 5 Fire lieutenant. Police lieutenant. Detective lieutenant.	$10,000	$10,400	$10,800	$11,200			$11,600	$12,000	
Class 6 Marine engineer. Pilot.	11,000	11,400	11,800	12,200			12,600	13,000	
Class 7 Fire captain. Police captain. Detective captain.	12,000	12,500	13,000	13,500			14,000	14,500	
Class 8 Assistant superintendent of machinery. Battalion fire chief. Deputy fire marshal. Police inspector.	14,000	14,500	15,000	15,500			16,000	16,500	
Class 9:									
Subclass (a) Deputy fire chief. Deputy chief of police. Fire marshal. Superintendent of machinery.	16,500	17,000	17,500	18,000			18,500	19,000	
Subclass (b) Deputy chief assigned as the: Assistant fire chief. Police executive officer.	17,500	18,000	18,500	19,000			19,500	20,000	
Class 10 Fire chief. Chief of police.	21,000	21,500	22,000	22,500			23,000	23,500	

SEC. 102. The rates of basic compensation of officers and members to whom the amendment made by section 101 of this title apply shall be adjusted in accordance with this section, and on and after the effective date of this title, section 2 of the Act approved October 24, 1962 (76 Stat. 1240), shall not apply to any such officer or member whose rate of basic compensation is so adjusted in accordance with this section. Such rates of basic compensation shall be adjusted as follows:

(1) Except as otherwise provided in paragraph (2), each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a class or subclass in the salary schedule in the District of Columbia Police and Fireman's Salary Act of 1958, as amended, shall receive a rate of basic compensation at the corresponding scheduled service or longevity rate in effect on and after the effective date of this title.

(2) Each private in service step 6, longevity step 7, or longevity step 8 in any subclass in class 1, upon completing a minimum of twenty-one years of continuous service as a private, including service in the Armed Forces of the United States but excluding any period of time determined not to have been satisfactory service, shall be advanced to longevity step 9 in class 1, and receive the appropriate scheduled rate of basic compensation for such step in the subclass in which he is serving.

SEC. 103. Section 202(b) of the District of Columbia Police and Firemen's Salary Act of 1958 is amended by striking "rescue squad, or fire department ambulance", and inserting in lieu thereof "or rescue squad: *Provided,* That on and after the effective date of this proviso, privates in the Fire Department, while assigned as ambulance drivers may, in the discretion of the Commissioner, be placed in subclass (b) or subclass (c) of class 1 in accordance with section 302: *Provided further,* That any private assigned as an ambulance driver who on the effective date of this proviso is designated as 'Technician 1' in subclass (b), class 1, shall continue in subclass (b), class 1, until action is taken to change his subclass placement in accordance with the preceding provision or such assignment is terminated".

SEC. 104. Section 303(c) of such Act is amended by striking "(c), (d), or (e)" and inserting in lieu thereof of "or (c)".

SEC. 105. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the District of Columbia Government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the White House Police force, who retired during the period beginning on the first day of the first pay period which began on or after July 1, 1964, and ending on the date of enactment of this Act for services rendered during such period, and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as amended, for services rendered during the period beginning on the first day of the first pay period which began on or after July 1, 1964, and ending on the date of enactment of this Act by an officer or member who dies during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

SEC. 106. For the purpose of determining the amount of insurance for which an officer or member is eligible under the Federal Employees' Group Life Insurance Act of 1954, all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

SEC. 107. The provisions of this title shall take effect on the first day of the first pay period beginning on or after July 1, 1964.

TITLE II—SALARY INCREASES FOR TEACHERS, SCHOOL OFFICERS, AND OTHER EMPLOYEES OF THE BOARD OF EDUCATION

SEC. 201. The Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes", approved August 5, 1955 (69 Stat. 521, ch. 569), as amended, is amended as follows:

(1) The first section is amended by striking all after the first sentence and inserting in lieu thereof the following salary schedules:

"Salary class and position	Service step								
	1	2	3	4	5	6	7	8	9
Class 1:									
Superintendent	$26,000								
Class 2:									
Deputy superintendent	22,000								
Class 3:									
Assistant superintendent, president, teachers college	15,240	$15,540	$15,840	$16,140	$16,440	$16,740	$17,040	$17,340	$17,640
Class 4:									
Director, curriculum, dean, teachers college	13,475	13,775	14,075	14,375	14,675	14,975	15,275	15,575	15,875
Class 5:									
Group A, bachelor's degree	11,890	12,160	12,430	12,700	12,970	13,240	13,510	13,780	14,050
Group B, master's degree	12,390	12,660	12,930	13,200	13,470	13,740	14,010	14,280	14,550
Group C, master's degree plus 30 credit hours Chief examiner. Director, food services. Director, industrial and adult education. Executive assistant superintendent. Psychiatrist.	12,590	12,860	13,130	13,400	13,670	13,940	14,210	14,480	14,750

"Salary class and position	Service step								
	1	2	3	4	5	6	7	8	9
Class 6:									
Group B, master's degree	$11,950	$12,220	$12,490	$12,760	$13,030	$13,300	$13,570	$13,840	$14,110
Group C, master's degree plus 30 credit hours	12,150	12,420	12,690	12,960	13,230	13,500	13,770	14,040	14,310
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans high school.									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent (pupil appraisal, study, and attendance).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Executive assistant to deputy superintendent.									
Class 7:									
Group B, master's degree	11,070	11,340	11,610	11,880	12,150	12,420	12,690	12,960	13,230
Group C, master's degree plus 30 credit hours	11,270	11,540	11,810	12,080	12,350	12,620	12,890	13,160	13,430
Director, elementary education (administration)									
Director in elementary education.									
Director, special education.									
Class 8:									
Group B, master's degree	10,630	10,900	11,170	11,440	11,710	11,980	12,250	12,520	12,790
Group C, master's degree plus 30 credit hours	10,830	11,100	11,370	11,640	11,910	12,180	12,450	12,720	12,990
Dean of students, teachers college.									
Director, school attendance.									
Professor, teachers college.									
Registrar, teachers college.									
Supervising director, adult education and summer school.									
Supervising director, athletics.									
Supervising director, curriculum.									
Assistant principal, elementary school.									
Assistant principal, junior high school.									
Assistant principal, senior high school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Supervising director, elementary education (supervision and instruction).									
Supervising director, reading clinic.									
Supervising director, subject field.									
Class 9:									
Group A, bachelor's degree	9,690	9,960	10,230	10,500	10,770	11,040	11,310	11,580	11,850
Group B, master's degree	10,190	10,460	10,730	11,000	11,270	11,540	11,810	12,080	12,350
Group C, master's degree plus 30 credit hours	10,390	10,660	10,930	11,200	11,470	11,740	12,010	12,280	12,550
Assistant director, food services.									
Supervising director, audiovisual instruction.									
Class 10:									
Group B, master's degree	9,750	10,020	10,290	10,560	10,830	11,100	11,370	11,640	11,910
Group C, master's degree plus 30 credit hours	9,950	10,220	10,490	10,760	11,030	11,300	11,570	11,840	12,110
Assistant director, adult education and summer schools.									
Statistician.									
Class 11:									
Group B, master's degree	9,310	9,580	9,850	10,120	10,390	10,660	10,930	11,200	11,470
Group C, master's degree plus 30 credit hours	9,510	9,780	10,050	10,320	10,590	10,860	11,130	11,400	11,670
Assistant director, audiovisual.									
Assistant director, practical nursing.									
Assistant director, subject field.									
Associate professor, teachers college.									
Chief librarian, teachers college.									
Supervisor, elementary education.									
Class 12:									
Group B, master's degree	8,865	9,135	9,405	9,675	9,945	10,215	10,485	10,755	11,025
Group C, master's degree plus 30 credit hours	9,065	9,335	9,605	9,875	10,145	10,415	10,685	10,955	11,225
Chief attendance officer.									
Clinical psychologist.									
Class 13:									
Group B, master's degree	7,960	8,290	8,620	8,950	9,280	9,610	9,940	10,270	10,600
Group C, master's degree plus 30 credit hours	8,160	8,490	8,820	9,150	9,480	9,810	10,140	10,470	10,800
Assistant professor, teachers college.									
Assistant professor, laboratory school.									
Psychiatric social worker.									

"Salary class and position	Service step							
	1	2	3	4	5	6	7	8
Class 14:								
Group A, bachelor's degree	$6,475	$6,750	$7,025	$7,300	$7,575	$7,850	$8,125	$8,400
Group B, master's degree	6,975	7,250	7,525	7,800	8,075	8,350	8,625	8,900
Group C, master's degree plus 30 credit hours	7,175	7,450	7,725	8,000	8,275	8,550	8,825	9,100
Class 15:								
Group A, bachelor's degree	5,400	5,685	5,970	6,205	6,440	6,675	6,910	7,145
Group B, master's degree	5,900	6,185	6,470	6,705	6,940	7,175	7,410	7,645
Group C, master's degree plus 30 credit hours	6,100	6,385	6,670	6,905	7,140	7,375	7,610	7,845
Attendance officer.								
Child labor inspector.								
Counselor, placement.								
Librarian, elementary and secondary schools.								
Librarian, teachers college.								
Research assistant.								
School social worker.								
Speech correctionist.								
Coordinator of practical nursing.								
Teacher, elementary and secondary schools.								
Census supervisor.								
Counselor, elementary and secondary schools.								
Instructor, teachers college.								
Instructor, laboratory school.								
School psychologist.								

"Salary class and position	Service step					Longevity step X	Longevitym step Y
	9	10	11	12	13		
Class 14:							
Group A, bachelor's degree	$8,675	$8,950	$9,225	$9,500	$9,775		
Group B, master's degree	9,175	9,450	9,725	10,000	10,275		
Group C, master's degree plus 30 credit hours	9,375	9,650	9,925	10,200	10,475		
Class 15:							
Group A, bachelor's degree	7,380	7,615	7,850	8,085	8,320	$8,880	$9,410
Group B, master's degree	7,880	8,115	8,350	8,585	8,820	9,380	9,940
Group C, master's degree plus 30 credit hours Attendance officer. Child labor inspector. Counselor, placement. Librarian, elementary and secondary schools. Librarian, teachers college. Research assistant. School social worker. Speech correctionist. Coordinator of practical nursing. Teacher, elementary and secondary schools. Census supervisor. Counselor, elementary and secondary schools. Instructor, teachers college. Instructor, laboratory school. School psychologist.	8,080	8,315	8,550	8,785	9,020	9,580	10,140".

(2) Subsection (a) of section 6 is amended by striking "(a)" and inserting in lieu thereof "(a)(1)", and by adding the following paragraph at the end thereof:

"(2) Any teacher who was promoted from the salary class originally designated Salary Class 18 under this Act (redesignated as Salary Class 15 by amendments effective on January 1, 1963), if such promotion occurred after June 30, 1958, and prior to January 1, 1963, and who on the effective date of this paragraph occupies the same position to which he was promoted during such period shall be assigned to the numerical service step in his class, or class and group to which he would have been assigned had he been promoted on or after January 1, 1963."

(3) Section 13 is amended by striking "evening schools" wherever it appears in such section and inserting in lieu thereof "adult education schools", and by amending the schedule of pay rates contained in subsection (a) of such section to read as follows:

"Classification	Step		
	1	2	3
	Per diem		
SUMMER SCHOOL (REGULAR)			
Teacher, elementary and secondary schools, and instructor, District of Columbia Teachers College	$21.24	$23.36	$25.56
Assistant professor, District of Columbia Teachers College	25.49	28.03	30.67
Associate professor, District of Columbia Teachers College	27.61	30.37	33.23
Assistant principal, elementary and secondary schools	30.80	33.87	37.06
Supervising director, and professor, District of Columbia Teachers College	30.80	33.87	37.06
Principal, elementary and secondary schools	33.98	37.38	40.90
VETERANS SUMMER HIGH SCHOOL CENTERS			
Teacher	31.86	35.04	38.34
	Per period		
ADULT EDUCATION SCHOOLS			
Teacher	$5.18	$5.71	$6.24
Assistant principal	7.51	8.28	9.05
Principal	8.29	9.14	9.98".

SEC. 202. The third sentence of section 9(b)(3) of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946, as amended, is amended by striking "on the day after the employee dies" and inserting in lieu thereof "on the first day of the month following the teacher's death".

SEC. 203. (a) Retroactive compensation or salary shall be paid by reason of this title only in the case of an individual in the service of the Board of Education of the District of Columbia (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to any employee covered in this Act who retired during the period beginning on the day following the first day of the first pay period which began on or after July 1, 1964, and ending on the date of enactment of this Act for services rendered during such period, and (2) in accordance with the provisions of the Act of August 3, 1950 (Public Law 636, Eighty-first Congress), as amended, for services rendered during the period beginning on the first day of the first pay period which began on or after July 1, 1964, and ending on the date of enactment of this Act by any such employee who dies during such period.

(b) For purposes of this section, service in the Armed Forces of the United States in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the municipal government of the District of Columbia.

SEC. 204. For the purpose of determining the amount of insurance for which an individual is eligible under the Federal Employees' Group Life Insurance Act of 1954, as amended, all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

SEC. 205. The provisions of this title shall take effect on the first day of the first pay period beginning on or after July 1, 1964.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958, the District of Columbia Teachers' Salary Act of 1955, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1370), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill, as amended by the committee, is twofold. The bill is divided into two titles. Title I amends the Police and Firemen's Salary Act of 1958, as amended.

Title II amends the act approved August 5, 1955, to fix and regulate the salaries of teachers and other employees of the Board of Education of the District of Columbia, and for other purposes.

This legislation, approved by the Bureau of the Budget and whose introduction was requested by the District of Columbia Board of Commissioners, provides upward salary adjustments for those District government employees not covered in the general Federal classified pay bill recently enacted. It has been the customary practice over the years for District of Columbia policemen, firemen, and teachers to receive pay increases hand in hand with all other Federal employees, in separate and subsequent legislation such as this bill envisions, e.g., the last increase approved in 1962 when classified employee salary adjustments were voted by the Congress.

REMOVAL OF CERTAIN RESIDENCE RESTRICTIONS UPON OFFICERS AND MEMBERS OF THE METROPOLITAN POLICE FORCE AND THE FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 10683) to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That subsection (b) of the first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia may reside", approved July 25, 1956 (D.C. Code, § 4–132a), is amended by striking "twenty" and inserting in lieu thereof "twenty-five".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1371), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to authorize the District Commissioners in their discretion to extend to a distance of 25 radius miles, the distance that members of the Metropolitan Police force and the Fire Department may reside from the U.S. Capitol Building.

The effect of this legislation, if enacted, will be to provide the District Commissioners with permissive authority to legally permit members of the two forces to live 5 miles farther from the Capitol Building than now is authorized under existing law.

On two prior occasions, the Congress has enacted legislation in connection with residence requirements for District firemen and policemen:

Public Law 74–258, approved on August 9, 1935 (49 Stat. 568), established a radius of 12 miles from the U.S. Capitol Building as the limit within which members of the District of Columbia Police and Fire Departments would be required to live.

Public Law 84–797, approved July 25, 1956 (70 Stat. 646), retained the same definitive limitation which had been established in 1935, but gave the District of Columbia Board of Commissioners the authority, in their discretion, to increase this area to include territory not more than 20 miles distant from the U.S. Capitol Building. Subsequent to that time, the Commissioners did increase this limitation in two steps by regulation to 17 miles in 1956 and to 20 miles in 1961. These increases have expanded the area within which such members are required to reside from 452 to 1,256 square miles.

The committee felt justified in increasing to 25 miles the distance that the Commissioners in their discretion may permit members of the Metropolitan Police force and the Fire Department to reside from the city. Justification for the increased area of residence was based on greatly improved highway facilities that permit prompt and ready access to the Nation's Capital. Also justification was based on lower housing costs at greater distance from the city.

The committee has been advised that the bill, as amended, should in some measure facilitate the retention of qualified policemen and firemen for the two Departments.

In contrast to this amended bill, H.R. 10683 as passed by the House, removed all residence restrictions upon officers and members of the Metropolitan Police force and Fire Department of the District of Columbia. It was the view of this committee that such legislation went too far and that the District Commissioners should be granted permissive authority to fix the residency requirements within reasonable limitations established by Congress.

On August 4, 1964, the Subcommittee on Fiscal Affairs conducted hearings on H.R. 10683. The President of the District of Columbia Board of Commissioners appeared at the hearings and testified in support of H.R. 10683, as amended by this committee. The Chief of the District of Columbia Fire Department also appeared and supported the amended bill. It was his view that it is necessary to have some limitation over the area in which firemen are permitted to live in order to assure immediate response of off-duty officers and members in the event of emergency.

The enactment of this legislation will involve no additional cost to the District government.

AMENDMENT TO DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

The Senate proceeded to consider the bill (H.R. 6353) to amend the District of Columbia Unemployment Compensation Act, as amended, which had been reported from the Committee on the District of Columbia, with an amendment, in line 8, after the word "Columbia", to insert a comma and "or the United States Accounting Office".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1372), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to amend the existing District of Columbia Unemployment Compensation Act so as to permit the District of Columbia Unemployment Compensation Board to provide the District of Columbia Department of Public Welfare with certain information.

The provisions of the District of Columbia Unemployment Compensation Act presently authorize the District of Columbia Unemployment Compensation Board to disclose information pertaining to an individual's status in regard to unemployment compensation only to:

(1) State or Federal agencies which administer an unemployment compensation law or a system of public employment offices; and

(2) The U.S. Bureau of Internal Revenue.

The effect of the enactment of this bill will be to provide the District of Columbia Department of Public Health with the same status of eligibility in obtaining unemployment compensation information as that now extended to the aforementioned State and Federal agencies.

The need for the proposed amendment to the act is illustrated by the fact that at present, the District of Columbia Unemployment Compensation Board is required to furnish an applicant for public assistance with a letter stating that he is or is not eligible to receive unemployment compensation. Obviously, the applicant may then submit this letter to the Welfare Department or withhold it, whichever he may deem expedient in connection with his application for public assistance. At best, this present system is cumbersome and time consuming; at worst, it could facilitate fraudulent concealment of important information.

Eligibility for public assistance in the District of Columbia is based partially upon "need," which is defined as that part of a person's subsistence requirements which he is unable to meet by available income or other sources of funds. Thus, in order to decide properly any applicant's eligibility for public assistance and to avoid overpayments, the Department of Welfare must have knowledge of all income being received by the applicant from all sources. Also, eligibility for general public assistance in the District requires that a person be unemployable, and in this respect an applicant's representations to the Unemployment Compensation Board may in some cases be very helpful to the Welfare Department in the proper administration of the public assistance laws.

On August 3, 1964, the Subcommittee on Public Health, Education, Welfare, and Safety held public hearings in connection with H.R. 6353. A representative of the District of Columbia Board of Commissioners appeared and testified in support of the bill, as did the Chief of the Public Assistance Division of the Department of Public Welfare.

The committee was advised that in the past 4 years an average of 3,579 applications per year have been filed in the area of general public assistance in the District, and the monthly caseload is 709. It was the view of the committee that this legislation will in some measure facilitate the processing of welfare applications. Equally important, through an automatic clearance of active files of one agency against another, the legislation should help insure that there is no duplication and misuse of public funds.

VESSEL "ALVA L." TO BE DOCUMENTED WITH COASTWISE PRIVILEGES

The Senate proceeded to consider the bill (S. 2776) to authorize and direct the Secretary of the Treasury to cause the vessel *Alva L.*, owned by Harold Bunker, of Matinicus, Maine, to be documented as a vessel of the United States with coastwise privileges, which had been reported from the Committee on Commerce, with amendments, in line 6, after the word "vessel", to strike out "*Alva*" and insert "*Elva*"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of section 4132 of the Revised Statutes of the United States, as amended (46 U.S.C. 11), the Secretary of the Treasury shall cause the vessel *Elva L.*, owned by Harold Bunker of Matinicus, Maine, to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade so long as such vessel is owned by a citizen of the United States.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to authorize and direct the Secretary of the Treasury to cause the vessel *Elva L.*, owned by Harold Bunker, of Matinicus, Maine, to be documented as a vessel of the United States with coastwise privileges."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1373), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The bill would authorize and direct, the Secretary of the Treasury to document, with full coastwise privileges, the *Alva L.*, a Canadian-built vessel of less than 10 net tons.

The *Alva L.*, a 43-foot vessel, was built in Canada, in 1948, and hence is not eligible (1) under the provisions of section 27 of the Merchant Marine Act, 1927, to transport merchandise between points in the United States, and (2) under section 4132 of the Revised Statutes (46 U.S.C. 11) to be documented for operation in the coastwise trade.

Under existing maritime statutes, vessels constructed in foreign yards are not eligible to participate in the domestic or coastwise trades. This old and durable restriction is designed to assist in the preservation of American shipyards. At the same time and for unusual and pressing circumstances, the Congress has, on rare occasion, enacted special legislation granting individual vessels a right to particiapte in the domestic trades, a right they might never have had because of foreign construction or one that was lost due to a transfer from American to foreign registry.

In the case at hand, the vessel *Alva L.*, is of such limited size that it is unlikely that she would be able to participate in any traffic competitive with that served by American-built craft. Though this is an exception, it is one of such a limited nature that it will not pose a threat to the overall goals of our coastwise restrictions.

The vessel is owned by Harold Bunker, of Matinicus, Maine, a citizen of the United States, who plans to use the vessel in furtherance of his occupation as a lobsterman and an independent lobster dealer. The committee was informed that he procured the vessel in order to provide for the transportation of lobsters and bait, owned by him between Rockland and Matinicus, Maine, in the belief and understanding that such limited use was not prohibited by law. In view of the hardship which would be imposed on Mr. Bunker by existing laws and because of the limited size and employment, actual and potential, of the vessel, the committee recommends approval of the bill.

The Department of Commerce reports that, in view of the small size of the vessel, it has no objection to favorable consideration of the bill, if there is no objection on the part of the Treasury Department whose responsibility it is to administer, through the Bureau of Customs, the navigation laws which cover the documentation of vessels.

The Treasury Department report stated that the question of granting the coastwise privileges sought is a matter of policy upon which the Department expresses no opinion.

No opposition to the bill has been received from any source.

AMENDMENT TO SUBSECTION 120(f), TITLE 23, UNITED STATES CODE

The bill (S. 2968) to amend subsection 120(f) of title 23, United States Code, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 120(f) of title 23, United States Code, is amended to read as follows:

"(f) The Federal share payable on account of any repair or reconstruction provided for by funds made available under section 125 of this title shall not exceed 50 per centum of the cost thereof: *Provided*, That, in the case of any State containing nontaxable Indian lands, individual and tribal, and public domain lands (both reserved and unreserved) exclusive of national forests and national parks and monuments exceeding 5 per centum of the total area of all lands therein, the Federal share shall be increased by a percentage of the remaining cost equal to the percentage that the area of all such lands in such State, is of its total area: *Provided further*, That the Federal share payable on account of any repair or reconstruction of forest highways, forest development roads and trails, park roads and trails, and Indian reservation roads may amount to 100 per centum of the cost thereof, whether or not such highways, roads, or trails are on any Federal-aid highway system. Any project agreement for which the final voucher has not been approved by the Secretary on or before the date of this Act may be modified to provide for the Federal share authorized herein."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1374), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Under the existing provisions of section 120 of title 23, United States Code, the Federal share of emergency relief for highways seriously damaged by a disaster is limited to 50 percent. In those States containing little or nothing in the way of public lands, no hardship results from this limitation. However, those States which contain large areas of Federal lands have come to rely heavily, for ordinary Federal-aid highway construction, upon the so-called sliding scale of Federal participation under section 120. The sliding scale takes into account the nontaxable Indian lands, individual and tribal, and public domain lands—both reserved and unreserved—exclusive of national forests and national parks and monuments, exceeding 5 percent of the total area of all lands in any State in arriving at the Federal share payable. Consequently, computations under this section may raise the Federal share payable for primary, secondary, and urban highway construction from the regular 50 percent to nearly 95 percent in certain public lands States.

Under these circumstances, the same type of disaster could affect two States, one with public lands and the other without, in an entirely different manner. The former would receive as emergency relief a payment for reconstruction which might amount to little over half of the Federal share paid for original construction, while the latter would receive a Federal payment for its damaged highways, representing the same Federal share used in their original building. For this reason, it appears most desirable to apply the same Federal share to emergency relief as is payable for original construction in order to avoid inequities among the States in cases of widespread disaster.

JOINT RESOLUTION PASSED OVER

The joint resolution (H.J. Res. 1026) to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

REGULATION OF SELLING OF SECURITIES IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 9419) to provide for the regulation of the business of selling securities in the District of Columbia and for the licensing of persons engaged therein, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments, on page 2, line 5, after the word "issuer", to insert "or any of its subsidiaries"; on page 6, line 20, after the word "issuer", to insert "or any of its subsidiaries"; on page 9, line 17, after the word "lease", to strike out "any contract issued by an insurance company pursuant to section 41 of chapter III of the Life Insurance Act (D.C. Code, sec. 35-541);"; on page 10, line 3, after the word "period", to insert "or any contract issued by an insurance company pursuant to section 41 of chapter III of the Life Insurance Act, as added by Public Law 86-520 (D.C. Code, sec. 35-541)"; on page 37, line 12, after the word "section", to strike out "1070 of the Act of March 3, 1901 (D.C. Code, sec. 14-401)" and insert "14-501 of the District of Columbia Code"; on page 38, after line 10, to strike out:

SEC. 17. Subsection (e) of section 7 of the Act of April 1, 1942, entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'the Municipal Court for the District of Columbia', to create 'the Municipal Court of Appeals for the District of Columbia', and for other purposes" (D.C. Code, sec. 11-772), is amended (1) by striking out the word "and" at the end of paragraph 8, (2) by striking out the period at the end of paragraph 9 and inserting in lieu thereof "; and", and (3) by adding at the end thereof the following new paragraph:

"(10) Any final order of the Public Service Commission of the District of Columbia under the provisions of the District of Columbia Securities Act."

And, in lieu thereof, to insert:

SEC. 17. Section 11-742(a) of the District of Columbia Code is amended (1) by striking out "and" at the end of paragraph (8); (2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following new paragraph:

"(10) final orders of the Public Service Commission of the District of Columbia under the provisions of the District of Columbia Securities Act."

On page 39, line 18, after the word "Columbia.", to insert "In no case shall more than three members of the Advisory Committee be members of the same political party."; and on page 41, after line 19, to strike out:

SEC. 22. (a) The first sentence of section 26 of title II of the Life Insurance Act (D.C. Code, sec. 35-425) is amended by inserting "other than variable contracts described in section 41 of chapter III of this Act" immediately after "applications for insurance".

(b) The first sentence of section 29 of such title (D.C. Code, sec. 35-428) is amended by inserting ", other than as a broker dealing solely in variable contracts described in section 41 of title III of this Act," immediately after "life insurance broker".

(c) Except as otherwise provided by the amendments made by this section, nothing in this Act shall be construed to exempt any person or company from any requirements of law relating to insurance companies, agents, brokers, or solicitors.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 1376), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to provide for the licensing and regulation of securities broker-dealers in the District of Columbia.

The bill is based upon the Uniform Securities Act, a model law proposed for State legislation by the National Conference of Commissioners on Uniform State Laws. As in the case of the Uniform Act, this bill contains (1) a fraud section; (2) a part providing for registration of broker-dealers and agents; and (3) a part providing for procedures, subpenas, penalties, liabilities, judicial review, and administration. However, unlike the Uniform Act, the bill does not contain a section relating to the registration of securities issues. This was omitted since very few issues originate in the District of Columbia and such other public offerings as are made in the District of Columbia, would be subject to any controls in the States where the issues originated and such issues are always subject to the requirements of the Federal Securities Act of 1933 regarding disclosure statements.

The focus of the bill is on that part of the securities business which deals with the relationship of the seller of securities with the public. The bill is designed to regulate the conduct of broker-dealers and agents through the creation of a licensing authority that will require an applicant, prior to the issuance of a securities license, to make detailed disclosures about his business and personal history and also pay a filing fee. In pursuance of this authority, the licensing authority may deny, suspend, or revoke licenses for specific causes, including incomplete or misleading statements in the application, substandard qualifications, and involvement in certain criminal and disciplinary proceedings. Also, inadequate finances, lack of proper supervision of employees, as well as fraud, are additional grounds for denying, suspending, or revoking licenses.

The bill also provides for administrative investigation and subpena powers. Injunctive proceedings are authorized while criminal penalties are carefully geared to those provided for comparable Federal violations. Civil rights and remedies are spelled out.

The responsibility for the administration of the act is placed in the District of Columbia Public Service Commission which is successor to the Public Utilities Commission as provided by the terms of the bill.

It is estimated that the annual cost of administration of the act will approximate $24,000. Such cost would be offset to the extent of approximately $20,000 per year by the payment of licensing fees to the District government.

BILL PASSED OVER

The bill (S. 2460) to amend the act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

JENETTE C. MITCHELL

The resolution (S. Res. 350) to pay a gratuity to Jenette C. Mitchell was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Jenette C. Mitchell, widow of Donald A. Mitchell, an employee of the Senate at the time of his death, a sum equal to 11½ months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the present.

EXTENDING TIME BY WHICH A LEASE TRANSFERRING TOBACCO ACREAGE ALLOTMENT MAY BE FILED

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1311, House Joint Resolution 1026.

There being no objection, the Senate proceeded to consider the joint resolution (H.J. Res. 1026) to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed, which had been reported from the Committee on Agriculture and Forestry, with an amendment, in line 6, after "1964", to insert a semicolon and "and by inserting after the word 'date' the words 'the 1964 amendment to' ".

The amendment was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1375), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this joint resolution is to extend the time for filing 1964 tobacco acreage allotment leases (now expired) until 20 days after enactment of the resolution. Producers are now required by section 316(c) of the Agricultural Adjustment Act of 1938 to file such leases with the county committee prior to planting time, but through mistake or misunderstanding there are a number of cases where the lease was not filed in time. Unless there is opportunity to correct this mistake, tobacco planted pursuant to such leases will be subject to marketing penalties, and the committee believes these individual farmers should not be penalized for their inadvertent failure to comply with a technicality of law or departmental regulation.

The committee amendment is a technical one needed to carry out the purpose of the resolution. The committee amendment relates the extension to the date of enactment of the resolution, rather than the date of enactment of subsection (g), which was enacted in 1962. The amendment will thus provide an extension of 20 days after enactment of the resolution.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DODD. Mr. President, I send an amendment to the desk and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie at the desk.

VENDING MACHINES AND SMOKING BY MINORS

Mr. DIRKSEN. Mr. President, the widespread interest in the topic of smoking and health, particularly as it relates to educational efforts aimed at young people, is of concern to every American citizen. The automatic vending industry, through the National Automatic Merchandising Association, has taken voluntary steps to prevent illegal sales to minors through their vending machines. These steps were started in 1962, before the Surgeon General's Advisory Committee began its work in this field. They are in the finest American tradition of safeguarding the public interest. I ask unanimous consent to insert in the RECORD the facts about this industry's self-regulation program and the findings of the 1963 Gilbert youth research study on "Teenage Cigarette Purchasing and Smoking Habits."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE SIX-STEP VOLUNTARY SELF-REGULATION PROGRAM FOR CIGARETTE MACHINE OPERATORS TO PREVENT ILLEGAL CIGARETTE SALES TO MINORS

The sale of cigarettes to minors is prohibited by State law in all but three of the States. Complete observance of the law is a must.

Each operator should:

1. Survey his entire cigarette operation to determine the location of those machines to which minors are likely to have access. As part of this survey maintain a permanent file record for each machine on location on the official NAMA machine record form.
2. Post "minors are forbidden" decals conspicuously on all such machines.
3. Post on each machine the name, address, and phone number of the operator.
4. Solicit the location owner's cooperation to prevent minors from purchasing from machines to which minors have access. Include an appropriate clause in all forthcoming location contracts to cover such cooperation. Reposition machines, where necessary, to assure adequate supervision.
5. Remove machines from locations where the sale of cigarettes to minors cannot be prevented.
6. Cooperate with competitors to achieve areawide compliance of preventing the purchase of cigarettes by minors from vending machines. (As part of this step, establish local committee liaison with police officials and offer cooperation in the enforcement of "sales to minors" laws.)

It should be pointed out that this program, established by the National Automatic Merchandising Association, has been vigorously pursued by all the companies which sell cigarettes through vending machines, whether they are members of this association or not.

The following copy of a telegram to Dr. Luther L. Terry, U.S. Surgeon General, Washington, D.C., from Louis J. Risman, National Automatic Merchandising Association, 7 South Dearborn Street, Chicago (chairman of association's Special Committee on Cigarette Vending) reviewed the results as of January 1964:

"In view of your announced recommendation for action to discourage teenagers from smoking, you will probably be interested in a report of results about the cigarette vending industry's voluntary self-regulation program, instituted to achieve compliance with State and local cigarette sales-to-minors laws. I have just received this report.

"It shows that operators of cigarette machines in every State have ordered more than 260,000 minors' warning labels for their machines from us, far exceeding the number of cigarette machines found in locations accessible freely to minors in a survey we made in 1962.

"As expressed in my letter of November 14, 1963, the National Automatic Merchandising Association launched a six-step self-regulation program among all operators of cigarette vending machines more than a year ago.

"Its main features include the warning sign aimed at minors on each machine, a constant survey of accessibility to minors, repositioning of machines to assure surveillance, removal where necessary, and close collaboration with local law enforcement officials to prevent violations.

"Significantly, the large operators of cigarette machines have enacted this six-step self-regulation program in all their local branches, accounting for up to 60 percent of the machines in most markets.

"The issuance of more than 260,000 warning labels covers only a portion of the more than 850,000 cigarette machines on location in the United States.

"However, reliable figures obtained by us in a national survey early last year indicate that fewer than 15 percent of cigarette machines were then in locations freely accessible to minors. Thus, the figure of 260,000 covers more than twice the machines which were accessible to minors.

"The majority of cigarette machines has always been located in taverns, cocktail lounges, factories, and offices, where minors do not go.

"With my correspondence of November 14, we transmitted to you the results of the 1963 Gilbert youth research study on 'Teenage Smoking and Cigarette Purchasing Habits.' As you may recall, it established independently that fewer than 5 percent of all teenagers purchase cigarettes from our machines, while 6 out of 10 teenagers have their parents' permission to smoke. The American Cancer Society has since then commended the Gilbert study and has distributed it widely, with our permission.

"This report of results in our voluntary program of self-regulation is not intended as the final word. We are continuing this program vigorously in all parts of the country.

"Through more than 500 voluntary State and city chairmen (enlisted a year ago), we are extending the control program and are maintaining liaison with law enforcement officials at the local level to prevent violations of the laws on sales to minors.

"Individuals not familiar with the vending industry have at times made a scapegoat of cigarette machines, accusing them erroneously as a chief purveyor of cigarettes to youngsters. It is my hope, therefore, that these data and other information about our program may prove of help to your staff, at such time as you consider the steps implied in your statement last weekend.

"The cigarette vending industry, through our association, has been on record for some time in favor of observance of laws and regulations dealing with the sale of cigarettes to minors. A special committee on cigarette vending was appointed by our board of directors to deal with these matters nearly 2 years ago. As chairman of this industry-wide committee, I wish to assure you of our interest.

"We would welcome the opportunity of counseling with your staff in regard to any consideration involving cigarette machines, if they should come under discussion as part of your program.

"Sincerely yours,

"Louis J. Risman,

"Chairman, Special Committee on Cigarette Vending."

Mr. DIRKSEN. In view of the widespread public interest in the smoking habits and cigarette purchasing patterns of teenagers, the vending industry should be commended for having requested an impartial, nationwide study of these matters by one of the Nation's foremost youth research organizations, the Gilbert Youth Research firm of New York City.

This study is the most comprehensive research ever undertaken about this subject and has rightfully earned the commendation of the American Cancer Society. Highlights from the results, as shown below, are worthy of the attention of educators and public health officials as well as the general public.

HIGHLIGHTS: GILBERT YOUTH RESEARCH STUDY OF TEENAGE CIGARETTE PURCHASE AND SMOKING HABITS

This independent study of the entire U.S. teenage population was undertaken by Gilbert Youth Research—the Nation's foremost research agency in the youth field.

It is an unbiased report based on teenagers' own responses about a subject hitherto clouded by allegations and publicity but not—until now—based on valid research data.

TEENAGERS' SMOKING HABITS

First. Seven of ten teenagers—71 percent—do not smoke.

Second. Few 13- and 14-year-olds smoke cigarettes—less than 15 percent.

Smoking increases with age: 15 years, 22 percent; 16 years, 27 percent; 17 years, 37 percent; 18 years, 47 percent.

Third. The average teenage smoker smokes less than four packs per week; 57 percent smoke less than three packs per week.

WHERE TEENAGERS OBTAIN CIGARETTES

First. More than 7 out of 10 teenagers—74.6 percent—do not buy any cigarettes—includes all teenagers, smokers plus nonsmokers.

Second. Seven out of ten teenage smokers obtain their cigarettes most frequently by buying them—72.2 percent of the 29 percent who smoke. Friends and family provide cigarettes for more than one-fourth of teenage smokers—27.8 percent.

Third. Seven out of ten who buy their cigarettes, usually buy them over the counter from a sales clerk—73.1 percent. In drugstores, 52.1 percent. In supermarkets, 13.9 percent. In small food stores, 12.8 percent.

THE ROLE OF THE VENDING MACHINE

First. Only 4.5 percent of all teenagers frequently buy their cigarettes from vending machines—94.2 percent of all teenagers never buy cigarettes from vending machines—even if the occasional purchasers are added to the above 4.5 percent.

Second. Of the teenage smokers only one out of five buy cigarettes from vending machines—21.4 percent. Of all teenage smokers, 67.7 percent seldom or never buy from cigarette machines. One-third of this group says "vended cigarettes are too expensive."

WHY DO TEENAGERS SMOKE?

First. Six out of ten teenage smokers have their parents' permission—60 percent of all teenage smokers. The figure is even higher for 17-year-olds—70 percent—and for 18-year-olds—80 percent.

Second. Parents' smoking is directly related to smoking by their children. More mothers and fathers of teenage smokers smoke cigarettes than the parents of nonsmokers—also borne out by studies of the American Cancer Society.

Third. One out of two teenagers do not know why they started to smoke—13.2 percent say they followed the example of their friends. None blamed vending machines for starting them.

The Gilbert study of teenage cigarette purchasing and smoking habits was conducted in 1963, by request of the National Automatic Merchandising Association.

It is based on personal interviews with nearly 2,000 teenagers—aged 13 through 18. This sample is statistically representative of the entire U.S. teenage population.

STATEMENT BY FORMER PRESIDENT HOOVER

Mr. DIRKSEN. Mr. President, one of the most interesting and incisive statements ever uttered by President Hoover appeared in the Woman's Home Companion on October 25, 1948. I regard it as worthy of preservation for the future, and I ask unanimous consent that it be printed in the body of the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The Miracle of America

(By Herbert Hoover)

(Note.—Wherever freemen live, America shines as a beacon in the gloom. Yet here—in America—criticism of our way of life comes from many sides. The right to criticize is part of our American system. But in this crucial period, isn't it time for us to reaffirm our faith in ourselves? Mr. Hoover's warm grasp of the basic values which have made this country great should go far toward lifting up our hearts. Appearing in the November Companion, now on sale, this important and inspiring message from our only living ex-President is reprinted here in full.)

During the last score of years our American form of civilization has been deluged with criticism. It comes from our own people who deplore our undoubted faults and genuinely wish to remedy them. It comes from our political parties by their denunciations in debate of our current issues. It arises from the forthright refusal of the American people to wash their dirty linen in secret. It comes from our love of sensational incidents where villainy is pursued by law and virtue triumphs. It comes from intellectuals who believe in the American system but who feel that our moral and spiritual greatness has not risen to the level of our industrial accomplishments.

Criticism also comes from our native Communists who want to overturn the system. And from the fuzzy-minded totalitarian liberals who believe that their creeping collectivism can be adopted without destroying personal liberty and representative government. It comes bitterly and daily from the governments behind the Iron Curtain and their officials and even from the press of the Western European nations that we are trying to help.

Altogether we seem to be in a very, very bad way and engaged in our decline and fall. Criticism is no doubt good for our national soul—if it does not discourage us entirely.

Perhaps the time has come for Americans to take a little stock and think something good about themselves.

We could point out that our American system has perfected the greatest productivity of any nation on earth; that our standard of living is the highest in the world. We could point to our constantly improving physical health and lengthening span of life. We could mention the physical condition of our youth as indicated somewhat by our showing in the recent Olympic games.

In the governmental field, we could suggest that our supposedly decadent people still rely upon the miracle of the ballot and the legislative hall to settle their differences of view and not upon a secret police with slave camps.

In the cultural field, we could point out that with only about 6 percent of the world's population we have more youth in high schools and institutions of higher learning, more musical and literary organizations, more libraries, and probably more distribution of the printed and spoken word than all the other 94 percent put together.

On the moral and spiritual side, we have more hospitals and charitable institutions than all of them. And we could suggest that we alone, of all nations, fought in two world wars and asked no indemnities, no acquisition of territory, no domination over other nations. We could point to an advancement of the spirit of Christian compassion such as the world has never seen, and prove it by the tons of food and clothes and billions of dollars we have made as gifts in saving hundreds of millions from famine and governments from collapse.

Much as I feel deeply the lag in spots which do not give equal chance to our Negro population, yet I cannot refrain from saying that our 12 million Negroes probably own more automobiles than all the 200 million Russians or the 300 million Negroes under European governments in Africa.

All of which is not boasting, but just fact. And we could say a good deal more.

Whatever our faults may be, our critics do not grasp the sense of a word which is daily on our lips—America. From its intangible meanings spring the multitude of actions, ideals, and purposes of our people. Recently I had an occasion to say something on that subject which I can summarize here.

America means far more than a continent bounded by two oceans. It is more than pride of military power, glory in war or in victory. It means more than vast expanse of farms, of great factories or mines, magnificent cities or millions of automobiles and radios. It is more even than the traditions of the great tide westward from Europe which pioneered the conquest of a continent. It is more than our literature, our music, our poetry. Other nations have these things also.

What we have in addition, the intangible we cannot describe, lies in the personal experience and the living of each of us rather than in phrases, however inspiring.

Perhaps without immodesty I can claim to have had some experience in what America means. I have lived many kinds of American life. After my early boyhood in an Iowa village, I lived as the ward of a country doctor in Oregon. I lived among those to whom hard work was the price of existence. The opportunities of America opened up to me the public schools. They carried me to the professional training of an American university. I began by working with my own hands for my daily bread. I have tasted the despair of fruitless search for a job. I know the kindly encouragement of a humble boardinghouse keeper.

I have conducted the administration of great industries with their problems of production and the well-being of their employees.

I have seen America in contrast with many nations and races. My profession took me into many foreign lands under many kinds of government. I have worked with their great spiritual leaders and their great statesmen. I have worked in governments of freemen, of tyrannies, of Socialists and of Communists. I have met with princes, kings, despots and desperados.

I have seen the squalor of Asia, the frozen class barriers of Europe. I was not a tourist. I was associated in their working lives and problems. I had to deal with their social systems and their governments. And outstanding everywhere to these great masses of people there was a hallowed word—America. To them it was the hope of the world.

Every homecoming was for me a reaffirmation of the glory of America. Each time my soul was washed by the relief from the grinding poverty of other nations, by the greater kindliness and frankness which comes from acceptance of equality and the wide-open opportunity to all who want a chance. It is more than that. It is a land of self-respect born alone of freemen.

In later years I participated on behalf of America in a great war. I saw untold misery and revolution. I have seen liberty die and tyranny rise. I have seen human slavery again on the march.

I have been repeatedly placed by my countrymen where I had need to deal with the hurricanes of social and economic destruction which have swept the world. I have seen bitter famine and the worst misery that the brutality of war can produce.

I have had every honor to which any man could aspire. There is no place on the whole earth except here in America where all the sons of man could have this chance in life.

The meaning of our word America flows from one pure source. Within the soul of America is the freedom of mind and spirit in man. Here alone are the open windows through which pours the sunlight of the human spirit. Here alone human dignity is not a dream but a major accomplishment.

At the time our ancestors were proclaiming that the Creator had endowed all mankind with rights of freedom as the children of God, with a free will, the German philosophers, Hegel and others, and later Karl Marx, were proclaiming a satanic philosophy of agnosticism and that the rights of man came from the state. The greatness of America today comes from one philosophy, the despair of Europe from the other.

But there are people in our country today who would compromise in these fundamental concepts. They scoff at these tested qualities in men. They never have understood and never will understand what the word America means. They explain that these qualities were good while there was a continent to conquer and a nation to build. They say that time has passed. No doubt the land frontier has passed. But the frontiers of science and better understanding of human welfare are barely opening.

This new land of science with all its high promise cannot and will not be conquered except by men and women inspired by these same concepts of free spirit and free mind.

And it is those moral and spiritual qualities which rise alone in freemen which will fulfill the meaning of the word American. And with them will come centuries of further greatness to our country.

TRIBUTES TO FORMER PRESIDENT HERBERT CLARK HOOVER

Mr. DIRKSEN. Mr. President, a gentleman in New York by the name of Mr. J. David Heaphy has gone to the trouble of eliciting from the States of the Union resolutions passed by them in testimony to Herbert Clark Hoover, designating a day in his honor.

I ask unanimous consent that they be reproduced in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
August 10, 1964.

Whereas, persons, groups, organizations, and elements of government, local, State, National, and from abroad, are joining together on a nonpartisan and nonpolitical basis; and

Whereas this joint endeavor is to pay honor and tribute to one whose life has reflected great credit not only upon himself, but upon his country by virtue of his tremendous and unstinting efforts on behalf of others, in his religious life, his political service, and most especially, his humanitarian contributions affecting many countless millions of people in more than 25 countries; and

Whereas he has maintained an unceasing interest in youth, in education, and in those less fortunate and in need; and

Whereas his 90th birthday is Monday, August 10, 1964;

Now, therefore, I, John A. Love, Governor of the State of Colorado, do hereby proclaim Monday, August 10, 1964, as Herbert Clark Hoover Day in Colorado, and do urge that flags of country and State be properly displayed; and that in honor and tribute to this great American, we dedicate ourselves to ever-greater interest in our senior citizens, in youth, in those less fortunate among us, and especially in greater opportunities in the fields of education.

Given under my hand and the executive seal of the State of Colorado, this 7th of August 1964.

JOHN A. LOVE,
Governor.

STATE OF MICHIGAN,
Lansing.

PROCLAMATION—HERBERT HOOVER DAY

Our Nation and its unparalleled heritage have been preserved over the years through the patriotism, devotion, and service of many great Americans. These guardians have provided the firm bulwark of our priceless freedom and have stood strong for the principles upon which this Nation was born.

On Monday, August 10, we shall humbly honor a truly great and good man and a very fine American, Herbert Clark Hoover, our renowned 31st President, former Secretary of Commerce, and a remarkable individual with a humanitarian regard for the dignity of all, will watch the unpretentious passing into his 90th year.

His tremendous and varied contributions while in the service of his country and fellow man shall forever be a lasting tribute to this former President, respected statesman, friend of youth, and resolute believer in efficient and proper government. His mark has been made. It behooves all thankful countrymen to express our grateful appreciation in a fitting, although incomplete, manner to a man who lives the American ideals.

Therefore, I, George Romney, Governor of the State of Michigan, do hereby proclaim Monday, August 10, 1964, as Herbert Hoover Day in Michigan, in recognition not only of Mr. Hoover's 90th birthday but, more importantly, as part of a gesture of a grateful Nation remembering a leader who has contributed so much to the strength of his beloved country.

Given under my hand and the great seal of the State of Michigan, this 6th day of August in the year of our Lord 1964 and of the Commonwealth 128th.

George Romney,
Governor.

Proclamation, State of Maine

Whereas many persons, groups and organizations are joining together to pay honor to former President Herbert Hoover as one whose life has reflected great credit not only upon himself, but upon his country by virtue of his tremendous and unstinting efforts on behalf of others and especially for his humanitarian contributions affecting many countless millions of people in more than 25 countries; and

Whereas President Hoover has always maintained an unceasing interest in youth, education and in those less fortunate; and

Whereas President Herbert Hoover will celebrate his 90th birthday on Monday, August 10, 1964;

Now, therefore, I, John H. Reed, Governor of the State of Maine, do hereby proclaim August 10, 1964, as Herbert Hoover Day in the State of Maine and urge that proper honor and tribute be rendered this great American and that our citizens rededicate themselves to the principles to which he has dedicated his life.

Given at the office of the Governor at Augusta and sealed with the great seal of the State of Maine, this 5th of August, 1964, and of the independence of the United States of America, the 189th.

John H. Reed.

By the Governor: Paul A. McDonald, Secretary of State.

Executive Chambers,
Honolulu.

Message From Gov. John A. Burns, Honoring Herbert C. Hoover, August 10, 1964

In behalf of the people of Hawaii, it gives me great pleasure to join in the nationwide, nonpartisan tribute being paid to a great American, our former President Herbert C. Hoover on his 90th birthday.

Mr. Hoover has reflected great credit not only upon himself, but upon his country and on all Americans, by virtue of his unstinting devotion to others in his public service. His many humanitarian contributions have affected the lives of countless millions of peoples throughout the world.

Mr. Hoover's unceasing interest in youth, in education and in the welfare of those less fortunate and in need of assistance have served to inspire all who revere the fundamental principles of American democracy and who believe in the worth and dignity of the individual.

I am pleased, therefore, to join in the observation of Mr. Hoover's 90th birthday anniversary by designating Monday, August 10, 1964, Herbert C. Hoover Day in Hawaii; and I urge my fellow citizens to pay tribute to this great American by rededicating ourselves to ever greater interest in our senior citizens, in our youth, in those less fortunate among us, and especially in greater opportunities in the field of education.

John A. Burns.

EVALUATION OF TOXICITY OF CHEMICALS IN MAN

Mr. DIRKSEN. Mr. President, there has been so much interest in insecticides, pesticides, toxicity, and the destruction of wildlife that an article from the American Medical Association Journal, under the title of "Perspective Versus Caprice in Evaluating Toxicity of Chemicals in Man" is at this time quite worthy of reproduction in the Record, and I ask unanimous consent to have it printed.

There being no objection, the article was ordered to be printed in the Record, as follows:

Perspective Versus Caprice in Evaluating Toxicity of Chemicals in Man

(Chairman's address: Maurice H. Seevers, M.D., Ph. D., Ann Arbor, Mich.)

Life in these United States in the mid-20th century is so dependent on the product of chemical technology that no field of human thought or endeavor can ignore its dominating influence. Given reasonable time, the chemist appears to be able to construct a product to meet almost any set of specifications, the limiting factor being the imagination of the designer. Developments in this field have moved forward so rapidly in the last two decades that even the pharmacologist can scarcely keep abreast of the influx of new drugs, while the toxicologist is swamped with the multitude of agricultural, industrial, and household chemicals that are flooding the market.

Many of these compounds are highly toxic by any standard. Others are potentially capable of effecting long-range biological actions about which little is presently known. The public, ignorant of these effects, deserves and expects protection against unlimited exploitation of these new substances. The question is how much protection a government can be expected to guarantee to the Nation and how it shall be accomplished. It would appear to be in proper perspective to say that the least the public should expect is that the algebraic sum of beneficial and detrimental effects of any chemical substance represent a significant positive balance in favor of benefits to the person and/or the state. By the same token, it seems out of perspective to attempt to protect the public against every conceivable contingency that may occur. The quantity of technical information concerning the biological actions of old and new chemicals, even in that circumscribed area of principal interest to the physician, the effects of chemicals on man, is now so great as to pose a most difficult problem in medical education, since it is to be expected that the medical student, the general practitioner, and even the medical specialist can assimilate only a very small fraction of this mass of material.

American physicians are indeed fortunate in being able to inform their patients that drugs purchased on prescription or for self-medication are almost certain to be of proper identity, purity, quality, and quantity. This situation is virtually guaranteed by the wise provisions of the Food, Drug, and Cosmetic Act of 1938, especially the new drug section, which requires approval in advance of distribution. In the main, fair perspective has been maintained in administering the act as it relates to drugs, and the medical profession has retained the initiative in this area, probably because it is better informed about the tools it uses daily. Drugs, however, represent only a relatively small fraction of the total problem of toxicity of chemicals for man. It is also the easiest fraction with which to deal, since a greater risk is permitted and toxicity is usually easier to determine. In the fields of food additives, pesticide residues, industrial exposure, and many other situations involving borderline decisions between toxicity and nontoxicity, the problems are exceedingly difficult. In these areas, the medical profession has lost the initiative, even in many situations in which its members are the only persons with competence to make decisions critical to the public welfare.

This is not surprising and may not even be seriously detrimental to the public welfare, since decisions based on this technical information affect every facet of human activity so profoundly that they represent legitimate concern of sociologists, economists, legalists, moralists, politicians, and internationalists, as well as physicians and biologists. It is almost axiomatic that areas of activity such as these, in which opinion must often substitute for lack of factual data, may also become the province of the crackpot, the self-styled scientist, and the well-meaning but misinformed reformer. Any of these persons may exert a powerful influence on the general public by posing as a champion of the individual safety and protector of the public welfare.

It would be surprising indeed if proper perspective were to be retained by all participants in a situation involving such a large number of points of view and so many selfish interests. Who should logically bear the responsibility for maintaining proper perspective in a situation that involves such a maze of conflicting forces? Obviously the principal responsibility for retaining perspective is in the hands of those who are authorized to administer the law and the regulations enacted under the law.

My purpose is to call attention to certain situations involving nondrug chemicals, food additives, pesticides, and other commonly used products. These facts should be of interest, since their implications represent a cause for professional as well as civic concern. As a pharmacologist, whose business it is to keep informed on matters related to toxicity, I am in a position to recognize and to view with alarm the gradually growing body of practical propagandistic pseudoscience that is being permitted to increase by those who are legally and morally responsible for retaining perspective, in order to fulfill what they believe, undoubtedly in all honesty, to be their obligation to the American public.

EXISTING LEGISLATION AND PHILOSOPHY

For approximately 50 years, the Food Division of the Food and Drug Administration has adhered to a basic administrative policy that no chemical shall be added to foods. This philosophy was first established, even prior to the enactment of the 1907 Food and Drug Act, by H. W. Wiley, who was then Chief of the Bureau of Chemistry, U.S. Department of Agriculture, the predecessor of the present Food and Drug Administration. There have, of course, been many decisions that are contrary to this policy, since it is difficult to consistently find scientific support for a negative position. It is not my intention to discuss the merits of this policy but to declare what I believe to be the results in loss of perspective from adherence to an administrative policy that is not based on sound scientific principle. Lest there be any doubt that such a policy is still in existence, I quote from testimony offered by Dr. Dunbar, the recently retired Commissioner of the Food and Drug Administration, before the House Select Committee To Investigate the Use of Chemicals in Food Products, the Delaney committee: "I feel that no chemical or no new chemical that is subject to any question as to safety should be employed until its possible injurious effect, both on acute and over a longtime chronic basis, has been shown to be nonexistent. In other words, any chemical that is proposed for use ought to be approved in advance of distribution in the food product to be utterly and completely without the possibility of human injury." Strict adherence to this statement would be to deny man the use of every chemical substance in view of the unquestioned fact that no method ever has been, or ever can be, devised that will permit an exact advance prediction of human hazard. In simple terms, no competent pharmacologist, toxicologist, or clinician will guarantee that there is no risk present in making available a new chemical for widespread distribution.

Although I believe that any philosophy based essentially on prohibition is impossible of scientific defense, my concern does not stem primarily from this fact. I am much concerned, however, as a scientist, about the methods used in the name of science to support an indefensible policy. These methods are essentially based on a studied attempt to confuse and mislead the public. My remarks are not intended to be an exercise in semantics, but I wish to make my point by relating what has happened to the terms, toxicity and poisonous. These terms have become so misused and so abused by pseudoscientists, politicians, and others that they now connote almost any type of action, or reaction, whether biological, sociologic, or economic, that is reported to be inimical to the public interest. The shifting of these terms from a scientific to a lay connotation places the pharmacologist and the toxicologist, as well as the clinician, in a dilemma. They are asked and expected to do the impossible. The principal task of the pharmacologist and the toxicologist is to supply sufficient basic information concerning the biological action and potential toxicity of a chemical substance on animals to warrant its preliminary clinical study in man as a calculated risk. What is the purpose of these studies if their application to man is denied? The a priori determination of calculated risk is an exceedingly complicated problem. In many instances it must involve the considered judgment of a large number of fully competent specialists in a variety of fields, including nonbiological areas. This is especially true when prolonged and extensive exposure of a whole population is involved.

As a result of the fact that so many persons may ultimately become involved and that so many decisions may be necessary to determine the calculated risk with accuracy, the easiest position for those in fields of great responsibility to assume is one that amounts virtually to complete prohibition based solely on absolute toxicity. This can be easily accomplished by the establishment of standards that are impossible to attain regardless of conditions of use capricious and discriminatory decisions, and the like. Such a view is easy to assume since it is most amendable to regulation, requires the least energy to defend and to administer, and requires no effort whatsoever to muster the support of the extremists, the misinformed, and the opportunists, to mention but a few. Strangely enough, the public appears to demand a share in deciding what shall be a calculated risk, although this seems contrary to the statements of representatives of this philosophy. A few examples will suffice. The per capita use of cigarettes increases each year in spite of the warnings about such deleterious effects as cancer. The per capita consumption of alcohol has never diminished appreciably, although its misuse represents one of the most important sociologic and medical problems. Did the rebellion against the Volstead Act represent a perversity of an ignorant population or did it indicate that, even though a majority of the consumers of alcohol knew its potential toxicity and its personal as well as a social hazard, they were still willing to calculate these risks to be warranted when balanced against personal and social benefits?

There is a tendency to believe, or to lead the public to believe, that the new chemical agents are fundamentally different from those old chemicals with which we have long been in contact. The inference is made that some new principles are needed for handling the problems of toxicity that arise in this advanced chemical age. These new chemicals, however, do not differ in any respect, except possibly in potency, from those with which we are more familiar. Nearly every known chemical substance can produce a toxic action on man if the exposure is adequate. In fact, selective toxicity is the basic principle that governs the activity of the large segment of the chemical industry that deals with the actions of chemicals on biological systems. This principle is basic in the search for a cure for cancer, tuberculosis, or any other disease, as well as in the search for a new insecticide, soil fumigant, or food preservative.

It cannot be denied that sensible laws and regulations are necessary to protect the public against itself and against those unscrupulous persons who would prey on the ignorance or cupidity of individual members of the population. It would appear to be neither dignified nor necessary to use shabby tactics to effect this protection. Yet shortsighted policy, incompetence, bureaucracy, and politics have resulted in such an admixture of fiction with science that it is no longer possible to distinguish truth from propaganda, and vice versa. Numerous technical devices that prohibit rather than aid the determination of the factual state as it relates to toxicity have become established over a period of time; for example, the use of the terms adulteration and standards of identity as virtual synonyms for toxicity has become common administrative practice. Other examples include the use of arbitrary margins of safety without much regard for the conditions of use, transference of toxicity data from its application in one use to an instance in which the data apply to another use, without consideration of the hazard or calculated risk in the latter usage, the denial of established facts based on experience with large groups, of human beings if these facts deviate from findings in other animal species, and the use of incompetent witnesses or pseudoscientists to bolster up administrative decisions and influence legislation.

One of the best recent examples of this type of action relates to the decision that bans softeners in bread. These cannot be considered to represent a biological hazard under present conditions of use. That softeners may not offer sufficient material benefit to society to warrant their use is not the point. The real point is how the problem was solved administratively in order to muster support for the decision to discontinue the use of softeners. This was done by declaring the manufacturers guilty of "deceptive" practices in the name of toxicity because these substances had not been shown to have been nontoxic throughout the whole lifetime of man. If this is perspective, then the scientist had better go out of business.

OUTLOOK FOR FUTURE LEGISLATION

Prolonged adherence to a philosophy of action that places the burden of proof on the administrator, as is the case with foods under the present law, is no easy task especially when capricious decisions are under constant attack. As is inevitably the case when technical progress exceeds human capacity to deal adequately with a problem, solution is sought in further legislation. Theoretically, this should represent a gain to the State since, in principle, laws are enacted to enable society to retain or regain perspective rather than the converse.

Be that as it may, new legislation is now being considered that will set up a so-called new chemical section of the Federal act that will deal with foods and food products, and will be analogous to that now in use for new drugs. The principal provision of this proposed legislation would be to require proof of the nontoxicity of chemicals in advance of their use. I do not intend to discuss the merits of this new legislation, except to say that I believe that it could be as beneficial as the present new drug section providing it was formulated, enacted, and administered with perspective based on scientific fact. I believe that physicians, who obviously have a vital concern with this problem, should be apprised of the total situation as it now exists, since such new legislation if administered by the existing philosophy would assure a permanently distorted approach to the problem.

In order to effect such legislation, an "impartial" committee of the House of Representatives to investigate the use of chemicals in food products was impaneled to hold hearings on the problem. In the midst of these hearings, the chairman, JAMES P. DELANEY, of New York, published an article in July 1951 issue of the American magazine. This lurid article, a masterpiece of innuendo and fantasy, based principally on conjecture, was designed for the one purpose of frightening the housewife into demanding further legislation. Mr. DELANEY stated: "The Food and Drug Administration has listed 704 chemicals which are being used in our regular food supply, of which only 428 are known to be safe. In other words, 276 chemicals are unknown and untested quantities, and some of them may be slowly poisoning us.

"This potentially lethal situation is due to a curious loophole in our present laws, a tragic legal joker that permits us to become a nation of 150 million guinea pigs guilelessly testing out chemicals that should have been tested adequately before they reached our kitchen shelves.

"Doctors testifying before the House committee have stated that there may be some connection between these new chemicals and the increase of such diseases as cancer, polio, and the mysterious virus X."

It is interesting to note that laymen also testified before the committee on medical subjects. "Louis Bromfield, novelist and gentleman farmer, testified that virus X, the mysterious, influenza-like epidemic disease, may be nothing more than manifestations of DDT poisoning; and the increased incidence of heart disease, cancer, and leukemia may result from cumulative poisoning by pesticide residues." Evidently, medical evidence from a layman was just as convincing to the House committee as that from the doctors.

Examination of the testimony that was collected with the active backing and support of the regulatory agency involved and was offered before the Delaney committee reveals it to be largely of the caliber just mentioned. For example, nitrogen trichloride (Agene) has been used in the United States for over 25 years to age and bleach flour. A few years ago, it was discovered that this compound produces convulsions in dogs. Although the American people, for 25 years, have been using bread made of flour bleached with this agent, there is no evidence that it has had any deleterious effect on them; yet several self-styled experts, writing in the press and testifying in the Delaney hearing, conjectured or inferred that epilepsy, alcoholism, and a variety of compulsive, convulsive, and excitatory disorders may have resulted from the use of this material for the last 25 years. Millers and bakers "voluntarily" agreed to abandon its use. I would not object to this action even if legal compulsion had actually been required to enforce it. In this particular instance, the justification for use is so negligible that the calculated risk must be equally negligible. I oppose vigorously, however, the capricious use of these data even to infer toxicity for man. This is more reprehensible since it was designed primarily, if not exclusively, to influence legislation.

If a negative experiment on man involving a 25-year trial in a whole population (possibly 2.5 billion man-years) is ignored as proof of nontoxicity, what conceivable type of evidence could a pharmacologist or a clinician present in advance of distribution in a food product to be utterly and completely without the possibility of human injury?

In the defense of the competent and experienced scientists associated with these regulatory agencies, let me say that they are often forced by their position to render decisions in the face of innumerable pressures, even though they often lack the definitive information necessary to an adequate decision. This is likely to become worse rather than better. For this reason, some measures should be taken that would permit them to share responsibilities in areas in which they lack competence. Let me cite a few examples of current or future headaches. Chemicals for systemic use that are effective in population control are now available. Can a few administrators with small technical staffs deal adequately with this problem? The problem of carcinogenicity of chemicals stands as an ever present shadow over those responsible for making decisions. There is no possibility of devising experiments on animals that will conclusively guarantee in advance freedom from such an action in man. Are we to deny ourselves the trial use in man of all chemicals because of a possible carcinogenic effect? Chemicals that will alter genetic characteristics in plants, modify their growth, and produce numerous modifications of their biological characteristics have long been known. It is only a matter of further study to find such chemicals that will produce similar effects in man. Probably they will be discovered by accident. In all likelihood, they will not be ascertained in advance. The imagination of the reader may furnish even tougher assignments for the future. Undoubtedly, if most of us were confronted with such problems we would fumble and possibly lose perspective. I hope, however, not to such a degree as to advocate 10-year administration of chemicals to the monkey before admissibility for use in man as was advocated by a well-meaning witness in testimony before the Delaney committee. As one who knows from 25 years' experience how difficult it is to maintain monkey colonies for even a few years, I doubt that the witness has much competence in this area.

CONSIDERATION OF BASIC PRINCIPLES

Is there a better solution to the problem of properly evaluating toxicity of chemicals for man without resorting to the unscientific methods already alluded to? Without offering a categorical answer to this question, it appears timely at least to reconsider what I believe to be certain irrefutable principles upon which evaluation of human toxicity must be based. (1) Every chemical substance has a nontoxic and a toxic dose for man; that is, no chemicals must be poisons, and all chemicals can be poisons. (2) The use of every chemical substance by man, whether it be as a food, drug, cosmetic, insecticide, or for any purpose, is a potential hazard. There are only few exceptions. The risk may be very small or very great, depending on the nature of the chemical, the conditions on use, the degree and duration of exposure, and the condition of the person. (3) The toxicity of chemicals for man can be ultimately determined only by experiments on man. Studies on many species of infrahuman forms can give reasonable assurance that the chemical may be tried in man with a minimal risk, but no set of conditions involving animals alone can prove nontoxicity or toxicity for man. The determination of certain types of potential toxic effects such as genetic changes or carcinogenicity may require several generations or a lifetime of large human populations. It cannot be determined conclusively on any other animal species. On the basis of numerous examples of specific toxic action limited to a single animal species, it is safe to conclude that some day a chemical will appear that is specifically toxic for man alone. (4) The use of every chemical substance in man involves a calculated risk. The degree of risk is calculated by balancing the toxicity of the chemical under conditions of use (its hazards) against its benefits to man, whether these benefits are direct or indirect. Minimal risk is encountered when the dose or extent of exposure is calculated to be tolerated by the weakest member of the population. This would take into account every person who may be specifically sensitive to the chemical. For chemicals designed for internal use or capable of being absorbed into the body, it is impossible to predict with certainty in advance a quantity of the material, or establish a regimen of exposure, or to calculate a margin of safety, which will at the same time assure complete biological effectiveness and absolute nontoxicity in any human population. In other words, the maximal tolerated dose for the weakest member of a population may be ineffective in the most resistant, whereas an effective dose for the latter may be toxic to the former. The common practice of arbitrarily assuming a so-called margin of safety for man, calculated on the basis of data on animals, usually a quantity or concentration tenfold to a hundredfold greater than that shown to produce minimal injury in animals, is at best no more than a means of permitting preliminary experiments in man. At its worst, when used as a substitute for human experience, it arbitrarily eliminates from consideration substances that may be of great practical value. In any event, scientific considerations would demand that such calculations be discarded entirely in the face of human data. (5) The greater the benefit of a chemical substance to man, the greater the justification for the increase in risk in its use. For example, an invariably fatal disease justifies the use of severely toxic compounds. As much as 10-percent expansion of a national food supply by the use of a food preservative or a pesticide would appear to justify a greater degree of risk than that ordinarily permitted in foods in view of the world responsibilities this Nation is being called on to assume. In countries where critical food shortages exist, the individual risk could be very materially increased when it is balanced against national malnutrition and death from starvation.

On the basis of these considerations, we are now, and we will always be, confronted with two distinct and difficult problems, even after the pharmacologist has completed his studies on animals. First, the actual determination of toxicity in man. This requires now, as it will always require, pilot scale use of chemicals in man under controlled conditions in order to ascertain whether full-scale use on the whole population may be justified. Such a procedure is inevitably associated with a certain calculated risk. Neither legislation nor regulation will alter this fact. The only obvious solution to this problem appears to be "limited use" acceptance until sufficient data in man are collected to arrive at a conclusion. This type of approval obviously could be justified only in the light of careful evaluation of justification for use. The only alternative, from a scientific and medical point of view, is for the public, satisfied with the status quo, to declare a moratorium on further technological advance in the chemical field and individually and collectively to refuse to play the role of Mr. Delaney's "guileless guinea pigs."

The second problem is the determination of justification for use in the light of all the biological and social forces existent in the population. In the latter area, no satisfactory agency or mechanism exists with the composite know-how and vision to deal satisfactorily with this problem, nor does it seem desirable to create such a permanent agency, because each new problem requires a different background in skills and experience for an equitable decision. The real defect in our thinking at the national level has been that, whereas we have created the mechanism for accurately determining toxicity in animals and we know how to determine toxicity in man with a minimal risk, the most difficult facet of this problem, the determination of justification for use, has not been kept in proper focus. It does not seem likely that perspective can be easily gained when any person may assume competence and get a respected hearing without regard to his training, experience, or judgment in these difficult areas, in our lawmaking tribunals.

It would appear that a satisfactory solution to both problems might be gained by the use of ad hoc committees implemented by qualified persons of wide experience and judgment in the principal areas under consideration. Such a technique, while not relieving the regulatory agencies of responsibilities assigned under the law, would have the obvious advantage of at least assuring the public of valid technical as well as moral justification for decisions that might otherwise be made without perspective. Such a commendable plan, operating within the framework of the National Research Council, was utilized most effectively in bringing perspective to a difficult problem dealing with toxicity of one of the antibiotics. Expansion of this technique into other branches of knowledge as they relate to this whole problem of toxicity would appear to be a most worthwhile experiment. Finally, the public should be informed as to the facts. In the final analysis, it is the citizen who would like to assess the calculated risk for himself.

THE FOOD STUDY COMMISSION

Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have inserted in the Record my statement with reference to the capabilities and authority of the recently created Food Study Commission.

There being no objection, the statement was ordered to be printed in the Record, as follows:

When the work of the 88th Congress comes to be judged, I think it likely that the passage of Senate Joint Resolution 71 will be considered one of the important things we have done.

In the passage of that resolution we have for the first time moved toward a serious overall examination of our modern agricultural economy. We have been conscious for at least a generation that the American farm economy was changing and that much of it was in trouble. A massive flow of statistics has proven to all of us that our farm economy is in a way our greatest achievement. It is the wonder of the world. It feeds us as a nation and provides us with surpluses that enable us to provide enoromus quantities of needed food abroad. No people has been so well fed as we now are and no farmers have ever been so productive as ours. Yet at the same time we have all known that the American farmer has not had his full reward in the abundance he has created. Agricultural wages and the income from farming are lower than they should be if the American farm economy is to survive in a healthy condition. Its health seems plainly threatened by certain present day tendencies toward the concentration of economic control, and inevitably ownership, in a few hands.

The strength of our institutions, both political and economic, has traditionally required a wide distribution of power. The tradition is sound. We have prized the checks and balances of our political system, and we have sought to maintain a less formal but equally real balance in our economic arrangements. This balancing of interests in the field of agriculture now appears to be gravely disturbed. On the surface at least the enormous economic power of the whole farm economy seems to be increasingly massed in the hands of the relatively few great retail marketing groups.

One of the things that I hope the Food Commission will consider at length is the process by which these great retail marketing groups are coming to control the production of particular commodities by marketing practices that play off one producer against others. This process could be dangerous. Producers with their own brands and with some present economic independence can, by these practices, be reduced to the status of anonymous suppliers at the prices and on the terms of the few groups dominating the retail market for food.

This process may, in the short run and on the short view, give some passing advantage to the consumers of food. These consumers may for a time get certain commodities at lower prices—until the producers' independence is lost. In the long run and on the long view the consumers will suffer. As competition in the production and marketing of food disappears, prices are likely to rise. And as consumers we are not only consumers, but citizens too. The creation of a monopoly or an oligopoly agriculture will weaken us as a people. To the extent that we become—to borrow a phrase from Joseph Eastman, who was a great public servant—"a nation of clerks and subordinates" we are all diminished and injured.

This particular problem is complex and needs to be studied. The remedy for it may be complicated and difficult to contrive. At the opening of the next Congress I hope the Study Commission created to investigate this matter will be able to provide a constructive report on this particular activity.

FEDERAL EXPENDITURES FOR SOUTH DAKOTA

Mr. McGOVERN. Mr. President, recently my office compiled figures for the amount of Federal expenditures going into South Dakota and the tax collections of the Internal Revenue Service involving South Dakota citizens.

The compilation indicates that the Federal Government is spending $507 million in South Dakota, and is collecting $147 million in taxes, or a ratio of 3 to 1. The West River Congressman has suggested that certain hidden taxes on such items as automobiles, cigarettes, and appliances raise the total level of South Dakota Federal taxes to $263 million. If the Congressman's estimate is correct, South Dakotans are receiving nearly $2 in Federal expenditures in our State for every dollar they pay in Federal taxes.

I ask unanimous consent to have printed in the RECORD a news report on my compilation. The article was printed in the Sioux Falls Argus-Leader on August 2, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MCGOVERN FIGURES UNITED STATES REPAYS SOUTH DAKOTA $3 FOR $1

For every $1 South Dakota sends to Washington, $3 comes back in Federal payments.

A tabulation by Senator GEORGE MCGOVERN, Democrat, of South Dakota, shows that during fiscal year 1963, the Federal Government paid out $507,155,000 in South Dakota. The figure includes payments on salaries, grants, farm price supports, contracts, and loans.

According to Senator MCGOVERN's study, the Bureau of Internal Revenue collected $147,800,000 during the same period in South Dakota. The outlays in the State were thus $3.43 for each $1 collected by the Internal Revenue Service.

The biggest spender in the State was the Department of Defense at $165,713,000. The Department of Agriculture was second at $131,565,336.

The Department of Defense expenditures included $80 million of prime contracts awarded to firms located in the State, $31 million spent on "civil functions" (Missouri River dams, etc.), $28 million of military pay, $11 million civilian pay, and $5.6 million for the National Guard.

The Department of Agriculture's budget in the State included $37.5 million of crop price support loans, $23 million in acreage diversion payments, $3.5 million in wool incentive payments, $25 million of Farmers Home Administration loans, and about $3 million of rural electrification loans.

The Department of Health, Education, and Welfare, which sent $81.7 million into the State, ranked third among the departments in payments in South Dakota. More than half of the total, $55.7 million, was for old age survivor insurance payments and another $9.3 million was in aid to the aged, blind, disabled, and dependent children. The Department transmitted $7.2 million for education and vocational rehabilitation programs.

The Veterans' Administration was fourth spender at $32 million for benefit payments and VA center and hospital operations.

Department of Interior stood fifth at $26.6 million. Of this, $14.9 million was spent by the Indian Bureau and $8.9 million by the Bureau of Reclamation.

The Federal outlays in South Dakota, as reported by the various departments and independent agencies, follow:

Agriculture Department	$131,565,336
Department of Defense	165,713,000
Health, Education, and Welfare	81,661,695
Interior Department	26,588,043
Justice Department	203,635
Labor Department	2,329,300
Post Office Department	12,672,000
Bureau of Public Roads	22,426,694
Veterans' Administration	32,281,599
Atomic Energy Commission	5,600,000
Bureau of Census	8,329
Federal Aviation Agency	3,000,000
Internal Revenue Service	1,203,000
United States Courts	188,000
Weather Bureau	344,000
Small Business Administration	7,189,000
Housing and Home Finance Agency	10,526,000
General Services Administration	3,242,980
Grand total	507,155,261
Total Internal Revenue collections in South Dakota fiscal year 1963	147,800,000

"Caution must be exercised in comparing tax payments and the outlays indicated in the table," MCGOVERN commented.

The Federal outlays are not all outright expenditures.

There are easily identifiable about $80 million of farm price support, REA, Farmers Home Administration and housing loans in the total. Some of the Department of the Interior outlays have to be paid back by irrigators, and more by electrical power users. Money paid out on prime contracts by Defense Department does not all come to rest in South Dakota. Part of it is disbursed for materials from other States, just as South Dakota supplies material to contractors in other States.

The Internal Revenue Service collections do not represent all funds paid by South Dakotans to the Federal Government. Not covered in the collections figure is loan repayments, irrigation and power payments or housing payments.

Release of these figures does not imply my approval of all Federal outlays. Some I have supported and some I have opposed.

However, the figures do indicate the relative importance of Federal activities in the total South Dakota economy. The $507 million Federal outlays in fiscal 1963 compare to a record $757 million gross farm income ($357 million net farm income) in the State in 1962.

Federal disbursements in South Dakota, fiscal year 1963

DEPARTMENT OF AGRICULTURE	
Agricultural Research Service:	
Research	$552,392
Plant and animal disease and pest control	511,941
Meat inspection	411,469
Cooperative State Research Service: Payments to State for agricultural experiment station research	475,848
Extension Service: Payments to State for cooperative agricultural extension work	710,788
Soil Conservation Service:	
Assistance to soil conservation districts and other cooperatives	1,632,747
Watershed protection	426,800
Great Plains conservation program	804,959
Economic Research Service: Farm economics research	21,900
Statiscal Reporting Service: Crop and livestock estimates	137,751
Agricultural Marketing Service:	
Marketing research and service	48,456
Payments to State for marketing service work under the Agricultural Marketing Act of 1946	8,750
School lunch program:	
Cash payments to State for food assistance	472,064
Commodities purchased and distributed to schools under section 6 of the Nation School Lunch Act	205,359
Special milk program, cash payments to State	432,874
Donation of surplus commodities under section 32 of the act of August 24, 1935	461,725
Donation of surplus commodities acquired by the Commodity Credit Corporation in its price-support operations, under section 416 of the Agricultural Act of 1949, as amended	1,215,414
Agricultural Stablization and Conservation Service:	
Agricultural conservation program, cost-sharing assistance to farmers	4,285,446
Emergency conservation measures, cost-sharing assistance to farmers	6,275
Conservation reserve program, payments to farmers	16,237,196
Sugar Act programs, payments to sugar producers	297,292
ASCS State and county office expenses (administration of Agricultural Stabilization and Conservation Service and Commodity Credit Corporation programs in the State):	
State office	417,593
County offices	5,047,262

Federal disbursements in South Dakota, fiscal year 1963—Continued

Commodity Credit Corporation:[1]	
Price-support loans on commodities (1962) crops	$37,536,705
Storage facility and mobile drying equipment loans	1,298,735
Acreage diversion payments:	
Feed grains	12,528,964
Wheat	10,251,077
National Wool Act program, incentive payments to producers	3,412,100
Federal Crop Insurance Corporation:	
Crop insurance indemnities paid	341,564
Loss adjustment costs	43,007
Administrative and operating expenses	189,277
Rural Electrification Administration:	
Rural Electrification loans	2,914,000
Rural telephone loans	146,000
Farmers Home Administration:	
Operating loans	12,105,879
Farm ownership loans:	
Direct loans	1,674,348
Insured loans [2]	8,210,000
Rural housing grants and loans:	
Building loans	2,309,942
Repair and improvement grants	5,720
Soil and water conservation loans:	
Direct loans	64,545
Insured loans [1]	26,990
Emergency loans	343,490
FHA State and county office expense (administration of Farmers Home Administration programs in the State)	855,000
Forest Service:	
Forest land managment:	
National forest protection and management	1,529,060
Fighting forest fires	171,477
Insect and disease control	145,376
Forest research	138,138
State and private forestry cooperation	94,520
Forest roads and trails	270,264
Brush disposal expenses	55,252
Payments to State from the national forest fund	39,841
Payments to counties, national grasslands	------------
Total	131,565,336

NOTE.—The above amounts represent obligations and do not reflect credits for receipts arising from loan collections and settlements, crop insurance premiums, national forest revenues, or miscellaneous recoveries since such data are not readily available on a State basis.

DEPARTMENT OF DEFENSE

Net value of military prime contracts awarded to firms located in South Dakota [3]	$80,630,000

Federal disbursements in South Dakota, fiscal year 1963—Continued

Expenditures for:	
Military pay	$27,840,000
Civilian pay	11,163,000
Other operations and maintenance	8,404,000
Reserve and National Guard	5,612,000
Civil functions	31,814,000
Civil defense [4]	250,000
Total	165,713,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:	
Vocational education	351,629
Colleges of agriculture and the mechanic arts	216,175
Library services	80,565
Payments to school districts	2,839,137
Assistance for school construction	2,053,218
Educational improvement for the handicapped	29,186
Defense educational activities	1,244,075
Total, Office of Education	6,813,985
Vocational Rehabilitation Administration:	
Grants to States	341,182
Research and training	40,285
Total, Vocational Rehabilitation Administration	381,467

PUBLIC HEALTH SERVICE

Formula grants:	
Cancer control	25,000
Heart disease control	67,700
Other chronically ill and aged	64,100
General health	94,100
Tuberculosis control	15,600
Radiological health	15,000
Water supply and water pollution control	26,900
Mental health	65,000
Total, formula grants	373,400
Project grants: Veneral disease control	15,234
Construction grants:	
Hospital construction	260,000
Waste treatment works	1,360,682
Health research facilities	50,326
Total, construction grants	1,671,008
Research grants: National Institutes of Health	355,471
Fellowships: National Institutes of Health	12,000
Training grants:	
Public health traineeships	7,900
Project grants for graduate training	17,928
Nurse training grants	22,048
National Institutes of Health	113,951
Total, training grants	161,827
Direct construction:	
Indian health facilities	684,827
Direct operations	4,193,828
Total, Public Health Service	7,467,595

Federal disbursements in South Dakota, fiscal year 1963—Continued

Social Security Administration:	
Old-age, survivors and disability insurance benefit payments	$55,232,000
Administrative expenses	453,378
Advances to States	39,845
Total, Social Security Administration	55,725,223
Welfare Administration:	
Grants to States for public assistance:	
Old-age assistance	5,655,998
Aid to families with dependent children	2,860,895
Aid to the blind	92,005
Aid to the permanently and totally disabled	672,513
Total, grants to States for public assistance	9,281,411
Grants for maternal and child welfare:	
Maternal and child health services	88,875
Services for crippled children	96,015
Child welfare services	176,334
Total, grants for maternal and child welfare	361,224
Total, Welfare Administration	9,642,635
American Printing House for the Blind: Education of the blind	8,156
Office of the secretary:	
Salaries and expenses, Office of Field Administration	21,687
Surplus property utilization: Personal property transferred to State agencies, and real property disposed of to institutions in State	1,600,947
Total, Office of the Secretary	1,622,634
Grand total, Department of Health, Education, and Welfare	81,661,695

DEPARTMENT OF THE INTERIOR

Bureau of Land Management	450
Bureau of Indian Affairs	14,836,050
National Park Service	1,349,898
Geological Survey	329,000
Bureau of Sport Fisheries and Wildlife	983,023
Bureau of Reclamation	8,904,493
Departmental offices	185,129
Total, Department of the Interior	26,588,043

DEPARTMENT OF JUSTICE

U.S. attorneys and marshals	186,622
Fees and expenses of witnesses	8,941
Support of U.S. prisoners—Federal prison systems	8,072
Salaries and expenses—Immigration and Naturalization Service	0
Total, Department of Justice	203,635

DEPARTMENT OF LABOR

Total, Department of Labor	2,329,000

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[1] Amount for Commodity Credit Corporation exclude payments for the purchase, storage, and transportation of price-support commodities, and interest, since data on such payments are not maintained on a State basis.

[2] These loans are made with funds advanced by private lenders and payments of principal and interest are fully guaranteed by the Federal Government. The Farmers Home Administration services the loans, makes collections, and pays the lender.

[3] Net value of contracts of $10,000 or more.

[4] Partially estimated.

Federal disbursements in South Dakota, fiscal year 1963—Continued

POST OFFICE DEPARTMENT	
Operations, salaries, rents, local transportation, etc	$12,672,000
BUREAU OF PUBLIC ROADS	
Apportionments of Federal aid highway funds	22,426,694
VETERANS' ADMINISTRATION	
Payroll and benefit payments, VA center and hospitals	32,281,599
OTHER AGENCIES	
Atomic Energy Commission	5,600,000
Bureau of the Census (est.)	8,329
Federal Aviation Agency (est.)	3,000,000
Internal Revenue Service	1,283,000
U.S. courts (district courts operation)	188,000
Weather Bureau	344,000
Small Business Administration:	
Business loans	2,913,000
Disaster loans (SBA share)	178,000
Joint set-aside for procurement contracts	4,098,000
Total, Small Business Administration	7,189,000
Housing and Home Finance Agency:	
Community Facilities Administration, college housing, University of South Dakota	950,000
Public Facility Loans Program	325,000
Senior Citizens Direct Loan Program	1,200,000
Public Housing Administration: Low-rent public housing	4,166,000
Federal housing loans	3,885,000
Total, Housing and Home Finance Agency	10,526,000
General Services Administration:	
Federal supply	466,486
Post Office building in Pierre	2,264,494
Salaries	485,000
Repair	27,000
Total, General Services Administration	3,242,980
Grand total, federally disbursed funds in South Dakota, fiscal year 1963	507,155,261

RECAPITULATION, FEDERAL DISBURSEMENTS IN SOUTH DAKOTA, FISCAL YEAR 1963

Agriculture Department	131,565,336
Department of Defense	165,713,000
Health, Education, and Welfare	81,661,695
Interior Department	26,588,043
Justice Department	203,635
Labor Department	2,329,300
Post Office Department	12,672,000
Bureau of Public Roads	22,426,694
Veterans' Administration	32,281,599
Atomic Energy Commission	5,600,000
Bureau of Census	8,329
Federal Aviation Agency	3,000,000
Internal Revenue Service	1,203,000
U.S. Courts	188,000
Weather Bureau	344,000
Small Business Administration	7,189,000
Housing and Home Finance Agency	$10,526,000
General Services Administration	3,242,980
Grand total	507,155,261
Total internal revenue collections in South Dakota, fiscal year 1963	147,800,000

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DIRKSEN. Mr. President, if it does not take too long, and without losing my right to the floor, I shall be glad to yield to the distinguished Senator from Connecticut [Mr. DODD], who has an amendment relating, I think, to the Italian cemeteries, where a great many Polish veterans are buried. I do not know whether this is an amendment to previous Senate action, or whether it is de novo.

Mr. DODD. It is de novo.

Mr. DIRKSEN. If it is to take only a few minutes, I shall be glad, without losing my right to the floor, to yield for the convenience of the Senator from Connecticut.

Mr. FULBRIGHT. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. FULBRIGHT. The Senator from Connecticut has spoken to me about this amendment. I, of course, will have to oppose it. I spoke against the other amendment for keeping up the cemeteries in Italy. I said, "If we are going to do it in Italy, why not everywhere?" But the Senate overrode me. I cannot support the amendment. If the Senate wants to do a foolish thing, it can do it. It can provide for maintenance of cemeteries in Russia, if the Senate wants to do that.

They were our allies, too. If the Senate wishes to do it, that is its right.

Mr. DODD. Mr. President, I will not take more than 5 minutes to explain this very simple amendment.

Mr. DIRKSEN. Will the Senator insist on a yea and nay vote?

Mr. DODD. I should like to have the amendment adopted.

Mr. DIRKSEN. I thought we had disposed of all amendments, because we were about to take up the apportionment amendment. I do not wish to stand in the Senator's way. If the Senator can keep his presentation on the brief side, I shall be glad to yield to him for the purpose of bringing up his amendment, provided I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I heard what the distinguished Senator from Arkansas has said. After he has heard what I have to say, he may change his mind.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that my amendment be temporarily laid aside, for the consideration of the amendment of the Senator from Connecticut.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I offer the amendment, and I ask unanimous consent that the reading of it be dispensed with. I will explain it briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 7, insert immediately after currencies (a.)

On page 16, after line 17 insert the following language:

"(b.) Subject to the provisions of Section 1415 of the Supplemental Appropriation Act, 1953, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish people, to use foreign currencies that have accrued to the United States Government under this or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of the Powazki Cemetery in Warsaw, which serves as the chief burial place for the tens of thousands of Polish resistance fighters who fell in the heroic Warsaw uprising of July 1944."

Mr. DODD. Mr. President, it is a simple amendment, to provide for the use of counterpart funds in Poland for the maintenance and improvement of the Warsaw cemetery where the resistance fighters fell in the Warsaw uprising of July 1944.

Mr. President, the Warsaw uprising of 1944 will forever rank as a sublime act of human courage and as an affirmation of man's eternal will to freedom. I consider it most appropriate that President Johnson issued an official proclamation this year in observance of the anniversary of this uprising.

The Nazi occupation of Poland was utterly ruthless in its methods. But despite the Nazi terror, despite the executions and the torture chambers, the Polish nation succeeded in building up a secret state apparatus that commanded the loyalty of the people in cities, towns, and villages throughout their country. They built up and trained and armed a secret army, known as the Polish Home Army, in anticipation of the day of liberation.

When the Soviet Red army approached the outskirts of Warsaw driving the Nazis before it, the Polish Home Army felt that the time to strike had come. In this they were encouraged by the official Soviet broadcasts, which called on the people of Warsaw to rise up and expel the Nazi occupiers.

The Warsaw uprising ended in tragedy. The city of Warsaw was left in ruins and scores of thousands of its citizens were killed. But the Warsaw uprising was not in vain. For the Polish people and for freemen everywhere, it has a symbolic significance. Through centuries to come, it will serve as proof of man's indomitable spirit and of his invincible will to freedom. It has served to keep alive the faith of the Polish people in the ultimate victory of their cause, and to sustain them in the difficulties and suffering they have had to endure since the close of World War II.

We can best salute the memory of the Poles who fell in this valiant struggle by renewing our dedication to the goal of a free and independent Poland, living in peace with the nations of the world.

There are certain concrete things we can do to hasten this day. President Johnson has spoken of the importance of building bridges to the people of Poland and of the other captive nations. I believe that by releasing American counterpart funds for the maintenance and rehabilitation of the Powazki Cemetery in Warsaw, we will be building an important bridge of sympathy and understanding with the people of Poland.

The Powazki Cemetery holds the remains of tens of thousands of Polish freedom fighters who fell in the heroic Warsaw uprising. For the people of Poland it remains to this day a hallowed place, where thousands of citizens congregate on every anniversary of the Warsaw uprising. Having already decided to make counterpart funds in Italy available for the repair and rehabilitation of the graves of the Polish soldiers who died in combat in Italy, I think it only appropriate that we should take similar action on behalf of the immortal dead of the Polish Home Army who died in the Warsaw uprising.

I hope that this amendment will be given sympathetic consideration by my colleagues.

That is all that the amendment would do. I cannot conceive of any Senator voting against it.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. KEATING. Is the cemetery to which the Senator refers limited to military personnel, or is it a cemetery in which civilians also are buried?

Mr. DODD. The name of the cemetery is the Powazki Cemetery. It holds the remains of tens of thousands of Polish freedom fighters who fell in the Warsaw uprising. As I have said, for the people of Poland it remains to this day a hollowed place.

Mr. KEATING. But it is a shrine, almost, for the Polish freedom fighters, who were the resistance fighters, and who showed such heroism in the Warsaw uprising in July 1944. Is that correct?

Mr. DODD. It is exactly correct.

Mr. KEATING. I commend the distinguished Senator from Connecticut for offering the amendment. It is very reasonable. The cost for maintaining the cemetery, as I understand, will be met from counterpart funds.

Mr. DODD. Yes.

Mr. KEATING. It will not be paid for by the taxpayers of this country. I shall certainly support the amendment. The world will long remember the heroic struggle of the Polish Home Army to liberate Warsaw from alien control. While the Poles fought, the secret armies waited. They did not offer help or support to the Poles. They waited until the Polish forces were virtually wiped out before they moved in, to assert by force, Soviet Communist control over Poland. The stark contrast between Polish heroism and Soviet treachery is clear.

I will be grateful if the distinguished Senator will allow me to become a cosponsor.

Mr. DODD. I shall be honored to have the Senator become a cosponsor.

Mr. KEATING. Mr. President, I ask unanimous consent that I may join as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. DOUGLAS. Is it not true that the Russians have a very uneasy conscience about the Polish freedom fighters? As I remember the situation, the Russian armies were almost at the gates of Warsaw when the Polish freedom fighters revolted inside the city. The Russians could have come to their help very readily, but they refused to do so. They halted on the outskirts of the city and permitted the Nazis to exterminate the freedom fighters. Then, only after the freedom fighters had been killed and eliminated, did the Communist armies move in.

Mr. DODD. Yes.

Mr. DOUGLAS. This is a very sore point with the conscience of the Russians and the conscience of the Poles. Undoubtedly one of the reasons why they are trying to downgrade the treatment of the cemetery is that the heroism of the Poles reflects unfavorably upon the cowardice of the Russians.

Mr. DODD. As usual, the Senator has put it much more clearly than I could possibly have stated it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DODD. I am delighted to yield to the Senator from Vermont.

Mr. AIKEN. Yesterday I took it upon myself to determine the amount of Italian lire which we have available for taking care of the Polish cemetery in Italy. I found that we have none available. It seems to me that unless we wish to play a hoax on the Polish people, we should put up enough good American dollars to buy sufficient Italian lire to take care of these cemeteries. I do not see any other way out of the situation. The other day the Senate, out of the goodness of its heart, approved the amendment and gave the Polish people the impression that we would do something. Now we find that we cannot do it with our existing resources. It seems to me, having agreed to do it, the only decent thing to do is to appropriate enough American dollars to acquire the Italian lire.

Mr. DODD. I could not agree more with the Senator from Vermont. I know he agrees with me that huge amounts of counterpart funds are available in Poland.

Mr. AIKEN. We have zlotys available.

Mr. DODD. There is no question about our having adequate funds available in Poland.

Mr. AIKEN. We have plenty of zlotys, Indian rupees, and Egyptian pounds. Aside from those currencies, I do not believe much soft currency is available. We have a little here and a little there. So far as the Italian lire are concerned, we are out.

Mr. DODD. That is regrettable. I am sure the Senator agrees with me that when we have the money, as in Poland, we should use if for this purpose.

It would not cost much to take care of the cemetery, where tens of thousands of freedom fighters are buried. It will be good for the free world if we do it.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DODD. I yield.

Mr. JAVITS. I have been to Warsaw, as has the Senator from Illinois [Mr. DOUGLAS]. I know something about the physical circumstances to which the Senator refers. Anyone who has seen the little urns with flowers in almost every street of Warsaw can appreciate this amendment and the terrible suffering and sacrifice of the Polish people, when the Nazis sealed off two sides of a street, blew a whistle, and indiscriminately shot four or five people in the street; then unsealed the street and passed on as quickly as they had come.

I should like to ask the Senator a question. It is a fact that this proposal would not be inaugurating anything new in Poland. We maintain a large hospital there, and we are helping the people. That is provided for in the bill, is it not?

Mr. DODD. That is correct.

Mr. JAVITS. So it would not be a new scheme of operation, would it?

Mr. DODD. No.

Mr. JAVITS. I thank the Senator from Connecticut.

Mr. DODD. I thank the Senator from New York for raising that point. This is nothing new. It would be in complete conformity with our policy heretofore, and up to the present.

The PRESIDING OFFICER (Mr. BAYH in the chair). The question is on agreeing to the amendment of the Senator from Connecticut [putting the question].

The Chair is in doubt and will ask for a division.

Mr. DODD. Mr. President——

The PRESIDING OFFICER. The amendment is not agreed to.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote by which the amendment was rejected be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DODD. Mr. President, on my amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. KEATING. Is the question on the reconsideration of the amendment? I understood that the majority leader had asked to reconsider the vote.

The PRESIDING OFFICER. The majority leader asked unanimous consent that the vote be reconsidered, and his request was agreed to. The Senate now is in the process of voting on the question of agreeing to the amendment of the Senator from Connecticut.

Mr. FULBRIGHT. Mr. President, not many Senators were in the Chamber when the amendment was proposed. The amendment is an extension of the principle adopted the other night with respect to cemeteries in Italy.

The Senate evidently is being asked now to assume the obligation of keeping up all foreign cemeteries which contain the bodies of soldiers who may have fought on the side of our allies. I want Senators to be aware of what they are voting on. It would seem to me that this could be an open, unlimited obligation. If we do it for the cemeteries of Poland, I see no logical reason why we should not do it for all other cemeteries, wherever they may be located. The Senate ought to consider what it is being asked to do.

I opposed the amendment the other night, but the Senate chose to assume the obligation. If the United States is to keep up the cemeteries in Poland, it is likely that there are Members of this body some of whose constituents have come from other countries and who will want the United States to keep up the cemeteries in those countries.

I do not see why the Senate should be compelled, almost, in order to satisfy other minority groups, to assume similar obligations all over the world. It could amount to a huge sum of money.

Mr. GORE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. GORE. Could this proposal actually be described as foreign aid for the dead?

Mr. FULBRIGHT. Yes; for the dead Poles, I suppose. In effect, it would actually be done for the relief of the Polish Government, for which I know many of my colleagues on both sides of the aisle have great affection. The effect would be to enable the Polish Government to escape its obligation to maintain its own cemeteries.

I assume that the cemeteries are in existence; I do not know whether they are. I know nothing about the cemetery in question. I suppose there is such a cemetery in Poland, although I recall reading that many of the dead Polish people were piled into trenches in those days. The Government was rather ruthless.

I do not know whether Poland has cemeteries similar to ours or not. We are opening up a field to which there is no end. Such an amendment ought to be considered in an orderly manner, a bill should be introduced, and an appropriation authorized, whether it be for $10 or $100 million. If it is desired to spend money on foreign cemeteries, that ought to be done in an orderly way. We do not know anything about this cemetery or the one in Italy.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. DIRKSEN. I agree with the chairman of the committee. I can find no legal, moral, or social responsibility on this country to undertake this sort of activity.

Mr. FULBRIGHT. I did not say that there was not such a cemetery in Italy; I said that if it is to be done in Italy, we might be asked to do it all over the world.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. THURMOND. Would this not be aid to a Communist government?

Mr. FULBRIGHT. I do not suppose it would be of great aid to them; but in effect, whatever the amount, it would be aid.

Mr. THURMOND. I agree with the distinguished chairman. I am wondering if we should not cut off any other aid to Communist governments, as well.

Mr. FULBRIGHT. I was not objecting particularly to the amount; it is the general principle of undertaking the upkeep of cemeteries all over the world, where people who may have been allied with us or who were sympathetic to our cause may be buried. It is a rather open ended proposal. If it is to be done, it should be done in an orderly way, after proper hearings before committees, and with the authorization of funds in the regular way. This is a rather casual way to commit this country to unknown obligations.

Mr. DODD. Mr. President, I wish to answer the arguments that have been raised against the amendment.

The Senator from Tennessee asked, "Is it foreign aid to the dead?" My answer is: Yes; it is a debt due to the dead Polish heroes who stood on our side in the Warsaw uprising, expecting the Communists across the river to come to their aid, but who, by the tens of thousands, were slaughtered and lie buried in unmarked graves. That is the answer to that argument.

Is it foreign aid to the Communists? asks the Senator from South Carolina. No. It is foreign aid to the dead Polish heroes and the living Polish heroes and anti-Communists, and U.S. citizens of Polish ancestry by the millions in this country. It is a tribute to the anti-Communist dead who lie in the unmarked cemetery in Warsaw, and whose relatives will know that the people of America have not forgotten them.

In answer to the question of the Senator from Arkansas, Does the proposal need hearings? I say that everybody knows—even small children know—the story of the heroes of the Warsaw uprising. What hearings do we need at this hour of history?

What would the proposal cost? Not one red cent. We have millions of dollars in Communist Poland banks. We can use very little of them. It would cost very little money to make certain that this cemetery, where lie those heroes, is properly cared for.

It is asked, "Would this proposal lead to a demand that we take care of similar cemeteries all over the world where anti-Communist heroes are buried?" I say, Good. I hope it will. I cannot think of anything better for us to do with the billions of dollars we are peddling around the world for highly questionable projects than to spend a few paltry dollars to mark the cemeteries in which lie the bodies of anti-Communist heroes. I say to the Senator from Arkansas that I hope this action will become a precedent.

I hope we will do it all over the world. I cannot think of anything better that can be done for the cause of freedom. That is my answer to the arguments.

Mr. MORSE. Mr. President, will the Senator from Connecticut yield?

Mr. DODD. I am glad to yield to the Senator from Oregon.

Mr. MORSE. I agree with the Senator from Connecticut, and I shall support his amendment.

Mr. DODD. I am grateful to the Senator from Oregon. I am only sorry that more Senators are not present in the Chamber, because I am quite sure that if all Senators heard this discussion, there would be only a handful of votes against the amendment.

I am confident that if the American people heard the discussion, they would demand that we pay this tribute.

No cost in dollars is involved. It is a small tribute to those who fought on our side.

Mr. President, I hope that the amendment will be adopted.

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. McINTYRE in the chair). The Senator from Illinois will state it.

Mr. DOUGLAS. What is the question now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. DODD]. On this question the yeas and nays have been ordered; and, if there be no further discussion, the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Ohio [Mr. LAUSCHE], the Senator from South Dakota [Mr. McGOVERN], the Senator from Maine [Mr. MUSKIE], and the Senator from Tennessee [Mr. WALTERS], are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Arizona [Mr. Goldwater] is detained on official business.

The Senator from Massachusetts [Mr. Saltonstall] is necessarily absent.

The Senator from Kansas [Mr. Pearson] is detained on official business.

The result was announced—yeas 51, nays 37, as follows:

[No. 544 Leg.]

YEAS—51

Aiken
Bartlett
Bayh
Beall
Bible
Boggs
Brewster
Burdick
Byrd, W. Va.
Case
Church
Clark
Cotton
Curtis
Dodd
Douglas
Edmondson
Fong
Hart
Hartke
Holland
Hruska
Humphrey
Inouye
Javits
Keating
Kuchel
Long, Mo.
Long, La.
Magnuson
McIntyre
Metcalf
Miller
Morse
Mundt
Nelson
Neuberger
Pastore
Pell
Prouty
Proxmire
Randolph
Ribicoff
Salinger
Scott
Stennis
Symington
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—37

Allott
Bennett
Byrd, Va.
Carlson
Cooper
Dirksen
Dominick
Eastland
Ellender
Ervin
Fulbright
Gore
Gruening
Hickenlooper
Hill
Jackson
Johnston
Jordan, N.C.
Jordan, Idaho
Mansfield
McCarthy
McClellan
McGee
McNamara
Mechem
Monroney
Morton
Moss
Robertson
Russell
Simpson
Smathers
Smith
Sparkman
Talmadge
Thurmond
Tower

NOT VOTING—12

Anderson
Cannon
Goldwater
Hayden
Kennedy
Lausche
McGovern
Muskie
Pearson
Saltonstall
Walters
Yarborough

So Mr. Dodd's amendment was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEATING. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, without losing my right to the floor, I yield 30 seconds to the Senator from Connecticut [Mr. Ribicoff].

AMENDMENT NO. 1218

Mr. RIBICOFF. Mr. President, the minority leader [Mr. Dirksen] and the majority leader [Mr Mansfield] have offered their amendment concerning reapportionment, a subject which has nothing to do with the foreign aid bill.

Some time ago I submitted a resolution, in which 63 other Senators joined me, condemning the Soviet Union for persecution of the Jews. Since it appears that action may not be taken on that resolution, I send to the desk, an amendment incorporating that resolution, ask that it be printed, and that the Senate go on record as condemning religious persecution by the Soviet Union against Jews and those of other faiths as well.

The amendment is being cosponsored by the Senator from Connecticut [Mr. Dodd] and the Senator from New York [Mr. Javits].

I shall ask for the yeas and nays when the amendment is called up. I plan to call up the amendment after the Senate disposes of the Mansfield-Dirksen amendment.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

Mr. DIRKSEN. Mr. President, I advise the Senate that we are taking up the reapportionment amendment at the present time. I shall be as brief as possible and try to sketch in broad strokes what has happened, how this proposal happened to come here, and what has happened in the country with respect to sentiment as a result of the Supreme Court decision in the case of Reynolds against Sims. I may repeat some of the observations I made late last night when this amendment was laid down.

By way of preliminary, this is a jointly sponsored amendment by the distinguished majority leader and myself. It represents most patient and painstaking work, in which endeavor we invited the staff of the majority leader, as well as my own staff. Sitting with us was the Deputy Attorney General and the Solicitor of the Department of Justice. We spent a good many days on this task since I first framed a proposal with respect to a stay of proceedings of the Supreme Court decision. Some time in midafternoon yesterday, we finally came to the conclusion that we could agree on the language that is now before the Senate in the form of this amendment.

I believe that since we are not always too diligent in reading the material that is before us, it might be well for me to read the pertinent sections of the amendment. This amendment is intended as a section to part 4 of the foreign assistance bill.

I am not insensible when I say, with some modesty, to my distinguished friend from Arkansas [Mr. Fulbright] that it might be regarded as an incongruity when one offers an amendment of this kind to a foreign assistance bill. But it is reality that compels this course of action.

I thought that if the amendment were ready at the time, it might be attached to the interest equalization rate bill, which was reported from the Committee on Finance. That bill involved so many technicalities that I rather shuddered at the thought.

Incidentally, although two versions of the amendment were presented at that time—and, before we were through, a third and fourth version were presented—I was not sure that we would be ready to offer the amendment to that bill.

There was the possibility that perhaps next week the amendment could be offered to the social security bill, which is still pending in the Senate Finance Committee. However, that bill has generated controversy on its own. I can say with some authority that if perchance the medicare proposals that will be offered—and there are at least three of them—should be attached to that bill and go to conference, and the Senate conferees were adamant in their position, conceivably there might not be a social security bill at all.

I believe I read correctly the temper of the members of the Ways and Means Committee; and I have taken time to do a little confering.

If the amendment is to have any value, it must reach the President's desk before adjournment. It must get there before the hour comes when the majority leader and I call the White House and ask the President whether he has any other business to lay before the Congress. I have had occasion to do that for a number of years. If the President says "No," the Congress will be free to adjourn. So it must be done before that time, and therefore the amendment must be attached to a bill that will reach the President for signature.

So by a process of elimination it was quite clear to me that if we were to take a statutory approach to the question, there was nothing to do except to offer the amendment to the pending bill, incongruous as it might seem.

On the other hand, I see no real incongruity in trying to look after our own people in our own States when we are lavishing our largess upon people in all the corners of the earth. If we can take time to study and discuss the subject, notwithstanding what may appear to be an incongruity, the proposal will not seem so farfetched after all.

Besides the amendment is important because there is an almost volcanic feeling in the country today.

Mr. CURTIS. Mr. President, will the Senator yield for a brief question?

Mr. DIRKSEN. I would prefer not to do so until I complete my statement.

Mr. President, I was advised that today, by a vote of 10 to 4, the House Rules Committee voted out what is known as the Tuck resolution, named for Representative Tuck. I believe it is infinitely tougher, infinitely stronger, and infinitely less flexible than the amendment which the majority leader and I have offered after long and painful study with a good many people sitting around the table. That is the principal reason why the amendment is being offered to the pending bill.

There is one further reason. The bill is divided into four parts. If Senators will examine the titles to those parts, they will notice that part IV is entitled "Amendments to Other Laws." The sky is the limit. "Amendments to Other Laws" can mean any act, no matter what it might be. So I thought certainly the amendment would be in harmony with that designation, for the proposal is an amendment to the code. Therefore, very properly, it belongs under that title.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. FULBRIGHT. The part entitled "Amendments to Other Laws" is hardly meant to indicate that the sky is the limit. "Other Laws" must be relevant to the bill—for example, Public Law 480 programs. Amendments of that kind have often been offered. I do not believe that the record shows that we have undertaken in the bill to reach out and go into the apportionment provision of our Constitution.

Most of the amendments that have been proposed are reasonably relevant to the foreign aid program.

Mr. DIRKSEN. Mr. President, I shall not quarrel unfelicitously with my distinguished friend from Arkansas.

Mr. FULBRIGHT. I am not quarreling; I am pointing out a fact.

Mr. DIRKSEN. On page 16, line 18, of the foreign assistance bill, the following language appears:

> Part 4—Amendments to Other Laws.

There is no limitation and no qualification whatsoever.

Mr. President, if the Senate had a germaneness rule, I believe the amendment would still qualify as being germane under that part.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. AIKEN. The whole purpose of the foreign aid bill, as I understand it, is to promote democracy and friendship among democracies in as many Nations of the world as is possible. The purpose of the Dirksen-Mansfield amendment, as I understand it, is to preserve democracy in the United States. Therefore I would consider the amendment entirely germane.

Mr. DIRKSEN. Mr. President, that statement is so much more graciously put than I, with my feeble talent, could express it that I am delighted that my distinguished friend from Vermont intervened.

We might trace a little of the history. A case was brought in the State of Tennessee. My distinguished friend, the Senator from Tennessee, knows all about it. I refer to the case of Baker against Carr.

The question of apportionment had been in the air in Tennessee for a long time, but no action was ever taken until this particular group finally took action and the case came to the high tribunal here in Washington.

While the facts were somewhat different, and the issues might be different, yet the basic issue was present.

As a result of what happened in the Supreme Court's finding in the case of Baker against Carr, 60 suits were filed in 37 States with reference to the question of apportionment. In some of those there was, either in whole or in part, some reapportionment. In others there was none.

But coming on the heels of that case was a case that came from Alabama under the caption of Reynolds against Sims. Joined in that case were probably half dozen other States, including Maryland, Delaware, Colorado, Virginia, New York, and there may have been others. That is the historic and celebrated case in which the Chief Justice wrote the opinion and a very distinguished and scholarly Associate Justice, formerly from Illinois, John Marshall Harlan, wrote the dissenting opinion. I think it is one of the most devastating dissenting opinions that I have ever read.

In my considered judgment, Associate Justice Harlan blew the Supreme Court and its argument right out of the water. It was a historical document, to say the least; and for a long time it will be read and treated with the highest respect by law students from this day on, as well as by all members of the bar. But it started with Baker against Carr and then went to Reynolds against Sims.

I now invite the attention of Senators to the manner in which interest has developed in the question. In September of 1962 an organization known as the National Legislative Conference, which is affiliated with the Council of State Governments, met in Phoenix, Ariz. There were 750 delegates. They consisted of State officers, officials, and members of the conference.

They finally passed a resolution asking the Council of State Governments to include three proposed amendments on their agenda at the 1962 general assembly which met in the city of Chicago. The report was rendered by the Committee on Federal-State Relations, and it was filed with the Council of State Governments on December 5, 1962.

Of the three amendments, No. 2 dealt with the proposal to amend the Federal Constitution with respect to reapportionment. There was a rollcall vote. Twenty-six States voted for it. Ten States voted "no." There were 10 abstentions.

Since all that happened, two States in opposition—namely, New York and Colorado—have switched over to the other side. That makes 28. One abstention switched over. That was Ohio. That makes 29 States that have gone on record with respect to the reapportionment problem.

I can state with knowledge that Ohio has come over because day before yesterday the Lieutenant Governor of Ohio called me about this matter. Only 2 days ago there was a telegram from the President of the New York State Assembly to the effect that he endorsed and his associates endorsed the approach we were taking to this problem and what we were trying to do in order to bring about relief.

What has happened since Reynolds against Sims is astounding. In the State of Oklahoma the Federal Court invalidated the results of an election. So far as I know, it is the first time in the history of this Republic that anything of that kind has happened.

I have in my hand an Associated Press dispatch from Oklahoma City, dated August 1, which reads:

> Quick appeals to the U.S. Supreme Court loomed today after the Federal court, in an unprecedented stroke of judicial power, ordered new legislative elections in Oklahoma this year.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, was that in the State legislatures?

Mr. DIRKSEN. That refers to the State legislatures. Another paragraph of that dispatch reads:

> The Court ordered Gov. Henry Bellmon to conduct special elections to obtain a legislature with membership divided into equal population districts. Governor Bellmon said he would obey "without further delay."
>
> The ruling stirred nationwide interest inasmuch as many other States face similar legislative reapportionment problems, brought to a head by recent U.S. Supreme Court rulings that both houses of a State legislature must be based on population.
>
> In Washington the Justice Department believes the Oklahoma case marks the first time a Federal court has struck down legislative elections because of malapportionment.

Mr. President, I can readily understand why today, in the rural as well as the metropolitan newspapers of Oklahoma, there is a great to-do and there are statewide fulminations over the impact of the Supreme Court decision.

In New York the results were even a little more fantastic, for when the Court got through it required that, while the New York constitution provides for 2-year terms for its legislators, in the next election they will have to be elected for 1 year. Then there is to be a second election, and they are to be elected for another year. Then there is to be a third election, when they are to be elected for a regular term.

Those are some of the fantastic results.

But in the great sovereign State of Colorado, so ably represented by my distinguished friend sitting in front of me, the three-judge court gave the legislature 15 days to convene and to comply with the decision in Reynolds against Sims. There was difficulty in even obtaining a quorum, but they were good citizens. They tried to comply. They came forth with new apportionment problems. The case went almost immediately to the Supreme Court of the State of Colorado, and that supreme court very quickly declared the legislature's handiwork unconstitutional. So where is Colorado today? Frankly, I do not think it knows where it is, in view of all these facts, or exactly where the appeal will have to go.

In his dissenting opinion, Justice Harlan said that while only 6 States are now involved, it is fair to assume that what has happened thus far will happen with respect to the other 44 States as well. I can see nothing but legislative and juridical chaos unless something is done.

In our approach, we sought to abide by what we thought was a fundamental principle; namely, that when the Supreme Court interprets a provision of the Constitution, the so-called equal protection clause, the only way it can be met is by a constitutional amendment to modify the effect of that ruling of the Court.

Parenthetically, we are not here trying to throw the decision in Reynolds against Sims out the window. The only thing that is involved in the Mansfield-Dirksen proposal is to buy time to do something by the constitutional route.

If we were to do it in the normal constitutional procedure, it would have to go through the committee of the Senate and then the Senate. It would have to go through the committee of the House and then the House. It would require a two-thirds vote. The proposal would have to be sent to the States. It would have to be in orbit for 7 years. It would require ratification by three-fourths of the States.

Meanwhile the effect of the decision in Reynolds against Sims would continue to be applied and, at long last, there might be a hardened pattern that could never be undone, no matter what inequity or abuse might be involved.

So obviously there was no comfort in trying to approach this problem by the normal constitutional route. There was no time. Besides, everyone is looking longingly at the calendar every day, for sticking up there in the calendar, as big as life, is the numeral "22." That means August 22, 1964. That is a Saturday. There is, if not an expressed, at least a fervent, hope that, at long last, we can drop the adjournment curtain, and our associates can depart from this stage and go and make mischief and medicine and have fun at Atlantic City.

We shall be watching on television. We shall be sharpening our axes, so that when you come back with your platform and your candidate, we shall be ready for the fray. There will be no acrimony. There will be no untoward feeling. There will be no malice. It will be even as the jousting knights of old came at each other with a rush. So we shall do battle, in the hope that our cause will prevail.

That is why August 22 means so much. That fact was not lost on me. I thought that was a further reason why we must act before this Congress ends. We must find a vehicle that we can use. That is the reason why it is here today.

Mr. FULBRIGHT. If the Senator will yield, I agree with the Senator, except that the foreign aid bill is a very weak vehicle and a very poor vehicle to use. That is the only part of the Senator's suggestion that I do not agree with. I do not agree with him on the vehicle he has selected. I am in sympathy with the substance of his proposals.

Mr. DIRKSEN. In answer to my affable friend from Arkansas, I need only to resort to a cliche, that we are faced, not with a theory, but with a condition.

What else is there to do? Would the Senator initiate it as an independent bill? It would not have the chance of a snowball in Sheol. If there is any doubt about it, I ask Senators to look up the Old Testament, and they will find where Sheol is. It is hot there. A snowball would have no chance there. That is how much chance we would have.

I wished to be sure that the vehicle would be a bill that had to go to the President.

Incidentally, this gives me the opportunity to say that I did not take the Chief Executive by surprise. A week ago yesterday I spent a very happy hour and a half with the President of the United States in one of those chummy, well-furnished, comfortable rooms in the White House. There we talked even as in the days when I used to go over to the office in the corner of the Capitol and sit down on one of those deep chairs, when the President was the majority leader of the Senate.

We talked across the table. I had on paper all the items that I wished to discuss with the President. I finally reached this item, and I said, "Mr. President, I am sure that you will not like this, but I have no choice. I feel dutybound to do this. So I give you the language that I have drafted thus far." It has been modified, but the purpose is the same. I said, "I have to find a vehicle on which it can take a ride and land in the middle of that big beautiful desk in the room next door. If it does not land there, of course, we are out of court. We go nowhere, and our objective fails. But I am hopeful that it will land on that table."

Then I hope he will summon our distinguished friend from Arkansas, the majority leader, and myself, perhaps at 5 o'clock in the afternoon, the vesper hour, when the spirit is in a state of repose and, for the hardened sinners, when the sun is over the yardarm; and there will be a great concourse of people assembled. I hope there will be a hundred pens in the pen set on the desk. There are a hundred Senators. So, if we are all present, I hope he will take those pens and sign the foreign assistance bill; and while he may be expatiating upon what we are doing for the benighted people in the Congo, the wretches in some areas of Africa, for those people who have hauled down our flag in Ghana, and for people all over the world, in our hearts there will be a little throb of thanksgiving because we are going to do a little something to try to preserve the Federal-State Union.

If that is not an impulse for inspiration, I do not know what is.

That is the way I came up. I do not know where I got this strange belief, as it seems to some people, but I learned in high school, as a freshman, that we had a Federal-State Union. Some people have tried to disabuse me of that idea, and some people would like to strike the State part. As J. Hamilton Lewis, the colorful Senator from my State, once said to me in the Mayflower Hotel, "My boy"—I was young enough then to be his son—he said, "My boy, I shall not live to see the day, but you will live to see the day when the boundaries of States are nothing more than marks upon maps for the guidance of tourists. If we persist in denuding the powers of the State and their legislatures, and if we continue to build up this great central structure in Washington, that will be the ultimate end."

That issue is involved here.

I always thought we had a Federal-State Union, even though some people may think it is an aberration on the part of a conservative who still lives in this age.

I believe somewhere in the Constitution I read a clause which states that the power that is not delegated to the Federal Government is reserved to the people. By "people" we mean the States. That clause is still there. Perhaps it is bemusing and even amusing to a great many people. I always thought that those oldtimers who came to Philadelphia to fabricate that Constitution in 1787 knew what they were about when they said, "So much power belongs to the Federal Government, and no more; and the rest of it we keep in our tight fists."

It is still there, but subject, evidently, to controversy. I learned long ago that the people are the fountainhead of all power in this country. If they are not, let us take the preamble and strike out the first words, "We, the people," for various purposes, "do ordain and establish this Constitution for the United States of America."

I presume, as I read some of the condign epithets and rather unpleasant aspirations by the law school deans and others on what I am trying to do—and sometimes I suspect the deans a little, having been in a law school—I feel that perhaps one ought to look elsewhere for a fundamental. So I go back to the Constitution—"We the people of the United States." They reserved their powers and gave the Federal Government so much. If Senators do not think the Constitution is vibrant and alive, let them push something through this body and the other body and get a signature from the President, and then have some citizen, high or humble, finally get up to the Supreme Court, that white structure across the way, and say, "They cannot do this to me, because it contravenes the Constitution." How many times that has been done.

In the State of Georgia, long ago, a man named Angelo Herndon, with his pockets bulging with "Red" literature, was walking around the square in Atlanta. He was grabbed by the police, and before he knew it, he was in the chain gang.

There he stayed until, through his representative and lawyer, his case was brought before the Supreme Court. His lawyer said the man had not been given a fair trial under the Constitution. What did the High Court say? One would not expect any sympathy in the hearts of those black-robed Justices for a man who was wedded to a doctrine for the destruction of this country. But what did the High Court say? "Take the chains off him and let him be, until you give him a fair trial."

That is one of the great cases decided by the Supreme Court.

Out in Nebraska another case arose. Under the impetus of war fever, legislatures can sometimes do strange things. In Nebraska, a statute was enacted to forbid the teaching of German in the Nebraska schools. As I recall, it was a group of highminded and patriotic Legionnaires who brought the case to the Supreme Court. They said to the Court, "If a school board can stop the teaching of German, it can also stop the teaching of Latin; it can stop the teaching of biology; it can stop the teaching of chemistry; it can stop the teaching of rhetoric. The war, the fevers of war, and the hates of war have nothing to do with this."

The Court struck down that statute of the State of Nebraska. "We, the people" were speaking, thank God.

Out in Oregon the legislature enacted a law which provided, in effect, that every child of school age must attend a public school. What was wrong with that? Was that not all right? Certainly.

But what about the Baptist fathers and mothers who wanted their children to learn something of the Bible? What about the Catholic fathers and mothers who wanted their children to attend parochial school, where they could worship in the tradition of their fathers, their grandfathers, and their great grandfathers? What about the Methodist children, the Mormon children, and the other children, whose parents were willing to pay the bill for educating their children in their own schools, where they could receive the teaching of the Great Book and read the inspiring pages?

The Society of Sisters in Oregon, through their counsel, came across the country and stood before the High Court and asked, "Can our legislature do this to us?" The Court struck down the Oregon statute. As the Preamble says, "We, the people," were talking. "We, the people," are involved here.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. DIRKSEN. Is the Senator going to get me off the track?

Mr. HART. No.

Mr. DIRKSEN. I have no track, anyway.

Mr. HART. If the Senator from Illinois—and rightly so—believes that the Court is to be trusted to protect the people, and did protect them in those cases, why not let the Court continue to protect the people in the apportionment cases?

Mr. DIRKSEN. Because the issue is quite different.

Mr. HART. Just how?

Mr. DIRKSEN. Within the next 3 or 4 hours I expect to get around to that.

I have recited these cases to show that the Constitution is still a vibrant thing. Certain provisions in it—the powers reserved to the States—are involved here, including the power of the States to compose and constitute their own legislatures.

I say to my distinguished friend from Michigan, who is an able lawyer, that if he has not read John Marshall Harlan's dissent, he ought to read it, because Justice Harlan goes all the way back. He examines meticulously the entire history of this subject, and points out the things that have been forgotten by the Supreme Court.

I am glad the Senator has alluded to that subject, because he gives me an opportunity to read from that decision. I shall read from the conclusion. Perhaps the conclusion will be enough at this time. Incidentally, I placed the whole dissent in the RECORD last night. It is worthy of presentation to the Senate because it is the conclusion of Justice Harlan. It appears on page 38 of the decision, which was handed down in the October term of 1963.

> CONCLUSION
>
> With these cases the Court approaches the end of the third round set in motion by the complaint filed in *Baker* v. *Carr*. What is done today deepens my conviction that judicial entry into this realm is profoundly ill advised and constitutionally impermissible. As I have said before, *Wesberry* v. *Sanders*, supra, at 48, I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform; in time a complacent body politic may result.
>
> These decisions also cut deeply into the fabric of our federalism. What must follow from them may eventually appear to be the product of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that the cost was too high or was inevitable.
>
> Finally, these decisions give support to a current mistaken view of the Constitution and the constitutional function of this court. This view, in a nutshell, is that every major social ill in this country can find its cure in some constitutional "principle," and that this Court should "take the lead" in promoting reform when other branches of government fail to act. The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements. The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens.

There is something else to be added, but I believe that is enough for the moment.

I point out that what is involved is the Federal-State relationship, the reserve powers, and how meticulously they are justified and spelled out as to how the authority is to be maintained in the States with respect to the composition of the legislatures. The majority of the Court had their eyes centered on the first section of the 14th amendment and completely forgot what was in section 2, so far as the authority of the States and the legislatures is concerned.

I mention two problems. One is time, and the other is that we had no opportunity to formulate and complete action on a constitutional amendment, in view of the looming shadow of adjournment. Therefore, we had to resort to the statutory course, in order to accomplish our object.

A statute is worth little or nothing in a controversial area unless we are reasonably sure that it is constitutional.

Let no one forget for a moment that this proposal will go to the high court. The subject has been carried on the front pages of the newspapers all too long. Editorials without end have been written. In the Mansfield-Dirksen proposal, there is an item to the effect that it is appealable; and under the section of the code that calls for expedition, it will get to the high court in short order. Then we shall know.

But, Mr. President, I am at liberty to say tonight that the Deputy Attorney General, Mr. Nicholas Katzenbach, before he left the conference in Senator Mansfield's office yesterday, permitted me to say that in his judgment what we had achieved in the Mansfield-Dirksen proposal was constitutional.

I could add the name of one other high official in the Department of Justice, but because of his peculiar relationship to the courts and his very peculiar function, it is probably not the prudent thing for me to do; otherwise I could have given his name, also.

So we feel that what we have wrought is on good constitutional ground and will stand the constitutional test.

Mr. President, I shall not undertake to do more with the amendment tonight, except to say that tomorrow I hope to go into an analysis of the problem and answer any questions that may arise.

I would prefer not to be quizzed tonight. It has been a long day. I was at my desk at 5:30 o'clock this morning, and the spirit begins to quail a little at his hour of the afternoon.

But before I complete these preliminary remarks—and the next 2 or 3 hours I shall save for tomorrow, when Senators are fresher—and when I am fresher—I must read a dispatch to the Senate because it is most interesting:

> The leader of the House forces supporting the Supreme Court, "one man, one vote," ruling said today he would accept a Senate compromise proposal to delay its effect in preference to a much tougher House bill.

A very distinguished chairman of the Judiciary Committee of another legislative body—and I continue the dispatch—

> made the statement after testifying against a surprise maneuver by court critics to force a showdown on legislation that would seek to eliminate Federal court jurisdiction over State reapportionment cases.

This very distinguished chairman—and I continue the dispatch—

> told reporters if he had to take a choice between a proposal by Senate Republican and Democratic leaders that would provide a delay in court-ordered reapportionment of State legislatures and the bill—

By a distinguished Representative—his name is here, but I cannot tell Senators what it is—

> that he would accept the Senate version. The veteran—

From this particular State—

> who earlier would go no further than saying the Senate proposal was an "approach" to an agreement, wound up his appearance before the Rules Committee by urging consideration of the proposal advanced by Senator EVERETT M. DIRKSEN, Republican, of Illinois—

He should have included MICHAEL MANSFIELD, Democrat, from Montana—

> as a rider on the foreign aid bill.

The distinguished chairman of the other legislative body—as I continue the dispatch—

> finding himself caught in a squeeze play on the reapportionment issue, denounced the Tuck bill as a radical attempt to start taking away all the powers of the Federal court. He said the bill was unconstitutional on its face.

Thus, we observe the thinking of others, in what we have tried to incorporate in the bill before the Senate.

We believe that we have done a good job. We believe that the amendment is constitutional. We believe that it is restrained. We believe that it would consummate the one objective which we have had constantly in mind—that is, to buy time at an awkward period when adjournment and the end of the year is imminent, so that as the 89th Congress comes into being, we shall be ready to launch a resolution for a constitutional amendment in the hope that it can be expedited through the Senate and the House of Representatives, and that there will be ample time for the legislatures of the various States to quickly impress their will upon it. Then we shall have found a durable solution to the problem which emanated from the decision in Reynolds against Sims.

Mr. President, this is the first chapter of my story. Like the old serials—"Continued in our next"—I trust that I shall get around to the rest of it tomorrow.

At the moment, I yield the floor.

Mr. HART. Mr. President, will the Senator yield further?

Mr. DIRKSEN. I yield.

Mr. HART. The State legislatures which the Senator contemplates acting on in a constitutional amendment would or would not be constitutional under the Reynolds decision This, at root, is what we are faced with. Is it not?

Mr. DIRKSEN. Possibly so. But, as a matter of fact we are fighting over a condition that the Court has created. It was not the making of the State legislatures. It was not initiated by the State government. Why did the Supreme Court not take a realistic view of it, as they did in the Brown school case 10 years ago, and say, "They must go ahead with all deliberate speed," instead of setting up a three-man court and saying to the Governor, "You have 15 days in which to convene the legislature and get the job done." What in the name of commonsense kind of business is that—getting so little time on a matter that is of great moment to the State? And when I say "great moment," I mean exactly that.

I am glad the Senator asked the question. It gives me an opportunity to add one further statement. When the Chief Justice was Governor of the Sunshine State of California, back in 1948, this is what he had to say:

> Many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting representation in the Senate to a strictly population basis.

That was in 1948. But this is 1964. The Governor is now the Chief Justice of the High Tribunal. Sixteen years later he said:

> Legislatures represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests.

The Government had an entirely different notion about it than the Chief Justice.

Mr. HART. Is it not true that his responsibilities were vastly different, and today he is telling us what the Constitution of the United States tells us?

Mr. DIRKSEN. I am not too sure about that. I think the responsibility of the Governor of California, which will soon become the largest, most populous, and probably the richest State in the Union, is a responsibility that will compare with that of the Chief Magistrate of the High Tribunal of the country. And I do not demean it for one moment so far as its importance is concerned.

Mr. HART. With respect to the honor accorded, each is high. With regard to the obligation, it is clear. Earl Warren spoke to us in the Reynolds case concerning the constitutional rights of citizens. As the Governor of California, he was speaking about something else.

But I return to my specific question: Would not this purchase of time, on which it is argued we should make a downpayment here, have the effect of legislatures unconstitutionally organized being legitimatized?

Mr. DIRKSEN. Perhaps so. This is an enforced condition created by one branch of the Government. All we are trying to do is to say, "You have done it in such a hurry that you have made it impossible to come back with a remedy. You have made it impossible to get a constitutional amendment to meet your challenge to this jurisdiction and the other States that do not agree."

If not so, why should 30 States be so openly hostile to this decision? And why should the people be emotionally wrought up and be thinking about judicial oligarchy and judicial arrogancy?

Mr. President, I yield the floor.

Mr. DOUGLAS obtained the floor.

AMENDMENTS NOS. 1219 THROUGH 1228

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. Mr. President, I yield with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I send to the desk, and ask to have printed, 10 amendments which I intend to propose to the pending amendment at the appropriate time.

I ask unanimous consent that the so-called Dirksen "rotten borough" amendment may be printed at this point in the Record, to be followed by the text of each of my 10 amendments.

The PRESIDING OFFICER. The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the Record.

Mr. CLARK. Mr. President, I thank the Senator for yielding.

The amendment, No. 1215, submitted by Mr. Dirksen (for himself and Mr. Mansfield) is as follows:

Amendment No. 1215

On page 17, after line 7, insert the following new section:

"Sec. 402. (a) Chapter 21, title 28, United States Code, is amended by adding at the end thereof the following new section:

" '§ 461. Stay of proceedings for reapportionment of State legislative bodies

" '(a) Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary, or election, for such period as will be in the public interest.

" '(b) A stay for the period necessary—

" '(i) to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality and

" '(ii) to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution shall be deemed to be in the public interest in the absence of highly unusual circumstances.

" '(c) An application for a stay pursuant to this section may be filed at any time before or after final judgment by any party or intervenor in the action, by the State, or by the Governor or attorney general or any member of the legislature thereof without other authority.

" '(d) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time allowed by any stay granted pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States, and the court may make such further orders pertaining thereto and to the conduct of elections as may be appropriate.

" '(e) An order of a district court of three judges granting or denying a stay shall be appealable to the Supreme Court in the manner provided under section 1253 of this title, and in all other cases shall be appealable to the court of appeals in the manner provided under section 1294 of this title. Pending the disposition of such appeal the Supreme Court or a Justice thereof, or the court of appeals or a judge thereof, shall have power to stay the order of the district court or to grant or deny a stay in accordance with subsections (a) and (b)'.

"(b) The chapter analysis of that chapter is amended by adding at the end thereof the following new item:

" '461. Stay of proceedings for reapportionment of State legislative bodies.' "

The amendments submitted by Mr. Clark are as follows:

Amendment No. 1219

On page 2, line 18, strike out the words "before or".

On page 2, line 19, strike out the words "or intervenor".

On page 2, lines 20 and 21, strike out the words "or any member of the legislature thereof without other authority".

Amendment No. 1220

On page 2, line 10, immediately after the word "or", insert a comma and the following: "if the order held a provision of the State constitution invalid,".

Amendment No. 1221

On page 2, line 10, immediately after the word "session", insert the words "convened after the entry of such order".

Amendment No. 1222

On page 2, line 10, immediately after the word "in", insert the word "the".

Amendment No. 1223

On page 2, line 7, immediately after the word "unconstitutionality", insert the words "rendered subsequent to June 1, 1964".

Amendment No. 1224

On page 2, line 5, strike out "January 1, 1966", and insert in lieu thereof "January 1, 1965".

Amendment No. 1225

On page 2, line 4, strike out the word "representatives", and insert in lieu thereof the words "members of the upper house".

AMENDMENT No. 1226

On page 2, line 2, immediately after the words "such period as", insert the words "the court may determine".

AMENDMENT No. 1227

On page 1, line 8, immediately after the word "in", insert the words "the upper house of".

On page 1, lines 8 and 9, strike out the words "or either house thereof".

On page 1, line 11, strike out the word "any", and insert in lieu thereof the word "such".

AMENDMENT No. 1228

On page 1, line 9, strike out the word "shall", and insert in lieu thereof the word "may".

Mr. DIRKSEN. Mr. President, I did not quite hear the last statement of the distinguished Senator about his amendments.

Mr. CLARK. I did not hear the Senator from Illinois.

Mr. DIRKSEN. I thought the Senator said something about having 10 amendments.

Mr. CLARK. I did.

Mr. DIRKSEN. Are they 10 amendments to the Mansfield-Dirksen amendment?

Mr. CLARK. They are amendments to what I prefer to refer to as the Dirksen amendment.

Mr. DIRKSEN. The Dirksen amendment?

Mr. CLARK. Yes.

Mr. DIRKSEN. I am grateful for that statement. But this is a joint sponsorship by the very distinguished majority leader and a humble servant—myself.

Mr. CLARK. I was thinking it was a rather reluctant marriage.

Mr. DOUGLAS. Mr. President, I would like to reply to my colleague. I rise in opposition to his amendment. I do that in no unfriendly spirit whatsoever.

My colleague and I have until recently seldom voted together, but we have had most pleasant personal relations. He has always been friendly and courteous to me. And I have tried to be friendly and courteous to him. There is no personal animus in the position which I take. But this is a very serious question—I think perhaps the most serious issue which has come before the Senate this year.

DIRKSEN AMENDMENT WOULD FREEZE PRESENT APPORTIONMENTS FOR INDETERMINATE TIME

In effect, what the amendment of my colleague would do would be to freeze the present apportionment of the State legislatures for an indeterminate period of time.

As my colleague has stated, during the period of the freeze a constitutional amendment, if passed by the House and Senate by a two-thirds vote, would be submitted to the legislatures of the various States for ratification. The terms of the amendment would then permanently freeze the legislatures of the various States in their present unrepresentative character. Therefore, the objective of the Dirksen amendment is to assure that the grossly unrepresentative legislatures would pass upon the constitutional amendment which would prevent the Supreme Court from ever changing the situation or ever producing a reapportionment more in accordance with population.

Therefore, my friend and colleague, the Senator from Pennsylvania [Mr. CLARK], was quite correct when he labeled the amendment the "rotten borough" amendment, because the practical effect of it—and, I am sorry to say, I believe the intention—would be to freeze the State legislatures in their present unrepresentative character and prevent the Supreme Court from invoking the provision for the equal protection of the laws to provide substantially equal—not precisely equal, but substantially equal—representation in the State legislatures.

We should realize that the present proposal is merely a forerunner of a constitutional amendment which, if its proponents can get it through in the form they most desire, would forbid the Supreme Court or any Federal court from ordering redistricting. In effect, this would permit the present malapportioned State legislatures quickly to ratify such an amendment and thus freeze forever, or for a long period of time, the present unjust system, which denies to both cities and suburbs—and I emphasize that point—their fair representation in the State legislatures, and continues them as vassals of the over-represented rural areas, with a denial in most cases of the full rights of home rule.

PROCEDURES BEING FOLLOWED ARE HIGHLY DUBIOUS AND IRREGULAR

Mr. President, there are many dubious features of the procedural manner in which such a highly important proposal making possible fundamental changes in our constitutional structure is being advanced.

First, I point out that the forerunner of the amendment was reported from the Committee on the Judiciary after only a brief, informal discussion, without members of the public being permitted to testify. There were no public hearings. There could be no sifting of points of view.

Second, as the Senator from Arkansas has suggested, the amendment is improperly proposed as a rider to the foreign aid bill, which deals with a totally separate matter.

The proposal comes at the end of the session, when the Senate has an overloaded and crowded calendar and we are in the last few days compelled to deal with a multitude of issues which we could not deal with before because of the 90-day filibuster on the civil rights bill. There is not sufficient time for the discussion of the Dirksen measure, which goes to the very fundamentals of the American system of government.

The preliminary amendment was presented by the Senator from Illinois several days ago. Suddenly today there was sprung upon us a revision of that amendment, the full nature of which we have not had time to discuss.

Third, if the amendment were adopted as a rider to the foreign assistance bill, it would become very difficult for the President to deal with the measure upon its merits. It would be very difficult for him to veto the proposal if he should disapprove of it, because it would be included in a vital bill. That would remove the possibility of a Presidential veto, or would greatly diminish it.

We sometimes forget that the Presidential veto was designed by the framers of the Constitution as an integral part of the legislative process. It was not intended as something separate and distinct from legislative process. The possibility of the veto was considered to be a vital part of the legislative process.

Fourth, as the Senator from Michigan has stated, the amendment would amount to Congress suspending completely an interpretation of the Constitution by the Supreme Court. It would deny the operation of a constitutional process to individuals and to States during that period. So far as I know, that has been done only once before in the entire history of the Nation, namely, in the Reconstruction period after the Civil War, when there was a great dispute between the Supreme Court and the majority of the Congress about the Reconstruction policies which could be followed under the Constitution.

My colleague has stated that the Deputy Attorney General, Mr. Katzenbach, now believes that the present amendment is constitutional. I am not responsible for Mr. Katzenbach's opinion; I do not know that he has officially made the statement. I am frank to say that if he did make such a statement, it would not necessarily be controlling in any sense.

People select constitutional opinions which they like. My colleague quoted the minority opinion of Justice Harlan and seemed to think that that was a correct interpretation of the Constitution. He did not quote the majority opinion, which was handed down in three decisions—in the case of Baker against Carr, in the Reynolds case, and in the Colorado case, all of which came to a contrary conclusion. In these decisions the Court maintained that the phrase "the equal protection of the laws" embodied in the Constitution imposes an obligation upon the States to give to their citizens approximately equal representation in the legislature. If people are unequally represented, they cannot be said to have the equal protection of the laws.

Personally I believe that that is a sound point of view. I accept, as do many people in this country not wholly ignorant on the question, the doctrine that the decisions of the Supreme Court are correct in law; and certainly I believe that in these cases they are correct in substance.

THE AMENDMENT WOULD SUSPEND THE CONSTITUTIONAL GUARANTEE OF EQUAL PROTECTION OF THE LAWS

I believe that what we are asked to do is to suspend for an indetermined time the constitutional guarantee of the equal protection of the law, and to deny this protection to individuals who may wish to obtain it.

My colleague said that he wished to explain tomorrow what his amendment meant. He did not do so tonight. I hope that I am not poaching upon his ground if I say that the vital section seems to be section 402(b). On page 2 of the amendment we find that it would apparently do two things. First, it would provide that there shall be no change in apportionment in any State election of representatives prior to the first of January 1966.

Therefore, it would freeze elections to come in the near future.

In the second part of subsection (b), it is provided that there shall be—

> "A stay for the period necessary—
>
> "(ii) to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution

THE AMENDMENT WOULD ESTABLISH INDEFINITE DELAY

I ask Senators to notice two things. First, there must be a constitutional decision, and presumably that would require ultimate decisions by the Supreme Court, and not merely decisions by lower courts. Grounds for differences and differentiation between the cases that are brought up and the previous Tennessee, Alabama, and Colorado cases can always be found, so that each case can be presented as being a fresh issue. Then after this occurs the legislature of such State is to be given "a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity"—

Then I skip the adjudication question and come to the concluding words "to apportion representation in such legislature in accordance with the Constitution."

This provides a delay of an indeterminate duration. It is not limited to 1 year, as the press reports seemed to indicate earlier in the day. It is highly indefinite. Who can say what is a "reasonable opportunity"?

In 1955, the Supreme Court, in the second civil rights case, held that desegregation should proceed "with all deliberate speed." That was 9 years ago, and after 9 years these cases are still being fought. "Deliberate speed" was a very vague phrase. "Reasonable opportunity" is a very vague phrase. So for an indeterminate period, we may freeze the State legislatures in their present unrepresentative positions.

This brings us back to the point from which I started; namely, that my colleague and those who agree with him have openly stated that they plan to propose an amendment, again in January, when the new Congress meets, to amend the Constitution so that either reapportionment will not proceed, or the Supreme Court and other Federal courts will have no power to order reapportionment.

Indeed, they may not have to wait for congressional action, because there is already pending before the legislatures of the States one of the three so-called disunity amendments which were submitted to the States by the so-called General Assembly of the States after representatives of the State legislatures met at the call of the Council of State Governments in Chicago in 1962. This assembly proposed three amendments, one of which proposed to set up a super Supreme Court composed of the chief justices of the 50 States in the Union, which would review basic decisions of the Supreme Court dealing with the relationships between the Federal Government and the States.

I believe that proposed amendment was one of the most irresponsible ideas that has ever sprung from the mind of man.

But there was also one which stated that the Supreme Court was to have no power over ordering the apportionment of seats in the State legislatures.

Fourteen State legislatures have approved resolutions applying to the Congress—under the hitherto unused amendment procedure authorized by article V—for the calling of a constitutional convention to act on this proposal. The constitutionality of one ratification; namely, that of Nebraska, is dubious, however. This amendment has also been approved by one house or the other in six additional States.

This may be the vehicle which the opponents of judicial control over reapportionment may use; and if so, they have a good head start since they have from 12 to 14 applications already, and favoring amendments in 1 house of 6 additional legislatures.

I think I have said enough to indicate that this is a very grave issue.

I do not know what the intentions of the majority and minority leaders are. I had thought that I would like to follow the junior Senator from Illinois [Mr. Dirksen], who really did not discuss the issue appreciably. He has said he will postpone his discussion until tomorrow. I would prefer to have the major thrust of my argument come after his. I have quite a long speech prepared. I can speak for several hours. I am ready to do it if necessary, but I would prefer to have unanimous consent to have this speech not count as one speech and be permitted to continue tomorrow after the junior Senator from Illinois [Mr. Dirksen] has made his explanation of what his amendment really means.

I therefore ask unanimous consent that this speech may not be considered as one speech on this measure and that I may be permitted to continue my speech tomorrow following the speech of the junior Senator from Illinois [Mr. Dirksen].

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—I wonder if the Senator from Illinois would mind offering the amendment proposed by his colleague, the Senator from Illinois [Mr. Dirksen], and several others, which is the objective for which the delay period is being asked, made a part of his remarks before he asks unanimous consent?

Mr. DOUGLAS. I thought the junior Senator from Illinois [Mr. Dirksen] was about to present his own amendment, but apparently he is not. The Senator from Florida asked for the printing of the Dirksen amendment. Is the Senator referring to the amendment suggested in Chicago in 1962?

Mr. HOLLAND. No. I am referring to the amendment that was offered in the Senate a few days ago by the junior Senator from Illinois [Mr. Dirksen] and a number of other Senators, including myself, which is the objective for which the delay period is being asked.

Mr. DOUGLAS. I always thought it was the function of the proponents to insert the necessary documents in the Record. If the Senator from Florida requests it, I ask unanimous consent that the amendment to which he refers, proposed by the junior Senator from Illinois and other Members of the Senate, be printed. And then I shall renew my earlier request.

Mr. HOLLAND. I am very happy to have that done.

There being no objection, the joint resolution (S.J. Res. 185) was ordered to be printed in the Record, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:
>
> "Article —
>
> "Section 1. Except as otherwise provided by this article the citizens of each State shall have exclusive power to determine the composition of its legislature and the apportionment of the membership thereof, and such power shall not be infringed nor the exercise thereof be reviewed in an original action or on appeal or controlled by the United States or any branch of the Government thereof. The membership of at least one house of the legislature of each State shall be apportioned as nearly equally as possible according to the number of persons determined by the enumeration provided in article I, section 2, or if there is only one house of the legislature then upon such combination of population and area as the citizens of the State shall determine.
>
> "Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. FULBRIGHT. Mr. President, reserving the right to object, I did not anticipate this kind of request. I wonder if the Senator would reserve it until I have an opportunity to confer with the majority leader?

Mr. DOUGLAS. Certainly.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Do I correctly understand that the Senator is going to have printed as a part of his remarks the proposed constitutional amendment offered by his colleague [Mr. Dirksen] and others of us, and which I am saying for the Record is the objective in connection with the legislation now pending?

Mr. DOUGLAS. That is a very frank statement. I have asked to have it printed. I wish to add, however, that several other constitutional amendments on this issue—perhaps more objectionable ones—have been proposed and are being considered.

Mr. HOLLAND. I express my appreciation to the Senator from Illinois.

I have no objection to his request, though I think the Senator from Arkansas has made an appropriate suggestion that the leadership be conferred with before the order is entered. I personally have no objection.

THE ROTTEN BOROUGH AMENDMENT IS WRONG IN SUBSTANCE

Mr. DOUGLAS. Let me again refer to the "rotten borough" amendment.

I want to lay major stress on my opposition to the present Dirksen amendment on substantive rather than procedural grounds. I have been talking about procedure up to this time, but my basic objections are substantive. I want to stress that the apportionment of State legislatures was and is in general disproportionate and unfair, and would deny to the cities and the suburbs, which now comprise nearly 65 percent of the population of the country, and which in a few years will comprise 70 percent, then 75 percent and, in the not-to-distant future, 80 percent of the population of this country, their fair and proportionate share of representation in State legislatures. As a derivitive, indeed it would deny proper representation in the National House of Representatives, since the congressional districts are laid out by the State legislatures; and an unrepresentative State legislature is likely to lay out unrepresentative congressional districts.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Senator knows, does he not, that the constitutional amendment proposed by his distinguished colleague from Illinois and others has no reference to staying the hand of the Supreme Court or the Federal judiciary with respect to their jurisdiction with reference to the districts for the election of Members of the House of Representatives?

Mr. DOUGLAS. Whether that is the objective can be made evident in the future. The rotten borough amendment would freeze the present malapportionment in the State legislatures and, I believe, a constitutional amendment will then be pushed to continue the freeze indefinitely. This situation has already led to malapportionment of congressional districts.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I believe it would be appropriate at this stage for me to say, that the proposed constitutional amendment would not freeze the membership in both houses of the State legislature, but it would provide that only as to one house, if a State so determines, the membership of that house may be elected upon a basis that recognizes other factors than population. The other house must have its membership based solely on population.

Mr. DOUGLAS. The proposals have been changed almost every day. We do not know what is coming up the next day. We do not know what is going to be the proposal in January. I will deal with this question in a little while.

To state the matter again, the present Dirksen amendment is an attempt to enable the present malapportioned State legislatures to ratify a forthcoming constitutional amendment to freeze for an interminably long period of time the present unfair system; and that would be done by State legislatures which are adjudged unconstitutionally created because they violate the 14th amendment. It would permit unconstitutionally created State legislatures to perpetuate themselves through ratifying a constitutional amendment.

PRESENT LEGISLATURES WOULD BE BIASED JURIES

I do not object to a constitutional amendment being put up to a fairly constituted set of State legislatures in which the members are reasonably distributed, and without an appreciable conflict of interest. But here they would be interested parties, who naturally would not in the main wish to have themselves reapportioned out of their jobs, or to give up their control over the cities. Hence, with certain honorable exceptions, they would tend to jump at the chance of freezing themselves into their jobs. This would amount to sending the amendment before a biased set of jurors. Legislatures have not in the main basically reapportioned themselves in the past, except under judicial compulsion, as in the past 2 years, and as under the Baker against Carr decision and the Alabama and Colorado decisions. There is little prospect that they would do so in the future.

I take it that the majority leader is being consulted as to whether or not he wishes to have this speech counted as a first speech. In default of that, I shall continue.

ORIGINALLY IN AN AGRICULTURAL AGE, THE LEGISLATIVE DISTRICTS WERE SUBSTANTIALLY JUST

When State legislative districts were originally laid out, they were in the main substantially fair and just. I know that there were variations. I know that the tidewater counties of Virginia, for example, discriminated against the upcountry counties. I know that in Pennsylvania the counties around Philadelphia discriminated against the Scotch-Irish counties on the frontier.

In the main, however, the legislative districts were approximately equal. This was true because we were primarily a rural and agricultural country, and the population was more or less evenly spread over the area of a State, with very few cities, and evenly distributed small towns. The small towns were the trading centers serving the adjoining countryside. Here would be found the handicraftsmen, like blacksmiths, shoemakers, barbers, tailors, and coopers as well as the small stores. Generally, the small towns were located approximately 1 hour's travel from the farthest farm in the trading area. In the days of the horse and buggy 6 to 7½ miles distance on one side, plus 6 to 7½ miles on the other side, tended to determine the location of towns. That is why towns were located 12 to 15 miles apart. In laying out the counties, it was generally provided that a person would not have to take more than half a day to get to the county seat and a half day to come from the county seat, allowing some time to conduct business while there.

Therefore counties tended to be roughly 30 by 30 miles in extent, with the county seat in the center of the county, 12 to 15 miles from the nearest points on the border of the county.

Those were rough rules. Some counties were smaller and some larger. In Texas, they were much larger, of course.

BUT TIME BROUGHT VITAL SHIFTS OF POPULATION TOWARD THE CITIES

In the course of time, as we all know, manufacturing developed, and with it the concentration of population. Transportation brought concentration, mining brought concentration, and nationwide selling agencies, nationwide banks, nationwide newspapers and publishing organizations all brought centralization of population and the growth of the cities and, more recently, the suburbs. All this has multiplied apace.

I do not wish to labor the issue, but there are certain facts which are extremely striking. In 1790, when George Washington was President, there were only two cities in this country which had a population of more than 25,000. They were New York and Philadelphia. They each had less than 50,000 people. In 1830, 40 years later, there was only one city with a population of more than 100,000, and only 3 with populations between 50,000 and 100,000.

Now let us skip to the Civil War. At the beginning of the Civil War, there were 2 cities—again New York and Philadelphia—with populations of from half a million to 1 million; one from a quarter of a million to a half a million; and 6 from 100,000 to 250,000. There were 9 cities with a population of over 100,000.

Let us see what had happened by 1880.

In 1880 one city had risen above a million. That was New York. Three had populations of from 500,000 to 1 million. Four cities had populations of from 250,000 to 500,000, and 12 cities had populations of from 100,000 to 250,000.

By 1900 3 cities had populations of over 1 million. Those cities were New York, Philadelphia, and Chicago. Three cities had populations of from 500,000 to 1 million. Nine cities had populations of from 250,000 to 500,000. Twenty-three cities had populations of from 100,000 to 250,000. That made a total of 38 cities in 1900 with populations of over 100,000.

In 1910, there were still 3 cities with populations of over 1 million; 5 had populations of from 500,000 to 1 million; 11 cities had populations of from 250,000 to 500,000; 31 cities had populations of from 100,000 to 250,000; that made a total of 50 cities that had populations of over 100,000.

Let us see what the situation was 20 years later, in 1930. There were 5 cities of over 1 million, 8 over 500,000 to 1 million, 24 over 250,000 to 500,000, and 56 over 100,000 to 250,000. That made a total of 93 cities of over 100,000 people.

Now let us take 1950. There were still 5 cities having a population of more than 1 million, although the population of each city had increased; 13, not 8, having a population from 500,000 to 1 million; 23 having a population from 250,000 to 500,000; 65 having a population from 100,000 to 250,000; or 106 cities having populations of more than 100,000, as compared with 9 in 1860, 12 in 1880, 38 in 1900, and 50 in 1910.

Let us take the last census. There were still 5 cities having more than a million population; 16 having from 500,000 to 1 million; 29 from 250,000 to 500,000; 81 from 100,000 to 250,000; or a total of 131 cities having populations of more than 100,000.

Now let us consider the current population of some of the cities. New York, in 1960, had a population inside the corporate limits, not including the suburbs, of 7,781,000; Chicago, 3,550,000; Philadelphia, 2,002,000; Detroit, 1,670,000; Los Angeles, 2,479,000. Los Angeles is very expansive, so it likes to include Long Beach in its population. If that is done, the total population is 2,823,000.

Baltimore, inside the city limits, had 939,000; San Francisco, 740,000. In keeping with the expansive ideas of California, San Francisco likes to include Oakland's population. If that is done, the total population is 1,003,000.

San Diego, which I knew when its population was about 100,000, now has a population of 573,000.

The other large cities had these populations in 1960: Cleveland, 876,000; St. Louis, 750,000; Milwaukee, 741,000; Boston, 697,000; Pittsburgh, 604,000; Seattle, 557,000; Cincinnati, 502,000; Atlanta, 487,000; Birmingham, 340,000; Indianapolis, 476,000; Phoenix, the City in the Sun, which has expanded at a geometric rate, aided by Government-furnished water at the general taxpayers' expense, 439,000; Honolulu, 294,000 in the central city, but including the suburbs of Honolulu, close to half a million; Houston, 938,000; Dallas, 679,000; San Antonio, 588,000; Fort Worth, the last of the big 4 cities of Texas, 356,000.

The old America, which we loved has, with the passage of time, largely disappeared. I grew up in rural America, as I presume the distinguished Presiding Officer [Mr. McINTYRE in the chair] did. In my youth I read Longfellow's "The Village Blacksmith," which was very appropriate, because in the small town in which I grew up the village blacksmith did work, and he worked under a spreading chestnut tree. He hammered out horseshoes with which he shod the horses of the farmers and the townspeople.

We knew everybody in town, and they knew us. I liked that sort of life. I still like it. I like to go back into it periodically. It has many virtues. The close relationships the people have to one another are, at times, possibly too close. Possibly we knew too much about the neighbors, and they knew too much about us. But on the whole, it was a very warm, intimate relationship.

But that is an America which, instead of being predominant, is now in the distinct minority. We know this in general, but sometimes we do not realize the full extent to which life and developments have gone.

A great many people who are acting as legislators in the State legislatures—and, indeed, in Congress—still think of this country as a place of the village blacksmith under the spreading chestnut tree, with the sparks flying from the horseshoe being beaten upon the anvil. They think of the foreign relations of the United States as they were in the days when there was a monthly boat from Boston to Liverpool. That is their idea of America. It is difficult to correct their ideas and to bring their thoughts and emotions up to the actual events.

We have become primarily a nation of large cities. I have not mentioned all the cities having populations of more than 500,000, nor have I mentioned many cities having populations under 500,000. For example, in the State of Ohio there is not only the great metropolis of Cleveland, from which come the two distinguished Senators from Ohio; but there is a bevy of smaller cities, including Cincinnati, Columbus, Toledo, Akron, Dayton, Zanesville, and Youngstown.

In New York there is not only New York City; there are Buffalo, Albany, and the chain of cities along the old Erie Canal—Rome, which used to be called out on the New York Central; Utica, Syracuse, Rochester, and so on.

In the State of the distinguished Senator from New Hampshire [Mr. McINTYRE], who now graces the chair of the Presiding Officer, are the larger cities of Nashua and Manchester, which are very different from Keene and the other smaller communities in New Hampshire.

In Pennsylvania, the State so well represented by its senior Senator [Mr. CLARK], there are not only the giant metropolises at the eastern and western ends of that State, Philadelphia and Pittsburgh, but there are the intermediate cities of Harrisburg, Altoona, Williamsport, and Scranton—about which we have heard recently—Wilkes-Barre, Allentown, and Bethlehem—Bethlehem, first founded by the gentle Moravians, and which became one of the world's greatest armorers and producers of munitions.

Mr. CLARK. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. Bethlehem is also the home of the famous Bach Choir, which is one of the great cultural assets of our Nation.

Mr. DOUGLAS. It is one of the gifts of the Moravians not only to the city of Bethlehem and the State of Pennsylvania, but to the country, as well.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. DOUGLAS. One can hear the oratorios of Bach along with the clanging machinery.

Mr. CLARK. Sometimes, if the Senator from Illinois will permit the interruption, the sweet music of the Moravians speaks more loudly for peace on earth and good will toward men than the clanging of the machinery of the munitions makers, important as that is, as the Senator knows, as an ex-marine, in the interest of our national security.

Mr. DOUGLAS. The Moravians, though few in number, have had a strong permeative influence on the country. They founded the city of Salem, which now forms the second part of the city of Winston-Salem in North Carolina. I think they would somewhat regret the fact that they also have given its name to the Salem cigarette.

Mr. CLARK. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. The Senator is making a most important address. I hope it will be read more carefully than it is presently being listened to, in view of the usual status of the Chamber at this hour of the afternoon.

However, I should like to point out, since the Senator has mentioned the Commonwealth of Pennsylvania, that there is no crisis, no chaos in connection with reapportionment in our State. Both parties are in accord on a sensible procedure for remedying the unconstitutional inequity which was so well pointed out by Chief Justice Warren in the wonderful decision which he handed down on June 15 in the Reynolds case.

So we have already had a three-judge court declare our reapportionment—which was instituted, really, in the interest of a Republican gerrymander—unconstitutional. The decree of the court has been stayed until after the 1964 election, as was suggested by Chief Justice Warren in the 10th part of that magnificent opinion. It might be in order to prevent the crisis of chaos upon which the Senator from Illinois laid such stress earlier.

The Republican Governor of our State has agreed to call the legislature into session early in 1965. It will be a regular session. I have every reason to believe that equitable reapportionment of both houses of the legislature will then take place.

There is no panic in Pennsylvania except on the conservative Republican side. They see themselves about to lose their illegal control over the State senate, and to some extent the State house. I was told by the former Governor of our State, a man who knows the State as well as does anyone alive today, former Governor David L. Lawrence, that the Democrats could carry the Commonwealth of Pennsylvania by a majority of 600,000 this fall and still not control the State senate or the State legislature—which to my mind makes it all the more important that the "rotten borough" amendment should be defeated.

(At this point, Mr. SALINGER took the chair as Presiding Officer.)

NO CHAOS AS THE RESULT OF THE SUPREME COURT DECISIONS

Mr. DOUGLAS. I thank the Senator from Pennsylvania. There is no chaos in Illinois, either. The elections for the State senate will proceed in an orderly manner. The present 58 districts will be used in the November 1964, election.

It is true that the election to the lower house in the State legislature will be at large with 118 of the 177 members named by each party, so that no party will have more than 118 seats. But this election at large was not required by any decision of the Supreme Court, or any Federal court. It came about under provisions of the Illinois Constitution because of the decision of the Illinois State courts, difficulties in the Illinois Legislature, and disagreements between the legislature and the Governor—in which, incidentally, I believe the Governor was completely in the right. But no trouble or chaos has been caused in Illinois by decisions of U.S. courts.

POPULATION IN THE CENTRAL CITIES OVER MOST OF THE COUNTIES HERE RECENTLY WELCOMED—IT IS THE SUBURBS WHICH HAVE GROWN

The statistics I have cited so far tell only a part of the story. What has happened in the past few years has been a decrease in the size of the population living in the central cities over most of the country, and a great increase in population in adjoining suburbs. The Census Bureau has therefore adopted as a measurable unit what are properly termed "metropolitan districts," rather than corporate entities, as the best judge of population density.

These suburban districts are areas where a major portion of the wage earners and salaried workers commute to work in the central cities, or as is increasingly the case, in peripheral manufacturing and other enterprises closely tied to the central cities.

But the interests of the suburbs are vitally connected to the central cities with respect to transportation, water supply, sanitation, smoke abatement, control over fires, police, coordination of streets and highways, zoning, taxation, and the like.

Virtually the entire growth of the country from 1950 to 1960 occurred in the suburbs. The open country lost population. The number of farmers diminished. The big cities, in the main, lost population, with the exception of the cities on or near the Gulf of Mexico—such as the Miami-Tampa-New Orleans—the Houston complex; the cities of the sun, in New Mexico and Arizona; and in southern California, Los Angeles, and San Diego. But the major cities of the East and of the Midwest lost population.

In my city of Chicago, the population diminished from 3,629,000 to 3,550,000—a population loss of 2 percent.

The city of Pittsburgh fell from 679,000 to 604,000—a loss of 11 percent.

The city of St. Louis diminished from a population of 857,000 to 750,000—a 13-percent loss.

Boston, which used to regard itself as the hub of the universe, diminished from 801,000 to 679,000—a loss of 13 percent.

The corporate city of New York diminished from 7,891,000 to 7,781,000—a loss of 110,000, or approximately 1¼ percent.

Philadelphia fell in population from 2,071,000 to 2,002,000, or a loss of 3½ percent.

Nevertheless, in 1960, cities with a population of over 1 million—5 of them—had 9.8 percent of the population of the country, or approximately 10 percent.

Cities over 500,000, including those over a million, had 15.9 percent of the population of the country—approximately 16 percent, or roughly one-sixth of the population of the country.

Cities over 250,000 had 21.9 percent of the population of the country—approximately 22 percent, or two-ninths of the population of the country.

Cities over 100,000 had 28.4 percent, or over a quarter of the population of the country.

Cities over 50,000 had 36.4 percent of the population of the country.

Cities over 25,000 had 44 percent of the population of the country.

The suburban trend has progressed to the point where, taken as a whole, the suburbs probably now have more people than do the central cities.

For example, take New York, with 7,781,000 people in the central city and 2,912,000 outside the central city—in Westchester, Suffolk and Nassau Counties—or a total of 10,684,000. If we include the overlap in the New York metropolitan area in the New Jersey communities, on the other side of the Hudson River, and do not include Connecticut, or such places as Westport, we have 14,759,000 in the New York metropolitan area.

It is accurate to say that there are 15 million people in the New York metropolitan area, of whom approximately one-half live outside the city of New York.

In Chicago, as I have stated, there are 3,550,000 in the central city, but 2,670,000 live outside the central city, inside Illinois—namely, in the counties of Lake, Will, Du Page, Kane, and McHenry. If I include Gary, East Chicago, and the Hammond area close at hand on the lake in Indiana, we obtain a total figure of approximately 6,800,000 in the metropolitan area of Chicago.

Mr. President, I see the distinguished junior Senator from California [Mr. SALINGER] in the chair. He waged a strenuous campaign in California. It is not news to him that while there are 2,833,000 people inside the corporate limits of Los Angeles, there are 3,919,000 people outside the central city in the Los Angeles metropolitan area, or a total of 6,742,000.

Mr. DOUGLAS. These figures are obtained by Los Angeles annexing Long Beach. We felt that if it was fair for Long Beach to be counted with Los Angeles, we should count Gary, East Chicago, and Hammond. If those are included, Chicago is still the second largest metropolitan area in the country. Los Angeles must take a back seat.

Philadelphia, Pa., has 2,002,000 in the central city, but 2,340,000 in the suburban area, or 4,243,000 in the metropolitan area.

No life is more pleasant than the life along the main line of Philadelphia. If one goes down the Swarthmore branch, it is very pleasant there, or if one turns northward. The Philadelphia suburbs are perhaps the most pleasant in the country. I shall not make any comments about the intellectual level of the Philadelphia suburbs, lest I offend my dear colleague from Pennsylvania. That does not include the suburban areas near Philadelphia, on the Delaware River, Morrisville, Haddonfield, and the other areas. I believe perhaps Philadelphia has at least 5 million people who regard it as the trading and cultural center.

Detroit, with 1,670,000 people inside the city, and 2,092,000 outside the city, has a total metropolitan population of 3,782,000. And they do not have to claim Windsor, in Ontario, Canada, in getting that figure.

THE STRIKING CASE OF MARYLAND

Baltimore has 939,000 in the city, and 787,000 people outside of the central city. The total is 1,727,000. When we come to the representation figures for Baltimore, we shall find something interesting.

There are nine little counties on the Eastern Shore, each one with a senator. Their total population is about 220,000. They have nine senators. The county of Baltimore, with a population of 550,000 has but one senator. One county on the Eastern Shore—I am not quite certain whether it is Calvert or Somerset County—has 15,000 people. It has a senator. But Baltimore County, with a population of 550,000, has only one senator. It requires 37 people in the county of Baltimore to have the same representation as 1 person in either Calvert or Somerset County.

Two hundred and twenty thousand people on the Eastern Shore have 9 times the representation of the 550,000 people in the county of Baltimore.

Take the other two big counties in Maryland—Montgomery, which is just to the north of us, and Prince Georges, to the northeast of us. Montgomery County has approximately 340,000 people. It has one senator.

Prince Georges County has approximately 360,000 people. It has one senator.

Add Baltimore County, Montgomery County, and Prince Georges County together, and we get a total of 1¼ million people, with three senators. And the nine little counties on the Eastern Shore, with only about one-sixth of the population, have three times the representation. That is why the Eastern Shore tends to control the Maryland Legislature.

If the 9 Senators are banded together, as they are, they can make alliances and can control 16 votes—the majority of the Maryland Senate.

Maryland is largely controlled by the overrepresented Eastern Shore. That is one of the great difficulties that Montgomery County, Prince Georges County, Baltimore City, or Baltimore County have in getting legislation through.

Maryland is a State which lies just at our gates. It is characterized by gross malrepresentation. I see sardonic smiles from some of the onlookers. I say that is an abuse of representative government.

WHAT ABOUT CALIFORNIA?

Let me turn to California. I shall produce more detailed evidence on this tomorrow. The county of Los Angeles has over 6 million people. It has one senator. There is one county, or one senatorial district, in California with a population of approximately 14,000 which has 1 senator. One voter in this mountain senatorial district has the same effect as approximately 457 voters inside the county of Los Angeles. These are examples of what is occurring all over the Nation.

I have some detailed figures which I shall present tomorrow when I am able to present my argument in more detail and at greater length than I am able to do tonight. But this can do for a starter.

Mr. President, I recommend the U.S. census to all students of politics. It is a very revealing book. It gives a great deal of information.

Mr. President, I ask unanimous consent that three tables based on the census of population showing the 1960 and the 1950 populations inside and outside central cities of standard metropolitan statistical areas, and in their component counties, plus a table for the major SMSA's, be printed at the conclusion of my remarks.

The **PRESIDING OFICER**. Without objection, it is so ordered.

(See exhibit No. 1.)

THE BALANCE BETWEEN CITIES AND SUBURBS

Mr. DOUGLAS. Mr. President, in brief, in 216 urban areas of this country, there are 115,800,000 people, which—with a national population of 178 million—amounts to well over 60 percent of the total population in the Nation. Of this amount, 58.4 million are in the central cities, and 57.4 million live just outside of the central cities. The cities and suburbs are approximately even.

Since 1960, there has, of course, been a continuation of this same shift in population, so that today it is undoubtedly true there are more people living in the metropolitan areas outside the central cities than inside the central cities.

Between 1950 and 1960, the population of the central cities increased by 11 percent. The outside communities increased by 47 percent. The city increase, as I have mentioned, was mainly in certain specified areas of the country, where there is a great deal of sun—Florida, Louisiana, Texas, New Mexico, Arizona, southern California. There was no increase in the East and in the Midwest, except in isolated cases.

Mr. President, thus far I have been discussing the concentration of population in cities and metropolitan areas, including both cities and suburbs.

THE DISTRIBUTION OF POPULATION BY COUNTIES

The census also gives a classification by counties and by size. These figures have been well assembled by Prof. Paul David and Ralph Eisenberg of the highly conservative University of Virginia at Charlottesville. But, some of their research may have been done under other auspices.

On page 8 of their study they have figures on how the small counties and the large counties have been faring in the past 50 years.

Let us consider counties with populations under 25,000. In 1910 there were 2,149 of them. They had a total population of 27.2 million. In 1930 the number had diminished very slightly to 2,062, but their population had gone down by a million to 26,331,000.

In 1950 their population fell again to 24,261,000.

In 1960 their population fell once more to 23,064,000.

While the country was almost doubling in population, the population of these counties, comprising approximately two-thirds of the counties in the Nation, had diminished from 27,400,000 to 23 million, or a decline of 4,400,000, or about 16 percent.

Let us compare the counties with populations of over 500,000. In 1910 there were only 15 of them. They had 14.8 million people.

In 1930, the number increased to 23, and the population to 28.6 million.

In 1950, the number rose again to 41, and the population to 44,800,00.

In 1960, there were 64 of them; the population was 65.7 million. There had been an increase of 4½ times in the population of those counties in 50 years, or an increase of about 350 percent, while the small counties, those under 25,000 in population, were diminishing by about 14 or 15 percent.

A county with a population of from 100,000 to one-half million is a large county. There were 87 of those in 1910. They had a population of 17.1 million people. By 1930, their number increased to 142 and their population to 29.9 million people.

In 1950, there were 200 of them, with 40.1 million people.

In 1960, there were 238 of them—almost three times the number in 1910—with a total population of 48.5 million.

If we add all the counties with populations of 100,000 or more, in both of those groups, we get a total of 302 counties in 1960 with a total population of 114 million people out of the 178 million people in the country at that time. This was 64 percent of the total.

Need anything more be said to show that we have become an urban nation, a nation of large cities and their affiliated suburbs, a nation of large counties?

I ask unanimous consent that the table from page 8 of the study by Paul David and Ralph Eisenberg, "Devaluation of the Urban and Suburban Vote," be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Number and population of counties in the United States, grouped by categories of population size, 1910, 1930, 1950, and 1960 [1]

[Population in thousands]

Categories	1910		1930		1950		1960	
	Number	Population	Number	Population	Number	Population	Number	Population
Under 25,000	2,149	27,421	2,062	26,331	1,954	24,261	1,942	23,064
25,000 to 99,999	796	32,203	869	37,411	901	40,757	884	41,247
100,000 to 499,999	87	17,154	142	29,911	200	40,088	238	48,542
500,000 and over	15	14,853	23	28,634	41	44,789	64	65,705
Total	3,047	91,632	3,096	122,288	3,096	149,895	3,128	178,558

[1] Independent cities not contained within a county, such as exist in a few States, are treated as counties and are included in the above tabulations. The District of Columbia, which is not a part of any State and which had no locally elective legislative representation in any of the years studied, is omitted from this table. Totals include only areas with representation in State legislatures.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The Senator from Illinois is performing a great service to the country by spelling out in clear detail exactly what are the real social and economic problems behind the whole reapportionment struggle.

I ask him if it is not true that, in the absence of population reapportionment, there will continue to be inaction in State legislature after State legislature and refusal in many States, on the basis of experience which goes back many years, to cope with the problems of urban and suburban areas, with the result that there will be great pressure on Washington to do the job that should be done on a local level? Is that not true?

Mr. DOUGLAS. That is absolutely true. There are many illustrations of the truth of that statement. Cities have been compelled, in may cases, to go to the Federal Government because the State legislatures were so apportioned against them that they could not get justice from their State governments. Congress has been compelled to act for them, rather than turn them over to the untimely mercies of the legislatures of the States. This is notably the case with respect to airports. It is also the case in housing. It is also the case in mass transit. I think it is probably the case, at least partially, in the field of recreation. It is the case in many other areas.

Senators will remember that President Eisenhower established a committee to go into Federal-State relationships. He expected that it would result in turning over a great many Federal functions to the States, which could then deal with the cities. After the committee had been at work on the problem a number of years, the members virtually decided they could not do it. I have talked with the directors of research and the chairman of the committee, Mr. Meyer Katzenbach, a distinguished resident of my State, and president of Hart Schaffner & Marx. He said that what the problem came down to is that the cities had no real place to go except to the Federal Government. It was the unrepresentative character of the State legislatures that forced cities to go to Washington and ask the Federal Government to bypass some of the State governments.

What the Senator from Wisconsin is saying is that if the cities could only be assured of a fair deal through representative State governments, they would not have to come running to the Federal

Government, but they could largely fulfill their functions in our national life through their State governments.

Mr. PROXMIRE. Is it not also true that the main criticism against the burgeoning powerful Federal Government comes from two sources? It comes, in the first place, from Republicans, and with great sincerity. The Governors of Pennsylvania, New York, and other States have said that their solution for a progressive nation is to solve more of the Nation's problems at the State level. Also, the opposition has come from southerners, who place their belief in States rights. They say the responsibility for economic progress should be left to the States.

If their plea for more progressive States is to be effective, is it not essential that the State legislatures be responsive to the popular will? If the enormous change in population, which is characteristic of every State in our Union, moving from rural areas into the cities and from the cities into the suburbs, is not reflected in the State legislatures, is not this sincere conviction of many outstanding leaders, that States should act, going to be a hollow and empty plea, because we know if we do not provide for population reapportionment in this area we will not solve the Nation's problems as we should at the State level?

Mr. DOUGLAS. That is correct. Those who believe in federalism as opposed to centralism should support reapportionment and support the decisions of the Supreme Court, because by making State governments more representative, they would permit State governments to deal more adequately with the problems of the urban people who live in the cities and suburbs.

Mr. PROXMIRE. Certainly in California we have the most striking example. State Senator Tom Rees represents a district with 4 million people——

Mr. DOUGLAS. It is 6 million people.

Mr. PROXMIRE. Is it 6 million people?

Another representative represents a county having——

Mr. DOUGLAS. He represents 14,000 people.

Mr. PROXMIRE. Fourteen thousand people. This is a disproportion which is grossly unfair. Obviously, the needs of Los Angeles, which has 40 percent of the population of California within the county, cannot be handled appropriately by one of the two bodies of the California Legislature.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. By putting in the statistics and background showing that in case after case there is gross misrepresentation and total lack of representation in the State legislature, the Senator is showing very pointedly and convincingly the basic reason for our States failing to meet the social and political problems of our times, and the necessity for our Federal Government doing more for the people. Poor apportionment prevents State action, and makes Federal action more likely.

Mr. DOUGLAS. I thank the Senator.

DID THE STARS FALL ON ALABAMA?

My colleague had harsh things to say about the Supreme Court in the Reynolds case, the reapportionment in Alabama. Let me read from the factual description of the matter given in the majority opinion on page 10 of the Supreme Court decision in the Reynolds case:

> On July 21, 1962, the district court held that the inequality of the existing representation in the Alabama Legislature violated the equal protection clause of the 14th amendment, a finding which the court noted had been "generally conceded" by the parties to the litigation, since population growth and shifts had converted the 1901 scheme, as perpetuated some 60 years later, into an invidiously discriminatory plan completely lacking in rationality.

They were operating in 1961 with the reapportionment laid down by the Alabama legislature 60 years before. Said the Chief Justice:

> Under the existing provisions, applying 1960 census figures, only 25.1 percent of the State's total population resided in districts represented by a majority of the members of the senate, and only 25.7 percent lived in counties which could elect a majority of the members of the house of representatives.

In other words, one-quarter of the people elected slightly more than half of the representatives in the house and in the senate. Three-quarters of the people elected less than half.

> Population-variance ratios of up to about 41 to 1 existed in the senate, and up to about 16 to 1 in the house. Bullock County, with a population of only 13,462, and Henry County, with a population of only 15,286, which were allocated two seats in the Alabama House, whereas Mobile County, with a population of 314,301, was given only 3 seats, and Jefferson County—

I presume that is where Birmingham is located—

> with 634,864 people, had only 7 representatives.

That is in the Alabama House. We see that the representation in the house of Mobile County was only about one-seventeenth or one-eighteenth of what it was for Henry and Bullock Counties.

> With respect to senatorial apportionment, since the pertinent Alabama constitutional provisions had been consistently construed as prohibiting the giving of more than one senate seat to any one county, Jefferson County with over 600,000 people, was given only one senator, as was Lowndes County, with a 1960 population of only 15,417, and Wilcox County, with only 18,739 people.

In other words, the representation of Lowndes County in the senate was approximately 40 times as great per person as it was in Jefferson County, and 32 or 33 times as great in Wilcox County as in Jefferson County.

No wonder the Supreme Court ruled as it did. It had to do so in the face of such unfairness.

I shall give some more horrible examples now, and reserve more detailed figures for tomorrow, when I shall speak in greater detail and at greater length.

WHAT ABOUT CONNECTICUT?

Let us take Connecticut. In Connecticut, in the lower house, the largest district represents 81,089 people, and the smallest represents 191 people. In Connecticut, each town or city in the State has two members in the house of representatives. There are 118 of such towns and cities, and there are therefore, 236 members in the lower house. The 5 great cities of Connecticut, namely, New Haven, Hartford, Bridgeport, Danbury, and 1 other, have 10 representatives out of the 236, or 4 percent of the membership. They have approximately half or more than half of the total population. There is a hill town in Connecticut wherein, by 1960 census figures, 191 people are entitled to a representative. However, it takes 81,000 to have a representative in the largest districts.

NEW HAMPSHIRE

Now let us take the State of New Hampshire. I wish the junior Senator from New Hampshire [Mr. MCINTYRE] who graces this body so charmingly, were present, as I go through these figures. The average population in a district is 1,517. The largest population figure is 3,244. What do Senators suppose the smallest district is which sends a representative to the New Hampshire Legislature? It is a town with three inhabitants. The three inhabitants send one legislator to Concord.

This is like the rotten borough outside Salisbury Cathedral prior to the Reform Act. Outside Salisbury Cathedral there was a parliamentary district known as Old Sarum. Nobody lived there, but it sent two members to Parliament. At the time of the election the man who owned the feudal estate would come down and have a tent erected, and he would send his two representatives to Parliament from that rotten borough, while the cities of Birmingham, Manchester, Liverpool, and Sheffield, rising industrial cities, were completely unrepresented or had only a small fraction of representation.

It was the existence of this unequal representation which threatened England with revolution. It was not until the reform bill of 1830 was passed, under the threat of revolution, that steps were taken to remedy the situation.

I notice, since I started my remarks, my good friend the senior Senator from Connecticut [Mr. DODD] has come in the Chamber. I should explain to him that I was holding Connecticut up as a horrible example in the matter of representation in the lower house in Connecticut.

Mr. DODD. The Senator is right. I believe it is probably the worst example in the Union.

Mr. DOUGLAS. I may have one other that is just as bad. New Hampshire is just as bad.

Mr. DODD. I do not know the situation in New Hampshire, but in Connecticut we have towns of 500 or 600 inhabitants with two representatives in the assembly, and the city of Hartford, with over 160,000 inhabitants, has only two representatives.

Mr. DOUGLAS. The table seems to show one town that has six people.

Mr. DODD. In Connecticut?

Mr. DOUGLAS. In Connecticut. Six people send two representatives.

Mr. DODD. I believe the Senator's figures are out of date.

Mr. DOUGLAS. I am quoting from Eisenberg's "Devaluation of the Urban and Suburban Vote," at page 2.

Mr. DODD. I do not know of any town that has six inhabitants.

Mr. DOUGLAS. It may be tucked in the Connecticut Berkshires somewhere.

Mr. DODD. Anything is possible under our terrible system.

Mr. DOUGLAS. Oh, the Senator is correct. The figure I cited refers to the ratio of the largest to smallest population per member of the Connecticut lower house. That is, the largest population per member exceeds the smallest by 670 percent or a ratio of 6.7.

VERMONT

Now let us take Vermont. I wish the senior Senator from Vermont were on the floor. Vermont, so far as its assembly is concerned, is operating on a 1793 apportionment. They laid out the districts in 1793, and have not revised them since then. In Vermont, one town with a population of 36 elects one member to the lower house. Another town with 35,535 elects one representative. Here, in this minute hamlet, one voter has the same influence as a thousand voters in the largest town in the State.

Mr. President, I have been both in New Hampshire and Vermont and have inspected the quarters of the State legislatures. The New Hampshire lower house is one of the largest legislative bodies in the world. As I remember, it is larger than the National House of Representatives. It is second only to the British House of Commons.

It is impossible to throw a stone in New Hampshire without hitting someone who has been in the legislature. It used to be said in the old days, when the Boston & Maine Railroad controlled the State, and the railroad gave passes to the legislators, that no one paid any fare on the railroad between Bretton Woods and Boston.

WHAT ABOUT MONTANA?

If we may believe David and Eisenberg, in the Montana upper house, in the smallest district, 894 people elect a senator; in the largest district, which I presume is Butte, 79,916. In other words, one voter from the smallest senatorial district in Montana has as much representation as 88 voters in the largest county.

I could continue for hours describing this situation.

A MINORITY GENERALLY ELECTS A MAJORITY

Let me take a cognate phase of the subject, namely, the percentage of the population which can control a majority of the lower houses in State legislatures and a majority of the members in State senates. Let us start with the lower house.

In Kansas, less than 20 percent can elect a majority of the lower house; in Delaware, 18.5 percent; in Rhode Island, 46.5 percent; in Connecticut, 12 percent. That is what enabled the Connecticut Light & Power Co.—Mr. J. Henry Rohrbach—to control the politics of Connecticut for many years.

In Florida—and I wish the senior Senator and the junior Senator from Florida were in the chamber—29 percent of the population elect a majority of the lower house. Until recently, approximately 13 percent could do this, but now 29 percent can elect a majority because much reform has been adopted under the shotgun of the Supreme Court decisions.

I have prepared a table and chart on this subject, which was originally developed by the New York Times and published in the issue of Sunday, June 21, 1964. I shall place it on the desks of Senators tomorrow; I do not wish to waste its potency on the desert air tonight.

I should point out that while in general the upper houses of State legislatures are more unrepresentative than the lower houses, this is not true in certain cases, notably in Kansas, Vermont, and Connecticut.

In Vermont, 12 percent of the population can elect a majority of the lower house. In Connecticut, 12 percent of the population can elect a majority. In Kansas, 19.4 percent can elect a majority of the lower house. In Delaware, 18.5 percent can elect a majority.

An interesting bit of colonial history is involved in the Vermont-New Hampshire situation. As I understand it, each State was desirous of obtaining the allegiance of the towns along the Connecticut River, New Hampshire hoping to induce towns west of the Connecticut River, and Vermont hoping to induce towns east of the Connecticut River. So guarantees of equal representation of the towns were offered. With the movement of population since the Revolutionary War, these ratios have become grossly disproportionate. In Vermont, they have not been revised since 1791 with respect to the lower house.

In terms of State senates, there are some interesting facts. In Nevada, 8 percent of the population can elect a majority of the State senate. The cities of Reno and Las Vegas, with their flourishing enterprises, do not send many representatives to the Nevada Senate, but the sagebrush counties and towns do.

In Idaho, 16.6 percent of the population can elect a majority. In Wyoming, 24 percent of the population can elect a majority. In Montana, 16.1 percent, or about one-sixth of the population, can elect a majority of the State senate.

Now consider Arizona, from which we have heard much about the fact that we should allow the States to take over—although they wish a billion and a half dollars from the Federal Government for the central Arizona water project. In Arizona 12.8 percent of the population can control a majority of the Arizona Senate.

In New Mexico, only 14 percent—one-seventh of the population—can elect a majority of the State senate.

In California, which we have covered before, 10.7 percent, or less than one-ninth of the population, can elect a majority of the State senate.

In Forida, 15 percent can elect a majority.

In Delaware, 22 percent.

In Maryland, 14.2 percent.

These are States with "rotten boroughs." That is all they can be described as—"rotten boroughs."

New Jersey—19 percent can elect a majority of the State senate.

Rhode Island—18 percent.

I have spoken of the Eastern Shore, which dominates the Maryland Legislature.

South Jersey, in similar fashion, dominates the New Jersey Legislature. South Jersey counties have vegetation, pine trees, sand, and ocean beaches, but they do not have much in the way of population. Still, they dominate the New Jersey Senate—under the State constitution's provision, I believe, of one senator per county; with the result, of course, that the great cities of New Jersey—Jersey City, Newark, and Camden—are relatively underrepresented. The sand barons and the pine barons of south Jersey are said to represent them.

Pine trees control. Sand controls the New Jersey Senate.

If one can control the senate one can veto legislation which goes through. One can exact a price for compliance and powerfully shape legislation and not merely exercise a veto.

Tomorrow, when I have time to speak at greater length on the subject, and have the opportunity to develop my argument more fully, I shall be able to bring out additional facts. But I should like to deal with one final point, and that is the question: To what degree have the State legislatures moved to reduce these great disparities in representation?

STATE LEGISLATURES HAVE REFUSED TO REFORM THEMSELVES

My friend and colleague the Senator from Illinois [Mr. DIRKSEN] would issue a stay order and prevent the Supreme Court or the Federal court from ordering reapportionment. He would put these matters up once again to the State legislatures, which have had this question before them for year after year and decade after decade. What have they done?

Let me take up some of these items—and I shall be speaking of facts as of January 31, 1964.

The last time Connecticut reapportioned its house was in 1876. Eighty-eight years had rolled by and Connecticut still stood where it stood in 1876. Before that, the last time it had reapportioned was in 1818.

According to my figures, as of January 31 of this year, the last time Connecticut apportioned its senate was in 1903.

The last time Delaware apportioned, according to the statistics published in "The Book of the States—1964–65," was in 1897.

The last time Rhode Island apportioned its House was in 1930. I can remember the time when one branch of the Rhode Island legislature took automobiles and went out of the State so that they could not be compelled to reapportion. They took refuge in the Whale

Inn, west of Northampton, in a place called, I believe, Chesterfield. They hid out there through late summer and fall, in order to prevent reapportionment in Rhode Island. I am sure that both Senators from Rhode Island know these facts.

Six States in the Union are clearly in violation of their own constitutions. Among such States, Connecticut, Delaware, Louisiana, and Rhode Island, are conspicuous.

Moreover, to the degree that there has been compliance in the years 1962, 1963, and 1964, it has been accomplished under the shotgun of State and Federal court orders. If it had not been for the court orders now complained about, the State legislatures would not have reapportioned.

Such progress as we have made—an article published in the Washington Post described it as "inching"—has been under either a direct order of a Federal court or under a fiat, that if they did not act there would be Federal reapportionment. In many cases, the legislatures came in with a grossly unsatisfactory act in the hope that they could deal with the Federal courts, and with an unjust order—but not quite so unjust as the apportionment was originally. These include Georgia and Tennessee—possibly they may include New York.

Governor Rockefeller, anticipating that the verdict at the polls may be adverse to his party, is desirous of calling a meeting of the present legislature before the new legislature is elected. This would be done so that it can apportion the seats in New York so as to preserve a Republican majority, as has been done in the past, when the Democrats have heavily carried the State, yet have not been able to gain control of both branches of the State legislature.

Let me take up the question of the slowness of the States to reapportion, despite, in most cases, clear mandates in their State constitutions to do so every 10 years.

Alabama did not reapportion between 1906 and 1962. The constitution required it in Alabama, but they did not do it.

Connecticut did not reapportion, as I have stated, between 1818 and 1876 for its house; and up to the 1st of January of this year had not reapportioned again.

Illinois did not reapportion between 1901 and 1955. The legislature put itself beyond the control of the courts. It found that nothing could be done to enforce the State constitution.

Indiana did not reapportion between 1921 and 1963.

Kentucky did not reapportion between 1942 and 1963.

Louisiana did not reapportion between 1921 and 1963. It still has not reapportioned its senate.

Minnesota did not reapportion between 1913 and 1959.

Mississippi did not reapportion between 1916 and 1963.

Nebraska did not reapportion between 1935 and 1963.

New Hampshire did not reapportion its senate between 1915 and 1961.

New Jersey did not reapportion between 1941 and 1961.

North Carolina did not reapportion between 1941 and 1961 for its house, and between 1941 and 1963 for its senate.

North Dakota did not reapportion between 1931 and 1963 for its house, and still has not reapportioned its senate.

Pennsylvania has not reapportioned its senate between 1921 and 1964.

The State of Washington did not reapportion between 1931 and 1957—and prior to 1931, I believe, it did not reapportion either senate or house since 1901 or 1891.

It was my good fortune, many years ago, to know the late J. Allen Smith, professor of political science at the University of Washington, who in many ways was one of the most farsighted and prescient political scientists of the last three or four generations. He was, to my mind, as great a political scientist as Charles A. Beard, of Columbia University.

J. Allen Smith once told me—this was over 40 years ago—that he thought the greatest weakness of the State governments was the failure of the State legislatures to reapportion. He pointed to his own State of Washington as a horrible example. I believe he said there had been no reapportionment since 1901—but it was probably since 1891. He pointed out that some of the desert counties in eastern Washington had as much representation as the cities. I am sorry to hurt the feelings of my good friend from Washington, but I know he is not a part of it.

Wisconsin did not reapportion between 1920 and 1951, as the Senator from Wisconsin [Mr. PROXMIRE] knows. I know that when he was a member of the Wisconsin Senate he tried very hard to get adequate reapportionment.

Wyoming did not reapportion between 1951 and 1962.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. I would like to tell the Senator from Illinois that the State of Wisconsin has recently reapportioned both houses of the legislature. Both houses of the Legislature of the State of Wisconsin are perfectly, almost precisely, almost mathematically precisely representative.

This was a tremendous achievement by my distinguished colleague [Mr. NELSON] when he was Governor, and by the present Governor, John Reynolds. Both did a terrific job.

Mr. DOUGLAS. Both happen to be Democrats.

Mr. PROXMIRE. Both happen to be Democrats. And the point is that I have consulted with the leading legal experts on this subject. They tell me that if the Dirksen amendment is passed, the Wisconsin apportionment may go out the window. That means that the people who have filed for election to the Wisconsin Legislature, under the apportionment that was perfect, which was made, as I say, about 2 months ago—may have to refile in new districts. Candidates running for the 100 seats in the assembly, and the 16 or 17 seats in the senate that are open will have to file on an entirely different basis. Just one person, one member of the former legislature—of course there will be several who are reapportioned out of a job under section 3—will be in a position to file after the order. The entire Wisconsin perfect apportionment may be in jeopardy. It seems to me that this is a matter which is not only one of fundamental principles, but also one of the greatest practical interest to my State. I have a duty to do all that I can to defeat this amendment.

Mr. DOUGLAS. That is good enough. I know the persistence of the Senator from Wisconsin. Well do I remember that night some years back when we were trying to get an additional 1,000 cubic feet of Lake Michigan water for the Chicago sanitary system. The Senator from Wisconsin with assembled pages before him announced that he was ready to talk all night. The news that the Senator from Wisconsin will do everything possible to defeat this amendment fills me with the same enthusiasm that the army of the Commonwealth, in the days when they were fighting against Charles II, had when they saw Oliver Cromwell riding over the moors. The prospect of the energetic Senator from Wisconsin coming to our assistance raises my heart just as the sight of Oliver Cromwell raised the hearts of the Roundheads fighting against the Cavaliers.

Mr. PROXMIRE. I ask the distinguished Senator from Illinois if it is not true that in view of the complexity of this subject and the fact that so many States are involved, we should go into each State and examine the problem? Is it not true that to have a proper, adequate, comprehensive, educational job performed, this amendment will require many days of discussion?

Mr. DOUGLAS. That is correct. This amendment has been sprung without hearings in the Judiciary Committee. It was developed under secret negotiations. Its final form was brought out only today.

Mr. PROXMIRE. And in its final form it has not been considered by any committee.

Mr. DOUGLAS. That is correct.

Mr. PROXMIRE. And it is entirely different, according to the distinguished junior Senator from Illinois.

Mr. DOUGLAS. That is correct.

Now, Mr. President, as an example of the absurdity, as I have mentioned, Vermont has not apportioned its house since 1793. The State legislatures have, in the main, refused to act. When they have acted, they have acted only under the orders of the courts, and the Federal courts in most cases.

The junior Senator from Illinois, my colleague, would stop this entire process of having the Federal court orders operate. He would turn over to the State legislatures, most of which are already grossly unrepresentative, the decision as to whether or not they should reform themselves.

As Patrick Henry said, "I know of only one way to judge the future, and that is by the past." And the record of the past indicates that State legislatures have not acted and will not act unless under court pressure.

This amendment purposes to put a gag on the court, to put gags in the mouths of the Federal courts of this country, and depend upon those who are the beneficiaries of an unfair and unjust system to reform themselves. There is little or no evidence of self-reform on the part of the State legislatures. The proponents want to put a stay in effect, and then rush through their constitutional amendment. And with the prejudice against the big cities which exists, they may get it through the Congress. But they will have to fight for it. They might get it through. Once it gets through the Congress, the present State legislatures are pretty safe if they can only hold off reform for a time.

Now, Mr. President, I shall briefly discuss another crucial issue in this controversy.

NO PROPER ANALOGY BETWEEN U.S. SENATE AND STATE SENATES

In the Senate of the United States, two Senators represent each State. That was a compromise which the large States were forced to make in 1787 in order to have any Union whatsoever. The small States, of course, control the Senate. I worked these figures out in recent years and I think I can correctly recall them. States with only 25 percent of the population control the majority of the Senators in this body. The eight Mountain States with a total population of only approximately 6 million people have 16 votes. And the eight largest States in the Union—some of which are New York, California, Pennsylvania, Illinois, Ohio, and New Jersey—have 16 votes. But they have over 80 million people.

This is the result of the compromise of 1787. This was the price which the big States paid for the Union. The small States at that time stated that they would not join the Union unless they had equality of representation in at least one House of the National Legislature. And the Delegate from Delaware, Gunning Bedford, as I remember—according to Madison's journal, threatened at one point in the proceedings that if Delaware were not given equal representation, Delaware would not join the Union, but would make an alliance with a foreign power. We would have had either France or Great Britain planted on our shore. And with the pistol pointed at their heads, the delegations from Massachusetts and Virginia permitted equality of representation in order to get union. This is the one feature in the Federal system which cannot be altered. Article V of the Constitution states that no State shall be deprived of equal representation in the Senate without its consent, the precise language being:

> No State, without its consent, shall be deprived of its equal suffrage in the Senate.

That is the one feature in the Constitution which cannot be amended, and which is beyond the control of amendments.

Mr. President, we in the big cities, while we regret this, are not threatening to secede from the Union, as Delaware threatened in 1787. We know that the provision places us at a disadvantage in this body. We know that in a sense we are second-class citizens in this body. But that was the price of union.

I, as senior Senator from Illinois, voted for the admission of Alaska and Hawaii, which, in effect, diluted the already diluted strength of my State. I did so because I thought it was good for the United States of America. Unlike certain Members of the Senate, I placed the interests of the United States ahead even of the interests of my State. I make that statement without any reflection upon individuals. I try to act for the interests of the United States, because we are a nation and not a confederation. We were a confederation under the Articles of Confederation, but we became a federated power with the adoption of the Constitution.

The advantages are great. As a nation, we have contributed greatly to the world; and we of the big States are ready to accept the permanent shackles which are fastened upon us and the frequent humiliations which are heaped upon us as individuals. We will suffer all of those disadvantages in the interest of the United States.

But there is no reason why that arrangement should be carried out inside the States. There is no reason, as I shall develop at greater length tomorrow when I have an opportunity fully to make my arguments, why land should be equally represented in the States. There is no reason why each county should have equal representation in the Senate of Maryland or in the Senate of California or in the Senate of New Jersey or in the Senate of Nevada or the Senate of Montana or the other States, because while States were sovereign at the formation of the Union, counties and towns are not sovereign within the States. They are creatures of the State. The State is not their creature. If in the early days of New Hampshire, Vermont, and Connecticut it was necessary to federate the towns in order to get them in, that necessity has long since passed, and in law and in practice, in New Hampshire, Vermont, and Connecticut, as well as in the rest of the Union, the town, which is the predominant system of government in New England, is a legal creature of the State. Their consent is not needed as the consent of Delaware, Maryland, and New Jersey was needed at the formation of the Republic.

Therefore, the argument by analogy that because there is an equality of representation of States in the U.S. Senate there should be equality in the representation in the bodies of State legislatures, generally the senate, but in certain cases the house, falls completely to the ground. I shall deal with that subject tomorrow at greater length and in more detail.

In my judgment the Supreme Court has been completely correct. It has moved to try to correct an old injustice which has operated against the people of both the cities and of the suburbs, because the suburbs are now as important as the cities. The Supreme Court has moved to remove injustices which the legislatures themselves would not remove because they failed to act over long periods of time. Instead of condemning the Supreme Court, we should praise it. Instead of holding up John Marshall Harlan II, we should hold up Earl Warren and the majority of the Court. They were correct in the civil rights cases; they are correct in the apportionment cases. It is a tragedy that a campaign against the Supreme Court has operated to inflame a certain section of the public mind against it.

In my judgment, the Supreme Court has never risen to greater heights than in the last 10 years, and the decisions on reapportionment match the great decisions on denial of civil rights through segregated education handed down in 1954 and 1955. So, far from impeaching Earl Warren, I think he is one of the greatest citizens this Nation has ever had, and I take my stand along with him.

WHAT ARE THE EMOTIONS BEHIND THIS MAN

Mr. President, I know that in matters of this kind it is not pure reason which governs, but rather emotion and, in a sense, prejudice. I know what the prejudices and emotions are which run below the surface. A part of the feeling is resentment against the Supreme Court for its civil rights decisions; part of it is fear on the part of entrenched, petty, peanut politicians that they would not be reelected to the State legislatures if the districts were properly apportioned.

There are even stronger motives than that. There is a fear on the part of some of those across the aisle or in the Republican Party that implementation of the Court's decision would strengthen Democratic control over the State legislatures.

Mr. President, if it is right and just, it should not be condemned because it would help the Democrats. Justice is independent of party; and I do not believe that we Democrats should lacerate ourselves and acknowledge our inferiority because the decision might help the Democratic Party. I believe our friends across the aisle have no right to favor their measure because they think it would help their party.

Justice does not reside entirely in the Republican Party. It does not reside entirely in the Democratic Party. But merely because a proposal might help the Democratic Party is no reason why this body should reject it. I hope that Democrats may cure themselves of any inferiority complex which the Republicans may strive to instill in them, and stand for this measure if they think it is right.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that the most rapidly growing sections of our States and the most unrepresented are the suburbs?

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. Is it not true that, by and large, the central cities are losing population?

Mr. DOUGLAS. I have already developed that point at great length. The Senator is absolutely correct.

Mr. PROXMIRE. Is it not true that it is quite possible, if not likely, that in areas which are usually Republican—as it would work in my State in relation to apportionment, which I discussed a few minutes ago with the Senator—the Republicans would gain at least as much as would the Democrats by the proposed apportionment? As the Senator has said, the question should be decided on the basis of justice, and not on the basis of partisan advantage.

Mr. DOUGLAS. What the Senator has said is completely correct. I pointed out that the suburbs now in many cases are more populous than the central cities. We all know that the suburbs tend to be strongly Republican, more strongly Republican, indeed, than the central cities tend to be Democratic.

In my State of Illinois a very able political reporter, Mr. Tom Littlewood, who is the political correspondent at Springfield for the Chicago Sun Times, has prepared an analysis of what would be the likely results of the reapportionment of the Illinois State Senate. In Illinois, 29 percent of the population elect a majority of the Illinois State Senate, and 71 percent of the population elect a minority. The 29 percent of the population have two and a half times the voting power in the State senate that the 71 percent of the population have. Mr. Littlewood said that "down State," which is known as the area outside the Chicago metropolitan area, would lose eight Senate seats. It is believed that at least two of those would be Democrats, possibly three. How would those eight seats be reapportioned? First Chicago would gain two seats, and the suburbs in Cook County outside of Chicago would gain three seats. These three new suburban seats would undoubtedly, under present conditions, be Republican. We hope to change that, but as of now, they are Republican.

Second, three more seats would be gained in the following counties: Du Page, which is the strongest Republican county, stronger than Westchester County; Kane, which is an industrial county, but with some rural residences; and Lake, which, with a population along the lake front, is heavily residential, as is McHenry County. They are all strong Republican counties. They would gain three seats.

So the Democratic gains in Chicago would just about offset the Democratic losses downstate. The six Republican gains in the Chicago area would roughly balance the six or five Republican losses downstate.

There would be no real party change in this respect, but there would be a real change with regard to the representation of the cities and suburbs. So Chicago would be more adequately represented in accordance with its population and so would the suburbs to an even greater extent.

What is true of Chicago is true of most cities. I think in the South the Democratic Party would definitely be hurt, because the situation in the South is different from that in the North and West. It is the country districts there which are Democratic, and it is the cities which are becoming Republican. There is no more conservative city in the country than Houston or Dallas. They are grossly underrepresented in the State legislatures, and indeed in the Congress. This is true throughout the South. There would be a decrease in Democratic strength and an increase in Republican strength.

I am for that, even though it would hurt the Democratic Party, because it is just and because I think right and justice should stand above party. But I would also be for it if it helped the Democratic Party. I appeal to my friends to put the country first, and insofar as the South is concerned, they will benefit by it.

Mr. MILLER. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield for a question.

Mr. MILLER. I should like to ask a question or two of the Senator from Illinois. The first is with respect to the pending amendment——

Mr. DOUGLAS. Does the Senator mean the so-called Dirksen amendment?

Mr. MILLER. The amendment proposed by the Senator from Illinois [Mr. DIRKSEN] and the Senator from Montana [Mr. MANSFIELD], No. 1215.

As I understand the amendment in its application to my own State of Iowa, a three-man court in Iowa directed the Iowa Legislature to reapportion itself on an interim basis. It directed further that it should also reapportion itself on a permanent basis in line with the Iowa constitution.

Mr. DOUGLAS. Does the Senator mean that the Iowa constitution had previously been violated?

Mr. MILLER. Parts of the Iowa constitution were held to be unconstitutional under the 14th amendment of the Federal Constitution.

Mr. DOUGLAS. Was it not violated by the refusal of the Iowa Legislature to reapportion?

Mr. MILLER. That is not quite correct. I point out, however—I think this is responsive to what the Senator is interested in—that parts of the Iowa constitution were held to be unconstitutional under the Federal Constitution, more particularly under the 14th amendment. As a result of the three-man court order, the Iowa Legislature inaugurated an interim apportionment plan. It was duly adopted. Primary elections were held last June to fill seats in the newly apportioned legislature. Both houses were apportioned in line with the court order, one house being strictly on a population basis, and the other house being on a substantially population basis but with some area factor involved, so that, as a result, about 40 percent of the population would be in control of the second house, rather than 51 percent.

The Iowa Legislature also passed a so-called permanent reapportionment plan which would require adoption in identical form in the next successive session of the legislature, and then a vote of the people.

I find it impossible to believe, as a result of the Supreme Court decision in Reynolds against Sims holding that both Houses must be on a population basis, that this three-man court would, in implementing the Supreme Court's decision, now order the Iowa Legislature to be reconvened, to adopt the reapportionment plans in accordance with the Reynolds against Sims opinion, and then to have a special primary election sometime in September, to be followed by the general election in November.

In my best judgment, and according to my best advice, the effect of the three-man court order would——

Mr. DOUGLAS. What is the question of the Senator?

Mr. MILLER. I am leading up to the question. I think it important, in order to develop the question, that the foundation be laid, as I am doing it.

I find it impossible to believe that the three-man court would do this. I think it will let things remain as they are. They will let the election go forward in November and the interim legislature meeting next year, in line with the three-man court direction of last spring——

Mr. DOUGLAS. What is the question?

Mr. MILLER. The most that could be done then would be for the regular session of the legislature next year to adopt a reapportionment plan in line with Reynolds against Sims.

The election thereunder would not be held until 1966, and the newly reapportioned legislature would not meet until January 1967.

As I read the amendment, it would have absolutely no impact on that situation. The newly apportioned legislature would come into being quite naturally, regardless of the fact that the amendment was adopted.

Mr. DOUGLAS. I hope my good friend will not object if I again ask him what his question is.

Mr. MILLER. I will ask the Senator the question if he will be a little more patient.

Mr. DOUGLAS. I have been patient for many minutes. I hope the Senator will forgive if I repeat. I should like to hear the question.

Mr. MILLER. The Senator from Illinois and I have had many colloquies before. I have always been more than willing to let him lay his foundation for a question. However, the question is this: Why, in the face of this situation, would the Senator from Illinois object to the adoption of the pending amendment?

Mr. DOUGLAS. Is that the question?

Mr. MILLER. That is the question.

Mr. DOUGLAS. My reply is that Iowa certainly needed to reapportion, and that it would not have done so without the prior decisions of the Supreme Court. Reading from this study by David and Eisenberg, as of the 1960 census, in the lower house, there were 108 members. The smallest population per member was 7,468. The largest population per member was 133,157. The smallest district had approximately 19 times as much representation per person as the largest district. I presume that would be Des Moines.

So far as the upper house is concerned, which has a membership of 50, the smallest district had 17,756, and the largest 266,315 per member. So the ratio there was about 16 to 1.

Mr. MILLER. I served in that legislature. I already know those figures.

Mr. DOUGLAS. The country may not know the figures. So far as the lower House is concerned, the lowest district had 17.8 times the representation per person. So far as the Senate is concerned, it was 15 times.

The Senator from Illinois is not an expert on the subject, but we might find that the same situation that the Senator from Wisconsin anticipated will hold good for Iowa, namely, that if the amendment goes into effect, the previous reapportionment will fall to the ground and the State will have to go back to the previous legislature, which was badly apportioned. That may be true. I ask my friend from Iowa to stop, look, and listen before he follows my junior colleague down the primrose path, which may have a bear trap at the end.

Mr. MILLER. Almost anything could happen. We might have a tornado in Iowa which would destroy the general assembly. What I am interested in is how the amendment would affect the situation in Iowa.

Mr. DOUGLAS. Every man seems to be his own constitutional lawyer. The Senator from Wisconsin [Mr. PROXMIRE] pointed out that it might well be that the reapportionment in the Wisconsin Legislature, which I believe is more thoroughgoing than it is in Iowa, may be thrown out by the court because of the provisions of the present amendment, if it is enacted. I merely say that this is something to consider. I advise my friend from Iowa to watch, look, and listen before he goes overboard in support of the Dirksen amendment.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MILLER. As I read the amendment, all it provides is that the Governor of Iowa or the Attorney General of Ohio or any member of the Legislature of Iowa may go before the three-man court in Des Moines and request a stay with respect to the implementation of the Reynolds against Sims decision.

I suggest to my friend from Illinois that it is not necessary to do that at all. I know every member of the three-man court. I am sure they will not immediately order the Iowa Legislature to convene and adopt a new reapportionment plan, then set up special laws for the primary election in September, and then go through with the November election, so that in January they will come in under the new reapportionment program. I am sure they will go through with their original decision to have the interim legislature, for which members have already been nominated, and to which they will be elected in November, convene, and that then they will expect the new legislature to reapportion along the lines of the Reynolds against Sims case.

Mr. DOUGLAS. I hope my friend is correct in his reading of the crystal ball. However, there is no surety about it. My friend from Wisconsin may wish to comment.

Mr. PROXMIRE. If we adopt the amendment, we take discretion away from the court. We would provide that a stay for the period necessary shall be deemed to be in the public interest in the absence of highly unusual circumstances. The author of the amendment, Senator DIRKSEN, has said that this means that in 99.66 percent of the cases, it would be mandatory. The court would be stopped cold from putting its orders into effect.

The courts were proceeding to bring voting equality throughout America. They will not be able to proceed if this amendment is adopted. The three-man Iowa court must stop the execution of its apportionment decision. It would revert back to the previous situation before apportionment.

Mr. DOUGLAS. If the decisions of the court will not further affect Iowa, the Senator from Iowa does not have to vote for the Dirksen amendment. Things will take their course. Why take a chance on muddying the waters?

Mr. MILLER. The answer to that, of course, is the same answer the Senator from Illinois and the Senator from Wisconsin gave in a situation like that, namely, we are not that provincial; we are legislating for all the 50 States.

Mr. DOUGLAS. The Senator started on Iowa.

Mr. MILLER. I cited Iowa because I was most familiar with it.

Mr. DOUGLAS. Then, on a matter with which the Senator is most familiar, there is no doubt.

Mr. MILLER. The only danger that I can see is what the Senator from Illinois would suggest, namely, that if the amendment were not adopted, the three-man court in Des Moines would convene the Iowa Legislature and tell it to reapportion in a matter of 10 or 11 days; then have a special primary election held in September, and go through with the regular election in November. If the Senator is suggesting that as a possibility, I certainly would be in favor of the Dirksen amendment, because it would be chaotic to have such a procedure. It would be so chaotic that I am sure the three-man court in Des Moines would not do it. However, if the Senator from Illinois is suggesting this as a possibility, I have every reason to support the pending amendment, which has been offered by the two leaders in the Senate.

Mr. DOUGLAS. My good friend has spoken about taking the national point of view and not the State point of view. If that is the case, I advise him to look to the State of Wisconsin, where, the Senator from Wisconsin has said, things might be thrown into chaos. It is admitted that things would not be thrown into chaos in Iowa by the decisions of the Court as they now stand. My good friend says he is not particularly concerned about Iowa, but concerned about other States. I am concerned about Iowa. I do not want his fair State, the greatest corn-producing State in the Union, thrown into chaos. I do not want to have the great State of Wisconsin thrown into chaos. We should proceed in an orderly manner to reapportion in accordance with court orders.

Mr. MILLER. If the Senator wishes to proceed in an orderly manner to reapportion, he should have more faith in the reasonableness of the Federal courts.

Mr. DOUGLAS. I prefer the courts to the State legislatures but we have been speaking about State legislatures.

Mr. MILLER. He should have more faith in the courts applying standards set forth in the amendment. They are to see to it that a stay is granted, but only for a reasonable time. I point out to the Senator from Illinois that a reasonable time in the mind of the three-man court in Des Moines is a matter of months, not a matter of years.

Furthermore, I suggest that if there should be a court in some other State which saw fit to delay the matter unduly, there would be opportunities to carry the issue before the Supreme Court; and my guess is that the Supreme Court is not interested in moving slowly in this matter; nor is this amendment designed for slow movement. I think that the part relating to January 1, 1966, shows an evidence that it is intended—I believe the junior Senator from Illinois will point this out, if he has not already done so—that legislatures that convene in regular session after January 1, 1966, will be reapportioned according to the Constitution.

Mr. DOUGLAS. It does not say that; it says that the legislatures of such States shall have "a reasonable opportunity in regular session * * * following the adjudication of constitutionality to apportion representation in such legislature in accordance with the Constitution."

Mr. MILLER. If the Senator will read the paragraph previous to the one he just read, he will see the date "January 1, 1966."

Mr. DOUGLAS. That merely relates to the State election of representatives before 1966; it does not concern future reapportionment.

Mr. MILLER. The January 1966 target date, referred to in the previous paragraph, lends credence to the understanding that has been expressed, and will be expressed, that legislatures be properly apportioned when they convene in regular session following January 1, 1966. If the Senator from Illinois has any question about that intention, he might wish to develop it, because I think it is important and is reasonable.

Mr. DOUGLAS. I intend to develop my questioning tomorrow, when I shall have an opportunity to expand at greater length upon this subject.

Mr. MILLER. May I go on to another point?

Mr. DOUGLAS. I shall be glad to yield for questions; otherwise, after a brief statement, I shall yield the floor, and the Senator from Iowa may make a speech.

Mr. MILLER. The Senator from Iowa does not wish to make a speech; he wishes to enjoy a colloquy with the Senator from Illinois.

Mr. DOUGLAS. I shall be glad to answer questions; but one of the rules of this body is that a Senator may not yield for a speech without taking a chance on losing his right to the floor. I do not wish to have someone take me off my feet because I might forget to say that I will yield on condition that I shall not lose my right to the floor.

Mr. MILLER. I assure the Senator from Illinois that he need have no fears on that point.

The Senator from Illinois is familiar with the fact, is he not, that several constitutional amendments on this subject are pending in both the House and Senate?

Mr. DOUGLAS. That is just the point.

Mr. MILLER. One of them provides that in States having bicameral legislatures, one house must be elected strictly on a population basis; but that the people shall have the exclusive right to determine the composition of the other house.

Mr. DOUGLAS. Whose constitutional amendment proposal is that?

Mr. MILLER. Several such proposals have been introduced in the House. One has been introduced in the Senate by several members of both parties, including the junior Senator from Iowa. Is the Senator from Illinois familiar with the essence of the amendment to which I am referring?

Mr. DOUGLAS. I have not had an opportunity to study it in detail.

Mr. MILLER. The essence is, as I have stated, that one house must be elected strictly on a population basis, while the people of the State will decide for themselves the composition of the second house.

I ask the Senator from Illinois if he has any objection to leaving it to the people of the State, whether they come from Chicago, from the suburbs, or from the rural areas, deciding, in a proper referendum——

Mr. DOUGLAS. Not by the legislature, but by the people?

Mr. MILLER. That is correct; the people in a general election or referendum would decide the question for themselves.

Mr. DOUGLAS. First, I have not studied the amendment of the Senator from Iowa. I am not at all certain that it will be the one actually proposed. But I shall make a basic point on this subject.

When Thomas Jefferson wrote the Preamble to the Declaration of Independence, he spoke of the basic rights of man:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights.

That means that one generation cannot give away its rights and bind a future generation. If one set of people cannot give away their rights, an individual cannot give away his rights.

It is an accepted principle of law that a man cannot contract himself into slavery or into serfdom. Suppose he signs a contract to give up his liberty. The courts have held that this is unconstitutional, because they knew that the contract might have been exacted from the person under conditions of which he was relatively ignorant, because he had unequal bargaining power, or because he was deluded.

The Senator from Iowa misunderstands the fundamental, basic rights of man. Jefferson said they are unalienable. There are certain rights that the community cannot take away from him, and which he himself cannot assign.

WHAT ABOUT THE 14TH AMENDMENT

I myself believe that the 14th amendment deserves more recognition than it gets in this body. Let me read the words of the 14th amendment:

> SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

They are to have national citizenship as well as State citizenship. All are first-class citizens; none are second-class citizens. The 14th amendment continues:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

Now we come to the essential point:

> Nor deny to any person within its jurisdiction the equal protection of the law.

The Supreme Court has held—and I believe correctly—that there cannot be equal protection of the laws if there is appreciably unequal representation; that approximately equal representation is needed to guarantee the equal protection of the laws; and that this is an unalienable right that man cannot sign away or vote away. Neither can a State legislature take it away.

An attempt is being made to fasten these shackles on the people of the various States, if malrepresented State legislatures choose to pass the amendment which is sent up to them and which, even under popular referendum, under pressure of the party press, might be approved. Deputy Attorney General Katzenbach says that the attempt is constitutional. I doubt it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MILLER. If the people do not like or do not agree with the decision of the Supreme Court, they certainly have the right, do they not, to adopt an amendment to the Constitution of the United States to change the decision of the Supreme Court?

Mr. DOUGLAS. That is not the thrust of the proposed amendment. The Senator from Iowa may have this in mind; but the amendments I have seen and studied in detail provide that the matter is to go to the State legislatures, or may go to the State legislatures.

I point out that the State legislatures, in spite of the recent shotgun reforms they have carried out, are grossly malrepresented; and the amendment would turn over to unrepresentative bodies the power to continue themselves in office for a long period of time, and perhaps in perpetuity, by a constitutional amendment to that effect. That is the gist of what I am trying to say.

Mr. MILLER. That is the reason why I asked the question. I wanted to find out whether the Senator had misunderstood the proposal.

Mr. DOUGLAS. I may not understand the Miller amendment as thoroughly as the Senator does, but I promise him that I will study the amendment. Nevertheless, I think I know what some of the amendments originally put before the Committee on the Judiciary mean. They mean something totally different from what the Senator from Iowa says they mean.

Mr. MILLER. The Senator from Iowa has studied the amendment, so he would understand it.

Mr. DOUGLAS. Will the Senator produce it, so that I may read it?

Mr. MILLER. I shall be happy to obtain a copy for the Senator.

Mr. DOUGLAS. May I read it now?

Mr. MILLER. While the pages are obtaining a copy of the amendment, I should like to point out that the Senator from Illinois said that if this particular amendment were adopted, it would then be submitted, for ratification, to the State legislatures which are malapportioned, and that they could adopt the amendment and perpetuate themselves in office.

I point out again to the Senator from Illinois that the amendment of which I am speaking states specifically what has been stated earlier, that it would merely provide that the people of the State, and not the State legislature, would decide for themselves whether the second house should be on some other basis than a strictly popular basis.

I cannot understand the logic of the Senator—although he is one who always reasons with a great deal of logic—in concluding that such a provision would lead to the perpetuation of malapportionment.

Mr. DOUGLAS. If the Senator from Iowa has stated his amendment accurately—and I do not have it yet, so it is not so available to Senators as it might be and so I may be pardoned if I do not have the details of it yet. But if the amendment of the Senator from Iowa is as he has stated it to be—which I am ready to believe it is—then it is a vast improvement on the amendments which came out of or are before the Judiciary Committee. However, it still does not deal with the basic question as to whether the equal protection of the laws is a fundamental right under the Constitution which cannot be waived even by a person himself or even by a majority.

Mr. MILLER. While I sometimes disagree with the Senator from Illinois and I sometimes agree with him, it has been my observation that he professes to have great faith in the people. It was therefore my hope that his support could be enlisted for my amendment because it does place in the people of a State—the very people the Senator is talking about in the case of his own State, the people in the big cities, the people in the suburbs, and the people in the rural areas—the power to decide the composition of the second house. I would hope that on review of my amendment, his support could be obtained. I believe that regardless of what the Supreme Court decisions may be, ultimately the power resides in the people of this country. If the people do not agree with the Supreme Court's decisions—and they may not—they have not on previous occasions—they have the power to change them.

I hold in my hand a copy of the proposed constitutional amendment, Senate Joint Resolution 185. There are many cosponsors of the amendment, as I pointed out earlier, from both sides of the aisle.

At this time, I ask unanimous consent to have it printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 185

Joint resolution proposing an amendment to the Constitution to reserve to each State exclusive power to determine the composition of its legislature and the apportionment of the membership thereof.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"Article—

"Section 1. Except as otherwise provided by this article the citizens of each State shall have exclusive power to determine the composition of its legislature and the apportionment of the membership thereof, and such power shall not be infringed nor the exercise thereof be reviewed in an original action or on appeal or controlled by the United States or any branch of the Government thereof. The membership of at least one house of the legislature of each State shall be apportioned as nearly equally as possible according to the number of persons determined by the enumeration provided in article I, section 2, or if there is only one house of the legislature then upon such combination of population and area as the citizens of the State shall determine.

"Sec. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

Mr. MILLER. Mr. President, I invite the attention of the Senator from Illinois to section 1 on page 2.

Mr. DOUGLAS. Is this the original Dirksen amendment?

Mr. MILLER. This has nothing to do with any amendment. This is a Senate joint resolution. Let me point out that similar measures have been introduced in the House.

Mr. DOUGLAS. This is Senate Joint Resolution 185.

Mr. MILLER. The Senator is correct.

Mr. DOUGLAS. The first sponsor of this amendment is my colleague, the junior Senator from Illinois [Mr. Dirksen].

Mr. MILLER. The Senator is correct. There are many others, including Senators from both sides of the aisle. As I said earlier, they include myself.

If the Senator will look on page 2, he will note that:

> * * * citizens of each State shall have exclusive power to determine the composition of its legislature * * *.

And then in the next sentence on line 8,

> The membership of at least one house of the legislature of each State shall be apportioned as nearly equal as possible according to the number of persons determined by the enumeration * * *.

Which is the census.

It is this language to which I have referred. I believe I have stated the essence of it quite accurately. As I said earlier in my observation of the frequent references of the Senator from Illinois to the people, I was persuaded that perhaps he might support the amendment, because it gives power to the people of a State to determine the composition of the second house. It would be a gross misstatement and a gross misunderstanding of the situation to suggest—as I am afraid the Senator from Illinois did earlier—that the adoption of the amendment and its ratification by a malapportioned legislature would lead to the perpetuation of themselves in office.

Mr. DOUGLAS. I cannot, at this time, go into an amendment which I have had no opportunity to study. I shall consider the amendment later. I merely ask whether this is the original constitutional amendment which the Senator from Illinois prepared?

Mr. MILLER. I cannot respond to that. I know only what is before me.

Mr. DOUGLAS. It does not seem to me to be the original amendment which I read. I shall be very glad to study it and consider the whole matter.

Mr. MILLER. The ultimate question resolves itself into whether the Senator from Illinois would be willing to leave it to the people to decide the composition of the second house.

Mr. DOUGLAS. I should like to consider the whole amendment, because there are frequently beartraps in amendments which one should be careful about. I shall give the amendment careful consideration.

Mr. MILLER. I can understand why the Senator from Illinois would wish to study very carefully something as important as my amendment, but the point I wish to make—and I thank him for yielding to me so that I can do so—is that I believe it is very important to understand what we are talking about, because if there are any misunderstandings, I am afraid that the public may get some wrong impressions which will not be helpful.

Mr. DOUGLAS. Mr. President, I shall look into this question and try to secure a copy of the original constitutional amendment as it came from the Committee on the Judiciary so that it may be printed in the Record.

Mr. MILLER. Mr. President, before the Senator asks unanimous consent for that insertion in the Record, let me suggest that he may be laboring under a misapprehension. To my knowledge, there has been no proper constitutional amendment reported from the Senate Judiciary Committee. I regret that it has not been reported, but I do not believe that it has. This amendment is still in the Judiciary Committee.

Mr. DOUGLAS. Mr. President, I am ready to yield the floor under one condition—namely, that tomorrow, at the conclusion of the argument of the Senator from Illinois [Mr. Dirksen], I be permitted to take the floor to reply, and that this will not be counted as a second speech.

Mr. MANSFIELD. Mr. President, I have no objection. I am sure that the Senator need have no worry about any second speech in this or any other debate, because I believe that that procedure is fallacious and useless.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOUGLAS. Mr. President, I ask unanimous consent that at the conclusion of the explanatory address of the junior Senator from Illinois [Mr. Dirksen], I be recognized and be permitted to respond, without the speech being counted as a second speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. I thank the Presiding Officer, and I also thank the majority leader.

EXHIBIT 1

TABLE 1.—*1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (−) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase
United States (216 areas)	115, 796, 265	91, 568, 113	26. 5
Abilene, Tex	120, 377	85, 517	40. 8
Jones County	19, 299	22, 147	−12. 9
Taylor County	101, 078	63, 370	59. 5
Akron, Ohio	605, 367	473, 986	27. 7
Portage County*	91, 798	63, 954	43. 5
Summit County	513, 569	410, 032	25. 3
Albany, Ga	75, 680	43, 617	73. 5
Dougherty County	75, 680	43, 617	73. 5
Albany-Schenectady-Troy, N.Y	657, 503	589, 359	11. 6
Albany County	272, 926	239, 386	14. 0
Rensselaer County	142, 585	132, 607	7. 5
Saratoga County	89, 096	74, 689	19. 0
Schenectady County	152, 896	142, 497	7. 3
Albuquerque, N. Mex	262, 199	145, 673	80. 0
Bernalillo County	262, 199	145, 673	80. 0
Allentown-Bethlehem-Easton, Pa.-N.J	492, 168	437, 824	12. 4
Lehigh County, Pa	227, 536	198, 207	14. 8
Northampton County, Pa	201, 412	185, 243	8. 7
Warren County, N.J	63, 220	54, 374	16. 3
Altoona, Pa	137, 270	139, 514	−1. 6
Blair County	137, 270	139, 514	−1. 6
Amarillo, Tex	149, 493	87, 140	71. 6
Potter County	115, 580	73, 366	57. 5
Randall County	33, 913	13, 774	146. 2
Anaheim-Santa Ana-Garden Grove, Calif.[1]	703, 925	216, 224	225. 6
Orange County	703, 925	216, 224	225. 6
Ann Arbor, Mich	172, 440	134, 606	28. 1
Washtenaw County	172, 440	134, 606	28. 1
Asheville, N.C	130, 074	124, 403	4. 6
Buncombe County	130, 074	124, 403	4. 6
Atlanta, Ga	1, 017, 188	726, 989	39. 9
Clayton County	46, 365	22, 872	102. 7
Cobb County	114, 174	61, 830	84. 7
De Kalb County	256, 782	136, 395	88. 3
Fulton County	556, 326	473, 572	17. 5
Gwinnett County	43, 541	32, 320	34. 7
Atlantic City, N.J	160, 880	132, 399	21. 5
Atlantic County	160, 880	132, 399	21. 5
Augusta, Ga.-S.C	216, 639	162, 013	33. 7
Richmond County, Ga	135, 601	108, 876	24. 5
Aiken County, S.C	81, 038	53, 137	52. 5
Austin, Tex	212, 136	160, 980	31. 8
Travis County	212, 136	160, 980	31. 8
Bakersfield, Calif	291, 984	228, 309	27. 9
Kern County	291, 984	228, 309	27. 9
Baltimore, Md	1, 727, 023	1, 405, 399	22. 9
Baltimore City	939, 024	949, 708	−1. 1
Anne Arundel County	206, 634	117, 392	76. 0
Baltimore County	492, 428	270, 273	82. 2
Carroll County	52, 785	44, 907	17. 5
Howard County	36, 152	23, 119	56. 4
Baton Rouge, La	230, 058	158, 236	45. 4
East Baton Rouge Parish	230, 058	158, 236	45. 4
Bay City, Mich	107, 042	88, 461	21. 0
Bay County	107, 042	88, 461	21. 0
Beaumont-Port Arthur, Tex	306, 016	235, 650	29. 9
Jefferson County	245, 659	195, 083	25. 9
Orange County	60, 357	40, 567	48. 8
Billings, Mont	79, 016	55, 875	41. 4
Yellowstone County	79, 016	55, 875	41. 4
Binghamton, N.Y.-Pa	283, 600	246, 834	14. 9
Broome County, N.Y	212, 661	184, 698	15. 1
Tioga County, N.Y.*	37, 802	30, 166	25. 3
Susquehanna County, Pa.*	33, 137	31, 970	3. 7
Birmingham, Ala	634, 864	558, 928	13. 6
Jefferson County	634, 864	558, 928	13. 6
Boise City, Idaho[2]	93, 460	70, 649	32. 3
Ada County	93, 460	70, 649	32. 3
Boston, Mass	2, 595, 481	2, 414, 368	7. 5
Essex County (part)	308, 051	269, 584	14. 3
Beverly City	36, 108	28, 884	25. 0
Lynn City	94, 478	99, 738	−5. 3
Peabody City	32, 202	22, 645	42. 2
Salem City	39, 211	41, 880	−6. 4
Danvers Township	21, 926	15, 720	39. 5
Hamilton Township	5, 488	2, 764	98. 6
Lynnfield Township	8, 398	3, 927	113. 9
Manchester Township	3, 932	2, 868	37. 1
Marblehead Township	18, 521	13, 765	34. 6
Middletown Township	3, 718	2, 916	27. 5
Nahant Township	3, 960	2, 679	47. 8
Saugus Township	20, 666	17, 162	20. 4
Swampscott Township	13, 294	11, 580	14. 8
Topsfield Township	3, 351	1, 412	137. 3
Wenham Township	2, 798	1, 644	70. 2
Middlesex County (part)	975, 287	856, 099	13. 9
Cambridge City	107, 716	120, 740	−10. 8
Everett City	43, 544	45, 982	−5. 3
Malden City	57, 676	59, 804	−3. 6
Medford City	64, 971	66, 113	−1. 7
Melrose City	29, 619	26, 988	9. 7
Newton City	92, 384	81, 994	12. 7
Somerville City	94, 697	102, 351	−7. 5
Waltham City	55, 413	47, 187	17. 4
Woburn City	31, 214	20, 492	52. 3
Arlington Township	49, 953	44, 353	12. 6
Ashland Township	7, 779	3, 500	122. 3
Bedford Township	10, 969	5, 234	109. 6

See footnotes at end of table.

Standard metropolitan statistical area	1960	1950	Percent increase
Boston, Mass.—Continued			
Middlesex County—Continued			
Belmont Township	28, 715	27, 381	4.9
Burlington Township	12, 852	3, 250	295.4
Concord Township	12, 517	8, 623	45.2
Framingham Township	44, 526	28, 086	58.5
Lexington Township	27, 691	17, 335	59.7
Lincoln Township	5, 613	2, 427	131.3
Natick Township	28, 831	19, 838	45.3
North Reading Township	8, 331	4, 402	89.3
Reading Township	19, 259	14, 006	37.5
Sherborn Township*	1, 806	1, 245	45.1
Stoneham Township	17, 821	13, 229	34.7
Sudbury Township	7, 447	2, 596	186.9
Wakefield Township	24, 295	19, 633	23.7
Watertown Township	39, 092	37, 329	4.7
Wayland Township	10, 444	4, 407	137.0
Weston Township	8, 261	5, 026	64.4
Wilmington Township	12, 475	7, 039	77.2
Winchester Township	19, 376	15, 509	24.9
Norfolk County (part)	446, 524	348, 156	28.3
Quincy City	87, 409	83, 835	4.3
Braintree Township	31, 069	23, 161	34.1
Brookline Township	54, 044	57, 589	−6.2
Canton Township	12, 771	7, 465	71.1
Cohasset Township	5, 840	3, 731	56.5
Dedham Township	23, 869	18, 487	29.1
Dover Township	2, 846	1, 722	65.3
Holbrook Township	10, 104	4, 004	152.3
Medfield Township	6, 021	4, 549	32.4
Milton Township	26, 375	22, 395	17.8
Millis Township*	4, 374	2, 551	71.5
Needham Township	25, 793	16, 313	58.1
Norfolk Township	3, 471	2, 704	28.4
Norwood Township	24, 898	16, 636	49.7
Randolph Township	18, 900	9, 982	89.3
Sharon Township	10, 070	4, 847	107.8
Walpole Township	14, 068	9, 109	54.4
Wellesley Township	26, 071	20, 549	26.9
Westwood Township	10, 354	5, 837	77.4
Weymouth Township	48, 177	32, 690	47.4
Plymouth County (part)	74, 290	43, 914	69.2
Duxbury Township	4, 727	3, 167	49.3
Hanover Township	5, 923	3, 389	74.8
Hingham Township	15, 378	10, 665	44.2
Hull Township	7, 055	3, 379	108.8
Marshfield Township	6, 748	3, 267	106.6
Norwell Township	5, 207	2, 515	107.0
Pembroke Township	4, 919	2, 579	90.7
Rockland Township	13, 119	8, 960	46.4
Scituate Township	11, 214	5, 993	87.1
Suffolk County	791, 329	896, 615	−11.7
Boston City	697, 197	801, 444	−13.0
Chelsea City	33, 749	38, 912	−13.3
Revere City	40, 080	36, 763	9.0
Winthrop Town	20, 303	19, 496	4.1
Bridgeport, Conn	337, 983	275, 888	22.5
Fairfield County (part)	296, 321	249, 018	19.0
Bridgeport City	156, 748	158, 709	−1.2
Shelton City	18, 190	12, 694	43.3
Easton Township	3, 407	2, 165	57.4
Fairfield Township	46, 183	30, 489	51.5
Monroe Township	6, 402	2, 892	121.4
Stratford Township	45, 012	33, 428	34.7
Trumbull Township	20, 379	8, 641	135.8
New Haven County (part)	41, 662	26, 870	55.1
Milford Township	41, 662	26, 870	55.1
Brockton, Mass	149, 458	119, 728	24.8
Bristol County (part)	9, 078	6, 244	45.4
Easton Township	9, 078	6, 244	45.4
Norfolk County (part)	20, 629	13, 812	49.4
Avon Township	4, 301	2, 666	61.3
Stoughton Township	16, 328	11, 146	46.5
Plymouth County (part)	119, 751	99, 672	20.1
Brockton City	72, 813	62, 860	15.8
Abington Township	10, 607	7, 152	48.3
Bridgewater Township	10, 276	9, 512	8.0
East Bridgewater Township	6, 139	4, 412	39.1
Hanson Township	4, 370	3, 264	33.9
West Bridgewater Township	5, 061	4, 059	24.7
Whitman Township	10, 485	8, 413	24.6
Brownsville-Harlingen-San Benito, Tex	151, 098	125, 170	20.7
Cameron County	151, 098	125, 170	20.7
Buffalo, N.Y	1, 306, 957	1, 069, 230	22.2
Erie County	1, 064, 688	899, 238	18.4
Niagara County	242, 269	189, 992	27.5
Canton, Ohio	340, 345	283, 194	20.2
Stark County	340, 345	283, 194	20.2
Cedar Rapids, Iowa	136, 899	104, 274	31.3
Linn County	136, 899	104, 274	31.3
Champaign-Urbana, Ill	132, 436	106, 100	24.8
Champaign County	132, 436	106, 100	24.8
Charleston, S.C	254, 578	195, 107	30.5
Berkeley County*	38, 196	30, 251	26.3
Charleston County	216, 382	164, 856	31.3
Charleston, W. Va	252, 925	239, 629	5.5
Kanawha County	252, 925	239, 629	5.5
Charlotte, N.C	316, 781	239, 086	32.5
Mecklenburg County	272, 111	197, 052	38.1
Union County*	44, 670	42, 034	6.3

EXHIBIT 1—Continued

TABLE 1.—*1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (—) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase
Chattanooga, Tenn.-Ga	283, 169	246, 453	14. 9
Hamilton County, Tenn	237, 905	208, 255	14. 2
Walker County, Ga	45, 264	38, 198	18. 5
Chicago, Ill	6, 220, 913	5, 177, 868	20. 1
Cook County	5, 129, 725	4, 508, 792	13. 8
Du Page County	313, 459	154, 599	102. 8
Kane County	208, 246	150, 388	38. 5
Lake County	293, 656	179, 097	64. 0
McHenry County	84, 210	50, 656	66. 2
Will County	191, 617	134, 336	42. 6
Cincinnati, Ohio-Ind.-Ky	1, 268, 479	1, 023, 245	24. 0
Clermont County, Ohio*	80, 530	42, 182	90. 9
Hamilton County, Ohio	864, 121	723, 952	19. 4
Warren County, Ohio*	65, 711	38, 505	70. 7
Dearborn County, Ind.*	28, 674	25, 141	14. 1
Boone County, Ky.*	21, 940	13, 015	68. 6
Campbell County, Ky	86, 803	76, 196	13. 9
Kenton County, Ky	120, 700	104, 254	15. 8
Cleveland, Ohio	1, 909, 483	1, 532, 574	24. 6
Cuyahoga County	1, 647, 895	1, 389, 532	18. 6
Geauga County*	47, 573	26, 646	78. 5
Lake County	148, 700	75, 979	95. 7
Medina County*	65, 315	40, 417	61. 6
Colorado Springs, Colo	143, 742	74, 523	92. 9
El Paso County	143, 742	74, 523	92. 9
Columbia, S.C	260, 828	186, 844	39. 6
Lexington County	60, 726	44, 279	37. 1
Richland County	200, 102	142, 565	40. 4
Columbus, Ga.-Ala	217, 985	170, 541	27. 8
Chattahoochee County, Ga	13, 011	12, 149	7. 1
Muscogee County, Ga	158, 623	118, 028	34. 4
Russell County, Ala	46, 351	40, 364	14. 8
Columbus, Ohio	754, 924	563, 040	34. 1
Delaware County*	36, 107	30, 278	19. 3
Franklin County	682, 962	503, 410	35. 7
Pickaway County*	35, 855	29, 352	22. 2
Corpus Christi, Tex	221, 573	165, 471	33. 9
Nueces County	221, 573	165, 471	33. 9
Dallas, Tex	1, 083, 601	743, 501	45. 7
Collin County	41, 247	41, 692	−1. 1
Dallas County	951, 527	614, 799	54. 8
Denton County	47, 432	41, 365	14. 7
Ellis County	43, 395	45, 645	−4. 9
Davenport-Rock Island-Moline, Iowa-Ill	319, 375	280, 748	13. 8
Scotts County, Iowa	119, 067	100, 698	18. 2
Henry County, Ill	49, 317	46, 492	6. 1
Rock Island County, Ill	150, 991	133, 558	13. 1
Dayton, Ohio	727, 121	545, 723	33. 2
Greene County	94, 642	58, 892	60. 7
Miami County	72, 901	61, 309	18. 9
Montgomery County	527, 080	398, 441	32. 3
Preble County*	32, 498	27, 081	20. 0
Decatur, Ill	118, 257	98, 853	19. 6
Macon County	118, 257	98, 853	19. 6
Denver, Colo	929, 383	612, 128	51. 8
Adams County	120, 296	40, 234	199. 0
Arapahoe County	113, 426	52, 125	117. 6
Boulder County	74, 254	48, 296	53. 7
Denver County	493, 887	415, 786	18. 8
Jefferson County	127, 520	55, 687	129. 0
Des Moines, Iowa	266, 315	226, 010	17. 8
Polk County	266, 315	226, 010	17. 8
Detroit, Mich	3, 762, 360	3, 016, 197	24. 7
Macomb County	405, 804	184, 961	119. 4
Oakland County	690, 259	396, 001	74. 3
Wayne County	2, 666, 297	1, 435, 235	9. 5
Dubuque, Iowa	8, 0048	71, 337	12. 2
Dubuque County	80, 048	71, 337	12. 2
Duluth-Superior, Minn.-Wis	276, 596	252, 777	9. 4
St. Louis County, Minn	231, 588	206, 062	12. 4
Douglas County, Wis	45, 008	46, 715	−3. 7
Durham, N.C	111, 995	101, 639	10. 2
Durham County	111, 995	101, 639	10. 2
El Paso, Tex	314, 070	194, 968	61. 1
El Paso County	314, 070	194, 968	61. 1
Erie, Pa	250, 682	219, 388	14. 3
Erie County	250, 682	219, 388	14. 3
Eugene, Oreg	162, 890	125, 776	29. 5
Lane County	162, 890	125, 776	29. 5
Evansville, Ind.-Ky	222, 890	212, 664	4. 8
Vanderburgh County, Ind	165, 794	160, 422	3. 3
Warrick County, Ind.*	23, 577	21, 527	9. 5
Henderson County, Ky	33, 519	30, 715	9. 1
Fall River, Mass.-R.I	138, 156	137, 298	0. 6
Bristol County, Mass. (part)	128, 695	131, 639	−2. 2
Fall River City	99, 942	111, 963	−10. 7
Somerset Township	12, 196	8, 566	42. 4
Swansea Township	9, 916	6, 121	62. 0
Westport Township	6, 641	4, 989	33. 1
Newport County, R.I. (part)	9, 461	5, 659	67. 2
Tiverton Township	9, 461	5, 659	67. 2
Fargo-Moorhead, N. Dak.-Minn	106, 027	89, 240	18. 8
Cass County, N. Dak	66, 947	58, 877	13. 7
Clay County, Minn	39, 080	30, 363	28. 7
Fitchburg-Leominster, Mass	90, 158	80, 528	12. 0
Middlesex County (part)	8, 852	7, 088	24. 9
Shirley Township	5, 202	4, 271	21. 8
Townsend Township*	3, 650	2, 817	29. 6
Worcester County (part)	81, 306	73, 440	10. 7
Fitchburg City	43, 021	42, 691	. 8
Leominster City	27, 929	24, 075	16. 0
Lunenburg Township	6, 334	3, 906	62. 2
Westminster Township*	4, 022	2, 768	45. 3
Flint, Mich	416, 239	306, 757	35. 7
Genesee County	374, 313	270, 963	38. 1
Lapeer County*	41, 926	35, 794	17. 1
Fort Lauderdale-Hollywood, Fla	333, 946	83, 933	297. 9
Broward County	333, 946	83, 933	297. 9
Fort Smith, Ark.-Okla	135, 110	141, 978	−4. 8
Crawford County, Ark.*	21, 318	22, 727	−6. 2
Sebastian County, Ark	66, 685	64, 202	3. 9
Le Flore County, Okla.*	29, 106	35, 276	−17. 5
Sequoyah County, Okla.*	18, 001	19, 773	−9. 0
Fort Wayne, Ind	232, 196	183, 722	26. 4
Allen County	232, 196	183, 722	26. 4
Fort Worth, Tex	573, 215	392, 643	46. 0
Johnson County	34, 720	31, 390	10. 6
Tarrant County	538, 495	361, 253	49. 1
Fresno, Calif	365, 945	276, 515	32. 3
Fresno County	365, 945	276, 515	32. 3
Gadsden, Ala	96, 980	93, 892	3. 3
Etowah County	96, 980	93, 892	3. 3
Galveston-Texas City, Tex	140, 364	113, 066	24. 1
Galveston County	140, 364	113, 066	24. 1
Gary-Hammond-East Chicago, Ind	573, 548	408, 228	40. 5
Lake County	513, 269	368, 152	39. 4
Porter County	60, 279	40, 076	50. 4
Grand Rapids, Mich	461, 906	362, 043	27. 6
Kent County	363, 187	288, 292	26. 0
Ottawa County*	98, 719	73, 751	33. 9
Great Falls, Mont	73, 418	53, 027	38. 5
Cascade County	73, 418	53, 027	38. 5
Green Bay, Wis	125, 082	98, 314	27. 2
Brown County	125, 082	98, 314	27. 2
Greensboro-High Point, N.C	246, 520	191, 057	29. 0
Guilford County	246, 520	191, 057	29. 0
Greenville, S.C	255, 806	208, 210	22. 9
Greenville County	209, 776	168, 152	24. 8
Pickens County*	46, 030	40, 058	14. 9
Hamilton-Middletown, Ohio	199, 076	147, 203	35. 2
Butler County	199, 076	147, 203	35. 2
Harrisburg, Pa	371, 653	317, 023	17. 2
Cumberland County	124, 816	94, 457	32. 1
Dauphin County	220, 255	197, 784	11. 4
Perry County*	26, 582	24, 782	7. 3
Hartford, Conn	549, 249	420, 009	30. 8
Hartford County (part)	508, 868	396, 153	28. 5
Hartford City	162, 178	177, 397	−8. 6
Avon Township	5, 273	3, 171	66. 3
Bloomfield Township	13, 613	5, 746	136. 9
Canton Township	4, 783	3, 613	32. 4
East Granby Township*	2, 434	1, 327	83. 4
East Hartford Township	43, 977	29, 933	46. 9
East Windsor Township	7, 500	4, 859	54. 4
Enfield Township	31, 464	15, 464	103. 5
Farmington Township	10, 813	7, 026	53. 9
Glastonbury Township	14, 497	8, 818	64. 4
Granby Township*	4, 968	2, 693	84. 5
Manchester Township	42, 102	34, 116	23. 4
Newington Township	17, 664	9, 110	93. 9
Rocky Hill Township	7, 404	5, 108	44. 9
Simsbury Township	10, 138	4, 822	110. 2
South Windsor Township	9, 460	4, 066	132. 7
Suffield Township	6, 779	4, 895	38. 5
West Hartford Township	62, 382	44, 402	40. 5
Wethersfield Township	20, 561	12, 533	64. 1
Windsor Township	19, 467	11, 833	64. 5
Windsor Locks Township	11, 411	5, 221	118. 6
Middlesex County (part)	6, 780	4, 286	58. 2
Cromwell Township	6, 780	4, 286	58. 2
Tolland County (part)	33, 601	19, 570	71. 7
Andover Township*	1, 771	1, 034	71. 3
Bolton Township*	2, 933	1, 279	129. 3
Coventry Township*	6, 356	4, 043	57. 2
Ellington Township*	5, 580	3, 099	80. 1
Vernon Township	16, 961	10, 115	67. 7
Honolulu, Hawaii	500, 409	353, 020	41. 8
Honolulu County	500, 409	353, 020	41. 8
Houston, Tex	1, 243, 158	806, 701	54. 1
Harris County	1, 243, 158	806, 701	54. 1
Huntington-Ashland, W. Va.-Ky.-Ohio	254, 780	245, 795	3. 7
Cabell County, W. Va	108, 202	108, 035	. 2
Wayne County, W. Va	38, 977	38, 696	. 7
Boyd County, Ky	52, 163	49, 949	4. 4
Lawrence County, Ohio	55, 438	49, 115	12. 9
Huntsville, Ala	153, 861	108, 669	41. 6
Limestone County*	36, 513	35, 766	2. 1
Madison County	117, 348	72, 903	61. 0
Indianapolis, Ind	916, 932	703, 129	30. 4
Hamilton County*	40, 132	28, 491	40. 9
Hancock County*	26, 665	20, 332	31. 1
Hendricks County*	40, 896	24, 594	66. 3
Johnson County*	43, 704	26, 183	66. 9
Marion County	697, 567	551, 777	26. 4
Morgan County*	33, 875	23, 726	42. 8
Shelby County*	34, 093	28, 026	21. 6
Jackson, Mich	131, 994	107, 925	22. 3
Jackson County	131, 994	107, 925	22. 3
Jackson, Miss	221, 367	171, 045	29. 4
Hinds County	187, 045	142, 164	31. 6
Rankin County*	34, 322	28, 881	18. 8
Jacksonville, Fla	455, 411	304, 029	49. 8
Duval County	455, 411	304, 029	49. 8
Jersey City, N.J	610, 734	647, 437	−5. 7
Hudson County	610, 734	647, 437	−5. 7

EXHIBIT 1—Continued

TABLE 1.—*1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (–) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase
Johnstown, Pa	280, 733	291, 354	–3. 6
Cambria County	203, 283	209, 541	–3. 0
Somerset County	77, 450	81, 813	–5. 3
Kalamazoo, Mich	169, 712	126, 707	33. 9
Kalamazoo County	169, 712	126, 707	33. 9
Kansas City, Mo.-Kans	1, 092, 545	848, 655	28. 7
Cass County, Mo.*	29, 702	19, 325	53. 7
Clay County, Mo	87, 474	45, 221	93. 4
Jackson County, Mo	622, 732	541, 035	15. 1
Platte County, Mo.*	23, 350	14, 973	55. 9
Johnson County, Kans	143, 792	62, 783	129. 0
Wyandotte County, Kans	185, 495	165, 318	12. 2
Kenosha, Wis	100, 615	75, 238	33. 7
Kenosha County	100, 615	75, 238	33. 7
Knoxville, Tenn	368, 080	337, 105	9. 2
Anderson County	60, 032	59, 407	1. 1
Blount County	57, 525	54, 691	5. 2
Knox County	250, 523	223, 007	12. 3
Lafayette, La.[2]	84, 656	57, 743	46. 6
Lafayette Parish	84, 656	57, 743	46. 6
Lake Charles, La	145, 475	89, 635	62. 3
Calcasieu Parish	145, 475	89, 635	62. 3
Lancaster, Pa	278, 359	234, 717	18. 6
Lancaster County	288, 359	234, 717	18. 6
Lansing, Mich	298, 949	244, 159	22. 4
Clinton County	37, 969	31, 195	21. 7
Eaton County	49, 684	40, 023	24. 1
Ingham County	211, 296	172, 941	22. 2
Laredo, Tex	64, 791	56, 141	15. 4
Webb County	64, 791	56, 141	15. 4
Las Vegas, Nev	127, 016	48, 289	163. 0
Clark County	127, 016	48, 289	163. 0
Lawrence-Haverhill, Mass.-N.H	199, 136	190, 428	4. 6
Essex County, Mass. (part)	185, 592	182, 368	1. 8
Lawrence City	70, 933	80, 536	–11. 9
Haverhill City	46, 346	47, 280	–2. 0
Andover Township	17, 134	12, 437	37. 8
Georgetown Township*	3, 755	2, 411	55. 7
Groveland Township	3, 297	2, 340	40. 9
Merrimac Township*	3, 261	2, 804	16. 3
Methuen Township	28, 114	24, 477	14. 9
North Andover Township	10, 908	8, 485	28. 6
West Newbury Township*	1, 844	1, 598	15. 4
Rockingham County, N.H. (part)	13, 544	8, 060	68. 0
Newton Township*	1, 419	1, 173	21. 0
Plaistow Township	2, 915	2, 652	40. 0
Salem Township	9, 210	4, 805	91. 7
Lawton, Okla	90, 803	55, 165	64. 6
Comanche County	90, 803	55, 165	64. 6
Lewiston-Auburn, Maine	70, 295	68, 426	2. 7
Androscoggin County (part)	70, 295	68, 426	2. 7
Auburn City	24, 449	23, 134	5. 7
Lewiston City	40, 804	40, 974	–0. 4
Lisbon Township	5, 042	4, 318	16. 8
Lexington, Ky	131, 906	100, 746	30. 9
Fayette County	131, 906	100, 746	30. 9
Lima, Ohio	103, 691	88, 183	17. 6
Allen County	103, 691	88, 183	17. 6
Lincoln, Nebr	155, 272	119, 742	29. 7
Lancaster County	155, 272	119, 742	29. 7
Little Rock-North Little Rock, Ark	242, 980	196, 685	23. 5
Pulaski County	242, 980	196, 685	23. 5
Lorain-Elyria, Ohio	217, 500	148, 162	46. 8
Lorain County	217, 500	148, 162	46. 8
Los Angeles-Long Beach, Calif	6, 038, 771	4, 151, 687	45. 5
Los Angeles County	6, 038, 771	4, 151, 687	45. 5
Louisville, Ky.-Ind	725, 139	576, 900	25. 7
Jefferson County, Ky	610, 947	484, 615	26. 1
Clark County, Ind	62, 795	48, 330	29. 9
Floyd County, Ind	51, 397	43, 955	16. 9
Lowell, Mass	164, 243	140, 249	17. 1
Middlesex County (part)	164, 243	140, 249	17. 1
Lowell City	92, 107	97, 249	–5. 3
Billerica Township	17, 867	11, 101	60. 9
Chelmsford Township	15, 130	9, 407	60. 8
Dracut Township	13, 674	8, 666	57. 8
Tewksbury Township	15, 902	7, 505	111. 9
Tyngsborough Township	3, 302	2, 059	60. 4
Westford Township*	6, 261	4, 262	46. 9
Lubbock, Tex	156, 271	101, 048	54. 7
Lubbock County	156, 271	101, 048	54. 7
Lynchburg, Va	110, 701	96, 936	14. 2
Lynchburg City	54, 790	47, 727	14. 8
Amherst County	22, 953	20, 332	12. 9
Campbell County	32, 958	28, 877	14. 1
Macon, Ga	180, 403	135, 043	33. 6
Bibb County	141, 249	114, 079	23. 8
Houston County	39, 154	20, 964	86. 8
Madison, Wis	222, 095	169, 357	31. 1
Dane County	222, 095	169, 357	31. 1
Manchester, N.H	102, 861	93, 338	10. 2
Hillsborough County (part)	99, 148	90, 546	9. 5
Manchester City	88, 282	82, 732	6. 7
Bedford Township*	3, 636	2, 176	67. 1
Goffstown Township	7, 230	5, 638	28. 2
Merrimack County (part)	3, 713	2, 792	33. 0
Hooksett Township*	3, 713	2, 792	33. 0
Memphis, Tenn.-Ark	674, 583	529, 577	27. 4
Shelby County, Tenn	627, 017	482, 393	30. 0
Crittenden County, Ark*	47, 564	47, 184	0. 8
Meriden, Conn	51, 850	44, 088	17. 6
New Haven County (part)	51, 850	44, 088	17. 6
Meriden City	51, 850	44, 088	17. 6
Miami, Fla	935, 047	495, 084	88. 9
Dade County	935, 047	495, 084	88. 9
Midland, Tex	67, 717	25, 785	162. 6
Midland County	67, 717	25, 785	162. 6
Milwaukee, Wis	1, 232, 731	980, 309	25. 7
Milwaukee County	1, 036, 041	871, 047	18. 9
Ozaukee County*	38, 441	23, 361	64. 6
Waukesha County	158, 249	85, 901	84. 2
Minneapolis-St. Paul, Minn	1, 482, 030	1, 151, 653	28. 8
Anoka County	859, 916	35, 579	141. 5
Dakota County	78, 303	49, 019	59. 7
Hennepin County	842, 854	676, 579	24. 6
Ramsey County	422, 525	355, 332	18. 9
Washington County	52, 432	34, 544	51. 8
Mobile, Ala	363, 389	272, 102	33. 5
Baldwin County*	49, 088	40, 997	19. 7
Mobile County	314, 301	231, 105	36. 6
Monroe, La	101, 663	74, 713	36. 1
Ouachita Parish	101, 663	74, 713	36. 1
Montgomery, Ala	199, 734	170, 614	17. 1
Elmore County*	30, 524	31, 649	–3. 6
Montgomery County	169, 210	138, 965	21. 8
Muncie, Ind	110, 938	90, 253	22. 9
Delaware County	110, 938	90, 253	22. 9
Muskegon-Muskegon Heights, Mich	149, 943	121, 545	23. 4
Muskegon County	149, 943	121, 545	23. 4
Nashville, Tenn	463, 628	381, 609	21. 5
Davidson County	399, 743	321, 758	24. 2
Sumner County*	36, 217	33, 533	8. 0
Wilson County*	27, 668	26, 318	5. 1
New Bedford, Mass	143, 176	141, 984	. 8
Bristol County (part)	137, 178	137, 469	–. 2
New Bedford City	102, 477	109, 189	–6. 1
Acushnet Township	5, 755	4, 401	30. 8
Dartmouth Township	14, 607	11, 115	31. 4
Fairhaven Township	14, 339	12, 764	12. 3
Plymouth County (part)	5, 998	4, 515	32. 8
Marion Township	2, 881	2, 250	28. 0
Mattapoisett Township	3, 117	2, 265	37. 6
New Britain, Conn	129, 397	104, 251	24. 1
Hartford County (part)	129, 397	104, 251	24. 1
New Britain City	82, 201	73, 726	11. 5
Berlin Township	11, 250	7, 470	50. 6
Plainville Township	13, 149	9, 994	31. 6
Southington Township	22, 797	13, 061	74. 5
New Haven, Conn	320, 836	273, 049	17. 5
New Haven County (part)	320, 836	273, 049	17. 5
New Haven City	152, 048	164, 443	–7. 5
Bethany Township*	2, 384	1, 318	80. 9
Branford Township	16, 610	10, 944	51. 8
East Haven Township	21, 388	12, 212	75. 1
Guilford Township	7, 913	5, 092	55. 4
Hamden Township	41, 056	29, 715	38. 2
North Branford Township*	6, 771	2, 017	235. 7
North Haven Township	15, 935	9, 444	68. 7
Orange Township	8, 547	3, 032	181. 9
West Haven Township	43, 002	32, 010	34. 3
Woodbridge Township	5, 182	2, 822	83. 6
New London-Groton-Norwich, Conn	170, 981	134, 612	27. 0
New London County (part)	170, 981	134, 612	27. 0
New London City	34, 182	3, 551	11. 9
Norwich Township	38, 506	37, 633	2. 3
Norwich City	38, 506	23, 429	64. 4
East Lyme Township	6, 782	3, 870	75. 2
Griswold Township*	6, 472	5, 728	13. 0
Groton Township	29, 937	21, 896	36. 7
Ledyard Township	5, 395	1, 749	208. 5
Lisbon Township*	2, 019	1, 282	57. 5
Montville Township	7, 759	4, 766	62. 8
Old Lyme Township*	3, 068	2, 141	43. 3
Preston Township	4, 992	1, 775	181. 2
Stonington Township	13, 969	11, 801	18. 4
Sprague Township*	2, 509	2, 320	8. 1
Waterford Township	15, 391	9, 100	69. 1
New Orleans, La	907, 123	712, 393	27. 3
Jefferson Parish	208, 769	103, 873	101. 0
Orleans Parish	627, 525	570, 445	10. 0
St. Bernard Parish	32, 186	11, 087	190. 3
St. Tammany Parish*	38, 643	26, 988	43. 2
New York, N.Y	10, 694, 633	9, 555, 943	11. 9
New York City	7, 781, 984	7, 981, 957	–1. 4
Bronx County	1, 424, 815	1, 451, 277	–1. 8
Kings County	2, 627, 319	2, 738, 175	–4. 0
New York County	1, 698, 281	1, 960, 101	–13. 4
Queens County	1, 809, 578	1, 550, 849	16. 7
Richmond County	221, 991	191, 555	15. 9
Nassau County	1, 300, 171	672, 765	93. 3
Rockland County	136, 803	89, 276	53. 2
Suffolk County	666, 784	276, 129	141. 5
Westchester County	808, 891	625, 816	29. 3

See footnotes at end of table.

EXHIBIT 1—Continued

TABLE 1.—*1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (−) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase
Newark, N.J	1,689,420	1,468,458	15.0
Essex County	923,545	905,949	1.9
Morris County	261,620	164,371	59.2
Union County	504,255	398,138	26.7
Newport News-Hampton, Va	224,503	154,977	44.9
Hampton City	89,258	[2] 60,994	46.3
Newport News City	113,662	[4] 82,233	38.2
York County	21,583	11,750	83.7
Norfolk-Portsmouth, Va	578,507	446,200	29.7
Chesapeake City [3]	73,647	110,371	−33.3
Norfolk City	304,869	213,513	42.8
Portsmouth City	114,773	80,039	43.4
Virginia Beach City [6]	85,218	42,277	101.6
Norwalk, Conn	96,756	65,685	47.3
Fairfield County (part)	96,756	65,685	47.3
Norwalk City	67,775	49,460	37.0
Westport Township	20,955	11,667	79.6
Wilton Township	8,026	4,558	76.1
Odessa, Tex	90,995	42,102	116.1
Ector County	90,995	42,102	116.1
Ogden, Utah	110,744	83,319	32.9
Weber County	110,744	83,319	32.9
Oklahoma City, Okla	511,833	392,439	30.4
Canadian County	24,727	25,644	−3.6
Cleveland County	47,600	41,443	14.9
Oklahoma County	439,506	325,352	35.1
Omaha, Nebr.-Iowa	457,873	366,395	25.0
Douglas County, Nebr	343,490	281,020	22.2
Sarpy County, Nebr	31,281	15,693	99.3
Pottawattamie County, Iowa	83,102	69,682	19.3
Orlando, Fla	318,487	141,833	124.6
Orange County	263,540	114,950	129.3
Seminole County	54,947	26,883	104.4
Paterson-Clifton-Passaic, N.J	1,186,874	876,232	35.5
Bergen County	780,255	539,139	44.7
Passaic County	406,618	337,093	20.6
Pensacola, Fla	203,376	131,260	54.9
Escambia County	173,829	112,706	54.2
Santa Rosa County	29,547	18,554	59.2
Peoria, Ill	313,412	271,847	15.3
Peoria County	189,044	174,347	8.4
Tazewell County	99,789	76,165	31.0
Woodford County*	24,579	21,335	15.2
Philadelphia, Pa.-N.J	4,342,897	3,671,048	18.3
Bucks County, Pa	308,567	144,620	113.4
Chester County, Pa	210,608	159,141	32.3
Delaware County, Pa	553,154	414,234	33.5
Montgomery County, Pa	516,682	353,068	46.3
Philadelphia County, Pa	2,002,512	2,071,605	−3.3
Burlington County, N.J	224,499	135,910	65.2
Camden County, N.J	392,035	300,743	30.4
Gloucester County, N.J	134,840	91,727	47.0
Phoenix, Ariz	663,510	331,770	100.0
Maricopa County	663,510	331,770	100.0
Pittsburgh, Pa	2,405,435	2,213,236	8.7
Allegheny County	1,628,587	1,515,237	7.5
Beaver County	206,948	175,192	18.1
Washington County	217,271	209,628	3.6
Westmoreland County	352,629	313,179	12.6
Pittsfield, Mass	76,772	68,636	11.9
Berkshire County (part)	76,772	68,636	11.9
Pittsfield City	57,879	53,348	8.5
Dalton Township	6,436	4,772	34.9
Lanesborough Township*	2,933	2,069	41.8
Lee Township	5,271	4,820	9.4
Lenox Township	4,253	3,627	17.3
Portland, Maine	139,122	133,983	3.8
Cumberland County (part)	139,122	133,983	3.8
Portland City	72,566	77,634	−6.5
South Portland City	22,788	21,866	4.2
Westbrook City	13,820	12,284	12.5
Cape Elizabeth Township	5,505	3,816	44.3
Cumberland Township*	2,765	2,030	36.2
Falmouth Township	5,976	4,342	37.6
Gorham Township*	5,767	4,742	21.6
Scarborough Township*	6,418	4,600	39.5
Yarmouth Township*	3,517	2,669	31.8
Portland, Oreg.-Wash	821,897	704,829	16.6
Clackamas County, Oreg	113,038	86,716	30.4
Multnomah County, Oreg	522,813	471,537	10.9
Washington County, Oreg	92,237	61,269	50.5
Clark County, Wash	93,809	85,307	10.0
Providence-Pawtucket, R.I.-Mass	821,101	763,902	7.5
Bristol County, R.I	37,146	29,079	27.7
Barrington Township	13,826	8,246	67.7
Bristol Township	14,570	12,320	18.3
Warren Township	8,750	8,513	2.8
Kent County, R.I. (part)	111,450	76,916	44.9
Warwick City	68,504	43,028	59.2
Coventry Township	15,432	9,869	56.4
East Greenwich Township	6,100	4,923	23.9
West Warwick Township	21,414	19,096	12.1
Newport County, R.I. (part)	2,267	2,068	9.6
Jamestown Township	2,267	2,068	9.6
Providence County, R.I. (part)	558,074	566,756	−1.5
Central Falls City	19,858	23,550	−15.7
Cranston City	66,766	55,060	21.3
East Providence City	41,955	35,871	17.0
Pawtucket City	81,001	81,436	−0.5
Providence City	207,498	248,674	−16.6
Woonsocket City	47,080	50,211	−6.2
Burrillville Township	9,119	8,774	3.9
Cumberland Township	18,792	12,842	46.3
Providence-Pawtucket, R.I.-Mass.—Continued			
Providence County, R. I.—Continued			
Johnston Township	17,160	12,725	34.9
Lincoln Township	13,551	11,270	20.2
North Providence Township	18,220	13,927	30.8
North Smithfield Township	7,632	5,726	33.3
Smithfield Township	9,442	6,690	41.1
Washington County, R.I. (part)	22,421	17,098	31.1
Narragansett Township	3,444	2,288	50.5
North Kingstown Township	18,977	14,810	28.1
Bristol County, Mass. (part)	55,247	45,759	20.7
Attleboro City	27,118	23,809	13.9
North Attleboro Township	14,777	12,146	21.7
Rehoboth Township*	4,953	3,700	33.9
Seekonk Township	8,399	6,104	37.6
Norfolk County, Mass. (part)	27,799	19,566	42.1
Bellingham Township	6,774	4,100	65.2
Franklin Township	10,530	8,037	31.0
Plainville Township	3,810	2,088	82.5
Wrentham Township	6,685	5,341	25.2
Worcester County, Mass. (part)	6,697	6,660	0.6
Blackstone Township	5,130	4,968	3.3
Millville Township	1,567	1,692	−7.4
Provo-Orem, Utah	106,991	81,912	30.6
Utah County	106,991	81,912	30.6
Pueblo, Colo	118,707	90,188	31.6
Pueblo County	118,707	90,188	31.6
Racine, Wis	141,781	109,585	29.4
Racine County	141,781	109,585	29.4
Raleigh, N.C	169,082	136,450	23.9
Wake County	169,082	136,450	23.9
Reading, Pa	275,414	255,740	7.7
Berks County	275,414	255,740	7.7
Reno, Nev	84,743	50,205	68.8
Washoe County	84,743	50,205	68.8
Richmond, Va	436,044	350,035	24.6
Richmond City	219,958	230,310	−4.5
Chesterfield County	71,197	40,400	76.2
Hanover County*	27,550	21,985	25.3
Henrico County	117,339	57,340	104.6
Roanoke, Va	158,803	133,407	19.0
Roanoke City	97,110	91,921	5.6
Roanoke County	61,693	41,486	48.7
Rochester, N.Y	732,588	615,044	19.1
Livingston County*	44,053	40,257	9.4
Monroe County	586,387	487,632	20.3
Orleans County*	34,159	29,832	14.5
Wayne County*	67,989	57,323	18.6
Rockford, Ill	230,091	169,455	35.8
Boone County*	20,326	17,070	19.1
Winnebago County	209,765	152,385	37.7
Sacramento, Calif	625,503	359,429	74.0
Placer County*	56,998	41,649	36.9
Sacramento County	502,778	277,140	81.4
Yolo County*	65,727	40,640	61.7
Saginaw, Mich	190,752	153,515	24.3
Saginaw County	190,752	153,515	24.3
St. Joseph, Mo	90,581	96,826	−6.4
Buchanan County	90,581	96,826	−6.4
St. Louis, Mo.-Ill	2,104,669	1,755,334	19.9
St. Louis City, Mo	750,026	856,796	−12.5
Franklin County, Mo.*	44,566	36,046	23.6
Jefferson County, Mo	66,377	38,007	74.6
St. Charles County, Mo	52,970	29,834	77.5
St. Louis County, Mo	703,532	406,349	73.1
Madison County, Ill	224,689	182,307	23.2
St. Clair County, Ill	262,509	205,995	27.4
Salt Lake City, Utah	447,795	305,762	46.5
Davis County*	64,760	30,867	109.8
Salt Lake County	383,035	274,895	39.3
San Angelo, Tex	64,630	58,929	9.7
Tom Green County	64,630	58,929	9.7
San Antonio, Tex	716,168	525,852	36.2
Bexar County	687,151	500,460	37.3
Guadalupe County*	29,017	25,392	14.3
San Bernardino-Riverside-Ontario, Calif	809,782	451,688	79.3
Riverside County	306,191	170,046	80.1
San Bernardino County	503,591	281,642	78.8
San Diego, Calif	1,033,011	556,808	85.5
San Diego County	1,033,011	556,808	85.5
San Francisco-Oakland, Calif	2,648,762	2,135,934	24.0
Alameda County	908,209	740,315	22.7
Contra Costa County	409,030	298,984	36.8
Marin County	146,820	85,619	71.5
San Francisco County	740,316	775,357	−4.5
San Mateo County	444,387	235,659	88.6
San Jose, Calif	642,315	290,547	121.1
Santa Clara County	642,315	290,547	121.1
Santa Barbara, Calif	168,962	98,220	72.0
Santa Barbara County	168,962	98,220	72.0
Savannah, Ga	188,299	151,481	24.3
Chatham County	188,299	151,481	24.3
Scranton, Pa	234,531	257,396	−8.9
Lackawanna County	234,531	257,396	−8.9
Seattle, Wash	1,107,213	844,572	31.1
King County	935,014	732,992	27.6
Snohomish County	172,199	111,580	54.3
Shreveport, La	281,481	216,686	29.9
Bossier Parish	57,622	40,139	43.6
Caddo Parish	223,859	176,547	26.8
Sioux City, Iowa-Nebr	120,017	114,318	5.0
Woodbury County, Iowa	107,849	103,917	3.8
Dakota County, Nebr.*	12,168	10,401	17.0

See footnotes at end of table.

EXHIBIT 1—Continued

TABLE 1.—*1960 and 1950 population of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Asterisk (*) identifies additions to standard metropolitan statistical areas as defined for 1960 census. Minus sign (—) denotes decrease]

Standard metropolitan statistical area	1960	1950	Percent increase
Sioux Falls, S. Dak	86, 575	70, 910	22. 1
Minnehaha County	86, 575	70, 910	22. 1
South Bend, Ind	271, 057	234, 526	15. 6
Marshall County*	32, 443	29, 468	10. 1
St. Joseph County	238, 614	205, 058	16. 4
Spokane, Wash	278, 333	221, 561	25. 6
Spokane County	278, 333	221, 561	25. 6
Springfield, Ill	146, 539	131, 484	11. 5
Sangamon County	146, 539	131, 484	11. 5
Springfield, Mo	126, 276	104, 823	20. 5
Greene County	126, 276	104, 823	20. 5
Springfield, Ohio	131, 440	111, 661	17. 7
Clark County	131, 440	111, 661	17. 7
Springfield-Chicopee-Holyoke, Mass.-Conn	493, 999	422, 163	17. 0
Hampden County, Mass. (part)	422, 254	361, 724	16. 7
Chicopee City	61, 553	49, 211	25. 1
Holyoke City	52, 689	54, 661	−3. 6
Springfield City	174, 463	162, 399	7. 4
Westfield City	26, 302	20, 962	25. 5
Agawam Township	15, 718	10, 166	54. 6
East Longmeadow Township	10, 294	4, 881	110. 9
Hampden Township*	2, 345	1, 322	77. 4
Longmeadow Township	10, 565	6, 508	62. 3
Ludlow Township	13, 805	8, 660	59. 4
Monson Township	6, 712	6, 125	9. 6
Palmer Township	10, 358	9, 533	8. 7
Southwick Township*	5, 139	2, 855	80. 0
West Springfield Township	24, 924	20, 438	21. 9
Wilbraham Township	7, 387	4, 003	84. 5
Hampshire County, Mass. (part)	64, 660	54, 402	18. 9
Northampton City	30, 058	29, 063	3. 4
Easthampton Township	12, 326	10, 694	15. 3
Granby Township*	4, 221	1, 861	126. 8
Hadley Township	3, 099	2, 639	17. 4
South Hadley Township	14, 956	10, 145	47. 4
Worcester County, Mass. (part)	3, 383	3, 406	−. 7
Warren Township	3, 383	3, 406	−. 7
Tolland County, Conn. (part)	3, 702	2, 631	40. 7
Somers Township	3, 702	2, 631	40. 7
Stamford, Conn	178, 409	134, 896	32. 3
Fairfield County (part)	178, 409	134, 896	32. 3
Stamford City	92, 713	74, 293	24. 8
Darien Township	18, 437	11, 767	56. 7
Greenwich Township	53, 793	40, 835	31. 7
New Canaan Township	13, 466	8, 001	68. 3
Steubenville-Weirton, Ohio-W. Va	167, 756	157, 787	6. 3
Jefferson County, Ohio	99, 201	96, 495	2. 8
Brooke County, W. Va	28, 940	26, 904	7. 6
Hancock County, W. Va	39, 615	34, 388	15. 2
Stockton, Calif	249, 989	200, 750	24. 5
San Joaquin County	249, 989	200, 750	24. 5
Syracuse, N.Y	563, 781	465, 114	21. 2
Madison County	54, 635	46, 214	18. 2
Onondaga County	423, 028	341, 719	23. 8
Oswego County	86, 118	77, 181	11. 6
Tacoma, Wash	321, 590	275, 876	16. 6
Pierce County	321, 590	275, 876	16. 6
Tampa-St. Petersburg, Fla	772, 453	409, 143	88. 8
Hillsborough County	397, 788	249, 894	59. 2
Pinellas County	374, 665	159, 249	135. 3
Terre Haute, Ind	172, 069	172, 468	−0. 2
Clay County*	24, 207	23, 918	1. 2
Sullivan County*	21, 721	23, 667	−8. 2
Vermillion County*	17, 683	19, 723	−10. 3
Vigo County	108, 458	105, 160	3. 1
Texarkana, Tex.-Ark	91, 657	94, 580	−3. 1
Bowie County, Tex	59, 971	61, 966	−3. 2
Miller County, Ark	31, 686	32, 614	−2. 8
Toledo, Ohio-Mich	630, 647	530, 822	18. 8
Lucas County, Ohio	456, 931	395, 551	15. 5
Wood County, Ohio*	72, 596	59, 605	21. 8
Monroe County, Mich.*	101, 120	75, 666	33. 6
Topeka, Kans	141, 286	105, 418	34. 0
Shawnee County	141, 286	105, 418	34. 0
Trenton, N.J	266, 392	229, 781	15. 9
Mercer County	266, 392	229, 781	15. 9
Tucson, Ariz	265, 660	141, 216	88. 1
Pima County	265, 660	141, 216	88. 1
Tulsa, Okla	418, 974	327, 900	27. 8
Creek County	40, 495	43, 143	−6. 1
Osage County	32, 441	33, 071	−1. 9
Tulsa County	346, 038	251, 686	37. 5
Tuscaloosa, Ala	109, 047	94, 092	15. 9
Tuscaloosa County	109, 047	94, 092	15. 9
Tyler, Tex	86, 350	74, 701	15.6
Smith County	86, 350	74, 701	15.6
Utica-Rome, N.Y	330, 771	284, 262	16.4
Herkimer County	66, 370	61, 407	8.1
Oneida County	264, 401	222, 855	18.6
Vallejo-Napa, Calif.[7]	200, 487	151, 436	32.4
Napa County	65, 890	46, 603	41.4
Solano County	134, 597	104, 833	28.4
Waco, Tex	150, 091	130, 194	15.3
McLennan County	150, 091	130, 194	15.3
Washington, D.C.-Md.-Va	2, 001, 897	1, 464, 089	36.7
Washington, D.C	763, 956	802, 178	−4.8
Montgomery County, Md	340, 928	164, 401	107.4
Prince Georges County, Md	357, 395	194, 182	84.1
Alexandria City, Va	91, 023	61, 787	47.3
Fairfax City, Va.[8]	13, 585	1, 946	598.1
Falls Church City, Va	10, 192	7, 535	35.3
Arlington County, Va	163, 401	135, 449	20.6
Fairfax County, Va	261, 417	96, 611	179.0
Waterbury, Conn	185, 548	157, 220	18.0
Litchfield County (part)	24, 597	18, 159	35.5
Thomaston Township	5, 850	4, 896	19.5
Watertown Township	14, 837	10, 699	38.7
Woodbury Township*	3, 910	2, 564	52.5
New Haven County (part)	160, 951	139, 061	15.7
Waterbury City	107, 130	104, 477	2.5
Naugatuck Borough	19, 511	17, 455	11.8
Beacon Falls Township	2, 886	2, 067	39.6
Cheshire Township	13, 383	6, 295	112.6
Middlebury Township	4, 785	3, 318	44.2
Prospect Township	4, 367	1, 896	130.3
Wolcott Township	8, 889	3, 553	150.2
Waterloo, Iowa	122, 482	100, 448	21.9
Black Hawk County	122, 482	100, 448	21.9
West Palm Beach, Fla	228, 016	114, 688	98.9
Palm Beach County	228, 106	114, 688	98.9
Wheeling, W. Va.-Ohio	190, 342	196, 305	−3.0
Ohio County, W. Va	68, 437	71, 672	−4.5
Marshall County, W. Va	38, 041	36, 893	3.1
Belmont County, Ohio	83, 864	87, 740	−4.4
Wichita, Kans	381, 626	253, 291	50.7
Butler County*	38, 395	31, 001	23.9
Sedgwick County	343, 231	222, 290	54.4
Wichita Falls, Tex	129, 638	105, 309	23.1
Archer County	6, 110	6, 816	−10.4
Wichita County	123, 528	98, 493	25.4
Wilkes-Barre-Hazleton, Pa	346, 972	392, 241	−11.5
Luzerne County	346, 972	392, 241	−11.5
Wilmington, Del.-Md.-N.J	414, 565	301, 743	37.4
New Castle County, Del	307, 446	218, 879	40.5
Cecil County, Md*	48, 408	33, 356	45.1
Salem County, N.J	58, 711	49, 508	18.6
Winston-Salem, N.C	189, 428	146, 135	29.6
Forsyth County	189, 428	146, 135	29.6
Worcester, Mass	328, 898	306, 269	7.4
Worcester County (part)	328, 898	306, 269	7.4
Worcester City	186, 587	203, 486	−8.3
Auburn Township	14, 047	8, 840	58.9
Berlin Township	1, 742	1, 349	29.1
Boylston Township	2, 367	1, 700	39.2
Brookfield Township	1, 751	1, 567	11.7
East Brookfield Township	1, 533	1, 243	23.3
Grafton Township	10, 627	8, 281	28.3
Holden Township	10, 117	5, 975	69.3
Leicester Township	8, 177	6, 029	35.6
Millbury Township	9, 623	8, 347	15.3
Northborough Township	6, 687	3, 122	114.2
Northbridge Township	10, 800	10, 476	3.1
North Brookfield Township	3, 616	3, 444	5.0
Oxford Township	9, 282	5, 851	58.6
Paxton Township*	2, 399	1, 066	125.0
Shrewsbury Township	16, 622	10, 594	56.9
Spencer Township	7, 838	7, 027	11.5
Sterling Township*	3, 193	2, 166	47.4
Sutton Township	3, 638	3, 102	17.3
Upton Township	3, 127	2, 656	17.7
Westborough Township	9, 599	7, 378	30.1
West Boylston Township	5. 526	2, 570	115.0
York, Pa	290. 242	246. 934	17.5
Adams County*	51. 906	44, 197	17.4
York County	238. 336	202, 737	17.6
Youngstown-Warren, Ohio	509, 006	416, 544	22.2
Mahoning County	300, 480	257, 629	16.6
Trumbull County	208, 526	158, 915	31.2

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[1] New area formed by detachment of Orange County from Los Angeles-Long Beach SMSA.

[2] New area.

[3] Includes population (55,028) of Elizabeth City County which was consolidated with Hampton City between 1950 and 1960.

[4] Includes population (39,875) of Warwick County which was consolidated with Newport News City between 1950 and 1960.

[5] Population shown is that of South Norfolk City and Norfolk County, which were consolidated as Chesapeake City Jan. 1, 1963.

[6] Population shown is that of Virginia Beach City and Princess Anne County, which were consolidated Jan. 1, 1963.

[7] New area formed by detachment of Solano County from San Francisco-Oakland SMSA and addition of Napa County.

[8] Fairfax Township became independent city after Apr. 1, 1960; 1950 population excluded from 1950 population of Fairfax County.

TABLE 2.—*1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*

[Minus sign (−) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase
United States (216 areas)	115, 795, 265	91, 568, 113	26. 5
In central cities	58, 441, 995	52, 648, 185	11. 0
Outside central cities	57, 354, 270	38, 919, 928	47. 4
Abilene, Tex	120, 377	85, 517	40. 8
Abilene	90, 368	45, 570	98. 3
Outside central city	30, 009	39, 947	−24. 9
Akron, Ohio	605, 367	473, 986	27. 7
Akron	290, 351	274, 605	5. 7
Outside central city	315, 016	199, 381	58. 0
Albany, Ga	75, 680	43, 617	73. 5
Albany	55, 890	31, 155	79. 4
Outside central city	19, 790	12, 462	58. 8
Albany-Schenectady-Troy, N.Y	657, 503	589, 359	11. 6
In central cities	278, 900	299, 091	−6. 8
Albany	129, 726	134, 995	−3. 9
Schenectady	81, 682	91, 785	−11. 0
Troy	67, 492	72, 311	−6. 7
Outside central cities	378, 603	290, 268	30. 4
Albuquerque, N. Mex	262, 199	145, 673	80. 0
Albuquerque	201, 189	96, 815	107. 8
Outside central city	61, 010	48, 858	24. 9
Allentown-Bethlehem-Easton, Pa., and New Jersey	492, 168	437, 824	12. 4
In central cities	215, 710	208, 728	3. 3
Allentown	108, 347	106, 756	1. 5
Bethlehem	75, 408	66, 340	13. 7
Easton	31, 955	35, 632	−10. 6
Outside central cities	276, 458	229, 096	20. 7
Altoona, Pa	137, 270	139, 514	−1. 6
Altoona	69, 407	77, 177	−10. 1
Outside central city	67, 863	62, 337	8. 9
Amarillo, Tex	149, 493	87, 140	71. 6
Amarillo	137, 969	74, 246	85. 8
Outside central city	11, 524	12, 894	−10. 6
Anaheim-Santa Ana-Garden Grove, Calif	703, 925	216, 224	225. 6
In central cities	288, 772	60, 089	380. 8
Anaheim	104, 184	14, 556	615. 7
Santa Ana	100, 350	45, 533	120. 4
Garden Grove [1]	84, 238	----------	--------
Outside central cities	415, 153	186, 135	165. 9
Ann Arbor, Mich	172, 440	134, 606	28. 1
Ann Arbor	67, 340	48, 251	39. 6
Outside central city	105, 100	86, 355	21. 7
Asheville, N.C	130, 074	124, 403	4. 6
Asheville	60, 192	53, 000	13. 6
Outside central city	69, 882	71, 403	−2. 1
Ashland. (See Huntington-Ashland, W. Va.-Ky.-Ohio).			
Atlanta, Ga	1, 017, 188	726, 989	39. 9
Atlanta	487, 455	331, 314	47. 1
Outside central city	529, 733	395, 675	33. 9
Atlantic City, N.J	160, 880	132, 399	21. 5
Atlantic City	59, 544	61, 657	−3. 4
Outside central city	101, 336	70, 742	43. 2
Auburn. (See Lewiston-Auburn, Maine.)			
Augusta, Ga.-S.C	216, 639	162, 013	33. 7
Augusta	70, 626	71, 508	−1. 2
Outside central city	146, 013	90, 505	61. 3
Austin, Tex	212, 136	160, 980	31. 8
Austin	186, 545	132, 459	40. 8
Outside central city	25, 591	28, 521	−10. 3
Bakersfield, Calif	291, 984	228, 309	27. 9
Bakersfield	56, 848	34, 784	63. 4
Outside central city	235, 136	193, 525	21. 5
Baltimore, Md	1, 727, 023	1, 405, 399	22. 9
Baltimore	939, 024	949, 708	−1. 1
Outside central city	787, 999	455, 691	72. 9
Baton Rouge, La	230, 058	158, 236	45. 4
Baton Rouge	152, 419	125, 629	21. 3
Outside central city	77, 639	32, 607	138. 1
Bay City, Mich	107, 042	88, 461	21. 0
Bay City	53, 604	52, 523	2. 1
Outside central city	53, 438	35, 938	48. 7
Beaumont-Port Arthur, Tex	306, 016	235, 650	29. 9
In central cities	185, 851	151, 544	22. 6
Beaumont	119, 175	94, 014	26. 8
Port Arthur	66, 676	57, 530	15. 9
Outside central cities	120, 165	84, 106	42. 9
Bethlehem. (See Allentown-Bethlehem-Easton, Pa., and New Jersey.)			
Billings, Mont	79, 016	55, 875	41. 4
Billings	52, 851	31, 834	66. 0
Outside central city	26, 165	24, 041	8. 8
Binghamton, N.Y	283, 600	246, 834	14. 9
Binghamton	75, 941	80, 674	−5. 9
Outside central city	207, 659	166, 160	25. 0
Birmingham, Ala	634, 864	558, 928	13. 6
Birmingham	340, 887	326, 037	4. 6
Outside central city	293, 977	232, 891	26. 2
Boise City, Idaho	93, 460	70, 649	32. 3
Boise City	34, 481	34, 393	. 3
Outside central city	58, 979	36, 256	62. 7
Boston, Mass	2, 595, 481	2, 414, 368	7. 5
Boston	697, 197	801, 444	−13. 0
Outside central city	1, 898, 284	1, 612, 924	17. 7
Bridgeport, Conn	337, 983	275, 888	22. 5
Bridgeport	156, 748	158, 709	−1. 2
Outside central city	181, 235	117, 179	54. 7
Brockton, Mass	149, 458	119, 728	24. 8
Brockton	72, 813	62, 860	15. 8
Outside central city	76, 645	56, 868	34. 8
Brownsville, Harlingen-San Benito, Tex	151, 098	125, 170	20. 7
In central cities	105, 669	72, 566	45. 6
Brownsville	48, 040	36, 066	33. 2
Harlingen	41, 207	23, 229	77. 4
San Benito	16, 422	13, 271	23. 7
Outside central cities	45, 429	52, 604	13. 6
Buffalo, N.Y	1, 306, 957	1, 089, 230	20. 0
Buffalo	532, 759	580, 132	−8. 2
Outside central city	774, 198	509, 098	52. 1
Canton, Ohio	340, 345	283, 194	20. 2
Canton	113, 631	116, 912	−2. 8
Outside central city	226, 714	166, 282	36. 3
Cedar Rapids, Iowa	136, 899	104, 274	31. 3
Cedar Rapids	92, 035	72, 296	27. 3
Outside central city	44, 864	31, 978	40. 3
Champaign-Urbana, Ill	132, 436	106, 100	24. 8
In central cities	76, 877	62, 397	23. 2
Champaign	49, 583	39, 563	25. 3
Urbana	27, 294	22, 834	19. 5
Outside central cities	55, 559	43, 703	27. 1
Charleston, S.C	254, 578	195, 107	30. 5
Charleston	65, 925	70, 174	−6. 1
Outside central city	188, 653	124, 933	51. 0
Charleston, W. Va	252, 925	239, 629	5. 5
Charleston	85, 796	73, 501	16. 7
Outside central city	167, 129	166, 128	. 6
Charlotte, N.C	316, 781	239, 086	32. 5
Charlotte	201, 564	134, 042	50. 4
Outside central city	115, 217	105, 044	9. 7
Chattanooga, Tenn., and Georgia	283, 169	246, 453	14. 9
Chattanooga	130, 009	131, 041	−. 8
Outside central city	153, 160	115, 412	32. 7
Chicago, Ill	6, 220, 913	5, 177, 868	20. 1
Chicago	3, 550, 404	3, 620, 962	−1. 9
Outside central city	2, 670, 509	1, 556, 906	71. 5
Chicopee. (See Springfield-Chicopee-Holyoke, Mass.)			
Cincinnati, Ohio, Indiana and Kentucky	1, 268, 479	1, 023, 245	24. 0
Cincinnati	502, 550	503, 998	−0. 3
Outside central city	765, 929	519, 247	47. 5
Cleveland, Ohio	1, 909, 483	1, 532, 574	24. 6
Cleveland	876, 050	914, 808	−4. 2
Outside central city	1, 033, 433	617, 766	67. 3
Clifton. (See Paterson-Clifton-Passaic, N.J.)			
Colorado Springs, Colo	143, 742	74, 523	92. 9
Colorado Springs	70, 194	45, 472	54. 4
Outside central city	73, 548	29, 051	153. 2
Columbia, S.C	260, 828	186, 844	39. 6
Columbia	97, 433	86, 914	12. 1
Outside central city	163, 395	99, 930	63. 5
Columbus, Ga.-Ala	217, 985	170, 541	27. 8
Columbus	116, 779	79, 611	46. 7
Outside central city	101, 206	90, 930	11. 3
Columbus, Ohio	754, 924	563, 040	34. 1
Columbus	471, 316	375, 901	25. 4
Outside central city	283, 608	187, 139	51. 5
Corpus Christi, Tex	221, 573	165, 471	33. 9
Corpus Christi	167, 690	108, 287	54. 9
Outside central city	53, 883	57, 184	−5. 8
Dallas, Tex	1, 083, 601	743, 501	45. 7
Dallas	679, 684	434, 462	56. 4
Outside central city	403, 917	309, 039	30. 7
Davenport-Rock Island-Moline, Iowa-Ill	319, 375	280, 748	13. 8
In central cities	183, 549	160, 656	14. 2
Davenport	88, 981	74, 549	19. 4
Rock Island	51, 863	48, 710	6. 5
Moline	42, 705	37, 397	14. 2
Outside central cities	135, 826	120, 092	13. 1
Dayton, Ohio	727, 121	545, 723	33. 2
Dayton	262, 332	243, 872	7. 6
Outside central city	464, 789	301, 851	54. 0
Decatur, Ill	118, 257	98, 853	19. 6
Decatur	78, 004	66, 269	17. 7
Outside central city	40, 253	32, 584	23. 5
Denver, Colo	929, 383	612, 128	51. 8
Denver	493, 887	415, 786	18. 8
Outside central city	435, 496	196, 342	121. 8
Des Moines, Iowa	266, 315	226, 010	17. 8
Des Moines	208, 982	177, 965	17. 4
Outside central city	57, 333	48, 045	19. 3
Detroit, Mich	3, 762, 360	3, 016, 197	24. 7
Detroit	1, 670, 144	1, 849, 568	−9. 7
Outside central city	2, 092, 216	1, 166, 629	79. 3
Dubuque, Iowa	80, 048	71, 337	12. 2
Dubuque	56, 606	49, 671	14. 0
Outside central city	23, 442	21, 666	8. 2
Duluth-Superior, Minn.-Wis	276, 596	252, 777	9. 4
In central cities	140, 447	139, 836	. 4
Duluth	106, 884	104, 511	2. 3
Superior	33, 563	35, 325	−5. 0
Outside central cities	136, 149	112, 941	20. 5
Durham, N.C	111, 995	101, 639	10. 2
Durham	78, 302	71, 311	9. 8
Outside central city	33, 693	30, 328	11. 1

See footnotes at end of table.

TABLE 2.—*1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Minus sign (−) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase
East Chicago. (See Gary-Hammond-East Chicago, Ind.)			
Easton. (See Allentown-Bethlehem-Easton, Pa.-N.J.)			
El Paso, Tex	314,070	194,968	61.1
El Paso	276,687	130,485	112.0
Outside central city	37,383	64,483	−42.0
Elyria. (See Lorain-Elyria, Ohio.)			
Erie, Pa	250,682	219,388	14.3
Erie	138,440	130,803	5.8
Outside central city	112,242	88,585	26.7
Eugene, Oreg	162,890	125,776	29.5
Eugene	50,977	35,879	42.1
Outside central city	111,913	89,897	24.5
Evansville, Ind.-Ky	222,890	212,664	4.8
Evansville	141,543	128,636	10.0
Outside central city	81,347	84,028	−3.2
Fall River, Mass.-R.I	138,156	137,298	.6
Fall River	99,942	111,963	−10.7
Outside central city	38,214	25,335	50.8
Fargo-Moorhead, N. Dak.-Minn	106,027	89,240	18.8
In central cities	69,596	53,126	31.0
Fargo	46,662	38,256	22.0
Moorhead	22,934	14,870	54.2
Outside central cities	36,431	36,114	.9
Fitchburg-Leominster, Mass	90,158	80,528	12.0
In central cities	70,950	66,766	6.3
Fitchburg	43,021	42,691	.8
Leominster	27,929	24,075	16.0
Outside central cities	19,208	13,762	39.6
Flint, Mich	416,239	306,757	35.7
Flint	196,940	163,143	20.7
Outside central city	219,299	143,614	52.7
Fort Lauderdale-Hollywood, Fla	333,946	83,933	297.9
In central cities	118,885	50,679	134.6
Fort Lauderdale	83,648	36,328	130.3
Hollywood	35,237	14,351	145.5
Outside central cities	215,061	33,254	546.7
Fort Smith, Ark.-Okla	135,110	141,978	−4.8
Fort Smith	52,991	47,942	10.5
Outside central city	82,119	94,036	−12.7
Fort Wayne, Ind	232,196	183,722	26.4
Fort Wayne	161,776	133,607	21.1
Outside central city	70,420	50,115	40.5
Fort Worth, Tex	573,215	392,643	46.0
Fort Worth	356,268	278,778	27.8
Outside central city	216,947	113,865	90.5
Fresno, Calif	365,945	276,515	32.3
Fresno	133,929	91,669	46.1
Outside central city	232,016	184,846	25.5
Gadsden, Ala	96,980	93,892	3.3
Gadsden	58,088	55,725	4.2
Outside central city	38,892	38,167	1.9
Galveston-Texas City, Tex	140,364	113,066	24.1
In central cities	99,240	83,188	19.3
Galveston	67,175	66,568	.9
Texas City	32,065	16,620	92.9
Outside central cities	41,124	29,878	37.6
Garden Grove (see Anaheim-Santa Ana-Garden Grove, Calif.)			
Gary-Hammond-East Chicago, Ind	573,548	408,228	40.5
In central cities	347,687	275,768	26.1
Gary	178,320	133,911	33.2
Hammond	111,698	87,594	27.5
East Chicago	57,669	54,263	6.3
Outside central cities	225,861	132,460	70.5
Grand Rapids, Mich	461,906	362,043	27.6
Grand Rapids	177,313	176,515	.5
Outside central city	284,593	185,528	53.4
Great Falls, Mont	73,418	53,027	38.5
Great Falls	55,244	39,214	40.9
Outside central city	18,174	13,813	31.6
Green Bay, Wis	125,082	98,314	27.2
Green Bay	62,888	52,735	19.3
Outside central city	62,194	45,579	36.5
Greensboro-High Point, N.C	246,520	191,057	29.0
In central cities	181,637	114,362	58.8
Greensboro	119,574	74,389	60.7
High Point	62,063	39,973	55.3
Outside central cities	64,883	76,695	−15.4
Greenville, S.C	255,806	208,210	22.9
Greenville	66,188	58,161	13.8
Outside central city	189,618	150,049	26.4
Hamilton-Middletown, Ohio	199,076	147,203	35.2
In central cities	114,469	91,646	24.9
Hamilton	72,354	57,951	24.9
Middletown	42,115	33,695	25.0
Outside central cities	84,607	55,557	52.3
Hammond (see Gary-Hammond-East Chicago, Ind.).			
Hampton (see Newport News-Hampton, Va.).			
Harlingen (see Brownsville-Harlingen-San Benito, Tex.).			
Harrisburg, Pa	371,653	317,023	17.2
Harrisburg	79,697	89,544	−11.0
Outside central city	291,956	227,479	28.3
Hartford, Conn	549,249	420,009	30.8
Hartford	162,178	177,397	−8.6
Outside central city	387,071	242,612	59.5
Haverhill (see Lawrence-Haverhill, Mass.-N.H.).			
Hazleton (see Wilkes-Barre-Hazleton, Pa.).			
High Point (see Greensboro-High Point, N.C.).			
Hollywood (see Fort Lauderdale-Hollywood, Fla.).			
Holyoke (see Springfield-Chicopee-Holyoke, Mass.).			
Honolulu, Hawaii	500,409	353,020	41.8
Honolulu	294,194	248,034	18.6
Outside central city	206,215	104,986	96.4
Houston, Tex	1,243,158	806,701	54.1
Houston	938,219	596,163	57.4
Outside central city	304,939	210,538	44.8
Huntington-Ashland, W. Va.-Ky.-Ohio	254,780	245,795	3.7
In central cities	114,910	117,484	−2.2
Huntington	83,627	86,353	−3.2
Ashland	31,283	31,131	0.5
Outside central cities	139,870	128,311	9.0
Huntsville, Ala	153,861	108,669	41.6
Huntsville	72,365	16,437	340.3
Outside central city	81,496	92,232	−11.6
Indianapolis, Ind	916,932	703,129	30.4
Indianapolis	476,258	427,173	11.5
Outside central city	440,674	275,956	59.7
Jackson, Mich	131,994	107,925	22.3
Jackson	50,720	51,088	−0.7
Outside central city	81,274	56,837	43.0
Jackson, Miss	221,367	171,045	29.4
Jackson	144,422	98,271	47.0
Outside central city	76,945	72,774	5.7
Jacksonville, Fla	455,411	304,029	49.8
Jacksonville	201,030	204,517	−1.7
Outside central city	254,381	99,512	155.6
Jersey City, N.J	610,734	647,437	−5.7
Jersey City	276,101	299,017	−7.7
Outside central city	334,633	348,420	−4.0
Johnstown, Pa	280,733	291,354	−3.6
Johnstown	53,949	63,232	−14.7
Outside central city	226,784	228,122	−0.6
Kalamazoo, Mich	169,712	126,707	33.9
Kalamazoo	82,089	57,704	42.3
Outside central city	87,623	69,003	27.0
Kansas City, Mo.-Kans	1,092,545	848,655	28.7
Kansas City	475,539	456,622	4.1
Outside central city	617,006	392,033	57.4
Kenosha, Wis	100,615	75,238	33.7
Kenosha	67,899	54,368	24.9
Outside central city	32,716	20,870	56.8
Knoxville, Tenn	368,080	337,105	9.2
Knoxville	111,827	124,769	−10.4
Outside central city	256,253	212,336	20.7
Lafayette, La	84,656	57,743	46.6
Lafayette	40,400	33,541	20.4
Outside central city	44,256	24,202	82.9
Lake Charles, La	145,475	89,635	62.3
Lake Charles	63,392	41,272	53.6
Outside central city	82,083	48,363	69.7
Lancaster, Pa	278,359	234,717	18.6
Lancaster	61,055	63,774	−4.3
Outside central city	217,304	170,943	27.1
Lansing, Mich	298,949	244,159	22.4
Lansing	107,807	92,129	17.0
Outside central city	191,142	152,030	25.7
Laredo, Tex	64,791	56,141	15.4
Laredo	60,678	51,910	16.9
Outside central city	4,113	4,231	−2.8
Las Vegas, Nev	127,016	48,289	163.0
Las Vegas	64,405	24,624	161.6
Outside central city	62,611	23,665	164.6
Lawrence-Haverhill, Mass.-N.H	199,136	190,428	4.6
In central cities	117,279	127,816	−8.2
Lawrence	70,933	80,536	−11.9
Haverhill	46,346	47,280	−2.0
Outside central cities	81,857	62,612	30.7
Lawton, Okla	90,803	55,165	64.6
Lawton	61,697	34,757	77.5
Outside central city	29,106	20,408	42.6
Leominster (see Fitchburg-Leominster, Mass.).			
Lewiston-Auburn, Maine	70,295	68,426	2.7
In central cities	65,253	64,108	1.8
Lewiston	40,804	40,974	−0.4
Auburn	24,449	23,134	5.7
Outside central cities	5,042	4,318	16.8
Lexington, Ky	131,906	100,746	30.9
Lexington	62,810	55,534	13.1
Outside central city	69,096	45,212	52.8
Lima, Ohio	103,691	88,183	17.6
Lima	51,037	50,246	1.6
Outside central city	52,654	37,937	38.8
Lincoln, Nebr	155,272	119,742	29.7
Lincoln	128,521	98,884	30.0
Outside central city	26,751	20,858	28.3
Little Rock-North Little Rock, Ark	242,980	196,685	23.5
In central cities	165,845	146,310	13.4
Little Rock	107,813	102,213	5.5
North Little Rock	58,032	44,097	31.6
Outside central cities	77,135	50,375	53.1
Long Beach (see Los Angeles-Long Beach, Calif.).			
Lorain-Elyria, Ohio	217,500	148,162	46.8
In central cities	112,714	81,509	38.3
Lorain	68,932	51,202	34.6
Elyria	43,782	30,307	44.5
Outside central cities	104,786	66,653	57.2

TABLE 2.—*1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Minus sign (-) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase
Los Angeles-Long Beach, Calif.	6,038,771	4,151,687	45.5
In central cities	2,823,183	2,221,125	27.1
Los Angeles	2,479,015	1,970,358	25.8
Long Beach	344,168	250,767	37.2
Outside central cities	3,215,588	1,930,562	66.6
Louisville, Ky.-Ind.	725,139	576,900	25.7
Louisville	390,639	369,129	5.8
Outside central city	334,500	207,771	61.0
Lowell, Mass.	164,243	140,249	17.1
Lowell	92,107	97,249	-5.3
Outside central city	72,136	43,000	67.8
Lubbock, Tex.	156,271	101,048	54.7
Lubbock	128,691	71,747	79.4
Outside central city	27,580	29,301	-5.9
Lynchburg, Va.	110,701	96,936	14.2
Lynchburg	54,790	47,727	14.8
Outside central city	55,911	49,209	13.6
Macon, Ga.	180,403	135,043	33.6
Macon	69,764	70,252	-0.7
Outside central city	110,639	64,791	70.8
Madison, Wis.	222,095	169,357	31.1
Madison	126,706	96,056	31.9
Outside central city	95,389	73,301	30.1
Manchester, N.H.	102,861	93,338	10.2
Manchester	88,282	82,732	6.7
Outside central city	14,579	10,606	37.5
Memphis, Tenn.-Ark.	674,583	529,577	27.4
Memphis	497,524	396,000	25.6
Outside central city	177,059	133,577	32.6
Meriden, Conn.	51,850	44,088	17.6
Meriden	51,850	44,088	17.6
Miami, Fla.	935,047	495,084	88.9
Miami	291,688	249,276	17.0
Outside central city	643,359	245,808	161.7
Middletown (see Hamilton-Middletown, Ohio).			
Midland, Tex.	67,717	25,785	162.6
Midland	62,625	21,713	188.4
Outside central city	5,092	4,072	25.0
Milwaukee, Wis.	1,232,731	980,309	25.7
Milwaukee	741,324	637,392	16.3
Outside central city	491,407	342,917	43.3
Minneapolis-St. Paul, Minn.	1,482,030	1,151,053	28.8
In central cities	796,283	833,067	-4.4
Minneapolis	482,872	521,718	-7.4
St. Paul	313,411	311,349	.7
Outside central cities	685,747	317,986	115.7
Mobile, Ala.	363,389	272,102	33.5
Mobile	194,856	129,009	51.0
Outside central city	168,533	143,093	17.8
Moline (see Davenport-Rock Island-Moline, Iowa-Ill.).			
Monroe, La.	101,663	74,713	36.1
Monroe	52,219	38,572	35.4
Outside central city	49,444	36,141	36.8
Montgomery, Ala.	199,734	170,614	17.1
Montgomery	134,393	106,525	26.2
Outside central city	65,341	64,089	2.0
Moorhead (see Fargo-Moorhead, N. Dak.-Minn.).			
Muncie, Ind.	110,938	90,252	22.9
Muncie	68,603	58,479	17.3
Outside central city	42,335	31,773	33.2
Muskegon-Muskegon Heights, Mich.	149,943	121,545	23.4
In central cities	66,037	67,257	-1.8
Muskegon	46,485	48,429	-4.0
Muskegon Heights	19,552	18,828	3.8
Outside central cities	83,906	54,288	54.6
Muskegon Heights (see Muskegon-Muskegon Heights, Mich.).			
Napa (see Vallejo-Napa, Calif.).			
Nashville, Tenn.	463,628	381,609	21.5
Nashville	170,874	174,307	-2.0
Outside central city	292,754	207,302	41.2
New Bedford, Mass.	143,176	141,984	0.8
New Bedford	102,477	109,189	-6.1
Outside central city	40,699	32,795	24.1
New Britain, Conn.	129,397	104,251	24.1
New Britain	82,201	73,726	11.5
Outside central city	47,196	30,525	54.6
New Haven, Conn.	320,836	273,049	17.5
New Haven	152,048	164,443	-7.5
Outside central city	168,788	108,606	55.4
New London-Groton-Norwich, Conn.	170,981	134,612	27.0
In central cities	72,688	68,184	6.6
New London	34,182	30,551	11.9
Norwich	38,506	[2] 37,633	2.3
Outside central cities	98,293	66,428	48.0
New Orleans, La.	907,123	712,393	27.3
New Orleans	627,525	570,445	10.0
Outside central city	279,598	141,948	97.0
New York, N.Y.	10,694,633	9,555,943	11.9
New York	7,781,984	7,891,957	-1.4
Outside central city	2,912,649	1,663,986	75.0
Newark, N.J.	1,689,420	1,468,458	15.0
Newark	405,220	438,776	-7.6
Outside central city	1,284,200	1,029,682	24.7
Newport News-Hampton, Va.	224,503	154,977	44.9
In central cities	202,920	143,227	41.7
Newport News	113,662	[2] 82,233	38.2
Hampton	89,258	[3] 60,994	46.3
Outside central cities	21,583	11,750	83.7
Norfolk-Portsmouth, Va.	578,507	446,200	29.7
In central cities	419,642	293,552	43.0
Norfolk	34,869	213,513	42.8
Portsmouth	114,773	80,039	43.4
Outside central cities	158,865	152,648	4.1
North Little Rock (see Little Rock-North Little Rock, Ark.).			
Norwalk, Conn.	96,756	65,685	47.3
Norwalk	67,775	49,460	37.0
Outside central city	28,981	16,225	78.6
Norwich (see New London-Groton-Norwich, Conn.).			
Oakland (see San Francisco-Oakland, Calif.).			
Odessa, Tex.	90,995	42,102	116.1
Odessa	80,338	29,495	172.4
Outside central city	10,657	12,607	-15.5
Ogden, Utah	110,744	83,319	32.9
Ogden	70,197	57,112	22.9
Outside central city	40,547	26,207	54.7
Oklahoma City, Okla.	511,833	392,439	30.4
Oklahoma City	324,253	243,504	33.2
Outside central city	187,580	148,935	25.9
Omaha, Nebr.-Iowa	457,873	366,395	25.0
Omaha	301,598	251,117	20.1
Outside central city	156,275	115,278	35.6
Ontario (see San Bernardino-Riverside-Ontario, Calif.).			
Orem (see Provo-Orem, Utah).			
Orlando, Fla.	318,487	141,833	124.6
Orlando	88,135	52,367	68.3
Outside central city	230,352	89,466	157.5
Passaic (see Paterson-Clifton-Passaic, N.J.).			
Paterson-Clifton-Passaic, N.J.	1,186,873	876,232	35.5
In central cities	279,710	261,549	6.9
Paterson	143,663	139,336	3.1
Clifton	82,084	64,511	27.2
Passaic	53,963	57,702	-6.5
Outside central cities	907,163	614,683	47.6
Pawtucket (see Providence-Pawtucket, R.I.-Mass.).			
Pensacola, Fla.	203,376	131,260	54.9
Pensacola	56,752	43,479	30.5
Outside central city	146,624	87,781	67.0
Peoria, Ill.	313,412	271,847	15.3
Peoria	103,162	111,856	-7.8
Outside central city	210,250	159,991	31.4
Philadelphia, Pa.-N.J.	4,342,897	3,671,048	18.3
Philadelphia	2,002,512	2,071,605	-3.3
Outside central city	2,340,385	1,599,443	46.3
Phoenix, Ariz.	663,510	331,770	100.0
Phoenix	439,170	106,818	311.1
Outside central city	224,340	224,952	-0.3
Pittsburgh, Pa.	2,405,435	2,213,236	8.7
Pittsburgh	604,332	676,806	-10.7
Outside central city	1,801,103	1,536,430	17.2
Pittsfield, Mass.	76,772	68,636	11.9
Pittsfield	57,879	53,348	8.5
Outside central city	18,893	15,288	23.6
Port Arthur (see Beaumont-Port Arthur, Tex.).			
Portland, Maine	139,122	133,983	3.8
Portland	72,566	77,634	-6.5
Outside central city	66,556	56,349	18.1
Portland, Oreg.-Wash.	821,897	704,829	16.6
Portland	372,676	373,628	-0.3
Outside central city	449,221	331,201	35.6
Portsmouth (see Norfolk-Portsmouth, Va.).			
Providence-Pawtucket, R.I.-Mass.	821,101	763,902	7.5
In central cities	288,499	330,110	-12.6
Providence	207,498	248,674	-16.6
Pawtucket	81,001	81,436	-.5
Outside central cities	532,602	433,792	22.8
Provo-Orem, Utah	106,991	81,912	30.6
In central cities	54,441	37,288	46.0
Provo	36,047	28,937	24.6
Orem	18,394	8,351	120.3
Outside central cities	52,550	44,624	17.8
Pueblo, Colo.	118,707	90,188	31.6
Pueblo	91,181	63,685	43.2
Outside central city	27,526	26,503	3.9
Racine, Wis.	141,781	109,585	29.4
Racine	89,144	71,193	25.2
Outside central city	52,637	38,392	37.1
Raleigh, N.C.	169,082	136,450	23.9
Raleigh	93,931	65,679	43.0
Outside central city	75,151	70,771	6.2
Reading, Pa.	275,414	255,740	7.7
Reading	98,177	109,320	-10.2
Outside central city	177,237	146,420	21.0
Reno, Nev.	84,743	50,205	68.8
Reno	51,470	32,497	58.4
Outside central city	33,273	17,708	87.9
Richmond, Va.	436,044	350,035	24.6
Richmond	219,958	230,310	-4.5
Outside central city	216,086	119,725	80.5
Riverside (see San Bernardino-Riverside-Ontario, Calif.).			
Roanoke, Va.	158,803	133,407	19.0
Roanoke	97,110	91,921	5.6
Outside central city	61,693	41,486	48.7
Rochester, N.Y.	732,588	615,044	19.1
Rochester	318,611	332,488	-4.2
Outside central city	413,977	282,556	46.5

See footnotes at end of table.

TABLE 2.—*1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Minus sign (−) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase
Rock Island. (See Davenport-Rock Island-Moline, Iowa-Ill.)			
Rockford, Ill	230, 091	169, 455	35. 8
Rockford	126, 706	92, 927	36. 4
Outside central city	103, 385	76, 528	35. 1
Rome. (See Utica-Rome, N.Y.)			
Sacramento, Calif	625, 503	359, 429	74. 0
Sacramento	191, 667	137, 572	39. 3
Outside central city	433, 836	221, 857	95. 5
Saginaw, Mich	190, 752	153, 515	24. 3
Saginaw	98, 265	92, 918	5. 8
Outside central city	92, 487	60, 597	52. 6
St. Joseph, Mo	90, 581	96, 826	−6. 4
St. Joseph	79, 673	78, 588	1. 4
Outside central city	10, 908	18, 238	−40. 2
St. Louis, Mo., and Illinois	2, 104, 669	1, 755, 334	19. 9
St. Louis	750, 026	856, 796	−12. 5
Outside central city	1, 354, 643	898, 538	50. 8
St. Paul. (See Minneapolis-St. Paul, Minn.)			
St. Petersburg. (See Tampa-St. Petersburg, Fla.).			
Salt Lake City, Utah	447, 795	305, 762	46. 5
Salt Lake City	189, 454	182, 121	4. 0
Outside central city	258, 341	123, 641	108. 9
San Angelo, Tex	64, 630	58, 929	9. 7
San Angelo	58, 815	52, 093	12. 9
Outside central city	5, 815	6, 836	−14. 9
San Antonio, Tex	716, 168	525, 852	36. 2
San Antonio	587, 718	408, 442	43. 9
Outside central city	128, 450	117, 410	9. 4
San Benito. (See Brownsville-Harlingen-San Benito, Tex.)			
San Bernardino-Riverside-Ontario, Calif	809, 782	451, 688	79. 3
In central cities	222, 871	132, 694	68. 0
San Bernardino	91, 922	63, 058	45. 8
Riverside	84, 332	46, 764	80. 3
Ontario	46, 617	22, 872	103. 8
Outside central cities	586, 911	318, 994	84. 0
San Diego, Calif	1, 033, 011	556, 808	85. 5
San Diego	573, 224	334, 387	71. 4
Outside central city	459, 787	222, 421	106. 7
San Francisco-Oakland, Calif	2, 648, 762	2, 135, 934	24. 0
In central cities	1, 107, 864	1, 159, 932	−4. 5
San Francisco	740, 316	775, 357	−4. 5
Oakland	367, 548	384, 575	−4. 4
Outside central cities	1, 540, 898	976, 002	57. 9
San Jose, Calif	642, 315	290, 547	121. 1
San Jose	204, 196	95, 280	114. 3
Outside central city	438, 119	195, 267	124. 4
Santa Ana. (See Anaheim-Santa Ana-Garden Grove, Calif.)			
Santa Barbara, Calif	168, 962	98, 220	72. 0
Santa Barbara	58, 768	44, 913	30. 8
Outside central city	110, 194	53, 307	106. 7
Savannah, Ga	188, 299	151, 481	24. 3
Savannah	149, 245	119, 638	24. 7
Outside central city	39, 054	31, 843	22. 6
Schenectady. (See Albany-Schenectady-Troy, N.Y.)			
Scranton, Pa	234, 531	257, 396	−8. 9
Scranton	111, 443	125, 536	−11. 2
Outside central city	123, 088	131, 860	−6. 7
Seattle, Wash	1, 107, 213	844, 572	31. 1
Seattle	557, 087	467, 591	19. 1
Outside central city	550, 126	376, 981	45. 9
Shreveport, La	281, 481	216, 686	29. 9
Shreveport	164, 372	127, 206	29. 2
Outside central city	117, 109	89, 480	30. 9
Sioux City, Iowa-Nebr	120, 017	114, 318	5. 0
Sioux City	89, 159	83, 991	6. 2
Outside central city	30, 858	30, 327	1. 8
Sioux Falls, S. Dak	86, 575	70, 910	22. 1
Sioux Falls	65, 466	52, 696	24. 2
Outside central city	21, 109	18, 214	15. 9
South Bend, Ind	271, 057	234, 526	15. 6
South Bend	132, 445	115, 911	14. 3
Outside central city	138, 612	118, 615	16. 9
Spokane, Wash	278, 333	221, 561	25. 6
Spokane	181, 608	161, 721	12. 3
Outside central city	96, 725	59, 840	61. 6
Springfield, Ill	146, 539	131, 484	11. 5
Springfield	83, 271	81, 628	2. 0
Outside central city	63, 268	49, 856	26. 9
Springfield, Mo	126, 276	104, 823	20. 5
Springfield	95, 865	66, 731	43. 7
Outside central city	30, 411	38, 092	−20. 2
Springfield, Ohio	131, 440	111, 661	17. 7
Springfield	82, 723	78, 508	5. 4
Outside central city	48, 717	33, 153	46. 9
Springfield-Chicopee-Holyoke, Mass., and Connecticut	493, 999	422, 163	17. 0
In central cities	288, 705	266, 271	8. 4
Springfield	174, 463	162, 399	7. 4
Chicopee	61, 553	49, 211	25. 1
Holyoke	52, 689	54, 661	−3. 6
Outside central cities	205, 294	155, 892	31. 7
Stamford, Conn	178, 409	134, 896	32. 3
Stamford	92, 713	74, 293	24. 8
Outside central city	85, 696	60, 603	41. 4
Steubenville-Weirton, Ohio, and West Virginia	167, 756	157, 787	6. 3
In central cities	60, 696	59, 877	1. 4
Steubenville	32, 495	35, 872	−9. 4
Weirton	28, 201	24, 005	17. 5
Outside central cities	107, 060	97, 910	9. 3
Stockton, Calif	249, 989	200, 750	24. 5
Stockton	86, 321	70, 853	21. 8
Outside central city	163, 668	129, 897	26. 0
Superior. (See Duluth-Superior, Minn., and Wisconsin.)			
Syracuse, N.Y	563, 781	465, 114	21. 2
Syracuse	216, 038	220, 583	−2. 1
Outside central city	347, 743	244, 531	42. 2
Tacoma, Wash	321, 590	275, 876	16. 6
Tacoma	147, 979	143, 673	3. 0
Outside central city	173, 611	132, 203	31. 3
Tampa-St. Petersburg, Fla	772, 453	409, 143	88. 8
In central cities	456, 268	221, 419	106. 1
Tampa	274, 970	124, 681	120. 5
St. Petersburg	181. 298	96, 738	87. 4
Outside central cities	316. 185	187, 724	68. 4
Terre Haute, Ind	172, 069	172, 468	−. 2
Terre Haute	72, 500	64, 214	12. 9
Outside central city	99, 569	108, 254	−8. 0
Texarkana, Tex.-Ark	91, 657	94, 580	−3. 1
In central cities	50, 006	40, 628	23. 1
Texarkana, Tex	30, 218	24, 753	22. 1
Texarkana, Ark	19, 788	15, 875	24. 6
Outside central cities	41, 651	53, 952	−22. 8
Texas City. (See Galveston-Texas City, Tex.)			
Toledo, Ohio and Michigan	630, 647	530, 822	18. 8
Toledo	318, 003	303, 616	4. 7
Outside central city	312, 644	227, 206	37. 6
Topeka, Kans	141, 286	105, 418	34. 0
Topeka	119, 484	78, 791	51. 6
Outside central city	21, 802	26, 627	−18. 1
Trenton, N.J	266, 392	229, 781	15. 9
Trenton	114, 167	128, 009	−10. 8
Outside central city	152, 225	101, 772	49. 6
Troy. (See Albany-Schenectady-Troy, N.Y.)			
Tucson, Ariz	265, 660	141, 216	88. 1
Tucson	212, 892	45, 454	368. 4
Outside central city	52, 768	95, 762	−44. 9
Tulsa, Okla	418, 974	327, 900	27. 8
Tulsa	261, 685	182, 740	43. 2
Outside central city	157, 289	145, 160	8. 4
Tuscaloosa, Ala	109, 047	94, 092	15. 9
Tuscaloosa	63, 370	46, 396	36. 6
Outside central city	45, 677	47, 696	−4. 2
Tyler, Tex	86, 350	74, 701	15. 6
Tyler	51, 230	38, 968	31. 5
Outside central city	35, 120	35, 733	−1. 7
Urbana. (See Champaign-Urbana, Ill.)			
Utica-Rome, N.Y	330, 771	284, 262	16. 4
In central cities	152, 056	143, 213	6. 2
Utica	100, 410	101, 531	−1. 1
Rome	51, 646	41, 682	23. 9
Outside central cities	178, 715	141, 049	26. 7
Vallejo-Napa, Calif	200, 487	151, 436	32. 4
In central cities	83, 047	39, 617	109. 6
Vallejo	60, 877	26, 038	133. 8
Napa	22, 170	13. 579	63. 3
Outside central cities	117, 440	111, 819	5. 0
Waco, Tex	150, 091	130, 194	15. 3
Waco	97, 808	84, 706	15. 5
Outside central city	52, 283	45, 488	14. 9
Warren. (See Youngstown-Warren, Ohio.)			
Washington, D.C., Maryland, and Virginia	2, 001, 897	1, 464, 089	36. 7
Washington, D.C	763, 956	802, 178	−4. 8
Outside central city	1, 237, 941	661, 911	87. 0
Waterbury, Conn	185, 548	157, 220	18. 0
Waterbury	107, 130	104, 477	2. 5
Outside central city	78, 418	52, 743	48. 7
Waterloo, Iowa	122, 482	100, 448	21. 9
Waterloo	71, 755	65, 198	10. 1
Outside central city	50. 727	35, 250	43. 9
Weirton. (See Steubenville-Weirton, Ohio West Virginia.)			
West Palm Beach, Fla	228, 106	114, 688	98. 9
West Palm Beach	56, 208	43, 162	30. 2
Outside central city	171, 898	71, 526	140. 3
Wheeling, W. Va. and Ohio	190, 342	196, 305	−3. 0
Wheeling	53, 400	58, 891	−9. 3
Outside central city	136, 942	137, 414	−. 3
Wichita, Kans	381, 626	253, 291	50. 7
Wichita	254, 698	168, 279	51. 4
Outside central city	126, 928	85, 012	49. 3
Wichita Falls, Tex	129, 638	105, 309	23. 1
Wichita Falls	101, 724	68, 042	49. 5
Outside central city	27, 914	37, 267	−25. 1
Wilkes-Barre-Hazleton, Pa	346, 972	392, 241	−11. 5
In central cities	95, 607	112, 317	−14. 9
Wilkes-Barre	63, 551	76, 826	−17. 3
Hazleton	32, 056	35, 491	−9. 7
Outside central cities	251, 365	279, 924	−10. 2

TABLE 2.—*1960 and 1950 population inside and outside central city or cities of standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963*—Continued

[Minus sign (−) denotes decrease. Percent not shown where less than 0.1]

Standard metropolitan statistical area	1960	1950	Percent increase
Wilmington, Del., Maryland, and New Jersey	414, 565	301, 743	37. 4
Wilmington	95, 827	110, 356	−13. 2
Outside central city	318, 738	191, 387	66. 5
Winston-Salem, N.C	189, 428	146, 135	29. 6
Winston-Salem	111, 135	87, 811	26. 6
Outside central city	78, 293	58, 324	34. 2
Worcester, Mass	328, 898	306, 269	7. 4
Worcester	186, 587	203, 486	−8. 3
Outside central city	142, 311	102, 783	38. 5
York, Pa	290, 242	246, 934	17. 5
York	54, 504	59, 953	−9. 1
Outside central city	235, 738	186, 981	26. 1
Youngstown-Warren, Ohio	509, 006	416, 544	22. 2
In central cities	226, 337	218, 186	3. 7
Youngstown	166, 689	168, 330	−1. 0
Warren	59, 648	49, 856	19. 6
Outside central cities	282, 669	198, 358	42. 5

[1] Incorporated between 1950 and 1960.

[3] Includes population (14,204) of part of Norwich town annexed by Norwich city between 1950 and 1960.

TABLE 3.—*Standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963, ranked in accordance with 1960 population*

Rank	Standard metropolitan statistical area	Population
1	New York, N.Y	10, 694, 633
2	Chicago, Ill	6, 220, 913
3	Los Angeles-Long Beach, Calif	6, 038, 771
4	Philadelphia, Pa. and New Jersey	4, 342, 897
5	Detroit, Mich	3, 762, 360
6	San Francisco-Oakland, Calif	2, 648, 762
7	Boston, Mass	2, 595, 481
8	Pittsburgh, Pa	2, 405, 435
9	St. Louis, Mo. and Illinois	2, 104, 669
10	Washington, D.C., Maryland, and Virginia	2, 001, 897
11	Cleveland, Ohio	1, 909, 483
12	Baltimore, Md	1, 727, 023
13	Newark, N.J	1, 689, 420
14	Minneapolis-St. Paul, Minn	1, 482, 030
15	Buffalo, N.Y	1, 306, 957
16	Cincinnati, Ohio, Indiana, and Kentucky	1, 268, 479
17	Houston, Tex	1, 243, 158
18	Milwaukee, Wis	1, 232, 731
19	Paterson-Clifton-Passaic, N.J	1, 186, 873
20	Seattle, Wash	1, 107, 213
21	Kansas City, Mo.-Kans	1, 092, 545
22	Dallas, Tex	1, 083, 601
23	San Diego, Calif	1, 033, 011
24	Atlanta, Ga	1, 017, 188
25	Miami, Fla	935, 047
26	Denver, Colo	929, 383
27	Indianapolis, Ind	916, 932
28	New Orleans, La	907, 123
29	Portland, Oreg., and Washington	821, 897
30	Providence-Pawtucket, R.I., and Massachusetts	821, 101
31	San Bernardino-Riverside-Ontario, Calif	809, 782
32	Tampa-St. Petersburg, Fla	772, 453
33	Columbus, Ohio	754, 924
34	Rochester, N.Y	732, 588
35	Dayton, Ohio	727, 121
36	Lousiville, Ky., and Indiana	725, 139
37	San Antonio, Tex	716, 168
38	Anaheim-Santa Ana-Garden Grove, Calif	703, 925
39	Memphis, Tenn., and Arkansas	674, 583
40	Phoenix, Ariz	663, 510
41	Albany-Schenectady-Troy, N.Y	657, 503
42	San Jose, Calif	642, 315
43	Birmingham, Ala	634, 864
44	Toledo, Ohio, and Michigan	630, 647
45	Sacramento, Calif	625, 503
46	Jersey City, N.J	610, 734
47	Akron, Ohio	605, 367
48	Norfolk-Portsmouth, Va	578, 507
49	Gary-Hammond-East Chicago, Ind	573, 548
50	Fort Worth, Tex	573, 215
51	Syracuse, N.Y	563, 781
52	Hartford, Conn	549, 249
53	Oklahoma City, Okla	511, 833
54	Youngstown-Warren, Ohio	509, 006
55	Honolulu, Hawaii	500. 409
56	Springfield-Chicopee-Holyoke, Mass., and Connecticut	493, 999
57	Allentown-Bethlehem-Easton, Pa., and New Jersey	492, 168
58	Nashville, Tenn	463, 628
59	Grand Rapids, Mich	461, 906
60	Omaha, Nebr., and Iowa	457, 873
61	Jacksonville, Fla	455, 411
62	Salt Lake City, Utah	447, 795
63	Richmond, Va	436, 044
64	Tulsa, Okla	418, 974
65	Flint, Mich	416, 239
66	Wilmington, Del., Maryland, and New Jersey	414, 565
67	Wichita, Kans	381, 626
68	Harrisburg, Pa	371, 653
69	Knoxville, Tenn	368, 080
70	Fresno, Calif	365, 945
71	Mobile, Ala	363, 389
72	Wilkes-Barre-Hazleton, Pa	346, 972
73	Canton, Ohio	340, 345
74	Bridgeport, Conn	337, 983
75	Fort Lauderdale-Hollywood, Fla	333, 946
76	Utica-Rome, N.Y	330, 771
77	Worcester, Mass	328, 898
78	Tacoma, Wash	321, 590
79	New Haven, Conn	320, 836
80	Davenport, Iowa and Rock Island-Moline, Ill	319, 375
81	Orlando, Fla	318, 487
82	Charlotte, N.C	316, 781
83	El Paso, Tex	314, 070
84	Peoria, Ill	313, 412
85	Beaumont-Port Arthur, Tex	306, 016
86	Lansing, Mich	298, 949
87	Bakersfield, Calif	291, 984
88	York, Pa	290, 242
89	Binghamton, N.Y. and Pennsylvania	283, 600
90	Chattanooga, Tenn. and Georgia	283, 169
91	Shreveport, La	281, 481
92	Johnstown, Pa	280, 733
93	Lancaster, Pa	278, 359
94	Spokane, Wash	278, 333
95	Duluth, Minn.-Superior, Wis	276, 596
96	Reading, Pa	275, 414
97	South Bend, Ind. and Michigan	271, 057
98	Trenton, N.J	266, 392
99	Des Moines, Iowa	266, 315
100	Tucson, Ariz	265, 660
101	Albuquerque, N. Mex	262, 199
102	Columbia, S.C	260, 828
103	Greenville, S.C	255, 806
104	Huntington, W. Va.-Ashland, Ky. and Ohio	254, 780
105	Charleston, S.C	254, 578
106	Charleston, W. Va	252, 925
107	Erie, Pa	250, 682
108	Stockton, Calif	249, 989
109	Greensboro-High Point, N.C	246, 520
110	Little Rock-North Little Rock, Ark	242, 980
111	Scranton, Pa	234, 531
112	Fort Wayne, Ind	232, 196
113	Rockford, Ill	230, 091
114	Baton Rouge, La	230, 058
115	West Palm Beach, Fla	228, 106
116	Newport News-Hampton, Va	224, 503
117	Evansville, Ind. and Kentucky	222, 890
118	Madison, Wis	222, 095
119	Corpus Christi, Tex	221, 573
120	Jackson, Miss	221, 367
121	Columbus, Ga., and Alabama	217, 985
122	Lorain-Elyria, Ohio	217, 500
123	Augusta, Ga., and South Carolina	216, 639
124	Austin, Tex	212, 136
125	Pensacola, Fla	203, 376
126	Vallejo-Napa, Calif	200, 487
127	Montgomery, Ala	199, 734
128	Lawrence, Mass. and Haverhill, N.H	199, 136
129	Hamilton-Middletown, Ohio	199, 076
130	Saginaw, Mich	190, 752
131	Wheeling, W.Va., and Ohio	190, 342
132	Winston-Salem, N.C	189, 428
133	Savannah, Ga	188, 299
134	Waterbury, Conn	185, 548
135	Macon, Ga	180, 403
136	Stamford, Conn	178, 409
137	Ann Arbor, Mich	172, 440
138	Terre Haute, Ind	172, 069
139	New London-Groton-Norwich, Conn	170, 981
140	Kalamazoo, Mich	169, 712
141	Raleigh, N.C	169, 082
142	Santa Barbara, Calif	168, 962
143	Steubenville-Weirton, Ohio, and West Virginia	167, 756
144	Lowell, Mass	164, 243
145	Eugene, Oreg	162, 890
146	Atlantic City, N.J	160, 880
147	Roanoke, Va	158, 803
148	Lubbock, Tex	156, 271
149	Lincoln, Nebr	155, 272
150	Huntsville, Ala	153, 861
151	Brownsville-Harlingen-San Benito, Tex	151, 098
152	Waco, Tex	150, 091
153	Muskegon-Muskegon Heights, Mich	149, 943
154	Amarillo, Tex	149, 493
155	Brockton, Mass	149, 458
156	Springfield, Ill	146, 539
157	Lake Charles, La	145, 475
158	Colorado Springs, Colo	143, 742
159	New Bedford, Mass	143, 176
160	Racine, Wis	141, 781

TABLE 3.—*Standard metropolitan statistical areas in the United States as defined on Oct. 18, 1963, ranked in accordance with 1960 population*—Continued

Rank	Standard metropolitan statistical area	Population	Rank	Standard metropolitan statistical area	Population
161	Topeka, Kans	141,286	189	Provo-Orem, Utah	106,991
162	Galveston-Texas City, Tex	140,364	190	Fargo, N. Dak., and Moorhead, Minn	106,027
163	Portland, Maine	139,122	191	Lima, Ohio	103,691
164	Fall River, Mass.-R.I	138,156	192	Manchester, N.H	102,861
165	Altoona, Pa	137,270	193	Monroe, La	101,663
166	Cedar Rapids, Iowa	136,899	194	Kenosha, Wis	100,615
167	Fort Smith, Ark.-Okla	136,110	195	Gadsden, Ala	96,980
168	Champaign-Urbana, Ill	132,436	196	Norwalk, Conn	96,756
169	Jackson, Mich	131,994	197	Boise City, Idaho	93,460
170	Lexington, Ky	131,906	198	Texarkana, Tex. and Ark	91,657
171	Springfield, Ohio	131,440	199	Odessa, Tex	90,995
172	Asheville, N.C	130,074	200	Lawton, Okla	90,803
173	Wichita Falls, Tex	129,638	201	St. Joseph, Mo	90,581
174	New Britain, Conn	129,397	202	Fitchburg-Leominster, Mass	90,158
175	Las Vegas, Nev	127,016	203	Sioux Falls, S. Dak	86,575
176	Springfield, Mo	126,276	204	Tyler, Tex	86,350
177	Green Bay, Wis	125,082	205	Reno, Nev	84,743
178	Waterloo, Iowa	122,482	206	Lafayette, La	84,656
179	Abilene, Tex	120,377	207	Dubuque, Iowa	80,048
180	Sioux City, Iowa, and Nebr	120,017	208	Billings, Mont	79,016
181	Pueblo, Colo	118,707	209	Pittsfield, Mass	76,772
182	Decatur, Ill	118,257	210	Albany, Ga	75,680
183	Durham, N.C	111,995	211	Great Falls, Mont	73,418
184	Muncie, Ind	110,938	212	Lewiston-Auburn, Maine	70,295
185	Ogden, Utah	110,744	213	Midland, Tex	67,717
186	Lynchburg, Va	110,701	214	Laredo, Tex	64,791
187	Tuscaloosa, Ala	109,047	215	San Angelo, Tex	64,630
188	Bay City, Mich	107,042	216	Meriden, Conn	51,850

Mr. MANSFIELD. Mr. President, I listened with great interest, as I always do, to the remarks of the distinguished minority leader today, regarding the pending amendment. He said, at one point, that the purpose of the amendment was to buy time, and that the purpose of the additional time was to enable the Congress and the States to enact a constitutional amendment to overturn the decision of the Court in Reynolds against Sims.

I wish to say that I agree with the distinguished minority leader when he says that this amendment is to provide time, because there have arisen in several States situations which require additional time to be properly worked out in an orderly manner. However, I do not agree that the purpose of the additional time is to allow the passage of a constitutional amendment to overturn the Reynolds decision. In the first place the time allowed by this amendment, which will in most cases end at the conclusion of the first State legislative session after the election this November, will probably not be long enough to complete the processes required for the adoption of a new constitutional amendment.

Second, although I thoroughly agree that the States should have the opportunity to vote on a constitutional amendment allowing them to apportion their own legislatures as they see fit, I do not believe this chance to vote must come while the State legislatures are still apportioned as they are today. That would give an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely. That does not seem just to me. I am certainly in favor of giving the people the opportunity to vote as they wish on such a proposed constitutional amendment. But when that vote comes, it should be on the basis of one man, one vote, as required by the Reynolds decision.

May I say also that, in my opinion, this amendment does not make the granting of the stay mandatory along the percentage stated by the distinguished minority leader—the figure, I believe, was 99⅔ percent—but considerably, very considerably less—perhaps 75 to 25 especially in those States well on the way to a successful and constitutional apportionment.

Mr. President, in the amendment before us, everything—I am sorry to say—is not as we would like it to be. It is not all black, nor is it all white. There are shades of gray. Men of good will and men who believe in the Constitution can find a meeting of the minds if they will set themselves to it, and if they will not make up their minds before they have a chance to look up the facts and to evaluate the picture.

Last June the Supreme Court of the United States handed down its decision in the historic case of Reynolds against Sims. The decision held that equal protection of the laws, which is guaranteed by our Constitution, required, in the election of a State legislature, that each person in a State have the same value assigned to his vote as every other person. This was stated in the now famous phrase, "one person, one vote."

Since that time the district courts of the United States and the State governments have endeavored to carry out this requirement of the Constitution as speedily and with as little confusion as possible. Generally these efforts have been successful. In several cases, however, because of the demands of time and the nearness of the fall election, the actions taken have been disruptive upon these particular States governing and electorial procedures. It is clear this result was not intended by the Supreme Court which warned against hasty actions of reapportionment where the State election machinery was already in process.

We are met, therefore, with a situation not totally intended or expected and it is a situation which, I believe, the Congress can and should make some attempt to ease, within the bounds of its constitutional power to do so.

The design of the original Dirksen amendment was to put off for two meetings of the State legislatures in any State involved in the apportionment problem, the implementation of the Court rule. In the meantime, supporters of that amendment hoped that a constitutional amendment could be achieved. But, of course, that is a far cry from the proposal which is before the Senate today. It is as different as day is from night. In my opinion, the first amendment was clearly unconstitutional. This one, I believe, is constitutional. As a result of the efforts put forth by the joint leadership, the attorneys attached to the Senate, and the Deputy Attorney General, Mr. Nicholas deB. Katzenbach, we think we have come up with something which is within the requirement of the law, which recognizes the decision of the Court, which does not try to overturn that decision. It does seek through the use of a brief stay where it is necessary to bring about a settling of a situation which has developed to serious proportions in various States.

There is a need for flexibility. No Member of this body will gainsay that fact in view of what is happening in such States as Oklahoma, New York, and Colorado.

The amendment which Senator DIRKSEN has introduced, and of which I am a cosponsor, in my judgment is a great improvement over those proposals which would have, in effect, suspended the constitutional right of equal protection for an extended period of time. The amendment is, under section 5 of the 14th amendment, an exercise of the congressional power to enforce and implement by appropriate legislation the requirements of that 14th amendment. The amendment offered by the Senator from Illinois and myself merely attempts to establish an orderly procedure in the carrying out of the constitutional requirement of the Reynolds against Sims decision in a situation where some congressional guidance may be helpful. This amendment is not in anyway an attempt to overturn or subvert that decision. The basic purpose of this amendment is to allow the States one election and one session of the legislature which could be before or after that election, so that the States might be given a chance to solve their own apportionment problem. If at the end of that limited period the State has not by its own governing processes met the constitutional requirement, then section (d) of the amendment requires the district courts to do it for them. Furthermore, the stay of action suggested by this amendment is to be measured in terms of the public interest. In the opinion of many, the public interest and the requirements of orderly Government necessitate the States having this opportunity. But the amendment provides that even this chance need not be given where highly unusual circumstances would indicate that it should not be.

There are many who will not be satisfied with this amendment, and I can only say to them that there are also many who were not to be satisfied by anything else.

In my opinion we have not by this amendment interfered with the decision of the court but have instead helped to implement it in a way which will in the long run add strength to its meaning. It would seem to me that the malapportionment, or misbalance, which existed in some States until this time has been indefensible. In one State, for example, I am informed that every voter in one county had the equivalent power in State elections of 100 voters in another.

In other States, the State legislatures had failed to redistrict and reapportion themselves for many decades despite the plain requirement of their own constitutions to do so.

To those who say that governing initiative in this country has passed from the States to the Central Government, I point out that perhaps this is one of the reasons why. A free people will not long respect nor patiently submit to an unresponsive government. Insofar as some State governments have been grossly malapportioned, it is likely also that they have been unresponsive. It may be that in the end the requirement for fair apportionment in the State governments will bring about a resurgence of strong influence by State governments upon our Nation's affairs.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. The Senator has made a very constructive and helpful statement. It begins to give the kind of meaningful judicial discretion which is mighty important if we are to have an amendment that is not unconstitutional and is workable. I deeply appreciate the fine statement which the Senator has made.

I should like to add one further point. It seems to those of us who believe in one man one vote that we should not delay apportionment. We should proceed. There are situations such as that in Oklahoma that from a practical standpoint are very difficult. That is why I offered the pending amendment, the Proxmire amendment to the Mansfield-Dirksen amendment. This would provide that the stay, in Court action for the period necessary, shall not—I repeat, not—be deemed to be in the public interest in the absence of highly unusual circumstances. But under such circumstances, a court might find in Oklahoma that the highly unusual circumstances would make a stay wise and necessary. There may be difficulties which would cause enormous inconvenience and great difficulty for those running.

It seems that the amendment I have just called up would turn the proposal around and make it in fact as different as night and day from the other proposal. It would still reply on the one-man one-vote principle. It would say to the court that the court should not stay reapportionment except under unusual circumstances that would cause great difficulty to those involved. I commend the Senator from Montana, our majority leader, for his very helpful statement, which is a characteristic of his whole attitude. I appreciate it very much.

Mr. MANSFIELD. I am deeply grateful to the distinguished Senator from Wisconsin for his remarks.

I point out that when we try to reach an agreement which will be satisfactory to a majority of the Members of this body, it is not an easy task. We spent many days since last Thursday—in effect, until yesterday afternoon—trying to draft an amendment which would uphold the powers of the Court and at the same time bring relief to those States which are in distress because of the Court decision which had been handed down.

I did not get all that I wished in the amendment. The distinguished minority leader did not get all that he wanted. But we arrived at a consensus in the gray area which we thought would face the situation, which would recognize that the courts had powers which should be adhered to, but which also recognized a situation which affected several of the States of the Union, and in which the need for some alleviation seemed to be very apparent.

We have done our best. We hope that the Senate will understand the spirit in which we carried on these bipartisan negotiations.

In response to a statement made by a Senator earlier today, I wish to say that the negotiations were not carried on in secret. I am sure that every Senator knew about what the leadership was doing. The press reported our doings quite carefully. We did not rush out and give them bulletins every hour on the hour, because we were trying to do a constructive and workmanlike job. We think we have accomplished that. It was not easy, but we have laid our proposal before the Senate and now it is for the Senate to decide.

AMENDMENT TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate reconsider the vote by which Calendar No. 1306, Senate bill 2981, was passed.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2981) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to reconsider the bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill, H.R. 12196.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 12196) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all after the enacting clause be stricken, and that the text of the bill S. 2981, as reported by the committee, be substituted therefor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask that the bill H.R. 12196 be passed.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time; the bill was read the third time and passed.

The title was amended, so as to read: "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, the District of Columbia Teachers' Salary Act of 1955, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate bill 2981 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PERIOD OF TIME WITH REGARD TO CERTAIN CONSTRUCTION BY THE STATE OF MISSOURI

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1313, Senate bill 2460.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2460) to amend the act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the third paragraph of the Act entitled "An Act to authorize the sale of certain lands to the State of Missouri", approved July 13, 1959 (73 Stat. 181), is amended by striking out "within five years" and inserting in lieu thereof "within ten years".

GENERAL ORDER FOR RECONSIDERATION OF BILLS

Mr. MANSFIELD. Mr. President, I move to reconsider the votes by which certain bills on the calendar today were passed.

Mr. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet tomorrow, Friday, at 10 o'clock in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE MEETINGS TOMORROW UNTIL NOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees of the Senate be authorized to meet until noon tomorrow, notwithstanding the fact that the Senate will be in session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12042. An act to amend the District of Columbia Teachers' Salary Act of 1955, and for other purposes; and

H.R. 12196. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes.

THIRD ANNIVERSARY OF ERECTION OF BERLIN WALL

Mr. KEATING. Mr. President, 3 years ago today the Russians erected the Berlin wall. This fearful structure separating East and West Berlin was built deliberately to prevent the citizens of East Berlin from leaving their section of the country and starting their life anew in the West.

In the 3 years since 1961, only 20,000 people have escaped into West Berlin. Fifty-three have lost their lives in the attempt to escape Communist domination.

The wall is a symbol of the tyranny of the Soviets. It is a symbol also of the fact that the Communist form of government is so oppressive that it must imprison people to force them to submit to its rule. The Berlin wall of shame, more than anything else, makes people aware of the tyranny that accompanies all Communist regimes. We need no better reminder of the horrors of Communist oppression.

The very fact of the wall is proof of the failure of the Russians to eradicate love of freedom from the hearts and minds of the people of East Germany. The 53 people who have died and the thousands who have escaped over the wall are living proof of the basic weaknesses in the Communist system: its denial of freedom to its citizens.

The very existence of the wall is an affront to all that our country stands for. It is an affront to the spirit of liberty, which seems to burn with renewed vigor whenever tyrants attempt to imprison freemen. It is an affront also to the ideals of Americans and freemen everywhere. This week we must remember the people who died rather than let communism control their lives. We must rededicate ourselves to making this world a place where walls armed with barbed wire cannot exist.

The Berlin wall is one more example of the Communist attempt to destroy freedom of movement and freedom of expression, and to extend Communist domination to the entire world. We must rededicate ourselves to the destruction of the kind of tyranny that thrives on this and other methods of oppression. A world without brutality of this sort is the goal of all Americans. With strength and wisdom, we can and will make this a better place for all men—a place where walls that contain the oppressed will no longer exist.

On this third anniversary, I call attention to the wall of shame. Of course, there is nothing direct that we can do; but we must not allow an anniversary like this to pass without a commemoration of what the event means in the minds and hearts of free-thinking people on both sides of the Iron Curtain.

WEST COAST POWER INTERTIE

Mr. MORSE. Mr. President, it will be recalled that on August 5, 1964, I spoke at some length on the floor of the Senate expressing my displeasure at the Secretary of the Interior for a very impolitic and, I thought, inexcusably undiplomatic news release that the Department of the Interior issued in respect to the west coast intertie arrangement. I pointed out then that the two Senators from Oregon, who were highly critical of the unsound proposals of the Secretary of the Interior, Mr. Udall, and the Director of the Bonneville Administration, Mr. Charles Luce, had worked closely with members of the California delegation who we considered to be absolutely right in the premises on that particular issue.

Apparently that offended the Secretary of the Interior, because when he issued his news release subsequently, he pointedly omitted the two Senators from Oregon so far as concerns receiving any recognition for the part they played in the negotiations that resulted in a final agreement that recognized the very objections that the two Senators from Oregon had raised from the beginning, and which had been joined in by the members of the California delegation.

Mr. President, we have been met with not even the courtesy of an admission on the part of the Secretary of the Interior in regard to his news release. He very well knew, when he issued it, that it would be used by the opposition press in the State of Oregon and a kept newspaperman that they maintain in the Senate gallery most of the time to publish critical comments, particularly about the senior Senator from Oregon, who made the speech. They always deliver the kind of smear article written in the present instance.

Mr. President, I have received a letter from Mr. JOHN E. MOSS, a member of the California delegation, which I shall take a moment to read—or at least a part of it—and then I shall ask to have the entire letter printed in the RECORD:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: This letter is in response to, and in hearty concurrence with, your remarks to the Senate on August 5, 1964, in which you presented an excellent and most comprehensive summary of the lengthy negotiations which brought about substantive improvements in the Secretary of Interior's proposed northwest-southwest power intertie.

Without the able and energetic support of the two Senators from Oregon the negotiations would have, in my judgment, been much more difficult and the eventual outcome much more in doubt. It was a team effort all the way and I wish to take this opportunity to again thank you for your assistance and support which contributed so importantly to the final outcome.

In my judgment, our efforts achieved substantial gains in the intertie package which will accrue large benefits in the years to come for millions of our citizens on the Pacific coast. These gains could not have been achieved without your support as well as the support of Senator THOMAS KUCHEL, the late Senator Engle, Governor Brown, the American Public Power Association, the National Rural Electric Cooperative Association, and the California Democratic delegation in the House of Representatives.

I know that Representative Moss appreciates very much the shoulder to shoulder support that he had from my colleague [Mrs. NEUBERGER] and also the assistance we had on some of the issues from the Washington delegation, the Senator from Arizona [Mr. HAYDEN], and the Senator from Nevada [Mr. BIBLE]. The letter continues:

By presenting a united front, we, all of us, were able to negotiate from a position of strength and thereby achieve the improvements which were obtained in the intertie agreement. I wish to thank you again for your support and to reiterate to you my recognition of the strong role you played in this important matter.

Warm personal regards.

Sincerely,

John E. Moss,
Member of Congress.

Mr. MORSE. Mr. President, I ask unanimous consent that the letter be printed in full at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Congress of the United States,
House of Representatives,
Washington, D.C., August 7, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: This letter is in response to, and in hearty concurrence with, your remarks to the Senate on August 5, 1964, in which you presented an excellent and most comprehensive summary of the lengthy negotiations which brought about substantive improvements in the Secretary of Interior's proposed northwest-southwest power intertie.

Without the able and energetic support of the two Senators from Oregon the negotiations would have, in my judgment, been much more difficult and the eventual outcome much more in doubt. It was a team effort all the way and I wish to take this opportunity to again thank you for your assistance and support which contributed so importantly to the final outcome.

In my judgment, our efforts achieved substantial gains in the intertie package which will accrue large benefits in the years to come for millions of our citizens on the Pacific coast. These gains could not have been achieved without your support as well as the support of Senator Thomas Kuchel, the late Senator Engle, Governor Brown, the American Public Power Association, the National Rural Electric Cooperative Association, and the California Democratic delegation in the House of Representatives.

By presenting a united front, we, all of us, were able to negotiate from a position of strength and thereby achieve the improvements which were obtained in the intertie agreement. I wish to thank you again for your support and to reiterate to you my recognition of the strong role you played in this important matter.

Warm personal regards.

Sincerely,

John E. Moss,
Member of Congress.

Mr. MORSE. Mr. President, I ask unanimous consent that my letter of August 13, 1964, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

August 13, 1964.

Hon. John E. Moss,
Member of Congress, U.S. House of Representatives, Cannon House Office Building.

Dear Congressman Moss: Thank you very much for your kind and generous letter of August 7 concerning my Senate remarks of August 5, 1964, on the Pacific Northwest-Pacific Southwest electrical intertie.

I certainly share your view that the joint effort of all of those who feel as we do made possible the great improvements in the intertie proposal. Without the uncompromising and well-informed record which you and the other members of the California Democratic delegation established, the final result would indeed have been different.

Undoubtedly, substantial gains have been made in the intertie package which will result in far-reaching benefits to the people of the West, and I thank you for your cooperation and support in our efforts to protect the best interests of Oregon, California, and other Western States.

With best personal regards.

Cordially,

Wayne Morse.

Mr. MORSE. I wish to say once more to Secretary Udall and to Mr. Charles Luce, the Bonneville Administrator, whose representations in this matter in the early part of the controversy were anything but in the public interest, that if they try it again in regard to any other matter involving the natural resources of the West, they will get the same opposition from the senior Senator from Oregon.

SOFT LOANS WITH HIDDEN GRANTS IN FOREIGN AID BUDGET—EXPENSIVE TO TAXPAYERS

Mr. MORSE. Mr. President, I have before me a penetrating and obviously unanswerable article. I happen to know that the data set forth in the article are accurate.

The article by Robert S. Allen and Paul Scott, which appeared in the Aiken Standard and Review, Aiken, S.C., under date of August 10, is entitled "Soft Loans With Hidden Grants in Foreign Aid Budget Will Cost Taxpayers $800 Million Over the Next 40 Years."

I ask unanimous consent to have this article printed at this point in the Record. It refers to one of the gross frauds of the foreign aid program.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soft Loans With Hidden Grants in Foreign Aid Budget Will Cost Taxpayers $800 Million Over 40 Years

(By Robert S. Allen and Paul Scott)

Washington.—There is a hidden grant of approximately $1 billion in the $3.5 billion foreign aid budget President Johnson is high-pressuring through Congress.

That is, instead of this foreign aid program, now under embattled consideration in the Senate, costing American taxpayers $3.5 billion, the amount actually is in the neighborhood of $4.5 billion.

This huge hidden burden on taxpayers comes about as follows:

Around half of the proposed $2.5 billion economic aid part of the foreign aid budget will be dispensed in the form of soft loans to undeveloped countries. Soft loans are the kind that private banks and government lending agencies, such as the World Bank and Export-Import Bank, won't touch. Most of them probably won't be repaid. Also, in many instances, the undeveloped countries turn out to be those in financial straits and thus poor risks.

These loans are for 40 years at a three-fourths of 1 percent service charge interest rate, plus a moratorium on the principal for the first 10 years.

Last year, more than $1.057 billion in such loans was granted by the Development Loan Fund of the foreign aid agency. This was about one-half of the economic foreign aid budget.

Fiscal experts estimate that the hidden cost of these loans to American taxpayers over their 40 years' duration will be $800 million.

That's the difference between the three-fourths of 1 percent service charge interest rate on these loans and what it cost the U.S. Government to borrow the money to make these soft loans—most of which there is serious doubt will ever be repaid.

In other words, the taxpayers face a whopping loss in two ways—going and coming.

IRONIC DOUBLE STANDARD

In an effort to at least plug part of this drain hole, Senator Ernest Gruening, Democrat, of Alaska, a forefront leader in the fight to slash some $500 million from the President's budget, is vigorously pressing an amendment requiring that the interest rate on these loans "be the same amount that it costs the United States to borrow the money."

This is calculated at around 4 percent.

Gruening's challenging proposals has bipartisan support from influential members of the Foreign Relations Committee—Senators Karl Mundt, Republican, of South Dakota, Frank Lausche, Democrat, of Ohio, Wayne Morse, Democrat, of Oregon, Allen Ellender, Democrat, of Louisiana. They are waging an uphill battle with heavy odds against them.

For Gruening, this struggle has a bitter personal aspect because he has been striving vainly to get a three-fourths of 1 percent interest rate on Government loans to Alaskan businessmen and others who sustained tens of millions of dollars in losses in the recent devastating earthquake. But the Small Business Administration is adamantly refusing to go lower than 3 percent.

Under the law, SBA has the authority to charge any interest rate up to 3 percent. On loans to disaster-stricken native Americans in Alaska, this Government agency is demanding the maximum interest allowed by the law.

But the foreign aid agency, as Gruening irately points out, is requiring foreigners to pay only three-fourths of 1 percent, plus a 10-year moratorium on the principal.

"Low interest rates are not necessary and are unimportant when they concern Alaska businessmen, stricken by one of the greatest natural disasters to befall any State," said Gruening. "But when they concern foreign borrowers, low interest rates become the be-all and end-all of the entire foreign aid program, and we are warned that the program will fail unless the interest rate is kept at three-fourths of 1 percent per year.

"This is called having one's cake and eating it, too."

PHONY ARGUMENTS

Chief among administration arguments in defense of the low "development" loan interest rate is that "undeveloped" borrowing countries lack the "hard" currency to pay higher rates.

Illustrating the falsity of this contention, Gruening cited the following instance:

"Last December, a $250,000 loan was made to the Government of Tanganyika for a commodity trading center. Interest on this loan at three-fourths of 1 percent amounts to $1,875. At 4 percent interest per annum, the charge would be $10,000. The difference is $8,125. The Government of Tanganyika could raise this additional sum merely by cutting down on the import of only two Cadillacs a year."

Similarly, Gruening blasted as unfounded the contention that these loans are not made to private industries. In a detailed compilation of all these loans last year; he produced official evidence showing that many went to private banks, factories and other enterprises.

This compilation also disclosed that foremost among the "undeveloped" countries granted large amounts of these three-fourths of 1 percent interest loans were:

Argentina	$74, 400, 000
Turkey	38, 350, 000
Egypt	36, 300, 000
Chile	35, 000, 000
Brazil	33, 900, 000
Liberia	31, 300, 000
Colombia	23, 500, 000
Bolivia	18, 900, 000
Costa Rica	17, 000, 000

A number of these low interest "development" loans actually were for budget support; that is to offset balance of payments and other deficits incurred by the borrowing countries.

In other words, the United States, with its own budget running in the red in the billions, is ladling out tens of millions to balance the budgets of other countries.

That's the giant "hidden grant" in the foreign aid program. On the basis of its estimated $800 million cost to American taxpayers last year, this secret burden in the pending foreign aid measure is calculated at around $1 billion.

FOREIGN AID FLASHES

In 1963, 35 countries were granted low interest "development" loans. Largest beneficiary was India with $414,150,000, Pakistan second with $69,450,000. Since 1947, the United States has poured more than $4 billion in foreign aid into Turkey—largely a state monopoly economy. Of this amount, $1.6 billion was in economic aid, the remainder in military aid. The United States is continuing to grant so-called supporting assistance to Yemen—which is little more than a satellite of Egyptian Dictator Gamal Nasser.

SAMPLE OF CORRESPONDENCE SUPPORTING THE OPPOSITION OF SENATOR MORSE TO THE SOUTH VIETNAM RESOLUTION

Mr. MORSE. Mr. President, I ask unanimous consent that I may have printed in the RECORD another sampling of correspondence that I have received, relating to my vote and my speeches in opposition to the South Vietnam resolution and the warmaking policies of the United States in southeast Asia.

My mail is still running better than 200 to 1 in support of my position, although one would never know it if he were to read the kept press of America.

My mail runs better than 10 to 1 in support of my opposition to foreign aid.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *July 16, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: You have been doing a badly needed job in your speeches on the situation in southeast Asia. You may be interested in the enclosed article, which I wrote. It was published in a number of railroad and other union monthly magazines back around April 1946, shortly after the end of World War II in the Pacific area.

The reason why I think this article is significant is that the story told about our performance and policy in Indonesia after the war is virtually identical with the performance and policy of the United States in Indochina at the same time. In both cases, we backed British forces which landed quickly after the Japanese surrender, to reestablish, in behalf of Britain, France and Holland, the colonial power and prestige which had taken a bad beating when the Japs swept over that area early in the war.

I got both those stories from U.S. military officers who were eyewitnesses of the events. In both cases, they landed with the British forces, whose commanders told the Jap troops to keep their weapons, because they might be needed to help hold down the rebellious natives. These officers were friends of mine in the Office of Strategic Services, in which I served for nearly 3 years.

The people of that area had immense good will for Uncle Sam when World War II ended, but we lost it by backing the colonial powers.

Sincerely,

ALBERT H. JENKINS.

[From Railway Labor Magazine, April 1946]

WHAT'S HAPPENING IN JAVA?—INDONESIANS GREET BRITISH AND DUTCH WITH BULLETS; AMERICANS WITH CHEERS

(By Albert H. Jenkins)

What's going on in Java and the other South Pacific islands where 70 million Indonesian natives are rebelling against the return of Dutch rule, and where British forces are helping the Dutch put down the rebellion?

Few Americans have any firsthand information on that subject. One of the few is a young officer who arrived at Batavia, Java, on a British cruiser, just in time to see the Japs surrender there at the end of the war.

He was a member of a small group of U.S. soldiers and sailors taking food, clothes, and medicines to sick and starved American prisoners of war held by the Japs on Java. His name cannot be disclosed here.

In letters to "Mother and Dad," not intended for publication, this average young American told the following story of his "great adventure"—a unique journey to Java and other South Pacific lands.

Let's skip his story until he arrives at Singapore, the big British naval base at the southern tip of the Malay Peninsula. The Japs captured it in the first days of the war. Now, in the young officer's tale, the British are taking it back again.

"I was in the city of Singapore, the day of the signing of the formal Jap surrender. Somehow, I did not like the idea of all this celebration without a single American flag in sight, when it is doubtful that, were it not for our casualties on Iwo Jima and elsewhere, the British would ever have returned to Singapore.

"The population here is mostly Chinese, with some Malayans. They greeted the British with indifference—as though they were saying: 'Oh, well, here we go again.' Nine-tenths of them never even glanced at the victorious white man."

The cruiser left Singapore and sailed to Batavia, Java, where the young officer wrote this:

"I was the first American to set foot on the soil of the Netherlands East Indies after the end of the war. I went ashore in the British admiral's barge, sliding in alongside a wharf where 12 shiny new American cars, complete with snappy Japanese drivers, were waiting to take us to our quarters.

"The Japs set the tone for the whole of our stay by being from the very beginning most courteous and helpful, carrying baggage and waiting on us hand and foot.

"And thereby hangs a tale. The preliminary parley with the Japs about our entering the country was held on board our cruiser. All the British and Dutch officers (we Americans were not invited) wore their stiffest high-collared white uniforms.

"Every preparation was made to act the part of victors in a great war. Much whispering and conference over protocol, how and when the admiral would enter, when the delegates would be allowed to sit down, and all the other details which make for dignity and redtape.

"So up the gangway came the Japs. They bow, hiss, salute, and right away General Yamaguchi made a little speech of welcome. He took the wind right out of the British and Dutch sails.

"He started out by saying that he was at our disposal and would cooperate and make our task easy. If there was anything we wanted, just ask and it would be done.

"And then he presented, without even being asked, a tremendous sheaf of carefully drawn up lists and documents answering every possible question about prisoners of war, supplies, transportation, and everything else we needed.

"Here he was practically doing our job for us. The more formal and curt the British and Dutch representatives were, the more polite and helpful the Japs. You can't imagine the confusion that resulted among the starched whites of the admiral's staff.

"The Japs made good on everything they promised. Nothing, I assure you, is so disconcerting as going into a conquered country expecting sullen obstruction from the Japs, and getting it from no one but the British."

The reason for quoting so much of that part of the young American's letters is this:

The British forces have been in Java for nearly 6 months. They insist they are there only because they have to force the reluctant Japs to surrender, and round them up. Yet this eyewitness account makes it clear that the Japs surrendered instantly and almost gladly.

As this is written, early in March 1946, a newspaper report says the British are using Japanese troops in Java to maintain order. In other words, to shoot the rebellious natives.

Why are the British there? Let's see what their unwelcome American visitor has to say.

"When I landed in Java, I was ignorant of the status of the natives and the general political conditions in the country. But I began to smell a rat the first few minutes, as I drove a jeep into the city from the dock.

"Everywhere people lined the streets, but there were no cheering crowds, no smiles, no waves, no shouting. Just silence.

"At this time, and for about a week thereafter, there was nothing to identify Americans as apart from the British or Dutch. Even the uniform did not mean a thing, as nine-tenths of the Dutch wore American uniforms, too.

"We were not allowed by the British to display any flags, so you can see where that left us. I was just one of the hated white men. Gave me a funny feeling.

"The Dutch have been tragically stupid in their relations with the natives. They do not want the Dutch to come back and rule them as a 'colony' again.

"The natives have formed a government of their own, called 'Free Indonesia,' with its own president, foreign minister, police force, and other officials.

"They have announced their intention of resisting by force any attempt by the Dutch to return to the East Indies.

"To support their claim to the right of self-determination, they point to the Atlantic Charter, the American Declaration of Independence, and the U.S. Constitution. They ask why those principles should not apply to them.

"Every night since we landed, people gather on the streets, and there have been armed clashes between Indonesians and the occupation troops.

"What is the Dutch answer to this agitation? I have talked with dozens of Dutch, and they all say: 'Just wait till we get more troops in here. After we machinegun some of these natives, they'll forget all about it.'

"They have refused pointblank to sit down and discuss the problem with the native leaders. It does not set very well with me.

"There is a food shortage in the city, though 'upcountry' there is plenty of rice. The Dutch have made no attempt to move food down here for the native population.

"The UNRRA food and medical supplies, and U.S.-made trucks, have been taken over lock, stock and barrel by the Dutch, with no sign of using any for relief of the native population.

"I feel the natives have lost their golden opportunity by waiting so long before making a disturbance which would bring the whole stinking matter to the world's attention. But I still don't see how the Dutch can ever come back here in anything like their former status.

"They may rule the place, but they'll do it by force.

"Our position, as the only Americans on the island, is peculiar to say the least. The natives are tremendously enthusiastic about Uncle Sam, and look to us as their deliverers, champions of the people's rights, and defenders of international justice.

"Of course, we are absolutely unable to do anything, but still they come to us, beg us to do something, and plead for American assistance in their fight for freedom. All this annoys the British and Dutch.

"The natives give us Americans the 'freedom of the country.' I have in my pocket a pass signed by the Vice President of the Indonesian Republic, saying in Malay that I am an 'Orang Amerika,' and as such am a guest of the country.

"We Americans have been able to pass roadblocks, tour the city, go into the native 'Kamponga' where no other white men dare go, and even take motor trips up into the hills with perfect safety, thanks to these passes, and the "U.S.A.' on the backs of our cars.

"Instead of shots and bricks, all we get is cheers. No doubt that is the reason why the British forbade us to use the American flag."

All that was written in the first days of October 1945. About 2 weeks later, the young officer wrote another letter. Among other things, it said:

"The situation in Indonesia is going from bad to worse. Incidents are increasing in number and violence, and bode ill for the future. By and large, however, the Nationalists continue to be able to keep their followers in check.

"British Prime Minister Attlee dealt the nationalists quite a blow the other day by announcing that the British are under obligation to support the Dutch in their return to the Netherlands East Indies. Just what that obligation is, I don't rightly know.

"If the British openly try to do so, they'll have a war on their hands.

"Another complicating factor is the fact that 90 percent of the British troops are Indians. They are a little unenthusiastic about assisting by force of arms the suppression of a movement closely akin to what their own country, India, has been trying to do for hundreds of years.

"The Indian troops, however, commit numerous crimes against the natives, such as robbery and rape, which does not help the general feeling toward the Allies.

"We neutrals feel that the Indonesians have a good cause and the organization to put it over, if recognition comes in time."

Still another letter, written toward the end of October, says:

"The former American consul general to Java has reappeared on the scene. And what a character. He is a typical old-line diplomat, large and portly, with a comfortable paunch. He loves nothing better than to sit back in a big chair and give you his views on Java.

"He is more Dutch than the Dutch themselves. To do him justice, he likes the Indonesians, but his affection for them is too much of the typical colonial 'nice children' sort.

"He wants to be pals with everyone, particularly the Dutch. The first person he saw after he arrived the other day was the commander of the Dutch forces in Batavia. Ever since, he has been expounding Dutch propaganda as gospel truth.

"The terrible thing about all this is that now another conflicting voice is going to be added to the 'information from reliable sources' which is raining upon the U.S. State Department in Washington.

"Now one of that Department's oldest and most trusted servants is reassuring it that, as soon as the Dutch can get a few thousand men with machineguns into Java, the whole movement will die a natural death.

"That attitude is going to make for a lot of bloodshed. These people know what they want. They may not get it this year, or 10 years hence, but the wanting is going to remain. They are not going to look upon themselves as 'colonials' for the rest of eternity."

Portland, Oreg.,
August 7, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Morse: Congratulations on your courageous stand in criticizing our recent actions in southeast Asia. No doubt, you are feeling rather alone, judging from the senatorial vote of confidence, and I feel proud of your stand on this matter. I fully agree with you, and also feel uneasy, to say the least, in regards to our country's actions.

Also, I understand that there has been a motion introduced recently to repress news coverage on elections until the returns are in across the entire Nation. What became of the bill, or who introduced it, I do not know, but I think that it is not only a good idea, but that it would help immensely in making elections more a matter of individual choice, as they should be.

Very respectfully yours,
Merle A. Gullikson.
Sandra Gullikson.

Portland, Oreg.,
August 7, 1964.

Senator Morse,
Washington, D.C.

Dear Sir: I wish to commend you upon your no vote on the southeast Asia resolution.

I hope you have your economic security as the opponents are vicious. More power to you.

As ever your friend,
George H. Peterson.

Portland, Oreg.,
August 7, 1964.

Senator Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: The announcement of your negative vote to the resolution supporting President Johnson's moves in Vietnam prompt this letter. You will have to pardon the scrawl—it is being written from a hospital bed.

I want to commend you for your vote. The label of "aggressor" is being appended to our country in several instances. I read it from the people of western Europe as they criticize us for helping to rearm Germany and give her a share in the control of nuclear weapons. I am sure that the people of the world are saying this with regard to our role in Vietnam.

These are hard days in which we live, but the struggle for peace is augmented by men like yourself and Senator Gruening.

Sincerely,
Heber L. Gordon.

Mount Angel, Oreg.,
August 6, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I am writing to back you on your stand regarding Vietnam.

It is only too bad that there aren't more thinking people like you in our Capital with the courage to speak out.

Sincerely,
Mark Peterson.

Eugene, Oreg.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We have just sent the following telegram to President Johnson:

We deplore U.S. unilateral military action against North Vietnam, subverting the principles of the United Nations.

Your stand on the Vietnam problem and the current crisis in particular is absolutely right and has our wholehearted support.

Sincerely yours,
Mr. and Mrs. Arnulf Zweig.

Eugene, Oreg.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We have just sent the following telegram to President Johnson:

We deplore U.S. unilateral military action against North Vietnam, subverting the principles of the United Nations.

As Oregonians, we are proud of your stand on the current crisis, and want you to know that you have our wholehearted support.

Sincerely,
Mr. and Mrs. John W. Cook.

Eugene, Oreg.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: I should like to express my appreciation for your courageous stand in opposition to the administration's policy in Vietnam. Your dissenting vote on the resolution supporting our attack on North Vietnam is a vote against the cynical and hypocritical policy that our Government is pursuing in this area. I hope you will continue to work for the principles that we have agreed to as a member of the United Nations.

Sincerely yours,
Alvin F. Kelm.

Eugene, Oreg.,
August 6, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: We would like to express our appreciation and our support for your stand on U.S. involvement in South Vietnam. It is heartening to hear at least one voice in this country raised against what we believe is a mistaken and very dangerous path followed by our Government in southeast Asia.

Please continue to speak against "military actions" and for peace.

Very sincerely,
Agnes and David Curland.

Salem, Oreg.,
August 7, 1964.

Senator Wayne Morse,
House of Congress,
Washington, D.C.

Dear Senator: We were glad to know there was one Senator with the intestinal fortitude to stand up for what he thought was right. No doubt history and time will prove you were right in your analysis of the situation in Vietnam. While there has been no lambasting in the press here for the position you have taken, they may be waiting for a more opportune moment. I am old enough to recall what Bob La Follette had to contend with. He was proven right after years had passed.

Secretary Rusk says we have to protect our national interests. He fails to tell what they are. I know I did not have any over there and hope the rest of the American people will also realize such.

Someone must have used some strong medicine on Senator FULBRIGHT to get him to change his mind. Maybe a Rhodes scholar can be unduly influenced too. Was hoping he would stay with the ship too.

It looked like some of us would get more in the way of social security. Now I doubt if anything will become of it. Think there will be too much opposition to the medicare item. The veterans' bill also looks like a lost cause.

I just thought you would like to know we stacked up on your stand on these late issues. We are stronger than ever for you and know we are not alone.

Respectfully yours,

W. A. RENTSCHLER.

STATE OF OREGON,
HOUSE OF REPRESENTATIVES,
Salem, Oreg., August 8, 1964.

DEAR SENATOR MORSE: I want to assure you of my hearty support for standing firmly against the recent naval actions near Vietnam. There are usually two sides to every question and we did not hear the other side.

The issues in the Far East are too complex and serious to be settled by brute force. If we are to live we must sit around the conference table. This should be done now and in conjunction with the U.N.

You are an island of sanity and courage.

Sincerely,

HOWARD WILLITS.

LEWIS AND CLARK COLLEGE,
Portland, Oreg., August 10, 1964.

DEAR SENATOR MORSE: Thank you for raising the right questions about North Vietnam. The unfortunate hand of domestic politics and the San Francisco fiasco appears too nakedly in this instance. Would it have happened had Rockefeller been nominated?

My wife, my four boys, and I are driving east to Atlantic City and to Washington, leaving at once. Perhaps we shall see you back there.

Sincerely,

DONALD G. BALMER,
Chairman, Deparment of Political Science.

PORTLAND, OREG.,
August 9, 1964.

Senator WAYNE MORSE: As an ex-sailor and merchant marine skipper, I must say that your evaluation of the southeast Asia problems are absolutely correct.

Of course the problems were not created by the Johnson administration; the pregnancy occurred a few years back.

Respectfully yours,

JACOB A. WICK.

VAN NUYS, CALIF.,
August 7, 1964.

DEAR SENATOR: We are very grateful for the "lone voice in the wilderness" for sanity and peace. I hope we are able to hold back the leap "over the brink." "Negotiate" is the word and bring back our troops.

Sincerely,

MRS. E. SOZER.

DENVER, COLO.,
August 7, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: It was my pleasure to see and hear you on TV on the incident in South Vietnam.

I, with millions of other Americans abhor war, especially if it is not justified. I can only say "Thank you" for the stand you have taken in this case.

Very truly yours,

HELEN DIETRICH.

OAKLAND, CALIF.,
August 7, 1964.

Congratulations on your courageous stand on Vietnam. From one who knows something about the background of the situation there, it is comforting to hear at least one voice raised in the Senate on behalf of the truth. If more people knew the facts, you would have more support.

Sincerely yours,

MRS. G. SORENSEN.

FAIRFIELD, CONN.,
August 9, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SIR: I realize that it has taken a tremendous moral and political courage to stand alone in the Senate and question a blanket authorization for acts of war by the President, as you have in the recent crisis. I am writing to you, as a Senator of the United States, not of Oregon alone, to express my recognition of your usual effort and to enclose a copy of a letter sent to each Member of Congress from Connecticut for your interest.

We have many people congratulating themselves with this last success in brinksmanship, but many, however, are realizing intuitively this cannot be repeated often. Inasmuch as a policy must have a sense of history, and see beyond the year, we have no realistic policy for southeast Asia and China. I encourage you to bring the facts and understandings to Congress and the people of how we must create a realistic policy.

I have not had the chance to become fully acquainted with your point of view, because of limited reporting of your statements in the Senate, and I would accordingly appreciate arrangement for receipt of copies of your statements.

Sincerely yours,

ROBERT K. DUBROFF.

P.S.—I have written Senator FULBRIGHT expressing my concern that he was a leader in the Senate in introducing and supporting the resolution to give the President unlimited discretion in deciding on acts of war.

FAIRFIELD, CONN.,
August 6, 1964.

Representative BERNARD GRABOWSKI,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE GRABOWSKI: I am writing at an instant when we are poised at the edge of war—a war which will lead we know not where. We know essentially that this would be a war with Red China, a limited war to start; then a total war. At this moment, there are basic assumptions prevailing in the United States regarding this war:

1. That if the United States shows enough force, Red China will not fight.

2. That if Red China does fight, U.S. superior firepower in conventional arms will prevail.

3. That if conventional arms do not prevail; we can always resort to nuclear weapons—first tactical, then strategic.

4. That the United States can safely resort to nuclear weapons in a war with Red China since China lacks both the bombs and the missiles.

5. That at no stage in a war with Red China will Russia interfere.

These basic assumptions, taken singly and in sequence, involve so much uncertainty—instead of certainty—that they cannot be taken as guides for policy.

Can we look at the present moment? A tide of indignation is being roused in the United States in protest at the aggression of North Vietnam torpedo boats against vessels of the U.S. Navy. We are letting out the word that we will resist all further aggression. Just in the midst of these developments we have the need to reexamine the major assumption of U.S. foreign policy: that limited war with Red China—which can flare out to uncontrolled major war—will bring needed solutions. If we accept this assumption, if you accept this assumption, then we have learned nothing from the Korean war and we ignore the plain fact that Red China has 700 million people.

Red China is at the heart of the problem. We have deliberately ignored her in the past; now propose to go to war with her and this country's leaders are representing that this war can be won. Such thinking is in the world of dreams—not in the world of hardheaded reality.

At this moment in history we have passed the point where we can practice war without courting disaster. I am asking, as your constituent, that you take leadership—not in giving President Johnson a blank check for the conduct of a bottomless war—in mobilizing all skills to engineer a peace and to insist on a procedure for peace finding and keeping in the Far East.

In this quest I think we have to abandon these myths:

1. That we can support despotic, corrupt, incompetent regimes—such as the government of Mme. Nhu and family—without inviting revolt.

2. That we can have escalating military buildups without inflammatory incidents.

3. That we can defeat Red China in a war, without drastic repercussions.

The present crisis calls for a greater and different courage than that summoned for a declaration of war. It calls for the courage of utter realism—to discard, following the lead of Senator FULBRIGHT, old myths and take heed of new realities. It calls for a recognition, in keeping with the editorial of the July 25–August 1 issue of the Saturday Evening Post, of the need to come to terms with Red China; to get over our paralysis of action short of war because it is Communist.

Today, as your constituent, I am asking what leadership you will give our country in the restoration of peace, the renunciation of myths, and the invigoration of our responsibilities to achieve a peace that works.

Sincerely yours,

ROBERT K. DUBROFF.

WEST COLLINGSWOOD, N.J.,
August 4, 1964.

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR: Enclosed is an article from the Philadelphia, Pa., Inquirer. I know you are opposed to our participation in the war waging in South Vietnam.

Why doesn't the U.N. have control over this situation? I thought the purpose of the United Nations was to control such wars.

I don't think our Government ever asked the U.N. to send troops to fight the Vietcong.

It seems to me we should only be in South Vietnam under U.N. orders.

Very truly yours,

MRS. PAUL A. BLOSER.

[From the Philadelphia Inquirer]

GRAVE DECISIONS AHEAD

The unprovoked attack on the U.S. destroyer *Maddox* by PT boats of the North Vietnam Navy, in international waters off the North Vietnam coast, carries ominous warning that the time is at hand for grave policy decisions in the southeast Asia theater.

If the attack was a considered test of American determination, the North Vietnam Reds received a quick answer. The *Maddox* responded vigorously, as did the fighter planes from the aircraft carrier *Ticonderoga*. As Secretary of State Rusk put it, "The other side got a sting out of this. If they do it again, they'll get another sting."

This is true enough, as far as it goes. It still leaves major questions for which the American public is entitled to answers.

Why, after years of such routine patrols as the *Maddox* was engaged in, did the North Vietnamese choose this time to launch a direct attack on an American ship in international waters? Why should they have felt (if they did) the need to test American determination? Did they count upon prompt help from their Red Chinese allies if the United States had chosen to reply still more vigorously to this provocation?

One plausible answer to the first of these questions lies in the smoldering differences between policymakers of the United States and South Vietnam Governments. Premier Khanh has recently been talking belligerently of carrying the war into North Vietnam, and one of his commanders has said that parachutists have already been dropped there. American officials have disputed these statements, at the same time that more American troops have been ordered to South Vietnam as advisers.

The American public, unfortunately, is left uncertain as to the meaning of all this. It may well be that the North Vietnamese are equally uncertain. The time appears near for making clear to everyone what seems to lie ahead.

Toledo, Ohio,
August 7, 1964.

Senator Wayne Morse.

Dear Senator: Nine out of ten people share your views on southeast Asia.

Nothing would please Russia more than to have United States embroiled in a jungle war in Asia.

Napoleon once said China is a sleeping giant: don't wake her up.

Chas. E. Knott.

Olmsted Falls, Ohio,
August 9, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I write to congratulate you on your talk before the Senate in regard to Vietnam. I try to imagine the courage you had to oppose all those other Senators except Senator Gruening. In March and in May I wrote to the President asking him to seek negotiations on South Vietnam. The letters are handed over to the State Department and they send out stupid literature without any sense of reality for the American people to read. They, the State Department, hold conferences in the major cities of the Nation to brainwash the people on Vietnam. In Cleveland when people wanted to discuss the issues they railroaded all discussion, even insulting the persons who rose from the floor to ask questions.

I am enclosing a letter I wrote the President on July 19 when I sent back to him all the State Department propaganda. I haven't had a reply this time unless it was the action they took against North Vietnam. Although I had two copies of the material I sent them both back so I cannot enclose copies to you, but I suppose you have read the literature they write for the American people.

I am enclosing an open letter to the U.S. Department of State which was in the Plain Dealer the day the State Department officials and a Dr. Strangelove character from the Pentagon held their brainwashing conference here.

Thank you for representing some of us (could it only be 2 percent of the people?) who do not like what our Government is doing in southeast Asia. Everyone I talk to doesn't like the situation in South Vietnam * * * yet their Senators approve of what the President did. The action seems so unconstitutional to me. Only Congress can declare war. Do I only know those 2 percent who are for negotiations?

Sincerely,

Vivian Wilson.

Olmsted Falls, Ohio,
July 19, 1964.

The President of the United States,
The White House,
Washington, D.C.

My Dear Mr. President: I am returning to you the material the State Department sent me. Unless the State Department understands reality in Vietnam we may destroy the world. The people who wrote the enclosed material never seem to have read D. F. Fleming, Graham Greene, David Hotham, Milton Taylor, Frank Child, Adrian Jaffe or any authority on Vietnam. These papers admit the State Department did not know Ngo Dinh Diem and his administration was as bad as it was, but they should have known.

One would think our Government would not repeat so pitiful and devastating a tragedy. The constant State Department progaganda blaming North Vietnam for violating the 1954 Geneva accord is an outrageous perversion of truth. The Geneva accord prohibited all foreign military personnel, equipment, and bases in Vietnam and called for general democratic elections by secret ballot under international supervision by July 1956. The U.S. Government prevented the elections. U.S. arms in Vietnam is in direct violation of the Geneva agreement. This is known all over the world.

The United States should welcome the peace proposals of U Thant and the 5,000 professors who have asked that the Government seek negotiations.

Never mind what Barry Goldwater says about using nuclear force in southeast Asia. As Alvin Silverman says, Barry Goldwater is a man without brains, and, as you know, without administrative experience.

Why talk about democracy in Vietnam when we prevented elections in 1956? Why talk about freedom in Vietnam when we have Mississippi, Alabama and other States where Negroes are not free? Let the Federal Government protect the civil rights workers who are the bravest and most courageous people in our country, doing the work of the Federal Government, but without the pay. In order that things do not get out of hand in the South, it is necessary to send Federal aid at once to stop the violence which has occurred since the civil rights bill was passed.

We need men of vision in our State Department. How about D. F. Fleming?

Thank you for beginning negotiations over Vietnam.

Sincerely yours,

——— ———.

An Open Letter to the U.S. Department of State—Needed: An Approach To End the War in Vietnam

The United States is a foreign party to a civil war in Vietnam. Fifteen thousand U.S. uniformed personnel have been committed to the battle. Casualties include American soldiers.

Acceleration of the American war effort in South Vietnam invites increased aid by China to the Communist Vietnamese. Stepping up the war effort risks the use by either side of nuclear arms. Nuclear war offers no victory.

What is the alternative?

Negotiation is urged by Senator Wayne Morse, Senator Ernest Gruening, Columnist Walter Lippmann, and others. Recognizing it takes both sides to make peace, we urge our Government to initiate a conference of nations to guarantee a neutral Vietnam.

We support U.S. efforts to insure enforcement of agreements. The United Nations can assist direct negotiation. Inspection teams must be free to operate wherever needed. They can be backed by frontier patrols.

The best guarantee of enforcement is the mutual advantage of the agreement. The goal is a Vietnam whose independence is guaranteed and respected.

This statement paid for by the signers: Robert R. Archer, professor; Raymond S. Beard, business counselor; Marguerite S. Bellamy, housewife; Keith C. Billman, social worker; Evelyn A. Blackburn, insurance agent.

Isabel N. Bliss, homemaker; William M. Bliss, engineer; Edith O. Brashares, college instructor; Edwin A. Brown, minister; Rilma Buckman, sociologist; Bronson P. Clark, businessman.

Sheldon D. Clark, lawyer; Lila Cornell, homemaker; Marie F. Cotton, homemaker; Wendell P. Cotton, salesman; Natalie C. Crouter, housewife; Elfrieda S. Daiber, secretary; Alan J. Davis, minister; Hortense M. Davis, teacher; Jack G. Day, lawyer.

Steven Deutsch, university faculty; Mort Epstein, designer; Gail R. Gann, homemaker; Donald S. Gann, surgeon; Joel M. Garver, lawyer; Paul Gitlin, social worker; Henry Gluck, psychologist.

William F. Hellmuth, Jr., professor; Arnold A. Herzog, lawyer; Fred Husa, office worker; Sidney D. Josephs, businessman; Mrs. Harry Kirtz, homemaker; Waldo H. Kliever, consultant; Dennis G. Kuby, minister; Jerome Landfield, college professor; Ada N. Leffingwell, homemaker.

George Levinger, educator; John P. Marhevka, male hair stylist; Mrs. Edward A. Marshall, homemaker; Charles R. Miller, lawyer; Paul I. Miller, professor; Hans F. Mueller, retired; Laura Muller, homemaker; Sarah B. Nenner, housewife.

James M. Newman, advertising; Paul Olynyk, professor; Clyde Onyett, public relations; William W. Outland, order analyst; Samuel Prellwitz, industrial research; Harold J. Quigley, minister; Willard C. Richan, educator; Eldon P. Roe, merchant; Marian Rosenberg, social workers.

Ralph Rudd, lawyer; Audrey Sabadosh, librarian; Nicholas Sabadosh, teacher; Wilmer L. Satterthwait, painter; Vera A. Schwartz, legal secretary; A. L. Sherwin, lawyer; Frank Spigel, lawyer; Benjamin Spock, physician; Sam Sponseller, retired.

Vera Smisek, teacher; Oscar H. Steiner, businessman; Helen Stewart, high school counselor; Edward A. Taubert, photographer; Warren E. Thompson, educator; Hugh Tyson, graduate student; Harry O. Way, bacteriologist.

Washington, D.C.,
August 5, 1964.

Dear Senator Morse: We support enthusiastically your criticism of the foreign aid program and the administration's policy in southeast Asia. You are the only liberal who has criticized the foreign aid program. Why is it that the liberals in Congress have always supported foreign aid while the opposition to it has come from southern Democrats and Goldwater Republicans?

We appreciate your enlightened stand on these two issues.

Very truly yours,

Richard L. Bach.
Marguerite Bach.

Paradise, Calif.,
August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We are for you 100 percent in your lone courageous stand in this present Vietnam crisis.

Senator Goldwater's contrary approval of what is happening adds, in our opinion, confirmation of your stand.

Furthermore, we don't believe the story that is being told of how this present crisis happened. It stinks to high heaven—worse if anything, than the Republican Convention at San Francisco last month. Where, oh, where, are we going? And, who can we vote for, for President?

Most respectfully yours,

HAROLD C. BARTHELSON.
ARDIS J. BARTHELSON.

(Copy to Senator KUCHEL.)

TROUVILLE S/MER, FRANCE,
August 8, 1964.

DEAR SENATOR MORSE: A word of thanks for your splendid stand on Vietnam. We are trying to police the whole world to keep it in our image. No patriot gets our help to suppress his people unless like Khanh, he promises there will be no changes. Imaginative men, patriots, George Washingtons, can never turn to us—we only offer bombs and death in areas we do not own and have no right to fight in.

Again thanks. Time is with you.

Sincerely,

DAVID MANDEL.

REDDING, CALIF.,
August 6, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We have noted with surprise and pleasure that you have almost singlehandedly upheld measures for the benefit of the common people. As far back as the tideland oil giveaway to your present stand on the Vietnam war.

Never forget there are people that agree with your views, and admire your great courage and integrity. We are often too silent in supporting public-minded statesmen. We thank you for your efforts in behalf of the whole society.

Another statesman we have admired is Senator HUBERT H. HUMPHREY of Minnesota. If you have the time, we would like your opinion of him as a possible Vice President of the United States.

Sincerely yours,

EMIL E. TWETEN.

WESTPORT, CONN.,
August 9, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Again you have shown courage and patriotism by standing up in the Senate and speaking the truth.

Where is our Jeffersonian democracy? Where was MANSFIELD and FULBRIGHT and others?

When future historians write the sad pages of U.S. events of today, your name will represent the wisdom and courage and statesmanship that still exists in our land.

Respectfully,

———— ————.

CHICAGO, ILL.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wanted to write to you to express my support for your views on the Vietnam question and to tell you that I am glad that there are at least a few responsible Americans willing to speak out clearly on this issue. I thought that your article in the current Progressive was particularly cogent.

I realize that the situation in Vietnam is a difficult one and that, most unfortunately, the United States has lost almost all options that could lead to a victory for a non-Communist and popular government. From my point of view, neither the Vietcong nor the Khanh government is a suitable alternative and neither is capable of supporting a democratic government nor needed land reforms. I am only sorry that I am not a citizen of Oregon and therefore cannot vote for you.

Yours sincerely,

PHILIP G. ALTBACH,
Ford Foundation Comparative Studies, Fellow, University of Chicago.

SANTA ROSA, CALIF.,
August 7, 1964.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR: As a mother, as a great lover of all mankind and all living creatures, as one who believes that by order of a great Creator all are entitled to live—I wish to express my sincere gratitude to you for your standing alone to defend these divine rights. You should be given a medal for courage, a medal of honor. I am not a hero worshipper, but I cannot help saying that in my way of thinking, you are a real hero in opposing the warmongers who would destroy all life.

I have a young son (19 years) aboard the U.S.S. *Constellation.* He has been taught to love, to honor, to respect life—not to destroy it. It would give me great pleasure to tell President Johnson that I'm not standing behind him in his warmongering action. Nor for any resolution backed by Congress supporting such drastic inhuman action. This to me is signing and supporting a death warrant for all creation. President Johnson, McNamara, and company did not create the world and man and they certainly have no right to destroy it. So many times recently Mr. Johnson has asked the American people to stop hating, to love our neighbors—now I would ask, was this an act of love that he ordered to kill, to destroy perhaps many innocent people? This is, may I say: "Dr. Strangelove," indeed.

My heart goes out to you, I am with you in thought and deed. If there should ever be any way that I could help you, please do call on me. It is my greatest hope that I can meet you personally, shake your hand and say "thank you from the bottom of my heart." I ask myself so often—when will man learn that he has no enemies, that in the science and truth of being all men are brothers by nature?

Yours for peace and understanding,

SARA BURCH.

ROCHESTER, N.Y.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We wish to thank you for your forthright condemnation of the role of the United States in southeast Asia. In these times of national immorality, it takes a man of the utmost moral conviction and courage to speak out vigorously against the actions of a society which is sick from its affluency and military might and whose code of conduct has degraded to that of "the end justifies the means."

What a pity that the people of this Nation will not have the opportunity to vote for a man of your integrity in the coming fall election. As it is we personally feel that we have been disfranchised by being given the choice of the "lesser of two evils."

Sincerely yours,

Mr. and Mrs. PAUL STEWART.

PLAINVIEW, N.Y.,
August 9, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I agree thoroughly with Senator MORSE on the Vietnam situation. If the North Vietnamese attacked our ships (and they deny it), we provoked it.

We have killed men, women, and children in South Vietnam, supported ruthless, bloodthirsty dictatorships like the Diem regime in defense of "freedom," destroyed crops and livestock in order to "protect the people against communism," and committed atrocities against helpless civilians. Then we wonder why the southeast Asians hate us.

In addition, we have refused to abide by the Geneva convention agreement of 1954, which stated an election should be held in Vietnam so the Vietnamese people could decide their government.

General de Gaulle has advocated neutralization of southeast Asia. The only honorable and practical thing for us to do now is to stop the war, see that an election is held, and work for neutralization of the area.

Sincerely yours,

Mrs. DONALD S. DUSHKIND.

PRITCHETT, COLO.

DEAR SENATOR MORSE: Congratulations on your spunk.

It looks like another black chapter is being written in Vietnam.

There is much evidence to prove that we were lied into at least three wars during the past century, and after reading your fine article in Progressive it may be possible to include another.

All offers to settle this trouble were rejected at once which would seem to prove that buzzards who profit through bloodshed are dictating Government policy.

Sincerely,

W. F. BROWN.

P.S.—What we need is a third party for people who believe in peace and good will. This would eliminate most members of the NAM and USCC.

PICO-RIVERA, CALIF.,
August 6, 1964

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Our family wish to express our appreciation to you for taking the stand on foreign aid that you have, and you are making a fight to reduce it. We are native Oregonians, who have been residents of California for over 20 years. We have scores of relatives in Oregon, both Democrats and Republicans, though voting pretty muchly as independents.

We respect you for being outspoken in your beliefs, in our estimation, we need more active, outspoken men such as you in Washington. Right now we are very concerned over our huge foreign aid to countries of Ben Bella, Sukarno, Tito, etc. Also this proposed Hart amendment. We have requested information pertaining to this from our Senator KUCHEL.

Very sincerely,

BLANCHE E. GRABLE.

LOS ANGELES, CALIF.,
August 7, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: May I commend you for your courage in refusing so stanchly a "predeclaration of war" in Asia. I agree with you that we had no business to be in Vietnam in the first place. If we had kept our men and our flag at home there would have been no occasion for anyone to shoot at it.

Voices like yours are the only ones that give so many of us who crave peace and fear annihilation, the hope to carry on. The United States, by its persistent policy of refusing to utilize the U.N. or the World Court, or of violating many of its agreements, has set the nations of the world a poor example.

I pray you have the courage to keep to your course.

Sincerely,

MAY GOLDMAN.

WAUKESHA, WIS.,
August 7, 1964.

DEAR SENATOR MORSE: I would like to commend you on the courageous stand that you took when you voted against President Johnson's resolution in regard to Vietnam. I was shocked by this resolution and horrified by the action preceding it. I regard the recent bombing of bases in North Vietnam as nothing less than an immoral act on the part of our Nation. We certainly have the right and the duty to defend ourselves in the face of aggression but open aggression on our part is another thing. I strenuously object and most heartily disapprove.

MRS. DOROTHY BOXHORN.

MENDOCINO, CALIF.,
August 6, 1964.

Hon. WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR: It is indeed heartening to see a man of courage and understanding stand out against the rabble that make up most of the present Congress. The prospects for a decent world would be far better if someone of your stature had occupied the White House during the last couple of decades.

All good luck to you.

R. J. KENNEDY.

SAN FRANCISCO, CALIF.,
August 7, 1964.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I should like to congratulate you on your courageous dissenting vote with Senator ERNEST GRUENING, of Alaska, against the emergency Vietnam resolution, which would give a carte blanche authority to President Johnson to interfere even more with the touchy and inflammable southeast Asia situation.

I, as many, know how much and long you have struggled for sanity on this issue in Washington; it is to your eternal credit that you've taken a hands-off stand about this part of the world.

When there are enough men like yourself, with personal integrity, to champion even for the rights of faraway peoples to determine their own future, then and only then, will this world eventually settle down to some semblance of peace. By that time, of course, it would be judicious to embrace a World Court with legal and police powers to enforce all international decisions.

As long as you continue to believe that the freedom of other nations is as important as that of our United States, you'll have the sincere support of people like myself who not only are concerned for our family or our city or our country—but for the world.

Respectfully yours,
ROBERT E. BLOMQUIST.

MAYNARD, MASS.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We admire your courage and hope American policy in Asia will be corrected.

HAINES and CATHERINE TURNER.

SAN JOSE, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Many thanks for your courageous stand on Vietnam. Remain firm in the right.

FRED STROHM.

SAN FRANCISCO, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Thank you and congratulations for your stand on Vietnam and peace.

EVA RICHMOND,
San Francisco Women for Peace.

SILVER SPRING, MD.,
August 8, 1964.

Senator WAYNE MORSE, *of Oregon,*
Senate Office Building,
Washington, D.C.:

As future Oregon residents we thank and commend you for courageous just stand on Vietnam.

Mr. and Mrs. BOB PASKOFF.

LOS GATOS, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

We fully support your courageous protest against U.S. action in Vietnam. You are not alone.

ELLIOTT WAX and family.

SAN FRANCISCO, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Thank heavens we have two courageous Senators who think independently. Congratulations on your Vietnam vote.

SYLVIA POWELL.

SAN FRANCISCO, CALIF.,
August 8, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

Congratulations on your stand for peace. Keep it up, please.

STELLA PATRI.

SAN FRANCISCO, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Congratulations on outspoken Vietnam stand. Working in California for more representatives like you.

SUSANNE EUBANKS.

PITTSBURGH, PA.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Congratulations on your vote. Save lives, save the peace. Don't enlarge Viet war.

LEO GRONER.

CLEVELAND, OHIO,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I am in complete support of your position on Vietnam. Please do not waver.

NANCY HOLLANDER.

PORTLAND, OREG.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Congratulations on your courageous stand on Vietnam. Your commitment to world peace most reassuring.

GEORGE ABEDE.

LOS ANGELES, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Wish to express deep-felt gratitude and appreciation for your forthright and courageous stand on the Vietnam resolution. It is a tragedy there should be only two voices in Congress in opposition. Please continue to fight for those of us who have no voice.

MADELYNE GERLACH.

NEW YORK, N.Y., *August 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We applaud your position on the preelection Asia crisis. Congratulations.

Mr. and Mrs. H. LEVY.

EUGENE, OREG., *August 9, 1964.*

Senator WAYNE MORSE,
Washington, D.C.:

We support your proposals regarding Vietnam and foreign aid. You deserve chapter in "Profiles in Courage."

Mr. and Mrs. RUDOLPH POHL.

MINNEAPOLIS, MINN., *August 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Commend your opposition to military action in Vietnam. Urge concurrent resolution disapproving agreement to extend nuclear information to NATO member country. Debate by Congress imperative.

MEDORA PETERSEN,
President, Minnesota Branch WILPF.

BUFFALO, N.Y., *August 9, 1964.*

Senator WAYNE MORSE,
Washington, D.C.:

We applaud your position and vote on South Vietnam.

DONALD and LESLIE SILBERMAN.

BERKELEY, CALIF., *August 8, 1964.*

Senator WAYNE MORSE,
Washington, D.C.:

Congratulations on your courageous stand on Vietnam. Please continue to present clearheaded and realistic alternatives.

DAVID GROSS.

EAST HAMPTON, N.Y., *August 8, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Congratulations on your courageous stand against the predated declaration of war on Vietnam.

Mr. and Mrs. BURTON LANE.

PALO ALTO, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Thank you for courageous fight for truth about Vietnam. We support you.

JANICE and STUART HARWOOD.

SOUTH GATE, CALIF.,
August 9, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Twenty-four organizations tonight distributed your speech on a vigil commemorating Hiroshima and protesting involvement in Vietnam. The vigil, sponsored by Unitarian Universalists Fellowship for Social Justice, Los Angeles, covered 12 blocks on both sides of Hollywood Boulevard. Many signs were taken from your statements. A tribute to your courageous fight for truth and peace.

KENNETH and BETTY ROTTGER.

LOS ANGELES, CALIF.

DEAR SENATOR MORSE: Congratulations. You of all our so-called Government leaders had the courage to call a spade, a spade.

We don't belong in South Vietnam, and should get out and let the people decide their own destiny. Our "big stick" policy results in support of every two-bit dictator in the name of democracy.

What has happened to our glorious democratic heritage? Liberty, justice for all gave birth to our Nation. Today we distort its sacred meaning to hold in power ever dictator throughout the globe who oppresses the people.

When are we going to reverse our suicidal policy? Time is getting short. Must we take the road to atomic suicide? I say no.

Keep up the good fight. It takes courage and integrity to buck the warmongers in these United States.

Sincerely,

CHARLES BERKOW.

SAN JOSE, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Twenty-fifth Assembly District California Democratic Council Club strongly supports your position on Asian resolution.

JERRY GORDON, *Secretary.*

PORTLAND, OREG.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Regarding Vietnam, applaud your stand. Keep it up.

ELEANORE M. CAMPBELL.

QUINCY, MASS.,
August 8, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We applaud your courageous stand and integrity in opposing the President's recent action in Vietnam. We hope you will continue to show continued courage in the face of powerful majority who seem eager to escalate present crisis into a world war.

RUTH and EDWARD ROSELAND.

WEST HEMPSTEAD, N.Y.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

You may have addressed an empty Senate Chamber but the people and particularly the mothers of this country are listening to the only voice for peace in that supposedly august body. Please keep up your wonderful plea for sanity and world peace.

SYLVIA FINK.

LOS ANGELES, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I appreciate very much your continued opposition to U.S. involvement in the Vietnam war. I am glad for your recent no vote on the President's resolution.

I hope and pray that our Government will be willing to enter into negotiation soon through the calling of the Geneva powers.

Sincerely,

MARGARET T. SIMKIN.

AUGUST 10, 1964.

Hon. Senator WAYNE L. MORSE,
U.S. Senate Chamber,
Washington, D.C.

DEAR SIR: My sincerest congratulations to you for your courageous stand you took against the joint resolution on southeast Asia. Our warships have no business in southeast Asia. They are there to provoke the North Vietnamese and China. I am convinced that China will never attack the United States.

S. M. BALINER.

SALT LAKE CITY, UTAH.

DEAR SENATOR MORSE: I have absolutely no time—pressed for time to write papers and have final examinations—but I must tell you of my appreciation for your love of truth and for your lionlike courage. Anybody who even begins a study of Vietnam knows that the situation there stemmed from rural despair and from Diem's arbitrary tyranny—not from an invasion from the North. How can we base our whole policy on a myth? My Senator from Wyoming McGEE says in letter to me that the main cause of trouble is Red Chinese expansionism.

My heartiest and best wishes. This will reach you after you have spoken—but what you have already said puts you in Lincoln's courageous tradition of opposition to the cooked-up incidents leading to the Mexican War.

Yours for a country which is right.

SYDNEY SPIEGEL.

AUGUST 7, 1964.

DEAR SIR: Thank you for opposing the Vietnam resolution.

It seems, at times, that men are not unlike the lemming—racing toward the sea—and suicide. It is at these times, that it is glorious to hear the sweet voice of reason.

I cannot fully express my gratitude for your courage and convictions.

Thank you, sir.

PAT CAWTHON.

SEATTLE, WASH.

UTICA, N.Y.,
August 7, 1964.

Senator WAYNE MORSE,
Washington, D.C.

SIR: I think that you are to be commended for your stand on the Asian situation.

You apparently see the futility and the irresponsibility of the involvement.

You may be a voice crying in the wilderness, but your example and courage and integrity are an inspiration to all Americans who cherish justice and truth.

In an era of extremism and insanity you have shown that you can maintain commonsense regardless.

Senator MORSE, we need more men and certainly more elected representatives like you.

Please keep up the good work.

With best wishes,

Yours truly,

RALPH TACZYNSKI.

AUGUST 5, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: We support your courageous stand on American military ventures in Vietnam. Keep up the good work.

Yours truly,

Mr. and Mrs. R. E. GREENBERG.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

SIR: It must be the "latter days" if there are only two prophets willing to stand up. Commonsense seems to say that it would be foolhardy for a small kid to attack or tease a big kid like the United States. But if he did, the big kid beat the ——— out of him and then run and tells on him, instead of telling on him first—if he's so bighearted. I think the slanted news we get in this country is appalling. And no one is allowed to visit Cuba and find out the truth either.

LOS ANGELES, CALIF.,
August 6, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: May I take this opportunity to thank you for the courageous position you have taken against our foreign policy in Vietnam, and in other areas involving peace.

In making known your position, you speak out in the name of all peace-loving people, who understand that it no longer is a question of war or peace—but a question of survival.

Yours has been a voice in the wilderness, and most welcome to hear.

Thank you again for myself and for my sons.

Sincerely yours,

MRS. JULIE MERLINO.

AUGUST 9, 1964.

DEAR SENATOR MORSE: I think the whole country is indebted to you for that fine speech you made on the floor of the Senate on our involvement in Vietnam. I realize many of your colleagues must, with their minds and their hearts, have agreed with you; if I am right in thinking that, it is depressing that they lacked the honesty and courage to express their opposition to the stupid and dangerous tactics that are being used by our Government.

Please keep on with your good work.

Gratefully yours,

FRANCES MEYER.

INDIANAPOLIS, IND.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: We wish to comment on the stand you took for morality. God bless you for your forthrightness.

Sincerely,

HELEN PIERSOL.

SAN FRANCISCO, CALIF.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Your lone voice dissenting in Johnson's Vietnam action is to be commended. I realize that "realistic politics" demands that Johnson do something to drown some of GOLDWATER'S campaign charges. However, it's been disheartening to see so many Congressmen silent on this U.S. action.

Congratulations for your stand.

Sincerely,

MRS. ELIZABETH RICE MOORE.

CHERRY HILL, N.J.,
August 9, 1964.

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have intended to write to you for several months, but the present crisis forces me to end the delay. I completely support your position on the war in Vietnam and on the recent attack on North Vietnam. It is unfortunate that this intensification of the war has brought such a jingoistic and unreasoned response on the part of our lawmakers, rather than the sober questioning of the *Maddox* attack, as well as the whole war, that our involvement there deserves. What serious discussion there has been in Congress has been largely the result of Senator GRUENING'S and your speeches.

I notice in a UPI dispatch of August 6 that Assistant Secretary of State William Bundy acknowledged on Thursday that South Vietnamese gunboats may have shelled two North Vietnamese islands approximately a day before the first attack on the U.S.S. *Maddox*. He asserted, however, that the destroyer was at least 60 miles away and did not provide cover for the attack. Even if this distance is correct, and I no longer have the utmost confidence in the State Department, this action surely must have been viewed by Hanoi as having U.S. approval. What with repeated calls for reprisals against the "privileged sanctuary" of North Vietnam by both United States and Vietnamese officials, even to the extent of step-by-step plans for military attack on the North; admitted South Vietnamese guerrilla raids on North Vietnam; this alleged island incident; and provocative U.S. patrols off Hanoi's coast, these attacks do not seem so surprising. That our naval patrols in the Gulf of Tonkin have intended to intimidate, if not provoke Hanoi can no longer be easily denied. For if, indeed, the *Maddox* was 60 miles away during the Vietnamese attack on the North Vietnam islands, its patrol roughly 24 hours later at supposedly 30 miles offshore must have been viewed at the very least with alarm by Hanoi.

I certainly do not agree with Communist claims to possession of waterways bounded by their territory, but we have also abused the concept of "freedom of the high seas." I do not believe that it includes maneuvers in such close proximity to a hostile country at a time of great tension. The ostensible reason for our patrols is to prevent infiltration of men and materiel by sea from north to south. Secretary McNamara, in his news conference as reported in the New York Times of August 7, revealed that the South Vietnamese Navy has for some time patrolled its coast and portions of the North Vietnamese coast with a fleet composed of as many as 500 vessels for precisely this same purpose. It does not seem to me that the Vietcong are extensively supplied in any way from the north, but if patrols are to be kept, the logical place for them would seem to be along South Vietnam where there would be no confusion as to their mission, rather than off North Vietnam where fishing boats are indistinguishable from supply ships and where patrols (and I presume searches if they are to be effective) can only invite perpetual error, antagonism, and eventual retaliation.

I regret having taken your time with such a long letter, but I wanted to give a few of my reasons for supporting your speeches.

Very truly yours,

Walter Brod.

Los Angeles, Calif.,
August 7, 1964.

Dear Senator Morse: Thank you for your sanity, intelligence, and courage.

Would to God more of your colleagues possessed at least a little of these fine qualities.

Most sincerely,

James V. Ryan.

Westminster, Calif.,
August 7, 1964.

Hon. Wayne Morse,
Senator from Oregon,
Washington, D.C.

Dear Sir: I, for one, admire your stand in denouncing the dangerous policy that our country is pursuing in southeast Asia. Your refusal to "knuckle under" is held in high regard by myself, my family, and those of us who truly desire peace in our time.

Sincerely,

Perry Demakeas.

Westbury, N.Y.,
August 7, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: May I begin this humble letter by congratulating you for your courage. Some people might doubt that that noun applies to Senator Morse who refuses his vote to President Johnson allowing him to use whatever forces are fitting in South and North Vietnam. Some people do not appreciate true courage. They must still prove their greatness by employing barbaric, primitive methods.

Things that are important and worthy are often difficult to attain. A neutral southeast Asia is important. It is, in fact, imperative that it does not become another Korea. For the more inflamed this problem becomes the more of a threat "all-out nuclear war" becomes.

There is a way to settle this problem other than the arrogant and barbaric way still used by man. We on the Hiroshima Day observance in New York City, August 6, recognize it and were so happy to receive your telegram. You are still one out of a hundred, but it made us at least hope that someone in our Government is sympathetic.

The way is negotiation.

The only moral and sane way is through negotiation.

President Johnson speaks of freedom and peace for South Vietnam, in fact, for all of southeast Asia. Yet ironically enough he asks Congress for permission to use military force to attain this end. At the rally at Washington Square yesterday, Mr. Bayard Rustin spoke to us. He cited that history has taught some of us that violence has never settled any human problem. He reminded us that World War I was to be the "war to end all wars." This war was ended by the Treaty of Paris of 1918. President Wilson was afraid of a punitive peace treaty. His fears were realized with World War II.

This war was more destructive than the first. This time the world was brought to peace with the atom bombs at Hiroshima and Nagasaki. These events marked a sordid change in the world's morality. During no other time in history has man been so casual with his brothers' lives. Now he nonchalantly speaks of such immoralities as "128 overkill." After all this violence, and violence to end violence, 19 years later we are still a long way from peace.

Mr. Rustin also reminded us of what someone once said. I am not quoting: Those who do not learn from history are condemned to relive it. Perhaps it is not too late to learn. At least we must not be discouraged. You, a minority, must not be discouraged. All of us who attended the Hiroshima Day Observance and many more are supporting you. I sincerely thank you.

I remain,

Respectfully,

Miss Deanna Gallo.

Burbank, Calif.,
August 8, 1964.

Dear Wayne Morse: Both Mrs. Wolf and I agree 100 percent with your brave stand on the Vietnam mess.

And as the single Senator who stood with you said (and he, too, is to be commended) the whole of Vietnam, and I might add, all of southeast Asia is not worth the life of one American boy.

With highest regard for your display of real guts, regardless of consequences.

Sincerely yours,

Harold E. Wolf.

August 7, 1964.

Dear Senator Morse: Forgive the appearance of this hastily scribbled note but these are times which often put feeling above ceremony.

I congratulate you on your lone, courageous vote against the madness which we have become a part of in Vietnam. Yours is the voice of vanity and honesty, a rare thing in our country today. I shall write in your name on my presidential ballot this year. Keep it up—for a future.

Sincerely,

Martin Cooper.

Brooklyn, N.Y.

North Hollywood, Calif.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Although we are not residents of your State, we feel we owe you a debt of thanks as the lone voice that speaks out for sanity. We are grateful for your rational approach to the Vietnam situation, and only regret that you are alone in the Senate seeking to secure a more peaceful world.

Very truly yours,

Mr. and Mrs. Sigmond Field.

Dallas, Tex., *August 6, 1964.*

Senator Wayne Morse: Thank you for your dissenting vote on the "fight if we must" resolution. That took courage, and not the type of flag-flying courage which goes forth to kill, maim, and destroy, all over the world in the name of liberty, freedom and democracy.

The U.S. economy is war geared. It demands war crises and occasional war for maintenance and the justification of big defense. The United States interferes in internal affairs of other countries in both hemispheres. We forced Cuba to accept aid from Russia and now we can hardly wait to take over Cuba and get back the vast interests and opportunities our big industry had there before Castro.

The Vietnam problem must be taken to United Nations. Delegates from Vietnam, especially North Vietnam, and from China should sit in on all conferences so that United Nations has both versions of the story, upon which to base a just decision.

Thank you for your frankness. I cannot express my gratitude.

Eula M. McNabb.

Cubans Blast Raids on Reds

Havana.—The Communist Cuban Government today sided with North Vietnam in a bitter statement saying "We know how Yankee imperialism acts—its incessant provocations, its piratical methods, its scandalous lies, and its shameless pretexts."

A statement signed by President Osvaldo Dorticos and Prime Minister Fidel Castro said the Cuban Government, "in the name of the Cuban people, condemns the unjustifiable attack unleashed by American Armed Forces against the democratic Republic of North Vietnam.

"In cynical, cold, and deliberate form, the U.S. Government planned and executed its criminal attack."

Referring to the ill-fated Bay of Pigs invasion and the repeated Cuban charges of American provocations at the Guantanamo Navy Base border, the statement said "in this case the U.S. Government, with the same lack of scruples, has forged an incident that was used as the pretext for an air attack against North Vietnamese installations."

The two Cabinet members went from the Senate to testify before the House Foreign Relations Committee on the resolution which Johnson said was needed to show "that our policy in southeast Asia will be carried forward and that the peace and security of the area will be preserved."

Senator Morse, a sharp critic of the administration's Vietnam policy, said Wednesday that the United States shares responsibility with the Communists for the attacks which brought on the crisis.

"For 10 years, the role of the United States in South Vietnam has been that of a provocateur, every bit as much as North Vietnam has been a provocateur," he said. He has urged that the Vietnam problem be taken to the United Nations and that the United States make use of the SEATO pact.

Dallas, Tex.,
August 6, 1964.

President Lyndon B. Johnson,
President of the United States of America,
Washington, D.C.

Honorable President Johnson: Our hearts are very heavy as we realize that the maturely intelligent people of the United States and of the world, are being given no choice, as to our state of war, now, or in November. With an accompaniment by Syracuse University Band, must we say: "Onward

Christian Soldiers"—onward with all the destruction that can be wrought through the employment of war as a futile, wasteful, and archaic method of attempting to determine right, or, of attempting to point the way to justice.

You have stated: "The world is challenged to make its will known, and make it known, now." How? How, we ask as citizens of the United States and of the world? Shall we make our will known through ever-escalating war until the world is devastated and the efforts of centuries of progress have been obliterated? Shall we have peace dangled before us as the illusive, future reward for fighting another, and, yet another war? Why sacrifice our men and the men of the "current enemy" for matters which will never be settled by war?

Secretary McNamara has stated: "Whether any further major action will be taken by the United States against Vietnam depends upon the Vietnamese." Is this statement not typical of all warring nations from time immemorial? In the senseless game of war, the full blame for aggression is always placed upon the enemy. And, the assistance of Almighty God (or, counterpart) is invoked by each warring nation because each feels that "God is on our side—the side of right."

Please use your influence toward having the decision of the course to be pursued in Asia placed under the United Nations. All conferences on Asia should include discussions by delegates from Vietnam and from the Peoples' Republic of China; otherwise the United Nations will not have both versions of the recent events upon which to base a just decision.

Respectfully,

Eula M. McNabb.

August 8, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: This is the first letter I have ever written to any elected official, but I feel so strongly that unless all adult Americans speak up now we will be involved in another full-scale war in Asia.

I would like to congratulate you and the distinguished Senator from Alaska for the stand you took recently, and have been taking for a considerable time, against the Vietnam war.

As you continually point out, we are totally in the wrong. Our involvement there is blatant belligerence. This is a popular uprising against continued dictatorships with foreign power behind them. The CIA for too long a time has used that country as their own "poaching grounds." And the U.S. Army for too long has been using it as a "testing ground" for their weapons and tactics.

Everyone, however, seems to have overlooked the continued toll on the Vietnamese population. Why should these human beings be slaughtered any longer?

Not all Americans are warmongers, and I am certain that you have received other letters thanking you for your lonely stand. Needless to say I am aware of the virtual news "blackout" imposed on the majority of your speeches on this issue. If it weren't for such fine journalists as Mr. I. F. Stone, we would not be able to penetrate this "blackout."

Keep up the good work.

Respectfully yours,

Raymond Stainch.

Brooklyn, N.Y.

Washington, D.C.,
August 8, 1964.

Senator Wayne Morse,
Senator from Oregon,
Senate Office Building.

Dear Senator: I wish to thank you sincerely for voicing your opposition to our policy regarding Vietnam. I can see no valid reason for our interference with, or in, the affairs of southeast Asia.

President Johnson speaks of a limited war. Facts show that when war begins there is no knowing when and how it will end.

Please continue your outcry. We need you.

Arline D. Hays.

Cleveland, Ohio,
August 9, 1964.

Hon. Wayne Morse,
Senate Building,
Washington, D.C.

Dear Senator Morse: It required a tremendous amount of courage for you to express opposition to granting President Johnson unlimited power against the North Vietnamese. There is too much at stake in trusting such colossal powers of worldwide destruction to any man, let alone one who doesn't even drive a car rationally.

If the facts were presented, they wouldn't even justify our presence in South Vietnam where we now have some 16,000 armed-to-the-teeth advisers.

As I read the enclosed clipping I wondered whether the chuckle was intentionally placed where it so aptly fits.

Sincerely yours,

George Flick.

[From the Cleveland (Ohio) Plain Dealer, Aug. 7, 1964]

L.B.J. VIETNAM STAND OK'D BY CONGRESS

Washington.—The House and Senate approved in quick succession today an emergency Vietnam resolution upholding President Johnson in any "fight-if-we-must" measures needed to counter Red aggression in southeast Asia.

The House rollcall vote was 414 to 0.

The Senate vote, which sent the resolution to the White House, was 88 to 2. The dissenting votes were cast by Senators Wayne Morse, Democrat, of Oregon, and Ernest Gruening, Democrat, of Alaska.

The resolution states that "the Congress approves and supports the determination of the President—as Commander in Chief—to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

It was proposed to Congress Wednesday after Johnson ordered U.S. carrier planes to bomb North Vietnamese torpedo boat bases which had sent out attackers against two U.S. destroyers.

Only major opposition to the declaration came from Senator Wayne Morse, Democrat, of Oregon, who waged a delaying action against the resolution in the Senate. House passage came after a 40-minute debate.

Morse, a sharp critic of the administration's policies in Vietnam, opened his attack on the resolution with a speech last night. He said, "No one can justify the (North Vietnamese) PT boat attacks, but the fact that the U.S. destroyer *Maddox* was relatively close inshore when South Vietnamese planes attacked some North Vietnamese islands "was a well thought out military maneuver."

"If we had known that the South Vietnamese were going to bomb the islands (last Friday) we should not have had ships anywhere near the islands," he said. Morse contended that it was after the bombings that the PT boats began pursuing the *Maddox*.

The Senate Foreign Relations and Armed Services Committees and the House Foreign Affairs Committee overwhelmingly approved the resolution yesterday.

August 8, 1964.

Hon. Senator Morse: In behalf of many mothers, garment workers, we send you our heartfelt greetings and thanks.

Stand up—as you do—for peace and life for our children.

With gratitude,

Esther Carroll.

Jamaica, N.Y.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I have been following your statements on Vietnam with the greatest admiration for your uncommon "commonsense" and courage. Your ability to keep your head while others all around you lose theirs in true "rugged individualism" of the highest order.

I live in what I believe to be the Nation's largest cooperative apartment unit which is to house some 6 thousand families and is called Rochdale Village.

What I would like to do is personally to put your views in every single household by slipping a printed summary of your views under each and every door or in the hands of every household head here.

I would deem it a great service if you could send me such a summary that I could have copied somehow if you cannot send me yourself several thousand copies for immediate distribution.

As I realize no man in this country understands the importance of shedding some light on this heated situation better than you do, I await your reply in all confidence that you will help me to help my country.

Thank you.

Very truly yours,

Sonya Finger.

Brookline, Mass.,
August 8, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: You and Senator Ernest Gruening are the only two men in the Congress of the United States who, in my opinion, see the grave situation in southeast Asia in its proper perspective and are willing and courageous enough to speak out against the dangerous and deceptive foreign policy of our Government. I know it must be difficult to stand alone against the emotionalism of false patriotism, but to do so is a measure of your intelligence, wisdom, and integrity, which few men today are privileged to share with you.

Only history (if there is a world and history is possible) will prove that men like you are the true patriots who love our great country and want to see it receive the proper respect and admiration, which it can only achieve through realistic attitudes toward the needs of the peoples of the world who look to us for help.

I take comfort in the fact that there are at least two such distinguished men of principle as you and Senator Gruening in our Congress. You represent the many thinking people of our country. It is my hope that your sanity will eventually prevail.

My congratulations to you and my best wishes for success in your strivings.

Sincerely yours,

Edna Stein.

Venice, Calif.,
August 9, 1964.

President L. B. Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I have been shocked by your recent show of force action in the Gulf of Tonkin. It seems to me that such action could not be necessary if our preceding action had been as reasonable as we were led to believe it was.

I agree with Senator Wayne Morse who has said that we have nothing to gain by continuing "unilateral military action in southeast Asia, unsanctioned by the United Nations and unaccompanied by allies."

I urge that we take the matter to the United Nations and arrange to negotiate.

Most of all we want no tensions built up that could lead to war. Peace requires relaxation of tension and this is what we want to see throughout the world.

Very sincerely,

MARGARET P. MAHONEY.

MORGAN HILL, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We support you in your stand against the terrible war in Vietnam.

Sincerely yours,

BETTY ANDERSON.

MAHOPAC FALLS, N.Y.,
August 8, 1964.

U.S. Senator Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You have always with good judgment stood with honor on your own feet.

Our Government and our SAR Society both need you, and need you very much.

Do keep up your good work. It is all that can save the world from another state of war.

My Gen. Israel Putnam chapter (Empire State), Society SAR, well knows my objection to having us put on record as favoring invasion of Cuba or any other country, and I refuse to believe the majority of our members are so ignorant as to be warmongers.

No, I am not a doctor of medicine or law; I am a plumber 82 years of age suffering with a heart condition and arthritis, but made most unhappy by the actions of our warmongers.

The Bible states all men are liars, and women, too. Wars, war after war, is proof what we are.

We never learn.

We can be very proud of our Revolutionary ancestors. My grandfather's grandfather, Morris Earle, fought all through the war and was a prisoner in the old sugarhouse prison (Yonkers) 9 months. His brother, Peter, was killed in the battle at Saratoga.

But we, too, must be men of honor and courage, not puppets.

Sincerely,

STEPHEN HENRY VRIELAND.

WYNNEWOOD, PA.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to commend you for your vote last week in opposition to the President's resolution not only giving him a blank check to enlarge the war in southeast Asia, but expressing approval for his action against North Vietnam.

We appreciate tremendously the courage and insight into the possible dire consequences shown by you and Senator GRUENING. Although we heartily wish we had 100 Senators with your vision, we are glad we have at least 2, and hope you will continue to work and write (your article "Humpty Dumpty in Vietnam" in the August "Progressive" is superb) for the earliest possible settlement of the Pacific crisis. Thank you.

Cordially yours,

MARGARET FORSYTHE.

AUGUST 9, 1964.

DEAR SENATOR MORSE: I sincerely commend your voice of dissent in the actions of our country in the North Vietnam crisis.

I, too, feel we were not justified in our actions there. It seems our country is fast becoming a warring nation rather than the great proponents for peace as has been our profession in the past.

Sure, our country must show itself to be great in the eyes of the smaller, uncommitted nations of the world, but is this greatness, to murder the Vietcong in their own land by such a trivial provocation? It's surely time for men such as you and I to speak out against our policies of war at the drop of a hat.

I'm afraid many people do not really understand the gravity of a possibility of nuclear war and its consequences. My children, your children, and even countless thousands of children of uninvolved nations would be consumed, maimed, and left to a hell such as we have never faced before.

God help us to see that peace will not come from provoking war.

God will surely judge us for all innocent blood we have spilled as a nation.

Thank you again for speaking out on a subject which is in dire need of spokesmen. You're truly a statesman in the sense that we've not seen in many days.

God bless you.

HAROLD E. CORDELL, Jr.
INDIANAPOLIS, IND.

SAN FRANCISCO, CALIF.,
August 7, 1694.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

(The following is a copy of a telegram which has been sent to Congressman BURTON of San Francisco.)

"DEAR REPRESENTATIVE BURTON: Suppose a newly elected President GOLDWATER had ordered the bombing of North Vietnam. We would have vigorously opposed such action. We cannot now allow fear of a GOLDWATER victory to be translated into uncritical support of acts of brinkmanship on the part of the Johnson administration. We want a policy aimed at a world in which freedom can grow. We applaud the courage of Senator MORSE in challenging our present Vietnam policy, and we ask you to help open the debate in the House by: (1) plainly opposing the extension of the war to the North, and (2) urging an immediate reconvention of the Geneva Conference to work for a peaceful solution based on the principle of self-determination.

"The recent events demonstrate the critical urgency for Americans to begin to heed the call of Senator FULBRIGHT and George Kennan to challenge the outworn myths of the cold war era. Your actions on the floor of the House in the coming weeks could be of great importance in opening this crucial discussion. The following is a partial list of signers:

"Marshall Axelrod.

"Prof. Arthur K. Bierman, San Francisco State College.

"John Burton, Democratic candidate, 20th Assembly District.

"Rev. Harry J. Chuck, Jr., Cameron House.

"Rev. James M. Christensen, Presbyterian Inner-City Council, Coleman Street, M.D.

"Douglas Corbin.

"John David, Democratic candidate, 21st Assembly District.

"K. R. G. Davis, director, San Francisco Mine Troupe.

"John Dearman.

"Ed Dunn, vice chairman, San Francisco Firefighters Association.

"Prof. David Eakins, San Jose State College.

"Lawrence Fenlinghetti, City Lights Books.

"Rev. Frances Geddes.

"Asher Gordon, M.D.

"Don Grimes.

"Paul Jacobs, Center for the Study of Democratic Institutions.

"Rev. Andrew Juvinall, Hamilton Methodist Church.

"Richard Liebis.

"Frank Marx.

"Mike Millen.

"Rev. William P. Miller, Methodist mission parish.

"Prof. George Nononha.

"Gerald Rosenfield, M.D.

"Robert Scheer, author.

"Rev. William Shirley.

"Marvin Stender, Democratic County Central Committee.

"Prof. Jerrold Werthimer, San Francisco State College.

"Tom Winnett, assistant editor, the Liberal Democrat."

INDIANAPOLIS, IND.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Sincere appreciation for your vote on Vietnam. Millions of mothers, like myself, though inarticulate, are heartily in accord with the stand you have taken.

MARY DONOVAN HAPGOOD.

WASHINGTON, D.C.,
August 11, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I gratefully support your courageous stand on Vietnam.

SYLVIA BAILEY.

NEW YORK, N.Y.,
August 10, 1964.

Hon. WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.:

Our association endorses the principles in Senate Joint Resolution 139 proposing constitutional amendment relating to disability of the President of the United States and urges adoption of amendment embodying those principles.

CATHRINE EDMONDSON,
President, National Association of Women Lawyers.

HERSHEY, PA.,
August 11, 1964.

Senator WAYNE L. MORSE,
U.S. Senator from Oregon,
Senate Office Building,
Washington, D.C.:

HONORABLE SIR: Congratulations upon your courage to speak out against involvement in the warfare now raging in the rice paddies and jungles of southeast Asia. What a shame that more voices can't be heard.

Respectfully.

EDWARD E. SHEARER.

MARTINSVILLE, VA.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We support your effort for a peaceful solution in Asia.

NOVOGRODSKY FAMILY.

NEW YORK, N.Y.,
August 8, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Report your stand for world peace and your realistic American leadership.

LESTER and EDITH VOGEL.

LOS ANGELES, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

My congratulations to you and to Senator GRUENING for the position both of you took in yesterday's resolution. If we would only have a few more Senators like yourself we might have had a little better and safe world to live in. I'm sure that all the peace loving people of the world are with you and pray for your continued fight for the cause of peace.

SIMON M. KAZARUS.

Los Angeles, Calif.,
August 10, 1964.

Senator Wayne Morse,
Washington, D.C.:

Support your stand on North Vietnam. Proud to have you for an American with me.

Dr. and Mrs. Bernard Brickman.

Berkeley, Calif.,
August 10, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Congratulations on courageous dissent in recent Vietnam crisis. Proud to have supported you in 1958.

H. Snodgrass.

Coloma, Mich.,
August 8, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Keep up your magnificent fight. You speak for more people than you think.

Mrs. C. E. Killebrew.

Pittsburgh, Pa.,
August 8, 1964.

Senator Wayne Morse,
Senator from Oregon,
Senate Office Building,
Washington, D.C.:

Congratulations on the stand you and Senator Gruening have taken on Vietnam. Please, no war.

Mrs. Doris Herron.

Baltimore, Md.,
August 10, 1964.

Dear Senator Morse: Please continue your courageous stand for a negotiated peace in Vietnam before it is too late.

Also prevail upon all our legislators and President Johnson that the people of the United States want peace, no matter how long it takes to negotiate.

Thanking you, I am,

Sincerely yours,

Mrs. Sarah Ann Miller.

San Jose, Calif.,
August 7, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: Congratulations on your continuing fight for the just and honorable solution of the southeast Asian problem.

There are millions of people in the United States of America who agree with you and they should all write to you and show you how they feel. I hope they do.

It is so important that you continue your fight as you have been doing because if your forces in the country fail, this country is surely going down the drain.

Yours respectively,

Sherman W. Graves.

San Francisco, Calif.,
August 8, 1964.

Senator Wayne Morse,
Senator from Oregon.
Senator Ernest Gruening,
Senator from Alaska.
Washington, D.C.

Dear Mr. Senators: This letter is to commend both of you for the stand you have taken against the measure presented by the President yesterday, giving him the absolute right to take this country into war in any part of the world, without any further consent by Congress or the American people, through their Congress.

We are unalterably opposed to the war in South Vietnam, and neither do we believe the assertions that there has been any aggression there against American territory or the American people. Neither South nor North Vietnam are American territory nor is the Gulf of Tonkin American. What is there that we are defending, or against which there has been aggression that concerns us?

We reiterate that we commend you for your stand and thank you for your courage and honesty in being the only ones in the Congress to tell us the truth. We hope you will continue to do so.

Sincerely yours,

Mr. and Mrs. B. C. Ruden.

Parkton, Md.,
August 8, 1964.

Dear Senator Morse: If we can refrain from turning ourselves into nuclear dust, the Nation will one day thank you for your lonely and courageous warnings against the ignorant and immoral policies we now blindly follow in Vietnam. At present you will receive nothing for your stand but the vituperation of the idiot right, and frowns of the muddled middle, and the admonitions of the laggard liberals.

I hope your dedication to sanity does not cost you votes, though I am afraid it will; but whatever the cost, you have spoken the truth and the Nation will be in your debt.

Though not a constituent, I follow your career with real interest, for yours is one of the few creative voices in our Government. It is unfortunate that even liberals do not understand what you are trying to say about southeast Asia or foreign aid; but keep talking, for the sake of history if for nothing else. Let it not be said by future historians that all Americans in the 1950's and 1960's were blind to the disastrous course we often take in foreign affairs.

Sincerely,

John Roemer III.

Damascus, Md.,
August 10, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Morse: I approve of your action of voting against the measure declaring confidence in the Executive actions in southeast Asia on the basis of two considerations.

A true patriot is not a man who says, "My country, right or wrong, my country." Rather, he is a man who is willing to seek out the right path for his country even when such a search is unpopular. He is a man who realizes destruction awaits the country that consistently chooses the wrong path and is willing to declare publicly his convictions as to what, in his mind, constitutes the right course in a particular circumstance. Natonal unity is admirable, but to purchase it by national mindlessness toward a problem confronting the Nation destroys its value. This is illustrated time and again in European history: France was unified when it destroyed itself in a needless war with Germany in 1870, Germany was unified in 1939; but in both nations the unity one built on mindless pursuit of what a few men called national destiny. It seems to me that you considered fully the policy of our country in southeast Asia, found it lacking, and consequently voted against the measure of confidence.

I further approve of your action on the basis of subsequent happenings in the world. I believe our violent action has provided a pattern that many a nation can follow in dealing with its problems in the near future. Indeed, the Turkish Government is almost mimicking our words in regard to its attacks on Cyprus. It seems almost as if "limited and fitting" military action can replace negotiation as an instrument of national policy using the U.S. actions in the Gulf of Tonkin as an example. Furthermore, the suspension of civil government in South Vietnam and the shift of U.S. military power into that area has probably delayed for a significant amount of time the return of southeast Asia to a normal, nonmilitary, and peaceful condition.

Sincerely,

Gilcin Meadors.

Wiscasset, Maine,
August 9, 1964.

Dear Senator Morse: This is just to say "bravo," once again to your stand against gunboat diplomacy in southeast Asia.

May your admirable efforts be rewarded.

Sincerely,

Fanny Ventadour.

Tacoma, Wash.,
August 9, 1964.

Senator Wayne Morse,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to congratulate you on your and Senator Gruening's position in voting "no" on the recent resolution regarding Vietnam.

The following from an AP wire dispatch is quoted from the Portland Reporter dated Friday, August 7, 1964:

"Morse told the Senate that as a forerunner to attacks on the U.S. destroyers there was a known bombardment by South Vietnamese naval vessels on 'two North Vietnamese islands within 3 to 5 or 6 miles of the main coast of North Vietnam.' He said the 'clear implication' of that incident was that the U.S. Navy stood guard while the shelling took place."

The above vital information was conveniently left out in the local papers as far as I can determine. It looks like there was goading being done.

With best wishes.

Very truly yours,

John C. Migdula.

P.S.—I am also in favor of getting rid of most of the foreign aid and starting more concentration and expansion of the Peace Corps.

Newark, N.J.,
August 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Senator: Congratulations on your lone and courageous stand on Vietnam.

Enclosed is a copy of a letter which I have sent to President Johnson.

May your inspiring voice long continue to be heard in a free America.

Sincerely yours,

Bernard H. Davidson.

August 9, 1964.

President Johnson,
The White House,
Washington, D.C.

Dear Mr. President: I respectfully submit to you these observations on Vietnam.

I pray that negotiation will soon replace belligerency and I believe that neutralization of southeast Asia will ultimately prove to be in the best interests of all.

Sincerely yours,

Bernard H. Davidson.

Los Angeles, Calif.,
August 6, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: While I am not one of your constituents I do want to take this opportunity, Sir, to thank you for one of the few examples of intellectual honesty, decency, and integrity, that I find in our Government today.

Many Americans like myself, feel that our actions in many parts of the world and especially in southeast Asia, have been provocative rather than intelligent. That the collective American nose, already overextended, is being poked into corners where it does not belong and with what will undoubtedly be painful results. And all this under the demogogic banners of so-called freedom, which apparently means merely freedom for corrupt and inept regimes which we seem to have a penchant for supporting.

Like many, or should I say most Americans, I was always under the impression that war was the most serious of matters which under our Constitution would be determined by Congress and only after due deliberation. I was not aware that today the normal method is to have Mr. McNamara decide what little war he wants to start, secure the Chief Executive's approval, and once action has commenced, so advise Congress and secure approval of that body by resolution.

In all candor I say, Sir, that I am at a loss to understand what is happening in my country. What can we individual citizens do when every action we take seems to go for nought? Must my sons be subjected to another bloodletting such as I went through in the past war? Truly, I am nauseated and ashamed of the actions of our country in the guise of battling communism.

My sincere regret, Senator MORSE, is that we do not have more men of your caliber representing us. Were it so, there would be fewer ills in our land today. But anyway, please accept my thanks for continuing to express what I believe to be the true essence of the American spirit.

Sincerely,

REGINALD J. NAHAS.

SONORA, CALIF.,
August 6, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: We watched you and listened to your wise comments on the the "Today" show sometime ago. We have always respected and admired you and wish you were in a position to lead our country.

All world problems should be settled around the conference table and in our opinion settled by the United Nations. It is hoped that the U.N. can be strengthened and all international problems in their hand—nations in this day will have to handle only internal affairs and external affairs taken to U.N.

Peaceful solutions must prevail.

We thank you for your hard work and the hope you bring to all of us.

You are a man of courage and intelligence.

Sincerely,

MRS. ALICE S. CLARKE.

OAKLAND, CALIF.,
August 8, 1694.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HON. SENATOR MORSE: We are so thankful for your opposition to the United States going to Vietnam. You are very correct in your statements against this awful war. The fact that our men are being killed and killing the peoples of those countries is very horrible to us. All of southeast Asia is many independent nations. We must get out of there. We must have a nonmilitary settlement.

We urge the reconvening of the 14 nation Geneva Conference to implement a United Nations settlement.

We are being hated all over the world. The military must not be allowed to run our country.

Respectfully yours,

HAZEL M. LINTON.
RUSSELL L. LINTON.

PURCELLVILLE, VA., *August 9, 1964.*

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please accept this commendation of your recent courageous stand in regard to the crisis in Vietnam. At a time when others are being led in their actions by irresponsibility grounded in pseudo-patriotic emotions, it is indeed encouraging to hear at least one voice of reason and reproach.

Let it be recorded in your records that the author of this letter supports your views concerning our position in southeast Asia. I believe in the exigency of United Nations participation in the area. I also believe as you, that we are wrong in the actions of last week. The question haunts me. When will the foreign policies of our Nation be governed by a creative concern for the unfortunate peoples of underdeveloped countries instead of the expediency of stopping an ideology which has the seeds of its own destruction within it?

I am not a member of any political organization and represent only my own point of view on this matter. Whatever my opinion may be worth to you is given in good faith. Your acceptance will be appreciated.

Sincerely,

H. EUGENE MINNICK, *Teacher.*

LOS ANGELES, CALIF.,
August 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your remarks on the Vietnam crisis. Yours were the only sane, intelligent, realistic words I heard on the situation.

May I also register my support at the Geneva Disarmament Conference for a treaty to prohibit the spread of nuclear weapons.

Sincerely yours,

MRS. ETHEL M. STUBBS.

LOS ANGELES, CALIF.,
August 9, 1964.

DEAR SENATOR MORSE: The following is a copy of the letter I have written to President Johnson—

"DEAR PRESIDENT JOHNSON: Please end our involvement in the war in South Vietnam. I support Senator WAYNE MORSE's stand and can only hope that you will act quickly.

"Sincerely yours,

"_____ _____."

Gratefully yours,

_____ _____.

FLUSHING, N.Y., *August 6, 1964.*

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

HONORABLE SIR: Congratulations upon the stand you took in opposing the resolution on Vietnam.

May I commend you for possessing the two qualities which are grievously lacking on our political scene today, courage and wisdom.

I respectfully urge you to continue your efforts in behalf of sanity and reason to end the war in Vietnam through negotiation and the withdrawal of our troops.

Respectfully,

MRS. BILLIE PARTNOW.

PHILADELPHIA, PA.,
August 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you for your stand on the Vietnam issue. I suspect that now you may be somewhat solitary in this as everybody hops on the patriotic bandwagon. An article in the Progressive which you wrote on the issue was most illuminating, and I wondered how can one move from there. Well, the answer is that we have moved into a war. It seems to me that some weeks ago the head of the South Vietnam forces made a statement about escalating into North Vietnam and taking on China for good measure, this to broad grins of American advisers according to the news account I read. I wonder whether this was a trial balloon. There is a sort of madness in this whole affair, and I wonder how much of this "brinkmanship" is still basic policy, supported possibly by some of these war games played by the Rand corporation so that a thermonuclear war with its millions of dead is one of those calculated risks that is essentially foisted on the people.

It is very difficult to stand fast in the current situation. I can see the rightwing extremists clamoring for still more military involvement, Cuba, and then for good measures the U.S.S.R. It is all quite frightening, and I am proud of the fact that you still are a voice of sanity in this mess.

Sincerely yours,

H. OTTO DAHLKE.

MAGNOLIA, N.J.,
August 6, 1964.

The Honorable WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: Congratulations on your stand in reference to the joint resolution to support President Johnson's action in the North Vietnam. I agree with your stand and with the enclosed open letter to the President which appeared in the Philadelphia Evening Bulletin on August 5.

We shall need all our strength to solve our social and economic problems at home.

Yours truly,

LEONARD A. WESTMAN.

AUGUST 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am enclosing a copy of an advertisement placed in the Philadelphia Evening Bulletin yesterday. It contains the names of nearly 1,000 people who support your position on this most explosive issue.

You are not talking to an empty wilderness. You are giving all of us the courage to speak and act in these most trying times.

Sincerely yours,

CAROLYN AQUINO BERGER.

PELHAM, N.Y.,
August 6, 1964.

DEAR SENATOR MORSE: Several months ago, commenting on the war in Vietnam, you asserted: "We should never have gone in. We should never have stayed in. We should get out." I am writing to tell you that I agree completely with your statement. On June 23 you told McNamara and Taylor that "I am now convinced that the greatest threat to the peace of the world is the United States." At the time I was somewhat skeptical. I am no longer skeptical; I am sure that you are right.

It is unfortunate that your statements, along with those of a couple of other Senators, are the only ones that have been critical of the belligerent foreign policies pursued by the United States.

I do not think that the people of South Vietnam are aided in any way by the presence of our troops. I am sure that the majority of our country's citizens are only endangered by the reckless policies of the warmongers who run our Government.

It is frightening to realize that I am at the mercy of such irresponsible individuals. I implore you to continue your efforts to make the officials of our Government admit that war is being waged in Vietnam to serve the interests of a small number of selfish individuals.

I wish that there were something that I could do to help you, for I don't want to be annihilated because some people think that they have to control the whole world.

Sincerely,

PAUL J. NYDEN.

Englewood Cliffs, N.J.,
August 7, 1964.

Dear Senator Morse: This letter from me is long overdue, I had intended to write you long ago, but your vote today against the President's resolution on Vietnam made me realize my longstanding obligation. First of all, in regards to your stand on the communication satellite bill, I wish to compliment you and your colleagues who stood against this bill. I believe that eventually the wisdom of your position will be obvious to the majority of Americans. Second, regarding your stand against the Vietnam resolution and war require admirable courage and in this too, I believe, Americans will eventually regard as correct. I only hope that when this realization comes it will not be too late. In these two issues you have demonstrated a courage and honesty that few possess. I am only sorry that, not being from Oregon, I cannot say that I will vote for you when you are up for reelection.

As long as I am writing you, I would like to communicate my support for the House-passed social security increase bill. I hope that the Senate does not try to attach a medicare rider. While favoring medicare, I feel the passage of the present bill would be seriously hampered with a medicare rider. I also feel that Congressmen should be able to express themselves on each issue separately and if both are tied together this would not be possible. Your consideration of these views will be most appreciated.

Sincerely,

Walter H. Rothaug.

Lynbrook, Long Island, N.Y.,
August 6, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Honorable Senator Morse: I support you in your stand in regard to the Vietnamese position. I believe our action in the Bay of Tonkin is provocative.

I admire your outspoken manner and agree with most all you have to say.

You consistently have the correct perspective on our foreign policy.

Yours truly,

Sampson Engoren.

Ocean Beach, N.Y.,
August 7, 1964.

Senator Wayne Morse,
The Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I offer you my heartfelt thanks for your courageous speech critical of our attack on the North Vietnam naval bases.

Yours was the voice of sanity calling for restraint in international relations and a reexamination of our entire policy in southeast Asia. What I and many other citizens fail to understand—and certainly the administration has failed to clarify the situation—is why America must accept the sole responsibility for maintaining peace in a good part of Indochina especially when the people of that unhappy region have not been consulted as to whether they want our intervention or not. The French, very wisely I think, decided that the problem was too much for them to go alone. Is this not the time to urge the United Nations to attempt to settle the problems that beset this troubled region rather than by unilateral action take ourselves into what may become a disasterous war with over one-fifth of the world's population?

I have the greatest admiration for Lyndon B. Johnson who I think will be one of our most eminent Presidents but I must confess that when I saw the headlines about our Navy's action in Tonkin Gulf for a moment I was convinced that Barry Goldwater was in the White House and not L.B.J.

Cordially,

Arthur S. Gregor.

Copies to Senator J. W. Fulbright, Senate Foreign Relations Committee, and Lyndon B. Johnson, President of the United States.

Englewood, N.J.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We wish to endorse wholeheartedly the position you have taken in opposition to our Government's actions in southeast Asia.

The recent escalation of the conflict through the bombing of North Vietnam is particularly alarming, and the attacks on our destroyers in the Gulf of Tonkin seem at best to be an inadequate justification, and at worst to be manufactured provocations.

A glance at a map indicates that, regardless of legal technicalities, the Gulf of Tonkin can scarcely be described as being "the high seas." Not so long ago, our Government went to the brink of war when a neighboring sovereign nation installed on its own territory certain military equipment supplied by an ally. We went so far as to intercept foreign vessels on the high seas, and, at that time, unlike the present, our Government was not parading the principles for which we fought the War of 1812. The only consistent factor in our policies seems to be an increasing bellicosity and reliance on naked force.

We greatly appreciate your courage and forcefulness in combating this dangerous and immoral trend.

Yours truly,

Stephen H. Unger,
Mrs. Marion R. Unger.

New York, N.Y.,
August 5, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I am very pleased to see that we still have a Senator who not only thinks for himself but one who is not afraid to act in the Legislature even when his is the lone voice calling for sanity.

I had already sent the enclosed letter to the Tribune when I read of your action in the Senate and it warmed my heart to know that a man like you had similar opinions. Before I read of your action, or rather I should say I heard of it in a newscast, I had the feeling that everyone in the whole country was blind and sick with the fear of not conforming. If this country is that sick in its thinking, then the danger of a nuclear holocaust is very great. Thanks for helping me look upon our Government with a little renewed faith.

Very truly yours,

David S. Mitchell.

East Elmhurst, N.Y.

Dear Senator Morse: Thank you very much for standing up and saying loud and clear what needs saying. Please keep speaking as you have so that we may find a way out of South Vietnam and not another Korea.

You certainly have my support.

Sincerely,

Joseph Shill.

August 7, 1964.

Dear Senator Morse: Your voice and efforts—and those of Senator Gruening—are the only sane ones in these profoundly disturbing days of sheer madness. Shame on those who for whatever insane reasons—have gotten us into this mess is Asia. And who, it seems, will not rest happy until they have catapulted the whole world into devastating war. As you have said, if the world survives, for 500 years we Americans will bear the brunt of these crimes our leaders are perpetrating in the "strange" name of peace.

Sincerely,

Ruth V. Friedman.

Groton, Conn.,
August 6, 1964.

Senator Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Morse: For many years I have admired your courageous expression of moral convictions in the face of everything from disagreement to open hostility. Your most current stand on our retaliatory action in destroying the bases in North Vietnam is a case in point.

As a Christian I cannot help but feel you are right, unpopular though the stand may be. And I want you to know that you have my good wishes and prayers in your continuing struggle for peace, justice, and reason in human affairs. "Blessed are ye when ye are persecuted for righteousness sake."

Sincerely,

Harriet M. Howe.

Chicago, Ill.,
August 6, 1964.

Senator Wayne Morse.

Dear Sir: Continue to do your utmost for preservation of peace in southeast Asia, and expose the false charges of Pentagon militarists to justify aggression against Democratic Republic of Vietnam. Wish you success in your pursuit of peace and better still it is you Mr. Wayne Morse who should be candidate for the Presidency of the United States.

Respectfully,

Zygmunt Morawoski.

Miami, Fla.,
August 6, 1964.

Hon. Wayne Morse,
Senator of the United States,
Washington, D.C.

Dear Sir: Your outspoken remarks about the Vietnam affair have revived my faith in us as a thinking nation.

Thank you for having the courage to speak out—I have always wondered why it was imperative for us to be there—or at least, thought our motives were surely political and that it was hypocritical to call it by any other name—but when you hear no other dissenting voices, you begin to feel very lonesome and uneasy.

Poor little nation—forced to fight itself and destroy itself, between two great powers. Nuts.

But it was nice to hear someone else speak out. Perhaps, if we truly use it, the U.N. will help us more than Mr. U Thant seems to think.

Thanks again.

Sincerely,

Louise M. Maurer.

Lexington, Mass.,
August 6, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: I have many things to do preparatory to leaving in a couple of days for my first trip to Europe, yet I must write to tell you how much I admire and am grateful to you for being the only Senator in the Chamber with any courage and deep intelligence. You see through the bottom, around, and project a situation, and come up with a proposed solution that always rings true, and then, best of all, you, are not afraid to risk your career in order to see that truth and justice prevail. Unfortunately, you are alone. However, please keep it up—if it weren't for you, I'd feel like giving it all up—just never reading a newspaper again, etc.

Please keep it going: You are right—we have no business in Vietnam. It seems a situation like this is engineered before each election. I was on the verge of resigning my foolish seat on the Town Democratic Committee, but your lonely voice saved me. What if you gave up? Keep making yourself heard—however, if you could only get a press agent who would see to it that your views were publicized better.

Sorry for this emotional letter but I really have been low since the new escapade in the Vietnam gulf.

I'm so grateful to you however.

Thank you again.

Sincerely yours,

MARION COLETTA.

P.S.—Mr. Coletta feels same way.—M.C.

HOLLYWOOD, CALIF.,
August 6, 1964.

DEAR SENATOR MORSE: We are deeply grateful that you are able to say on the floor of the Senate what I am sure many Americans feel; that we are pursuing an immoral and dangerous course in the Far East; that it is clear that the U.S. Navy acted as provocateurs and freebooters in an area they had no business being. But I thought we had a man of courage and forebearance in the White House, not a pawn of the Pentagon. In one rash moment he has hurt that image considerably.

I agree; we must stop this senseless war and turn our national capacity into something constructive for people everywhere. Good luck, Senator, and make the airways more often.

Sincerely,

R. E. SPENCER.

WILLINGBORO, N.J.,
August 6, 1964.

Senator WAYNE MORSE,
Senate Office Building.

DEAR SENATOR: This is just to congratuate you on your courageous stand against getting us involved in war in Asia.

May you long be in a position to fight for justice.

Respectfully yours,

CONRAD E. KRECKMANN.
ALICE N. KRECKMANN.

NEW YORK, N.Y.
August 6, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR MR. MORSE: Please continue your fight in trying to halt McNamara's war in Vietnam, and informing the public on the truth.

Thank you.

RUDOLPH VOGEL.

August 7, 1964.

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

MY DEAR SENATOR: Are we asking for chaos? are we in need of destruction? are we not human? Indeed, sir, it seems as though peace amid our world's leaders should be the top and foremost subject on anyone's agenda.

But really, among our leaders of this day, one wonders, and we should, there's so much at risk. But why, Senator, why have we so many knots that are united? Why so many stones unturned? Are we not very deep in Latin America; knee deep, in fact, also in the Congo, Middle East, Cyprus, Taiwan, and most important, it's waist deep in our own domestic entanglement?

Sir, are we lacking in general leadership, Our diplomatic corps, are they in capable hands, efficient in handling world affairs. Are we blind to possible outlets that could lead to a peaceful solution, or do we care?

Were we not a bit hasty in the Tonkin Gulf affair, responsive to a quick draw Were we in reason in comparative to our American way of thinking Surely the decisive order to assemble our great forces in such a small and inadequate area such as the Vietnam or much less the Saigon area, was indeed very amateurish. Especially we Americans with so much power forces, modern long-range fighters and bombers with great striking arms, updated radar equipment, plus echelons of armed elements, all concentrated in a limited and restricted area. This is, without doubt, very poorly supervised. Indeed, a similar sight was seen and commented by most of our allies, when we "packed 'em in," on the Florida Keys during the Cuban fiasco.

But sir, would world opinion alter our leader's thinking You know as well as anyone, that opinions of our allies as well as our adversaries is not as bipartisan as we would think. Surely we must heed advice from others, those that understand the other's problems.

But sir, at stake possible lies our future, and the investment of arms and hate in South Africa, Latin America, Asia, and even here in our own America, it must be a breadline, adequately supervised to deter world destruction.

Please sir, make your strong move; we cannot ignore the fact, even though we are not in agreement with the opposite way of life, we have the facilities which can produce what the other countries are in great need, we need the export of our machinery and byproducts, in order that we as well as our importers can work side by side, we need ties, we need leaders, so that this troublesome old world can and will survive.

Yours very truly,

ROSS CUTRERA,
Retired, U.S. Air Force.

ARLINGTON, VA.,
August 7, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Senate Office Building, Washington, D.C.

DEAR SENATOR MORSE: Thank you for your courage in shedding light on the situation with regard to North Vietnam.

Please continue to urge negotiations around the conference table for settling the present difficulties.

Gratefully yours,

KATHRYN I. COOPER.

AUGUST 5, 1964.

DEAR SENATOR MORSE: We saw you on TV. We all agree with you.

You are carrying on in the tradition of old Bob La Follette.

May you stand fast in your principles regardless of what men like that "Wizard of Ooze" DIRKSEN preach.

We have lived through three wars, each one getting worse.

Sincerely,

ROBERT G. BREHMER,
VIOLA BREHMER,
MRS. DONALD KLASSEN.

AUGUST 6, 1964.

DEAR SENATOR MORSE: I heard your reasons for urging the United States to settle Vietnam at a peace conference and I must say I would vote and follow your leadership as a President or in any other leadership capacity.

I trust your judgment, and it is sad how little people like us do not know or hear enough to understand these actions by our Government.

I was wounded twice in World War II and still do not know why a lot of things happened then and also now. I hope to hear you more as you always made sense to me.

Good luck.

Yours truly,

EDWARD J. PORZUCZEK.

P.S.—We need more people running this country like you. Where do we find them? And how do we put them in office? All the rest are afraid of their own shadow.

MRS. GLENNA PORZUCZEK.

CAPE GIRARDEAU, MO.,
August 6, 1964.

DEAR SENATOR MORSE: Your strong, clear, and courageous statement on the southeast Asia situation gave me immense gratitude as it came yesterday via the television broadcast. All along, I've shared and rejoiced because of your attitude on the issue of our Nation's policy and program there.

Truly yours,

BEN H. CLEAVER.

HORNBY ISLAND,
BRITISH COLUMBIA, CANADA,
August 6, 1964.

DEAR SENATOR MORSE: On this 20th anniversary of Hiroshima our thanks to you for your courageous and determined stand against further military involvement in Vietnam. You speak not only for the best in America but also for all of us who work for peace and understanding.

More power to your voice—I have written President Johnson urging him to listen to it—and to his own conscience, for humanity's sake.

Yours for peace.

MRS. SILES BROWN.

NEW YORK, N.Y.,
August 6, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I congratulate you for your courageous and outspoken stand with respect to South Vietnam. Your recent statements concerning the North Vietnam strikes are completely in accord with my feelings.

I deeply regret that I am denied the opportunity to vote for you. Your patriotism is a "shining light" in the troubled Republic.

Best wishes.

EUGENE CHARLOP.

BROOKLYN, N.Y.,
August 6, 1964.

Senator WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: Thank God, we have at least one sensible and sane voice in the U.S. Senate today.

I have always agreed with your thinking on our involvements in South Vietnam.

As a veteran of both World War II and the Korean conflict, I have seen the results of our aid in the Far East and the waste of life and money in that area.

Senator MORSE, please continue to plea your cause, you have more support than you can imagine. We have spent too much time and effort in the Far East and now we have fallen into the trap that has been built by the administration's stupidity over the past years.

Again, many thanks Senator.

Very truly yours,

FRANK I. O'BRIEN.

LOMBARD, ILL.,
August 5, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Though I do not always agree wholeheartedly with the stands you take, I want to say that I believe you have the correct opinion about our part in the war in Vietnam. You have taken a courageous stand.

What more can we do to keep our country from making the terrible error of continuing in the path of war?

Sincerely,

Mrs. Sarah J. Beall.

Silver Spring, Md.,
August 7, 1964.

Hon. Lyndon Baines Johnson,
President of the United States,
Washington, D.C.

Dear Mr. President: I know you did not take us into Vietnam. But get us out.

It should always have been a United Nations problem. It still should be. I have greatly admired United Nations restraint—in the Congo, in Cyprus.

The Democrats have already taken us into two World Wars.

Must the Democrats, again as in Korea, defer to the Republicans as peacemakers?

Unfortunately I may not be able to vote in the coming election—only one possible candidate, and he has great big feet of Vietnam clay.

I am guilty of having procrastinated far too long in writing this letter. Senator Wayne Morse and the 5,000 ministers share my guilt of procrastination. God give us peacemakers more militancy. While we siesta the warmongers bestir themselves. I'm afraid we may deserve what they beget.

Very sincerely,

F. E. Perkins.

(CC: Senator Morse.)

Pittsburgh, Pa.,
August 6, 1964.

Hon. Wayne Morse,
Senator from Oregon,
Washington, D.C.

Dear Senator Morse: Thank you very much for your vote on the congressional resolution on the President's recent action in Vietnam. Yours is a refreshing voice in the U.S. chamber of winds. Keep on fighting.

Sincerely yours,

John J. Tobin, Jr.

Indianapolis, Ind.,
August 5, 1964.

Dear Senator Morse: All I can say is, Thank God for Wayne Morse. Your position is positively right and sound. Keep up the good fight—history will vindicate your stand.

Sincerely,

An Enthusiastic Supporter.

Asheville, N.C.,
August 5, 1964.

Dear Senator Morse: Every citizen of the United States is indebted to you for your efforts to spare us the shame, the folly, and the peril of this country's armed intervention in southeast Asian affairs.

It strengthens my faith in our Government that you are there in the Senate.

With deep appreciation.

Sincerely,

Paula G. Hester.

P.S.—I am making an effort to get your message to others; am writing Senators Jordan and Ervin today.

This letter also to Senator Gruening.

P.G.H.

New York, N.Y.,
August 6, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator: Your position on Vietnam has my complete support and your courage in maintaining it has won my most sincere admiration. Yesterday I was present at a rally in memorial of the dropping of the atomic bomb on Hiroshima. The message you sent was read and very warmly received by the large crowd. You are not alone in this struggle.

I realize how easy it is to get popular support by playing the role of the strong man, but the strength you have demonstrated is of the highest sort. I know you will continue to exercise this strength and I will support you in any way possible. I plan to write your name in for President in the forthcoming election and if there is any other way in which I can be of aid (including campaign funds in the future) please let me know.

Sincerely,

Thomas M. Micklow.

Jersey City, N.J.,
August 6, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: We are indebted to you for the fine initiative, intellectual greatness, and extraordinary personal courage you are displaying in reacting to the crisis in southeast Asia. Your profound endeavor to preserve the integrity of this Nation and peace for the world deserves the enduring gratitude of all people.

The pressures for aggressive military postures dismay us, for we wonder why men, especially intelligent and responsible ones, are so very much prepared to ignore the terrible lessons so severely taught by the First and Second World Wars and the Korean conflict.

Please continue your present efforts, for they have historic significance and magnificent moral value. They may even succeed in constructively arousing many of those persons who fail to recognize the facts or are victimized by the wave of warlike talk.

Respectfully,

Mr. and Mrs. Jacob H. Jaffe.

August 7, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.:

Gee, you are wonderful.

E.D.

Syosset, Long Island, N.Y.,
August 7, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.:

God bless you.

Bernard L. Winter, D.D.S.

Washington, D.C.,
August 7, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.:

Heartfelt thanks to you from all peace-loving Americans for your courageous stand against aggression in Vietnam.

Ann S. Harris.

Santa Rosa, Calif.,
August 7, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: More power to you for your dauntless stand on the Vietnam situation. I am sure you have the accord of millions of your fellow citizens.

Sincerely,

(Mrs.) Leona D. Surryhone.

Washington, D.C.,
August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

Thank you for your stand on the Vietnam situation. It is encouraging to have one person state the truth.

Katherine Marior.

Longview, Wash.,
August 7, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Your Honor Senator Morse: I agree with you about South Vietnam. Most people I speak with also agree with you. There will be no war if we stay at home and allow each nation to vote as it chooses, not as we choose. I believe in defense, not aggression.

Let's use the United Nations.

Respectfully,

Ione Raemer.

Kenosha, Wis.,
August 7, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: What, if any, is the limit of a Nation's paranoia? Six thousand miles from home, our Navy "defends" itself against the "aggression" of the people it is operating against. It's as though we had committed "aggression" in depth-bombing Nazi U-boats off the Carolinas in 1941.

God be with you in your lonely fight for sanity in the senatorial snakepit. If you have any data you believe would be of value against the current flood of war propaganda, I'll be happy to try to place it in the local papers.

Sincerely,

C. D. Meyer.

Albany, N.Y.,
August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Sir: Again, all thoughtful and unbiased citizens of the U.S.A. gratefully acknowledge your courageous stand in regard to Laos, Vietnam, etc. The French rode the gravy train over there for decades and got out after 7½ years of warfare, we failed to extend help then, so your insistence of the United Nations' for a peaceful settlement is, or should be the only answer. Let's get the hell out of Vietnam.

J. J. Cebula.

Evanston, Ill.,
August 6, 1964.

Senator Wayne Morse: May I express my appreciation and agreement with your courageous and realistic statements on U.S. foreign policy, especially on the current situation in Vietnam.

T. F. Richardson.

Bay City Mich.,
August 6, 1964.

Dear Sir:I wish to congratulate you Sir, in regards to your statement and views on the U.S. bombings in Vietnam.

It has been said "America is losing its prestige," yet how can we be proud of the many things we know are being done is "wrong," abroad as well as here at home.

Others, as well as I, admire you greatly, after seeing and hearing you on TV. I would be proud to shake your hand. Wish you were running for President.

Mrs. R. N. MacDonald.

Bloomington, Ind.,
August 6, 1964.

I wish to commend you for your position on the Vietnam Crisis . A diplomatic settlement through the UN or the Geneva Conference would be a better solution than war.

Mrs. Mark C. Mills.

Canton, Ohio,
August 6, 1964.

Dear Sir: Watch out for Russia. Russia would just love to get the United States and China into a war, then after 3 or 4 years, Russia would step in and take over.

Be sure and keep an eye on Russia, they are the people that would like to take over the world.

We love our Nation, these United States, don't let Russia suck us into anything.

Lot's of good luck, from a man that thinks you, Mr. MORSE are tops.

JOHN R. WILSON.

FORT COLLINS, COLO.,
August 5, 1964.

DEAR SENATOR MORSE: Yours is the refreshing voice of reasoned and intelligent dissent in these recent days and events in southeast Asia and I hope that you will not cease to raise the questions you have raised, express the ideas you have expressed, and continue to offer alternative courses of action and approaches to the situation, including the use of the United Nations.

CHESTER F. MCQUEARY.

MINNEAPOLIS, MINN.,
August 6, 1964.

DEAR SENATOR MORSE: I applaud your stand on our position in southeast Asia, particularly Vietnam. We have nothing to gain there but more trouble and financial and military problems. I have written the President and my Senators about this. I hope that you will continue to express your views on these matters as there are many Americans who agree with you.

Sincerely,

FRED WEZEMAN.

LOS ANGELES, CALIF.,
August 6, 1964.

DEAR SENATOR MORSE: One of the only things that keeps me from going into a complete state of depression about the events in southeast Asia is your clear voice ringing a note of sanity throughout the land. In these awful times of managed news and shoot first, ask questions later, it's a relief to know that there's at least one person in Washington acting as guardian of my human, maternal interests.

Sincerely,

MRS. ETHEL LAKE.

CHICAGO, ILL.,
August 6, 1964.

DEAR SENATOR MORSE: You are about the only person in Washington that we can appeal to for help in peaceably solving the conflict in South Vietnam. Please continue trying to get our Government to stop interfering with faraway places where we are not even wanted.

Sincerely,

MRS. KOENIG.

WASHINGTON, D.C.,
August 7, 1964.

DEAR SENATOR MORSE: Praise God that you have the intelligence and morals and courage to stand up in that legislative body and speak up for truth and decency in our foreign activities, and may He bless you most richly.

I am not a Communist. I am opposed to the wrongdoings of Communist countries, and for exactly the same reasons I do not approve of wrongs committed by my beloved United States of America.

While accusing the Communists of attempting to start a war to keep our wealthy industrialists fat on war orders, we not only refuse to negotiate in good faith for peace, but engage in provocative acts when things begin to get quiet.

Anyone who doubts that Whizz-Bang Johnson did not arrange this latest outrage to boost his political stock and get the Republicans off his neck is unsophisticated indeed.

Sincerely,

RALPH D. BROWN.

MADISON, WIS.,
August 6, 1964.

U.S. Senator WAYNE MORSE.

DEAR SIR: Many of our Madison friends want you to know we are very pleased that you have sense enough to stand as you do against the U.S. attack on South and/or North Vietnam. It seems to me that as a peaceful Nation we are way out of line. I also want to thank you and all others, who passed the recent civil rights bill. I have suffered racial prejudice all of my life. I would like to think that maybe my two grandchildren may have equal opportunity for housing, education, jobs, and the good life the United States offers to all.

Thank you.

MRS. STANLEY SHIVERS.

LITTLE NECK, N.Y.,
August 6, 1964.

HONORABLE SIR: I say: Get U.S. ships out of the Gulf of Tonkin.

Get U.S. troops out of South Vietnam.

Respectfully yours,

J. J. STERNBACH.

ROCKVILLE, MD.,
August 6, 1964.

When executive control, White House control, of the Senate has reached a point where there is almost unanimous approval of moving in on French Indochina as a symbol of U.S. freedom from the obligation to observe international agreements which we have signed, this Nation has demonstrated not its ability to lead but its insanity.

MARGARET BUTCHER.

HAMPTON, CONN.,
August 8, 1964.

DEAR SENATOR MORSE: Even before reading your article in the last Progressive, I was in agreement with your stand on our presence in South Vietnam. To me, you and Senator GRUENING are right. I have a son working in Laos for IVS and have been in southeast Asia within the year. I know something of the problems we face out there.

Now, Senator DODD, my Senator, has the opposite point of view from yours. He demands that we carry the war to North Vietnam. I believe he is sincere in thinking this to be the proper course for the United States, but I also believe he is dead wrong. We shouldn't be in southeast Asia at all. What can I, an ordinary voter, do to help get us out of a mess that promises to become another Korea (or worse), and to which there is no end in sight? Has the thing gone so far that we are powerless to do anything but watch the interplay of events over which we have a good deal less than complete control?

I will appreciate any suggestions you can give me and am willing to do some work if there is any chance of changing the frightening course we are now committed to.

Sincerely yours,

LEONARD F. HOLMES.

MILWAUKEE, WIS.

Senator WAYNE MORSE.

DEAR SENATOR: Thank God we have at least one man in the U.S. Senate with guts enough to stand up against the war hawks (shades of La Follette).

I think it was a put-up job from beginning to—What?

South Vietnam said last week we were going to attack the North Vietnamese so a reason had to be arranged. After all, we are the good guys and wouldn't dare stand before the world as the armed aggressors.

But I say that is exactly what we are and our tactics have been exactly the same as the Germans and Italians in Spain and the Japs in China.

Johnson acts like a patsy for the deal Dulles and old Ike set up and Kennedy furthered.

If communism disappeared from the earth, we'd find some reason to further employment and keep this Nation from going into a tailspin.

What would the little brass hats do with all their dear little missiles if they can't bomb hell out of the world?

I'm afraid they have jumped into a red hot pan and it could burn us more than some of the others.

I hope others show forbearance, as they have so far.

Nostradamus said "the Eagle of the West will stand before the world without one friend." Are we there right now? Thanks for you anyway. Hope there are more in this Nation.

MRS. GLADYS LITTLEFIELD.

COOPERATIVE COMMUNITY
BUILDERS, INC.,
St. Petersburg, Fla., August 7, 1964.

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: I want to thank you and congratulate you for your courageous, wise, and statesmanlike stand on the Vietnam situation.

I thought that you would like to have the enclosed report.

Success and more power to you.

Sincerely,

J. R. COTTON.

NEW YORK, N.Y.,
August 6, 1964.

DEAR SENATOR MORSE: Bravo. Bless you for voting against U.S. involvement in Vietnam as you stated not one American boy's life is worth losing.

There are no Russian or Chinese soldiers in South Vietnam, only American soldiers.

One million dollars a day down the drain, for war 10,000 miles away from home.

U.S. fleet has been protecting Formosa and Chiang Kai-shek for a long time. Why?

Best wishes.

Respectfully,

M. MILLER.

EAST NORWICH, N.Y.,
August 8, 1984.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I support your courageous stand on the resolution. By your one lone voice you are keeping a semblance of free inquiry and healthy criticism of our Government's actions. I for one am skeptical of our Government's pronouncements. I would like to know more. When my Government is trigger happy in defending two "democratically elected South Vietnam regimes" like the Diem and Khanh governments as representative of the free world, I say "let's take a look."

Yours truly,

H. SARAVAY.

CHICAGO, ILL.,
August 7, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wanted to congratulate you for your courageous and sensible stand on the deteriorating situation in southeast Asia. Unfortunately, your remarks got little press attention, but this is symptomatic of the same malady that grips Congress—with yourself and one or two others, at great personal political risk, struggling against the mounting pressures toward war.

Please continue your efforts for peace and reason. There are so few clear and sensible voices around, it is frightening. The country owes you its thanks, but I am afraid you will get its wrath.

Thank you again.

Respectfully,

Bernard A. Katz.

Evanston, Ill.,
August 6, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Congratulations on your stand on Vietnam. It is just too bad that we do not have more men in your position with this opinion. Peace cannot be obtained through military force, but by sitting down at the conference table and negotiating our difficulties.

Keep up your good work. You do not stand alone.

Yours very truly,

Henry Adamowicz.

Palo Alto, Calif.,
August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I wish to thank you for taking your brave and lonely stand on the Senate floor in opposing McNamara's policy of carrying the war to the North in Vietnam.

I think that it is especially valuable that you again remind everyone that we are in Vietnam to impose by force, a government of our choosing. This is something that is not often mentioned in the press.

I am sorry only that I do not live in Oregon, so I could show my appreciation directly at election time.

Yours sincerely,

Russell Targ.

Jackson Heights, N.Y.,
August 7, 1964.

Hon. Wayne Morse,
Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: It gives me pleasure to congratulate you as Senator con amore. Only you and Senator Gruening had the guts to say what you believe.

We are at war.

At this writing, the de facto policy of Washington has become "the worst until the next." Congress and the administration are getting out on a limb—farther and farther—until there is no retreat but ignominy.

Chinese have been scratching and struggling to move into the 20th century ever since they molted and shed their pigtails, inspired by Sun Yat Sen—I am not sure of the spelling, and am too lazy to look it up. Meanwhile, beheld as an idol, we harassed them and their aspirations, losing a friend and acquiring an enemy.

State has been ignoring a revolution underway for at least a half century. Why ignore it?

Respectfully yours,

Walter Hanley.

St. Paul, Minn.,
August 6, 1964.

Dear Senator Morse: I have not ventured to write to you before, but I have kept your March 4, 1964 statement on our involvement in South Vietnam in mind, and have the deepest appreciation of your position, and have spoken out on my agreement with it, and have found much agreement from others.

When this present crisis flared up and threatened further involvement I sort of held my breath waiting for what Senator Morse would say, since I have not changed my position but it becomes a rather more difficult one to hold. And when your brief remarks came over TV I was not disappointed but greatly heartened, and I have written to the President and my own Senators saying there can be no military solution to peace in Vietnam and asking for disengagement; and full debate in the U.N. General Assembly.

Do you have excerpts from your speeches on this matter in the Senate, that you could send me? I would like to have them to show others.

What do you think should be done now to get that critical situation cooled off, and avert the culmination of the tragic threat to world peace? Do you have a suggestion for action? I would like to say, "get out—we shouldn't have been there," but that advice isn't going to be heeded right now, so what should one say and do to defend the peace?

Yours truly, with appreciation,

Rose Renaud.

Senator Wayne Morse.

Respected Sir: I pray God your sane reasoning may save us from another miserable war. At 68 years of age this would be the fourth. Korea was a war.

On the radio today I heard an English general give a most enlightening laugh when he said, his country had troops in so and so, the United States had advisers.

To tell our dull people that we were party to splitting up these countries. The part we do not control becomes Reds.

Tell them had we been victims of such a happenstance, New York East would be good fine folk we controlled, New York West would become "Red." Uncle John's family would become enemy to Uncle Bill's family even though they had loved each other deeply. You cannot imagine how many people do not know this. The white collar man is the most lost. He has his two cars, two mortgages, two side neighbors, his little cage of quiet desperation. I worry for my poor grandchildren.

Sincerely,

Mrs. Grace McCloskey Reinhart.

Beverly Hills, Calif.,
August 6, 1964.

Dear Senator Morse: I wish to congratulate you on your courageous stand on the Vietnam situation. Yours is a welcome voice of reason, and your recommendations are intelligent and show much more understanding of the situation than our leaders have thus far demonstrated.

I only wish you had more people in this administration on your side, although maybe you do, but they are not as brave as you and therefore do not speak out.

By your actions in speaking out, you have given real meaning to the concept of freedom of speech, and I fervently hope you will continue to be outspoken and will not be silenced on this or any other issue. Thank you.

Very truly yours,

Mrs. Leila Brownfield.

Marysville, Kans.,
August 5, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: We agree with your opinion regarding the recent crisis with North Vietnam.

Sincerely,

Mr. and Mrs. Calvin J. King.

Agre Music Center,
Anchorage, Alaska, August 6, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: This is to let you know that I think your stand on Vietnam is absolutely correct.

I also want to thank you for your many years of service in behalf of reason and decency.

Yours truly,

Albert Agre.

Swarthmore, Pa.,
August 7, 1964.

Dear Senator Morse: Congratulations on your continued stand against the war in Vietnam. Keep up the good work.

Enclosed is a copy of a petition to President Johnson which you may be interested in. It appeared in the Philadelphia Evening Bulletin on August 6.

Sincerely,

Mrs. Esther Rosenberg.

An Open Letter to President Johnson on the War in Vietnam

WE ARE ENGAGED IN A HOPELESS STRUGGLE IN SOUTH VIETNAM

Americans are dying while serving as "military advisers" to a U.S. financed and reluctant South Vietnamese Army. We are sending our sons to die to prop up a succession of governments unsupported by their own people.

We cannot win this war no matter how many men we send or how much money we spend. If we expand it we run the risk of blowing it up into a nuclear war.

LET US LEARN FROM HISTORY

During 9 years of warfare in Vietnam the French suffered 240,000 casualties. Despite billions of dollars in U.S. aid, the French surrendered at Dien Bien Phu with a half-million troops still under their command.

THE SOUTHEAST ASIAN PROBLEM CALLS FOR A POLITICAL SOLUTION—NOT GUNS AND BOMBS

The confrontation of the parties involved should be around a conference table, not in jungle undergrowth or in muddy fields.

THERE IS A UNITED NATIONS AND A GENEVA CONFERENCE IN WHOSE JURISDICTION THIS BELONGS

"There has never been any other way out of the dead-end street in southeast Asia except to make a political settlement, to construct international machinery, and to exert what influence we can by underwriting them." (Walter Lippmann, May 28, 1964.)

(If you agree with the above statement please add your name and mail to President Lyndon B. Johnson, White House, Washington, D.C.)

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August 5, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Although I am a California resident, I wanted to write to you and express my support for and my approval of your position on the situation in Vietnam.

I too wish we would start negotiations on this situation, rather than continue to use military force as the only answer to the problem.

I think that realistically, the most pragmatic solution is ultimate and genuine neutralization of all of Vietnam, Laos, and Cambodia. Chinese domination over Indochina, although a danger, is not inevitable, but it is made more certain by the intransigence of current American policy.

Therefore, I shall continue to applaud your forthright stand against our present Vietnam policy.

Sincerely yours,
Mrs. Ruth E. Terrill.
Redwood City, Calif.

New York, N.Y.,
August 6, 1964.

Senator Morse: I wish to express my appreciation and approval of the stand you have made against the resolution endorsing the American attack against the democratic Republic of Vietnam. Your firm stand at this time of irrationality and emotion required the highest personal courage and conviction, as have all your previous statements against the American presence in southeast Asia and particularly the cruel inhumane folly of McNamara's war in South Vietnam.

I urge you on behalf of those of us who believe as you do, and particularly those like me who are too young to vote, to continue to take a stand on the side of reason against the empty platitudes backed by senseless military force that has passed for our southeast Asian policy. You have been in the past, and are now, a personal inspiration to me, giving me new faith in our system of government and my own possibilities for a political career, fighting for the ideals that you so ably represent in Congress today.

With deepest respect.

Sincerely,
Martin Goldstein.

Bryn Mawr College,
Department of Economics,
Bryn Mawr, Pa., August 7, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Let me express my appreciation and thanks, as a citizen, for your stand on the recent U.S. raids against North Vietnam. The New York Times has long reported that South Vietnam has been raiding the North Vietnam coast. Under these circumstances, the very appearance of U.S. Navy ships in the Tonkin Bay waters is a rather provocative act. My own feeling is that the U.S. military, the Khanh government, and Messrs. Bundy and Rostow are trying to force the hand of President Johnson, who still may not have a firm grip on foreign affairs. The sooner he replaces Kennedy's men with his own, the better off we shall all be.

Richard B. Du Boff.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Please accept our heartfelt gratitude for your courageous stand on Vietnam. Be assured you do not stand alone, and you have the support of the multitude of sane, levelheaded persons, who really care about the future of this world.

Sincerely,
Edith Heller.

Spencer, N.Y.,
August 6, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Morse: Through all these months I have intended to write to you and tell you how much I have admired your stand on Vietnam. Now I admire you more than ever because everybody else is jumping on the bandwagon and saying we have to "defend" ourselves against a puny little peanut of a country.

The unnecessary massacre in South Vietnam has sickened me and it is obvious that the latest steps are sneaking us into a world war.

Personally a war cannot affect me too much—our son has put in his military service and reserve duty, but I ask you in the name of the other American mothers whose sons will have to go, so keep up your good fight as a "voice in the wilderness."

Yours truly,
Lila K. Larson.

August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: In the Progressive of August 1964 I find a cogent critique by Senator Morse of our policy in Vietnam, while the American press seems to be giving Senator Morse the silent treatment. Can't the Times exercise its undisputed leadership by provoking a great debate on Vietnam that would let more readers than the Progressive can reach hear Senator Morse's case against our present policy? Or must we first make a cliche of the statement that Vietnam is a political problem and not basically a military one, and then act on the contrary assumption? I should think we would do better either to get a new policy or to get a new cliche.

Sincerely yours,
Stringfellow Barr.
Princeton, N.J.

Lexington, Va.,
August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to express my great admiration for your "no" vote in yesterday's Senate Foreign Relations and Armed Services Committees' resolution to support whatever measures the administration judges necessary in Vietnam.

Such a resolution removes the formulation of national policy from representative influence, and thus, by giving the executive branch monarchial powers to define the national interest, destroys even the form of democracy.

Even more important, however, is the way in which the public has been deliberately deceived as to the nature of the Vietnam war. This is inexcusable on the part of anyone with some feeling for the possibilities of democratic government. Wrong conceptions can lead only to wrong actions.

In your lone dissent from the official litany of our righteousness, I see the single instance of that respect for truth which is so needed in these angry, impetuous times.

Respectfully yours,
George A. Lear, Jr.

Dear Senator Morse: Just a greeting and to tell you how good it feels to have a sane voice in these unrealistic politics of ours.

Gratefully yours,
Johanna Lotte Jacobi Reiss.
Deering, N.H., *August 6, 1964.*

Berea, Ohio, *August 6, 1964.*

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Both as a citizen and a minister I am deeply concerned with the keeping of peace in our world. Although I have only once before written to a U.S. Senator, many years ago, I felt a strong guidance to write you in support of your stand in the face of taking a position public polls may not register popular.

I commend your courage, integrity, and forthright opposition to congressional sanction of presidential power to involve us in a senseless and unnecessary war. You are one of the few truly liberal independent thinkers left among Members of Congress today. The rule of conformity on controversial issues seems to prevail and few leaders are willing to demonstrate individual integrity if it may affect their rating with the prevailing tide of opinion.

I urge you to continue as an outspoken voice of conscience. "One with God is a majority," no less than one with right cannot be silenced. And I believe the public will get "second thoughts" and the witness you bear with others will strengthen now quiet voices to raise their testimony with you for sanity and prudence.

Respectfully yours,

NORMAN V. OLSSON.

FRESNO, CALIF.,
August 6, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR MR. MORSE: This is Hiroshima Day and God forbid that there should ever be another anywhere. We ought still to be asking God's forgiveness.

Thanks very much for your opposition to our folly in Vietnam. I feel that the other nations of the world, Communists and friends alike think we are stupid. And they are right. Our problems of poverty and unemployment could use this money in a more constructive way.

I sincerely hope that the Democrat convention will not be pressured into adopting a far right position on account of GOLDWATER'S bomb-rattling crackpots.

He does not represent the peace-loving grassroots people and they will repudiate them in November.

Sincerely,

H. C. NOCE.

WASHINGTON, D.C.,
August 6, 1964.

DEAR SENATOR MORSE: This is to express my sincere gratitude to you for your opposition to our military force and interference in Vietnam.

Please urge multilateral negotiations in southeast Asia and let us give technical and economic assistance without compensation.

Sincerely,

AVIS FLEISCHER.

AUGUST 6, 1964.

DEAR SENATOR MORSE: I would like to express my approval of your views on our policy on Vietnam and on your decision to vote against approving President Johnson's orders on Tonkin.

Sincerely yours,

HOWARD RICKERT.

WILLIAMSVILLE, N.Y.,
August 6, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: You are the conscience of America. It is sad to find you alone among the holders of high places. Jesus was alone too—and, initially, all like him. Now even the criminals in high places have to invoke his name in vain. His crucifiers are remembered (as what they were) only because of him they crucified. If I cannot turn the other cheek, I do say palms off the other man's cheek, and keep the napalm off the bodies of Vietnamese children.

We have come to the reenactment of the approaching end of the Third Reich, Gomorrah and the reign of Nero, though it will not be tomorrow. You will stand out brighter as the flames rise.

I stand behind my words as you do.

Respectfully yours,

GEORGE W. PROVOST.

PHILADELPHIA, PA.,
August 7, 1964.

Hon. WAYNE L. MORSE,
U.S. Senator,
Washington, D.C.:

I wish to express my admiration and support for your efforts to avert a new catastrophe in this generation.

I have two sons and hope that they will be spared the fate of other millions who were denied life in two World Wars which brought neither peace nor freedom in our world.

You are one of the few who today have a clear vision of the need for understanding and love.

Yours truly,

JOHN DESIDERIO.

Coffeyville, Kans.,
August 4, 1964.

Hon. WAYNE MORSE,
U.S. Senator from Oregon,
Washington, D.C.

DEAR SENATOR: I compliment you on your recent comments on TV concerning the action of the United States in the recent bombing of North Vietnam, and on our disregard of treaties and agreements with other nations in the past, etc.

I think the U.S. affairs are too much dominated by the military mind in league with the industrialists. H. G. Wells, in his "Outline of History," said of the military in part as follows: "No person of high intellectual qualifications would imprison his talents in such a calling."

I think Eric Fromm has painted a very good picture of the United States of America when he said: "That paranoid thinking is the hostile and destructive person (nation) who accuses everybody else of being hostile and pictures himself as being innocent and victimized; those whose thought barriers built upon cliches, ritualistic ideologies and a good deal of common craziness that prevent people—leaders and the led—from seeing sanely and realistically what the facts are, from separating the facts from the fiction and as a consequence, from recognizing alternative solutions to violence."

I think we are an immature people who are obsessed with a messianic complex that leads us to believe we are the chosen people—by some mystic power—to lead the rest of the world into the land of milk and honey. We have created a false image of ourselves and are trying to impose this false image on the rest of the world not realizing that the rest of the world and no part of it sees us as we see ourselves looking through our Alice in Wonderland looking glass of messianic and narcissus complexes of wishful thinking and self-deception.

It is unfortunate for this country that it does not have more men of intelligence and courage to tell the truth about the United States as you have done.

Sincerely,

A. A. BAKER.

DULUTH, MINN.,
August 5, 1964.

Senator WAYNE MORSE,
State Capitol Building,
Washington, D.C.

DEAR SENATOR: Thank you for speaking for me during the discussion on the resolution backing the action of the President. We do well in appraising anew our aims and means of obtaining them in the Vietnamese situation as you so ably do for us in the article "Humpty Dumpty in Vietnam" in the Progressive magazine. Prestige and dignity may be enhanced by the returned slap but the basis for correction of the difficulty and a change of direction comes much more effectively from the conference table agonizing as that method may be, it does indeed seem to me.

Sincerely,

Mrs. ADELE HIGH.

VINELAND, N.J.,
August 6, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

SIR: Thank you for your lone voice of sanity.

Respectfully,

ERIC P. GUMPERZ.

LOS ANGELES, CALIF.,
August 6, 1964.

Hon. WAYNE MORSE,
U.S. Senate.

DEAR SENATOR MORSE: Your views concerning the war in Vietnam were reported in today's Los Angeles Times. Enclosed is the clipping.

At intervals throughout this busy day, I have thought about your opinion, and I remarked to our son (a premedical student at USC in September) that I intended to write the Senator and cheer him on.

His comment was, "What good will it do? No one can reach the people who clamor for war in this instance." I think it is important to keep on trying. If enough of us write to you, your mail deliveries should indicate public interest.

In applause of the course you follow, here is an old Gaelic blessing:

"May the roads rise with you,
And the wind be always at your back;
And may the Lord hold you in the hollow
of His hand."

Sincerely,

Mrs. EDWARD B. MCMONIGLE.

MORSE INSISTS UNITED STATES PROVOKED VIET SITUATION

WASHINGTON.—Senator WAYNE MORSE, Democrat, of Oregon, Wednesday assailed the United States as a "provocateur" in South Vietnam and said he will not support a "predated declaration of war" in Asia.

MORSE, a consistent critic of U.S. maintenance of troops in South Vietnam, voiced his opposition as the Senate's leadership mapped plans to push through a resolution today backing President Johnson in whatever steps are necessary to preserve peace and freedom in southeast Asia.

He charged, in a Senate speech, that the incidents which inspired the resolution—on which the Senate Foreign Relations and Armed Services Committees will meet at 9 a.m. today—"is as much the doing of the United States as it is the doing of North Vietnam."

OVERWHELMING BACKING

The resolution, expected to have overwhelming bipartisan backing, grew out of two attacks by PT boats on U.S. destroyers in the Gulf of Tonkin. It is expected to be introduced in the Senate today.

MORSE charged that a forerunner to the attacks on the U.S. destroyers was a known bombardment by South Vietnamese naval vessels of "two North Vietnamese islands within 3 to 5 or 6 miles of the main coast of North Vietnam."

He said the "clear implication" of that incident is that the U.S. Navy stood guard while vessels of South Vietnam shelled North Vietnam.

SEES MUCH TO LOSE

MORSE declared that the United States has much to lose and little to gain by continuing its "unilateral military action in southeast Asia, unsanctioned by the United Nations, and unaccompanied by allies" and should "strike a blow for peace" at the conference table.

"I shall not support any substitute which takes the form of a predated declaration of war," he declared.

"For 10 years, the role of the United States in South Vietnam has been that of a provocateur, every bit as much as North Vietnam has been a provocateur," MORSE said.

He said "we have been making covert war in southeast Asia for some time, instead of seeking to keep the peace by taking the issues to the United Nations or some other international body."

"It was inevitable and inexorable that sooner or later we would have to engage in overt acts of war in pursuance of that policy and we are now doing so," he added.

He said that whether the choice of expanding the war is that of North Vietnam or South Vietnam "is still in doubt." But he said he is satisfied the (Premier Nguyen) Khanh government in South Vietnam could not long continue its civil war "unless the war were expanded," and that the United States is a "full partner" of that government.

"When the high emotionalism of the present crisis has passed," Morse said, historians will disclose that for some time past "there have been violations of the North Vietnamese border and the Cambodian border by South Vietnam."

"I am also satisfied that they will disclose that the United States was not an innocent bystander," he said. He said U.S. troops were sent into South Vietnam in violation of the 1954 Geneva accords.

Morse referred to news reports of rumors in Saigon Tuesday of a coup against the Khanh regime, "rumors which are said to have been quelled by the expansion of the fighting."

He said that U.S. charges of aggression against North Vietnam will be greeted "by considerable snickering abroad."

"So, too, will the pious phrases of the resolution about defending freedom in South Vietnam," he said, and added:

"There is no freedom in South Vietnam. I think even the American people know that to say we are defending freedom in South Vietnam is a travesty upon the word. We are defending General Khanh from being overthrown, that is all."

Hollywood, Calif.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am not normally a letter writer but I am compelled to write to you today to congratulate you on the courage with which you have responded to the unfortunate situation in southeast Asia.

Frankly, I await further disclosure of the facts before reaching final conclusions on the propriety of the actions which our country has taken in this area. Nevertheless, the courage of your response and the forthrightness with which you focused the attention of the public on the real issues involved here will, I hope, serve as a model and a vision for legislators for generations to come.

I am particularly cognizant of the risks which any legislator takes in speaking his mind when it appears to be against the apparent national view as reflected in the public press. I have intended to write you many times because you have in the past been the lone voice trying to indicate that the simple counting of noses of support does not always reflect the location of the truth.

I am hopeful that you will not be deterred from bringing to the public the truth as you see it.

Again my congratulations. If one can ever be of help to you although not living in Oregon, please feel free to call upon me.

Very truly yours,
Edward Mosk.

Carmel, Calif.,
August 7, 1964.

Hon. Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We strongly support your stand on southeast Asia and hope that you will not vote for the declaration approving the U.S. bombing of North Vietnam. It seems to us that any such drastic military action should require prior approval of Congress.

Sincerely yours,
Tom Goodman.
Maizie Goodman.

Washington, D.C.,
August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: The 8 a.m., CBS radio news report, this "mourn" made reference to your Senate fight to have the U.S. military disengaged from "aid" or action in South Vietnam.

I would like to echo one phase that commentator used in the report. It went something like "you have the public opinion of the American people behind you."

Thank you for continuing to uphold that law which is still the U.S. Constitution. * * * However much the executive departments of the Federal Government may find rationale for self-exemption, to observe the Constitution; in the breech. Looking to the day when "breechmanship" makes a fast retreat, with brinkmanship. * * * Two twins be happily missed.

Sincerely,
J. Godfrey.

Los Angeles, Calif., *August 6, 1964.*

Hon. Wayne Morse,
Washington, D.C.

Dear Sir: I would like to thank you for standing up and speaking the truth about we the United States are the provocateur. We have exactly no business in Vietnam.

It makes me feel good to have at least one Senator that has my interest at heart. I wish I were able to do more than just write you a note. Please keep up your most appreciated work.

Sincerely yours,
W. A. Cunningham.

Fairlawn, N.J., *August 6, 1964.*

Dear Senator: Thank you for having made one of the few intelligent remarks concerning our foreign policy in the past few days.

If only there were more like you we might conceivably avoid a larger war.

Gratefully yours,
Mrs. Jordon Kart.

Takoma Park, Md.

Dear Mr. Morse: Stick with it. You are not the only honest and decent man in the Senate, but you and Mr. Gruening appear to be the only ones who also have some guts. From the point of view of personal advantage your stand will probably work against you, but I think history will vindicate you, and you are old enough not to give a damn about personal advancement.

The present U.S. imitation of the Nazi policies of 1936 may progress from murder to world extermination, but, God help us. Let's hope there will be some opposition. Right now, you're it.

Please don't waste time on a reply.

Sincerely,
C. D. Firestone.

Philadelphia, Pa.,
August 7, 1964.

Senator Wayne Morse,
The U.S. Senate,
Washington, D.C.

Dear Senator: Thank you for the courage and commonsense you displayed in voting against the enactment-of-war measure which was presented to Congress yesterday. At least someone in Washington is willing to risk a few votes rather than see our American servicemen risk their lives for a cause as selfish and absurd as that of General Khanh's.

I am in complete sympathy with the peasantry of Vietnam who are struggling to save their land from falling into the hands of the native aristocracy. After all, this battle is just one thing: The rich against the poor. And our American boys are forced to risk their lives for a dictator who does not and never will have the support of his own people. Why don't we help Castro? At least he has the popular support of the Cuban people.

What is happening in this country? Has American propaganda reached a point where all one must say is that he is not a Communist and, irregardless of what he is—be it Nazi, Fascist, warmonger, or whatnot—we accept him and like him?

President Kennedy knew the score, and so do you. Just about 2 weeks before that great American was murdered I recall him saying: "The rich have to help the poor. We cannot survive an atomic war, and if the widening gap between the rich and the poor is not closed, we face that result." Let's tell this to Khanh and his aristocratic followers. The time has come to spread the dough.

It is indeed satisfying to know that someone like you is in Washington.

Sincerely yours,
Eloise B. Bondrowsky.

P.S.—Ambassador Stevenson babbles nonsense.

August 6, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: You are to be commended for your courage in refusing to support the all-out war drive in this country. I wish you were President at this crucial time. It was with a very heavy heart that we heard the President's speech and then to think that he had to notify that great American, Senator Goldwater, who very quickly gave his approval, is very frightening. You may be a lone voice with courage and integrity but please remember that there are fellow Americans who support your stand but just don't have too much hope in their hearts because the propaganda leans in the direction of the might of the industrial-military complex which is very big business in our country. Bless you for this great act of honor.

Very truly yours,
Mr. and Mrs. Albert Watkins
and Family.

Concord, Calif.,
August 5, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: My wife and I would like to express our admiration for your courageous and lonely stand against the dangerous and provocative presence of U.S. military "advisors" and naval forces in southeast Asia. Please keep up your fight. Someday our fellow Americans must come to realize the injustice of much our country does in the name of foreign aid.

Our California residence precludes our having the honor of voting for you.

With great respect.
Raymond Gilbert.
Luanne S. Gilbert.

Wyoming, Minn.,
August 6, 1964.

U.S. Senator Wayne Morse, of Oregon.

Dear Sir: More power to your way of presenting the "Vietnam" policy we should adopt.

We're too nearsighted in our meddling in everybody's business and passions—in the name of democracy. Back to Washington's ideal. We've parted from it for over 50 years.

Besides if your stated premises are right, we got into Vietnam in the wrong way, in the first place.

We rejoice in men like you.

Sincerely yours,
Rev. Arnold Schulz,
Pastor, St. Paul's Lutheran Church.

Flushing, N.Y.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: My family and I, long admirers of yours, have been heartened by your courageous stand on the Vietnamese war. We are alarmed and deeply troubled by the most recent U.S. actions in Indochina, and have sent letters to President Johnson and to Senators Javits and Keating, to this effect. We have urged them to oppose any declaration of war by "resolution," and to use their offices to bring about a truce in the war, under United Nations auspices.

It is unfortunate for our country that we do not have many more spokesmen of your insight and integrity.

Respectfully yours,
Mrs. Blossom Backal.

St. Louis, Mo.,
August 5, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: Events in Vietnam indicate that you were right in saying that we should have handled this through the U.N. Now we are in a mess which might get worse. The hard-nosed attitude of the Republican candidate no doubt encourages President Johnson to take a stronger line than he might otherwise do.

I hope that the more moderate influences in our National Government such as yourself may be able to do something to prevent hostilities from becoming too widespread. It seems to me that by these constant so-called "brush wars" we are spending a great deal of wealth and energy which is sapping our vitality as a Nation without accomplishing much, but the answer is not to practice brinkmanship as advocated by Goldwater. One more war would about finish us off and perhaps everybody else along with us.

We are trying to maintain something which we cannot maintain, as General De Gaulle has pointed out. We cannot maintain a political climate all over the world just the way we want it because other nations have something to say about their own affairs and we cannot afford to police the world by military force. It will bust us economically just as it has always busted everybody who ever tried it.

Francis Hellwig.

New York, N.Y.,
August 5, 1964.

President L. B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: These are horrible, incredible days for U.S. citizens, and one of their most curious aspects is the feeling that I daresay most of us have that there is nothing, nothing we can do as individuals, that our Government is no longer responsive to public pressure except insofar as it is gaged by newspaper headlines or some guessed-at TV response. So it is with a feeling of a Kafka character who goes about with a petition but can never find anyone to read it, that I address this letter to you.

It is carefully explained in this morning's Times that you submitted details of your last night's TV address to Senator Goldwater in advance to gain his approval. And it is carefully explained that your TV appearance was delayed several hours after reporters had been alerted, so that you could get word the attacks on the PT boats "and related facilities" had been carried out.

To me this appears a most cynical way to conduct a presidential campaign. The decent people in this country are sick and frightened over the mere nomination of Goldwater. But for you, the only alternative they have, to interpret the mood of the American masses in the summer of 1964 as wanting a Democratic candidate who moves further to the right, tries to rival Goldwater in bellicose words and risks American boys' lives and the peace of the world by adventuresome and flamboyant military moves, is in my opinion a grave underestimation of the American people.

And this news of us shooting from the hip in a faraway gulf bordered by the Chinese mainland, the Chinese Hainan Island and North Vietnam, by the 7th Fleet whose very presence there is a provocation, comes to us on the very day that two of three bodies found in Mississippi are verified as those of the missing civil rights workers. While the Federal Government has done nothing to my knowledge to protect the lives of the many idealistic young students who have gone into Mississippi to do what that same Government should be doing in the first place—educating Negroes in registration procedures and giving them encouragement.

You are an astute politician. I only pray that you have the imagination to see, soon, what I see no signs of your having grasped to date: that this is no ordinary election year. If there is no man of courage to cement the decent, ordinary, white, responsible citizens who want Negroes to have a fair shake, with the black masses who have awakened and are demanding what is so long overdue, then the United States will not survive as a free nation. I for one am thoroughly sick of all the reams of tired words about "freedom" for the Vietnamese. What kind of freedom do we provide them? It is an immoral, cruel, and senseless war we are waging there. Let the Vietnamese people decide their way of life themselves, whether it is neutralist—or even Communist. It is not our problem and if you persist in dragging us into another Korea you will not be adding to our glory.

I urge you: bring back the 7th Fleet, let us get our troops (advisers) out of Vietnam, land and sea. Let us get out of Vietnam and into Mississippi.

Sincerely yours,
Virginia Marberry.

Pomona, Calif.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I agree with you that both sides acted as provocateurs in the clash in the Gulf of Tonkin.

I have often wondered, and worried, about the consequences of the United States succeeding to the former role of French colonial power in southeast Asia. That we are now playing that role is clear to me.

I have never accepted the excuse that we are not ruling directly, but are simply "advisers" to the incumbent regime, whatever form it might take. It seems to me that the Central Intelligence Agency has a great deal to say about whom we select as our favorite puppet in office.

You may not agree with me, completely, in my outlook upon this question, but I agree with your stand.

Sincerely,
Daniel N. Fox.

Marion, Iowa,
August 6, 1964.

Senator Wayne B. Morse,
Washington, D.C.

Dear Senator Morse: Congratulations on your stand relative to our senseless involvement in southeast Asia.

I have yet to meet a single individual who is ready to die in a nuclear holocaust in order to prevent those people from having the type of government and economic order which they desire.

If we have a case in that part of the world, why are we unwilling to lay our complaint in the hands of the International Court of Justice for adjudication, and then abide by its decision?

Sincerely,
Chester B. Vernon.

St. Louis, Mo.,
August 5, 1964.

Dear Senator Morse: Heard your views on channel 4 this evening regarding Vietnam situation.

You are 100 percent right in every way, shape, manner and form.

I heard a man downtown this afternoon mention to an acquaintance, "That this mad dog McNamara and the half-witted boy Rusk have finally succeeded in their aim in heading us into a land war in Asia with Red China."

That is what this man said, and I personally have men relatives who will probably be fighting over there.

I shudder to think of it.

God help our young men.

Sincerely,
M. Scully.

Bronx, N.Y.,
August 6, 1964.

Dear Senator Morse: Please be assured of my support for your position on our policies in Vietnam, particularly your lone vote today against the President's resolution regarding our attack yesterday on the North Vietnam coast.

Although yours was the solitary courageous voice against these military adventurist actions, I am sure that scores of thousands of now silent Americans are with you on this.

Very truly yours,
Bernard Kassey.

Hazelhurst, Wis.,
August 6, 1964.

Mr. Wayne Morse,
U.S. Senator,
Washington, D.C.

Dear Senator Morse: Be sure that millions of Americans share your alarm at the administration's undeclared war. Even though only intended for home consumption as a diversion from the now unpopular results of administration wrongdoing it is a very dangerous diversion. Surely there is no certainty that Khrushchev can keep a powerful part of the Communist world on the sidelines while we fight with the now powerful Red Chinese.

At best it is not likely to work well for the administration in November. My profound thanks.

Sincerely yours,
Phil Kronenwetter.

New York, N.Y.,
August 5, 1964.

Dear Senator Morse: I want to thank you very much for the statements I just heard you make on CBS–TV regarding the situation in Vietnam.

You are courageous and just in your statements and I hope you will continue to be forthright in your utterances.

Sincerely yours,
Ruby Lormor.

San Francisco, Calif.,
August 5, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Congratulations to you. You are a voice of sanity. I have long respected you and admired your guts.

I'll keep this short, because I'm stealing time at work to send it. I enclose a letter I sent to President Johnson today. I have also sent copies of it, and covering letters to Senators Kuchel and Salinger and Congressman

MAILLIARD, and urged the Senators to support your stand against endorsing a blanket resolution, which you have labeled "a predated declaration of war."

With best wishes.

Yours sincerely,

MARGO SKINNER.

SAN FRANCISCO, CALIF.,
August 5, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am seriously disturbed by the present position vis-a-vis Vietnam. At work today I have been listening to the radio as much as possible, and talking to everyone I've seen. Nobody is enthusiastic about the attack on North Vietnamese bases. If our ships were attacked, and twice, by what can only seem a piece of lunacy on the part of the North Vietnamese, certainly those attackers could have been repelled and destroyed, as they were. But further unilateral action seems to me extremely dangerous in this powder keg on which the world stands. One friend suggested it might have been possible to issue an ultimatum to the North Vietnamese after the first attack. Another said that the issue should have been brought immediately to the United Nations after the first incident.

All that it past. I am sure, Mr. President, that the action which you took seemed to you the best one in the context of the situation.

The question is: What now? I feel that the sooner this conflict moves off the shooting range and onto the council floors of the U.N. as Senator MORSE has said, the less chance there is that it may escalate to dimensions which will mean oblivion for all of us. You have said that you were responding on a limited basis. I think the limits of safety have been reached, indeed, perhaps already passed.

We have a world organization whose justification for existence lies just in its capacity to deal with dangerous situations such as this. It is too late in world history to consider war as an instrument of foreign policy.

Further, I hold no brief for either the North or South Vietnamese. The former are authoritarian, the latter hardly less so. Neither side is such that a Democrat can grant full support to it. Ideally, I would think that neutralization of the area, not by a conference of Western nations, but through the U.N. itself, and democratic elections for both North and South, would constitute the beginnings of a solution in an otherwise intolerable situation, where at best a dragged-out war goes on, and where at worst the world may be involved and destroyed. Let me add that I am a registered Democrat, and one who intended to be fully involved in the forthcoming campaign; but I do not feel that the President Johnson who will be remembered as the President under whose administration the civil rights bill was passed should be also remembered, if there is anyone left to remember, as the President under whose administration world war III—the last war—began.

Yours sincerely,

MARGO SKINNER.

AUGUST 6, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We owe you a real debt of gratitude for speaking out against our policies and actions in Vietnam. Thank you for your courage and love of the truth. It is not the popular course.

There are many who believe this to be an immoral and illegal war and that we need to seek diplomatic and not military settlement.

Is there any way to reconvene the 14 nation 1962 Geneva Conference to secure withdrawal of foreign personnel and material, for a negotiated settlement?

The press minimizes what is happening to civilians in Vietnam and children. We will lose our moral leadership in the eyes of the world if we continue this senseless war.

It makes us feel more secure to have you speaking out.

Thank you again.

Sincerely,

MRS. JULIA P. RUOPP.

SILVER SPRING, MD.,
August 8, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your courageous stand on Vietnam.

As long as we have even one person like yourself in the Senate, there may be a chance for us.

Sincerely,

MRS. DOLORES HELMAN.

LOS ANGELES, CALIF.,
August 6, 1964.

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR: I am writing to express my admiration for your courage in opposing the use of U.S. military forces in the current Gulf of Tonkin crisis.

You are one of the few voices in our country speaking out for peace. If only your courage were contagious and could infect the other Senators. Keep up the good work.

Yours sincerely,

GERTRUDE REED.

THE INSTITUTE,
Rensselaerville, N.Y., August 6, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: Bully for you. Your talk in the Senate Wednesday with regard to the recent record of our Nation in South Vietnam, our announced intentions this spring and summer to step up the war, our unilateral action outside the U.N. with military measures contrary to the Geneva agreement, and our apparent upholding and supplying General Khanh's current pushes to the north implicitly threatening China, needs to be said. I hope that you can restrain this military action and persuade our Government to resort to conferences and U.N. channels for the management of tensions in southeast Asia.

Sincerely yours,

EVERETT R. CLINCHY.

HAYWARD, CALIF.,
August 6, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SENATOR MORSE: I wish to commend you and express my appreciation of your courageous and forthright statements relative to escalating the war in Vietnam. No problem has ever been solved with the use of force, and we are in danger of initiating a worldwide nuclear conflict.

Be assured that the majority of Americans desire peace, and if they were to know the true facts, they would be more vocal about our involvement in Vietnam.

Again, thank you.

Sincerely,

MRS. RHODA TRESKIN.

CHICAGO, ILL.,
August 6, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have written President Johnson, and both of my Senators in support of your position on Vietnam.

I can't understand or condone the recent attack on our vessels—in such wise neither can I condemn our retaliation—any escalation on our part, however, would be immoral and immature—We can't allow a South or North Vietnam to sucker us into another Korea.

Please keep up your fight. We who believe in peace need voices such as yours.

Sincerely,

DONALD HEEKIMBLATT.

SAN ANSELMO, CALIF.,
August 6, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I thank you from the bottom of my heart for your firm stand for truth and justice. You have met a great test and have proven true and courageous. It is men like you that this country and the world needs so badly today but are so few. But all the more honor and appreciation to the one we have. Time will prove you great.

Gratefully,

CLARE MCKLAGE.

AUGUST 6, 1964.

DEAR SENATOR MORSE: Congratulations on your courage to question our action in Vietnam. You are doing marvelous work in the Senate and I only wish I could vote for you. Wish you could be nominated for Vice President.

Cordially,

JEROME DAVIS.

DELAWARE, OHIO,
August 5, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I was very glad to hear that you are still working for more peaceful means of trying to solve the problems of southeast Asia. I hope that with all our modern knowledge of science and human nature we can somehow figure out better ways of resolving political differences than by killing others and risking atomic devastation for ourselves.

Respectfully yours,

KENNETH H. MORRIS, Jr.

WOOD AVENUE METHODIST CHURCH,
Muskegon, Mich., August 6 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want you to know that your opposition to the military development in southeast Asia is deeply appreciated. Someone has suggested that the military jingle of Senator BARRY GOLDWATER is too prominent now.

May you gain strength from the courage of your convictions. The military approach can never solve the problems of this part of our world.

Let's follow the suggestion of Secretary General U Thant by reconvening the 14-Power Geneva Conference on southeast Asia.

May the peacekeeping role of the United Nations be exploited to the utmost.

Sincerely,

CARL B. STRANGE.

CHICAGO, ILL.,
August 6, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I want to commend you for your blunt statement in opposition to President Johnson's resolution on the Vietnam crisis. You stated that the resolution amounts to a predated declaration of war." You also said that the United States is as much to blame as North Vietnam for the destroyer incidents.

I certainly agree with you, and I hope you will vote against the resolution when it comes up in the Senate.

I realize of course that in the state of jingo opinion in the United States today President Johnson had no real choice. Any President who is doing less than he is doing would be thrown out of office in a hurry. I am really denouncing not President Johnson but the kind of national insanity we have come to in our country.

It is obvious that if Communist China calls our bluff we will have to begin throwing atomic bombs. We are apparently prepared to kill several hundred millions of Chinese if we are challenged. If we do such a thing we will make ourselves the worst criminal nation in world history. Our very name will be a byword of contempt and loathing. Others may yet save us from this fate; we are not prepared to save ourselves.

If war is avoided I certainly hope the other nations will combine against us to force us to negotiate the situation in southeast Asia.

Very truly yours,

Floyd Mulkey.

Hanover, Pa.,
August 6, 1964.

Senator Wayne Morse: I am very much in favor of the stand you have taken on South Vietnam. If we had more Senators like you, things like this would not happen.

Respectfully yours,

Edward Brownwell.

Blinick Pharmacy,
Chicago, Ill., August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

I wish to congratulate you on your stand toward our policies in Vietnam and for the courage you have shown (and I pray will continue to be able to show) in the past. I know it is no easy task to face up to popular opinion and say to the multitude: "I am right because my conscience says I am right." Unfortunately, such bravery is never appreciated until it is time to be written in the history books. In his book, "Profiles in Courage," President Kennedy told of the Senator who ruined his career by not going along with the mob in impeaching President Andrew Johnson. I hope that your career won't be hurt that badly, but I do want you to know that I am proud to be a compatriot of yours and wish that the two Senators who represented me were as brave as you.

Warmest regards,

George H. Blinick.

P.S.—Should we ever differ on certain legislation, I will at least feel that you sincerely believe you are right and not just voting the way certain pressures push you.

Clinton, Ind.,
August 5, 1964.

Hon. Wayne Morse.

Dear Senator Morse: Thanks, thanks, thanks for speaking out against what we are doing in Vietnam. I have just heard you on TV. I also heard Senator Fulbright, a great disappointment. You are going to have a hard time of it, I fear, but you have fortitude.

Yours sincerely,

Ruth C. France.

Nashville, Tenn.,
August 6, 1964.

Dear Senator Morse: I quite agree with you about our boys dying in southeast Asia. We should stay at home and attend to our business here, just as those people should stay out of Mississippi. If they don't, Johnson should tell them to.

There is plenty going on in their own States to keep them busy.

I wonder why Negroes don't do more for their own race? They could take them off the streets and teach them to be more civilized.

Back to wars abroad. Truman didn't declare war in Korea. I understand the word "victory" is not allowed to be uttered, much less attained. I can't imagine any war being fought without an objective.

I understand our boys were right at Berlin, and Roosevelt didn't allow them to go in, held them back for Russia to go first.

Could that be responsible for the Berlin wall today? Why is the administration so concerned about Communists abroad and so little concerned about them on our own doorsteps? Before it was admitted the public in general helped the Communists along pushing through the Negroes to achieve their objective. What will not people do for votes?

Sincerely,

Miss Jennie Allien Ashworth.

Spokane, Wash.,
August 6, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Thank you for your stand on our southeast Asia policy. And I thank God for a man like you. I am with you all the way as millions of other Americans are. May God bless you.

Sincerely yours,

John Denham.

New York, N.Y.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: Your voice rings clear above the propaganda, hate, and ignorance from the right and righteous, the "war at any cost" lunatics. You are not alone; please continue to speak for us. We must stop this thing.

Sincerely,

Thomas Grabell.

August 5, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: Thank you for your statement today on our role in Vietnam. I appreciate your courage and your dedication to sanity in foreign policy.

Sincerely,

Varda M. Ullman.

Westminster, Calif.

Los Angeles, Calif.,
August 6, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: At this time when the threat of an escalation of the war in South Vietnam seems possible, it is encouraging to know of your leadership in the Senate opposing the U.S. "unilateral military action in southeast Asia, unsanctioned by the United Nations, and accompanied by allies." I hope there will be enough strong and courageous leadership in the United States to "strike a blow for peace" at the conference table.

Sincerely,

Mrs. Miriam Camp.

Independence, Mo.,
August 6, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: In times like these it is easy and politically attractive to speak of "unity," even though it really means an abdication of responsibility to discuss unilateral actions of the President and his advisers.

In daring to oppose the resolution requested by the President, you have fulfilled your responsibility and have acted with rare courage. You must continue to oppose the tragic course of events in southeast Asia.

Sincerely yours,

William H. Wilson.

Palo Alto, Calif.,
August 6, 1964.

That President Johnson's recent statement that "we will seek no wider war" warrants support, we will all agree. That both Vietnam and United States "overreacted" in the sea incident, seems likely to some of us, including a reported statement by a Stanford political scientist in the Palo Alto Times of this date. That a political, rather than a military settlement must be made and that U Thant's suggestion of reconvening the Geneva Conference to search for this solution, seems sound. Although previous agreements were made and broken, it does not mean that new insights cannot be found and more consistent renewed efforts made to overcome the destruction and deterioration that have taken place since Vietnam was divided 10 years ago.

David Arnold, Ph. D., of Princeton, who served with USIA office there, 1962 to 1963, states, "the nation, group of nations, or international organization that could guarantee a reunified and peaceful Vietnam, freed from the pressures of the cold war, would have the support of all Vietnamese, in the north, in the south, or in exile." Isn't that kind of goal implied in Johnson's statement?

Mrs. Eugenia R. Sorensen.

Sacramento, Calif.,
August 5, 1964.

Dear Senator Morse: Thank God for one sane man in Congress. Do keep up your protest against our mad policy in Vietnam and adjacent waters, even though it seems like a voice crying in wilderness.

I do wish that California had some Congressmen with your convictions and your courage.

Sincerely,

Margaret M. Howard.

Bethesda, Md.,
August 7, 1964.

Dear Senator Morse: I would like to commend you for your sensible and courageous statements on Vietnam.

Sincerely,

Edwin A. Weinstein.

August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We are deeply concerned about the role of the United States in Vietnam, and it is our thinking that this dangerous and tragic situation can only be solved by an internationally representative group, specifically the United Nations.

Therefore, we want to inform you of our wholehearted and appreciative support of your position in Congress against the resolution backing the U.S. military role presently in force in Vietnam. Please continue to bring to the attention of the American people the fact that U.S. military intervention on behalf of the Khanh government in South Vietnam could bring about world war III.

It is gratifying to us that a man of your courage and ability can speak for us in Washington today.

Yours truly,

Mr. and Mrs. S. Katz.

Los Angeles, Calif.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 927. An act to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title;

S. 1451. An act to amend section 41(a) of the Trading With the Enemy Act;

S. 1627. An act to enable the United States to contribute its share of the expenses of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos;

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety;

H.R. 5044. An act to amend the act entitled "An act to provide for a mutual aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes";

H.R. 5337. An act to increase the partial pay for educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement, and for other purposes;

H.R. 6350. An act to amend the act entitled "an act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892, as amended;

H.R. 7301. An act to amend section 341 of the Internal Revenue Code of 1954, relating to collapsible corporations, and to amend section 543(a)(2) of such code, relating to the inclusion of rents in personal holding company income;

H.R. 7441. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes", approved March 1, 1899, as amended; and

H.R. 9653. An act to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENTS

AMENDMENT NO. 1229

Mr. PROXMIRE. Mr. President, I offer an amendment and send it to the desk and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The Legislative Clerk. On page 2, line 15, after the word "shall" and before the words "be deemed", insert the word "not."

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table.

Mr. PROXMIRE. Mr. President, this is a serious amendment and one which has real merit. I hope that Senators who will have an opportunity to read the Record tonight will consider it because it is an amendment which may point the way to a solution of the problem which may be satisfactory to all Senators.

AMENDMENTS NOS. 1230 AND 1231

Mr. President, I also send to the desk two additional amendments and ask that they be printed and lie on the table.

The PRESIDING OFFICER. Without objection the amendments will be received and printed and will lie on the table.

PRESIDENTIAL SUCCESSION—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. BAYH. Mr. President, I ask unanimous consent to have the following names added in addition to the list of Senators who have already cosponsored Senate Joint Resolution 139, a measure having to do with the vexing problems of Presidential inability and vacancies existing in the Vice Presidency: Senators Case, Nelson, McIntyre, Bartlett, Inouye, Young of Ohio, and Edmondson.

I ask unanimous consent that their names may be added as cosponsors of the measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. MANSFIELD. May I say to the distinguished Senator from Indiana, who has done such remarkably efficient work in the Judiciary Committee on the measure, relating to Presidential disability and succession, which I understand was reported from committee in the form of legislation this morning and will be on the calendar tomorrow, that it is the strong hope of the leadership that the efforts made by the distinguished Senator from Indiana and the subcommittee will not be in vain and that it will be possible to bring this matter up before adjournment this year, so that at least in the Senate, if at all possible, we shall be able to give it the consideration which I personally think is its due. I compliment the Senator for his work in this respect.

Mr. BAYH. I thank the distinguished majority leader for his overly kind comments, which I appreciate very much. I would like the Record to show that the small part I have been able to play and the part that has been played by many of my colleagues in the Senate in trying to move this legislation forward has been greatly aided and abetted by the majority leader, who has not only counseled with us but has spoken publicly on several occasions indicating his interest in seeing that this problem is solved. We are thankful for his interest in the matter.

Mr. KUCHEL. Mr. President, I ask unanimous consent that at the next printing of Senate Joint Resolution 139 the names of the distinguished Senator from Kentucky [Mr. Cooper] and my own be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, pursuant to the order previously entered, that the Senate adjourn until 10 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 28 minutes p.m.), the Senate adjourned, under the order previously entered, until tomorrow, Friday, August 14, 1964, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 13, 1964:

POSTMASTERS

The following-named persons to be postmasters:

ALASKA

Noble R. Spees, Galena, Alaska, in place of F. W. Donalson, resigned.

ARKANSAS

Alfred D. Brannan, Hope, Ark., in place of R. M. Wilson, deceased.

George R. Brister, West Helena, Ark. Office established May 25, 1963.

CALIFORNIA

David Selcer, Long Beach, Calif., in place of G. J. McMillin, retired.

M. Dolores Pacheco, Samoa, Calif., in place of R. A. Hill, retired.

COLORADO

Wilbur D. Kaufman, Genoa, Colo., in place of Mary Stramp, retired.

FLORIDA

Robert A. Mann, Lake Monroe, Fla., in place of A. G. McArthur, retired.

Frederic J. McCabe, Jr., Sharpes, Fla., in place of C. M. Jenkins, retired.

GEORGIA

Carlos O. Henderson, Alpharetta, Ga., in place of C. L. Paris, retired.

INDIANA

Edith C. Gamber, Economy, Ind., in place of M. C. Sander, deceased.

IOWA

William J. Vonderhaar, Humboldt, Iowa, in place of O. H. Nelson, retired.

Larry E. Blair, Rockwell City, Iowa, in place of M. J. Harrington, retired.

Andrew J. Sherbo, West Des Moines, Iowa, in place of C. C. Yost, removed.

KANSAS

Raymond J. Vinduska, Marion, Kans., in place of P. R. Shahan, retired.

KENTUCKY

Clyde H. Brown, Olmstead, Ky., in place of N. A. Miller, removed.

Rodney Blanton, Wallins Creek, Ky., in place of M. B. Milam, retired.

LOUISIANA

Clifford C. Hughes, Dodson, La., in place of L. R. Gaar, transferred.

MAINE

Earlon A. Paine, Bethel, Maine, in place of I. M. Packard, retired.

Shirley M. Burgess, Chebeague Island, Maine, in place of P. S. Robinson, retired.

MICHIGAN

Tracy W. Vaughn, Jackson, Mich., in place of J. A. Picard, retired.

Donald W. Schroeder, Ravenna, Mich., in place of M. L. Thatcher, resigned.

Betty M. Rhoads, Washington, Mich., in place of B. S. Powell, retired.

MINNESOTA

Hjalmar Hulin, Aitkin, Minn., in place of R. V. Peterson, retired.

MISSISSIPPI

Jane W. Head, Stoneville, Miss., in place of B. M. Wellenman, retired.

MONTANA

John R. McCormick, Kremlin, Mont., in place of Delbert Trulson, retired.

NEBRASKA

Michael J. Lyons, Gothenburg, Nebr., in place of E. L. Tarr, retired.

NEW YORK

Joseph D. Zint, Highland Falls, N.Y., in place of F. J. Mahoney, resigned.

M. Elizabeth Egan, Hurley, N.Y., in place of E. M. Jones, resigned.

Robert N. Spickerman, Middleburg, N.Y., in place of F. B. Richard, retired.

Louis J. Picarazzi, Selkirk, N.Y., in place of Herbert Strumpf, declined.

Charles L. France, Sharon Springs, N.Y., in place of M. A. Lynk, retired.

Thomas B. O'Driscoll, Theresa, N.Y., in place of M. D. Proctor, retired.

OHIO

Joseph J. Scanlon, Cincinnati, Ohio, in place of H. A. Wehking, retired.

Carl J. Boeshart, Danville, Ohio, in place of J. J. Scholes, retired.

William H. Theisen, Nelsonville, Ohio, in place of J. B. Preston, retired.

OKLAHOMA

Lorenzo S. Eales, Hobart, Okla., in place of P. O. Wright, retired.

Margie D. Kirkpatrick, Kremlin, Okla., in place of C. J. Rathmel, transferred.

PENNSYLVANIA

Walter E. Lucas, Fleming, Pa., in place of F. E. Zahniser, retired.

Robert L. Clink, Snow Shoe, Pa., in place of J. W. Sullivan, deceased.

SOUTH CAROLINA

DeWitt T. Branham, Jr., Lugoff, S.C., in place of S. T. Ward, retired.

SOUTH DAKOTA

Harold A. Loof, Corona, S. Dak., in place of R. A. Phillips, retired.

Leonard H. Nelson, Miller, S. Dak., in place of W. A. Hall, retired.

TEXAS

Avanell T. Reynolds, Leggett, Tex., in place of M. A. Hemphill, deceased.

Oleta B. Coleman, Splendora, Tex., in place of P. W. Davis, retired.

Mary T. Anderson, Webster, Tex., H. I. Burks, removed.

UTAH

G. Vernal Seamons, Hyde Park, Utah, in place of Vernon Perkes, deceased.

WEST VIRGINIA

Lester W. Perry, Jr., Chapmanville, W. Va., in place of E. E. Frye, resigned.

Roberta L. Price, Rachel, W. Va., in place of Myra Brand, resigned.

George E. Teter, Riverton, W. Va., in place of Cleda Nelson, transferred.

Roland Emmett Florence, Washington, W. Va., in place of K. M. Grogan, retired.

EXTENSIONS OF REMARKS

A Salute to Cyprus

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. POWELL. Mr. Speaker, Cyprus this coming Sunday, August 16, will celebrate its fourth year of independence. On this memorable occasion, we wish to extend warm felicitations to His Excellency Archbishop Makarios, President of Cyprus; and to His Excellency Zenon Rossides, Ambassador of Cyprus to the United States.

This island, situated 40 miles from the Turkish mainland, has always been of strategic importance to eastern Mediterranean politics, a pawn in the disputes between the Romans and Ptolemies, between the Crusaders and Arabs, between the Venetians and the Turks. The British, when they leased the island in 1878 from the Ottoman Government, used it as an outer defense for the Suez Canal, a military base to insure the protection and guarantee of British interests in the area. With the outbreak of World War I, the British seized Cyprus from the Turks and was duly granted formal suzerainty by the Treaty of Lausanne in 1924.

Following World War II, repercussions from the demand for independence by mandated and colonial lands in the Middle East and Africa were soon felt on the island. Because the population is predominantly of Greek origin, while the Turkish minority constitutes only 19 percent, a demand for enosis, union with the Greek motherland, was presented to the British authorities. The refusal by both the Turkish Cypriots and by their protector, the Turkish Government, forbade such a proposal from taking place. Instead the British Government attempted to maintain a status quo, maintaining the island as a military base. The results were disruptive—excessive bloodshed, strife, and guerrilla action by Greek Cypriot partisan groups.

This grim situation was to endure until independence was achieved in 1960. Although sovereign in title, the Cypriot Government was restricted from supreme authority by the negotiating powers which granted independence to the island. By a series of agreements, strongly resisted by the provisional leader of the Greek community, Archbishop Makarios, the Turkish minority was guaranteed governing rights for their own community, including the veto power over presidential decrees. The hostilities which the island is experiencing today stem from an attempt by the Cypriot President Makarios to abrogate these agreements and to change the constitution, whereby the Cypriot Government would be able to enjoy autonomy and, at the same time, authority over all Cypriot citizens.

Although the severe conditions which prevail have created adverse economic conditions, Cyprus has great potentialities for economic expansion and sovereignty. Predominantly agrarian, minerals and other resources found on the island would provide a dependable source of income for development purposes. The history of Cyprus has been recorded in numerous antiquities which dot the cities and countryside, a veritable tourist's paradise. Copper, from which the Republic's name is derived, is mined today as it was in Roman times. Although the current 5-year development plan has been suspended by the fighting, it provided for water conservation, improvement of agricultural production, expansion of electrification and of existing industries, and improvement of docks and harbors, all worthy projects to insure developmental progress and economic growth and stability.

It is my sincere hope that, as the people of Cyprus celebrate the fourth independence anniversary of their country, peace will be restored to the island and that a permanent and amicable solution will have been reached to enable the islanders to live in harmony once more.

Senator Keating Supports Majority Rule for Cyprus

EXTENSION OF REMARKS

OF

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 13, 1964

Mr. SCOTT. Mr. President, the junior Senator from New York [Mr. KEATING] recently spoke at the annual meeting of the Empire State chapter of the Order of Ahepa, the American-Hellenic Educational Progressive Association. In a realistic and hardhitting address, Senator KEATING pointed out that the only permanent solution for the Cyprus crisis must be self-determination and majority rule for the people of that troubled island. If course, minority rights must be fully protected, as Senator KEATING pointed out; but in a representative government there is no place for a minority veto, exercised by less than one-fifth of the population, over the decisions of the majority, in such key fields as taxation and foreign affairs.

Senator KEATING has rightly warned that only the Communists stand to gain by continuing conflict and tragedy on the Island of Cyprus. There is urgent need for the United States to support the basic principles of representative government which we in this Nation cherish, and to apply those principles to policy on the Cyprus issue.

I ask unanimous consent to have printed in the RECORD the text of the fine address delivered by Senator KEATING in New York City on July 3.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

TEXT OF ADDRESS BY SENATOR KENNETH B. KEATING, TO THE ANNUAL DISTRICT MEETING OF THE EMPIRE STATE CHAPTER OF THE ORDER OF AHEPA (THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION), AMERICANA HOTEL, NEW YORK CITY, JULY 3, 1964

On the eve of our own Independence Day it is altogether fitting that we discuss the problem of Cyprus, for the issue is freedom and, to a great extent, it is an American problem. Cyprus involves three of our NATO allies: Great Britain, Greece, and Turkey. The current crisis has undermined the stability of Greece and Turkey and has benefited only the Soviet Union and the local Cyprus Communist-dominated party, AKEL. Despite the growing threat of communism in Cyprus, our Government still refuses to support majority rule guarantees for Cyprus.

The tragedy of Cyprus—and it is a tragedy—is that the dispute is a needless one among friends. In other parts of the world like Cuba, South Vietnam, and Laos, the enemy is communism. But the Cyprus issue involves a quarrel among our allies which benefits only the Communists.

Turkey has threatened invasion of Cyprus on several occasions, the last one on June 6. So far the Ankara Government has shown the wisdom not to carry out its threat. But the Government of Turkey has fanned the fires of xenophobia and has staked its stability on frustrating the right of the people of Cyprus to decide their political destiny. Restraint may not endure for long. One hasty decision can launch Greece and Turkey into a war that no one could afford. "A fool throws a stone into the sea," a Cypriot saying goes, "and a thousand wise men cannot pull it out."

U.S. laws authorize military assistance under certain specific conditions. They pointedly prohibit the use of military assistance for aggressive action and stipulate that such assistance be used only for defensive purposes. Turkey should fully understand that any invasion of Cyprus would be a violation of agreements with the United States and would require the immediate halting of all military and economic aid to Turkey.

Looming on the horizon is a great danger—the specter of Soviet communism taking over Cyprus.

Only the Russians benefit from the continuation of the crisis. The Communist Party in Cyprus has increased in numbers. Their organization is greatly strengthened. The Soviet Embassy is one of the largest, if not the largest, on the island. Communist agents are active throughout Cyprus. The best organized party is the Communist-dominated union, AKEL.

I am not asserting that the danger of a Communist takeover is immediate. I am saying that the Communists have gained strength from Western indecision over Cyprus. The longer this needless tragedy continues, the greater the threat of communism in Cyprus.

The Soviet Union has been directly and actively involved in this dispute, particularly in the United Nations. It has directed letters to the various governments involved, including our own. A commercial air arrangement has been signed between the Soviet Union and the Government of Cyprus, and one of Castro's representatives has been accredited to Cyprus.

What is the real issue in Cyprus? Is it so complicated that our three allies, Great Britain, Greece, and Turkey, together with the people of Cyprus, cannot arrive at a fair and just solution?

First and foremost, the issue in Cyprus is not a question of Turkish minority rights. They are and must be fully protected. The issue is the extraordinary veto rights of a 17-percent minority over critical areas of national policy, including taxation, foreign affairs, defense and security, which hamstrings the 82-percent Greek majority.

I yield to no one in my support and defense for the basic individual and civil rights of a minority. But at the same time, I cannot recognize, and I believe the Government of the United States must not recognize, that a permanent solution to any vital political problem can be found by giving a minority of 17 percent a final veto over critical government activities.

The people of Cyprus deserve an effective government, and with a minority veto, effective government is impossible. Yet, incredible as it seems, our own Government has failed to give open support to the principle which it endorses everywhere else in the world—the principle of majority rule.

The Government of the United States has not only refused to support the basic principle of majority rule, but it has also failed even to suggest any lasting solution on the merits for Cyprus. This U.S. hesitancy has, unfortunately, in my judgment, contributed to the present crisis. Over the months our Government has offered to send troops to Cyprus; we have offered to pay for other nations' troops; we have sent Under Secretary Ball and Senator FULBRIGHT to Europe; Prime Ministers Papandreou and Inonu have both visited the United States; we have suggested an American mediator. We have done just about everything except to analyze the problem seriously on its own merits. As a result, all of our efforts have left the core of discontent untouched.

In fact, during the visit of Prime Minister Inonu our Government joined in a communique affirming the validity of the 1959 agreements granting veto power to the 17-percent Turkish minority. The undemocratic 1959 agreements are a prime reason for the present crisis. Let us not repeat the same mistake now. The events of these months demonstrate that we must act purposefully on long-term solutions to prevent a civil war on Cyprus and war between Greece and Turkey.

Several proposals have been put forward by various parties concerned.

In my judgment, the proposal which is best for the foreign policy interests of the United States, as well as for Great Britain, Greece, and Turkey, is full self-determination, which I believe would result in union of Cyprus with Greece.

Why is this the best solution?

First of all, union with Greece would eliminate the Communist toehold on Cyprus. The large Russian Embassy would be removed. The Communist Party would be outlawed and the strength of the Communists under any other label would be seriously weakened.

Secondly, besides eliminating the Communist menace on Cyprus, union with Greece is what the overwhelming majority of Cypriots want. A referendum under United Nations auspices would undoubtedly establish this fact, and the Communists would have no basis at all for objection.

Third, Cyprus would become part of NATO. It is important to note that Cyprus currently is not part of NATO and has been talking a neutralist line.

Fourth, the British base on Cyprus would become a NATO base and would be more secure.

Fifth, for both Greece and Turkey, it would end a serious difference which now threatens to lead to war between these two allies.

Of course, a cardinal feature of any settlement must be a guarantee of minority rights for the 17-percent minority. When I say minority rights I mean those basic rights guaranteed by our Constitution—freedom of speech, religion, assembly, freedom from persecution, equal protection of the laws, etc. These are not and have not been a problem for Turkish citizens in Greece or Cyprus nor would they be if Cyprus united with Greece.

Perhaps an international commission under NATO, the United Nations or the International Court could further protect the individual rights of Turkish Cypriots. Such a commission could have jurisdiction over complaints by Turkish citizens as to infringements of their basic human rights. This would be a significant concession on the part of the Greek Cypriots and Greek Government as it involves a giving up of certain rights of sovereignty. Coupled with this solution could be an offer of voluntary repatriation with indemnification for those Turkish Cypriots who wanted to leave Cyprus for Turkey.

What about the Turkish Government's opposition—Is it reasonable?

If their concern is protection of minority rights, I say that procedures have been offered and can be offered for full and adequate protection. The fact is, that for the last few months, it is the Turkish Government which has been threatening minority rights. The Ecumenical Patriarch, for instance, as well as priests and members of the Greek Orthodox faith have faced mounting persecution in Turkey. The memory of the bitter, bloody riots of 1955, incited by the Turkish Government, has not faded among Greeks living in Turkey. The longer the present Cyprus crisis is unresolved, the greater the danger to minority groups throughout the area. As you know, there are more Greeks in Turkey than Turks in Cyprus. Such a settlement would guarantee mutual interests and protection of Greek minorities in Turkey and Turkish minorities in Cyprus.

Turkey has stated that Cyprus may become the Cuba of the Mediterranean. The answer to this is quite simple. Union with Greece would make Cyprus a part of NATO and eliminate any possibilities of a Communist takeover of the island. Turkey should certainly favor this solution if security is her concern.

Is Turkey concerned about aggression from Greece? Whatever Greece could do from Cyprus, she can do far better from her mainland or from the island of Rhodes. I cannot take such a concern seriously.

Frankly, I find no merit in the Turkish position. Our country must not be deterred from speaking out in favor of free institutions on Cyprus simply to appease our Turkish ally. Our policy should be based on the rightness of our cause and the rightness of our position. In my judgment the desire of a majority of the people of Cyprus to join with Greece is a reasonable position. It is in our own best interest and that of our allies, including Turkey. It will seriously weaken if not eliminate Communist power and influence in Cyprus under terms which it would be difficult for the Soviets to oppose.

In the best interests of American foreign policy and of the free world, I therefore strongly urge that our Government openly state its support for majority rule on Cyprus, including self-determination for the people of Cyprus, and if they choose, union with Greece.

The E Award

EXTENSION OF REMARKS

OF

HON. JOHN V. LINDSAY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. LINDSAY. Mr. Speaker, I am pleased to announce that the President's E Award for excellence in exporting is being presented this afternoon to the Berlitz Schools of Languages of America, Inc., a farflung firm with headquarters in New York City. Mr. Robert Strumpen-Darrie. President of Berlitz is accepting the award from Secretary of Commerce Luther B. Hodges.

The E Award, given for outstanding contributions to increased world trade, was established by executive order in December 1961. Berlitz, the 547th recipient of this award, is the first school of languages to be so honored. The citation accompanying the E pennant states:

> To meet the needs of American businessmen for language training of personnel engaged in export trade, the Berlitz Schools of Languages of America, Inc., has substantially increased its teaching activities.
>
> Not only has the dollar volume of Berlitz services and teaching aids sold abroad more than tripled in recent years, new schools being established in other countries also add to this country's earnings overseas.
>
> The success of the Berlitz Schools in providing the tools of languages to help facilitate the flow of world trade is contributing importantly to the export expansion program of the United States.

Mr. Speaker, more and more American businesses are engaged in foreign trade. It is estimated that U.S. companies now employ some 50,000 Americans overseas. Essential to this far-ranging commerce is communication. American trade is helped immeasurably when Americans can speak the language of the local marketplace. Corporations have learned that business goes most smoothly when employees sent to foreign posts can speak the native tongue when they arrive, and when their wives and families, as well, have had some language training. Such training helps trade; more important, it aids American understanding of the customs and cultures of other nations, and promotes goodwill.

The Berlitz Schools aim to keep Americans from being speechless overseas. Berlitz, an 86-year-old firm, has 34 schools in the United States and more than 270 throughout the world. While French, Spanish, Portuguese, German, and Japanese are the languages most often needed by businessmen, Berlitz has textbooks for over 70 languages. Employees from some 300 of our largest industries are Berlitz graduates today.

I am happy to announce the presentation of an E Award to this outstanding company.

Usurpation of Powers

EXTENSION OF REMARKS

OF

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. GATHINGS. Mr. Speaker, the time is overdue to clip the wings of the Supreme Court in its effort to remake America in keeping with its own theories and whims. This can be done by the passage and ratification of constitutional amendments that will nullify some of the more objectionable decisions of the Court.

A critical vote will be taken soon on the Dirksen amendment to the foreign aid authorization bill which seeks to allow States two legislative sessions to reapportion their legislatures. This proposal was made by the Illinois Senator so that adequate time may be given to various resolutions to amend the Constitution permitting the apportionment of one house of the legislature on the basis of factors without respect to population. On June 15, 1964, the Supreme Court, by a series of decisions written by Chief Justice Earl Warren, declared that six State legislatures were invalid and casting doubt upon the composition of all other State legislative bodies. In the words of the Court, "One man, one vote." That is to say that both houses of the State assemblies must be apportioned on the basis of population alone without consideration of other time-honored historic factors. That type of an ideal situation of "one man, one vote" is appealing. It is a catchy phrase without doubt. But such a plan applied to legislative bodies is not plausible. It has not been done at the State or Federal level before. There is good reason that it has not. Such considerations of history, geography, customs, patterns, and community interests have been the guidelines. Now the Court says population alone should be the criterion.

Mr. Justice Stewart in his dissenting opinion said, "To put the matter plainly, there is nothing in all the history of this Court's decisions which supports this constitutional rule." He said further:

> The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, in any prior decision of this Court or in the 175-year political history of our Federal Union. With all respect I am convinced these decisions mark a long step backward * * * when a majority of the members of this Court were thought by many to have convinced themselves * * * that the demands of the Constitution were to be measured, not by what it says, but by their own notions of wise political theory.

What Mr. Justice Stewart is saying is that these decisions amount to judgemade laws. This shocking Court rule could be a threat to the U.S. Senate which has 100 Members with 2 coming from each State. Justice Stewart noted that mathematically 17 percent of the Nation's population could control the Senate.

The reapportionment decisions in effect declare that representatives of the people in the State legislatures are no longer permitted to pass upon their own apportionment procedures.

The Court must depend upon public opinion to support its conclusions. It is getting into serious disrepute. The people of the country are losing respect for the Court as it sides with gangsters, criminals, and Communists as well as deprives the people themselves of prerogatives that justly belong to them.

Sixty Members of the House have banded together to fight the foreign aid conference report if it carries the Dirksen amendment, even though they have consistently favored foreign aid. Those of us who favor the Dirksen amendment to stay the decision of the Court are just as determined that action is imperative to curb the powers of the Court. The outcome of this fight in the last days of the current session will be significant. It will have a far-reaching effect upon the issue of whether our States are mere pawns of the Central Government.

The Congress should remain in session for whatever length of time that will be required to enact the Dirksen amendment which would allow adequate opportunity to rescind the Court decision on reapportionment.

Salute to Korea

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. POWELL. Mr. Speaker, 16 years ago, on August 15, 1948, the Republic of Korea emerged from a war-torn world as a sovereign, independent state. It is with great pleasure that we take this opportunity to extend heartfelt greetings to His Excellency Chung Hee Park, the President of Korea, and to the Korean Ambassador to the United States, His Excellency Chung Yul Kim, as they and the Korean people celebrate the anniversary of their independence.

No nation strived harder, nor waited longer for independence than did Korea. Since the second century B.C., this strategically located peninsula has been constantly beseiged by devastating invasions from the Chinese, the Tartars, the Mongols, the Manchus, the Japanese, and the Russians. It is perhaps an everlasting tribute to the strength and character of the Korean people, that through all these vicissitudes, Koreans have preserved a distinctive, colorful culture expressed in literature, painting, architecture, handicrafts, and religious and social customs.

Mr. Speaker, just as no nation has strived so hard for independence, no nation, in turn, has fought so hard or sacrificed so much to preserve that independence as has the Republic of Korea. When on June 25, 1950, the North Koreans, urged on by their Russian and Chinese masters, perpetrated the invasion of the south, Korean patriots fought valiantly to preserve their hard-won freedom. During this war, the Republic of Korea suffered damages estimated at well over $3 billion, but the price of liberty, Mr. Speaker, is not, as Koreans well know, measured in terms of dollars and cents, but rather in terms of blood and tears, as over 1 million Koreans were killed and another million wounded or missing before the conflict was over.

Today the Republic of Korea, though hampered by the maintenance of a huge military force and an artificially divided country, looks to the future with confidence. In January 1962, the Korean Government adopted the first 5-year economic development plan, in which the principal target is a 40.8-percent growth of the GNP by 1966. Also the basis for continuous economic improvement has been laid with the stabilization of the currency, marked improvement in per capita income, firm establishment of a free enterprise system, elimination of farm landlord holdings, and development of an investment and loan banking system. Industrial, agricultural, and fisheries production are all steadily rising.

Mr. Speaker, we look with admiration at the progress made by the Republic of Korea in its quest for continued freedom and prosperity. The future of Korea is inseparable from the future of the global struggle between free democracy and Communist imperialism. All Korean history illustrates the unity and homogeneity of the Korean people. The evil of the Korean division is caused by foreign conquest and occupation and when the Communists may be forced or persuaded to permit free election in Korea, the reuniting of the country will be easily accomplished. Until that time, however, the citizens of the Republic of Korea take faith in an old Korean proverb which states: "Beware of a sword hidden behind a smile." The people of Korea fought Communist aggressors once to keep their nation free, and they would not hesitate to do so again.

Extension of Public Laws 815 and 874

EXTENSION OF REMARKS
OF
HON. WILLIAM L. ST. ONGE
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 13, 1964

Mr. ST. ONGE. Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD the text of a statement I recently submitted to the Select Subcommittee on Education, House Committee on Education and Labor, in connection with its hearings on extension of Public Laws 815 and 874 on assistance to schools in federally impacted areas.

The statement is as follows:

STATEMENT OF CONGRESSMAN WILLIAM L. ST. ONGE, DEMOCRAT, OF CONNECTICUT, ON H.R. 10159, BEFORE THE SELECT SUBCOMMITTEE ON EDUCATION, HOUSE OF REPRESENTATIVES, JULY 30, 1964

Mr. Chairman and members of the committee, I am grateful for the opportunity to testify in support of the extension of Public Laws 874 and 815.

My interest in these measures derives primarily from my experience in public life, both before and during my term in Congress. I was first elected to public office as a member of the board of education in my native town of Putnam, Conn. The first bill I introduced in Congress was H.R. 3113, an extension of the very laws I seek to renew today. My experience in public life has therefore been highlighted by efforts to improve the quality of the education offered to our children. Throughout these years, my belief in the importance of education—to our youth, our communities, and our Nation—has been strengthened and confirmed.

Public Laws 874 and 815 are irreplaceable components of the Nation's educational system. Providing assistance for the maintenance, operation, and construction of schools in federally impacted areas, these laws help to alleviate the principal adversities inflicted upon local educational programs by the extension of the activities of the Federal Government: the simultaneous increase in school enrollment and nontaxable property caused by the creation of Federal installations. The laws, enacted 14 years ago, now benefit every State in the Union; 12 million children in over 4,000 school districts receive assistance through these laws. All told, nearly one-third of all children attending public elementary and secondary schools are affected by the two measures.

My district is in particular need of assistance under Public Laws 874 and 815. Thirty-three of Connecticut's 47 school districts and 25 of nearly 40 towns benefiting from these laws are located in the 2d Congressional District. It has therefore received a large portion of the $20,683,460 for school maintenance and operation and the approximately $12 million for school construction furnished Connecticut by these laws during the 14 years of their existence. In 1964, for example, $1,591,696 of the $2,472,795 provided under Public Law 874 went to my district.

The two communities that would most suffer should these laws be suspended are Groton and New London. The former contains several major Government installations, including the submarine base, and the latter is the site of the Naval Underwater Sound Laboratory and the U.S. Coast Guard Academy. In a memorandum from the administrative office of the Groton Public Schools, dated July 23, 1964, Dr. William M. Farris, superintendent of schools, declared:

"Even with the children of employees of the Electric Boat Division, General Dynamics Corp., out of the count, our annual entitlements under Public Law 874 amount to 25 percent of our school budget income, and will come by another year to at least $1 million on over 3,000 federally connected pupils. Eight mills on our tax rate are involved. The income from this source is indispensable for the operation of our schools."

Laurence H. Scanlon, superintendent of the New London Public Schools, stated in a letter of July 24, 1964:

"The public school district of New London * * * received a total of $156,803 as income for the 1963–64 fiscal year under the provisions of Public Law 874. This amount represented 6.3 percent of the total operating budget for the day school system, or 1.85 mills on the local tax rate."

Groton and New London are not the only towns affected. A sampling of other communities receiving revenue from these laws indicates, for example, that Ledyard received $90,000 per year under Public Law 874, a sum constituting 10 percent of the total school budget and 3 mills on the tax rate, Montville received $72,500 per year, an equivalent of 8 percent of its total school budget and 2 mills on its tax rate, and Waterford received $105,000 per year, representing 5 percent of its total educational budget and 2¼ mills on its tax rate. The evidence offered in these tabulations supports the conclusion reached by the chairman of the board of education of Waterford, Mr. Edward S. Dennison; writing on the economic state of Waterford's educational system in the spring of last year, Mr. Dennison stated:

"Federal funds have been of vital assistance over the 10 past years and are heavily relied on in our budgetary planning. * * * The effect of the loss of Federal aid on the town finances will be real hardship; but it is the opinion of this board that the effect on our educational program will be nothing short of tragic."

My district thus demonstrates the potential perils resulting from the suspension of Public Laws 874 and 815 and the absolute necessity of continued Federal assistance in maintaining the quality of the education offered in federally impacted areas. Because of the state of educational finances in Connecticut, I strongly support the extension of these measures. Equally as important, moreover, I urge rapid action in securing their renewal. Dr. Farris, of Groton, indicates the necessity of alacrity in this matter:

"It is vitally important to our town that provision for extension be made in the present session. At stake is the opportunity for town and school fiscal authorities to know preferably as early as February 1965, when work will start on the 1965–66 budget, and at the latest by May, in anticipation of setting the tax rate, what income may be expected under 874. We hope very much that experience in connection with the last extension will not be repeated."

Mr. Scanlon states, concerning New London:

"The school budget is prepared in the spring of each year, necessitating a firm establishment of contemplated income, as well as expenditures. Hence, it is strongly requested that the status of [these laws] be determined by Congress at an early date."

Mr. Butler, superintendent emeritus of the Groton Public Schools, states:

"To these towns and all others affected it is important to know at budget-making and tax-setting time whether income under [these laws] can safely be anticipated for the following year. It is crucially important, because provision for children whose parents are employed on Federal property is such a very large factor in their school budgets."

Because of the importance of securing the early enactment of this legislation, I am very pleased that the committee has begun work on this matter at so early a date. Because of the importance of the provisions of the measures themselves, I urge that the final action of the committee recommend renewal of Public Laws 874 and 815. That these laws be renewed, and at the earliest possible date, is tantamount to a necessity if high quality education is to be maintained in the federally impacted communities of my State and the Nation as a whole.

Salute to the Congo

EXTENSION OF REMARKS
OF
HON. ADAM C. POWELL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, August 13, 1964

Mr. POWELL. Mr. Speaker, on this Saturday, August 15, the Congo will celebrate the fourth anniversary of its independence. On this occasion, we wish to send warm felicitations to His Excellency the President, Joseph Kasavubu; and to His Excellency the Prime Minister, Moise Tshombe.

Four years ago this Saturday, the Congo achieved the independence that it had desired for so many years. Unfortunately, peaceful independence lasted for only 1 week and the Congo was involved in a conflict that just recently has been terminated. The United Nations stationed troops in this new country in July 1960; their presence was controversial from the very beginning. But these problems are problems of the past, Mr. Speaker, and the future of this great African country should be a bright one.

The main problems facing the government of Moise Tshombe are economic ones. The Congo is equal in size to that part of the United States east of the Mississippi River and has a population of about 14,797,000 people. The political convulsions that have been the history of the past 3 years have brought the nation economic stagnation and threatened financial bankruptcy. They have also led to a breakdown in communication, lack of security, the erection of artificial trade barriers between the various provinces and a decline in imports. The present government can rectify these wrongs by bringing a peaceful, yet progressive, government which will provide economic stability and freedom of movement to this large country.

On the positive side, the Congo has much to look forward to. The Congo is very rich in natural resources; in fact it is one of the world's larger producers of primary metals and minerals. It possesses large amounts of cobalt, copper, uranium, and numerous other metals. In addition, it is the largest producer of industrial diamonds.

About 38 percent of the nation's exports in recent years have been agricultural commodities. The Congo is a very fertile area which has not yet begun to produce the amount of food that it might. In recent years, it has greatly expanded its production of palm products as well as the production of coffee, tea, cocoa, and cinchona. In 1958, for example, the value of the coffee crop alone was two-thirds greater than that of the total amount received for diamond production. The Government is now engaged in a massive program of farmer education in hope of realizing in the near future the vast potential of the Congo's soil.

Because of the agricultural and the mineral resources waiting to be developed, the Congo possesses great potential wealth. The Government is attempting to bring to the Congo political and economic stability so that the country may capitalize on her potential and emerge in the future as one of the leading nations of Africa and of the world. In this giant undertaking, the Congo is being assisted by the United States and the United Nations.

On this day of Congolese independence the people of the United States extend their very best wishes to the people of the Congo. The recent past has not been very bright. But the future promises great rewards. It is hoped that peace will now be an enduring reality and that the future will see the Congo, as a free and independent nation, emerge as a prosperous leader of the free world. If the Congo begins to realize the many economic advantages that nature has bestowed on her, the future is bright indeed.

Colgate Washington Study Group

EXTENSION OF REMARKS

OF

HON. FRANK J. HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. HORTON. Mr. Speaker, Colgate University has recently announced plans which will result in a continued improvement of its Washington study program.

For 25 years the Colgate Washington Study Group has afforded 10 select college students the opportunity to participate directly in the Federal Government through a series of working internships.

The university has now announced that it is giving serious consideration to the possibility of establishing a permanent residential center in Washington for the students who come to the Capital to study. The development of such a center in Washington might be expected to result in improved library facilities, improved living conditions, and improved opportunities for members of the study group to socialize with Government officials and others in the Nation's Capital.

Twenty-five successful semesters in Washington have served to effectively demonstrate the value of this particular off-campus study group. It is my earnest hope that Colgate University can continue and improve its present program.

After having a Colgate student as an intern in my office this spring, I am convinced that this program provides great benefit to our country.

The Colgate Washington study program has brought into Government service able young men who will be tomorrow's leaders.

The improvements which Colgate envisions for its Washington program may expand even further the impact which these men will make on public life.

Mr. Speaker, the Colgate student who served a part of his Washington semester in my office is Donald Messinger, Jr., of Clyde, N.Y., which is located in the congressional district I represent. When he was about to conclude his tour of duty in my office, he consented to author one of my weekly columns. Because of its evident understanding of governmental process, I would like to share with my colleagues some excerpts from Don's commentary:

> For the past four and a half weeks, I have worked as an intern in the office of my Congressman, FRANK HORTON. This experience has marked the final phase of my semester's study of Government as a participant in the Colgate University Washington Study Group.
>
> This year is the 25th anniversary of this unique program which blends academic instruction with exposure to the everyday processes of Government operation.
>
> The semester began for our 11 members with a month-long study of the State Department. We conducted a series of interviews with officials at all levels, and were generally impressed with the competence of the people we met. We were somewhat encouraged to find that these men and women were intelligently aware of the complex problems the United States faces in international affairs. And, while we may not always have agreed with the policies arrived at, we felt that our policymakers are competent and trying to do the best job possible.
>
> The second major phase of our program was a 3½-week working internship in an executive agency or department. Each of us worked for a different organization, so we could later pool our information and learn from each other. Some of the agencies represented were the Peace Corps, the National Labor Relations Board, the Securities and Exchange Commission, the Justice Department, and the antipoverty office.
>
> We found the massive bureaucracy was not so cold and inefficient as usually pictured. However, it still has many limitations. Our biggest criticism, I think, would be its unwillingness to accept change. This is something which has frustrated each of the last three Presidents and which the bureaucrats appear aware of, but it is a deficiency which seems inherent in the system. One offsetting factor we found was the watchfulness of Congress in trying to keep the redtape from getting out of hand.
>
> The highlight of the semester for each of us has been the internship spent in congressional offices. Six of us worked for Senators and five for Representatives.
>
> I had many diverse and interesting jobs to do during my stay and it helped to acquaint me with the numerous interests represented in the 36th District and with the demanding job of a Congressman.
>
> It was the evidence discovered of the deep commitment, of the time and energy devoted to governing our Nation that shall remain as my most memorable impression of a semester in Washington.

A Salute to the Central African Republic

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. POWELL. Mr. Speaker, today, August 13, marks the fourth anniversary of the independence of the Central African Republic. It is with great pleasure that we extend warm felicitations to the President of the Central African Republic, Mr. David Dacko; and to the Central African Republic's Ambassador to the United States, His Excellency Jean-Pierre Kombet, on this their national holiday.

The Central African Republic, formerly Ubungi-Shari, is an inland nation of approximately 1,200,000 citizens who make their home on the vast rolling plateau of equatorial Africa. The Legislative Assembly of the Central African Republic voted on December 1, 1958, for membership in the new community of self-governing states. Independence was proclaimed on August 13, 1960, and the next day the legislative assembly chose Mr. David Dacko as President, a position in which he still serves his country.

The Central African Republic has been endowed with a Western heritage and it is with pride that we recall that thousands of Ubangi men rallied to the ranks of the Free French during World War II and fought side by side with American forces during the ensuing conflict. Since independence, the Central African Republic has continued in its Western traditions. This ideal is expressed by the Central African Republic's liberal Constitution and in the words of President Dacko when he says:

> We are called upon to build in the heart of Africa a nation in the image of France and we have been anxious to maintain, firmer than ever, the ties that our parents and we ourselves have already established with France.

Mr. Speaker, the Central African Republic is a new, dynamic country that faces with confidence many of the same problems met by our forefathers in founding a nation in a beautiful but rugged land. Under its national motto of "Unity, Dignity, Work," the Central African Republic has pushed ever onward in her quest for a better life for her citizens, through education and farsighted economic plans. The importance of education in the overall plan for the development of the Central African Republic was set forth in the Constitution and in the short space of time since independence, this country has made considerable achievements on all levels of education. Farsighted leaders of the Central African Republic are planning to capitalize on their country's position in the heart of Africa by turning it into a transportation center for that continent. Since the Central African Republic is primarily an agricultural country, the Government has initiated a far-reaching, overall economic and technical assistance plan, with the emphasis on increasing and improving agricultural production and the means of transporting produce to market. We in the United States hold in high esteem these continuous efforts of this young nation toward peace, progress, and prosperity, and are proud that it has rightfully taken its place among the sovereign nations of the world.

Florida Boys State

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. FASCELL. Mr. Speaker, I would like to call attention to a very impressive program to train our youth in governmental affairs. I am referring to the American Legion's Boys State program which is conducted each summer in every one of the 50 States.

This very worthwhile program was started in 1935 in the State of Illinois and was endorsed that year by the 17th National Legion Convention. By 1940 the Boys State program was functioning in 34 States and by 1949 all 48 States were conducting Boys State programs.

The objectives of Boys State are:

To avail young Americans a better chance to learn and understand the basic principles underlying representative government.

To provide a laboratory for a functional study of citizenship.

To arouse in young citizens a desire to maintain our form of government.

To teach boy leaders to make decisions in line with reason.

To instill in youth the knowledge that American citizenship is the priceless possession of every American.

To develop civic leadership and an interest in the study of government.

The 21st Florida Boys State program was held between July 5 and July 11 on the campus of Florida State University in Tallahassee, Fla. Five hundred and forty-four boys from each of Florida's 67 counties took part in this nonpolitical and nonmilitary program supported by the American Legion, department of Florida, which covered a 7-day period. Each of the boys was chosen for such outstanding qualifications as: Leadership, courage, honor, loyalty, and service. They were divided equally into federalist and nationalist parties and assigned to 1 of 17 cities and 1 of the 8 counties in the program.

During the week of the program each of the boys attended schools to prepare them for their roles in the various positions of their newly created State government. There was a school of law to train them to pass a bar examination in order to serve as county judges, attorney generals, or members of the State supreme court. There was a school of peace officers to train as FBI agents, State troopers, county sheriffs, and local police officers. There was a school of civil service and government careers to train boys to peform the duties and responsibilities of civil servants. There was also a school of legislative procedure to teach the elected legislators the functions and duties of State legislators.

I think that the American Legion, the department of Florida deserves hearty congratulations for their program in Florida. The Florida Boy's State program is making a significant contribution to the training of the future leaders of Florida and the Nation. This training will be vital in the development of outstanding leaders in civic affairs throughout Florida and the United States.

I would like to congratulate the boys who received the honor of being elected to the positions of Governor, the State cabinet, and the State supreme court. These boys have demonstrated to other participants in the 1964 Florida Boys State that they have strong leadership qualities by being elected to these positions of responsibility. The qualities which these boys have demonstrated during the week of July 5 through July 11 will lead them on to leadership roles of importance in their later years.

I would particularly like to congratulate George Lister, Jr., who was elected Governor by the 544 citizens of the 1964 session. Governor Lister is a 17-year-old Coral Gables Senior High School "A" student and a track star. He has always been active in school affairs and on the student council of the Coral Gables Senior High School. He has been in the honor programs at Coral Gables for 3 years. He is also a charter member of the Rotary Club-sponsored "Interact." George is the son of Dr. and Mrs. George C. Lister, and he is interested in a medical career. I am sure that George will make an excellent doctor and that he will be a leader in the medical profession. I am equally sure that not only will George be a leader in the medical profession, but that he will be a civic leader in any community he lives in. George Lister is a wonderful example of the strong leadership the United States needs among its young men and women to keep this country strong.

A Salute to India

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. POWELL. Mr. Speaker, 17 years ago this Saturday, India achieved her independence. On this memorable occasion, we wish to send warm felicitations to His Excellency Lal Bahadur Shastri, the Prime Minister of India; and to His Excellency B. K. Nehru, the Indian Ambassador to the United States.

Since her independence, India has been involved in what has been called the greatest experiment in human history. It is the experiment of over 438 million people trying to obtain a tolerable standard of existence and decent political, economic, and social institutions in the face of tremendous obstacles from within and without. Moreover, and very important to us, India is attempting to achieve these goals in a democratic way.

To put it mildly, the problems before the Government of India are staggering. On the one hand, there is great poverty and unemployment; over 9 million people cannot find work at the present time. On the other, India's rapid population growth has a tendency to dilute or negate economic progress made at great expense and human effort. As a result of an increase of 10 million people a year, the nation's economy must grow very fast just to maintain the existing substandard conditions.

At the same time, there are other problems that face this great subcontinent. Fifteen different languages and 800 dialects are spoken in India. Problems over caste and religion may at any moment bring to the surface those tendencies toward disunity which are present in the huge and varied society which is India's.

Fortunately for India, however, the present Government has shown an originality and a tenacity which is equal to the problems that face this great country. She has adopted and is operating a constitutional republic using the parliamentary system with cabinet responsibility. Universal suffrage, despite the great illiteracy, has worked out surprisingly well. India is faced with many of the same problems as Communist

China—yet she is attempting to solve them without resorting to authoritarian means.

In the economic sphere, India's three 5-year plans have been remarkably successful. The first, beginning in 1951, stressed the development of India's agricultural potential. The second, commencing in 1956, switched the emphasis to industrial development, especially in basic and heavy industry and transportation. The third 5-year plan, started in 1961, calls for an expenditure of $24 billion, two-thirds of which will be in the private sector.

At present, India's primary source of revenue is in agricultural products (72.4 percent of the population is engaged in agriculture) which include rice, wheat, barley, corn, oilseeds, tea, cotton, sugar, tobacco, cashew nuts, and pepper. Ten and six-tenths percent of the population work in the industrial sector of the economy in which India produces iron ore, manganese, mica, textiles, and chemicals.

India has the longest history of any nation in the world—its civilization has been in existence for 5,000 years. India's Government is engaged in a titanic struggle today to be worthy of its great heritage and lead India into the modern world where it can take its place as a leading free nation.

India's progress has been remarkable. On this Independence Day, the American people salute their Indian friends and wish them well in their fight for a better future. We share the feeling of India's resolute leaders that India can and will succeed in overcoming all obstacles to continuing economic growth and development. India has its problems—great ones indeed. But it has shown resolute and forceful leadership in its drive to solve these problems. The future is bright. On this important day in Indian history, we extend to all the people of India with a profound feeling of respect for all they have accomplished in the past decades, our very best wishes.

Northwest Jobs

EXTENSION OF REMARKS

OF

HON. JACK WESTLAND

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. WESTLAND. Mr. Speaker, when the people of my district write to me, they write often about jobs. They are concerned about mills that, being unable to guarantee deliveries on finished lumber, are also unable to offer jobs. And they are worried about log exports that find local jobs being exported, too. They wonder why Government remains silent while foreign vessels ply the waters of traditionally American fishing grounds. And they ask why beef and dairy imports continue to curtail economic opportunities.

All of these problems, Mr. Speaker, affect employment in the Pacific Northwest adversely. All demand attention.

Why then, I am asked, is so little being done?

In my current newsletter, entitled "Northwest Jobs," I have answered that question. I have focused attention where attention belongs—on an administration that seems determined to favor foreign over domestic producers, even at the cost of jobs. And I have suggested that an administration which needs $3 billion to fight poverty might better look elsewhere for an answer to employment problems.

I believe a great many Members here in Congress share my views, and I believe they will find my newsletter to be of interest. Therefore, under leave to extend my remarks, I ask that my newsletter, and the section entitled "As I See It," be included in the Record:

Northwest Jobs

Sometimes the gap between words and action is disturbing. The administration's stand on poverty is a case in point. The administration says it wants to wage war on poverty. It wants to save and to create jobs. And it wants $3 billion from the taxpayers and a whole new Federal agency to accomplish the task.

Happily, I don't think you people in the Second Congressional District are being misled. You aren't writing your Congressman asking for handouts. Many of you, in fact, seem justifiably skeptical of plans that would only add muscle to the already bulging arm of Federal control.

But you are writing and asking for an even break in the market for the sale of job-producing commodities manufactured in the Pacific Northwest. And I don't blame you.

The truth is, of course, that this administration, which says it wants to fight poverty, has been directly responsible for policies that couldn't possibly have contributed more than they have to the loss of jobs in lumbering, dairying, and other Northwest industries. Our fishermen know this. They continue to pay the price for administration policies that refuse firm retaliation for piracy on our traditional fishing grounds by foreign powers who have boasted that they'll bury us while munching bread from our wheat bought on credit.

Northwest lumbermen have their problems, too. At the same time so-called public works and area redevelopment programs have been building new mills to compete with those already struggling for survival, the administration has refused to permit passage, or even total consideration, of legislation that would prevent the loss of lumbering employment to Canada. My bill, H.R. 7961, to amend the Jones Act to permit the shipment of American lumber in foreign vessels when U.S. flagships are unavailable, is one of these. The late President Kennedy, more than a year ago, endorsed such an amendment, but President Johnson has done nothing. Now a Port Angeles mill, unable to guarantee shipment on its finished lumber, stands to lose $50,000 in orders to the competition of Canadian mills located just across the Straits of Juan de Fuca.

H.R. 7961 is 1 of no less than 10 bills I have introduced during this Congress to help save jobs and business for the Pacific Northwest. The net result of such efforts, by myself and others in a bipartisan group, has been a veto by President Johnson of the one bill he permitted to come to his desk. This was the lumber marking bill, which would have required lumber to be marked so as to identify the country of origin. It was hoped that this bill would provide at least a little relief for our industry, but even this relief was denied.

The log export problem remains unsolved. While this administration does nothing, a Sedro Woolley mill faces bankruptcy, unable to obtain logs or to meet Canadian competition. And a Darrington mill is forced to cut its work force from 120 jobs to 40, a loss of jobs to 80 families. Recently, a Northwest group known as the "Save Our Logs Committee" brought some interesting facts to light. Members estimated that the 700 million board feet of logs to be exported this year from Washington State alone "could maintain 6,200 primary mill jobs if retained for use at home. This could mean 10,000 total jobs throughout the community."

Beef and dairy imports are also on the upswing, taking with them local jobs. In 1961, beef imports totaled nearly 1.3 billion pounds. The figure jumped to 1.75 billion in 1963. And between 1958 and 1964, dairy imports almost doubled. Yet the President, earlier this year, stated his position boldly when he told farmers they should "complain less to Congress." The farmers were, he said, wasting their time trying to get remedial legislation because even if it should pass Congress, he would veto it.

Remedial legislation is available. My bill to limit dairy imports, H.R. 10950, would grant relief. So would H.R. 11806, a bill I have joined other Republicans in sponsoring to add plywood, lumber, fishing and dairy products to the list of items the administration may no longer offer for further tariff reductions under the 1962 Trade Expansion Act. There are other bills, too, all of them stalled in committee by an administration that seems determined to favor foreign over domestic producers

None of these solutions is costly. None involves huge new programs of Federal spending. If this administration truly wants to create jobs, I suggest that it start right here.

Sincerely yours,
Congressman Jack Westland.

As I See It

(By Helen Westland)

The last time we attended a funeral in Arlington National Cemetery, it was that of President Kennedy: Recently, however, we attended another funeral there, this time for Congressman Bruce Alger's 15-year-old son, who had lost his life in a useless car accident. Among the mourners at the graveside was the Republican vice-presidential candidate, William E. Miller. Somehow I got to thinking about that young boy, who also might have been President, or Vice President of the United States. Those signs, "Drive carefully," should be considered by every one of us every day of our lives.

On the lighter side, have you heard about my experience with "Peeping Myrtle," the elephant? When Jack and I were en route to San Francisco for the Republican convention, we came into Topeka, Kans., on the train about midnight. I was lying in my berth, trying to sleep, but when I heard a band playing, I lifted the window shade to see what was going on. To my great surprise, there was "Myrtle," a 7,000-pound elephant, staring at me right through the window. Believe me, I put the shade down quickly, for it was a bit terrifying. Then I lifted it a little bit, to be sure I saw what I saw, and yes * * * there was an elephant wobbling away. I learned later that the elephant was named "Myrtle," and that she had been in Topeka with a circus. Someone just thought we ought to have an elephant greeting the special Republican convention train.

Nobel Peace Prize Should Be Awarded Herbert Hoover

EXTENSION OF REMARKS

OF

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. HOSMER. Mr. Speaker, no person in the world has done more for the peace of the world than Herbert Hoover. His heroic efforts in this regard began over half a century ago. Yet year after year the Committee which controls the award of the Nobel Prize for Peace has ignored Mr. Hoover. I think Members of this Congress, because of the worldwide prestige which the award carries, have a proper right to express concern that Mr. Hoover's magnificent contributions have gone for so long unrecognized and unrewarded. Fortunately there is a way for them to express their concern.

The award is distributed by the Norwegian Nobel Committee, Oslo, Norway, in conformity with the will of Dr. Alfred Nobel, of November 27, 1895. The document provides that members of the parliaments and governments of any nation may make nominations for the award. A simple letter to the Committee is sufficient to make the nomination. The Members of the Congress are respectfully urged in this manner to nominate Mr. Hoover for the 1965 award.

For the benefit of editors who may wish to comment editorially on this suggestion, it is desired to point out that another group of Americans also is qualified to make the nomination under the Nobel will. These are university full professors of political science, law, history, and philosophy. It is hoped that many of these at American universities might join in the nomination.

The following informative letter respecting this subject appeared in the Palo Alto, Calif., Times on August 10:

HOOVER URGED FOR PEACE PRIZE

EDITOR OF THE TIMES:

Former President Herbert Hoover's 90th birthday on August 10 is a good occasion to remind the American people of the great humanitarian work Hoover has performed in the service of mankind.

During and after two world wars Herbert Hoover has saved more than a billion people from starvation. This feat alone will endear his name not only to those saved by his action, but to the rest of mankind as well.

Occasionally smear attacks which maintained that Herbert Hoover was responsible for the world depression, beginning in 1929, could never deprive him of his deeply established reputation as one of the great humanitarians of the 20th century.

Those slanderous attacks have long since been proved as vicious fabrications, contrary to the hard facts of life. Not only was Hoover's administration not responsible for the world depression, it was President Hoover and nobody else who took the first steps to heal the economic wounds following the New York stock market's black Friday of 1929.

In the four volumes of his work "An American Epic" Herbert Hoover has recounted the facts of his relief work from 1914 to 1946. These four volumes are already a standard source of American history from which generations of future historians will benefit.

In the light of such achievements over a period of more than 40 years, it seems to be strange that Herbert Hoover's name has never been proposed to the Nobel Peace Prize Committee in Oslo. It is not too late to do this now. Since—according to the Nobel Prize statute—every American full professor of philosophy, history, and social science as well as every member of Congress and the Interparliamentary Union has the right to nominate a candidate for the Nobel Peace Prize, a large and impressive list of American sponsors of Herbert Hoover's candidacy for the Peace Prize of 1965 should be easy to be collected. I cannot envisage a better way to celebrate Herbert Hoover's 90th birthday.

An "American Committee for the Promotion of Herbert Hoover as Candidate for the Peace Nobel Prize 1965" might be a useful vehicle to achieve this goal.

JULIUS EPSTEIN.

PALO ALTO.

The following additional details respecting the Nobel Peace Prize have been furnished to me by the Library of Congress:

THE NOBEL PEACE PRIZE

The Norwegian Nobel Committee is, in conformity with the will of Dr. Alfred Nobel, of November 27, 1895, entrusted with the distribution of one of the five prizes, the Nobel Peace Prize.

The other four prizes (physics, chemistry, medicine and literature) are awarded by Swedish institutions.

The task of the Nobel Committee of the Norwegian Parliament is based on the following passage in Dr. Nobel's will: A committee of five persons to be elected by the Norwegian Storting (parliament) is to distribute annually one share of the income of the Fund "to the person who shall have most or best promoted the fraternity of nations and the abolishment or reduction of standing armies, and the formation and extension of peace congresses." He declared it further to be his express desire that, in the awarding of prizes, no consideration whatever should be paid to the nationality of the candidates.

Candidates for the peace prize—as for all Nobel Prizes—must be proposed in writing before February 1 of each year, by a duly qualified person. Any of the following persons are held to be duly qualified to present candidates for the peace prize:

1. Members and former members of the Nobel Committee of the Norwegian Parliament, as well as the advisers appointed by the Norwegian Nobel Institute.
2. Members of the parliaments and governments of any nation, as well as members of the Interparliamentary Union.
3. Members of the International Arbitration Court at The Hague.
4. Members of the Council of the Permanent International Peace Bureau at Geneva.
5. Members and associates of the Institut de Droit International.
6. University professors of political science and of law, of history and philosophy.
7. Persons who have received the Nobel Peace Prize.

Direct personal applications for the prize cannot be taken into consideration.

Every written work, to qualify for the prize, shall have appeared in print. The grounds upon which the proposal of any candidate's name is made must be stated in writing and handed in along with the necessary documents.

The prize may be awarded to institutions or associations. A prize may be divided equally between two candidates.

No work shall have a prize awarded to it unless it has been proved by the test of experience, or by the examination of experts, to possess the preeminent excellence that is manifestly signified by the terms in Dr. Nobel's will. If it is deemed that none of the works attains to the standard of excellence referred to, the prize shall be withheld until the following year. Should it be found impossible even then to confer the prize, the amount in question shall be added to the main fund, provided, however, that four members of the Committee may not propose that two-thirds of the prize sum shall instead be carried over to a special fund for the Committee.

The prize is distributed on the anniversary of the death of the founder, the 10th of December.

The first award of the Nobel Prize took place in 1901. The prizes for the years after 1929 have been awarded as follows:

Frank B. Kellogg, 1929.

Lars O. J. Söderblom, archbishop of Sweden, 1930.

Miss Jane Addams and Prof. Nicholas Murray Butler, 1931.

Sir Norman Angell, 1933.

Rt. Hon. Arthur Henderson, 1934.

Karl von Ossietzky, 1935.

Carlos Saavedra Lamas, 1936.

Viscount Cecil of Chelwood, 1937.

The Nansen Office, Geneva, 1938.

Comité international de la Croix-Rouge, Geneva, 1944.

Cordell Hull, 1945.

Emily Green Balch and John Mott, 1946.

American Friends Service Committee and Friends Service Council, 1947.

Lord John Boyd Orr of Brechin, 1949.

Ralph Bunche, 1950.

Léon Jouhaux, 1951.

Albert Schweitzer, 1952.

George C. Marshall, 1953.

Office of the United Nations High Commissioner for Refugees, 1954.

Lester B. Pearson, 1957.

Georges Pire, 1958.

Philip Noel-Baker, 1959.

Albert John Luthuli, 1960.

Dag Hammarskjold (posthumously), 1961.

Dr. Linus C. Pauling (deferred 1962 prize) and International, 1963.

Red Cross and the League of Red Cross Societies.

The Nobel Peace Prize cannot be awarded to a deceased person unless a qualified proposal has been received prior to his death. The relevant paragraph in the statutes of the Nobel Foundation runs as follows (in translation from Swedish) "Works by deceased persons cannot be considered for the prize; however, if the death (of the person) takes place after a proposal has been made according to the rules, a prize may be awarded."

Salute to Pakistan

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. POWELL. Mr. Speaker, the House may not be in session tomorrow, the anniversary of Pakistan's independence, and we therefore want to take this opportunity to extend warm felicitations to His Excellency the President of Pakistan, Ayub Khan; and to His Excellency the Pakistani Ambassador to the United States, Ghulam Ahmed, on this 17th anniversary of the establishment of Pakistan as a sovereign, independent state.

The fact that Pakistan has been able to incorporate two geographically separate states under one cultural and religious flag is both important and exemplary. Perhaps other areas can take their cue from her.

Pakistan's raison d'être was very similar to that of the United States. Since muslims believe in human equality and brotherhood, they found the caste-ridden Indian society intolerable. Profiting from that experience, Pakistan is extremely tolerant to all religions and races.

Pakistan has a history of changing governmental forms. After August 14, 1947, she established herself as an independent, sovereign state with dominion status in the British Commonwealth. On March 23, 1956, she exchanged dominion status for her present title of Republic, maintaining commonwealth membership. Then, on October 7, 1958, a presidential form of government replaced the previously unsatisfactory parliamentary form, with Field Marshal Ayub Khan as President. He is backed up by a cabinet of Ministers, appointed by him, from among the members of the popularly elected National Assembly.

In 1958, President Ayub Khan had the immediate responsibility of drawing up a new Constitution. Just as our own Constitution sent delegates around the 13 States to ascertain public feeling, a Constitution Commission, founded by Ayub Khan, consulted practically every adult in the country, examining his views. It is a document truly indicative of the voice of the people.

In addition to a popularly determined Constitution, the President initiated a grassroots government with his "basic democracies." They place an emphasis on the individual villages as central pivots for government. Since the people are well informed on local problems and interests, they can choose their representatives wisely and well. These directly elected delegates then associate advantageously with the administration at all levels. Thus a sound foundation is being laid for the growth of democracy at the national level.

Furthermore, these representatives of the people review the working executive and judicial branches of the Government, successfully mingling with all officials.

By such direct association with all branches of the Government, the people will become increasingly more interested and informed on national public affairs. As the interest and responsibility filters down to them, their ideas and needs will percolate up to the top, rendering the Government progressively more democratic. For this plan, as well as the stable maintenance of republican, presidential form of government, the entire country and administration deserve our wholehearted approbation.

Pakistan's accomplishments in the fields of agriculture, industry, economic stability and general welfare have been considerable.

With successful utilization of foreign aid, Pakistan has managed to produce large amounts of varied grains, 75 percent of the world's jute supply, and the world's fifth largest amount of cotton.

The President has contributed greatly to increased agricultural prosperity with his land reform program, limiting large holdings whose production potential is not being realized and restricting fragmentation of holdings below a subsistence level.

Despite the fact that Pakistan is essentially an agricultural country and despite the fact that she inherited few established industries at partition, industrialization is increasing rapidly.

Consequently, and as a result of ambitious and well carried out 5-year plans, Pakistan's national income is rising greatly. In fact, most appealing investment opportunities are offered to both foreign and domestic capital.

Tremendous strides have been taken in resettling displaced persons, curbing inflation, improving health conditions, communications, transportation, irrigation and other public utilities. Improvements in education are reducing illiteracy with free, compulsory education at the primary stage.

Pakistan is a strong ally to the West and a good economic and political example to all emerging nations of successful self-determination and government, especially considering her proximity to the Soviet Union.

As a member of the U.N., the Baghdad Pact, SEATO, and with a mutual defense assistance agreement with the United States, she is a positive asset in the promotion of international amity and harmony. She serves as a vitally important bridge between the Middle East, southeast Asia, and the West.

For laudable accomplishments and worthy ideals, we salute Pakistan on the anniversary of her independence.

Minshall Again Brings Traveling Office to District

EXTENSION OF REMARKS

OF

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. MINSHALL. Mr. Speaker, for the past 10 years it has been my privilege and honor to represent the citizens of the 23d Congressional District of Ohio in the United States House of Representatives. As the Representative of this outstanding district, I have made every effort not only to keep well informed on the opinions of the people through personal daily contact, but also to be of the greatest possible service to persons who have problems involving Federal agencies and departments. To help accomplish this, I maintain a year-round congressional office in room 525 of the Federal building in downtown Cleveland, where I can meet 23d District people personally during those trips home permitted by my official duties in Washington. While I am in the Nation's Capitol, a competent staff is in charge of the Cleveland office on a full-time basis.

A further contact with voters in the 23d District is my Washington Report, which, in newsletter form, periodically presents the major legislative activities of the Congress, background information on issues confronting the Nation and Capitol Hill opinion.

During my service in the Congress, I have considered it of primary importance to be present at the Capitol whenever the Congress is in session in order to participate in committee work and to vote on important legislation. Because of the heavy legislative and committee schedule last year and this, with Congress in almost continuous, year-round session, I have not been able to return to Cleveland as frequently as I would like. My Appropriations Committee assignments have been particularly time-consuming. In addition to membership on the Department of Defense Appropriations Subcommittee, I also serve on the Foreign Operations Appropriations Subcommittee which takes initial action on appropriations for military and economic aid to foreign nations. These two assignments involve more than one-half of the entire Federal budget, and of necessity require many hours of work both in locked-doors sessions on Capitol Hill and in the field.

Because so much time must be spent away from the district, I initiated a practice 10 years ago of bringing a traveling office to the various communities in the 23d District. This method of meeting with the public has been tremendously popular and gives me an excellent opportunity to discuss and learn at firsthand the opinions and individual needs of the people.

With the expectation that Congress will not be in session during October this year, I will again this fall, from October 19 through October 23, bring my traveling office to the people of the 23d District to make myself available to meet personally every resident who can conveniently arrange to visit me. I wish to emphasize that these are not group meetings but office conferences for individuals which will enable them to discuss their views and problems privately. No appointments are necessary and I not only welcome but urge, individuals to meet with me on the date and at the scheduled location most convenient to them.

Every resident of the 23d District is cordially invited to sit down and talk over problems of national concern, to discuss whatever problems they may have involving the Federal Government, or just to get better acquainted. The knowledge obtained will better enable me to represent the people of the 23d District of Ohio in the Congress.

I am most grateful for the fine cooperation of the many officials who will make meeting places available as an aid in rendering this public service.

Following is the traveling office schedule:

Community	Location	Date	Time (p.m.)
Lakewood	Lakewood City Hall, 12650 Detroit Ave	Monday, Oct. 19	2 to 4:30.
Westlake, Bay Village, North Olmstead	Westlake City Hall, Dover Center and Hilliard Blvd	do	6:30 to 9.
Berea, Olmsted Falls, Olmsted Township, Westview	Berea City Hall, 57 East Bridge St	Tuesday, Oct. 20	2 to 4:30.
Rocky River, Fairview Park, Parkview	Rocky River City Hall, 21012 Hilliard Blvd	do	6:30 to 9.
Parma Heights, Brookpark, Linndale, Middleburgh Heights, North Royalton, Strongsville.	Parma Heights City Hall, 6281 Pearl Rd	Wednesday, Oct. 21	2 to 4:30.
Independence, Brecksville, Broadview Heights, Brooklyn Heights, Cuyahoga Heights, Seven Hills.	Brecksville City Hall, 49 Public Sq	do	6:30 to 9.
Chagrin Falls, Bentleyville, Glenwillow, Moreland Hills, Solon	Chagrin Falls Village Hall, 21 West Washington St	Thursday, Oct. 22	2 to 4:30.
Warrensville Heights, North Randall, Orange, Warrensville Township, Woodmere.	Warrensville Heights City Hall, 4301 Warrensville Center Rd	do	6:30 to 9.
Shaker Heights, Beachwood, Hunting Valley, Pepper Pike, University Heights.	Shaker Heights City Hall, 3400 Lee Rd	Friday, Oct. 23	2 to 4:30.
Maple Heights, Bedford, Bedford Heights, Oakwood, Valley View, Walton Hills.	Maple Heights City Hall, 5353 Lee Rd	do	6:30 to 9.

Salute to Jamaica

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. POWELL. Mr. Speaker, last week Jamaica celebrated the second anniversary of her independence, and it is with great pleasure that we take this opportunity to extend congratulations to His Excellency the Prime Minister of Jamaica, Sir Alexander Bustamonte, His Excellency the Jamaican Ambassador to the United States, Sir Neville Noel Ashenheim, and to the Jamaican people.

Since Jamaica's emergence as a sovereign state 2 short years ago, she has exhibited the highest degree of political and economic maturity, and through the combination of democracy, dynamic leadership, and hard working citizens, she has rightfully assumed her position among the independent nations of the world. This pearl of the Caribbean has made tremendous strides toward social, political, and economic development in the past 2 years and stands as a shining example to be held up to other emerging nations of the world. In recent years Jamaica's rate of economic growth has been surpassed by few countries on earth. With its mixed population descended from Europeans, Africans, and Asians, Jamaicans have demonstrated, for all the world, the ability of people of different races to live and prosper together in harmony. Today the almost 1,700,000 energetic inhabitants of this island can take pride in their rapidly growing manufacturing industries, which include cement, footwear, textiles, clothing, paints, glassware, cosmetics, plastics, aluminum ware, beer, and foodstuffs. Jamaica has recently become by far the world's largest producer of bauxite and alumina, the basic ingredients of aluminum. Through hard work and sacrifice huge gains have been made in all phases of education, vocational training, public health, and housing.

Jamaica, we salute you. We look with admiration on the fundamental freedoms guaranteed by your Constitution. which include the right of life, liberty, security of the person, and protection from arbitrary arrest or restriction of movement, the enjoyment of property and the protection of the law, freedom of conscience, of expression, and of peaceful assembly and association, and respect for private and family life. We hold your example of freedom and progress up to the peoples of other less fortunate nations of the Caribbean area. You live in a troubled area of a troubled world, but you have emerged victorious in your quest for peace and prosperity. We in the United States are proud of our partnership with you in all our common areas of endeavor. We wish you continued peace and progress on this, the second anniversary of your independence.

Coordinated Planning, Now, for the Preservation and Development of Our Water and Land Resources Is Imperative for Future National Welfare

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1964

Mr. DONOHUE. Mr. Speaker, back on July 13, 1961, our late and beloved President, John F. Kennedy, recommended to Congress the original river basin planning bill whose fundamental objectives, to provide for development of comprehensive river basin plans, biennial assessments of regional water needs and supplies, aid to the States and encouragement of more efficient water development, management and use, are practically the same as S. 1111 that passed the Senate late last year and is now pending in the House Interior and Insular Affairs Committee. I very earnestly urge and hope the leadership of both sides and the distinguished chairman and members of this outstanding committee will cooperate in their efforts to present this vitally important measure to the House for action before this Congress concludes.

In my deepest conviction, sustained by the testimony of all authorities, this bill will have a more lasting effect upon the lives of all our citizens, their economics, and their resources, than almost any other bill that could be presented to the Congress. The vital necessity of dealing with our water resource problems is increasingly urgent, as evidenced by expert testimony, that before the year 2000, if adequate steps are not begun now, every section of this Nation will be confronted with serious water supply difficulties.

Mr. Speaker, the prominent provisions of S. 1111, which carry out the basic purposes recommended by President Kennedy, are briefly these: It will establish a Water Resources Council with the responsibility to make plans now for the conservation of our water resources; it will set up a pattern of operation for the Federal-State River Basin Planning Commissions; it will provide a program of aid to States for water resources planning by authorizing an annual appropriation of money for 10 years for apportionment to the States on a matching basis to develop their independent, intrastate and interstate water resource planning by whatever agencies with which the States work.

In this connection, Mr. Speaker, it is my sincere hope and appeal that this Congress will approve legislation, which this House passed in the last Congress, creating a New England water and related land resources compact which would consider the whole of New England as an interdependent geographical unit for the development and managing of our regional natural land and water resources. Already four of our New England States, Massachusetts, Connecticut, New Hampshire, and Rhode Island have ratified such a compact by State legislative action.

Other sections of this measure set up very prudent and very practical provisions for the funding and cooperative operation of the different units and elements, in the Federal and State levels, to keep this program in effective operation.

Mr. Speaker, this country has been struggling for 55 years to set up an intelligent, comprehensive, practical plan to adequately deal, throughout the Nation, with the desperately urgent problems of water supply, distribution, pollution, variability and floods. Every recognized authority and conservation organization in the United States has recommended such action. The opportunity to take such action, in the national welfare, is contained in the excellent measure, S.1111, and I again urge that appropriate steps be taken to promptly bring the bill before us for passage, in the near future, before the Congress ends.

SENATE

FRIDAY, AUGUST 14, 1964

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, our Father, with whom there is no shadow that is caused by turning: Conscious that in this rough and rushing world, there is constantly upon us the hot breath of malice and envy, even though it is the passion of our hearts to stoop to human needs, even as the good Samaritan, breathe on us, breath of God, fanning to flame our feeble faith, that the dross which weights the wings of our spirits may be consumed.

As those into whose unworthy hands has been placed the crying needs of stricken humanity, guide, we pray, with Thy pure wisdom those who here take counsel for the Nation and for the stewardship of our Republic in all the earth, that in the might of human brotherhood Thy Kingdom will go forward until the earth is filled with a transforming knowledge and practice of Thy love, which yearns to lift to the radiance of Thy light a world which lieth in darkness. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, August 13, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Ratchford, one of his secretaries, and he announced that on August 13, 1964, the President had approved and signed the following acts:

S. 858. An act for the relief of Miladin Kljajin;

S. 978. An act to provide medical care for certain persons engaged on board a vessel in the care, preservation, or navigation of such vessel;

S. 1015. An act for the relief of Edith Annikki McRae;

S. 2225. An act for the relief of Christiane Antoine Bronas; and

S. 2339. An act conferring jurisdiction upon the U.S. Court of Claims to hear, determine, and render judgment upon the claim of Sarpy County, Nebr.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had severally agreed to the amendment of the Senate to the following bills and joint resolution of the House:

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 8834. An act to provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians;

H.R. 11052. An act to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe; and

H.J. Res. 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 4361. An act for the relief of the estate of Paul F. Ridge; and

H.R. 8080. An act to authorize the Secretary of the Interior to prepare a roll of persons eligible to receive funds from an Indian Claims Commission judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon, to prorate and distribute such funds, and for other purposes.

The message further announced that the House had passed the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. RAINS, Mr. MULTER, Mr. BARRETT, Mr. WIDNALL, Mr. FINO, and Mrs. DWYER were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendment to the amendment of the Senate to the bill (H.R. 2434) to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. TEAGUE of Texas, Mr. DORN, Mr. HALEY, Mr. AYRES, and Mr. ADAIR were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROONEY of New York, Mr. SIKES, Mr. MAHON, Mr. BOW, and Mr. LIPSCOMB were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11579) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 3, 4, 13, 14, and 16 to the bill, and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 15 to the bill, and concurred therein, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 275. Concurrent resolution providing for printing of proceedings in connection with the unveiling of the Father Eusebio Francisco Kino, of Arizona, statue;

H. Con. Res. 330. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System;

H. Con. Res. 336. Concurrent resolution to provide for the printing of 4,000 additional copies of school prayer hearings;

H. Con. Res. 346. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System;

H. Con. Res. 347. Concurrent resolution authorizing the printing of additional copies of House Report No. 176, 88th Congress, 1st session, entitled "Annual Report for the Year 1962, Committee on Un-American Activities";

H. Con. Res. 348. Concurrent resolution to print as House documents the publications "World Communist Movement—Selective Chronology, 1818–1957, Volume 2 and Volume 3," and to provide for the printing of additional copies;

H. Con. Res. 349. Concurrent resolution authorizing the printing of additional copies of House Report No. 1480; and

H. Con. Res. 350. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 275. Concurrent resolution providing for printing of proceedings in connection with the unveiling of the Father Eusebio Francisco Kino, of Arizona, statue.

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document, with illustrations and bound, in such style as may be directed by the Joint Committee on Printing, the proceedings in Congress at the unveiling in the rotunda, together with such other matter as the joint committee may deem pertinent thereto, upon the occasion of the acceptance of the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona; and that there be printed five thousand additional copies, of whch two thousand copies shall be for the use of the Senate, and for the use of the Senators from the State of Arizona, three thousand copies for the use of the House of Representatives, and for the use of the Representatives in Congress from the State of Arizona.

SEC. 2. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall provide suitable illustrations to be bound with these proceedings.

H. Con. Res. 330. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Banking and Currency, House of Representatives, three thousand five hundred additional copies of volumes I and II of the hearings before the Subcommittee on Domestic Finance of the Committee on Banking and Currency, House of Representatives, entitled "The Federal Reserve System After Fifty Years", dated January 21, 22, 23, 29, and 30; and February 3, 4, 5, and 6, 1964; and February 11, 25, and 26, and March 3, 4, 5, 9, 10, 11, 12, and 25, 1964, respectively.

H. Con. Res. 336. Concurrent resolution to provide for the printing of 4,000 additional copies of school prayer hearings.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary, House of Representatives, four thousand additional copies each, to be printed concurrently with the publications entitled "Proposed Amendments to the Constitution Relating to Prayers and Bible Reading in the Public Schools, Hearings Before the Committee on the Judiciary, House of Representatives, parts 1, 2, and 3", Eighty-eighth Congress, second session.

H. Con. Res. 346. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Banking and Currency, House of Representatives, three thousand five hundred additional copies of volume III of the hearings before the Subcommittee on Domestic Finance of the Committee on Banking and Currency, House of Representatives, entitled "The Federal Reserve System After Fifty Years", dated April 9, 13, 14, 16, 22, and 29, 1964.

H. Con. Res. 347. Concurrent resolution authorizing the printing of additional copies of House Report No. 176, 88th Congress, 1st session, entitled "Annual Report for the Year 1962, Committee on Un-American Activities."

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities eight thousand additional copies of the committee's annual report for the year 1962, House Report 176, Eighty-eighth Congress, first session.

H. Con. Res. 348. Concurrent resolution to print as House documents the publications "World Communist Movement—Selective Chronology, 1818–1957, Volume 2 and Volume 3," and to provide for the printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That the publications entitled "World Communist Movement—Selective Chronology, 1818–1957, Volume 2, 1946–1950; and Volume 3, 1951–1953" prepared by the Legislative Reference Service of the Library of Congress, Eighty-eighth Congress, be printed as House documents; and that there be printed ten thousand additional copies of said documents for the use of the Committee on Un-American Activities.

H. Con. Res. 349. Concurrent resolution authorizing the printing of additional copies of House Report No. 1480.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed two thousand additional copies of House Report 1480, Eighty-eighth Congress, second session, entitled "State Taxation of Interstate Commerce", with illustrations and maps, for the use of the House Committee on the Judiciary.

H. Con. Res. 350. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes.

Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations as a House document a "Compilation of Works of Art and Other Objects in the United States Capitol", prepared under the direction of the Architect of the Capitol; and that there be printed thirty-seven thousand two hundred and fifty additional copies of such document, of which ten thousand three hundred copies shall be for the use of the Senate, twenty-one thousand nine hundred and fifty copies shall be for the use of the House of Representatives, and five thousand for the use of the Architect of the Capitol.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MONRONEY, and by unanimous consent, the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

LEAVE OF ABSENCE

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that I may be absent from the sessions of the Senate beginning this evening until the conclusion of the Interparliamentary Conference meeting in Europe, which I hope to attend.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Plans for Works of Improvement in Certain States

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Crooked Lake Bayou, Ark., Pennahatchee Creek, Ga., Upper Tradewater River, Ky., Squirrel Creek, Okla., Willow Swamp, S.C., and Jewell Brook, Vt. (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Liquidation of Assets of the Former Reconstruction Finance Corporation

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the liquidation of the assets of the former Reconstruction Finance Corporation, for the period ended June 30, 1964 (with an accompanying report); to the Committee on Banking and Currency.

Report on Personal and Real Property Disposed of to Public Health and Educational Institutions

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on personal property received by State surplus property agencies for distribution to the public health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions, for the quarter ended June 30, 1964 (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs to the Government in the leasing of electronic data processing systems by General Electric Co., Light Military Electronics Department, Utica, N.Y., Department of Defense, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on wage rates for federally financed housing construction improperly determined in excess of the prevailing rates for similar work in southeastern areas of the United States, Department of Labor, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, reporting, pursuant to law, on a followup review of Department of Defense action in canceling excessive procurements and redistributing aircraft spare parts programed for or delivered to Portugal under the military assistance program, department of Defense, dated August 1964; to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a special report on Air Force procurements of transistorized riometers from Aerospace Research, Inc., Boston, Mass., under contracts awarded at Electronic Systems Division, Laurence G. Hanscom Field, Bedford, Mass., and Mobile Air Materiel Area, Brookley Air Force Base, Ala., Department of the Air Force, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Final Conclusion of Claims of Certain Indians

A letter from the Chief Commissioner, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, on the final conclusion with respect to claims of certain Indians (with accompanying papers); to the Committee on Interior and Insular Affairs.

Conveyance of Certain Lands to Heirs of Adam Jones

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the conveyance of approximately 80 acres of land to the heirs of Adam Jones, Creek Indian not enrolled (with an accompanying paper); to the Committee on Interior and Insular Affairs.

Report on Tort Claims Paid by Department of Agriculture

A letter from the Secretary of Agriculture, transmitting, pursuant to law, a report on tort claims paid by that Department, covering the period July 1, 1963, to June 30, 1964 (with an accompanying report); to the Committee on the Judiciary.

PLANS FOR WORKS OF IMPROVEMENT IN CERTAIN STATES

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement on Home Supply watershed, Colo., Beaverdam Creek, Ga., South Fork Little River, Ga., Crabtree Creek, N.C., Four-Mile Creek, Okla., and Three and Twenty Creek, S.C. (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McNAMARA, from the Committee on Public Works, without amendment:

S. 2649. A bill to designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the lower Mississippi River flood control project (Rept. No. 1434); and

S. 2654. A bill to change the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal (Rept. No. 1435).

By Mr. BIBLE, from the Committee on the District of Columbia, with amendments:

S. 486. A bill to amend certain criminal laws applicable to the District of Columbia, and for other purposes (Rept. No. 1436).

By Mr. KEATING, from the Committee on the Judiciary, without amendment:

S. 108. A bill making Columbus Day a legal holiday (Rept. No. 1438).

By Mr. DODD, from the Committee on the Judiciary, with amendments:

S. 3027. A bill to incorporate the American Academy of Actuaries (Rept. No. 1437).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3068. A bill to amend the Federal Firearms Act, as amended, to authorize the Secretary of the Treasury to relieve manufacturers from certain provisions of the act if he determines that enforcement would impair the national security (Rept. No. 1439); and

H.R. 1341. An act to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards (Rept. No. 1440).

TO PRINT ADDITIONAL COPIES OF PART 9 OF HEARINGS ENTITLED "ADMINISTRATION OF NATIONAL SECURITY"—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Government Operations, reported an original resolution (S. Res. 362); which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That there be printed for the use of the Committee on Government Operations ten thousand additional copies of part 9 of the hearings entitled "Administration of National Security" held by its Subcommittee on National Security Staffing and Operations during the second session of the Eighty-eighth Congress.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAVITS:

S. 3118. A bill to provide a uniform closing time for polling places in certain Federal elections; to the Committee on Rules and Administration.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 3119. A bill to amend the Federal Aviation Act of 1958, as amended, to require air carriers to procure aviation accident insurance for the benefit of passengers on certain journeys subject to the Warsaw Convention, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD:

S. 3120. A bill to amend the Internal Revenue Code of 1954, as amended, to exempt from the Federal excise tax silver-plated hollow ware when it is sold for use in the purchaser's trade or business; to the Committee on Finance.

(See the remarks of Mr. DODD when he introduced the above bill, which appear under a separate heading.)

By Mr. ALLOTT:

S. 3121. A bill for the relief of Dr. Paul R. Polak; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 3122. A bill to authorize the U.S. Secret Service to protect the persons of the nominees of the major political parties for President and Vice President of the United States; to the Committee on the Judiciary.

(See the remarks of Mr. SIMPSON when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Louisiana:

S. 3123. A bill to amend the Internal Revenue Code of 1954 to provide for treatment of the recovery of losses arising from expropriation, intervention, or confiscation of properties by government of foreign countries; to the Committee on Finance.

(See the remarks of Mr. LONG of Louisiana when he introduced the above bill, which appear under a separate heading.)

RESOLUTIONS

EXPRESSION OF SENSE OF THE SENATE THAT THE PRESIDENT CONSIDER WITHDRAWING RECOGNITION FROM THE YEMEN ARAB REPUBLIC

Mr. HICKENLOOPER submitted the following resolution (S. Res. 361), which was referred to the Committee on Foreign Relations:

Whereas the United States extended diplomatic recognition to the Government of the Yemen Arab Republic on December 19, 1962, at which time that Government stated its desire for normalization and establishment of friendly relations with its neighbors and its intention to concentrate on internal affairs; and

Whereas the Government of the Yemen Arab Republic, notwithstanding these stated intentions, has continued to provoke unrest in the area of the Aden protectorate; and

Whereas an armed conflict developed between the Yemen Arab Republic and the tribes supporting the former royalist Government, a conflict in which military forces of the United Arab Republic assisted the so-called Republican Government, while Saudi Arabia supported the royalist forces; and

Whereas the Governments of the United Arab Republic and Saudi Arabia subsequently agreed to undertake a reciprocal disengagement and phased removal of military forces from Yemen; and

Whereas Saudi Arabia has substantially fulfilled the agreement, while the United Arab Republic has ignored it by increasing its military strength in Yemen, by making periodic air strikes against defenseless villages, and by having taken de facto control of much of the country: Therefore be it

Resolved, That it is the sense of the Senate that the President of the United States devote serious consideration to severing diplomatic relations with the Yemen Arab Republic and to withholding further assistance to the United Arab Republic under the Foreign Assistance Act of 1961, as amended, and Public Law 480, together with any related legislation that Congress may adopt.

TO PRINT ADDITIONAL COPIES OF PART 9 OF HEARINGS ENTITLED "ADMINISTRATION OF NATIONAL SECURITY"

Mr. JACKSON, from the Committee on Government Operations, reported an original resolution (S. Res. 362) to print additional copies of part 9 of the hearings entitled "Administration of National Security," which, under the rule, was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. JACKSON, which appears under the heading "Reports of Committees.")

UNIFORM CLOSING TIME FOR POLLING PLACES IN CONNECTION WITH CERTAIN FEDERAL ELECTIONS

Mr. JAVITS. Mr. President, I introduce a bill to provide a uniform closing time for polling places in connection with certain Federal elections.

Like other Members who have introduced bills with respect to this matter, I have been very much disturbed about the effect upon the elections in the West of the earlier closing of the polls in the East.

At the end of the primary election in California on June 2 of this year—an election in which I had some interest—I actually sat in a television studio and observed the results. I could see the enormous impact on the millions of Americans which could result on the west coast and in the Mountain States as a result of receiving the actual reports, extrapolations, and forecasts which were announced at that particular time.

Therefore, with the aid of Martin Eric Lowy, managing editor of the Yale Law Journal, I have developed this concept as a means by which I think this matter can best be handled. I believe there should be an official closing time at the polling places on election day. It should be a little later in the East, 11 p.m., and somewhat earlier on the Pacific coast—as early as 5 p.m. in the Alaska-Hawaii area. This practice will give us some uniformity for the closing of the polls. It would balance out the whole situation in such a way as to avoid what I believe the modern electronic means have made a practical difficulty.

There is no constitutional question about the power of Congress to establish a uniform closing time. Article XI, section 3 of the Constitution gives Congress the power to "determine the time of choosing the Electors" for President and Vice President. In addition, article I, section 4 empowers the Congress to regulate the "Times, Places, and Manner of holding" elections for Senators and Representatives, and the Supreme Court has indicated that this provision may also be applicable to presidential elections.

I send the bill to the desk, for appropriate reference, and ask that it may be printed in the Record.

The PRESIDING OFFICER (Mr. Inouye in the chair). The bill will be received, and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3118) to provide a uniform closing time for polling places in certain Federal elections, introduced by Mr. Javits, was received, read twice by its title, referred to the Committee on Rules and Administration, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on the Tuesday next after the first Monday in the month of November 1964, and the Tuesday next after the first Monday in the month of November of each fourth year thereafter, the official closing time of the polling places in the several States of the United States for the election of electors for President and Vice President of the United States and the election of United States Senators and Representatives shall be as follows: 11 postmeridian standard time in the eastern time zone; 10 postmeridian standard time in the central time zone; 9 postmeridian standard time in the mountain time zone; 8 postmeridian standard time in the Pacific time zone; 7 postmeridian standard time in the Yukon time zone; 6 postmeridian standard time in the Alaska-Hawaii time zone; and 5 postmeridian standard time in the Bering time zone.

REQUIREMENT FOR AIR CARRIERS TO PROCURE AVIATION ACCIDENT INSURANCE FOR PASSENGERS ON CERTAIN JOURNEYS SUBJECT TO THE WARSAW CONVENTION

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Federal Aviation Act of 1958, as amended, to require air carriers to procure aviation accident insurance for the benefit of passengers on certain journeys subject to the Warsaw Convention, and for other purposes. I ask unanimous consent to have printed in the Record a letter signed by the Secretary of State, the Chairman of the Civil Aeronautics Board, and the Administrator of the Federal Aviation Agency, requesting the proposed legislation, together with certain enclosures, all relating to the bill.

The PRESIDING OFFICER. The bill will be received and appropriately referred, and, without objection, the letter and enclosures will be printed in the Record.

The bill (S. 3119) to amend the Federal Aviation Act of 1958, as amended, to require air carriers to procure aviation accident insurance for the benefit of passengers on certain journeys subject to the Warsaw Convention, and for other purposes, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter and enclosures presented by Mr. Magnuson are as follows:

THE SECRETARY OF STATE,
Washington, D.C., August 7, 1964.

Hon. Carl Hayden,
President pro tempore,
U.S. Senate.

Dear Senator Hayden: The Department of State, the Civil Aeronautics Board, and the Federal Aviation Agency submit and recommend for consideration of the Senate a draft bill, "To amend the Federal Aviation Act of 1958, as amended, to require air carriers to procure aviation accident insurance for the benefit of passengers on certain journeys subject to the Warsaw Convention, and for other purposes." The draft bill is enclosed.

The principal purpose of this legislation is to meet a problem presented by the United States continued participation in the Warsaw Convention as it would be amended by the Hague protocol currently before the Senate. The United States would continue its adherence with the other nations of the world to uniform rules relating to liability of carriers engaged in international carriage by air but at the same time would require its carriers to carry accident insurance giving to its passengers protection in addition to that possible under the convention.

The Warsaw Convention entered into force for the United States, subject to a reservation, in 1934. Included in its many provisions relating to the conditions of international transportation by air was a limitation on the liability of air carriers for passengers on certain international flights in the amount of approximately $8,300. On September 28, 1955, a protocol was signed at The Hague which would amend a number of provisions in the Warsaw Convention. One of these amendments increases the limitation of liability to approximately $16,600. The provisions of the Warsaw Convention and the protocol are described in Senate Executive G, 73d Congress, 2d session, and in Senate Executive H, 86th Congress, 1st session.

During the past 3 years an extensive study has been made of the position the United States should take on the Warsaw Convention and the Hague protocol, with special emphasis on the problem of limitation of liability for passengers. During this study by the Interagency Group on International Aviation, interested persons and organizations expressed their views to the study group both in writing and in public hearings.

The attached letter from the Administrator of the Federal Aviation Agency reports the conclusion of that study. On the basis of that study the Department of State has recommended the ratification of the protocol. A copy of the letter to the chairman of the Senate Foreign Relations Committee embodying this recommendation is enclosed.

The Interagency Group concluded that even the increased limits of liability in the protocol would leave U.S. victims of international air accidents without adequate compensation by U.S. standards. To meet this objection it prepared the legislation which is the subject of this letter. A more complete statement of the purpose and need for this bill is enclosed.

The three most important provisions of the bill (1) require U.S. air carriers to procure aviation accident insurance for the benefit of their passengers on journeys which originate or terminate in the United States and which are subject to the Warsaw Convention; (2) require certain procedures by both U.S. and foreign air carriers to bring to passengers' attention the monetary limits of liability applicable under the Warsaw Convention; and (3) clarify the right of action for bodily injury or death granted by the Warsaw Convention. The amount a victim may recover under the accident insurance ranges up to $50,000 for the death of a passenger over 12 years old, or for the total disability of any passenger, plus medical expenses up to $10,000. The insurance would be payable regardless of fault on the part of the carrier. In addition, the victim could assert the rights he has had heretofore against any person.

The draft bill, together with the statement of purpose and need and the enclosed section-by-section analysis, have been approved by the Interagency Group on International Aviation.

A letter similar to this one is being sent to the Speaker of the House of Representatives.

The Bureau of the Budget advises that there is no objection to the submission of the legislation for the consideration of the Congress from the standpoint of the administration's program.

Sincerely yours,

Dean Rusk,
Secretary of State.
Alan S. Boyd,
Chairman, Civil Aeronautics Board.
N. E. Halaby,
Administrator, Federal Aviation Agency.

THE SECRETARY OF STATE,
Washington, D.C., August 7, 1964.

Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate.

Dear Mr. Chairman: I have the honor to recommend that the Senate give its advice and consent to ratification of the protocol, dated at The Hague September 28, 1955, to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on October 12, 1929. The protocol is already pending in the Senate, having been originally submitted by President Eisenhower to the 86th Congress (Ex. H., 86th Cong., 1st sess.).

The United States has been a party to the Warsaw Convention since 1934. The protocol went into force on August 1, 1963, between the more than 30 nations that have ratified it. Several other leading aviation countries, including the United Kingdom, have deferred action on the protocol pending a decision by the United States. If the United States ratifies the protocol, it may be expected that it will become widely accepted as the standard agreement governing the liability of carriers in international air transportation.

The principal effect of ratification of the Hague protocol would be to raise the limit of liability of carriers affected by the Warsaw Convention for injury or death of a passenger from the present level of approximately $8,300 to approximately $16,600. This would be in line with the longstanding policy of the United States to raise the compensation to passengers in air accidents in international transport.

The protocol was negotiated at a conference at The Hague in 1955 in which the United States actively participated. The United States signed the protocol on June 28, 1956. President Eisenhower submitted it to the Senate on July 24, 1959, with a report from the Secretary of State summarizing the provisions of the protocol. However, the Senate did not act on the protocol during the 86th Congress.

During the first session of the 87th Congress, you wrote to me inquiring as to the Department of State's current views on the protocol. In response thereto, the Department informed you that we were requesting the Interagency Group on International Aviation to undertake a consideration of the relationship of the United States to the protocol and the Warsaw Convention, with special focus on the problem of the limitation of liability for passengers. The Interagency Group on International Aviation (IGIA) conducted an extensive study of the problem, during which it held hearings and received both written and oral views from interested persons and organizations. As a result of its study, the Interagency Group made two basic related recommendations: (1) The United

States should ratify the protocol; and (2) the United States should enact complementary legislation requiring U.S. air carriers to provide, in addition, accident insurance up to $50,000 for each of their passengers in international air travel covered by the Warsaw Convention. I informed you in a letter dated August 9, 1962, that I tentatively approved these recommendations, that an interagency committee would draft appropriate legislation, and that a further message concerning ratification was being prepared.

This communication is intended to start the procedure for carrying out the first of these recommendations. A separate communication on behalf of this Department, the Civil Aeronautics Board, and the Federal Aviation Agency will be submitted shortly to the Senate and the House of Representatives proposing legislation to carry out the second recommendation.

As noted above, the Hague protocol has already come into force. U.S. ratification would make the increased limit of liability provided in the protocol available to the large number of U.S. passengers traveling between many countries in Europe and the United States as well as between the United States and other points in the world.

The protocol, complemented by the legislation recommended by the Interagency Group, would substantially meet the problem occasioned by the limitation of liability for passengers, and would in large measure meet the problems caused by the variety of provisions for compensation for injuries in countries around the world. It is fair to say that ratification by the United States would make the Hague protocol a truly worldwide convention, bringing up to date (and in fact modifying) the Warsaw Convention of 1929. I therefore urge that the Senate give its advice and consent to ratification of the Hague protocol at an early date.

In accordance with the recommendation of the Interagency Group, I renew the recommendation made in the original submission to the Senate in 1959 that, consistent with article XXVI of the Hague protocol, the United States attach a statement to its ratification as follows:

"The United States of America declares that in accordance with article XXVI of this protocol the convention as amended by the protocol shall not apply to the carriage of persons, cargo, and baggage for its military authorities on aircraft, registered in the United States of America, the whole capacity of which has been reserved by or on behalf of such authorities."

Respectfully submitted.

Dean Rusk.

Federal Aviation Agency,
Washington, D.C., August 12, 1963.

Hon. Dean Rusk,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: By letter dated August 9, 1962, you forwarded to Chairman Fulbright, of the Senate Foreign Relations Committee, the recommendations of the Interagency Group on International Aviation (IGIA) in regard to the Hague Protocol to the Warsaw Convention. These recommendations, which you tentatively approved, are that (1) the Hague protocol be ratified and that (2) complementary legislation be enacted to provide, inter alia, automatic accident insurance. Your letter to Senator Fulbright advised that the IGIA would undertake to draft the legislation for submission to the Congress as part of the administration's legislative program.

On July 19, 1963, the special committee appointed by the IGIA to draft the legislation submitted a proposed bill to the IGIA members, and ad hoc representatives of the Departments of Justice and Labor, for approval. On August 8, 1963, the IGIA members approved the enclosure which consists of (1) the revised text of the proposed bill; (2) a statement of purpose and need; and (3) a section-by-section analysis.

The IGIA members have noted that the Hague protocol came into force and effect on August 1, 1963. In order that the increased limit of liability provided in the protocol can be made available to the large numbers of U.S. passengers traveling between many countries in Europe and the United States as well as between the United States and other points in the world, the IGIA members recommend that the Department of State take the action necessary for simultaneous transmission of (1) a renewed Presidential request to the Senate for advice and consent to U.S. ratification of the Hague protocol and (2) the recommended complementary legislation to the Congress. The IGIA members further recommend that your report, to be forwarded with the Presidential request to the Senate, include the proposed reservation that the Convention, as amended by the protocol, in accordance with article XXVI of the protocol, shall not apply to the carriage of persons, cargo and baggage for U.S. military authorities on U.S. registered aircraft, the whole capacity of which has been reserved by or on behalf of U.S. military authorities. The statement on this point, patterned after a similar recital in the report of July 2, 1959, of the Secretary of State to the President with respect to the protocol, might read:

"The Interagency Group on International Aviation has recommended that, at the time of the deposit of an instrument of ratification by the United States, the United States inform the depositary, the People's Republic of Poland, as follows:

" 'The United States of America declares that in accordance with article XXVI of this protocol the convention as amended by the protocol shall not apply to the carriage of persons, cargo, and baggage for its military authorities on aircraft, registered in the United States of America, the whole capacity of which has been reserved by or on behalf of such authorities.' "

Sincerely yours,

N. E. Halaby,
Administrator.

Statement of Purpose and Need for Proposed Legislation

A bill "To amend the Federal Aviation Act of 1958, as amended, to require air carriers to procure aviation accident insurance for the benefit of passengers on certain journeys subject to the Warsaw Convention, and for other purposes."

The proposed legislation, which implements the recommendation of the IGIA, incorporates a number of the suggestions submitted by the air carriers and the insurance industry. The legislation meets the major criticism directed at the Warsaw Convention and the Hague protocol that the limit of liability thereunder is too low. At the same time it makes possible, by continued adherence to the Convention, preservation of desirable features of the Convention, such as uniformity of law, standardization of transport documents, and presumption of carrier liability.

Requiring United States air carriers to procure at their expense $50,000 of aviation accident insurance for the benefit of Warsaw passengers transported by them on journeys from or to the United States would be the principal means of accomplishing this objective. Under the proposed legislation, the carriers would have to submit evidence to the Board that they had procured such insurance, and the Board would be authorized to promulgate regulations regarding the insurance. Recovery under the insurance would be in addition to any amounts recoverable against the carrier under the Warsaw Convention. Thus, the face value specified for death, and the amounts specified for injuries, would be paid without regard to, and have no effect on, the damages recoverable under the Convention. In this respect, the insurance is comparable to regular commercial accident insurance, under which payments for losses are not normally offset against recoveries from tort feasors.

The obligation to procure the insurance is imposed only on United States carriers for the reason that other countries might contend that an attempt to compel foreign carriers to provide the insurance would constitute a violation of this country's treaty obligations under the Warsaw Convention. Although the United States carriers may suffer a disadvantage with their foreign competitors because of being required to absorb the cost of the insurance, it is believed that such insurance will in fact give the United States carriers a competitive advantage and that the foreign air carriers will find it desirable to procure similar insurance for passengers on segments of international journeys performed by them.

Section-by-Section Analysis of the Bill

Section 1 amends section 101 of the act, containing definitions of the terms used therein, so as to include a definition of the term "Warsaw Convention." The term is defined as meaning the Convention for the Unification of Certain Rules Relating to International Transportation by Air signed at Warsaw on October 12, 1929, or, where applicable, the Warsaw Convention as amended at The Hague, 1955.

Section 2 amends title IV of the act, relating to the economic regulation of air carriers, by adding a new section 418, entitled "Aviation Accident Insurance Requirements."

Subsection (a) of the new section requires air carriers holding certificates under title IV to procure aviation accident insurance for the benefit of passengers engaged in journeys originating or terminating in the United States subject to the Warsaw Convention who suffer accidental injury or death while being transported by such carriers. Evidence must be submitted to the Board within 6 months after the date of enactment of the section that insurance has been obtained which complies with the requirements of the section. Air carriers transporting passengers under charter agreements with the Department of Defense are exempted from the insurance requirements in those instances where the entire capacity of the aircraft is reserved to the Department by the agreements. Charters of this character provide for higher limits of liability for bodily injury or death than those in the Warsaw Convention.

Subsection (b) requires that the insurance provide that $50,000 will be paid for the death of any passenger over 12 years of age, and $25,000 for the death of any other passenger. Specified amounts, ranging from $15,000 to $50,000, would be paid for designated bodily injuries, including total disability, with a maximum total payment of $50,000 for injury and death. Additional payments not in excess of $10,000 would be made for medical expenses, as they accrued, directly to the individual or medical facility (including a facility of the U.S. Government) providing the services for which the expenses were incurred. Sums due at death would be payable to the personal representative for the benefit of the surviving spouse and children, or, if none, for the parents, next of kin, or the estate, in that order. Actions to recover on the insurance would have to be brought not later than 3 years from the date of the accident. An action for death would have to be brought by the personal representative for the benefit of the same classes of persons for whose benefit sums due at death would be payable.

Subsection (c) makes it unlawful for an insurance company to attempt to be subrogated to any rights of recovery which a passenger may have, and declares any agreement for such to be null and void. However, the insurance company would not be precluded from exercising any subrogation rights which it might have as the result of payments under insurance which was not procured pursuant to the section.

Subsection (d) requires that insurance premiums be paid by the air carrier procuring the insurance. Payment of such a premium would not provide a basis for the reduction of damages otherwise recoverable from the carrier.

Subsection (e) requires the Board to immediately enter upon a hearing for the purpose of determining whether an air carrier's certificate should be modified, suspended, or revoked where it has reason to believe that a carrier has failed to comply with the provisions of the section, or any regulation or order issued thereunder. The subsection specifically provides that the Board shall not be precluded from imposing a civil penalty for such a violation.

Section 3 amends title IV of the act by adding a new section 419, entitled "Notice of Limits of Liability and Aviation Accident Insurance."

Subsection (a) of the new section requires air carriers delivering tickets for journeys originating or terminating in the United States subject to the Warsaw Conventon to furnish at the time of such delivery a statement in writing, in form and manner approved by the Board, concerning the monetary limits of liability for death or bodily injury, and other limitations, that may be applicable under the convention. Such air carriers would also have the responsibility for seeing that such a statement was delivered by their ticket agents and other agents. Both air carriers and foreign air carriers, maintaining locations in the United States for the sale of tickets, would be required to display at locations for the sale of tickets, such notice as might be prescribed by the Board concerning such limits of liability. Notices presently furnished pursuant to the convention do not contain the monetary limits of liability, nor does the convention require that notices concerning the limits of liability be displayed at locations for the sale of tickets.

Subsection (b) requires air carriers delivering tickets for journeys originating or terminating in the United States subject to the Warsaw Convention not only to furnish at the time of such delivery a statement prescribed by the Board concerning the insurance provided pursuant to section 418, but also to cause to be displayed at locations maintained by them for the sale of tickets such notice concerning the insurance as may be prescribed by the Board. As in the case of the statements concerning the limits of liability under the Warsaw Convention, the air carriers would have the responsibility for seeing that their ticket agents and other agents furnished statements concerning the insurance.

Subsection (c) requires ticket agents and other agents in the United States, unless exempted by the Board, to display notices prescribed by the Board concerning both the limits of liability under the Warsaw Convention and the insurance when acting for air carriers, and to display notices concerning the limits of liability under the convention when acting for foreign air carriers.

Section 4 amends title IV of the act by adding a new section 420, entitled "Inapplicability of State Laws."

The new section provides that the provisions of sections 418 and 419, and regulations or orders issued thereunder, shall be applicable notwithstanding any State or local laws, ordinances, or regulations, which are inconsistent therewith. Practically all insurance companies are subject to rules or regulations of various State commissions, and the provision is designed to make certain that such rules and regulations will not impair the ability of the insurance companies to provide the insurance which air carriers would be required to procure under this legislation.

Section 5 amends section 1106 of the act, providing that nothing contained therein shall abridge remedies existing at common law or by statute, by adding provisions declaring that the Warsaw Convention shall be deemed to grant a right of action for bodily injury or death. A civil action for damages, with the right of trial by jury, could be brought in any court of competent jurisdiction in the United States by an injured person, or, in the event of death, by his personal representative for the benefit of designated individuals. Such an action would be in place of all other rights which the injured person, or his representative, might have, at common law or under statute, against persons liable under the convention for bodily injury or death. Contributory negligence would not be a bar to recovery, but the damages that would have been recoverable in the absence of the limits of liability of the convention would be diminished in proportion to the degree of negligence attributable to the injured person. The damages awarded could not exceed the limits of the convention, and would be apportioned by the court among the persons for whose benefit the action was brought in proportion to the loss that may have suffered as a result of the death of the decedent. An additional amount for reasonable attorney's fees, court costs, and other expenses of litigation would have to be allowed by the court whenever permitted by the convention.

Section 6 amends portions of the "Table of Contents" contained in the first section of the act so as to reflect the amendments made to title IV and to section 1106.

REPEAL OF 10-PERCENT FEDERAL EXCISE TAX ON CERTAIN SILVER-PLATED HOLLOWWARE

Mr. DODD. Mr. President, I introduce for appropriate reference a bill to repeal the 10-percent Federal excise tax on the sale of silver-plated hollowware to purchasers who use these items in their business.

This proposal should be considered on its own merits, distinct from the larger question of whether or not it is appropriate at this time to repeal or reduce some or all of the Federal retail excise taxes.

I say this because it seems clear that the imposition of an excise tax on this category of sales, the sale of silver-plated hollowware to purchasers who intend to use it in the regular course of their business, was not intended in the first place.

These are not retail sales, as are other items listed in section 4001 of the Internal Revenue Code such as jewelry and sterling silver products.

They are sales to hotels, schools, hospitals, and restaurants of essential food serving items. This silver-plated hollowware is used to insure the adequate, proper, and sanitary serving of food in the respective establishments, not for resale.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a brief explanation and justification of the bill which I have prepared.

I hope to be able to persuade my colleagues who serve on the Senate Finance Committee to support the bill and include it as an amendment to a House-approved revenue bill so it will have a chance for congressional approval before we adjourn this year.

On two occasions this year we were defeated in our efforts to repeal all of the retail excise taxes and although not happy with it I accept this judgment of the Congress. But the imposition of this tax on sales that are not in their nature retail is another matter and I think it is reasonable for me to ask Congress to correct this particular inequity.

The revenue loss would be very modest, only an estimated $200,000 a year, but the result would be beneficial to an old and established American industry.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 3120) to amend the Internal Revenue Code of 1954, as amended, to exempt from the Federal excise tax silver-plated hollowware when it is sold for use in the purchaser's trade or business, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Finance.

The explanation presented by Mr. DODD is as follows:

DESCRIPTION OF PROPOSAL TO EXEMPT FROM THE FEDERAL EXCISE TAX SILVER-PLATED HOLLOWWARE USED IN A TRADE OR BUSINESS

Section 4001 of the Internal Revenue Code provides for the payment of an excise tax of 10 percent on sales at retail of certain items of which silver-plated hollowware is one. The tax was originally one of the "temporary wartime" excises primarily designed to limit the sale of those products not considered necessary to the war effort.

Under section 4001, hotels, hospitals, schools, restaurants, etc., are required to pay an excise tax of 10 percent on the purchase price of food serving items, if such items are silver plated, even though they are essential to the adequate, proper, and sanitary serving of food in the respective establishments and not for resale. The tax is not applicable when the same items, for the identical end uses, are made of stainless steel bimetals, china and glass.

This gives manufacturers of stainless steel, bimetal, china and glass institutional ware a substantial competitive advantage, which is being exploited to the detriment of manufacturers of silver-plated institutional ware.

Personally I think this was probably an oversight on the part of Congress. It is hard to believe Congress intended to exclude silver-plated flatware but tax hollowware, which is necessary and essential food serving equipment. It is in fact a capital investment that must be made for the proper performance of services to the public.

In the bill, section 4001 would be amended by striking out "silver-plated hollowware" and inserting "silver-plated hollowware not sold for use in the trade or business of the purchaser."

"Retail sales" have been interpreted to mean all sales in the United States to the final purchaser. Thus, U.S. manufacturers and jobbers are required to collect the tax when selling silver-plated institutional ware to hotels, hospitals, schools, restaurants, and others.

Because of the manner in which the tax is collected, it does not apply to sales by foreign manufacturers of silver-plated food serving items billed direct from foreign countries to hotels, hospitals, and other institutions in the United States. This is an advantage that accrues to foreign manufacturers in addition to their acknowledged price advantage due to wage and other differentials.

Present annual sales of silver-plated hollowware to institutional users (a term used to cover hospitals, schools, restaurants, and hotels), on which the 10-percent excise tax applies, are estimated at $2 million. So the revenue loss with repeal would only be about $200,000 a year.

SECRET SERVICE PROTECTION FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT

Mr. SIMPSON. Mr. President, it has been called to my attention that our laws do not provide for the protection of the presidential and vice presidential nominees of our major political parties.

The laws that we now have on our books do provide that the U.S. Secret Service shall:

> Protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the office of President, and the Vice President-elect; protect a former President, at his request, for a reasonable period after he leaves office.

This law needs to be broadened so that the nominees will be guarded from potential harm or threats to their life.

We all pray that the horrible event of November 1963 will never be repeated, but we also must make every effort to see that such a tragedy never has the chance to occur. It is important to realize that on January 20, 1965, one of two men will be sworn in as President of the United States to serve for the next 4 years. We must take every reasonable precaution to see that neither of these two men is harmed. It is my personal conviction that the least that could be done is that the Secretary of the Treasury direct the Secret Service to protect the person of the presidential and vice presidential nominees.

I send to the desk a bill which would authorize such protection, and I ask that it lie on the desk for 3 days so that other Senators who desire to do so might join as cosponsors.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk as requested by the Senator from Wyoming.

The bill (S. 3122) to authorize the U.S. Secret Service to protect the persons of the nominees of the major political parties for President and Vice President of the United States, introduced by Mr. SIMPSON, was received, read twice by its title, and referred to the Committee on the Judiciary.

TAX TREATMENT OF RECOVERIES OF LOSSES ARISING FROM CONFISCATION OF PROPERTIES BY FOREIGN COUNTRIES

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of 1954 to provide for treatment of the recovery of losses arising from expropriation, intervention, or confiscation of properties by governments of foreign countries. I ask unanimous consent that a statement prepared by me, relating to the bill, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3123) to amend the Internal Revenue Code of 1954 to provide for treatment of the recovery of losses arising from expropriation, intervention, or confiscation of properties by governments of foreign countries, introduced by Mr. LONG of Louisiana, was received, read twice by its title, and referred to the Committee on Finance.

The statement presented by Mr. LONG of Louisiana is as follows:

STATEMENT OF SENATOR LONG OF LOUISIANA IN INTRODUCING S. 3123 RELATING TO TAX TREATMENT OF RECOVERIES OF LOSSES ARISING FROM EXPROPRIATION, INTERVENTION, OR CONFISCATION OF PROPERTIES BY FOREIGN COUNTRIES

Section 210 of the Revenue Act of 1964 permits U.S. taxpayers to elect to carry over for 10 years net operating losses sustained from expropriation, intervention or confiscation of property by government of foreign countries. This provision was the first part of a bill (S. 2058) which I had introduced to provide equitable tax treatment for taxpayers who had suffered this type of loss. Action on the second part of my bill which dealt with the tax treatment of expropriated properties at the time of recovery was deferred in order to provide additional time for study and evaluation by the Treasury Department.

The Treasury Department has now considered this matter further, and the instant bill is designed to provide equitable tax treatment for taxpayers at such time as their property is returned to them or they receive compensation therefor.

At the present time, the Internal Revenue Code at sections 1331 through 1337 provides for treatment of recoveries of war losses incurred in World War II. The proposed bill would allow elective tax treatment of recoveries with respect to losses which arise as a consequence of expropriation, intervention or confiscation of property by foreign governments.

If the proposed election were not allowed, many taxpayers who realize recoveries will pay U.S. income tax substantially in excess of the reduction in tax resulting from prior deduction of foreign expropriation losses. The objective of this bill is to provide that as nearly as possible each taxpayer will pay a tax on recovery equal to the reduction in tax obtained by deducting the expropriation loss.

Under present law, the taxpayer would be required to compute tax on recoveries in accordance with section 111 of the Internal Revenue Code of 1954. As applied to recoveries of foreign expropriation losses, this section is inadequate in that it fails to take into consideration the problems that arise in the case of foreign losses which involve both net operating loss carryovers and carrybacks, foreign tax credits, and investment credits.

For example, under the Treasury regulations interpreting section 111, recoveries must be included in ordinary income even though such recoveries are with respect to deduction of losses for prior years that reduced income upon which no U.S. income tax would have been paid for the reason that the tax on such income would have been offset by foreign tax credits. Further, it appears to be the present interpretation of section 111 that recoveries with respect to deductions allowed in prior years must be reported as ordinary income even though such deductions reduced capital gains.

Under the proposed bill a taxpayer would be permitted to include in income only the recoveries of losses on foreign expropriations, the deduction of which in fact reduced the taxpayer's tax. A simplified formula is provided for computing the aggregate amount of such reductions. Under this formula the reduction in tax in prior years attributable to such losses is divided by the tax rate in such prior years which results in the income upon which such tax would have been computed. It is the reduction of such income by foreign expropriation losses which is treated as the aggregate amount of deductions in prior years that in fact reduced the taxpayer's tax.

In addition, the bill provides that in hardship cases the taxpayer may pay the Federal income tax applicable to a recovery in six equal annual payments rather than paying the entire tax on the usual dates for payment of tax for the year of recovery. The deferred payments will bear interest at the rate of 4 percent. There is a statutory precedent under sections 6166 and 6601(b) of the Internal Revenue Code of 1954 for extension of time for payment of tax in hardship cases and for the application of a 4-percent interest rate in such cases. This treatment is applicable to estate tax where a large part of the estate consists of an interest in a closely held business so that a hardship would be imposed if the taxpayer were required to dispose of part or all of the business in a quick sale in order to obtain funds to pay the tax.

Similarly, a hardship would arise in the case of a recovery of a foreign expropriation loss if the recovery were primarily either in the form of long-term obligations of a foreign government or in the form of the expropriated property itself.

If the recovery were in the form of long-term obligations of a foreign government, it is anticipated that the taxpayer might be unable to sell such obligations to secure funds to pay the tax. Further, if a large amount of such obligations was sold in order to raise cash, their market price would probably be forced down and this could result in the impairment of the credit standing of the foreign government issuing such obligations.

Should the recovery be in the form of property, the taxpayer would be faced with the necessity of using available funds to rehabilitate facilities which might be in a rundown condition. In addition, the taxpayer should be given some opportunity to convert the property into cash or to earn income from the property in order to pay its tax.

The proposals set forth in this bill are reasonable and it is not anticipated that U.S. revenue will be decreased in a substantial amount.

SOCIAL SECURITY AMENDMENTS OF 1964—AMENDMENT (AMENDMENT NO. 1232)

Mr. PROUTY. Mr. President, I submit an amendment to H.R. 11865, the Social Security Amendments of 1964, and ask that it lie on the table for the addition of cosponsors until the close of business on Saturday, August 15.

This amendment which will revise section 503 of title 38 seeks to remove an unfortunate pitfall in the House-passed social security bill.

Under existing law a number of veterans receive pensions which might be lost if their annual income exceeds a certain amount. Social security benefits are included in the computation of that annual income.

The increase in benefits provided by this bill may cause some veterans to exceed the annual income limitation. A $1 increase in social security could result in the total loss of a valued veterans' pension.

My amendment provides that there shall not be counted in determining the annual income of any veteran any part of the increases in his social security benefits which he may receive if this bill is enacted.

Additionally, the Administrator of Veterans' Affairs is directed to formulate revisions in the laws treating this subject matter and to make recommendations to the Congress no later than June 30, 1965, as to how these inequalities may be permanently eliminated.

I know that this is a troublesome problem for many who have followed the course of social security legislation through Congress over the past few years. My amendment provides stopgap relief for those who otherwise might suffer or be disadvantaged by our efforts.

I hope it will receive serious consideration.

The PRESIDING OFFICER. The amendment will be received and appropriately referred; and, without objection, the amendment will be held at the desk, as requested by the Senator from Vermont.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. MILLER. Will the Senator from Vermont be good enough to include the name of the junior Senator from Iowa on the amendment to which he has referred?

Mr. PROUTY. I am very happy to include the name of the Senator from Iowa.

Mr. President, I ask that the name of the Senator from Iowa [Mr. MILLER] be included as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREE CHOICE HEALTH INSURANCE—AMENDMENT NO. 1233

Mr. RIBICOFF. Mr. President, the Senate Finance Committee is now considering H.R. 11865, providing a 5-percent increase in social security cash benefits.

I submit for appropriate reference an amendment to that bill and ask that it be printed. My amendment carries out the so-called Ribicoff "free choice health insurance" proposal. The amendment is cosponsored by Senators ANDERSON, MANSFIELD, HUMPHREY, MCNAMARA, RANDOLPH, INOUYE, BARTLETT, MCGOVERN, METCALF, BREWSTER, KENNEDY, SALINGER, JACKSON, HART, PELL, and MAGNUSON.

Let me briefly indicate the major provisions of this amendment.

First. A choice to all social security beneficaries at age 65 of the following options—(a) $2 a month increase in cash benefits plus health insurance, or (b) $7 a month increase in cash benefits.

Second. The beneficiary would automatically receive health insurance plus the $2, unless he elected to take the $7 instead.

Third. The health insurance benefits would be (a) 90 days of hospitalization with a slight deductible or, if the beneficiary preferred, 45 days of hospitalization with no deductible; (b) 30 days of skilled nursing home care; and (c) 30 home health visits by a visiting nurse.

Fourth. Those over 65 not covered by social security would be given health insurance benefits financed out of general revenues.

Fifth. Specific provisions that administration of the program to the largest extent possible be turned over to a national private organization. Presumably, Blue Cross would be the only organization that could perform the needed services of dealing with the hospitals.

Sixth. The program would be financed by raising the eventual contributory rate to 5.0 percent on a wage base of $5,400.

In essence this amendment gives those over 65 a choice between a substantial cash increase or both a modest cash increase and a health insurance package that includes substantially the benefits of the King-Anderson bill. Specifically, this amendment provides the same hospital benefit as the King-Anderson bill, but reduces the amount of the nursing home care and the visiting nurse services and omits out-patient diagnostic services. I should add, however, that while the number of days of nursing home care is less than the King-Anderson bill, the amendment covers a much greater number of nursing homes. The highly restrictive requirements of hospital affiliation has been dropped, and the eligibility expanded to all skilled nursing homes. So all things considered the package is substantially as good as the King-Anderson package.

As to the cash benefit side of the choice, I should point out that the cash increase of $7 a month in this amendment should be compared to the increase in the pending bill which ranges from 80 cents to $6.40 a month.

I ask that the amendment be printed in the RECORD and lie on the table for additional cosponsors for 24 hours.

Mr. JAVITS. Mr. President, reserving the right to object—I shall not object, but it is merely a way to get the attention of the Senator from Connecticut—I welcome the plan which the Senator has offered. I think it is most constructive to have all the ideas before us. Having been Secretary of Health, Education, and Welfare, the Senator's contributions would be most authoritative. It is my understanding that the King-Anderson bill remains the so-called administration position.

I know the dignity and respect which the administration and my colleagues who are associated under the medical care bill will accord to the ideas, and which I know will prove to be very creative, of the Senator from Connecticut. At this time I rise only to affirm what I have said before.

First, I myself—and I believe my colleagues on this side who have joined with me in the bill that we have introduced feel the same way—am determined to do everything humanly possible to make a bill providing for medical care for the aging at the present session of the Congress a part of the social security bill.

Second, I express the hope, as I have before, on one occasion successfully—in 1962—that we may find a common ground with our Democratic colleagues, as we both know that the consummation of this long-desired objective is probably impossible without support from the Republican side of the aisle.

I extend to my colleague, for whom I have the highest regard, the suggestion that at some time before the question comes to issue, I would hope that an effort will again be made, as it was in 1962, to bring about a bipartisan bill.

Mr. RIBICOFF. Mr. President, few men in our country have been as dedicated to the cause of providing for the basic needs of our elder citizens in the health care field as has the senior Senator from New York [Mr. JAVITS]. As Secretary, I was aware of his dedication and the constructive suggestions that he always made.

This proposal has been in the thoughts of many of us for some time. All of us in this Chamber have the highest respect for the Senator from New Mexico [Mr. ANDERSON], who has labored so hard in this field. When the Senator from New Mexico [Mr. ANDERSON] returned after his brief illness—and we are so happy that he is back here again—I discussed the subject with him, and introduced this amendment only after going over it in detail with the distinguished senior Senator from New Mexico. I am very proud that the senior Senator from New Mexico has become a cosponsor of the measure, because I cannot conceive of any medicare program or any hospital care program ever being adopted or passed without the support of the Senator from New Mexico, whose thinking and dedication to the program is absolutely essential if we are to be able to solve the problem once and for all.

Mr. JAVITS. Mr. President, further reserving the right to object, I wish to name my associates on this subject so the RECORD will be clear. They are my colleagues the Senator from New York [Mr. KEATING], who is in the Chamber; the Senator from New Jersey [Mr. CASE], the Senator from Kentucky [Mr. COOPER], the Senator from California [Mr. KUCHEL], and the Senator from Maine [Mrs. SMITH]. We have joined together in the bill to which I have referred.

I congratulate the Senator from Connecticut and thank him.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment will be printed in the RECORD, and held at the desk for additional cosponsors, as requested by the Senator from Connecticut.

The amendment (No. 1233) was referred to the Committee on Finance, as follows:

Strike out everything beginning with line 1 on page 2 and down to and including line 9 on page 6, and insert in lieu thereof the following:

"Hospital insurance benefits for the aged

"Sec. 2. (a) The Social Security Act is amended by adding after title XVII the following new title:

" 'TITLE XVIII—HOSPITAL INSURANCE BENEFITS FOR THE AGED

" 'Election to receive full cash benefits or to have hospital insurance deduction made from cash benefits

" 'Hospital Insurance Deduction

" 'Sec. 1801. (a) Except in the case of an individual who elects, pursuant to subsection (b), to receive his monthly insurance benefits under section 202 (or 226) in full (and then only with respect to such benefits for months for which such election is effective), such monthly insurance benefits of any individual for each month for which he is entitled to insurance benefits under this title shall, after reduction and deductions under section 203 and reduction under section 202 (q), be reduced (but not below zero) by $5.

" 'Election To Receive Cash Benefits in Full

"(b)(1) An individual may elect, instead of entitlement to insurance benefits under this title, to receive in full his monthly insurance benefits under section 202 (or 226) for each month for which he would, but for such election, be entitled to insurance benefits under this title.

" '(2) An individual may make an election under paragraph (1) only on such form or forms and in such manner as the Secretary may prescribe. Any such election shall be valid only if made during the 4-calendar-month period which ends with the end of whichever of the following is later:

" '(A) the month in which the individual attains age 65, or

" '(B) the month in which he first becomes entitled (without the application of section 202(j)(1)) to monthly insurance benefits under section 202;

except that if such period ends prior to October 1965 such individual may file his election at any time after the third month following the month in which this section is enacted and before October 1965.

" '(3) An individual shall be permitted only one election under this subsection and such election shall be irrevocable. An individual who makes an election under this subsection shall not be entitled to insurance benefits under this title with respect to services furnished either before or after such election is made.

" '(4) A valid election under this subsection shall become effective with the beginning of whichever of the following months is the latest:

" '(A) the month in which the individual first becomes entitled (without the application of section 202(j)(1)) to benefits under section 202,

" '(B) the month in which he attains the age of 65, or

" '(C) July 1965.

" '(5) If the total of the monthly insurance benefits to which an individual is entitled under section 202 (or 226) for any month for which his election under this subsection is effective is, after reduction and deductions under section 203 and reduction under section 202(q), less than $5, such total of benefits for such month shall be increased to that amount.

" 'Prohibition against any Federal interference

" 'Sec. 1802. Nothing in this title shall be construed to authorize any Federal officer or employee to exercise any supervision or control over the practice of medicine or the manner in which medical services are provided, or over the selection, tenure, or compensation of any officer or employee of any hospital, skilled nursing facility, or visiting nurse agency; or to exercise any supervision or control over the administration or operation of any such hospital, facility, or agency.

" 'Free choice by patient guaranteed

" 'Sec. 1803. Any individual entitled to insurance benefits under this title may obtain inpatient hospital services, skilled nursing facility services, or visiting nurse services from any provider of services which has an agreement in effect under this title and which undertakes to provide him such services.

" 'Supplementary private or State health insurance protection

" 'Sec. 1804. (a) Nothing contained in this title shall be construed to preclude any State from providing, or any individual from purchasing or otherwise securing, protection against the cost of health or medical care services which supplements the protection provided under this title.

" '(b) The Secretary shall consult with providers of health or other medical care services, and with insurance companies and other similar oragnizations providing protection against the costs of any of such services, and representatives of such providers, insurance companies, or other similar organizations, and with appropriate State and other public or private agencies or organizations, to the end that they are encouraged and assisted in developing and providing protection, which supplements that provided under this title, against the costs of health or other medical care services for which payments may not be made under this title.

" 'Entitlement to benefits

" 'Sec. 1805. (a) Every individual who—

" '(1) has attained the age of 65, and

" '(2) is entitled to monthly insurance benefits under section 202,

shall (unless he elects pursuant to section 1801(b) to receive in full his monthly insurance benefits under section 202 (or 226)) be entitled to insurance benefits under this title for each month for which he is entitled to such monthly insurance benefits under section 202, beginning with the first month after June 1965 with respect to which he meets the conditions specified in paragraphs (1) and (2). .

" '(b) For purposes of this section—

" '(1) entitlement of an individual to insurance benefits under this title for a month shall consist of entitlement to have payment made under, and subject to the limitations in, this title on his behalf for inpatient hospital services, skilled nursing facility services, and visting nurse services furnished him in the United States during such month; and

" '(2) an individual shall be deemed entitled to monthly insurance benefits under section 202 for the month in which he died if he would have been entitled to such benefits for such month had he died in the next month.

" 'Duration of services; cost sharing or deductible

" 'Duration of Services: Deductible

" 'Sec. 1806. (a)(1) Except as provided in subsection (c), payment under this title for services furnished an individual during a benefit period may not be made—

" '(A) for inpatient hospital services furnished to him, during such period, after such services have been furnished to him for ninety days during such period,

" '(B) skilled nursing facility services furnished to him during such period after such services have been furnished to him for thirty days during such period.

" 'For purposes of the preceding sentence, inpatient hospital services or skilled nursing facility services shall be taken into account only if payment is or would be, except for subsection (b) or the failure to comply with the request and certification requirements of section 1811(a) or both, made with respect to such services under this title.

" '(2) Payment under this title may not be made for visiting nurse services furnished any individual, during any calendar year, after such services have been furnished to him during 30 visits in such year.

" '(3) Except as provided in subsection (c), payment for inpatient hospital services furnished an individual during any benefit period shall be reduced by a deduction equal to either (A) 2½ times the average per diem rate for such services (determined as proeither (A) 2½ times the average per diem the average per diem rate differential (determined as provided in subsection (b)(2)), if any, or (B) if less, the charges customarily made for such services by the hospital which furnished them.

" '(4) The average per diem rate for inpatient hospital services which shall be applicable in the case of benefit periods beginning during any calendar year shall be the current average per diem rate determined for purposes of the promulgation under subsection (b) made during the preceding even-numbered year; except that (A) if the amount so determined is not a multiple of $2—

" '(i) if it is a multiple of $1, it shall be rounded to the next higher multiple of $2, or

" '(ii) in any other case, it shall be rounded to the nearest multiple of $2,

and (B) the current average per diem rate for benefit periods beginning before 1969 shall be $36.

" 'Cost sharing

" '(b)(1) For the purpose of maintaining the Hospital Insurance Trust Fund on an actuarially sound basis if the average per diem cost of inpatient hospital services increases and the maximum amount of earnings on which contributions to such Trust Fund are based is not increased proportionately, payment for inpatient hospital services furnished an individual after December 31, 1968, during a benefit period shall be reduced by a deduction (in addition, in the case of an individual who has made an election pursuant to subsection (c), to the deduction imposed thereby) equal to the applicable average per diem rate differential determined under paragraph (2), multiplied by the number of days of such services in such period for which payment may be made under this title.

" '(2) The Secretary shall, between July 1 and October 1 of the year 1968 and each even-numbered year thereafter, promulgate the average per diem rate differential which shall be applicable for the purposes of paragraph (1) in the case of days of inpatient hospital services furnished during the 2 succeeding calendar years. Such differential shall be the amount determined—

" '(A) by multiplying (i) $36 (the estimated average per diem rate for inpatient hospital services for 1964 and 1965) by (ii) the ratio of

" '(I) the maximum on the amount of remuneration paid during such 2 succeeding calendar years which may, under section 3121 (a)(1) of the Internal Revenue Code of 1954, be counted as wages for purposes of chapter 21 of such Code (or, if there is a different maximum for each of such 2 years, the average of such maxima), to

"'(II) $5,400, and

"'(B) by subtracting the product derived thereby from the current average per diem rate for inpatient hospital services;

except that if the result obtained under clauses (A) and (B) is not a multiple of $2, it shall—

"'(C) if it is a multiple of $1, be raised to the next higher multiple of $2, or

"'(D) if it is less than $1, be reduced to zero, or

"'(E) in any other case be rounded to the nearest multiple of $2.

If the differential determined under the preceding sentence is a negative amount, it shall be deemed instead to be zero. The determination of the current average per diem rate for purposes of any promulgation under this paragraph shall be based on the best information available to the Secretary (at the time the determination is made) as to the amounts paid under this title on account of inpatient hospital services furnished during the 2 calendar years preceding such determination by hospitals which have agreements in effect under section 1812, to individuals who are entitled to insurance benefits under this title.

"'Election as to Duration of Inpatient Hospital Services and Deductible

"'(c)(1) An individual may elect, instead of the 90 days (specified in subsection (a)) in a benefit period for which payment may be made for inpatient hospital services furnished to him, to have such number of days for each benefit period reduced to 45, and, in such case, the reduction, provided in subsection (a), in the payment under this title for inpatient hospital services furnished him during any benefit period shall not apply to him.

"'(2) The requirements of paragraph (2), and the provisions of paragraph (4), of section 1801(b) shall be equally applicable to elections under this subsection; and for such purpose an individual who would not be entitle to insurance benefits under this title except for the provisions of section 2(c) of the Social Security Amendments of 1964 shall be deemed to have become entitled to monthly insurance benefits under section 202 of this Act in the first month in which he meets the requirements of subparagraphs (A), (B), and (C) of paragraph (1) of such section 2(c).

"'(3) An individual shall be permitted only one election under this subsection and such election shall be irrevocable.

"'Benefit Period

"'(d) For the purposes of this section, a "benefit period" with respect to any individual means a period of consecutive days—

"'(1) beginning with the first day (not included in a previous benefit period) (A) on which such individual is furnished inpatient hospital services or skilled nursing facility services and (B) which occurs in a month for which he is entitled to insurance benefits under this title, and

"'(2) ending with the 90th day thereafter on each of which he is neither an inpatient in a hospital nor an inpatient in a skilled nursing facility (whether or not such 90 days are consecutive), but only if such 90 days occur within a period of not more than 180 consecutive days.

"'Definitions

"'SEC. 1807. For the purposes of this title—

"'Inpatient Hospital Services

"'(a) The term "inpatient hospital services" means the following items and services furnished to an inpatient in a hospital and (except as provided in paragraph (3)) by the hospital—

"'(1) bed and board,

"'(2) such nursing services and other related services, such use of hospital facilities, and such medical social services as are customarily furnished by the hospital for the care and treatment of inpatients, and such drugs, biologicals, supplies, appliances, and equipment, for use in the hospital, as are customarily furnished by such hospital for the care and treatment of inpatients, and

"'(3) such other diagnostic or therapeutic items or services, furnished by the hospital or by others under arrangements with them made by the hospital, as are customarily furnished to inpatients either by such hospital or by others under such arrangements;

excluding, however—

"'(4) medical or surgical services provided by a physician, resident, or intern, except services provided in the field of pathology, radiology, physiatry, or anesthesiology, and except services provided in the hospital by an intern or a resident-in-training under a teaching program approved by the Council on Medical Education of the American Medical Association (or, in the case of an osteopathic hospital, approved by the appropriate committee of the American Osteopathic Association), and

"'(5) the services of a private-duty nurse.

"'Hospital

"'(b) The term "hospital" (except for purposes of section 1806(d)(2), section 1811(f), and paragraph (7) of this subsection) means an institution which—

"'(1) is primarily engaged in providing, by or under the supervision of physicians or surgeons, to inpatients (A) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or (B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons,

"'(2) maintains clinical records on all patients,

"'(3) has bylaws in effect with respect to its staff of physicians,

"'(4) has in effect a requirement that every patient must be under the care of a physician,

"'(5) provides 24-hour nursing service rendered or supervised by a registered professional nurse and has a licensed practical nurse or registered professional nurse on duty at all times,

"'(6) has in effect a utilization review plan which meets the requirements of subsection (c),

"'(7) in the case of an institution in any State in which State or applicable local law provides for the licensing of hospitals, (A) is licensed pursuant to such law or (B) is approved, by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing, and

"'(8) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services by or in the institution; except that such other requirements may not be higher than the comparable requirements prescribed for the accreditation of hospitals by the Joint Commission on the Accreditation of Hospitals.

For purposes of section 1806(d)(2), such term includes any institution which meets the requirements of paragraph (1) of this subsection. For purposes of section 1811(f) (including determination of whether an individual received inpatient hospital services for purposes of such section), such term includes any institution which meets the requirements of paragraphs (1), (2), (4), (5), and (7) of this subsection. Notwithstanding the preceding provisions of this subsection, such term shall not, except for purposes of section 1806(d)(2), include any institution which is primarily for the care and treatment of tuberculosis or mental diseases.

"'Utilization Review

"'(c) A utilization review plan of a hospital or skilled nursing facility shall be deemed sufficient if it is applicable to services furnished by such institution to individuals entitled to insurance benefits under this title and if it provides—

"'(1) for the review, on a sample or other basis, of admissions to the institution, the duration of stays therein, and the professional services (including drugs and biologicals) furnished, (A) with respect to the medical necessity of the services, and (B) for the purpose of promoting the most efficient use of available health facilities and services;

"'(2) for such review to be made by either (A) a hospital or skilled nursing facility staff committee composed of two or more physicians, with or without participation of other professional personnel, or (B) a group outside the hospital or facility which is similarly composed;

"'(3) for such review, in each case in which inpatient hospital services are furnished to such an individual during a continuous period, as of the twenty-first day of such period, and as of such subsequent days of such period as may be specified in regulations, with such review to be made as promptly after such twenty-first or subsequent specified day as possible, and in no event later than one week following such day;

"'(4) for such review, in each case in which skilled nursing facility services are furnished to such individual during a continuous period, at such intervals as may be specified in this title or in regulations; and

"'(5) for prompt notification to the institution, the individual, and his attending physician of any finding (after opportunity for consultation to such attending physician) by the physician members of such committee or group that any further stay in such institution is not medically necessary.

The review must be made as provided in clause (B) of paragraph (2) rather than as provided in clause (A) of such paragraph in the case of any hospital or skilled nursing facility where, because of the small size of the hospital or facility or for such other reason or reasons as may be included in regulations, it is impracticable for the hospital or facility to have a properly functioning staff committee for the purposes of this subsection.

"'Visiting Nurse Services

"'(d) The term "visiting nurse services" means the following items and services furnished to an individual, who is under the care of a physician, by a visiting nurse agency under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician, which items and services are provided in a place of residence used as such individual's home—

"'(1) part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse, and

"'(2) medical supplies (other than drugs and biologicals), and the use of medical appliances, while under such a plan; excluding, however, any item or service if it would not be included under subsection (a) if furnished to an inpatient in a hospital.

"'Visiting Nurse Agency

"'(e) The term "visiting nurse agency" means an agency which—

"'(1) is a public agency, or a private nonprofit organization exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1954,

"'(2) has policies, established by a group of professional personnel (associated with the agency), incuding one or more physicians and one or more registered professional nurses, to govern the service which it provides,

"'(3) maintains clinical records on all patients,

"'(4) in the case of an agency in any State in which State or local law provides for the licensing of agencies of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State responsible for licensing agencies of this nature, as meeting standards established for such licensing, and

" '(5) meets such other conditions of participation as the Secretary may find necessary in the interest of the safety of individuals who are furnished services by such agency.

" 'Skilled Nursing Facility Services

" '(f) The term "skilled nursing facility services" means the following items and services furnished to an inpatient in a skilled nursing facility, after transfer from a hospital in which he was an inpatient, and (except as provided in paragraph (3)) by such skilled nursing facility—

" '(1) nursing care provided by or under the supervision of a registered professional nurse,

" '(2) bed and board in connection with the furnishing of such nursing care,

" '(3) physical, occupational, or speech therapy furnished by the skilled nursing facility or by others under arrangements with them made by the facility,

" '(4) medical social services,

" '(5) such drugs, biologicals, supplies, appliances, and equipment, furnished for use in the skilled nursing facility, as are customarily furnished by such facility for the care and treatment of inpatients, and

" '(6) such other services necessary to the health of the patient as are generally provided by skilled nursing facilities;

excluding, however, any item or service if it would not be included under subsection (a) if furnished to an inpatient in a hospital.

" 'Skilled Nursing Facility

" '(g) The term "skilled nursing facility" means (except for purposes of section 1806 (d)(2)) an institution, or a distinct part of an institution, which—

" '(1) is primarily engaged in providing to inpatients (A) skilled nursing care and related services for patients who require medical or nursing care or (B) rehabilitation services,

" '(2)(A) has policies, which are developed with the advice of (and provides for review of such policies from time to time by) a group of professional personnel including one or more physicians and one or more registered professional nurses, to govern the skilled nursing care and related medical or other services it provides, and has a physician, registered professional nurse or a medical staff responsible for the execution of such policies, or (B) is affiliated or under common control with a hospital providing inpatient hospital services;

" '(3) has a requirement that every patient must be under the care of a physician and makes provision in emergencies when such physician is not available, for another physician to be available;

" '(4) maintains clinical records on all patients;

" '(5) provides 24-hour nursing service which is sufficient to meet nursing needs in accordance with the policies developed as provided in subparagraph (2), and has at least one registered professional nurse employed full time;

" '(6) in the case of an institution in any State in which State or applicable local law provides for the licensing of institutions of this nature, (A) is licensed pursuant to such law, or (B) is approved, by the agency of such State or locality responsible for licensing institutions of this nature, as meeting standards established for such licensing;

" '(7) provides appropriate methods and procedures for the nursing facility and any other facility (including a hospital providing inpatient hospital services and including a home or other residence) whenever such transfer is medically appropriate, and also provides for the transfer or the joint use (to the extent practicable) of clinical records between it and other facilities, as appropriate; and

" '(10) meets such other conditions relating to the safety of individuals who are furnished services by or in such nursing facility, or relating to the physical facilities thereof, as the Secretary may find necessary.

" 'Drugs and Biologicals

" '(h) The term "drugs" and the term "biologicals" include only such drugs and biologicals, respectively, as are included in the United States Pharmacopoeia, National Formulary, New and Non-Official Drugs, or Accepted Dental Remedies, or are approved by the pharmacy and drug therapeutics committee (or equivalent committee) of the medical staff of the hospital furnishing such drugs or biologicals.

" 'Physician

" '(i) The term "physician", when used in connection with the performance of any function or action, means an individual (including a physician within the meaning of section 1101(a)(7)) legally authorized to practice surgery or medicine by the State in which he performs such function or action.

" 'Skilled Nursing Facilities Affiliated or Under Common Control With Hospitals

" '(j) A hospital and a skilled nursing facility shall be deemed to be affiliated or under common control if, by reason of a written agreement between them or by reason of a written undertaking by a person or body which controls both of them, there is reasonable assurance that—

" '(1) the facility will be operated under standards which are developed jointly by, or are agreed to by, the 2 institutions, with respect to—

" '(A) skilled nursing and related health services (other than physicians' services),

" '(B) a system of clinical records, and

" '(C) appropriate methods and procedures for the dispensing and administering of drugs and biologicals; and

" '(2) timely transfer of patients will be effected between the hospital and the skilled nursing facility whenever such transfer is medically appropriate, and provision is made for the transfer or the joint use (to the extent practicable) of clinical records of the 2 institutions.

" 'Arrangements for Services

" '(k) The term "arrangements" is limited to arrangements under which receipt of payment by the hospital or skilled nursing facility (whether in its own right or as agent), with respect to services for which an individual is entitled to have payment made under this title, discharges the liability of such individual or any other person to pay for the services.

" 'Provider of Services

" '(l) The term "provider of services" means a hospital, skilled nursing facility, or visiting nurse agency.

" 'States and United States

" '(m) The terms "State" and "United States" shall have the same meaning as when used in subsections (h) and (i), respectively, of section 210.

" 'PRIVATE ORGANIZATION PARTICIPATION IN ADMINISTRATION OF TITLE

" 'SEC. 1808. (a) The Secretary shall (subject to the provisions of subsection (f)) enter into an agreement with an organization which will undertake to perform nationwide the following functions or, to the extent provided in the agreement, to secure such performance by other organizations:

" '(1)(A) obtain agreements from hospitals in accordance with section 1812(a), based on rates of payment determined pursuant to section 1811(b); (B) make determinations of the rates and amounts of payments required pursuant to this title to be made to hospitals (subject to such review of such determinations by the Secretary, either on his own motion or at the request of hospitals, as may be provided by him); (C) receive, disburse, and account for funds in making such payments to hospitals; and (D) make such audits of the records of hospitals (subject to such review by the Secretary as may be provided by him) as may be necessary to insure that proper payments are made under this title;

" '(2)(A) determine compliance with the requirements of section 1807(c) (subject to such review by the Secretary, on his own motion or otherwise, as may be provided by him);

" '(B) provide consultative services to hospitals to assist them in the development of procedures relating to utilization practices, make studies of the effectiveness of such procedures and methods for their improvement, and provide procedures for and assist in arranging, where necessary, the establishment of groups outside hospitals (meeting the requirements of section 1807(c)(2)) to make reviews of utilization;

" '(3) serve as a channel of communication to hospitals of information furnished by the Secretary relating to the administration of this title, and serve as a channel of communication from such hospitals to the Secretary; make such reports, in such form and containing such information, as the Secretary may find necessary in connection with such agreement; and maintain such records and afford such access thereto as he may find necessary to assure the correctness and verification of such reports; and

" '(4) otherwise assist, in such manner as the agreement may provide, in discharging administrative duties necessary to carry out the purposes of this title.

" '(b) An organization submitting a proposal that it perform the functions specified in paragraphs (1), (2), and (3) of subsection (a) shall include in such proposal such information as the Secretary finds necessary to permit comparison, as among organizations submitting the proposals, of the ability of the respective organizations to perform or secure the performance of such functions efficiently and economically, and such information as he finds necessary with respect to financial responsibility, legal authority, and other matters which he finds pertinent. A proposal which has been filed with the Secretary within the time prescribed in accordance with regulations shall be deemed adequate if the Secretary finds that it demonstrates the ability of the organization to meet the requirements of paragraphs (1), (2), and (3) of subsection (a) and to meet financial, legal, and other pertinent requirements.

" '(c) From among the proposals found to be adequate, the Secretary shall select the proposal which he finds will result in the most efficient and economical performance of the functions specified in paragraphs (1), (2), and (3) of subsection (a). In making the selection he shall take into consideration all available evidence bearing on the manner in which each organization would be able to perform each of the specified functions or to secure such performance by other organizations; the number, distribution, and qualifications of staff available for that purpose; and the experience of the organization or organizations in comparable operations.

" '(d) (1) Any organization with which an agreement under this section has been made shall be paid amounts equal to the payments made by it to hospitals, providers of services under the agreement and the costs which the Secretary determines to be necessary and proper for carrying out its functions under such agreement (including any services performed pursuant to section 1810).

" '(2) Such amounts shall be paid to the organization in advance at such intervals as may be provided in the agreement. The amounts to be advanced shall be determined (and from time to time shall be redetermined) on the basis of an estimated per capita amount per month and the estimated number of individuals entitled to hospital insurance benefits for which the organization will make payments (which estimates shall be made by the Secretary), and with a view to enabling the organization to maintain at all times a reserve equal to its costs under the agreement for not less than one month and not more than two months.

" '(e) (1) An agreement with an organization may contain such terms and conditions not inconsistent with this section as the Secretary may find necessary or appropriate. It shall be made for an initial term which shall extend until the June 30th which is not less than one nor more than two years after the effective date of the agreement, and thereafter shall continue in force from year to year unless terminated or modified in accordance with this subsection.

" '(2) The agreement may be terminated by the organization at the end of the initial term or of any year thereafter by giving such notice to the Secretary and to hospitals which have entered into agreements under section 1812 as may be required by the agreement, but notice of more than six months shall not be required.

" '(3) The agreement may be terminated by the Secretary at such time and upon such notice to the organization, and to hospitals which have entered into agreements under section 1812, as may be provided in the agreement, but only if the Secretary finds, after reasonable notice and opportunity for hearing to the organization, that (A) the organization has failed substantially to carry out the agreement, or (B) the continuation of some or all of the functions provided for in the agreement with the organization is inconsistent with the economical and efficient administration of this title, or (C) it is determined that another organization submitting an adequate proposal can perform the functions specified in paragraphs (1), (2), and (3) of subsection (a) more efficiently and economically. If the Secretary finds that the organization has failed substantially to carry out the agreement, but has done so only in a particular geographical area, he may agree, in lieu of termination, to a modification of the agreement to exclude such area from its operation.

" '(4) The agreement may at any time be modified by further agreement of the parties, in any manner not inconsistent with this section.

" '(f) If—

" '(1) no adequate proposal is submitted pursuant to subsection (b) within the time prescribed in accordance with regulations, or

" '(2) an agreement entered into pursuant to subsection (a) provides for the exclusion of or has been modified to exclude a geographical area,

then the Secretary shall administer the functions specified in subsection (a) of this section (A) nationally if no adequate proposal has been timely submitted or (B) in the geographical area described in paragraph (2), as the case may be.

" '(g) An agreement with an organization under this section may require such organization or any of its officers or employees certifying payments or disbursing funds pursuant to the agreement, or otherwise participating in carrying out the agreement, to give surety bond to the United States in such amount as the Secretary may deem appropriate, and may provide for the payment of the charges for such bond from the Federal Hospital Insurance Trust Fund.

" '(h) (1) No individual designated pursuant to an agreement under this section as a certifying officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payments certified by him under this section.

" '(2) No disbursing officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this section if it was based upon a voucher signed by a certifying officer designated as provided in paragraph (1) of this subsection.

" 'Use of State agencies and other organizations to develop conditions of participation for hospitals

" 'SEC. 1809. In carrying out his functions relating to determination of conditions of participation by institutions under section 1807 (b) (8) or (g) (10), the Secretary shall consult with the Hospital Insurance Benefits Advisory Council established by section 1814, appropriate State agencies, and recognized national listing or accrediting bodies. Such conditions may be varied for different areas or different classes of institutions and may, at the request of a State, provide requirements of the type described in section 1807 (b) (8) or (g) (9) which are higher (subject to the limitation provided in such section) for such State than for other States.

" 'Use of State agencies and other organizations to determine compliance by providers of services with conditions of participation

" 'SEC. 1810. (a) The Secretary may, pursuant to agreement, utilize the services of State health agencies or other appropriate State agencies, or of the private organization with which an agreement is in effect under section 1808, for purposes of (1) determining whether an institution is a hospital or skilled nursing facility as defined in section 1807 (b) and (g) or an agency is a visiting nurse agency as defined in section 1807 (e), or (2) providing consultative services to institutions or agencies to assist them (A) to qualify as hospitals, skilled nursing facilities, or visiting nurse agencies, (B) to establish and maintain fiscal records necessary for purposes of this title, and (C) to provide information which may be necessary to permit determination under this title as to whether payments are due and the amounts thereof. To the extent that the Secretary finds it appropriate, an institution or agency which such a State agency or such private organization certifies is a hospital (as defined in section 1807(b)), a skilled nursing facility (as defined in section 1807(g)), or a visiting nurse agency (as defined in section 1807 (e)) may be treated as such by the Secretary. The Secretary shall pay any such State agency, in advance or by way of reimbursement, as may be provided in the agreement with it (and may make adjustments in such payments on account of overpayments or underpayments previously made), for (i) the reasonable cost of performing the functions specified in the first sentence of this subsection, and (ii) the Federal Hospital Insurance Trust Fund's fair share (determined in accordance with regulations) of the costs attributable to the planning and other efforts directed toward coordination of activities in carrying out its agreement and other activities related to the provision of services similar to those for which payment may be made under this title, or related to the facilities and personnel required for the provision of such services, or related to improving the quality of such services. The agreement may provide for the use of local public agencies or of other organizations to assist in the performance of the functions specified in the first sentence of this subsection.

" '(b) (1) An institution shall be deemed to meet the conditions of participation under section 1807(b) (except paragraph (6) thereof) if such institution is accredited as a hospital by the Joint Commission on the Accreditation of Hospitals.

If such Commission, as a condition for accreditation of a hospital, hereafter requires a utilization review plan or imposes another requirement which serves substantially the same purpose, the Secretary is authorized to find that all hospitals so accredited by the Commission comply also with section 1807 (b) (6).

" '(2) If the Secretary finds that accreditation of an institution or visiting nurse agency by a national accreditation body, other than the Joint Commission on the Accreditation of Hospitals, provides reasonable assurance that any or all of the conditions of section 1807 (b), (g), or (e), as the case may be, are met, he may, to the extent he deems it appropriate, treat such institution or agency as meeting the condition or conditions with respect to which he made such finding.

" 'Conditions of and limitations on payment for services

" 'Requirement of Requests and Certifications

" 'SEC. 1811. (a) Except as provided in subsection (f), payment for services furnished an individual may be made only to providers of services which are eligible therefor under section 1812(a) and only if—

" '(1) written request, signed by such individual except in cases in which the Secretary finds it impractical for the individual to do so, is filed for such payment in such form, in such manner, within such time, and by such person or persons as the Secretary may by regulation prescribe;

" '(2) a physician certifies (and recertifies, where such services are furnished over a period of time, in such cases and with such frequency, appropriate to the case involved, as may be provided in regulations) that—

" '(A) in the case of inpatient hospital services, such services are or were required for such individual's medical treatment, or that inpatient diagnostic study is or was medically required and such services are or were necessary therefor;

" '(B) in the case of visiting nurse services, such services are or were required because the individual needed skilled nursing care on an intermittent basis; a plan for furnishing such services to such individual has been established and is periodically reviewed by a physician; and such services are or were furnished while the individual was under the care of a physician;

" '(C) in the case of skilled nursing facility services, such services are or were required because the individual needed skilled nursing care on a continuing basis for any of the conditions with respect to which he was receiving inpatient hospital services prior to transfer to the skilled nursing facility or for a condition requiring such care which arose after such transfer and while he was still in the facility for treatment of the condition or conditions for which he was receiving such inpatient hospital services;

" '(3) with respect to inpatient hospital services or skilled nursing facility services furnished such individual after the twenty-first day of a continuous period of such services, there was not in effect, at the time of admission of such individual to the hospital or skilled nursing facility, as the case may be, a decision under section 1812(d) (based on a finding that timely utilization review of long-stay cases is not being made in such hospital or facility); and

" '(4) with respect to inpatient hospital services or skilled nursing facility services furnished such individual during a continuous period, a finding has not been made (by the physician members of the committee or group) pursuant to the system of utilization review that further inpatient hospital services or further skilled nursing facility services, as the case may be, are not medically necessary; except that, if such a finding has been made, payment may be made for such services furnished before the fourth day after the day on which the hospital or skilled nursing facility, as the case may be, received notice of such finding.

" 'Determination of Costs of Services

" '(b) The amount paid to any provider of services with respect to services for which payment may be made under this title shall be the reasonable cost of such services, as determined in accordance with regulations establishing the method or methods to be used in determining such costs for various types or classes of providers of services. In prescribing such regulations, the Secretary shall consider, among other things, the principles generally applied by national organizations (which have developed such principles) in computing the amount of payment to be made on a reimbursable cost basis, by persons other than the recipients of services, to providers of services on account of services furnished by them to such recipients. Such regulations may provide for determination of the costs of services on a per diem, per unit, per capita, or other basis, may provide for using different methods in different circumstances, and may provide for the use of estimates of costs of particular items or services.

"'Amount of Payment for More Expensive Services

"'(c)(1) In case the bed and board furnished as part of inpatient hospital services or skilled nursing facility services is in accommodations more expensive than two-, three-, or four-bed accommodations, payment under this title with respect to such services may not exceed an amount equal to the reasonable cost of such services if furnished in such two-, three-, or four-bed accommodations unless the more expensive accommodations were required for medical reasons.

"'(2) Where a provider of services furnishes to an individual items or services which are in excess of or more expensive than the items or services with respect to which payment may be made under this title, the Secretary shall pay to such provider of services only the equivalent of the reasonable cost of the items or services with respect to which payment under this title may be made.

"'Amount of Payment Where Less Expensive Services Furnished

"'(d) In case the bed and board furnished as part of inpatient hospital services or skilled nursing facility services in accommodations other than, but not more expensive than, two-, three-, or four-bed accommodations and the use of such other accommodations rather than two-, three-, or four-bed accommodations was neither at the request of the patient nor for a reason which the Secretary determines is consistent with the purpose of this title, the amount of the payment with respect to such services under this title shall be the reasonable cost of such services (as determined under subsection (b)) minus the difference between the charge customarily made by the hospital or skilled nursing facility for such services in two-, three-, or four-bed accommodations and the charge customarily made by it for such services in the accommodations furnished.

"'No Payments to Federal Providers of Services

"'(e) No payment may be made under this title (except under subsection (f) of this section) to any Federal provider of services, except a provider of services which the Secretary determines is providing services to the public generally as a community institution or agency; and no such payment may be made to any provider of services for any item or service which such provider is obligated by a law of, or a contract with, the United States to render at public expense.

"'Payment for Emergency Inpatient Hospital Services

"'(f) Payments shall also be made to any hospital for inpatient hospital services furnished, by the hospital or under arrangements (as defined in section 1807 (k)) with it, to an individual entitled to insurance benefits under this title even though such hospital does not have an agreement in effect under this title if (A) such services were emergency services and (B) the Secretary would be required to make such payment if the hospital had such an agreement in effect and otherwise met the conditions of payment hereunder. Such payment shall be made only in amounts determined as provided in subsection (b) and then only if such hospital agree to comply, with respect to the emergency services provided, with the provisions of section 1812 (a).

"'Payment for Services Prior to Notification of Noneligibility

"'(g) Notwithstanding that an individual is not entitled to have payment made under this title for inpatient hospital services, skilled nursing facility services, or visiting nurse services furnished by any provider of services, payment shall be made to such provider of services (unless such provider elects not to receive such payment or, if payment has already been made, refunds such payment within the time specified by the Secretary) for such services which are furnished to the individual prior to notification to such provider from the Secretary of his lack of entitlement if such payments are not precluded under this title (otherwise than under section 1801(b), 1805, or 1806(a)) and if such provider of services complies with the requirements of this title and of regulations established under this title with respect to such payments, has acted in good faith and without knowledge of such lack of entitlement, and has acted reasonably in assuming entitlement existed.

"'*Agreements with providers of services*

"'SEC. 1812. (a) (1) Any provider of services shall be eligible for payments under this title if it files with the Secretary an agreement—

"'(A) not to charge, except as provided in paragraph (2), any individual or any other person for items or services for which such individual is entitled to have payment made under this title (or for which he would be so entitled if such provider of services had complied with the procedural and other requirements under or pursuant to this title or for which such provider is paid pursuant to the provisions of section 1811(g)), and

"'(B) to make adequate provision for return (or other disposition, in accordance with regulations) of any moneys incorrectly collected from such individual or other person.

"'(2) (A) A provider of services may charge any such individual or other person the amount of any deduction imposed pursuant to section 1806 (a) or (b), or both, with respect to such items and services (not in excess of the amount customarily charged for such items and services by such provider).

"'(B) Where a provider of services has furnished, at the request of any such individual, items or services which are in excess of or more expensive than the items or services with respect to which payment may be made under this title, such provider of services may also charge such individual or other person for such more expensive items or services, to the extent that the amount customarily charged by it for the items or services furnished at such request exceeds the amount customarily charged by it for the items or services with respect to which payment may be made under this title.

"'(b) An agreement with the Secretary under this section may be terminated—

"'(1) by the provider of services at such time and upon such notice to the Secretary and the public as may be provided in regulations, except that notice of more than 6 months shall not be required, or

"'(2) by the Secretary at such time and upon such notice to the provider of services and the public as may be specified in regulations, but only after the Secretary has determined, and has given such provider notification thereof, (A) that such provider of services is not complying substantially with the provisions of such agreement, or with the provisions of this title and regulations under this title, or (B) that such provider of services no longer substantially meets the applicable provisions of section 1807 (b) or (c), or (C) that such provider has failed to provide such information as the Secretary finds necessary to determine whether payments are or were due under this title and the amounts thereof, or has refused to permit such examination of its fiscal and other records by or on behalf of the Secretary as may be necessary to verify such information.

Any termination shall be applicable—

"'(3) with respect to services furnished to any individual who is admitted to the hospital or skilled nursing facility furnishing such services on or after the effective date of such termination, and

"'(4) (A) with respect to visiting nurse services furnished to an individual under a plan therefore established on or after the effective date of such termination, or (B) if a plan is established before such effective date, with respect to such services furnished to such individual after the calendar year in which such termination is effective.

"'(c) Where an agreement filed under this title by a provider of services has been terminated by the Secretary, such provider may not file another agreement under this title unless the Secretary finds that the reason for the termination has been removed and that there is reasonable assurance that it will not recur.

"'(d) If the Secretary finds that a hospital's or skilled nursing facility's utilization review committee or group is failing substantially to make timely review of long-stay cases in accordance with section 1807 (c), he may, in lieu of terminating his agreement with such hospital or facility, decide that, with respect to any individual admitted to such hospital or facility after a date specified by him, no payment shall be made for inpatient hospital services or skilled nursing facility services after the 21st day of a continuous period of such services. Such decision may be made only after such notice to the hospital or the facility and to the public as may be prescribed by regulations, and its effectiveness shall terminate when the Secretary finds that the reason therefor has been removed and that there is reasonable assurance that it will not recur.

"'(e) Nothing in this title shall preclude any provider of services or any group or groups of providers of services from being represented by an individual, association, or organization authorized by such provider or providers to act on its or their behalf in negotiating with respect to its or their participation under this title and the terms, methods, and amounts of payments for services to be provided thereunder.

"'*Payment to providers of services*

"'SEC. 1813. The Secretary shall periodically determine the amount which should be paid to each provider of services under this title with respect to the services furnished by it, and the provider of services shall be paid, at such time or times as the Secretary believes appropriate and prior to audit or settlement by the General Accounting Office, from the Federal Hospital Insurance Trust Fund, the amounts so determined, with necessary adjustments on account of previously made overpayments or underpayments.

"'*Hospital Insurance Benefits Advisory Council*

"'SEC. 1814. For the purpose of advising the Secretary on matters of general policy in the administration of this title and in the formulation of regulations under this title, there is hereby created a Hospital Insurance Benefits Advisory Council which shall consist of 14 persons, not otherwise in the employ of the United States, appointed by the Secretary without regard to the civil-service laws. The Secretary shall from time to time appoint one of the members to serve as Chairman. Not less than 4 of the appointed members shall be persons who are outstanding in the fields pertaining to hospitals and health activities. Each appointed member shall hold office for a term of 4 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, 3 at the end of the first year, 4 at the end of the second year, 3 at the end of the third year, and 4 at the end of the fourth year after the date of appointment. An appointed member shall not be eligible to serve continuously for more than 2 terms. The Secretary may, at the request of the Council, appoint such special advisory or technical committees as may be useful in carrying out its functions. Appointed members of the Advisory Council and members of its advisory or technical committees, while attending meetings or conferences thereof or otherwise serving on business of the Advisory Council or of such a committee or committees, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. The Advisory Council shall meet as frequently as the Secretary deems necessary. Upon request of 4 or more members, it shall be the duty of the Secretary to call a meeting of the Advisory Council.

" 'Review of determinations

" 'Sec. 1815. Any individual dissatisfied with any determination made by the Secretary that he is not entitled to insurance benefits under this title or that payment has already been made for the maximum number of days of inpatient hospital services or skilled nursing facility services in a benefit period provided under section 1806 (a)(1) or (c), or for visiting nurse services during the maximum number of visits in a calendar year provided under section 1806(a)(2), shall be entitled to a hearing thereon by the Secretary to the same extent as is provided in section 205(b) with respect to decisions of the Secretary, and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g).

" 'Overpayments to individuals

" 'Sec. 1816. (a) Any payment under this title to any provider of services with respect to inpatient hospital services, skilled nursing facility services, or visiting nurse services furnished any individual shall be regarded as a payment to such individual.

" '(b) Where—

" '(1) more than the correct amount is paid under this title to a provider of services for services furnished an individual and the Secretary determines that, within such period as he may specify, the excess over the correct amount cannot be recouped from such provider of services, or

" '(2) any payment has been made under section 1811(g) to a provider of services for services furnished an individual,

proper adjustments shall be made, under regulations prescribed by the Secretary, by decreasing subsequent payments—

" '(3) to which such individual is entitled under title II, or

" '(4) if such individual dies before such adjustment has been completed, to which any other individual is entitled under title II with respect to the wages and self-employment income which were the basis of the entitlement of such decreased individual under title II.

" '(c) There shall be no adjustment as provided in subsection (b) (nor shall there be recovery) in any case where the incorrect payment has been made (including payments under section 1811(g)) with respect to an individual who is without fault and where such adjustment (or recovery) would defeat the purposes of title II or would be against equity and good conscience.

" '(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him to any provider of services where the adjustment or recovery of such amount is waived under subsection (c) or where adjustment under subsection (b) is not completed prior to the death of all persons against whose benefits such adjustment is authorized.

" 'Regulations

" 'Sec. 1817. When used in this title, the term "regulations" means, unless the context otherwise requires, regulations prescribed by the Secretary.

" 'Application of certain provisions of title II

" 'Sec. 1818. The provisions of sections 206, 208, and 216(j), and of subsections (a), (d), (e), (f), (h), (i), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II.

" 'Designation of organization of publication by name

" 'Sec. 1819. Designation in this title, by name, of any nongovernmental organization or publication shall not be affected by change of name of such organization or publication, and shall apply to any successor organization or publication which the Secretary finds serves the purpose for which such designation is made.'

"Federal hospital insurance trust fund

"(b)(1) Section 201 of the Social Security Act is amended by redesignating subsections (c), (d), (e), (f), (g), and (h) as subsections (d), (e), (f), (g), (h), and (i), respectively, and by adding after subsection (b) the following new subsection:

" '(c) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Federal Hospital Insurance Trust Fund'. The Federal Hospital Insurance Trust Fund shall consist of such amounts as may be appropriated to, or deposited in, such fund as provided in this section. There is hereby appropriated to the Federal Hospital Insurance Trust Fund for the fiscal year ending June 30, 1965, and for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of—

" '(1)(A) 0.38 of 1 per centum of the wages (as defined in section 3121 of the Internal Revenue Code of 1954) paid after December 31, 1964, and prior to January 1, 1966, and reported to the Secretary of the Treasury or his delegate pursuant to subtitle F of the Internal Revenue Code of 1954, which wages shall be certified by the Secretary of Health, Education, and Welfare on the basis of the records of wages established and maintained by such Secretary in accordance with such reports; and (B) 0.76 of 1 per centum of the wages (as so defined) paid after December 31, 1965, and so reported, which shall be so certified by the Secretary of Health, Education, and Welfare; and

" '(2) (A) 0.285 of 1 per centum of the amount of self-employment income (as defined in section 1402 of the Internal Revenue Code of 1954) reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of the Internal Revenue Code of 1954 for any taxable year beginning after December 31, 1964, and prior to January 1, 1966, which self-employment income shall be certified by the Secretary of Health, Education, and Welfare on the basis of the records of self-employment income established and maintained by the Secretary of Health, Education, and Welfare in accordance with such returns; and (B) 0.57 of 1 per centum of the self-employment income (as so defined) reported to the Secretary of the Treasury or his delegate on tax returns under such subtitle F for any taxable year beginning after December 31, 1965, which shall be so certified by the Secretary of Health, Education, and Welfare.

There shall be transferred from such Trust Fund to the Federal Old-Age and Survivors Insurance Trust Fund from time to time, in the case of any individual who has made the election provided for in section 1801(b), amounts equal to $5 for each month for which such election is effective and for which he is entitled to benefits under section 202.'

"(2) The heading of section 201 of the Social Security Act is amended to read: 'Federal Old-Age and Survivors Insurance Trust Fund, Federal Disability Insurance Trust Fund, and Federal Hospital Insurance Trust Fund'.

"(3) Subsection (a) of section 201 of such Act is amended by inserting 'and the amounts specified in clause (1) of subsection (c) of this section' immediately before the semicolon in clause (3) thereof, by inserting 'and the amount specified in clause (2) of subsection (c) of this section' immediately before the period in clause (4) thereof, and by striking out the last sentence and inserting in lieu thereof: 'The amounts appropriated by clauses (3) and (4) shall be transferred from time to time from the general fund in the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund, the amounts appropriated by clauses (1) and (2) of subsection (b) shall be transferred from time to time from the general fund in the Treasury to the Federal Disability Insurance Trust Fund, and the amounts appropriated by clauses (1) and (2) of subsection (c) shall be transferred from time to time from the general fund in the Treasury to the Federal Hospital Insurance Trust Fund, such amounts to be determined on the basis of estimates by the Secretary of the Treasury of the taxes, specified in clauses (3) and (4) of this subsection, paid to or deposited into the Treasury; and proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the taxes specified in such clauses (3) and (4) of this subsection.'

"(4) The first sentence of the subsection of such section 201 herein redesignated as subsection (d) is amended by striking out 'and the Federal Disability Insurance Trust Fund' and inserting in lieu thereof ', the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund'.

"(5) In the subsection herein redesignated as subsection (g) insert ', the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund' in lieu of 'and the Federal Disability Insurance Trust Fund' wherever it appears.

"(6) Paragraph (1) of the subsection of such section 201 herein redesignated as subsection (h) is amended by striking out 'titles II and VIII' and 'this title' wherever they appear and inserting in lieu thereof 'this title and title XVIII' and by inserting 'any' in lieu of 'either or both'.

"(7) The last sentence of paragraph (2) of such subsection is amended by striking out 'and clause (1) of such subsection (b)' and inserting in lieu thereof ', clause (1) of subsection (b), and clause (1) of subsection (c)' and by striking out 'and the Federal Disability Insurance Trust Fund' and inserting in lieu thereof ', the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund'.

"(8) The subsection of such section herein redesignated as subsection (i) is amended by adding at the end thereof the following new sentence: 'Payments required to be made under title XVIII shall be made only from the Federal Hospital Insurance Trust Fund.'

"(9) Section 218(h)(1) of such Act is amended by striking out 'and (b)(1)' and inserting in lieu thereof ', (b)(1), and (c)(1)'.

"(10) Section 221(e) of such Act is amended—

"(A) by striking out 'Trust Funds' wherever that appears and inserting in lieu thereof 'Trust Funds (except the Federal Hospital Insurance Trust Fund)';

"(B) by striking out 'subsection (g) of section 201' and inserting in lieu thereof 'subsection (h) of section 201'; and

"(C) by inserting 'under this title' before the period at the end thereof.

"(11) Section 1106(b) of such Act is amended by striking out 'and the Federal Disability Insurance Trust Fund' and inserting in lieu thereof ', the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund'."

"Transitional provision on eligibility of presently uninsured individuals for insurance benefits under title XVIII

"(c)(1) Anyone who—

"(A) has attained the age of 65,

"(B)(i) attained such age before 1967, or (ii) has not less than 3 quarters of coverage (as defined in title II of the Social Security Act or section 5(b) of the Railroad Retirement Act of 1937), whenever acquired, for each calendar year elapsing after 1964 and before the year in which he attained such age,

"(C) is not, and upon filing application therefor would not be, entitled to monthly insurance benefits under section 202 of the Social Security Act and does not meet the requirements set forth in subparagraph (B) of section 21(b) of the Railroad Retirement Act of 1937, and

"(D) has filed an application under this section at such time, in such manner, and in accordance with such other requirements as may be prescribed in regulations of the Secretary,

shall (subject to the limitations in this subsection) be deemed, solely for purposes of section 1805 of the Social Security Act, to be entitled to monthly insurance benefits under such section 202 for each month, beginning with the first month in which he meets the requirements of this paragraph and ending with the month in which he dies or, if earlier, the month before the month in which he becomes or, upon filing application in such month, would become entitled to monthly insurance benefits under such section 202 or meets the requirements set forth in subparagraph (B) of section 21(b) of the Railroad Retirement Act of 1937.

"(2) The provisions of paragraph (1) shall apply only in the case of an individual who—

"(A) is a resident of the United States (as defined in section 210 of the Social Security Act), and

"(B) is a citizen of the United States or has resided in the United States (as so defined) continuously for not less than 10 years.

"(3) The provisions of paragraph (1) shall not apply to any individual who—

"(A) is a member of any organization referred to in section 210(a)(17) of the Social Security Act,

"(B) has been convicted of any offense listed in section 202(u) of the Social Security Act,

"(C) is an employee of the United States, or

"(D) is eligible for the benefits of the Federal Employees Health Benefits Act of 1959 or the Retired Federal Employees Health Benefits Act.

"(4) There are authorized to be appropriated to the Federal Hospital Insurance Trust Fund (established by section 201 of the Social Security Act) from time to time such sums as the Secretary deems necessary, on account of—

"(A) payments made from such Trust Fund under title XVIII of such Act with respect to individuals who are entitled to insurance benefits under such title solely by reasons of this subsection,

"(B) the additional administrative expenses resulting therefrom, and

"(C) any loss in interest to such Trust Fund resulting from the payment of such amounts,

in order to place such Trust Fund in the same position in which it would have been if the preceding paragraphs of this subsection had not been enacted.

"Suspension in case of aliens

"(d) Subsection (t) of section 202 of such Act is amended by adding at the end thereof the following new paragraph:

"'(9) No payments shall be made under title XVIII with respect to services furnished to an individual in any month for which the prohibition in paragraph (1) against payment of benefits to him is applicable (or would be if he were entitled to any such benefits).'

"Persons convicted of subversive activities

"(e) Subsection (u) of such section is amended by striking out 'and' before the phrase 'in determining the amount of any such benefit payable to such individual for any such month,' and inserting after such phrase 'and in determining whether such individual is entitled to insurance benefits under title XVIII for any such month,'.

"Advisory Council on Social Security Financing

"(f) (1) Subsection (a) of section 116 of the Social Security Amendments of 1956 is amended by striking out 'and of the Federal Disability Insurance Trust Fund' and inserting in lieu thereof ', of the Federal Disability Insurance Trust Fund, and of the Federal Hospital Insurance Trust Fund'. Such subsection is further amended by inserting before the period at the end thereof 'and the insurance benefits program under title XVIII of the Social Security Act'.

"(2) Subsection (d) of such section is amended by striking out 'and the Federal Disability Insurance Trust Fund' and inserting in lieu thereof ', the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund'.

"Hospital Insurance Benefits for the Aged Under the Railroad Retirement Act

"(g)(1) The Railroad Retirement Act of 1937 is amended by adding after section 20 of such Act the following new section:

"'Hospital Insurance Benefits for the Aged

"'SEC. 21. (a) For the purposes of this section, and subject to the conditions hereinafter provided, the Board shall have the same authority to determine the rights of individuals described in subsection (b) of this section to have payments made on their behalf for insurance benefits consisting of inpatient hospital and related services within the meaning of title XVIII of the Social Security Act as the Secretary of Health, Education, and Welfare has under such title XVIII with respect to individuals to whom such title applies. The rights of individuals described in subsection (b) of this section to have payment made on their behalf for the services referred to in the next preceding sentence shall be the same as those of individuals to whom title XVIII of the Social Security Act applies (in the absence of an election under section 1801(b) of that title to receive in full his monthly insurance benefits under title II of such Act), and this section shall be administered by the Board as if the provisions of such title XVIII were applicable, the references to the Secretary of Health, Education, and Welfare were to the Board, the references to the Federal Hospital Insurance Trust Fund were to the Railroad Retirement Account, the references to the United States or a State included Canada or a subdivision thereof, and the provisions of sections 1809 and 1814 of such title XVIII were not included in such title. For purposes of section 11, a determination with respect to the rights of an individual under this section shall, except in the case of a provider of services, be considered to be a decision with respect to an annuity.

"'(b) Except as otherwise provided in this section, every individual who—

"'(A) has attained age sixty-five, and

"'(B)(i) is entitled to an annuity, or (ii) would be entitled to an annuity had he ceased compensated service and, in the case of a spouse, had such spouse's husband or wife ceased compensated service, or (iii) had been awarded a pension under section 6, or (iv) bears a relationship to an employee which, by reason of section 3(e), has been, or would be, taken into account in calculating the amount of an annuity of such employee or his survivor,

shall (unless such individual elects under subsection (g) of this section to receive his annuity or pension in full) be entitled to have payment made for the services referred to in subsection (a), and in accordance with the provisions of such subsection. The payments for services herein provided for shall be made from the Railroad Retirement Account (in accordance with, and subject to, the conditions applicable under section 10(b) in making payment of other benefits) to the hospital, skilled nursing facility, or organization providing such services, including such services provided in Canada to individuals to whom this subsection applies, but only to the extent that the amount of payments for services otherwise hereunder provided for an individual exceeds the amount payable for like services provided pursuant to the law in effect in the place in Canada where such services are furnished. For the purpose of this section, an individual shall be deemed entitled to an annuity under this Act for the month in which he died if he would have been entitled to such annuity for such month had he died in the next month.

"'(c) No individual shall be entitled to have payment made for the same services, which are provided for in this section, under both this section and title XVIII of the Social Security Act. In any case in which an individual would, but for the preceding sentence, be entitled to have payment for such services made under both this section and such title XVIII, payment for such services to which such individual is entitled shall be made in accordance with the procedures established pursuant to the next succeeding sentence, upon certification by the Board or by the Secretary of Health, Education, and Welfare. It shall be the duty of the Board and such Secretary with respect to such cases jointly to establish procedures designed to minimize duplications of requests for payment for services and of determinations and to assign administrative functions between them so as to promote the greatest facility, efficiency, and consistency of administration of this section and title XVIII of the Social Security Act; and, subject to the provisions of this subsection to assure that the rights of individuals under this section or title XVIII of the Social Security Act shall not be impaired or diminished by reason of the administration of this section and title XVIII of the Social Security Act. The procedures so established may be included in regulations issued by the Board and by the Secretary of Health, Education, and Welfare to implement this section and such title XVIII, respectively.

"'(d) Any agreement entered into by the Secretary of Health, Education, and Welfare pursuant to title XVIII of the Social Security Act shall be entered into on behalf of both such Secretary and the Board. The preceding sentence shall not be construed to limit the authority of the Board to enter on its own behalf into any such agreement relating to services provided in Canada or in any facility devoted primarily to railroad employees.

"'(e) A request for payment for services filed under this section shall be deemed to be a request for payment for services filed as of the same time under title XVIII of the Social Security Act, and a request for payment for services filed under such title shall be deemed to be a request for payment for services filed as of the same time under this section.

"'(f) The Board and the Secretary of Health, Education, and Welfare shall furnish each other with such information, records, and documents as may be considered necessary to the administration of this section or title XVIII of the Social Security Act.

"'(g) The provisions of section 1801 of the Social Security Act other than subsection (b)(5) thereof shall apply in the administration by the Board of this section in the same manner as if annuities and pensions under this Act were benefits under section 202 of the Social Security Act and the reference to the Secretary were a reference to the Board: *Provided*, That if after the reduction provided for in such section 1801 the total of (i) the amount of a spouse's annuity which is subject to reduction by reason of such spouse's rights to a monthly benefit under the Social Security Act and (ii) the amount of such monthly benefit, is less than such total was before the enactment of this section, the annuity of such spouse shall be increased by such an amount as would make such total equal to the total amount which was payable to such spouse before such enactment: *Provided*, That if an individual elects to receive cash benefits in full (instead of entitlement to hospital and related insurance benefits) under the provisions of section 1801 of the Social Security Act, he shall be conclusively presumed to have made a similar election under this Act that shall be valid and shall be effective on the same date as the election under the Social Security Act, or if he makes such an election under this Act, he shall be conclusively presumed to have made a similar election under the Social Security Act that shall be valid (regardless of the provisions of section 1801(b) of such Act) and shall be effective on the same date as the election under this Act: *Provided*, That if, in accordance with this subsection, an individual fails to make an election to receive an annuity (or pension) under this Act in full before the end of the period during which he could make such election and before the end of such period he has not made an election under the provisions of section 1801(b) of the Social Security Act (to receive cash benefits under title II of such Act in full in lieu of hospital and related benefits), he shall (regardless of the provisions of section 1801 of the Social Security Act) not thereafter be permitted to make an election to receive cash benefits in full under section 202 (or 226) of the Social Security Act: *And, provided further*, That if an individual is entitled to monthly insurance benefits under section 202 of the Social Security Act for any month, then his annuity (or pension) under this Act for such month shall not be reduced under this subsection.

"'(h) Any overpayment with respect to inpatient hospital and related services furnished an individual shall be governed by the provisions of section 1816 of the Social Security Act and treated as if it were an erroneous payment of an annuity or pension.

"'(i) There are authorized to be appropriated to the Railroad Retirement Account from time to time such sums as the Board finds sufficient to cover—

"'(1) the costs of payments made from such Account under this section,

"'(2) the additional administrative expenses resulting from such payments, and

"'(3) any loss of interest to such Account resulting from such payments,

in cases where such payments are not includible in determinations under section 5(k)(2)(A)(iii) of this Act, provided such payments could have been made as a result of section 2(c) of the Social Security Amendments of 1964 but for eligibility under subparagraph (B) of subsection (b) of this section.'

"Amendment preserving relationship between Railroad Retirement and Old-Age, Survivors, and Disability Insurance Systems

"(2) Section 1(q) of such Act is amended by striking out '1961' and inserting in lieu thereof '1964'.

"(3)(a) The last sentence of section 5(j) of such Act is amended by inserting before the period at the end thereof the following: 'except that this sentence shall not operate to prevent the payment of an annuity to an individual for a month solely because during such month he ceases to be a "full-time student"'.

"(b) Section 5(l)(1)(ii) of such Act is amended by inserting after 'years of age' the following: ', or shall be a full-time student and less than twenty-one years of age'.

"(c) Section 5(l)(1) of such Act is further amended by inserting before the semicolon at the end thereof the following: '. The term "full-time student" shall for the purposes of this section have the meaning ascribed to it by section 202(d)(8) of the Social Security Act, and the references to the Secretary therein shall be deemed to be references to the Board. For the purposes of subsection (e) of section 2, and subsection (b) of this section, a child who has attained the age of 18 years and who is not under a disability which began before the child attained age 18, shall be deemed not entitled to benefits under subsection (c) of this section'.

"(4) Section 5(l)(9) of such Act is amended by striking out 'after 1958 is less than $4,800' and inserting in lieu thereof the following: 'after 1958 and before 1965 is less than $4,800, or for any calendar year after 1964 is less than $5,400'; and by striking out 'and $4,800 for years after 1958', and inserting in lieu thereof the following: '$4,800 for years after 1958 and before 1965, and $5,400 for years after 1964'.

"Financial Interchange Between Railroad Retirement Account and Federal Hospital Insurance Trust Fund

"(5) Section 5(k)(2) of such Act is amended—

"(A) by striking out subparagraphs (A) and (B) and redesignating subparagraphs (C), (D), and (E) as subparagraphs (A), (B), and (C), respectively;

"(B) by striking out the second sentence and the last sentence of subdivision (i) of the subparagraph redesignated as subparagraph (A) by subparagraph (A) of this paragraph;

"(C) by adding at the end of the subparagraph redesignated as subparagraph (A) by subparagraph (A) of this paragraph the following new subdivision:

"'(iii) At the close of the fiscal year ending June 30, 1965, and each fiscal year thereafter, the Board and the Secretary of Health, Education, and Welfare shall determine the amount, if any, which, if added to or subtracted from the Federal Hospital Insurance Trust Fund, would place such fund in the same position in which it would have been if service as an employee after December 31, 1936, had been included in the term "employment" as defined in the Social Security Act and in the Federal Insurance Contributions Act. Such determination shall be made no later than June 15 following the close of the fiscal year. If such amount is to be added to the Federal Hospital Insurance Trust Fund the Board shall, within ten days after the determination, certify such amount to the Secretary of the Treasury for transfer from the Retirement Account to the Federal Hospital Insurance Trust Fund; if such amount is to be subtracted from the Federal Hospital Insurance Trust Fund, the Secretary of Health, Education, and Welfare shall, within ten days after the determination, certify such amount to the Secretary of the Treasury for transfer from the Federal Hospital Insurance Trust Fund to the Retirement Account. The amount so certified shall further include interest (at the rate determined under subparagraph (B) for the fiscal year under consideration) payable from the close of such fiscal year until the date of certification.';

"(D) by striking out 'subparagraph (D)' where it appears in the subparagraph redesignated as subparagraph (A) by subparagraph (A) of this paragraph, and inserting in lieu thereof 'subparagraph (B)';

"(E) by striking out 'subparagraph (B) and (C)' where it appears in the subparagraph redesignated as subparagraph (B) by subparagraph (A) of this paragraph and inserting in lieu thereof 'subparagraph (A)'; and

"(F) by amending the subparagraph redesignated as subparagraph (C) by subparagraph (A) of this paragraph to read as follows:

"'(C) The Secretary of the Treasury is authorized and directed to transfer to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or the Federal Hospital Insurance Trust Fund from the Retirement Account or to the Retirement Account from the Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or the Federal Hospital Insurance Trust Fund, as the case may be, such amounts as, from time to time, may be determined by the Board and the Secretary of Health, Education, and Welfare pursuant to the provisions of subparagraph (A), and certified by the Board or the Secretary of Health, Education, and Welfare for transfer from the Retirement Account or from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or the Federal Hospital Insurance Trust Fund.'

"(6)(1) The amendments made by paragraph (5) of this subsection shall be effective January 1, 1965.

"(2) The amendments made by subdivisions (a) and (b) of paragraph (3) of this subsection shall be effective with respect to annuities under the Railroad Retirement Act of 1937 for months after the month in which this Act is enacted but only (except as provided in the next sentence) on the basis of an application filed with the Board in or after the month in which this Act is enacted. In the case of an individual who was entitled to an annuity under section 5 of the Railroad Retirement Act of 1937 for the month in which this Act is enacted such amendments shall apply to annuities for months after the month in which this Act is enacted.

"Studies and Recommendations

"(h) The Secretary of Health, Education, and Welfare shall carry on studies and develop recommendations to be submitted from time to time to the Congress relating to (1) the adequacy of existing facilities for health care for purposes of the program established by this section; (2) methods for encouraging the further development of efficient and economical forms of health care which are a constructive alternative to inpatient hospital care; (3) the feasibility of providing additional types of health insurance benefits within the financial resources provided by this section; and (4) the effects of cost sharing upon beneficiaries, hospitals, and the financing of the program.

"Seven-dollar increase in old-age, survivors, and disability insurance benefits

"SEC. 3. (a) Section 215(a) of the Social Security Act is amended by striking out the table and inserting in lieu thereof the following:

" '*Table for determining primary insurance amount and maximum family benefits*

" 'I		II	III		IV	V
(Primary insurance benefit under 1939 act, as modified		(Primary insurance amount under 1958 act, as modified)	(Average monthly wage)		(Primary insurance amount)	(Maximum family benefits)
If an individual's primary insurance benefit (as determined under subsec. (d)) is—		Or his primary insurance amount (as determined under subsec. (c)) is—	Or his average monthly wage (as determined under subsec. (b)) is—		The amount referred to in the preceding paragraphs of this subsection shall be—	And the maximum amount of benefits payable (as provided in sec. 203(a)) on the basis of his wages and self-employment income shall be—
At least—	But not more than—		At least—	But not more than—		
----------	$13.48	$40	----------	$67	$47	$70.50
$13.49	14.00	41	$68	69	48	72.00
14.01	14.48	42	70	70	49	73.50
14.49	15.00	43	71	72	50	75.00
15.01	15.60	44	73	74	51	76.50
15.61	16.20	45	75	76	52	78.00
16.21	16.84	46	77	78	53	79.50
16.85	17.60	47	79	80	54	81.00
17.61	18.40	48	81	81	55	82.50
18.41	19.24	49	82	83	56	84.00
19.25	20.00	50	84	85	57	85.50
20.01	20.64	51	86	87	58	87.00
20.65	21.28	52	88	89	59	88.50
21.29	21.88	53	90	90	60	90.00
21.89	22.28	54	91	92	61	91.50
22.29	22.68	55	93	94	62	93.00
22.69	23.08	56	95	96	63	94.50
23.09	23.44	57	97	97	64	96.00
23.45	23.76	58	98	99	65	97.50
23.77	24.20	59	100	101	66	99.00
24.21	24.60	60	102	102	67	100.50
24.61	25.00	61	103	104	68	102.00
25.01	25.48	62	105	106	69	103.50
25.49	25.92	63	107	107	70	105.00
25.93	26.40	64	108	109	71	106.50
26.41	26.94	65	110	113	72	108.00
26.95	27.46	66	114	118	73	109.50
27.47	28.00	67	119	122	74	111.00
28.01	28.68	68	123	127	75	112.50
28.69	29.25	69	128	132	76	114.00
29.26	29.68	70	133	136	77	115.50
29.69	30.36	71	137	141	78	117.00
30.37	30.92	72	142	146	79	118.50
30.93	31.36	73	147	150	80	120.00
31.37	32.00	74	151	155	81	124.00
32.01	32.60	75	156	160	82	126.00
32.61	33.20	76	161	164	83	131.20
33.21	33.88	77	165	169	84	135.20
33.89	34.50	78	170	174	85	139.20
34.51	35.00	79	175	178	86	142.40
35.01	35.80	80	179	183	87	146.40
35.81	36.40	81	184	188	88	150.40
36.41	37.08	82	189	193	89	154.40
37.09	47.60	83	194	197	90	157.60
37.61	38.20	84	198	202	91	161.60
38.21	39.12	85	203	207	92	165.60
39.13	39.68	86	208	211	93	168.80
39.69	40.33	87	212	216	94	172.80
40.34	41.12	88	217	221	95	176.80
$41.13	$41.76	$89	$222	$225	$96	$180.00
41.77	42.44	90	226	230	97	184.00
42.45	43.20	91	231	235	98	188.00
43.21	43.76	92	236	239	99	191.20
43.77	44.44	93	240	244	100	195.20
44.45	44.88	94	245	249	101	199.20
44.89	45.60	95	250	253	102	202.40
		96	254	258	103	206.40
		97	259	263	104	210.40
		98	264	267	105	213.60
		99	268	272	106	217.60
		100	273	277	107	221.60
		101	278	281	108	224.80
		102	282	286	109	228.80
		103	287	291	110	232.80
		104	292	295	111	236.00
		105	296	300	112	240.00
		106	301	305	113	244.00
		107	306	309	114	247.20
		108	310	314	115	251.20
		109	315	319	116	254.00
		110	320	323	117	255.00
		111	324	328	118	256.00
		112	329	333	119	257.00
		113	334	337	120	258.00
		114	338	342	121	259.00
		115	343	347	122	260.00
		116	348	351	123	260.40
		117	352	356	124	262.40
		118	357	361	125	264.40
		119	362	365	126	266.00
		120	366	370	127	268.00
		121	371	375	128	270.00
		122	376	379	129	271.60
		123	380	384	130	273.60
		124	385	389	131	275.60
		125	390	393	132	277.20
		126	394	398	133	279.20
		127	399	403	134	281.20
			404	407	135	282.80
			408	412	136	284.80
			413	417	137	286.80
			418	421	138	288.40
			422	426	139	290.40
			427	431	140	292.40
			432	436	141	294.40
			437	440	142	296.00
			441	445	143	298.00
			446	450	144	300.00'

"(b) Section 215(c) of such Act is amended to read as follows:

" 'Primary Insurance Amount Under 1958 Act, as Modified

" '(c)(1) For the purposes of column II of the table appearing in subsection (a) of this section, an individual's primary insurance amount shall be computed as provided in, and subject to the limitations specified in, (A) this section as in effect prior to the enactment of the Social Security Amendments of 1964, and (B) the applicable provisions of the Social Security Amendments of 1960.

" '(2) The provisions of this subsection shall be applicable only in the case of an individual—

" '(A) who became entitled to benefits under section 202(a) or section 223, or died, prior to July 1965, and

" '(B) to whom neither paragraph (4) nor paragraph (5) of subsection (b) is applicable.'

"(c)(1) Paragraph (2) of section 203(a) of such Act is amended to read as follows:

" '(2) when 2 or more persons were entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for June 1965 on the basis of the wages and self-employment income of such insured individual, such total of benefits shall not be reduced to less than the larger of—

" '(A) the amount determined under this subsection without regard to this paragraph, or

" '(B) the amount determined under this subsection as in effect prior to the enactment of the Social Security Amendments of 1964 plus $10.50.'

"(2) Paragraph (3) of such section 203(a) is repealed.

"(d) The amendments made by this section shall apply with respect to monthly benefits under title II of the Social Security Act for months after, and with respect to lump-sum death payments under such title in the case of deaths occurring after, June 1965.

"(e) If an individual was entitled to a disability insurance benefit under section 223 of the Social Security Act of June 1965 and became entitled to old-age insurance benefits under section 202(a) of such Act, or died, in July 1965, then, for purposes of section 215(a)(4) of the Social Security Act, as amended by this Act, the amount in column IV of the table appearing in such section 215(a) for such individual shall be the amount in such column on the line on which in column II appears his primary insurance amount (as determined under section 215 (c) of such Act) instead of the amount in column IV equal to his disability insurance benefit.

"On page 6, line 13, strike out 'Sec. 3.' and insert in lieu thereof 'Sec. 4.'.

"On page 6, line 17, strike out '22' and insert in lieu thereof '21'.

"On page 7, line 15, strike out '22' and insert in lieu thereof '21'.

"On page 8, lines 3, 7, 16, and 22, strike out '22' and insert in lieu thereof '21'.

"On page 9, lines 11 and 15, strike out '22' and insert in lieu thereof '21'.

"On page 9, strike out everything beginning with line 17 and down to and including line 24 on page 10 and insert in lieu thereof the following:

" '(8) For the purposes of this subsection—

" '(A) A "full-time student" is an individual who (as determined by the Secretary in accordance with regulations prescribed by him) (i) has not received a high school diploma or its equivalent and (ii) is regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent or is regularly attending a school in pursuance of a course of vocational or technical training designed to fit him for employment, and (iii) is attending such high school or other school on a full-time basis, as so determined by the Secretary in the light of the standards and practices of the institutions involved; except that no individual shall be considered a "full-time student" if he is paid by his employer while attending a school at the request, or pursuant to a requirement, of his employer.

" '(B) Except to the extent provided in such regulations, an individual shall be deemed to be a full-time student during any period of nonattendance at a school at which he has been in full-time attendance if (i) such period is 4 calendar months or less and (i) he shows to the satisfaction of the Secretary that he intends to continue to be in full-time attendance at a school immediately following such period.

" '(C) A "high school" and a "school" are a school (i) which is operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or (ii) which has been approved by a State or accredited by a State-recognized or nationally-recognized accrediting agency or body, or (iii) for which there is no such agency or body or which has been in operation an insufficient period of time for such approval or accreditation, but which is approved by the Secretary in accordance with regulations prescribed by him; except that such terms do not include any grade beyond grade 12.'

"On page 14, lines 11 and 18, strike out '22' and insert in lieu thereof '21'.

"On page 15, line 11, strike out 'Sec. 4.' and insert in lieu thereof 'Sec. 5.'.

"On page 20, strike out line 9 and insert in lieu thereof the following:

" '*Transitional insured status for persons not meeting 6-quarters-of-coverage minimum*'

"On page 20, line 10, strike out 'Sec. 5.' and insert in lieu thereof 'Sec. 6.'.

"On page 21, lines 5 and 6, strike out '(and section 202(m))'.

"On page 22, line 5, strike out '202(b)' and insert in lieu thereof '202(e)'.

"On page 22, line 9, insert the following before the period: 'on the basis of applications therefor filed in or after the month in which this Act is enacted'.

"On page 22, line 11, strike out 'Sec. 6.' and insert in lieu thereof 'Sec. 7.'.

"On page 28, line 16, strike out 'Sec. 7.' and insert in lieu thereof 'Sec. 8.'.

"On page 28, line 19, strike out '0.65' and insert in lieu thereof '0.67'.

"On page 28, line 23, strike out '0.4875' and insert in lieu thereof '0.5025'.

"On page 29, line 2, strike out 'Sec. 8.' and insert in lieu thereof 'Sec. 9.'.

"On page 31, line 18, strike out 'Sec. 9.' and insert in lieu thereof 'Sec. 10.'.

"On page 37, line 8, strike out 'Sec. 10.' and insert in lieu thereof 'Sec. 11.'.

"On page 38, line 3, strike out 'Sec. 11.' and insert in lieu thereof 'Sec. 12.'.

"On page 39, line 12, strike out 'Sec. 12.' and insert in lieu thereof 'Sec. 13.'.

"On page 39, line 19, strike out 'Sec. 13.' and insert in lieu thereof 'Sec. 14.'.

"On page 39, line 24, strike out 'Sec. 14.' and insert in lieu thereof 'Sec. 15.'.

"On page 40, line 23, strike out 'Sec. 15.' and insert in lieu thereof 'Sec. 16.'.

"On page 44, line 8, strike out 'Sec. 16.' and insert in lieu thereof 'Sec. 17.'.

"On page 44, line 17, strike out '5.7' and insert in lieu thereof '5.9'.

"On page 44, line 21, strike out '6' and insert in lieu thereof '6.5'.

"On page 45, line 3, strike out '6.8' and insert in lieu thereof '7.1'.

"On page 45, line 7, strike out '7.2' and insert in lieu thereof '7.5'.

"On page 45, line 19, strike out '3.8' and insert in lieu thereof '3.9'.

"On page 45, line 21, strike out '4' and insert in lieu thereof '4.3'.

"On page 46, line 3, strike out '4.5' and insert in lieu thereof '4.7'.

"On page 46, line 5, strike out '4.8' and insert in lieu thereof '5'.

"On page 46, line 17, strike out '3.8' and insert in lieu thereof '3.9'.

"On page 46, line 19, strike out '4' and insert in lieu thereof '4.3'.

"On page 46, line 21, strike out '4.5' and insert in lieu thereof '4.7'.

"On page 46, line 24, strike out '4.8' and insert in lieu thereof '5'.

"On page 46, strike out everything beginning with line 25 and down to and including line 14 on page 47.

"On page 47, line 15, strike out '(e)' and insert in lieu thereof '(d)'.

"Amend the title so as to read: 'An Act to permit beneficiaries under the Federal Old-Age, Survivors, and Disability Insurance System aged 65 or over to elect to receive their cash benefits in full or to have hospital insurance with a deduction of $5 per month from their cash benefits, to increase benefits under that System, to provide child's insurance benefits beyond age 18 while in high school, to provide widow's benefits at age 60 on a reduced basis, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the Trust Funds, to extend coverage, and for other purposes.' "

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore announced that on today, August 14, 1964, he had signed the following enrolled bills which had previously been signed by the Speaker of the House of Representatives:

S. 927. An act to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title;

S. 1451. An act to amend section 41(a) of the Trading With the Enemy Act;

S. 1627. An act to enable the United States to contribute its share of the expenses of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos;

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety;

H.R. 5044. An act to amend the act entitled "An act to provide for a mutual aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes";

H.R. 5337. An act to increase the partial pay for educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement, and for other purposes;

H.R. 6350. An act to amend the act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto", approved June 6, 1892, as amended;

H.R. 7301. An act to amend section 341 of the Internal Revenue Code of 1954, relating to collapsible corporations, and to amend section 543(a)(2) of such code, relating to the inclusion of rents in personal holding company income;

H.R. 7441. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes", approved March 1, 1899, as amended; and

H.R. 9653. An act to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 14, 1964, he presented to the President of the United States the following enrolled bills:

S. 927. An act to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title;

S. 1451. An act to amend section 41(a) of the Trading With the Enemy Act;

S. 1627. An act to enable the United States to contribute its share of the expenses of the International Commission for Supervision and Control in Laos as provided in article 18 of the protocol to the declaration on the neutrality of Laos; and

S. 2318. An act to amend the joint resolution approved August 20, 1958, granting the consent of Congress to the several States to negotiate and enter into compacts for the purpose of promoting highway traffic safety.

NOTICE OF HEARING ON NOMINATION OF GERALD J. WEBER, TO BE U.S. DISTRICT JUDGE, WESTERN DISTRICT OF PENNSYLVANIA

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, August 21, 1964, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Gerald J. Weber, of Pennsylvania, to be U.S. district judge, western district of Pennsylvania, vice John W. McIlvaine, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. Johnston], the Senator from Pennsylvania [Mr. Scott], and myself, as chairman.

U.S. TROOPS AND PLANES IN THE CONGO

Mr. STENNIS. Mr. President, yesterday's announcement that the United States is sending 4 Air Force transports and 106 American fighting men, including 40 paratroopers, to the Congo arouses my apprehension and raises a number of serious and fundamental questions.

I should like to know what this means in terms of our present and future commitment to this strife-torn area. Is this but the first of a series of steps which ultimately will lead to a heavy commitment of men and materiel? Will it be followed by others which gradually will escalate our efforts, so that ultimately we shall be involved in another undeclared war, such as that in Vietnam?

What is our policy with respect to this matter? What moral or legal commitments do we have which make it necessary or advisable that we so involve ourselves? I am not aware of any treaty commitments which require the United States to take this action. We are not party to a SEATO-type agreement involving the Congo.

The press reports about this move state that the planes will be used to transport Congolese troops to combat areas, and that the Army personnel will be used to protect our equipment and property. It is clear, then, that once again we are involving ourselves in someone else's fighting in a far-off land. We took this step just 43 days after the U.N.'s peacekeeping forces were withdrawn.

While we furnished troop transport planes for use in the Congo some months ago, at least that was part of an overall United Nations operation. Clearly, that is not the case now.

Let us be realistic about this situation. Regardless of the announced reason for the dispatch of our forces, these Army and Air Force men will wear the uniforms of their services. They carry our flag. The U.S. flag accompanies our military personnel wherever they go, and our flag protects them. If they transport men or supplies to a combat area, we can be sure that they will encounter hostile fire. If and when they are fired upon—as almost certainly they will be—that will be equivalent to firing upon the flag of the United States.

To me, this situation is fraught with potential danger and the possibility of serious involvement. Today, we are providing transport service. I cannot but wonder whether the next step will be the function of advising and training the Government forces, in the style followed in South Vietnam, so that ultimately our men will be fighting and dying in combat.

This, Mr. President, is a basic and fundamental policy question. I, for one, hope we shall not become committed on a piecemeal basis to the extent that we are in other areas around the world. I strongly oppose letting the Congo become an African Vietnam.

Congress is entitled to be advised of the full significance of this serious first step. While this is a first step, Congress and the American people are entitled to know the full facts. What is our policy? What is the justification for that policy? What steps are likely to follow? I hope the questions I have raised will be answered soon.

Mr. CLARK. Mr. President, it is with deep regret that I find myself unable to concur in the views just now expressed by the able Senator from Mississippi.

In my judgment, the purpose of sending the transport planes to the Congo has been made abundantly clear by the President and by the Secretary of State. The United States has been in the Congo for several years, doing its best to preserve order there, to prevent the infiltration of Communist influence, and to help this recently freed nation get its feet on the ground, maintain law and order, and become a member of the family of nations.

Of course, I have no objections to having Congress receive any information which may be desirable or necessary in order to enable it more fully to know just what is going on; but I rise to support the action of the President and of the Secretary of State and of the Secretary of Defense in sending these planes to the Congo.

U.S. planes have been transporting United Nations troops and Congolese troops, and have been ferrying supplies to the Congo for several years. So this is not at all a first step; it is but a continuation of a well-established policy.

So I commend the administration for the action it has taken.

Mr. JAVITS. Mr. President, I see nothing inconsistent between the questions raised by the Senator from Mississippi [Mr. STENNIS] and the points made by the Senator from Pennsylvania [Mr. CLARK]. In short, I do not want the administration to reverse its course and to recall its planes from the Congo, or to give us an accounting before it sends them, and in that way to "telegraph" its diplomatic activities.

In my opinion, an excellent case can be made for the extension of our activities to another country, because the general feeling is that our interest in the Congo for the moment has been phased out at the time when the United Nations troops were withdrawn. The Senator from Pennsylvania [Mr. CLARK] is quite correct in saying that our planes were used in transporting United Nations troops in the Congo, and it was understood that the use of our planes was to be terminated when the United Nations forces left the Congo.

However, a new situation now exists in the Congo. Mr. Tshombe—with whom there was a great deal of trouble, before—has returned to the Congo, and now is in a position of national leadership. Of course we do not take the position that we do not want him to do a good job.

If it is said that the use of our transports in the Congo represents a new step in connection with our activities in that country, either unilaterally or in connection with the United Nations, I point out that the developments in that country clearly demonstrate the commencement there of a new phase. The best course in connection with our operations—whether in Taiwan or, recently, in the Gulf of Tonkin—is followed when the President takes the country into his confidence, and the country backs his policy, and the Congress fully backs his policy, with tremendous confidence in the President, for in such situations the entire country knows the line of policy being followed, even though the people may not know the details.

It is on this basis that I support the policy now referred to—namely, the sending of transport planes to the Congo and the beginning of giving help which is required there at once. I also support the effort to lay the policy we shall pursue in connection with that country, especially our objectives, before the American people and the Congress, so that it may receive the universality of support which always gives our policy the greatest substance and the greatest chance of success.

FORTY-SEVEN PAGES OF ANTIPOVERTY

Mr. SIMPSON. Mr. President, the administration's so-called antipoverty bill is now beyond the purview of the Senate. But nevertheless, I should like to call to my colleagues' attention a recent column by Mr. Jenkin Lloyd Jones, whose trenchant wit and commentary grace the pages of a great many American newspapers.

As Mr. Jones notes:

> The bill occupies 47 pages and, like Venus, it is surrounded by thick clouds of vapor and shines brightly.

After several paragraphs of perceptive observations and revealing fact, Mr. Jones asks:

> What is this but carte blanche for a new Federal giveaway?

Mr. President, I ask that the column by Jenkin Lloyd Jones be printed at this point in the RECORD as a contribution to the many who support the bill understood by so few.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANTIPOVERTY BILL RUNS 47 PAGES—EVERYBODY TALKS ABOUT JOHNSON PLAN BUT FEW HAVE READ H.R. 10440

(By Jenkin Lloyd Jones)

Tolstoy's "War and Peace" is a classic that everybody talks about but that not many people have read. The same goes for House bill 10440, the bill under which President Johnson intends to wage his much-heralded war on poverty.

The bill occupies 47 pages and, like Venus, it is surrounded by thick clouds of vapor and shines brightly. Among many other things, it seems to be a land reform measure unique in American history. Under its provisions American taxpayers will go far toward buying farms for people who think they would like to farm.

Section 302 provides for grants (i.e., gifts) of up to $1,500 to low-income rural families for purchasing farms, reducing mortgages on existing farms, or "to finance nonagricultural enterprises which will enable such families to supplement their income."

There will also be offered 15-year loans of up to $2,500 per family. This will be in addition to loans presently available under other Federal programs. But that's not all.

Section 303 calls for Federal assistance for "family farm development corporations." Such corporations will buy land, divide it into family sized farms, build farm buildings, fences, etc., and sell it "at appraised value when used for agricultural purposes."

In many States "appraised value" for tax purposes runs 30 percent or less of actual value. But Uncle Sam will take care of that, too. For subsection (d) says: "The Director is authorized to make grants to such corporations in amounts sufficient to make up the deficiency between the cost of the farms and the net proceeds received from the sale of such farms."

What this all seems to mean is that while citizen A, if he wants a farm, must make his own downpayment and borrow the rest at commercial rates; citizen B, being deemed underprivileged; will get a Government gift of the downpayment, plus a loan, plus a sale price below cost.

With the Nation already suffering from a glut of farm produce, much of which must be purchased by the taxpayers to rot or be given away, it remains to be seen how much the national economy will be improved by creating thousands of new Government-subsidized family farms for the benefit of those who haven't been able to make the grade otherwise.

Section 411 on page 29 carries a curious proposal to make loans to employers who will agree to hire more men. It would lend up to $10,000 multiplied by the number of new jobs. The new jobs are to be filled (the bill reads) by "persons not already employed by the borrower, a majority of whom will be recruited from among the long-term unemployed and members of low-income families."

This seems to mean that an employer wanting to build a $100,000 plant can get his money at Treasury rates if he hires six jobless people at minimum wages and another four men away from some other employer.

If you like shotguns filled with fine birdshot you might enjoy section 602 (k) and (l) as follows:

"The Director is authorized to, notwithstanding any other provision of law relating to the acquistion, handling, or disposal of real or personal property by the United States, deal with, complete, rent, renovate, modernize, or sell for cash or credit at his discretion any properties acquired by him in connection with loans, participations, and guarantees made by him pursuant to titles III (programs to combat poverty in rural areas) and IV (employment in investment incentives) of this Act;

"To collect or compromise all obligations to or held by him and all legal or equitable rights accruing to him in connection with the payment of obligations until such obligations may be referred to the Attorney General for suit or collection."

If this is the English language these passages exempt the Director from all existing laws governing the handling of U.S. property plus granting him the privilege of "compromising," i.e., forgiving, part or all of loans advanced in good faith by the U.S. Government until such time as these loans "may be," not "must be," referred to the Attorney General for collection.

What is this but carte blanche for a new Federal giveaway?

There's a lot more in this bill, including the stirring windup on page 47, calling for an appropriation of $962,500,000 for the fiscal year ending June 30, 1965 "and thereafter such sums as are necessary to carry out this Act."

"War on Poverty." It's a terrific slogan, particularly in an election year. It puts doubters under the unenviable suspicion of being in favor of poverty.

But if you haven't read H.R. 10440 ask your Congressman for a copy. If you show enough interest maybe he'll read it—himself.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALINGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACHIEVEMENTS OF SENATOR WILLIAM PROXMIRE

Mr. DOUGLAS. Mr. President, today, August 14, 1964, completes a period of a full 7 years which the Senator from Wisconsin [Mr. PROXMIRE] has answered every one of the 618 rollcalls in the Senate without missing a single one. That is an amazing achievement.

In addition to answering every rollcall and faithfully pursuing his duties in the Senate, as Senators can all attest from the number of important amendments which he has proposed and the issues for which he has fought on the floor of the Senate and the thorough way in which he has prepared himself for those encounters, he has returned to Wisconsin every single weekend this year. Last year he spent 45 weekends in his State. By count he shook hands with at least 300,000 people last year. He sets the goal of talking with and shaking hands with at least 1,000 people a day when he is in Wisconsin.

Senators who try to be industrious in the pursuit of their duties often find that people will criticize them for not being in Washington when they are in their own States; and when we are here we are criticized for not being in our respective States. No Senator has surpassed the Senator from Wisconsin in carrying out both functions of intelligently representing his State—and, indeed, the Nation—and at the same time reporting back to his constituency and getting the views of his constituents so as to be more effective.

I congratulate the Senator from Wisconsin on this occasion for his amazing attendance record. At the same time, he has more than carried out his responsibilities to his constituents.

HUBERT H. HUMPHREY FELLOWSHIP IN POLITICAL SCIENCE ESTABLISHED AT THE UNIVERSITY OF MINNESOTA

Mr. DOUGLAS. Mr. President, I think Members of the Senate will be pleased to learn that there has recently been established at the University of Minnesota an endowed Hubert H. Humphrey fellowship in political science. The Humphrey fellowship endowment fund was created by a group of private citizens in honor of our majority whip and Minnesota's senior Senator. Those of us who have known Senator HUMPHREY over the years can testify that the establishment of an endowed fellowship in his name is highly appropriate. Those who hold the fellowship will not only be materially helped, they will surely be inspired by the example of Senator HUMPHREY's spirited leadership in education, municipal administration, and national legislation.

Mr. President, I ask unanimous consent that a statement concerning the Hubert H. Humphrey fellowship be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Establishment of an endowed Hubert H. Humphrey fellowship in political science at the University of Minnesota and selection of the first fellowship recipient were announced today (Friday, July 3) by Prof. Charles H. McLaughlin, chairman of the university's political science department.

The Humphrey fellowship endowment fund, which now totals $52,000, was created through the generosity of a group of private citizens in honor of U.S. Senator HUBERT H. HUMPHREY, of Minnesota. The Senate majority whip is a political science graduate of the university and once served as a teaching assistant in the school's political science department. Senator HUMPHREY received a bachelor of arts degree, magna cum laude, from the university in 1939.

Appointed as the first Hubert H. Humphrey fellow is Theodore W. Meckstroth, 24, Lewiston, Idaho, a university graduate student in political science .

The $2,500 fellowship awarded to Meckstroth will provide for a year of study in political science in the university's graduate school during the 1964–65 academic year.

Professor McLaughlin said the Humphrey fellowship committee plans to build up the fund so that several fellowships can be awarded each year out of interest from the endowment.

The fellowships will be awarded to especially able graduate students majoring in political science. Preference will be given to a student who already has demonstrated exceptional ability in one or more years of graduate study in political science and who is a candidate for the doctor of philosophy degree, according to Professor McLaughlin.

Cochairmen of the Hubert H. Humphrey fellowship committee are the Honorable (Mrs.) Eugenie Anderson, Red Wing, Minn., U.S. Minister to Bulgaria, and Jay Phillips, 2345 Kennedy Street NE., Minneapolis. Vice chairman is David J. Winton, 3100 West Lake Street, Minneapolis.

The fellowship endowment fund is administered by the university. Appointment of fellows is made by the university's graduate school upon nomination by the political science department.

Professor McLaughlin noted that Senator HUMPHREY, who has served in the U.S. Senate since 1948, began his study of policies at the University of Minnesota, and, while still a student, entered local politics and began laying plans for a political career. His special fields of study were the objects of democratic government and the methods of party politics.

After his graduation from the university in 1939, HUMPHREY went to the University of Louisiana to study for the master of arts degree, which he received in 1940. He returned to Minnesota the following year to do graduate work in political science. He held teaching assistantships at both the University of Minnesota and Louisiana State University while doing graduate study. In 1943–44, he taught courses in government at Macalester College, St. Paul, as a visiting professor of political science.

Senator HUMPHREY was active in fusing the Democratic and Farmer-Labor Parties in Minnesota before his senatorial career, and he served as mayor of the city of Minneapolis from 1945 to 1948.

The Senator, assistant majority leader in the Senate, has long been a leader in promoting civil rights legislation and directed the recent successful campaign to pass the civil rights bill in the Senate. Among honors he has received are the University of Minnesota Outstanding Achievement Award and the Congressional Distinguished Service Award of the American Political Science Association.

Meckstroth, the university's first Hubert H. Humphrey fellow, is working toward completion in December of work for the master of arts degree. Aiming toward a college or university teaching career, he plans to continue study after December for the doctor of philosophy degree in political science. He has been enrolled as a graduate student and has served as a teaching assistant in political science at the university since the fall of 1962. His chief fields of study are comparative government, political theory and behavior. His minors are sociology and anthropology.

The son of Mr. and Mrs. C. W. Meckstroth, of Lewiston, Idaho, Meckstroth lives at 1610 Fifth Street South, Minneapolis, while attending the university. He received a bachelor of arts degree in 1962 from Whitman College, Walla Walla, Wash., graduating with honors. At Whitman College, he held an Edward A. Paddock scholarship and received the Chester C. Maxey Award in political science.

FIRST ANNUAL GOVERNORS' CONFERENCE ON THE NATIONAL OCEANOGRAPHIC PROGRAM

Mr. BEALL. Mr. President, yesterday at the initiation of the Honorable J. Millard Tawes, Governor of Maryland, the First Annual Governors' Conference on the National Oceanographic Program was held at the U.S. Naval Academy, Annapolis, Md. Maryland has always had a sea-linked tradition. With a coastline totaling 3,190 miles, including the unsurpassed Chesapeake Bay, the busy port of Baltimore, which is the second largest in the Nation, and the greatest naval institution in the world, the U.S. Naval Academy, it was most appropriate that this first conference be held in Maryland.

Mr. President, the recurrent theme running through this conference was that this country's efforts in the field of oceanographic sciences must be greatly expanded. Although the conference was called to "highlight the opportunities and programs related to nondefense aspects of oceanography," it is nevertheless clear that one cannot separate the defense aspects from the nondefense aspects. From all sources the facts are clear that the Soviet Union is embarked on an extensive oceanographic program. I warn my colleagues that unless we move full speed ahead in this program, we are going to experience an oceanographic sputnik. I ask unanimous consent that yesterday's program together with a summation of the proceedings be printed in the RECORD.

There being no objection, the program and summation were ordered to be printed in the RECORD, as follows:

THE GOVERNOR'S CONFERENCE ON THE NATIONAL OCEANOGRAPHIC PROGRAM

PURPOSE

The Governor's conference on the national oceanographic program will highlight the opportunities and programs related to nondefense aspects of oceanography. Speakers from both industry and government will discuss specific projects in this rapidly expanding field. There will be adequate opportunity for discussion from the floor in order to achieve a frank interchange of views between government and industry.

Maryland, both because of its maritime tradition and proximity to Washington, plans to hold this conference hereafter on an annual basis.

It is expected that this conference will be a major forum for the exposition and development of national oceanographic policy.

Place: New assembly hall, U.S. Naval Academy, Annapolis, Md.

Time: August 13, 1964.

Registration: 5 to 7 p.m., August 12, Officers Club, Naval Academy. (Hospitality hour hosted by Naval Institute) (or) 8:30 a.m., August 13, New Assembly Hall, Naval Academy.

Registration fee: $10.

PROGRAM

At 8:30 a.m.: Registration, new assembly hall, U.S. Naval Academy.

At 9 a.m.: Call to order, Dr. G. Russell Tatum, conference chairman, president, Vitro Laboratories, Silver Spring, Md.

Welcome to the U.S. Naval Academy, Rear Adm. C. S. Minter, Jr., Superintendent.

Welcome to Maryland, the Honorable J. Millard Tawes, Governor of Maryland.

Keynote address, Dr. Donald F. Hornig, Director, Office of Science and Technology, Executive Office of the President.

10:15 a.m.: Panel: The Federal oceanographic program.

Moderator: Mr. Robert Abel, Secretary, Interagency Committee on Oceanography.

Instrumentation: Mr. Gilbert Jaffe, Director, Naval Oceanographic Instrumentation Center.

Fisheries: Dr. J. L. McHugh, Assistant Director for Biological Research, Bureau of Commercial Fisheries.

Environmental Control: Dr. Sidney R. Galler, head, Biology Branch, Office of Naval Research.

Oceanographic Engineering: Rear Adm. Edward C. Stephan, U.S. Navy, retired, Union Carbide Corp.

Control Engineering: Mr. Joseph Caldwell, Director of Research, Coastal Engineering Research Center, U.S. Army Corps of Engineers.

Pollution: Mr. R. L. O'Connell, Chief, Chesapeake Field Station, U.S. Public Health Service.

Mineral Resources: Mr. John Padan, Interagency Committee on Oceanography.

At 12:30 p.m.: Luncheon, Midshipmen's Mess.

At 1:30 p.m.: Panel: The Future of Industrial Research in the National Oceangraphic Program.

Moderator: Dr. Donald W. Pritchard, director, Chesapeake Bay Institute, the Johns Hopkins University.

Deep Submergence Program: Dr. John P. Craven, Chief Scientist, Special Projects Office, Department of the Navy.

Fisheries: Mr. John J. Supple, Vice President, Maryland Tuna Corp.

Transportation: Mr. Frank A. Nemec, executive vice president, Lykes Bros. Steamship Co.

Legislation: Mr. John M. Drewry, Chief Counsel, House Committee on Merchant Marine and Fisheries.

At 4 p.m.: Open discussion.

At 5 p.m.: Adjournment.

The Governor's conference on the national oceanographic program, sponsored by Governor's science resources advisory board in cooperation with Maryland Department of Economic Development, U.S. Naval Academy, U.S. Naval Institute, Interagency Committee on Oceanography.

CONFERENCE COMMITTEE

Dr. G. R. Tatum, president, Vitro Laboratories, chairman.

Mr. Robert Abel, Interagency Committee on Oceanography.

Comdr. R. T. E. Bowler, Jr., U.S. Navy, retired, U.S. Naval Institute.

Mr. J. H. Clotworthy, Westinghouse Corp.

Mr. O. E. Cunningham, Vitro Laboratories.

Dr. Sydney Galler, Office of Naval Research.

Mr. Victor Harris, Autonetics, a division of North American Aviation.

Mr. John H. Jorgenson, National Security Industrial Association.

Dr. John Lyman, Bureau of Commercial Fisheries.

Dr. Donald W. Pritchard, Cheasapeake Bay Institute, Johns Hopkins University.

SUMMATION OF THE OCEANOGRAPHIC CONFERENCE

The morning topic was "The Federal Oceanographic Program" and featured the following areas:

INSTRUMENTATION

Instruments are the key to ocean knowledge, for all oceanographic facts require measurements. Generally our instruments are not adequate, not sufficiently accurate, and there exists a complete lack of standardization. Tellingly, it was stated that better than 50 percent of the new industrial products fail. It is most important we move ahead in this area since we now have some ships available, but not equipped.

FISHERIES

Many major problems of the fishing industry could be solved by additional breakthrough in oceanographic science. Three areas in particular need further study, namely: (1) The search for better location methods to make the catching of fish easier; (2) the improvement of methods of making fish available to the consumer in the best possible condition; (3) the securing of the highest sustainable yield.

ENVIRONMENTAL CONTROL

Discussed in this area was the problem of the necessity for control of marine life which might adversely affect the Navy's mission. Examples cited showed how noise of marine life could result in acoustic problems and how large fish have created target problems.

CONTROL ENGINEERING

The three areas of great concern to the Corps of Engineers were discussed. They are navigation, flood control, and shore stability. Obviously the corps encourages oceanographic efforts.

POLLUTION

The development of a comprehensive program for the control of water pollution is necessary with our rapidly growing population. Every possible step must be taken to insure that our posterity will enjoy sufficient and safe water.

MINERAL RESOURCES

Scientists agree that treasures abound in the ocean floor. However, sufficient data is lacking to enable corporations to justify mining ventures to stockholders. Presently there are only two companies involved. In addition industry is concerned over the legal question of who owns the ocean floor.

In the afternoon a panel discussed the future of industrial research in the national oceanographic program, highlighting the following areas:

DEEP SUBMERGENCE PROGRAM

The historic importance of seapower was stressed. The recent crisis in southeast Asia again emphasizes the importance of naval power. The principles employed in commercial oceanography are not necessarily dissimilar to military needs.

FISHERIES

The role of oceanography in a hungry world was discussed. Seventy percent of the world's population is without adequate food. Starvation may even occur in the midst of plenty if there is a deficient intake of protein. The United States must modernize if we desire to compete with foreign nations.

TRANSPORTATION

The extensive effort of the Soviet Union in the field of oceanography was emphasized. Attention was called to the rapidly growing Russian fishing fleet. Warning was given that a lack of centralized direction impedes the U.S. effort, since "Everybody's business is nobody's business." Three steps were recommended:

(1) Establishment of oceanographic institute which would coordinate and direct all U.S. activity. Duties would include planning, budgeting, data process analysis, and reporting to Congress.

(2) Correspond with other nations in the field of oceanography. It seems clear that Russia is keenly aware of all our efforts, but our knowledge or their efforts is questionable.

(3) Use of industry for data collecting should be expanded and the equipping of our merchant fleet with equipment which will enable them to collect data on their journeys is vital.

TRAFFIC COURTS SHOULD EDUCATE WHILE THEY ADJUDICATE

Mr. BEALL. Mr. President, recently there appeared in the August District of Columbia Bar Association Journal, an article by the Honorable George D. Neilson, judge of the District of Columbia Court of General Sessions, entitled "Traffic Courts Should Educate While They Adjudicate." Judge Neilson has a distinguished record of service both as a member of the bar and on the bench. He was one of the founders of the popular Washington television show, "Traffic Court" which appears weekly on NBC-TV. The judge, himself, appears regularly as the traffic judge during this program. In addition, he has traveled extensively across the Nation lecturing on the traffic problems facing this country. Judge Neilson's comments should be read by everyone and his insights into the problem might help to eliminate the traffic casualties which yearly plague our highways.

I ask unanimous consent that the article by Judge Neilson may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRAFFIC COURTS SHOULD EDUCATE WHILE THEY ADJUDICATE

(By Hon. George D. Neilson)

"He's not normally a fast driver or a show-off. He's just not that sort of boy at all. He has a fine character. He is a responsible person."

This statement is typical of many heard daily by judges and police alike from coast to coast. Yet in this actual case, as the facts disclosed, the life of an innocent lawyer was suddenly snuffed out. His only mistake was being at a particular intersection after midnight when the tragic accident occurred.

This normally responsible person, a teenager of 18, admitted to the police going 70 miles an hour before the crash. "I guess I was just showing off," he said.

What caused this normally responsible person to lose all sense of responsibility and to disregard completely the safety of himself, two other teenagers in the car with him, the public in general, and the deceased in particular?

Until society can find the answer to this question and then do something about it, the tragic loss of human life and personal property will continue unabated.

What can the law-enforcement branch of government do about it? More specifically, what can the police and the courts do about it? Are they now meeting their responsibility to the public? Do their programs utilize to the maximum degree the power and force of (1) education, and (2) penalties? No traffic safety program which takes lightly either one of these factors can succeed. The court in times past has not always fully realized the importance and made use of enlightened education in the field of traffic safety. Also, the method and extent of penalties has not always provided the deterrent which could reasonably be expected.

The maximum public good calls for an intelligent use of a combination of education and sanctions. Only in this way can the public image of the court be maintained at the highest possible level. The respect of the public is an absolute requisite if the court is to command the leadership it so rightly deserves in the worthy cause of saving precious human lives. Traffic court does do just that if it is an enlightened court meting out justice evenly, fairly, and consistently.

RIGHTS OF PERSONS COMING BEFORE THE COURT

It is imperative that every person coming to traffic court be fully aware of his rights. This can be done orally or in writing. He should be advised that he has:

1. The right to retain counsel of his own choice or he may request the judge to appoint an attorney to represent him if he is financially unable to retain one.

2. The right as a defendant to plead guilty or not guilty with an explanation as to any violation for which he has been charged.

3. The right as a defendant to demand a jury trial in certain cases allowed by law.

4. The right to request a continuance in order to subpena witness, retain a lawyer, or allow sufficient time to prepare his case for trial.

5. The right of the defendant to testify or not to testify in his own defense.

6. The right to cross-examine witnesses for the Government, and after the Government has rested its case, to testify himself and call witnesses in his own behalf.

7. The right, if in doubt as to whether he is guilty or not guilty, to enter a plea of "not guilty" and let the government prove its case against him.

8. He should further be advised that if he is found guilty and receives a fine, his collateral will be applied to whatever fine he receives. If he receives a suspended sentence, his collateral will be returned to him, but under the point system he will receive points against him, even though he may have received a suspended sentence or is released under personal bond. If a defendant is found not guilty, his total collateral will be returned to him.

Failure to make certain that every person coming before the court fully understands his rights will, in the long run, prove disastrous to the courts itself and to the cause of safety, which is a primary obligation of the court. To adequately protect the rights of the individual and to assure him a fair and impartial trial will bring to the court that high degree of respect which it should always command. When the defendant knows and fully understands his rights, and is accorded a fair and courteous trial, he will leave court with a better attitude. This invariably will be reflected in his cooperation in the observance of all traffic laws and in a courteous attitude toward other drivers on the highways.

MANY TRAFFIC VIOLATIONS ARE SERIOUS OFFENSES

In his excellent article, "A Criminology of Traffic Offenses," appearing in the September issue of Federal Probation, Judge Wolf Middendorff, of the Federal Republic of Germany, vividly points out that automobile drivers commit many serious offenses, including homicide. Yet the general tendency of the public is not to regard driving violations as illegal or antisocial.

Such an attitude on the part of the public in general can and should be changed. To a man who is seriously injured or killed by a reckless or drunken driver, the end result is no different than if he had been slain by a criminal in the act of burglary or robbery. There is one vital difference—the driver of the death car probably just did not stop to think that his moment of carelessness might snuff out the life of an innocent person. Just a little thought and care could have prevented the dreadful accident.

The court can do much to create the proper attitude on the part of the public toward an effective traffic program. Developing such an attitude is a great challenge to the court, but it can be met, and it should be met.

It is a tragic fact that each day brings needless loss of precious human life and destruction of valuable property on our highways. The time for action—to prevent this senseless slaughter and destruction—is at hand.

We might ask ourselves: "Just what influence does the traffic court exert on the highway safety program?" There can be but one answer to this question. It is impossible to measure the profound influence which a properly organized traffic court exerts on this important program. It has been estimated that 1 out of every 10 persons has occasion to visit traffic court annually. These persons represent a cross-section of the community and are generally law-abiding citizens. Their "visit" is usually their only experience with courts.

Consider the influence, either good or bad, of this army of citizens who pass through the doors of our traffic courts. Were they to enlist their wholehearted efforts in furtherance of a traffic safety program, we would witness a miraculous reduction in the accident rate on our highways. The best possible enforcement must be found in the realization of the problems involved, and their relation to the average citizen. Treating him fairly and sensibly is more than its own reward—it is just good enforcement policy.

Briefly, then, the traffic court commands a key position in the fight against automobile accidents. If the court has done its work properly, those who have found themselves in the unfortunate position of being defendants will leave traffic court with a keener sense of their own responsibilities. Their attitude will be one of willing cooperation with those whose task it is to regulate and control traffic, rather than a feeling of resentment. The defendant will leave traffic court with a feeling of confidence in the integrity of the court, and with a greater understanding of the importance of observing all of the laws, if for no other reason, his own protection.

SOLUTION TO TRAFFIC VIOLATION IS MORE THAN PENALTIES

It is the view of traffic safety experts that a model traffic court, to achieve its just aims, must be mainly corrective rather than punitive. The whole theory underlining this view is that we must do all in our power to prevent the accident before it happens. The opportunity of the traffic judge in this whole program is indeed a challenging one. In the final analysis it is the judge who has the great opportunity and the power to educate while he adjudicates. This is why the traffic court holds such an important position in the traffic safety program.

When presiding in traffic court, the judge may care to make use of the following statement as a part of the court's educational program:

"We don't want your money. We hope you don't commit a traffic violation because if you do, you'll have to pay a traffic fine, or perhaps go to jail. The payment of this penalty might save your life. It might save your life because it helps to keep motorists from committing traffic violations which cause accidents. The man who is fined or sentenced to jail today might not run into you tomorrow.

"We don't want your money. You need it for paying rent, buying food and doing all the things that cost more money today. Your money would be taken from you only because you violated the safety laws—because you did something which the records show kill and injure people.

We don't want your money. It would please the court just as much as it would please you if you paid no fines—if you committed no traffic violation. You may think traffic sentences are too high. It is hard to figure out just how much a threat to human life is worth. But the average fine represents a lot less dollars than the cost of the average accident. The court has worked hard to set a fair traffic collateral schedule. It costs you more for a more dangerous violation than for a less serious violation. If the penalty you may be required to pay today failed to make you drive more safely tomorrow, you would have wasted your time and money. If it caused you to drive more safely tomorrow, it would then be the best investment you ever made, because it might save your life, or the life of someone near and dear to you."

The time has long since passed when we should have a general reexamination of the adequacies of the penalties meted out in traffic cases. What constitutes adequate penalties for traffic offenders is a question on which agreement is lacking, despire the urgent need for some semblance of consistency in imposing penalties. The judge must do all in his power to impress the defendant with his own responsibility in the safety field. Certainly, the judge must exercise a great deal of commonsense in dealing with the traffic problem. His objective should be to make friends of the public—friends who will voluntarily want to observe the traffic laws, and, through greater cooperation, thus prevent needless accidents.

It is not uncommon to find inconsistencies in assessing penalties among different judges of the same courts throughout the country; and even the penalties of the individual judges themselves in far too many instances are devoid of the consistency so essential to a fair and intelligent handling of the program.

This does not mean that penalties should be rigid, but it does mean they should be at least consistent. Otherwise the court cannot escape the charge of discrimination. Obviously, each case must be judged according to its own facts, with the defendant's prior record being carefully considered. There is no suggestion that the judge should not have wide latitude and discretion in the manner in which he disposes of his daily calendar. However, this too often has been the guise for imposing penalties that could not be justified by the law or the facts.

It is true the court must consider many factors in reaching the decision as to what the penalty should be given in any given case. However, where the facts are the same, or nearly so, with no unusual mitigating circumstances, then the penalties, over a period of time, should show some consistency. When the public is aware that each violator will receive the same or similar treatment, when the facts are the same or similar, the traffic court will command far greater respect. And greater cooperation with the authorities will help to make the streets and highways safer for life and property.

CERTAINTY OF PUNISHMENT

An objective of the court should be to warn drivers in advance that if they take unnecessary chances, they must be prepared to pay the penalty. For it is time to put a stop to unnecessary destruction of property and loss of human life. If more careless, reckless, and drunken drivers were punished for their violations there would be fewer accidents. The certainty of the penalty is the important thing and the punishment should fit the crime.

Certainty of punishment is perhaps the most vital step in the effective handling of the traffic enforcement program. Drivers who take chances on escaping punishment are encouraged in their careless tendencies by the belief that the odds favor them. As long as the operator believes his chances of being punished are slight, even if he is caught, he is likely to continue his irresponsible driving. He realizes that in the first place he must be apprehended by the police; and by the law of averages it will be impossible for the latter to catch up with him every time. He reasons: if and when they do, the penalty probably will be a small money fine or none at all. So, why not take a chance?

This attitude, of course, is the result of fallacious reasoning. It overlooks the tragic but nevertheless real fact that the life the driver sooner or later is likely to take may be his own. Each time he violates a traffic law—especially a moving violation, the category causing most of our highway accidents—he moves one step nearer to his own injury or complete destruction.

The traffic judge should bear in mind that uncertainty of punishment, besides breeding disrespect for the law, has another disastrous influence on safety. It is discouraging to the police force. Traffic officers who are called on during all hours of the day and night to risk their own lives in the apprehension of offenders, and then spend many hours in court, often on their own time, naturally lose interest in the performance of their duty if they know that in the end there is no assurance the defendants will be adequately punished or educated.

Court files throughout the country bear evidence that major traffic offenders—hit and run, reckless, or drunken drivers—time and again have been apprehended by vigilant police officers, only to see the offenders walk out of traffic court with no penalty whatsoever, or at the most a small money fine. Such a result tends to break down the entire traffic-enforcement structure. The public is the principal loser.

The traffic judge is a powerful influence for good or for bad on the entire safety program. His influence for good is great if he gains for himself and the court the confidence and respect of the public.

From practical experience in presiding over traffic court I have found that the imposition of money fines alone is not the solution to the problem. Something more is required in many cases. The solid support which I have received from the radio, press, and the public in general, when I have indicated from the bench, and then carried out, a policy of jailing drunken, reckless, and hit-and-run drivers, particularly repeaters, has been most encouraging. This has given assurance that such a fearless and firm policy of dealing with serious traffic offenders would bring sudden and vigorous backing from the public. Without this backing the efforts of any judge would be futile. A fine example of such public support is shown in the efforts of John Lewis Smith, Jr., the distinguished chief judge of the District of Columbia Court of General Sessions, to clean up the backlogs of old parking cases which have gone unheeded for many months.

It is fairly easy for almost every traffic offender to pay a money fine, and thus there is no real deterrent. However, no one wants to go to jail, even for a day. If a person knows he will go to jail if he, through his own carelessness or irresponsibility in driving, jeopardizes the lives of his fellow men on the highway, we have the real deterrent. The accident which might have claimed the life of some innocent person, and destroyed valuable property may never happen.

In considering the whole question of penalties, it is the certainty of sustained progress that counts. As long as progress is being detected there is definite assurance that the traffic enforcement program is succeeding.

TRAFFIC SCHOOL

The modern traffic school, operated primarily but not exclusively for traffic offenders in some of our cities, was established on the theory that education is at the very root of the problem. When properly organized and functioning, these schools have proved to be a great asset to traffic judges in their efforts to improve the general attitude and caliber of the Nation's automobile drivers. A highly successful school is the one established in the District of Columbia and operated by the Metropolitan Police Department. The judges of the District of Columbia Court of General Sessions, which has jurisdiction over traffic cases, have given their wholehearted support to the school. From the begining they have realized that the school affords an ideal means of advancing the cause of true traffic education—of making good drivers out of bad or potentially bad drivers. The judges know how their efforts are achieving worthwhile results when violators, referred to the traffic school with their own consent, report back to the court after successfully undergoing an intensive course of instruction.

Through lectures covering a wide range of traffic subjects essential to an adequate comprehension of sane and safe motor vehicle operation, and supplementary motion pictures and photographs, the student is instilled with good driving practices on one hand and the tragic results of irresponsible driving habits on the other. He sees portrayed before him a terrible accident that might have been caused by the same infraction as his own. Perhaps for the first time he is fully conscious of the fact that his own violation could have easily snuffed out his own life or the life of some other person. The deep impression thus made is one he is not likely to forget.

In addition to traffic court, drivers are also referred to the traffic school by other agencies, all striving to achieve the same beneficial results. These agencies include the Board of Revocation, the Juvenile Court, and also the Corporation Counsel's Office which handles most of the traffic prosecutions in the District of Columbia. The American Red Cross is aware of the worth of the school. Vitally interested in traffic safety, the Red Cross has in times past instructed its drivers to attend. Other agencies, prompted by the same motives, have encouraged their drivers to enroll on a purely voluntary basis.

Because of the widespread interests in traffic school, and with the thought that other areas might be interested in setting up a traffic school as a potent force in combating the evermounting accident toll, it might be worthwhile to briefly mention the operations of the school as it relates to traffic court.

When a defendant convicted of a traffic violation appears to be a cooperative person, whose clash with the law resulted perhaps from ignorance or momentary carelessness, he is referred by the court to the traffic school. Final disposition of his case is postponed for approximately 1 month. Attendance is purely voluntary, and in most instances the driver is eager to avail himself of the opportunity to attend the school when its purposes and functions are explained to him.

His case is then referred to the probation department of the court, where the facts in his case and other pertinent information are recorded. He is given a registration card, authorizing him to attend school on the day or night of his choice, on successive Tuesday or Wednesday nights or Saturday mornings, for two 3-hour sessions. He is instructed to report to the probation department at the end of his period of instruction. The statement of facts in his case, together with the instructor's report from traffic school, indicating the defendant's success or failure, is then submitted to the trial judge for his further consideration, before final sentence is imposed.

As an incentive to serious and diligent study at the school, the judge, at the outset, indicates to the defendant that if he attends the school and successfully passes the final test—a carefully planned and comprehensive examination of the subject matter covered during the course—he will be given credit and this will be reflected in a reduction of any penalty which might otherwise have been imposed.

It is interesting to note that a session of the school is devoted to a lecture on the subjects of utmost importance to good driving practices, but too often are found wanting. These include courtesy, attitude, and self-discipline. Obviously, if a person is to become a good and safe driver he must bear these things in mind constantly, and reflect them in his actions while driving. It is impossible to estimate the number of accidents caused simply by lack of courtesy, or by an indifferent attitude on the part of the operator. Every motorist should keep in mind that courtesy in operating a motor vehicle will prevent automobile accidents. The driver who is thoughtful enough to show proper regard and consideration for a fellow motorist is likely to be a careful driver. Of course, this presupposes that he has a thorough knowledge of traffic rules and regulations and understands the mechanics of motor vehicle operation.

ROLE OF TV AND RADIO

In connection with traffic education, I urge a greater utilization of the radio and television in the struggle for better traffic enforcement and public support for the traffic court. In Washington, D.C., we have made efficient use of both of these media. The bar association has sponsored a number of traffic safety programs on radio, with the active participation of the judge and other officials, and these programs have been well received by the public.

Our "Washington Metropolitan Area Traffic Court" program presently on NBC–TV has been an outstanding success for more than 6 years. This significant public service program in which the court plays such a major role, with a weekly audience of well over 200,000 viewers, was started by Mr. A. Julian Brylawski, chairman of the public education committee of the District of Columbia Traffic Board; Capt. Albert B. Nicholson, of the traffic division of the Metropolitan Police Department; Mr. Lou Brott, of the public relations staff of the Department of Motor Vehicles, and the author.

Through the reenactment of traffic cases previously heard in court, we have been able to bring traffic court into the homes of the public with a marked degree of authenticity and realism. This accounts for its top rating year in and year out. The program has been the means of building up efficient public relations for the courts as a whole. Also, the prosecutors, the police, and the public in general have benefited. The public now has an opportunity to see not only their public officials in action, but also exactly what happens when traffic laws are violated. This has a profound influence for good on the entire traffic safety program, and it helps build up public support for traffic court and other agencies concerned with traffic regulation.

ROLE OF THE PROBATION OFFICE

It is good traffic enforcement to make full use of the modern probation office. There are certain cases, perhaps not too many in proportion to the total number, which lend themselves ideally to the supervision and help of the probation office. In cases of hardship and sickness, for example, the services of the probation officer can be invaluable in rehabilitating the errant driver. Through close supervision he can instill in him the urge and desire to develop good driving practices and attitudes both on and off the highway.

Then, too, I make it a practice to call on the probation office frequently for presentence investigations, particularly in cases involving major taffic laws such as driving while under the influence of intoxicating liquor, reckless driving, leaving after colliding, and driving on a revoked permit. In this way the judge has the benefit of additional facts, including a check on the defendant's prior record. They will help him to impose with fairness and intelligence the right sentence in any given case.

The aim of all traffic rules should be simplicity. They should be understood by all drivers. The laws should be clear, explicit, reasonable, comprehensive, consistent, brief, and respect the commonsense of the public whose support and acceptance the laws must merit.

The public wants safety. It will go all out for safety if it is assured that all phases of the program are being handled intelligently, fairly, and vigorously, with the emphasis placed on the type of offenses which are responsible for most of the traffic accidents.

The task of reversing the trend of death and destruction on the highways of this and other countries throughout the world is not an easy one, but it can be done. The only question is: Are we, the public, willing to do it?

THE NATIONAL PHYSICAL FITNESS PROGRAM

Mr. BEALL. Mr. President, since its inception several years ago, I have actively supported the national physical fitness program conceived by our late President, John F. Kennedy. As a representative of the people of Maryland, and on their behalf, I wish to salute an organization of young men which in the last 2 years has made a significant contribution to the citizens of Maryland by actively seeking and recognizing those of our State fitness leaders who have made remarkable contributions to our mental and physical well-being.

I think we should give attention and praise to what the Maryland Junior Chamber of Commerce is doing to honor the men and women throughout our State who are giving unselfish devotion and dedication to the cause of physical fitness. I am proud to point to our State Jaycee organization as a model for other public-spirited groups throughout the Nation to emulate in the important work of inspiring a healthy America through fitness leadership award programs.

The enthusiasm with which the Maryland Jaycees are pursuing this effort in public service is a distinct tribute to their leadership and those connected with the fitness program.

Mr. President, I felt that I should call this to the attention of this body.

TRIBUTE TO THE PEACE CORPS

Mr. McINTYRE. Mr. President, testimonials to the success of the Peace Corps in 45 nations around the world have been many and justified. But it is an unusual thing worth noting when the chief of state of a developing country writes such a testimonial directly to the head of a U.S. Government agency.

The Prime Minister of Nyasaland has stated his country's appreciation of the work of Peace Corps volunteers in glowing terms—and asked for more. He has urged volunteers presently serving in Nyasaland to extend their tours and offered to explore the possibilities of his Government contributing to travel expenses toward this end.

I ask unanimous consent that this letter from H. Kamazu Banda, Prime Minister of Nyasaland, to Sargent Shriver, Director of the Peace Corps, be placed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE PRIME MINISTER,
Zomba, Nyasaland, June 23, 1964.

Mr. SARGENT SHRIVER,
Director, Peace Corps Headquarters,
Washington, D.C.

DEAR MR. SHRIVER: Only a few months remain before the first group of Peace Corps volunteers to arrive in Nyasaland will be ready to return to the United States.

They have made, and are making, a great contribution to our country, and we will be extremely sorry to see them leave. They have been true ambassadors of your country and have rendered my people invaluable service. As individuals they will be greatly missed and, as a group, their departure will leave a grievous gap in our educational system.

I have been advised by the Peace Corps staff in Nyasaland that we can expect a maximum of 78 new Peace Corps volunteers in January of 1965. This will be a net increase of 40 since 38 volunteers will be leaving us. Unfortunately, even with an increase of 40 volunteers, we will fall very far short of our needs.

We will open several new day secondary schools in January of 1965, and we have made plans for a new correspondence school which will receive support from New Zealand and Australia, and for which we were planning to use a number of your volunteers. For these reasons, we had asked for a total of 115 new Peace Corps volunteers.

I would earnestly ask you to reexamine your plans for the next year and see whether there is any way in which this additional number of Peace Corps volunteers might be sent to my country. I know that the hour is late and that adjustments will have to be made if we are to be accommodated. Our need is, however, urgent and pressing. I would be deeply grateful if you could help us in the way I have indicated.

For our part, we are studying the possibility of paying half the cost of an airplane ticket home for any of the present volunteers who will sign on for an additional year. If we find that we are financially able to offer this inducement, and if we do not get enough of the present volunteers to extend for the extra year to meet our needs, would you consider permitting volunteers from other countries in Africa to sign on for an extra year in Malawi after finishing their present assignments? We would hope that many of them would be willing to do so with the inducement of a short trip home at no cost to them, since we understand the Peace Corps would pay the other half of the cost of the ticket.

Any consideration you can give to these matters will be deeply appreciated by myself and the people of Malawi. We are inestimably indebted to you for your past assistance and for the new public health project and for the agricultural cooperative project which we hope will receive your approval very soon.

Yours sincerely,

H. Kamuzu Banda,
Prime Minister.

WHY NOT USE WHAT NATURE PROVIDED

Mrs. NEUBERGER. Mr. President, perhaps more than any other the symbols of our age are those of science and technology. An ever-increasing percentage of our public and private budgets is being directed toward scientific and technological development and research. A common corollary assumption is that the educational requirements of this age can only be met in a classroom fitted with the very latest and finest of laboratory equipment. Certainly I am one of the last to decry greater investment in education. But in many ways the best laboratory for the study of natural science, botany, zoology, biology, astronomy, and even mathematics is still nature's classroom. A school district in Colorado has established an imaginative outdoor education laboratory for sixth graders which could well be emulated by other systems across the country. In my own State of Oregon, the Jackson County educators have an annual conservation course for eighth-graders which might form the core for a more ambitious program. The thoughtful editor of the Medford Mail Tribune, Mr. Eric Allen, has written a penetrating article on this subject and I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nature's Classroom

"In all this rush of the space age there is one fact which stands out, and that is the importance of our earth and the resources which it holds. All of our growth, all of our future development, all of our great dreams, are based upon the age-old elements which form this terrestrial ball we call 'Mother Earth.'"

These are the words of Dr. Del G. Peterson when he was deputy superintendent of the Jefferson County schools just outside Denver, Colo.

They form the basic philosophy on which an outdoor education program was established for Jefferson County schools.

Pointing out that no matter how advanced, how technical or how scientific society becomes, life still depends upon food, fiber, and natural resources taken from the earth, Dr. Peterson continued:

"The importance and significance of this fundamental fact must be communicated as early as possible to our schoolchildren so that when they become tomorrow's leaders they appreciate the riches of the earth and may use the earth's resources wisely and to the greatest benefit."

Jefferson County has an outdoor education laboratory school on 550 acres of mountain terrain, ranging in elevation from 8,000 to 10,000 feet.

All of the district's sixth graders attend the lab school, with groups attending for a week at a time, all year.

The list of possible subjects these students study is long. It includes natural science (along a trail), geology, botany, zoology, biology, use of the compass, map work, erosion, wildlife, forest fire protection, tree planting, improvement projects in conservation, first aid, accident prevention, sketching, painting, specimen mounting, letterwriting, creative writing, poetry, and mathematics (in measuring the height of trees, in keeping temperatures, in determining distances, and other subjects).

An evening program for Jefferson County pupils includes astronomy, campfire singing, charades and observation skits.

The children are kept busy from early morning until bedtime.

Students and instructors, in a sense, "have a ball," but it is a highly educational ball, for what they learn at the lab school remains with them throughout their lives.

Professional people, including representatives of interested Federal and State agencies and private industry, serve as instructors, most of them without charge to the district.

There is more than formal education involved. The students learn to live with one another—they eat together, sleep together (in small boys' and girls' dormitories), play together, and study together. But they also are given opportunity to be alone.

And what is more important in today's society than learning to live with one another, recognizing what we may dislike in an individual, yet being capable of peacefully living with him?

Social and psychological problems are often revealed in such a situation, problems which, when found at an early age, can be corrected through counseling so the child becomes an asset to society, not a liability.

The implications of such an outdoor education program are virtually unlimited.

A start toward such a program has been made in Jackson County with the annual conservation course for eighth graders, who spend one day in the woods receiving instruction on various aspects of conservation, forest fire protection, tree farm development, timber management, tree identification, and forest manners.

This is a much needed program as far as it goes, but being in an area where a more thorough program can be set up in outdoor education, the program should be expanded.

The possibilities for such a program in this area are unlimited, particularly with the natural surroundings and the availability of qualified personnel from Federal and State agencies and private industry to share staff responsibilities.

A weeklong course, patterned along basic principles of other outdoor education programs, could be established in Jackson County with little or no additional cost to the taxpayer.

Such a program would not be a week's "vacation." It would be far from that. The student would follow a detailed program of study, and would be tested on the subjects studied. The outdoor classwork would be supplementary to regular classroom work during the the school year.

There are few subjects studied in the regular classroom which would not have a practical application in the field.

It would provide more of an opportunity for younger generations to develop a better appreciation for the outdoors, and the resources for all material things which make this life worth living.

The place to start conservation of natural resources, protection and better management of the forests, preservation of clear air, safety of the individual during his leisure hours, and a better appreciation of our heritage is in the classroom, and the best classroom for these and other subjects is the environment in which they occur.

In the words of Dr. Peterson: "Our basic understanding of nature and the world about us must come from direct contact with our natural environment, and our best means of teaching is the same as it was untold centuries ago when man first began to learn"—in nature's classroom.—E.H.A.

IMPROVED SPECIALIZED AIR-CARGO SERVICE

Mr. PELL. Mr. President, the Civil Aeronautics Board recently held hearings on its proposal to allow those airlines that have specialized cargo certificates to provide a new and improved specialized cargo service. The Senator from Oklahoma [Mr. Monroney] furnished the CAB with a statement on July 8, 1964, which dealt with this issue.

I want to endorse the views expressed by the senior Senator from Oklahoma.

The cargo airlines pioneered the bulk airfreight business. They are small businesses. They are endeavoring to lower rates and charges consistent with sound economics. They have struggled every inch of their way. Unlike others, they receive no direct or indirect subsidy. They have introduced most of the significant airfreight innovations. They have been the driving competitive force that has advanced airfreight service. They are the only airlines that have an obligation to provide all-cargo service, and are doing so today.

On February 14 of this year, the Chairman of the CAB stated:

> The Board will do everything in its power to see that the all-cargo carriers which have pioneered this roll of air transport have the opportunity to participate in its fruition.

I congratulate the Chairman and the Board for having taken specific action to translate this noble objective into concrete and specific action.

This recent action of the CAB may well prove to be one of the most beneficial long range public interest policy decisions of the CAB since its inception by the Congress in 1938.

The year 1964 is one of which the Congress, the Civil Aeronautics Board and the general public can be proud insofar as developments in aircargo are concerned. On February 14 the Chairman of the CAB, the Honorable Alan S. Boyd, gave what may well become the most important speech yet delivered on air transportation in this decade. Mr. Boyd stated:

> I am seriously concerned about a situation in which carriers with superior credit, gained largely from the relatively lucrative passenger business, use that credit access to purchase equipment for all-cargo use which can, if need be and at little expense, be turned into passenger service to offset losses

incurred in cargo services. This is a vicious circle. It is not my idea of fair competition.

Under the sound and forward-looking leadership of Chairman Boyd and Vice Chairman Murphy, the Civil Aeronautics Board undertook a policy review on the role of all-cargo carriers. Last week, after extensive proceedings, the CAB published its policy—a policy which has widespread public interest benefits because it assigns to the all-cargo carriers "separate and select functions in the airline industry."

The distinguished senior Senator from Oklahoma, a well recognized authority on the subject, set forth a positive program in his statement before the Civil Aeronautics Board on July 8, 1964, upon which I congratulate him.

REAPPORTIONMENT — RESOLUTION OF CONNECTICUT HOUSE OF REPRESENTATIVES

Mr. DODD. Mr. President, I have been requested to bring to the attention of my colleagues a resolution adopted by the Connecticut House of Representatives.

The resolution, approved by only one chamber of my State's general assembly, endorses the original Dirksen bill which would have stayed reapportionment for up to 4 years.

When I introduced my amendment last week, to cut this time period in half, I made my position clear that I think 4 years is much too long for us to have to wait for the equitable reapportionment of our State legislatures.

This resolution points up some of the problems involved at the State level in resolving this difficult matter, however, and although I do not agree with it, I ask unanimous consent that the text of House Resolution 3 be printed in the Record at this point.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

House Resolution 3

Resolution endorsing Federal legislation

Resolved by this house:

Whereas the Federal Court order requiring this special session to reapportion the Connecticut House of Representatives raises serious doubts about the Court's authority to act as it has, and about this session's authority to act as it has been directed to; and

Whereas determination of legislative representation is basic to continuation of our form of government of three coequal branches, each serving to check and balance the others with ultimate power inherent in the people; and

Whereas the time schedule which the Court directs has created confusion and uncertainty, and will produce hurried and ill-considered results in an area crucial to continuity of our government; and

Whereas, with sufficient time to proceed in orderly fashion and with due deliberation the questions of conflicting authority and proper representation can be resolved as they should be: Now, therefore, be it

Resolved, That we call upon the Congress of the United States to enact, prior to adjournment of the current session, legislation to stay execution of the Court order on reapportionment until two regular sessions of the Connecticut General Assembly have occurred; and be it further

Resolved, That we urge Connecticut's representatives in Congress to support such legislation; and be it further

Resolved, That copies of this resolution be sent to Connecticut's representatives in Congress, Senator Everett Dirksen as the sponsor of such legislation, the Governor of Connecticut, members of the State senate, and the U.S. District Court for Connecticut.

John L. Gerardo,
Clerk of the House.
Ella T. Grusso,
Secretary of the State.

MINTING OF NEW SILVER DOLLARS

Mr. ROBERTSON. Mr. President, Congress has authorized the minting of 45 million new silver dollars in an effort to temporarily relieve the acute shortage due to hoarding. Of the former supply of nearly 500 million silver dollars only 3 million remain in the Treasury, while 460 million are outstanding, but few of them are in actual circulation.

The new silver dollars will be minted at the Denver Mint in staggered amounts but production will not start until congressional action has been finished on my bill to continue the 1964 dating on all coins until the current shortage of small coins has been ended. If hoarders would turn back to the banks hoarded small coins, the current shortage would be promptly ended, and in January 1965 we could use the 1965 date on coins minted that year.

When new silver dollars are minted they will be a replica of what was called the design of "peace," which were produced during the years of 1921 through 1935, inclusive.

Mr. President, I ask unanimous consent to extend my remarks in the Record with an article from the August 19 issue of Coin World, which gives a description of that "peace" dollar design.

There being no objection, the article was ordered to be printed in the Record, as follows:

New U.S. Silver Dollar To Employ Controversial "Peace" Coin Design—Many Voiced Displeasure Over De Francisci's Work

Design of the peace dollar which will be used for the striking of the new silver dollars recently approved by Congress has long been a controversial subject in numismatic and artistic circles.

The obverse of the coin depicts a woman's head, portraying Liberty; above her head is a tiara of rays of light. Over the head of the woman is the word "liberty," which under law must appear on the silver dollar.

Near the circling edge of the coin opposite her neck are the words, "In God We Trust" and at the base of the coin is the date.

On the reverse, the bald eagle appears, standing on a mountain. While the sun itself doesn't show for lack of space, the eagle is witnessing the coming of a new day. The rays shine as a token of the dawn of a new era symbolical of the abolishment of war and the perpetuation of peace.

The eagle holds in its talons an olive branch and a broken sword. In a semicircle on the top part of the coins are the words, "United States of America." Just below, also in a semicircle, are the words, "E Pluribus Unum." The words, "one dollar" and "peace" appear on the lower part of the reverse.

The suggestion for the minting of a peace dollar began in Chicago in August 1920, when Farran Zerbe, veteran numismatist, prepared a paper to be read at the American Numismatic Association convention.

In his paper read to the conventioneers, Zerbe proposed that a new coin be issued by the U.S. Government commemorating the signing of the peace treaty between the United States and Germany at the end of World War I.

Action was taken by ANA officials following the convention. A committee of five was appointed under the chairmanship of Judson Brenner, Youngstown, Ohio, to propose the bill to Congress.

Serving on this committee under Brenner were Hon. William A. Ashbrook, Jamestown, Ohio, then a Member of the House of Representatives; Dr. J. M. Henderson, Columbus, Ohio; Howland Wood, New York City, and Zerbe, then living in San Francisco, Calif.

The committee met during December 1920, with Mr. Vestal, chairman of the House Committee on Coinage, Weights, and Measures. As a result, a joint resolution was presented to Congress on May 9, 1921, proposing that a coin be struck commemorating the ending of the war.

The joint resolution was favorably accepted by most Members of the House and the resolution ran into no difficulty until Vestal asked permission to have it placed on the Unanimous Consent Calendar, which would have assured its passage. One Member of the House objected to the procedure which caused the resolution to go on the Regular Calendar. The resolution never came to a vote.

The coin later was authorized without congressional action, under the terms of the Pittman Act of April 1918.

The ANA-proposed bill provided for the issuance of its coin and for its designation as a "peace dollar," but there was no mention of the ANA having proposed this coin.

It is interesting to note that ANA recommended the dollar be a commemorative coin and be issued for general circulation. When the coin did appear there was some discontent among collectors because the coin was not a commemorative.

It was later pointed out that a commemorative has never been issued in the United States for general circulation. All commemorative coins of the United States had ben issued as a medium through which funds might be obtained from their sale at a premium.

Such issues were placed in the hands of commissioners or promoters of expositions or memorial projects and the selling price had been left entirely in the promoters' hands.

The selling of these coins over face value safeguarded against them passing into circulation, thus the request of the ANA was an unprecedented thing and did not come about.

The design of the coin was under the jurisdiction of the Commission of Fine Arts, who under an Executive order issued by President Harding on July 28, 1921, requires that all essential matters relating to design of medals, insignia, and coins produced by the executive departments shall be submitted, for advice as to the merit of such designs, to the executive officer.

Members of this committee in 1921 were Charles Moore, Detroit, Mich., chairman; John Russell Pope, New York City, vice chairman; James L. Greenleaf, New York City; James E. Frazer, New York City; Henry Bacon, New York City; Louis Ayres, New York City; H. Siddons Mobrey, Washington, Conn., and Lt. Col. Clarence O. Sherill, Corps of Engineers, Washington, D.C.

The committee held a contest to determine the design for the "peace dollar."

Raymond T. Maker, Director of the Mint, is quoted in the December 21, 1921, issue of the San Francisco Chronicle as saying:

"Inasmuch as there has been no change in the design of the silver dollar since 1878, I thought that the time was ripe for a new design. The law provides that the design cannot be changed within 25 years, but after that period it may be changed with the approval of the Secretary of the Treasury.

"This having been secured, the Committee of Fine Art instituted a contest in which eight of the leading sculptors of the country engaged. The award went to Anthony de Francisci."

The first information given to the public that a peace coin was to be issued was contained in a press release from Washington around December 19, 1921.

The release noted the coin would be struck within the next few days and that De Francisci's design had been selected by the Commission of Fine Arts. It also said approximately 500,000 pieces would be struck within the next few days: the Mint report for December 1921 shows that 1,006,473 pieces were struck. The coin was placed in circulation January 3, 1922.

ANA's Farran Zerbe, who had started the agitation for the new coins in 1920, had this to say about the finished product: "The designs are quite bold to speak for themselves. The main devices—liberty and eagle—and the inscription, excepting the addition of peace, are no departure from what has appeared on our common silver dollars.

"Something different was hoped for, and on that account there is disappointment, but that should not produce criticism of the artist, who, probably, had to keep the conventional; if so, he has done it wonderfully well."

Zerbe pointed out that the "U" in trust is formed "V," where otherwise it is used as commonly formed.

The broken sword on the coin caused much confusion as to what it was to symbolize. The New York Herald Tribune criticized the interpretation of a broken sword, declaring it to be a suggestion of defeat or surrender. The sculptor meant the broken sword to symbolize disarmament or the war is over.

However, Zerbe summed up his feelings by saying: "If the new coin does not at first glance measure up to all that was expected, just study it a while; it improves with acquaintance."

A letter printed in the Wall Street Journal was very critical of the new issue. The writer was displeased with Liberty, saying it looks like an attractive 17-year-old girl, but should not be on a coin representing liberty. He said it look like a girl on a magazine cover.

The displeased writer had this to say of the reverse: "The eagle is merely conventional, in this case looking ridiculously bigger than the mountain upon which it is sitting, and basking in the rays of light from below, presumably from a street lamp or a motor headlight."

Among others displeased with the coins were Brenner, who was chairman of the ANA Peace Coin Committee; Moritz Wormser, president of the ANA, and Burton Saxton.

Among those praising the design was Howland Wood, curator of the American Numismatic Society. The ANS curator said, "The new peace dollar is good; design and composition is both bold and original. We understand that De Francisci, and the other artists competing had but 2 weeks in which to present their respective designs.

"If this is true, it is the fault of the Government or those in charge of the new coinage, that no more time was allowed. Considering this, we think De Francisci—and in fact, any other artist who competed—should be congratulated."

Speaking of the short time in which the sculptors had to design the coin, De Francisci wrote, "There is not, naturally, a set time in which a model of a coin could be produced. The facility of the artist, the amount of design required, the evolution of his thoughts and the time allotted by the program all play a part in rendering a time measurement well nigh impossible.

"I should consider, however, 3 months a logical time for the production of a coin bearing a responsible design and allowing plenty of ease to the mental process imposed by the work in the artist's mind.

"The Fine Arts Commission invited me to compete on November 23, 1921. The original sketches were submitted to the jury of the Fine Arts Commission on December 13, 1921. The chosen models, after some few changes, were finally approved by the President on December 19.

"I was unable, owing to the shortness of time to engage in the search of a model akin to my mind's picture—that is, a professional model. I do derive some help from the features of Mrs. De Francisci, but generally the liberty head as it stands is a composite one."

It is also interesting to note that De Francisci had once studied under James E. Frazer, designer of the buffalo nickel.

The silver dollar, which has remained an official coin despite the 30-year interruption in its production, will be minted under authorizing acts of February 28, 1878, and April 23, 1918.

This act states that standard silver dollars of the United States will weigh 26.73 grams or 412.5 grains and contain 900/1000 silver.

Coin collectors will recall that the wider circulation of the peace dollar at home and abroad to demonstrate the American sincerity, interest, and devotion to the cause of peace was one of the prime promotions of the people-to-people program a few years ago.

NURSING AND PUBLIC HEALTH BILLS IMPORTANT TO NATION AND ALASKA

Mr. BARTLETT. Mr. President, the Senate on August 12, passed two measures of great importance to the health of our Nation. They had been expeditiously considered and reported by the Committee on Labor and Public Welfare. In both cases, the Senate accepted the substance of House-passed bills and thus cleared the way for early enactment. The President has requested an increase in Health, Education, and Welfare appropriations so that these bills might be implemented immediately after signing.

The first measure passed was H.R. 11083, extending until 1969 our public health traineeship program and our program of project grants to schools of public health, schools of nursing, and schools of engineering, for public health training. This bill represents an attempt to close a widening gap in public health manpower. It has been estimated that 17,000 more trained workers will be needed by 1970. Certainly we in Alaska are aware of the stake we have in the recruitment and training of more public health personnel for both public and private service.

The second bill passed was H.R. 11241, the Nurse Training Act of 1964. This is a bill in which I have been particularly interested. On July 28 I expressed my support of the Nurse Training Act on the Senate floor; today I want to add only a few brief comments. I am pleased that the bill has been given the priority and the backing it deserves, for its deals with a critical situation: our Nation's growing shortage of trained nurses. Our schools of nursing are now graduating only 31,000 professional nurses per year. If we are to attain even the minimal goal of 680,000 professional nurses by 1970 we must increase this figure by 70 percent.

The bill represents a serious attempt to deal with the accelerating demand for more and better trained nurses. It will provide grants for the construction of schools of nursing or for the improvement of existing facilities. It will authorize project grants for schools which wish to update their training methods. The bill authorizes the continuation of the professional nurse traineeship program, a scholarship program instituted in 1956 for nurses seeking graduate training for supervisory or teaching positions. Finally, it will set up a program of loans for students in professional nursing programs. These loans will be similar to those available to medical and dental students under the Health Professions Education Assistance Act.

After a student has entered full-time employment as a nurse, 10 percent of her loan will be canceled for each year of service, up to the point of half the amount borrowed.

The Nurse Training Act is a well-conceived measure. It will strengthen a profession which is vital to our Nation's health by stimulating the construction and expansion of nurse-training facilities, encouraging the updating of training methods, improving the quality of teaching and supervision, and removing some of the financial barriers which now turn girls away from a nursing career. This bill should help bring the quality of nurse training and the number of trainees to the levels modern needs are already demanding.

I have previously noted, Mr. President, that my State shares in the national shortage of professional nurses. Although we have made some gains recently, we are still below the national average of 286 nurses per 100,000 population. Alaska's vast area, which necessitates the dispersal of personnel and facilities, makes this low ratio even more serious. Therefore, I am concerned that the benefits of the Nurse Training Act accrue to Alaska. This leads me to two concluding points.

First, I hope that the administration of the program of construction grants will be such as to give high priority and generous consideration to proposals for the construction of new facilities in States which now have none. Alaska now has no training center for professional nurses. Alaska Methodist University has undertaken some pilot studies as to the feasibility of instituting a nursing program there. Other schools and hospitals, it is to be hoped, will be giving consideration to developing a professional nursing curriculum. In that event, I would anticipate the Surgeon General's willingness to offer whatever planning and financial assistance he has at his disposal.

Finally, I would hope that nursing students from Alaska, studying out of State as they must, will be given every consideration when they apply for student loans. Colleges and universities are often understandably prone to give preference to in-State students in their administering of their scholarship and loan funds. However, in federally financed programs under the National Defense Education Act, the Health Professions Educational Assistance Act, and now the Nurse Training Act, school administrators should consider all applicants equally. Such impartial administration will be necessary if Alaskan nursing students, and ultimately the entire State, are to receive the full benefits which the bill promises.

FOREIGN AID LOANS SHOULD BEAR INTEREST

Mr. MUNDT. Mr. President, the Senate this week took a long, forward step toward putting our so-called AID program on a basis that makes it defensible and puts it on an economic basis that makes sense in an era when there appears to be no termination date in sight when the United States will no longer be called upon to help other countries develop effective resistance against Communist influences and aggression.

In this connection, I ask unanimous consent to have printed in the RECORD at this point the first page of my biweekly report to South Dakotans on the activities of Congress, which is issued under the heading of "Your Washington and You."

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

A LOAN IS A LOAN

Foreign aid loans are much nearer to becoming just that—loans—than ever before as a result of Senate action this past week. By a 50 to 38 rollcall vote, the Senate approved my amendment (cosponsored by Senators LAUSCHE, MORSE, and DOMINICK) to increase interest rates and reduce the amortization period of Agency for International Development (AID) loans. Basic provisions: commercial type loans, those used for developing profitmaking enterprises, would carry an interest rate equal to the average annual interest rate on all interest-bearing obligations of the United States (approximately 3¾ percent now) plus a one-fourth of 1 percent carrying charge, with the repayment period of 25 years to begin when the commercial installation has been completed. Noncommercial loans, such as those for schools, highways, water systems, etc., would carry an interest rate of 2½ percent annually with repayment to be completed within 25 years.

The "interest rate amendment" has followed a rocky path in the 7 years since the late Senator Bridges and I first proposed it as a "language rider" in the Senate Appropriations Committee. The initial effort resulted in the requirement that "an appropriate rate" of interest be established on foreign aid loans. This was determined by the State Department to be a mere three-fourths of 1 percent which, along with a repayment period of 40 years, did little more than disguise grants as loans. New amendments to increase the rate were proposed. Sometimes they were defeated in committee. Sometimes they lost in the Senate. Sometimes AID officials got the message as each year Congress came closer and closer to accepting the concept that a loan should bear legitimate rates of interest and be paid back in regular annual payments and, by administrative action, moved in that direction. Then, last year, a change got through Congress which provided that a minimum interest rate of 2 percent be charged after a 10-year grace period during which interest may be (and usually is) as low as three-fourths of 1 percent. The 40-year repayment period remained.

Last week's action marks, by far, the strongest step taken to date by the Senate in hardening U.S. loan terms. House approval will mean achievement of a significant reform. In all events, the 50–38 Senate vote means that never again will grants and handouts be disguised as loans since the Senate finally signaled, clearly, that it wants a sharp distinction between grants and loans; that it prefers loans to grants; and that a loan should bear realistic rates of interest, and repayment should not be jeopardized or made highly unlikely by the devise of a grace period of a decade or more before a repayment schedule becomes operative.

PERHAPS IT CHANGED SOME VOTES

During debate on the interest rate amendment I cited an example of how "grants disguised as loans" actually can be utilized most profitably by recipient countries. AID granted a loan directely to Premier Automobiles, Ltd. of India but, under a special procedure, permitted the company to repay to the Government of India the loan and India, in turn, repay it to us. Our terms to India were very liberal: a 10-year grace period, than 40 years to repay at three-quarters of 1 percent interest. The Indian Government however, was a bit more tight-fisted when the borrowed dollars became their lending dollars. Premier Auto must repay the loan to India over a 15-year period, only 2 years' grace, and at 5¾ percent interest.

SPRAY FROM THE POTOMAC

Some Democrat convention planners wish L.B.J. had picked Bob Kennedy for the Veep candidacy. Now they are not sure how they will refer to R.F.K.—as the candidate for Senate from New York or as the delegate from Massachusetts.

Mr. SALINGER. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

INDEPENDENT OFFICES APPROPRIATION BILL, 1965—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11296) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 13, 1964, pp. 19278–19284, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 11296, which was read as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 186, 187, 208, and 220 to the bill (H.R. 11296) entitled "An Act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes," and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein with an amendment, as follows:

In lieu of the matter proposed, insert the following:

"Funds appropriated under this Act for expenditure by the Federal Aviation Agency may be expended for reimbursement of other Federal agencies for expenses incurred, on behalf of the Federal Aviation Agency, in the settlement of claims for damages resulting from sonic boom in connection with research conducted as part of the civil supersonic aircraft development."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 188, and concur therein with an amendment, as follows:

"In lieu of the sum proposed in said amendment, insert '$20,109,000.' "

Mr. MAGNUSON. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 28 and 188.

The motion was agreed to.

Mr. ALLOTT. Mr. President, again I wish to point out what fine work the distinguished chairman of the committee, the Senator from Washington [Mr. MAGNUSON], did in relation to the conference and the bill. The record of economy that we have been able to achieve in relation to most parts of the bill is one which could well be emulated. I would be extremely remiss if I did not mention it at this time and pay my tribute to the Senator for his part in that achievement.

There were two conferences on the bill. To give some idea of the magnitude of the task, we considered approximately 230 amendments, all of which had to be studied by the conferees. Perhaps 100 of them could be considered en bloc, but approximately 138 amendments remained to be considered individually by the conferees.

I must also mention the name of the Senator from Massachusetts [Mr. SALTONSTALL], for he was particularly helpful in the conference.

On page 13 of the report reference is made to the appropriation for the Civil Aeronautics Board. The managers on the part of the House of Representatives pointed out that the conferees had allowed $3,358,000 for a subsidy for helicopter operations instead of the $3 million proposed by the House, and the $4,300,000 approved by the Senate.

Mr. President we have wrestled with the problem of subsidies for helicopter operations every year for many years. I feel that I am in a position to speak objectively about it, because if further certificates are to be authorized, several cities in the United States would have to be considered before the subsidy would become available to any city in my own State.

For that reason I believe I have been able to approach the problem objectively and constructively, and to look at it in a different way from those who have been under constant pressure in their own States and their own cities to promote helicopter operations.

The conference report states:

> The conferees have been wrestling many years with continuing subsidies for helicopter service for 3 cities while 39 other cities need it as badly as those that now have it. This is the last money to be recommended by the committee for these projects exclusively. The conferees respectfully request the CAB not to include one penny for these three lines in its budget next year. This position is unanimously agreed to by the House conferees and a majority of the conferees of the Senate.

Mr. President, before the conference was concluded, I was obliged to leave for an important appointment with a gentleman who can always be very important—a dentist—and consequently I did not attend the full session of the conference. I have stated the language arrived at, and I should like to state the reason why I devote myself to the question now.

First, I do not think it is for the conference committee to say that the appropriation will be the last money that will be recommended by the committee for these projects exclusively. To do so would be to preempt the prerogatives of the committee next year. I do not believe that we can do that or intend to do that. At least the Senator from Colorado does not intend to do it.

Second, the language of the report specifically ignores a fact which we cannot get away from, and that is that in the particular terminals served by helicopters they are not particularly serving the cities. At least 80 percent of the people served are people in transit from those cities to other cities or from other cities to the terminals at which the service is provided. So it is not a service to the cities. If we wish fully to understand the problem, we must consider helicopter operations in the same category and in the same way that we would consider the relationship of a trunk carrier and a local service carrier.

One is merely a continuation of the other. That is what is involved.

The question of what a member of a conference committee does has been debated and discussed on the floor many, many times. I am not critical of other Senators on the conference committee whose views differed from mine, but I point out that, by a vote of 57 to 32, the Senate kept the provision relating to helicopter provisions in the bill. When we reached the conference, the committee happened to be so constituted that the majority of the Senators on it were in favor of the House position and the House language.

My real purpose in commenting on this matter today is that I feel we are ending an era in the development of helicopters. They will have to prove that they can operate on their own. I am not in favor of a sudden-death proposal with respect to these subsidies. In the first place, the Government has guaranteed loans for the purchase of helicopters, so if they were put out of business immediately, which could be the situation if there were a sudden-death action, the Government would have some helicopters on its hands. I do not know what it would do with them.

Second, I offered a compromise in committee to downgrade the subsidies, with a full subsidy this year, half next year, and a full termination the year thereafter. Others on the committee disagreed. They are perfectly entitled to their views.

I think it is well to point out again that through the three helicopter operations we have come a greater distance in the development of this particular type of aircraft than we could have done any other way. While it is true that the total subsidies have cost the Government some $46 million to date, the testimony before the committee last year by the military representatives themselves was to the effect that the saving to the military arising from these operations alone came close to $100 million. I am sorry I have not the exact figure, but the amount is substantially more than the amount of subsidies to date.

We now face the future with this report. I want to make it clear that the Senator from Colorado does not agree with the report. I am inclined to think, although I cannot speak for him, that the Senator from Oklahoma [Mr. MONRONEY], who was a member of the committee, was not for it.

I could not let this moment pass and let stand the language written by the House, not by the Senate, without commenting on it and making my own position clear.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. JAVITS. The Senator from Colorado has spoken in a way which must be very encouraging to people like myself. It is said that it is always darkest before the dawn. One has the feeling that this sudden withdrawal—with the CAB proposing a phasing-out period of 5 years, and the Senator considering a phasing-out period of 2 years—seems to be precipitate and ill advised. I have an interest in the matter. There is a helicopter service in New York. However, that concern must be, and is, subordinate to our overall responsibility with respect to what Congress does with the taxpayers' money.

I have examined in some detail the testimony before the committee as to these helicopter operations.

I wish to disassociate myself from the sudden ukase to the effect that "this is the end." I would welcome an orderly program of liquidating the subsidies. I believe that the outside limit of 5 years, which has been proposed by the CAB would give adequate opportunity and room for maneuvering in order to liquidate the subsidies in an orderly fashion.

I cannot agree with the language which our colleagues in the other body have adopted any more than the Senator from Colorado can, because I feel continued effective operation of essential helicopter services will be in the interest of the United States, and that in the development of helicopter transportation lies a possible answer to one of the significant mass transportation problems for the future, especially in our major cities.

So I wish to express my unhappiness with the language placed in the conference report. I pledge to the committee, and to my colleague from Colorado, in deference to his profound and helpful understanding of the situation, that I will do whatever I can personally to look into this aspect of the CAB's program as it affects New York, and will use my own best talents to come back to my colleagues with some solid recommendations and proof as to what is desirable.

I assure my colleague from Colorado that I greatly value his support and that I will give the problem my best attention. In deference to the Senator's fine assistance in this matter, I will endeavor to come back with a recommendation for which he can at least have respect.

Mr. ALLOTT. I thank the distinguished Senator for his remarks. I am sure he will be of great help next year.

The distinguished chairman of the subcommittee [Mr. MAGNUSON] has sat with us year after year in the consideration of this problem, and I have been pleased to sit beside him, when we have gone into this question. I assure the distinguished Senator from New York that we have examined the financial statements and progress of the companies meticulously year by year, in an attempt to determine what is the best thing.

The language of the report seems to throw an alternative at us; namely, that we either chop off the subsidies at once or else grant 10 or 15 or 20 certificates to others.

The distinguished chairman of the Appropriations Subcommittee [Mr. MAGNUSON] is also chairman of the Commerce Committee. Perhaps he may have to devote his attention to this matter legislatively, because, in my opinion, it would be a very great mistake at this point of development, when we are still trying to prove the economic feasibility of these operations, to expand into 5, 10, 15, or 20 other services.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. ALLOTT. I yield.

Mr. JAVITS. I omitted to express my gratitude and that of the people in the metropolitan area around New York for the way the committee fought to carry the program forward. We would never have won the contest in the Senate had it not been for the Senator from Washington [Mr. MAGNUSON], the Senator from Colorado [Mr. ALLOTT], the Senator from Oklahoma [Mr. MONRONEY], and other Senators who were sympathetic toward the problem involved.

I do not wish, in the excitement of the moment, to omit saying that carrying out of the helicopter program was also largely the result of the distinguished work of the Senator from Illinois [Mr. DOUGLAS], the Senator from California [Mr. KUCHEL], and my able colleague from New York [Mr. KEATING].

Mr. ALLOTT. I thank the Senator.

Mr. KEATING. Mr. President, Senator JAVITS and I have had a longstanding interest in the helicopter item of this bill from year to year. Despite the fact that, for obvious reasons, helicopter service affects us in New York parochially, in the old-fashioned sense of that word, I have always tried and I think succeeded in maintaining a sense of detachment which would permit me to carefully weigh all sides of the question, including the not inconsiderable stake of the Nation's taxpayers.

When this bill was first before us in the Senate a short time ago, I spoke approvingly of the plans of the Appropriations Committee to reexamine the entire helicopter question next year which is the position reiterated today by the distinguished Senator from Colorado [Mr. ALLOTT]. I am reconciled to the fact that we are fast approaching the end of an era which might aptly be dubbed the experimental phase of helicopter carrier operations, and that we must be prepared to make a new policy determination on where we go from here. It may well be that a thorough review would lead to a conclusion that the helicopter carriers must be left to their own devices without reliance on Federal payments. It may well be, on the other hand, that the time is ripe for expansion of service to even more metropolitan areas, under different provisions for a Federal contribution. Whatever the case, however, I know that the members of the Appropriations Committee, and of the Commerce Committee which has jurisdiction of the substantive regulations in the Federal Aviation Act, would give their most fair and thorough consideration to the problem. That, in my judgment, would be the orderly way to deal with the future fate of helicopter service in this country.

Now, Mr. President, along comes this conference report, representing the views of the House conferees and some of our Senate conferees, but in any event the views of only a minority of the legislative and Appropriations Committees that have to deal with the problem, and proclaims, by ipse dixit, that not one penny shall go into this item starting next year.

Mr. President, in my judgment, this is an unfortunate statement. It is unfortunate because it seems to me to threaten utter disorder in dealing with a complex subject. It seems to me to be in disregard of the serious consequences that would ensue if the presently authorized three carriers were denied Federal contributions at a single stroke—consequences comparable to the severity of the reaction upon a drug addict of complete and abrupt withdrawal from drugs. In brief, it could be disastrous.

Helicopter service has been of benefit to the military. It has been of benefit to interstate and foreign commerce. It has helped the postal service. It has had its part to play in lubricating the wheels of business, and in providing an ancillary service to tourism. It holds out great hopes of meeting other serious problems, most prominently that of urban congestion. It has, in a word, a potential for new strides forward, for growth, for meeting needs in new markets that may shortly be able to pay their own way.

So I believe firmly that any guillotining of this item would be a serious mistake. If the Federal Government is to withdraw its support, it must do so in a sane and orderly way. It must have a policy, too, to take the place of its present one. It must give due regard to the private investment in these companies, to their employees, and to the public service benefits that are at stake both in the immediate areas concerned and for the whole country.

The conference report does not give regard to these vital factors, and I deeply regret that it does not. If I am in a position to do so, I will certainly oppose in every way I can the abrupt abandonment of a policy in favor of no policy at all.

Mr. MAGNUSON. I thank the Senator from Colorado for his very kind remarks. I suggest that if what he has said about me is true, the same applies to him. This is a long, complex bill, and required a great deal of mental "gear shifting" to bring it into shape. We also had some very able staff members who were of great help, particularly Mr. Earl Cooper, who is very conversant with this subject.

Most of us have to devote our efforts almost exclusively to the problems involved in the independent offices appropriation bill.

It is extremely complex. It is a large bill. We wound up several million dollars under the budget. In most cases, the Senator from Colorado and I kept the agencies at the same personnel employment level, and in other cases we reduced them. We started that practice about 4 years ago. We find that the agencies are functioning very well. Parkinson, perhaps, will write a new chapter in his book about both of us, although I am not sure he will.

The record should show that we are $797,794,000 under the budget. If I say so myself, that is an achievement for the Senator from Colorado and me.

We have been arguing about a very small portion of the $800 million that we saved. We made a cut in the helicopter operation of approximately a million dollars.

I join the Senator from Colorado in what he had to say, that this language is the House language. That is correct. The majority of the Senate conferees agreed with the House in what is in the report. The Senator from Colorado and I and two or three other Senators did not agree. It is a matter with which we shall have to contend. I am hopeful that the Committee on Commerce will take a long look at this problem next year, because we feel the operations are necessary and vital to the transportation system of the United States and the public; and the operation promises a great future.

The use of helicopters in the next 10 years, privately and publicly, in our transportation system, will expand 10 or 15 times. Helicopters are becoming safer and technologically more useful every day. We must fit helicopters into our transportation system, no matter what anyone thinks. How to do it is the problem we shall have to meet.

The Senate should know that one of the other items which was in complete disagreement between the House and the Senate was amendment No. 188. It provided about $32 million for sites and planning for public buildings, as recommended by the Bureau of the Budget and the General Services Administration.

The House cut out all the items, and the Senate put back the items recommended by the Bureau of the Budget and the General Services Administration. The conference devoted a great deal of time to this item, dealing with sites and planning for public buildings throughout the country. As the Senator from Colorado knows, we appropriate about $175 million a year. It varies between $165 million and $180 million—for public buildings. This is in a budget of $100 billion. We spend less, proportionately, in our budget for public buildings than any other country in the world. Public buildings are needed in our great, expanding economy and the increasing population situation. The General Services Administration is extremely meticulous. They bring up sites and planning requests only when certain criteria are met.

I cite the situation in my own city of Seattle, where we are renting 975,000 square feet of space, scattered all over, for Federal operations. Therefore, a public building would be justified in that case. It would amortize itself in *x* number of years. The General Services Administration criterion is 15 years, I believe. There are no political implications involved. The Senator from Colorado and I never know what buildings will be recommended until the budget is brought up. We very seldom change the recommendation, because there is a backlog.

The House suggested that there was too much of a backlog. It said that there was a backlog of 2 or 3 years, and that we should slow up this year and not prepare the sites and plan the buildings for funding operations and construction contracts. We disagreed. We thought we should proceed. There is about a 2-year backlog in connection with many of these sites. It requires almost 2 years to get them ready for funding.

I see in the Chamber the senior Senator from Illinois [Mr. DOUGLAS]. I am sure he knows about the big Federal office building that was erected in Chicago. It took almost 5 or 6 years to prepare for construction. That proves the wisdom of having these projects ready. We finally agreed to three-fourths of the sites and planning operations. The recommendations for sites and planning for the District of Columbia were mainly set aside until next year. There was good reason for this. There has been a great building boom in the District of Columbia, and the occupancy time of some of the buildings will not be prejudiced.

We must decide whether we should continue to put all the buildings in the District of Columbia or whether there might be some kind of dispersal. The buildings outside the District of Columbia, scattered all over the width and breadth of the United States, are needed. We ended with $20 million for all of the United States. That is a modest amount when we consider the size of the country and the critical need for some of the buildings.

After full discussion in the conference we came away with a very fair figure, consistent with the economies that the Senator from Colorado and I believe the agencies should practice.

Mr. President, I ask unanimous consent to place in the RECORD at this point a table showing the action taken on each item in the bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INDEPENDENT OFFICES APPROPRIATION BILL, 1965 (H.R. 11296)

Comparative statement of appropriations for 1964 and the estimates and action taken on items in the bill for 1965

Item	Appropriations, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	House bill	Senate bill	Conference action	Conference allowance compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE I								
EXECUTIVE OFFICE OF THE PRESIDENT								
NATIONAL AERONAUTICS AND SPACE COUNCIL								
Salaries and expenses	$525,000	$525,000	$500,000	$500,000	$500,000	−$25,000		
OFFICE OF EMERGENCY PLANNING								
Salaries and expenses	4,695,000	5,700,000	4,285,000	4,855,000	4,600,000	−1,100,000	+$315,000	−$255,000
State and local preparedness	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000			
Civil defense and defense mobilization functions of Federal agencies	4,190,000	6,500,000	4,190,000	4,190,000	4,190,000	−2,310,000		
Total, Office of Emergency Planning	10,385,000	13,700,000	9,975,000	10,545,000	10,290,000	−3,410,000	+315,000	−255,000
OFFICE OF SCIENCE AND TECHNOLOGY								
Salaries and expenses	880,000	950,000	880,000	950,000	900,000	−50,000	+20,000	−50,000
Total, Executive Office of the President	11,790,000	15,175,000	11,355,000	11,995,000	11,690,000	−3,485,000	+335,000	−305,000
FUNDS APPROPRIATED TO THE PRESIDENT								
Disaster relief	70,000,000	20,000,000	20,000,000	20,000,000	20,000,000			
DEPARTMENT OF DEFENSE								
CIVIL DEFENSE								
Operation and maintenance	70,319,000	92,400,000	70,000,000	85,000,000	75,000,000	−17,400,000	+5,000,000	−10,000,000
Research, shelter survey and marking	41,250,000	(142,300,000)	19,200,000	69,200,000	30,200,000	+30,200,000	+11,000,000	−39,000,000
Shelter, construction, and research and development		265,600,000				−265,600,000		
Total, Civil Defense, Department of Defense	111,569,000	358,000,000	89,200,000	154,200,000	105,200,000	−252,800,000	+16,000,000	−49,000,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
PUBLIC HEALTH SERVICE								
Emergency health activities	27,500,000	9,507,000	8,500,000	9,250,000	8,875,000	−632,000	+375,000	−375,000
INDEPENDENT OFFICES								
CIVIL AERONAUTICS BOARD								
Salaries and expenses	10,240,000	10,775,000	10,440,000	10,775,000	10,607,500	−167,500	+167,500	−167,500
Payments to air carriers (liquidation of contract authorization)	83,000,000	82,824,000	79,000,000	86,124,000	82,500,000	−324,000	+3,500,000	−3,624,000
Total, Civil Aeronautics Board	93,240,000	93,599,000	89,440,000	96,899,000	93,107,500	−491,500	+3,667,500	−3,791,500
CIVIL SERVICE COMMISSION								
Salaries and expenses	21,805,000	22,187,000	21,805,000	22,187,000	21,996,000	−191,000	+191,000	−191,000
Investigation of U.S. citizens for employment by international organizations	600,000	634,000	600,000	600,000	600,000	−34,000		
Annuities under special acts	1,800,000	1,700,000	1,650,000	1,650,000	1,650,000			
Government payment for annuitants, employees health benefits fund	9,500,000	10,664,000	10,650,000	10,650,000	10,650,000	−14,000		
Government contribution, retired employees health benefits fund	14,800,000	14,840,000	14,800,000	14,800,000	14,800,000	−40,000		
Payment to civil service retirement and disability fund	62,000,000	65,000,000	65,000,000	65,000,000	65,000,000			
Administrative expenses, employees life insurance fund (limitation)	(270,000)	(277,000)	(270,000)	(277,000)	(273,500)	(−3,500)	(+3,500)	(−3,500)
Total, Civil Service Commission	110,505,000	115,025,000	114,505,000	114,887,000	114,696,000	−329,000	+191,000	−191,000

INDEPENDENT OFFICES APPROPRIATION BILL, 1965 (H.R. 11296)—Continued

Comparative statement of appropriations for 1964 and the estimates and action taken on items in the bill for 1965—Continued

Item	Appropriations, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	House bill	Senate bill	Conference action	Conference allowance compared with—		
						Budget estimate	House allowance	Senate allowance
TITLE I—continued								
FEDERAL AVIATION AGENCY								
Operations	$528,000,000	$547,600,000	$537,600,000	$544,100,000	$542,600,000	−$5,000,000	+$5,000,000	−$1,500,000
Facilities and equipment	100,250,000	75,000,000	50,000,000	66,000,000	50,000,000	−25,000,000		−16,000,000
Grants-in-aid for airports (liquidation of contract authorization)	20,000,000	7,000,000	7,000,000	7,000,000	7,000,000			
Grants-in-aid for airports, 1965		75,000,000	75,000,000	75,000,000	75,000,000			
Grants-in-aid for airports, 1966		75,000,000	75,000,000	75,000,000	75,000,000			
Research and development	40,000,000	42,000,000	21,000,000	42,000,000	40,000,000	−2,000,000	+19,000,000	−2,000,000
Operation and maintenance, Washington National Airport	3,581,500	3,631,000	3,530,000	3,600,000	3,565,000	−66,000	+35,000	−35,000
Operation and maintenance, Dulles International Airport	3,985,000	4,619,000	4,319,000	4,319,000	4,319,000	−300,000		
Construction, Washington National Airport	2,075,000	1,800,000	1,620,000	1,800,000	1,710,000	−90,000	+90,000	−90,000
Construction, Dulles International Airport	450,000	200,000	180,000	180,000	180,000	−20,000		
Civil supersonic aircraft development	60,000,000							
Total, Federal Aviation Agency	758,341,500	831,850,000	775,249,000	818,999,000	799,374,000	−32,476,000	+24,125,000	−19,625,000
FEDERAL COMMUNICATIONS COMMISSION								
Salaries and expenses	15,600,000	16,610,000	16,310,000	16,460,000	16,385,000	−225,000	+75,000	−75,000
FEDERAL POWER COMMISSION								
Salaries and expenses	11,850,000	13,335,000	12,180,000	12,699,000	12,439,500	−895,500	+259,500	−259,500
FEDERAL TRADE COMMISSION								
Salaries and expenses	12,214,750	13,270,000	12,725,000	13,025,000	12,875,000	−395,000	+150,000	−150,000
GENERAL SERVICES ADMINISTRATION								
Operating expenses, Public Buildings Service	210,875,000	224,570,000	213,800,000	224,570,000	219,185,000	−5,385,000	+5,385,000	−5,385,000
Repair and improvement of public buildings	75,000,000	90,000,000	90,000,000	90,000,000	90,000,000			
Construction, public buildings projects	157,600,800	169,613,400	151,722,000	161,247,500	153,167,000	−16,446,400	+1,445,000	−8,080,500
Sites and expenses, public buildings projects	40,000,000	29,500,000		33,200,000	20,109,000	−9,391,000	+20,109,000	−13,091,000
Payments, public buildings purchase contracts	5,200,000	9,885,000	9,885,000	9,885,000	9,885,000			
Expenses, U.S. court facilities	1,030,600	1,464,000	1,030,600	1,030,600	1,030,600	−433,400		
Operating expenses, Federal Supply Service	46,000,000	54,085,000	48,920,000	52,420,000	50,670,000	−3,415,000	+1,750,000	−1,750,000
General supply fund	30,000,000							
Operating expenses, Utilization and Disposal Service (indefinite appropriation of receipts)	(9,387,500)	(10,052,000)	(9,512,500)	(9,512,500)	(9,512,500)	(−539,500)		
Operating expenses, National Archives and Records Service	14,730,000	15,410,000	14,955,000	15,155,000	15,055,000	−355,000	+100,000	−100,000
Operating expenses, Transportation and Communications Service	4,850,000	6,000,000	5,465,000	5,765,000	5,465,000	−535,000		−300,000
Strategic and critical materials (indefinite appropriation of receipts)	(23,925,000)	(18,090,000)	(17,755,000)	(17,755,000)	(17,755,000)	−335,000		
Salaries and expenses, Office of Administrator	1,438,000	1,550,000	1,505,000	1,530,000	1,517,500	−32,500	+12,500	−12,500
Expenses, Presidential transition		800,000	400,000	400,000	400,000	−400,000		
Allowances and office facilities for former Presidents	300,000	310,000	310,000	310,000	310,000			
Administrative operations fund (limitation)	(18,150,000)	(21,840,000)	(19,565,000)	(21,840,000)	(20,000,000)	(−1,840,000)	(+435,000)	(−1,840,000)
Working capital fund		200,000		100,000	100,000	−100,000	+100,000	
Total, General Services Administration	587,024,400	603,387,400	537,992,600	595,253.650	566,894,100	−36,493,300	+28,901.500	−28,359,550
HOUSING AND HOME FINANCE AGENCY								
Office of the Administrator:								
Salaries and expenses	15,525,000	16,915,000	15,525,000	15,925,000	15,725,000	−1,190,000	+200,000	−200,000
Urban planning grants	21,150,000	25,000,000	2,350,000	2,350,000	2,350,000	−22,650,000		
Urban studies and housing research	387,400	1,500,000	387,400	387,400	387,400	−1,112,600		
Mass transportation demonstration grants	5,000,000							
Administrative expenses, mass transportation demonstrations	(195,000)	200,000	100,000	100,000	100,000	−100,000		
Open-space land grants	15,000,000	30,000,000	15,000,000	15,000,000	15,000,000	−15,000,000		
Low-income housing demonstration programs	1,200,000	5,075,000		50,000	25,000	−5,050,000	+25,000	−25,000
Public works planning fund [1]	2,000,000	16,000,000	4,000,000	4,000,000	4,000,000	−12,000,000		
Urban renewal fund (liquidation of contract authorization)	100,000,000	265,000,000	200,000,000	200,000,000	200,000,000	−65,000,000		
Housing for the elderly fund	100,000,000	75,000,000	25,000,000	25,000,000	25,000,000	−50,000,000		
Total, Office of the Administrator	260,262,400	434,690,000	262,362,400	262,812,400	262,587,400	−172,102,600	+225,000	−225,000
Public Housing Administration:								
Annual contributions	197,000,000	214,000,000	200,000,000	200,000,000	200,000,000	−14,000,000		
Administrative expenses	15,484,000	16,670,000	15,484,000	16,084,000	15,784,000	−886,000	+300,000	−300,000
Total, Public Housing Administration	212,484,000	230,670,000	215,484,000	216,084,000	215,784,000	−14,886,000	+300,000	−300,000
Total, Housing and Home Finance Agency	472,746,400	665,360,000	477,846,400	478,896,400	478,371,400	−186,988,600	+525,000	−525,000
INTERSTATE COMMERCE COMMISSION								
Salaries and expenses	24,670,000	25,850,000	25,260,000	25,710,000	25,485,000	−365,000	+225,000	−225,000

See footnote at end of table.

INDEPENDENT OFFICES APPROPRIATION BILL, 1965 (H.R. 11296)—Continued

Comparative statement of appropriations for 1964 and the estimates and action taken on items in the bill for 1965—Continued

Item		Appropriations, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	House bill	Senate bill	Conference action	Conference allowance compared with—		
							Budget estimate	House allowance	Senate allowance
TITLE I—continued									
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION									
	Authorization								
Research and development	$4,341,100,000	$3,926,000,000	$4,523,000,000	-----	$4,413,594,000	$4,363,594,000	−$159,406,000	+$4,363,594,000	−$50,000,000
Construction of facilities	262,880,500	680,000,000	281,000,000	-----	262,880,500	262,880,500	−18,119,500	+262,880,500	-----
Administrative operations	623,525,500	494,000,000	641,000,000	-----	623,525,500	623,525,500	−17,474,500	+623,525,500	-----
Total	5,227,506,000								
Total, National Aeronautics and Space Administration [2]		5,100,000,000	5,445,000,000	-----	5,300,000,000	5,250,000,000	−195,000,000	+5,250,000,000	−50,000,000
NATIONAL CAPITAL HOUSING AUTHORITY									
Operation and maintenance of properties		43,000	37,000	$37,000	37,000	37,000	-----	-----	-----
NATIONAL SCIENCE FOUNDATION									
Salaries and expenses		353,200,000	487,620,000	420,400,000	420,400,000	420,400,000	−67,220,000	-----	-----
RENEGOTIATION BOARD									
Salaries and expenses		2,550,000	2,600,000	2,600,000	2,600,000	2,600,000	-----	-----	-----
SECURITIES AND EXCHANGE COMMISSION									
Salaries and expenses		13,937,500	15,325,000	14,680,000	14,680,000	14,680,000	−645,000	-----	-----
SELECTIVE SERVICE SYSTEM									
Salaries and expenses		40,578,000	43,020,000	39,440,000	40,578,000	40,009,000	−3,011,000	+569,000	−569,000
VETERANS' ADMINISTRATION									
General operating expenses		159,750,000	155,524,000	155,000,000	155,250,000	155,125,000	−399,000	+125,000	−125,000
Medical administration and miscellaneous operating expenses		14,800,000	14,885,000	14,200,000	14,500,000	41,200,000	−685,000	-----	−300,000
Medical and prosthetic research		33,742,000	36,987,000	36,000,000	38,000,000	37,000,000	+13,000	+1,000,000	−1,000,000
Medical care		1,091,643,000	1,115,935,000	1,115,935,000	1,115,935,000	1,115,935,000	-----	-----	-----
Compensation and pensions		3,951,000,000	3,963,000,000	3,963,000,000	3,963,000,000	3,963,000,000	-----	-----	-----
Readjustment benefits		67,000,000	39,600,000	34,600,000	39,600,000	37,100,000	−2,500,000	+2,500,000	−2,500,000
Veterans insurance and indemnities		30,200,000	13,700,000	13,700,000	13,700,000	13,700,000	-----	-----	-----
Construction of hospital and domiciliary facilities		76,796,000	107,000,000	91,233,000	98,733,000	98,103,000	−8,897,000	+6,870,000	−630,000
Grants to the Republic of the Philippines		310,000	310,000	310,000	310,000	310,000	-----	-----	-----
Direct loans to veterans and reserves revolving fund		-----	-----	-----	-----	-----	-----	-----	-----
Loan guarantee revolving fund (limitation on obligations)		(360,000,000)	Indefinite	(257,000,000)	Indefinite	(380,000,000)	(+380,000,000)	(+123,000,000)	(+380,000,000)
Total, Veterans' Administration		5,425,241,000	5,446,941,000	5,423,978,000	5,439,028,000	5,434,473,000	−12,468,000	+10,495,000	−4,555,000
Total, definite appropriations		13,242,600,550	14,221,511,400	8,091,698,000	13,585,956,500	13,427,591,500	−793,919,900	+5,335,893,500	−158,365,000
Total, indefinite appropriation of receipts (proceeds of sales)		33,312,500	28,142,000	27,267,500	27,267,500	27,267,500	−874,500	-----	-----
Total appropriations, title I		13,275,913,050	14,249,653,400	8,118,965,500	13,613,224,000	13,454,859,000	−794,794,400	+5,335,893,500	−158,365,000

[1] 1964 supplemental, $4,000,000.

[2] 1964 R. & D. supplemental, $141,000,000.

Corporations—Administrative and nonadministrative expenses

[Limitation on amounts of corporate funds to be expended]

Corporation or agency	Appropriations, 1964	Budget estimates, 1965 (as amended)	House bill	Senate bill	Conference action	Conference allowance compared with—		
						Budget estimate	House allowance	Senate allowance
Federal Home Loan Bank Board:								
Administrative expenses	($2,430,000)	($3,825,000)	($3,670,000)	($3,825,000)	($3,747,500)	(−$77,500)	(+$77,500)	(−$77,500)
Nonadministrative expenses	(12,800,000)	(13,408,000)	(13,120,000)	(13,120,000)	(13,120,000)	(−288,000)	-----	-----
Federal Savings and Loan Insurance Corporation	(1,315,000)	(225,000)	(225,000)	(225,000)	(225,000)	-----	-----	-----
Housing and Home Finance Agency:								
College housing loans	(1,903,000)	(1,900,000)	(1,900,000)	(1,900,000)	(1,900,000)	-----	-----	-----
Public facility loans	(1,220,000)	(1,300,000)	(1,220,000)	(1,220,000)	(1,220,000)	(−80,000)	-----	-----
Revolving fund (liquidating programs)	(135,000)	(110,000)	(110,000)	(110,000)	(110,000)	-----	-----	-----
Housing for the elderly	(885,000)	(1,150,000)	(915,000)	(915,000)	(915,000)	(−235,000)	-----	-----
Federal National Mortgage Association	(8,750,000)	(8,800,000)	(8,500,000)	(8,500,000)	(8,500,000)	-----	-----	-----
Federal Housing Administration:								
Administrative expenses	(9,500,000)	(10,375,000)	(9,000,000)	(10,375,000)	(9,687,500)	(−687,500)	(+687,500)	(−687,500)
Nonadministrative expenses	(76,565,000)	(79,750,000)	(75,000,000)	(78,750,000)	(78,000,000)	(−1,750,000)	(+3,000,000)	(−750,000)
Public Housing Administration:								
Administrative expenses	(15,484,000)	(16,670,000)	(15,484,000)	(16,084,000)	(15,784,000)	(−886,000)	(+300,000)	(−300,000)
Nonadministrative expenses	(1,420,000)	(1,605,000)	(1,420,000)	(1,420,000)	(1,420,000)	(−185,000)	-----	-----
Total administrative expenses	(132,407,000)	(139,118,000)	(130,564,000)	(136,444,000)	(134,629,000)	(−4,489,000)	(+4,065,000)	(−1,815,000)

NOTE.—1964 supplementals included in estimates:

HHFA: Public works planning fund	$4,000,000
NASA: Research and development	141,000,000

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum.

Mr. HICKENLOOPER. I wish the Senator would withhold his suggestion. I should like to make some insertions in the RECORD on the foreign aid bill. I do not require a quorum at this time. I shall finish in about 5 minutes.

Mr. DOUGLAS. I withhold my request.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. PROXMIRE].

Mr. HICKENLOOPER. Mr. President, the Committee on Foreign Relations, in considering the foreign aid bill, adopted an amendment to section 620(e) by adding a new subsection which refers to the action of the Supreme Court in connection with the application of international law in certain circumstances.

This amendment goes specifically to the so-called Sabbatino decision of the Supreme Court.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD that portion of the report of the Committee on Foreign Relations on page 24, under the heading "Expropriations and Other Similar Matters (Sec. 301 (c))." Incidentally, the committee adopted this amendment by a vote of 13 to 3.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPROPRIATIONS AND OTHER SIMILAR MATTERS (SEC. 301 (C))

The bill amends section 620(e) by adding a new subsection which provides that no court in the United States shall decline on the ground of the act-of-state doctrine to make a determination on the merits or to apply principles of international law in a case in which an act of a foreign state is alleged to be contrary to international law. The amendment further provides that no effect shall be given to acts of a foreign sovereign that are found to be in violation of international law. It allows the President to waive these provisions whenever he determines that application of the act-of-state doctrine is required by the foreign policy interests of the United States, and a suggestion to that effect is filed on behalf of the President with the court.

The amendment is intended to reverse in part the recent decision of the Supreme Court in *Banco de Nacional de Cuba* v. *Sabbatino*. The act-of-state doctrine has been applied by U.S. courts to determine that the actions of a foreign sovereign cannot be challenged in private litigation. The Supreme Court extended this doctrine in the Sabbatino decision so as to preclude U.S. courts from inquiring into acts of foreign states, even though these acts had been denounced by the State Department as contrary to international law.

In the Sabbatino case, the Banco Nacional de Cuba sued to recover the proceeds of a sale of Cuban sugar by an American-owned company on the ground that the sugar, which had been expropriated, belonged to the Cuban Government. The lower courts dismissed the suit, but the Supreme Court reversed these decisions and remanded the case for further proceedings on the ground that it would not inquire into the act of the Cuban State.

The committee has received statements of the Bar Association of the City of New York and of such eminent legal scholars as Prof. Myres S. McDougal, of the Yale Law School, supporting this amendment.

The effect of the amendment is to achieve a reversal of presumptions. Under the Sabbatino decision, the courts would presume that any adjudication as to the lawfulness under international law of the act of a foreign state would embarrass the conduct of foreign policy unless the President says it would not. Under the amendment, the Court would presume that it may proceed with an adjudication on the merits unless the President states officially that such an adjudication in the particular case would embarrass the conduct of foreign policy.

Mr. HICKENLOOPER. Mr. President, following the adoption of the Sabbatino amendment, the Washington Post, on July 27, 1964, published an editorial attacking the amendment and questioning me to some extent. Incidentally, the amendment was sponsored by the distinguished junior Senator from Alabama [Mr. SPARKMAN] and me, but the editorial referred to me. The editorial is entitled "Drag on Foreign Policy." I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DRAG ON FOREIGN POLICY

Senator HICKENLOOPER's assault upon the "act of state doctrine" is one of the most serious threats to orderly foreign relations since the infamous Bricker amendment rejected during the Eisenhower administration. The Senator from Iowa induced the Foreign Relations Committee to vote 13 to 3 in favor of an amendment to the foreign-aid bill that would gravely handicap the State Department in its efforts to protect the rights of American citizens whose property has been seized by foreign governments.

No doubt the intentions behind the Hickenlooper proposal are good. Its effect would be to clear the way for some U.S. property owners who suffered losses from Castro's nationalization decrees to have their cases adjudicated in the Federal courts. But that limited advantage for a few property owners would be purchased at the cost of throwing down an important principle laid down by the Supreme Court in addition to complicating the conduct of international relations. It is too high a price to pay.

The established rule is that "the courts of one country will not sit in judgment on the acts of the government of another done within its own territory." The reasoning behind this rule—first enunciated by Chief Justice Fuller in 1897—is obvious. If American courts sat in judgment of foreign governments, their courts would increasingly sit in judgment of ours. Even if such a practice did not lead to chaos, the United States has an interest in holding fast to the sound principle which it has established—a principle that, as the Supreme Court has said, is conducive to promotion of the rule of law among nations. As a practical matter, the attainment of justice in cases directly involving the relations of governments depends upon diplomacy, and the courts have wisely refrained from getting in the way of the diplomats.

This sensible "act of state doctrine" was invoked last March in the Sabbatino case. The Supreme Court refused to inquire into the validity of one of Castro's nationalization decrees, even though the State Department regards those decrees as violations of international law. The Court recognized that it is not the right tribunal to lay down international law in this sensitive sphere. Redress of the grievances of the despoiled American property owners in Cuba must be left to the executive branch, which has frozen the assets of Cuba in this country, including the assets involved in the Sabbatino case.

It is this decision which Senator HICKENLOOPER wishes to overturn. He would not, however, completely wipe out the "act of state doctrine." Rather, he would have the courts decide cases growing out of the nationalization of property occurring after January 1, 1959, the date of Castro's takeover in Cuba, if there is an allegation that international law has been violated. But the President could stop the whole works by filing a statement to the effect that the foreign-policy interests of the United States required application of the "act of state doctrine."

The effect would be to leave the application of an important principle to the whim of the President. If he let the doctrine be applied in one case and denied it in another, he would be accused of gross discrimination. And he might be forced to make such a decision in the midst of sensitive negotiations with the power or powers involved on wholly different subjects.

In short, the Hickenlooper amendment would force the courts into mischievous and dangerous intrusions into the delicate realm of diplomacy. It is a crude device that has nothing to recommend it except its anti-Castro wrappings. The Johnson administration has already taken a strong stand against the amendment, but an open fight of major proportions may be necessary to prevent in the Senate the kind of stampede which took place in the Foreign Relations Committee.

Mr. HICKENLOOPER. Mr. President, under date of July 27, 1964, I wrote a letter to the editor of the Washington Post in response to its editorial. On August 5, 1964, the Washington Post published an edited version of my letter, omitting some pertinent paragraphs. I ask unanimous consent that the text of my letter as published in the Letters to the Editor department of the Post, and entitled "A 'Day in Court,'" be printed at this point of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A "DAY IN COURT"

Your July 27 editorial attack on the amendment to the foreign assistance bill which Senator SPARKMAN and I sponsored in the Senate Foreign Relations Committee shows a remarkable lack of understanding of the problem. Since you did not set out the facts of the Sabbatino case which stimulated the amendment, a brief review of them would appear desirable.

The sugar, the property of American-owned interests, was seized in Cuba by the Castro government in violation of international law and sold in Morocco. The proceeds of the sale came into New York and into the hands of the rightful American owners. An agency of the Castro regime brought suit to obtain possession of these funds. The lower court, having jurisdiction over the plaintiff, the defendants and the property, all being in court in the State of New York, decided in favor of the rightful American owners. The Supreme Court, on review and in accordance with a brief filed by the executive branch, reversed this decision, not for lack of jurisdiction over the parties or the property, but through application of the so-called act of state doctrine to the effect that the Court would not pass on the question of failure of another country to comply with international law in the seizure of American property.

Basically, the amendment is designed to assure that the private litigant is granted his day in court. Under the law as it stands at present in the aftermath of the Sabbatino decision, a court in the United States may not even inquire into the validity under international law of the expropriatory acts of a foreign government except perhaps in a case in which the State Department informs the court that such an inquiry would not be a matter of embarrassment to the conduct of foreign policy. Thus, the current presumption in American courts is that any inquiry under the principles of international law into the acts of a foreign state will be a matter of embarrassment to the conduct of foreign policy. What the amendment does is to reverse this presumption and to establish that American courts may inquire, irrespective of the so-called act of state doctrine into the validity of the acts of a foreign state unless the President advises that such an inquiry would be embarrassing to the conduct of foreign affairs. The amendment would therefore establish the presumption that private litigants are entitled to have a cause decided in accordance with the legal principles normally applied by our courts in cases properly within their jurisdiction.

As you are undoubtedly aware, under our constitutional system international law is clearly a part of that body of law applied by our courts. Prior to the Sabbatino decision of last March, it has never been held that the "act of state doctrine" overrode the application of international law in an American court. This was acknowledged by the majority opinion and forcefully pointed out by Justice Byron White in his dissent. It should also be noted that the Supreme Court, in its decision in the Sabbatino case, expressly stated that its decision was not required by any provision of the Constitution nor was its application of the so-called act of state doctrine required by any principle of international law. The case was merely a declaration of policy which the Court conceived necessary, undoubtedly in large part because of the representations made by the State Department in its brief, in order to avoid possible conflict between the judiciary on the one hand and the political branches of the Government on the other.

We have been led to look into this matter because of the statement in Justice White's dissent that no other country in the world had adopted the same extreme position as the Supreme Court in the Sabbatino case. No other country absolutely forbids any inquiry on the merits by its courts in a similar situation. On the contrary, courts in foreign countries inquire into acts of other foreign countries to determine whether they are consistent with international law.

Thus, the point made in your editorial that "if American courts sat in judgment of foreign courts, their courts would increasingly sit in judgment of ours," is entirely beside the point. Court decisions in Austria, Belgium, British territories, the United Kingdom, the Netherlands, Germany, Japan, Switzerland, Greece, Italy, and France have expressly made such judgments and they have reserved to themselves the final decision. Their reservations are based on the familiar rule that the courts of one nation will not enforce the judgments or acts of a foreign state within their own territory when those acts are contrary to the public policy of the nation in which the cases arise. Surely, it must be contrary to the public policy of the United States to enforce, as was done in the Sabbatino case, the act of a foreign state which is in flagrant violation of international law and which has been publicly denounced as such by the Department of State.

It should be noted that the amendment is not intended to reinstate the broad holding established in the trial court. It only modifies the Supreme Court decision in the matter of presumptions. We think it perfectly proper that the Congress of the United States should have the last word on this important policy question. Moreover, the amendment achieves the result recommended by the Association of the Bar of the City of New York at the urging of a distinguished committee of international lawyers.

BOURKE B. HICKENLOOPER,
U.S. Senator, Iowa.

WASHINGTON.

Mr. HICKENLOOPER. Mr. President, in order to keep the RECORD straight, I ask unanimous consent to have printed at this point in the RECORD the text of the entire letter I wrote to the Post, portions of which were edited out in their printing of the letter in the Post of August 5, 1964. My letter to the Post was dated July 27, 1964. I ask that the letter as I sent it to the Post be printed in the RECORD with the brackets I have now included for purposes of comparison.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., July 27, 1964.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: Your editorial attack in this morning's (July 27, 1964) Post on the amendment to the foreign assistance bill which Senator SPARKMAN and I sponsored in the Senate Foreign Relations Committee, shows a remarkable lack of understanding of the problem. Since you did not set out the facts of the Sabbatino case which stimulated the amendment, a brief review of them would appear desirable.

1. The sugar, the property of American-owned interests, was seized in Cuba by the Castro government in violation of international law and sold in Morocco.

2. The proceeds of the sale came into New York and into the hands of the rightful American owners.

3. An agency of the Castro regime brought suit to obtain possession of these funds.

4. The lower court, having jurisdiction over the plaintiff, the defendants and the property, all being in court in the State of New York, decided in favor of the rightful American owners.

5. The Supreme Court, on review and in accordance with a brief filed by the executive branch, reversed this decision, not for lack of jurisdiction over the parties or the property, but through application of the so-called "act of state doctrine" to the effect that the Court would not pass on the question of failure of another country to comply with international law in the seizure of American property.

Basically, the amendment is designed to assure that the private litigant is granted his day in court. Under the law as it stands at present in the aftermath of the Sabbatino decision, a court in the United States may not even inquire into the validity under international law of the expropriatory acts of a foreign government except perhaps in a case in which the State Department informs the court that such an inquiry would not be a matter of embarrassment to the conduct of foreign policy. Thus, the current presumption in American courts is that any inquiry under the principles of international law into the acts of a foreign state will be a matter of embarrassment to the conduct of foreign policy. What the amendment does is to reverse this presumption and to establish that American courts may inquire, irrespective of the so-called "act of state doctrine," into the validity of the acts of a foreign state unless the President advises that such an inquiry would be embarrassing to the conduct of foreign affairs. The amendment would therefore establish the presumption that private litigants are entitled to have a cause decided in accordance with the legal principles normally applied by our courts in cases properly within their jurisdiction.

As you are undoubtedly aware, under our constitutional system international law is clearly a part of that body of law applied by our courts. Prior to the Sabbatino decision of last March, it had never been held that the "act of state doctrine" overrode the application of international law in an American court. This was acknowledged by the majority opinion and forcefully pointed out by Justice Byron White in his dissent. It should also be noted that the Supreme Court, in its decision in the Sabbatino case, expressly stated that its decision was not required by any provision of the Constitution nor was its application of the so-called "act of state doctrine" required by any principle of international law. The case was merely a declaration of policy which the court conceived necessary, undoubtedly in large part because of the representations made by the State Department in its brief, in order to avoid possible conflict between the judiciary on the one hand and the political branches of the Government on the other.

We have been led to look into this matter because of the statement in Justice White's dissent that no other country in the world had adopted the same extreme position as the Supreme Court in the Sabbatino case. No other country absolutely forbids any inquiry on the merits by its courts in a similar situation. On the contrary, courts in foreign countries inquire into acts of other foreign countries to determine whether they are consistent with international law.

Thus, the point made in your editorial that "if American courts sat in judgment of foreign courts, their courts would increasingly sit in judgment of ours," is entirely beside the point. Court decisions in Australia, Belgium, British Territories, the United Kingdom, the Netherlands, Germany, Japan, Switzerland, Greece, Italy, and France have expressly made such judgments and they have reserved to themselves the final decision. Their reservations are based on the familiar rule that the courts of one nation will not enforce the judgments or acts of a foreign state within their own territory when those acts are contrary to the public policy of the nation in which the cases arise. Surely, it must be contrary to the public policy of the United States to enforce, as was done in the Sabbatino case, the act of a foreign state which is in flagrant violation of international law. And which has been publicly denounced as such by the Department of State.

[Your editorial also makes the point that the amendment would "greatly handicap the State Department in its efforts to protect the rights of American citizens." Nothing could be further from the truth. Actually, the amendment would greatly assist the State Department in protecting the rights of American citizens, not only when those rights arise for adjudication in American courts, as in Sabbatino, but also in foreign courts. It is very important that the American courts take the lead in establishing that the principles of international law will be applied whenever expropriated property comes within the territorial jurisdiction of the United States because if we do not take this position, foreign courts which have not yet passed on this question may follow the Supreme Court rule. Moreover, those foreign courts which have adopted the contrary rule may be under heavy pressure to reverse their positions. If these two eventualities occur, the result will be that property expropriated in violation of international law can be marketed throughout the world without hindrance by the judicial processes of national courts all over the globe. Certainly, the United States should not become an international "thieves market."

[Your editorial rightfully states that the amendment would not completely wipe out the "act of state doctrine." It would apply with full force in all that very large category of cases in which no principle of international law was involved. And even in cases where there was a violation of international law, the President under the waiver provision of the amendment, could ask the court to suspend adjudication on the merits if he thought there might be embarrassment in the conduct of foreign affairs. We are frankly amazed that you object to the waiver proviso on the ground that it would leave "the application of an important principle to the whim of the President." This is a curious and inconsistent argument in the light of your earlier contention that we should leave the question of sanctions against uncompensated expropriations to the unfettered discretion of the State Department. We are perfectly prepared to leave to the discretion of the President the decision as to whether the foreign policy interests of the United States require that a private litigant be denied his day in court and that the court be denied the ability to apply principles of international law in such a case. What we are not willing to do is to leave it as an inflexible presumption that the courts are absolutely precluded from making an inquiry into the validity of an uncompensated foreign taking when no one in the Government has even taken the trouble to determine whether the litigation would impinge upon the foreign policy interests of the Government.]

Finally, it should be noted that the amendment is not intended to reinstate the broad holding established in the trial court. It only modifies the Supreme Court decision in the matter of presumptions. We think it perfectly proper that the Congress of the United States should have the last word on this important policy question. Moreover, the amendment achieves the result recommended by the Association of the Bar of the City of New York at the urging of a distinguished committee of international lawyers (including former Prof. Philip Jessup, of the Columbia University Law School, Prof. Willis Reese, of the same institution, Prof. Richard N. Gardner, now Deputy Assistant Secretary of State, Mr. Stephen Schwebel, the present Assistant Legal Adviser of the State Department, and many other distinguished practitioners. It cannot be said that any of these men is indifferent to the legitimate interests of the State Department in the conduct of foreign affairs. In addition, Myres McDougal, of Yale Law School, Richard Baxter, of Harvard, and William Bishop, of Michigan, all of whom are distinguished professors of international law, have written to the committee in support of the amendment).

Yours sincerely,
Bourke B. Hickenlooper,
U.S. Senator From Iowa.

Mr. HICKENLOOPER. The decision in the Sabbatino case immediately drew the fire of many prominent international law professors and deans. It drew the opposition of the Association of the Bar of the City of New York at a meeting at which the members discussed this matter.

It is interesting to note that the Sabbatino decision was attacked by such eminent international lawyers as were named in that portion of my letter of July 27 to the Washington Post which was not printed, including former Prof. Philip Jessup, of the Columbia University Law School; Prof. Willis Reese, of the same institution; Prof. Richard N. Gardner, now Deputy Assistant Secretary of State; Mr. Stephen Schwebel, the present Assistant Legal Adviser of the State Department, and many other distinguished practitioners.

In addition, Myres McDougal, of Yale Law School; Richard Baxter, of Harvard; and William Bishop, of Michigan, all of whom are distinguished professors of international law, have written to the committee in support of the amendment.

I have received a number of other letters from other distinguished law students who have attacked the Sabbatino decision as properly a criticizable decision of the Supreme Court, a decision which this amendment attempts, in a way, to correct.

Mr. President, in order to save time, I invite attention to the strong, vigorous dissent of Mr. Justice White in the decision of the Supreme Court handed down March 23, 1964, No. 16, October term, 1963, entitled "Banco Nacional de Cuba, Petitioner, against Peter L. F. Sabbatino, and so forth, et al.," on writ of certiorari to the U.S. Court of Appeals for the Second Circuit, but decided on review by the Supreme Court. Justice White's dissent is vigorous and, to me, most understandable and logical. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the dissent was ordered to be printed in the Record, as follows:

Supreme Court of the United States

(No. 16.—October Term, 1963)

Banco Nacional de Cuba, petitioner, v. *Peter L. F. Sabatino, etc., et al.*—On writ of certiorari to the United States Court of Appeals for the Second Circuit

(March 23, 1964)

Mr. Justice White, dissenting.

I am dismayed thât the Court has, with one broad stroke, declared the ascertainment and application of international law beyond the competence of the courts of the United States in a large and important category of cases. I am also disappointed in the Court's declaration that the acts of a sovereign state with regard to the property of aliens within its borders are beyond the reach of international law in the courts of this country. However clearly established that law may be, a sovereign may violate it with impunity, except insofar as the political branches of the government may provide a remedy. This backward looking doctrine, never before declared in this Court, is carried a disconcerting step further: not only are the courts powerless to question acts of state proscribed by international law but they are likewise powerless to refuse to adjudicate the claim founded upon a foreign law; they must render judgment and thereby validate the lawless act. Since the Court expressly extends its ruling to all acts of state expropriating property, however clearly inconsistent with the international community, all discriminatory expropriations of the property of aliens, as for example the taking of properties of persons belonging to certain races, religions or nationalities, are entitled to automatic validation in the courts of the United States. No other civilized country has found such a rigid rule necessary for the survival of the executive branch of its government; the executive of no other government seems to require such insulation from international law adjudications in its courts; and no other judiciary is apparently so incompetent to ascertain and apply international law.[1]

The Court does not refer to any country which has applied the act of state doctrine in a case where a substantial international law issue is sought to be raised by an alien whose property has been expropriated. This country and this Court stand alone among the civilized nations of the world in ruling that such an issue is not cognizable in a court of law.

The Court notes that both the courts of New York and Great Britain have articulated the act of state doctrine in broad language similar to that used by this Court in *Underhill, supra,* and from this it infers that these courts recognize no international law exception to the act of state doctrine. The cases relied on by the Court involved no international law issue. For in these cases the party objecting to the validity of the foreign act was a citizen of a foreign state. It is significant that courts of both New York and Great Britain, in apparently the first cases in which an international law issue was squarely posed, ruled that the act of state doctrine was no bar to examination of the validity of the foreign act. *Anglo-Iranian Oil Co.* v. *Jaffrate* (The Rose Mary), [1953] Int'l L. Rep. 316 (Aden Sup. Ct.): "[T]he Iranian laws of 1951 were invalid by international law, for by them, the property of the company was expropriated without any compensation." *Sulyok* v. *Penzintezeti Kozpont Budapest,* 279 App. Dis. 528, aff'd, 304 N.Y. 704 (foreign expropriation of intangible property denied effect as contrary to New York public policy).

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[1] The courts of the following countries, among others, and their territories have examined a fully "executed" foreign act of state expropriating property:

England: *Anglo-Iranian Oil Co.* v. *Jaffrate* (The Rose Mary), [1953] Int'l L. Rep. 316 (Aden. Sup. Ct.); *N. V. De Bataafsche Petroleum Maatschappij* v. *The War Damage Comm.,* [1956] Int'l L. Rep. 810 (Singapore Ct. App.).

Netherlands: *Senembah Maatschappij, N. V.* v. *Rupubliek Indonesie Bank Indonesia,* 73 Nederlandse Jurisprudentie 218 (Amsterdam Ct. App.), excerpts reprinted in Domke, Indonesian Nationalization Measures Before Foreign Courts, 54 Am. J. Int'l L. 305, 307-315 (1960).

Germany: *N. V. Verenigde Deli-Maatschapijen* v. *Deutsch-Indonisische Tabak-Handelsgesellschaft, m. b. H.* (Bremen Ct. App.), excerpts reprinted in Domke, *supra,* at 313-314 (1960); Confiscation of Property of Sedenten Germens Case, [1948] Ann. Dig. 24, 25 (No. 12) (Amstgericht of Dingolfing).

Japan: *Anglo-Iranian Oil Co. Idemitsu Kosan Kabushiki Kaisha,* [1953] Int'l L. Rep. 305 (Tokyo Dist. Ct.), aff'd, [1953] Intl'l L. Rep. 312 (Tokyo High Ct.).

Italy: *Anglo-Iranian Oil Co.* v. *S. U. P. O. R. Co.* [1955] Int'l L. Rep. 19 (Ct. of Venice); *Anglo Iranian Oil Co.* v. *S. U. P. O. R.,* [1955] Int'l L. Rep. 23 (Civil Ct. of Rome).

France: *Volatron* v. *Moulin,* [1938-1940] Ann. Dig. 24 (Ct. of App. of Aix); *Société Potasas Ibericas* v. *Nathan Bloch,* [1938-1940] Ann. Dig. 150 (Ct. of Cassation).

I do not believe that the act of state doctrine, as judicially fashioned in this Court, and the reasons underlying it, require American courts to decide cases in disregard of international law and of the rights of litigants to a full determination on the merits.

I

Prior decisions of this Court in which the act of state doctrine was deemed controlling do not support the assertion that foreign acts of state must be enforced or recognized or applied in American courts when they violate the law of nations. These cases do hold that a foreign act of state applied to persons or property within its borders may not be denied effect in our courts on the ground that it violates the public policy of the forum. Also the broad language in some of these cases does evince an attitude of caution and self-imposed restraint in dealing with the laws of a foreign nation. But violations of international law were either not presented in these cases, because the parties or predecessors in title were nationals of the acting state, or the claimed violation was insubstantial in light of the facts presented to the Court and the principles of international law applicable at the time.[2] These cases do not strongly imply or even suggest that the Court would woodenly apply the act of state doctrine and grant enforcement to a foreign act where the act was a clear and flagrant violation of international law, as the District Court and the Court of Appeals have found in respect to the Cuban law challenged herein. 193 F. Supp. 375, aff'd, 307 F. 2d 845.

II

Though not a principle of international law, the doctrine of restraint, as formulated by this Court, has its roots in sound policy reasons, and it is to these we must turn to decide whether the act of state doctrine should be extended to cover wrongs cognizable under international law.

Whatever may be said to constitute an act of state,[3] our decisions make clear that the doctrine of nonreview ordinarily applies to foreign laws affecting tangible property located within the territory of a government which is recognized by the United States. *Oetjen* v. *Central Leather Co.*, 246 U.S. 297; *Ricaud* v. *American Metal Co.*, 246 U.S. 304. This judicially fashioned doctrine of nonreview is a corollary of the principle that ordinarily a state has jurisdiction to prescribe the rules governing the title to property within its territorial sovereignty, see *Clarke* v. *Clarke*, 178 U.S. 186; *DeVaughn* v. *Hutchinson*, 165 U.S. 566, a principle reflected in the conflicts of law rule, adopted in virtually all nations, that the lex loci is the law governing title to property.[4] This conflicts rule would have been enough in itself to have controlled the outcome of most of the act of state cases decided by this Court. Both of these rules rest on the deeply imbedded postulate in international law of the territorial supremacy of the sovereign, a postulate that has been characterized as the touchstone of private and public international law.[5] That the act of state doctrine is rooted in a well-established concept of international law is evidenced by the practice of other countries. These countries, without employing any act of state doctrine, afford substantial respect to acts of foreign state occurring within their territorial confines.[6] Our act of state doctrine, as formulated in past decisions of the Court, carries the territorial concept one step further. It precludes a challenge to the validity of foreign law on the ordinary conflicts ground of repugnancy to the public policy of the forum. Against the objection that the foreign act violates domestic public policy, it has been said that the foreign law provides the rule of decision, where the lex loci rule would so indicate, in American courts. *Bernstein* v. *Van Heyghen Freres Societe Anonyme,* 163 F. 2d 246, 249 (C.A. 2d Cir.); *Holzer* v. *Deutsche Reichsbahn-Gesellshaft,* 277 N.Y. 474; *McCarthy* v. *Reichsbank,* 259 App. Div. 1016, aff'd, 284 N.Y. 739. But cf. *Sulyok* v. *Penzintezeti Kozponk Budapest,* 279 App. Div. 528, aff'd, 304 N.Y., 704. See also *Perutz* v. *Bohemian Discount Bank,* 304 N.Y. 533, 537.

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[2] In one of the earliest decisions of this Court even arguably invoking the act of state doctrine, *Hudson* v. *Guestier*, 4 Cranch 293, Chief Justice Marshall held that the validity of a seizure by a foreign power of a vessel within the jurisdiction of the sentencing court could not be reviewed "unless the court passing sentence loses its jurisdiction by some circumstance which the law of nations can recognize." *Underhill* v. *Hernandez*, 168 U.S. 250, where the Court stated the act of state doctrine in its oft quoted form, was a suit in tort by an American citizen against an officer of the Venezuelan Government for an unlawful detention and compelled operation of the plaintiff's water facilities during the course of a revolution in that country. Well-established principles of immunity precluded the plaintiff's suit, and this was one of the grounds for dismissal. However, as noted above, the Court did invoke the act of state doctrine in dismissing the suit and arguably the forced detention of a foreign citizen posed a claim cognizable under international law. But the Court did not ignore this possibility of a violation of international law; rather in distinguishing cases involving arrests by military authorities in the absence of war and those concerning the right of revolutionary bodies to interfere with commerce, the Court passed on the merits of plaintiff's claim under international law and deemed the claim without merit under then existing doctrines. "Acts of legitimate warfare cannot be made the basis of individual liability." 168 U.S., at 253. Indeed the Court cited *Dow* v. *Johnson*, 100 U.S. 158, a suit arising from seizures by American officers in the South during the Civil War, in which it was held without any reliance on the act of state doctrine that the law of nations precluded making acts of legitimate warfare a basis for liability after the cessation of hostilities, and *Ford* v. *Surget*, 97 U.S. 594, which held an officer of the confederacy immune from damages for the destruction of property during the war. *American Banana Co.* v. *United Fruit Co.*, 213 U.S. 347, a case often invoked for the blanket prohibition of the act of state doctrine, held only that the antitrust laws did not extend to acts committed by a private individual in a foreign country with the assistance of a foreign government. Most of the language in that case is in response to the issue of how far legislative jurisdiction should be presumed to extend in the absence of an express declaration. The Court held that the ordinary understandings of sovereignty warranted the proposition that conduct of an American citizen should ordinarily be adjudged under the law where the acts occurred. Rather than ignoring international law, the law of nations was relied on for this rule of statutory construction.

More directly on point are the Mexican seizures passed upon in *Oetjen*, 246 U.S. 297, and *Ricaud*, 246 U.S. 304. In *Oetjen* the plaintiff claimed title from a Mexican owner who was divested of his property during the Mexican revolution. The terms of the expropriation are not clear, but it appears that a promise of compensation was made by the revolutionary government and that the property was to be used for the war effort. The only international law issue arguably present in the case was by virtue of a treaty of the Hague Convention, to which both Mexico and the United States were signatories, governing customs of war on land; although the Court did not rest the decision on the treaty, it took care to point out that this seizure was probably lawful under the treaty as a compelled contribution in time of war for the needs of the occupying army. Moreover, the Court stressed the fact that the title challenged was derived from a Mexican law governing the relations between the Mexican Government and Mexican citizens. Aside from the citizenship of the plaintiff's predecessor in title, the property seized was to satisfy an assessment of the revolutionary government which the Mexican owner had failed to pay. It is doubtful that this measure, even as applied to non-Mexicans, would constitute a violation of international law. *Dow* v. *Johnson*, *supra*. In *Ricaud* the titleholder was an American and the Court deemed this difference irrelevant "for the reasons given in *Oetjen*." In *Ricaud* there was a promise to pay for the property seized during the revolution upon the cessation of hostilities and the seizure was to meet exigencies created by the revolution, which was permissible under the provisions of the Hague Convention considered in *Oetjen*. This declaration of legality in the Hague Convention, and the international rules of war on seizures, rendered the allegation of an international law violation in *Ricaud* sufficiently frivolous so that consideration on the merits was unnecessary. The sole question presented in *Shapleigh*, 299 U.S. 468, concerned the legality of certain action under Mexican law, and the parties expressly declined to press the question of legality under international law. And the Court's language in that case—"For wrongs of that order the remedy to be followed is along the channels of diplomacy"—must be read against the background of an arbitral claims commission that had been set up to determine compensation for claimants in the position of Shapleigh, the existence of which the Court was well aware. "[A] Tribunal is in existence, the International Claims Commission, established by convention between the United States and Mexico, to which the plaintiffs are at liberty and have long ago submitted a claim for reparation." 299 U.S., at 471.

In the other cases cited in the Court's opinion, *ante*, p. 17, the act of state doctrine was not even peripherally involved; the law applicable in both *United States* v. *Belmont*, 301 U.S. 324, and *United States* v. *Pink*, 315 U.S. 203, was a compact between the United States and Russia regarding the effect of Russian nationalization decrees on property located in the United States. No one seriously argued that the act of state doctrine precludes reliance on a binational compact dealing with the effect to be afforded or denied a foreign act of state.

[3] An act of state has been said to be any governmental act in which the sovereign's interest qua sovereign is involved. "The expression 'act of state' usually denotes 'an executive or administrative exercise of sovereign power by an independent state or potentate, or by its duly authorized agents or officers.' The expression, however, is not a term of art, and it obviously may, and is in fact often intended to, include legislative and judicial acts such as a statute, decree or order, or a judgment of a superior Court." Mann, The Sacrosanctity of the Foreign Act of State, 59 L. Q. Rev. 42 (1943).

[4] Rabel, The Conflict of Laws: A Comparative Study 30–69 (1958); Ehrenzheig, Conflict of Laws, 607–633 (1962); Rest. (2d ed.) Conflict of Laws § 254(a) (Tent. Draft No. 5 (1959); Baade, Indonesian Nationalizations Measures Before Foreign Courts—A Reply, 54 Am. J. Int'l L. 801 (1960); Re, Foreign Confiscations in Anglo-American Law—A Study of The Rule of Decision Principle 49–50 (1951).

[5] See generally, Kaplan and Katzenbach, The Political Foundations of International Law (1961), 135–172; Herz, International Politics in The Atomic Age (1959), 58–62.

[6] *Anglo-Iranian Oil Co.* v. *Idemitsu Kosan Kabushiki Kaisha*, [1953] Int'l L. Rep. 305 (Tokyo Dist. Ct.) aff'd, [1953] Int'l L. Rep. 312 (Tokyo High Ct.); *Anglo-Iranian Oil Co.* v. *S.U.P.O.R.*, [1955] Int'l L. Rep. 19 (Ct. of Venice (1953)); *Anglo-Iranian Oil Co.* v. *S.U.P.O.R.*, [1955] Int'l L. Rep. 23, 39–43 (Civ. Ct. of Rome 1954); compare *N. V. Veraniade Deli-Maatschapijen* v. *Deutsch-Indonesische Tabak-Handels-gesellschaft* (Bremen Court of Appeals), excerpts translated in Domke, Indonesian Nationalization Measures Before

The reasons that underlie the deference afforded to foreign acts affecting property in the acting country are several; such deference reflects an effort to maintain a certain stability and predictability in transnational transactions, to avoid friction between nations, to encourage settlement of these disputes through diplomatic means and to avoid interference with the executive control of foreign relations. But to adduce sound reasons for a policy of nonreview is not to resolve the problem at hand, but to delineate some of the considerations that are pertinent to its resolution.

Contrary to the assumption underlying the Court's opinion, these considerations are relative, their strength varies from case to case and they are by no means controlling in all litigation involving the public acts of a foreign government. This is made abundantly clear by numerous cases in which the validity of a foreign act of state is drawn in question and in which these identical considerations are present in the same or a greater degree. American courts have denied recognization or effect to foreign law, otherwise applicable under the conflicts rules of the forum, to many foreign laws where these laws are deeply inconsistent with the policy of the forum, notwithstanding that these laws were of obvious political and social importance to the acting country. For example, foreign confiscatory decrees purporting to divest nationals and corporations of the foreign sovereign of property located in the United States uniformly have been denied effect in our courts, including this Court;[7] courts continued to recognize private property rights of Russian corporations owning property within the United States long after the Russian Government, recognized by the United States, confiscated all such property and had rescinded the laws on which corporate identity depended.[8]

Furthermore, our courts customarily refuse to enforce the revenue and penal laws of a foreign state, since no country has an obligation to further the governmental interests of a foreign sovereign.[9] And the judgments of foreign courts are denied conclusive or prima facie effect where the judgment is based on a statute unenforceable in the forum, where the procedures of the rendering court markedly depart from our notions of fair procedure, and generally where enforcement would be contrary to the public policy of the forum.[10] These cases demonstrate that our courts have never been bound to pay unlimited deference to foreign acts of state, defined as an act or law in which the sovereign's governmental interest is involved; they simultaneously cast doubt on the proposition that the additional element in the case at bar, that the property may have been within the territorial confines of Cuba when the expropriation decree was promulgated, requires automatic deference to the decree, regardless of whether the foreign act violates international act.[11]

III

I start with what I thought to be unassailable propositions: that our courts are obliged to determine controversies on their merits, in accordance with the applicable law; and that part of the law American courts are bound to administer is international law.

Article III, § 2 of the Constitution states that "[t]he judicial Power shall extend to all Cases * * * affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies * * * between a State, or the Citizens thereof, and foreign States, Citizens or Subjects." And § 1332 of the Judicial Code gives the courts jurisdiction over all civil actions between citizens of a State and foreign states or citizens or subjects thereof. The doctrine that the law of nations is a part of the law of the land, originally formulated in England and brought to America as part of our legal heritage, is reflected in the debates during the Constitutional Convention[12] and in the Consti-

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Foreign Courts, 54 Am. J. Int'l L. 305, 313–314 (1960), with Confiscation of Property of Sudenten Germans Case, [1948] Ann. Dig. 24, 25 (No. 12) (Amstgericht of Dingolfing) (discriminatory confiscatory decrees). See also *West Rand Central Gold Mining Co.* v. *The King,* [1905] 2 K.B. 391.

[7] *United States* v. *Moscow Fire Ins. Co.,* 280 N.Y. 286 (1938), aff'd, 309 U.S. 624; *Vladikavkazsky R. Co.* v. *New York Trust Co.,* 263 N.Y. 369; *Plesch* v. *Banque Nationale de la Republique de Haiti,* 273 App. Div. 224, aff'd, 298 N.Y. 573; *Ballack* v. *Societe Generale,* 263 App. Div. 601; *Latvian State Cargo & Passenger S. S. Line* v. *McGrath,* 188 F. 2d 1000 (C.A.D.C. Cir.).

[8] *Second Russian Ins. Co.* v. *Miller,* 297 F. 404 (C.A. 2d Cir.); *James* v. *Second Russian Ins. Co.,* 239 N.Y. 248; *Sokoloff* v. *National City Bank,* 239 N.Y. 158; *A/S Merilaid & Co.* v. *Chase Nat'l Bank,* 189 Misc. 285 (Sup. Ct. N.Y.). See also *Compania Ron Bacardi* v. *Bank of Nova Scotia,* 193 F. Supp. 814 (D.C. S.D.N.Y.) (normal conflicts rule superseded by a national policy against recognition of Cuban confiscatory decrees).

Similarly, it has been held that nationalization of shares of a foreign corporation or partnership owning property in the United States will not affect the title of former shareholders or partners; the prior owners are deemed to retain their equitable rights in assets located in the United States. *Vladikavkazsky R. Co.* v. *New York Trust Co.,* 263 N.Y. 369. The acts of a belligerent occupant of a friendly nation in respect to contracts made within the occupied nation have been denied application in our courts. *Aboitiz & Co.* v. *Price,* 99 F. Supp. 602 (D.C. Utah). Compare *Werfel* v. *Sirnotenska Banka,* 260 App. Div. 747, 752 (N.Y.).

[9] See the recent affirmation of this doctrine in *Banco do Brasil, S. A.* v. *Israel Commodity Co.,* holding that an action by Brazil against a New York coffee importer for fraudulently circumventing Brazilian foreign exchange regulations by forging documents in New York was contrary to New York public policy, notwithstanding that the Bretton Woods agreement, to which both the United States and Brazil are parties, expresses a policy favorable to such exchange laws. 12 N.Y. 2d 371, cert. denied, 375 U.S. 919. See also *The Antelope,* 10 Wheat. 66, 123; *Huntington* v. *Attrill,* 146 U.S. 657; *Moore* v. *Mitchell,* 30 F. 2d 600, aff'd on other grounds, 281 U.S. 18; Dicey, Conflict of Laws (Morris ed., 7th ed. 1958), 667; Wolff, Private International Law (2d ed. 1950), 525.

[10] *Hilton* v. *Guyot,* 159 U.S. 113 (lack of reciprocity in the foreign state readers the judgment only prima facie evidence of the justice of the plaintiff's claim); cf. *Venezuelan Meat Export Co.* v. *United States,* 12 F. Supp. 379 (D.C.D. Md.); *The W. Talbot Dodge,* 15 F. 2d 459 (D.C.S.D. N.Y.) (fraud is a defense to the enforcement of foreign judgments), *Title Ins. & Trust Co.* v. *California Development Co.,* 171 Cal. 173 (fraud); *Banco Minico* v. *Ross,* 106 Tex. 522 (procedure of Mexican court offensive to natural justice); *De Brimont* v. *Penniman,* 7 Fed. Cas. 309, No. 3, 715 (C.C.S.D. N.Y.) (judgment founded on a cause of action contrary to the "policy of our law, and does violence to what we deem the rights of our own citizen"); other cases indicate that American courts will refuse enforcement where protection of American citizens or institutions require reexamination. *Williams* v. *Armroyd,* 7 Cranch 423; *McDonald* v. *Grand Trunk R. Co.,* 71 N.H. 448; *Caruso* v. *Caruso,* 106 N.J. Eq. 130; *Hohner* v. *Gratz* 50 F. 369 (C.C.S.D. N.Y.) (alternative holding). See generally Reese, The Status In This Country of Judgments Rendered Abroad, 50 Col. L. Rev. 783 (1950).

[11] The Court attempts to distinguish between these foreign acts on the grounds that all foreign penal and revenue and perhaps other public laws are irrebuttably presumed invalid to avoid the embarrassment stemming from examination of some acts and that all foreign expropriations are presumed valid for the same reason. This distinction fails to explain why it may be more embarrassing to refuse recognition to an extraterritorial confiscatory law directed at nationals of the confiscating state than it would be to refuse effect to a territorial confiscatory law. From the viewpoint of the confiscating state, the need to affect property beyond its borders may be as significant as the need to take title to property within its borders. And it would appear more offensive to notions of sovereignty for an American court to deny enforcement of a foreign law because it is deemed contrary to justice, morals, public policy, than to deny enforcement because of principles of international law. It will not do to say that the foreign state has no jurisdiction to affect title to property beyond its borders, since other jurisdictional bases, such as ctiizenship, are invariably present. But for the policy of the forum state, doubtless the foreign law would be given effect under ordinary conflict principles. Compare *Sokoloff* v. *National City Bank,* 234 N.Y. 158; *Second Russian Ins. Co.* v. *Miller,* 297 F. 404 (C.A. 2d Cir.) with *Werfel* v. *Sirnostenska Banka,* 260 App. Div. 747.

The refusal to enforce foreign penal and tax laws and foreign judgments is wholly at odds with the presumption of validity and requirement of enforcement under the act of state doctrine; the political realms of the acting country are clearly involved, the enacting country has a large stake in the decision, and when enforcement is against nationals of the enacting country, jurisdictional bases are clearly present. Moreover, it is difficult, conceptually or otherwise, to distinguish between the situation where a tax judgment secured in a foreign country against one who is in the country at the time of judgment is presented to an American court and the situation where a confiscatory decree is sought to be enforced in American courts.

[12] For the extent to which the Framers contemplated the application of international law in American courts and their concern that this body of law be administered uniformly in the federal courts, see The Federalist: No. 3, at 22 (1 Bourne ed. 1901), by John Jay; No. 80, at 112 and 114; No. 83, at 144 and No. 82 (2 Bourne ed. 1901), by Alexander Hamilton; No. 42, by James Madison.

Thomas Jefferson, speaking as Secretary of State, wrote to M. Genet, French Minister, in 1793: "The law of nations make an integral part of the laws of the land." I Moore, Digest of International Law (1906), 10. And tution itself.[13] This Court has time and again effectuated the clear understanding of the Framers, as embodied in the Constitution, by applying the law of nations to resolve cases and controversies.[14] As stated in *The Paquette Habana,* 175 U.S. 677, 700, "[i]nternational law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination." Principles of international law have been applied in our courts to resolve controversies not merely because they provide a convenient rule for decision but because they represent a consensus among civilized nations on the proper ordering of relations between nations and the citizens thereof. Fundamental fairness to litigants as well as the interest in stability of relationships and preservation of reasonable expectations call for their application whenever international law is controlling in a case or controversy.[15]

The relevance of international law to a just resolution of this case is apparent from the impact of international law on other aspects of this controversy. Indeed it is only because of the application of international rules to resolve other issues that the act of state doctrine becomes the determinative issue in this case. The basic rule that the law of the situs of property is the proper law to be applied in determining title in other forums, whether styled a rule of private international law or domestic conflict of law, is rooted in concepts firmly embedded in a consensus of nations on territorial sovereignty. Without such a consensus and the conflicts rule derived therefrom, the question of whether Cuba's decree can be measured against the norms of international law would never arise in this litigation, since then a court presumably would be free to apply its own rules governing the acquisition of title to property. Furthermore, the contention that the sugar in question was within the territorial confines of Cuba when the Cuban decree was enacted itself rests on widely accepted principles of international law, namely, that the bays or inlets contiguous to a country are within its boundaries and that territorial jurisdiction extends at least three miles beyond these boundaries. See Oppenheim, International Law secs. 186, 190–191 (Lauterpacht, 8th ed. 1955). Without these rules derived from international law, this confiscation could be characterized as extraterritorial and therefore—unless the Court also intends to change this rule—subject to the public policy test traditionally applied to extraterritorial takings of property, even though embarrassing to foreign affairs. Further, in response to the contention that title to the sugar had already passed to Farr, Whitlock by virtue of the contract with CAV when the nationalization decree took effect, it was held below that "under the law merchant common to civilized countries" Farr could not acquire title to the shipment until payment was made in New York. Thus the central issue in this litigation is posed only because of numerous other applications of the law of nations and domestic rules derived therefrom in respect to subsidiary, but otherwise controlling, legal issues in the controversy.

The Court accepts the application of rules of international law to other aspects of this litigation, accepts the relevance of international law in other cases and announces that when there is an appropriate degree of "consensus concerning a particular area of international law, the more appropriate it is for the judiciary to render decisions regarding it, since the courts can then focus on the application of an agreed principle to circumstances of fact rather than the sensitive task of establishing a principle not inconsistent with the national interest or international justice." Ante, p. 28. The Court then, rather lightly in my view, dispenses with its obligation to resolve controversies in accordance with "international justice" and the "national interest" by assuming and declaring that there are no areas of agreement between nations in respect to expropriations. There may not be, but without critical examination, which the Court fails to provide, I would not conclude that a confiscatory taking which discriminates against nationals of another country to retaliate against the government of that country falls within that area of issues in international law "on which opinion seems to be so divided." Nor would I assume, as the ironclad rule of the Court necessarily implies, that there is not likely to be a consensus among nations in this area, as for example upon the illegality of discriminatory takings of alien property based upon race, religion or nationality.[16] But most of all I would not declare that even if there were a clear consensus in the international community, the courts must close their eyes to a lawless act and validate the transgression by rendering judgment for the foreign state at its own request. This is an unfortunate declaration for this Court to make. It is, of course, wholly inconsistent with the premise from which the Court starts, and under it, banishment of international law from the courts is complete and final in cases like this. I cannot so cavalierly ignore

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see the opinion of Attorney General Randolph given in 1792: "The law of nations, although not specially adopted by the Constitution or any municipal act, is essentially a part of the law of the land." I Op. Atty. Gen. 27. Also see Warren, The Making of the Constitution, Pt. I, c. I, at 116; Madison's Notes in 1 Farrand 21, 22, 244, 316. See generally Dickinson, The Law of Nations as Part of the National Law of the United States, 101 U. of Pa. L. Rev. 26 (1952).

[13] This intention was reflected and implemented in the Articles of the Constitution. Art. I, § 8 empowers the Congress "to define and punish Piracies and Felonies committed on the high seas, and Offenses against the Law of Nations." Article III, § 2 extends the judicial power "to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, citizens or subjects."

[14] As early as 1793, Chief Justice Jay stated in *Chisholm* v. *Georgia* that "Prior . . . to that period [the date of the Constitution], the United States had, by taking a place among the nations of the earth, become amenable to the law of nations." 2 Dall. 419, at 474. And in 1796, Justice Wilson stated in *Ware* v. *Hylton:* "When the United States declared their independence, they were bound to receive the law of nations in its modern state of purity and refinement." 3 Dall. 199, at 281. Chief Justice Marshall was even more explicit in *The Nereide,* when he said:

"If it be the will of the government to apply to Spain any rule respecting systems which Spain is supposed to apply to us, the government will manifest that will by passing an act for the purpose. 'Till such an act be passed, the Court is bound by the law of nations which is part of the law of the land." 9 Cranch 388, at 423.

As to the effect such an Act of Congress would have on international law, the Court has ruled that an act of Congress ought never to be construed to violate the law of nations if any other possible construction remains. *MacLeod* v. *United States,* 229 U.S. 416, 434 (1913).

As was well stated in *Hilton* v. *Guyot:*

"International law, in its widest and most comprehensive sense—including not only questions of right between nations, governed by what has been appropriately called the 'law of nations'; but also questions arising under what is usually called private international law or the conflict of laws, and concerning the rights of persons within the territory and dominion of one nation, by reason of acts, private or public, done within the dominions of another nation—is part of our law, and must be ascertained and administered by the courts of justice, as often as such questions are presented in litigation between man and man, duly submitted to their determination.

"The most certain guide, no doubt, for the decision of such questions is a treaty or a statute of this country. But when, as is the case here, there is no written law upon the subject, the duty still rests upon the judicial tribunals of ascertaining and declaring what the law is, whenever it becomes necessary to do so, in order to determine the rights of parties to suits regularly brought before them. In doing this, the courts must obtain such aid as they can from judicial decisions, from the works of jurists and commentators, and from the acts and usages of civilized nations." 159 U.S. 113, 163 (1895).

For other cases which explicitly invoke the principle that international law is a part of the law of the land, see, for example: *Talbot* v. *Janson,* 3 Dall. 133, 161; *Respublica* v. *DeLongchamps,* 1 Dall. 111, 116; *The Rapid,* 8 Cranch 155, 162; *Freemont* v. *United States,* 17 How. 542, 557; *United States* v. *Arjona,* 120 U.S. 479.

[15] Among others, international law has been relied upon in cases concerning the acquisition and control of territory, *Jones* v. *United States,* 137 U.S. 202; *Mormon Church* v. *United States,* 136 U.S. 1; *Dorr* v. *United States,* 195 U.S. 138; the resolution of boundary disputes, *Iowa* v. *Illinois,* 147 U.S. 1; *Arkansas* v. *Tennessee,* 246 U.S. 158; in cases involving questions of nationality, *United States* v. *Wong Kim Ark,* 168 U.S. 649; *Inglis* v. *The Trustees of the Sailors Snug Harbour,* 3 Pet. 99; principles of war and neutrality and their effect on private rights, The S. S. *Appam,* 243 U.S. 124; *Dow* v. *Johnson,* 100 U.S. 158; *Ford* v. *Surget,* 97 U.S. 594; and cases involving private property rights generally, *The Schooner Exchange* v. *McFaddon,* 7 Cranch 116; *United States* v. *Percheman,* 7 Pet. 51.

[16] "[D]iscriminatory laws enacted out of hatred, against aliens or against persons of any particular race or category or against persons belonging to specified social or political groups * * * run counter to the internationally accepted principle of the equality of individuals before the law." *Anglo-Iranian Oil Co* v. *S. U. P. O. R. Co.,* [1955] Int'l L. Rep. 23, 40 (Civ. Ct. of Rome 1954); see also Friedman, Expropriation In International Law (1953), 189–192; Wortly, Expropriation In Public International Law (1959), 120–121; Cheng, The Rationale of Compensation for Expropriation, 44 Transact. Grot. Soc'y 267, 281, 289 (1959); Seidl-Hohenveldern, Title to Confiscated Foreign Property and Public International Law, 56 Am. J. Int'l L. 507, 509–510 (1962).

the obligations of a court to dispense justice to the litigants before it.[17]

IV

The reasons for nonreview, based as they are on traditional concepts of territorial sovereignty, lose much of their force when the foreign act of state is shown to be a violation of international law. All legitimate exercises of sovereign power, whether territorial or otherwise, should be exercised consistent with rules of international law, including those rules which mark the bounds of lawful state action against aliens or their property located within the territorial confines of the foreign state. Although a state may reasonably expect that the validity of its laws operating on property within its jurisdiction will not be defined by local notions of public policy of numerous other states (although a different situation may well be presented when courts of another state are asked to lend their enforcement machinery to effectuate the foreign act),[18] it cannot with impunity ignore the rules governing the conduct of all nations and expect that other nations and tribunals will view their acts as within the permissible scope of territorial sovereignty. Contrariwise, to refuse inquiry into the question of whether norms of the international community have been contravened by the act of state under review would seem to deny the existence or purport of such norms, a view that seems inconsistent with the role of international law in ordering the relations between nations. Finally, the impartial application of international law would not only be an affirmation of the existence and binding effect of international rules of order, but also a refutation of the notion that this body of law consists of no more than the divergent and parochial views of the capital importing and exporting nations, the socialist and free-enterprise nations.

The Court puts these considerations to rest with the assumption that the decisions of the courts "of the world's major capital exporting country and outstanding exponent of the free enterprise system" would hardly be accepted as impartial expressions of sound legal principle. The assumption, if sound, would apply to any other problem arising from transactions that cross state lines and is tantamount to a declaration excusing this Court from any future consequential role in the clarification and application of international law. See *National City Bank of New York* v. *Republic of China*, 348 U.S. 356, 363. This declaration ignores the historical role which this Court and other American courts have played in applying and maintaining principles of international law.

Of course, there are many unsettled areas of international law, as there are with domestic law, and these areas present sensitive problems of accommodating the interests of nations that subscribe to divergent economic and political systems. It may be that certain nationalizations of property for a public purpose fall within this area. Also, it may be that domestic courts, as compared to international tribunals, or arbitral commissions, have a different and less active role to play in formulating new rules of international law or in choosing between rules not yet adhered to by any substantial group of nations. Where a clear violation of international law is not demonstrated, I would agree that principles of comity underlying the act of state doctrine warrant recognition and enforcement of the foreign act. But none of these considerations relieve a court of the obligation to make an inquiry into the validity of the foreign act, none of them warrant a flat rule of no inquiry at all. The vice of the act of state doctrine, as formulated by the Court and applied in this case, where the decree is alleged not only to be a confiscatory but also retaliatory and discriminatory and found by two courts to be a flagrant violation of international law, is that it precludes any such examination and proscribes any decision on whether Cuban Law No. 851 contravenes an accepted principle of international law.

The other objections to reviewing the act challenged herein, save for the alleged interference with the executive's conduct of foreign affairs, seem without substance, both in theory and as applied to the facts of the instant case. The achievement of a minimum amount of stability and predictability in international commercial transactions is not assured by a rule of nonreviewability which permits any act of a foreign state, regardless of its validity under international law, to pass muster in the courts of other states. The very act of a foreign state against aliens which contravenes rules of international law, the purpose of which is to support and foster an order upon which people can rely, is at odds with the achievement of stability and predictability in international transactions. And the infrequency of cases in American courts involving foreign acts of state challenged as invalid under international law furnishes no basis at all for treating the matter as unimportant and for erecting the rule the Court announces today.[19]

There is also the contention that the act of state doctrine serves to channel these disputes through the processes designed to rectify wrongs of an international magnitude, see *Oetjen* v. *Central Leather, supra; Shapleigh* v. *Mier, supra;* the result of the doctrine, it is said, requires an alien to seek relief in the courts or through the executive of the expropriating country, to seek relief through diplomatic channels of his own country and to seek review in an international tribunal. These are factors an American court should consider when asked to examine a foreign act of state, although the availability and effectiveness of these modes of accommodation may more often be illusory than real. Where alternative modes are available and are likely to be effective, our courts might well stay their hand and direct a litigant to exhaust or attempt to utilize them before adjudicating the validity of the foreign act of state. But the possibility of alternative remedies, without more, is frail support for a rule of automatic deference to the foreign act in all cases. The Court's rule is peculiarly inappropriate in the instant case, where no one has argued that CAV can obtain relief in the courts of Cuba, where the United States has broken off diplomatic relations with Cuba, and where the United States, although protesting the illegality of the Cuban decrees, has not sought to institute any action against Cuba in an international tribunal.

V

There remains for consideration the relationship between the act of state doctrine and the power of the executive over matters touching upon the foreign affairs of the nation. It is urged that the act of state doctrine is a necessary corollary of the executive's authority to direct the foreign relations of the United States and accordingly any exception in the doctrine, even if limited to clear violations of international law, would impede or embarrass the executive in discharging his constitutional responsibilities. Thus, according to the Court, even if principles of comity do not preclude inquiry into the validity of a foreign act under international law, due regard for the executive function forbids such examination in the courts.

Without doubt political matters in the realm of foreign affairs are within the exclusive domain of the executive branch, as, for example, issues for which there are no available standards or which are textually committed by the Constitution to the executive.[20] But this is far from saying that the Constitution vests in the executive exclusive absolute control of foreign affairs or that the validity of a foreign act of state is necessarily a political question. International law, as well as a treaty or executive agreement, see *United States* v. *Pink*, 315 U.S. 203, provides an ascertainable standard for adjudicating the validity of some foreign acts, and courts are competent to apply this body of law, notwithstanding that there may be some cases where comity dictates giving effect to the foreign act because it is not clearly condemned under generally accepted principles of international law. And it cannot be contended that the Constitution allocates this area to the exclusive jurisdiction of the executive, for the judicial power is expressly extended by that document to controversies between aliens and citizens or states, aliens and aliens, and foreign states and American citizens or states.

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[17] In the only reference in the Court's opinion to fairness between the litigants, and a court's obligation to resolve disputes justly, ante, p. 35, the Court quickly disposes of this consideration by assuming that the typical act of State case is between an original owner and an "innocent" purchaser, so that it is not unjust to leave the purchaser's title undisturbed by applying the act of state doctrine. Beside the obvious fact that this assumption is wholly inapplicable to the case where the foreign sovereign itself or its agent seeks to have its title validated in our courts—the case at bar—it is far from apparent that most cases represent suits between the original owner and an innocent purchaser. The "innocence" of a purchaser who buys goods from a government with knowledge that possession or apparent title was derived from an act patently in violation of international law is highly questionable. More fundamentally, doctrines of commercial law designed to protect the title of a bona fide purchaser can serve to resolve this question without reliance upon a broad irrebuttable presumption of validity.

[18] Another situation was also presented by the Nazi decrees challenged in the Bernstein litigation; these religious expropriations, while involving nationals of the foreign state and therefore customarily not cognizable under international law, had been condemned in multinational agreements and declarations as crimes against humanity. The acts could thus be measured in local courts against widely held principle rather than judged by the parochial views of the forum.

[19] The Court argues that an international law exception to the act of state doctrine would fail to deter violations of international law, since judicial intervention would at best be sporadic. At the same time, proceeding on a contradictory assumption as to the impact of such an exception, the Court argues that the exception would render titles uncertain and upset the flow of international trade. The Court attempts to reconcile these conclusions by distinguishing between "direct" and "indirect" impacts of a declaration of invalidity, and by assuming that the exporting nation need only find other buyers for its products at the same price. From the point of view of the exporting nation, the distinction between indirect and direct impact is meaningless, and the facile assumption that other buyers at the same price are available and the further unstated assumption that purchase price is the only pertinent consideration to the exporting country are based on an oversimplified view of international trade.

There is no evidence that either the absence of an act of state doctrine in the law of numerous European countries or the uncertainty of our own law on this question until today's decision has worked havoc with titles in international commerce or presented the nice questions the Court sets out on p. 34, n. 40, ante, or has substantially affected the flow of international commerce.

[20] These issues include whether a foreign state exists or is recognized by the United States, *Gelston* v. *Hoyt*, 3 Wheat. 246; *The Sapphire*, 11 Wall. 164, 168, the status that a foreign state or its representatives shall have in this country (sovereign immunity); *Ex Parte Muir*, 254 U.S. 522; *Ex parte Peru*, 318 U.S. 578, the territorial boundaries of a foreign state; *Jones* v. *United States*, 137 U.S. 202, and the authorization of its representatives for state-to-state negotiation. *Ex parte Hitz*, 111 U.S. 776; *In re Baiz*, 135 U.S. 403.

A valid statute, treaty or executive agreement could, I assume, confine the power of federal courts to review or award relief in respect of foreign acts or otherwise displace international law as the rule of decision. I would not disregard a declaration by the Secretary of State or the President that an adjudication in the courts of the validity of a foreign expropriation would impede relations between the United States and the foreign government or the settlement of the controversy through diplomatic channels. But I reject the presumption that these undesirable consequences would follow from adjudication in every case, regardless of the circumstances. Certainly the presumption is inappropriate here.

Soon after the promulgation of Cuban Law No. 851, the State Department of the United States delivered a note of protest to the Cuban Government declaring this nationalization law to be in violation of international law.[21] Since the nationalization of the property in question, the United States has broken off diplomatic relations with the present Government of Cuba. And in response to inquiries by counsel for the respondent in the instant case, officials of the State Department nowhere alleged that adjudication of the validity of the Cuban decree nationalizing CAV would embarrass our relations with Cuba or impede settlement on an international level. In 1963, the United States Government issued a freeze order on all Cuban assets located in the United States. On these facts—although there may be others of which we are not aware—it is wholly unwarranted to assume that an examination of the validity of Cuban Law No. 851 and a finding of invalidity would intrude upon the relations between the United States and Cuba.

But the Court is moved by the spectre of another possibility; it is said that an examination of the validity of the Cuban law in this case might lead to a finding that the Act is not in violation of widely accepted international norms or that an adjudication here would require a similar examination in other more difficult cases, in one of which it would be found that the foreign law is not in breach of international law. The finding, either in this case or subsequent ones, that a foreign act does not violate widely accepted international principles, might differ from the executive's view of the act and international law, might thereby seriously impede the executive's functions in negotiating a settlement of the controversy and would therefore be inconsistent with the national interest. "[T]he very expression of judicial uncertainty might provide embarrassment to the Executive Branch." Ante, p. 33. These speculations, founded on the supposed impact of a judicial decision on diplomatic relations, seems contrary to the Court's view of the arsenal of weapons possessed by this country to make secure foreign investment and "the ample powers [of the political branches] to effect compensation," ante, p. 36, and wholly inconsistent with its view of the limited competence and knowledge of the judiciary in the area of foreign affairs and diplomacy. Moreover the expression of uncertainty the Court fears is inevitable under the Court's approach, as is well exemplified by the ex-cathedra pronouncements in the instant case. While premising that a judicial expression of uncertainty on whether a particular act clearly violates internal law would be embarrassing to the executive, this Court, in this very case, announces as an underpinning of its decision that "there are few if any issues in international law today on which opinion seems to be so divided as the limitations of a State's power to expropriate the property of aliens," and proceeds to demonstrate the absence of international standards by cataloguing the divergent views of the "capital exporting," "free enterprise" nations, of the "newly independent and underdeveloped countries," and of the "Communist countries" toward both the issue of expropriation and international law generally. The act of state doctrine formulated by the Court bars review in this case and will do so in all others involving expropriation of alien property precisely because of the lack of a consensus in the international community on rules of law governing foreign expropriations.[22] Contrariwise, it would seem that the act of state doctrine will not apply to a foreign act if it concerns an area in which there is unusual agreement among nations, ante, p. 28, which is not the case with the broad area of expropriations.[23] I fail to see how greater embarrassment flows from saying that the foreign act does not violate clear and widely accepted principles of international law than from saying, as the Court does, that nonexamination and validation is required because there are no widely accepted principles to which to subject the foreign act.[24] As to potential embarrassment, the difference is semantic, but as to determining the issue on its merits and as to upholding a regime of law, the difference is vast.

There is a further possibility of embarrassment to the executive from the blanket presumption of validity applicable to all foreign expropriations, which the Court chooses to ignore, and which, in my view, is far more self-evident than those adduced by the Court. That embarrassment stems from the requirement that all courts, including this Court, approve, validate, and enforce any foreign act expropriating property, at the behest of the foreign state or a private suitor, regardless of whether the act arbitrarily discriminates against aliens on the basis of race, religion, or nationality, and regardless of the position the executive has taken in respect to the Act. I would think that an adjudication by this Court that the foreign act, to which the executive is protesting and attempting to secure relief for American citizens, is valid and beyond question enforcible in the courts of the United States would indeed prove embarrassing to the Executive Branch of our Government in many situations much more so than a declaration of invalidity or a refusal to adjudicate the controversy at all. For the likelihood that validation and enforcement of a foreign act which is condemned by the executive will be inconsistent with national policy as well as the goals of the international community is great.[25] This result is precisely because the Court, notwithstanding its protestations to the contrary, ante, p. 28, has laid down "an inflexible and all-encompassing rule in this case." [26]

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[21] "[T]he Government of the United States considers this law to be manifestly in violation of these principles of international law which have long been accepted by the free countries of the West. It is in its essence discriminatory, arbitrary and confiscatory." Press Release No. 397, Dept. of State, July 16, 1960.

The United States Ambassador to Cuba condemned this decree, stating to the Cuban Ministry of Foreign Relations:

"Under instructions from my government, I wish to express to Your Excellency the indignant protest of my government against this resolution and its effect upon the legitimate rights which American citizens have acquired under the laws of Cuba and under International Law." Press Release No. 441, Dept. of State, Aug. 9, 1960.

[22] The Court disclaims saying that there is no governing international standard in this area, but only that the matter is not meet for adjudication. Ante, p. 29, n. 27. But since the Court's view is that there are only the divergent views of nations that subscribe to different ideologies and practical goals on "expropriations," the matter is not meet for adjudication, according to the Court, because of the lack of any agreement among nations on standards governing expropriations, i. e., there is no international law in this area, but only the political views of the political branches of the various nations.

These assertions might find much more support in the authorities relied on by the Court and others if the issue under discussion was not the undefined category—expropriation—but the clearly discreet issue of adequate and effective compensation. It strains credulity to accept the proposition that newly emerging nations or their spokesmen denounce all rules of state responsibility—reject international law in regard to foreign nationals generally—rather than reject the traditional rule of international law requiring prompt, adequate, and effective compensation.

[23] There is another implication in the Court's opinion: the act of state doctrine applies to all expropriations, not only because of the lack of a consensus among nations on any standards but because the issue of validity under international law "touches . . . the practical and ideological goals of the various members of the community of nations." If this statement means something other than that there is no agreement on international standards governing expropriations, it must mean that the doctrine applies because the issue is important politically to the foreign state. If this is what the Court means, the act of state doctrine has been expanded to unprecedented scope. No foreign act is subject to challenge where the foreign nation demonstrates that the act is in furtherance of its practical or ideological goals. What foreign acts would not be so characterized?

[24] "A refusal of courts to consider foreign acts of state in the light of the law of nations is not . . . merely a neutral doctrine of abstention. On the contrary the effect of such a doctrine is to lend the full protection of the United States courts, police, and governmental agencies to commercial or property transactions which are contrary to the minimum standard of civilized conduct. . . ." The Association of the Bar of the City of New York, Committee on International Law, A Reconsideration of the Act of State Doctrine In United States Courts (1959), 8.

[25] That embarrassment results from a rigid rule of act of state immunity is well demonstrated by the judicial enforcement of German racial decrees after the war. The pronouncements by United States courts that these decrees vest title beyond question was wholly at odds with the executive's official policy, embodied in representations to other governments, that property taken through racial decrees by the Nazi Government should be returned to original owners and thus not be subject to reparation claims. Compare statements by Secretary of State Marshall, reprinted in 16 Dept. State Bull. 653, 793 (1947), with *Bernstein* v. *Van Heyghen Freres Societe Anonyme*, 163 F. 2d 246 (C.A. 2d Cir.). This embarrassing divergence of governmental opinion was eliminated only after the executive intervened and requested the courts

Obviously there are cases where an examination of the foreign act and declaration of invalidity or validity might undermine the foreign policy of the executive branch and its attempts at negotiating a settlement for a nationalization of the property of Americans. The respect ordinarily due to a foreign state, as reflected in the decisions of this Court, rests upon a desire not to disturb the relations between countries and on a view that other means, more effective than piecemeal adjudications of claims arising out of a large-scale nationalization program of settling the dispute, may be available. Precisely because these considerations are more or less present, or absent, in any given situation and because the Department of our Government primarily responsible for the formulation of foreign policy and settling these matters on a state-to-state basis is more competent than courts to determine the extent to which they are involved, a blanket presumption of nonreview in each case is inappropriate and a requirement that the State Department render a determination after reasonable notice, in each case, is necessary. Such an examination would permit the Department to evaluate whether adjudication would "vex the peace of nations," whether a friendly foreign sovereign is involved, and whether settlement through diplomacy or through an international tribunal or arbitration is impending. Based upon such an evaluation, the Department may recommend to the court that adjudication should not proceed at the present time. Such a request I would accord considerable deference and I would not require a full statement of reasons underlying it. But I reject the contention that the recommendation itself would somehow impede the foreign relations of the United States or unduly burden the Department. The Court notes that "adverse domestic consequences might flow from an official stand," by which I take it to mean that it might be politically embarrassing on the domestic front for the Department of State to interpose an objection in a particular case which has attracted public attention. But an official stand is what the Department must take under the so-called Bernstein exception, which the Court declines to disapprove. Assuming that there is a difference between an express official objection to examination and the executive's refusal to relieve "the court from any constraint upon the exercise of its jurisdiction," it is not fair to allow the fate of a litigant to turn on the possible political embarrassment of the Department of State and it is not this Court's role to encourage or require nonexamination by bottoming a rule of law on the domestic public relations of the Department of State. The Court also rejects this procedure because it makes the examination of validity turn on an educated guess by the executives as to probable result and such a guess might turn out to be erroneous. The United States in its brief has disclaimed any such interest in the result in these cases, either in the ultimate outcome or the determination of validity, and I would take the Government at its word in this matter, without second-guessing the wisdom of its view.

This is precisely the procedure that the Department of State adopted voluntarily in the situation where a foreign government seeks to invoke the defense of immunity in our courts.[27] If it is not unduly disruptive for the Department to determine whether to issue a certificate of immunity to a foreign government itself when it seeks one, a recommendation by the Department in cases where generally the sovereign is not a party can hardly be deemed embarrassing to our foregn relations. Moreover, such a procedure would be consonant with the obligation of courts to adjudicate cases on the merits except for reasons wholly sufficient in the particular case. As I understand it, the executive has not yet said that adjudication in this case would impede his functions in the premises; rather it has asked us to adopt a rule of law foreclosing inquiry into the subject unless the executive affirmatively allows the courts to adjudicate on the merits.

Where the courts are requested to apply the act of state doctrine at the behest of the State Department, it does not follow that the courts are to proceed to adjudicate the action without examining the validity of the foreign act under international law. The foreign relations' considerations and potential of embarrassment to the executive inhere in examination of the foreign act and in the result following from such an examination, not in the matter of who wins. Thus, all the Department of State can legitimately request is nonexamination of the foreign act. It has no proper interest or authority in having courts decide a controversy upon anything less than all of the applicable law or to decide it in accordance with the executive's view of the outcome that best comports with the foreign or domestic affairs of the day. We are not dealing here with those cases where a court refuses to measure a foreign statute against public policy of the forum or against the fundamental law of the foreign state itself. In those cases the judicially created act of state doctrine is an aspect of the conflicts of law rules of the forum and renders the foreign law controlling. But where a court refuses to examine foreign law under principles of international law, which it is required to do, solely because the executive branch requests the court, for its own reasons, to abstain from deciding the controlling issue in the controversy, then in my view, the executive has removed the case from the realm of the law to the realm of politics, and a court must decline to proceed with the case. The proper disposition is to stay the proceedings until circumstances permit an adjudication or to dismiss the action where an adjudication within a reasonable time does not seem feasible. To do otherwise would not be in accordance with the obligation of courts to decide controversies justly and in accordance with the law applicable to the case.

It is argued that abstention in the case at bar would allow CAV to retain possession of the proceeds from the sugar and would encourage wrongfully deprived owners to engage in devious conduct or "self-help" in order to compel the sovereign or one deriving title from him into the position of plaintiff. The short answer to this is that it begs the question; negotation of the documents by Farr and retention of the proceeds by CAV is unlawful if, but only if, Cuba acquired title to the shipment by virtue of the nationalization decree. This is the issue that cannot be decided in the case if deference to the State Department's recommendation is paid (assuming for the moment that such a recommendation has been made). Nor is it apparent that "self-help," if such it be deemed, in the form of refusing to recognize title derived from unlawful paramount force is disruptful of or contrary to a peaceful international order. Furthermore, a court has ample means at its disposal to prevent a party who has engaged in wrongful conduct from setting up defenses which would allow him to profit from the wrongdoing. Where the act of state doctrine becomes a rule of judicial abstention rather than a rule of decision for the courts, the proper disposition is dismissal of the complaint or staying the litigation until the bar is lifted, regardless of who has possession of the property whose title is in dispute.

VII

The position of the Executive Branch of the Government charged with foreign affairs with respect to this case is not entirely clear. As I see it no specific objection by the Secretary of State to examination of the validity of Cuba's law has been interposed at any stage in these proceedings, which would ordinarily lead to an adjudication on the merits. Disclaiming, rightfully, I think, any interest in the outcome of the case, the United States has simply argued for a rule of nonexamination in every case, which literally, I suppose, includes this one. If my view had prevailed I would have stayed further resolution of the issues in this Court to afford the Department of State reasonable time to clarify its views in light of the opinion. In the absence of a specific objection to an examination of the validity of Cuba's law under international law, I would have proceeded to determine the issue and resolve this litigation on the merits.

Mr. HICKENLOOPER. Mr. President, in keeping with the production of facts in this matter, I ask unanimous consent

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to adjudicate the matter on the merits. *Bernstein* v. *Nederlondschi-Amerikaansche, Stoomvart-Maatschappij,* 210 F. 2d 375 (C.A. 2d Cir.).

[26] It is difficult to reconcile the Court's statement that rules pertaining to expropriations are unsettled or unclear with the Court's pronounced desire to avoid making any statements on the proper or accepted principles of international law, lest it embarrass the executive, who may have a different view in respect to this particular expropriation or this particular expropriating country. Is not the Court's limitation of the act of state doctrine to the area of expropriations—based upon the uncertainty and fluidity of the governing law in this area—an admission that may prove to be embarrassing to the executive at some later date? And the very line drawing that the Court stresses as potentially disruptive of the executive's conduct of foreign affairs is inevitable under the Court's approach, since subsequent cases not involving expropriations will require us to determine if the act of state doctrine applies and the Court's standard is the strength and clarity of the principles of international law thought to govern the issue. Again our view of the clarity of these principles and the extent to which they are really rules of international law may not be identical with the views of the Department of State. These are some of the inherent difficulties of establishing a rule of law on the basis of speculations about possible but unidentified embarrassment to the executive at some unknown and unknowable future date.

[27] The procedure was instituted as far back as *The Schooner Exchange* v. *McFaddon,* 7 Cranch 116 (1812), when a United States Attorney, on the initiative of the Executive Branch, entered an appearance in a case involving the immunity of a foreign vessel, and was further defined in *Ex parte Muir,* 254 U.S. 522, 533 (1920), when the Court stated that the request by the foreign suitor to the executive department was an acceptable and well-established manner of interposing a claim of immunity. Under the procedure outlined in Muir each of the contesting parties may raise the immunity issue by obtaining an official statement from the State Department, or by encouraging the executive to set forth appropriate suggestions to the Court through the Attorney General. See *Compania Espanola de Navegacion Maritima, S.A.* v. *The Novemar,* 303 U.S. 68, 74. See generally Dickinson, The Law of Nations As National Law: "Political Questions," 104 U. of Pa. L. Rev. 451, 470–475 (1956).

to have printed at this point in the RECORD a statement I have prepared on the subject.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HICKENLOOPER

This year, as has been the case in the last 2 previous years, we have endeavored to protect oversea investment through provisions in section 620(e) of the act. The text of this year's supplement to section 620(e) is found on pages 11 and 12 of the bill.

This year's addition to section 620(e) assures that U.S. courts in cases before them will be able to apply international law to expropriations by foreign countries and other "acts of state"—except in a case where the President determines that review by the courts of the validity of the act of a foreign state is contrary to the foreign policy interests of the United States.

The amendment was made necessary by the sweeping decision of the Supreme Court in the recent case of *Banco Nacional de Cuba v. Sabbatino*. In that case sugar was expropriated by Castro in Cuba, sold outside of Cuba and the proceeds from the sale of the sugar came within the territorial jurisdiction of the U.S. District Court in New York. The sugar broker having turned these proceeds over to the receiver appointed under New York law on behalf of the former American owners of the sugar, the Castro Government of Cuba brought suit to recover them. The lower court decided in favor of the former owners on the ground that the Cuban expropriation was invalid under international law. The Court of Appeals affirmed on somewhat different grounds, but the Supreme Court reversed on the ground that it was improper for U.S. courts to inquire into validity of the Cuban expropriations even though the State Department had previously denounced the expropriations as contrary to international law. The decision therefore upheld the Cuban Government's claim. It reached this result by giving an extreme application to the so-called act of state doctrine which it applied, not on grounds of any requirement of international law or of any provision of the U.S. Constitution, but on the policy ground that the judiciary should defer in matters of this nature to the political branches of the government. As was pointed out by the dissenting opinion and acknowledged by the majority opinion, no other trading country in the world has adopted such an extreme rule of law on this subject.

I introduce a copy of the majority decision and the dissent in the Sabbatino opinion at this point in the record, urging my colleagues to consider carefully the complete refutation of the majority's decision by Justice Byron White in his dissent.

This amendment is an exercise of our broad powers with respect to foreign commerce and investment and will restore the rule in our courts that acts of a foreign state are subject to international law. This supplement to section 620(e) of the Aid Act will discourage foreign expropriation by making sure that the United States cannot become a "thieves market" for the product of foreign expropriations. Since the United States is in many cases the principal market for the oil, minerals, or other products that might be expropriated, this supplement to section 620 (e) has a very direct relation to the security of foreign investment.

The State Department has declared its opposition to the amendment on the ground that it is not germane to the aid bill, that it could create embarrassment in the conduct of foreign relations and that it would get U.S. courts into sensitive issues they are not equipped to handle. These arguments overlook the facts that (1) an important part of the development assistance purposes of the Foreign Assistance Act is the protection of private investment and the act already contains investment guaranty and anti-expropriation provisions in sections 221, 601, and 620(e) related in purpose to our amendment, (2) the amendment, as well as giving the President ample discretion to defer any judicial scrutiny of an act of a foreign state, is in fact a useful alternative to state-to-state confrontations over violations of international law, and (3) it is settled U.S. judicial doctrine that international law is part of the law applied by U.S. courts.

As part of the legislative history, I am also introducing into the record a line-by-line explanation of this amendment. I want to emphasize that we expect a case-by-case determination under the proviso if litigation is to be suspended.

I need not labor the point here that the State Department has invariably opposed the provisions we have in the past inserted in section 620(e) for the protection of foreign investment. You will recall the great fuss made in 1962 when we originally wrote section 620(e) and the bitter opposition of the State Department. Yet as a direct result of this amendment, we were able to bring about a favorable settlement of a very disturbing expropriation in Brazil and to forestall some others that were threatening to take place. It is true that the amendment did not solve the problem that arose in Ceylon but I do not think our case there has been at all hurt by taking a firm line. Within a year of the time we enacted the original 620(e), Secretary Rusk and also the members of General Clay's Committee on Foreign Aid told us that we had enacted a wise and useful provision. Again, last year when we amplified section 620(e) largely because of the threatened nullification of oil concession agreements in Argentina, the State Department again opposed our action. Yet within the last month there has been promising news that the Argentinian problem can be settled on favorable terms and I for one believe that our legislative provision has played a helpful part. I only cite these instances to suggest that the State Department has been wrong in the past in its flat opposition to our provisions for the protection of foreign investment and that I believe this is again the case with respect to the amendment to section 620(e) in this year's bill.

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a compilation entitled "Memorandum in the Sabbatino Case," discussing the issues involved.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

In the Sabbatino[1] case, the Supreme Court made a rigid application of the so-called act of State doctrine with the result that the American judiciary, both State and Federal, is precluded from inquiring into the validity of the acts of foreign states. As a consequence, U.S. courts must automatically treat such acts of foreign countries as valid even though the State Department has declared that such acts violate international law and discriminate against Americans. Moreover, as a further consequence, if American property expropriated abroad later turns up within the territorial jurisdiction of the U.S. courts those courts are precluded by the Sabbatino decision from inquiring into the validity of the foreign act of state by which such property was seized.

The majority opinion in Sabbatino, however, recognized that this response was not required either by the Constitution[2] or by international law. Indeed, it also recognized that the judiciaries of most other countries do not adopt this response.

"That international law does not require application of the [act of state] doctrine is evidenced by the practice of nations. Most of the countries rendering decisions on the subject fail to follow the rule [of automatic effect] rigidly."[3]

Justice White, in dissent, emphasized that the response adopted by the majority was unique among the civilized countries of the world:

"No other civilized country has found such a rigid rule necessary for the survival of the executive branch of its government; the executive of no other government seems to require such insulation from international law adjudications in its courts; and no other judiciary is apparently so incompetent to ascertain and apply international law."[4]

Court decisions of Austria, Belgium, British Territories, Germany, France, Greece, Italy, the Netherlands, Switzerland, and the United Kingdom, briefly abstracted in appendix I, confirm both the majority's comment that most nations do not follow a rigid rule and Justice White's point that the holding in Sabbatino is unique. All of the named countries permit judicial inquiry into compliance of a foreign act with the standards of international law, and some permit measurement against the standards of public policy.

APPENDIX I

In the cases noted below takings of alien-owned property by foreign states have been reviewed by municipal courts under their own public policy or measured by standards of international law.

AUSTRIA

Dralle v. *Republic of Czechoslovakia* (1950) Ann. Dig. 155. The Supreme Court refused to recognize the confiscatory Czech nationalization of a Czech branch office of a German firm.

BELGIUM

Deville v. *Servais*, (1943–45) Ann. Dig. 448. The Court of Appeal of Liege in 1946 denied effect to a compulsory purchase by the German Government of occupation in Belgium.

BRITISH TERRITORIES

Aden: *Anglo-Iranian Oil Co.* v. *Jaffrate* (The Rose Mary) (1953) Int'l L. Rep. 316. The Supreme Court of Aden reviewed the Iranian nationalization of a British oil company. It held that the Government of Iran acquired no title to the oil nationalized because the nationalization, being without compensation, violated international law. *Luther* v. *Sagor* (1921) 3 K.B. 532, was distinguished by the court on the ground that in the case before them the property taken was of a British corporation whereas in *Luther* v. *Sagor* the property of a national of the confiscating state was involved. The court stated:

"For the reasons set out above I am satisfied that following international law as incorporated in the domestic law of Aden, this Court must refuse validity to the Persian oil nationalization law insofar as it relates to nationalized property of the plaintiffs which may come within its territorial jurisdiction. I find the oil in dispute to be still the property of the plaintiffs * * *."

Singapore: *N.V. De Bataafsche Petroleum Maatschappij* v. *The War Damage Commission* (1956) Int'l L. Rep. 810. The Singapore Court of Appeals held the Japanese seizure and exploitation of oil to be in violation of international laws of war and therefore ineffective to transfer title.

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[1] *Banco Nacional de Cuba* v. *Sabbatino,* 376 U.S. 398 (1964).

[2] 376 U.S. 423 (1964).

[3] 376 U.S. 421 (1964).

[4] 376 U.S. 440 (1964).

FEDERAL REPUBLIC OF GERMANY

M. v. *Aktieselskabet K.H.*, 145 Entscheidungen des Reichsgerichts in Zivilsachen 16 (1934), (1933–1934) Ann. Dig. No. 217. The Reichsgericht (the former supreme court in Germany) refused to apply French law, otherwise applicable according to German conflict rules, because French law was held confiscatory and therefore to violate international law.

Confiscation of property of *Sudeten Germans* case (1948) Ann. Dig. 24, 25 (No. 12) (Amtsgericht of Dingolfing). The court held that plaintiff should recover property seized by the Czechoslovak authorities pursuant to a decree to that effect because the decree authorizing seizure of enemy property was contrary to international law in that it was discriminatory in nature and provided for no compensation. The court held:

"The expropriation without compensation of the property of nationals of a foreign state on the mere ground that they are nationals of that state or of that nation is, accordingly, contrary to international law."

Confiscation of *German property in Czechoslovakia* case (1953) Int'l L. Rep. 31. The Federal Supreme Court approved the decision of the Munich Court of Appeals which refused to recognize Czechoslovak confiscation of property of a German national, but remanded the case for reconsideration of an unrelated issue.

The Czechoslovakian expropriations of Sudeten-Germans cases uniformly held that discriminatory expropriation without compensation violated international law and was contrary to the public order of the forum. For comprehensive text authority concerning these expropriations and the disposition of cases by the German courts with respect to property taken—see Graue, Germany: Recognition of Foreign Expropriations, 3 Am. J. Comp. L. 93 (1954).

The cases after World War I holding that Russian nationals had validly transferred title were based on a recognition of the Russian expropriations by Germany in international agreements. See *Amtsgericht Berlin-Schoeneberg* (1928), (1928) I.P. Rspr. No. 16; *Caucasian Licorice Company* v. *Katz*, Landgericht Hamburg (1924), (1924) Hanseatische Rechts-Zeitschrift 750.

FRANCE

French courts consistently review foreign expropriations within the context of the public policy of the forum (ordre public).

Ropit case, Cour de Cassation (Supreme Court) (1928), (1929) Recueil general des lois et des arrets (Sirey) Part I, 217,55 Journal du droit international (Clunet) 674 (1928), (1927–28) Ann. Dig. No. 43. The Supreme Court refused to apply Soviet law in a case involving a claim of the Soviet Russian Government to part of a nationalized merchant fleet which had escaped from Russia after the nationalization because confiscation without compensation was contrary to "one of the fundamental principles of our social institutions."

Volatron v. *Moulon*, Cour d'appel (court of appeals) of Aix (1939), (1939) Recueil Dalloz, Recueil hebdomadaire de jurisprudence, etc. 329 (1938–40) Ann. Dig. No. 10. The court held that plaintiff's claim to the proceeds of the sale of a consignment of potash (which consignment was part of the property of the plaintiff confiscated by the Government of Catalonia and sent to France) should be recognized because the expropriatory decree, in the absence of compensation was contrary to French public policy and therefore could not be rescognized by a French court.

Societe Potassas Ibericas v. *Nathan Bloch*, Supreme Court (1939), (1939) Recueil Dalloz 275, 66 Clunet 615 (1939), (1938–40) Ann. Dig. No. 54. The court in a case with substantially the same facts as in *Volatron* v. *Moulin* arrived at the same result:

"French courts may not recognize any divestment of a right of ownership, except with consent of the owner, without just and previous indemnity."

GREECE

Greek law applies foreign law under the reserve of "public order."

District Court of Piraeus (1937), (1937) Efimeris Ellinon Nomicon D, 560, reported by Massouridis, "The Effects of Confiscation, Expropriation, and Requisition by a Foreign Authority," 3 Revue Hellenique de droit international 62, 68 (1950). The court refused to recognize the expropriation of a ship seized by the Spanish Government on the ground that the confiscation was incompatible with the "public order."

ITALY

Anglo-Iranian Oil Co. v. *S.U.P.O.R. Co.*, Civil Tribunal of Venice (1953), (1955) Int'l L. Rep. 19, 47 Am. J. Int'l L. 509 (1953), 76 Il Foro Italiano Part I, 719 (1953). The court reviewed the Iranian nationalization of property of a British oil company but held it did not violate Italian public order because of provision for compensation.

Anglo-Iranian Oil Co. v. *S.U.P.O.R.*, Civil Tribunal of Rome (1954), (1955) Int'l L. Rep. 23, 49 Am. J. Int'l L. 259 (1955), 78 Il Foro Italiano, Part I, 255 (1955). The court in reviewing the Iranian nationalization of property of a British oil company stated:

"As has been stated above, however, this court holds that the Italian courts have the right and the duty to examine a foreign law, from the point of view of its legality, so as to establish whether it is contrary to * * * international public policy or to any generally accepted principles of international law * * *. In consequence, the Italian courts must refuse to apply in Italy any foreign law which decrees an expropriation, not for reasons of public interest but for purely political, persecutory, discriminatory, racial, and confiscatory motives. Furthermore, the Italian courts must refuse to apply in Italy such foreign laws as may, even for nonpolitical and nonpersecutory motives, decree expropriation of the property of any foreign national without compensation."

The court found that the Iranian law did not violate these principles.

JAPAN

Anglo-Iranian Oil Co. v. *Idemitsu Kosan Kabushiki Kaisha* (1953), (1953) Int'l L. Rep. 305, 312. The High Court of Tokyo reviewed the Iranian Oil nationalization under international law and public policy but found no violation of public policy.

THE NETHERLANDS

P. T. Escomptobank v. *N. V. Assurantie Maatschappij de Nederlanden* (June 6, 1963). The Court of Appeal at The Hague held that the Indonesian nationalization of Dutch corporations, being confiscatory and discriminatory, would not be recognized by Dutch courts.

"[W]hile respecting the rule that in general a Netherlands court may not pass judgment on the lawfulness of acts performed jure imperil by a foreign power, in a lawsuit between private companies that same court is bound to take no account of such acts of State and to regard them as nonexistent if they are at variance with (unwritten) rules of international law for the protection of private interests; * * *

"[C]onfiscation of the Indonesian subsidiaries of the respondents without any compensation * * * constitutes a serious breach of the said rules of international law and as such accordingly cannot be recognized by the Netherlands courts and measures taken in that behalf must therefore be regarded as nonexistent."

Bank Indonesia v. *Senembah Maatschappij N.V. and De Twentsche Bank N.V.*, (1959) Nederlandse Jurisprudentie 855, portions of decision quoted in 7 Netherlands International Law Review 400 (1960). The Court of Appeals at The Hague reviewed the Indonesian nationalization measures and finding them to be discriminatory and without compensation, held that the Indonesian action was in violation of international law and therefore without legal consequence.

SWITZERLAND

Rosenberg v. *Fischer*, (1948) Ann. Dig. 467. The Federal tribunal recognized a claim for the restitution of property seized by the German authorities of occupation in France pursuant to a German decree because the seizure of the property was contrary to international law.

"In fact, an object seized from its owner in a manner contrary to international law has, without doubt, the character of stolen or lost property in the meaning of Article 934, par. 1, of the Civil Code. * * *"

UNITED KINGDOM

Wolff v. *Oxholm* (1817) 6 M. & S. 92. The court refused to recognize a Danish decree confiscating the debt of a Danish subject to a British national because the decree did not conform to the usage of nations.

In re Helbert Wagg & Co. Ltd., (1956) 1 ch. 323, 347–9 (1956). The court reviewed the German legislation which was under challenge, but found it did not involve a violation of international law. On the question of whether an English court is entitled to examine a foreign law, sought to be given effect, the court specifically held that "* * *this court is entitled to be satisfied that the foreign law * * * is not a law passed ostensibly with that object [protecting the economy], but in reality with some object not in accordance with the usage of nations."

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in my remarks an additional memorandum, attached to which are questions and answers concerning this amendment. The body of the memorandum is entitled "Amendment to Foreign Assistance Act To Permit U.S. Courts To Apply International Law to Foreign Expropriations and Other 'Acts of State'."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

AMENDMENT TO FOREIGN ASSISTANCE ACT TO PERMIT U.S. COURTS TO APPLY INTERNATIONAL LAW TO FOREIGN EXPROPRIATIONS AND OTHER "ACTS OF STATE"

1. Senators HICKENLOOPER and SPARKMAN have cosponsored an amendment (text attached) to section 620(e) of the Foreign Assistance Act that will assure that U.S. courts, in cases before them, may apply international law to foreign expropriations and other "acts of state"—except in those cases where the President determines that review of the validity of the act of a foreign state is contrary to the foreign policy interest of the United States. This amendment was adopted by a large margin in the Senate Foreign Relations Committee.

2. The amendment was made necessary by the sweeping decision of the Supreme Court in the recent case of *Banco Nacional de Cuba* v. *Sabbatino*. In that case suger was expropriated by Castro in Cuba, sold outside of Cuba and the proceeds from the sale of the sugar came within the territorial jurisdiction of the U.S. District Court in New York.

The sugar broker having turned these proceeds over to the receiver appointed under New York law on behalf of the former American owners of the sugar, the Castro government of Cuba brought suit to recover them. The lower court decided in favor of the former owners on the ground that the Cuban expropriation was invalid under international law. The court of appeals affirmed on somewhat different grounds, but the Supreme Court reversed on the ground that it was improper for U.S. courts to inquire into the validity of the Cuban expropriations even though the State Department had previously denounced the expropriations as contrary to international law. The decision therefore upheld the Cuban Government's claim. It reached this result by giving an extreme application to the so-called act-of-state doctrine which it applied, not on grounds of any requirement of international law or of any provision of the U.S. Constitution, but on the policy ground that the judiciary should defer in matters of this nature to the political branches of the Government. As was pointed out by the dissenting opinion and acknowledged by the majority opinion, no other trading country in the world has adopted such an extreme rule of law on this subject.

3. The Hickenlooper-Sparkman amendment, which is an exercise of Congress broad powers with respect to foreign commerce and investment, restores the rule that acts of a foreign state are subject to international law in American courts. The amendment, which becomes part of a provision in the Aid Act designed to discourage foreign expropriations, is essential to make sure that the United States not become a "thieves market" for the product of foreign expropriations and to prevent an undermining of the concept that acts of state are subject to international law. Since the United States is in many cases the principal market for oil, minerals, or other products that might be expropriated, the Hickenlooper-Sparkman amendment has a very direct relation to the security of foreign investment.

4. The State Department has declared its opposition to the amendment on the ground that it is not germane to the aid bill, that it could create embarrassment in the conduct of foreign relations and that it would get U.S. courts into sensitive issues they are not equipped to handle. These arguments overlook the facts that: (1) An important part of the development assistance purposes of the Foreign Assistance Act is the protection of private investment and the act already contains investment guaranty and antiexpropriation provisions in sections 221, 601 and 620(e) related in purpose to the Hickenlooper-Sparkman amendment, (2) the amendment, as well as giving the President ample discretion to defer any judicial scrutiny of an act of a foreign state, is in fact a useful alternative to state-to-state confrontations over violations of international law, and (3) it is settled U.S. judicial doctrine that international law is part of the law applied by U.S. courts.

5. The Hickenlooper-Sparkman amendment is regarded as of critical importance by a broad group of major U.S. companies with foreign operations. At the time of its consideration by the Senate Foreign Relations Committee, in addition to these companies, the National Foreign Trade Council and leading professors of international law communicated their endorsement of the amendment. The amendment is also in agreement with formal positions taken by the Association of the Bar of the City of New York and the Executive Committee of the American Branch of the International Law Association. In addition to its bipartisan sponsorship, the amendment has the support of leading members of both parties in both Houses of Congress.

HIGHLIGHTS OF PROPOSED AMENDMENT TO FOREIGN ASSISTANCE ACT CONFIRMING THAT U.S. COURTS ARE TO APPLY INTERNATIONAL LAW TO TAKINGS OF PROPERTY BY FOREIGN "ACTS OF STATE"

1. Question: "Is this amendment germane to the purposes of the foreign aid bill?"

Answer. Yes. The amendment is designed to discourage uncompensated expropriation of foreign investment by preserving the right of the original owners to attack any taking in violation of international law if the property involved comes before a U.S. court. Because the United States is the largest market for the products of many U.S. owned companies in foreign countries, the knowledge that this market will be denied to stolen property should discourage seizure of that investment.

"An important part of the development assistance purposes of the Foreign Assistance Act is the protection of private investment. Section 221 establishes an investment guarantee program for this purpose. Section 601 has a series of related provisions on the protection of private investment and enforcement of private rights under treaties and at international law. Section 620(e) requires the termination of aid if expropriations or other takings of private investment go unsettled.

"The executive branch has frequently stated that private investment is an essential partner of the foreign aid program. This amendment, promoting the stability of that investment, is therefore closely germane to the purposes of the foreign aid bill."

2. Question: "Does the proposed amendment overrule a decision of the Supreme Court?"

Answer: "The amendment will lead U.S. courts to a different result from that reached by the majority in the recent Supreme Court decision in *Banco Nacional de Cuba* v. *Sabbatino*. It does not change the Court's decision in that case. Rather, the amendment clarifies public policy applicable to such cases pursuant to Congress constitutional powers to legislate concerning the aid program, foreign commerce, and offenses against international law. The amendment will not embarrass the President in the conduct of foreign affairs because there is an express proviso under which the President can arrange for suspension of court proceedings if their continuance would embarrass the conduct of foreign affairs."

3. Question: "Does the amendment in any way change the jurisdiction of U.S. courts?"

Answer: "The amendment does not in any way change the existing jurisdiction of U.S. courts. Under the amendment they will continue to decide only "cases and controversies" before them. They will continue, as they have in the past, to apply international law as part of the law of the land. The function of the amendment is to see that they can continue to do these things and to give justice to the parties before them—except in those special cases where they are requested for foreign policy reasons to suspend proceedings."

4. Question: "Would the amendment disrupt international commerce by creating new uncertainties about title to property in that commerce?"

Answer: "No. The amendment, after all, would only bring U.S. courts to the position of courts in a majority of the industrialized nations of the world. By discouraging takings in violation of international law it would in fact tend to strengthen the flow of investment and commerce. The takings attacked under the amendment would in most cases be well publicized (such as the Cuban takings)."

5. Question: "Why does the amendment only apply to acts of foreign states since January 1, 1959?"

Answer: "Because January 1, 1959, is the date of the coming to power of the Castro regime in Cuba and the beginning of the greatest series of illegal takings of American property in recent history. Some cutoff date is desirable and it is clear that prior to the Supreme Court's reversal of the lower courts in the Sabbatino case parties were not relying on any such drastic application of the act of state doctrine."

6. Question: "Would the amendment work injustice in cases in which expropriated property comes into the hands of an innocent third party?"

Answer: "No. The amendment does not dictate any result other than that a court would reach by 'a determination on the merits.' In such a determination the rights of the innocent third party would be protected. The existence of the amendment would, however, discourage purchases of expropriated property since the purchasers would be unable to rely automatically on the act of state doctrine and would have to establish their lack of notice of the violation of international law that took place in the seizure."

7. Question: "Is the amendment's change in the act of state rule enunciated in the Sabbatino decision in conflict with the U.S. Constitution or international law?"

Answer: "No. The majority opinion in the Sabbatino opinion specifically stated that their enunciation of the act of state rule was required neither by the U.S. Constitution nor by international law."

8. Question: "Does the amendment infringe on the constitutional responsibilities of the executive branch with respect to foreign relations?"

Answer: "There can be no question that the amendment is a constitutional exercise of Congress powers with respect to the aid program, foreign commerce, and offenses against international law. There is nothing expressed or implied in the separation of powers that prohibits such an exercise of these powers. To forestall even embarrassment to the President from litigation with respect to a foreign act of state, an express Presidential power to secure suspension of such litigation in individual cases is provided."

9. Question: "Do the principles of compensation and the other standards set out in section 620(e) imply a rule that compensation must be paid in 6 months or that this amendment only applies to U.S.-owned property?"

Answer: "A distinction must be drawn between the principles of compensation and other standards of international law presently set out in section 620(e) and technical provisions inserted by Congress to guide the executive branch in applying the amendment to the aid program. The 6-month rule and the not less than 50 percent beneficially owned test are such technical provisions. They are not part of international law and are not included in the standards of international law referred to."

10. Question: "What bar groups support the principle of this amendment?"

Answer: "This amendment provides for the result argued for in the Sabbatino case by the Association of the Bar of the City of New York and the Executive Committee of the American Branch of the International Law Association."

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD editorial comment entitled "The State Department and Sabbatino—'Ev'n Victors Are by Victories Undone'," written by Editor John R. Stevenson, New York, N.Y., and published in volume 58, July 1964 edition of the American Journal of

International Law, published by the American Society of International Law.

There being no objection, the editorial comment was ordered to be printed in the RECORD as follows:

"EDITORIAL COMMENT: THE STATE DEPARTMENT AND SABBATINO—'EV'N VICTORS ARE BY VICTORIES UNDONE' "

(By Editor John R. Stevenson, New York, N.Y., in vol. 58, July 1964, volume of the American Journal of International Law, published by the American Society of International Law)

(NOTE.—With special reference in the last paragraph, p. 711, to the possibility of "an act of Congress requiring the courts to apply international law—or a statutory declaration of the applicable principles thereof—as the rule of decision in 'act of state' cases.")

Editorial comment: The State Department and Sabbatino—"Ev'n Victors Are by Victories Undone."[1]

Certainly among the more important long-run goals of U.S. foreign policy and of those charged with specific responsibility for legal aspects of such policy are (or should be): (1) Encouraging general recognition of the vitality of customary international law as law and not as just the lowest common denominator of current state practice; (2) upholding established principles of international law against positivist assertions that nonacceptance of these principles by new governments and states render them obsolete; and (3) strengthening the present admittedly imperfect institutional structure for enforcing international law.

It thus is difficult to understand why the State Department, through the Solicitor General, should have contributed, by its brief on behalf of the United States as amicus curiae in *Banco Nacional de Cuba* v. *Sabbatino*, reported on page 779 below, to a decision and opinion of the U.S. Supreme Court which run counter to these basic goals, and which may be liberally quoted, to our lasting national detriment, by those who oppose these goals in international tribunals, international law commissions, and diplomatic negotiations.

The narrow holding of the Supreme Court was that "the judicial branch will not examine the validity of a taking of property within its own territory by a foreign sovereign government, extant and recognized by this country at the time of suit, in the absence of a treaty or other unambiguous agreement regarding controlling legal principles, even if the complaint alleges that the taking violates customary international law."

This is serious enough since it, in effect, requires that all the force of the U.S. judicial and executive agencies be utilized to protect property confiscated in violation of international law except where the confiscating government has itself expressly agreed to the principles it is violating. The writer's views in favor of judicial review of acts of state alleged to violate international law have been stated elsewhere and will not be repeated here.[2]

Even more discouraging, however, from the standpoint of the policy goals set forth above, are certain of the reasons advanced by the Supreme Court in reaching this conclusion.

In the first place, the Court has taken up with a vengeance the implication in the State Department's brief[3] that U.S. courts are not appropriate forums for the resolution of controversial international law questions. While disclaiming in a footnote that "the courts of this country are broadly foreclosed from considering questions of international law," the Court would limit U.S. courts to cases involving a "greater * * * degree of codification or consensus concerning a particular area of international law"—to cases in which they can "focus on the application of an agreed principle to circumstances of fact rather than on the sensitive task of establishing a principle not inconsistent with the national interest or with international justice."

This rationale appears to ignore (understandably, perhaps, in view of the State Department's unqualified allegations of the success of our diplomacy in obtaining compensation for takings violating international law)[4] the poverty of international remedies and of international forums for the determination of those very questions of international law most in need of judicial restatement, clarification, and application. Absent a state's consent to the jurisdiction of an international tribunal to determine the alleged violation of international law, the only opportunity for a judicial determination is in domestic courts. Any foreign criticism of "parochial" determinations of international law questions by U.S. courts can be met by agreeing to adjudication by an international tribunal of the alleged "denial of justice" resulting from any such determination. We share Justice White's dismay that "the Court has, with one broad stroke, declared the ascertainment and application of international law beyond the competence of the courts of the United States in a large and important category of cases."

Secondly, the emphasis by the Supreme Court on general agreement as "to the relevant international law standards" as the touchstone of justiciability is unfortunate, in that it may be taken as reflecting a positivist view that current state practice rather than established principles (to changes in which the United States has not acquiesced) is determinative of the international law standards themselves. While acknowledging that there is "authority, in international judicial and arbitral decisions, in the expressions of national governments, and among commentators for the view that a taking is improper under international law if it is not for a public purpose, is discriminatory, or is without provision for prompt, adequate, and effective compensation," the Court points out that "Communist countries * * * commonly recognize no obligation on the part of the taking country" and that "representatives of the newly independent and underdeveloped countries have questioned whether rules of state responsibility toward aliens can bind nations that have not consented to them." It is only in a footnote that we learn that these and other references to the "disagreement as to relevant international law standards" are not intended to indicate "that there is no international standard" but "only that the matter is not meet for adjudication by domestic tribunals."

The problem of upholding, in diplomatic negotiations and international arbital proceedings, the principle of just compensation will not be eased by the necessity of explaining away these references as having no relevance to the determination of international law standards but only to the Supreme Court's own standard for application of the self-imposed act of state doctrine.

What are the technical possibilities for dissipating this cloud that the decision may be taken to have cast on Secretary of State Hull's classic statement that "the Government of the United States merely adverts to a self-evident fact when it notes that the applicable precedents and recognized authorities on international law support its declaration that, under every rule of law and equity, no government is entitled to expropriate private property, for whatever purpose, without provision for prompt, adequate, and effective payment therefor. * * *

"The universal acceptance of this rule of the law of nations, which, in truth, is merely a statement of common justice and fair dealing, does not in the view of this Government admit of any divergence of opinion.[5] * * *"

The Court's decision leaves open the following situations in which U.S. courts (subject to ultimate review by the Supreme Court) might be permitted to determine whether a foreign government's taking of property within its own territory violates international law: (1) The foreign government at the time of suit is no longer "extant and recognized" by the United States; (2) the foreign government has by agreement expressly recognized the "controlling legal principles"; (3) the State Department has, by a letter satisfying the requirements of the so-called Bernstein exception,[6] relieved the courts of any restraint on the exercise of their jurisdiction to pass on the question; and (4) Congress has by statute provided that the applicable international law principles (or a statute declaratory of such principles) shall be the rule of decision in act of state cases.

Certain preliminary observations are indicated in respect of each of these possibilities of obtaining a determination by a U.S. court of the validity under international law of a foreign state's taking of property.

(1) In the light of the State Department's insistence on diplomacy as the more appropriate remedy for takings violating international law, the maintenance of diplomatic relations rather than recognition would seem to be the more appropriate test, if indeed the exercise of jurisdiction is to be based on the status of the taking government.

(2) The practical possibility that a case may arise involving a taking by a government which has expressly recognized by agreement the "controlling legal principles" depends, in the first instance, on the extent of treaty recognition of these principles. The

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[1] Dryden, Epistles.

[2] "The Sabbatino Case—Three Steps Forward and Two Steps Back," 57 A.J.I.L. 97 (1963); Report: "A Reconsideration of the Act of State Doctrine in U.S. Courts, Committee on International Law (1959)," Association of the Bar of the City of New York.

[3] Brief for the United States as amicus curiae (September 1963), pp. 27–28; 2 International Legal Materials 1009, 1018 (1963): "Decisions by American courts striking down foreign official acts of state which impair American property interests abroad will probably not be viewed abroad as dispassionate applications of neutral international law principles. More likely, they will be frequently seen in many other nations as reflecting merely parochial American views partisan to American national interests."

[4] U.S. brief, cited above, at 30–31. The grossly inadequate recovery from the Soviet Union (about 7 cents on the dollar) is ignored, as well as the current difficulties in effecting adequate settlements with Czechoslovakia and Hungary.

[5] Hackworth, Digest of International Law 658 (1942); 32 A.J.I.L. Supp. 193 (1938).

[6] See *Bernstein* v. *Van Heyghen Freres, S. A.*, 163 F. 2d 246 (1947), 42 A.J.I.L. 217 (1948); *Bernstein* v. *N. V. Nederlandsche-Amerikaansche Stoomvaart Maatschappij*, 173 F. 2d 71 (1949), 44 A.J.I.L. 182 (1950); 210 F. 2d 375 (1954), 48 A.J.I.L. 499 (1954). The text of the State Department's letter submitted in the second Bernstein case was as follows:

"The policy of the Executive, with respect to claims asserted in the United States for the restitution of identifiable property (or compensation in lieu thereof) lost through force, coercion, or duress as a result of Nazi persecution in Germany, is to relieve American courts from any restraint upon the exercise of their jurisdiction to pass upon the validity of the acts of Nazi officials." 20 Dept. of State Bulletin 592, 593 (1949).

United States benefits from such treaty protection principally in other Western industrialized countries and only in a relatively small number of less-developed countries, including countries such as Nicaragua, Iran, Israel, Korea, Pakistan, Vietnam, Ethiopia, and Nationalist China. It is to be hoped that the relative advantage in U.S. courts enjoyed (as a result of Sabbatino) by countries which have not entered into such agreements will not adversely affect the State Department's efforts to negotiate such treaties with other developing countries.

In addition to international treaties there may, of course, be other agreements by foreign states, including agreements with foreign private investors, which recognize the controlling legal principles.

(3) Justice Harlan in his majority opinion explicitly reserved judgment on the validity of the Bernstein exception to the act of state doctrine, finding that there had been no State Department letter expressly relieving the Court of the restraint imposed by the act of state doctrine. While the Court did not acknowledge the validity of the Bernstein exception, the great weight given to the State Department's views would indicate that an appropriate expression of State Department policy in favor of reviewing the international law validity of a foreign act of state would be given effect.

It may be difficult to contemplate a more appropriate case for the expression of such a policy than that of the Cuban Government's confiscations, but, in the event a reconsideration of the State Department's position in this area is undertaken, the legal means of making a new policy effective remains available.

(4) The most felicitous part of the majority decision is its conclusion that the scope of the act of state doctrine is a matter of Federal rather than State law. Surely this is a logical corollary of the commitment of foreign affairs to the National Government rather than to the several States.

This conclusion, together with the Court's further determination that the act of state doctrine is judicial rather than constitutional,[7] suggests that an act of Congress requiring the courts to apply international law (or a statutory declaration of the applicable principles thereof) as the rule of decision in "act of state" cases would be upheld.

JOHN R. STEVENSON.

Mr. HICKENLOOPER. Mr. President, in light of the fact that the Department of State is almost solely and on its own attempting to defeat the Sabbatino amendment—and I believe it will attempt to defeat it in conference committee, for some peculiar reason—I ask unanimous consent to have printed at this point in my remarks certain rebuttal information which I have prepared on the position of the executive branch.

There being no objection, the rebuttal was ordered to be printed in the RECORD, as follows:

REBUTTAL TO EXECUTIVE BRANCH POSITION PAPER OPPOSING "RULE OF LAW" AMENDMENT TO SECTION 620(e) OF FOREIGN ASSISTANCE ACT

EXECUTIVE BRANCH POSITION

The executive branch has stated that it strongly opposes an amendment to section 620(e) of the Foreign Assistance Act of 1961, as amended, which would permit U.S. courts to apply principles of international law in cases where the act of a foreign state, occurring after January 1, 1959, was alleged to be contrary to international law. This amendment carries a proviso that the President could suspend such inquiry in a case in which he determined that application of the "act of state doctrine" is required by the foreign policy interests of the United States. The arguments of the executive branch and the rebuttals to each are as follows:

1. Argument: Permitting U.S. courts to pass on the validity under international law of an act of a foreign state would embarrass the President in his conduct of U.S. foreign policy.

Rebuttal: The proposed amendment, of course, expressly provides that the President may suspend any inquiry into the validity of an act of a foreign state where he deems this necessary in the U.S. foreign policy interest. The executive branch position paper in effect is asking that the State Department never be compelled to decide whether to invoke the "act of state doctrine" and suggesting that the U.S. foreign policy interest requires that U.S. courts abandon any attempt to do justice to the parties before them where the act of a foreign state is involved. One of the principal reasons for the proposed amendment is that it will serve notice that foreign states taking action against U.S. investment in violation of international law cannot market the product of their expropriation in the United States free from the risk of litigation. Thus, the amendment itself will do much to deter illegal takings and thereby exert a positive influence to avoid the embarrassment to U.S. foreign policy interests caused by such takings.

2. Argument: The amendment is unnecessary because the State Department has declared the Castro takings invalid at international law and because the Cuban assets in the United States have been blocked by a Treasury blocking order.

Rebuttal: The amendment would have worldwide application and is vitally important to protect U.S. investment in many countries other than Cuba. The executive branch argument with respect to action taken against Cuba therefore misses the point.

3. Argument: The amendment is undesirable because the courts of the United States should not be asked to pass on issues "which are politically sensitive and on which there is little consensus and few guiding precedents" and because the parties suffering from acts of foreign states contrary to international law should rely on executive branch remedies through diplomacy and political and economic sanctions.

Rebuttal: In the words of Justice Byron White in the Sabbatino case:

"No other civilized country has found such a rigid rule necessary for the executive branch of its government; the executive of no other government seems to require such insulation from international law adjudications in its courts; and no other judiciary is apparently so incompetent to ascertain and apply international law."

The very fact that private parties have available the normal protections of U.S. courts should be viewed by the executive branch as a helpful means of avoiding making every dispute over a foreign government action a case where nation-to-nation representations, submission to the U.N. or economic and political sanctions must be utilized.

4. Argument: Realistically, international law in the most important cases cannot be enforced in private litigation by local courts but should be applied through the practice of states.

Rebuttal: In effect, the executive branch is saying that international law is too important or too sensitive a matter for formulation or enforcement by the courts. Historically, the courts and international tribunals have in fact been a primary source of international law and its most effective proponents. It is hard to believe that the executive branch thinks that international law is better formulated and enforced by the day-to-day, momentary, ad hoc compromises of U.S. Ambassadors and the constantly changing succession of legal advisers to the State Department.

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from an address delivered by Arthur H. Dean at the Southwestern Foundation, Dallas, Tex., July 23, 1964. The excerpt is entitled "Weakening of Customary International Law as a Force Promoting Dependability."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[Excerpt from address by Arthur H. Dean, Esq., at the Southwestern Foundation in Dallas, Tex., July 23, 1964]

WEAKENING OF CUSTOMARY INTERNATIONAL LAW AS A FORCE PROMOTING DEPENDABILITY

The desirability of some such coordinated action among the capital-exporting nations of the free world in order to promote acceptance of and compliance with certain minimum standards of conduct consistent with a dependable investment climate is suggested by the significant weakening of customary principles of international law as a force in promoting and protecting private foreign investments.

The positivist approach to this aspect of international law which has been expounded with increasing vigor by the Latin American and other developing nations has undermined this important source of dependability in respect of international private investment. And the inability of the developed and developing nations to fill this void through agreement upon the proper standards of conduct by treaty or convention is discouraging to private investors whose assistance in promoting the economic wellbeing of the developing nations is increasingly sought both by those nations and their own governments.

Traditional rules of customary international law pertaining to protection of citizens and their property abroad have been described as "ultimately concerned with the possibility of maintaining a unified economic and social order for the conduct of international trade and intercourse among independent political units of diverse cultures and stages of civilization, different legal and economic systems and varying degrees of physical power and prestige."

The rule of customary international law governing state responsibility for injuries to aliens is often referred to as the international minimum standard of justice, a standard of the "reasonable state," reasonable according to the criteria of the international community. The test of state responsibility for injuries to aliens was, and remains, "broadly speaking, whether aliens are treated in accordance with ordinary standards of civilization."

The Latin American and other developing nations have traditionally opposed this international minimum standard in favor of a standard that aliens only be entitled to equal treatment with nationals.

This opposition by the developing nations to principles of conduct consistent with customary international law standards is, I submit, opposed to both our and their own long-range interests in furthering conditions favorable to international trade and investment.

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[7] 376 U.S. 398,427 (U.S. Supreme Court, March 23, 1964): "If the act of state doctrine is a principle of decision binding on Federal and State courts alike but compelled by neither international law nor the Constitution, its continuing vitality depends on its capacity to reflect the proper distribution of functions between the judicial and political branches of the Government on matters bearing upon foreign affairs."

Although such interests were in the past confined to a few great commercial powers, the era of exploitation and colonialism is over so that these interests are today shared generally by practically all countries in the free world.

These countries include even those Latin American countries which have been the most vigilant exponents of the equal treatment standard, a standard which is deficient from an economic standpoint in that it overlooks the important fact that the potential exporter is not subject to the potential borrower's laws and must be both attracted and induced to come in and to like the investment climate.

The traditional international minimum standard of justice governing state responsibility of treatment of aliens in both their person and property and the requirement of adequate compensation in case of expropriation would, in practice, substantially strengthen the international investment climate generally and the climate for investment of private capital in the developing countries in particular.

In view of what appears to me to be our clear interest in encouraging more general recognition of the continued vitality of customary international law as law rather than the acceptance in its place of the lowest common denominator of state practice, the recognition of the positivist approach to this aspect of international law given by the U.S. Supreme Court this year in *Banco Nacional de Cuba* v. *Sabbatino* appears, to my mind at least, particularly unfortunate.

The actual holding of the Court in refusing to inquire whether Cuban expropriations of property of U.S. nationals violated customary international law was carefully limited to the narrow principle that the "judicial branch will not examine the validity of a taking of property within its own territory by a sovereign extant and recognized by this country at the time of suit, in the absence of a treaty or unambiguous agreement involving controlling legal principles."

The opinion may be attempted to be read, however, to support, despite its carefully enunciated holding, the view that in the absence of treaty or other consensual arrangements, customary international law principles have no continued vitality when a substantial number of nations assert that they refuse to accept them.

The Senate Committee on Foreign Relations has recently included in the Foreign Assistance Act of 1964 as reported by that committee, a provision intended to reverse the approach taken by the Court in Sabbatino. This provision would prevent U.S. courts from declining, on the ground of the Federal act of state doctrine, to review the merits of, or to apply principles of international law, a proceeding involving the allegedly wrongful expropriation of property of U.S. citizens unless the President determines that the application of the act of state doctrine is necessary and so advises the Court. This proposal appears to me to be an encouraging response to Sabbatino, and I am hopeful that it will be adopted by the Congress.

In the absence of effective customary international law standards in respect of international investments or of some substitute system of standards adequately serving the same function of assuring minimum standards of dependability, an increased burden is placed on other approaches to produce a dependable climate for private investment if such investment is to be successfully channeled into the economies of the developing nations.

Mr. HICKENLOOPER. Mr. President, as stated by Justice White in his strong dissent, this is the first time that the United States has ever applied this doctrine, a doctrine that most other nations do not apply. It is a dangerous doctrine, one which moves away from the application and the utility of international law in the settlement of international disputes, rather than toward it. Our philosophy in recent years has been to try to work more closely in the field of international law and its application in connection with disputes between nations and individuals in the various nations.

I again emphasize the overwhelming burden of disagreement on the part of prominent students of the law and of law deans and bar associations. There is a wealth of opposition to the decision in the Sabbatino case, a decision which the amendment of the committee would correct.

In addition, there is a wealth of opposition throughout the United States, which has not been compiled; but I invite the attention of Senators to the almost spontaneous uprising by members of the bar, professors of law, and students of law throughout the country in opposition to the decision in the Sabbatino case. The feeling thus expressed is that the decision is not a wise one or a wise course for the Supreme Court to take; and that the Supreme Court has established a policy which may have dangerous repercussions in connection with our attempt to advance further for use of international law, in proper circumstances, in the settlement of disputes.

I do not anticipate that the amendment will be taken out on the floor of the Senate; but I anticipate that a strong effort will be made by the State Department and by the administration—for some peculiar reason which I cannot fathom—to kill the amendment in conference, because it was not contained in the House version of the bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the Proxmire amendment (No. 1229) to the Dirksen-Mansfield amendment to House bill 11380.

CALL OF THE ROLL

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum, and ask that it be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll; and the following Senators answered to their names:

[No. 545 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. Cannon], the Senator from Indiana [Mr. Hartke], the Senator from Wyoming [Mr. McGee], the Senator from South Dakota [Mr. McGovern], and the Senator from Texas [Mr. Yarborough] are necessarily absent.

I also announce that the Senator from Massachusetts [Mr. Kennedy] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Massachusetts [Mr. Saltonstall] and the Senator from Pennsylvania [Mr. Scott] are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

BLOCKED SPACE-AIR CARRIERS

Mr. MONRONEY. Mr. President, last Friday the Civil Aeronautics Board announced a significant and controversial major policy decision when it granted all-cargo carriers the exclusive right to sell blocked space to combination carriers, airfreight forwarders, and large volume shippers. Hardly was the ink dry before an appeal was filed with the Court of Appeals for the District of Columbia. Because of its explosive nature, this decision may be in dispute for some time. The carriers who are unhappy with the Board's decision will, of course, fight it with every legal means available, which is their right. But I believe the Board's policy decision is right and is necessary.

The decision is the first time the Board has given substance to its previous orders creating a separate class of carriers known as all-cargo carriers. It is the first time the Board has given this class of carriers an opportunity to put flesh on the barebones certificates issued to them. The order further delineates the functions which the separate classes of carriers created by the Board and the Congress are to perform. It opens the way for the kinds of specialization and development which are prerequisites to penetration of the bulk freight market by air carriers.

A hearing was held Thursday in the Federal Court of Appeals here in the District to determine whether the CAB's order should take effect immediately. I am confident that no existing segments of the Nation's transportation industry will be handicapped by this regulatory breakthrough which the CAB, after exhaustive study, has seen fit to approve. The major key to economic growth in this country is lower transportation rates. Air freight costs can and must be lowered, and this decision can trigger another surge in our phenomenal industrial growth.

Blocked space service will be of particular benefit to the large shipper. Under this concept the large shipper contracts at a wholesale rate for a minimum amount of cargo space on a regularly scheduled basis for a period of not less than 60 days. For example, an air freight forwarder could contract for 5,000 pounds of space three times a week between specific cities for a period of 3 months. In effect, a part of the airplane on a set schedule is chartered. This type of service should be valuable to those combination carriers who do not wish to engage directly in the movement of bulk freight. It will thus provide regular service at a lower rate to large volume shippers, such as air freight forwarders and individual shippers with large freight requirements. This will encourage industrial shippers to convert to air distribution.

The first tariff which the Board has permitted to take effect conforms to the CAB policy calling for a shift of small package business from the all-cargo carriers to the combination carriers. This first tariff encourages the shipping of packages under 200 pounds by the combination carriers, based on higher rates via the all-cargo carrier for these smaller shipments.

The lower blocked space rates for the all-cargo carriers is based on at least once-weekly shipment of not less than 1,000 pounds for a period of 90 days, thus exceeding the 60-day minimum. This first tariff under the blocked space concept means that airlift will be provided to the large shipper at a rate of 12 or 13 cents a ton-mile. This is about 25 percent less than the current average air cargo rates. The all-cargo carriers are ideally suited to provide this service.

While I am aware of the consternation which this decision has caused some combination carriers, I do not believe the decision affects them any more than a mosquito biting an elephant.

The combination trunk carriers are a breed in themselves. They have grandfather rights to their certificates. Because they were in existence at the inception of commercial aviation, the certificates which were issued to them are limited only with respect to routes. Their certificates permit them to carry passengers; freight, both in large and small shipments; and mail. They can carry passengers either on regularly scheduled flights or on charter flights. They are not subjected to unlimited competition, because the routes over which they carry passengers are regulated by the Board and only a few carriers are permitted to compete on any one given route. They can carry both freight and mail on the same aircraft in which they fly passengers, thus supplementing their passenger revenues substantially. Except for an infinitesimal amount, they have a monopoly on the carriage of U.S. mail. The three largest combination carriers alone during the month of May transported over 65 percent of the U.S. airmail. Mail revenues of many combination carriers represent almost all their profit and in some cases the difference between profit and loss.

The progress made by the combination carriers has been due in part to the trial-and-error method of special rates to attract new business. We have had week-end rates, family rates, first-, second-, and third-class rates, excursion rates, and so on.

The attraction of new types of freight that has customarily moved by surface is the only way that giant steps can move aircargo into the air and off the surface carriers. Today the vast volume of aircargo moving is in the category of "express type" packages, ranging between a few pounds up to 100- to 200-pound shipments.

In the trial of blocked space the all-cargo carriers asked for and received the right to go after the big shippers who were ready to contract over a period of time for regular shipments of large-scale freight. This type of freight movement is a far cry from the vast volume of air shipments now being handled by most carriers. It compares to a large degree to the difference in railroad shipments to carload lot versus less-than-carload lots both in weight minimums and rate differentials.

I hope the combination carriers will also not forget the large amount of help which was given to them by the United States for almost two decades. The subsidies, the unlimited certificate authority, the exclusive routes sheltered by regulation, the monopoly on mail—all these combined with undeniably strong and competent management enabled these combination carriers to reach the state of unparalleled prosperity which they now enjoy.

I mention these facts for two reasons. One, the Board's decision, although distasteful to the combination carriers, does not deal them a death blow, particularly since they are not excluded from blocked space service permanently; and second, because the experience of these combination carriers demonstrates the need for some form of Government regulation to insure that all cargo certificates are not licenses to bankruptcy.

The Board in making this decision took into account the profits that would be derived by small businesses throughout the Nation through the lowering of aircargo costs. I was pleased to learn that the chairman of the Senate Select Committee on Small Business, Senator SPARKMAN, congratulated the Civil Aeronautics Board upon its new policy statement. No single individual in this Nation has a better insight into the problems of our small businessmen. Several of the all-cargo carriers themselves are in the small business category and their services are economically beneficial to many small firms which deal in commodities or types of materials and processed or manufactured items that must be shipped rapidly over great distances in order to meet specialized needs.

The Civil Aeronautics Board faces many other problems, including the critical plight of supplemental carriers, the continual subsidy drain of local service airlines, the helicopter controversy, and numerous rate and route proposals and controversies. The Board's firm and forward-looking determination in favor of the blocked space concept proves that it is capable of meeting these additional challenges in a constructive and timely fashion. I hope that the effort now being made to set aside this statutory determination by the Board will not needlessly delay the economic benefits which the entire national business community stands to gain from the blocked space all-cargo service.

JULIAN A. ERSKINE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the motion to reconsider the vote on passage of H.R. 5941, submitted on March 18 last, be now agreed to, and that the votes by which the bill was ordered to a third reading and read the third time, be also reconsidered, for the purpose of offering an amendment. It is necessary to have an amendment to that bill.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 5941) for the relief of Julian A. Erskine.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and the bill is before the Senate.

Mr. JOHNSTON. Mr. President, I send an amendment to the desk which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

> That the estate of the late Julian A. Erskine, Master Sergeant, United States Army, retired, of Staples, Minnesota, is hereby relieved of all liability for repayment to the United States of the amount of $601.07 representing overpayments of active duty pay as a member of the United States Army for the period from July 20, 1944, through August 9, 1959, which he received as a result of a typographical error made in the date of his original enlistment in the National Guard and the granting of subsequent longevity increases prior to entitlement.
>
> SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Julian A. Erskine of Staples, Minnesota, the aggregate of amounts received or withheld from the late Master Sergeant Julian A. Erskine on account of the payments referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the preceding sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. JOHNSTON. Mr. President, the bill provides for the cancellation of repayment to the United States of approximately $600 in relief of Mr. Erskine. He died while the bill was being passed. We do not think it would be right to have the widow repay the money if the Government was not going to require it of the husband, who recently died.

Mr. DIRKSEN. Mr. President, the amendment has been cleared, and it is satisfactory.

Mr. JOHNSTON. All the bill does is transfer the relief to the widow's name.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. Julian A. Erskine".

SENATOR PROUTY'S CONTRIBUTION TO EDUCATION DURING THE 88TH CONGRESS

Mr. MORTON. Mr. President, we here in the Senate recognize the great contribution which the junior Senator from Vermont [Mr. PROUTY] has made to education. It is in the tradition of Justin Morrill, the great Vermonter who did so much to open the doors of our schools to the young men and women of America.

Never before in our history has there been a greater need to improve and expand the educational opportunities of our people.

The education of its citizens is the wisest investment a country can make, for it is through culture and knowledge that we can enrich our lives, develop our talents to the fullest, improve our personal standard of living, promote the national welfare, and preserve and enhance the heritage we cherish.

At a time when there is a massive peril to freedom, we must move ahead with dedication and without delay. For if, as Jefferson said, "a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

Because that declaration is more true today than it was 148 years ago, Vermont and the Nation are fortunate to have Senator WINSTON L. PROUTY as a member of the Senate Labor and Public Welfare Committee which has the main responsibility for legislation dealing with education.

WINSTON PROUTY is widely respected by educators throughout the United States. He is esteemed and honored for his ability, his industry, and his dedication to the strengthening of American education.

Senator PROUTY has risen to become the ranking minority member of two subcommittees that write almost all education legislation in the Senate. I refer to the Education Subcommittee and the Employment and Manpower Subcommittee.

He played a major role in 1963 in writing and supporting two of the most significant education bills Congress has made into law in many years—the Vocational Education Act and the Higher Education Facilities Act.

HIGHER EDUCATION FACILITIES ACT

Appreciation for his work on the higher education bill came to Senator PROUTY from people throughout the country, including Logan Wilson, president of the American Council on Education.

Wrote Wilson:

> I want to thank you for all you have done to make the enactment of what will undoubtedly be one of the significant landmarks in educational legislation.
>
> Many are comparing the new act to the Morrill Act of 1862, and it must give you pleasure to maintain the tradition of statesmanship in education that was set by one of your predecessors from Vermont.

Senator MORSE, Democrat, and chairman of the Senate Education Subcommittee, called Senator PROUTY "one of the most valuable members of the Subcommittee on Education" and said that in his judgment "the higher education bill would not have been brought out of conference except for the fine and very valuable work done by the Senator from Vermont."

Under the Higher Education Facilities Act, $1.2 billion is authorized over 3 years struct certain types of laboratories, classrooms, and libraries to prepare them to to help our colleges and universities conmeet the rising enrollments in the years immediately ahead. Twenty-two percent of the grant funds are reserved for public community colleges and public technical institutes.

Now there are 4.4 million students in our institutions of higher learning. In 1965, barely one short year way, 5.2 million students will be enrolled. By 1970, the number will grow to 7 million.

Had it not been for the help of Senator PROUTY, many colleges would have been forced to close their doors on tallented young Americans for whom there would have been no place in classrooms.

VOCATIONAL EDUCATION ACT

Senator PROUTY recognizes the great need for bringing our vocational education programs up to date. He has emphasized in the Senate that too many schools are preparing too many students for jobs that are becoming extinct and are failing to prepare them for the new jobs our economy demands.

In the Senator's own words:

> As new machines and new production methods are developed they take away 5,000 jobs each day. Last year there were 4 to 6 million unemployed in America: at the same time there were 4 to 6 million job openings. The difference is skills.

The Vermont Senator won unusual recognition from his colleagues for his work on the Vocational Education Act of 1963.

Praise for the Senator was voiced by both Democrats and Republicans when the Senate cleared this major legislation for the President's signature.

Senator JAVITS, Republican, of New York, led off the round of accolades by calling attention to the "great, good work" of Vermont's junior Senator. And Education Subcommittee Chairman MORSE, of Oregon, told the Senate "Without the support of Senator PROUTY we would have had no bill. As a result of his cooperation, it was possible to get a bill."

Esther J. Urie, National Education Association director for Vermont, expressed the gratitude of the people of Vermont to Senator PROUTY when she said:

> You have played an outstanding part in getting the higher education bill through and for this we are very grateful as also for your support of the vocational education bill. As I look at the large sums which will be available to Vermont under this latter bill, I have hope that we can make a good start in getting some effective vocational education program underway for the hundreds of students who must now find most curriculums very frustrating.

As always, during consideration of the vocational education measure, PROUTY kept a steady eye on the needs of Vermont.

It was at his suggestion that the original House-passed bill which contained a population formula was changed in the Senate to take into account per capita income. Had it not been for Senator PROUTY, Vermont would have been penalized nearly $200,000 over a 4-year period.

Vermont won out also on the matter of area vocational schools because of the diligence of its junior Senator if the State wishes to use and expand existing high school facilities for its vocational schools. Such a plan would have been ineligible for assistance under the House bill, but a Prouty amendment took care of the problem.

The Vocational Education Act of 1963 is designed to maintain and improve existing programs of vocational education, formulate new ones and provide part-time employment for youths to assist them in continuing vocational training on a full-time basis. In funds for these purposes, the Federal contribution can be more than quadrupled from some $57 million annually to an additional $731 million authorized over a 4-year period.

The new vocational education law, if used properly, can bring our school training into harmony with existing realities and can prepare America's youngsters for the skills that will be in demand.

OTHER IMPORTANT EDUCATION LEGISLATION

MANPOWER DEVELOPMENT AND TRAINING ACT

Senator PROUTY, who helped to draft the original job-creating Manpower Development and Training Act, was the first man in Congress to recognize that it should be enlarged upon to aid young people who have left school and who seek but cannot find work.

He introduced S. 1831, which was designed to institute a special program under the Manpower Development and Training Act for the training of youths 16 years or older who are unable to obtain employment due to inadequate schooling and work preparations.

Several months later similar legislation was enacted into law. The new statute permitted special training allowances of $20 a week for these youths. It also gave the Secretary of Labor authority to refer persons lacking in basic education skills to the Secretary of Health, Education, and Welfare for training in these skills. In addition, the Manpower Development and Training Act amendment increased annual fund authorizations.

Following the Senate's acceptance of the legislative changes benefiting the youth of America, Employment and Manpower Subcommittee Chairman CLARK, Democrat, of Pennsylvania, said:

> I pay particular tribute to the Senator from Vermont as a great source of strength to the committee and subcommittee on passage of this bill.

Minority Leader DIRKSEN and others concurred in the accolade.

Again Senator PROUTY was maintaining the tradition of statesmanship in education that was set by one of his great predecessors, Justin Morrill.

MENTAL RETARDATION FACILITIES ACT

Further proof of the Vermont Senator's interest in all the people was demonstrated when he gave his legislative support for the education of the mentally retarded and the handicapped.

Under the Mental Retardation Facilities Act, approved with the aid of Senator PROUTY, $51.5 million in grants is authorized during the next 3 years for research and the training of teachers of some 5 to 6 million handicapped children, including those who have impairments in hearing, sight, and speech or are emotionally disturbed.

At present only one-fourth of these children are given special educational opportunities. Three-fourths are fighting to keep up in regular school grades or do not attend school at all.

Because of the help of Senator PROUTY and his colleagues, America will be able to train educators to serve the needs of the handicapped and help them lead useful and productive lives.

HEALTH PROFESSIONS EDUCATIONAL ASSISTANCE ACT

One of the major problems in America today is the increasingly critical need for additional health personnel.

The doctor-to-population ratio has only risen from 135 to 137 doctors per 100,000 persons since 1940 while the demands upon physicians have increased markedly as a result of the larger proportion of the very old and the very young in our population and more widespread health insurance coverage.

The rural areas and the poor people bear the brunt of the physician shortage. A survey showed that the rate of active physicians to population was 158 per 100,000 for greater metropolitan areas compared to 47 for isolated rural areas.

The Health Professions Educational Assistance Act, approved with the aid of Senator PROUTY, should do much to counteract the physician shortage. It authorizes appropriations for the construction of new teaching facilities for the training of medical, dental, and other health personnel.

In addition, the new statute established a loan program for students of medicine, osteopathy or dentistry.

LIBRARY SERVICES ACT

In a speech on the Senate floor, Senator PROUTY pointed out that "Libraries, and the services they render are the key to the continuing self-education process that should take place throughout the life of every American. There are few programs in which we can more readily observe an excellent return for the tax dollars spent."

This firmly held belief of the Senator prompted him to support the Library Services Act of 1956. The Vermont Senator told the Senate that the circulation of books from the free public library commission in Vermont has increased more than 25 percent since the inception of the 1956 statute.

More than 325,000 rural Vermont residents have received new or informed public library services under Library Services Act programs.

During the present Congress, Senator PROUTY supported legislation to amend the Library Services Act to expand its coverage to all areas, regardless of population, and to include a provision for construction of public library buildings on a matching basis.

Many of the existing public library buildings are overcrowded and inadequate to serve the needs of an expanding population. The new statute will help alleviate the situation.

Francis Keppel, U.S. Commissioner of Education, had this to say about Senator PROUTY's contribution to legislative improvements in the Library Services Act:

> I want to take this opportunity to express our appreciation of your leadership and support in the passage of the Library Services and Construction Act in the 88th Congress. This act will accomplish a great deal for the development of public library services and facilities.

Vermont's ranking member on the Senate Education Subcommittee believes that education is a perpetual process and that an integral part of this process is our library system.

Mrs. Jane B. Hobson, then executive secretary of Vermont's Free Public Library Service, summed up the thinking of a number of people when she said on December 10, 1963:

> I speak for many Vermonters as well as for myself when I thank you for your outstanding work in support of Senate passage of S. 2265, the Library Services and Construction Act. Vermonters are most grateful to you for all of your interest in the passage of this act.

TAX RELIEF TO STUDENTS OR PARENTS OF STUDENTS IN COLLEGES

On February 7, 1964, WINSTON PROUTY told the U.S. Senate that the mothers and fathers of this country are staggering under the heavy expenses involved in giving our youngsters a higher education. He cited a survey which showed that 69 percent of the parents interviewed expect to send their children to college, but 40 percent of these families feel they cannot afford to do so.

The Vermont Senator informed the Senate also that during the last 30 years college tuition costs have risen nearly 500 percent and that they will rise by another 50 percent in both private and public institutions over the next decade.

Most parents, he said, have less than $150 put away for college costs. If they are having a hard time now, PROUTY stated, think of what the burden will be as tuition costs rise another 50 percent.

Because he firmly believes that the cost of providing a college education places too heavy a burden on the average American family, he cosponsored the Ribicoff amendment to the tax bill which provided for a tax credit on the first $1,500 of college expenses for tuition, fees, books, and supplies.

Under the terms of the amendment, parents of a student spending $1,500 a year on the cost of a higher education would be eligible to deduct $325 from their Federal income tax payable.

The Ribicoff amendment was defeated, after strong administration pressure, 45 to 48.

PROUTY not only sponsored but gave a strong speech in support of the Ribicoff amendment, and Senator RIBICOFF called the Prouty effort a "great contribution toward the proposal."

Our junior Senator again displayed on this occasion his constant efforts to bring to fruition the wishes of the people of Vermont. A survey shows that 78 percent of all Vermonters favor tax allowances for parents who are trying to finance the education of their children.

Immediately following the failure of the Ribicoff amendment, Senator PROUTY introduced and called up for a vote his proposal to give college students working their way through college some tax relief.

The Prouty amendment would have permitted students to deduct from earned income charges for tuition, fees, books, and supplies.

Regrettably, the amendment was defeated on a tie vote—47–47.

Speaking of the Prouty amendment, minority leader Senator EVERETT DIRKSEN said:

> This sizable benefit for those young people, coming from families of extremely limited means, but still determined to obtain a college education, was defeated by a 47–47 tie vote despite the unanimous Republican vote for it. I am told that even the boys who run elevators in the Capitol, so they may go to college in Washington in their off-hours, were rooting for its adoption. But the White House said "no."

Senator PROUTY is determined to give some tax relief to the youngsters and parents who frantically try to scrape together money for college costs. We can count on him to continue his fight to aid those who do without the necessities of life in order that they or their children may have a college education.

STRENGTHENING THE NATIONAL DEFENSE EDUCATION ACT

WINSTON PROUTY was one of the original supporters of the National Defense Education Act of 1958 and he has played a key role in bringing this statute up to date in keeping with current needs.

During the 87th Congress, the Vermont Senator introduced legislation, S. 3326, to extend the loan cancellation privilege to those who teach in private schools and in the colleges of our country. This proposal passed the Senate but was not acted upon by the House.

He also sponsored during that Congress S. 3330 which would authorize for teachers in private nonprofit schools certain stipends while attending institutes established under the National Defense Education Act. Such stipends are now provided for teachers in the public schools.

Since neither of these measures was sent to the White House, Senator PROUTY combined both in S. 569 which passed the Senate August 24, 1963.

Later the Vermont solon, Senator MORSE, and others drafted a bill, S. 3060, calling for major revisions in the National Defense Education Act and the earlier proposals of Mr. PROUTY were made a part of the new bill, S. 3060.

Perhaps some of the most significant provisions in the new legislation are those which would make more money available for the national defense student loan program.

The Morse-Prouty bill which has passed the Senate and will probably be enacted into law would increase the loan funds from $135 million a year to $195 million by graduated steps.

Under existing law, the Federal Government provides assistance to the States for teaching equipment which may be used in the fields of science, mathematics, and modern foreign languages. The Morse-Prouty bill would add other subject matter areas for which equipment may be purchased. These include history, civics, geography, and remedial reading.

In addition, the new bill would provide Federal aid for guidance, counseling and testing to help students in the early elementary grades.

The bill S. 3060 would also permit institute programs for history, civics, geography and remedial reading and increase substantially the number of National Defense fellowships.

MIKE MANSFIELD, Senate Democratic majority leader, hailed S. 3060 as one of the major achievements of the 88th Congress and singled out Senator PROUTY as one of the two Senators most responsible for its passage.

CONCLUSION

The more complex our problems and responsibilities become, the more our educational system must be capable of meeting the new challenges.

It was wisely observed that "human history becomes more and more a race between education and catastrophe." The longer Senator WINSTON L. PROUTY serves in the U.S. Senate, the better the chance that education will win the race.

His record calls to mind the eloquent words of Daniel Webster which are inscribed over the Speaker's chair in the House of Representatives in Washington:

> Let us develop the resources of our land, call forth its power, build its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

Vermont's junior Senator has won victories for education that mankind will remember always.

AIR POLLUTION BY EXHAUST FROM AUTOMOTIVE VEHICLES

Mr. MUSKIE. Mr. President, on Wednesday of this week the four major American automobile manufacturers announced that they had speeded up by 1 year their ability to design motors so as to reduce exhaust pollutants.

I think the industry is to be commended for its efforts to find a solution to the problem of air pollution caused by the exhaust from automotive vehicles. I think that the State of California is to be even more commended for its insistence that a solution be found and its leadership in bringing the automobile industry to accept the necessity of meeting standards which will reduce air pollution.

It would be my hope now that California's testing of the industry's motor design will demonstrate success in meeting the State standard. It would be my further hope that the industry would then consider the feasibility of voluntarily fitting all of its production to meet the best standard available.

Recently, before the Special Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, the industry indicated that it was not receptive to a national standard and that it preferred to meet local requirements as they developed. My own view is that this would appear to be less efficient from a production standpoint and certainly from the standpoint of reducing air pollution.

If the industry's proposed antipollution devices do work, we will have taken a significant step toward reducing one of the biggest causes of air pollution. We should not wait too long to take the same step with used vehicles. I think the recent development in California is significant and I ask unanimous consent that the article from the Wall Street Journal reporting the event be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AUTO FIRMS SAY SMOG UNIT CAN BE BUILT ON 1966 CARS

(California told most autos sold in State could have required control devices; plans moved up 1 year.)

SAN FRANCISCO.—The Nation's four major auto producers said they can build smog-control devices into most new cars sold in California beginning with 1966 models.

For the car producers, the announcement represents a 1-year speedup of previous plans. For California's Motor Vehicle Pollution Control Board it means a "tremendous achievement in smog control."

But for the producers of four devices for controlling automotive exhaust fumes the announcement signals the disappearance of a potential market estimated at $40 million a year for service stations and control producers.

ACCELERATED RESEARCH CREDITED

In separate presentations to the California board, vice presidents of General Motors Corp., Ford Motor Co., Chrysler Corp. and American Motors Corp. credited accelerated research for the development of the systems. Each system entails basic engine modifications, unlike the attachment devices developed by the other manufacturers.

The auto men declined to estimate the extra cost to the buyer for the control system, except to say they will run less than the $80 to $100 quoted for the independents' installed devices. Some auto engineers have indicated the price would be about $25. California's new car market currently stands at well over 500,000 cars annually.

If approved after testing by the State agency, the systems would be installed initially only in cars for sale in California, under the State's law requiring such controls by the 1966-model year.

But pressure is mounting in other States, too, such as New York and New Jersey, for similar auto exhaust controls. The auto men indicated the systems could be extended in the future to their entire production runs after results from California are available.

The auto men made their announcements at a crowded meeting of the pollution board, called to review progress in the effort to control smog-creating auto fumes. The problem is to burn fuel more thoroughly than is done by present engines.

Harry F. Barr, GM vice president, said the company's system involves the injection of air directly into the exhaust port close to the exhaust valves, along with the engine design modifications. The required air flow, he said, is supplied by an engine-driven pump and is directed to impinge upon the hot exhaust valve by injecting air at this point. Mr. Barr said that the air mixes with the hot exhaust gases as they discharge from the engine cylinders, and oxidizes unburned hydrocarbon and carbon monoxide into carbon dioxide and water vapor.

A CLEANER AIR PACKAGE

Herbert L. Misch, Ford vice president, and R. H. Isbrandt, American Motors vice president, said their systems worked in a similar fashion. P. C. Ackerman, Chrysler vice president, said his company's cleaner air package involves modified engine design to prevent the formation of excessive hydrocarbons and carbon monoxide.

Only American Motors told the board that its system would be ready on all 1966 models. General Motors and Chrysler asked for exemptions on some low-volume cars, representing about 4 percent of their California sales, until 1967 models, while Ford sought exemptions on a yet undetermined number of low-volume cars.

The board will conduct extensive tests on the systems, expected to take several months, as well as decide after study whether to permit sale of the exemptions without control devices.

Representatives of the manufacturers which had their exhaust devices approved only 2 months ago were present at the meeting to report that they could meet production demands for the 1966 model cars. They are American Machine & Foundry Co., jointly with Chromalloy Corp.; Arvin Industries, Inc., and Universal Oil Products Co.; W. R. Grace & Co., and Norris-Thermador Corp.; and Walker Manufacturing Co., a subsidiary of Kern County Land Co., and American Cyanamid Co.

After the meeting, Charles E. Fisher, vice president and general manager of the air pollution control division for Norris-Thermador Corp., acknowledged that the independent manufacturers of the devices appeared all but shut out of the hefty new-car market. "But the handwriting was on the wall," he said resignedly.

Mr. Fisher estimated that the four manufacturers had spent about $10 million researching exhaust control devices since 1954 when, he noted, auto makers "were not aggressively involved." He credited the independent research with spurring the auto industry into accelerated programs.

In the exemptions sought by the auto makers, he said, the 4 percent or so of cars represented by this wouldn't make device production feasible. "We've figured about 100,000 devices for the break-even point," he said. He added that foreign car sales made up such a relatively small part of the California market that research wasn't geared to these vehicles.

The independents still could go after the older car market.

Last June, the pollution board approved one device, developed by American Machine-Chromalloy, for used cars dating back to 1962. A second device, however, must be approved before they will be required for used cars. The used-car market in California will total about 10 million by 1967, when such devices will probably be mandatory, the board estimates.

Mr. Fisher said that "all of us will have to take a close look at business in this field and determine whether the added amounts for research will be justified. We have to have a reasonable prospect for some return."

Spokesmen for the Norris-Thermador-Grace team and Arvin Industries-Universal Oil indicated they may move ahead in development of an exhaust device for used cars. Walker Cyanamid has already submitted a proposal for a used-car device, but the board has ruled that the $100-to-$150-installed cost is too high. The American Machine-Chromalloy combine estimates its device, which has been approved, will cost the consumer an estimated $81.50, including installation. The combine, however, said it is working to lower costs to $65.

Some 70 percent of a car's fumes is emitted through the exhaust, the other 30 percent through the crankcase. Auto makers began voluntarily in 1961 installing crankcase devices on their cars. These devices became mandatory in California on all new cars with the 1963 model year and on all used cars in a 13-county area.

William Nissen, the pollution control board chairman, said that with combined crankcase devices and exhaust systems, some 90 percent of "smog-forming hydrocarbons" from autos would be controlled. This is expected to ease smog conditions in urban areas, but it won't eliminate the problem altogether. Smog also is caused by other irritants.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. Proxmire].

Mr. **MORTON**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **PROXMIRE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **PROXMIRE**. Mr. President, the amendment which is now pending to the Dirksen amendment is my amendment. It provides that on page 2, line 15, after the word "shall," and before the words "be deemed," there be inserted the word "not," so that the section of the bill, in subsection (b), without reading all of it, would provide:

> A stay for the period necessary * * * shall not be deemed to be in the public interest in the absence of highly unusual circumstances.

As I said before, this amendment of mine has a great deal of merit. The arguments I have heard so far in favor of the Dirksen-Mansfield amendment have been that throughout the country there are certain unusual situations—for example, in Oklahoma and elsewhere, where an election which had already taken place might be set aside, and where people who are holdover State senators, for example, would be removed from office or would lose their office.

These circumstances are unusual; and it might be proper and desirable for Congress to prevent that kind of situation.

On the other hand, let us consider the situation in Wisconsin. In Wisconsin public officials won an apportionment, after a long struggle. It was a bipartisan struggle. Democrats and Republicans were on both sides of the issue. We finally achieved an almost mathematically precise population representation in both the State senate and State assembly.

Under the Dirksen-Mansfield compromise proposal, our near perfect 1964 apportionment might be voided. All the struggle and solid achievement of years might be nullified. I talked on the phone this morning with Roland Day, the brilliant Madison lawyer who handled our successful reapportionment fight for the Governor before our State legislature. Mr. Day is deeply concerned that the Dirksen amendment might result in Federal court action in Wisconsin on the basis of a request by a member of the State legislature who has been apportioned out of his seat. This action could not only stay the election under the new apportionment, it could require that candidates for the Wisconsin Legislature would have to file again on the old legislative district basis. So this apportionment which we finally achieved after many years of great effort on the part of Democrats and Republicans, newspapers, and other agencies would be nullified.

I say that because the Mansfield-Dirksen amendment provides:

> Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary, or election, for such period as will be in the public interest.

Because of this provision any Federal court in Wisconsin would have jurisdiction.

The apportionment was effected in May or June of this year. Candidates for the State legislature filed in 100 assembly districts and in 16 or 17 State senate districts. July 11 was the deadline. They filed on the basis of the Wisconsin State Supreme Court apportionment.

Many of the candidates—not all of them, but many of them—would be filing in districts which are nonexistent, if the apportionment action by the Wisconsin Supreme Court were set aside. The Court would be in the position where it would be hard to comply with the law without setting it aside, in view of the Dirksen language that a stay shall be granted for the period necessary "to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality."

That means that it would have to be based on the apportionment that preceded the apportionment by our State supreme court late this spring.

That would mean—and I cannot see any other construction which makes any sense, offhand—that our very painfully achieved and almost perfect apportionment would go out the window. There is a saving clause in the Dirksen amendment in the words "in the absence of highly unusual circumstances," and I would be hopeful that that might sustain Wisconsin in the Court. But that is only a hope.

On the other hand, the distinguished junior Senator from Illinois [Mr. Dirksen], who is the author of the amendment, made a statement, according to the New York Times of Thursday, August 13.

The article states that the Senator from Illinois felt that the compromise "retained almost all of the mandatory character of the legislation he proposed last week as an amendment to the foreign aid bill."

The article continues:

> Mr. Dirksen said the legislation was about 99⅔-percent mandatory in requiring district judges to stay apportionment proceedings.
>
> "This is about as mandatory as you can get," he said, "and still leave the door slightly open so that you don't absolutely foreclose the courts from considering [apportionment] cases. Otherwise, it might founder on the Constitution."

The article continues:

> The only exception to these mandatory requirements, what Mr. Dirksen called "the slightly open door," was provided in a phrase saying that stays need not be granted in "highly unusual circumstances."

The 99⅔-percent mandatory character is very discouraging for Wisconsin, and would make it very difficult for our State, in view of the fact that our primary election for the State legislature will be held in less than 4 weeks. It probably would have to be postponed. Attorney Day, my staff, and I went over the Wisconsin law this morning at some length. There is a possibility, under these circumstances, that, with the primary election postponed, and with all that would have to take place between the primary and the general election, our general election would have to be postponed, and the present sitting State legislature would simply carry over.

Mr. **LAUSCHE**. Mr. President, will the Senator yield?

Mr. **PROXMIRE**. I yield.

Mr. LAUSCHE. If the situation is so critical, with only 4 weeks being available, why did not the Supreme Court give some consideration to that possible contingency, and allow, in its ruling, time under which, prudently and carefully, studies could be made and decisions rendered?

Mr. PROXMIRE. The Supreme Court acted with great prudence. The Supreme Court of Wisconsin provided apportionment in ample time late last spring, and candidates have filed in accordance with the Supreme Court decision. Now, under the Dirksen-Mansfield amendment, that action would have to be set aside, and they would have to start all over. They would have to go back to the districts in effect before May 14, 1964. We have a very serious problem.

Mr. LAUSCHE. That is a special situation. I am talking about the States which have not taken any action, and which are pressed for time. If the Court's order is to be obeyed, it can be done only after hasty judgment.

Mr. PROXMIRE. Under those circumstances, I believe that my amendment would meet the situation, although I am sure the distinguished junior Senator from Illinois [Mr. DIRKSEN] will disagree. My amendment provides that a State shall not be deemed to be in the public interest in the absence of highly unusual circumstances. In Oklahoma, there may be highly unusual circumstances; perhaps in Ohio, too.

However, "highly unusual circumstances" would have to refer to a situation in which an election had been held, as is true in some States, and the court would otherwise throw out the election on the ground that the election was not in accordance with the one-vote, one-man principle. I believe that a stay under those circumstances would be logical. My amendment is drawn so that the basic principle would be upheld by Congress, but it would still leave the door open a little so that it would be possible to make adjustments where they would have to be made.

Mr. LAUSCHE. How would the members of the two houses be chosen?

Mr. PROXMIRE. We are very fortunate in Wisconsin. Both houses of the legislature in Wisconsin are apportioned strictly on the basis of population. We have not always been very good in complying with the law. We have at times let 20 or 30 years go by without complying with it. Now we have complied with it. This apportionment might now be thrown out by the Dirksen-Mansfield amendment.

Mr. LAUSCHE. In the case of Wisconsin, it is simple, in view of the constitutional provision. But what about the other States which, for more than 100 years, have proceeded on the theory that the upper house shall be chosen on the basis of geographical representation, and the lower house on the basis of population? Why not allow them time to solve the problem?

Mr. PROXMIRE. I believe that that is perfectly proper. In some cases, the courts have undoubtedly been too precipitous and requested or required action that is difficult to take. But I am sure the Senator from Ohio undertsands the position of the courts. This is the toughest kind of problem for a legislator to solve. Legislators are being asked to apportion themselves or their friends out of jobs. The tendency of legislatures is to slow down, to drag their feet. They always need to be pushed. There will always be that clash. The longer the remedy is postponed, the longer will circumstances exist in which serious difficulty is involved.

Merely to require deliberate action by the courts, to leave the door open, so that the legislatures can adjust on a gradual basis, makes sense.

There are some people—perhaps not a majority as I might hope—who do not think the one-man-one-vote legislature should be based on something other than population. Those who feel that way would be enthusiastic for the Dirksen proposal, so that a constitutional amendment could be submitted by Congress to the legislatures throughout the country, so as to knock out the one-man, one-vote principle forever. That would be the effect.

Mr. LAUSCHE. There are many who subscribe to the doctrine that there must be insurance that in a legislative body neither one segment of the economy nor another shall dominate. It is for that reason that for more than 100 years Ohio has had a two-house legislature, one house chosen on the basis of geographical representation, the other on the basis of population.

If the city man is complaining now, what about the rural man? When both houses have been completely dominated by the influence of metropolitan interests, and the rural groups will have nothing to say. What will the situation be then?

Mr. PROXMIRE. Wisconsin has had this system for many years. There has been no domination by labor leaders or domination by urban areas over city areas. We have had rural representation that has been strong, and continues to be strong. In principle, it seems to me, that there is no basis for giving one person more representation than any other person. But that is what is being done in many places. Why give labor, or farmers, or urban persons, or rich persons more representation? There is no fundamental basis in principle for saying that we must protect some people because they should have protection against others.

Mr. LAUSCHE. The fathers of the Constitution did not think so.

Mr. PROXMIRE. Oh, yes; they did.

Mr. LAUSCHE. I understand the argument that is made. There is no analogy between what is being done in the States and what is being done in the Federal Government. Consider a large State, like California. I do not know its exact population; perhaps it is 15 million. California has two votes in the U.S. Senate. Many other States, having much smaller population, also have two votes. It was intended that there should be equal influence in the Senate.

Mr. PROXMIRE. Any study of the Federalist Papers, and any study of the writings of Jefferson, will show how deeply those men felt about the one-man, one-vote principle. The reason they did provide for the Senate on a different basis was that there was a confederacy before 1787, and a very weak government. It was necessary to bring the States together on some basis. That was accomplished by compromise, which necessarily was imperfect.

Mr. LAUSCHE. The Founding Fathers said, in effect, that some States refused to join the Union unless they have equal representation in the Senate. Those who were seeking to form a union decided that in order to bring those States in, all States would have two votes in the Senate; but that in the House the number of votes should be proportionate to the population of the States.

Mr. PROXMIRE. I understand that; but it should be recognized that the States had a real element of sovereignty, which they still have. It is an important element of sovereignty and an important part of our Federal system. The genius of our system is that we have federalism. We vest great power in the States. By the 10th amendment, the States received a reservoir of power, and still have it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. PASTORE. Are we not missing the point completely? We are debating the question as though this were a constitutional convention. That is not the point. The point is that the Supreme Court, which is one of the three coordinate branches of our Government, has said that unless one man is given one vote, the Constitution of the United States will be violated under our republican form of government. The only way that condition can be changed is by amending the Constitution.

If it is desired to carry out the idea that within a State there is authority to have one branch represent the people and the other branch represent the State geographically constituted, that would have to be done under the terms of the Constitution itself. Therefore, the only way that could come about would be through a constitutional amendment.

As a practical matter, the serious problem that faces us is that the Supreme Court has spoken. I do not believe that Congress ought to say, by legislative fiat, that what the Supreme Court has said is unconstitutional, and that we declare the present practice to be constitutional for a certain period of time. If we did that, we would reach a ridiculous conclusion.

Mr. PROXMIRE. What the Senator has said is absolutely correct. What is extremely important, more important, even, than the reapportionment battle, is our relationship with the Supreme Court. We would be telling the Supreme Court that for more than a year it must not protect what they regard to be the basic rights of citizenship—the right to vote and the right to an equal vote.

Mr. PASTORE. That is correct.

Mr. PROXMIRE. We would be telling the Supreme Court that it must not protect that right. That would be extraordinary; it would be a bad precedent.

Mr. PASTORE. The only argument against it is that what we are trying to preserve for a short period of time, and for practical purposes, is something that we have lived with for a long period of time, until the Court rendered this decision. The argument has no legal value; I will admit that. But if it has not, how do we approach the problem?

We realize that we have a problem. I do not think any of us should take the position that we will tell the Supreme Court it has no right to declare something unconstitutional, and that if it does, we have the right to say that for a certain period of time it shall be constitutional. To take that position would be undemocratic.

How do we resolve this important issue in a sensible way, without impinging upon the constitutional prerogatives of the Court, and at the same time give our citizenry an opportunity, in an orderly fashion, to conduct a sensible election on November 3? That is the question.

We can argue at length about what the Founding Fathers meant, but we shall get nowhere. The Supreme Court has spoken. Congress has no right to impinge upon the rights of the Supreme Court to say what is unconstitutional. Once the Court has said it, Congress has no right to say, "No. That edict under the Constitution shall not take effect for a period of 2 years, or 4 years, because it is impractical to carry out the American ideal."

Mr. PROXMIRE. That is correct; but I think it perfectly proper for those of us who feel strongly about it and also for those who disagree with us to discuss the fundamental principle at stake.

Mr. PASTORE. Yes; but the practical matter is that the Democratic National Convention is soon to be held. I am sorry the amendment has been proposed to the foreign aid bill; I do not believe it has any place in it.

The Senator from Ohio has raised his State's problem; and Wisconsin also has a problem. However, no hearings have been held; we have not heard from the Governors of the States; we do not know what the problems in each State are. Yet by means of this amendment we would be attempting to tell the country what should be done, without knowing the problem in each of the 50 States.

I believe the amendment should be brought forward as a separate bill; I do not believe it should be added to this bill.

Certainly we are confronted with a pressing problem. We should get busy about it. We should hold hearings on it, and we should quickly do something about it, before this session of Congress ends and before election day.

Mr. PROXMIRE. The Senator from Rhode Island is quite correct.

Mr. PASTORE. But I am afraid that by this means we shall not obtain the real answer; and then the Supreme Court will say, "This measure is unconstitutional." Then, after all the effort, day in and day out, we would end with nothing. That is what concerns me.

I hope we shall get to work on this problem, and shall hammer out a measure which will make sense. I do not believe it does much good to discuss the history of this matter.

Certainly this is a very serious constitutional problem, a legal problem, and a practical problem; and in the final analysis we must resolve the problem.

Mr. PROXMIRE. I believe all Senators will agree with me—although for different reasons—when I say we would like to end this debate now, and would like to pass the foreign aid bill now. But it would be terrible to pass the foreign aid bill with this rider on it, in view of the effect the rider would have on Wisconsin. Therefore, I believe I have a right to protest at length.

Mr. PASTORE. Certainly; I agree.

Mr. PROXMIRE. I believe that in doing so, I should discuss the fundamental reasons—on the basis of principle, on the basis of history, and so forth.

One of the reasons for opposing the addition of this provision to the foreign aid bill is that the amendment would deprive the President of his constitutional veto power, insofar as this provision is concerned. Everyone knows that the President would not veto the foreign aid bill. Certainly he should have a right to exercise his judgment on this particular matter, and should have an opportunity to veto the provision, on its merits, if he thought that best.

Mr. PASTORE. That is correct.

At this time, I do not know what the modified amendment would do to Rhode Island. I realize that the two leaders have discussed the matter carefully, and have tried to work out a provision which would make sense. But they do not know the situation in Rhode Island. No Member of the Senate has asked me or the Governor of Rhode Island or the Rhode Island Board of Elections or the Rhode Island Secretary of State. So I say frankly that I do not know whether this amendment would work in Rhode Island.

However, the unfortunate thing is that by means of the amendment, Congress would be telling each State how it should operate on the basis of what would satisfy the situation in the States of the sponsors of the amendment. That is what is wrong with the amendment.

Mr. PROXMIRE. That is another reason why I believe we should examine the effect of the amendment on each of the 50 States.

Mr. AIKEN. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. I have been much interested in the statement the Senator from Rhode Island has made. I realize that he does not know how the Supreme Court's decision would affect his State, because there has not been a specific case affecting his State.

However, there has been a case affecting Vermont; and the Federal Court has ordered that the Vermont Legislature—which will meet in January 1965—do absolutely nothing except to reapportion the State. After the State has been reapportioned, there would have to be new elections, before the legislature could meet again for the transaction of State business. In the meantime, the terms of the appointive officers of the State—except the terms of those who have 6-year terms—would expire, mostly on February 1. The terms of all the municipal judges and the terms of all the State judges would expire before the legislature could possibly complete its work on reapportionment and before new elections could be held. That would mean that during that period of time a state of chaos would exist in Vermont government. There would be no means of law enforcement, because no judge would be legally authorized to hear cases after the expiration of his term of office.

I agree that the amendment would be better considered by itself, as a separate bill. However, there is no chance to do so in time to avoid the chaos which the Court order would create.

I should like to vote for a foreign aid bill now; but I would prefer to have no foreign aid bill at all than to create chaos and anarchy in the United States, because this country means more to me than any other country does, and the maintenance of a genuinely democratic form of government in our country means more to me than the establishment of democracy in other countries.

I am not so much concerned with the decision of the Supreme Court itself as I am to the assumption and exercise by the Court and of the lower Federal courts of powers which, so far as I know, can be delegated to such courts only in such manner and in such measure as Congress may determine. In my opinion, there is a serious question as to whether, instead of interpreting the Constitution, the Court has not just thrown it out the window in part, at least.

However, if we can handle this matter in an orderly manner, so as to prevent confusion in the United States, that is what we should do. After all, anarchy and disdain for law and order is now creeping into our cities. Violence and crime there are on a sharp increase. I notice that in the Metropolitan New York area many special policemen are being appointed to duty for this weekend. Yet those are the areas in which the entire responsibility for the Government of the United States would be concentrated should the philosophy of the Federal courts be carried to its logical conclusion. We should keep away from such a thing. Government to be healthy and just must be in fact fully controlled by the people.

If the Court's order were carried out as it could be, the probable result would be to disfranchise possibly as much as 25 percent of the people of the United States, insofar as representation in their own legislative bodies is concerned.

So, Mr. President, let us take the necessary time to do this work correctly and decently.

I concede that probably one or both houses of the legislatures of perhaps three-fourths of the States are malapportioned. This is the inevitable result of shifting populations. But I do not believe that both houses of our bicameral legislatures should be based on population alone.

It is of vital importance that not only should each qualified person be guaranteed the right to vote but should be guaranteed the right of legislative representation as well.

I wonder whether the Senator from Wisconsin knows of any major country in the world in which both houses of a bicameral legislature or parliament are based on the same criterion. I realize that some small countries—for example, Costa Rica, Israel, and Panama—have unicameral legislative bodies.

Mr. PROXMIRE. Our Presidential system is not a common one. The parliamentary system is more common. Great Britain still has some rotten boroughs; however, Britain is correcting that situation, and at least has the principle of a one-man, one-vote system, although with some defects. I suppose it is true that the British system is no longer de facto bicameral, even though it is de jure bicameral; after all, the British House of Lords has no real power.

However, the fact is that our system is unique and different.

Mr. AIKEN. But what is the use of having a bicameral legislature if both houses are to be elected on exactly the same basis?

Mr. PROXMIRE. Because the system works well. It has worked well in Wisconsin. The senate does serve to give more mature and more careful consideration. The members of the senate have staggered terms. In Wisconsin, most of the members of the senate tend to be somewhat older, and perhaps serve longer, and have more mature judgment.

So there are some significant differences. Certainly, insofar as prudence is concerned, it is found in a bicameral body.

Mr. AIKEN. But the fact is that the Court's order will throw many of the State governments into confusion.

I would say Wisconsin would constitute a special circumstance. If its reapportionment has been satisfactory to both parties and to the people of the State, I know of no reason why the incoming legislature would not approve it. However, that is a matter for Wisconsin to decide, and I should not discuss it.

Instead, I speak of my own State.

Mr. PROXMIRE. Let me reply to the point the Senator from Vermont previously made by saying that I have before me a study made in 1962 by the Twentieth Century Fund. I shall read the first two sentences. They read:

> In many countries with a long tradition of representative government, legislative apportionment is no longer a political issue. In Great Britain and some Commonwealth nations, for example, there is general agreement that parliamentary districts should contain approximately equal populations, and redistricting is accomplished regularly and on a nonpartisan basis. But in the United States, apportionment remains a vexing problem.

Mr. AIKEN. The appropriating authority, however, is also taken out of the hands of the people in some of those countries.

Mr. PROXMIRE. I do not argue that any other country is superior to our country. But I say that in this particular respect, some nations have adopted the principle of one man, one vote. It has worked well. It has worked well in my State. I believe it would work well in the Nation.

I believe the analogy of the Federal Government and the 50 States is entirely different. The Federal system is extremely important. It delegates the residual power to the States. That is very important. But the Nation is really the creature of the States. It was created by the States. It is the very principle behind it. The State creates its own political bodies within its boundaries. It can expand or contract its cities, towns, villages, or counties. They are all creatures of the State. In any Federal system, this would have to be artificial.

We come down to a basic argument as to whether we believe every man in America, whether rich, poor, farmer, or city dweller, should have an equal vote.

Mr. AIKEN. And also representation, as well as vote.

Mr. PROXMIRE. It seems to me that the Supreme Court's position can be supported.

Mr. AIKEN. We can have an equal vote for every person in the country, and still effectively disfranchise a fourth of the people, because they have no power of representation.

Mr. PROXMIRE. Certainly. And by my amendment we would help to solve this problem. It would make the Dirksen amendment operate in the exceptional circumstances that exist, perhaps, in Oklahoma and some other States. It would be put in effect for a period of time, perhaps a year, but under most circumstances, the door would be open. The Supreme Court would proceed as it has been proceeding—toward a one-man, one-vote principle in both houses.

Mr. AIKEN. What is wrong with giving the States a year? The Dirksen-Mansfield amendment, as I understand it, would give the incoming legislature of my State the power to perform necessary business to carry the State through on the usual basis, until reapportionment could be effected, probably later in the spring. But they have been told that they must have everything done by the 15th of March. That would be an impossibility without violating our own State constitution and statutes.

Mr. PROXMIRE. If my amendment were agreed to, it would mean that the courts would proceed with a little more gradual approach. We must recognize, however, that there will always be a clash. The legislatures will resist, for the most apparent, transparent reasons. The Senator and I know people in our own States whose jobs are at stake. They have been in the legislature for many years, and the only way to have it reapportioned is often to place two people in the same party from the same district up for election. That would be a painful thing to do. The people will fight it. They will oppose it. It will take a long time. But they will use this time to try to pass a constitutional amendment which would destroy any possibility of one man one vote at any time in this country.

Mr. AIKEN. I do not agree with that, as to the two houses of the legislature.

Mr. PROXMIRE. Once the amendment is written into the Constitution, it will not be removed.

Mr. AIKEN. I believe that every man, regardless of his status, should have representation and a voice in his legislative body. We could have an equal vote for each person, one vote for one person, and still effectively destroy his franchise.

Mr. PROXMIRE. Mr. President, I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I wish to bring out precisely what the Supreme Court said with regard to the equality of representation.

It is sometimes said that the Supreme Court requires precise, arithmetical equality. I read from page 2 of the opinion in the Reynolds against Sims case, the Alabama case. It is a passage from the majority opinion:

> By holding that as a Federal constitutional requisite both houses of a State legislature must be apportioned on a population basis, we mean that the equal protection clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

In other words, the court is saying that there should be approximate equality, with variations.

Mr. PROXMIRE. Yes, indeed.

Mr. DOUGLAS. I believe this is an important matter to clear up. Charges have been made that it is impossible to place the districts on a precise population equality basis.

Mr. PROXMIRE. I believe that is very important. The Court has been thoughtful, careful, and prudent. It is true that in some cases there seems to be haste, which creates difficulty. But we shall always encounter that kind of situation.

I wish to make one further point. The Senator from Vermont has stressed, as has the Senator from Illinois, that if we do not pass this measure, there will be chaos. If we do pass it, there will be much worse chaos. One reason for that is that there is no doubt in anybody's mind that the Supreme Court may not accept this provision. Federal judge after Federal judge will have to guess whether the Supreme Court will accept a law which may be ruled as unconstitutional. In the meanwhile, before they can act, there will be real chaos everywhere in the country. We now have a situation that is gradually becoming more and more settled. If my amendment should be agreed to, there would be an opportunity in exceptional cases involving difficulty, for the Court to provide a stay for a full year, or more.

Mr. AIKEN. Mr. President, it was not the Supreme Court that gave the order to the State of Vermont. It was a lower Federal court. In Vermont, it was held that the State senate was controlled by 47 percent of the people. There are only two or three States in the Union, as I recall, in which the senate is more nearly representative.

Mr. DOUGLAS. What about the lower house in Vermont?

Mr. AIKEN. The lower house has one vote for each town.

Mr. DOUGLAS. In what proportion?

Mr. AIKEN. Vermont and Connecticut have had approximately the same method of representation in both houses for approximately 125 years. The lower house has one representative for each town or city, while the senate is based on population. The States of Vermont and Connecticut have been better operated over the period of our statehood than any other two States in the Union. We yield to none in this respect.

Mr. DOUGLAS. The smallest district in Vermont has 36 people, and they elect one legislator in the lower house. The largest district has 35,531. It elects one member of the lower house.

Mr. AIKEN. Exactly.

Mr. DOUGLAS. Just a moment.

In Vermont, one person in a small hamlet has as much voice as 1,000 people in the larger town.

Mr. AIKEN. Exactly.

Mr. DOUGLAS. And the fine Senator from Vermont has the extraordinary temerity to stand here and justify that.

Mr. AIKEN. I point out that the largest hamlet in Vermont has 20 percent of the membership of the State senate. The small hamlet to which the Senator refers has never had a State senator to my knowledge.

Mr. DOUGLAS. The State legislature can be controlled if one house of the legislature is controlled.

Mr. AIKEN. I am not defending the house of representatives of Vermont against any charge that it is malapportioned, because it is.

Mr. DOUGLAS. It started in 1793 and has never been changed.

Mr. AIKEN. We are handicapped by a 10-year timelock on the State constitution, which ought to be changed. The timelock became passé probably two generations ago. We have need for reform, but for Heaven's sake, give us an opportunity to do it properly. Do not say that we must do the impossible.

Mr. DOUGLAS. The Senator's State has had an opportunity since 1793. The constitution of Vermont took effect in 1793. It granted equality of representation to each town. The State has had 171 years to do something about it. How much more time does the Senator desire?

Mr. AIKEN. We should have at least 6 months after January 1, 1965. I point out——

Mr. PROXMIRE. I shall yield to the Senator from Vermont in a moment.

Mr. AIKEN. I wish to make one brief statement.

Mr. PROXMIRE. I yield.

Mr. AIKEN. Vermont has been a good State. It has been far more progressive than most States. It had a unicameral legislature for 40 or 50 years, and then that was abandoned because it did not work too well.

I know that the Senator from Wisconsin must be an admirer of Thomas Jefferson. I point out that a Vermont delegate in 1803 cast the vote which nominated Thomas Jefferson on the 38th or 39th ballot, I believe.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. Before the Senator from Illinois replies, I wish to say to the Senator from Vermont that I am delighted that he brought into the debate Thomas Jefferson, because Thomas Jefferson spoke on the issue again and again. Every time he spoke he said that he was for the principle of one man, one vote. He was for the principle of equal representation. He said that it was a cardinal tenet of democracy. He pointed out how people are deprived of effective enfranchisement in the absence of such a system.

Mr. AIKEN. Thomas Jefferson was not giving the Supreme Court superiority over the legislative branch of the Government.

Mr. PROXMIRE. He recognized, as every student must recognize, that the Supreme Court is in many respects, if not in most respects, the weakest branch of the Federal Government. Hamilton spelled it out clearly in the "Federalist Papers." He said that the Supreme Court is, by far, the weakest of the three branches of the Government for it has no purse, as does the Congress, and no sword as does the executive. Again and again, from Andrew Jackson's time, the Supreme Court has had to give in to the superior powers of the legislative branch or the executive branch. I shall develop that point at some length later.

Mr. AIKEN. Once more I point out that we do not pretend to be perfect, even if we have at times laid claim to being the nearest to perfection of any of the States. We do not pretend to be perfect. But we are not miracle workers and we do need time to do the required job of reapportionment. The Dirksen-Mansfield amendment would give us that time.

Mr. President, I would rather vote to kill the foreign aid bill completely than to take any steps which would lead to the ultimate destruction of our democratic form of government, whereby each person has the right to representation in State and Federal legislative bodies.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. I do not wish to poach on the time of the Senator from Wisconsin, but since my good friend from Vermont has introduced the name of Thomas Jefferson, I should like to say that I hold in my hands his famous work entitled "Notes on the State of Virginia," the Harvard edition. On page 112 of that edition Jefferson speaks of the representation in the Virginia Legislature, which, as I mentioned yesterday, overrepresented the tidal counties and underrepresented the back country, and he criticized it. He said:

> This has been a capital defect which has been discovered in the Constitution of Virginia.

Jefferson argued in favor of the equality of representation on the basis of population in both Houses of the legislature. I am glad that Vermont was pro-Jefferson.

Mr. AIKEN. We were.

Mr. DOUGLAS. I am sorry that Vermont has departed from the tenets of Jefferson, largely because of the Civil War.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. Before the Senator from Vermont replies to the Senator from Illinois, I should like to underline what the Senator from Illinois has said. Jefferson protested a malapportionment in Virginia in which the low was 951 constituents and the high was 22,000. That was a ratio of about 20 to 1, or a little worse than 20 to 1. How does that ratio compare with Vermont?

Mr. DOUGLAS. In Vermont the ratio is 1,000 to 1. Thirty-six thousand people elect one member of the Vermont Legislature.

Mr. PROXMIRE. How would Thomas Jefferson feel about the Vermont situation today?

Mr. DOUGLAS. I believe he would feel that Vermont had fallen away from its early faith.

Mr. AIKEN. Now that the subject has been brought up, I should like to point out once more that when the Constitutional Convention met in 1789, the States of Virginia, Pennsylvania, Massachusetts, and New York insisted that representation in the Continental Congress should be based upon population alone, although some of the delegates thought that wealth should also carry weight. If these delegates had had their way, there would have been no United States of America. Fortunately, because of Delaware, New Jersey, and other less populated States, the wealthy-populous States did not get their way. We got a good Constitution. The United States became a great Nation and that is the way we intend to keep it.

Mr. PROXMIRE. Mr. President, the principle has been brought up today. I do not know how we can get away from it. It must be discussed. Though it may not be articulated frequently on the floor, there is no question that there is an underlying feeling on the part of some Senators that a one-man, one-vote rule is a basic, important, and central tenet of democracy. Others believe it is not. After all, if we do not believe in one person one vote, what other principle is there? If we are to dilute that principle, it means that one person must have more influence than another. I do not know how we could reason in any other way. The progress of democracy, from monarchies to the present day, has been to overcome the distinctions and the privileges in some cases involving, giving votes only to property owners, in some cases only to whites. And this is a battle we are continuing to fight with the civil rights bill. Up to 1919, when the country voted on the question of woman suffrage, franchise was given only to males, we have been gradually and slowly overcoming the dilution of democracy which has prevented people from being properly represented.

Now, as the Senator from Illinois in a brilliant statement last night documented in the greatest detail, we have a situation which is worse than it was 100 years ago. It is worse than it was 50 years ago. It is a situation which, as he said, results in some persons having 1,000 times the representation that other persons have.

Mr. President, property is a bad and invidious basis for enfranchisement. But at least there is the logic, however thin, based upon the tax burden which property carries, or the financial responsibility which comes as a result of the ownership of property. Property is a type of capital investment. It might be argued that since a man who owns property will have to pay more taxes than his neighbor who does not own similar property, therefore he should have a greater vote. The logical basis exists although I oppose it. But there is no logical justification for the kind of county apportionment which was discussed so tellingly by the Senator from Illinois [Mr. DOUGLAS] last night, which resulted in serious disfranchisement in State after State.

Furthermore, as will be spelled out by other Senators in the debate, the existing malapportionment has a practical effect, because in State after State the legislature cannot do the job which it should for the suburban groups. For the urban groups the legislatures cannot solve problems related to slum clearance, education, and others. What happens? The cities must come to the Federal Government for assistance.

Mr. CLARK. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. I yield to the Senator from Pennsylvania.

Mr. CLARK. I commend the Senator from Wisconsin for the fine speech he is making. I have read with interest the amendment which he proposes. I personally believe that if we become desperate enough, his splendid amendment would help very much the "robber baron" Dirksen "rotten borough" amendment, which I believe to be bad in its entirety.

The Senator will, of course, be the judge of his own procedure. But, having made his case and having made it as well as he is presently doing, I would hope that he would give some thought to the desirability, for the time being, of withdrawing the amendment until some of the rest of us have had an opportunity to develop our cases and suggest certain other alternatives. It might well be that some time next week an initial motion to table will be made. Then the Senator could come back with the amendment at a later date, rather than putting it up to hazardous chance so early in the debate on the question, which to my way of thinking is one of the most important questions which has come before the Senate in many a long day. I merely offer the suggestion. If my friend does not think it is wise to take it, of course, I shall abide by his conclusion.

Mr. PROXMIRE. I thank the Senator. I shall seriously consider his suggestion.

Mr. President, it has been argued that if we do not act on the Dirksen amendment, we are going to have chaos in the States and great difficulties in the coming elections to the State legislatures. I would like to argue that if we do act favorably on it we are going to have far more serious chaos; and, as a matter of fact, bad as the situation is at the present time, because the Supreme Court has acted firmly and clearly, we are making progress toward a settled, orderly situation.

I think the State that has probably been referred to by more Senators than any other is Oklahoma, which has a very tough and serious problem. I noticed that the Washington Post today, in a dispatch from Oklahoma City, headed "To Prevent Chaos," reports that—

> Gov. Henry Bellmon, saying he must act to prevent chaos, proclaimed a special primary for September 29 to elect a new legislature in compliance with a Federal court reapportionment order.
>
> There will be no runoff. The filing period will run 5 days, beginning August 31. Bellmon also called a special general election for November 3 to complete the legislative elections.
>
> The court declared last Friday that the State's entire legislature is vacant as of November 18. Under Oklahoma law, the Governor must call for elections to fill vacancies.

There may be a difficult situation in Oklahoma. As I pointed out before, my amendment would give the people there an escape valve. However, bad as the situation may be—Oklahoma is attempting to solve its problems.

If the Dirksen amendment were adopted, there would be a very difficult situation in every one of the 50 States, including Oklahoma and including States like Wisconsin, that have reapportioned. So the Dirksen amendment would negate the progress that has been made, and create a situation which would be particularly bad.

What are the courts going to do? Some courts are going to hold that the Dirksen amendment is constitutional and must be complied with. I am convinced that many courts will seriously doubt that it is constitutional for the Congress to say that the Supreme Court shall not protect what we must consider a fundamental American right—the right to equal representation.

If the courts do not consider this amendment to be proper—in some cases they will and in some cases they will not—we shall really have chaos and a difficult situation. I cannot see any alternative.

Fred Mohn, of United Press International, in the Washington Post of last Sunday, wrote a fine article analyzing the progress the States are making in inching along toward the one-man, one-vote rule. I read from that article:

> The U.S. Supreme Court decision 2 months ago ordering "one person, one vote" legislative reapportionment has some States in legal and political turmoil.
>
> Others complied quietly and still others ignored the ruling.
>
> The Court's ruling that both houses of State legislatures must be reapportioned on the basis of population was a potentially heavy blow to the farm and "cow country" minorities that traditionally dominate some houses.
>
> The biggest impact would be in the States with the larger cities and spreading suburbs that are now underrepresented, on the basis of population.
>
> A United Press International survey of the States showed that most were in the process of carrying out the Court's ruling.

Let me repeat that:

> A United Press International survey of the States showed that most were in the process of carrying out the Court's ruling.

Of course, the Dirksen amendment would stop that.

I continue to read:

> But the change, if it comes, still was years away. The long process of amending State constitutions, plus the process of reapportionment itself, meant that legislatures made up according to the Court's guidelines couldn't convene until 1969 in such States as Illinois and Massachusetts.
>
> The Supreme Court decision of June 15 applied specifically to only six States—New York, Delaware, Maryland, Virginia, Alabama, and Colorado. But almost all States are affected. The ruling would outlaw such disparities as the Georgia house, where Fulton County's (Atlanta) 556,326 residents have 3 representatives, and Echols County, with 1,876 inhabitants, has one—a representation difference of almost 100 to 1.
>
> It would affect such legislative decisions as who gets California's limited water resources and how much of the pork barrel goes to Hawaii's neighboring islands.
>
> And it could mean the end of the line for some powerful figures in State political circles if their districts were expanded to include other incumbents.

How important that element is. We are all human. All of us have friends in State legislatures. We know how the proposal affects them. Most of them have given much of their lives to the service of their States. We know how reapportionment may end their careers. So it is human not to want to do anything that will affect them.

If we do not permit the Supreme Court to act now, we are never going to have an opportunity to have what Thomas Jefferson and others regarded as the basic tenet of democracy—equal representation and equal votes.

Mr. Mohn continues:

> Congress has before it legislation that would require one legislative house to be based on population but would allow each State to decide for itself the basis for the other house's district boundaries.
>
> Minnesota Gov. Karl Rolvaag, in appointing a citizens committee to devise a reapportionment plan, said the task was "enormously complicated and fraught with controversy."
>
> The Supreme Court apparently was aware of the complications involved. It gave no specific instructions on how its ruling should

> be carried out, and Chief Justice Earl Warren said each State system should be judged on a case-by-case basis.

What is wrong with that?

I continue:

> "What is marginally permissible in one State may be unsatisfactory in another," Warren said.
>
> The dispute had no effect in Oregon, which reapportioned both houses on the basis of population in 1961 and consequently operates with area rather than population imbalances.

However, I understand that the Dirksen amendment may upset conditions in Oregon, too. I talked with some Oregon people this morning. This article was not written at the time the modified amendment which the minority leader has now placed before the Senate was introduced.

I continue to read:

> While 8 of the State's 30 senators live within the Portland city limits, Senator Anthony Yturri represents a four-county area of nearly 28,000 square miles—a district as big as Vermont, New Hampshire, Rhode Island, and New Jersey combined.

And so forth.

> Reapportionment may come to Vermont next year.

We have been discussing this matter with the distinguished Senator from Vermont.

> The 1965 Vermont Legislature is under court orders to reapportion and then disband without acting on any other legislation.
>
> In New York, Gov. Nelson A. Rockefeller named a special committee headed by Dean William H. Mulligan of the Fordham Law School to make reapportionment recommendations to him by December, when he was expected to call a special legislative session.
>
> A three-judge Federal court last month gave New York until April 1 to pass a legislative reapportionment law based on the Supreme Court ruling.

There is a great deal more than I could read, but the fact is that after careful study and analysis by the United Press International and after direct inquiry by the press the survey details the progress being made in carrying out the Court's ruling.

In other words Congress, by this amendment, would be interfering with the Supreme Court order, which is being complied with, which is progressing, with great difficulty but progressing—it will always be with great difficulty—and is gradually, slowly, and definitely being met.

Mr. President, one of the most remarkable studies that has been made on intergovernmental relations was made by the Advisory Commission on Intergovernmental Relations on October 10, 1962. This was a study of apportionment of State legislatures made by a very distinguished panel, including several Senators. I should like to read the names of some of the outstanding members of the panel. It was a bipartisan group of outstanding men, including John Anderson, Jr., Governor of Kansas; Richard Y. Batterton, mayor, Denver, Colo.; Neal S. Blaisdel, mayor, Honolulu, Hawaii; Howard R. Bowen, citizen member, Grinnell, Iowa; Anthony J. Celebrezze; Secretary of Health, Education, and Welfare; Edward Connor, supervisor, Wayne County, Mich.; C. Douglas Dillon, Secretary of the Treasury; Michael V. DiSalle, then Governor of Ohio; Robert B. Duncan, speaker, house of representatives, Salem, Oreg.; Florence P. Dwyer, Mrs., Member of the House of Representatives; Sam J. Ervin, Jr., Member of the Senate; L. H. Fountain, Member of the House of Representatives; Ernest F. Hollings, Governor of South Carolina; Eugene J. Keogh, Member of the House of Representatives; Karl E. Mundt, Member of the Senate; Edmund S. Muskie, Member of the Senate; Arthur Naftalin, mayor, Minneapolis, Minn.; Graham S. Newell, member of the State senate, Montpelier, Vt.; John E. Powers, president, State senate, Boston, Mass.; Robert E. Smylie, Governor of Idaho; Raymond R. Tucker, mayor, St. Louis, Mo.; Robert C. Weaver, Administrator, Housing and Home Finance Agency; Barbara A. Wilcox, commissioner, Washington County, Oreg.

That is about as distinguished a group of people, representing various levels of government in our country, as it is possible to assemble. This group came to a very interesting conclusion. I shall discuss this study at some length a little later, because I think it is a most remarkable analysis by outstandingly competent people. There were some dissents. The dissenters included some distinguished Members of this body. However, the majority of this distinguished panel of Federal, State, and local representatives came to this conclusion:

> Equal protection of the law would seem to presume, and considerations of political equity demand, that the apportionment of both houses in the State legislature be based strictly on population.

Let me repeat that, Mr. President. This distinguished group of people, after careful study and a comprehensive analysis of the history of the law and political realities, came to the conclusion:

> Equal protection of the law would seem to presume, and considerations of political equity demand, that the apportionment of both houses in the State legislature be based strictly on population.

Governor Smylie, joined by Governor Anderson, Governor Hollings, and several others, would have preferred to have the Commission adopt the following statement of principle:

> Equal protection of the law would presume, and political equity demand, that the apportionment of both houses in the State legislature be based strictly on population, unless the people directly demand otherwise.

This issue was argued, and the majority decided that even if the people did determine otherwise, nevertheless both houses should be based on population.

There was a clear dissent by Senator ERVIN of North Carolina, who said that he thought both houses should be based on population. There was a very interesting and thoughtful dissent by the distinguished Senator from Maine [Mr. MUSKIE], joined by the distinguished Senator from South Dakota [Mr. MUNDT]. However, both of these Senators indicated very strong support for the principle, although with some concern as to how the principle should be carried out.

Because these gentlemen discussed the situation at such length, and considered it so thoughtfully, the Senate should have the benefit of their views also.

After listening to the distinguished Senator from Illinois last night say that State legislatures have been badly malapportioned, I intend to show as conclusively as I can the ill effects which malapportionment has had on our system of government.

I should like to quote now from an excellent work entitled "The State Legislature—Politics and Practice," written by Malcolm E. Jewell, of the University of Kentucky. Speaking of divided government, he stated:

> The other major cause of divided government is the system of representation. Most familiar is a constitutional formula for apportioning at least one legislative branch that discriminates against urban areas. In States like Connecticut, Rhode Island, New Jersey, and Michigan, this has usually prevented Democratic Governors from having complete legislative majorities, while in Maryland it has worked to the disadvantage of a Republican Governor. In both New York and Massachusetts the Democrats have been handicapped by two other factors. Republican legislatures have gerrymandered the legislative districts, designing them so as to help Republican candidates. In both those States, and some others, the Democratic vote has been so heavily concentrated in metropolitan areas and so thinly spread throughout the rest of the State that, under the single-member district system, it has been difficult to gain Democratic majorities in the legislature.

According to all the studies I have seen, the cities have not been gaining in population. The people have been moving to the suburbs. They move to the suburbs because the suburbs are attractive places, but they are places where larger incomes are required than in cities or in rural areas. So the people who have been underrepresented, in the suburbs, are people with higher incomes, who are inclined to be conservative and Republican.

This is not an ideological argument or a partisan argument. It is an argument for equal justice.

I continue reading:

> Illinois, Ohio, and New Jersey are other good examples of States where this has been true. In New York, where Democratic Governors have normally had to contend with Republican legislatures, the disparity appears to result primarily from gerrymandering and the drawing of unequal districts, as well as the heavy concentration of Democratic voters in a few metropolitan areas. In some States the underrepresentation of Republican suburbs may tend to offset the underrepresentation of Democratic cities. There has been evidence of such a trend in States like Illinois, New York, and Pennsylvania.
>
> There are several States, and the number is likely to increase, where the apportionment system works to the disadvantage of the Republican Party. In some traditionally Democratic States where there is relatively little

> Republican strength in rural areas, the Republicans are dependent on growing strength in the urban and suburban areas to overcome their minority status. In such cases malapportionment helps to maintain Democratic dominance of the legislature. An example is Maryland, where Theodore McKeldin served as Republican Governor from 1951 through 1958 with a Democratic legislature; in the lower house the Republicans had only 20 to 30 percent of the members. Organizational factors were one cause, but the underrepresentation of suburban areas hurt the Republicans also. At present Baltimore City is slightly underrepresented in the house; it usually elects a full slate of Democrats. The three largest suburban counties (outside Baltimore and Washington) have 250,000 more people than Baltimore but together elect half as many representatives in each branch; two of these three counties elected predominantly Republicans at the height of Republican strength under McKeldin.

So, Mr. President, the bad effects of malapportionment are not only in the inability of the States to solve the problems that concern the urban and suburban population—the growing population, which is likely to create more problems—but also because malapportionment results in one house being represented by one party, having one viewpoint, one attitude, while the other house is represented by another party, having different views; or in some cases both houses being represented by one party, while the Governor is of another party.

However, most people, no matter how much they believe in independence and checks and balances, recognize that we can go too far. They recognize that we can go too far when this situation continues year after year, and neither party can be responsible; neither party can put a program into effect; neither party can be responsive to the people who elect them.

There is no question that malapportionment is very likely to perpetuate that situation. As Mr. Jewell says:

> The apportionment system may act as a deterrent to a minority party, discouraging it from contesting some of the legislative seats aggressively. It is most important politically when it produces divided government. If a Governor cannot command a legislative majority, and particularly if the apportionment system makes it unlikely that he will in the future, he is forced to bargain with the opposition party to enact his program. The result may be a stalemate, as in Michigan where the Democratic Governor and Republican legislature could not agree on the form of additional taxes.

How well all of us recall the situation in Michigan. Michigan had a wonderful Governor. He was one of the finest and ablest administrators of our time. Mennen Williams is an able, brilliant man. He won more popular support in Michigan than any other Governor of that State ever had. He was elected not once, not twice, but six times. He was the dean of Governors in America. He was a man who had clear, incisive ideas about the kind of program he wanted.

But unfortunately, in most of the years that Governor Williams was in office, there was a divided legislature. It was a predominantly Republican legislature, which disagreed with the Governor. The Republican program may have been just as good for Michigan as the Democratic program; but because one branch of the government was Republican and the Governor was a Democrat, it was extremely difficult for Governor Williams or the legislature to enact a program. There was a stalemate, and the result is well known throughout the country.

In my State of Wisconsin, we were frequently told by our Republican opponents about the Williams administration. We admired Williams; we liked him. We knew how able and efficient a man he was; what a fine administrator he was; what a good Governor he was; and the kind of popular support he had. But he was not able to do the job he wanted to do for the people of his State because he had a divided legislature.

Exactly the same situation could have arisen under a Republican Governor; and it does in many States. One reason for that is malrepresentation. There is malapportionment because there is a tendency, under those circumstances, for the majority of at least one house to be of one party, and a majority of the other house to be of the other party. I defy anyone, including the distinguished junior Senator from Iowa [Mr. MILLER], who is an expert in many of these areas and is also a good student of history, to give me any citation, anywhere, by any of our Founding Fathers or any of our political philosophers, which holds that it is good and healthy to have party responsibility divided; to have one branch of government dominated by one party, and the other branch by the other party; or by having both branches of the legislature controlled by one party, and the Governor representing the other party.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Iowa.

Mr. MILLER. First, I assure the distinguished Senator from Wisconsin that I was not about to make a comment regarding divided legislatures particularly. I wished to comment on the Senator's somewhat exaggerated praise of a former Governor of Michigan. It seems to me that I recall numerous articles having been written about the deplorable state of the finances of the State of Michigan. Michigan went deeply into debt. It piled up a debt of hundreds of millions of dollars during the long tenure of that Governor of Michigan.

I grant that problems arise when there is a division in party responsibility between the legislature and the executive. Nevertheless, for the purpose of trying, at least, to practice some semblance of fiscal integrity, so far as the people of the State are concerned, I have observed that in most States this has been done. But the State of Michigan was a flagrant example of how it was not done.

Mr. PROXMIRE. The distinguished Senator from Iowa has made my point beautifully, far better than I have made it. He has emphasized it well. He has pointed out that in Michigan, a big State, a rich State, a State that had a popular Governor—no one can deny that; he was elected six times, which is an alltime record—there was, nevertheless, a serious financial crisis. I would not deny that. The State did go into debt. But that was because the Governor and the legislature could not agree or get together. They could not operate as a team. Why not?

It was because the Governor felt strongly and deeply about the principles of the Democrat Party, what it was founded on, where it should go, and the manner in which taxes should be raised. The Governor and the legislature foundered again and again on the question whether a sales tax or an income tax should be enacted. This disagreement continued for years. There was tragedy for the people of Michigan; there is no question about it. The Governor knew about it. Democrats and Republicans agreed that it was a tragedy. They could not resolve it. One reason was that Michigan had a badly malapportioned legislature. It was composed of people who had been elected from rural constituencies and areas, who were, predominantly, from a party different from that of the Governor. They disagreed with the Governor and would not permit him to put his program into effect. The Governor was in a position of having either to sacrifice the principles about which he felt very deeply or to fight for his principles—which is what he chose to do—and fight for a program that he thought was based on equity, justice, and fair taxation.

Mr. MILLER. Mr. President, will the Senator further yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. The Senator from Iowa does not intend to reaffirm what the Senator from Wisconsin has said about the administration of that particular Governor of Michigan. What the Senator from Wisconsin just said, I believe, reaffirms what the Senator from Iowa said, namely, that that Governor felt so strongly and stubbornly about certain principles that, as a result, Michigan went hundreds of millions of dollars deeper into debt and became one of the classic examples of poor administration and unsound fiscal control.

I thought I ought to make this point so that the RECORD might show that there are two sides to the comment regarding the tenure of the former Governor of Michigan. I grant that he is a personable individual. I do not gainsay his sincerity. I do gainsay his administration having been a sound example of good administration.

I grant that he is a very personable individual, and I do not gainsay at all his sincerity. I do gainsay the effectiveness of his administration, in terms of good government. Certainly it was not a sound example of good administration. I am sure the Senator from Wisconsin, who is quite knowledgeable about such matters, well knows that if his own State of Wisconsin had gone into debt nearly as deeply as Michigan did, there would practically have been a revolution.

Today, I am pleased to say, the State of Michigan is proceeding, under a Republican administration, to go into the black for once, and it appears that it will continue to do so. In fact, a surplus has been built up.

So I could not remain silent when I heard high praise of the then Democratic Governor of Michigan, in view of the chaotic financial situation which was allowed to develop.

I served the legislature of my State when it had a Democratic Governor; and I grant that there were difficulties. In fact, difficulties now exist there, because Iowa now has a Democratic Governor and a Republican legislature. But regardless of their differences, they have been able to keep the State government in the black and out of the red.

So I believe this is a reflection on the sense of financial responsibility of both the executive branch and the legislative branch; and I regret very much, for the sake of the people of Michigan, that such a sense of responsibility did not exist during the term of that Governor.

Mr. PROXMIRE. This matter is not particularly relevant to the subject now before the Senate. However, I point out that the then Governor of Michigan is a brilliant man. He was an outstanding student in college and in law school, and at a remarkably early age he became a Governor.

The Senator from Iowa has spoken of the Governor's stubbornness. I believe he knows how we evaluate character in our society on the basis of Aristotle's Nicomachean Ethics, applying the golden mean. After all, if a man is brave——

Mr. MILLER. Perhaps we should say extremely brave.

Mr. PROXMIRE. Very well. If a man is extremely brave he may be regarded by people who do not like him as foolhardy. Governor Williams was committed to a principle of justice in taxation, it may be said that he was stubborn because he fought for it.

I believe Governor Williams' administration had many good elements about it. But I believe we agree that the people of Michigan and the State of Michigan and the Governor of Michigan did suffer because there was then divided government.

My point is that when there is malapportionment—as now exists in State after State—there is divided government. That is one of the unfortunate circumstances. That happened in Michigan; and it could very easily happen to a Republican Governor who believes deeply in such principles and, for example, felt strongly that, for one reason or another, the State should not adopt a highly progressive income tax, whereas perhaps the Democratic legislature would take the opposite point of view. The result in those circumstances could be a financial crisis, a stalemate, unfortunate for all the State's citizens.

At any rate, in view of the situation prevailing in Michigan from 1960 to the present time, I believe there are strong arguments on both sides.

From what I know of Governor Williams, he is a fine person; and today he is doing a fine job as Assistant Secretary of State. Certainly, I would be very unhappy if, from this debate, anyone were to arrive at the conclusion that I have other than great admiration for the former Governor of Michigan, now an Assistant Secretary of State, G. Mennen Williams.

Mr. MILLER. Mr. President, will the Senator from Wisconsin yield further to me?

The PRESIDING OFFICER (Mr. Walters in the chair). Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. PROXMIRE. I am happy to yield.

Mr. MILLER. I do not question that Mr. Williams may be a wonderful man. I concede that he is a charming man. But both of us have known charming persons who have gone broke because they did not know how to handle their finances. The only difficulty in that situation was that although he did not go broke, the State of Michigan practically did. But I am willing to admit—as I believe the Senator from Wisconsin will concede—that we were speaking of an extremely stubborn Governor.

I fully realize that there are advantages in having both the executive branch and the legislative branch under the control of the same party. But I suggest that the mere fact that there is a split—with the executive branch in the control of one party, and the legislative branch in the control of the other party—does not necessarily mean that the people will suffer. For example, there was a split between the executive branch and the legislative branch of the Federal Government in 1959, as I recall—at the time when President Eisenhower was in the White House and the Democrats were in control of Congress. Yet because of the ability of those in the White House and the Members of Congress, particularly the Members of the Senate, we were able to have a civil rights bill which I am sure the Senator from Wisconsin will admit was good for the people.

So I point this out merely to suggest that we not become too sweeping in our statements about divided responsibility.

Mr. PROXMIRE. I agree with the Senator from Iowa that there are many cases in which, with extraordinarily good leadership, forbearance, tolerance, and moderation on both sides, progress can be made with a divided government. However, divided government makes the situation much more difficult, and prevents either the one party or the other from putting a platform into effect.

During the Eisenhower administration, when there was a Democratic Congress from 1955 until 1960, we had a great leader in Lyndon Johnson. He made a very strong point of being as fair and as cooperative with the President as he possibly could. He did a magnificent job on foreign policy and on domestic policy, in working with President Eisenhower. Lyndon Johnson was the most powerful majority leader the Senate ever had. When we study history, we find there has rarely been a leader who had the great ability Lyndon Johnson had to get things done. That the country did not suffer more from divided government was a great tribute both to Lyndon Johnson and President Eisenhower.

Certainly there is a very difficult situation when, year after year, there is divided government. In that connection, I refer to the situation in 1947 and 1948, when Mr. Truman was President and when there was what he called "the do-nothing 80th Congress." Regardless of whether a good case can be made for either that Congress or the then President, certainly each one was of the opinion that the other was not doing a good job. The result was that the country did not get very much done.

My point is that if there is to be progress, it is much better to have one party have full responsibility. Then, at the next election, it can be thrown out of office if it is not doing a good job, or it can be continued in office if it is doing a good job.

Mr. MILLER. Mr. President, will the Senator from Wisconsin yield again to me?

Mr. PROXMIRE. I yield.

Mr. MILLER. I was about to take my seat. However, in view of the fact that the Senator from Wisconsin has spoken of the claim that the 80th Congress did nothing, I must point out that President Truman merely alleged that, whereas the 80th Congress was really an outstanding one, and did many excellent things. The Record clearly shows that.

Be that as it may, I emphasize that before we reach any conclusions on the pending business, I believe we had better be very careful that we do not base conclusions on generalities to which there are very numerous exceptions.

The Senator from Wisconsin pointed out the years when our present President, then the majority leader of the Senate, worked out matters with a Republican administration.

I suggest that this is a very good example of what I referred to in suggesting that it does not necessarily follow that because we have a divided legislature and legislative branch the people will suffer. The people may indeed benefit.

Mr. PROXMIRE. Most objective historians 25 years from now will agree that even during that period, which was a period of some congressional accomplishment, if we had had a Democratic President instead of a Republican President, we would have been able to accomplish more, and very probably, if we had had a Republican Congress, instead of a Democratic Congress with a Republican President, we would have been able to have a more coherent Congress. But I believe the Senator is correct.

Of course, we cannot say that necessarily the people will suffer deeply and tragically. I am not arguing that. I am saying that one of the arguments in favor of having the one-man, one-vote situation in our States is that there will be the greater possibility in our States of having one party in control of the governorship, the upper house, and the lower house. The government can then better assume its responsibility and move ahead to solve its problems. Under the present situation, there are great discrepancies in apportionment.

Mr. MILLER. What the Senator just said represents one argument which some political scientists have advocated, for the United States to adopt the British parliamentary situation. But I am sure the Senator from Wisconsin would not be the first to make that suggestion.

Mr. PROXMIRE. The Senator from Wisconsin is completely opposed to the British Parliament as a proposal for this country to adopt. The American system, in my judgment, is very superior.

Mr. MILLER. That is also my judgment.

Mr. PROXMIRE. It is more flexible. At the same time, there are imperfections. I believe it is proper for the Supreme Court, with the help of the Congress, to try to solve its imperfections, to keep our system, but to try to improve it.

In my judgment, there is one way in which it can be improved. As the senior Senator from Illinois [Mr. DOUGLAS] has shown so well, a situation in which 1 person has 1,000 times as much representation as another is not right. But such malapportionment is a fact in our State legislatures over and over again.

Mr. MILLER. The Senator from Wisconsin and the Senator from Iowa share the same views with regard to misrepresentation. But I hope the Senator from Wisconsin and the Senator from Iowa will be around so that we can join and prepare the book to which the Senator referred with respect to the Eisenhower years, to see whether we would have reached the same conclusion—which I doubt—namely, that had we had a Democratic President to work with a Democratic Congress, we would have had a better performance. In my judgment, history will show that the American people benefited greatly from the fact that we had a Republican administration, and they would have benefited much more if we had had a Republican Congress for the Republican administration to work with.

I hope that we shall both be around. If we are, I shall be happy to write a book with the Senator from Wisconsin on this subject, although, we may have a difficult time in agreeing on which chapter to write. But perhaps history will be such that the Senator from Wisconsin will reach the same view that the Senator from Iowa already has reached.

Mr. PROXMIRE. I am delighted that the Senator from Iowa and the Senator from Wisconsin are on all fours. The Senator from Iowa said that we would have had better performance in 1955 through 1960 if one party had been in control. The Senator wants the Republican Party. That is understandable. He is a Republican. I say that we would have been better off if one party, the Democratic Party, had been in control during that period. However, we agree that we should have one party. We should not have a divided government.

We also agree that because of the temperance, moderation, and good sense of President Eisenhower and the majority leaders in the House and Senate, the suffering endured by the people because of a divided government was not as great as it might have been.

Nevertheless, we agree on the fundamental principle that one of the difficulties with this malapportionment, and one of the reasons why the Proxmire amendment to the Dirksen amendment should pass—or, failing that, that the Dirksen amendment should be defeated—is that if we prolong the situation and permit a constitutional amendment to be passed, we shall prolong a divided government. We shall prevent the States from solving their own problems.

I believe the Senator from Iowa, as a good Republican, believes in federalism and believes in the State assuming responsibility and solving its own problems and not deferring to Washington.

Mr. MILLER. The Senator from Wisconsin has an amendment to a pending amendment by the Senator from Illinois and the Senator from Montana.

Mr. PROXMIRE. That is correct.

Mr. MILLER. The pending amendment has nothing to do with the change in the Constitution. He has just made a statement regarding a change in the Constitution. I am not sure that I know what change the Senator refers to.

Mr. PROXMIRE. As I understand, the change in the Constitution is the whole objective of the Dirksen amendment. He is not pressing the amendment merely to waste the time of the Senate and keep the foreign aid bill from coming to a vote. He wants to postpone for 1 year the effect of the Supreme Court action requiring the States to reapportion both houses on a population basis. The Senator is very frank about it. He has said—and I am sure publicly—that during that year it would be possible, if the States desired to do so, to pass a constitutional amendment which would amend the Constitution and make it clear that the States can, if they wish to do so, have one house based on population and the other house on some other basis. I believe that is the prime objective of the amendment of the Senator from Illinois. That is the reason why I am opposed to it.

Mr. MILLER. The Senator from Wisconsin has precisely stated the matter. I regret that the distinguished senior Senator from Illinois is not in the Chamber at the moment. I regret that he did not have the same clear understanding of the constitutional amendment last night that the Senator from Wisconsin obviously has. It is said by some—perhaps the senior Senator from Illinois made this argument—that by reason of this delay, if Congress should pass a constitutional amendment early next year, it would go before the States for ratification by malapportioned legislatures.

Suppose they did. What would they be ratifying? They would be ratifying an amendment which provides that the people of a State—not the legislature, but the people of the State—will decide the composition of the second house. I cannot see anything wrong with that.

Mr. PROXMIRE. There is a great deal wrong with it. We know that this is one amendment that the State legislatures would ratify with great rapidity. They would do it because their jobs are at stake. The jobs of their friends are at stake. It affects them directly. They would not want anyone else to do the reapportioning. It will be to their benefit. They will act promptly. As was said last night, the people will decide the question. I think the Senator from Illinois was correct in saying that the majority of the people would be denied their equality of vote, and the right to have their vote count for so much. As the Senator from Illinois stated, this is an inalienable right that is possessed by everyone in the Nation.

It is absolutely fundamental in the situation which we are now discussing. The equality of vote is not only a central tenet of democracy, but it is also a right that should not be taken away even by a majority of the people. We should not do it.

My belief, as the Senator from Iowa well knows, is that we should not do it. We should abridge a person's right. This is a right that should not be denied, abridged, lessened, or reduced by the majority.

Mr. MILLER. The difficulty with the argument that the Senator has just made, and the completely non sequitur quality of the argument of the Senator from Illinois last night is that there are certain inalienable rights that should not be taken away by majority rule—we are not talking about those.

Mr. PROXMIRE. It is proposed to take them away. We are taking away the right to vote.

Mr. MILLER. Not quite.

Mr. PROXMIRE. An equal vote.

Mr. MILLER. The argument that the Senator from Wisconsin is making is that election to both houses of the State legislature should be on a popular basis. He is arguing that the second house, to which the constitutional amendment that we are talking about would apply, should be on a population basis, and that there is an inalienable right of the people of a State to have it on a population basis. Yet the Senator is turning that argument around and saying that he does not wish the majority of the people to decide the question. That does not follow.

Mr. PROXMIRE. Of course it follows. The Senator from Wisconsin is saying that every person should have an equal opportunity to elect a State senator and a State assemblyman or his State representative. He should have an equal right. As the Senator from Illinois showed so brilliantly last night, in some cases one person will have a thousand times the right that another person has. That is as wrong as it can be. The Senator from Iowa knows that it is wrong.

Mr. MILLER. The Senator from Wisconsin will not get into an argument with the Senator from Iowa on that point.

Mr. PROXMIRE. That is what we are talking about. The Senator says that a State can apportion as a majority of the people want to do it. It would be perfectly possible, with newspaper support, party support, and so forth, in State after State, that one house would not have one-man one-vote representation but representation by each county or each town having one vote. If such a system should prevail, it would be even worse than the kind of bad representation that now exists. This is a technical situation that affects legislators mightily and rank-and-file voters only indirectly, although it is enormously important to all people. It is true that a majority of the people would have a right to upset that arrangement; but because the procedure is not directly attuned to their interests, and because people are very busy and very involved in other things, it is perfectly possible that a majority of the people would because they had had too little time or opportunity to study the issue, vote those rights away for themselves as well as for their fellow citizens. I do not believe that they should do so.

Mr. MILLER. The Senator from Iowa has more confidence in the judgment of the people than has just now been expressed. I emphasize that this business of saying that people have an inalienable right to have both Houses of the legislature on a population basis, and then turning around and saying, "Oh, we do not wish the people to decide that question for themselves," does not add up, because if a majority of the people should, as a matter of inalienable right, control both houses of the legislature, it seems to me that the people themselves are entitled to decide the question for themselves—certainly with respect to the second house.

Mr. PROXMIRE. That argument is always a very appealing one. It is often said, "Leave it to a majority of the people." Would the Senator from Iowa leave to a majority of the people the decision as to whether he could practice his religion, whether he could speak his mind, or whether a newspaper should be allowed to be printed?

Mr. MILLER. The Senator from Iowa would answer that question in the following way: If a majority of the people of the United States wished to adopt a constitutional amendment which would do what the Senator has said, they have the power to do so.

Mr. PROXMIRE. I do not deny that they have the power.

Mr. MILLER. They have the power.

Mr. PROXMIRE. Certainly they do.

Mr. MILLER. If they should take such action, the Senator from Wisconsin and the Senator from Iowa might not like it. If we do not, we shall have to go to some other country.

Mr. PROXMIRE. I am sure that the Senator from Iowa would stand on the floor of the Senate and take as long as he possibly could to oppose that kind of abridgement of the right to practice one's religion. He would fight such a constitutional amendment very hard. He would not wish to be a party to it.

Mr. MILLER. That is correct.

Mr. PROXMIRE. The Senator from Wisconsin is doing that with regard to a clear right that I think is just as fundamental, and that is the right of all citizens to an equal vote in the State legislature.

Mr. MILLER. The point is that the power of our Government ultimately resides in the people.

Mr. PROXMIRE. Of course, it does. I am not disputing that the power lies in the people. The Senate has a right to shut off debate by invoking cloture, to enable it to move ahead with the proposed amendment. The people of the country have the power to adopt almost any kind of constitutional amendment that they wish to adopt.

What I am debating is the merits of the question as to whether we should do it. I do not deny the power.

Mr. MILLER. The Senator from Wisconsin will not have to worry too much about letting a majority of the people decide whether or not a majority wishes to control a second house of a legislature. I think his concern on that point is completely unfounded. If a majority of the people decide for themselves that they do not wish to control both houses of a State legislature, and that there are other factors involved in a check-and-balance system of government which is quite traditional in our American system of government, they ought to have the right to follow that principle. That is all the constitutional amendment would do.

Mr. PROXMIRE. I do not have any idea what kind of constitutional amendment might be considered next year. But I can imagine that there might very well be a situation in which the people might be given an imperfect choice. They might have a choice between a population representation in the second house or they might not be given such a choice. At any rate, the Senator from Wisconsin feels, as the Senator from Illinois has said, that there are certain inalienable rights that I do not want any majority to take away from me or any citizen and this right to vote is one of them.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. The Senator from Wisconsin and the Senator from Illinois, I believe, made the same error when they talked about the proposed constitutional amendment being ratified quickly by malapportioned legislatures, so that the legislators could perpetuate themselves in office. How could they possibly perpetuate themselves in office if the people should decide to put both houses on a population basis? It would be impossible. That is why I say, whether the legislatures concerned are malapportioned or apportioned to perfection, if they ratify the constitutional amendment and put both houses on a population basis, they leave it to the people to decide that question. I do not see how we would have anything to worry about.

Mr. PROXMIRE. I believe there may be more merit in some constitutional amendments than in others, but I shall certainly favor no constitutional amendment which would abridge the right to vote in any way. There is no guarantee that any constitutional amendment which would pass the Senate next year would provide that the people must have a choice in deciding whether one house or both houses were on a population basis. There is no guarantee of that. We do not know what kind of constitutional amendment might come before the Senate.

Mr. MILLER. Meanwhile there is no guarantee that any amendment would be adopted.

Mr. PROXMIRE. Meanwhile, the situation arises in which the Supreme Court is told that it cannot protect what the Supreme Court considers to be a fundamental right of American citizens—the right to have equal representation in the State legislatures. That is what the Dirksen amendment would do. There is no question about it.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. I am afraid that the matter the Senator has referred to is more theoretical than practical. As I pointed out last night in a colloquy with the Senator from Illinois, I think most of the Federal courts will be reasonable and practical. I used the example of my own State, where a three-man court ordered the Iowa Legislature to do two things: first, to adopt an interim reapportionment plan to which nominations would be made in our primary election last June and to which Representatives and Senators would be elected in the general election in November, to meet next year; second, Iowa is to have a permanent reapportionment plan to go into effect thereafter.

I cannot believe that the Senator from Wisconsin would suggest that the court now, in view of the Reynolds against Sims Supreme Court ruling, would issue an order tomorrow or next week to the Iowa Legislature to reconvene, to have 10 days to place in effect a reapportionment plan in accordance with the Supreme Court's decision, to enact a law for a special primary election 2 weeks after that, and then to have them all elected in November. I cannot believe the Senator from Wisconsin would suggest that a court is going to do that.

Mr. PROXMIRE. I agree wholeheartedly with what the Senator from Iowa has said. This is exactly why the amendment of the Senator from Illinois would be inappropriate. I rely on the prudence and wisdom of a Federal court that is on top of the situation to proceed properly. The Dirksen amendment would prevent that.

Mr. MILLER. No.

Mr. PROXMIRE. Just a moment. I have the floor. I am going to read the amendment. It provides for a stay for the period necessary—and anybody in legislature, or another, can apply for the stay—"to require any election occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality and"—not only that, but in addition—"to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution."

The Dirksen amendment would deny the court discretion. The court now has discretion. The courts can move ahead according to their own prudent ideas. As Chief Justice Warren said, the States can be handled on a case-by-case basis. That is being done. Now the proposal is to delay the procedure until January 1, 1966. Any member of the legislature who lost his seat because of reapportionment could stop reapportionment in his State. This is true in my own State. The amendment is going to be very destructive in Michigan and other States.

Let me read lines 6 to 9 on page 1 of the amendment:

> Any court of the United States having jurisdiction—

They all have jurisdiction in these cases—

> of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order.

They have to stop it. This amendment deprives the courts of their discretion. That is the trouble. We are trying to do the job that the courts ought to do.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MILLER. The Senator did not read far enough. It provides that there shall be a stay, but the Senator did not add these very important words. For how long? "A reasonable opportunity." Who is going to determine what is "a reasonable opportunity"?

Mr. PROXMIRE. Oh, no; the proposed law does that by providing that the Court is prevented from acting before January 1, 1966. That is the rest of this year and all of calendar 1965. The proposed law so provides specifically.

Mr. MILLER. The Senator from Iowa was referring to the second paragraph to which the Senator from Wisconsin referred. This was the point I thought we were talking about. The provision is that the States shall be granted a period to allow the legislature "a reasonable opportunity." The "reasonable opportunity" will be decided by the Court.

Mr. PROXMIRE. The Court could decide that now, without any interference by the Congress of the United States. On page 2, line 3, the amendment defines what a "stay" is. It reads:

> A stay for the period necessary—

To permit any State election of representatives occurring before January 1, 1966.

On what basis? On the basis before the reapportionment took place. That means that the Wisconsin reapportionment, and I think that of Michigan, and I am sure of most States that are trying to comply with the order, will be thrown out the window. It would cause chaos. I think the Senator from Iowa has brought out why the Court cannot proceed prudently if the Dirksen amendment passes. Its hands are tied.

Mr. MILLER. I am pointing out that the Court is given power to proceed prudently, because the discretion of what is "a reasonable opportunity" is entirely up to the Court. It is this discretion which I think the Court ought to have and which the Dirksen amendment gives it.

Mr. PROXMIRE. If the Senator would offer an amendment, which I would be delighted to support, to strike out the language on page 2, lines 3 to 16, the amendment would not be nearly as bad as it is now. But that language is in the amendment very specifically. It provides that a stay for the period until January 1, 1966 shall be granted. There is no alternative. The stay must be granted. Reapportionment must be stopped. The States would have to go back to the situation in accordance with the laws in effect immediately preceding any adjudication of unconstitutionality. If that means anything, it means that all the reapportionments made in the States—and the UPI study said most States are complying, would be upset in order to comply with the amendment.

Mr. MILLER. The Senator apparently is referring to a part that I was not discussing.

Mr. PROXMIRE. The part I have been discussing affects the part the Senator from Iowa has been discussing.

Mr. MILLER. If the Senator were striking out anything, he would be striking out lines 9 to 16.

Mr. PROXMIRE. Would the Senator agree to eliminate lines 4 to 8?

Mr. MILLER. Would the Senator agree to leave lines 9 to 16 in?

Mr. PROXMIRE. I would be delighted to support an amendment to strike out lines 4 to 8, if that is the burden of it, because I think we would be making a little progress.

Mr. MILLER. Would the Senator leave the rest in? It provides that a reasonable opportunity will be granted. It is obviously going to be decided by the Court. I think the Senator should be consistent.

Mr. PROXMIRE. If the Senator can persuade the Senator from Illinois to delete lines 4 to 7, the Senator from Wisconsin will not talk very much. While my vote does not count for much——

Mr. MILLER. It counts as much as that of any other Senator.

Mr. PROXMIRE. Perhaps 10 or 12 other Senators will agree with the Senator from Wisconsin. Perhaps there will be fewer. If the Senator will use his offices with the minority leader to persuade him to eliminate that language, we may progress. There may be a few scattered votes against the amendment, but it would be a vast improvement.

Mr. MILLER. While the Senator from Iowa attempts to use his good offices with the minority leader, will the Senator from Wisconsin attempt to use his good offices with the majority leader, who is also a sponsor of the amendment?

Mr. PROXMIRE. I shall be delighted to do so.

Mr. MILLER. I thank the Senator.

Mr. PROXMIRE. Mr. President, the Senator from Wisconsin has been trying to argue that the stalemate which results from divided government brings atrophy to State government, because it means that in case after case—one could cite many examples, especially anyone who has served in State legislatures—the State does not act.

One of the most conspicuous examples is Michigan. During many years a fine Governor was serving while the legislature was of another party. He was not able to move ahead in solving the problems, because he would not compromise his principle and the legislature would not compromise its principle. They were of opposite parties. The result was a deadlock.

This situation is not confined to Michigan. We know that it has happened in many States. This leads to an increase in power by the Federal Government. That is something that both parties have protested.

Perhaps Republicans have been more vehement than Democrats in their protests. All of us realize that these problems should be solved at the place that is closest to the people. If we believe that, it seems to me that we should do our best to see to it that the State legislatures are apportioned in a way that will make them more responsive to the people, and more likely to be of the same party as the Governor.

Probably the most frequently quoted statement concerning this point was made by the Kestnbaum Commission. This was an outstanding Commission appointed by President Eisenhower, and headed by one of the most brilliant business-statesmen of our country, Mr. Meyer Kestnbaum. This is what it had to say about this situation:

> Reapportionment should not be thought of solely in terms of a conflict of interests between urban and rural areas. In the long run, the interests of all in an equitable system of representation that will strengthen State government is far more important than any temporary advantage to an area enjoying overrepresentation.

It is unfortunate that this has not been emphasized sufficiently. There is a perfectly natural tendency on the part of many people who listen to this debate and on the part of reporters writing about the debate, whether in Congress or in State legislatures, to picture this situation as a clash between urban and suburban people on the one hand, and rural people on the other hand; between farmers and consumers; beween the cow counties and the big urban counties. This is most unfortunate, because everyone gains under fair and equal apportionment, when there is a strong State government that can meet the problems, whether they be urban or farm problems.

I have seen many cases in which the failure of Congress to act or the failure of a State legislative body to act to solve an urban problem has resulted in the urban members of the State legislature retaliating by dragging their heels when rural problems came along.

One way of preventing this kind of situation is to see that both bodies are fairly proportioned with respect to population, so that one body does not feel that it has primarily an urban responsibility and the other a primarily rural responsibility which results in a deadlock.

The Kestnbaum Commission report stated:

> The problem of reapportionment is important because legislative neglect of urban communities has led more and more people to look to Washington for more and more of the services and controls they desire.

This is something that legislatures must consider very deeply. The Eisenhower-appointed Kestnbaum Commission, after making the most comprehensive study of intergovernmental relations that has been made perhaps in this century—a very comprehensive and able study by the most competent people in America—said—and I wish to quote it again:

> The problem of reapportionment is important because legislative neglect of urban communities has led more and more people to look to Washington for more and more of the services and controls they desire.

Because the problems are not solved on a local basis—and they must be solved on a local basis—we must meet very difficult problems in our cities in connection with employment, delinquency, and education. They are not solved because of bad apportionment. Everyone knows it. It is because they are not solved that people look more and more to Washington. The Commission report goes on to state:

> One result of State neglect of the reapportionment problem is that urban governments have bypassed the States and made direct cooperative agreements with the National Government * * * the multiplication of the national-local relationships tends to weaken the State's proper control over its policies and its authority over its own political subdivisions.

We have often heard criticism, not only in the 1940's and 1950's, but also in the 1930's, and opposition on the part of conservatives to the State-Federal aid programs, on the ground that the Federal Government's long hand was going to dominate the State and weaken the State. There is something to that contention. However, the answer is to strengthen the State government so that it can solve these problems on a State basis. One reason it is not done is because of malapportionment.

I am talking about something that is as fundamental as can be. If the Dirksen amendment is adopted, it will be used to pass a constitutional amendment, and we shall never have the principle of one man, one vote in this country. Everyone who has followed this situation knows this. That kind of constitutional amendment will not be upset, because it would be greatly against the interest of those who serve in the State legislatures.

The report continues:

> The multiplication of national-local relations does, of course, weaken the State's proper control over its own policies and its authority over its own political subdivisions. The (Kestnbaum) Commission correctly pointed out that the National Government is often more responsive to urban needs, because urban interests are frequently more effectively represented in Congress than in their own State legislatures. The same shift in population which has made our State legislatures less representative has made the Congress more representative of urban areas. For, unlike most State legislatures, the National House of Representatives has been reapportioned after almost every decennial census. Moreover, since U.S. Senators are elected at large, they have become increasingly dependent on urban voters for their election to the Senate.

We are dealing with a very practical problem that will have a great effect on the Nation for a long time.

I should like to read from the Republican platform of 1964, which was adopted last month and on which, as I understand, the Republican candidate for President, BARRY GOLDWATER, and Republican candidates for the Senate and House of Representatives will run in the fall. Under the headline "Faith in Limited Government" and under the subtitle "In Furtherance of Our Faith in Limited, Frugal and Efficient Government," there appears the following:

> We also pledge revitalization of municipal and county governments throughout America by encouraging them, and private citizens as well, to develop new solutions of their major concerns through a streamlining and modernizing of State and local processes of government, and by a renewed consciousness of their ability to reach these solutions, not through Federal action, but through their own capabilities.

These are beautiful words, and they are words that many millions of Americans will enthusiastically subscribe to. However, they do not mean a thing unless the States are able to handle their problems, and unless the legislatures are responsive to the people, and are properly apportioned to meet the problems of the State.

There is no question that when there is the kind of malapportionment, the kind of emphasis on rural, antiurban apportionment that exists, these fine words in the Republican platform will not stand up. Let me repeat—"by a renewed consciousness of their ability to reach these solutions, not through Federal action, but through their own capabilities."

On that basis, it is difficult for the Senator from Wisconsin to understand how the distinguished minority leader, the leader of the Republican Party in the Senate, can propose such an amendment, when everyone who has made a study of intergovernmental relations, and everyone we can find who has made a scholarly study of apportionment agrees the State government will be more efficient, and can do a better job if it is apportioned on the basis of population.

Professor Jewell, in his recent book, copyrighted in 1962, on State legislatures, has written on this very subject. I should like to quote from him in emphasis of the fact that although many people may argue that this is a partisan issue, it definitely is not.

If anyone can believe in the sincerity of Governor Rockefeller, of New York—and I do—and of Governor Scranton, of Pennsylvania—and I do—the essence of their State responsibility creed, as they have said over and over again is that the States should solve their problems.

If this is to be done, I think we must recognize that both rural and urban persons should have an equal opportunity to be represented in State government. Professor Jewell comments briefly on that. He says:

> There are essentially three ways in which a rural group might maintain its control over the legislature. Since the responsibility for reapportionment is usually delegated by the State constitution to the legislature, the majority group in the legislature could simply do nothing. A second strategy would be to secure constitutional standards for apportionment that would preserve rural control in one or both branches of the legislature. A third method would be to pass redistricting bills from time to time that gave proportionately greater representation to rural than to urban areas and perhaps favored a particular party. These techniques have sometimes been used in combination. In Illinois, for example, there was no reapportionment of the State legislature from 1901 until 1955, to the distinct disadvantage of Chicago and the other parts of Cook County. When reapportionment was finally achieved, downstate groups were able to exact a high price for it, a new constitutional provision guaranteed periodic reapportionment of the House on a population basis but established a Senate apportionment that assured a numerical majority to the downstate area.

This is another example of why the arguments that are used on the part of those who say, "Leave it to a referendum; after all, the people will decide whether they want one house based on population and the other house on some other basis," are fallacious. Those in a State legislature who believe deeply in the principle of one man, one vote, those who believe that urban people have a right to fair representation, can be blackjacked, as they were in Illinois, in a situation in which the choice given the people was a choice that resulted in predictable support for one house that is based on area, and will be based forever on area, if the proposed constitutional amendment is adopted. There will be no way of changing such an amendment once it is placed on the books, because we know that once State legislatures are given one house that may be established on some basis other than population, it will never be possible to meet the constitutional requirements that three-quarters of the State legislatures give up the privilege which those legislators have and deny many of the people who are sitting in the legislatures, and deny friends of those sitting in the legislatures, their jobs, and end their careers. They will not do it. It will mean that the amendment will be just as permanent a part of the Constitution as the one part of the Constitution that cannot be changed, namely, the part which prevents depriving a State of its two votes in the Senate.

Continuing a little further from Mr. Jewel's statement:

> Though apportionment systems vary greatly in the different States, the legislative

> districts are always based on existing units of government, usually the counties but sometimes cities and towns. Sometimes all counties (or cities and towns) are equally represented, but the apportionment generally bears some relationship to the population of these units and consequently is supposed to vary as population changes.

The Senator from Illinois [Mr. DOUGLAS] showed last night how wide the variations are. In some States, they are as much as 1,000 to 1—in other words, one person having only one-tenth of 1 percent of the representation in a State legislature that other persons have.

I continue the statement:

> Most State constitutions require periodic reapportionment of one or both houses and delegate this responsibility to the legislature. Though the language of the constitution usually makes this reapportionment mandatory (normally after the Federal census), legislative bodies have frequently delayed for many years. The example of Illinois has already been cited. Although (or perhaps because) the Tennessee constitution provides for almost no distortion in the population principle for apportionment, the legislative seats in that State were last apportioned in 1903, and house districts there vary from 3,500 to 79,000 in population. There are several other States with apportionments at least 30 years out of date.

In my judgment, a fundamental, vital, and absolutely cardinal tenet of democracy is at stake in the issue on this amendment. That is the one-man, one-vote issue. It is one that has been discussed and considered by political philosophers for centuries. It is one in which the Founding Fathers, in whom we have so much faith, and whom we cite so often, and who, we feel, performed so brilliantly in establishing this Nation, had firm and definite convictions. Those convictions come down overwhelmingly on the side of one man, one vote.

I shall discuss a little later the aspect of federalism and its nature, and why it was necessary to compromise, if there was to be a Union at all; and why, in a great national government such as ours, it is desirable to have a Federal system, a degree of sovereignty, and a basis for the delegation of power, because such a system diffuses power and prevents one big Central Government from dominating and prevents the kind of tyranny that can quickly develop, even in a democracy if there is not a Federal system.

But none of that is at stake in providing for equal apportionment in both houses of a State legislature.

As the Twentieth Century Fund stated the point:

> The history of democratic institutions points compellingly in the direction of population as the only legitimate basis of representation today.

This is a study that was made by Prof. Gordon E. Baker, of the University of California; Dr. John E. Bebout, of Rutgers University; Prof. Paul T. David, of the University of Virginia; Stanley H. Friedelbaum, associate professor of political science at Rutgers; and Anthony Lewis, who is one of the outstanding correspondents in the Nation, a brilliant reporter for the New York Times. He has covered the Supreme Court for many years.

He understands as well as does any other person in the Nation the judicial aspects and the interrelationship between judicial and legislative government.

This is what this distinguished body found:

> The history of democratic institutions points compellingly in the direction of population as the only legitimate basis of representation today. The first parliamentary institutions reflected their feudal origins. Social, economic, and political powers were in the hands of a few families. Communications and transportation were primitive. Government itself had only a marginal effect on most men's lives. In those circumstances it was natural that parliaments should represent not people but great estates, titles, wealth, geographic strongholds. But as feudal concepts of privilege ended and social and economic leveling took place, political responsibility spread also.

The Senator from Pennsylvania [Mr. CLARK], who not only is a wonderful Senator, but also is a very colorful and imaginative orator, said earlier that we were protesting baronies. Yesterday, he said we were talking about rotten boroughs. He is right, it is a fact that this area apportionment harks back to a feudal situation.

I read further from the conclusion of the panel:

> Under generally accepted democratic theory, that responsibility falls today upon every citizen. At the same time, in an increasingly complex industrialized society, government becomes vastly more important and impinges more heavily on men's lives. It is no longer tolerable for a House of Lords to exercise real legislative power over a people with no voice in it. As transportation and communications are revolutionized, the logic of separate representation for geographic strongholds disappears. The cry of "one man, one vote" heard today in the emerging new lands of Asia and Africa is no more than a reflection of democratic philosophy learned from the West.
>
> In the year 1962—

The pamphlet was written in 1962—

> no basis of representation other than population is defensible if candidly stated and examined for what it is. There is talk, for example, of "area representation." But acres do not vote, nor do trees. When a sparsely settled area is given as many representatives as one much more populous, it simply means that the people in the sparse area have more representation. No matter how stated, it is people who choose the representatives.

The issue here is whether we think some persons should have more influence than others with the State legislatures, whether we believe in "one man, one vote," or do not believe in it.

I continue to read from the 20th Century Fund study:

> And so any forthright statement of a nonpopulation theory of representation must rest on one of two propositions: Either there must be an implication that the residents of sparsely populated areas are more virtuous than other Americans and hence deserve more representation in legislatures, or else a contention that they have special needs which can only be met by giving them greater representation than that afforded others.
>
> Belief in rural virtue does exist—

I certainly believe in rural virtue—

> but that is not likely to be advanced seriously as a reason for nonpopulation apportionments. Not many legislators would stand up and argue openly that their constituents are so much more honest and intelligent than others that each should have 2 or 3 or 10 votes. In any case, it is impermissible in a mature democracy to start comparing the merits of different population groups for purposes of weighing their votes.
>
> The principal reliance, then, of those who advance something other than population as a basis for representation must be on the argument that certain classes of citizens have special problems that justify giving them more than proportionate power in the legislature. This contention is indeed made in behalf of the rural areas which are now so generally overrepresented in State legislatures; it is often said that the rural population is a minority with special needs that would be neglected in a legislature faithfully representing the State's population as a whole. But surely the problems of cities and suburbs, and their need for government aid, have been as great as those of rural areas in recent decades; yet no one has been heard to argue that city and suburban voters should therefore have been given disproportionate weight in legislatures. As for the argument that rural citizens are a minority needing special protection, would anyone contend that in the States still predominantly rural—North Dakota, for example, or Mississippi—the urban minorities should be given extra legislative seats?

Mr. PEARSON. Mr. President, will the Senator from Wisconsin yield for a question?

Mr. PROXMIRE. I yield.

Mr. PEARSON. Not long ago, I received a letter from a constituent in western Kansas who made what I consider to be a rather valid point on reapportionment. His point was that on the high plateaus and in the plains, where in some cases there are more cows than people, representation under the "one person, one vote" formula would result in a situation in which any constituent who wished to visit with his representative in the State legislature would have to travel many miles, and a representative who wished to maintain the necessary contacts with his constituents would likewise have to travel very long distances; and he said that the people in such areas are thinking very much about the problems thus involved.

I am sure the same is true in other States—for example, in western Nebraska.

Mr. PROXMIRE. That is a very legitimate point, and it should be given proper weight. The same problem exists in upper Wisconsin, where there are relatively few people in a large area.

I believe this point was a much stronger one before the advent of the automobile. But today there is no question that even though there are some large districts in Wisconsin and in other States, including Kansas, it is a fact that any representative can, by means of modern transportation, travel from one end of his State district to the other within an hour. Today, with the facilities of modern transportation, it is possible for a representative to cover his district in a relatively short time, and it is likewise possible for a constituent to see his representative without having to take too much time.

If a district is confined to a few blocks in a city, undoubtedly it is easier to do that; but today almost everyone either has an automobile or has access to an automobile; and the improved roads and the faster means of transportation make such communication easily possible, although the problem does exist. Nevertheless, I do not believe it compares in importance with the "one man, one vote" principle, which is basic and vital.

Mr. CURTIS. Mr. President, will the Senator from Wisconsin yield to me?

Mr. PROXMIRE. I yield.

Mr. CURTIS. Would the Senator from Wisconsin carry the theory of "one man, one vote" to the U.S. Senate?

Mr. PROXMIRE. No, indeed; and later I shall make that point clear, although I shall refer to it briefly now. I would not apply it to the U.S. Senate, because ours is a Federal Union composed of States which have a very definite and clear degree of sovereignty. The 10th amendment reserves to the States all the powers not expressly conferred by the Constitution upon the Federal Government. That was made clear in the Constitution. Before the adoption of the Constitution the individual States raised their own taxes and maintained their own armies. So the Union was created only by means of a compromise, which brought about the creation of a powerful Central Government which can wage war and can impose taxes throughout the Nation; yet each State is to have as much sovereignty as possible. That is possible in important part, I believe, by having two Senators for each State. That arrangement is most wholesome, and I favor it.

Mr. CURTIS. Would not the Senator from Wisconsin agree that when the Federal Government was formed, the States delegated certain powers to it?

Mr. PROXMIRE. Yes.

Mr. CURTIS. In short, the Federal Government is one of delegated powers. The States never delegated to the Federal Government any power over the State constitutions—in this case, in regard to the establishment of their own legislatures—did they?

Mr. PROXMIRE. When the Constitution was written, as the Senator from Nebraska well knows, there were no constitutional amendments. The Constitution as initially created is not the same as the one we have today. As the Senator from Nebraska well knows, the original Constitution was amended, not only by the Bill of Rights—which many of us feel are among the most important provisions of the Constitution—but also by the 14th amendment, which I believe has correctly been construed by the Supreme Court of the United States as meaning that the States delegated to the Federal Government the responsibility to prohibit individual States from abridging the privileges of citizens of the United States. Certainly one such privilege is an equal vote. It is in my book just as important as the right of freedom of speech or the right of freedom of assembly or the right of freedom of the press.

Mr. CURTIS. The Senator from Wisconsin has a right to his views; but I point out that the States never provided the Federal Government with the right to provide for the State legislatures.

Mr. PROXMIRE. I think that was done my means of the 14th amendment.

Mr. CURTIS. Oh, no. The phrase "one person, one vote" is a catch phrase, but it does not have nearly the validity that is applied, for example, in a court of law, to the parties to a suit. Each party may be well represented by an attorney. The adversary party is just one person, and has perhaps one attorney; but that does not mean that the parties are denied equal rights, or that one of them has a 50-percent handicap.

The doctrine of the recent Supreme Court decision was just picked out of thin air. I do not believe there is any justification in the Constitution for the Federal Government to assert authority as to how the States shall make up their legislatures.

Mr. PROXMIRE. My answer is that I believe the 14th amendment does provide that. Some people would dispute that the 14th amendment was properly ratified; I understand that was disputed yesterday by a very distinguished Member of the other body.

I shall read the part of the amendment which I believe provides this protection:

> ARTICLE XIV
>
> SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I suppose one can construe that in various ways. But it seems to me that a proper construction—and I believe a highly desirable, perfectly proper, logical construction—is that privileges of American citizens—not be abridged by the States—include the right to an equal vote for the State legislature, if privileges or citizenship mean anything.

Mr. CURTIS. No. Equal representation does not mean that. It means that the whole body of laws will give the same protection to one citizen that it gives to another. We cannot follow the argument that the Senator is advancing without coming to the conclusion that the Senate should no longer be constituted as it is, but that it should be on a population basis.

Mr. PROXMIRE. Oh, no indeed.

Mr. CURTIS. Is the 14th amendment not binding on the Federal Government?

Mr. PROXMIRE. There may be a contradiction, as there are in many of our documents. But I believe it is very clear that there are many reasons that the Senate of the United States is an eternal institution. As long as the Republic lasts, there will be a Senate of the United States. Because, of course, we cannot deprive a State of their two Senators, even by an amendment.

Mr. CURTIS. How do we know? The Supreme Court with one decision nullified many of the State constitutions. I contend that they had no authority to do it whatever. The States have never delegated authority to the Central Government to override State constitutions with regard to how the States set up their legislative bodies.

Mr. PROXMIRE. The Senator is making two arguments. One argument is that the States have never delegated the authority over a citizen's right to vote. I say that that authority was delegated in the 14th amendment. The other argument the Senator is making is that there is no real difference between the State right to have one body not based on population and the Federal right to have a Senate not based on population. I believe we all recognize that the Senate was established in the Constitution with great wisdom. I believe no one can deny that there is a clear and proper element of sovereignty in the States. This is because the sovereign States surrendered part, but only part, of their sovereignty when they became States. Without this retention of sovereignty by individual States, there would have been no United States.

But where is the sovereignty of the counties, or towns, or rural areas? Where? There is not any. No county has ever created a State. States create, abolish, extend, modify counties at will. To treat them as "little States" is ridiculous.

It is true the Federal Government may delegate some of its power to the States.

Mr. CURTIS. There is no delegation to the States. The States have the power of delegating to the Federal Government.

Mr. PROXMIRE. I recognize that the Senator is making a legal argument. I am making a practical political argument. The Federal Government may under some circumstances delegate part of its taxing authority, if it may wish to do so, under some certain circumstances, and delegate other power at times.

Mr. CURTIS. That is exercising power that the States have specifically delegated to the Federal Government.

Mr. PROXMIRE. That is correct.

Mr. CURTIS. From the very beginning it was given the power to tax. By amending the Constitution, it was given the power to tax income. But they have never given them power to set up the State legislature.

I believe it is time for the whole country to serve notice on the Supreme Court that it is not a legislative body, that it is not omnipotent. States do have sovereignty. The real sovereignty rests in people. The same people that brought forth the Constitution of the United States brought forth the State constitutions. The State constitutions existed before the Federal Constitution. Every new State that comes into the Union has all of the powers that each of the original 13 States had.

Mr. PROXMIRE. In reply to the Senator from Nebraska, it seems to me it is just fundamental that we should recognize that the Supreme Court of the United States has a duty to provide a protection for individual citizens, of their fundamental right—the Senator from Illinois [Mr. DOUGLAS] calls it an inalienable right. Thomas Jefferson said that the principle is as clear as it can be that there is a right of equal representation in the State legislatures.

The Senator from Nebraska may feel that that is legislation by the Supreme Court. I feel that it is an action in complete compliance with their duty and obligation under the 14th amendment to the Constitution.

PUBLIC WORKS APPROPRIATION BILL, 1965—CONFERENCE REPORT

Mr. ELLENDER. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11579) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission for the fiscal year ending June 30, 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER** (Mr. MCINTYRE in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The **PRESIDING OFFICER.** Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ELLENDER. Mr. President, the conference report was signed by all of the Senate conferees, although the distinguished Senator from Washington [Mr. MAGNUSON] signed except for amendment No. 2, construction, general, of the Corps of Engineers.

The reason for that was that a project added by the Senate in the State of Washington was not agreed to by the conferees. It was left out. For that reason, I presume the Senator took exception to the conference agreement on amendment No. 2.

Mr. President, the printed conference report indicates opposite the name of Senator LISTER HILL, the words, "except for amendment No. 2." That language, "except for amendment No. 2," should appear opposite the name of Senator WARREN G. MAGNUSON. There was an error in the printed copy of the conference report. However, it was correct as printed in the CONGRESSIONAL RECORD.

All legislation is the result of compromise. I believe that the Senate conferees did unusually well in upholding the position of the Senate. The conference report provides $4,430,794,700, which is $12,488,500 below the amount approved by the Senate; $104,825,500 above the House; $9,954,300 below the budget; and $23,554,000 above the appropriation for fiscal year 1964.

I ask unanimous consent to have printed at this point in the RECORD a summary table explaining the action of the conferees on the various items in the bill.

There being no objection, the summary table was ordered to be printed in the RECORD, as follows:

Summary table

Item	House allowance	Senate allowance	Conference allowance
TITLE I—DEPARTMENT OF DEFENSE—CIVIL			
DEPARTMENT OF THE ARMY			
CEMETERIAL EXPENSES			
Salaries and expenses	$13, 295, 000	$13, 295, 000	$13, 295, 000
CORPS OF ENGINEERS—CIVIL			
General investigations	20, 590, 000	22, 269, 000	22, 194, 000
Construction, general	905, 767, 200	942, 791, 200	939, 943, 200
Operation and maintenance, general	158, 676, 000	158, 676, 000	158, 676, 000
Flood control, hurricane, and shore protection emergencies	4, 150, 000	4, 150, 000	4, 150, 000
General expenses	15, 575, 000	15, 575, 000	15, 575, 000
Flood control, Mississippi River and tributaries	73, 550, 000	79, 920, 000	77, 862, 000
U.S. Section, St. Lawrence River Joint Board of Engineers	------------	------------	------------
Total, rivers and harbors and flood control	1, 178, 308, 200	1, 223, 381, 200	1, 218, 400, 200
THE PANAMA CANAL			
Canal Zone Government:			
Operating expenses	29, 088, 000	29, 088, 000	29, 088, 000
Capital outlay	4, 821, 000	4, 821, 000	4, 821, 000
Panama Canal Company: Limitation on general administrative expenses	(10, 639, 000)	(10, 639, 000)	(10, 639, 000)
Total, the Panama Canal	33, 909, 000	33, 909, 000	33, 909, 000
Total, title I	1, 225, 512, 200	1, 270, 585, 200	1, 265, 604, 200
TITLE II—DEPARTMENT OF THE INTERIOR			
NATIONAL PARK SERVICE			
Construction (supplemental, 1965)	------------	1, 800, 000	1, 800, 000
BUREAU OF RECLAMATION			
General investigations	10, 354. 000	12, 404, 000	11, 404, 000
Construction and rehabilitation	182, 433, 000	185, 689, 000	185, 616. 500
Operation and maintenance	40, 219. 000	40, 219, 000	40, 219, 000
Indefinite appropriation of receipts	(4, 269, 000)	(4, 269, 000)	(4, 269, 000)
Loan program	12, 307, 000	12, 307, 000	12, 307, 000
TITLE II—DEPARTMENT OF THE INTERIOR—Continued			
BUREAU OF RECLAMATION—continued			
Emergency fund	------------	1, 000, 000	1, 000, 000
Upper Colorado River Basin fund	62, 300, 000	62, 300, 000	62, 300, 000
General administrative expenses	10, 400, 000	10, 400, 000	10, 400, 000
Total, Bureau of Reclamation	318, 013, 000	324, 319, 000	323, 246, 500
BONNEVILLE POWER ADMINISTRATION			
Construction	41, 220, 000	87, 420, 000	87, 420, 000
Operation and maintenance	14, 980, 000	14, 980, 000	14, 980, 000
Total, Bonneville Power Administration	56, 200, 000	102, 400, 000	102, 400, 000
SOUTHEASTERN POWER ADMINISTRATION			
Operation and maintenance	$1, 000, 000	$1, 000, 000	$1, 000, 000
SOUTHWESTERN POWER ADMINISTRATION			
Construction	2, 610, 000	2, 610, 000	2, 610, 000
Operation and maintenance	1, 680, 000	1, 680, 000	1, 680, 000
Continuing fund (indefinite appropriation of receipts)	(4, 500, 000)	(4, 500, 000)	(4, 500, 000)
Total, Southwestern Power Administration	4, 290, 000	4, 290, 000	4, 290, 000
Total, definite appropriations	379, 503, 000	433, 809, 000	432, 736, 500
Total, indefinite appropriations	8, 769, 000	8, 769, 000	8, 769, 000
Total, title II	388, 272, 000	442, 578, 000	441, 505, 500
TITLE III—ATOMIC ENERGY COMMISSION			
Operating expenses	2, 261, 073, 000	2, 268, 008, 000	2, 261, 573, 000
Indefinite appropriation of receipts	(36, 066, 000)	(47, 066, 000)	(47, 066, 000)
Plant and capital equipment	363, 000, 000	363, 000, 000	363, 000, 000
Total, Atomic Energy Commission	2, 624, 073, 000	2, 631, 008, 000	2, 624, 573, 000
Total, definite appropriation	2, 624, 073, 000	2, 631, 008, 000	2, 624, 573, 000
Total, indefinite appropriation	36, 066, 000	47, 066, 000	47, 066, 000
Total, title III	2, 660, 139, 000	2, 678, 074, 000	2, 671, 639, 000

Summary table—Continued

Item	House allowance	Senate allowance	Conference allowance
TITLE IV—INDEPENDENT OFFICES			
St. Lawrence Seaway Development Corporation:			
Limitation on administrative expenses	(450,000)	(450,000)	(450,000)
Tennessee Valley Authority	47,915,000	47,915,000	47,915,000
Delaware River Basin Commission:			
Salaries and expenses	39,000	39,000	39,000
Contribution to the Delaware River Basin Commission	92,000	92,000	92,000
Total, Delaware River Basin Commission	131,000	131,000	131,000
TITLE IV—INDEPENDENT OFFICES—Continued			
FUNDS APPROPRIATED TO THE PRESIDENT			
Public works acceleration	4,000,000	4,000,000	4,000,000
Total, title IV	52,046,000	52,046,000	52,046,000
Grand totals:			
Total, definite appropriations	4,281,134,200	4,387,448,200	4,374,959,700
Total, indefinite appropriations	44,835,000	55,835,000	55,835,000
Grand total, all titles	4,325,969,200	4,443,283,200	4,430,794,700

TITLE I—CORPS OF ENGINEERS, GENERAL INVESTIGATIONS

Mr. ELLENDER. Mr. President, for general investigations of the Corps of Engineers the bill provides $22,194,000 which is $75,000 below the amount approved by the Senate; $1,604,000 above the amount allowed by the House; $2,399,000 above the budget; and $3,079,000 above the appropriation for 1964.

I ask unanimous consent to have printed at this point in the RECORD a tabulation showing the details of the amount allowed for this item.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

General investigations, fiscal year 1965

Item (1)	Approved budget estimate for fiscal year 1965 (2)	House allowance (3)	Senate allowance (4)	Conference allowance (5)
GENERAL INVESTIGATIONS				
1. Surveys:				
(*a*) Navigation studies	$2,257,000	$2,618,000	$3,135,000	$3,135,000
(*b*) Flood control studies	5,835,000	6,576,000	7,166,000	7,091,000
(*c*) Beach erosion cooperative studies	458,000	523,000	523,000	523,000
(*d*) Comprehensive basin studies:				
Big Black River, Miss	65,000	65,000	65,000	65,000
Big Muddy River, Ill	125,000	125,000	125,000	125,000
Connecticut River Basin, Conn., Mass., Vt., and N.H	275,000	275,000	275,000	275,000
Genessee River Basin, N.Y. and Pa	130,000	130,000	130,000	130,000
Grand River Basin, Mich	175,000	175,000	175,000	175,000
Kanawha River, W. Va., Va., and N.C	250,000	250,000	250,000	250,000
Missouri River Basin	250,000	250,000	250,000	250,000
Ohio River Basin review	375,000	375,000	357,000	375,000
Pascagoula River Basin, Miss	125,000	200,000	125,000	200,000
Pearl River Basin, Miss	125,000	125,000	125,000	125,000
Puget Sound area, Washington	275,000	275,000	275,000	275,000
Red River below Denison Dam, La., Ark., Okla., and Tex	300,000	300,000	300,000	300,000
Sabine River, Tex	130,000	130,000	130,000	130,000
St. John River Basin, Maine	75,000	75,000	75,000	75,000
Susquehanna River Basin, N.Y., Pa., and Md	400,000	400,000	400,000	400,000
Upper Mississippi River Basin	350,000	350,000	350,000	350,000
Wabash River, Ind., and Ill	425,000	778,000	425,000	550,000
White River Basin, Ark., and Mo	300,000	300,000	300,000	300,000
Willamette River Basin, Oreg	350,000	350,000	350,000	350,000
(*e*) Special studies:				
Arkansas-Red River pollution study, Oklahoma, Texas, Kansas, Arkansas, and Louisiana	125,000	125,000	125,000	125,000
Coordination studies with other agencies (Public Law 566, Public Law 984, etc.)	260,000	260,000	260,000	260,000
Great Lakes-Hudson River Waterway, N.Y	200,000	200,000	200,000	200,000
Jersey Meadows, N.Y., and N.J	150,000	150,000	150,000	150,000
Lake Erie-Ontario Waterway, N.Y	----------	200,000	200,000	200,000
Texas coast	250,000	250,000	250,000	250,000
Subtotal, surveys	14,035,000	15,830,000	16,509,000	16,634,000
2. Collection and study of basic data:				
(a) Stream gaging (U.S. Geological Survey)	280,000	280,000	280,000	280,000
(b) Precipitation studies (U.S. Weather Bureau)	480,000	480,000	480,000	480,000
(c) Fish and Wildlife Coordination Act studies (U.S. Fish and Wildlife Service)	210,000	210,000	210,000	210,000
(d) International water studies	85,000	85,000	85,000	85,000
(e) Flood plain studies	725,000	725,000	725,000	725,000
Subtotal, collection and study of basic	1,780,000	1,780,000	1,780,000	1,780,000
3. Research and development:				
(a) Coastal engineering research and development	850,000	850,000	850,000	850,000
(b) Hydrologic studies	190,000	190,000	190,000	190,000
(c) Civil works investigations	1,500,000	1,500,000	1,500,000	1,500,000
(d) Mississippi Basin model:				
(1) Mississippi River comprehensive study	210,000	210,000	210,000	210,000
(2) Maintenance	150,000	150,000	150,000	150,000
(e) Nuclear explosives studies for civil construction	1,080,000	1,080,000	1,080,000	1,080,000
Subtotal, research and development	3,980,000	3,980,000	3,980,000	3,980,000
General reduction due to slippage	----------	−1,000,000	----------	−200,000
Total, general investigations	19,795,000	20,590,000	22,269,000	22,194,000

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Mr. President, I am especially happy that the distinguished chairman held out for this item. This is the item that looks ahead. It looks forward to programs in the future, and discards suggested programs for the future if they are not sound. I was particularly interested in this program for that reason.

I compliment the distinguished Senator on having come through conference with practically all of the amount placed in the item by the Senate.

Mr. ELLENDER. Mr. President, I am glad to say that I believe this is the first time that the House accepted the figures almost in toto that we submitted. The reduction in this item was only $75,000.

Mr. HOLLAND. I thank the Senator.

CONSTRUCTION, GENERAL

Mr. ELLENDER. For construction, general, the conference bill provides $939,943,200, which is $2,848,000 below the amount approved by the Senate; $34,176,000 above the House; and $112,796,700 above the 1964 appropriation.

Generally speaking, the House sent us a good bill this year. As I stated earlier when the bill was before the Senate, the House added some new unbudgeted items, which upon review by the Senate committee proved to be desirable projects, and the committee recommended approval of their inclusion in the bill. The Senate concurred in that recommendation.

The House added 15 new planning starts, which were subsequently approved by the Senate. The Senate added eight new planning starts, and the House approved seven of these additional planning items approved by the Senate.

The House added 17 new construction starts involving a future commitment of $199,609,000. These projects were accepted by the Senate. The Senate added 15 additional construction starts. The House accepted 11 of the new starts added by the Senate having a future commitment of $126,149,000. The budget provided for 35 new starts having a future commitment of $511,267,000. Thus, the conference bill provides for 63 new construction starts involving a future commitment of $837,025,000, or less than 1 year's work at the current rate of appropriations.

I ask unanimous consent to insert at this point in the RECORD a tabulation showing the details of the amount allowed for this item.

There being no objection, the table was ordered to be printed in the RECORD.

Construction, general, fiscal year 1965

Construction, general, State and project (1)	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
	Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
ALABAMA								
Aquatic plant control. (See Louisiana.)								
(N) *Claiborne lock and dam*	$1,000,000		$1,000,000		$1,000,000		$1,000,000	
(N) Holt lock and dam	8,000,000		8,000,000		8,000,000		8,000,000	
(MP) *Jones Bluff lock and dam*		$134,000		$134,000		$134,000		$134,000
(MP) Millers Ferry lock and dam	6,000,000		6,000,000		6,000,000		6,000,000	
(N) Mobile Harbor 40-foot channel	1,500,000		1,500,000		2,476,000		2,476,000	
(N) *Tennessee Tombigbee Waterway, Ala. and Miss.*		[1] 100,000		100,000		225,000		100,000
Tombigbee River and Tributaries, Ala. and Miss. (See Mississippi.)								
West Point Dam, Ala. and Ga. (See Georgia.)								
ALASKA								
(N) Repairs on other navigation projects in Alaska					500,000		500,000	
(MP) *Snettisham power project*		750,000		750,000		750,000		750,000
ARIZONA								
(FC) Alamo Reservoir	2,500,000		2,500,000		2,500,000		2,500,000	
(FC) *Gila River downstream from Painted Rock Reservoir*		251,000		251,000		251,000		251,000
(FC) *Pinal Creek*		55,000		55,000		55,000		55,000
(FC) Tucson diversion channel	2,400,000		2,400,000		2,400,000		2,400,000	
ARKANSAS								
(N) Arkansas River and tributaries, Arkansas and Oklahoma:								
(*a*) Bank stabilization and channel rectification	15,000,000		15,000,000		15,000,000		15,000,000	
(*b*) Navigation locks and dams	[2] 51,500,000		47,000,000		51,500,000		51,500,000	
(MP) Beaver Reservoir	4,500,000		4,500,000		4,500,000		4,500,000	
(MP) Dardanelle lock and dam	10,000,000		10,000,000		10,000,000		10,000,000	
(MP) Degray Reservoir	7,100,000		7,100,000		7,100,000		7,100,000	
(FC) *De Queen Reservoir*		245,000		245,000		245,000		245,000
(FC) *Dierks Reservoir*		150,000		150,000		150,000		150,000
(FC) Garland City	250,000		250,000		250,000		250,000	
(FC) Gillham Reservoir	2,500,000		2,500,000		2,500,000		2,500,000	
(FC) Maniece Bayou, upstream extension	100,000		100,000		100,000		100,000	
(FC) Millwood Reservoir	17,697,000		17,697,000		17,697,000		17,697,000	
(MP) Narrows Dam, addition of 3d power unit	350,000		350,000		350,000		350,000	
(N) Ouachita and Black Rivers, Ark. and La.	3,000,000		3,000,000		3,000,000		3,000,000	
(N) *Ozark lock and dam*	1,000,000		1,000,000		1,000,000		1,000,000	
(FC) Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex.	300,000		300,000		300,000		300,000	
(FC) *Village Creek, White River, and Mayberry Levee Districts*		87,000		87,000		87,000		87,000
CALIFORNIA								
(FC) *Alameda Creek, Del Valle Dam*	750,000		750,000		750,000		750,000	
(FC) Bear Creek	900,000		900,000		900,000		900,000	
(FC) *Buchanan Reservoir*		200,000		200,000		200,000		200,000
(FC) Camanche Reservoir	3,350,000		3,350,000		3,350,000		3,350,000	
(FC) *Corte Madera Creek*		100,000		100,000		100,000		100,000
(N) *Dana Point Harbor*		100,000		100,000		100,000		100,000
(FC) *Dry Creek (Warm Springs) Reservoir and channel improvement*		450,000		450,000		450,000		450,000
(FC) *Hidden Reservoir*		250,000		250,000		250,000		250,000
(BE) Imperial Beach (reimbursement)	26,000		26,000		26,000		26,000	
(FC) Los Angeles County drainage area	15,000,000		15,000,000		15,000,000		15,000,000	
(FC) Lower San Joaquin River and tributaries	1,000,000		1,000,000		1,000,000		1,000,000	
(N) (Marina Del Rey (Playa) Harbor)	600,000		600,000		600,000		600,000	
Martis Creek Reservoir, Calif. and Nev. (See Nevada.)								
(FC) *Merced River Reservoirs (New Exchequer Dam)*		50,000	200,000		200,000		200,000	
(N) *Monterey Harbor*		90,000		90,000		150,000		90,000
(FC) *Mormon Slough*		75,000		75,000		75,000		75,000
(FC) *New Don Pedro Reservoir*					150,000			
(MP) *New Melones Reservoir*		450,000		700,000		700,000		700,000
(N) *Oakland Harbor*				110,000		110,000		110,000
(FC) Oroville Reservoir	9,000,000		8,390,000		8,390,000		8,390,000	
(BE) *Point Mugu to San Pedro (reimbursement)*	196,000		196,000		196,000		196,000	
(FC) *Redwood Creek*		125,000		125,000		125,000		125,000
(FC) Sacramento River bank protection	1,150,000		1,150,000		1,250,000		1,250,000	
(N) Sacramento River deep water ship channel	350,000		350,000		350,000		350,000	
(FC) Sacramento River and major and minor tributaries	1,530,000		1,530,000		1,530,000		1,530,000	
(N) *Santa Barbara Harbor*				150,000		150,000		150,000
(N) (Santa Cruz Harbor)	105,000		105,000		105,000		105,000	
(FC) (Tahchevah Creek)	830,000		830,000		1,160,000		1,160,000	
(BE) Ventura Pierpont Area (reimbursement)	224,000		224,000		224,000		224,000	
(FC) Walnut Creek	1,810,000		1,810,000		1,810,000		1,810,000	
(FC) *West Fork Reservoir*		207,000		207,000		207,000		207,000
COLORADO								
(FC) *Trinidad Reservoir*			750,000		750,000		750,000	
CONNECTICUT								
(FC) *Ansonia-Derby*		175,000		175,000		175,000		175,000
(FC) *Black Rock Reservoir*		50,000		50,000		50,000		50,000
(FC) *Colebrook River Reservoir*	500,000		500,000		500,000		500,000	
(N) *Connecticut River below Hartford, North Cove at Old Saybrook*			578,000		578,000		578,000	
(FC) (Hancock Brook Reservoir)	1,279,000		1,279,000		1,279,000		1,279,000	
(FC) *Hop Brook Reservoir*	400,000		400,000		400,000		400,000	
(FC) *New London Barrier*		100,000		100,000		100,000		100,000
(FC) (Northfield Brook Reservoir)	1,346,000		1,346,000		1,346,000		1,346,000	
(FC) Stamford	1,700,000		1,700,000		1,700,000		1,700,000	
(FC) West Thompson Reservoir	2,300,000		2,300,000		2,300,000		2,300,000	

See footnotes at end of table.

Construction, general, fiscal year 1965—Continued

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	DELAWARE								
	Delaware River, Philadelphia to sea, anchorages, Delaware, New Jersey, and Pennsylvania. (See New Jersey.)								
(N)	Inland Waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal) pt. II, Delaware and Maryland	$11,500,000		$11,500,000		$11,500,000		$11,500,000	
BE)	Rehoboth Beach to Indian River Inlet (reimbursement)	110,000		110,000		110,000		110,000	
	FLORIDA								
	Aquatic plant control. (See Louisiana.)								
(N)	Apalachicola River channel improvement	100,000		100,000		100,000		100,000	
(N)	Canaveral Harbor	3,900,000		3,900,000		3,900,000		3,900,000	
(FC)	Central and southern Florida	[2] 13,800,000		13,500,000		14,500,000		14,150,000	
(N)	Cross-Florida Barge Canal	4,000,000		4,000,000		4,000,000		4,000,000	
(FC)	*Four River Basins*		$200,000		$200,000		$200,000		$200,000
(N)	Intracoastal Waterway: Caloosahatchee River to Anclote River	700,000		700,000		850,000		850,000	
(N)	(Miami Harbor)	1,076,000		1,076,000		1,076,000		1,076,000	
(BE)	Palm Beach County, Lake Worth Inlet to South Lake Worth Inlet (reimbursement)	10,000		10,000		10,000		10,000	
(N)	Palm Beach Harbor	1,300,000		1,300,000		1,300,000		1,300,000	
(N)	*Pensacola Harbor*	300,000		300,000		550,000		550,000	
(N)	(Port Everglades Harbor (1958 act))	[1] 1,254,000		1,254,000		1,254,000		1,254,000	
(N)	*Tampa Harbor, Port Sutton and Ybor Channel*	150,000		150,000		150,000		150,000	
	GEORGIA								
	Aquatic plant control. (See Louisiana.)								
(MP)	Carters Dam	6,000,000		6,000,000		6,000,000		6,000,000	
(N)	(Savannah Harbor, Kings Island turning basin)	340,000		340,000		340,000		340,000	
(NP)	*West Point Reservoir: Ala. and Ga*		500,000		500,000		500,000		500,000
	HAWAII								
(N)	*Haleiwa small boat harbor (sec. 107)*	(3)		(3)		(3)		(3)	
(N)	*Hilo Harbor*		550,000		550,000		550,000		550,000
(R)	Kahului Harbor (breakwater)	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Kawainui Swamp	700,000		700,000		700,000		700,000	
(N)	*Nawiliwili Harbor (sec. 107)*					[3] (144,000)		[3] (144,000)	
	IDAHO								
(FC)	*Blackfoot Reservoir*		46,000		46,000		46,000		46,000
(MP)	Dworshak (Bruces Eddy) Reservoir	8,500,000		8,500,000		8,500,000		8,500,000	
(FC)	*Heise-Roberts extension*		70,000		70,000		70,000		70,000
(FC)	*Ririe Reservoir*				400,000		400,000		400,000
	ILLINOIS								
(BA)	Calumet River, bridges	[1] 1,300,000		1,300,000		1,300,000		1,300,000	
(N)	Calumet River and Harbor, Ill. and Ind.:								
	(*a*) 27-foot depth in river channel and Lake Calumet (1962 act)	1,500,000		2,500,000		2,500,000		2,500,000	
	(*b*) 29-foot approach channel, 28-foot outer harbor (1960 act)	2,500,000		2,500,000		2,500,000		2,500,000	
(FC)	Carlyle Reservoir	7,200,000		7,200,000		7,200,000		7,200,000	
(R)	Chicago Harbor (breakwater)	700,000		700,000		700,000		700,000	
(FC)	East St. Louis and vicinity	400,000		400,000		400,000		400,000	
(FC)	*England Pond Levee*				30,000				30,000
(FC)	*Freeport*		125,000		125,000		125,000		125,000
(FC)	*Henderson County Drainage District No. 1*					100,000		100,000	
(FC)	*Henderson County Drainage District No. 2*					100,000		100,000	
(N)	Illinois Waterway Calumet-Sag modification, pt. I, Illinois and Indiana	5,000,000		5,000,000		5,000,000		5,000,000	
(FC)	*Indian Grave Drainage District*		96,000		96,000		96,000		96,000
	Island levee, Indiana and Illinois. (See Indiana.)								
(N)	*Kaskaskia River*		400,000		400,000	60,000	400,000		400,000
(FC)	*McGee Creek Drainage and Levee District*		140,000		140,000		140,000		140,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:								
	(*a*) Regulating works	2,000,000		2,000,000		2,000,000		2,000,000	
	(*b*) Chain of Rocks	1,300,000		1,300,000		1,300,000		1,300,000	
(FC)	Mount Carmel	700,000		700,000		700,000		700,000	
(FC)	*New Athens*	120,000		120,000		120,000		120,000	
(FC)	*Oakley Reservoir*		275,000		275,000		275,000		275,000
(FC)	*Prairie DuPont Levee and Sanitary District*				47,000		47,000		47,000
(FC)	*Rend Lake Reservoir*	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	*Richland Creek*		200,000		200,000		200,000		200,000
(FC)	Rochester and McClearys Bluff levee	750,000		750,000		750,000		750,000	
(FC)	*Saline River and tributaries*		[1] 75,000		75,000		75,000		75,000
(FC)	Shelbyville Reservoir	2,800,000		2,800,000		2,800,000		2,800,000	
(FC)	*Sny Island Levee and Drainage District*			400,000		400,000		400,000	
(FC)	Subdistrict No. 1 of Drainage Union No. 1 and Bay Island Levee and Drainage District	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	The Sny Basin	1,700,000		1,700,000		1,700,000		1,700,000	
(FC)	Tri-Pond levee	[1] 470,000		470,000		470,000		470,000	
	INDIANA								
(FC)	*Brookville Reservoir*		165,000		165,000	500,000	165,000	665,000	
	Calumet River and Harbor, Ill. and Ind. (See Illinois.)								
(N)	Cannelton locks and dam, Indiana and Kentucky	[2] 11,600,000		11,600,000		11,600,000		11,600,000	
(FC)	Evansville	[1] 900,000		900,000		900,000		900,000	

See footnotes at end of table.

Construction, general, fiscal year 1965—Continued

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	INDIANA—continued								
(FC)	Huntington Reservoir	$2,800,000		$2,800,000		$2,800,000		$2,800,000	
	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana. (See Illinois.)								
(FC)	*Island levee, Indiana and Illinois*		$38,000		$38,000		$38,000		$38,000
(FC)	Levee unit 5, Wabash River	[1] 1,500,000		1,500,000		1,500,000		1,500,000	
(FC)	(Mason J. Niblack levee)	170,000		170,000		170,000		170,000	
	McAlpine lock and dam, Indiana and Kentucky. (See Kentucky.)								
(FC)	Mississinewa Reservoir	6,000,000		6,000,000		6,000,000		6,000,000	
(FC)	(Monroe Reservoir)	1,649,000		1,649,000		1,649,000		1,649,000	
(N)	*Newburgh locks and dam, Indiana and Kentucky*		110,000	2,100,000		2,100,000		2,100,000	
(FC)	Salamonie Reservoir	5,500,000		5,500,000		5,500,000		5,500,000	
(N)	*Uniontown locks and dam, Indiana and Kentucky*	1,000,000		1,000,000		1,000,000		1,000,000	
	IOWA								
(FC)	*Central City Reservoir (deferred)*				60,000		60,000		60,000
(FC)	Coralville Reservoir, Mehaffey Bridge	500,000		500,000		500,000		500,000	
(FC)	*Des Moines*	200,000		200,000		200,000		200,000	
(FC)	*Dubuque*		100,000		100,000		100,000		100,000
(FC)	(Floyd River and tributaries)	3,221,000		3,221,000		3,299,000		3,299,000	
(FC)	Green Bay Levee and Drainage District No. 2	500,000		500,000		500,000		500,000	
(FC)	*Indian Creek Dam*	300,000		300,000		300,000		300,000	
(FC)	Iowa River-Flint Creek Levee District No. 16	1,500,000		1,500,000		1,500,000		1,500,000	
(FC)	Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska	4,000,000		4,000,000		4,000,000		4,000,000	
(N)	Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska:								
	(a) Sioux City, Iowa, to Omaha, Nebr.	3,500,000		3,500,000		4,500,000		4,500,000	
	(b) Omaha, Nebr., to Kansas City	2,700,000		4,000,000		4,800,000		4,800,000	
	(c) Kansas City to the mouth	3,500,000		3,500,000		3,500,000		3,500,000	
(FC)	Muscatine Island Levee District and Muscatine-Louisa County Drainage District No. 13	(1)		100,000					
(FC)	Rathbun Reservoir	1,750,000		1,750,000		1,750,000		1,750,000	
(FC)	Red Rock Reservoir	16,500,000		16,500,000		16,500,000		16,500,000	
(FC)	Saylorville Reservoir	1,200,000		1,200,000		1,200,000		1,200,000	
	KANSAS								
(FC)	*Atchison*		160,000		160,000		160,000		160,000
(FC)	*Big Hill Reservoir*		100,000		100,000		100,000		100,000
(FC)	*Cedar Point Reservoir*						50,000		
(FC)	*Clinton Reservoir*		240,000		240,000		240,000		240,000
(FC)	(Council Grove Reservoir)	688,000		688,000		688,000		688,000	
(FC)	Elk City Reservoir	7,500,000		7,500,000		7,500,000		7,500,000	
(FC)	*Fort Scott Reservoir*				100,000		100,000		100,000
(FC)	(John Redmond (Strawn) Reservoir)	1,288,000		1,288,000		1,288,000		1,288,000	
(FC)	*Kansas City, Kans. (1962 modification)*		100,000		100,000		100,000		100,000
(FC)	*Lawrence*	300,000		300,000		300,000		300,000	
(FC)	Marion Reservoir	2,700,000		2,700,000		3,000,000		3,000,000	
(FC)	*Marysville*			200,000		200,000		200,000	
(FC)	*Melvern Reservoir*		230,000		230,000		230,000		230,000
(FC)	*Merriam*		40,000		40,000		40,000		40,000
(FC)	Milford Reservoir	16,000,000		16,000,000		16,000,000		16,000,000	
	Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
	Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC)	Perry Reservoir	8,500,000		6,500,000		8,500,000		8,500,000	
(FC)	Topeka	4,500,000		4,500,000		4,500,000		4,500,000	
(FC)	Wilson Reservoir	2,900,000		2,900,000		3,000,000		2,900,000	
	KENTUCKY								
(MP)	Barkley Dam, Ky. and Tenn.	15,400,000		15,400,000		15,400,000		15,400,000	
(FC)	*Bellevue (deferred) and Dayton (inactive)*						25,000		25,000
(FC)	*Booneville Reservoir*		100,000		100,000		100,000		100,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)								
(N)	(Captain Anthony Meldahl locks and dam, Kentucky and Ohio)	[4] 6,365,000		6,365,000		6,365,000		6,365,000	
(FC)	*Carr Fork Reservoir*	[1] 830,000	[1] 0	830,000		830,000		830,000	
(FC)	*Cave Run Reservoir*	1,300,000		1,300,000		1,300,000		1,300,000	
(FC)	(Cumberland)	490,000		490,000		490,000		490,000	
(FC)	Eagle Creek Reservoir		150,000		150,000		150,000		150,000
(FC)	Fishtrap Reservoir	10,400,000		18,000,000		18,000,000		18,000,000	
(FC)	*Frankfort*		130,000		130,000		130,000		130,000
(FC)	Grayson Reservoir	4,200,000		4,200,000		4,200,000		4,200,000	
(FC)	Green River Reservoir	[1] 4,000,000		4,000,000		4,000,000		4,000,000	
(MP)	*Laurel River Reservoir*					500,000		500,000	
(N)	McAlpine locks and dam (Louisville) Indiana and Kentucky	2,800,000		2,800,000		2,800,000		2,800,000	
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)								
(FC)	*Red River Reservoir*		[1] 150,000		150,000		150,000		150,000
(FC)	*Sturgis*				75,000		75,000		75,000
	Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)								
	LOUISIANA								
(N)	Aquatic plant control, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas	1,000,000		1,000,000		1,000,000		1,000,000	
(N)	Bayou Lafourche and Lafourche Jump Waterway	800,000		800,000		800,000		800,000	
(N)	Calcasieu River and Pass	4,000,000		4,000,000		5,000,000		5,000,000	
(N)	Calcasieu River, saltwater barrier	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	Campti Clarence levee	500,000		500,000		500,000		500,000	
(FC)	*Comite (small flood control, sec. 205)*					[4] (1,000,000)		[4] (1,000,000)	

See footnotes at end of table.

Construction, general, fiscal year 1965—Continued

Construction, general, State and project (1)	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
	Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
LOUISIANA—continued								
(FC) *East Point levee*	(4)				(4)		(4)	
(N) Freshwater Bayou	$1,400,000		$1,400,000		$1,400,000		$1,400,000	
(N) Mississippi River, gulf outlet	8,750,000		8,750,000		9,250,000		9,250,000	
(FC) New Orleans to Venice hurricane protection (1962 act)	750,000		750,000		750,000		750,000	
Ouachita and Black Rivers, Ark. and La. (See Arkansas.)								
Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
MAINE								
(N) Portland Harbor, 45-foot channel	1,700,000		1,700,000		1,850,000		1,850,000	
Portsmouth Harbor and Piscataqua River, Maine and N.H. (See New Hampshire.)								
MARYLAND								
(N) Baltimore Harbor and Channel	3,300,000		3,300,000		3,500,000		3,500,000	
(FC) *Bloomington Reservoir, Md. and W. Va.*		$350,000		$350,000		$350,000		$350,000
Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), pt. II. (See Delaware.)								
MASSACHUSETTS								
(N) *Boston Harbor, Chelsea River*	550,000		550,000		550,000		550,000	
(R) Cape Cod Canal, Bourne Bridge	500,000		500,000		500,000		500,000	
(FC) (Chicopee Falls)	620,000		620,000		620,000		620,000	
(FC) Conant Brook Reservoir	1,000,000		1,000,000		1,000,000		1,000,000	
(N) (Gloucester Harbor)	830,000		830,000		830,000		830,000	
(FC) (Littleville Reservoir)	1,936,000		1,936,000		1,936,000		1,936,000	
(N) *Marblehead Harbor*				50,000		50,000		50,000
(FC) New Bedford-Fairhaven and Acushnet Barrier	4,000,000		4,000,000		4,000,000		4,000,000	
(FC) Three Rivers	435,000		435,000		435,000		435,000	
(FC) *Wareham-Marion*		[2] 75,000		100,000		75,000		75,000
(FC) *Westfield*	300,000		300,000		300,000		300,000	
MICHIGAN								
(R) *Charlevoix Harbor (piers and revetments)*	150,000		150,000		150,000		150,000	
(N) (Gladstone Harbor)	617,000		617,000		617,000		617,000	
(N) Great Lakes connecting channels	1,000,000		1,000,000		1,000,000		1,000,000	
(N) *Leland Harbor*				30,000		30,000		30,000
(R) (Ludington Harbor (north revetment))	172,000		172,000		172,000		172,000	
(R) Manistee Harbor (pier and revetment)	500,000		500,000		500,000		500,000	
(R) *Marquette Harbor*	150,000		150,000		150,000		150,000	
(N) (Muskegon Harbor)	560,000		560,000		560,000		560,000	
(R) Muskegon Harbor (breakwaters, piers, and revetments)	150,000		150,000		150,000		150,000	
(N) *New Buffalo Harbor*						50,000		50,000
(N) *Ontonagon Harbor*		91,000		91,000		91,000		91,000
(FC) *Rouge River*		178,000	400,000		400,000		400,000	
(N) St. Marys River: New Poe lock	5,500,000		5,500,000		5,500,000		5,500,000	
(FC) Saginaw River (flood control)	750,000		750,000		750,000		750,000	
(N) *Saginaw River (navigation)*		120,000		120,000		120,000		120,000
MINNESOTA								
(N) Duluth Superior Harbor, Minn. and Wis.: Inner harbor, 27- and 23-foot channels	675,000		675,000		675,000		675,000	
(FC) (Lost River)	250,000		250,000		250,000		250,000	
(N) Minnesota River, 9-foot channel	1,000,000		1,000,000		1,000,000		1,000,000	
(R) (Reservoirs at headquarters of Mississippi River, Winnibigoshish Dam (repair apron and cutoff walls))	235,000		235,000		235,000		235,000	
(FC) *Rushford*		80,000		80,000		80,000		80,000
(FC) St. Paul and South St. Paul	600,000		600,000		600,000		600,000	
(FC) Winona	800,000		800,000		800,000		800,000	
MISSISSIPPI								
Aquatic plant control. (See Louisiana.)								
(FC) Jackson and East Jackson			800,000		800,000		800,000	
(FC) *Okatibbee Creek Reservoir*	500,000		500,000		500,000		500,000	
(N) (Pascagoula Harbor)	620,000		620,000		620,000		620,000	
Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)								
(N) *Tombigbee River and tributaries, Alabama and Mississippi*					400,000		400,000	
MISSOURI								
(FC) Chariton River	650,000		650,000		650,000		650,000	
(FC) *Hannibal*		155,000		155,000		155,000		155,000
(MP) *Joanna Reservoir*		434,000		434,000		434,000		434,000
(MP) *Kaysinger Bluff Reservoir*	[1] 1,500,000		1,500,000		1,500,000		1,500,000	
(MP) Kaysinger Bluff Reservoir, highway construction	1,000,000		1,000,000		1,000,000		1,000,000	
(FC) (Marion County Drainage District)	764,000		764,000		764,000		764,000	
(FC) *Meramec Park Reservoir*						200,000		200,000
Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)								
Missouri River agriculture levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								

See footnotes at end of table.

Construction, general, fiscal year 1965—Continued

Construction, general, State and project	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
	Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
(1)								
MISSOURI—continued								
(FC) (Perry County Drainage and Levee Districts, 1, 2, and 5)	$596,000		$596,000		$596,000		$596,000	
(FC) (South River Drainage District)	499,000		499,000		499,000		499,000	
(FC) St. Louis	10,000,000		10,000,000		10,000,000		10,000,000	
(MP) Stockton Reservoir	4,000,000		4,000,000		4,000,000		4,000,000	
MONTANA								
(FC) *Billings (deferred)*						$25,000		$25,000
(MP) *Libby Reservoir*		$1,000,000		$1,000,000		1,000,000		1,000,000
NEBRASKA								
(FC) Gering Valley	1,400,000		1,400,000		1,400,000		1,400,000	
(R) (Harlan County Reservoir, slope protection)	1,600,000		1,600,000		1,600,000		1,600,000	
(FC) *Little Papillion Creek*					80,000		80,000	
Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)								
(FC) *Norfolk*	300,000		300,000		300,000		300,000	
(FC) Salt Creek and tributaries	3,000,000		3,000,000		3,000,000		3,000,000	
NEVADA								
(FC) *Martis Creek Reservoir, Calif. and Nev*		125,000		125,000		200,000		200,000
NEW HAMPSHIRE								
(BE) *Hampton Beach (1962 act) (reimbursement)*			109,000		109,000		109,000	
(N) Portsmouth Harbor and Piscataqua River, Maine and N.H	1,500,000		1,500,000		1,500,000		1,500,000	
NEW JERSEY								
(R) (Cold Spring Inlet (jetties))	[1] 488,000		488,000		488,000		488,000	
(N) Delaware River Philadelphia to sea (anchorages), Delaware, New Jersey, and Pennsylvania	3,750,000		3,750,000		4,000,000		3,750,000	
(R) (Manasquan River (bulkheads))	90,000		90,000		90,000		90,000	
(N) (Newark Bay, Hackensack and Passaic Rivers, North Reach Channel)	1,132,000		1,132,000		1,132,000		1,132,000	
(R) (New York and New Jersey Channels (Shooters Island dike) New York and New Jersey)	264,000		264,000		264,000		264,000	
(FC) *Rahway (small flood control, sec. 395)*					[5] (544,000)		[5] (544,000)	
(FC) Raritan and Sandy Hook Bays	1,100,000		1,100,000		1,100,000		1,100,000	
(MP) *Tocks Island Reservoir, Pa. and N.J*		450,000		450,000		450,000		450,000
NEW MEXICO								
(FC) Albuquerque	500,000		500,000		500,000		500,000	
(FC) *Cochiti Reservoir*					1,000,000		1,000,000	
(FC) *Galisteo Reservoir*			2,300,000		2,300,000		2,300,000	
(FC) *Las Cruces*		192,000		192,000		192,000		192,000
NEW YORK								
Allegheny River Reservoir, Pa. and N.Y. (See Pennsylvania.)								
(N) Buffalo Harbor: Outer harbor (1962 modification)	1,406,000		1,406,000		1,406,000		1,406,000	
(N) (Buttermilk Channel)	[1] 1,300,000		1,300,000		1,300,000		1,300,000	
(BE) (Fire Island Inlet, Long Island)	1,112,000		1,112,000		1,112,000		1,112,000	
(BE) *Fire Island Inlet to Jones Inlet (1962 act)*				25,000		25,000		25,000
(FC) Fire Island Inlet to Montauk Point	[1] 1,900,000		1,900,000		1,900,000		1,900,000	
(N) Great Lakes to Hudson River Waterway	400,000		400,000		400,000		400,000	
(N) Hudson River, New York City to Albany	3,200,000		3,200,000		3,500,000		3,200,000	
(FC) Ithaca, Cayuga Inlet	800,000		800,000		800,000		800,000	
(FC) Lackawanna	500,000		500,000		500,000		500,000	
(FC) *Lake Chautauqua and Chadakoin River*		100,000		100,000		100,000		100,000
(R) *Little Sodus Bay (piers)*	215,000		215,000		215,000		215,000	
(New York and New Jersey Channels (Shooters Island dikes), N.Y. and N.J. (See New Jersey.))								
(FC) *Nichols*		[1] 35,000		35,000		35,000		35,000
(FC) *North Ellenville*						50,000		50,000
(N) *Oswego Harbor (1962 act)*	300,000		300,000		300,000		300,000	
(FC) *Rosendale*		100,000		100,000		100,000		100,000
(FC) *Salamanca*		75,000		75,000		75,000		75,000
(FC) (*South Amsterdam*)	[4] 378,000		378,000		378,000		378,000	
NORTH CAROLINA								
Aquatic plant control. (See Louisiana.)								
(FC) *Carolina Beach, hurricane flood protection*	300,000		300,000		678,000		678,000	
(N) Mason Boro Inlet Jetties					150,000		150,000	
(FC) *New Hope Reservoir*		250,000		250,000		250,000		250,000
(N) *Northest Cape Fear (sec. 107)*			[6] (105,200)		[6] (105,200)		[3] (105,200)	
(N) *Wilmington Harbor, 38- and 40-foot depth (1962 act)*		67,000		67,000	500,000			67,000
Wrightsville Beach					541,000		541,000	
NORTH DAKOTA								
(FC) Bowman Haley Reservoir	800,000		800,000		1,200,000		1,200,000	
(FC) Missouri River Garrison Dam to Oahe Reservoir	800,000		800,000		800,000		800,000	
Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)								
(FC) *Velva*					[5] (214,000)		[5] (214,000)	

See footnotes at end of table.

Construction, general, fiscal year 1965—Continued

Construction, general, State and project (1)	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
	Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9
OHIO								
(N) Belleville locks and dam, Ohio and West Virginia	$16,500,000		$16,500,000		$16,500,000		$16,500,000	
(FC) *Big Darby Creek Reservoir*	[1]1,000,000		1,000,000		1,000,000		1,000,000	
(FC) *Buck Creek Reservoir*		$77,000	730,000		730,000		730,000	
(FC) *Caesar Creek Reservoir*		[1]150,000		$150,000		$150,000		$150,000
(Capt. Anthony Meldahl locks and dam, Kentucky and Ohio. (See Kentucky.))								
(N) Cleveland Harbor: Bridge replacement, widening Cuyahoga and Old Rivers (1958 act)	1,800,000		1,800,000		1,800,000		1,800,000	
(N) *Cleveland Harbor, deepen east basin to 27 to 28 feet (1962 act)*			500,000		500,000		500,000	
(N) Conneaut Harbor	1,000,000		1,000,000		1,000,000		1,000,000	
(FC) *Deer Creek Reservoir*			500,000		500,000		500,000	
(FC) *East Fork Reservoir*		[1]150,000		150,000		150,000		150,000
(FC) *Empire (deferred)*				25,000		25,000		25,000
(FC) *Fremont*		130,000		130,000		130,000		130,000
(N) *Hannibal locks and dam, Ohio and West Virginia*		230,000		230,000		230,000		230,000
(N) Lorain Harbor	3,000,000		3,000,000		3,000,000		3,000,000	
(FC) *North Branch Kokosing River Reservoir*		99,000		99,000		99,000		99,000
(FC) *Paint Creek Reservoir*		116,000		116,000		116,000		116,000
(N) (Pike Island locks and dam, Ohio and West Virginia)	7,539,000		7,539,000		7,539,000		7,539,000	
(N) Racine locks and dam, Ohio and West Virginia	6,200,000		6,200,000		6,200,000		6,200,000	
(FC) *Salt Creek Reservoir*		[1]200,000		200,000		200,000		200,000
Shenango River Reservoir, Ohio and Pa. (See Pennsylvania.)								
(FC) West Branch Reservoir, Mahoning River	4,100,000		4,100,000		4,100,000		4,100,000	
(N) *Willow Island lock and dam, Ohio and West Virginia*		325,000		325,000		325,000		325,000
(FC) *Youngstown, Crab Creek*		25,000		25,000		25,000		25,000
OKLAHOMA								
Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)								
(FC) *Birch Reservoir*		155,000		155,000		155,000		155,000
(MP) Broken Bow Reservoir	4,800,000		4,800,000		4,800,000		4,800,000	
(FC) *Copan Reservoir*		150,000		150,000		150,000		150,000
(MP) (Eufaula Reservoir)	3,000,000		3,000,000		3,000,000		3,000,000	
(FC) *Hugo Reservoir*		150,000		150,000		150,000		150,000
(FC) *Kaw Reservoir*		200,000		200,000		200,000		200,000
(MP) Keystone Reservoir	6,000,000		6,000,000		6,000,000		6,000,000	
(FC) *Lukfata Reservoir*		[2]25,000				25,000		25,000
(FC) *Optima Reservoir*		162,000		162,000		162,000		162,000
(FC) Pine Creek Reservoir	3,500,000		3,500,000		3,500,000		3,500,000	
(MP) Robert S. Kerr (Short Mountain) lock and dam	[2]9,000,000		6,000,000		9,000,000		9,000,000	
(FC) *Skiatook Reservoir*		225,000		225,000		225,000		225,000
(N) *Webbers Falls lock and dam*	[2]2,500,000		1,000,000		2,500,000		2,500,000	
OREGON								
(FC) *Applegate Reservoir*				150,000		150,000		150,000
(FC) *Bear Creek*	(7)				(7)		(7)	
(FC) Blue River Reservoir	2,028,000		2,028,000		2,028,000		2,028,000	
(N) Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	2,000,000		2,000,000		2,500,000		2,500,000	
(N) *Columbia River at the mouth, Oregon and Washington*		130,000		130,000		130,000		130,000
(R) Columbia River at the mouth (south jetty), Oregon and Washington	1,500,000		1,500,000		1,500,000		1,500,000	
(N) (Coos and Millicoma Rivers)	555,000		555,000		555,000		555,000	
(MP) Cougar Reservoir	585,000		585,000		585,000		585,000	
(FC) *Elk Creek Reservoir*						130,000		130,000
(FC) Fall Creek Reservoir	8,500,000		8,500,000		8,500,000		8,500,000	
(MP) Green Peter Reservoir	19,500,000		19,500,000		19,500,000		19,500,000	
(MP) John Day lock and dam, Oregon and Washington	72,000,000		72,000,000		72,000,000		72,000,000	
(MP) *Lost Creek Reservoir*		350,000		350,000		350,000		350,000
(FC) Lower Columbia River bank protection, Oregon and Washington	500,000		500,000		500,000		500,000	
(FC) *Shelton Ditch*		100,000		100,000		100,000		100,000
(R) (Tillamook Bay and Harbor)	500,000		500,000		500,000		500,000	
(FC) Willamette River Basin bank protection	500,000		500,000		500,000		500,000	
(N) Yaquina Bay and Harbor	1,700,000		1,700,000		1,700,000		1,700,000	
PENNSYLVANIA								
(FC) Allegheny River Reservoir, Pa. and N.Y.	27,000,000		27,000,000		27,000,000		27,000,000	
(FC) *Aylesworth Creek Reservoir*		80,000		80,000		80,000		80,000
(FC) *Beltzville Reservoir*		276,000		276,000		276,000		276,000
(FC) *Blanchard Reservoir*			1,000,000		1,000,000		1,000,000	
(FC) *Blue Marsh Reservoir*		100,000		100,000		100,000		100,000
(FC) Butler	762,000		762,000		762,000		762,000	
(N) Curwensville Reservoir	[4]3,200,000		3,200,000		3,200,000		3,200,000	
(FC) Dam 4, Monongahela River	3,800,000		3,800,000		3,800,000		3,800,000	
Delaware River, Philadelphia to sea, anchorages, Delaware, New Jersey, and Pennsylvania. (See New Jersey.)								
(FC) Elkland	800,000		800,000		800,000		800,000	
(N) *Erie Harbor (1962 Mod)*				25,000		25,000		25,000
(FC) *Latrobe*	300,000		300,000		300,000		300,000	
(N) Maxwell locks and dam, Monongahela River	5,500,000		5,500,000		5,500,000		5,500,000	
(FC) *Muddy Creek Reservoir, Pa.*		[1]25,000		25,000		25,000		25,000
(FC) *Raystown Reservoir*		[1]700,000		700,000		700,000		700,000
(FC) *Scranton*		45,000		45,000		45,000		45,000
(FC) Shenango River Reservoir, Ohio and Pa.	11,300,000		11,300,000		11,300,000		11,300,000	
(FC) *Tioga Hammond Reservoir*		[1]300,000		300,000		300,000		300,000
Tocks Island Reservoir, Pa. and N.J. (See New Jersey.)								
(FC) Turtle Creek	[1]4,500,000		4,500,000		4,500,000		4,500,000	
(FC) *Union City Reservoir*		100,000		100,000		100,000		100,000
(FC) *Woodcock Reservoir*		60,000		60,000		60,000		60,000

See footnotes at end of table.

Construction, general, fiscal year 1965—Continued

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	RHODE ISLAND								
(FC)	(Fox Point Barrier)	$1,857,000		$1,857,000		$1,857,000		$1,857,000	
(FC)	Lower Woonsocket	2,000,000		2,000,000		2,000,000		2,000,000	
(FC)	*Narragansett pier, hurricane barrier*		$65,000		$65,000		$65,000		$65,000
(FC)	*Point Judith, hurricane barrier*		100,000		120,000		120,000		120,000
(N)	*Warwick Cove (sec. 107)*			[6] (200,000)		[6] (200,000)		[6] (200,000)	
	SOUTH CAROLINA								
	Aquatic plant control. (See Louisiana.)								
	SOUTH DAKOTA								
(MP)	Big Bend Reservoir	14,500,000		14,500,000		14,500,000		14,500,000	
(MP)	Fort Randall Reservoir	1,270,000		1,270,000		1,270,000		1,270,000	
(MP)	Oahe Reservoir, S. Dak. and N. Dak	4,000,000		4,000,000		4,000,000		4,000,000	
	TENNESSEE								
	Barkley Dam, Ky. and Tenn. (See Kentucky.)								
(MP)	Cordell Hull lock and dam	7,100,000		8,100,000		8,100,000		8,100,000	
(MP)	J. Percy Priest Reservoir	[2] 12,100,000		10,100,000		12,100,000		12,100,000	
(BA)	(Woodland Street Bridge, Nashville, Tenn.)	413,000		413,000		413,000		413,000	
	TEXAS								
	Aquatic plant control. (See Louisiana.)								
(FC)	Bardwell Reservoir	6,500,000		6,500,000		6,500,000		6,500,000	
(FC)	(Big Fossil Creek)	1,340,000		1,340,000		1,340,000		1,340,000	
(R)	Brazos Island Harbor (jetties)	750,000		750,000		750,000		750,000	
(FC)	Buffalo Bayou and tributaries	2,900,000		2,900,000		2,900,000		2,900,000	
(FC)	(Canyon Reservoir)	614,000		614,000		614,000		614,000	
(FC)	*Fort Worth Floodway, Clear Fork extension*	200,000		200,000		200,000		200,000	
(FC)	Fort Worth Floodway, West Fork extension	600,000		600,000		600,000		600,000	
(FC)	*Freeport and vicinity*	300,000		300,000		300,000		300,000	
(R)	Galveston Harbor (jetties)	1,800,000		1,800,000		1,800,000		1,800,000	
(N)	*Galveston Harbor and Channel, 40-foot project*	500,000		500,000		500,000		500,000	
(N)	(Gulf Intracoastal Waterway: Guadalupe River Channel to Victoria)	2,955,000		2,955,000		2,955,000		2,955,000	
(N)	Houston ship channel (40-foot project)	3,200,000		3,200,000		3,200,000		3,200,000	
(FC)	*Lake Kemp Reservoir*		200,000		200,000		200,000		200,000
(FC)	*Lavon Reservoir modification and channel improvement*		225,000		225,000		225,000		225,000
(N)	Matagorda ship channel, 36- and 38-foot channels	2,477,000		2,477,000		2,477,000		2,477,000	
(FC)	*Pat Mayse Reservoir*		300,000	1,000,000		1,000,000		1,000,000	
(N)	Port Aransas-Corpus Christi Waterway (40-foot project), Gulf of Mexico to Viola	2,000,000		2,000,000		2,000,000		2,000,000	
(R)	Port Aransas-Corpus Christi Waterway (jetties)	800,000		800,000		800,000		800,000	
(FC)	*Port Arthur and vicinity (hurricane flood protection)*		389,000		389,000		389,000		389,000
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)								
(N)	*Sabine-Neches Waterway 40-feet and channel to Echo*			1,500,000		1,500,000		1,500,000	
(MP)	Sam Rayburn (McGee Bend) Dam	5,600,000		5,600,000		5,600,000		5,600,000	
(FC)	San Antonio Channel	1,000,000		1,000,000		1,000,000		1,000,000	
(FC)	*San Gabriel River Tributary to Brazos River*		400,000		400,000		400,000		400,000
(FC)	Somerville Reservoir	5,200,000		5,200,000		5,200,000		5,200,000	
(FC)	Stillhouse Hollow Dam	3,600,000		3,600,000		3,600,000		3,600,000	
(FC)	Texas City	4,300,000		4,300,000		4,300,000		4,300,000	
(FC)	*Vince and Little Vince Bayous*		99,000		99,000		99,000		99,000
(FC)	(Waco Reservoir)	6,326,000		6,326,000		6,326,000		6,326,000	
(N)	*Wallisville Reservoir*		350,000		350,000		350,000		350,000
	VERMONT								
(FC)	*Gaysville Dam (deferred)*				20,000		20,000		20,000
	VIRGINIA								
MP)	*Gathright Reservoir*				150,000		150,000		150,000
(FC)	John W. Flannagan (Pound) Reservoir	5,000,000		5,000,000		5,000,000		5,000,000	
(N)	*Lynnhaven Inlet and Bay*			200,000		200,000		200,000	
(FC)	(Norfolk)	1,460,000		1,460,000		1,460,000		1,460,000	
(FC)	North Fork of Pound Reservoir	3,000,000		3,000,000		3,000,000		3,000,000	
(BE)	*Virginia Beach (reimbursement)*	125,000		125,000		125,000		125,000	
	WASHINGTON								
(FC)	Colfax	1,500,000		1,500,000		1,500,000		1,500,000	
	Columbia River at the mouth, Oregon and Washington. (See Oregon.)								
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)								
(FC)	*Cowlit (County Consolidated Diking and Improvement District No. 2*					50,000		50,000	
(R)	*Grays Harbor and Chehalis River (south jetty)*	500,000		500,000		500,000		500,000	
	John Day lock and dam, Oregon and Washington. (See Oregon.)								
(N)	*Kingston Harbor*					75,000		75,000	
(MP)	Little Goose lock and dam	13,000,000		13,000,000		13,000,000		13,000,000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)								
(MP)	*Lower Granite lock and dam*					1,000,000			
(MP)	Lower Monumental lock and dam	37,500,000		37,500,000		37,500,000		37,500,000	
(FC)	(Sammamish River)	760,000		760,000		760,000		760,000	
(N)	(Swinomish Slough)	790,000		790,000		790,000		790,000	
(N)	Tacoma Harbor	900,000		900,000		900,000		900,000	
(FC)	Washougal area	700,000		700,000		700,000		700,000	
(FC)	*Wynoochee River Reservoir*		200,000		200,000		200,000		200,000

See footnotes at end of table.

Construction, general, fiscal year 1965—Continued

	Construction, general, State and project (1)	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
		Construction (2)	Planning (3)	Construction (4)	Planning (5)	Construction (6)	Planning (7)	Construction (8)	Planning (9)
	WEST VIRGINIA								
(FC)	*Beech Fork Reservoir*		$100,000		$100,000		$150,000		$150,000
	Belleville locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	*Birch Reservoir (deferred)*						50,000		50,000
	Bloomington Reservoir, Md. and W. Va. (See Maryland.)								
(FC)	*Buckhannon*	$175,000		$175,000		$175,000		$175,000	
(FC)	*East Lynn Reservoir*	500,000		500,000		500,000		500,000	
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	*Justice Reservoir*		650,000		650,000		650,000		650,000
(N)	Opekiska lock and dam	[1] 4,800,000		4,800,000		4,800,000		4,800,000	
	(Pike Island lock and dam, Ohio and West Virginia. (See Ohio.))								
	Racine locks and dam, Ohio and West Virginia. (See Ohio.)								
(FC)	Summerville Reservoir	[1] 8,244,000		8,244,000		9,000,000		9,000,000	
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)								
	WISCONSIN								
	Duluth-Superior Harbors, Minn. and Wis. (See Minnesota.)								
(FC)	Eau Galle River, Spring Valley	400,000		400,000		400,000		400,000	
(N)	*Green Bay Harbor (1962 act)*		70,000		70,000		70,000		70,000
(N)	(Kenosha Harbor)	335,000		335,000		335,000		335,000	
(R)	*Kewaunee Harbor (breakwater and revetment)*	150,000		150,000		150,000		150,000	
(FC)	*Kickapoo River*		125,000		125,000		125,000		125,000
(N)	Milwaukee Harbor (1935 act)	6,000		6,000		6,000		6,000	
(N)	*Milwaukee Harbor (1962 act)*	400,000		400,000		400,000		400,000	
(R)	Milwaukee Harbor (breakwater)	432,000		432,000		432,000		432,000	
(N)	*Saxon Harbor*			200,000		200,000		200,000	
(R)	(Sturgeon Bay-Lake Michigan ship canal)	147,000		147,000		147,000		147,000	
	MISCELLANEOUS								
(FC)	Small projects for flood control and related purposes not requiring specific legislation (sec. 205)	6,000,000		5,000.000		7,758,000		7,758,000	
(FC)	Snagging and clearing	250,000		250,000		250,000		250,000	
(N)	Small navigation projects not requiring specific legislation costing up to $200,000 (sec. 107)	1,500,000		[6] 1,805,200		[6] 1,949,200		[6] 1,949,200	
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $400,000 (sec. 103)	500.000		500,000		500,000		500,000	
	Recreation facilities, completed projects	4,000,000		4,795,000		5,000,000		5,000.000	
	Small authorized projects	1,000,000		1,000,000		1,000,000		1,000,000	
	Fish and wildlife studies (U.S. Fish and Wildlife Service)	500,000		500,000		500,000		500,000	
(R)	Minor rehabilitation projects (costing up to $400,000)	500,000		500,000		500,000		500,000	
	Employees compensation	176,000		176,000		176,000		176,000	
	Reduction for anticipated savings and slippages	−70,000,000		−75,000,000		−70,000,000		−70,000,000	
	Grand total, construction, general	878,439,000	20,669,000	884,096,200	21,671,000	920,327,200	22,464,000	917,782,200	22,161,000
		(899,108,000)		(905,767,200)		(942,791,200)		(939,943,200)	

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[1] Recommendations subsequently made to reprogram the budget amounts as follows:

State and project	Amount in budget	Revised amount
General investigations:		
Flood control studies:		
California: Sacramento-San Joaquin region	$31,000	$20,000
Illinois: Saline River and tributaries	40,000	65,000
Indiana: Crooked Creek at and in vicinity of Madison	25,000	41,000
Kentucky: Salt River	40,000	65,000
Utah: Price River	20,000	
Subtotal, general investigations	156,000	191,000
Construction, general:		
Advance engineering and design:		
Alabama: Tennessee-Tombigbee Waterway		100,000
Illinois: Saline River and tributaries		75,000
Kentucky:		
Carr Fork Reservoir	[a] 70,000	[b] (830,000
Red River Reservoir	100,000	150,000)
New York: Nichols		35,000
Ohio:		
Caesar Creek Reservoir	100,000	150,000
East Fork Reservoir	100,000	150,000
Salt Creek Reservoir	100,000	200,000
Pennsylvania:		
Muddy Creek Reservoir		25,000
Tioga-Hammond Reservoir		300,000
Raystown Reservoir	300,000	700,000
Subtotal, advance engineering and design	770,000	1,885,000
Construction, general—Continued.		
Construction:		
California: Crescent City Harbor (rehabilitation)	$300,000	
Florida: Port Everglades Harbor (1958 act)	2,254,000	$1,254,000
Illinois:		
Calumet River bridges	2,000,000	1,300,000
Tri Pond levee	700,000	470,000
Indiana:		
Cannelton locks and dams, Indiana and Kentucky	12,000,000	11,600,000
Evansville	700,000	900,000
Levee unit No. 5, Wabash River	1,200,000	1,500,000
Iowa: Muscatine Island Levee District and Muscatine Louisa County Drainage District No. 13	100,000	
Kentucky:		
Carr Fork Reservoir	[a] (70,000)	[b] 830,000
Green River Reservoir	3,200,000	4,000,000
Missouri: Kaysinger Bluff Reservoir		1,500,000
New Jersey: Cold Spring Inlet (rehabilitation)	1,078,000	488,000
New York:		
Buttermilk Channel	1,700,000	1,300,000
Fire Island Inlet to Montauk Point	2,440,000	1,900,000
Ohio: Big Darby Reservoir	750,000	1,000,000
Oregon: John Day River	400,000	
Pennsylvania:		
Curwensville Reservoir	3,000,000	3,200,000
Turtle Creek	5,000,000	4,500,000

State and project	Amount in budget	Revised amount
Construction, general—Continued.		
Construction—Continued		
West Virginia:		
Opekiska lock and dam	$5,200,000	$4,800,000
Summersville Reservoir	7,914,000	8,244,000
Subtotal, construction	49,936,000	48,786,000
Grand total, reprograming	50,862,000	50,862,000

[a] Planning funds to be taken out of budget.
[b] All construction funds.

[2] Recommendations subsequently made as follows (S. Doc. 90, July 29, 1964):

State and project	From—	To—
Arkansas River and tributaries, Arkansas and Oklahoma: Navigation locks and dams	$42,000,000	$51,500,000
Central and southern Florida flood control project	13,500,000	13,800,000
Perry Reservoir, Kans	6,500,000	8,500,000
Wareham-Marion, Mass	100,000	75,000
Lukfata Reservoir, Okla	--------	25,000
Robert S. Kerr lock and dam, Oklahoma	6,000,000	9,000,000
Webbers Falls lock and dam, Oklahoma	1,000,000	2,500,000
J. Percy Priest Reservoir, Tenn	8,600,000	12,100,000

[3] Eligible for selection under lump-sum appropriation for small navigation projects (sec. 107) and included in tentative list for fiscal year 1965.

[4] Recommendations subsequently made to amend the budget as follows (H. Doc. 240; Mar. 9, 1964):

State and project	From—	To—
Construction, general:		
Advance engineering and design, Washington: Pullman	$146,000	0
Construction:		
Kentucky: Capt. Anthony Meldahl lock and dam, Kentucky and Ohio	6,885,000	$6,365,000
New York: South Amsterdam	512,000	378,000
Total	7,543,000	6,743,000

[5] Eligible for selection under lump-sum appropriation for small flood control projects (sec. 205), but not included in tentative list of projects for fiscal year 1965.

[6] The additional funds allowed by the House were earmarked as follows:
Northeast Cape Fear, N.C., $105,200.
Warwick County, R.I., $200,000.

[7] Eligible for selection under lump-sum appropriation for small authorized projects and included in tentative list of small authorized projects for fiscal year 1965.

NOTE.—Projects shown in italic are new projects or modifications of projects on which construction has not started, and projects in parentheses are those projects to be completed with the amount in the approved budget.

MISSISSIPPI RIVER AND TRIBUTARIES

Mr. ELLENDER. For Mississippi River and tributaries, the conference report provides $77,862,000, which is $2,058,000 below the amount approved by the Senate; $4,312,000 above the House; $6,002,000 above the budget; and the same amount as was appropriated for fiscal year 1964.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a tabulation explaining the action of the conferees on the appropriation for flood control, Mississippi River and tributaries.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Flood control, Mississippi River and tributaries, fiscal year 1965

Construction, general, State and project	Approved budget estimate for fiscal year 1965		House allowance		Senate allowance		Conference allowance	
	Construction	Planning	Construction	Planning	Construction	Planning	Construction	Planning
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1. General investigations:								
(a) Examinations and surveys	$65,000		$90,000		$125,000		$125,000	
(b) Collection and study of basic data	85,000		85,000		85,000		85,000	
Subtotal, general investigations	150,000		175,000		210,000		210,000	
2. Construction and planning:								
Mississippi River levees	3,800,000	--------	3,800,000	--------	4,000,000	--------	4,000,000	--------
Channel improvement	24,500,000	--------	26,165,000	--------	27,250,000	--------	26,892,000	--------
Memphis Harbor	600,000	--------	600,000	--------	600,000	--------	600,000	--------
Old River control	200,000	--------	200,000	--------	200,000	--------	200,000	--------
St. Francis Basin	3,700,000	--------	3,700,000	--------	3,700,000	--------	3,700,000	--------
West Tennessee tributaries	1,400,000	--------	1,400,000	--------	1,400,000	--------	1,400,000	--------
Lower Arkansas River	300,000	--------	300,000	--------	300,000	--------	300,000	--------
Tensas Basin:								
Boeuf and Tensas Rivers, etc	900,000	--------	900,000	--------	900,000	--------	900,000	--------
Red River backwater	200,000	--------	200,000	--------	300,000	--------	300,000	--------
Yazoo Basin:								
Sardis Reservoir	70,000	--------	70,000	--------	70,000	--------	70,000	--------
Enid Reservoir	40,000	--------	40,000	--------	40,000	--------	40,000	--------
Arkabutla Reservoir	40,000	--------	40,000	--------	40,000	--------	40,000	--------
Grenada Reservoir	50,000	--------	50,000	--------	50,000	--------	50,000	--------
Greenwood	700,000	--------	700,000	--------	700,000	--------	700,000	--------
Upper auxiliary channels	100,000	--------	100,000	--------	100,000	--------	100,000	--------
Main stem	800,000	--------	800,000	--------	800,000	--------	800,000	--------
Tributaries	1,600,000	--------	1,600,000	--------	1,600,000	--------	1,600,000	--------
Big Sunflower River, etc	650,000	--------	650,000	--------	650,000	--------	650,000	--------
Yazoo backwater	1,850,000	--------	1,850,000	--------	2,000,000	--------	2,000,000	--------
Bayou Cocodrie and tributaries	300,000	--------	300,000	--------	300,000	--------	300,000	--------
Atchafalaya Basin	7,200,000	--------	7,200,000	--------	10,000,000	--------	8,600,000	--------
Lake Pontchartrain	210,000	--------	210,000	--------	210,000	--------	210,000	--------
Subtotal, construction and planning	49,210,000	--------	50,875,000	--------	55,210,000	--------	53,452,000	--------
Reduction for anticipated savings and slippages	−1,500,000	--------	−1,500,000	--------	−1,500,000	--------	−1,500,000	--------
Total, construction and planning	47,710,000	--------	49,375,000	--------	53,710,000	--------	51,952,000	--------
3. Maintenance	24,000,000	--------	24,000,000	--------	26,000,000	--------	25,700,000	--------
Grand total	71,860,000	--------	73,550,000	--------	79,920,000	--------	77,862,000	--------

Mr. ELLENDER. Mr. President, with respect to Title II: Bureau of Reclamation, Construction, and Rehabilitation, the conference bill provides $185,616,500 for this item, which is $72,500 below the amount approved by the Senate; $3,183,500 above the amount allowed by the House; $292,500 above the budget; and $185,500 above the appropriation for 1964. Mr. President, I ask unanimous consent to insert in the record a tabulation showing the action of the conferees on this item.

There being no objection, the table was ordered to be printed in the RECORD.

Bureau of Reclamation—Construction and rehabilitation

Project	Budget estimate	House allowance	Senate allowance	Conference allowance
Delivery of water to Mexico			$2,000,000	$2,000,000
Malta, Mont., street improvement			26,000	26,000
Advance planning	$200,000	$200,000	200,000	200,000
Gila project, Arizona	1,190,000	1,190,000	1,190,000	1,190,000
Colorado River front and levee system, Arizona-California	4,265,000	4,665,000	4,665,000	4,665,000
Parker-Davis project, Arizona-California-Nevada	1,482,000	1,482,200	1,482,000	1,482,000
Central Valley project, California	55,546,000	55,280,000	54,480,000	54,480,000
Pacific Northwest-Pacific Southwest intertie	3,300,000		3,300,000	3,300,000
Fryingpan-Arkansas project, Colorado	6,200,000	6,200,000	6,200,000	6,200,000
Mann Creek project, Idaho	725,000	225,000	725,000	725,000
Wichita project, Cheney division, Kansas	1,480,000	1,480,000	1,480,000	1,480,000
Arbuckle project, Oklahoma	3,500,000	3,500,000	3,500,000	3,500,000
Norman project, Oklahoma	3,221,000	3,221,000	3,221,000	3,221,000
Baker project, upper division, Oregon	700,000	700,000	700,000	700,000
Rogue River Basin project, Talent division, Agate Dam and Reservoir, Oreg	400,000	400,000	400,000	400,000
The Dalles project, western division, Oregon	2,393,800	2,393,800	2,393,800	2,393,800
Canadian River project, Texas	22,100,000	22,100,000	22,100,000	22,100,000
Lower Rio Grande rehabilitation project, La Feria division, Texas	783,000	783,000	783,000	783,000
Lower Rio Grande rehabilitation project, Mercedes division, Texas	775,000	775,000	775,000	775,000
Weber Basin project, Utah	7,786,000	7,786,000	7,986,000	7,936,000
Chief Joseph Dam project, Okanogan-Similkameen division, Oroville, Tonasket unit, Washington	400,000	400,000	400,000	400,000
Columbia Basin project, Washington	6,800,000	6,800,000	8,300,000	8,300,000
Spokane Valley project, Washington	1,918,000	1,918,000	1,918,000	1,918,000
Riverton project, 3d division, Wyoming	$1,300,000	$1,300,000	$1,300,000	$1,300,000
Drainage and minor construction	1,412,964	1,412,964	1,412,964	1,412,964
Rehabilitation and betterment of existing projects	4,544,251	4,144,251	4,144,251	4,144,251
Reclamation office building			2,650,000	2,650,000
Subtotal	132,422,015	128,856,015	137,732,015	137,682,015
Missouri River Basin project:				
Ainsworth unit, Nebraska	6,500,000	6,500,000	6,500,000	6,500,000
Almena unit, Kansas	1,350,000	2,200,000	2,200,000	2,200,000
East Bench unit, Montana	780,000	780,000	780,000	780,000
Farwell unit, Nebraska	2,700,000	2,700,000	2,700,000	2,700,000
Frenchman-Cambridge division, Nebraska	665,000	665,000	665,000	665,000
Glen Elder unit, Kansas	8,400,000	8,400,000	8,400,000	8,400,000
Transmission division	22,175,000	22,175,000	21,585,000	21,585,000
Yellowtail unit, Montana-Wyoming	19,950,000	19,950,000	19,950,000	19,950,000
Drainage and minor construction	1,915,000	1,915,000	1,915,000	1,915,000
Investigations	1,743,000	1,668,000	1,893,000	1,893,000
Advance planning	950,000	850,000	850,000	850,000
Subtotal, Missouri River Basin project	67,128,000	67,803,000	67,438,000	67,438,000
Other Department of the Interior agencies	3,349,000	3,349,000	3,394,000	3,371,500
Total, Missouri River Basin project	70,477,000	71,152,000	70,832,000	70,809,500
Subtotal, construction and rehabilitation	202,899,015	200,008,015	208,564,015	208,491,515
Undistributed reduction based on anticipated delays	−17,575,015	−17,575,015	−22,875,015	−22,875,015
Total, construction and rehabilitation	185,324,000	182,433,000	185,689,000	185,616,500

Mr. ELLENDER. As to title III, very little change was made by the conferees. As Senators know, that title deals with the Atomic Energy Commission.

I ask unanimous consent to insert at this point in the record a table showing the details of the amount agreed to by the conferees for operating expenses of the Atomic Energy Commission.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Program	Budget estimate	Conference allowance
Raw materials	$267,455,000	$267,455,000
Special nuclear materials	401,500,000	398,500,000
Weapons	771,747,000	765,000,000
Reactor development	497,900,000	494,000,000
Physical research	222,000,000	214,000,000
Biology and medicine	80,000,000	78,000,000
Training, education, and information	17,700,000	15,700,000
Isotopes development program	10,300,000	9,300,000
Civilian applications of nuclear explosives	11,000,000	11,000,000
Community program	9,035,000	9,035,000
Program direction and administration	76,780,000	76,000,000
Security investigation program	7,000,000	7,000,000
Cost of work for others	5,100,000	5,100,000
Change in selected resources	−18,451,000	−21,451,000
Revenues and reimbursements from non-Federal sources	−36,066,000	−47,066,000
Unobligated balance brought forward		−20,000,000
Total	2,323,000,000	2,261,573,000

Mr. ELLENDER. Title IV provides funds for the TVA, the St. Lawrence Seaway Development Corporation, the Delaware River Basin Commission, and for accelerated public works.

I have already submitted to the Senate the table indicating exactly what was done as to each agency in that title.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11579) entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes."

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 13, 14, and 16 to aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$150,000".

Mr. ELLENDER. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to Senate amendment No. 15.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

EXTENSION AND AMENDMENT OF LAWS RELATING TO HOUSING, URBAN RENEWAL, AND COMMUNITY FACILITIES

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, which was as follows:

Strike out all after the enacting clause and insert:

"That this Act may be cited as the 'Housing Act of 1964'.

"TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

"Mortgage limit for homes under section 203 programs

"SEC. 101. (a) Section 203(b)(2) of the National Housing Act is amended—

"(1) by striking out '$25,000', '$27,500', '$27,500', and '$35,000' and inserting in lieu thereof '$30,000', '$32,500', '$32,500', and '$37,500', respectively; and

"(2) by striking out '90 per centum', '90 per centum', and '75 per centum' and inserting in lieu thereof '92 per centum', '92½ per centum', and '80 per centum', respectively.

"(b) Section 203(i) of such Act is amended by striking out '$90,000' and inserting in lieu thereof '$11,000'.

"Home improvement loans outside of urban renewal areas

"SEC. 102. Section 203(k) of the National Housing Act is amended by striking out 'economically sound' in clause (2) of the first sentence and inserting in lieu thereof 'an acceptable risk'.

"Additional relief for home mortgagors in default due to circumstances beyond their control

"SEC. 103. (a) Section 204(a) of the National Housing Act is amended by striking out the fourth proviso and inserting in lieu thereof the following: ': *And provided further,* That with respect to any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, if the Commissioner finds, after notice of default, that the default was due to circumstances beyond the control of the mortgagor, he may, upon such terms and conditions as he may prescribe, (1) approve the request of the mortgagee for an extension of the time for the curing of the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property to such time as the Commissioner may determine is necessary and desirable to enable the mortgagor to complete the mortgage payments, including an extension of time beyond the stated maturity of the mortgage, and in the event of a subsequent foreclosure or acquisition of the property by other means the Commissioner is authorized to include in the debentures an amount equal to any unpaid mortgage interest, or (2) approve a modification of the terms of the mortgage for the purpose of changing the amortization provisions by recasting, over the remaining term of the mortgage or over such longer period as may be approved by the Commissioner, the total unpaid amount then due, as determined by the Commissioner, with the modification to become effective currently or to become effective upon the termination of an agreed-upon extension of the period for curing the default; and the principal amount of the mortgage, as modified, shall be considered to be the "original principal obligation of the mortgage" as that term is used in this Act for the purpose of computing the total face value of the debentures to be issued or the cash payment to be made by the Commissioner to a mortgagee'.

(b) "Section 230 of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: 'Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence heretofore or hereafter insured under this Act, the Commissioner, in his discretion and for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that he has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance, may acquire the loan and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the loan plus any unpaid mortgage interest plus reimbursement for such costs and attorney's fees as the Commissioner finds were properly incurred in connection with the defaulted mortgage and its assignment to the Commissioner, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Commissioner, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto.'

"Maximum amount of section 207 rental housing mortgages

"SEC. 104. Section 207(c)(2) of the National Housing Act is amended by striking out all that follows the first colon and precedes 'to mortgages on housing in Alaska', and inserting in lieu thereof the following: '*Provided,* That this limitation shall not apply'.

"Family unit limits on FHA rental housing

"SEC. 105. (a) Section 207(c)(3) of the National Housing Act is amended by striking out the first paragraph and inserting in lieu thereof the following:

"'(3) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms or not to exceed $1,800 per space or $500,000 per mortgage for trailer courts or parks; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical areas where he finds that cost levels so require.'

"(b) Section 213(b)(2) of such Act is amended by striking out all that precedes the third proviso and inserting in lieu thereof the following:

"'(2) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvement as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms, and not to exceed 97 per centum of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed physical improvements are completed: *Provided,* That as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design: *Provided further,* That the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require'.

"(c) Section 220(d)(3)(B)(iii) of such Act is amended to read as follows:

"'(iii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require: *Provided,* That nothing contained in this subparagraph shall preclude the insurance of mortgages covering existing multifamily dwellings to be rehabilitated or reconstructed for the purposes set forth in subsection (a) of this section; and'.

"(d)(1) Section 221(d)(3)(ii) of such Act is amended to read as follows:

"'(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require; and'.

"(2) Section 221(d)(4)(ii) of such Act is amended to read as follows:

"'(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 30 per centum in any geographical area where he finds that cost levels so require;'.

"(e) Section 231(c)(2) of such Act is amended to read as follows:

"'(2) not exceed, for such part of the property or project as many be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require;'.

"(f)(1) Clause (2) in the first sentence of section 810(f) of such Act is amended by striking out '$2,500 per room (or $9,000 per family unit if the number of rooms in such property or project is less than four per family unit)' and inserting in lieu thereof '$9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms'.

"(2) The second sentence of section 810(f) of such Act is amended to read as follows: 'The Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require.'

"Supplementary cooperative loans under section 213(j)

"SEC. 106. (a) Section 213(j)(1) of the National Housing Act is amended—

"(1) by striking out 'or' at the end of clause (A);

"(2) by striking out the period at the end of clause (B) and inserting in lieu thereof '; or'; and

"(3) by adding at the end thereof the following new clause:

"'(C) Cooperative purchases and resales of memberships in order to provide necessary refinancing for resales of memberships which involve increases in equity; but in such resales by the cooperative the downpayments by the new members shall not be less than those made on the original sales of such memberships.'

"(b) Section 305(e) of such Act is amended by adding at the end thereof the following new sentence: 'Without regard to any of the limitations of this subsection except the total amount of authorizations available, the Association is authorized to enter into advance commitment contracts and purchase transactions on supplementary cooperative loans with respect to which the Federal Housing Commissioner shall have issued, pursuant to section 213(j), either a commitment to insure or a statement of eligibility; but such commitments and purchases shall be made solely where there is management-type cooperative involved which is certified by the Federal Housing Commissioner as a consumer cooperative.'

"Mutuality for management-type cooperatives

"SEC. 107. (a) Section 213 of the National Housing Act is amended by adding at the end thereof the following new subsections:

"'(k) There is hereby created a Cooperative Management Housing Insurance Fund (hereinafter referred to as the "Management Fund"). The Management Fund shall be used by the Commissioner as a revolving fund for carrying out the provisions of this section with respect to mortgages or loans insured, on or after the date of the enactment of this subsection, under subsections (a)(1), (a)(3) (if the project is acquired by a cooperative corporation), (i), and (j). The Management Fund shall also be used as a revolving fund for mortgages, loans, and commitments transferred to it pursuant to subsection (m). The Commissioner is directed to transfer to the Management Fund from the Housing Insurance Fund established pursuant to section 207(f) such amount as the Commissioner determines to be necessary and appropriate. General expenses of operation of the Federal Housing Administration relating to mortgages or loans which are the obligation of the Management Fund may be charged to the Management Fund.

"'(l) The Commissioner shall establish in the Management Fund, as of the date of the enactment of this subsection, a General Surplus Account and a Participating Reserve Account. The aggregate net income thereafter received or any net loss thereafter sustained by the Management Fund, in any semiannual period, shall be credited or charged to the General Surplus Account or the Participating Reserve Account or both in such manner and amounts as the Commissioner may determine to be in accord with sound actuarial and accounting practice. Upon termination of the insurance obligation of the Management Fund by payment of any mortgage or loan insured under this section, and at such time or times prior to such termination as the Commissioner may determine, the Commissioner is authorized to distribute to the mortgagor or borrower a share of the Participating Reserve Account in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound actuarial and accounting practice: *Provided*, That in no event shall the amount of the distributable share exceed the aggregate scheduled annual premiums of the mortgagor or borrower to the year of payment of the share less the total amount of any share or shares previously distributed by the Commissioner to the mortgagor or borrower: *And provided further*, That in no event may a distributable share be distributed until any funds transferred to the Management Fund pursuant to section 219 have been repaid in full to the transferring fund. No mortgagor, mortgagee, borrower, or lender shall have any vested right in a credit balance in any such account or be subject to any liability arising out of the mutuality of the Management Fund. The determination of the Commissioner as to the amount to be paid by him to any mortgagor or borrower shall be final and conclusive.

"'(m) The Commissioner is authorized to transfer to the Management Fund commitments for insurance issued under subsections (a)(1), and (i), and (j) prior to the date of the enacement of this subsection, and to transfer to the Management Fund the insurance of any mortgage or loan insured prior to the date of the enactment of this subsection under subsection (a)(1), (a)(3) (if the project is acquired by a cooperative corporation), (i), or (j), but only in cases where the consent of the mortgagee or lender to the transfer is obtained or a request by the mortgagee or lender for the transfer is received by the Commissioner within such period of time after the date of the enactment of this subsection as the Commissioner shall prescribe: *Provided*, That the insurance of any mortgage or loan shall not be transferred under the provisions of this subsection if on the date of the enactment of this subsection the mortgage or loan is in default and the mortgagee or lender has notified the Commissioner in writing of its intention to file an insurance claim. Any insurance or commitment not so transferred shall continue to be an obligation of the Housing Insurance Fund.

"'(n) Nothwithstanding the limitations contained in other provisions of this Act, premium charges for mortgages or loans insured under sections 207, 213, 231, and 232 may be payable in debentures issued in connection with mortgages or loans transferred to the Management Fund or in connection with mortgages or loans insured pursuant to commitments transferred to the Management Fund, as provided in subsection (m) of this section.'

"(b) Section 213 of such Act is further amended—

"(1) by inserting before the period at the end of subsection (a) the following: ': *Provided*, That as applied to mortgages the mortgage insurance for which is the obligation of the Management Fund, the reference to the Housing Fund in section 207(b)(2) shall be construed to refer to the Management Fund'; and

"(2) by inserting before the period at the end of subsection (e) the following: ': *Provided*, That as applied to mortgages or loans the insurance for which is the obligation of the Management Fund (1) all references to the Housing Insurance Fund or Housing Fund shall be construed to refer to the Management Fund, and (2) all references to section 207 shall be construed to refer to subsections (a)(1), (a)(3) (if the project involved is acquired by a cooperative corporation), (i), and (j) of this section'.

"(c) Section 207(f) of such Act is amended by inserting at the end thereof the following new sentence: 'This subsection shall not be applicable to a mortgage or loan, insured under section 213, the mortgage or loan insurance for which is the obligation of the Cooperative Management Housing Insurance Fund.'

"(d) Section 219 of such Act is amended by striking out 'or the Servicemen's Mortgage Insurance Fund' and inserting in lieu thereof 'the Servicemen's Mortgage Insurance Fund, or the General Surplus Account of the Cooperative Management Housing Insurance Fund'.

"Mortgage limits under section 220 sales housing mortgage insurance program

"SEC. 108. Section 220(d)(3)(A)(i) of the National Housing Act is amended—

"(1) by striking out '$25,000', '$27, 500', '$30,000', '$35,000', and '$35,000' and inserting in lieu thereof '$30,000', '$32,500', '$32,500', '$37,500', and '$37,500', respectively; and

"(2) by striking out '90 per centum', '90 per centum', and '75 per centum' and inserting in lieu thereof '92 per centum', '92½ per centum', and '80 per centum', respectively.

"Mortgage limits under section 220 multifamily housing mortgage insurance program

"SEC. 109. Section 220(d)(3)(B)(i) of the National Housing Act is amended by striking out '$20,000,000' and inserting in lieu thereof '$30,000,000'.

"Loans to cover the cost of public improvements

"SEC. 110. (a) The second sentence of section 220(h)(1) of the National Housing Act is amended to read as follows: 'As used in this subsection—

"'(A) the term "home improvement loan" means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit made—

"'(i) for the purpose of financing the improvement of an existing structure (or in connection with an existing structure) which was constructed not less than ten years prior to the making of such loan, advance of credit, or purchase, and which is used or will be used primarily for residential purposes: *Provided*, That a home improvement loan shall include a loan, advance, or purchase with respect to the improvement of a structure which was constructed less than ten years prior to the making of such loan, advance, or purchase if the proceeds are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or which were caused by fire, flood, windstorm, or other casualty; or

"'(ii) for the purpose of enabling the borrower to pay that part of the cost of the construction or installation of sidewalks, curbs, gutters, street paving, street lights, sewers, or other public improvements, adjacent to or in the vicinity of property owned by him and used primarily for residential purposes, which is assessed against him or for which he is otherwise legally liable as the owner of such property;

"'(B) the term "improvement" means conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement, or remodeling; and

"'(C) the term "financial institution" means a lender approved by the Commissioner as eligible for insurance under section 2 or a mortgagee approved under section 203(b)(1).'

"(b) Section 220(h)(2)(i) of such Act is amended by inserting before the semicolon at the end thereof the following: ', and be limited as required by paragraph (11)'.

"(c) Section 220(h) of such Act is further amended by adding at the end thereof the following new paragraph:

"'(11) Notwithstanding any other provision of this Act, no home improvement loan made in whole or in part for the purpose specified in clause (A)(ii) of the second sentence of paragraph (1) shall be insured under this subsection if such loan (or the portion thereof which is attributable to such purpose), when added to the aggregate principal balance of any outstanding loans insured under this subsection or section 203(k) which were made to the same borrower for the purpose so specified (or the portion of such aggregate balance which is attributable to such purpose), would exceed $10,000.'

"Home improvement loans on property held under lease

"SEC. 111. Section 220(h)(2)(vi) of the National Housing Act is amended by striking out 'a period of not less than fifty years to run from the date of the loan' and inserting in lieu thereof 'an expiration date in excess of five years later than the maturity date of the loan.'

"Private mortgagors under section 221(d)(3)

"SEC. 112. Section 221(d)(3) of the National Housing Act is further amended by inserting after 'section' in the matter preceding clause (i) the following: ', or a mortgagor approved by the Commissioner which (A) as a condition of obtaining the insurance of a mortgage under this section, and prior to the submission of its application for such insurance, has entered into an agreement, in form and substance satisfactory to the Commissioner, to sell the property or project covered by such mortgage (upon its completion) to a private nonprofit corporation, association, or other mortgagor approved by the Commissioner at the actual cost of the property or project as certified pursuant to section 227, and (B) is regulated or supervised by the Commissioner, under a regulatory agreement or otherwise, as to rents, charges, and methods of operation in such form and in such manner as in the opinion of the Commissioner will effectuate the purposes of this section'.

"Mortgage insurance for servicemen

"SEC. 113. Section 222(b) of the National Housing Act is amended—

"(1) by striking out '203(b) or 203(i)' in paragraph (1) and inserting in lieu thereof '203(b), 203(i), or 221(d)(2),'; and

"(2) by striking out 'such principal obligation shall not exceed $9,000' in paragraph (2) and inserting in lieu thereof 'or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section'.

"Private financing of sale of FHA-acquired properties

"SEC. 114. Section 223(c) of the National Housing Act is amended by striking out 'limitation upon eligibility contained in this title II' and inserting in lieu thereof the following: 'limitations or requirements contained in this title upon the eligibility of the mortgage, upon the payment of insurance premiums, or upon the terms and conditions of insurance settlement and the benefits of the insurance to be included in such settlement (except that in any case the payment of insurance shall be in debentures)'.

"Mortgage insurance for nonprofit nursing homes

"SEC. 115. Section 232(b)(1) of the National Housing Act is amended by inserting after 'proprietary facility' the following: 'or facility of a private nonprofit corporation or association'.

"Experimental housing

"SEC. 116. (a) Section 233(a) of the National Housing Act is amended by striking out ', in the case of mortgages insured under subsection (b)(2) of this section,'.

"(b) Section 233(b) of such Act is amended to read as follows:

"'(b) To be eligible for insurance under this section, a mortgage shall meet the requirements of one of the other sections of this title; except that, in determining the appraised value or the replacement cost of the property in cases involving new construction or the estimated cost of repair and rehabilitation or improvement in cases involving existing properties, the Commissioner's estimate may be based upon an estimate of the cost of replacing the property using comparable conventional design, materials, and construction, and any limitation upon the maximum mortgage amount available to a nonoccupant owner shall not, in the discretion of the Commissioner, be applicable to mortgages insured under this section.'

"(c) Section 233 of such Act is further amended by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"'(e) Any mortgagee under a mortgage insured under subsection (b) shall be entitled to insurance benefits determined in the same manner as such benefits would be determined if such mortgage or loan were insured under the section of this title for which it otherwise would have been eligible except for the experimental feature of the property involved.'

"(d) Section 233 of such Act is further amended by redesignating subsections (g) and (h) as subsections (f) and (g), respectively, and by striking out 'subsections (e) and (f)' in the first sentence of the subsection so redesignated as subsection (f) and inserting in lieu thereof 'subsection (e)'.

"Mortgage insurance for condominiums

"SEC. 117. (a) Section 234 of the National Housing Act is amended—

"(1) by striking out the heading and inserting in lieu thereof 'MORTGAGE INSURANCE FOR CONDOMINIUMS';

"(2) by striking out 'structure' each place it appears and inserting in lieu thereof 'project' (and by striking out 'structures' in the last sentence of subsection (c) and inserting in lieu thereof 'projects');

"(3) by striking out 'the term "mortgage" for the purposes of this section' in subsection (b) and inserting in lieu thereof 'the term "mortgage" for the purposes of subsection (c)';

"(4)(A) by striking out 'this section' each time it appears in subsection (c) and inserting in lieu thereof 'this subsection';

"(B) by striking out 'under another section' in the first sentence of subsection (c) and inserting in lieu thereof 'under any section';

"(5) by striking out 'section 213' each time it appears in subsection (c) and inserting in lieu thereof 'section 213(a) (1) and (2)';

"(6) by striking out the third sentence of subsection (c) and inserting in lieu thereof the following: 'To be eligible for insurance pursuant to this subsection, a mortgage shall (A) involve a principal obligation in an amount not to exceed $30,000, and not to exceed the sum of (i) 97 per centum of $15,000 of the amount which the Commissioner estimates will be the appraised value of the family unit including common areas and facilities as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of $15,000 but not in excess of $20,000, and (iii) 80 per centum of such value in excess of $20,000, and (B) have a maturity satisfactory to the Commissioner, but not to exceed, in any event, thirty-five years from the date of the beginning of amortization of the mortgage or three-fourths of the Commissioner's estimate of the remaining economic life of the project, whichever is the lesser.';

"(7) by redesignating subsection (d) as subsection (g), by redesignating subsections (e) and (f) as subsections (i) and (j), respectively, and by inserting after subsection (c) the following new subsections:

"'(d) In addition to individual mortgages insured under subsection (c), the Commissioner is authorized, in his discretion and under such terms and conditions as he may prescribe, to insure blanket mortgages (including advances on such mortgages during construction) which cover multifamily projects to be constructed or rehabilitated in cases where the mortgage is held by a mortgagor, approved by the Commissioner, which—

"'(1) has certificated to the Commissioner, as a condition of obtaining the insurance of a blanket mortgage under this subsection, that upon completion of the multifamily project covered by such mortgage it intends to commit the ownership of the multifamily project to a plan of family unit ownership under which each family unit would be eligible for individual mortgage insurance under subsection (c) and will faithfully and diligently make and carry out all reasonable efforts to establish such plan of family unit ownership and to sell such family units to purchasers approved by the Commissioner; and

"'(2) shall be regulated or restricted by the Commissioner as to rents, charges, capital structure, rate of return, and methods of operation until the termination of all obligations of the Commissioner under the insurance and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage. The Commissioner may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary to render effective the regulation and restriction of such mortgagor. The stock or interest acquired by the Commissioner shall be paid for out of the Apartment Unit Insurance Fund, and shall be redeemed by the mortgagor at par at any time upon the request of the Commissioner after the termination of all obligations of the Commissioner under the insurance.

"'(e) To be eligible for insurance, a blanket mortgage on any multifamily project of a mortgagor of the character described in subsection (d) shall involve a principal obligation in an amount—

"'(1) not to exceed $20,000,000, or not to exceed $25,000,000 if the mortgage is executed by a mortgagor regulated or supervised, under Federal or State law or by a political subdivision of a State or an agency thereof, as to rents, charges, and methods of operation;

"'(2) not to exceed 90 per centum of the amount which the Commissioner estimates will be the replacement cost of the projects when the proposed physical improvements are completed;

"'(3) not to exceed, for such part of the project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 30 per centum in any geographical area where he finds that cost levels so require; and

“‘(4) not to exceed an amount equal to the sum of the unit mortgage amounts determined under the provisions of subsection (c) assuming the mortgagor to be the owner and occupant of each family unit.

“‘(f) Any blanket mortgage insured under subsection (d) shall provide for complete amortization by periodic payments within such term as the Commissioner may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest (exclusive of premium charges for insurance) at not to exceed 5¼ per centum per annum on the amount of the principal obligation outstanding at any time. The Commissioner may consent to the release of a part or parts of the mortgaged property from the lien of the blanket mortgage upon such terms and conditions as he may prescribe and the blanket mortgage may provide for such release. The project covered by the blanket mortgage may include five or more family units and such commercial and community facilities as the Commissioner deems adequate to serve the occupants.’;

“(8) by striking out ‘this section’ each time it appears in the subsection redesignated as subsection (g) by paragraph (7) of this subsection and inserting in lieu thereof ‘subsection (c) of this section’;

“(9) by inserting after the subsection redesignated as subsection (g) by paragraph (7) of this subsection the following new subsection:

“‘(h) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), (m), (n), and (p) of section 207 shall be applicable to mortgages insured under subsection (d) of this section, except that all references to the Housing Insurance Fund, or Housing Fund, shall be construed to refer to the Apartment Unit Insurance Fund.’; and

“(10) by amending the subsection redesignated as subsection (j) by paragraph (7) of this subsection to read as follows:

“‘(j) The provisions of sections 225 and 230 shall be applicable to the mortgages insured under subsection (c) of this section.’

“(b) Section 212(a) of such Act is amended by adding at the end thereof the following new sentence: ‘The provisions of this section shall also apply to the insurance of any mortgage under section 234(d).’

“(c) Section 227(a) of such Act is amended by striking out ‘or (vii)’ and inserting in lieu thereof ‘(vii)’, and by inserting before the semicolon at the end thereof ‘, or (viii) under section 234(d)’.

“Prepayment of mortgages by nonprofit educational institutions

“SEC. 118. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

“‘Prepayment of mortgages by nonprofit educational institutions

“‘SEC. 517. (a) Notwithstanding any other provision of this Act, no adjusted premium charge shall be collected in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor certifies to the Commissioner that the loan was paid in full by or on behalf of a nonprofit educational institution which intends to use the property for educational purposes.

“‘(b) The Commissioner shall refund any adjusted premium charge collected subsequent to July 1, 1962, and prior to the date of the enactment of the Housing Act of 1964, in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor under such mortgage makes the certification prescribed by subsection (a).’

“Increase in number of units insurable under section 810 program

“SEC. 119. Section 810(i) of the National Housing Act is amended by striking out ‘five thousand dwelling units’ and inserting in lieu thereof ‘ten thousand dwelling units’.

“TITLE II—HOUSING FOR THE ELDERLY AND HANDICAPPED

“Housing for the elderly—Loan program

“SEC. 201. Section 202(a)(4) of the Housing Act of 1959 is amended by striking out ‘$275,000,000’ and inserting in lieu thereof ‘$350,000,000’.

“FHA section 221 housing for low- or moderate-income elderly persons

“SEC. 202. Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: ‘Any person sixty-two years of age or over shall be deemed to be a family within the meaning of the terms “family” and “families” as those terms are used in this section.’

“Housing for the handicapped

“SEC. 203. (a)(1) The heading of title II of the Housing Act of 1959 is amended by striking out ‘HOUSING FOR THE ELDERLY’ and inserting in lieu thereof ‘HOUSING FOR THE ELDERLY OR HANDICAPPED’.

“(2) Section 202 of such Act is amended—

“(A) by striking out ‘elderly families and elderly persons’ wherever it appears in subsections (a)(1), (a)(2), and (e) and inserting in lieu thereof in each instance ‘elderly or handicapped families’;

“(B) by amending subsection (d)(1) to read as follows:

“‘(1) The term housing” means structures suitable for dwelling use by elderly or handicapped families which are (A) new structures, or (B) provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for proposed dwelling use by such families.’;

“(C) by striking out the first sentence of subsection (d)(4) and inserting in lieu thereof the following: ‘The term “elderly or handicapped families” means families which consist of two or more persons and the head of which (or his spouse) is sixty-two years of age or over or is handicapped, and such term also means a single person who is sixty-two years of age or over or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Administrator, to have a physical impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions,’;

“(D) by inserting before the period at the end of subsection (d)(7) the following: ‘or rehabilitation, alteration, conversion, or improvement of existing structures’; and

“(E) by amending subsection (d)(8) to read as follows:

“‘(8) The term “related facilities” means (A) new structures suitable for use by elderly or handicapped families as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities, and (B) structures suitable for the above uses provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for such uses.’

“(b) The last sentence of section 221(f) of the National Housing Act (as added by section 202 of this Act) is amended by striking out ‘person sixty-two years of age or over’ and inserting in lieu thereof ‘person who is sixty-two years of age or over, or who is a handicapped person within the meaning of section 202 of the Housing Act of 1959,’.

“(c) Section 231 of such Act is amended by adding at the end thereof the following new subsection:

“‘(f) Notwithstanding any of the provisions of this section, the housing provided under this section may include family units which are specially designed for the use and occupancy of any person or family qualifying as a handicapped family as defined in section 202 of the Housing Act of 1959, and such special facilities as the Commissioner deems adequate to serve handicapped families (as so defined). The Commissioner may also prescribe procedures to secure to such families preference or priority of opportunity to rent the living units specially designed for their use and occupancy.’

“(d) The second sentence of section 2(2) of the United States Housing Act of 1937 (as amended by section 401(a) of this Act) is amended by inserting after ‘and includes’ the following: ‘a single person who is handicapped within the meaning of section 202 of the Housing Act of 1959 or who is’.

“(e) Section 207 of the Housing Act of 1961 (as amended by section 407 of this Act) is further amended by inserting before the period at the end of the first sentence the following: ‘and of demonstrating the types of housing and the means of providing housing that will assist low income persons or families who qualify as handicapped families as defined in section 202 of the Housing Act of 1959’.

“TITLE III—URBAN RENEWAL

“Capital grant authorization

“SEC. 301. Section 103(b) of the Housing Act of 1949 is amended by striking out ‘not to exceed $4,000,000,000’ and inserting in lieu thereof ‘not to exceed $4,600,000,000’.

“Code enforcement

“SEC. 302. (a) The first sentence of section 110(c) of the Housing Act of 1949 is amended by inserting after ‘or rehabilitation or conservation in an urban renewal area,’ the following: ‘or a program of code enforcement in an urban renewal area’.

“(b) (1) Paragraph (5) of the second sentence of section 110(c) of such Act is amended (1) by striking out ‘a program of’ and inserting in lieu thereof ‘programs of code enforcement or’, and (2) by adding before the semicolon at the end of such paragraph the following: ‘: *Provided*, That no program of code enforcement shall be included as part of an urban renewal project unless the locality shall agree to increase its total expenditures with respect to code enforcement, during the period such project is under contract for a loan or capital grant, by an amount equal to the required local grants-in-aid with respect to the code enforcement included as part of such project’.

“(2) Any contract for a capital grant under title I of the Housing Act of 1949 executed prior to the date of the enactment of this Act may be amended to incorporate the provisions of paragraph (1) for costs incurred on or after such date.

“(c) Section 101(c) of such Act is amended by adding at the end thereof the following new sentence: ‘Commencing three years from the date of the enactment of the Housing Act of 1964, no workable program will be certified or recertified unless the locality has had in effect for at least six months prior to such certification or recertification a minimum standards housing code, related but not limited to health, sanitation, and occupancy requirements, which is deemed adequate by the Administrator; and unless the Administrator is satisfied that the locality is carrying out an effective program of enforcement to achieve compliance with such housing code.’

“Relocation of displacees from urban renewal areas

“SEC. 303. (a)(1) Section 105(c) of the Housing Act of 1949 is amended by striking out ‘families’ wherever it appears and inserting in lieu thereof ‘individuals and families’.

“(2) The requirement imposed by the amendments made by paragraph (1) shall not be applicable to any project receiving

Federal recognition prior to the date of the enactment of this Act.

"(b) Section 105(c) of such Act is further amended by inserting before the period at the end thereof the following ': *Provided*, That the Administrator shall issue rules and regulations to aid in implementing the requirements of this subsection and in otherwise achieving the objectives of this title which shall require that there be established, at the earliest practicable time, for each urban renewal project involving the displacement of families, individuals, or business concerns occupying property in an urban renewal area, a relocation assistance program which shall include such measures, facilities, and services as may be necessary or appropriate in order (1) to determine the needs of such families, individuals, and business concerns for relocation assistance, (2) to provide information and assistance to aid in relocation and otherwise minimize the hardships of displacement, and (3) to assure the necessary coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community which may affect the carrying out of the relocation program'.

"(c) Section 114(e) of such Act (as added by section 306 of this Act and redesignated by section 317 of this Act) is amended by adding at the end thereof the following new sentence: 'Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred.'

"(d) Section 8(b) of the Small Business Act is amended—

"(1) by striking out 'and' at the end of paragraph (12);

"(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof '; and'; and

"(3) by adding after paragraph (13) the following new paragraph:

" '(14) to provide at the earliest practicable time such information and assistance as may be appropriate, including information concerning eligibility for loans under section 7(b)(3), to local public agencies (as defined in section 110(h) of the Housing Act of 1949) and to small-business concerns to be displaced by federally aided urban renewal projects in order to assist such small-business concerns in reestablishing their operations.'

"Disposal of land for low- and moderate-income housing

"Sec. 304. Subsections (a) and (b) of section 107 of the Housing Act of 1949 are amended to read as follows:

" '(a) Upon approval of the Administrator and subject to such conditions as he may determine to be in the public interest, any real property held as part of an urban renewal project may be made available to (1) a limited dividend corporation, nonprofit corporation or association, cooperative, or public body or agency, or (2) a purchaser who would be eligible for a mortgage insured under section 221(d)(4) of the National Housing Act, for purchase at fair value for use by such purchaser in the provision of new or rehabilitated rental or cooperative housing for occupancy by families or individuals of moderate income.

" '(b) When it appears in the public interest that real property acquired as part of an urban renewal project should be used in whole or in part for a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act, the property shall be made available to the public housing agency undertaking the low-rent housing project at a price equal to its fair value, as determined in accordance with subsection (a), and such amount shall be included as part of the development cost of such low-rent housing project: *Provided*, That the local contribution in the form of tax exemption or tax remission required by section 10(h) of such Act, or by analogous provisions in legislation authorizing such State or local program, with respect to the low-rent housing project into which such property was incorporated on or after September 23, 1959, shall (if covered by a contract which, in the determination of the Public Housing Commissioner, will assure that such local contribution will be made during the entire period that the project is used as low-rent housing within the meaning of such Act, or by provisions found by the Administrator to give equivalent assurance in the case of State or local programs) be accepted as a local grant-in-aid equal in amount, as determined by the Administrator, to one-half (or one-third in the case of an urban renewal project on a three-fourths capital grant basis) of the difference between the cost of such property (including costs of land, clearance, site improvements, and a share, prorated on an area basis, of administrative, interest, and other project costs) and its sales prices, and shall be considered a local grant-in-aid furnished in a form other than cash within the meaning of section 110(d) of this Act.'

"Rehabilitation of property in urban renewal areas

"Sec. 305. Section 110(c) of the Housing Act of 1949 is amended by adding immediately after and below paragraph (7) the following new paragraph:

" 'Notwithstanding any other provision of this title, no contract shall be entered into for any loan or capital grant under this title for any project which provides for demolition and removal of buildings and improvements unless the Administrator determines that the objectives of the urban renewal plan could not be achieved through rehabilitation of the project area.'

"Relocation payments to displaced persons and businesses

"Sec. 306. (a) Title I of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

" 'Relocation

" 'Sec. 114. (a) Notwithstanding any other provision of this title, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this title shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, "displaced" refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

" '(b) A local public agency may pay to any displaced business concern or nonprofit organization—

" '(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed $3,000 (or, if greater, the total certified actual moving expenses); and

" '(2) an additional $1,000 in the case of a private business concern with average annual net earnings of less than $10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of the real property under the third sentence of section 102(a)), (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.

" '(c) (1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed $200: *And provided further*, That the Administrator may authorize payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

" '(2) A local public agency may pay (in addition to any amount under paragraph (1)), to or on behalf of any displaced individual or family, the monthly rental (or mortgage payment) required for the dwelling accommodations in which such individual or family is relocated during the first three months (after displacement) for which such rental (or payment) is due; except that no amount in excess of $200 shall be paid under this paragraph to or on behalf of any displaced individual or family, and payments under this paragraph shall be available only in the case of individuals and families displaced on or after January 27, 1964.

" '(d) The Administrator is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section.'

"(b) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by section 114 of the Housing Act of 1949.

"(c) Section 106 of the Housing Act of 1949 is amended by striking out subsection (f).

"Incentives for local realty tax abatement for section 221(d)(3) projects

"Sec. 307. Section 110(d) of the Housing Act of 1949 is amended by striking out 'and (3)' and inserting in lieu thereof the following: '(3) the amount of any abatement of realty taxes granted by appropriate authority in reduction of realty taxes, which would, except for such abatement, be payable by a project the mortgage on which is insured under section 221 of the National Housing Act and bears an interest rate fixed pursuant to the proviso in section 221(d)(5) of such Act; and (4)'.

"Rehabilitation loans

"Sec. 308. (a) To assist rehabilitation in an urban renewal area and thereby reduce the need for demolition and removal of structures, the Housing and Home Finance Administrator is hereby authorized, through the utilization of local public and private agencies where feasible, to make loans as herein provided to the owners or tenants of property in such area to finance rehabilitation required to make the property conform to applicable code requirements or to carry out the objectives of the urban renewal plan for the area. No loan shall be made under this section unless the Administrator finds (1) that the applicant is unable to secure the necessary funds from other sources upon reasonable terms and conditions, and (2) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan.

"(b) For the purposes of this section—

"(1) the term 'rehabilitation' means the improvement or repair of a structure or facilities in connection with a structure, and may include the provision of such sanitary or other facilities as are required by applicable codes or the urban renewal plan to be provided by the owner or tenant of the property;

"(2) the term 'urban renewal area' means a slum area or a blighted, deteriorated, or deteriorating area as defined in section 110 (a) of the Housing Act of 1949;

"(3) the term 'tenant' means a person or organization who is occupying a structure under a lease having a period to run at the time a rehabilitation loan is made under this section of not less than the term of the loan; and

"(4) the term 'Administrator' means the Housing and Home Finance Administrator.

"(c) A rehabilitation loan made under this section shall be subject to the following limitations:

"(1) The loan shall be subject to such terms and conditions as may be prescribed by the Administrator.

"(2) The term of the loan may not exceed fifteen years or three-fourths of the remaining economic life of the structure after rehabilitation, whichever is less.

"(3) The loan shall bear interest at such rate as the Administrator determines to be appropriate but not to exceed 3 per centum per annum of the amount of the principal outstanding at any time, and the Administrator may prescribe such other charges as he finds necessary, including service charges and appraisal, inspection, and other fees.

"(4) The amount of the loan may not exceed—

"(A) in the case of residential property, the amount of a loan which could be insured by the Federal Housing Commissioner under section 220(h) of the National Housing Act; and

"(B) in the case of nonresidential property, $50,000, or the cost of rehabilitation, or an amount which when added to any outstanding indebtedness related to the property securing the loan creates a total outstanding indebtedness that exceeds the amount of a loan which the Administrator determines could be reasonably secured by a first mortgage on the property.

"(5) A loan shall be secured as determined by the Administrator.

"(d) There is authorized to be appropriated not to exceed $50,000,000 which shall constitute a revolving fund to be used by the Administrator in carrying out this section.

"(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this section, the Administrator shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402 of the Housing Act of 1950 (except subsection (c)(2)).

"(f) The Administrator is authorized to delegate to or use as his agent any local public or private agency or organization to the extent he determines appropriate and desirable to carry out the objectives of this section in the area involved.

"(g) The Administrator is authorized to issue such rules and regulations and impose such requirements and conditions (in addition to those specified in this section) as he determines to be desirable to carry out the objectives of this section, including limitations on the amount of a loan and restrictions on the use of the property involved.

"*Self-help programs for community improvement*

"Sec. 309. Section 101(d) of the Housing Act of 1949 is amended by inserting immediately after "local urban renewal programs" the following: "(including rehabilitation projects requiring no additional assistance under this title or self-liquidating redevelopment projects)".

"*Urban renewal demonstration program*

"Sec. 310. Section 314 of the Housing Act of 1954 is amended—

"(1) by inserting '(a)' after '314.' at the beginning of the section;

"(2) by inserting before the period at the end of the second sentence the following: ', but such a grant may in addition cover the full cost of writing and publishing the reports on such activities and undertakings';

"(3) by inserting 'activities and' before 'undertakings' in the third sentence;

"(4) by striking out the fourth and fifth sentences; and

"(5) by adding at the end thereof the following new subsections:

"'(b) The Administrator is further authorized to pay for the cost of (1) writing and publishing reports on activities and undertakings financed by grants made under this section, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of this section, and (2) writing and publishing summaries and other informational material on such reports.

"'(c) The aggregate amount of grants made under subsection (a), and other costs incurred pursuant to subsection (b), shall not exceed $10,000,000 and shall be payable from the grant funds provided under and authorized by section 103(b) of the Housing Act of 1949. The Administrator may make advance or progress payments on account of any contract entered into pursuant to this section, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended.'

"*Urban and regional planning grants*

"Sec. 311. (a) Section 701(a) of the Housing Act of 1954 is amended by striking out 'resulting from rapid urbanization' in clause (B) of paragraph (1).

"(b) Section 701(a) of such Act is amended—

"(1) by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

"(2) by adding after paragraph (5) the following new paragraph:

"'(6) metropolitan and regional planning agencies, with the approval of the State planning agency or (in States where no such planning agency exists) of the Governor of the State, for the provision of planning assistance within the metropolitan area or region to cities, other municipalities, counties, groups of adjacent communities, or Indian reservations described in clauses (A), (B), (C), and (D) of paragraph (1); and'.

"*Planning grant authorization*

"Sec. 312. Section 701(b) of the Housing Act of 1954 is amended by striking out '$75,000,000' in the last sentence and inserting in lieu thereof '$105,000,000.'

"*Planning grants for Indian reservations*

"Sec. 313. (a) Section 701(a) of the Housing Act of 1954 is amended—

"(1) by striking out 'and' at the end of clause (B) of paragraph (1);

"(2) by inserting ', and (D) Indian reservations' before the semicolon at the end of paragraph (1); and

"(3) by adding after paragraph (6) (as added by section 311(b) of this Act) the following new paragraph:

"'(7) tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation to which no State planning agency or other agency or instrumentality is empowered to provide planning assistance under clause (D) of paragraph (1).'

"(b) Section 701(d) of such Act is amended—

"(1) by striking out 'and urban regions' in the first sentence and inserting in lieu thereof 'urban regions, and Indian reservations'; and

"(2) by inserting the following after 'Instrumentalities' in the second sentence: ', and Indian tribal bodies,'.

"*Eligibility of counties for planning assistance*

"Sec. 314. Section 701(a) of the Housing Act of 1954 is amended by striking out clause (A) of paragraph (1) and inserting in lieu thereof the following: '(A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: *Provided*, That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Administrator finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after the date of enactment of the Housing Act of 1964, for the purposes of this section,'.

"*Planning problems resulting from treaties or other international agreements*

"Sec. 315. Section 701(a)(4) of the Housing Act of 1954 is amended to read as follows:

"'(4) official governmental planning agencies for areas where (A) urban planning problems have resulted or are expected to result from the implementation of a Federal treaty or other international agreement or understanding, or (B) rapid urbanization has resulted or is expected to result from the establishment or rapid and substantial expansion of a Federal installation;'.

"*Small Business Administration loans*

"Sec. 316. Section 7(b)(3) of the Small Business Act is amended by inserting before the period at the end thereof the following: '; and the purposes of a loan made pursuant to this paragraph may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises from which it was displaced'.

"*Relocation payments in cases of property affected by coal mine subsidence or underground mine fires*

"Sec. 317. (a) Section 114 of the Housing Act of 1949 (as added by section 306 of this Act) is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following new subsection:

"'(d) In any case in which property owned by an individual, family, business concern, or nonprofit organization has been rendered partially or wholly unusable on account of the subsidence or collapse of underlying coal mines, or because of an underground mine fire or fires, relocation payments under this section may include (in addition to any amounts payable under subsection (b) or (c)) an amount equal to the difference between (1) the actual market value which such property would have if the diminution in its value occasioned by such subsidence or collapse or fire were ignored, and (2) the price paid for the acquisition of such property by the local public agency.'

"(b) The first sentence of section 114(a) of such Act (as so added) is amended by striking out 'organizations' and all that follows and inserting in lieu thereof the following: 'organizations. Any contract for financial assistance under this title shall provide that no part of the amount of such payments (except such payments made pursuant to subsection (d)) shall be required to be contributed as a local grant-in-aid, and that the capital grant otherwise payable for the project shall be increased by an amount equal to (1) any of such payments made pursuant to subsection (b) or (c), plus (2) any of such payments made pursuant to subsection (d), reduced by the amount of the local grants-in-aid applicable to such payments.'

"(c) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by the amendments made by this section so long as the project involved has not yet been completed on such date.

"(d) Section 15(8) of the United States Housing Act of 1937 (as added by section 406 of this Act) is amended by striking out 'section 114 (b) or (c)' and inserting in lieu thereof 'section 114 (b), (c), or (d)'.

"TITLE IV—HOUSING FOR LOW-INCOME FAMILIES

"Eligibility of displaced individuals for low-rent public housing

"SEC. 401. (a) Section 2(2) of the United States Housing Act of 1937 is amended to read as follows:

"'(2) The term "families of low income" means families (including elderly and displaced families) who are in the lowest income group and who cannot afford to pay enough to cause private enterprises in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. The term "families" includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term "elderly families" means families whose heads (or their spouses), or whose sole members, have attained the age at which an individual may elect to receive an old-age insurance benefit under title II of the Social Security Act or are under a disability as defined in section 223 of that Act. The term "displaced families" means families displaced by urban renewal or other governmental action.'

"(b) Section 10(g)(2) of such Act is amended by striking out 'those displaced by urban renewal or other governmental action' and inserting in lieu thereof 'displaced families'.

"(c) Section 15(7)(b) of such Act is amended by striking out 'family displaced by urban renewal or other governmental action' in clause (ii) and inserting in lieu thereof 'displaced family'.

"Additional subsidy for urban renewal and low-rent housing displacees

"SEC. 402. Section 10(a) of the United States Housing Act of 1937 is amended by inserting before the period at the end of the third sentence the following: ': *Provided further,* That such an additional payment may also be made, on the same terms and conditions and subject to the same limitations, with respect to a unit occupied on the last day of the project fiscal year by a displaced family if such family was displaced by an urban renewal or low-rent housing project on or after January 27, 1964, and if and to the extent that the rental of such unit was less than the rental which, in the determination of the Authority based on average or estimated project rentals, would have been established in leasing the unit to another family which was neither an elderly family nor similarly displaced'.

"Increase in authorization for annual contributions

"SEC. 403. Section 10(e) of the United States Housing Act of 1937 is amended by inserting immediately after 'per annum,' the following: 'which limit shall be increased by $27,000,000 on the date of the enactment of the Housing Act of 1964,'.

"Payments in lieu of taxes by local housing authorities; local contributions

"SEC. 404. Section 10(h) of the United States Housing Act of 1937 is amended by striking out all that follows the first colon and inserting in lieu thereof the following: '*Provided,* That, with respect to any such project which is not exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivisions, such contract shall provide, in lieu of the requirement for tax exemption and payments in lieu of taxes, that no annual contributions by the Authority shall be made available for such project unless and until the State, city, county, or other political subdivisions in which such project is situated shall contribute, in the form of cash or tax remission, the amount by which the taxes paid with respect to the project exceed 10 per centum of the annual shelter rents charged in such project: *Provided further,* That, prior to execution of the contract for annual contributions the public housing agency shall, in the case of a tax-exempt project, notify the governing body of the locality of its estimate of the annual amount of such payments in lieu of taxes and of the amount of taxes which would be levied if the property were privately owned, or, in the case where the project is taxed, its estimate of the annual amount of the local cash contribution, and shall thereafter include the actual amounts of such payments or contributions in its annual report. Contracts for annual contributions entered into prior to the effective date of the Housing Act of 1964 may be amended in accordance with the first sentence of this subsection.'

"Relocation of families and individuals displaced from project sites

"SEC. 405. (a) Section 15(7)(b) of the United States Housing Act of 1937 is amended by striking out 'and' before '(ii)', and by inserting before the period at the end thereof the following: '; and (iii) unless the public housing agency has demonstrated to the satisfaction of the Authority that there is a feasible method for the temporary relocation of the displaced families from the project site, and that there are or are being provided, in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of such displaced families, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and reasonably accessible to their places of employment'.

"(b) The amendments made by subsection (a) shall not be applicable to any project for which an application for preliminary loan has been approved by the local governing body prior to the date of the enactment of this Act.

"Relocation payments

"SEC. 406. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph:

"'(8) The Authority may authorize the cost of relocation payments made by public housing agencies to be included with the development or acquisition cost of any project for purposes of determining the amount of loans and annual contributions authorized to be made with respect to such project under sections 9 and 10, but such costs shall be separately stated as relocation costs and shall be excluded from any amounts on which the computation of annual contributions is based for purposes of determining the amount of local contributions required with respect to such project under section 10 (h). For purposes of this paragraph, a "relocation payment" is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency, (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 114 (b) or (c) of the Housing Act of 1949 for relocation payments made to individuals, families, business concerns, or nonprofit organizations, as the case may be.'

"Low-income housing demonstration program authorization

"SEC. 407. Section 207 of the Housing Act of 1961 is amended by striking out '$5,000,000' and inserting in lieu thereof '$10,000,000'.

"TITLE V—RURAL HOUSING

"Extension of senior citizens rental housing insurance program

"SEC. 501. Section 515(b)(5) of the Housing Act of 1949 is amended by striking out 'September 30, 1964' and inserting in lieu thereof 'September 30, 1965'.

"Rural housing direct loan program

"SEC. 502. (a) Section 511 of the Housing Act of 1949 is amended by striking out '$700,000,000' and inserting in lieu thereof '$850,000,000'.

"(b) Section 502(a) of such Act is amended by inserting after 'a loan may be made by the Secretary to said applicant' the following: ', in a principal amount not exceeding $15,000,'.

"Definition of domestic farm labor

"SEC. 503. Section 514(f)(3) of the Housing Act of 1949 is amended to read as follows:

"'(3) The term "domestic farm labor" means persons who receive a substantial portion (as determined by the Secretary) of their incomes as laborers on farms situated in the United States and either (A) are citizens of the United States or (B) reside in the United States after being legally admitted for permanent residence therein.'

"TITLE VI—FEDERAL-STATE TRAINING PROGRAMS

"Findings and purpose

"SEC. 601. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this title to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are likely to be, employed by a governmental or public body which has responsibilities for community development; and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"Matching grants to States

"SEC. 602. (a) Subject to the provisions of this title and in accordance with regulations prescribed by him, the Administrator may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are likely to be, employed by a governmental or public body which has responsibilities for community development; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this title unless the Administrator has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this title;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State program under this title; and

"(5) provides that such officer or agency will make such reports to the Administrator, in such form, and containing such information, as may be reasonably necessary to enable the Administrator to perform his duties under this title.

"(c) No grant may be made under this title for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purpose and for concurrent use.

"(d) There is authorized to be appropriated for grants under this title, without fiscal year limitation, not to exceed $10,000,000.

"State limit

"SEC. 603. Not more than 10 per centum of the total amount authorized to be appropriated by section 602(d) may be used for making grants to any one State.

"Technical assistance, studies, and publication of information

"SEC. 604. In order to carry out the purpose of this title, the Administrator is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this title shall limit any authority of the Administrator under any other provision of law.

"Miscellaneous

"SEC. 605. (a) As used in this title, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and the term 'Administrator' means the Housing and Home Finance Administrator.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this title.

"TITLE VII—COMMUNITY FACILITIES

"Public facility loans

"SEC. 701. (a) Section 202(a) of the Housing Amendments of 1955 is amended by striking out 'instrumentalities of States' in clause (1) of the first sentence and inserting in lieu thereof 'instrumentalities of one or more States', and by striking out 'in the same State' in such clause and inserting in lieu thereof 'of one or more States'.

"(b) Section 202(b)(4) of such Amendments is amended by inserting '(A)' before 'to any municipality' in the first sentence, and by striking out everything in such sentence after 'most recent decennial census, or' and inserting in lieu thereof the following: '(B) to any public agency or instrumentality serving one or more municipalities, political subdivisions, or unincorporated areas in one or more States, unless each municipality, political subdivision, and unincorporated area to be served by the specific public work or facility for which assistance is sought under this section has a population less than the applicable figures under clause (A) according to such census.'

"Advances for public works planning

"SEC. 702. (a) Section 702(e) of the Housing Act of 1954 is amended to read as follows:

"'(e) In order to provide moneys for advances in accordance with this section, the Administrator is hereby authorized to establish a revolving fund which shall comprise (1) all moneys heretofore or hereafter appropriated pursuant to this section. together with all repayments and other receipts heretofore or hereafter received in connection with advances made under this section, and (2) all repayments and other receipts received after June 30, 1964, and all advances (and claims in connection with advances) outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) and the Act of October 13, 1949 (63 Stat. 841–2). There are authorized to be appropriated to such revolving fund, in addition to amounts authorized to be appropriated for the purposes of this section prior to the date of the enactment of the Housing Act of 1964, such sums, not to exceed $20,000,000, as may be necessary to carry out the purposes of this section.'

"(b) Section 702 of such Act is further amended by adding at the end thereof the following new subsection:

"'(h)(1) Notwithstanding any other provision of law, if a public agency or Indian tribe undertakes to construct only a portion of a public work planned with an advance under this section, under title V of the War Mobilization and Reconversion Act of 1944, or under the Act of October 13, 1949, it shall repay only such proportionate amount of the advance relating to the public work as the Administrator determines to be equitable.

"'(2) The Administrator is authorized to terminate, upon such terms and conditions as he shall deem equitable, all or a portion of the liability for repayment of any advance made under this section, title V of the War Mobilization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Administrator determines that there is no reasonable likelihood that the public work, or a portion of the public work, planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Administrator.'

"(c) Section 702 of such Act is further amended—

"(1) by striking out 'public agencies' wherever that term appears in subsection (a) and inserting in lieu thereof 'public agencies and Indian tribes';

"(2) by striking out 'public agency' in clause (3) of subsection (b) and inserting in lieu thereof 'public agency or Indian tribe';

"(3) by striking out 'to any public agency' and 'by the public agency' in subsection (c) and inserting in lieu thereof 'to any public agency or Indian tribe' and 'by the public agency or Indian tribe', respectively, and by striking out 'by such agency' in such subsection and inserting in lieu thereof 'by such agency or tribe'; and

"(4) by striking out 'That if' and all that follows down through '*And provided further,*' in subsection (c).

"(d) Section 702(f) of such Act is amended by striking out '$50,000' and inserting in lieu thereof '$100,000'.

"(e) Section 702(a) of such Act is amended by inserting immediately before the first colon the following: ', including, in the case of public works to be constructed in connection with the development of a medical center, a general plan for the development of such center'.

"(f) Section 702(b) of such Act is amended by striking out the last sentence.

"TITLE VIII—SAVINGS AND LOAN ASSOCIATIONS

"SEC. 801. (a) The first sentence of section 5(c) of the Home Owners' Loan Act of 1953 is amended by striking out 'fifty miles' and inserting in lieu thereof 'one hundred miles'.

"(b) The third sentence of section 403(b) of the National Housing Act is amended by striking out all that precedes the first semicolon and inserting in lieu thereof the following: 'Each applicant for such insurance shall also file with its application an agreement that during the period that the insurance is in force it will not make any loans beyond one hundred miles from its principal office, except (1) loans in the area beyond such one-hundred-mile limit in which it was operating prior to June 27, 1934, and (2) loans which are made pursuant to regulations of the Corporation: *Provided,* That such agreement shall further provide that any loan made beyond fifty miles from the applicant's principal office (and outside the territory in which it was operating on such date) shall also be subject to such regulations'.

"SEC. 802. The first proviso in section 5(c) of the Home Owners' Loan Act of 1933 is amended—

"(1) by striking out '$35,000' and inserting in lieu thereof '$40,000'; and

"(2) by striking out ', except that the aggregate sums invested pursuant to the two exceptions in this proviso shall not exceed 30 per centum of the assets of such association.'

"SEC. 803. The next to last paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows:

"'Without regard to any other provision of this subsection, any such association is authorized to invest not more than 5 per centum of its assets in, or in interests in, real property located within urban renewal areas as defined in subsection (a) of section 110 of the Housing Act of 1949 and obligations secured by first liens on real property so located, but no investment shall be made by an association under this sentence in real property or any interest therein if the aggregate investment of the association under this sentence in real property and interests therein, determined as prescribed by the Board, would thereupon exceed 2 per centum of the assets of the association.'

"SEC. 804. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof a new paragraph as follows:

"'For the purpose of this section the terms "real property" and "real estate" shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is renewable automatically or at the option of the holder (or at the option of the association) so as not to expire, for at least fifteen years beyond the maturity of the debt, or for such shorter period as the Board, by regulation, may prescribe.'

"SEC. 805. Section 5(c) of the Home Owners Loan Act of 1933 is further amended by adding at the end thereof (after the paragraph added by section 804 of this Act) the following new paragraph:

"'6. Any such association is authorized to invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of that State, District, Commonwealth, territory, or possession and by Federal savings and loan associations having their home offices therein, but no association may make any investment under this sentence if its aggregate outstanding investment under this sentence, determined as prescribed by the Board, would thereupon exceed 1 per centum of its assets.'

"SEC. 806 Section 10(b) of the Federal Home Loan Bank Act is amended—

"(1) by striking out 'twenty-five' in clause (1) and inserting in lieu thereof 'thirty'; and

"(2) by striking out '$35,000' in clause (2) and inserting in lieu thereof '$40,000'.

"SEC. 807. The second proviso in the first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out 'or in the obligations of the Federal National Mortgage Association' and inserting in lieu thereof the following: '; or in obligations of the Federal National Mortgage Association or of any other agency of the United States; or in obligations of or guaranteed by, or special obligations (which may be defined by the Board) issued by, any one or more of the following: any State, any county, municipality, or political subdivision of any State, or any district, public instrumentality, or public authority of any one or more of the foregoing; and as used in this proviso the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States'.

"SEC. 808. The first sentence of the second paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows: 'Without regard to any other provision of this subsection except the area requirement, any such association is authorized to invest a sum not in excess of 20 per centum of the assets of such association in loans insured under title I of the National Housing Act, in home improvement loans insured under title II of the National Housing Act, in unsecured loans insured or guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as amended, or chapter 37 of title 38 of the United States Code, and in other loans for property alteration, repair, or improvement: *Provided*, That no such loan, unless so insured or guaranteed, shall be made in excess of $5,000.'

"SEC. 809. Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

"'Investment of certain funds in accounts of insured institutions

"'SEC. 409. The savings accounts and share accounts held by institutions insured by the Corporation, to the extent they are insured by the Corporation, shall be lawful investments and may be accepted as security for all public funds of the United States, fiduciary and trust funds under the authority or control of the United States or any officer or officers thereof, and for the funds of all corporations organized under the laws of the United States, regardless of any limitation of law upon the investment of any such funds or upon the acceptance of security for the investment or deposit of any of such funds.'

"SEC. 810. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting after the second paragraph the following new paragraph:

"'Without regard to any other provision of this subsection, any such association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to as "loans" made for the payment of expenses of colleges or university education, but no association shall make any investment in loans under this paragraph if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets.'

"TITLE IX—MISCELLANEOUS

"FNMA—Removal of $20,000 mortgage amount limitation

"SEC. 901. Section 302(b) of the National Housing Act is amended—

"(1) by striking out 'any mortgage' in clause (3) and inserting in lieu thereof 'any mortgage under section 305'; and

"(2) by striking out the proviso in clause (3).

"FNMA—Ninety per centum loans

"SEC. 902. Section 304(a)(2) of the National Housing Act is amended by striking out '80 per centum' and inserting in lieu thereof '90 per centum'.

"Transfer of mortgagor's equity in residence covered by FHA—insured mortgage

"SEC. 903. (a) If—

"(1) an individual is the mortgagor under a mortgage which is insured under the National Housing Act and which covers a one-, two-, three-, or four-family residence being used by such individual as his principal residence;

"(2) such individual is not in default on any payments under such mortgage, and either (A) at least one year has expired since the date of the execution of the mortgage or (B) such individual's equity in the property covered by the mortgage is at least $500; and

"(3) such individual is required to move to a new location in the United States for reasons of health, because of a change in his employment, or for any other cause determined by the Federal Housing Commissioner to be unreasonable or unavoidable,

then, under regulations prescribed by the Federal Housing Commissioner, such individual may transfer his equity in the property to a similar dwelling in the new location; in the manner provided by subsection (b).

"(b) An individual desiring to transfer his equity as provided in subsection (a) shall make application therefor to the Federal Housing Commissioner in such manner and form, and in accordance with such terms and conditions, as the Commissioner may require. The Commissioner may approve the application if he finds that the individual meets the conditions specified in subsection (a) and in the preceding sentence, and if the Commissioner holds title to a dwelling in the new location (acquired by him under section 204, 213(e), 220(f)(1), 221(g)(1), 222(d), 233(e), or 809(d) of the National Housing Act, or in any other manner) which such individual desires to purchase for use as his principal residence in the new location. Upon approving the application the Commissioner shall effect the transfer of the individual's equity by accepting the conveyance from him of title to his existing dwelling and selling to him the dwelling in the new location, for cash or credit and on terms and conditions as nearly equivalent to those applicable to the existing dwelling as may be practicable, but in any case reducing the purchase price thereof by an amount equal to the equity held by such individual in the existing dwelling.

"(c) As used in this section, the term 'equity', with respect to any property, means the amount determined by the Federal Housing Commissioner to be the value of the owner's interest in the property after deducting an amount equal to the customary sales expense and conveyancing costs prevailing in the locality for similar properties.

"Open-space program—Grant authorization

"SEC. 904. Section 702(b) of the Housing Act of 1961 is amended—

"(1) by striking out '$50,000,000' and inserting in lieu thereof '$75,000,000'; and

"(2) by adding at the end thereof the following: 'All funds so appropriated shall remain available until expended.'

"College housing loans

"SEC. 905. The second paragraph of section 404(b) of the Housing Act of 1950 is amended by adding at the end thereof the following new sentence: 'Where State law would prevent the institution (or all of the institutions) for whose students or students and faculty the housing is to be provided from cosigning the note, the Administrator shall instead require the approval of the corporation and the proposed project by such institution (or by any one or more of such institutions).'

"Acquisition of certain housing by Secretary of Defense

"SEC. 906. The first sentence of section 404 (a) of the Housing Amendments of 1955 is amended by inserting before the period at the end thereof the following: ', or (3) any housing situated on or adjacent to a military installation which was (A) completed prior to July 1, 1952, (B) considered by the Department of Defense, prior to construction, as being necessary to meet an existing military family housing need and considered as military housing by the Federal Housing Commissioner, and (C) financed with mortgages insured under section 608 of the National Housing Act, including adjacent property constructed primarily to provide commercial facilities for the occupants of such housing'.

"Forest Hills project in Paducah, Kentucky

"SEC. 907. The Federal Housing Commissioner is authorized and directed to sell to the Paducah-McCracken County Development Council, Incorporated, of Paducah, Kentucky, for use as a public facility (including such use by the Paducah Junior College as may be deemed appropriate by such Council), and for a total price of $1,000,000, all right, title, and interest of the United States in and to the housing project in Paducah known as Forest Hills (a project constructed under title VIII of the National Housing Act as in effect prior to August 11, 1955, and subsequently acquired by the Federal Housing Administration).

"Payment in lieu of taxes by Hawaii Housing Authority

"SEC. 908. Notwithstanding the provisions of any other law or any contract or rule of law, the Public Housing Commissioner shall approve a payment in lieu of taxes to be made for the fiscal year ended June 30, 1959, in the amount of $24,167.78, by the Hawaii Housing Authority to the city and county of Honolulu.

"Transfer of land for urban renewal purposes by Philadelphia Housing Authority

"SEC. 909. (a) Notwithstanding the provisions of title I of the Housing Act of 1949 and the United States Housing Act of 1937, the Housing and Home Finance Administrator and the Public Housing Commissioner are authorized and directed to consent to the transfer by the Philadelphia Housing Authority to the Philadelphia Redevelopment Authority of all property acquired by the Housing Authority for low-rent housing project numbered Pennsylvania 2–51, on condition that (1) an amount which, together with any funds of the Housing Authority available for the purpose, is sufficient to pay and discharge all obligations incurred by the Housing Authority in connection with such low-rent housing project and owing at the time of transfer, will be paid by the Redevelopment Authority to the Public Housing Administration to be applied in satisfaction of the Housing Authority's obligations which it cannot meet with its own funds available for the purpose, and

(2) the total amount so paid by the Redevelopment Authority will be included in the gross project cost of its Whitman urban renewal project, Pennsylvania R–35.

"(b) The Housing and Home Finance Administrator and the Public Housing Commissioner are authorized to modify any contracts heretofore entered into and to take any other appropriate action necessary to carry out the provisions of subsection (a).

"Eligibility of certain local grants-in-aid

"SEC. 910. Notwithstanding the date of the commencement of construction of the Fox Point hurricane dam in Providence, Rhode Island, local expenditures made in connection with such dam shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the railroad relocation urban renewal project (Rhode Island R–8) in accordance with the provisions of title I of the Housing Act of 1949."

Mr. MANSFIELD. Mr. President, the House of Representatives has passed Senate bill 3049 with an amendment. It has insisted upon the House amendment and has requested an immediate conference with the Senate. Conferees on the part of the House have been appointed.

I move that the Senate disagree to the House amendment and agree to the conference requested by the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Chair appointed Mr. SPARKMAN, Mr. DOUGLAS, Mr. CLARK, Mr. WILLIAMS of New Jersey, Mr. MUSKIE, Mr. LONG of Missouri, Mr. TOWER, Mr. BENNETT, and Mr. JAVITS conferees on the part of the Senate.

SALE OF THE MAJORITY INTEREST IN THE NEW YORK YANKEES TO THE COLUMBIA BROADCASTING SYSTEM

Mr. PEARSON. Mr. President, yesterday, the president of the American League, Mr. Joe Cronin, announced the sale of majority ownership of the New York Yankees to the Columbia Broadcasting System. This transaction represented the acquisition by CBS of 80 percent of the club's assets with an option to buy the remaining ownership interests within 5 years.

In accordance with the bylaws of the American League, this transfer of ownership was approved by three-fourths of the league's members.

The news accounts stated that the New York Yankees would be operated as a separate entity and independent of other CBS operations. We are further advised that at least two franchise owners are disturbed about this sale, but their objections appear to relate to league procedures rather than to other issues, and it is not my purpose to comment on their complaint. I would further observe, however, that Mr. Joseph Iglehart, chairman of the Baltimore Orioles and a CBS director until this morning, had resigned to avoid a conflict of interest. But, there does seem to be, according to other news reports, a substantial interrelationship between radio and TV ownership and the ownership and management of organized baseball. As an example, I am advised that the president of the Detroit Tigers and the president of the Houston Colts have radio and/or TV interests.

Mr. President, very recently, the Senate Judiciary Committee reported Senate bill 2391, which had as its general purpose to limit the applicability of the antitrust laws so as to exempt certain aspects of designated professional team sports.

The bill specifically exempted from antitrust provisions organized professional team sports of baseball, football, basketball, and hockey as their operations related to:

First. The equalization of competitive playing strengths;

Second. The employment, selection, or eligibility of players, or the reservation, selection, or assignment of player contracts;

Third. The rights to operate within specific geographic areas; or

Fourth. The preservation of public confidence in the honesty in sports contests.

With this general purpose, I found myself in agreement although I was and am concerned at the prospect of baseball and football franchises hopscotching from community to community after having the benefit of municipal bond issues, stadium improvements, and the long support of loyal fans.

I expressed this concern in a letter addressed to the distinguished and able Senator PHILIP HART, chairman of the Subcommittee on Antitrust and Monopoly, on June 25, a copy of which I ask unanimous consent to be inserted in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 25, 1964.

Hon. PHILIP A. HART,
Chairman, Subcommittee on Antitrust and Monopoly, Senate Office Building, Washington, D.C.

DEAR SENATOR: I understand your subcommittee is now engaged in final discussions of S. 2391 and I wanted to advise you of my support for this legislation.

Professional athletics need certain guarantees which will provide them with the necessary legislative support to permit equal opportunity to survive economically.

However, I am concerned with subparagraph (3) on page 2 of the bill which refers to "the right to operate within specific geographic areas." In today's operation of professional athletics and the organization of leagues, there exists another problem which I refer to as "hopscotching" of franchises from one section of the country to another.

Specifically, I believe serious consideration should be given to the removal of subparagraph (3) in order to offer some protection to cities and the public. In my opinion, removal of this subparagraph would not prohibit the removal of a franchise for any legitimate reason and would aid in the protection of municipalities against overnight loss of their professional athletic groups. Cities and counties have, and in all probability will, continue to erect, through municipal bond issues and considerable private investment, the necessary stadium facilities and requirements necessary for the operation of professional athletic clubs. They should, therefore, have some guarantee of future security for their professional athletic groups.

I know your subcommittee has worked many months on this legislation, knowing it was necessary for the encouragement of sports in this Nation. My greatest concern is that this protection for cities be included in the history of the legislation to warn professional sports that any abuse or misuse of the law will engender stricter legislative action.

Very truly yours,
JAMES B. PEARSON,
U.S. Senator.

Mr. PEARSON. Mr. President, let me now make it emphatically clear that, on the basis of the information received and the facts known, there is no cause to infer or to suspect that the subject transaction should be condemned. In relation to the bill previously mentioned, it does merit inquiry.

It does represent a substantial departure from the traditional makeup of franchise ownership and organized baseball.

Mr. President, professional sports is a big business. The radio and television coverage of these events is likewise big business.

As further evidence in support of these allegations, I direct the Senate's attention to an editorial written by the sports editor of the Kansas City Star, Ernie Mehl, which appeared in the Kansas City Star on August 14, 1964. It reads:

> The viewer who seats himself in front of a television set to watch a sports event can have no conception of the money being spent today to bring this entertainment to him.
>
> At the recent major league baseball meeting in Chicago, it was voted to submit to the networks a package of Monday night's spectaculars starting next year with two games to be listed each Monday night—one a standby in the event of cancellation by weather of the first one.
>
> Within 30 days, the networks are to be called by the advertising agencies which are putting the deal together. If the acceptance is as enthusiastic as some of the baseball men feel it may be, the profits will be pooled and split among the 20 major league clubs, providing each owner with what could be a sizable addition to his returns.
>
> Already this year, telecasting rights for all national football games have been sold for a 2-year period for $28.2 million. And the American Football League has a 5-year contract starting in 1965 which calls for $36 million.
>
> In the August issue of Broadcasting, a magazine devoted to the radio and television industry, the sums to be spent this year for collegiate, professional, and championship Canadian football games are broken down. It will cost the advertisers $90 million, and the various sports will benefit by $27,309,000.
>
> To this is added radio broadcasts with the American and National Football Leagues getting back $935,000, and the 156 colleges receiving $1,175,650.
>
> Next year, when the American Football League starts its participation and if the major league proposal is taken, that total will go much higher.
>
> With this much money involved, the organizations involved have less and less to say about how and when their engagements are staged.
>
> Once the professional and collegiate conference games were taken care of, the magazine reports, the networks did some switching of Bowl games through the magic medium of money.
>
> The Orange Bowl from Miami, which spent 3 years on ABC–TV, after a long tenure with CBS, went to NBC–TV in January for a reported $300,000 a year on a 3-year contract.

The network announced that the Orange Bowl would become a night game during its stay on NBC–TV.

The Liberty Bowl, which has been playing to slim, cold December crowds in Philadelphia during the first five seasons on NBC–TV, went over to ABC–TV and the warm interior of Atlantic City's Convention Hall for $100,000 on a 1-year contract with options.

In the offing, with the plan already having been experimented with, closed circuit television of both baseball and football to theaters, the Chicago Bears already have contracted to feed six of their home games blacked out by the network to two theaters with a combined seating capacity of 9,400. The Bears play in Wrigley Field and are virtually assured of sellouts for all their games.

The Detroit Lions will feed four of their home games to three theaters with a seating capacity of 7,511. And other football clubs are almost certain to follow suit.

On the west coast, the Dodgers and Giants are trying closed circuit television on what is yet a modest basis and it is too soon to tell whether the response will merit an increase. "Atlanta," the magazine says, "is considered a prime candidate for American Football League expansion. The NBC–TV AFL contract calls for an additional $2 million to the basic $36 million contract, if and when expansion occurs. It is anticipated that a 2-year expansion will take place around 1968—the 4th year of the contract."

"New Orleans also being considered for an AFL team, will get a chance to show how it turns out for a nationally televised program when the AFL holds its All-Star Game there in January. It marks the first time in the League's 5-year history that it will play a scheduled game in a nonleague city."

How far all this can go is anyone's guess. Somewhere there always comes a surfeit but that time is some distance away. Whether there will be any need of larger and more imposing stadiums to be built by communities is another question.

It is not Atlanta's record as a baseball center, nor the fact that it soon will have a new stadium to offer as much as the television-radio contract it has promised which seems to be causing the owners of the Milwaukee Braves to reflect.

Will the time come when there will be less occasion for the sports followers to attend an event when he can, with far less expense, see it on the TV screen? And if that time comes, will a sports event have the same appeal when the crowds at the event dwindle?

Basically, it is the crowd at an event that makes the event as much as do the contestants. The crowd supplies the color and adds to the glamour. The firsthand view will always be the most entertaining one, but the fact remains club owners of pro teams and colleges are not so altruistic they give no need to the siren's call of money.

Mr. President, some of the observations made in this sports column may not be pertinent to the point I seek to develop.

But, in essence, no one can deny the relationship between the radio and television interests and those of organized sport. Together they have done great good and provided entertainment for literally millions of our sportsminded citizens. What I seek is a continuation of such entertainment.

I also seek recognition of the new development represented by the sale of the New York Yankees to the Columbia Broadcasting System since S. 2391 was reported by the Senate Judiciary Committee. It would seem most prudent, and perhaps would be even welcomed by organized baseball and CBS, that this measure should be referred back to the Judiciary Committee for further study.

In conclusion, I would say the sale of this baseball franchise to a national TV system and service which have served professional baseball and football and which involves a gigantic sum of money certainly should be considered in relation to the Senate bill which has been reported from committee and which grants specific exemptions to these sports in the antitrust bill.

I shall so move when that measure comes before the Senate.

Mr. JAVITS. Mr. President, will the Senator from Kansas yield for a moment?

Mr. PEARSON. I am glad to yield to the Senator from New York.

Mr. JAVITS. I thank the Senator. He can understand why I would be interested in CBS buying the New York Yankees. I was obliged to be absent from the Chamber, but I have just been briefed on what the Senator said. I appreciate the sense and the spirit in which he speaks.

It is true that careful consideration must be given to the policy involved in the control of a great television attraction by a great television company. That is really what it comes down to; also, the ties which that could involve if abused. I can hardly believe these factors will not have been thought out very carefully by the parties in interest, if they actually go through with this operation. I have little doubt that if they have not thought about it they had better do so and be prepared to give to the public an explanation.

With all deference to the Senator's views, I would not myself say that, ipso facto, on its face, this transaction is something that should not be permitted, for this reason: We in New York are proud of our ball teams. One of the great traditions of New York is to have sports—and clean sports.

The distinguished junior Senator from New York [Mr. Keating], who has since entered the Chamber, in his career both on the House Committee on the Judiciary and on the Senate Committee on the Judiciary has fought a long struggle to keep sports clean. Obviously, strong ownership of a distinguished character—and CBS is certainly one of New York's most distinguished companies—constitutes good auspices for the conduct of clean, honorable sports, of which the people can be proud.

The second point is that CBS is a publicly owned company. This is also an important aspect of this matter, because when management is, in essence, the trustee for many stockholders, again the public has assurance that the operation is not one that is conducted from somebody's vest pocket or from under his hat. It gives assurance of clean sports, in which we are deeply interested, and also of strong ownership, which we hope will keep the Yankees in the forefront of the pennant winners for a long time. Those are the facts on the affirmative side which I think should be spread upon the Record.

The fact that the Senator from Kansas has directed his attention to this subject is most laudable and commendable. It should be examined with the greatest care from the monetary aspect and its public interest aspect generally.

I wish to express my pride in such a distinguished alliance, because it relates to two important entities of which New York is proud. I wish to spread upon the Record some of the affirmative areas where the proof will, I trust, be forthcoming from the parties in interest, to give the public the reassurance which I think it is essential to call for, considering the complementary nature of these two enterprises.

I thank the Senator from Kansas for yielding.

Mr. PEARSON. Mr. President, the Senator from New York and I are not far apart. I made note in these comments that there was no reason to infer or to suspect that this transaction should be condemned. The point is that for many years professional baseball, particularly with its reserve clause, has had a peculiar problem. It is a problem of the rich not growing richer in baseball talent. There have been cases in the Supreme Court which held that professional athletics such as baseball was not a business, but a sport. But through the years we have begun to distinguish one from the other. I believe that professional football has now been declared not to be subject to the antitrust laws.

The purpose of the bill which the Committee on the Judiciary reported, to exempt in several places the utilization of playing strength, quite beyond reference to the contracts, the geographical areas, franchises, and so forth, is a bill of which I approve.

But now we come into the other aspect, where the great expenditures for television and radio coverage involve millions of dollars and involve strong control over the arrangement of the contests themselves.

Baseball is a serious problem in the minor leagues. High school games on Friday nights are confronted with a problem.

So combining these entities, the combination coming after the bill has been reported, seemed to me to call for a reexamination of the interrelationship between the huge big business of television broadcasting and the big business of professional athletics. That was the purpose and the real thrust behind what I sought to develop.

Mr. JAVITS. Mr. President, will the Senator further yield?

Mr. PEARSON. I yield.

Mr. JAVITS. I have just ascertained, by taking a "reading" from my colleague, the Senator from New York [Mr. Keating], that boxing was held to be a business under the antitrust laws. Therefore, as the Senator from Kansas has said, it is necessary to rationalize the applicability of our laws and policy to the various ports. I welcome that. I am glad to hear that we are not far apart.

The only point which occurred to me—and I reiterate it only for the purpose of emphasis—is that this is the kind of situation which must be evaluated in terms of the public interest and on its merits, especially following a basic maxim in American life; namely, that the growth of our country has always been attributable to stronger, more effective entities, rather than tearing something down in order to equalize the situation. So the policy I would hope would be followed would be to add elements of strength to those who may be lagging behind, rather than to cut down the strength of those who may be forging ahead; and not to assume, merely because it is CBS and the New York Yankees that are involved, that therefore this proposal is something which Congress should not permit. I am delighted to learn from the distinguished Senator from Kansas the specific fact that he does not think so, either.

I hope that we may join in exploring what ought to be done in the light, first, of the public interest; and second, of the greater strength and capability for performance for the American people of the sport of baseball and other sports.

Mr. PEARSON. My position would be the same whether ABC or NBC were involved. But today, the point is that many communities, including the community in which I live, have a serious problem confronting them. Franchises have been moved from community to community on the basis of attendance, but also on the basis of the sort of contractual arrangement that can be made for the use of radio and television. That enters into the public domain. Many communities have floated bond issues to build stadiums, all on the basis of the assumption that they would attract a professional team.

There have been rumors that the St. Louis Cardinals football team will move to Atlanta. There have been rumors that the Milwaukee Braves will be going to Atlanta. It is not only the municipal bond issues and the loyalty of the fans that are involved. The really deciding factor, according to the magazine editorial, is, What sort of deal will be arranged with radio and TV? That being the balancing factor, we now see CBS coming in to take ownership, or 80 percent ownership, of the New York Yankees, with an option to buy it all. That may be for the best interests of baseball; it may be for the best interests of the New York community or of the entire sports world; but it is a factor that it is incumbent upon the Committee on the Judiciary, of which the distinguished junior Senator from New York is a productive member, to look into. That is my point.

Mr. JAVITS. Also, it will depend upon the details of the arrangement so far as CBS and the New York Yankees are concerned.

Mr. KEATING. Mr. President, will the Senator from Kansas yield?

Mr. PEARSON. I yield.

Mr. KEATING. The distinguished Senator from Kansas has performed a public service by bringing up this subject for discussion. I respect his views on this subject, as I do on other subjects. I am glad to hear him say that he is not condemning this transaction out of hand.

We in New York are proud of both these fine companies and of the people connected with them. Perhaps, so far as that is concerned, we might get more "Hip, hip, hooray," if NBC or ABC now bought a piece of the Mets, although the Mets would be hard to buy, because the more games they lose, the better their attendance.

The Record at this point should show that section 5 of the bill which has been reported, the bill having been authored by the Senator from Michigan [Mr. Hart] and cosponsored by a number of other Senators, including myself, makes it clear that the exemption from the antitrust laws is limited to the specific activities stated in the first section, which the Senator from Kansas enumerated in his remarks. In all other respects, says section 5, the antitrust laws are to be applied, or as the case may be, not applied, as under existing law.

Section 6 then provides that nothing in the act shall be deemed to amend or otherwise affect the act of September 30, 1961, which act, in substance, was intended to permit member clubs in the same organized sport to pool their separate radio and TV rights and permit the league to sell such rights as a unit.

This legislation was enacted in response to the decision in the case of the United States against National Football League, in which the Court held that a contract between the league and CBS, giving the network exclusive television rights for football games, was prohibited, as contrary to the antitrust laws. Thus, the entire question of exemption for television rights was dealt with in the 1961 law, and is not in any way affected by this bill.

I think the chairman and the other members of the subcommittee should very seriously take under advisement the suggestion made by the Senator from Kansas. I have no personal knowledge of the details of the CBS-Yankees transaction; but of course I would be concerned—as a member of the Antitrust Subcommittee, and also in general—with any arrangement which did not fully protect the public interest at large and the interests of the many millions of baseball fans.

I am sure the Department of Justice will be fully alert to any antitrust aspects of the purported sale; and I am sure the subcommittee will consider the ramifications of the transaction as a routine matter, just as it considers anything of this magnitude which occurs from time to time in this field.

Do I correctly understand that the Senator from Kansas takes the position that the bill should be recalled from the calendar, for further consideration?

Mr. PEARSON. I did not seek to obtain unanimous consent to have that done, nor did I make such a motion. I simply sought to bring this matter to the attention of the Senate. The measure is now on the calendar, and will be taken up. Today, we do not know a great deal about the matter. In fact, one of the disputes among the owners is that they did not have enough information about the deal. The three-fourths consent for the sale of the franchise was obtained by means of telephone calls. I certainly have no definite position to take in regard to their plea; but certainly today we do not know a great deal about the matter. Later, we shall know more about it. If at that time I thought such a motion would serve the interests of the public, I would so move. But as of now, I have not made such a motion, nor have I sought to obtain such unanimous consent.

Mr. KEATING. I assure the Senator that I shall confer with the Senator from Michigan [Mr. Hart], the chairman of the subcommittee, and I shall call his attention to the remarks of the Senator from Kansas.

At this stage of the proceedings, however, without knowing more than I do right now about the precise details of the CBS transaction, I am very hesitant to make any commitment one way or the other. But certainly the Senator from Kansas has performed a salutary service by bringing up the matter.

Mr. PEARSON. I have had some hesitancy in doing so.

I point out that the Senator from New York is correct in saying that in the report, attention was given to the making of a single contract by the members of the league with a television company or system—which seems to me, from a layman's standpoint, a very sensible or logical thing to do. Today, there is a new factor: One of the owners of the group is contracting with the system, even though it is a separate entity, as they have been very careful to point out.

But I have great respect for the Senator from New York [Mr. Keating], who serves on the subcommittee; and I am pleased to hear the limited commitment he has made—namely, to give the matter further thought.

Mr. KEATING. I thank the Senator from Kansas.

Mr. PROXMIRE. Mr. President, will the Senator from Kansas yield briefly to me?

Mr. PEARSON. I yield.

Mr. PROXMIRE. Certainly this matter is of great importance to Wisconsin. The Senator has mentioned the Milwaukee Braves. I concur in the Senator's view that perhaps the bill should be reconsidered by the committee.

Mr. PEARSON. Yes, that is my point.

Mr. PROXMIRE. I believe that is an excellent suggestion, because when a team moves from one community to another, in large part because of the television advantages and radio advantages it gets, under the provisions in section 2 of the bill it would have the right to operate within specific geographic areas. That really means that it would receive a jurisdictional monopoly. The result would be that if the Braves did move from Milwaukee to Atlanta, they could count on having a jurisdictional monopoly in that rich and populous section of the country, which includes Florida, which, in turn, includes Miami, and so forth; and that would mean that they would be able to have a monopoly on major league baseball broadcasts in that area—a matter of immense value, amounting to millions of dollars. So that is one great consideration for such a move.

I think Congress should provide that in the event of a move, the community should have an adequate period of time in which to present its case and to be heard by an arbitration board, which, although it could not control the move, could make recommendations. In that way, the people of the community would have an opportunity to express their views, and perhaps to offer to buy out the owners so the team could remain where it was.

ORDER FOR ADJOURNMENT TO 10 A.M., TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session tonight, it adjourn until 10 a.m., tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, again I call attention to the excellent study of reapportionment made by the 20th Century Fund. In the study, the general argument in favor of representation on the basis of population—the "one-man, one-vote" argument—is made. Before I yielded the floor to several Senators, I was reading from a pamphlet. I continue to read from it:

> Our constitutional system protects minorities by other means than giving them majority control of legislatures (as rural minorities now have in many States); and the claim that such legislative control is needed by the rural minority leads to some absurd results.

Of course, the protections for everyone equally are written into the Constitution, particularly into the Bill of Rights; and these apply without discrimination and without giving advantage to one group over another.

I read further from the pamphlet:

> In Maryland rural counties containing less than 15 percent of the State's population elect a majority of the members of the State senate. This apportionment has been defended against legal attack on the ground that the rural counties must have such control for protection of their minority interests. But Negroes are a slightly larger minority in Maryland than the population of those rural counties; they make up almost 17 percent of the State's population. Logically it should follow that Negroes are entitled to elect a majority in one house of the Maryland legislature—if legislative control were the American method of protecting minority rights. But, of course, it is not and logically cannot be.

Obviously, if one followed a policy of trying to give minorities control of the legislatures, that would simply mean that there would be a rather transparent system of slowing down, blocking, and preventing the enactment of legislation. As I have pointed out many times, that is not in the interest of those who believe in conservative principles, any more than it is in the interest of those who believe in progressive principles. If the States do not solve the problem, obviously the Federal Government is much more likely to do so.

I read further from the pamphlet:

> Some other, less important arguments are also made in favor of "area representation"—i.e., a system that gives residents of sparsely populated areas extra weight at the polls. One is that campaigning is more difficult in a large, unpopulous district. But many politicians feel the contrary is true: It is easier to make news and get one's name known in country districts than in cities.

That was an objection which was made quite effectively, a few minutes ago, by the Senator from Kansas [Mr. PEARSON]. He pointed out, along with the Senator from Nebraska, that at least it is more difficult for constituents in rural areas to see their representatives, because they live farther apart; and if apportionment were strictly on a population basis, it might be necessary for the constituents or the representatives to travel great distances, at considerable inconvenience.

The point is that that argument was quite a persuasive one before the advent of the automobile; but I doubt that the argument applies today to many districts, even on the basis of apportionment on a population basis. At any rate, the argument is not nearly as important as the sacred principle that each man should have an equal vote.

I read further:

> Another argument heard is that nonrural voters indulge in "bloc voting," which is bad, and are under the control of political machines. Actually, "bloc voting"—or, at least, predictable voting on certain issues—seems about as prevalent in rural areas as in cities. At all events, this argument seems at heart simply a variant of the belief in the rural voter's superior virtue.
>
> Regionalism remains a factor within States, but regional interests can be recognized without distortion of voting power. It is desirable to consider regional characteristics when drawing up districts for a State legislature, but it is neither necessary nor proper to give any one regional population group greater voting power than some other group. It is good for dairy farmers in New York, or Wisconsin, for example, to have a voice in the legislature through one or more members from dairy areas; it does not follow that the votes of dairy farmers should carry greater weight than those of businessmen or union members.
>
> The central fact is that any basis of representation other than population gives one citizen's vote greater value than another's. There is no justification in our democratic heritage, in logic or in the practical requirements of government for choosing such a course.
>
> A second major point on which the conferees were agreed.

That is the conference of the Twentieth Century Fund, a distinguished group of scholars and outstanding university professors, who made that study on the depth of apportionment with regard to the whole principle.

I read further:

> is that the principle of apportionment on the basis of population is equally applicable in both houses of a State legislature. The fact that all voters have an equal voice in the choice of one house would be no reason to give some voters more weight than others in electing the second chamber.
>
> The arguments for basing representation in one State legislative chamber on something other than people are the familiar ones: principally, that the rural population has special interests requiring protection by disproportionate voting power. Two further arguments are made:
>
> First, it is pointed out that in Congress the House represents people and the Senate States. This is said to provide precedent and justification for a similar "Federal plan" in the State legislature, with one house representing people and the other counties or some similar geographic unit. But the analogy is false. The United States was created by 13 Sovereign States, and the Constitution embodies a theory of federalism which divides sovereign power between the Nation and the States. A key device for protecting their residual sovereignty was the equal State voice in the Senate. Thus the Senate was a condition of union among a group of States which the Federal Government created by that union has no power to destroy. Counties, by contrast, were never independent or sovereign. They did not create the States but were created by them. They are wholly creatures of the States and may at any time be merged, divided, abolished, created, and recreated by State governments.

They are strictly subject to State legislative action.

> Federalism as a political theory has had and continues to have value as a device of compromise permitting the joining of lesser sovereignties into greater unions; an example in process is the European Economic Community. But to speak of federalism within a State is to reduce a great principle to an absurdity. "The U.S. Senate is both irrelevant and improper as a model for representation within a State," Prof. Paul David of the University of Virginia has written, because "a State is not a federal union of sovereign counties."

Mr. President, it cannot be said often enough. The objection that we come back to again and again, and the only solid argument that seems to persist is that we should look at the body in which we are meeting at this moment. Look at the Senate. Every State, regardless of size, has two Senators. We all recognize that the Senate has served a magnificent purpose throughout our history. It is a body that has many characteristics that are a reflection of the kind of limited power that we have. But to say that therefore the State governments should have created counties that have the sovereignty that the States have is an absolutely false analogy.

There is no comparison. There is no purpose in it. It does not make sense. The State does not have the power that the Federal Government has, the enormous crushing power of the sword; the command over the Army, Navy, and Air Force; the ability to levy national taxes; the capacity, through the taxing power, to tax; the military power to impose the restrictions, voluntarily and at will, that it wants to impose. To say that this is true within the State is an analogy that has no basis. Reading further:

> Too often, the argument for a "Federal plan" of representation in State legislatures is born of simple ignorance of its actual background and implications. At worst, it may be advanced as a disingenuous cover for the disenfranchisement of urban and suburban voters.
>
> Second, it is contended that a bicameral legislature would have no purpose if both houses were representative of population.

> This argument assumes two propositions: that the only function of bicameralism is to provide contrasting bases of representation in the two houses (i.e., one people and the other "area"), and that making both houses representative of population would make the second house a mirror of the first and hence redundant. Neither proposition can be supported.

On the basis of 116 years of experience in the State of Wisconsin, I support and endorse that statement. The Senate of the State of Wisconsin is apportioned according to population. The State assembly is apportioned on the basis of population. They have served exactly the same bicameral purpose that houses of other State legislatures have. There have been the same kind of checks and balances, the same kind of mature and careful consideration in debates in the senate and the house. The assembly may be somewhat more responsive because it is elected for a shorter basis.

I read further:

> The second house has a function quite apart from giving preferred political status to one population group—the function of providing checks and balances in the legislative process, of assuring more mature and deliberate consideration before a law is enacted. That was in fact the reasoning that underlay the adoption by many States during the 19th century of a population basis for both houses of their legislatures.
>
> Later in that century, and in this, factors other than population were often introduced, by constitutional amendment or by failure to reapportion. Those who held political power abandoned population representation in order to retain their control in the face of population changes that they saw coming. Such philosophical justifications as the so-called "Federal plan" were designed to obscure the real motivation, just as today most of the elaborate arguments against representation on the basis of people are simply covers for a naked struggle to retain political power.
>
> The justification for bicameralism remains the provision of checks and balances. Bicameralism may also serve to further the very objective of representing the people equitably in a legislature. In any districting, geographic features are bound to cause some inequalities of population among districts. When there are two houses, an area that is somewhat underrepresented in one may be given a compensating advantage in the other and minor inequities in apportionment thus be balanced off.
>
> Nor is it true that two houses based on population will be mirror images of each other. They will, rather, present different reflections or combinations of the various elements that make up the population. For one thing, one house will have more members than the other, representing smaller districts.

That makes a great difference. In the smaller district, the representative is more likely to be closer to his constituents. He is likely to be closer and have perhaps a narrower view. On the other hand, one in a body that has a large district may not be quite as close. But he has a broader relationship, a more statewide view.

Reading further:

> The length of terms will differ. In addition, members of one house may be elected from single-member districts, while multimember constituencies are used in the other house. And, not least, politicians are human beings whose differing personalities produce institutions of differing qualities.
>
> A number of States offer contemporary evidence that two houses based on population are by no means duplicates of one another. In Massachusetts both houses are apportioned on the basis of population; the two houses are among the most representative in the country. But the house has 240 members, the senate 40, and even under control of the same party the two bodies manage to disagree often enough. In Washington and Oregon both houses are based on population; though less disparate in size than the Massachusetts chambers (there are about half as many senators as representatives), the two houses are quite different in political outlook.

I have already cited Wisconsin. Reading further:

> There is no justification for making one house of a State legislature reflect the will of all the voters and the other the will of particular regions or classes.

Mr. President, the argument has been made against representation based on population. I have just been discussing the case, trying to refute the arguments that have been listed in favor of having representation by population. I have been trying to support this argument. Now, to refute the argument against representation by area. I quote from a book by Andrew Hacker, entitled "Congressional Districting, The Issues of Equal Representation."

This is considered by scholars to be a truly definitive work. It is a publication of Brookings Institution, published in 1963. I believe everyone in this body has respect for the Brookings Institution and their objectivity, their capacity for enlisting experts to make the fine studies that they make. They are outstanding scholars and experts.

In the course of this analysis on congressional districting, the study by the Brookings Institute of last year stated:

> The question of what is equitable representation is best summarized by considering the status of the second chamber of the State legislatures. The belief seems to be growing that at least one chamber will have to be apportioned on the sole basis of population, with each representative coming from districts of nearly equal size. By 1964, indeed in time for the primaries preceding the 1964 election, a majority of States in all likelihood will have completed cases requiring the redistricting of one house on a numerical basis. But 49 of the 50 States have a second chamber.[1] What rules govern its composition?
>
> Most often heard is the argument that each State is a miniature "Federal" system. Under this analogy, one chamber of the legislature may represent population but the other should represent other units. These may be counties or towns or simply land area,[2] but usually it is the county. In a few States each county has no more than one seat, for example, Los Angeles County has a single spokesman in the California Senate. But in most States, every county has at least one seat, with more populous counties getting extra seats. Almost all States have at least one county with population of less than 5,000, represented by a State senator with a voice and a vote equal to that of all his colleagues. The "Federal" view asserts that what usually amounts to county representation is legitimate for one chamber of the legislature. What is good for the U.S. Congress, it is reasoned, is good for the States. Judge O. Bowie Duckett of the Circuit Court of Anne Arundel County in Maryland inventoried the arguments for applying units of representation other than population to the State senate:
>
> "Such an arrangement protects the minorities. It prevents hasty, although popular, legislation at the time. It is based upon history and reason and helps to protect the Republican form of government guaranteed by * * * the U.S. Constitution. It preserves the checks and balances of the State governments which has worked so well under the Federal. Moreover, there would be little advantage in having a bicameral legislature, if the composition and qualifications of the members were similar."

Mr. President, I intend to answer every single one of those arguments quite briefly. Before I do so, the distinguished Senator from South Carolina has asked me to yield to him. I ask unanimous consent that I may be permitted to do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may be permitted to speak from the desk of the senior Senator from Arkansas [Mr. McCLELLAN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, out of the American Revolution sprang a new political order, dedicated to implementing the same high principles for which the Revolution was waged. The genius of the new political order lay in its combinations of carefully designed checks and balances, and divisions and separations of power for the protection of individual rights against the will of a majority, while retaining the ultimate power of decision on political questions in the people.

Unfortunately, our Nation is now experiencing a full blown counterrevolution which has already gone far toward destroying and undoing the accomplishments of the American Revolution.

Thomas Jefferson foresaw and predicted the main source of this counterrevolution, as is indicated by his statement in 1821 that:

> The germ of dissolution of our Federal Government is in the * * * Federal judiciary; an irresponsible body * * * working like gravity * * * gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one. When all government * * * in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated.

Thomas Jefferson through his wisdom rather than clairvoyance anticipated the role and course of the Supreme Court with astonishing accuracy.

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[1] Nebraska has a unicameral, or one-house legislature.

[2] The recently adopted Michigan constitution gives each of the 79 counties an "apportionment factor" determining how many State senators the county is to have. Eighty percent of the "factor" is based on population and 20 percent on the number of square miles in the county. Quite clearly it is not "land" that is being represented here; rather the sorts of people who live in sparsely settled areas are intended to be overrepresented. See William J. D. Boyd, "Patterns of Apportionment" (National Municipal League, 1962), pp. 17–18.

The most far reaching of the recent decisions of the Supreme Court are the cases on reapportionment of State legislatures handed down on June 15 of this year. Although only 6 States were parties to these cases, these decisions could ultimately destroy the existing political structure of at least 44 of 50 States. In the reapportionment decisions, the Court so construed the 14th amendment to the Constitution as to prohibit either body of State legislatures from being apportioned on any other basis than population. As applied to South Carolina, these decisions would not only require drastic reapportionment of the State house of representatives, but would virtually preclude the existence of the senate, unless it was a substantial duplication of the reapportioned house.

In discussing the reapportionment decisions, there is no need, and indeed, no way, to become involved in legal technicalities. This is because the fundamental issue involved is not a legal question, but a political one. Political questions are not within the jurisdiction of the Court. Political questions are for decision of the people, exercised by the ballot and through legislative bodies.

Justice Harlan, dissenting in the Alabama case, said:

> What is done today deepens my conviction that judicial entry into this realm is profoundly ill advised and constitutionally impermissable * * *. I believe that the vitality of our political system, on which in the last analysis all else depends, is weakened by reliance on the judiciary for political reform.

Justice Harlan put his finger on the real key to the apportionment decisions—the Supreme Court is undermining our political system. In so doing, the Court took unto itself power which rightfully and constitutionally belongs to the people.

To understand the full consequence of this counterrevolutionary decision, we must look even beyond the Court's usurpation of the power of the people to decide the political question, however, and examine the substance of the new rule of political order sought to be imposed by the Court.

The new political principle sought to be imposed by the Court is characterized as "one person, one vote." In application, this "one person, one vote" would mean that numbers, or population, could be the only basis for representation.

The people, to whom the political decisions of apportionment rightfully belong, could, of course, decide to follow the "one person, one vote" idea. The fact is, however, that the people have never made such a choice. The Court arbitrarily assumed that the people had not made such a choice because they were powerless, under existing political structure, to do so. The Supreme Court never even recognized the possibility that the people had not adopted the "one person, one vote" concept because they did not believe that it was practical or sound. Yet the latter is obviously the case. Every State constitution which departs materially from the concept of "one person, one vote"—and nearly all of them do—was originally adopted in an election or referendum where the rule of "one person, one vote" was followed.

Population is, of course, the principal basis for apportionment of legislative representation in all States. But the various States have found it practical, workable, just, and beneficial to weight the apportionment of legislative representation with various other factors in their own States, just as was done in framing the structure of the National Government.

Consider just one illustration, the one about which the Supreme Court had its sensibilities so shocked; that is, the heavier weighting in one body of bicameral State legislatures in favor of rural residents.

Let me point out initially that such departures from apportionment based purely on population result in purely defensive powers to those so favored. The U.S. Congress provides a good example. Each State has equal representation in the Senate, regardless of its population. Thus Delaware has equal representation in the Senate with New York, although New York has at least 35 times more population. But Delaware, even with its equal representation in the Senate, nor even in combination with other small population States which might give them a majority in the Senate, does not have the affirmative power to pass legislation; for the House of Representatives must also concur, and its membership is based on population, or "one person, one vote." Thus the equal representation of Delaware in the Senate gives it at most an increased defensive power to what it would have were representation in Congress based solely on "one person, one vote."

Similarly, the weighting of representation in favor of rural residents gives them an increased defensive power, leaving them less vulnerable to the whims of a majority.

By the very nature of their occupations, agricultural areas are necessarily less densely populated than nonagricultural areas. We in the United States, with our consistent departure from the concept of "one person, one vote," have progressed to the point where approximately 8 percent of the population of the Nation produces the entire food and fiber for its consumption, with a large margin for export. This progress has been undoubtedly due in part to the fact that the agricultural sector through its defensive power stemming from its weighted representation has managed to protect its vital interests in the intertwined political and economic order.

Nor is the nature of agricultural enterprise such that those engaged therein can protect their vital interests outside the formal political structure by combined economic action through organization, as is done by industrial labor through the means of labor unions. So long as political issues have been left to the decision of the people, where they rightfully belong, these factors have been recognized, and the departures from the "one person, one vote" concept have not only been tolerated, but affirmatively approved by the majority of the people.

The arbitrary imposition of an unadulterated "one person, one vote" rule of legislative apportionment, could well, therefore, insofar as the agricultural sector is concerned, start the United States back down the road of inefficiency toward the status of such nations as the Soviet Union, where it takes 60 percent of the population to raise food and fibers for the nation, and even then there are severe shortages.

In no instance is the counterrevolutionary conduct of the Supreme Court more obvious than in the reapportionment decisions, for these cases strike at the heart of our political structure.

Mr. President, it is the duty and responsibility of the Congress to protect the political structure of the States against what would amount to mere anarchy in many of them should the Supreme Court be allowed to continue enforcement of its reapportionment decisions, unbridled by legitimate legislative enactments. We are all aware that numerous bills and proposed constitutional amendments dealing with this subject have been introduced and are pending before Congress. We are also aware that the Congress moves more deliberately, and requires more time to responsibly perform its legitimate legislative function, than does the Court in practicing usurped legislative functions. It is, therefore, not only appropriate but, indeed, also essential that the Congress enact a legislative moratorium on the reapportionment question, so that both the Congress and the States may give mature and responsible consideration to the issues involved, in order that anarchy be averted.

I strongly urge adoption of the Dirksen-Mansfield amendment.

Does the Senator from Wisconsin wish to ask me a question?

Mr. PROXMIRE. I understand the Senator contends that we should not follow the one-person-one-vote prinicple which so many scholars and students feel is the only basis on which we can justify representation at all. What principle would the Senator from South Carolina propose to take the place of the one-person, one-vote principle?

Mr. THURMOND. I would propose to let each State handle the matter as the State deems advisable and as the Constitution provides. Our own national system, in Washington, provides that each State shall have two Senators. Representation in the House, of course, is based upon population. That means that the smallest States in the Nation have only one Member in the House. I believe Vermont has only one House Member. Delaware has only one. Wyoming has only one. Nevada has only one. Alaska has only one. I believe there are five States with only one House Member. All the 50 States have two Senators, but those small States have only one House Member each, because their population is very small.

This system acknowledges the States. It was the purpose of those who wrote the Constitution to acknowledge the

States. That is the reason why the Constitution provides that all powers not delegated to the National Government are reserved to the States. In the electoral college the States are acknowledged. South Carolina, for example, has eight Members in Congress, two Senators and six House Members. New York now has 43—it used to have 45—41 House Members and 2 Senators. One vote in the State of New York can throw all 43 of those one way. It is the same in smaller States. But the State is acknowledged.

There were 13 colonies, 13 States, before there was a Union. What some people seem to forget is that those States formed the Union. The Union did not form the States. Many people have the impression that the States are political subdivisions of the Union. That is not the fact. There are 51 governments in this country. There is a National Government in Washington, which was formed when the Constitution was written in Philadelphia in 1787.

When the States ratified that action in Philadelphia, the Union was formed. The number of States has increased until there are now 50 States. So there are 51 separate sovereign governments in this country. There is not a central government with 50 subdivisions. We must make that plain. We must recognize the States. Before the Union was formed, after the Revolutionary War was won, every one of those Thirteen Colonies was just as independent as Great Britain and France are today, and just as independent as Brazil or any other great nation on earth is today. They were independent nations. South Carolina had John Rutledge as President. We were an independent nation. But South Carolina, along with the other colonies, formed the Union. However, the colonies gave only certain powers to the Union. They reserved the other powers. They did not give to the Union the power of apportionment of State legislatures. Therefore, that power is reserved to the States. The composition of a State's government is a political question, not a legal question, and therefore the Supreme Court has no legal jurisdiction in the matter.

Mr. PROXMIRE. Let me say to the distinguished Senator from South Carolina, in the first place, that almost everything he says supports the position of the Supreme Court and contradicts the Dirksen amendment. There is no analogy whatsoever between the Federal Government and a State government. And his statement shows this in depth. To say that because there is a Federal Government in which one body, the Senate, is composed of two representatives from each of the 50 States, that therefore the State governments should do the same kind of thing, wholly overlooks the facts which the Senator from South Carolina has so painfully and effectively and carefully adduced for us. He has pointed out that they were sovereign States. They were States when they were formed. They could wage war, raise money, had their own tariffs, and possessed every other aspect of sovereignty. In that confederation they were more loosely allied than is the European economic association or NATO. Those were sovereign nations that came together.

There is no sovereignty within the State. The State creates the county, the cities, and the townships. The States can add any number they wish. They can wipe them out, expand them, or contract them. So there is no basis for independent sovereignty. There is no way to recognize the entity of a subdivision of a State the way the Federal Government recognizes the entity of the several States.

Furthermore, we must recognize that the Federal Government has good, solid, sound reason in principle for the Federal system. That reason in principle is that the Federal Government has a truly massive power, which the Senator from South Carolina has fought hard and well to contain, and indeed it should be watched. The Federal Government has a monopoly on military power. It has power to make war, to make arrangements with foreign countries, to raise taxes over the whole country. So the power the Federal Government has over the States, unless there is some dilution or reservation of power within the States, would make for too strong a central government.

The principle of federalism is a wise and good principle. We should do all we can to help the States and persuade the States to become as efficient as possible. One of the reasons why they cannot solve the problems which face them is that they have malapportionment, one of the houses being based on area representation and the other on population representation. As a result, not only are economic groups vying with one another, but one party may be in control of the legislature and the other party in control of the governorship. The States cannot solve their problems. So they come to Washington.

From the standpoint of principle which the Senator has argued so eloquently, he has argued that the States have a great deal of sovereignty, arguing that the 10th amendment made clear that all powers not specifically delegated to the Federal Government is reserved to the States.

Why should the Federal Government step in and fight for the right of every citizen to have an equal vote for his State legislature?

The answer is that there is no sovereighty more vital, more important, than that which is within citizens of the United States—the dignity of the individual and the right of the individual citizen to have his rights protected.

I am sure the Senator from South Carolina would agree with me, or I hope he would, that the Federal Government has every right to intervene, if a State should interfere with freedom of speech or the exercise of religion or the exercise of assembly of an American citizen within that State.

On the same basis, it seems to me it is absolutely essential that the Supreme Court of the United States have the responsibility, and treasure that responsibility, and use that responsibility to protect the citizen in his right to have an equal voice in his own State legislature. That is what we are fighting for.

If the Senator feels there should be one house based on something besides population or area, he is saying that there should not be equal voting; there should not be the principle of one man, one vote. He is saying that one man should have a superior vote or a superior power.

What basis, what principle, what practical observation does the Senator from South Carolina give for giving any person, whether he be a farmer, a nonfarmer, a laborer, or a propertied person any more power than any other individual?

Mr. THURMOND. That is up to the people of each State. If the people of the State want it that way, they ought to be allowed to have it that way. If a State wishes to have a unicameral legislature or a bicameral legislature, it ought to be permitted to make its choice. If it wishes, as is true in my State, to have one senator from each county, and base the representatives on population, it ought to be allowed to do so.

In other words, the States have that power. They have never given it to the Union. So long as the State government is republican in form, the National Government has no constitutional power to interfere.

The powers of the Federal Government are embraced in article I, section 8. That is the only power the Union has, besides those granted in the 24 amendments adopted following the adoption of the Constitution. Otherwise, the States have reserved power to themselves. This power has never been delegated to the Union and, therefore, is reserved to the States.

I thoroughly agree with the Senator when he says that only two entities of government are referred to: The Government at the National level and the government at the State level. There are subdivisions of States, but there are not divisions of the Central Government. There are 50 State governments, and the people of the several States have all the powers in the world except those that they have given to the Union in the Constitution. The Union can do only those things that the States have specifically delegated it the authority to do.

On this question, the power and authority have never been delegated; they have been reserved to the States.

I am sorry I must leave the Chamber at the moment. I thank the distinguished Senator for his courtesy in yielding to me.

Mr. PROXMIRE. The Senator from South Carolina makes a strong, effective argument, but I say the obligation is as clear as it can be, in my judgment, and apparently in the judgment of the Supreme Court, under the 14th amendment of the Constitution, section 1, in which it is stated:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

If all this means anything, if equality before the law means anything, it seems to me that the right to vote, which is so fundamental—the right to vote for members of a State legislature, is something that must be protected, can be protected, and should be protected under the 14th amendment.

The distinguished Senator from South Carolina made a strong and effective plea, but he did not answer that fundamental question, because no one can answer it. If there is not representation based upon one person, one vote, what principle do we choose? If we do not take it on a one person, one vote basis, we are saying that some people, by legal action of the Government, should have more power than others. That is anathema to democracy. In this country we do not believe in social or economic equality, but we do believe in political equality. That is a fundamental principle of any democracy.

To return to the definitive analysis by Andrew Hacker of last year: In this outstanding Brookings Institution analysis of arguments such as those adduced by the Senator from South Carolina recently, the answer to those two questions, according to Mr. Hacker, is:

> First. "Such an arrangement protects the minorities." This is so in the sense that it gives the residents of small towns and rural areas the legislative power to veto bills that displease them. It also gives these minorities the opportunity to deny larger cities and suburban areas the resources needed to solve their own problems. It is one thing to protect yourself from oppression; it is quite another to harass other sections of the community because you think they are inferior or undeserving types of people. Moreover, only minorities—certain minorities in the less populous areas—are protected. Negroes are not sheltered, nor are white citizens who experience discrimination due to their national origin or family background. Minorities espousing unconventional views are hardly protected; and an important minority group, the residents of suburbs—often unrecognized as a minority—are continually penalized because of underrepresentation. The question, very simply, is: Which minorities are allowed to safeguard their interests? The answer: Of all the minority groups that make up a State only a very few are given this advantage.
>
> Second. "It prevents hasty, although popular, legislation." This has always been a persuasive argument. The theory—and it is only a theory—is that a lower chamber elected on the basis of population immediately translates mass sentiment into tyrannical or spendthrift legislation. The aristocratic second chamber then draws in the reins, wisely ponders the basic problem, and produces a rational solution by amending or rejecting the bill the lower house passed in haste. The trouble with this theory is that it has no basis in fact. For one thing, hasty legislation is difficult for either chamber because control of the agenda is usually in the hands of an entrenched group of party leaders or committee chairmen. State legislatures are not very susceptible to public opinions, temperate or intemperate. But when such legislatures do reflect mass emotions, as has happened when lawmakers in the Deep South have rushed through new segregation barriers, then both upper and lower chambers usually exhibit this failing. At all events, it is difficult to enumerate instances of oppressive bills that sailed through lower State houses and were then stopped by the upper house. And for such examples, matching cases can be shown where the lower house killed an excessive bill emanating from the upper chamber. One final rebuttal on this argument: Nebraska has had a unicameral legislature since the thirties, and its laws have been no more unreasoned than those of the other 49 States.

I might add that Wisconsin has had both houses of its legislature based on population. In Wisconsin we have had as many examples of bicameral interplay and checks and balances, as can be found in any State.

Perhaps Hacker states too strongly the argument that the upper house or the lower house is not likely to check the other. I think there is some checking. I have seen it in Wisconsin. Everyone who has served in a State legislature has observed it. But I think it occurs whether there is population representation strictly, as in our State and other States, or if one house is based on area and the other house is based on population.

Hacker continues:

> Third. "It is based upon history and reason and helps to protect the republican form of government." The National Government has a bicameral Congress, with a Senate based on State representation, because this arrangement was necessary in order to establish the United States as a nation. Among the 13 States, the smaller ones would only agree to give up part of their sovereignty and join the Union if their interests were protected in a Senate where they would have an equal vote. There is nothing "reasonable" about the basis of representation of the Senate. What was reasonable was the action of the farmers in settling for a compromise that would induce all the States to throw in their lot with the new venture. Morevover, the States created the Union and, hence, could demand representation, as States, as the price of giving up some of their identity. Counties are not sovereign. They are created by States and can be abolished by them, as some have. Few counties have historic identities, and all are administrative devices for performing certain functions at the local level.

I do not subscribe to that view, but many people think this is the best way of regulating State government.

> Certainly, the counties cannot claim to have created the States, as the States did the Union. Finally, the 14th amendment—requiring the States to grant equal protection to all their citizens—was adopted in 1868 and is evidence that the Constitution gives latest priority to personal equality. Representation of States in the Senate is a fact of history. But the general idea underlying it has neither been revived nor renewed.
>
> Fourth: "It preserves the checks and balances of the State government which has worked so well under the Federal." Checks and balances refer to the mutual controls that the executive, legislative, and judicial branches have over each other. It is a somewhat new construction to assert that two houses of a legislature are also intended to check and balance one another. If this is so then the result will probably be stalemate and ultimate inaction. And the consequence will be that power will gravitate away from both houses of the legislature, either to administrative agencies in the State or to the bureaus of the Federal Government.
>
> This is hardly the outcome that proponents of limited government want. On the contrary, their objectives could better be achieved by greater coordination between the two houses of the State legislature. Only in that way will the real threats be held in check.

This is the final reason which is discussed—

> "* * * there would be little advantage in having a bicameral legislature if the composition and qualifications of the members were similar." In this instance, those who find all virtue in the status quo are unable to think seriously of workable alternatives. Each citizen can be represented in more than one way, and each method may reflect his interests in a valid manner. Thus, part of his personality may be "local" and another part may be "national." Moreover, he may be one kind of person in 1958 and another kind in 1960. There is no reason why both chambers cannot be based on population, with districts of equal size for all senators. However, the lower house might have districts of 40,000—

In Wisconsin, the lower house has districts of 40,000—

> and each upper house might have a district of 160,000—

In Wisconsin, each upper house district has about 115,000—

> covering four of the lower chamber districts.

In Wisconsin there are 33 senate districts.

> In this way, a voter would have a "local" representative in the lower house and a spokesman with a "broader" view in the upper chamber. Furthermore, one house might be elected in 1961 and the other in 1963 so that the new thinking of the electorate would be reflected in one chamber at any given time. Or one could have 2-year terms and the other 6-year terms, thus sheltering one chamber from the necessity of worrying about reelection at frequent intervals. The point, of course, is that bicameralism can easily be based on an identical voting public. For that public can be represented in more than one way. Yet, no matter how deeply a voter's personality may be split or how much his moods vary over time, he is still a first-class citizen and is entitled to equal participation in electing the men who make his laws.

This is the finding of the Brookings Institution, on the basis of what is regarded by scholars in the field as one of the finest studies to be made of apportionment. The study was made last year.

I may state, briefly, the qualifications for making the study. I now read from the foreword to the study, which was written by the president of the Brookings Institution, Mr. Robert D. Calkins:

FOREWORD

> The Supreme Court's decision in the case of *Baker* v. *Carr,* handed down in the spring of 1962, opened the way for reform of antiquated and inequitable patterns of representation in State legislatures. Over the ensuing 12 months, districting arrangements have been challenged in many States, and in several of them the legislatures have convened to draw up new districts which better reflect their actual population distribution.
>
> The Court's decision has raised a number of issues, including the question whether the drive for more equal representation in the State legislatures will affect the U.S. Congress. The Brookings Institution therefore asked Prof. Andrew Hacker, of the Department of Government, Cornell University, to prepare a problem paper that would examine the present congressional districts from the viewpoint of the problems that might arise

> in connection with reapportionment in the States. The objective was a brief informative analysis drawing largely on available materials, with an early deadline precluding much new research.
>
> Mr. Hacker's report approaches this subject from several vantage points. Among these are: the constitutional and historical background of congressional districting;

And so forth.

So this is a very profound and thoughtful study. Those who read, reviewed and commented on the study and helped to make it, included—

> George A. Graham, director of governmental studies, and Milton C. Cummings, Jr., Laurin L. Henry, M. Kent Jennings, F. P. Kilpatrick, and Harold Orlans of the Brookings staff; and also Stephen K. Bailey, Frank Munger, and Douglas Price of Syracuse University. Much of the preliminary statistical analysis was done by Mr. Hacker's students in his seminar on political behavior at Cornell University.

So this work, which is so highly regarded, and is the latest profound and searching work in this field, is most important.

Mr. President earlier today the distinguished Senator from Pennsylvania [Mr. CLARK] requested that I consider withdrawing this amendment when I finished my speech. I have not finished my speech. I have made a start. But I temporarily postpone speaking in deference to colleagues anxious to join the fray. He felt that the amendment had great merit. I think so, too. I believe the amendment should be considered at considerable length by the Senate and by Members of the Senate, because it would enable us to accomplish what those who advocate the Dirksen amendment say they want accomplished, above all—which is to prevent chaos in situations in which the Court actions have been so precipitate that the elections should be set aside, and so forth. The amendment would do that simply by providing that the stay shall not be deemed to be in the public interest, in the absence of highly unusual circumstances. As worded now, the stay shall be put into effect unless there are highly unusual circumstances.

Therefore, I am saying that the States shall proceed—as the United Press dispatch showed that the States are moving along—and shall continue to move along, unless there is an unusual situation which is such that the courts would, on the basis of this provision, be constrained to make an exception. At the same time, that arrangement would permit the Supreme Court to protect the rights of American citizens, and it should satisfy those who wish to have a reasonable solution of this problem reached.

So, Mr. President, with that in mind, and in the firm conviction that we have a long way to go before we fully and adequately discuss this issue, which is vital to many States, I withdraw my amendment No. 1229 to the Mansfield-Dirksen amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. SALINGER in the chair). The amendment of the Senator from Wisconsin is withdrawn.

Mr. DOUGLAS. Mr. President, I congratulate the Senator from Wisconsin for the very able speech he has made. It throws a great deal of light upon the issue.

Yesterday, my colleague [Mr. DIRKSEN] said he wished to make a second speech on this subject. I know that all of us anxiously await that speech. I believe we should give him "a full house"; therefore, I suggest the absence of a quorum, and I request that it be a live quorum, so that there may be a full audience for my colleague.

Mr. DIRKSEN. Mr. President, will my colleague withhold for a moment the suggestion of the absence of a quorum?

Mr. DOUGLAS. Yes, indeed.

Mr. DIRKSEN. Mr. President, I do not ask for "a full house." I am ready to vote on the Mansfield-Dirksen proposal. It has now been fully explored by the Senator from Wisconsin. I think he has occupied the floor for at least 4 hours. I would hope that he would allow his amendment to stand.

I would request a quorum call long enough to obtain a sufficient show of hands to enable us to obtain an order for a yea-and-nay vote on the amendment; and then I would be delighted to have the vote taken.

The Senator from Pennsylvania suggested that the amendment of the Senator from Wisconsin be withdrawn. I am not sure that the Senator from Wisconsin would have withdrawn it, but for that suggestion.

However, in view of the fact that the Senator from Wisconsin has withdrawn his amendment—ostensibly to offer it at a later time—I am ready to have the vote taken now.

Therefore, for all practical purposes my senior colleague [Mr. DOUGLAS], in his usual spirit of generosity, does not have to ask for a live quorum, for I am ready to have him supply the speakers.

Last night there was difficulty in obtaining speakers.

So if my colleague wishes to have a quorum call, in order to obtain some other speaker—as, for example, my friend the Senator from Pennsylvania [Mr. CLARK], who this morning told me that this would be a full-fledged, full-blown, all-out effort that might go beyond the range of a convention which will take place in Atlantic City sometime rather soon, I suggest that now these Senators supply the speakers; and I will take my own time, because I have never had difficulty in obtaining the time of the Senate when I wished to obtain it.

So perhaps my colleague would like to call on our friend the Senator from Pennsylvania [Mr. CLARK], or our friend the Senator from Oregon [Mr. MORSE], if he is about, somewhere.

Therefore, why does not my colleague assemble his team now, get it coordinated, and proceed with the job?

Mr. DOUGLAS. Mr. President, I was impressed by the statement my colleague made yesterday. I now read from the CONGRESSIONAL RECORD, at page 19448, when he said:

> But before I complete these preliminary remarks—and the next 2 or 3 hours I shall save for tomorrow, when Senators are fresher—and when I am fresher—

Then he discussed other features.

A little later he said:

> Mr. President, this is the first chapter of my story. Like the old serials—"Continued in our next"—I trust that I shall get around to the rest of it tomorrow.

These statements caused me to feel that the junior Senator from Illinois wanted to continue today. He made a very witty and impressive speech, as he usually does. But he did not really touch on the meaning or effects of his amendment. His speech had his characteristic asides, and inimitable style, but it did not proceed to the argument. So I thought, especially in view of his specific statement that he wanted to speak today, that I had sufficiently answered the first part of his speech last night, and I wanted to hold myself in readiness to answer the second part today.

It is not compulsory in this body for any Senator to speak, of course. If my good friend does not wish to speak, we shall be very glad to continue. But I never knew him to refuse to joust in a cause in which he believed. I can hardly believe that he is now withdrawing from the contest. This is so unlike him.

Mr. DIRKSEN. Mr. President, will my colleague yield?

Mr. DOUGLAS. Yes, indeed.

Mr. DIRKSEN. The Senator forgets what was said to Julius Caesar, "The ides of March have come."

He replied, "Yes, but they have not gone."

It is still today. And it is going to be today until midnight. So I have plenty of time.

Mr. DOUGLAS. My good friend has confused his days. He said that yesterday.

Mr. DIRKSEN. Yes.

Mr. DOUGLAS. And when he spoke about tomorrow, that meant today.

Mr. DIRKSEN. It means today. And it is still today. Perhaps I had better look out of doors and see whether it is nightfall. I am becoming a sun dodger.

Mr. DOUGLAS. I cannot compel my colleague to speak. But I did want to offer him the opportunity of having a good attendance of Senators when he did speak. If my colleague does not wish to speak, we shall proceed with the argument. But I was trying to be courteous to my colleague, as he has always been courteous to me.

Mr. DIRKSEN. Yesterday no quorum call was needed, and yet the attendance was good.

Mr. DOUGLAS. There was a "live" quorum call.

Mr. DIRKSEN. I do not want to waste that much time.

Mr. DOUGLAS. Does the junior Senator from Illinois wish to discuss this subject today?

Mr. DIRKSEN. The Senator from Illinois always picks his own battlefield.

Mr. DOUGLAS. I see.

Mr. HART. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. HART. I thought the junior Senator from Illinois had the floor.

Mr. DIRKSEN. My senior colleague had the floor. But I am ready to vote.

Mr. HART. The Senator from Michigan had hoped that the junior Senator from Illinois would reply to the question which the Senator from Michigan asked yesterday on page 19448 of the Congressional Record. The answer of the Senator from Illinois was—

> Within the next 3 or 4 hours, I expect to get around to that.

Those of us who oppose the amendment of the junior Senator do so out of a deep conviction that very few Senators yet understand what is proposed. We thought he would describe State by State the effects that would follow, in order that we might more intelligently respond.

Mr. DIRKSEN. Mr. President, I do not understand the concern about the junior Senator from Illinois. Why is everyone weeping about him, and why is there a sense of sympathy?

Senators are presumed to be able to read the English language. There is nothing very complicated about the language in this amendment. I am sure my distinguished friend, who joined in one of the meetings when there was a "hassle" on the proposal, is fully familiar with it. I do not care to speak. I am ready to vote now.

Mr. HART. There is nothing very complicated in the three words "ready, aim, fire." What is complicated is the question of who is to be shot down. We want to know that. The Senator from Illinois is the one who proposed the simple words. We want an explanation of those words.

Mr. DIRKSEN. The Senator can read the amendment.

Mr. HART. But we do not know who will be shot down.

Mr. CLARK. Mr. President, will the senior Senator from Illinois yield?

Mr. DOUGLAS. I shall be glad to yield. I may say that the Senator from Nevada [Mr. Bible] and the senior Senator from Missouri [Mr. Symington] are anxious to have me yield so that they may present the House amendments to S. 16. I shall be glad to do so. I do not want to hold them up.

Mr. CLARK. I would be only too happy to withhold a colloquy with the junior Senator from Illinois if I would be sure that the junior Senator from Illinois would not fly the coop in the meanwhile.

Mr. DIRKSEN. I am ready to break down and cry over this situation.

Mr. DOUGLAS. Mr. President, I am glad to yield to the Senator from Nevada, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

OZARK NATIONAL RIVERS IN MISSOURI

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 16) to provide for the establishment of the Ozark National Rivers in the State of Missouri, and for other purposes, which were, to strike out all after the enacting clause and insert:

That, for the purpose of conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and enjoyment of the outdoor recreation resources thereof by the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall designate for establishment as the Ozark National Scenic Riverways the area (hereinafter referred to as "such area") generally depicted on map numbered NR OZA 7002 entitled "Proposed Ozark National Rivers" dated December 1963 which map is on file for public inspection in the office of the National Park Service, Department of the Interior: *Provided,* That the area so designated shall not include more than sixty-five thousand acres of land now in private ownership and that no lands shall be designated within two miles of the present boundaries of the municipalities of Eminence and Van Buren, Missouri. The Secretary, with the concurrence of the State, shall designate for inclusion in the Ozark National Scenic Riverways, the lands composing Big Springs, Alley Springs, and Round Spring State Parks, and the Secretary is hereby directed to negotiate with the State for the donation and the inclusion of such park lands in the Ozark National Scenic Riverways.

Sec. 2. The Secretary may, within the area designated or altered pursuant to section 4, acquire lands and interests therein, including scenic easements, by such means as he may deem to be in the public interest: *Provided,* That scenic easements may only be acquired with the consent of the owner of the lands or water thereof: *And provided further,* That any parcel of land containing not more than five hundred acres, which borders either the Current River or the Jacks Fork River, and which is being primarily used for agricultural purposes, shall be acquired by the Secretary in its entirety unless the owner of any such parcel consents to the acquisition of a part thereof. Property so acquired which lies outside the boundary generally depicted on the map referred to in section 1 of this Act may be exchanged by the Secretary for any land of approximately equal value within the boundaries. Lands and waters owned by the State of Missouri within such area may be acquired only with the consent of the State. Federally owned lands or waters lying within such area shall, upon establishment of the area pursuant to section 4 hereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the Ozark National Scenic Riverways.

Sec. 3. Any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner"), of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term ending at the death of such owner, or the death of his spouse, or at the death of the survivor of either of them. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

Sec. 4. When the Secretary determines that lands and waters, or interests therein, have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare establishment of the Ozark National Scenic Riverways by publication of notice in the Federal Register. The Secretary may thereafter alter such boundaries from time to time, except that the total acreage in the Ozark National Scenic Riverways shall not exceed sixty-five thousand acres, exclusive of land donated by the State of Missouri or its political subdivisions and of federally owned land transferred pursuant to section 2 of this Act.

Sec. 5. (a) In furtherance of the purposes of this Act, the Secretary is authorized to cooperate with the State of Missouri, its political subdivisions, and other Federal agencies and organizations in formulating comprehensive plans for the Ozark National Scenic Riverways and for the related watershed of the Current and Jacks Fork Rivers in Missouri, and to enter into agreements for the implementation of such plans. Such plans may provide for land use and development programs, for preservation and enhancement of the natural beauty of the landscape, and for conservation of outdoor resources in the watersheds of the Current and Jacks Fork Rivers.

(b) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the Ozark National Scenic Riverways area in accordance with applicable Federal and State laws. The Secretary may designate zones where, and establish periods when, no hunting shall be permitted, for reasons of public safety, administration, or public use and enjoyment and shall issue regulations after consultation with the Conservation Commission of the State of Missouri.

Sec. 6. The Ozark National Scenic Riverways shall be administered in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

Sec. 7. (a) There is hereby established an Ozark National Scenic Riverways Commission. The Commission shall cease to exist ten years after the date of establishment of the area pursuant to section 4 of this Act.

(b) The Commission shall be composed of seven members each appointed for a term of two years by the Secretary as follows:

(1) Four members to be appointed from recommendations made by the members of the county court in each of the counties in which the Ozark National Scenic Riverways is situated (Carter, Dent, Shannon, and Texas), one member from the recommendations made by each such court;

(2) Two members to be appointed from recommendations of the Governor of the State of Missouri; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation. The Secretary shall reimburse members of the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(e) The Secretary or his designee shall from time to time consult with the members of the Commission with respect to matters relating to the development of the Ozark National Scenic Riverways, and shall consult with the members with respect to carrying out the provisions of this Act.

(f) It shall be the duty of the Commission to render advice to the Secretary from time to time upon matters which the Secretary may refer to it for its consideration.

Sec. 8. There are hereby authorized to be appropriated such sums (but not more than

$7,000,000 for the acquisition of lands or interests in lands) as are necessary to carry out the purposes of this Act.

And to amend the title so as to read: "An Act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes."

Mr. BIBLE. Mr. President, I shall make a brief explanation as to the amendments which the House of Representatives made to the Senate bill.

I might say preliminarily that this is a bill sponsored by our distinguished colleague the senior Senator from Missouri [Mr. SYMINGTON] and the junior Senator from Missouri [Mr. LONG].

This is a most attractive area for preservation. Many hearings have been held on the measure. There have been field hearings. The bill should be enacted into law. The House of Representatives agrees that it should be enacted into law. It has made three main changes.

First, it has changed the name from the "Ozark National Rivers," to the "Ozark Scenic National Riverways." I have consulted with my colleagues on both sides of the aisle in the Committee on Interior and Insular Affairs. They are in complete agreement that that is a proper change.

The second change was a reduction in the amount of private property to be acquired. The change came about by redefining certain boundaries of the proposed area, which resulted in a reduction of 13,200 acres of land. Again, I believe the House of Representatives has made an improvement in the bill as it was passed by the Senate.

The third change made by the House of Representatives is a direct result of the change in the size of the area. This is a reduction in the amount of money required. The size of the acquisition is reduced. The acquisition cost is reduced from $8.5 million to $7 million. This is a natural result of the reduction of the principal acreage to be acquired. I believe this is worthwhile legislation. Our subcommittee has visited this great area. We are aware of its great beauty. I believe it should be preserved.

I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

Mr. DIRKSEN. Mr. President, I am quite sure this measure has the concurrence of the minority Members. Therefore, there is no objection.

Mr. BIBLE. I give this assurance to the distinguished minority leader. I have consulted with the ranking minority member of the subcommittee, the Senator from Colorado [Mr. ALLOTT]. He is in complete agreement.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada [Mr. BIBLE].

The motion was agreed to.

Mr. HART. Mr. President, I am delighted that the legislation on Ozark Park is moving through and that it will be a fact.

I congratulate the senior Senator from Missouri [Mr. SYMINGTON] for his continued concern and effort. I am delighted to see the culmination of the measure.

Also, I compliment the junior Senator from Missouri [Mr. LONG] for his efforts in support of this bill. They will long be remembered. The benefits that accrue to the people of Missouri will be gratefully received by people who will someday not even know the names "SYMINGTON" or "LONG." That is the kind of contribution that both of these Senators have made in this effort.

I hope that this effort to add additional recreation acreage in the Midwest will continue. We in Michigan have high hopes that two such parks, Sleeping Bear and Pictured Rock, will become realities. For the very same reason that I support the Ozark Park, I hope that Congress will make a reality of Sleeping Bear and the Pictured Rock Park.

Mr. BIBLE. Mr. President, the Senator from Michigan is always an ardent advocate. He knows that we have worked our will in the Senate with regard to the Sleeping Bear Dune. That measure has been passed by the Senate and sent to the House of Representatives. I hope it will act on it. If the measure comes back, I hope it will be in such form that we can accept it without going to conference.

I am familiar with the section that the Senator refers to. The Senator knows that hearings were held a few weeks ago. It would be impossible to complete action at this session of Congress. But I hope that when Congress assembles in January, it can make headway with regard to those two great areas.

Mr. DOUGLAS. Mr. President, now that other recreation areas are being brought forward, I hope my colleague will not forget the Indiana Dunes, adjacent to the great northern Indiana-Illinois metropolitan area. I hope my colleague will persuade the Democratic policy committee to schedule it for consideration and passage.

Mr. BIBLE. Mr. President, the Senator from Illinois knows my views on this subject. The Indiana Dunes legislation has long been before the Congress. It has moved further in this particular session, the 2d session of the 88th Congress, than it has ever moved in any comparable session of Congress.

As the Senator knows, it is now on the calendar. I have urged the majority leader to try to schedule it for consideration. I do not know exactly how many more days we shall be here.

I am inclined to think that it will be few. I suppose the Senator from Illinois could speak on that point better than I. I do not know. But if it is scheduled—and I hope it is very quickly—I feel sure that the Senate will act on the very worthwhile project. It is a worthwhile area to preserve.

Mr. DOUGLAS. I thank my good friend from Nevada for the care which he has shown on the question. We in the Middle West need more recreational areas. I am very glad to support the proposal for the Ozarks, but it is somewhat discouraging to see everyone else come under the mistletoe while the Indiana Dunes are forgotten.

Mr. BIBLE. If the Senator could arrange for the project to be scheduled tomorrow, I would be the first to schedule it tomorrow.

Mr. SYMINGTON. Mr. President, will the able senior Senator from Nevada yield?

Mr. BIBLE. I yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. On behalf of my colleague [Mr. LONG], who is present in the Chamber at this time, I thank the distinguished Senator for all the care and wise effort he has shown in developing this great new contribution to the economy of Missouri and to the benefit of the people of Missouri and the United States. The Senator from Nevada first became sure that the project was handled in the way he believed, with all his experience, was the best way. He went out with some of his colleagues, and went over the ground thoroughly, the ground where this great new park will now be established. Although always sympathetic with the idea, he has always been equally anxious that it be accomplished on the best possible basis for all concerned. Everyone in our State of Missouri is grateful to him and his committee for the perseverance he has shown in making this latest approved national monument a reality.

I thank him, very much, for his interest and cooperation.

Mr. BIBLE. I am very happy to have been of help.

I now yield to the distinguished junior Senator from Missouri [Mr. LONG].

Mr. LONG of Missouri. Mr. President, I desire to associate myself with the remarks of my distinguished senior colleague from Missouri [Mr. SYMINGTON]. I had the pleasure of attending one of the field hearings with the distinguished Senator from Nevada [Mr. BIBLE], and I am personally grateful, as are all citizens of Missouri, to him for the time and the effort that he and his committee expended in working on that great project for us. It will mean much to us in Missouri and in the Middle West. We are very happy that we have now reached the end of the road on that great project.

Mr. BIBLE. Mr. President, it is a worthwhile project, and I am glad to see that it is reaching the end of the road.

PRESERVATION OF JURISDICTION OF THE CONGRESS OVER CONSTRUCTION OF CERTAIN HYDROELECTRIC PROJECTS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 502) to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam, which was to strike out all after the enacting clause and insert:

That no licenses or permits shall be issued under the Federal Power Act (16 U.S.C. 791a–823) nor any applications for such licenses or permits be accepted for filing for the reach of the Colorado River between Glen Canyon Dam and Lake Mead during the period ending December 31, 1966: *Provided*, That nothing herein shall change or affect for the purposes of any action which may be taken subsequent to such date the present status, equities, position, rights, or priorities of any parties to applications pending on the date of the enactment of this Act.

Mr. HAYDEN. Mr. President, an almost identical bill has passed both Houses of Congress. The only difference between the bills is that the House-passed bill stated an expiration date in 1966 while the Senate bill stated an expiration in 1965.

Mr. DIRKSEN. Mr. President, as I understand, the proposal is to substitute one bill for the other.

Mr. HAYDEN. Yes. I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

The motion was agreed to.

FORT BOWIE NATIONAL HISTORIC SITE

Mr. HAYDEN. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 946).

The PRESIDING OFFICER laid before the Senate the bill (H.R. 946), a bill to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. HAYDEN. Mr. President, I ask unanimous consent that there be printed at this point in the RECORD an excerpt from page 2 of Senate Report No. 1280, which is the military record of George Washington Bowie, for whom Fort Bowie was named.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Fort Bowie was named for George Washington Bowie, 1824–1901, a native of Montgomery County, Md., whose military record is as follows:

Commissioned, 1st lieutenant, U.S. Army, at Burlington, Iowa, April 1, 1847, where he was assigned to 15th U.S. Infantry; promoted to captain July 20, 1847; brevet major for gallant and meritorious conduct at the battles of Contreras and Churubusco, Mexico, August 20, 1847; distinguished himself in command of his company at the storming of Chapultepec, September 14, 1847; honorably discharged at Covington, Ky., August 4, 1848.

Mustered in as colonel, 5th California Infantry, at Sacramento, Calif., to date from November 8, 1861; stationed at Camp Union, near Sacramento, until February 1862, when he went to southern California and was in command at Camp Latham, near the Cienega between Los Angeles and Santa Monica; marched to Camp Wright, near Warner's Ranch, San Diego County, arriving April 9; assumed command of the Military District of southern California with headquarters at Fort Yuma, May 17, 1862.

Marched via Fort Yuma, Tucson, and Apache Pass to the Rio Grande, February and March 1863; in command of the Military District of Arizona with headquarters at Franklin (new El Paso), Tex., April 15, 1863; stationed there until he was honorably discharged from the service at that place December 14, 1864; brevet brigadier general of volunteers for faithful and meritorious services during the war.

Fort Bowie, established July 28, 1862, Bowie Peak, and the town of Bowie, all in Cochise County, Ariz., named for him.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered for a third reading, was read the third time, and passed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. DOUGLAS. Mr. President, I had intended to ask for a quorum call in order that my distinguished colleague might have an audience. But since he has stated that he does not wish to speak, and since I stated yesterday that I would speak at the conclusion of his second speech, I am now put in the position of asking for a quorum call in order that a group of Senators might be assembled to hear my speech. In that connection I hope that my request will not be regarded as an ungracious act on my part. My request is merely due to the fact that my colleague has disappointed us today, and instead of expatiating on the subject as he said yesterday he would do today, for one reason on another, perfectly well known to him—perfectly good reasons—he does not wish to do so. I am now compelled, Mr. President, to suggest the absence of a quorum and ask that it be a live quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 546 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hayden
Hickenlooper
Hill
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

The Senator from Illinois [Mr. DOUGLAS] is recognized.

DIRKSEN AMENDMENT INTENDED TO DELAY COURT-ORDERED APPORTIONMENT UNTIL ROTTEN-BOROUGH LEGISLATURES CAN PERMANENTLY FIX THEIR PRESENT MALAPPORTIONMENT

Mr. DOUGLAS. Mr. President, as I said earlier, I had thought my friend and colleague, the distinguished junior Senator from Illinois [Mr. DIRKSEN], would speak today, as he announced yesterday that he would. I announced at that time that I would like to follow him. Now the junior Senator from Illinois does not wish to speak at this time; therefore, it devolves upon me to speak. I shall not be quite fighting the air, however, because the junior Senator from Illinois, while he did not follow the plan he announced yesterday, has made his intention perfectly clear.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. DIRKSEN. A family from our common State is outside the Chamber. Have I the Senator's permission to leave the Chamber and shake hands with them?

Mr. DOUGLAS. My good friend does not need my permission to do so. I am sure he is a master of his own movements. Wherever he goes, he will carry with him my friendship and my blessing.

Mr. DIRKSEN. There is much solicitude about my well-being today; but joy cometh in the night, and the ides of March have come, but have not gone.

So I still have until midnight to talk. One columnist mentioned that once I left the floor when one of my colleagues was speaking. But I went for a purpose. Now a fine family is outside the Chamber, and I should like to be able to say "Hello" to them.

Mr. DOUGLAS. I shall not take advantage of the Senator during his absence, but I shall quote from a statement in his speech last night.

Mr. DIRKSEN. That is good. Be sure to get in the word "today" because I have until midnight.

Mr. DOUGLAS. My junior colleague, who has left the Chamber, frankly stated the purpose of his amendment in the closing paragraph of his speech last night. I should like to read that paragraph. Before I do so, I wish to commend my colleague for the frankness with which he spoke. My colleague said:

We believe that it—

The amendment which he proposed, and which is now the subject before this body—

would consummate the one objective which we have had constantly in mind—that is, to buy time at an awkward period when adjournment and the end of the year is imminent, so that as the 89th Congress comes into being, we shall be ready to launch a resolution for a constitutional amendment in the hope that it can be expedited through the Senate and the House of Representatives, and that there will be ample time for the legislatures of the various States to quickly impress their will upon it. Then we shall have found a durable solution to the problem which emanated from the decision in *Reynolds* v. *Sims*.

This is precisely what the senior Senator from Illinois has been charging in the days which have elapsed since my colleague first submitted his amendment, and since it's predecessor was first brought out of the Committee on the Judiciary. I have charged that this amendment was proposed to prevent the orders requiring reapportionment, of the Supreme Court and of the Federal courts, from going into effect for an indeterminate period of time. During that period of time the malapportioned State legislatures would urge the Congress to propose a constitutional amendment, or call a convention for this purpose, which they could then rush to ratification. This, in effect, would seal into existence for indefinite periods of time the present malapportionments, before the legislatures could be properly and justly reapportioned. That intention is what the senior Senator from Illinois has been charging; and the junior Senator has frankly admitted it.

Mr. DOMINICK. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. DOMINICK. I did not mean to interrupt the Senator, but I have before me the map which has been placed on the desks of Senators.

Mr. DOUGLAS. I shall come to that in time.

Mr. DOMINICK. All I wish to say to the Senator from Illinois is that if the Colorado State senate is as it is described by the Senator from Illinois, it is pure white.

Mr. DOUGLAS. These figures change from day to day, but I think this information was true as of June 21 of this year. Perhaps the figures are a little behind, but they are substantially true as of the spring of this year. When I come to them, I shall be glad to discuss this point.

At the very end of the session last night, the senior Senator from Montana, the majority leader [Mr. MANSFIELD] evidently felt that he should dissociate himself from the remarks and the statement of the junior Senator from Illinois. He said:

> However, I do not agree that the purpose of the additional time is to allow the passage of a constitutional amendment to overturn the Reynolds decision. In the first place, the time allowed by this amendment, which will in most cases end at the conclusion of the first State legislative session after the election this November, will probably not be long enough to complete the process required for the adoption of a new constitutional amendment.

Parenthetically, this does not follow at all, because the amendment of the junior Senator from Illinois provides for what is termed a reasonable opportunity; and no one quite knows what a "reasonable opportunity" would be.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. The Senator has quoted me correctly; but the term "reasonable opportunity" is something which can be defined in many ways. This particular proposal of the distinguished minority leader and the Senator from Montana would allow the Court great flexibility. It faces up to a situation which is impending in the several States, and upholds the constitutional right of the Court to hand down decisions such as it has rendered in this instance.

I am delighted that the Senator has indicated that, so far as I am concerned, in offering the amendment there is no idea whatsoever in my mind that we are to seal or to delay until a constitutional amendment can be passed in this body, because I do not believe that is the way to face an issue. However, I believe something should be done to take care of the difficulties which confront the several States at the present time.

Mr. DOUGLAS. I thank the Senator from Montana. I am glad he said that I quoted him correctly. I am sure it was not the purpose of the Senator from Montana, when he gave his name to this most unfortunate amendment, that there would be a period of delay during which the present malapportioned State legislatures should finally cement their unjust and, in a sense, illegitimate composition. I know he did not mean this, and he properly draws back, with a certain degree of repugnance and horror, from giving—and I quote from the next paragraph: "an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely."

The Senator from Montana went on to say:

> That does not seem just to me.

I am sure that was not his purpose; but I want to emphasize the fact that such was the purpose of his cosponsor, as his cosponsor very frankly declared—and I honor my junior colleague from Illinois for the frankness with which he stated his purpose.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. CLARK. Does not the Senator from Illinois think it would be a fair conclusion that it is not only the purpose of the junior Senator from Illinois to gain time in order to try to rush through a constitutional amendment, but that one might assume that it would be the purpose of most of the Republican Members of the Senate, who support the junior Senator from Illinois, because they would be so obviously prejudiced by a fair one-vote-one-person provision in the constitutional laws of the several States that the inevitable result in most States of a one-vote-one-person provision would be to vastly strengthen the Democratic Party in most, if not all, of the States.

I know that in my own State, former Governor Lawrence told me yesterday that under our present apportionment, we could carry the State this fall for President Johnson by a majority of 600,000, but still not gain control of the legislature.

Mr. DOUGLAS. I appreciate what the Senator has said, but I made no such charges last night, and I make no such charges today. As a matter of fact, as I tried to explain last night, I am not at all certain that, taking the situation countrywide, a fair reapportionment would help the Democratic Party.

PROPER REAPPORTIONMENT WILL PROBABLY BENEFIT THE REPUBLICAN PARTY IN THE SOUTH

Let us take the South first. In the South the country districts and farm districts tend to be Democratic. The cities are increasingly becoming Republican. One has only to look at Dallas and Houston, which are two strong conservative Republican cities, and other cities, as well. They are grossly underrepresented both in the Texas Legislature, as well as in the U.S. Congress. So reapportionment would weaken the country Democrats in Texas and strengthen the city Republicans.

I think this is true in many other cities of the South. It might well be true in Georgia. I am inclined to believe it is true so far as western and central Tennessee are concerned. In east Tennessee, the country districts are already Republican.

Therefore, so far as the South is concerned, proper reapportionment would help the Republican Party. I favor proper reapportionment even if it does help the Republican Party.

I hope some of my Republican friends will at least consider what the practical consequences of their support of the Dirksen amendment will be. But I leave that up to them.

IN THE NORTH AS WELL, PROPER REAPPORTIONMENT MAY BENEFIT THE REPUBLICAN PARTY

Now, if I may touch upon the North, I pointed out last night that the suburbs of the country now have more people than the central cities.

In 1960, the suburbs had 57 million, as compared with 58 million in central cities. But since then, there has been a continued drift to the suburbs. I am confident that today the population in the suburbs substantially outnumbers that in the central cities.

We know that today the great strength of the Republican Party is in the rural areas and the suburbs, whereas the great strength of the Democratic Party is in the cities. I believe it will be found that the suburbs would gain more from proper apportionment than the central cities would gain, because the suburbs have grown more rapidly, and the failure to reapportion has confined them to the representation their areas had many years ago.

The Senator from Pennsylvania has spoken of his State. Let me speak now about my State.

Several weeks ago a very able political reporter for the Chicago Sun-Times, Mr. Tom Littlewood, made a study of what would happen to the Illinois Senate on the basis of proper reapportionment. He said that the downstate area—meaning everything outside Chicago, just as in New York "upstate" means everything outside New York City, even if it includes Long Island—would lose eight Senators, and Chicago would gain two Senators. Of the eight Senators which would be lost by the downstate areas, two or three would be Democrats, because we Democrats are quite strong in southern Illinois, particularly in the chain of counties along Route 40, the old national highway. The people there are largely Kentuckians, Tennesseans, and Virginians, in origin. So the Democrats probably would lose two or three senatorial seats downstate, but we might gain two senatorial seats in Chicago. So there probably would be no net increase in the Democratic strength in the Illinois Senate, and possibly the Democrats would have a net loss of one seat.

There would be a gain of three seats in the suburbs of Chicago inside Cook County. Those suburbs are strongly Republican. They have been growing very rapidly. In 1960, there were 1,750,000 people in the suburbs inside Cook County, but outside Chicago. They would gain three seats. They are strongly Republican. Although we Democrats have hopes of redeeming the suburbs, and although we plan to carry on a vigorous campaign in attempting to do so, I think there is no immediate prospect that we shall be able to carry them. So these three seats would be a gain for the Republican Party.

Now, there is a chain of peripheral counties which circle Chicago and Cook County. To the south there is Will County, of which the chief city is Joliet. Then there is Du Page County, which is largely residential. It lies immediately to the west of Chicago. Incidentally, it is the strongest Republican County in the country—even stronger than Westchester County, N.Y.

To the north is Lake County. It fronts on Lake Michigan. West of Du Page County is Kane County. In Lake County, the central city is Waukegan. To the west of Lake County is McHenry County. These are mainly suburban counties, although some of the people who live in them do work there.

We Democrats are making strong gains in some of these counties, particularly in Lake County and Will County. Mr. Littlewood states that almost certainly the three additional senators from those areas would be Republicans.

So there would be six Republican senators and two Democratic senators, to replace the two or three Democratic senators and the five or six Republican senators who would be lost downstate; and, overall, the Democratic Party would make no gain, and might suffer a loss; and the Republican Party would not suffer a loss, and might make a gain.

But the metropolitan area would be represented in accordance with its population; and the senators from the metropolitan area would be able to consider more adequately the needs of that area.

SO QUESTION OF PARTY ADVANTAGE FROM PROPER APPORTIONMENT IS SECONDARY

We have a big water problem in Chicago and the suburbs. I am not sure the Senator from Wisconsin fully appreciates our water problem in northern Illinois. We also have a problem of smoke abatement, a problem of zoning, a problem of taxation, a problem of relief, and a housing problem. These problems affect the urban and the suburban areas alike.

Under reapportionment of our Senate, there would be more adequate representation for the presently underrepresented areas; namely, both the central cities and suburbs.

So I believe the question of party advantage is minor and secondary. If reapportionment helped the Democratic Party, I would still favor it; but I believe this issue is above the question of partisan advantage. I do not believe we should shrink from reapportionment if it were to help the Democratic Party; and I would not shrink from reapportionment if it were to help the Republican Party.

But on the basis of the figures for my State and an analysis of those for the country, I do not believe reapportionment would help the Democratic Party. Certainly it would hurt the Democratic Party in the South; and, except in certain States, it would help the Republican Party in the North.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield to me

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that if the one-man, one-vote principle were put into effect in full, throughout the Nation, although it would enable the States to be more efficient and to do a more competent job, it would not necessarily mean that conservatism would lose and liberalism would gain; but there would be an opportunity for those who feel very strongly about States' rights and about federalism and who feel very passionately that the Federal Government has too much power, to more effectively proceed to solve their problems at home. Obstructionists might be adversely affected—those who feel that it is a mistake to make progress on any level; but, in general, those who have a genuine and sincere feeling that the Federal Government is too large and that the States should assume more responsibility would be served by this change, would they not?

Mr. DOUGLAS. I believe that is true. The Senator from Wisconsin covered this point marvelously in the course of his speech today; and last night we dealt briefly with it.

PROPER APPORTIONMENT WOULD STRENGTHEN THE STATES AND THE FEDERAL SYSTEM

One reason why the municipalities have been inclined to go to the Congress for assistance and to bypass the States is that the State legislatures do not take much interest in their needs. The municipalities have been compelled to go to the Federal Government. But if the municipalities feel that they are fairly represented in the State legislatures and that the States will give them a break, they will more and more turn to their State governments, and will less and less turn to the Central Government.

I have always felt that the malapportionment of the State legislatures has led to centralization, and that better apportionment would lead to decentralization. I think I can speak about this matter, for my political experience began in city government. I believe that I realize the importance—other things taken into consideration—of having decisions, insofar as is practicable, handled locally. I think there is a very strong case for national action in many fields. Probably I would quarrel with many of my colleagues as to what these fields properly are. But I believe there has been much unnecessary calling on the Federal Government simply because the State legislatures are unrepresentative.

On the general question of liberalism versus conservatism, it is difficult to know what those terms mean. I designate myself a liberal, if I am permitted to define the term. People in rural areas tend to be suspicious of the liberals in the "big city." But I do not regard the suburbs as strongholds of liberalism. Quite the contrary, I believe that, on the whole, in regard to economic matters the suburbs probably are more conservative than the countryside.

It is interesting to note that while frequently the farmers and country people are very properly worried about certain issues the people in the suburbs are contented to have the situation continue as it is. The essence of conservatism—as Lord Hugh Cecil said 50 years ago—is satisfaction with things as they are, satisfaction with the situation in the past, and distrust of things unknown. Conservatism flourishes best in the suburbs. Therefore, proper and fair reapportionment would not increase the liberal forces in the suburbs, but it would increase and improve State action for the benefit of people who are faced with the new problems created by industrialization and by the rush of populations to the cities. I tried to document this last night.

Those who are interested in light reading will be able to study the tables which I had printed in the RECORD. They show the importance of the cities, the metropolitan areas, and the counties. The importance of the large counties has been steadily increasing, and the importance of the small counties, with populations of less than 25,000, has been steadily diminishing. Yet, in the main the small counties dominate the State legislatures. Sometimes they do not dominate both houses, but in nearly every State they dominate at least one house—generally the senate, although in New England there is an extraordinary variation. In Vermont, New Hampshire, and Connecticut it is the lower house, in which the cities are underrepresented.

CLEAR EVIDENCE THAT THE PURPOSE OF THE DIRKSEN AMENDMENT IS TO PERMIT AN INDEFINITE FREEZE OF THE PRESENT MALAPPORTIONMENT IN THE STATES

Mr. President, if I may, I shall turn back to the question as to what is behind the Dirksen amendment—and I do not like to call it the Dirksen-Mansfield amendment; so I shall call it the Dirksen amendment—and what its effect would be. I have said that its effect will be to prevent the decisions of the Supreme Court from going into effect for a period of time. During that period of time, a determined effort would be made to have the Congress propose a constitutional amendment which would prevent the courts in the future from ever ruling on the question of apportionment. The malapportioned legislatures would rush to ratify such an amendment. The end purpose would be to freeze indefinitely the present malapportionments in the State legislatures and, indirectly, the malapportionment of districts for U.S. Representatives.

People have accused me—and there were some indirect accusations last night—of seeing hobgoblins.

Yesterday the House had a bill reported to it from the Committee on Rules, an extraordinary procedure. The bill was introduced by Representative TUCK of Virginia. We have read of the amendment in the newspapers, but I do not believe many of us have known what its text actually was.

We should have no inhibitions about mentioning the name of the other body. For some curious reason, the House never likes to refer to us as the Senate. It always refers to us as "the other body." The House occupies an honored position in the National Legislature. We are very glad to regard the Senate as an equal, but not superior, partner to them.

I should like to read the text of the Tuck bill which the Committee on Rules yesterday referred directly to the House—bypassing any hearings and consideration by the Committee on the Judiciary—and which may shortly be acted upon by the House, if, indeed, it has not been acted upon by the House today.

This is the text of the Tuck bill which would add a new section to title 28 of the United States Code:

> "Supreme Court, limitation of appellate jurisdiction
>
> "The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof."
>
> SEC. 2. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:
>
> "(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof."

I do not know what the real purpose of the House Rules Committee's action was. The bill may have been intended as a cover to run interference for the Dirksen-Mansfield amendment. I doubt if it could be passed by both Houses at this session, although, of course, it might be. I am very dubious of its constitutional effect, if it were to be passed. I am doubtful whether Congress has the power to suspend the action of the courts, or to deny them jurisdiction in constitutional matters. I hope the Congress does not have such power.

But I think the action of the Rules Committee and the bill do indicate the shape of things to come. I believe the language of the Tuck bill indicates the probable nature of the constitutional amendment which would be proposed once the present orders of the Court are suspended, and once reapportionment of the State legislatures is suspended.

I believe that this bill is the draft of the constitutional amendment which is desired. In this connection, I should like to call attention to two other Senate resolutions which are very similar in nature to the Tuck bill. One of them was introduced by our beloved colleague the junior Senator from Mississippi [Mr. STENNIS]. It would propose a new constitutional amendment reading:

> Nothing in the Constitution of the United States shall prohibit a State, having a bicameral legislature, from apportioning the membership of the less numerous branch of its legislature on factors other than population.
>
> SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

I invite the attention of Senators also to the bill of the junior Senator from South Carolina [Mr. THURMOND]. He submitted this bill on June 16. It would add a new chapter to title 28 of the United States Code, as follows:

> Part VI of title 28, United States Code, is amended by adding at the end thereof the following new chapter:
>
> "CHAPTER 181—STATE LEGISLATIVE APPORTIONMENT
>
> "Sec.
>
> "2691. Jurisdiction.
>
> "§ 2691. Jurisdiction
>
> "No court of the United States shall have jurisdiction to hear or determine any action or proceeding involving or relating to any matter concerning the composition of any legislative body or assembly of any State or the apportionment of the membership thereof, or to enter, enforce, or review any judgment, decree, or order in or relating to any such action or proceeding."
>
> (b) The analysis of part VI of that title is amended by adding at the end thereof the following new item:
>
> "181. State legislative apportionment__ 2691".

I believe this is a pretty clear indication of what is contemplated if the Dirksen amendment were to be passed. There would certainly be strong and influential elements which would seek to get an amendment through to deny the Court the power to order any further reapportionment, or to sustain or maintain in operation any orders which they have already executed.

As we heard in the colloquy between the junior Senator from Illinois [Mr. DIRKSEN] and the senior Senator from Wisconsin [Mr. PROXMIRE], these elements would regard this as constitutional.

THERE CAN BE NO EQUAL PROTECTION OF THE LAWS WITHOUT SUBSTANTIALLY EQUAL APPORTIONMENT OF THE STATE LEGISLATURES

Our friends from the South—and they are our friends; we like them as individuals; we appreciate their problems—never really go beyond the 10th amendment of the Constitution. They quote the 10th amendment:

> All powers not specifically granted to the Federal Government are presumed to rest with the States and with the people.

The Senator from South Carolina [Mr. THURMOND] asked: "Where is the Supreme Court given the power to order reapportionment?" What they fail to realize and what they tend to ignore is the existence of the 14th amendment. The 14th amendment was enacted not only after, but as a result of, the Civil War. The Civil War started as a war to save the Union, or to destroy the Union. It culminated in a pledge by the Northern States to free the slaves. Not only that, but after the war, there came a desire to give to the States more than freedom from chattel slavery. The country acted to make the Negro population of the country—including the Negro population of the South—full-fledged citizens of the United States.

I quoted last night the 14th amendment to the Constitution which provides that:

> All persons born or naturalized in the United States * * * are citizens of the United States and of the State wherein they reside.

We regard that as very simple nowadays. It is fundamental in its nature. First, it provided that citizenship was national—not really local or State. Second, it drew no differentiation between States. It did not describe second-class citizens or first-class citizens. All were citizens of equal rank. All were first-class citizens.

There were the additional passages which have been quoted many times in this debate and during the debate on civil rights. I quote:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law.

That is the salient part.

> Nor deny to any person within its jurisdiction the equal protection of the laws.

In the final section of the amendment it is provided:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Supreme Court has properly, and I believe justly, held that we cannot have equal protection of the laws in the long run unless three is substantially equal representation in the State legislatures. If the membership of a State legislature is disproportionately drawn from certain sections of the community, the sections which are excluded, or grossly underrepresented, cannot have any assurance that they will have the equal protection of the laws.

This is the fundamental basis of the decisions of the Supreme Court, first in the Tennessee case; then in the Alabama case and the Colorado case. These decisions have been criticized as being, at least, somewhat hasty. But they were not hasty in terms of the delay which the legislatures of this country had practiced in refusing to reapportion.

I mentioned earlier to my good friend from Vermont [Mr. AIKEN] that Vermont has its lower house apportioned according to the Constitution of 1793. Since that time, 171 years have passed.

Mr. AIKEN. The Senator is not saying that was not a good constitution?

Mr. DOUGLAS. For its time, it was. But I am also saying that the present situation, in which 36 people elect one representative to the lower house of Vermont, and 36,000 people are permitted to elect only one—is not proper. It gives to one person in this lonely hamlet the same voice that 1,000 voters in the city—I assume it is Brattleboro—have.

I would dislike to have my good friend go up to Brattleboro and defend this unfair apportionment.

Mr. AIKEN. I explained to the Senator this morning that the large towns to which he has referred have control over the Vermont Senate.

Mr. DOUGLAS. But they do not have control over the house, or even a fair voice. They are grossly unrepresented in the House.

Mr. AIKEN. Why is the Senator from Illinois trying to prevent the people of the United States from voting on the question before us, either through their elected representatives to the Congress or by a vote of the people through their elected representatives in the States themselves?

Mr. DOUGLAS. Mr. friend realizes that the vote on a constitutional amendment would not be by a vote of the people. It would be by a vote of the already malapportioned State legislatures.

Mr. AIKEN. Is not the Senator trying to prevent a vote—an expression of opinion—by the people of the United States through their elected representatives in the Congress—or are we not supposed to represent them? They elected us to come here.

Mr. DOUGLAS. If the Senator from Vermont will see that the Dirksen amendment is introduced as a separate bill or resolution, and if hearings are conducted by the Judiciary Committee, I promise that it will be given good consideration on the floor of the Senate and not subjected to excessive debate. But the amendment has been sprung upon us without public hearings in the Judiciary Committee. It has been attached to the foreign aid authorization bill and placed beyond the power of a presidential veto, in all possibility; and we are told that we must approve it.

Mr. AIKEN. Is the Senator arguing that the people of Illinois and New York should have a greater voice in the Senate than, shall we say, the people of Rhode Island or Montana?

Mr. DOUGLAS. I have never made that claim. The Senator from Vermont is completely shifting the argument. We are talking about State legislatures.

Mr. AIKEN. I am coming to the ultimate argument. The Senator knows that if the decision of the Supreme Court is followed to its logical conclusion, representation of the smaller States of the United States will be done away with in this legislative body.

Mr. DOUGLAS. Not at all.

Mr. AIKEN. That would be the ultimate purpose. The Senator knows it; the Senator from Wisconsin [Mr. PROXMIRE] knows it; the Senator from Pennsylvania [Mr. CLARK] knows it. That is the ultimate purpose.

Mr. DOUGLAS. May I answer the Senator?

Mr. AIKEN. Why did not the Senator from Illinois seek hearings on the civil rights bill that came to the Senate from the House of Representatives?

Mr. DOUGLAS. I somewhat suspected that the Judiciary Committee would kill it.

Mr. AIKEN. Why does the Senator desire hearings when he wants hearings, and avoid them when he wishes to do so?

Mr. DOUGLAS. The Senator from Vermont is moving from one argument to another. He presents a movable target. Will the Senator from Vermont permit me to reply to his first statement?

Mr. AIKEN. Let me repeat the question.

Mr. DOUGLAS. I should like to point out that it is absolutely impossible under the Constitution for either Congress or the Supreme Court to take away the equal representation of the States in the U.S. Senate.

The concluding clause of article V of the U.S. Constitution is as follows: "no State without its Consent, shall be deprived of it's equal Suffrage in the Senate."

That is the one feature in the Federal Constitution which cannot be amended. That is a provision which the small States not only anchored in the Federal Constitution but also placed beyond the possibility of amendment. That was the price which they exacted for joining the Union. The delegate from Delaware in the Constitutional Convention, as Madison's Journal reports, threatened at one point that unless they obtained equal representation in at least one House, they would not join the Union and would make an alliance with a foreign power, presumably France or Great Britain.

Mr. AIKEN. I should like to ask the Senator one additional question. Would the Senator from Illinois offer a constitutional amendment which would allocate representation in the Senate of the United States according to the population of the State?

Mr. DOUGLAS. No; I would not. That is a burden which we in the big States bear—and it is a heavy burden, too, believe me—but we bear it in the cause of national unity. That issue was finally decided in 1787. It weighs very heavily upon the big States. The Senator knows that in this body, on the whole. Senators from the big States are second class citizens. The Senator knows very well that we occupy an inferior position. He also knows that the interests of the big States tend to be disregarded in the Senate. That is the price which we pay continually. The States have in their body the nails which were driven into them in 1787, and we have borne that burden manfully and without complaint. But we do not wish to have it extended inside the States. That is the point.

Mr. AIKEN. The Senator from Illinois means that he wishes the States themselves to be absolutely pure even if the Federation of States is not.

Mr. DOUGLAS. No. I repeat the same point which has been brought out time and time again, namely, there is no analogy between what was adopted in 1787 for representation in the U.S. Senate and the situation inside the States. The consent of the States was necessary in order to form the United States. The small States could be brought in only by giving them equal representation and preventing the arrangement from ever being changed. But as we have developed time and time again, the counties inside the States are not sovereign and the towns are not sovereign. They do not create the States; the States create them. The States can cut them off, expand them, or contract them. They are creatures of the State. It is not necessary to give them equality of representation in order to insure that the State of Vermont or the State of Illinois will continue.

Mr. AIKEN. It still is not clear why the Senator from Illinois is so insistent upon hearings by congressional committees on the apportionment measure, whereas the Senator from Illinois was equally insistent that there be no hearings on an equally important item of proposed legislation known as the civil rights bill.

Mr. DOUGLAS. The Senator is shifting to that subject. I point out that if the Senator is talking about consistency, what shall we say of Senators who protested to high heaven that there were no hearings on the civil rights bill, but who are supporting the amendment which comes up from the floor with no hearings? I simply say "Tu quoque"—to you also. If I am inconsistent—and I do not believe that I am—I am not more inconsistent than other Members of this body.

Mr. AIKEN. There is a great difference between a bill introduced in the Congress and a simple amendment which is being proposed to the pending bill.

Mr. DOUGLAS. Oh, is this a simple amendment? On the contrary, it is a very important, complex, and far-reaching amendment. It would anesthetize the courts so that presently unrepresentative State legislatures could perpetuate themselves with their present unjust and inequitable representation.

Mr. HART. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield to the Senator from Michigan.

Mr. HART. I was present while the Senator from Illinois and the Senator from Vermont were discussing the concern that some had with the civil rights bill being referred to the Committee on the Judiciary for hearings, and the resistance that some of us voiced to that proposal. That action was contrasted with the situation we are in today. I should like to ask the Senator from Illinois whether or not the Committee on the Judiciary has held any hearings on the amendment offered by the junior Senator from Illinois.

Mr. DOUGLAS. To the best of my knowledge, it has not. The Senator from Michigan is a member of that committee. He can answer his own question. What is the answer?

Mr. HART. If I am not charged with a speech, I shall be glad to answer the question.

Mr. DOUGLAS. Very good.

Mr. HART. The Committee on the Judiciary held no hearings on the bill. There is no record of such hearings.

My next question in the comparison is as follows: Does the Senator from Illinois know whether or not the Committee on Labor and Public Welfare held any hearings on the amendment offered by the junior Senator from Illinois?

Mr. DOUGLAS. Not that I know of.

Mr. HART. But that committee held extensive hearings on a substantial part of the civil rights bill, did it not?

Mr. DOUGLAS. That is true. It conducted hearings on the fair employment practices section.

Mr. HART. Did the Committee on Commerce hold any hearings on the measure introduced by the junior Senator from Illinois?

Mr. DOUGLAS. No, not at all; but it held careful hearings on what is called the public accommodations section of the civil rights bill.

Mr. HART. That is a distinction worth noting. Extensive hearings were held on the public accommodations section of the civil rights bill by the Committee on Commerce. Extensive, though inconclusive, hearings were held by the Committee on the Judiciary on the basic civil rights bill. Hearings were held on the fair employment practices section of the civil rights bill by the Committee on Labor and Public Welfare. But no such record is available to the Senate with respect to the pending bill.

Mr. DOUGLAS. I thank the Senator from Michigan for his very valuable contribution, which I believe is a better answer than the one I gave. He has correctly pointed out that while the Judiciary Committee did not hold specific hearings on the entire civil rights bill as it came from the House, it had held hearings on similar proposals before; concurrently, the Committee on Commerce had held hearings on a public accommodations bill and the Committee on Labor and Public Welfare had held hearings on the fair employment practices section of the bill. I believe that is a very good answer, and I am sure it will convert my friend the Senator from Vermont.

DIRKSEN AMENDMENT THE BETTER OF TWO EVILS AT BEST

Mr. President, I have been discussing the Tuck bill and the cognate bills here in the Senate. Yesterday my colleague the junior Senator from Illinois [Mr. DIRKSEN] quoted the statement by the able chairman of the House Judiciary Committee, Representative CELLER, that he preferred the Dirksen bill. This statement was correct, but the full context was not given. What Representative CELLER said was that he chose the Dirksen bill as the lesser of two evils; and that, as between the Tuck bill and the Dirksen bill, the Dirksen bill was not as bad.

I suggest that this was not a real choice. Suppose one were told by the authorities, "You are going to be killed. We are going to kill you. Which do you choose? Will you be killed by hanging or by shooting?" Suppose that person replies, "Well, shooting is the lesser of the two evils. It is done more quickly and it is not as drawn out and painful."

I think that is about what Representative CELLER said. The point is that I think we should have neither the Dirksen amendment nor the Tuck bill. I am somewhat suspicious that the Tuck bill may be a cover, a threat, to induce some Members of the House to accept the Dirksen measure lest they be pushed to take the Tuck bill. Then if the Dirksen measure is put through the House—and I hope it will not be—and if the courts are anesthetized and prevented from continuing to order reapportionment, and if the State legislatures continue to prevent and refuse reapportionment, a bill modeled on the Tuck bill will be rammed through and submitted to the legislatures. This, in the words of the majority leader himself, would be inequitable.

The majority leader said:

> That would give an alleged malapportioned State legislature the power to validate itself, the right to pass upon its own validity, and the ability to perpetuate itself indefinitely. That does not seem just to me.

It does not seem just to me. I do not think it seems just to anyone. But that is what the majority leader has gotten himself in for by sponsoring this amendment. I regret that, but those are the facts.

GREAT GROWTH OF THE URBAN AND SUBURBAN AREAS

Yesterday I pointed out that this problem had largely arisen from the growth of cities in big counties and the failure of the State legislatures to reapportion the legislatures in keeping with the movements of population. I cited the fact that from 1910 to 1960, 50 years, the population in the roughly 2,000 counties with a population under 25,000 had diminished from 27,421,000 to 23,064,000, or a decrease of 4.3 million, or roughly 14 percent.

At the same time, our population had increased from 91 million to 178 million, or had virtually doubled.

In other words, the small counties were losing 14 percent in population while the United States as a whole was doubling in population.

If we consider the counties of over 500,000, which numbered 15 in 1910, but 64 in 1960, their population increased from 14.8 million to 65.7 million, or had more than quadrupled by 1960. The population of the counties over 500,000 was 4½ times as much in 1960 as in 1910, or an increase of about 350 percent.

Or if we take the counties which are next to the metropolitan counties, counties with a population of 100,000 to 500,000, their number increased from 87 in 1910 to 238 in 1960. The population had risen from 17 million to 48 million, or had increased almost 3 times.

Or if we consider all the counties with populations of 100,000 or more we find that their total population had risen from 31 million in 1910, a little over one-third of the population, to a population of 114 million in 1960, over 60 percent of the population. It is close to 64 or 65 percent of the population.

Those figures, along with the others I have given and shall give, tell the story of the population movement to the cities and the refusal of legislatures to reapportion in accordance with the movement of population.

Yet people are still thinking of America as a country of villages, where the village blacksmith works under a spreading chestnut tree. They are still thinking of the monthly packet boat which sailed from Boston Harbor to Liverpool. Their thinking has not kept up with the population growth and movement. Not only has their thinking not kept up with the population movement, but the action of the State legislatures has failed to keep up, as we have shown by citing the facts for case after case showing the failure of the legislatures to apportion according to population.

MALAPPORTIONMENT IN THE LOWER HOUSES OF THE 50 STATES

Messrs. Paul T. David and Ralph Eisenberg produced a very valuable study on this subject, and I would like to discuss their findings State by State, taking first the houses of the 50 States and then taking the 50 senates. They used census and apportionment figures as of 1960.

Let me start by saying that, in general, the lower houses in the States tend to be more equitably proportioned than the senates, with the exception of the old New England States of New Hampshire, Vermont, and Connecticut.

There are peculiar reasons for this, which I mentioned last night; namely, that originally the States were in competition, they had to bid for the allegiance of the border towns, and so promised them equal representation in the lower house.

ALABAMA

Let us start with Alabama. In the lower house, the smallest population per member was 6,731; the largest population per member was 104,767. In other words, one voter in the smallest district had 15.6 times the effect of one voter in the largest district. Putting it in another way, the representation in the lower house was 1,560 percent more concentrated per person than it was in the upper house.

ALASKA

Let us take the new State of Alaska. Alaska came into the Union recently, but their smallest population per member is 1,619; the largest, 10,354. One person in the smallest district had as much representation as 6.4 people in the largest district.

ARIZONA

Consider Arizona, about which we have heard so much. The smallest population per member is 5,754; the largest population per member, 30,438. In other words, one person in the smallest district had as much representation as 5.3 in the largest, or an overrepresentation by 530 percent.

ARKANSAS

In Arkansas, the smallest district has 4,927; the largest district, 31,686. One voter in the smallest district has the same representation as 6.4 persons in the largest district.

I am speaking now of the lower houses.

CALIFORNIA

In California, 72,105 persons are in the smallest district; 443,892 in the largest. In the smallest district, one person had

6.2 times the representation of a person in the largest district.

COLORADO

As to Colorado, these figures were true as of the beginning of the year. The junior Senator from Colorado earlier implied that redistribution, ordered by the courts, has changed the ratio somewhat. Let us take the figures as of 1960.

The smallest district had a population of 7,807; the largest, 63,766. One person in the smallest district had the same representation as 8.1 people in the largest district.

CONNECTICUT

Now we come to Connecticut, which we discussed last night. The smallest district of Connecticut has only 191 people; the largest district, 81,889. In other words, 191 people in a Connecticut hamlet have as much representation in the lower house as 81,000 people have in one of the cities. In other words, they have 424 times as much representation; or, in percentage terms of comparison, 42,450 percent greater representation. Can anyone claim that that is fair? Can anyone speak of the superior virtues of those 191 people in the Connecticut Berkshires and say that they are that much greater than the 81,000 people in the towns and cities of Connecticut? Those figures cause the argument which my good friend from Vermont [Mr. AIKEN] tried to advance to fall completely to the ground.

I am proceeding State by State, alphabetically. Vermont comes toward the end of the list. But we have even more shocking figures for Vermont.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I thought I would stir up my good friend from Vermont. The argument he made about Vermont falls to the ground.

Mr. AIKEN. But truth crushed to earth will rise again.

Mr. DOUGLAS. I said that the 81,000 people in the largest district of Connecticut had as much right to equal representation as the 191 people in the smallest district. The present arrangement is unfair. I cannot believe that the Senator from Vermont would ever defend it.

Mr. AIKEN. The Senator from Vermont likes his State. He likes the way his State is operated. He likes the way the United States is conducted, and he intends to stand up for both the United States and Vermont.

Mr. DOUGLAS. Is he going to stand for the present apportionment of the Vermont House?

Mr. AIKEN. Yes. I will stand for the right of Vermont to reapportion its lower house in an orderly and constitutional manner. If I can help it, I am not going to let any organization, set up for any purpose whatsoever, try to chisel away the rights of the people of my State or the United States.

Mr. DOUGLAS. If the Senator from Vermont approves the Dirksen amendment, would he refuse to permit Vermont to reapportion and cause it to perpetuate itself in the same condition of representation which has existed since 1793?

Mr. AIKEN. That is not in accord with what I said earlier. The Senator from Vermont said that we wanted to get time in order to solve our own problem.

Mr. DOUGLAS. Vermont has had 171 years in which to do that. Vermont is a fine State, and the senior Senator from Vermont is a fine Senator and a fine man. It so happens that this happens to be an Achilles' heel in the government of Vermont, of course, we have our Achilles' heels in Illinois.

Mr. AIKEN. I understand there is a tremendous one in Chicago. About the rest of Illinois, I have not heard so much.

Mr. DOUGLAS. I will defend my city and my State.

Mr. AIKEN. I realize that Chicago is unique.

Mr. DOUGLAS. If my friend wishes to expatiate on that subject, I shall be glad to come later to the general emotional charge and prejudice which lie behind charges of that kind. But I shall pass over it for the time being.

DELAWARE

Consider the little State of Delaware. In the smallest district, 1,643 people elect 1 representative; the largest district requires 58,228. In other words, one person in the smallest district has more than 35 times the influence of a person in the largest district.

FLORIDA

Florida is a most interesting State. In the smallest district, only 2,868 people; in the largest district, 311,682. One person in the smallest district has 109 times the representation of a person in the largest district, or in terms of percentage, has 10,090 greater representation.

GEORGIA

Let us pass on to Georgia. The smallest district has 1,876 people, the largest district, 185,442; or 1 person in the smallest district has 99 times the voting influence of a person in the largest district.

This is characteristic of Georgia. There is underrepresentation in Atlanta and, indeed, all the other cities of Georgia, but overrepresentation of the hill counties. This situation has characterized Georgia politics for a long time. We all know this. A suit before the U.S. Supreme Court led to a change. A change was ordered, but adaptation has not fully resulted.

HAWAII

Consider the little State of Hawaii. The smallest district has 7,044 people; the largest district has 15,163. Compared with other States, that is not too bad, but one person in the smallest district has 2.2 times the influence of a person in the largest district.

IDAHO

Now we come to an interesting State—Idaho. The smallest district has only 915 people, the largest, 23,365. One person in the smallest district has 25.5 times the influence of a person in the largest district, or has 2,555 percent greater influence than a person in the largest district, which I presume is Boise.

ILLINOIS

Take my own State of Illinois. It does not have the worst record of any State in the country, but the smallest district has 34,783 people, the largest district, 126,850—and this after a reapportionment in the middle 1950's. One person in the smallest district has 3.6 times the weight of a person in the largest district, or 360 percent greater.

It should be realized that I am now talking about lower houses of the various State legislatures.

INDIANA

In Indiana, there are 14,804 people in the smallest district; 79,538 in the largest. One person in the smallest district has 5.4 times the influence of a person in the largest district.

IOWA

The next State is Iowa, about which my good friend, the junior Senator from Iowa [Mr. MILLER] spoke last night. The smallest district in Iowa has only 7,469 people; the largest district has 133,157 or 17.8 times as many.

It would take 17.8 persons in the largest district—presumably in Des Moines—to have the same influence in electing a member to the State legislature that a person in the smallest district would have.

KANSAS

In 1960, the smallest district in Kansas had 2,069 persons; the largest district, 68,646 persons—or 33.2 times as many. One person in the smallest district had the same influence that 33 in the largest one had.

KENTUCKY

I am sorry the gracious and beloved Senator from Kentucky [Mr. COOPER], who was in the Chamber earlier today, is not here now. In the smallest district, 11,364, could elect a member of the lower house; in the largest district, 67,789; or one person in the smallest district had as much influence as 6 persons had in the largest district—an influence 600 percent greater.

LOUISIANA

In the smallest district, 6,909; in the largest district, 120,205. So it took 17.4 times as many people in order to elect a representative from the largest district, as compared with the number required in the smallest district.

MAINE, THE PINE TREE STATE

In the smallest district, 2,298; in the largest district, 15,211; or it took 6.6 times as many people in order to elect a legislator from the largest district, as compared with the number required in order to elect a legislator from the smallest district.

MARYLAND

The situation in Maryland is interesting. Even in the lower house, the smallest district had 6,541 per member; the largest district had 82,071 per member; or it took 12.5 times as many persons in order to elect a representative from the largest district to the lower house in Maryland, as compared with the number required in the smallest district.

MASSACHUSETTS

Massachusetts is sometimes held up as a model State; but I wish to read the figures for the lower house of Massachusetts: 3,559, in the smallest district;

49,478, in the largest district; or each person in the smallest district had approximately 14 times as much representation as each person in the largest district had—and that was the situation in Massachusetts.

MICHIGAN

As for Michigan, to which reference has been made, these figures are for the situation prior to the recent reapportionment, which was carried out under the threat of Court orders. In the lower house, which certainly has not been as inequitably apportioned as has the upper house, in 1960 it took 34,006 persons in the smallest district in order to elect a member; it took 135,268 persons, in the largest district; or 1 person in the smallest district had 4 times the representation which was had by 1 person in the largest district.

MINNESOTA

Minnesota, which is so excellently represented by its two Senators in this body: In the smallest district, 7,503 persons were required in order to elect 1 legislator; in the largest district, 99,446 persons were required; or more than 13 times as many were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district. I hope this summary will cause the two Senators from Minnesota to vote against the Dirksen amendment.

MISSISSIPPI

For the smallest district, 3,576 persons; for the largest district, 59,542 persons—or almost 17 times as many persons were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district. I shall not discuss the question of the proportion of persons who were permitted to vote there. I shall simply deal with the population figures, not the registration figures.

MISSOURI

In Missouri, 3,936 persons were required in order to elect a legislator from the smallest district; 87,474 persons were required in order to elect a legislator from the largest district. So more than 22 times as many persons were required in order to elect a representative from the largest district, as compared with the number required in order to elect a representative from the smallest district.

MONTANA

Montana, the State of our majority leader, the cosponsor of the Dirksen amendment: In the lower house, 894 persons were required in order to elect a representative from the smallest district; 12,537 persons were required in order to elect a representative from the largest district. So 14 times as many persons were required in order to elect a legislator from the largest district, as compared with the number required in order to elect a legislator from the smallest district.

NEBRASKA

Nebraska, as all of us know, is the one State in the Union which has a unicameral legislature. That was put into effect by George W. Norris. It has not worked quite as well as he hoped it would; but, on the whole, it has worked quite satisfactorily. As the Senator from Wisconsin has said, the decisions by the Nebraska Legislature are no worse, and probably are somewhat better, than those of the average State legislature.

For the Nebraska unicameral legislature, it required 18,824 persons in order to elect a member of the legislature from the smallest district; it required 51,757 persons in order to elect a legislator from the largest district. So even in that model State, insofar as representation was concerned, one person in the smallest district had 2.7 times the influence that one person in the largest district had.

NEVADA

Nevada has the two cities of Las Vegas and Reno, which are well known throughout the country. Five hundred and sixty-eight persons were required in the smallest district in order to elect a member of the legislature; 17,829 were required in the largest district; or 1 person in the smallest district had more than 31 times the importance, in the election of representatives, than a person in the largest district had.

NEW HAMPSHIRE

New Hampshire—and the situation there was surely extraordinary. Last night I placed in the RECORD—and, so far as I know, they have not been denied—figures showing that in New Hampshire the smallest number of persons required per member of the legislature was three. I repeat, Mr. President, only 3 persons—not 3,000, not 300, not 30, but only 3—in 1 district only 3 persons were required in order to elect a member of the lower house of the New Hampshire Legislature.

That is somewhat like the parliamentary situation of Old Sarum, of which I spoke last night—located, in the days before the reform bill in England, outside Salisbury Cathedral. Old Sarum had no inhabitants, but it elected two Members of Parliament.

In New Hampshire, the largest district required 3,244 persons in order to elect a representative. In other words, one of the three persons in the smallest district had 1,081 times as much influence in electing a member of the legislature as a person in the largest district had—or, in percentage terms, 108,000 percent greater influence than the influence had by a person in the largest district.

NEW JERSEY

New Jersey—and I point out, Mr. President, that I am presenting the figures State by State, because there was objection on the ground that I was speaking only about general figures, and was not discussing the situation systematically. I am referring to the figures State by State so that we can see the disparities which exist in virtually every State in the Union.

In New Jersey, in the smallest district, it required 48,555 persons in order to elect a representative; in the largest district, it required 224,499 persons. In other words, one person in the smallest district had 4.6 times the importance, in the election of members of the legislature, that a person in the largest district had.

NEW MEXICO

In New Mexico, the smallest district has a population of 1,874. The largest district has a population of 29,133. It takes 15½ times as many people in the largest district to elect a member of the lower house of New Mexico as are required in the smaller district.

NEW YORK

Let us now take New York. New York is held up as a model. The New York Legislature has stubbornly refused to redistrict these upstate legislative districts. And in this way they have perpetuated control over the New York assembly in the hands of the Republican Party for decades. The Democrat Party has in the past generally carried New York in presidential elections. I believe they have never carried the legislature since 1915. This malapportionment upstate is really the source of the Republican strength which they exercise through their control over the New York Legislature. The smallest district has a population of 15,044. The largest district has a population of 222,261. The person in the smallest district in New York, undoubtedly an upstate county, has 14.8 times the influence of a person in the largest district—probably in Manhattan, or possibly even in the suburbs.

NORTH CAROLINA

We come next to North Carolina. The smallest district in North Carolina has a population of 4,520 people. The largest district has a population of 85,674. In other words, one person in the smallest district has the same influence in representing a member of the lower house of North Carolina as 1,900 in the upper house, or 1,900 percent greater representation.

NORTH DAKOTA

In North Dakota, the smallest district has a population of 2,812. The largest district has a population of 20,955. One person in the smallest district has 7.5 times the influence in the election of a representative of one person has in the largest district.

OHIO

We come next to Ohio. The smallest district of Ohio has a population of 10,274. The largest district has a population of 148,700. It takes 14.5 people in the largest district—in one of the Ohio cities or metropolitan districts—to have the same influence that one person has in the more rural areas.

OKLAHOMA

Next is Oklahoma. Oklahoma is the State over which the previous Presiding Officer served as chief executive for a time. In my judgment, he served very well. In Oklahoma, the smallest district has a population of 4,496. The largest district has a population of 62,786. One person in the smallest district in Oklahoma had 14 times as much influence as a person in the largest district.

OREGON

Next we come to Oregon, which is in many respects almost an ideal State—not perfectly ideal, but an ideal State.

Oregon may have been reapportioned since 1960. But these are the latest figures that I could obtain. In Oregon, the smallest district has a population of 13,108 people. The largest district has a population of 39,165. One person in the smallest district had three times the influence of a person in the largest district.

PENNSYLVANIA

Next we come to Pennsylvania, to which the Senator from Pennsylvania recently referred. In the smallest district, there was a population of only 4,485 people. In the largest district, there was a population of 139,293. One person in the smallest district had 31 times the influence in the election of a representative as a person in the largest district.

RHODE ISLAND

Next we come to Rhode Island. Rhode Island is malrepresented in both the house and the senate. But I am speaking now of the house. In Rhode Island, in the smallest district there was a population of 486 people. There was a population of 18,977 in the largest district. One person in the smallest district had 39 times the influence in an election to the lower house of the Rhode Island Legislature as one person did in the largest district.

SOUTH CAROLINA

In South Carolina, there was a population of 8,629 in the smallest district. There was a population of 20,013 in the largest. So 3.1 times as many people were required to elect a representative in the largest district as in the smallest district.

SOUTH DAKOTA

In South Dakota, there was a population of 3,531 in the smallest district. There was a population of 16,688 in the largest district. It required 4.7 times as many people to elect a member of the lower house of South Dakota as it required in the largest district.

TENNESSEE

Next is Tennessee. It was in Tennessee that the crucial apportionment case, Baker against Carr arose. In Tennessee, for the lower house—the smallest district had a population of 3,454 people. In the largest district, there was a population of 79,301 people. One person in the smallest district had the same influence as 23 people in the largest district.

TEXAS

Next we come to Texas. There was a population of 23,062 in the smallest district. There was a population of 155,394 in the largest district. It required 6.7 times as many people to have a representative to the legislature in the largest district as in the smallest district.

UTAH

Next is Utah. The smallest district had a population of 164. The largest district had a population of 33,280. It required 27.8 times as many people to elect a member of the lower house of Utah in the largest district as were required in the smallest district.

VERMONT

Now we come to Vermont, to which brief reference was made last night, and briefly this morning. I regret that my good friend, the Senator from Vermont [Mr. AIKEN] has left the Chamber. Let us get the Vermont figures. In the smallest district in Vermont, there was a population of only 36 people. In the largest district there was a population of 35,531. It required approximately 1,000 times as many people to elect a member of the lower house of the Vermont Legislature in the largest district as were required in the smallest district.

Mr. AIKEN. Will the Senator yield once more?

Mr. DOUGLAS. Yes. I am glad that the Senator from Vermont has emerged from the cloakroom.

Mr. AIKEN. I think a great deal of the State of Vermont, just as I think a great deal of the United States. And I want to say once and for all that when the Senator from Illinois can assure us that all crime, violence, and political chicanery are cleaned out of the State of Illinois, I shall grant his right to make snide remarks about Vermont.

Mr. DOUGLAS. I am not making snide remarks. I am merely reciting figures.

Mr. AIKEN. Any kind of remarks.

Mr. DOUGLAS. And my figures strike home. By going over each State, I am not singling out any State. I am not singling out any one of the States. Vermont is a fine State. I have spent time there. I have visited the community in which the Senator lives. I like the State. The community produces fine people.

I grew up impressed with the Green Mountain boys. Ethan Allen was one of my boyhood heroes. I do not agree with all of his theological views, but he was a great hero. The Senator from Vermont is a fine man. But he has a justifiable inferiority complex on the subject of the malapportionment in the State of Vermont Legislature, which is still apportioned on the same basis that was laid down in 1793. It set up the original districts in 1793. But I do not think they had to continue it for 171 years. It is extraordinary that the Senator from Vermont defends this.

Mr. AIKEN. The Senator from Vermont must deny having an inferiority complex.

Mr. DOUGLAS. On this point.

Mr. AIKEN. The Senator from Vermont has very frequently and openly acknowledged that the community in which he lives is the intellectual center of the world. And I am glad to know that people from other sections of the country can come to Putney, Vt., once in a while in order to get some of that intellect rubbed off on themselves.

Mr. DOUGLAS. Sometimes an inferiority complex disguises itself as an apparent superiority complex. I do not suggest that my good friend, the Senator from Vermont, go to a psychiatrist. I am sure he does not need that attention. But I think a psychiatrist might offer that analysis to my good friend, that sometimes an apparent superiority complex is designed to cover up an inferiority complex—no relation to the present discussion is intended.

Mr. AIKEN. I am glad the Senator has just said what he did. His philosophy is perfectly understandable now.

Mr. DOUGLAS. I thank the Senator.

Next is Virginia.

Mr. AIKEN. That is better.

VIRGINIA

Mr. DOUGLAS. In the smallest district of Virginia, there is a population of 20,071. In the largest district, there is a population of 142,597. One person in the smallest district has over 7 times the representation of a person in the largest district.

Let us move toward Washington.

There was no animus in my mentioning Vermont. I was merely considering the States alphabetically and came to Vermont relatively late in order.

WASHINGTON

I point out that in the smallest district in Washington, there were 12,399 people, and in the largest district 57,648 people, so in Washington 4.6 times as many people were required to elect a member of the lower house in the largest districts as in the smallest district.

At one time the situation in Washington was much worse than it is. For a long time—I think it was from 1891 to 1931—it did not redistrict.

WEST VIRGINIA

The figures for West Virginia, which sends two very good Senators to this body, show that there were 4,391 people in the smallest district, and 39,615 in the largest district, so one person in the smallest district has 9 times as much influence in electing a member of the State legislature as in the largest district.

CHARLESTON GAZETTE OPPOSES DIRKSEN AMENDMENT

Today I was informed that one of the great newspapers of the country, the Charleston Gazette—and it is truly a great newspaper, though it is located in a comparatively small city—has published an editorial which I am seeking to obtain. The editorial is strongly against the Dirksen amendment. It opposes it on the ground that the amendment would permit the legislatures of West Virginia and other States to freeze their present malapportioned representation.

I congratulate the publisher and editor of the Charleston Gazette, Mr. W. E. Chilton III, one of the great newspaper publishers of this country. It is reassuring to know that the Charleston Gazette has joined the ranks of the great newspapers of the country now opposing the Dirksen amendment.

WISCONSIN

In Wisconsin, which is indeed a very good State—and I am speaking of the time prior to the last reapportionment; I am speaking of 1960—the smallest district at that time had 22,268 people and the largest district 87,486 people, or one person in the smallest district had approximately four times the representation of the one in the largest district.

This morning, the Senator from Wisconsin [Mr. PROXMIRE] pointed out that this inequitable condition, together with the pressure of court decisions, led the Wisconsin Legislature to reapportion. I congratulate them on that. The Senator from Wisconsin also expressed the fear that if the Dirksen amendment were adopted, it would invalidate the apportionment which has already taken place and which was designed to cure the condition which I have described.

WYOMING

The last State is Wyoming. There are 2,930 people in the smallest district and 10,024 in the largest, so that one person in the smallest district has 3.4 times the representation of the person in the largest district.

In order to refute the charge that I merely selected a few horrible examples, I have considered the lower house of every State in the Union and have contrasted the number of persons in the smallest district and the number of persons in the largest district.

MALAPPORTIONMENT OF THE SENATES OF THE 50 STATES

Now I should like to do the same thing in respect to the senates, the upper houses. In general, representation in the senates of the country is apportioned in a much worse fashion, and in a more unjust fashion, than even the houses, with the exception of the three New England States which I have mentioned—Vermont, New Hampshire, and Connecticut. But let us take the figures for the senates.

ALABAMA

In Alabama, the smallest district required 15,417 people to elect one member. The largest district—presumably the Birmingham district—has a population of 634,864 people; or 41 times as many people were required to elect an Alabama State senator in the largest district as in the smallest district.

That was one of the facts which caused the Supreme Court in the Alabama case to order reapportionment. I read a quotation from that case earlier in the day and it is already in the RECORD. But it is a fact that that malrepresentation, both in the house and in the senate, but particularly in the senate, caused Federal courts to order reapportionment in Alabama.

ALASKA

In Alaska, the smallest district had a population per member of 3,236; the largest district had a population per member of 34,864, which required almost 11 times as many people to elect a State senator from the largest district as from the smallest.

ARIZONA

I ask Senators to note the following: Arizona: the smallest district has a population of 3,868; the largest district, 331,755. I repeat. The smallest district has a population of 3,868 people; the largest district, 331,755. One person in the smallest district had 422 times as much representation as a person in the largest district. It required 422 people in the largest district to have the same effect in electing a member of the Arizona Senate as one person in the smallest district.

When people speak of turning things back to the State government of Arizona, what are they speaking about? They would turn things back to the small counties and small districts, the sagebrush counties, denying adequate representation to the cities of Phoenix and Tucson.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I am glad to yield.

Mr. HART. I know that the Senator is familiar with a question which is often asked. I should like to use Arizona as an example rather than Illinois or Michigan. I have just had a delightful visit with two constituents of mine off the floor. They raised the following question: Why do we want to turn the decisions in our State governments over to the people in Tucson and Phoenix? The question is often asked in that form.

The reaction is that unless there is maintained this disproportionate representation, we would turn State decisions over to the metropolitan senators. Has the Senator often been confronted with that question?

PREJUDICE AGAINST CITY FOLK

Mr. DOUGLAS. Yes. I shall deal with the question later, but this reaction is fundamentally based upon the assumption that a person in the city is not as good a person as a person in a country district. It is fundamentally based upon the premise that a person in a small county is more virtuous than a person in a city. That is the basic assumption. People do not like to disclose it, but that is what is assumed. This reaction fundamentally comes from prejudice against city folk and a belief that they are inferior. I shall deal with the question in more detail later.

Mr. HART. Is it not true that there are people of good will who feel that perhaps, unconsciously, those are the reasons, but who feel, and quite sincerely, that the questions which affect them most intimately in their small communities could not be understood by the representatives in their State capitals which we would assemble if there were one vote for one man?

Mr. DOUGLAS. Country folk may feel that way, but the people in the cities feel that their problems are not understood by those who live in smaller communities. Whether such misunderstanding must necessarily result or not, we must still ask: Which is the larger number whose problems are not understood?

Mr. HART. Is it not true also that the only way that the dilemma can be resolved—the suspicion, that is what it is—is the way which the Supreme Court has directed in the Reynolds case?

Mr. DOUGLAS. I believe that is correct. After I state the statistics, I shall then take up the question, "Why have the State legislatures refused to reapportion? Why can we not expect them to reapportion in the future?"

Mr. HART. Does the Senator hope that he may develop that aspect of his argument at a later time when there is a greater attendance of Senators in the Chamber?

Mr. DOUGLAS. Yes, if necessary. On the question the Senator has raised, let me say also that Jefferson has often been quoted in that respect. It is true that Jefferson did not like city people. He feared the cities. But Jefferson would not have denied to the cities equality of representation, as his writings clearly show.

ARIZONA

In Arizona, one person in the smallest district has approximately 86 times as much influence in electing a member of the upper House as a person in the largest district.

ARKANSAS

Now we come to Arkansas. The smallest district had a population of 35,983, the largest district, 80,993; or 2.3 times as many persons are required to elect a legislature from the largest district as from the smallest.

(At this point Mr. EDMONDSON took the Chair as Presiding Officer.)

Mr. DOUGLAS. It is unfortunate that when I refer to Oklahoma, the Senator from California [Mr. SALINGER] is in the Chair; when I refer to California, the Senator from Oklahoma [Mr. EDMONDSON] is in the Chair. I know that this is an unpleasant stint for both of them, but I shall now discuss the figures related to California. They are truly startling.

CALIFORNIA

In the smallest central district of California, only 14,294 people live. They elect one senator.

In the largest district, Los Angeles County, 6,038,771 people live. Or 14,294 people have the same representation as 6 million people. Or they have 422 times the representation per person or group of persons as those in the County of Los Angeles. That would be 42,200 percent greater representation.

COLORADO

Let us now consider Colorado. These figures are as of 1960, and not as of the moment. The figure is 17,481 for the smallest district and 127,520 for the largest district. Or there is 7.3 times the representation per person in the smallest district as there is in the largest.

CONNECTICUT

Next, Connecticut. The senate is more evenly apportioned than is the house, but even so, in Connecticut, the smallest district contains 26,297, and the largest district 175,940. One person in the smallest district has about seven times the influence of a person in the largest district in electing members to the State senate.

DELAWARE

We come next to Delaware, where the representation in the house of the State Legislature of Delaware is grossly inequitable, and where it is also inequitable in the senate. In Delaware in the smallest district there are 4,177 people, and in the largest district there are 70,000. One person in the smallest district of Delaware has about 17 times the influence of one person in the largest district in election to the State senate.

FLORIDA

Let us come next to Florida. Florida is a State where the representation in both house and senate are grossly inequitable. So far as the house is concerned, one person in the smallest district is 109 times as important as one in the largest district. So far as the senate is concerned, the smallest district has a population of 9,543, and the largest district 935,047. I presume that is

Miami. Or one person in the smallest district has the same influence as 98 persons in the largest.

GEORGIA

In Georgia, where there is malrepresentation in the house, there is also malrepresentation in the senate. The smallest district in which the people elect a person to the State senate has a population of 13,050, and the largest district, presumably Atlanta, has a population of 556,326. A person in the smallest district has approximately 43 times the effect a person has in the largest district of Georgia, presumably Atlanta. Or there is a representation 4,300 percent greater in the smallest district than in the largest.

HAWAII

Let us next consider Hawaii, and the Senate of Hawaii. The smallest district has a population of 8,515, and the largest district af population of 50,040. Or one person in the smallest district has approximately six times the influence of one person in the largest.

IDAHO

Now let us consider Idaho, which gives us a startling example. There are 915 people in the smallest senatorial district, and 93,460 in the largest district, which I presume is Boise. Or it requires 102 persons in the largest district to exercise the same influence in electing a State senator as one person in the smallest district.

ILLINOIS

In Illinois, the smallest district has a population of 53,502, the largest district a population of 505,076. It requires nine times as many persons in the largest district to elect a State senator as in the smallest district.

I call attention to the fact that I menion this situation in my own State. I do not spare my own State when it is at fault. This is a weakness in our Illinois system. We have a great State. The city of Chicago is truly a great city. I make no apologies in general for it. The State senate is malapportioned, just as I said the Vermont House is even worse apportioned, although the Vermont Senate is apportioned better on the whole than the Illinois Senate.

INDIANA

Let us take the neighboring State of Indiana. The smallest district has a population of 39,011; the largest, 171,089. Or one person in the smallest district has the same representation as 4.4 persons in the largest district.

IOWA

Now we come to Iowa, about which there was discussion last night. I quoted the figures for the house. Now I quote the figures for the senate. The smallest district has a population of 17,756, while the largest district has a population of 266,315. Or it requires 15 persons in the largest district—presumably Des Moines—to have the same influence in electing a State senator in Iowa as is required of 1 person in the smallest district.

KANSAS

I come now to the State of Kansas. Again I wish to state that the figures which I give for Kansas are true as of 1960; there may have been a reapportionment which may have changed these figures.

Mr. President, I understand that the majority leader would like to make a calendar call. I am ready either to continue, for I have a great deal of valuable material which I would like to present, or I am willing to yield the floor on the condition that I be recognized at the beginning of the session tomorrow, or next week, on this matter, and permit the majority leader to conduct some minor business of the Senate. I would like to suit the convenience of the majority leader.

Mr. MANSFIELD. Mr. President, the Senator from Montana will suit himself to the convenience of the Senator from Illinois, because the calendar items are measures to which there is no objection, and they can be passed in a hurry.

Mr. DOUGLAS. I am ready to do that, or if the Senator from Montana would prefer, I can continue for several hours more.

Mr. MANSFIELD. Whichever the Senator from Illinois would like to do is all right with me. I wish he would make the choice.

Mr. DOUGLAS. Let me continue for a time.

In Kansas, the figures for 1960 show there was a population of 16,083 in the smallest district, and a population of 343,231 in the largest district. Or it required 21 times as many people to elect a member of the Kansas State Senate, in 1960, in the largest district as it did in the smallest.

KENTUCKY

In Kentucky, the smallest district had a population of 45,122. The largest district—I presume Lousiville—had a population of 131,906. Or a person in the smallest district had an influence 2.9 times as great as a person in the largest district in voting for a State senator.

LOUISIANA

In Louisiana the smallest district had a population of 31,175, and the largest district had a population of 248,427—a ratio of 8 to 1. In other words, eight times as many persons in the largest district were required to elect a Louisiana State senator as were required in the smallest district.

MAINE

In Maine the smallest district had a population of 16,146. The largest district had a population of 45,687. Or 2.8 times as many people were required to elect a State senator in the largest district as in the smallest.

MARYLAND

Last night I spoke about representation in the Maryland Senate, and pointed out that one senator from one county on the Eastern Shore of Maryland, with a population of 15,000, cast the same vote in the Maryland Senate as a senator from Baltimore County with a population of 492,000.

The 9 counties of the Eastern Shore had 9 times the representation of the County of Baltimore, although their total population was only 220,000 as compared with 550,000. If we add the counties of Baltimore, Montgomery, and Prince Georges, we get a total of about 1,250,000. They have only three senators, or one-third the number of senators, that the nine Eastern Shore counties, with only one-sixth of the population, have.

I shall now read only the relative figures, not the absolutes; but the accuracy of these comparisons and computations can be derived by the size of the population of the various State senates.

MASSACHUSETTS

In Massachusetts, the smallest district, per person, has 2.3 times the representation of the largest district.

MICHIGAN

In Michigan—I know the distinguished junior Senator from Michigan [Mr. HART] is deeply informed on this subject—the smallest district had 12.4 times the representation of the largest district. I ask the Senator from Michigan if that is not substantially correct.

Mr. HART. That was substantially true as of the date the Senator computed the figures. Subsequently, under a new constitution, a body of four members, two from each political party, was created and charged with developing an apportionment plan.

The constitution provided further that in the event they failed to settle upon a program, the Supreme Court would act. There was a series of events. Ultimately, the court, in line with the recent Supreme Court decision, approved the plan which gave us approximately equal representation in both houses.

Mr. DOUGLAS. Does the Senator from Michigan think that that would have been done without prompting or the threat of the decisions of the U.S. Supreme Court?

Mr. HART. It is my recollection that for a good many years citizens attempted, by court action, to obtain this relief.

Over the years efforts have been made to persuade the legislature truly to act. Absent leadership of the courts, I fear that our situation would not have been as happy as it is now.

Mr. DOUGLAS. The Senator from Michigan acted as Presiding Officer, as I recall, of the Michigan State Senate when he served as Lieutenant Governor of Michigan.

Mr. HART. That is correct.

Mr. DOUGLAS. So his testimony is firsthand on this subject, not derivative.

Mr. HART. The composition of the Michigan State Senate during the 4 years it was my privilege to preside over that body was not representative. I hesitate to draw on memory to give extremes; but one of the senatorial districts was composed of a shockingly fewer number of persons that the largest district.

Mr. DOUGLAS. The largest district was in Detroit?

Mr. HART. The largest district was in Detroit, and the smallest was in our Upper Peninsula. The figures would make one's hair stand on end, but they did not persuade us to do much about it.

Mr. DOUGLAS. I thank the Senator from Michigan.

MINNESOTA

In Minnesota, the ratio of malapportionment between the smallest and the largest district was 5.8 times. I do not believe it is necessary for me to explain that; namely, that one person in the smallest district would have as much influence in electing a member of the Minnesota Senate as 5.8 persons in the largest district.

MISSISSIPPI, MISSOURI, and MONTANA

In Mississippi, the ratio was 8.8 to 1; in Missouri, 2.8 to 1; in Montana, 88.4 to 1. In Montana, the smallest district, in 1960, had only 894 persons; the largest district, presumably Butte, had 79,016. So one person in the smallest district had 88 times the influence of one person in the largest district, presumably Butte.

NEVADA

The figures for Nevada are truly startling. In the smallest senatorial district in Nevada—there are only 17 senatorial districts in Nevada—there were, in 1960, only 568 people. In the largest district, presumably Reno, there were 127,016 persons. In other words, one person in the smallest district had 224 times the influence of a person in the largest district.

NEW HAMPSHIRE

In New Hampshire, which had a terribly unrepresentative house situation, it was by no means so bad. There the ratio between the smallest and the largest districts was 3.2 to 1.

NEW JERSEY

In New Jersey, where south Jersey dominates the legislature, just as the Eastern Shore dominates the Legislature of Maryland, the smallest district had 48,555; the largest district, 923,545; or a ratio between the smallest and the largest, in influence per person, was 19 to 1.

NEW MEXICO

New Mexico is similar to Nevada. In the smallest district there were 1,874; in the largest district, 262,199—either Albuquerque or Santa Fe; I do not know which. In other words, one person in the smallest district had 140 times the affect in electing a member of the New Mexico Senate as a person in the largest district.

NEW YORK

In New York, the ratio was 4 to 1. I wish to emphasize that New York is badly apportioned in both the house and the senate. This is one of the things that the political rulers of New York fear. They fear that the decisions of the Supreme Court will force them to reapportion, and that they will lose control of the legislature and, therefore, of the State. Any amount of hand washing cannot wash that away.

NORTH CAROLINA

In North Carolina, one person in the smallest district has six times the influence in electing a member of the North Carolina State Senate as a person in the largest district.

NORTH DAKOTA

The North Dakota ratio is 10 to 1.

OHIO

In Ohio, the ratio is 2.2 to 1.

OKLAHOMA

In Oklahoma—and I observe in the chair of the Presiding Officer my good friend, the junior Senator from Oklahoma [Mr. EDMONDSON]; he can correct me if I am wrong, because the Presiding Officer, as a Member of the Senate, has the right to comment—according to the 1960 figures, the smallest district had a population of 13,725; the largest district, 346,038. In other words, one person in the smallest district had 26 times the effect of one person in the largest district.

OREGON

In Oregon, which, again, is a very fine State, as I have said, one person in the smallest district has 3.5 times the effect of one in the largest.

PENNSYLVANIA

In Pennsylvania, one person in the smallest district has 10.7 times the influence of one in the largest.

RHODE ISLAND

Now we come to Rhode Island, which really has "rotten boroughs" for the State senate. The smallest senatorial district has 486 people; the largest, 608,504. In the largest district, a voter had only 1/141 of the influence of a voter in the smallest district. In other words, a voter in the smallest district had 141 times the influence of one in the largest district, which is some improvement.

I remember when 1 town in Rhode Island, with 236 people, had a State senator, while Providence, with a population of 236,000 had 1 State senator. The representation was so grossly disproportionate that demands were made for reapportionment. Ruling powers in Rhode Island resisted this with all their strength, but some addition to the representation was made for Providence, Pawtucket, and Woonsocket; but even so, there is a disparity of 141 times.

SOUTH CAROLINA

In South Carolina, the smallest district has a population of a little over 1,000; the largest district, 216,000; in other words, 1 voter in the smallest district has 25 times the influence of a person in the largest district.

SOUTH DAKOTA

In South Dakota, a voter in the smallest district has 5.8 times the influence of one in the largest district.

TENNESSEE

In Tennessee, a voter in the smallest district has six times the influence of one in the largest district. This was also a factor which led to a decision in the Supreme Court case of Baker against Carr.

TEXAS

In Texas, a voter in the smallest district has 9.4 times the influence of one in the largest district.

UTAH

In Utah, a voter in the smallest district has 6.9 times the influence of one in the largest district.

VERMONT

In Vermont, a voter in the smallest district has 6.4 times the influence of one in the largest district—which is much better than in the house.

VIRGINIA

In Virginia, a voter in the smallest district has 5.5 times the influence of one in the largest district.

WASHINGTON

In the State of Washington, a voter in the smallest district has 7.3 times the influence of one in the largest district.

WEST VIRGINIA

In West Virginia, a voter in the smallest district has 3.4 times the influence of one in the larger district.

WISCONSIN

In Wisconsin, a voter in the smallest district has 2.8 times the influence of one in the largest district.

WYOMING

In Wyoming, a voter in the smallest district has 9.8 times the influence of one in the largest district—virtually 10 times as much.

I have taken every State in the Union, with the population figure for 1960, and the reduction in that year or the year after it, for both the lower house and the upper house. I think this shows that this malrepresentation in terms of the smallest districts and the largest districts is universal. It differs only in degree. In all cases, it is really shocking; but in some cases, it is especially shocking. This is not confined to a few States; it is universal, over the country.

Mr. President, I have enough material to enable me to proceed for many hours; but this happens to be a convenient breaking point, and I am ready to yield the floor, with the understanding that I will resume on another day. It is my intention at that time to discuss the percentage of the population which can elect a majority of the house in each of the 50 States and the percentage of the population which can elect a majority of the senate in each of the 50 States. Then I intend to discuss the question of why the States have not reapportioned in the past, why the Supreme Court ordered reapportionment and the constitutional justification for reapportionment, the points made in the various decisions by the Supreme Court, the real reasons why so many persons fear reapportionment, and why there is so much prejudice and why there is so much feeling in opposition to reapportionment; and I intend to consider the emotional and other factors which lie behind this.

Mr. President, I believe this subject should be much more fully debated than it has been. I regret that my colleague [Mr. DIRKSEN] did not take the floor this afternoon. He implied that he might take the floor at a later hour tonight.

However, since I have been speaking for approximately 2 hours, I do not wish to fatigue my listeners by proceeding too long. I do not see many Senators on the floor. So I shall be glad to yield the floor, with the understanding that I shall resume on another day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, for the consideration of certain measures on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

On motion by Mr. MANSFIELD, the following calendar measures were considered and acted on, and excerpts from the reports were ordered printed in the RECORD, as follows:

ETHEL R. LOOP

The bill (S. 284) for the relief of Ethel R. Loop, the widow of Carl R. Loop was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 5 of the Act entitled "An Act to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system", approved May 1, 1956, as amended (22 U.S.C. 1079d), Carl R. Loop, who died in 1923, while serving as consular officer at Catania, Italy, shall be held and considered to have been a participant under the Foreign Service retirement and disability system at the time of his death.

SEC. 2. No annuity shall be payable as a result of the enactment of this Act for any period prior to the date of such enactment.

EXCERPT FROM REPORT

This bill, would grant to Mrs. Loop, widow of Carl R. Loop, a consular officer in the Foreign Service, the sum of $2,400 per annum under the Foreign Service retirement and disability system as the result of her husband's death in Italy in 1923. His death followed a series of painful operations from an infection of the lungs suffered as a result of his action in saving a Sicilian girl from drowning in polluted sea water. Mr. Loop's name appears on the memorial plaque in the Department of State Building as one of the diplomatic and consular officers of the United States who lost his life in heroic or tragic circumstances.

Mrs. Loop received the sum of $4,000, approximately the total of 1 year's salary of her husband, in 1924. Inasmuch as her husband died prior to the establishment of the Foreign Service retirement system, she does not qualify for an annuity under the act subsequently adopted for the provision of annuities to needy widows.

Mrs. Loop is now 86 years of age, and in dire financial straits. She has had three recent major operations and is unable to support herself even with what help is offered by relatives.

A similar case is that of Mrs. Mary Leute, the widow of a vice consul, who died in 1909, also prior to the establishment of the Foreign Service retirement system. Mrs. Leute was granted an annuity of $2,400 by Private Law 85-784 in September 1958. Because of the similarity between that case and the case of Mrs. Loop, the Committee on the Judiciary had itself discharged from consideration of S. 284 and the bill referred to the Committee on Foreign Relations since that committee had taken favorable action on a comparable bill for Mrs. Leute.

The Department of State favors enactment of this bill. In view of all circumstances, recommends its enactment.

AMENDMENT TO ACT ESTABLISHING A COMMISSION AND ADVISORY COMMITTEE ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE

The bill (H.R. 9436) to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended, was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM REPORT

The purpose of the proposed legislation is to extend the life of the Commission and Advisory Committee on International Rules of Judicial Procedure for an additional 3 years to December 31, 1966.

This legislation emanated as an executive communication to the Speaker of the House of Representatives. As originally sent up to the House of Representatives, it called for a 5-year extension. The House of Representatives extended the life of the Commission for 3 years.

The Commission on International Rules of Civil Procedure was created by Public Law 85-906 to study and recommend improvements in rules of procedure relating to service of process, taking of testimony, and proof of foreign documents in litigation having international aspects, primarily to help American individuals and American business and industrial concerns who are parties to such litigation. The Commission consists of nine members—five appointed by the President of the United States, of whom three are private individuals and two are officials of State governments, plus two representatives of the Department of State appointed by the Secretary of State, and two representatives of the Department of Justice appointed by the Attorney General. The Advisory Committee consists of 15 members appointed by the Commission from among lawyers, judges of Federal and State courts, competent to provide advice for the Commission. Under existing law the members of the Commission appointed by the Secretary of State and the Attorney General, and the members of the Advisory Committee all serve without compensation; and only the private members are entitled to reimbursement for travel and subsistence. The other members of the Commission are entitled to a per diem of $50 when engaged in the actual performance of the duties of the Commission.

The Commission's fourth annual report detailing its work during the year 1962, and recommending amendments to existing law to facilitate procedures in litigation with international aspects, has been printed as House Document No. 88 of the 88th Congress, 1st session. Its recommendations for legislation are incorporated in H.R. 9435.

AMENDMENT TO FEDERAL EMPLOYEES' COMPENSATION ACT

The bill (H.R. 7662) to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM REPORT

The bill (H.R. 7662) amends the Federal Employees' Compensation Act to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company. These are the only employees of the Federal Government who do not have the right of appeal to the Employees' Compensation Appeals Board from adverse determinations of their workmen's compensation claims.

EXPIRATION DATE OF TERMS OF OFFICE OF MEMBERS OF THE NATIONAL MEDIATION BOARD

The Senate proceeded to consider the bill (H.R. 8344) to amend the Railway Labor Act to provide that the terms of office of members of the National Mediation Board shall expire on July 1, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 1, at the beginning of line 6, to strike out "1964" and insert "1965", and in line 8, after the word "expired.", to insert "Such paragraph is further amended by inserting at the end thereof the following new sentence: 'Upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified.' ".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXPLANATION OF THE BILL

The bill as passed by the House of Representatives provided that the terms of office of all members of the Mediation Board should expire on July 1 rather than February 1, 3 years after the date of their initial appointment. It provided also that the term of office of each member of the Board holding office on January 1, 1964, should be extended for a sufficient period to cause his term of office to expire on July 1 of the calendar year in which it otherwise would have expired.

The language of the House bill contemplated passage in calendar 1963. Since it was not enacted in that year, it was necessary for the committee to recommend an amendment to line 6 on page 1, changing the year "1964" to "1965". Otherwise, the term of office of Leverett Edwards, who was reappointed and confirmed by the Senate earlier this year, would, under the language of the bill, terminate as of July 1, 1964.

The committee considers it desirable that the term of office of members of the Board should begin on July 2. This would assure that even in his initial year in office, a President would have adequate opportunity to consider the qualifications of a potential appointee. The appointment would not have to be made immediately after his assumption of office.

The committee felt, however, that while it was desirable to move the appointment or reappointment date to a point later in the year, that change, with nothing more, would not prevent a hiatus from developing when, for any one of a number of reasons, the President may not get around to reappointing a member or the Senate may be unable to confirm such reappointment in time to prevent a lapse. This was the reason for the second committee amendment, which would permit a member to continue to serve until his successor is appointed and confirmed. This amendment would not only give the President time to consider an appointment, it would also permit the appropriate congressional committee to carefully screen the qualifications of an appointee without the pressure that inevitably results from having a lapse in Board membership. The language adopted in the amendment is identical to the last sentence of section 11 of title 49 of the United States Code, establishing the Interstate Commerce Commission. The bill in its present form would correct a situation hampering effective operation of the Board.

Passage of this bill will result in no additional costs to the Federal Government.

MARIE JANE LEWIS

The Senate proceeded to consider the bill (S. 1717) for the relief of Marie Jane Lewis, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 7, after "$10,000", to strike out the comma and "together with interest thereon at the rate of 4 per centum per annum from May 31, 1945, until paid"; and at the beginning of line 10, to strike out "(together with interest)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie Jane Lewis, the widow of Carl Frederick Lewis, who served in the United States Medical Corps during World War I, the sum of $10,000. The payment of such sum shall be in full satisfaction of all claims of the said Marie Jane Lewis against the United States for compensation for the amount which she would have received as sole beneficiary under United States Government life insurance policy numbered K–568,717 issued to the said Carl Frederick Lewis effective June 1, 1926, if such insurance policy had been in effect on May 31, 1945, the date of his death, the said Carl Frederick Lewis having failed to exercise his right to reinstate such insurance policy, after it had lapsed for nonpayment of premium, as a result of his reliance upon the erroneous written statement of the Director of Insurance, Veterans' Administration, that the cash surrender value of such policy had been used to purchase extended life insurance which would not expire until November 1955: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCERPT FROM REPORT

The purpose of the bill is to authorize and direct the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Marie Jane Lewis, the widow of Carl Frederick Lewis, who served in the U.S. Medical Corps during World War I, the sum of $10,000. The payment of such sum shall be in full satisfaction of all claims of the said Marie Jane Lewis against the U.S. Government life insurance numbered K–568,717 issued to the said Carl Frederick Lewis effective June 1, 1926, if such insurance had been in effect on May 31, 1945, the date of his death.

The purpose of the amendments is to preclude the payment of interest to the widow in accordance with Government policy.

AUTHORITY TO COMMIT CERTAIN PERSONS IN VIRGINIA TO ST. ELIZABETHS HOSPITAL IN THE DISTRICT OF COLUMBIA

The bill (H.R. 5543) to extend the provision of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

EXCERPT FROM REPORT

The purpose of the bill is to extend to Loudoun County, Va., the provisions of law which permit the commitment to St. Elizabeths Hospital persons of unsound mind found on certain Federal reservations in Virginia and Maryland, and accordingly would extend to that part of Dulles International Airport located in Loudoun County the protection now available to that part of Dulles International Airport located in Fairfax County.

MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

The Senate proceeded to consider the bill (H.R. 6910) to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes, which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 4, after the word "of", to strike out "1963" and insert "1964".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXCERPT FROM REPORT

PURPOSE OF AMENDMENT

The purpose of the amendment is to provide that this act may be cited as the "Military Personnel and Civilian Employees' Claims Act of 1964."

PURPOSE

The purpose of the bill is to extend to other agencies of the Government the authority now possessed by the military departments, and as now provided as to the Coast Guard, with respect to the settlement of claims for loss or damage of personal property of members of the Armed Forces or civilian employees of those departments when the loss or damage is incident to their Government service.

The bill is intended to be in addition to, and not in substitution of, existing authority of any Federal agency to settle claims (except as to the statute specifically repealed by secs. 5 and 6).

STATEMENT

The legislation was introduced in accordance with the recommendations of an executive communication sent to the Congress by the Federal Aviation Agency.

The bill as passed by the House of Representatives differs from the draft which was submitted in the executive communication only with respect to the correction of the date in the short title and minor technical changes which include modification of the language as to repeal of existing law and related wording and its application to the military departments.

The bill as passed by the House of Representatives is further recommended by the Bureau of the Budget and the Department of the Interior, whose recommendations to the Senate Committee on the Judiciary are attached and made a part of this report.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives set forth the purpose of the bill and explained the minor amendments made to the bill as submitted by the executive communication as follows:

"A civilian employee of a military department or the Coast Guard, or a member of the Army, Navy, Air Force, Marine Corps, or the Coast Guard, can assert a claim for the damage or loss of personal property incident to the claimant's Government service, and the claim can be settled in accordance with the authority contained either in section 2732 of title 10 or section 490 of title 14 of the United States Code. The enactment of the provisions of H.R. 6910 would extend equivalent authority to all Government agencies so that all employees of the Government and military personnel would be entitled to assert such claims. Accordingly, the provisions of H.R. 6910 were drafted to conform with the language of sections 2732 and 2735 of title 10 where applicable. Those sections contain the latest enactments on the subject and are the result of a codification which had as its aim the restatement of the substance of the Military Personnel Claims Act of 1945 in a clear and unambiguous form which would follow accepted modern usage and the best methods of legislative drafting (H. Rept. 970, 84th Cong., 1st sess., pp. 8–10).

"Prior to the enactment of title 10 into positive law as a codified title of the United States Code, the provisions of those sections were included in the Military Personnel Claims Act of 1945 (act of May 29, 1945, ch. 135, 1, 59 Stat. 225, as amended). The provisions of the Military Personnel Claims Act were repealed when title 10 became law (act of August 10, 1956, ch. 1041, 70A Stat. 155). Equivalent authority to that provided in section 2732 of title 10 is provided as to the Coast Guard in section 490 of title 14 of the United States Code.

"In its communication recommending the enactment of this legislation, the Federal Aviation Agency outlined the history of this particular legislation. In 1952 the Civil Aeronautics Administration, the predecessor to the Federal Aviation Agency, was faced with the problem of obtaining relief for a group of Government employees who suffered personal property losses when Government-owned quarters on Wake Island were destroyed or damaged by a typhoon. The losses suffered by these employees served to emphasize the total lack of authority on the part of the employing agencies in that case to make administrative settlement in an instance where military personnel or civilian employees of the military departments could have been compensated in accordance with the provisions of the Military Personnel Claims Act. This prompted the Civil Aeronautics Administration to recommend legislation which would have the effect of extending similar settlement authority for claims for personal property losses suffered by employees of all Federal agencies, and would also provide for the persons who suffered losses in the 1952 typhoon, since it was proposed that the new provisions would be given retroactive effect.

"During the 86th Congress this committee concluded that the group of employees who suffered losses on Wake Island should be granted relief by special legislation. Accordingly, H.R. 8251 of that Congress granting such relief was favorably reported and ultimately became Private Law 86–258. In the 2d session of the 86th Congress this committee favorably reported H.R. 10978 which, with a committee amendment, with the exception of the changes referred to at the outset of this report, embodied the provisions of the present bill H.R. 6910. H.R. 10978 of the 86th Congress passed the House on April 4, 1960. During the 87th Congress the bill H.R. 10357 embodying similar provisions was reported by this committee and passed the House on March 19, 1962."

USE OF STATISTICAL SAMPLING PROCEDURES IN EXAMINATION OF VOUCHERS

The bill (H.R. 10446) to permit the use of statistical sampling procedures in the examination of vouchers was considered, ordered to a third reading, read the third time, and passed.

Excerpt From Report

H.R. 10446 would authorize department and agency heads to prescribe the use of statistical sampling procedures in the examination of disbursing vouchers when it is determined that the accounting system and related internal controls are adequate and the economies will result from the adoption of such a procedure.

AMENDMENT TO THE GOVERNMENT CORPORATION CONTROL ACT

The bill (H.R. 10705) to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation was considered, ordered to a third reading, read the third time, and passed.

Excerpt From Report

PURPOSE

H.R. 10705 amends the Government Corporation Control Act so as to place the General Accounting Office audits of the financial transactions of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation on a calendar year basis. It also requires the Comptroller General of the United States to report to the Congress on each such audit not later than July 15 following the close of each calendar year.

Under present law the financial transactions of the Federal home loan banks and of the Federal Savings and Loan Insurance Corporation are required to be audited by the General Accounting Office for each fiscal year ending June 30; and the Comptroller General's report to the Congress on each such audit is required to be made no later than January 15 following each such fiscal year.

BACKGROUND

This legislation was recommended by the General Accounting Office in its most recent audit report on the Federal home loan banks for the fiscal year ended June 30, 1963, transmitted to the Congress on February 14, 1964. The report of the House Committee on Government Operations on H.R. 10705 (H. Rept. 1419, 88th Cong.) contains the following explanation and background in support of the bill:

"The Federal Home Loan Bank Board is vested with the direction of the Federal Savings and Loan Insurance Corporation and the supervision of the Federal home loan banks. The Federal Home Loan Bank Act requires the Board to make annually a report of its operations (including those of the banks and of the Federal Savings and Loan Insurance Corporation) to the Congress as soon as practicable after the 1st day of January in each year.

"The Federal home loan banks maintain their accounting and financial records on a calendar year basis. They also prepare their financial statements (which are included in the Federal Home Loan Bank Board's annual reports to the Congress), on a calendar year basis.

"In complying with the auditing and reporting requirements of the Government Corporation Control Act, the General Accounting Office must recompose the calendar year based operating statements of the banks and convert them to reflect fiscal year operations.

"The normal basic starting points of GAO audits are the financial statements of the organizations under audit. Where the statements are calendar year based, but the GAO is required to audit and report on a fiscal year basis, the statements must first be converted, item by item, to the fiscal year basis before the audit is begun. At the hearing on the bill it was stated that in preparing to audit the Federal home loan banks the GAO must first convert some 600 items, which make up the banks' statements, from the calendar to the fiscal year basis, a chore estimated as requiring at least 2 weeks' work by one man. Such costly and time-consuming conversions would be obviated by the bill, because GAO audit on a calendar year basis would start with the banks' calendar year statements.

"In addition to so facilitating the audits, the financial statements would be more meaningful, for the calendar year is the normal business year of the banks, and coincides with the accounting and financial year observed generally by the savings and loan associations and other members of the Federal home loan banks.

"The Federal Savings and Loan Insurance Corporation's financial statements on a calendar year basis are included in the annual reports which the Federal Home Loan Bank Board makes to the Congress. The same considerations which make it desirable that the audits and reports to the Congress on the banks be on a calendar year basis apply to the financial transactions of the Federal Savings and Loan Insurance Corporation.

"The bill will permit the performance of audits of the Federal home loan banks, the Federal Savings and Loan Insurance Corporation, and the Federal Home Loan Bank Board at one time, with one crew, and probably in one place. No additional effort or expense on the part of the audited organizations is required. Increased efficiency will result from the legislation, as well as savings in effort and manpower.

PAYMENT FOR EXPENSES OF FEDERAL EMPLOYEES ASSIGNED TO DUTY ON THE CALIFORNIA OFFSHORE ISLANDS

The bill (H.R. 11211) to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Excerpt From Report

The purpose of H.R. 11211 is to remedy an inequity resulting from a decision of the Comptroller General of the United States in declaring invalid per diem payments for necessary subsistence expenses the Navy Department had been making over a period of years to civilian employees assigned to duty on certain islands off the coast of California. No per diem is now being paid and the employees involved will have to return to the Government all past payments received unless this legislation is enacted. This bill would validate the payments which have been made and provide a method of compensating these employees for necessary out-of-pocket expenses in the future and during the interim between the time per diem was cut off (in most cases, May 4, 1964) and the effective date of this bill.

BILL PASSED OVER

The bill (H.R. 5739) to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

On motion by Mr. Mansfield, the following bills were considered and acted on, and excerpts from the reports were ordered printed in the Record, as follows:

STANDARDS OF CONTAINERS FOR FRUITS AND VEGETABLES

The bill (H.R. 9334) to amend the act of May 31, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers, was considered, ordered to a third reading, read the third time, and passed.

Excerpt From Report

PURPOSE OF THE LEGISLATION

H.R. 9334 would amend the Standard Container Act of 1928, which established standard sizes for fruit and vegetable hampers and baskets made of wood, to require manufacturers to disclose the capacity of such containers, in quarts or bushels, and to add five additional standard sizes.

EXPLANATION OF THE BILL

The Standard Container Act of 1928 was enacted in response to the confusion and deception arising out of the proliferation of hamper and basket sizes for the marketing—primarily at wholesale—of fresh fruits and vegetables. Today, these traditional containers must compete with a great variety of modern containers—fiberboard cartons, nailed and wirebound crates, wooden boxes and lugs, mesh or paper bags—none of which are subject to the requirements of the Standard Container Act of 1928.

In order to enable the hamper and basket manufacturers to meet the competition from other types of containers and to eliminate any confusion in differentiating between various sized hampers and baskets, H.R. 9334, while authorizing five additional standard sized containers, would also require the manufacturer to stamp the capacity in quarts or bushels on each container manufactured under the act.

Senator Holland, the author of S. 1950, a companion measure to H.R. 9334, has urged the committee's favorable consideration of H.R. 9334.

The committee knows of no opposition to H.R. 9334.

The committee believes that the next Congress should review the Standard Container Acts of both 1916 and 1928, to determine whether all fruit and vegetable containers—not just wooden containers—should be either subject to size standardization or free of such standardization.

COST

Enactment of the bill would involve no cost to the Federal Government.

TAX EXEMPTION OF CERTAIN PROPERTY OF THE UNITED SUPREME COUNCIL, 33D DEGREE, ANCIENT AND ACCEPTED SCOTTISH RITE OF FREEMASONRY, SOUTHERN JURISDICTION—PRINCE HALL AFFILIATION

The bill (H.R. 11652) to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation, was considered, ordered and passed.

Excerpt From Report

PURPOSE OF THE BILL

The purpose of this bill is to exempt certain real property belonging to the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation, from District of Columbia real estate taxation.

At present, this property consists only of unimproved land located at East Capitol Street and Texas Avenue NE., with an assessed value of $12,184 and a present annual tax of $304.60. However, this organization plans to erect a headquarters building on this land, at a cost estimated between $550,000 and $800,000. The tax exemption provided in this proposed legislation would not become effective until the first day of the fiscal year next following the completion of construction of this new building. Thus, the exemptions will apply to the improvements as well as to the land, as long as the property is owned and occupied by the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation, and is not used for commercial purposes.

AMENDMENT TO DISTRICT OF COLUMBIA SALES TAX ACT RELATING TO CERTAIN SALES TO COMMON CARRIERS OR SLEEPING-CAR COMPANIES

The Senate proceeded to consider the bill (H.R. 8451) to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies, which had been reported from the Committee on the District of Columbia, with an amendment, on page 1, after line 6, to strike out:

"(5) Sales to a common carrier or sleeping-car company by a corporation all of whose capital stock is owned by one or more common carriers or sleeping-car companies, of tangible personal property intended for use principally without the District in the course of interstate commerce, or commerce between the District and a State, in or upon, or as part of any train, aircraft, or boat, provided such sales are made in connection with the furnishing of terminal services and facilities, including repairs of transportation equipment, pursuant to a written agreement entered into before January 1, 1963."

And, in lieu thereof, to insert:

"(5) Sales to a common carrier or sleeping-car company by a corporation all of whose capital stock is owned by one or more common carriers or sleeping-car companies of tangible personal property, procured or acquired by such corporation outside the District, which consists of repair or replacement parts used for the maintenance or repair of any train operating principally without the District in the course of interstate commerce, or commerce between the District and a State, provided such sales are made in connection with the furnishing of terminal services pursuant to a written agreement entered into before January 1, 1963."

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Excerpt From Report

THE PURPOSE OF THE BILL

The purpose of the bill is to amend the District of Columbia Sales Tax Act (63 Stat. 112) to exempt certain sales of tangible personal property used in the repair of railroad equipment by the Washington Terminal Co.

The Washington Terminal Co. was created by act of Congress in 1901. Prior thereto, each of the several railroads coming into Washington had its own railroad station, and this act required these railroads to construct a Union Station which would provide a single terminal facility suitable to the Nation's Capital.

Because of the practical difficulties and complexities which would inevitably have arisen from common ownership and the use of a single terminal by several railroads, a separate corporation was necessary in order to provide unified, efficient operation of the terminal properties.

All the stock of the Washington Terminal Co. is owned, in equal shares, by the Pennsylvania Railroad Co. and the Baltimore & Ohio Railroad Co. However, the Terminal Co. also serves all the other railroads arriving at or departing from Washington. These are the Southern Railway Co., the Chesapeake & Ohio Railway Co., and the Richmond, Fredericksburg & Potomac Railroad Co. By virtue of an agreement with that last company, trains of the Atlantic Coast Line Railroad and Seaboard Air Line Railroad Co. also operate into the District of Columbia station.

The Union Station in Washington constitutes the terminating point for each of the railroads using its facilities. That is, the Pennsylvania Railroad and the Baltimore & Ohio Railroad do not operate south of Washington and the other lines named above do not operate north of this city. Also, there are no railroad operations from one point to another in the District. Hence, all service consists of interstate commerce between the District and another State or States. Also, the Washington Terminal Co.'s operations are concerned solely with passenger traffic.

The operations of the Washington Terminal Co. are carried on under an agreement with its tenant roads, which provides that the Terminal Co. shall operate and maintain the station, provide terminal services for trains coming into the station, and service and repair the equipment of the railroads using the station. The railroads pay a rental for the use of the station, and reimburse the Terminal Co. for its expenses.

The Terminal Co. maintains a large service and repair facility north of the station proper. Here, among other services, the company makes such repairs as may be necessary to the cars and locomotives in order to keep them in proper condition for interstate operation. Such repairs include installing new generators for locomotives, repairing broken windows or torn upholstery in cars, and generally performing whatever work may be needed. In general, however, the work done in Washington is confined to "running repairs" sufficient only to enable the equipment to return to the railroads' own shops elsewhere.

In order to effect maximum efficiency and economy, the Terminal Co. acts as a common purchasing agent for the railroads. Items which are generally usable by several railroads are purchased by the Terminal Co. from regular sources of supply and are maintained in a stockpile or inventory. When a railroad requires an item, the Terminal Co. installs it on the car or locomotive and charges the railroad the amount of the company's cost, plus a handling charge and the cost of the installation. In the case of items peculiar to one railroad, a somewhat different procedure may be followed. Often the railroad involved may have the needed item in its own inventory. In this case, it will transfer the item to the Terminal Co. at a determined price, and when it is installed, the company charges the railroad the same price, plus handling charges and installation costs. Hence, all items installed by the Terminal Co. on the equipment of the railroads become technically a part of its inventory before being charged out to the railroads.

Thus, this exchange of property is actually only a paper transaction rather than an actual sale, involving little more than reciprocal bookkeeping entries.

Today, the Washington Terminal Co. employs some 2,000 people, with an annual payroll of approximately $14 million, and pays $200,000 annually to the District of Columbia in property taxes.

AMENDMENT TO LIFE INSURANCE COMPANY ACT OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H.R. 8355) to amend the Life Insurance Company Act of the District of Columbia (48 Stat. 1145), approved June 19, 1934, as amended, which had been reported from the Committee on the District of Columbia, with an amendment, on page 4, line 6, after the word "company;", to strike out "(c) no option shall be granted to any individual within two years following the termination of his employment with an insurance company authorized to do business in the District of Columbia, other than the company granting the option or a subsidiary of the company granting the option" and insert "(c) no option shall be promised or granted (1) to any individual employed by an insurance company authorized to do business in the District of Columbia (other than the company promising or granting the option or a subsidiary of the company promising or granting the option) while that individual is so employed, or (2) to any individual within two years following the termination of his employment with such an insurance company".

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Excerpt From Report

The purpose of H.R. 8355 is to amend the Life Insurance Act of the District of Columbia (48 Stat. 1145; D.C. Code, sec. 35-508) in three particulars by (1) increasing the capital stock requirements of life insurance companies, (2) permitting changes in the corporate charter with the consent of stockholders representing two-thirds of the voting stock, and (3) authorizing the retention by insurance companies of unissued stock for certain limited purposes.

The first amendment in the bill relates to section 8 of the Life Insurance Act which now requires that capital stock life insurance companies organized under District of Columbia law must have a minimum paid-up capital stock of $100,000, plus paid-up surplus equal to 50 percent of the capital stock.

This minimum figure of $100,000 was established in 1934, and no longer represents a realistic minimum requirement for a life insurance company. This bill adopts a more realistic minimum requirement in the amount of $200,000. Twenty-five States now require $200,000 or higher capital stock assets for life insurance companies. Also, Congress in 1940 (54 Stat. 1070; D.C. Code, sec. 35–1316) increased from $10,000 to $150,000 the amount of capital required of a fire and casualty insurance company.

The bill contains a "grandfather clause," so that in all fairness the bill will not impose any increase of capital requirements in the case of existing life insurance companies, either domestic or foreign.

Section 2 of the bill would amend section 35 of the Life Insurance Act dealing with authorized investments, in order to conform it to the change in the required capital.

Section 3 of the bill would amend section 9 of the Life Insurance Act in order to clarify the procedure by which the corporate charter may be amended. The present language of the law could be construed to require the written consent of two-thirds of the stockholders to a charter amendment, regardless of the number of shares which such stockholders may represent. This bill would make it clear that amendments require the consent of stockholders representing at least two-thirds of the voting stock; and in this respect, the bill subscribes to generally accepted corporate practice.

Section 4 of the bill amends section 10 of the Life Insurance Act which now requires that all shares of authorized capital stock of a District life insurance company must be issued within 1 year, unless an extension of time is granted by the Superintendent of Insurance. The bill would permit life insurance companies to retain authorized but unissued stock for certain limited purposes, namely, the acquisition of ownership or control of another life insurance company, the granting of stock options, and the payment of stock dividends. The bill imposes certain protective restrictions upon the authorization of additional shares for any of these three purposes:

(1) Acquisitions of another insurance company will require approval of the stockholders by a majority vote, and must also be approved by the Superintendent of Insurance under last year's amendment to the insurance law.

(2) The authorization of shares for stock options to officers and employees would be subject to limitations designed to assure that only reasonable use would be made of stock options. For example, no more than 5 percent of the total authorized shares may be used for stock options and no more than 10 percent of the total shares optioned may be granted to any one individual. Second, options may not be granted or promised to an employee of another insurance company licensed in the District of Columbia until 2 years after termination of his employment with such company. Third, the option price must be at least 95 percent of the fair market value of the shares at the time the option is granted and may in no event be less than par value. Further, such options may not be transferred except on death, and options may not run for more than 10 years. Stock options are now widely recognized throughout American industry as an important method of executive compensation and incentive. This bill will further the public interest by assuring that stock options issued by District life insurance companies will be subject to reasonable terms and conditions.

The committee was of the view that the restriction imposed by H.R. 8355 as enacted by the House relating to the granting of stock options should be broadened to include promise of stock options. Accordingly, the committee amendment to the bill provides that no insurance company authorized to do business in the District of Columbia shall promise or grant a stock option to an employee of another insurance company or to any individual within 2 years following the termination of his employment with such insurance company.

The committee felt that this amendment as adopted by the committee would strengthen the safeguards in the life insurance law of the District of Columbia and in some measure help to restrain the raiding by one insurance company of key employees of another insurance company to the detriment of the public interest and the interest of the policyholders.

(3) The third purpose for which authorized shares may be reserved is in order to pay stock dividends. This will bring the District life insurance laws into line with the prevailing laws of most other jurisdictions.

It should be noted that the bill imposes a limitation on the number of shares of stock which may be authorized for any of those three purposes, by requiring that the number of reserved shares shall not at any time exceed the number of issued and outstanding shares. The purpose of this limitation is to avoid excessive authorization of reserve stock and to maintain a reasonable relationship between such authorization and the issued shares.

Section 5 of the bill provides for the effective date thereof.

MEDICAL ASSISTANCE FOR ELIGIBLE AGED RESIDENTS OF THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 763) to amend the District of Columbia Public Assistance Act of 1962 so as to provide for the furnishing of medical assistance for the aged to eligible residents of the District of Columbia, which had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause and insert:

That (a) section 3(a) of the District of Columbia Public Assistance Act of 1962 is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively, and by adding after paragraph (1) the following new paragraph:

"(2) Medical Assistance for the Aged;".

(b) Section 4 of such Act is amended (1) by striking the first semicolon following clause (a) and inserting in lieu thereof "except that a needy individual shall be eligible for medical assistance for the aged if he (i) has attained the age of 65 years, (ii) is a resident of the District (including such residents who are temporarily absent from the District), and (iii) is not receiving aid to the aged, blind, or disabled", and (2) by striking the semicolon immediately following clause (b) and the balance of such section except the period at the end thereof.

(2) Subsection (a) of section 8 of such Act is amended by inserting "(1)" after the words "except that", and by inserting before the period at the end of such subsection, the following: ", and (2) public assistance in the form of medical or remedial care may be furnished or paid for if provided in or after the third month before the month in which the recipient makes application for assistance".

(d) The third sentence of section 12(a) of such Act is amended by inserting "other than medical assistance for the aged", after "public assistance".

(e) The first sentence of section 18(a) of such Act is amended by inserting "or blind, or at the death of any person and his surviving spouse, if any, who has received medical assistance for the aged", after "aid to the disabled".

(f) The first sentence of section 18(b) of such Act is amended by inserting "or blind" after "aid to the disabled".

(g) The first sentence of section 18(c) of such Act is amended by striking out "in the form of old-age assistance or aid to the disabled", and by inserting a comma and "1383" after the figure "1353".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Excerpt From Report

PURPOSES OF THE BILL

The bill, as amended by the committee, has the following purposes:

(1) Provide enabling authorization under which the government of the District of Columbia may participate in the program of medical assistance for the aged as provided for under title I of the Social Security Act, as amended by title VI of the Social Security Amendments of 1960 (the Kerr-Mills amendments).

(2) Amend the District of Columbia Public Assistance Act of 1962 to make the District government eligible, pursuant to section 156 of the Public Welfare Amendments of 1962 (Public Law 87–543) for Federal matching of expenditures made by the District for medical assistance for the aged for up to 3 months before the month in which application is made for such assistance.

(3) Amend the District of Columbia Public Assistance Act of 1962 so as to permit the District government to file with the Federal Government a single or combined plan, rather than separate plans, for the following categories of assistance: (a) Old-age assistance, (b) aid to the blind, (c) aid to the permanently and totally disabled, and (d) medical care for the aged, as provided under title XVI of the Social Security Act, as amended by section 141 of the Public Welfare Amendments of 1962.

The principal purpose of S. 763 is to authorize the District to come within the Kerr-Mills medical assistance program as provided under the Social Security Amendments of 1960. Under this bill, a medical-assistance-for-the-aged program is added to the five categories of assistance already established under the District of Columbia Public Assistance Act of 1962. With the addition of this category of public assistance to existing law, the District, under a plan approved by the Secretary of the Department of Health, Education, and Welfare, will be eligible for Federal funds to help recipients coming within the program to attain self-care, or to furnish medical care and services to persons 65 years of age or older who are not recipients of old-age assistance but whose income and resources are insufficient to meet the costs of such care and services or to provide a combination of both programs.

Under the Kerr-Mills program of medical assistance for the aged, the imposition of any durational residence requirement upon recipients of such aid is prohibited. Thus, in order to permit the District to qualify under the program, the bill provides that an applicant for medical assistance not be required to have been a resident for any specified period of time, but only a resident in fact.

This is an exception to section 4 of the District of Columbia Public Assistance Act of 1962 which in general requires a year of residency for an applicant to become eligible for the other categories of public assistance under the 1962 act.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

PRESIDENT JOHNSON'S SUPPORT OF STATEHOOD FOR HAWAII

Mr. INOUYE. Mr. President, President Lyndon B. Johnson is a tried and true friend of Hawaii. His strong support of Hawaiian statehood left Hawaii forever indebted to him.

An editorial in the August 12 issue of the Honolulu Advertiser again praised President Johnson for his support of statehood for Hawaii and his fight for enactment of the civil rights bill in 1964.

If there are no objections, Mr. President, I would like to include the full text of the editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE FACTS TELL THE STORY

The current theme of the Goldwaterites is that in the field of civil rights Senator GOLDWATER is a true-blue champion and President Johnson is a political opportunist.

We've been receiving and printing letters zeroed to this theme, the most recent of which appears today.

Such letters attacking the President—and we anticipate more of them—should not divert attention from these key facts:

That as Senate majority leader, Lyndon Johnson successfully fought the legislative battles leading to passage of the civil rights bill of 1957—the first since Reconstruction—and the civil rights bill of 1960.

That, as President, Johnson gave the Civil Rights Act of 1964 top priority.

That Senator GOLDWATER was one of only eight Republican Senators to vote against this year's bill.

That more than two-thirds of the Senate voted for cloture in order to pass the bill—with GOLDWATER voting against.

That as Vice President, Johnson supported the constitutional amendment, now in force, outlawing the poll tax in national elections.

The Goldwaterites prefer to go back 15 years to a time when Johnson did not feel that civil rights remedies lay in legislation. But in so doing, they will not be able to erase the facts and the significance of his actions in recent years.

Senator GOLDWATER's supporters note that he voted for every civil rights bill except that of 1964—which, it should be observed, was the most important. For his past votes, he deserves every ounce of credit owing to a minority Senator who played no influential role in the shaping and passing of legislation.

But his vote against the 1964 bill cannot be ignored—any more than President Johnson's efforts resulting in the passage of this landmark bill can be minimized in the slightest by cries of politics.

GOLDWATER said he voted against the civil rights bill this year because he felt the public accommodations and equal employment sections were unconstitutional. Many of his Republican colleagues who disagreed with him and voted for the bill are lawyers—which GOLDWATER is not. Ultimately, the Supreme Court will decide this point.

Another way of stating the Senator's position is that he feels there has been too great an invasion of State responsibility and authority by the Federal Government on many fronts. This is a thoroughly respectable philosophical position.

Applied to civil rights, however, it becomes a doctrine of leaving the Negro to the white citizens councils and to the Governor Wallaces and to the back-country police of Mississippi. It means support for the idea that there is not a universal U.S. citizenship under which the residents of all States enjoy the same fundamental rights.

Considering the scope and intensity of the Negro revolution, such a policy would lead to nothing less than civic disaster. And it may be noted in passing that many of what the Senator would consider instances of Federal usurpation of State power are due to the long-continued and absolute failure of individual States to live up to their responsibilities.

It is argued that Senator GOLDWATER once led in integrating the Arizona Air National Guard. He is entitled to full credit for that, even though Arizona has but 43,403 Negroes in a population of 1,302,161 (1960 census).

The Guard issue is raised by the Goldwaterites to convey that Lyndon Johnson (assuming he was in a position to do so) should have integrated the Texas National Guard. But it is infinitely more significant, infinitely more important that Johnson twice led the U.S. Senate to pass civil rights legislation affecting the entire Nation.

And if it was in fairly recent years that he recognized the legislative route as a proper one in civil rights, this shows that he grew with the imperatives of the times. It is a sign not of opportunism, but of maturity, responsibility, and stature.

No President is immune to criticism, nor should he ever be. But it is ironic to find Lyndon Johnson, who as Senate majority leader played a key part in the passage of the Hawaiian statehood bill, under fire in these parts on the issue of civil rights.

If ever there was a civil rights issue, Hawaii's claim to statehood was one. Hawaii earned and demanded its fair and equal voice in the National Government. Much of the opposition on the mainland sprang from racial prejudice. On both counts, Lyndon Johnson stood by Hawaii.

It is poor repayment for his political opponents here, whatever they may think of him on other issues, to distort and devalue his contributions to the civil rights cause in America.

VETERANS' PENSIONS

Mr. KEATING. Mr. President, the last veterans' pension bill was enacted into law in 1959, 5 years ago. Since that time the cost of living has increased by 6.1 percent. Veterans and their widows, dependent on the monthly veterans' pensions, have seen their purchasing power decline as they have been caught in the squeeze between rising costs and a fixed income.

As one who has consistently supported reasonable measures to alleviate the burdens made more difficult by a rising cost of living, I am hopeful that H.R. 1927, which the other body passed on Tuesday, will soon be considered by the Senate. This measure will liberalize the pensions for our veterans and their widows and enable them to obtain some of the necessities of life. Without such legislation, the recipients of veterans' pensions will be left to suffer as the innocent victims of inflation.

In my judgment, it is imperative that this legislation be closely considered and linked with the 5-percent increase in social security benefits contained in H.R. 11865 now pending before the Senate Finance Committee. I have received a great many letters from veterans who, brave in battle, are frightened by the possibility that the small increase granted in their social security payments will result in large reductions in their veterans' pensions.

Under the social security amendments, in their present form, some veterans will receive less than $100 a year increase in benefits but will lose up to $950 in pensions. In effect, therefore, the incomes of many former GI's will be reduced instead of increased—a grave injustice to men who gave so much in defense of this Nation.

H.R. 1927 is responsive to this problem. It provides that 10 percent of retirement payments, including social security, to an individual would be excluded in determining income for pension purposes. This would permit thousands of veteran pensioners who are receiving social security benefits and are on the borderline of the income limitation of the pension law to enjoy the increase in benefits and at the same time continue to receive their pension.

I urge the speedy consideration of this legislation, Mr. President, which will help to alleviate the hardship placed on our war veterans. Although time has elapsed, we have a continuing obligation to provide for the welfare of these honored citizens.

A COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS

Mr. HUMPHREY. Mr. President, recently the Senate acted on H.R. 11611, an act to establish a National Commission on Technology, Automation, and Economic Progress. The House conference members accepted the Senate modifications, so this bill will now become a law. The dispatch with which both Houses acted is gratifying, but I do not think enough attention has been called to the importance of this legislation.

We have known that we are in an age of rapid technological change. We have known that this is effecting production and employment, setting new job requirements and making major types of worker displacement both technological and economic. We have known also that we needed to have a much deeper study of these problems and of the results of the Federal Government's research and development programs. There are special problems peculiar to geographic areas and to certain industries. These need to be identified, along with unmet needs of both the Nation and of the private economy, in order that proper planning may be done in all sectors to facilitate maximum growth of the economy and full employment of our growing population.

H.R. 11611 will enable the essential fact-gathering to take place. Its commission is to include 14 persons from outside the Government, including both labor and management, as well as the heads of major Federal agencies.

I have long been interested in legislation of this kind. I have introduced S. 2427 to establish a Hoover-type Commission to work broadly in the area of investigating the impact of automation, technology, and employment. I have also joined in the sponsorship of S. 2274 which focuses primarily on problems in the defense industry. Here shifts in procurement, the results of automation and technology and other advancements, result in economic and social dislocation. The leadtime is dwindling in which we can plan effectively for the best use of our resources and personnel.

In recent testimony on behalf of S. 2274 I was able to dwell at greater length on some of the problems we should be anticipating so that we can have sound and prudent planning. I ask unanimous consent that this testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY ON S. 2274 BY SENATOR HUBERT H. HUMPHREY, OF MINNESOTA

S. 2274 seeks to bring responsible study and planning to a situation which is becoming increasingly important in our national life. I wish to encourage the concern this proposed legislation presents.

The Department of Defense makes, from time to time, substantial changes in procurement of weapons and material it needs for the military security of the United States. In addition the Department of Defense has found it possible to reduce the overall defense budget of the Nation. Two and one-half billion dollars has been saved in the current budget. The Department of Defense looks forward to even greater reductions in the next several years. That this can be done at the same time that we are provided with the strongest military forces of any nation, either now or ever in the history of the world, is encouraging to all of us. Nevertheless, the situation presents us with both problems and opportunities which require our attention. I will summarize the outstanding facts as I judge them, and amplify briefly on each in turn.

1. Both shifts in DOD procurement, and cutbacks in total procurement do create economic and social dislocation—in some cases severe hardship—for both individuals and communities.
2. We do not have a war economy in the United States. We could absorb both the resources and the personnel released from defense activity, if we planned to do so.
3. The private, civilian economy needs some of the resources and high-level technical skills which may be released from the defense industry, in order to obtain the growth and development the private economy must have for full employment. In addition, there are many unmet needs in America whose achievement is also a part of American security. These too can absorb resources in men and money.
4. The defense industry is a special industry with special problems. It needs the help of various levels of government, State, local, and Federal, and the cooperation of different groups in order to solve the problems of its absorption.
5. While we understand the gross dimensions of the problem, sufficient detailed study has not been made to get all of the facts necessary for sound policy and legislative guidance.
6. The problem is getting urgent and the leadtime for study is dwindling. It is necessary that we make the studies that will permit wise and humane decisions.

When an aircraft plant is shut down because the plane it makes is no longer required, thousands of men may simply be out of work. For example, the projected cutback of 3 of the 9 plutonium-producing reactors at Hanford is due to eliminate 2,000 jobs. Commissioner James T. Ramey of the AEC in testimony before the Joint Atomic Energy Subcommittee of Congress stated that this will have a large effect on the community economy at Hanford.

We have had periodic instances of this just from shifts in procurement. In a period of rising overall defense budgets, the situation was obscured and many people did have the mobility to transfer themselves to other segments of a defense industry. In a situation, however, of cutback on the magnitude of billions we may expect to have many situations such as an NBC documentary illuminated several years ago. The camera then took us into several communities where a defense industry had suffered loss of contracts. There were interviews with workmen, tradesmen, mayors, chamber of commerce, and other people. The universal lament was "we want jobs back." The lament was justifiable. These people had no stake in war. They were interested in the stability of their livelihoods, their homes, communities, and the things which interest us all. We all must be concerned.

Many communities and many thousands of people will be affected in cutbacks which are foreseen. Problems will be accentuated because the defense industry is so heavily concentrated geographically and in a few types of industry. Defense industry is concentrated most heavily in 10 States, and these are largely on the east and west coasts. Twenty-five companies do more than 50 percent of the work and all but two of these are either aircraft or electronic industries.

Our economy is by no manner of means based on defense or war production. Although the defense budget is approximately 50 precent of the total Federal budget, it amounts to approximately 9 percent of the GNP and the labor employed in defense industry amounts to approximately 9 percent of the total labor force. Percentagewise, we do not have a magnitude of investment in either resources or personnel that could not be absorbed if we planned for it. Moreover, we are not talking about dismantling the entire Defense Establishment. Half of the defense budget would remain if not a single new weapon were procured. Nevertheless, even with contemplated reductions of $5 to $10 billion over the next 6 to 8 years, there would be severe problems in many communities if there were no planning by somebody to provide alternative employment.

The problem is further accentuated because the nondefense economy is not operating at a level of full employment. For 6 years the unemployment rate has hovered slightly above 5 percent. By common consent this is too high, and although the economy has grown and the GNP has gone steadily up, the growth rate has only kept us even with the increased numbers coming into the labor pool for the first time and with the steady elimination of jobs due to automation. In fact, very shortly, the economy will have to grow faster to keep even—without eating into our already too high unemployment margin—because the loss of jobs due to automation is accelerating, and because we are yet to bear the full brunt on the labor market of the post-World War II baby crop.

To absorb defense workers into this situation clearly means that there must be an expansion of the private, civilian economy. Major planning must be done to this end.

Fortunately for the dilemma of how to absorb more unemployed in a situation where there are already too many, the release of resources in both men and money from the defense industry may be a key to the stimulation of the private economy that it needs It will be the key if we plan to exploit the opportunities presented.

There is ample reason to believe that the private economy lags in sufficient growth rate because of insufficient input into basic research and development. This insufficiency is due to the fact that the Federal Government sponsors 75 percent of the R. & D. work done in the Nation. Most of it is in defense, and most of the scientific and technical manpower of the Nation is working there. I am not a critic of that fact. It has given us the superb military superiority that we have—the defense we wanted and needed. It has been necessary also to the guardianship of the free world. Nevertheless it has put some strains on our civilian economy and its needs. It is notorious that unemployment in Europe is much lower than ours, and that many national economies there are growing at a faster rate than ours. But in all those industrial economies a much higher percentage of R. & D. funds is channeled into the civilian economies.

It is a marvelous tribute to the economic strength of America that we have almost had our cake and eaten it too. The defense sector of our economy has been built on top of our normal civilian economy. It has been a surplus production. We are the only society that has had guns and butter. It comes now as a stroke of good fortune, an opportunity we should welcome, to be able to divert some of the defense resources to ease the strains appearing in the civilian economy in its struggle to keep up.

I believe that planning will include, among other things, a diversion of funds from a public defense R. & D. sector to a public nondefense R. & D. sector. High order scientific skills released from defense work, can shift to the R. & D. problems underlying the development of new industries, new plants and products, and new employment.

R. & D. funds can be applied to two broad areas of a nondefense sector. One is in basic industrial research. This would include basic research in medical electronics, wheeled transport, the construction industry, new uses for wood products—to name only a few of a long list of items in which fundamental research is inadequate. The other area of research would meet broad public needs: air and water pollution, urban transport, providing adequate water supply and other conservation of natural resources for a growing population, and more. Again there is a long list.

R. & D. has had some spectacular results in defense work. Some of the successes, however, would have been disastrous failures if they had had to be supported by private capital. Companies would have gone broke before they could have sustained development to the point of success. I am not talking about any subsidy to individual firms for the manufacture and distribution of goods and services. Nor am I talking about solving the problems of individual companies or a narrowly oriented group of firms. Rather, I am talking about R. & D. grants to universities and other private research organizations to develop industrial and other areas not initially attractive for private development, notwithstanding the fact that there would be a long-term beneficial effect to the private sector. Research on problems of public needs would likewise improve immensely the quality and strength of our society, while providing the base for much new economic private enterprise.

I am convinced that we are not talking about a large amount of money. At least the magnitude to be directed this way would be considerably less than the anticipated reductions in the defense budget. Most important is a selective and directed use of research talent to employ most profitably the highly skilled personnel that can be released. Many of our most urgent needs in basic industrial research and development, and in design for some broad public needs from transportation to conservation require and may only yield to the systems analysis approach that has proved so necessary to missile and aerospace development.

We are presented, indeed, with a "once-in-a-lifetime opportunity" as Emile Benoit, of Columbia University, one of the most distinguished analysts in this area, has pointed out. We now have the possibility to apply some highly valuable, specialized resources to carefully selected alternative uses where they can contribute some effectively to the highest priority needs of the Nation and at the same time stimulate its private economy.

This, of course, would have to be complemented and completed, by cooperation and initiative on the part of State and local governments to welcome and provide opportunities for new developments in their areas. There will have to be some new entrepreneurship—some new initiative and risk taking—on the part of managements, banks and lending agencies, and other group action necessary to picking up the possibilities for new economic activity and growth. But first we must focus the high order technical talent to make the breakthroughs on that which can be developed.

With a new boost to the private, civilian economy to absorb skilled labor diverted from defense industry, in addition to handling the new workers constantly coming on the manpower market a real new wealth will be created. Our defense requirements will be more easily borne. Further tax cuts might be envisioned, even while basic governmental services are improved.

Our opportunities are golden, but there is a lot of homework to be done before they can be seized. There must be a detailed study of the defense industry and a working with them in terms of their special characteristics.

I have noted that as a whole, the defense industry has been built on top of, or by the side of, a normal economy. That establishes one sense in which reductions in defense mean absorbing the men and money in a civilian economy. But there is another sense also in which we are talking about absorption and not strictly speaking conversion. An airframe industry may possibly keep all of its personnel and present plant and convert to making prefabricated housing. Other firms however, do not have such a clear, alternative possible market to turn to. The need for study may be illustrated by a brief summary of some pertinent economic characteristics of defense industry:

a. Defense industries make special products. The products are special in the sense that they are of high cost and high precision. The problem presented is necessity for the product, not its cost or market demand. The companies are not oriented to marketing, competitive pricing, or working at the lower profit margins of normal consumer goods.

b. Some defense companies do not make anything at all. The product of some companies is highly specialized. They solve problems. There are various problems we can give them, but until some are, the loss of a defense contract with their only customer, puts their highly specialized manpower out of work.

c. Organizational problems make relocation of personnel difficult. Seniority rules and labor-management agreements lock some jobs in. At a recent conference of defense industry planners, one reported that when it laid off 600 people, there were 3,700 job moves because of bumping. Another industry reported that when it laid off people, a defense division across the street found almost none of these people appropriate for hiring, even for engineers with similar degrees.

d. Defense companies tend to diversify their interests rather than convert their defense division. That is, some companies have desired to cut the degree of their involvement in defense activity. After much effort they have found themselves buying other firms making other things, but the defense division has not been affected.

e. Defense conversion is heavily dependent on Government decision. The Federal Government has established an artificial market (or a nonmarket) for defense goods. Either the Government or somebody else must replace this market or demand, in order to use the people and the skills involved in these industries.

There are still other problems. A large corporation like General Electric which has only about 25 percent of its total volume in defense sales, will have an easier job in absorbing personnel or in sustaining the research to make new products and use its people in their manufacture. Other companies losing their principal or only customer might well find it easier to close the door and turn the key. The management of a firm sees its first interest in protecting the owner's equity, and secondly in keeping the firm going. These interests are not necessarily the same as the interests of the community in which the firm is located, nor does it insure protection for the employees.

I do not mean to imply that defense contractors are unconcerned. Rather my experience is just the opposite. More and more these contractors are feeling an impact from shifts in procurement and are concerned about cutbacks they anticipate. They would like to keep highly skilled management and technical teams together to serve as the nucleus of new enterprise that would keep people working. But some other needs than weapons must be defined, and some other markets must be found.

We may understand the gross dimensions of the problem fairly enough, but there must be a much more thorough and detailed study than has yet been undertaken. It should be particularly complete in the industries where most cutbacks are contemplated, and in the local areas most affected. Study should go beyond the area of prime contracts and estimate the secondary effects on suppliers, service trades, and other economic activity in a community affected. Areas for basic industrial research or in public needs should be carefully identified. What problems can be given to existing structures and firms? How may universities be used in new research? What new private organizations may be elicited with grants for specific problems? Guidelines need to be established also for the proper relationship between public stimulus and private enterprise. In short there is much to be studied and analyzed before sound policy can be formulated.

Leadtime is dwindling for us in doing this planning in order to avoid hardship on people and communities, and in order to exploit new opportunities. We are caught between the upper and lower millstones of people becoming unemployed through defense industry modification and the unemployment burden already too high in the economy as a whole.

S. 2274 offers an opportunity to start quickly in cooperation between industry and the executive branch of the Government on much of the study and information required. In addition to sponsoring this legislation, I have also introduced S. 2427 to establish a Hoover-type Commission on Automation, Technology, and Employment, for I believe that satisfactory long-term solutions for the economic impact of cuts in defense are part of a larger problem of solving the impact of automation manpower and economic growth. In this connection, I am pleased at the recent passage of H.R. 11611 to establish a Commission on Technology, Automation, and Economic Progress. This Commission will certainly develop data on a number of the pertinent areas of concern.

I do not believe that S. 2274 and the other bills cited, are mutually exclusive. S. 2274 permits us to make an early start on an essential phase of the problem and I am convinced that the sooner we get started, the better. Time is running out if we are going to make an opportunity instead of a crisis out of a clearly visible problem. Within the next 2 years, we shall have important resources in both personnel and money, released from the defense industry. Neither humanly nor economically, can we permit these resources to be idle.

SOUND ECONOMIC DEVELOPMENT

Mr. HUMPHREY. Mr. President, I would like to call the attention of the Senate to a strong perceptive editorial in this morning's New York Times on the foreign aid bill. As the Times editorial states several recent amendments passed in the Senate would seriously weaken the effectiveness of the foreign aid bill.

The most damaging amendment is that which would drastically raise interest rates on long-term development loans. Raising loan terms for development loans to levels approximating commercial rates is, as the editorial states, "an invitation to bankruptcy." I am hopeful that before the foreign aid bill is finally signed this year, this amendment will be struck out.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 14, 1964]

PROMOTING SOUND DEVELOPMENT

The damage the Senate is doing to the foreign aid bill may not kill the program, but it will seriously reduce its effectiveness and make it vulnerable to further attack.

By proposing a $216 million cut in appropriations, the Senate is seeking to cut out some projects that were considered vital enough to survive the thorough surgery the administration itself performed. And by letting itself be persuaded that increasing the interest charges on loans to the developing countries is a painless way further to reduce the cost of aid, it is merely impeding the pace of development and undermining the whole program.

The developing countries do not want handouts. They have accepted the principle of repayment, and this has induced them to channel borrowed funds into the most promising economic projects. But, given the heavy burden of commercial debt that must be paid off, they are not in a position to undertake additional debt servicing. If the proposal goes through, they will have no choice but to postpone development or channel funds into questionable activities that seem to promise a quick return.

The Senate may argue that it is encouraging sound development by making borrowers pay their way. Yet increasing the cost of money will not promote development or spur the poorer countries to help themselves. It is more in the nature of an invitation to bankruptcy. The developing countries need both private and government capital. But placing public funds on a commercial basis, as proposed by the Senate, will not expand the availability of private investment. Low-cost, long-term public money channeled into basic development projects that private funds will not touch is a much more effective catalyst for luring private capital. Unless the foreign aid program is allowed to work in this fashion, private capital will wither away.

Taken together, the Senate's actions could seriously weaken the most constructive part of the entire aid program. Instead of getting the most for our money by stimulating self-sustaining policies, the United States would be increasing the dependency and the penury of the developing countries.

THE COMMONSENSE EDITORIAL POLICY OF THE MINNEAPOLIS SPOKESMAN

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate an outstanding editorial which appeared in the July 30 issue of the Minneapolis Spokesman. Cecil E. Newman is the editor-publisher of the Spokesman, and one of the truly outstanding Negro leaders in America. He makes the excellent point that the large majority of Negroes in Harlem and Rochester wanted no part of the riots and disorder which recently occurred in those two troubled cities. I urge my colleagues to read this outstanding example of responsible leadership in the Negro community.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Rioting: Good Way To Help Enemies

The rioting in the predominantly Negro districts of New York City and Rochester, N.Y. almost immediately after the signing of the 1964 Federal Civil Rights Act is disquieting to those who have so long labored for justice and equality for the American Negro.

The riots provided ammunition for those who have opposed the Negro's just claim for full citizenship and full implementation of the Constitution. The riots may help convince uncommitted American whites who are often also uninformed, that there is something to the anti-civil rightists who claim the Negro wants to "take over the country." When such extreme acts as those which occurred on the streets of Harlem are observed by large numbers of majority group members still not convinced of the Negro's right to full participation in the mainstream of the country's life, the end results may be unfavorable, temporarily at least, to the long-range aspirations of the American Negro.

Many onlookers observing the disgraceful rioting, looting, and vandalism which struck New York are unable to comprehend that not one-half of 1 percent of the New York City Negro population was active participants in the attacks on the police, the looting of business places and the general disorder. Thus, we have the spectacle of a small minority of the 400,000 Negroes in the Harlem district giving not only that group a bad name, but also the rest of the 20 million Negroes in the Nation.

No need to try to convince people that the civil rights issue, the frustration, bias and deprivation were the principal causes of the riots. The hoodlums who brawled with the police were not doing so because of the shooting of a 15-year-old boy by a police officer—most of them were rioting to gratify their racial hate—more than this their desire to steal, rob, and pillage.

We don't like mobs of any kind. For years we have inveighed against white mobs and still do. However we don't like Negro mobs any more than we do white mobs. The whites who murder Negroes almost daily in Mississippi have our disdain. We also have no respect for Negroes ignoring the progress this Nation has been making to remove the deprivations from which they suffer, and riot in the streets of northern cities where many people are on their side. They deserve severe condemnation.

The Harlem and Rochester law enforcement agencies should see that each member of the mob who is proven guilty of law violations receives just punishment for crimes against the public order and tranquillity.

The passage of the Civil Rights Act in this year of our Lord was hastened and influenced by widespread nonviolent street demonstrations by Negroes and many of their white fellow citizens who felt that justice must be done to the Negro in this country if the Nation was ever to reach its full potential for domestic peace and unity. The bill was not passed by Congress by threat of violence and disorder in the Nation's streets by the Negroes and their friends. Most of the disorder came from segregationists who felt their color and race gave them the God-given right to give the American Negro less than the Constitution decreed. These same segregationists were determined to do violence to any person black or white who differed with their beliefs.

The nonviolent movement won the hearts of many Americans who had not previously paid the slightest attention to the unsolved American race problem—so much so that opinion polls showed a clear majority of American whites felt Congress should enact some law which would protect the constitutional rights of the country's Negro citizens. Support for laws which would change the social patterns and ingrown customs were approved by millions of people because the long-patient Negro had by dignified nonviolent protest made his case before the American public in a manner which won widespread sanction.

Recently the politicians of the Goldwater variety have been trying to convince the United States that the Kennedy and Johnson national administrations are trying to turn the country of 200 million souls to the Negro—that the Negro in his just demands is "going too far," or "trying to take over the country."

Such rioting as was indulged in during the past few days in New York where thousands of Negroes are gainfully employed at jobs of their choice and for which they are qualified will benefit only those political extremists like Senator Goldwater who, in veiled suggestions, blames even the peaceful street demonstrations in which Negroes have engaged for the past few years on the Kennedy and Johnson administrations.

Certainly there are a million reasons in poor overcrowded housing, low income, deprivation and hopelessness to trigger into resentment such disorder as was evidenced by the trouble in the two New York cities. However brighter days appear to be ahead and no one "hot summer" should be used in such a manner that the rights movement will be impeded and misunderstood.

Part of the success of swift acceptance of the civil rights laws will be good interracial cooperation and a good image of the Negro citizen. This need will be dissipated if such riots as those which cause loss of life and huge property loss and damage in Harlem and Rochester occur in other northern communities.

Let us demonstrate, if need be, against all unfair bias when all other negotiations prove fruitless but, for God's sake, let's not play the fool and encourage senseless mob violence, because it is no answer and only plays into the hands of our oppressors.

NEED FOR CREW LEADER REGISTRATION LAW

Mr. WILLIAMS of New Jersey. Mr. President, in June of 1963, the Senate passed by voice vote S. 524, a bill providing for registration of crew leaders, or farm labor contractors, who all too often have cheated and defrauded not only migrant workers but also the farmers who rely on their services. I am happy to report that the House of Representatives will act on a companion bill, H.R. 6242, next Monday. This indeed augurs well for better protection for the migrant farm workers who year after year diligently harvest our crops.

The other day I received a letter from Charles G. Yersak, chief of the bureau of migrant labor of the State of New Jersey which clearly shows the need for Federal legislation in this field. Mr. Yersak has wide experience with the problems of the migrant and has been an outstanding champion of their interests. At the same time, he knows the farmers' problems in securing sufficient and qualified labor. In the letter, he recounts two examples of crew leader actions which resulted in grave economic injury to the farmer. By going to another State, these crew leaders were able to avoid any penalty under New Jersey's crew leader regulation. The bill, S. 524, will give us the means of controlling the activities of labor contractors who move from State to State, through formal registration procedures. Conduct which is detrimental both to the laborer and the farmer can thus be detected and prevented. Numerous incidents such as those discussed by Mr. Yersak clearly demonstrate the need for this legislation.

I ask unanimous consent that Mr. Yersak's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of New Jersey,
Department of Labor and Industry,
Trenton, N.J., July 29, 1964.

Harrison A. Williams, Jr.,
Chairman, U.S. Senate Subcommittee on Migratory Labor, Washington, D.C.

Dear Senator Williams: You know that for many years I felt there was an urgent need for the Federal registration of crew leaders and/or labor contractors who recruit, transport, and supervise migrant farmworkers. I had previously advised you of the conditions of the vehicles in which these workers are transported hundreds and perhaps thousands of miles over the Nation's highways.

Recently I was called in by Mr. Morris Tedesco, of Rosenhayne, N.J., who had contracted a crew leader to harvest his onion crop. I was advised that without a by-your-leave the crew leader "took off" in the middle of the harvest, leaving the farmer with onions on his hands and no one to cut and harvest them. This created not only a labor problem but also resulted in a financial loss to the farmer.

This kind of contract breaking can only be stopped by Federal registration. In this instance, the crew leader also absconded with five workers belonging to another crew leader who was working for Morris Tedesco. We advised New York that he was headed for their State, but I do not see what they can do since he had not violated any laws in New York. We have now received a notice that he has applied for crew leader registration in New York; however, as I pointed out, there is little they can do. This crew leader did not register in New Jersey and, of course, if he returns to New Jersey, we shall take immediate action.

Another example—a crew leader, who had contracted with Buono Bros. in Rosenhayne, N.J., left during the night of July 11, 1964, without notice and talked three or four laborers from another crew to leave with him; absconded with 3 stoves, 2 mattresses and 24 onion knives for a total of approximately $60. Again, the farm operator was at the height of the season and the crew leader's sudden departure not only created a tremendous labor problem but also a financial loss. These facts are available in the files of this Bureau.

One of the greatest problems that we have is the so-called "freewheeler" who either makes direct contact with the farmer for employment or moves around from State to State casually seeking employment. As a rule, the vehicles they use for transportation are in very poor condition and a hazard to the occupants and the public at large using the highways. Generally, he is broke and the people he recruits and transports suffer because they themselves have no firm commitment for employment. Usually by the end of the season, the workers find themselves just as broke as when they started or in debt to the crew leader.

Example—An order was placed for a crew leader to report in New Jersey with 22 harvest hands. He arrived with approximately a total of 40 including children and they were crammed into housing sufficient for 22. The problem in finding other housing for them was left up to this Bureau. As a matter of fact, in this instance, the farmer, who was the camp operator, called the Bureau and advised us that the crew was to be split between two farmers. In his housing, he was to only house 7; however, he had 13. The other farmer was to take 15 and had 27; therefore, both camps were overcrowded.

There certainly should be much more responsibility placed on the crew leader or labor contractor to see that he not only meets his contract obligations, but when he makes an agreement for a certain number of workers to be recruited, he keeps that agreement. It would seem that the crew leader or labor contractor is only interested in getting as many harvest hands as he possibly can and cram them into a bus, because then his take is greater because of the greater production. In all these instances, it is the workers who suffer.

I can only urge in the strongest possible terms the need for Federal registration of crew leaders, with power granted for the promulgation of regulations for the protection of both farmers and workers. Certainly, if registration was mandatory, at the point of origin at the beginning of the season, many of these evils might be eliminated.

I am hoping that your committee will do all in its power to seek passage of H.R. 6242 this year.

Very truly yours,

CHARLES G. YERSAK,
Chief, Bureau of Migrant Labor.

THE FIGHT AGAINST CANCER

Mr. WILLIAMS of New Jersey. Mr. President, I wish to speak on a subject that should be of vital interest to everyone in this Nation: the fight against cancer. The elimination of a disease which strikes not only this country, but the entire world as well, is a goal which deserves our greatest efforts. And we are fortunate that today there is a great concentration of forces in the unceasing battle against man's second greatest killer. This country's finest research scientists are pressing ever closer to solving the riddles which mankind faces with this insidious killer. These professional men and women are aided by a host of volunteer laymen who assist in many ways. Each day their combined efforts are coming closer to solving the mysteries of cancer. To assist them in their fight, I call on every citizen for moral and financial support. This unity of mind and spirit will end in victory.

Over the past 25 years, cancer has destroyed more than 5,400,000 men, women, and children in the United States, including our lamented Speaker of the House, Sam Rayburn, and Secretary of State, John Foster Dulles. In 1963 some 284,000 Americans died of cancer, and the number of deaths is growing each year. And yet, many cancers are curable if caught in time. Thousands of lives could be saved by early diagnosis and proper treatment. We can all help by spreading this lifesaving information throughout the land.

One of the foremost agencies in the fight to control cancer is the American Cancer Society, and one of the leaders in the 59 divisions of this society is the New Jersey division, organized in 1945. The first president—and still an active volunteer—is Mr. George E. Stringfellow of East Orange, who is in the frontlines of those promoting an intensive fundraising campaign to support research, to acquaint the people of his State with the facts about cancer and to care for the cancer patient.

Among the supporters of the New Jersey division's program of research, education, and service are the State's newspapers, many of which participate in the annual George E. Stringfellow Cancer Editorial Contest. The 1964 winners for the best editorials were the Courier-News of Plainfield in the daily field and the News-Record of Maplewood and South Orange in the weekly field. The runners-up among the dailies were the Hudson Dispatch of Union City, the Paterson Evening News, the Daily Journal of Elizabeth and the Bridgeton Evening News. In the weekly field honorable mention was given to the Montclair Times, the Observer of Kearny, the Blairstown Press and the East Orange Record.

The winning editorial in the Plainfield Courier was written by Paul H. Troth, associate editor. It follows:

FIGHT AGAINST CANCER

A new word of hope in the long fight against cancer was raised this week by Dr. Albert B. Sabin, developer of live virus oral polio vaccine. There is some hope, but it is only a hope, that a virus which may cause human cancer has been isolated.

This announcement, coming as it does near the end of the annual drive for cancer funds, gives extra meaning to the April crusade of the American Cancer Society.

It says that research is an unending procedure, and discoveries may come at any time. It says that giving need not be limited to just one special month, but continuing support is necessary for the American Cancer Society to carry on its research, education, and service.

Cancer is a disease that is characterized by abnormal growth and spread of cells. But it can be controlled or checked if detected early in its development. Doctors and a great army of volunteers who work with the American Cancer Society are therefore constantly carrying on a program in three areas: education to promote regular checkups and early detection; research, which is constantly making discoveries and revealing new information as in the relationship of smoking and lung cancer; service, in helping the patient and his family against this cruel disease.

It is estimated by the American Cancer Society that there are 1,200,000 Americans alive today who have been cured of cancer. By "cured" it is meant that they are alive, without evidence of the disease, at least 5 years after diagnosis and completion of treatment. The fight is being won, but it needs constant support and there is a long way still to go.

If you have not already joined in the Crusade Against Cancer, here is new reason for your support of the American Cancer Society and its program of nationwide research, education, and service.

The winning editorial in the News Record of Maplewood and South Orange was written by its editor, Henry T. Wallhauser. It follows:

AMONG CANCER'S VICTIMS

We're apt to become immune to the warnings and dire predictions circulated by the various charitable organizations about disease and infirmity. Maybe we hear too much of it, get too many statistics thrown at us—and have too much to do while we're living without worrying about dying.

It was with this general attitude that I picked up the "1964 Cancer Facts and Figures" booklet of the American Cancer Society. There were the familiar warnings, the alarming statistics, the valuable though often-repeated advice.

One section caught my eye, though. In "They Might Have Lived," the society lists a good many names, nearly all of them famous, who died from cancer. Together, they make up a wealth of talent that would probably still be with us if cancer had not struck them down.

Between July 1962 and August 1963 these were among those who died of the disease: Pope John XXIII; Izhak Ben-Zvi, Israel's second president; Jack Carson, Hoot Gibson, Thomas Mitchell, Charles Laughton, Zasu Pitts, Dick Powell, Clifford Odets, painter William Baziotes, authors Oliver LaFarge and Ludwig Bemelmans, literary historian Van Wyck Brooks, pianist Alec Templeton, film producer Boris Morros, Dr. A. Whitney Griswold, president of Yale University; industrialist Irving Sands Olds, former board chairman of the United States Steel Corp., and Frederick Louis Maytag 2d, board chairman of the Maytag Co.; banker George Whitney and investment firm heads Ira Haupt and Paul V. Shields, footballer Ernie Davis—and many more, famous and obscure.

Their memory may serve to remind of cancer's devastating effects in this Cancer Crusade Month of the Cancer Society.

THE REAL NEED FOR MEDICARE

Mr. WILLIAMS of New Jersey. Mr. President, the recent report of the Health Subcommittee of the Senate Committee on Aging provides another compelling reason for this Congress to pass the medicare bill before we adjourn.

After months of extensive research and several days of public hearings the subcommittee concluded that there is a real need for a program of medical insurance financed through social security. The evidence presented by the subcommittee serves to point up the current inability of private insurance plans to serve the needs of all those who must meet today's catastrophic health costs. The report revealed that only one-half of elderly Americans hold any kind of commercial health insurance policy, and only 1 in 4 holds adequate hospital insurance as defined by the American Hospital Association.

There are many fine private insurance plans, but their high premiums, between $500 and $600 a year per couple, are far beyond the means of many elderly Americans. This hearing, together with the one we held in May on deceptive practices in the sale of health insurance, gives an appalling glimpse at the heartbreak faced by millions of Americans who would protect themselves if they only could.

But, in spite of this painstaking case made by the majority report, the minority chooses to deny all. Many of their arguments are based on assertions that were thoroughly discredited at the hearing. What kind of conscience can permit its owner to indulge only in stuffy disavowal when realistic, compassionate action is needed?

The result of the subcommittee's research is clear. The pressing need for health insurance must be met. We must answer the demands of 18 million elderly Americans and pass the medicare bill before we adjourn. We cannot continue to let Americans suffer because they are unable to meet today's medical costs. No American may defend free enterprise at the cost of human suffering.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL REPORTS OF A COMMITTEE

The following additional reports of a committee were submitted:

By Mr. WILLIAMS of New Jersey, from the Committee on Labor and Public Welfare, without amendment:

S. 2180. A bill to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry and students of optometry those provisions thereof relating to student loan programs (Rept. No. 1441).

By Mr. WILLIAMS of New Jersey (for Mr. YARBOROUGH), from the Committee on Labor and Public Welfare, with amendments:

S. 2628. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, delivery, and possession of habit-forming barbiturate drugs, amphetamine, and other habit-forming central nervous system stimulant drugs, and other drugs that have a potential for abuse resulting in psychotoxic effects or antisocial behavior (Rept. No. 1442).

ADDITIONAL BILL AND JOINT RESOLUTION INTRODUCED

An additional bill and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS of New Jersey:

S. 3124. A bill for the relief of Rene Saturnino Pulido; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S.J. Res. 195. Joint resolution to provide for a White House Conference on Small Business, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. HUMPHREY when he introduced the above joint resolution, which appear under a separate heading.)

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Mr. HUMPHREY. Mr. President, I introduce for appropriate reference a joint resolution expressing the sense of the Congress that the President should establish a White House Conference on Small Business to conduct a study of small business, with particular emphasis on the future awaiting this vital segment of the economy in the next decade. The need for such a study at this particular time arises from two principal factors.

The first of these factors is to be found in the powerful thrust forward which the economy has experienced in the past year. As the Senate Small Business Committee pointed out in its 14th annual report, transmitted in June, we do not know whether, or to what extent, small business is sharing in this mounting productivity and prosperity. We must find out—and now is the time to do it.

If small business is being left behind, we must be prompt to discover the causes and to devise remedies. Any lag, if permitted to develop, would further weaken the competitive position of small business and lead inexorably to a substantial acceleration in the trend toward concentration. In that event the economic growth we are now experiencing could prove to be more in the nature of a curse than a blessing. The time for action, I repeat, is now.

The second factor to which I refer is the industrial revolution which promises to result as civilian applications are found for the technological knowledge now emanating from military research and development. Perhaps I should not use the future tense in this connection because applications have already been found in some sectors of the economy—for example, mining, agriculture, power generation, and product development in such areas as chemicals, electronics, and pharmaceuticals. However, these are only the vanguard of changes which will effect vast transformations in our use of material and methods of production and which will increase the productivity of both labor and capital.

In other words we are on the verge of a tremendous breakthrough in knowledge which may produce wealth beyond our capacity to imagine today. The economy which evolves from such technological progress will doubtless provide countless opportunities for small business to take root and flourish. No effort must be spared to recognize these opportunities; to take full advantage of them as they come into sight. At the same time, these impending changes may create havoc among small concerns which are not prepared for them.

One of the main purposes of the study I am proposing is to explore this aspect of our future, as far as existing knowledge permits, to find what it holds for small business. An effort be made to establish, on a continuing basis, an instrumentality for evaluating the small business significance of new materials, new processes, new production techniques and new distribution methods. The collection and dissemination of such information would serve not only to preserve small business but to strengthen it and to promote its expansion.

The old adage that an ounce of prevention is worth a pound of cure has special force in planning the future of small business. During the 19th century, when the economy of this Nation grew at a rate which astonished the world, the Government neglected to take action to assure the preservation of competitive balance. It stood by with its arms folded as one industry after another came under the control of one, two, or perhaps three giants. Not until 1890 was the first of the antitrust laws adopted. Even this was a negative action, a half measure. And the antitrust laws which have been passed since then have been only partially effective in safeguarding the competitive strength of the small business community. The sad truth is that, had the Government intervened earlier than it did, our economy would now be the healthier. It will be a long time, if ever, before the resulting damage is undone. Let us not repeat this mistake. Today, as we stand on the threshold of a new industrial revolution, let us seize the opportunity to assure a place in it for small business.

These are the principal purposes of the White House Conference I am proposing. But they are by no means the only purposes. However, the study should also identify and investigate the major problems confronting small business which have not yet been fully explored. Although I would leave the selection of these problems to the discretion of the Conference, I am thinking of two which, in my judgment, deserve special attention. One of these is our antitrust laws. Do the antitrust laws promote the interests of small business? I have raised this question before and will not dwell upon it here in detail. These laws should be thoroughly reevaluated to determine whether, and in what respects, they produce undesirable results on the efforts of small business to strengthen their competitive position by combining their resources.

The other subject I have in mind is the emergence of the Negro as a small businessman. On this point I would like to quote my good friend, Gene Foley, the Administrator of SBA:

> Much has been done to promote better employment opportunities for the Negro. This is as it should be and such efforts will be greatly intensified under the bill we are considering. But if Negroes are to serve society with their full potentials they cannot be limited, as they have largely been in the past, to the role of workers. Their talents as businessmen must be recognized, encouraged and developed so as to provide them with a firm base in the economy. Without such a base they cannot secure the political and social rights which belong to them.

I would not try to improve on that summarization of the matter. Plans must be made to pave the way for the entrance of Negroes into the small business community.

Mr. President, I ask unanimous consent that the joint resolution be printed in its entirety at this point of my remarks, and I also ask that this joint resolution, which I now introduce, lie on the table for 2 days in order that other interested Senators may have an opportunity to add their names to it as cosponsors.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, and lie on the desk, as requested by the Senator from Minnesota.

The joint resolution (S.J. Res. 195) to provide for a White House Conference on Small Business, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

Whereas the preservation and extension of the free competitive enterprise system is necessary to maintain that freedom of economic opportunity by which the resources of the United States have been developed and upon which the continuing prosperity of the Nation depends; and

Whereas the small business firms of the United States, engaged in free and open competitive enterprise, constitute collectively an economic resource of vital importance to the maintenance of the free institutions of a democratic society; and

Whereas the economic health and well-being of small business firms within the United States are threatened by an increasing concentration of economic power in large complexes of industrial and commercial enterprise, by the changes in the structure and methodology of business organizations which accompany advancing technology, and by governmental policies which have imposed disproportionate burdens upon small business enterprises; and

Whereas it is necessary in the formulation of governmental policies affecting economic activities to take into consideration the requirements of small business enterprises to the end that such enterprises may thrive and continue their contribution to the freedom of economic enterprise within the United States; and

Whereas the effectuation of that objective requires the conduct of a comprehensive study and investigation to identify, and determine the effects upon small business enterprises, of social, economic, technological, and governmental forces, and to ascertain ways and means whereby such enterprises may be fostered and encouraged to succeed in the public interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "White House Conference on Small Business Act".

SMALL BUSINESS CONFERENCE AUTHORIZED

SEC. 2. (a) The President is authorized and requested to call, in February, 1965, a White House Conference on Small Business (referred to hereinafter as the "Conference"). The Conference shall be composed of delegates in such number as the President shall determine, and shall include delegates who are officers of Federal, State, and local governments, economic experts in private life, and individuals specially qualified by training and experience in the administration of small business enterprises to contribute to the solution of the problems of small business organizations.

(b) The President shall designate as delegates to the Conference such officers of the Government as he deems advisable (including representatives of the Small Business Administration, the Department of Justice, the Department of Commerce, the Federal Trade Commission, the Department of Defense, the General Services Administration, the Bureau of Internal Revenue, and the Federal Reserve Board), and from such delegates shall designate a Chairman and a Vice Chairman of the Conference. The President shall extend to such other individuals as he shall determine to be appropriate invitations to participate in the Conference as delegates. The Conference shall meet at the call of the Chairman at such times and places as he may determine.

(c) Delegates to the Conference shall receive no compensation for their services as such, but shall be entitled to receive (1) reimbursement for necessary travel performed incident to their service as delegates under this joint resolution, including travel between their homes or regular places of business and the place of any meeting of the Conference or any committee thereof, and (2) an allowance, not exceeding $50 per diem, in lieu of reimbursement for subsistence expenses, for each day of service rendered under this joint resolution at places other than their homes or regular places of business. Such reimbursement and allowances shall be paid upon vouchers approved by the Chairman or Vice Chairman of the Conference.

(d) Subject to the direction of the President, the Administrator of the Small Business Administration shall be responsible for the planning, organization, and conduct of the Conference, and for the preparation, publication, transmittal, and distribution of its report pursuant to this joint resolution.

FUNCTIONS OF THE CONFERENCE

SEC. 3. (a) It shall be the function of the Conference to conduct a full and complete study and investigation of—

(1) the problems encountered by small business enterprises in capital formation and equity financing;

(2) the means whereby new developments in managerial and operational methods and techniques may be made more freely and fully available for use by small business enterprises;

(3) the effects upon small business enterprises of the antitrust laws in their application and interpretation;

(4) the effects upon small business enterprises of the tax laws and policies of Federal, State, and local governments;

(5) the effects upon small business enterprises of military and civilian procurement laws and policies of Federal, State, and local governments; and

(6) such other problems of small business enterprises as the Conference may determine to require solution to enhance the economic success of the small business community.

(b) Not later than ninety days after the conclusion of the Conference, a final report of its findings, conclusions, and recommendations, including such recommendations for legislative measures as it may determine to be advisable, shall be transmitted to the President and to the Congress. Copies of such report shall be transmitted to the Governor of each State, and shall be made available for distribution to the public.

ADMINISTRATION

SEC. 4. (a) In administering this joint resolution, the Administrator of the Small Business Administration shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate in carrying out the provisions of this joint resolution, and such cooperation and assistance shall be furnished by such departments and agencies to the greatest practicable extent;

(2) compile, prepare and make available for the use of delegates to the Conference such background information and material as he may deem necessary or appropriate; and

(3) appoint for temporary service in the Small Business Administration (without regard to the provisions of the civil service laws) such additional personnel as may be necessary within the limitation of funds appropriated for such purpose.

(b) The Conference is authorized to secure information directly from any department, agency, or establishment of the executive branch of the Government with the consent of the head thereof, and each such department, agency, or establishment to the greatest practicable extent shall furnish such information upon request of the Chairman or the Vice Chairman of the Conference. Such personnel of such departments, agencies, or establishments as may be required to assist the Conference in carrying out its functions under this joint resolution may be utilized by the Conference upon request made by the Chairman or Vice Chairman. Any such department, agency, or establishment furnishing the services of personnel shall be entitled to reimbursement therefor out of any funds appropriated under section 6.

ADVISORY COMMITTEES

SEC. 5. (a) The Administrator of the Small Business Administration is authorized and directed to establish an Advisory Committee to the Conference composed of professional and public members, and to establish such technical advisory committees as he may determine to be required to advise and assist in the planning and conduct of the Conference. Members of such committees who are not officers or employees of the United States shall be entitled to receive compensation, at such rates not exceeding $75 per diem as may be fixed by the Administrator, while attending meetings of the Conference or of such committees and while serving otherwise under this joint resolution at the request of the Administrator, including periods devoted to necessary travel for any such purpose. All members of such committtees while engaged in the performance of duties under this joint resolution at places away from their homes or regular places of business shall be allowed travel expenses, including per diem allowance in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently.

(b) For the purposes of chapter 11, title 18, United States Code, any individual serving as a member of any such committee who is not otherwise a public official as defined by section 201 thereof shall be deemed while so serving to be a special Government employee, without regard to the period for which he was retained, designated, appointed, or employed to serve as such member.

APPROPRIATIONS

SEC. 6. There are hereby authorized to be appropriated to the Administrator of the Small Business Administration such sums as may be necessary to carry into effect the provisions of this joint resolution.

ADJOURNMENT UNTIL 10 A.M., TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 7 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Saturday, August 15, 1964, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 14, 1964:

IN THE COAST GUARD

The following member of the Coast Guard Reserve to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant commander:

Thomas H. Rutledge

The following members of the Coast Guard Reserve to be permanent commissioned officers in the Regular Coast Guard in the grade of lieutenant (junior grade):

James F. Hunt
Walter N. Warschun

POSTMASTERS

The following-named persons to be postmasters:

ARKANSAS

Joseph C. Parks, Prairie Grove, Ark., in place of J. H. Carnahan, retired.

FLORIDA

John J. Boylan, Lake Worth, Fla., in place of J. J. Menges, deceased.

GEORGIA

Boyce G. Creel, Doraville, Ga., in place of W. C. Spires, retired.

ILLINOIS

Marco B. Petrunich, Mount Olive, Ill., in place of T. W. Whitehouse, retired.

IOWA

Keith C. Wiese, Keystone, Iowa, in place of R. M. Griesy, retired.

MARYLAND

Betty J. McMullen, Charlestown, Md., in place of J. H. McCall, retired.

NEBRASKA

Paul P. Kosmicki, Alliance, Nebr., in place of F. E. Feagins, retired.

NEW JERSEY

Daniel J. Jordan, Rosenhayn, N.J., in place of Angelo Daurio, resigned.

NORTH CAROLINA

David E. Hough, Mount Pleasant, N.C., in place of L. A. Foil, transferred.

NORTH DAKOTA

J. Donald Burns, Bowman, N. Dak., in place of M. E. Fleming, retired.

OKLAHOMA

Ruby E. Langford, Terral, Okla., in place of L. F. Wray, retired.

PENNSYLVANIA

William K. Whiteford, Shiremanstown, Pa., in place of E. E. Tritt, retired.

William M. Pickens, Tionesta, Pa., in place of Neil Kunselman, retired.

SOUTH CAROLINA

Edwin C. McCants, Anderson, S.C., in place of R. H. Gaines, retired.

WEST VIRGINIA

Beatrice K. Smith, Waverly, W. Va., in place of R. M. Lehew, retired.

WISCONSIN

J. Miles Thompson, Lancaster, Wis., in place of R. R. Austin, retired.

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HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

The House met at 10 o'clock a.m.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The words of the Master, John 9: 4: *I must work the works of Him that sent Me, while it is day: the night cometh, when no man can work.*

O Thou God of all majesty and mercy, may Thy divine grace daily inspire us with the urge to turn unto Thee with a humble spirit and a contrite heart.

Help us so to live and labor at our appointed tasks that at the close of each day we may leave a legacy of faith and devotion and receive the benediction which Thou dost bestow upon the faithful.

Grant that we may be more firmly and closely united with one another in our plans and purposes to achieve for all mankind a happier and fuller life.

May our Congress and our own beloved country have a great and glorious part in mobilizing those moral and spiritual forces which will forever banish all bitter hatreds and age-old rancors that still impede the progress toward universal peace.

Hear us in the name of our blessed Lord who is our Eternal Contemporary as we strive for the fulfillment of humanity's greatest longing and fondest hope. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1174. An act for the relief of Elfriede Unterholzer Sharble.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following title:

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended;

H.R. 9419. An act to provide for the regulation of the business of selling securities in the District of Columbia and for the licensing of persons engaged therein, and for other purposes;

H.R. 10683. An act to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia;

H.R. 12196. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes; and

H.J. Res. 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11134. An act making appropriations for the Departments of State, Justice, and Commerce, and the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McClellan, Mr. Ellender, Mr. Magnuson, Mr. Holland, Mr. Pastore, Mr. Fulbright, Mrs. Smith, Mr. Saltonstall, and Mr. Mundt to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2460. An act to amend the act of July 13, 1959, so as to extend the period of time within which certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States;

S. 2776. An act to authorize and direct the Secretary of the Treasury to cause the vessel *Elva L.*, owned by Harold Bunker of Matinicus, Maine, to be documented as a vessel of the United States with coastwise privileges; and

S. 2968. An act to amend subsection 120 (f) of title 23, United States Code.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11296) entitled "An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to Senate amendments Nos. 28 and 188 to the foregoing bill.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 226]

Alger
Avery
Baring
Barry
Bass
Becker
Beckworth
Blatnik
Bolton, Frances P.
Brown, Calif.
Broyhill, Va.
Buckley
Burton, Utah
Cameron
Celler
Clark
Conte
Corbett
Cunningham
Davis, Tenn.
Denton
Dingell
Dulski
Duncan
Edwards
Fino
Forrester
Fuqua
Gill
Gray
Hagan, Ga.
Haley
Halleck
Hanna
Harding
Harvey, Mich.
Hawkins
Hays
Healey
Hoffman
Hosmer
Jones, Ala.
Kee
King, Calif.
Landrum
Lankford
Leggett
Lesinski
Lloyd
Long, Md.
McIntire
McLoskey
Macdonald
Mailliard
Martin, Mass.
Mathias
Montoya
Morrison
Murray
Nedzi
Norblad
Olson, Minn.
Passman
Patman
Pepper
Pilcher
Pool
Powell
Rains
Roberts, Ala.
Rooney, Pa.
Ryan, Mich.
St Germain
Scott
Selden
Sheppard
Shipley
Sibal
Sikes
Smith, Va.
Staebler
Stinson
Thompson, La.
Toll
Tuten
Wallhauser
Westland
White
Wickersham
Williams
Willis
Wilson, Charles H.
Wilson, Ind.
Winstead

The SPEAKER. On this rollcall 338 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ESTABLISHING A PROGRAM OF CASH AWARDS FOR MEMBERS OF THE ARMED FORCES AND FOR OTHER PURPOSES

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12193) to amend title 10, United States Code, to provide for the establishment of a program of cash awards for suggestions or inventions made by members of the Armed Forces which contribute to the efficiency, economy, or other improvement of Government operations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wish to propound a question to the gentleman.

This is similar to the incentive awards program in the civil service, is it not?

Mr. RIVERS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. This proposal, by the distinguished gentleman from Illinois [Mr. LIBONATI], is very, very similar to—almost identical with—what is now carried on for civil service workers in the Government in respect to incentive ideas and awards therefor.

Over the past 10 years these awards for the civilians have averaged about $20 or $30 per idea for the incentives. This will give the military men—primarily the enlisted men—the same right, because they are working side by side. It is only just.

That is all the bill will do.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 53 of title 10, United States Code, is amended—

(1) by adding the following new section at the end thereof:

"§ 1040. Cash awards for suggestions or inventions

"(a) The Secretary of Defense, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, may authorize the payment of a cash award to, and incur necessary expense for the honorary recognition of, a member of an armed force under his jurisdiction who by his suggestion or invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of operations or programs relating to the armed forces.

"(b) Whenever the President considers it desirable, the Secretary of Defense, and the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, are authorized to pay a cash award to, and incur necessary expense for the honorary recognition of, a member of an armed force who by his suggestion or invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of operations of the Government of the United States. Such award is in addition to any other award made to that member under subsection (a).

"(c) An award under this section may be paid notwithstanding the member's death or separation from the armed force concerned, but only if the suggestion or invention, superior accomplishment, or other personal effort forming the basis for the award was made while he was on active duty.

"(d) A cash award under this section is in addition to the pay and allowances of the recipient. The acceptance of such an award is considered to be an agreement by the member that the use by the United States of any idea, method, or device for which the award is made may not be the basis of a further claim against the United States by the member, his heirs, or assigns.

"(e) Awards to, and expenses for the honorary recognition of, members of the armed forces under this section may be paid from (1) the funds or appropriations available to the activity primarily benefiting; or (2) the several funds or appropriations of the various activities benefiting, as may be determined by the President for awards under subsection (b), and by the Secretary concerned for awards under subsection (a).

"(f) No award of more than $25,000 may be made under this section.

"(g) Awards under this section shall be made under regulations to be prescribed by the Secretary of Defense or by the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy. The Secretary of Defense and the Secretary of the Treasury shall send to the President annually for transmittal to Congress a progress report, with appropriate recommendations, on the awards program.

"(h) For the purposes of this section, a member of the Coast and Geodetic Survey or of the Public Health Service who is serving with an armed force shall be treated as if he were a member of that armed force."; and

(2) by adding the following new item at the end of the analysis:

"1040. Cash awards for suggestions or inventions."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. RIVERS of South Carolina. Mr. Speaker, there is, and has been for many years, a program under which civilian employees of the Government can receive cash awards for a "suggestion or invention, superior accomplishment, or other personal effort" which contributes to the efficiency, economy, or other improvement of operations or programs of the Government.

There is no such program for military personnel. This bill, H.R. 12193, would permit military personnel to receive awards in the same fashion that civilians do today. The upper limit in this bill, and in the civilian law, is $25,000.

Military and civilian personnel often work side by side on similar jobs, entailing similar authority and responsibility. By law, the civilian may receive a sizable cash award from public funds for a sound idea or invention. The military member does not, but should, have the same opportunity.

The committee feels that this bill constitutes a major step forward in encouraging initiative and in fully tapping the knowledge and creative ability of our military personnel.

I know and I am sure many of you know that for many years commanders out in the field have repeatedly said that we will never get maximum benefits from military ideas unless the military man finds himself on an equal plane with his civilian counterparts so far as incentive awards are concerned.

This is not to say by any means that our military people are not doing a top-notch job. We know that to be so. But they would be less than human if they were not motivated and encouraged to invent new devices, create new ideas as to how to do things better if they saw that as a result there was a true, immediate, financial recognition of their efforts in this respect.

I might say also that both the President and the Secretary of Defense have recently emphasized the need for money-saving ideas and cost consciousness among our personnel. Our Government is larger and more expensive today than it has ever been in peacetime. There has never been a time when we had greater need for encouraging new ideas and superior performance in all fields of endeavor. And the man that does the job is the one most likely to figure out a cheaper and better way to do it.

The system of incentive awards, of course, has been recognized in private business for a very long time. In a recent year, for example, General Motors paid $7 million to some 200,000 employees for suggestions. And it is the same in the other big companies. Private business actually depends on its employees in the office or wherever they are to tell management how to do things in a quicker, better, and cheaper way.

In 1963, Army, Navy, and Air Force civilian employees submitted 205,188 suggestions of which 59,000 were adopted. This resulted in first-year benefits of $58,115,057, as against a cost of $2,230,106 for cash awards. Since the Armed Forces is one of the largest groups of employees, this means of reaching the untapped idea potential of the hundreds of thousands of military personnel should, in the opinion of the committee, be adopted without delay.

Of course, it is hard to estimate in advance just what savings will be effected by the program contemplated by this bill by using the civilian figures and applying them to our 2,675,000 military people, but there is every reason to believe that we can save in a year about $164 million—at a cost to the Government of about $6 million.

There was one thing about the bill that caused the committee some concern. As you all know, military people receive certain special pays. The committee felt that there was at least a possibility that there might be some overlap between the incentive awards for superior accomplishment and these special pays.

Now, the committee could have amended the bill so as to make absolutely sure this would not happen. We were reluctant to do this, however, because if the wording of the law were different from the civilian law, it would mean that all of the body of precedents and all of the experience gained during the many years of the civilian program would be lost, at least to some extent, merely by reason of the fact that the wording of the law was different for the military than for the civilian.

So, instead of this the committee made a strong legislative record both during the subcommittee and the full committee hearings to insure that there would be no overlap of this kind. And in the report, the committee says this:

> The committee wishes to emphasize that the receipt of special pay, for example, proficiency pay, should not, of itself, be regarded as a qualification for the payment of a cash award. Some additional and specific performance of exceptional merit over and beyond that required for the receipt of such special pay would be necessary to enable a member of the Armed Forces to receive a cash award based on "superior accomplishment or other personal effort."

That is the bill in a nutshell. The committee feels that the military should have the same rights to incentive awards as the civilian employees do. The upper limit for an award in this bill is $25,000, the same as it is in the civilian law.

I think the only valid question that can be raised with respect to this legislation is why it was not done years ago.

Mr. LIBONATI. Mr. Speaker, H.R. 12193 has for its purpose the establishment of a program of cash awards for suggestions or inventions made by members of the Armed Forces which contribute to the efficiency, economy, or other improvements to Government operations.

The Navy and the civilians under civil service regulations now enjoy statutory provisions for carrying out these purposes.

The Coast Guard when not operating as a service in the Navy may authorize the payments of cash awards. The acceptance of the award waives by agreement any question of the right for permissive use of the idea, method, or invention by the United States; neither does it subject the Government to any further claim whatsoever.

The President determines the desirability if he sees fit of making the award. As to the Coast Guard—not operating under the Navy—the Secretary of Defense and the Secretary of the Treasury are authorized to make the award. A progress report, through the President, by the Secretary of Defense and the Secretary of the Treasury shall be transmitted to the Congress annually. Any member of the Coast and Geodetic Survey or of the Public Health Service serving with an armed force shall be included as if a member of the armed force.

It has come to the attention of the Congress that millions of dollars have been saved to the Government through the practical application of new ideas and the working out of new methods of operation by individuals in their respective capacities with the Armed Forces. Even formulas and inventive machinations have been worked out through resourceful individuals which have contributed to many problems confronting the Department of Defense in perfecting or accomplishing its programs.

Further great incentive is gained through the stimulating effect of the granting of recognition to those worthy of the honor conferred.

As a practical matter the true level of these determinations for the granting of an honorary reward rests with those who are best cognizant with the facts and the successful results realized. When claims are submitted to the Congress generally years later the facts are transmitted through a written report from the respective service involved. Individuals who submit the facts have in most cases relied on bits of information gathered through second and third parties or letters on file—generally inadequate to base any fair decision because of the lack of firsthand knowledge. The result is not at all satisfactory for an intelligent decision by the committee.

The same procedures as under this bill now in operation at other levels of Government have functioned well toward the accomplishment of these purposes.

There is no question of the need of this legislation. Its effect will do immeasurable good in lifting the morale of the men of the services and stimulating efforts toward improving the efficiency and spurring a desire for the solution of the many difficult problems of operation and method.

The distinguished chairman of the Armed Services Subcommittee, the genial L. MENDEL RIVERS, and his discerning committee have given this problem considerable attention. At the hearing each facet of the bill was thoroughly discussed. The expert testimony of the officials of the various services—Army, Air, and Coast Guard, together with representatives of the Geodetic and Public Health divisions of Government—was given in support of the bill. Chairman L. MENDEL RIVERS and the committee are to be congratulated in recommending the passage of H.R. 12193.

Its purposes establish a high ethical standard of justice to those who give meritorious service to our Government and the armed services to grant an honorary award is the right thing to do. A high sense of appreciation results in a stimulation of confidence in each individual receiving this high recognition. We as a nation owe a great deal more to these dedicated Americans.

Mr. BATES. Mr. Speaker, the gentleman from South Carolina [Mr. RIVERS]—who, incidentally, sat as chairman of the committee during the consideration of this bill—has stated in complete fashion what this bill will do.

Very simply stated it places our military inventors and suggesters in equality with our civilian inventors and suggesters. It does not do another thing.

The basic idea of incentive awards goes back very far. It is said that the idea originated with a Scottish shipbuilder, who instituted the first such program in his shipyards in 1880.

A New England manufacturing company, Yale & Towne, appears to be the company that first introduced the idea into this country in the early 1880's. The National Cash Register Co. started their program in 1894.

These programs spread so that in 1942 a National Association of Suggestion Systems was formed with headquarters in Chicago. It now comprises over 500 industrial firms—including General Motors Corp., Ford Motor Co., General Electric Corp.—State governments, Federal agencies, and many foreign countries.

The Federal Government began such a program in 1912 when the Secretary of War was authorized to pay cash awards for suggestions by workers in the Army's ordnance shops. A similar program was initiated by the Navy Department in 1918. These programs were generally inactive, however, until 1943 when the War Production Board spurred the defense industry into establishing a considerable employee suggestion program under the guidance of each factory's labor-management committee. In that year also the Navy Department revitalized its program under its old act of 1918 and the War Department, Interior Department, and Maritime Commission obtained special legislation through their appropriation acts to pay cash awards for adopted suggestions. It was not until 1946 that the suggestion program was extended Governmentwide under section 14, Public Law 79-600.

From 1955 until last year the Federal Government has received over 3 million suggestions from its civilian employees. It has adopted about 818,000 of them and has paid out to these civilian employees slightly over $23 million. These suggestions have resulted in improvable savings totaling almost $600 million. This is an impressive record. As the gentleman has stated, we have failed to tax the tremendous potential for money-saving ideas in our military services. This makes no sense at all. They are engaged in the most expensive business in the world, a business that of itself does not have a profit motivation. Here, then, is an area which is particularly well suited for encouraging creativeness, shortcuts, better ways to maintain machinery and cheaper operations throughout all of the myriad military activities.

I think it important to note that within the Department of Defense the same machinery, the same administrative practices, and in very great part, the same people will be used to carry out the military program. It is a going business and has been for many years, so there will be no groping, no searching for a way to administer the program, because it is already underway—and highly successful as is indicated by the figures which I have given you.

I will agree with the gentleman from South Carolina: "Why have we not done this before?"

GENERAL LEAVE TO EXTEND

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 12193).

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

E. A. ROLFE, JR.—CONFERENCE REPORT

Mr. ASHMORE submitted a conference report and statement on the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr.

ESTATE OF PAUL F. RIDGE

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4361) for the relief of the estate of Paul F. Ridge, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 8, 9, and 10, strike out "$5,581.28, with interest thereon at the rate of 6 per centum per annum from May 31, 1962, to the date of payment under this Act." and insert: "$5,581.28."

Page 2, line 4, strike out ", plus interest".

Page 2, lines 5 and 6, strike out "in excess of 10 per centum thereof".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ROBERT L. JOHNSTON

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6034) for the relief of Robert L. Johnston, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, lines 9 and 10, strike out "June 1, 1959, through March 31, 1963," and insert "June 17, 1959, through March 20, 1963,".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MAJ. JACK J. SHEA

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 8201) for the relief of Maj. Jack J. Shea, U.S. Air Force, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, strike out "$1,392.26" and insert "$568.20".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PENSIONS TO HOLDERS OF CONGRESSIONAL MEDAL OF HONOR

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2434) to amend section 560 of title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: Messrs. TEAGUE of Texas, DORN, HALEY, AYRES, and ADAIR.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to meet during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY

Mr. FEIGHAN. Mr. Speaker, the Subcommittee on Immigration began hearings this morning at 9:30. We had witnesses scheduled who represent nongovernmental organizations. When I learned we would meet at 10 o'clock this morning it was too late to reschedule the hearings. Many of the persons were en route to or in Washington. For that reason I ask unanimous consent that the subcommittee be permitted to continue hearings until 12 noon and no later today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. HALL. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I am opposed to the bill under consideration in this committee and certainly opposed to the principles of the so-called Hart bill in the other body, which, in my opinion, will scuttle the McCarran-Walter Act principle involving immigration into this country. I have previously objected to this subcommittee's hearings being held during the time of our most important extrahour sessions of the House—it is now 10:14 a.m.—This request to come in at 10 o'clock this morning was unanimously agreed to on the floor of the House last evening, or late in the afternoon on August 13, 1964. I do not want to be an obstructionist to the subcommittee of the gentleman from Ohio. In fact, I have appeared before it and issued a statement or made a deposition with this subcommittee. I have certainly had due process, and I want other people, some of whom I understand from the gentleman have traveled maybe long distances in order to attend these hearings, to have due process.

Mr. FEIGHAN. That is correct.

Mr. HALL. But in view of the importance of the matter, the rumored lack of notification to all Members of this morning 9:30 a.m. meeting, my opposition to the bill at this time, and the rush toward adjournment, Mr. Speaker, I am constrained to object.

The SPEAKER. Objection is heard.

AMEND SECTION 316 OF AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 1026) to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, after "1964" insert "; and by inserting after the word 'date' the words 'the 1964 amendment to'."

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. HOEVEN. Mr. Speaker, reserving the right to object, and I shall not object, will the gentleman please explain the nature of the amendment.

Mr. COOLEY. It is purely a technical amendment. The committee amendment relates to extension of the date of the enactment of the resolution rather than the date of the enactment of subsection (g) which was enacted in 1962. The amendment will thus provide an extension of 20 days after the enactment of this resolution.

Mr. HOEVEN. It just relates to the effective date of the act?

Mr. COOLEY. That is all.

Mr. HOEVEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EQUAL TREATMENT IN PAYMENT OF PER DIEM

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 2500) to equalize the treatment of Reserves and Regulars in the payment of per diem.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 303(c) of the Career Compensation Act of 1949, as amended, be further amended by inserting the following at the end of the ninth sentence thereof: "The term 'permanent station' may also include the home of a member upon order or call to or relief from active duty, active duty for training, or full time duty performed under the provisions of section 316, 502, 503, 504, or 505 of title 32, United States Code."

With the following committee amendment:

Strike all after the enacting clause and insert the following: "That section 404(a) of title 37, United States Code, is amended by striking out the word 'and' at the end of clause (2), striking out the period at the end of clause (3) and inserting in place thereof the word '; and', and adding the following new clause:

"(4) when away from home to perform duty, including duty to be performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in his status as a member of the National Guard, for which he is entitled to, or has waived, pay under this title."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF CERTAIN COMMISSIONED OFFICERS

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10328) for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all payments of uniform allowances made prior to the date of enactment of this Act under the provisions of section 305 of the Career Compensation Act of 1949, as amended (37 U.S.C. 255), to distinguished military graduates of the Reserve Officers' Training Corps or Air Force Reserve Officers' Training Corps, who were ordered to active duty as commissioned officers of a reserve component of the Army or Air Force while being considered for appointment in the Regular Army or Regular Air Force, are hereby validated. Any such officer or former officer who has made repayment to the United States of any amount so paid to him as uniform allowance is entitled to have refunded to him the amount repaid.

SEC. 2. Appropriations available to the military departments for the pay and allowances of officer personnel shall be available for payments under this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PUBLIC WORKS APPROPRIATION BILL, 1965

Mr. KIRWAN. Mr. Speaker, I call up the conference report on the bill (H.R. 11579) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1794)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11579) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission for the fiscal year ending June 30, 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 8, 12, and 17, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$22,194,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$939,943,200"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$77,862,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,404,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$10,054,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$185,616,500"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,261,573,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 4, 13, 14, 15, and 16.

MICHAEL J. KIRWAN,
JOHN E. FOGARTY,
GEORGE MAHON,
BEN F. JENSEN,
JOHN R. PILLION,
Managers on the Part of the House.

ALLEN J. ELLENDER,
CARL HAYDEN,
RICHARD B. RUSSELL,
JOHN L. MCCLELLAN,
LISTER HILL,
WARREN G. MAGNUSON (except for amendment No. 2),
SPESSARD L. HOLLAND,
ALAN BIBLE,
PAT MCNAMARA,
JOHN O. PASTORE,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
KARL E. MUNDT,
MARGARET CHASE SMITH,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11579) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission for the fiscal year ending June 30, 1965, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

Corps of Engineers—Civil

General Investigations

Amendment No. 1: Appropriates $22,194,000 instead of $20,590,000 as proposed by the House and $22,269,000 as proposed by the Senate. Funds provided are to be distributed as follows.

Item	Approved budget estimate for fiscal year 1965	Conference allowance
GENERAL INVESTIGATIONS		
1. Surveys:		
(a) Navigation studies	$2,257,000	$3,135,000
(b) Flood control studies	5,835,000	7,091,000
(c) Beach erosion cooperatives studies	458,000	523,000
(d) Comprehensive basin studies:		
Big Black River, Miss	65,000	65,000
Big Muddy River, Ill	125,000	125,000
Connecticut River Basin, Conn., Mass., Vt., and N.H	275,000	275,000
Genessee River Basin, N.Y. and Pa	130,000	130,000
Grand River Basin, Mich	175,000	175,000
Kanawha River, W. Va., Va., and N.C	250,000	250,000
Missouri River Basin	250,000	250,000
Ohio River Basin review	375,000	375,000
Pascagoula River Basin, Miss	125,000	200,000
Pearl River Basin, Miss	125,000	125,000
Puget Sound area, Washington	275,000	275,000
Red River below Denison Dam, La., Ark., Okla., and Tex	300,000	300,000
Sabin River, Tex	130,000	130,000
St. Johns River Basin, Maine	75,000	75,000
Susquehanna River Basin, N.Y., Pa., and Md	400,000	400,000
Upper Mississippi River Basin	350,000	350,000
Wabash River, Ind. and Ill	425,000	550,000
White River Basin, Ark. and Mo	300,000	300,000
Willamette River Basin, Oreg	350,000	350,000
(e) Special studies:		
Arkansas-Red River pollution study, Oklahoma, Texas, Kansas, Arkansas, and Louisiana	125,000	125,000
Coordination studies with other agencies (Public Law 566, Public Law 984, etc.)	260,000	260,000
Great Lakes-Hudson River Waterway, N.Y.	200,000	200,000
GENERAL INVESTIGATIONS—continued		
1. Surveys—Continued		
(e) Special Studies—Continued		
Jersey Meadows, N.Y. and N.J	$150,000	$150,000
Lake Erie-Ontario Waterway, N.Y		200,000
Texas coast	250,000	250,000
Subtotal, surveys	14,035,000	16,634,000
2. Collection and study of basic data:		
Stream gaging (U.S. Geological Survey)	280,000	280,000
Precipitation studies (U.S. Weather Bureau)	480,000	480,000
Fish and Wildlife Coordination Act studies (U.S. Fish and Wildlife Service)	210,000	210,000
International water studies	85,000	85,000
Food plain studies	725,000	725,000
Subtotal, collection and study of basic data	1,780,000	1,780,000
3. Research and development:		
Coastal engineering research and development	850,000	850,000
Hydrologic studies	190,000	190,000
Civil works investigations	1,500,000	1,500,000
Mississippi Basin model:		
Mississippi River comprehensive study	210,000	210,000
Maintenance	150,000	150,000
Nuclear explosives studies for civil construction	1,080,000	1,080,000
Subtotal, research and development	3,980,000	3,980,000
General reduction due to slippage		−200,000
Total, general investigations	19,795,000	22,194,000

Within the amount provided above the House figure $56,000 is for the coast of Hawaiian Island study. The $75,000 budgeted for the Nenana River, Alaska study has been deleted. The conferees of both Houses are in agreement on the Senate Report statement on comprehensive river basin studies.

Construction, General

Amendment No. 2: Appropriates $939,943,200 instead of $905,767,200 as proposed by the House and $942,791,200 as proposed by the Senate. The funds appropriated under this heading are to be allocated as shown in the following tabulation:

	Construction, general, State and project	Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	ALABAMA				
	Aquatic plant control. (See Louisiana.)				
(N)	Claiborne lock and dam	$1,000,000		$1,000,000	
(N)	Holt lock and dam	8,000,000		8,000,000	
(NP)	Jones Bluff lock and dam		$134,000		$134,000
(MP)	Millers Ferry lock and dam	6,000,000		6,000,000	
(N)	Mobile Harbor 40-foot channel	1,500,000		2,476,000	
(N)	Tennessee-Tombigbee Waterway, Ala. and Miss		100,000		100,000
	West Point Dam, Ala. and Ga. (See Georgia.)				
	ALASKA				
(N)	Repairs on other navigation projects in Alaska			500,000	
(MP)	Snettisham power project		750,000		750,000
	ARIZONA				
(FC)	Alamo Reservoir	2,500,000		2,500,000	
(FC)	Gila River downstream from Painted Rock Reservoir		251,000		251,000
(FC)	Pinal Creek		55,000		55,000
(FC)	Tucson diversion channel	2,400,000		2,400,000	
	ARKANSAS				
(N)	Arkansas River and tributaries, Arkansas and Oklahoma:				
	(a) Bank stabilization and channel rectification	15,000,000		15,000,000	
	(b) Navigation locks and dams	51,500,000		51,500,000	
(MP)	Beaver Reservoir	4,500,000		4,500,000	
(MP)	Dardanelle lock and dam	10,000,000		10,000,000	
(FC)	De Queen Reservoir		245,000		245,000
(MP)	Degray Reservoir	7,100,000		7,100,000	
(FC)	Dierks Reservoir		150,000		150,000
(FC)	Garland City	250,000		250,000	
(FC)	Gillham Reservoir	2,500,000		2,500,000	
(FC)	Maniece Bayou, upstream extension	100,000		100,000	
(FC)	Millwood Reservoir	17,697,000		17,697,000	
(MP)	Narrows Dam, addition of 3d power unit	350,000		350,000	
(N)	Ouachita and Black Rivers, Ark. and La	3,000,000		3,000,000	
(N)	Ozark lock and dam	1,000,000		1,000,000	
(FC)	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex	300,000		300,000	
(FC)	Village Creek, White River, and Mayberry Levee Districts		87,000		87,000
	CALIFORNIA				
(FC)	Alameda Creek, Del Valle Dam	750,000		750,000	
(FC)	Bear Creek	900,000		900,000	
(FC)	Buchanan Reservoir		200,000		200,000
(FC)	Camanche Reservoir	3,350,000		3,350,000	
(FC)	Corte Madera Creek		100,000		100,000
(N)	Dana Point Harbor		100,000		100,000
(FC)	Dry Creek (Warm Springs) Reservoir and channel improvement		450,000		450,000
(FC)	Hidden Reservoir		250,000		250,000
(BE)	Imperial Beach (reimbursement)	26,000		26,000	

	Construction, general, State and project	Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	CALIFORNIA—continued				
(FC)	Los Angeles County drainage area	$15,000,000		$15,000,000	
(FC)	Lower San Joaquin River and tributaries	1,000,000		1,000,000	
(N)	Marina Del Rey (Playa) Harbor	600,000		600,000	
	Martis Creek Reservoir, Calif. and Nev. (See Nevada.)				
(FC)	Merced River Reservoirs		$50,000	200,000	
(N)	Monterey Harbor		90,000		$90,000
(FC)	Mormon Slough		75,000		75,000
(MP)	New Melones Reservoir		450,000		700,000
(N)	Oakland Inner Harbor				110,000
(FC)	Oroville Reservoir	9,000,000		8,390,000	
(BE)	Point Mugu to San Pedro (reimbursement)	196,000		196,000	
(FC)	Redwood Creek		125,000		125,000
(FC)	Sacramento River bank protection	1,150,000		1,250,000	
(FC)	Sacramento River and major and minor tributaries	1,530,000		1,530,000	
(N)	Sacramento River deep water ship channel	350,000		350,000	
(N)	Santa Barbara Harbor				150,000
(N)	Santa Cruz Harbor	105,000		105,000	
(FC)	Tahchevah Creek	830,000		1,160,000	
(BE)	Ventura Pierpont Area (reimbursement)	224,000		224,000	
(FC)	Walnut Creek	1,810,000		1,810,000	
(FC)	West Fork Reservoir		207,000		207,000
	COLORADO				
(FC)	Trinidad Reservoir			750,000	
	CONNECTICUT				
(FC)	Ansonia-Derby		175,000		175,000
(FC)	Black Rock Reservoir		50,000		50,000
(FC)	Colebrook River Reservoir	500,000		500,000	
(N)	Connecticut River below Hartford—North Cove			578,000	
(FC)	Hancock Brook Reservoir	1,279,000		1,279,000	
(FC)	Hop Brook Reservoir	400,000		400,000	
(FC)	New London Barrier		100,000		100,000
(FC)	Northfield Brook Reservoir	1,346,000		1,346,000	
(FC)	Stamford	1,700,000		1,700,000	
(FC)	West Thompson Reservoir	2,300,000		2,300,000	
	DELAWARE				
	Delaware River, Philadelphia to sea, anchorages, Delaware, New Jersey, and Pennsylvania. (See New Jersey.)				
(N)	Inland Waterway, Delaware River to Chesapeake Bay (Chesapeake and Delaware Canal) pt. II, Delaware and Maryland	11,500,000		11,500,000	
(BE)	Rehoboth Beach to Indian River Inlet (reimbursement)	110,000		110,000	
	FLORIDA				
	Aquatic plant control. (See Louisiana.)				
(N)	Apalachicola River channel improvement	100,000		100,000	
(N)	Canaveral Harbor	3,900,000		3,900,000	
(FC)	Central and southern Florida	13,800,000		14,150,000	
(N)	Cross Florida Barge Canal	4,000,000		4,000,000	
(FC)	Four River Basins		200,000		200,000
(N)	Intracoastal Waterway: (*a*) Caloosahatchee River to Anclote River	700,000		850,000	
(N)	Miami Harbor	1,076,000		1,076,000	
(BE)	Palm Beach County, Lake Worth Inlet to South Lake Worth Inlet (reimbursement)	10,000		10,000	
(N)	Palm Beach Harbor	1,300,000		1,300,000	
(N)	Pensacola Harbor	300,000		550,000	
(N)	Port Everglades Harbor (1958 act)	1,254,000		1,254,000	
(N)	Tampa Harbor, Port Sutton and Ybor Channel	150,000		150,000	
	GEORGIA				
	Aquatic plant control. (See Louisiana.)				
(MP)	Carters Dam	6,000,000		6,000,000	
(N)	Savannah Harbor, Kings Island turning basin	340,000		340,000	
(MP)	West Point Reservoir, Ala. and Ga		500,000		500,000
	HAWAII				
(N)	Nawiliwili Harbor (sec. 107)			(144,000)	
(N)	Hilo Harbor		550,000		550,000
(R)	Kahului Harbor (breakwater)	1,000,000		1,000,000	
(FC)	Kawainui Swamp	700,000		700,000	
	IDAHO				
(FC)	Blackfoot Reservoir		46,000		46,000
(MP)	Dworshak (Bruces Eddy) Reservoir	8,500,000		8,500,000	
(FC)	Heise-Roberts Extension		70,000		70,000
(FC)	Ririe Reservoir				400,000
	ILLINOIS				
(BA)	Calumet River, bridges	1,300,000		1,300,000	
(N)	Calumet River and Harbor, Ill. and Ind.:				
	(*a*) 27-foot depth in river channel and Lake Calumet (1962 act)	1,500,000		2,500,000	
	(*b*) 29-foot approach channel, 28-foot outer harbor	2,500,000		2,500,000	
(FC)	Carlyle Reservoir	7,200,000		7,200,000	
(R)	Chicago Harbor (breakwater)	700,000		700,000	
(FC)	East St. Louis and vicinity	400,000		400,000	
(FC)	England Pond levee				30,000
(FC)	Freeport		125,000		125,000
(FC)	Henderson County Drainage District No. 1			100,000	
(FC)	Henderson County Drainage District No. 2			100,000	
(N)	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana	5,000,000		5,000,000	
(FC)	Indian Grave Drainage District		96,000		96,000
	Island levee, Indiana and Illinois. (See Indiana.)				
(N)	Kaskaskia River		400,000		400,000
(FC)	McGee Creek Drainage and Levee District		140,000		140,000
(N)	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo.:				
	(*a*) Regulating works	2,000,000		2,000,000	
	(*b*) Chain of Rocks	1,300,000		1,300,000	
(FC)	Mount Carmel	700,000		700,000	
(FC)	New Athens	120,000		120,000	
(FC)	Oakley Reservoir		275,000		275,000
(FC)	Prairie Du-Pont Levee and Sanitary District				47,000
(FC)	Rend Lake Reservoir	1,000,000		1,000,000	
(FC)	Richland Creek		200,000		200,000

	Construction, general, State and project	Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	ILLINOIS—continued				
(FC)	Rochester and McClearys Bluff levee	$750,000		$750,000	
(FC)	Saline River and tributaries		$75,000		$75,000
(FC)	Shelbyville Reservoir	2,800,000		2,800,000	
(FC)	Sny Island Levee Drainage District			400,000	
(FC)	Subdistrict No. 1 of Drainage Union No. 1 and Bay Island Levee and Drainage District	1,000,000		1,000,000	
(FC)	The Sny Basin	1,700,000		1,700,000	
(FC)	Tri-pond levee	470,000		470,000	
	INDIANA				
(FC)	Brookville Reservoir		165,000	665,000	
	Calumet River and Harbor, Ill. and Ind. (See Illinois.)				
(N)	Cannelton locks and dam, Indiana and Kentucky	11,600,000		11,600,000	
(FC)	Evansville	900,000		900,000	
(FC)	Huntington Reservoir	2,800,000		2,800,000	
	Illinois Waterway, Calumet-Sag modification, pt. I, Illinois and Indiana. (See Illinois.)				
(FC)	Island levee, Indiana and Illinois		38,000		38,000
(FC)	Levee unit 5, Wabash River	1,500,000		1,500,000	
(FC)	Mason J. Niblack levee	170,000		170,000	
	McAlpine lock and dam, Indiana and Kentucky. (See Kentucky.)				
(FC)	Mississinewa Reservoir	6,000,000		6,000,000	
(FC)	Monroe Reservoir	1,649,000		1,649,000	
(N)	Newburgh locks and dam, Indiana and Kentucky		110,000	2,100,000	
(FC)	Salamonie Reservoir	5,500,000		5,500,000	
(N)	Uniontown locks and dam, Indiana and Kentucky	1,000,000		1,000,000	
	IOWA				
(FC)	Central City Reservoir (restudy)				60,000
(FC)	Coralville Reservoir, Mehaffey Bridge	500,000		500,000	
(FC)	Des Moines	200,000		200,000	
(FC)	Dubuque		100,000		100,000
(FC)	Floyd River and tributaries	3,221,000		3,299,000	
(FC)	Green Bay Levee Drainage District No. 2	500,000		500,000	
(FC)	Indian Creek Dam	300,000		300,000	
(FC)	Iowa River-Flint Creek Levee District No. 16	1,500,000		1,500,000	
(FC)	Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska	4,000,000		4,000,000	
(N)	Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska:				
	(a) Sioux City, Iowa, to Omaha, Nebr	3,500,000		4,500,000	
	(b) Omaha, Nebr., to Kansas City	2,700,000		4,800,000	
	(c) Kansas City to the mouth	3,500,000		3,500,000	
(FC)	Rathbun Reservoir	1,750,000		1,750,000	
(FC)	Red Rock Reservoir	16,500,000		16,500,000	
(FC)	Saylorville Reservoir	1,200,000		1,200,000	
	KANSAS				
(FC)	Atchison		160,000		160,000
(FC)	Big Hill Reservoir		100,000		100,000
(FC)	Clinton Reservoir		240,000		240,000
(FC)	Council Grove Reservoir	688,000		688,000	
(FC)	Elk City Reservoir	7,500,000		7,500,000	
(FC)	Fort Scott Reservoir				100,000
(FC)	John Redmond (Strawn) Reservoir	1,288,000		1,288,000	
(FC)	Kansas City, Kans. (1962 modification)		100,000		100,000
(FC)	Lawrence	300,000		300,000	
(FC)	Marion Reservoir	2,700,000		3,000,000	
(FC)	Marysville			200,000	
(FC)	Melvern Reservoir		230,000		230,000
(FC)	Merriam		40,000		40,000
(FC)	Milford Reservoir	16,000,000		16,000,000	
	Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Perry Reservoir	8,500,000		8,500,000	
(FC)	Topeka	4,500,000		4,500,000	
(FC)	Wilson Reservoir	2,900,000		2,900,000	
	KENTUCKY				
(MP)	Barkley Dam, Ky. and Tenn	15,400,000		15,400,000	
(FC)	Bellvue (deferred) and Dayton (inactive)				25,000
(FC)	Booneville Reservoir		100,000		100,000
	Cannelton locks and dam, Indiana and Kentucky. (See Indiana.)				
(N)	Captain Anthony Meldahl locks and dam, Kentucky and Ohio	6,365,000		6,365,000	
(FC)	Carr Fork Reservoir	830,000		830,000	
(FC)	Cave Run Reservoir	1,300,000		1,300,000	
(FC)	Cumberland	490,000		490,000	
(FC)	Eagle Creek Reservoir		150,000		150,000
(FC)	Fishtrap Reservoir	10,400,000		18,000,000	
(FC)	Frankfort		130,000		130,000
(FC)	Grayson Reservoir	4,200,000		4,200,000	
(FC)	Green River Reservoir	4,000,000		4,000,000	
(MP)	Laurel River Reservoir			500,000	
(N)	McAlpine locks and dam (Louisville), Indiana and Kentucky	2,800,000		2,800,000	
	Newburgh locks and dam, Indiana and Kentucky. (See Indiana.)				
(FC)	Red River Reservoir		150,000		150,000
(FC)	Sturgis floodwall				75,000
	Uniontown locks and dam, Indiana and Kentucky. (See Indiana.)				
	LOUISIANA				
(N)	Aquatic plant control, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas	1,000,000		1,000,000	
(N)	Bayou Lafourche and Lafourche jump waterway	800,000		800,000	
(N)	Calcasieu River and Pass	4,000,000		5,000,000	
(N)	Calcasieu River, salt-water barrier	1,000,000		1,000,000	
(FC)	Campti Clarence levee	500,000		500,000	
(FC)	Comite (Sec. 205)			(1,000,000)	
(N)	Freshwater Bayou	1,400,000		1,400,000	
(N)	Mississippi River, gulf outlet	8,750,000		9,250,000	
(FC)	New Orleans to Venice hurricane protection (1962 act)	750,000		750,000	
	Ouachita and Black Rivers, Ark. and La. (See Arkansas.)				
	Red River levees and bank stabilization below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
	MAINE				
(N)	Portland Harbor, 45-foot channel	1,700,000		1,850,000	
	Portsmouth Harbor and Piscataqua River, Maine and N.H. (See New Hampshire.)				

	Construction, general, State and project	Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	MARYLAND				
(N)	Baltimore Harbor and Channel	$3,300,000		$3,500,000	
(FC)	Bloomington Reservoir, Md. and W. Va.		$350,000		$350,000
	Inland waterway, Delaware River to Chesapeake Bay, Del. and Md. (C. & D. Canal), part II. (See Delaware.)				
	MASSACHUSETTS				
(N)	Boston Harbor, Chelsea River	550,000		550,000	
(R)	Cape Cod Canal, Bourne Bridge	500,000		500,000	
(FC)	Chicopee Falls	620,000		620,000	
(FC)	Conant Brook Reservoir	1,000,000		1,000,000	
(N)	Gloucester Harbor	830,000		830,000	
(FC)	Littleville Reservoir	1,936,000		1,936,000	
(N)	Marblehead Harbor				50,000
(FC)	New Bedford-Fairhaven and Acushnet barrier	4,000,000		4,000,000	
(FC)	Three Rivers	435,000		435,000	
(FC)	Wareham-Marion		75,000		75,000
(FC)	Westfield	300,000		300,000	
	MICHIGAN				
(R)	Charlevoix Harbor (piers and revetments)	150,000		150,000	
(N)	Gladstone Harbor	617,000		617,000	
(N)	Great Lakes connecting channels	1,000,000		1,000,000	
(N)	Leland Harbor				30,000
(R)	Ludington Harbor (north revetment)	172,000		172,000	
(R)	Manistee Harbor (pier and revetment)	500,000		500,000	
(R)	Marquette Harbor	150,000		150,000	
(N)	Muskegon Harbor	560,000		560,000	
(R)	Muskegon Harbor (breakwaters, piers, and revetments)	150,000		150,000	
(N)	New Buffalo Harbor				50,000
(N)	Ontonagon Harbor		91,000		91,000
(FC)	Rouge River		178,000	400,000	
(N)	St. Marys River: New Poe lock	5,500,000		5,500,000	
(FC)	Saginaw River (flood control)	750,000		750,000	
(N)	Saginaw River (navigation)		120,000		120,000
	MINNESOTA				
(N)	Duluth-Superior Harbor, Minn. and Wis.: Inner harbor, 27- and 23-foot channels	675,000		675,000	
(FC)	Lost River	250,000		250,000	
(N)	Minnesota River, 9-foot channel	1,000,000		1,000,000	
(R)	Reservoirs at headwaters of Mississippi River, Winnibigoshish Dam (repair apron and cutoff walls)	235,000		235,000	
(FC)	Rushford		80,000		80,000
(FC)	St. Paul and South St. Paul	600,000		600,000	
(FC)	Winona	800,000		800,000	
	MISSISSIPPI				
	Aquatic plant control. (See Louisiana.)				
(FC)	Jackson and East Jackson			800,000	
(FC)	Okatibbee Creek Reservoir	500,000		500,000	
(N)	Pascagoula Harbor	620,000		620,000	
	Tennessee-Tombigbee Waterway, Ala. and Miss. (See Alabama.)				
(FC)	Tombigbee River and tributaries, Alabama and Mississippi			400,000	
	MISSOURI				
(FC)	Chariton River	650,000		650,000	
(FC)	Hannibal		155,000		155,000
(MP)	Joanna Reservoir		434,000		434,000
(MP)	Kaysinger Bluff Reservoir	1,500,000		1,500,000	
(MP)	Kaysinger Bluff Reservoir, highway construction	1,000,000		1,000,000	
(FC)	Marion County Drainage District	764,000		764,000	
(FC)	Meramec Park Reservoir				200,000
	Mississippi River between Ohio and Missouri Rivers, Ill. and Mo. (See Illinois.)				
	Missouri River agriculture levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Perry County Drainage and Levee Districts 1, 2, and 3	596,000		596,000	
(FC)	South River Drainage District	499,000		499,000	
(FC)	St. Louis	10,000,000		10,000,000	
(MP)	Stockton Reservoir	4,000,000		4,000,000	
	MONTANA				
(FC)	Billings (deferred)				25,000
(MP)	Libby Reservoir		1,000,000		1,000,000
	NEBRASKA				
(FC)	Gering Valley	1,400,000		1,400,000	
(R)	Harlan County Reservoir (slope protection)	1,600,000		1,600,000	
(FC)	Little Papillion Creek			80,000	
	Missouri River agricultural levees, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
	Missouri River channel stabilization, Iowa, Kansas, Missouri, and Nebraska. (See Iowa.)				
(FC)	Norfolk	300,000		300,000	
(FC)	Salt Creek and tributaries	3,000,000		3,000,000	
	NEVADA				
(FC)	Martis Creek Reservoir, Calif. and Nev.		125,000		200,000
	NEW HAMPSHIRE				
(BE)	Hampton Beach erosion (reimbursement)			109,000	
(N)	Portsmouth Harbor and Piscataqua River, Maine and N.H.	1,500,000		1,500,000	
	NEW JERSEY				
(R)	Cold Spring Inlet (jetties)	488,000		488,000	
(N)	Delaware River, Philadelphia to sea (anchorages), Delaware, New Jersey, and Pennsylvania	3,750,000		3,750,000	
(R)	Manasquan River (bulkheads)	90,000		90,000	
(N)	Newark Bay, Hackensack and Passaic Rivers, North Reach Channel	1,132,000		1,132,000	
(R)	New York and New Jersey Channels (Shooters Island dike), New York and New Jersey	264,000		264,000	
(FC)	Rahway (sec. 205)			(544,000)	
(FC)	Raritan and Sandy Hook Bays	1,100,000		1,100,000	
(MP)	Tocks Island Reservoir, Pa. and N.J.		450,000		450,000
	NEW MEXICO				
(FC)	Albuquerque	500,000		500,000	
(FC)	Cochiti Reservoir			1,000,000	
(FC)	Galisteo Reservoir			2,300,000	
(FC)	Las Cruces		192,000		192,000

	Construction, general, State and project	Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	NEW YORK				
	Allegheny River Reservoir, Pa. and N.Y. (See Pennsylvania.)				
(N)	Buffalo Harbor: Outer harbor—(1962 modification)	$1,406,000		$1,406,000	
(N)	Buttermilk Channel	1,300,000		1,300,000	
(BE)	Fire Island Inlet to Jones Inlet (1962 act)				$25,000
(BE)	Fire Island Inlet, Long Island	1,112,000		1,112,000	
(FC)	Fire Island Inlet to Montauk Point	1,900,000		1,900,000	
(N)	Great Lakes to Hudson River Waterway	400,000		400,000	
(N)	Hudson River, New York City to Albany	3,200,000		3,200,000	
(FC)	Ithaca, Cayuga Inlet	800,000		800,000	
(FC)	Lackawanna	500,000		500,000	
(FC)	Lake Chautauqua and Chadakoin River		$100,000		100,000
(R)	Little Sodus Bay (piers)	215,000		215,000	
	New York and New Jersey Channels (Shooters Island dikes), N.Y. and N.J. (See New Jersey.)				
(FC)	Nichols		35,000		35,000
(FC)	North Ellenville				50,000
(N)	Oswego Harbor (1962 act)	300,000		300,000	
(FC)	Rosendale		100,000		100,000
(FC)	Salamanca		75,000		75,000
(FC)	South Amsterdam	378,000		378,000	
	NORTH CAROLINA				
	Aquatic plant control. (See Louisiana.)				
(FC)	Carolina Beach, hurricane flood protection	300,000		678,000	
(N)	Masonboro Inlet jetties			150,000	
(FC)	New Hope Reservoir		250,000		250,000
(N)	Northeast Cape Fear (sec. 107)			(105,200)	
(N)	Wilmington Harbor, 38- and 40-foot depth (1962 act)		67,000		67,000
(FC)	Wrightsville Beach			541,000	
	NORTH DAKOTA				
(FC)	Bowman Haley Reservoir	800,000		1,200,000	
(FC)	Missouri River, Garrison Dam to Oahe Reservoir	800,000		800,000	
	Oahe Reservoir, S. Dak. and N. Dak. (See South Dakota.)				
(FC)	Velva (sec. 205)			(214,000)	
	OHIO				
(N)	Belleville locks and dam, Ohio and West Virginia	16,500,000		16,500,000	
(FC)	Big Darby Creek Reservoir	1,000,000		1,000,000	
(FC)	Buck Creek Reservoir		77,000	730,000	
(FC)	Caesar Creek Reservoir		150,000		150,000
	Captain Anthony Meldahl locks and dam, Kentucky and Ohio. (See Kentucky.)				
(N)	Cleveland Harbor (1962 act)			500,000	
(N)	Cleveland Harbor: Bridge replacement, widening Cuyahoga and Old Rivers (1958 act)	1,800,000		1,800,000	
(N)	Conneaut Harbor	1,000,000		1,000,000	
(FC)	Deer Creek Reservoir			500,000	
(FC)	East Fork Reservoir		150,000		150,000
(FC)	Empire (restudy)				25,000
(FC)	Fremont		130,000		130,000
(N)	Hannibal locks and dam, Ohio and West Virginia		230,000		230,000
(N)	Lorain Harbor	3,000,000		3,000,000	
(FC)	North Branch Kokosing River Reservoir		99,000		99,000
(FC)	Paint Creek Reservoir		116,000		116,000
(N)	Pike Island locks and dam, Ohio and West Virginia	7,539,000		7,539,000	
(N)	Racine locks and dam, Ohio and West Virginia	6,200,000		6,200,000	
(FC)	Salt Creek Reservoir		200,000		200,000
	Shenango River Reservoir, Ohio and Pa. (See Pennsylvania.)				
(FC)	West Branch Reservoir, Mahoning River	4,100,000		4,100,000	
(N)	Willow Island lock and dam, Ohio and West Virginia		325,000		325,000
(FC)	Youngstown, Crab Creek		25,000		25,000
	OKLAHOMA				
	Arkansas River and tributaries, Arkansas and Oklahoma. (See Arkansas.)				
(FC)	Birch Reservoir		155,000		155,000
(MP)	Broken Bow Reservoir	4,800,000		4,800,000	
(FC)	Copan Reservoir		150,000		150,000
(MP)	Eufaula Reservoir	3,000,000		3,000,000	
(FC)	Hugo Reservoir		150,000		150,000
(FC)	Kaw Reservoir		200,000		200,000
(MP)	Keystone Reservoir	6,000,000		6,000,000	
(FC)	Lukfata Reservoir		25,000		25,000
(FC)	Optima Reservoir		162,000		162,000
(FC)	Pine Creek Reservoir	3,500,000		3,500,000	
(MP)	Robert S. Kerr (Short Mountain) lock and dam	9,000,000		9,000,000	
(FC)	Skiatook Reservoir		225,000		225,000
(N)	Webbers Falls lock and dam	2,500,000		2,500,000	
	OREGON				
(FC)	Applegate Reservoir				150,000
(FC)	Blue River Reservoir	2,028,000		2,028,000	
(N)	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington	2,000,000		2,500,000	
(N)	Columbia River at the mouth, Oregon and Washington		130,000		130,000
(R)	Columbia River at the mouth (south jetty), Oregon and Washington	1,500,000		1,500,000	
(N)	Coos and Millicoma Rivers	555,000		555,000	
(MP)	Cougar Reservoir	585,000		585,000	
(FC)	Elk Creek				130,000
(FC)	Fall Creek Reservoir	8,500,000		8,500,000	
(MP)	Green Peter Reservoir	19,500,000		19,500,000	
(MP)	John Day lock and dam, Oregon and Washington	72,000,000		72,000,000	
(MP)	Lost Creek Reservoir		350,000		350,000
(FC)	Lower Columbia River bank protection, Oregon and Washington	500,000		500,000	
(FC)	Shelton Ditch		100,000		100,000
(R)	Tillamook Bay and Harbor	500,000		500,000	
(FC)	Willamette River Basin bank protection	500,000		500,000	
(N)	Yaquina Bay and Harbor	1,700,000		1,700,000	
	PENNSYLVANIA				
(FC)	Allegheny River Reservoir, Pa. and N.Y.	27,000,000		27,000,000	
(FC)	Aylesworth Creek Reservoir		80,000		80,000
(FC)	Beltzville Reservoir		276,000		276,000

	Construction, general, State and project	Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	PENNSYLVANIA—continued				
(FC)	Blanchard Reservoir			$1,000,000	
(FC)	Blue Marsh Reservoir		$100,000		$100,000
(FC)	Butler	$762,000		762,000	
(FC)	Curwensville Reservoir	3,200,000		3,200,000	
(N)	Dam 4, Monongahela River	3,800,000		3,800,000	
	Delaware River, Philadelphia to sea, anchorages, Delaware, New Jersey, and Pennsylvania. (See New Jersey.)				
(FC)	Elkland	800,000		800,000	
(N)	Erie Harbor (1962 modification)				25,000
(FC)	Latrobe	300,000		300,000	
(N)	Maxwell locks and dam, Monongahela River	5,500,000		5,500,000	
(FC)	Muddy Creek Reservoir		25,000		25,000
(FC)	Raystown Reservoir		700,000		700,000
(FC)	Scranton		45,000		45,000
(FC)	Shenango River Reservoir, Ohio and Pa	11,300,000		11,300,000	
(FC)	Tioga-Hammond Reservoir		300,000		300,000
	Tocks Island Reservoir, Pa. and N.J. (See New Jersey.)				
(FC)	Turtle Creek	4,500,000		4,500,000	
(FC)	Union City Reservoir		100,000		100,000
(FC)	Woodcock Reservoir		60,000		60,000
	RHODE ISLAND				
(FC)	Fox Point Barrier	1,857,000		1,857,000	
(FC)	Lower Woonsocket	2,000,000		2,000,000	
(FC)	Narragansett pier—Hurricane barrier		65,000		65,000
(FC)	Point Judith—Hurricane barrier		100,000		120,000
(N)	Warwick Cove (sec. 107)			(200,000)	
	SOUTH CAROLINA				
	Aquatic plant control. (See Louisiana.)				
	SOUTH DAKOTA				
(MP)	Big Bend Reservoir	14,500,000		14,500,000	
(MP)	Fort Randall Reservoir	1,270,000		1,270,000	
(MP)	Oahe Reservoir, S. Dak. and N. Dak	4,000,000		4,000,000	
	TENNESSEE				
	Barkley Dam, Ky. and Tenn. (See Kentucky.)				
(MP)	Cordell Hull lock and dam	7,100,000		8,100,000	
(MP)	J. Percy Priest Reservoir	12,100,000		12,100,000	
(BA)	Woodland Street Bridge, Nashville, Tenn	413,000		413,000	
	TEXAS				
	Aquatic plant control. (See Louisiana.)				
(FC)	Bardwell Reservoir	6,500,000		6,500,000	
(FC)	Big Fossil Creek	1,340,000		1,340,000	
(R)	Brazos Island Harbor (jetties)	750,000		750,000	
(FC)	Buffalo Bayou and tributaries	2,900,000		2,900,000	
(FC)	Canyon Reservoir	614,000		614,000	
(FC)	Fort Worth Floodway, Clear Fork extension	200,000		200,000	
(FC)	Fort Worth Floodway, West Fork extension	600,000		600,000	
(FC)	Freeport and vicinity	300,000		300,000	
(R)	Galveston Harbor (jetties)	1,800,000		1,800,000	
(N)	Galveston Harbor and Channel, 40-foot project	500,000		500,000	
(N)	Gulf Intracoastal Waterway: Guadalupe River channel to Victoria	2,955,000		2,955,000	
(N)	Houston ship channel (40-foot project)	3,200,000		3,200,000	
(FC)	Lake Kemp Reservoir		200,000		200,000
(FC)	Lavon Reservoir modification and channel improvement		225,000		225,000
(N)	Matagorda ship channel, 36- and 38-foot channels	2,477,000		2,477,000	
(FC)	Pat Mayse Reservoir		300,000	1,000,000	
(N)	Port Aransas-Corpus Christi Waterway (40-foot project), Gulf of Mexico to Viola	2,000,000		2,000,000	
(R)	Port Aransas-Corpus Christi Waterway (jetties)	800,000		800,000	
(FC)	Port Arthur and vicinity (hurricane flood protection)		389,000		389,000
	Red River levees and bank stabilization, below Denison Dam, Ark., La., and Tex. (See Arkansas.)				
(N)	Sabine-Neches waterway (40-foot project)			1,500,000	
(MP)	Sam Rayburn (McGee Bend) Dam	5,600,000		5,600,000	
(FC)	San Antonio Channel	1,000,000		1,000,000	
(FC)	San Gabriel River tributary to Brazos River		400,000		400,000
(FC)	Somerville Reservoir	5,200,000		5,200,000	
(FC)	Stillhouse Hollow Dam	3,600,000		3,600,000	
(FC)	Texas City	4,300,000		4,300,000	
(FC)	Vince and Little Vince Bayous		99,000		99,000
(FC)	Waco Reservoir	6,326,000		6,326,000	
(N)	Wallisville Reservoir		350,000		350,000
	VERMONT				
(FC)	Gaysville Dam (restudy)				20,000
	VIRGINIA				
(MP)	Gathright Dam				150,000
(FC)	John W. Flannagan (Pound) Reservoir	5,000,000		5,000,000	
(N)	Lynnhaven Inlet and Bay			200,000	
(FC)	Norfolk	1,460,000		1,460,000	
(FC)	North Fork of Pound Reservoir	3,000,000		3,000,000	
(BE)	Virginia Beach (reimbursement)	125,000		125,000	
	WASHINGTON				
(FC)	Colfax	1,500,000		1,500,000	
	Columbia River at the mouth, Oregon and Washington. (See Oregon).				
	Columbia River and lower Willamette River, 35- and 40-foot projects, Oregon and Washington. (See Oregon.)				
(FC)	Cowlitz County Consolidated Diking and Improvement District No. 2			50,000	
(R)	Grays Harbor and Chehalis River (south jetty)	500,000		500,000	
	John Day lock and dam, Oregon and Washington. (See Oregon.)				
(N)	Kingston Harbor			75,000	
(MP)	Little Goose lock and dam	13,000,000		13,000,000	
	Lower Columbia River bank protection, Oregon and Washington. (See Oregon.)				
(MP)	Lower Monumental lock and dam	37,500,000		37,500,000	
(FC)	Sammamish River	760,000		760,000	
(N)	Swinomish Slough	790,000		790,000	
(N)	Tacoma Harbor	900,000		900,000	
(FC)	Washougal area	700,000		700,000	
(FC)	Wynoochee River Reservior		200,000		200,000

	Construction, general, State and project	Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	WEST VIRGINIA				
(FC)	Beech Fork Reservoir	------------	$100,000	------------	$150,000
	Belleville locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	Birch Reservoir (deferred)	------------	------------	------------	50,000
	Bloomington Reservoir, Md. and W. Va. (See Maryland.)				
(FC)	Buckhannon	$175,000	------------	$175,000	------------
(FC)	East Lynn Reservoir	500,000	------------	500,000	------------
	Hannibal locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	Justice Reservoir	------------	650,000	------------	650,000
	Pike Island lock and dam, Ohio and West Virginia. (See Ohio.)				
(N)	Opekiska lock and dam	4,800,000	------------	4,800,000	------------
	Racine locks and dam, Ohio and West Virginia. (See Ohio.)				
(FC)	Summersville Reservoir	8,244,000	------------	9,000,000	------------
	Willow Island lock and dam, Ohio and West Virginia. (See Ohio.)				
	WISCONSIN				
	Duluth-Superior Harbors, Minn. and Wis. (See Minnesota.)				
(FC)	Eau Galle River, Spring Valley	400,000	------------	400,000	------------
(N)	Green Bay Harbor (1962 act)	------------	70,000	------------	70,000
(N)	Kenosha Harbor	335,000	------------	335,000	------------
(R)	Kewaunee Harbor (breakwater and revetment)	150,000	------------	150,000	------------
(FC)	Kickapoo River	------------	125,000	------------	125,000
(N)	Milwaukee Harbor (1935 act)	6,000	------------	6,000	------------
(N)	Milwaukee Harbor (1962 act)	400,000	------------	400,000	------------
(R)	Milwaukee Harbor (breakwater)	432,000	------------	432,000	------------
(N)	Saxon Harbor	------------	------------	200,000	------------
(R)	Sturgeon Bay-Lake Michigan ship canal	147,000	------------	147,000	------------
	MISCELLANEOUS				
(FC)	Small projects for flood control and related purposes not requiring specific legislation	6,000,000	------------	7,758,000	------------
(FC)	Snagging and clearing	250,000	------------	250,000	------------
(N)	Small navigation projects not requiring specific legislation costing up to $200,000 (sec. 107)	1,500,000	------------	1,949,200	------------
(BE)	Small beach erosion control projects not requiring specific legislation costing up to $400,000	500,000	------------	500,000	------------
	Recreation facilities, completed projects	4,000,000	------------	5,000,000	------------
	Small authorized projects	1,000,000	------------	1,000,000	------------
	Fish and wildlife studies (U.S. Fish and Wildlife Service)	500,000	------------	500,000	------------
(R)	Minor rehabilitation projects (costing up to $400,000)	500,000	------------	500,000	------------
	Employees compensation	176,000	------------	176,000	------------
	Reduction for anticipated savings and slippages	−70,000,000	------------	−70,000,000	------------
	Grand total, construction, general	878,439,000	20,669,000	917,782,200	22,161,000
		(899,108,000)		(939,943,200)	

Within the amount above the House figure for the central and southern Florida project, $300,000 is for the Cutler Drain.

The conferees agree that, if necessary, the Corps of Engineers should use its transfer authority to provide an additional $500,000 providing full capability of the Corps of $7.7 million to expedite the construction of the Carlyle Reservoir, Ill.

Amendments No. 3 and 4: Reported in disagreement.

Amendment No. 5: Correct a typographical error.

Flood Control, Mississippi River and Tributaries

Amendment No. 6: Appropriates $77,862,000 instead of $73,550,000 as proposed by the House and $79,920,000 as proposed by the Senate. Funds provided are to be distributed as follows:

Flood control, Mississippi River and tributaries, fiscal year 1965

Construction, general, State and project	Approved budget estimate for fiscal year 1965		Conference allowance	
	Construction	Planning	Construction	Planning
1. General investigations:				
(a) Examinations and surveys	$65,000		$125,000	
(b) Collection and study of basic data	85,000		85,000	
Subtotal, general investigations	150,000		210,000	
2. Construction and planning:				
Mississippi River levees	3,800,000	------------	4,000,000	------------
Channel improvement	24,500,000	------------	26,892,000	------------
Memphis Harbor	600,000	------------	600,000	------------
Old River control	200,000	------------	200,000	------------
St. Francis Basin	3,700,000	------------	3,700,000	------------
West Tennessee tributaries	1,400,000	------------	1,400,000	------------
Lower Arkansas River	300,000	------------	300,000	------------
Tensas Basin:				
Boeuf and Tensas Rivers, etc	900,000	------------	900,000	------------
Red River backwater	200,000	------------	300,000	------------
Yazoo Basin:				
Sardis Reservoir	70,000	------------	70,000	------------
Enid Reservoir	40,000	------------	40,000	------------
Arkabutla Reservoir	40,000	------------	40,000	------------
Grendada Reservoir	50,000	------------	50,000	------------
Greenwood	700,000	------------	700,000	------------
2. Construction & plan.—Con.				
Yazoo Basin—Con.				
Upper auxiliary channels	$100,000	------------	$100,000	------------
Main stem	800,000	------------	800,000	------------
Tributaries	1,600,000	------------	1,600,000	------------
Big Sunflower River, etc	650,000	------------	650,000	------------
Yazoo backwater	1,850,000	------------	2,000,000	------------
Bayou Cocodrie and tributaries	300,000	------------	300,000	------------
Atchafalaya Basin	7,200,000	------------	8,600,000	------------
Lake Ponchartrain	210,000	------------	210,000	------------
Subtotal, construction and planning	49,210,000	------------	53,452,000	------------
Reduction for anticipated savings and slippages	−1,500,000	------------	−1,500,000	------------
Total, construction and planning	47,710,000	------------	51,952,000	------------
3. Maintenance	24,000,000	------------	25,700,000	------------
Grand total	71,860,000	------------	77,862,000	------------

TITLE II—DEPARTMENT OF THE INTERIOR

National Park Service

Construction

Amendment No. 7: Appropriates $1,800,000 to the National Park Service to extend recreational and utility facilities in the Lake Mead National Recreation Area, as proposed by the Senate.

Bureau of Reclamation

General Investigations

Amendment No. 8: Provides $450,000 as proposed by the Senate instead of $400,000 as proposed by the House for investigations of projects in Alaska.

Amendments No. 9 and 10: Appropriate $11,404,000 instead of $10,354,000 as proposed by the House and $12,404,000 as proposed by the Senate and provide that $11,054,000 shall be derived from the Reclamation fund as proposed by the Senate instead of $9,054,000 as proposed by the House. The increase above the House figure includes $50,000 for Alaskan investigations and $1,000,000 for weather modification research.

Construction and Rehabilitation

Amendment No. 11: Appropriates $185,616,500 instead of $182,433,000 as proposed by the House and $185,689,000 as proposed by the Senate. The funds provided under this heading are to be distributed as follows:

Project	Budget estimate	Conference allowance
Delivery of water to Mexico		$2,000,000
Malta, Mont., street improvement		26,000
Advance planning	$200,000	200,000
Gila project, Arizona	1,190,000	1,190,000
Colorado River front and levee system, Arizona-California	4,265,000	4,665,000
Parker-Davis project, Arizona-California-Nevada	1,482,000	1,482,000
Central Valley project, California	55,546,000	54,480,000
Pacific Northwest-Pacific Southwest intertie	3,300,000	3,300,000
Fryingpan-Arkansas project, Colorado	6,200,000	6,200,000
Mann Creek project, Idaho	725,000	725,000
Wichita project, Cheney division, Kansas	1,480,000	1,480,000
Arbuckle project, Oklahoma	3,500,000	3,500,000
Norman project, Oklahoma	3,221,000	3,221,000
Baker project, upper division, Oregon	700,000	700,000
Rogue River Basin project, Talent division, Agate Dam and Reservoir, Oreg	400,000	400,000
The Dalles project, western division, Oregon	2,393,800	2,393,800
Canadian River project, Texas	22,100,000	22,100,000
Lower Rio Grande rehabilitation project, La Feria division, Texas	783,000	783,000
Lower Rio Grande rehabilitation project, Mercedes division, Texas	775,000	775,000
Weber Basin project, Utah	7,786,000	7,936,000
Chief Joseph Dam project, Okanogan-Similkameen division, Oroville, Tonasket unit, Washington	400,000	400,000
Columbia Basin project, Washington	6,800,000	8,300,000
Spokane Valley project, Washington	1,918,000	1,918,000
Riverton project, 3d division, Wyoming	1,300,000	1,300,000
Drainge and minor construction	$1,412,964	$1,412,964
Rehabilitation and betterment of existing projects	4,544,251	4,144,251
Reclamation office building		2,650,000
Subtotal	132,422,015	137,682,015
Missouri River Basin project:		
Ainsworth unit, Nebaraska	6,500,000	6,500,000
Almena unit, Kansas	1,350,000	2,200,000
East Bench unit, Montana	780,000	780,000
Farwell unit, Nebraska	2,700,000	2,700,000
Frenchman-Cambridge division, Nebraska	665,000	665,000
Glen Elder unit, Kansas	8,400,000	8,400,000
Transmission division	22,175,000	21,585,000
Yellowtail unit, Montana-Wyoming	19,950,000	19,950,000
Drainage and minor construction	1,915,000	1,915,000
Investigations	1,743,000	1,893,000
Advance planning	950,000	850,000
Subtotal, Missouri River Basin project	67,128,000	67,438,000
Other Department of the Interior agencies	3,349,000	3,371,500
Total, Missouri River Basin project	70,477,000	70,809,500
Subtotal, construction and rehabilitation	202,899,015	208,491,515
Undistributed reduction based on anticipated delays	−17,575,015	−22,875,015
Total, construction and rehabilitation	185,324,000	185,616,500

Central Valley project, California: Within the funds provided for the Central Valley project $1,500,000 is to be used to initiate work on the Westlands Water District distribution system. The conferees on the part of both Houses are in agreement on the Senate report statement concerning the deletion of $2,300,000 for transmission facilities in the San Luis project.

Reclamation office building: The conferees of both Houses are in agreement that this office building is to be constructed by the Bureau of Reclamation at the site and in conformity with the design already approved by the Bureau.

Missouri River Basin project—Transmission division: The conferees are in agreement that within the amount provided $100,000 is to be used to complete studies for a transmission system in the general area between Granite Falls and Jackson, Minn.; Sioux Falls, S. Dak.; and Spencer, Iowa.

Missouri River Basin project—Investigations: The increase over the House figure includes an additional $75,000 for the Marias-Milk unit, Montana, investigation to determine feasibility of providing irrigation service to the lower Marias area and an additional $150,000 for the Nebraska mid-State project. Within available funds $75,000 shall be used for a feasibility report on the Blue division and $20,000 for a reconnaissance survey of the Sheep Creek unit.

Other Department of the Interior agencies: The increase above the House figure includes $22,500 for transfer to the National Park Service for archeological work in the Missouri River Basin.

Amendment No. 12: Provides that $83,030,000 as proposed by the Senate instead of $80,000,000 as proposed by the House be derived from the reclamation fund.

Amendments Nos. 13, 14, 15, and 16: Reported in disagreement.

Bonneville Power Administration

Construction

Amendment No. 17: Appropriates $87,420,000 as proposed by the Senate instead of $41,220,000 as proposed by the House. The conferees on the part of both Houses are in agreement with the provisions in connection with use of the funds for the Pacific Northwest-Pacific Southwest intertie as set out in the Senate report.

TITLE III—ATOMIC ENERGY COMMISSION

Operating expenses

Amendment No. 18: Appropriates $2,261,573,000 instead of $2,261,073,000 as proposed by the House and $2,268,008,000 as proposed by the Senate. The funds appropriated under this heading are distributed as follows:

Program	Budget estimate	Conference allowance
Raw materials	$267,455,000	$267,455,000
Special nuclear materials	401,500,000	398,500,000
Weapons	771,747,000	765,000,000
Reactor development	497,900,000	494,000,000
Physical research	222,000,000	214,000,000
Biology and medicine	80,000,000	78,000,000
Training, education, and information	17,700,000	15,700,000
Isotopes development program	10,300,000	9,300,000
Civilian applications of nuclear explosives	11,000,000	11,000,000
Community program	$9,035,000	$9,035,000
Program direction and administration	76,780,000	76,000,000
Security investigation program	7,000,000	7,000,000
Cost of work for others	5,100,000	5,100,000
Change in selected resources	−18,451,000	−21,451,000
Revenues and reimbursements from non-Federal sources	−36,066,000	−47,066,000
Unobligated balance brought forward		−20,000,000
Total	2,323,000,000	2,261,573,000

The amount provided above the House figure includes $3,500,000 for the special nuclear materials program; $4,000,000 for the reactor development program, including $3,000,000 for the project Pluto; and $4,000,000 for the physical research program.

TITLE IV—INDEPENDENT OFFICES

St. Lawrence Seaway Development Corporation

Limitation of Administrative Expenses

Amendment No. 19: Provides a limitation of $4,000 instead of $6,000 as proposed by the House and $2,000 as proposed by the Senate for representation allowances.

MICHAEL J. KIRWAN,
JOHN E. FOGARTY,
GEORGE MAHON,
BEN F. JENSEN,
JOHN R. PILLION,
Managers on the Part of the House.

The SPEAKER pro tempore (Mr. KEOGH). The gentleman from Ohio [Mr. KIRWAN] is recognized for 1 hour.

Mr. KIRWAN. Mr. Speaker, the conference report figure is $4,430,794,700 as contained in this bill. It provides for the appropriation of $23,554,000 over the amount appropriated for the last fiscal year. This figure is about $10 million below the budget estimate for the year 1965.

Public Works Appropriation Bill, 1965

Summary table

Item	Appropriations, 1964	Budget estimate, 1965 (as amended)	Passed House	Passed Senate	Conference action	Conference action compared with—			
						Appropriations, 1964	Budget estimate	Passed House	Passed Senate
TITLE I—DEPARTMENT OF DEFENSE—CIVIL									
Department of the Army									
CEMETERIAL EXPENSES									
Salaries and expenses	$10,800,000	$13,295,000	$13,295,000	$13,295,000	$13,295,000	+$2,495,000			
CORPS OF ENGINEERS—CIVIL									
General investigations	19,115,000	[1] 19,795,000	20,590,000	22,269,000	22,194,000	+3,079,000	+$2,399,000	+$1,604,000	−$75,000
Construction, general	827,146,500	[2] 899,108,000	905,767,200	942,791,200	939,943,200	+112,796,700	+40,835,200	+34,176,200	−2,848,000
Operation and maintenance, general	[3] 155,700,000	158,676,000	158,676,000	158,676,000	158,676,000	+2,976,000			
Flood control, hurricane, and shore protection emergencies	([4])	4,150,000	4,150,000	4,150,000	4,150,000	+4,150,000			
General expenses	15,000,000	15,575,000	15,575,000	15,575,000	15,575,000	+575,000			
Flood control, Mississippi River and tributaries	77,862,000	71,860,000	73,550,000	79,920,000	77,862,000		+6,002,000	+4,312,000	−2,058,000
U.S. Section, St. Lawrence River Joint Board of Engineers	10,000					−10,000			
Total, rivers and harbors and flood control	1,094,833,500	[2] 1,169,164,000	1,178,308,200	1,223,381,200	1,218,400,200	+123,566,700	+49,236,200	+40,092,000	−4,981,000
THE PANAMA CANAL									
Canal Zone Government:									
Operating expenses	25,725,000	[1] 29,088,000	29,088,000	29,088,000	29,088,000	+3,363,000			
Capital outlay	6,500,000	4,821,000	4,821,000	4,821,000	4,821,000	−1,679,000			
Panama Canal Company: Limitation on general administrative expenses	(9,285,000)	(10,639,000)	(10,639,000)	(10,639,000)	(10,639,000)	(+1,354,000)			
Total, the Panama Canal	32,225,000	33,909,000	33,909,000	33,909,000	33,909,000	+1,684,000			
Total, title I	[3] 1,137,858,500	[2] 1,216,368,000	1,225,512,200	1,270,585,200	1,265,604,200	+127,745,700	+49,236,200	+40,092,000	−4,981,000
TITLE II—DEPARTMENT OF THE INTERIOR									
NATIONAL PARK SERVICE									
Construction (supplemental, 1965)		[5] (1,800,000)		1,800,000	1,800,000	+1,800,000	+1,800,000	+1,800,000	
BUREAU OF RECLAMATION									
General investigations	10,294,000	10,500,000	10,354,000	12,404,000	11,404,000	+1,110,000	+904,000	+1,050,000	−1,000,000
Construction and rehabilitation	185,431,000	[6] 185,324,000	182,433,000	185,689,000	185,616,500	+185,500	+292,500	+3,183,500	−72,500
Operation and maintenance	[7] 37,697,000	[8] 40,219,000	40,219,000	40,219,000	40,219,000	+2,522,000			
Indefinite appropriation of receipts	(4,020,000)	(4,269,000)	(4,269,000)	(4,269,000)	(4,269,000)	(+249,000)			
Loan program	12,367,000	[6] 12,307,000	12,307,000	12,307,000	12,307,000	−60,000			
Emergency fund				1,000,000	1,000,000	+1,000,000	+1,000,000	+1,000,000	
Upper Colorado River Basin fund	97,989,200	62,300,000	62,300,000	62,300,000	62,300,000	−35,689,200			
General administrative expenses	10,000,000	10,400,000	10,400,000	10,400,000	10,400,000	+400,000			
Total, Bureau of Reclamation	353,778,200	321,050,000	318,013,000	324,319,000	323,246,500	−30,531,700	+2,196,500	+5,233,500	−1,072,500
BONNEVILLE POWER ADMINISTRATION									
Construction	36,204,000	[10] 89,020,000	41,220,000	87,420,000	87,420,000	+51,216,000	−1,600,000	+46,200,000	
Operation and maintenance	[9] 13,840,000	14,980,000	14,980,000	14,980,000	14,980,000	+1,140,000			
Total, Bonneville Power Administration	[9] 50,044,000	104,000,000	56,200,000	102,400,000	102,400,000	+52,356,000	−1,600,000	+46,200,000	
SOUTHEASTERN POWER ADMINISTRATION									
Operation and maintenance	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000				
SOUTHWESTERN POWER ADMINISTRATION									
Construction	3,000,000	2,770,000	2,610,000	2,610,000	2,610,000	−390,000	−160,000		
Operation and maintenance	1,500,000	1,680,000	1,680,000	1,680,000	1,680,000	+180,000			
Continuing fund (indefinite appropriation of receipts)	(4,500,000)	(4,500,000)	(4,500,000)	(4,500,000)	(4,500,000)				
Total, Southwestern Power Administration	4,500,000	4,450,000	4,290,000	4,290,000	4,290,000	−210,000	−160,000		
Total, definite appropriations	409,322,200	430,500,000	379,503,000	433,809,000	432,736,500	+23,414,300	+2,236,500		
Total, indefinite appropriations	8,520,000	8,769,000	8,769,000	8,769,000	8,769,000	+249,000			
Total, title II	417,842,200	439,269,000	388,272,000	442,578,000	441,505,500	+23,663,300	+2.236,500	+53,233,500	−1,072,500
TITLE III—ATOMIC ENERGY COMMISSION									
Operating expenses	2,342,669,000	2,323,000,000	2,261,073,000	2,268,008,000	2,268,573,000	−81,096,000	−61,427,000	+500,000	−6,435,000
Indefinite appropriation of receipts	(31,574,000)	(36,066,000)	(36,066,000)	(47,066,000)	(47,066,000)	(+15,492,000)	(+11,000,000)	(+11,000,000)	
Plant and capital equipment	400,000,000	370,000,000	363,000,000	363,000,000	363,000,000	−37,000,000	−7,000,000		
Total, Atomic Energy Commission	2,742,669,000	2,693,000,000	2,624,073,000	2,631,008,000	2,624,573,000	−118,096,000	−68,427,000	+500,000	−6,435,000
Total, definite appropriation	2,742,669,000	2,693,000,000	2,624,073,000	2,631,008,000	2,624,573,000	−118,096,000	−68,427,000	+500,000	−6,435,000
Total, indefinite appropriation	31,574,000	36,066,000	36,066,000	47,066,000	47,066,000	+15,492,000	+11,000,000	+11,000,000	
Total, title III	2,774,243,000	2,729,066,000	2,660,139,000	2,678,074,000	2,671,639,000	−102,604,000	−57,427,000	−11,500,000	−6,435,000

See footnotes at end of table.

PUBLIC WORKS APPROPRIATION BILL, 1965—Continued

Summary table—Continued

Item	Appropriations, 1964	Budget estimate, 1965 (as amended)	Passed House	Passed Senate	Conference action	Conference action compared with—			
						Appropriations, 1964	Budget estimate	Passed House	Passed Senate
TITLE IV—INDEPENDENT OFFICES									
St. Lawrence Seaway Development Corporation:									
Limitation on administrative expenses	($429,000)	($450,000)	($450,000)	($450,000)	($450,000)	(+$21,000)	--------	--------	--------
Tennessee Valley Authority	47,142,000	50,915,000	47,915,000	47,915,000	47,915,000	+773,000	−$3,000,000	--------	--------
Delaware River Basin Commission:									
Salaries and expenses	38,000	39,000	39,000	39,000	39,000	+1,000	--------	--------	--------
Contribution to the Delaware River Basin Commission	117,000	92,000	92,000	92,000	92,000	−25,000	--------	--------	--------
Total, Delaware River Basin Commission	155,000	131,000	131,000	131,000	131,000	−24,000	--------	--------	--------
Public works acceleration	30,000,000	5,000,000	4,000,000	4,000,000	4,000,000	−26,000,000	−1,000,000	--------	--------
Total, title IV	77,297,000	56,046,000	52,046,000	52,046,000	52,046,000	−25,251,000	−4,000,000	--------	--------
Grand totals:									
Total, definite appropriations	4,367,146,700	4,395,914,000	4,281,134,200	4,387,448,200	4,374,959,700	+7,813,000	−20,954,300	+$93,825,500	--------
Total, indefinite appropriations	40,094,000	44,835,000	44,835,000	55,835,000	55,835,000	+15,741,000	+11,000,000	+11,000,000	--------
Grand total, all titles	4,407,240,700	4,440,749,000	4,325,969,200	4,443,283,200	4,430,794,700	+23,544,000	−9,954,300	+104,825,500	−$12,488,500

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[1] Reflects increase in H. Doc. No. 309.

[2] Reflects reduction in H. Doc. No. 240: H. Doc. No. 309; and increase of $19,800,000 in S. Doc. No. 90.

[3] Includes $1,700,000 in Public Law No. 88-317.

[4] Funds for this activity were included with "Operation and maintenance, general" appropriation in fiscal year 1964.

[5] To be financed by transfer from "Construction and rehabilitation," Bureau of Reclamation.

[6] Reflects decrease of $706,000 in H. Doc. No. 309, and increase of $3,300,000 in S. Doc. No. 89.

[7] Reflects transfer to Bureau of Land Management of $303,000 in Deficiency Appropriations Act, 1964.

[8] Reflects reduction of $81,000 in H. Doc. No. 240.

[9] Include $340,000 in Public Law No. 88-317.

[10] Reflects increase of $45,200,000 in S. Doc. No. 89.

(CORPS OF ENGINEERS—GENERAL INVESTIGATION)

Projects included in increases above the House figure

	House allowance	Allocation of Senate increase
FLOOD CONTROL STUDIES		
Alabama: Flint River	--------	+$10,000
Arizona: Gila and Salt Rivers, Salt River from Maxwell Dam site to the mouth	--------	+30,000
California:		
Mad River, Calif	--------	+15,000
Sacramento River and Butte Basin, Calif	--------	+20,000
Florida:		
Martin County	$50,000	+30,000
South New River Canal	--------	+20,000
Idaho: Portneuf River and tributaries	--------	+35,000
Indiana: Maumee River, Ind. and Ohio	30,000	+10,000
Iowa: Nishnabotna River Valley	50,000	+10,000
Kansas: Arkansas River, Hutchinson-Cimarron, Kans. and Okla	50,000	+10,000
Kentucky: Southwestern Jefferson County	--------	+20,000
Louisiana: Ouachita River, Columbia, La	--------	+10,000
Mississippi:		
Town Creek at Jackson, Miss	--------	+20,000
Tombigbee River at Columbus, including Luxapalila Creek, Miss	--------	+35,000
Nebraska: Papillion Creek	50,000	+50,000
Nevada: Truckee Meadows	25,000	+25,000
North Carolina:		
Neuse River, N.C	--------	+20,000
Northeast Cape Fear River, N.C	--------	+15,000
Ohio: Muskingum River Basin	70,000	+20,000
Oregon:		
Beaver Creek	5,000	+5,000
Yaquina River	5,000	+5,000
South Dakota: Cheyenne and Belle Fourche Rivers, S. Dak. and Wyo	--------	+10,000
Texas: Buffalo Bayou and tributaries, Texas	--------	+75,000
Utah: Mill and Pack Creeks-Moab, Utah	50,000	+15,000
Virginia: James River, Lynchburg	50,000	+10,000
NAVIGATION STUDIES		
Alaska:		
Auke Bay	--------	+15,000
Kobuk River	--------	+10,000

Projects included in increases above the House figure—Continued

	House allowance	Allocation of Senate increase
NAVIGATION STUDIES—con.		
California:		
Los Angeles-Long Beach Harbor	--------	+$25,000
Sunset Harbor	--------	+15,000
Connecticut:		
New London Harbor	--------	+10,000
Thames River	--------	+10,000
Florida:		
Central and southern Florida navigation locks	--------	+16,000
Intercoastal Waterway, St. Marks River to Tampa Bay	$80,000	+20,000
Georgia: Brunswick Harbor	--------	+50,000
Hawaii: Coast of Hawaiian Islands	--------	+56,000
Idaho: Asotin lock, Idaho and Washington	--------	+20,000
Louisiana:		
Atchafalaya River, Bayou Chene, Bayou Boeuf, and Bayou Black	--------	+10,000
Barataria Bay Waterway	--------	+10,000
Gulf Intracoastal Waterway, east of Mississippi River-gulf outlet and in the Michoud Canal	--------	+15,000
Maryland:		
Choptank River	--------	+10,000
Crisfield Harbor	--------	+10,000
Michigan:		
Detroit River, Trenton Channel	--------	+15,000
Lake Erie coast, Michigan and Ohio	25,000	+5,000
Mississippi: Biloxi Harbor	--------	+24,000
New Jersey:		
Cape May-Lewes Crossing, N.J. and Del	--------	+20,000
New Jersey Intracoastal Waterway, Shrewsbury River to Delaware Bay	25,000	+15,000
New York: East River, N.Y., South Brother Island	--------	+19,000
North Carolina:		
Hatteras Inlet	--------	+15,000
Pamlico River	--------	+20,000
Ohio:		
Cleveland Harbor (drift removal)	--------	+10,000
Lake Erie coast, Ohio, Pennsylvania, and New York	60,000	+10,000
Rhode Island: Bessell Cove	--------	+20,000
Virginia: Drift removal, Hampton Roads and Norfolk Harbor	12,000	+12,000
Washington:		
Everett Harbor	--------	+15,000
Neah Bay	--------	+15,000

Mr. Speaker, I yield such time as he may desire to the gentleman from Iowa [Mr. JENSEN].

Mr. JENSEN. Mr. Speaker, with reference to this conference report I would simply like to say that this is a most difficult bill to handle, the public works appropriation bill. As the Members of the House know, every State in the Union has items in this bill and is greatly interested in what happens to the public works appropriation bill, as well as possibly half of the Members of Congress. The Members of Congress are interested in the bill because they have projects contained in the bill which are located in their respective districts.

Mr. Speaker, we have reduced the budget estimate by almost $10 million. That represents no small chore. Many of the most conservative Members of this House and of the Congress come before our committee and ask that we appropriate more money for projects which are located in their respective districts. It is not an easy matter or a pleasant duty to deny many of those demands or requests.

Mr. Speaker, had we accepted all of the requests of the hundreds of Members of Congress who came before our committee, this bill would possibly be a quarter of a billion dollars more than it is.

So, Mr. Speaker, I can only compliment our good chairman, the gentleman from Ohio [Mr. KIRWAN] and the other members of the committee, as well as the clerks of the committee, for a job well done.

Mr. KIRWAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. PILLION].

Mr. PILLION. Mr. Speaker, I would like to say to the Members of the House at this time that this report represents a very equitable settlement of the differences between the House and the Senate.

Mr. Speaker, I certainly commend the gentleman from Ohio [Mr. Kirwan] for the effective way in which he represented the position of the House in the conference with the Senate. He was chief trial lawyer at that conference. He handled the matter in a straightforward way and very effectively.

Mr. Speaker, I would like the Members of the House to know this.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I rise in support of the conference report on H.R. 11579, the public works appropriations bill for fiscal year 1965. This bill is always referred to outside of Congress as the pork-barrel bill. The allusion is that the bill provides taxpayers' money for unneeded and wasteful projects, that it is fattened by politics, and that it is a gigantic boondoggle.

I say that the programs and projects that come from public works and reclamation are an investment in America. They preserve our land and conserve our natural resources. If it had not been for these programs this great Nation of ours would be stripped bare by the ravages of storms, the rapaciousness of furious flooding rivers, the savage winds, and driving rains. It would lie wasted by the ferociousness of forest fires, and floods, and, sometimes too often, by the greed of man. These projects contain the elements and enable the river, the rains, the harbors, and the mountains to work for mankind, and not against mankind.

Mr. Speaker, as a Member of Congress that sits on the Appropriations Subcommittee on Public Works, I have been invited and have traveled to many places in the United States to join in groundbreaking and dedication ceremonies. And, incidentally, none have given me a greater sense of personal pride and satisfaction than those I have been invited to in my own native New England, and particularly in my own Second Congressional District of Massachusetts. Only last Saturday, August 8, I was supposed to attend the groundbreaking ceremony for the Conant Brook Dam and Reservoir in Monson, Mass., in my district, but had to cancel out because of the vote on the poverty bill in the House that day. This project is an integral unit in the flood protection plan for the Chicopee River Basin, and the larger Connecticut River Valley Basin.

When Hurricane Diane struck with devastating force on August 19, 1955, and caused $21,500,000 in property damage in the Chicopee River Basin, I was sitting as a new member of the House Public Works Appropriations Subcommittee. During the 10 years that I have sat on this important subcommittee, I am happy that the flood control program for all of New England has moved ahead with speed and effectiveness. New England has suffered from great floods and hurricanes, in 1936, 1938, 1944, 1954, and 1955, and I take pride in the part that I have played to guarantee an adequate flood control protection for the New England area. Great and important strides have been made during these last 10 years to give protection to the lives and property of the people in New England from the terrible ravages of flood and savage waters. Yes, indeed, we have come a long way since the Congress made it a policy of national import in 1936 to assist the States and local communities in public works projects constructed to control the rivers, streams, and harbors.

Mr. Speaker, at this time I wish to have inserted with my remarks at this point in the Record a summary table and detailed project lists containing information concerning the flood control and hurricane protection program in the New England region. The lists indicate by river basins those projects in the New England division, Army Corps of Engineers, jurisdictional boundaries, which were completed between 1936 and 1954; projects completed from the time of Hurricane Diane in 1955 to 1964; projects currently under design; active authorized projects; authorized projects presently in the "deferred projects" category; and survey reports being processed for congressional consideration. They also reflect the latest available information on individual project cost estimates, status, and the Federal appropriations to date. The bill before us today provides the following appropriations for fiscal year 1965 in Massachusetts:

Construction, general, State and project		Budget estimate for fiscal year 1965 (as amended)		Conference allowance	
		Construction	Planning	Construction	Planning
	Massachusetts:				
(N)	Boston Harbor, Chelsea River	$550,000		$550,000	
(R)	Cape Cod Canal, Bourne Bridge	500,000		500,000	
(FC)	Chicopee Falls	620,000		620,000	
(FC)	Conant Brook Reservoir	1,000,000		1,000,000	
(N)	Gloucester Harbor	830,000		830,000	
(FC)	Littleville Reservoir	1,936,000		1,936,000	
(N)	Marblehead Harbor				$50,000
(FC)	New Bedford-Fairhaven and Acushnet Barrier	4,000,000		4,000,000	
(FC)	Three Rivers	435,000		435,000	
(FC)	Wareham-Marion		$75,000		75,000
(FC)	Westfield	300,000		300,000	

Mr. Speaker, the tables I referred to above follow:

Flood control and hurricane program (projects) New England

I. FLOOD CONTROL

River basin	Number of reserviors	Number of local protection	Federal cost	Non-Federal cost	Total cost	Federal appropriations through fiscal year 1964
A. Completed prior to August 1955:						
Connecticut	5	9	$35,368,400	$4,705,300	$40,073,700	$34,602,700
Merrimack	3	4	15,949,200	213,300	16,162,500	15,949,200
Thames	1	0	6,447,000	0	6,447,000	6,406,000
Coastal	0	1	52,200	2,800	55,000	52,200
Total	9	14	57,816,800	4,921,400	62,738,200	57,010,100
B. Completed since August 1955 or presently under construction:						
Blackstone	1	3	18,118,000	4,102,000	22,220,000	12,580,800
Connecticut	9	8	57,643,000	2,319,400	59,962,400	51,405,200
Housatonic	5	3	25,934,300	1,755,300	27,689,600	23,367,300
Merrimack	1	1	21,220,000	0	21,220,000	21,175,400
Thames	5	1	27,623,600	72,000	27,695,600	23,705,900
Coastal	0	4	523,800	102,100	625,900	523,800
Total	21	20	151,062,700	8,350,800	159,413,500	132,758,400
C. Under design:						
Connecticut	2	1	20,800,000	1,680,000	22,480,000	963,000
Housatonic	2	1	17,605,000	425,000	18,030,000	485,000
Total	4	2	38,405,000	2,105,000	40,510,000	1,448,000
D. Future (authorized, recommended or deferred):						
Connecticut	4	0	39,800,000	1,200,000	41,000,000	415,000
Housatonic	0	2	5,600,000	930,000	6,530,000	
Total	4	2	45,400,000	2,130,000	47,530,000	415,000
Total flood control	38	38	292,684,500	17,507,200	310,191,700	191,631,500

***Flood control and hurricane program (projects) New England*—Continued**

II. HURRICANE (ALL SINCE 1955)

River basin	Number of reserviors	Number of local protection	Federal cost	Non-Federal cost	Total cost	Federal appropriations through fiscal year 1964
Completed or under construction		4	$30,286,500	$16,413,500	$46,700,000	$16,687,500
Under design		5	12,262,000	5,738,000	18,000,000	246,800
Future, authorized		1	1,750,000	750,000	2,500,000	
Recommended		2	8,150,000	3,760,000	11,910,000	
Total hurricane		12	52,448,500	26,661,500	79,110,000	16,934,300
Total program	38	50	345,133,000	44,168,700	389,301,700	208,565,800

I. FLOOD CONTROL

A. PROJECT COMPLETED PRIOR TO 1955

[In thousands of dollars]

Project	Completion date	Federal cost	Non-Federal cost	Total	Federal appropriations through fiscal year 1964
CONNECTICUT RIVER BASIN					
Dams and reservoirs:					
Birch Hill Reservoir, Mass.	1942	4,440.0	0	4,440.0	4,179.9
Knightville, Mass.	1941	3,220.4	0	3,220.4	3,220.4
Surry Mountain, N.H.	1942	2,550.0	0	2,550.0	2,392.8
Tully, Mass.	1949	1,900.0	0	1,900.0	1,551.6
Union Village, Vt.	1950	4,010.7	0	4,010.7	4,010.7
Subtotal		[1] 16,121.1	0	16,121.1	15,355.4
Local protection projects:					
Chicopee, Mass.	1941	1,433.6	250.0	1,683.6	1,433.6
East Hartford, Conn.	1943	2,135.5	270.0	2,405.5	2,135.5
Hartford, Conn.	1949	6,457.2	3,440.9	9,898.1	6,457.2
Holyoke-Springfield, Mass.	1950	4,118.0	207.0	4,325.0	4,118.0
Keene, N.H.[2]	1954	44.1	0	44.1	44.1
Northampton, Mass.	1941	960.0	150.0	1,110.0	960.0
Springfield, Mass.	1941	1,136.4	277.4	1,413.8	1,136.4
West Springfield-Riverdale, Mass.	1950	2,717.0	80.0	2,797.0	2,717.0
Winsted, Conn.	1951	245.5	30.0	275.5	245.5
Subtotal		19,247.3	4,705.3	23,952.6	19,247.3
Total, Connecticut River Basin		35,368.4	4,705.3	40,073.7	34,602.7
MERRIMACK RIVER BASIN					
Dams and reservoirs:					
Blackwater, N.H.	1941	1,319.7	0	1,319.7	1,319.7
Edward MacDowell, N.H.	1950	2,014.3	0	2,014.3	2,014.3
Franklin Falls, N.H.	1943	7,947.2	0	7,947.2	7,947.2
Subtotal		11,281.2	0	11,281.2	11,281.2
Local protection projects:					
Fitchburg, Mass.	1938	1,370.0	0	1,370.0	1,370.0
Haverhill, Mass.	1938	1,743.0	120.0	1,863.0	1,743.0
Lowell, Mass.	1944	1,285.0	90.0	1,375.0	1,285.0
Nashua, N.H.	1948	270.0	3.3	273.3	270.0
Subtotal		4,688.0	213.3	4,881.3	4,668.0
Total, Merrimack River Basin		15,949.2	213.3	16,162.5	15,949.2
THAMES RIVER BASIN					
Dams and reservoirs: Mansfield Hollow, Conn.	1952	6,447.0	0	6,447.0	6,406.0
COASTAL RIVER BASIN					
Local protection projects: Norwalk, Conn.[2]	1951	52.2	2.8	55.0	52.2
Grand total, A		57,816.8	4,921.4	62,738.2	57,010.1

B. COMPLETED SINCE AUGUST 1955 (C) OR PRESENTLY UNDER CONSTRUCTION (UC)

Project	Completion date	Federal cost	Non-Federal cost	Total	Federal appropriations through fiscal year 1964
BLACKSTONE RIVER BASIN					
Dams and Reservoirs: West Hill, Mass. (C)	1961	2,300.0	0	2,300.0	2,286.8
Local protection projects:					
Lower Woonsocket, R.I. (UC)	1966	6,838.0	2,312.0	9,150.0	1,314.0
Woonsocket (Upper), R.I. (C)	1960	4,040.0	769.0	4,809.0	4,040.0
Worcester Diversion, Mass. (C)	1960	4,940.0	1,021.0	5,961.0	4,940.0
Subtotal		15,818.0	4,102.0	19,920.0	10,294.0
Total, Blackstone River Basin		18,118.0	4,102.0	22,220.0	12,580.8
CONNECTICUT RIVER BASIN					
Dams and reservoirs:					
Ball Mountain, Vt. (C)	1961	10,535.3	0	10,535.3	10,535.3
Barre Falls, Mass. (C)	1958	1,967.8	0	1,967.8	1,967.8
Conant Brook, Mass. (UC)	1966	2,680.0	0	2,680.0	555.0
Littleville, Mass. (UC)	1964	[3] 6,982.0		6,982.0	4,946.0
Mad River, Conn. (C)	1963	4,770.0	670.0	5,440.0	4,767.2
North Hartland, Vt. (C)	1961	7,115.0	0	7,115.0	7,068.6
North Springfield, Vt. (C)	1960	6,830.0	0	6,830.0	6,772.5
Otter Brook, N.H. (C)	1959	4,062.5	0	4,062.5	4,062.5
Townshend, Vt. (C)	1961	7,400.0	0	7,400.0	7,152.4
Subtotal		52,342.6	670.0	53,012.6	47,827.3
Local protection projects:					
Chicopee Falls, Mass. (UC)	1965	2,290.0	510.0	2,800.0	1,455.0
Gardner, Mass.[2]	1965	420.0	35.0	455.0	122.5
Hartford (Folly Brook), Conn. (C)	1957	382.4	251.6	634.0	382.4
Huntington, Mass.[2] (C)	1959	6.0	0	6.0	6.0
Three Rivers, Mass. (UC)	1965	1,400.0	725.0	2,125.0	810.0
Ware, Mass.[2] (C)	1959	400.0	85.0	485.0	400.0
Weston, Vt. (C)	1957	13.0	1.8	14.8	13.0
West Warren, Mass.[2] (C)	1963	389.0	41.0	430.0	389.0
Subtotal		5,300.4	1,649.4	6,949.8	3,577.9
Total, Connecticut River Basin		57,643.0	2,319.4	59,962.4	51,405.2
HOUSATONIC RIVER BASIN					
Dams and reservoirs:					
East Branch, Conn. (UC)	1964	1,900.0	840.0	2,740.0	1,900.0
Hall Meadow Brook, Conn. (C)	1962	2,560.0	570.0	3,130.0	2,558.0
Hancock Brook, Conn. (UC)	1965	3,560.0	0	3,560.0	2,201.0
Northfield Brook, Conn. (UC)	1965	2,810.0	0	2,810.0	1,604.0
Thomaston, Conn. (C)	1960	14,200.0	0	14,200.0	14,200.0
Subtotal		25,030.0	1,410.0	26,440.0	22,463.0

See footnotes at end of table.

Flood control and hurricane program (projects) New England—Continued

Project	Completion date	Federal cost	Non-Federal cost	Total	Federal appropriations through fiscal year 1964
HOUSATONIC RIVER BASIN—continued					
Local protection projects:					
Torrington (East Branch), Conn.² (C)	1958	389.3	151.3	540.6	389.3
Torrington (West Branch), Conn.² (C)	1960	250.0	169.0	419.0	250.0
Waterbury-Watertown, Conn.² (C)	1961	265.0	25.0	290.0	265.0
Subtotal		904.3	345.3	1,249.6	904.3
Total, Housatonic River Basin		25,934.3	1,755.3	27,689.6	23,367.3
MERRIMACK RIVER BASIN					
Dams and reservoirs: Hopkinton-Everett, N.H. (C)	1962	21,100.0	0	21,100.0	21,055.4
Local protection projects: Lincoln (Public Law 99), N.H. (C)	1960	120.0	0	120.0	120.0
Total, Merrimack River Basin		21,220.0	0	21,220.0	21,175.4
THAMES RIVER BASIN					
Dams and reservoirs:					
Buffumville, Mass. (C)	1958	2,998.6	0	2,998.6	2,998.6
East Brimfield, Mass. (C)	1960	7,020.0	0	7,020.0	6,843.3
Hodges Village, Mass. (C)	1959	4,425.0	0	4,425.0	4,421.8
West Thompson, Conn. (UC)	1965	6,400.0	0	6,400.0	2,690.0
Westville, Mass. (C)	1962	5,570.0	0	5,570.0	5,542.2
Subtotal		26,413.6	0	26,413.6	22,495.9
Local protection projects: Norwich Channel, Conn. (C)	1958	1,210.0	72.0	1,282.0	1,210.0
Total, Thames River Basin		27,623.6	72.0	27,695.6	23,705.9
COASTAL RIVER BASIN					
Local protection projects:					
Farmington I, Cocheco, N.H.² (C)	1956	87.5	3.0	90.5	87.5
Farmington II, Cocheco, N.H.² (C)	1959	56.5	2.0	58.5	56.5
Canton, East Branch Neponset, Mass.² (C)	1963	176.8	93.6	270.4	176.8
Cherryfield, Narraguagus R., Maine ² (C)	1961	203.0	3.5	206.5	203.0
Total, Coastal River Basin		523.8	102.1	625.9	523.8
Grand total, B		151,062.7	8,350.8	159,413.5	132,758.4

C. UNDER DESIGN

Project	Completion date	Federal cost	Non-Federal cost	Total	Federal appropriations through fiscal year 1964
CONNECTICUT RIVER BASIN					
Dams and reservoirs:					
Colebrook River, Conn.	1964	[4] 15,000.0		15,000.0	564.0
Sucker Brook, Conn.	1965	1,000.0	360.0	1,360.0	90.0
Subtotal		16,000.0	360.0	16,360.0	654.0
Local protection projects: Westfield, Mass.	1964	4,800.0	1,320.0	6,120.0	309.0
Total, Connecticut River Basin		20,800.0	1,680.0	22,480.0	963.0
HOUSATONIC RIVER BASIN					
Dams and reservoirs:					
Black Rock, Conn.	1965	6,100.0	0	6,100.0	245.0
Hop Brook, Conn.	1964	4,800.0	0	4,800.0	175.0
Subtotal		10,900.0	0	10,900.0	420.0
Local protection projects: Ansonia-Derby, Conn.	1966	6,705.0	[5] 425.0	7,130.0	65.0
Total, Housatonic River Basin		17,605.0	425.0	18,030.0	485.0
Grand total, C		38,405.0	2,105.0	40,510.0	1,448.0

D. FUTURE (AUTHORIZED, RECOMMENDED OR DEFERRED)

Project	Completion date	Federal cost	Non-Federal cost	Total	Federal appropriations through fiscal year 1964
CONNECTICUT RIVER BASIN					
Dams and reservoirs:					
Claremont, N.H. (deferred)		13,000.0		13,000.0	237.0
Gaysville, Vt. (deferred)		20,000.0		20,000.0	
The Island, Vt. (deferred)		4,900.0		4,900.0	
Victory, Vt. (deferred)		1,900.0	1,200.0	3,100.0	178.0
Total, Connecticut River Basin		39,800.0	1,200.0	41,000.0	415.0
HOUSATONIC RIVER BASIN					
Local protection projects:					
Danbury, Conn. (recommended)		2,400.0	[6] 680.0	3,080.0	
Derby, Conn. (recommended)		3,200.0	[7] 250.0	3,450.0	
Total Housatonic River Basin		5,600.0	930.0	6,530.0	
Grand total, D		45,400.0	2,130.0	47,530.0	415.0
Total, flood control		292,684.5	17,507.2	310,191.7	191,631.5

II. HURRICANE (ALL SINCE 1955)

Project	Completion date	Federal cost	Non-Federal cost	Total	Federal appropriations through fiscal year 1964
LOCAL PROTECTION PROJECTS					
Completed or under construction:					
Fox Point, Providence, R.I. (UC)	1966	11,130.0	4,770.0	15,900.0	8,299.0
New Bedford, Mass. (UC)	1965	11,266.0	7,000.0	18,266.0	7,114.0
Pawcatuck, Conn. (C)	1963	650.5	283.5	934.0	650.5
Stamford, Conn. (UC)	1967	7,240.0	4,360.0	11,600.0	624.0
Subtotal		30,286.5	16,413.5	46,700.0	16,687.5
Under design:					
Narragansett Pier, R.I.	1965	1,575.0	[8] 785.0	2,360.0	50.0
New London, Conn.	1966	2,940.0	1,260.0	4,200.0	40.0
Point Judith, South Kingstown, and Narragansett, R.I.	1966	3,120.0	[9] 1,710.0	4,830.0	40.0
Wareham-Marion, Mass.	1966	4,410.0	1,890.0	6,300.0	86.0
Westport, Conn.	1964	217.0	93.0	310.0	30.8
Subtotal		12,262.0	5,738.0	18,000.0	246.8
Future—Authorized: Mystic, Conn.		1,750.0	750.0	2,500.0	
Recommended:					
Stratford, Conn.		4,690.0	2,010.0	6,700.0	
Westerly, R.I.		3,460.0	1,750.0	5,210.0	
Subtotal		8,150.0	3,760.0	11,910.0	
Total, hurricane		52,448.5	26,661.5	79,110.0	16,934.3
Total, program		345,133.0	44,168.7	389,301.7	208,565.8

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[1] Includes recreation facilities developed since 1955 and estimated cost for future planned development.

[2] Small flood control projects not specifically authorized by Congress.

[3] Includes reimbursement of $2,090,000 required from local interests for water supply costs.

[4] Includes reimbursement of $5,344,000 required from local interests for water supply costs.

[5] In addition, local interests have expended $1,444,000 for flood control improvements.

[6] In addition, local interests have expended $1,852,000 for flood control improvements.

[7] In addition, local interests have expended $785,000 for flood control improvements.

[8] Includes $10,000 for public landing to assure public access and use.

[9] Includes $310,000 for public landings, beach facilities, and spoil disposal areas to assure public access and use.

Mr. KIRWAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. KEOGH). The question is on the conference report.

The conference report was agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: On page 4, line 10, insert the following: "791,200, to remain available until expended, of which $64,000 shall be available for the readjustment and alteration of the facilities of the Broughton Mutual Telephone Company to permit continued service to the present users not affected by the Milford Dam and Reservoir project".

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: Page 4, line 15, insert the following: "and of which not to exceed $131,500 shall be available for construction of a road from the new townsite of Lower Brule to Counsellor Cove, and such work is hereby authorized:".

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 4 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 12, line 4, insert the following: ": *Provided further*, That not to exceed $2,000,000 as proposed in Senate Document 89, Eighty-eight Congress, for maintaining suitable water quality in the Colorado River shall be nonreimbursable:".

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 12, line 13, insert: ": *Provided further*, That not to exceed $26,000 shall be available for reimbursement to the city of Malta, Montana, for the cost of improvements to streets and appurtenant facilities adjoining property under the jurisdiction of the Department of the Interior in that city to be nonreimbursable and nonreturnable".

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 12, line 18, insert the following: ": *Provided further*, That not to exceed $200,000 of funds made available for improvement of access roads in the Weber Basin project area shall be nonreimbursable.".

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$150,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 16: Page 14, line 3, insert the following:

"EMERGENCY FUND

"To reimburse the emergency fund authorized by the Act of June 26, 1948 (62 Stat. 1052), for expenses incurred for repair of flood damage to irrigation facilities of the Milk River and Sun River Federal reclamation projects, $1,000,000, to remain available until June 30, 1965."

Mr. KIRWAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KIRWAN moves that the House recede from its disagreement to the amendment of the Senate numbered 16 and concur therein.

The motion was agreed to.

Mr. KIRWAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include certain tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman have any idea whether the funds for the so-called civil rights bill will be in the gentleman's bill, or will they be in a supplemental appropriation and, therefore, charged to another fiscal budget?

Mr. ROONEY of New York. It is my understanding that the additional funds required as the result of the passage of the civil rights bill of 1964 will be in a supplemental bill. My subcommittee has already held hearings with regard to the requests for funds for implementation of the civil rights bill, and have marked up the various items presented by the Government agencies concerned.

Mr. GROSS. I thank the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. ROONEY of New York, SIKES, MAHON, BOW, and LIPSCOMB.

BILLS AND JOINT RESOLUTIONS APPROVED AND SIGNED BY THE PRESIDENT

The President notified the House that on the following dates he had approved and signed bills and joint resolutions of the House of the following titles:

On August 7, 1964:

H.R. 3757. An act for the relief of Witold A. Lanowski;

H.R. 6413. An act to amend the act approved March 3, 1921, as amended, establishing standard weights and measures for the District of Columbia, and for other purposes;

H.R. 8479. An act for the relief of Georgette D. Caskie;

H.R. 8954. An act to amend section 409 of title 37, United States Code, to authorize the transportation of house trailers and mobile dwellings of members of the uniformed services within the continental United States, within Alaska, or between the continental United States and Alaska, and for other purposes; and

H.R. 9689. An act declaring a portion of Bayou Black and Bayou Terrebonne, La., nonnavigable waterways of the United States.

On August 10, 1964:

H.R. 82. An act to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses;

H.R. 4732. An act to change the name of the United States Olympic Association to the United States Olympic Committee;

H.R. 7419. An act to authorize the conclusion of agreements with Mexico for joint construction, operation, and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty with Mexico, and for other purposes;

H.R. 8654. An act to terminate a restriction on use with respect to certain land previously conveyed to the city of Fairbanks, Alaska, and to convey to said city the mineral rights in such land;

H.R. 10483. An act to authorize the sale of 58.19 acres of Eastern Shawnee tribal land in Oklahoma;

H.R. 10973. An act to provide for the disposition of judgment funds on deposit to the credit of the Lower Pend D'Oreille or Kalispel Tribe of Indians;

H.R. 11754. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; and

H.J. Res. 1145. Joint resolution to promote the maintenance of international peace and security in southeast Asia.

On August 11, 1964:

H.R. 1892. An act to repeal the act of October 22, 1919 (41 Stat. 293; 43 U.S.C. 351–355, 357–360);

H.R. 2977. An act to authorize the sale of certain lands of the Cheyenne River Sioux Tribe;

H.R. 7215. An act to direct the Secretary of the Interior to convey certain lands to the Citizen Band of Potawatomi Indians and certain other lands to the Absentee Shawnee Tribe of Indians, and for other purposes;

H.R. 7833. An act to amend the act entitled "An act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes," approved August 18, 1958 (72 Stat. 619);

H.R. 11622. An act to permit the vessel U.S.S. *Alabama* to pass through the Panama Canal without payment of tolls; and

H.J. Res. 658. Joint resolution authorizing and requesting the President to proclaim 1964 and 1965 as a period to "See the United States," and for other purposes.

On August 13, 1964:

H.R. 5302. An act to direct the Secretary of the Interior to convey certain lands in the Newton area, California, to Clarence J. Wilder;

H.R. 6007. An act to permit the vessel *SC–1473* to engage in the fisheries; and

H.R. 10503. An act to authorize appropriations for the fiscal years 1966 and 1967 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

On August 14, 1964:

H.R. 11049. An act to adjust the rates of basic compensation of certain officers and employees in the Federal Government, and for other purposes.

NATIONAL DEFENSE EDUCATION ACT AMENDMENTS, 1964

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 852 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11904) to amend and extend the National Defense Education Act of 1958. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider, without the intervention of any point of order, the text of the bill (H.R. 12363) to extend Public Laws 815 and 874, 81st Congress (federally affected areas) for one year until June 30, 1966, as an amendment to the bill. At the conclusion of the consideration of H.R. 11904, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 11904, it shall be in order in the House to take from the Speaker's table the bill S. 3060 and to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions contained in H.R. 11904 as passed by the House.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. Brown], and pending that I yield myself such time as I may consume.

Mr. Speaker, I am not aware of any particular controversy over this resolution, which provides for the consideration of an extension of the National Defense Education Act. It also makes in order an amendment which would extend for 1 year the impacted areas bills, Public Laws 815 and 874. There will be amendments offered to the proposal reported by the committee, but they will be handled during the period of general debate and under the 5-minute rule.

Mr. Speaker, I should like to take a few minutes to speak about a colleague of ours who will not be with us after this session of Congress, who was the father of the National Defense Education Act when it was passed in 1958, the author of the bill, the individual who steered it through the House of Representatives, the gentleman from Alabama, our distinguished and able colleague, the Honorable Carl Elliott.

I know of no man in the history of the American Congress, and I say advisedly the history of the American Congress, who has done more for the cause of education than has Carl Elliott. His loss to the country and to the Congress is a great one. I hope that the people of his State will recognize in the near future how bad a mistake they made in not returning him to this great legislative body. He has been my friend for a long time. We came here together. He is an able man, completely dedicated to the public interest, one of the great public servants of our time.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Speaker, I also would like to pay tribute to the gentleman from Alabama. It seems to me during the 10 years I have worked on legislation dealing with problems in the field of education in this House, there has been no single piece of education legislation that has done more to improve the quality of education and also no single piece of legislation that has done more to make it possible for the very capable but needy students to go on to a higher education than the National Defense Education Act.

The 680,000 loans which thus far have been made to needy students will serve as a lasting tribute to the most able gentleman from Alabama who has contributed so much—as the gentleman from Missouri has already stated—to the cause of education.

There are so many people in our land who pay lipservice to the importance of education in the national scheme, but the gentleman from Alabama, Carl Elliott, has really and trully dedicated his years of public service to making life more meaningful for those who have not had an adequate education and available job opportunities. It is he who has reminded this House on many occasions that we are not just spending money on education—we are investing money in education and we are investing in the future of this country, and it is the best possible investment we could make.

The experts tell us that 40 percent of our economic growth is credited not to capital investment, but to our investment in education.

Of course, the individual benefits from the greater earning capacity; the taxpayer benefits from the increased gross national product; and the country benefits from a greater income and a much higher standard of living. Mr. Speaker, history will undoubtedly record with great pride Carl Elliott's contributions in many, many areas but none more noble than his very successful efforts to make it possible for hundreds of thousands of young men and young women to go to college. He really and truly believes that a nation such as ours, one that spends 15 times as much on legalized gambling as is spent on higher education, can afford to gamble on every young man and every young woman who really wants an education and is willing to work for it.

So, Mr. Speaker, I am delighted to join my colleague, the gentleman from Missouri, in paying tribute to one of the finest and most outstanding Members of this House of Representatives, a person who has served with great honor and who has made so many valuable contributions.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I wish to associate myself with the remarks of the gentlewoman from Oregon and the gentleman from Missouri [Mr. Bolling] in their eloquent tribute to our colleague Carl Elliott. I likewise came here when the gentleman from Alabama was admitted to this body in the 81st Congress.

I do not know of any Member who has contributed more in the field of education than Carl Elliott. I hope that the Nation will continue to have the services of this able public servant and statesman.

Carl Elliott achieved a legislative triumph as author of the National Defense Education Act and wherever he may henceforth venture this monument will remain in these Halls.

Mr. QUIE. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Minnesota [Mr. Quie].

Mr. QUIE. I thank the gentleman for yielding.

I also wish to pay my tribute to Carl Elliott for the work he has done on the National Defense Education Act. I had the good fortune of serving with him while he was on the Committee on Education and Labor, and I know of his interest in education and his capable service.

I also wish to point out, naturally, from my side of the aisle, that this came during the Eisenhower administration. This legislation had strong bipartisan support. I remember well how the colleagues on this side of the aisle worked closely with the gentleman from Alabama [Mr. Elliott] in developing the best legislation which could be developed, passed through this body and the other body with strong bipartisan support.

This kind of development in educational legislation means strength throughout our country. When we get into big hassles on purely partisan lines I believe education suffers. That is why I am happy we have been able thus far to develop the National Defense Education Act with the great help of men like the gentleman from New Jersey [Mr. Frelinghuysen], who has worked closely with this for a long time, and like the gentleman from Michigan [Mr. Griffin].

I also wish to join the gentleman from Missouri in paying tribute to the gentleman from Alabama [Mr. Elliott].

Mr. BOLLING. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from New Jersey [Mr. Thompson].

Mr. THOMPSON of New Jersey. Mr. Speaker, I had the honor and the pleasure of serving on the subcommittee which drafted the National Defense Education Act under the chairmanship of the gentleman from Alabama.

There were unusual circumstances in those days. I believe it is an enormous tribute to the gentleman and testimony to his vision that during the most difficult period of the drafting of this legislation, which, although it had considerable support from both sides, was also extremely controversial and most delicate in many ways. The gentleman from Alabama [Mr. Elliott] saw years ahead and forecast the answer of this great piece of legislation, and steered it through the House with inimitable skill.

He is and has been to me a very dear, close, personal friend in addition to being a colleague. Everything that has been said about him here is true, and not enough yet has been said. I cannot find sufficient words to express my appreciation to him for his personal friendship, for his loyalty, for his courage, and above all for his far-sighted wisdom.

I wish to associate myself with the gentlewoman from Oregon and all others who have paid tribute to him, and especially the gentleman from Missouri.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Indiana [Mr. Brademas].

Mr. BRADEMAS. Mr. Speaker, I wish to associate myself as well with the remarks made by our several colleagues in tribute to the gentleman from Alabama. I believe it can be said without challenge that Carl Elliott has come to be known as Mr. Education, for no other Member of this body has done more to help the boys and girls of the United States improve their opportunities for a good education in the modern world than has the gentleman from Alabama [Mr. Elliott].

I have come to admire his abilities, to respect his integrity, and to cherish his friendship. I believe that his leaving this House is a tragedy for the young people of our country and for those of us who are deeply concerned about improving education in our country. I wish him well.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from New Jersey [Mr. Frelinghuysen].

Mr. FRELINGHUYSEN. Mr. Speaker, I wish to join in paying my respects and congratulating the gentleman from Alabama for his many contributions to the cause of education and for his sponsoring of the National Defense Education Act which was enacted in 1958.

I might add that there was bipartisan support in the form of legislation introduced, and I was one of the cosponsors of that original legislation.

While we all recognize that the gentleman from Alabama made very major contributions in steering the legislation through the Congress, the program was based, I might say, on the recommendations of President Eisenhower. I am not saying this in any effort to minimize the contribution which Democrats on our committee and elsewhere made to this legislation. Also, I believe it significant that one of the most successful features in the National Defense Education Act has been the loan program, which was not part of the original program but was first sponsored by Republicans on the committee.

My only regret is that the changes in that act which we are presently considering—I hope we will consider them immediately—have not been given as full attention as was the original legislation.

As I understand it, the committee bill is in effect about to be abandoned and major amendments are about to be offered. We are going to have in other words, a repetition, on a somewhat smaller and I hope less controversial scale, of what occurred last week here when we were discussing the antipoverty bill. That bill also came from our committee.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from Michigan [Mr. Griffin].

Mr. GRIFFIN. Mr. Speaker, I, too, want to join in the tributes being paid today to one of the ablest Members of the House, one of the most distinguished members of our Committee on Education and Labor, the gentleman from Alabama [Mr. Elliott]. He has made a mark for himself in the history of education, and I think the whole Nation is in his debt.

Without in any way minimizing the importance of his contribution and leadership, I believe it should be recalled that the National Defense Education Act was developed on a bipartisan basis. Furthermore, the most significant title of the act, the loan program, which has helped more college students than any other program in our history with the possible exception of the postwar GI bill of rights, originated and was developed within our House committee.

I believe the judgment of the members of our committee, who insisted in 1958 that this loan program be substituted for the limited scholarship program originally proposed, has been vindicated by the record which has been established.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from California [Mr. Roosevelt].

Mr. ROOSEVELT. Mr. Speaker, I, too, wish to join my colleagues in the tributes which have been paid today to our very distinguished friend from Alabama, Carl Elliott. When I came to the Congress in 1955, I knew very little about education as far as national legislation was concerned, but under his guidance and tutelage I think I can safely say that I have come to a full realization of the importance of education to our national welfare. The fact that we are asked today and are able to supply the needs of our country for brains in order to make our national defense effective and that we can give opportunities to the young people of this country to meet not only the challenges of our times but to fulfill their own desires is to a very large degree due to the gentleman from Alabama.

I join my colleagues in wishing him nothing but happiness and success in the days to come.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman from Florida [Mr. Bennett].

Mr. BENNETT of Florida. Mr. Speaker, I am very happy on behalf of myself and, I think, all Members of the Congress and the country as a whole to express deep gratitude to Carl Elliott for his leadership in the field of education, particularly with regard to the National Defense Education Act. Most of us who have been here about the length of time he has been here look back on our careers and feel we have done perhaps a pretty good job for our district and tried real hard to do something for our country as a whole, but I think Carl Elliott, our beloved colleague from Alabama, can also really feel that he has left his footprints in the sands of time in a way which will count for the benefit of our country for many, many generations yet unborn. I think it is fortunate that we can pay this tribute to him today, because he is a man who is now in the prime of life and will undoubtedly make many great contributions to his State and his country in the future. It is good to be able to say these appropriate things to him personally today, because he has so sacrificially and greatly earned them.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to speak out of order and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I asked unanimous consent to speak out of order so that I could join with others in paying my respects and a tribute to my good friend, Carl Elliott, my colleague on the Rules Committee, and also my colleague and chairman of the Special Committee on Government Research, of which I am the ranking member, for the contributions he has made throughout the years to the cause of education. As the original sponsor of the National Defense Education Act, back, I believe in 1958, our friend, CARL ELLIOTT, deserves great credit and has received such from those who have served with him.

That bill, of course, was the product, rightfully and properly so, because all legislation is a product of and the work of many persons, of a House committee which hammered out an exceptionally good piece of legislation at the time. That original legislation was signed into law as a nonpartisan effort by a President of the opposite political party from that of the gentleman from Alabama [Mr. ELLIOTT]. And that is proper and right because, after all, in considering the great problems of education there should be no room for partisanship or political differences, but instead there should be a true devotion to the solving of the problem at hand, in an effort to do only that which is best for our Republic, and will also best serve the causes of education.

So it is a pleasure for me, Mr. Speaker, to join with others here today in paying tribute, and a Godspeed, to my good friend and associate for many years, CARL ELLIOTT. In his leaving the Congress, we will have lost an able legislator and a fine man.

Mr. Speaker, if I may turn to the question of the matter at hand, House Resolution 852 makes in order, under 2 hours of general debate, the consideration of the National Defense Education Act Amendments for the year 1964, as contained in the bill, H.R. 11904. This rule permits the offering, without the intervention of any point of order, of the text of H.R. 12363 as an amendment. That bill would extend for 1 year, in their present forms, Public Laws 815 and 874, commonly known as the Federally Impacted School District Acts. Under those acts, of course, as you know, the Federal Government contributes to certain school districts which are impacted by Federal employees, certain payments in lieu of taxes.

If a great corporation moves into a school district anywhere in the United States, takes up a great deal of taxable land and property, and brings in many employees• with their families, and throws upon the local school system the problem of educating additional hundreds or thousands of young people, such a corporation, of course, would be compelled to pay local taxes. It would pay school taxes to support the educational system of that area or community.

But, Mr. Speaker, when the Federal Government moves into a school district, takes a part of the land and property away from the district itself which represents its tax foundation, such land becomes the property of the Federal Government and is no longer taxable, with the result the tax income of the school district is reduced, while at the same time the cost of maintaining the educational system in that school district is greatly increased because of the additional students flooding into the area as a result of the action of the Federal Government itself.

Mr. Speaker, I have always believed that under such circumstances it is only proper, correct, and fair, the Federal Government pay to such a school district money in lieu of taxes in order to equal the amount which a private corporation would pay, in the form of taxes.

So, Mr. Speaker, this rule would make in order the simple extension of Public Laws 815 and 874 for 1 year, without amendment or without change.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield quickly to the gentleman from Iowa.

Mr. GROSS. The rule provides that it shall be in order to consider, without the intervention of any point of order, the text of the bill, H.R. 12363, in connection with the consideration of the bill, H.R. 11904.

Does it mean that this provides for the consideration of H.R. 12363 but the waiver of points of order does not go to the subject matter of the bill, H.R. 12363?

Mr. BROWN of Ohio. That is a point of order against bringing in H.R. 12363, which otherwise would not be germane if the rule did not have this provision in it.

Mr. GROSS. But it does not waive points of order on the subject matter of the bill, H.R. 12363?

Mr. BROWN of Ohio. Not of H.R. 11904. That is my parliamentary understanding of the matter.

Mr. GROSS. If the gentleman will yield further, how about the subject matter of the bill itself, H.R. 12363?

Mr. BROWN of Ohio. It does not waive it.

If the gentleman from Iowa will read the rule carefully I believe he will agree with me that it shall be in order to consider without the intervention of any point of order, the text of H.R. 12363, the matter to which I have been referring. That is the only matter that would be subject to a point of order. If the rule did not so provide then a point of order could be made against such an amendment. That is the reason why the point of order on that particular item is waived, and so as to save the time of the House. We have other legislation awaiting action in the House that would do the same thing but which would have to go through the regular legislative process before coming to the floor of the House.

I believe the committee has acted wisely and well in agreeing to this provision in the rule and to accept this bill, H.R. 12363, as a part of the overall legislation in order that it can be voted upon. We can do what we please with it after it comes up to be voted upon as part of this legislation. In other words, it will be in order to have a vote on the matter.

Mr. Speaker, I would like to discuss in full detail, as I usually attempt to do, the provisions of this bill. However, because of the scarcity of time I shall ask unanimous consent at this point to insert in the RECORD a breakdown or an analysis, if you please, of the different provisions of the bill and the different titles of the bill.

In the original bill, may I point out that there were 12 titles as the measure was presented to the Committee on Rules. Title XII is to be stricken or deleted from the bill through a committee amendment, according to the testimony given to the Committee on Rules, to eliminate entirely that section which deals with the Capitol Page School and, as I understand it, to substitute instead some language to provide for a committee or a commission study of the whole page school and various Capitol page matters.

That, in my opinion, is also a wise action at this time.

Mr. Speaker, with the understanding that I can insert at this point in the RECORD the analysis of the bill, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the request of the gentleman from Ohio will be granted.

There was no objection.

The matter referred to follows:

H.R. 11904: NATIONAL DEFENSE EDUCATION ACT AMENDMENTS, 1964

TITLE I—AMENDMENTS OF TITLE I

This title provides that for the purposes of title II of the act, the student loan program, an institution of higher education shall include any school of nursing.

TITLE II—AMENDMENTS OF TITLE II

Appropriations authorized (sec. 201): This section would increase the authorizations from $135 million to $163.3 million for fiscal 1965, and authorizes $179.3 million for fiscal 1966 and $200 million for fiscal 1967. This section further authorizes an appropriation of such sums for fiscal year 1968 and the next 3 fiscal years as may be necessary to enable students who have received loans prior to 1967 to complete their education. (This increases present authorizations and extends the act 2 years.)

Payment of Federal capital contributions (sec. 203): This would delete the $800,000 limitation on Federal contributions to the student loan fund of any institution of higher education.

Conditions of agreements (sec. 204): This section deletes existing preferences for students who express a desire to teach, and for students whose academic background includes science, math, engineering, or a foreign language.

Terms of loans (sec. 205): This section would increase the amount which may be borrowed by a graduate student from $1,000 per year to $2,500 per year, and from a total of $5,000 to a total of $10,000.

This section inserts a new clause which provides that repayment of any loan may be deferred by a loaning institution for a period of not to exceed 3 years during which the borrower is a part-time student in an institution of higher education.

This section also extends the loan forgiveness provisions to teachers in private elementary and secondary schools, to teachers in institutions of higher education, to social workers, and to counselors, registered nurses, teachers, and social workers working on antipoverty programs under the Economic Opportunity Act of 1964.

Coordination of student loan programs (sec. 207): Among other things this section would provide in subsection (c) that an institution of higher education may not participate in the National Defense Education Act student loan program after June 30, 1965, if at the same time the institution is participating in any other student loan program under HEW.

TITLE III—AMENDMENTS OF TITLE III

Appropriation authorized (sec. 301): This section continues or extends the program of grants for the acquisition of certain specialized equipment and for the program of grants for State supervisory services and administration. This section broadens the equipment program to allow for the acquisition of equipment for the teaching of English, history, and geography.

This section would increase the present minimum allotment to States for supervisory service and administration from $20,000 to $50,000.

TITLE IV—FELLOWSHIPS

Number of fellowships (sec. 401): The number of fellowships would be increased from the present 1,500 for fiscal year 1965 to 5,000 for fiscal 1965, 7,500 for fiscal 1966, and 10,000 for fiscal 1967. The existing requirement that an institution give preference to those desiring to teach is deleted. The additional fellows would also be entitled to the present $2,000 stipend and dependency allowance for each fellowship holder.

TITLE V—GUIDANCE, COUNSELING, AND TESTING: IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS

Appropriations authorized (sec. 501): This section would increase the authorization from $17,500,000 for fiscal 1965 to $25 million for fiscal 1965, $25,500,000 for fiscal 1966, and $32,500,000 for fiscal 1967. Section 503 extends testing to private schools.

TITLE VI—LANGUAGE DEVELOPMENT

This title is also extended 2 years and section 603 would increase authorizations from $8 million for fiscal 1965 to $13 million for fiscal 1965, $14 million for fiscal 1966, and $16 million for fiscal 1967.

TITLE VII—UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

This title is extended for an additional 2 years.

TITLE VIII—MISCELLANEOUS

This title requires the keeping of additional records and extends the statistical services program for an additional 2 years.

TITLE IX—ADDITIONAL TITLES

Title XI—Institutes (sec. 1101): $35 million would be authorized for the operation of institutes for advanced study to improve the qualifications of teachers preparing themselves as counseling and guidance personnel; preparing themselves to teach history, geography, modern foreign languages, English, or of a disadvantaged youth; preparing to be librarians.

Each individual who attends such institutes shall be entitled to a stipend of $75 per week for the period of his attendance and $15 per week for each dependent for the same period.

Title XII—Capitol Page School: (Deleted by amendment.)

Mr. BOLLING. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

IN THE COMMITTEE OF THE WHOLE

Mrs. GREEN of Oregon. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11904) to amend and extend the National Defense Education Act of 1958.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11904, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mrs. GREEN of Oregon. Mr. Chairman, I yield myself such time as I may need.

Mr. Chairman, the bill which we bring to the floor today calls for a 2-year extension of the National Defense Education Act originally sponsored by the gentleman from Alabama [Mr. ELLIOTT]. The legislation that was originally enacted and the legislation that we bring to you now does not satisfy everyone. It does provide more than some people want and perhaps it provides less than what other people might like.

However, in making these recommendations I think we are bringing a good bill to the floor and one that will strengthen education. Neither the gentleman from Alabama [Mr. ELLIOTT], nor those who are on the committee now believe that spending money just at random on education will accomplish our purposes. What we are trying to accomplish is to insure that any money we invest in education will, first of all, improve the quality of education, and second, will increase the educational opportunities for individuals.

Today, as I said, we bring to the House legislation that we believe is directed toward those goals. It is a 2-year extension with certain amendments. Certainly there will be other amendments that will be offered from the floor. Some of us on the committee have already discussed these amendments. A few of them we think are in order. The gentleman from Ohio [Mr. BROWN] has already mentioned the Capitol Page School, which is in title XII.

May I say to my colleagues I am one of those who feels it is incumbent upon this House to do something about the education and the general welfare of congressional pages. We have 80 pages in the House, in the Senate, and in the Supreme Court.

I do not know whether most of the Members realize we are paying these pages at the rate of $5,000 a year. We are hiring some pages who are only 14, 15, and 16 years old. We do not provide any responsible home for them. Their school is in the attic at the Library of Congress, where they meet at 6 o'clock in the morning. Our committee went over and visited the school, and I must say they are receiving a good education through the District of Columbia schools. We stayed until well after 9 o'clock, and found that for breakfast many of the pages only have a coke. All of you have watched them eat lunch in the cloakrooms. We visited them in the boardinghouses in which they live. Do you realize they have absolutely no supervision after school and working hours? I say to you in all seriousness that some change should be made and must be made as we are responsible for the 14-year-old youngsters that we bring from towns of 1,000 population and turn loose in a city of 2 million, without any supervision and with over $400 a month to spend. This is more than many adults make in a city where we refuse to set a minimum wage law. Grown men and women in Washington earn $40 and $45 a week. What does it do to a young teenager to suddenly have a salary of $400 a month when he is still in high school? Is this a situation we want to leave unchanged? However, I have been persuaded to offer an amendment to delete title XII and have introduced a resolution as of yesterday which would call for the appointment of a special committee to study this problem: the salaries of pages, their residences, their education, and so on; and I hope that this Congress before many months will take some action on a situation that I think is very, very serious.

May I say also, Mr. Chairman, that at the proper time an amendment will be offered by the gentleman from Pennsylvania, who has had jurisdiction over the Federal impacted areas legislation. The Committee on Rules has made it germane to offer a 1-year extension of the Federal impact legislation with a special study.

Let me turn to the provisions of H.R. 11904. Title II and title XI in my judgment are the most important parts of the bill. Since the act was first enacted in 1958 there have been over 680,000 loans which have been made to needy students, students who might not otherwise have had the opportunity to attend college. May I say to my colleagues that the rate of repayment by the students who borrowed under the program has been five times as fast as the law requires; I repeat, five times as fast; and out of all of the loans that have been made we are advised there has been only one loan that has been written off as a bad risk. I think that this is a record of which this Congress can indeed be proud.

In H.R. 11904 we provide an increase in the total amount of money available for student loans because of the rapidly increasing enrollment in our colleges and universities, and also because of the increasing cost of education. We retained the $1,000 maximum amount for a student in the undergraduate years, and we say that at the graduate level a student can borrow up to $2,500 per year.

We remove the ceiling on the amount any college and university may receive for their loan fund. I am sure that many of you have had your college presidents and administrators write to you about this and say they are not able to secure enough funds to provide the loans for all of the applicants in their institutions.

H.R. 11904 also expands the forgiveness feature in the act. The original legislation provided that any student borrower who goes into teaching in the public elementary or secondary schools may have up to 50 percent of his or her loan forgiven at the rate of 10 percent a year.

There were many of us on the committee who felt there was a great inequity in extending this feature to only those who went into teaching in the public schools. The committee is making the recommendation in this bill that the forgiveness feature be extended to all teachers at the elementary, secondary, and college levels.

The bill also provides that the forgiveness feature be extended to social workers in private and public agencies, and to certain individuals who are working in the antipoverty program.

This would be limited to nurses, teachers, social workers, and counselors working on the antipoverty programs. However, I understand there is going to be an amendment at this particular point.

Mr. WAGGONNER. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman.

Mr. WAGGONNER. Would the limitation for these additional categories who will be given this forgiveness be limited to 50 percent of the loan?

Mrs. GREEN of Oregon. Yes, it would be limited to a total of 50 percent at the rate of 10 percent a year.

Mr. WAGGONNER. I thank the gentlewoman.

Mrs. GREEN of Oregon. The reason that this provision was put in the bill in the first instance is that some of us felt that individuals who go into these hard core areas and work in the slums should be given some kind of recognition. If it were within my power, I would pay them a bonus of $5,000 a year. That is what we do for people in our foreign service when we give career officers additional money for serving in hardship posts.

Mr. GOODELL. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman.

Mr. GOODELL. Mr. Chairman, I would like first of all to pay a word of tribute to the gentlewoman from Oregon [Mrs. Green] now addressing us in the well of the House. She has insisted throughout our deliberations on this bill that we proceed in a completely bipartisan way. She has been very considerate of the minority side and the suggestions that have been made by the minority side actually have been given as much consideration as suggestions coming from the majority side. We did have some very serious differences of opinion when the bill emerged from the committee, but we have, I think, now resolved those differences of opinion. These amendments that will be offered, I think, are of critical importance from the viewpoint of the minority side. We feel the defense education act originally was set up to give certain priorities and to help in areas where there was a national need. We were concerned about the breadth of some of these amendments in opening this legislation up to conversion possibly into a general aid to education bill. The gentlewoman referred to the matter of loan forgiveness and this is the particular comment I want to make. This is something that concerned us a great deal. I am one who feels that we can perhaps extend the assistance to these students who urgently need help and who would otherwise not go to college. There is a need formula today for loans to college students, but the need formula is perhaps the most generous and the most liberal that we have written in on any piece of Federal legislation. It seems to me, if we are going to forgive loans, we must recognize this, that this is a form of scholarship. There are ways that forgiveness can be used to help those who have a very urgent need rather than to continue the forgiveness in ways that distort our educational picture in this country. That is my concern with reference to the foregiveness procedure.

Mrs. GREEN of Oregon. I thank the gentleman from New York for his kind comments—and while I do not entirely agree with his comments, I believe I do understand his position.

Mr. Chairman, may I say I have been extremely happy that over the years this subcommittee has worked on a truly bipartisan basis. I certainly want to pay high tribute to my colleagues on the Democratic side of the aisle, the gentleman from Indiana [Mr. Brademas], the gentleman from California [Mr. Roosevelt], the gentleman from Maryland [Mr. Sickles], and the gentleman from Florida [Mr. Gibbons].

This bill comes out as the result of the combined effort of all of the members of the committee.

Equally important have been the contributions made by the gentleman from Minnesota [Mr. Quie] who has worked very, very hard during the years to improve education, and the contributions made by the very able and persuasive gentleman from New York [Mr. Goodell] and by the gentleman from Michigan [Mr. Griffin].

Mr. Chairman, I think it is desirable—if possible—to work something out on a bipartisan basis. We think we are bringing a good bill for the consideration of the House; a bill that greatly strengthens the present act and a bill that will help education.

Mr. SMITH of Iowa. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I am glad to yield to the gentleman.

Mr. SMITH of Iowa. Mr. Chairman, as the gentlewoman knows, all during the years I have had a proposal to permit students to repay at the rate of 5 percent of their net taxable income in lieu of the rigid provisions of this bill. For the same reasons that the gentlewoman says, we need foregiveness for certain categories of students. It seems to me it is more equitable to permit those who go into lower paid jobs to repay at a more reasonable rate. Was this matter considered?

Mrs. GREEN of Oregon. I would say to the gentleman from Iowa, as a former member of the Committee on Education and Labor, that the proposal was considered very carefully, as well as some of the other proposals made by other of our colleagues in the House. The gentleman from Minnesota had a proposal. We also considered the so-called Ribicoff amendment.

It was the judgment of the committee that a continuation of this loan program was the most realistic approach and would provide help to those who need it most.

Mr. WAGGONNER. Mr. Chairman, will the gentlewoman yield for a question?

Mrs. GREEN of Oregon. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. If I may refer back to title II for a moment, I should like to ask a question with respect to the removal of the $800,000 limitation of money available to any one institution. The amendments proposed by this particular piece of legislation would remove the $800,000 limitation which the 1963 act placed upon title II as to money available to these institutions.

I note from the report that seven institutions—I observe they are all larger institutions of higher education—requested money in excess of $800,000, and it is recommended now that the limitation be removed.

It occurs to me there is a very distinct possibility that some of the larger institutions could, upon the removal of this ceiling, get the lion's share of the money and some of the smaller institutions might suffer as the result of the removal of the ceiling. Smaller institutions must be protected.

Could the gentlewoman tell the committee what precautionary measures will be taken to administer this program so that it will be equitable and the smaller institutions will not suffer as a result of the ceiling being removed? How will the funds be distributed?

Mrs. GREEN of Oregon. I can fully understand the concern of the gentleman from Louisiana. If it were a grant program I would share his concern deeply. However, this is a loan program.

Also, there is a matching feature. The individual college must put up 10 percent of the money. So I do not believe any college will ask for more funds than actually needed for the applications which have been received from the students.

The small universities are protected. We have tried to make the amount of loan money sufficiently large so that loans will be available for all needy students whether they be in small universities or very large universities.

Mr. WAGGONNER. The gentlewoman understands that I wish to be doubly sure that the allocations of money under this title, with the removal of the ceiling, will not be a contributing factor to the overall enrollment or growth of an institution. It must not be a matter of first come, first served.

Mrs. GREEN of Oregon. You can be assured that this will not be the case.

Mr. WAGGONNER. I thank the gentlewoman from Oregon.

Mr. GRIFFIN. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I should like to interject, for whatever it might be worth so far as the gentleman from Louisiana is concerned, that from the very beginning, in 1958, I was a staunch advocate of a ceiling to protect small colleges and universities. I believe that, as the program started and has progressed, perhaps the ceiling has served its purpose. I have been one of those who has been reluctant to increase the ceiling, but as it has been increased I have become convinced it has not worked to the disadvantage of the smaller colleges and universities.

I believe, since this is a loan program and since we do have a history of administration which does protect the small colleges and universities, that we have probably reached the point now when the ceiling can be removed without great concern. I support that particular amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield.

Mr. THOMPSON of New Jersey. The gentlewoman is to be commended for the work which she and her colleagues on her subcommittee have done. All of them, I believe, on both sides, have done an outstanding job.

As the gentlewoman knows, I have a deep and long-time interest not only in education but also in this particular legislation. I believe that the bill as reported to the House is a splendid one. There are only one or two major differences from the bill passed by the other body, which also is a good bill.

I am particularly glad that we have recognized, in this House legislation, the need to expand in title III the subject areas. I have felt for a long time that there was too much emphasis on mathematics, science, and modern foreign languages. We have added history, English, and geography, and increased the authorization. This is only one of a number of very constructive amendments or suggestions which the subcommittee recommended and the full committee approved.

I hope we will be able to stick very closely to the gentlewoman's bill as it is reported out of the committee. Once again I want to thank her for her efforts on behalf of this legislation.

Mrs. GREEN of Oregon. I thank the gentleman from New Jersey, whose devotion to quality education is well known.

Mr. Chairman, I do not want to take up all of the hour on this side, but I will be very glad to yield to the gentleman from Virginia [Mr. DOWNING].

Mr. DOWNING. I thank the gentlewoman very much.

Did I understand her to say that an amendment would be offered which would extend the impact aid portion for a year?

Mrs. GREEN of Oregon. That is correct.

Mr. DOWNING. I wonder if any consideration could be given to extending it for a period of 2 years. I make that request in the light of the difficulty which the school districts have of preparing a budget in advance and not knowing whether these funds will be available. It is a Herculean task for them. They are in a period of indecision. If it could be extended for a period of 2 years while the study is going on, it would make it much easier for them.

Mr. ROOSEVELT. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I will be glad to yield to the gentleman from California.

Mr. ROOSEVELT. May I say to my good friend I am, of course, in sympathy with the desire to keep these laws in operation, but I probably think he does not realize as it is presently operated it excludes a number of areas, including, for instance, my city of Los Angeles and many other big cities throughout the country, from any possibility of being included in the application of the law. We had hoped we might be able to do something about it this year, but it seems impossible to do so in the length of time left. So we would hope the gentleman would accept a 1-year extension in order that we may bring it back early next year and then go further into working out a further extension. We are wholeheartedly in favor of the measures presently in existence.

Mrs. GREEN of Oregon. May I also say to the gentleman from Virginia, that it is my understanding that only a 1-year extension will be offered under the rule given by the Committee on Rules.

Mr. EDMONDSON. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I will be glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentlewoman and also want to compliment the committee and join in support of this very fine bill. Just as the gentleman from Virginia has stated, I have been concerned about the information that only a 1-year extension was to be asked. It has been my position and hope, too, that we could have a 2-year extension. Is the gentlewoman telling us the Rules Committee forbade the offering of an amendment for 2 years?

Mrs. GREEN of Oregon. No. The rule would make possible an extension of the Federal impact legislation. May I say to all of those who are concerned about the Federal impact that the present law does not expire until June 1965, and a 1-year extension extends the laws until June 1966. The chairman of the subcommittee that has jurisdiction over the Federal impact legislation has assured me that he will give Public Laws 815 and 874 his immediate attention next January.

Mr. EDMONDSON. I thank the gentlewoman for that assurance. Both of these aid programs are good programs that should be extended for at least 2 years.

Mr. DOWNING. Mr. Chairman, will the gentlewoman yield for one further question?

Mrs. GREEN of Oregon. Yes.

Mr. DOWNING. I understand the Senate bill carries a 2-year extension on impact aid. I cannot help but believe 2 years is a much more reasonable time, and I would be hopeful, although I do not want to substitute the Senate bill, that in conference it could be agreed to for a 2-year period.

Mrs. GREEN of Oregon. Certainly it can be debated in conference.

Mr. QUIE. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. I would like to add my remarks to those of the gentleman from Michigan [Mr. GRIFFIN] with regard to taking the ceiling off the loan provision, because the University of Minnesota was up against the loan limit and it is unable to make the number of loans it deems necessary. Of course, with the interest in loans and expanding enrollment in universities, and the number of young people without adequate funds to go to college, this will affect other institutions. While I do have the floor I would like to commend the gentlewoman for the good work she has done in reference to education legislation and particularly on this bill and thank her for our ability to work on the legislation with her.

Mr. GOODELL. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New York.

Mr. GOODELL. I think when we are discussing loan forgiveness, we ought to make it clear it is not the university that benefits and it is not the university that is penalized if they become ineligible. It is the students who are going to receive these loans.

Here we had a ceiling that prevented enough money going to a large university. There were many students, many of them most in need, who were deprived of the student loans under this program. I think the basic reason for putting the limitation in originally was that we found it a little difficult to estimate just how many loans there would be, and we wanted to be sure that the small colleges were taken care of while we developed the program and then estimate the needs on a year-to-year basis.

Now we have developed this to a point where we know we have enough money in here to take care of all loans. Under those circumstances it is very unfair to deprive the students in any large university of the opportunity to participate in the program.

Mrs. GREEN of Oregon. Mr. Chairman, let me turn to one other point if I may. There is another provision in title II of H.R. 11904. It is an attempt by the committee to bring about a coordination of the student loan programs. Prior to 1958 when the National Defense Education Act was passed there was no federally sponsored student loan program. Since that time and in addition to the National Defense Education Act a student loan program for students in the health professions has been enacted, and a couple of weeks ago the Congress passed a student loan program for nurses.

In one of the committees of the House there is now a bill which would set up a special student loan program for veterinarians. I can see the possibility of a great proliferation of student loan programs. I do not want to suggest anything to the people from the Department of Agriculture, but there is a possibility soon that we will have a separate student loan program for those who are studying in the land-grant colleges. Or there might be another student loan program for lawyers. In my judgment and in the judgment of the subcommittee this is not good legislation.

We had hoped that we would be able to bring under one head, one department agency here in Washington the authority to administer all student loan programs and cut down on the bureaucracy and administrative costs. We succeeded in putting a provision in the bill so that the college or university had to elect, had to choose which student loan program they were going to participate in. We further provided that if they chose to set up a student loan program under some other act, then they would not be eligible for loans under the National Defense Education Act.

We did this in order to relieve the college of expensive administrative costs. Three federally sponsored student loan programs with three different sets of bookkeeping makes no sense to me. This change in this bill was put in for this purpose and this purpose only, not to try to step over into the jurisdiction of any other committee, but to bring about coordination and more efficient and economical administration of student loan programs.

Mr. HARRIS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. At this point, I am very glad to yield to the distinguished gentleman from Arkansas, the Chairman of the Committee on Interstate and Foreign Commerce.

Mr. HARRIS. Mr. Chairman, first let me say that I want to join other Members in complimenting the gentlewoman from Oregon for her very wonderful work in the field of education and in the program which she and her great committee have brought to this Congress. I appreciate the comments that the lady has just made with reference to title II of the program. I am well aware of the position which the lady has heretofore expressed, as she has just again expressed it today, on these programs, in view of the conferences that we have held.

Of course, you are aware of the concern that we have had in our own committee of the kind of program we need to meet the health needs of this country. The administration recommended and legislation was sent to the Congress and referred to the Committee on Interstate and Foreign Commerce, which was H.R. 12, in this Congress, which became law on September 24, 1963. That is commonly referred to as the Professional Health Education Act.

That bill has become law. This is the first year in which there has been an administration program. Therefore, it really has not had an opportunity to work to the fullest extent.

Recently the administration sent up a nurses' training program, and at the request of the administration I introduced the bill. Hearings were held and the subcommittee which was assigned this particular matter went thoroughly into the program and worked out a bill and reported a clean bill H.R. 11214. That bill has passed this House. It has gone to the Senate. The Senate has passed the bill virtually as it was when the House passed it. That is now pending for final determination.

Since then the bill referred to, which is before us, has been reported and it provides, first, in title I, the section referring to the school of nursing, under the National Defense Education Act additional definitions.

In addition thereto, in title II, there is provided the proposed coordination, so-called, under section 207(a).

As a result of this action I would point out that the American Dental Association and others who have been greatly concerned with the program and who have worked on the Health Professions Educational Assistance Act over a long period of time have expressed their grave concern that the provision referred to, particularly 207 in title II, virtually repeals the Health Professions Educational Assistance Act.

Now we have gone into the matter and I am inclined to think that that would be the result.

In addition thereto the American Nurses' Association has advised the Congress of its great concern as to what would be done to the program on which they have worked and which the committee reported and which has already been passed in the House and has gone to the Senate. Now that bill has been passed by the Senate and is virtually worked out. They likewise expressed grave concern as to what this provision would do.

Our committee has considered the matter in view of these claims and we feel that there would be quite an interference.

I know the purpose which the gentlewoman from Oregon has just stated. I know how the gentlewoman feels about it. On the other hand we have, as the bills were reported, the purpose of studying the health needs of the Nation. We feel that these programs should be administered by the people in the Department of Health—the Public Health Service—and not become a part of the educational program administered by the Department of Education.

Therefore, our committee is gravely concerned about these provisions.

It is our hope that after reconsideration of this matter the committee of which the gentlewoman from Oregon is a member and the subcommittee of which she is chairman will permit us to strike particularly the provision referring to the coordination about which there has been so much objection and then have a modification of the definition, in line with the Diploma School of Nursing and, thereby, at least try to avoid this conflict which has developed.

Mr. DENT. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, with the gentlewoman's permission, I would like to suggest to the gentleman from Arkansas [Mr. Harris], if it is so important and essential that we delete the so-called splinter aid loan bills that have been passed and taken away from National Defense Education Act which was authorized to make loans to medical, nursing, veterinarian and any other college or university students, then would it not be proper that we delete some of those acts that refer to students who are studying medicine and nursing so that the balance of the students in the country interested in these particular professions might receive the benefit of the National Defense Education Act fund?

As the matter now stands, there is a possibility of duplication, not in the administration of the act, but in the application for the loans by the students themselves and the colleges and the teachers.

Now, in our proposed act which is pending before the House today, we are going to eliminate that. Does the gentleman agree with that?

Mr. HARRIS. First, Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. Yes, I yield to the gentleman from Arkansas.

Mr. HARRIS. First, let me say that there is nothing in the Health Professions Educational Assistance Act which refers to veterinarians.

There has been in this case.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. Let me finish.

Mr. DENT. There is nothing in here to cover the veterinarians, and I want to make sure it does not encroach upon the funds.

Mr. HARRIS. I am not speaking from the standpoint of the veterinarian problem because we have not contended that is a problem in connection with what we are bringing up here. We provide in the Professional Assistance Education Act that no student who has attended such a school shall receive a loan from a loan fund established under section 204 of the National Defense Act of 1958 as amended.

I will say further that we also provide a nonduplication provision in the nurses' program. You will have in that program the same provision so there cannot be any duplication. We did that purposely because we did not want this program to interfere with what the great committee has done with reference to the National Defense Education Act.

Mr. DENT. Are the loans being restricted to the premedical and colleges before they go into graduate schools?

Mr. HARRIS. The nurses' program has to do with undergraduate schools, too. The National Defense Education Act does not participate in loans to students in hospital schools. That is the reason we are suggesting that that provision or that definition be stricken.

Mr. DENT. Let us not misunderstand each other. I have supported both pieces of legislation.

Mr. HARRIS. Yes, I know the gentleman has.

Mr. DENT. I want to make sure in this National Defense Education Act legislation we will be able to restrict the schools from getting the sums of money allocated to them on a percentage formula which includes in the number of students counted in the formula those who are studying medicine, those who are studying nursing. I do not want to take anything from the act that has been passed. But let us reserve the money of the National Defense Education Act, since you have an appropriation for your part.

Mr. HARRIS. That is the reason I suggest the deletion of the paragraph defining diploma schools of nursing and section 207 of title II. If that were done, what the gentleman has suggested would be accomplished.

Mr. DENT. No, I do not think so.

Mrs. GREEN of Oregon. Mr. Chairman, let me say first of all I believe very strongly in the section of H.R. 11904 providing for the coordination of the student loan programs. I think it is good legislation.

On the other hand, I do not want to enter into any bitter jurisdictional dispute and at a later time if the gentleman from Arkansas offers such an amendment, I personally would be inclined to support that amendment. However, I cannot speak for the other members of the subcommittee.

Mr. HARRIS. I thank the gentlewoman, and at an appropriate time I will offer such an amendment.

Mrs. GREEN of Oregon. I will see that the gentleman gets the time.

May I go through the remaining provision of the bill very briefly. Title III has been discussed by the gentleman from New Jersey. Let me emphasize that we would like to extend the provisions to include English. I will offer an amendment later on that precisely define the types of equipment that may be purchased under title III. We are particularly concerned about remedial reading. We are also concerned that this program should allow for the acquisition of maps and globes. I will offer that amendment at a later time.

Mr. PERKINS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Kentucky.

Mr. PERKINS. If I understand the gentlewoman correctly, the program will be expanded to include remedial reading and English, but the other subjects will be omitted?

Mrs. GREEN of Oregon. A part of the amendment will expand the title III program to include English when it is taught as a secondary language. In New York City we have many Spanish-speaking people and also in the Southwest; under the terms of the amendment, equipment could be purchased for the teaching of English to children from these families. The amendment will also expand title III to include reading, especially remedial reading, and allow for the acquisition of maps and globes.

Mr. PERKINS. The gentlewoman will agree with me that a considerable number of youngsters drop out of school because they are unable to read; get off to a poor start. If we can remedy this situation by providing remedial reading, special reading classes, and special equipment, we will go a long way toward solving the dropout problem.

I want to commend the gentlewoman for including English and remedial reading. I think if we have to concede anywhere we should not concede on English and remedial reading.

Mrs. GREEN of Oregon. I thank the gentleman from Kentucky.

Briefly, if I may continue without yielding, so that other members of the subcommittee may have a chance to speak, in title IV the graduate fellowship program is expanded. The Office of Education asked for authority to award 10,000 fellowships in fiscal year 1965. The committee has recommended the increases be gradual, 5,000 in 1965, 7,500 in 1966, and 10,000 in 1967.

Under title V of the act, guidance, counseling, and testing programs in secondary schools and in the seventh and eighth grades of elementary school are supported. The committee is recommending that the guidance, counseling, and testing program be extended to the elementary schools.

Many of us feel that it is essential that guidance and counseling services be available at the second-, third-, and fourth-grade level.

In title VI of the bill, the authorization of appropriations for foreign-language development programs is increased in order to provide a more satisfactory level of support for the language and areas centers.

If I may skip the titles containing minor amendments, I would like to discuss title XI, the institutes program. In my judgment, the institutes program has contributed more to education than any other program under the act. Under H.R. 11904 institutes will be provided for school librarians, for teachers of disadvantaged youths, who are working in the slum areas, and institutes for teachers of history, geography, and English. The statistics show that only one-fifth of the elementary teachers in this country have college degrees. In addition to that, we have a tremendous explosion of knowledge, demanding continued study and education. This is why we are providing an expansion of the institute programs. We also expand the institute program for guidance and counseling personnel to allow teachers at all grade levels in the elementary school to attend the institutes.

At this point, Mr. Chairman, I wish to commend the distinguished gentleman from Georgia [Mr. LANDRUM], for his continued interest, support, and work on the amendments providing for training institutes. During our consideration of the Economic Opportunity Act, sponsored by this very devoted and able statesman, the need for training opportunities for personnel working in the slum areas was cited over and over. In recognition of this need, and in response to the well-documented statistics showing critical shortages of qualified and trained personnel, the gentleman from Georgia has given his complete and total support to the proposed title XI, especially those provisions authorizing support for the establishment of institutes for guidance and counseling personnel, teachers of reading, and librarians. He has been a most eloquent spokesman, especially for the librarians of this country.

Mr. Chairman, I hope that the members of this Committee will support the recommendations of the subcommittee.

Mr. HARDY. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Virginia.

Mr. HARDY. I am glad to have the opportunity to hear the gentlewoman's discussion of the various parts of this bill. There is, however, one question that I would like to get the gentlewoman to help me understand with respect to the provision for the forgiveness of 50 percent of the loans to teachers. The bill includes the teaching in public or other nonprivate elementary schools. Would that make possible the situation that has developed as the result of the Supreme Court's outlawing prayers in school?

I wonder if this giving forgiveness of 50 percent to a teacher would be given to one who might teach a particular dogma.

Mrs. GREEN of Oregon. The committee has provided that forgiveness be extended to all teachers regardless of where they are teaching. They may go to a private school, then go over to a public school for a year, and come back to the private school. The forgiveness feature would apply to any person who has obtained a loan and is teaching in an elementary or secondary school or in a college or university.

Mr. HARDY. So then that would apply even though a teacher might be teaching a particular creed?

Mrs. GREEN of Oregon. I am sure the gentleman would not suggest that the Federal Government's responsibility is to go into the control of curriculums. Not only the public schools but the private schools would have every justification in the world if we tried to limit forgiveness and say if you teach a particular subject you are not going to have your loan forgiven. This I think would be highly undesirable.

Mr. HARDY. I do not want to get into the element of curriculum. However, if we are not even permitted to have prayer in the public schools, I find it a little difficult to fight forgiveness of a loan to a teacher who is using her time to teach a particular creed.

Mrs. GREEN of Oregon. We are determined to avoid any Federal control of the subject matter in the curriculum—or any control of school personnel.

Mr. HARDY. Even if they teach a particular religion.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. POWELL] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. POWELL. Mr. Chairman, I come before you this afternoon to present one of the most well-known education bills. It is known by you because its record of achievements has been noteworthy. Since its original passage in 1958, the National Defense Education Act has provided financial assistance to many able college students through the student loan fund and by means of other titles many State and local governments have been helped to strengthen their educational programs.

The student loan program—title II of the National Defense Education Act—has made a concrete attack on the national waste of talent. A recent survey of the borrowers under this program indicated that 9 out of 10 depended on the availability of these loans to enter or continue in college. More than 680,000 students have borrowed approximately $325 million during the first 5 years of the program. Almost 325,000 loans have been made to students preparing to teach in the elementary or secondary schools. Approximately two-thirds of the loans have gone to prospective teachers or to students possessing superior academic ability or preparation in science, mathematics, engineering, or modern foreign languages. The number of institutions taking part in the program has risen steadily until in 1962 it included three-fourths of the colleges and universities in the Nation.

Recognizing the achievements of the past and the growing demands of the present and future, the bill before us would extend and expand these opportunities by 2 additional years, ease the administrative burden of the institutions of higher education and continue to assist in providing trained and qualified manpower in areas which are of critical importance to the Nation.

The maximum Federal capital contribution under present law is established at $800,000 to any one institution of higher education for any fiscal year. This limitation would be eliminated.

There are seven large universities which requested more loan funds than the law provides. The denial of these funds has had the effect of denying loans to nearly 4,000 needy and capable students. The removal of the $800,000 limitation will make sufficient funds available to meet the financial needs of students in the large universities and thus eliminate discrimination against such students attending these institutions. The committee is assured that the Office of Education in administering this section of the loan program will take steps to insure that the adoption of the amendment will in no way harm students in smaller colleges, since sufficient funds have been authorized to meet all reasonable requests.

The amended act, while preserving the consideration extended under the present law to students who intend to teach, would authorize institutions to give special consideration in making loans to "other students with a superior academic background" rather than only to "students whose academic background indicates a superior capacity or preparation in science, mathematics, engineering, or a modern foreign language." This broadening of the act is in consonance with changes proposed in titles III and VI, of the National Defense Education Act, and reflects the belief that the Nation should offer a greater opportunity for the development of the potential abilities of its talented young human resources.

This bill would authorize a higher maximum annual loan of $2,500 to any graduate or professional student and a maximum aggregate of loans for all years to the graduate student is established at $10,000. Undergraduate student loans would remain at their present maximum of $1,000 per year and the aggregate of such loans for all years is retained at up to $5,000.

In making these changes it was recognized that students at graduate and professional schools are older and in many cases they are married and have children. These students are usually independent of their parents who may have retired or who may be nearing retirement and therefore unable to provide financial assistance. The increase in the amount a graduate student may borrow should also encourage and make it financially possible for teachers to enroll for full-time study toward advanced degrees.

Under the existing act up to 50 percent of a student loan may be forgiven at the rate of 10 percent per year for each year in which the borrower is a full-time teacher in a public elementary or secondary school. Some 16,800 borrowers, now public school teachers, have applied for partial forgiveness of their loans. However, many student borrowers who enter teaching after graduation cannot qualify for the loan forgiveness because they teach in colleges or private schools. The provisions of H.R. 11904 correct this inequity by extending the forgiveness feature to teachers in private schools and to teachers in institutions of higher education.

But the financial obstacle has been only one dimension of the problem of wasted talent. Many students deserving higher education remained unaware of their own abilities and potentialities and of the educational and occupational or professional opportunities open to them, and either did not continue their education beyond high school or did not even finish school. Such wastage is especially costly among talented students and our Nation call ill afford such a loss in manpower. The expanded guidance, counseling, and testing program now furnished under title V of the act have made possible a great increase in the total number of school counselors and have placed a new emphasis on the identification and encouragement of talent. However, students must be identified earlier in their lives and guidance must continue longer in their academic experience. Hence H.R. 11904 has provided for an expansion of the testing programs to all grades of elementary education and to junior colleges and technical institutes and an expansion of the guidance and counseling programs to the public elemetary schools and junior colleges.

The extension of the program to the elementary schools will permit an early identification of young students who have varying abilities and needs. This will in turn encourage the development of adequate programing to challenge the gifted and correct difficulties found among those needing special help. The extension of the program will prove to be a valuable asset in this country's attack on the causes of poverty and in programs to prevent and control juvenile delinquency.

The special institutes provided in title V of the act would be greatly expanded in this bill through a new title which would embrace institutes for other professional personnel. The program authorized in the proposed title XI would provide assistance through grants or contracts to colleges and universities for the operation of institutes for teachers of modern foreign languages, history, geography, and English as well as school personnel engaged in guidance and counseling services and teachers of disadvantaged youth. Library personnel from elementary and secondary schools would also be included.

While the student loan program and institutes have provided incentives to students and teachers and has helped foster an increase in college-educated scientists, mathematicians, and linguists, the title III program of the act has attacked the problem of wasted talent from a different angle—that of strengthening school instruction in science, mathematics and modern foreign languages by providing funds for equipment and minor remodeling of classrooms and for State supervisory and consultative services.

H.R. 11904 would extend the program for 2 additional years and expand its services by allowing for the acquisition of equipment for the teaching of English, history, and geography. Certainly in such a rapidly expanding society, our youth must be made consciously aware of the expanding knowledge in these areas of human endeavor.

In order to meet the increasing demands for more college teachers, it is necessary to expand the present opportunities offered through the graduate fellowship program.

The title IV graduate fellowship program is primarily designed to encourage and assist students in preparing for careers as college and university teachers. Under existing law the Commissioner of Education is authorized to award 1,500 fellowships each year. The awards are normally for 3 academic years, and each fellowship holder is entitled to a stipend and dependency allowance.

Office of Education estimates indicate that approximately 320,000 new college teachers wil be needed during the 1960's, however, it is estimated that only 140,000 doctoral degrees will be granted during this period at the present rate. Of these only some 45,000 can be expected to enter college teaching. Without regard to the increasing needs of business and industry for persons with a doctoral degree, the anticipated critical shortage of qualified college teachers is sufficient justification for an increase in the number of title IV graduate fellowships.

The Office of Education recommended an immediate increase in the number of fellowship awards to 10,000 for 1965 and for each of the 2 succeeding years.

In order to increase the number of graduate facilities available in the Nation, the act presently requires that fellowships only be awarded to students in graduate programs which are new programs or an expansion of an existing program. It would be unrealistic to place this same limitation on all of the newly authorized fellowships. Therefore, H.R. 11904 requires that only one-third of the fellowships awarded in 1965 and in 1966 and not less than 2,500 of those awarded in 1967 be in new and expanded programs. The provision allows the remainder of the fellowships for each year to be awarded on such basis as the Commissioner may determine. This will permit support of newly established programs and assist in bringing such programs to a point of excellence; however, the committee wishes to emphasize that the requirement relating to the number of fellowships to be awarded in new or expanded programs is intended to be a minimum requirement. With this in mind the amendments further require the Commissioner to consider two objectives; that of increasing the number of graduate training facilities and that of promoting a wider distribution of such facilities, in his determination of the number of fellowships to be awarded at any one institution.

In furtherance of the objective of increasing the number of qualified college teachers, the amendments also provide that the recipients of fellowships under the title must be persons who are interested in college teaching and are pursuing or intend to pursue a course of study leading to a doctor of philosophy or an equivalent degree.

Language instruction, where it was offered in 1958, was for the most part confined to French and Spanish. In the changed circumstances of the United States and the world following World War II, government, business, and industry found themselves gravely handicapped by this shortage of language talent. The language development program under title VI of the act has attacked this problem.

H.R. 11904 would provide a 2-year extension of the program for area centers, language research and stipends for the study of critical languages and areas.

When sputnik was launched in 1958, Americans suddenly realized the need to revitalize its educational program if we were to keep pace with space and not let our Soviet neighbors challenge our national security. In 1964 we are no less anxious to maintain such leadership. In fact, we are challenged as never before to utilize every individual in our great Nation so that we may meet the growing manpower needs in all aspects of our lives. We dare not rest at this point, we dare not abdicate our responsibility to our children and our children's children. We must make democracy work. We must give our citizenry the education that is necessary if this dream is to be realized. We cannot afford to waste our human resources. Let us join then, in passing this bill today.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 5 minutes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman.

Mr. GROSS. Is there a report accompanying the bill, H.R. 12363? I have not been able to find it.

Mr. FRELINGHUYSEN. In answer to the gentleman, I do not happen to know whether there is such a report. Perhaps some member of the staff may be able to develop an answer to the question and let you know.

Mr. GROSS. The bill is under consideration along with H.R. 11904; is it not?

Mr. FRELINGHUYSEN. We are legally entitled to consider it and strictly speaking, of course, it is under consideration.

Mr. Chairman, at the outset I should like to make my own position clear. As a member of the Committee on Education and Labor for 12 years, I feel strongly that the Federal Government has a responsibility to strengthen the educational system of this country. I sponsored the National Defense Education Act of 1958, and over a period of time I have sought to clarify, expand, and define a reasonable role for the Federal Government.

At the same time I must also admit that I view this bill with some misgivings. It does strike me that we are proposing—at least if we should adopt the committee bill—a major alteration and expansion of a significant program. We are doing this under conditions which make the discussion of those changes far from easy. We are probably going to attempt to modify the committee bill substantially. I hope these efforts will be successful. During the discussion so far, reference was made to serious differences within the committee as to the advisability of some of the changes proposed in this legislation. The suggestion was made that amendments will be offered which presumably will resolve many of those issues.

The gentlewoman from Oregon has also said that a better way to proceed is to work on a bipartisan basis. I hope that that can be done as we consider these amendments. In my opinion the amendments to be offered are of great significance if we seek a proper definition of the role of the Federal Government. In this connection, I should like to join with the others in commending the gentlewoman from Oregon and other members of the subcommittee that developed this bill for their willingness to listen to suggestions and their willingness to work together for reasonable legislation. I regret that the differences of opinion, the suggestions and reservations that were made before this bill was reported were not reflected to a greater degree in the bill which we have before us.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Missouri.

Mr. CURTIS. This pertains to what the gentleman has just been saying. I was interested to note in the minority views this statement:

> We feel that this bill has not been considered adequately.

Now would that apply to the amendments that the gentleman has to offer too? If the committee itself has not done the homework necessary, and I am going to go down and take a look at the hearings myself, are we in a position of legislating with intelligence either on amendments or on the bill itself? I think this is disgraceful when these charges are made and they are completely ignored. If these charges are not true, then certainly the gentlewoman from Oregon should have been down in the well of the House and should tell us that the committee had made an adequate study. But this matter of continuing to legislate in ignorance has me very disturbed.

Mr. FRELINGHUYSEN. I might say to the gentleman that the hearings on which the recommendations in the committee bill were made were held in part with respect to H.R. 3000, the so-called omnibus education bill. That bill, you will recall, was finally broken up in parts. Some hearings were also held this year. We have had hearings therefore, over a period of years as to the advisability of changing the National Defense Education Act. It is on that basis that we are proposing changes.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CURTIS. The gentleman does feel, then, there has been adequate study on the part of the committee to discuss this with intelligence?

Mr. FRELINGHUYSEN. I say to the gentleman, I have already indicated that I do feel this is the proper way to legislate. In this situation, which we face today, we should have before us a full substitute, with all the various needed amendments. This presumably would get bipartisan support from the members of the committee, and we would hope it would also get more substantial support. We should have such a substitute before us. We should have an evaluation of the changes that substitute would represent.

This was my point with respect to the substitute that was forced down our throats last week on the anti-poverty program. In that case there was a substitute but it was not available for examination. Nobody had an opportunity to understand the significance of what was being offered at that time.

To a degree, that same charge can be made against what is presently proposed. In this case, however, I hope we will not be arbitrarily deprived of an opportunity to discuss the significance of the amendments, as we were last week on the anti-poverty package.

The situation today is one where we are not taking a position which is politically explosive. No one is trying to exploit anything for partisan advantage, as unfortunately was the case last week.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. GOODELL. I believe it should be said first that many amendments to be considered will be offered at the request of the minority side because we did feel that certain extensions of this act, as provided in the bill which came from the committee, did not have adequate background information and study with the elimination of some of the areas by the amendments. I believe we could say that we have had hearings on the material which will be covered in the amended bill.

My concern was that we were going beyond what we thought was justified by the hearings. That is the reason why the amendments will be presented.

Mr. FRELINGHUYSEN. The gentleman is stressing the importance, in his own mind at least—and I agree with him—of the amendments needed in order to make this constructive legislation. I am saying that we are hinging a lot on what may be done with this bill today. If some of these important amendments should not be accepted, we would be faced, as we were last week, with the necessity of voting up or down legislation which obviously may have some good points but which may not have received adequate consideration, or which may represent an unwarranted extension of Federal responsibility in an area where traditionally and rightfully the Federal Government has not had primary responsibility.

Mr. CURTIS. Mr. Chairman, will the gentleman yield briefly?

Mr. FRELINGHUYSEN. I am glad to yield to the gentleman from Missouri.

Mr. CURTIS. I have been at the desk, and I have been informed that there are no printed hearings available accompanying this bill. Had I been aware of that, I certainly would have voted against the rule to consider this bill.

I am distressed by the procedures which this House has been following this year in the matter of legislation. It is not a deliberative body when these kinds of procedures are followed. If there is any explanation on the part of the majority for these kinds of procedures, I would certainly like to hear it.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I can understand the concern of the gentleman from Missouri. I am sometimes concerned when I cannot discover all of the material which would help me make a valued judgment.

There are printed hearings on H.R. 3000, which is the basis of the amendments in this bill.

I also wish to say that there were more than 30 subcommittee sessions held on legislation to amend and extend the National Defense Education Act.

This bill has been very carefully considered item by item and comma by comma. We have brought to the House a bill which can be defended. It is a bill which has been studied. We believe that we can answer the questions of those people who have not served on the committee.

The subcommittee, as I have said, held more than 30 sessions on this legislation. Great time and attention were given to each and every title. There was no unanimity on every section—but this bill represents many weeks of hearings, research, study, debate, and amendment. This week we have agreed to certain additional compromise amendments.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. The gentlewoman's reference to what the other body has done and its lack of hearings reminds me again of the fact that they played a very significant role in the development of the antipoverty legislation, although the other body gave this legislation far less attention than the House. On that bill, we blindly accepted those changes without any discussion of their merits. The fact of the matter is that the Senate seems to have more influence, with less reason, on legislation than the House.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. CURTIS. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Missouri.

Mr. CURTIS. I am sorry to burden this RECORD further with this discussion, but I will say to the gentlewoman from Oregon if these hearings were conducted they should be available for those of us who do not have the privilege of serving on the committee so we can follow the debate and read from the original source material. The charge has been made that the bill has not been considered adequately. That is the only way we can make up our own minds on it. A meaningful debate cannot be conducted if the source material is not available from the committee. It is my understanding under the rules of the House it is supposed to be available before a debate is conducted.

Mr. FRELINGHUYSEN. I thank the gentleman for his comments. I regret, as a member of the committee, that there was no decision as to when this bill would be scheduled until about 6:20 last evening. Then, with the House meeting at 10 a.m., there has been very little time for us to develop specific amendments and the justification for that language. We have had little time to develop pertinent comments on the nature of the testimony which has been heard, and the adequacy of the consideration given by the committee and the other topics which the gentleman has referred to. All these are substantial topics and should affect our feeling toward this legislation.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Minnesota.

Mr. QUIE. I think we should point out, however, when we make criticism of the bill and state that it was inadequately considered, the gentlewoman from Oregon [Mrs. GREEN] said title III would be dropped and a study would be put in its place. This was the most outstanding part of the bill that we felt was least adequately studied—the construction of a page school. I want to assure the gentleman that the gentlewoman from Oregon has been most helpful now.

There was one other section of the bill which expands forgiveness beyond the part that has been studied thoroughly, that is, to expand it to all teachers rather than just elementary and secondary public school teachers. I think we now have a bipartisan agreement that these forgiveness features will not be in the bill.

With this the criticism of the gentleman from Missouri, I think, could be withdrawn, because we are not going to push for those parts of the bill which some of us felt were not adequately considered.

Mr. FRELINGHUYSEN. I might say to the gentleman from Minnesota that I have no desire to pick a quarrel with anyone, least of all the members of my own committee. I hope that the coalition that has been developed among members of the committee regarding amendments is not so fragile that it is not able to justify the importance of those amendments and the necessity for accepting them. We are talking about very fundamental problems in this proposed expansion of the National Defense Education Act.

What disturbs me, as a specific example, is the nature of the responsibility which the Federal Government has toward the broad problem of training adequate teachers for our Nation's children. The National Defense Education Act specifically set up certain summer institutes for the training of teachers. This was done primarily because it was felt that in certain areas the Nation was lagging for particular reasons. One of those reasons was that in mathematics, for instance, there have been so many advances made recently, and an adequate understanding of mathematics was so important to the national defense, that the Federal Government should do something about providing the Nation, more rapidly than would otherwise be the case, with more adequately qualified mathematics teachers. The same goes for science teachers and the teaching of modern foreign languages. But is it not another thing altogether for us to advocate summer institutes for the teaching of history, English, and geography? As a history major myself, I do not mean to say that history is not important and that adequate teaching of it is not important. However, it does seem to me we should take a look at the reason and the justification for expanding directly the role of the Federal Government in determining what is an adequate teacher and the importance of Federal assistance in this area.

I am also troubled by the proposal that equipment be provided for the teaching of history, geography, and English in our school system. I grant that we should provide assistance to provide expensive laboratory facilities in the field of science, and other areas directly related to our national security. Now however, we are specifically talking about areas not related to the national defense. What do we mean when we talk about equipment for the teaching of history? How do we justify Federal aid for this purpose? Granted, remedial reading is important if we are going to encourage a reduction of illiteracy, but how do we justify the direct financing by the Federal Government of equipment for the teaching of English?

What specifically do we have in mind that could, and should, not be provided by the local school system? What makes globes and maps so important, so expensive, and so hard to get that our local and State governments cannot provide assistance to update such equipment?

It is this kind of a problem, and the basic responsibility of the Federal Government in this area, that concerns me. I am also concerned by this whole question of forgiveness of loans to almost anybody who comes along. This is a vast broadening of a program that might well be questioned altogether. And if we extend forgiveness to still more areas, we are creating inequity among the groups that do not have this kind of advantage.

We have already had a discussion about competition between committees, with respect to Federal assistance and the role of the Federal Government. We have had a new student assistance program arbitrarily assigned to our "poverty czar." These, of course, do not belong logically under his jurisdiction at all. It is simply the magic name of poverty which allows the words "study and training programs" to fall within his jurisdiction. This is a splintering which our committee, regrettably, has advocated. Actually, if there should be changes made in Federal assistance to students they should be made through modifications of the National Defense Education Act which we are considering now.

I am not suggesting that this bill is going to be defeated. I recognize, however, that major changes in this legislation are needed.

Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, as we consider this extension of the National Defense Education Act I know we are in a bit of a difficult situation because some parts of this bill were not adequately considered and there is a great deal of controversy about them.

Let us take the Page School to begin with. A little while ago the gentlelady from Oregon informed the House that she is going to move to drop this section from the bill. I know there are some people here who feel very strongly that we ought to have a Page School and dormitory constructed so that we may continue to have these young men work for us in the House as well as in the other body. They also want to be sure that these young men are taken care of adequately in a dormitory, with proper supervision; and also that they may have an opportunity to improve their grades rather than have them reduced, as has happened to so many here.

We also know that there is an annual salary of $5,000 apiece, which is quite a substantial figure for a 14-year-old boy.

Mr. Chairman, there are many people who feel that the age should be increased, that it should be increased to 18 or to the age of a high school graduate, and then they could handle their housing and educational problems themselves.

Mr. Chairman, this is a controversy which we cannot resolve here now. We do not have enough information available at the present time to do so. So we will provide for a study instead.

Mr. Chairman, I believe this represents a good way of accomplishing this.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield at this point?

Mr. QUIE. I yield briefly to the gentleman from Louisiana.

Mr. WAGGONNER. I believe that the gentlewoman from Oregon [Mrs. GREEN] and the gentleman in the well [Mr. QUIE] have made the point before that we must understand that something has to be done about the page problem. However, I would dislike very much for us here today to create the impression with those who do not understand fully the situation that the pages we have here in the Congress are all juvenile delinquents. Such is not the case. I believe, however, there is a need for something to be done and that something must be done. I heartily concur that we have to do something, and I am going to support the gentlewoman from Oregon's proposal to strike this item from the bill which we are considering today.

However, again I want to say that we do not want to create the impression with the public generally that this is a reflection on these fine pages, that they are juvenile delinquents, because certainly we know they are not. We simply need to improve these facilities for them.

Mr. QUIE. I thank the gentleman for bringing this up, because we can get so carried away with our concern about what ought to be done that we can leave the impression to which the gentleman from Louisiana refers.

Mr. Chairman, these are outstanding young men, and I believe it is a part of our responsibility to them to make certain that the best is provided for them.

Mr. Chairman, I might point out that the only dispute about which I know in opposition to increasing the age to 18 is that we had to have younger boys so we could tell the differences between the pages and the Members.

Mr. Chairman, this represents quite a compliment to the Members of the House that such is the case, but this is the only opposition I could see of any substantive reasoning.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. Yes, I yield briefly to the gentleman from California.

Mr. ROOSEVELT. I thank the gentleman from Minnesota for yielding.

May I say I completely agree with what has just been said. But on the other hand would not the gentleman agree that if we do nothing at the present time it simply means that the study will not begin until sometime next year and then the study will have to go on and we will have to come back and we might not be able to do anything about this problem for perhaps 2 years.

Therefore, would it not be wise that the bill which has been introduced by the gentlewoman from Oregon and which has been referred to the Committee on Rules, that we try to obtain agreement on all sides that this study should go on and that we try at least by unanimous consent to bring it up during this session and try to get the study begun?

Mr. QUIE. I certainly agree with the gentleman, that if the study could be made now we could move quickly in whatever direction we decide to move when we come back.

Now, Mr. Chairman, let us go to the National Defense Education Act.

Mr. Chairman, this bill, this program, this law, has great support throughout the country. It was generated in 1958 due to the fact that we learned to our surprise that the Soviet Union could launch a space vehicle before we ourselves could launch one.

Mr. Chairman, we had the impression—and it turned out to be false—that all of the intelligence was here in the West. We learned that there were many great minds in the Soviet Union, and they were not just the minds of the ones which were captured from Germany. Throughout the time of scientific development the Russians themselves have produced scientists, and we cannot rest on the assumption that we are always ahead of them.

Mr. Chairman, we learned two things as a result of this. One was that our educational program in science, mathematics and in the modern languages was inadequate. It was not quality education. We were not providing the necessary advancement and knowledge in the young years, in the elementary and secondary schools, which is needed to produce the scientists for the future.

So, Mr. Chairman, we made the money available and the program available to greatly strengthen and improve the quality of our courses in science, mathematics, and in foreign languages.

Many reasons were given to justify singling out these subject areas for special attention. Among them were the claims of past neglect, present necessity, and increasing expense. For example, some of the costs cited for science education were $6,000 for a general science lab, $12,000 for a chemistry lab, and $1,245 to $8,925 for basic physics lab supplies. Educators pointed out that science supplies are produced by companies aiming at the lucrative industrial market. Too often this equipment is overly specialized and overpriced for school budgets.

As the title of the act indicates, Federal support of the science curriculum was considered vital to the defense of the country. In this way, objections to Federal aid to education were overridden in a rush of patriotism. This was not Federal support and control of education; it was part of the defense of our country.

Another problem, however, faced us and it was the fact that our young people were not studying these courses. They were choosing other subjects, and for the most part these were elective courses.

Mr. Chairman, in the case of modern foreign languages we cannot expect the local communities today to train most of their young people in Swahili, for example, because there is no interest in that. We do not have the same situation existing in this country as exists in Western Europe where they need additional language training in order to communicate and to deal in trade and commerce.

So, Mr. Chairman, there needs to be a definite input in the foreign language training field because it affects certain employment, and we need the input in order to improve the quality and also to increase the number of students who take those subjects.

Now we are being asked to expand this program to include history, geography, and English. Because of constant and excessive costs of equipment and supplies for these disciplines? Hardly; the cost of equipping a social studies classroom is approximately $1,000, or one-twelfth the cost of a chemistry lab. Lack of competition? Textbooks, maps, and other equipment are all produced competitively for the scholastic market. In the name of defense? No. The need cited is to "balance the curriculum" that was unbalanced by Federal intervention in the first place. So the proponents of general aid to education will quietly infiltrate all subject areas one by one until the Federal Government holds the pursestrings, and local "independent" school boards and administrators must dance to the tune called by "Big Brother" in Washington.

To illustrate the national apprehensions on this score, I would like to read a resolution passed by the American Farm Bureau Federation in 1960:

> We oppose expanded Federal aid to education because it would be a "foot in the door" toward a federally controlled system of education. It is unrealistic to contend that the mere insertion in a legislative proposal of a pious clause disavowing any intention of authorizing Federal encroachment. The Supreme Court has ruled that the Federal Government can regulate that which it subsidizes. The greatest control available to the Federal Government is its power to allocate funds.

In an impartial analysis of Federal aid to science education, Paul E. Marsh and Ross A. Gortner charge:

> Despite the act's injunction against Federal control, other provisions made [the U.S. Commissioner of Education] adviser, policeman, paymaster, and judge.

In 1962, Prof. Sidney C. Sufrin, of Syracuse University, predicted:

> Categories receiving aid will be increased and expanded until the effect will be to secure general categorical aid. There is at least the possibility that so many categories of educational activities may come to receive Federal support that aid may almost be considered general.

This is occurring despite the fact that when the National School Boards Association polled its members 2 years ago on the question of general Federal aid to education, a majority not only were opposed to general aid, but also opposed expanding the existing Federal programs. The same position is taken by State and local administrative officials, who fear that Federal control is starting with money, will expand to include substance and will end by dictating educational philosophy and policy.

What do these educators criticize in this program, supposedly designed to help them better perform their functions in the education of our youth? For one thing, excessive paperwork and redtape are a burden, especially in view of widespread fear of the General Accounting Office. The accounting aspect of the problem is compounded by the actions of the Office of Education, which has decreed that they must approve the State's method of auditing before they will accept the State's report of Federal funds expended. In this way the financial affairs of a State are at the mercy of a bureaucrat's whim. What is a "reasonable standard" today can be changed tomorrow.

A most important objection is that Federal categorical aid supports what Congress thinks is important, despite the fact that what is significant at the national level is not necessarily so on a local level. Indeed, in "The American High School Today," Dr. James B. Conant emphasizes the necessary diversity of American schools, pointing out that a curriculum suitable for one school in a certain area is unsuitable for another operating under different conditions and with different students.

Matching of funds itself is a form of Federal control. The availability of Federal funds can thwart State policy by offering money that must be taken for political reasons when the State would rather devote the funds used for matching to something else. Many educators claim that National Defense Education Act unbalances their program. More than 50 percent of school administrators reported that their districts had allocated matching funds that originally were intended for other areas of the curriculum.

Since title III money was appropriated by the Federal Government, State legislatures could not tie strings on the money as they usually do to insure efficient, effective, and proper use of it. The sole objective criterion for improvement in science education under the National Defense Education Act was that it cost money. Yet there is no overt evidence that local science classrooms have risen to the larger challenge of generating continuing improvements in science education. This merely reiterates the truism that simply spending money may or may not improve science education.

In the effort to get title III money, some States rushed through projects in order to qualify for their full allocation. For example, school planetariums have been built, often just to get matching funds. Although these expensive additions can be of great educational value, their use must be planned well or they will be merely overpriced lunchtime entertainment. A great many projects have been quite expensive as the States have tried to use their full quota of funds. Over 40 percent of the projects for 1959 cost $1,000 or more. In that same year, Maryland spent $745,000 on 10 projects. Nevada spent $47,000 on a single project. Despite this frantic scramble of possibly ill-conceived and poorly planned requests for title III funds, only seven States in 1960 used all the money allocated to them.

Professor Sufrin has made the further prediction that if National Defense Education Act continues for a few years, it must go on forever, because many programs are undertaken that are dependent on Federal money for their continuation. We will see the Federal Government constantly expanding its aid programs. Federal aid to elementary and secondary schools, however, makes sense only if it strengthens educational standards and accomplishments at the State and local levels. As I have demonstrated, we have no assurance that this is so, or ever will be.

For these reasons I do not believe we are ready now to add additional subject matter be it history or geography, as we have in the House bill, or civics, as provided by the other body. These are subject areas which is extremely controversial. The Republicans may use and study social science differently from the Democrats. A Republican may look at his civics differently from a Democrat. A Republican may look at a philosophy of economics differently from a Democrat. What could happen if one party's philosophy gained a upper hand when the Federal Government provides financing for a certain curriculum in research, institutes for teachers and the program of study in the school?

Let me use this example. In the May 16 and 17 Report of Cooperative Research Projects, I note "Cooperative School-College Project for the Development of New Materials in the Teaching of U.S. History and Social Studies at Amherst College. Materials will be developed for grades 8, 9, 11, and 12 for the average and college-bound student, and for the terminal student, as well as for use in adult education." The Federal Government provides such research in curriculum and if they also provided institutes to equip these teachers to teach the results of this study and finally help finance for the school special equipment, which might be necessary for that particular curriculum, this could go a long way in directing the exact curriculum which is taught in a specific school.

Not that I am opposed to the further development of these subject matters but, rather, any possibility of standardization by the Federal Government. One of the strengths of our educational system is that we have diversity which is our strength.

The fact that they teach differently in Minnesota than in New York, differently in California than in Illinois. That is our strength, and we must make certain that out of this we do not develop standardization of our curriculum. For that reason I hope that the amendments will be adopted which will enable us to provide expansion in title III, not for a certain curriculum but for equipment itself which can be used for any subject. Take the case of maps and globes in title III, we need not expand the program for additional subjects. This is a very dangerous ground. Rather these maps and globes could be used for any subject. We ought to make sure what we are doing when we take a step which we may never reverse. I want to caution you on the part of the bill which adds certain subjects as new categories.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. The gentleman mentioned the title III program. I agree with him, and I want to associate myself with his remarks with reference to that program. We originally considered title III under the National Defense Education Act to help school districts buy expensive scientific equipment by which they could update their methods of teaching in the elementary and secondary schools.

I would like to ask the gentlewoman from Oregon, and the chairman of our subcommittee, a question with reference to this: It has come to our attention under this title III program, that in some instances these funds have been used in title III to buy staples, desks, chairs, curtains, and files for glassware, and things of that nature. I believe we have a unanimous view in our subcommittee and in our committee this was not the intent of title III, and that this kind of utilization of funds is in error and beyond the intent of the legislation.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. The gentleman is absolutely correct. My understanding is the same as his. The original intent of title III was to provide some funds for equipment, which is very expensive science laboratory equipment. There is a Comptroller General's report which the subcommittee studied in which there was some evidence that some of the money was being spent for chalk, and so forth. That is why we have the language in title VIII which tightens up on these problems, and we hope because of the tightening up, and because of the records we will ask in connection with them, that these funds will be spent only for the things we originally provided.

Mr. GOODELL. I thank the gentlewoman. I am sure the gentleman in the well of the House agrees with that.

Mr. QUIE. Yes, I surely do. We spent considerable time on this in the subcommittee, and we were shocked to find that erasers, chalk, and such things were being bought. I certainly do agree with the gentleman.

Title III of the program provides for expansions into other disciplines. I just want to ask you to think seriously about this when we come to the amendments, and see in your own mind if you do not think it is wise to drop the expansion to new disciplines in the National Defense Education Act. I will pursue this at greater length on the new disciplines at the time the amendments are offered.

Title II, the loan program, is tremendously popular. It is a good thing to assume debt while attending college because the earning capacity of a person who has attended college is much greater than that of one who has attended only high school. This program of aid greatly enhances their chances to obtain further education.

It also brings about other advantages. I find that students are great in repaying their loans. In the University of Minnesota 2 years ago when I checked on it, the loan money from private sources was as great as the money they have received from the National Defense Education Act.

However, this legislation provides that the forgiveness of the loan at 10 percent a year for a maximum of 5 years, totaling 50 percent forgiveness if a person became an elementary or secondary teacher in a public school, expanded to include forgiveness of loans to social workers, nurses, and teachers in private and parochial schools and colleges.

The Federal Government must not be given the power to direct the citizens of this Nation into selected occupations or professions. The granting of Government incentives to coerce students to follow a certain course of study has always smacked of communism and totalitarianism to me. Of course, teaching, nursing, and social work are worthwhile and rewarding careers which talented students should be encouraged to enter. But Government subsidies favoring any specific occupations are contrary to our American ideals.

Many well-meaning people support the forgiveness clause on the basis that some monetary inducement is needed to encourage graduates to enter teaching instead of taking high-paying jobs in industry. To answer this argument, I point to the hearings where the chairman of our subcommittee rejected the "inducement" idea as merely an excuse to justify the low salaries paid to teachers. This, moreover, is a matter for action at the level of the local community. The determination of teachers' salaries is not, and should not be, subject to Federal control.

Aside from the alien concept of Government coercion in vocational choice, the forgiveness feature creates problems for the universities in the program. The imbalance of students favoring one curriculum or another hinders the university from charting its own course. The administration of the loan program is made increasingly more difficult by the paperwork needed to handle cancellations. Since the staff increase to coordinate this complex program is added to the overhead of the college, the loan program could conceivably weaken the university instead of strengthening it.

There is also the disturbing problem of the student who obtains his loan, enters teaching or nursing in order to have his loan forgiven, and then enters another field. Statistics on student borrowers show a significant percentage who presently plan to teach on this basis. Since the average loan is less than $500, these students have certainly sold their birthright of free choice for a small mess of Government-issue pottage. What is worse, the children in the classes of these reluctant teachers are the ones who will suffer most.

Most colleges have reported that students' loans are repaid before they are due, showing that repayment is not a hardship for these graduates. Why must we assume that those entering respected careers of public service in teaching, nursing, and social work are less able or self-reliant than any other loan recipient?

Before we vote on this ball, we ought to ponder a statement from "The Federal Interest in Higher Education," by Homer D. Babbidge, Jr., and Robert M. Rosenzweig:

> If the threat of an unwelcome intrusion upon educational matters must be guarded against, there is another kind of threat which is less obvious but perhaps even more imminent. It is the danger that comes from too much extemporizing; from too great a reliance on stopgaps and rush programs; and in general from too high a regard for immediately visible needs and measurable results and too little concern for the long-term health of the educational system.

The reason for the forgiveness in the original act of 1958 for elementary and secondary public school teachers was that at that time we had an insufficient number of such teachers. Nobody can prove there is an insufficient number today. Some think as I do there is not sufficient quality. We never can feel satisfied with the quality. However, what seems to be happening is an expansion of the forgiveness feature so the loans would end up as an undesirable scholarship program. Some people go into teaching because it means a form of forgiveness of the loan. We do not get quality teachers when they go into the profession only to get the money. If you expand this to social workers, nurses, and others, who are working in the poverty program in the poverty stricken areas, we are extending it way beyond the intent of this legislation.

I do not think we are ready to do this today. I think we ought to be on our guard lest we make this program something it was not intended to be. If we are trying to help young men who cannot attend college because they cannot borrow enough money to do it, let us look at their needs while they are in college rather than use this indirect method which does not meet the need of the people who really need it.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. ROBISON. The gentleman implies in his separate views that if the bill passes in its present form the result could well be an alteration in the basic structure of the legislation.

Mr. QUIE. That is correct.

Mr. ROBISON. The gentleman has just touched on this in his remarks. I think there is much in this bill to recommend it. I want to associate myself with the statements the gentleman has made which appear as his individual views. I wonder if this bill is enacted if it would not make sense to drop the word "Defense" from the title and merely call it the "National Education Act."

Mr. QUIE. I am not ready to drop the name as yet. I think there still are a great deal of defense implications to the National Defense Education Act. If all the proposed amendments were in here and the amendment relating to the expansion of the program were left in here, the gentleman might be justified in changing the name.

Mr. ROBISON. That was my point. I hope these amendments that the gentleman is talking about do carry.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. In line with the colloquy that has just occurred, we might accurately say that we are here trying to defend the merit of the word "defense" in this title. If our amendments were not enacted, the word would have a very much diminished significance in this act.

I would like also to ask the gentleman for his view on the institute section of the bill. We will apparently expand this to cover summer institutes for teachers of disadvantaged youths or disadvantaged youngsters. The summer institutes will be for teachers who will be teaching the disadvantaged youths. I believe we should have a little colloquy and perhaps the gentlewoman from Oregon will join in making some legislative history with reference to our understanding of the word disadvantaged in this context. We see constantly in our hearings and in our consideration of education problems, the problems of the poverty stricken young people, those who come from families where they may arrive at school age with an inferior development of language capability, for example, or where they cannot understand or talk on the same level as the youngsters who comes from an educated family. These children may not understand the symbols or the references used by the teacher in kindergarten or in the first, second, or third grade. If that youngster is not helped at that time, he gets off the track. Then each year that goes by thereafter makes it more difficult to get him back on the track.

This is one of the areas that needs a great deal of attention in education in our country today. The gentleman now in the well made a very eloquent statement with reference to this in the poverty debate. He and I both participated, during the hearings on poverty, in developing the idea that we should have a high priority for youngsters at the age of 3 to 7 or 8 or 9 years in trying to bring them back and to help them at that age, and in doing so with a minimal investment, as compared to the later ages. At early ages we would have a very sizable impact on a problem here that is very acute in our country. Will the gentleman agree with me and will the gentlewoman from Oregon agree with me that this is the type of thing that we are referring to when we talk about disadvantaged youngsters?

Mr. QUIE. Yes; I would agree that this is the type of thing we are referring to, reaching these young people and motivating them. As the gentleman will recall, in the testimony before our committee, and it can be read in the hearings on the poverty bill, the Governor of Indiana appeared before and spoke to our committee. He stated that in a program in Indiana similar to the Job Corps program that half the young men were illiterate. I asked how many years of school they had attended. He said between 8 and 10 years. Something went wrong when these youngsters could not be reached in the first grade. That is what we are talking about—reaching these young people in the first grade and in the early grades so that we do not have to have that extensive and expensive correction problem later on.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Our concern, I think perhaps, grew out of the hearings on poverty. Take the situation where a large number of youngsters come from culturally, economically and educationally deprived homes. Perhaps there is a teacher who comes from a middle class or a very well-to-do suburb and who has never before been in a slum area. Suddenly that teacher is assigned to a school in a slum area. I think there has to be a necessary training period so that this teacher would be better able to realize these cultural background problems that exist and realize the total situation that confronts these particular children, so that she can handle the educational job in a better way. When you speak of disadvantaged youngsters, it is these youngsters who do come from these culturally, educationally, and economically deprived homes whom we hope somehow we will be able to reach at an early age so that they too will be able to develop to their fullest potential.

After all, the amount of money one has does not determine how much brainpower one has or how much ability one has. We have found that to be true in the higher horizons program, in the great cities program. For instance, in Detroit a very alert teacher spotted a 9-year-old Negro girl who came from a culturally, economically, educationally deprived home. This youngster had an IQ of 170. Suddenly this child had doors opened and opportunities available she never would have had. Instead of becoming a dropout statistic, she is now likely to be really a contributing member of society.

Another 8-year-old boy was found with an IQ of 220.

We need to reach these youngsters, instead of having them just sit in classrooms. That is the purpose of this institute.

Mr. BALDWIN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. BALDWIN. I should like to ask a question with respect to Title V: Guidance, Counseling, and Testing. There have been criticisms periodically about some of the tests administered in various school systems. Some of these tests apparently have been designed by some universities. The tests at times have multiple-choice questions with implications about morality or immorality which some parents judge wrong, and of which they have been highly critical.

Has the subcommittee and the full committee made a very thorough study of the tests being utilized under the authorization of this bill, so as to satisfy the members that these tests are actually proper tests and are not being misused to try to get across the ideas of somebody drafting the tests?

Mr. QUIE. I believe what the gentleman refers to are tests which are made under the National Institute of Mental Health, to study the young people and to find out "what makes them tick."

Mr. BALDWIN. Those are some of the tests, but it is not necessarily limited to those.

Mr. QUIE. As to the counseling and guidance program under the National Defense Education Act, we looked into the program and the tests being given, and that was not brought to our attention as to the National Defense Education Act program. The objection came with respect to those tests used under the National Institute of Mental Health. I am aware of that controversy. That is what I recall from the hearings.

Mr. BALDWIN. My main question is: Has the committee studied this sufficiently so that the committee members are satisfied that the tests involved, so far as this bill is concerned, are tests which are proper, rather than tests which endeavor to get across the slant of somebody who constructed the tests?

Mr. QUIE. I would not say that I have assurance that no test being given might not be unacceptable. However, with respect to these tests, the local school boards and school administrators have the responsibility. It will be up to them to make certain that the tests which are not acceptable are not given. The Federal Government does not give the tests.

Mr. BALDWIN. I will give a specific example. On some tests used in California there is an implication that the FBI is some kind of very unsatisfactory organization, by the way the question is slanted. It seems to me such a question is highly improper. That is what I refer to.

Mr. QUIE. I would believe such a question to be highly improper. It was not brought to the attention of our subcommittee that such were given under this program.

Mr. PILLION. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. PILLION. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Alger
Ashley
Auchincloss
Avery
Baring
Bass
Becker
Bolton, Frances P.
Brown, Calif.
Broyhill, Va.
Bruce
Buckley
Burton, Utah
Cameron
Davis, Tenn.
Denton
Diggs
Dingell
Fino
Fulton, Tenn.
Fuqua
Gill
Grabowski
Hagan, Ga.
Haley
Halleck
Hanna
Harris
Harsha
Harvey, Mich.
Hays
Healey
Hébert
Hoffman
Holifield
Jones, Ala.
Kee
Landrum
Lankford
Lesinski
Lipscomb
Lloyd
McLoskey
Mailliard
Martin, Calif.
Martin, Mass.
Mathias
Meader
Montoya
Morton
Nedzi
Norblad
Olson, Minn.
Passman
Pilcher
Powell
Rains
Rhodes, Ariz.
Ryan, Mich.
Scott
Selden
Sheppard
Shipley
Sibal
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Va.
Staebler
Steed
Teague, Calif.
Teague, Tex.
Thompson, La.
Thompson, N.J.
Toll
Tuten
Wickersham
Williams
Willis
Wilson, Charles H.
Wilson, Ind.
Winstead

Accordingly the Committee rose; and the Speaker having resumed the chair, the gentleman from Missouri [Mr. BOLLING], Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11904, and finding itself without a quorum, he had directed the roll to be called, when 346 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. GRIFFIN. Mr. Chairman, I yield 5 additional minutes to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, let me just finish now on title II, the reasons why I feel it is unwise to expand the forgiveness features to these other groups of people other than teachers. As I mentioned, I think it is unwise for the Federal Government to direct a person by any kind of subsidy into a particular occupation. Second, I think it is really degrading to say that a person gets adequate remuneration by means of forgiveness of a loan. I think we ought to pay adequate salaries. If the Federal Government creates a curriculum imbalance in an institution of higher learning because the students are choosing their course of study due to the Federal subsidy, because of the forgiveness of the loan, this is unwise Federal action. For this reason, I think we should not expand this forgiveness.

I spoke on title III. We have reached an agreement that instead of picking the course of study, in the case of maps and globes that are not adequate in the schools, we would permit the schools to buy them with title III money and use them for any subject; as for remedial reading, schools would be permitted to acquire remedial reading aids that are now on the market.

In the case of the guidance and counseling program, the bill provides that guidance and counseling will be expanded to the elementary school grades and to the public junior colleges and technical institutes.

In the origin of the act, guidance and counseling were only provided in high school. We dropped the age to the seventh grade in the amendments passed last year. Now I think we ought to drop them to the 1st grade and provide guidance and counseling from the 1st grade to the 12th grade. However, I think it is unwise to have Federal assistance for guidance and counseling in the public junior colleges and technical institutes because this puts them in competition with what is available to other institutions of higher learning.

We have attempted to keep programs equitable to all institutions.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. ROOSEVELT. I just want to comment on title V with reference to the question raised by my friend, the gentleman from California [Mr. BALDWIN]. While tests and so forth that are given under this title are undoubtedly at times somewhat questionable, it seems to me very clear that we on this side want to be sure we are identified with the basic principle that there should be no effort on the part of the Federal Government to control the curriculum or use of these funds, and we have made that very clear. I would say to the gentleman, in the specific instance that he cited that he should go to the State agency and talk to Dr. Rafferty who is the head of it and make sure that the proper exercise and control of the funds granted under title V is properly executed by the State agency.

Mr. QUIE. I thank the gentleman from California.

In conclusion I would like to make a few comments on the institute program. The institute program provides summer training for the teachers of modern foreign languages at the present time. The National Science Foundation provides an institute program for science and math activities. Expansion to other subject matters, I think, will be unwise at this time because of the controversy in this area.

However, I think it would be wise for the institute program to be extended to teachers who have the problem of reaching disadvantaged youths in their class—to the teachers who have a problem with the young people unable to read. They need remedial reading training to speed up their students' reading and comprehension. I think this program should also be extended to school librarians, and to all guidance and counseling personnel covered by this bill when amended.

All the effort thus far made has been to improve library services, but the school librarians should be able to use this program and the institute for themselves.

I hope we will not specify the subject matter of history, geography, and English. Reading is the most important remedial problem we have in what we call English education. I hope the House will agree with the amendment which strikes specific mention of these three categories which I have mentioned.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. I think several statements should be made as a matter of legislative history. The gentleman is aware that this bill requires one-third of the fellowships to be new expanded graduate programs. The gentleman will agree with me that it is the unanimous view of our subcommittee that the one-third is not intended to be a maximum. It is a minimum. We do want all possible attention and effort to be given to expansion and developing new graduate programs above one-third if that be practicable.

Mr. QUIE. That is correct.

Mr. GOODELL. We should not take this as an arbitrary division of one-third to new expanding programs and two-thirds to existing programs.

Mr. QUIE. Yes, sir, that is correct. Not less than one-third to new and expanded, and if the need is there, the commissioner will grant the fellowships for new and expanded programs greater than one-third.

Mr. GOODELL. Secondly, it is my understanding that the term "reading" will be used in the institute and title III equipment programs. I think the emphasis here should be clear. As a matter of legislative history when we use the word "reading" we mean such things as remedial reading and perhaps other techniques of reading. The emphasis is on techniques of reading and the process of reading and not on literature and poetry and things of that nature that might be taught in a general course of English.

Mr. QUIE. That is my understanding, which is the same as that of the gentleman from New York.

Let us consider the case of the disadvantaged youth, the youth who, because of his relationship with his family, does not have the background possessed by a middle-class youth. He may need special help in reading, during the early years, in order to advance as fast as a young person who grew up in a middle-class family.

This is a part of it. They may not call it "remedial," because of following along and beginning to learn to read and so on, but this is the kind of special help we mean as to reading.

I wonder if the gentlewoman from Oregon would agree that this is what we mean when we speak of special help for reading—the remedial reading for those who have not been able to keep up with other youngsters, the special help for those who do not have the family, cultural, and social background needed in order to advance as fast as others. There is the improvement of reading and the teaching and techniques of speeding up reading to make a youth better able to read, instead of, let us say, appreciate poetry or anything like that.

Mrs. GREEN of Oregon. The gentleman is referring to title XI?

Mr. QUIE. To title XI and reading, and also title III and equipment for reading.

Mrs. GREEN of Oregon. Yes. It would be quite hard to draw a straight line to say exactly what could be read and what could not be. Obviously, in order to improve the techniques of teaching it is necessary to have something to read. The Federal Government does not want to get into the area of outlining a curriculum, so I would not want to venture into that at all today.

The intent was to put special emphasis on remedial reading. Also, I believe there would be included in this the classes to improve the speed of reading. Some of us, as Members of Congress, have taken speed reading classes.

It would seem to me that if there were some way of increasing the speed of reading that would also fall into this kind of training program.

Mr. QUIE. Yes.

Mrs. GREEN of Oregon. The emphasis is for remedial reading.

Mr. QUIE. I am glad the gentlewoman agrees.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I concur with what the gentlewoman from Oregon has said, as I understand it. The emphasis is to be on remedial reading, but it is not the intention of the committee that the Federal Government should dictate to local school authorities what is to be read and what is not to be read.

I would take it for granted that in a remedial reading course it is not the intention of the gentleman from Minnesota to exclude what is normally considered good literature.

Mr. QUIE. No. It would be my hope that they would use the best literature possible as they teach remedial reading or speed reading.

Mr. BRADEMAS. I thank the gentleman.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. The gentleman has been in the well for a long time, but I believe some special words of commendation should be paid both to the gentleman from Minnesota and to the gentleman from Michigan [Mr. Griffin], who have worked very hard on this legislation and who have been responsible for many contributions throughout the development of this bill as it comes to the floor and the amendments which will be offered on the floor. Having worked closely with them, I am very appreciative of that contribution.

Mr. QUIE. Mr. Chairman, I wish to say in closing that I am sometimes prone to neglect showing appreciation to those who have been the most helpful.

I say to the gentleman from New York [Mr. Goodell] and to the gentleman from Michigan [Mr. Griffin] that their great knowledge of this field has been especially helpful and most important in developing sound legislation in our committee.

I wish to say also that it surely has been a pleasure to work with the gentlewoman from Oregon and other Members on the majority side, because I believe we have developed teamwork in the subcommittee of which the gentlewoman is the chairman. It has been not only pleasant to work with them, but I believe also beneficial for education. When we can work together on a bipartisan basis for strengthening the legislation which affects education, then education and the young people involved benefit the most.

Mrs. GREEN of Oregon. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. Perkins] for 7 minutes.

Mr. PERKINS. Mr. Chairman, there is obviously no question but that the national security and interest require the extension of the National Defense Education Act. I had hoped that the extension could be for 3 years so that educational institutions participating in the program could plan more wisely in providing the best possible educational programs. For this reason, I was very pleased when the Senate bill, S. 3060, passed the Senate on August 1, containing not only a 3-year extension of this program, but also a 2-year extension of Public Laws 815 and 874.

In the hope that a program as broad as the Senate bill could be obtained without the delay of a conference, I introduced H.R. 12199 with the hope that enough interest could be generated to adopt the Senate language as a substitute for the House reported bill.

By this, Mr. Chairman, I do not mean to imply that I oppose the provisions of the House reported bill, H.R. 11904. In fact, as the full Education and Labor Committee reported this measure there was little in the bill on the whole to distinguish it from the Senate measure because both would have expanded titles III and XII to cover English, history, and geography. In this respect, the Senate bill went a little further but also included remedial reading and civics.

Consequently, I am not in accord with the thinking of those who now propose to further restrict the scope of the House reported bill.

The science, modern foreign language, and mathematics programs, strengthened with funds from the National Defense Education Act, have had a substantial impact on educational opportunities in my State and in the district that it is my privilege to represent. It has never made sense to me to limit financial aid under the National Defense Education Act to these categories when it is obvious that the level of excellence in other basic educational training has a direct effect on our national defense education effort.

I would therefore hope that the crippling amendments being proposed could be rejected and at the very least the House adopt the provisions of H.R. 11904 as the committee reported it.

Let me make it clear under the amendment being proposed, not only are the new categories, history and geography, being eliminated, but English as well. What is being retained is simply English instruction when it is offered only as a second language. This simply means that the funds will not be made available to provide the equipment and instructional materials necessary to enable school systems to furnish the type of instruction and educational opportunities which our young people need for their future personal well-being and the national security.

Do I understand correctly what has been discussed here by the gentleman from Minnesota and the gentleman from New York, that they are proposing to offer an amendment to delete English, history, and geography and substitute remedial reading? Am I correct in that?

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York.

Mr. GOODELL. I do not know who is going to offer it, I will say to the gentleman in response to the question put, but there will be such an amendment offered. Yes.

Mr. PERKINS. Does the gentleman also object to keeping the words "English, including remedial reading" in the bill? Of course, I personally feel English in its literal sense includes remedial reading. And I feel very strongly that there is a definite relationship between reading competence and the ability to attain readily a knowledge of the sciences and those other courses some feel have a more direct bearing on national defense.

Mr. GOODELL. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. Yes. I yield to the gentleman from New York.

Mr. GOODELL. I would say to the gentleman it seems to me we now have included under title VI the teaching of English to those who do not have English as their major language. We are providing for remedial reading in this legislation, and we are providing for institutes for teachers who are teaching the disadvantaged youth.

Mr. PERKINS. I well realize the contribution the gentleman from New York has made in this field, but do you not agree we need to do something to give special attention to the youngster in English in the third, fourth, and fifth grades?

Mr. GOODELL. I am not convinced we should do it in this legislation except as we are doing it through remedial reading through the disadvantaged youth training institutes.

Mr. PERKINS. Mr. Chairman, I want to say a word about the impacted area legislation. The gentleman from Pennsylvania [Mr. Dent] as chairman of the Select Subcommittee on Education, has been making a special study during this Congress in order to expedite legislation on a number of presidential educational recommendations contained in H.R. 3000 (S. 580). I had hoped that the full committee could have cleared a more lengthy extension of Public Laws 815 and 874 in order to afford time to conduct a thorough hearing and committee revision of the law.

I have personally set out to gather appropriate information on the impacted area legislation with the hope that we can extend it to the areas of this Nation where there is a great need. Equity and the national interest require that this program be improved and expanded.

But inasmuch as the rule does not make it in order to extend it for more than 1 year, I certainly intend to support that 1-year provision, although a 2-year extension, to me, seems more desirable.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. Gubser].

Mr. GUBSER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GUBSER. Mr. Chairman, as a former educator and still a certificated teacher under the laws of the State of California I strongly support this legislation. In my opinion it will do much to improve the national standards of education.

I do wish that the committee had found it possible to include support for industrial arts. Had it done so a good bill might have been even better.

During the hearings by the committee, I urged the inclusion of support for the industrial arts as particularly timely in view of the administration's determination to enact an all-inclusive law intended to eliminate poverty.

In my opinion, the only sensible approach to rolling back poverty is to upgrade the skills of human beings so they can become employable. It is obvious even without investigation that industrial arts could probably do more to provide the type of upgraded skills which will be needed in the war on poverty than any other single field of study.

I would like to quote a paragraph from the excellent testimony presented to the Special Subcommittee on Education of the House Committee on Education and Labor by Mr. Kenneth E. Dawson, executive secretary, American Industrial Arts Association, National Education Association:

> Industrial arts is the only curriculum area devoted primarily to the interpretation of industry, which is the most dominant characteristic of our society. No other subject in our schools has the opportunities to perpetuate America's industrial culture as well as industrial arts. It helps all kinds of students to prepare for living in an industrial democracy and provides a foundation for specific occupational and educational opportunities. Industrial arts gives basic education for the technician, engineer, scientist, and for the several vocational education programs. Rather than being confined to the learning of a specific trade or skill which may be obsolete within a few years, industrial arts educates boys and girls to become versatile and adaptable to the rapidly changing world. By receiving basic information on the total scope of industry, students understand the necessity to equip themselves for future adjustment to employment changes due to scientific and technological innovations. For people who find the need for retraining, industrial arts provides basic understanding to make the transformation easier and more meaningful.

Mr. Dawson's remarks, to which I subscribe without reservation, are a summation of the most compelling reasons for including the industrial arts within the provisions of the National Defense Education Act. This would be a most meaningful step in preparing our young people for the future and resolving many problems of the present. I hope the committee will give further consideration to my suggestion and include this most important field of study in a future bill.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. Don H. Clausen].

Mr. DON H. CLAUSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DON H. CLAUSEN. Mr. Chairman, it is my intention to support, and urge my colleagues to support, the National Defense Education Act Amendments of 1964. It is my hope that this body will overwhelmingly approve these amendments, which extend the National Defense Education Act of 1958, because this is a true area of Federal responsibility.

This act is many times called "Federal aid to impacted school districts" for a good and compelling reason. Explained in its simplest terms, it means simply this:

Military bases and installations throughout the United States, including a number of them in my district, result in large numbers of dependents of our military personnel attending local schools around these installations.

Many of our military personnel and their dependents are housed in Government-owned quarters on which no local property taxes are paid.

Thus, local schools become "impacted" to varying degrees by nontaxpayers resulting from the presence of the military installations. The Federal Government has a responsibility to make payments to these local school districts in direct proportion to their "impact" on them. This prevents increases in local property taxes resulting from the influx of military personnel and their dependents.

Paying Government funds to local jurisdictions to prevent tax losses resulting from Government activity—some times called in-lieu taxes—is a concept I have supported from the start of my public career 9 years ago and even before. I have urged that this concept be expanded so that local units of government could be fully reimbursed for tax losses as a result of the removal of private lands from the tax rolls for public uses as national parks, wilderness areas, and so forth.

It only follows that if it is in the national interest to take actions that reduce the local tax base, it is the responsibility of the Government to see that all taxpayers pay for it—not just the local area involved.

The extension of the National Defense Education Act for 2 years is an altogether necessary and proper action. Further, I fully support some of the major changes accompanying this extension, including the increase in funds. To increase the loan funds from $135 to $163 million in fiscal year 1965 and similar increases in the following 2 years is a commendatory action.

Further, I would support increased funds for graduate fellowships for teachers and other teacher training provisions that qualify under the provisions of the act.

Mr. Chairman, my district includes installations which are part of the San Francisco Bay area military complex, including Hamilton Air Force Base and Mare Island Naval Shipyard, the naval base at Ferndale, and the Klamath Air Force Base at Requa. With real property taxes for school support becoming increasingly burdensome—in some cases unbearable—it is urgent that this aid-to-impacted-area concept be extended.

This is a necessary stopgap pending success in our efforts for a major tax structure overhaul which would broaden the tax base of school districts and ease the burden on property taxpayers.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Goodell].

Mr. GOODELL. Mr. Chairman, I shall not take 5 minutes because Members on both sides of the aisle have been kind enough to yield to me and we have had a very worthwhile colloquy.

Let me repeat my support of the National Defense Education Act. I want to commend the gentlelady from Oregon and all the other members of our subcommittee for approaching this problem in a nonpartisan sense, looking only for the best interests of education in this country. I hope we can always keep the consideration of this legislation on that basis.

Mrs. GREEN of Oregon. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. Gibbons].

Mr. GIBBONS. Mr. Chairman, I rise in support of this legislation. I believe this represents a very helpful and a very constructive piece of legislation. It will help move education forward in this country.

Mr. Chairman, through the building of our educational institutions, we are going to build a better America.

Mr. Chairman, this bill has been adequately discussed. There has been sufficient colloquy on the floor of the House to iron out most of the differences. I shall support the compromises that have been reached in the committee.

I call particular attention, however, to three areas in this bill that I believe contribute substantially to the quality of education in the United States.

First of all there is the graduate fellowship program. Just what is the graduate fellowship program? The graduate fellowship program is perhaps one of the most important parts of this legislation because graduate fellowships represent the seed money. This is the money that will help to develop the bright, sharp minds which will be the seed for the ideas of the future. These are the young people who will be the future college professors, the future research scientists, and the people who will contribute to the overall growth of education in this country.

Mr. Chairman, these graduate fellowships are the keys to better education. We can construct all of the buildings that we desire to construct—and I am glad that Congress is participating in the construction program—we can set up all the scholarships that we want to set up, but unless we have the seed money with which to obtain the fine teachers and the fine brains in education, we are not going to succeed.

Mr. Chairman, in the graduate fellowship program we are expanding very rapidly to meet the demands brought on by the increases in enrollment which we are experiencing in the colleges and universities of our country. In an effort to have available the teachers when they are needed we are providing this seed money.

Mr. Chairman, I support the expansion of the counseling and guidance and testing programs contained in this legislation. In the areas, the limited areas that we have used guidance, counseling, and testing service since 1958, these services have proved to be very effective.

Then, I support, Mr. Chairman, the expansion of the "institutes for the advanced training of school personnel." This is a part of our educational program which enables the practicing schoolteacher to upgrade himself and to become better acquainted with other techniques and with the new knowledge that has been infused into the expanding storehouse of knowledge.

So, Mr. Chairman, I believe that this is a fine program. It is a program that is needed to meet the challenge that now faces America.

I urge the support of this legislation.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. Griffin].

Mr. GRIFFIN. Mr. Chairman, I join with others in commending the chairman of the subcommittee, the distinguished gentlewoman from Oregon [Mrs. Green] for her work in connection with this legislation. I thank her for the efforts she has made to work out amendments to this bill which will gain it bipartisan support.

Mr. Chairman, as the bill was reported from the committee, it did not enjoy bipartisan support because of some very far reaching and unwise changes in the act which were proposed in the bill. As has been indicated during earlier discussion this afternoon, there has been an agreement reached concerning a series of amendments to the bill which will be offered in due course. I hope these amendments will be approved; they will correct most of the objectionable features of the bill as reported.

Mr. Chairman, the gentleman from Kentucky [Mr. Perkins] asked the question as to why there is resistance to proposals which would expand the institute program into new subject matter areas. The gentleman from Kentucky believes we should add English; others want to add geography, some want to add history, economics, and other subjects. The Senate bill would add civics.

I think the answer should be obvious to those who believe the Federal Government should not seek to direct or control the curriculum of our educational system.

The series of amendments which has been worked out will confine the expansion to matters that are not controversial in the curriculum. The limited area of reading, for example, involves only a basic skill which is essential to all learning. There have been dramatic strides made in the methods for teaching reading. There are rapid reading courses available with new techniques that are revolutionary. It will be important and valuable to the Nation if those who teach reading can be brought up to date in the use of new methods now available. The same reasoning and justification does not apply in other subject areas, such as English. If our teachers' colleges are not teaching English teachers how to teach English, they are not doing anything. If they are not teaching our history teachers how to teach history, then criticism should be directed at the teachers' colleges. However, I do not think that the Federal Government should try to take over or direct in such areas of curriculum.

Mrs. GREEN of Oregon. Mr. Chairman, I yield such time as he may desire to the gentleman from Maryland [Mr. Sickles].

Mr. SICKLES. Mr. Chairman, I rise in support of the legislation, feeling as I do about the importance of education to the very well-being and survival of this Nation. With respect to some of the discussion on the floor changing the bill with proposed amendments, I am inclined to support the amendments, not that I am convinced these amendments make the bill better than the bill as presented by the subcommittee, but because I realize that in this kind of legislation with so many different titles there are many differences of opinion to be considered.

I think that because this is such an important piece of legislation and by its very nature it is viable we will be back here many times in the future to further consider these sections of the bill and the most important matter before us is the passage of the bill.

If I were a more vehement man I would have been quite concerned and righteously indignant that the integrity of the subcommittee has been questioned concerning the adequacy of our consideration of this subject matter covered in the bill. For myself, and I do not mean this as a personal defense, but for myself I must say that I spent no more time on any other piece of legislation than this particular bill in our committee. I suppose if one has an established position in respect to any subject matter under consideration no amount of testimony would convince him that we have adequately considered that particular point. So far as I am concerned, I must say it is a disservice to the subcommittee, particularly on the part of those on the minority side who express this complaint. I think it is particularly a disservice to their own hardworking members on the committee when they raise this issue.

Mr. BEERMANN. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from Nebraska.

Mr. BEERMANN. I thank the gentleman for yielding.

Since the gentleman is on the subcommittee, would he give us an idea of what the cost of this bill is in its entirety, or what the estimated figure might be?

Mr. SICKLES. The figure for grants in 1965 is $200.1 million. That would be an increase of $57.3 million over the existing authority.

Mr. BEERMANN. That would be in grants. Would there be any increase in the loan figure of the bill?

Mr. SICKLES. The figure for loans has been increased, too, from $135 million to $163.3 million for fiscal year 1965.

Mr. BEERMANN. I should like to ask another question: The title of the bill is "National Defense Education Act Amendments, 1964." Is there any good reason that this act should contain the word "defense" any longer?

Mr. SICKLES. I would suppose that there is room for argument as to whether the word "defense" should or should not be in there, depending on how you would interpret the word "defense." It seems to me, however, that the very survival of our Nation is tied into the education level of these students and proposed students. Time after time witnesses have appeared before our committee to indicate that by the very nature of our society, its changes and complexities, automation, and all the other things we have, unless we educate our students to keep our society going this is going to be a major problem. So I would say you could very well leave the word "defense" in if only for that reason.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from New York.

Mr. CAREY. I should like to concur most strongly in what the gentleman says. I cannot think of a more appropriate word than "defense" in the title of this act. If we need reason, it is supplied in the announcement in today's press that the Department of Defense is calling up for short-term induction into the armed services some 60,000 draftees who were rejected, in the hope that the Army can supply them an education that has been neglected. It is clear that the appropriate place for education is here, rather than for the Defense Department to pick up later what has not been done in their education. I think the word "defense" is proper here and indeed should be underlined in the bill.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentlewoman.

Mrs. GREEN of Oregon. In response to the question asked a moment ago as to whether the word "defense" is necessary in the title of this bill, permit me to read two quotations. Mr. Eisenhower, when he was President of the United States, said in discussing education, "Our schools are more important than our Nike batteries—more necessary than our radar warning sets."

There is also the testimony of another gentleman who certainly knows the defense needs of our country. I refer to Admiral Rickover, and although all of us may not agree with Admiral Rickover on every point in regard to educational matters, we certainly will agree that he knows the defense needs of our Nation. His statement before the committee is one that we should never forget. He said, "We must have more money for our schools—even if we have to take it away from the Defense Department. Education is our first line of defense—make it strong."

Mr. BEERMANN. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman.

Mr. BEERMANN. With reference to the statement made by those two gentlemen, I am sure they did not mean that this had to be done at the national level as we have to do to support our defense.

I have one more question to ask the gentleman from Maryland. On page 2 of the report, the "purpose of the legislation" is outlined in nine subparagraphs.

As I read these and review them, I do not really feel there is much in those nine paragraphs other than the student loan program that is concerned with our national defense.

Mr. McDOWELL. Mr. Chairman, I rise in support of H.R. 11904. This bill deals with a subject in which I have long been interested. It is similar to the bill, H.R. 10947, which I cosponsored with the gentlewoman from Oregon [Mrs. GREEN] who has now brought H.R. 11904 to the floor after lengthy hearings on her bill and the several similar bills before her subcommittee.

This legislation would promote and encourage adequate educational programs for the school-age population in the United States at all levels of ability.

I joined several members of the Education Committee in introducing legislation to amend and extend the National Defense Education Act of 1958 because of my conviction that if education is to be sufficient for the years ahead, it must be strengthened in every discipline and at every level.

I urged that this bill be amended to include political science and international affairs among those subjects covered by the bill which are, as you know, science, mathematics, history, geography and modern languages. The study of political science and international affairs is crucial to the support of the defense effort because of the contribution these subjects make to the understanding both by the public and high officials as to our national security. I suggested that the bill be amended to include the words "political science, international affairs" before the word "history"; wherever it occurs on pages 9, 10, and 19 in the bill I have introduced.

Much of the progress of the United States is due in large part to the firm foundation of our public education system. Other influences have been significant, of course, but without advancing its levels of formal education the United States would not have achieved its high level of agricultural and industrial productivity, its national defense and space explorations, and its medical research and improvement in the Nation's health. Neither would it have been able to develop free representative government and a free enterprise economy capable of supporting a sound wage level and other benefits for the workingman and his family.

Educational efforts of the American people have not been meager in the past. This does not mean, however, that our past efforts are adequate for the great demands which confront us in the years ahead. There is no question but that America's manpower must now and in the future be educated at a level reserved for only a small number a few years ago. Technology and automation are already rendering many unskilled jobs obsolete—many jobs are being abolished. No occupational group, including teaching, is immune to the demands of automation for higher and more versatile and sophisticated skills as programing and planning and higher skilled operations replace many existing manual operations in our diverse and intricate industrial complex.

The 1964 manpower report of the President to the Congress is an impressive document which outlines the Government's current objectives and policies toward achieving greater manpower development of our people. The report stressed that "education must provide, as a basic part of its human development responsibility, the preparation needed for effective participation in our economic life." This preparation begins at the elementary and secondary school levels which serve as a foundation for training and further learning for all of our citizens. Such education increasingly has become a minimum requirement for effective activity and contribution in and to our advancing technological society.

In addition, broad opportunities must be provided for education beyond our high schools. The increasing complexity of many technical and managerial occupations makes education beyond high school and junior college essential. Moreover, to foster the leadership resources of the Nation, we must augment the supply of qualified teachers and stimulate the creative talents of our managers, scientists, engineers, educators, and other strategic professional personnel.

The legislation under consideration today is a major step in enabling and motivating all able young people to obtain advanced training in the fields most suited to their talents. Let us educate and train our young people with the full recognition of the values set forth by President John F. Kennedy in his 1961 education message to the Congress in which he emphasized:

> Our progress as a nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity. The human mind is our fundamental resource.

It is essential that we raise our sights, that we seek a new vision, for it is truly said, that a people without vision will perish.

Mr. Chairman, a study made by Dr. Elmer D. West, while he was director of statistical information and research of the American Council on Education, showed that more than twice as many students from families with incomes of $13,000 or over were offered scholarship aid as in families in the below $3,000 category.

Dr. West and Charlene Gleazer, staff assistant, writing in the publication, Financial Aid News, an organ of the college entrance examination board's college scholarship service, point out that in the 65 institutions studied, the number of successful applicants for financial aid from families of over $11,000 income was more than 4½ times as large as the number from families under the $3,000 mark, and 1¼ times as large as that from the under $5,000 level.

This significant study points out that:

> For those who look upon scholarship aid as a means of reducing the inequality of opportunity for a college education, the situation reported is not a happy one.
>
> The image of the colleges and universities as institutions that grant scholarships to the needy and capable is somewhat blurred. Perhaps some house cleaning is in order.

I would hope, as a cosponsor of this legislation, with regard to the construction of a Capitol Page School in the Nation's Capital, that it could be located in an area in the District of Columbia, such as the Southwest urban renewal area, where additional destruction of homes and the displacement of small businessmen would not be necessary. The various citizen and small business organizations on Capitol Hill have urged that the school be located in the home for servicemen on Pennsylvania Avenue SE., between 9th and 10th Streets. They maintain that this structure is structurally sound, and that its use would serve to build up the area while, at the same time, saving the Federal Government large sums of money. I would hope that some consideration might be given to this worthwhile proposal.

Mr. CAREY. Mr. Chairman, I support the extension and amendment of the National Defense Education Act in the form recommended by our committee. This final legislative achievement again brings to mind the splendid record written by our committee in this Congress. I particularly wish to pay my respects to the gentlewoman from Oregon, chairman of the subcommittee which has so ably handled the higher education bills.

The bill before us strengthens education at every level as our best investment in our human resources and as our first line of strength in the defense of democracy.

I am particularly gratified at the action being taken to cure two inequities in the bill which have persisted since its enactment in 1958. I refer to the extension of the forgiveness feature for teachers in private as well as public education. All of our citizens are equally involved in education as a contribution toward our national defense. Therefore equal treatment is the sole standard which should prevail in education legislation. It will now be possible for trained teachers who are much needed to improve quality nonpublic education, to receive the same benefits as had been extended heretofore to public teachers only.

Secondly, the institutes for quality education that have upgraded the teaching of those presently involved in elementary and secondary education will now be extended to those employed in nonpublic education. Therefore, in this provision also, one of the longstanding inequities which offended the standard of equal treatment is now to be corrected.

In only one significant particular does the bill fail to rise to an acceptable standard of equality.

Title II which provides equipment for subject matter categories in need of mechanical facilities and equipment to provide educational excellence, is restricted to public schools only.

In the committee I suggested an amendment to extend this feature also to all children in all schools. However, I have not pressed for adoption of this amendment until thorough hearings on such a proposal could be held. It is my hope, and I earnestly suggest, that our committee will deal with this sole remaining inadequacy in the next session of the Congress.

This act is for the benefit of all persons who may be called upon someday to respond in our national defense. Title III is for the benefit of individuals in areas which are in critical need of improvement. Certainly, therefore, no child in need should be denied the benefits that are available under this act simply because he is not in attendance in a public institution.

There can be no question of aid to churches or other private institutions since such equipment as would be made available is for use in confined and well-defined categories and therefore could not be considered as religious assistance.

This equipment is, of course, purchased with tax funds levied upon all taxpayers. The children of all taxpayers, therefore regardless of the school of their attendance, must in all fairness be allowed to receive the benefits of such modern equipment.

Our work for this year has been well done. As a basis for further action in designated areas of educational need, let us hope that our committee can improve upon its splendid record and performance and grant equal educational opportunity toward the goal of scholastic excellence to every young person in our country.

Mr. RUMSFELD. Mr. Chairman, in anticipation of the possibility that there may not be a record vote on this legislation, I want to express my support of H.R. 11904, the National Defense Education Act amendments of 1964 and commend the members of the committee on both sides for their diligence and continued attention to this act. Particularly, I want to express my support for the amendment to be offered by the gentleman from Minnesota [Mr. Quie] to delete $1.5 million for the construction of a Capitol Page School and concur in the views he expresses in the report on the bill.

Mr. ELLIOTT. Mr. Chairman, I think it is appropriate in view of the fact that we have today passed a bill extending the National Defense Education Act that I include the attached article by Katherine Baird, of the University of Alabama News Bureau, University, Ala., under date of July 30, 1964, about Ph. D. candidate, James M. Horner.

Mr. Horner was a Missouri boy who worked hard and made good. He received a National Defense Education Act fellowship that financed his graduate education.

There are already thousands of young men like Mr. Horner and thank goodness there will be many thousands in the future who achieve the doctor of philosophy degree which will enable them to make outstanding contributions as teachers and in other ways to the basic well-being of our Nation. The article follows:

Article by Katherine Baird

University, Ala.—At the age of 15, when most boys are chiefly concerned with sandlot ball, Capstone Ph. D. candidate James M. Horner left home and undertook to finance and direct his own life.

How well he succeeded can be measured by his 2.95 graduate school academic average, by several distinguished and internationally noted research papers, and—most of all—by the Ph. D. degree in mathematics he will receive August 21.

"Actually it was a case of my home leaving me. When my father, a Methodist minister, was transferred to a church in another town I decided I wanted to stay in the high school in Caledonia, Mo., where I already had 2 years," says Horner.

It was the 13th school he'd attended and he was understandably tired of moving around. To support himself, he worked after school and on Saturdays in a small grocery as a clerk-butcher-stockboy. He boarded in a private home in Caledonia and averaged working 30 hours a week during high school and subsequent undergraduate college days.

When he receives his doctoral degree from the Capstone he will step into an enviable position as associate senior research mathematician at General Motors Research Laboratories in Detroit. He will consult with physicists and engineers, or anyone else in the company with a mathematical problem, and will work in computer technology. He will be free in addition to pursue mathematics research as he chooses.

Leading up to this spectacular career beginning was much thoughtful and creative research in applied mathematics. The results of this research was outlined in a number of published papers.

Two of the papers have been accepted for publication in the Transactions of the American Mathematical Society, one of the world's leading mathematical journals. Rarely does a student have one paper accepted by this journal, much less two, before achieving the doctorate.

Another line of research, and the resulting papers, on orbital maneuvers brought commendation from mathematicians the world over, including one letter from a New Zealand expert in the field which said, "Thanks to your * * * efforts, the problem seems to have been completely settled."

After publication of these and other papers he was asked to be a reviewer of papers submitted for publication in the American Rocket Society Journal.

That corner grocery in Caledonia served Horner well into his college career at Flat River (Mo.) Junior College. Moving to St. Louis in 1954 he worked full time for 4 years at a chemical works while attending night classes at St. Louis University.

Next, military service took him to Huntsville where, even without a college degree, he was assigned as a physicist in the Aeroballistics Laboratory at the Army Ballistics Missile Agency.

During this time he took night classes at the Huntsville campus of the University of Alabama. He completed his work on the main campus, receiving a B.S. degree with a double major in physics and math and being elected to Phi Beta Kappa. His M.A. degree from the Capstone came in 1962.

He was awarded a coveted National Defense Education Act fellowship that financed 3 years of his graduate education and taught four semesters at the university as a graduate fellow.

Horner is married to the former Evelyn Thieme of St. Louis. They have one son, Steven, aged 2.

His parents, now retired from the active ministry, are Rev. and Mrs. C. E. Horner of 584 West North Street, Marshall, Mo.

Mr. BROTZMAN. Mr. Chairman, I urge passage of the National Defense Education Act and rise in its support.

This program based on recommendations of President Eisenhower in 1958 has improved the quality and opportunity for education—particularly as it relates to our long-term defense and foreign policy capabilities. Regarding loans to students, the students are paying off their loans at a rate five times faster than that required by law. Of 680,000 loans made, only one has been written off as uncollectible.

Another feature of the bill, is needed—assistance to federally impacted areas. When Federal installations are placed in a community taking that property off the tax rolls and adding more students it throws a heavier load on the local school districts and particularly the local property owner.

I fully endorse the principle of the Federal Government sharing this load by replacing the loss of revenue to the school districts.

Mrs. FRANCES P. BOLTON. Mr. Chairman, as you and other Members of the House know, I am vitally interested in legislation which will aid our young people in pursuing their education. Originally passed during the Eisenhower administration in 1958, the National Defense Education Act has assisted approximately 700,000 students through its loan program. The present act needs extension so as to assure the orderly continuation of the loan program in our colleges and universities.

Regretting that unforeseen circumstances make it necessary for me to be out of Washington when H.R. 11904, the extension bill is considered, I want to state for the Record that I favor extension of this very worthwhile program and would have voted for it had I been present.

Mr. ANDERSON. Mr. Chairman, I am very much in favor of extending the National Defense Education Act. There is no question but that the 1958 act has served our Nation well in trying to insure trained manpower and of sufficient quality and quantity to meet the national defense needs of the United States. I think we are all in agreement that there is a recognizable need for adequately trained and educated individuals who can cope with the demands of our rapidly growing technological society which, with each passing year, becomes more complex. Neither do we wish to be outdone in the critical area of the sciences upon which even our very survival depends to such a great degree.

Perhaps one of the more useful provisions of the act has been the national defense student loan program whereby there has been created at American colleges and universities throughout the Nation, loan funds from which needy undergraduate and graduate students may borrow on reasonable terms for the purpose of completing their higher education.

I am mindful that these funds are not the only funds by any stretch of the imagination that have been made available for this purpose. Many of our educational institutions had established such funds long before the enactment of the Federal program to do the very thing that Congress intended to supplement by virtue of passage of the National Defense Education Act. In this connection, I think, too, that we should recognize the fact that the objectivity and success of these college loan programs had long since been proven even before the Federal Government began to participate in such a commendable program.

In recognition of the remarkable success of the lending program, and the increasing number of applications, commonsense would dictate an extension of the program with a reasonable adjustment upward in this phase of a highly successful lending program which has been administered free from congressional criticism, free from controversy and in such an efficient manner by the authorities in the various educational institutions. Had it not been for the loan program, literally thousands of students would not have had the opportunity of developing their educational potential. Their talents would have remained dormant with no opportunity for equipping themselves with a higher education. Without the act, the Nation would have been deprived of the benefit of a larger base of highly educated citizens. There is much latent talent in our American citizenry which ought to be encouraged and brought to the fore. If permitted to emerge through the kind of assistance that is provided through the medium of the National Defense Education Act, these individuals' contributions to our American free enterprise society will be greater and its beneficial effects cumulative.

I want to state that I am personally pleased in particular with the amendments that have been offered by the gentleman from Minnesota [Mr. QUIE] because they have served to vastly improve the bill which was reported out of the Committee on Education and Labor.

Naturally, I do not approve of all the features of this extension, even as amended. I would have preferred that the forgiveness feature be eliminated because in effect, it makes second-class citizens out of our teachers and I doubt very much if they appreciate that particular designation.

There are other features of the bill which I think represent an unsound departure from the original purpose and intent of the act. However, on balance, I am pleased to give my support for passage of this extension measure.

Mr. TAFT. Mr. Chairman, the amendments adopted to H.R. 11904, as just passed, have kept it within proper limits and recommitted the program to its proper purposes. As thus amended, I am happy to give it my support.

At this point, I would offer a short résumé of my views on the important area of education.

American education today is the best in the world and our most important resource because it is the product of local imagination and support. Unlimited Federal participation inevitably would lead to imposition of Federal standards and Federal controls.

A shift of general support of education from the local and State levels to the Federal level would be dangerous. It would tend to dry up local support and would lessen the priority of concern which education has traditionally received at the local level. This is why I am opposed to efforts to provide Federal aid to education on an across-the-board basis unrelated to specific needs. Local concern would dissipate and bureaucratic initiative in Washington would supplant that inspired and required by the people themselves.

At the same time I have never had any blind objection to the use of federally collected tax funds to assist in this most important public responsibility. While it might be preferable to return revenue sources to the State and local governments, we have to consider practical possibilities and the urgency of meeting certain specific needs. But we might well reflect also that the virtual priority of the claims of local education on local tax resources, such as real estate taxes, could evaporate, or at least dwindle, if Federal funds become a major source of support. Education, then, would find itself in a new and highly competitive position for funds with defense, space developments, welfare, and agriculture.

With specific national and emergency needs we do recognize that Federal support is justified and needed. For instance, chronic unemployment, particularly among those 16 to 22, is one of the most perplexing problems confronting us today. Teachers and citizens are working diligently to overcome it. They recognize it as the soil in which the roots of many social ills are imbedded.

The unemployment problem is of urgent national concern. But its most immediate impact is upon the individual local community. It is here, in the local community, where we must meet it. It is here, in the local community, where we can devise most appropriate remedies.

Education is essential to our efforts. Expanded vocational training programs, for instance, can equip young men and women with the skills they need to earn a living wage in our industrial society. Retraining programs can develop new skills in older persons whose jobs have been eliminated by technological advances.

These two programs which I have supported in Congress illustrate proper roles of Federal Government in the field of education. They enhance the opportunity to learn with well-devised and limited Federal participation and support. They are intended to correct specific deficiencies.

The Federal Government also has a role to play in specialized areas of education of general national concern. Offering facilities and scholarship funds in the dental and nursing fields encourages young men and women to enter these professions which are so vital to our society. The National Defense Education Act, expanding the opportunity for acquisitions to scientific and language skills, strengthens our national capacity to meet any external challenge. Extension of construction aid helps local and State officials to accommodate the growing number of youngsters seeking higher education. Special aid to federally impacted areas eases the pressures imposed by the Federal Government on these communities.

By offering these kinds of aids, the Federal Government encourages local communities to meet their own problems by their own initiative. But direction and control of these programs must continue to reside at the local level.

Our Nation has prospered because we have relied upon the individual initiative and concern of our citizens at the local level. Education is our most valuable national resource. We cannot afford to sanction its depletion through imposing massive dependence upon the Federal Government.

Mr. COLLIER. Mr. Chairman, as a supporter of the original National Defense Education Act proposal, I also support H.R. 11904, which amends the 1958 law.

While I believe the program could stand certain changes and improvements, I believe the Committee did a commendable job in reporting the 1964 bill which extends the program for 2 years. It also provides an expansion of the testing programs to all graduates of elementary education and to junior colleges and technical institutes. This expansion will require an increase from $17.5 to $25 million in the appropriations for fiscal 1965.

The one inadequacy in this bill lies in the area of junior colleges. With the tremendous increase in the cost of higher education and the difficulty in providing college housing and expanded enrollment for many students, the greatest need in this field today, in my opinion, is in the construction and expansion of junior colleges throughout the United States. An increase in the number of community-sponsored junior colleges which will require Federal funds is of prime importance. Not only will an expanded program of this type result in a savings of $4,000 to $5,000 per year in the cost of a 4-year college education, but would open the door to making higher education available to many students who are disqualified from the privately endowed colleges merely because they are not in the upper 50 percent of their high school graduating class.

We often speak of the serious "dropout" practice in high schools but comparatively little attention is given to the number of washouts in our colleges and universities.

Junior colleges would also provide the means of determining whether certain high school graduates are able or equipped to do college work. Certainly it is better that this be determined at a junior college level without the loss of investment on the part of the parent and avoiding, in most cases, the college housing problems associated with the enrollment of students on campus far distant from their homes.

It is my hope that in the years ahead much greater emphasis will be placed upon the junior college program.

Mr. DONOHUE. Mr. Chairman, as one who was privileged to have participated in the enactment of the original National Defense Education Act of 1958, I am particularly pleased to rise in support of this measure, H.R. 11904, to amend and extend the original act.

Certainly there is no better investment for the lasting good of this country we can make than providing the fullest educational opportunities for our youth and encouraging them to take the utmost advantage of these opportunities.

Certainly the history of this legislation, which has enjoyed continuing bipartisan support, since 1958, clearly demonstrates it was wisely conceived, it has been soundly administered at all levels, and has made an increasingly vital contribution to the progress of this country.

Since this legislation was first enacted the testimony shows there have been over 680,000 loans made to needy students who very likely could not otherwise have obtained a college education. The record further shows that the rate of repayment by students borrowing under the program has been five times as fast as the law specifies. I think this fact alone should renew our faith in the youth of this Nation and the worth of this legislation. However, beyond this fact, growing school enrollments, rising tuition costs, a continuing manpower shortage in crucial fields and ever-increasing demands for quality instruction convincingly appeal for the proposed extension and expansion of this program as proposed in the bill before us now. Indeed, it is my hope that it may become possible for us to provide a 3-year extension of this Education Act to permit participating educational institutions to more wisely and practically plan the best educational programs and I most earnestly trust that Public Laws 815 and 874, familiarly called the Federally Impacted School District Acts, will be extended for at least 2 years so that local community officials and school administrators can plan and project their budgets accordingly.

Mr. Speaker, the fundamental purposes of this extension bill, to provide certain modifications in the current program that are imperative in meeting the changing needs of students, the colleges and universities in the Nation; to ease the administrative burden of institutions of higher education by providing for coordination of student loan programs; and to assist in creating trained and qualified manpower in fields of critical importance, are undoubtedly in the best interest of all the people of this country.

The past record of 6 years of operation clearly reveals this legislation has improved all levels of education from the elementary schools through the graduate schools. It shows that the programs have been fully controlled at the local levels, as they should be and as we want them to be, with a minimum of Federal intervention. It shows that the legislation has been economically prudent and the investment is wise. It shows that the whole program has been of immeasurable benefit to the country at the present time and promises even greater benefit for the future. I, therefore, urge my colleagues to unite, as we have in the past, in bipartisan support and prompt enactment of this bill for the good of all Americans.

Mr. HORTON. Mr. Chairman, I rise in support of the bill now before the House to amend and extend the National Defense Education Act. I favor adding another 2 years to this worthwhile program of educational assistance and increasing funds for loans to college students, eliminating ceilings on loans to institutions and graduate students, and increasing the number of graduate fellowships.

The history of this program makes a convincing case for continuing it and enlarging its application in certain areas. The past 8 years of experience are evidence of fulfillment of the intentions Congress wrote into the National Defense Education Act. The teaching of mathematics, science, and foreign languages knows greater emphasis on the campuses of our Nation, and the teaching standards in these subjects have climbed steadily.

I think the dollars which support this program are among the best investments made by our Government. As much as the defense of this Nation rests with the mighty military machine we possess, it relies on the enlightenment of its citizens and the health of its economy. We are contributing to each of these essentials through the National Defense Education Act.

Beyond the provisions of this bill which expand the matching funds for loans to students, I also want to express my endorsement of the new fields of study; namely, history, geography, and English, which are included as eligible courses for various sections of the help available under the National Defense Education Act. It seems that for the first time we are recognizing the integral importance of such subjects in the meeting of basic needs of this legislation.

There are inducement aspects of this bill that also win my approval. These pertain to the so-called forgiveness provisions or the partial cancellation of student loans. I strongly favor the inherent urging this kind of arrangement gives to students interested in pursuing a career in teaching or social work.

Finally, I want to record my continuing support of the National Defense Education Act and the amendments being proposed to it for the financial approach which is so much a part of this program. Making Federal Government grants through State educational agencies and on a matching basis can only serve to stimulate and generate non-Federal expenditures for educational purposes. This is "Washington money" at its best, doing a job that needs to be done, helping to solve national problems at the local level, and protecting the mechanics of education from any threat of undesirable control or regulation.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Defense Education Act Amendments, 1964."

TITLE I—AMENDMENTS OF TITLE I

Schools of nursing

SEC. 101. The second sentence of section 103(b) of the National Defense Education Act of 1958 is amended by inserting before the period at the end thereof the following: ", and includes any school of nursing as defined in subsection (l) of this section".

Additional definitions

SEC. 102. Section 103 of such Act is amended by adding at the end thereof the following:

"(l) The term 'school of nursing' means a public or other nonprofit collegiate, associate degree, or diploma school of nursing.

"(m) The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing.

"(n) The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively an accredited two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree.

"(o) The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively an accredited program of education in professional nursing and allied subjects leading to a diploma or to a equivalent indicia that such program has been satisfactorily completed.

"(p) The term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education."

TITLE II—AMENDMENTS OF TITLE II

Appropriations authorized

SEC. 201. The first sentence of section 201 of the National Defense Education Act of 1958 is amended by striking out "and $135,000,000 for the fiscal year ending June 30, 1965, and such sums for the fiscal year ending June 30, 1966, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to June 1, 1965, to continue or complete their education" and inserting in lieu thereof "$163,300,000 for the fiscal year ending June 30, 1965, $179,300,000 for the fiscal year ending June 30, 1966, and $200,000,000 for the fiscal year ending June 30, 1967, and such sums for the fiscal year ending June 30, 1968, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1967, to continue or complete their education".

Allotments to States

SEC. 202. Section 202 of the National Defense Education Act of 1958 (20 U.S.C. 422) is amended by striking out "1965" wherever it appears therein and inserting in lieu thereof "1967".

Payment of Federal capital contributions

SEC. 203. Effective with respect to fiscal years beginning after June 30, 1964, section 203 of the National Defense Act of 1958 is further amended by striking out subsection (b) and by striking out "(a)" after "SEC. 203.".

Conditions of agreements

SEC. 204. (a) Paragraph (4) of section 204 of the National Defense Education Act of 1958 is amended to read as follows:

"(4) provide that in the selection of students to receive loans from such student loan fund special consideration shall be given to students with a superior academic background;".

(b) The amendment made by subsection (a) of this section shall apply to the selection of students under title II of the National Defense Education Act of 1958 made in or after the second month following the month in which this Act is enacted.

Terms of loans

SEC. 205. (a) Subsection (a) of section 205 of the National Defense Education Act of 1958 is amended to read as follows:

"(a) The total of the loans for any academic year or its equivalent, as determined under regulations of the Commissioner, made by institutions of higher education from loan funds established pursuant to agreements under this title may not exceed $2,500 in the case of any graduate or professional student (as defined in regulations of the Commissioner) and may not exceed $1,000 in the case of any other student. The aggregate of the loans for all years from such funds may not exceed $10,000 in the case of any graduate or professional student (as so defined, and including any loans from such funds made to such person before he became a graduate or professional student), or $5,000 in the case of any other student."

(b)(1) Subparagraph (1)(C) of subsection (b) of such section 205 is amended by striking out "either as an undergraduate or graduate student" and inserting in lieu thereof "as an undergraduate, graduate, or professional student".

(2) Paragraph (2) of such subsection (b) of such section 205 is amended by striking out "and (D)" and inserting in lieu thereof the following: "(D) the institution may provide that periodic installments need not be paid during any period or periods, aggregating not in excess of three years, during which the borrower is in part-time attendance at an institution of higher education taking courses which are creditable toward a degree, and may also provide that any such period shall not be included in determining the ten-year period during which the repayment must be completed, but interest shall continue to accrue during any such period, and (E)".

(3) Subparagraph (3) of such subsection (b) of such section 205 is amended to read as follows:

"(3) not to exceed 50 per centum of any such loan (plus interest) shall be cancelled for service as a full-time (A) teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States; (B) professional social worker for a public welfare agency or a nonprofit private organization; (C) social worker, teacher, registered nurse, or counselor on a Federal, State, or local project designed to eliminate poverty and carried on under the provisions of the 'Economic Opportunity Act of 1964' at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service for each complete academic year of such service in the case of teachers referred to in clause (A), and for each twelve-month period in the case of persons referred to in clauses (B) or (C)."

(4) Paragraph (4) of subsection (b) of such section 205 is amended by inserting immediately before the semicolon at the end thereof the following: "in all cases except where the date on which repayment is to begin is suspended by reason of clause (D) of paragraph (2)".

(c) The amendment made by subsection (a) shall apply for purposes of determining the amount of any loans under title II of the National Defense Education Act of 1958 for academic years beginning after the date of enactment of this Act. The amendments made by paragraphs (2) and (4) of subsection (b) shall apply to any loan (under an agreement under title II of the National Defense Education Act of 1958) outstanding on the date of enactment of this Act only with the consent of the institution which made the loan. The amendment made by paragraph (3) of subsection (b) shall apply with respect to service described in clause (A) of section 205(b)(3) of the National Defense Education Act of 1958 performed during academic years beginning after the enactment of this Act, and shall apply with respect to service described in clause (B) or (C) of section 205(b)(3) of such Act performed after the date of enactment of this Act, whether the loan was made before or after such enactment.

Distribution of assets from student loan funds

SEC. 206. Section 206 of the National Defense Education Act of 1958 (20 U.S.C. 426) is amended by striking out "1969" wherever it appears therein and inserting in lieu thereof "1971".

Coordination of student loan programs

SEC. 207. (a) The amendment made by subsection (b) is enacted by the Congress in recognition of the fact that good administration requires that, in administering federally assisted student-loan programs, the institutions of higher education should not be required to deal with more than one Federal agency, and that such programs should be administered in as nearly uniform a manner as is reasonably practicable.

(b) Section 209 of the National Defense Education Act of 1958 is amended by redesignating subsections (a) and (b) as "(f)" and "(g)", respectively, and by inserting immediately after "SEC. 209." the following:

"(a) The Secretary shall vest responsibility for the administration of all student-loan programs carried on, or assisted, by the Department of Health, Education, and Welfare in a single officer of such Department.

"(b) The maximum loan which may be made during an academic year, or its equivalent, to a graduate or professional student under any student-loan program carried on or assisted by any department or agency of the United States shall, notwithstanding any other provision of law, be $2,500.

"(c) After June 30, 1965, except as provided in subsection (d), an institution of higher education may not participate in the student loan program under this Act, if at the same time such institution is participating in any other student loan program carried on or assisted by the Department of Health, Education, and Welfare, with the exception of the loan program administered under the Migration and Refugee Assistance Act of 1962.

"(d) An institution of higher education may, upon notice to the Secretary, discontinue its participation in any student-loan program carried on or assisted by the Department of Health, Education, and Welfare in preparation for beginning its participation in a different student-loan program. The Secretary shall provide by regulations (which shall be binding on the institution) for the discontinuation of such student-loan program upon the receipt of such notice and for the distribution of the assets of the student-loan fund thereof. Such regulations shall provide—

"(1) that the discontinuation of the program and the distribution of assets from the student-loan fund will be carried on at a rate, and in a manner, which will insure that students who received loans under the program to be discontinued, will be able to receive such loans under such program as may be necessary to enable them to continue or complete their education, and

"(2) that the assets of the student-loan fund, and repayments of loans made therefrom, will be equitably divided between the institution of higher education and the United States.

"(e) If, on the date of enactment of the National Defense Education Act Amendments, 1964, an institution of higher education is participating in a student-loan program both under this Act and under another Act, it shall notify the Secretary before July 1, 1965, as to which of such student-loan programs it elects to participate in in the future. Thereupon the Secretary shall provide for the discontinuance of the other student-loan program (and the distribution of its student-loan fund) in the same manner as provided for discontinuance of student-loan programs (and distribution of their student-loan funds) under the preceding subsections."

TITLE III—AMENDMENTS OF TITLE III

Appropriations authorized

SEC. 301. Section 301 of the National Defense Education Act of 1958 is amended to read as follows:

"Appropriations authorized

"SEC. 301. There are hereby authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1959, and for each of the eight succeeding fiscal years, for (1) making payments to State educational agencies under this title for the acquisition of equipment (suitable for use in providing education in science, mathematics, history, geography, modern foreign language, and English), but excluding supplies which are consumed in use, and for minor remodeling described in paragraph (1) of section 303(a), and (2) making loans authorized in section 305. There are also authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1959, and each of the eight succeeding fiscal years for making payments to State educational agencies under this title to carry out the programs described in paragraph (5) of section 303(a)."

Allotments to States

SEC. 302. (a) The second sentence of subsection (a)(2) of section 302 of the National Defense Education Act of 1958 is amended by striking out "as soon as possible after the enactment of this Act, and again between July 1 and August 31 of 1959" and inserting in lieu thereof "between July 1 and August 31 of each even-numbered year beginning with calendar year 1964".

(b) The third sentence of such subsection is amended to read as follows: "Each such promulgation shall be conclusive for each of the two fiscal years in the period July 1 next succeeding such promulgation, except that the ratios promulgated in 1959 shall be conclusive for each of the five fiscal years in the period beginning July 1, 1960, and ending June 30, 1965."

(c) Effective with respect to allotments under subsection (b) of section 302 of such Act for fiscal years beginning after June 30, 1964, the third sentence of such subsection is amended by striking out "$20,000" wherever it appears therein and inserting in lieu thereof "$50,000".

State plans

SEC. 303. (a) Clause (A) of section 303(a)(1) of the National Defense Education Act of 1958 is amended to read as follows: "(A) acquisition of laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment and printed and published materials (other than textbooks), suitable for use in providing education in science, mathematics, history, geography, modern foreign language, or English in public elementary or secondary schools, or both, and of testgrading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and".

(b) Paragraph (5) of section 303(a) is amended by striking out "and modern foreign languages" and inserting in lieu thereof "history, geography, modern foreign languages, and English".

Payments to States

SEC. 304. The second sentence of subsection (b) of section 304 of such Act is amended by striking out "five" and inserting in lieu thereof "seven".

Interest rates

SEC. 305. Paragraph (3) of subsection (b) of section 305 of such Act is amended by striking out "as of the last day of the month" and inserting in lieu thereof the following: "as computed at the end of the fiscal year next".

TITLE IV—FELLOWSHIPS

SEC. 401. Effective July 1, 1964, section 402 (a) of the National Defense Education Act of 1958 is amended to read as follows:

"Number of fellowships

"SEC. 402. (a) During the fiscal year ending June 30, 1965, the Commissioner is authorized to award not to exceed five thousand fellowships to be used for study in graduate programs at institutions of higher education, during the fiscal year ending June 30, 1966, he is authorized to award not to exceed seven thouand five hundred such fellowships, and during the fiscal year ending June 30, 1967, he is authorized to award not to exceed ten thousand such fellowships. Such fellowships may be awarded for such period of study as the Commissioner may determine, but not in excess of three academic years, except that where a fellowship holder pursues his studies as a regularly enrolled student at the institution during periods outside the regular sessions of the graduate program of the institution, a fellowship may be awarded for a period not in excess of three calendar years."

Award of fellowships and approval of institutions

SEC. 402. (a) The first sentence of subsection (a) of section 403 of the National Defense Education Act of 1958 is amended to read as follows: "Of the total number of fellowships authorized by section 402(a) to be awarded during a fiscal year (1) not less than one-third of such fellowships awarded during the fiscal years ending June 30, 1965, and June 30, 1966, and not less than 2,500 for each fiscal year thereafter, shall be awarded to individuals accepted for study in graduate programs approved by the Commissioner under this section, and (2) the remainder shall be awarded on such bases as he may determine, subject to the provisions of subsection (c)." The second sentence of subsection (a) of such section is amended by striking out ", and" at the end of clause (2) and inserting in lieu thereof a period, and by striking out clause (3) thereof.

(b) Section 403(b) of such Act is amended by striking out "under this title" and inserting in lieu thereof "as described in clause (1) of subsection (a)", and by inserting before the period at the end thereof the following: ", and the Commissioner shall give consideration to such objective in determining the number of fellowships awarded under this title for attendance at any one institution of higher education".

(c) Section 403 of such Act is further amended by adding at the end thereof the following new subsections:

"(c) Recipients of fellowships under this title shall be persons who are interested in teaching, or continuing to teach, in institutions of higher education and are pursuing, or intend to pursue, a course of study leading to a degree of doctor of philosophy or an equivalent degree.

"(d) No fellowship shall be awarded under this title for study at a school or department of divinity. For the purposes of this subsection, the term 'school or department of divinity' means an institution or department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects."

(d) The amendments made by this section shall become effective July 1, 1964.

Fellowship stipends

SEC. 403. Section 404(a) of the National Defense Education Act of 1958 is amended (1) by striking out "academic year of study after the baccalaureate degree" and inserting in lieu thereof "year of study", and (2) by adding at the end thereof the following: "Where a person awarded a fellowship under this title for study at an institution of higher education pursues his studies as a regularly enrolled student at such institution during periods outside of the regular sessions of the graduate program of the institution, the Commissioner may make appropriate adjustments in his stipends and allowances for dependents."

TITLE V—GUIDANCE, COUNSELING, AND TESTING; IDENTIFICATION AND ENCOURAGEMENT OF ABLE STUDENTS

Appropriations authorized

SEC. 501. Section 501 of the National Defense Education Act of 1958 is amended by striking out "and $17,500,000 each for the fiscal year ending June 30, 1964, and the succeeding fiscal year," and inserting in lieu thereof "$17,500,000 for the fiscal year ending June 30, 1964, $25,000,000 for the fiscal year ending June 30, 1965, $25,500,000 for the fiscal year ending June 30, 1966, and $32,500,000 for the fiscal year ending June 30, 1967,".

State plans

SEC. 502. Paragraphs (1) and (2) of section 503(a) of the National Defense Education Act of 1958 are amended to read as follows:

"(1) a program for testing students in the public elementary and secondary schools of such State or in the public junior colleges and technical institutes of such State, and, if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

"(2) a program of guidance and counseling in the public elementary or secondary schools or public junior colleges or technical institutes of such State (A) to advise students of courses of study best suited to their ability, aptitudes, and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions."

Payments to States

SEC. 503. (a) Section 504(a) of the National Defense Education Act of 1958 is amended by striking out "five" and inserting in lieu thereof "seven".

(b) Section 504(b) of such Act is amended by striking out ", who are not below grade 7,", and by striking out "six" and inserting in lieu thereof "eight", and by inserting after "schools" the first time it appears the following: ", or in junior colleges and technical institutes,".

Junior colleges and technical institutes

SEC. 504. Title V of the National Defense Education Act of 1958 is amended by inserting after section 504 the following new section:

"Definitions

"SEC. 505. For the purposes of this title, the term 'junior colleges or technical institutions' means (1) institutions of higher education which are organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree, and (2) institutions which meet the requirements of clauses (1), (2), (4), and (5) of section 103(b) and are organized and administered principally to provide a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, and, if a branch of an institution of higher education offering four or more years of higher education, is located in a community different from that in which its parent institution is located."

Repealer

SEC. 505. Title V of the National Defense Education Act of 1958 is amended by striking out the heading "Part A—State Programs", and by striking out part B thereof.

Technical amendment

SEC. 506. Sections 501, 503, and 504 of the National Defense Education Act of 1958 are each amended by striking out "part" and inserting in lieu thereof "title".

TITLE VI—LANGUAGE DEVELOPMENT

Extension of title

SEC. 601. (a) Section 601 of the National Defense Education Act of 1958 is amended by striking out "1965" wherever it appears therein and inserting in lieu thereof "1967".

(b) Section 603 of such Act is amended to read as follows:

"Appropriations authorized

"SEC. 603. There are hereby authorized to be appropriated $8,000,000 for the fiscal year ending June 30, 1964, $13,000,000 for the fiscal year ending June 30, 1965, $14,000,000 for the fiscal year ending June 30, 1966, and $16,000,000 for the fiscal year ending June 30, 1967, to carry out the provisions of this title."

Repealer

SEC. 602. Effective July 1, 1964, title VI of the National Defense Education Act of 1958 is amended by striking out the center heading "Part A—Centers and Research and Studies" and by striking out part B thereof.

TITLE VII—UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

Extension of program

SEC. 701. Section 763 of the National Defense Education Act of 1958 is amended by striking out "six succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

TITLE VIII—MISCELLANEOUS

State administration

SEC. 801. (a) Subparagraph (2) of section 1004(a) of the National Defense Education Act of 1958 is amended by inserting before the semicolon "and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verifications of such reports".

(b) Subparagraph (3) of such section 1004(a) is amended by inserting before the period at the end thereof "(including such funds paid by the State to the local educational agencies)".

Extension of statistical services program

SEC. 802. Section 1009(a) of the National Defense Education Act of 1958 is amended by striking out "six" and inserting in lieu thereof "eight".

TITLE IX—ADDITIONAL TITLES

SEC. 901. (a) The National Defense Education Act of 1958 is amended by adding at the end thereof the following new titles:

"TITLE XI—INSTITUTES

"Authorization of institutes

"SEC. 1101. There are authorized to be appropriated $35,000,000 for the fiscal year ending June 30, 1965, and each of the two succeeding fiscal years, to enable the Commissioner to arrange, through grants or contracts, with colleges and universities for the operation by them of short-term or regular session institutes for advanced study, including study in the use of new materials, to improve the qualification of individuals—

"(1) who are engaged, or are teachers preparing to engage, in the elementary or secondary schools or in institutions of higher education (which, for purposes of this section shall include junior colleges and technical institutes as defined in section 505), as counseling and guidance personnel, or

"(2) who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, of history, geography, modern foreign languages, English, or of disadvantaged youth, in elementary or secondary schools.

"*Stipends*

"SEC. 1102. Each individual who attends an institute operated under the provisions of this title shall be eligible (after application therefor) to receive a stipend at the rate of $75 per week for the period of his attendance at such institute, and each such individual with one or more dependents shall receive an additional stipend at the rate of $15 per week for each such dependent.

"TITLE XII—CAPITOL PAGE SCHOOL

"SEC. 1201. (a) There is hereby created a Capitol Page Facilities Board (hereinafter referred to as the 'Board'), which shall be composed of two Senators, to be appointed by the President pro tempore of the Senate, two Members of the House of Representatives, to be appointed by the Speaker, and one Justice of the Supreme Court to be appointed by the Chief Justice of the United States. One of the members of the Board shall be a member of the Committee on Labor and Public Welfare of the Senate, and one of the members shall be a member of the Committee on Education and Labor of the House of Representatives.

"(b) The Board is authorized and directed to provide for the construction of a Capitol Page School located as near as practicable to the Capitol, which will offer residence, educational, dining, recreational, and physical training facilities for pages employed by the Senate, the House of Representatives, and the Supreme Court.

"(c) The Board shall appoint one or more persons of mature years to be responsible for the maintenance of the Capitol Page School and the operation of the residential, dining, and recreational facilities of such school, under rules made by the Board.

"(d)(1) Each page employed by the Senate, the House of Representatives, or the Supreme Court shall be required to reside at the Capitol Page School upon completion of its construction while the Senate, the House of Representatives, or the Supreme Court, as the case may be, is in session and during all periods when he is entitled to receive compensation as a page, unless he is authorized by the Board to reside elsewhere.

"(2) Any page employed by the Senate, the House of Representatives, or the Supreme Court, may, with the approval of the Board, reside at the Capitol Page School during such times as the Senate, the House of Representatives, or the Supreme Court, as the case may be, is in recess or adjournment, if he was entitled to reside at such school during the session of the Senate, the House, or the Supreme Court immediately preceding such recess or adjournment or if he has been appointed as a page subsequent to the end of such session.

"(e) The Board shall establish such rates and fees for residing at the Capitol Page School as it deems necessary.

"(2) There are authorized to be appropriated such funds as may be necessary for the operation and maintenance of the residential, dining, and recreational facilities of the Capitol Page School, to be disbursed by the Secretary of the Senate on vouchers signed by a member of the Board designated by it for such purpose."

TITLE X—AMENDMENTS OF TABLE OF CONTENTS

SEC. 1001. The table of contents of the National Defense Education Act of 1958 is amended—

(1) by striking out

"PART A—STATE PROGRAMS";

(2) by inserting after

"Sec. 504. Payments to States."

the following:

"Sec. 505. Definitions."

(3) by striking out

"PART B—COUNSELING AND GUIDANCE TRAINING INSTITUTES

"Sec. 511. Authorization.";

(4) by striking out

"PART A—CENTERS AND RESEARCH AND STUDIES";

(5) by striking out

"PART B—LANGUAGE INSTITUTES

"Sec. 611. Authorization.";

(6) by inserting at the end thereof the following:

"TITLE XI—INSTITUTES

"Sec. 1101. Authorization of institutes.

"Sec. 1102. Stipends.

"TITLE XII—CAPITOL PAGE SCHOOL"

Mrs. GREEN of Oregon (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with, and that the bill be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

Mrs. GREEN of Oregon. Mr. Chairman, I intend to ask that the committee amendments be considered en bloc and if I am permitted to do so under the parliamentary situation, I wish to explain that one of the committee amendments is in regard to the page school which will be later deleted. This is the substantive change, and also the Institute for Librarians. But if the committee amendments may be considered en bloc, I think it would expedite the action of the committee. Therefore, Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, after line 5, insert the following:

"SEC. 101. The second sentence of the second paragraph of section 101 of the National Defense Education Act of 1958 is amended by striking out 'which have led to an insufficient proportion of our population educated in science, mathematics, and modern foreign language and trained in technology.'"

Page 1, line 7, strike out "101" and insert in lieu thereof "102".

Page 2, line 1, strike out "102" and insert in lieu thereof "103".

Page 22, line 6, strike out "or".

Page 22, line 11, strike out the period and insert "; or".

Page 22, after line 11, insert the following:

"'(3) who are engaged as library personnel in the elementary or secondary schools, or as supervisors of such personnel.'"

Page 22, line 21, after "1102." insert "(a)".

Page 24, strike out lines 16, 17, and 18, and insert in lieu thereof the following:

"'(f)(1) There is hereby authorized to be appropriated for the construction of the Capitol Page School the sum of $1,500,000.'"

Page 24, line 17, after "operation" insert "and maintenance".

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. BEERMANN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and ten Members are present, a quorum.

AMENDMENTS OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. HARRIS: On page 2, line 13, strike out "collegiate, associate degree, or diploma" and insert in lieu thereof the following: "collegiate, or associate degree".

On page 3, strike out line 4 and all that follows down through line 9 on page 3.

And on page 3, line 10, strike out "(p)" and insert in lieu thereof the following: "(o)".

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the distinguished chairman of the subcommittee, who has done such a fine job with this bill and the explanation of it today. I compliment the gentlewoman.

Mrs. GREEN of Oregon. I thank the gentleman.

This amendment has been discussed with members of the committee on this side. Speaking only for myself, I will accept the amendment, though I am not particularly happy about it.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Minnesota.

Mr. QUIE. I wish to say to the gentleman from Arkansas that I agree with his amendment. I share the views of the gentlewoman from Oregon. I believe we ought to do something to coordinate these various loan programs from the various committees. I believe there is unanimity here, and to help us proceed we should accept the amendment of the gentleman from Arkansas.

Mr. HARRIS. I thank the gentleman for being willing to accept the amendments, as I thank the gentlewoman from Oregon for her acceptance.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. I congratulate the distinguished gentleman from Arkansas for offering this amendment today. I advised the gentlewoman from Oregon yesterday that I would offer the amendment this afternoon if no one else did.

Certainly the gentleman through this action has brought the amount of assistance which can be given to medical schools, to dental schools and to nursing schools along with all other institutions of higher education. I am glad the gentleman has made this move, and I congratulate him for working out an acceptable agreement with the gentlewoman from Oregon, so that this problem will not plague institutions of higher education in our country.

Mr. HARRIS. I thank the gentleman from Illinois.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from New York.

Mr. GOODELL. I believe the Members would appreciate it if the gentleman would explain what his amendment would do. I understand the amendment, and it is my view that something should be done in this field. Perhaps we can work out a better way to do it than would be done in the bill. I would go along with accepting the amendments, but I believe an explanation should be given.

Mr. HARRIS. I shall be glad to briefly explain what is proposed. However, one of the first fundamentals I learned from law school was that after a person had won his case it was time to quit. I am ready to sit down right now. I would say, briefly, this has to do only with definitions. Immediately after action I shall offer an amendment which will get to the crux of the situation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Arkansas [Mr. HARRIS].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: On page 8, strike out line 13 and all that follows down through line 25 on page 10.

Mr. HARRIS. Mr. Chairman, first I wish to say that the previously considered amendment had to do with definitions. What we did was to leave three of the paragraphs making definitions in the bill.

We deleted the paragraph having to do with the definition of "diploma school of nursing." The reason I suggested that amendment is that under the National Defense Education Act program, student loans have not been made to students by hospital schools of nursing. There is no reason for including this definition in the bill unless it is intended to get into that field. I have reached an understanding with the gentlewoman from Oregon [Mrs. GREEN], and it is not intended to get into that field in this bill. So we have worked it out in this way. Under the definition of "school of nursing," "collegiate school of nursing," and "associate degree school of nursing," there is no conflict with present practices under which, by regulations which the Department of Health, Education, and Welfare has promulgated, students at these schools can obtain loans as students at "institutions of higher education." We did not feel, from what we know about it at this time, that we should interfere with that.

If a school chooses to establish a loan fund for students of nursing under the National Defense Education Act, rather than under the Nurse Training Act of 1964, this will be permitted under the bill. This is somewhat similar to what the situation would be if these definitions were not contained in this bill, since the school could continue to have a National Defense Education Act loan program under our bill if it chose to do so. But under the Nurse Training Act of 1964, if the school establishes a student loan program, then students of nursing at the school may not obtain a National Defense Education Act loan.

Therefore, we have no objection at this time for those terms or definitions to remain in the bill itself, since this conforms rather closely to past practices in this field.

The amendment before the committee now, Mr. Chairman, has to do with the coordination of student loan programs. That is section 207 of the bill, which has several paragraphs dealing with the subject. If this section stays in the bill, the portions of the Health Professions Educational Assistance Act and the Nurse Training Act of 1964 relating to student loans which this Congress has approved will virtually be repealed. That is not just my statement. That is the statement of the organizations, including the American Nurses Association, which sent to each one of us a bulletin recently, and the American Dental Association, which wrote us a letter.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I will be glad to yield to the distinguished gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. Chairman, I have discussed this amendment with the gentleman from Arkansas, and again may I express the desire of the Committee on Education and Labor to coordinate all of the student loan programs. We feel that all college students, regardless of whether they are studying to be teachers, lawyers, doctors, nurses, or scientists, should participate in one Federal-sponsored loan program which is sufficiently large to make the necessary loans. The operation of only one student loan program would be less expensive to our colleges and universities and would facilitate and make less expensive the administration of the program here in Washington. From my viewpoint, this proliferation of student loan programs is not educationally or financially sound. To say that a loan to a student getting an education in medicine or nursing is a health program and not education is begging the point. He or she is in the university to receive an education in the chosen profession. However, in talking to the chairman of the Interstate and Foreign Commerce Committee, it was obvious that the bill would cause a jurisdictional dispute. This is not something which I invite on the floor and not something I look forward to. There surely must be better ways of working it out. Therefore, I am willing to accept the amendment which has been offered by the gentleman from Arkansas.

Mr. HARRIS. I thank the gentlewoman very much.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I am glad to yield to the gentleman from Minnesota.

Mr. QUIE. I feel the same way. In the effort to bring about unanimity in this bill, we ought to agree to the gentleman's amendment. If we agree to it as well, I hope in the future we can coordinate these programs.

I would like to ask the gentleman a question. I understand your committee reported two bills, one to provide for loans and forgiveness of them to optometrists and another to medical doctors who practice medicine, I believe, in poverty stricken areas or on people who are poverty stricken. Is that correct?

Mr. HARRIS. Yes. The gentleman is correct. The committee reported two bills recently, No. 1 on the urgent request of the optometry profession to give them the same consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas [Mr. HARRIS] may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. HARRIS. On the urgent request of the optometry profession, we reported the bill to treat them precisely as the bill reported out and signed into law last year treats other professions in the field of health.

No. 2, we considered the amendment with reference to the forgiveness features in certain areas of need in the country. When the other body considered H.R. 12, which became the Health Professions Educational Assistance Act, they passed it without amendment. Later it was agreed that the other body would adopt legislation including a loan forgiveness feature, which they have done. The gentleman from Illinois [Mr. SPRINGER], the ranking member of the committee, came to me and asked me to give consideration to that bill, S. 2220. I told him that I would bring it to the attention of the committee, which I did and the committee reported that bill out early this week.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. HARRIS. I yield.

Mr. QUIE. Mr. Chairman, I do not think we can debate those bills right now. I think at this point there are two things. One is the need to coordinate these programs, not only in the administration here, but in the colleges.

Second, the work in cooperation between the Committee on Education and Labor and the Committee on Interstate and Foreign Commerce. I want to take the blame for our inability to work with the gentleman's committee in legislation in the past. I think we should point to the future where we may be able to exchange ideas with the gentleman's committee not only on the question of the Federal role in education and what it should be, but with relation to his committee's determination to provide the necessary provisions for health and related services.

Mr. HARRIS. I thank the gentleman. I can say to him that he certainly will have our cooperation. We will be glad to consult with him at any time.

However, I go back to the point of coordination. If it is considered coordination to take the health programs of this country and turn them over to the Office of Education in the Department of HEW, then we have got a good deal of talking to do about this. There is the basic difference, as I have repeated over and over.

These programs are considered to have educational values but they are primarily designed to meet the health needs of the country. We think they should be administered by the health division of the agency involved. That is where we differ as to the basic approach, and that is the reason why we are very insistent that these programs be worked out on that level.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. HARRIS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 6, line 19, after the word "time" strike out "(A)" and beginning on line 23 change the semicolon to a comma and strike out "(B) professional social worker for a public welfare agency or a nonprofit private organization; (C) social worker, teacher, registered nurse, or counsellor on a Federal, State, or local project designed to eliminate poverty and carried on under the provisions of the 'Economic Opportunity Act of 1964;' ".

On page 7, beginning on line 5, after the word "service" strike out the following: "for each complete academic year of service in the case of teachers referred to in clause (A), and for each 12-month period in the case of persons referred to in clauses (B) or (C)."

On page 7, line 25 strike out "described in" and on page 8 beginning on line 1, strike out the following: "clause (A) of section 205(b)(3) of the National Defense Education Act of 1958."

And on page 8, line 3, strike out the following: "and shall apply with respect to service described in clause (B) or (C) of section 205(b)(3) of such Act performed after the date of enactment of this Act.".

Mr. QUIE. Mr. Chairman, I want to explain briefly what the amendment does. It provides that the portion of the bill which extended forgiveness to social workers and other workers, teachers, registered nurses, counselors, et cetera, on a Federal, State, or local project designed to eliminate poverty, under the bill that the House just recently passed, would be removed from this bill.

Now, Mr. Chairman, it leaves in the bill the change in the present law of the expansion of funds for the loan program in the expansion and the forgiveness provision to all teachers.

Mr. Chairman, to date only elementary and secondary school teachers in the public schools are permitted to have 50 percent of their loan forgiven. Whereas, I do believe that if the forgiveness provision is not a good feature in the law, I think in all fairness, as long as we do provide forgiveness for some teachers, then it ought to be for all. But this other part of the bill is beyond the concept of the National Defense Education Act, and for that reason, I propose this amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, again my own personal preference would be that the forgiveness feature be extended to those people who are working in the areas of poverty. Certainly if a teacher is willing to go into the slum areas and spend her life and dedicate herself to the problem of helping people less fortunate, the least we could do would be to forgive a portion of a student loan not only to the teacher, but for the nurse or the counselor who works in the poverty areas and with the disadvantaged.

However, again, legislation is never what any one person wants. It is at best a compromise.

Mr. Chairman, I believe the amendment that has been offered by the gentleman from Minnesota retains the best part of the forgiveness feature. I have discussed the amendment at least with some of the Members on this side of the aisle. Speaking for myself, I am willing to accept it.

Mr. QUIE. I thank the gentlewoman.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. I want to express my agreement with what the gentleman from Minnesota has said. I believe we should phase out the forgiveness section on teachers at this point and, perhaps, set up other priorities. I believe that provision has largely accomplished its purpose.

Mr. Chairman, it should be emphasized that about 47 percent of the students obtaining loans under this program have gone into teaching. This indicates that it has had a considerable impact.

I believe that, as long as it is extended to the teachers, it is unfair to permit a person who goes into teaching in public schools to obtain forgiveness of his college loan and yet deny that privilege to a person who goes into teaching in a private school. That is essentially what the bill, as amended, will now accomplish.

Mr. QUIE. I thank the gentleman from New York.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Virginia.

Mr. HARDY. I do not disagree with the basis of the gentleman's amendment, but I do have a little problem with the subject matter just injected into the question by the gentleman from New York [Mr. GOODELL]. I have a little trouble understanding why if we cannot have prayer in public schools, we should forgive the taxpayers' loans to teachers in private schools? That is the point at which I find disagreement. Frankly, I had planned to offer an amendment to eliminate the words "nonprofit institutions."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. QUIE].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: On page 11, beginning on line 10, after the word "equipment" strike out "(suitable for use in providing education in science, mathematics, history, geography, modern foreign language and English)" and insert in lieu thereof the following: "(suitable for use in providing education in science, mathematics, modern foreign language, reading, and English when taught to persons for whom English is a second language), and wall maps and globes".

On page 12, beginning on line 23, strike out "history, geography, modern foreign language, or English" and insert in lieu thereof the following: modern foreign language, reading, or English when taught to persons for whom English is a second language.

On page 12, line 25, after "and of" insert "wall maps, globes and".

On page 13, line 5, strike out "history, geography, modern foreign languages, and English" and insert in lieu thereof the following: "science, mathematics, modern foreign language, reading, and English when taught to persons for whom English is a second language, or in connection with the use of maps and globes".

Mrs. GREEN of Oregon. Mr. Chairman, title III of the original act includes science, mathematics, and modern foreign languages. H.R. 11904 would add English, geography, and history in title III.

The purpose of this amendment is to more precisely define what we intend to include. We eliminate the word "English" and insert "reading" and we also include English where it is a secondary language.

The emphasis, as is indicated in the previous discussion, and especially by the gentleman from Kentucky [Mr. PERKINS], is on reading equipment.

The amendment deletes the words "geography" and "history." However, the amendment permits the purchase of wall maps and globes. This amendment specifies the types of equipment that may be purchased. It seems to me this improves the language of this part of the bill and clarifies the intent of the committee. I hope it will be adopted.

Mr. QUIE. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota.

Mr. QUIE. We did not want anything added to title III. There are many of us who thought that should be left as it is. However, I think it is good that we do not designate additional categories or additional subject matter but, rather, limit it to globes and maps. The globes and maps can be used for any subject matter in that school it would be fitting for. The same way with reading, there is some expensive equipment that can greatly improve the reading ability of the young children that the school may provide. So we agree to go along with the gentlewoman from Oregon on those two additions to the use of the money in title III. I accept the gentlewoman's amendment.

Mr. GOODELL. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New York.

Mr. GOODELL. I concur in the comments made by the gentleman from Minnesota. I will say that the term "reading" or "remedial reading" left in title III permits the purchase of equipment for that purpose. The gentleman from Vermont in the other body was particularly active in pressing for his amendment, although I have some doubt about it at this moment. We will accede to his efforts and the effort of the gentlewoman to have this in. I believe we have some difference of opinion as to the usefulness of certain types of equipment.

Mr. RYAN of New York. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the very capable and distinguished gentleman from New York.

Mr. RYAN of New York. Mr. Chairman, I rise to commend the distinguished chairman of the subcommittee, the gentlelady from Oregon [Mrs. GREEN], and the committee for recognizing the need to provide assistance under title III of the National Defense Education Act for the acquisition of equipment for the teaching of English to students for whom English is a second language.

This provision is similar to my bill, H.R. 8198, and I am pleased that it will be incorporated in the bill. I have been urging this for a long time. On December 12, 1963, when the conference report on NDEA amendments (H.R. 4955) was on the floor, I pointed out the need for instructional equipment and materials to assist in the teaching of pupils for whom English is a second language. In New York City there are a great many Spanish-speaking children who will benefit immeasurably from this change in the law. The "Education Congress" is taking another important step forward.

Mrs. GREEN of Oregon. I thank the gentleman. Indeed, the gentleman from New York has very effectively and persuasively pointed out the need for including English where it is a secondary language, as have some of his other colleagues from the Southwest.

Mr. HOSMER. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from California.

Mr. HOSMER. Will the gentlewoman, for the purposes of the RECORD, spell out the language of her amendment which has to do with English as a second language?

Mrs. GREEN of Oregon. The gentleman from New York [Mr. RYAN] has pointed out many times to the committee that in some parts of New York City there is a large population of Puerto Ricans. Their primary language is Spanish. English is really a secondary language or a foreign language to these students. This is true in southern California, and in other States, including Texas, where there is a very large group of Spanish-speaking children. English is a foreign language to these young students. It is a secondary language. Where that is the case then this provision would apply.

Mr. HOSMER. Would it also include States where the primary language is not Spanish, but some other language?

Mrs. GREEN of Oregon. Yes; it applies in all instances where English is the second language.

Mr. HOSMER. I thank the gentlewoman.

AMENDMENT OFFERED BY MR. CAREY

Mr. CAREY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CAREY to the amendment offered by Mrs. GREEN of Oregon: At the end of the amendment insert the following:

Page 13, line 2, after "and" insert "such equipment may, if there exists a critical need therefor in the judgment of local school authorities, be used when available and suitable in providing education in other subject matter, and".

Mr. CAREY. Mr. Chairman, this is an economy-of-use amendment. We have heard throughout the debate that the equipment to be acquired under title III is highly expensive equipment. That is why the local school authorities need the assistance of the Federal Government in securing such equipment.

Speaking about economy, none of us would want to see this equipment sit idle when in the judgment of the local school authorities such equipment having a capacity for duality of use, having universality of application, might be used in subject areas that they find constitute a critical need in their own school districts.

We have heard throughout the debate that we want to give maximum control of the curriculum to the local school authorities. That is the purpose of this amendment, that the local school authorities use their judgment as to the use of the equipment when the equipment is idle and can be used to secure some improvement of the problem subject areas for which the equipment might be used.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from Indiana.

Mr. BRADEMAS. I rise in strong support of the amendment offered by the gentleman from New York and want to commend him on it and say that I agree with him that it will be most helpful in tightening the approach.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield.

Mrs. GREEN of Oregon. Will the gentleman clarify a point? Am I correct that the amendment which the gentleman offers does not pertain to funds that may be used to purchase the equipment?

Mr. CAREY. No. I would say the primary purpose must be expressed in the request for funds for acquisition. Once that is stressed in these categories of equipment, that covers what equipment will be secured. Once the equipment is on the school property, if it has duality of use it is up to the local school authorities to determine how that equipment shall be used.

Mrs. GREEN of Oregon. As a specific example, does the amendment mean that if there were a visual slide machine purchased with funds under the act not being used at a given time during the schoolday in a science class or for a subject included in title III, then instead of sitting idle in a dark closet, a teacher might use it in an English class or a reading class? Am I correct that this amendment does not destroy the intention of the legislation?

Mr. CAREY. That is right.

Mrs. GREEN of Oregon. It seems to me this is a good amendment. It should help in improving the quality of education. I therefore approve of the amendment.

Mr. CAREY. This would be sort of a freedom-of-choice amendment to allow the school authorities to determine where the equipment should be used that is available. I would hope the members of the majority and minority of the Committee would see their way clear to accepting this amendment, taking into consideration the type of equipment we are acquiring.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from Minnesota.

Mr. QUIE. Would the equipment have to remain on the premises where it was acquired?

Mr. CAREY. No. If it is part of the school system by which it was acquired and it happens to be moved from building to building in that school system, I think we could accord discretion to the school authorities in this. I do not think they are going to take it home and show movies to the children, or something of that kind.

Mr. QUIE. What about its being utilized in another school system, a private school system?

Mr. CAREY. I think the language in the bill, and this is specific, states in the Senate bill and the House version that grants for equipment are provided for public schools and loans for non-public schools. One of the terms of the grant would be that this would remain the property of the local agency. That is not a question here at all. This is public school equipment we are talking about, and would be used for the public school requirement for the students in that area which required the equipment.

Mr. QUIE. There is no direction in the gentleman's amendment, then, to require that the local public school system allow it to be used by another school system?

Mr. CAREY. No, that is not the amendment. The amendment here relates to the use of the equipment for the use for which it was acquired and used during the open time. If in the wish of the community authorities they had a use for it in a hall, I do not think we could put a policeman in the door to say that one not enrolled in the subject curriculum for which this equipment was to be used could not come into the hall.

Mr. QUIE. Then this other last question. Is there any difficulty now as to the use of equipment for any subject matter after it is acquired for the purposes intended in the act?

Mr. CAREY. I have been given to understand that some rigid inspection techniques have been adopted, to make certain that the equipment is confined to the use for which it was acquired under the act. It is to supervene this and to give more latitude to the school authorities in the use of the equipment that I am offering the amendment. I do not think we need to inspect and to find out if the equipment is being used at all times for the purposes of the act.

Mr. QUIE. I just want to say for myself, I do not see any objection to the amendment.

Mr. CAREY. I thank the gentleman from Minnesota. The only purpose of the amendment is to get greater use of this expensive equipment which will actually result in valuable economies in education because it will greatly increase a good teacher's ability in teaching more students.

I think title III in the administration of this act is such that we can show dynamic breakthroughs and exotic achievements and fully warrants the extension of title III funding at the present level. I think it is going to result in great economies in education as well as improving the quality of education in the long pull.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. CAREY. I yield to the gentleman from New York.

Mr. GOODELL. Mr. Chairman, if I understand the gentleman's amendment correctly, and I would like an answer to this question directly in this sense: Your amendment does not expand in any way the types of equipment or the justification for the purchase of equipment under the present program; is that correct?

Mr. CAREY. That is correct. The initial justification has to be for the specified categories defined in the bill.

Mr. GOODELL. No additional considerations are added to the question of whether they should be purchased or can be purchased by your amendment?

Mr. CAREY. I would just hope that those passing on the request would take into consideration the universality of such equipment as an argument for granting the request.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOODELL. Mr. Chairman, I move to strike out the last word, and I would like to ask the gentleman another question on that point.

The last answer, it seems to me, fuzzes the issue a little bit. I am concerned. I think the gentleman's amendment is a very meritorious one in the sense that the equipment which is justified to be purchased under the existing language should have maximum utilization. That is the gentleman's purpose; is that correct?

Mr. CAREY. That is correct—to economize in the use of it.

Mr. GOODELL. Yes, and it does not in any way change the standards in the present act as to justifying the purchase of equipment?

Mr. CAREY. No, the standards are expressed in the categories defined in the bill.

Mr. GOODELL. I appreciate the gentleman's answer very much. I am in favor of the amendment as so defined and confined in its impact.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. CAREY] to the amendment offered by the gentlewoman from Oregon [Mrs. GREEN].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Mrs. GREEN], as amended.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 13, line 23, strike out the word "five" and insert in lieu thereof "three". And on page 14, line 2, strike out "seven thousand five hundred" and insert in lieu thereof "five thousand". And on page 14, line 4, strike out "ten thousand" and insert in lieu thereof "six thousand five hundred".

And on page 14, line 17, strike out "(1) not less than one-third of such fellowships awarded during the fiscal years ending June 30, 1965, and June 30, 1966, and not less than two thousand five hundred for each fiscal year thereafter" and insert in lieu thereof "(1) not less than one thousand five hundred of such fellowships awarded during the fiscal year ending June 30, 1965, and not less than one-third of such fellowships awarded during fiscal years ending June 30, 1966, and June 30, 1967".

Mr. QUIE. Mr. Chairman, the National Defense Education Act provides that 1,500 fellowships may be granted each year. The bill would increase this to 5,000 the first year and 10,000 the third year.

My amendment would provide for an increase to 3,000 the first year, that it be doubled in the first year from the present. The second year it would provide for an increase by another 2,000, to 5,000. In the last year it would be increased by another 1,500 to 6,500.

From everybody I have talked to I get the impression that this is more than adequate to provide for the needs of fellowships in the 3 years, judging from those who will be available.

This, as Members know, is for the training and education of Ph. D.'s for college teaching. I feel that this is more in line with what is needed today.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. In regard to the current fiscal year and the number suggested in the amendment of the gentleman from Minnesota, I am not at all disturbed, because I believe that probably this is the number that could really be used.

However, the fellowship program was designed originally to maintain and to improve the quality of and preparation of our college faculties. As one member of the subcommittee, I am concerned about statistics which show that the percentage of new college professors with Ph. D.'s is declining. We have a smaller percentage of Ph. D.'s now than we had 10 years ago.

However, because this will give the committee an opportunity to look at the problem again next year and in the interest of getting a bill passed in this session of Congress, I reluctantly accept the amendment offered by the gentleman from Minnesota.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Much as I dislike to have to disagree both with the distinguished chairman of my subcommittee and with my colleague from Minnesota, I must oppose the gentleman's amendment.

I call to the attention of members of the Committee the statement on page 8 of the report:

> After a thorough consideration and discussion of the title IV program and the estimated needs, the committee has approved a gradual increase in the number of fellowships. The amendment authorizes an awarding of 5,000 fellowships in 1965, 7,500 in 1966, and 10,000 in 1967.

I believe we have had a thorough discussion and consideration of the needs for graduate fellowships. I believe it is relevant to point out that the committee bill, approved by the House Committee on Education and Labor, at this particular point is in full accord with the title IV program approved by the other body. There is no profound disagreement between the Senate bill as passed by the other body and the House committee bill.

I would also point out that in 1963 the President signed into law the Higher Education Facilities Act. We passed that act because of the fact that there is to be a doubling of enrollments on college campuses in this country between 1960 and 1970.

It is fine to help to build more academic classrooms, libraries and laboratories, but we must also be able to provide teachers for the youngsters who will be in those classrooms, libraries, and laboratories.

For that reason I hope very much that the amendment of the gentleman from Minnesota will be defeated. I rise to oppose it.

Mr. QUIE. Mr. Chairman, I do not believe that we can go by what the other body has done in regard to this legislation because it spent virtually no time at all considering or studying it. The study has been done in the House. I have been involved in the study.

When the number is doubled in the year to come, that is a pretty good expansion. Not only does my amendment provide this sufficient amount of increase, but the bill changes the concept from the original intent of the act, that these fellowship grants should go only toward new and expanded programs. The bill provides for fellowships for continuing programs. I believe my amendment represents quite a substantial increase, and the amendment should be adopted.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. GRIFFIN. I understand that there is substantial doubt that the number of fellowships in your amendment would actually be used. Is that correct?

Mr. QUIE. That is correct. The people I have talked with in the higher education community say that is correct. They doubt it will be used.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. QUIE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 16, line 24, strike out "$25,000,000" and insert in lieu thereof "$23,500,000." On page 17, line 1, strike out "$25,500,000" and insert in lieu thereof "$23,500,000," and on line 2 strike out "$32,500,000," and insert in lieu thereof "$28,500,000." On page 17, beginning with line 4, strike out everything down through line 4 on page 18, and insert in lieu thereof the following:

"SEC. 502(a) Paragraph (1) of subsection (a) of section 503 of the National Defense Education Act of 1958 is amended to read as follows:

"'(1) a program for testing students in the public elementary and secondary schools of such State and, if authorized by law, in other elementary and secondary schools in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and'

"(b) Paragraph (2) of subsection (a) of section 503 of such Act is amended by striking out 'who are not below grade 7'."

On page 18, line 11, after the word "eight" change the comma to a period and strike out the remainder of the sentence. And on page 18 strike out lines 14 through 25 and on page 19 strike out lines 1 through 10.

On page 19 chance "SEC. 505" to "SEC. 504", and on line 16 change "SEC. 506" to "SEC. 505."

Mr. QUIE. Mr. Chairman, let me explain what this amendment does. The amendment which I offer would remove from the bill the provision which would expand the guidance and counseling assistance of the National Defense Education Act to the public junior colleges and technical institutes. Here again, when the bill first was initiated, it provided only guidance and counseling assistance in high school. During this period of time we found out that guidance and counseling was needed at a younger age. So last year we dropped the age to the seventh grade level. This year, after further testimony, we found that there was a good case made for providing guidance and counseling down to the first grade. However, I do not believe such is the case in junior colleges and technical institutes. Secondly, if we provide this special assistance for public junior colleges and technical institutes, it puts them in a different relationship than the other institutions of higher education. In the past we have treated all institutions of higher learning equitably and in this area we have to treat them all equitably, and this does not do so. For that reason there is no need. It is a worthy amendment in order to conform this legislation to what we have been attempting to do during the last 2 years in education legislation affecting the higher education institutions. The junior colleges have to choose whether they are an institution of higher education or an extension of secondary education. I think they fit better into the higher education level.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. Yes. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I think without doubt one of the weak points of the first bill that was offered and passed by this Congress for the establishment of the National Defense Education Act was that we did not extend the guidance and counseling through the entire elementary grades. I am very happy to see that this amendment preserves this program which is in my bill and that the guidance and counseling program will be throughout the secondary and the elementary schools in both the private and the public schools.

Thank you.

Mr. QUIE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. O'HARA OF MICHIGAN

Mr. O'HARA of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'HARA of Michigan: Page 6, line 21, after education, strike out "or"; and on line 23 after the word "States" insert "or in a Peace Corps project as a Peace Corps volunteer".

Mr. O'HARA of Michigan. Mr. Chairman, I was heartily in accord with the actions of the committee in extending the forgiveness feature to teachers in oversea schools and to teachers in other educational institutions, both collegiate and private or nonpublic, and with the provisions extending the loan forgiveness feature to certain others. I understand that the extension to any who are not teachers has now been stricken. I have offered this amendment to extend the forgiveness features to teachers in oversea schools who are teaching there as Peace Corps volunteers in a Peace Corps project.

Under the provisions of the bill as it now stands I would estimate that these are the only American teachers anywhere in the world who do not have the advantage of the loan-forgiveness feature. They certainly ought to be extended the same forgiveness feature as a person who teaches for a full salary in an oversea Armed Forces school.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding.

I wish I could support the gentleman's amendment, but it is difficult to accept such a proposal on at least two grounds. One is that this will create a special category among Peace Corps volunteers; those who would not get the proposed benefit would be discriminated against. Those who get special assistance might receive benefits, but these Peace Corps volunteers in perhaps more hazardous work would get nothing. In the second place, this proposal shows the basic danger of the forgiveness concept. When benefits are granted presumably because they are doing useful work and therefore should get some kind of official recognition.

Mr. O'HARA of Michigan. Mr. Chairman, I might say to the gentleman from New Jersey that I share his misgivings about creating a special category of persons, namely teachers, who are the only ones to receive any forgiveness. However, this system has been accepted by the Congress and is being extended by action of the Committee of the Whole today. Under the circumstances, I should think, at least, we would include all teachers, including the teachers who work as Peace Corps volunteers.

Mr. FRELINGHUYSEN. Mr. Chairman, it seems to me that the gentleman recognizes the mischief that the forgiveness program represents, yet he is participating in its extension. Is it not equally logical to extend such assistance to those who teach in the Job Corps? Is it not just as logical to extend assistance to those who may be employed in the VISTA program, and go out and do social work, including perhaps work in the field of teaching?

What is there that creates the justification for this kind of benefit for this particular group that does not create an equal argument for others who are being excluded?

Mr. O'HARA of Michigan. I might say to the gentleman from New Jersey that I believe most of the teachers under the poverty program, if not all of them, will be teaching in some regular educational institution such as is described in subparagraph (a). They would be subject to forgiveness in spite of the fact that they are under the aegis of VISTA or some other poverty program.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I would like to clear up the meaning and purpose of the gentleman's amendment and make sure about it in my own mind.

It would not apply to all who are serving in the Peace Corps? It would only apply to those engaged in teaching in a Peace Corps project; is that correct?

Mr. O'HARA of Michigan. Exactly.

Mr. GRIFFIN. It would not apply to someone who happened to be a teacher and who went into the Peace Corps but who was not teaching while a member of the Peace Corps?

Mr. O'HARA of Michigan. That is correct.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from California.

Mr. HOSMER. Is not just about everyone who is a member of the Peace Corps engaged in teaching, more or less, in one way or the other?

Mr. O'HARA of Michigan. Somewhat less than half of the persons actually overseas in the Peace Corps are engaged in teaching.

Mr. HOSMER. Mr. Chairman, if the gentleman will yield further, is not the basic, fundamental purpose of these provisions of the bill to provide qualified teachers for American schools to teach American children and not to provide people for overseas teaching jobs under a separate program such as, for instance, the Peace Corps which is designed for a separate purpose?

Mr. O'HARA of Michigan. I would say to the gentleman from California that the Peace Corps is a 2-year program. I believe it is fine if you train a teacher and then the teacher goes into the Peace Corps first.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I rise to ask the gentleman from Michigan a question, if I may.

I believe that the purpose of the amendment is very, very good. Certainly, the people who go out in the Peace Corps should have encouragement.

Has the gentleman had the opportunity to discuss this with the Director of the Peace Corps and has he given the gentleman any statement?

Mr. O'HARA of Michigan. The Peace Corps people have been contacted, although not the Director personally, and they have expressed themselves as being in favor of such a provision.

I had intended to offer it and had discussed it with them in terms of forgiveness for all Peace Corps volunteers.

However, when the committee accepted the amendment offered, I believe, by the gentleman from Minnesota [Mr. QUIE] striking out forgiveness for anyone other than teachers, I trimmed my sails to cover just the teachers in the Peace Corps, in order to make it consistent with the other provisions of the bill.

Mrs. GREEN of Oregon. Did the people in the Peace Corps to whom you talked express any concern about creating problems within the Peace Corps since one person might have 50 percent of a loan forgiven and another person might not? Yet they might be working side by side in a foreign country.

Mr. O'HARA of Michigan. No such reservation was expressed to me in my discussions with them.

Mr. GIBBONS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I first would like to state that I am no expert on the Peace Corps and I do not intend to pose before this committee as an expert on the Peace Corps.

However, I have had the opportunity recently to observe the Peace Corps in operation in South America. While I might support an amendment that would extend forgiveness as we do in this legislation to all the members of the Peace Corps regardless of how they serve, I am afraid, based upon my practical observation of this program, we would be creating a very difficult matter to administer in the Peace Corps. Teaching is perhaps the part that requires less hazardous duty, however. For instance, the community action program in one of the sections of Lima, Peru, the Barricedios represents an extremely difficult task and is extremely hazardous. The people engaged in this work must live and work there under really abject poverty, exposed to disease, and to all kinds of physical threats which could happen to them. Very few of these people, practically none of them, are engaged as teachers, as we recognize them.

The Peace Corps volunteers are engaged in community action programs. They are people trying to get these communities to move forward, to help them build facilities for community improvement. I think it would be a mistake to put a premium on teaching in the Peace Corps as opposed to other Peace Corps service. I do not want to penalize teaching in the Peace Corps, but I am afraid it would be a mistake to single out teachers in the Peace Corps and give them a special reward.

For that reason, Mr. Chairman, I would urge defeat of this amendment, with the possible reservation that we may consider some time in the future the expansion of forgiveness to all Peace Corps volunteers wherever they may be.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Minnesota.

Mr. QUIE. If anybody goes into the Peace Corps they have a moratorium on the repayment of their loans during the period of time they are in the Peace Corps. Is the gentleman aware of that?

Mr. O'HARA of Michigan. I cannot confirm that.

Mr. QUIE. In reading the act last year, and the amendment added at that time, there is a moratorium during the time they are in the Peace Corps. The reason for forgiveness is to get more people in the teaching profession in U.S. schools. I think the gentleman should not pursue his amendment. After they have finished with the Peace Corps, there is an incentive for them to teach in the United States and to keep them in the teaching profession for 5 years with the forgiveness provision in the present law. From the experience I have seen of the Peace Corps members who now teach at Cordoza High, it is a good thing to get them back into teaching for a while, because of their experience.

Mr. O'HARA of Michigan. I would simply say that then they are being required to put in an additional 2 years of teaching all told to get the same 50-percent forgiveness that you may give to someone else with 2 years' total teaching service if they go directly to a school in the United States and can teach there after spending 2 years in the Peace Corps.

Mr. QUIE. That would be really the same as a person in the military service, who has a moratorium on repayment of their loan while in service. We are not going to forgive them while they are in the armed services, only after they are out of the armed services and teach for a time.

Mr. GIBBONS. Mr. Chairman, I would like to state that I reluctantly oppose this amendment. I know the gentleman is well intentioned, but what I am afraid of is we would be creating an administrative problem in the Peace Corps. Teaching is, I believe, perhaps, the least hazardous of Peace Corps activities. Therefore I urge defeat of the amendment.

Mr. SMITH of Iowa. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa as a substitute for the amendment offered by Mr. O'HARA of Michigan: On page 8 between lines 7 and 8 add a new subsection as follows:

"(D) In lieu of other provisions in this Act relative to the rate of repayment of such a loan, the recipient shall be given an alternative of entering into a written agreement providing that each year beginning with the second taxable year that a scholar who received a loan under this Act is no longer a full-time student of an accredited institution of higher education, the recipient shall pay to the Commissioner a sum equal to 5 per centum of his personal net taxable income, as defined or determined by section 63 of the 1954 Internal Revenue Code, as amended, from sources other than pay for military service. Said sums to be paid each year until the total of the sums received by the student with interest is repaid. The Commissioner shall issue such regulations as are reasonably necessary to assure receipt of necessary documents and information to secure such payments and such required documents and assurances shall be secured prior to payment of an individual loan."

Mr. FRELINGHUYSEN. Mr. Chairman, I am constrained to make a point of order against the amendment offered by the gentleman from Iowa on the ground it is not germane to the subject matter of this bill.

Mr. SMITH of Iowa. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa on the point of order.

Mr. SMITH of Iowa. Mr. Chairman, it is in no way an amendment to the tax law. It is not in any section of the tax law. All it provides is that the recipient may voluntarily determine that the amount he pays back is determined by the amount he pays taxes on. That in no way amends the tax laws of that State.

The CHAIRMAN (Mr. BOLLING). The Chair is prepared to rule. The Chair has had an opportunity to examine the amendment, and does not feel it is germane to the O'Hara amendment, which deals with the problem of forgiveness. Therefore, the point of order is sustained. The amendment is not in order.

Mr. FRASER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment which would extend the benefit of this section to the Peace

Corps volunteers who are engaged in teaching. I think several of the arguments advanced against this do not meet the issue directly. For example, one of the opponents of the amendment suggested the volunteer would be in the same position in going back into teaching after 2 years in the Peace Corps that he would be after serving 2 years in the Army. The trouble with that argument is that Peace Corps volunteers may also be required to serve in the Army, which would make a total of 4 years. There is no exemption from the draft by reason of Peace Corps service.

In view of the fact that a Peace Corps volunteer could only get 2 years of forgiveness, that being the average length of time the volunteer serves, he would still have 3 years of forgiveness to seek by returning to the teaching field here in the United States. This is an adequate incentive to preserve the basic purpose for which the forgiveness feature was originally drafted. I think the extension of this kind of forgiveness to those volunteers engaging in teaching overseas would be consistent with the other enlargement of the forgiveness features still felt in this section of the bill. I think this would be a very wise move. I would add my own personal observation that it would perhaps be wiser in the long run to extend this forgiveness to all Peace Corps volunteers. I do believe there is merit to this. I believe those who serve in the Peace Corps do so at considerable personal sacrifice, and do a job which is important to the long-term welfare of the United States. But since this provision is limited to teaching, the proposed amendment seems to me to be a logical extension of that provision. I do hope the amendment will be supported.

Mr. GRIFFIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when my colleague from Michigan [Mr. O'HARA] offered his amendment, my initial reaction was that it would be a good amendment and should be supported. However, after more reflection and consideration one must come to the conclusion it would not be a wise step so far as the Peace Corps is concerned.

I am one who supported the Peace Corps legislation. I am glad that a moratorium is provided for those who go into the Peace Corps so far as repayments of loans are concerned under the National Defense Education Act.

But consider the problem that the pending amendment would pose for the director of the Peace Corps, who has the job of assigning recruits to various duties.

When a graduate of a teachers college goes to work teaching in a school system, that is a personal, individual decision that he makes. He decides whether or not he wants to go into teaching.

However, when an individual enlists in the Peace Corps he does not do, as I understand it, for a limited purpose only. He enlists to make his education and his experience available to the Peace Corps, but presumably the Peace Corps would assign him on the basis of how he could best serve the Peace Corps.

The director might not assign him to a teaching job even though he were qualified to teach. This circumstance would result in unfair discrimination as among Peace Corps members.

This amendment deals primarily with our matters overseas. If there is additional compensation or benefit that the Peace Corps recruit should receive, then I think that appropriate legislation should be considered by the Committee on Foreign Affairs as an amendment to the Peace Corps legislation. So, I reluctantly oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. O'HARA].

The amendment was rejected.

AMENDMENTS OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: On page 22 beginning on line 1 strike out everything down to and including line 14 and insert in lieu thereof the following:

"(1) who are engaged, or are preparing to engage in elementary or secondary schools as counseling and guidance personnel,

"(2) who are engaged in or preparing to engage in the teaching, or supervising or training of teachers, of modern foreign languages, reading, or English when taught to persons for whom English is a second language, in elementary or secondary schools,

"(3) who are engaged in or preparing to engage in the teaching of disadvantaged youth and are, by virtue of their service or future service in elementary or secondary schools enrolling substantial numbers of culturally, economically, socially, and educationally handicapped youth, in need of specialized training; except that no institute may be established under this title for teachers of disadvantaged youth unless such institute will offer a specialized program of instruction designed to assist such teachers in coping with the unique and peculiar problems involved in the teaching of such youth, or

"(4) who are engaged as library personnel in the elementary or secondary schools, or as supervisors of such personnel.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman.

Mrs. GREEN of Oregon. Is it the purpose of this amendment to delete the inclusion of history and geography as it is now written in the language of the bill and to include the institute programs and to have them extended beyond what we now have under the present law; to include librarians and supervisors of librarians; to include teachers of reading; to include teachers of disadvantaged youths; and to include institutes for guidance and counseling in the elementary schools?

Mr. QUIE. The gentlewoman is correct.

I would just add to the reading part that the teacher may be involved, let us say, in the first grade with some other subject matter and not be called a reading teacher, but will be qualified for the institute because of the necessity of spending time on remedial reading or speeding up the reading, or the teacher may even need it to upgrade her own ability to teach the new methods of reading to these children.

Mrs. GREEN of Oregon. I know the feeling on both sides of the aisle, but this institute program has probably done more than any other single part to improve the quality of education. A final question to the gentleman—would the gentleman agree with adding the librarians and teachers of reading and teachers of disadvantaged youths and extending guidance and counsel in the elementary schools greatly strengthens our institute program and does provide for an improvement in the quality of education?

Mr. QUIE. Yes, it surely does. It cuts across the various subject matters because it does not make any difference which subject matter is involved as long as it is to help the disadvantaged youths and improve the reading, the subject matter, or the course that the school librarians or supervisors work in. It applies to them, and the language is much broader. It also enables us to stay away from the controversy about the specific subject. This is aimed at improving education for reaching the young people and enabling them to grasp and develop the knowledge that is presented to them.

Mrs. GREEN of Oregon. I would hope next year the gentleman from Minnesota and our colleagues on the other side of the aisle would agree to a further extension of the institute program to include history and geography which seem to be of paramount importance. But, Mr. Chairman, speaking only for myself I would be glad to accept the amendment offered by the gentleman from Minnesota.

Mr. QUIE. I appreciate the indication of the gentlewoman from Oregon that she is going to pursue this further next year. I hope I can join with her in this effort because we must give this matter further study and look into the Federal Government's involvement in education and its providing of balance and doing it in such a way that the diversity and difference of the different communities may be maintained. I look forward to joining with the gentlewoman from Oregon and thank her for accepting the amendment.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. I will say, briefly, the gentleman agrees that when we use the term "disadvantaged youth" we mean to refer to the fact that the teacher would go to a summer institute to learn educational methods to be applied in school to help the disadvantaged youngsters.

Mr. QUIE. Yes. This they would do. I can visualize an area where they might go further.

The gentleman will recall the statement of a witness that when a teacher went out to the home and visited with the parents of the child in the home. Here, in their own circumstances, the teacher reached them. This she could not do by inviting them to the school in an altogether different atmosphere.

I would say that some of the things are correlated to the work in the school. That has a purpose, but there also may be the learning of how to teach them.

This would permit them to go out of the school and to reach them in the home; that is all.

Mr. GOODELL. I agree; but the primary emphasis is to teach them education.

Mr. QUIE. Yes; education methods. They must learn how to reach these children, so that they can improve and develop along with their classmates in school.

Mr. GOODELL. I favor the amendment. I appreciate the gentleman's yielding to me.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. GRIFFIN. To expand a little bit more on the colloquy between the gentleman from Minnesota and the gentleman from New York, and for the purpose of making legislative history about what is meant so far as the institutes for teachers of disadvantaged youth are concerned, we certainly do not mean that merely because there are one or two disadvantaged youths in a classroom—which might be the case in nearly every teacher's classroom—that every teacher in America would therefore be eligible to go to an institute for additional training in all the subject matters which the teacher might teach.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(By unanimous consent (on request of Mr. GRIFFIN) Mr. QUIE was given permission to proceed for an additional 3 minutes.)

Mr. GRIFFIN. Would the gentleman agree with me that that is not the purpose, and that we are talking now about teachers in slum areas, for example, and assuming that they have been adequately trained as to how to teach history and English and the various subject matters, and we have in mind giving them additional training and assistance as to how to deal with disadvantaged youth who have different problems from those of normal youth, beyond the subject matter and techniques.

Mr. QUIE. I believe the gentleman has explained well our intention with respect to disadvantaged youth.

Mr. GRIFFIN. I believe it is good to have this legislative history made clear, because an ambitious bureaucrat might expand it a great deal.

Mr. QUIE. Yes. We should expect them to do this in the areas of greatest need, and not for just anybody who might have a disadvantaged youth in a class.

Mr. KUNKEL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Pennsylvania.

Mr. KUNKEL. Basically the amendment would cut out the institutes so far as history, geography, English, and modern languages are concerned?

Mr. QUIE. Not modern language.

Mr. KUNKEL. Just history, geography, and English.

Mr. QUIE. Putting in reading, in place of English.

Mr. KUNKEL. What worries me about that is that I get a great many complaints from schoolchildren and from others about the lack of good training in English. Last year, when I received the results of examinations taken by the boys for entrance to the Academy at West Point, I was astounded by the number who failed in English. On one set of results there were four who failed in English, though excellent in mathematics.

Mr. QUIE. If the gentleman will check, I believe he will find that the inability to read might cause them to do poorly. If we improve their reading, they will do much better not only in English but also in history and other subjects.

Mr. KUNKEL. I know how important reading is, particularly in the early ages. If it is necessary to follow through with English later on, they must have an ability to read.

I seriously question the dropping of history and English.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. GOODELL. I am somewhat concerned about this. I believe it can be explained in the legislative history.

A teacher who is trying to qualify for an institute may qualify under the language of the amendment, as I understand it, for future service in elementary or secondary schools which enroll substantial numbers of what we call disadvantaged youngsters—educationally, culturally, economically deprived youngsters.

All right. Will the gentleman agree with me that there must be some kind of an indication of a substantial nature that a teacher who is enrolled in one of these institutes on the basis of future service will serve in an area of slums or of need?

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. QUIE] has expired.

Mr. GOODELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Yes. In answer to the gentleman's question, the gentleman is correct. As I would see it, a person who would plan to teach in an area where there are substantial numbers of disadvantaged youth who are extremely well qualified teachers but do not have the additional capabilities of reaching those youth would contract to spend a summer in an institute program so that they might qualify to teach those children.

Mr. GOODELL. At that point, if I may intercede, in many instances it may be a teacher who is now teaching in a school where substantial numbers of pupils are not culturally and socially and economically deprived and they may indicate they are going to move to an urban or rural area or somewhere where substantial numbers of children are classified as deprived in this sense. This will qualify them, which is why we use the term "future service" I think. We certainly do not mean that it should be interpreted in a broad sense as some kind of remote plan eventually to try to help youngsters who are disadvantaged.

Mr. QUIE. No. The gentleman explained it correctly.

Mr. GOODELL. There should be some specific plans they have at that time.

Mr. QUIE. Yes.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I thank the gentleman for yielding. I would simply like a point of information. I think I am fairly well schooled in the art of communication and modern day semantics, but I do not understand either the committee's or this institute's definition of the use of the word "disadvantaged." I wonder, for the good of the committee—and I have read the report and some of the hearings—if it could be explained as used in modern context. In that context communicate with us so we will know what this frequent repetition in the gentleman's amendment and as it appears throughout the bill means when it uses the term "disadvantaged youth."

Mr. QUIE. Well, as we had the language and explain what it is, we say culturally, economically, socially, and educationally handicapped youth. So all this means is that you take, for instance, children in the elementary schools who grew up in a slum area and had never seen a book before they reached first grade and had no parental influence on them after eighth grade, which occurs in some areas, and mostly after age 6. This makes them so disadvantaged that it is impossible for them without special training and special help to move along in the curriculum with fellow students either in that school or in other schools in the system. That is what we mean by that. What has happened to them is that they are handicapped virtually the same as physically or mentally handicapped or mentally retarded children. The results are the same and the need for special teachers is as great as the need for special teachers in the field of the mentally handicapped or the mentally retarded or the blind or the deaf.

Mr. HALL. I thank the gentleman. I would say his flow of words in trying to communicate this to me is of the best. I gather from your explanation it is cultural, it is a time factor, and it depends on what area it is in, and it does not apply necessarily either to frame or brain but may apply to social circumstances or any condition into which he might be born where his peers or fellow men consider him unequal by virtue either of training or defect or not growing up under the same social circumstances that they have. Would that be an adequate interpretation of "disadvantaged youth"?

Mr. QUIE. I would not agree his peers judge him to be this. I think it is very obvious that he is not moving along and if you look at his grade level in school, you see that he is left out. As I mentioned earlier, the Governor of Indiana stated the young men between 16 and 21, when they moved into a type of conservation camp job corps in Indiana were illiterate. These people had gone through the 8th to 10th grades in school. This means that they had perhaps the mental capacity at birth but because of their social or cultural background were not able to advance.

Mr. GOODELL. Mr. Chairman, will the gentleman from Minnesota agree that the term "disadvantaged" is becoming a word of art in the field of sociology and certainly we do not intend that it should have quite the breadth and the scope indicated by the gentleman from Missouri [Mr. HALL]. There is a much narrower definition than this. In addition the language requires that there be substantial numbers of them in the class that the teacher intends to be teaching. Every class will have a few presumably in most areas, one or two or three, perhaps, of this kind. So that this would have to be limited to teachers in areas where a substantial number fall into this classification.

Mr. QUIE. The gentleman is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. QUIE].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mrs. GREEN of Oregon: On page 21, line 16, strike out the word "titles" and insert in lieu thereof "title". And on page 22, beginning on line 23, strike out everything down through line 2 on page 25.

Mrs. GREEN of Oregon. Mr. Chairman, I shall not take 5 minutes. This amendment has been explained in the debate previously. The purpose of the amendment is to strike out title XII which provides for the establishment of a combination residential facility and school for the congressional pages. In lieu of this provision I have introduced a resolution which will call for the appointment of a special committee to study all of the problems connected with the congressional pages.

With that explanation, Mr. Chairman, I should hope that this amendment will be adopted.

Mr. ROOSEVELT. Mr. Chairman, will the gentlelady yield?

Mrs. GREEN of Oregon. I yield to the gentleman from California.

Mr. ROOSEVELT. Mr. Chairman, I should say that I think the gentlelady did a tremendous service in drawing the attention of the Members to the problem of the Capitol Page School and I should hope, and I repeat as I said before, that the measure which she has now introduced will be acted upon by the Committee on Rules and that we may get action, not in this session, but that the committee may use the rest of the year to make this study and that we may act early in the next session to correct what I think is a very unfortunate and very dangerous situation.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. QUIE. Mr. Chairman, will the gentlelady yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. QUIE. Mr. Chairman, I accept the gentlelady's amendment. I know of her concern for the Capitol pages and how difficult it is with that concern, to drop this title. Also, I want to commend her for pursuing this further, because I think the Members now realize more than ever before, the need for some change to be made. With that recommendation, I want to say that I accept the amendment.

Mr. GRIFFIN. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. GRIFFIN. Mr. Chairman, I regret very much that this amendment is being offered to strike this part of the bill. I know that in that respect I differ with some of those on my side. Although on our side we do not have too many pages to worry about at the present time, we look forward to the day when we will have the opportunity to appoint some, and whether that be the case or not, as a member of the gentlelady's subcommittee I, along with her, have gone into this subject. We have gone over to the page school and spent considerable time over there observing the situation and the conditions under which these boys live. They are deplorable and everybody knows it.

Mr. Chairman, this is a sad situation that we did not move and build a school and provide facilities, and I wish we were doing it in this legislation. However, I also recognize the problems with which we are faced.

Mr. Chairman, it is my sincere hope that the subcommittee will get right to work and do something effective in a short time.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Michigan.

Mr. CHAMBERLAIN. Mr. Chairman, I would like to have the amendment explained again as to just why it is necessary that this be deleted from the bill at this time.

Before the gentlewoman answers that request, I would like to commend her for the leadership that she has provided throughout the past few years here in this area.

Mr. Chairman, I am one who shares the concern that the gentlewoman has expressed time and again for pages and have joined in sponsoring legislation which I believe has been referred to the Committee on House Administration.

Mrs. GREEN of Oregon. Yes, I would be very glad to reply to the question. I believe one of the primary reasons for the deletion of this title is the controversy on whether or not the ages of the pages should be raised. If we were to change the age limit and require high school graduation—and I am not suggesting that this be the decision, but this is being debated—or if the minimum age is raised to 18 years, then there would be a serious question as to whether or not we should go ahead with the construction of a residence school, because the pages might be able to make arrangements for their own college work at one of the very excellent universities already located in the District of Columbia.

Mr. CHAMBERLAIN. I thank the gentlewoman. That leads to another question. As a practical matter and as we all look forward to adjournment here, and the calendar, does the gentlewoman feel there is any possibility of any action being taken on the resolution at this session of Congress?

Mrs. GREEN of Oregon. It would be my judgment that a study could be made during the time that Congress is in recess, if the resolution is approved, so that we can return with a recommendation for action in early January.

Mr. CHAMBERLAIN. Mr. Chairman, if the gentlewoman will yield further, for all practical purposes are we not putting this off for at least a year or 2 years, the question facing up to this critical problem? Is not that the essence of what we are doing, deferring facing up to this problem for another 2 years?

Mrs. GREEN of Oregon. If that were the case, I would not really propose the deletion of the proposed title XII. I do not think it means the postponement of the problem for 2 years.

Mr. CHAMBERLAIN. I thank the gentlewoman.

The CHAIRMAN. The time of the gentlewoman from Oregon has expired.

Mr. COLLIER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I certainly shall not take the 5 minutes, but if I might direct a question to the gentlewoman from Oregon. I commend her also for her interest in this area where I, too, have been concerned with the facilities situation as far as our page boys are concerned.

I just wonder if any thought was given at the time they were planning the spacious and elaborate new House Office Building to providing any space in that building for the page school and associated facilities?

Mrs. GREEN of Oregon. Mr. Chairman, if the gentleman will yield, I am sure the gentleman poses this as a rhetorical question.

Mr. COLLIER. I certainly do.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Ohio.

Mr. AYRES. Mr. Chairman, I would like to commend the gentlewoman on her position. It is my opinion that the study proposal is most appropriate. I only wish she could have supported me as I shall support her when I had that same proposal, or something similar, pending in connection with the so-called antipoverty bill.

But, Mr. Chairman, I do feel that we need to look into not only the housing and the schooling of our page boys, but the manner in which our pages are selected and the length of time that they serve.

Mr. Chairman, I do not believe it is fair to use them as patronage pawns, so to speak.

I assume that after the gentlewoman has gotten the report of the commission's investigation the proper legislation will be introduced which, of course, as I understand it will be directed to the Committee on House Administration and not to the Committee on Education and Labor; is that correct?

Mrs. GREEN of Oregon. That is not a decision over which I have any control.

Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I shall be happy to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 3 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Mr. CHAMBERLAIN. Mr. Chairman, I object.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CHAMBERLAIN].

Mr. CHAMBERLAIN. Mr. Chairman, I have long felt that the way we are treating our pages is a national disgrace. If the American people knew the facts they would rise up in righteous indignation. We have had this problem for years, but nothing has been done. Vote down this amendment, and then we are on the road to taking care of our page boys.

The CHAIRMAN. The chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Chairman, like every other Member of Congress I have long been interested in this matter. The first bill I introduced in reference to this was, I believe, in 1950; and I have been introducing such bills in each successive Congress. We have had many hearings, but the Congress has not yet done what it should.

It has, by not acting, taken the position this is not of our concern; that this is not our responsibility. But our responsibility is there, and we should measure up to it.

I hope that we can make progress under the bill we have before us. I would like to see this provision left in the bill. But if the provision is stricken, I hope this proposed study group will act promptly. Time is running out for our doing something in this field.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. AYRES].

Mr. AYRES. Mr. Chairman, I feel that this problem is one that the Congress should consider. On the other hand, most of these boys leave their homes with the full consent of their parents. The parents know the conditions under which they are going to live here. Some of them do live with friends or relatives.

In my opinion, Mr. Chairman, a survey is in order.

I intend to support the gentlewoman from Oregon [Mrs. GREEN].

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon.

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Page 25, strike out line 4 and the remainder of the page and insert in lieu thereof the following:

"SEC. 1001. The table of contents of the National Defense Education Act of 1958 is amended—

"(1) by striking out

" 'PART A—STATE PROGRAMS';

"(2) by striking out

" 'PART B—COUNSELING AND GUIDANCE TRAINING INSTITUTES

" 'SEC. 511. Authorization.';

"(3) by striking out

" 'PART A—CENTERS AND RESEARCH AND STUDIES';

"(4) by striking out

" 'PART B—LANGUAGE INSTITUTES

" 'SEC. 611. Authorization.';

"(5) by inserting at the end thereof the following:

" 'TITLE XI—INSTITUTES

" 'SEC. 1101. Authorization of institutes.

" 'SEC. 1102. Stipends'."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Mrs. GREEN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DENT: Page 25 at the end of the bill, insert the following:

"TITLE XI—FEDERALLY AFFECTED AREAS

"EXTENSION OF PUBLIC LAW 815

"SEC. 1101. That (a) the first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 631–645), is amended by striking out '1965' and inserting in lieu thereof '1966'.

"(b) Subsection (b) of section 14 of such Act is amended by striking out '1965' each time it appears therein and inserting in lieu thereof '1966'.

"(c) Paragraph (15) of section 15 of such Act is amended by striking out '1962–1963' and inserting in lieu thereof '1963–1964'.

"AMENDMENTS TO PUBLIC LAW 874

"SEC. 1102. Section 2(a), 3(b), and 4(b) of the Act of September 30, 1950, as amended (20 U.S.C. 236–244), are each amended by striking out '1965' each place where it appears and inserting in lieu thereof '1966'.

"COMPREHENSIVE STUDY

"SEC. 1103. The Commissioner of Education shall submit to the Secretary of Health, Education, and Welfare for transmission to the Congress on or before June 30, 1965, a full report of the operation of Public Laws 815 and 874, as extended by this Act, and his recommendations as to what amendments to such laws should be made if they are further extended.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. DENT. Mr. Chairman, you all know, I believe, what this amendment intends to do. Every year or every 2 years we have been faced with the necessity of coming up with an answer to the impacted area legislation. Your subcommittee, of which I happen to be privileged to be the head at this time, has been making a study of this very serious problem. We are not yet able to come to this House with an answer that we feel might meet the many objections that have been voiced over the past few years on the operation of the impacted area legislation. Therefore I come to you today and ask you to support a simple 1-year extension carrying with this extension at this time a proposal for a statistical study on the part of the Department of Health, Education, and Welfare, in order that that report may be made by June 1965, to give the committee some figures as statistics upon which we may rely.

This legislation needs a major overhaul. I doubt if any person in this House who has gone into the ramifications of the legislation since its first enactment 14 years ago has failed to realize that there are many avenues that have opened up in the past years never intended by the enacting Congress in 1950.

As an illustration, let me give you one example, and I do not think we will need any more. The city of Los Angeles covers 800 square miles. It has a school population of approximately 20 percent of the entire school population of the State of California. The State of California receives $45 million on an average a year under this act, yet the school district of the city of Los Angeles, the second largest in the Nation, receives absolutely not 1 cent, simply because the impact in the city of Los Angeles is the impact of real property, because the people working in the federally impacted property move out in suburbia.

Suburbia therefore benefits through category B. The city of Los Angeles which must provide educational facilities for its people, its pupils, and its students finds itself with Federal property that is tax exempt but they are unable to collect.

On the last study that was made by the city, they had an impact of 5.6 percent. They came within four-tenths of 1 percent of being eligible for approximately $3½ million.

Somewhere along the line we must wipe out this inequity and that is what we are trying to do.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. QUIE. Mr. Chairman, both sides agree on and accept this amendment and we thank the gentleman for presenting it today.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. ROOSEVELT. I thank the gentleman for his presentation on this very important matter. The facts of this problem are exactly as the gentleman has stated them.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Chairman, the present impacted area program is reaching many areas that it should reach. It is an important program in certain of its aspects. In many ways, however, it has grown to a size that is becoming a dangerous thing. I think this desperately needs reevaluation and reassessment. I will vote for the amendment because we have an agreement here which I think is necessary to get good bipartisan legislation. But I hope a reassessment will lead to the elimination or phasing down of certain aspects of this impacted area program.

The **CHAIRMAN.** The Chair recognizes the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I certainly rise in support of the Dent amendment. I personally favored the provision in the Senate bill which provided for an extension of the impacted area law for 2 years. The reason I favored that provision was because I felt we would be able to have sufficient time to thoroughly consider a revision of the law while at the same time affording educational people throughout the Nation and the education districts that are affected by this legislation, time to plan their programs further ahead.

The **CHAIRMAN.** The time of the gentleman from Kentucky has expired.

(By unanimous consent, at the request of Mr. GRAY, the time allotted to him was granted to Mr. PERKINS.)

Mr. PERKINS. We all recall a few years ago that the category "A" students under the impacted area legislation were made permanent. That is where they live on Government property. But there are many inequities in category B where the parents own their own home that are taxable homes and where the parents usually work on Government property. Revisions certainly should be made to take care of the many complex situations. But by and large, this legislation has been vital to educational institutions throughout the country. As soon as possible—next year or the year following—I am hopeful we will be able to pass legislation recognizing the great school needs in the many districts not now qualifying under Public Laws 815 and 874.

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 11904, to extend the National Defense Education Act and to support the amendment offered by my friend and colleague, the distinguished gentleman from Pennsylvania [Mr. DENT]. This amendment will extend Public Laws 815 and 874, the so-called impacted areas legislation.

Mr. Chairman, we have a number of communities in southern Illinois that are receiving aid under this program. Frankly, it has been the difference between running an efficient school system and not having enough to support good education in southern Illinois. This has been particularly true in Williamson County near the Crab Orchard Wildlife Refuge where the Government has taken large amounts of land for Government use, thereby eliminating the land from the tax base. This also applies to areas in the Shawnee National Forest in southern Illinois.

By extending this program to June 30, 1966, we will have an opportunity to study this program in detail and wherever possible improve the program.

I want to congratulate the gentleman from Pennsylvania [Mr. DENT] and the gentlelady from Oregon [Mrs. GREEN] and the others on the House Committee on Education and Labor for their diligent work in behalf of these important educational proposals. This country can be justly proud of the record these people and this Congress have made in the fields of education.

Today's action will be another milestone in the history of progress education is making. I urge all of my colleagues to support the Dent amendment and vote for the pending bill.

Thank you.

The **CHAIRMAN.** The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I think the impacted areas school bill has proven that we can help the local school districts and help in the field of education and do it substantially without interfering with the local operation of their schools. I am concerned over the fact that we have sometimes placed the local school districts at a disadvantage, because we lagged in extending the law. They could not make up their budgets until they knew the status of the extension of the law.

Under this setup which is in effect, with a 2-year extension, we would have time to make the study. I am sure that this legislation will be continued, because it is necessary and has worked well. It has relieved local taxpayers of a burden which the Government unwillingly places on them.

The **CHAIRMAN.** The Chair recognizes the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, I take this time to ask a question of the gentleman from Pennsylvania [Mr. DENT] as to whether my understanding of his amendment is correct.

Do I correctly understand the amendment has the intent that Public Laws 815 and 875 will continue as they are presently written and administered through June 30, 1966?

Mr. DENT. That is exactly correct.

Mr. WAGGONNER. I thank the gentleman.

The **CHAIRMAN.** The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment, merely because we have no other reasonable choice under our present parliamentary procedure. Either we must vote for this amendment and extend the law for 1 year and hope we can rewrite it next year, or not vote for it, and see it extended for 2 years in its present form.

It is my sincere hope that the inequities in this law will be corrected. It is ironic that those who benefit the most from this particular law—with an expenditure of almost $300 million a year in Federal aid to education, including teachers' salaries, the maintenance of schools, books, and everything else—are usually those who scream the loudest against any kind of Federal aid for the remainder of the country and its needy schools.

I hope that the study will show that we must correct the inequities so that all the needy districts of the country can share the benefits of this legislation.

I also hope we can rewrite this bill next year so the aid will go to the individual child in the form of a certificate redeemable for tuition either in public or private schools. It would appear that a soldier who is moved into a certain area with his family should be permitted to send his children to a private school without having to pay their tuition from his own personal resources. It is my hope that next year we can write this principle into this impacted areas law.

The **CHAIRMAN.** The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I merely wish to say to those who have expressed themselves that they would like to see a 2-year extension that, of course, I would agree with them except that, if we take a 2-year extension, it would mean we could not correct the inequities until 1966 or be in operation with the changes until 1967 or 1968. On the other hand, if we allow a 1-year extension, these could be corrected next year.

I feel then that most of us will support a 2- or 3-year extension, which I believe will be justified as a proper course.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 11904, to amend and extend the National Defense Education Act of 1958, and I favor the amendment offered by the gentleman from Pennsylvania [Mr. DENT] to extend Public Law 874 and Public Law 815, the so-called federally impacted school district laws, for 1 year.

The purpose of H.R. 11904 is to extend the National Defense Education Act for 2 additional years and to expand and revise certain programs so as to insure that the purposes of the act are met. Achievements under the National Defense Education Act of 1958 have been impressive, as the committee report indicates. There is ample evidence to prove that the various programs have made a substantial contribution in improving the quality of education in this country. However, your committee points out that growing school enrollments, rising college costs, a continual manpower shortage in crucial fields and increasing demands for quality instruction warrant an extension and modification of the program.

In addition to the 2-year extension, the principal provisions of this bill are designed to assure that no student of ability is denied an opportunity for higher education because of financial need by providing for an increase in the funds for the student loan program and by expanding its provisions to more adequately meet the needs of all deserving students regardless of their course of study; to lessen the administrative burden on our universities by providing for the coordination of student loan programs; to assist in the training of teachers, social workers, and key personnel working on antipoverty programs by an expansion of the loan forgiveness feature; to assist local school districts in providing quality instruction by broadening the scope of the title III program of grants for the acquisition of equipment; to increase the number of college teachers by providing a greater number of graduate fellowships; to provide counseling, guidance, and testing services to greater numbers by an extension of the title V program to elementary schools and to junior colleges and technical institutes; to strengthen the program of Federal support of language development by authorizing a more satisfactory level of appropriations; and to provide increased training opportunities for certain school personnel by authorizing a program of grants for training institutes for certain teachers, library personnel, and guidance and counseling personnel.

Mr. Chairman, in my testimony before Chairman Dent and members of his Select Subcommittee on Education, I said I favored a 2-year extension of Public Law 874 and Public Law 815. These laws authorize financial assistance to local educational agencies in federally affected areas for current operating expenses of schools and for construction of school facilities, respectively. Both laws are due to expire on June 30, 1965. I firmly believe that it is of the utmost importance that Congress extend these laws before we adjourn.

The reason for an extension in this session of Congress is that our local school districts throughout the United States need this lead time so that they can plan and submit their annual budgets, based upon some assurance that Federal funds will be forthcoming. This is very important and it is vital to the school superintendents in my Second Congressional District, and throughout the Commonwealth of Massachusetts.

The great and important Westover Air Force Base, which is the 8th Air Force Strategic Air Command Headquarters, is located within the city of Chicopee in my district. Dependent children of Westover personnel attend onbase and offbase schools in several of the nearby communities. The city of Chicopee depends upon Public Law 874 funds for operation and maintenance of its schools, and Public Law 815 funds for construction. The surrounding towns of South Hadley, Granby, Ludlow, Wilbraham, and West Springfield also benefit from these public laws. My home city of Springfield must plan its annual school budget based upon Public Law 874 funds because of the impact caused by the Springfield armory.

Mr. Chairman, I therefore urge the passage of the National Defense Education Act amendments and the Dent amendment extending until June 30, 1966, provisions of Public Law 874 and Public Law 815.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I yield to the gentleman from Maryland [Mr. SICKLES].

Mr. SICKLES. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the Dent amendment. While I realize that it is only a 1-year extension of the aid to impacted areas program, I feel it is extremely important that we ask this extension now rather than have a reoccurrence of the chaotic situation which occurred last year when we did not extend this aid until long after the school fiscal year had started. My own preference would be to see us enact a permanent program which would preclude the necessity of these periodic extensions but I am aware that this is not possible at this moment.

I commend the efforts of the gentleman from Pennsylvania [Mr. DENT] and his subcommittee which is currently investigating this entire subject matter. I would hope that the ultimate recommendations would include the District of Columbia in this program as well as extending the program to aid to the large urban centers such as Baltimore city. The financial plight of this great metropolis could be materially aided by an appropriate revision of this law.

The State of Maryland is one of the real beneficiaries of the current legislation having received in excess of $18 million during fiscal 1963. I urge all Members to support this amendment and I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. QUIE].

Mr. CHENOWETH. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Colorado.

Mr. CHENOWETH. Mr. Chairman, I rise in support of the pending amendment to extend Public Laws 815 and 874 for 1 year, or to June 30, 1966. Personally, I would prefer a 2-year extension as voted in the other body. I am voting for the 1-year extension in order to get the proposal to conference. I am very anxious to see this law extended at this session.

Mr. Chairman, I have always supported this impacted area program, and I consider it one of the most beneficial school programs Congress has authorized. It is obvious that the Federal Government has a responsibility to assist those school districts where there is an additional enrollment due to defense activities. These laws have been most helpful to the school districts in Colorado. There are some 25 of these school districts in my congressional district which have received assistance under this program.

I am aware of the criticism of this program in recent years, and I am happy to see the study authorized in this amendment. There has been a growing demand for a study and appraisal of this program, and I feel such a study would be helpful. In my opinion it would be preferable to extend these laws for 2 years at this time, and allow further time for this study to be completed. An extension of 2 years would also be very helpful to the school districts who must prepare their budgets a year in advance. It is not fair to keep them in suspense each year waiting for Congress to extend these laws. I hope before this bill is finally passed it will contain an extension for 2 years.

Mr. QUIE. Mr. Chairman, the impact aid law must be extended. I believe 1 year will be sufficient. By extending it 1 year, we will have a year and nine months to complete the study.

We have been studying this for a long time. All we have to do is to accumulate the facts already studied.

This is one program which has gone astray. There is no sense in providing the kind of aid which goes to Montgomery County, the county which has the highest per capita income of any county in the United States. My children are educated there. I am talking about an area of importance to me, and it probably will mean more in taxes to me. But there is no reason whatsoever for that to continue. That correction must be made because this program cannot continue to go completely astray.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN] to close debate on this amendment.

Mrs. GREEN of Oregon. Mr. Chairman, I take only a moment to congratulate the gentleman from Pennsylvania [Mr. DENT] for his very thorough study and superb leadership in this area and to urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DENT].

The amendment was agreed to.

Mrs. GREEN of Oregon. Mr. Chairman, it is my understanding that there are three amendments at the desk. I ask unanimous consent that all debate on these and on all amendments close at 10 minutes past 4.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 8 between lines 7 and 8 add a new subsection as follows:

"(D) In lieu of other provisions in this Act relative to the rate of repayment of such a loan, the recipient shall be given an alternative of entering into a written agreement providing that each year beginning with the second taxable year that a scholar who received a loan under this Act is no longer a full-time student of an accredited institution of higher education, the recipient shall pay to the Commissioner a sum equal to 5 per centum of his personal net taxable income, as defined or determined by section 63 of the 1954 Internal Revenue Code, as amended, from sources other than pay for military service. Said sums to be paid each year until the total of the sums received by the student with interest is repaid. The Commissioner shall issue such regulations as are reasonably necessary to assure receipt of necessary documents and information to secure such payments and such required documents and assurances shall be secured prior to payment of an individual loan."

Mr. SMITH of Iowa. Mr. Chairman, this amendment permits a student who had graduated to repay the loan at the rate of 5 percent of his net taxable income per year instead of on a rigid schedule. When students sign up to get a loan, they agree to pay in equal installments over a period of 10 years. Under this amendment, the amount of the payment would depend upon their income. We have heard a lot of arguments here on the floor as to who is going to be included under the forgiveness clause. We have demands for scholarships at the undergraduate level because some graduates in poorly paid professions find it difficult to repay 10 percent of the loan each year. As long as we do not have a flexible method for repayment, demands for scholarships to certain categories and for partial forgiveness to some will continue. By having a flexible method of repayment, if someone accepts a job as a juvenile worker or some other needed but low-paying job, they pay back at a slower rate. If they go into a highly paid job, they can afford to pay back at a faster rate. Over the average it may be 10 years in which they will pay it back, but some need a longer period and some do not need so long. It would not in any way involve additional paperwork, for the borrower merely files a certification under the penalty of perjury stating what his income amounted to, and pays 5 percent of that amount; on an average, a college graduate earns 17 percent more than he would have had he not gone to college so he can pay the 5 percent on the loan and still be much ahead.

I point this out, too: We need teachers in this country. Everybody agrees to that. In many areas, we have to depend on married women for 70 percent of our teachers. They hesitate to restrict their married life in advance by signing up for a fixed payment per year. They would be over 30 years old before a fixed repayment is not due each year. They do not know if they will be married, what obligations their husband and family may have, and if they will be out of work due to having a child. Under this, in the year when they have a child they do not have to pay anything. Then, when they go back to work, then can pay back at the rate of 5 percent of their net taxable income. I think there is a great need for this in this bill.

Although I have pushed it for 3 years, there has not been a previous opportunity to offer it on the floor. It is a new approach and may not pass today but I do hope all will seriously consider it now and in future years. I am confident we must someday adopt some similar provision.

Mr. ROOSEVELT. Mr. Chairman, I rise in opposition to the amendment.

I know the gentleman's intentions are, of course, completely proper, but on the other hand his amendment could do certain things which it seems to me would be very unfortunate. In the first place, it is really a dropout amendment, because what he would be doing is encouraging somebody who was going to be a teacher and who had incurred this debt, to go and get a higher paying type of job in some other occupation. In order to get rid of the debt under this amendment he would almost be forced to drop out of the whole teaching profession, which is the exact opposite of what we are trying to do here in this bill.

On top of that, it would be necessary to open up the income tax return of all of these people to ascertain what was 5 percent of their personal net taxable income. This would involve a tremendously complicated procedure and so I reluctantly, therefore, have to oppose the amendment.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield.

Mr. GOODELL. Mr. Chairman, I join the gentleman in opposing the amendment. I think this would be administratively unworkable. The arguments the gentleman has made are very persuasive. I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CEDERBERG].

AMENDMENT OFFERED BY MR. CEDERBERG

Mr. CEDERBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. CEDERBERG: On page 2, line 5 after "amended" insert "by striking out 'private' and by striking out '(3)', and".

Mr. CEDERBERG. Mr. Chairman, knowing of the concern for limiting time, I want to say that I have always supported the National Defense Education Act since its inception. I have discussed this matter with the gentlelady from Oregon [Mrs. GREEN] and the gentleman from Minnesota [Mr. QUIE]. They have agreed to accept the amendment. So while I have it won, I shall quit right now. This amendment will assist a new category of needy students acquire loans under the act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CEDERBERG].

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. WAGGONNER].

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WAGGONNER: Page 6, line 19, after the word "public", strike out the words "or other nonprofit".

Mr. WAGGONNER. Mr. Chairman, title II, section 205, having to do with the terms of loans deals with forgiveness under certain conditions and says that forgiveness may be allowed in certain cases. In part it says:

> Not to exceed 50 per centum of any such loan (plus interest) shall be cancelled for service as a full-time (A) teacher in a public or other nonprofit elementary or secondary school.

The language of my amendment strikes out "or other nonprofit", those three words.

The Supreme Court, in the Everson decision in 1947 expressed the philosophy that it would be unconstitutional for the Federal Government to use tax dollars in any amount to aid any or all religions or any or all religious activities in any way.

The gentlewoman from Oregon has stated during general debate on this legislation that it would be possible to forgive 50 percent of the loan provided to a teacher who might be a parochial schoolteacher under the provisions of this language. I am seriously in doubt as to whether this is aid to an individual or aid to education or aid to religion. If we are going to say that we cannot allow prescribed prayers, for example, in any of our public schools to maintain separation of church and state, it seems to me that we should not use these tax dollars in questionable cases in violation of the Constitution. I believe in separation of church and state.

This language I attempt to delete in this amendment and ask your support of this amendment for this reason.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the amendment.

The National Defense Education Act was first passed by this House in 1958. As the loan title was developed by our committee, it did not include any provision for the forgiveness of any loan. That provision was added in the other body.

Personally, I have never been in favor of singling out teachers and making them a second-class profession by forgiving loans made to those who go into teaching. I believe that a loan should be a loan, and that it should be repaid. However, since we are not about to eliminate the forgiveness feature, I believe it should be applied fairly as among teachers.

I have always felt that it was an unjust discrimination to forgive part of a loan made to someone who happens to go into teaching in an elementary public school, and refuse to forgive on the same basis with respect to someone who happens to teach in junior college, for example, and, there is no particular reason why the present law should discriminate against someone who happens to teach in a private or parochial school that is accredited.

Mr. Chairman, the point that is basic and fundamental here is that the loan is made to an individual as an individual; and there is no direct relationship whatsoever between the Federal Government and parochial schools. There are no grants and no loans made to parochial schools under this student loan program. A loan made is a private individual indebtedness.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I shall be glad to yield to the distinguished Speaker of the House of Representatives.

Mr. McCORMACK. Mr. Chairman, I believe the position taken by the gentleman from Michigan is a very fair one and it is a very sound one.

Mr. Chairman, I favor the 50-percent forgiveness feature on loans. However, I feel it should apply to all teachers. One of the greatest difficulties experienced by private schools is their being able to attract teachers.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I earlier addressed the committee for the purpose of urging the extension of this forgiveness feature to teachers serving as Peace Corps volunteers.

Mr. Chairman, I did so because I believe if we are going to extend forgiveness to any in the teaching profession we should do so for all persons who undertake teaching in a professional capacity.

The basic theory of this loan forgiveness is to encourage people to undertake teaching, to become members of the teaching profession. We gave them loans while attending teachers' college in order to help them complete their education and forgive them 10 percent of that loan for each year that they engage in teaching, up to 50 percent of the total, to encourage them to actually enter and remain in the teaching profession.

If the purpose of the provision is to increase the number of qualified teachers, and it is, its benefits should not be denied to teachers who decide to teach in one school instead of teaching in another school.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well.

Mr. Chairman, I rise in opposition to this amendment which would deny the forgiveness feature of the loan program under the National Defense Education Act to teachers in private schools.

It appears to me that this amendment, if it should unfortunately be adopted, would perpetuate the present inequity which private school teachers have suffered since the inception of this legislation in 1958.

There can be no justification for the brutal discrimination that the bill in its present form perpetrates against private school teachers.

I am extremely proud that my committee has included in the bill before us a proposal which would permit private school teachers the same opportunity to write off 50 percent of their National Defense Education Act loans as is now available to public school teachers.

The amendment before us would strike down the action of my committee. I am strongly opposed to this amendment because there is no question in my mind that private school teachers should have the same opportunity to take advantage of the forgiveness clause as public school teachers.

Mr. Chairman, there are 7½ million students attending church-related schools in America. Throughout the country, the parents of these children attending elementary and secondary parochial schools pay more than $3 billion annually for operating costs alone of these parochial schools. This does not include capital investment.

If the private schools of this country should ever shut their doors there would be complete economic panic in virtually every community in America. Property taxes would have to reach such staggering heights that they would be confiscatory if the cost now being absorbed by parochial schools was suddenly transferred to the public school system and the public tax rolls.

In Chicago alone, there are 352,000 students attending parochial elementary and high schools. It has been estimated that in Chicago the taxpayers are spared more than $200 million a year in operating costs by parents who send their children to parochial schools.

These parochial schools are indeed making an impressive contribution.

It is high time that the inequity of denying the loan forgiveness program to private school teachers be corrected.

Furthermore, Mr. Chairman, I am pleased that the committee has also corrected another serious inequity in the existing bill by allowing, hereafter, private school teachers the same stipends that public school teachers now can get under the National Defense Education Act while they attend summer seminars to improve their teaching capability.

Under the bill before us today, the stipend would be available to all teachers in private schools who attend summer seminars for nonreligious subjects.

These stipends can amount to up to $75 a week plus $15 a week for each dependent if there are dependents.

I believe the committee deserves the highest commendation for restoring private school teachers to equal status with those in the public schools.

This legislation will go a long way to fill the long-term needs of both our public and private schools.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New Jersey.

Mr. JOELSON. Mr. Chairman, I believe of course that the law as it has been offered by the Committee is entirely constitutional and is in keeping with the Everson decision. However, I do want to note my satisfaction that the gentleman from Louisiana is so bent on seeing that the decision of the Supreme Court is scrupulously adhered to.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GOODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment because I think it is basically an attempt to perpetuate an injustice in the present law. This is a question of forgiveness to the person who having obtained a loan for college, then goes into teaching in a private school. There is no direct aid to private education. I, therefore, do not believe there is any constitutional issue at all involved here. It is a matter of simple justice.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Michigan.

Mr. FORD. Mr. Chairman, I wish to indicate my opposition to the amendment. I agree with the gentleman from New York [Mr. Goodell] and the gentleman from Michigan [Mr. Griffin] that the existing law has been discriminatory from the outset.

Mr. Chairman, I hope and trust that this amendment is defeated so we can have equal treatment for both private and public school teachers.

Mr. CAREY. Mr. Chairman, will the gentleman yield to me?

Mr. GOODELL. I yield to the gentleman from New York.

Mr. CAREY. Mr. Chairman, I want to associate myself with the remarks of my colleague, the gentleman from New York [Mr. Goodell], and state that as one of the constitutional vigilantes on the committee who has served with him in this capacity in many, many ways, I want to say there is no constitutional question involved here. It is a matter of aid to the individual involved in the teaching profession and it does not involve any constitutional question at all.

Mr. GOODELL. Mr. Chairman, I am pround to be associated with the gentleman from New York [Mr. Carey] in that expression.

Mr. QUIE. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, if this amendment had provided for removing forgiveness entirely from the law I would have been in support of it. One of the features of the forgiveness provisions for this elementary and secondary public school teacher is that it discriminates against other teachers. The Federal Government should not encourage people to go into specific occupations. The Federal Government should not be engaged in trying to direct people into one particular set of schools rather than this being left up to the choice of the individual. The only way to correct inequity is to amend the law and provide that all teachers may receive this forgiveness.

I hope we can get the law changed so that grants may be made on the basis of the need of the students. Corrective language is needed if we are going to make the law equitable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. Waggonner].

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Chairman, I hope when this bill comes again before the Committee on Education and Labor and the House of Representatives the word "defense" is stricken from the title. This should be named the National Education Act, or the Federal Aid to Education Act. The word "defense" does not belong in this bill. It has been so chipped away and eroded from the original purposes that it does not belong in the title.

I point out to you that the 1958 National Defense Education Act was sold to us as an act to develop those who were talented in mathematics, science, technology, and so forth. Today there are studies under this act in folk lore, jazz, and I have no doubt in the strumming of guitars and what-have-you.

This goes far beyond the original purposes of the National Defense Education Act. The word "defense" should be stricken for it is a misnomer. As a matter of fact, this bill, on the first page, eliminates the language in the law which gave it a defense flavor. The language proposed to be stricken today states "which have led to an insufficient proportion of our population educated in science, mathematics, and modern foreign language, and trained in technology."

Let there be no mistake this is a Federal Aid to Education Act. Let us stop the pretense and eliminate the word "defense."

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, I think this question has been thoroughly debated, and I ask for a vote.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11904) to amend and extend the National Education Act of 1958, pursuant to House Resolution 852, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mrs. GREEN of Oregon. Mr. Speaker, pursuant to House Resolution 852, I call up from the Speaker's table for immediate consideration the bill (S. 3060) to amend and extend the National Defense Education Act of 1958, and to extend Public Laws 815 and 874, 81st Congress, federally affected areas.

The Clerk read the title of the bill.

Mrs. GREEN of Oregon. Mr. Speaker, I send to the Clerk's desk an amendment to strike out all after the enacting clause of the bill S. 3060 and insert in lieu thereof the text of H.R. 11904, as passed.

The Clerk read as follows:

> Amendment offered by Mrs. GREEN of Oregon: Strike out all after the enacting clause of S. 3060 and insert in lieu thereof the text of H.R. 11904, as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H.R. 11904) was laid on the table.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members of the House may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11579) entitled "An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate numbered 15 to the foregoing bill.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3049) entitled "An act to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, agrees to the conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. DOUGLAS, Mr. CLARK, Mr. WILLIAMS of New Jersey, and Mr. MUSKIE, Mr. LONG of Missouri, Mr. TOWER, Mr. BENNETT, and Mr. JAVITS to be the conferees on the part of the Senate.

FISHING VESSEL CONSTRUCTION

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 805 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1006) to amend the Act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL. Mr. Speaker, at the close of my remarks I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, House Resolution 805 provides for consideration of S. 1006, a bill to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes. The resolution provides an open rule with 2 hours of general debate.

The purpose of this bill (S. 1006) is to correct inequities in the cost of fishing vessel construction in American shipyards and to rebuild and modernize the U.S. commercial fishing fleet.

In achieving this purpose, the bill would amend the act of June 12, 1960, which authorized the Secretary of the Interior to provide a maximum subsidy of one-third of the cost of constructing fishing vessels in domestic shipyards. The act authorized the appropriation of $2.5 million per year for a 3-year period and provided that the Secretary might not accept applications for a subsidy after June 12, 1963. Section 4 of the 1960 act restricted subsidy to vessels to be operated in a fishery suffering injury from which escape clause relief was recommended by the Tariff Commission but denied by superior authority. The practical effect of this provision was to limit the application of the act to the New England ground-fish fishery where escape clause relief had been recommended and then denied.

S. 1006 would extend the construction-differential subsidy program to June 30, 1969, increase the maximum subsidy from one-third to one-half the cost of construction, authorize an annual appropriation of not more than $10 million to carry out the purposes of the act, and repeal the restrictive section 4 provision.

Mr. Speaker, our greatest competitive nation north of us, Canada, has at the present time two types of subsidies; a Province subsidy, which would be the same as a State subsidy here, and a national subsidy greater than ours.

They are our greatest competitors. There is a great need that we at the present time modernize the fleet that we have.

May I say that in the report on this bill it is spelled out that these fishing boats can only go to a distant area. In other words, they cannot compete with the shrimp industry or the oyster industry or any of the coast fishing industry whatsoever.

We have on the statute books of this great Nation of ours an act that was enacted in the First Congress of the United States which says that the U.S. fishing industry must use U.S.-made boats. In other words, we cannot buy a boat from Denmark—our American fishing industry cannot buy a boat from Canada. But an industrialist or a manufacturer can go to Canada and buy an automobile and come back here and use it in his business. You can go to Canada and buy a machine and come back here and use it in your business. You can go to England and buy business equipment and come back here and use it for any purpose. But if you are in the fishing industry, you cannot go to another country and buy a ship and bring that ship to this country and use it in the commercial fishing business. That ship must be constructed in this country. The truth of the matter is that you can go to Holland or to Denmark and a number of other nations and buy a ship at one-half of the cost that it would cost you to build a boat in the States. Consequently, there is a great need for this subsidy. Mr. Speaker, I hope the rule is adopted.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Washington [Mr. TOLLEFSON], a member of the legislative committee handling this bill, 3 minutes.

Mr. TOLLEFSON. Mr. Speaker, it has been my privilege to serve on the Committee on Merchant Marine and Fisheries for 18 years. During that period I have watched the fishing industry of the United States gradually go downhill until at the present time more than 50 percent of the fish consumed in the United States is imported from foreign nations. Most of it is imported from nations that compete with our fishermen on the high seas. One of the reasons that they can successfully compete with us is that they can buy their boats just about exactly half or approximately half of what it costs us to build a boat. As the gentleman from Massachusetts a moment ago indicated, there is an old law on our statute books going back to the time of George Washington which provides that American fishermen must build their boats in the United States. That statute was designed to keep a shipbuilding industry in being and active in the United States in the interest of our national defense. But because our boats cost twice as much roughly as a foreign-built boat, the foreign operator has a competitive advantage in our home markets and as consequence he can undersell our fishermen and they have done that to the point where now, as I have said, better than 50 percent of our fishery products are imported. We are forced to compete with nations like Canada, for example, that have a subsidy for their own fishing vessels for reasons of their own national defense and for their own economy.

This particular bill is designed not to provide subsidies for all fishing vessels but primarily for those vessels that are engaged in the high seas competition with high seas operators from Japan, Russia, Canada, and other nations.

I would hope that the Members of the House will give serious consideration to this legislation. It is sound legislation. We have had a fishing vessel subsidy program in operation for 3 years now.

In the case of boats built under that program, the tax revenues which have come to Uncle Sam because of construction have been of such magnitude that the subsidy will be paid back to the Government in 2 years' time.

This is a sound measure. Our fishing industry needs this help and needs it desperately. If we do not give help to the industry, as the years pass by, it will go further downhill and we will lose a capability of providing protein foods which will be badly needed in the United States in the future.

I trust that the committee and the House will give consideration to the bill and give it favorable support.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts [Mr. O'NEILL], a member of the Rules Committee, has explained ably and well the provisions of the rule, which will allow the bringing up for consideration of S. 1006, for 2 hours of general debate.

This is a measure to amend the act of July 12, 1960, for the correction of certain alleged inequities in the construction of fishing vessels and otherwise.

Mr. Speaker, I listened with some attention to the testimony given before the Rules Committee on this legislation at the time the rule was granted. Frankly, I believe it is a matter which must be considered. In my own mind I am not certain as to what the legislation actually would do—whether it is a $50 million subsidy for the next 5 years for the fishing industry of the United States, because it provides for assistance and payments of up to 50 percent of the cost of constructing fishing vessels in this country; or whether actually it is a subsidy for the shipbuilding industry of this country rather than for the fishing industry. In either event, passage of the measure will result in a cost of $50 million over the next 5 years. It is a subsidy; there is no question about that.

Neither is there any question about the fact that the Congress has voted subsidies for the construction of other types of vessels, merchant marine vessels and other types of ships, in the United States.

There is no question about the fact that this Government of ours has paid subsidies to other businesses and industries in different ways and forms. There is only a question as to whether the Congress wants to use this approach to aid the fishing industry, or perhaps I should say the shipbuilding industry, both of which seemingly are in difficulty; or whether some other approach should be used.

As the gentleman from Washington has explained, for a long, long time the law has prohibited American fishermen from purchasing or using trawlers or fishing vessels constructed in other countries. Of course, the cost of construction of ships in this country is much higher than the cost of construction in foreign countries. That is a natural phenomenon we run up against.

Whether this situation should be met by the payment of a subsidy to the shipbuilding industry which has not been getting many, if any, orders to build fishing vessels in the present situation, or whether perhaps we should take some other action to protect the ship construction industry or fishing industry from unfair foreign competition, through tightening up, or perhaps turning back, if you please, to an idea we used to have in the United States—that we should have some sort of tariff protection for American industry and labor from unfair foreign competition—I cannot say.

However, this little seemingly more or less innocuous bill, as we say in this modern day, only involves $50 million. Yet, this is a lot of money and does bring with it a great many questions as to just what is good policy for this Government to follow. There are several policies which could be followed to advantage to meet this problem. This measure provides only one solution to the present problem or question. Whether or not it is the right solution I am not satisfied in my own mind, but sooner or later we are going to have to meet these same questions in a different way or else we are going to reach the place in the United States where everything is subsidized out of the Federal Treasury. By the way, our Federal Treasury is limping along in a rather difficult situation right now. Perhaps the debate on this bill, Mr. Speaker, will bring a little greater light to bear on the subject or perhaps we can pause for thought as to how we can meet these same problems and situations in this, or in other industries, in the future.

I understand there is a minority report on this bill and that there may be certain amendments offered after discussion takes place in general debate.

I have no further requests for time.

Mr. O'NEILL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

Mr. BONNER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 1006) to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 1006, with Mr. DELANEY in the Chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina is recognized for 1 hour and the gentleman from Washington [Mr. TOLLEFSON] will be recognized for 1 hour.

The Chair now recognizes the gentleman from North Carolina.

Mr. BONNER. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, since 1956 we have seen the U.S. share of a total world catch of fish drop from 13 to 7 percent, thereby resulting in the United States moving from second to fifth place among the leading fishing nations of the world. During this same period the Soviet Republic has more than doubled her fish catch while Japan, Peru, and China have enjoyed a considerable increase. The major reason for this decline in catch is the obsolescence of the vessels being used in our more important fisheries and the high cost of construction of replacement vessels in the domestic shipyards. In a recent study of the age of fishing vessels along the Atlantic coast, the gulf, and the Great Lakes during 1961 conducted by the Bureau of Commercial Fisheries it was found that only 37 percent of all the vessels were 10 years of age or less; 35 percent of the vessels were 11 to 20 years of age; 28 percent were 21 years or older, of which 4 percent were 50 years of age.

The study further indicated that 50 percent of all the large trawlers fishing out of the New England area were more than 20 years of age while the age of the halibut fleet was even greater than that.

The pressing need for this legislation can further be explained by calling attention to the fishing fleets of Japan and the Soviet Union, two of the four leading fishing nations of the world. In the case of Japan we are not only in competition for the resources of the sea but also the U.S. market for fishery products as well.

Japan has 377,606 boats and vessels which it maintains on every ocean in the world. In the 5-gross-tons-or-over class Japan maintains over 22,000 fishing vessels, twice the number maintained by the United States. In the 200- to 2,000-gross-ton classification Japan maintains 625 vessels, to less than 200 for the United States.

Here again the size and condition of our fishing vessels compares very unfavorably to that of the Soviet Union. The reason is that the Russians have a program of putting more and more larger vessels on the high seas. Their current 7-year program which ends in 1965 will have added 14,000 new fishing vessels, among which 750 are distant-water freezer trawlers of over 1,300 horsepower each and 20 are factory ships displacing approximately 18,000 tons.

In the Soviet Far East fisheries over 200 large, modern fishing vessels totaling an estimate of 500,000 gross tons have been added within the last 4 years.

Mr. Chairman, statistics show that the emphasis on fishing fleet modernization is paying dividends for these leading nations in the fishing world. The purpose of S. 1006 is to correct inequities in the cost of construction of fishing vessels in the U.S. shipyards and to rebuild and modernize the U.S. commercial fishing fleet.

Since 1792 there has been a law in existence having the net effect of requiring a U.S. fisherman to have his fishing vessel built in a domestic shipyard if he desires to land his catch in a U.S. port. Consequently, if he desires a new vessel he must pay the U.S. construction cost which averages out to be approximately 50 percent higher than foreign costs.

Even though this requirement in effect constitutes a subsidy or at least a guarantee of freedom from foreign competition for domestic shipyards, the cost of this subsidy must be borne by the U.S. fishing vessel owner of the United States.

In other words, Mr. Chairman, this bill merely places on a parity the fishermen of America with the fishermen of the world with regard to the cost of their vessels.

Mr. Chairman, it is my firm belief that the maintenance of this protection for the domestic shipyard should be borne by the Government rather than by the fishing industry which is itself suffering from the effects of foreign competition.

Mr. Chairman, S. 1006 would accomplish this purpose by amending the act of June 12, 1960, which expired June 12, 1963.

The 1960 act provided for a maximum subsidy of one-third of the cost of construction of fishing vessels in domestic shipyards, authorized and appropriated $2.5 million for a 3-year period, restricted the subsidy to vessels to be operated in a fishery suffering injury from which the escape clause relief in the tariff was recommended by the Tariff Commission but subsequently denied by superior authority.

Mr. Chairman, the practical effect of this section 4 provision was to limit the application of the act to the New England fishing grounds and not to the fishing industry throughout the United States.

Mr. Chairman, S. 1006 would extend the construction differential subsidy program to June 30, 1969, increase the maximum subsidy from one-third to one-half the cost of construction, authorize an annual appropriation of not more than $10 million for a period of 5 years, and repeal the restrictive section 4 provision of the old act so as to extend the applicability of the act to all elements of commercial fishing fleets that meet its general standards.

In addition to that there are restrictions to the conditions to be met by the Secretary of the Interior who may approve an application for a subsidy under the 1960 Act.

In S. 1006 it would be further required that the vessel be of advanced design; that is, a modern vessel capable of operating in expanded areas out on the high seas, to be equipped with newly developed gear, and would not operate in a fishery where such operation in that fishery would cause economic hardship to efficient vessels and operators already operating in that fishery.

This legislation would also provide additional safeguards to efficient vessel operators in fisheries by requiring that notice must be given and hearings held by the Secretary of the Interior for persons objecting to the approval of an application for a subsidy and also to the transfer of a vessel constructed with the aid of construction subsidies for a vessel for which it was designed to be used. In other words, if an applicant came in and made application for the construction of a vessel under this program any person in the fishing industry could call for a hearing and if it could be shown that the construction of the vessel he applied for would injure the fishing industry in which the complainant was already occupied, the application would not be approved.

It further provides that if a vessel is constructed for a certain fishery this fishery must be on the high seas, a new fishery. We are looking for new fisheries in order to compete with the Russian fleet that has been off the New England coast, the Jersey coast, the South Atlantic coast, the Florida coast and in the Pacific in order to harvest the seas where we know abundant food is available, and where we know in the future we must get the products, we must get the fish to create not only for edible purposes but for all other purposes that are not now necessary for the growing population of the United States.

It was apparent from the testimony of the witnesses at the hearing on S. 1006 held by the Committee on Merchant Marine and Fisheries of the House, and there were lengthy hearings, that an overtone of urgency in the passage of this legislation, particularly in view of the devastating effect of the earthquake and tidal wave that swept the North Pacific coast and practically destroyed the fishing fleet of that area, certainly the testimony in the hearings showed that the fishing fleet of Alaska was totally destroyed.

With that particular situation in view, this legislation was expedited out of the Committee on Merchant Marine and Fisheries.

Mr. Chairman, this legislation would provide a program designed to replace destroyed or obsolete vessels and upgrade our commercial fishing vessels and their gear, increase the efficiency of our fishermen, those who go down to the seas in ships, on an equal basis with the men of other nations who follow this industry, and would serve as a stimulus to a national economy creating additional jobs, services, and additional products that are needed in this Nation.

Between 1950 and 1960 employment in the American fisheries declined 25 percent, from 160,000 to 126,000 men. That was the employment decline in this country. There was no advance in this industry, but a decline in the industry. The capture of edible fish decreased from 1950 to 1962 almost 30 percent. During the same period the total world catch increased from 44 billion to 98 billion pounds, whereas we harvested only 2,409 billion pounds.

Mr. Chairman, frankly, as the gentleman said in presenting the rule on this bill, it is a subsidy, but it only places the American fishermen and those who are in the industry of this type of food on a basis with those in the other parts of the world.

It is a question whether we are going to let this industry continue to climb, whether we are going to be dependent on other nations of the world for the products that come from the sea, whether we are going to not explore the sea further for the harvesting of food, and let other nations do it.

It is my opinion that this program is a step in the direction of competing with the nations that I have pointed out, that have floating canneries, have accompanying trawler fleets with canneries, and bring their products back to their nations which are harvested off of our shores.

It is a strange thing that we are dependent now upon Canada and other nations for most of our edible fish. I think if the Members of this House will think it over, they can be assured that this is worth the 5-year trial that is being advocated under this program.

Even today a modern steel trawler, that type of vessel, is sought by other industry in America, showing that there is an extreme shortage of this size ship in case we might need them some time in the future as we did some 12 years ago in connection with the national defense of this Nation.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield to the gentleman from Ohio.

Mr. LATTA. Does this legislation apply to commercial fishing vessels on the Great Lakes?

Mr. BONNER. There is no provision in the bill that says otherwise, if it does not affect the fishing fleets that are already on the Lakes.

Mr. LATTA. In the gentleman's remarks he mentions vessels on the high seas.

Mr. BONNER. It gets pretty rough on the Great Lakes, so I understand.

Mr. LATTA. You are not excluding them?

Mr. BONNER. I do not think this legislation would exclude any applicant that can qualify in any of the Great Lakes areas. We have opened the Great Lakes to the high seas already.

Mr. LATTA. I would like to refer you to the following:

> The vessel will be of advance design, which will enable it to operate in expanded areas, and be equipped with newly developed gear, and will not operate in a fishery, if such operation would cause economic hardship to efficient vessel operators already operating in that fishery.

Mr. BONNER. We put that in with respect to southern California, where there is a great fishing fleet now operating in the tuna catch. They have valuable, high-cost vessels. If somebody applied for a vessel for that area and some person in that industry in that area said that this would be injurious to the ships and the vessels already there, you would have to have a hearing, and you could not build one to move from one fishing area to another if there was a complaint about it.

Mr. LATTA. Will the gentleman answer another question for me? I appreciate his taking this time.

Mr. BONNER. It is all right. I want the gentleman to be thoroughly cognizant of what is in the bill and with the provisions of it.

Mr. LATTA. Were any subsidies made for any fishing vessels on the Great Lakes under the 1960 law?

Mr. BONNER. No, that strictly applied to the New England area, for the reason that on three different occasions the fishing industry of New England applied to the Tariff Commission for relief and proved their case, and the Tariff Commission gave them relief, but the White House under the past administration would not approve it. That appealed to me at that time, and I added it to the bill, under which a number of vessels were built under subsidy.

Mr. LATTA. The gentleman as chairman of the committee knows our problem on the Great Lakes is not solely one of not having modern fishing vessels but of the importation of Canadian fish. I have several commercial fishermen in my district who have been in this business for years but who are no longer doing their own fishing. They are importing Canadian fish and selling them in the United States cheaper than they can catch them.

Mr. BONNER. That is what happened in New England.

Mr. LATTA. Was any thought given by the gentleman's committee on how that could be corrected?

Mr. BONNER. That is a matter for the Tariff Commission, to raise the import duty on it.

Mr. LATTA. I would be very much for that. On the basis of the chairman's assurances that this bill will apply to commercial fishing vessels on the Great Lakes, I will support it, as I would like to see a return to commercial fishing on the lakes.

Mr. BURKE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BURKE. Mr. Chairman, I wish to associate myself with the remarks of the distinguished chairman and commend him on the excellent job he has done on this bill.

Mr. Chairman, I wish to join my colleagues in support of this bill to correct inequities in the cost of fishing boat construction in American shipyards and to rebuild and modernize the U.S. commercial fishing fleet.

The act authorized the appropriation of $2.5 million per year for a 3-year period and provided that the Secretary might not accept applications for a subsidy after June 12, 1963. Section 4 of the 1960 act restricted subsidy to vessels to be operated in a fishery suffering injury from which escape clause relief was recommended by the Tariff Commission but denied by superior authority. The practical effect of this provision was to limit the application of the act to the New England ground-fish fishery where escape clause relief had been recommended and then denied.

S. 1006 would extend the construction-differential subsidy program to June 30, 1969, increase the maximum subsidy from one-third to one-half the cost of construction, authorize an annual appropriation of not more than $10 million to carry out the purposes of the act, and repeal the restrictive section 4 provision.

The U.S. fishing industry has long been equipped with outmoded vessels and equipment which are continuing to deteriorate at an alarming rate.

Since 1956, the U.S. share of the total world catch of fish has dropped from 13 to 7 percent, thereby resulting in the United States moving from second to fifth place. By way of comparison, since 1947 the Soviet Republic has more than doubled her fish catch. Japan, Peru, China, and other countries have likewise enjoyed a considerable increase during this same period.

While there are a number of complex reasons why the producing segment of our fishing industry has been unable to increase its production, one of the most important reasons is the obsolescence of the vessels being used in our more important fisheries.

The primary reason for the continuing deterioration of the U.S. fishing fleet is the high cost of construction of replacement vessels in domestic shipyards.

Our outmoded fishing vessels are competing for fishery resources against the most modern fishing vessels in the world operated by Russia, Japan, and European nations. The U.S. Congress must recognize the serious problems faced by our fishing industry. We hear a lot about combating poverty, we hear a great deal about reducing unemployment. This is one area where we can make a real constructive effort.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. BONNER. I yield to the gentleman.

Mr. PELLY. Mr. Chairman, the subsidy under the old law that expired on June 30 and which would be extended and amended by this bill had certain restrictions. Would the gentleman confirm the fact that the provision of the former law—Public Law 86-516—would be retained; namely, that no application would be approved by the Secretary of the Interior for construction subsidy of a new fishing vessel unless the applicant employed on that new vessel only citizens of the United States or aliens legally domiciled in the United States?

Mr. BONNER. I would hope that that is all who are going to be employed on these vessels and certainly I join you on that.

Mr. PELLY. That is my understanding and I thought it should be spelled out.

Mr. BONNER. Yes, this is for American fishermen and not for some other fishermen.

Mr. PELLY. We have certain runaway fishing operations and the old law eliminated any use of foreign citizens which would mean that any of these new vessels under this new law would have to be manned by our own American citizens or foreigners who are legally domiciled in the United States.

Mr. BONNER. That is clearly understood. With respect to the runaway vessels, you know that was in the larger merchant marine fleets. I was opposed to that, you understand, I am sure the gentleman will remember that.

Mr. PELLY. I thank the gentleman.

Mr. VAN PELT. Mr. Chairman, I yield 7 minutes to the gentleman from Maine [Mr. Tupper].

Mr. TUPPER. Mr. Chairman, I would like to commend the distinguished chairman of the Committee on Merchant Marine and Fisheries for his eloquent remarks.

Mr. Chairman, this bill, S. 1006, is vitally important to the Nation as a whole, and I hope those Members from noncoastal States will recognize the truth of this statement.

In my considered judgment, if the United States does not immediately start building a modern fishing fleet, there will soon be no U.S. fishing vessels on the high seas.

It would be insanity for the major power in the world to abandon her oldest industry after spending over $100 million since the end of World War II to rehabilitate the fisheries of other nations.

I do not need to remind any of my colleagues of the fact that an expanding population is going to depend more and more upon produce from the sea—nor of the necessity to have ships of our own to harvest a much larger share of the world's total catch.

As a former commissioner of Sea and Shore Fisheries for the State of Maine, I have viewed the continued deterioration of the U.S. commercial fishing industry with great concern.

I have seen some of our historic fishing ports suffer great economic hardship when antiquated vessels were not replaced. Obsolete fishing vessels resulted in breakdowns at sea and smaller catches, which in turn resulted in younger men turning to other jobs ashore. Fish processors without an adequate supply of fish have been forced to move or go out of business. Thus, these communities, built upon this proud livelihood, have been most seriously effected.

I have talked with many men with families who once made their living sharing in the proceeds of a fishing vesssel as a crew member, but who now find it unprofitable and unsafe to do so. Without newer and larger fishing vessels, you cannot blame a responsible person for not wishing to brave the Atlantic during the winter months. To be profitable, these boats must fish 12 months a year.

With most of the New England fleet over 20 years old and engines over 15 years old on an average, the costs of a fishing operation cannot be competitive with other countries.

While an older boat may or may not still be seaworthy, its fishing efficiency is a good deal less, and insurability and mortgagability is always effected. Insurance against crew injury in the United States costs from $4,000 to $5,000 for each fishing boat. In Canada the expense is only $900. Canada offers a 50 percent fishing vessel construction subsidy and on top of this offers loans without interest for an additional 40 percent of the cost. Thus, Canadian fishermen have built a modern and highly competitive fleet, while our fishing industry remains hopelessly outclassed.

West Germany considers fishing trawlers over 9 years old outmoded and is replacing them, while most of our trawlers are over twice this age.

The Soviet Union has had from 160 to 200 fishing vessels off Georges Banks and at times were within sight of the Maine and Massachusetts coast. This Russian fleet was comprised of trawlers, tugs, tankers, and factory ships—not one of which was more than 10 years old. Compare if you will the Soviet's interest in her high seas fisheries with our present effort.

Aging vessels mean high maintenance costs averaging $9,000 yearly, and every 5 years extensive repairs are necessary, amounting to perhaps $10,000 to $15,000 or more.

After a vessel owner sets aside a reserve for these expenses, pays State, local, and Federal taxes, workman's compensation, and excessive vessel and crew insurance, profits are lean indeed. This is why it is imperative that this bill we are considering is enacted, allowing new and highly efficient fishing craft to compete on the high seas.

In considering this bill, I urge you to bear in mind these factors:

First. That U.S. vessels must fish the same fishing grounds as our foreign competitors.

Second. That they must sell to the same markets including the U.S. market as our foreign competitors.

Third. That U.S. laws do not permit the U.S. fishing industry to construct vessels in foreign yards at costs substantially lower.

Fourth. That the United States must maintain and improve the status of our shipyards and retain the skills of our craftsmen. That the Congress recognized this by approving a 55-percent subsidy to enable American merchant ships engaged in foreign trade to be constructed in U.S. shipyards. The fishing fleet should be treated in the same manner as our merchant fleet.

Fifth. And finally, that the U.S. Government in a very few years will acquire this Federal assistance back in taxes paid by the vessel constructed under the terms of this bill. It has been estimated that the average vessel would pay back the subsidy in the form of taxes within 5 years. Moreover, vessels constructed under this bill will be built in a manner to allow conversion to naval vessels in time of emergency.

I hope that Members will rally to the support of the Nation's offshore fishing industry, so that we can regain our rightful position among the commercial fishing nations of the world.

Mr. BONNER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. GARMATZ].

Mr. GARMATZ. Mr. Chairman, I support the bill wholeheartedly.

Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. KING] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KING of California. Mr. Chairman, in the last 20 years world fisheries have undergone a remarkable change. Not so long ago the fishermen of most nations cruised a very narrow coastal strip of ocean in search of their catch. Today, huge fleets of efficient, modern trawlers and factoryships range the world's oceans, seeking out concentrations of fish and catching them where they find them. Today, vessels from the U.S.S.R., Japan, and other major fishing nations are operating close to our shores.

American fisheries have not kept pace with these developments. Our high wages, the high cost of vessels and fishing gear, have restricted our commercial fishing activities to a relatively few marine resources which can be marketed profitably. Many abundant fishery resources off our coast have been neglected by our fishermen because they cannot compete with foreign fishermen at a profit. The United States, once second only to Japan as a world fishing power, has dropped to fifth place, as a consequence. We now import more than 30 percent of the fish consumed in this country.

One important reason for the high cost of catching fish in the United States is the high cost of fishing vessel construction. This expense could be reduced substantially by constructing vessels in foreign yards, but our fishermen are prevented by law from taking advantage of this differential. An adequate subsidy would correct this inequity in the law.

Passage of S. 1006 would open the way to rehabilitation of the U.S. fishing fleet. Off our own shores, and elsewhere in the world's oceans, are vast stocks of fish not now being used. Scientists have estimated that the world fish catch could be increased 5 to 10 times without damage to the resource. This source of protein is being developed aggressively now by the Communist world and others, while we continue to lose importance as a fishing nation. Many undeveloped resources in our coastal waters are being eyed greedily by other nations. It is estimated that our coastal waters could produce an additional 7 billion pounds a year of such valuable fish as herrings, hake, whiting, anchovy, tuna, mackerel, and various industrial fish. Large unused resources of mackerel, hake, and other varieties are there to be taken off the coast of my own State, California. If our fishermen cannot harvest these resources economically it will not be long before our competitors have established prior rights by fishing off our very shores.

Mr. VAN PELT. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield.

Mr. HOSMER. Mr. Chairman, I rise in support of this measure.

Mr. Chairman, Federal laws require that vessels to be documented as U.S. fishing vessels must be built in the United States. Testimony of the Maritime Administration before the Subcommittee on Fisheries and Wildlife Conservation on this type of legislation showed that the actual cost differential in constructing a vessel in the United States is near 45 percent. This means that the U.S. fishing vessel owner is having to pay almost twice as much for his vessel as his foreign competitors. In addition to being economically unsound, it is manifestly unfair to require the American fishermen to carry this additional burden.

The results of this policy can be seen in the increasing obsolescence of the fishing fleet. Approximately 50 percent of the fishing vessels in the United States were built prior to or during World War II. Our oldest fishing vessel still in operation will be 100 years old next year. Yet these vessels which are averaging nearly 20 years in age are competing against vessels fishing for countries where a vessel 15 years old is considered obsolete. If we are going to continue as a great fishing nation we must have new, modern vessels capable of fishing in expanded areas or using the latest type of gear and equipment.

Passage of S. 1006 will help the fishing industry modernize its equipment and enable it to compete successfully.

Passage of S. 1006 also will help the United States maintain its proper independent capability to have access to the oceans' food resources. As our population grows the importance of fish in our national diet is bound to increase. We must have our own capability to meet that demand. We cannot permit ourselves to become dependent on foreign suppliers who, in times of national emergency, cannot safely be relied upon to provide our population with this portion of our food supply, one of the basic necessities of life.

Mr. GOODLING. Mr. Chairman, a few days ago I took a little clipping from one of my local newspapers. It was probably put in there for this particular day. I want to read that clipping.

> Everything is so much simpler these days. Instead of solving a problem we simply subsidize it.
>
> In Pennsylvania we usually consider the "sucker season" comes early in the spring.

In the House of Representatives we have apparently changed that season to August. Unfortunately in this particular case the taxpayers were the suckers.

A few days ago this House saw fit to give free medical assistance to fishing boat owners. Why we did that I do not know. I have never heard any justification for it other than that it was the custom we had followed for many, many years. Suddenly we depart from that custom and recently somebody conceived the idea of doing it again.

We are today proposing subsidies for fishing vessel construction. Recently I heard one of the Members of this House say that individual greed is our No. 1 problem. I think that is a pretty profound statement. We talk economy and we believe in economy only if it affects the other fellow.

This bill we are considering is objectionable in several different respects. It is a very good indication of the foot-in-the-door or the camel's nose-under-the-tent form of legislation. It substantially increases governmental subsidies. In 1960 a similar bill appropriated $7.5 million to be spent over a 3-year period. It is 1964, and this is probably par for the course. In this bill we are asking for $50 million to be spent over a 5-year period. The committee received no evidence that subsidies would materially change the situation of the American fishing industry. It is reasonable to expect that as new boats are put into use they will displace the ones that are being taken out of service temporarily by the new boats. Later those older boats will definitely find their way into the hands of somebody and they will again compete with the newer boats. Under the original 1960 bill there were only four fishing vessels constructed, prior to the time that the bill was about to expire six more were placed under contract.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. Yes. I yield to the gentleman from North Carolina.

Mr. BONNER. There were six vessels constructed under that program. The gentleman said there were four vessels. And applications pending for the full number that were allocated under that bill, or 10 in all.

Mr. GOODLING. I assume that is correct. I thought four had been constructed and six were under construction.

Mr. BONNER. I am sure the gentleman would want the record to be correct.

Mr. GOODLING. The committee during the hearings received absolutely no evidence to show that the spending of these Government funds was warranted. The original 1960 bill applied only to the coast of New England. As I stated, this bill has now ballooned into a $50 million appropriation and applies to all U.S. coasts. I do not believe anybody, any proponent of this bill, can deny that, if passed, will definitely place those people who are financing their own vessels at a disadvantage. If this fishing industry needs help, why not do it in the form of loans or tax inducements or in some way other than by outright grants.

I want to call the attention of the Members of this House to the fact that since 1961, 12 tuna clippers were built and converted from military vessels at a cost of about $11 million. At the present time there are two steel tuna vessels being built at a cost of about $2 million.

Are we being fair to those who believe in private enterprise and spend their own money? The men who are spending this $13 million believe that they are going to receive a profit from their investment; otherwise they would not make that investment.

As I recall, during the hearings the committee had absolutely no evidence that there was a shortage or that the market was not being supplied with sufficient fish. Increase the supply of fish and we might well have another farm fiasco on our hands; and heaven forbid that that may ever happen again.

Increase the catch of fish and the price drops for all fish landed. If the industry needs help let us find additional uses for fish and fish products and find some way of expanding our market.

In closing I would like to remind this House that subsidies only prolong the agony. They never cure the patient.

Mr. MACGREGOR. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman.

Mr. MACGREGOR. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and speak out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MACGREGOR. Mr. Chairman, on August 12 the Postmaster General of the United States visited the Third Congressional District of Minnesota. The chamber of commerce of the city of Fridley and the Fridley Rotary Club invited the Postmaster General to deliver an address, during which he is quoted as saying, "The way to get a post office here is to send a Democratic Congressman to Washington this fall." The quote appears in yesterday's Minneapolis Star under a four column headline stating "Fridley Hears How To Get a Post Office—Elect a Democrat."

Is this example of blatant political partisanship to be the hallmark of the Johnson administration? Mr. Gronouski has lowered the stature and damaged the reputation of our Post Office Department and every public servant in it. Imagine what American young people must think of their Government when they read of such attitudes expressed by a Cabinet officer.

Further, Mr. Chairman, in the congressional election of 1962 approximately 46 percent of the citizens of Fridley cast their votes for the Republican candidate for Congress. Is the Postmaster General saying now that these people are to be penalized for exercising their constitutional right to vote for the candidate of their choice? Would he really have people believe that he would build a post office in Fridley if Minnesota's Third Congressional District elects a Democrat this fall?

It was in November 1961 that I first began to work with officials of Fridley in their project to improve mail service within their community. Specifically, on November 14, 1961, in a letter to Mr. Frederick C. Belen, Assistant Postmaster General, I urged that consideration be given to the project.

In a letter dated December 15, 1961, Mr. Belen advised me that consideration would be given to establishment of a Fridley post office to fit the needs of the community. Are the 26,000 residents of Fridley second-class citizens because their Congressman is a Republican?

I feel confident that the Postmaster General will want to take steps immediately to dispel the idea that narrow political partisanship has been and will continue to be the controlling factor in the decision to build a new post office in Fridley.

Mr. BONNER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. DOWNING].

Mr. DOWNING. Mr. Chairman, I rise in support of this legislation. I must confess that when it first came over from the other body I had a few doubts about this bill because it is in effect another subsidy. But after our committee had spent considerable time hearing evidence from witnesses, from industry, and from the Government, I came to the conclusion that this was much needed legislation. The fishing industry is facing a serious problem, and if we want this segment of our economy to continue we have got to help it. The way to help it at the present time is to help the industry modernize its fleet.

Mr. Chairman, the U.S. fisherman is no longer competing with himself. He is competing with foreign nations. He is trying to save his own catches off the coast of the United States. He is being constantly besieged each day with larger and larger fleets, particularly the Russian fleets. He has to have new and better vessels.

Mr. Chairman, if he is going to land his catch in the United States, the fisherman has to have his vessel built in the United States; whereas, his foreign competition has his vessel built at a much lesser cost in a foreign country.

Mr. Chairman, the vessels of foreign countries catch the fish off our shores, take them back to their foreign homeland, and then ship them back to us in the form of exports.

Mr. Chairman, our fishermen cannot compete unless they are helped with the construction of their fishing vessels.

Now, Mr. Chairman, the Department of the Interior representative's testimony was most interesting. He stated that from a tax standpoint the new taxes which would be generated as a result of this modernized better vessel which can bring about a larger and better production of fish and a better catch would pay off the entire subsidy for that vessel within a period of 2 years. Also, from that point on everything would be a net gain to the Treasury of the United States.

Mr. Chairman, I might add that Canada faced up to this problem several years ago. They have now provided a 50-percent subsidy, which I am informed is working out well.

Mr. BONNER. Mr. Chairman, I have no further requests for time.

Mr. KEITH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill should not require much debate. The need for modernizing our fishing fleet is beyond dispute. This bill will take us a big step in that direction, and it will, at the same time, correct an inequity in the law which has resulted in an intolerable burden on our commercial fishing industry.

This legislation, S. 1006, was passed by the Senate last October 2, by the lopsided vote of 57 to 14, and with improving amendments was reported favorably by the Committee on Merchant Marine and Fisheries on June 30—with only two members dissenting. It has the strong support of the Secretary of the Interior and is the embodiment of an important feature of the Bureau of Commercial Fisheries long-range improvement program for the American fishing industry.

The case for this bill is quite simple and straightforward. It should be enacted by Congress because it will overcome a handicap imposed on the fishing industry by a law dating to 1792, which prohibits our fishermen from buying their vessels on a free market. It should be enacted promptly because removal of this inequity can give renewed life to our beleaguered fishing industry.

This, of course, is not the only step which needs to be considered to help the fishing industry to once more assume its rightful place among the prosperous and efficient industries of the country. We must modernize throughout; we must undertake additional research and we must learn to utilize the research of others. Above all, we must stimulate markets and provide protection against unfair foreign competition. All of these things and more must be done, but all will take time. The one action which can be effective immediately is the passage of S. 1006—a bill which, by stimulating construction of modern fishing vessels, will enable us to compete with the foreign fleets off the shores of my district.

The need for enactment of this type of legislation, without further delay, is clearly obvious to those of us who have seen these large Russian trawler fleets, with their factory ships, harvesting the rich fishing grounds off Cape Cod. And the need is obvious to those of us who have seen this country drop in the last few years from second to fifth place among the great fishing nations of the world.

Mr. Chairman, and my colleagues, last year, for the first time since the Pilgrim fathers salted fish on the shores of Cape Cod Bay, foreign imports of fish exceeded our own domestic production. This was a sad milestone in the long and costly decline of our fishing industry. This is a tragic situation which is taking its toll of jobs and which is compounded by the fact that, while we are allowing an essential food industry to wither from abuse and neglect, our cold war antagonists are devoting their full energies to building the most modern and formidable fishing fleet the world has ever seen.

Our vessels and equipment, on the other hand, are becoming obsolete at an alarming rate. In a survey made by the Bureau of Commercial Fisheries in 1961, it was found that 67 percent of all Atlantic coast and gulf coast fishing vessels were more than 10 years old and 28 percent were more than 20 years old. The Bureau found that 4 percent of these vessels had been in service for more than half a century.

No wonder our fishermen are having a hard time retaining their share of the market; no wonder they are having a hard time making a decent living; no wonder that employment in the fishing industry is down some 10 percent in the past 10 years.

"Well," you might say, "why don't they buy new boats and modern gear?" The answer is that competition from Canada and other nations, which have a virtually unrestricted access to our markets and operate with lower labor costs, makes it impossible to acquire the necessary capital. There is just nothing left in this kind of marginal operation to put back into the business, and certainly the profits are so slim as to discourage much outside investment. The competitive advantage of these foreign producers is dramatically increased, of course, by the unavoidable fact that they operate state-owned or state-subsidized vessels.

Since 1956, the U.S. share of the total world catch of fish has dropped from 13 to 7 percent. Now, not only Japan and Russia lead us as fishing nations, but we have been excelled by Communist China and tiny Peru as well. Russia, for one example, has doubled her fish catch since 1947. She has moved boldly into traditional American fishing grounds while doing this and now she dominates the banks by sheer size and force of numbers.

The trend will continue, Mr. Chairman, if we do not face up to the situation and start a program, as incorporated in this bill, to get new construction underway.

We must face the fact that one of the prime reasons for the deterioration in the position of the United States among the world's fishing nations is the high cost of fishing vessels in this country, a cost that is much higher than for any of our major competitors. The fishing industry has been bearing this additional cost for many years. As long ago as 1792, the Congress passed a law requiring fishermen to purchase any vessel of 5 tons or more in the United States if they wished to land their catch in U.S. ports.

This requirement has served over the years to protect the vital shipbuilding industry of our country, but it has clearly become an unfair burden to the fishing industry. If it were not for this requirement, many American fisheries could purchase vessels overseas at little more than half the cost they are now forced to pay.

It is this inequity which S. 1006 seeks to correct. Four years ago the act of June 12, 1960, took a major step in this direction. Under that act, the Secretary of the Interior was authorized to pay for part of the construction costs of new fishing vessels. Payment was limited to the difference in construction costs between U.S. and foreign shipyards, as determined by the Maritime Administration. The payment ceiling was limited to no more than one-third of the U.S. cost. Moreover, application for such aid was strictly limited to fishermen in those areas of the industry which had been denied escape-clause relief after a finding by the Tariff Commission that imports had injured their economy. This, in effect, limited application of the act to the New England groundfish industry.

As a consequence, the act of 1960 was not an overwhelming success. Six vessels were built under the act, and from all reports they have been efficient, money-making operations. Application for the construction of seven additional vessels were approved before the program's authority expired. It is important to this discussion to note that in each case the construction differential was substantially above 33⅓ percent of the domestic cost. In several cases it approached 50 percent. The 1960 act expired in 1963 in the sense that after June 12, 1963, no more applications for further construction payments were authorized. This bill, S. 1006, as amended, will permit payments to be made up to 50 percent rather than the 33⅓ percent originally provided. This bill also provides that the indemnified vessels are to be of advanced design to enable them to operate in expanded areas and be equipped with newly developed gear. They are not to operate in a fishery if such operation would cause economic hardship to efficient vessel operators already operating in that fishery. The total amount authorized under this bill was increased from the original $2,500,000 per year for 3 years to $10 million per year for 5 years. Applications for a subsidy for the construction of such fishing vessels may be accepted by the Secretary of the Interior up until June 30, 1969.

Finally, S. 1006, by repealing section 4 of the 1960 act, makes it truly national in scope. Section 4 of the 1960 act, limited shipbuilding payments to vessels to be operated in a fishery suffering import injury from which escape clause relief was recommended by the Tariff Commission but then denied by higher authority. In effect, as already noted, this limited application of the act to the New England ground-fish fisheries. But the plight of fisheries, serious as it remains in New England, is not a sectional one. We know that in the Pacific Ocean as well as in the North Atlantic, foreign vessels of larger size and with more efficient machinery are besting us every week of the year.

It is a serious mistake to consider that this bill is a subsidy to the fishing industry. It is clearly no such subsidy. It is, in fact, an indemnity. It goes only part way toward compensating American fishermen for the discriminatory effects of the longstanding national policy, which prohibits offshore procurement of fishing vessels. Nothing less than this bill will be satisfactory in reviving the growth of the American fishing industry, not only in New England, but off the South Atlantic and Pacific coasts as well.

There are two additional points which, I believe, should be emphasized as important factors that make passage of this legislation imperative. In the first place, one must recognize that most of our foreign competitors provide a variety of assistance to the fishing industries and the fishing fleets of their own nations. Perhaps, this can be illustrated most clearly by our neighbor, Canada. Under current ship construction regulations, the Canadian Government will pay 50 percent of the cost of a new vessel, provided the new boat replaces a wooden or steel dragger. In addition, if a boat is built in the Province of Quebec, the Provincial government will lend up to 90 percent of the remaining cost of the vessel. Thus, on a vessel costing $200,000 a fisherman would need to make an initial payment of only $10,000. Payments on the loan are interest free, and principal payments are only made from 14 percent of the catch of the boat.

Second, we must recognize that these new and more efficient vessels can serve an important defense and military purpose in time of war or national emergency. We know, for example, that during World War II there was extensive utilization of trawler type fishing vessels as minesweepers and other fishing craft used as patrol vessels and for other auxiliary purposes. Like the 1960 act, this bill continues to provide that the fishing vessels for which a subsidy is approved must be suitable for use by the United States for national defense or military purposes in time of war or national emergency.

As I mentioned earlier, this is not a bill to help one section of the country rather than another. It is a bill to strengthen all of the fisheries of America. But I would be remiss if I did not point out that it may provide a particular benefit to the fisheries of Alaska which suffered such severe losses as a result of the catastrophic earthquake and tidal wave this past Good Friday.

Let me summarize the basic reasons why we should pass this bill without delay. First, it is essential in simple justice to the fisheries of America that they be indemnified when they are required to pay nearly twice as much for a vessel built in the United States as they would have to pay abroad. They should not have to bear the brunt of our policy of encouraging American shipyards for the national defense of this country. Second, the bill would furnish a strong impetus toward rebuilding and modernizing a fleet that has become among the most obsolete, if not the most obsolete, fishing fleet among the major fishing nations of the world. The fishing industry would once more be a positive asset in our economy.

Third, the very act of stimulating the construction of these modern fishing vessels would put more shipyards to work and would stimulate the various industries which contribute the materials, the talents, and the manpower which go into these fishing vessels. The jobs, services, and products used in building these vessels would go a long way toward generating enough new tax revenues to help offset the cost of the subsidy paid. Finally, it will strengthen our fleet in terms of its potential as auxiliaries in case of need in an emergency or in wartime.

For these reasons we must act promptly and do what is in the interest of all the people of the country—not of only one segment of the Nation's economy. We must do this so that our fisheries will not continue to be penalized by a law passed 170 years ago to protect the domestic shipbuilding industry. The protection of American shipbuilding is an obligation that all America can and must share. Equity and justice, as well as the national interest, thus require that this bill be passed.

In conclusion, I would like to stress that the assistance we hope to offer the fishing industry through this bill is not without precedent. Earlier this session Congress reaffirmed its recognition of the importance of maintaining our shipyards and our merchant fleet by continuing a 55-percent subsidy for the merchant marine. It is only just that the fisherman get the same consideration. This is no "subsidy" bill in the normal sense. It is an indemnity program to compensate our fishermen for an advantage given their competitors under our shipbuilding policies. The Federal payment goes directly to the shipyard, not the fisherman, who has never asked anyone for a handout. He has merely asked for fairplay under the law.

Finally, Mr. Chairman, I wish to underline the importance of this legislation as the key to future development of the rich resources of the sea. Our ideological and economic rivals are daily extending their claims to these invaluable resources, while we—if we continue on this course—are steadily relinquishing, by default, our natural rights. Failure to pass this bill would mean nothing less in the long run than the eventual scuttling of America's fishing fleets. As a nation locked in a great struggle to preserve our way of life, and to provide the means to a good life for others in the years ahead, we cannot afford that.

I hope the House will pass this legislation today, overwhelmingly and enthusiastically, so that we can get on with the job of ironing out the few differences between this version and that which was passed by the Senate last fall.

Mr. GLENN. Mr. Chairman, I desire to join my colleagues and particularly the gentleman from North Carolina [Mr. Bonner], chairman of the Committee on Merchant Marine and Fisheries in his remarks on this bill and say that it is not only going to be a great benefit to the fishing industry of the New Jersey coast but also to the small shipyards of the eastern seaboard.

Mr. Chairman, I hope that we pass this legislation within short order and give to our fishing industry and the American shipbuilding industry the benefit of this bill. The fishing industry has been suffering from foreign competition that is supported and subsidized by their governments. If we are to keep alive this very vital branch of our economy, we must aid as we proposed to do in this bill.

Of course, if this industry had the protection of tariffs against foreign importation of fish this legislation would not be necessary but with the tariff reduction policy of this administration we can only protect our American shipbuilding and fishing industries with subsidization. I urge adoption of this bill.

Mr. KEITH. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. Morton].

Mr. MORTON. Mr. Chairman, I rise in support of this bill. I know it is hard sometimes for us to think positively and affirmatively in regard to a subsidy for the commercial areas of our economy. But if you believe in the appropriation of Federal funds for the development of land and irrigation projects and conservation projects to increase the productivity of our agriculture, you can well believe and well accept the philosophy of subsidizing our fisheries in this particular fashion.

The fisherman today is denied the opportunity to build his vessel abroad and take advantage of a lower cost of ship construction in the foreign countries. This has been an inhibiting factor in the development and growth of the American fisheries. Therefore I hope that we will be joined by all of our colleagues in giving our fisheries the opportunity of full development of our sea resources that is as much a part of the American scene as our land resources. I am very much in favor of this measure.

Mr. VAN PELT. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. Bates].

Mr. BATES. Mr. Chairman, I rise in support of S. 1006, a bill designed to render justice to an oppressed fishing industry.

If there is any segment of our economy which has borne the brunt of adverse Government policies more than this industry, I do not know of it. While I grant that no government policies were perpetrated with that thought in mind, nevertheless, the net effect of our Government's callous indifference to the plight of this industry has virtually sounded its death knell as a vibrant and progressive force in our economic structure.

Not only was our Government indifferent to this industry but, in fact, it provided considerable funds for the rehabilitation of competitive fisheries of foreign countries. Through UNRRA, the FAO, and the ICA our Government gave direct assistance to the fishing fleets abroad. Since 1948, local currency counterpart funds have been available to these countries through the operation of the Marshall plan and the mutual security program for this purpose. Even the Soviet factory ships were stimulated by our lease-lend program, as was the development of fish-processing equipment in Iceland. Through the Government and relief in occupied areas program—commonly called GAROIA—approximately $60 million was given to Japan in 1947 and 1948 to help the fishing industry there. Today, through the United Nations—primarily financed by the United States—this aid continues. In addition, there is not a single major country in the world today that does not subsidize a portion of its fishing operations.

While the United States continued to add its beneficence to other countries, it continued in effect many policies which were detrimental to our domestic fishing industry. The White House on repeated occasions refused tariff relief even though it was unanimously recommended by the Tariff Commission. It continued in effect the Jones Act, which provided that the boatowners had to pay for private insurance for personal injury rather than have recourse to the less expensive features of the Workmen's Compensation Act.

There are discriminatory practices and laws which work adversely for our fishermen. I shall not discuss them all. I do desire, however, to point to the one under consideration today. Under our Federal statutes—46 United States Code 11—a vessel must be built in the United States if it is to be documented as a U.S. fishing vessel. This cost is up to 50 percent more than it would cost to have similar boats built in a foreign yard. Our boats are in direct competition with boats of other countries which not only enjoy the construction differential but also receive, in most cases, subsidies from their governments.

In effect, fishing vessel owners are having to pay a subsidy to the U.S. shipyards by the requirement that these boats be built at home. I say that if it is national policy to require fishing vessels to be built stateside, then the Nation as a whole should pay the price of this national policy—not the depressed fisherman. The hard fact of the matter is that this policy is helping to destroy the fishing industry and not helping the shipbuilding industry, because less and less boats are being built. It is wrong for this Government to inflict such punishment upon our oldest industry. In too many places have I heard agreement with the facts we cite here and, yet, received responses that can only result in inaction. We have heard that talk too long. Dead center is the graveyard for this industry, and we have straddled that position until the hour is almost too late.

If we are to act, we must act now. We are not looking for sympathy, but we demand justice. We are not looking for a handout, but we do not believe we should be the sole supporters of this national policy. Let us respond to the just plea of those "who go down to the sea in ships." Let us pass this legislation today and thereby open the door for revival of our fishing industry through desperately needed new vessels.

Mr. VAN PELT. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. McIntire].

Mr. McINTIRE. Mr. Chairman, as my colleague from Maine [Mr. Tupper] has already stated, Maine has had a long history in the fishing industry. The fishing industry has not had reasonable relief from the heavy load of imports. Foreign vessels are fishing in our normal fishing areas, and landing in our markets.

The fishing industry is vital to the economy of this country.

I strongly support this bill, and commend the chairman and the members of the Committee on Merchant Marine and Fisheries for bringing this legislation to the floor of the House for favorable consideration.

Mr. VAN PELT. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. Pelly].

Mr. PELLY. Mr. Chairman, reference to the minority views of myself and our colleague from Pennsylvania [Mr. Goodling] will indicate the basis of my opposition to this bill; namely, it represents a new field for Federal subsidy; it will not materially change the situation faced by the American fishing industry; and the older vessels displaced by this bill may well be transferred to compete with the already overcrowded number of existing boats in other fisheries.

As stated in the same minority views, found on pages 24 and 25 of the committee report on S. 1006, experience under the old law which expired on June 30 shows little impact on the industry and testimony showed numerous vessels in the New England fishery are being presently constructed without subsidy.

Mr. Chairman, I want to read from a letter I received from one of my fisherman friends. It is dated August 10, 1964, and is self-explanatory in that it opposes S. 1006:

> This year our trawl fishery in the States of Washington and Oregon and California is on very limited production and in Washington the price is approximately 10 percent below last year. Last trip we dumped approximately 30,000 pounds of food fish, 10,000 pounds of ocean perch, 10,000 pounds of snappers and 10,000 pounds of cod, because the dealers want the perch 14 inches and up and the codfish 24 inches and up—and no black snappers. Last year we did not have these conditions.
>
> Our markets are very poor and we cannot utilize the effort that we now have.
>
> Under the old bill, June 12, 1960 (74 Stat. 212) for $2,500,000 or $7,500,000 for 3 years, we built six vessels for $546,103.58, which was about 8 percent of the money authorized and five of the vessels were for corporations. No wonder the large companies are for this bill.
>
> This bill is a shipyard bill and not a fishing bill, as the Bureau of Commercial Fisheries wants us to believe. It will raise havoc with the present fleet and owners.
>
> The reason Norway and other countries are building fishing vessels is because they are getting a much better share for their boats than our fisheries. In Norway, my 75-foot trawler would receive 10 shares, or 10 times what the crew share is, while here I get only 3 shares. In other words, on a $5,000 man-share, they would get $50,000 boat-share and I would receive only $15,000. This is mainly because of the unions, and in Norway the fisherman is treated like our farmers. A herring boat here gets 4 shares (2 for the boat and 2 for the net), while in Norway the herring boat gets approximately 18 shares for the boat and net.
>
> Our long-line halibut boats get 21 percent and pay social security and unemployment, while in Norway, a long-liner gets 55 percent and no social security taxes. I would build a fleet of boats and so would everyone else if they could get the same shares for their boats as they do in other fishing nations, provided we had the markets for our fish. We cannot increase production if we cannot sell the fish.
>
> In Vancouver, Canada, they have a 40-percent subsidy, and the shipyards raised the price of construction to the fisherman 15 to 20 percent. This is a fact told to me by several fishermen. Under the bill, the plans and specifications must be suitable for the United States, for national defense, etc. This will automatically increase the cost at least 25 percent.
>
> The Government will not subsidize the price of fish, or put a quota on imports, yet they want more boats to catch more fish. This does not make sense. The Federal Government wants to cut expenditures, so they say, yet this bill will raise the public debt.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from North Carolina.

Mr. BONNER. The gentleman is certainly aware of the fact that the national defense features in these trawlers are not subject to additional cost to the operator of the trawler.

Mr. PELLY. That is correct, but it raises the cost of the vessel.

Mr. BONNER. The gentleman understands also that the consumptive fish market today is asking for fish prepared for the frying pan, for the table, not for the bulk fish, in respect to the demand for small fish, therefore, we have to go further to sea to get the type of fish that the processor is capable of filleting for the market. That is the demand of the market, but the demand is not for fresh fish.

Mr. PELLY. I thank the gentleman for his contribution.

Mr. Chairman, I personally believe from talking with some of my friends in the industry that legislation to modernize and replace obsolete vessels may be needed but that only if the result is to assure that we will have less fishing vessels and that there will be no discrimination against any existing operator.

If the provisions of the bill could be limited to American fishing vessels that would be required to operate 50 miles from shore in competition with Soviet or other foreign ships I could support it. Other than a bill of this nature, I am sure, could not be enacted into law.

I am informed by those close to the fisherman in my district that boatowners vigorously oppose this bill. Mainly so because fishing restrictions, quotas, and limits would make it impossible to justify new improved vessels. After all, present boatowners have worked hard to pay for their vessels and in effect this law will depreciate the value of existing boats by 55 percent.

What is needed to help our fishermen is a better market for their fish. With that they could afford to build new boats as conditions justified at their own expense.

Mr. Chairman, I want to quote from a letter written last January from the owner of a boat sales company who admittedly stands to gain by the passage of S. 1006. Here is what he says:

> TOM, you well know that there is no shortage of fishing boats. The whole drag fleet out of Seattle and Puget Sound is not tied up on a so-called strike to keep from taking less for their catch. The main reason is the stock on hand in cold storages can't be sold and in order to get the fish out of the warehouses they had to threaten to cut the price to the fishermen again and so they had no alternative but to stay tied up. Farther down the coast the draggers are held in for weather during the winter months and then when the weather is good they put them on a limit so they can't break even, and this keeps going each year.
>
> The only shortage I can see in all of the fisheries on the Pacific Coast is markets and this is something the Government should have some interest in. Who pays the taxes? Surely not the Japs nor the Canadian fishermen nor any of the foreigners. Sure they have a tax on imports which helps to pay for exploration and research but the tax should be used to help sell the fish imported, which would in turn help to sell the fish we catch. What is the use of doing like the farmers and that is, learning how to get bigger productions so they can grow more surplus products? Our fishermen are being helped by the tax to find more fish when they cannot sell the fish they can catch now. They are being asked to get larger, better boats so they can compete with foreign vessels. Why? Our halibut boats are tied up until the season opens in a few months. Our salmon seiners are tied up until the summer seining season opens. Our dragboats are tied up until the markets get better. Our shrimpboats are tied up until the shrimp markets get better. The tunaboats are still having time to unload and time to find the tuna to catch and bring in. Why do all of these fisheries need better boats to tie up than they have? When our boats are finding it hard to find fish to catch then is the time to build better boats. Remember my business would be better if the subsidy were passed as this would put more boats on the market to sell and the more boats to sell the better my business is, but someone is surely mixed up as to the need for vessels.

At this point I want to include, under permission previously obtained, a telegram received earlier this week from San Diego, Calif., from the American Tunaboat Association in opposition to S. 1006.

> Absence of trade-in provision requires our opposition to fishing vessel subsidy bill. Request your vote in opposition to S. 1006. Believe that long-term loans with favorable tax inducements will stimulate construction of fishing vessels. Since 1961, 12 new tuna clippers built and converted from military vessels at cost of about $11 million. Two new steel tuna vessels at cost of about $2 million are now being built. Such development caused by better economic market conditions in industry. Action to solve market problems now faced by fishermen producers more important than building of subsidized fishing vessels.
>
> AMERICAN TUNABOAT ASSOCIATION.

Mr. Chairman, I hope S. 1006 is defeated.

Mr. VAN PELT. Mr. Chairman, I yield to the gentleman from California [Mr. DON H. CLAUSEN].

Mr. DON H. CLAUSEN. Mr. Chairman, one of the primary industries and one of the worst hit in my district is the fishing industry. This problem is of great concern to the people of California and, particularly, the First Congressional District.

One of the prime reasons for the failure of the United States to keep pace with competitive nations in the world appears to be the policy of foreign nations who subsidize their fishing industries. The Soviet Union, for example, has a fishing industry that is fully subsidized by the Government. Japan, Canada, and many European nations are increasing their world production and place in rank as leading producers of fish with large, modern fishing vessels which are available again through total or partial Government subsidy.

The major fishing fleets of the United States, on the other hand, are operating with smaller and antiquated fishing vessels with outmoded equipment. The disparity in the age, size, and productivity of vessels in our U.S. fleet severely handicaps our fishermen, and the problem grows worse each year with the addition of new and modern vessels from foreign countries and the continual aging of our own fleet.

The basic problem is the high cost of building fishing vessels in our domestic shipyards. The fact is that we can or could build them in foreign shipyards for up to 55 percent less than in U.S. shipyards. An ancient and outmoded bill dating back to 1792 prohibits U.S. fishermen from purchasing vessels abroad where our competitors build their ships.

Our fishermen in northern California in the First Congressional District from the Golden Gate to the Oregon border are hard-working, capable individuals who have made every effort to advance the productivity of their industry. They cannot, however, even maintain present production with inadequate equipment.

Besides these other factors, Mr. Chairman, my district was struck by an act of God in the form of a disastrous tidal wave resulting from the Easter weekend earthquake in Alaska. This wave swept down the coast of the United States causing millions of dollars in damage to the fishing fleet along the coast of northern California and Oregon—many boats having been damaged or sunk in the harbors.

Most of these fishing boats operate in the coastal area and out of the harbors such as Bodega Bay, Fort Bragg, Humboldt Harbor at Eureka, Crescent City, all in California, and Brookings, Gold Beach, and Coos Bay-North Bend in Oregon.

The tidal wave was, in effect, the straw that broke the camel's back.

Therefore, I support this bill, as I supported the Commercial Fisheries Research and Development Act, for the help it will give the troubled fishing industry.

Mr. VAN PELT. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. O'KONSKI] 5 minutes.

Mr. O'KONSKI. Mr. Chairman, the consideration of this bill should set our sights on other problems that we are facing for similar reasons. I do not know whether you folks are aware of it or not, but 5 years from now unless some such legislation is enacted as we are now discussing for the shipping and shipbuilding industry on the Great Lakes, we are not going to see one single American-owned freighter sailing the Great Lakes. These industries cannot survive the competition from foreign countries.

Just to give you an illustration of what they are facing, here are some facts. A freighter built in Canada automatically entitles the owner to 50-percent building subsidy. One of those freighters that hauls iron ore and other freight on the Great Lakes costs about $8 million. Immediately when one of those freighters is built in Canada, the owner of that freighter is entitled to $4 million subsidy from the Government. They are also given a 50-percent operational subsidy and the owner of the freighter in Canada can write off that freighter in a period of 3 years for tax purposes.

If this same freighter is built in the United States that entire $8 million has to be put up by the owner. There is no operational subsidy from the Government. The tax writeoff of the cost of that ship must be taken over a period of 40 years, and not over a period of 3 years as in Canada. The cost to build is also much higher in America.

We used to have as many as 500 American-owned freighters sailing the Great Lakes. Today we have less than 100 and 5 years from now, you are not going to have a single one unless Congress comes to the aid of the American shipbuilder and shipper.

I have introduced a bill for aid and relief for the shipowners and shipbuilders on the Great Lakes similar to the bill we have before us now for the fishing indusry.

I would like to ask the chairman of the committee if it is possible that some day in the near future we will be afforded the privilege of having hearings so that we may present this problem to the Congress. Actually this involves more business and more jobs than the bill we are discussing at the present time. I would like to ask the chairman if at some time in the very near future he will give us the opportunity to lay our case before the committee and the Congress. Will the chairman give my bill to save shipping and shipbuilding on the Great Lakes a hearing and get some action. Thousands of American jobs depend on it.

Mr. BONNER. Mr. Chairman, will the gentleman yield?

Mr. O'KONSKI. I certainly yield to the gentleman.

Mr. BONNER. I realize that what the gentleman says with respect to waterborne commerce under the American flag on the Great Lakes is as he has described it and that there is a competitive situation there that needs attention.

Even the opening of the St. Lawrence Seaway has further affected what the gentleman is talking about.

I assure the gentleman that in the next session of Congress should I be here, and be the chairman of the Committee on Merchant Marine and Fisheries—and I am certain this will be true if the gentleman from Washington is—the gentleman will be accorded a hearing on his bill.

Mr. O'KONSKI. I thank the gentleman.

Mr. VAN PELT. Mr. Chairman, I reserve the remainder of my time.

Mr. BONNER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Chairman, I rise in favor of S. 1006. The purpose of this bill is to correct inequities in the cost of fishing vessel construction in American shipyards and to rebuild and modernize the U.S. commercial fishing fleet.

To achieve this, the legislation would amend the act of June 12, 1960, which authorized the Secretary of the Interior to provide a maximum subsidy of one-third of the cost of constructing fishing vessels in domestic shipyards. This act authorized the appropriation of $2.5 million per year for a 3-year period and provided that the Secretary of the Interior might not accept applications for a subsidy after June 12, 1963.

Mr. Chairman, section 4 of the 1960 act restricted subsidy to vessels to be operated in a fishery suffering injury from which escape clause relief was recommended by the Tariff Commission but denied by superior authority. This bill, which was cosponsored in the Senate by my colleague from Massachusetts, Senator EDWARD M. KENNEDY, would extend the construction differential subsidy program to June 30, 1969, increase the maximum subsidy from one-third to one-half the cost of construction, authorize an annual appropriation of not more than $10 million to carry out the purposes of the act, and repeal the restrictive section 4 provisions.

The U.S. fishing industry has long been equipped with outmoded vessels and equipment which are continuing to deteriorate at an alarming rate. Since 1956, the U.S. share of the total world catch of fish has dropped from 13 to 7 percent, thereby resulting in the United States moving from second to fifth place. By way of comparison, since 1947 the Soviet Republic has more than doubled her fish catch.

Mr. Chairman, as a New Englander I am concerned about this problem, for many New Englanders earn their living from the sea. Last year off New England, Russian vessels worked the George's Bank in massive numbers. At times there were over 160 Russian vessels with possibly as many as 200 in midsummer. The Soviet fleet included huge 15,000-ton motherships over 500 feet in length, and large stern ramp freezer trawlers of more than 2,500 tons. This dramatically portrays the competitive disadvantage which American fishermen face from state subsidized, highly modernized foreign fleets. The Canadians, the Norwegians, the Germans, the French, and the British all subsidize their fishing fleets, in addition to the Soviet Union.

My colleague from Massachusetts, Senator KENNEDY, pointed out in the other body that America's fishing industry is at a critical point, that one-half million jobs depend on this industry, and that we cannot afford to lose our domestic fishing industry, under the weight of foreign competition, in terms of our national prestige. I know personally how hard Senator KENNEDY has worked in the Senate toward the enactment of this legislation, and I am glad to support him in the House in this endeavor. I urge the passage of this bill.

Mr. BONNER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HAGEN].

Mr. HAGEN of California. Mr. Chairman, I also wish to endorse this legislation. I serve on the committee of which the distinguished Member from North Carolina is the chairman.

My area has no economic interest in this bill. We have no fishermen other than sport fishermen. Inevitably, however, the fate of our fishing fleet is tied up with consideration of the national defense in time of war. This is an industry which suffers as the result of a requirement that it, in effect, subsidizes the U.S. shipyards.

This subsidy, whatever it may be, will not go to the fishermen, but will go to our shipbuilding industry, which is, of course, a vital element in our continued security in the face of international competition, both economically and militarily.

I believe this is a worthwhile piece of legislation.

Mr. BONNER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILBERT].

Mr. GILBERT. Mr. Chairman, I rise in enthusastic support of this legislation to give relief to an industry which requires a great deal of help at this particular time to meet the world competition, and in order to help our great seamen, our fishing people, and laboring people who labor on these fleets.

Mr. RIVERS of Alaska. Mr. Chairman, I rise in support of this legislation. Its enactment is essential to enable maintenance of an American fishing fleet within the scope of our present policy which requires U.S. fishermen to construct their fishing vessels at high-cost U.S. shipyards. The 50-percent subsidy proposed in the measure is actually not a grant to fishermen but a removal of the burden of the difference between the cost of construction here in the United States and the cost abroad. Without this legislation the American fisherman would remain at a competitive disadvantage with foreign fish producers.

There is no doubt but that our fishing industry is in need of a substantial Federal program of assistance. Our fishermen are trying to compete with foreign nations which have new, large, modern vessels while our vessels are small and obsolete. The situation in Alaska is typical of the plight of American fishermen in general. In recent years modern Japanese and Russian fishing fleets have appeared off the coast of Alaska to fish in what we have considered our traditional fishing grounds. This bill would, to a limited extent, help Alaska's fishermen to hold their own in Alaska's offshore fisheries. I urge its passage.

Mr. GILL. Mr. Chairman, I am happy to add my voice to the many who support S. 1006, an act aimed at providing greater subsidies for the construction of fishing vessels. This bill would increase the construction subsidy from one-third to one-half, and encourage the development of fishing vessels of advanced design, to operate in expanded areas with newly developed gear.

This bill can help solve the current illness of the Hawaii fishing industry. In the decade from 1950 to 1960 the total number of commercial fishermen in Hawaii dropped from 2,478 to 941. Our skipjack tuna fleet dropped from 32 boats in 1948 to 20 boats in 1963. Our last new vessel was built in 1955 and seven of our boats are at least 30 years old.

There are many reasons for this decline, principal among them is the vigorous competition of the Japanese fishing industry. Japanese fishermen, operating within 1,500 miles of Hawaii and using the long-line method are catching more than five times our total take of all types of fish. When you compare long-line take alone within this 1,500-mile area, you find the Japanese taking over 30 times as much by this method as we do.

How can we compete? The most feasible answer, based on studies conducted by the Bureau of Commercial Fisheries, is to develop new and better boats and equipment. We need boats with longer ranges, refrigeration, and new types of gear. We have to lower the unit cost of catching tuna if we are to compete with the low labor costs and massive operations of the Japanese fishermen.

Our local industry cannot do this alone. Its economic condition is too precarious for their present limited operation, let alone an expanded one.

But it will not be enough to increase construction subsidies. We in Hawaii, need to develop a new type of boat and equip it with appropriate gear. Private industry does not have the capital to experiment. It will probably be necessary for the State of Hawaii and the Federal Government to give a hand.

In due time we will suggest to the appropriate committees in Congress a modest, cooperative experimental project which could supply the protoype of a new fishing vessel especially adapted to conditions in the open Pacific. Such a boat can help put American fishermen back in the race with their foreign competitors in this area. After the prototype is developed and tested it can be used as a model by private fishermen who may then apply for the construction assistance provided by this act.

Mr. Chairman, the sea around us becomes more important to our Nation and people each year. It is one of our last unexplored frontiers. Our more crowded land, in subsequent generations, will draw more of its sustenance from it. This bill will help us now and in the future.

Mr. SIKES. Mr. Chairman, because of a law passed in 1792, every vessel documented for fishing under the U.S. flag must be built in the United States. This was done to protect the shipyards of this country from foreign competition. These shipyards still need this protection so that they will be available in times of national emergency. There is a distinct added expense to the American fishermen in having his vessel built in the American shipyard. According to testimony of the representative of the Maritime Administration before our Merchant Marine and Fisheries Committee, this has ranged between 40 and 50 percent of the total cost of the vessel. The American fishermen have paid the differential for these many years without complaints but they have now come to a point where it is not economically possible for them to continue.

Our fishermen are competing with foreign fishermen, not only for fish, but also for markets. The price obtained by a shrimp fisherman in Florida is affected by shrimp caught in such diverse parts of the world as the Bering Sea, Indian Ocean, and Gulf of Aden. In 1953, imports into the United States amounted to the equivalent of 43 million pounds of heads-off shrimp. Ten years later, in 1963, these totaled 167 million pounds and more will be imported this year. Under these conditions our domestic fishermen can no longer afford to pay almost twice as much for his vessel as his competitor does. He must be able to purchase his vessel for the same price as his competition and then must get out and operate even more efficiently in order to show a profit.

The Bureau of Commercial Fisheries has located large stocks of royal red shrimp in deeper waters than are normally fished. These shrimp are of excellent quality and can find a ready market if brought into port on a regular basis. Modern, more powerful vessels with special rigging are needed for this fishery. If S. 1006 becomes a law, the fishermen will be able to have them built at a price that will enable them to compete with imports.

I use shrimp as an example because of the direct competiton from foreign imports and from direct competition on the fishing grounds with foreign vessels. It must be recognized, however, that the commercial fishing industry as a whole is hard pressed. My concern is for the entire industry. It is an industry which is of major importance to a great many people. Many of these people would find themselves unemployed and their families in want if the subsidy of the construction of fishing vessels were not to be available. Competition from overseas is constantly becoming keener and most of that competition is also subsidized. In other words, the same harsh factors of economic difficulty apply to fisheries throughout the country. If assistance of the type provided in S. 1006 is not forthcoming, our fishing fleet will continue to become more obsolete and our fishing industry may eventually consist of distributors for foreign products.

Mr. BONNER. Mr. Chairman, I reserve the remainder of my time.

Mr. VAN PELT. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 12, 1960, as amended, may be cited as the "United States Fishing Fleet Improvement Act".

SEC. 2. The Act of June 12, 1960 (74 Stat. 212), is amended as follows:

(1) Strike out the first section and insert in lieu thereof the following:

"That in order to correct inequities in the construction of fishing vessels of the United States, the Secretary of the Interior is authorized to pay in accordance with this Act a subsidy for the construction of such vessels in the shipyards of the United States.";

(2) in section 2 delete the word "and" at the end of subsection (6); add a new subsection (7) as follows:

"(7) the vessel will be of advance design, which will enable it to operate in expanded areas, or be equipped with newly developed gear, and will not operate in a fishery, if such operation would cause economic hardship to efficient vessel operators already operating in that fishery, and;", and renumber the present subsection (7) as subsection (8);

(3) delete section 4;

(4) in section 5, delete the phrase "33⅓ per centum" and substitute "55 percent";

(5) amend section 9 to read:

"SEC. 9. If any fishing vessel constructed with the aid of a construction subsidy in accordance with the provisions of this Act, as amended, is operated during its useful life, as determined by the Secretary, contrary to the provisions of this Act or any regulations issued thereunder, the owner of such vessel shall repay to the Secretary, in accordance with such terms and conditions as the Secretary shall prescribe, an amount not to exceed the total depreciated construction subsidy paid by the Secretary pursuant to this Act and this shall constitute a maritime lien against such vessel. The obligations under this section shall run with the title to the vessel.";

(6) in section 12, delete "$2,500,000" and substitute "$10,000,000"; and

(7) amend section 13 to read:

"SEC. 13. No application for a subsidy for the construction of a fishing vessel may be accepted by the Secretary after June 30, 1968."

Mr. BONNER (interrupting the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 8, delete the word "or", and insert in lieu thereof the word "and".

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 12, delete the semicolon following the words "fishery, and".

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, between lines 13 and 14, insert the following:

"(3) amend section 3 by inserting 'after notice and hearing,' following the words 'of his discretion,';".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 14, delete "(3)", and insert in lieu thereof "(4)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 15, delete "(4)", and insert in lieu thereof "(5)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 16, delete " '55 percent' ", and insert in lieu thereof " '50 per cent' ".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 17, delete "(5)", and insert in lieu thereof "(6)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 2, line 18, immediately following " 'SEC. 9.", insert the following:

"The Secretary of the Interior, in the exercise of his discretion, after notice and hearing, may approve the transfer of a vessel constructed with the aid of a construction subsidy, whose operations have become uneconomical or less economical because of an actual decline in the particular fishery for which it was designed, to another fishery where he determines that such transfer would not cause economic hardship or injury to efficient vessel operators already operating in that fishery."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 5, delete "(6)", and insert in lieu thereof "(7)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 7, delete "(7)", and insert in lieu thereof "(8)".

The committee amendment was agreed to.

The **CHAIRMAN**. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, delete "1968" and insert "1969".

The committee amendment was agreed to.

Mr. **GROSS**. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I was a member of the House Committee on Merchant Marine and Fisheries in 1960 when the 33⅓-percent subsidy was established by law. If I recall correctly, we were told that legislation would salvage the fishing industry of this country. Our worries would be over, and that subsidy would take care of them. I seem to recall that the distinguished Speaker of the House, then the majority leader, came before the committee in support of that subsidy. I believe he joined in the statement that this would take the New England fishing industry off the beach where it was then and where it is now.

Mr. Chairman, this House can pass this kind of legislation until it is literally black in the face, but it is not going to solve the problem that besets the New England fishing industry nor any other segment of the fishing industry of this country. The trouble is that it is being chewed up by foreign imports. Many Members vote on the one hand for the Trade Agreements Act that progressively lowers the tariffs imposed by this country and thereby destroy what little protection is left to agriculture, industry, and labor in this country. Then these same Members turn right around and vote for what the distinguished Speaker of the House of Representatives is pleased to call compensatory payments out of the U.S. Treasury, as in the case of this $50 million to subsidize the building of fishing vessels. You are not going to meet this challenge of the foreign imports, you are not going to take the New England fishing fleet off the beach by this kind of legislation. You will only take it off the beach by establishing tariffs that take into account the differential in the costs of operation of American fishing boatowners and the costs of fish as harvested by foreigners. That is the only way you are ever going to meet this problem. You can spend all of the millions of dollars you want to, to reconstruct the New England fishing fleet. I predict it will be right back on the beach unless you impose meaningful tariffs on the fish and fish products that are imported in ever-increasing quantities.

Mr. Chairman, I yield back the balance of my time.

Mr. **BOW**. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree with what the gentleman from Iowa has said. There are many, many industries in this country that are suffering because of foreign competition. I am wondering if we are going to begin the precedent of providing subsidies for all industries that are being affected. May I point out one industry that is affected particularly in my district. Many of the Members here have similar industries. This is the ceramic tile industry. This is a very important industry in this country. About 60 percent of the ceramic tile being used in this country today consists of foreign imports. I made inquiry of an expert on it the other day after the poverty bill was passed where we are trying to fight unemployment in this country. If we were taking this entire production in this country, how many jobs would it represent? The answer is there were 6,000 jobs in this one small industry which we have exported because of the lowering of tariffs. We are now in the Kennedy round of the GATT agreement in Geneva with further reductions. This will mean a further reduction of jobs in this country and will mean the exporting of jobs. This is not the only industry. There are many, many industries throughout the country that are going broke today because of this kind of competition. We are not going to solve it with poverty bills and sending people into the woods and taxing them $4,500 a year to do it.

We are going to do it by the creation of jobs and the preservation of jobs here in the United States. I hope that we are not establishing a precedent. I wish we would get down to finding out how do we create jobs for people to go to? That is the answer. I hope we are not going to begin to subsidize every industry that is being affected by foreign competition.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DELANEY Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (S. 1006) to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes pursuant to House Resolution 805, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The **SPEAKER**. The question is on the third reading of the bill.

The bill was ordered to be read a third time and was read the third time.

The **SPEAKER**. The question is on passage of the bill.

The question was taken.

Mr. **GOODLING**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 198, nays 124, not voting 109, as follows:

[Roll No. 228]

YEAS—198

Abbitt
Addabbo
Albert
Ashley
Ashmore
Aspinall
Bates
Beckworth
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bonner
Brooks
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Carey
Casey
Cederberg
Chamberlain
Chelf
Clausen,
Don H.
Clawson, Del
Cohelan
Colmer
Conte
Cooley
Corman
Cramer
Daniels
Davis, Ga.
Davis, Tenn.
Delaney
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Elliott
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Fogarty
Fountain
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Glenn
Gonzalez
Grabowski
Grant
Gray
Green, Oreg.
Green, Pa.
Grover
Hagen, Calif.
Halpern
Hansen
Harding
Hawkins
Hébert
Hechler
Herlong
Holifield
Holland
Horan
Hosmer
Huddleston
Jarman
Jennings
Johnson, Calif.
Jonas
Karsten
Keith
Kelly
Kilgore
King, Calif.
Kirwan
Kluczynski
Knox
Kornegay
Latta
Leggett
Lennon
Libonati
Lindsay
Lipscomb
Long, La.
McDowell
McFall
McIntire
McMillan
Madden
Mahon
Matsunaga
Matthews
Meader
Miller, Calif.
Mills
Minish
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nix
Norblad
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neill
Osmers
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Price
Pucinski
Purcell
Rains
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Ryan, N.Y.
St Germain
St. Onge
Saylor
Senner
Sickles
Sisk
Slack
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Thomas
Thompson, Tex.
Trimble
Tupper
Udall
Ullman
Van Deerlin
Vanik
Van Pelt
Wallhauser
Watts
White
Whitener
Widnall
Willis
Wilson,
Charles H.
Wyman
Young
Zablocki

NAYS—124

Abele
Abernethy
Anderson
Andrews, Ala.
Andrews,
N. Dak.
Arends
Ashbrook
Baker
Baldwin
Beermann
Belcher
Bell
Berry
Betts
Bolton,
Oliver P.
Bow
Bray
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Bruce
Burleson
Byrnes, Wis.
Chenoweth
Clancy
Cleveland
Collier
Cunningham
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dowdy
Ellsworth
Findley
Ford
Frelinghuysen
Goodell
Goodling
Griffin
Gross
Gubser
Gurney
Hall
Harris
Harrison
Harsha
Harvey, Ind.
Hull
Hutchinson
Ichord
Jensen
Joelson
Johansen
Johnson, Pa.
Kastenmeier
Kilburn
King, N.Y.
Kunkel
Kyl
Laird
Langen
Long, Md.
McCulloch
McDade
MacGregor
Marsh
Martin, Calif.
May
Michel
Miller, N.Y.
Milliken
Minshall

Moore
Nelsen
Ostertag
Pelly
Pillion
Poff
Quie
Quillen
Randall
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Roberts, Tex.
Robison
Rogers, Tex.
Roudebush
Rumsfeld
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Short
Shriver
Siler
Skubitz
Smith, Iowa
Snyder
Springer
Stafford
Talcott
Teague, Calif.
Thomson, Wis.
Tuck
Utt
Waggonner
Weaver
Weltner
Wharton
Whitten
Wilson, Ind.
Wydler
Younger

NOT VOTING—109

Adair
Alger
Auchincloss
Avery
Ayres
Baring
Barrett
Barry
Bass
Battin
Becker
Bolton, Frances P.
Brademas
Brown, Calif.
Broyhill, Va.
Buckley
Burton, Utah
Cahill
Cameron
Celler
Clark
Corbett
Daddario
Dawson
Dent
Denton
Diggs
Dingell
Evins
Fino
Flynt
Foreman
Forrester
Fuqua
Gill
Griffiths
Hagan, Ga.
Haley
Halleck
Hanna
Hardy
Harvey, Mich.
Hays
Healey
Henderson
Hoeven
Hoffman
Horton
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karth
Kee
Keogh
Landrum
Lankford
Lesinski
Lloyd
McClory
McLoskey
Macdonald
Mailliard
Martin, Mass.
Martin, Nebr.
Mathias
Monagan
Montoya
Morris
Morrison
Multer
Murray
Nedzi
O'Brien, N.Y.
Olson, Minn.
Passman
Pilcher
Pirnie
Powell
Riehlman
Roush
Ryan, Mich.
St. George
Scott
Selden
Sheppard
Shipley
Sibal
Sikes
Smith, Calif.
Smith, Va.
Staebler
Stinson
Taft
Teague, Tex.
Thompson, La.
Thompson, N.J.
Toll
Tollefson
Tuten
Vinson
Watson
Westland
Whalley
Wickersham
Williams
Wilson, Bob
Winstead
Wright

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Mailliard for, with Mr. Martin of Nebraska against.

Mr. Martin of Massachusetts for, with Mr. Westland against.

Mr. Corbett for, with Mr. Bob Wilson against.

Mr. Cahill for, with Mr. Alger against.

Mr. Sibal for, Mr. Battin against.

Mr. Daddario for, with Mr. McClory against.

Mr. Auchincloss for, with Mr. Becker against.

Mr. Smith of California for, with Mr. Hoffman against.

Mr. Horton for, with Mr. Halleck against.

Mr. Keogh for, with Mrs. Frances P. Bolton against.

Mr. Hays for, with Mr. Burton of Utah against.

Mr. Fino for, with Mr. Foreman against.

Mr. Multer for, with Mr. McLoskey against.

Mr. Celler for, with Mr. Adair against.

Mr. Shipley for, with Mr. Hoeven against.

Mr. Dent for, with Mr. Riehlman against.

Mr. Macdonald for with Mr. Pirnie against.

Mr. Toll for, with Mrs. St. George against.

Mr. Thompson of New Jersey for, with Mr. Avery against.

Mr. Denton for, with Mr. Passman against.

Until further notice:

Mr. Dingell with Mrs. Kee.

Mr. Lesinski with Mr. Diggs.

Mr. Nedzi with Mr. Morrison.

Mr. Ryan of Michigan with Mr. Hogan.

Mr. Hanna with Mr. Buckley.

Mr. Evins with Mr. Healey.

Mr. Morris with Mr. Sheppard.

Mr. Montoya with Mr. Staebler.

Mr. Monagan with Mr. Dawson.

Mr. Brown of California with Mr. Lankford.

Mr. Barrett with Mr. Jones of Missouri.

Mr. Brademas with Mr. Johnson of Wisconsin.

Mr. Cameron with Mr. Teague of Texas.

Mr. Fuqua with Mr. Thompson of Louisiana.

Mr. Gill with Mr. Williams.

Mr. Pilcher with Mr. Winstead.

Mr. Landrum with Mr. Vinson.

Mr. Jones of Alabama with Mr. Watson.

Mr. Powell with Mr. Baring.

Mr. Flynt with Mr. Bass.

Mr. Forrester with Mr. Murray.

Mrs. Griffiths with Mr. Selden.

Mr. O'Brien of New York with Mr. Hardy.

Mr. Sikes with Mr. Haley.

Mr. Wright with Mr. Scott.

Mr. Karth with Mr. Wickersham.

Mr. Harvey of Michigan with Mr. Roush.

Mr. Stinson with Mr. Olson of Minnesota.

Mr. Tuten with Mr. Mathias.

Mr. Henderson with Mr. Whalley.

Mr. POOL and Mr. LATTA changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. BONNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1965

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight Saturday, August 15, to file a conference report on the bill H.R. 11134.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CONVEY CERTAIN FEDERAL LAND TO KERN COUNTY, CALIF.

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H.R. 189, together with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 10, strike out all after "Kern" over to and including "States" in line 1 on page 2 and insert "at a price equal to 50 per centum of the fair market value as determined by the Secretary of the Navy".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the distinguished author of the bill, the gentleman from California [Mr. HAGEN] may revise and extend his remarks at this point and all Members may have 5 days to extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PHILBIN. Mr. Speaker, this bill as passed by the House on December 17, 1963, authorizes the Secretary of the Navy to convey certain Federal land at China Lake, Calif., to the county of Kern, State of California, for park, recreational, and educational purposes.

The property, approximately 105½ acres, would under the terms of the House bill, be transferred to Kern County at the original cost of this property to the Federal Government—$571.

The Senate passed this bill on July 31, 1964, with an amendment which required that the conveyance would be "at a price equal to 50 per centum of the fair market value as determined by the Secretary of the Navy."

The effect of the amendment is, therefore, to make this conveyance under the same terms as is presently provided under the Federal Property Act for the sale of Federal lands for recreational purposes, such transfers requiring a payment of 50 percent of fair market value.

Mr. HAGEN of California. Mr. Speaker, this bill provides a method of transfer of fee title of approximately 105 acres of land belonging to the naval ordnance test station in my district to the county of Kern in order that the county might lawfully expend county funds to erect a community center and park for mixed recreational and educational purposes.

The bill which I introduced and which passed the House provided that the county might purchase the property at its original cost to the Navy of approximately $5 per acre or a total slightly in excess of $500. This formula of purchase was not acceptable to the Senate Armed Services Committee at this time and my bill was amended in the Senate to provide for purchase at a price of one-half of its appraised value as determined by the Secretary of the Navy. I prefer the original version of my bill but because of the exigencies of time I am willing to accept the Senate amendment at this time because I think that the Senate action is a direction to the Secretary of the Navy to accomplish a sale at a price substantially below indicated General Services Administration appraisal of a value of perhaps $75,000 for a full value purchase. I should explain this statement further.

The 50 percent proviso taken alone would mean nothing because under existing law the county could acquire the property for 50 percent of appraised value for a recreational purpose and as a gift for an educational purpose. The crux of the matter is the vesting of discretion in the Secretary of Navy to fix the price, a function which would be ordinarily performed by the Administrator of the General Services Administration. This transfer of authority recognizes the fact that the transfer of this land to the county of Kern is of major value to the Navy itself and will result in a facility for which, in the absence of county activity, the Navy might have to seek appropriated funds. The overwhelming number of probable users of this public facility to be built with county funds will be Navy personnel or civilian employees of a great Navy research facility.

The Senate formula is also a recognition of implied character that these lands do not have a market value greatly in excess of their original acquisition value of about $5 per acre. The Navy would never dispose of them for other than a public purpose so long as the station were in operation and if the Navy were to cease operation of the station the whole area would probably revert to use as open desert rangeland. The only primary economic activity in the area is the Navy activity and the small business community which has developed on the edge of the station serves only to provide housing for Navy personnel and civilian employees or to provide these people with ordinary daily services.

I feel reasonably certain that the Secretary of the Navy will approach the problem of disposal of these lands to the county with these considerations in mind. I will conclude by saying that Congressman Philbin, who handled this legislation in the House Armed Services Committee and on the floor of the House, agrees with my premises and conclusions.

STUDIES AND INVESTIGATIONS AUTHORIZED BY HOUSE RESOLUTION 38

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 820 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the further expenses of conducting the studies and investigations authorized by H. Res. 38, Eighty-eighth Congress, incurred by the Committee on Agriculture, acting as a whole or by subcommittee, not to exceed an additional $25,000, including expenditures for the employment of accountants, experts, investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House, on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

Sec. 2. The official committee reporters may be used at all hearings, if not otherwise officially engaged.

Sec. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

The SPEAKER. The question is on agreeing to the resolution.

Mr. ARENDS. Mr. Speaker, reserving the right to object, I hope the gentleman from Maryland will explain this resolution, as well as all of the rest of them that he might call up, because I think all of the Members of the House should be informed as to exactly what is in these resolutions.

Mr. FRIEDEL. Mr. Speaker, I call on the chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. Cooley], to explain the resolution briefly.

Mr. COOLEY. Mr. Speaker, first I would like to say to my friends that the Committee on Agriculture is composed of 35 members. We have 18 subcommittees, and most of the subcommittees are composed of busy men.

We have never staffed a single one of these committees. Every employee of the full committee is available to members of the subcommittee, both minority and majority side. We have a heavy workload and we have very few employees, but very competent employees.

One item that we handled embraced 232 of these water conservation projects involving an expenditure of $276 million. Also we handle Public Law 480 through which program we have disposed of more than $11 billion worth of surplus agricultural commodities.

In addition to that we have to be prepared to rewrite the sugar law in the next session; rewrite the cotton bill, rewrite the wheat bill and any number of other programs that have to be continued or abolished. We plan to work through the fall. If this money is not made available it will definitely be necessary for us to discharge some of the competent employees that we have.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman.

Mr. KYL. Mr. Speaker, the Committee on Agriculture has been very cooperative and I think penurious in its request from the House Administration Committee. When the chairman of the Committee on Agriculture and the ranking member came to the House Administration Committee earlier this year they held their requests to a level that some of us did not think they would be able to live with. In this instance, in this first resolution, I think that the request made by the gentleman is completely in order. This committee is one in the House which certainly does ask for no more than is absolutely necessary. There is no overstaffing, there is no inefficiency which exists. I think this resolution should be adopted.

Mr. COOLEY. I thank the gentleman very much.

Mr. FRIEDEL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPENSES OF INVESTIGATION WITH RESPECT TO LABOR-MANAGEMENT PROBLEMS IN THE RETAILING INDUSTRY

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 813 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the expenses of an investigation authorized by H. Res. 103, Eighty-eighth Congress, with respect to labor-management problems in the retailing industry incurred by the General Subcommittee on Labor of the Committee on Education and Labor, not to exceed $10,000, including expenditures for the employment of necessary professional and stenographic assistance, and all expenses necessary for travel and subsistence incurred by members and employees who will be engaged in the activities of the subcommittee, shall be paid out of the contingent fund of the House. All amounts authorized to be paid out of the contingent fund by this resolution shall be paid on vouchers authorized and signed by the chairman of the committee, and approved by the Committee on House Administration.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. FRELINGHUYSEN. I wonder if it would be possible to get some explanation about the reasons for the proposed expenditure of $10,000, either from the gentleman from Maryland or someone from the committee that is concerned.

Mr. FRIEDEL. Mr. Speaker, I yield to the chairman of the subcommittee, the gentleman from California [Mr. Roosevelt].

Mr. ROOSEVELT. Mr. Speaker, this request is to enable the General Subcommittee on Labor to pursue some of the problems which recently came to light within the committee as a result of investigation of a strike which took place in the Maryland and Delaware area.

Mr. Speaker, there have been a number of practices, both on the part of management and labor, which seem possibly to be detrimental to the public welfare. It is requested that this investigation go forward in order that we may determine whether a full investigation should be conducted at a later time.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO AMEND HOUSE RESOLUTION 444, 88TH CONGRESS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration I call up House Resolution 825 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That H. Res. 444, Eighty-eighth Congress, is amended by striking "$7,000" and inserting in lieu thereof "$10,700".

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I should like to ask again for what the additional $3,700 is being requested by the gentleman from Illinois [Mr. Pucinski], or by the Committee on Education and Labor?

Mr. FRIEDEL. The chairman of the subcommittee made an innocent mistake. This request for an additional $3,700 is because he underestimated their budget. This is necessary in order to cover their expenditures for the balance of the year. He made an underestimate of $3,700.

Mr. FRELINGHUYSEN. If the gentleman will yield further, the innocent mistake to which the gentleman from Maryland refers is with respect to the salary of a staff employee; is that right?

Mr. FRIEDEL. That is with reference to one employee. They made a mistake in the salary of that employee.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr FRIEDEL. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Speaker, I believe, perhaps, this innocent error points up again the advisability of changing this base salary, plus, plus, plus formula under which we operate here. The obvious answer to the shortcoming here is that they used the base salary rather than the gross salary, and this accounts for the difference.

Mr. Speaker, it is time for us to change that setup.

The **SPEAKER.** The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PAYMENTS FROM THE CONTINGENT FUND OF THE HOUSE

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration I call up House Resolution 833 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary, but not to exceed $242,549.62, to pay the increases in salaries authorized by the Federal Legislative Salary Act of 1964 for committee personnel whose salaries are paid from funds authorized by the following resolutions:

Committee and funds resolution:	*Amount*
Agriculture, H. Res. 499	$1,953.58
Armed Services, H. Res. 607	4,990.56
Banking and Currency, H. Res. 547	11,268.04
Banking and Currency (Housing), H. Res. 735	11,934.10
District of Columbia, H. Res. 202	336.50
Education and Labor (full committee): H. Res. 568	4,669.08
Subcommittee No. 1, H. Res. 568	2,156.20
Subcommittee No. 2, H. Res. 568	1,148.60
Subcommittee No. 3, H. Res. 568	941.36
Subcommittee No. 4, H. Res. 568	2,043.98
Subcommittee No. 5, H. Res. 568	1,343.76
Subcommittee No. 6, H. Res. 568	2,075.82
Foreign Affairs, H. Res. 590	$8,241.14
Government Operations, H. Res. 615	39,045.96
Government Research, H. Res. 523	20,881.04
Interstate and Foreign Commerce, H. Res. 588	18,436.84
Judiciary (Interstate Taxation), H. Res. 653	9,277.98
(Full committee), H. Res. 587	16,235.06
Merchant Marine and Fisheries, H. Res. 30	183.16
Post Office and Civil Service, H. Res. 610	2,219.90
Public Works (Highway Investigation), H. Res. 566	27,942.52
(Real Property Acquisition), H. Res. 609	8,661.92
Science and Astronautics H. Res. 658	7,976.92
Small Business, H. Res. 608	18,181.50
Un-American Activities, H. Res. 619	18,195.86
Veterans' Affairs, H. Res. 576	2,308.24

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I gladly yield to the gentleman from Iowa.

Mr. GROSS. What period of time does this cover?

Mr. FRIEDEL. It covers the balance of the year. In other words, under the last Federal Pay Raise Act all of the staff members of all of the committee were given an automatic increase. This resolution is necessary in order to grant these committees the necessary funds with which to complete their work for the balance of the year.

Instead of bringing in 18 separate resolutions for the 18 committees involved here, we have covered all of the committees in this one general resolution.

Mr. GROSS. I understand. However, it is for $242,549.62 and it just covers all of the committees.

I thank the gentleman.

The **SPEAKER.** The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE EMPLOYMENT OF ADDITIONAL MAIL CLERKS

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration I call up House Resolution 832, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That, effective January 1, 1965, the Postmaster of the House of Representatives is authorized to employ, on a temporary basis, not to exceed fourteen additional mail clerks.

Sec. 2. There is authorized to be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to pay the salary of each such temporary mail clerk at a rate of basic compensation of $2,100 per annum.

With the following committee amendment:

Page 1, line 3, strike out "fourteen" and insert "eight".

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. GROSS. There must be expected a lot of mail going into this $100 million pyramid when it is occupied. This requires 14 people?

Mr. FRIEDEL. They requested 14 people, and the committee only allowed 8. They are on a temporary basis. The committee does not know whether 8 is enough, or 14 is enough, or how many. This is on a temporary basis. When the new Rayburn Building opens next year we will know more about it.

Mr. GROSS. Can you have your mail delivered to the swimming pool over there?

Mr. FRIEDEL. We did not go into that.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Illinois.

Mr. ARENDS. How much is that basic pay?

Mr. FRIEDEL. It is $2,100 per annum.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. A question has been raised on sending out congressional pamphlets No. 3 for city dwellers, and may I ask at this time whether that is political mail or franked mail? I believe it has been ruled for a hundred years franked mail. This is not political mail?

Mr. FRIEDEL. Mail that goes out under the franking privilege is not considered to be political mail.

The **SPEAKER.** The question is on the amendment.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLERK-HIRE ALLOWANCE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE RESIDENT COMMISSIONER FROM PUERTO RICO

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration I call up House Resolution 294, and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That effective April 1, 1963, there shall be paid out of the contingent fund of the House, until otherwise provided by law, such sums as may be necessary to increase the basic clerk hire allowance of each Member and the Resident Commissioner from Puerto Rico by an additional $4,500 per annum, and each such Member and Resident Commissioner shall be entitled to one clerk in addition to those to which he is otherwise entitled by law. No person shall be paid from such clerk hire allowance at a basic rate in excess of $7,500 per annum, and not more than one person shall be paid a basic rate of $7,500 per annum from such clerk hire allowance at any one time.

With the following committee amendments:

Page 1, line 1, strike out "April 1, 1963," and insert "January 3, 1965,"

Following line 12, insert:

"Sec. 2. No person shall be paid from any clerk hire allowance if such person does not perform the services for which he receives such compensation in the offices of such Member or Resident Commissioner in Washington, District of Columbia, or in the State or the district which such Member or Resident Commissioner represents."

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Maryland was getting along pretty well until he got down to this one. I am afraid he is stretching his luck on this. Does this mean an additional $4,500 in base pay for each Member?

Mr. FRIEDEL. If the Member needs it, and they want it, and they are doing official work.

Mr. GROSS. With the salary increase they got, they can dig a little bit. You cannot add much further to these fringe benefits around here.

I am opposed to this resolution.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the resolution.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The resolution was agreed to.

A motion to reconsider was laid on the table.

OFFICIAL EXPENSES OF MEMBERS INCURRED OUTSIDE THE DISTRICT OF COLUMBIA

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 831 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved,* That, effective October 1, 1964, until otherwise provided by law, the Clerk of the House is authorized and directed to reimburse each Member, and the Resident Commissioner from Puerto Rico, from the contingent fund an additional $150 quarterly, upon certification of each such Member and Resident Commissioner for official expenses incurred outside the District of Columbia. Such amounts shall be in addition to any other amounts provided by law for this purpose.

With the following committee amendment:

> Page 1, line 1, strike out "October 1, 1964" and insert "January 1, 1965".

The committee amendment was agreed to.

The SPEAKER. The question is on the resolution.

Mr. KYL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON EDUCATION AND LABOR

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 663 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> *Resolved,* That the expenses of an investigation authorized by H. Res. 103, Eighty-eighth Congress, with respect to the proposals for an attack on poverty recommended by the President in a special message to Congress incurred by the ad hoc subcommittee of the Committee on Education and Labor which was specially created to make such investigation, not to exceed $20,000, including expenditures for the employment of necessary professional and stenographic assistance, and all expenses necessary for travel and subsistence incurred by members and employees who will be engaged in the activities of the subcommittee, shall be paid out of the contingent fund of the House. All accounts authorized to be paid out of the contingent fund by this resolution shall be paid on vouchers authorized and signed by the chairman of the committee, and approved by the Committee on House Administration.

With the following committee amendment:

> Page 1, line 7, strike out "$20,000" and insert "$10,000".

The SPEAKER. The Chair recognizes the gentleman from Maryland.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. FRELINGHUYSEN. I take this time to ask a question about this resolution and also about another resolution, House Resolution 842, which also is, I understand, scheduled to be brought up today. House Resolution 842, I might say, concerns me particularly because even though I am the ranking member on the Committee on Education and Labor, I have not yet even received a notification that any such committee has been set up with respect to an investigation of the relationship of education to an increase in serious crime. I understand that the Committee on House Administration has already approved a request for $2,500 for the expenses of that committee. I ask the gentleman from Maryland whether it is the intent to bring up tonight the resolution, House Resolution 842, and if so whether we could have some explanation in due course of that particular resolution.

Mr. FRIEDEL. With reference to the resolution, House Resolution 842, that the gentleman asks about, I am informed that there is an understanding in the committee and that resolution is not going to be brought up now. It might be brought up before the full committee next week.

Mr. FRELINGHUYSEN. I might say to the gentleman that that understanding did not go so far as to include the ranking member of the committee. I would repeat, I have had no notification from the chairman of that committee that an investigation has been authorized or that such a committee has been set up. I might add I was notified late yesterday afternoon by a junior democratic member on the committee that such a committee has been established. I was also notified, and I was somewhat surprised at this, that the chairman of the full committee had already designated two Republicans to serve on the subcommittee. I would have assumed that the chairman of the committee would at least have the courtesy to inquire of the ranking member as to the availability of Republicans to serve on a special committee of this kind. I draw attention to this because it seems to me to be typical of the unnecessary irregularities of the way in which our committee is run. I might say that comment applies particularly to the resolution, House Resolution 663. As I understand it, the Committee on House Administration is now requesting an additional $10,000 in addition to the increase in salaries approved in the previous resolution. An additional $10,000 is now being requested for expenses already incurred by the ad hoc subcommittee which investigated the President's poverty package. I would like some information as to the nature of the expenditures and the justification which may have been made before the Committee on House Administration and I would also further state that there has been no discussion either of the proposal to spend this money which has been shared by Republicans on the committee nor has there been any information made available so far as I know to any Republican as to the justification which has been made before the House Committee on House Administration.

I consider this highly irregular and unnecessary. If it is possible for any committee to spend money which has not been allocated to it and simply send around an unpaid bill and have such bills honored, I would say I would have been glad to have hired some additional staff because of these poverty hearings and I would have hoped if the request for money would have been honored, the minority would have been granted some additional assistance.

That assistance was not forthcoming and we did not make any additional hirings which could have been made because of the burden that the poverty hearings imposed on our side of the staff. I would appreciate some information as to just how this money is justified.

Mr. FRIEDEL. Mr. Speaker, I yield to the gentleman from California [Mr. ROOSEVELT] to answer the gentleman's inquiry.

Mr. ROOSEVELT. Mr. Speaker, I am informed by the staff that the legislation which has been referred to required an unusual amount of staff work in order to arrange hearings and to handle the heavy correspondence and to assist Members of the House and to do the research work in connection with drafting the provisions of the bill.

In addition to the regular committee staff, it was necessary to employ three additional people who have worked on this legislation exclusively and they have been paid as follows:

One professional assistant, $2,731.04.

One legal assistant, $3,669.19.

One secretary, $3,633.81.

This makes a total of, $10,034.04.

The committee, in addition, spent approximately $1,000 for other expenses, such as telephone, telegraph, and stationery. In other words, there was a total expense of $11,034.04, of which this would reimburse only $10,000.

Mr. BURLESON. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to my chairman, the gentleman from Texas.

Mr. BURLESON. Is it not fair to say that the way this came about was that at the first of the year, when we were making the first appropriations, we never heard poverty mentioned in the sense we have been talking about it in the past week or so, so something new came along. Witnesses have been brought in from outside the city, and various expenses have been incurred, as the gentleman from California described. The committee operated pretty much as an ad hoc committee, borrowed money from the parent committee to operate; and I believe they made out a fair case that the expenditure had not been anticipated and that the expenditures are fairly accurately stated, as to how much was drawn from the parent committee.

Is that a correct statement?

Mr. ROOSEVELT. The gentleman is absolutely correct. Those are the circumstances.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Again I say, if it is merely a question of a subcommittee borrowing from a parent committee, I do not believe the request for funds would have come to the Committee on House Administration, because presumably no committee has funds to lend.

If it is just a question of borrowing money which, in effect, has not been earmarked, and relying on a request for funds which was not honored until after the inquiry was over, it seems to me to be very irregular procedure. On the same basis the minority might have assumed that it could hire, and borrow, in effect, from the parent committee, and then be reimbursed by the Committee on House Administration. I would think that would be a most unusual procedure. I would think it might have been hard to justify such a request, had it been made.

We do not know yet whether the three employees hired were hired just for the period of 2 or 3 months, or whether they are still on the payroll. I assume they have already been discharged.

It does seem to me that all this, basically, is housekeeping of the Committee on Education and Labor. I would think it involved details to be as appropriately divulged to the members of the minority as divulged to the members of the majority.

I also believe the minority's legitimate additional expenses because of the poverty hearings might also have been recognized, and that if there were funds available we might have had our share.

When we testified on the resolution which is now before us, back in April, it was suggested that one of the reasons $20,000 might not be sufficient was because some money might be made available to the minority. Since no action was taken, I would assume the committee's hands to be tied—whether we talk about the parent committee or the ad hoc subcommittee—and that they would not be in a position to spend money not authorized by the Committee on House Administration.

I repeat, Mr. Speaker, it seems to me this is most unwarranted. The precedent we are establishing here, of having a committee come in with past-due bills and suggest that they be paid because the committee does not have money, is not sufficient justification for the procedure.

I am not saying the money has not been spent. I am not saying that more could not have been spent. I am saying that if the request for the funds was not honored at the time the expense was being incurred, or contemplation was given to incurring the expense, those additional employees should not have been put on the payroll.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from California.

Mr. ROOSEVELT. May I say again that I must emphasize what the distinguished chairman of the Committee on House Administration said, that the full committee did not envision any such activity as was called for under the poverty program, and that the chairman of the Committee on Education and Labor found it necessary to form an ad hoc committee to undertake that work, and that we then went to the Committee on House Administration and asked for a reasonable sum, $10,000, in order that this very special work might be carried out.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I might say the gentleman from California misses the point entirely. No one argues that this expense could have been anticipated at the beginning of the year. What they are talking about is a resolution which was submitted in March with respect to expenses which by that time could have been anticipated and our funds were depleted in March. The only problem was that the Committee on House Administration took no action with respect to that request for additional funds. Yet the Committee on Educaion and Labor in effect went ahead and spent the money anyway. It strikes me that this is unconscionable procedure. I am not saying the bill should not be paid, because that would just be making a bad matter worse, but I am pointing out the irregularity under which our committee operates. I am not pointing the finger of blame at any one individual. I am just saying if we were in charge of that committee, we would not be spending money unless it were available and we had some positive assurance that our request for funds was going to be honored. So far as I know, there was no such informal understanding that something would be forthcoming and therefore, the Committee on Education and Labor could go ahead and spend the money and simply submit its bill.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. ARENDS. I think this might be a good time to ask the gentleman—and if he would, he could pass the question on to the gentleman from California [Mr. ROOSEVELT], or some other Member who can answer the question—as to how large a staff we have on this particular committee and how much money has been made available for this year for all investigating purposes by this committee. It seems rather strange. I seem to recall it is a rather large amount, and out of that I should think they would be able to find $10,000.

Mr. ROOSEVELT. Will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. ROOSEVELT. I can say I assure the gentleman it was a lot less than last year and previous years and still is a lot less. I think I am correct in that, Mr. Chairman.

Mr. ARENDS. If the gentleman cannot supply the figure now, I wish he would supply it for the record, as to the number of employees you have and the total amount made available to you through the Committee on House Administration for investigating purposes.

Mr. ROOSEVELT. I will be happy to get it from the Committee on House Administration and either they or I will put it in the RECORD.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. I cannot help but wonder why the chairman of a committee spending money that it does not have is not here to explain to the House on a bill of this kind why he did what he did in this case. I cannot help but wonder whether he is in Puerto Rico or where he is. Perhaps someone else can explain how you can spend money that you do not have.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield briefly.

Mr. RUMSFELD. The statement was made that the total bill for this extra staff assistance and telephone expense was in excess of $11,000, but the request here being made is for $10,000. Where is that additional $1,000-plus coming from? The Committee on Education and Labor fund?

Mr. FRIEDEL. It comes out of the full Committee on Education and Labor.

Mr. RUMSFELD. I thank the gentleman. I have one other question. It has not been stated, I do not believe, as to how long these individuals were on the payroll and whether they are now off.

Mr. FRIEDEL. They are off now as far as the ad hoc subcommittee they were working for is concerned.

Mr. RUMSFELD. My question is, I would like to know the names of these three individuals. The legal assistant, the professional assistant, and the secretary. I would like to know how long they were working and whether they are now off the ad hoc subcommittee and are now on the Education and Labor Subcommittee.

Mr. FRIEDEL. I do not know that. I know they are not working now on this subcommittee. Their names are Harriet Ziskin, Donald Anderson, and Goldie Baldwin.

Mr. RUMSFELD. I would like you or possibly one of the members of the committee—the gentleman from California [Mr. ROOSEVELT] perhaps—to answer as to whether these individuals were previous members of the Committee on Education and Labor staff or are now on that staff.

Mr. ROOSEVELT. I would have to say to the gentleman I do not know, because I have nothing to do with the running of the full committee. Therefore, I do not know whether they replaced somebody else on the full committee or not. But we have not asked for any additional funds for the full committee outside of the recent request for the ad hoc committee, and that work has completely ended. They are no longer on the payroll of the ad hoc subcommittee.

Mr. RUMSFELD. Mr. Speaker, may I ask one other question of the gentleman while he is on his feet? Can the gentleman tell me whether or not these three individuals worked in Washington, D.C., or whether their work was in another portion of this country or in another country?

Mr. ROOSEVELT. I can assure the gentleman that all three were in this country and in Washington, D.C., and right in the House Office Building.

Mr. RUMSFELD. I thank the gentleman.

Mr. GRIFFIN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. GRIFFIN. Mr. Speaker, I simply want to make this statement. I think this resolution should be opposed. It seems to me to be unconscionable that the chairman of a committee would go ahead and spend money which had not been authorized. It was perfectly proper, of course, to set up a subcommittee for this purpose, but they should have gone to the House Administration Committee, as I understand the procedure, and get authorization to spend this money. Furthermore it seems to me that there should have been consultation with the Republican Members on the Committee on Education and Labor. We might have needed some extra staff, too. I, for one, hope that there will be a rollcall on this. I would vote against it, and perhaps in the future, if we do vote against it, we will get a little more cooperation so far as the housekeeping on our particular committee is concerned.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. CRAMER. Do I understand that of this sum, $10,000, that is being requested here out of the $11,000 that was actually spent, none of that money nor the personnel involved were made available to the minority for its purposes in this legislation?

Mr. FRIEDEL. I do not know about that, but I want to say this, Mr. Speaker. I thought it would only be fair to make sure that the minority does have representation. I do not control this and I do not intend to control it. It is up to the chairman of the full committee. And any time he makes funds available to the minority he is going far beyond what the gentleman's side did when they were in the majority.

Mr. CRAMER. Mr. Speaker, will the gentleman yield further?

Mr. FRIEDEL. I yield.

Mr. CRAMER. Perhaps someone from the Education and Labor Committee can answer that question, as to whether any of the funds or personnel were made available to the minority? Of course, if not, this is another example of what is wrong with the whole system, because in this fashion the majority are completely ignoring the needs of the minority.

Mr. FRIEDEL. I would like to ask the ranking member from the Committee on Education and Labor how much money they got out of the last appropriation bill for the minority.

Mr. CRAMER. I would be delighted to have an answer to the question, how much of this $10,000 and the personnel involved were made available to the minority; and then ask the question, Was a request for additional personnel granted?

Mr. FRIEDEL. We tried to be fair and decent with the gentleman. The chairman of the full committee gave a very good sum of money to the minority.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield.

Mr. FRELINGHUYSEN. I might say that no one is questioning the fairness of the gentleman from Maryland. I might say also that one of the reasons the original request for additional money ran into some trouble, as I understand, was because the chairman of the full committee went over to request this money without notifying the minority of the request or that his appearance was expected on the particular day. It was for that reason, as I understand, in an effort to be fair, that the gentleman from Maryland gave me the opportunity to appear and as I recall—and correct me if I am wrong—one of the reasons why no action was taken on this request for funds by the House Administration Committee was because of the feeling that the minority should get some of the money, if money were to be made available, and that perhaps $20,000 might not be enough if something were to be given to the minority. Am I correct in my understanding of what actually happened?

Mr. FRIEDEL. As I understand, the original request was for $20,000 of which $5,000 was to be used for the minority. The minority said it was not enough. They said they would be willing to make it $27,500 if they could get $7,500.

Mr. Speaker, our committee did not go that far. Now, instead of having $27,500, all we are appropriating today is $10,000.

Mr. FRELINGHUYSEN. Mr. Speaker, wil the gentleman yield further?

Mr. FRIEDEL. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, again, it is perhaps easy enough to blame the minority for the situation which has arisen. However, I would just like to say that it seems to me no matter how we slice it, there is not any excuse for the chairman of the committee to authorize the expenditure of money which he does not have. If he took it from committee funds and it was available, he should not expect, nor should it be possible, to have that money to be reimbursed. Yet, by this recommendation, the Committee on House Administration is countenancing what I would think would be an unconscionable act of going ahead and spending the funds which the committee does not have, or utilizing funds which it will need later in the year for other purposes.

Mr. Speaker, in either event it seems to me they would have to live with the result.

Mr. Speaker, there has been substantial money made available to that committee, and because of the expenses on this particular matter to which I referred earlier, there were perhaps heavier expenses than they expected. But they should not spend before they get the initial funds from the Committee on House Administration, which is my basic point.

Mr. Speaker, I do not believe the gentleman from Maryland has explained or justified in any way what the House Committee on Education and Labor has done and is in effect getting away with in this resolution.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman from Maryland [Mr. FRIEDEL] is not trying to justify anything here.

A few moments ago we voted for each of us in the House a sum in excess of this amount.

Mr. Speaker, if we do not approve this amount for this subcommittee, I am confident that before the end of the year, or before we begin the next session, we will have to make up some supplement for the Committee on Education and Labor, which is short of funds anyway.

Mr. Speaker, other committee chairmen do apparently keep their books better than the chairman of this committee. However, we cannot blame the subcommittee for that and we cannot blame the members for it. We cannot blame the Committee on House Administration, particularly the subcommittee, at this point because they have come here in an effort to try to make this restitution of the funds to the whole committee. They need it.

Mr. Speaker, this should not have occurred. Now it has occurred and there is no way of getting these bills paid otherwise. We had just as well go ahead and approve it and try to prevent the possibility of this happening again in the future.

Mr. Speaker, insofar as I am concerned and insofar as the other Members on this side of the aisle are concerned, it should be guaranteed.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I feel that what the gentleman from Iowa [Mr. KYL] has had to say is correct in this instance.

The Committee on House Administration, in an effort to control the expenditures of the Education and Labor Committee, because of some valid criticisms, did at the outset of the 88th Congress make an appropriation to the full Committee on Education and Labor and to the individual subcommittees, in a direct effort to control these expenditures. Perhaps this was wrong but Congress concurred.

We followed that policy with the beginning of the second session of this Congress. There was, however, the creation of an ad hoc subcommittee. They asked immediately for money. We did not give this money to them at the time because of disagreement. They have operated on money borrowed from the field committee and they have expended this money. The committee has been disbanded. It does to me represent an obligation. To be sure it is against the grain. To be sure, the committee has erred in its past bookkeeping. The chairman of the full committee is to be criticized. However, there is nothing else for us to do, but to shoulder our obligations and sleep in the bed we have made for ourselves, and I do not mean with the chairman, and pay this obligation as much as I hate to.

Mr. **FRIEDEL**. Mr. Speaker, I move the previous question.

The previous question was ordered.

The **SPEAKER** pro tempore [Mr. MILLS]. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. **OLIVER P. BOLTON**. Mr. Speaker, I make the point of order that a quorum is not present and object to the vote on the ground that a quorum is not present.

The **SPEAKER** pro tempore. The Chair has not put the question on the resolution yet.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. **RHODES** of Arizona. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 156, answered "present" 1, not voting 159, as follows:

[Roll No. 229]

YEAS—115

Addabbo
Albert
Ashley
Aspinall
Beckworth
Blatnik
Boggs
Boland
Brooks
Burke
Burkhalter
Burleson
Burton, Calif.
Byrne, Pa.
Casey
Chelf
Cohelan
Corman
Daniels
Davis, Ga.
Davis, Tenn.
Delaney
Donohue
Edwards
Elliott
Everett
Fascell
Feighan
Flood
Fogarty
Friedel
Gallagher
Giaimo
Gibbons
Gilbert
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Hagen, Calif.
Hansen
Harding
Hawkins
Hechler
Holifield
Johnson, Calif.
Karsten
Kastenmeier
Kilgore
King, Calif.
Libonati
Long, La.
Long, Md.
McDowell
McFall
Madden
Mahon
Miller, Calif.
Mills
Minish
Moorhead
Morgan
Moss
Murphy, Ill.
Murray
Natcher
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
O'Neill
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Price
Purcell
Rhodes, Pa.
Rivers, Alaska
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Ryan, N.Y.
St Germain
St. Onge
Secrest
Sickles
Sisk
Skubitz
Slack
Smith, Iowa
Stubblefield
Thompson, Tex.
Trimble
Udall
Ullman
Van Deerlin
Vanik
Waggonner
Watts
White
Willis
Wilson, Charles H.
Young
Zablocki

NAYS—156

Abele
Abernethy
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Baker
Baldwin
Bates
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Bolton, Oliver P.
Bonner
Bow
Bray
Brock
Bromwell
Brotzman
Brown, Ohio
Bruce
Byrnes, Wis.
Carey
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Cooley
Cramer
Curtin
Curtis
Derounian
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Dwyer
Ellsworth
Findley
Fisher
Ford
Fountain
Frelinghuysen
Fulton, Pa.
Gathings
Goodell
Goodling
Grant
Griffin
Gross
Grover
Gubser
Gurney
Hall
Halpern
Harris
Harrison
Harsha
Harvey, Ind.
Herlong
Hosmer
Huddleston
Hutchinson
Ichord
Jarman
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
King, N.Y.
Kunkel
Kyl
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
McDade
McIntire
McMillan
MacGregor
Marsh
Martin, Calif.
Matthews
May
Meader
Michel
Milliken
Minshall
Moore
Morse
Morton
Mosher
Nelsen
Norblad
Osmers
Ostertag
Pelly
Pillion
Poff
Quie
Randall
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Rivers, S.C.
Roberts, Ala.
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Rumsfeld
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Short
Shriver
Siler
Snyder
Springer
Stafford
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Tuck
Tupper
Utt
Van Pelt
Wallhauser
Weaver
Wharton
Whitener
Widnall
Wilson, Ind.
Younger

ANSWERED "PRESENT"—1

Senner

NOT VOTING—159

Abbitt
Adair
Alger
Auchincloss
Avery
Ayres
Baring
Barrett
Barry
Bass
Battin
Becker
Bolling
Bolton, Frances P.
Brademas
Broomfield
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Buckley
Burton, Utah
Cahill
Cameron
Celler
Clark
Corbett
Cunningham
Daddario
Dague
Dawson
Dent
Denton
Diggs
Dingell
Dulski
Duncan
Edmondson
Evins
Fallon
Farbstein
Finnegan
Fino
Flynt
Foreman
Forrester
Fraser
Fulton, Tenn.
Fuqua
Garmatz
Gary
Gill
Glenn
Griffiths
Hagan, Ga.
Haley
Halleck
Hanna
Hardy
Harvey, Mich.
Hays
Healey
Hébert
Henderson
Hoeven
Hoffman
Holland
Horan
Horton
Hull
Jennings
Joelson
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Karth
Kee
Kelly
Keogh
Kirwan
Kluczynski
Knox
Kornegay
Landrum
Lankford
Leggett
Lesinski
Lloyd
McClory
McCulloch
McLoskey
Macdonald
Mailliard
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
Miller, N.Y.
Monagan
Montoya
Morris
Morrison
Multer
Murphy, N.Y.
Nedzi
Nix
O'Brien, N.Y.
Olson, Minn.
Passman
Pilcher
Pirnie
Powell
Pucinski
Quillen
Rains
Reid, N.Y.
Reuss
Riehlman
Roberts, Tex.
Rodino
Roush
Ryan, Mich.
St. George
Scott
Selden
Sheppard
Shipley
Sibal
Sikes
Smith, Calif.
Smith, Va.
Staebler
Staggers
Steed
Stephens
Stinson
Stratton
Sullivan
Taft
Teague, Tex.
Thomas
Thompson, La.
Thompson, N.J.
Toll
Tollefson
Tuten
Vinson
Watson
Weltner
Westland
Whalley
Whitten
Wickersham
Williams
Wilson, Bob
Winstead
Wright
Wydler
Wyman

So the resolution was rejected.

The Clerk announced the following pairs:

Mr. Hays for, with Mr. Kornegay against.

Mr. Holland for, with Mr. Pirnie against.

Mr. Johnson of Wisconsin for, with Mr. Battin against.

Mrs. Kelly for, with Mr. McCulloch against.

Mr. Leggett for, with Mr. McLoskey against.

Mr. Matsunaga for, with Mr. Riehlman against.

Mr. Montoya for, with Mr. Broyhill of North Carolina against,

Mr. Morris for, with Mr. Stinson against.

Mr. Multer for, with Mr. Wydler against.

Mr. Diggs for, with Mr. Dague against.

Mr. Murphy of New York for, with Mr. Quillen against.

Mr. Nix for, with Mr. Mathias against.

Mr. O'Brien of New York for, with Mr. Corbett against.

Mr. Olson of Minnesota for, with Mr. Tollefson against.

Mr. Pucinski for, with Mr. Wyman against.

Mr. Reuss for, with Mr. Taft against.

Mr. Roush for, with Mr. Whalley against.

Mr. Shipley for, with Mr. Broomfield against.

Mr. Sheppard for, with Mr. Broyhill of Virginia against,

Mr. Staebler for, with Mr. Flynt against.

Mr. Toll for, with Mr. Selden against.

Mr. Duncan for, with Mr. Stephens against.

Mr. Fraser for, with Mr. Fuqua against.

Mrs. Kee for, with Mr. Burton of Utah against.

Mr. Karth for, with Mr. Mailliard against.

Mr. Keogh for, with Mr. Smith of California against.

Mr. Celler for, with Mr. Reid of New York against.

Mr. Barrett for, with Mr. Martin of Nebraska against.

Mr. Kirwan for, with Mr. Barry against.

Mr. Fallon for, with Mr. Williams against.

Mr. Garmatz for, with Mr. Winstead against.

Mr. Hanna for, with Mr. Knox against.

Mr. Brown of California for, with Mr. Horan against.

Mr. Buckley for, with Mr. Cunningham against.

Mr. Lesinski for, with Mr. Foreman against.

Mr. Dingell for, with Mr. Glenn against.

Mr. Ryan of Michigan for, with Mr. Abbitt against.

Mr. Nedzi for, with Mr. Sibal against.

Mr. Powell for, with Mrs. Frances P. Bolton against.

Mr. Denton for, with Mr. Alger against.

Mr. Dent for, with Mr. Gary against.

Mr. Daddario for, with Mr. McClory against.

Mr. Monagan for, with Mr. Passman against.

Mr. Macdonald for, with Mr. Haley against.

Mr. Kluczynski for, with Mr. Hagan of Georgia against.

Mr. Brademas for, with Mr. Hardy against.

Mr. Joelson for, with Mr. Henderson against.

Mr. Rodino for, with Mr. Adair against.

Mr. Thompson of New Jersey for, with Mr. Roberts of Texas against.

Mrs. Sullivan for, with Mr. Pilcher against.

Mr. Stratton for, with Mr. Whitten against.

Mr. Cameron for, with Mr. Forrester against.

Mr. Clark for, with Mr. Watson against.

Mr. Dawson for, with Mr. Hoeven against.

Mr. Dulski for, with Mr. Horton against.

Mr. Farbstein for, with Mr. Cahill against.

Mr. Finnegan for, with Mr. Auchincloss against.

Mrs. Griffiths for, with Mr. Bob Wilson against.

Mr. Gill for, with Mr. Westland against.

Mr. Healey for, with Mrs. St. George against.

Messrs. FULTON of Pennsylvania, HARSHA, and HALL changed their votes from "yea" to "nay."

Mr. KYL changed his vote from "present" to "nay."

The result of the vote was announced as above recorded.

SUPPLEMENTAL APPROPRIATION BILL, 1965

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order to consider the supplemental appropriation bill for 1965 on Wednesday next.

The SPEAKER pro tempore (Mr. MILLS). Is there objection to the request of the gentleman from Texas?

Mr. JENSEN. Mr. Speaker, on that I reserve all points of order.

Mr. GROSS. Mr. Speaker, I object.

REGULATION OF SECURITIES IN DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9419) to provide for the regulation of the business of selling securities in the District of Columbia and for the licensing of persons engaged therein, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 2, line 7, after "issuer" insert "or any of its subsidiaries".
>
> Page 6, line 23, after "issuer" insert "or any of its subsidiaries".
>
> Page 9, lines 20, 21, and 22, strike out "any contract issued by an insurance company pursuant to section 41 of chapter III of the Life Insurance Act (D.C. Code, sec. 35–541);".
>
> Page 10, line 6, after "period" insert "or any contract issued by an insurance company pursuant to section 41 of chapter III of the Life Insurance Act, as added by Public Law 86–520 (D.C. Code, sec 35–541)".
>
> Page 37, lines 14 and 15, strike out "1070 of the Act of March 3, 1901 (D.C. Code, sec. 14–401.", and insert "14–501 of the District of Columbia Code."
>
> Page 38, strike out all after line 11 over to and including line 2 on page 39 and insert:
>
> "SEC. 17. Section 11–742(a) of the District of Columbia Code is amended (1) by striking out 'and' at the end of paragraph (8); (2) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the world 'and'; and (3) by adding at the end thereof the following new paragraph:
>
> "'(10) final orders of the Public Service Commission of the District of Columbia under the provisions of the District of Columbia Securities Act.'"
>
> Page 39, line 11, after "Columbia." insert: "In no case shall more than three members of the Advisory Committee be members of the same political party.".
>
> Page 41, strike out all after line 12 over to and including line 4 on page 42.

The SPEAKER pro tempore (Mr. MILLS). Is there objection to the request of the gentleman from South Carolina?

Mr. KEITH. Mr. Speaker, reserving the right to object, I wonder if the chairman could tell me the significance of the Senate amendments?

Mr. McMILLAN. The Senate has stricken from the bill the item pertaining to variable annuities.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. KEITH. I yield to the gentleman.

Mr. SPRINGER. May I say that this was a matter of some discussion. This bill in the House was my bill. It went over to the other body and I believe it has some other name over there, but that is all right with me. I just want to explain what took place.

The Senate, in its wisdom, saw fit to take out the item with reference to variable annuities. There have been some who asked me about this. I had said to everyone who talked to me about it that I would introduce such a bill in January, that we would have thorough hearings on it and try to come to some resolution.

This was an important bill, regulating the entire securities business of the District of Columbia. We have had some very unfortunate experiences here, because this is one of the few jurisdictions that does not have the blue-sky law. Unless we do enact such legislation these people will continue to operate in the District of Columbia and it is of major importance in this field.

I want to assure my distinguished colleague from Massachusetts that I am familiar with his thinking on the subject of variable annuities. In my bill I assumed his position which was contained in the bill which went over to the Senate. But as we could not get the Senate to agree on it, they took that provision out.

Mr. KEITH. Mr. Speaker, what concerned me is that the Supreme Court has decreed that variable annuities are in effect securities. The SEC in their testimony before the District of Columbia Committee did feel that they should come within the scope of this legislation. I should hope that there was some way by which we could be certain or at least be assured of a reasonable opportunity to make certain, that these variable annuities which are securities and are within the scope of the legislation similar to that which we are about to enact today will be included in some legislation that we can pass.

Mr. McMILLAN. Mr. Speaker, if the gentleman will yield to me, I would like to assure the gentleman from Massachusetts that I shall support an amendment or a bill beginning sometime next year to see that variable annuities are included.

Mr. KEITH. Mr. Speaker, may I ask the gentleman if he has any indication that there might be some sentiment on the other side that would enable us to uphold the House position which we adopted when this legislation first passed the House?

Mr. McMILLAN. No, sir; I do not.

Mr. SPRINGER. Mr. Speaker, if the gentleman will yield to me, I think the distinguished junior Senator from Virginia, Senator ROBERTSON, is in favor of this. This does come to the Committee on Banking and Currency in the other body, as I understand it, and he has assumed the same position as that of the distinguished gentleman from Massachusetts and myself with reference to this matter. I think it is a matter that would receive favorable consideration on the other side of the Capitol.

Mr. KEITH. Mr. Speaker, I thank the gentleman very much and I withdraw my reservation of objection.

Mr. McMILLAN Mr. Speaker, I would like to make the statement to the gentleman from Illinois [Mr. SPRINGER] that the bill does continue to keep his name.

Mr. SPRINGER. I appreciate that.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to regulate the business of selling securities and to license persons engaged in the business. The Senate amendments primarily are technical changes. The principal difference between House and Senate bills is that the Senate amendments continue the jurisdiction of the Superintendent of Insurance over variable annuity insurance policies as is the case at the present time.

Companies issuing such policies and the representatives who are selling such policies to the public are presently controlled and licensed by the Superintendent of Insurance.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO REMOVE CERTAIN RESIDENCE RESTRICTIONS UPON OFFICERS AND MEMBERS OF THE METROPOLITAN POLICE FORCE AND THE FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10683) to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

> Strike out all after the enacting clause and insert: "That subsection (b) of the first section of the Act entitled 'An Act to authorize the Commissioners of the District of Columbia to prescribe the area within which officers and members of the Metropolitan Police force and Fire Department of the District of Columbia may reside', approved July 25, 1956 (D.C. Code, § 4–132a), is amended by striking 'twenty' and inserting in lieu thereof 'twenty-five'."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McMILLAN. Mr. Speaker, the purpose of this bill is to amend existing law relating to the permissible distance of residence from the Capitol building for members of the Metropolitan Police Department and Fire Department of the District of Columbia.

The bill as passed by the House removed all restrictions as to the place of residence of the Police and Fire Department employees.

The Senate amended the House bill by placing the distance permitted at 25 miles from the Capitol, at the discretion of the Commissioners.

The acceptance of the Senate amendment would have the effect of increasing the maximum distance from the Capitol for residence of Police and Fire Department personnel from 20 to 25 miles, at the discretion of the Commissioners.

TO AMEND THE DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT, AS AMENDED

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 6353) to amend the District of Columbia Unemployment Compensation Act, as amended, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 8, strike out "Columbia" and insert: "Columbia, or the United States Accounting Office".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

LEGISLATION PROGRAM FOR THE WEEK OF AUGUST 17, 1964

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, I have asked for this time in order to request of the majority leader if he will kindly advise the Members of the House as to the program for next week, beginning Monday.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, Monday is Consent Calendar day.

There are 28 bills listed under suspension of the rules for Monday.

I shall not read all of these bills, unless some Member wants me to do so, but ask unanimous consent that a list of the bills be inserted in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The bills scheduled for consideration under suspension of the rules are as follows:

1. H.R. 6242, Farm Labor Contractor Registration Act of 1963.

2. H.R. 9000, Federal Coal Mine Safety Act amendments.

3. H.R. 12253, Tariff Schedules Technical Amendments Act of 1964.

4. H.R. 2874, Tariff treatment of certain electron microscopes.

5. H.R. 2337, lower Teton division, Teton Basin Federal reclamation project, Idaho.

6. H.R. 3279, Dixie project, Utah.

7. H.R. 7073, increase Farmers Home Administration loan fund limitation.

8. H.R. 12293, extension and amendment of Public Law 480.

9. S. 1363, increasing participation by counties in revenues from the National Wildlife Refuge System.

10. Senate Joint Resolution 49, authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas.

11. S. 3075, amending the Atomic Energy Act of 1954 to provide for private ownership of special nuclear materials.

12. S. 2701, providing for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

13. H.R. 11332, disability and death benefits for reservists.

14. H.R. 11461, naming of Veterans' Administration hospitals.

15. H.R. 4487, to prevent or minimize injury to fish and wildlife from the use of insecticides, herbicides, fungicides, and other pesticides.

16. House Concurrent Resolution 343, expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter.

17. S. 277, expansion of Federal crop insurance coverage.

18. H.R. 12267, to provide for notice of change in control of management in insured banks.

19. S. 49, Alaska Centennial Commission.

20. S. 2995, extending time for commitment of vessel construction reserve funds.

21. H.R. 8546, loans to students of optometry.

22. H.R. 12033, food additives—transitional provisions.

23. H.R. 12362, Railroad Retirement Act amendment.

24. S. 2220, doctors and dentists serving in areas of critical shortage.

25. H.R. 4994, labeling of imported woven labels.

26. H.R. 1712, amend Crooked River Federal Reclamation Project Act to provide for irrigation of additional lands.

27. H.R. 5118, Whitestone Coulee unit of Okanogan-Similkaneen division, Chief Joseph Dam project, Washington.

28. H.R. 2392, authorizing the Secretary of Interior to initiate a program for the conservation, development, and enhancement of the Nation's anadromous fish.

Mr. ALBERT. Mr. Speaker, for Tuesday and the balance of the week the program is as follows:

Tuesday is the call of the Private Calendar.

Also for consideration for Tuesday and the balance of the week are the following bills:

H.R. 9586, National Arts and Cultural Development Act of 1964.

The Supplemental Appropriation bill, 1965, is to be brought up Wednesday or later, depending on when it is eligible.

S. 1686, annuities to widows of Supreme Court Justices.

H.R. 3869, technical agriculture assistance to Guam.

H.R. 11893, retain "1964" on coins temporarily.

H.R. 7107, Fire Island National Seashore.

House Resolution 809, travel authority for Judiciary Committee.

S. 254, Supreme Court parking lot.

This announcement, Mr. Speaker, of course is made subject to the usual reservation that any further program may be announced later and that conference reports may be brought up at any time.

Of course, Mr. Speaker, Members will understand that there may be conference reports next week at any time and that there will probably be additions to the program.

Mr. ARENDS. Would the gentleman from Oklahoma care to look into his crystal ball for a moment with respect to next week and the possibility, even the possibility, of finishing our work next week? That might be a rather hard question to answer.

Mr. ALBERT. Well, I cannot think of anything better than the old line, "Hope springs eternal in the human breast."

That is as far as I can go.

Mr. BONNER. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from North Carolina.

Mr. BONNER. The list of bills that is scheduled under suspensions on Monday next, if they are not to be brought up next Monday because of the lack of sufficient time in which to consider them, when will they be later considered?

Mr. ALBERT. Mr. Speaker, if the gentleman from Illinois will yield further, the only thing we can do is if we do not finish the list of suspensions on Monday would be to bring them up under other methods or obtain unanimous consent to bring them up under a suspension of the rules or at a later suspension day, or under a resolution.

Mr. BONNER. If the gentleman will yield further, does the gentleman intend to ask unanimous consent that the House meet early on Monday next in order that these bills may be considered?

Mr. ALBERT. I had not intended to do so. However, a number of these bills, perhaps, may be expeditiously handled. I believe some of them might possibly be passed on the Consent Calendar.

Mr. ARENDS. That is right; some of them might be passed on the Consent

Calendar, which will help expedite the matter.

Mr. SAYLOR. Mr. Speaker, would the gentleman yield further?

Mr. ARENDS. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I would like to say to the distinguished majority leader that a rough calculation indicates 19 hours for the consideration of bills under a suspension of the rules. If this is the case, I believe probably the Members had better arrange to stay here on Monday night next.

Mr. ALBERT. Mr. Speaker, I believe, probably, the gentleman's observation is well taken.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GOVERNMENT COMPETITION IN SALES OF SURPLUS MACHINERY

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. RICH. Mr. Speaker, Metal Working News dated August 3, 1964, carried an article stating that Government surplus machinery agencies are being ordered to use salesmen to drum up attendance at sales and auctions of machine tools and other equipment. Some Government agencies are using civilian salesmen to make regular calls on machinery-using firms, advising them to attend the sales and auctions of surplus machinery. The article points out that all bids are advertised in a catalog but if the agency feels certain machines would be suitable for a specific firm, the salesmen visit the company and ask that the company's representative attend the sale. The business of buying and selling used machinery and tools is a large industry which employs many thousands of people and it is a recognized industry of the well-known trade organization, the MDNA. Apparently now the U.S. Government is officially hurting the used machinery business by sending salesmen around to take the business of established companies away. How can industries and firms reasonably be expected to pay taxes which are used by the Government to finance a competitive organization so that in effect the taxpayers' own money is being used literally to "cut their throats." I trust that the administration immediately takes note of this practice which I have mentioned, investigates and does something about it before another industry in our country is eliminated from the business world and our national economy.

ARE MISSILES STILL IN CUBA? PART II

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAMER. Mr. Speaker, both the AP and the UPI carried news stories yesterday of the reported sightings of missiles in Cuba, which I discussed in the RECORD yesterday. This report took on the added significance in light of the report of the Stennis Preparedness Subcommittee of May 9, 1963, which expressed alarm over recurring reports of remaining missiles in Cuba and which stated as a finding of the committee that the only way to disprove these reports was with onsite inspections.

There are apparently those among us who find comfort in believing that these reports should be placed in the category of "false rumors." After carefully studying these reports, however, I find no such comfort. On the contrary, the alarm expressed by the Stennis committee is well founded.

As I mentioned on the floor yesterday, the Citizens Committee for a Free Cuba made these latest revelations public. Naturally, the authenticity and reliability of the Citizens Committee for a Free Cuba takes on great importance so that we can evaluate their reports in proper perspective.

I have been in close contact with the Citizens Committee for a Free Cuba since its formation and have always found their information to be carefully screened before being released to the public. The latest report to which the committee refers came as a result of 12 explosions on March 20, 1964, in Pinar del Rio Province. The explosions followed a fire which broke out at the La Guatana military base located in that Province, according to the committee's report. This evidently necessitated removing a score of missiles to a Russian base located a short distance from the Provincial capital of Pinar del Rio. Only partially covered with tarpaulins, the missiles were visible to onlookers who were quickly dispersed by Cuban militia.

An example of the painstaking effort the Citizens Committee for a Free Cuba took in assessing this report is indicated by the fact that, before releasing this information, they checked this report for 1½ months before making it public. Naturally, they have underground sources in Cuba and on the basis of the past accuracy of certain members of the underground, they can assess these facts.

I have been informed by the committee that the underground reports used by them are the same as those which revealed on August 7, 1962, the missiles in Cuba at that time. At that time, the administration took these reports with a "grain of salt."

As we all well know, their reports turned out to be accurate—witness the 1962 Cuban crisis.

Likewise, over the past year, this committee reported the introduction of surface-to-air missiles in Cuba which has since proven accurate.

This committee also revealed details of the Cuban plan to subvert Venezuela with the introduction of arms and munitions. This was also proven to be accurate.

Mr. Speaker, the record of careful analysis and credibility of this organization made up of responsible—and concerned—people has been established.

This latest report by this organization is by no means isolated, but is the latest in a series of continuing reports they have been making of the missile potential in Cuba.

In view of past performance of this organization, the Russians, and the administration, I can come to only one logical conclusion. The presumption in my mind is that missiles can still be in Cuba. It can be rebutted only by conclusive proof to the contrary, such as can be procured for instance by onsite inspections and I renew my request that the United States take the leadership in urging the OAS to make such onsite inspections possible.

I also feel that as all nations concerned are members of the United Nations, an effort should be made through that organization as well. Such an accomplishment would go a long way in quelling the legitimate criticism directed toward that organization. After all, all we are after is a fulfillment of the promises of onsite inspection made to this Government by the Soviet Union at the time of the missile crisis.

In view of these reports, onsite inspection is not only reasonable but it, or some equally reliable source of information, is essential.

At this point I am including, in the RECORD, the article from the August 10, 1964, issue of the Free Cuba News which discusses the recent reports of missile sightings in Cuba:

INTERMEDIATE-RANGE MISSILES IN CUBA, STATES INTELLIGENCE REPORT

Missiles, ranging in length from 40 to 120 feet, are located at the La Guatana military base in Pinar del Rio Province. This is the judgment of an intelligence report received from the underground resistance in Cuba. The exact number of missiles in La Guatana is not precisely known, but the Cuban Student Directorate (DRE) claims that 85 of these missiles were installed at the base in late 1961 and early 1962. Only 55 were removed at the time of the missile crisis of 1962, according to the DRE report.

Other sources add to the missile picture in Cuba. They state that more missiles were introduced into the island last June, and that they are now installed underground in the Yumuri Valley of Matanzas Province, approximately 100 miles east of Havana.

According to the detailed four-page report submitted to Free Cuba News by the DRE, conclusive evidence of the presence of IRBM's came to light in a spectacular manner the 20th of March of this year. DRE intelligence sources in Cuba have been checking out the details since that time, and only recently arrived at the judgment that IRBM's are in fact still in Cuba. Here is the gist of the report:

At exactly 9:10 p.m. on March 20 of this year, a fire broke out at La Guatana Base. It was followed an hour later by a series of 12 giant explosions which sent debris flying to a height of 3,000 feet, covering an area of several miles. The fireworks themselves were visible for 15 miles, creating a state of panic throughout the Province.

The balance of the night, and the day following, great Russian truck-trailers moved a score of missiles from La Guatana to a Russian base located at the Granja Escuela Ludovico S. Noda, a short distance from the Provincial capital of Pinar del Rio. Only partially covered with tarpaulins, the missiles were visible to onlookers who were quickly dispersed by Cuban militia.

The report also puts the number of Russian soldiers at the La Guatana Base alone at slightly more than 1,500. The Soviets had 2,500 soldiers at La Guatana during the missile crisis, according to the DRE report.

One hundred of the Soviets were badly burned by the blaze on March 20, and were evacuated to the Asilo de Ancianos hospital, a hospital devoted exclusively to the care of the Soviets, and to selected militia and their families.

Other sources, among them the former proprietor of a finca (farm) located next to La Guatana, provided more information. Sr. Cuco Vinas stated that, according to his sources, the tremendous explosions were caused by leakage of liquid oxygen, the propellant used for missiles. The "pay-loads" for the missiles are, according to Sr. Cuco Vinas, stored in another base, known as the finca Cafetal.

The importance attached to the explosions at the missile base is attested by the fact that both Fidel Castro and the Russian Ambassador to Havana rushed to the scene of the catastrophe at 11 p.m. Castro tried to take charge, but was rebuffed by Soviet officers.

The following day, heavy-duty cranes were dispatched to nearby fincas where they removed parts of missiles and missile equipment which had been hurled there by the force of the explosions. The cranes were accompanied by Russian officers and several companies of Cuban militia whose commanders warned the peasants to say nothing about the missiles upon pain of death.

Dr. Luis Fernandez Mendiola, a recent escapee from Matanzas Province, states that IRBM's continue to come into Cuba. The end of the first week of June, said Dr. Mendiola, a convoy of Russian truck trailers bearing missiles passed his clinic in the city of Matanzas. He spoke of the convoy and the extraordinary security precautions surrounding its movement in the following words:

"The convoy passed through the city in complete darkness. The authorities cut off all electric current in the city until the convoy was gone. This is exactly the type of security precaution Castro and the Soviets took in the summer and fall of 1962 when missiles were sent into Cuba."

Because of the great length of the missiles, the convoy was forced to traverse the wide thoroughfares of the city. Their diameter was estimated at between 6 and 8 feet by eyewitnesses. Said Dr. Mendiola:

"Police cars were placed at all the entrances to the main thoroughfares, and dispersed traffic and the curious onlookers who were attracted to the scene by the cutoff of electricity and the noise made by the convoy. I could easily tell that the cargoes were missiles, since the convoy passed directly in front of my clinic. The trucks came down the Via Blanca highway from the direction of Havana and went to the Yumuri Valley, near the city of Matanzas. The Russians have been working hard at excavations in that area, and the entrance roads to the valley are sealed off to all but military traffic."

Russian construction continues in Pinar del Rio Province, as well. Refugees from the area of La Guatana say that the base has been rebuilt, and another constructed at a nearby finca called El Inciso. The DRE report supplies more details to the eyewitness testimony. The two bases, states the DRE, are now "hardened" in extensive concrete abutments.

I am also including in the RECORD some of the pertinent material in the Interim Report of the Preparedness Investigating Subcommittee known as the Stennis Subcommittee of the Armed Services Committee of the U.S. Senate, filed May 9, 1963, which certainly lends strong support to my position on this matter, and to the fact that it is quite possible that missiles still remain in Cuba and that on-site inspections are the only way of gaining "full and absolute assurance on the question."

INTERIM REPORT ON CUBAN MILITARY BUILDUP (EXCERPTS FROM STENNIS SUBCOMMITTEE REPORT, MAY 9, 1963)

II. SUMMARY OF MAJOR FINDINGS

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3. While a reasonably competent job was done in acquiring and collecting intelligence information and data, in retrospect it appears that several substantial errors were made by the intelligence agencies in the evaluation of the information and data which was accumulated.

4. Faulty evaluation and the predisposition of the intelligence community to the philosophical conviction that it would be incompatible with Soviet policy to introduce strategic missiles into Cuba resulted in intelligence judgments and evaluations which later proved to be erroneous. Among these were:

* * * * *

(c) It was not until the photographic evidence was obtained on October 14 that the intelligence community concluded that strategic missiles had been introduced into Cuba. In reaching their pre-October 14 negative judgment the intelligence analysts were strongly influenced by their judgment as to Soviet policy and indications that strategic missiles were being installed were not given proper weight by the intelligence community. A contributing factor to this was the tendency on the part of the intelligence people to discredit and downgrade the reports of Cuban refugees and exiles.

7. To a man the intelligence chiefs stated that it is their opinion that all strategic missiles and bombers have been removed from Cuba. However, they readily admit that, in terms of absolutes, it is quite possible that offensive weapons remain on the island concealed in caves or otherwise. They also admitted that absolute assurance on this question can come only from penetrating and continuing on-site inspection by reliable observers and that, based on skepticism, if nothing more there is reason for grave concern about the matter.

8. There are literally thousands of caves and underground caverns in the island of Cuba and many of these are suitable for the storage and concealment of strategic missiles and other offensive weapons. Refugee and exile reports continue to insist that they are being so utilized. Military-connected activities have been noted with reference to a number of them but it is the view of the intelligence analysts that the military usage of the caves is for the storage of those weapons which we know are now in Cuba and not for the storage of offensive weapon systems. Admittedly, however, this view is based to a substantial degree on the negative proposition that there is no hard evidence confirming the presence of strategic missiles in Cuba at this time.

9. Even though the intelligence community believes that all have been withdrawn, it is of the greatest urgency to determine whether or not strategic missiles are now concealed in Cuba. The criticality of this is illustrated by the fact that, assuming maximum readiness at preselected sites, with all equipment prelocated, the Soviet mobile medium range (1,100 miles) missiles could be made operational in a matter of hours.

* * * * *

Par. 14. The evidence is overwhelming that Castro is supporting, spurring, aiding and abetting Communist revolutionary and subversive movements throughout the Western Hemisphere and that such activities present a grave and ominous threat to the peace and security of the Americas.

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Page 11. It has also been noted that the intelligence community did not estimate that strategic missiles would be introduced into Cuba until photographic confirmation was obtained on October 14. It appears that, on this point, the analysts were strongly influenced by their philosophical judgment that it would be contrary to Soviet policy to introduce strategic missiles into Cuba. In retrospect, it appears that the indicators to the contrary were not given proper weight. Among other things the discovery of the surface-to-air missile complex in the San Cristobal area on August 29 could logically have led to the assumption that they were being constructed to protect a strategic missile installation since it was clear that these SA–2's were not being emplaced for the purpose of protecting any existing or known military installation.

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Page 15. Based upon their judgment that all strategic missiles and offensive weapon systems have been removed, the intelligence community does not believe that Cuba now presents any major direct military threat to the United States or Latin America in an offensive or aggressive sense. Strategic weapons may or may not be now in Cuba. We can reach no conclusion on this because of lack of conclusive evidence.

* * * * *

3. Reports of concealed strategic weapons in Cuba. Reports from refugees, exile, and other human sources insist that the strategic missiles and bombers were not removed from Cuba but are concealed in caves and otherwise. The intelligence community, although aware of these reports, have been unable to confirm them and adhere to the position that all strategic weapons are withdrawn. The current intelligence estimate that they are not present is based largely on the negative evidence that there is no affirmative proof to the contrary. This, of course, was precisely the status of the matter prior to last October 14.

There is no doubt that there are literally thousands of caves and caverns in Cuba and that it is feasible to use many of these for the storage and concealment of strategic missiles and other offensive weapons. It is also true that military activity has been observed in connection with these caves. Our intelligence people are of the opinion that some of the caves are in fact utilized for the storage of military items and equipment other than strategic missiles, such as ammunition, explosives, etc.

The importance of making every effort to ascertain the truth with respect to this matter cannot be overemphasized. The criticality of it can best be illustrated by the fact that the testimony established that, upon the assumption that all missiles and associated equipment and the necessary personnel were readily available near preselected sites in a state of complete readiness, mobile medium-range missiles could be made operational in a matter of hours. Thus, if these missiles and their associated equipment remain in Cuba, the danger is clear and obvious.

STATE DEPARTMENT AGAIN FAILS AMERICAN INVESTORS IN VENEZUELA

Mr. SCHWEIKER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BECKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BECKER. Mr. Speaker, once again I take the floor to call attention to the seizure of the properties of the Venezuelan Sulphur Corp. This corporation is entirely owned by U.S. citizens as stockholders, as well as taxpayers.

In the light of the seizure of this multimillion-dollar investment, it is tragic that the Government of the United States has given to Venezuela aid totaling almost $190 million. Loans have been granted to Venezuela by the United States with interest rates of three-quarters of 1 percent. This means that the U.S. Government is borrowing this money and charging its taxpayers 4 percent interest rates, while loaning the money to Venezuela at three-quarters of 1 percent. This three-quarters of 1 percent hardly pays the equivalent of the service charges. Despite the great amount of aid that the United States has been and is giving to Venezuela—financial and otherwise—the Government of Venezuela still refuses to make any settlement with the Venezuelan Sulphur Corp. for the seizure of their property.

It is hardly any wonder that our State Department has been inept, to say the least, in interceding for the U.S. investors when Dean Acheson and his law firm are the legal counsel for Venezuela in the United States, while at the same time Dean Acheson is a consultant to the State Department and is serving the State Department in other capacities, even though he may be doing this without direct compensation.

Mr. Speaker, the Venezuelan Sulphur Corp. has been forced to go into the U.S. courts. The court has asked that the State Department and Venezuela settle this matter in an equitable manner. Even in the light of the court's request, Venezuela refuses to do so.

The refusal of the Government of Venezuela to do this cannot be understood by Americans, and it would seem that the Government of the United States in continuing to support the Government of Venezuela, financially and otherwise, is operating against the interests of American taxpayers and investors.

I can only say that for the past 2 years I have called this to the attention of the State Department and to the Congress—that, as long as the Government of the United States is willing to give away the taxpayers' money in this manner, so long will the taxpayers and investors be deprived of their rights by foreign governments.

I believe also it is unethical for Dean Acheson, whose law firm is legal counsel for Venezuela in the United States, to be associated in any way, shape or form, with the State Department. His very influence in these matters is increased by his association with the State Department.

The Venezuelan Sulphur Corp. is ready and willing at any time to sit down with the Government of Venezuela and work out a settlement. However, Venezuela replies by saying the corporation should sue Venezuela in the courts of Venezuela.

What chance would the stockholders of the Venezuelan Sulphur Corp. have in any just settlement under these conditions? None.

JAMES V. BENNETT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. McCORMACK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McCORMACK. Mr. Speaker, an outstanding public servant and one of the finest gentlemen that this Nation has ever produced is retiring from the Federal service on August 28, the eminently qualified, scholarly, and well-beloved Director of the Federal Bureau of Prisons, James V. Bennett.

The career of James Bennett personifies in every respect the highest qualities that the Nation can demand in a public servant. To me he is the "dean" of America's civil servants and an inspiration to all those who revere humanitarianism, ability, and justice.

Today, the Federal Prison System is the standard for the world in everything from prison architecture to the most advanced correctional methods. It has achieved this renown status because "Jim" Bennett has poured the sum of his 45 years of Federal Government experience and the whole of his imaginative and inquiring personality into this organization. He has raised the Federal prison system from the abject disgrace of 1920's to a level of administrative excellence which is the envy of the Government.

In the course of the 27 years that James Bennett has served as Director of Federal Prisons he has transformed not only the agency itself, but he has been a brilliant source of guidance and encouragement to this House. I well remember his contributions to the 1950 Youth Act and to many other progressive and enlightened measures that have added much to the quality of justice in this country.

The career of James V. Bennett has been one of practical, courageous, humanitarian accomplishments. He has been a long and true friend of the lawmaker and to the conscience of the Nation. In his retirement the Government is losing one of its finest servants, but "Jim" Bennett has more than earned the right to a long and active retirement. I know that his retirement years will be spent in the continued service of the causes to which he had dedicated his life.

EXTENSION OF REMARKS ON THE DEATH OF SENATOR ENGLE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the time for extension of remarks on the death of the late Senator Engle be extended from August 11 to August 18.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANSLEY WILCOX HOUSE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. DULSKI] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DULSKI. Mr. Speaker, on Monday, August 17, the House will consider my bill, H.R. 3500, to acquire and preserve the Ansley Wilcox House in Buffalo, N.Y., as a national historic site. I appeal to all of my colleagues to support this bill. On August 3, we passed legislation for the preservation of seven sites throughout the country as historical shrines. All of these had my support.

The Wilcox House, located at 641 Delaware Avenue in Buffalo, is the place where Theodore Roosevelt was sworn in as President of the United States. It is one of only five sites outside Washington, D.C., where the Presidential oath has been administered. The others are the old Subtreasury Building in New York City, where George Washington was inaugurated for his first term; Philadelphia's Congress Hall—the scene of Washington's second and John Adam's inauguration; the homestead in Plymouth, Vt., where Calvin Coolidge was sworn in; and the oath taken by President Johnson last November on the plane.

Why do I press this cause upon you, and respectfully urge your most vigorous support? It is because in all America—indeed, throughout the world—there is no counterpart. The Wilcox home is unique in its combination of rare architectural charm, rich historic associations, and inspiring reminders of much that is best in the American way of life. It is part of the heritage that we hold in trust for the future.

Whatever our evaluation of the man, Theodore Roosevelt—and mine is high—we all can agree, I am sure, that his administration marked the beginning of a new concept of the Presidential office, its privileges and responsibilities, its significance in world affairs. Thus, in Buffalo, at the home of Ansley Wilcox, began a new era in American political and international relations. Surely this, too, is a potent reason why the stately and historic mansion should be preserved.

Let me explain that George Washington was first sworn in in New York City when there was no city of Washington, and his second oath was administered at Congress Hall in Philadelphia when it was the Capital of the United States. Likewise, John Adams was administered the oath at Congress Hall. Actually, the Ansley Wilcox House is one of three sites in the United States where a President has been administered the oath of office outside the Capitol itself.

Theodore Roosevelt was a great friend of Ansley Wilcox and at the time of the Pan American Exposition in Buffalo, after the shooting of the President on September 9, 1901, he, as Vice President, was summoned to Buffalo although it did not appear until several days later that President McKinley's wounds were fatal. Naturally, the Vice President was offered the hospitality of his friend's home, and hence it was that the Wilcox Mansion became the scene of the oath.

The Wilcox mansion was originally a part of the Poinsett Barracks, the Army post for this area in 1838. The building dates from that period and is the only material vestige of the Poinsett Barracks that is left in Buffalo.

The Wilcox House is the finest existing example of the Greek revival style left in this part of the country. In this connection, permit me to say that the Greek revival as an architectural period flourished in the United States from 1800 to 1850 or 1860, and reached its highest peak during the two decades, 1830 to 1850, which is the date of the Wilcox mansion's beginning.

It is the only structure left in the city of Buffalo with enough historic background to warrant its preservation as a national historic site. It has probably been visited by more Presidents than any other residence outside of Washington, D.C. Among the Presidents who have been in the mansion are Zachary Taylor, who visited there in 1838; Martin Van Buren, 1839; Lincoln, 1861; William McKinley, 1879; Theodore Roosevelt, 1901; William Taft, 1908; Woodrow Wilson, 1912; and Franklin Roosevelt, 1931. Millard Fillmore, 13th President of the United States, who lived in Buffalo, was a regular guest in the home.

National concern for the preservation of our architectural legacy continues to rise in reaction to the crescendo of bulldozers. In 1913, as perceptive an observer of the American scene as James Bryce foretold this state of our cultural development in an address before a Washington group:

> You are still in the early days of your history and are only beginning to accumulate historic memories which in four or five centuries will be rich and charged with meaning like those of European cities.

This statement emphasizes the attainment in so short a time of the present level of American cultural abundance and awareness.

In 1935, successful pioneering was recognized by Congress within the framework of the Historic Sites Act—49 Stat. 666—providing for the preservation of historic American sites, buildings, objects, and antiquities of national significance.

Mrs. Jacqueline Kennedy, as First Lady, brought an awareness of the historic past to the White House.

Congressman LEO O'BRIEN, who chaired the subcommittee hearings on my bill, has stated:

> Don't you think there is an inclination not only to look elsewhere for history, but to look back? We become hypnotized by dates, 1776, and so forth, and we are inclined to treat too lightly something that occurred in our own century. There are people still around that were living when this happened, and I have a very strong feeling that if we say, 'Well, this is too modern, let's forget it,' about 50 years from now a great many people are going to cuss us as they realize this important thing is under an office building or hotdog stand. That's one of the things that bothers me—that we don't recognize history soon enough.

Seemingly, this is an age of "historic shrines." And yet it is an irony of our time that this upsurge of interest in historic buildings should be accompanied by accelerating destruction—as will be the case with the Ansley Wilcox House if favorable action is not taken upon my bill. It is only because of the patriotism and patience of the present owner of this mansion that it is still standing and has not been demolished.

I have been contacted by thousands of people in Buffalo and western New York, urging preservation of this home which is one of only two private residences in the country where the Presidential oath has been administered and which has not been made a national historic shrine.

There is no question but that the Wilcox House is a national historic landmark of the utmost significance, and I urge my colleagues to preserve this building so that it will not be bulldozed into oblivion.

WE BADLY NEED A NATIONAL CENSUS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Montana [Mr. OLSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OLSEN of Montana. Mr. Speaker, it is becoming increasingly apparent to everyone that this country cannot wait until 1970 for the next census of population. Every day we are reminded anew that as we get further away from the last census held in 1960, we are attempting to resolve and to legislate upon matters of greatest importance without the factual information necessary to arrive at intelligent and informed judgments. Wherever we turn—whether it is apportionment of Members of this House or members of the State legislatures, whether it is determining State allocations under the new antipoverty program, or whether it is assigning State and local government quotas for our now vast expenditures for health, education, manpower, and welfare—everywhere we turn we find that we just do not have the up-to-date information we need concerning our population, our housing, and our labor force.

Mr. Speaker, I do not need to tell my colleagues that this country is moving and moving fast. Every Member of this House knows that his district has seen great changes since the census was taken in 1960. But, in spite of all the money this Nation spends for statistics—in 1963, our committee reported that the Federal agencies alone spent well over $100 million for this purpose—we just do not know anything quantitative about the economic and social changes that have taken place since 1960. The Census Bureau tells us that one family in five moves every year, and that the lower income families often move as much as three times a year and many of these moves are across State lines. Yet, time after time, when we try to get recent information from the Federal agencies about our States and local communities, they tell us that the most recent data they have is from the 1960 census. In fact, often they give you the old census data and try to pass it off as something else. Next year our U.S. population will total 196 million, and we should reach 200 million before 1967. Our population increase since 1960 is already larger than the total population of our 17 smallest States. This increase is four times the total U.S. population of 1790, when our first census was taken.

The other day I voted for H.R. 11377—the antipoverty bill—and I was glad to do so because I firmly believe that this Nation can well afford to help its poor. But, I must admit that I had and have some misgivings about certain sections of the bill which call for allocations to the States based on "the number of related children under 18 years of age living in families with incomes of less than $1,000." Now, these figures are compiled only once every 10 years and I don't care what the agencies tell you, or what kind of horseback estimates they come up with, these figures come from the 1960 census and we will not have a similar compilation again until the 1970 census. I was interested in an insertion in the CONGRESSIONAL RECORD of August 12 by our colleague, the gentleman from California [Mr. BURTON]. He is concerned that the antipoverty allocations formula for California will overlook the fact that a new program for aid to dependent children was not established until February 1964. Shall we tell the gentleman from California [Mr. BURTON] that another part of the formula calls for using April 1960 census data in spite of the fact that California's population increases by some 600,000 persons every year.

Now, with one family in five moving every year, where are those people now in 1964? No one knows for sure and if you ask the Census Bureau, they will be the first to tell you so. But a child who was 18 in 1960 is 22 this year—so that allocations to the States under the antipoverty program will, by necessity, be made on these families not as they are today, but as they were 4 years ago. Moreover, since there has been a substantial improvement in economic conditions since 1960, a large number of families have long since departed the under $1,000 income class and here again, just how many we do not know.

Let me cite another illustration from the antipoverty bill. In section 203(b), funds are to be allotted to States on the ratio of unemployment in the State to the total U.S. unemployment. Now, there is considerable discussion about the accuracy of our unemployment figures, and just let me say that the U.S. figure may be fairly accurate, but there is general agreement that this figure needs to be improved. But, what about the State estimates of unemployment compiled by the Department of Labor? Let me quote from the report of the President's Committee To Appraise Employment and Unemployment Statistics, the Gordon Committee report, which says that these data "are of uncertain economic significance as the basis for constructing estimates" and then goes on to say that these data are "of uncertain accuracy."

Now, how in Heaven's name can the administration allocate funds to the States in the antipoverty program based on such statistics as I have described. The answer, of course, is that millions of dollars will be misspent and illspent because our friends in the executive branch just have not done their homework.

Mr. Speaker, our Subcommittee on Census and Government Statistics held exhaustive hearings on the need for a mid-decade census during the 87th Congress. We took testimony from State Governors, mayors of our large cities, and from a large number of experts in this field. A large majority of State Governors favored the middecade census, as well as the mayors of our largest cities—New York, Chicago, Los Angeles. Economists, social scientists, demographers, market analysts, advertisers—all testified before our subcommittee that this country could ill afford to wait until 1970 for the next census. In view of the strong support around the country, we were shocked to learn that the Bureau of the Budget opposed any middecade census. We were more shocked to learn that they opposed it, not because of the cost, which would be understandable, but because they told us we did not need it. They told us that they could take care of all of our data needs with what they called "studies in depth" and they could sample any problem we had and come up with reliable statistics. Their statements are on record in our published hearings.

Well now, with this antipoverty legislation, their poor judgment and advice to the President has come home to roost. In this legislation they are advising the President and Sargent Shriver, or whoever the Administrator turns out to be, to make fiscal determinations and to allocate funds to States on the basis of statistics which the President's Committee itself has disowned as being of "uncertain accuracy." I submit that these gentlemen in the Bureau of the Budget, however well intentioned they may be, have done a disservice not only to the President and Congress, but also to the low-income families of this country.

Mr. Speaker, there have been a number of bills introduced in the House proposing a national census. Offhand, I know of bills by the gentleman from Michigan, Congressman LESINSKI; the gentleman from Pennsylvania, Congressman CORBETT; the gentleman from Arizona, Congressman UDALL; the gentleman from North Carolina, Congressman HENDERSON; the gentleman from California, Congressman WILSON, and myself. I noticed that only the other day another bill was introduced by the gentleman from Maryland, Congressman FRIEDEL. All of these gentlemen agree with me that we need a national census now and that we should not wait until 1970.

The Census Bureau has assured me that they could arrange to take a national census of population, housing, and the labor force in April 1966. It is already too late for a 1965 census and we can blame the Bureau of the Budget for this. How much would it cost? The Census Director tells me that a simplified type of census could be taken for about $50 million—the cost would go up, of course, if more questions are added. The comprehensive 1960 census cost almost $100 million, but, for our needs, this figure could be cut in half, if not more. New enumeration procedures of the Census Bureau, tested recently in Louisville, Ky., may result in even greater savings.

How to finance it? I think it is clear from what I have said that the census should be financed from the funds to be appropriated for the antipoverty legislation. I would go further and say that the census, in addition to collecting information which will be vital also to apportionment problems and to civil rights legislation, should be directed toward obtaining specific information about our low income families—who they are, where they are, and, if you will, why they are. Let us not delude ourselves that the $947 million authorized this year will do any more than launch this program. We can reasonably expect to spend a billion a year from now on and I, for one, believe that we should. But let us put some dimensions on the problem we are attacking and we can do this by earmarking 5 percent of this year's funds for a national census—call it the "poverty census," if you will. I much prefer this approach to the "census of wealth" that the Budget Bureau is talking about. From my remarks, you will understand that with the statistics and information now available to us, we stand to waste well over 5 percent of the antipoverty funds not only this year but in each subsequent year, because of misspent and ill-spent moneys. Poor statistics must necessarily lead to poor planning—how could it be otherwise?

Let us use some commonsense now and proceed to get the facts we need. I can assure you that it will be the best investment of public funds made by this Congress.

SENATOR PIERRE SALINGER'S VISIT TO THE PHILIPPINE REPUBLIC

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. KING] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KING of California. Mr. Speaker, I was pleased to note the laudatory editorial comments in the Manila Bulletin following Senator PIERRE SALINGER's recent visit to the Philippine Republic, which I consider worthy of inclusion in the CONGRESSIONAL RECORD:

MR. SALINGER'S VISIT

The visit of Mr. PIERRE SALINGER, press secretary of the late President Kennedy, may be said to be of mutual benefit to himself and to those with whom he has come in contact here.

A keen observer of international affairs, Mr. SALINGER must have added to his storehouse of knowledge on Philippine affairs through exchange of views and impressions with important people in the local scene.

In the process he has updated us on American perspectives and policies on which misapprehensions have been felt in the light of recent developments, like U.S. Senator BARRY GOLDWATER's advocacy of extremism, the spread of the concept of statism in some sectors of the United States and a measure of aversion toward the challenge of complex problems in world affairs.

His statements assume significance because of his background in Washington, D.C., and his continuing interest in national and international issues and policies. And his candidacy for U.S. Senator for California could open up for him new avenues to help influence the course of U.S. action at home and abroad.

Many who have heard him were struck by his refusal to go along with those who would immortalize President Kennedy, the name, the man and the values for which he lived and died. Man is mortal, according to Mr. SALINGER, and the clay that was Mr. Kennedy has been buried and should be allowed to rest.

But his legacies to the United States and to mankind, in gems of thought and noble deed, and in all that he lived and died for, these could be perpetuated in the memory of a great man for whom no price was too dear to pay in the service of his people. So spoke Mr. SALINGER.

Therefore, he has urged, people who feel qualified and capable to render service to the Government should not begrudge their gifts but should seek public office. The times demand that such people put their collective shoulders to the wheel lest by inaction and default they contribute to misgovernment and allow scoundrels to run public affairs.

These are among the ideas and ideals Mr. SALINGER has sown in our midst. These commend themselves to good government advocates, to all those whose love of country and fellow men is its own reward. For reminding us of these and other eternal truths, Mr. SALINGER deserves our gratitude. With him go our best wishes for success in his crusade for good government and for international understanding and fellowship.

DILUTION OF THE CONSTITUTIONAL GUARANTEES OF RELIGIOUS FREEDOM

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. CORMAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CORMAN. Mr. Speaker, it is most unfortunate that the Republican Party has apparently chosen this time to advocate dilution of the constitutional guarantees of religious freedom. This is the impression created by the recently adopted platform plank on religious exercise in public places. It declares:

> Support of a constitutional amendment permitting those individuals and groups who choose to do so to exercise their religion freely in public places, provided religious exercises are not prepared or prescribed by the State or political subdivisions thereof, and no person's participation therein is coerced, thus preserving the traditional separation of church and state.

I am puzzled by this statement. I cannot discern its meaning. It raises many questions. I am not alone in being baffled by its equivocal language. The magazine Christian Century, in commenting on this proposal in its July 22 issue, said:

> As it emerged from committee, the Republican platform committed or seemed to commit the party to working for a constitutional amendment similar to the Becker proposal which was recently defeated by the House Judiciary Committee. The language adopted committed the party to "support of a constitutional amendment permitting those individuals and groups who choose to do so to exercise their religion freely in public places, provided religious exercises are not prepared or prescribed by the State or political subdivision thereof and no person's participation therein is coerced, thus preserving the traditional separation of church and state."

The meaning of these words is not entirely clear—which was probably not an accident. But they seem to be aimed at the decisions of the Supreme Court relative to prayer and Bible reading in the public schools. To "exercise religion freely in public places" has an innocent sound; that certainly is what happens in church services all the time. But is a public school a public place? Is not the public school teacher an official of a State or a political subdivision thereof? And if the proposal becomes law, as it would if it were adopted as an amendment to the Constitution, would not this fact establish religion? The paragraph is aimed at making political capital out of ill-informed resentment against the Supreme Court's interpretation of the first amendment. If an amendment of the kind favored in this platform were to become law, the first amendment would be weakened or nullified.

On occasion, those on the other side of the aisle have accused Democrats of "fuzzy thinking." I venture to say, however, that we have never provided a platform plank so confused and ambiguous. Nor have we ever recommended weakening the protection of religious liberty contained in the Constitution. At this time in the Nation's history, when right-wing extremists are seeking to destroy the Supreme Court, it ill becomes one of our major parties to support such a cause.

NEW ASSIGNMENT FOR WALTER M. BESTERMAN

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FLOOD. Mr. Speaker, at the end of this month Attorney Walter M. Besterman will leave his post as legislative assistant of the Immigration and Nationality Subcommittee of the House Judiciary Committee to take up his new assignment in mid-September as Deputy Director of the Inter-Governmental Committee for European Migration at Geneva, Switzerland.

Walter has been a most valuable and effective staff director for many years as his service on the Immigration and Nationality Subcommittee spans more than two decades.

Speaking personally, he has, on many occasions, been of great assistance to me and my staff on problems in the field of immigration to my constituents. If there is any one more knowledgeable than Walter in this most complex field, I have never met him.

I wish Walter every success in his new assignment at Geneva. I know I speak for a great many Members of this body when I say we shall miss him very much because his wise counsel has served the membership well.

PSYCHOTOXIC DRUG CONTROL ACT OF 1964

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. MINISH] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MINISH. Mr. Speaker, I have introduced a measure, the "Psychotoxic Drug Control Act of 1964," which is designed to assist law enforcement authorities in the control of dangerous drugs such as amphetamines and barbiturates by providing close Federal regulation of their manufacture, sale, and distribution. I hope that action on this increasingly grave problem can be obtained before adjournment.

Drug addiction has always been a serious problem and in recent years we have seen it take yet another form. An alarming number of people, many of them teenagers, have become habitual users of barbiturates, amphetamines, and other psychotoxic drugs. These drugs which are valuable aids to the physician are dangerous and even fatal when misused. They take their toll in habituation, brain damage, violence, and death.

Our present controls over these drugs are totally inadequate to stem the tide of abuse. It is estimated that one-half to two-thirds of the amphetamines and barbiturate drugs manufactured in this country find their way into illegal traffic. This means that about 5 billion pills a year are going to young people looking for "kicks" and to narcotic addicts and others who depend upon them.

These drugs are dangerous both to the individual and to those around him. Excessive doses of barbiturates induce a state characterized by increasing physical incapacity and lack of coordination. Large doses also lead to disorientation, paranoid delusions, and aggressive behavior. Senator DODD's Subcommittee on Juvenile Delinquency was informed of at least two homicides done by juveniles under the influence of such drugs. Barbiturates can kill in many ways. Deliberate overdosage is common but it is thought that often overdoses are accidental. Withdrawal symptoms are also severe and may be fatal.

Amphetamines in large doses cause physical hyperactivity and often delusions and hallucinations. It is thought that amphetamines are the cause of many otherwise unexplained motor vehicle accidents. Sometimes pills are even found among the victim's possessions. Under the influence of large doses of these drugs drivers do no realize that they are on the wrong side of the road or they may see "ghost" obstacles and veer off the road to avoid them. Amphetamines such as benzedrine are being sold illegally at many diners and other truck stops.

The problem of illegal drug traffic, particularly among teenagers, is growing every year. Police records show annual increases in the number of arrests for use or possession of dangerous drugs. This is a trend which can be reversed only through strict control of the manufacture and distribution of psychotoxic drugs.

There have been a number of tragic cases involving the use of these dangerous drugs by young people in my own area of northern New Jersey. These instances substantiate the findings of Senator DODD's subcommittee that the use of these drugs is more and more prevalent among the so-called white-collar youths who have never had prior delinquency or criminal records. The traffic in these drugs is heavier than ever, and vigorous action must be taken to prevent the further toll in ruined lives and serious crime. My bill calls for more severe penalties for those found selling to children and teenagers.

The able sheriff of Essex County, N.J., Le Roy J. D'Aloia, has stressed the need for more adequate controls over these drugs. In citing the alarming growth in the number of juvenile delinquency cases involving psychotoxic drugs, Sheriff D'Aloia has stated:

> I think "lesser narcotics" is a serious misnomer because barbiturate addiction can lead to death as surely as heroin use.

I believe that the soundest approach to this deplorable situation is to prohibit the manufacture, compounding or processing of any psychotoxic drug by anyone except regular manufacturers and processors registered with the Secretary of the Department of Health, Education, and Welfare, or by other qualified persons such as wholesale druggists, practitioners, and researchers. Possession should be limited to those who require such drugs for their personal use or who handle them in the course of their profession or employment.

Furthermore, every person engaged in manufacturing, compounding, processing, selling, or delivering such drugs should be required by law to keep complete and accurate records of all stocks, to which records the Department of Health, Education, and Welfare would have access. Officers and employees of the Department would also have the authority to inspect establishments and equipment pertinent to the manufacture and distribution of these drugs.

Psychotoxic drugs find their way into illegal traffic in many ways. Only by keeping records of every step of their manufacture and distribution can we determine and control the leaks.

Legislation along the proposed lines has been recommended by many groups and individuals concerned with the growing abuse of psychotoxic drugs. The President's Advisory Commission on Narcotic and Drug Abuse favors Federal legislation of this type. The late President Kennedy several times urged the passage of such legislation and only a few weeks ago President Johnson called for a higher priority on Government efforts against narcotics and drug abuse.

Drug manufacturers are also concerned with this problem, and have indicated their support of similar proposals.

I believe that this legislation is essential to control a disturbing and rapidly growing illicit traffic in drugs which are extremely dangerous to their users and which are, through the behavior they incite, a threat to the public health and safety. Again, I urge prompt and favorable consideration so that our law enforcement officers at all levels will be better able to cope with this dangerous drug problem.

REASONABLE REAPPORTIONMENT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MONAGAN. Mr. Speaker, in view of the furor which now surrounds the question of the apportionment of State legislatures, I would like to call attention to House Joint Resolution 1144 which I introduced on August 5, 1964. This bill proposes an amendment to the U.S. Constitution which would allow a State to apportion one house of a bicameral legislature on factors other than population. Under the provisions of my bill, the actual apportionment of the non-population-based house would become valid upon its approval in a popular referendum. In this way, a majority of the citizens of a State would be allowed to select that apportionment system which best suits the needs and desires of that particular State.

The other legislative house would be apportioned strictly on a population basis as is provided in my State of Connecticut in our State constitution.

It is my belief that there may well be valid factors relevant to legislative apportionment in addition to population and I feel these can be held within constitutional limits.

The citizens of a State should be allowed to consider these factors for themselves and the Supreme Court should act only in cases that are clearly beyond the limits of reason.

As an example I cite the Colorado reapportionment case in which the Supreme Court overturned a popular referendum in which the people of that State had voted down by a 2-to-1 majority an opportionment system basing both houses on population and had favored apportionment of one house on factors other than population. If the Supreme Court can order both houses to represent the same people on the same basis, there seems to be little reason for maintaining two legislative houses. The only logical alternative would be a unicameral legislature.

It is my belief that the conflict and confusion which has arisen in the wake of the June 15 Supreme Court decisions can best be overcome by allowing the citizens of a particular State the opportunity to determine the method of apportionment of one of their two legislative houses without being restricted to the population factor alone. I would hope that the solution offered in my bill would help to remedy the present chaotic situation.

PRESIDENT'S REMARKS ON FEDERAL-AID HIGHWAY ACT OF 1964

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. FALLON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FALLON. Mr. Speaker, the bill, providing for the Federal-Aid Highway Act of 1964, was signed into law Thursday, August 13, 1964, by President Johnson.

As chairman of the Subcommittee on Roads of the House of Representatives and author of the bill, it is with great pleasure that I insert in the RECORD the excellent remarks made by the President on this occasion:

REMARKS OF THE PRESIDENT AT THE SIGNING OF THE HIGHWAY BILL IN THE CABINET ROOM

Members of the Congress, the Cabinet, ladies and gentlemen, this is a very welcome occasion for me. With this legislation, we are helping to do justice for the most important but often the most neglected member of our society—the American motorist.

For much too long, the man who owns and drives an automobile has been treated like a stepchild. We require him to pay for the highways he uses and we require him to pay in advance. We divert his taxes to other uses but we delay the building of the roads that he deserves. We denounce him for getting snarled in traffic jams not of his own making. We complain about what he costs us but we never thank him for what he adds to the worth and wealth of our economy. We could not get along without him, but we often talk as though we can't live with him.

I hope and I believe that our attitudes are changing. Today, as never before, the Federal, State and local governments are working together to meet the highway needs of this Nation on wheels.

They are working together largely because of the leadership of dedicated men of both parties whom you see around this Cabinet table this morning.

I hope you picture men get a good picture of everyone in this room because I think this is a red-letter day in the lives of a good many of us.

Eight years ago, in 1956, we set out on a 16-year program to catch up with ourselves—catch up through the Interstate Highway System. This has been described as the most ambitious highway program since the days of ancient Rome. It was my privilege then to guide that program to passage as Senate majority leader. In every respect, it has met our hopes. It has put more than 1 million Americans to work. It is already saving 3,000 lives a year and, by 1972, it will be saving 8,000 lives a year.

It is saving dollars—$6 billion in user benefits last year; $11 billion a year 8 years from now; and the program is not costing the general fund of the U.S. Treasury a single cent.

This legislation here today serves still another need. It helps to provide us better primary and secondary highways on a 50-50 basis with the States. In addition, it will support needed efforts to improve forest highways, public land roads and national park roads, and other such purposes.

The American people have never been compromised, have never been contaminated by riding over roads and highways that are partially financed by Federal aid.

This is one of our best investments, and I think most of the informed leaders of this country will agree on that point.

I might just mention this one additional point. If we add together all the tangible assets of this Government of the United States, including our share of investment in public highways and roads, that balance sheet would show that our assets exceed our national liabilities.

Republicans as well as Democrats are working for and with a solvent, sound, and successful institution here at the seat of the Government of these United States.

I say that this morning because I want the American motorist to know that things aren't so bad that we must sell off our public roads to the highest bidder for Uncle Sam to stay liquid.

THE LATE HONORABLE JOHN B. BENNETT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KORNEGAY. Mr. Speaker, as a member of the Interstate and Foreign

Commerce Committee, I rise at this time to express my sorrow over the death of our departed colleague, the Honorable John B. Bennett, of Michigan.

It was my pleasure to have known and been associated with John in our committee and to observe the wonderful traits of character which he possessed. He was at all times extremely diligent, courageous, and dedicated in his work on this great committee. He will be sorely missed by the members of our committee and by the entire membership of the House on both sides of the aisle.

I extend my deepest sympathy to his lovely wife and wonderful family and know that they will find great comfort and courage, even in this dark hour of sorrow and loss, in memory of the exemplary life and fine contributions which John Bennett made to his district and to the Nation.

JAMES V. BENNETT: A LIFE-TERMER IN SERVICE TO HIS COUNTRY

The SPEAKER. Under previous order of the House, the gentleman from Iowa [Mr. SMITH] is recognized for 10 minutes.

Mr. SMITH of Iowa. Mr. Speaker, Adlai Stevenson once said that "your public servants serve you right." Such a public servant is James V. Bennett. In spite of the implications of those words of Ambassador Stevenson, Jim Bennett has been serving the American people right for well over 30 years. For these years, for the contributions he has made during them, for the sustained influence his work and efforts will have in the future—for all these I wish to praise James V. Bennett.

The field of penology has been considerably enriched by Mr. Bennett's contributions. He has virtually written a one-man library of that science. In his 5-foot shelf are works ranging from a study of correctional architecture to the subject of prison psychiatry. No phase of institutional life has escaped his piercing and perceptive eye. He has become an authority not only in the United States but internationally—a man whose ideas and experience are universally respected.

In his concern for the prisoner as an individual—a being with more identity than a number printed across his shirt—Bennett has established the way to find an answer to the prisoner's problems—both in prison and afterward in society. Before his time, there was little concern with rehabilitation, with what sort of man the prisoner would be when returned to the world outside. Prisons were, in his own words, "houses of idleness" where despair and bitterness pervaded the atmosphere. He has done much to change this description in making our prison system widely recognized as superior to any other system. Prisoners are kept busy with constructive work, with learning new trades, with preparing themselves to return as useful contributors to the society they acted in defiance of. Nothing I can say testifies to this so strongly as the tributes he has been paid by his own prisoners. One exprisoner who has since become a successful sculptor offered to design a memorial stone for Bennett because Bennett helped him to "develop his artistic talent." He carries a briefcase made for him by a prisoner who had been labeled a psychopath, but who disproved the experts by becoming a successful and respected businessman. He even won the respect and confidence of the notorious Al Capone who insisted—unsuccessfully—that Bennett write the story of Capone's life. What tribute can be greater than that which a man is paid by those who would have reason to hate him most—his prisoners.

But in spite of these things—his revolutionary approach, his emphasis on rehabilitation and on treating the prisoner as an individual, the respect he has gained from his charges—in spite of all this, Bennett cannot be criticized for lack of firmness. His humanitarian tactics and ideas are surpassed only by his efficiency and skill as a protector of the public interest. In spite of the deemphasis on regimentation which so personifies prison life, there has not been a breakdown in prison discipline. Out of the 750,000 Federal prisoners under his control since he has been in office only 8 are now at large—a remarkable record for a prison system to establish. Furthermore, in spite of the overcrowded and antiquated conditions he has had to cope with at times during his tenure, there have been relatively few disturbances in Federal penitentiaries. He has not only given the prisoners as much as they possibly could gain by preparing them to return to a normal honest life; he has protected the public as well by containing the prison world within the prison walls.

We have much to be grateful for—that Jim Bennett has given us so many years of his life—years of adventurous thinking and perceptive innovation, years of creative contributions to the field of penology, years of living the kind of life which can safely be emulated by any man. The people of the United States have much to thank Jim Bennett for—not only for administering our prisons, but for setting a high standard of service to his country.

I am on the subcommittee that handles appropriations for the Bureau of Prisons and for those of us in the Congress who have known him or been exposed to facts concerning his work, I can say that there are few men who have won the respect and admiration that Jim Bennett has. We shall miss the services of Jim Bennett, but we will not forget those years of service which have set a standard in quality and in dedication.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. JONES of Missouri, for the week of August 17, on account of official business as delegate to IPU Conference at Copenhagen.

Mr. RANDALL, for Monday, August 17, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DERWINSKI, for 60 minutes, on August 20.

Mr. GRANT (at the request of Mr. GONZALEZ), for 60 minutes, on August 18; to revise and extend his remarks and include extraneous matter.

Mr. SMITH of Iowa (at the request of Mr. GONZALEZ), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. SCHWEIKER) and to include extraneous matter:)

Mr. AYRES.
Mr. SAYLOR.
Mr. CHAMBERLAIN.
Mr. COLLIER.
Mr. SCHENCK.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BURKE and to include charts.
Mr. STAEBLER.
Mr. SENNER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2460. An act to amend the act of July 13, 1959, so as to extend the period of time within certain construction may be undertaken by the State of Missouri on lands conveyed to such State by the United States; to the Committee on Public Works.

S. 2776. An act to authorize and direct the Secretary of the Treasury to cause the vessel *Elva L.*, owned by Harold Bunker, of Matinicus, Maine, to be documented as a vessel of the United States with coastwise privileges; to the Committee on Merchant Marine and Fisheries.

S. 2968. An act to amend subsection 120(f) of title 23, United States Code; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1174. An act for the relief of Elfriede Unterholzer Sharble;

H.R. 1988. An act to provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands;

H.R. 3198. An act to promote the economic and social development of the Trust Territory of the Pacific Islands, and for other purposes;

H.R. 8080. An act to authorize the Secretary of the Interior to prepare a roll of persons eligible to receive funds from an Indian Claims Commission judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon, to pro-rate and distribute such funds, and for other purposes;

H.R. 8334. An act to transfer to the Salt River Pima-Maricopa Indian Community certain lands within the Salt River Pima-Maricopa Indian Reservation;

H.R. 8834. An act to provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians;

H.R. 10723. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes; and

H.R. 11083. An act to amend the Public Health Service Act to extend the authorization for assistance in the provision of graduate or specialized public health training, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1917. An act to provide authority to protect heads of foreign states and other officials.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 988. An act to authorize the Secretary of the Interior to acquire the Graff House Site for inclusion in Independence National Historical Park, and for other purposes;

H.R. 1451. An act for the relief of Frank Mramor;

H.R. 1713. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Klamath Indian irrigation project, Oregon, and for other purposes;

H.R. 5044. An act to amend the act entitled "An act to provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia," and for other purposes;

H.R. 5337. An act to increase the partial pay of educational employees of the public schools of the District of Columbia who are on leave of absence for educational improvement, and for other purposes;

H.R. 6128. An act to amend section 15 of the Life Insurance Act to permit any stock life insurance company in the District of Columbia to maintain its record of stockholders at its principal place of business in the District of Columbia or at the office of its designated stock transfer agent in the District of Columbia, and for other purposes;

H.R. 6350. An act to amend the act entitled "An act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto," approved June 6, 1892, as amended;

H.R. 6496. An act to convey certain federally owned land to the Cherokee Tribe of Oklahoma;

H.R. 6883. An act for the relief of the estate of Eileen G. Foster;

H.R. 7301. An act to amend section 341 of the Internal Revenue Code of 1954, relating to collapsible corporations, and to amend section 543(a)(2) of such Code, relating to the inclusion of rents in personal holding company income;

H.R. 7441. An act to amend the act entitled "An act to authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes," approved March 1, 1899, as amended;

H.R. 9653. An act to extend the authority of the Postmaster General to enter into leases of real property for periods not exceeding 30 years, and for other purposes;

H.R. 9975. An act to exempt from taxation certain property of the National Trust for Historical Preservation in the United States in the District of Columbia;

H.R. 9995. An act to amend the Policemen and Firemen's Retirement and Disability Act to allow credit to certain members of the U.S. Secret Service Division for periods of prior police service;

H.R. 10215. An act relating to sick leave benefits for officers and members of the Metropolitan Police force of the District of Columbia, the Fire Department of the District of Columbia, the U.S. Park Police force, and the White House Police force;

H.R. 10672. An act to provide for the disposition of judgment funds now on deposit to the credit of the Pawnee Tribe of Oklahoma;

H.R. 11222. An act to amend the Horizontal Property Act of the District of Columbia to permit a condominium unit to be located on more than one floor of a building, and for other purposes;

H.R. 11329. An act to provide for the relocation and reestablishment of the village of Sil Murk and of the members of the Papago Indian Tribe inhabiting the village of Sil Murk, and for other purposes;

H.R. 11425. An act to provide for the conveyance of 10 acres of federally owned land on the White Earth Reservation to the Minnesota Annual Conference of the Methodist Church, and for other purposes; and

H.R. 11562. An act to authorize the Secretary of the Interior to sell Enterprise Rancheria No. 2 to the State of California, and to distribute the proceeds of the sale to Henry B. Martin, Stanley Martin, Ralph G. Martin, and Vera Martin Kiras.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Monday, August 17, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2412. A communication from the President of the United States, transmitting a proposed supplemental appropriation to pay claims and judgments rendered against the United States, as provided by various laws, in the amount of $32,284,904, together with such amounts as may be necessary to pay indefinite interest and costs (H. Doc. No. 339); to the Committee on Appropriations and ordered to be printed.

2413. A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1965 in the amount of $11,100,000 for the Department of the Interior and $1 million for the National Commission on Technology, Automation, and Economic Progress (H. Doc. No. 340); to the Committee on Appropriations and ordered to be printed.

2414. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1965 in the amount of $5 million for the Interoceanic Canal Commission (H. Doc. No. 341); to the Committee on Appropriations and ordered to be printed.

2415. A letter from the Secretary of the Treasury, transmitting a report to the Congress covering the progress made in liquidating the assets of the former Reconstruction Finance Corporation for the quarterly period ending June 30, 1964, pursuant to the Reconstruction Finance Corporation Liquidation Act, as amended (67 Stat. 230), and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

2416. A letter from the Comptroller General of the United States, transmitting a report on an examination relating to a follow-up review of Department of Defense action in canceling excessive procurements and redistributing aircraft spare parts programed for or delivered to Portugal in excess of Portugal's requirements valued at about $1.2 million, pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67); to the Committee on Government Operations.

2417. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a report covering personal property received by State surplus property agencies for distribution to public health and education institutions and civil defense organizations covering the calendar quarter April 1 through June 30, 1964, pursuant to the Federal Property and Administrative Services Act of 1949, as amended; to the Committee on Government Operations.

2418. A letter from the Assistant Secretary of the Interior, transmitting a draft of a proposed bill entitled "A bill to provide for the conveyance of approximately 80 acres of land to the heirs of Adam Jones, Creek Indian, not enrolled"; to the Committee on Interior and Insular Affairs.

2419. A letter from the Chief Commissioner, Indian Claims Commission, transmitting a report stating that the proceedings have been finally concluded with respect to certain Indian claims, pursuant to the Indian Claims Commission Act of August 13, 1946 (60 Stat. 1055; 25 U.S.C. 70t); to the Committee on Interior and Insular Affairs.

2420. A communication from the President of the United States, transmitting proposed supplemental appropriations in the amount of $75,400,000 for the Department of Health, Education, and Welfare for the fiscal year 1965 (H. Doc. No. 342); to the Committee on Appropriations and ordered to be printed.

2421. A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1965 in the amount of $5 million for the Department of Health, Education, and Welfare and $11,375,000 for the Selective Service System (H. Doc. No. 343); to the Committee on Appropriations and ordered to be printed.

2422. A communication from the President of the United States, transmitting a proposed appropriation in the amount of $15 million for the Department of Agriculture for the fiscal year 1965 (H. Doc. No. 344); to the Committee on Appropriations and ordered to be printed.

2423. A communication from the President of the United States, transmitting proposed supplemental appropriations for the fiscal year 1965 in the amount of $12,673,917 for the Department of the Interior (H. Doc. No. 345); to the Committee on Appropriations and ordered to be printed.

2424. A communication from the President of the United States, transmitting proposed supplemental appropriations in the amount of $5,315,000 and increases in limitations for the Housing and Home Finance Agency for the fiscal year 1965 (H. Doc. No. 346); to the Committee on Appropriations and ordered to be printed.

2425. A communication from the President of the United States, transmitting a proposed supplemental appropriation for the fiscal year 1965 in the amount of $500,000 for the Public Land Law Review Commission (H. Doc. No. 347); to the Committee on Appropriations and ordered to be printed.

2426. A letter from the Comptroller General of the United States, transmitting a special report on the Air Force procurements of transistorized riometers from Aerospace Research, Inc., Boston, Mass., under contracts awarded at Electronic Systems Division, Laurence G. Hanscom Field, Bedford, Mass., and Mobile Air Materiel Area, Brookley Air Force Base, Ala.; to the Committee on Government Operations.

2427. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to plans for works of improvement relating to the following watersheds: Crooked Lake Bayou, Ark.; Pennahatchee Creek, Ga.; upper Tradewater River, Ky.; Squirrel Creek, Okla.; Willow Swamp, S.C.; and Jewell Brook, Vt., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2428. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to plans for works of improvement relating to the following watersheds: Home Supply, Colo.; Beaverdam Creek, Ga.; South Fork Little River, Ga.; Crabtree Creek, N.C.; Four-Mile Creek, Okla.; and Three and Twenty Creek, S.C., pursuant to section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASHMORE: Committee of conference. H.R. 2215. An act for the relief of E. A. Rolfe, Jr. (Rept. No. 1804). Ordered to be printed.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. S. 2220. An act to encourage physicians and dentists who have received student loans under programs established pursuant to title VII of the Public Health Service Act to practice their professions in areas having a shortage of physicians or dentists; without amendment (Rept. No. 1806). Referred to the Committee of the Whole House on the State of the Union.

Mr. HARRIS: Committee on Interstate and Foreign Commerce. H.R. 12362. A bill to amend the Railroad Retirement Act of 1937 to eliminate the provisions which reduce the annuities of the spouses of retired employees by the amount of certain monthly benefits payable under title II of the Social Security Act; with amendment (Rept. No. 1807). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRIEDEL: Committee on House Administration. House Resolution 820. Resolution to provide additional funds for the further expense of studies and investigations authorized by House Resolution 38; without amendment (Rept. No. 1808). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 813. Resolution to provide for the expenses of an investigation authorized by House Resolution 103; without amendment (Rept. No. 1809). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 825. Resolution to amend House Resolution 444, 88th Congress; without amendment (Rept. No. 1810). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 833. Resolution authorizing certain payments from the contingent fund of the House; without amendment (Rept. No. 1811). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 832. Resolution authorizing the temporary employment of additional clerks in the House post office; with amendment (Rept. No. 1812). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 294. Resolution relating to the clerk hire allowance of Members of the House of Representatives and the Resident Commissioner from Puerto Rico; with amendment (Rept. No. 1813). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 831. Resolution reimbursing Members of the House of Representatives for office expenses outside the District of Columbia; with amendment (Rept. No. 1814). Ordered to be printed.

Mr. FRIEDEL: Committee on House Administration. House Resolution 663. Resolution to provide for the expenses of an investigation authorized by House Resolution 103; with amendment (Rept. No. 1815). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6233. A bill to provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc.; with amendment (Rept. No. 1805). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 12388. A bill to provide that no Federal court shall have jurisdiction of any action to reapportion one house of a State legislature if the other house of such legislature is apportioned according to population; to the Committee on the Judiciary.

By Mr. GUBSER:

H.R. 12389. A bill to amend section 5042 of the Internal Revenue Code of 1954 to provide an exemption from tax for certain wine produced for personal use; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 12390. A bill to amend title 38 of the United States Code to provide for certain contracts between the Administrator of Veterans' Affairs and schools of medicine, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DIGGS:

H.R. 12391. A bill to authorize the establishment of a public community college and a public college of arts and sciences in the District of Columbia; to the Committee on the District of Columbia.

H.R. 12392. A bill to amend title 18, United States Code, to provide penalties for the use of certain devices upon individuals in the exercise of their rights under the Constitution of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. EVERETT:

H.R. 12393. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by stabilizing the domestic lead and zinc industry, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRIS:

H.R. 12394. A bill to amend the Communications Act of 1934, as amended, to remove inequities imposed on Commissioners and employees of the Federal Communications Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. HALPERN:

H.R. 12395. A bill to provide for the establishment of a National Council on the Arts to assist in the growth and development of the arts in the United States; to the Committee on Education and Labor.

By Mr. PUCINSKI:

H.J. Res. 1158. Joint resolution proposing an amendment to the Constitution of the United States to provide that the term of office of Justices of the Supreme Court of the United States shall be 14 years; to the Committee on the Judiciary.

By Mr. FEIGHAN:

H.J. Res. 1159. Joint resolution for the relief of certain aliens; to the Committee on the Judiciary.

By Mr. LAIRD:

H. Res. 853. Resolution relating to Federal records; to the Committee on Government Operations.

By Mr. VAN PELT:

H. Res. 854. Resolution relating to Federal records; to the Committee on Government Operations.

By Mr. BURKE:

H. Res. 855. Resolution relating to Federal records; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 12396. A bill for the relief of Anna Stabile Bevilacqua; to the Committee on the Judiciary.

By Mr. ASHMORE:

H.R. 12397. A bill for the relief of Vermont Maple Orchards, Inc., Burlington, Vt.; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 12398. A bill for the relief of Dr. Sei Byung Yoon; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H.R. 12399. A bill for the relief of Manlio Massimiliani; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 12400. A bill for the relief of Miss Zaida Zapata deDios; to the Committee on the Judiciary.

By Mr. STRATTON:

H.R. 12401. A bill for the relief of Dr. Orhan Kutlu and Esin Kutlu; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1008. By the SPEAKER: Petition of Bobby Threatt, president, Paducah Optimist Club, Paducah, Ky., urging the Secretary of the Treasury to take action under the Tariff Act of 1930 to impose countervailing duties on imports of motor vehicle parts to save our jobs; to the Committee on Ways and Means.

1009. Also, petition of Marvin Orgill, president, Paducah Chamber of Commerce, Paducah, Ky., urging the Secretary of the Treasury to take action under the Tariff Act of 1930 to impose countervailing duties on imports of motor vehicle parts to save their jobs; to the Committee on Ways and Means.

1010. Also, petition of A. Paul Owens, secretary, Paducah Lions Club, Paducah, Ky., urging the Secretary of the Treasury to take action under the Tariff Act of 1930 to impose countervailing duties on imports of motor vehicle parts; to the Committee on Ways and Means.

1011. Also, petition of Mr. and Mrs. Myron Ano and others, Paducah, Ky., urging the Secretary of the Treasury to take action under the Tariff Act of 1930 to impose countervailing duties on imports of motor vehicle parts to save our jobs; to the Committee on Ways and Means.

1012. Also, petition of Henry Stoner, Avon Park, Fla., requesting the Committee on the Judiciary to consider statements made by Thomas Jefferson concerning proper State legislative apportionment, made by him in his book, entitled "Notes on Virginia"; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Quotas on Meat Products

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

Mr. BURKE. Mr. Speaker, the conference committee is now meeting on the great beef stampede of 1964. The stampede is taking place in the guise of H.R. 1839, a minor tariff bill which passed the House by unanimous consent and which was amended in the Senate by striking out all of the House language and adding rigid, unyielding, cast iron quotas on beef, mutton, lamb, and their products.

As a member of the Committee on Ways and Means who is irrevocably opposed to the imposition of such restrictions on the imports of meat, I want to remind all Members of the House of Representatives of what will happen if legislation imposing import quotas on meat products is enacted.

There are more than 125 bills, introduced by 89 Members, pending before the Committee on Ways and Means, which would impose import quotas in some form on products other than meat. These products range from fuel oil to zinc, from lumber to lead.

The effect of the Senate action is to select one item from this entire list, bypass the Committee on Ways and Means, and set a precedent which in my judgment will literally open a Pandora's box in the future, the result of which none of us can now foresee. Every Member of this body who is interested in some quota bill or who is interested in some tariff bill would by the passage of this beef import bill be placed in an impossible situation by being foreclosed from any consideration whatever, and I assure you that each of us will have to answer to our constituents on this matter.

The beef stampede bill will not aid the cattle growers one whit. Import levels have fallen off to such an extent that the bill would have no effect. However, the rigidity and the failure to provide for a growing population in the Senate bill would really put the American consumer in the corral, and particularly those consumers of low incomes who need the grade of meat coming in through imports.

Imports rose because American production of the lower grade meats has fallen for the past 5 years. The market was there and the imports filled it. But the imports have not competed with the American meats that have fallen in price. In fact, the highest prices the American cattlemen have received in a decade for their meat occurred in 1962 when imports were also near their highest.

Thus, the rigid import bill will not help the cattlemen, and at the same time it will adversely affect our farm and industrial exports. We have a balance in our foreign trade in our favor of $5 billion of which $3 billion is agricultural. If we legislate, other countries may retaliate. Retaliation might well take place on wheat and feed grains, tobacco, rice, soybeans, as well as industrial products.

How can one justify approving legislation of this character in the closing days of the Congress, particularly when the House of Representatives has been handed a "bill of goods" by the Senate which, under the parliamentary situation, could not be referred to the Committee on Ways and Means for the extensive public hearings which a subject of this importance and controversial nature deserves and requires?

In terms of precedent, in terms of parliamentary procedure, and in terms of the merits of the legislation itself, I respectfully submit to the Members of the House that this is bad legislation. When the farmers generally and the consumers of this Nation wake up to what is involved and when each of our constituents who have problems in other areas realize what has happened, questions will be asked and I urge the Members of this body to search their consciences on these matters and vote against beef quota legislation at this time.

Every important farming State in America has a significant stake in exports of U.S. agricultural products, which in fiscal year 1962–63 were valued at a record $5.1 billion and in fiscal year 1963–64 may total or exceed $6 billion. In recent years agriculture has accounted for over one-fourth of total U.S. exports and has done much to improve the balance-of-payments position of the United States.

The United States is the world's largest exporter of farm products, accounting for one-fifth of all agricultural commodities entering free world trade. In fiscal year 1962–63, the export market took the output of 63 million U.S. harvested acres—1 acre out of every 5 harvested. Exports provided an outlet for over half of the output of wheat, rice, dried edible peas, and hops; over two-fifths of the production of soybeans, nonfat dry milk, and tallow; over one-fourth of the output of prunes, raisins, cotton, and tobacco; over one-fourth of feed grain sales; and one-fifth of U.S. harvests of edible beans, lard, and cottonseed.

Exports of U.S. agricultural products for dollars also equaled a record in 1962–63. Exports for dollars, totaling $3.6 billion, accounted for 70 percent of total U.S. agricultural exports, while exports under the food-for-peace program accounted for the remaining 30 percent. Exports for dollars have been increasing in recent years and are expected to reach a new record of $4.3 billion in fiscal year 1963–64.

The food-for-peace program has become an important instrument for moving the farm abundance of U.S. farmers into consumption abroad, thereby assisting developing nations to obtain food and fiber required for economic growth. Nations that benefit from economic growth gain new buying power and eventually become better cash customers for the products of U.S. farmers.

States with the largest share of agricultural product exports in 1962–63 were California—$497.5 million—and Texas—$453.2 million. Other important agricultural exporters were Illinois, $324.2 million; Iowa, $248.4 million; North Carolina, $214.1 million; and Kansas, $206.5 million. In addition, many other States also had a large share of the farm export market, especially for certain commodities.

The continuation of a high level of U.S. agricultural exports is essential to the agricultural economy of each State and of the Nation. Exports furnish a much-needed outlet for abundant U.S. production and provide additional income to farmers. Moreover, exports of farm products provide jobs for many associated U.S. industries engaged in marketing, transporting, financing, and storing farm products.

Agricultural exports of over $5 billion exceeded by nearly 1.5 times the $2.1 billion worth of competitive or semicompetitive agricultural products the United States imported in 1962–63. Total agricultural imports were worth $4 billion, but half of this total consisted of noncompetitive items such as bananas, coffee, tea, rubber, cocoa beans, spices, and carpet wool—commodities either not produced in the United States or not produced in large commercial volume.

Preliminary estimates of the equivalent values—the stake of the States in national foreign trade—of U.S. agricultural exports and imports, by States and regions for fiscal year 1962–63.

Value of agricultural exports and competitive agricultural imports, by region and State, fiscal year 1962–63 [1]

[In millions of dollars]

Region and State	Principal exports	Agricultural export equivalents [2]	Competitive agricultural import equivalents [2]
New England		58.1	19.3
Maine	Potatoes and poultry products	26.1	7.1
New Hampshire	Dairy and poultry products	2.8	1.2
Vermont	Dairy products	5.3	2.5
Massachusetts	Apples, dairy and poultry products	10.4	4.3
Rhode Island	Dairy products	1.7	.5
Connecticut	Tobacco, dairy and poultry products	11.8	3.7
Middle Atlantic		143.3	64.0
New York	Apples, dairy and poultry products	63.1	27.8
New Jersey	Apples, poultry products, and vegetables	21.0	9.5
Pennsylvania	Wheat, tobacco, and dairy products	59.2	26.7
East north central		761.0	338.7
Ohio	Soybeans, wheat, corn, and livestock products.	119.9	52.7
Indiana	do	151.2	66.8
Illinois	Soybeans, corn, wheat, and livestock products.	324.2	140.7
Michigan	Wheat, corn, soybeans, and dairy products	98.0	39.4
Wisconsin	Corn, tobacco, and dairy products	67.7	39.1
West north central		1,115.0	580.8
Minnesota	Soybeans, corn, and livestock products	166.4	75.4
Iowa	Corn, soybeans, and livestock products	248.4	170.0
Missouri	Soybeans, wheat, cotton, and livestock products.	156.0	73.9
North Dakota	Wheat and livestock products	113.4	38.5
South Dakota	Wheat, corn, and livestock products	46.2	38.3
Nebraska	Wheat, corn, grain sorghums, and livestock products.	178.1	95.4
Kansas	Wheat, grain sorghums, soybeans, and livestock products.	206.5	89.3
South Atlantic		613.2	220.6
Delaware	Soybeans and poultry products	9.8	2.7
Maryland	Tobacco, soybeans, poultry, and dairy products.	27.6	10.1
Virginia	Tobacco, soybeans, and apples	64.8	25.5
West Virginia	Tobacco and livestock products	7.1	5.0
North Carolina	Tobacco, cotton, soybeans, & poulty products	214.1	58.2
South Carolina	Tobacco, cotton, and soybeans	77.0	23.1
Georgia	Cotton, tobacco, and poultry products	104.1	34.3
Florida	Oranges, tobacco, and vegetables	108.7	61.7
East south central		409.2	137.5
Kentucky	Tobacco, wheat, and livestock products	103.0	38.6
Tennessee	Cotton, tobacco, soybeans, and livestock products.	94.6	33.5
Alabama	Cotton and poultry products	72.5	24.5
Mississippi	Cotton, soybeans, and livestock products	139.1	40.9
West South Central		815.0	285.4
Arkansas	Cotton, soybeans, and rice	173.9	47.6
Louisiana	Cotton and rice	83.4	25.8
Oklahoma	Wheat, cotton, and livestock products	104.5	45.0
Texas	Cotton, grain sorghums, wheat, rice, and livestock products.	453.2	167.0
Mountain		396.1	185.9
Montana	Wheat and livestock products	68.6	30.8
Idaho	do	96.8	34.5
Wyoming	do	16.2	12.9
Colorado	Wheat, grain sorghums, and livestock products.	82.6	45.3
New Mexico	Cotton, wheat, and livestock products	35.8	15.9
Arizona	Cotton, grain sorghums, and livestock products.	76.0	32.4
Utah	Wheat and livestock products	15.8	9.8
Nevada	Livestock products	4.3	4.3
Pacific		729.1	309.6
Washington	Wheat, fruits and livestock products	116.4	43.7
Oregon	Wheat, fruits, nuts and livestock products	70.0	30.4
California	Cotton, rice, fruits, nuts and livestock products.	497.5	222.8
Hawaii		44.9	12.6
Alaska		.3	.1
United States, total.		[3] 5,078.2	[3] 2,208.2

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[1] Preliminary.

[2] The "equivalent" shares were derived from the States' contribution to national sales or output as determined from agricultural census data. They do not show actual exports or imports, though they reflect the common stake of the States in total U.S. trade based on Bureau of the Census trade data.

[3] Total U.S. agricultural exports based on Bureau of the Census data exceed the export totals for the States because of the exclusion of certain beverages and nursery and greenhouse stock in the State items.

Source: U.S. Department of Agriculture, May 19, 1964.

Activities of the School Press Conference Series Association, Inc.

EXTENSION OF REMARKS

OF

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

Mr. AYRES. Mr. Speaker, as a member of the Committee on Education and Labor, I am pleased to bring to the attention of the Congress the activities of the School Press Conference Series Association, Inc., a nonprofit educational organization chartered by the State of Maryland and operating to the benefit of secondary schools in Washington, D.C., and the surrounding Maryland and Virginia counties.

The School Press Conference Series Association was founded by its executive director, Mr. Robert C. Diefenbach, of Bethesda, Md., in April of this year. Its honorary board of directors includes the head or assistant head of every public school system in this area, the head of the archdiocesan school system, representative heads of area private schools, and prominent persons including the distinguished dean of the diplomatic corps, His Excellency Dr. Guillermo Sevilla-Secasa, the Ambassador of Nicaragua, and His Excellency, the Governor of Maryland.

This community-spirited organization is designed to provide a valuable adjunct to in-school training by producing news conferences wherein students of journalism and other subjects in our secondary schools may meet and openly question public figures and newsmakers under the conditions of professional press conferences. The Surgeon General of the U.S. Public Health Service, Dr. Luther L. Terry, and the renowned Deputy Administrator of the National Aeronautics and Space Administration, Dr. Hugh L. Dryden, have already served as guest interviewees for SPCSA sponsored conferences held before the closing of the schools for the current summer vacation. With the reopening of the schools in September the SPCSA, Inc., will produce news conferences to which students from every public, private, and archdiocesan secondary school in this area will be invited.

The SPCSA, Inc., conferences are held without cost to schools, students, or guest interviewees. The costs of the organization are underwritten by donations from private citizens, firms, and foundations.

In bringing this organization to the attention of the Members of the Congress, it is my hope to encourage the Members to favorably consider invitations to appear as guest-interviewees at future student news conferences sponsored by the SPCSA, Inc.

Do not, my friends, suppose that all of these students' questions will be easy to answer. This I can promise you; if you are interviewed by these young men and women, you will come away from the conference convinced that our young people do read, do think, and do stay abreast of the news. You will come away from your interview gratified in the fact that the majority of our young people, as represented by the students attending the SPCSA, Inc., conferences, are serious, intelligent morally responsible citizens fully worthy of accepting the responsibilities of leadership that will soon be theirs.

Expressing the belief that these open-questioning news conferences are exemplary of the free American society, the U.S. Information Agency's "Voice of

America" has broadcast, and will continue to broadcast later this year, the SPCSA conferences throughout the world; pointing out with pride that, in a free and democratic society, the leaders of that society have no fear of answering the questions of the young and, in fact, encourage those questions.

The future plans of the School Press Conference Series Association, Inc., includes the establishment of chapters or branches of the association in other cities, thereby bringing the benefit of this worthy project to the young men and women of those cities. Following the establishment of these chapters or branches, the association will promote an annual convention of selected student journalists here in Washington, the news capital of the world.

It has been a pleasure, Mr. Speaker, to bring the School Press Conference Series Association, Inc., to the attention of the Members of Congress, and to ask that the Members add their encouragement and support to the association's educational work. In closing, I should like to congratulate Mr. Robert C. Diefenbach for his efforts in founding and operating the SPCSA, Inc., and similarly congratulate those educators and others who, by being listed as honorary directors of the association, have endorsed the project and added greatly to its success.

V-J Day

EXTENSION OF REMARKS

OF

HON. NEIL STAEBLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

Mr. STAEBLER. Mr. Speaker, August 14, 1945, is remembered as V-J Day. On this day Japan capitulated to the Allied Forces, and World War II was thereby concluded. The military might of the United States had never been so great, and there is no doubt that the awesome destructive capabilities demonstrated by our atomic weapons had hastened this war to its final end.

Nineteen years later the United States has increased its military strength to a point where no nation is willing to risk a third world war. The Department of Defense has cut its expenses by $2.5 billion during fiscal year 1964. At the same time it has increased our nuclear capabilities to deter any massive attack on the United States and has increased our conventional forces to meet limited aggressions such as those in the Gulf of Tonkin. On the one hand we have attained a 150-percent increase in the number of nuclear warheads in the strategic alert force, while on the other hand we have raised the number of tactical fighter squadrons from 55 in fiscal year 1961 to 79 in July 1964, an increase of 44 percent.

Great power in 1945 required great responsibility by the President of the United States. Greater power in 1964 requires greater responsibility for the welfare of all mankind. Whenever an adversary has threatened the security of this Nation, whether it be Japan in 1945 or in Cuba or Vietnam today, we have responded with actions appropriate to the aggression. In 1945, we were strong enough to end a world war; in 1964, we are strong enough to prevent such a war from beginning.

Appalachia and Roads

EXTENSION OF REMARKS

OF

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

Mr. SAYLOR. Mr. Speaker, in my opinion, it is not enough merely to cure the cancer of economic depression which is sapping the vitality of the Appalachian region unless effort is also made to assure that the cancer remains cured and the area is allowed to survive.

Throughout the hearings by the Ad Hoc Committee of Public Works, it has become increasingly clear that the primary reliance for improved economic conditions must be placed upon the construction of increased highways and roads.

It seems to me that since the area is admittedly one of the Nation's most seriously depressed, it is somewhat unrealistic to expect Pennsylvania and other States involved to supply 50 percent or even 20 percent of the funds necessary to carry out the road program.

Appalachia redevelopment is considered as an emergency measure to create long-term improvements and I think the ratio of Federal to State funds might be more nearly 90 percent Federal to 10 percent State. With the construction of these new roads, private enterprise in Appalachia will be better able to accomplish its necessary task of providing employment in the region.

Since I feel strongly that the Federal program of road building must be given higher priority through a higher matching grant, I wrote the following letter to the President on May 5, 1964:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 6, 1964.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Bureau of Public Roads in the Department of Commerce carries out the responsibility of Federal-aid highway construction. Most of the work is performed on a 90-percent Federal, 10-percent State ratio.

The basic idea stressed in your Appalachia message is the need for roads and I agree with you wholeheartedly. Your Commission's Report suggests that the Federal Government should participate to a "much greater extent than its present 50 percent contribution under the ABC system."

Would your administration be receptive to a proposal that all highways in the Appalachia region be constructed on a 90 to 10, or even a 95 to 5 basis? I would welcome your views in this regard.

With every good wish.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

The Under Secretary of Commerce, Franklin D. Roosevelt, Jr., provided me with the following answer on May 27, 1964:

THE UNDER SECRETARY OF COMMERCE,
Washington, D.C., May 27, 1964.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: President Johnson has asked me to reply to your recent letter regarding the amount of Federal contributions to the construction of the highway system proposed in the Appalachian Development Act.

As the Federal officer who is charged with drafting the Appalachian program, I would personally welcome a temporary program in which all Federal highway construction in Appalachia would be on a 90-10 basis. However, I am sure you and I both agree that the political possibilities of such a formula are remote.

It is appropriate that we ask the Congress for a special effort, to be financed out of the general fund to bring the Appalachian roads to a state where they are on a par with the rest of the Nation, measured by the accessibility needed by industry and recreation.

But it would be impossible to ask that the Federal highway trust fund be revised to provide that roads other than interstate roads be built on a 90-10 basis. I am certain that the Congress would consider that suggestion to be an unwarranted and outright gift to a region which has not, in the slightest sense, asked for such munificence.

Sincerely yours,

FRANKLIN D. ROOSEVELT, Jr.

The Appalachian project calls for the quick application of the most practical method—the provision of traffic arteries that will open up the entire area to industrial and recreational development. But that will not come about if the already overburdened Applachian States are compelled to bear the considerable part of the cost of constructing these new highways.

I, therefore, sent the following letter to Under Secretary Roosevelt on June 2, 1964:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 2, 1964.

Hon. FRANKLIN D. ROOSEVELT, Jr.,
Under Secretary of Commerce, Department of Commerce, Washington, D.C.

DEAR MR. ROOSEVELT: Reference is made to my letter of May 5 and your reply thereto of May 27. You will recall that I proposed "developmental" highways for "Appalachia" on a 90-percent Federal matching basis, similar to the Federal interstate highways network, instead of the 50-50 Federal-State matching plan.

You concluded that "it would be impossible to ask that the Federal highway trust fund be revised to provide that roads other than interstate roads be built on a 90-10 basis. I am certain that the Congress would consider that suggestion to be an unwarranted and outright gift to a region which has not, in the slightest sense, asked for such munificence."

The Federal program for Appalachia was devised in Washington to bring greater prosperity to this mountain chain which reaches from New York to Alabama. The greater part, by far, of the suggested appropriations for this purpose is to go for developmental highways, to provide the accessibility required for industrial and recreational expansion.

But as a practical matter, if the States are required to furnish half of the money for these highways they will be a long time in the building; for the highways funds of these States are already overburdened with the problem of meeting the swiftly changing transportation needs of their more populous regions.

The real test of the sincerity of the whole plan for Appalachia clearly depends upon providing quick highway accessibility to the region. It is the lack of this accessibility which has isolated parts of the region from the tide of industrialization that has been sweeping across the Nation, and unless that lack is remedied swiftly much of this region will continue to be bypassed by industry.

The program of the Appalachian Regional Commission has been represented as the outgrowth of national concern over poverty in this mountain region stretching through 10 States. It is, therefore, incongruous to talk of unwarranted and outright gifts and excessive munificence toward this area which has been pictured as a region of desolation requiring immediate Federal attention. The picture has been exaggerated, of course; but it is true enough that Appalachia needs major interstate highways; and without these the whole program might as well be discarded, since it will have only minor economic effect.

I will be interested in having your further comments in this regard.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

The following letter from Mr. Roosevelt appears to intimate that the administration would not seriously oppose an amendment for roads to be built on a 90 percent Federal-10 percent State basis:

THE UNDER SECRETARY OF COMMERCE,
Washington, D.C., July 21, 1964.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: Thank you for your recent letter in which you again discuss the proposal for a 90-percent Federal matching formula for the proposed development highways in Appalachia.

There is no question in my mind that far more roads could be built on a 90–10 basis. However, I do not believe that such a formula would contain the elements of adequate local participation and sound Federal fiscal policy within it. For that reason, I would not be able to recommend such a formula myself.

However, this does not prevent an individual Member of Congress, particularly one so interested in the Appalachian problems as yourself, from introducing an amendment to the President's bill. I certainly agree with you that without the highway section of the bill, the rest of the program would be impaired. If it is your belief that only a 90–10 formula can bring about an effective road program, I would have to agree that such an amendment by you would be essential.

Sincerely yours,

FRANKLIN D. ROOSEVELT, Jr.

Mr. Speaker, if the Appalachia bill does reach the floor for consideration, I will propose an amendment making the program on a 90–10 basis, rather than the 70–30 percent as proposed in the present measure.

Supreme Court and Its Apportionment Decision

EXTENSION OF REMARKS
OF

HON. HAROLD R. COLLIER

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Friday, August 14, 1964

Mr. COLLIER. Mr. Speaker, as is undoubtedly the situation in most congressional districts, the decision of the U.S. Supreme Court on State legislative reapportionment handed down on June 15 is a subject of great controversy among the people whom I represent. The majority of those who have expressed their concern are apparently shocked by the precedent established in this decision. There are a few, however, who apparently feel that it was a wise decision. The fact that I introduced legislation to correct the decision's intent places me in a position of being soundly in opposition to the latter.

For the purpose of the RECORD, I submit herewith a statement which I made in support of House Journal Resolution 1060, introduced just 10 days after the decision was rendered but not before a study and evaluation of the decision was completed. My statement follows:

STATEMENT OF HON. HAROLD R. COLLIER IN BEHALF OF HOUSE JOINT RESOLUTION 1060

I appreciate this opportunity to testify before the distinguished Committee on the Judiciary in support of House Joint Resolution 1060, which I introduced on June 25, 1964, and similar bills introduced by several of my colleagues, to rectify the ill-conceived decision of the U.S. Supreme Court on June 15, 1964. This resolution seeks to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population. In my opinion the decision of the Supreme Court in the cases of *B. A. Reynolds, etc., et al., Appellants,* v. *M. O. Sims et al; David J. Vann and Robert S. Vance, Appellants,* v. *Agnes Baggett, Secretary of State of Alabama, et al., John W. McConnell, Jr., et al., Appellant* v. *Agnes Baggett, Secretary of State of Alabama, et al.; WMCA, Inc., et al., Appellants,* v. *John P. Lomenzo, Secretary of State of the State of New York, et al.; The Maryland Committee for Fair Representation et al., Appellant,* v. *J. Millard Tawes, Governor, et al.; Levin Nock Davis, Secretary, State Board of Elections, et al., Appellants,* v. *Harrison Mann et al.; Mabel V. Roman, Clerk, etc., et al., Appellants,* v. *Richard Sincock et al.; Andres Lucas et al., etc., Appellants,* v. *The Forty-Fourth General Assembly of the State of Colorado et al.*; has destroyed one of the fundamental time-honored cornerstones of our American system of representative government.

Since the early days of our history both the several States and the Federal Government have selected one house on the basis of population while providing that the other be partially or entirely by geographical area. Certainly there was wisdom in this procedure and process as an essential in our governmental system of checks and balances.

The Court declared that the equal protection clause of the 14th amendment demands that the States compose both bodies of their legislatures so that every member of the House and the Senate would represent the same number of people. Under this ruling, as Justice Harlan stated in his dissenting views, we now have the effect of placing the basic aspects of State-political systems under the pervasive overlording of the Federal judiciary. Again the Supreme Court has exceeded its proper authority in usurping powers which have long been held to belong to the States or to other branches of Government. It is a flagrant destruction of one of the dwindling rights of the sovereign States. Furthermore, it certainly appears that the Court has chosen to prevent a State from choosing such legislative structure as it believes best suited to its needs and best suited to the general welfare of its people. The fact remains that at this juncture the damage has been done, and it seems to me that it is incumbent upon the Congress to repair this damage by enactment of the legislation which I am here supporting today or legislation of a similar nature which would provide correction or remedy. We, as legislators, must be responsible to the people and we will be remiss if we do not take this action or the alternative is to ignore history, tradition, and good sense in the apportionment policies and procedures in the selection of our State legislatures.

It is not denied that there has been extreme disparity between districts in some States, and the laggard action of some States has enabled a minority of the people to control some State legislatures. This cannot continue; the majority of the people must be given a greater weight and importance. But in order to accomplish this, is it necessary to strip the minority of effective representation and subject them to the tyranny of a temporary majority? I think not. In fact, prior to these apportionment decisions many of us witnessed the struggles which our own States experience in their voluntary efforts to reach a fair and effective form of representation.

I do not question Chief Justice Warren's statement that legislators represent people, not trees or acres. But it is equally obvious that within distinct areas similar interests prevail. Therefore, although the authority of the majority must be assured, it is not necessary that population be the only criteria for determining representation. People are only what their interests make them.

I am sure that other witnesses testifying in behalf of legislation to correct the far-reaching decision of the Supreme Court have and will point out to members of this distinguished committee that there are many factors which temper one's views; economic, social, geographical, and political, among others. These distinctions produce dissimilar and sometimes conflicting needs.

If a State chooses to allow effective representation for each of these needs, it must be permitted to do so.

If we fail to correct the situation created by the now notorious apportionment decision, a single county in my own State of Illinois will control 51 percent of the Illinois State Legislature leaving minority representation to the other 101 counties in our State. I am not convinced that what is necessarily good for Chicago or for Cook County is good for the entire State of Illinois.

In his opinion, Chief Justice Warren admitted that political subdivisions within States were necessary in order to assist States in carrying out State governmental functions and that it was necessary to insure them a voice within the State legislatures. These local governmental entities must perform many functions which only they are qualified to do. How better can we assure their effective representation than through recognition of factors such as area, as well as population in the apportionment of one house of a bicameral legislature. This would guarantee the effective rule of the majority by utilizing population in one house but would also be sufficiently flexible to produce legislative bodies reflecting the regional and local values which the State may deem appropriate.

We can ill afford to desert the interests of the minority merely because the majority has been treated unfairly in some States. As the cliche goes, two wrongs do not make a right.

I hope all of you will conclude with me that the severe blow delivered to States rights must be rectified. It is my sincere belief that the solution offered in House Joint Resolution 1060 will guarantee the future of the established bases of our society.

I thank you for your attention and consideration and urge this committee to act expeditiously in reporting corrective legislation which I am certain will be promptly ratified by the necessary three-fourths of the State legislatures.

"The Federal Excise Tax on Automobiles"—Statement of Representative Charles E. Chamberlain, of Michigan, Before the General Hearings on the Federal Excise Tax Structure, Committee on Ways and Means, House of Representatives, Washington, D.C., July 27, 1964

EXTENSION OF REMARKS

OF

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

Mr. CHAMBERLAIN. Mr. Speaker, the recent hearings on the Federal excise tax system held by the Committee on Ways and Means have aroused a good deal of interest and hope throughout the country in the prospect of long overdue tax reform in this area. Under leave to extend my remarks in the RECORD I wish to call to the attention and consideration of my colleagues and the American people the reasons set forth in my statement to the committee revealing the compelling need to reduce or repeal the 10-percent excise tax on automobiles which in the opinion of many people establish it as one of the excises most deserving of remedial tax legislation.

The statement follows:

"THE FEDERAL EXCISE TAX ON AUTOMOBILES"—STATEMENT OF REPRESENTATIVE CHARLES E. CHAMBERLAIN, OF MICHIGAN, BEFORE THE GENERAL HEARINGS ON THE FEDERAL EXCISE TAX STRUCTURE, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C., JULY 27, 1964

Mr. Chairman, it will come as no great surprise to the members of this committee who have patiently and sympathetically listened to my pleadings and protests in past years against the archaic and inequitable excise tax system, that I come before you again today to argue especially for reform of the 10-percent excise tax on passenger automobiles. This I do, not only in behalf of the welfare of automotive workers, stockholders, and management in particular, but also in behalf of the welfare of the entire economy, for it is surely one of the truisms of our economic life that the auto industry is the bellwether of the health of the Nation's economy. As I stated in my remarks on the floor of the House last month protesting the extension of the so-called temporary excise tax rates, I can offer no new or startling reasons for the reduction or repeal of the auto excise tax, but can only reiterate the arguments that have been made in years past, in times of recession and prosperity, for I am satisfied they are still valid today.

The case for the reduction or repeal of the 10-percent excise tax on automobiles, like most of the other excises, is self-evident. The reasons for imposing such a penalty upon the Nation's key consumer industry having long ago expired, it is simply a question of the Government's discharging its responsibility to end such a tax inequity. Unfortunately, however, taxes, like fat, are easier to put on than to take off; and it is never enough merely to point out a tax inequity without setting forth additional reasons to show why it is in the best interests of the Government to adopt a fairer system of taxation.

An excise or commodity tax has as its necessary result the shifting of consumer demand away from certain goods and services. During World War II and the Korean war such taxes were sought to discourage especially the use of transportation facilities and vehicles. Since then, some relief in this area has been granted. In 1962, the 10-percent rate on rail and bus fares was eliminated and the 10-percent rate on air travel reduced 5 percent, and yet the full wartime 10-percent rate still remains on the chief source of transportation, the automobile. However, desirable as this tax relief was, by refusing to include reform of the auto excise tax, the discrimination against the auto consumer was proportionately increased. The fact that today revenues collected from the auto excise tax account for some 40 percent of all revenue collected from all the excise taxes here under discussion amply testifies to the burden placed on the auto economy. When the purpose of such a tax was to curtail transportation and nonstrategic consumption, a tax which singled out the auto industry was understandable. Today, when the only purpose of such a tax is to collect revenue, it is eminently unfair and unjustified to discriminate against a single commodity. And, during a time when there is so much concern for getting the economy moving, such a tax is not only unfair and unjustified, but unsound economically.

In compliance with the committee's instructions, I shall try to make some general comments so far as I am able, not being a professional economist, upon how the auto excise tax measures up to certain of the criteria established by the committee to evaluate the performance of these excise taxes.

DISTRIBUTION OF THE AUTO EXCISE TAX AMONG CONSUMERS BY INCOME LEVELS

Prof. Otto Eckstein, in his statements to the committee has asserted that "The best working assumption is to assume that all income classes pay about the same fraction of their income in these excises, that taken as a whole, they are proportionate taxes."[1] Granting that this generalization may be substantially correct with respect to all the excises, there is sufficient evidence, I believe, to suggest that low and middle income persons bear a significant part of the burden of the auto excise tax. As of 1963, it is estimated that 80 percent of American families own one or more automobiles. Of that group, 56 percent of the families with an annual income of less than $4,000 own one or more automobiles, and 74 percent of families with an annual income of between $4,000 and $5,000 own one or more automobiles. Families with an income under $7,500 a year purchased over 30 percent of all the new cars sold in 1962. At this point in the record, I would include several charts taken from the 1964 edition of "Automobile Facts and Figures" which provide this information in greater detail.

Household income of new car buyers

	Percent
Under $3,000	1.9
$3,000 to $4,999	7.4
$5,000 to $7,499	20.8
$7,500 to $9,999	20.6
$10,000 to $14,999	25.1
$15,000 to $19,999	9.1
$20,000 to $24,999	4.3
$25,000 to $49,999	4.6
$50,000 and over	1.8
No reply	4.4
Total	100.0

Income	Percent of households owning cars within each group	Percent distribution of households
Under $4,000	56.6	20.2
$4,000 to $4,999	74.3	12.0
$5,000 to $6,999	83.0	29.9
$7,000 to $9,999	90.1	23.1
$10,000 or more	94.8	14.8
Total		100.0

THE EFFECT OF EXCISE TAX ON AUTOMOBILE SALES

Undoubtedly, many factors influence the auto market. While it is not possible to ascertain the exact impact of this tax upon sales, it is clear that it does have a depressing effect * * * otherwise, the tax would not have been levied in the first place. Any tax that increases the price of a commodity by hundreds of dollars cannot help but have an effect on the sales appeal of the product. And this is true both in good economic years and bad.

Prof. Douglas H. Eldridge pointed out to the committee that "A heavy excise tax on automobiles * * * would result in some contraction in output and less use of steel, rubber and other automobile components. With less demands for these products, specialized productive factors in the supporting industries will also tend to suffer declines in their incomes."[2] It is not difficult to quickly grasp the interrelatedness of the auto economy to the other major sectors of the economy. Automobile production utilizes 21 percent of all steel, 61 percent of all rubber, 32 percent of all zinc, 13 percent of all aluminum, 49 percent of all lead, and 58 percent of all upholstery leather sold in the United States.

One business in every six is automotive.

One of every five retail dollars is spent for automotive products.

One of every seven workers—11,600,000 people—are employed in highway transport industries.

Automobiles are owned by 80 percent of U.S. families.

This interrelatedness is clearly evident also in reports of the unemployment rates in labor market areas that are major automobile manufacturing centers employing 10,000 or more workers. At this point in the record I would like to insert a chart comparing the unemployment rates of March 1964 with those of March 1961. The impact of a good car year for the economy of these areas is unmistakable. It is essential to the continued health of the economy that all obstacles to its growth and stability be removed.

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[1] Hearings before the House of Representatives Committee on Ways and Means on the Federal excise tax structure (88th Cong., 2d sess., pt. II, p. 23).

[2] Ibid., p. 38.

Insured unemployment rates in labor market areas that are major automobile manufacturing centers

[In percent]

Labor market area	Rate, March 1961	Rate, March 1964	Decrease
Los Angeles	7.5	6.0	1.5
Atlanta	5.5	2.8	2.7
Chicago	6.9	4.4	2.5
Fort Wayne	6.2	3.2	3.0
Indianapolis	6.3	3.8	2.5
Flint	23.2	2.2	21.0
Detroit	15.2	4.5	10.7
Lansing	14.8	3.1	11.7
Kansas City	8.3	5.4	2.9
St. Louis	8.9	4.7	4.2
Buffalo	11.8	6.8	5.0
New York City	6.1	5.6	.5
Cincinnati	6.8	4.5	2.3
Cleveland	9.6	4.2	5.4
Toledo	10.0	4.9	5.1
Kenosha, Wis	8.5	3.2	5.3
Milwaukee	6.4	3.9	2.5
South Bend	12.8	8.3	4.5

Source: U.S. Department of Labor, Bureau of Employment Security, Washington, D.C., June 12, 1964.

THE "BUSINESS COST" EFFECT OF THE AUTO EXCISE TAX

The auto excise tax directly adds to the business cost of any business that purchases a motor vehicle for its operation * * * and this, of course, includes Federal and State governments as well. Certainly the auto excise tax for many businesses represents as much an added business cost as does a tax on other office machines. In addition, it should also be remembered that the auto excise tax represents to some degree a "business cost" to every one of the 41 million persons who depend upon automobiles for transportation to work.

ADMINISTRATION OF AUTO EXCISE TAX

The auto excise tax has the virtue of being perhaps one of the least problematic to administer when compared with certain of the other excises. There is little difficulty in defining the commodity to be taxed nor at what point the tax is to be levied. However, should the committee decide to recommend the reduction or repeal of the auto excise tax it would be necessary, I believe, to insure that such action would not unintentionally have a disruptive influence on the economy. A serious drag on the auto economy might well develop if there was a long lapse of time between the announcement of the committee's proposed legislation and the President's signing the bill into law. Consequently, it is extremely important, I believe, that any changes in the excise tax rates be made effective retroactively to the date the committee announces its intention to consider legislation. I am aware that the Automobile Manufacturers Association is making a recommendation as to how this matter might best be worked out and I would strongly urge the committee to examine this aspect of excise tax reform before legislation is recommended.

A word might be added at this juncture with respect to the operation of any reduction in this tax. It has been often asked: Should this tax be reduced, would this reduction be passed on to the consumers? I have directed this question to the major automotive companies and they, in letters from Mr. Roy Abernethy, president of American Motors Corp.; Mr. F. W. Misch, vice president of Chrysler Corp.; Mr. Henry Ford II, chairman of the Ford Motor Co.; and Mr. John F. Gordon, president of General Motors Corp., have unanimously responded that it would be their recommendation to their dealers that the full amount of the tax reduction be deducted from the price of the automobile. The highly competitive nature of the auto market would undoubtedly serve to insure that this would be the case.

A "PROGRESSIVE" AUTO EXCISE TAX?

Mr. Chairman, I would like to make one or two additional comments. I noted with particular interest the chairman's question[3] during the panel discussion which the committee held with various tax scholars which seemed to explore the possibility that the excise tax on automobiles up to a certain price might be reduced or repealed, while maintained on vehicles with a higher price, thereby attempting to reintroduce the distinction between luxury and necessary commodities. Whether this approach would achieve the desired results or would only tend to blunt the stimulation to the economy generally of an across-the-board reduction, I am not prepared to judge at this time. The difficulty might well be in determining what was a luxury car and what was not, and this, of course, could raise difficulties in tax administration.

THE "MULTIPLIER EFFECT" OF EXCISE TAX REDUCTION

Correspondingly, I was interested also in the chairman's question[4] about the possible so-called "multiplier effect" of an excise tax reduction. I had earlier this year sought information on this point from the Department of the Treasury, since the existence of such a "multiplier effect" was constantly used as an argument in favor of the recent cut in income taxes. In that regard it was claimed by the chairman of the Joint Economic Committee, Senator **DOUGLAS** of Illinois, that,

"An $8 billion tax cut with a multiplier of three to four times would increase the gross national product by $24 to $32 billion. Taxes at (an estimated) 20 percent would bring in added revenues of from $4.8 to $6.4 billion. The net cost of an $8 billion cut would be only from $1.6 to $3.2 billion." (Washington Post, Feb. 24, 1963.)

Using this formula, I calculated last year that the actual loss of revenue following a return to the 7-percent World War II auto excise tax rate would be somewhere between $90 and $180 million and not the $430 million claimed by the Department of the Treasury. Consequently, this year I asked the Secretary of the Treasury to comment upon what the impact of this excise tax reduction would have, in terms of its probable "multiplier effect." In a letter dated May 23, 1964, I was informed by the Treasury Department,

"We do not have estimates of the 'multiplier effect' of excise changes * * *. At this point the Treasury is currently studying the economic effects of excises. We are, of course, expecting to obtain considerable information from the forthcoming Ways and Means Committee hearings * * *. From these and other findings of the committee, we will be able to refine our own research data regarding excise taxes."

While I was not a little surprised that the Treasury Department had no information on this aspect, I was gratified to note that Professor Eckstein acknowledged[5] that there would be additional revenues created as a result of a substantial reduction in an excise tax. I am informed by the Treasury this year that if the auto excise tax were to revert to the 7-percent World War II rate, this would mean a loss of $520 million in tax receipts. In other words, automobile consumers would save $520 million on their purchases and would be free to spend this amount on other goods and services which, in turn, would generate tax revenues from other sources. It is fair to assume, then, that because of this fact, because of the so-called "multiplier effect," the actual loss of tax revenues would be substantially less than the $520 million figure. It is apparently Professor Eckstein's view that the reduction or repeal of the auto excise tax would have such a significant effect on the economy that it should be reserved only for periods of recession as a countercyclical weapon. I have, of course, since first becoming a Member of Congress, argued for such tax relief both in times of recession and prosperity. But so far, nothing has been done. It reminds me of a "hole in the roof" situation: While the sun is shining, there is no need to fix it; and it cannot be patched while it is raining. When business and production are good, it is said there is no need to reduce taxes; and we cannot let go of the money when we need it so badly to finance the Federal Government. It does not seem to me to follow that we should only help the economy in times of recession, but, in fact, if we are to help avoid a new recession, we should be taking off all the drags on the economy that we can without further delay.

EXCISE TAX REDUCTION AND FOREIGN AUTOMOBILES

I would make one further comment should the committee decide to reform the auto excise tax, and especially should the committee recommend that relief be granted to only low-priced cars. Should that happen, it would, of course, not only benefit the sales of low-priced American cars, but also of low-priced foreign-made cars. In the event of any reduction, therefore, I would suggest that the committee consider not reducing the tax on foreign-made automobiles. This I propose not out of adherence to a doctrinaire protectionist trade policy, but simply in recognition of the extremely heavy taxes placed upon American cars in foreign countries. By keeping the full excise tax on foreign cars sold in this country, we would have a lever, a bargaining tool, to try to reduce the tariffs on American cars in foreign countries. This could only have a salutary effect upon our balance-of-payments situation.

CONCLUSION

Mr. Chairman, in this Congress this committee approved an $11 billion reduction in personal and corporate income taxes. While a great deal was said about tax reform, this bill was preeminently a straight tax cut justified on the sole grounds of economic growth. It is now being said that to prevent economic stagnation in the future it will be necessary to have periodic tax reductions.

This committee has now before it an opportunity to effect long needed tax reform which at the same time can only have a beneficial effect on the health of the Nation's economy. Certainly during the time when the Federal Government finds it possible and desirable to reduce taxes it cannot in good faith ignore its past commitments to remove the added tax burdens imposed on those who assumed them during periods of national emergency.

I share the view of those who believe it would be well if the field of sales and excise taxation were reserved to State and local governments. If this were done it might well reduce the need and demand for massive Federal assistance requiring heavy Federal taxes. However, should the committee conclude that some type of Federal tax in this field is necessary, I would strongly suggest that it be a uniform tax on all manufactured goods rather than a selective tax discriminating against certain goods in favor of others. I am, of course, not unmindful of the difficulties of writing such a general excise tax law, but I can only conclude it would be preferable in terms of equity to the present system.

Mr. Chairman, I wish to commend the committee for instituting these hearings and express my appreciation for the opportunity to appear today. I have long supported efforts aimed at reexamining and reforming the entire excise tax system because I believe such action could well result in one of the most deserving, beneficial, and sound accomplishments of any Congress in a number of years.

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[3] Ibid., p. 90.

[4] Ibid., p. 92.

[5] Ibid.

Schedule of Grassroots Conferences in Third District, Ohio

EXTENSION OF REMARKS

OF

HON. PAUL F. SCHENCK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

Mr. SCHENCK. Mr. Speaker, it is an honor and a privilege to represent the people of the third district of Ohio here in the Congress of the United States. I am deeply grateful for this opportunity to be of service, and it is my constant desire to serve my constituents in the best way possible. During my service here I have made it my regular policy to keep in close touch with the people of my district so that I may know how they feel about the many important issues facing us here in Congress.

In the face of the critical worldwide conditions presently before us these conferences become even more meaningful in reflecting the opinions of the folks in our district.

I have considered it my duty, as the representative of this great district, not only to be well informed of the opinions of my constituents but also to be of the greatest possible service to persons having problems dealing with agencies or departments of our Federal Government.

Thirteen years ago I initiated the idea of holding grassroots conferences throughout our district, and I have continued this practice each year during the time Congress is in adjournment. I also have a full-time congressional service office at the U.S. Post Office Building in Dayton, where I can meet with people personally at any time that my official duties permit me to return to the district.

During the time I am in Washington attending to legislative and official duties, a competent secretary is in charge of my district service office to assist callers and to help them with requests for aid in dealing with the Federal Government so that I can be of every proper assistance to them.

In these ways I have sincerely tried to keep well informed as to the personal opinions of my constituents, and I have also tried continuously and sincerely to be of every proper service to them.

Members of Congress are constantly called upon to give careful and earnest consideration to legislation dealing with many complex national and international problems. These day-to-day decisions often affect the lives and living of every citizen in our Nation. Consequently, these personal and private conferences help me to serve all of the people in my district in a much more effective manner.

For the past 2 years the extra-long sessions of Congress have prevented my holding conferences, but this year, during our official congressional recess, I am again taking time to hold these meetings throughout our district at convenient public buildings. I deeply appreciate the fine cooperation of the many officials who make these meeting places available to me as an aid in rendering this public service.

This is the schedule I have arranged:

Dayton Post Office, room 314, September 8 and 9, 9 a.m. to 4 p.m.

Germantown City Building, September 10, 4 p.m. to 8 p.m.

Miamisburg City Building, September 11, 4 p.m. to 8 p.m.

Vandalia City Building, September 12, 10 a.m. to 2 p.m.

Brookville City Building, September 12, 4 p.m. to 8 p.m.

Hamilton Courthouse, September 14, 9 a.m. to 4 p.m.

Oxford Municipal Building, September 15, 4 p.m. to 8 p.m.

Middletown American Legion, September 16, 9 a.m. to 4 p.m.

Fairfield City Building, September 18, 4 p.m. to 8 p.m.

Kettering Municipal Building, September 19, 1 p.m. to 4 p.m.

I have been greatly encouraged by the increased attendance at these conferences each year. It is sometimes surprising to see how much can really be accomplished when a citizen and his Congressman can sit down face to face and talk over problems of mutual concern.

Special appointments are not necessary for these conferences, and I sincerely urge individuals or groups to meet with me on the date and at the place most convenient to them. The knowledge obtained throughout these grassroots conferences will help me to render better service, both legislative and personal, to all of the people of our important Third District as their Representative in the Congress of the United States.

A Time Bomb Called Population

EXTENSION OF REMARKS

OF

HON. GEORGE F. SENNER, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1964

Mr. SENNER. Mr. Speaker, my colleague Mo UDALL from Arizona has attained a distinctive reputation for his incisive newsletters dealing with timely topics. His latest missive, "A Time Bomb Called Population" is one more example of the mature thought, and indeed the daring manner, in which our fellow Congressman deals with serious matters which too often are ignored in public debate. I urge my colleagues to study the following newsletter for a thought-provoking discussion of the population explosion problem:

A TIME BOMB CALLED POPULATION

(By MORRIS K. UDALL, Second District of Arizona)

In this presidential election year heated debate will be waged on a multitude of current and pressing problems. But conspicuously absent from issues to be discussed is the one which may well be our most urgent problem—the time bomb called population.

As Mark Twain might have put it: "Population is something everybody does something about but nobody talks about." I intend to talk about it.

During a recent press conference, in discussing sharply increased school district and local taxes, I cited some startling statistics and commented that a great many of our local, national, and international problems originate in one way or another in the population explosion. When I finished, a reported asked, "Congressman UDALL, what are you doing to help solve this problem?"

"Well," I replied, "as a father of six, I can't say that I've done very much."

But last week I did do something, little though it may be. I introduced in the House a concurrent resolution which, if passed, might be a step toward recognizing and moving to meet the problem of tremendously rapid population growth.

THE STARTLING FACTS

But, it might be asked, isn't population growth good? Doesn't it mean more people to buy our products, more jobs, more growth for our State? Don't we in Arizona take pride in our growth statistics?

In answer to such questions one might observe that a good steady rain is beneficial but a flood wreaks havoc. And we are talking about a floodtide of human beings:

It took earth millions of years to acquire, by the time of Christ, a population of one-quarter of a billion. It took until 1830 for the world's population to reach 1 billion. But in only 100 years we passed the 2 billion mark. It has taken less than 35 years for the population to have reached 3 billion. And, incredibly, the fourth billion will be here in but 15 more years.

If present rates are unchecked, it will take only a 35-year span to add the next 3 billion to our present 3 billion. And it will take less than 35 years after that for the 6 billion to double to 12 billion.

Bear in mind that just an increase of 1 billion (due by 1980) is equal to the total present population of all of North and South America plus all 55 nations in Europe.

Each year the United States adds more than 3 million to its population, enough to fill 6 brandnew cities the size of Phoenix. Providing the additional schools, streets, sewers, post offices and all the other facilities needed by modern society is a heavy and expensive burden.

By the year 2000 the United States will likely increase its population from 190 million to 340 million. Of these, 100 million will be children who need schools, playgrounds, library facilities, etc. And 30 million will be "senior citizens" with medical care and other problems which become most acute as years advance.

Population growth, like compound interest, is self-accelerating; that is, the more people there are the greater the population growth, even though the rate of growth remains the same. When you are talking about billions of people the results of doubling are staggering.

Just when men and women everywhere are awakening to the possibilities of a decent life and are thus demanding improvements in their standard of living, the population explosion is wiping out most of the benefits of economic growth (and our foreign aid program) in the underdeveloped world. A key democratic nation in Asia, for example, attempting to rise by its bootstraps, recently completed a successful 5-year program by increasing its economic output 12 percent. Are its people better off? No, because in this time its population increased 15 percent and net living standards are worse than before.

WHY NOW?

How does it happen that in this century population figures have gone crazy? The answer is found in two words: medical science. Human beings aren't suddenly more fertile; our reproduction potential hasn't changed. In any given year the increase or decrease in population is simply the number of births minus the number of deaths.

In North America and Western Europe birth and death rates have declined more or less proportionately. But medical science has upset this pattern in the underdeveloped parts of the world. It has caused a precipitous decline in the death rates while birth rates have remained constant. The result is galloping population growth.

Never before in history has it been possible to introduce an extensive program of death control so quickly in any given areas of the world. Armed with miracle drugs, insecticides and extensive knowledge of sanitation and nutrition, scientists almost overnight can drastically curtail the rate of dying. Just since World War II, for example, death rates have been reduced more than one-third in such places as India and Malaya. In Ceylon the spraying of DDT reduced the death rate by 40 percent within a single year.

Birth rates are higher in the underdeveloped areas of Latin America, Asia, and Africa—where two-thirds of all the world's people live. Where birth rates are high, there are high proportions of youth. As infant mortality has declined, family burdens have increased. And the children, when they become adults and parents, face the same prospect of endless toil just to acquire the barest of essentials.

A NONPARTISAN ISSUE

While the wonders of medical science have brought on this problem, the doctors are also concerned with its solution. We are now within sight of safe, reliable drugs and other medical means to make it possible for mankind, if it will, to regulate its growth. Whether these solutions will be used in a way to defuse the population bomb is a problem the doctors cannot solve. This is a matter for ordinary citizens, community leaders and people acting through their governments all over the world.

Fortunately, the population problem is not a partisan political issue in this country, as evidenced by the following:

Shortly before his death, President Kennedy said, "We should know more and do more about the whole reproductive cycle, and this information should be available to the world."

Former President Eisenhower recently commented that "the time has come when we must take into account the effect of the population explosion on our mutual assistance system. Unless we do, it may smother the economic progress of many nations."

Richard Nixon, after his Asian tour, said he had observed poverty "worse than I have ever dreamed existed" and recommended that the United States give assistance to nations requesting help on population matters.

This is, in short, one of those rare subjects upon which a great many leaders with widely differing political views wholeheartedly agree.

THE RELIGIOUS QUESTION

Central to any consideration of the population problem is the religious question, and particularly the position of the Roman Catholic Church on birth cotnrol. It should be emphasized, however, that the church does not condemn birth control; it raises barriers only on the methods used.

Within the church right now there is a tremendous dialog taking place regarding the population explosion, a discussion spurred by the recent Ecumenical Council and by prominent church leaders.

The oral contraceptive pill, simple and nearly 100 percent effective, has opened up opportunity for change within the church. As Newsweek magazine recently pointed out, Catholic theologians are beginning to accept the position of the distinguished Roman Catholic gynecologist, Dr. John Rock, who argues that the new pills can be considered morally acceptable.

Look magazine, in a recent comprehensive report on Latin American Catholics and birth control, noted the open declaration of Jesuit priests in Santiago, Chile. It holds that the pills, which inhibit ovulation but do not destroy any egg, are permissible.

A recent national survey found that at least 30 percent of Catholic couples use birth control methods condemned by the church. And a heavy majority of those polled hoped their church would change its attitude toward birth control. It should be remembered that of the 11 countries in the world with the lowest birth rates 5 are predominately Catholic: Austria, Belgium, France, Italy, and Luxembourg.

Further evidence of the church's concern with the population problem is the important work being done at Catholic research centers such as the one here in Washington at Georgetown University.

WHAT THE UNITED STATES SHOULD DO FOR OTHER COUNTRIES

Eugene R. Black, then President of the World Bank, declared in 1961:

"Population growth threatens to nullify all our efforts to raise living standards in many of the poorer countries. We are coming to a situation in which the optimist will be the man who thinks that present living standards can be maintained."

That's a pretty bleak outlook when we realize that the average per capita income of the 2 billion people in Asia, Africa, and Latin America is about $100 a year, compared to over $2,300 in the United States and $850 in western Europe.

Thus the prospect is one of seething unrest, impatience with the existing order and sympathy to the advocates of communism (who, ironically, generally assert that concern for population growth is merely a bourgeois excuse for the failure of capitalism.)

Congress, in passing the foreign aid bill last year, specifically authorized the spending of money "to conduct research into the problems of population growth." However, there was a $6 million ceiling on research of all kinds, and Senator **Gruening** of Alaska calculated that only $130,000 would go toward helping population problems. Nevertheless, the specific authorization was a big step forward. And the late President Kennedy stated that the results of research in this area should be made available to the people of the world.

We certainly ought not to hesitate to give our research findings to nations which request them. Perhaps we should also offer technical assistance in implementing programs of population control when such help is sought. As President Johnson has said: "The only way that we can hope to deal with the population explosion is with the knowledge explosion."

Other nations are beginning to look to the United States for leadership. For example, Pakistan's President Ayub Khan asserted: "We look to you, a country like yours, to apply your mind and your resources to be able to combat this problem." He bluntly stated the alternative:

"If we continue to increase at the present rate it will ultimately lead to a standard of living little better than that of animals."

It has been pointed out that in all of its many programs the U.S. Government is spending $15 billion a year on research. But less than $10 million is being spent on the basic problem of population.

THE CLARK-GRUENING-UDALL RESOLUTION

Senators **Clark**, of Pennsylvania, and **Gruening**, of Alaska, have introduced a resolution relative to population control. I am the only House sponsor. The resolution would have Congress:

Urge the President to hasten implementation of the policies of the United States regarding population growth by inaugurating substantially increased programs of research within the National Institutes of Health and to make results freely available to countries requesting such assistance.

Request the President to create a Presidential Commission on Population with the duty to inform, after investigation, the government and the American people of the nature of population problems at home and abroad, with respect to the implications for all aspects of American life.

THE FUSE IS BURNING

This presidential year we shall debate medicare, civil rights, big government, control of nuclear bombs, and all the rest. But looking ahead three or four presidential elections, I venture to predict that the population bomb may soon overshadow all other issues.

When 6 or 8 billion people are shoved into the already overcrowded cities and slums of this planet, breathing polluted air and fighting for an insufficient supply of land, water and resources, then wars, revolutions and global strife are inevitable. And even if through science we manage to provide enough basic essentials for everyone we would likely do so only by sacrificing improvement of society's institutions for the sake of providing bare minimums.

I believe the problem of overpopulation on this planet can be solved. But the time to begin was yesterday.

SENATE

Saturday, August 15, 1964

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. **Metcalf**).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our fathers' God and ours: We lift to Thee our grateful hearts for a national heritage that has come down to us, bought by toils and tears other than our own. Help us this day with vivid vision to see, as a cloud of witnesses, those of old who feared Thy name and handed on to us the torch of the Nation's righteousness.

May those who now serve the public weal be wise interpreters of Thy eternal law, brave spokesmen of Thy will and of Thy truth which makes men free from ancient wrongs. Make our America a nation Thou canst trust and bless. May our Republic, purged of its failings and confessing its failures, be the instrument in Thy hands for world security and stability—a flaming light of liberty for all the earth.

In the Redeemer's name we pray. Amen.

THE JOURNAL

On request by Mr. **Mansfield**, and by unanimous consent, the reading of the Journal of the proceedings of Friday, August 14, 1964, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Ratchford, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had severally agreed to the amendment of the Senate to the following bills of the House:

H.R. 189. An act to authorize the conveyance of certain Federal land under the jurisdiction of the Naval Ordnance Test Station, China Lake, Calif., to the county of Kern, State of California;

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended; and

H.R. 10683. An act to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9419) to provide for the regulation of the business of selling securities in the District of Columbia and for the licensing of persons engaged therein, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 1917. An act to provide authority to protect heads of foreign states and other officials;

H.R. 1174. An act for the relief of Elfriede Unterholzer Sharble;

H.R. 1988. An act to provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands;

H.R. 3198. An act to promote the economic and social development of the Trust Territory of the Pacific Islands, and for other purposes;

H.R. 8080. An act to authorize the Secretary of the Interior to prepare a roll of persons eligible to receive funds from an Indian Claims Commission judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon, to prorate and distribute such funds, and for other purposes;

H.R. 8334. An act to transfer to the Salt River Pima-Maricopa Indian Community certain lands within the Salt River Pima-Maricopa Indian Reservation;

H.R. 8834. An act to provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians;

H.R. 10723. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes; and

H.R. 11083. An act to amend the Public Health Service Act to extend the authorization for assistance in the provision of graduate or specialized public health training, and for other purposes.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

ORDER FOR ADJOURNMENT TO 10 A.M., MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock on Monday morning next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is in order.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 226. A bill for the relief of Dr. G. L. Clifton (Rept. No. 1443).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 8070. An act for the establishment of a Public Land Law Review Commission to study existing laws and procedures relating to the administration of the public lands of the United States, and for other purposes (Rept. No. 1444).

BILLS AND A JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SYMINGTON (for himself and Mr. Long of Missouri):

S. 3125. A bill to provide for the issuance of a special series of postage stamps in commemoration of the completion of the Gateway Arch to the Jefferson National Expansion Memorial at St. Louis, Mo.; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Symington when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Missouri (for himself and Mr. Symington):

S.J. Res. 196. Joint resolution to authorize the President to issue annually a proclamation designating the first week in April of each year as "National Chamber of Commerce Week"; to the Committee on the Judiciary.

(See the remarks of Mr. Long of Missouri when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION FAVORING CERTAIN ACTION BY THE UNITED NATIONS ON THE BALTIC QUESTION

Mr. ALLOTT submitted the following concurrent resolution (S. Con. Res. 95; which was referred to the Committee on Foreign Relations:

Whereas the Communist regime did not come to power in Lithuania, Latvia, and Estonia by legal or democratic processes; and

Whereas the Soviet Union took over Lithuania, Latvia, and Estonia by force of arms; and

Whereas Lithuanians, Latvians, and Estonians desire, fight, and die for their national independence; and

Whereas the Government of the United States of America maintains diplomatic relations with the Governments of the free Baltic Republics of Lithuania, Latvia, and Estonia and consistently has refused to recognize their seizure and forced "incorporation" into the Soviet Union; and

Whereas the select committee of the House of Representatives, created by H. Res. 346 of the Eighty-third Congress to investigate the incorporation of the Baltic States into the Soviet Union, found that the incorporation of Lithuania, Latvia, and Estonia was contrary to established principles of international law; and

Whereas the opinion of the free nations and the free people of the world is to eliminate any kind of colonialism and imperialism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Senate and House of Representatives of the United States of America request the President of the United States to bring the Baltic States question before the United Nations and ask the United Nations to request the Soviet Union to do the following:

(1) To withdraw all Soviet troops, secret police, agents, colonists, and all controls from Lithuania, Latvia, and Estonia;

(2) To return to their homes all Baltic exiles and deportees from Siberia, prisons, and slave-labor camps in the Soviet Union; and be it further

Resolved, That the United Nations conduct free elections in Lithuania, Latvia, and Estonia under its supervision and punish all Russian Communists who are guilty of crimes against the peoples of the Baltic States.

SPECIAL SERIES OF POSTAGE STAMPS IN COMMEMORATION OF COMPLETION OF GATEWAY ARCH IN JEFFERSON NATIONAL EXPANSION MEMORIAL, ST. LOUIS, MO.

Mr. SYMINGTON. Mr. President, on behalf of myself and my distinguished colleague from Missouri [Mr. Long], I introduce, for appropriate reference, a bill to provide for the issuance of a special series of postage stamps in commemoration of the completion of the Gateway Arch in the Jefferson National Expansion Memorial at St. Louis, Mo.

As Senators are aware, St. Louis is now celebrating its 200th anniversary with a series of memorable events.

One of the highlights of this celebration will be the dedication of the already famous Gateway Arch, which is now rising above the St. Louis riverfront.

This great arch, as the central feature of the Jefferson National Expansion Memorial, will symbolize the historic westward movement of our Nation after the Louisiana Purchase.

It will rise to a height of 630 feet, and will be equal in grandeur to and higher than either the Washington Monument or the Statue of Liberty.

Because of the symbolic importance of this project to our country, surely it is fitting that a commemorative postage stamp be issued to mark the completion of this magnificent arch.

The PRESIDING OFFICER (Mr. Burdick in the chair). The bill will be received and appropriately referred.

The bill (S. 3125) to provide for the issuance of a special series of postage stamps in commemoration of the completion of the Gateway Arch in the Jefferson National Expansion Memorial at St. Louis, Mo., introduced by Mr. Symington (for himself and Mr. Long of Missouri), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

ISSUANCE OF PROCLAMATION DESIGNATING THE FIRST WEEK IN APRIL OF EACH YEAR AS "NATIONAL CHAMBER OF COMMERCE WEEK"

Mr. LONG of Missouri. Mr. President, in 1768, the first voluntary organization of businessmen in the world was established. It was the New York Chamber of Commerce, and it operated under a charter issued by King George of England. By 1801, chambers of commerce had been established in Charleston, S.C., New Haven, Conn., and Philadelphia, Pa.

The chamber of commerce is an amalgam of three types of business organizations—the trading organization, the protective organization, and the town booster type of organization. Over the years, local chambers have rendered invaluable service to their communities. They have worked unceasingly to promote business and industrial development. They have provided effective leadership in civic activities and progress.

The first State chamber of commerce was organized in Ohio in 1893, and the national chamber of commerce had its beginning at a meeting held in Washington in 1912 at the request of President Taft.

The chamber of commerce has become an important voice for the Nation's business community and is a valuable asset to our country. I think it is most fitting that their efforts be recognized on the national level.

Therefore, I introduce, for appropriate reference, a joint resolution to authorize the President to issue annually a proclamation designating the first week in April each year as "National Chamber of Commerce Week."

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 196) to authorize the President to issue annually a proclamation designating the first week in April of each year as "National Chamber of Commerce Week," introduced by Mr. Long of Missouri, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL DROUGHT DISASTER RELIEF TO FARMERS AND STOCKMEN—ADDITIONAL COSPONSOR OF BILL

Mr. McCARTHY. Mr. President, I ask unanimous consent that the name of the senior Senator from Indiana [Mr. Hartke] be added as a cosponsor of the bill I introduced on August 11 (S. 3112) to provide additional drought disaster relief to farmers and stockmen in connection with the transportation of hay.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISH KILL INVESTIGATION IN THE CITY OF MEMPHIS

Mr. WALTERS. Mr. President, recently I received from the commissioner of the department of public works of the city of Memphis a letter in which he asked that I assist in bringing about a clarification of an apparent misunderstanding as to the cooperation extended to Public Health Service officials during their investigation of the fish kill in that area. I am pleased to ask that there be printed in the Record a letter and enclosures which I received from the Senator from Maine [Mr. Muskie]. They are substantial evidence that the officials of the city of Memphis were completely cooperative with the Public Health Service representatives.

There being no objection, the letter and enclosures were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., August 13, 1964.

Hon. Herbert S. Walters,
U.S. Senate,
Washington, D.C.

Dear Herbert: This will acknowledge receipt of your letter of July 31, 1964, enclosing a copy of a letter which you received from Mr. Pete Sisson, commissioner of the department of public works of the city of Memphis, Tenn. The letter relates to remarks which I made on the Senate floor on June 26, 1964, beginning on page 15192 of the Congressional Record.

In his letter Mr. Sisson refers to my Senate speech as follows:

"Senator Muskie placed in the Senate Record a charge that Memphis city crews were giving confusing information on our sewers and hampering the investigation by the Public Health Service with a smoke bomb."

In my Senate speech, I did not make such a statement, nor was it my intent to convey such a thought by implication. I simply undertook to report, from information supplied me by the Public Health Service, the series of difficulties which did, in fact, hamper the investigation. The following is the pertinent section of my Senate speech:

"Experts of the Public Health Service, I am told, made four field trips to the Memphis area, in the weeks immediately preceding the controversy. Their investigations were hampered by a series of difficulties: Smoke bombs were detonated by a city public works crew checking the sewer line leaks, making sampling impossible. They received confusing information about the location and functions of sewers carrying industrial and sanitary wastes. There were signs of construction work on the sewer system between their visits. Despite these obstacles, the investigations were made, and led to conclusions presented at the conference."

I repeat that this is simply a recital of facts supplied me by the Public Health Service, without any implication being intended as to blame or motivation or lack of cooperation. However, inasmuch as Mr. Sisson read such an implication into my speech, I have since inquired of the Public Health Service as to the attitude of the city officials of Memphis toward the Public Health Service in the course of its investigations. I enclose a copy of a letter, dated August 5, 1964, from Gordon E. McCallum, assistant surgeon general, to Mr. Everett C. Handorf, engineer director of the bureau of sanitary engineering in Memphis, on this point. The letter speaks for itself but I refer you particularly to the following paragraph:

"At the outset I want you to know that we have had nothing but the finest of cooperation from your office, and for that matter, from all other officials in Memphis."

The letter also contains the following language:

"We are appreciative of the efforts and assistance provided by the mayor, your office, and all other officials of the city of Memphis. Please be assured that we will do everything in our power to clear up the misconception and nullify any inferences that the city of Memphis is hampering investigations."

Please assure Mr. Sisson that I am delighted to get this report, from the Public Health Service and that I had no reason to assume, at the time I made my Senate speech, that the attitude of the city officials in Memphis was otherwise than cooperative.

Sincerely yours,
Edmund S. Muskie,
U.S. Senator.

Department of Health, Education, and Welfare, Public Health Service,
Washington, D.C., August 6, 1964.

Hon. Edmund S. Muskie,
U.S. Senate,
Washington, D.C.

Dear Senator Muskie: In response to your verbal request of August 5, 1964, I am forwarding to you a copy of my letter to Mr. Everett Handorf, engineer director, Memphis and Shelby County Health Department, Memphis, Tenn. I believe that the attached copy will affirm our appreciation of the cooperation of the Memphis city officials in connection with our investigation in that area.

Yours sincerely,
G. E. McCallum,
Assistant Surgeon General Chief, Division of Water Supply and Pollution Control.

Department of Health, Education, and Welfare, Public Health Service,
Washington, D.C., August 5, 1964.

Mr. Everett C. Handorf,
Engineer director, bureau of sanitary engineering, Memphis and Shelby County Health Department, Memphis, Tenn.

Dear Everett: Mr. Atkins has given me a copy of your letter of July 21 regarding the unfortunate misunderstanding about the smoke bomb incident in Memphis. Your letter was the first I had heard about it.

At the outset I want you to know that we have had nothing but the finest of cooperation from your office, and for that matter, from all other officials in Memphis.

I have inquired into the matter, and as explained to me, this question of the smoke bomb first originated from an explanation that one of our people made concerning his inability to get certain flow measurements at the time the field crew was taking samples in the Memphis sewers early in April. It seems that purely by coincidence the city happened to be making their tests at the same time, which of course, would have no relation to the sampling work by our people.

The man in charge of our investigations in Memphis pointed out that he was unable to obtain some flow measurements because of certain smoke-filled sewers. The press evidently took this as an intimation that the city was hampering the Public Health Service investigation. Nothing could be further from the truth. We are appreciative of the efforts and assistance provided by the mayor, your office, and all other officials of the city of Memphis. Please be assured that we will do everything in our power to clear up the misconception and nullify any inferences that the city of Memphis is hampering investigations.

Sincerely yours,

G. E. McCallum,

Assistant Surgeon General, Chief, Division of Water Supply and Pollution Control.

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COUNTY OF CUYAHOGA, OHIO

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 884, House bill 5728.

There being no objection, the bill (H.R. 5728) for the relief of the county of Cuyahoga, Ohio, was considered, ordered to a third reading, read the third time, and passed.

An excerpt from the report (No. 909) was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the county of Cuyahoga, Ohio, the sum of $115,928 in full settlement of all claims against the United States to cover the Government's fair share of the increased costs for the construction of a sewage disposal plant for the area adjacent to the Veterans' Administration hospital in Brecksville, Ohio.

STATEMENT

In 1953 the Veterans' Administration and the county of Cuyahoga began negotiations for an agreement concerning a proposed sewage disposal plant, the construction of which was not started until 1961. The Veterans' Administration operates two hospitals in the area to be served by the new sewage treatment plant—the Brecksville Hospital division (a new 1,000-bed psychiatric hospital) and the Broadview Heights division, each a part of the Brecksville Veterans' Administration Hospital. An agreement, dated May 5, 1955, between the parties was signed by the Administrator of Veterans' Affairs on September 7, 1955. This contract provides for the furnishing of sewer services by the county for a term of 50 years; the Government to pay a sewer connection charge of $58,260 plus the sum of $173,242, representing the estimated additional cost of construction of the plant occasioned by the needs of the Government's facilities.

It is important to note that at the time of the agreement, the Broadview Heights division was already connected to the sewer system and therefore no mention was made of that hospital division in the contract.

The contract charge to the Veterans' Administration was predicated upon the county's estimate than an 800,000-gallon-per-day plant would cost $522,550. The county planned a 500,000-gallon-per-day plant (estimated cost $349,308) with the additional cost ($173,242) resulting from the increase in size to 800,000-gallon-per-day capacity to accommodate the needs of the Veterans' Administration facilities. Although the Veterans' Administration maximum flow to the system was estimated at approximately 240,700 gallons per day, it agreed to the proposal. In the contract, at the county sanitary engineer's verbal recommendation, the figure was set at 330,000 gallons per day, in order to avoid the necessity of future renegotiation.

Due to growth in the area, the county of Cuyahoga notified the Veterans' Administration on May 26, 1959, that they had decided to increase the size of the proposed plant to 1-million-gallons-per-day capacity. The estimated cost for the newly proposed plant was $870,000 of which they calculated the Veterans' Administration fair share for both hospitals to be 43 percent of $374,000. The Veterans' Administration did not agree with this estimated fair share figure, but did agree that new negotiations should be instituted to cover the increase in costs between 1955 and 1961 providing there was authority to renegotiate. Cost estimates as of May 19, 1961, for the proposed 1-million-gallon-per-day plant were reported by the county as $577,777.95, consisting of a contract award (firm) of $547,777.95 plus an estimated additional cost due to foundation problems of $30,000. Based on 330,000 gallons per day, the Veterans' Administration calculated its share for the new hospital division would be $190,666.72 or $17,424.72 in excess of the original contract figure.

A brief of the circumstances was submitted to the Comptroller General of the United States on February 6, 1961, for a decision on the authority to renegotiate. On June 13, 1961, the Comptroller General rendered an opinion that there was no legal basis for authorizing reformation or modification of the existing contracts, the figures of $58,260 for connecting charges and $173,242 as the Veterans' Administration's share of the construction cost attributable to the Brecksville Hospital division being definite and fixed contract amounts.

Before the Comptroller General's opinion was rendered, the Veterans' Administration offered to negotiate a contract for the Broadview Heights division's share of the construction cost of the sewage disposal plant. The Veterans' Administration reports that this division contributes an average of 48,000 gallons of sewage per day or 4.8 percent of the total capacity of the 1-million-gallon plant. No agreement has been consummated with respect to the Broadview Heights division.

When renegotiation of the contract proved impossible, proposed legislation was introduced in the 87th Congress which provided for a payment of $171,950.86 to the county of Cuyahoga to settle all claims for the Government's fair share of the increased construction costs. It is obvious that the parties have come to the Congress for a full settlement of the controversy. Appended hereto is the full report of the Veterans' Administration, dated July 5, 1962, on H.R. 10255, 87th Congress, which concluded:

"In our opinion there is no basis for a payment to the county of Cuyahoga, Ohio, of the sum of $171,950.86, as proposed by the bill and therefore recommend against its enactment. However, if the bill were amended to provide for payment to the county of Cuyahoga the sum of $45,146.94, as the Veterans' Administration's fair share of the increased costs, in addition to the original amount agreed of $173,242, or a total sum of $218,388.94, we would have no objection to its favorable consideration."

The figure of $45,146.94 proposed by the Veterans' Administration is composed of $17,424.72 additional above the original contract amount for the 1,000-bed hospital, based on 330,000 gallons flow per day, and $27,722.22 for the Broadview Heights division, based on 48,000 gallons flow per day. Both cost allocations are calculated on the basis of a total estimated cost of $577,777.95 as reported by the county on May 19, 1961.

Subsequent to the receipt of the Veterans' Administration report of July 5, 1962, the president of the Board of County Commissioners, county of Cuyahoga, submitted cost figures showing that, in addition to the base contract price of $547,777.95, the extra foundation cost had been $89,028.25 rather than the estimated $30,000, and the total estimated cost of the sewage treatment plant now amounted to $804,645.37 when engineering and engineering fees, advertising, contingencies, and all other costs were concluded. It was calculated by the county that the fair share of the Government was $345,192.86 or $171,950.86 in excess of the contract figure.

The figures provided by the county have been carefully reviewed by the Veterans' Administration. Appended hereto is the supplemental report of the Veterans' Administration providing its analysis of the latest cost figures from the county. The committee in considering this matter concurs in the conclusion that it is not proper to classify the first-year maintenance and operating expenses, and certain miscellaneous items including a power mower, jeep, and snowplow, as construction costs. The Veterans' Administration conclusion that a cost figure of approximately $765,000 is a proper basis for cost allocation purposes appears to be reasonable. When 33 percent of this figure (330,000 gallons per day for the 1-million-gallon capacity) is charged as extra cost to the 1,000-bed facility, an allocated cost of $252,450 results. Against this amount a payment of $173,242 is already authorized by contract so that $79,208 remains. For the second facility, the Broadview Heights division, 4.8 percent of the total construction cost (based on 48,000 gallons per day) results in an allocated cost of $36,720 due the county. The sum of these two figures, $115,928 ($79,208 plus $36,720) as provided in the proposed legislation, is understood and intended to be in full settlement of all the claims by the county of Cuyahoga for the extra costs in the construction of the Brecksville sewage treatment plant occasioned by the Veterans' Administration facilities.

The committee is convinced that to pay the county only the contract sum calculated in 1955 on the basis of estimated total cost of constructing the sewage treatment plant would not be fair and equitable in the light of the appreciably higher costs prevailing at the time of construction. This is particularly so when it is considered that but for the construction of the hospital facilities by the Government there would be less necessity for the construction of the sewage plant or at least no necessity for the construction of such a large plant in an area where a large part of the otherwise taxable land and the use thereof has been taken from the local communities. Accordingly, it is recommended that the bill be considered favorably.

Attached hereto and made a part hereof are the pertinent agency reports relating to this legislation.

Mr. **LAUSCHE**. Mr. President, I thank very much those who removed their objections to the bill which has just now been passed. I especially thank the majority leader.

PROPOSED ENVIRONMENTAL HEALTH CENTER

Mr. **LAUSCHE**. Mr. President, when the House Committee on Appropriations reported out H.R. 10809, the appropriations bill for the Departments of Labor and Health, Education, and Welfare and related agencies, it deleted a request from the Public Health Service for $1.5 million which would have been an initial appropriation for the establishment of an environmental health center presumably to be located in the area of the District of Columbia. The House, when it passed the bill last April, wisely sustained the committee action. The House committee report commenting on this disallowance stated:

> As has happened in connection with past requests for this facility (or these facilities, as the case may be) the committee was presented with a considerable amount of confused and indecisive information. At the time the Public Health Service testified on this item, they were not able to tell the committee where the facility or facilities would be located if Congress appropriated the funds.

I strongly urge that the Senate Appropriations Committee and the Senate concur with the House action on this item. I believe that an appropriation of any amount of money for such a facility in the District of Columbia area is not only premature at this time, but unwise at any time, in view of the civil defense recommendations for Federal decentralization and the fact that the proposal is vague and in a state of confusion.

The uncertainty over just what the plans of the Public Health Service are concerning this proposed environmental health center is well stated in an article published in the July 1964 issue of Science magazine. This article reads in part:

> New dimension of public health activity figures in the controversy over location of the environmental health center proposed for the Washington area by PHS. The proposal's vicissitudes in Congress and what from the outside appears to be PHS uncertainty on just what kind of center it wants, leave it a matter of speculation as to whether the installation would be an administrative headquarters or a center for basic research on problems of environmental health.

Mr. President, the center of activity in environmental health research is now in the city of Cincinnati, Ohio, in the Environmental Health Center, which is the initial institution in which this research is done. It was chosen as the center for this activity because of:

First. Its position on the Ohio River;

Second. Its health problems as a metropolitan area;

Third. Its location in an industrial area where the source of many of its subjects of research are found;

Fourth. Its facilities providing higher education in health matters;

Fifth. Its special facilities for pilot plant operations for water and waste treatment, for pilot scale work on milk processing equipment and for air pollution, for pilot scale work on auto exhaust research, incineration, and air cleaning; and

Sixth. Its supporting laboratories for physics, chemistry, microbiology, and aquatic biology.

Above all, the environmental research center in Cincinnati is not just a local or regional Federal installation; it serves all States and is a national facility and an important one.

Mr. President, I ask unanimous consent that the article published in the July 1964 issue of Science magazine, entitled "Environmental Health," to which I referred previously be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL HEALTH—TAFT CENTER IN CINCINNATI HAS BEEN THE PHS MAINSTAY IN POLLUTION RESEARCH

(By John Walsh)

CINCINNATI.—In mid-June the Health Physics Society met in this city, which because of the presence of the Robert A. Taft Sanitary Engineering Center, can be called the spiritual home of health physics. Members of the Health Physics Society are scientists, engineers, and physicians concerned with the effects of radiation on humans, one of the newer problems of pollution of the environment. And such pollution has been the main subject of interest at the research facility established here by the Public Health Service just over a half century ago.

Until the end of World War II, the Center in Cincinnati was a small operation devoted almost exclusively to water pollution problems. Then after the war, for a number of reasons—sheer growth of population and industry, emergence of atomic energy with its peculiar problems, increasing realization that smog is not only a nuisance but a menace in many cities, the so-called chemical revolution with its byproduct problems relating, for example, to pesticides and detergents—there occurred what might fairly be called a pollution explosion. Taft Center researchers moved into these new areas particularly as Congress, in a rather random way, recognized the new dimensions in public health problems with new laws and new funds.

The PHS Center was established in 1913 specifically to study the Ohio River which flows by the city's doorstep. By the turn of the century the beautiful blue Ohio and many of its tributaries were badly polluted with sewage and wastes from factories and mines in the Ohio Basin. The PHS choice of Cincinnati, which is roughly halfway down the river, seems to have been influenced by the presence in the city of an old marine hospital operated by PHS. The Center's name, originally, was the descriptive Stream Pollution Investigations Station.

The Center's current Director, Harry P. Kramer, notes that primary emphasis at the station was given to establishing the principles of natural purification of water in streams, about which not a great deal was known then, and to developing treatment systems for polluted water. From the outset, says Kramer, the station was successful in attracting highly competent men from different fields—biologists and microbiologists, chemists, engineers, and physicians—thereby setting the pattern for the approach to pollution problems that has been followed at the center ever since.

The researchers soon moved on from their exclusive study of the Ohio to a concern with the problem of stream pollution in general. Work done at the Cincinnati Center soon found its way into textbooks, and the station has exercised a heavy influence in sanitary-engineering education in American universities.

During World War II, the station, like most other Government agencies, was called on to deal with immediate problems, such as developing waste treatment systems for military installations. One of the first intimations of the coming diversification of pollution problems, came when the station was consulted on the disposal of radioactive wastes. Then in the late 1940's, research began, in a small way, on various kinds of pollution of food and milk. In 1949 the name of the station was changed to the Environmental Health Center of the Public Health Service, and plans were developed for construction of a building to fit the Center's new duties and personality.

The building was occupied in 1954, and the Center was renamed the Robert A. Taft Sanitary Engineering Center, after Ohio's senior Senator who had died a short time earlier. The reversion to "sanitary engineering" in the name seems to have been decided upon as a means of emphasizing the tie between the Center and sanitary-engineering education in the universities.

The trend toward bigness at the Center was reflected organizationally by a setting up of divisions corresponding to the four main categories of work at the Center: Division of Water Supply and Pollution Control, Division of Air Pollution, Division of Radiological Health, and Division of Environmental Engineering and Food Protection.

The Center and all its divisions are subordinate to the PHS Bureau of State Services and are under the supervision of the Bureau's Associate Chief for Environmental Health. The transformation of a small, centralized agency with a tradition of autonomy into a much bigger one with multiple divisions and two bosses—one in Washington and one in Cincinnati—has, unsurprisingly, not been accomplished with perfect ease.

For one thing, the Center staff has expanded in the last decade from about 200 to about 1,000 and has spilled out of the main building, so that the Center now has 10 locations in and around Cincinnati. Nearly two-thirds of the staff members are in improvised quarters.

The PHS Division of Occupational Health also has a research and training facility in Cincinnati. Occupational health, while regarded as one of the five areas under the environmental-health umbrella, is not directly attached to the Center, as the other four are.

The budget for the current fiscal year for the Taft Center is some $12.7 million. The occupational health facility, which employs 139 people, has a budget this year of $1.5 million. The breakdown of funds at the Taft Center indicates fairly accurately the distribution of emphasis in research there. The biggest sum, $4.8 million, goes to the Air Pollution Division; water pollution is next with $4 million; then come radiological health with $1.3 million, and environmental engineering and food protection, with $731,000. The management budget, which includes substantial amounts for training, is $1.9 million a year.

The Division of Radiological Health developed from original efforts at the Center to deal with problems of disposing of radioactive wastes. Research in the Division has been devoted in large measure to devising better means of detecting radioactivity in the environment, particularly the movement of radionuclides in streams and in the atmosphere. In the late 1950's, when fallout became a subject of serious concern because of nuclear weapons testing, the Division became deeply involved in helping to set up a fallout monitoring network across the country and in setting up a national Radiation Surveillance Center. Researchers from the Center also work with the Federal Radiation Council on setting radiation standards.

Radiological health research at the Center therefore, has primarily stressed detection and measurement. Work on radiation effects has been largely delegated through grants and contracts, to university scientists. This division of labor is based in part on the access which university researchers have to closely controlled animal colonies and based in part, apparently on the Center's long-standing practice of concentrating on applied research.

The Public Health Service's work on food and milk pollution would appear to bring PHS into competition with the Food and Drug Administration. While the line, in fact, is sometimes difficult to draw, PHS and the researchers at the Taft Center are interested in food and milk as part of the environment. They are concerned less with particular cases of contamination or pollution than with finding general answers to questions such as those posed by outbreaks of botulism or Salmonella poisoning. The process for removing radionuclides from milk, for example, was largely developed at the Taft Center.

FISH KILL

Analysis techniques which had been brought to an advanced stage in the food and milk division contributed heavily to the PHS report earlier this year that the lethal agent in a massive fish kill in the lower Mississippi River last year was a much-used agricultural pesticide called endrin. The fish-kill investigation was centered in the aquatic biology section of the water supply and pollution control division, but new gas chromatography techniques employed by researchers in the food and milk division were a key factor in the still hotly disputed PHS verdict on endrin.

In the Mississippi case PHS was invited by Louisiana State authorities to study the fish kill. The Federal agency may assume the initiative only in cases of pollution covered by Federal law. Despite new legislation, the area open to Federal initiative is highly restricted, and even in that area the PHS seems to feel more comfortable in its old modus operandi—cooperation with State and local agencies—than in its new one—intervention.

The Air Pollution Control Act passed in 1955 basically gave PHS the task of defining the problem of air pollution and of providing technical assistance to the States in their pollution abatement efforts. A strengthened air pollution law enacted last year provided grants-in-aid to local, State, and regional air pollution control agencies for starting or expanding control programs. It also authorized the Department of Health, Education, and Welfare (the PHS parent department) to initiate abatement and enforcement activities itself or at the request of a State when the health or welfare of a citizen of that State was endangered by air pollution originating in another State.

The limitations on the agency's authority, which is based on interstate powers, are vividly illustrated by a spectacle visible most days from the windows of the air pollution division offices in the Taft Center. Flame and dense smoke pour from the stack of a reclamation foundry situated a few hundred meters beyond the city limits of Cincinnati; the city does have an air pollution control unit, but the suburb does not.

At the Taft Center, a good deal of work is being done, as prescribed by the new law, on two major contributors to air pollution—motor vehicles and fuels containing sulfur. An abatement branch to enforce the new law has been proposed for PHS, but this unit would presumably provide technical support to the HEW Secretary, who alone has power, under the older water pollution control law, to initiate enforcement action.

Water pollution, the original concern of the pollution fighters, remains a principal subject of research at the Taft Center. In the early days the water researchers concentrated on disinfection problems and on combating the "oxygen lag" in water heavily polluted by organic wastes. They made notable advances in insuring that public water supplies would not be the sources of epidemics. In their efforts to make water a cheaper and safer product they have not only grappled with the esthetic problems of taste and odor but have also sought to make the much-used and reused water in our streams and rivers usable for fishing, boating, and swimming.

The task has grown more difficult as new industrial processes have introduced new kinds of wastes into the streams and rivers. Detergent foam has been perhaps the most visible sign of these new problems. But with the "chemical revolution" has come the question of what the researchers call "potential toxicants." Does the presence of nontoxic levels of pesticide in the human body, for example, have any specific effect on the susceptibility of an individual to degenerative diseases? Or what, researchers on air pollution problems wonder, is the contribution to respiratory diseases of earlier exposure to air heavily polluted with sulfur dioxide?

The Taft Center has made remarkable advances in the technology of isolating and identifying specific pollutants in the water. It has thereby given enforcement agencies stronger weapons in their campaigns against pollution and has also made some industries more self-critical and sensitive to suggestions on antipollution measures.

But the detection of potential toxicants is so far a fairly rudimentary science. Researchers are working hard, for example, to develop ways to measure the "body burden" of pollutants in the human individual by analysis of the blood. Until such techniques are much further advanced, the problem of establishing long-term cause-and-effect relationships between pollutants and disease will remain very difficult.

This important new dimension of public health activity figures in the controversy over location of the environmental health center proposed for the Washington area by PHS (Science Aug. 23, 1963). The proposal's vicissitudes in Congress and what, from the outside appears to be PHS uncertainty on just what kind of center it wants, leave it a matter of speculation as to whether installation would be an administrative headquarters or a center for basic research on problems of environmental health.

The role of the Taft Center in what obviously will be a period of expanding research in environmental health is somewhat clouded at the moment. The Center has a long record of achievement in developing methods of detecting pollution in the environment and of devising practical and economic countermeasures. The tradition has been one of applied rather than basic research, a point that an extragovernmental committee on environmental health research made in its report, which recommended establishment of a separate facility for research on fundamental problems in all areas of environmental health.

The furor over fallout, which was quieted by the limited test ban treaty, and PHS involvement in the Mississippi River fish-kill case are instances of the demand for a new kind of research and of the controversy that may surround it. A pressing problem now facing PHS and its Taft Center is how to organize research on these difficult but increasingly important public health problems.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield to my distinguished colleague.

Mr. YOUNG of Ohio. I thank my distinguished colleague for yielding to me. I congratulate him on the statement which he has made, and fully associate myself with him on this subject. I was glad to be a cosigner of the letter which he wrote to the chairman and members of the Senate Committee on Appropriations setting forth our views. The proposal for locating this important facility in the Washington area has been made for the convenience of some high-salaried bureaucrats. The Congress has recently added to their salaries, making them a part of a special economic royalty in Washington. That increase in salary was brought about without the votes of myself and my distinguished colleague. We opposed the pay raise bill. The project as proposed would be undertaken merely for the convenience of the bureaucrats.

Mr. President, I condemn and denounce the proposal. I associate myself foursquare with my colleague on this subject. The work of this proposed facility has been conducted in the Public Health Service Center in Cincinnati for 51 years. Ohio is the place where the facility should remain and where it should be expanded. This is one more illustration of what the bureaucrats are trying to do for their own convenience in concentrating facilities in Washington, D.C., which is already overcrowded, to the detriment of other areas of our Nation.

We cannot protest too vigorously on this subject. I hope that my colleague, as a result of his leadership in this situation, has placed a permanent roadblock in the way of the bureaucrats so that they will not prevail. I congratulate my colleague.

Mr. LAUSCHE. I thank my colleague. To clarify the RECORD, I point out that the installation in Ohio was begun in 1913. As I stated previously, it was then intended to research the causes of water pollution and to devise methods for eliminating pollution. Since that time there has been added to the facility the occupational health facility. Water pollution studies and research continue. Studies are being made of the impact of radiology on health. Food protection studies are being made there. That initial humble beginning has been expanded into what is definitely the center of activity in the United States; and it would be a tragedy to destroy it by the proposal contemplated.

SECURITY GUARDS FOR SENATOR GOLDWATER

Mr. DOMINICK. Mr. President, the distinguished Senator from Wyoming [Mr. SIMPSON] has introduced a bill to provide security for Presidential nominees and Vice Presidential nominees of both parties.

I am very much interested in the bill, and have added my name as a cosponsor. It is a most important subject for us to consider and act on as promptly as possible.

It is my understanding that the House has acted on a similar bill. By unanimous consent it has passed the House. I see no reason for any delay in the Senate with respect to a similar measure.

Recently I received a letter from a friend of mine in Washington, in which he rather sharply protested a newspaper article in which Senator GOLDWATER's home in Washington was delineated very clearly with an "X" marked on a picture. This gentleman asked me if I knew whether there were security precautions for Senator GOLDWATER. My answer was that I had always assumed that there were. I suddenly learned that there were not. I think there is a need for such protection.

This morning's Washington Post contains an editorial in favor of the bill designed to provide such security service.

I ask unanimous consent that the editorial published in this morning's Washington Post, entitled "Guards for GOLDWATER" may be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GUARDS FOR GOLDWATER

> Proposals that the Government extend to Senator GOLDWATER for the duration of the campaign the protection of the Secret Service ought to be acted upon. The turbulence in many of our great cities, the tensions of our time, and the excitements of this particular campaign all make the next 2 months hazardous beyond the risks of a normal campaign.
>
> Even in normal and more tranquil times the candidates of major parties should be given comparable security protection. To prevent the costs of guarding a host of splinter group candidates, the expansion of security might be confined to candidates of parties which have averaged a minimal number of electoral votes in recent elections.
>
> No one of this generation should be complacent about these risks after the events that have transpired in this country. There may be no such thing as complete security for a candidate who must mingle among his constituents; but there are precautions that can greatly diminish the risks that campaigning imposes. These precautions ought to be taken for Senator GOLDWATER as well as for the President.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. SIMPSON. The Senator from Colorado has just made a significant contribution toward the bill. I am very happy that he has seen fit to join in cosponsorship of the bill.

Mr. DOMINICK. I thank my distinguished colleague. He is always in the lead on such matters.

SUPREME COURT NOW LEGISLATES—CREATES NEED FOR CONSTITUTIONAL AMENDMENT DEALING WITH REAPPORTIONMENT OF STATE LEGISLATURES

Mr. BENNETT. Mr. President, in his Farewell Address, President George Washington warned Americans yet unborn against the "spirit of encroachment" by any of the three branches of the Federal Government, including the judicial branch. He said:

> It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

WARNING AGAINST USURPATION EVEN FOR GOOD OBJECTIVES

President Washington then goes on to set forth with classic clarity the great need for checks on the exercise of political power, referring to the constitutional doctrine of checks and balances. If there is a need to change the balance of power either among the three branches of the Federal Government or between the States and the Federal Government, it should be accomplished, according to Washington, by constitutional amendment but not by "usurpation" no matter how laudable the objective. Washington stated:

> But let there be no change by usurpation; for though this, in one instance, may be the instrument of good. It is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

It is deeply to be regretted that the Supreme Court majority in its recent State legislature reapportionment decisions deliberately chose to abandon this time-honored constitutional doctrine and refused to heed the warning of our first President. A majority of the Court held in these decisions that both houses of State legislatures must be apportioned on a population basis and that virtually no factors other than population may be considered in determining representation in these legislative bodies. By so holding, the Supreme Court majority in effect amended the Constitution of the United States and thereby arrogated to itself the authority to legislate, a power hitherto reserved to the Congress. This is true since there is no authority whatever in the Constitution giving the Court the power to impose on the States any particular standard of representation in legislatures so long as the State government is republican in form.

NO AUTHORITY

The only claimed authority cited by the Court majority in its decision is the equal protection clause of the 14th amendment. But the Court completely ignores section 2 of the 14th amendment as well as the 15th and 19th amendments which clearly make the Court's novel interpretation of the equal protection clause untenable.

By embarking on a course of judicial law making to implement its own political and social theories, the Court majority totally avoids not only the plain meaning of the Constitution, but also ignores constitutional history. Two-thirds of the legislatures of the 23 so-called "loyal States" which by 1870 ratified the 14th amendment had apportionments of their legislatures which would not coincide with the new equality of population theory of the Court. Surely these State legislatures would not have ratified the amendment had they believed it might render their own State constitutions unconstitutional. Furthermore, Congress did not require equality of legislative districts in the constitutions of the 10 "reconstructed States" of the South which it required to ratify the 14th amendment before they were admitted to the Union. To make the argument completely conclusive, the legislative history of the 14th amendment in Congress fails to provide one scintilla of evidence to support the Court's interpretation, but rather to the contrary. Thus it is perfectly obvious that the framers and ratifiers of the 14th amendment had no intention whatever of requiring the apportionment of legislatures solely on a population basis.

Significantly, Congress did not impose such a standard on the new States that entered the Union after the 14th amendment was ratified by the States. This is true of Utah, for example, whose Constitution was approved by Congress in 1895 and assured each county of one representative in the House regardless of population.

ATTACK ON OUR FORM OF GOVERNMENT

The exercise of judicial law making by the Court in the reapportionment cases represents a basic frontal attack on our form of government. First of all, the Court majority presumes to legislate and to amend the Constitution by judicial fiat thus weakening the separation of powers between the Court and Congress. Secondly, it attacks the Federal system by further undermining the right of the States to govern their own affairs. Even the Supreme Courts own prior decisions have little meaning to the new majority for the Court had held previously that reapportionment was a political question which should be left to the States themselves to handle.

END DOES NOT JUSTIFY MEANS

It is probably true that some States have a serious maldistribution in their legislatures. One can understand the impatience of those who wish to correct such abuses. However, the end does not justify the means used by the Court majority in arrogating to itself powers that it does not have under the Constitution. This usurpation can not be justified no matter how laudable the objective, for to do so poses a grave threat to the survival of our form of Government. As Washington warned, though the "usurpation" in this "one instance may seem to be the instrument of good it is the customary weapon by which free governments are destroyed."

Similarly Justice Stewart in his dissent with Justice Clark correctly stated that:

> I am convinced these decisions mark a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by their own notions of wise political theory.

Justice Stewart also said:

> What the Court has done is to convert a particular political philosophy into a constitutional rule, binding upon each of the 50 States, from Maine to Hawaii, from Alaska to Texas, without regard and without respect for the many individualized and differentiated characteristics of each State, characteristics stemming from each State's distinct history, distinct geography, distinct distribution of population, and distinct political heritage.

Justice Harlan in his ringing dissent wisely observed:

> What is done today deepens my conviction that judicial entry into this realm is profoundly ill advised and constitutionally impermissible. * * * These decisions also cut deeply into the fabric of our federalism. What must follow from them may eventually appear to be the product of State legislatures. Nevertheless, no thinking person can fail to recognize that the aftermath of these cases, however desirable it may be thought

> in itself, will have been achieved at the cost of a radical alteration in the relationship between the States and the Federal Government, more particularly the Federal judiciary. Only one who has an overbearing impatience with the Federal system and its political processes will believe that that cost was not too high or was inevitable. * * * The Constitution is not a panacea for every blot upon the public welfare, nor should this Court, ordained as a judicial body, be thought of as a general haven for reform movements.

COLORADO CASE TROUBLING

The Court's decision in the Colorado reapportionment case was particularly troubling. Colorado's house is apportioned on the basis of equal population in representative districts. The Senate is apportioned not only on population but also by the use of other factors. Even with the application of these factors, Colorado's three metropolitan areas, Denver, Pueblo, and Colorado Springs, elect a majority of the senate. This system was approved in 1962 by a popular referendum in which not only a 2-to-1 majority of all the voters in Colorado but a majority in each county including those urban counties allegedly discriminated against, voted for the present plan in preference to representation on a per capita basis in both legislative houses. Thus, the majority, of its own volition, chose to protect the minority's interest; but a majority of the Supreme Court in effect said that the majority in Colorado does not know what is good for it, so the apportionment was ruled unconstitutional by six Justices.

MAJORITY TYRANNY

Our constitutional fathers were preoccupied with the feared trampling of minority rights by a tyranny of the majority. The Constitution reveals their concern. Moreover, they wisely permitted State legislatures to consider other factors than population in determining representation, recognizing that the rights and liberties of minorities are worthy of consideration and protection in our form of Government.

Thomas Jefferson made quite clear his distrust of unqualified democracy and majority rule. The Virginia Senate, Jefferson thought, was constructed too much like the House of Delegates. The result was that the very purpose of having two houses of legislation, "to introduce the influence of different interests or different principles," was frustrated. To Jefferson, Virginia did not receive from the separation of the two houses, "its benefits which a proper complication of principles is capable of producing."

Jefferson believed that the same problem existed in a more acute form in Connecticut, at least in 1807, at which time he said the people there suffered "from an unjust majority." He stated in a letter to Thomas Seymour:

> I have seen with deep concern the afflicting oppression under which the republican citizens of Connecticut suffer from an unjust majority. The truths expressed in your letter have been long exposed to the Nation through the channel of the public papers, and are the more readily believed because most of the States during the momentary ascendancy of kindred majorities in them, have seen the same spirit of oppression prevail.

James Madison, who is sometimes described as the Father of our Constitution, was convinced that public affairs are too often decided "by the superior forces of an interested and overbearing majority" rather than by "the rules of justice and rights of the minority party." For example, he wrote to James Monroe:

> There is no maxim, in my opinion, which is more liable to be misapplied, and which therefore needs more elucidation, than the current one, that the interest of the majority is the political standard of right and wrong. Taking the word "interest" as synonymous with "ultimate happiness" in which sense it is qualified with every necessary moral ingredient, the proposition is no doubt true. But taking it in the popular sense, as referring to the immediate augmentation of property and wealth, nothing can be more false. In the latter sense, it would be the interest of the majority, in every community, to despoil and enslave the minority of individuals, and in a Federal community, to make a similar sacrifice of the minority of the component States. In fact, it is only reestablishing, under another name and a more specious form, force as a measure of right.

Madison and Jefferson were not alone. Hamilton, for instance, said:

> If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: The one by creating a will in the community independent of the majority, that is, of the society itself; the other by comprehending in the society so many separate descriptions of citizens, as will render an unjust combination of a majority of the whole very improbable, if not impracticable.

John Adams believed strongly that majorities, almost universally, persecute minorities. To him the problem of government was twofold: to safeguard society from the overriding ambitions of aristocracy, to prevent the majority from usurping the rights of the minority.

These views are typical of the attitudes of the constitutional fathers.

A foundation theory of our Constitution is to achieve a consensus among all of the people by a process of accommodating group interests through our democratic representative institutional arrangements. But by applying uncritically what Justice Stewart calls a "simplistic, and heavy handed application of sixth grade arithmetic" through its one person, one vote test, the Court has discarded, in part, the historic constitutional means of obtaining such a consensus. Indeed, the Senate of the United States itself appears to exist only at the sufferance of the Supreme Court, even though the Court presently disavows any intention of declaring the Senate unconstitutional. Yet, the same principle applies. If the representation of small counties in State legislatures may be taken away arbitrarily, then so too can the small States be denied their representation in the Senate under the Court's new political theory.

ARBITRARY DECISION

Justin Harlan charged in his dissent, the Court has declared it unconstitutional for a State to give consideration to any of the following in establishing legislative districts: History; "economic or other sorts of group interests"; area; geographical considerations; a desire "to insure effective representation for sparsely settled areas"; "availability of access of citizens to their representatives"; theories of bicameralism—except those approved by the Court; occupation; "an attempt to balance urban and rural power"; and the preference of a majority of voters in the State.

Interestingly enough, Chief Justice Warren when he was a Governor expressly rejected the reapportionment theory he has now embraced as Chief Justice. He said in a speech at Merced, Calif., on October 29, 1948:

> Many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting the representation in the Senate to a strictly population basis.
>
> It is the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union—equal representation in one house and proportionate representation based on population in the other.
>
> Moves have been made to upset the balanced representation in our State, even though it has served us well and is strictly in accord with American tradition and the pattern of our National Government.
>
> There was a time when California was completely dominated by boss rule. The liberal election laws and legislative reapportionment of the system have liberated us from such domination. Any weakening of the laws would invite a return to boss rule which we are now happily rid of.
>
> Our State has made almost unbelievable progress under our present system of legislative representation. I believe we should keep it.

The effect of this arbitrary ruling is to sap local initiative both at the State and local level. It will encourage party gerrymandering. It stifles the value of local individuality and initiative by compelling all legislatures to be poured into a common mold. It likely will result in the neglect of rural areas, small cities, and suburbs of large cities throughout a large majority of our States. In Utah, for example, much of our growth potential for the future lies in our rich resources in sparsely populated counties. If these counties are to be totally dominated by the two or three heavily populated counties in the State which contain a majority of the population, the economic growth of these outlying and sometimes isolated areas may well be stunted. These areas would have few representatives who would have to travel great distances to serve their districts. The result will be inadequate representation.

POWER FOR CORRUPT CITY BOSSES

In many of our large industrial States the effect of the Court decision will be to throw the control of State legislatures into the hands of corrupt political machines and party bosses. Once in power, these corrupt machines then can both gerrymander the State legislative districts and the House districts for Congress. Surely it is not irrational for State legislatures to require either its senate or house to be based in part on factors other than population to prevent this from happening.

For all of these reasons, I have joined in support of a proposed constitutional amendment which provides that the citizens of each State shall have exclusive power to determine the composition and apportionment of its legislature, provided that at least one house of its legislature is apportioned on a population basis. I hope for the sake of the survival of our form of government and of our political liberties that two-thirds of both the House and Senate membership and three-fourths of the State legislatures approve the proposed amendment and thereby reject the alarming usurpation of power by the Supreme Court.

DIRKSEN AMENDMENT

It is obvious, however, that Congress does not have time this year to complete its action on the proposed constitutional amendments. Therefore, it is necessary to stay the action of the courts in their attempt to force reapportionment upon the States until Congress does have an adequate opportunity to give full consideration to the adoption of a constitutional amendment. Therefore, I shall vote for the amendment to the foreign aid authorization bill introduced jointly by Senators MANSFIELD and DIRKSEN, to give the States a 1- to 2-year delay in reapportionment cases and to permit Congress to take action next year on the resolutions calling for a constitutional amendment.

It has been suggested by some editorial writers of the liberal press that there is something unconstitutional and perhaps improper about the Dirksen amendment which merely postpones the courts of jurisdiction for a year or two over State reapportionment litigation. Evidently, they are not familiar either with constitutional law or constitutional history. The Constitution provides that the Supreme Court's power shall be divided between two types of jurisdiction, original and appellate. Article III of the Constitution expressly provides that Congress shall control appellate jurisdiction, and, indeed, the Supreme Court would have no such appellate jurisdiction had not Congress given it to the Court. The Dirksen amendment deals with appellate jurisdiction. Congress may not only give such jurisdiction, but it may take it away. For example, Congress in 1867 broadened the Supreme Court's appellate jurisdiction; but in 1869, Congress repealed the 1867 legislation. And the Supreme Court was compelled to dismiss an appeal before it under the earlier legislation because of lack of jurisdiction.

Furthermore, any first-year law student knows that the Court may not only overrule judicial decisions, but that the Court has on many occasions invited Congress to do so. This is particularly true in the area of interstate commerce.

The same so-called liberals argue that it is improper for Congress to exert its constitutional powers over appellate jurisdiction of the Court because this purportedly intrudes into the judicial branch. They overlook the fact that the Court in its reapportionment decisions intruded into the legislative area of both the States and of the Federal Congress and arrogated to itself authority which it did not, and does not, have under the Constitution.

It is clear then that the Dirksen amendment is both constitutional and necessary.

I ask unanimous consent that a statement prepared by a distinguished and respected State senator from Utah, Orval Hafen, be included in the RECORD at the conclusion of my remarks. Senator Hafen was speaking for a special bipartisan committee of nine appointed in June of 1964 by the Utah Legislative Council at the request of Gov. George D. Clyde.

I also ask unanimous consent that a most perceptive and well-reasoned article by the able columnist, William S. White, who accurately describes the Court's recent actions in the reapportionment field be included in the RECORD following my remarks, together with an editorial from the Deseret News, of Salt Lake City.

There being no objection, the article, editorial, and statement were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Aug. 12, 1964]

TIME TO RESTRAIN THE COURT

(By William S. White)

A profound contest is developing between Congress and the Supreme Court over the increasing interference by a majority of its Justices in the purely political affairs of this country.

It will be a collision between Congress' constitutional right to make the laws and the Court's continuous attempts to usurp that right to itself. It is a somber thing that two basic American institutions must thus become embroiled between themselves. They need never have done so had the Court been willing to practice even a minimum of self-restraint.

Specifically, the issue is the Court's ruling of June 15, over the violent objections of a distinguished minority of its judges, that not simply seats in the lower houses of the State legislatures, but also, in the State senates must hereafter be apportioned substantially on population alone.

This extraordinary decision would be the beginning of the end of the ancient concept of check and balance in American society. It would cast away a practice of nearly two centuries by which the lower houses have been roughly based on a head count of the population, but the State senates almost universally have been based mostly on other factors, such as geography and tradition. The vital point is that the State senates are the sole homes of the check in the check and balance system.

In a word, the Court proposes to destroy a qualified right of obstruction—of wait-and-see—in the upper houses over the sometimes hurried and hysterical actions of lower houses speaking sometimes for mere whipped-up and transitory and uniformed popular majorities. Carry the Court's decision to its logical conclusion and even the historic and deliberate population imbalance in the U.S. Senate—where the smallest State in numbers now has equal voting power with the very largest—could not in any logic longer prevail.

What a powerful bipartisan group in Congress now proposes to do is to pass an act to suspend this amazing ruling for 2 years. Thus, time would be gained for the adoption of a constitutional amendment forbidding the Court to enter an area which it had, until now, always conceded it had no right to enter anyhow.

At the head of this congressional movement to reclaim the proper powers of Congress and the States from a Supreme Court progressively draining them away—on the theory that only the Court knows what is really good for the country—is the Republican Senate leader, EVERETT DIRKSEN, of Illinois. Many Democrats, however—and not rightwingers or "ultraconservatives"—are in his support.

The Court—nine men elected by nobody, serving for life and accountable at last only to their own consciences and sense of public taste—has been persistently unwilling to restrain itself from meddling in politics. Now, Congress is going to apply the rein which the Court has refused to apply itself. It is a sad moment. For the integrity of the Supreme Court is the first indispensable to order in this Nation. And no one gladly moves against it—even, as now, if only to halt seizures of power it was never granted and never should have sought.

Indeed, the present situation has no parallel in American history. President Franklin D. Roosevelt's attempt 26 years ago to pack the court so that it would sustain some of his experiments was, in truth, an attack upon its just rights. But what now goes forward is a congressional check not upon the Court's just rights but rather upon its repeated attempts to seize for itself the just rights of the legislative bodies of this country.

Apologists for the Court already are seeking to present this deeply necessary challenge to an arrogant judiciary as some effort to curtail it in such fields as civil rights.

It is a wholly false argument. The Court is in no way being attacked for expanding civil rights. It is being counter-attacked for its sustained determination to alter the whole American political structure to conform to the wishes of a Court majority which has gone all but power mad about what it believes to be "liberal" ideas but which are, in fact, the ideas not of democracy but of mobocracy.

[From the Deseret News, July 25, 1964]

SPEAK OUT ON REAPPORTIONMENT

With Idaho and a few other States calling their legislatures into special session to consider reapportionment, they would do well not to be stampeded into reapportioning along the lines of the recent U.S. Supreme Court decision. A move is underway to amend the Constitution to change that decision.

When the Supreme Court ruled 6 to 3 last month that both houses of State legislatures must be apportioned on a substantially equal population basis, it overturned a principle that has been accepted since the founding of the Republic.

Because the decision is so unexpected and so far reaching, the Court itself realizes it will take time to carry it out. That time should be used both to make careful preparations to implement the new ruling on reapportionment as intelligently as possible should it in the end be necessary to do so, and to make popular feeling about the ruling felt in the highest councils of government.

That there is serious concern about the ruling is readily apparent. The Republican Party's national platform contains a pledge to support a constitutional amendment, if necessary, to allow State legislatures to apportion one house on the basis of factors other than population—which is the tried and proved practice not only in most States but in Congress itself.

The U.S. House of Representatives Judicial Committee is holding hearings to which Utah sent a representative who reported the majority and minority views of a legislative council committee on reapportionment. Most members of the committee favor apportioning "one house on factors in addition to population with wide latitude reserved to the States for weighing these factors."

In a democracy, the people run the government rather than the government run the people. That means that in the last analysis if enough citizens want the Court's ruling changed, it will be changed. If, however, most people believe the Court is right, its ruling will stand as the law of the land.

The Court's ruling as it now stands could destroy meaningful bicameralism in the States and erode our system of checks and balances. A step like that should not be rushed into if, indeed, taken at all.

STATEMENT OF STATE SENATOR ORVAL HAFEN, OF UTAH, BEFORE THE HOUSE JUDICIARY COMMITTEE, RELATIVE TO PROPOSED AMENDMENTS TO THE CONSTITUTION CONCERNING REAPPORTIONMENT OF STATE LEGISLATURES, JULY 23, 1964

My name is Orval Hafen, and I reside at St. George, Utah. I am a lawyer by profession and since 1952 have been a member of the Utah State Senate. I was president of the State senate in 1957–58, and am a past president of the Utah State Bar. At present, I am chairman of the judiciary committee of the Utah State Senate.

Ever since I have been a member of the Utah State Senate, I have been involved in the question of reapportionment. I was cosponsor of legislation in 1953 which failed of enactment, and was cosponsor of the reapportionment act passed by the 1955 Utah Legislature, and was sponsor of the reapportionment act passed by the 1963 legislature. The 1955 act was reviewed and upheld by the Utah Supreme Court, and I prepared a brief and assisted in arguing the case before the court.

After the reapportionment decisions of the U.S. Supreme Court on June 15, 1964, the Utah Legislative Council, at the request of the Governor, appointed a special committee of nine on this matter of reapportionment. This committee is composed of four rural and four urban members of the legislature, divided equally between the two political parties, and of the chief justice of the Utah Supreme Court. I am acting as chairman of the committee.

In my personal opinion, there is very little sentiment, even in the metropolitan area of Utah, for reapportioning both houses of the Utah State Legislature on a strictly population basis. I appreciate that there are some in my State who would not agree with this statement, but I make it advisedly, and I add that I know there is substantial sentiment in opposition to the proposition.

Such a formula would result in giving people living within 30 miles of the State capitol and representing less than 2 percent of the area of the State and only 2 of our 29 counties the power to control all legislation. In my judgment, this would not be in the best interests of the State. I am informed that a number of States, such as New York, Illinois, Maryland, and others, have a similar situation.

I will forgo the temptation to present a legal brief on why I disagree as a lawyer with the latest decisions of the U.S. Supreme Court on this question. Let me say, again as my personal opinion, that these decisions illustrate the tendency of the Court to legislate, rather than strictly interpret, the law and that this tendency provides an opportunity to change the very form and fabric of our Government without the sanction of Congress, and without the approval or consent of the States or the people.

Until the decision in *Baker* v. *Carr* in 1962, it was established legal doctrine that the matter of the makeup of State legislatures was something left to the States, and was beyond the purview of the Federal courts.

My basic objection to the assumption in the most recent decisions of the U.S. Supreme Court of "one person, one vote" and that the majority should prevail is that this proposition was rejected by the framers of the Constitution. They worked late on many nights to insure a system which would protect us from the "tyranny of the majority." Our system of checks and balances was the result. These latest decisions deny minorities the protection they have had, and give substance to the argument that majorities should be able to do anything they want to minorities. This, too, in a day when a majority is often nothing more than a well-organized and well-financed minority. I feel that this theory does violence to the fundamental principles on which our Government was founded.

There has been widespread reaction across the United States to these latest decisions. Only 4 days after they were announced, the southern conference of the Council of State Governments adopted a resolution memorializing Congress to consider an amendment utilizing population in apportioning one house of a State legislature and permitting the State to use any criteria as in its wisdom may be in its individual best interest in apportioning the other house. The midwestern regional conference of the Council of State Governments on July 1, 1964, having a little more time to consider the matter, adopted a resolution memorializing Congress to pass and submit to the States for ratification an amendment which in essence would provide that no provision of the Federal Constitution shall restrict or limit any State in the apportionment of representation in its legislature.

It is this latter proposition which I personally wish to support.

In Utah, our State constitution provides that each county shall be entitled to at least one representative in the house. The constitution was duly adopted by the people, and I feel confident that if they were to vote on the question again to the effect that each county shall be entitled to at least one representative in the house, they would approve it. This means that if the Utah House were apportioned on a population basis, using the population of the smallest county as a unit, we would have a house membership of 760. Our senate, as is usually the case, is smaller in membership than the house, and factors in addition to population have been taken into consideration in its makeup. As a result, we have a legislature where the 4 urban counties have a 60-percent majority in the house and the 25 rural counties have a 52-percent majority in the senate. No law can be passed without the approval of the urban majority in the house and the rural majority in the senate. Each acts as a check on the other. Neither can dominate the other, although in both houses it is true that although population is considered the rural citizens have a larger representation per vote than the urban citizens. The Utah Supreme Court upheld the provisions of the 1955 act which accomplished this result. The 1963 act has not been passed upon by our court, but it may be that the court would say that it has not given enough recognition to increases in population in the four urban counties since the 1955 act was passed, and that this must be done, even though it would upset the balance between the 4 urban counties and the 25 rural counties.

The point I wish to make is that the legislature in each of the 50 States is in a much better position to work out the difficult problems of reapportionment in a particular State and to balance the varied interests and considerations that the U.S. Supreme Court could do in one sweeping generalization. I make the further point that if and when a legislature does not measure up to its responsibilities, the citizens have recourse to the courts and to the provisions of their respective State constitutions, so that there is no void here which the U.S. Supreme Court must fill. If this traditional and historic procedure can be blandly disregarded, then in my humble opinion we have taken a long step in obliterating our concept of Federalism and in destroying something unique in the governments of men.

I understand that various proposals before this committee in essence provides that factors other than population can be taken into consideration in apportioning one house of a State legislature. This is a left-handed way of saying that population must control in the other house. I say population should be a factor in both houses, but it should not be entirely controlling in either house. The wording of the various State constitutions relative to reapportionment and the decisions of the courts based on those wordings are so diverse and varied that a generalization, even to the extent of providing that only one house must be apportioned on population will create more problems than it will solve. In Utah, for example, we will either have to amend the constitution which provides that each county shall be entitled to at least one representative in the House, which I doubt we would want to do, or we would have to try and base our senate strictly on population. This would be most difficult to do unless we could be allowed a latitude of perhaps 25 percent in order to respect county lines, even if counties in some instances were combined. I doubt that this much flexibility would be permitted if an amendment provided that at least one house must be apportioned on population. In our State we have given population as well as other factors consideration in both houses. Our Supreme Court has upheld such a formula, although the court indicated that if population were not given sufficient consideration in either house it would require some modifications.

The point I wish to emphasize is that in Utah, and it may well be true in many of the States, we can work out a more equitable formula if population and other factors can be taken into consideration in both houses, than if we were required to recognize only population in either house.

I understand that House Resolution 1069, and perhaps other resolutions, provide that nothing shall prohibit a State from apportioning the membership of one house on factors other than population if the citizens of the State shall have the opportunity to vote upon the apportionment. In the first place, I have indicated my personal conviction that factors other than population should be considered in both houses. In the next place, regardless of what kind of an amendment is recommended by this committee, I feel that the provision requiring approval by the voters is not only cumbersome and unnecessary, but is dangerous because it would provide an opportunity for populous centers or organized minorities to defeat the proposal and thus require both houses to be apportioned on population. Such a result would effect the very thing the amendment seeks to avoid. If the idea is inherently right and fair, then it should not be subjected to the vagaries of being voted on by the people.

I believe there is no justification for taking this thorny problem from the States, where it can be determined in accordance with local considerations. If we adopt an amendment saying in effect that one house must be based on population, we are admitting the right of the U.S. courts to invade this field, and are denying the States political rights they have exercised for more than 175 years.

As indicated in what I have said, I personally favor an amendment in essence like the one proposed by the midwestern regional conference of the Council of State Governments, which would leave this matter with the States, where it has always been.

I should say as chairman of the special State committee working on this matter, that I have expressed my personal views. Our committee has not had time to formulate a final stand on the matter. At our first and only meeting on July 21, 1964, four members indicated they feel that one house should be apportioned on the basis of the latest Supreme Court decisions and the other should be apportioned on factors "in addition to" instead of "other than" population, with wide latitude given to the State for weighting other factors. One member was in sympathy with the Supreme Court decisions, one concurred in my views, and two have not had an opportunity to express themselves. This divergence of views within my committee illustrates in a drastic way the difficulties many of the States will have in working out this problem in a way which will provide the most satisfactory solution in a particular State. Again in my personal opinion (which would not be shared by all members of my committee) it shows that the States must be given latitude and allowed flexibility in apportioning not only one, but both houses of its State legislature.

In conclusion, my committee feels that the proposal to amend the Constitution relative to reapportionment of State legislatures deserves serious and careful consideration. We feel confident that your committee and the Congress will give it that consideration. We in Utah are vitally concerned in what is done here, and my committee, and others in our State, want to give the problem our best thought and effort. We sincerely trust that the matter will finally be resolved in a way which will be in the best interests of the people of the United States.

HIGH PROTEIN FISH CONCENTRATE

Mr. DOUGLAS. Mr. President, Members of this body may remember that for a number of years I have been urging that the Food and Drug Administration permit the sale in the United States of high protein fish concentrate.

Some Senators have been my guests at lunches which I have given at which high protein fish concentrate has been used. I became acquainted with this product through the experimental work of Mr. Ezra Levin, of Monticello, Ill., who has been producing a fine and pure grade of high protein fish concentrate for many years. I believe it can greatly add to the health and well-being of man. Not only is it inexpensive to produce, it can be preserved almost indefinitely without refrigeration. Therefore, it can be of great benefit, particularly in the tropical areas of the world, where refrigeration is nonexistent or impossible, and where the main sources of crucially needed protein, milk, meat, and fish therefore will not keep for any protracted period of time. The product is absolutely sanitary. It receives a number of washes in alcohol and in water. The National Academy of Science has pronounced it to be completely sanitary.

But Mr. George P. Larrick, the head of the Food and Drug Administration, has refused to approve its use in the United States on the alleged ground that some people would find it unesthetic, even though it is thoroughly cleaned and purified, because the whole fish is used. Of course, it is because the whole fish is used that the product can be produced so cheaply.

I am very happy that at a hearing which was held yesterday testimony was given by Dr. D. G. Snyder, who is Director of the Fisheries Laboratory of the Department of the Interior, that high protein fish concentrate is both good and sanitary. This product is 85-percent protein concentrate and approximately 1 pound of it can be produced in large quantities at 12 to 14 cents.

I am glad to say that Mr. Donald L. McKernan of the Interior Department's Bureau of Commercial Fisheries also recommended the product and reported on research on this product which his Bureau has conducted.

It was not necessary for the Department of the Interior to conduct extensive research on production of a sanitary product. It had already been developed by Mr. Ezra Levin, and I hope the Department will not step in to take away the credit from him.

Nevertheless, the accumulation of evidence should cause Mr. Larrick to withdraw from the untenable position which he has taken. In the past Mr. Larrick has discouraged the use of flour which retains the wheat germ with soybean concentrate. He is, of course, opposed to the use of fish protein concentrate. I hope that the testimony of the Interior Department will now cause Mr. Larrick to abandon his unfounded objections to this product.

I ask unanimous consent that the news article from the New York Times of this morning be included at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES PUSHES PLAN FOR A FISH "FLOUR"; COMMERCIAL OUTPUT OF VITAL PROTEIN FOOD ADDITIVE IS CALLED POSSIBLE SOON

WASHINGTON, August 14.—Government scientists believe that they are only about 1 year away from developing a commercially profitable method of preparing a protein concentrate from fish.

Such a concentrate could be used as a dietary supplement by the world's 2 billion undernourished people, they told the Senate Subcommittee on Fisheries.

The forecast that fish protein concentrate could be made commercially within a little more than a year came from Dr. D. G. Snyder, Director of the Interior Department's Fisheries Laboratory at College Park, Md.

The Laboratory is now designing and having constructed scale-model units for the production of fish protein concentrate by two methods. The model units are expected to be in operation by fall. Dr. Snyder said he believed commercial-scale plants could be in operation a year later.

TASTE CAN BE ADDED

Fish protein concentrate—sometimes miscalled fish flour—can be made in many different forms, Donald L. McKernan, Director of the Interior Department's Bureau of Commercial Fisheries, told the subcommittee.

For areas such as Asia, where the taste of fish is prized, the concentrate would probably be prepared to retain the fish taste and odor, he said.

For use in the United States and Europe, all taste and smell could be eliminated, or a method of preparation could be used that leaves the fish concentrate tasting like beef bouillon.

Fish protein concentrate could be added to any number of products, including baked goods, soups and stews, and baby food to increase their protein content, Mr. McKernan said. Most of the world's poor live on protein-deficient diets.

BOY NIBBLES COOKIES

The Interior Department officials brought some cookies, made with fish protein concentrate, to the hearing. At the invitation of the subcommittee chairman, Senator E. L. BARTLETT of Alaska, an 11-year-old boy in the audience, John Edgcomb of Washington, sampled them. He said "they tasted just like any ordinary cookies."

Mr. McKernan expressed confidence that the Interior Department and the Food and Drug Administration, another Government agency, would shortly be able to resolve their difference over the sale for human consumption in this country of fish protein concentrate made from whole fish. Present Food and Drug Administration regulations ban the use of fish heads, viscera, and other parts of the fish in concentrates that are to be used by humans.

Interior Depatrment experts believe that a perfectly safe and wholesome product can be made from whole fish.

WISCONSIN APPORTIONMENT

Mr. PROXMIRE. Mr. President, last night I received a telephone call from Attorney General Roland Day, of Madison, Wis., who was the brilliant attorney general for the State of Wisconsin when it won a unanimous decision in the Supreme Court in Wisconsin's apportionment case. Representing Governor John Reynolds, he contended on five counts before the Supreme Court and won unanimously on each, when Wisconsin won, a virtually perfect apportionment from its supreme court. I wish to read briefly from the statement which Mr. Day gave me on the telephone. He is probably now the outstanding legal authority in our State on Wisconsin reapportionment. He had this to say:

In response to your inquiry as to the effect of the proposed Dirksen amendment on the Wisconsin apportionment, it is my opinion that passage of the Dirksen amendment could be so interpreted as to upset the election for legislative offices in Wisconsin to be held in the primary election on September 8, 1964, and the general election on November 3, 1964. These elections are to be held for districts set by our Wisconsin Supreme Court by an order entered May 14, 1964, and following their decision of February 28, 1964. This was the case of *State Ex rel, John W. Reynolds, Governor* v. *Robert C. Zimmerman, Secretary of State, Respondent and Panzer, Senate President Pro Tem. and Haase, Speaker of the Assembly,* Intervening Respondents.

This case was thoroughly argued and was in the court for almost a year. The legislature intervened through the president pro tem of the senate and the speaker of the assembly. The court after its order of May 14, gave all parties until May 20 to file any objections to the proposed plan. None were filed. This apportionment has been hailed by members of both political parties as fair and equitable. The plan set by the Supreme Court for the State of Wisconsin makes Wisconsin the most equitably apportioned State in the Nation.

Since the districts have been changed by the court and nomination papers have already been filed, no elections could be held on the dates set by our law. It would mean perpetuating the present legislature in office beyond the time their terms would expire and calling new elections at a later date. All of which would be of confusion to the public and additional expense for the taxpayers and would be of great inconvenience and expense to candidates who are already in the middle of their campaigns and who have filed in the new districts.

Passage of the Dirksen amendment would interfere with the determination made by our Wisconsin Supreme Court based not on the Federal Constitution but on the constitution of the State of Wisconsin where the principle of "one-man, one-vote" has been part of the organic law of this State since 1848.

In the decision on the apportionment case handed down by our supreme court on February 28, 1964 (22 Wis. II (d) 544) the court said at page 564:

> "Since a denial of voting rights deemed to be a denial of the general standards of equal protection of the law under the 14th amendment would also be a denial of the specific standard of representation in direct ratio to population in article IV (Wisconsin constitution) there is no reason for Wisconsin citizens to have to rely on the Federal courts for the direct protection of their state constitutional rights."

In spite of that, the judgment of this able attorney, who has devoted many months to studying and arguing this question in Wisconsin, is that the Dirksen amendment could mean that the 1964 reapportionment of the State Legislature of Wisconsin might be thrown out, and the Federal court might have no discretion except to do so.

GENERAL SERVICES ADMINISTRATION INCREASES OPPORTUNITIES FOR EMPLOYMENT OF SIGHTLESS CITIZENS

Mr. RANDOLPH. Mr. President, since 1924 I have been intensely interested in programs designed to aid our blind citizens. While a Member of the U.S. House of Representatives, I introduced legislation—the Randolph-Sheppard Act—a law designed to enhance and enlarge the economic opportunities of the sightless through management of vending stands on Government property.

Over the years the program has been revised and expanded. There are now an estimated 2,450 stands licensed under State agencies. The approximate number of operators is 2,600 with average annual earnings of $4,500. At present there are 82 blind operators in the District of Columbia, and their net profits for the year ending June 30, 1964, amounted to $653,810.26.

Mr. President, it was my pleasure to participate in a recent conference when representatives from the Washington Society for the Blind and the General Services Administration discussed means of increasing the effectiveness of the Randolph-Sheppard program. Attending were: William H. Dyer, director of the Washington Society for the Blind; John E. Joralman, general manager of the society; Robert T. Griffin, Assitant Administrator, GSA; William A. Schmidt, Deputy Commissioner, Public Buildings Service, GSA; and Robert T. Davis, Director of Legislation, GSA.

Because of the interest by GSA, the Randolph-Sheppard Act will become a source of new inspiration and purpose to many of our blind Americans. I endorse the initiative and positive attitude evidenced in the position taken by the General Services Administration, and I commend its capable and respected Administrator, the Honorable Bernard L. Boutin.

Mr. Stephen A. Gambaro, the energetic chief of the Division of Services to the Visually Impaired in the District of Columbia Department of Vocational Rehabilitation, has been most helpful.

Mr. President, following our discussion of the vending stand program I received a letter from GSA Acting Administrator Lawson B. Knott, Jr., which emphasizes the expansion and commitment this agency feels regarding the employment of the blind in the buildings under its supervision.

Mr. Knott says:

> There are approximately 400 vending stands being operated by blind persons at this time in buildings under the control of the General Services Administration. This amounts to almost one-half of all the vending stands now being operated by blind persons on the property of any one Federal Department or agency.

He refers to recent revisions in the vending stand regulations regarding protection from competition and the right of appeal to the Administrator of General Services in disagreements over permits, revocation, location, assignments, and operation of stands.

Mr. President, I ask unanimous consent that the letter from Acting Administrator Knott be printed in full in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., August 5, 1964.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: This is with reference to the conference held in your office on July 27 with Messrs. John E. Joralmon and William H. Dyer, general manager and member of the board of directors of the Washington Society for the Blind, respectively, and Messrs. Robert T. Griffin, Assistant Administrator and William A. Schmidt, Deputy Commissioner of Public Buildings Service, General Services Administration, regarding the vending stand program which we are conducting pursuant to the Randolph-Sheppard Act.

Confirming the commitment made at the meeting by the GSA representatives, you may rest assured that this agency will be happy to work together with the Washington Society for the Blind and, of course, the Vocational Rehabilitation Division of the District of Columbia Government in developing more opportunities for employment of the blind in new and existing buildings in Washington, D.C., by providing wherever feasible more stands in lieu of fewer large stands.

With respect to the establishment of vending stands in new Federal buildings to be constructed in the District of Columbia, we shall consult with the representatives of the Society for the Blind and the vocational rehabilitation division at an appropriate time during the early drawing stages of these projects. We shall also review the situation with respect to existing Federally-owned and leased buildings located in Washington, D.C., and consult with these representatives in an attempt to establish additional vending stands in such buildings. Through our concerted efforts in these respects it is believed that additional employment opportunities for blind persons will develop.

During the conference you expressed an interest, as always, in the operation of our vending stand program throughout the Nation and requested that we advise you of the current status of this program. We are pleased to report that there are approximately 400 vending stands being operated by blind persons at this time in buildings under the control of the General Services Administration. This amounts to almost one-half of all the vending stands now being operated by blind persons on Federal property and is the largest number of such stands operated on the property of any one Federal department or agency. Thus, as a result of the enactment of the Randolph-Sheppard Act, which you coauthored, and your continued efforts in this area, gainful employment is being provided for considerably more than 400 physically handicapped persons in GSA buildings alone.

In an effort to increase the number of vending stands in buildings under the control of GSA, we recently furnished the Department of Health, Education, and Welfare a list of all existing buildings in which no vending stands are now located and which have a population indicating that such a stand may be profitable. We also furnished DHEW a list of all new proposed Federal buildings which have been projected in our planning for the next 5 years, where the prospective occupancy may support a vending stand. We believe that these lists, when utilized by State licensing agencies in consultation with our regional offices, will provide for a substantial expansion of the vending stand program in GSA buildings.

We are also pleased to report that we have recently revised our vending stand regulations and will be publishing them in the Federal Register within the very near future. The revision includes two important provisions in which you have previously expressed an interest and which are not now contained in our existing regulations. One of these provisions relates to protection from competition. Under this new provision all vending machines will be offered to the blind persons operating vending stands on the same property, except vending machines which may be assigned by contract to others, such as a necessary food service operation. The other new and important provision is that if any GSA regional office fails to reach agreement concerning the granting of a permit for a vending stand, the revocation or modification of a permit, the suitability of a stand location, the assignment of vending machine proceeds, the methods of operation of the stand, or other terms of the permit (including articles which may be sold), the State licensing agency may appeal such disagreement to the Administrator of General Services. The regulations further provide for close coordination between GSA and the Department of Health, Education, and Welfare, in connection with appeals by State licensing agencies.

We want you to know that we appreciate and share your sincere interest in the vending stand program and will continue to do everything we can within the framework of our capabilities and the provisions of the Randolph-Sheppard Act to further improve and expand this important and worthy endeavor.

Sincerely yours,
LAWSON B. KNOTT, Jr.
Acting Administrator.

THE SMALL BUSINESS SEGMENT

Mr. TOWER. Mr. President, the small business segment of our economy, already such an important factor in this Nation's greatness, will become even more important in the next few years.

I ask unanimous consent that the statement of George J. Burger, vice president, National Federation of Independent Businesses, Inc., before the Platform Committee, Republican National Committee, San Francisco, Calif., on July 7, 1964, be printed in the RECORD following my remarks. Certainly, friends of the small business segment need not support all statement recommendations; there are those subject to differences of opinion, along with others which would require proper congressional committee study before legislative implementation.

This statement, while primarily designed as a presentation or guideline for GOP platform committee consideration on the subject of small business in general, is noteworthy because of its specific analysis of the role of small business in this Nation, past, present, and future.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SUBJECT: SMALL BUSINESS PLANK FOR PLATFORM

(Statement of George J. Burger, vice president, National Federation of Independent Business, Inc., before the Platform Committee, Republican National Committee, San Francisco, Calif., July 7, 1964)

TESTIMONY

Good afternoon. I am George Burger, Sr., vice president, legislation, National Federation of Independent Business. It is a pleasure to discuss with you today those things which our nationwide membership—the largest of any business-professional organization in this country—with 196,922 individual, directly supporting members—have told us, based on their practical operating experience, must be done to keep the doors of opportunity open in our country, and to which they urge that you commit your party.

It is doubly a pleasure because the record (app. A) shows that many of the recommendations which they made to you in 1948, 1952, 1956, and 1960, and to which your party committed itself, have been acted on. We pay tribute to those fine men and women of your party who helped to honor these commitments.

The small business plank your party will write is among the most important on which you will work. Philosophically, small business is a concrete representation of the right to hold and use property in private. This right is basic to the dignity—therefore freedom—of the individual person. Unless there is opportunity to acquire property, the right to property is itself meaningless. Practically, our surveys (app. B) show that granted the necessary opportunity climate, the small business segment of our economy—which now provides 30 million jobs for our citizens—through expansion will generate an additional 20 million jobs in the next 5 years. This is most significant in view of the fact that one of the gravest problems facing our country today is that of providing job openings needed for a growing population.

The problem of maintaining and broadening small business opportunities yields to no single, simple solution. It involves many considerations. These are some of the more critical recommendations (for summary of all recommendations, based on policy votes, 1961–64, see app. C), which our members, through signed ballots, and signed responses to regular and special factfinding surveys, have asked that we make to you:

ANTITRUST

Our members hold that there can be no opportunities unless the doors to same are kept open. This is the function of our antitrust laws. Our members urge that you commit your party to:

1. Impartial, vigorous, effective enforcement of all the antitrust laws on the statute books, necessarily coupled with resolution to appoint only personnel of the highest caliber to policymaking positions and to supply the enforcement agencies with sufficient appropriations for the job at hand.

2. Further strengthening of these laws where need has been proven, as follows:

(a) Extension of their coverage to factory-owned retail store chains now exempt from the provisions of the Robinson-Patman Act;

(b) Amendment of the Robinson-Patman Act to require that sellers disclose their entire lines of discounts to all their customers;

(c) Further amendment of the act to provide stronger and surer curbs against monopoly-promoting "loss leader" selling;

(d) Equipping the agencies with power to secure temporary injunctions against alleged unfair practices while cases are being argued, for timely relief;

(e) Strengthening of the powers of the agencies to cope with the monopoly-merger trend, by enactment of a requirement that large firms planning mergers give advance notice to the agencies.

GOVERNMENT REPRESENTATION

Government policies, these days, greatly influence the opportunity climate in our country. It is imperative that any segment of our society desiring consideration be adequately represented in the Congress and the executive branch. Our members urge that you commit your party to:

1. Advance the 23-year-old temporary House Small Business Committee and the 14-year-old permanent Senate Small Business Committee to standing committee status, with full power to consider and report legislation directly to the floor.

2. Continued support for the Small Business Administration in all its programs—financial, government contract, technical assistance, and to the increase of its freedom of action by making it independent of the Treasury and Commerce Departments in its loan-policy decisions.

3. Continuation of the Cabinet-level special Committee on Small Business which has existed at the White House since 1956.

TAXES

Much has been done since 1958 to provide a more equitable tax structure for independent enterprise. But it must be remembered that every dollar taken out of the earnings of enterprise is one less available for financing expansions that mean additional jobs. Further steps are needed. Our members urge that you commit your party to:

1. Enactment of measures that have bipartisan support in House and Senate, which would permit smaller, independent businesses to plow back into their operations, free of tax, up to 20 percent of all earnings which they reinvest in expansions of plant, inventory, and accounts receivable—with a $30,000 ceiling.

2. Revision of the corporate tax structure, to make surtax set in at the $50,000 level instead of, as at present, at the $25,000 level.

3. Revision of the self-employed retirement measures, to double the tax-free allowance that may be taken to cover payments into private retirement programs.

GOVERNMENT ECONOMY

Our members realize that fiscal soundness demands that tax reductions be accompanied by equivalent effort to reduce Government spending. They urge that you commit your party to:

1. Establishment of an independent Commission similar to the "Hoover Commission," to review and analyze on a continuing basis the various Federal programs and procedures, to suggest elimination of those which have outlived their usefulness, to recommend curtailment of moneywasting duplications, and to make all necessary suggestions for greater efficiency.

2. The limiting of Government spending to Government income, and an orderly retirement of the national debt.

LABOR

Even-handed enforcement of all laws governing labor-management relations is "must" for small business to survive. Our members urge that you commit your party to:

1. Impartial, vigorous, effective enforcement of these laws.

2. Amendment of the laws to require that:

(a) Nationwide strikes, now a possibility, be absolutely prohibited.

(b) Picketing of a business be limited solely to employees of that business.

GOVERNMENT COMPETITION

Every time Government competes needlessly with private enterprise, it saps up the strength of independents to expand and provide additional jobs. A recent study by the Comptroller General suggests that the military have been frustrating the sense of Congress since 1956 maintaining and expanding on the number of commissaries unnecessarily competing in the food field. This suggests, in turn, a probability that similar activity is being undertaken in other areas. Our members urge that you commit your party to:

1. A positive program of insisting that all Government agencies obey the sense of Congress against needless competition with private enterprise.

2. A positive program of cutting back on such Government competition.

3. Investigations into the extent to which Government employees are engaged in "moonlighting," to the detriment of local competitive private enterprise.

PAPERWORK BURDENS

Surveys by this federation for congressional committees suggest that smaller businesses bear a cost burden that may run as high as $1,750 million a year to fill out and keep the reports, forms, and records required by Federal and State Governments. This is money that could well be used to provide for expansions and additional jobs. Our members urge that you commit your party to:

1. A program of eliminating needless reports and of simplifying all others where possible, commencing with revision of Federal form 941 (Employers Quarterly Report on Taxable Wages and Withholdings), to permit the submission of a short form quarterly, with complete information furnished at the end of a year on the regular W-2 form.

2. A program of close coordination between the Federal and the various State Governments, to reduce the discrepancies between reports of a similar nature, thus reducing the time and cost of filling in and keeping them.

COMPENSATION FOR RELOCATIONS

Surveys by this federation for congressional committees suggest that firms and individuals compelled to relocate their stores, offices, plants, and homes due to various Government construction programs are not being compensated adequately. In all cases the moves are painful, and in some the results are catastrophic to the operations and the individuals (including jobholders) involved. Our members urge that you commit your party to:

1. Swift enactment of legislation that would more adequately compensate firms

and individuals for the costs of property in new locations, the costs of moving, the costs involved in loss in value of machinery and equipment that can and cannot be moved, the costs of starting up in new locations, etc.

INTERNATIONAL TRADE

Special analyses by the federation for congressional committees suggest that approximately, perhaps, as many as 1½ out of every 10 American smaller businesses are affected by foreign trade. The majority of those covered in the analyses claim injury, with resultant curtailment in their employment. A majority of those interested in entering foreign trade claim unawareness of aids available to them through the Small Business Administration, and the State and Commerce Departments. Our members urge that you commit your party to:

1. Enactment of legislation that will tie our tariff schedules directly to differentials in wage rates between this country and exporting countries, on an industry-by-industry basis.

2. A reduction in the time allowed for decisions in cases involving alleged "dumping."

3. A vigorous effort to make known to all smaller, independent businesses interested in exporting the fact that the SBA, State and Commerce Departments aids are available.

SOCIAL WELFARE LEGISLATION

Each dollar in taxes paid into social welfare programs is one dollar not available for expansions that provide additional jobs. Our members strongly recommend that your party commit itself to a balanced approach in this area, keeping in mind that without more and better jobs, our Nation faces nothing other than a system of ever-growing doles. Specifically, they urge:

1. Action to improve the lot of retired people by lifting their private earnings ceiling under the social security law, rather than by increasing social security payments which mean nothing other than higher taxes.

2. Action to reduce the cost of unemployment compensation through giving employees a sense of responsibility in the program, requiring that they share tax costs with employers.

3. That your party oppose any and all efforts to further increase the Federal minimum wage by reduction in the workweek.

4. That your party oppose any and all efforts to expand the unemployment compensation system, which would bring even the smallest of firms under its coverage, and would increase tax rates by increasing weekly payments.

5. That you refuse to support proposals to tie medical care for the aged into the social security system.

CONCLUSION

These, then, are the things which our members—a true cross section of American independent enterprise—have told us, on the basis of their operating experience, can and must be done by Government to assist in making possible the realization of their expansion plans which are so vital to the creation of additional job opportunities.

On behalf of our members, we urge that you incorporate their recommendations into your small business plank.

We thank you.

OVERSEA EDUCATION FOR AMERICAN MILITARY PERSONNEL

Mr. BREWSTER. Mr. President, since 1949 the University of Maryland has pioneered in the field of oversea education for American military personnel. The university currently offers courses in 22 countries on 4 continents from South Korea to Greenland.

Prof. Franklin L. Burdette, director of governmental research at Maryland, has had an article published in the June 1964 edition of New Goliards, a journal published by the Institute for American Universities, Aix-en-Provence, France. It is a significant article in this important field.

Mr. President, I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF MARYLAND ABROAD

(By Franklin L. Burdette, professor and director, Bureau of Governmental Research, University of Maryland)

Resident collegiate education of U.S. military personnel abroad is the primary oversea program of the University of Maryland. Its significance has been summarized by the rector of the University of Heidelberg, neighbor of the European headquarters of the University of Maryland: "It is a program * * * whose ideal is to combine a general education in the arts with the necessarily more specialized professional training. This concept of educating the 'whole man' is * * * of the greatest importance * * * for the 'whole man' is often conspicuously lacking in one whose attitudes and behavior are limited to his function as a soldier. No matter what his nationality may be, a soldier in a foreign country is not only a warrior and an instrument of authority; in addition he should and must also be a good will ambassador for his people. Only a soldier who sincerely tries to develop the best in himself is capable of accomplishing this vital mission."

Like much of American education, the program has been an application of the principle of pioneering. It has located a new period of time for college education, the years of oversea military service; it has found new space for college classes on the premises and through the facilities of oversea military installations. These results arose not merely from an aim to educate American military personnel for broader and better service in their missions; the purpose of the University of Maryland from the outset has been to serve young Americans whose duty to the country has interrupted their education.

Financially the program has been self-sustaining in that it has not required appropriations from the tax revenues of the State of Maryland; but it has needed and received extensive cooperation from the faculty and administration of the university. Tuition charges in the program are less than at many American universities, and in many instances part of the tuition has been paid by the armed services. Other support, nonfinancial but nevertheless sustaining, has also been extensive. At the 1963 commencement in Heidelberg, Gov. J. Millard Tawes, of Maryland, said of the university's teaching, research, and service on both the national and international scenes: "We are justly proud of our contribution to this tradition. Never before has any university operated a worldwide program touching nearly every continent in a sincere effort to advance knowledge, to develop leadership, and to implement the philosophy that a democracy cannot exist without an educated citizenry." In the last year of his service as Governor, Theodore R. McKeldin said at a commencement at College Park: "I have recently returned from a fairly extensive tour of Europe, and wherever I went I was received with respect and warm good will as soon as it was known that I am the Governor of the State that sponsors the University of Maryland; for Maryland is a name that the Europeans associate, not with wealth and power, but with love of learning. They know that it is politically part of a great nation; but they feel that it is intellectually part of the even greater republic of letters, whose domain has no geographical bounds but extends wherever men appreciate the achievements of the mind and spirit. I doubt that any of the institution's activities have contributed more to the honor of the State than its work abroad. For that work has the effect of linking the name of our State with the concepts of reason and justice; and such an association is as honorable as any that a commonwealth can acquire."

The work of the university abroad is closely patterned after its educational activities on the central campus at College Park. Full-time members of the oversea faculty are recruited by the instructional departments at College Park; part-time members are approved by those departments. Courses taught are all found in the curriculum of the university at home. Historically, these developments grew from off-campus classes, including those for military personnel at bases in the metropolitan areas of Washington and Baltimore. In 1947 the board of regents of the university established a separate college, now known as University College, to administer educational activities for adults outside the usual campus programs. In 1949 a few teachers were flown under military auspices from Maryland to Germany to teach in centers at Berlin, Frankfurt, Heidelberg, Munich, Nuremberg, and Weisbaden. An anticipated enrollment of 500 became in fact over 1,800 for the first term. The European division currently operates in 142 centers. Most of these are in Germany, France, and Spain, but others are in Belgium, Greece, Italy, the Netherlands, Norway, Ethiopia, Libya, Pakistan, and Turkey. The Atlantic division, opened in 1951, now offers courses at eight Air Force and Navy installations in Newfoundland, Labrador, Greenland, Iceland, Bermuda, and the Azores. Now second in oversea student enrollments, the Far East division, established in 1956 with headquarters at Tokyo, operates in 50 centers in Japan, Korea, Okinawa, Taiwan, Guam, and Vietnam.

Typically, classes meet overseas for approximately 3-hour sessions 2 evenings a week for a term of 8 weeks. Full-time faculty members teach two such courses each term and sometimes travel between nearby centers for the two courses. In the span of five terms within the calendar year faculty transfer among several centers is customary. This procedure insures a variety of courses taught by specialists in each center. Most students carry only one course for 3 semester hours of college credit during each 8-week term, but exceptional students may be permitted to enroll for two courses. Curricular offerings in the oversea programs are primarily in the social sciences and humanities and include business administration, economics, English, foreign languages, government and politics, history, mathematics, military science, philosophy, psychology, sociology, and speech. Graduate courses are not now available in the university offerings abroad.

Course enrollments per term are currently within the range from 12,000 to 14,000 in Europe, from 4,000 to 5,000 in the Far East, and from 750 to 1,000 in the Atlantic program. Students may earn the degree of bachelor of arts in general studies in the oversea program, and the university holds annual commencements abroad at Heidelberg and Tokyo. The great majority of students, however, transfer credits to other colleges and universities upon return to the United States from service abroad. A survey of 110 former Maryland oversea students who had transferred to 83 other institutions in the United States for completion of degrees revealed that 22 had been graduated with honors.

In addition to its evening classes abroad—as well as for some 6,000 students in the Pentagon or in military or civilian locations in Maryland—the university maintains at Munich a 2-year daytime resident college program, with dormitory facilities available, for dependents of armed services personnel or of some other employees of the United States. Instruction is offered there in two academic semesters for more than 500 enrolled students.

A challenge to the ingenuity and effectiveness of faculty and administrators abroad has been the maintenance of educational standards at a level approximating those set for academic work at a major university in the United States. Problems occasioned by troop maneuvers, special arrangements for faculty communication, transportation of personnel with necessary adjustment to military schedules on which much travel is dependent, and shipment of books and other supplies have required unusual skill, forbearance, and cooperation. The maturity of the students and their willingness to work hard under exacting conditions have been important in overcoming inconveniences and in stimulating morale. Some students, of course, do poor work; but experienced members of the faculty have been impressed again and again by the seriousness of purpose of the students as a group and by their readiness to accept responsibility for academic achievement. Dr. Wilson H. Elkins, president of the university, remarked in Tokyo during the 1963 commencement period that oversea students have demonstrated "greater perseverance" than their on-campus counterparts.

To meet the need for greater faculty communication and increased contact with policies and standards of the university, oversea administrators have arranged periodic conference sessions and have instituted field visits by department heads and other senior academic personnel from the central campus in Maryland. Library facilities have been augmented by extensive purchase by reference lists suitable to the location, and by a system of interlibrary loans. Recognition of outstanding student achievement is effected by a dean's list and through initiation of eligible students in oversea programs by national honor societies chartered on the College Park campus.

Emphasis on broader educational programs has led the university, in 1963, to discontinue matriculation for a bachelor's degree in military studies. At the same time the university ceased recognition of college credit by the general educational development examinations of the U.S. Armed Forces Institute. While the university does not offer credit by correspondence, the principle of credit by specific examination is recognized.

In an evaluation of the oversea programs, the Middle States Association of Colleges and Secondary Schools commended the University of Maryland "for seizing this opportunity to salvage these thousands of Americans for later educational goals." The academic programs of the university at the home campus have been enriched, admittedy at a cost of larger administrative responsibilities, particularly through opportunities for research and teaching experience by advanced doctoral candidates and other members of the faculty on oversea assignment. There remain other opportunities for faculty research and cultural impact abroad which have been difficult, but by no means impossible, to attain under the exigencies of frequent movement among military installations. Both students and faculty have found it necessary to persevere overseas if academic excellence there is to broaden the bounds of knowledge.

REPORT OF THE COMMISSION ON THE HUMANITIES

Mr. PELL. Mr. President, Dr. Barnaby C. Keeney, president of Brown University, has done a magnificent job as chairman of the Commission on the Humanities. We in Rhode Island are very proud of the leadership he has shown in this important field and of the forward thinking he has demonstrated.

I hope very much that the House of Representatives will shortly pass H.R. 9586, the modified form of the National Arts and Cultural Development Act, S. 2379, which was passed by the Senate last December. As chairman of the Senate Special Subcommittee on the Arts, I hope that at some point not too far in the future the National Humanities Foundation—recommended by President Keeney and his Commission and incorporated in an excellent bill, H.R. 11054, introduced in the House of Representatives by my able colleague, JOHN FOGARTY—may come into being.

The possibilities of its establishment could well be studied by the National Council on the Arts proposed in the legislation now before the House.

In connection with the outstanding work which Dr. Keeney and the Commission have done, I ask unanimous consent that a significant portion of their report be inserted in the RECORD, as being of interest to my colleagues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

STATEMENT AND RECOMMENDATION

"The Commission on the Humanities recommends the establishment by the President and the Congress of the United States of a National Humanities Foundation."

I

The humanities are the study of that which is most human. Throughout man's conscious past they have played an essential role in forming, preserving, and transforming the social, moral, and aesthetic values of every man in every age. One cannot speak of history or culture apart from the humanities. They not only record our lives; our lives are the very substance they are made of. Their subject is every man. We propose, therefore, a program for all our people, a program to meet a need no less serious than that for national defense. We speak, in truth, for what is being defended—our beliefs, our ideals, our highest achievements.

The humanities may be regarded as a body of knowledge and insight, as modes of expression, as a program for education, as an underlying attitude toward life. The body of knowledge is usually taken to include the study of history, literature, the arts, religion, and philosophy. The fine and the performing arts are modes of expressing thoughts and feelings visually, verbally, and aurally. The method of education is one based on the liberal tradition we inherit from classical antiquity. The attitude toward life centers on concern for the human individual: for his emotional development, for his moral, religious, and esthetic ideas, and for his goals—including in particular his growth as a rational being and a responsible member of his community.

This Commission conceives of the humanities, not merely as academic disciplines confined to schools and colleges, but as functioning components of society which affect the lives and well-being of all the population. It regards the arts, both visual and performing, as part of the humanities and indeed essential to their existence. The arts differ in important ways from the conventional academic disciplines, but the Commission is confident that in any practical matter affecting the two these differences will readily be recognized and appropriate means devised for supporting each. The Commission further considers that science, as a technique and expression of intellect, is in fact closely affiliated with the humanities. Whatever scientists may learn concerning the physical world is or should be of profound interest to the humanist, just as the finding of behavioral scientists—whether they issue in social theories and inspire social action or merely make humans understandable—fall within the humanist's purview. The natural sciences, the social sciences, and the humanities are of their nature allies.

The Commission warmly supports the statement relating science to other intellectual activity in the report of the President's Advisory Committee of November 15, 1960:

"While this report centers on the needs of science, we repudiate emphatically any notion that science research and scientific education are the only kinds of learning that matter to America. The responsibility of this Committee is limited to scientific matters, but obviously a high civilization must not limit its efforts to science alone. Even in the interest of science itself it is essential to give full value and support to the other great branches of man's artistic, literary, and scholarly activity. The advancement of science must not be accomplished by the impoverishment of anything else, and the life of the mind in our society has needs which are not limited by the particular concerns which belong to this Committee and this report."

Science is far more than a tool for adding to our security and comfort. It embraces in its broadest sense all efforts to achieve valid and coherent views of reality; as such, it extends the boundaries of experience and adds new dimensions to human character. If the interdependence of science and the humanities were more generally understood, men would be more likely to become masters of their technology and not its unthinking servants.

Even the most gifted individual, whether poet or physicist, will not realize his full potential or make his fullest contribution to his times unless his imagination has been kindled by the aspirations and accomplishments of those who have gone before him. Humanist scholars have therefore a special responsibility in that the past is their natural domain. They have the privilege and obligation of interpreting the past to each new generation of men who "necessarily must live in one small corner for one little stretch of time." They preserve and judge the fruits of humanity's previous attempts to depict, to rationalize, and to transcend the world it inhabits. The arts and letters, and the study of them, are therefore where we look most directly for enrichment of the individual's experience and his capacity for responding to it. Through the humanities we may seek intellectual humility, sensitivity to beauty, and emotional discipline. By them we may come to know the excitement of ideas, the power of imagination, and the unsuspected energies of the creative spirit.

Over the centuries the humanities have sustained mankind at the deepest level of being. They prospered in Greece and Rome, in the Middle Ages, in the Renaissance, and in the Enlightenment. Architecture, sculpture, poetry, and music flourished, and with the growth of colleges and universities the liberal arts took shape as a body of cumulative knowledge and wisdom. In the formative years of our own country it was a group of statesmen steeped in the humanities who fused their own experience with that of the past to create the enduring Constitution of the Republic.

During our early history we were largely occupied in mastering the physical environment. No sooner was this mastery within sight than advancing technology opened up a new range of possibilities, putting a new claim on energies which might otherwise have gone into humane and artistic endeavors. The result has often been that our social, moral, and esthetic development lagged behind our material advance. Yet we have every reason to be proud of our artists and scholars, and new techniques have frequently served to make their work more widely available; but this is not enough. Now more than ever, with the rapid growth of knowledge and its transformation of society's material base, the humanities must command men of talent, intellect, and spirit.

The state of the humanities today creates a crisis for national leadership. While it offers cultural opportunities of the greatest value to the United States and to mankind, it holds at the same time a danger that wavering purpose and lack of well-conceived effort may leave us second best in a world correspondingly impoverished by our incomplete success. The challenge is no less critical and direct than the one we have already met with our strong advocacy of healthy and generously supported science. It must be met in turn with equal vision and resolve.

II. AMERICA'S NEED OF THE HUMANITIES

Many of the problems which confront the people of the United States necessarily involve the humanities. They are of nationwide scope and interest. Each is of concern to every citizen, and the way in which each is solved will be of consequence to him. Among them are the following:

1. All men require that a vision be held before them, an ideal toward which they may strive. Americans need such a vision today as never before in their history. It is both the dignity and the duty of humanists to offer their fellow countrymen whatever understanding can be attained by fallible humanity of such enduring values as justice, freedom, virtue, beauty, and truth. Only thus do we join ourselves to the heritage of our Nation and our human kind.

2. Democracy demands wisdom of the average man. Without the exercise of wisdom free institutions and personal liberty are inevitably imperiled. To know the best that has been thought and said in former times can make us wiser than we otherwise might be, and in this respect the humanities are not merely our, but the world's, best hope.

3. The United States is not a nation of materialists, but many men believe it to be. They find it hard to fathom the motives of a country which will spend billions on its outward defense and at the same time do little to maintain the creative and imaginative abilities of its own people. The arts have an unparalleled capability for crossing the national barriers imposed by language and contrasting customs. The recently increased American encouragement of the performing arts is to be welcomed, and will be welcomed everywhere as a sign that Americans accept their cultural responsibilities, especially if it serves to prompt a corresponding increase in support for the visual and the liberal arts. It is by way of the humanities that we best come to understand cultures other than our own, and they best to understand ours.

4. World leadership of the kind which has come upon the United States cannot rest solely upon superior force, vast wealth, or preponderant technology. Only the elevation of its goals and the excellence of its conduct entitle one nation to ask others to follow its lead. These are things of the spirit. If we appear to discourage creativity, to demean the fanciful and the beautiful, to have no concern for man's ultimate destiny—if, in short, we ignore the humanities—then both our goals and our efforts to attain them will be measured with suspicion.

5. A novel and serious challenge to Americans is posed by the remarkable increase in their leisure time. The 40-hour week and the likelihood of a shorter one, the greater life-expectancy and the earlier ages of retirement, have combined to make the blessing of leisure a source of personal and community concern. "What shall I do with my spare time" all-too-quickly becomes the question "Who am I? What shall I make of my life?" When men and women find nothing within themselves but emptiness they turn to trivial and narcotic amusements, and the society of which they are a part becomes socially delinquent and potentially unstable. The humanities are the immemorial answer to man's questioning and to his need for self-expression; they are uniquely equipped to fill the "abyss of leisure."

III. PROBLEMS OF ACADEMIC HUMANISTS

The American practitioners of the humanities—the professionals, so to speak—are now prevented in certain specific ways from realizing their full capacities and from attracting enough first-rate individuals into their ranks.

There is genuine doubt today whether the universities and colleges can insure that the purposes for which they were established and sometimes endowed will be fulfilled. The laudable practice of the Federal Government of making large sums of money available for scientific research has brought great benefits, but it has also brought about an imbalance within academic institutions by the very fact of abundance in one field of study and dearth in another. Much of the Federal money for science requires a proportionate commitment of general university funds to sustain the higher level of activity in the scientific departments. Students, moreover, are no different from other people in that they can quickly observe where money is being made available and draw the logical conclusion as to which activities their society considers important. The Nation's need for balanced education demands that this imbalance be remedied.

In public and private schools important steps have been taken to improve teaching methods in the sciences, in mathematics, and in languages. Similar steps have not been taken in the humane studies, so that a student may often enter a college or university without adequate training in the humanities or, for that matter, a rudimentary acquaintance with them. Sound education requires that the schools open equally inviting doors into all fields of instruction, so that students may discover where their undeveloped talents lie. Today, moreover, young humanists need to be scientifically literate just as young scientists need to be aware of the world outside their specialty. Only a fully educated people will be capable of sound judgment in government, in business, or in their daily lives.

IV. THE HUMANITIES AND THE NATIONAL INTEREST

These are our arguments for greater support and stronger development of the humanities. Societies traditionally support those things which their people regard as useful, and governments support those things which are thought to be in the national interest. The question arises, Is it then in the interest of the United States and of its Federal Government to give greater support to the humanities?

During our national life the activities of society as a whole and of Government in particular have been greatly extended. Health was once considered a private problem; it is now a national one. The newer forms of transportation are heavily subsidized and, to some extent, controlled by the Federal Government. In World War II the Federal Government undertook an active role in technology and since then, as we have seen, it has greatly extended its activities in the fields of science. Education was once entirely the concern of private foundations or local government, but it has long since ceased to be so.

Traditionally our Government has entered areas where there were overt difficulties or where an opportunity had opened for exceptional achievement. The humanities fit both categories, for the potential achievements are enormous while the troubles stemming from inadequate support are comparably great. The problems are of nationwide scope and interest. Upon the humanities depend the national ethic and morality, the national esthetic and beauty or the lack of it, the national use of our environment and our material accomplishments—each of these areas directly affects each of us as individuals. On our knowledge of men, their past and their present, depends our ability to make judgments—not least those involving our control of nature, of ourselves, and of our destiny. Is it not in the national interest that these judgments be strong and good?

The stakes are so high and the issues of such magnitude that the humanities must have substantial help both from the Federal Government and from other sources. It is for these reasons that the Commission recommends the establishment of a National Humanities Foundation to parallel the National Science Foundation, which is so successfully carrying out the public responsibilities entrusted to it.

V. THE HUMANITIES AND THE FEDERAL GOVERNMENT

It is an axiom of our intellectual life that scholarship and art are free and must remain free. Like science, they must judge their ends and means according to their own criteria. It is encouraging to note that the Federal Government in its massive program of subsidy for the sciences and technology has not imposed control and, indeed, has not even shown an inclination to control the thoughts and activities of scientists.

Yet there are special problems with studies involving value judgment. These are at once the aspect of our culture most in need of help and yet most dangerous to entrust to any single authority, whether of church or party or state. A government which gives no support at all to humane values is careless of its own destiny, but that government which gives too much support—and seeks to aquire influence—may be more dangerous still.

We must unquestionably increase the prestige of the humanities and the flow of funds to them. At the same time, however grave the need, we must safeguard the independence, the originality, and the freedom of expression of all who are concerned with liberal learning.

It is the conviction of this Commission that the independence of the proposed Foundation's board will be the best safeguard against interference. If the director and members of the board are men of acknowledged competence and courage, as are the director and members of the National Science Board, there should be no problem of improper control. Moreover, we feel that the Foundation, like the Smithsonian Institution, should not operate exclusively on Government appropriations, but should accept grants from the widest range of sources—foundations, corporations, individuals. Plurality of support will generally strengthen the freedom and variety of scholarship in a democratic society.

In addition, we would insist upon the importance of support for the humanities from sources, both public and private, other than this foundation. The day must never come when scholars and artists can look only to the Federal Government for the help they need; still less should they depend on a single agency. The notion of any one "chosen instrument" of government in this area must be abhorrent to anyone who cherishes the humanities and realizes that if they are not free they perish.

VI. RECOMMENDATION OF THE COMMISSION ON THE HUMANITIES

The Commission on the Humanities recommends the establishment by the President and the Congress of the United States of a National Humanities Foundation to be composed of a board, a director, and a staff. The suggested responsibilities and duties of this Foundation are described in detail below.

VII. THE NATURE OF THE PROPOSED FOUNDATION

1. The purpose of the Foundation

The National Humanities Foundation should have for its purpose to develop and promote a broadly conceived policy of support for the humanities and the arts. Under the provisions of a National Humanities Foundation Act, the Board should be empowered to determine and carry out its program with an appropriation made by the Congress of the United States. In determining and administering its policy, the Foundation should confine itself to activities exclusively in the fields of the humanities and arts. The Board should have the authority to experiment with ways in which the Foundation's general purposes can best be carried out, but under no conditions whatsoever should it attempt to direct or control the scholarship, teaching, or artistic endeavor which it supports.

The provisions for a National Humanities Foundation which follow are intended suggestively rather than exclusively.

2. The scope of the Foundation

The Foundation's definition of the humanities and the arts should be broad and inclusive in character. The humanities are generally agreed to include the study of languages, literature, history, and philosophy; the history, criticism, and theory of art and music; and the history and comparison of religion and law. The Commission would also place the creative and performing arts within the scope of the Foundation. As we have said, these are the very substance of the humanities and embrace a major part of the imaginative and creative activities of mankind. (If the present proposal to establish a National Arts Foundation should become law, the Commission hopes that this foundation would be combined with the National Humanities Foundation, or, at least, that the activities of the two would be coordinated.) Likewise, those aspects of the social sciences that have humanistic content and employ humanistic methods should come within the purview of the Foundation. It is assumed that the National Science Foundation will continue to be concerned with social science where its principles and approaches resemble those of the natural and applied sciences.

3. Functions of the Foundation

A. It should be a major responsibility of the Foundation to insure that suitable means are provided for educating and developing scholars, artists, and teachers at every stage of their growth. They must be able to continue their education, to carry on their creative work and their performance, to conduct research, and to improve their teaching. As a corollary, means of publishing or otherwise disseminating the results of their endeavors, both within the academic community and to the public at large, must be available. Grants to properly qualified and endorsed individuals are a fruitful and efficient way to accomplish these ends.

B. The Foundation should, in like fashion, assist organizations concerned with encouraging and developing scholars, artists, and teachers. A great teacher may be important to the humanities apart from his distinction as a scholar or the renown of the institution he serves. The program should therefore be broad enough to include the many schools and colleges in which such teachers may be found.

C. The Foundation should take steps to initiate and promote programs for the improvement of teaching in the humanities and the arts.

D. The Foundation should help construct and equip the buildings of all kinds so badly needed by artistic, cultural, and educational institutions.

4. Means

A. Support of Individuals: In the schools, there is a great need to make the humanities relevant to the lives and interests of the students. To accomplish this, students must encounter in their elementary and secondary school classrooms teachers who can awaken young minds to the richness of humane studies. Such teachers are all too rare. A program to support humanistic studies by actual or potential teachers thus offers a promising line of attack on current deficiencies in the schools. The following kinds of support are required:

1. Grants to acquaint teachers in training or already at work with good teaching practices, by offering them the opportunity to observe or join in successful programs and to pursue their own advanced study or creative work.

2. Fellowships for graduate study and for attendance at summer institutes.

3. Support to individuals for experiments and demonstration projects in the schools.

4. Travel grants to give carefully selected teachers a chance for direct contact with the language, art forms, or other aspects of their subject matter.

5. Fellowships for school administrators to increase their appreciation of the values and responsibilities inherent in humanities teaching.

The Foundation may wish to act directly through individual grants to applicants screened by its own committees, or indirectly through organizations devoted to these same ends in whose selection processes the Foundation has confidence.

In the colleges and universities there is a great need for graduate scholarships and fellowships for the preliminary training of scholars, teachers, and artists at all stages; likewise, for postdoctoral fellowships in the humanities. The selection of individuals to receive these fellowships should be based upon the judgment of committees or juries composed of scholars, writers, and artists whose work has achieved distinction, with the majority of the members still productive.

B. Support of groups and organizations: In addition to the authority to provide scholarships and fellowships for individuals, the Foundation should be empowered to make grants to and conclude contracts with any corporate or private body involved in the humanities or the arts for the promoting of research, teaching, performance, and publication. Some examples are:

1. Summer or full academic-year institutes for the training of elementary and secondary schoolteachers. Such programs should be directed primarily toward improving the participants' knowledge of their subjects, but in addition they should be concerned with developing techniques to bring the humanities and the arts to children of all levels of ability or cultural background.

2. The Foundation should support improved teaching at all levels of education. It should encourage experiments in presentation and organization, including interdisciplinary studies where many fruitful advances may be made. This support should extend to the development of new curricular materials.

(3) Facilities:

(a) Buildings: Many cultural and educational organizations in this country stand in great need of new and expanded libraries and space for instruction, research, creation, performance, and exhibition. The Foundation should be empowered to support the planning and construction of such buildings.

(b) Libraries: Good libraries are needed at all levels in all subjects for teaching and research. Scholars in nearly all humanistic fields deal almost entirely with information preserved and organized in book form, and they, therefore, need large and complex libraries. Improved methods of instruction are making the library more and more important to the schools as well as the colleges and universities. The habit of using libraries begins in the school, but most school libraries are pitifully inadequate. They must be developed and extended and must be designed to lead students into the local public libraries. Since most public libraries already are incapable of supporting the demands upon them, they too must be more generously supported, not only in the interests of the schools, but in the interests of the general public. Libraries are a source not only of learning but also of pleasure.

Fortunately, the recent extension of the Library Services Act can be expected to stimulate the improvement of public library services throughout the country. In this legislation the Congress recognized the need for Federal aid on a substantial scale for public libraries in urban as well as rural communities. Each State, in order to derive the maximum benefit from this wise legislation, should establish a comprehensive public library system.

The Library of Congress is the cornerstone of the country's system of libraries and should, therefore, be strengthened, but this by itself is not enough; all major research libraries should be recognized as integral parts of this system. Each disseminates information on its holdings, each lends and films copies for the benefit of scholars throughout the United States, and each should seek to avoid needless duplication of the others. Undernourishment tends to force each library to throw all of its inadequate resources into a losing battle to meet the most urgent demands of its own institution. If libraries were adequately supported, however, further achievements in cooperation and even more effective services could confidently be anticipated. Strength and health will enable American research libraries to work together as they must, if scholarship is to prosper nationally and if the record of civilization is to be preserved for coming generations, not only as a memory of the past but as a base for creative thought in the future.

We emphasize that not only should the Foundation be able to assist research libraries but also it should contribute to the development of public and school libraries, which are of equal importance in the cultural life of our people.

(c) Facilities of exchange and publication: The Foundation should be authorized to make grants and contracts for the exchange of scholarly and artistic personnel and information both internally within the United

States and with other countries. Conferences and publications should be eligible for support, though it is understood that the Foundation should concentrate its subsidies for publication in university presses or in experimental and scholarly works which under present circumstances cannot be financed.

5. Organization of the Foundation

A. The board: The Board of the National Humanities Foundation should consist of 24 members who would be chosen for a term of 6 years each by the President of the United States, with the advice and consent of the Senate. These persons should be selected for their general cultivation and competence in the humanities as such, in the arts, in education, or in the direction of libraries and organizations concerned with the arts, and they should represent a wide spectrum of American life. Appropriate organizations should be requested to nominate candidates. The terms of the first 24 selected should be staggered to permit replacement of one-third of the members every 2 years.

B. The Director: The Director of the Foundation, who would be a member of the Board ex officio, should be appointed by the President of the United States with the advice and consent of the Senate. The Board should make recommendations to the President, and the President ought not to act until the Board has had an opportunity to do so. Because of the Director's vital role in the conduct of the Foundation, the members of the Commission on the Humanities place the greatest stress upon the need to select for the office of Director a man of the highest distinction in the Foundation's areas of concern. He should serve for a term of 6 years, unless the President should wish to replace him.

C. Commissions, committees, and divisions: The Director, with the approval of the Board, should appoint a staff, and the Board should organize the Foundation into divisions appropriate to its work. At the discretion of the Board, each division might well have an advisory committee composed of eminent persons in the field involved. In addition, there should be regional and national committees charged with judging applications for grants. When necessary, the Board might appoint special commissions to make recommendations upon matters of policy.

6. General authority of the Foundation

The Foundation should be empowered to administer funds through governmental appropriations, through the transfer from other departments of government of funds whose use falls within the scope of the Foundation, and through gifts from private foundations, corporations, and individuals. Such funds should be used by the Foundation in such ways as it sees fit, within the terms of the appropriation, gift, or grant, and under the general provisions establishing the Foundation. It should also be able to contact with profitmaking organizations or nonprofitmaking organizations and to publish or support publication.

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The **PRESIDING OFFICER**. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. STENNIS. Mr. President, the subject presented by the Dirksen-Mansfield amendment is very close to my heart, based upon a tenure of public service that extends over a good many years, starting at the county level as a member of the State legislature.

I point out, too, that so far as apportionment in my State is concerned, for the lower house the percentage is very favorable indeed, among the better ones in the Nation, according to the map taken from the New York Times.

As to the State senate, the proportion is not as favorable as it should be according to the interpretation of those who oppose the amendment. But it is certainly among the better ones and among the higher percentages with reference to the number of voters required to elect the membership of the State senate. So our State has not lagged, according to the standards of those who oppose the amendment.

I address myself to the principle of government involved, and to what I think is an unwarranted invasion by the Supreme Court into the policymaking department of our government. I say that with deference to the Court as a court. I do not want to discredit it. I always want to enhance the prestige of the judicial branch of our Government. But I believe that if the latest opinion stands, it will be a complete reversal of the democratic processes in connection with our State, local, and Federal governments, because it will be a milestone in the trend rapidly developing of letting our laws and policies be changed and made in large part by men who have not been elected to the policymaking branch of the Government. They have not been selected directly by the voters.

They hold office apart from the electorate, they are not accountable politically for their decisions, and their tenure is for life. That is the basic problem that is raised by this issue.

Mr. President, I rise to support the pending amendment offered by the distinguished majority and minority leaders. It embodies limited relief for the several States from what I believe to be a most dangerous and unwise series of opinions rendered by the U.S. Supreme Court on June 15 of this year. Speaking for the Court in *Reynolds* v. *Sims*, 84 S. Ct. 1362 (1964), Mr. Chief Justice Warren advanced a wholly new principle when he stated:

> We hold that, as a basic constitutionl standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for State legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State.

Thus the Court extended even further its jurisdiction over legislative apportionment of the respective States, first assumed only 2 years ago in *Baker et al.*, v. *Carr et al.*, 369 U.S. 186 (1962).

There are two fundamental questions involved in these decisions: first, does the Constitution of the United States grant to the Federal courts jurisdiction over the subject matter of legislative apportionment; and, second, does the Constitution of the United States require that not only one, but both houses of a State legislature be strictly apportioned on a basis of population.

In an unaswerable dissent in Baker against Carr, Mr. Justice Frankfurter destroyed the majority argument that questions of legislative apportionment present justiciable issues over which the Federal Courts may exercise jurisdiction. Despite the logical and historical validity of Mr. Justice Frankfurter's opinion, however, the Supreme Court has nevertheless continued to entertain these cases since Baker. In so doing the Court summarily reverses and ignores a uniform course of decisions prior to its 1962 holding to the contrary.

In Reynolds against Sims and companion cases decided on June 15, 1964, the Court again assumed jurisdiction of this question and extended its prior decisions to hold that the Constitution not only requires that one branch of the respective State legislatures must reflect the "one-person, one-vote concept," but it further advanced this theory to hold that in States having a bicameral legislature, both houses must be apportioned on a population basis. The effect of this decision can hardly be seen in the States which were parties to the cases decided on June 15 of this year. In Colorado, for example, the people of that State had, by referendum, approved an apportionment plan; the Court, however, refused to accept that plan.

Mr. President, we could argue a long time about various principles of government and interpretations of the Constitution of the United States, but I believe everyone agrees that this is an entirely new field which the Supreme Court has entered, and involves an entirely new precedent, contrary to the historical points that were made in the adoption of the 14th amendment to the Constitution.

The case in Colorado is a striking example of how far such new action goes, when we see the Court stepping in and overruling an apportionment plan which had been approved by the people of that State.

We can talk about rotten boroughs and we can talk about manipulations in State legislatures; we can talk about a controlled Governor, and we can even talk about corruption of any kind, but certainly all that goes by the board and has no bearing on a situation such as that in Colorado, where the people themselves had approved the apportionment plan submitted to them.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Wyoming. I know of his deep interest in this subject.

Mr. SIMPSON. Is it the understanding of the Senator from Mississippi that all 63 counties in Colorado had voted in favor of the apportionment plan?

Mr. STENNIS. That is a new fact which I am glad to have the Senator give me. That fact escaped my attention. I knew that the State as a whole had voted in favor of the plan. The Senator has given me a new fact, and that is a further confirmation of what I have said.

Mr. SIMPSON. All 63 counties were in favor of the apportionment plan. In Wyoming an apportionment was made in 1962. Subsequently a suit was brought to determine the validity of the apportionment. Upon the Supreme Court's decision, the Governor of Wyoming called both houses of the legislature into a special session to enact a new constitutional amendment to the Wyoming constitution, to bring it in line with the Supreme Court decision. The legislature became involved in politics, and could not muster a two-thirds attendance. As a result, the special session went for naught. So we are confronted with that situation in Wyoming.

Is it not the idea and attitude of the Senator from Mississippi that we are in need of the Dirksen-Mansfield amendment, so that we can determine what each State wishes to do?

Mr. STENNIS. The Senator has correctly stated the issue. It is an absolute necessity. That is shown by the fact that no similar provision was written into its decision by the Court. With all respect to the Court, the Court really did not understand the practical application of this problem.

Mr. SIMPSON. I invite attention to the fact—and I am sure the Senator already knows this—that a group of law deans, without expressing any opinion as to the validity of the Supreme Court's opinion, expressed the thought that what we are trying to do is not the proper method of proceeding. The Supreme Court, in effect, assumed a legislative prerogative, and consequently there is a necessity for Congress to reassert its authority in this field.

Mr. STENNIS. The Senator has given the complete and perfect answer; namely, that we must resort to some means to correct the situation. This is not the ideal procedure, but we must resort to some practical means to forestall the evils that flow from the Supreme Court's decision.

Mr. SIMPSON. I wholeheartedly agree with the Senator from Mississippi. I appreciate his allowing me to interrupt him.

Mr. STENNIS. I thank the Senator for his great contribution. I am always delighted to yield to the Senator from Wyoming.

Under the doctrine laid down by the Supreme Court, the Federal district court then ordered the State of Colorado to reapportion its legislature within 2 weeks.

The Senator from Wyoming has already mentioned the difficulty of getting at problems of this kind which uproot and reverse policies of State governments.

Likewise, in the State of New York, the Federal district court has directed that the members of the legislature of that State who are elected this fall shall serve only during one session, despite the State constitutional provision providing for 2-year terms.

I do not know of any decision which shows less respect for the basic concepts of State government and powers that belong to the States than this Supreme Court opinion. One can be in favor of the amendment without in any way defending some instances of abuse of legislative power or the failure to act by the legislature. This is an attempt to give the States the right to make adjustments in their own time and in their own way at the State level.

Mr. President, the people of New York elect their legislative officeholders for 2-year terms under the provisions of the State constitution. That provision was not challenged at all. And yet the Federal Court has said: "We will let your legislators serve 1-year terms for one session only."

How can that be? Certainly the State Legislature of New York, in the most populous State and still the richest State in the Nation, knows what to do with apportionment. Yet the Court has stated, in effect, "Because you did not do certain things in connection with reapportionment, we will clip off your term and let you serve for one session. That will be the end of your term."

How far can the Court stray from its basic jurisdiction, and how far afield can it go with reference to these fundamental principles?

These are only examples of the enroachment on duly constituted State authority, and the confusion which has resulted and will continue to result from the latest decisions of the Supreme Court. An examination of the legislative history and original meaning of the 14th amendment clearly discloses that the equal protection clause does not grant to the Federal courts the authority which has now been assumed.

Mr. Justice Harlan in his dissenting opinion in Reynolds against Simms fully develops the debate in Congress on the question of the adoption of the 14th amendment. That dissenting opinion is a classic and will, I believe, go down in history as a turning point in the present trend of the Court to move over into new fields. I believe that that dissenting opinion will awaken and arouse the electorate, and that the leaders of the people at the State and National levels will rally. It is so sound and logical that it cannot be overcome, but will be the starting point on the way back.

The very wording of the 14th amendment demonstrates that its authors and the Members of Congress who voted for its adoption did not intend to take from the respective States the right which they had previously exercised to determine the composition of their legislatures. I shall not discuss the legislative history in detail, but I would refer each Member of the Senate to Justice Harlan's brilliant and incisive dissenting opinion.

In addition to the unequivocal language of the 14th amendment, the practices of the States at the time of the ratification of the amendment, soon after the Civil War, substantiate the opinion that the States are free to apportion their legislatures on factors other than population. For example, of the 23 loyal States which ratified the amendment, 5 had constitutional provisions providing for apportionment of at least one house on the basis of factors other than population; 10 more of those States gave primary emphasis to population, but also considered other factors. As a condition for readmission to the Union, the 10 States that attempted to secede were required to ratify the 14th amendment. As Mr. Justice Harlan states, the constitution of each of those States was studied, and debate over reapportionment was extensive; yet 6 of the 10 States had constitutional provisions which substantially departed from the method of apportionment now required by the Supreme Court.

As Mr. Justice Harlan so well stated in his dissenting opinion:

> It is incredible that Congress would have exacted ratification of the 14th amendment as the price of readmission, would have studied the State constitutions for compliance with the amendment, and would then have disregarded violations of it.

The inescapable conclusion of this legislative history and experience, as well as the judicial precedents prior to the rendering of these decisions on June 15, is that the Constitution does not prohibit the respective States from determining the apportionment and composition of both houses of their legislatures.

In addition to the legal attacks on the constitutional validity of these decisions, I submit that there are other compelling reasons to correct the decisions of the Supreme Court. This is a nation composed of many elements and population groups, each having economic, political, and social interests peculiar to its own circumstances. In a republican form of government, each of these group interests is entitled to recognition in its legislative representation. Citizens in rural areas, for example, have interests different from those of urban and semiurban population groups. Agricultural interests differ from those of industrial organizations, and similar distinctions can be made for the interests of many other groups throughout our Nation.

The factors which should be considered in providing representation for these various interests are susceptible of recognition and definition only by the State and local governments. No judicial body, State or Federal, is qualified to pass on these questions and arrive at fair and workable solutions. Our entire legal and historical background substantiates this fact.

There are many fields in which I would not try to set myself up as one qualified to speak with more than ordinary knowledge or comprehension; but the subject of rural people, people in areas somewhat remote, people away from the great organization centers of the State, is a subject on which I am informed. I was born and reared in one of those areas. I have lived with the people there. I have represented them in the State legislature. I was at one time a prosecuting attorney, and then a judge.

One group is no better than others. None has more virtue than another. I do not speak of the problem in that way. But I know that most of the fundamental principles of our form of government came from men with an agricultural background. Thomas Jefferson, perhaps the greatest political philosopher this

Nation has ever produced, is an outstanding example of that group.

Our theory of government, the feel of it, and the idea behind it, are based upon the idea that every group will have a part; that every area will be a part.

In addition to this political philosophy, which has continued to characterize those groups to a greater extent, in proportion, than other groups, I believe those areas have served also, as a great spiritual reservoir of the Nation. They have contributed their share of the people who became spiritual leaders, not only of their own areas, but throughout their States and throughout the Nation. To cut them off, as the proposed headcount philosophy would do, to the point where they would have no appreciable part to play in the affairs of their State government or influence in their affairs, would be to give them the "dry rot" treatment, so to speak, and would dry up one of the main fountainheads of some of the finest, soundest, most logical political thought of the Nation, as well as the spring of spiritual resources and development for our great Nation.

To speak of the "one person, one vote" theory is to speak in terms of what might be said to be the individual rights of one person standing alone. I point out that people have collective rights; that when one enters any form of government, he gives up some of his individual rights. When one enters our form of government, he cannot continue to carry with him every single, individual right that he might be considered to have solely as an individual. But in fact, we strengthen our individual rights, our civil rights, by becoming a part of the Government.

Therefore, we cannot correctly contend that everyone must be counted on a head-and-head basis, in order to give all people so-called equality with reference to the impact or weight of their votes. The Court's decision would put everything on an individual basis, and would deny the validity of what I call the collective rights of people who live in the less populated counties or for any other reason are not part of a large group.

Only yesterday, I was discussing this matter with the Senator from Alaska. He told me—and this is an amazing story, because it shows the consistency of human nature—that when Alaska achieved statehood, under the procedure for apportionment for the legislature, even though the Eskimos were not numerous, and lived on the fringe of the State, they were given representation in the Alaska Legislature far beyond their numerical strength, because the Alaska Legislature in its wisdom decided that the Eskimos were entitled to that representation as a group, and that it was an asset to both the State of Alaska and to the Nation to make the Eskimos feel that they belonged to the State and had responsibilities to carry out.

I thought of how far it was from the borders of my State to Alaska and the Eskimo people; but the principles of government are all the same. However, all this was swept aside by one stroke of the pen by the branch of our Government that is invading the legislative responsibility.

Mr. SIMPSON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Wyoming.

Mr. SIMPSON. Does the Senator from Mississippi know that the Chief Justice of the Supreme Court once held the same doctrine which Senators have been expounding here? Does the Senator from Mississippi realize that the Chief Justice of the Supreme Court held that doctrine with respect to representation by areas in California when he was Governor of California—a doctrine which is in total contradiction to the present attitude of the Chief Justice in connection with the opinions he delivered on June 15, 1964?

Mr. STENNIS. I was not aware of that. Perhaps the Senator from Wyoming will state the details.

Mr. SIMPSON. He made a very distinct enunciation of the philosophy which he, himself, then endorsed, as Governor of California, and which all of us hold so dearly in our States.

The statement he made at that time is as follows:

> The agricultural counties of California are far more important in the life of our State than the relationship their population bears to the entire population of the State. It is for this reason that I never have been in favor of restricting their representation in our State senate to a strictly population basis. It is the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union, equal representation in one house and proportionate representation based upon population in the other.

That was in 1948, when he was Governor Warren, the Republican Governor of California. It was a statement with which almost all elective officeholders could agree.

Mr. STENNIS. The Senator from Wyoming has made a definite contribution to the debate; and I thank him. The statement he has quoted is sound logic and sound governmental philosophy, and I cannot understand the reversal of Mr. Warren's thinking. I speak with due deference of the Chief Justice; but that was a significant announcement by the chief executive of California. It was made at a time when he had his feet on the ground and felt a responsibility to the people, and when he recognized the soundness of the position that the contribution to government from those areas is not in proportion to the number of people who may live there.

Mr. SIMPSON. That is exactly in keeping with the philosophy now being expressed in the very fine presentation being made by the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

Mr. President, in recognition of the clear usurpation of power by the Federal courts and the danger of the decisions rendered by the Supreme Court on June 15, I and other Members of the Congress have proposed, to the Constitution, amendments guaranteeing to the respective States the right to apportion their State legislatures. These proposals embody various provisions; but each of them recognizes the general principle that questions of legislative apportionment are peculiarly susceptible of solution at the local level, by legislative bodies, rather than judicial tribunals. In my opinion, it is incumbent on Congress to study these proposals and, with all due speed, present to the States an appropriate amendment for ratification.

It will, of course, be impossible for this action to be taken during the current session of Congress. Therefore, unless some temporary action is taken, the confusion and uncertainty which now exist among the various States will cause the validity of the actions of many State legislative bodies to be brought into question. In the meantime, Federal courts will continue to assume jurisdiction of these cases and will continue to abrogate the constitutional and legislative powers of numerous States. The judgment of the Federal judiciary will be substituted for the judgment of the people of the respective States and the actions of their respective legislative bodies. The overall effect of these actions will be to deprive the residents of many rural areas and small towns of their representation in their respective State legislatures.

These facts make it mandatory that Congress act immediately to provide temporary relief for a brief period of time, during which Congress and the States can consider further appropriate action. I was, therefore, pleased to join as a cosponsor, with Senator DIRKSEN and other Senators, in introducing S. 3069, to temporarily restrict the jurisdiction of the Federal courts in apportionment cases.

Mr. AIKEN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am glad to yield to the Senator from Vermont.

Mr. AIKEN. Can the Senator from Mississippi tell us how many countries in the world permit their courts to reverse acts of their legislative branches of government? I understand that there are virtually no other countries in which reversal by the courts of acts by the legislative branch has been tolerated.

Mr. STENNIS. I think the Senator from Vermont is correct. They would be few and far between.

Mr. AIKEN. I believe that in some countries a separate commission, established by the legislative branch itself, interprets the laws, when their meaning is in dispute; and the courts are prohibited from any such act, and are restricted to the administration of justice.

Mr. STENNIS. Yes. The wisdom of the ages has developed the soundness of that system.

Mr. AIKEN. Can the Senator from Mississippi tell us what part of the Constitution authorizes the Supreme Court to reverse acts of the Congress?

Mr. STENNIS. A long history is involved——

Mr. AIKEN. I refer to the Constitution itself; I do not mean any decisions which a judge may have rightfully or wrongfully reached in the last 170 years. What part of the Constitution gives that authority?

Mr. STENNIS. The Constitution does not contain any express words to that effect, as the Senator from Vermont already knows. It is only an implied power that has been assented to.

Mr. AIKEN. It was a preempted power.

Mr. STENNIS. That is correct. In a large measure, it is based plainly on the principle that the Constitution and the laws that are passed in pursuance thereto shall be the supreme law of the land.

Mr. AIKEN. The Constitution had a gap in it which did not cover this situation. Has the Congress undertaken to limit or define the powers of the Court so far as concerns interpretation of acts of Congress?

Mr. STENNIS. Not directly. Many times the Congress has reversed the ruling announced by a court. But when it is a constitutional interpretation, we are in the awkward position.

Mr. AIKEN. Does the Senator from Mississippi not think that the time has come for a complete review of our Court system, to define and limit the authority of the Court?

Mr. STENNIS. The Senator from Mississippi agrees. I believe that time has come. I have been a very devoted follower of the Constitution as I understood it. It is a part of my thinking that we should enhance the dignity of the judiciary. As the Senator knows, there have been some decisions that were very vigorously opposed by people in my area of the country. I have thought about that at length. Perhaps I could have been biased on that subject. There are many decisions that are entirely removed from the decisions in the so-called civil rights cases. The decision on apportionment is an outstanding illustration. But I am convinced from all of the civil rights controversy that something must be done along the lines that the Senator suggests.

I do not know whether we should change the life tenure or change the method of selection. But something must be done. We are gradually losing our basic fundamentals in the Constitution.

Mr. AIKEN. Do I correctly understand that the Constitution gave Congress the authority to establish and ordain Federal courts that might be needed?

Mr. STENNIS. The Senator is correct. The Constitution gives the Supreme Court only certain limited original jurisdiction. It then leaves up to Congress the question as to what the appellate jurisdiction should be.

Mr. AIKEN. That is correct. The appellate and district courts exist by authorization of Congress.

Mr. STENNIS. That is correct. They are entirely creatures of Congress. There is an express provision in the Constitution stating that Congress shall have that power.

Mr. AIKEN. Does the Senator from Mississippi have any question whatever in his mind that Congress, being the only body that can establish such courts, also has the power to define their powers and limit their jurisdiction?

Mr. STENNIS. There is no question about it. There is no reservation about it in the mind of the Senator from Mississippi. The only argument that could be made with any plausibility, as I understand, is as to something positive—something that has already been decided. It could be argued that Congress was trying to pass an ex-post facto law. But the law of necessity applies. I believe we are fully within our bounds.

Mr. AIKEN. In the past we have enacted retroactive legislation to cover violations of law which had been committed by Federal officers. That was done very extensively during the late 1930's.

Mr. STENNIS. I do not believe we could go back and make a crime out of any past action.

Mr. AIKEN. No. I do not want to do that. But I do not believe that if a Federal judge made a mistake 100 years ago, the people of the country are bound to honor that mistake forever afterward.

I believe that it is high time for Congress to review the court system of the United States and decided what the realm of operation may be, and what the limitation may be.

Yesterday the Senator from Illinois [Mr. DOUGLAS] repeatedly called attention to the fact that the State of Vermont has been in existence for 173 years and had not revised its method of electing members of the lower house of the legislature.

I call attention to the fact that the United States has been in existence for 173 years. It has not defined the limits of jurisdiction of the courts. It is high time that that be done. I believe we can perform no greater service than remaining here through the fall, if necessary, to enact such legislation and submit such constitutional amendments as may be necessary to place our court system in its proper perspective, and not permit the courts to override other branches of the Government.

Mr. STENNIS. I thank the Senator. The subject must be reviewed. I would not want to restrict myself to any particular pattern of activity.

Mr. AIKEN. Congress should do now what Congress failed to do 173 years ago.

Mr. SIMPSON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SIMPSON. What are the qualifications for membership on the Supreme Court of the United States? Are they set forth in any document?

Mr. STENNIS. There are no qualifications set forth in the Constitution. It simply provides that such officers shall be appointed by the President, with the advice and consent of the Senate. The qualifications of Supreme Court Justices therefore depend on the appointing officer and on Members of the Senate. There is no requirement that the man must have a legal education or that he must be a member of the bar. No definite requirement is set out. He does not even have to be an attorney.

I thank the two Senators for their contributions.

This measure was reported by the Senate Committee on the Judiciary on August 5, 1964, by a vote of 10 to 2, and was subsequently introduced as an amendment to the Foreign Assistance Act of 1964.

The purpose of S. 3069 is to temporarily restrict the jurisdiction of the Federal courts to entertain questions of legislative apportionment in the several States. It was offered as a stopgap measure, designed not to affect the permanent jurisdiction of the courts but only to provide a period for deliberation and study by responsible officials, free from confusion and the threat of an immediate court action. In my opinion, the enactment of this proposal would be a legitimate exercise of congressional control over the appellate jurisdiction of the Supreme Court and of the original and appellate jurisdiction of the lower Federal courts. Article III of the Constitution established the judicial power of the United States, established the Supreme Court, and empowers the Congress to establish inferior courts. Section 2, clause 2 of said article III further provides:

> In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

That is pertinent to the questions that have been asked by the Senator from Vermont.

This provision of the Constitution is a clear, express, and direct mandate to the Congress. The original wording of the Constitution of the United States gave Congress the direct responsibility of making exceptions and regulations regarding the jurisdiction not only of the Supreme Court, but also of the lower Federal courts the only exception being a few instances in which the Supreme Court is given original jurisdiction.

The clear meaning of this provision compels the conclusion that the Founding Fathers recognized the probable necessity of congressional action to restrict the appellate jurisdiction of the Supreme Court. It likewise cannot be questioned that Congress has the authority, not only to establish a system of lower Federal courts, but also to prescribe both the original and appellate jurisdiction of those courts. Let it therefore not be said that the enactment of S. 3069 would be an unconstitutional encroachment by the Congress on the authority of the Federal judiciary. To the contrary, the enactment of this measure would be an exercise of congressional repsonsibility clearly set forth in the Constitution, if the Congress in its wisdom determines that the Supreme Court has exceeded its jurisdiction and rendered a decision not in harmony with the Constitution. There is nothing sacred and untouchable about judicial decisions, Mr. President, and unwise and unconstitutional actions of the judiciary should and must be corrected by the wise exercise of legislative responsibility.

I am talking about responsibility that is authorized and a duty which the Constitution of the United States has placed upon us. That is one of the real values of our check and balance system of government.

Of course, all Members of this body are familiar with what has transpired since the introduction of S. 3069. A great hue and cry has gone up that the sponsors of that measure and the subsequent amendment to the Foreign Assistance Act are motivated by self-interest. Threats have been made that the opponents of this proposal will filibuster and that they will oppose the enactment of the foreign aid bill. We have been told that this is an election year and that we must adjourn prior to August 24. My reply, Mr. President, is that this measure is far more important than many other bills being considered in the closing weeks of this session of Congress, and in my opinion, we should remain in session as long as necessary to resolve this question.

But I am aware, Mr. President, of the realities of the legislative process. The Congress will adjourn soon, and unless some measure is adopted, nothing will be done. It is for this reason that I support the adoption of the Dirksen-Mansfield compromise amendment, although I entertain some strong reservations about its effectiveness. In the first place, it is not absolutely binding on the Federal courts. Although it provides that an action involving the constitutionality of the apportionment of representation in a State legislature may be stayed "for such a period as will be in the public interest," there are no guidelines for the courts to determine what is the "public interest" and how long a stay is necessary to effectuate the public interest. In addition, the amendment provides that a stay order shall be in the public interest for certain specified purposes "in the absence of highly unusual circumstances." Again there are no guidelines for the courts to determine what may constitute a highly unusual circumstance. In my opinion, this is a highly vague and indefinite phrase and one which is devoid of proper legislative definition.

Nevertheless we are up against the realities of this situation and some kind of action is necessary.

My second objection to this proposal is that it constitutes a recognition on the part of Congress that State legislative apportionment is amenable to constitutional standards established by the equal protection clause of the 14th amendment. In my opinion, the Constitution does not give to the Federal Government the authority to intervene in the apportionment of the legislature by the duly constituted authority of the respective States.

My support of the amendment therefore should not be interpreted as approval of the doctrine advanced by the Supreme Court in Reynolds against Simms and companion cases decided on June 15.

I think that point is clear with a great number of Senators who wholeheartedly support the amendment. The question now is one of emergency. We are trying to rescue the States, with their powers and responsibilities, from the onrushing hands of the courts. As a practical question, something must be done in that respect rather quickly.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the Senator from Tennessee.

Mr. GORE. I have listened with interest to the eloquent address of the senior Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. GORE. I wondered whether the reference in paragraph (d) beginning at line 22, page 2, of the Dirksen amendment, did not in fact tend to give legislative approval or sanction to the course of action upon which the court is embarked. I wonder if the Senator would give me the benefit of his views. If the Senator will yield, I should like to read that paragraph.

Mr. STENNIS. I am glad to yield to the Senator from Tennessee.

Mr. GORE. The paragraph reads as follows:

> (d) In the event that a State fails to apportion representation in the legislature in accordance with the Constitution within the time allowed by any stay granted pursuant to this section, the district court having jurisdiction of the action shall apportion representation in such legislature among appropriate districts so as to conform to the constitution and laws of such State insofar as is possible consistent with the requirements of the Constitution of the United States, and the court may make such further orders pertaining thereto and to the conduct of elections as may be appropriate.

I would appreciate having the views of the able Senator on that paragraph.

Mr. STENNIS. The only frank answer that I can give to the Senator from Tennessee is that the provision is compromise language. It is unfortunate. That language recognizes the power of the Court under the Constitution to make the proposed apportionments.

As I have said, I do not like that phase of it at all. As I see it, we could afford to agree to language of that kind only to meet an emergency.

We are trying to gain time to stay these proceedings to the extent that the States will still have their powers preserved, and so that we shall have time to formulate a constitutional amendment which would go to the heart of the problem. The amendment would be submitted to the Congress and then to the States, respectively. We are up against the proposal which the Supreme Court of the United States has made. The Court has said that it has jurisdiction of the question, and has power that it can use. The Supreme Court has already used that power. The proposed provision is compromise language.

Mr. GORE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Tennessee.

Mr. GORE. It seems to me that a contradiction is presented if one says on the one hand that the Court has acted beyond the Constitution, and therefore the amendment must be adopted, when the amendment itself contains an affirmation and a provision which would authorize and direct the Court to proceed upon a course which some say is unconstitutional.

Mr. STENNIS. Let me answer the Senator in this way: The Senator raises a serious point that goes to the heart of the matter. If this question were being considered prior to a decision by the Supreme Court, his argument would apply—namely, that Congress was giving its interpretation that the Court has such power. But that is not the case today. We are up against a situation in which the Court already has assumed this power. We are trying to stay temporarily, by this proposal, the implementation of that power. I do not like the idea, either, that this proposal recognizes the principle, but it is a fact of life under the present holding of the Supreme Court of the United States. Senators who vote for the amendment ought to point out, as the Senator from Tennessee has pointed out, that while it may seem to be a contradiction, that is due only to the fact that the power has been assumed.

Mr. GORE. I thank the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Tennessee for his contribution.

The question before us is of such importance that it demands immediate action, and, under the circumstances, I believe it necessary that this amendment be adopted. It at least expresses the dissatisfaction of Congress with these latest decisions of the Court and offers the best possible hope of immediate relief. I therefore support the adoption of this amendment, but serve notice that I intend to diligently work for the adoption of an appropriate constitutional amendment during the 89th Congress to be convened in January next.

I thank the majority leader for his understanding. I yield the floor.

THE CALENDAR

On request of Mr. MANSFIELD, and by unanimous consent, the following measures were considered and acted upon, as indicated:

INTERNATIONAL EXPOSITION FOR SOUTHERN CALIFORNIA IN 1968

The joint resolution (S.J. Res. 162) extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress hereby recognize the International Exposition for Southern California in the year 1968 as an event designed to develop and intensify a climate of good will and understanding among men and nations, thereby promoting a lasting peace among all people on the planet of the Earth.
>
> SEC. 2. To implement the recognition declared in the first section of this Act, the President, at such time as he deems appropriate, is authorized and requested to issue a

proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

SEC. 3. The joint resolution approved August 31, 1962 (76 Stat. 414), is repealed.

The preamble was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1384), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The Committee on Foreign Relations, having had under consideration the joint resolution (S.J. Res. 162), extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition, report the same favorably without amendment and recommend that it be passed by the Senate.

The purpose of the joint resolution is stated by its title. It also repeals a joint resolution approved August 31, 1962 (76 Stat. 414), which is identical to Senate Joint Resolution 162, except for the year. The earlier resolution referred to the year 1966 but unavoidable delays have occurred and endorsement for the year 1968 is now being sought by the sponsors of the exposition. No expenditures of Federal funds are involved in approval of this measure.

MOTOR FUELS CONSUMED BY INTERSTATE BUSES

The Senate proceeded to consider the bill (S. 2208) granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity which had been reported from the Committee on the Judiciary, with amendments, on page 6, after line 12, to strike out:

(1) the term "Administrator" shall mean Supervisor of Sales, Use, and Excise Taxes;

At the beginning of line 15, to strike out "(2)" and insert "(1)"; at the beginning of line 17, to strike out "(3)" and insert "(2)"; in line 20, after the word "Columbia", to strike out "is hereby authorized and directed to" and insert "shall"; in line 22, after the word "and", to strike out "to"; on page 7, line 1, after the word "compact.", to insert "Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan."; on page 19, after line 17, to strike out:

SEC. 202. As used in the agreement, with reference to the District of Columbia, the term "Administrator" shall mean Director of Department of Motor Vehicles.

At the beginning of line 21, to strike out "Sec. 203." and insert "Sec. 202."; in the same line, after the amendment just above stated, to strike out "The Director of Department of Motor Vehicles" and insert "The Board of Commissioners"; on page 20, at the beginning of line 8, to strike out "Sec. 204." and insert "Sec. 203."; in line 9, after the word "Columbia", to strike out "is hereby authorized and directed to" and insert "shall"; in line 12, after the word "and", to strike out "to"; in line 13, after the word "agreement.", to insert "Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan."; at the beginning of line 24, to strike out "Sec. 205." and insert "Sec. 204."; on page 21, at the beginning of line 5, to strike out "Sec. 206." and insert "Sec. 205."; and at the beginning of line 10, to strike out "Sec. 207." and insert "Sec. 206."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 101. The consent of Congress is hereby given to any of the several States and to the District of Columbia to enter into a compact on taxation of motor fuels consumed by interstate buses and to the participation in such compact of the Provinces of Canada and the States, territories, and Federal District of Mexico. Such compact shall be in substantially the following form:

COMPACT ON TAXATION OF MOTOR FUELS CONSUMED BY INTERSTATE BUSES

ARTICLE I—PURPOSES

The purposes of this agreement are to—

(a) avoid multiple taxation of motor fuels consumed by interstate buses and to assure each State of its fair share of motor fuel taxes;

(b) establish and facilitate the administration of a criterion of motor fuel taxation for interstate buses which is reasonably related to the use of highway and related facilities and services in each of the party States; and

(c) encourage the availability of a maximum number of buses for intrastate service by removing motor fuel taxation as a deterrent in the routing of interstate buses.

ARTICLE II—DEFINITIONS

(a) State: State shall include the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, territories, and Federal District of Mexico.

(b) Contracting State: Contracting State shall mean a State which is a party to this agreement.

(c) Administrator: Administrator shall mean the official or agency of a State administering the motor fuel taxes involved.

(d) Person: Person shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit.

(e) Bus: Bus shall mean any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission, or any agency successor thereto, or one or more State regulatory agencies concerned with the regulation of passenger transport.

(f) Gallon: Gallon shall mean the liquid measure containing 231 cubic inches.

ARTICLE III—GOVERNING PRINCIPLE

For purposes of this compact, the primary principle for the imposition of motor fuel taxes shall be consumption of such fuel within the State. Motor fuel consumed by buses shall be taxed on the existing basis, as it may be from time to time, and under the procedures for collection of such taxes by each party State, except that to the extent that this compact makes provision therefor, or for any matter connected therewith, such provision shall govern.

ARTICLE IV—HOW FUEL CONSUMED TO BE ASCERTAINED

The amount of fuel used in the operation of any bus within this State shall be conclusively presumed to be the number of miles operated by such bus within the State divided by the average mileage per gallon obtained by the bus during the tax period in all operations, whether within or without the party State. Any owner or operator of two or more buses shall calculate average mileage within the meaning of this article by computing single average figures covering all buses owned or operated by him.

ARTICLE V—IMPOSITION OF TAX

Every owner or operator of buses shall pay to the party State taxes equivalent to the amount of tax per gallon multiplied by the number of gallons used in its operations in the party State.

ARTICLE VI—REPORTS

On or before the last business day of the month following the month being reported upon, each bus owner or operator subject to the payment of fuel taxes pursuant to this compact shall make such reports of its operations as the State administrator of motor fuel taxes may require and shall furnish the State administrator in each other party State wherein his buses operate a copy of such report.

ARTICLE VII—CREDIT FOR PAYMENT OF FUEL TAXES

Each bus owner or operator shall be entitled to a credit equivalent to the amount of tax per gallon on all motor fuel purchased by such operator within the party State for use in operations either within or without the party State, and upon which the motor fuel tax imposed by the laws of such party State has been paid.

ARTICLE VIII—ADDITIONAL TAX OR REFUND

If the bus owner or operator's monthly report shows a debit balance after taking credit pursuant to article VII, a remittance in such net amount due shall be made with the report. If the report shows a credit balance, after taking credit as herein provided, a refund in such net amount as has been overpaid shall be made by the party State to such owner or operator.

ARTICLE IX—ENTRY INTO FORCE AND WITHDRAWAL

This compact shall enter into force when enacted into law by any two States. Thereafter it shall enter into force and become binding upon any State subsequently joining when such State has enacted the compact into law. Withdrawal from the compact shall be by act of the legislature of a party State, but shall not take effect until one year after the Governor of the withdrawing State has notified the Governor of each other party State, in writing, of the withdrawal.

ARTICLE X—CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof.

The provisions of this compact shall be severable and if any phase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating herein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

SEC. 102. As used in the compact set forth in section 101 with reference to the District of Columbia—

(1) the term "legislature" shall mean the Congress of the United States; and

(2) the term "Governor" shall mean the Board of Commissioners of the District of Columbia.

SEC. 103. The Board of Commissioners of the District of Columbia shall enter into the compact authorized by section 101 of this title without further action on the part of the Congress, and issue such rules and regulations as may be necessary for the implementation of such compact. Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

SEC. 104. All provisions of law applicable to the District of Columbia shall, to the extent they are inconsistent with the compact authorized by this title, be inapplicable to the taxation of buses (as that term is defined in the compact) in the District of Columbia during such time as the District is a party to such compact.

SEC. 105. The right to alter, amend, or repeal this title is expressly reserved.

TITLE II

SEC. 201. The consent of Congress is hereby given to any of the several States and to the District of Columbia to enter in a bus taxation proration and reciprocity agreement and to the participation in such agreement of the Provinces of Canada and the States, territories, and Federal District of Mexico. Such agreement shall be in substantially the following form:

BUS TAXATION PRORATION AND RECIPROCITY AGREEMENT

ARTICLE I—PURPOSES AND PRINCIPLES

SEC. 1. Purposes of agreement: It is the purpose of this agreement to set up a system whereby any contracting State may permit owners of fleets of buses operating in two or more States to prorate the registration of the buses in such fleets in each State in which the fleets operate on the basis of the proportion of miles operated within such State to total fleet miles, as defined herein.

SEC. 2. Principle of proration of registration: It is hereby declared that in making this agreement the contracting States adhere to the principle that each State should have the freedom to develop the kind of highway user tax structure that it determines to be most appropriate to itself, that the method of taxation of interstate buses not be a determining factor in developing its user tax structure, and that annual taxes or other taxes of the fixed-fee type upon buses which are not imposed on a basis that reflects the amount of highway use should be apportioned among the States, within the limits of practicality, on the basis of vehicle miles traveled within each of the States.

ARTICLE II—DEFINITIONS

(a) State: State shall include the States of the United States, the District of Columbia, the territories of the United States, the Provinces of Canada, and the States, territories, and Federal District of Mexico.

(b) Contracting State: Contracting State shall mean a State which is a party to this agreement.

(c) Administrator: Administrator shall mean the official or agency of a State administering the fee involved, or, in the case of proration of registration, the official or agency of a State administering the proration of registration in that State.

(d) Person: Person shall include any individual, firm, copartnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(e) Base State: Base State shall mean the State from or in which the bus is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled, or also in the case of a fleet bus the State to which it is allocated for registration under statutory requirements. In order that this section may not be used for the purpose of evasion of registration fees, the administrators of the contracting States may make the final decision as to the proper base State, in accordance with article III(h) hereof, to prevent or avoid such evasion.

(f) Bus: Bus shall mean any motor vehicle of a bus type engaged in the interstate transportation of passengers and subject to the jurisdiction of the Interstate Commerce Commission, or any agency successor thereto, or one or more State regulatory agencies concerned with the regulation of passenger transport.

(g) Fleet: As to each contracting State, fleet shall include only those buses which actually travel a portion of their total miles in such State. A fleet must include three or more buses.

(h) Registration: Registration shall mean the registration of a bus and the payment of annual fees and taxes as set forth in or pursuant to the laws of the respective contracting States.

(i) Proration of registration: Proration of registration shall mean registration of fleets of buses in accordance with article IV of this agreement.

(j) Reciprocity: Reciprocity shall mean that each contracting State, to the extent provided in this agreement, exempts a bus from registration and registration fees.

ARTICLE III—GENERAL PROVISIONS

(a) Effect on other agreements, arrangements, and understandings: On and after its effective date, this agreement shall supersede any reciprocal or other agreement, arrangement, or understanding between any two or more of the contracting States covering, in whole or in part, any of the matters covered by this agreement; but this agreement shall not affect any reciprocal or other agreement, arrangement, or understanding between a contracting State and a State or States not party to this agreement.

(b) Applicability to exempt vehicles: This agreement shall not require registration in a contracting State of any vehicles which are in whole or part exempt from registration under the laws or regulations of such State without respect to this agreement.

(c) Inapplicability to caravaned vehicles: The benefits and privileges of this agreement shall not be extended to a vehicle operated on its own wheels, or in tow of a motor vehicle, transported for the purpose of selling or offering the same for sale to or by any agent, dealer, purchaser, or prospective purchaser.

(d) Other fees and taxes: This agreement does not waive any fees or taxes charged or levied by any State in connection with the ownership or operation of vehicles other than registration fees as defined herein. All other fees and taxes shall be paid to each State in accordance with the laws thereof.

(e) Statutory vehicle regulations: This agreement shall not authorize the operation of a vehicle in any contracting State contrary to the laws or regulations thereof, except those pertaining to registration and payment of fees; and with respect to such laws or regulations, only to the extent provided in this agreement.

(f) Violations: Each contracting State reserves the right to withdraw, by order of the administrator thereof, all or any part of the benefits or privileges granted pursuant to this agreement from the owner of any vehicle or fleet of vehicles operated in violation of any provision of this agreement. The administrator shall immediately give notice of any such violation and withdrawal of any such benefits or privileges to the administrator of each other contracting State in which vehicles of such owner are operated.

(g) Cooperation: The administrator of each of the contracting States shall cooperate with the administrators of the others and each contracting State hereby agrees to furnish such aid and assistance to each other within its statutory authority as will aid in the proper enforcement of this agreement.

(h) Interpretation: In any dispute between or among contracting States arising under this agreement, the final decision regarding interpretation of questions at issue relating to this agreement shall be reached by joint action of the contracting States, acting through the administrator thereof, and shall upon determination be placed in writing.

(i) Effect of headings: Article and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any article or part hereof.

(j) Entry into force: This agreement shall enter into force and become binding between and among the contracting States when enacted or otherwise entered into by any two States. Thereafter, it shall enter into force and become binding with respect to any State when enacted into law by such State. If the statutes of any State so authorize or provide, such State may become party to this agreement upon the execution thereof by an executive or administrative official thereof acting on behalf of and for such State.

ARTICLE IV—PRORATION OF REGISTRATION

(a) Applicability: Any owner of a fleet may register the buses of said fleet in any contracting State by paying to said State total registration fees in an amount equal to that obtained by applying the proportion of in-State fleet-miles divided by the total fleet-miles, to the total fees which would otherwise be required for regular registration of each and all of such vehicles in such contracting State.

All fleet pro rata registration fees shall be based upon the mileage proportions of the fleet during the period of twelve months ending on August 31 next preceding the commencement of the registration year for which registration is sought: Except, that mileage proportions for a fleet not operated during such period in the State where application for registration is made will be determined by the Administrator upon the sworn application of the applicant showing the operations during such period in other States and the estimated operations during the registration year for which registration is sought, in the State in which application is being made; or if no operations were conducted during such period a full statement of the proposed method of operation.

If any buses operate in two or more States which permit the proration of registration on the basis of a fleet of buses consisting of a lesser number of vehicles than provided in article II(g), such fleet may be prorated as to registration in such States, in which event the buses in such fleet shall not be required to register in any other contracting States if each such vehicle is registered in some contracting State (except to the extent it is exempt from registration as provided in article III (b)).

If the administrator of any State determines, based on his method of the operation thereof, that the inclusion of a bus or buses as a part of a fleet would adversely affect the proper fleet fee which should be paid to his State, having due regard for fairness and equity, he may refuse to permit any or all of such buses to be included in his State as a part of such fleet.

(b) Total fleet miles: Total fleet miles, with respect to each contracting State, shall mean the total miles operated by the fleet (1) in such State, (2) in all other contracting States, (3) in other States having proportional registration provisions, (4) in States with which such contracting State has reciprocity, and (5) in such other States as the administrator determines should be included under the circumstances in order to protect or promote the interest of his State; except that in States having laws requiring proration on the basis of a different determination of total fleet miles, total fleet miles shall be determined on such basis.

(c) Leased vehicles: If a bus is operated by a person other than the owner as a part of a fleet which is subject to the provisions of this article, then the operator of such fleet shall be deemed to be the owner of said bus for the purposes of this article.

(d) Extent of privileges: Upon the registration of a fleet in a contracting State pursuant to this article, each bus in the fleet may be operated in both interstate and intrastate operations in such State (except as provided in Article III(e)).

(e) Application for proration: The application for proration of registration shall be made in each contracting State upon substantially the application forms and supplements authorized by joint action of the administrators of the contracting States.

(f) Issuance of identification: Upon registration of a fleet, the State which is the base State of a particular bus of the fleet, shall issue the required license plates and registration card for such bus and each contracting State in which the fleet of which such bus is a part operates, shall issue a special identification identifying such bus as a part of a fleet which has fully complied with the registration requirements of such State. The required license plates, registration cards, and identification shall be appropriately displayed in the manner required by or pursuant to the laws of each respective State.

(g) Additions to fleet: If any bus is added to a prorated fleet after the filing of the original application, the owner shall file a supplemental application. The owner shall register such bus in each contracting State in like manner as provided for buses listed in an original application and the registration fee payable shall be determined on the mileage proportion used to determine the registration fees payable for buses registered under the original application.

(h) Withdrawals from fleet: If any bus is withdrawn from a prorated fleet during the period for which it is registered or identified, the owner shall notify the administrator of each State in which it is registered or identified of such withdrawal and shall return the plates, and registration card or identification as may be required by or pursuant to the laws of the respective States.

(i) Audits: The administrator of each contracting State shall, within the statutory authority of such administrator, make any information obtained upon an audit of records of any applicant for proration of registration available to the administrators of the other contracting States.

(j) Errors in registration: If it is determined by the administrator of a contracting State, as a result of such audits or otherwise, that an improper fee has been paid his State, or errors in registration found, the administrator may require the fleet owner to make the necessary corrections in the registration of his fleet and payment of fees.

ARTICLE V—RECIPROCITY

(a) Grant of reciprocity: Each of the contracting States grants reciprocity as provided in this article.

(b) Applicability: The provisions of this agreement with respect to reciprocity shall apply only to a bus properly registered in the base State of the bus, which State must be a contracting State.

(c) Nonapplicability to fleet buses: The reciprocity granted pursuant to this article shall not apply to a bus which is entitled to be registered or identified as part of a prorated fleet.

(d) Extent of reciprocity: The reciprocity granted pursuant to this article shall permit the interstate operation of a bus and intrastate operation which is incidental to a trip of such bus involving interstate operation.

(e) Other agreements: Nothing in this agreement shall be construed to prohibit any of the contracting States from entering into separate agreements with each other for the granting of temporary permits for the intrastate operation of vehicles registered in the other State; nor to prevent any of the contracting States from entering into agreements to grant reciprocity for intrastate operation within any zone or zones agreed upon by the States.

ARTICLE VI—WITHDRAWAL OR REVOCATION

Any contracting State may withdraw from this agreement upon thirty days' written notice to each other contracting State, which notice shall be given only after the repeal of this agreement by the legislature of such State, if adoption was by legislative act, or after renunciation by the appropriate administrative official of such contracting State if the laws thereof empower him so to renounce.

ARTICLE VII—CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating herein, the compact shall remain in full force and effect as to the remaining party States and in full force and effect as to the State affected as to all severable matters.

SEC. 202. The Board of Commissioners shall have the power to make such exemptions from the coverage of the agreement as may be appropriate and to make such changes in methods for the reporting of any information required to be furnished to the District of Columbia pursuant to the agreement as, in his judgment, shall be suitable: *Provided,* That any such exemptions or changes shall not be contrary to the purposes set forth in article I of the agreement and shall be made in order to permit the continuance of uniformity of practice among the contracting States with respect to buses.

SEC. 203. The Board of Commissioners of the District of Columbia shall enter into the agreement authorized by section 201 of this title without further action on the part of the Congress, and issue such rules and regulations as may be necessary for the implementation of such agreement. Notwithstanding any provision of this Act, nothing herein shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners (other than the entry into a compact authorized by this Act) or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

SEC. 204. All provisions of law applicable to the District of Columbia shall, to the extent they are inconsistent with the agreement authorized by this title, be inapplicable to the taxation and registration of buses in the District of Columbia during such time as the District is a party to such agreement.

SEC. 205. Unless otherwise provided in any statute withdrawing the District of Columbia from participation in the agreement, the Board of Commissioners of the District of Columbia shall be the officer to give notice of withdrawal therefrom.

SEC. 206. The right to alter, amend, or repeal this title is expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ADDITIONAL PLACE FOR HOLDING COURT IN THE DISTRICT OF NORTH DAKOTA

The Senate proceeded to consider the bill (S. 2392) to provide an additional place for holding court in the district of North Dakota.

Mr. JOHNSTON. Mr. President, the Senator from North Dakota [Mr. BURDICK] is presiding. I know that he would want to have something to say if he were not in the chair. I commend him for his work in bringing this bill to the attention of the Judiciary Committee and helping the committee report the bill.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 114 of title 28, United States Code, is amended as follows:

In the second sentence of paragraph (4) after "Minot" insert "and Williston".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1391), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to provide that the city of Williston be an additional place for holding court in the district of North Dakota.

STATEMENT

The Judicial Conference of the United States, at its meeting on March 16 and 17, 1964, voted to disapprove the legislation due to the fact that it did not have sufficient cases to justify the holding of terms of court at Williston, N. Dak.

Since that time the committee has received information from the Honorable George S. Register, the chief judge of the district of North Dakota, with reference to the legislation. The chief judge supports the legislation as do the commissioners of the city of Williston and the Williston Chamber of Commerce. The chief judge in his comment states that Williston occupies a rather unique position among the cities of the State. He points out that the Garrison Dam project will result in substantial industrialization, great economic growth, and development in that area. Oil has been discovered in the immediate vicinity of Williston and he anticipates that there will also be a substantial oil and mineral development. He further contended that the Williston area of this State has a very promising future and that the developments referred to are in the not distant future. It will mean a substantial and rapid increase in population as well as business. Representatives of the bar association called upon the chief judge urging the legislation and it is understood that a new Federal building is to be built at the site of Williston. If Williston is designated as a place for holding court in the district of North Dakota, quarters for court may be provided for in the new Federal building.

The committee, after a review of the facts surrounding this legislation, takes the view that there are adequately sufficient indications to believe that the city of Williston will be, in the very near future, such a community as would require the sitting of the U.S. District Court for that district. In view of these facts the committee recommends that the bill, S. 2392, be considered favorably.

JURISDICTION AND VENUE FOR APPEALS FROM ORDERS OF THE INTERSTATE COMMERCE COMMISSION IN JUDICIAL REFERENCE CASES

The bill (H.R. 7508) to amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1394), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 7508 is to amend the judicial code by providing that appeals from orders of the Interstate Commerce Commission in judicial reference cases shall go to the court that made the referral. The bill also provides a 90-day limitation for such appeals.

STATEMENT

This legislation was sponsored by the Department of Justice and bears the approval of the Judicial Conference of the United States and of the Interstate Commerce Commission.

In approving this legislation the House of Representatives in its report states as follows:

"When a claim by a carrier is brought against the United States in the Court of Claims or a district court, or when the United States pursues a claim against a carrier in a district court, issues may arise which are regarded as being within the primary jurisdiction of the Interstate Commerce Commission and must be referred to the Commission for decision; *United States* v. *Western Pacific Railroad Company*, 352 U.S. 59 (1956).

"Under provisions of existing law, however, appeal from the ICC's order pursuant to such a referral does not necessarily go to the court that referred the issue to the Commission. This is so because section 1336 of title 28, United States Code provides that jurisdiction to review all ICC orders is in the district courts, and for the further reason that section 1398 of title 28 provides that venue of such a review shall be in the district in which the party bringing the action has its residence or principal office.

"The result is that appeals from ICC orders resulting from referrals by the Court of Claims never go to the Court of Claims, although that court has familiarity with the issues, having sufficiently scrutinized them to reach the conclusion that a referral is in order. Nevertheless, while the appeal is pending, the case remains on the docket of the Court of Claims although that court is powerless to act. The Department of Justice advises that one such case has been on the court's docket for 10 years while full review of the Commission's order is being effected.

"Similarly, when an issue is referred to the ICC by a district court, since judicial review of the Commission's order may be sought only in the home district of the party bringing the action, the district court in which the action was originally instituted may be required to await the decisions of other courts before proceeding to judgment. The Department of Justice advises that there are about 25 cases pending in various district courts awaiting determination of appeals from ICC orders to other district courts.

"Further complicating the situation is the fact that existing law provides no statute of limitation within which review of the Commission's order in reference cases must be sought."

INCLUSION OF HOPKINS COUNTY, TEX., WITHIN PARIS DIVISION OF EASTERN DISTRICT FOR THE U.S. DISTRICT COURTS IN TEXAS

The bill (H.R. 5964) to provide for the inclusion of Hopkins County, Tex., within the Paris division of the Eastern District for the U.S. District Courts in Texas was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1395), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this bill is to transfer Hopkins County from the Marshall division to the Paris division of the eastern district of Texas.

STATEMENT

The provisions of this legislation have been approved by the Judicial Conference of the United States.

The facts surrounding this legislation are contained in House Report 1141 on H.R. 5964 and are as follows:

"Historically, Hopkins County was originally placed in the Jefferson division, which is now the Marshall division, in the eastern district of Texas some 60 years ago. This was done primarily because of the extension of the M.K. & T. Railroad to Jefferson. Since then, however, the use of paved highways has displaced the use of the railroad facility for long-distance travel.

"This change would be much more satisfactory and convenient for all those who have business before the U.S. District Court for the Eastern District of Texas. It reduces the mileage involved in traveling and would be much more convenient for the individuals concerned.

"The Judicial Conference of the United States has approved the enactment of this legislation and a copy of its report is attached hereto.

"In addition, local civic and bar associations have likewise endorsed the enactment of this proposal.

"Finally, your committee is informed that the Paris docket is less crowded and this transfer would result in more expeditious consideration of Hopkins County cases. Chief Judge Joe W. Sheehy, of the eastern district of Texas, has written:

"'I am in complete agreement with the plan to transfer Hopkins County to the Paris division. Since Hopkins County is so much closer to Paris than it is to Marshall, it will be more convenient for the attorneys and other interested parties who attend court to go to Paris rather than to Marshall. Furthermore, it will result in a saving of witness fees for witnesses residing in Hopkins County who are required to attend Federal court in connection with Hopkins County matters and also result in a saving to the Government of travel expenses for the residents of Hopkins County who are summoned for jury service in the Federal court.'

"The enactment of this legislation will not entail any increase in expenditure on the part of the Federal Government nor does it authorize any new additional places of holding court in either of the two divisions."

The committee, after a review of the foregoing, concurs in the action of the House of Representatives and recommends that the bill, H.R. 5964, be considered favorably.

ST. FRANCIS LEVEE DISTRICT, ARKANSAS

The bill (H.R. 7138) for the relief of St. Francis Levee District, Arkansas, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1331), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill is to pay the St. Francis Levee District, Arkansas, $17,084.80 for damages from the construction of a canal for the St. Francis River and for reimbursement of payments made by it under judgments of the circuit court of Crittenden County, Ark., in favor of landowners damaged by water diverted through a channel of the St. Francis Basin project being constructed by the Corps of Engineers.

STATEMENT

The Department of the Army has reported to the Congress that it has long considered the claim meritorious and has no objection to the enactment of the bill.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives said:

"The situation which gave rise to the claims embodied in H.R. 7138 resulted from floods attributable to a situation created by procedures followed in digging a floodway channel. This floodway channel was included as a part of the St. Francis Basin project and was intended to extend from the St. Francis River to L'Anguille Lake. The channel route crossed U.S. Highway 79 making it necessary to provide bridges and to alter certain railroad facilities at the point of crossing. Construction of the channel proceeded from the St. Francis River to a point near the highway where channel construction was halted to await completion of the required bridges and railroad facilities. The natural ground elevation through which this portion of the channel had been dug was sufficiently high to contain the waters of the St. Francis River which flowed into it so long as the river level did not reach abnormal heights. The only feasible way to preclude the channel from overflowing in the event of a rise in river level was to seal the channel at the point where it joined the river. The cost of such a closure was estimated at $85,000 to $100,000; as it was considered that there was little chance of losses occurring if the channel were left open and that such losses if they did occur would be far less than the cost of closure, the Corps of Engineers determined to leave the channel open. Higher than usual levels of the St. Francis River did in fact occur during the 1957 and 1958 crop seasons and adjacent property holders were damaged by the resultant flooding of their lands.

"Of the landowners and tenants suffering damages, some filed administrative claims with the district engineer of the corps on which a total of $8,715.61 was paid under authority of section 2733 of title 10, United States Code, authorizing settlement of amounts of $1,000 or less. Other damaged parties, with claims in excess of $1,000, brought legal action in the State court against claimant, and judgments totaling $17,084.80 were rendered against and paid by claimant. The court found that the damage was caused solely by the United States, but that the levee district was liable by reason of the fact that it had given the required assurance to hold and save the United States harmless from damages caused by the construction of the project.

"The St. Francis Levee District, as subrogee of the landowners whose claims it had paid, consolidated the several cases into a single request for reimbursement under section 2733, title 10, United States Code. However, it was subsequently determined that the claim could not be administratively settled under this authority because it had not been filed within the 2-year period required under the section.

"The Department of the Army attempted to adjust the matter by recommending to the Comptroller General that the claim be reported to the Congress as a meritorious claim under the authority of the General Accounting Office provided under section 236, title 31, United States Code. The General Accounting Office felt that the existence of the administrative remedy referred to above precluded consideration under section 236 and suggested that the Department of the Army recommend legislative relief."

LT. ROBERT C. GIBSON

The bill (S. 1752) for the relief of Lt. Robert C. Gibson, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant Robert C. Gibson, United States Navy, retired, of Oklahoma City, Oklahoma, is hereby relieved of all liability to repay to the United States the sum of $5,296.36, representing salary paid him during the period from March 20, 1961, through April 6, 1962, while he was employed as an aircraft sheet metal worker at Tinker Air Force Base, Oklahoma, in violation of section 2 of the Act of July 31, 1894 (28 Stat. 205; 5 U.S.C. 62), which prohibits the employment of certain retired military officers in a civilian position, the said Robert C. Gibson having advised the Department of the Air Force of his retired status prior to and after his employment at Tinker Air Force Base. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Robert C. Gibson, the sum of any amounts received or withheld from him on account of the salary payments referred to in the first section of this Act.

TERESA MARANGON

The bill (S. 2856) for the relief of Teresa Marangon, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the Immigration and Nationality Act, Teresa Marangon shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the quota-control officer to deduct the required number from the appropriate quota for the first year that such quotas are available.

LUTHER D. STULL

The Senate proceeded to consider the bill (S. 2588) for the relief of Luther D. Stull which had been reported from the Committee on the Judiciary, with an amendment, on page 2, line 2, after the word "Act", to insert a colon and "*Provided,* That no benefits, other than actual medical expenses, shall accrue for any period prior to the passage and approval of this Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 through 20, inclusive, of the Federal Employees Compensation Act are hereby waived in favor of Luther D. Stull, of Thurmont, Maryland, and his claim for compensation and disability benefits arising out of any nervous or other disabilities incurred by him in 1945 while employed at the Thurmont, Maryland, post office, or as a result of such employment, shall be acted upon under the remaining provisions of such Act if he files such claim with the Bureau of Employees Compensation, Department of Labor, within the six-month period which begins on the date of enactment of this Act: *Provided,* That no benefits other than actual medical expenses, shall accrue for any period prior to the passage and approval of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

AUDIT OF ACCOUNTS OF PRIVATE CORPORATIONS ESTABLISHED UNDER FEDERAL LAW

The bill (H.R. 4223) to provide for audit of accounts of private corporations established under Federal law was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1407), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to make specific private organizations established under Federal law subject to well-defined uniform auditing and financial reporting requirements.

Over the years the Congress has chartered a number of civic, patriotic, and philanthropic organizations. Most of these organizations are required by their charters to undergo annual audits and to submit reports of these audits to the Congress.

During recent years the Committee on the Judiciary has transmitted those reports which have been referred to it to the Comptroller General for his review. In reviewing these reports the Comptroller General noted that while the individual acts establishing the organizations generally provide for annual reports, provisions regarding the period of reporting are not in all cases realistic. For example, some organizations are required to report by January 1 on the activities of the preceding calendar year, a task virtually impossible to accomplish as January 1 is the day following the end of the reporting period.

Also, some charters require that organizations file "a full and complete statement of receipts and expenditures." Acts creating other organizations require that the reports include—

Statements of (1) assets and liabilities, (2) capital and surplus or deficit, (3) surplus or deficit analysis, (4) income and expense, and (5) sources and application of funds.

Neither of these provisions is very satisfactory. The first is too limited and the second is too restrictive.

Another source of difficulty has arisen out of the fact that in some cases existing legislation specifies the calendar year as the basis for reporting although the organization may be on a fiscal year basis.

To remedy difficulties such as these, the Comptroller General suggested that the Congress adopt legislation providing uniform auditing requirements for federally chartered corporations. This bill, as passed by the House and presently before the committee, would provide a more meaningful and uniform standard for auditing reports. It would permit the use of fiscal year bases: it would provide a uniform and realistic period for preparing audit reports.

This committee is in complete agreement with the Comptroller General that there is a definite need for appropriate and uniform auditing and financial reporting requirements of these federally chartered private corporations, and therefore the committee recommends favorable consideration of H.R. 4223, without amendment.

WILFREDO LACAR DE LEON

The bill (H.R. 5154) for the relief of Wilfredo Lacar de Leon was considered, ordered to a third reading, read the third time, and passed.

MRS. GUISEPPA D'AQUANNO

The bill (H.R. 5155) for the relief of Mrs. Guiseppa D'Aquanno, Maria D'Aquanno, and Benedicto D'Aquanno was considered, ordered to a third reading, read the third time, and passed.

REINDICTMENT AFTER DISMISSAL OF A DEFECTIVE INDICTMENT

The bill (H.R. 7219) to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1414), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to amend sections 3288 and 3289 of title 18, United States Code, so as to provide that the provisions of those sections will extend to felony proceedings instituted by information as well as by indictment. The sections concern cases where a new indictment is returned after a prior indictment has been dismissed, because of an error, defect, or irregularity with respect to the grand jury, or because it has been found otherwise defective. The amendments would therefore permit reindictment in similar cases where an information was filed after the defendant waived in open court prosecution by indictment. The two sections would be further amended to clarify the time period within which the subsequent indictment would have to be returned.

STATEMENT

This legislation was introduced in the House of Representatives in accordance with the recommendations from an executive communication sent to the Congress by the Department of Justice.

Section 3288 provides that when an indictment is dismissed for any defect with respect to a grand jury or is found defective or insufficient for any cause, after the applicable statute of limitations has expired, a new indictment may be returned not later than the end of the next succeeding regular term of court during which a grand jury shall be in session. Section 3289 provides similarly with respect to indictments dismissed before the applicable statute of limitations has expired and as to which the statute will expire before the end of the next regular term of court.

This legislative proposal will extend the application of the statutes to felony proceedings instituted by information rather than by indictment. It will also change, and in so doing clarify, the time limitations within which a subsequent indictment must be returned.

At the time of the enactment of the statutes from which sections 3288 and 3289 are derived, felony prosecutions could be initiated only by grand jury indictment. However, rule 7 of the Rules of Criminal Procedure for the U.S. District Courts, authorizes the prosecution of a noncapital felony by information if the defendant in open court waives prosecution by indictment.

Paragraph (b) of rule 7 states as to waiver:

(b) Waiver of Indictment.

An offense which may be punished by imprisonment for a term exceeding 1 year or at hard labor may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment.

The proposed amendments recognize that felony prosecutions may be instituted by informations and that dismissals of such prosecutions because of technical defects in the informations should be accorded treatment similar to that accorded prosecutions instituted by indictments.

The present lack in the law was brought into sharp focus by the decision of the Supreme Court in the case of *Smith* v. *United States* (360 U.S. 1 (1959)). The Court held that an information which charged a kidnaping but did not state that the victim was released unharmed was capable of supporting proof of a capital offense. Since a capital offense may be charged only by indictment, the Court ordered the judgment of conviction reversed and the information dismissed. Subsequently, in *Hattaway* v. *United States* (304 F. (2d) 5 (1962)), the Court of Appeals for the Fifth Circuit held that the indictment and conviction of Hattaway, after his 1954 conviction had been vacated on the authority of the *Smith* case, was barred by the statute of limitations. Section 3288 was held to be inapplicable to the information with which he originally had been charged. Although an information had been filed against Hattaway within 1 year of the crime, the defect had not been discovered until 8 years after the commission of the crime and the statute of limitations had expired. The amendments proposed in this bill would correct this situation so that the provisions of the two sections will extend equally to all formal written accusations of felony offenses.

In addition to the need for this legislation insofar as it would close a "loophole" in existing law, this legislation would remedy a problem which faces the Government as a result of a decision of the Federal District Court for the Northern District of California in *United States* v. *Hartman*, decided June 19, 1963. In that case, the court held that where a conviction is reversed by a reviewing court because of a defective indictment, the time for reindictment of the prisoner runs from the date of the reviewing court's decision rather than, as the Government contended, from the district court's subsequent dismissal of the indictment. H.R. 7219 would substitute for the language in the present statute which provides that the period for reindictment runs from the time "such indictment was found defective or insufficient * * *" the words "the date of the dismissal of the indictment or information".

It is the committee's intention in approving the quoted change in language of the statute to change the rule stated in the *Hartman* decision and to make it clear that the time for reindictment begins to run when the district court dismisses an indictment and not when the appellate court holds that the indictment is defective or insufficient.

After a careful study of the facts stated in the executive communication and other evidentiary matter submitted to the committee, the conclusion is clear that there is a definite need for the proposed amendments as set out in H.R. 7219. Accordingly, the committee recommends favorable consideration of H.R. 7219, without amendment.

MONI PARVANOFF FIOROFF

The bill (H.R. 9561) for the relief of Moni Parvanoff Fioroff was considered, ordered to a third reading, read the third time, and passed.

DR. MIGUEL DE SOCARRAZ

The bill (H.R. 10216) for the relief of Dr. Miguel de Socarraz was considered, ordered to a third reading, read the third time, and passed.

GRAHAM BURKE PUMPING PLANT, ARKANSAS

The bill (S. 2649) to designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the Lower Mississippi River flood control project was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pumping plant being constructed in the State of Arkansas as part of the White River backwater unit of the Lower Mississippi River flood control project shall hereafter be known as the Graham Burke Pumping Plant, and any law, regulation, document, or record of the United States in which such pumping plant is designated or referred to shall be held to refer to such pumping plant under and by the name of the Graham Burke Pumping Plant.

POINT PLEASANT CANAL

The bill (S. 2654) to change the name of the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, to Point Pleasant Canal was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the canal, known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal, which is located in the Borough of Point Pleasant, New Jersey, shall hereafter be known as Point Pleasant Canal and any law, regulation, document, or record of the United States in which such canal is designated or referred to under the name Bay Head-Manasquan Canal or Manasquan River-Barnegat Bay Canal shall be held to refer to such canal under and by the name of Point Pleasant Canal.

INCORPORATION OF THE AMERICAN ACADEMY OF ACTUARIES

The Senate proceeded to consider the bill (S. 3027) to incorporate the American Academy of Actuaries, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 4, after the word "their", to strike out "associates and"; in line 5, after the word "are", to insert "hereby";

in the same line, after the word "created", to insert "and declared to be"; in line 7, after the word "the", to strike out "academy" and insert "corporation"; on page 4, at the beginning of line 11, to strike out "of the academy by the adoption of bylaws, by the election of officers and directors to serve until the close of the first annual meeting of the academy, and by doing all other things necessary to carry into effect the provisions of this act" and insert "of the corporation by the election of officers and directors to serve until the close of the first annual meeting of the corporation, and by the adoption of bylaws not inconsistent with this Act, and by doing all other acts necessary to carry into effect the provisions of this Act"; in line 20, in the headline, after the word "Of", to strike out "Academy" and insert "Corporation"; in line 21, after the word "the", where it appears the second time, to strike out "academy" and insert "corporation"; on page 5, after line 13, to strike out:

(5) To encourage the coordination of efforts of the organizations named in section 1 of this Act.

In line 16, after the word "the", to strike out "academy" and insert "corporation"; in the headline in line 20, after the word "Of", to strike out "Academy" and insert "Corporation"; in line 21, after the word "The", where it appears the first time, to strike out "academy" and insert "corporation"; in line 23, after the word "and", to strike out "administer" and insert "alter"; on page 6, line 1, after the word "the", where it appears the first time, to strike out "academy" and insert "corporation"; in line 6, after the word "the", to strike out "academy" and insert "corporation"; in line 16, after the word "the", where it appears the first time, to strike out "academy," and insert "corporation"; in line 17, after the word "State", to insert "or the District of Columbia"; in line 22, after the word "State", to insert "or the District of Columbia"; in line 23, after the word "the", where it appears the second time, to strike out "academy" and insert "corporation"; on page 7, line 3, after the word "laws", to insert "or to the laws of the District of Columbia"; in line 6, after the word "the", where it appears the second time, to strike out "academy" and insert "corporation"; in the headline in line 8, after the word "Of", to strike out "Activities" and insert "Activities; Resident Agent"; in line 10, after the word "the", where it appears the second time, to strike out "academy" and insert "corporation"; in line 13, after the word "the", where it appears the second time, to strike out "academy" and insert "corporation"; in line 16, after the word "The", to strike out "academy" and insert "corporation"; in line 18, after the word "the", to strike out "academy" and insert "corporation"; in line 23, after the word "the", to strike out "academy" and insert "corporation"; on page 8, line 2, after the word "the", to strike out "academy" and insert "corporation"; in line 5, after the word "the", where it appears the second time, to strike out "academy" and insert "corporation"; in line 6, after the word "vote", to insert "on each matter submitted to a vote at all meetings of the members of the corporation"; in line 10, after the word "The", to strike out "academy" and insert "corporation"; in the headline in line 15, after the word "Officers", to strike out "Of Academy"; in line 16, after the word "the", where it appears the second time, to strike out "academy" and insert "corporation"; in line 17, after the word "the", to strike out "academy" and insert "corporation"; at the top of page 9, to strike out:

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS

SEC. 9. (a) No part of the income or assets of the academy shall inure to any member, officer, or director, or be distributable to any such person; except that the board of directors may from time to time employ such persons as it deems necessary to carry out the objects and purposes of the academy and compensate them in the form of salary or otherwise for the services rendered or duties performed.

(b) The academy shall not make loans to any members or employees.

And, in lieu thereof, to insert:

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

On page 10, in the headline, after the word "Of", to strike out "Academy" and insert "Corporation"; in line 5, after the word "The", to strike out "academy" and insert "corporation"; in line 10, after the word "The", where it appears the first time, to strike out "academy" and insert "corporation"; in line 15, after the word "The", to strike out "academy" and insert "corporation"; in line 17, after the word "dividends", to strike out the comma and "or to engage in business for pecuniary profit"; in line 19, after "SEC. 13.", to insert "(a)"; in the same line, after the word "The", to strike out "academy" and insert "corporation"; at the beginning of line 24, to insert "at its principal office"; in line 25, after the word "members", to insert "entitled to vote"; at the top of page 11, to insert:

(b) All books and records of the corporation shall be open for inspection by any member of the corporation or his agent or attorney for any proper purpose at any reasonable time.

After line 6, strike out:

SEC. 14. (a) Financial transactions of the academy shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or by licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place, or places, where the accounts of the academy are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property, belonging to or in use by the academy and necessary to facilitate the audits, shall be made available to the person, or persons, conducting the audits; full facilities for verifying transactions for the balances or securities held by depositories, fiscal agents, and custodians shall be offered to such person or persons.

(b) The report of such independent audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the academy's assets and liabilities and its surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of its income and expenses during the year, together wtih the independent auditor's opinion of those statements.

And, in lieu thereof, to insert:

SEC. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

On page 13, at the beginning of line 16, to strike out "academy" and insert "corporation"; and in line 21, after the word "The", to strike out "academy" and insert "corporation"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CORPORATION CREATED

SECTION 1. The persons named below and their successors are hereby created and declared to be a body corporate by the name of "American Academy of Actuaries" (hereinafter referred to as the "corporation") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act.

THE INCORPORATORS

John C. Angle, Lincoln, Nebraska.
Clarence L. Alford, Nashville, Tennessee.
John C. Archibald, Des Moines, Iowa.
Henry E. Blagden, Newark, New Jersey.
Thomas P. Bowles, Junior, Atlanta, Georgia.
Dorrance C. Bronson, Washington, District of Columbia.
Edward D. Brown, Junior, Chicago, Illinois.
Harley N. Bruce, Chicago, Illinois.
George M. Bryce, Fort Wayne, Indiana.
George B. Buck, Junior, New York, New York.
Donald G. Clark, Stamford, Connecticut.
Harold E. Curry, Bloomington, Illinois.
Mary M. Cusic, Rock Island, Illinois.
Charles C. Dubuar, Albany, New York.
John K. Dyer, Junior, Philadelphia, Pennsylvania.
Gilbert W. Fitzhugh, New York, New York.
Frank J. Gadient, Rock Island, Illinois.
Walter C. Green, Salt Lake City, Utah.
Frank L. Griffin, Junior, Chicago, Illinois.
William E. Groves, New Orleans, Louisiana.
Frank Harwayne, New York, New York.
William J. Hazam, Wakefield, Massachusetts.
Victor E. Henningsen, Milwaukee, Wisconsin.
Reinhard A. Hohaus, Greens Farms, Connecticut.
Reuben I. Jacobson, Minneapolis, Minnesota.
Wilmer A. Jenkins, New York, New York.
Walter Klem, New York, New York.
Meno T. Lake, Los Angeles, California.
Edwin B. Lancaster, New York, New York.
William Leslie, Junior, New York, New York.
Joseph Linder, New York, New York.
Laurence H. Longley-Cook, Philadelphia, Pennsylvania.
Lauren J. Lutz, Syracuse, New York.
Daniel J. McNamara, New York, New York.
Norton E. Masterson, Stevens Point, Wisconsin.
Allen L. Mayerson, Lansing, Michigan.
Charles Mehlman, San Francisco, California.
Carlton H. Menge, Tulsa, Oklahoma.
John H. Miller, Springfield, Massachusetts.
Wendell A. Milliman, Seattle, Washington.
Thomas E. Murrin, San Francisco, California.
Joseph Musher, Washington, District of Columbia.
Robert J. Myers, Washington, District of Columbia.
Carroll E. Nelson, Saint Louis, Missouri.
A. C. Olshen, San Francisco, California.
H. Lewis Rietz, Houston, Texas.
Henry F. Rood, Fort Wayne, Indiana.
Walter L. Rugland, Appleton, Wisconsin.
David G. Scott, Chicago, Illinois.
Charles A. Siegfried, New York, New York.
H. Raymond Strong, Dallas, Texas.
Oscar Swenson, Los Angeles, California.
Harmon R. Taylor, Cedar Rapids, Iowa.
G. Frank Waites, San Francisco, California.
Andrew C. Webster, New York, New York.
Bert A. Winter, Newark, New Jersey.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in section 1 of this Act are authorized to meet to complete the organization of the corporation by the election of officers and directors to serve until the close of the first annual meeting of the corporation, and by the adoption of bylaws not inconsistent with this Act, and by doing all other acts necessary to carry into effect the provisions of this Act.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be:

(1) To advance the knowledge of actuarial science, which had its origin in the application of the doctrine of probabilities to human affairs and from which life insurance, pension plans, casualty insurance, and other analogous institutions derive their principles of operation;

(2) To encourage the consideration of all monetary questions involving, separately or in combination, the mathematical doctrine of probabilities and the principles of interest;

(3) To promote education in actuarial science and the interchange of information among actuaries and among the various actuarial organizations;

(4) To establish, promote, and maintain high standards of conduct and competence within the actuarial profession.

In furtherance of these ends the corporation may promote activities to recruit and educate those who desire to become actuaries and to undertake such other activities as may seem desirable.

POWERS OF CORPORATION

SEC. 4. The corporation shall have the following powers:

(1) To adopt, amend, and alter bylaws, not inconsistent with the laws of the United States or of any State, territory, or possession of the United States in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(2) To adopt, use, and alter a corporate seal;

(3) To choose such officers, managers, agents, and employees as the business of the corporation may require;

(4) To sue and be sued, complain and defend in any court of competent jurisdiction;

(5) To contract and be contracted with;

(6) To transfer, lease, or convey real or personal property;

(7) To take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise, any property, real or personal, necessary for carrying into effect the purposes of the corporation subject to the applicable provisions of law of any State or the District of Columbia (a) governing the amount or kind of real and personal property which may be held by, or (b) otherwise limiting or controlling the ownership of real and personal property by a corporation operating in such State or the District of Columbia;

(8) To borrow money for the purpose of the corporation, issue bonds, or other evidence of indebtedness therefor, and secure the same by mortgage or pledge, subject to applicable Federal or State laws or to the laws of the District of Columbia;

(9) To do any and all acts necessary and proper to carry out the objects and purposes of the corporation.

PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 5. (a) The principal office of the corporation shall be established at such place as its board of directors deems appropriate.

(b) The activities of the corporation may be conducted throughout the various States, territories, and possessions of the United States.

(c) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, such designation to be filed in the office of the clerk of the United States District Court for the District of Columbia.

(d) Notice to, or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice of service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined according to the bylaws of the corporation.

(b) Each member shall be entitled to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

GOVERNING BODY; COMPOSITION; TENURE

SEC. 7. The corporation shall be governed by a board of directors composed of not less than ten or more than thirty-five members. The method of election, term of office, and other matters pertaining to the board of directors shall be provided in the bylaws.

OFFICER; POWERS AND DUTIES

SEC. 8. (a) The officers of the corporation shall be members of the corporation and shall consist of a president, the number of vice presidents provided in the bylaws, a secretary, a treasurer, and such other officers as may be provided in the bylaws.

(b) The officers shall perform such duties and have such powers as the bylaws and the board of directors may from time to time prescribe.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director, or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock, to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. (a) The corporation shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of the meetings of its members, its board of directors, and committees having any authority under the board of directors. It shall also keep at its principal office a record of the names and addresses of its members entitled to vote.

(b) All books and records of the corporation shall be open for inspection by any member of the corporation or his agent or attorney for any proper purpose at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO THE CONGRESS

SEC. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be made by the corporation to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements, together with the independent auditor's opinion of those statements, as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including (1) the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, and (2) a schedule of all contracts requiring payments in excess of $10,000 and any payments of compensation, salaries, or fees at a rate in excess of $10,000 per annum. The report shall not be printed as a public document.

USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION

SEC. 15. Upon final dissolution or liquidation of the corporation, and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the academy shall be used by the board of directors for one or more of the purposes stated in section 3 of this Act.

EXCLUSIVE RIGHT TO NAME AND SEALS

SEC. 16. The corporation shall have sole and exclusive right to use the name "American Academy of Actuaries" and such seals as the corporation may lawfully adopt.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 17. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. KEATING. Mr. President, as a cosponsor of S. 3027, I am gratified to see the prompt consideration given to the incorporation of the American Academy of Actuaries.

The actuary plays a significant role in the everyday life of all Americans. Heretofore there have been few laws regulating the technical education and experience required of one who holds himself out as an actuary. As a result the public and Government agencies of every level of Government have had no assurance of the qualifications of those who have designated themselves as actuaries.

The grant of this Federal charter to the American Academy of Actuaries, which will set standards for the qualifications of actuaries, is a major step forward for both the actuarial profession and the public.

I am particularly pleased to be associated with this bill and hope it will receive immediate consideration by the other body.

MAKING COLUMBUS DAY A LEGAL HOLIDAY

The bill (S. 108) making Columbus Day a legal holiday was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the 12th day of October in each year, being the day celebrated and known as Columbus Day, is hereby made a legal public holiday to all intents and purposes and in the same manner as the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, the first Monday of September, the 11th day of November, the fourth Thursday of November, and Christmas Day are now made by law public holidays.

Mr. BOGGS. Mr. President, I move to reconsider the vote by which S. 108 was passed.

Mr. KEATING. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOGGS. Mr. President, I take this opportunity as a sponsor to express my appreciation to the distinguished Members of this body, some 36 in number, who cosponsored the bill. I would especially like to thank the many organizations and Members of the other body who not only testified, but gave their wholehearted support to this legislation. I would especially like to thank my colleague, the Senator from Delaware [Mr. WILLIAMS], who cooperated so well, and the distinguished junior Senator from New York [Mr. KEATING], who helped so greatly during the hearings as a member of the Judiciary Committee.

I ask unanimous consent at this point to have printed in the RECORD an excerpt from the report (No. 1438) filed by the committee, submitted by the Senator from New York [Mr. KEATING].

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to make Columbus Day a legal holiday.

STATEMENT

The proposed legislation was the subject of a public hearing conducted by the standing Subcommittee on Federal Charters, Holidays, and Celebrations, of the Committee on the Judiciary. At the hearing on August 12, 1964, more than a score of witnesses appeared to support the purposes of this legislation. Among the witnesses were many Members of Congress, representatives of State governments, and representatives of organizations seeking full recognition for Christopher Columbus.

S. 108 would make Columbus Day, October 12 in each year, a legal public holiday in the same manner as the eight other Federal holidays are now celebrated, which are Christmas Day, Labor Day, Thanksgiving Day, Veterans Day, New Year's Day, Independence Day, Memorial Day, and Washington's Birthday.

The name of Christopher Columbus has been familiar to all Americans from our country's earliest days, for this great and dedicated man did much more than simply discover new lands—he proved the earth round; he opened up a hemisphere; and was the forerunner of colonists who brought the best of the Old World to the New World.

Columbus battled great odds with remarkable determination and the end result was a dramatic change in the earth's history. All Americans can be proud of what our young country has contributed to the family of nations since Columbus made his voyage in 1492.

This bill would perpetuate the memory of Christopher Columbus by making the date of his discovery of the New World, October 12, a legal public holiday. Thirty-eight States now celebrate Columbus Day as a legal State holiday. Seven other States mark the day by Governors' proclamations.

The effect of passage of S. 108 would be to make Columbus Day a permanent Federal holiday. It would not establish October 12 as an immediate nationwide holiday since legal holidays binding on States are established by State legislatures. Most of the permanent Federal holidays have also been designated as such by the State legislatures, in effect making such days "national holidays" in the general meaning of the term.

The U.S. Civil Service Commission, in reporting to the committee on the merits of S. 108, advised that that Commission does not oppose enactment of the bill.

The committee is of the opinion that this legislation has a meritorious purpose and favorable consideration will permit all Americans in every State and in every locality, and of all faiths, and descendants of all nationalities, to observe this day in tribute to the discoverer of the American Continent. Accordingly, the committee recommends favorable consideration of S. 108, without amendment.

Attached hereto and made a part hereof is the report of the U.S. Civil Service Commission to the chairman of this committee dated August 11, 1964.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., August 11, 1964.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate.

DEAR MR. CHAIRMAN: This is in further response to your request of July 5, 1963, for a report on S. 108, a bill making Columbus Day a legal holiday.

The Civil Service Commission does not oppose enactment of this bill but we would like to point out (1) that the present number of holidays granted to Federal employees compares favorably with the number granted by private employers and (2) that the additional holiday would result in some added expenditure for the Government and for private employers.

Federal employees are now granted eight holidays each year. If Columbus Day is made a holiday, the number will be increased to nine. Recent surveys indicate the number of paid holidays given by private employers averages about 7.9 for office workers and 7.1 for plant workers. State and municipal governments commonly observe between 10 and 12 holidays.

A 1962–63 survey by the Bureau of Labor Statistics, covering the 212 standard metropolitan statistical areas in the United States, shows that in private employment only 26 percent of the office workers and 9 percent of the plant workers receive nine or more paid holidays. Another report by that Bureau, based on 1,513 major union contracts, shows that nine or more holidays were included in about 11 percent of the contracts affecting about 10 percent of the employees (mostly blue collar) in 1961.

A 1963–64 survey published recently by the Bureau of National Affairs shows that 88 percent of the 175 companies covered gave office and production employees the same number of paid holidays. Seven was the most common number. Fifteen percent of all companies covered gave nine or more holidays.

Recent independent surveys of State and municipal governments, however, show that over 80 percent of the State governments and about 66 percent of the 27 largest municipal governments gave 9 or more holidays.

Columbus Day is now a holiday in over half the States. In terms of frequency it is observed to about the same extent as Lincoln's Birthday and Election Day immediately following the present eight national holidays. A survey of 1,561 major union contracts by the Bureau of Labor Statistics, however, shows that in 1958 Columbus Day was recognized as a holiday by only 6 percent of the contracts covering about 5 percent of the employees. In this study it was found that the contracts made Christmas Day, Labor Day, Thanksgiving Day, New Year's Day, Independence Day, and Memorial Day paid holidays for over 6 million employees, Washington's Birthday a paid holiday for nearly 2 million employees, but Columbus Day was made a paid holiday for only 361,800.

The cost of an additional national holiday is difficult to estimate. Both the Federal Government and private business would be affected. There would be some added expense in premium pay for employees engaged in round-the-clock services, such as those in hospitals and prisons, and in operations involving air traffic control, movement of the mail, and security and maintenance. This, we estimate, would require premium pay of roughly $3 to $4 million for about 5 percent of employees in the Federal Government. The man-hours lost through an additional holiday can be valued at around $71 million for the Federal service as a whole.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

John W. Macy, Jr.,
Chairman.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. BOGGS. I yield to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I am grateful for the kind remarks of the Senator from Delaware. He and others worked very hard on this measure. The Senator from Delaware, the author, made an excellent presentation before our committee. I am very grateful that the bill could be so expeditiously handled. In passing Senate bill 108 to set aside Columbus Day as a national holiday we bestow a long overdue honor on that brave Italian explorer who discovered America more than 470 years ago.

This Nation has had many heroes during its existence and we have paid tribute to only a few of them by establishing a day bearing their name. Surely no one is more deserving of being added to this illustrious group than Christopher Columbus.

The spirit of Columbus remains an inspiration to us all in meeting the challenges of today boldly. As his famous biographer, Samuel Eliot Morrison, stated:

> Columbus belonged to an age that was past, yet he became the sign and symbol of this new age of hope, glory, and accomplishment.

As a symbol of courage, as the discoverer of America, as an inspiration to the millions of Americans of Italian descent who came to this country in search of new opportunity and to contribute to the Nation's development, Columbus is truly a hero of all Americans. It is indeed appropriate that we designate October 12 as a national holiday in honor of Columbus.

Mr. JOHNSTON. Mr. President, I commend the distinguished Senator from Delaware [Mr. Boggs] for his unceasing activity in getting the bill passed. He was so active that the Judiciary Committee was unanimous in reporting it from the committee. He did a splendid job.

Mr. BOGGS. I thank the distinguished Senator for his kind remarks.

Mr. ROBERTSON subsequently said: Mr. President, I read in the Record this morning that a bill to establish a new legal holiday had been reported. I sent for a copy of the report, but it was not available.

I have sent a letter to the official objectors, the Senator from Maine [Mr. Muskie], the Senator from New York [Mr. Keating], and to the majority leader [Mr. Mansfield], asking for an opportunity to be heard before that bill was passed. The majority leader sent word to me that the bill had been passed before he received my letter, and that a motion to reconsider the vote by which the bill was passed had been laid on the table. There is nothing I can do now except to say what I would have done had I been present; that is, I would have tried to save the taxpayers of the Nation $1 billion, for that is what the bill will cost each year.

I shall read into the Record the letter that I wrote to the distinguished Senator from Maine [Mr. Muskie], the distinguished Senator from New York [Mr. Keating], and the distinguished Senator from Montana, the majority leader [Mr. Mansfield]:

August 15, 1964.

Dear Colleagues: The Congressional Record of yesterday indicates that S. 108 (S. Rept. No. 1438), a bill to designate Columbus Day as a legal holiday, was reported to the Senate. Should this bill be called on the Consent Calendar, please object for me.

I am well aware of our rich indebtedness to Columbus for discovering the North American Continent, although I don't believe he ever set foot on what is now the United States of America. But each holiday costs the Government and industry a total of $1 billion a year and I feel that we can find adequate and appropriate means of honoring the memory of Columbus for less than a billion dollars per year.

As you know the President on yesterday signed a bill that fixes the salary of Government workers at the highest peak in our history. The total of their work days is 260 out of the 365 days in the year. From that there is deducted 20 days for annual leave, 8 days for sick leave and 8 days for existing holidays. That leaves a total of 224 actual work days. When the total Government payroll is divided into 220 actual work days, the per day cost is about $75 million per day. Of course, it is impossible to accurately determine what a legal holiday costs industry because nobody knows the value of the production that is lost and nobody knows how many men will be employed at time and one-half or double time on a given holiday. Last year when there was talk of creating a number of new holidays, including Columbus Day, I asked the Bureau of Labor Statistics to give me an estimate of what another national holiday for all of American industry would cost. The reply was $900 million.

You can well understand, therefore, why I am unwilling for the Senate to pass by unanimous consent a bill that is going to cost our Nation a billion dollars a year.

With best wishes, I am

Sincerely yours,

A. Willis Robertson.

Mr. President, the Senate has passed the bill; and a motion to reconsider the vote by which it was passed has been laid on the table. An appropriation has not yet been made, but we had better get ready to do that, because we are in the closing days of the session; and without any committee report available for study, without any debate, without any consideration, we have rushed into the passage of a bill that will cost the taxpayers and industry a billion dollars.

Years ago, Vice President John Nance Garner, of Texas, told me that no good legislation ever comes out of Washington after the middle of June. That is still a mighty true statement. We reach the closing days of the session; we are anxious to go home; so we will pass any measure without due consideration.

I regret that I could not be present earlier, although I acted as quickly as I could. It never occurred to me that a bill of this importance would be taken up so soon.

A similar proposal has been pending for a number of years, but we have never been willing to act on it. But the bill that was passed today was passed without a report and without debate. In any event, the bill has not been passed by the House. The House will have a chance to consider the cost of another legal holiday before congressional action on the bill is completed.

JURISDICTION OF THE U.S. DISTRICT COURTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1325, H.R. 11520.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (H.R. 11520) to amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KEATING. Mr. President, this measure is companion to S. 1351 which I introduced in the Senate last year. Its enactment into law is long overdue. Its approval will put an end to the ludicrous jurisdictional quirk in the Federal Judicial Code which now compels Governments employees, including Armed Forces members, to seek long-distance justice only in the Court of Claims here in Washington on salary and other forms of pay disputes with the Government.

Under this bill, claimants will have the option, and undoubtedly will in the majority of instances exercise it, to try their salary disputes with the Government close to home in their local Federal district court instead of being forced to bring suit in Washington. That option will be available in every case where the amount in dispute does not exceed $10,000, and most cases, of course, will fall into the category.

This bill will have its most salutary effect in employee discharge cases. Today, under a 1962 statute, a Government employee who claims to have been improperly removed from his position may sue to get his job back in his local Federal court. But the subsection of the Judicial Code which the present bill would repeal today prevents the employee, if he succeeds in establishing his right to reinstatement, from getting a judgment in the same action for the backpay to which he is also entitled. To get the backpay, he must either bring another suit in the Court of Claims or, in some instances, seek the additional relief administratively. Now, if this bill is finally approved, it will be possible for him to secure both reinstatement and complete monetary relief in a single proceeding.

This bill, therefore, will be a great contribution to the fair and speedy administration of justice in the Federal courts. While it does not in any way change the substantive law of Government employees' rights, and its procedural only, it will save both employees and the Government considerable time, effort, and expense in properly disposing of these controversies.

I am especially gratified that this bill was able to achieve approval in both the House and Senate in a single Congress. Credit is due to many, but I want to express my appreciation particularly to the Department of Justice and the Judicial Conference of the United States for their official support; to the Senator from South Carolina [Mr. JOHNSTON], who, as chairman of the Judiciary Subcommittee on Judicial Machinery, was instrumental in guiding S. 1351 through our Judiciary Committee; to the gentleman from Washington [Mr. TOLLEFSON], who sponsored H.R. 11520 in the House; and to Lt. Col. Floyd Oles, U.S. Army Reserve, retired, vice chairman of the Committee on Retirement of the U.S. Reserve Officers Association, who tirelessly devoted so much of his time to bringing home the merits of this proposal to the Congress and to the affected employee organizations.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the votes by which certain bills were passed today be reconsidered.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR RANDOLPH SUPPORTS EFFORTS TO PROVIDE MEDICAL CARE FOR AGED CITIZENS

Mr. RANDOLPH. Mr. President, approximately 18 million persons in the United States are embraced within the category of our aged population. It was reported last night and today in the press and over the radio and by television, that the administration appears to favor a modified or optional choice bill on so-called medicare. The compromise proposal which is proposed by the Senator from Connecticut [Mr. RIBICOFF], and which is cosponsored by other Senators, including myself, would allow eligible senior citizens in the United States to receive both health insurance and cash benefits under an optional plan of medical care.

I presume the report is true. An article in the Washington Post of this date indicates that conferences were held yesterday, in which some of the participants were Members of the Senate, including the distinguished majority leader, the distinguished assistant majority leader, and the Senator who has been in the forefront of the leadership on this matter, the Senator from New Mexico [Mr. ANDERSON], and also the Senator from Connecticut [Mr. RIBICOFF]. I believe that to be the status of this vital subject at the present time.

I believe in the umbrella of social security under which medical care assistance can be provided. This is the essential thrust of the King-Anderson bill. I support such legislation, and have been privileged to attach my name as a cosponsor of it. In connection with some variation, as encompassed in the proposal of Senator GORE, we have conferred several times in the past 10 days. I commend the diligence of the Senator from Tennessee [Mr. GORE] as well as Senator RIBICOFF, and others. My cooperation has been extended in a sincere desire and determination to enact a workable plan at this session of the Congress.

I believe that we must realize that there are certain conditions of time and circumstance which may make it advisable to think in terms of the optional program for medical care which I have reported as being under active consideration, with apparently the support of the administration.

Several days ago I gave the Senator from Connecticut my assurance of cosponsorship and assistance in the event that his program moved forward.

I ask unanimous consent to have printed in the RECORD at this point a letter which I sent to the President of the United States on the subject, a reply from his special assistant, Mr. O'Brien, my further correspondence with Mr. O'Brien commenting on that reply, and a copy of the letter which I sent to the chairman of the Committee on Finance, the esteemed Senator from Virginia [Mr. BYRD].

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, August 11, 1964.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Please bring to the attention of the Committee on Finance the enclosed exchange of correspondence between this Senator and the White House on the subject of health care for aged citizens through amendments to H.R. 1865, social security amendments of 1964.

My position, as well as that represented to be the position of the President of the United States, is that the provisions of the King-Anderson bill are the preferred approaches to the formulation of a program of health care for senior citizens.

I call attention, however, to the assurances I have given in communicating with the President and his staff that I am prepared to support a compromise or substitute which would provide for an option allowing elderly social security annuitants to choose either an additional monthly cash benefit or a Government-paid hospital insurance policy.

It is my hope that the Committee on Finance will take affirmative action by accepting and reporting favorably an amendment to H.R. 11865 establishing a beginning elder citizens' health care program under the social security system.

Sincerely,

JENNINGS RANDOLPH.

U.S. SENATE,
Washington, D.C., August 5, 1964.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The social security amendments of 1964 (H.R. 11865, as passed by the House on July 29) commendably would provide 20 million social security beneficiaries with a 5-percent increase in monthly payments. I will support these provisions in the Senate if we cannot attain refinements of the program which I would consider to be improvements for our elderly citizens. I refer especially to the need for health care provisions for our senior citizens under the social security system.

There are no special problems in this legislation for West Virginia such as were involved in the Welfare Amendments Act of 1962 when a medicare amendment was offered in the Senate. At that time the vital program of aid for dependent children of unemployed parents already had lapsed as of June 30, 1962, and thousands of West Virginians faced deprivation. Controversy over the medicare amendment created an inordinate time loss in the progress of the measure embracing the welfare amendments. Slowness in restoring the ADCU program was intolerable. Consequently, I voted to table the amendment which would have had the effect of further delaying restoration of the ADCU work relief and cash benefit provisions and thereby compound the deprivation of thousands of our people.

Now that the social security amendments of 1964 have passed to the Senate from the House, I am ready to support a substitution which would provide (1) a flat basic increase in social security cash retirement benefits, and (2) a provision for an option allowing elderly beneficiaries to choose either an additional monthly cash benefit or a Government-paid hospital insurance policy.

In the House of Representatives in 1935, I voted for the original social security program. As in the past, I continue to believe it needs updating and expansion. H.R. 11865 is a means of accomplishing such a mission. But I do not believe H.R. 11865 is enough. Hence, I refer also to S. 880, introduced by Senator CLINTON ANDERSON, of New Mexico, and cosponsored by 36 Senators of whom I am one. It embraces a plan for health care of the aged which I believe can be appropriately modified and blended into H.R. 11865 by Senate action.

I feel that the Social Security Amendments Act of 1964 is a suitable and available measure to utilize as a base for making a beginning on a much needed plan of health care for elderly citizens to be financed by the social security trust fund which, in turn, would be augmented by adjustments in the rate of taxes dedicated to that fund. This differs from my position in 1962. As conditions developed in the late summer of that year, I could not agree then that the Welfare Amendments Act of 1962 was suitable legislation for this purpose, and for reasons which I explained earlier in this communication.

Mr. President, I urge active administration leadership in a movement for the inclusion of provisions for limited health care for aged retired persons in the Social Security Amendments of 1964. These provisions in the act are urgently needed. I reiterate that they will have my support and my vote, especially if the beneficiary has the option of selecting either increased cash benefits or hospital insurance paid from the social security trust fund.

Respectfully yours,

Jennings Randolph.

The White House,
Washington, August 10, 1964.

Hon. Jennings Randolph,
U.S. Senate,
Washington, D.C.

Dear Senator: I have been asked to acknowledge your letter of August 5 containing your views with respect to the desirability of enacting legislation which would institute a modified medical care program when H.R. 11865 reaches the Senate floor.

As you know, the Senate Finance Committee is now holding hearings on H.R. 11865. We are hopeful that something will come out of these hearings which will enable the Senate to take action. The President, of course, continues to support the King-Anderson bill as the best approach to this problem.

With kind personal regards.

Sincerely,

Lawrence F. O'Brien,
Special Assistant to the President.

U.S. Senate,
Washington, August 11, 1964.

Hon. Lawrence F. O'Brien,
Special Assistant to the President,
The White House.

Dear Larry: Thanks for the August 10, 1964, response to my letter of August 5 to the President on the subject of health care for aged citizens.

I share the hope expressed in your communication that something will come out of the current Senate Finance Committee hearings and deliberations on H.R. 11865 (the social security amendments of 1964) which will enable the Senate to take action on a vitally needed program of health care for the elderly.

Your letter notes that "the President, of course, continues to support the King-Anderson bill as the best approach to this problem." I agree, and it is for this reason that I am a cosponsor of S. 880. Senator Gore, of Tennessee, has submitted amendment 1178 to H.R. 11865. It is a slightly modified version of S. 880. I hope the Committee on Finance will accept it as a committee amendment and report it favorably to the Senate.

But, as set forth in my August 5 letter to the President, I am ready to support a compromise or substitute proposal, such as one which would include a provision for an option allowing elderly social security annuitants to choose either an additional monthly cash benefit or a Government-paid hospital insurance policy.

If there is no committee amendment, I am prepared to support an amendment offered from the floor of the Senate if it provides health care for the aged citizens as a beginning social security system supplement to the Kerr-Mills program.

With best wishes.

Sincerely,

Jennings Randolph.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I am delighted to yield to the capable Senator from Rhode Island.

Mr. PASTORE. I believe the Record should be a little more explicit as to exactly what the new version or the new proposal would do. As I understand, originally President Kennedy's plan was for medicare supported by social security contributions. Then some question arose in the House as to whether an alternative could be found. I believe the alternative that was developed was to the effect that there would be an increase in the payment of social security benefits to recipients who are entitled to them. I believe the suggested increase was 5 percent.

Mr. RANDOLPH. The Senator is essentially correct.

Mr. PASTORE. The new proposal would use both the new alternative and the original plan, and leave it up to the recipient to take one or the other, without being told which one to take. Is that correct?

Mr. RANDOLPH. The Senator states the matter correctly. The Senator from Rhode Island is always very explicit and most helpful. He brings the issue into focus.

Mr. President, I ask also unanimous consent to have printed in the Record the article to which I have made reference. It is entitled "Medicare Option Plan Would Give Health Aid, Cash," written by Eve Edstrom, and published in this morning's Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

Medicare Option Plan Would Give Health Aid, Cash—Administration Backs Proposal by Senator Ribicoff

(By Eve Edstrom)

The Nation's 18 million aged could get both health insurance and increased cash benefits under a new, optional medicare plan which was introduced in the Senate with the administration's blessing yesterday.

This last-ditch move to obtain health care through social security was made after Democratic Senate leaders met with Special Presidential Assistant Lawrence F. O'Brien and Presidential Administrative Assistant Mike N. Manatos.

At the meeting were Senator Abraham A. Ribicoff, of Connecticut, author of the new proposal, and three of the measure's cosponsors, Senate Majority Leader Mike Mansfield, of Montana; Senate Democratic Whip Hubert H. Humphrey, of Minnesota; and Senator Clinton P. Anderson, of New Mexico.

OLD BILL FEARED DEAD

Anderson's cosponsorship of the measure does not mean he is dropping support of the administration's broader medicare bill, which Anderson coauthored, a spokesman for the Senator said.

But the spokesman noted that it will be practically impossible to pass that bill. This is because the House already has voted increased cash benefits for social security.

In the view of many, these cash benefits plus the full range of health benefits which the administration initially had sought would place too much of a financial burden on the social security structure.

Thus, the Senate leadership feels it can rally more support behind Ribicoff's "free choice health insurance" plan which scales down some benefits. It reduces the amount of nursing home care and visiting nurse services, and omits outpatient diagnostic services.

RETAINS BASIC BENEFITS

However, it retains the same hospital benefits as the administration's original proposal. Ninety days of hospitalization with a 2½-day deductible or 45 days of hospitalization with no deductible would be provided.

The most politically palatable feature of the Ribicoff plan is that it gives the social security beneficiary at age 65 a choice. The beneficiary could elect to receive a $7 monthly increase in cash benefits with no health insurance, or a $2 monthly increase with the health benefits.

Persons over 65 who are not covered by social security would be given health insurance benefits financed out of general revenues.

Ribicoff's proposal also provides for a national private organization to administer the health care plan. This is interpreted to mean that Blue Cross probably would be selected to deal with the hospitals.

WAGE BASE INCREASED

Both the increased cash benefits and the hospital plan would not go into effect until next July. They would be financed by raising the taxable wage base from the present $4,800 to $5,400. The tax rate for both employees and employers would go up from the current 3.6 to 3.9 percent. By 1971, the tax rate would be 5 percent for both employees and employers.

Under the social security measure which has passed the House, beneficiaries would get 5 percent monthly cash increases, beginning in October, but no health benefits. These increases would range from 80 cents to $6.40. They would be financed by raising the taxable wage base to $5,400 and the tax rate to 3.8 percent in January and 4.8 percent by 1971.

That bill is now before the Senate Finance Committee, which concluded hearings yesterday. When the committee meets in executive session Monday to begin marking up the bill, attempts will be made to add the administration's broad medicare proposal or the Ribicoff measure to it.

These attempts are expected to fail in committee but the administration has enough votes to add the optional health plan when the issue comes to a showdown vote on the Senate floor.

Mr. PASTORE. Mr. President, will the Senator yield further?

Mr. RANDOLPH. I yield.

Mr. PASTORE. I should like to have the Record show that the Senator from Rhode Island has not as yet determined in his own mind whether he will support the alternative plan. However, it is worthy of serious consideration. I have always felt that the better way to do it would be by medicare under the social security system. That was the suggestion which was originally made by President Kennedy. However, I understand that the administration is now looking rather favorably and kindly on the new proposal as a way of accomplishing something. In that spirit it ought to be given serious consideration. What appeals to me about it particularly is that the choice is left up to the recipient.

Mr. RANDOLPH. Yes. I commend the Senator from Rhode Island, and especially join with him in his expression that there is certain value in the personal determination by the aged citizen as to the program to be used.

Mr. President, before taking my seat I wish to indicate the presence in the Chamber of the Senator from New Mexico [Mr. Anderson]. I have been discussing, in his absence, his leadership in the program of medical care for the aged, and of the conferences in which he has presumably been engaged. He has the hope for realization, if not of the

King-Anderson bill, which I support and of which I am a cosponsor, then of the modified plan, which would allow the recipient an option.

I express to him, as I have in the past, my appreciation for his continued effort.

Mr. ANDERSON. Mr. President, I wish to express to the Senator from West Virginia my sincere appreciation for what he has had to say, and also for his action in being a cosponsor of the new proposal by the Senator from Connecticut [Mr. RIBICOFF].

Mr. RANDOLPH. I thank the Senator from New Mexico, and entertain the hope that this problem—a real one for millions of people—can be adjusted with justice and realism.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mrs. NEUBERGER. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The pending question is on agreeing to the Dirksen-Mansfield amendment to the foreign aid bill.

Mrs. NEUBERGER. I believe the amendment is proposed as an appendage to the foreign aid bill?

The PRESIDING OFFICER. The Senator is correct.

Mrs. NEUBERGER. Since the basic business before the Senate is the foreign aid program, and since there is now a proposal to make as a basic part of that program the rescinding or placing in cold storage of a decision of the Supreme Court, there may be some doubt around the country as to how those two ideas are related. It would be rather difficult for us to demonstrate that they are related. We need to explain that the Senate does not have a rule of germaneness and that it is possible to attach an unrelated amendment to a bill and make it an integral part of the bill, so that those who oppose one phase of the bill are hamstrung if they believe in the main issue, and vice versa.

Speaking of the obvious incongruity of attaching a reapportionment amendment to the foreign aid bill, I am reminded of another incongruous situation that occurred in the Chamber recently when we received from the House a bill relating to the importation of animals for zoos. The bill which passed the House was referred to the Committee on Finance, where an amendment having to do with quotas for the importation of beef was attached. The bill came to the Senate with its original title; but when the bill left the Senate, the original text and title were missing, and only the Senate amendment was left.

That situation will not happen exactly in that way with the bill under consideration; but there is a certain amount of ridiculousness about it.

I have tried to think what justification there could be for talking about "the rotten borough legislative system" in many of our States at the same time when we consider our aid to countries on other continents. I suppose someone might say, "So long as we are aiding Nigeria, we might as well aid Iowa."

But my point is that the attempt of those who support the amendment to interrupt the usual process of the Court and of the legislative branch may not be of much aid to the very area which those who make the attempt purport to help.

As I view this matter, two issues are at stake in this debate—both of enormous consequence to the political scene in the United States:

The first is whether we are going to allow unconstitutionally elected State legislatures to perpetuate themselves in office, by being their own constitutional judges, and, in so doing, deprive their own constituents of the constitutional right of equal representation.

The second issue is the question of making the States strong partners of the Federal Government in meeting the needs of the citizenry.

Mr. President, I have been in this reapportionment fight for quite some time. That is why today I am delighted to speak about it, in part based on my own experience and observation.

Of course, I was influenced a great deal by my membership in the Oregon Legislature, where this issue was so long a burning one, and, I may say, a successfully concluded one. At that time, my husband was a very deep student of the situation existing in the State legislatures; and he wrote many articles, which received national acclaim, and are still quoted as authorities on this subject. Since I worked a great deal with him on them, at this time I shall read a portion of an article he wrote for the New York Times magazine in October 1952, at the time when this issue was a fomenting one in our State. I now quote from his article:

> "States rights" is still a battle cry of freedom to many Americans in public life.

I hope I shall be pardoned if I interpolate along the way, to point out—although I hardly need do so—that these truisms are just as effective in 1964 as they were in 1952, when this article was written. Almost every week we hear that battle cry in this Chamber.

I continue to read from the article:

> These men and women deplore the rise of a vast centralized government, and they yearn for the era when basic political and economic decisions were made beneath the 50 State capitol domes rather than at the White House or in marble conference rooms in Washington, D.C. To zealous sponsors of States rights, America never has been the same since Federal sovereignty emerged supreme in such varied realms as taxation, natural resources, labor relations and even housing and aid to the needy.

Of course, it was assumed that voting rights were naturally indicated in the Constitution, and that there was no question about them. If this article had been written this year, I am sure the question of people's civil rights and political rights would also have been covered in the article. I read further from it:

> Yet, when all is said and done, the march toward an increasingly powerful Federal Government is never going to be deterred by speeches or political maneuvering. It can be halted only by the States themselves. They must demonstrate that they are capable of governing effectively, honestly, and with reasonable haste in time of crisis. When their State government falls down on an essential chore, voters inevitably look to big government in Washington to step into the breach. Federal authority under the New Deal originally crowded out States rights because the States, meaning principally their legislatures, failed utterly even to scratch the crucial problems of misery, unemployment, and farm surpluses stemming from the industrial depression of the 1930's.
>
> Will legislatures in 1964 be better equipped to grapple with a great emergency? Can they exercise the States rights which are so often a subject of legislative oratory? In each State the legislature is the supreme policymaking arm of government. But is this arm sinewy and strong—or is it shriveled and weak?

I am reminded of an expression we often used after a bout with cancer and medical research: "Where would we who suffer from cancer have been if we had depended upon the individual States to conduct research that has brought about the reduction in the mortality of our people from such dread diseases as cancer?" One cannot buy cancer research at the corner drugstore; the great arm of the Federal Government is necessary. Where would our States be if we depended on the great arm of the Federal Government for all the necessary developments and progress, including the various social-political benefits?

Instead of fighting the battle of State versus the Federal Government, we should realize that each year there is more to be gained by cooperating our activities. I fear that in all too many States the legislative arm is weak and unresponsive to the need for action. If ever there was an opportunity for the advocates of meaningful States rights, as opposed to slogans, to stand up and be counted, this is the time. A vote to sustain the reapportionment decision of the U.S. Supreme Court will be a vote to revitalize State and local government.

A vote to support the amendment of the Senator from Illinois [Mr. DIRKSEN] is a vote to centralize more power in the Federal Government.

Another article—carrying the same theme fits in well today, as it did in 1959. It was written by the eminent journalist, Mr. Richard Strout, and appeared in Harper's Magazine. But these are mosquito bites compared to the real problem in the United States great super cities of forming not metropolises, megalopolises, already one vast urban region stretching 600 miles from New Hampshire to Washington, D.C. holds one-fifth of the country's population.

Similar conglomerations will run from Los Angeles to San Diego, and from Cleveland to Pittsburgh. They will include most of the cities along the St. Lawrence Freeway—Detroit, Toledo, Chicago, and Milwaukee. How can rural lawmakers, men who never rode a subway, deal with the super cities' staggering transportation, industrial, housing, and other such problems? In fact, they do not.

It is appropriate at this point to relate an anecdote that I cherish in some ways. My State is quite a rural State. We have one large city—Portland. I presume that local pride would require one to say that Portland has a population of 400,000. There is then a very sudden drop down to cities with populations of 50,000, 20,000, and finally 4,000 and 5,000. The rural atmosphere of the State is unquestioned.

My anecdote deals with a school superintendent from a small county in my State. He came here to serve on the President's Committee on Education, which committee is called the White House Conference. The school superintendent stated to me, "You know, I was born in Oregon. My 12-year-old son was born in Oregon. Neither of us was ever out of the State until we came to Washington. I decided to bring my little boy with me."

I asked him, "Where is he? What does he do all day while you are at meetings and conferences?"

He said, "He stays in the hotel and rides up and down on the elevator. There is not one elevator in our whole county. My son had never seen an elevator before and he is absolutely fascinated with it."

It is hard to believe in this day of advancement in communications, transportation, and other fields that there are people who find such fascination in riding an elevator. People—not the school superintendent, fortunately—who are patrons of his school have no conception of urban problems of mass transportation.

During our recent debate on these problems affecting the large cities, I received a good many telegrams and letters from constituents in my State, urging me to oppose such legislation. They stated that the matter did not affect Oregon, that not one cent of the money would be spent there. They showed a complete lack of understanding of the problems that face millions of people in our country.

Returning to the Richard Strout article, commenting on this subject he stated:

> In 1953, President Eisenhower was determined to scale down centralized Government by returning more functions to the State. So he set up a Commission on Intergovernment Relations headed by one of his special assistants, Meyer Kestnbaum, a much respected business magnate. The Kestnbaum report proclaimed facts which college professors had vainly tried to tell the Nation for years. Cities are bringing problems to Washington because State legislatures won't handle them.

In a majority of the States, said the report, city dwellers outnumber the citizens of rural areas. Yet in most States the rural voters are overwhelmingly in control of one legislative house, and overweighted, if not dominant, in the other. If the States do not give the cities their rightful allocation of seats in the legislature, the tendency will be toward direct Federal municipal dealing.

I have been identified with this problem. Fortunately I have been in the middle of it in Oregon. It was an exciting procedure in our political history.

Our experience in finally bringing about reapportionment, after many years of quoting our own constitutional requirement, was made the subject of an article—really it was more than an article; it was a thesis—written by Gordon Baker, of the University of California. It was entitled, "Reapportionment by Initiative in Oregon."

I read from the article:

> One of the most persistent and knotty problems of State government is the periodic apportionment of legislative seats to keep pace with population shifts. Few States, if any, have solved the problem in so apparently satisfactory a way as has Oregon. The fact that the solution was arrived at by means of the Oregon system of direct democracy makes this accomplishment a matter of special interest to students of government.
>
> The implement which appears satisfactory to most Oregonians did not materialize until 1952 and did not take effect until 1954. Indeed, for nearly half a century the question of reapportionment had been the subject of frequent legislative struggle, political discord, and public debate. As the State's population pattern shifted over the years, Oregon changed from a rural society to a largely urban one. Yet, successive legislatures, reflecting an apportionment dating primarily to the first decade of this century failed to carry out the State constitution's provisions for decennial reallocation of legislative seats according to population changes.
>
> These many years of inaction worked to the particular disadvantage of Multnomah County, which contains most of the Portland metropolitan region. From 1910 onward this single county contained approximately one-third of Oregon's total population, yet it elected less than one-fourth of each house of the State legislature. However, population shifts throughout the State eventually resulted in other counties being substantially underrepresented as well. The earlier apportionments contained some strange disparities even for their time, and by 1950 the number of inequities in district strength had multiplied. Some of the areas absorbing Portland's suburban growth had shown dramatic population increases, while to the south, counties such as Lane and Klamath were proportionately underrepresented even more than the metropolis.
>
> Geographically, the area which benefited most from the status quo was the sparsely populated eastern two-thirds of the State, separated by the Cascade Mountain Range from Oregon's main urban centers to the west. While portions of eastern Oregon had kept pace with (or even exceeded) the State's population growth, most of these 18 counties had lagged far behind. By the 1950 census the region as a whole contained only 16 percent of the State's population, yet elected close to 27 percent of each house of the legislature. With slightly more than half the number of inhabitants as Multnomah County, eastern Oregon could handily outvote that metropolitan center in legislative matters.

At that point I began to feel almost emotional about the whole business of reapportionment. As a citizen, a member of the League of Women Voters, and one who had read journals of the Council of State Governments for many years, I had been philosophically concerned with the problem. But, as we all know, when a thing strikes home to us or to someone close to us, our attitude takes on a personal approach and our fervor becomes unbounded.

I went to the State legislature as a result of a rather sudden decision. However, it was a decision for which I have always been thankful. I had a zeal to correct certain social problems in my State; namely, problems in the field of education, civil rights, and benefits for teachers. I had been one.

I finally saw that we were sending the same people back to the legislature every year, and they were perpetuating a bad system. I felt that perhaps we could change it.

When I went to the legislature, I made a very good friend who was the country editor of a small county newspaper in the sparsely populated part of our State to which I have just referred in Mr. Baker's article. That editor was considered the sage of the area. He published pithy statements in his newspaper. But needless to say, he was violently opposed to changing the status quo.

My husband often said, "Politicians hesitate to change the system by which they themselves survive."

That editor was an example of that statement.

As I said, we became very good friends. He sat next to me. By actual count, his county had a population of 2,129. The county I represented had a population of 500,000. Yet the vote of the editor had exactly the same value as mine. Other than our good personal relationships, we were at opposite poles on every issues that came before that legislature.

In his county the people had no conception of the problems of juvenile delinquency that we in Portland faced. They had no minority groups to be concerned about. They did not have a shifting population. The population of slightly over 2,000, including every baby, consisted of fourth and fifth generation citizens who had come to Oregon as pioneers and homesteaders. They had settled on ranches, and had contributed a great deal to the wealth of our State. We recognized that they did, but they were also people who could not see what was happening in the shifting sands of population.

It was useless for me to argue with my friend that by changing the reapportionment of our State we would not impose a big city on small counties. Portland was, and still is, the port of our State. Through its beautiful, fresh water port, to the sea at Astoria, all the wealth produced in that vast, wonderful and beautiful wheat land and cattle land is shipped.

I am glad to say that I can bring the story to the Senate, because reapportionment prevailed. Our State has continued to grow and prosper. Eastern Oregon and the county represented by my friend have not suffered one iota. The people of that area have had no big city politics or bossism pushed down their throats. The grains of golden wheat continue to be shipped through our port, and we are all living happily together.

I have told the story of reapportionment in my State and how it finally came about. I hope that the anecdote has shown Senators that we cannot expect legislatures to reapportion themselves. It is not within the realm of possibility, human nature being what it is. My country newspaper editor would never vote to eliminate his own seat in the legislature. The people who were there were not going to change the system by which they maintained a "rotten borough" legislature during all the years since Oregon became a State. Such organizations as the League of Women Voters, the Young Republicans, and the Young Democrats, working together in such harmony as we have not seen since, were able to bring about this amazing change in our political climate.

I continue to read from Mr. Baker's article entitled "Reapportionment by Initiative in Oregon":

> Ferment over the question of legislative representation became increasingly intense in 1949 and 1950. Richard Neuberger, who was then a State senator from Portland (later elected to the U.S. Senate), authored proposed legislation as well as several articles in national journals about urban underrepresentation in Oregon. Neuberger's bill to carry out reapportionment according to the provisions of the constitution failed after a lengthy and bitter legislative battle.
>
> With the legislature apparently unable to agree on a reshuffling of its own seats, two diverse groups then resorted to the initiative process in 1950. The first of these, mainly representing urban and labor interests, would have enforced decennial reapportionment of both houses largely on a population basis.
>
> This movement's petitions failed by some 2,000 signatures to gain a place on the ballot. A competing organization, styled the "Nonpartisan Committee for Balanced Apportionment" was more successful and qualified its proposal for the 1950 election.

This is the one I just referred to.

The interesting thing about this battle was that there was spirited opposition from a group that now are our great allies. I refer to the AFL–CIO, the Oregon State Grange, and the Farmers Union. It is a tribute to those groups that they have come full circle, and not only support us, but realize that what happened in Oregon was most successful. They are now pleading with me and hoping that I will continue my belief in equal representation in the U.S. Senate.

I continue to read:

> After this double failure, a joint committee of Young Democrats and Young Republicans met in 1950 to see if the members could draft a new initiative petition. A number of conferences produced agreement on an effort to enforce the existing constitutional provisions. In order to form a nonpartisan rather than a bipartisan campaign, the original conferees approached the League of Women Voters. At its previous annual convention the league had adopted a resolution urging reapportionment according to the intent of the State constitution, together with a workable method of enforcement.
>
> Early in 1952, representatives of the three groups met to form the Nonpartisan Committee for Constitutional Reapportionment. The committee decided to approach personally a number of influential persons in strategic places throughout the State as an advisory committee. The Young Democrats and Young Republicans were to raise whatever campaign funds would be needed, while the League of Women Voters assumed responsibility for circulating initiative petitions for the 26,282 signatures required.
>
> The initiative itself was a carefully drafted document drawn up primarily by a Portland attorney, John C. Beatty, Jr. (a Young Democrat), assisted by Miss Shirley Field (a Young Republican, member of the League of Women Voters, and later a State legislator), and Philip Levin (attorney and Young Democrat). The proposed amendment to the constitution retained the spirit of the original provisions written in 1857, which called for a reapportionment of legislative seats after each Federal census among the counties "according to the white population in each." The initiative proposed three changes: (1) deletion of the archaic reference to "white" population; (2) enforcement provisions to overcome the problem of legislative inaction or malapportionment; (3) a temporary reapportionment of both houses of the legislature to continue in effect until the next Federal census in 1960.
>
> The heart of the initiative amendment is the method designed to enforce decennial redistricting. As is the case in many other States, the major problem in Oregon had been failure of the legislature to act. Under the new procedure the legislature retains the duty of reapportionment initially, but if it fails to act by July 1 of the year of the legislative session next following the Federal census, the task is to be performed by the secretary of state and filed with the Governor as law by August 1 of the same year. Presumably, any legislature would be sufficiently jealous of its prerogatives to try earnestly to avoid allowing an executive official to act in its place; and, an executive would scarcely risk mandamus proceedings through a refusal to comply.
>
> A second potential problem was assurance that future reapportionment statutes comply with the provisions of the constitution. Without proper safeguards a legislature might pass only a token measure or one otherwise not meeting constitutional requirements. To circumvent such possibilities, the initiative amendment vests original jurisdiction in the State supreme court, on the petition of any qualified voter, to review reapportionment measures drafted by either the legislature or the secretary of state. In the event that the court should determine such a legislative measure null and void, it would direct the Secretary of State to draft a reapportionment in compliance with constitutional provisions. Finally, if any measure authored by the secretary of state is found to be inadequate, the supreme court "shall return it forthwith to the secretary of state accompanied by a written opinion specifying with particularity wherein the draft fails to comply with the requirements." The executive official is to "correct the draft in these particulars and in no others," and file the corrected reapportionment with the Governor.

It can be seen that in our State we have carefully worked out a plan for reapportionment. Great faith was reposed in the Supreme Court or the judiciary for the fair handling of any questions that might arise.

I continue to read:

> This constitutes one of the most explicit and detailed "automatic" redistricting plans to be found; and, the judiciary is brought into the picture to an extent seldom paralleled.

That is why the present situation seems like such an anomaly to me.

I continue to read:

> While the court is not authorized to do the actual drafting of reapportionment statutes, it is directed to supervise the process closely in accordance with constitutional requirements. In fact, the spirit of the constitutional amendments treats decennial reapportionment as more of a ministerial or technical function than a political one. Actually, it should be emphasized that the degree of discretion permitted the apportioning agent (whether legislature or secretary of state) in Oregon is narrowed by several considerations. The most important of these is the fact that counties which receive more than one representative or senator have not been divided internally into single-member districts—they are either allocated a number of at-large seats; or, in the case of Multnomah County since 1956, five subdistricts, each electing three or four representatives-at-large, have been created. Another limiting factor is the retention of the original constitution's method of apportioning both houses by "major fractions"—i.e., a county or district with more than half a ratio would ordinarily be entitled to a seat; those with less than a half ratio would be attached to adjoining counties.
>
> Since the enforcement provisions just outlined are not to take effect until after the 1960 Federal census, the initiative amendment specified a temporary reapportionment to begin in the 1954 elections. This arrangement substantially equalized districts in both houses. The size of the legislature remained the same as the existing constitutional maximum—30 senators and 60 representatives. Eastern Oregon lost an aggregate of two senate and three house seats. In the west, Multnomah County (Portland area) gained two representatives, and in addition gained full title to one seat in each house formerly shared with adjoining counties. Other shifts in western Oregon took account of population changes since the prior apportionment.
>
> With the League of Women Voters supplying the missionary zeal needed to collect signatures throughout the State, the proposed initiative qualified for a place on the 1952 ballot. In spite of a limited budget the Nonpartisan Committee for Constitutional Reapportionment had several advantages working in its favor. For one thing, the very makeup of the sponsoring group indicated that it was in fact nonpartisan. Newspaper support was forthcoming from both of Portland's dailies, the Oregonian and the Oregon Journal, and in the State capital at Salem from the influential Oregon Statesman.
>
> Press support even included two of eastern Oregon's most important dailies, the Bend Bulletin and the Pendleton East Oregonian. Organized labor backed the initiative, but was not so intimately associated with the campaign as to arouse the suspicion or opposition of the business community.
>
> Finally, the movement for reapportionment received a form of backing that would be impossible in virtually all other States. Oregon's most influential farm organization, the Oregon State Grange, lent its support to the measure. The grange's executive committee, in favoring reapportionment, called for accompanying legislation to direct multimember constituencies in order to give rural areas of these counties adequate representation. Support from the traditionally liberal grange can be explained by several factors. Under the proposed initiative, several counties with substantial agricultural areas would gain representation. The grange's proposal for subdistricting the more populous counties to avoid urban monopoly of entire at-large delegations is understandable.
>
> Proponents of the reapportionment initiative waged a vigorous and well-organized campaign. In speeches and pamphlets they represented the principle of reapportionment by "major fractions" of population as a compromise between an area-based plan and an "equal proportions" population method. To calm the fears of voters outside the Portland area, initiative sponsors pointed out that many counties would increase their representation, and that several would gain proportionately more than Multnomah.
>
> On November 4, 1952, the electorate endorsed the reapportionment initiative by a substantial majority of 357,550 to 194,292. The statewide effectiveness of the campaign for the amendment is indicated by the fact that it carried 20 of Oregon's 36 counties. Heavy support came not only from urban areas but from several farming counties as well. The opposition centered in eastern Oregon, though three of these counties favored the initiative. Only one county in western Oregon failed to cast a majority for the measure.

I have always been proud of Oregon for the way it has handled this matter, because, from a purely selfish viewpoint, I did not think that the eastern Oregon counties would have voted for it. I do not know quite how to explain it; whether it attests to the wonderful educational system, to the lack of a provincial attitude that we thought prevailed, to the good sense and good judgment of our people, or to an effective campaign. However something contrived to bring about this remarkable victory.

Reading further:

> In spite of this decisive victory, the leaders of the amendment campaign soon had their handiwork to defend. Some legislators were less enthusiastic about the new districts than the electorate had been. In 1953, David Baum, Republican representative from La Grande in eastern Oregon, initiated a proceeding in circuit court for a declaratory judgment against the validity of the new measure. Baum asserted that his rights would be affected under reapportionment by the enlarging of his constituency to include an additional county. Officers of the Non-Partisan Committee for Constitutional Reapportionment, concerned lest the case receive routine and possibly inadequate defense by the State's attorney general's office, successfully entered the litigation as intervenors. On October 9, 1953, the circuit court upheld the new sections of the constitution.
>
> After lying dormant for several months, the case was suddenly revived about a month before the filing deadline for the 1954 primary elections. Opponents of reapportionment filed a lengthy brief appealing the circuit court's decision of the previous autumn. On this occasion Representative Baum elaborated on the same line of argument that had failed earlier. His primary contention was that the new amendment violated the principle of separation of powers by allocating legislative functions to the secretary of state and the supreme court; furthermore, that the separation of powers is unamendable, because otherwise "our freedoms may be short lived." In addition, it was argued that the initiative amendment covered more than one subject and did not clearly indicate to the electorate the nature of the change proposed. Finally, the appellant struggled for a Federal ground by insisting that the principle of separation of powers is protected by the U.S. Constitution's guarantee of a republican form of government and the 14th amendment's due process and equal protection clause.
>
> Contesting the appeal was the State's attorney general's office, plus several attorneys from the Non-Partisan Committee for Constitutional Reapportionment who, though on short notice, filed an elaborate brief as Intervenors. On March 2, 1954, the Oregon Supreme Court unanimously upheld the lower court and thus the amendment.
>
> * * * * *
>
> With the final obstacle of litigation removed, the new apportionment went into effect with the 1954 elections. While a substantial number of districts remained unaffected, there were several important shifts. The status of Multnomah County improved slightly in the senate and substantially in the lower house. Sectionally speaking, most of the losses in political power occurred in the northern portion of eastern Oregon. The comparative legislative strength of both the metropolis and eastern Oregon before and after the 1954 reapportionment is indicated by the following table:

TABLE I

	1950 population	Percent of State population	Percent of representation			
			House		Senate	
			Before	After	Before	After
Multnomah County	471,357	31.0	23.0	26.7	22.8	23.3
Eastern Oregon	247,383	16.3	26.7	21.7	26.7	20.0

> * * * * *
>
> Moreover, as important as the allocation of a few added seats to the most populous county was the substantial equalization of districts throughout the State. Under the old apportionment, house districts varied in population per representative from a low of 6,952 to a high of 41,925. These extremes were narrowed to 12,740 and 31,570 respectively. In the senate, districts formerly varied from 8,401 to 85,138; the new apportionment adjusted the disparity to 26,317 as the smallest and 67,362 as the largest population groupings. However, these figures illustrate the extremes only. Most of the new districts fall within a much closer range. And, since the "major fractions" method makes a concession from a pure population basis, some disparities are inevitable.
>
> One further yardstick of a State legislature's representative character is found by calculating the smallest percentage of the State's population which could theoretically elect a majority of each house. This can be done by totaling districts beginning with the least populous until a bare legislative majority is reached. This procedure does not assume that the smallest districts necessarily act in unison to produce legislative majorities. It is merely a theoretical construct which indicates how broadly or narrowly based potential majorities can be.
>
> The addition of legislative strength to the larger counties accentuated one situation that had long been criticized in Oregon, namely, the election of multimember delegations at large. Multnomah County voters now had substantial representative equality, but they also had an even longer ballot than before, with 16 representatives and 7 senators to elect at-large. Each primary and general election would ordinarily find at least twice that number of candidates. This condition placed an unusual condition on name-familiarity or on the party label.

This was true. In a certain city in Oregon there is a street named after a pioneer family. It is a main streetcar artery that goes through the heart of a big fringe area that is residential, on the fringe of the business area. I dare not mention the name of the street; but it so happened that there was a family, not related to the pioneer family after whom the street was named, but who had the same name. There was no political experience or background in this family, but the family enjoyed remarkable political success in Multnomah County for years because, somehow, there was familiarity with that name.

However, in the very year that a separation of this populous county into subdivisions went into effect, that family disappeared from representation in the legislature, because people had a chance to examine the voting record. It is not that there was anything at all reprehensible about their service in the legislature; but the incident showed how much it had been tied to familiarity with the name.

Reading further:

> It also made a rational choice difficult, especially in the primaries, since a voter entitled to ballot for as many as 16 names could help defeat his favorite candidates if he used all of his available choices. This frequently resulted in "bullet voting" by factions which favored one group of candidates only and would vote no further. In the larger counties the minority party found it difficult to win seats proportionate to its strength, facing a majority party slate in the general elections. However, there seemed to be little if any sentiment for creating urban single-member districts, with the consequent potential for gerrymandering.

I know that before we could get separate districts as one phase of political reform, we were trying to educate voters that by voting for all 16 names that were allowed then, they were actually defeating some candidate whom they wished very much to have succeed. But it was difficult to instruct the voter that a single shot was the same as giving that man or woman 16 votes. But in view of the cases in which it was necessary to bring about some changes, this activity finally proved to be successful.

Reading further:

> At the 1953 session of the Oregon Legislature, an interim committee recommended legislation to meet the problem. It proposed that the larger counties be divided into subdistricts, each electing from two to four representatives, and each as equal in proportionate population as possible. Specifically, the legislature was asked to divide Multnomah County into four large four-member districts, and two downstate counties into subdistricts largely corresponding to urban-rural lines. In addition, the committee recommended that candidates file by position number and reside in the district in which they file.
>
> The legislature declined to enact the above proposals, partly due to doubts as to the constitutionality of subdistricting. However, it did submit to the electorate a constitutional amendment giving the legislature power to divide counties into subdistricts of contiguous territory and proportionately equal population (for both houses). This amendment was ratified in the general election of 1954.
>
> The following year the legislature passed a statute dividing Multnomah County into five large subdistricts for representatives, effective with the 1956 elections. Voting for senators-at-large was retained.

Similar legislation in some of the other large counties failed.

One of the groups that opposed such legislation was the members of the Republican Party. I was a member of a committee hearing this proposal, and I remember meeting Republicans from Portland who came to testify against it. The irony of it was that as soon as Portland was divided, Republicans were elected to the legislature. They even gained strength in what we thought were predominantly Democratic areas. But the reapportionment contributed to what I call good government, in that the Republican candidate was able to meet his Democratic opponent in small parish halls or small gatherings, where the electorate at least had a chance to see their two candidates and make their own decision. In this case they chose a Republican. I think that is good government, even if my State lost some membership in the legislature. I presume I may say that with a grandiose gesture because, of course, there were other areas in which Democrats prevailed.

Reading further:

> Oregon's reapportionment of 1954 has so far survived several attempts to change the constitution again to provide for a more rural-oriented legislature. The legislative sessions of both 1955 and 1957 saw determined but unsuccessful efforts of some lawmakers to gain approval for a one-senator-per-county plan.

I used to listen to some of them. I had the feeling that their hearts were not really in it, because they themselves did not suffer. They were there; but, of course, it always makes good reading at home if one can show that he is attempting to upset the status quo. Reading further:

> After one legislative rebuff, proponents of such a change resorted to the initiative process in 1955 and 1956. Sponsored primarily by agricultural interests in eastern Oregon, this proposal would have limited urban legislative power far more severely than the "balanced apportionment" initiative defeated in 1950. Leaders of the movement labeled their new project the "Federal plan," possibly having been impressed by the semantic advantages the term had enjoyed in some other States.

California, Arizona, Nevada, and New Mexico feel that there is some virtue in this arrangement. However, this failed to collect signatures for the ballot; and every time an attempt is brought up now to change the constitutional reapportionment, it grows weaker and weaker. I continue to read:

> Reapportionment by initiative in Oregon provides a fruitful case study of how effective this direct democratic device can be in circumventing legislative inaction on a fundamental problem of free government. It offers a refreshing contrast to the ill-fated initiative campaign in California a few years earlier to reconstitute that State's rural-dominated Senate. There the electorate, even in urban areas, rejected the measure to increase urban representation. After analyzing that emotion-laden contest, Prof. Thomas Barclay pessimistically concluded: "The campaign for the adoption of the amendment gave meager support for the dogma that man is a rational being." Yet, both the campaign and the electorate's voting behavior in Oregon displayed a high degree of rationality.
>
> What accounts for the success of the reapportionment campaign in Oregon? The most important consideration was the unusually broad basis of support for the initiative amendment, which was able to claim effective backing from individuals and groups representing a wide diversity of interests. One reason for this remarkable feat seems to be the strength of constitutionalism as a principle. The argument that the provisions of the State constitution should not be ignored had an appeal—and properly so—even to many conservatives.

It is usually the conservatives who wave the banner of the Constitution.

Reading further:

> It was an undoubted advantage that the proponents of reapportionment were attempting to enforce the existing constitution rather than to introduce a new basis of representation.

We were trying to go forward, in the way our forefathers had decided upon:

Reading further:

> The avoidance of a partisan clash was also crucial. In so many States political party strength divides sharply along urban-rural lines, making a bipartisan or nonpartisan reapportionment movement difficult if not impossible. This type of urban-rural split is not characteristic of Oregon. As a result, support for the reapportionment amendment came from leaders in both parties. Moreover, the campaign coincided with a propitious period when a number of younger Democrats and Republicans were beginning to assume positions of leadership in both party and State office. These able and energetic individuals welcomed the opportunity to join forces in what they regarded as the cause of responsible State government. Their rally and cosponsor, the League of Women Voters, played a central role throughout. The league's grassroots network of dedicated workers contributed time and energy in circulating petitions for signatures and in educating various lay groups about the issues involved. Moreover, the league's status as a public-spirited, nonpartisan organization gave the initiative campaign a prestige which cannot be underestimated. Last, but far from least, the support of Oregon's most influential newspapers was instrumental to the success of reapportionment.
>
> Enumerating these various components of victory is far easier than answering the more basic question posed: What accounts for this broad degree of consensus in Oregon in favor of the ideal of "one man, one vote" as compared with its frequent absence elsewhere? To explore this problem would require the kind of analysis that is beyond the scope of this present article. When more is known about this facet of State politics we shall be able to assess more adequately the possible effectiveness of the initiative process in resolving the persistent problem of making and keeping legislatures representative. In any case, Oregon's experience offers an example worthy of study and possibly of emulation.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield for a question?

The PRESIDING OFFICER (Mr. Edmondson in the chair). Does the Senator from Oregon yield to the Senator from Illinois?

Mrs. NEUBERGER. I am glad to yield.

Mr. DOUGLAS. First, let me say that the Senator from Oregon is giving very eloquent testimony, because, as she has said, she was a member of the Oregon Legislature at the same time when her husband was also a member of that legislature. Both of them served with great distinction.

Does the Senator from Oregon believe that that achievement would have been possible without the initiative?

Mrs. NEUBERGER. Never.

Mr. DOUGLAS. In other words, if the legislature itself had been the one to act, it would not have reformed itself, would it?

Mrs. NEUBERGER. No. That has been tried many times. It was not possible. That was where our great referendum and initiative system proved to be invaluable.

Mr. DOUGLAS. It was started more than half a century ago by William S. U'Ren.

Of course the initiative has never come into use east of the Mississippi River, with the possible exception of Wisconsin. In the main, it has spread through the West, but has not spread over the remainder of the country. Indeed, it has fallen into a good deal of desuetude in the States where it is legal, and therefore it is not a remedy which can be used in a great many States.

Mrs. NEUBERGER. The Senator from Illinois is quite correct.

Of course, when one works for a cause, he becomes a part of it. Everyone who carried a petition or signed a petition or participated in the fight in other ways, involved himself in it; and that resulted in more good government in our States than was obtained from many other activities in connection with politics.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield, so that I may call up a conference report?

Mrs. NEUBERGER. I am glad to yield.

E. A. ROLFE, JR.—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) for the relief of E. A. Rolfe Jr., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the Senate recede from its amendment and agree to the same.
>
> Olin D. Johnston,
> John L. McClellan,
> Roman L. Hruska,
> *Managers on the Part of the Senate.*
>
> Robert T. Ashmore,
> John Dowdy,
> Roland V. Libonati,
> Garner E. Shriver,
> Carleton J. King,
> *Managers on the Part of the House.*

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McCLELLAN. Mr. President, I ask for the adoption of the report.

Mr. MILLER. Mr. President, will the Senator from Arkansas yield for a question?

Mr. McCLELLAN. I am glad to yield to the Senator from Iowa.

Mr. MILLER. I thank the Senator from Arkansas.

During the consideration of the bill by the Senate, a few weeks ago, I offered an amendment. In brief, the bill waives the statute of limitations for certain years, so that the claimant can obtain a refund of taxes allegedly overpaid for those years.

The general policy of legislation of this type is that if the statute of limitations is waived in favor of the taxpayer, so that he can obtain a refund, the statute of limitations should also be waived in favor of the Government, so that the Government can obtain an overpayment for those years, if, indeed, there was one.

My amendment would have waived the statute in favor of both the taxpayer and the Government.

I understand that the House refused to concur in the amendment, that conferees were duly appointed, and that they reached the conclusion that the amendment should not be agreed to, because, in their opinion, it would delay disposition of the refund.

The distinguished Senator from Arkansas was gracious enough to inform me of the conferees' opinion. As a result, I consulted the office of the Secretary of the Treasury, and I received a letter, dated August 14, signed by Lawrence M. Stone, tax legislative counsel. I read from the letter:

> In view of the foregoing, it is our opinion that your amendment would not delay any determination with respect to any refund that might be owing to the taxpayer if the above-mentioned bill is passed.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Re: H.R. 2215

OFFICE OF THE SECRETARY
OF THE TREASURY,
Washington, D.C., August 14, 1964.

Hon. JACK MILLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MILLER: It is our understanding that the amendment filed by you to the above bill would provide that the waiver of the statute of limitations would run to the Government's assessment of a net deficiency as well as to the taxpayer's collection of a refund.

Without an opportunity for consultation with the field personnel of the Internal Revenue Service, it cannot be determined at this time whether or not there is a likelihood of a net deficiency rather than a net refund in this case for the years covered by the bill.

We would point out, however, that the bill merely provides for a waiver of the statute of limitations and the determination of any refund or deficiency for any of the years involved would have to be made by an audit. Under the Internal Revenue Code, the Internal Revenue Service may offset additional deficiencies which it claims for a taxable year against any refund claim for that year. This is true even though the statute of limitations may have run against the Government's right to assess a net deficiency against the taxpayer for that year. Thus a full audit would be required with or without your amendment. Of course, in any event, if after audit the taxpayer and the Government are not agreed as to the appropriate settlement amount, the matter would then have to be litigated.

In view of the foregoing, it is our opinion that your amendment would not delay any determination with respect to any refund that might be owing to the taxpayer if the above-mentioned bill is passed.

These comments relate only to the effects of your amendment. The position of the Treasury Department in opposition to this bill remains unchanged. We should also like to point out that this bill, unlike the normal relief bill, would allow the taxpayer to recover interest on any refund found to be owing to him. The Treasury Department would also oppose the bill on this additional ground.

Very truly yours,
LAWRENCE M. STONE,
Tax Legislative Counsel.

Mr. MILLER. I also wish to point out that, granted the sincerity of the conferees in reaching the opinion that my amendment would delay the disposition of this case, the opinion of the conferees is obviously in error, because the policy of the Treasury Department is clearly set forth in the letter, which indicates very definitely that my amendment would not delay the disposition of the case.

I do not propose to interpose objection to the conference report. All I wish to do is point out that the general policy in cases of this sort is to waive the statute of limitations for both sides. That is the only fair thing to do. I regret that apparently the conferees arrived at a decision which was completely erroneous, in light of the Treasury Department's policy, which I believe the conferees could have ascertained as readily as I have.

I thank the Senator from Arkansas for his courtesy in yielding to me.

Mr. McCLELLAN. I have been glad to yield to the Senator from Iowa.

Mr. President, in order to make the record complete, I believe I should have printed at this point in the RECORD—and I so request—the letter from Mr. John DornBlaser, a certified public accountant representing Mr. Rolfe. The letter is addressed to Representative E. C. GATHINGS, and is dated May 7, 1962. Attached to the letter is a sheet which shows the computation and basis of an agreement—to which the letter refers—reached between the accountant for the taxpayer and Mr. Ralph W. Charlton, technical adviser, U.S. Treasury Department, Internal Revenue Office of the Regional Commissioner, Houston, Tex.

There being no objection, the letter and the tabulation were ordered to be printed in the RECORD, as follows:

JOHN DORNBLASER & ASSOCIATES,
Little Rock, Ark., May 7, 1962.

Re E. A. Rolfe, Jr., Parkin, Ark., income tax refund claims

Hon. E. C. GATHINGS,
House of Representatives,
Washington, D.C.

SIR: We have today completed a further conference with Mr. Ralph Charlton of the Houston office of the Internal Revenue Service, Appellate Division.

The outcome of that conference, and the correspondence preceding it, is that Mr. Rolfe's only source of relief must be from congressional action.

Briefly to restate the case: Mr. Rolfe was assessed and paid income taxes for the years 1949 through 1954, the assessment of which was later found to be erroneous and the error being admitted by the Internal Revenue Service. Claims for refund of the tax were filed, but were apparently not timely filed. The Internal Revenue Code and the regulations are clear that in the event of failure to make timely filing of claims, the Service is prohibited from making refunds. In the absence of ability under the law for the Internal Revenue Service to make a refund in such a case, the only relief must come from direct congressional action on this specific case.

We are glad to state to you that any possible misunderstandings arising from prior conferences have been entirely cleared up at this time, and we are further glad to state that the Appellate Division has, we think, been most cooperative with us and has been most efficient in following up on your request to them to report to you on this case.

In our conference today, the Service has outlined two courses of procedure. (1) They can realine certain payments made by Mr. Rolfe and possibly approve an additional refund of $2,843.28 including interest to April 19, 1962; or (2) specific legislation of relief in this case in the amount of $23,672.93 must be introduced for congressional action.

In the first case there is still some doubt that such a refund can be made by the Internal Revenue Service, and because we felt that the taxpayer's best interest would be best served by placing the matter in your hands, this doubt was not resolved at this time.

We believe our letter of February 5 presented you with all pertinent facts and computations; however, for your ready reference we are attaching an additional copy of the computations.

It is my understanding from today's conference that the taxpayer and the Internal Revenue Service are now in agreement on the points raised in the computations submitted on February 5 and also enclosed herein, and are also in agreement on the merits of the case and the procedure which must be followed for equitable relief for the taxpayer.

If we can furnish you with any additional information to assist you in handling this legislation, please feel free to so notify us.

Very truly yours,
JOHN DORNBLASER.

E. A. Rolfe, Jr., Parkin, Ark.

	Taxable year—			
	1948	1949	1951	1954
Income tax erroneously assessed	$708.73	$13,940.64	$2,289.90	$2,704.87
Interest computed and paid on tax erroneously assessed	298.36	5,032.38	551.83	151.43
Total	1,007.09	18,973.02	2,841.73	2,856.30
Additional interest computed and added to original assessment and collection notices	8.11	151.73	22.72	22.80
Total paid by taxpayer at June 28, 1956, settlement date in cash or in note agreement	1,015.20	19,124.75	2,864.45	2,879.10
Amount subject to claim for refunds, claims filed either June or December 1958. Dates disputed	1,015.20	19,124.75	2,864.45	2,879.10
Total claims	25,883.50			
Interest at 6 percent from Dec. 15, 1958 (date that Commissioner admits claims filed), to Commissioner's settlement date of July 7, 1961	3,974.46			
Total due taxpayer	29,857.96			
Settlement tendered July 7, 1961	6,185.03			
Balance due taxpayer	23,672.93			

Mr. McCLELLAN. The letter to Congressman GATHINGS is dated May 7, 1962. A copy of that letter was sent to Mr. Charlton, to whom I have referred. Thereafter, Mr. Charlton answered the letter on May 23, 1962. He addressed his letter to Mr. DornBlaser.

I read from the letter:

> Thank you for your letter and attachments. The facts related in your letter of

May 7, 1962, to the Honorable E. C. GATHINGS are in accord with the understanding we reached at the conclusion of the recent conference.

We are interested in this matter and would appreciate hearing from you regarding the final outcome.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the letter from Mr. John DornBlaser, certified public accountant, to Mr. Ralph Charlton, of the Internal Revenue Service, under date of May 21, 1962, with attachment; and the letter under date of May 23, 1962, from Mr. Ralph W. Charlton to Mr. DornBlaser.

There being no objection, the letters and attachment were ordered to be printed in the RECORD, as follows:

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Houston, Tex., May 23, 1962.

Mr. JOHN DORNBLASER,
John DornBlaser & Associates,
Little Rock, Ark.

Taxpayer: E. A. Rolfe, Jr.,
Parkin, Ark.

DEAR MR. DORNBLASER: Thank you for your letter and attachments. The facts related in your letter of May 7, 1962, to the Honorable E. C. GATHINGS are in accord with the understanding we reached at the conclusion of the recent conference.

We are interested in this matter and would appreciate hearing from you regarding the final outcome.

Sincerely yours,
RALPH W. CHARLTON,
Techical Adviser.

JOHN DORNBLASER & ASSOCIATES,
Little Rock, Ark., May 21, 1962.

Ref: Ap:H:RWC E. A. Rolfe, Jr., Parkin, Ark.

Mr. RALPH CHARLTON,
Appellate Division, International Revenue Service, Houston, Tex.

DEAR MR. CHARLTON: Things have moved quite rapidly since our recent conference and this is my first occasion to thank you for the time you have given this case and also (even though belatedly) to ask if the transmittal letter to Congressman GATHINGS was in accord with the agreements you and I reached.

For your files I am sending you photo copies of the materials received recently on this case.

With kindest regards.

Very truly yours,
JOHN DORNBLASER.

E. A. Rolfe, Jr., Parkin, Ark.

	Taxable year—			
	1948	1949	1951	1954
Income tax erroneously assessed	$708.73	$13,940.64	$2,289.90	$2,704.87
Interest computed and paid on tax erroneously assessed	298.36	5,032.38	551.83	151.43
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Total due taxpayer	29,857.96			
Settlement tendered July 7, 1961	6,185.03			
Balance due taxpayer	23,672.93			

Mr. McCLELLAN. An agreement was reached between representatives of the Treasury Department and the taxpayers' representative, a certified public accountant, with respect to the issues involved. I realize that the Treasury could overrule the man in the field. But in this instance, everything appears to be in order. Congress has asserted its authority to enact this legislation.

The **PRESIDING OFFICER.** The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mrs. NEUBERGER. Mr. President, referring to the fast-becoming-famous case of Baker against Carr, in 1962, it is well to review some of the opinions of the Justices. Justice Clark's concurring opinion reads:

> Although I find the Tennessee apportionment statute offends the equal protection clause, I would not consider intervention by this Court into so delicate a field if there were any other relief available to the people of Tennessee.

This is the very point that has just been made by the distinguished Senator from Illinois [Mr. DOUGLAS] in his discussion with me, as to how reapportionment finally came about in Oregon.

As the Senator pointed out, the need created the initiative, by which the people can find recourse if the legislature fails to act.

Justice Clark bases his concurring opinion on the fact that there was no other relief to the people of Tennessee.

His opinion reads:

> But the majority of the people of Tennessee have no "practical opportunities for exerting their political weight at the polls" to correct the existing "invidious discrimination." Tennessee has no initiative and referendum. I have searched diligently for other "practical opportunities" present under the law. I find none other than through the Federal courts. The majority of the voters have been caught up in a legislative straitjacket. Tennessee has an "informed, civically militant electorate" and "an aroused popular conscience," but it does not sear "the conscience of the people's representatives." This is because the legislative policy has riveted the present seats in the assembly to their respective constituencies, and by the votes of their incumbents a reapportionment of any kind is prevented. The people have been rebuffed at the hands of the assembly; they have tried the constitutional convention route, but since the call must originate in the assembly it, too, has been fruitless. They have tried Tennessee courts with the same result, and Governors have fought the tide only to flounder. It is said that there is recourse in Congress and perhaps that may be, but from a practical standpoint this is without substance. To date Congress has never undertaken such a task in any State. We therefore must conclude that the people of Tennessee are stymied and without judicial intervention will be saddled with the present discrimination in the affairs of their State government.

I quote next from one of the most penetrating and fair essays available on the issue of federalist relations. This has to do with the new pluralism and the relative decline of the States. It is an article written by Mr. William T. Carleton, professor of political science and head professor of social sciences at the University of Florida. It reads:

> In 1952, the theme of Dwight Eisenhower's presidential campaign, at least in domestic politics, was the reawakening of the States, the restoration of their traditional place in the Federal system, a return to the values and practices of decentralized federalism. Even scholars took another look at the Federal system, and some became moderately optimistic about the prospects of revitalizing the States.
>
> Among those who shared this optimism was the late Leonard D. White, one of our most distinguished scholars in the field of public administration. In a series of lectures at Louisiana State University, published in book form in early 1953 under the title "The States and the Nation," Professor White set forth the grounds for believing that the Federal Government would relinquish some of its tax sources to the States, among others the gasoline tax, and that the States themselves would also explore new sources of tax revenue.
>
> Professor White believed that the States would probably revitalize themselves in other ways. First, they would relinquish some Federal grants-in-aid and assume independently some of the services they now render jointly with the Federal Government. Second, the States would experiment more widely with the interstate compact. Third, they would make a much fuller use of their own powers in two general ways—they would enlarge their traditional services and keep these abreast of the great advances being made in criminology, penology, mental health and education; and they would resume their old role as laboratories of experimentation by taking on new functions such as adult education and training, government aid to superior students, health insurance, possibly even disability insurance.

As I read again from the printed page, I am thinking about how ideal it is and how wonderful it would be if Professor White's theory and projection had prevailed.

As I read it, a smile crosses my face. I think of how the opposite has happened, and I wonder why.

Continuing to read:

> This emphasis in 1952–53 on the bright future of the States was, of course, a reaction from the enormous growth of Federal power during the 1930's and 1940's. As late as the turn of the century, the Federal Government had affected the national economy only

> through its simple excise taxes, its protective tariff, its uniform currency, its marketing of Federal bonds, the limited functions of the national banking system, and an inconclusive regulation of interstate carriers. By 1950, however, the activities of the Federal Government had come to touch vitally every aspect of American life. The old and original powers of the Federal Government had been prodigiously expanded by new demands in foreign affairs and national defense. And the New Deal and the Fair Deal, building on the earlier New Nationalism and New Freedom, had charged the Federal Government with vast new functions so as to assure a smooth functioning of the American economy. By 1950, American constitutional theory and practice had come to accept this and American opinion overwhelmingly to expect it.
>
> In 1960, it looks as if the anticipation of a revived federalism in its old forms were unfounded. Aside from tidelands oil, there has been no significant return of functions or tax sources to the States. Since 1953, it is true, there have been demands for an enlargement of old State functions and for the initiation of new State functions, but most of the States fail to respond to the demands. At the same time, the Federal Government has been taking on and expanding functions hitherto regarded as largely State or private matters.

We all know of the wonderful Interstate Highway System which has now spread its ribbons across our country. We know the welfare, housing, slum clearance, urban renewal, individual and public health, hospital, and education programs that have been undertaken. Yet very few of those who oppose the Federal Government and preach States rights would change any of those programs.

Continuing to read:

> The Federal Government has been concerning itself more and more with these activities, either directly or indirectly through grants-in-aid. Older grants-in-aid are expanding, new grants-in-aid are being adopted, and Federal money appropriations for grants-in-aid are increasing enormously. In 1901, they amounted to less than $3 million. In 1931, they amounted to about $220 million. In 1941, they rose to $615 million. By 1951, they had expanded to $2,280 million. Today, they are running close to $7 billion, counting the so-called highway trust fund.
>
> In effect, the centralization-decentralization issue has now shifted from the American economy to the American society. A new rationale to justify a new expansion of Federal power is developing. More and more, it is being said that our society is national, that as a society we are becoming more interrelated and interdependent, that we are a more mobile people than ever before, that health and education in one State affect health and education in all the States and in the Nation.

As an experienced educator, I must pause here and recall that I taught in the schools in Oregon during the war years and the postwar years, when there was a big shipbuilding industry. There was a great movement of families. Children came to work in the shipyards and in the defense industries. Those children were immediately put into our school system. They did not easily assimilate.

For the first time, Oregonians became proud and aware of their wonderful school system. They had had a certain feeling of inferiority about Oregon being a State of small population, until children came to Oregon either from immense urban areas in the big cities of the East, where classrooms were crowded, or from other sections of our country, where there had not been equal opportunity for good education and a good foundation, and where one side of the population received more emphasis in education than another.

It became necessary in every class in our school system to set up ungraded rolls to bring those children up to standard. That meant taking teachers and supplies away from our own students, who had grown up through the system. That is when I became a real convert to the need for Federal aid to education and equal opportunity for children everywhere, because the children were no less able to learn than Oregon children. They merely had been denied the opportunity. More and more we saw the role of the Federal Government in things that used to be left to the States.

I continue to read:

> At the turn of the century it would have taken a bold man to declare that since our economy was national, the Government most concerned with that economy must be the National Government and not the State. Today this is a commonplace. Now it is being said that because our society is national, the Government most concerned with that society must be the National Government and not the State. Today this is an advanced attitude, but tomorrow it may be a commonplace.

I can think of another example. When hearings were being held on water pollution and air pollution, especially the latter, some representatives of American chemical companies who came before the Senate committee did not want a Federal program for the control of air pollution.

We asked them what they suggested. They said, "Why, it should be left up to the individual States." Then someone asked, "Since when does the movement of air confine itself to State borders?"

If Portland should spend a great deal of money controlling air pollution in its area, and our neighboring State on the other side of the narrow Columbia River did not do so, would we have all of their pollution?

I never did get a satisfactory answer from them. But, of course, the problem is a Federal problem, as is danger of water pollution if water crosses State lines.

Continuing to read:

> From many sides are coming demands for enlarged and new Government services. Here are a few straws in the wind. In a recent series of articles on urban renewal, the Christian Science Monitor estimated that 1 out of every 4 city dwellers in the United States lives in a slum. A short time ago the New York State Department of Labor, commenting on the rising costs of health services, reported that today $2 out of every $3 spent for medical and hospital services in the United States are still borne by the individual, that only $1 in every $3 is covered by some kind of insurance.

That situation might change if we were to update it, according to the insurance companies. I am sure it would change.

Continuing to read:

> The National Education Association is insisting that our public schools need an additional $8 billion each year if American education is to be what it should be quantitatively and qualitatively, and it strongly implies that all estimates of Federal aid up to this time have been trifling in comparison with existing need. From all sides come reports of skyrocketing costs for college and professional training.
>
> There is the much-publicized article of Benjamin Fine, who estimates that about 200,000 of our most gifted high school graduates each year cannot go on for college or technical or professional training for lack of financial help. And the Nation is reacting to all this differently from what it would formerly. Yesterday people would have said: "But advanced education is for the individual to provide for himself." Today people increasingly say: "What a waste of national brain power."

Along that line, I remember talking to Mr. Arthur Goldberg, now Associate Justice of the Supreme Court, when he was Secretary of Labor in President Kennedy's Cabinet. One day we were discussing the problem of unemployment. I have never forgotten something he said—"More and more we are going to find the ranks of the unemployed in the ranks of the uneducated."

I continue to read:

> These new demands are coming out of new conditions. What are these conditions?

I do not think I have to go on and on with Professor Carleton's comments on that point, which have been stated many times. It concerns our mobile population, combining of family farms, growing urban areas, and demands of the people for better health services, expecting to have each baby born in a hospital. In some parts of our country, at one time that was never assumed.

I come back to the main theme without all this background. It is:

> Will the States do their part in meeting the Nation's growing expectations? Have the optimistic predictions about the future of the States been borne out by subsequent developments? The evidence seems to be that they have not, that the States will not sufficiently revitalize themselves, that the trend to Federal centralization will continue.
>
> True, all States are making some progress; and a few States have taken constructive, even heroic, measures to tap water supplies, find new tax sources, provide regional planning, and reapportion their legislative seats. But what was the record of most of the legislatures meeting during 1959? It was largely a record of economy, retrenchment, and the slashing of budgets submitted by the executives.

I know it has happened in Oregon.

I continue to read:

> The truth is that most of the States are barely able to keep the old services abreast of increasing costs, increasing population, and the shifts of population to the cities.
>
> Few of the things envisaged by Professor White have taken place. Have the States relinquished any Federal grants-in-aid? Not at all. Not a single grant-in-aid has been relinquished. Here is the typical story. First, a grant-in-aid is made so as to get a necessary or desirable Government service started and to soften opposition to it in the States. Then it becomes a going concern, vested interests are created, the controversial becomes customary, and the opposition vanishes. Therefore, grants-in-aid do not diminish; instead, they multiply.

We see that happen in the Senate daily. I remember that, in respect to title 7 in the recently passed civil rights bill, which suggested that not only grants, but installations of Government activities in certain States would be removed if there was not integration, a great plea was made not to allow this to happen.

Once in a while I, as a Member of the Senate, receive a plea from a constituent of mine, not necessarily a supporter of mine, to have the Government do something when there is a windstorm or flood. All the rest of the time he berates everything else I am doing and what many of my colleagues are doing. But when there is an emergency a State cannot meet, he wants action, and we work together at that time.

I resume reading:

What of the interstate compact? It still remains largely a potentiality rather than an actuality, although there is an encouraging tendency by the States to experiment with it more widely. The truth seems to be that the interstate compact works most successfully in the noncontroversial, that is, the relatively unimportant, areas of activity such as the regional educational councils, the return of parolees, and so forth. In the controversial areas—such as electric power, tapping water supplies, preventing water pollution, conserving soil and other natural resources—it has been less successful, although longer and wider experience may bring greater achievement. At the present time what is most impressive, considering the many possibilities for the use of interstate compacts, is this: how few are attempted; of the few attempted, how many founder in the process of negotiation and ratification; of the very few that materialize, how prolonged and difficult the process of negotiation and ratification. Proposed interstate compacts must be watched closely, for they sometimes contain built-in devices for local vetoes, disguises for obstruction. It is instructive that one of the reasons for calling the Constitutional Convention of 1787, to form a stronger General Government, was the failure of the Potomac River States to conclude an interstate compact. In the light of the total situation and the many opportunities for employing this device, the use of the interstate compact is still negligible.

Are the States making an adequately fuller use of their own powers? They are not, emphatically not. This is so, chiefly because of the realities of group politics in the States. It is true that the groups that press for the expansion of government services to meet new conditions can be found in all States, but it is only in the industrial States that they can exert much influence. Generally speaking, they are more numerous and better organized on the national than on the State level. On the State level they frequently run into structural barriers erected by 19th century horse-and-buggy constitutions. Some of these are so long and involved as to be in effect codes of law rather than constitutions. They place prohibitions on the taxing power, the borrowing power, the spending power and rigid limitations on the powers of the cities. Above all they provide for flagrant malapportionment of the legislatures.

Malapportionment of State legislatures is by now an old and a familiar story: how the rural areas are overrepresented and the urban areas underrepresented; how as little as 30 or 25 or 20 percent or even less of a State's population frequently makes a majority in the legislature; how one vote in a rural area often equals 100 or 200 or even 300 votes in an urban area.

What is not so well known is the extent of this malapportionment, how general it is, how flagrant, how today some of our States are as undemocratic as Great Britain was before the reform bill of 1832.

The consequences of all this are even less well known. Overrepresentation of the rural areas means not so much the rule of the rural folk as it does the rule of the rural politicians, who largely reflect the interests and values of the county rings, the large landowners, the small-scale and local-minded businessmen of the county-seat towns, and certain corporate businesses (themselves located in the cities) which would rather deal with a legislative oligarchy than a broadly representative and democratic legislature.

Earlier in my remarks, I cited the case of my friend, a seatmate in the Oregon Legislature, who had 2,000-plus constituents. What was the effect of his attitude toward some progressive legislation? He was prevailed upon by the rich landowners who controlled the big wheat ranches to do everything possible to keep taxes down. At that time our State was more dependent upon the property tax than it is now. Now it is dependent on the income tax. That was the only purpose in life of some representatives from the wheat country and cattle country—keep property taxes down. How are property taxes kept down? In those areas it was done by keeping schools small and inadequate. When I was going to normal school, training to be a teacher, a horror which members of my graduating class had was to be stuck in one of the schools in that county. No provision was made for a place in which the teacher could live. She had to live at the home of a school board member or a rancher. She had a long distance to travel to get to school. She was never provided with janitor service. I am not talking about the 1800's. I am talking about when I started to teach. That was not too long ago. It was pitiful to see the conditions under which teachers had to teach.

Those youngsters were never privileged to go to college because they did not have the necessary background or training.

Lo and behold, one of the members of the legislature who came from this area finally saw that his children, attractive and intelligent, and exposed to the schools in the State capital when he brought them there during the session, were not getting the education that he had long espoused in the little red schoolhouse. He sent his wife and four children into the nearby city of The Dalles, where they spent the winter, so that the children could go to school and have educational opportunities. He is now converted to the need for a reexamination of the "rotten borough" legislature.

Reading further:

It is the legislatures dominated by rural politicians that favor the unrealistic proposals to amend the U.S. Constitution so as to limit the Federal income tax, particularly in the higher income brackets. It is these legislatures which spawn the so-called right-to-work laws and other legislation designed to hamper the legitimate aspirations of organized labor. It is these legislatures which have a peculiarly tender regard for the small loan companies. (Recently, a bill sponsored by no one except the small loan companies was passed by the Legislature of Florida; the "aye" votes in the house represented constituencies totaling 600,000 persons, while the "no" votes, which failed to stop the bill, represented constituencies totaling over 2 million people.)

Domination of the legislatures by rotten-borough rural politicians is especially dangerous in the one-party States, where these politicians become still more inbred and form a ruling clique unchecked by even a rival party clique. Nor does this situation prevail only in the South. About one-half of all the States can be called one-party States, at least so far as State matters, especially the legislatures, are concerned.

These conditions are all roadblocks on the way to making the changes that would have to be made before the States could embark on that fuller use of their powers that was predicted by Professor White. Let us list some of these necessary changes: constitutional revision; genuine reapportionment; the exploration of new sources of taxation; the establishment of adequate civil service and merit systems in the States so that they could compete with private enterprise and the Federal Government for administrative personnel; emancipation of the cities from neglect and exploitation.

Thus the formidable task in most of the States is a twofold one. First, the structural barriers must be removed. Then the constructive battle must be fought to expand old services and introduce new ones.

The chances are that it will be another case of "too little and too late" since in the meantime the Federal Government will be moving in with new or expanded services which are given either directly, or indirectly through additional grants-in-aid. In fact, we may be nearer than many of us suspect to another great spurt in Federal expansion. If the present Congress were not checked by Presidential veto, we would be in the midst of it right now. After January 1961, a Mr. Veto may no longer be in the White House.

This work goes on at some length to quote from other eminent political scientists, to bring out the picture of our antiquated State legislatures.

Serious students of State government tend to believe that reform of most State legislatures is overdue.

In all the writings which deal with this subject, going back over the past 20 years, writers from various viewpoints and from various sections of the country seem to agree on the same answer.

A fascinating article along this line is "Inflation in Your Ballot Box," by Mr. John Creecy, in which he takes a different viewpoint from the one that I had grown up with and worked with. The style is at variance from the tomes from which I have been quoting. I hope Senators will like the change of pace, as I do. He writes in Harpers for 1953:

As a city dweller, I'm becoming rather piqued at my rural neighbors' stolid conviction that I'm not fit to be trusted with a full vote in matters of State government.

I'm from Michigan where Joe Smith, who traps muskrats in the Keweenaw Peninsula, has nine times as much representation in the State senate, and three times as much in the house, as his brother Jim, who moved to Detroit a couple of years ago and got a job in an auto plant.

Before you squander any sympathy on me or Jim, allow me to point out that if you live in a big city you're probably in pretty much the same fix. In most States our country cousins have the legislature sewed up tighter than Joe Smith's winter underwear and seem to regard this as a natural and socially desirable condition. In many cases the framework of representative democracy with which the States began has been subtly wrenched and prodded out of shape, the better to protect the special interests of the rural people. City dwellers pay an increasingly major share of the taxes, but the benefits they receive therefrom seem gaged by a sort of State law of diminishing returns.

URBAN "IMMORALITY"

Perhaps the most candid expositor of the rural viewpoint in Michigan is State Senator Alpheus P. Decker, of Deckerville (population 719, including numerous Deckers). He has argued that "it would be a crime to the State of Michigan to give Detroit full representation on a population basis."

In seeking to prevent this misdeed he has zealously circulated, among citizens pondering reapportionment, reprints of an article by Roger W. Babson uttering the complaint that "Large cities are the main sources of poverty, gangsters, and immorality" and that "most big city voters are ignorant about government and are controlled largely by unscrupulous ward heelers."

On the other hand, the author concludes, "rural people have much better character and more time to think and read than do large city people. * * * the votes of people in small cities and rural communities should count more than the vote of the ordinary city man."

This statement, with its apparent implication that full franchise might be permissible for the extraordinary city man, appears rather on the daring side when contrasted with usual apportionment practice as followed by our rustic lawgivers.

LEGISLATIVE REAPPORTIONMENT

Most legislatures are supposed to be reapportioned every few years on a population basis. Actually this seldom gets done, despite great and continuing shifts from rural to urban areas.

Of the 26 States whose constitutions require reapportionment after each decennial census, only 8 have complied since 1950. Sixteen have not complied since 1940; 10 not since 1930. Seven States have not been reapportioned in half a century.

Even where the constitutions are obeyed the city people are often deprived of an even break by sly clauses foresightedly inserted by the country slickers. Sometimes—as in California, New York, and Pennsylvania—it is an arbitrary limit on the amount of representation any one city or county can have. Sometimes—as in Michigan—it is the granting of a seat to any county or group of counties which can muster half the regular population ratio.

Such gimmicks add up to a form of ballot box inflation, which cuts the value of a vote as effectively as monetary inflation cuts the value of a dollar.

And if, as a desperate measure, the issue is carried to the voters as it was in Michigan last fall, it becomes clear that the embattled farmers still have a trick or two up their sleeves to pull on the city voters.

THIS HAPPENED IN MICHIGAN

It also becomes disillusioningly clear that full representation for city dwellers is the last thing that some city dwellers want, and that when the chips are down the farmers are able to find powerful allies in the camp of the enemy.

Wherever plans for balanced legislatures have been proposed in many States besides mine, the newspapers showered them with abuse and took the side of the rural-dominated legislatures. But in many of those cases, after an educational program, they always came around.

There are enough urban citizens in Michigan, not closely connected with top-level business management, to have adopted the plan which would have given us full representation. If the fact that we failed to support it is not to be written down as a triumph of the rural strategy of confusion, it would seem we are entitled to be credited with a high minded, philosophical renunciation of our selfish interests—an acceptance of the arguments that we are not rightfully entitled to equal representation.

Aren't we? What is there to these arguments?

It was claimed that city voters are often influenced by labor leaders, and it is true.

It was claimed that city voters are often less well informed and less thoughtful about the candidates and election issues than are rural voters. This could be disputed on the ground the city voter generally has more candidates to select from, and less opportunity to know them.

But, assuming the claim to be valid—what of it? Is the extent of our franchise to be governed by the degree to which we can be expected to vote wisely? Is a citizen's vote to be cut in half or less because he is likely to vote Democratic, or Republican, or Vegetarian? Or because he belongs to the United Auto Workers or the Detroit Board of Commerce? And if so, who is to be the arbiter of these qualifications?

It was claimed that area and socio-economic factors, rather than population, should be the base of at least one house of the legislature, in order to provide the checks and balances which are essential to good government.

If the legislature were merely a business or industrial council this might make a good deal of sense. But it is of course far more than that. It deals with interests that transcend area and economic classification.

If interests, rather than numbers of people, are to be fairly represented, some definite formula would have to be found for doing so. But how would you go about it? Everybody has legislative interests and many of them have no connection with the way in which he makes his living.

It is true that the city taxpayer in States such as Michigan, if given representational equality, could outvote the country taxpayer. And it may be true that rural interests would suffer. But I still can't see why this entitles the rural minority to a majority vote.

Obviously a fine solution for the problems of any minority is for it to acquire a majority voice in the Government. It is a solution that has been employed effectively in many lands, in many centuries; but I do not believe it is one to be thoughtfully endorsed by many people in this century, in this land where men are created free and equal.

* * * * *

Changing the rules to remove antiurban bias will probably turn out to be a good deal harder. Such a proposal would, of course, have to be tailored to the individual State. One generalization can be made. The proposal should be as simple as possible.

As rural people move to the cities, they find they are no different than they were when they lived in the rural areas, and that they are just as intelligent, they can figure out just as well how to vote, and they jolly well want their votes to count.

With respect to the decay of State governments, which has been referred to in some of the other articles from which I have quoted, my husband wrote in Harper's magazine that State government in America has fallen upon such sorry days that a substantial body of public opinion regards any natural resources interests of the State as practically gone forever. Opponents of the Eisenhower administration used the opprobrious term "giveaway" on the assumption that State governments lack both the will and the capacity to hold the people's heritage in escrow for the next generation.

We in the West remember, somewhat to our sorrow, that we had to look to the great populous areas of the East, especially to Pennsylvania and its Governor Pinchot, to save our forests, which now are the backbone of the great national forest system, from the local politicians and legislators who could not see the broad national viewpoint, and who moved into those forests and cut indiscriminately until it was almost too late to save some of the virgin timber.

There is now a constant fight in our State to preserve our other natural resources, until today, in 1964, the value of the national forests has been established; and now it is the recreational and scenic beauties of our State which we have to save from our own citizens.

The obvious alarm among campers, sportsmen, fishermen, and botanists over the transfer of some of these Federal lands to our own State, supposedly so righteous, so close to the people, can mean only one thing. The people who revel in the outdoors fear destruction by sawmills, and livestock operators of their last tree and blade of grass. They believe that the State government should replace the Federal Government as the custodian of our woodland reserves.

Several Senators have joined me in introducing in the Senate bills for the creation of national seashore parks. Why should we have to come to our colleagues to set aside these beauty areas of our own States, in desperation to save them from the encroachment of unrestrained civilization?

One would think the asset—the tourist-attracting qualities—of the Oregon dunes would of itself induce the Governor and the legislature to set stakes around the dunes, to prevent their demolition. But there is something about unwillingness to confront the local gasoline station operator and the local signboard painter that makes us have to turn to the Federal Government, so that these scenic spots can be preserved for all the people.

I always like to think, when I am fighting for such preservation in my own State, that some taxi driver in Brooklyn, N.Y., whose taxi will help pay for the natural resource being preserved, takes great pride in it, and that even though he may never see it, his children may some day have an opportunity to enjoy some of America as it was a century ago.

Mr. President, in my summation and conclusion, I believe I could quote from no better authority than Anthony Lewis, when writing in the Harvard Law Review:

V. THE COURT SHOULD ACT

Unequal districts have been part of the American political scene, as Mr. Justice Frankfurter observed in Colegrove, for generations. Why, then, should the Federal courts undertake at this time to deal with the problem? The preliminary observation may be made that no legitimate interests or expectations have become settled as a result of past judicial inaction. But there are affirmative reasons for intervention now by the Federal courts.

First, the provisions of a Constitution drawn with purposeful vagueness have always been interpreted and enforced by the Supreme Court in accordance with the changing needs of government and society. Interests which at one time received no judicial protection have been given that protection when their importance emerged. It was almost 60 years, for example, before the Supreme Court found any protection for free speech in the 14th amendment.

The effects of malapportionment are much graver today than they were a century ago. In a day when the Federal Government subsisted primarily on tariff revenues, unequal representation could be regarded as an insignificant evil; government itself has a less significant impact on society. But when the Federal and State Governments spend a third of the national income, when they are relied upon to regulate every aspect of a complex industrial civilization, the consequences of unequal representation are correspondingly more severe. The rapid growth of our population and change in its character make even more urgent the need for regular, equitable adjustment of representation.

Second, in weighing the appropriateness of judicial intervention, courts consider not only the gravity of the evil assailed but the unlikelihood of its correction by other means——

As I earlier quoted from Mr. Justice Clark.

This is the teaching of the Supreme Court's tentative efforts to outline a modern philosophy of judicial review. These efforts at articulation began with the suggestion by Mr. Justice Stone, in his footnote to Carolene Products, that courts should be "more exacting" in their view of restrictions on political liberties. Just before he went on the Court, Robert H. Jackson commented:

"[W]hen the channels of opinion and of peaceful persuasion are corrupted or clogged, these political correctives can no longer be relied on, and the democratic system is threatened at its most vital point. In that event the Court, by intervening, restores the processes of democratic government; it does not disrupt them. * * *

"[A] court which is governed by a sense of self-restraint does not thereby become paralyzed. It simply conserves its strength to strike more telling blows in the cause of a working democracy."

Particular formulations have been the subject of dispute, but there would seem to be general agreement in the Supreme Court today that what Mr. Justice Frankfurter has called "the indispensable conditions of a free society" deserve special judicial protection. Perhaps the most useful conception suggested so far is that the courts should be free to step in when the political process provides no inner check, as in the case of legislation affecting interests which have no voice in the legislature.

The Supreme Court has applied these principles especially in the area of free speech. If speech by a dissident minority is of sufficient importance to the political health of society to deserve special judicial protection, surely there is greater warrant for intervention by the courts when "the streams of legislation * * * become poisoned at the source." Of what use is the right of a minority—or a majority, as is often the case in malapportioned districts—to apply persuasion if the very machinery of government prevents political change?

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1006) to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3060) to amend and extend the National Defense Education Act of 1958 and to extend Public Laws 815 and 874, 81st Congress (federally affected areas), with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2500. An act to equalize the treatment of Reserves and Regulars in the payment of per diem;

H.R. 10328. An act for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes; and

H.R. 12193. An act to amend title 10, United States Code, to provide for the establishment of a program of cash awards for suggestions or inventions made by members of the Armed Forces which contribute to the efficiency, economy, or other improvement of Government operations.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Armed Services:

H.R. 2500. An act to equalize the treatment of Reserves and Regulars in the payment of per diem;

H.R. 10328. An act for the relief of certain commissioned officers of the Army or Air Force who were erroneously paid uniform allowance under the provisions of section 305 of the Career Compensation Act of 1949, as amended, and for other purposes; and

H.R. 12193. An act to amend title 10, United States Code, to provide for the establishment of a program of cash awards for suggestions of inventions made by members of the Armed Forces which contribute to the efficiency, economy, or other improvement of Government operations.

PRESIDENT JOHNSON'S REMARKS ON THE GOVERNMENT EMPLOYEES SALARY REFORM ACT OF 1964

Mr. JOHNSTON. Mr. President, in signing into law, on August 14, the Government Employees Salary Reform Act of 1964, President Johnson highly praised the bipartisan spirit of the Congress in enacting what he called "one of the most profound advances in the last 30 years or longer."

I should like to add to the words of the President my thanks to my colleagues on both sides of the aisle for their helpful and unbiased consideration and support of this historic bill.

The President said:

> Of the many measures enacted this year, this legislation ranks near the top of the list in importance to the entire country. This is more than just a pay bill. It is, as the title says, a reform measure * * *. For the first time this gives us the tools to identify and inspire, to reward and retain excellence in our Federal service.

I ask unanimous consent that the full text of President Johnson's remarks on the pay bill be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT LYNDON B. JOHNSON ON SIGNING THE CIVILIAN PAY RAISE BILL

"Members of Congress, ladies and gentlemen, for many reasons, this is both a proud and a very gratifying occasion for me. There have been 16 Presidents in the 20th century. Only one of that number has had the opportunity to sign his name to more major legislation from one session of Congress than I will sign this year. In fact, I think it can be said that, while there were a few exceptions, this Congress has displayed a greater freedom from mere partisanship than any other peacetime Congress since the administration of President Washington himself."

Those words are not my own. As some may recognize, that was the tribute paid to the 2d session of the 73d Congress on June 28, 1934, by President Franklin D. Roosevelt. That session produced 32 major legislative accomplishments. This session of the energetic, evenhanded, and effective 88th Congress has produced 25 major measures already. Since none of us are in a hurry to get home, there may be many more.

There is one indelible lesson from this. Our American system functions best when it functions as the Founding Fathers intended, without divisive partisanship, with a united will to put the country and the people first. We don't have to have stalemates. We don't have to have issues carrying over from session to session, generation to generation, or even century to century. We can make this system work and that is what Members of both parties in both Houses of the Congress are doing.

Of the many measures enacted this year, this legislation ranks near the top of the list in importance to the entire country. This is much more than just a pay bill. It is, as the title says, a reform measure, the Government Employees Salary Reform Act of 1964. For the first time this gives us the tools to identify and inspire, to reward and retain excellence in our Federal service. This is one of the most profound advances in the last 30 years or longer. We are very sensibly putting behind us in this country the concept that the Federal service can be treated indifferently as a massive, mindless, faceless, anonymous bureaucracy.

America's challenges cannot be met in this modern world by mediocrity at any level, public or private. All through our society we must search for brilliance, welcome genius, strive for excellence and this measure will help us to do that in our Federal Government. This legislation provides both the flexibilities and the incentives to recognize differences between marginal, competent, and superior performance.

I hope that every responsible manager will use these tools fully, use them equitably, and use them conscientiously. Our continuing goal is to fulfill the mandate of making Federal salaries reasonably comparable with those of private life. Alongside that goal is the parallel objective of expecting and achieving high productivity. Everyone in the Federal service, from the lowest grade to the highest, has the responsibility of assuring the American taxpayer full value for every dollar spent and that no dollar will be spent unnecessarily.

The U.S. Government has great responsibilities as our largest employer. This legislation helps us set a better example. I might note especially that the salary increases, when averaged across the years of no increase, are within the range of the wage guideposts suggested for private enterprise.

I congratulate the Congress, the Federal employees, and the leaders of their groups who are here this morning and I might say a special thanks to three outstanding journalistic "congressmen," the gentlemen from the Washington Post, Star, and News, Mr. Kluttz, Mr. Young, and Mr. Cramer.

STUDENT LOAN PROGRAMS FOR QUALIFIED SCHOOLS OF OPTOMETRY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar 1376, Senate bill 2180.

The PRESIDING OFFICER (Mr. McIntyre in the chair). Is there objection?

There being no objection, the bill (S. 2180), to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry those provisions thereof relating to student loan programs was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 740(a) of the Public Health Service Act is amended by striking out "or dentistry" and inserting "dentistry, or optometry".

(b) Section 740(b)(4) of such Act is amended by striking out "or doctor of osteopathy" and inserting "doctor of osteopathy, or doctor of optometry or an equivalent degree".

(c) Section 741(b) of such Act is amended by striking out "or doctor of osteopathy" and inserting "doctor of osteopathy, or doctor of optometry or an equivalent degree".

(d) Section 741(c) of such Act is amended by striking out "or dentistry" and inserting "dentistry, or optometry".

By unanimous consent, the following excerpt from the report (No. 1441) was ordered to be printed in the Record:

SUMMARY

S. 2180 would extend to the students of optometry the provisions of the Health Professions Educational Assistance Act of 1963 (Public Law 88–129) that now authorize long-term, low-cost loans to students of medicine, dentistry, and osteopathy.

BACKGROUND

In recognition of the shortage of qualified optometrists the Congress last year approved legislation (Public Law 88–129) that authorizes Federal assistance to accredited schools of optometry for the construction of facilities in order to expand our training capacity. But part C of that act that authorizes loans for students of medicine, dentistry, and osteopathy omitted the profession of optometry. If we are to effectively combat the shortage of optometrists a program of student loans to complement the program of construction grants is essential.

THE NEED

The 10 existing schools of optometry are a national resource in that they must supply all 50 States with qualified optometric manpower, an asset that we depend upon to assist in maintaining good vision.

We now have approximately 17,000 optometrists in practice and some 6,000 ophthalmologists who are trained to prescribe corrections for refractive errors. There are many evidences that this supply of trained practitioners is insufficient to meet existing needs. In the future the shortage will become more acute unless we take steps now to recruit an adequate supply of trained personnel to maintain our visual acuity.

We have provided assistance for the construction of facilities and student loans in the case of young men and women who wish to be trained as ophthalmologists, but in the case of optometry only the assistance for constructing facilities is presently authorized. Testimony presented to this committee indicated that a program of student loans, such as that authorized in Public Law 88–129, at schools of optometry would greatly assist in expanding our supply of well-trained optometrists.

The 17,000 practicing optometrists in the United States care for a population of 191 million people; a ratio of 1 optometrist to every 11,279 persons. The American Optometric Association estimates that we need not less than 1 optometrist for every 7,000 Americans.

The American Optometric Association estimates that the capacity at existing schools of optometry is not fully used. For the country as a whole only 80–85 percent of the capacity is being utilized. One of the obstacles to full utilization is the problem of finances. The American Optometric Association reports that 30 percent of the letters of inquiry by prospective students of optometry also include requests for financial assistance. Some 7 percent write at the last minute that they are financially unable to enter school. The University of Houston reported rejection of 60 requests by optometry and preoptometry students during 1962 because of inadequate funds.

Training in optometry consists of 2 years of preprofessional work that is offered at all colleges and universities that offer the subjects that are required. The final 3 years of work at the professional level is offered only at the 10 schools of optometry. Some schools require 4 years of work at the professional level. Four of the university schools offer graduate training that qualifies a candidate for the Ph. D. degree in physiological optics.

The costs to the student for attending 3 years of optometric school average $6,600. This is somewhat less than the costs of attending medical or dental school for 4 years where the costs average $15,000 according to the testimony of the Department of Health, Education, and Welfare.

Since the costs of medical and dental education are higher than those for optometric education, the committee expects that the amount of the average loan to physicians and dentists will be higher than the average amount loaned to optometric students. The maximum loan authorized by Public Law 88–129 is $2,000 per year.

THE COST

S. 2628 does not provide for any increase in the amounts authorized to be appropriated under Public Law 88–129.

PSYCHOTOXIC DRUG CONTROL ACT OF 1964

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar 1377, Senate bill 2628.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2628) to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, delivery, and possession of habit-forming barbiturate drugs, amphetamine, and other habit-forming central nervous system stimulant drugs and other drugs that have a potential for abuse resulting in psychotoxic effects or antisocial behavior, which had been reported from the Committee on Labor and Public Welfare, with amendments, on page 1, line 7, after the word "barbiturates,", to strike out "in" and insert "amphetamines and other habit-forming central nervous system stimulant drugs, and other"; on page 4, line 2, after the word "its", to insert "medically"; in line 5, after the word "investigation,", to strike out "has found to have, and" and insert "find as, and"; at the beginning of line 7, to strike out "as having, a potential for abuse that may result in psychotoxic effects or antisocial behavior" and insert "as, affecting or altering to a substantive extent, consciousness, the ability to think, critical judgment, motivation, psychomotor coordination, or sensory perception, and having a potential for abuse when used without medical supervision"; on page 7, line 12, after the word "section", to strike out "(b)" and insert "(a)"; on page 8, line 10, after the word "the", to strike out "rate" and insert "date"; at the beginning of line 15, to insert "having"; on page 9, at the beginning of line 19, to strike out "(f)" and insert "(e)"; on page 11, line 10, after the word "section", to strike out "115" and insert "201 (v)"; and on page 13, at the beginning of line 4, to strike out "7" and insert "9"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Psychotoxic Drug Control Act of 1964".

Findings and declaration

Sec. 2. The Congress hereby finds and declares that there is a widespread illicit traffic in barbiturates, amphetamines and other habitforming central nervous system stimulant drugs, and other psychotoxic drugs moving in or otherwise affecting interstate commerce; that the use of such drugs, when not under the supervision of a licensed practitioner, may cause a wide variety of acute and chronic changes in psychological functioning, social behavior, or personality, such as difficulties in judgment and coordination, disorderly thinking, disturbances in mood, bizarre and abnormal perceptual experiences and more severe behavior disturbances such as attempted suicide and antisocial activities; that this illicit traffic results in extensive sale and distribution of such drugs to juveniles and youths, as well as adults, not under the supervision of a licensed practitioner; that the use of such drugs by juveniles, when not under the supervision of a licensed practitioner, may lead them to perform acts of delinquency and crime and to experiment with narcotic drugs, which experimentation may result in narcotic addiction; that the use of such drugs, when not under the supervision of a licensed practitioner, often endangers safety on the highway and otherwise has become a threat to the public health and safety, making additional regulations of such drugs necessary regardless of the intrastate or interstate origin of such drugs; that in order to make regulation and protection of interstate commerce in such drugs effective, regulation of intrastate commerce is also necessary because, among other things, such drugs, when held for illicit sale, often do not bear labeling showing their place of origin and because in the form in which they are so held or in which they are consumed a determination of their place of origin is often extremely difficult or impossible; and that the regulation of interstate commerce without the regulation of intrastate commerce in such drugs, as provided in this Act, would discriminate against and depress interstate commerce in such drugs.

Control of psychotoxic drugs

Sec. 3. (a) Section 201 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following:

"(v) The term 'psychotoxic drug' means—

"(1) any drug which contains any quantity of (A) barbituric acid or any of the salts of barbituric acid; or (B) any derivative of barbituric acid which has been designated by the Secretary under section 502(d) as habit forming;

"(2) any drug which contains any quantity of (A) amphetamine or any of its optical isomers; (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or (C) any substance which the Secretary, after investigation, has found to be, and by regulation designated as, habit forming because of its medically stimulant effect on the central nervous system; or

"(3) any drug which contains any quantity of a substance which the Secretary, after investigation finds as, and by regulation designates as, affecting or altering to a substantive extent, consciousness, the ability to think, critical judgment, motivation, psychomotor coordination, or sensory perception, and having a potential for abuse when used without medical supervision: except that the Secretary shall not designate under this paragraph, or under clause (C) of paragraph (2), any substance that is now included, or is hereafter included, within the classification stated in section 4731, and marihuana as defined in section 4761, of the Internal Revenue Code of 1954 (26 U.S.C. 4731, 4761)."

(b) Chapter V of such Act is amended by adding at the end thereof the following new section:

"Psychotoxic drugs

"Sec. 511. (a) No person shall manufacture, compound, or process any psychotoxic drug, except that this prohibition shall not apply to the following persons whose activities in connection with such drugs are solely as specified in this subsection:

"(1) Manufacturers, compounders, and processors who have listed their names and places of business with the Secretary and who are regularly engaged or seek to be engaged, and are otherwise qualified, in preparing pharmaceutical chemicals or prescription drugs for distribution through branch outlets, through wholesale druggists, or by direct shipment, (A) to pharmacies or to hospitals, clinics, public health agencies, or physicians, for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice, or (B) to laboratories or research or educational institutions for their use in research, teaching, or chemical analysis.

"(2) Wholesale druggists who maintain establishments in conformance with local laws and are regularly engaged in supplying prescription drugs (A) to pharmacies, or to hospitals, clinics, public health agencies, or physicians, for dispensing by registered pharmacists upon prescriptions, or for use by or under the supervision of practitioners licensed by law to administer such drugs in the course of their professional practice, or (B) to laboratories or research or educational institutions for their use in research, teaching, or clinical analysis.

"(3) Pharmacies, hospitals, clinics, and public health agencies, which maintain establishments in conformance with any applicable local laws regulating the practice of pharmacy and medicine and which are regularly engaged in dispensing prescription drugs upon prescriptions of practitioners licensed to administer such drugs for patients under the care of such practitioners in the course of their professional practice.

"(4) Practitioners licensed by law to prescribe or administer psychotoxic drugs, while acting in the course of their professional practice.

"(5) Persons who use psychotoxic drugs in research, teaching, or chemical analysis and not for sale.

"(6) Officers and employees of the United States, a State government, or a political subdivision of a State, while acting in the course of their official duties.

"(7) An employee of any person described in paragraph (1) through paragraph (5), and a nurse or other medical technician under the supervision of a practitioner licensed by law to administer such drugs, while such employee, nurse, or medical technician is acting in the course of his employment or occupation and not on his own account.

"(b) No person, other than—

"(1) a person described in subsection (a), while such person is acting in the ordinary and authorized course of his business, profession, occupation, or employment, or

"(2) a carrier or warehouseman, or an employee thereof, who, while acting in the usual course of his business or of his employment, delivers any psychotoxic drug to a person authorized by subsection (a) to manufacture, compound, or process such drug, shall sell, deliver, or otherwise dispose of any psychotic drug to any other person.

"(c) No person, other than a person described in subsection (a) or subsection (b) (2), shall possess any psychotoxic drug otherwise than (1) for the personal use of himself or of a member of his household or (2) for administration to an animal owned by him or a member of his household.

"(d) (1) Every person engaged in manufacturing, compounding, processing, selling, delivering, or otherwise disposing of any psychotoxic drug shall, upon the effective date of this section, prepare a complete and accurate record of all stocks of such drug on hand and shall keep such record for three years. On and after the effective date of this section, every such person manufacturing, compounding, or processing any psychotoxic drug shall prepare and keep, for not less than three years, a complete and accurate record of the kind and quantity of such drug manufactured, compounded, or processed and the date of such manufacture, compounding, or processing; and every such person selling, delivering, or otherwise disposing of any psychotoxic drug shall prepare or obtain, and keep for not less than three years, a complete and accurate record of the kind and quantity of each such drug received, sold, delivered, or otherwise disposed of, the name and address of the person from whom it was received and to whom it was sold, delivered, or otherwise disposed of, and the date of such transaction.

"(2) Every person required by paragraph (1) of this subsection to prepare or obtain, and keep, records, and any carrier maintaining records with respect to any shipment containing any psychotoxic drug, and every person in charge, or having custody, of such records, shall, upon request of an officer or employee designated by the Secretary permit such officer or employee at reasonable times to have access to and copy such records. For the purposes of verification of such records and of enforcement of this section, officers or employees designated by the Secretary are authorized, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, to enter, at reasonable times, any factory, warehouse, establishment, or vehicle in which any psychotoxic drug is held, manufactured, compounded, processed, sold, delivered, or otherwise disposed of, and to inspect, within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished material, containers, and labeling therein, and all things therein (including records, files, papers, processes, controls, and facilities) bearing on violation of this section or section 301(q); and to inventory any stock of such drug therein, and obtain samples of such drug. If a sample is thus obtained, the officer or employee making the inspection shall, upon completion of the inspection and before leaving the premises, give to the owner, operator, or agent in charge a receipt describing the sample obtained.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply to a licensed practitioner described in subsection (a) (4) with respect to any psychotoxic drug received, prepared, processed, administered, or dispensed by him in the course of his professional practice.

"(e) The Secretary may by regulation exempt any psychotoxic drug from the application of all or part of this section when he finds that regulation of its manufacture, compounding, processing, possession, and disposition, as provided in this section or in such part thereof, is not necessary for the protection of the public health."

Prohibited acts

Sec. 4. Section 301 of such Act is amended by adding at the end thereof the following new paragraph:

"(q) (1) The manufacture, compounding, or processing of a drug in violation of section 511(a); (2) the sale, delivery, or other disposition of a drug in violation of section 511(b); (3) the possession of a drug in violation of section 511(c); (4) the failure to prepare or obtain, or the failure to keep, a complete and accurate record with respect to any drug as required by section 511(d); (5) the refusal to permit access to or copying of any record as required by section 511(d); or (6) the refusal to permit entry or inspection as authorized by section 511(d)."

Grounds and jurisdiction for judicial seizure and condemnation

Sec. 5. The first sentence of section 304 (a) of such Act is amended by inserting before ": *Provided, however,*" the following: ", and any such drug which is a psychotoxic drug within the meaning of section 201(v) and which has been manufactured, compounded, processed, sold, delivered, disposed of, or is possessed, in violation of section 511, or with respect to which there is a failure to prepare, obtain, or keep any record required by such section, shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found".

Penalties

Sec. 6. (a) Section 303(a) of such Act (21 U.S.C. 333(a)) is amended by inserting after the final word "fine" and before the period the following: ": *Provided, however,* That any person who, having attained his eighteenth birthday, violates section 301(q) (2) by selling, delivering, or otherwise disposing of any psychotoxic drug (as defined in section 201(v)) to a person who has not attained his eighteenth birthday shall, if there be no previous conviction of such person under this section which has become final, be subject to imprisonment for not more than two years, or a fine of not more than $2,000, or both such imprisonment and fine, and for the second or any subsequent conviction for such a violation shall be subject to imprisonment for not more than six years, or a fine of not more than $15,000, or both such imprisonment and fine".

(b) Section 303(b) of such Act (21 U.S.C. 333(b)) is amended by inserting after the word "shall" the following: "(except in the case of an offense which is subject to the provisions of the proviso to subsection (a) relating to second or subsequent offenses)".

Regulations

SEC. 7. The first sentence of section 701(e)(1) of the Federal Food, Drug, and Cosmetic Act is amended by inserting "201(v)," immediately before "401".

Authority of inspectors to carry firearms

SEC. 8. Section 702 of such Act (21 U.S.C. 372) is amended by inserting at the end thereof the following new subsection:

"(g) Officers or employees of the Department designated by the Secretary to conduct examinations, investigations, or inspections under section 511 of this Act may, when authorized by the Secretary, carry firearms."

Application of State law

SEC. 9. Nothing in this Act shall be construed as authorizing the manufacture, compounding, processing, possession, sale, delivery, or other disposal of any drug in any State in contravention of the laws of such State.

Effective date

SEC. 10. The foregoing provisions of this Act shall take effect on the first day of the seventh calendar month following the month in which this Act is enacted; except that the Secretary shall permit manufacturers, compounders, and processors referred to in paragraph (1) of subsection (a) of section 511 of the Federal Food, Drug, and Cosmetic Act, as added by this Act, to list their names and places of business with the Secretary prior to such effective date, and except that the definitions of terms in subsection (v) of section 201, as added by this Act, and the provisions of section 9 shall take effect upon the date of enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

By unanimous consent, the following excerpt from the report (No. 1442) was ordered to be printed in the RECORD:

SUMMARY

S. 2628, as amended by the committee, would amend the Federal Food, Drug, and Cosmetic Act to require registration with the Department of Health, Education, and Welfare by manufacturers, compounders, and processors of barbiturates, amphetamines and any other drug or drug component that the Secretary of Health, Education, and Welfare, after investigation, finds either (a) to be habit forming because of its medically stimulant effect on the central nervous system, or (b) to be one that affects, or alters, to a substantive extent, consciousness, the ability to think, critical judgment, motivation, psychomotor coordination, or sensory perception, and has a potential for abuse when used without medical supervision, require manufacturers and others engaged in receiving or disposing of such drugs (other than licensed practitioners handling the drugs in the course of their professional practice) to keep a complete record of the quantities of such drugs they handle, and make these records available to food and drug inspectors who, in addition, would be given authority to inspect establishments and vehicles, inventory stocks, etc.; forbid the disposal of these drugs except through legitimate channels; and prohibit the possession of such drugs if such possession is not for the personal use of the possessor or a member of his household or for administration to an animal owned by him or by a member of his household. The penalties and civil remedies now applicable to violations of the Food, Drug, and Cosmetic Act would apply to violations of the bill except that appropriately increased maximum penalties would apply where there is an unlawful disposal of a drug covered by the bill by an individual at least 18 years of age to one under the age of 18. The bill would apply to the drugs whether or not they enter interstate commerce.

NEEDS

It is estimated that drug companies in this country annually produce 5¾ billion capsules of barbiturates and 4 billion tablets of amphetamine drugs. This is in addition to an unknown quantity of tranquilizing and other drugs subject to abuse that find their way into the black market. Based on the quantities involved in seizures of these drugs in illegal channels, it is estimated by the Commissioner of Food and Drugs that the volume of psychotoxic drugs sold illegally equals, and might actually exceed, the amounts sold legally in the Nation's drugstores.

The Federal Food, Drug, and Cosmetic Act neither contains adequate means for detecting illegal diversions from legitimate channels nor makes traffic in these drugs by such outlets per se a Federal offense. It applies (outside the District of Columbia and U.S. possessions) only when it can be shown that the drugs are or have been in the stream of interstate commerce. In order to make regulation and protection of interstate commerce in amphetamines, barbiturates, and other psychotoxic drugs effective, regulation of such drugs in intrastate commerce is necessary because such drugs, when held for illicit sale, often do not bear labeling showing their places of origin and because in the form in which they are so held or in which they are consumed, a determination of their place of origin is sometimes extremely difficult or impossible. Moreover, to subject interstate commerce to the needed controls without applying them to intrastate commerce would have the effect of discriminating against and depressing interstate commerce.

The Senate Subcommittee To Investigate Juvenile Delinquency found that during the last 5 years, the illegal use of the billions of these pills which have flooded this country, has reached epidemic proportions. The results of this traffic revealed the following picture:

The illegal use of these drugs is increasing at a fantastic rate among juveniles and young adults.

The use of these drugs has a direct casual relationship to increased crimes of violence.

The use of these drugs is replacing, in many cases, the use of the "hard" narcotics, such as opium, heroin, and cocaine.

The use of these drugs is more and more prevalent among the so-called white-collar youths who have never had prior delinquency or criminal records.

The use of these drugs is increasingly identified as a cause of sexual crimes.

The need for additional Federal legislation to control barbiturates and amphetamines was the subject of concern as early as the 84th Congress during hearings before the Subcommittee on Narcotics of the House Committee on Ways and Means. In its report to the full committee (which is appended to H. Rept. 2388, 84th Cong.), the subcommittee found that large quantities of these drugs have been diverted into illicit channels as the results of shipments from manufacturers and wholesalers to unauthorized individuals and that places of distribution include roadside taverns, service stations, houses of ill repute, bars, hotels, restaurants, retail drugstores, and unscrupulous physicians. It found that acute barbiturate poisoning is now the most common cause of death from any solid poison, or any other poison except carbon monoxide gas, and that the abuse of these drugs by taking them without proper medical supervision presents serious public health problems, leading to abnormal behavior and to the commission of crimes. The subcommittee found that illicit traffic in these drugs, unlike the traffic in narcotics, attacks small as well as large communities. The subcommittee also found that a problem of growing proportions has been created by chronic users of barbiturates and amphetamines who are a menace to the public when driving on our streets and highways. The traffic menace recognized by the subcommittee in 1956 is still a continuing problem, and its size is increasing.

The serious problem of drug abuse was recognized by President John F. Kennedy when he appointed the President's Advisory Commission on Narcotic and Drug Abuse with Judge E. Barrett Prettyman as Chairman.

The Commission met regularly in Washington during 1963 and obtained the views of representatives of all the major Federal agencies involved with drug abuse, including ranking officials of the Department of the Treasury, the Department of Justice, the Department of State, and the Department of Health, Education, and Welfare. The Commission also held special meetings in New York City and Los Angeles, cities in which drug abuse is particularly virulent. On these occasions the Commission obtained the views of State and local officials and experts, and it visited public and private hospitals, research centers, rehabilitation centers, and correctional institutions. These meetings and visits were an essential part of the Commission's deliberations.

In addition, members of the Commission or of the staff made individual visits to various areas in the United States in which drug abuse is of high incidence, to study the particular problems of each area and to inspect treatment and rehabilitation facilities. The Commission reviewed all the significant literature and reviewed all the material presented at the first White House Conference on Narcotic and Drug Abuse, convened in Washington in September 1962, and the report of the ad hoc Panel on Drug Abuse, convened by the Special Assistant for Science and Technology to prepare a background paper on the scientific and technical aspects of drug abuse for the White House Conference. The Commission has had the benefit of the written recommendations and views of more than 100 experts and consultants.

After a yearlong study of drug abuse, the Commission made the following recommendations to President Johnson late in 1963:

1. Legislation should not be limited to the barbiturates and amphetamines, but should extend to all nonnarcotic drugs capable of producing serious psychotoxic and antisocial effects when abused. Experience has proved that the drug abuser often turns to other drugs having similar effects when barbiturates or amphetamines become difficult to obtain. Any new legislation should be broad enough to include all hypnotic, stimulant, and depressant drugs affecting the central nervous system in such a way as to be classified as psychotoxic. The bill's definition of its coverage should not, however, interfere with legitimate medical usage. The bill should exempt any drug within this definition that combines a small amount with other substances where the resultant drug is not itself liable to abuse.

2. In determining the specific drugs which fall within the scope of his regulatory power over dangerous drugs, the Secretary of Health, Education, and Welfare should be advised by a standing committee composed of experts from both within and without the Federal Government and should act in accordance with fair rulemaking procedures.

President Johnson has directed the several agencies of the executive branch entrusted with responsibility in the control of drugs to take steps to bring the full power of the Federal Government to bear on the problem. The President has also recommended the enactment of the Psychotoxic Drug Control Act of 1964. S. 2628 as reported by the committee would carry out the recommendations of the President and the Commission with respect to the problem of drug abuse.

Mr. DODD. Mr. President, the Senate has before it at this time a major piece of legislation which will place effective controls over the manufacture and distribution of dangerous drugs which are flooding the country and which are one of the most serious causes of drug addiction. I wish to congratulate Senator **Lister Hill**, chairman of the Committee on Labor and Public Welfare, and Senator **Ralph Yarborough**, chairman of the Subcommittee on Health for the conscientious and effective manner in which they handled this legislation in committee and brought it to the floor of the Senate.

I also wish to express my deepest thanks to our majority leader, Senator **Mansfield**, for bringing this bill up for action at the first possible moment. Senator **Mansfield** has been a great source of help and encouragement to me in this endeavor and I want to publicly thank him for all that he has done to make this legislation possible for the American people.

This bill will enable law enforcement authorities to mount a full-fledged attack on the peddling of dangerous drugs in America.

I reported to the Senate on August 24, 1961, that in the year 1960 drug companies in this country produced 5¾ billion capsules of barbiturates and 4 billion tablets of amphetamine drugs. This is in addition to millions of bootleg drugs that find their way into the black market. At that time I indicated that we had no idea of the percentage of these drugs that is used illegally. In the interim, based on the quantities involved in seizures of illegal dispensers in these drugs, we now know that the volume of the extremely dangerous pep pills and goofballs sold illegally equal, and might actually exceed, the amounts sold legally in the Nation's drugstores.

The reason for this situation is that there are no adequate Federal controls over the distribution of these drugs.

In my opinion, the bill we are considering today, S. 2628, would provide these controls.

The provisions in my bill will provide these controls by requiring that:

First. Manufacturers, compounders, and processors of barbiturates and amphetamines are required to register their names and addresses with the Department of Health, Education, and Welfare.

Second. Manufacturers and others engaged in receiving or disposing of such drugs be required to keep records of the quantities of such drugs they handle and make these records available to food and drug inspectors.

Third. Adequate authority be given to drug inspectors to inspect establishments, inventory stocks, vehicles, and other facilities relevant to the proper investigation of the disposal of drugs.

Fourth. Possession of these drugs be illegal, except if the drugs are for one's own use or for the use of a member of his family.

In emphasizing the seriousness of illegal trafficking in these drugs, S. 2628 calls for more severe penalties for those found selling to children and teenagers.

The Subcommittee To Investigate Juvenile Delinquency has held seven major hearings on drug addiction throughout the Nation.

We found that during the last 5 years, the illegal use of the billions of these pills which have flooded this country, has reached epidemic proportions. The results of this traffic, which have come to our attention, revealed the following picture:

The illegal use of these drugs is increasing at a fantastic rate among juveniles and young adults.

The use of these drugs has a direct causal relationship to increased crimes of violence.

The use of these drugs is replacing, in many cases, the use of the hard narcotics, such as opium, heroin, and cocaine.

The use of these drugs is more and more prevalent among the so-called white-collar youths who have never had prior delinquency or criminal records.

The use of these drugs is increasingly identified as causes of sexual crimes.

Mr. President, I feel this bill has had as much study, analysis, and consideration at this point as any piece of legislation I have ever been associated with. Since May 23, 1961, when I first introduced this bill, it has been subjected to the scrutiny of the President's Commission on Narcotic and Drug Abuse; the Departments of Health, Education, and Welfare; Treasury; Justice; and State; the law enforcement agencies in New York City and the State of California, where this problem is greatest; the Association of Juvenile Court Judges; the International Juvenile Police Officers Association; the Pharmaceutical Manufacturers Association; and the distinguished representatives of a number of religious faiths. All of these groups have approved of or endorsed this bill over the past 3½ years. Thousands of parents have written to me urging passage of the bill. Even the president of the largest producer of stimulant drugs in the United States personally wrote to me and endorsed this legislation.

This is a bill which tightens acknowledged inadequacies in the law, inadequacies which are permitting a wave of narcotic addiction to go unchecked in this country. It was publicly and repeatedly supported by the late President Kennedy. It has the support of every group that knows anything about this problem. It has been asked for by police officials all over the country. It has been backed by every witness who testified before the Juvenile Delinquency Subcommittee, including three drug company presidents.

I do not know anyone who is against it.

As recently as July 15, 1964, President Johnson issued a statement calling for a higher priority on Government efforts against narcotics and drug abuse. President Johnson's directive followed the lines of the first 25 recommendations of his Commission's report on Narcotic and Drug Abuse.

I would like to quote recommendation 13 from that report:

> The Commission recommends that all nonnarcotic drugs capable of producing serious psychotoxic effects when abused be brought under strict control by Federal statute.

The report states further:

> On January 28, 1963, Senator **Thomas J. Dodd** submitted to the Senate a bill (S. 553) to provide close Federal regulation of the manufacture, sale, and distribution of certain dangerous drugs, notably the barbiturates and amphetamines.
>
> * * * * *
>
> A similar bill (H.R. 6848) was submitted to the House of Representatives by Congressman **James J. Delaney**.

The Commission concluded:

> The manufacture, sale, and distribution of dangerous drugs is a national business, conducted across State lines, and the interstate character of the traffic, both licit and illicit, limits the ability of any single State to cope with its individual problem. Only the Federal Government can provide uniform minimum standards of regulation. Reliance on State laws for complete recordkeeping would prove chaotic. The Commission favors the plan of regulation proposed by the Dodd-Delaney bill.

The Commission made a specific observation concerning any new legislation providing for Federal regulation of the manufacture, sale, and distribution of dangerous drugs. They concluded such legislation should not be limited to the barbiturates and amphetamines, but should extend to all nonnarcotic drugs capable of producing serious psychotoxic and antisocial effects when abused.

S. 2628 has been broadened to include such drugs in accordance with the Commission's recommendations and on the basis of independent investigation by the subcommittee.

Mr. President, the abuse of these dangerous drugs is still growing at an alarming rate. Our staff contacted police departments all over the country on August 1. The attorney general of the State of California told us:

> Every dope peddler we have picked up this year has a complete assortment of pills available for sale. Dangerous drugs are a bigger problem for youths than heroin or marihuana.

He told my staff that dangerous-drug arrests in California had increased 75 percent from 1960 to 1963.

The Illinois Division of Narcotic Control reported a 100-percent increase in dangerous-drug cases from 1960 to the present.

Chicago alone reported that 1964 is 60 percent ahead of 1963 in this type of arrest.

Baltimore reported that its 1964 arrests are 52 percent ahead of 1963.

New York City reported a 33-percent increase in 1963 over 1962.

The chief of police of one of our largest resort cities, frequented by thousands of teenagers, summed up the situation for the country as a whole when he said:

> The traffic in dangerous drugs is heavier than ever.

I feel we have given enough study to this problem, we have proven it to be enormous in terms of the numbers of lives ruined; and we have proven it to be a major contributor to this Nation's crime problem.

Mr. President, today represents the culmination of several years of effort to enact sensible controls over the mushrooming traffic in dangerous drugs. I wish to pay tribute to the members of the Subcommittee to Investigate Juvenile Delinquency who held the hearings that laid the groundwork for this legislation; and the members of the Senate Committee on Labor and Public Welfare whose prompt but thorough attention to this bill made it possible for it to come to the floor in time for passage during this session. Of the many Senators who helped on the Labor Committee, I wish especially to thank the chairman [Mr. HILL], the distinguished senior Senator from Texas [Mr. YARBOROUGH], the able senior Senator from New York, [Mr. JAVITS], the distinguished junior Senator from New Jersey [Mr. WILLIAMS], and the capable junior Senator from Rhode Island [Mr. PELL].

I also wish to commend two staff members for their diligent and effective work which helped to make this legislation possible, Mr. Carl Perian, staff director of the Subcommittee to Investigate Juvenile Delinquency, and Mr. Robert Barclay, professional staff member of the Health Subcommittee of the Senate Committee on Labor and Welfare.

Mr. President, I urge passage of the pending legislation.

Mr. MANSFIELD. Mr. President, the distinguished Senator from Connecticut [Mr. DODD] has been advocating this bill for a number of years. The passage of the bill is a tribute to his resistance and determination to do something about drugs which can be harmful in nature and can have decidedly deleterious effect on the people of the country. I commend him on his victory, which he has achieved after fighting for it for so long.

Mr. President, I move that the votes by which Calendar 1376, Senate bill 2180, and Calendar 1377, Senate bill 2628, were passed be reconsidered.

Mr. McNAMARA. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Edward A. Beard, of the District of Columbia, to be an associate judge of the District of Columbia Court of General Sessions, which was referred to the Committee on the District of Columbia.

The PRESIDING OFFICER. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of Francis M. Wheat, of California, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1966.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COUNCIL OF ECONOMIC ADVISERS

The legislative clerk read the nomination of Otto Eckstein, of Massachusetts, to be a member of the Council of Economic Advisers.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF STATE

The legislative clerk read the nomination of James L. Greenfield, of the District of Columbia, to be Assistant Secretary of State.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

THE FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Foreign Service, which had been placed on the Secretary's desk.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. MANSFIELD, the Senate resumed the consideration of legislative business.

DIRKSEN AMENDMENT TO FOREIGN AID BILL

Mr. DOUGLAS. Mr. President, last night in discussing the rotten borough amendment, I mentioned the fact that one of the great newspapers of the country, the Charleston Gazette on August 13, 1964, published an editorial entitled "DIRKSEN's Rider Makes No Sense."

I ask unanimous consent that this editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DIRKSEN'S RIDER MAKES NO SENSE

Senator DIRKSEN, his tongue not even in his cheek, has offered an inane rider to the foreign aid bill which strikes directly at the heart of judicial authority. His amendment would prohibit Federal courts from rendering decisions in any apportionment case for from 2 to 4 years.

Parenthetically, congressional hostility toward the Supreme Court is revealed in the recent Federal salary increase bill that provides a raise of $7,500 to all Federal judges except those nine on the Supreme Court. They get only $4,500 more in salary.

The latter action is punitive pettiness, but DIRKSEN's contemplated maneuver is unwarranted meddling in the Court's jurisdiction. That there is precedent for his act, it is true. Once before, in 1869, the Court appeared to be about to invalidate some of the harsh Reconstruction measures Congress had decided to impose upon the South. In reprisal the Congress removed the Court's authority to handle any matter arising in connection with its bill, whose later consequences caused untold trouble.

Today, 7 out of every 10 American citizens live in an urbanized area, yet not a single State is apportioned in either branch of its legislature reflecting this tremendous shift in population. For reasons patently obvious, State legislatures have consistently refused to follow the democratic principle of one man equals one vote. Therefore, citizens in order to obtain adequate representation have sought relief through the courts. The courts have been the lone avenue open for redress.

Aside from the fact that the rider itself is dubious legislation, certainly it has no place in a foreign aid bill. The two subjects are completely incompatible. If Congress is determined to intrude in this area, it ought to do so with a bill that is germane to the subject.

Ironically, there can be little question that the rise of Federal authority, which many Americans condemn, has resulted precisely because urban areas are underrepresented in their legislatures. Metropolitan areas have had to seek assistance on their manifold problems from the Congress. Legislatures are deaf to their pleas of aid.

It is not at all inconceivable that one way to reduce the so-called bureaucratism of the Federal Government is to give cities and towns more power to resolve their own problems. This can come about only if State governments permit it. Reapportionment is essential to more responsible and responsive local government. Senator DIRKSEN should know this. His current effort is deplorable, and President Johnson should oppose it with all the resources at his command.

AMENDMENT TO THE FEDERAL FIREARMS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1374, S. 3068.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3068 to amend the Federal Firearms Act, as amended, to authorize the Secretary of the Treasury to relieve manufacturers from certain provisions of the act if he determines that enforcement would impair the national security.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Federal Firearms Act, as amended (52 Stat. 1252; 15 U.S.C. 906), is further amended to read as follows:

"SEC. 6. RELIEF OF CONVICTED MANUFACTURERS.—The Secretary may, when he finds that the discontinuance of operations by a licensed manufacturer convicted of a crime punishable by imprisonment for a term exceeding one year would be likely to impair national security, relieve such manufacturer from the disabilities incurred under this Act by reason of such conviction."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1439), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The bill would delete present section 6 of the Federal Firearms Act, as amended, "Effective Date of Chapter" (52 Stat. 1252; 15 U.S.C. 906) which no longer has any substantive effect and substitute therefor language which would give the Secretary of the Treasury discretionary authority to relieve a manufacturer from the disabilities incurred under the act when the Secretary finds that discontinuance of the manufacturer's operation would impair the national security. The bill would in no way limit or impair the effectiveness of the act for achieving the purposes for which it was originally framed. It would not affect the authority of the Government to proceed against the traffic in arms and ammunition by undesirable elements in the community and to punish those elements accordingly.

BACKGROUND OF LEGISLATION

Under the existing provisions of the Federal Firearms Act, as amended (52 Stat. 1250; 15 U.S.C. 901-909), it is unlawful for a person who has been convicted of a crime punishable by imprisonment for a term exceeding 1 year, to ship or receive firearms or ammunition in interstate or foreign commerce, to be issued a manufacturer's license or to engage in certain other activities involving firearms or ammunition.

This language was adopted by the Congress in 1961 with the objective of assisting the fight against organized crime and racketeering. Prior to 1961, the act prohibited shipments by or to only persons indicted for, or convicted of, a "crime of violence." The crime of violence was changed to any crime which measures up to the Federal standard of a felony; that is, any crime punishable by imprisonment for a term exceeding 1 year. This amendment was one of several sponsored by the Attorney General and supported by the Congress in order to broaden the groups of persons who could be prosecuted under Federal law and to strengthen the hand of the Government in dealing with professional criminals.

It was not until very recently brought to the committee's attention that the automatic invoking of the absolute sanctions required by the present language could force the discontinuance of operations of a licensed manufacturer where such discontinuance might adversely affect the national security.

NEED FOR LEGISLATION

General

This bill is needed to insure that the industrial mobilization base of the U.S. firearms industry be not interrupted or curtailed.

The Department of Defense places major responsibility on industry with respect to small arms requirements. Weapons are developed by a combination of engineering skill in the Government arsenals and the research and production skills of industry. Furthermore, private industry has the major assignment for production engineering and quality control.

Whenever it is necesary to build up rapidly our military potential, U.S. firearms manufacturers provide the only source of skilled manpower, research facilities and plant capacity which can be readily converted in a minimum of time to the production of military firearms.

This role of the U.S. firearms industry was emphasized in 1962 by a finding of the Director of the Office of Emergency Planning that "by its very nature * * * the industry would appear to be essential to our mobilization and to the national security."

Commercial firearms production essential to defense mobilization

Although the Federal Firearms Act exempts Government purchases of firearms from the restrictions of the act, such Government purchases cannot alone support the mobilization base required. Military requirements for small arms and ammunition have historically never furnished the constant year-to-year continuous production that is necessary to build up personnel skills, management know-how, and production techniques. Rather, military procurement has been characterized by very high requirements when a new weapon is adopted and a rather abrupt curtailment of production when the inventory needs are met.

The most recent example is the M–14 rifle, of which approximately a million and a quarter were procured by the Army over a period of 5 years. Procurement of this weapon commenced in 1959 and by the spring of 1964, production had been completely terminated.

Commercial production of firearms, on the other hand, presents quite a different picture. Although commercial demand varies slightly over the years, in accordance with such factors as the national prosperity, still the market is relatively stable and does provide for constant production, which in turn provides a permanent source of skilled manpower, plant facilities, and research potential. Clearly, continued commercial production by the firearms industry is essential to the maintenance of this segment of the mobilization base.

Unintended and undesirable consequences of existing law

The present language of the act is a Sword of Damocles hanging over every legitimate U.S. arms and ammunition manufacturer. Thousands of employees are employed in the industry and in spite of the greatest care in supervising them, it can be predicted, unfortunately, that sooner or later one of these employees will, through some misguided motive, commit a criminal act which is punishable by imprisonment for a term exceeding 1 year and which can be attributed to the employer. Examples of such acts are criminal negligence, defrauding the Government, violation of State antitrust statutes which have a penalty of imprisonment for a term exceeding 1 year, or violation of a foreign statute that has a similar penalty. Should an arms and ammunition manufacturer be convicted for the misdeed of its employee, the manufacturer would be forced immediately to cease its commercial arms and ammunition business and to dismiss its entire work force.

Olin Mathieson Chemical Corp. provides an immediate example of the unintended impact that this statute could conceivably have. This corporation with about 40,000 employees and annual sales of over $750 million is involved in highly diversified activities ranging from bulk chemicals and Squibb pharmaceuticals to paper and nonferrous metals, etc. Its activities reach into all 50 States and into some 72 foreign countries. Through its Winchester-Western Division, which alone has annual sales of approximately $100 million, it constitutes one of the principal arms and ammunition manufacturers of the United States. It has for over 50 years played a prominent role in meeting military requirements for arms and ammunition. From the time of its production of over half a million rifles during World War I to the recent production of over 350,000 units of the M–14, Winchester has been an important factor in supplying our military needs.

However, this corporation might, as a result of some misdeed of one of its approximately 40,000 employees, be convicted of a crime as defined by the act which would in no way affect the integrity or ability of the corporation with respect to the manufacture or shipment of arms and ammunition. Such a conviction would, under the present law, immediately make it illegal for the Winchester-Western Division to remain in the arms and ammunition business and would result in the summary discharge of approximately 6,000 employees presently on its payrolls.

The possibility of just such an occurrence is shown by the fact that the corporation has been indicted in the U.S. District Court for the Southern District of New York charged with conspiring with a former employee and an exporter to give "side payments and kickbacks" to importers of pharmaceuticals located in South Vietnam and Cambodia in connection with the sales of such pharmaceuticals financed by the Agency for International Development and the International Cooperation Administration. Olin has denied the charges and the case is now awaiting trial. The indictment does not involve any officer connected with the Winchester-Western Division, arms or ammunition, any person in Olin's arms and ammunition business or any product manufactured in Olin's arms and ammunition plants.

This case brings to the forefront for the first time the unintended impact which the 1961 amendment might have and makes clear the need for a technical improvement in the law to protect the legitimate arms and ammunition manufacturing industry in the interest of national security.

COST OF THE LEGISLATION

There will be no additional cost incurred by the Government as a result of favorable action on this legislation.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McNAMARA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN BENEFITS UNDER FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE SYSTEM, ETC.—UNANIMOUS-CONSENT REQUEST

Mr. PROUTY. Mr. President, yesterday a unanimous-consent request was granted that an amendment which I submitted to H.R. 11865 should remain at the desk until the close of business tonight. I now ask unanimous consent that the amendment remain at the desk for cosponsorship until the close of business Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

THIS WEEK'S ACHIEVEMENTS

Mr. MANSFIELD. Mr. President, another week has passed in our attempt to complete this session's work, and although we have slowed somewhat the past 2 days, substantial progress has been made this week.

We cleared for the President the antipoverty bill through the efforts of the Senator from Michigan [Mr. McNamara], the Senator from Minnesota [Mr. Humphrey], the Senator from West Virginia [Mr. Randolph], the senior Senator from Texas [Mr. Yarborough], the Senator from New York [Mr. Javits], and the cooperation of the Senator from Texas [Mr. Tower].

We passed the land and water conservation bill through the skill and efforts of the Senator from Washington [Mr. Jackson], the Senator from Idaho [Mr. Church], and the effort and cooperation of the Senator from Colorado [Mr. Allott], the Senator from Louisiana [Mr. Ellender], and many others.

We cleared for the President the District of Columbia appropriations bill through the efforts of the chairman of that subcommittee, the Senator from West Virginia [Mr. Byrd], and the ranking minority member, the Senator from New Jersey [Mr. Case].

We cleared for the President the independent offices appropriations bill through the efforts of the chairman of that subcommittee, the senior Senator from Washington [Mr. Magnuson], the ranking minority member, the senior Senator from Colorado [Mr. Allott], and the Senators from New York [Mr. Javits and Mr. Keating].

We cleared for the President the legislative appropriation bill through the effort and cooperation of the senior Senator from Oklahoma [Mr. Monroney], and the Senator from Massachusetts [Mr. Saltonstall].

We passed the nurses' training bill through the skill and effort of the Senator from Alabama [Mr. Hill], a man justly identified with every advance in this field for over the past 20 years, and the effort and cooperation of the Senator from New York [Mr. Javits] and the Senator from Texas [Mr. Yarborough].

We passed the State-Justice-Commerce appropriations bill through the efforts of the Senator from Arkansas [Mr. McClellan] and the senior Senator from Maine [Mrs. Smith].

We adopted the conference report on the International Coffee Agreement implementing legislation through the efforts of the Senator from Florida [Mr. Smathers] and the distinguished minority leader [Mr. Dirksen], whose constant cooperation and untiring efforts in all matters make whatever progress achieved in this body possible, and the Senator from New York [Mr. Javits].

We cleared for the President the Ozark National Rivers bill through the efforts of the Senator from Nevada [Mr. Bible], and the Senators from Missouri [Mr. Symington and Mr. Long].

We cleared for the President the public works appropriations through the skill and cooperation of the Senator from Louisiana [Mr. Ellender], and the ranking Republican member of the subcommittee [Mr. Hruska].

We made substantial progress in disposing of most of the amendments to the foreign aid bill through the cooperation of all. However, the patience and cooperation of the Senator from Arkansas [Mr. Fulbright], the chairman of the Committee on Foreign Relations, has been particularly appreciated, as well as the cooperation of all those most strongly opposed to this legislation who have presented their viewpoints fully, but always in a succinct and expeditious manner.

I hope that the type of progress we have been making for the past several weeks will continue. All Members of the body should take pride in the accomplishments of the past several weeks, and I express to all Members my thanks for the cooperation shown the leadership.

THE CONSERVATION OF A CONSERVATIVE

Mr. FULBRIGHT. Mr. President, it may be that it is premature to begin public discussion of the issues and participants in our national election, but I do not think so. Already, the Washington Star has begun serialized publication of Senator Goldwater's book "The Conscience of a Conservative." This treatise, together with his later work "Why Not Victory?" sets forth the major theses of the Goldwater ideology. I believe the Star is rendering a public service in presenting this material as a basis for the public discussion so essential to the clarification of the issues and to an understanding of the qualifications of the candidates.

Because I have known Senator Goldwater since he entered the Senate in 1953 and have read or listened to many of his speeches, I feel that it is my duty to offer a contribution to the discussion of his qualifications for the most powerful office in our land.

The Republican candidate for President of the United States is an honorable man, a man of proven integrity, a man who can be counted upon to follow unflinchingly the dictates of his conscience even though it sometimes dictates things that even he must find alarming. The Republican candidate is also, by his own declaration, a "conservative," which means, according to Noah Webster's dictionary, one who favors the conservation of existing institutions and forms of government, is opposed to change or innovation, and adheres to principles believed to involve little risk.

A peculiar problem arises from the fact that while Senator Goldwater is himself of conservative disposition, his conscience clearly is not. It is, in fact, an unruly conscience, demanding intermittently that we break off diplomatic relations with the Soviet Union, or that we impose a Western protectorate on the newly independent peoples of Africa, or that we balance the Federal budget while at the same time abolishing the graduated income tax and sawing off the eastern seaboard—with all its valuable tax money—and letting it float out to sea.

Clearly, the Republican candidate's conscience could inspire some radical and risky changes in our national life—changes which Senator Goldwater himself, being a conservative, could hardly be expected to welcome. But being a man of principle as well, he would be powerless to prevent the upheavals which his moral convictions might demand. Where his conscience leads him, there this great conservative must go, though it leads him—as seems quite probable—to the end of the earth.

The peculiar problem which this raises for Senator Goldwater is how to reconcile his conservative instincts with his ungovernable conscience. The peculiar problem which this situation raises for the American people is how to conserve themselves—and the Republican candidate as well—from some of the more explosive possibilities of government by the Goldwater conscience.

There is in fact a way, but before suggesting what it might be, it may be worth while to explore further the interesting contrast between the Republican candidate's "conservative" philosophy and some of his more spectacular convictions about the foreign and domestic policies of the United States. The contrast is rather striking and no less striking are some of the prescriptions offered by the Senator for dealing with the Nation's problems. Building on the premise that the American people are confronted with two great dangers—a terrifying menace from Moscow and an even more terrifying menace from Washington—Senator Goldwater has devised a "conservative" program which combines daring adventure abroad with dynamic and deliberate nonaction at home.

Let us consider first the Republican candidate's views on foreign policy.

The central proposition of the conservative foreign policy envisaged by

Senator GOLDWATER is that peace and freedom can only be secured by a policy of total victory over communism—preferably, but not necessarily, by peaceful means. The conflict being one between total virtue—us—and total evil—them—it is not readily susceptible to compromise. It is a struggle, says the Senator, "between godless people and the people of God," "between slavery and freedom." And he adds:

> I claim that we cannot live with these two philosophies in the world forever. Sometime there'll be only one.[1]

What the Republican nominee is getting at, in plain old cowpoke language, is that sooner or later one side or the other is going to have to bite the dust. Why? Anybody who has seen a good old Gary Cooper movie knows why. Who ever heard of cowboys coexisting with Indians? Who ever heard of Wyatt Earp coexisting with Jesse James?

Senator GOLDWATER says:

> Our effort calls for a basic commitment in the name of victory which says we will never reconcile ourselves to the Communists' possession of power of any kind in any part of the world.[2]

What the Senator seems to be getting at is that we are going to have to wipe every last vestige of communism off the face of the map.

The question naturally arises as to how the Communists are likely to react to so drastic an enterprise. Will they peacefully and amiably submit to our design? Perhaps not amiably, in Senator GOLDWATER's view, but he does feel confident that they will submit if only we are firm. To this end, the Republican nominee proudly proposes a policy of brinkmanship. He was recently asked by a German interviewer:

> But would you go to the brink of war?

He replied:

> Yes; just as your country has used brinkmanship down through the years and done so very, very successfully.[3]

I do not wish to quibble over a mere illustration, but it does seem to me that there have been some exceptions to Germany's successful adventures in brinkmanship, notably in 1918 and 1945.

Senator GOLDWATER himself readily admits that a policy of "brinkmanship" might, in fact, lead to war. And if it should? The Republican candidate for President says:

> Our job, first and foremost, is to persuade the enemy that we would rather follow the world to Kingdom Come than to consign it to Hell under communism.[4]

My own view, which I believe is the view of a majority of the American people, is that between the extremes of communism and "Kingdom Come" there are a number of less disagreeable possibilities for the world which are worth looking into.

I make this point with some trepidation because I know the Senator does not take kindly to those who do not share his convictions about "total victory" and "Kingdom Come" and other such matters. He wrote a few years ago:

> If an enemy power is bent on conquering you, and proposes to turn all of his resources to that end, he is at war with you: and you—unless you contemplate surrender—are at war with him. Moreover—unless you contemplate treason—your objective, like his, will be victory. Not peace, but victory.[5]

The casual reader might infer from these words that Senator GOLDWATER regards those who are working for peace between the Communist and the free nations as being engaged in a form of treason. Knowing him to be a patient and tolerant man, I feel sure that such an interpretation is unfounded and that it is his natural exuberance rather than any calculated intent that leads him to such forceful expressions.

Over the past few years Senator GOLDWATER and I have had a periodic exchange of views about some of the basic questions relating to war and peace and victory and coexistence. At one point I asked the Senator what he thought we might do with a "total victory" once it had been won, how he proposed to deal with a billion inhabitants of the Communist world once they had been liberated. Senator GOLDWATER assured me that it would not be necessary to occupy the Soviet Union and Communist China, because, as he explained:

> The vast majority of the people in both of these countries are not Communists. They will—

He went on—

> with proper guidance, take care of their own freedom once they are released from the iron grip of Communist dictatorship.[6]

Who would have thought it? Just a little "proper guidance" here and there and the vast Russian nation, which has been caught up in a struggle with autocracy for 1,000 years, and the vaster Chinese nation, with an even longer history of autocracy and with its 600 million souls living on the brink of starvation, will miraculously shape up, cast off the chains of tyranny, become happy and prosperous democracies—with constitutions modeled on our own, of course—and put a stop to all their troublesome and downright un-American behavior.

How is this millennium to be achieved? The Republican candidate for President of the United States did not get to where he is today by unwarily tipping his hand in advance. In the fullness of time—if not of the current campaign—Senator GOLDWATER will undoubtedly spell out in detail his conservative program for wiping communism off the face of the map by peaceful means. In the meantime he has made known some of the broad policies which he would expect to bring the Communist nations to their knees.

For a start, says the Republican nominee:

> We should declare the world Communist movement an outlaw in the community of civilized nations. Accordingly, we should withdraw diplomatic recognition from all Communist governments including that of the Soviet Union, thereby serving notice on the world that we regard such governments as neither legitimate nor permanent.[7]

In addition, Senator GOLDWATER has asserted:

> The possibility of withdrawing recognition of the Soviet Union should be held as a sword over the head of the Kremlin to be used at a moment most appropriate and most advantageous to the interests of the United States.[8]

The Senator from Arizona is thus firmly on record as advocating both that we withdraw recognition and that we threaten to withdraw recognition from the Soviet Union. Which approach he favors is unclear, but it is very clear that one way or the other, he proposes to confront the Russians with the terrifying menace of a breach in diplomatic relations—a blow which might drive them to a hysterical act of retaliation, such as withdrawing their recognition of the United States, but one which would be far more likely to frighten them into humble submission to our demands.

Another vital step to be taken in the Goldwater strategy for "total victory" over communism is the elimination of the insidious cultural exchange program. Senator GOLDWATER has pointed out:

> The exchange program, in Soviet eyes, is simply another operation in Communist political warfare. The people the Kremlin sends over here are, to a man, trained agents of Soviet policy.[9]

Is there no end to Communist treachery? Are they not satisfied to use ordinary espionage agents to probe our secrets, as we know they do? No, indeed. Taking advantage of the guileless American nature, they have infiltrated our free society with secret agents cleverly disguised as broadjumpers and ballerinas. This, of course, is common knowledge to students of Ian Fleming, but for the rest of us only the timely warning of Senator GOLDWATER has awakened us to the menace of pretty young Russians in dancing shoes. Let us hope it is not too late.

These are only a few of the elements in the Republican candidate's "conservative" program for victory over communism. In addition, the Senator is on record as advocating such prudent measures as the following: Fomenting rebellion and assisting underground movements—assuming we can find any—in Communist countries—"Conscience of a Conservative," pages 123–125; dropping low-yield atomic bombs on Chinese supply lines in North Vietnam or at any rate shelling them with the 7th Fleet—quoted in Newsweek, May 20, 1963; withdrawal of the United States from the United Nations—speech at Phoenix, Ariz., December 20, 1961, and—at the same time apparently—staying in the U.N. but doing something to "improve" it—answer to a question at Meredith, N. H., January 24, 1964; putting the continent of Africa, or part of it—the Senator does not specify—under something called an "interim African protectorate" administered by an association of Western nations—"Why Not Victory?", page 97.

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[1] Interview in Der Spiegel, quoted in New York Times, July 9, 1964.

[2] "Why Not Victory?" (New York: MacFadden Books, 1963), p. 118.

[3] Interview in Der Spiegel, quoted in New York Times, July 9, 1964.

[4] "Why Not Victory?", p. 111.

[5] "Conscience of a Conservative" (New York: Macfadden Books, 1963), p. 91.

[6] "Why Not Victory?", p. 112.

[7] "Conscience of a Conservative," p. 123.

[8] Goldwater policy paper, Apr. 14, 1964.

[9] "Conscience of a Conservative," p. 107.

These are some of the steps to be taken under the Goldwater strategy for "total victory." In due course the Senator will undoubtedly spell out the meaning and the purpose of the triumph he proposes to achieve. In the meantime, I cannot help but think of the lines of Robert Southey:

> And everybody praised the Duke,
> Who this great fight did win.
> "But what good came of it at last?"
> Quoth little Peterkin.
> "Why, that I cannot tell," said he;
> "But 'twas a famous victory." [10]

Grave as is the menace of communism, the American people are confronted with an even more formidable enemy in their own Federal Government. Senator GOLDWATER has stressed this point repeatedly. He has said:

> The United States, is in more danger from within than from any threat posed by Soviet Russia.[11]

And in one of his books the Senator writes:

> Our defenses against the accumulation of unlimited power in Washington are in poorer shape, I fear, than our defenses against the aggressive designs of Moscow.[12]

To cope with the monstrous menace of the freely elected government prescribed by the American Constitution, the Republican nominee has devised a dynamic program of organized inactivity, one which will once and for all drive the Government out of the business of government. Such a program, he believes, is mandatory under our Constitution.

In the nominee's words:

> The Government must begin to withdraw from a whole series of programs which are outside its constitutional mandate—from social welfare programs, education, public power, agriculture, public housing, urban renewal and all the other activities that can be better performed by lower levels of government or by private institutions or by individuals.[13]

Senator GOLDWATER has also declared:

> I have little interest in streamlinging Government or making it more efficient, for I mean to reduce its size. I do not undertake to promote welfare, for I propose to extend freedom. My aim is not to pass laws, but to repeal them.[14]

The basic premise of the Goldwater domestic program is that human welfare is incompatible with freedom and that total self-reliance is the most blessed condition in which a man can find himself even if its price, as is often the case, is misery and ignorance. The task of government, therefore, is to determine carefully all that it can possibly do for people and then to abstain rigorously from doing it.

Let us consider some of the major policies—or, to be more precise, nonpolicies—to be pursued under the Goldwater program of dynamic inactivity.

In the field of executive-legislative relations the key idea seems to be that the President should turn over many of his powers to the Congress, which should then diligently refrain from exercising them.

Senator GOLDWATER has declared:

> I feel very strongly that the executive branch has taken too much power from the legislative branch.[15]

Reporting on the work of the Congress some months ago, the Senator told his constituents:

> Not much is going on back there. I don't think that's worrisome. It's not what legislators do that helps, it's what they don't do.[16]

I am reminded of the inspiring words uttered by Calvin Coolidge some 40 years ago when he was confronted with a grave crisis in agriculture. He declared:

> Farmers never made much money. I don't think there is much we can do about it.

Unlike President Coolidge, Senator GOLDWATER does propose to do something about the problem of agricultural surpluses. In his own words:

> Doing something about it means—and there can be no equivocation here—prompt and final termination of the farm subsidy program.[17]

The agricultural depression which this would lead to—quite possibly followed by a national depression—is just one of those little inconveniences that the Republican candidate considers a small price to pay for "freedom" from Government regulation. Clearly, what he proposes to do about the farm problem is to change it from a problem to a catastrophe.

Another area in which Senator GOLDWATER has blazed a new trail is in awakening us to certain prevalent myths about public education. He assures us, for example, that the millions of American children crowded into packed classrooms in ancient, run-down school buildings everywhere from the great cities of the North to the rural areas of the South and West are in fact figments of our national imagination. He tells us:

> The need for Federal funds for public schools, has never been convincingly demonstrated.[18]

A few years ago Senator GOLDWATER declared in the Senate:

> One of the greatest myths current in this country is the supposition that our primary education system is being starved, or at least that the Federal Government or the public has been stingy or neglectful in supporting the education of our children, and that our educational system is badly undernourished.[19]

Having assured us that the evidence before our eyes is a "myth," the leader of the Republican Party goes on to make the point that Federal aid to education is not only unnecessary but wicked. Like all other programs that might do people some good, it threatens to debase and enslave us. In addition to being "unconstitutional"—"Conscience of a Conservative," page 79—which goes without saying—he has written:

> Federal aid to education is exposed as an act of naked compulsion—a decision by the Federal Government to force the people of the States to spend more money than they choose to spend for this purpose voluntarily.[20]

The Senator is absolutely right and the only criticism that can be made of his position on education is that he is unduly modest in failing to carry it through to its logical conclusion. Federal aid to education is indeed a form of a compulsion and so also, for that matter, are State and local taxation for financing education. Finally and above all, what could be more cruel and arbitrary than compulsory education itself? How many American youngsters are spending their days in stuffy schoolrooms of their own free will? How many of them would not rather be out playing baseball or going fishing or just fooling around? Not many—you can put your money on that. The fact of the matter is that public education itself is a giant conspiracy of parents and of Federal, State, and local governments to enslave the helpless children of America.

When freedom is endangered, something must be done. What is needed is nothing less than a constitutional amendment to make the Goldwater philosophy of education the supreme law of the land. Such an amendment, I would think, should contain three basic provisions: first, the Federal Government is prohibited henceforth and forever from expending any funds for any purpose which is educational in content, form, or implication; second, no State shall levy any tax for public education on any citizen without the individual citizen's consent freely given in writing; third, no American citizen, most especially any citizen between the ages of 5 and 18, shall be required to attend any educational institution without his consent freely given in writing, or, in the absence of the ability to write, by some clearly identifiable mark.

In addition to constitutional considerations one suspects an additional factor in the Goldwater views on education. The Senator is reported to have said once that if he had remained in college for 4 years he might have been a liberal—Washington Daily News, March 28, 1962. Can it be that the Republican nominee perceives a relationship between education and what he calls "liberalism" or, conversely, between the lack of education and his own unique philosophy of "conservatism"?

No less provocative than his opinions on education are the views of Senator GOLDWATER on problems of poverty and public welfare.

The Senator, as we know, is a champion of individual self-reliance because self-reliance means responsibility and freedom. As he himself has put it:

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[10] "The Battle of Blenheim" (1798), stanza 11.

[11] Address to 32d Women's Patriotic Conference on National Defense, Inc., quoted in the Washington Evening Star, Feb. 1, 1958.

[12] "Conscience of a Conservative," p. 22.

[13] "Conscience of a Conservative," pp. 68–69.

[14] Human Events, Apr. 27, 1963.

[15] "Face the Nation," CBS, Mar. 15, 1964.

[16] Speech in Phoenix, Ariz., reported in the Washington Post, Oct. 19, 1963.

[17] "Conscience of a Conservative," p. 43.

[18] "Conscience of a Conservative," p. 79.

[19] CONGRESSIONAL RECORD, vol. 104, pt. 13, pp. 17290–17291.

[20] "Conscience of a Conservative," p. 83.

> When you say to Johnny, "Don't worry about the old man or your mother, we're going to take care of them when they get older," you've destroyed his freedom of responsibility.[21]

The Republican candidate thus makes a devastating case against medical care for the aged under social security and, for that matter, against private health plans as well, which also deny millions of Americans the right to accept financial responsibility for their aging parents.

Senator GOLDWATER also has reassuring words for us on the general problem of poverty, which he believes has agitated us unduly. He said recently:

> As our production and income levels have moved up over a hundred years, our concepts of what is poor have moved up also—and they always will—you can never catch up. There will always be a lowest one-third or one-fifth.

Instead of wasting our time trying to do something about poverty, Senator GOLDWATER recommends that we mount what he calls "a frontal attack against Santa Claus—the Santa Claus of the free lunch, the Government handout—or something-for-nothing and something-for-everyone"—speech to the Economic Club of New York, January 15, 1964.

One must not infer from this interesting choice of words that the Republican candidate really wants to launch a war against Santa Claus, Christian charity, and the Christmas spirit. It is merely his exuberant way of saying the Federal Government should not assume responsibility for old-age pensions, unemployment compensation, or any other direct assistance to our citizens no matter how dire their need.

Indeed if there is anything to be criticized in Senator GOLDWATER's attitude toward the needy and unfortunate in our society, it is a tendency toward excessive sentimentality. Take, for example, his kindly view in the controversy of a few years ago over the welfare policies of Newburgh, N.Y., when he declared:

> I don't like to see my taxes paid for children born out of wedlock.[22]

Or consider the Senator's tenderhearted observation on the problem of unemployment due to lack of skills. He said:

> The fact is that most people who have no skill have no education for the same reason—low intelligence or low ambition.[23]

Permeating the social philosophy of the Republican presidential candidate is a deep faith in a benevolent law of nature. The poor are poor, in his view, because they have earned their fate and their misery is nothing more than nature's just punishment for the sins of "low intelligence" and "low ambition." Nor, according to Senator GOLDWATER, are the privileged and powerful in our society selected by mere chance: they are the products, it would seem, of a natural evolution, the worthy recipients of nature's favor for reasons of energy, initiative, intelligence and skill and, quite often, shrewd judgment in selection of their parents. Thus the heart and core of the Goldwater social philosophy is the abandonment of organized efforts to shape the life of our society and a return to nature—to the natural state in which the fortunate will be left to their blessings and the poor will be left to their wretchedness, all in a state of undiluted freedom.

These, I believe, are some of the major elements in the political philosophy of the Republican candidate for President of the United States. Although the candidate, by his own definition, is a "conservative," his program, if implemented, would bring about great upheavals in our country and in the world. The paradox, as I have suggested, is the product of a striking disparity between Senator GOLDWATER's conservative instincts and his totally ungovernable conscience.

The great question before the Nation in this election campaign is how to conserve the traditional values and institutions of our country from the revolutionary impact of the Goldwater conscience. The nominee's personal problem, of course, is to seek some way of reconciling his conservative instincts with his unpredictable conscience. These problems can be resolved by the American people in November, and in only one way: by sparing the Republican candidate of having to try to effect so hopeless a reconciliation.

There are those who maintain that the problem is not real, that Senator GOLDWATER's radical proposals on foreign and domestic policy are not deeply held convictions at all but merely political extravagances which would quickly give way to a more conventional view of the world under the sobering experience of Presidential power. They do the Senator a grave injustice. My own opinion is that the leader of the Republican Party is a true idealist and a true believer, a man of conviction and assurance, a man in fact whom no amount of evidence or experience could dissuade from his cherished views and principles.

I am reminded just a little of Shakespeare's famous lines:

But man, proud man,
Drest in a little brief authority,
Most ignorant of what he's most assured,
His glassy essence, like an angry ape.
Plays such fantastic tricks before high heaven,
As make the angels weep.[24]

ADJOURNMENT UNTIL 10 A.M. ON MONDAY

Mr. FULBRIGHT. Mr. President, in accordance with the previous order, I move that the Senate adjourn until 10 o'clock a.m. on Monday next.

The motion was agreed to; and (at 2 o'clock and 50 minutes p.m.) the Senate adjourned, under the previous order, until Monday, August 17, 1964, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate August 15, 1964:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

Edward A. Beard, of the District of Columbia, to be associate judge of the District of Columbia Court of General Sessions for the term of 10 years. He is now serving in this office under an appointment which expired July 2, 1963.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 15, 1964:

SECURITIES AND EXCHANGE COMMISSION

Francis M. Wheat, of California, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1966.

COUNCIL OF ECONOMIC ADVISERS

Otto Eckstein, of Massachusetts, to be a member of the Council of Economic Advisers.

DEPARTMENT OF STATE

James L. Greenfield, of the District of Columbia, to be Assistant Secretary of State.

DEPARTMENT OF JUSTICE

To be U.S. attorneys

Sidney I. Lezak, of Oregon, to be U.S. attorney for the district of Oregon for the term of 4 years.

Francisco A. Gil, Jr., of Puerto Rico, to be U.S. attorney for the district of Puerto Rico for the term of 4 years. (He is now serving in this office under an appointment which expired August 6, 1963.)

To be U.S. circuit judges

Robert P. Anderson, of Connecticut, to be U.S. circuit judge, 2d circuit.

Robert C. Zampano, of Connecticut, to be U.S. district judge for the district of Connecticut.

DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Dr. George I. Mishtowt, of the District of Columbia, for appointment, as a Foreign Service officer of class 1, a consul general, and a secretary, and ending Miss Frances D. Howell, of North Carolina, now a Foreign Service staff officer, to be a consul, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 29, 1964.

SENATE

MONDAY, AUGUST 17, 1964

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God: 'Mid all the traffic of our busy ways, we are grateful for this quiet cloister of the spirit.

Guide us, we pray, to the sources of moral energy so that Thy completeness may be linked to the limitations of our unaided strength. Thou knowest that the circumstances of our times are dismaying and the resources of our souls inadequate unless Thou replenish them. For the tasks of this, another week, may Thy servants here in the ministry of the Nation's welfare be patient in argument, charitable in judgment, and slow to wrath.

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[21] "Face the Nation," CBS-TV, January 26, 1961.

[22] New York Times, July 19, 1961.

[23] Speech to the Economic Club of New York, Jan. 15, 1964.

[24] "Measure for Measure," act II, scene 2, line 117.

Solemnize us with the responsibility of ability, as untold millions look eagerly to these halls of council for the wise word and the right action.

We ask it in the Spirit of Christ, our Lord. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Saturday, August 15, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on August 14, 1964, the President had approved and signed the following acts:

S. 31. An act for the relief of Sonja Dolata;

S. 633. An act for the relief of Michelle Su Zehr (Lim Myung Im);

S. 1336. An act to provide that the price at which the Coast and Geodetic Survey sells certain charts and related material to the public shall not be less than the cost thereof;

S. 2088. An act for the relief of Tomoe Ishikawa Westley;

S. 2219. An act for the relief of Helen Marghitsa Georgalas;

S. 2336. An act for the relief of John Richard Dolby; and

S. 2436. An act for the relief of Mihailo Radosavljevic.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

ORDER DISPENSING WITH THE CALL OF THE CALENDAR

On request by Mr. MANSFIELD, and by unanimous consent, the call of the legislative calendar, under rule VIII, was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request by Mr. MANSFIELD, and by unanimous consent, the Committee on Armed Services and the Committee on Agriculture and Forestry were authorized to meet during the session of the Senate today.

On request by Mr. MANSFIELD, and by unanimous consent, the Committee on Finance was authorized to meet during the session of the Senate today.

REPORT ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS

The ACTING PRESIDENT pro tempore laid before the Senate a letter from the Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on traffic in opium and other dangerous drugs, for the calendar year ended December 31, 1963, which, with the accompanying report, was referred to the Committee on Finance.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A telegram in the nature of a petition from the Greek Orthodox Community of Yonkers, N.Y., signed by James Elenidis, president, relating to the Island of Cyprus; to the Committee on Foreign Relations.

A letter in the nature of a petition from Oscar Collier, of New York, N.Y., relating to the rights of Mrs. Oswald in the forthcoming report of the President's Commission on the Assassination of the Late President Kennedy; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 4149. An act to provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights (Rept. No. 1455); and

H.R. 8135. An act to provide for the establishment and administration of public recreational facilities at the Sanford Reservoir area, Canadian River project, Texas, and for other purposes (Rept. No. 1461).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 1442. A bill to provide for the closing of the roll of the Confederated Tribes of the Colville Indian Reservation preparatory to submission of proposed legislation for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members and for other purposes (Rept. No. 1445); and

S. 2984. A bill to authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes (Rept. No. 1456).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 3071. An act to provide for the establishment of Fort Larned as a national historic site, and for other purposes (Rept. No. 1457); and

H.R. 4018. An act to authorize establishment of the Saint-Gaudens National Historic site, N.H., and for other purposes (Rept. No. 1458).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, without amendment:

S. 2500. A bill to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain (Rept. No. 1459).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, without amendment:

H.R. 7588. An act to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands, and for other purposes (Rept. No. 1447); and

H.R. 10069. An act to authorize the exchange of lands adjacent ot the Lassen National Forest in California, and for other purposes (Rept. No. 1448).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with an amendment:

H.R. 6601. An act to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes (Rept. No. 1449).

By Mr. JOHNSTON, from the Committee on Agriculture and Forestry, without amendment:

S. 2634. A bill to amend the act of August 19, 1958, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes (Rept. No. 1446).

By Mr. HOLLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 9747. An act to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals (Rept. No. 1454); and

H.R. 10419. An act to amend further the Farm Credit Act of 1933, as amended, to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax, and for other purposes (Rept. No. 1453).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

H.R. 4242. An act to provide for the release and transfer of all right, title, and interest of the United States of America in and to certain tracts of land in Pender County, N.C. (Rept. No. 1452).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

S. 1253. A bill to amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes (Rept. No. 1451); and

H.R. 1642. An act to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station, and for other purposes (Rept. No. 1450).

By Mr. BYRD of West Virginia (for Mr. HILL), from the Committee on Appropriations, with amendments:

H.R. 10809. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1460).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON, from the Joint Select Committee on the Disposition of Papers in the Executive Department, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States, dated August 5, 1964, that appeared to have no permanent value or historical interest, submitted a report thereon, pursuant to law.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. ELLENDER, from the Committee on Agriculture and Forestry:

John A. Schnittker, of Kansas, to be a member of the Board of Directors of the Commodity Credit Corporation.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ANDERSON:

S. 3126. A bill for the relief of Lt. Raymond E. Berube, Jr.; to the Committee on the Judiciary.

By Mr. BEALL (for himself and Mr. Case):

S. 3127. A bill to incorporate the Holland Society of America; to the Committee on the Judiciary.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1234)

Mr. JAVITS (for himself and Mr. McCarthy) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes, which was ordered to lie on the table and to be printed.

(See the remarks of Mr. Javits when he submitted the above amendment, which appears under a separate heading.)

AMENDMENT OF TARIFF ACT OF 1930 WITH RESPECT TO THE RATE OF DUTY ON BROOMS MADE OF BROOMCORN—AMENDMENT (AMENDMENT NO. 1235)

Mr. KUCHEL submitted an amendment, intended to be proposed by him, to the bill (H.R. 5986) to amend the Tariff Act of 1930 with respect to the rate of duty on brooms made of broomcorn, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the name of the Senator from New York [Mr. Keating] be added as a cosponsor of amendment No. 1218 dealing with the problem of religious persecution in the Soviet Union.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I also ask unanimous consent that the name of the Senator from West Virginia [Mr. Randolph] be added as a cosponsor of amendment No. 1174 dealing with pension and retirement rights of firemen and policemen.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I also ask unanimous consent that the name of the Senator from Pennsylvania [Mr. Clark] be added as a cosponsor of amendment No. 1233, the free choice hospital insurance proposal.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 17, 1964, he presented to the President of the United States the enrolled bill (S. 1917) to provide authority to protect heads of foreign states and other officials.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1336 and that the calendar be called in sequence from that point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

On request by Mr. Mansfield, the following calendar measures were considered and acted on, and excerpts from the reports were ordered printed in the Record, as indicated.

WILLIAM KONYEN

The Senate proceeded to consider the bill (S. 437) for the relief of William Konyen which had been reported from the Committee on the Judiciary, with an amendment, to strike out all after the enacting clause and insert:

> That, for the purposes of the Act of July 14, 1960 (74 Stat. 504), Wilhelm Konyen, his wife Susanne Fritsch Konyen, and their children, Susanne Konyen and Willy Konyen shall be held and considered to be refugee-escapees within the purview of that Act.
>
> Sec. 2. The provisions of section 212(a)(9) of the Immigration and Nationality Act shall not be applicable to Wilhelm Konyen and his exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Wilhelm Konyen, his wife Susanne Fritsch Konyen, and their children, Susanne Konyen and Willy Konyen."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1401), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to provide for the parole into the United States of Wilhelm Konyen, his wife Susanne Fritsch Konyen, and their children, Susanne Konyen and Willy Konyen as refugee-escapees under the provisions of Public Law 86-648. The bill also waives the excluding provision of existing law relating to one who has been convicted of crimes involving moral turpitude in behalf of Wilhelm Konyen. The bill has been amended in accordance with established precedents.

STATEMENT OF FACTS

The beneficiaries of the bill are a 33-year-old husband and his 28-year-old wife who are natives of Rumania and citizens of Germany and their children, aged 6 and 3 years, who are natives and citizens of Germany. They all presently reside in Germany. In 1961 they were admitted to the United States as nonimmigrant visitors for the purpose of visiting relatives. The principal male beneficiary's parents, three sisters, and one brother were admitted to the United States for permanent residence in 1952 and are now citizens. He was found ineligible to receive a visa as a displaced person because of previous criminal convictions. He is a self-employed mechanic.

ROLANDO DE LA TORRE ARCEO

The bill (H.R. 1172) for the relief of Rolando de la Torre Arceo and John Anthony Arceo was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1403), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

THE PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in a nonquota status of two alien children adopted by citizens of the United States.

STATEMENT OF FACTS

The beneficiaries of the bill are 13- and 2-year-old natives and citizens of the Philippine Islands, who reside in that country with the parents of the older beneficiary. They were adopted on June 4, 1962, by a U.S. citizen serviceman and his wife. The adoptive father is presently serving in Hawaii. The record indicates that he served in the Philippine Scouts during World War II, and has served several tours in the U.S. Army prior to his last enlistment in 1955.

MRS. MAISIE MAGDALENE LIM KETCHENS

The bill (H.R. 1262) for the relief of Mrs. Maisie Magdalene Lim Ketchens was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1404), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Maisie Magdalene Lim Ketchens. The bill provides for the payment of the required visa fee. No quota charge is provided for in the bill, inasmuch as the beneficiary is the widow of a U.S. citizen.

BILL PASSED OVER

The bill (H.R. 1263) for the relief of Rickert & Laan, Inc., was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

ROSA STEFANO RATAJCZAK

The bill (H.R. 2324) for the relief of Rosa Stefano Ratajczak was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1406), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in a nonquota status of the alien child adopted by citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 7-year-old native and citizen of Italy, who presently resides in that country with her natural parents. She was adopted on November 18, 1961, in Italy, at which time the adoptive mother was present. The adoptive mother is the beneficiary's aunt, and she and her husband, who are both U.S. citizens, will be able to provide adequately for the beneficiary.

BILL PASSED OVER

The bill (H.R. 4786) for the relief of the State of New Mexico was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

CHRISOULA BAKER

The bill (H.R. 6040) for the relief of Chrisoula Baker was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1412), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in a nonquota status of the alien child adopted by citizens of the United States.

BILL PASSED OVER

The bill (H.R. 6578) for the relief of Mrs. Cesira Doddy was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

VULA ROED

The bill (H.R. 7617) for the relief of Vula Roed was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1415), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in a nonquota status of the alien child adopted by citizens of the United States.

MRS. EDELTRAUD ENGLISCH FRANKLIN

The bill (H.R. 8399) for the relief of Mrs. Edeltraud Englisch Franklin was considered, ordered to a third reading, read the third time, and passed.

MRS. LEONOR DO ROZARIO

The bill (H.R. 9150) for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1417), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to deem Leonor do Rozario de Medeiros (Leonor Medeiros) to be the natural-born alien daughter of her adoptive parents, citizens of the United States.

DANNY HIROMI OYAMA

The bill (H.R. 9290) for the relief of Danny Hiromi Oyama was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1418), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the admission to the United States in a nonquota status of the alien child adopted by a citizen of the United States.

The beneficiary of the bill is a 16-year-old native of Japan, who was adopted in that country by a U.S. citizen member of the Marine Corps, who is presently on duty in South Carolina. The beneficiary resides with his prospective adoptive mother, who married the adoptive father in October 1963, and her child, both of whom are eligible to enjoy nonquota status as the wife and stepchild of a U.S. citizen.

BILL PASSED OVER

The bill (H.R. 9560) for the relief of Lim Sam Soon was announced as next in order.

Mr. MANSFIELD. Over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

YOUNG SOON KIM AND TAI UNG CHOI

The bill (H.R. 9519) for the relief of Young Soon Kim and Tai Ung Choi was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1420), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in a nonquota status of two alien children adopted by citizens of the United States.

The beneficiaries of the bill are 5- and 6-year-old natives and citizens of Korea, presently residing in that country in an orphanage. They were adopted in November 1963 by citizens of the United States. In addition to the beneficiaries, the adoptive parents have five natural children and two alien orphan children previously adopted and admitted to the United States as eligible orphans. The adoptive parents also care for three elderly mentally retarded women placed in their home by the California Department of Mental Hygiene.

KATHRYN CHOI AST

The Senate proceeded to consider the bill (H.R. 9361) for the relief of Kathryn Choi Ast which had been reported from the Committee on the Judiciary, with an amendment, on page 2, after line 2, to insert a new section, as follows:

Sec. 2. In the administration of the Immigration and Nationality Act, Chung K. Won may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in behalf of the said Chung K. Won by Mr. Won Wing, a citizen of the United States, pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Kathryn Choi Ast and Chung K. Won".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1424), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to facilitate the admission to the United States in a nonquota status of Kathryn Choi Ast, the adopted child of citizens of the United States, and Chung K. Won, the adopted son of a citizen of the United States. The purpose of the amendment was to include the case of Chung K. Won, the beneficiary of a Senate bill, S. 479, previously passed by the Senate, but amended in the House of Representatives in such manner that no relief was provided. Inasmuch as Mr. Won was adopted at the age of 4 years and resided in the household of his family thereafter for 11 years, the Senate feels that he should be reunited with his now U.S. citizen adoptive father and lawful resident alien adoptive mother.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar for the time being.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATUS OF JEWS IN THE SOVIET UNION

Mr. KEATING. Mr. President, there is increasing concern over popular and governmental anti-Semitism which is increasing at a rapid pace within the Soviet Union. Although the Soviet constitution proclaims the supposed equality of citizens of the U.S.S.R., irrespective of nationality and race, it is a well documented fact that members of the Jewish faith in the Soviet Union are consistently denigrated and discriminated against from the highest level of government to the lowest level.

I am proud to join with Senator Ribicoff in sponsoring an amendment to the foreign aid bill to express the concern and condemnation of the Senate of the United States for such Soviet activity. The time is long overdue for an official declaration from at least one branch of the U.S. Government making U.S. abhorrence of Soviet practices clear to the world. I am hopeful that this amendment will be called up in the very near future and will be overwhelmingly supported by the Senate.

Mr. President, the B'nai B'rith International Council has just issued a special report documenting Soviet anti-Semitism in every field of life. The report specifies Soviet denials of cultural rights. It provides an informative summary of Soviet suppression of Judaism in its religious practices. The pamphlet provides shocking statistics on actual discrimination against Soviet Jews in education, jobs, and political careers. And it offers disturbing examples of the rise of popular anti-Semitism throughout the U.S.S.R.

Mr. President, this publication provides a most useful and informative rundown on current Soviet activities and should serve as an important warning to the people of the United States that religious discrimination in the Soviet Union is on the increase.

Mr. President, I ask unanimous consent that this pamphlet be printed in the Record.

There being no objection, the pamphlet was ordered to be printed in the Record, as follows:

The Status of Jews in the Soviet Union

(Our Constitution proclaims the equality of the citizens of the U.S.S.R. irrespective of their nationality and race, and declares that "any advocacy of racial or national exclusiveness, hatred or contempt is punishable by law."—Nikita Khrushchev.)

There are, officially, 108 nationalities in the Soviet Union. Under Soviet law Jews are formally recognized as a nationality group—the 11th largest in the U.S.S.R. A Jewish youth at 16 appears—as does every Soviet citizen—before the local registrar to obtain his internal "passport." This is a personal identity card which he will use the rest of his life; for education, work, residence, travel. It lists his nationality: Yevrei, for a Jew.[1]

The 16-year-old will provide the registrar with documents specifying the nationality of each of his parents. If both are Jewish, his nationality is the same. If his parents are of different nationalities, he has the option of choosing either one. Mixed marriages of this kind are atypical, so the option is not a significant factor in the Soviet population pattern.

Soviet Jewish population is just under 3,000,000

An official census[2] counted 2,268,000 Jews in the U.S.S.R.—1.09 percent of the Soviet population. Some observers contend that 3 million is a more accurate estimate; since census takers accepted a respondent's answers without checking his documents many Jews, particularly those married to non-Jews, could have suppressed their Jewish origin. But given the psychological factors that operate in Soviet society it is unlikely that a great number would hide the truth from an official census taker. The actual number of Jews is probably higher than the official statistics, but not as high as 3 million.

The Nazi barbarism of World War II decimated Soviet Jewry. A 1939 census recorded 3,020,000 Jews. During 1939–41, 1,900,000 were added through the U.S.S.R.'s annexations of Western lands. An estimated 2,500,000 were killed, dispersed or otherwise lost during the war.

In urbanized areas, where 95 percent lives, the Jewish population rank is high, probably fifth.[3]

Most Jews reside in the three major western republics: Russian Federation, 38 percent; Ukraine, 37 percent; Byelorussia, 7 percent. Another 15 percent lives in 6 other Soviet republics; the remaining 95,000 are scattered in 2 Caucasus and 4 Central Asian republics.

There are, broadly speaking, three types of Jewish groups in the U.S.S.R.:

1. Those who have lived in the major Slavic republics since the October revolution; they have been subject to the Russification process for almost two generations.

2. Those who live in territories annexed by the Soviet Union during 1939–41—Western Byelorussia, Galicia, Ruthenia, Latvia, Estonia, Lithuania, Bessarabia and Bukovina. Less "communized," they have deeper awareness of their Jewish tradition.

3. The "Eastern Jews" of Bokhara, Daghestan and Georgia. This is a group with an ancient lineage; here the Jewish religion is strong, although the Yiddish culture commonly associated with East European Jews does not exist.

In the 1959 census, 400,000 Jews—about 18 percent—listed Yiddish as their native language. This is the lowest proportion among all Soviet nationalities that are identified with a national language. (Corresponding figures for other major Soviet nationalities range from 78 percent to the high 90's.) But the proportion who use Yiddish is understandably higher in the western borderlands where Communist rule began in 1939–41. In Riga [Latvia] 48 percent of the Jews identified Yiddish as their language; in Vilna and Kovno [Lithuania] 69 percent. And according to a Soviet Jewish researcher, Yakov Kantor, the number using Yiddish in the Ukraine, Byelorussia, and Moldavia is higher than the 18-percent average for the U.S.S.R. Kantor's study also reports that many Jews who know and use Yiddish did not list it as their native language. "Many people who speak and read Yiddish, enjoy Yiddish books and appreciate Yiddish plays, nevertheless gave [to the census taker] Russian as their language since they spoke Russian at work, in the street and, even to an extent, at home."[4]

In addition to according legal recognition to a Jewish nationality, the Soviet Union also formally recognizes the Jewish religion. The Council of Affairs of Religious Cults, a five-member Government body, is charged with servicing the needs of non-Orthodox groups in the U.S.S.R. In 1960, a member of the council reported there were 500,000 observant Jews in the Soviet Union.

A dual community of religion and nationality

This dual character for the Jewish community is unique in Soviet society and makes for special difficulties. (Other minority religious groups—Catholics, Baptists, Moslems, Lutherans, Buddhists—are not linked directly to a nationality.) An attack upon Judaism by an atheistically oriented Communist Party can hardly avoid being interpreted by the Soviet people, particularly Soviet Jews, as an attack upon the Jewish nationality.

Two other characteristics distinguish the Jewish community from most Soviet minorities.

First, its dispersal throughout the U.S.S.R. Efforts in the thirties to establish an autonomous Jewish republic in Birobidjan by encouraging Jewish migration there foundered on the indifference of Soviet Jews for whom the area held little attraction and no historical sentiment. Today, only 14,000 Jews, less than 9 percent of its population, live in Birobidjan.

Second, Soviet Jewry's ties of peoplehood, through religion and folklore, with a world Jewry that is concentrated in Western lands. This tends to make Soviet Jews vulnerable in the suspicious eyes of the Russians, a suspicious heightened by the East-West cold war.

Soviet Jews cannot escape being apprehensive about their vulnerability. They remember the postwar years when the Stalinist mania for what is now called the cult of personality expressed itself, among other ways, in anti-Jewish terror. It began in 1948 with an anticosmopolitan campaign in the press that implied many Jews were disloyal. Yiddish institutions were dismantled and the Jewish cultural movement was stifled. In 1952, 26 leading Jewish intellectuals were secretly tried and executed. During the black years of 1948–53 hundreds of Jewish leaders were sent to concentration camps, from which many never returned.

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[1] In March 1964 Premier Khrushchev indicated that the internal passport may be superseded by "a labor identification document" which would not emphasize nationality.

[2] January 1959.

[3] Only Russians, Ukrainians, and probably Byelorussians and Tatars have more city dwellers.

[4] Bleter far Gesichte XV (1962–63), published in Warsaw, 1964. Kantor uses the oft-quoted figure of 20.8 percent as the ratio of Jews who reported Yiddish as their "native language." The difference in figures is attributable to the fact that the "native language" of Jews living in Georgia, Daghestan, and central Asia is a language other than Yiddish. In any case, the Yiddish-speaking element in the U.S.S.R., as Kantor shows, is much greater than the census figure suggests.

others were removed from their jobs. The despair among Soviet Jews was so intense that many had their belongings packed, expecting exile to the Far East. The climax came in January 1953 when, after 4 years of heightened and stimulated suspicion against Jews, Pravda helped create a pogrom atmosphere by charging that Jewish "murder physicians" had planned to assassinate Soviet military and civilian leaders in a doctors' plot.

After Stalin's death, exposure of the plot as a hoax ended the physical threat to Jews. But the fears still linger, especially since the present regime has made only half-hearted efforts to condemn the anti-Semitic aspects of the black years and rehabilitate its victims.

I. THE DENIAL OF CULTURAL RIGHTS

The Soviet Union takes pride in its nationality policy. When he addressed the United Nations General Assembly in September 1960, Premier Khrushchev made a special point of describing its achievements, particularly the transformation into an advanced social and cultural status of backward nationality groups that had been kept in subjugation in the Czar's "prison of nations."

Yiddish culture flourished until late in the 1930's

In the early days of the U.S.S.R., the Council of People's Commissars laid down the principle of free development of the national minorities and ethnographic groups which live within Soviet Russia. There were regulations guaranteeing to national minorities the right to their own language, to have it taught in schools, published in newspapers and used in the courts, and to develop individual cultures that would be "national inform and socialist in content." These rights, for the most part, have been implemented, even for the 12,000 Chukchi, smallest nationality group in the Soviet Union.

The Jews are the singular exception. They are denied the cultural institutions—schools, theaters, press, literature—enjoyed by virtually every other national minority.

This was not always so. In the 1920's and 1930's there was an extensive system of Yiddish schools. As late as 1940 (notwithstanding a continuing decline just before World War II) it enrolled 90,000 youngsters. Since the 1940's there has not been a single Yiddish or Hebrew school in the entire U.S.S.R.[5]

In the 1930's there were almost a score of permanent Jewish theatrical companies. Directors and actors were trained in the Jewish department of the Kiev Dramatic Institute and at the Jewish Theater College in Moscow and the Jewish State Theater in Minsk. The Yiddish Art Theater in Moscow, ranked among the best Soviet dramatic theaters, was closed down by Stalin in 1949, its leading actor, Solomon Mikhoels, having been murdered in 1948 by the secret police. There is no permanent Yiddish theater in the U.S.S.R. today.[6] By contrast, the 130,000 gypsies in the Soviet Union have one in Moscow, and the Government of Communist Poland, where only 30,000 Jews remain, still maintains the famous Kaminska Yiddish Theater of Warsaw.

A Yiddish press and literature once flourished in the U.S.S.R. Prior to World War II there were three daily newspapers and five literary journals. In 1948 all of them disappeared. There is no longer any Yiddish daily.[7] But the Maris, a small nationality group (504,000 population), has 7 newspapers; the Yakuts (236,000) have 10.

In August 1961, Sovietish Heimland, a bimonthly literary review, began publication—the first Yiddish magazine to appear in the U.S.S.R. in 14 years. The idea had been discussed for 8 years. The magazine began with a limited press run of 25,000 copies. The likelihood is that it would never have appeared except for outside pressures challenging the discriminatory Soviet policy toward Yiddish culture. Soviet Minister of Culture Yekaterina Furtseva told Andre Blumel, vice chairman of the Franco-Soviet Friendship Society, that if the Soviet Union "did anything at all" for Yiddish culture "it would not be for domestic reasons but to please our friends abroad."[8]

Some critics at first dismissed Sovietish Heimland as a forum for Communist literature with little material about Jewish life in the Soviet Union or abroad. But an analysis of its first 3 years shows 320 articles by some 100 Jewish authors, and many of the stories and poems have meaningful Jewish content. In the absence of any other Jewish secular institution, the magazine has established itself as a focal point of Yiddish activity, organizing a number of discussions and conferences, one of which was attended by 700 persons. The Soviet's Union of Writers has expressed satisfaction with Sovietish Heimland, and recently its size has been increased to meet a growing interest.

During 1933–37 a single Yiddish publishing house turned out 852 books (6,250,000 copies). In 1939, 339 Yiddish books were published. Between 1948 and 1959—none. Since then five Yiddish works—30,000 copies of each—have been authorized.[9] None is by a living Soviet writer. No work has appeared during the last 2 years. By comparison, 49 books were published in 1962 in the Mari language; 109 in the Yakut language. Among larger nationalities (but not as large as the Jewish group) there were 6,080 books published in Uzbek between 1946 and 1956, 4,548 in Kazakh.

Yiddish concerts are the single cultural medium still widely prevalent, and they have a standing-room-only popularity. The Ministry of Culture reported that in 1957 alone there were 3,000 such concerts, averaging 1,000 paid admissions each—a total attendance (Jews and non-Jews) of 3 million. Between June 1960 and June 1961, says Sovietish Heimland Editor Aron Vergelis, more than 300,000 Jews attended concerts featuring the few active Yiddish artists such as the famed Nechama Lifshutz.[10] When Jan Peerce, the Metropolitan Opera tenor, performed in the Soviet Union in May 1963 he drew sellout houses and thunderous ovations for his Hebrew and Yiddish songs.

JEWISH FOLKLORE IS DENIED THE FREEDOM TO PERPETUATE

About 40 Jewish folk songs have been recorded and released by the Ministry of Culture. A book of 150 folk songs, printed in Yiddish and Russian, has been published (but in an edition of only a few hundred copies). A conference of Jewish composers and artists held late in 1961 in the offices of Sovietish Heimland dealt with the future of Jewish music in the U.S.S.R. According to a report from Moscow, the discussion centered on the need to introduce themes "of the present" into Jewish songs.

Notwithstanding their immense popularity, "one wonders how long the concerts can continue," writes Journalist Maurice Hindus, a close observer of the Soviet scene. "The performers are nearly all former actors and actresses of Yiddish theaters. They are advanced in years and there is no school to train young talent. In a country that has earnestly dedicated itself to convert folklore into one of the great arts of our times, Jews are the only people deprived of the opportunity to perpetuate their folklore. There is no Jewish clubhouse anywhere in the Soviet Union, not a single theatrical school to train professional performers. When the performers of today pass from life, they will carry with them to their graves the one cultural heritage that the Soviets allow."[11]

How do Soviet authorities justify their dismantling of Jewish cultural life? One explanation they give is that Jewish dispersal in Soviet Russia means a burdensome cost to finance cultural institutions. Khrushchev told a visitor, Prof. Jerome Davis:[12]

"If we have 7-year schools for Jews in the Jewish language, where could the graduates go? We would have to establish 10-year schools and special universities for them. The Jews are dispersed and engulfed in the culture where they live. If they want to create a state within our borders, like Birobidjan, nobody is against this. But to set up separate schools all over Russia would be expensive."

Since most Soviet nationalities are concentrated in their own territories, it simplifies the development of their cultural institutions. Yet the Soviet Government has not been unwilling to encourage the cultural growth of small nationalities. The Tadzhik minority that lives in the Uzbek Republic and Poles living in Byelorussia and Lithuania are secure in their cultural rights. Since 1955, more than 1 million Volga Germans (who in 1941 were forcibly transported to Siberia and the Urals, then allowed to reestablish themselves after the war), have had German-language schools, a weekly journal published in Moscow, a newspaper published in the Altai region. In Russian schools where German children are enrolled, the German language is taught. Radio station in Alma Ata and Tselinograd carry regular German language programs.

Another justification given by the Soviets is that Jews are assimilating and do not want to retain a Yiddish culture. "Even if Jewish schools were established, very few would attend them voluntarily," Khrushchev told a delegation of French Socialists in 1956. "A university in the Yiddish language could never be established, there would not be a sufficient number of students. With regard to Yiddish or Hebrew, there is no demand for their use in the state administration and in Soviet institutions. If the Jews were compelled to attend Jewish schools there would certainly be a revolt. It would be considered some kind of ghetto. The Jewish theater pined away for lack of audiences."[13]

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[5] Ironically, a new 766-page Hebrew-Russian dictionary, compiled by the late Prof. F. L. Shapiro, was recently published in Moscow.

[6] In 1962 a traveling troupe headed by Benjamin Schwartser toured the Ukraine and central Asia for 2 months, then, in February 1963, played four performances in Moscow of Sholem Aleichem's "Tevye, the Milkman" in Yiddish. An audience of 800 cheered the opening night.

[7] Birobidjaner Shtern," a small triweekly of 1,500 circulation, is published in Yiddish in Birobidjan. For a time, thousands of Soviet Jews subscribed to the Yiddish language "Die Folksstimme," published in Warsaw. Soviet authorities halted the practice.

[8] They met in Moscow in 1960. Gen. David Dragunsky, a Soviet spokesman on Jewish issues, made the same admission when he was interviewed in Paris a year later. Discussing the few Yiddish books that had been published, the General said: "Frankly speaking, they are being published more for political reasons than in answer to a real need."

[9] One additional work—a compilation of pieces of former Birobidjan Jewish writers—has also been approved.

[10] There was also an amateur Jewish choral group of 100 in Riga that reportedly disbanded in late 1963. A small choral group performs in Vilna. Recently, a Yiddish concert troupe was formed in Leningrad.

[11] "House Without a Roof," 1961.

[12] 1957.

The assimillatory process has undoubtedly affected large numbers of Jews. But the stubborn fact is that 18 percent of Soviet Jewry (in Western areas the ratio is much higher) considers Yiddish its native tongue, and many more understand and appreciate it. A leading Soviet linguist, M. Friedberg, challenged as "wholly incorrect" an article in the Soviet Encyclopedia which claimed Yiddish is disappearing and the Soviet Jewish minority is on the road to "complete linguistic assimilation." Friedberg pointed specifically to compact Jewish communities in the Ukraine and Byelorussia as centers of Yiddish speech. The hundreds of thousands of Jews who flock to the Yiddish concerts and the brisk sale of the few Yiddish books and publications available similarly testify to the vitality of the language.

More pertinent perhaps, is the apparent determination of Soviet authorities to vitiate the high degree of Jewish consciousness that still exists. Since 1948 the Soviet Government has followed a policy—with only slight modification in the last few years—of suppressing any institutional framework that might invigorate and sustain a Yiddish culture. The new program of the Soviet Communist Party speaks of the ultimate Communist objective as "the effacement of national distinctions * * * including language distinctions," but it also emphasizes that, for the time being, the party must guarantee "the complete freedom of each citizen of the U.S.S.R. to speak and to rear and educate his children in any language, ruling out all privileges, restrictions or compulsion in the use of this or that language." This freedom obviously does not extend to Jews.

Soviets shrug off the 6 million martyrs

There are other tactics with which Soviet leadership seeks to erase a consciousness of the Jewish past. Soviet textbooks pointedly fail to mention the cultural contributions of Jews, although the culture of other minorities is treated liberally. The first edition of the "Large Soviet Encyclopedia," carried 116 pages about Jews. The second and present edition reduced this to 2 pages.[14] The martyrdom of Soviet Jews during the Nazi era is given little attention. Babi Yar, the site near Kiev of the mass annihilation of 100,000 Jews by the Nazis, was to have been commemorated with a memorial. This was abandoned; instead there were reports that a park and stadium were to be built on the site of the massacre. A distinguished Soviet writer, Viktor Nekrasov, asked in Literaturnaia Gazeta:[15]

"Is this possible? Who could have thought of such a thing? To fill a ravine and on the site of such a colossal tragedy to make merry and play football?

No, this must not be allowed."

Poet Yevgeny Yevtushenko stung official indifference to Jewish martyrdom when he recited his new poem, "Babi Yar," before a mass meeting of 1,500 persons:[16]

There are no monuments over Babi Yar
The steep slope is the only gravestone.—

* * * * *

The trees look sternly like judges.
Everything here shrieks silently.

Officialdom struck back. One Soviet writer, Alexei Markov, questioned Yevtushenko's patriotism, insisting the poet had defiled "Russian crewcut lads" who had died in battle against the Nazis. Another critic, Dmitri Starikov, denounced Yevtushenko's poem as a "provocation" and a "monstrous" insult to the Soviet people. The poet was warned against taking further steps into a "foul, swampy quagmire."

Khrushchev had the final word. On March 8, 1963, at a Kremlin meeting of artists and writers, he justified the criticism, saying Yevtushenko "did not display political maturity and showed ignorance of the historical facts." Khrushchev also complained that the poem was oriented to a national martyrdom whereas Communists must approach situations from a class viewpoint.[17]

It would be wrong to say that Soviet authorities have completely ignored the fact of Jewish martyrdom. Foreign Minister Andrei Gromyko made a moving speech on the theme 16 years ago at the U.N. General Assembly. A leading Soviet publicist and playwright, A. Korneichuk, spoke of it in an address before the Supreme Soviet in 1962.[18] A few Soviet novelists—Vladimir Belyayev, Vadim Kozhevnikov, Vladmir Bondarets—have also dealt with the theme, and 2 years ago the Soviet Latvian Republic produced a documentary film on the liquidation of the Minsk Jewish community. There have been several Soviet trials of Nazi collaborators who had a hand in the extermination of Jews, and Soviet authorities made evidence of anti-Jewish war crimes available to a West German Court in Coblenz.

But these are sprinkled exceptions. The customary Soviet attitude is to shrug off or ignore the martyrdom of 6 million Jews. Or, as with Yevtushenko, condemn those who recall its grim tragedies. The Eichmann trial was deliberately played down in the Soviet press.[19] "The Diary of Anne Frank," a worldwide stage hit, "literally brought the house down"—the quote is from Tass, the Soviet news agency—when it was finally performed in Moscow last year by a visiting Italian repertory group. It has had no other performances in the Soviet Union. The repertory company, which gave five performances each of its other scheduled plays, was limited to two showings of the "Anne Frank" play, and then "only after considerable negotiations with Soviet authorities."[20] Last year's 20th anniversary of the Warsaw Ghetto uprising was similarly minimized (except in Sovietish Heimland which gave it a special section). An Izvestia article on the anniversary was little more than an attack on West Germany. Sponsors of a great commemoration in Warsaw (where some 900 foreign delegates assembled), were disappointed by the absence of any official Soviet delegation. A single Soviet citizen, a member of the editorial board of Sovietish Heimland, attended.

A UNESCO convention adopted in 1960 requires contracting states to respect "the right of national minorities to carry on their own educational activities, including the maintenance of schools, and * * * the use or the teaching of their own language." The Soviet Union, though a contracting state, has yet to live up to its promise so far as the Jewish nationality is concerned. In the same way it has failed to live up to its commitments, formalized in constitutional statutes and party programs, to assure the Jewish community, as it does other ethnic groups, the means of national and cultural expression.

II. THE SUPPRESSION OF JUDAISM

The Soviet Communist Party, firmly committed to "scientific materialism," conducts a vigorous ideological and propaganda campaign against all religions. But this must be distinguished from the obligations of the Soviet Government toward religious groups, since the Soviet Constitution guarantees freedom of worship. A leading authority on religion in the Soviet Union, Prof. John Curtiss, in a careful analysis published in 1960, found that the Soviet Government "turns a benevolent face toward most of the religious organizations of the U.S.S.R." There is one notable exception—Judaism.

Judaism is denied same status of other faiths

The Russian Orthodox Church has been particularly favored.[21] Since World War II it has been able to open seminaries, monasteries and parish churches, and its clerical activities have expanded in many directions. Leading orthodox prelates are granted official privileges, including invitations to important state functions. Testifying to what Professor Curtiss calls Russian Orthodoxy's "robust existence" were 35,000 priests and 20,000 parish churches organized into 73 dioceses, each headed by a metropolitan, archbishop or bishop. There were also 60 monasteries and convents, 2 theological academies and 8 seminaries with (as of 1956) 1,500 students.[22]

The same privileged status favors the Georgian Orthodox and Armenian Orthodox churches.

The Baptist denomination has also been "flourishing" in the Soviet Union, Professor Curtiss reported. U.S.S.R., an official Soviet journal, tended to confirm this in an article that told of 5,500 Baptist parishes, each with its own minister, deacon or preacher, and a total membership of 540,000.[23]

The Lutherans, centered in Estonia and Latvia, have 350,000 congregants and (as of 1956) about 100 churches and 150 pastors.

Roman Catholicism has an extensive structure in Lithuania with 740 priests[24] and in

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[13] Anastas Mikoyan repeated this theme before the U.N. Correspondent's Association (Jan. 5, 1959), arguing: "The Jewish population has merged with Russians in Russian culture so fully that Jews participate in general culture and literature, on the Russian stage and in Russian literature. There are many Jewish writers who consider themselves Russian and prefer to write in Russian."

And Madame Furtseva told Blumel (January 1961) that the move toward assimilation is so great, Jews "may feel hurt if we push them toward Yiddish."

[14] Surprisingly, the new "Ukrainian Encyclopedia," with 8 of its projected 16 volumes already published, devotes considerable space to Jewish writers and literature, the Yiddish language and the Jewish people generally, including a lengthy account of the history of Jews in the Ukraine going back to the 10th century. Also, a new "Short Literary Encyclopedia," the first volume of which appeared in 1962, carries lengthy and sympathetic articles on a great number of Jewish writers, including those who, like Chaim Bialik, wrote principally in Hebrew.

[15] October 10, 1959.

[16] September 16, 1961, in Moscow. "Babi Yar" was later printed in Literaturnaia Gazeta.

[17] To illustrate this Khrushchev related a series of episodes in which various Jews, some "good" and some "bad" from a Communist viewpoint, stood on opposite sides of the class struggle. He concluded with a story in questionable taste in which a Jew named Kogan was supposed to have served as a translator in the headquarters of Nazi Field Marshall von Paulus and, by contrast, another Jew, Vinokur, was political commissar of a brigade that took part in Von Paulus' capture.

[18] Two years earlier (Jan. 14, 1960) Khrushchev, in a speech to the Supreme Soviet, quoted a letter from Lord Russell to the London Times that made reference to Nazi persecution of Jews.

[19] Although the trial was extensively reported in Poland, Hungary, and Czechoslovakia.

[20] The New York Times, Apr. 12, 1963.

[21] "The Russian Orthodox Church—Organization, Situation, Activity"—a large, handsome work published by the Moscow Patriarchate in 1959—graphically illustrates this.

[22] A significant decline in the number of Orthodox churches and institutions during the past 2 years has been reported by Protestant leaders.

[23] June 1963 issue.

[24] 1954 statistics.

Latvia with 126 priests.[25] There is a Catholic seminary at Riga, another in Kaunas. Two bishops were consecrated in 1955, a third in 1957.

Islam also enjoys considerable status in the U.S.S.R. On several occasions the Soviet Government has made air transport available to fly large Moslem delegations from Central Asia, the Caucasus and other Soviet areas to Mecca and back.

The Soviets permit, even facilitate, exchange visits between native and foreign delegations of the orthodox church, and of Protestant and Islamic groups. They have even been favorably disposed toward the establishment of permanent or semipermanent institutional relationships. Thus, the Russian Orthodox Church, through a special department, has regular relations with orthodox churches in other countries and in 1962, by its admittance to membership into the World Council of Churches, strengthened its ties with many Protestant denominations. In recent years, orthodox clergymen have traveled on official tours to Western countries.

Similarly, there are close official contacts between Russian Baptists and their coreligionists abroad. A Soviet Baptist leader has publicly reported that his church "maintains contacts with almost all the Protestant denominations in the world" and that its representatives "have attended many international congresses of the Baptists and other Protestant groups."[26] Soviet authorities permit Baptist seminarians to engage in advanced study in England, Canada, and Sweden.

For years, Soviet Moslems have been associated with a World Congress of Moslems. In October 1962 a conference of Soviet Moslem leaders, meeting in Tashkent, was authorized to establish a permanent department for international relations, with headquarters in Moscow. The Soviet radio reported that delegations from Lebanon, the United Arab Republic, Guinea, and Senegal had attended a Moslem conference in the Soviet Union and that a delegation of Soviet Moslems had participated in an international Islamic congress in Baghdad.[27] It also reported that a number of Soviet Moslem youths were studying at Al Azhar, a major Islamic center of learning in the U.A.R., and in Morocco.

Religious contacts and cooperative enterprises of this nature are denied to Jews. No delegation of observant Soviet Jews has ever been permitted to visit its counterparts abroad. Jewish religious bodies outside the Soviet Union are not allowed official contact with Soviet synagogues. A gift by the Synagogue Council of America of miniature Scrolls of Law to Rabbi Yehuda Leib Levin, Chief Rabbi of Moscow, had to be delivered through the intermediary of a Russian Orthodox delegation that was touring in the United States.[28] Moscow's Jews have been warned against having contacts with Israel diplomats or other visiting Jews who might come for prayer in the synagogue.[29] The warning followed the arrest and conviction of Jewish religious leaders in Leningrad and Moscow on charges that included contacts with Israel diplomats.

U.S.S.R. has never allowed a printing of Hebrew Bible

It is Soviet policy to restrict even internal contact among its Jewish congregations. Other major religions in the Soviet Union are allowed to organize congresses and conferences of religious or lay leaders, and to maintain central organizations—the Holy Synod of the Russian Orthodox Church, the All-Union Council of Evangelical Christian-Baptists, the National Ecclesiastical Assembly of the Armenian Church, the Lutheran Churches of Latvia and Estonia, the Moslem Board for Central Asia and Kazakhstan—that service a variety of religious needs. Judaism, on the other hand, is deprived of any instrument that could help coordinate or unite the Jewish group. There is no central federation of synagogues or council of rabbis. Jewish religious life is atomized, each congregation operating on its own and having no official contact with any other Jewish congregation. The Russian Orthodox Church publishes a central organ, the Journal of the Moscow Patriarchate; the Baptists have their Brotherly Herald; for Soviet Jews, no religious periodical exists.

There are other official Soviet actions, clearly discriminatory, designed to stifle Judaism. Since 1917 the government has not permitted publication of a Hebrew Bible. Yet in 1957 the Russian Orthodox were able to print 50,000 copies of a 1926 edition of their Bible: a year later there were press runs of 10,000 Russian-language copies of a Baptist Bible and 9,000 copies of the Koran in Arabic (a language of religious study not spoken by Soviet Moslems).[30]

Prayer books are available in relatively sufficient quantities for the major religions—except Judaism.[31] For the religious Jews, a siddur (prayer book) is a rare and precious possession. Until 1958, when a pitiful 3,000 copies were run off, none had been printed in the Soviet Union. A New York Times correspondent who attended Yom Kippur services last year in Moscow's Central Synagogue reported only a "few lucky owners of prayer books" among the "overflow crowd of several thousand worshippers."[32]

Even so innocuous an item as a luach (Jewish calendar listing festival dates) is not readily available to Soviet Jews. They have had to depend on photographed copies of calendars laboriously made by hand.[33] Most religious groups are allowed to produce crucifixes, candles and other devotional articles. But the manufacture of Jewish religious articles such as the tallit (prayer shawl) and tefillen (phylacteries) is forbidden.

So too, in recent years, is the baking of matzo for Passover. In a report filed July, 11, 1956 with the United Nations, the Soviet Union offered solemn assurances that it makes matzo available for observant Jews. But a year later, restrictions on the public baking of matzo began to appear, the first of these in Kharkov, a city with 70,000 Jews. In succeeding years, the ban spread to other cities; by 1962 it blanketed almost all of the U.S.S.R.,[34] extending even to synagogues in Leningrad, Riga and Kiev, which have their own equipment for baking matzo. On March 16, 1963, the Chief Rabbi of Moscow formally announced that authorities had banned matzo baking on a community basis. He advised Jews to attempt to bake matzo in their own homes.[35]

Prior to the Passover this year, the Moscow Jewish community was permitted to rent a small bakery for the production of matzo. The amount produced over the course of the few days that the bakery was allowed to operate was 8,000 pounds—a completely inadequate quantity for observant Moscow Jews. Meanwhile, with the encouragement of the authorities, Jewish communities abroad sent in 90,000 pounds of matzo. But most parcels remained unclaimed in the customs warehouses: Soviet Jews had been frightened off by newspaper accounts in national and provincial newspapers which charged that the foreign parcels constituted "ideological subversion." Only a small percentage of Jews had matzo; the others were given a special dispensation by the Chief Rabbi to use beans and peas instead.

Observers report that the synagogue is "the sorriest house of worship in the Soviet Union"[36] and, in the last few years, there has been a drastic decline in the number of Soviet synagogues. According to official figures submitted to the United Nations in 1956, there were then 450 synagogues in the U.S.S.R. In 1959 the Soviet Government reported only 150 synagogues. In April 1963 the Chief Rabbi was quoted in an official Soviet publication that 96 synagogues remain.[37] Thus, since Khrushchev's denunciation of Stalinism at the 20th Party Congress, four-fifths of all Soviet synagogues has been shut down, 50 of them during the past 4 years.

Soviet policy toward the synagogue—padlock it

Synagogues in Sverdlovsk, Zhitomir, Kazan, Grozny, Zhmerinka, Belaya, Tserkov, Kaunas and Lvov—cities with sizable Jewish populations—have been padlocked in the last 2 years. The sanctuary of the synagogue in Minsk, an historic edifice, was demolished in July 1963. A New York Herald Tribune correspondent, visiting it, found that the sanctuary had been converted to a warehouse. A one-story extension reached through a rickety wooden shed in an alley where chickens were kept, functioned as the sanctuary. The Jews at prayer there, the correspondent wrote, wore "shabby, homemade prayer shawls" and read from "ancient tattered prayer books."[38]

The closing of a synagogue generally is preceded by an intense press campaign of suspicion and hostility. The synagogue in the old Jewish center of Chernovtsy (Bukovina) was locked after the local newspaper charged that it was used for "shady profiteering agreements."[39] The great synagogue of

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[25] 1959 statistics.

[26] U.S.S.R., June 1963.

[27] April 1963.

[28] The delegation visited the United States in April 1963. Efforts by the synagogue council to invite the chief rabbi to visit the United States have been futile.

[29] February 1962. The warning was repeated in October and Jewish congregants in Moscow were told to avoid "shaking hands with visitors generally."

[30] In 1962 another edition of the Koran was published by the Moslem Board of Central Asia.

[31] In 1956, 25,000 copies of the Baptist hymnal were printed. The Lutherans are now preparing a new edition of their hymnal.

[32] The New York Times, September 29, 1963.

[33] In one of their rare, sometimes unexplained shifts, the Soviets last September authorized the Moscow synagogue to print 5,000 Jewish calendars.

[34] The only known exceptions appear to have been in Georgia and in some parts of central Asia.

[35] Four elderly Jews who tried ran afoul of the authorities. On July 16, 1963, they were convicted of "illegal profiteering" in the sale of matzo—the first trial of its kind in 45 years, according to the chief rabbi. Three of the accused had been held in prison for several months awaiting trial. An 82-year-old man, ludicrously described as the ringleader, was allowed to remain at home. The defense attorney, in his summation reminded the court that "all churches sell candles and wafers at high prices, and nobody holds them for criminal responsibility. * * * Those accused did it not for profit but for their religious beliefs; they used no hired labor, they distributed the production which they didn't use themselves." But all four were found guilty.

[36] Hindus, "House Without a Roof."

[37] U.S.S.R., April 1963.

[38] New York Herald Tribune, June 26, 1963.

[39] Quoted in "Jews in Eastern Europe," December 1962.

Lvov, with a glorious tradition, was closed on November 5, 1962, after a yearlong press campaign charging it with being a center for "currency speculators" and their "criminal machinations."[40]

Some Jews have taken to private minyanim (quorums of at least 10 required to conduct a service) in their homes. But in the past 2 years there have been police drives to discourage these.[41]

The discouragement of Judaism is further intensified by the lack of training facilities to replace a fast-aging rabbinate. There are now only about 60 rabbis in the U.S.S.R. Until 1957, when a Yeshiva was established in Moscow for 20 students, there was no Jewish theological seminary in all of the Soviet Union. Since then only two students have been ordained and neither functions as a synagogue leader. Of the 13 students enrolled in the shabby run-down Yeshiva in April 1962, 11 were over 40 years of age. At that time, nine of the students, who came from communities in Georgia and Daghestan, were prevented from resuming their studies because of, said authorities, a housing shortage in Moscow. That left an enrollment of four seminarians in all of the U.S.S.R.[42] Judaism in the Soviet Union will soon be without trained leadership.

Other Jewish facilities are being forced out of existence. The only kosher butcher shop in Moscow was temporarily closed by the authorities in the summer of 1962 on the grounds that it did not conform to sanitary regulations.[43] The Jewish section of the old Moscow cemetery is filled, but repeated appeals by the chief rabbi and other Jewish leaders for an enclave to be set aside and consecrated for Jewish burials in a new municipal cemetery have been rejected. This pattern is likely to be repeated in other cities.

Although the Soviet Communist Party continues to propagandize against religion, generally seeking to achieve "the final and complete eradication of religious prejudices,"[44] it is supposed to be guided by a policy resolution of its central committee, adopted November 1, 1954, and calling for a "tactful" and "considerate" attitude toward those who "still remain under the influence of various religious beliefs." The resolution specifically warns against putting "Soviet citizens under political suspicion because of their religious convictions." In the party's propaganda war against Judaism, these caveats appear to be observed in the breach.

Judaism is attacked and satirized in U.S.S.R. press

Feuilletons (satirical articles) often appear, particularly in the Soviet provincial press, savagely attacking Judaism.[45] The rite of circumcision is denounced as barbarous, the "Kol Nidre" prayer of Yom Kippur is condemned as encouraging disobedience to state authority. Synagogue leaders are depicted as moneyworshipers who use the religious service, kosher slaughtering, religious burial, matzo baking, and other ritual practices to exploit a duped congregation.[46]

Much of the propaganda depicts Judaism as being in the service of a foreign power, thereby attaching to the observant Jew the stigma of disloyalty. This excerpt from a Ukrainian language radio broadcast from Kirovograd, is not unusual:

"Judaic sermons are the sermons of bourgeois Zionists. Such sermons are tools in the hands of the nationalistic, Israeli cosmopolitan and American bourgeoisie. With their tentacles, the Jewish bourgeois nationalists, making use of Judaism, try to penetrate into our Soviet garden.[47]

Three other examples of the disloyalty theme:

"The chauvinistic Passover slogans stand in contradiction to the feeling of Soviet patriotism and boundless love to the socialist motherland.[48]

"Judaism kills love for the Soviet motherland.[49]

"The character of the Jewish religion thus serves the political aim of the Zionists—the awakening of a nationalistic frame of mind."[50]

A lengthy article in Trud castigated the synagogue as a place where Israel diplomats are alleged to have extracted espionage information from disloyal Soviet Jews.[51] Another article carried a massive attack on three religious Jews who were accused of having had contacts with the Israel Embassy in Moscow. "Averice, groveling servility before everything foreign, spiritual waste, lack of pride in our great motherland—these impel the Chernukhins, Roginskys, and the Sheyfers into the embraces of sometimes not entirely blameless foreigners," said Trud.[52] Synagogue leaders in Leningrad and Moscow have been convicted and given stiff sentences on charges of betraying state secrets to Israel.

The new program of the Communist Party, adopted at its 22d Congress, calls for a stepped-up program of overcoming "religious prejudices" by "systematically * * * conduct[ing] broad scientific-atheist propaganda." On March 2, 1964, the Party Central Committee spelled out the details of the intensified campaign. It can be expected that in this antireligious campaign Judaism will continue to be singled out for condemnation and the loyalty of its leaders questioned.

III. DISCRIMINATION AND THE SOVIET JEW

The Soviet constitution specifically prohibits "any direct or indirect restriction of the rights * * * of citizens on account of their race or nationality." But for the Jewish citizen the promise of Soviet law is not always the practice in Soviet reality.

Quota system is common practice at universities

There is no indication that the Jew is discriminated against in housing or public accommodations. He has open access to hotels, resorts, clubs, and other public facilities. But in higher education—the key to advancement in Soviet society—the situation is not so favorable. Soviet officials do not publicly acknowledge or discuss quota systems in university admission practices. But they exist. A study of Soviet education by Nicholas DeWitt, a specialist formerly at the Harvard Russian Research Center, finds that quotas operate on the principle of "equivalent balance." This means "the representation of any national or ethnic grouping in overall higher education enrollment should be as the relation of the size of that group to total U.S.S.R. population. Those nationalities whose higher educational development 'ought to be fostered' get preferential admission quotas, while those who are 'overrepresented' are curtailed accordingly."[53]

On the basis of elaborate computations drawn from Soviet data, DeWitt shows that the quota system operates "to the particularly severe disadvantage of the Jewish population." Between 1935 and 1958, his computations reveal, "the index of representation rose for most nationalities, but fell for Georgians and all national minorities, with a very drastic decline for the Jews." DeWitt concludes:

"The setting of admission quotas undoubtedly penalized the Jewish population, with its significant urban concentration and higher level of educational attainment more heavily than other minor nationality groups with more diversified occupational and rural-urban distribution."

Soviet Minister of Higher and Secondary Education V. P. Yelyutin denied that the Soviet Union discriminates or maintains quota systems against Jews in education.[54] Yelyutin insisted that Jews, constituting 2 percent of the Soviet population, were 10 percent of the enrollment in Soviet universities. This was disputed by Dr. Solomon Schwarz, a prominent scholar and author of "The Jews in the Soviet Union," who cited official Soviet data to prove "the number of Jews among the students of all Soviet institutions of higher education could reach only little more than 4 percent."[55] A 1961 Soviet statistical handbook on higher education not only corroborates this but suggests that even Dr. Schwarz's estimates were high. The handbook reports 2,395,000 students, 77,000 of them Jews. The ratio of Jews is therefore closer to 3 percent—a plummeting drop from 1935 when it was 13 percent.

Despite this drastic decline, Jewish university enrollment, on a population basis, still ranks highest among nationality groups. But it is clear that the quota system compels the Jewish student to perform at a much higher level of achievement than this non-Jewish colleagues if he is to get equal recognition. A Leningrad professor is quoted by Maurice Hindus that a Jew must be especially gifted, "something like a genius, to be admitted to aspirantura [post graduate work]."[56]

The pattern of discrimination is an uneven one. Jews find it less difficult to be admitted to Leningrad University than to Moscow University. Siberian schools are even less discriminatory. Siberia, writes Hindus, is in the throes of gigantic development and the demand for specialists in all fields is so pressing that universities and technological institutes will overlook it if an applicant is Jewish. However, in most of the Soviet Republics (except for the RSFSR, the Ukraine, and Byelorussia), the representation of Jews among university students is well below the rate of the "general population's access to higher education."[57] Particularly distressing is the trend of development as seen from the ratio of academically educated people, especially students, to practicing scientists. According to the report of an international socialist study group, the Jews have the lowest ratio in the U.S.S.R., "indicating the rapidly dwindling Jewish participation in this field."[58]

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[40] Lvovskaia Pravda, Feb. 16, 1962, and Oct. 26, 1962.

[41] During Rosh Hashana 1962, a minyan held in a house on January 21st Street in Kharkov was dispersed by the police; on Yom Kippur, another Kolomea. On Feb. 23, 1962, a Sabbath minyan in Gomel was brutally disrupted.

[42] Since then, the number has dropped to two or three students.

[43] Later it was permitted to reopen.

[44] Pravda, Aug. 21, 1959.

[45] These are provincial areas with fairly large Jewish populations and long traditions of anti-Semitism.

[46] A typical example from Minskaia Pravda (Apr. 4, 1961): "Money. That is the God of the Minsk Jewish religious community and their aids." Another is from the book, "Judaism Without Embellishment," published in December 1963 by the Ukrainian Academy of Sciences: "What is the Jew's secular cult? Business. What is his secular God? Money. Money, that is the jealous God of Israel."

[47] Dec. 9, 1959, monitored by BBC.

[48] "The Origin and Class Essence of Jewish Rituals and Holidays," published 1961 by the Society for the Diffusion of Political and Scientific Knowledge in the Ukraine.

[49] Sovietskaia Moldavia (Kishinev) July 23, 1959.

[50] Volzhskaia Kommuna (Kuibyshev), Sept. 30, 1961.

[51] Jan. 19, 1962.

[52] June 9, 1963.

[53] DeWitt, "Education and Professional Employment in the U.S.S.R.," 1961. A recent Soviet publication, "Vestnik Vysshei Shkoly" (December 1963), acknowledges the existence of "preferential admission quotas."

[54] The New York Times, Sept. 29, 1959.

[55] Letter to the New York Times, Oct. 3, 1959.

[56] Hindus, "House Without a Roof."

[57] Nicholas DeWitt, "The Status of Jews in Soviet Education," published 1964 by the American Jewish Congress. DeWitt places particular emphasis on the high degree of urbanization among Jews (over 95 percent).

Soviet leaders have candidly acknowledged that they set employment quotas for Jews. They also try to justify the practice. An interview published by the National Guardian quoted Minister of Culture Furtseva that the Soviet Government "found in some of its departments a heavy concentration of Jewish people, upward of 50 percent of the staff. Steps were taken to transfer them to other enterprises, giving them equally good positions and without jeopardizing their rights."[59]

Job discrimination found to be increasing

When the Furtseva statement created unfavorable reaction abroad, the press chief of the Soviet Foreign Ministry was obliged to "clarify" the matter. "She meant," his statement said, "that if at some time there had taken place changes in office personnel, these changes were dictated by the economic needs of the country and under no circumstances were aimed at any discrimination of persons of any nationality. Never at any time during the Soviet regime were there any quotas for Jews or persons of some other nationality, and there are none now."[60]

However, J. B. Salsberg, a former Canadian Communist leader, reported that in an interview he had had in August 1956 with Soviet leaders (including Khrushchev and Suslov),[61] a top Soviet official "corroborated the absence of Furtseva's statement."

"He tried terribly hard to prove to me with examples that the transfer or dismissal of Jewish employees in once-backward republics that now have 'their own' intelligentsia and professional people capable of occupying posts previously held by Jews or Russians has nothing to do with anti-Semitism."

Academician Konstantin Skriabin, in a speech before a party's central committee on agriculture, declared: "From my point of view, a scientist should not be evaluated by his passport but by his head, from the point of view of his ability and social usefulness."[62] His reference to the "passport" and its nationality identification was self-evident.

Yet whatever the extent of job quotas, an examination of the scattered data that is available reveals a heavy concentration of Jewish employment in a number of important fields and professions. According to one source, of Moscow's 18,000 physicians, 6,700—more than 1 out of 3—are Jewish.[63] Another source states that 40 percent of the capital's 1,700 lawyers and half of those in Leningrad and Kharkov are Jewish.[64] Andre Blumel was told by Mme. Furtseva that one-third of the personnel in the film industry is Jewish. Jews are also prominent in music and literature, in the library field, in history, philology, and pedagogy (according to Furtseva, 10 percent of the student body of the Pedagogical Institute in Moscow is Jewish) and in the consumer goods and retail trade industry. A letter signed by five prominent Soviet Jews and publicized by the Soviet news agency Novosti listed Jews as comprising 14.7 percent of the U.S.S.R.'s physicians; 10.4 percent of its lawyers and judges; 8.5 percent of its writers and journalists; 7 percent of its actors, sculptors, musicians, and other artists.[65]

There is a high proportion of Jews in the physical sciences. A Soviet statistical handbook (1960) reported 30,663 Jews among 310,000 Soviet scientists, or 9.8 percent. Five years earlier the ratio was even higher, 24,600 out of 223,000, or 11 percent. The proportion of Jews in the physical sciences is decreasing, although the absolute number is rising. The most recent figure is 36,173 Jewish scientists (about 9 percent).[66] An estimated 10 percent of the Academy of Sciences, the U.S.S.R.'s leading scientific body, is Jewish. About one-eighth of the 1964 Lenin Prize winners in science and technology have Jewish names.

Among Soviet nationalities, Jews rank third in the total number of professionals with a university education who are active in the national economy. There are about 300,000 Soviet Jews in the professions, and 427,000 who have either a university or a specialized secondary education. This means one out of five Soviet Jews is a professional or semiprofessional worker, as against 5 percent for Russians and 4 percent for Ukrainians.

On the other hand, DeWitt finds that the proportion of non-Jewish nationalities in the professions is rising rapidly. It rose 15 percent during 1957–59. For the same period the Jewish proportion rose 4 percent. DeWitt attributes the difference to the quota system in university admissions. Its continuation, he says, will further reduce the percentage of Jews in professional employment.

There is some evidence that Soviet Jews are confronted with increasing difficulty in winning merit promotions to top industrial and administrative positions. This is particularly so in the non-Russian republics where an educated and trained native element is rapidly emerging and Jews are being edged out of the promotion process. This was implied by Khrushchev in an interview with a French Socialist delegation in May 1956:

"At the outset of the Revolution we had many Jews in the leadership of the party and the state. In due course, we created new cadres. Should the Jews want to occupy the foremost position in our republics now, it would naturally be taken amiss by the indigenous inhabitants. The latter would not accept these pretensions at all well, especially since they do not regard themselves less intelligent or less capable than the Jews."[67]

In December 1962, Khrushchev repeated this theme at a meeting of Soviet artists, saying that if Jews occupied too many top positions it would tend to create anti-Semitism.

Since the forties there has been a drastic decline in the role of Jews in Soviet political life. One index of it is the changing composition in the two houses of the Supreme Soviet. In December 1937, there were 32 Jews among the 569 members of the Soviet of the Union; in January 1946, 5 out of 801; in March 1950, 2 of 678 members.

Jews have been eased out of Soviet political life

In 1937 there were 15 Jews among the 574 members of the Soviet of Nationalities; in March 1950, 3 of 638. In April 1958 only 3 of 1,364 members of both houses could be identified as Jews. Among the 1,443 members of the present Supreme Soviet 8 are Jews.

Jewish representation at the republic and local levels is even less than at the national level:[68]

	Total deputies	Jewish deputies	Percent of Jews
Russian Federal Republic	835	1	0.12
Ukraine	457	1	.22
yelorussia	407	2	.45
Uzbekistan	444	2	.44
Kazakhstan	450	2	.44
Azerbaijan	325	1	.31
Lithuania	209	3	1.44
Moldavia	281	0	0
Latvia	200	0	0
Kirghizia	329	0	0
Tadzhikstan	300	1	.33
Armenia	300	0	0
Turkmenistan	282	1	.36
Estonia	125	0	0
Georgia	368	0	0

With the single exception of Lithuania, the percentage of Jews in the Supreme Soviet of each republic is substantially below its population ratio. This is especially true for the three Slavic republics where most Soviet Jews live. It is also significant that Moldavia and Latvia, each with a sizable Jewish minority, have no Jewish deputies.

The same trend is evident in local Soviets. In every republic except Byelorussia the proportion of Jews is less than 1 percent, and often only an infinitesimal fraction. In January 1961, Trud boasted that 7,500 Jews were deputies in various Soviets of the U.S.S.R.[69] It neglected to compare this with the total of 1,882,000 elected deputies, making the ratio of Jews in the Soviet political structure microscopic. Since the selection of candidates is a controlled affair dominated by the party's leadership, it would appear that Jews are regarded as being less reliable politically.

There has also been a great decline in the numbers of Jews holding leadership positions in the Soviet Communist Party. Among the 175 members of its newly elected central committee, only one has been specifically identified by Soviet authorities as a Jew. He is V. E. Dymshits, a deputy premier and chairman of the U.S.S.R. Council of the National Economy. Dymshits is often held out as an example by Soviet propagandists that there is no anti-Jewish discrimination in Soviet politics.

Prof. John Armstrong of the University of Wisconsin, in a study of the nationality composition of the Ukraine Communist Party, found that the proportion of Jews among the delegates to the party congress had declined from 4.1 percent in 1940 to 2.6 percent in 1956.[70] "It would seem that Jews were deliberately restricted to a lower proportion of the higher and more conspicuous levels of party leadership," Professor Armstrong declared. He calculated that 8 percent of the Ukrainian Party membership is Jewish. This is a fairly high proportion since Jews are only 2 percent of the Ukrainian population. It is in the leadership cadre of the party, however, that the number and proportion of Jews have shrunk considerably.

There are no available statistics on the number of Jews in the All-Union Communist Party but there is no ban against Jews joining the party.

Maurice Hindus has reported that Jews "are definitely barred from careers in diplomacy, the party, the armed forces, in the trade union, the state administration and other

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Since most university students come from urban areas the discrimination against Jews is apparent.

[58] April 1964.

[59] June 1956.

[60] September 1956.

[61] In a series that ran in a Canadian Yiddish weekly Vochenblatt and in Morgen Freheit, October–December 1956.

[62] March 1962.

[63] Sophia Frey in Morgen Freiheit, Apr. 7, 1960.

[64] Andre Blumel in a Paris interview, 1960.

[65] April 1962.

[66] Novosti Press Agency, 1963.

[67] Réalités (Paris), May 1957.

[68] Jews in Eastern Europe (London), December 1962.

[69] Novosti Press Agency in 1963 gave the figure as 7,623.

[70] J. Armstrong. "The Soviet Bureaucratic Elite: A Case Study of the Ukrainian Apparatus," 1959.

politically and military sensitive areas."[71] Data on this—or on the view that Jews might be regarded as security risks—are sketchy and fragmentary.

There are few Jews today in the Soviet diplomatic corps. This is in sharp contrast to the twenties and thirties. An examination of a list of 475 top Soviet officials serving in the foreign ministry and in each of its embassies abroad shows but 5 or 6 who appear to have Jewish names. One is a deputy chief of a functional division in Moscow, another an ambassador, a third a minister-counsellor. The others hold positions of lesser status. Some observers have also noted that there is a relatively small number of Jews in foreign trade. Of 94 names of top officials in the Ministry of Foreign Trade, only 1 or 2 appear to be Jewish.

Information on the Jewish composition of the armed forces is contradictory. Gen. David Dragunsky, himself a Jew, spoke of "hundreds of Jewish generals and admirals in the Soviet Union." He mentioned three: The supreme commander in the Far East, the commander of the military academy and the commander of a defense force on the southern border.[72] There are reports of a number of Jewish regular army officers on active service (mostly in the ranks below that of general) but in almost every case it is believed their commissions either predated the war or were granted in the early years of the war. Few, if any, have been appointed in recent years. The same is true for the Soviet Air Force.

IV. POPULAR ANTI-SEMITISM IN THE U.S.S.R.

The discriminatory patterns in Soviet life do not operate in a vacuum. They reflect popular attitudes toward Jews. The patterns are responsive to and reinforced by the attitudes; the attitudes in turn are necessarily affected by the patterns.

Studies show deep roots of anti-Semitic feeling

Soviet leadership is reluctant to admit publicly that popular anti-Semitism is common anywhere in the U.S.S.R. At times it will say so in private conversations with foreigners.[73] But when it speaks to the Soviet public, either directly or indirectly, it vehemently denies there is any significant amount of anti-Semitic sentiment.

Objective observers of Soviet life, including many who are sympathetically disposed to much of the regime's aims, disagree. They find anti-Semitic stereotyping to be commonplace, although no one really knows how extensive and deep the hostile feelings are. Soviet sociologists have refused to conduct scientific investigations of it.[74] But interviews of Soviet refugees conducted in 1950–51 by Harvard University shed some light.[75] While the sample was far from adequate, it nonetheless suggested that Jews in the Soviet Union are often depicted on the one hand as intelligent or intellectual, on the other as moneyminded, clannish, aggressive, calculating and disinclined to engage in physical labor.

A study among Ukrainian refugees revealed extensive prejudice against Jews. The interviewer found that 47 percent of the least educated, 51 percent of the moderately educated and 36 percent of the well-educated Ukrainian respondents favored excluding Jews from social contacts. The middle-educated Ukrainian, the interviewer concluded, was "particularly anti-Semitic both in his perception of relations between his own national group and Jews, and in expressions of social exclusion he desired."[76]

The persistence of widespread anti-Jewish stereotyping was noted by a friendly observer, Sally Belfrage:

"I could almost never hear a Jew described except with the apologetic preface, he's a Jew, but * * * (he's very nice, he's very intelligent) and frequently anti-Semitic jokes, Rabinovich this, Rabinovich that (always Rabinovich). Some Russians spend a great deal of their verbal energy on attacking anything and everything Jewish."[77]

Maurice Hindus and Harrison Salisbury of the New York Times have detailed similar instances of anti-Semitism. And as an indication that stereotyping can be found on the highest levels of government J. B. Salsberg quoted Khrushchev:

"After the liberation of Czernowitz the streets were dirty. When the Jews were asked why the streets were not being cleaned, they replied that the non-Jewish segment of the population which used to do this work, had fled the city. Of the thousands of Soviet citizens who have toured abroad only three failed to return. All of them were Jews. Wherever a Jew settles, the first thing he does is build a synagogue."

Salsberg also quoted Khrushchev as agreeing with Stalin that the Crimea, which had been depopulated at the end of World War II, "should not be turned into a Jewish colonization center because in case of war it would be turned into a base for attacking the U.S.S.R."

Khrushchev on another occasion had these comments about the failure of Jewish colonization in Birobidjan:

"In all ages, the Jews have preferred the artisan trades; they are tailors; they work in glass or precious stones; they are merchants, pharmacists, cabinetmakers. But if you take the building trades or metallurgy, you can't find a single Jew to my knowledge.

"They don't like collective work, group discipline, they have always preferred to be dispersed. They are individualist * * * a second characteristic: the Jews are essentially intellectuals. They never consider themselves sufficiently educated. As soon as they can manage it, they want to attend the university."[78]

The New York Yiddish Communist daily Freiheit accused Khrushchev of giving a false picture of Jewish attitudes toward collective labor, saying that prior to the war "hundreds of thousands of Jews were settled on the land. Three national Jewish agricultural regions were created in the Ukraine. Jews were drawn into heavy industry. The Jewish masses revealed this ability for organization and collective effort in constructing, at great sacrifice, the trade union movement in America. * * * The Jewish laborer and common man showed his ability for collective work in the construction effort in Israel, as Khrushchev concedes in the same interview."[79]

Khrushchev's reference to the absence of Jews in metallurgy did not jibe with the observation of a group of Communists who were visiting Moscow at that time. They found that among 12,000 workers in a Moscow ball-bearing plant, 18 percent were Jews.[80] Harrison Salisbury, discussing the Soviet leader's frequent statements on Jewish questions, found that Khrushchev "almost invariably has displayed traces, at least of the anti-Semitic prejudices common to the borderlands of the Ukraine where he grew up."[81]

Little is done in Soviet education to counteract anti-Semitic stereotypes. Soviet history textbooks published in 1958 and 1960 for preuniversity grade levels tell nothing of Soviet Jewry, its contributions to Soviet culture or its role in Soviet life. This is so even in sections of the volumes which deal with the culture of minority nationalities in the U.S.S.R.

Jews cast as villains in recent economic trials

A widely distributed book, "The Achievements of the Soviet Regime in 40 Years in Figures," published in 1957 on the 40th anniversary of the Bolshevik revolution, makes no reference to Jews or Jewish contributions in its 358 pages of statistics and tables on virtually every aspect of Soviet life. Newspaper references to the nationality of Jews who make distinguished contributions to the arts, sciences and technology are rare.

In 1954, the Soviet Government published "The National Traditions of the People of the Soviet Union," a statistical breakdown by nationality of World War II "Heroes of the Soviet Union"—the nation's highest award for bravery. The booklet makes no reference to Jewish winners, even though more than 100 were so honored.[82]

Satirical attacks on Judaism and on persons with Jewish-sounding names accused of antisocial behavior crop up frequently in the Soviet provincial press. Synagogue leaders, in particular, are depicted as persons engaged in unholy money dealings. This has a special propaganda impact since, in the Soviet cultural pattern, concern for one's personal affluence is regarded as the worst form of antisocial behavior. The satirical articles appear largely in areas where anti-Semitic sentiment is deep rooted. A 1960 study disclosed 77 such feuilletons in 15 major provincial papers.[83]

The new program of the Communist Party, in dealing with "Communist morality," calls for "an uncompromising attitude toward injustice, parasitism, dishonesty, careerism, and moneygrubbing." In the current Soviet campaign against economic crimes, especially black marketeering and currency speculation, the Jew is identified in press accounts as the principal villain. This has been evident in newspaper stories of the arrest and trial of Jews in Leningrad, Vilna, Tbilisi in Georgia and elsewhere.

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[71] Hindus, "House Without a Roof." In the areas mentioned by Hindus there is also evidence that exceptions occur. Pragmatic considerations in the selection of personnel often appear to be the dominant factor.

[72] Jewish Chronicle (London), Dec. 1, 1961.

[73] Deputy Premier Anastas Mikoyan told a 1956 delegation of French Socialists that the "remainders" of anti-Semitism persist because "in so short a time it has been difficult for us to eliminate prejudice." Khrushchev told the same group that the anti-Semitic sentiments are "remnants of a reactionary past."

[74] A visiting Western scholar, Prof. Lewis Feuer of the University of California, learned this from Soviet sociologists and philosophers while on an exchange tour to the U.S.S.R..

[75] Harvard project on the Soviet social system. Its essential findings were published in "How the Soviet System Works" by Raymond Bauer, Alex Inkeles and Clyde Kluckhohn, Harvard University Press, 1956. The sample was structured to represent as broad a cross section of the Soviet European population as was possible under the given circumstances of availability of refugees, three-fourths of whom had migrated during the war, the others during 1946–50.

[76] Unpublished study by Sylvia Gilliam of the Harvard project.

[77] "A Room in Moscow" (London), 1958.

[78] Le Figaro (Paris), Apr. 9, 1958.

[79] "Morgen Freiheit, Apr. 13, 1958.

[80] "Naie Presse" (Paris).

[81] The New York Times, Feb. 8, 1962. At times, however, Khrushchev has strongly condemned anti-Semitism as a product of tsarism or capitalism. Twice during the past year, he associated himself with others in publicly lauding two prominent Soviet Jews, friends of his who had died.

[82] Trud in January 1961 finally acknowledged that there were more than 100 Jewish award winners. A recent work published in Israel reports that 67,000 Jews in the Red army were cited for meritorious performance, bravery, or heroism during World War II. Jews ranked fourth among nationalities in award winners. The report also notes that of 500,000 Jews in the Red army, 200,000 were killed in action.

[83] One of every three feuilletons published by a Latvian paper satirized Jews.

An analysis of news reports up to the early months of 1963 shows that in 63 trials in 39 cities, 83 of 141 persons sentenced to death—almost 60 percent—were Jews.[84] In a lengthy account of the Vilna trial, Trud published a description of currency speculators quarreling over the spoils, then seeking out the local rabbi to settle the dispute. "The rabbi not only knew of the dark affairs his parishioners were involved in, but was their arbiter as well," the Trud story took pains to say.[85] The Georgian newspaper Zaria Vostoka, reporting a Tbilisi trial, said that "speculation went on full blast in the Lord's temple," and that the accused even used the inside cover of the religious book, the Torah, as a hiding place for foreign currency.[86] Leningradskaia Pravda pointed up the Jewish background of an alleged offender this way:

"Having scraped together a fortune, he dreamed of escaping abroad. It made no difference where—to his brother in England, to another brother in England, to another brother in Germany, or his sister in Israel."[87]

In a controlled press whose stated objective is to educate the public, these references, as Harrison Salisbury has reported, "blur the lines and smear the Jews by confusing them with criminal and antisocial elements in the population."[88]

To the extent that negative stereotypes of the Jew persist and are even tolerated in high quarters, a permissive atmosphere is created in which the Soviet bureaucrat who practices discrimination is strengthened in his motivations to do so. The permissiveness also tends to crystallize sentiment of the Jew as a security risk. This, in turn, leads to administrative measures that forcibly sever contacts between Soviet Jews and their coreligionists abroad, hastening the assimilatory process of Soviet Jewry.

Negative stereotyping has led to anti-Jewish rioting

The signs of racial overtones in the trials of economic offenders—as the Bulletin of the International Commission of Jurists described the preponderance of Jews among those executed—disturbed Philosopher Bertrand Russell. He wrote to Khrushchev that he was "deeply perturbed at the death sentences passed on Jews in the Soviet Union and the official encouragement of anti-Semitism which apparently takes place."[89] Khrushchev replied that to ascribe anti-Semitism to the trials was a profound delusion since individuals of other nationalities also had been sentenced. "Which nation has more or fewer criminals of any kind at one time or another is a social question, not a national question," Khrushchev declared, adding that the nature of the Soviet state precludes the possibility of anti-Semitism."[90]

Izvestia carried four letters out of several hundred reactions which endorsed the Soviet Premier's rebuff of the distinguished British philosopher.[91] But Lord Russell found neither the Premier's explanation nor the arguments of the letterwriters very comforting. "I consider the fact that 60 percent of those executed were Jews to be greatly disturbing," he wrote to the editors of Izvestia. "I fervently hope that nothing will take place which obliges us to believe the Jews are receiving unjust treatment in contradiction to the law."[92] Izvestia neither printed the letter nor responded to it.

This major Soviet organ offered a different kind of response on October 20, 1963. One of its chief editors, Iu. Feofanov, on that day wrote a long article, "No Mercy for Thieves," which described at length the alleged crimes of two Jews named Shakerman and Roifman. Feofanov deliberately noted that he was mentioning the "Jewish family names" of the individuals involved "because we pay no attention to the malicious slander * * * in the Western press." He called for a show trial. The possible repercussions of a show trial upon popular attitudes toward Jews aroused worldwide concern and protests. Ultimately the U.S.S.R. backed away from this proposal.[93]

Official toleration of negative stereotyping of the Jew may well have played a role in stimulating, or at least not discouraging, a number of outbreaks against Jews and Jewish institutions in the past few years. These are some of the incidents reported in the Western (but not Soviet) press:

"October 4–5, 1959: During Rosh Hashana, hundreds of leaflets were distributed and posted on buildings in Malakhovka, a small Moscow suburb, by a 'Beat the Jews Committee.' The leaflets said in part:

" 'Throw the Jews out of commerce where they damage socialist property and the people's wealth. They are an obstacle to the development of commerce. They cause much damage to the state and to the working people, and amass profits for themselves.'

"Malakhovka's synagogue and the cottage of the caretaker of the nearby Jewish cemetery were set afire. The caretaker's wife was found dead from strangulation.[94]

"August 1960: The Party newspaper in Buinaksk, Daghestan, published a story that Jews mix Moslem blood with water to drink for ritual purposes. This was the old blood libel with a new twist—Moslem instead of Christian blood. Two days later the newspaper repudiated the article as a 'political error.'

"September 1961: Another blood libel rumor erupted into anti-Jewish riots in the town of Margalen, Uzbekistan. The rumor: A Jewish woman had kidnaped and slain a 2-year-old Moslem boy for 'ritual reasons.' The militia ransacked her home and arrested her 90-year-old father. Mob fury broke out in the streets against Jews. Later, the local newspaper reported that an Uzbek woman had kidnaped the boy. He had been returned unharmed.) Jews who had been assaulted vainly brought suit against the mob leader. The court found that the prosecutor had ignored the damaging role of the militia and had minimized the extent of destruction of Jewish homes, and that the searches and arrests of Jews were illegal. It directed the prosecutor to correct his file of evidence for submission at another trial.[95]

"Spring 1962: A Jewish dentist in the town of Tskhaltubo, Georgia, was accused of drawing blood from the face and neck of a Georgian boy who came to play with his son, then selling the blood to the synagogue in Kutaisi to be used in the baking of matzo. The assistant public prosecutor, interrogating the dentist, tortured him and sent him to jail in Kutaisi. The dentist was freed and the proceedings halted only after the case reached higher judicial authorities in central Georgia. These authorities advised the dentist, for his own safety, to leave his native Georgia and take up temporary residence in Moscow.

"May 9, 1962: A blood libel rumor in Tashkent, Uzbekistan, led to assaults on Jews. A 70-year-old Jewish woman, accused of taking blood from the ear of a Moslem girl for use in the Passover ritual, was arrested by the local prosecutor and detained for 3 weeks, during which time her home was ransacked by police. Again, there were mob assaults against Jews. The blood libel, it was later shown, had originated with a minor mishap in the woman's store: the girl had fallen and suffered a slight cut on her ear. The mob leaders, as well as the marauding local police, went unpunished.[96]

"May 1962: Arsonists set fire to a synagogue in Tskhakaya, Georgia. Scrolls of the Law, prayer books, and prayer shawls were badly burned.

"June 1962: A bomb exploded in front of the synagogue in Kutaisi, Georgia. Two other bombs were found inside the building.

"Rosh Hashana 1962: During the High Holy Day services, and 3 weeks later during Simhat Torah (Rejoicing of the Law), bricks were hurled into the windows of the Great Synagogue of Moscow. A jagged 5-pound brick crashing through the glass, showered splinters over many of the 6,000 Jews who sang and danced during the Simhat Torah service. It narrowly missed hitting the Israel Ambassador and a New York Herald-Tribune reporter. 'Unfortunately,' said the chief rabbi, 'we still have evidence of anti-Semitism.'[97]

"March 1963: Seven weeks before Passover a rumor spread through the city of Vilna, Lithuania, that a 6-year-old girl had been kidnaped and murdered by Jews to obtain 'Christian blood.' There were reports of Jewish children being persecuted by schoolmates and of hooligan attacks upon Jews. The child's body was later found. It was learned that she had been murdered by a Lithuanian student who had committed suicide."

The tragedy of these and other episodes, bad as they are, is perhaps less in their occurrence than in the failure of Soviet authorities to expose publicly their fraudulent origins.

Kremlin view: there is no anti-Semitism in U.S.S.R.

Instead the authorities constantly repeat the refrain that anti-Semitism does not and cannot exist in the U.S.S.R. When Khrushchev can deny that even Stalin's notorious doctors' plot was anti-Semitic—as he clearly implied in his letter to Lord Russell—then it is hardly surprising that officials will refuse to take public cognizance of lesser anti-Semitic outbursts. To still any clamor for dealing with internal anti-Semitism the regime has in recent months turned to condemnation of anti-Semitism in the West—in the United States, West Germany, Argentina.

In one recent anti-Semitic incident, however, Soviet authorities did take at least a partially positive step, although not until world clamor for action (including vociferous outcries from foreign Communist parties) had become too insistent to be rebuffed.

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[84] Statistical data indicated that, as of October 1963, of those sentenced to die for economic crimes in the Ukraine 90 percent were Jews; in Moldavia, 83 percent; in the RSFSR, 64 percent.

[85] Jan. 16, 1962.

[86] Nov. 30, 1961.

[87] Sept. 16, 1961.

[88] The New York Times, Feb. 8, 1962.

[89] Feb. 2, 1963.

[90] Khrushchev replied Feb. 21, 1963. The exchange of correspondence with Russell was published in the Soviet press on Feb. 28.

[91] Mar. 24, 1963.

[92] Apr. 6, 1963.

[93] In the same way the Soviet Union retreated from a decision to execute an alleged criminal identified as a "rabbi" in Sovetskaia Rossiia, Aug. 30, 1963. Novosti on Jan. 14, 1964, reported that the death sentence had been commuted to 15 years' imprisonment.

[94] No mention of the incident was made in the Soviet press. Blumel, after a visit to the Soviet Union in 1961, said he had been privately informed that the culprits had been apprehended and convicted.

[95] Since then (November 1961) there has been no report of a second trial.

[96] When the story was reported in the West, the Soviet Foreign Ministry's press department first called it a "complete invention." A lengthier denial was later issued by Novosti. Both statements, the Manchester Guardian noted, "studiously avoid any mention of the relevant details and therefore add to the plausibility of the reports."

[97] The New York Times, Oct. 22, 1962.

The incident was the publication last October in Kiev of an anti-Semitic book, "Judaism Without Embellishment," written by T. Kichko. The Ukrainian Academy of Sciences was the publisher. The work carried vicious caricatures of Jews, reminiscent of Julius Streicher's " Der Stuermer."

The book and its contents became known in the West last March. The hue and cry which arose took on crescendo-like proportions, and the major Communist parties in the West demanded an explanation. Finally, after some halfhearted Soviet statements failed to still the outburst, the Ideological Commission of the Soviet Communist Party Central Committee on April 4 released a statement condemning the book as contradicting "the party's Leninist policy on religious and nationality questions." The embarrassed Commission acknowledged that the book "may be interpreted in the spirit of anti-Semitism." Khrushchev's son-in-law, Alexei Adzubei, also announced that all copies had been removed from the book stalls.

Ironically, the Pravda story on the Commission statement also praised a book, "Catechism Without Embellishment," which carries many of the same types of negative stereotypic images about Jews. Such approval, plus the continued publication of literature that stigmatizes Judaism in vulgar tones of bigotry, indicate that the party has yet to reverse its position.

There are vigorous voices among Soviet intellectuals eager to sensitize the public to the evils of anti-Semitism. The distinguished Soviet writer, K. Paustovsky, pilloried the Stalinist bureaucrats "who quite openly carry on anti-Semitic talk of a kind worthy of pogrommakers."[98] Yevtushenko, in his autobiography,[99] relates how he came to loathe the anti-Semitism of leading literary bureaucrats. Referring to a prize-winning Stalinist poet, he wrote:

"Unfortunately it was people such as this who sometimes made 'literary policy,' infecting it with evil-smelling things of all sorts, including anti-Semitism. To me, both as a Russian and as a man to whom Lenin's teaching is dearer than anything in the world, anti-Semitism has always been doubly repulsive."

Soviet intellectuals are growing voice of reason

For Yevtushenko, communism and anti-Semitism are "mutually exclusive" and he has raised his voice to that end. The powerful "Babi Yar" was one example. The last lines of the poem express an attitude shared by many Soviet intellectuals:

"Let the 'Internationale' ring out
When the last anti-Semite on earth is buried.
There is no Jewish blood in mine,
But I am hated by every anti-Semite as a Jew
And for this reason,
I am a true Russian."

Yevtushenko's autobiography also tells of public reaction to his first reading of "Babi yar." "When I finished," the poet wrote, "there was dead silence. I kept creasing the paper in my hand, afraid to look up. When I did, the entire audience was on its feet, suddenly the applause broke and went on for about 10 minutes. People came up on the stage and hugged me. My eyes were full of tears."[100]

Yevtushenko received about 20,000 letters when the poem was published. Only 30 or 40 attacked him. This encouraging fact suggests that a government-sponsored program aimed at combating anti-Semitism and restoring the religious and cultural rights of Jews would have substantial support.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS SUPPORTS PRINCIPLE OF TAX DEDUCTION FOR EDUCATIONAL PURPOSES

Mr. KEATING. Mr. President, the National Federation of Independent Business, whose membership is composed of more than 190,000 independent business proprietors, recently completed a nationwide voting survey on a bill I introduced in this Congress (S. 1236) to permit an income tax deduction for the educational expenses of students or their parents who may be bearing the brunt of these vital outlays.

The result of this vote, I am glad to report, was that 72 percent of the members polled and responding were in favor of S. 1236. This is, in my judgment, an overwhelming demonstration of small business support for the principle of educational expense deductions.

Proposals similar to S. 1236, which I also sponsored in this Congress, were offered as Senate amendments to what is now the Revenue Act of 1964 but failed of approval only by the narrowest of margins. I have every confidence, however, that the firm base of commitment which has already been established will be enlarged upon in the coming months, and that the principle of tax deductions in this field will be carried out in legislation at an early date in the 89th Congress.

I ask unanimous consent, Mr. President, that the text of a press release from the National Federation of Independent Business, reporting the result of its poll on S. 1236, be printed in the Record.

There being no objection, the text of the press release was ordered to be printed in the Record, as follows:

Tax Deduction for Educational Purposes

The desire to keep alive the spirit of Horatio Alger still burns brightly in the land, C. Wilson Harder, president of the National Federation of Independent Business reports. A just completed nationwide poll reveals that the Nation's independent business proprietors believe that a break should be given to those pursuing a college education by the classic way of working their way through. This is evidenced by the vote which showed a majority support of 72 percent of Senate bill 1236, introduced by Senator Kenneth Keating of New York, which would permit students working their way through school to deduct up to $300 from income tax on their earnings.

The bill by Senator Keating would permit not only students working their way through college to deduct the $300 from any tax they may owe on their earnings while going to school, but would also permit parents who are sending children to college to deduct up to $300 for money spent on tuition and fees.

Commenting on the results of this vote, Mr. Harder said, "A vast proportion, if not the great majority, of the college graduates who have achieved outstanding success in life, either worked their way through, or had only minor aid from parents who could not afford to pick up the tab for a gold-plated collegiate career. To tax every dime a student makes working nights and summers to acquire an education, or to tax parents who are scrimping to help children secure an education, only tends to make colleges clubs for the sons of the rich."

THE EARTHQUAKE COULD NOT STAY THE COURIERS

Mr. BARTLETT. Mr. President, during the terrible days of the Alaska disaster, acts of quiet courage and bravery were legion.

Since then I have tried to bring the story of these acts to the attention of the Senate whenever they came to light.

Last month the Postmaster General, John Gronouski, in a visit to Alaska, presented citations and awards to Alaska postal employees "for their magnificent performance beyond the call of duty" at the time of the earthquake, fire, and tidal wave. He read a letter which he had received from the President which said in part:

> Please extend my personal appreciation to our Alaskan postal service for their magnificent performance beyond the call of duty following the tragic earthquake which hit Alaska.

This is high praise, well earned.

I ask unanimous consent that the President's letter and a press release setting forth the citations and the awards may be made a part of the Record.

There being no objection, the letter and press release were ordered to be printed in the Record, as follows:

The White House,
Washington, June 25, 1964.

The Honorable Postmaster General,
Washington, D.C.

Dear Mr. Postmaster General: Please extend my personal appreciation to our Alaskan postal service for their magnificent performance beyond the call of duty following the tragic earthquake which hit Alaska.

During their extremely trying experience they rose to the occasion in the finest tradition of the postal service.

As a result of their untiring dedication, the mails, in many places, offered the only means of communication between families and friends for several days following the disaster.

On behalf of the American people, I salute these outstanding Federal employees and wish them God speed in helping to rebuild our 49th State.

Sincerely,

Lyndon B. Johnson.

Citations and Awards

Anchorage, Alaska, July 9.—Citations for service beyond the call of duty were presented to 219 Alaska postal employees today by Postmaster General John A. Gronouski for exemplary conduct during the earthquake that rocked Alaska last March.

The awards were made at a special luncheon sponsored by the Anchorage Chamber of Commerce.

President Lyndon B. Johnson, in a letter to Mr. Gronouski which he read during the ceremony, commended the Alaskan postal employees "for their magnificent performance beyond the call of duty." Without regard to their own safety, the letter stated, "they rose to the occasion in the finest tradition of the postal service."

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[98] In a 1956 speech to the Moscow Writers Union.

[99] Published in the French newspaper L'Express.

[100] The poem and three others have been set to music by Shostakovich as part of his 13th symphony. In response to official pressures, Yevtushenko (and Shostakovich) agreed to add a line to the poem which reads that Russians and Ukrainians had also died at Babi Yar.

The Postmaster General in commenting on the tremendous bravery and selfless actions on the part of Alaskan employees, said, "Neither words nor awards could ever express the gratitude of the people of Alaska or their fellow Americans. These employees deserve the highest praise and honor for their outstanding contributions made during one of the greatest disasters known to man."

The awards represented a number of firsts in postal service commendations recorded by Mr. Gronouski in recognition of the outstanding achievements of these employees. Among the firsts were:

1. Distinguished Service Awards—the highest honor that can be bestowed by the Post Office Department—were presented to four career employees for the first time in postal history. Previously only 20 awards had been granted and all of those to Presidential appointees.

2. A lump sum of $23,500, which accompanied the citations, is the largest amount ever given to a group of postal employees for a single performance of duty during an emergency.

3. Special postal citations went to three private citizens for their contributions beyond the call of duty to the postal service.

Receiving the Distinguished Service Awards were Postal Inspectors Kenneth E. Johnson and Billy J. Sparks, and Postal Service Officers Bryant D. Brady and Richard J. Trott, all Anchorage residents.

"These employees, in the face of personal losses and against almost insurmountable obstacles, took immediate action following the quake to assess the damage and to restore service to some semblance of usability," Mr. Gronouski said.

For their ingenuity, initiative, and the exercise of professional ability, each received a cash award of $500 in addition to the citation.

In Anchorage, where preferential mail service was delivered wherever possible within 72 hours after the quake, Postmaster George S. Schwamm accepted a total amount of $19,700 in awards on behalf of the Anchorage postal employees. Special citations were presented and every employee received a lapel pin reading "Beyond the Call of Duty."

Several postal citations were presented to the following three private citizens, who in the face of danger, helped to protect postal property and to maintain service:

1. In Girdwood, where the post office was completely destroyed by fire, Mr. Joyce C. Hibbs, husband of the postmaster, at the risk of his life, removed from the building the outgoing mail, cash drawer, postage stock, money order forms, and other equipment.

2. At the Whittier rural station, Mrs. Helen Ireland, operating under contract to the Post Office Department, immediately salvaged what she could, obtained new quarters and resumed operations. The building housing the rural station had been destroyed.

3. In Kodiak, Mr. Robert Hall, owner of Kodiak Airways, ignored his business and personal property to insure the safety of the mail which he had stored in his warehouse.

These awards marked the first time in history that nonemployees have ever received this award for outstanding service to the Post Office. The law does not provide cash awards for other than employees.

Special citation plaques and cash awards of $100 were given to each postmaster at the following five offices:

In Portage Junction, located in south central Alaska, Acting Postmaster Nancy M. Upchurch was cited for her exemplary conduct and devotion to duty when her post office was struck by the quake. While she was evacuated to Anchorage on Friday, the day of the quake, she returned on Sunday, walking the last 14 miles, to resume service to her patrons.

Chenega, located on a small island off the coast of the Kenai Peninsula, was completely destroyed by the seismic waves, except for the school building which was 90 feet above normal water level. Mrs. Anne Jackson, postmaster, after all villagers had been evacuated, moved all postal supplies and mail to Cordova, where she immediately continued to serve her patrons.

In the village of Valdez, located at the head of Prince William Sound, Postmaster Durwood F. Huls, in complete disregard of personal safety, continued to provide mail service to his patrons. Mr. Huls was one of the few men who remained in the community after it was evacuated.

At Old Harbor, which was completely demolished, Mrs. Sophia J. Simeonoff, postmaster, prior to evacuating to Kodiak Naval Station, saved most of the postal property placed under her trust.

At Ouzinkie, where the quake was not as severe, but the water began to rise rapidly, Mrs. Merrle Carpenter, acting postmaster, saved postal cash and stamps prior to evacuating to higher ground, and then salvaged other postal property between tides.

In Kodiak, a special citation and a cash award of $700 to be divided among Postmaster William H. Lamme and six employees, were presented for their efforts in providing continuous postal service throughout the entire period of emergency—3 days—dispatching mail on all flights and providing window service. This was the only line of communication available to the people during this period. Each employee received a lapel pin.

In Seward, where the seismic waves completely knocked out the heating, lights, and water facilities of the post office, Postmaster Clarence T. Larsen and four employees continued to keep the facility in operation throughout the entire emergency. A special citation, a cash award of $500 to be divided among the individuals, and lapel pins were presented.

THE WORLD BANK

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an excellent article about the World Bank. The article was published in the New York Times; and it is good to read about one of the really successful international organizations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GENERATOR OF DEVELOPMENT

In formally announcing that it will use a greater portion of its growing income for the benefit of the developing countries, the International Bank for Reconstruction and Development is taking on a more liberal and ambitious role.

The World Bank has been among the most successful and profitable of international institutions. But the developing nations have accused it of suffering from an embarrassment of riches, of being too strict and conservative in its lending policies.

Its latest measures indicate that the Bank is looking ahead. It will be turning over more than 50 percent of its earnings for the current fiscal year to the International Development Association, its subsidiary that makes low-cost, long-term loans. And it will make borrowing cheaper by reducing the cost of charges levied on unutilized portions of its loans.

These steps are part of a significant and necessary transformation. In its early years, the Bank concentrated on assisting in the reconstruction of wartorn Europe, a task made easier by Marshall plan aid and the fact that its borrowers possessed both organizational and technical skills. It also devoted considerable energy to raising funds in private capital markets. Until these goals were accomplished, the Bank felt that it could not effectively embark on the much more difficult job of pioneering in development financing.

Now it is displaying the kind of flexible and imaginative leadership that will be required to cope with the multitude of problems facing the developing countries. Still more changes are in prospect, for there is literally no end to the development process. The Bank cannot be considered unsound or risky in modifying its policies to meet this challenge.

Indeed, its position as the leading international institution in the development field would be threatened and its operations curtailed if it simply sat on its moneybags. In recognizing that its riches and experience must be put to use, the Bank is living up to its original concept as the dynamic generator of economic development.

"BEWARE OF FALSE PROPHETS"—SERMON BY REV. LESLIE LANG

Mr. PELL. Mr. President, a few days ago I heard a remarkable sermon by the Reverend Leslie J. A. Lang, S.T.D., vicar, Chapel of the Intercession of Trinity Parish, New York City, stressing our need to "beware of false prophets," and to entrust our future to those who understand it, who will conserve the values we have gained and achieved, and who can walk and talk honestly and intelligently in the light of reason and of the day.

Because I was so much struck by this sermon, I ask unanimous consent that it be printed at this point in the RECORD, as being of possible interest to my colleagues.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

BEWARE OF FALSE PROPHETS

(Text: Matthew 7: 15)

Last month was the month of roses and weddings and graduations. The roses are going; the weddings are over; but the commencement day addresses and prophecies linger on, as many of their themes and prophecies have been repeated this past week, and will be repeated by the statesmen, or at least, the politicians, all over the land for some months to come.

Thirty-eight years ago last month I was a member of the graduating class of a classical high school in a small New England city. The picture of it is somewhat blurred, over the long years, though I do vaguely recall the auditorium and very clearly the speaker for the occasion. He was what we could call a "silver-tongued orator"—some kind of clergyman, I think. I don't remember his name at all, but I do remember what he said, and for all the unpleasant reasons.

He told us that we were about to leave those local halls of learning to go out to create—150 of us—a great and glorious new world. This is a characteristic thought of American and English speaking civilization. This idea, in religious language, is called the heresy (that is, the false opinion) of Pelagianism. Pelagius was a man who lived long, long ago, and who thought and taught that you could lift yourselves up by your own bootstrap; that is, you can get there on your own; you don't need the saving grace of God.

What that graduation speaker forgot—and we all forget it—is that God has created a great and glorious world, already, and that when "the new heaven and the new earth come," it is God who will bring them about.

I recall, also, that the commencement speaker, obviously familiar with the Bible, likened each one of us to the boy David, who went out to slay the giant, Goliath, and with only five smooth stones. He had a name for each of these stones—and here I think he departed from Holy Scripture—and for each stone he indicated specific magic powers.

At this point my memory does fail me, but, in effect, what we were to do was to throw these stones—at somebody or something evil—and the world would then be transformed.

And here we are, almost 40 years later.

We older people cannot be so obtuse as to believe this or to speak to younger people like that. We cannot be so selfish as to expect of them the impossible or to ease our consciences by casting the burden of our failures and mistakes upon others. We cannot ask anybody, young or old, or expect of ourselves, to create a great and glorious new world, but rather, simply to recognize and to realize deeply, all of us, that the world is already both great and glorious, and good. The evil in the world is only so apparent and stares us in the face because it is so contrary to the goodness and the glorious possibilities that are also in the world—that is, in human life. For what is true of the world is true of people, too.

What about the world of today and tomorrow? If, as the radio and the newspapers and the television assure us day by day and hour by hour, it is a world in turmoil and revolution, we must not be dismayed. "In the world ye shall have tribulation, but be of good cheer, I have overcome the world." The main difference between the world of today and the world as we think of it in the past is that the tempo of life has quickened. Whereas we used to look back in our history books to such revolutions as the invention of the cotton gin, and the discovery of gunpowder, and the proclamation of the American Bill of Rights, as events which changed the course of the world—and there was always a comfortable space of years in between these revolutions for us to get used to them—today, all the revolutions seem to be happening at once.

I would mention three, briefly.

The development of thousands of machines so fast that we can't keep up with them—automation—machines which could lift the burden of physical and mental strain from human bodies and minds. There will be the pain of adjustment to this new situation but let us see in it all the hand of God, leading us to the possibility of a fuller, richer, and more satisfying life.

Secondly, the development of indescribable weapons capable of destruction unimaginable. Let us try to heed the voice of God telling us that all the knowledge and money and scientific advance represented, can be applied to the relief of human poverty and disease, in a world in which war shall be no more.

And, finally, let us see in and through and behind the struggle for human rights with all its fiery passion and shedding of blood, God, holding out the hope, and indeed the promise, that one day the lion shall lie down with the lamb.

We do not ask our young people or ourselves to create a perfect world; we hope and pray that they and we may be able to help, by God's grace, to see the world for what it is and what it may become.

It is not the privilege or the right of the organized church or of churchmen or of anybody else to tell people for whom they are to cast a vote.

But it is the duty of the Christian minister, the priest, and the steward of the mysteries of God, to prophesy, that is, to tell forth, the truth as he sees it. If the world is as we have thought of it and described it this morning, then as Christian men and women it is our duty to "beware of false prophets" and to entrust its future and our future to those who understand it, who will conserve what must never be lost, but who can walk and talk honestly and intelligently in the light of a new day.

FOREIGN AID

Mr. BAYH. Mr. President, for more than 15 years the United States has performed a magnificent and memorable role in providing financial and material aid to needy nations of the world. History has witnessed few counterparts to the diversified assistance which our country has extended so widely in the post-World War II era. Although there have been some dissident voices, on the whole most of the foreign aid programs have met with general approval by a majority of the American people.

In recent years, however, there has been an increasing amount of criticism of, and dissatisfaction with, certain aspects of U.S. foreign aid. The very proliferation and complexity of these programs have contributed to confusion and misunderstanding. Moreover, the passage of time has to some extent lessened the need for military and politically motivated assistance, and has brought more into focus the requirement for aid to underdeveloped countries.

Recently, more than 50 experts in the development field subscribed to a statement which, with fresh and penetrating insight, examines our current foreign-aid policy and suggests a number of basic ways in which to improve and implement its effectiveness. This is such a significant document that I wish to call all of it to the attention of my colleagues; and I ask unanimous consent that the complete statement be printed at the conclusion of my remarks.

Mr. President, there is time now to mention briefly only two or three recommendations advocated by this group of experts. As future guidelines, they stress the need for a better informed public, fully aware of the uncertain returns to be derived from investment in foreign aid. They urge the employment of a wide variety of means to help transform underdeveloped areas and to stimulate a better balance between private and public sectors of a nation's economy. They emphasize, as an essential goal, continued improvement in the administration of foreign aid, fortified by large-scale research efforts and independent field evaluations.

I am happy to point out that this project was made possible by a grant from the Indiana University Foundation, and that on the committee which drafted this statement entitled "New Directions in Foreign Aid," were two outstanding members of the faculty at Indiana University, Profs. Walter H. C. Laves and Stefan H. Robock. Among those who signed the document were five other Indiana University professors: Lynton K. Caldwell, Lee C. Nehrt, Fred W. Riggs, Warren D. Stevens, and George J. Stolnitz. Many other prominent leaders in higher education were cosigners, only a few of whom can be singled out for mention here: Stephen K. Bailey, dean of the Maxwell School, Syracuse University; Vincent M. Barnett, Jr., president, Colgate University; Andrew Cordier, dean, Graduate School of International Affairs, Columbia University; Ferrel Heady, director, Institute of Public Administration, University of Michigan; Waldemar A. Nielsen, president, African-American Institute; and Donald C. Stone, dean, Graduate School of Public and International Affairs, University of Pittsburgh.

There being no objection, the statement and list of individual signers were ordered to be printed in the RECORD, as follows:

NEW DIRECTIONS IN FOREIGN AID

(A statement subscribed to by more than 50 U.S. experts in the development field)

One of the most important movements of this century is the accelerated awakening of hundreds of millions of people in the world and the reaching out, by many of them, for greater opportunity and greater ability to use resources. The American people must continue to participate in this movement despite current dissatisfaction with the U.S. foreign aid program.

The world is in an inexorable state of change—change being brought about partly by the impact of the Western technology, science, education, and value systems on the traditional social structures and value systems of the less-developed countries, and partly by the emergence of potent political forces after the liquidation of most of the colonial system.

We do not know what the end result of this change will be. But we do know most vividly that change is taking place, that the phenomenon will persist for many decades, and that the United States cannot escape its consequences. The outcome of this worldwide irreversible process is bound to affect the security and well-being of our country. It is therefore in the national interest of the United States to attempt to participate in the process of transformation of the underdeveloped countries so that the results are better for us, rather than worse.

The gap between levels of living in the rich and the poor countries remains extremely wide and may be widening. Modern means of communication are making people everywhere more aware of the differences and impatient for the gap to be narrowed. Unfortunately, however, the transfers between countries of the many skills and other resources critical to the development process are not occurring on a wide enough scale through normal international trade and investment.

The bipolar cold war lent support to the belief that U.S. Government aid was necessary to prevent the poor countries from falling into the hands of the Communists. But the relations between the American people and the less-developed countries of the world involve a wider range of issues than those of the cold war.

It is of vital concern to the United States that the current crisis in foreign aid does not become a justification for withdrawal from this activity. Instead, the crisis should underline the urgent need to improve and make more effective the full range of U.S. relations—both private and public—with the millions of people of the world who are aspiring to improve their economic, social, and political welfare.

Toward this end, the U.S. Government and the American people must broaden and deepen their understanding of the nature of the transformation going on in the underdeveloped world. The interrelationships between trade and aid, military and economic development assistance, and governmental and nongovernmental activities by the United States must be better recognized. At the same time, the direct relationship between transformation of underdeveloped countries and the further development of our own society must be understood—foreign aid is no longer foreign. The sources of U.S. frustration and fatigue with these aid programs must be identified. And the effectiveness of the full spectrum of institutional and individual efforts must be significantly improved.

THE ROLE OF GOVERNMENT

The American people feel strongly that as many as possible of their relationships with the peoples of other countries should be carried on directly, with a minimum of intervention by governments either here or abroad. We, the undersigned, share fully in this view. Self-propelling forces and private initiative should be encouraged both in the United States and elsewhere to carry major responsibility in the development process. Our governmental development assistance should, both in nature and in amount, be only that which cannot better be supplied through private trade, private investment, and private voluntary agencies.

Nevertheless, there is a component of governmental development assistance that is an important element in our total involvement in this movement, and it is not a negligible component. This essential element is in jeopardy because it is inadequately understood, because of exaggerated hopes of the speed with which an impact can be made, and because developmental assistance is being confused with other international activities of the U.S. Government. Because the governmental component is in jeopardy, the entire effort of the American people, as well as the prospects for success by the new countries, are endangered.

GOVERNMENTAL DEVELOPMENT ASSISTANCE

This generation lies between two worlds; an old world in which sovereign national states regard each other as allies or enemies; and a new world, still adolescent, in which nation states recognize their interdependence and engage cooperatively in tasks of mutual benefit and concern.

What is commonly called foreign aid is a mixture of governmental measures appropriate to the old world and of others quite different that are appropriate to the new. Military aid and short-term politically motivated economic aid (primarily to strengthen friendly alliances or weaken those considered to be unfriendly or hostile) could suffice to the old world. Developmental assistance (to achieve greater skill and opportunity for individuals, and greater utilization of the natural and human resources of the world for human welfare) is an essential additional activity of the new world of increasingly interdependent states.

The chief similarity between the two types of aid is that each constitutes a transfer of goods and services between people in different countries outside the mechanism of the market: that is, they are not buying and selling in the usual sense. Beyond this, they differ profoundly (1) in what they are intended to accomplish; (2) in how they operate; and, most important, (3) in the timespan within which they may have their effect.

Military and politically motivated economic aid are generally for the purpose of meeting immediate or short-run crises. Their purpose is to maintain international military and political stability in a dangerous world. Their emphasis shifts as the threat to stability shifts. Essentially, they buy time, and not development. And they are useful only if the time gained is used for the more fundamental development of the nation.

Developmental assistance is cooperation in the constructive process of development of persons, societies, economies, and nations. These processes are much slower in their movement, despite frenquent dramatic spurts forward alternating with disheartening reversals.

Roughly one-half of recent appropirations for the Agency for International Development is for each of these two major types of activities. The old world is not dead: We do not question the need for military aid and for politically motivated economic aid in response to short-run considerations of the self-interest of the United States. We are concerned, however, with the apparent confusion between these and developmental assistance with its much longer term self-interest, and with its underlying necessity despite inevitable mistakes and setbacks.

TRADE AND AID

Trade and aid are interdependent. Yet, it is a curious fact that the interconnection of the aid and trade needs of the developing countries has long been obscured. Even today, the two kinds of needs are occupying the attention of different agencies within national governments and of physically separated, relatively autonomous international bodies.

The fact is that, for the less developed countries, foreign aid and foreign trade are both ways of meeting the foreign exchange shortages and the needed transfer of resources that development efforts typically engender. It is logical for the two to be systematically—and in part, sequentially—related in the same comprehensive development programs. Neither in U.S. policy formulation nor in the conduct of our foreign economic affairs has the relationship been sufficiently appreciated.

The United States must better integrate its trade and aid policies toward the less developed countries. It must better coordinate the AID and other assistance programs within the Government. And it must also improve the coordination of U.S. programs and policies with similar activities of other donor nations and with international organizations. While the response of other developed countries to the needs of the developing countries has been gratifying, the multiplication of sources of finance and technical assistance, each determining its policies and practices with little regard to what others are doing or planning, can result in inequities and in haphazard allocation of resources.

WHY THE CURRENT FRUSTRATION?

Current dissatisfaction with the U.S. foreign aid program is pervasive and sharp. And, it is not limited to the traditional opponents of foreign aid efforts. Unfortunately, much of the frustration has been channeled into proposals for organization reshuffling and into frantic searches for new gimmicks. It is our strong conviction that the recent difficulties arise out of more fundamental problems and that considerable reorientation in official and popular thinking is needed.

The immediate causes of the present crisis are not hard to identify. Our foreign aid programs have had a proliferation of purposes some of which are conflicting and not all of which could be expected to be fulfilled in the shorter term. It was assumed that the modernization of the less developed countries could be accomplished quickly with mass transfers of capital and know-how and that the results would rapidly become apparent. Foreign aid was accepted as the missing catalyst necessary for transforming economic stagnation into self-sustaining growth, and political immaturity into modern forms of free and representative government. When foreign aid failed to produce these results, public opinion became disillusioned.

Unrealistic expectations are central to the whole series of frustrations. Time horizons in our thinking and action have been much too short. We are dealing with the development century and not the development decade. The almost exclusive emphasis on capital transfers has been naive and erroneous. The development process does not produce with mathematical certainty a given increase in output for every increase in capital input. Political development does not follow automatically from economic growth. And above all, external development assistance can contribute only marginally, though significantly, to the attainment of sustained, self-supporting growth by the less developed countries. The task of political, economic, and social modernization in the less developed countries is primarily the responsibility of the people in those societies.

NEW DIRECTIONS IN FOREIGN AID

Since the transformation going on in the underdeveloped world will affect us whatever we do, both prudence and a concern for the survival of our institutions and values require that we continue and improve our efforts to influence the nature and direction of this transformation. It is in the interest of the United States to make a long-term commitment to assist in the complicated nation-building process. The unacceptable alternative is to follow a passive role and allow others to determine the future conditions of the world in which we will have to defend our national interests.

In fulfillment of the U.S. interest, we present the following suggestions as a basis for improving the effectiveness of U.S. relations with the less developed nations of the free world. We recognize that the principal U.S. agency for carrying out these suggestions—the Agency for International Development—is already following them to some degree. But an even greater effort within the Government and a more receptive domestic environment for moving in the new directions is needed.

1. The American public must become better informed on the case for developmental assistance and on the uncertain payoff inherent in this activity.

The case for developmental assistance rests squarely on our Nation's international political and security interests. A tangible demonstration of U.S. support for the economic aspirations of developing nations is a valuable buttress to our foreign policy. Moreover, instability and unrest in the less developed areas constitute an ever-present threat to our security. The case for developmental assistance is also supported by our economic interests—the benefits of good markets and dependable sources of supply for a wide variety of imports. Finally, there have always been strong humanitarian elements in our motivation; it is right that the rich should provide constructive help for the poor.

At the same time, the American people and Government officials must become fully aware of the difficulties and uncertainties inherent in making the effort. And, we must also recognize that the risks and uncertainties in not making the effort are even greater.

The idea of a necessary effort with uncertain payoff is widely accepted in science, business, and national defense. Such an approach is also appropriate and essential in formulating, implementing, and evaluating the complex relations of the United States with the less developed countries.

2. The United States must use a wide variety of means in assisting the transformation of the underdeveloped world.

The U.S. strategy must recognize that a wide variety of means are available and that each can make a specific contribution either in the short or the long run. These include international programs; private, public, and joint investments or grants; Government guarantees for private investment and trade; commodity surplus programs; tax concessions and other special inducements; the exchange of persons; technical assistance and the use of universities and other nongovernmental agencies. Military aid, as a policy instrument concerned with short-term problems, must be harmonized with, but kept separate from, developmental assistance.

The United States must keep an open mind toward improved ways of introducing relevant technologies and of transferring financial, commodity, and human resources to the underdeveloped countries. Commodity stabilization programs and market guarantees that will channel foreign exchange directly to development agencies rather than to commercial exporters should be considered. Regional mechanisms for development—economic commissions, development banks, common markets—should be supported and strengthened as a means for improving conditions in the underdeveloped countries. The regional agencies permit us to achieve important foreign policy objectives while enlarging the efforts and contributions of the underdeveloped areas themselves toward common goals.

3. The United States must give greater attention to the way in which external assistance is channeled within the underdeveloped countries.

If the United States is trying to influence nation building and modernization of the underdeveloped countries, it should have as a primary objective the promotion of built-in mechanisms for both initiative and self-restraint in emerging countries. The experience of the United States argues for pluralistic societies with many power centers, constrained by some system of checks and balances. Societies of this type appear to be capable of dynamic growth, of effective democratic government, and of living together in comparative peace and security.

The United States, therefore, must endeavor to stimulate within the underdeveloped countries a proper balance (which will vary from country to country) between the private and public sector. External assistance should foster private and decentralized economic decisionmaking and activity as well as improve the ability of the Government to play an effective role in guiding and fostering the nation's development. In fact, the strengthening of nongovernmental institutions and private responsibility will help most governments by relieving them of a tremendous burden of operating details.

Most important is the need of relating external assistance to the dynamic forces within the society which have the potential for broadening the base of participation in the nation-building process.

4. The United States must exercise great flexibility in its relations with the underdeveloped countries to deal more effectively with the variety of situations and needs encountered.

In particular, the United States must avoid making the task of developmental assistance impossible by setting impossible preconditions for receipt of aid. The American people might as well reconcile themselves to the fact that they will never be called upon to give aid to a country unless it is afflicted with many, more or less loosely interrelated, facets of backwardness or obstacles to development. In this view, aid is a way of getting involved in the recipient country's battle against these obstacles.

If we insist on preconditions, such as financial stability, social and tax reforms, a comprehensive long-range development plan, a favorable investment climate, or any others of a long and changing list, we are binding our own hands and making ourselves prisoners of our own policies. And, in many cases, we will be making it easy for the holdouts of reaction and backwardness in the receiving country to use these conditions as an excuse for preventing change by rejecting development assistance. The United States must follow flexible and sophisticated policies that permit it to become involved as opportunities arise, even before the desired preconditions are established. For it is frequently the case that a country in which the preconditions are found to be present could easily dispense with foreign financial and technical assistance.

5. The administration of the foreign aid programs must be continuously improved.

A better popular and official understanding of the inherently difficult nature of efforts to influence the transformation underway in the underdeveloped world, the acceptance of less ambitious but more reasonable expectations, and the adoption of a philosophy that sustained efforts are necessary even though the payoff is uncertain should all help to improve the environment for more effective administration. However, the suggestions for making use of the full range of means, for being more concerned with the character of the social and economic institutions evolving within the underdeveloped countries, and for following a flexible strategy, rather than a pattern of preconditions for aid, may make the administrative task much more difficult. Therefore, in order to improve the administration of aid, direct operating programs must be simplified both here and in the underdeveloped countries. At the same time, the capability of foreign aid personnel must be substantially upgraded through technical training and a professionalization of staff.

Several avenues for simplifying the program come to mind:

(a) Greater selectivity both as to country and as to type of program. The United States may not need a program in every non-Communist underdeveloped country. In fact, it would help if we publicly and firmly withdrew from certain countries. We must be selective because of the limitations in administrative capacity at both the giving and receiving ends of the foreign aid relationship and because of limitations in realistic opportunities to exert useful influence. In some cases foreign aid does more harm than good.

There has been too much emphasis in the past on the availability of U.S. funds—rather than on administrative or absorptive capacity—as the criterion for the scale of the program, on the mounting of a wide range of activities in every country, and on the desirability of a U.S. presence in almost every non-Communist underdeveloped country.

(b) The purpose of country anaylsis or programing by the United States should be to gain an insight into the nature of the society of the underdeveloped country and of its potentialities for change; to illuminate the real opportunities open to the United States to exert useful influence, and to evaluate the administrative feasibility of undertaking various alternatives. In line with evolving AID practice, such country analysis should be a multidimensional diagnosis of a country's economic, political, and social structure and dynamic processes rather than a detailed blueprint or program for economic development. It should illuminate the real choices open to the aid donors, as well as to the aid receiver.

It follows that such country analysis presupposes great flexibility in the means and objects of assistance which may be chosen from country to country, and the avoidance of a priori judgments about the priority which should be attached to various economic sectors or social programs irrespective of country.

(c) The United States should initiate a major effort to increase the technical competence of foreign aid personnel and to improve their understanding of the nature and complexities of the developmental process. The United States must also undertake programs to increase the U.S. supply of types of technicians and administrators that we do not have in sufficient number to meet the urgent needs of our foreign aid program. The United States cannot continue to operate on the assumption that the quantity and quality of U.S. personnel needed are automatically available or can be quickly created.

The professionalization of personnel for administering and participating in the relations of the United States with the underdeveloped areas is fundamental for improving all aspects of these relations. The United States has sponsored and financed a myriad of programs to train nationals of the underdeveloped countries. But, it has made only feeble and spasmodic attempts to train and enlarge the supply of U.S. officials and technicians working in the foreign aid field. The United States is long on money and surplus food but short on trained and experienced economic development technicians and foreign aid administrators.

(d) The administrative burden of the foreign aid agencies should be reduced by using presently available and new devices to encourage the transfer of financial and human resources through the private sectors in both the donor and recipient countries; through greater use of private agencies, profit and nonprofit, and of foundations for technical assistance and pilot operations; through contracts with universities, independent research institutions, other governmental agencies and private firms; through the use of guarantees, tax concessions and other ways of reducing the direct administrative involvement in the entire effort; and through increasing reliance upon resources of international and regional organizations.

(e) It would be highly desirable to isolate the operational programs from the time perspectives of the annual appropriation process in the United States, which has no necessary relation to the time perspective of development activities. This general approach might result in new organizational arrangements, such as an Overseas Development Corporation, or several flexible quasi-governmental devices, such as the ones used so effectively in the field of defense and space activities.

6. The United States should initiate an effective program to promote necessary research on the developmental process.

It is clearly apparent that the expectations of Government officials as well as of the general public have been unrealistic as to time horizons, the capacity of external aid to resolve essentially internal problems, the influence of economic improvement on political behavior, the degree of success that might be expected from specific projects, etc. And, for operating purposes, the state of present knowledge is not adequate.

We need a large scale and continuing research effort to answer such questions as whether a specific country is economically viable despite its small size. How long does it take to carry out a land reform program under specific circumstances? How can food expansion programs be related to health programs which increase the rate of population growth? What conditions are necessary for stimulating entrepreneurship? What kinds of political patterns are likely to emerge from the values, precedents, and current situation of particular nations? We must know more about the time required for political, economic, and social changes and the phases that countries are likely to pass through in their process of fundamental transformation. We need to know more about the ways in which assistance to achieve economic, social, and political change can be provided. Such knowledge will make for realistic expectations and reduce the popular frustration because unlikely results and timing were expected. Such knowledge can help greatly to improve the effectiveness of the various programs and provide operational criteria against which performance can be continually measured.

7. A final recommendation is that the Government establish a major technical unit for continuing field evaluation of foreign aid, developmental assistance, and other relations with the underdeveloped countries. Such a unit should be independent of the aid administering agencies and should be nongovernmental if possible. It should document good as well as unsatisfactory performance. It would fill a serious gap that now exists in providing objective and balanced information for the operating agencies, the Congress, and the public.

Foreign assistance programs, unlike most domestic programs, do not actively involve or directly touch large numbers of U.S. citizens and thus provide semiautomatic evaluation opportunities for the general public. It is necessary, therefore, to insure through special efforts that adequate evaluations are made and brought to the attention of our citizens as well as the Congress. Despite the many years of foreign assistance activity and the billions of dollars spent for such programs, there are only a handful of objective and scholarly studies of the successes and failures in specific operating areas.

LIST OF SIGNERS

We, the undersigned, are in general agreement with the foregoing statement and have signed it as individuals rather than as representatives of the organizations with which we are affiliated:

DRAFTING COMMITTEE

Robert E. Asher, foreign policy studies, Brookings Institution.

Theodore Geiger, chief of international studies, National Planning Association.

Albert O. Hirschman, professor of international economic relations, Columbia University.

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Hubert S. Gibbs, chairman, Department of Government, Boston University.

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Gustav Ranis, associate professor of economics, Yale University.

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Alvin Roseman, associate dean, Graduate School of Public and International Affairs, University of Pittsburgh.

I. Milton Sacks, associate professor of politics, Brandeis University.

T. C. Schelling, professor of economics, Harvard University.

Theodore W. Schultz, Charles S. Hutchinson distinguished service professor, University of Chicago.

Warren D. Stevens, coordinator, international contracts and training, Audio-Visual Center, Indiana University.

George J. Stolnitz, professor of economics, Indiana University.

Donald C. Stone, dean, Graduate School of Public and International Affairs, University of Pittsburgh.

Frayn (Mrs.) Utley, director, midwest office, Institute of International Education.

Raymond Vernon, professor of international trade and investment, Harvard Business School.

Louis J. Walinsky, economic development consultant, Washington, D.C.

Robert R. Nathan, president, Robert R. Nathan Associates.

Wilfred Owen, director, transport research program, Brookings Institution.

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MANUFACTURER OBJECTS TO MAGAZINE'S INACCURACY

Mr. BAYH. Mr. President, in an article dealing with the Area Redevelopment Administration, a national magazine implied that an Indiana applicant, the North Vernon Processing Co., had misstated the number of jobs which would result from an ARA project. Although the magazine reported that this Hoosier firm has only 50 employees, the actual number is close to 100.

In order to correct this inaccuracy, and in fairness to both the ARA and the North Vernon Processing Co., I ask for publication in the RECORD of a letter from Mr. Gil Reagan, vice president of the firm.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

On several occasions nonfactual data has appeared in the press relating to certain conditions inherent in our application for an ARA loan to help in rebuilding our forging plant which was destroyed in a fire in February 1963.

I would like to call to your attention that North Vernon Processing Co. of North Vernon, Ind., has two divisions—a plating division and a forging division. The plating division customarily employs from 25 to 40 men.

The forging division was a bankrupt plant purchased by North Vernon Process Co. in 1958. It had no customers, no employees, and no prospects.

At great sacrifice the forging division was rehabilitated so that by the time of the fire it was employing around 25 men and doing approximately $40,000 a month gross business.

In our application for an ARA we stated that if the forge was rebuilt, that North Vernon Processing Co. would, within a year, employ approximately 100 persons. We further stated that these men would be skilled and that they would be paid a wage considered above average by local standards.

I am pleased to report that in the year that has elapsed since completion of the rebuilding program we have built employment in North Vernon Processing Co. to almost 100 men.

In addition, it is my pleasure to inform you that North Vernon Processing Co. is making a profit, has a 4-month backlog of orders, has completely rehabilitated its plant and is now a regular supplier of equipment to Chrysler Motor Co., Cummins Engine, Borg-Warner, and International Harvester.

North Vernon Processing Co. has its own line of mechanic's handtools sold nationally through jobbers. North Vernon Processing Co. also is a major producer of universal joints for the automobile replacement market.

I say to you very frankly and with great sincerity that estimates and conditions involved in our application for an ARA loan for our forging division have been met and we honestly feel that Government assistance to our plant in North Vernon, where no commercial or private finance was available in an amount and in time to be of assistance to us and to the community in salvaging this plant, is in the correct tradition of Government assistance.

Frankly, as a private concern, we would prefer doing our banking business with private financial institutions. This would be desirable if only to escape the necessary but burdensome redtape surrounding Government assistance. But where other devices fail survival is still inherent in human endeavor. We chose to come to ARA for assistance. We were pleased to receive your effective and timely cooperation. We have nothing but the best to say for the dedicated men who are attempting to make ARA an instrument of service to this community. We feel we have a great responsibility to you and to the Government to see to it that commitments which we made in securing this loan are honorably fulfilled. We believe we have done so and this letter is to convey our feelings as such to you.

Gil Reagan,
Vice President, North Vernon Processing Co., Inc., North Vernon, Ind.

NATIONAL ASSOCIATION OF GOVERNMENT ENGINEERS

Mr. JOHNSTON. Mr. President, as chairman of the Post Office and Civil Service Committee, I would like to invite the attention of the Senate to the fact that a new Federal employee organization has recently been formed and chartered in the District of Columbia. This group, the National Association of Government Engineers, is similar to the Federal Bar Association for Government Attorneys in that it will serve one special group of Federal employees, in this case, engineers.

It is my information that this new organization, the National Association of Government Engineers, will be dedicated to uplifting the character and ability of engineers in the Federal service, and so, as chairman of the Post Office and Civil Service Committee, it is my pleasure to welcome this new association to the family of Government employee organizations.

The aims and objectives of NAGE include the upholding of high standards for engineers in Government service, which, of course, is the aim of all of us in all professions. However, it takes special effort for any association to succeed in such endeavors and therefore I wish this new organization every success.

As an article in the Anderson Independent of Saturday, August 15, 1964, entitled "Engineers Association Names Riddle Director" indicates, a South Carolinian and friend of mine, Roy Riddle, now of Washington, D.C., has been appointed executive director of this association by the charter members. The president of the NAGE, elected by the charter members at their initial meeting, is Ted M. Moody, P.E., of Ashburn, Va.

Mr. President, I ask unanimous consent to have printed in the Record, together with my remarks, this news item from the Anderson Independent which contains additional and complete information concerning this organization.

There being no objection, the news item was ordered to be printed in the Record, as follows:

Engineers Association Names Riddle Director

Washington.—The formation of an organization known as National Association of Government Engineers has been chartered in the District of Columbia. The association headquarters are located on Capitol Hill, at 200 Maryland Avenue NE., suite 301, Washington, D.C.

The charter members have elected Ted M. Moody, P.E., of Ashburn, Va., as its first president, and appointed Roy E. Riddle of Washington, D.C., as executive director.

The National Association of Government Engineers (NAGE) is a nonprofit organization, and unlike many other Federal professional employee groups, will serve only the engineers in government service, so as to conduct broader and more specific programs to meet the particular needs of its membership. Membership will be open to professional engineers in the U.S. Government, State government, county government, municipal government, and other public service.

The aims and objectives of NAGE are to advance the profession of engineering; to enhance its recognition; to uphold high standards for engineers in government service; to encourage the proper staffing of engineering functions in government agencies; to stimulate cordial and friendly relations throughout the engineering profession; to provide a government engineer placement service; to encourage the continuing education of engineers; to assist government engineers who wish to become registered; and to promote their professional well-being in general.

NAGE will work closely with the NSPE and other professional organizations to improve the stature of the engineering profession in government. A 1960 National Science Foundation survey reported 61,000 engineers in Federal Government service alone. More recent studies indicate a potential membership of 146,000, a significant element of the approximately 800,000 engineers in the United States.

THE LAWLESS SITUATION IN THE DISTRICT OF COLUMBIA

Mr. ALLOTT. Mr. President, from time to time in the past few weeks, the senior Senator from Colorado has commented on the lawless situation in the District of Columbia—which, I suppose, is not any worse than it is in many other big cities. I scarcely thought that the situation would come as close to home as it has within the past few hours.

About 5 o'clock this morning a young man, who is either 17 or 21—and it has not been determined yet—broke the door and the chain in the apartment of Miss Joyce Morgan, who is a secretary in the legislative section of my office. She is not sure what awoke her. But she thought she saw someone go by the door of her bedroom. She got up, went to the front door and saw that her door was broken open. She went back to her bedroom, and picked up a pistol which she keeps for protection. The young man by that time had gone into the dressing room. When he saw that she was awake, he turned off a light under which he was rifling her purse. She fired one shot through the door. He was not hit. However, he thought he was because some of the splinters from the door apparently struck him.

I do not believe I need to remind Senators of the incident which occurred a few weeks ago involving one of the fine young ladies from the office of Senator Curtis. I am not sure that that young lady is out of bed yet. She was horribly beaten, and perhaps the scars, psychologically as well as physically, will be with her for the rest of her life.

I believe Miss Joyce Morgan deserves a pat on the back, first of all, for a kind of bravery which is very rare these days, and for having the kind of spirit to take the initiative upon her own instead of waiting for what might conceivably have happened. No one knows what might have happened had she not had the gun and the courage to take action.

After she had shot through the door, the young man pleaded for mercy. He opened the door. She held the gun on him while she phoned for the police. The police took the young man into custody.

I rather believe that, no matter what the court does in this situation, it will be some time before this young man attempts to enter an apartment or any other dwelling in this city, or any other city.

I rise to pay tribute to Miss Morgan for the courage she has shown. I do not know what will stop the rampage of crime which seems to be in progress throughout the country. We have spent millions of dollars on the problem of juvenile delinquency. We have not solved it. The courts do not seem to be able to deal with it. I do not agree with some of the Supreme Court decisions of the past few years which, I believe, overprotect the criminal.

I say again that it is time to start weeping for the innocent, and not for the guilty. We must start respecting law. We must accord to our law enforcement officers the respect which is due them. We must realize that they are not whipping boys for the public, but that they are our bastions between lawlessness and anarchy and a society which lives by law and order and is characterized by orderliness.

Mr. MORSE. Mr. President, I am very glad that the Senator from Colorado gave us that account. As a member of the Committee on the District of Columbia, whose subcommittee has jurisdiction over the general problem of lawlessness which confronts us in the District, I join in complimenting Miss Morgan for a bravery and courage that too often is not exhibited by many in like circumstances—and for very good reasons, many times, because of the great individual differences in people. But she performed a very courageous act. I wish the Senator would express to her my high compliments and congratulations for the courage and the high citizenship that she displayed under very difficult circumstances.

Mr. ALLOTT. I certainly will and I thank the Senator very much.

The ACTING PRESIDENT pro tempore. Is there any further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The ACTING PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The Legislative Clerk. A bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment (No. 1215) offered by the Senator from Illinois [Mr. Dirksen] for himself and the Senator from Montana [Mr. MANSFIELD].

Mr. MORSE. Mr. President, the Presiding Officer and I will have the pleasure of being almost alone in the Chamber for the next few minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum without the senior Senator from Oregon losing his right to the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MORSE. Mr. President, the Presiding Officer [Mr. METCALF] and I will have the delightful pleasure of each other's company for a while in the Senate. I observe also my friend, the Senator from New York [Mr. KEATING]. I hope that the Senator from New York will find it possible to remain, although I assure him that he need not keep a watchdog on the Republican side of the aisle, for I give him my word that I shall merely talk, and ask for no action. I shall make no unanimous-consent requests or requests for votes. The Senator from New York is a very busy man these days. He should spend his time where his efforts will be most productive. Therefore, although I am always flattered to have the presence of the Senator from New York, it will not be necessary for him to remain.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. MORSE. I am happy to yield to the distinguished Senator from New York.

Mr. KEATING. I always gain from listening to the distinguished Senator from Oregon as long as my time permits. I cannot imagine using it to greater advantage than in listening to the pearls that fall from the lips of the Senator from Oregon.

Mr. MORSE. They still have their shells on, too. I thank the Senator very much. I am delighted.

Mr. President, I am against the amendment, and I shall give my reasons forthwith, but I ought to advise the Presiding Officer as to the parliamentary strategy.

I was highly complimented when the leaders of the debate in opposition to the Dirksen amendment called me. A couple of them came to see me. They were concerned about obtaining a speaker for this morning, because for some reason the group that is leading the fight against the Dirksen amendment found themselves with many conflicting engagements, some out of the city. They asked, "Will you help?"

Within reason, I always try to help. I said, "Are you gentlemen filibustering?" I am still the only liberal who admits that he filibusters.

They replied, "We are going to speak at some length." I asked, "Is this another of those prolonged debate situations?"

I believe the answer, in a variety of word forms, was in the affirmative.

I said, "I have a few things to say in opposition to the amendment. I have a few more things to say about foreign aid, which would make anything that I might say germane."

I shall speak for some time. But I think it is a mistake to try to beat the Dirksen amendment by a filibuster, although if filibustering it would give us some assurance that we could get rule XXII amended so as to bring to an end filibustering in the Senate of the type that seeks to prevent a vote from ever occurring, I would be willing to speak at greater length than I now contemplate doing.

If we could get adopted the Morse antifilibuster resolution, the Clark-Douglas-Neuberger measure, the old Lehman amendment, or any of the others that would have the effect of fixing a time certain for the Senate eventually to vote—which, of course, is what is necessary in order to outlaw the filibuster in the Senate—if there were some assurance that filibustering, or prolonged debate, against the Dirksen amendment would hasten that day, for that purpose I would speak longer than I now intend to speak.

There are a great many reasons why I do not find myself enthusiastic about filibustering the Dirksen amendment, although I think it must be defeated, if at all possible, for reasons which I shall state shortly. But I wish to confine my attention to the question of procedure.

I good-naturedly said to those who asked me to participate in the debate this morning that I knew how they felt, for I had been in that position many times in recent years only to find my liberal friends in the Senate taking on a parliamentary cloak more pure than snow and declining to be of assistance to me in trying at least to assure full debate on certain questions.

I shall never forget how many of them left us in the greatest political steal in my 20 years in the Senate—the communication satellite steal. There was an interesting series of rollcalls on the part of the alleged liberals in the Senate. I observed in yesterday's newspaper that the monopolistic corporation, which was formed with the help of many liberals and at a great loss to the American people, got its hand in the till, and then put it farther into the till, to get more free assistance from the Federal Government to carry out the nefarious program of the Satellite Communications Act. But I suppose that goes along with the parliamentary process, although certain liberals who joined in that nefarious communication program disappointed some of us very much, for we needed their help.

How well I remember the number of liberals in the Senate who joined in the gag rule at the time of the satellite communications steal, and who supported a motion for dropping in triphammer fashion, the parliamentary guillotine on the necks of those of us who were seeking to have full debate against the satellite communications program, when there was no rush whatever except that it was felt that the sooner it was placed under cover, so the American people would know as little as possible about that shocking legislation, the better. In time, it will cost the taxpayers not billions of dollars, but trillions. I remember all the propaganda, misleading in nature, that went into that political steal and sucked many liberals along with it.

I remembered that over the weekend when I was asked to participate in the debate against the Dirksen amendment. But I never let past differences cause me to refuse assistance in a meritorious effort in the present.

Some of the opponents of the Dirksen amendment stood with us on the satellite fight. I believe all the opponents, without exception, are completely right and deserve a great deal of credit for the fight they are putting up against the Dirksen amendment. But I say to them from the floor of the Senate, as I have said to them privately, first, that they cannot beat it with prolonged debate, or what I call a filibuster, unless they really can gather together a group of Senators who will commit themselves in advance to stay put and agree to no parliamentary compromises.

I have been through this process so many times that I despair of having enough Senators who would stay put. Three or four times I organized a filibuster against a wiretapping bill. There was much enthusiasm at the beginning, but it did not take very long until Senators who had assured me they would stand firm found one excuse or another to straggle off, to desert, only to appear shortly thereafter as soldiers in opposition in the interparliamentary army.

As the Acting President pro tempore [Mr. METCALF] will recall, we had enough on those occasions to stop and to beat a wiretapping bill that sought to destroy the precious rights of privacy of freemen and freewomen. But we were aided not by numbers in the Senate, but by time. The attempts were made late in the session. The Presiding Officer will remember that the then Senator from Colorado, Mr. Carroll, and I, on the last night of the session, 3 or 4 years ago, opposed that bill. The Judiciary Committee of the Senate had held an extraordinary, special meeting of the committee in the early evening of the night it was planned to adjourn sine die, and voted out a wiretapping bill. The leadership of the Senate announced that it would put the bill on the calendar of the Senate for passage that night. The House already had passed a bill, which, with the passage of the Senate bill, offered good prospects that an agreement could easily be reached between the two Houses to accept one or the other of the bills.

The Senator from Colorado and I, who had been given assurance that a considerable number of Senators would stand with us, found, within 3 or 4 hours, that we stood alone. That never dismays me, although one does not like it. But the CONGRESSIONAL RECORD will show that we decided to beat it by a filibuster, if necessary. I said to Senator Carroll, "If you are good for 4-hour speeches, with my

10-hour speeches, we can keep it here for a few days, and I think that will end it."

Then we talked to the Parliamentarian about a point of order we thought we could raise. The RECORD will show that late that night, or in the early morning hours, it was agreed that our point of order would be sustained. That ended the invasion of the privacy of the American people through a wiretapping bill on that occasion.

But, Mr. President, that is tough going. It is not easy. It is disappointing to find that so few Senators are willing to take an all-out stand for civil liberties, the preservation of which will determine in no small measure the freedoms of the American people.

I cite this example because it is one of many in which I have made use of the filibuster to prevent steamroller tactics in the Senate. I never have engaged, and never will engage, in a filibuster that seeks to prevent a vote ever occurring on a piece of legislation. In the example I referred to steamroller tactics were used in the 11th hour of the session. I could cite other examples. The record was perfectly clear that no committee hearings had been held on that bill. I asked for the citation of the name of one recognized constitutional law expert in the entire country who had ever testified. Certain police leaders and Department of Justice leaders who have a prosecutor's complex, were all for the bill. There had never been adequate hearings.

The record will show that I said that I agreed to enter into an agreement, come the next session of the Congress, after there had been full committee hearings, that would limit to a reasonable extent the debate on a wiretapping bill and then proceed to a vote on it; but I did not intend that night, if I could prevent it, to let the wiretapping bill be steamrollered through the Senate when there had not been adequate hearings.

It will be recalled that on another occasion, late one Friday afternoon, my good friend the then Senator from Texas, Mr. Johnson, who was majority leader of the Senate, attempted to get through the Senate, without even a half dozen Members on the floor, the Price Daniel narcotics control bill.

I was in favor of more stringent control of narcotics, but not for a bill containing a wiretapping section, and not with a capital punishment section in it. That bill contained a section which provided for capital punishment for anyone who sold narcotics to anyone 18 years of age or younger. Not only was it irreconcilable with my religious faith and beliefs, but I thought that proposal would defeat the very purpose of a more stringent administration of the narcotics law.

So I asked a page boy to go to the Senate restaurant and get me a red rose. I would have the Presiding Officer note that today I am not wearing a red rose, which is notice that I am not engaging in a filibuster. If I put it on, Senators will know that the fight has started.

The page boy brought me the rose and I put it on. My beloved majority leader was very unhappy. He said I had not given him any warning. I said, "When did you give me any warning that you were going to try to put through the Price Daniel narcotics bill?"

Of course, I realized at that time that Price Daniel was a candidate for Governor of Texas. This was near the end of the session, again, and apparently it was thought that the passage of the bill would be very helpful to him in his race for Governor. But I never permit the political interests of any of my colleagues in the Senate to interfere with what I consider to be a matter of public policy and public interest.

So I made it perfectly clear that we would talk over the weekend. I suggested to the majority leader that he might set the record of being the first majority leader to hold the Senate in session on a Sunday. It was then 4 o'clock in the afternoon, and I said to him, "At 6 o'clock I shall call for a live quorum. I doubt if you can get one this side of New York City." It was then Friday afternoon. I said, "I will enter into an agreement with you that to limit debate next Tuesday on the bill to 2 hours on a side, and come to a vote on Tuesday, but I do not intend to let you come to a vote tonight, because I am satisfied that a majority of Senators are against the bill, and if I can get them back here, they will vote against it so far as the capital punishment and wiretapping sections of the bill are concerned."

My friend the majority leader was not prone to give me that agreement. So I proceeded to discuss it. In a few moments he came over and said he would give me the agreement. I said, "I am sorry. It is necessary for me to finish this segment of my speech now, because I would not want to break it off in the middle. Some Ph. D. candidate 20 years from now would be puzzled if I did. This wiretapping issue is all important."

He asked, "How long will it take you to finish this segment of the speech?"

I said, "A couple of hours. Then I will be very glad to stop until Tuesday."

The majority leader accepted that understanding. As the RECORD will show, I completed the speech. On the next Tuesday, by a substantial majority, both the wiretapping and the capital punishment sections of the bill were deleted, and the remainder of the bill, which had had my support from the beginning, was passed.

I cite this example to point out to my critics that a use of what my liberal friends in the Senate call prolonged debate is justifiable to prevent a steamroller from pushing through the Senate, without adequate consideration, a bill which many consider not in the public interest, and is also justifiable to buy time, if one wishes to put it that way, to make the record on the merits of an issue for the information of the American people.

After all, the Senate is a great school. It is a great schoolroom not only for political education, but also for education on the merits and demerits of proposed legislation. I shall never vote in the Senate to deny to any Senator adequate time to debate the merits or demerits of any pending legislation. My critics can continue to call that by any name they wish. If we are to retain the Senate as the greatest parliamentary body in the world, we must strike a balance between adequate and inadequate debate, between adequate and inadequate protection of a minority, so that a minority may, in ample time, seek, on the merits, to change itself into a majority, and to prevent a denial to the minority of adequate time for full debate.

Such a balance is struck fairly and equitably by any of the major proposals for an amendment to rule XXII, such as the Douglas proposal, which, if I am correct in my mathematics, would provide, in round numbers, 15 days of debate, at a maximum, after a cloture motion had been filed, or my antifilibuster resolution, which I have submitted now for a good many years, which would provide for 100 hours of debate after cloture had been obtained with one difference so far as the present rule is concerned; namely, that the 100 hours would be 100 hours that Senators could farm out, so to speak. In other words, a Senator could yield his time or a part of his time to other Senators. We all know that the rules of courtesy in the Senate are such that even if a Senator is opposed to a measure, but does not intend to use his time, he will give another Senator his share of the time, or a part of his time.

If I thought that engaging in prolonged debate for the next couple of weeks would result in a modification of rule XXII, I might join for that purpose. But I do not contemplate, at least at the present, joining in prolonged debate in the next few days in order to stall action on the Dirksen amendment prior to the Democratic convention—although I seriously doubt that there will be any action on it prior to the Democratic convention. The amendment should be withdrawn. Obviously, it has no place in the foreign aid bill. It is clearly a rider to the foreign aid bill. I have never been happy with a procedure that called for legislating by a rider. In my opinion, the Dirksen amendment should be referred to committee for hearings. The Senator from Illinois [Mr. DIRKSEN] should call it up next January and have it referred for hearings. Then the Senate should be given the benefit of the recent discourse about the standing constitutional law authorities. We know that bar association after bar association, as stated by the Senator from Wisconsin [Mr. PROXMIRE] earlier in the debate, is opposed to the Dirksen amendment on constitutional grounds. I believe they are right. We know that an appropriate committee of the American Bar Association is opposed to the Dirksen amendment on constitutional and legal grounds.

I am at a loss to understand why the Senator from Illinois is following this parliamentary course of action. Time and time again in our years of service together in the Senate I have heard him plead to refer a major piece of proposed legislation to committee for hearings. Many times I have heard him defend the hearings process of the Senate—not always, but many times. Every time he has, he has been obviously correct procedurally; every time he has not, he has been just as wrong as he is about this amendment.

We all know much politics is involved in this amendment. It is too bad, merely because an election is in the offing, that the legislative process on the floor of the Senate should be used to any degree whatsoever for election purposes. The Senate ought to be kept immune from political activities, so far as campaign strategy is concerned.

These are days when there is much confusion in American public opinion. The people are concerned and puzzled. There is strong opposition to foreign aid, and rightly so. I believe there is more opposition to foreign aid than most Senators fully realize. I am against the foreign aid bill, and I shall vote against it. So when my colleagues who urge me to do more than I have agreed to do and intend to do—at the present time, at least—in the thought that I might be persuaded with a carrot that could help to defeat the foreign aid bill, my reply is: I want to defeat the foreign aid bill on its demerits. I am not interested in defeating the foreign aid bill, if we could—and I do not think we could—by way of supporting a strategy that would seek either to prevent a vote on it or to send it down to defeat via the Dirksen amendment. That is not a good legislative process. We should not work our will in that way.

There is enough that is bad enough about the foreign aid bill without our adding a nongermane, irrelevant rider amendment to it and urging that it be rejected for that reason.

I had breakfast this morning with some Members of the House. They said, "We think you will be pleased to know that about 70 of us in the House have signed a petition in which we are announcing"—I believe they have already announced it—"that we will not vote for foreign aid if the Dirksen amendment is attached to the bill."

"But," I said, "you will if it is not attached to the bill?"

They said that most of them would.

I said, "Then, I am not interested in your suggestion that I in any way implicate myself in any program to defeat the foreign aid bill merely because the Dirksen amendment may be attached to it."

That was a rather difficult decision for me to make, Mr. President. In my judgment, if I went along with that suggestion, I would be doing something that I never knowingly and intentionally ever do. I would be agreeing to support a legislative expediency; and I do not believe there is any place in this body for expediency. The American people, who sent us here, have a right to expect us to vote strictly on matters of principle; and we always know when we are acting on principle. We do not need an interpreter to tell us the difference between principle and expediency.

The foreign aid bill, devoid of the Dirksen amendment, raises a clear choice for each Senator to vote upon—whether he wants to support the foreign aid bill in its present form or whether he wants to support the foreign aid program in the face of the devastating, irrefutable proof that has been mustered against it, in many of the undeveloped areas of the world. Senators have a clear choice in voting on the merits and demerits of the bill. They are put in the position of voting their convictions on principles.

(At this point Mr. JORDAN of Idaho took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, when we encumber the foreign aid bill with the Dirksen amendment, which has no relationship to the foreign aid program, which is merely an expedient legislative device to drag in, by its ears or its tail, a reversal of the U.S. Supreme Court, or to place in indefinite suspension a decision of the U.S. Supreme Court dealing with the precious constitutional rights of the American people, we have a proposal which is an act of expediency. I believe that every time we act on the basis of expediency and sacrifice principle at the altar of expedient compromise, we do something bad to our whole legislative process.

We should not do it. We should stand up against it. We should vote against it. The amendment should either be sent to committee to report back at an appropriate time in the next Congress, or it should be laid on the table, which will give Senators an opportunity to stand up and be counted on whether they are for or against political expediency in the Senate.

In due course of time in the debate, I intend to make one or both of those motions, unless other Senators make them first.

I do not intend to support an amendment which is bottomed upon a foundation of political expediency. I judge from some of the things reported in the press and on radio broadcasts and television telecasts over the weekend, that some Republican strategists believe that they have put the Democrats in a difficult position. One referred to putting us behind the political eight ball.

Those who hold that point of view reflect upon and insult the intelligence of the American voter. In my State, I would have no hesitancy in taking my opposition to the Dirksen amendment to any farm group in the State. It is obvious that the Republicans believe that the Dirksen amendment will sweep the Farm Belt like a prairie fire. I believe that they are mistaken. The farmers are just as dedicated to our constitutional processes as are the people living in urban or metropolitan areas.

Once the people in the rural areas come to understand the constitutional implications of the Dirksen amendment, they will react against it. I do not feel that once the farm population comes to understand the constitutional implications of the Supreme Court decision they are going to insist upon the perpetuation of an electoral system that weighs the vote of a voter in the rural area as more than one vote.

Do Senators know why? Because the people of the rural areas believe in fair play just as much as do the people in any other area of the country. What the Supreme Court has said, in effect, is that the present apportionment system violates the rules of fair play. It gives a greater weight in many areas of the country to the rural voter, which is hard to reconcile with our democratic conception of majority rule. Majority rule means exactly that. It means that each voting citizen is allowed the same voice, as far as his vote is concerned, as any other citizen.

I say to some of my Democratic friends who seem to be of the opinion that a compromise must be arrived at with the election staring us in the face: "What are you afraid of? Do you really wish to win an election based upon that kind of compromise of principle? Do you have so little faith in the intelligence of the American voter that you feel you must support quickly a hush-hush program in the Senate and get the matter behind you as fast as possible?"

I say to Senators who are pushing for a prolonged debate on the issue that there is much which can be said in support of the strategy so far as concerns hammering away at the facts involved in the Supreme Court decision and the consequences that would flow from the Dirksen amendment.

That is why I have given the Senate no irrevocable commitment as to what my parliamentary course of action will be, so far as speaking at length is concerned, if I belief it can be constructive in connection with the educational processes needed with regard to both the Supreme Court decision and the Dirksen amendment. I intend to deal with the Supreme Court decision before I finish. I shall read it and discuss its major paragraphs, paragraph by paragraph.

I was opposed to the Supreme Court packing of the 1930's. At that time, I was dean of the law school at the University of Oregon. I spoke out against the plan. I thought it was a mistake.

This is a sort of Supreme Court packing plan in reverse.

The objective is the same. Those who wished to put favorable judges on the Supreme Court used a rather ugly word at the time. It was described as amounting to prostituting the judicial processes of the Constitution.

Those who wish to deny the application of the apportionment ruling of the Supreme Court, and all of the constitutional protections which the Court made clear it was seeking to guarantee, are really attempting to substitute themselves for the Supreme Court.

I have great respect for my colleagues in the Senate. But it is nothing less than ludicrous for Senators to play at being justices on the Supreme Court, without even a committee hearing, without even an opportunity to hear from witnesses who are expert in constitutional law, and, without even listening to nonpolitical authorities expound on the meaning and the implication of the Supreme Court decision, to decide that they are qualified to substitute themselves for the overwhelming majority of the Supreme Court in this matter. That attitude on the part of the legislative politicians is highly presumptuous.

The Dirksen amendment, in effect, would tell the Supreme Court how to decide its cases. I am as opposed to it as a matter of public policy as I was opposed in the 1930's to the proposal of Franklin D. Roosevelt to pack the Supreme Court.

Our system of government, consisting of three coordinate and coequal branches of the Government, works very well. No other system of government in all the history of the world has worked as well from the standpoint of reserving for, granting to, and protecting basic human rights of free men and women guaranteed by the Constitution. The Constitution, in effect, and in practice, gives assurance that the people of this Republic shall be the masters and not the servants of the Government.

In my judgment, the Dirksen amendment is an unwarranted attack upon the constitutional powers of the Supreme Court. We all know that in 1803 after a period of controversy, debate, and discussion as to where the ultimate authority in decreeing constitutional rights really vested, the great Chief Justice of the Supreme Court, Chief Justice Marshall, of Virginia, in Marbury against Madison removed, I hope for all time, any doubt as to that constitutional question. He ruled that the Supreme Court was the final arbiter of the constitutional rights of American people, subject only to the important check of a constitutional amendment.

Mr. President, I would that the Senator from Illinois would see his way clear to follow a suggestion that I read in this morning's newspaper offered by the Senator from Minnesota [Mr. HUMPHREY], which, if I read it correctly, seeks to give assurance to the Senator from Illinois that the issue which he raises in his amendment will be taken up forthwith by the appropriate committee of the Senate come January.

I would go further than that, in keeping with what I have already said about having no desire to participate in a debate or a parliamentary strategy that would prevent a vote from ever occurring on this or any other issue. I am perfectly willing to see if an agreement could not be arrived at that the committee receive the instructions of the Senate to report to the Senate not later than a date certain—March 15 or April 1—after there has been an opportunity to have full hearings in the committee. That certainly is a reasonable request. It is certainly in keeping with the orderly handling of the subject. I have tried to satisfy myself that there would be some good reason for opposing such a proposal, and I have not been able to find one. As legislators, we shall set a pretty messy example to the American people if we, in the absence of full committee hearings and a report, proceed to "curbstone" on this subject by voting on the Dirksen amendment.

We lawyers believe that a case should be tried on its merits. That is pretty basic, particularly to lawyers, in the administration of American jurisprudence. Every nonlawyer in the Senate should see the wisdom of it. Particularly, the lawyers in the Senate should support some such proposal as that made by the Senator from Minnesota [Mr. HUMPHREY].

Let me say to the Senator from Wisconsin [Mr. PROXMIRE], who has just joined us, that immediately prior to his coming into the Chamber from the party meeting that he has attended, and which I could not attend because of my commitment to hold the floor until at least noon, I had suggested that we ought to adopt the proposal that the press carried this morning, offered by the Senator from Minnesota [Mr. HUMPHREY], which if I read it right, suggests that the issue be postponed until the next Congress, when hearings could be held and constitutional experts could be called upon to testify. I said that I would propose a modification of that suggestion, so far as I am concerned, by agreeing that some date certain be fixed by way of instructions to the Senate committee—March 15 or April 1—to report back to the Senate whatever the committee might decide upon, favorably or unfavorably, or a modified proposal. The Senator from Illinois has supported—although not always—proposals to have a question referred to a committee. Many times he has supported such a proposal, and I believe it is a sound practice. However, I judge that the Senator from Illinois is not interested in the Humphrey proposal because, if he was correctly quoted in the press this morning, he was opposed to it because the proposal had no teeth in it.

Of course it has teeth in it. It provides assurance to the country that the question will go to hearing. But meanwhile we should not play the role of Supreme Court and substitute ourselves for the Supreme Court. I speak most respectfully when I say that we are not qualified to do so on the basis of a comparison of our knowledge of the case and the knowledge of the case by the Supreme Court.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Would the Senator agree that on a matter which so clearly places the Congress in the position of moving in on the Supreme Court, directing or restraining the Supreme Court, that it is particularly imperative that we rely on our Judiciary Committee, the Senate's committee of legal experts that is supposed to advise the Senate?

The Senator from Oregon has served the Senate and the country very well on this issue of consistent committee referral. I have deserted him at times on civil rights measures that would otherwise be killed but I think he has been right in general in insisting that we rely on our committees on legislative matters of great importance. There have been times we have not done so because it was clear to many of us that a committee would bury legislation. But in this case, in view of the fact that the committee reported a variation of this measure without any hearings, it is clear the Judiciary Committee would not only have not buried it but would have hurried it through. So there would not have been any practical reason, let alone reason of principle, for not having the Judiciary Committee consider the matter and give us its advice.

Does that make sense?

Mr. MORSE. As the Senator will see when he reads in the RECORD of tomorrow my earlier remarks, that is one of the premises I am expressing today. I think the proposal should go to committee. It should not be passed as a rider. It should not be passed in the absence of hearings. I respect the Senator's views, but as he knows, I take the position that we never have to worry about a committee burying anything if the Senate exercises its authority over its agents. Each committee is naught but the agent of the Senate. If we give instructions to the committee such as I have suggested, if the Judiciary Committee is asked to hold hearings starting early next session and report either favorably or adversely on the amendment of the Senator from Illinois by March 15 or April 1, or whatever date the Senate in its wisdom wants to agree upon, the measure cannot be buried.

I have checked this procedure in previous debates. Each time the Parliamentarian has assured me that never in the history of the Senate has a committee refused to carry out the instruction of its parent or principal body.

I do not believe that time will ever come, for the obvious reason that if a committee ever did it, the Senate has authority to take a matter away from it. It also has the authority under those circumstances to impose whatever restrictions upon the actions of the committee the Senate might wish to impose.

The suggestion of the Senator from Wisconsin is unanswerable.

Mrs. NEUBERGER. Mr. President, will the Senator yield?

Mr. MORSE. I am delighted to yield to my colleague.

Mrs. NEUBERGER. I must return to the Agriculture Committee. It is hoped that action can be taken today on Public Law 480. But I wished to make a comment.

I was glad to hear my colleague comment about the use of the committee being refused as a device in the Senate. My colleague has presented an argument for considering a bill of this importance in committee, but some Senators who said it was used as a device to kill certain legislation are now supporting the principle that it should go to committee. It reminds us of the saying that the devil can cite scripture for his own purposes.

There have been cases in which every Senator knew what the merits of a bill were. If it had been fully discussed by the other body, it might perhaps be felt that the Senate could depart from the committee procedure. Even then I did not approve of it. My colleague and I come from a State which has been through a reapportionment fight, and we know that the shibboleths used against it never came to be true. It never hurt the farmers of our State. But we do not know what the situation is in other States. So it seems that a slap at the courts, and a violation of the rules and traditions of the Senate are being attempted.

Mr. MORSE. I thank my colleague for her intervention. While she is still in the Chamber, I express my compliment to her for the very able and fine speech she made Saturday afternoon on this subject matter. I was able to hear only a part of it.

I have followed an absolute consistent policy in my years in the Senate of always supporting the preservation of the committee process. Bills should go to committee. It is perfectly proper for the Senate to commit under instructions such as I am suggesting with regard to the Dirksen amendment. But it is a good safety valve, a good check, a safety first measure, to have a committee examine even bills of innocent appearance. Sometimes even the most innocent looking bill has some legislative sleepers embedded in it, and I am for requiring committee clearance of them.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Is it not true that one of the prime reasons for an extended discussion on the floor, for exploring the subject in detail on the floor, is that there have not been committee hearings?

Mr. MORSE. Certainly.

Mr. PROXMIRE. This is a highly complicated question. It not only involves deep constitutional principles on which the Supreme Court has spoken a number of times, but also involves a serious effect on all our States. So if the Judiciary Committee has not heard constitutional experts, if it has not heard arguments as to what the effect will be on Oregon, Wisconsin, Michigan and Oklahoma, for example, it is necessary for those of us who are deeply concerned about this proposal to explore it, to discuss it, to examine it, to try to challenge those who are trying to have the Dirksen amendment adopted, in much greater detail than we would have had to do it if there had been a hearing, and a record had been made.

One of the reasons why we feel impelled to have this discussion at substantial length is that there is no record, and we feel we have a duty to make a record.

Mr. MORSE. The Senator's position is unanswerable.

My colleague [Mrs. NEUBERGER] pointed out in her speech on Saturday—and I hope Members of the Senate who were not present will read it—that we have been through this procedure in Oregon. It has been stated in the press that Oregon has gone further in carrying out the principles of reapportionment than has any other State. Although Oregon will have some problems in redistricting congressional districts, that problem is somewhat ancillary to the heart of the issue. The basic principle of the decision has been recognized in Oregon, and bears out what I said earlier in this speech—namely, we have the assurance that once the people understand, in the rural areas, in the urban areas, and in the metropolitan areas, they will not want to perpetuate an apportionment system that violates the rules of fair play.

We are pretty thoroughly unified in support of the proposition that democracy cannot work if we seek to defend the maintenance of discriminatory practices that give an advantage to certain voters because of the location of their voting residence in a given State.

Many of the arguments we are hearing now about what the reaction of the farmers will be have vanished into thin air in my State. When the farmers come to understand that what is sought to be accomplished is that each citizen shall have one vote, and that it shall be weighted only as one vote, and have the effect of only one vote, they accede to the fairness of that principle, because it coincides with the rules of the playground on which they were brought up. It is a homely truism, but it is true—that when all is said and done, our democratic system rests on the rules of the playground.

We do more teaching of democracy on the playgrounds and gymnasiums of America and in all the competitive enterprises in which boys and girls participate, than we do anywhere else; at least, we teach young people as much about the principles of democracy in action on the playground—using that broad descriptive term—as we do in the classrooms. That principle is involved in this apportionment fight. Many people have not looked at it from that standpoint. However, some people think they wish to keep an advantage, and think they wish to protect themselves, so to speak, from what they call city slickers—and we know what kind of prejudice that involves in connection with that kind of public opinion in some areas of our country. Yet when at last such people come to grips with the controlling question, "Do you really think that you should count for more than anyone else in the voting process of this democracy?" they will say, "I do not look at it that way. I had not thought of it that way. I did not realize that."

We must have faith that people will insist that the rules of the playground be applied to others in the same way that they are subject to those rules; just as they are being asked in this instance to have the rules of the playground applied to them, so that they will not have an unfair advantage over someone else who, by accident of residence in our State, is being placed at a disadvantage.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. Can the Senator imagine what would happen on any playground if it were suggested that in a baseball game one side should have four strikes or five strikes instead of three; or what would happen if it were suggested that in a football game one side had first and 10 and the other side first and 30?

Mr. MORSE. The advocates of the Dirksen amendment do not want any referee in the game.

Mr. PROXMIRE. That is exactly correct. The Senator from Illinois [Mr. DOUGLAS] pointed out that in some cases the advantage in State legislative representation is sometimes 30 to 1 or 40 to 1; and that it is as high as 1,000 to 1, in favor of 1 group over others.

Mr. MORSE. Under our constitutional system, the Supreme Court is the referee. The referee decides whether any transgressions have occurred against constitutional rights. Some people do not like the referee. They are not proposing to substitute another referee; they are proposing to kick out the referee. What kind of rules would we have then?

The whole idea is really absurd. The advocates of the amendment are taking advantage of the parliamentary situation. Otherwise they would get nowhere. If they had tried the same tactics last January or February, at the beginning of the session, they could not have prevailed. Everyone would have said, "Of course this question must go to committee. There is a great deal of time available in which to get a committee recommendation."

It would be salutary to adopt the modification that I understand has been put forward by the Senator from Minnesota [Mr. HUMPHREY]. I do not wish to hold the Senator from Minnesota to it, and I will assume the responsibility of making the suggestion myself if I do not understand correctly the modification that the Senator from Minnesota is putting forward.

Be that as it may, I would offer the proposal as my own, with the RECORD showing that I am relying on the Senator's proposal as the original source. If what I say is not a fair interpretation of the proposal of the Senator from Minnesota, I offer it as my own. It is that the matter go over until January, with the understanding that the Dirksen proposal be offered then, either in the present form or in any modification of it that he may wish to offer between now and then; that it be referred to the Judiciary Committee, with instructions that hearings be held; and that a report, favorable or unfavorable be made to the Senate not later than March 15 or April 1.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. The Senator is correct about our having a great deal of time available, in another sense, too. There is no question that we shall not go home at the end of this week, or that there will be no sine die adjournment by the end of this week. We cannot do it. It is impossible. I am positive it is impossible, because the Committee on Finance has just now acted on medicare and medichoice. By a vote of 11 to 6 it has voted not to report a bill with medicare or medichoice in it. That will mean an extended floor fight on one of the most critical issues to come before the Senate. That will take a day or two or three. Also, there are at least two big appropriation bills still to be considered. They are controversial. They will account for at least a day or two each. Then there will be a supplemental appropriation bill to be considered, on which hearings have started. Those bills will have to be debated while the Senate sets aside the present discussion. I am as positive as of anything I know that Congress will not adjourn sine die by the end of the week. We have lined up speeches for a number of days on the Dirksen amendment. We have only started. Many Senators feel very deeply about this matter, and will talk for a long time on it.

Under those circumstances, it seems to me it would certainly serve the interest of Senators if the advice of the Senator from Oregon were followed promptly, with the Dirksen amendment being withdrawn and the Judiciary Committee giving it its prompt attention, with the understanding that it will be returned to the Senate. I would greatly prefer to see happen what the Senator has suggested. The fundamental principle that the Senator is arguing so well is that the Judiciary Committee give its attention to the matter in hearings, that it call experts, and persuade them to testify. Then we would have something to act on, and then at least a big part of our procedural objections to the bill would have been met.

Mr. MORSE. I agree with the Senator from Wisconsin. There is no possibility of a sine die adjournment before the Democratic convention, or, as was suggested in one newspaper article, by Labor Day. I believe that we shall do well to get out by October 1. Some Senators are running for reelection and are concerned about that. The Senator from Wisconsin [Mr. PROXMIRE] is running for reelection. But I have some gratuitous advice to give them. I remember when I was a candidate for reelection in 1962, and had the short space of about 3 weeks for campaigning. That was cut down a few days because I was called back on the Cuban crisis. So I had about two and a half weeks or so. I was worried; I thought it might be unfortunate. Perhaps it was fortunate. I turned over a substantial part of my campaign speaking and itinerary to my wife and one of my daughters. I am sure they did a better job than I could have done. The results were highly favorable. My percentage of victory was increased over what it had been 6 years earlier.

We have a task to perform here. I am for staying until it is completed. If it means staying here until October 1, then it will be October 1. We shall do everything we can to accommodate Senators by granting pairs and by giving as much notice as we can, so that Senators who live at least no farther away than does the Senator from Wisconsin may go out and campaign over long weekends.

But we are inclined to overrate the importance of long, stretched-out campaigns. Perhaps the American people would appreciate it if we reduced the amount of campaigning, and would particularly appreciate it this year if we stayed here and attended to legislative business. Speaking from a partisan viewpoint, and possibly with a bit of prejudice, I do not believe a long campaign is needed this year, so far as the Democratic side of the aisle is concerned. We can send out the information. The people will reach their own intelligent judgments without any protracted campaigning.

Time spent in opposition to the Dirksen amendment would probably be time well spent. That is why I am willing to set forth in this speech today my broad general position concerning it. When I come to the decision itself, I shall set forth some of my more specific legal objections.

Mr. PROXMIRE. Mr. President, will the Senator from Oregon yield on a point he made earlier?

Mr. MORSE. I yield.

Mr. PROXMIRE. Does Oregon have population apportionment in both houses of its legislature?

Mr. MORSE. The State constitution requires it for both houses. For many years, that requirement was ignored, but in recent months we have proceeded to enforce the principle of population apportionment.

Mr. PROXMIRE. Some Senators with whom I have spoken have expressed the concern that if both houses of State legislatures are elected on the basis of population apportionment, the farmers will be forgotten; that the rural areas, which are losing population, will lose influence in the State government.

The Senator from Oregon is a native of my State of Wisconsin. We are proud of him. He knows that Wisconsin has always had population apportionment in both houses of the State legislature. In 1848, under the Northwest Ordinance, we were required to provide it. Wisconsin has always had strong agricultural representation in the legislature in spite of the fact that it has been on a population basis. That representation has not been weakened.

Wisconsin's State Department of Agriculture is one of its strongest departments. It still is.

I am sure that on this basis, the Senator from Oregon might agree that the farmer has nothing to fear from putting everybody on the same basis and giving everyone in this ball game three strikes, instead of giving some four or five strikes.

Mr. MORSE. I completely agree. Let me add the other argument that goes along with the argument of the Senator from Wisconsin, which he states he has heard in the cloakroom. Some of the opponents of population apportionment say that there might as well be unicameral legislatures if both the senate and house are selected upon the basis or principle of population apportionment, with one person having only one vote, and not a vote and a quarter or a vote and a half. As the Senator from Illinois [Mr. DOUGLAS] has pointed out, due to the inequities that the Supreme Court struck down, some rural areas have several votes per person, in weighted effect.

Giving that kind of advantage to rural areas is not necessary to guarantee them fair legislative treatment. One sees that in the Wisconsin Legislature. I was brought up on the great progressive record of the Wisconsin Legislature. The farmers of Wisconsin have never suffered, and the farmers of any other State would not suffer, because the interesting thing is that some of the leaders in the legislatures from the metropolitan areas are the first to go to the defense of the agricultural interests. They recognize how important it is to have a strong agricultural influence in the State for the benefit of the economic welfare of the whole State.

The argument that is being used against population apportionment is purely an argument from fear; it is purely a bogyman. It is a scarecrow argument. In my judgment, two branches of the legislature are necessary to carry out the system of checks and balances on the State level, because, as we know, it makes much difference in the checking system whether one sits representing the whole State in Congress or representing a congressional district of a State. The individual Member of Congress often gets, on a district level, information that a Senator does not get. It works out the same way on the State basis. That is an important part of our system of legislative checks and balances.

I am not at all moved by the argument that if there is the same type of selection, populationwise, of two branches of a legislature, we might well do away with one of the branches. That does not make sense at all. It completely overlooks the interplay of political representative forces within the State, communitywise, countywise, districtwise, and ultimately statewise. The framers of Oregon's constitution certainly did not think population as the basis for both legislative bodies rendered either of them useless. The different length of terms and the difference in areas represented makes the houses different, from each other, even though both are apportioned according to population.

A more legitimate and reasonable exercise of congressional authority in prescribing for the judicial branch of the Government than the pending Dirksen amendment would be the resurrection of the Roosevelt Court-packing plan of 1937. Increasing the number of judges is a less blatant interference in the activities and decisions of the Supreme Court than is the effort to direct a verdict. That is all the Dirksen amendment is—a directed verdict.

There is no congressional authority over the composition of State legislatures. This body is not competent to legislate on matters of State apportionment. Yet that is exactly what is called for in this amendment. I am astonished that Members of Congress who for years have bemoaned and condemned the expansion of Federal laws into matters traditionally reserved to the States are now pressing for a statute that will once and for all create a precedent for Federal legislative action in the most vital area of all—apportionment of the State legislature.

The whole reapportionment issue has arisen between the States and the Federal courts. Its source is the mandate of the 14th amendment that the States shall not deny to their citizens the equal protection of the law.

How, then, does Congress "get into the act?" It is being dragged into it by the back door. It is apparently being dragged into it through that section of the Constitution which authorizes Congress to constitute tribunals inferior to the Supreme Court, and that section which authorizes Congress to regulate the appellate jurisdiction of the Supreme Court. Perhaps the enforcement clause of the 14th amendment could serve as a basis for congressional action, but this is not an enforcement measure.

The Dirksen amendment does not constitute or organize any inferior tribunals;

and it does not authorize or deny specific appellate jurisdiction to the high court. It does not enforce the equal protection clause.

Instead, it tells the Federal district courts how they shall dispose of a certain class of cases; namely, State reapportionment cases.

I should say that it seeks to tell them how to dispose of certain cases, because I am highly skeptical that a statute of this nature can be binding on any Federal court.

Listen to the language:

> Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of any State government, the proceedings of any house of the legislature thereof, or of any convention, primary, or election, for such period as will be in the public interest.

(At this point Mr. McINTYRE took the chair as Presiding Officer.)

Mr. MORSE. Mr. President, then, the Dirksen amendment continues: "the stay for the time necessary to permit reapportionment shall be deemed to be in the public interest in the absence of highly unusual circumstances." The Dirksen amendment calls for a stay "for the period necessary—to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution."

That is a stay which Congress is going to tell the courts is "in the public interest."

So, having directed a verdict of stay of execution, Congress helpfully advises the courts that the duration of the stay shall be for such period as will be in the public interest.

I am sure the Federal courts are going to find that advice most useful. It assumes that the courts do not now prescribe for the public interest. It assumes that the courts do not understand or recognize the public interest until Congress points it out to them.

I do not know of a single reapportionment case in a single State where the courts have not patiently waited for the State legislatures or the State courts to take care of reapportionment themselves. I do not know of a single instance where "the public interest" does not call for enforcement, after considerable delay, of the equal protection clause.

It is interesting that the Dirksen amendment makes no mention of that. It is interesting that the Dirksen amendment says nothing about the public interest to be served by enforcement of the equal protection clause. I ask the question: Why not?

If we are to advise the courts on how to do their job, we at least should advise them to uphold and enforce the Constitution, not to postpone and further delay its enforcement.

Section (a) of this amendment is a directed verdict. But the standard it uses wherein it calls for a stay "for such period as will be in the public interest" is a useless advisory opinion.

So is all of section (b) an advisory opinion. It calls for an undetermined period of stay which would permit the States to act themselves. But I do not know of a single case where the courts have not given the States opportunity after opportunity to act for themselves. Read the history of these cases. The courts have stayed the execution of reapportionment orders time and again in the hope the States would act.

In fact, if I were to offer any criticism of the courts in this matter it would be that they have stayed execution of some of these orders for too long. Justice delayed is still justice denied, and all the Dirksen amendment proposes to do is to delay justice a little longer.

I see not a word in this amendment that would be of any guidance to the courts at all, even if it were in the province of Congress to give guidance to the courts, which it is not.

The amendment is nothing more than a heavy-handed attempt to intervene in the administration of justice. It is intervention far more direct than the court-packing plan of nearly 30 years ago. I wonder what the backers of this amendment would have said 30 years ago, had Franklin Roosevelt urged Congress to pass a bill directing the Supreme Court to stay execution of its decisions overturning New Deal statutes. The objections to that kind of interference would have been even more violent than were the objections to the additions to the Court sought by Roosevelt.

So my basic objection to the Dirksen amendment is that it seeks to put Congress into the judicial business, in addition to its legislative business. This is a flagrant violation of the separation-of-powers clause of the Constitution.

But I also oppose the amendment because far from protecting the States in any of their functions, it is destructive of the powers and function of the States.

The decline of the State as an effective unit of government has been in direct ratio to their refusal, or perhaps their inability, to reflect the interests and opinions of a majority of their people. The control of State legislatures, year in and year out, by rural and smalltown minorities has compelled the metropolitan areas to turn to the Federal Government for assistance in coping with the rising problems of urban growth.

Malapportionment has cost this country the effective services of our States. It has thrown a burden upon the Federal Government that has not always been sought by the Federal Government. It has brought big-city mayors to the Nation's Capital to obtain what should have been done at the State capital.

The Federal courts have done the States the greatest service of the century by requiring them, at long last, to get back into the mainstream of American life. Baker against Carr, and the decisions that have followed it, will do more than any Congress could ever do to restore vitality to the States.

I am at a great loss to understand why those who tout themselves as advocates of States rights should be trying to stop the one thing that has reinvigorated the States. They should be cheering Baker against Carr. They should be trying to speed up the application of these decisions, because they are the salvation of the States.

Let it be remembered that the prairie, the mountains, and the small towns of America are no longer representative of our people. Their virtues are many, and rural and small town life is cherished by many of us. But the great bulk of the American people no longer live on the farm or in small towns. If the American people, as they move into metropolitan living, do not take control of political affairs at the State level with them, they will appeal to Washington.

In any case, the effort by minorities to retain control of the State legislatures is a losing effort. If they succeed in controlling their States they will steadily lose power to Washington.

The needs of the American people are going to be served. If they cannot be served at the State level, they will be served at the Federal level.

In my own State, we did not wait for the courts to point out our duty. The Oregon Constitution calls for apportionment of both houses by population. But the legislature itself did not abide by the directive of the State constitution. It took the people, by use of the initiative, to carry out reapportionment.

The press indicates that Oregon is the only State that will not be affected by Baker against Carr, and I ask unanimous consent to have printed in the RECORD an article published in the New York Times entitled "Oregon Is Spared Redistricting Job."

I also ask unanimous consent to have printed a telegram I received today from Mayor Willard Marshall, of Salem, Oreg., in opposition to the Dirksen amendment.

There being no objection, the article and telegram were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 9, 1964]

OREGON IS SPARED REDISTRICTING JOB

SALEM, OREG., August 8.—Oregon is watching smugly as other States face the responsibility of reapportioning State legislative districts.

So far as Oregon is concerned the recent decision by the U.S. Supreme Court requiring States to realine legislative districts on the basis of population merely formalized a system adopted by the State in 1961.

As a result Multnomah County, which includes Portland, the State's largest city, elects 17 of Oregon's 60 representatives and 8 of the State's 30 senators.

On the other side of the State, where the population is lower, one State senator, Anthony Yturri, represents a four-county area of nearly 28,000 square miles—and area equal to that covered by Vermont, New Jersey, New Hampshire, and Rhode Island combined.

In the same part of Oregon, State Representative Robert Burns represents a two-county area of 20,000 square miles—an area nearly the combined sizes of Maryland, Hawaii, and Connecticut.

Mr. Yturri represents about as many people as each of the eight Multnomah County senators. And Mr. Burns' vote is backed up by about the same number of people as each of Multnomah County's 17 representatives.

It does give legislative weight to the cities. But that's what it's supposed to do, because that's where most Oregonians live.

SALEM, OREG.,
August 14, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.:

Request you oppose by all possible means any restriction on Federal court authority or any delay regarding State legislative reapportionment.

WILLARD C. MARSHALL,
Mayor of Salem.

Mr. MORSE. Mr. President, this amendment should be rejected. If there is to be any change in the relationship of the Federal courts to the States, it should be accomplished by constitutional amendment. That is the recourse for those who wish to overturn or vitiate Baker against Carr.

I do not believe any foreign aid bill is worth the Dirksen amendment. There is more than $6 billion in the foreign aid pipeline. As I shall point out momentarily in another subsection of this speech, it is closer to $7 billion than $6 billion. The country could get along without a foreign aid bill until January. We could get along without a foreign aid bill until well on into the spring. We have ample time to consider a new bill. And I shall discuss that momentarily. After all, it was the end of December last year before action on foreign aid was completed. There is nothing we get from foreign aid that is worth this destructive and flagrant violation of the separation of powers, this rejection of the equal protection clause, this effort to retain minority control of the State legislatures.

Better that foreign aid go over to January than that we upset so many elements of our constitutional system in order to get it passed. I am not talking about filibustering. I am simply saying that if the Dirksen amendment is approved, the foreign aid bill should be defeated by Congress or vetoed by the President. I hope it will not come to that because the Dirksen amendment deserves to be voted down.

Mr. President, that causes me to comment on the foreign aid bill, vis-a-vis the Dirksen amendment. About an hour and a half ago I deplored the attempt to shackle the foreign aid bill with the Dirksen rider.

I point out that when one of my good friends in the Senate tried to argue with me that I should give unlimited support to what he called a prolonged debate in order to help kill the foreign aid bill by battling away against the Dirksen amendment, I good-naturedly remarked to him that we should keep the issues separate. I am against the foreign aid bill. I shall vote against the foreign aid bill for reasons that I shall summarize shortly. That will not cause me to connect the Dirksen amendment with my desire to beat the foreign aid bill. The foreign aid bill ought to be beaten on its own demerits. That is my position. And I shall hold fast to that position. And the Dirksen amendment should be defeated on its own demerits.

The Dirksen amendment is another form of a Court-packing proposal. It is really an attempt on the part of the Congress, through a legislative rider by the Senate, to play the game of pretense that we are Justices of the Supreme Court.

We do not have the qualifications to be Justices of the Supreme Court in this matter. We are not versed on it. To be frank about it, we do not know. That is why I said that I could not understand how lawyers in the Senate could vote for it. They would be guilty of what we try to teach young lawyers never to do—to "curbstone" on a complicated legal question before they have been to the law library, before they have done their legal research.

This amendment needs a great deal of legal research. The place to have such legal research done is in a committee hearing, in which we can bring in the leading legal experts on constitutional law and on legislative process to advise us as to the merits and demerits of the Dirksen amendment.

One of the front leaders of the American Bar Association who has been very active in the American Bar Association activities, particularly in the field of the doctrine of separation of powers and in the field of criminal law administration and public law administration, is a distinguished lawyer from St. Louis, Mo.—Arthur Freund. As long as 6 weeks ago, he foresaw that this subject would arise. Arthur Freund wrote me and said, in effect:

> Be on guard against an attempt to get legislative action that will scuttle *Baker* v. *Carr*.

I was surprised. I wrote back. I said:

> I have doubt that any such attempt will be made before this session of Congress adjourns.

That did not satisfy him. He sent me some more material on this subject matter. He informed me that many members of the American Bar Association were alarmed about what they were satisfied were plans—as he put it—to scuttle the Supreme Court decision.

He was right. I was mistaken in being a doubting Thomas. I do not know why I was such a doubting Thomas. I suppose the reason was an abiding faith that such parliamentary tactics as are involved in this rider would not be attempted on a matter as far removed as foreign aid.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. CLARK. I congratulate the Senator on his excellent speech. Unfortunately, I could not be present in the Chamber to hear him deliver most of it. I heard the closing portion of his speech. I had an opportunity to read the remarks which the Senator prepared for release. I believe it is an excellent exposition of a number of the most important reasons why this incredibly bad amendment should not be approved by the Senate.

The senior Senator from Oregon has been a distinguished law school dean. He is known to be one of the outstanding experts in the Senate, not only on constitutional law, but also on legislative procedure.

Does the senior Senator from Oregon agree with my view that the legislative procedure utilized to bring the modified Dirksen amendment to the floor of the Senate is not only highly unusual, but is also practically indefensible?

Mr. MORSE. I said that earlier in my speech. I believe the whole procedure is indefensible. We ought not to be a party to it.

Before the Senator came on the floor, I knew that he and other colleagues were at a Democratic conference meeting that was held at 11 o'clock this morning, which I could not attend.

I have already discussed the wisdom of referring all these proposals to committee, with some directive that they will be reported back at a time certain. We need the benefit of legal scholarships on the many issues imbedded in the amendment and we can only get it by the hearing procedure of a committee.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. CLARK. Is the Senator aware that the original Dirksen proposal which came from the Judiciary Committee not only was subjected to no hearings then, but also that the meeting of the committee in which the Dirksen original amendment was ordered reported lasted only 45 minutes?

Mr. MORSE. I was not aware of the time factor that the Senator has outlined. I was aware of the fact that the committee had not subjected the amendment to thorough hearings.

Mr. CLARK. I have been advised by members of the Judiciary Committee who voted against reporting the amendment that there was really no discussion of the wording of the amendment whatever, that a large majority of the committee apparently had made up their minds to report the amendment favorably—it was then in bill form—and that there was only desultory discussion in which the Senator from Michigan [Mr. HART] and the Senator from North Dakota [Mr. BURDICK] indicated their serious dissatisfaction and suggested hearings. They pointed out the constitutional implications and the vast amount of literature which is extant on the subject from the civic organizations which have interested themselves in the subject for many a long year.

I happen to have in my hand three of those pamphlets. One is entitled "Reapportionment and Redistricting," issued in 1962 by the Institute of Public Administration of the Pennsylvania State University, and two separate brochures issued under the authority of the National Municipal League, one of them by William J. D. Boyd entitled "Patterns of Apportionment," and the other entitled "Reapportionment and the Federal Analogy," by Robert B. McKay.

Surely this type of careful scholarly work is entitled to consideration by the Judiciary Committee.

I would hazard a guess—and perhaps I am being unfair to my colleagues—that not all members of the Judiciary Committee have taken the trouble to read the outstanding opinion of Chief Justice Warren in the Reynolds case or even the concurring or dissenting opinions of the other judges. There was no indication, so I am informed, at the Judiciary Committee meeting that the question had been given any consideration in depth.

The Senator from Oregon is aware, I am sure, of the vast differences between the present Dirksen amendment and the original Dirksen amendment; is he not?

Mr. MORSE. Yes. It seems to me that if the Senator from Illinois thought that his original amendment was sound, he should have wanted to take that to the committee rather than the compromise amendment that he has agreed upon in an endeavor to get a vote on the proposed rider.

Mr. CLARK. The so-called compromise amendment which is now before the Senate has never been considered by any committee of the Senate.

Mr. MORSE. That is correct.

Mr. CLARK. My understanding, which I have obtained only from the press, is that the amendment was concocted with the assistance of able counsel whom the minority leader was able to command, and the Solicitor General and the Deputy Attorney General, Messrs. Cox and Katzenbach—working under some pressure to try to concoct something that would be less objectionable than the original amendment and might conceivably stand the test of constitutionality.

It is my understanding that hardly anyone among those who would be expected to take a strong view against the amendment was called into consultation. Certainly I was not. I wonder if the Senator from Oregon was.

Mr. MORSE. The Senator can take judicial notice that the Senator from Oregon would not be consulted with regard to such a question. I can best describe it as an amendment that was sired by expediency and born from the womb of politics.

Mr. CLARK. I wonder if my friend from Oregon does not think it odd that a measure purporting to reverse, at least in part, carefully considered opinions of the Supreme Court of the United States—not one but almost 8 or 10 opinions, including Baker against Carr, the Wesberry case, the Gray case, and all the decisions handed down on the 15th of June and the decisions which have come down since then—has not been given the slightest consideration by the Judiciary Committee in the first instance or in the second instance.

I wonder if the Senator from Oregon does not believe that in terms of legislative procedure the subject is one which would result in justifiable criticism from those who do not believe that either the original proposal or the substitute is in any way sound?

Mr. MORSE. I agree with the Senator. I hold in my hand the landmark decision protecting the basic constitutional rights of all the American people—the Baker against Carr decision. Earlier I had said that I intended to discuss large segments of that opinion, but I have been so full of my subject since 10 o'clock this morning that I have not been able to reach the decision, which means that in a subsequent speech I shall have to discuss the decision.

Let me say to the Senator from Pennsylvania that the decision is a scholarly piece of juridical work. I would not reflect on anyone. I merely ask a rhetorical question. I wonder if the advocates of the Dirksen amendment have read the decisions that have been cited by the Supreme Court setting forth the historical and the constitutional background of the decision itself.

I quickly add that I have not read them all yet. I intend to do so before the debate is over. But I have made substantial progress in reading them; and as one reads this great juridical account of American constitutional history set forth in the long line of Supreme Court decisions, he becomes all the more aghast over the opposition that we are running into at the suggestion that we let that great landmark decision go to Senate hearings, for that is all we are asking when we suggest hearings on the issue. We are really suggesting that Senators know what they are talking about before they vote. I do not speak disrespectfully when I say that the Senate would not know what it was doing if it voted on the subject before Senate hearings.

There is a whole line of Supreme Court decisions that should be submitted to a committee seminar, over a period of a good many committee sessions, because we are dealing with a matter that is very precious to the perpetuation and protection of the constitutional rights of the American people. If Senators will read the decisions I have already read, they will find it is true not only in respect of the 14th amendment but in respect of many other parts of the Constitution. I am pleading as a lawyer in the Senate to my colleagues, not to turn themselves into "curbstoners," because the odds are all against them if they start to curbstone on anything both as basic and precious to the rights of the American people as Baker against Carr. This is not a subject that ought to be a matter of legislative rider on a foreign aid bill, without any hearings on it.

Mr. CLARK. I concur in what my friend from Oregon has just said about the desirability, if we are to legislate in a mature way, of Members of the Senate familiarizing themselves with these great decisions of the Supreme Court. In my opinion, the line of decisions starting with Baker against Carr and ending, for the time being at least, with the Reynolds case, represents one of the great landmarks in constitutional law in my lifetime, the other being the case of Brown against Board of Education, which established the right of every American child to go to an integrated school. In two of these landmark cases, Reynolds, and Brown against Board of Education, in which the Chief Justice wrote the opinions, the great Chief Justice took the lead when Congress showed itself to be the sapless branch in not taking the lead.

Instead of striking down the Chief Justice of the United States, without giving an opportunity for an appearance before a committee, I concur in the opinion of the Senator from Oregon that this amendment should go back to the Judiciary Committee for serious hearings, not only as to its effect, but also as to its constitutionality.

I will detain the Senate only a moment longer to ask the distinguished Senator how there can be any legitimate justification for proposing a matter of such grave constitutional import as this without hearing, with only 45 minutes of discussion, the amendment being entirely rewritten and offered in its present form on the floor, as a rider to the foreign aid bill. What kind of procedures do mature men utilize in the Senate? They could not get away with it for one-half a minute in the House of Representatives. I do not believe they could get away with it for one-half a minute in any one of the legislatures of the 50 States. Yet they come in here—and I use the word advisedly—and have the effrontery to tack a proposed measure of such great constitutional importance to a foreign aid bill. Their motivation is clear. I do not ordinarily discuss the motivations of my colleagues, and I shall not do so now. But the inevitable result of what they want to do would be to hold a gun at the head of the President of the United States and say, "you shall not veto what you know is unconscionable." The Senate should not let that happen.

Mr. MORSE. It cannot be justified, but Senators had better take a look at what they are trying to do. They are seeking to put legislative clothing on what I consider to be an illegitimate child born out of legislative wedlock as a result of parenthood of illegitimacy.

Mr. CLARK. I thank the Senator for yielding to me.

Mr. MORSE. Mr. President, before I turn to a matter related to the general proposition, I make my last point in this speech before I discuss Baker against Carr at a later time.

I am greatly concerned about what will happen in the thinking off the American people, if this rider is passed by the Congress, with regard to their respect for the courts. Let us face the issue. If the Congress of the United States is willing to deliver this slap in the face at the Supreme Court of the United States, what do Senators think popular reaction to such action will be? It is unfair. It is unjustified. It starts raising serious questions of doubt as to the good faith of the Supreme Court, and as to its courageous, serious attempts to carry out its constitutional responsibility.

There is very much of an emotional reaction to a decision of the Court; and that cannot give birth to sound legislation. I fear that this course of action would divide us more in this country, develop more and more lack of respect for our judicial processes, create more schisms in our body politic, and be a disservice to the whole juridical system.

Unless there is high respect for the courts, unless a legislature always takes the position that when the courts speak, that is the law until the people, by way of their checks, by way of their constitutional amendment process, take action, in my judgment it would weaken the citadel of government in this great Republic. We have a constitutional system built upon the foundation of the establishment of three coordinate and coequal branches of government. This proposal is an attack on that system. I think we would pay dearly, so far as public reaction to judicial processes is concerned, for those who do not want to pay respect to the courts are going to build this issue up into a balloon-type attack upon government by law.

Government by law requires obedience to court decision until the constitutional processes have run their course. Government by law would never justify an expedient course of action on the part of the Senate in this case, or on the part of the House if it takes the Tuck bill, seeking to make itself legislatively supreme in connection with constitutional determination.

That is what is sought to be done. It is sought to supplant the Supreme Court in regard to the determination of constitutional rights. In my judgment, there is only one way to do that. If the people themselves do not like a decision of the Supreme Court and feel that a decree of the Supreme Court in regard to the Constitution should be reversed, let them amend the Constitution, for there is no denying the fact that ever since Marbury against Madison in 1803 the Supreme Court has had the jurisdiction and authority to hand down the decision in Baker against Carr. When Chief Justice Marshall spoke in Marbury against Madison, he bespoke decades ahead the jurisdiction of the Court in Baker against Carr. That decision of the Supreme Court remains final, under our Constitution, until the people themselves decide that they want to reverse it by way of a constitutional amendment.

In my judgment it is improper, it is out of place, and it is a false assumption of legislative power on the part of the Senate to seek to reverse the Supreme Court, short of the people themselves acting on a constitutional amendment. We reverse the Supreme Court if we set aside for 1 hour, for 1 minute, or for 1 second the application of a Supreme Court decision in respect to a decree dealing with the constitutional rights of the American people.

As politicians we may not like it, as politicians we may not support a constitutional amendment, but as a politician, even though elected to the Senate, I charge that it is an abuse of our senatorial prerogatives to seek to substitute ourselves for the Justices of the Supreme Court and to set aside for any period of time a decision of that Court dealing with the constitutional rights of the American people.

I shall speak at a later date on my interpretation of the legal effects of Baker against Carr. However, I wish to say a word about foreign aid. Then I shall close for the day.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. I congratulate the Senator from Oregon for his extremely able address. The Senator from Oregon is one of the great constitutional lawyers of this body. He knows whereof he speaks. I am very much impressed by the fact that the views which the Senator from Oregon has advanced concerning the unconstitutional nature of the proposed action of the Senate as embodied in the Dirksen amendment is also increasingly the judgment of the most respected newspapers of the country.

I wonder whether the Senator from Oregon would permit me to ask that, at the conclusion of his address, excerpts from recent editorials in the Atlanta Journal, the Cleveland Plain Dealer, the Providence Journal, and the Philadelphia Inquirer may be printed in the RECORD.

Mr. MORSE. I am delighted to have the Senator do that.

Mr. DOUGLAS. I ask unanimous consent that the excerpts from editorials be printed in the RECORD at the conclusion of the Senator's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. I also ask unanimous consent that there may appear in the RECORD at the conclusion of the Senator's remarks an article on this subject, written by Mr. Anthony Lewis, which discusses primarily the constitutional issue, and which appeared in the New York Times, of August 16, 1964.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Mr. President, I appreciate very much the kind words of the Senator from Illinois. I thank him for his leadership in opposition to the Dirksen amendment. He knows the very high regard in which I hold him as a legislator and the deep affection I have for him as a friend.

Once again he has been willing to row against the current, in seeking to stop what I am satisfied would prove to be a horrendous legislative mistake on the part of the Senate if it should adopt the Dirksen amendment. I am delighted that he and Senator CLARK, Senator PROXMIRE, Senator HART, and other Senators seek to have this question postponed for committee meetings come January.

EXHIBIT 1

[From the New York Times, Aug. 16, 1964]

REAPPORTIONMENT

Senator DIRKSEN's rider to the foreign aid bill, delaying reapportionment of State legislatures to allow time for a constitutional amendment on the issue, has been criticized on three grounds: that reapportionment should not be delayed at all, that a rider is a bad method to use and that Congress should not interfere with Supreme Court rulings. Following are comments from the Nation:

The Atlanta Journal: "Senator DIRKSEN's motives are clear. In his home State, reapportionment of both houses of the legislature means not only urban control but Democratic Party domination. * * * If such an amendment were offered, Congress could stipulate that two-thirds of the State legislatures, still under rural domination, pass on what would amount to nothing less than a life and death issue for them. There can be little doubt as to what such bodies would do. There is no concern in the Dirksen proposal for the one-man, one-vote principle. The Senator hopes to serve his own ends and those of some fellow politicians, not the people."

The Plain Dealer, Cleveland: "Allowing State legislatures to mark time from 2 to 4 years in applying the Court directive may be debatable. The point is that congressional action on reapportionment, especially important in Ohio, should stand on its own. It should not be pinned to the coattails of foreign aid."

The Providence Journal: "The principal objection to the Dirksen proposal is that it constitutes legislative infringement on the judiciary. * * * Nowhere in the Constitution is there any passage that permits Congress, by simply passing a bill, to postpone the application of a decision by the Court, as the Dirksen rider would attempt to do.

[From the Philadelphia Inquirer, Aug. 15, 1964]

CONGRESS AND THE COURT

At the crux of a stormy debate in both Houses of Congress over the issue of legislative reapportionment is the central question of what procedure may be legitimately used to nullify the effect of a Supreme Court decision.

Ever since the Supreme Court handed down its decision in June declaring it unconstitutional for either house of a State legislature to be apportioned on any basis other than population, there have been numerous proposals in Congress to circumvent or postpone the effect of this decision.

Nearly all the States are vitally concerned by the ruling because most legislatures are modeled, to some degree, after the Congress, where the House of Representatives is apportioned by population and the Senate on a geographical basis, with each State having two Senators regardless of population. This is a fundamental part of the American system of checks and balances in government, designed to protect majority and minority rights.

It seems to us that the House Rules Committee has gone completely overboard with its proposal that Congress pass a bill intended to nullify the Court's decision on reapportionment. Presumably, any such bill, if enacted, would itself be declared unconstitutional by the Supreme Court.

Southerners are pushing this bill because they see in it a possible precedent for nullifying court decisions on civil rights.

If Congress had the power to overrule the Supreme Court on questions of constitutional interpretation, the Court would be reduced to a meaningless nonentity. Its decisions would be subject to veto by a majority of Congress. Thus Congress, rather than the Court, would become the final arbiter on constitutional questions.

The proper way to overcome a Supreme Court decision on constitutional interpretation is to amend the Constitution, if this be the will of Congress and the required number of States.

It would be wise, in any event for the Federal courts to exercise discretion and avoid a wholesale upset of State governments by setting arbitrary reapportionment deadlines that cannot reasonably be met. In many instances, however, it is the legislatures themselves that are to blame for the reapportionment mess because they have failed to comply with the requirements of their own State constitutions stipulating periodic reapportionment.

The separation of powers between Congress and the Supreme Court, each a separate branch of the Federal Government, is clearly defined in the U.S. Constitution. Congress, alone, cannot change this.

EXHIBIT 2

[From the New York Times, Aug. 16, 1964]

DECISION TO REAPPORTION THE STATE LEGISLATURES STIRS OPPOSITION

(By Anthony Lewis)

Conflict between the Supreme Court and the political branches of government is hardly a novelty in American history. It goes all the way back to the time of John Marshall, who wrote one of his brethren on the bench a gloomy letter predicting a successful effort by Congress to "prostrate the judiciary."

Relations between Congress and the Court have moved in great cycles. A strong Court, determined to put its imprint on society, has inevitably aroused resentment among legislators. Sometimes when under attack, the justices have moderated their course until a new turn in the cycle.

The great recent example is the crisis of the 1930's, when a strong-willed majority on the Supreme Court tried to stand against the New Deal. The result was public loss of confidence in the Court, then a direct attack from President Franklin D. Roosevelt in his plan to pack the bench with new Justices. The Roosevelt plan failed, but the Court majority did shift, abandoning the effort to put constitutional limits on social and economic legislation. The Supreme Court faded from the headlines.

Then, slowly, new issues arose in the ferment of constitutional litigation. The Court became more and more deeply involved in the protection of human liberty and equality. New animosities were aroused, and the Court was again in controversy.

RISE IN HOSTILITY

At the American Bar Association meeting here last week, a man who has been a close Washington observer of the Supreme Court for more than 20 years remarked soberly that he had never sensed so much hostility in Congress toward the nine men in their marble palace across the lawn. The angry feelings erupted during the week in the form of urgent legislative moves to upset or limit the historic decision of the Court last June, that the districts in both houses of State legislatures must be substantially equal in population.

There is no secret about why the Supreme Court is in controversy today: its decision in a number of areas have disturbed powerful forces in the community. The results reached by the Court in these areas have outraged not only Members of Congress but also significant sections of the public.

The decisions requiring equality of all races before the law are the most obvious example. Others are cases broadening the freedom of books and movies from censorship, enlarging procedural protections for criminal suspects and prohibiting required school prayers. All have aroused broadside attacks. The Justices have been called soft on criminals or obscenity or atheism. And underneath these exaggerated words there is real feeling on the part of some citizens.

The curious thing about the current furor over the legislative apportionment decision is that that case cannot really be shown to have aroused large-scale opposition among the public. The idea that all citizens should be represented equally in the legislatures, regardless of where they live, has hardly shocked the man in the street.

REVOLT OF POLITICIANS

This would seem to be strictly a politicians' rebellion. It is easy to understand why the politicians are upset. Their own seats may be in jeopardy, and beyond that, the stake in the reapportionment field is nothing less than basic political power. That is what explains the week's explosive events in Congress, not any abstract philosophical proposition.

"If we do nothing, this is the end of an era in America." Those were the strong words used by an ordinarily mild-mannered man, Representative WILLIAM M. MCCULLOCH, Republican, of Ohio.

The era of which he spoke was the era of rural dominance in the Nation's legislatures. For decades, a vote has been worth much more in country areas than in cities. There has been similar rural bias in districts for the National House of Representatives, dealt with in another Supreme Court decision last term. While not directly involved in the current maneuvers, this decision was doubtless in the minds last week of some Representatives who fear it may cost them their seats.

H. L. Mencken said in the 1920's that rural overweighting in legislatures was too absurd to last, but he has not been proved right yet. A major reason is that the bias, once built in, is almost impossible to remove by political means because the politicians will not vote themselves out of office.

There are various ways that apportionments have achieved their rural character. Some go far back into history, as with Connecticut's town-based house. Many States started with districts of equal population in both houses, then shrewd politicians saw the population trend and froze their control by apportioning on nonpopulation factors. Or often the rural bias came from simple failure to redistrict. In Tennessee, the unequal districts which first brought the Supreme Court into the problem in 1962, the State constitution calls for population equality but there had been no reapportionment since 1901.

RECENT CONCESSION

The Supreme Court's critics now talk a good deal about the desirability of having one house based on population, the other on different factors. But that is a latter-day concession under pressure from the Court. Until the justices stepped in, the controlling rural forces most often declined to consider strict population representation in either House.

In New York, for example, the complex apportionment formula introduces nonpopulation elements into the makeup of both houses. Some 35 percent of the State's population can thus elect a majority in the assembly now, 42 percent in the Senate.

Mr. MCCULLOCH was certainly correct in saying that an era would come to an end if the Supreme Court's decision is enforced. The idea that one part of the State can be given more representation in proportion to population than another would simply be eliminated. That would mean sweeping changes affecting a majority of the States.

New York's present districts, for example, are probably a little better than the national average in terms of numerical equality. In Connecticut, by comparison, a mere 12 percent of the people can elect a majority in the lower house and 32 in the upper. The percentages are 47 and 19 in New Jersey, 45 and 11 in California.

The political effects of change toward equal districts would primarily be to increase the power of the suburbs, for the old city cores are declining along with the country in their share of population. Since the suburbs are traditionally Republican, it may seem puzzling that Republicans are playing so large a part in the drive to undo the Supreme Court decision. When the case came down last June, Representative WILLIAM E. MILLER—then the party's chairman, now the Vice Presidential candidate—hailed it as good for the Republicans.

SUBTLE DIFFERENCE

The explanation seems to be that this is a more subtle issue than party. Even if as many Republicans were elected in an Ohio Legislature districted by population, they would be a different breed of Republicans. They would be the new, smooth politicians of the suburbs instead of the solid country types familiar to Mr. MCCULLOCH, and they would vote differently.

Something similar would be true in the South, which is experiencing full scale the rise of the middle class suburbs. But in the South a shift to population equality would more clearly help one party—the Republicans—who are reaping in those southern suburban votes. The Republican State chairman in Virginia was one of the politicians who opposed some of the congressional moves last week.

Congress has before it now several proposals aimed at the districting decision. Some follow the straightforward route of a constitutional amendment. Similar amendments sponsored by Mr. MCCULLOCH and Senate Minority Leader EVERETT MCKINLEY DIRKSEN, of Illinois, would have the general effect of permitting one house of the State legislatures to reflect factors other than population if the people of that State approved the apportionment in a referendum.

Senator DIRKSEN offered last week a legislative measure that he said was designed to allow time for consideration of the constitutional amendment. As originally drafted, it rather bluntly directed the courts to suspend proceedings in all districting cases for from 2 to 4 years. But a compromise was then worked out with Justice Department lawyers and offered as a rider to the foreign aid bill.

CURB ON COURTS

The compromise would leave the courts free to declare existing districts unconstitutional. But action would then be stayed for a year or two, as the Justice Department read the language, to let a legislature try to reapportion itself. If it did not act, the Dirksen rider would affirm the power of the courts to do the job.

A third and more drastic route is followed in a bill proposed by Representative WILLIAM M. TUCK, Democrat, of Virginia. This bill was sent to the floor by the House Rules Committee last Thursday in a sudden and dramatic move.

The Tuck bill states that the jurisdiction of all Federal courts to hear districting cases is entirely revoked. If valid, then, the effect of the bill would be to leave intact the constitutional standard of equality just declared by the Supreme Court, but to prevent anyone from enforcing it in Federal lawsuits. The State courts would still be free to hear districting cases, and so the result could be 50 different interpretations of the Constitution on this subject.

Whether Congress has the constitutional power to limit the functions of the courts in these ways by simple statutes is a question debated by scholars. Congress has done so only once before, in 1868, when it cut off the Supreme Court's jurisdiction to hear habeas corpus appeals because it believed the Court was about to declare Reconstruction laws unconstitutional in a habeas corpus case known as ex parte McCardle. The Court upheld Congress action then.

The Tuck measure follows the McCardle approach. Experts disagree sharply on whether it would hold up now.

For one thing the McCardle decision has been much criticized as inconsistent with the independence of the judicial process. For another, some argue that the McCardle statute, a removal of Supreme Court jurisdiction in a general class of cases, habeas corpus appeals, was less a violation of the separation of powers than would be a bar to judicial enforcement of one particular constitutional right.

A PRECEDENT

Foreclosing enforcement of the right to equal representation would be a precedent for picking out any other constitutional right that Congress did not like at the moment and excluding it from the courts.

On the other side, scholars point out that article III of the Constitution gives Congress specific powers to regulate the appellate jurisdiction of the Supreme Court and to fix the jurisdiction of all lower Federal tribunals. As to the latter, indeed, it is up to Congress which, if any, to establish.

The Dirksen rider as redrafted rests on a different constitutional basis—the section of the 14th amendment saying that Congress may enforce the amendment by legislation. The theory is that since the Court has now construed the amendment to require equity in districts, Congress may exercise its power to lay down a rule of decision requiring a reasonable delay for legislatures to act. The argument on the other side is that the measure violates the separation of powers.

POWER AND WISDOM

Some suggested that the Justice Department really considered the Dirksen rider unconstitutional but went along on the theory it would fall in a court test. That is not correct. High officials of the Department, at least, believe that the rider is a valid invocation of Congress powers under the 14th amendment.

The wisdom of the Dirksen proposal is another matter, and there the Justice Department certainly does not agree with the Senator from Illinois. The administration supports the Supreme Court's apportionment decision and would prefer to have no legislative interference with it. The compromise was made with Senator DIRKSEN for one blunt reason: Officials were afraid that they would get something worse if they did not take this. The subsequent progress of the Tuck bill suggested that they were right.

Should the Dirksen rider become law in some form, the next question would be whether a constitutional amendment would be adopted during the period delay. That might well depend on whether President Johnson is reelected this fall and, if so, whether he took a strong position against any constitutional change. Thus far in the current battle he has not spoken out.

The question posed by the present conflict between Congress and Court is in any event larger than the apportionment problem. What is now at issue is the status of the Supreme Court and the continuance unimpaired of its historic power to enforce the citizen's constitutional rights.

MEASURE SCORED

That the issue is the Court as an institution explains the willingness of 15 prominent law deans and professors last week to attack such proposed curbs on the apportionment decision as the Tuck bill. A telegram from them called the proposals drastic ones that would dangerously threaten the integrity of our judicial process.

Some of the signers of that telegram had themselves opposed the apportionment decision. Some have sharply criticized the present Court as too hasty, too confident of its own wisdom, too ready to use bootstrap history in its opinions. The professors can be just as sharp as politicians in their criticism. The difference is that they do not lose their reverence for the institution of the Court.

It is easy for sophisticated analysts to the law to condemn sweeping, ill-considered personal attacks on the Justices who so evidently are trying honestly to tackle the intolerably difficult problems put to them.

But, as Prof. Louis Jaffe of the Harvard Law School has said, the Supreme Court cannot expect only careful appraisals. It must justify itself in the crude marketplace of public opinion precisely because it deals not only with esoteric lawyers' questions but with great social issues.

What is about to be tested is whether the recent line of Supreme Court decisions protecting individual liberty has offended public opinion so much that the political forces arrayed against the apportionment decision will be able to limit or overcome it. On the answer depends not only a good measure of the States' future political makeup but the great role of the Supreme Court in the American system of government. It is hard to imagine a more fascinating or more vital struggle.

U.S. INVOLVEMENT IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent that there be published in the CONGRESSIONAL RECORD a letter to the editor which appeared in the Washington Post of recent date. Let the RECORD show that the writer of the letter to the editor of the Washington Evening Star is Mark W. Cornelis. It deals with the Vietnam situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RESPONSE ON VIETNAM

To those who have taken the time and effort to inform themselves on the background of U.S. involvement in Vietnam and the alternatives which were open to us to resolve the situation, the military escalation directed by President Johnson comes as an appalling shock.

With only Senators MORSE and GRUENING voicing opposition to our policy, at this writing, it occurred to me to inquire at their respective offices as to the response being registered by their constituents, via letter and telegram, to their dissenting position. I was informed that Senator MORSE had received 200 telegrams by 11 a.m. on the morning of August 6, and that all but one or two congratulated him on his stand, taken the previous afternoon, condemning the actions in Vietnam. Senator GRUENING's office reported on the same morning that of several thousand letters received during the past few weeks on Vietnam the percentage was between 400 and 500 to 1 in support of the Senator.

It may be that the constituents of Senators GRUENING and MORSE are better informed than most of the American public, but a poll of the general electorate in this country might well reveal, on the basis of the above statistics, that our war in Vietnam is not only stupid and unjust, but lacks the support of the average American citizen.

MARK W. CORNELIS.

WASHINGTON.

Mr. MORSE. In yesterday's Washington Post Mr. Jack Anderson wrote an article on the Tonkin Gulf snafu dealing with the fact that the captain of the *Maddox* did not know that the South Vietnamese were raiding the coast of North Vietnam.

I shall ask later to have the entire article published in the RECORD, but first I should like to make a few comments on it.

The research of Mr. Jack Anderson, whether he fully realizes it or not, has borne out completely the position which the senior Senator from Oregon took at the time of the speech in opposition to the South Vietnam resolution and at the time of his protesting the provocative activity of the United States in not only Tonkin Bay but in southeast Asia at the time of the attacks upon the *Maddox* in Tonkin Bay.

The RECORD will show that I said at the time that the briefings indicated that the captain of the *Maddox* was not aware of the bombing of the two small North Vietnam islands by South Vietnam naval ships. The RECORD will show that I pointed out that these naval ships were supplied by the United States as a part of the American military aid, in complete violation of the Geneva accords.

Many proponents and apologists of the administration's action in South Vietnam did not like to face the ugly fact that we have violated the Geneva accords for almost 10 years. The statement of that fact has always met with hush-hush, and has always met with a coverup. We do not help the cause of peace by trying to cover up our wrongdoing. Of course, Red China and North Vietnam and the Pathet Lao in Laos have been violating the Geneva accords. But I never thought I would live so long as to hear the apologists for this administration seek to justify outlawry on the part of the United States because Red China, North Vietnam, and the Pathet Lao in Laos are also outlaws.

The supplying of such arms and naval ships to the South Vietnamese was itself a violation of the Geneva accords.

It is an old story that two wrongs can never make a right. What I pointed out at the time of that debate, I reassert now. It is verified again, by the Anderson article. Before I am through, it will be verified by an article in the Manchester Guardian, as it has been verified by writer after writer since the bombing of the coast of North Vietnam.

It is true that the captain of the *Maddox* did not know of the bombing of the two South Vietnam islands. But of course he was operating under constant, complete, 24-hour-per-day radio communication and electronic communication with the American officials in Saigon and in Washington. They knew about it. Let us get this fact before the American people once again. Their American officials, who have been aiding and abetting our dictator puppet in South Vietnam, knew in advance of the escalating of the war into North Vietnam by the bombing by South Vietnamese naval ships of the two North Vietnam islands. We aided and abetted; we are implicated, and we have helped to provoke an act of outlawry against those two Vietnamese islands. I said so at the time, and every verification since bears out the soundness and accuracy of the report of the Senator from Oregon.

McNamara finally had his way. This has been McNamara's war from the beginning, and still is. He is still calling the tune and the shots.

As I said the other day, as we now remember to the discredit of the United States, the slogan "Remember the *Maine*," grew out of an unfortunate incident that threw the United States into a war with Spain, when the United States had little cause to go to war with Spain, so I am satisfied that historians of the future in regard to this dark page in American history will record the slogan, "Remember McNamara." In history, McNamara will have to assume the chief blame for the unconscionable and inexcusable action of the United States in joining with the South Vietnamese in escalating the war into North Vietnam.

American officials knew where the *Maddox* was. There had been a bombing of the North Vietnamese islands, carried out by that shameful military dictator puppet in South Vietnam—General Khanh. American officials knew where the *Maddox* was. She was entirely too close to those islands not to have produced the result that her presence as a provocateur produced.

I said days ago that the United States was a provocateur in connection with the bombing of the North Vietnamese islands. I repeat that statement today. The hands of the United States are bloody because of our provoking action by escalating the war in North Vietnam. American leaders have protested that they have been against escalating that war; but what their lips have said is quite different from what their hands have done. The United States has participated in the handiwork of escalating that war into North Vietnam.

The presence of the *Maddox* in Tonkin Gulf waters, even though they were international waters, was perfectly proper. National waters extend only 3 miles. Nevertheless, the fact is that the *Maddox* was allowed by American military and diplomatic leaders in Saigon to be in Tonkin Gulf so close to the mainland of North Vietnam that no one should have been surprised that the North Vietnamese looked upon the action as provocation—and they obviously did.

The evidence is also clear that when the PT boats of North Vietnam started out to the vicinity and location of the *Maddox*, the *Maddox* took to sea and was not overtaken by the PT boats until she was some 30 miles out. There is a dispute as to how far out she was, but I say that 75 miles would have been too close. The *Maddox* was satisfied from intelligence reports that had been obtained that the PT boats with their torpedos were after her. She had a perfect right to fire when attacked. I have always said that. Also, at the time of the second attack, she had the right to sink the boats. But the United States had no right under international law to commit war against the mainland of North Vietnam, for that was an act of aggression. That act was not necessary to protect the *Maddox* or any other American ship on the high seas. We had North Vietnam dead to rights.

North Vietnam was in clear violation of international law. But if we wanted to commit an act of war, we had the duty to declare war. That the President of the United States has not proposed to do, and obviously does not intend to do. Instead, we as a Congress have given him the right to make war without declaring war. History will not record that act to our credit either. We now begin to see that in the course of time this illegal act on the part of the United States will come home to roost.

In the course of his article, Mr. Anderson says:

> 3. The *Maddox* intercepted Communist messages, and therefore had a 2-hour warning that the three North Vietnamese PT boats attacked.
>
> Pieced together from naval intelligence reports, here is the inside story of what happened:
>
> On August 1, the South Vietnamese Navy landed a raiding party on the Island Hon Me about 10 miles off the coast of North Vietnam. American advisers in Saigon were given advance notice of the attack but neglected to inform the U.S. 7th Fleet, which polices these waters.

Mr. President, that was where we should have stopped Khanh. That was where we should have served notice that any escalating of that war into North Vietnam would mean the end of American support. That was where McNamara pulled his "sleeper" on the American people. That was where the Secretary of Defense failed the American people and, in my judgment, failed the American President. In my judgment, it was at that point that McNamara owed it to the world to do what he could to stop escalating the war into North Vietnam, for this was a clear, formal attack on the part of South Vietnam upon North Vietnam, obviously with the blessing of the American command in Saigon.

I continue to read from Mr. Anderson's article:

> The destroyer *Maddox*, meanwhile, had entered Tonkin Gulf on a routine elint mission. This is the abbreviation for "electronic intelligence" and means that the *Maddox* carried supersensitive electronic gear which could scout the North Vietnamese coast from outside the international boundary.
>
> The *Maddox* was steaming 13 miles off the North Vietnamese shore, which is 1 mile beyond the 12-mile limit which Herbert Hoover established as the American off-shore limit during rum-running prohibition days.
>
> Actually, we have considered 3 miles the international boundary, but the *Maddox* was playing it safe. She was 13 miles out while sniffing Communist radar stations along the coast.
>
> Very casually, the *Maddox* sailed past Hon Me Island, unaware that it had been hit by dynamite-carrying South Vietnamese commandos.
>
> The destroyer was about 10 miles away from the island. But its electronic equipment easily spotted a concentration of North Vietnamese junks and PT boats scurrying around Hon Me like ants whose anthill has just been stepped on. The *Maddox* crew ignored the flurry until the radio room intercepted an order from the Communist Navy for three torpedo boats to attack.
>
> The *Maddox* skipper, Comdr. Herbert Ogier, sounded general quarters. For 2 hours, the crew waited at their battle stations while they tracked the approaching Soviet-made PT boats on the destroyer's radar screen.
>
> Commander Ogier kept the destroyer's stern turned toward the approaching boats in order to present as slim a target as possible for the deadly torpedos. When the boats came within range, the *Maddox* fired three warning shots, then banged away at the speedy little hornets as they continued to bore in.

The *Maddox* had a clear right and duty to do that. This was an exercise of American rights in self-defense, when the American flag was being attacked on the high seas.

> Ogier easily maneuvered out of the path of the launched torpedos, sank one boat with a direct hit.
>
> A careful reading of the intelligence reports convinces diplomats and naval authorities that the North Vietnamese associated the destroyer *Maddox* with the earlier commando attack on Hon Me.
>
> They believe the PT boats were sent to sink the destroyer in retaliation.

Does anyone really believe that if the tables had been reversed and Castro had attacked Key West, with Russian submarines 60 miles off the coast of Key West, we would not have attacked them as provocateurs? Of course, we would have. We would have chosen to do it that way, to get them out of our parts. It is interesting how the flagwavers in this country will wave the flag into tatters when the tables are turned. We never should have had the *Maddox* where she was when this act of war and aggression was committed by the South Vietnamese with boats we had supplied them on the islands belonging to the North Vietnamese.

Mr. Anderson points out further:

> President Johnson ordered no retaliation for the first attack on the *Maddox*. It was not until the next day, when both the *Maddox* and the U.S.S. *C. Turner Joy* were fired upon, that the President ordered the retaliatory bombing of PT boat concentrations in North Vietnam.

And when he did, he made a horrendous and historical mistake.

I do not intend to defend the President committing an act of aggression upon the North Vietnamese mainland because there had been an attack on American destroyers. To the contrary, the President of the United States should have taken our case immediately, under our rights under international law, to the United Nations and put these Communists where they belong; namely, on the spot for violating international law. Of course, we should have had to answer for our provocateur conduct in Tonkin Bay, and I wonder whether that is not one of the reasons why we are not so enthusiastic about having the rules of law and reason applied to our shocking warmaking policies in southeast Asia.

Mr. President, I ask unanimous consent that three interesting articles published in the Manchester Guardian of August 13, 1964, one entitled "What Happened in the Gulf of Tonkin?" another written by Wayland Young, and entitled **"Debt of Blood"**; and another article entitled "A Briefing on Vietnam," be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

WHAT HAPPENED IN THE GULF OF TONKIN?

> A new account of last week's events in the Gulf of Tonkin is now emerging in Washington, and it makes a good deal more sense than the original version. According to that, as it was put in statements by President Johnson, Mr. McNamara, and others, the North Vietnamese Government deliberately challenged the 7th Fleet on two occasions by attacking its ships with torpedoes. No one could explain what death wish prompted it to so suicidal a couple of gestures. Its interests, after all, were being served very nicely by the continuous Vietcong successes in South Vietnam, and the Saigon government's increasing weakness; why should its ends be forwarded by an extension of the war—into territory in which

it was most vulnerable? General Khanh might want that (indeed he says so, frequently); some U.S. advisers are believed to want it, although not, one has assumed, those controlling policy; but surely not President Ho Chi Minh?

Western commentators made many ingenious attempts to solve this enigma, but the very tortuousness of their answers suggested that something was wrong with the question. To explain the incredible, they sometimes had recourse to the still more incredible, and so we were told, for instance, that the North Vietnamese, like General Khanh in reverse, might be preparing to pour south across the 17th parallel, or that the Chinese for some inscrutable reason, might have in mind a world crisis on Korean lines.

Now, however, we are told (still unofficially) that it was all a series of mistakes by North Vietnamese naval officers. The North Vietnamese islands of Hon Me and Hon Ngu had indeed been attacked from the sea, as Hanoi had alleged, before the crisis blew up; this is now admitted in Washington. The attackers were South Vietnamese ships, not the 7th Fleet, but that distinction may not seem so significant in Hanoi as in Saigon, and when at that point the U.S. destroyer *Maddox* sailed into the Gulf of Tonkin (apparently after an absence), the torpedo boat commander jumped to the wrong conclusions. The rest of the story, it is now suggested, was a mixture of misapprehensions on both sides, of muddles, and of decisions taken on the spur of the moment. This new account does not explain everything, but as a working hypothesis it is a great improvement on the old one.

Then what has become of the message that the U.S. airstrike was intended to convey? Well, the North Vietnamese Government has been taught what it can be presumed to have known already: that if you take on the 7th Fleet you are likely to get hurt. But the 25 torpedo boats put out of action were not the main source of American anxieties in Vietnam, and the real test of the theory behind the airstrike will be its effect on the guerrilla campaign in the south. If that now ceases, then those Americans who advocate a strike north will have gone far toward proving their point; if it carries on entirely undisturbed by the loss of northern torpedo boats, then other people's analysis of the war (President de Gaulle's, for instance) will look the more convincing. That need not mean, however, that the U.S. airstrike was a wholly wasted effort. If it makes negotiations easier for the U.S. administration to embark on, then it will indeed have furthered American national interests.

Debt of Blood

(By Wayland Young)

If the American bombing of the North Vietnamese bases was what it has been proclaimed to be, simply condign retaliation for an apparently pointless attack, then there is little cause to rejoice or even approve. Only the Soviet Union stands to gain from worsening of relations between China and the United States, or from an escalation in the sea war. If, on the other hand, it was part of a careful plan to bring on a negotiated settlement, then, though it is obviously extremely risky, it may have good results in the end.

First let us look at the PR picture put out by the U.S. administration for friends at home and abroad. The North Vietnamese are bad, because they are Communists, the South Vietnamese are good because they are anti-Communists and are, therefore, America's friends and allies. But they are weak. So America, which is strong, must help them fight the guerrillas who are operating on their otherwise peaceful territory with North Vietnamese help.

One night out of the blue, North Vietnamese PT boats attack an American destroyer in the Gulf of Tonkin. This "aggression on the high seas against the United States of America," in President Johnson's words, is a warlike act, although a small one, and America must, therefore, destroy the North Vietnamese PT boats in their harbors to stop it happening again. This will show the "baddies" that it is no good taking on "goodies" when they are stronger than you are.

The real situation is more complicated. America is slightly on the wrong foot even juridically, because neither she nor South Vietnam signed the Geneva agreement of 1954 which created North and South Vietnam at all, though all the other powers concerned did. The North Vietnamese are rather more on the wrong foot, since they are breaking the agreement they did sign by helping the South Vietnamese guerrillas.

Beyond the juridical fact lie the human ones. The Vietnamese are a Mahayana Buddhist people, like other east Asians closely linked to China by history. The Chinese appear to be minding their own business at not interfering in North Vietnam. The Americans are a white Christian people from the other side of the earth who thus appear to be behaving in a colonialist manner. The American presence is incorporated in an army which is being built up from 16,000, under Gen. Maxwell Taylor, who used to be Chief of Staff. The situation is distorted and language debased by calling these troops advisers and their commander-in-chief Ambassador. On the other hand, he has neither the power nor the local responsibility of a true colonial governor. The American situation is thankless, endless, and tragically absurd.

There was surely more than met the eye in last week's naval engagements. What were the *Maddox* and the *Turner Joy* doing there in the Gulf of Tonkin at all? It is entirely surrounded by the shores of China and North Vietnam. The Times said they were showing the flag, not trailing their coats. In order to judge, one would have to know how long it was since they last went up there. Perhaps they were trailing the flag, or showing their coats. Perhaps they were on a signals intelligence mission or watching Ho Chi Minh's shipping lanes.

In a press conference, Mr. McNamara said that on the Sunday morning the *Maddox* picked up a fleet of junks on the radar and altered course to avoid them. Five hours later the first engagement with the PT boats took place. The North Vietnamese claim it happened in territorial waters. As to who fired first, here are Mr. McNamara's words: "At 2:40 p.m. August 2 *Maddox* reported she was being approached by the high speed (estimated 45 to 50 knots) craft whose apparent intention was to conduct a torpedo attack and that she intended to open fire in self-defense, if necessary.

"At 3:08 p.m. *Maddox* reported she was being attacked by the three PT craft. She opened fire with her 5-inch battery after three warning shots failed to slow down the attackers.

"At 3:08 p.m. the PT's continued their closing maneuvers and two of the PT's closed to 5,000 yards, each firing one torpedo."

It is not clear who began it.

What had the junks been? North Vietnamese, taking supplies south? Or some of the 555 South Vietnamese junks built and armed partly with American funds? The North Vietnamese say that on the previous Thursday someone had been bombarding their islands of Hon Me and Hon Ngu. The Chinese say it was American ships, but the North Vietnamese say it was South Vietnamese ships. Was it some of the 555? If so, did the North Vietnamese, as it has been suggested in Washington, think the American destroyer was covering that action? And if so, were they right or were they wrong?

Some North Vietnamese PT boats were sunk and damaged; according to some accounts the American ship suffered no damage, according to others one searchlight was put out. There is no doubt who won the battle.

The second engagement was, according to American accounts, another victory for them; according to Chinese and North Vietnamese it never happened at all. Again, Mr. McNamara's statement is obscure about who actually fired what first. But with lightning speed and precision, even before the prior warning and ultimatum could have been properly received, American carrier-borne aircraft bombed four PT bases and an oil depot, destroying half the North Vietnamese PT force.

It was of course escalation and carried the risks of that. An American bomber crashed 10 miles from Saigon during the recent buildup of forces and they could not even get to it because the Vietcong were in the way. One natural response to the bombing of the PT bases would be for the Vietcong to shell Saigon. Or of course the Chinese might walk in as they did in Korea, though this looks less likely. The Soviet Union are busy washing their hands of southeast Asia, but presumably might come back at the price of Chinese or North Vietnamese submission in the great split.

Still the risk may have been worth taking if it was part of a careful plan, and there are indications that it may be. James Reston and Hanson Baldwin in the New York Times harp on the suggestion that the North Vietnamese are now supposed to negotiate an honorable settlement.

If this is the idea it is good. The Americans cannot beat the Vietcong on land; a fact it may have taken the presence of as canny a soldier as Maxwell Taylor to discover. The North Vietnamese even with Chinese help cannot beat America on the sea or in the air. A settlement, as President de Gaulle has been pointing out for some years, can only come by negotiation. The American bombing may have been to give themselves face to lose. The only trouble is that it may deprive the Communists of so much face that they will not negotiate until some further stupid "debt of blood"—it is the Chinese phrase—has been exacted. The European can only hope the Communists realize that face is as important to America as it is to them, and that this year President Johnson's face is supremely important to all of us.

Meanwhile, West European governments should, as the French and German have and the British have not, remained rather cool toward the bombing as such, and to any renewed request for help from Cabot Lodge. This war is not like Korea; that was a United Nations action even if by Russian default. South Vietnam is not even a member of SEATO. This war is a mistake, a freewheeling legacy of former mistakes on all sides. There are adults in Vietnam now whose villages have been shot up by foreign planes all their lives, first Japanese, then French, then American.

If the Americans are really ready to negotiate, perhaps the French can get the message through. They still have links in Hanoi.

A Briefing on Vietnam

1. ORIGINS

Vietnam was grouped with Laos and Cambodia in French Indochina, but in culture and history it is quite different. They received their civilization from India; Vietnam from China. They follow the Theravada Buddhism of south Asia; Vietnam the Mahayana school, as in China, Korea, and Japan. Its political and social traditions are Confucianist, its language is related to Chinese, and China ruled the country for about 1,000 years until it successfully revolted in A.D. 939. Since then its preoccupation has been to remain factually independent of China, even though it paid tribute to the emperors. It has, in fact, always reacted strongly to foreign overlordship, as the French were later to discover. There are also minority peoples (mostly in the mountains) who from time to time have reacted against Vietnamese overlordship.

2. FRENCH RULE

The French conquered the country in actions during the sixties and seventies of the last century; they ruled the south (Cochin-China) as a colony and the center (Annam) and north (Tongking) as protectorates. For the rest of the century the country was often in revolt, and the colonial power's effort to spread its language and culture, spread also the European revolutionary traditions which France has notably embodied. Ho Chi Minh became a Communist in France.

During the war of 1939–45 the Japanese used the territory, but recognized Vichy France's sovereignty until March 1945. With the support of the Nationalist Chinese Government of Chiang Kai-shek various nationalist groups (with the Communist component as the most vigorous) combined to form the League for the Independence of Vietnam known as the Vietminh. Ho Chi Minh was secretary. In revolt against the Japanese and French, it received U.S. supplies from the air. After the Japanese surrendered it proclaimed independence as the "Democratic Republic of Vietnam," with Ho as President.

Negotiations between the republic and the French Government broke down in 1946 and by 1949 the Vietminh was conducting widespread and successful guerrilla warfare against the French Army. In that year the French recognized the independence of Vietnam within the French Union, with the former Emperor Bao Dai as head of state. Bao Dai's government, regarded as a puppet of the French, never acquired popular support; the Vietminh controlled more and more of the countryside, and in 1954 they won a decisive victory at Dienbienphu.

3. THE GENEVA CONFERENCE

At the Berlin conference of February 1954, the Foreign Ministers of the Soviet Union, the United States, Britain, and France announced that a conference would be held in Geneva to try to settle the Korean and the Indochinese questions. The conference opened in April, when the fall of Dienbienphu was clearly imminent. Mr. Dulles, the U.S. Secretary of State, believed that the French should continue fighting, and was ready to back them with American military power, involving possibly the bombing of China. The British Foreign Secretary (then Sir Anthony Eden) made clear that such action would not have British support, and M. Mendes-France, who became Prime Minister of France during the conference, pledged his resignation if he had not reached an honorable settlement within a month.

The conference ended in July with agreements on a ceasefire in the three countries of Indochina and a declaration on measures to restore peace. A military demarcation line was drawn across Vietnam roughly along the 17th parallel. French forces were to be withdrawn from the north of this line and Vietminh forces from the south. An election was to be held throughout Vietnam within 2 years to reunite the country. No foreign bases were to be established, and neither zone was to join a military alliance. No troop reinforcements from outside were allowed, although replacements on a man-to-man basis might take place. The carrying out of this and other provisions was to be supervised by an Interational Control Commission consisting of representatives of India, Canada, and Poland.

The declaration was subscribed to by all the governments represented at the conference except those of the United States and South Vietnam—that is, France, Britain, China, the Soviet Union, Laos, Cambodia, and the Democratic Republic of Vietnam (North Vietnam). The United States issued a separate declaration promising to refrain from the threat or use of force to disturb the provision of the main declaration.

4. RESUMPTION OF THE WAR

Although the declaration said that the demarcation line was not to be interpreted as a political boundary, that is in effect what it became. It is, indeed, part of the Iron Curtain separating the Communist and non-Communist worlds. No national elections were held, and the two zones developed into two states, each going its own way.

Who first broke the Geneva agreement is disputed. The Communists say that the south did not allow elections; the south says that, in spite of the armistice provisions, armed Vietminh bands (later to be nicknamed Vietcong, or "intruders") were left behind in the south. At all events, guerrilla fighting, which had grown less in the years after Geneva, intensified in 1958 and has grown bolder and more widespread ever since. In December 1960, a "National Front for the Liberation of South Vietnam" was set up to lead the anti-Government fight; it is not composed exclusively of Communists but its policy is to outward appearances identical with that of the party in North Vietnam. The Vietcong now controls more of the countryside than the Government—certainly at night—and many Americans admit that the chief desire of most South Vietnamese is not to win but to end the war.

U.S. intervention has increased to keep pace with the Vietcong's successes, and there are now said to be some 16,000 "advisers" there. That the war nevertheless continues to go badly was last year ascribed to the unpopularity of President Ngo Dinh Diem and his family, and they were overthrown by a military coup d'etat. But morale did not noticeably improve either in the army or in the population, and after a second coup, which brought the present leader, General Khanh, to power, it has declined still further, and Vietcong operations are on an unprecedented large scale.

Mr. MORSE. Mr. President, if Senators will read these articles they will realize that people elsewhere in the world share the point of view which I have tried to warn the Senate about during the past 6 months.

The fact is, we cannot justify our course of action in southeast Asia. The fact is, we are an outlaw nation in southeast Asia, violating time and time again our international commitments.

Yet we talk about peace. Many people state that their only objective is peace: their only objective is not to expand the war; their only objective is merely to contain the threat to the peace in southeast Asia. That spells the word "hypocrisy" in my book.

If we seek peace, we should seek peaceful methods for obtaining it. If we seek peace, we should stop exercising American unilateral military action bringing many deaths throughout that area of the world, including death to an increasing number of American boys.

Election or no election, we should make our record now by going back to the conference table, and stop saying, in effect, that we are going to do what we wish to do in southeast Asia and that the rest of the world can like it or else.

We had better think of the future. We are powerful enough. We have enough destructive power in our nuclear weaponry to take that course of action. The interesting thing is that whenever in the course of the history of mankind powerful nations have abused their power, they have only prepared for their own downfall. We shall all be gone, but if the United States builds on the foundations of unilateral military action and international military outlawry, it will be laying the foundation for its collapse in the decades ahead. No nation can abuse its power and take the position that it is a power unto itself, that it will call the turns and the terms and survive. For we shall continue to build up—as we are building up now—the intense hatred of the yellow races against the people of the United States and eventually they will put us out of Asia, as they put France out of Asia.

Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the New York Times entitled "Vietnamese Shuffle" of August 17, 1964, as well as an article published in today's New York Times under the title of "Khanh Tightens Vietnam Control, Takes Presidency."

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 17, 1964]

VIETNAMESE SHUFFLE

The situation in South Vietnam has been getting worse. This is why new measures are being taken to strengthen the internal structure and to give the American forces greater numbers and more authority. The form which these changes are taking is not so important as the fact that General Khanh and General Taylor will have more power.

A world that has seen so many changes in Vietnam while things remained the same must be excused for mingling skepticism with hope in greeting these latest shifts. Americans have been in the paradoxical position of keeping South Vietnam going, providing its military equipment, training its armed forces and guaranteeing its protection against the Communists, under the name of "advisers." While this is largely, although not entirely, a fiction, it cannot overtly be changed because it would put the United States in the position of a white, colonial power intervening to run an Asian nation. Internally, there is the harsh reality of a relatively weak and insufficiently popular government facing an enemy—the Vietcong—which is gradually getting stronger.

This is the difficult situation that is being met by what seems to be a shuffling of the same old deck of cards. The hope is that the changes in the power structure will bring greater efficiency and strength. These are needed to prevent a collapse of the South Vietnam Government. The problems cannot be solved by smashing North Vietnam; they must be solved in the southern zone.

The inability to find solutions for Vietnam, Laos, or Cambodia is bringing mounting pressures for negotiation. The United States has refused to yield to them because of a fear that it would show weakness, because of the need there would be to bring Communist China in on the talks, and because the subject of "neutralization" is for the time being taboo. However, it can be argued that the United States is now in a position to talk from strength, especially after its display of power and determination in the Gulf of Tonkin.

The present situation in southeast Asia is a stalemate in which neither side can win and neither will let the other win. This is normally a good time to talk. The whole region is going through motions and getting nowhere.

[From the New York Times, Aug. 17, 1964]

KHANH TIGHTENS VIETNAM CONTROLS, TAKES PRESIDENCY—GOVERNMENT IS REORGANIZED AT CLOSED PARLEY—MINH OUT AS CHIEF OF STATE—CONSTITUTION IS VOTED—A WAR CABINET IS PLANNED—GREATER ROLE FOR UNITED STATES IN BATTLE DECISIONS HINTED

(By Peter Grose)

CAP SAINT-JACQUES, SOUTH VIETNAM, August 16.—Maj. Gen. Nguyen Khanh assumed the Presidency of South Vietnam today, ousting Maj. Gen. Duong Van Minh, popularly called Big Minh, as Chief of State.

Leaders of the nation's armed forces reasserted supreme authority in the country by voting a new Constitution, patterned after the U.S. presidential system, and then electing General Khanh, the Premier, as President.

After his election, General Khanh received newsmen and pledged adherence to democratic ideals and practices, but he also reserved, under the Constitution, near-dictatorial powers during a temporary state of emergency.

In his remarks he left the way open for greater participation by U.S. military representatives in decisions on the pursuit of the war against the Communist insurgents.

THREE-DAY MEETING WAS SECRET

The Government reorganization was announced after a 3-day closed meeting of the Military Revolutionary Council, the nation's supreme governing body set up by officers who overthrew the government of Ngo Dinh Diem last November 1.

General Khanh's seizure of power January 30 was accomplished by arresting the council's leader and having himself elected chairman of the body, a post he still retains with the Presidency.

General Khanh said his new government, to be announced within a month, would be a "war cabinet."

Because of changes in the government structure after the coup d'état in November, the general becomes the first President of South Vietnam since Ngo Dinh Diem.

His election took place by secret ballot in a cramped and stuffy room in the palace of the former Emperor, Bao Dai, where generals and colonels had been meeting. The result was 50 votes for General Khanh out of 58 members attending, 5 for the Defense Minister, Gen. Tran Thien Khiem, 1 for General Minh, 1 for the II Army Corps commander, Maj. Gen. Do Cao Tri, and 1 blank ballot.

Immediately after the annoucement of the result, General Khanh stood in his camouflage military fatigue uniform to take the oath of office and pledge fidelity to the new Constitution, which moments before had been unanimously approved.

Then a military band in an adjoining room played South Vietnam's national anthem and a 10-gun salute was fired from hilltops around the old imperial palace overlooking the South China Sea.

General Minh, President Khanh's predecessor as chairman, did not attend the meeting. He sent word that he was ill in Saigon, 40 miles northwest of this seaside resort.

General Khanh announced that only this morning General Minh agreed to accept the council's decision and step down as chief of state, a post in which he played no significant role in governing. According to General Khanh, a general from the council left the deliberations and informed General Minh of the imminent action between 7:30 and 9 a.m. today.

MINH STILL POPULAR

Though inactive during the 6 months of General Khanh's regime, the affable General Minh retains considerable popularity and prestige among the South Vietnamese people and soldiers. The risk of dropping him was apparently outweighed in General Khanh's thinking by the need for a tight government team.

General Khanh said that, "as of the present," General Minh remains as a general of the South Vietnamese Army and an adviser with unspecified duties to the Military Revolutionary Council.

Senior American officials were kept informed during the talks leading up to the Government shuffle. Ambassador Maxwell D. Taylor and other representatives conferred with General Khanh and his aides here Friday.

General Khanh was asked about possible changes in the relationship between the South Vietnamese Government and the American advisory mission, which has no command role in the anti-Communist war effort although the United States is heavily supporting it.

It has been reported that a plan is being worked out for a kind of joint command relationship at the top level, although not at field-officer levels.

COOPERATION WITH UNITED STATES CITED

The President replied: "Everything we do, we do in very close cooperation with the American authorities. All of the military tasks that have to be done in connection with them will have to depend on the requirements of the situation."

In earlier statements he has been more positive in stating that there would be no sharing of command responsibilities.

The effect of the new Constitution will be to give General Khanh more direct and sweeping control over the Government. By clearly reiterating that supreme authority and responsibility lie with the Military Revolutionary Council, it leaves in doubt the status of leading civilian figures, notably Nguyen Ton Hoan. He was a Deputy Premier under the old constitutional regime and has tried to build his Dai Viet, or greater Vietnam movement, into a potent governmental force.

General Khanh rejected suggestions that he was in effect becoming a military dictator.

The basis of the new Constitution is a separation of powers among three branches of government—executive, legislative, and judiciary—as in the American Constitution.

POWERS ARE GRANTED

However, article 39 endows the President with broad emergency powers. It states:

"In case the independence of the nation and the integrity of the national territory are seriously and urgently threatened, and in case the functioning of the basic institutions of the republican regime or the carrying out of international commitments are seriously hampered, the President of the Republic shall make all decisions and take all appropriate measures after consultation with the president of the Provisional National Assembly and with the approval of the Military Revolutionary Council."

The preamble of the Constitution makes clear that the conditions described in the article exist in the Vietcong insurgency.

Legislative powers under strict limitations are conferred on a Provisional National Assembly until elections can be held in peace and security. A third of the 150 members are to be representatives of the armed forces, a third representatives of province, municipal, and Saigon city councils, and a third appointed by the Military Revolutionary Council from "the personalities within or without the political groups." (The President acquires veto powers, but can be overridden by a three-fourths majority of the Assembly, United Press International reported.)

The judiciary is to be independent, with judges appointed by the President.

Mr. MORSE. Mr. President, what a shocking performance we are supporting in South Vietnam. Our corrupt little military puppet is having a so-called reorganization of his regime over the weekend. We shall hear pontifical statements from the leaders of government in short order on what a great improvement it is, yet all it is is a strengthening of the noose around the throats of millions of South Vietnamese, bringing them completely under the control of this dictator. For, in his own pronouncement, he points out that they will get rid of those who are even neutral, to say nothing of those who are opposed. Do not forget that in this so-called reorganization, all the civil liberties of the rights of individuals are suspended. Yet our Government continues to talk about freedom in South Vietnam. There has never been any freedom in South Vietnam since John Foster Dulles got by with convincing the South Vietnamese that they should join the United States in not signing the Geneva accords of 1954. That is when the blow for totalitarianism was struck in South Vietnam by the Secretary of State of the United States.

Ever since, we have made a black, sordid, and sorry record in South Vietnam. In hypocritical fashion, we have talked about foreign aid in South Vietnam and supported dictatorship. We have talked about the rights of individuals in South Vietnam, and we have supported the imposition upon them of a military dictator puppet. It is a shameful chapter in American history.

I know full well how unpleasant and discordant my words are to many Americans who refuse to stop and study the facts about our sordid record; but the fact is that the United States, in keeping faith with its professings, should get to the conference table—and fast.

We should recognize that the issue should be taken to a 14-nation conference table, or to the United Nations—I prefer the latter—but I shall continue to raise my voice in protest against American foreign policy in South Vietnam so long as our foreign policy is characterized by three main principles—first, hypocrisy; second, support of dictatorship; and, third, unilateral American military action in clear violation of our obligations under the Geneva accords of 1954, the United Nations, and the spirit and intent of the SEATO treaty.

Mr. President, I yield the floor.

CALL OF THE ROLL

Mr. DOUGLAS. Mr. President, I suggest the absence of a quorum, and ask that the quorum be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 547 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Holland
Hruska
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morse
Morton
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

Mr. MANSFIELD. I announce that the Senator from Minnesota [Mr. HUMPHREY], the Senator from Utah [Mr. MOSS], and the Senator from Texas [Mr. YARBOROUGH] are absent on official business.

I also announce that the Senator from Alabama [Mr. HILL] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from Nevada [Mr. CANNON] and the Senator from Wyoming [Mr. McGEE] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. HICKENLOOPER] is absent on official business as a delegate to attend the meetings of the Interparliamentary Union at Copenhagen, Denmark.

The PRESIDING OFFICER. A quorum is present.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Minnesota [Mr. McCARTHY], I send to the desk a proposed substitute for the amendment offered by the Senator from Illinois [Mr. DIRKSEN] and ask that it be printed under the rule.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, the amendment in the nature of a substitute (No. 1215), proposes a sense of Congress resolution, as follows:

It is proposed to strike out all on and after line 1, page 1, and insert in lieu thereof the following:

SEC. 402. It is the sense of the Congress that in any action or proceeding in any court of the United States or before any justice or judge of the United States in which there is placed in question the validity of the composition of any house of the legislature of any State or the apportionment of the membership thereof, adequate time should be accorded first, to such State to conform to the requirements of the Constitution of the United States relating to such composition or apportionment consistently with its electoral procedures and proceedings and with its procedure and proceedings for the amendment of the constitution of such State, and second, for consideration by the States of any proposed amendment to the Constitution of the United States relating to the composition of the legislatures of the several States, or to the apportionment of the membership thereof, which shall have been duly submitted by the Congress to the States for ratification.

Mr. President, I will, in consultation with the Senator from Minnesota [Mr. McCARTHY], call up the amendment in the nature of a substitute at the appropriate time for consideration by the Senate.

The first proper question is, Why submit the amendment? Perhaps the corollary to that question has already been put in his usual picturesque way by my leader, the Senator from Illinois [Mr. DIRKSEN], who, I understand from the press, called it meaningless.

There is a very real purpose in submitting the amendment. I believe it would avoid a grave danger to the constitutional establishment of our Government posed by the so-called Dirksen amendment, in which the Senator from Montana [Mr. MANSFIELD] is joined. As I shall develop in a few moments, the Senator from Montana [Mr. MANSFIELD] joins in it on very different grounds from those relied on by the Senator from Illinois [Mr. DIRKSEN]. I believe that the sense-of-Congress resolution which the Senator from Minnesota [Mr. McCARTHY] and I propose as a substitute is entirely in accord with the constitutional separation of powers as between the legislative and judicial branches of the Federal Government. It would not jeopardize our governmental establishment but it would frankly meet what I recognize to be a difficult issue. Most importantly, it would have the desired effect without the deleterious effects upon our system of government which I see in the Dirksen amendment.

It is also assumed, in saying that a "sense" resolution is "meaningless," that the Dirksen amendment would be meaningful. In my judgment, the Dirksen amendment would not have the operative effect of law which is claimed for it, if that is what is meant by "meaningful," but would purport to have such operative effect without in fact having it. Hence it would work an injury both to the prestige of the Congress and, by an effort which would miscarry or misfire, to the relationships between the Congress and the judiciary. Therefore, a frank statement of what we have the power to do—namely, to request the Court to stay its hand for appropriate reasons—is the most honest procedure in this situation.

There is a real situation of difficulty which faces the Nation in the State legislative reapportionment decision of the U.S. Supreme Court, the so-called "one-man-one-vote" decision. The problems which are thereby created are twofold. First is the problem of conformance without unduly upsetting our whole society.

I should like to say just a word on that subject, because I believe it is important. There has been altogether too much loose talk about the possibility that the enactments of State legislatures which are organized on bases different from the one-man-one-vote concept, including those which are subject to the mandate of the Supreme Court in the six cases which the Court has already decided are unconstitutional, void, illegal, invalid, or in question.

One can speak as a lawyer only with considered judgment, and I speak in that way. I cannot conceive of the Supreme Court upsetting the acts of a State legislature which is organized in a way which is not approved by one of these decisions. I can understand the Court making every effort to bring about the organization of a legislature upon a proper apportionment, but I consider it inconceivable that the Court would invalidate the enactments of a legislature functioning for decades, in the case of many of them, and organized along lines of which the Court disapproves.

That is a very important point, because if we did not grant that point, we would face a great national crisis and emergency; but no one, including the Supreme Court, has given any indication that this will be the fact.

If we do not face that danger—that the acts of our State legislatures are invalid because they are not organized according to the principles laid down in those cases which have brought on the present problem, then we are entitled to proceed with such speed—or deliberate speed, if we want to use the words of the civil rights case—as to balance the public interest and the stability of governmental organisms with the requirement of the Supreme Court that legislatures be organized based upon lawful apportionment.

The assumption on which I am proceeding would also include approval by a legislature of a proposed amendment to the U.S. Constitution. It should always be kept in mind that in every State—if the U.S. Constitution is to be amended to allow one house of the State legislature to be organized on a basis other than population—which is the effort to be made by the Senator from Illinois [Mr. DIRKSEN] and other Senators who are seeking time for such a constitutional amendment to take effect—it will be a question, in the final analysis, for the people of that State to decide. Once such a constitutional amendment is adopted, the people of each State will have to decide whether they will avail themselves of it or not.

The fact that a State legislature will or will not approve a constitutional amendment permitting the people of each State to make their choice represents only one element of the constitutional process—the people of each

State must decide on their State constitutions. At this time no legislature can organize one house of its State legislature on the basis of population and the other house on some other basis without running afoul of the 14th amendment, under the Supreme Court decision. Something should be done, under the Constitution, for the people to be able to act in each State upon that matter as they deem advisable.

The other point is that the lower Federal courts have proceeded to press the matter of reapportionment in some cases in a manner which can turn out to be inimical to the very objective to be served. Let us remember that these malapportionments have been going on for decades, in many cases over a century, and somehow or other we have managed to survive. I am all for changing the system and for giving proper representation to our urban and suburban areas, which have grown so much larger in population, but I am not for tearing the country up by the roots. Hence, the Senator from Minnesota [Mr. McCARTHY] and I have offered what we consider to be a fair compromise.

The question is being pressed by some of the lower courts too hard. For example, in my State of New York the State has been given, under court order, the direction to reapportion by April 1, 1965. In the interim the court has ordered three separate elections in 2 years. Our State legislators hold office for 2 years. The court in New York has held that they shall hold office for only 1 year, and that we shall have an election this fall, one next fall, and one the fall after that. It is rather difficult when a Federal court tells a State that it must curtail the constitutional term of its legislators. That is pressing the matter a little further than it should be pressed. I hope the Supreme Court will hear me and others like me who have been indefatigable in its defense, when the Court considers, as it will, whether these mandates are really what is intended.

There are other States in which the courts have held that there should be weighted voting in the State legislature—that is, one senator or one assemblyman shall have one and a half votes, or one and three-quarter votes, and another shall have half a vote. Again, this is completely inimical to the American system. We have never operated that way, and I do not see why the court should impose such a system on us.

There are other cases. In Vermont the court has told the legislature it must meet and reapportion and then must adjourn, that the legislators must go home and cannot transact any other business. Mr. President, that is straining the judicial authority a little bit further than it should be strained.

However, that does not mean that we in our turn must be guilty of the same thing. We must express ourselves very clearly, and the residual power, even if we have it, must be very sparingly and very judiciously exercised.

Mr. NELSON. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. NELSON. As I understand this resolution it purports effectively to act as a kind of interlocutory decree running against the Supreme Court and postponing the effect of its decision. Is that correct?

Mr. JAVITS. When the Senator says "this resolution," does he mean the Dirksen amendment?

Mr. NELSON. Yes.

Mr. JAVITS. Yes; it purports to do that. I had intended to develop that point a little later. Perhaps it is just as well that I tell the Senator now what I have in mind. It purports to do what the Senator has indicated. However, it contains an escape hatch. The escape hatch is "in the absence of highly unusual circumstances." If the Court finds highly unusual circumstances, it may deny the application for a stay.

In my judgment, had the Dirksen amendment omitted that provision, it would have run directly in the face of at least two U.S. Supreme Court decisions, which I shall cite in the course of my speech this afternoon, and would have been held to be unconstitutional. It would therefore have been thrown out by the Court. That is my considered judgment as a lawyer.

The Justice Department felt that the addition of the words, "in the absence of highly unusual circumstances" meant that a court could say, "We are not absolutely bound, because of the language 'highly unusual circumstances,' and we can therefore deny the stay."

I feel that the original Dirksen proposal, which lacked such an escape clause, would have been thrown out as unconstitutional, or run the danger of a serious confrontation between the power of the Supreme Court and the power of Congress to invade the Supreme Court's power. This would be a confrontation similar to the one which occurred in the previous century, which almost led to the impeachment of a President and to a dismemberment of the organs of our Government. I do not want to see anything like that happen.

I believe that the Court will have to say one of two things about the amended Dirksen proposal. The proposal requires the Court to issue a stay order unless it finds highly unusual circumstances, as a fact. But when we consider the nature of the cases involved, highly unusual circumstances already exist when there is malapportionment, and therefore it is difficult for me to imagine what else would be highly unusual circumstances, if the Court were honestly to administer these words. It is therefore my judgment that the Court would either strike down the stay amendment on the ground that it is a usurpation of the judicial power, especially in already pending cases in which decrees have been handed down and to some extent complied with, for these are equity cases, in which the courts may retain jurisdiction until the decrees have been fully complied with or longer; or the Court will say, "We shall treat the amendment as a request, because it is not really binding upon us in view of the exclusionary language, "highly unusual circumstances. We will treat it as a request, and because we now have the sentiment of Congress, we shall honor it as a request."

I answer the Senator as follows: It would be much more dignified and sound and in the interest of our Government, since the Court must treat it as only a request in order to uphold it, to remake the amendment in the form of a request.

Does any Senator believe that the Supreme Court would treat a considered request of Congress, enacted by both Houses of Congress and signed by the President, as a nullity? It would do no such thing. But the dignity and integrity of both the judiciary and the Congress would be upheld.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. NELSON. I read from page 2 of the amendment, as follows:

> (1) to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality—

Does not the language clearly provide that in any case where the law of any State has been declared unconstitutional, they can now go back and conduct elections under their laws preceding the decision?

Mr. JAVITS. That is exactly it. The Senator has chosen a situation which could represent highly unusual circumstances and in which the Court should therefore refuse to issue a stay.

I should like to tell the Senator, if he does not mind bearing with me a few minutes, exactly what the situation is in a number of States which have already acted in pursuance of the Court's decision that their State legislatures must be reapportioned.

Mr. NELSON. May I ask the Senator one brief question?

Mr. JAVITS. Certainly.

Mr. NELSON. Under this paragraph, the amendment provides that any appropriate elector or party may file a petition, and even though the State has been ordered to conduct an election on a different basis, it may go back to the old basis. Is this not considered in the amendment a highly unusual circumstance?

Mr. JAVITS. The answer is "Yes." I do not believe the Court would require that. I believe the Court would then invoke the words "highly unusual circumstances." Where a decree has been issued in an apportionment case and compliance with that decree is under way, it would read "highly unusual circumstances" to mean that it should not issue a stay order, and therefore would not issue one.

This bears upon the argument I made a moment ago, that the Court may strain to sustain this amendment, if we adopt it—and I understand there is some chance we shall. After all, to be realistic, when the majority leader and the minority leader join in sponsoring an amendment, it has a pretty good chance of success, although I understand from what I have read in the newspapers that they may differ as to the reason why they have submitted the amendment. One account I have read says that the minority leader believes it will afford time for the States to approve a constitutional amendment partially revising the Court's decision; and that the majority leader believes it will afford time for the States to comply with the decision.

In any event, if the Court will hold that "highly unusual circumstances" is an escape hatch, I am sure that the Court could sustain the amendment in such a case as the Senator has described, but the amendment then would be, in effect, nothing more than a request. That is the only basis upon which the Court could sustain it.

On the other hand, if it is held that this language is binding, and that the "highly unusual circumstances" must have occurred in connection with the original lawsuit which challenged the State's apportionment system and that the issuance of a decree and compliance with that decree is not in the category of "highly unusual circumstances," then I go back to my original proposition that this amendment would be thrown out on the ground that it represented an effort to make a rule of decision for the Court in pending cases.

In my judgment, the precedents are clear that the Court will not let that stand; and I do not see anything in social philosophy or anything else which would induce me to believe that the Court would abandon these precedents. On the contrary, I think the Court will hold with them. If not, we shall have what I am deeply concerned about: A confrontation between the power of the Court and the power of Congress, which, in my judgment, does not bode very well for either.

Mr. NELSON. What is the Senator's interpretation of the effect of the amendment, if adopted, on a case that is raised subsequently and considered by the Court? Suppose a legislature meets next January and an order is made that the State be reapportioned. Can the Court issue such an order in October 1964 directing the legislature to act when it meets in January 1965? Does the Senator interpret the amendment to mean that the Court is deprived of jurisdiction? What is the unusual circumstance?

Mr. JAVITS. Yes; in my judgment, if we adopt this amendment and the Court upholds this as a valid exercise of constitutional power, it will be required to stay the effect of its order until January 1, 1966, at least.

Mr. NELSON. If some validity or credence is given to the authority of Congress to pass upon the effective date, one way or another, of the Supreme Court decision—and I understand the minority leader to say that this is more than 99 percent mandatory. What kind of violence, then, would we be doing to the concept of separation of powers? Would this not set a precedent, so that every single time the Supreme Court made an interpretation of the Constitution that Congress did not like, Congress could then adopt an amendment like this, which has strong and persuasive influence, without even the adoption of a constitutional amendment, to postpone the effective date of the order? If we can do that, are we not, in effect, constituting ourselves as a kind of super Supreme Court to review the actions of the Supreme Court?

Mr. JAVITS. That is so. I have already stated that it is my considered judgment that the Dirksen amendment as originally offered, until redrafted in consultation, as I understand—and I have no inside knowledge except that which is generally available—with the Department of Justice, would, in my judgment, have been unconstitutional as violating the separation of powers. It may or may not be saved by the phrase with respect to "highly unusual circumstances." If it is saved by that clause, it would only be because the Court construes the whole amendment as being a request.

If that is the case—and I deeply believe it is—I ask, why not adopt a dignified course, a course more honoring the separation of powers, and put it in the form of a request, because that is the only chance of its being sustained?

I point to the cases which, in my judgment, decide this issue. The first case which decided it is the case of *United States* v. *Klein*, 13 Wall. 128, decided in 1871. That case related to a Reconstruction controversy with respect to the indemnification of Southerners who had been granted amnesty, for property seized during the Civil War pursuant to law. Congress endeavored to deprive the court of jursidiction to indemnify claimants in connection with pending cases. The Court in the Klein case refused to accept that legislation and declared it unconstitutional. That case was decided after the McCardle case, which is being very heavily relied upon by the proponents of the Dirksen amendment. The distinction between the McCardle case and the Klein case and the distinction between the McCardle case and the Dirksen amendment is that in McCardle the appellate jurisdiction was taken way from the Court. No effort was made to impose upon the Court a rule of decision in a pending case; whereas, that was exactly the purport of the legislation in the Klein case and is also the purport of the Dirksen amendment, if it is to have operative effect and is not to be treated merely as a request.

In my judgment, the Klein case is decisive. The Klein case was succeeded by the case of *Glidden* v. *Zdanok*, 370 U.S. 530, a case decided as recently as 1962, in which the majority opinion in the Klein case was cited with approval. The Glidden case concerned the power to assign a judge of the Court of Claims to a statutory 3-judge court, a constitutional court, as it is called. The Court invoked the doctrine of the Klein case in order to sustain its judgment that the assignment was properly made.

Almost 100 years elapsed between the Klein and Glidden cases, and the Court stood by the Klein decision. It did not invoke the McCardle case, and that is very significant, in my judgment.

I have given the Senator from Wisconsin my considered judgment—which is the best each of us can go by—as to what the Supreme Court would do in respect to the particular approach which we are discussing. That is why I came to the conclusion that the only honest thing to do—and I do not use that term invidiously; the Senator from Illinois [Mr. DIRKSEN] is an excellent lawyer, and his judgment is as good as mine; I am speaking of integrity to act based upon my concept of what will or will not be upheld as constitutional—would be to make a request of what, in order to be sustained, would have to be considered a request in any event, instead of seeking power which in my judgment we do not have and should not have under our constitutional form of government. It is only another way to pack the Supreme Court, if we are going to try to tell it what to do in interlocutory proceedings in a pending case. That is exactly what the Klein case held.

Mr. NELSON. This is precisely the point I was getting at. If the plain language of the resolution means what it says it requires the Court to make a finding of fact that it is in the public interest to postpone the effective date of the Court decision unless it finds highly unusual circumstances. Since the specific finding must be based on some kind of substance, it would appear that we are then superimposing our judgment upon the Supreme Court's judgment in cases that are pending and cases that have been adjudicated, and, in effect, are making a judicial decision eroding away the powers of the Supreme Court.

(At this point Mr. SALINGER took the chair as Presiding Officer.)

Mr. JAVITS. That turns on what the Court will hold with respect to the words "highly unusual circumstances."

If I may develop that point with the Senator for a moment, we have already covered the point that if there has been a decree and partial or total compliance with the decree, the Court could then say that even though those circumstances occurred after the entry of the decree, those are highly unusual circumstances which entitled the Court to refrain from issuing the stay which would be authorized by this amendment.

I can conceive also of highly unusual circumstances preceding the litigation itself, if a State legislature gave every indication of not cooperating in an effort to reapportion. The Court might deal with that situation as it has certain civil rights cases in which the Court has held that there is no use going to the local authorities to obtain relief when the entire history of the local authorities, such as a voting registrar, for example, has been characterized by discrimination on racial grounds. Therefore, the Court has held it would be fruitless to require that the plaintiff exhaust the remedy provided by State or local law by appealing to those authorities.

Such a situation might constitute "highly unusual circumstances"; and I believe that they are important. I mention them because they bear upon the answer to the Senator's question. But laying aside the meaning of the words, "in the absence of highly unusual circumstances," unless the Court uses that as an escape hatch, the amendment would run afoul of the separation of powers, in my judgment, and would endeavor, in defiance of the decisions which I have mentioned, to impose a rule of decision upon the Supreme Court.

I do not believe that a discussion of the McCardle case avails to save this type of legislation. It is for that reason that I state that it is my considered judgment that the only thing which places it in some doubt is the meaning of the words, "in the absence of highly unusual circumstances." If the Court were to give those words the weight it needs to give them in order to hold the legislation constitutional, it would have to treat the whole thing as a request. So long as that is what the Court must consider it, why not frankly face the question now and ourselves maintain the principle of separation of powers and make the request which is the purport of the amendment which the Senator from Minnesota [Mr. McCARTHY] and I have offered.

I believe that if Senators will search their own minds on the subject, they must perforce agree that that kind of request will be honored by the Supreme Court in accordance with the spirit in which it is made.

I point out, too, that the amendment as I have proposed it, in the form of a request, covers the problem of interfering in pending cases. The proceedings which have taken place in a pending case give the Court an opportunity, pursuant to our expressed wish, to defer decrees of the lower courts which in my judgment have been oppressive. The amendment does not challenge the good faith, the sincerity, or fidelity to duty of any lower court. However, I believe that in effect we have a right to say to the Supreme Court that we believe this issue is being ridden too hard, especially if we do not believe that the acts of these legislatures are per se invalid because the legislatures are apportioned on a basis of which the Supreme Court disapproves.

Therefore, sufficient time should be given so that adequate Government processes may operate in an orderly and judicious way.

I have given some examples of the types of order so far issued by some lower courts which are ill-advised in terms of bringing about the reapportionment reform ordered by the Supreme Court.

I shall now refer to the situation in a number of States in which the effort to apply the naked power contained in the Dirksen amendment will upset steps already taken to comply with the Supreme Court decree.

In the State of Colorado, for example, the Supreme Court held on June 22 that the legislature was malapportioned. On July 8 the legislature reapportioned both Houses on a population basis and on July 9 a three-judge Federal district court issued an order upholding that reapportionment. The supreme court of the State has now held that action invalid under the State constitution. The matter is thereby very much in the status of the courts having it under consideration for future decision, with the necessity of reconciling Federal and State court decisions. To introduce into the situation the kind of naked stay which is incorporated in the Dirksen amendment would be disruptive and unwise.

A similar situation exists in Kansas, where a plan for the reapportionment of both houses was upheld by the State supreme court on March 30, 1964. It is now awaiting implementation.

The same situation exists in the State of New York, where a three-judge court ordered reapportionment. Although I disapprove of the idea of three elections in 2 years as ordered by the court—which I mentioned a minute ago—this question will be before the Supreme Court; and I believe that to attempt to stay those proceedings by congressional fiat would be distinctly ex post facto.

In North Dakota, the legislature is acting on four proposals for reapportionment, pursuant to a court order.

In Tennessee, the State of the original decision in the case of Baker against Carr, a court proceeding and legislative proceedings are pending to reapportion, pursuant to court decree.

In Vermont, I have already stated that there is a lower court order ordering the legislature to reapportion and to disband without transacting further business.

The Wisconsin Supreme Court has ordered reapportionment with various provisions respecting the 1964 elections and thereafter, until the legislature and the Governor bring about the enactment of a valid reapportionment plan.

There are many other States—in which various proceedings involving this issue are in the process of litigation. In approximately 16 States there have already been court orders entered. In approximately 23 others litigation has already begun. In many of these 39 States, as well as in some of the other 11, some legislative or executive action has already been taken toward reapportionment. All those judicial proceedings would be placed in jeopardy unless the Supreme Court were to hold the Dirksen amendment to be ineffective to change a rule of decision in a pending case.

At the same time, on the merits, the situation which we face is not at all an open-and-shut issue of one man, one vote. There is the Federal compact, which is constantly in the minds of the people of all our States, which gives the Senate two representatives from each State, regardless of population. How often have many of us from the great populous States, like New York and California, the State of the distinguished Presiding Officer, the junior Senator from California [Mr. SALINGER], felt ourselves frustrated by the fact that actions, which we consider inimical to our States, are brought about by a vote of Senators from very much smaller States. But this Federal compact has worked well for almost two centuries. And we wish to see it continue.

There is no reason, in my judgment, why the people of the respective States should not have the same opportunity. I emphasize the word "opportunity." Many States may not wish to follow the Federal pattern. The State of Nebraska has a unicameral legislature. There are other States in which a one-house legislature is now contemplated for simplicity or for other reasons pleasing to the people of those States. Our great sister free nation, the United Kingdom, has functioned for centuries, for all practical purposes, with one house. It has worked very well. It has been a model of parliamentary government, indeed, for the whole world.

On the other hand, consider the situation which obtains in the State of Oregon, which reapportioned both of its houses on the basis of population a few years ago. Now it has encountered a new form of discrimination in terms of representation. That situation involves discrimination against areas in favor of the one-man, one-vote concept. For example, 8 of the 30 Senators in the State Senate of Oregon live within the city limits of Portland, Oreg. One State senator represents 28,000 square miles—a district as big as Vermont, New Hampshire, Rhode Island, and New Jersey combined. The question raised is, Should the people of the State of Oregon have a right to say, "We enjoy these tremendous areas, too. We want them to be worked, cultivated, and developed. We want to have people brought into those areas. We want them to be given agricultural and industrial opportunity." I emphasize that word "want." Should the people have a right to say, "We want more than one voice in one of the houses in our State legislature with respect to the resources concentrated in such an enormous area."

I see no reason why the people of a State should not so decide. They ought to have that opportunity. I can see a very orderly pattern worked out to effectuate the mandate of the Supreme Court and conform to the desire of all of us to see that it is worked out in such a way as to be not unduly disruptive of our social order and State governments, to give the people the opportunity, if they wish, within a very proximate time to enact a State constitution which will apportion one house on a basis other than population. They might express themselves by turning down the proposal and proclaiming that they want an apportionment of both of the houses on the basis of population, which is their privilege.

I do not see why we cannot effect all those purposes by requesting the Supreme Court—as a coordinate branch of the Government along with ourselves—to stay its hand. The Supreme Court is acquainted with our plans. We should ask the Court to stay its hand until we act with prompt and deliberate speed. I use the phrase which the Court itself used in the civil rights case of Brown versus Board of Education. We would thus avoid the need for placing the Supreme Court in the position of turning down an act of Congress which purports to have a statutorily operative effect, but which, in my judgment, if it had such an effect, would have to be struck down by the Court as unconstitutional because it interferes with the prerogatives of the judiciary.

Why should we have that confrontation when it is not necessary? How often do we see in a decision of the U.S. Supreme Court the phrases: "We are sympathetic with what the losing party is claiming. But this is a problem for Congress. We invite the attention of Congress to this problem." How often have we seen Congress thereafter legislate in that field? Why not, in a historic moment in American history, do the same thing with the Supreme Court? Why should we not say to the Supreme Court, "This procedure is being crowded too hard and too fast by the lower courts. We do not expect you to declare the acts of our State legislatures to be invalid, nullities, or void, even if the State legislatures are elected on a malapportioned basis. Therefore, we ask for time within which our plan or legislative scheme for dealing with this problem can be worked out."

That is the dignified, respectful way in which to do it. It is the way in which the Supreme Court has dealt with us. It is the way in which, in my judgment, we ought to deal with the Court. I believe that a confrontation between the power of the Supreme Court and the power of Congress is so dangerous that it could be disruptive of the American system.

We are operating in the atmosphere of a presidential campaign. It is a presidential campaign in which there will be sufficient overtones of attacks upon the Supreme Court and dissatisfaction with Supreme Court decisions in the civil rights field, the school prayer field, and other fields. This will impose more than an adequate strain upon the body politic in the United States.

Why add another? That is the question I ask. Why add another when we can accomplish a legitimate result by being respectful ourselves, as we expect the Supreme Court to be respectful of the orders, views, and plans of Congress?

At best, we shall be home for 3 months. Since Baker against Carr, when this whole process was initiated, a period of years has elapsed. Therefore, what harm would there be in waiting to see if the approach which the junior Senator from Minnesota [Mr. McCARTHY] and I have suggested works. We shall soon find out if it does not work. There is plenty of time in which to apply power, if power is necessary. There is plenty of time to apply power, if the request does not work.

It is upon that ground that the junior Senator from Minnesota [Mr. McCARTHY] and I believe that the amendment in the nature of a substitute, which we have proposed, represents a fair way for Congress to work its will, and at the same time to respect faithfully the institutions established by the Constitution, of coordinate power to rule our people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McNAMARA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McNAMARA. Mr. President, in my opinion, the proposed amendment to circumvent the Constitution of the United States is ill-conceived, misbegotten, misguided, and mischievous.

It is also destructive of the rights of the American people to full and equal representation in their State legislatures.

Until this belated effort was mounted to bludgeon the Congress, under pressure of adjournment deadlines, into a nullification of the Supreme Court decision on legislative reapportionment, I had hoped that the year 1964 would be remembered for two great milestones along the road to equality.

One, of course, is the recently enacted Civil Rights Act of 1964, the other, the Supreme Court's decision on legislative apportionment.

Both of these great achievements bolster the same basic principle that equality of citizenship, dignity, and opportunity for all Americans is fundamental to our Nation's heritage, and that it is guaranteed by our fundamental laws; and that basic to everything else is the right to vote—fully, fairly, without dilution, and at every level—from township supervisor to President of the United States.

It is tragic irony, therefore, that within a few weeks of the triumphant passage of the Civil Rights Act of 1964 the Congress should be considering its effective repeal.

And I mean just that, because if this amendment should be enacted into law, we would establish as the American rule that some men are created half equal, and that they are entitled to only half-protection of the laws.

It would be a discrimination, based not upon the color of your skin; the church where you worship, or the country from which your ancestors came, but upon where you now live.

Mr. President, I intend to examine in some detail the absurd premise that gross discrimination in one house of a bicameral legislature, based on factors other than people, be it pine stumps, cows, inland lakes or what, does not really matter as long as some kind of quality is preserved in the other house of the legislature.

We have had considerable experience with this situation in Michigan, where a malapportioned State senate, isolated and insulated from the needs, aspiration and desires of the majority of the people, effectively throttled all attempts at social reform and economic progress, proposed by Governors elected at large and representing the majority of the people.

I am indebted for this documentation to one of the nationally recognized leaders in the fight for equal representation—Mr. August Scholle, president of the Michigan AFL–CIO Council.

Mr. Scholle has been waging the "one-man, one-vote" battle for years, and his efforts have now succeeded in Michigan, where we now have a legislature that is fairly representative of the people in both the State senate and house of representatives.

Mr. Scholle had prepared testimony in opposition to this destructive effort now before us which he had hoped to present to the House Judiciary Committee. He was unable to do so.

However, his carefully documented testimony presents such a powerful argument against the pending amendment that I intend to quote extensively from it.

Before doing so, however, I wish to refute some of the rationalizations advanced on behalf of legislative malapportionment, which are nothing more than smoke screens for maintaining a status quo situation of minority control in our State capitols.

The first might be described as "The people's right to be wrong." The gist of this proposition is that the most wildly unfair and unjust malapportionment of one house of a State legislature is perfectly all right as long as it has been approved in a referendum election, regardless of the constitutional rights that are trampled upon in the process.

This is, of course, absurd. No State or city could pass a law denying a citizen elector the right to vote because of race, color, or creed. And should such a law be approved in a referendum vote, it would be thrown out by the courts.

Why then should a law be upheld that dilutes or denies a citizen an equal voice in his State legislature on the basis of where he lives?

I would just comment, in passing, on the discredited "Federal analogy" rationalization that there is a valid parallel between State legislatures and the Federal Congress.

The Supreme Court of the United States has eloquently held to the contrary, explaining that the sovereign States joined initially in the Great Compromise to form the Federal Union, representing people in one House and "sovereign" States in the other.

But, Mr. President, there is not now, and never has been, such a thing as a "sovereign" county.

Equally disreputable is the argument that at least one house of a State legislature must be unequal in order to represent diverse interests of the State in both or to achieve a system of checks and balances.

Any districting plan in a bicameral legislature of different-sized houses will automatically meet this problem—even if both houses are based on population. This is true because of the overlapping districts' different personalities; different terms of office; and the mere necessity that measures must successively pass two houses to become law.

This brings me to the key fallacy of the pending proposal that fair representation in one house of a legislature will suffice:

Fair representation—which means majority control—in one house only will not pass a bill.

An entrenched minority in the other house can kill it—and often does—as I will soon demonstrate.

Equally important, that second, minority-controlled house is likely to have exclusive life-and-death power over gubernatorial appointments. And when it also is granted the power of legislative review over State agency actions, the stranglehold is complete.

I know too well, from the experience of my own State, of what I speak.

Michigan, in its 1908 constitution had relatively fair provisions for legislative apportionment and for reapportionment every 10 years. The basic problem was that these provisions were judicially unenforceable.

As the metropolitan areas of Michigan grew tremendously after World War I, the State changed from agrarian to industrial in nature.

But the legislators charged with the duty of decennial reapportionment simply refused to act for fear of voting themselves out of office.

Our senate was last reapportioned under the 1908 constitution in 1925, supposedly under the 1920 census, but only roughly at that. The reapportionment constitutionally required in 1930, 1940, and 1950 were flagrantly denied by a Republican-minority-controlled legislature fearful of Democratic urban strength.

A petition drive in 1952 for correction failed—through a campaign of abuse, vilification, and misrepresentation that demonstrates how useless is protection of referendum assumed to exist in the amendment we are discussing.

A counterproposal freezing the 1920 districts carried, and even its proponents a dozen years later conceded the tragic errors involved. For, in the ensuing decade one house, the Michigan Senate, controlled by a destructive minority block, elected by a minority of the people, frustrated legislation proposed by a popular governor, elected at large for six consecutive terms, more times than ever before in the country's history.

But because of Senate malapportionment, he could not translate the popular will into law.

And a minority-controlled State senate served for years as a graveyard for progressive legislation, frustrating the popular will, unresponsive to the needs of the State, and unaccountable for their actions to the majority of citizens in the State.

In his statement, Mr. Scholle noted that he has helped sponsor two petition drives for legislative reapportionment in Michigan. He also was plaintiff in a court suit that went to the U.S. Supreme Court and resulted in a modern, fair, and equitable legislative reapportionment this year in Michigan.

He said:

> Reapportionment and equality of citizenship are inseparable. What we are actually discussing when we pose this problem is the age-old struggle of men to achieve equality and thereby freedom and dignity. This struggle is without beginning and seemingly without end.
>
> Throughout our country, and throughout the world today men are struggling for freedom; freedom of opportunity and freedom of choice, both of which are unattainable unless there is equality of citizenship. Citizens are unequal where equality is most essential—at the ballot box.

What happens when an unresponsive, uncaring, and unreachable minority controls one house of a State legislature?

I think the Michigan experience might be illuminating here, not only in terms of denying needed legislation, but also in the redistribution of tax moneys collected for all State governmental functions.

A study in Michigan of tax collections and redistributions in a carefully selected representative group of 26 Michigan counties for the fiscal year of 1960–61 showed that in the small senatorial districts that had the least number of people, we had a per capita collection in one district of $90.33 while the State redistributed in that area $98.63.

In another much overrepresented district the per capita collection of tax dollars was $89.59 and the redistribution was $107.06 per capita.

Contrast this with the districts which were very much underrepresented with a much larger population.

For example, in one district, the State collected $99.17 per capita and the legislature redistributed only $72.56.

In Wayne County, the most populous area in the State, and one of the most underrepresented in the State senate, per capita collections were $108.61 and the redistribution was only $66.45.

For further information on collection and redistribution based on Michigan Senate and House districts, I am attaching exhibit "A," prepared by Mr. Scholle, and ask unanimous consent that it be inserted at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Senatorial districts within 25 counties

[Figures based on 76 percent of revenue from counties and all direct payments to local units of government from State]

State collections, $799,147,880.98; State distributions, $565,753,745.45

	1960 population	Collections from county	Per capita collections	Distributions to counties	Per capita distributions
32d senatorial district:					
Ontonagon	10, 584	$945, 273. 80	$89. 31	$1, 052, 505. 73	$99. 44
Baraga	7, 151	638, 031. 32	89. 22	863, 604. 72	120. 76
Houghton	35, 654	3, 307, 030. 47	92. 75	3, 350, 958. 73	93. 98
Keweenaw	2, 417	241, 131. 70	99. 76	335, 774. 72	138. 92
Total	55, 806	5, 131, 467. 29	90. 33	5, 602, 843. 90	98. 63
26th senatorial district:					
Mason	21, 929	2, 088, 368. 36	95. 23	2, 786, 549. 39	127. 07
Newaygo	24, 160	2, 009, 466. 24	83. 17	2, 434, 909. 06	100. 78
Oceana	16, 547	1, 362, 976. 56	82. 37	1, 599, 285. 06	96. 65
Lake	5, 338	453, 198. 42	84. 90	807, 324. 06	151. 24
Manistee	19, 042	1, 792, 519. 32	94. 13	1, 687, 899. 39	88. 64
Total	87, 016	7, 796, 508. 90	89. 59	9, 315, 966. 96	107. 06
23d senatorial district:					
Muskegon	149, 943	14, 148, 703. 19	94. 36	11, 712, 156. 95	78. 11
Ottawa	98, 719	8, 849, 436. 72	89. 64	4, 071, 883. 39	41. 42
Total	248, 662	22, 998, 139. 91	92. 48	15, 784, 040. 34	63. 47
12th senatorial district:					
Oakland	690, 583	$68, 486, 736. 31	$99. 17	$50, 109, 430. 00	$72. 56
13th senatorial district:					
Genesee	374, 313	36, 268, 457. 39	96. 89	26, 068, 756. 00	69. 64
33rd senatorial district:					
Washtenaw	172, 440	16, 177, 392. 79	93. 81	9, 867, 099. 00	57. 22
16th and 17th senatorial districts:					
Kent	363, 187	39, 153, 019. 54	107. 80	23, 440, 538. 92	64. 54
Per Senator		19, 576, 509. 77		11, 720, 269. 46	
Wayne County senatorial districts (1, 2, 3, 4, 5, 18, and 21):					
Wayne	2, 666, 739	289, 648, 288. 00	108. 61	177, 226, 542. 00	66. 45
Per senator		41, 378, 326. 85		25, 318, 077. 42	
11th senatorial district:					
Macomb	405, 804	31, 390, 352. 23	77. 35	25, 387, 365. 00	62. 56
15th senatorial district:					
Clinton	37, 969	2, 556, 816. 75	67. 33	2, 823, 035. 00	74. 35
Eaton	49, 684	3, 613, 503. 61	72. 72	4, 252, 668. 39	85. 59
Shiawassee	53, 446	4, 503, 576. 36	84. 26	4, 362, 903. 39	81. 63
Total	141, 099	10, 673, 896. 72	75. 64	11, 438, 606. 78	81. 06

Representative districts within 25 counties

[Figures based on 76 percent of revenue from counties and all direct payments to local units of government from State]

State collections, $799,147,880.98; State distributions, $565,753,745.45

	1960 population	Collections from county	Per capita collections	Distributions to counties	Per capita distributions
Iron district:					
Alger	9,250	$790,757.46	$85.48	$1,008,120.39	$108.98
Baraga	7,151	638,031.32	89.22	863,604.72	120.76
Iron	17,184	1,724,273.55	100.34	1,661,850.39	96.70
Schoolcraft	8,953	1,036,956.14	105.24	936,497.39	104.60
Total	42,538	4,190,018.47	98.50	4,470,072.89	105.08
Houghton district:					
Houghton	35,654	3,307,030.47	92.75	3,350,958.73	93.98
Keweenaw	2,417	241,131.70	99.76	335,774.72	138.92
Total	38,071	3,548,162.17	93.19	3,686,733.45	96.83
Newaygo district:					
Newaygo	24,160	2,009,446.24	83.17	2,434,909.06	100.78
Oceana	16,547	1,362,976.56	82.37	1,599,285.06	96.65
Total	40,707	3,372,422.80	82.84	4,034,194.12	99.10
Genesee County, 1st and 2d districts (4 Representatives):					
Genesee	374,313	36,268,457.39	96.89	26,068,756.00	69.94
Per Representative	93,578	9,067,114.34		6,517,189.00	
Kent County, 1st, 2d, and 3d districts (5 Representatives):					
Kent	363,187	39,153,019.54	107.80	23,440,538.92	64.54
Per Representative	72,637	7,830,603.90		4,688,107.78	
Shiawassee District:					
Livingston	38,233	3,163,212.08	82.73	2,823,602.00	73.85
Shiawassee	53,446	4,503,576.36	84.26	4,362,903.39	81.63
Total	91,679	7,666,788.44	83.62	7,186,505.39	78.38
Macomb County, 1st, 2d, and 3d districts (3 Representatives):					
Macomb	405,804	$31,390,352.33	$77.35	$25,387,365.00	$62.56
Per Representative	135,268	10,463,450.77		8,462,455.00	
Monroe County:					
Monroe	101,120	7,819,448.91	77.32	6,930,758.00	68.53
Muskegon County, 1st, and 2d districts (2 Representatives):					
Muskegon	149,943	14,148,703.19	94.36	11,712,156.95	78.11
Per Representative	74,971	7,074,351.59		5,856,078.47	
Oakland County, 1st, 2d, 3d, 4th, 5th, 6th districts (6 Representatives):					
Oakland	690,583	68,486,736.31	99.17	50,109,430.00	72.56
Per Representative	115,097	11,414,456.05		8,351,571.66	
Ottawa County:					
Ottawa	98,719	8,849,436.72	89.64	4,071,883.39	41.24
Washtenaw County, 1st and 2d districts (2 Representatives):					
Washtenaw	172,440	16,177,392.79	93.81	9,867,099.00	57.22
Per Representative	86,220	8,088,696.39		4,933,549.50	
Wayne County, districts 1 to 21, inclusive (38 Representatives):					
Wayne	2,666,739	289,648,288.00	108.61	177,226,542.00	66.45
Per Representative	70,177	7,622,323.36		4,663,856.36	

Mr. McNAMARA. Mr. President, often, the representatives from these districts who give preferential treatment in appropriating moneys to spend in their own counties are the ones, with few exceptions, who are outraged at any proposal to adopt social legislation for the well-being of the residents of the populous counties which are the greatest sources of income for the State.

Let me give some specific examples:

In 1958, the Michigan State Senate voted on an amendment which would have provided for free polio shots for needy children. The 19 Republican members, representing 2,848,423 people, voted against the measure, and the 12 Democrats, representing 3,193,417 people, voted for it. The proposal lost, even though it was favored by representatives of the majority of the people, who felt that this legislation was beneficial to the State and its people.

In 1953, the Michigan Senate voted on a $3 increase in unemployment insurance. The vote was 14 votes for and 14 votes against and the bill was killed. However, 14 senators voting for the $3 increase represented 3,542,407 people, while the votes cast against the bill represented only 2,421,631. In other words, 1,120,776 more people were represented by the 14 senators voting for the amendment.

This increase was denied even though Michigan had one of the lowest average rates of unemployment compensation in the country. We still have this dubious distinction as a result of the continued minority control of our State legislature.

An amendment to the Workmen's Compensation Act to improve and clarify the language of the act and to aid the unfortunate victims of industrial accidents was voted down by 18 senators representing 2,859,918 people while the 14 senators who voted for it represented 3,510,849 people.

In 1955, a budget of $50,000 for preparation of the St. Lawrence Seaway was proposed by the Governor. This was cut to $500. Nevertheless, when an amendment was introduced to reinstate the original $50,000, it was killed by a vote of 19 senators representing 2,674,214 people, while the 12 senators who voted for it represented 3,266,215. In other words, 592,000 more people were represented by the 12 senators voting for it than the 19 senators voting against it. Yet it lost.

In 1957, when mental health facilities in the State of Michigan were sorely needed, particularly in the populous areas which provide the bulk of tax moneys collected by the State, legislation was introduced to add 220 beds at Plymouth State Home and Training School in the Detroit Metropolitan area. Despite the obvious need for these beds, the proposal was killed by a vote of 20 senators representing 2,770,198 people while the 11 senators who voted for it, represented 3,132,404 people.

During the 1959–60 session of the legislature, a bill was introduced which would have enabled development credit corporations to secure the benefits provided by the Federal Small Business Investment Act of 1956, helping small business in Michigan.

This bill was defeated in the senate by 17–15. There were 3,558,821 people represented by the 15 senators voting for this bill which would have helped small business in Michigan, while the 17 senators voting against this measure represented only 2,554,206.

Again in the 1959–60 session of the Michigan Legislature a bill was introduced to exempt food and medicine from the 4-percent sales tax with the objective of relieving retirees and persons with fixed incomes from this grossly unfair burden of taxes. This proposal was killed in the State senate by a vote of 20 to 14. The senators voting against represented 3,279,700 people, while the 14 senators who voted for this relief for retirees and fixed-income groups represented 4,957,298.

In other words, 1,677,598 more people were represented by the 14 senators voting for this measure than the 20 senators voting against. But it was defeated.

Perhaps the most outrageous example of "tyranny by the minority" occurred in the apportionment of Michigan's legislative districts in the early 1950's.

The Michigan constitution—at that time—provided that representative districts be drawn with an equal number of inhabitants and consisting of "convenient and contiguous territory."

The dictionary definition of "contiguous" is: 1. bordering upon; to touch upon, and in physical contact touching; 2. Near, adjoining."

But the minority-controlled Michigan legislature, in a burst of gerrymandering zeal unmatched before or since, ignored this constitutional directive to create the four-county Iron Legislative District in the Upper Peninsula which is contiguous only by water, off the coast of Lake Superior.

That is right: Two of the counties—Baraga and Iron—are 72½ miles distant from Alger and Schoolcraft, the other two counties of the Iron District. Interposed between them are Marquette and Delta Counties which comprise another district.

The only way to get from one part of this "contiguous" district to another, without crossing another district, is to go by boat.

The legislators who created this malapportioned monstrosity thought it was very funny. They turned it into a cloakroom joke, asserting that the four counties of the Iron District "are contiguous by the waters of Lake Superior."

As might be expected, this same minority-controlled legislature followed a similar gerrymandering pattern in drawing congressional district lines. The result was that this legislature created—in Michigan—the smallest congressional district in the Nation, containing only 178,251 people under the 1950 census.

The largest congressional district in the State—in the Detroit metropolitan area—contained more than 500,000 people, almost three times as many people as the smallest in the Nation.

Another evil effect of a minority-controlled legislative house is that it is likely to have exclusive life and death power over appointments by the Governor.

The Michigan constitution provides clearly for the appointive power of the Governor, with the advice and consent of the senate.

But during the 12 years that G. Mennen Williams served as Governor of Michigan, being elected and reelected with substantial majorities, the minority-controlled State senate arrogantly usurped his appointive power, by rejecting or refusing to confirm many of his key appointees.

This is clearly demonstrated by the fact that senatorial refusal to confirm appointees of the Governor was very rare from 1901 to 1948. A total of only nine appointees were rejected. But in the 12-year period of 1949–60, the senate rejected 24 appointees of Governor Williams.

For example, one member of the appeals board of the Michigan Employment Security Commission, who was appointed in 1946 for a 6-year term, remained in office until 1960, or 8 years after Governor Williams had attempted to replace him. The senate achieved this by simply refusing to confirm the appointment of those named by the Governor to replace him.

This was clearly a senatorial usurpation of the executive power of appointment. It is but one example of many such instances. Since the senators themselves did not accuse the appointees of lacking qualifications, the conclusion is inescapable that they were motivated by political considerations—at the expense of good government.

As a matter of fact, on many occasions, it was blatantly admitted that in a majority of the cases the appointments were denied for partisan political advantage.

In 1963, Michigan adopted a new constitution. It included apportionment provisions unique in the Nation's history. One house, said to be based on population, approached, but did not achieve, that description. The other, the senate, did not, but admittedly was not intended to, for it literally represented area under a so-called 80–20 formula which, in application, meant that 19 acres literally had the voting strength of a human being, and the votes of some citizens were potentially worth up to 3 times those of others.

These 1963 provisions, like the adopted 1952 Michigan proposals, were fortunately thrown out by the U.S. Supreme Court, as a violation of our citizens' rights.

But their application under a formula, which could have been applied with only slight modification to deny democracy to every State in the Union, illustrates the fallacy of thinking that good government can be achieved when only one house is responsive to majority will.

Our Michigan experience repudiates also the outrageous argument that any abuse of constitutional rights can be permitted if enough people vote for it. Majority rule means constitutional majority rule, and our right to free speech, free press, free religion, and the free ballot box does not depend on majority approval or sufferance of our fellow citizens, as the Supreme Court has just reaffirmed.

Our 1963 apportionment provisions were adopted not alone, but as one section among hundreds in a totally new State constitution. The campaign to adopt that constitution, led by our present Governor, was pitched out-State on the theme that the apportionment provisions would restrict Detroit area influence, and, in Detroit, on the approach that citizens should vote for a generally good constitution despite the apportionment provisions, whose validity "would after all be a question for the courts." Wholesale misrepresentation abounded. When the constitution finally carried by a margin after recount, of one-half of 1 percent, the apportionment provisions were urged by their proponents to the courts as a great expression of the popular will and no longer a legal, but a voter-preempted question.

If these represent the standards of fairness the present proposals are designed to achieve, and if such proposals should carry, our Republic is in danger.

It will further be in danger because of another aspect of the proposed amendment—the notion that we strip the courts of power when we disagree with them. This proposal, probably unconstitutional, is shockingly dangerous, for it runs contrary to our heritage of obeying laws until they are changed, and of recognizing and respecting judicial authority. Moreover, these proposals constitute the gravest threat to judicial independence and the separation of powers within recent memory.

It was because of the courts and the great decisions in Baker against Carr and Reynolds against Sims that we stand in Michigan and elsewhere on the threshold of real democracy, living State government, and the ability to meet the needs of our citizens.

If we do not have faith and confidence in abiding by the will of the majority of the people; if we do not believe that the majority will of the people should be reflected by our legislative bodies; if we do not believe that 50-percent-plus of the people should govern, then what percentage of the minority of the people do we determine should govern the majority?

Should 49 percent govern the 51 percent, or as has prevailed in Michigan, should 29.4 percent of the population be able to govern through control of one house, the other 70.6 percent of the people?

Or should we Sovietize the State legislative bodies and have 7 percent of the people dominate the other 93 percent, as prevails in the Soviet Union?

Regardless of all of the fine academic, hypothetical, theoretical arguments that can be made, when a clear perspective is taken of this question it boils down again to this simple question: "What percentage of the minority of the people should control the majority?"

Is the tyrannny of majority rule over the minority ever likely to be more obnoxious than the tyranny of a minority over the majority? If minority control over people is to be approved, then a grave and serious question can be raised as to the morality of our spending billions of dollars a year of the people's money to defend ourselves from foreign ideologies.

There is absolutely no separation of the question of combating dictatorships, whether nazism, fascism, or communism, and of combating any other ideology wherein a minority of the people can govern the majority.

Some of our most difficult international problems could be solved if the people who lived under the iron heel of dictatorship were to be given equality at the ballot box and the majority of the people were permitted to cast a ballot to determine the form of government they wanted to live under.

Certainly we all know that the Berlin wall would be torn down by the East Germans within a week if the East German people were permitted to vote and the wishes of the majority of the East German people were abided by.

I have always firmly believed that if the various States ever achieved truly representative government that the many frictions which prevail today in areas such as civil rights, the arguments about States rights against the propaganda of concentration of power in Washington would, to a major extent, be resolved.

If the legislature actually reflects the sentiment of the majority of the people, the legislatures of each State would be concerning themselves with cooperating and working in harmony with the Federal Government to meet the problems of the pockets of poverty, illhousing, old-age security, mental health, and the many other social problems which we face as a nation today.

If we approve the pending proposal and the proposed constitutional amendment for which it is supposed to buy time, we shall have to go back to the people and tell them that we do not believe in equality of citizenship at the ballot box.

We will be in the position of advocating to our constituents that they sacrifice their most cherished basic symbol of freedom—equality.

If we are going to be honest, we will have to say to the people, "We don't believe that a majority of the people should govern, but that a minority should govern." We will be advocating an oligarchy, or some type of despotism, or some other tyrannical form of government to substitute for majority rule. We will resume the dreary argument over just what percentage of the minority of the people should govern the majority.

We will make a mockery of the words in Lincoln's famous Gettysburg Address, "that government of the people, by the people, and for the people shall not perish from the earth."

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, I commend the Senator from Michigan [Mr. McNamara] for his excellent presentation of the case for apportionment in his State. The examples which he cites could be found in many other States in the Union. If we need any practical demonstration of the justification for the court's action, that justification was contained in the statement which the Senator from Michigan has just completed.

Along with his statement, of course, was the theoretical case made for the Supreme Court's action by the Senator from Oregon [Mr. Morse] in the presentation which he made to this body a few days ago, in which he inquired into the constitutional aspects of the case, and the constitutional aspect of the application of the Court's decision.

Today the Senator from New York [Mr. Javits] and I submitted an amendment in the nature of a substitute for the Mansfield-Dirksen amendment, which is under consideration by the Senate.

It is my opinion that the Court has ruled quite properly in this case that the principle of one vote for each person is fundamental to American democracy.

The principle that the majority shall rule is fundamental to American democracy.

This was clearly expressed by the men who drafted the Constitution of the United States. One of them, James Madison, said that once the will of the people has been determined, even though the majority was by a single vote, that decision should be held as sacred as if it were unanimous.

The Record clearly shows that under existing practices in many States, it is impossible to determine what the will of the majority is.

The original Dirksen proposal to the Senate was, I believe, without question, clearly unconstitutional, because it would have had the Congress overriding Supreme Court decisions—decisions which were not related to the statutes which had been enacted by the Congress, but decisions based upon their interpretation of the Constitution. Certainly, the Senate and the other body do not have any right or any power to override or overrule constitutionally based decisions of the Supreme Court.

The Mansfield-Dirksen substitute is somewhat less brazen and somewhat less open in its challenge to the Court, but in my opinion, if in the Mansfield-Dirksen substitute we move to the point where the legislative branch establishes real power or control over the Court's decisions, at that very point we shall move into the area of the unconstitutional.

If we stay short of that, we remain in the area of making a recommendation and a suggestion to the Supreme Court and the inferior courts as to how they should proceed in this case.

In my judgment there is no "between" ground in this case, unless we were to proceed to amend the Constitution; but short of that, there is no intermediate area between that which is unconstitutional and that which is a mere recommendation on the part of the Congress to the courts in their dealings with the execution of the decision which has been made with regard to reapportionment.

It is my opinion, therefore, that the best approach—an honest and open approach—is that which is proposed in the amendment which the Senator from New York and I have offered. It would express the sense of Congress with regard to proceeding under the Supreme Court decision on reapportionment.

I sincerely hope that Senators will give thought to the distinctions which the Senator from New York made in his remarks earlier today and to the points which I am now making.

I should like to emphasize the point that Senators who were most concerned about the effectiveness of State government and the integrity of States, and who spoke so often of keeping government as close to the people as possible—those who are prone to quote Abraham Lincoln that government should do for the people only what the people cannot do as well for themselves or what they cannot do at all—have in this case an opportunity to eliminate an obstacle to effective State government. This obstacle has prevented the people from doing for themselves what they saw they could do just as well as the Federal Government, but which they have been kept from doing because they do not have equal representation in the lower and upper bodies of State legislatures.

So, let us eliminate that obstacle—an obstacle in the way of the people in the States, an obstacle which keeps them from doing for themselves what they could do, and what they would do if they had reapportionment and proper representation in their State legislature.

To protect the integrity and effectiveness of State governments, to protect the integrity of the Constitution of the United States, to protect the integrity of the Supreme Court, and, along with that, the integrity of the U.S. Senate, the proposal that the Senator from New York [Mr. Javits] and I have offered should be adopted in this body.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JAVITS. I am pleased to have been able to join with the Senator from Minnesota in this effort. There are two approaches to this situation. The first approach is one which, in my judgment, was struck down in 1871 in the case of United States against Klein. It is the approach of the Mansfield-Dirksen amendment—as the Senator calls it—undiluted—that is, without the addition of the clause "highly unusual circumstances"—which perhaps gives the Court an escape mechanism. The other approach is the more condign approach, of depriving the appellate court of jurisdiction entirely, which was the course pursued in the McCardle case, a very old case which predated the Klein case. There is grave doubt in my mind that the Supreme Court would follow the McCardle precedent with respect to pending cases in the Federal courts, even though those pending cases were in the lower courts.

There may be some States—but very few of the 50 States—the apportionment of which has not now been called into question in the Federal courts. Therefore, if the McCardle doctrine, which has been questioned in later cases, were not to stand up, we would again be running the risk of a direct confrontation between the judiciary and Congress in an area in which it is not necessary to have a confrontation. It is my conviction that in the cases which are already pending before the Federal courts, if the Supreme Court would have to regard the Mansfield-Dirksen amendment as more than merely precatory, they would therefore strike it down. The amendment which the Senator from Minnesota and I recommend would best square with existing law, the likelihood of a new decision on this legislation by the Supreme Court, and the substantive result which we have a right to expect from the Court, of crowding the whole situation quite so hard in terms of implementation of the law which the Court has laid down.

Mr. McCARTHY. I believe that this is the best course of action for Congress to take insofar as it would have any bearing on decisions and rulings which have been made with respect to cases in the process of being appealed, and certainly with reference to any recent decisions that might be made with reference to other States. It is my opinion that this is as far as Congress should go in attempting to give direction or to influence the judicial process in this proceeding.

Mr. JAVITS. I thank the Senator for his intercession. The idea of a "sense" resolution was very much the idea of the Senator from Minnesota. I was honored when the Senator felt that I should take the laboring oar in it. I know that it will be regarded as our joint endeavor. I hope it might have some helpful result in resolving the question before Congress. I know the Senator joins me in the realization that it is a real problem that has to be coped with. No matter what should happen to the legislation here, it would be most unfortunate if the Supreme Court allowed the situation to be dealt with quite as hard as some lower courts seem to think it must be.

Mr. McCARTHY. I agree with the views of the Senator from New York, and I am pleased to work with him on this particular bill. I know that the Senator shares with me the conviction that the processes of democracy are not self-operating and that we need to pay continuous attention to the procedures and relationships which exist in our Government among the three branches.

The Senator from New York has joined me in the past—perhaps not in the same kind of joint effort—in trying to protect the integrity of the legislative branch as against the executive branch, and also the integrity of the executive branch as against a challenge from the judicial or legislative branch of the Government. This becomes increasingly more important as we move into many areas in which it is more difficult to draw a line between executive and legislative authority, as in the case of earlier proceedings under the civil rights issue when Congress failed to take action which it should have. In this instance we placed a great burden on the executive branch of the Government. We placed a great burden upon the judicial branch of the Government and asked them to carry out legislative functions, or almost legislative functions, because Congress had failed to act.

The Senator from New York was one of those who pressed hard for the enactment of the civil rights bill to assist the executive branch of the Government in meeting its responsibility in this area, and also to make it easier for the court to carry out its responsibility regarding this problem.

I am glad to join the Senator in drawing the line, under the limited right that Congress has, to give direction on this basis.

Mr. JAVITS. If one wants to be respected, he must give respect. That is why I appreciate the approach which we have both adopted.

I thank the Senator.

Mr. McCARTHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 548 Leg.]

Aiken
Allott
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Brewster
Burdick
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Clark
Cooper
Cotton
Curtis
Dirksen
Dodd
Dominick
Douglas
Eastland
Edmondson
Ellender
Ervin
Fong
Fulbright
Goldwater
Gore
Gruening
Hart
Hartke
Hayden
Holland
Hruska
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Lausche
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGovern
McIntyre
McNamara
Mechem
Metcalf
Miller
Monroney
Morton
Morse
Mundt
Muskie
Nelson
Neuberger
Pastore
Pearson
Pell
Prouty
Proxmire
Randolph
Ribicoff
Robertson
Russell
Salinger
Saltonstall
Scott
Simpson
Smathers
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Walters
Williams, N.J.
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mr. SALINGER in the chair). The Chair, on behalf of the President pro tempore, announces the following appointments:

To attend the third United Nations Conference on Peaceful Uses of Atomic Energy at Geneva, August 31 through September 9, 1964: Senators PASTORE, ANDERSON, HICKENLOOPER, and AIKEN, with Senators CHURCH, MCINTYRE, JORDAN of Idaho, and CASE as alternatives.

To attend the British Commonwealth Parliamentary Conference at Jamaica, November 15 through 22, 1964: Senators FULBRIGHT, NELSON, BOGGS, and MILLER.

The Chair, also on behalf of the President pro tempore, announces the following appointments to the Committee on Arrangements for the Abraham Lincoln Second Inaugural Address: Senators DOUGLAS, HARTKE, DIRKSEN, and COOPER.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes; and that the House receded from its disagreement to the amendment of the Senate numbered 7 to the bill, and concurred therein.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1965—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. McCLELLAN. Mr. President, I have only a few brief remarks to make in connection with the bill as agreed to by the conferees.

The total of the bill is $1,717,157,800. This sum is $13,727,900 below the sum recommended by the Senate. It is $14,530,000 above the total sum recommended in the House bill. However, the total sum recommended is $282,006,900 below the total 1965 estimates submitted for direct appropriations of the three Departments, State, Justice, and Commerce, the judiciary branch, and 10 related agencies. In this regard it should again be pointed out that the bill contains $30 million of the $41,400,000 estimate for the Chamizal project, which the Senate approved and which was not considered initially by the House.

If it were not for this item, the Senate recommendation would have been about $15,500,000 under the amount the House initially approved. It should be stated for the record that the House and Senate committees handling this bill have been and are working very closely together, to the end that we shall make only such appropriations as are to be definitely needed to carry on appropriately and efficiently those functions of Government which are within the jurisdiction of these departments and agencies.

I would also like to state that the sum total of the bill is below the 1964 total direct appropriations by $123,076,100.

In addition to the sum recommended in direct appropriations, there is authorized the sum of $3,648,250,000 from the trust fund account to carry out the Federal-aid highway program in fiscal 1965.

For the benefit of the Members of the Senate, I might mention certain items that had been approved in the Senate bill but were denied in conference. In the Weather Bureau appropriation for "Salaries and expenses," the conferees agreed to only $100,000 of the $613,200 recommended for expansion of the weather service in certain areas. The $100,000 allowance is one-half of the sum needed to expand the fire-weather service. Also disapproved in this appropriation was the total sum of $1,454,700 to fund three programs formerly paid out of Department of Defense appropriations. The Conference Committee reiterated its contention of last year that these programs should be funded by the Department of Defense.

Two other items of similar character were disapproved by the conference action and concerned the seismograph program allowed by the Senate in the amount of $624,000, which had been previously funded through the Advanced Research Project Agency—ARPA—of the Defense Department; and the $900,000 item that the Senate had recommended for aviation weather research, which was formerly funded by the Federal Aviation Agency.

There are some other items in the bill in which some Members of the Senate have a special interest, but with respect to which the Senate conferees were compelled to yield to the wishes of the House conferees that they be eliminated. I shall not enumerate all of them in detail, but I assure Senators that in each instance the conferees undertook to have the Senate version of the bill adopted.

I believe we have a good bill and that in the main sufficient funds will be available to carry out the various programs planned for the departments and the agencies for which the bill makes appropriations.

I am glad to report also that all the conferees agreed on the report, and that the report was unanimously signed by conferees on the part of both Houses.

I ask for the adoption of the report.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary of the bill for the fiscal year 1965, which shows the various appropriations concerning the departments and agencies included in the bill.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Summary of bill—Departments of State, Justice, and Commerce, the judiciary and related agencies appropriations bill, 1965 (H.R. 11134)

TITLE I—DEPARTMENT OF STATE

Item	Appropriations, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	Bill		Conference action	Conference allowance compared with—		
			House version	Senate version		Budget estimate	House allowance	Senate allowance
ADMINISTRATION OF FOREIGN AFFAIRS								
Salaries and expenses	$153,000,000	$165,850,000	$163,000,000	$165,600,000	$164,000,000	−$1,850,000	+$1,000,000	−$1,600,000
Salaries and expenses (1964 supplemental estimate)		5,000,000				−5,000,000		
Representation allowances	973,000	1,025,000	993,000	993,000	993,000	−32,000		
Acquisition, operation, and maintenance of buildings abroad	18,125,000	22,257,000	18,125,000	18,821,000	18,125,000	−4,132,000		−696,000
Acquisition, operation, and maintenance of buildings abroad (special foreign currency fund)	2,750,000	6,143,000	4,000,000	5,000,000	5,000,000	−1,143,000	+1,000,000	
Emergencies in the diplomatic and consular service	1,500,000	1,600,000	1,500,000	1,500,000	1,500,000	−100,000		
Emergencies in the diplomatic and consular service (1964 supplemental estimate)		400,000	400,000	400,000	400,000			
Total, administration of foreign affairs	176,348,000	202,275,000	188,018,000	192,314,000	190,018,000	−12,257,000	+2,000,000	−2,296,000
INTERNATIONAL ORGANIZATIONS AND CONFERENCES								
Contributions to international organizations	99,679,000	87,168,000	87,168,000	87,168,000	87,168,000			
Missions to international organizations	2,500,000	3,238,000	3,100,000	3,234,000	3,165,000	−73,000	+65,000	−69,000
International conferences and contingencies	1,943,000	2,778,000	1,943,000	1,943,000	1,943,000	−835,000		
International tariff negotiations	365,000	1,500,000	1,000,000	1,000,000	1,000,000	−500,000		
Total, international organizations and conferences	104,487,000	94,684,000	93,211,000	93,345,000	93,276,000	−1,408,000	+65,000	−69,000
INTERNATIONAL COMMISSIONS								
International Boundary and Water Commission, United States and Mexico:								
Salaries and expenses	715,000	785,000	760,000	785,000	785,000		+25,000	
Operation and maintenance	2,015,000	1,963,000	1,963,000	1,963,000	1,963,000			
Construction	6,500,000	8,881,000	8,000,000	8,000,000	8,000,000	−881,000		
Chamizal settlement (1964 supplement estimate)		41,400,000		30,000,000	30,000,000	−11,400,000	+30,000,000	
Total, International Boundary and Water Commission, United States and Mexico	9,230,000	53,029,000	10,723,000	40,748,000	40,748,000	−12,281,000	+30,025,000	
American sections, international commissions	430,000	474,000	460,000	460,000	460,000	−14,000		
International fisheries commissions	2,000,000	2,139,000	2,000,000	2,100,000	2,025,000	−114,000	+25,000	−75,000
Total, international commissions	11,660,000	55,642,000	13,183,000	43,308,000	43,233,000	−12,409,000	+30,050,000	−75,000
EDUCATIONAL EXCHANGE								
Mutual educational and cultural exchange activities	42,625,000	47,679,000	44,125,000	48,729,000	45,000,000	−2,679,000	+875,000	−3,729,000
Center for cultural and technical interchange between East and West	5,100,000	5,832,000	5,300,000	5,600,000	5,300,000	−532,000		−300,000
Preservation of ancient Nubian monuments (special foreign currency program) (1964 supplemental estimate)		12,000,000				−12,000,000		
Education and cultural exchange with Japan (1964 supplemental estimate)		25,000,000				−25,000,000		
Total, educational exchange	47,725,000	90,511,000	49,425,000	54,329,000	50,300,000	−40,211,000	+875,000	−4,029,000
OTHER								
Rama Road, Nicaragua	850,000							
Total, title I, Department of State	341,070,000	443,112,000	343,837,000	383,296,000	376,827,000	−66,285,000	+32,990,000	−6,469,000

TITLE II—DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION								
Salaries and expenses, general administration	$4,660,000	$4,871,000	$4,850,000	$4,850,000	$4,850,000	−$21,000		
Salaries and expenses, general legal activities	18,573,000	19,590,000	19,350,000	19,350,000	19,350,000	−240,000		
Alien property activities, limitation on general administrative expenses	(690,000)	(690,000)	(690,000)	(690,000)	(690,000)			
Salaries and expenses, Antitrust Division	6,600,000	6,854,000	6,854,000	6,854,000	6,854,000			
Salaries and expenses, U.S. attorneys and marshals	29,230,000	30,825,000	30,285,000	30,285,000	30,285,000	−540,000		
Fees and expenses of witnesses	2,600,000	3,000,000	2,800,000	2,800,000	2,800,000	−200,000		
Total, legal activities and general administration	61,663,000	65,140,000	64,139,000	64,139,000	64,139,000	−1,001,000		
FEDERAL BUREAU OF INVESTIGATION								
Salaries and expenses	146,900,000	150,445,000	150,445,000	150,445,000	150,445,000			
IMMIGRATION AND NATURALIZATION SERVICE								
Salaries and expenses	69,011,000	71,800,000	71,100,000	71,100,000	71,000,000	−700,000		
FEDERAL PRISON SYSTEM								
Salaries and expenses, Bureau of Prisons	53,140,000	54,890,000	54,750,000	54,750,000	54,750,000	−140,000		
Buildings and facilities	9,525,000	21,212,000	19,202,000	19,202,000	19,202,000	−2,010,000		
Support of U.S. prisoners	4,300,000	4,400,000	4,400,000	4,400,000	4,400,000			
Total, Federal prison system	66,965,000	80,502,000	78,352,000	78,352,000	78,352,000	−2,150,000		
Total, title II, Department of Justice	344,539,000	367,887,000	364,036,000	364,036,000	364,036,000	−3,851,000		

Summary of bill—Departments of State, Justice, and Commerce, the judiciary and related agencies appropriations bill, 1965 (H.R. 11134)—Continued

TITLE III—DEPARTMENT OF COMMERCE

Item	Appropriations, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	Bill		Conference action	Conference allowance compared with—		
			House version	Senate version		Budget estimate	House allowance	Senate allowance
GENERAL ADMINISTRATION								
Salaries and expenses	$4,000,000	$4,350,000	$4,127,000	$4,127,000	$4,127,000	−$223,000		
AREA REDEVELOPMENT ADMINISTRATION								
Operations	13,500,000	17,235,000	14,000,000	13,700,000	13,700,000	−3,535,000	−$300,000	
Grants for public facilities		35,000,000				−35,000,000		
Area redevelopment fund	132,000,000	170,000,000	59,500,000	59,500,000	59,500,000	−110,500,000		
Total, Area Redevelopment Administration	145,500,000	222,235,000	73,500,000	73,200,000	73,200,000	−149,035,000	−300,000	
OFFICE OF BUSINESS ECONOMICS								
Salaries and expenses	2,000,000	2,525,000	2,520,000	2,250,000	2,250,000	−275,000		
BUREAU OF THE CENSUS								
Salaries and expenses	13,650,000	15,000,000	14,700,000	14,700,000	14,700,000	−300,000		
Salaries and expenses (1964 supplemental estimate)		210,000				−210,000		
1962 Census of Governments	350,000							
1963 Censuses of Business, Transportation, Manufactures, and Mineral Industries	8,500,000	7,000,000	7,000,000	7,000,000	7,000,000			
1964 Census of Agriculture	1,345,000	16,500,000	16,000,000	16,000,000	16,000,000	−500,000		
Modernization of automatic data processing equipment	4,500,000	200,000				−200,000		
Preparation for 19th Decennial Census	740,000	1,100,000	1,100,000	1,100,000	1,100,000			
National housing inventory		1,700,000				−1,700,000		
Total, Bureau of the Census	29,085,000	41,710,000	38,800,000	38,800,000	38,800,000	−2,910,000		
BUSINESS AND DEFENSE SERVICES ADMINISTRATION								
Salaries and expenses	4,600,000	5,000,000	4,715,000	4,715,000	4,715,000	−285,000		
OFFICE OF FIELD SERVICES								
Salaries and expenses	3,725,000	4,255,000	4,000,000	4,000,000	4,000,000	−255,000		
INTERNATIONAL ACTIVITIES								
Salaries and expenses	9,230,000	12,520,000	9,425,000	10,145,000	9,425,000	−3,095,000		−$720,000
Export control	4,100,000	4,625,000	4,500,000	4,575,000	4,575,000	−50,000	+75,000	
Total, international activities	13,330,000	17,145,000	13,925,000	14,720,000	14,000,000	−3,145,000	+75,000	−720,000
OFFICE OF TRADE ADJUSTMENT								
Trade adjustment assistance	100,000	300,000				−300,000		
Trade adjustment loans and guarantees		500,000				−500,000		
Total, Office of Trade Adjustment	100,000	800,000				−800,000		
U.S. TRAVEL SERVICE								
Salaries and expenses	2,600,000	3,950,000	3,000,000	3,000,000	3,000,000	−950,000		
CIVILIAN INDUSTRIAL TECHNOLOGY								
Expenses	1,000,000							
COAST AND GEODETIC SURVEY								
Salaries and expenses	26,120,000	28,715,000	27,000,000	27,624,000	27,000,000	−1,715,000		−624,000
Construction of surveying ships	13,000,000	9,000,000	9,000,000	9,000,000	9,000,000			
Construction and equipment		600,000	575,000	575,000	575,000	−25,000		
Total, Coast and Geodetic Survey	39,120,000	38,315,000	36,575,000	37,199,000	36,575,000	−1,740,000		−624,000
PATENT OFFICE								
Salaries and expenses	29,250,000	32,000,000	30,500,000	30,500,000	30,500,000	−1,500,000		
NATIONAL BUREAU OF STANDARDS								
Research and technical services	28,700,000	35,000,000	30,000,000	30,000,000	30,000,000	−5,000,000		
Research and technical services (special foreign currency program)	500,000	500,000	500,000	500,000	500,000			
Plant and facilities	3,000,000	3,840,000	2,800,000	3,770,000	3,770,000	−70,000	+970,000	
Construction of facilities	7,713,000	7,000,000	5,800,000	5,800,000	5,800,000	−1,200,000		
Total, National Bureau of Standards	39,913,000	46,340,000	39,100,000	40,070,000	40,070,000	−6,270,000	+970,000	
OFFICE OF TECHNICAL SERVICES								
Salaries and expenses	1,020,000	1,750,000	1,060,000	1,200,000	1,130,000	−620,000	+70,000	−70,000
WEATHER BUREAU								
Salaries and expenses	64,527,100	68,800,000	65,000,000	67,266,900	65,100,000	−3,700,000	+100,000	−2,166,900
Research and development	10,400,000	14,100,000	10,400,000	11,300,000	10,400,000	−3,700,000		−900,000
Research and development (special foreign currency program)	250,000	500,000	500,000	500,000	500,000			
Establishment of meteorological facilities	4,800,000	1,725,000	725,000	725,000	725,000	−1,000,000		
Meteorological satellite operation		11,500,000	10,000,000	10,000,000	10,000,000	−1,500,000		
Total, Weather Bureau	79,977,100	96,625,000	86,625,000	89,791,900	86,725,000	−9,900,000	+100,000	−3,066,900

Summary of bill—Departments of State, Justice, and Commerce, the judiciary and related agencies appropriations bill, 1965 (H.R. 11134)—Continued

TITLE III—DEPARTMENT OF COMMERCE—Continued

Item	Appropriations, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	Bill		Conference action	Conference allowance compared with—		
			House version	Senate version		Budget estimate	House allowance	Senate allowance
MARITIME ADMINISTRATION								
Ship construction	$112, 500, 000	$124, 900, 000	$124, 900, 000	$124, 900, 000	$124, 900, 000			
Operating-differential subsidies (liquidation of contract authorization)	216, 500, 000	190, 000, 000	190, 000, 000	185, 000, 000	187, 500, 000	−$2, 500, 000	−$2, 500, 000	+$2, 500, 000
Research and development	7, 000, 000	10, 100, 000	9, 500, 000	9, 500, 000	9, 500, 000	−600, 000		
Salaries and expenses	15, 500, 000	15, 750, 000	15, 300, 000	15, 300, 000	15, 300, 000	−450, 000		
Maritime training	3, 495, 000	4, 484, 000	4, 484, 000	4, 484, 000	4, 484, 000			
State marine schools	1, 405, 000	1, 735, 000	1, 725, 000	1, 725, 000	1, 725, 000	−10, 000		
Total, Maritime Administration	356, 400, 000	346, 969, 000	345, 909, 000	340, 909, 000	343, 409, 000	−3, 560, 000	−2, 500, 000	+2, 500, 000
BUREAU OF PUBLIC ROADS								
Limitation on general administrative expenses	(43, 800, 000)	(48, 750, 000)	(46, 750, 000)	(47, 250, 000)	(47, 000, 000)	(−1, 750, 000)	(+250, 000)	(−250, 000)
Federal-aid highways (trust fund)	(3,249,150,000)	(3,650,000,000)	(3,648,000,000)	(3,648,500,000)	(3,648,250,000)	(−1, 750, 000)	(+250, 000)	(−250, 000)
Improvement of the Pentagon road network (trust fund)	(500, 000)							
Forest highways (liquidation of contract authorization)	33, 000, 000	33, 000, 000	32, 000, 000	32, 000, 000	32, 000, 000	−1, 000, 000		
Public lands highways (liquidation of contract authorization)	4, 000, 000	9, 000, 000	8, 000, 000	7, 000, 000	7, 000, 000	−2, 000, 000	−1, 000, 000	
Inter-American Highway	15, 000, 000	4, 000, 000	4, 000, 000	2, 000, 000	2, 000, 000	−2, 000, 000	−2, 000, 000	
Total, Bureau of Public Roads	52, 000, 000	46, 000, 000	44, 000, 000	41, 000, 000	41, 000, 000	−5, 000, 000	−3, 000, 000	
TRANSPORTATION RESEARCH								
Expenses	2, 000, 000	2, 000, 000	2, 000, 000	2, 000, 000	2, 000, 000			
Total, title III, Department of Commerce	805, 620, 100	911, 969, 000	730, 086, 000	727, 481, 900	725, 501, 000	−186, 468, 000	−4, 585, 000	−1, 980, 900

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES								
Salaries	$1, 588, 000	$1, 822, 000	$1, 815, 000	$1, 815, 000	$1, 815, 000	−$7, 000		
Printing and binding, Supreme Court Reports	138, 000	138, 000	138, 000	138, 000	138, 000			
Miscellaneous expenses	85, 000	123, 000	120, 000	120, 000	120, 000	−3, 000		
Care of the building and grounds	354, 900	304, 600	304, 600	304, 600	304, 600			
Automobile for the Chief Justice	7, 400	8, 100	8, 100	8, 100	8, 100			
Books for the Supreme Court	35, 000	35, 000	35, 000	35, 000	35, 000			
Total, Supreme Court	2, 208, 300	2, 430, 700	2, 420, 700	2, 420, 700	2, 420, 700	−10, 000		
COURT OF CUSTOMS AND PATENT APPEALS								
Salaries and expenses	388, 000	403, 000	397, 000	397, 600	397, 600	−5, 400		
CUSTOMS COURT								
Salaries and expenses	989, 000	1, 043, 500	1, 028, 000	1, 028, 000	1, 028, 000	−15, 500		
COURT OF CLAIMS								
Salaries and expenses	1, 100, 000	1, 176, 500	1, 140, 000	1, 140, 000	1, 140, 000	−36, 500		
Repairs and improvements	9, 500	9, 500				−9, 500		
Total, Court of Claims	1, 109, 500	1, 186, 000	1, 140, 000	1, 140, 000	1, 140, 000	−46, 000		
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES								
Salaries of judges	11, 200, 000	11, 200, 000	11, 100, 000	11, 100, 000	11, 100, 000	−100, 000		
Salaries of supporting personnel	30, 650, 000	32, 940, 000	32, 445, 000	32, 445, 000	32, 445, 000	−495, 000		
Fees of jurors and commissioners	5, 500, 000	5, 500, 000	5, 500, 000	5, 500, 000	5, 500, 000			
Travel and miscellaneous expenses	4, 500, 000	5, 065, 000	4, 710, 000	4, 710, 000	4, 710, 000	−355, 000		
Administrative Office of the U.S. Courts	1, 590, 000	2, 059, 500	1, 619, 500	1, 619, 500	1, 619, 500	−440, 000		
Referees, special account:								
Salaries of referees	(2, 550, 000)	(2, 905, 000)	(2, 670, 000)	(2, 750, 000)	(2, 670, 000)	(−235, 000)		(−$80, 000)
Salaries of referees (1964 supplemental estimate)		(65, 000)	(50, 000)	(50, 000)	(50, 000)	(−15, 000)		
Expenses of referees	(5, 250, 000)	(5, 965, 000)	(5, 750, 000)	(5, 784, 000)	(5, 750, 000)	(−215, 000)		(−34, 000)
Total, courts of appeals, district courts, and other judicial services	53, 440, 000	56, 764, 500	55, 374, 500	55, 374, 500	55, 374, 500	−1, 390, 000		
Total, title IV, the judiciary, excluding special accounts	58, 134, 800	61, 827, 700	60, 360, 800	60, 360, 800	60, 360, 800	−1, 466, 900		
Total, title IV, the judiciary, including special accounts	65, 934, 800	70, 762, 700	68, 830, 800	68, 944, 800	68, 830, 800	−1, 931, 900		(−114, 000)

TITLE V—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION								
Salaries and expenses	$1, 800, 000	$1, 800, 000	$1, 800, 000	$1, 800, 000	$1, 800, 000			
COMMISSION ON CIVIL RIGHTS								
Salaries and expenses	985, 000	985, 000	985, 000	985, 000	985, 000			
FEDERAL MARITIME COMMISSION								
Salaries and expenses	2, 575, 000	3, 300, 000	2, 763, 000	2, 938, 000	2, 763, 000	−$537, 000		−$175, 000
FOREIGN CLAIMS SETTLEMENT COMMISSION								
Salaries and expenses:								
Appropriation	1, 455, 000	1, 689, 000	1, 650, 000	1, 650, 000	1, 650, 000	−39, 000		
Transfer	*(607, 000)*	*(230, 000)*	*(225, 000)*	*(225, 000)*	*(225, 000)*	*(−5, 000)*		

Summary of bill—Departments of State, Justice, and Commerce, the judiciary and related agencies appropriations bill, 1965 (H.R. 11134)—Continued

TITLE IV—THE JUDICIARY—Continued

Item	Appropriations, 1964	Budget estimates, 1965 (as amended), and 1964 supplementals	Bill		Conference action	Conference allowance compared with—		
			House version	Senate version		Budget estimate	House allowance	Senate allowance
SMALL BUSINESS ADMINISTRATION								
Appropriation	$7,000,000	$7.438,000	$7.150,000	$7,150,000	$7,150,000	−$288,000	----------	----------
Transfer from revolving fund	(27,800,000)	(28,851,000)	(28,500,000)	(28,500,000)	(28,500,000)	(−351,000)	----------	----------
Transfer from trade adjustment loan assistance	(30,000)	(100,000	(50,000)	(50,000)	(50,000)	(−50,000)	----------	----------
Trade adjustment loan assistance	1,500,000	----------	----------	----------	----------	----------	----------	----------
Revolving fund	90,000,000	----------	----------	----------	----------	----------	----------	----------
Total, Small Business Administration	98,500,000	7,438,000	7,150,000	7,150,000	7,150,000	−288,000	----------	----------
SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS								
Salaries and expenses	465,000	533,000	500,000	525.000	525,000	−8,000	+$25,000	----------
SUBVERSIVE ACTIVITIES CONTROL BOARD								
Salaries and expenses	425,000	475,000	440,000	440,000	440,000	−35,000	----------	----------
TARIFF COMMISSION								
Salaries and expenses	3,145,000	3,324,000	3,250,000	3,250,000	3,250,000	−74,000	----------	----------
U.S. ARMS CONTROL AND DISARMAMENT AGENCY								
Arms control and disarmament activities	7,500,000	11,000,000	11,000,000	9,000,000	9,000,000	−2,000,000	−2,000,000	----------
U.S. INFORMATION AGENCY								
Salaries and expenses	134,000,000	143.483,000	137,550,000	142,789,000	137,800,000	−5,683,000	+250,000	−$4,989,000
Salaries and expenses (special foreign currency program)	11,750,000	8,200,000	8,200.000	8,200,000	8,200,000	----------	----------	----------
Special international exhibitions	7,200,000	6,641,000	6,000,000	6,000,000	6,000,000	−641,000	----------	----------
Special international exhibitions (special foreign currency program)	450,000	450,000	400,000	400,000	400,000	−50,000	----------	----------
Acquisition and construction of radio facilities	12,070,000	15,116,000	13,400,000	2,000,000	2,000,000	−13,116,000	−11,400,000	----------
Informational media guarantee fund	750,000	1,000,000	750,000	----------	----------	−1,000,000	−750,000	----------
Total U.S. Information Agency	166,220,000	174,890,000	166,300,000	159,389,000	154,400,000	−20,490,000	−11,900,000	−4,989,000
Total title V, related agencies	283,070,000	205,434,000	195,838,000	187,127,000	181,963,000	−23,471,000	−13,875,000	−5,164,000
Grand total	1,840,233,900	1,999,164,700	1,702,627,800	1,730,885,700	1,717,157,800	−282,006,900	+14,530,000	−13,727,900
Consisting of—								
1964 supplemental appropriations	1,766,900	84,075,000	450,000	30,450,000	30,450,000	−53,625,000	+30,000,000	----------
Special accounts	7,800,000	8,870,000	8,420,000	8,534,000	8,420,000	−450,000	----------	−114,000
Direct appropriations	1,830,667,000	1,906,219,700	1,693,757,800	1,691,901,700	1,678,287,800	−227,931,900	−15,470,000	−13,613,900

Mr. McCLELLAN. Mr. President, I am happy to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, the Senator from Arkansas may recall that at the markup of the bill now embodied in the conference report before the Senate, the Senator from Montana raised the question of additional service for the Weather Bureau station at Havre, Mont. The Senator may recall that Havre operates on a limited basis at the present time. It is 111 miles from Great Falls, which has a good weather station, and it is somewhat the same distance from Glasgow, to the east, which has fairly good weather reporting facilities. Havre is left in a position where it does not receive adequate service.

When the question was raised, thanks to the generosity and understanding of all members of the Senate Committee on Appropriations, the sum of $35,000 was allowed for the Havre weather station, so that it could operate on a 24-hour basis.

Can the distinguished senior Senator from Arkansas, who is chairman of the Subcommittee on Appropriations for the Departments of State, Justice, and Commerce give us any information as to what the status of the action taken by the Senate was in conference?

Mr. McCLELLAN. As the Senator from Montana will recall, the Senate included seven items for weather stations and the expansion and improvement of weather stations. I believe the total sum for this purpose was $613,200. This appropriation, which included $35,000 for the station in the Senator's State of Montana, was seriously objected to by the House conferees. I think I may say without disclosing any secret that immediately upon the calling of the House conferees to order, this was the first item they sought to have considered. We did not consider it at that time, but later, when we reached the item, the House conferees were rather unyielding.

Senators who are now in the Chamber who served on the conference made a faithful and diligent effort to have the House agree to this item. I am strongly on the side of economy, as I believe most persons know; but when there is a service that is a good one, that meets a demand and a need of the people, I favor funding it and financing it and maintaining the service. I felt that in this instance there was justification for the appropriation. We tried to save it, but we were unable to persuade the House conferees to agree to it. They were adamant. I was about to say that they were obstinate; but "adamant" is a better word. That is what we were confronted with.

As I recall, there was only one other item in the bill on which we held out longer and for which we made a harder drive than this item. There was only one other item on which we had serious trouble. We did our best.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HOLLAND. I wholeheartedly confirm the statement of the distinguished chairman of our subcommittee that we held out longer on this item than perhaps on any other. The conferees of the other body maintained that they had rejected requests from their own Members, larger in number and for larger amounts, as a total, for these same objectives; namely, the establishment of new weather stations or the expansion of old ones. The best we could hope to do was to get half of the proposed expansion for the protection of the forests of the West and weather surveys for fire protection included in the bill. I do not believe there was any other item as to which the conversation was as long as on this one.

Mr. McCLELLAN. There was only one item as to which there may have been a longer discussion. We pointed out that we had seven items; they said they had more.

Mr. HOLLAND. As I recall, we had more than seven.

Mr. McCLELLAN. The House had 15 items which were turned down. The conferees said they would not be included in the bill. They said that if they went back to the House after having accepted our items, they would feel they had broken faith with their colleagues, to whom they had given assurance that they would not include those items in the bill.

Mr. HOLLAND. I extend my compliments to the chairman of our subcommittee, who was also chairman of the conference, for the way in which he handled the conference. Due to his handling and the handling by his counterpart from the other body, we had probably the most friendly conference, yet in some respects the most determined conference, including the positions of the two bodies on this very subject, that I have ever attended. I again compliment the distinguished Senator from Arkansas.

Mr. McCLELLAN. I thank the Senator from Florida.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. ELLENDER. I join the Senator from Florida [Mr. HOLLAND], and the Senator from Arkansas [Mr. McCLELLAN], in saying that every effort was made to sustain the Senate's position, particularly with reference to the project in Montana. There was also a project for Louisiana, which I did all I could to sustain, but I failed. Last year, Louisiana obtained a weather bureau station in northeast Louisiana. We tried to obtain one this year for northwest Louisiana. I did all I could to sustain that item, but failed. All the Senate conferees did everything possible to sustain the position of the Senate, but we could not persuade the House conferees to agree with us.

Mr. MANSFIELD. Mr. President, I am deeply grateful to the distinguished Senator from Arkansas [Mr. McCLELLAN], the distinguished Senator from Louisiana [Mr. ELLENDER], and the distinguished Senator from Maine [Mrs. SMITH], the ranking minority member of the subcommittee which handled the bill. I feel certain that everything possible has been done in behalf of providing better and longer service at the weather station in Havre, Mont.

I understand the circumstances which made it impossible for the Senate to overcome the position of the House; but if the people of Montana are willing, I shall be back next year to try to obtain 24-hour service for Havre. I hope that at that time it will be possible to have the House agree to the Senate position.

Again, I express my thanks to the distinguished chairman of the subcommittee.

Mr. McCLELLAN. I thank the Senator from Montana.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. FONG. An item of $300,000 was restored by the Senate for the East-West Center. The House prevailed on this item in conference, and it was deleted. May I ask why the House prevailed on this item?

Mr. McCLELLAN. The House conferees simply contended that in their bill they had provided adequate funds, so they would not go along with the amount requested by the Senate. I do not recall that they gave a specific reason other than to say that they would not agree that the amount proposed by the Senate be added to the bill.

I said that what we had tried to do was to include in the bill enough funds to keep the project operating at the 1964 level, and that we understood that that amount of money was needed for that purpose. The House maintained that it had already placed in the bill an increase over last year and that that should be enough to keep the college operating at its present level. This is one of the items as to which, again, it was necessary for the Senate conferees to yield to the conferees on the part of the House.

I was sincere in offering the item. I like to try to build our institutions of learning. I know that the East-West Center is a infant institution, one that is just beginning. So I thought we should support it adequately and permit it to expand to the extent that it could operate efficiently. I was outvoted, and the Senate conferees finally had to yield.

Mr. FONG. I regret exceedingly that it was necessary to yield on this item. I know the Senator from Arkansas has done his best to try to retain the item. By the loss of $300,000 Hawaii will experience a bad situation.

(At this point Mr. WALTERS took the Chair as Presiding Officer.)

Mr. McCLELLAN. I assure the Senator that there was a definite purpose on the part of the Senate conferees to try to retain this item in the bill.

Mr. FONG. I thank the Senator from Arkansas for fighting so hard to support the item and for restoring it so far as he was concerned, although he was not able to hold it in conference.

Mr. President, I am very, very disappointed that the House conferees refused to accept even a penny of the $300,000 restoration voted by the Senate for the Nation's East-West Center in Hawaii.

I had hoped that, at the very least, the House would meet the Senate half way on this important and necessary item, especially since all of the Senate increase was earmarked for scholarships and grants, the very heart of the program.

The State Department requested, and I fully supported the request, restoration of $460,500 of the House reduction from the budget of $532,000.

The Senate Appropriations Subcommittee on State Department Appropriations, under the chairmanship of the able senior Senator from Arkansas [Mr. McCLELLAN], studied this matter closely and recommended that $300,000 of the House reduction be restored. The Senate later concurred.

All of the Senate increase was earmarked for scholarships and grants.

Under the House amount, the State Department advised that the East-West Center would have to reduce its technical training grants from its present 100 to only 20 and its present 300 new student grants to 295.

In order to maintain the 1964 level of 100 technical training grantees and 300 new student training grantees, funds for 80 technical training grants at $5,000 each for 12 months and 5 student scholarships at $8,920 for 21 months would be required, a total of $444,600.

Even with the Senate restoration of $300,000, plus $71,500 in carryover funds that would be available, the Center would be hardpressed to maintain the 1964 program level of technical trainees and student grantees.

Now the action of the conference committee in accepting the House amount will certainly require an agonizing reappraisal of the scholarship and grant programs at East-West Center.

Reducing the technical training program is directly contrary to the recommendation of the President's Advisory Commission on International Educational and Cultural Affairs. In May this year, the Commission strongly endorsed the technical training programs of the East-West Center, saying:

> They carry out the best purposes of the East-West Center in a number of ways. They use the recognized strengths of Hawaii; they emphasize the training of those who can train others; they attract multinational financing; they encourage cooperation with other agencies; and they demonstrate a high degree of flexibility in terms of duration of individual training programs.

Further, the Advisory Commission stated:

> The Commission hopes there will be a further expansion of this program to the extent that facilities are available.

Technical training is one of the three major areas of service performed by the East-West Center cited by President Johnson in his May 6 letter expressing personal interest in the progress of the Center.

President Johnson's administration requested a total of $5,760,500 for the East-West Center for fiscal year 1965. The final amount of $5,300,000 which the House insists upon represents about an 8-percent cut in a program in which President Johnson has taken a personal interest.

Mr. President, I deeply regret the Senate amount did not prevail in conference.

Mr. ALLOTT. Mr. President, first of all, I should like to pay my compliments to the distinguished Senator from Arkansas and the distinguished ranking minority member for the fine job they have done on this conference. I did not have an opportunity to pay my respects to the two Senators I have just mentioned at the time the bill came to the floor. It is a difficult bill and one which has many intricacies and many complications. I believe that all Senators who serve on this committee deserve the thanks of the Senate.

I compliment the conferees particularly because they retained the funds for station WWV which broadcasts the time frequency signals for the military, for NASA, and for scientific organizations all over the world. Since the present station is not only owned and operated but also must be moved by reason of new installations which are being placed there, I wish to express my particular appreciation for taking care of this item, which performs a service which is vital not only to the United States and its military personnel, but also to so many scientific institutions around the world.

Mr. McCLELLAN. This is one of the items in controversy with respect to which the Senate prevailed. An effort was made to strike it from the bill. After some argument it was not retained in the bill, which occurred through no fault on the part of the conferees, I can assure the Senator.

Mr. ALLOTT. When one has equity on his side and such good advocates as we had in the conferees, we expect to prevail.

Mr. McCLELLAN. I thank the Senator. Occasionally we were able to prevail. We were not able to take care of everybody or everything as we should like to have done. I thought that the bill as it left the Senate was an equitable bill, taking into account all obligations and factors which should be considered when we come to appropriate money for the functions of Government. I would have been happier if the Senate version of the bill could have been approved. In one or two instances I thought the Senate provisions were perhaps excessive, but generally it was felt that we had a balanced bill as it left the Senate.

Mr. ALLOTT. I thank the Senator from Arkansas for his comments.

Mr. JAVITS. Mr. President, will the Senator from Missouri [Mr. LONG] yield to me, with the understanding that in doing so he does not lose his right to the floor?

Mr. LONG of Missouri. I am glad to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would again like to express my deep concern over the failure to provide new funds for the informational media guarantee program, administered by the U.S. Information Agency. As I stated in detail during the Senate's consideration of this program on August 13, the informational media guarantee program is an important one for this country in that it provides for an effective means of distributing periodicals and educational materials to foreign countries with serious dollar exchange problems. These materials include publications in the fields of pure and applied sciences, engineering and technology, social sciences and education, law and public administration, business, economics, American history and geography, philosophy, biographies of Americans, American architecture and applied art, and materials for teaching English. The need for bringing American ideas to the attention of the peoples of foreign countries has become particularly urgent in view of the propaganda competition between the Communist bloc and the Free World nations, particularly the United States. We cannot be outmatched in this effort.

I am very hopeful that the Congress will consider most seriously this important program.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. McCLELLAN. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. ELLENDER. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The adoption of the conference report completes the legislative action on the bill.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of measures on the calendar to which there is no objection, beginning with Calendar No. 1327.

The PRESIDING OFFICER. Without objection, it is so ordered.

On request by Mr. MANSFIELD, the following calendar measures were considered and acted upon, and excerpts from the report were ordered printed in the RECORD, as indicated:

WETSEL-OVIATT LUMBER CO., INC.

The bill (H.R. 7132) for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1392), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the proposed legislation is to pay the Wetsel-Oviatt Lumber Co. $21,299.24 in full satisfaction of the company's claim against the United States for reimbursement of losses sustained by the company, because of an overestimate by the Government of timber available for cutting under a contract with the Forest Service which authorized the company to cut and remove designated timber from the El Dorado National Forest. The losses referred to in the bill were attributable to development work under the contract and included access roads necessary to the logging operation.

CESIRA DODDY

The bill (H.R. 6578) for the relief of Mrs. Cesira Doddy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1413), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provisions of existing law relating to one who has suffered one or more attacks of insanity in behalf of the wife of a U.S. citizen. The bill provides for the posting of a bond as a guarantee that the beneficiary will not become a public charge.

The beneficiary of the bill is a 59-year-old native of Trieste and citizen of Italy, presently residing in the latter country. On June 22, 1961, in Italy, the beneficiary married a U.S. citizen, and a nonquota visa petition has been approved in her behalf. The beneficiary has been found ineligible to receive a visa as one who has suffered one or more attacks of insanity. She was hospitalized for mental illness in 1946, and again in 1947. Since that time, her adjustment has been excellent. Without the waiver provided for in the bill, the beneficiary will be unable to join her U.S. citizen husband in the United States.

AMENDMENT TO CERTAIN CRIMINAL LAWS APPLICABLE TO THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 486) to amend certain criminal laws applicable to the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia, with amendments, on page 5, after line 6, to strike out:

SEC. 9. Sections 425 to 428, inclusive, of the Act entitled "An Act to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the first day of December, in the year of our Lord one thousand eight hundred and seventy-three", approved June 22, 1874 (D.C. Code, secs. 4–168–171, inclusive), are hereby repealed.

And, in lieu thereof, to insert:

SEC. 9. (a) Sections 425 to 428, inclusive, of the Act entitled "An Act to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the first day of December, in the year of our Lord one thousand eight hundred and seventy-three", approved June 22, 1874 (D.C. Code, secs. 4–168–171, inclusive) are hereby repealed.

(b) The Board of Commissioners of the District of Columbia shall by regulation require that bonds in the amount of not more than $25,000 shall be furnished and kept in force by all persons licensed as private detectives in the District of Columbia. Bonds required by this section shall be corporate bonds and shall run to the District and shall be conditioned upon the observance by the licensed private detective and any agent, employee, or person acting in behalf of the licensed private detective of all laws and regulations in force in the District of Columbia applicable to the conduct of persons licensed as private detectives. Such bonds shall be for the benefit of any person who may suffer damages as a result of violation of any law or regulation by or on the part of any licensed private detective or any agent, employee, or person acting on behalf of any private detective. In addition to any right to any other legal action, any person aggrieved by the violation of any law or regulation by a licensed private detective may bring suit against the surety on a bond required by this section either alone or jointly with the principal thereon and recover damages for such violation of law or regulation in an amount not to exceed the penal amount of the bond.

On page 7, line 3, after the numeral "8,", to strike out "9"; and at the beginning of line 6, to strike out "Act," and insert "Act. Section 9 of this Act shall take effect on the first day of the first full license year for licensing of private detectives and detective agencies prescribed by section 7 of the Act approved July 1, 1902 (32 Stat. 622, ch. 1352), as amended (sec. 47–2301, et seq., D.C.

Code), which begins at least ninety days after approval of this Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 848 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, sec. 22-403), is further amended to read as follows:

"SEC. 848. Whoever maliciously injures or breaks or destroys, or attempts to injure or break or destroy, by fire or otherwise, any public or private property, whether real or personal, not his own, of the value of $200 or more, shall be fined not more than $5,000 or shall be imprisoned for not more than ten years, or both, and if the value of the property be less than $200 shall be fined not more than $1,000 or imprisoned for not more than one year, or both."

SEC. 2. The first section of the Act entitled "An Act for the preservation of the public peace and the protection of property in the District of Columbia", approved July 29, 1892, as amended (D.C. Code, sec. 22-3112), is further amended by striking out "destroy, injure, disfigure, cut, chip, break," and inserting in lieu thereof "disfigure, cut, chip,".

SEC. 3. Section 812 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended (D.C. Code, sec. 22-2101), is further amended by striking out "for ransom or reward", and inserting in lieu thereof "for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof,".

SEC. 4. Section 9 of the Act entitled "An Act to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining such nuisance and against the building and owner thereof", approved February 7, 1914, as amended (D.C. Code, sec. 22-2721), is further amended to read as follows:

"SEC. 9. In any prosecution for violation of this Act or so much of the first section of the Act entitled 'An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases', approved July 16, 1912 (37 Stat. 192; D.C. Code, sec. 22-2722), as relates to the keeping of a bawdy or disorderly house, the court, upon application of the United States attorney made after such attorney has given notice thereof to the Corporation Counsel of the District of Columbia, may order any witness to testify or to produce evidence, or both. Upon such order of the court, such witness shall not be excused from testifying or from producing evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he has been ordered to testify or to produce evidence after having claimed the privilege against self-incrimination, nor shall testimony or other evidence ordered to be given or produced under the provisions of this section be used as evidence in any criminal proceeding against him in any court. No witness shall be exempt under this section from prosecution for perjury or contempt committed in connection will giving testimony or producing evidence under order of the court as provided in this section."

SEC. 5. The last sentence of section 46 of the Healing Arts Practices Act, District of Columbia, 1928 (D.C. Code, sec. 2-137), is amended by striking out "by said United States District Attorney when instituted on behalf of the Commission, and" and by striking out "when instituted on behalf of the Commissioners of said District or by the major and superintendent of police of said District".

SEC. 6. The fourth sentence of section 8 of the Act entitled "An Act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia", approved February 9, 1907, as amended (D.C. Code, sec. 2-407), is amended by striking out "United States Attorney for the District of Columbia" and inserting in lieu thereof "Corporation Counsel of the District of Columbia".

SEC. 7. Section 2 of the Act entitled "An Act to regulate the practice of optometry in the District of Columbia", approved May 28, 1924 (D.C. Code, sec. 2-502), is amended by adding at the end thereof the following new sentence: "Prosecutions for violations of this Act shall be conducted in the name of the District of Columbia by the Corporation Counsel".

SEC. 8. Section 9 of the Act entitled "An Act to create a board of accountancy for the District of Columbia, and for other purposes", approved February 17, 1923 (D.C. Code, sec. 2-909), is amended by adding at the end thereof the following new sentence: "Prosecutions for violations of this Act shall be conducted in the name of the District of Columbia by the Corporation Counsel.".

SEC. 9. (a) Sections 425 to 428, inclusive, of the Act entitled "An Act to revise and consolidate the statutes of the United States, general and permanent in their nature, relating to the District of Columbia, in force on the first day of December, in the year of our Lord one thousand eight hundred and seventy-three", approved June 22, 1874 (D.C. Code, secs. 4-168-171, inclusive), are hereby repealed.

(b) The Board of Commissioners of the District of Columbia shall by regulation require that bonds in the amount of not more than $25,000 shall be furnished and kept in force by all persons licensed as private detectives in the District of Columbia. Bonds required by this section shall be corporate bonds and shall run to the District and shall be conditioned upon the observance by the licensed private detective and any agent, employee, or person acting in behalf of the licensed private detective of all laws and regulations in force in the District of Columbia applicable to the conduct of persons licensed as private detectives. Such bonds shall be for the benefit of any person who may suffer damages as a result of violation of any law or regulation by or on the part of any licensed private detective or any agent, employee, or person acting on the behalf of any private detective. In addition to any right to any other legal action, any person aggrieved by the violation of any law or regulation by a licensed private detective may bring suit against the surety on a bond required by this section either alone or jointly with the principal thereon and recover damages for such violation of law or regulation in an amount not to exceed the penal amount of the bond.

SEC. 10. The last sentence of the first section of the Act entitled "An Act to provide for the conservation and settlement of estates of absentees and absconders in the District of Columbia, and for other purposes", approved April 8, 1935, as amended (D.C. Code, sec. 20-701), is amended by striking out "The United States Attorney in and for the District of Columbia" and inserting in lieu thereof "The Corporation Counsel of the District of Columbia".

SEC. 11. Sections 1, 2, and 3 of this Act shall apply to all conduct within the terms of said sections which shall occur subsequent to the approval of this Act. Sections 4, 5, 6, 7, 8, 9 and 10 of this Act shall take effect thirty days from the approval of this Act, but shall not in any case apply to proceedings instituted prior to the approval of this Act. Sections 9 of this Act shall take effect on the first day of the first full license year for licensing of private detectives and detective agencies prescribed by section 7 of the Act approved July 1, 1902 (32 Stat. 662, ch. 1352), as amended (sec. 47-2301, et seq., D.C. Code), which begins at least ninety days after approval of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1436), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSES OF THE BILL

The purposes of S. 486 are (1) to strengthen certain laws of the District of Columbia; (2) to broaden the immunity statute of the District of Columbia so that it will conform with other Federal statutes; (3) to provide for certain technical and procedural changes in matters essentially local in nature; and (4) to permit the substitution of the Corporation Counsel of the District of Columbia as the moving party rather than the U.S. attorney in prosecutions involving violations of various acts relating to licensing and regulation of certain professions.

This bill is a continuation of the committee's efforts to clarify and improve the Criminal Code of the District of Columbia.

Sections 1 and 2 of this bill are designed to deal with the problem of vandalism by bringing the District statutes dealing with the injury or destruction of property up to date and make them more effective. In brief, the first section of the bill amends existing law (sec. 22-403, D.C. Code) relating to the the crime of malicious injury or destruction of property by broadening it to cover real as well as personal property. This section increases from $50 to $200 the line of demarcation between misdemeanors and felony offenses. It also revises the penalties established for felony offenses involving malicious destruction of property by eliminating the mandatory minimum and maximum sentences of not less than 1 nor more than 10 years' imprisonment and substituting a term of imprisonment of not more than 10 years or a fine of not more than $5,000, or both. In addition the section increases the maximum fine for misdemeanors from the present $200 to a maximum of $1,000 and provides that imprisonment may be imposed along with a fine up to a maximum of 1 year.

As a complement to the change provided in the criminal code by section 1 of the bill, section 2 of the bill removes language from the Disfigurement of Property Statute of the District of Columbia Code (sec. 22-3112) so as to make that statute relate specifically to offenses involving disfigurement of real property, and not operate as a general statute for the prosecution of offenses involving the willfull destruction of real and personal property.

The third section of the bill broadens the existing kidnaping statute which now makes it unlawful only to hold a person for ransom or reward. This bill would make the statute applicable to those kidnapings in which the motive is lust, a desire for companionship, revenge, or some other motive not involving ransom or reward. In addition, this section would make the statute inapplicable to cases involving the taking of a minor child by one of the parents of such child. The committee has been informed that these proposed changes in existing District of Columbia law will bring its statute into closer conformity with the Federal statute on kidnaping.

The bill also will broaden the immunity privileges now granted to witnesses in civil cases relating to the abatement of disorderly house nuisances. It would authorize the granting of similar immunity in criminal prosecutions for keeping disorderly houses. Under this bill, the courts could, upon application, compel a witness to testify in a criminal prosecution, notwithstanding his claim of privilege under the fifth amendment. Witnesses who have been granted this immunity would remain subject to prosecution for perjury or contempt of court in connection with their testimony, but they could not be criminally prosecuted for any substantive offenses included in such testimony. This section will materially aid the prosecution of criminal charges for keeping bawdy or disorderly houses.

Sections 5, 6, 7, and 8 amend four acts regulating the practice of professions or occupations by substituting the Corporation Counsel of the District of Columbia for the U.S. attorney to prosecute criminal violations of certain of such acts and as the attorney to institute certain civil actions authorized by the Healing Arts Practice Act. The committee feels that it is more appropriate for an official of the municipal government of the District of Columbia, rather than a Federal official, to perform these functions. For the same reason, section 10 transfers from the U.S. attorney to the Corporation Counsel the right to be a party to court proceedings seeking to subject the property of an absconder to the support of the absconder's wife and minor children, and to pay debts proved against him.

The amendment made by section 9 is designed to restate in existing law a requirement that private detectives be bonded. Such a provision existed in District law for many years and has been held to have been repealed by implication in 1932 (47 Stat. 559, ch. 366). It was the feeling of the committee that the public is entitled to some indemnification against damages resulting from improper activities on the part of private detectives.

The bill has the approval of the Department of Justice and the Board of Commissioners of the District of Columbia recommended its enactment.

PASSENGER SAFETY STANDARDS FOR PASSENGER-CARRYING MOTOR VEHICLES PURCHASED FOR USE BY THE FEDERAL GOVERNMENT

The bill (H.R. 1341) to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1440), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

SUMMARY OF LEGISLATION

H.R. 1341 is designed to establish reasonable passenger safety standards for passenger-carrying motor vehicles purchased by the Federal Government. The passenger safety standards would be prescribed by the Administrator of General Services not later than 1 year after enactment of the legislation and would become effective 1 year and 90 days following publication.

Vehicles designed or used for military field training, combat, or tactical purposes would be exempt from the provisions of the legislation.

NEED FOR THE LEGISLATION

Enactment of this legislation will accomplish two major purposes. In the first place, it will help to reduce the costs of motor vehicle accidents to the Federal Government. In the second place, it will help to encourage the development and manufacture of safer automobiles for sale to the public.

The General Counsel of the Department of Commerce in his written comments on this legislation noted:

"We believe the Federal Government has a responsibility to set a national example for the public that would encourage a greater use of passenger safety devices in motor vehicles. As the operator of one of the largest fleets of passenger motor vehicles the Federal Government also has an obligation to prescribe maximum protection to passengers in federally owned and operated motor vehicles."

Machinery set up by the Administrator to establish safety standards will be of value in passing on the merits of various passenger safety devices. Approval of a passenger safety feature on federally owned and operated motor vehicles by the Administrator can create a demand for the same feature on automobiles offered the public. The use of seat belts by State and Federal governmental agencies, for example, has contributed to the growing acceptance and use of seat belts by the public.

Before establishing standards, the committee expects the Administrator to give adequate notice and provide all interested persons an opportunity to present their views and suggestions. The committee also expects that the Administrator will consult with and consider suggestions from the automobile manufacturing industry, the Department of Commerce, the U.S. Public Health Service, other Government agencies, the medical profession, engineers, safety experts, and others who can be of assistance.

This legislation applies only to vehicles purchased by the Federal Government. It would not encroach on the area of State responsibility for the establishment of minimum safety requirements for private passenger automobiles.

Many safety features have appeared to have little or no appeal in promoting sales. By establishing basic and reasonable passenger safety standards which must be met by Government passenger-carrying motor vehicles, as provided in this legislation, the public may be encouraged to accept these features, and the industry relieved of some of the burden of both developing safety features and educating the public as to their value.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1664) to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the United States, and for other purposes, which were, on page 3, line 10, after "(5 U.S.C. 1001–1011)" insert ", except that it does not include any military, naval, or foreign affairs function of the United States"; on page 4, line 6, after ""Conference")" insert ", which shall consist of not more than ninety-one nor fewer than seventy-five members appointed as set forth in subsection (b) of this section"; on page 5, strike out lines 6 through 15, inclusive, and insert:

> (6) no more than thirty-six other members appointed by the Chairman, with the approval of the Council, for terms of two years: *Provided, That* the number of members appointed by the Chairman shall at no time be less than one-third nor more than two-fifths of the total number of members. Such members shall be selected in a manner which will provide broad representation of the views of private citizens and utilize diverse experience, and shall be members of the practicing bar, scholars in the field of administrative law or government, or others especially informed by knowledge and experience with respect to Federal administrative procedure.

On page 6, line 3, after "programs" insert ", and make recommendations to administrative agencies, collectively or individually, and to the President, the Congress, or the Judicial Conference of the United States, in connection therewith, as it deems appropriate"; on page 6, strike out lines 4 through 7, inclusive; on page 6, line 8, strike out "(c)" and insert "(b)"; on page 6, line 11, strike out "(d)" and insert "(c)"; on page 7, line 11, after "President" insert ", of whom not more than one-half shall be officials or personnel of Federal regulatory agencies or executive departments. Members other than the Chairman shall be appointed"; on page 7, line 13, strike out ", and each member" and insert ": *Provided, That* (1) the service of any member shall terminate whenever a change in his employment status would make him ineligible for Council membership under the conditions of his original appointment, and (2) except as provided in item (1), above, any member whose term has expired"; on page 9, line 21, strike out all after "desirable" down through and including "Conference" in line 23; on page 10, strike out lines 3 through 9, inclusive, and on page 10, line 12, after "necessary" insert ", not to exceed $250,000,".

Mr. MANSFIELD. Mr. President, will the Senator from Missouri [Mr. Long] yield to me to suggest the absence of a quorum, provided that in doing so he shall not lose his right to the floor?

Mr. LONG of Missouri. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Missouri. Mr. President, this is the administrative conference bill. I believe the amendments of the House should be accepted by the Senate.

There is one item to which I invite the attention of Senators so that the Record may be clear: There is authorized to be appropriated annually, $250,000. Standing alone, it might be thought, perhaps, to indicate that a new authorization would be needed each year. That is not the case, as shown by the House report, 1565, of the 88th Congress, 2d session, which especially states that the House amendments would limit the amount of annual appropriations to the $250,000. To save possible confusion in the future, the facts should be clarified to that extent.

One of the other amendments sets definite upper and lower limits on the number of members of the conference—a maximum of 91 and a minimum of 75—and provides that the number of government participants shall constitute one-third or two-fifths of the total number, and that half of the members of the council shall be nongovernmental.

Mr. President, I move that the Senate concur in the House amendments to Senate bill 1664.

Mr. DIRKSEN. Mr. President, while there is some difference between the House and the Senate with respect to this measure, and while I cannot say that I was entirely happy about concurring in all the House amendments, since we thought there was a predominance of people from the Government who were going to sit in on this conference, I had hoped that some substantial portion of the Senate proposals might be maintained. However, action should be taken notwithstanding. Therefore, I have no objection to the House amendments.

Mr. LONG of Missouri. Mr. President, I thank my distinguished friend, the junior Senator from Illinois. I express my appreciation to him for the cooperation and help which he and other staff members have rendered in the matter.

Mr. DIRKSEN. Mr. President, I think the staff of the subcommittee is entitled to a high order of praise. This is one of those rather dry and academic things that sometimes taxes even the mind of a lawyer.

The staff members have been truly diligent in bringing this difficult task to fruition. I believe we should thank Mr. Fensterwald, who used to be on another subcommittee staff, and Mr. Kennedy, my own assistant, who have labored long and earnestly on this very abstruse subject.

The **PRESIDING OFFICER.** The question is on agreeing to the motion of the Senator from Missouri [Mr. LONG] that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. LONG of Missouri. Mr. President, I move that the vote by which the House amendments were concurred in be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE CANADIAN AUTOMOTIVE EXPORT PROGRAM

Mr. HART. Mr. President, I should like to discuss a subject which may appear to have interest largely or only to the automobile and the automotive supply industries in the regions of the country in which they are principally located. However, I feel that after one has had an opportunity to analyze the problem that I now choose to bring to the attention of the Senate and the country, it will be agreed that it raises a principle and that it affects an issue which can and should cause concern wherever we are located and whatever we may be engaged in.

Recently, substantial concern has been expressed in Congress and elsewhere regarding the potential effects on the U.S. economy of the Canadian Order in Council of November 1963 providing for the remission of certain import duties to Canadian manufacturers who succeed in increasing their automotive exports.

This Canadian program, which is designed primarily to increase Canada's automotive sales to the United States, is understandably regarded by some U.S. producers of automotive parts as a grave threat to their business. They contend that substantial numbers of U.S. workers have already lost jobs and that others may be threatened with the loss of their jobs. None of us is insensitive to the potential human costs involved in this situation. Moreover, our balance-of-payments problems will plainly be aggravated to some extent by the Canadian program if the Canadian program achieves its basic purpose of increased Canadian automotive exports.

At the same time, we must in fairness recognize also that the Canadian Order in Council derives from a genuine economic problem in that country. Over the past decade Canada has been averaging a chronic deficit on goods and services amounting to approximately a billion dollars annually. This deficit imposes a very heavy burden on Canada's slender foreign exchange resources. Indeed, Canada's foreign exchange position is much less secure than our own, though obviously the demands are less, and it was for this reason that Canada was quickly exempted by the Treasury Department from the effects of the interest equalization tax after it was announced in July 1963.

Automotive trade is a major element in the Canadian goods and services deficit. In 1963, for example, our sales of automotive products to Canada amounted to over half a billion dollars, while Canada sold us less than $30 million worth of automotive parts. In short, the deficit on automotive trade represented about one-half of Canada's total deficit on goods and services. It was to close this gap that the Order in Council was proclaimed.

Mr. President, from even this brief summary it must be apparent that the situation here at issue is not one that lends itself to easy solution. However, because the entire issue currently is being reviewed by the proper authorities under applicable U.S. law and because efforts also are going forward to achieve an equitable solution through diplomatic means, it would be well for all who are interested in a reasonable outcome to exercise restraint in discussions of the problem. In my judgment, any other course of conduct can only induce rigidity on both sides and jeopardize a just and workable solution.

It should be remembered that a unilateral decision on our part to nullify the Canadian Order in Council through tariff mechanisms may achieve undesirable results. Under existing international trade rules, there are retributory steps which Canada legally could take to alter the balance on automotive trade, and these, indeed, might prove much less palatable than the duty remission program.

One such possibility would be an increase in the so-called local content requirement for vehicles sold in the Canadian market. At present, Canada effectively requires 60 percent local content on passenger cars by assessing economic penalties against firms which fail to achieve such Canadian content. The minimum could be raised to 80 or even 90 percent; it would not be unprecedented—Australia and Brazil are among the countries which already require local content in excess of 90 percent.

Mr. President, such an action, if substituted for the remission of duties approach, might preserve from Canadian competition the automobile parts markets normally served by some U.S. parts manufacturers. But, at the same time, such an action would deny other U.S. automotive parts and automobile manufacturers a great part of the half-billion dollar Canadian market which they now enjoy. Although the losses would be distributed among a different group of firms and workers, the resulting dislocations could far exceed those in prospect because of the duty remission program. By the same token, action to increase the percentage of Canadian content probably would also result in the worsening of our own balance-of-payments deficit.

Moreover, retaliatory moods have a dangerous way of stoking themselves. A Chinese proverb wisely counsels: "When you set out for revenge, first dig two graves." Unless the current situation is handled constructively and patiently on both sides of the border, it could provoke a mutually damaging trade war which would gravely threaten the thriving and vital economic relationship between the United States and Canada.

There is too much at stake, Mr. President, both economically and politically, for rashness or recriminations on this issue. Two-way trade between the United States and Canada in 1963 amounted to nearly $8 billion. Not only is the annual volume of trading unrivaled by any other pair of trading partners in the world, but it also represents more than one-fifth of total U.S. foreign trade.

Our political and diplomatic involvement with Canada is equally great. We share a common language, a common heritage, and a 3,000-mile border. Too often we take these things for granted, regarding them as immutable facts of life. But even the warmest and most lasting friendships can be strained by insensitivity to one another's honorable interests.

Accordingly, it seems to me, Mr. President, that the current situation might benefit most from thoughtful consideration of the various alternatives—none of them wholly desirable—that face us in this situation. The Canadian Order in Council is currently being challenged under U.S. law in a Treasury Department proceeding. For those who are unfamiliar with the case, it may be well to review briefly what this proceeding is about.

The Canadian Order in Council provides an incentive for Canadian manufacturers who are successful in increasing their automotive exports in the form of a remission of duties paid on automotive imports.

This incentive plan has been challenged under the U.S. countervailing duty statute. The statute provides that if a foreign government pays a bounty or grant on the manufacture, production, or export of any article imported into the United States, the Treasury Department shall impose duties, in addition to the regular tariffs, equal to the net amount of the subsidy. The key question is whether the Canadian incentive plan is a bounty or grant within the meaning of the statute.

The position of the opposing interests is clear. Some U.S. parts manufacturers contend that the Canadian program is such a bounty and grant and that the Treasury Department is obliged to impose countervailing duties to negate the program's effect. On the other hand, it has been argued that the Canadian incentive plan resembles our own duty drawback arrangement under which duties paid on imports are remitted when the same or similar articles are later exported. It seems reasonably clear that drawback arrangements are not forbidden by the countervailing duty statute.

The issue obviously is one of legal interpretation, and it is now before the duly established authority. The interested parties have had an opportunity to file briefs, and the Treasury Department will reach a decision. That decision can be, and no doubt will be, appealed to the courts, where the contending parties will have further opportunity to have the matter fully examined and adjudicated. Thus, the legal question will be settled through due process of law, which, in my judgment, is the just and reasonable way to settle that aspect of the problem.

However, Mr. President, this need not be purely a matter of law. I hope and expect that United States and Canadian representatives will urgently and promptly seek to reach agreement on a program which recognizes both the need of the Canadian Government to find a solution for its vexing goods and services deficit and the interest of U.S. workers and U.S. businessmen in avoiding, insofar as possible, discriminations against U.S. production.

Mr. President, I do not want this explanation of the issues to be construed as an endorsement for the Canadian Order in Council. On the contrary, I believe that such unilateral action by Canada was most unfortunate. But I am confident that, with calmness and good will on both sides, it is possible for our two countries to sit down across a table and work out a practical solution to what, after all, is a joint problem. Surely both parties recognize that their mutual interests will be served ultimately by a pattern of freer trade and increased economic interdependence—and not by restrictions piled on restrictions for momentary advantage.

I hope that those who read the RECORD will agree with the comment I made as I opened these remarks—that it is possible to view this as merely the expression of concern about an automotive import-export problem that affects jobs in only the automotive industry and is of concern only to those regions where such employment is concentrated.

However, in truth, it points up a problem which should be, and I am confident will be, regarded as of concern and continuing interest to persons in all parts of the country, in both business and labor, and surely to students of economic development in this country.

FLYING OF FRESH BREAD BY AIR FORCE TO PAKISTAN

Mr. WILLIAMS of Delaware. Mr. President, fresh bread is an important ingredient in anyone's diet, and we all recognize that as Americans we can be excused if we all feel that bread baked in America is better than the same bread would be if baked with American flour in a foreign country; however, I think that the Defense Department is carrying this chamber of commerce propaganda just a little too far when they start flying fresh bread from the United States to Pakistan, particularly when they continue such an operation for several months after a fully manned and equipped bakery has been built in that country.

According to an Air Force report, between November 1, 1963, and March 1, 1964, the manning of their bakery in Peshawar, Pakistan, was 40 percent under strength and their production was hampered by the fact that a newly installed oven was not operating efficiently. Therefore, to guarantee a supply of American bread they ordered bread shipped from the United States via an ocean vessel to Karachi, Pakistan, and then airlifted to Peshawar, Pakistan.

The first airlift bread was received in Peshawar on January 20, 1964. By March 1, the difficulties at the bakery were fully restored; however, this bread airlift was operating so smoothly that it took 3 months to get it stopped, and as late as June 15 they were still flying fresh bread from the United States into Pakistan.

This is another typical example of bureaucratic inefficiency at its worst.

At this point I ask unanimous consent to have incorporated in the RECORD a letter dated July 31, 1964, signed by Col. William E. Poe, Department of the Air Force.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 31, 1964.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: This is in response to your inquiry concerning the flying of fresh bread by the Air Force into Peshawar, Pakistan.

In view of your interest, the commander at Peshawar was contacted concerning this matter. He reports that during the period, November 1, 1963, to March 1, 1964, the manning of their bakery was 40 percent under strength and that production was further hampered by the fact that a newly installed oven was not operating efficiently. As a result, the bakery was unable to produce total troop issue and resale bread and pastry requirements. Therefore, frozen bread for resale was requisitioned and shipped from the United States via ocean vessel to Karachi, Pakistan, and then airlifted to Peshawar.

The following shipments were received in Peshawar:

	Pounds
Jan. 20, 1964	4,500
Apr. 15, 1964	3,000
Apr. 21, 1964	4,500
June 15, 1964	2,000

During March 1964, the manning and equipment deficiencies were corrected and cancellation action was taken on all outstanding requisitions for frozen bread. The latter three shipments, as indicated above, could not be canceled due to completion of procurement action stateside.

Your interest in Air Force activities is appreciated.

Sincerely,

WILLIAM E. POE,
Colonel, U.S. Air Force, Congressional Inquiry Division, Office of Legislative Liaison.

VISIT TO WASHINGTON OF HIGH SCHOOL STUDENTS FROM OCONOMOWOC, WIS.

Mr. NELSON. Mr. President, I should like to take a moment to call the attention of the Senate, and to pay my respects to, a very fine group of 83 students from the Oconomowoc, Wis., High School, who are in the Capitol and visiting Washington to see their Government in operation.

THE SITUATION IN VIETNAM

Mr. NELSON. Mr. President, I invite the attention of the Senators to an editorial which appeared in the New York Times of August 17, 1964. On August 8, the Senator from South Dakota [Mr. MCGOVERN] and I urged the convening of a conference of nations which have an interest in southeast Asia. Having recently made our position clear, I believe it would be of interest to the Senate for me to read this editorial, published in the New York Times:

VIETNAMESE SHUFFLE

The situation in South Vietnam has been getting worse. This is why new measures are being taken to strengthen the internal structure and to give the American forces greater numbers and more authority. The form which these changes are taking is not so important as the fact that General Khanh and General Taylor will have more power.

> A world that has seen so many changes in Vietnam while things remained the same must be excused for mingling skepticism with hope in greeting these latest shifts. Americans have been in the paradoxical position of keeping South Vietnam going, providing its military equipment, training its armed forces, and guaranteeing its protection against the Communists, under the name of "advisers." While this is largely, although not entirely, a fiction, it cannot overtly be changed because it would put the United States in the position of a white, colonial power intervening to run an Asian nation. Internally, there is the harsh reality of a relatively weak and insufficiently popular government facing an enemy—the Vietcong—which is gradually getting stronger.
>
> This is the difficult situation that is being met by what seems to be a shuffling of the same old deck of cards. The hope is that the changes in the power structure will bring greater efficiency and strength. These are needed to prevent a collapse of the South Vietnam Government. The problems cannot be solved by smashing North Vietnam; they must be solved in the southern zone.
>
> The inability to find solutions for Vietnam, Laos, or Cambodia is bringing mounting pressures for negotiation. The United States has refused to yield to them because of a fear that it would show weakness, because of the need there would be to bring Communist China in on the talks, and because the subject of "neutralization" is, for the time being, taboo. However, it can be argued that the United States is now in a position to talk from strength, especially after its display of power and determination in the Gulf of Tonkin.
>
> The present situation in southeast Asia is a stalemate in which neither side can win and neither will let the other win. This is normally a good time to talk. The whole region is going through motions and getting nowhere.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRESS

Mr. WILLIAMS of New Jersey. Mr. President, before addressing myself to the inequities of the proposal before the Senate, dealing with the Supreme Court reapportionment decisions, I wish to invite attention to some of the most remarkable legislative progress that has been made at this session of the Congress.

For years—indeed, for decades—within our American society there has been a group of citizens, estimated to be almost 2 million, who have been almost wholly excluded from the abundance of our affluent society, leading lives that are the fortune of migration, following the crops from South to North each year, up the harvesting streams that run from Florida to New England, from Texas to Minnesota and Wisconsin, and from southern California to Oregon and Washington. These people lead wretched lives on incomes that average less than $1,000 a year. They have not been included in most of the programs for better living that every one of us enjoys. They live in housing that all too frequently is occupied for 4, 5, or 6 weeks at a time. They are wholly bereft of any of the amenities of good living. Their youngsters are forced to shift for themselves, and lack much of the education that we take for granted. Over the years, Congress has fashioned several programs designed to deal with these problems.

This afternoon the most recent rung of progress was reached when the House of Representatives voted, 202 to 151, to pass the crew leader registration bill.

I am delighted to observe in the Chamber the distinguished senior Senator from Florida [Mr. HOLLAND]. He was most instrumental in the fashioning of the health program for migratory farmworkers, a program which has been enacted and is now operating. It is the law of our land and is operating in States where significant numbers of migrant workers are engaged in farm harvesting.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield.

Mr. HOLLAND. I appreciate the kind comment of the distinguished Senator from New Jersey. I was glad to join with him in promoting the health care bill and the bill for day care for children. It seems to me there was one other bill in which I joined. However, I do not think I joined him on the bill for crew leaders. Does the Senator recall? It occurs to me that that was a bill on which we did not see entirely alike.

Mr. WILLIAMS of New Jersey. We had productive discussions over many sessions. The distinguished Senator from Florida was not, as is sometimes said in conference, adamant in opposition to that bill. However, as I recall, the health bill was the measure for which we both felt most hopeful. The senior Senator from Virginia [Mr. BYRD] and the senior Senator from Florida were the real architects of that legislation, which means so much to people in the more than 30 States where the program has been accepted.

Other progress can be seen in the antipoverty bill, passed by the Senate, in which were included the sanitation program and the day care program, of which the Senator from Florida spoke, as well as a program for regular education.

The housing bill contains a program in which I believe the farmers of the country, in areas where there are concentrations of migrant workers, can, through nonprofit associations, meet many of the urgent housing needs of their workers.

Mr. HOLLAND. I again thank the Senator from New Jersey. I joined him also in the housing program; but as to the crew leader program, he and I never could get entirely together. However, as one should in such circumstances, I congratulate him upon his well-earned victory.

Mr. WILLIAMS of New Jersey. I thank the Senator from Florida. The crew leader bill, which passed the other body today, is substantially the bill that passed the Senate at an earlier time. There are three or four changes, none of them substantial. This has led me to propose to the chairman of the full committee, the distinguished senior Senator from Alabama [Mr. HILL], that the Senate accept the changes made in the House, so that this measure can become yet another law to be signed by the President.

I began by saying that for decades our migrant workers have been left out of the social and economic progress of this country. Now, in one session of Congress, we are catching up to many of their desperate human needs with programs that can bring some hope to those who have led incredibly wretched lives.

Another remarkable achievement in this Congress concerns another problem that has long been overlooked in terms of national attention through legislative action. That is the urban transit program which, as I read the comment from all over the country, has created considerable hope that on a sharing basis the communities hardest hit by traffic congestion can have a new partner in trying to unscramble their commuter transportation problems. There is not a metropolitan area of the country that does not have a period during each working day when frightful traffic congestion produces long delays, great anxiety, danger, and, beyond that, the loss of billions of dollars a year. The transit bill has been enacted, and metropolitan communities across the country are beginning to do their regional planning so that they can discover whether their plans for better urban communications through transportation can be a part of that program.

I observe in the Chamber the distinguished senior Senator from Michigan, who represents, in part, a State which has one of the great urban centers of the Nation. Unwittingly, it is the huge automobile industry of his State that causes so many transportation problems. It creates jobs for America, comfort for us some of the time, but is the cause of the concentration of automobile traffic in the downtown urban areas that presents us with so much difficulty at the commuter hour.

As a result of this, we have initiated a program of demonstrating that if the working man or woman can get into an automobile at home and drive to a convenient parking area near a mass transit facility, it can be a great deal more efficient in carrying the worker all the way on his journey into town.

Mr. McNAMARA. Mr. President, will the Senator from New Jersey yield?

Mr. WILLIAMS of New Jersey. I am glad to yield to the Senator from Michigan, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. McNAMARA. I compliment the Senator on his efforts in the direction of solving the problems in the mass transit industry. In general, I agree with his statement.

He mentions my home State, and particularly my home city, where we sometimes believe the source of the trouble to be the automobile—which I confess is hard to refute. However, Detroit is one of the cities which has a great problem. Through the efforts of the Senator from New Jersey, not only this year but also in past sessions of Congress, some helpful studies have been made. I believe that we can begin to see a ray of hope in the studies which have been made.

It will require a certain amount of reeducation of the general public to get them to accept the theory of parking on the periphery of a city, or parking on the periphery of a downtown area, and then taking a mass transit bus or rail facility into the center of a city. I would have hoped at the outset that the public would have accepted much sooner the necessity to do this, but we find that there is great resistance on the part of the automobile driver against leaving his car outside the downtown area, if he is employed or engaged in business in the downtown area. It seems to me that everyone has the feeling that a car is a sort of crutch, and that we cannot get away from it, that in an emergency in business or family life, the automobile should always be close at hand, that if a client should call up from an airport and wants to talk to someone about an important matter, that someone does not wish to be delayed in getting out to the airport to meet his party. In the kind of economy we live in today, sometimes a matter of a few minutes is very important.

So an uphill fight is ahead for us. I congratulate the Senator on his efforts and assure him that I see some sign of improvement in the area. Some results of the studies have already taken place. I hope that he will continue his efforts and not become discouraged.

Mr. WILLIAMS of New Jersey. I thank the Senator for his comments.

With the recent enactment of the bill, I am encouraged—particularly by the response of the metropolitan communities. As I stated earlier, I did not wish to say anything which might be construed to mean that the automobile is a bad thing. What we wish to do is to maximize the efficiency of the automobile. Certainly, I share the hope that America will soon see three-car families, since most of our more fortunate citizens have been able to go to Detroit twice at the same time, as it were, and purchase two automobiles.

However, there is a cloud on the transit horizon, to which I wish to address myself.

Going back to the concept of the legislation and the reason for it, we know that urban transit, when forced to pay for every improvement out of the fare box, is faced with an economic situation in which it could not afford to improve, because it would have to raise fares—and when fares are raised riders are lost.

There has been a vicious cycle, depending exclusively on the fare box as the source of capital improvements. This program is addressed to that factor. It is on a sharing basis of local contribution and local government contribution.

Now we see this cloud no smaller than a small hand, but it is on the horizon. I wish the record to reflect the potential hazard of the approach suggested as an amendment to H.R. 10467, Calendar No. 1175. This amendment was submitted by the Senator from Ohio [Mr. LAUSCHE]. It is not germane to H.R. 10467. That deals with accrued vacation pay, while this amendment deals with the Urban Transportation Act.

The amendment suggests that the Department of Commerce undertake a study and report back in about a year on the feasibility of taxing those urban transit systems which would be beneficiaries under the Urban Transportation Act.

This, of course, on its face, is wholly self-defeating of the program. The very reason we have had to add the incentive and stimulant of a Federal contribution is that transit systems cannot themselves afford this contribution.

The net effect would be to increase the Federal contribution. Now it goes up to two-thirds net project cost. The net project cost is that part of the improvement that cannot be paid for out of the fare box. If we take away from the fare box an additional tax, we increase the net project cost, which increases the Federal contribution. I should like the record to reflect this point at this moment because the bill might be called up at any time. Certainly, the 50 or more Senators who voted for the urban transit bill in this body will not wish to see their work of last year, which has now become law, threatened by this proposal.

I believe that this amendment is the most inartistic legislative development I have observed. The urban transportation program, for very good reasons, is in the HHFA, the Housing and Home Finance Agency, the Agency which has jurisdiction over most urban programs.

This is an urban program. It was properly placed there. These matters are considered by the Banking and Currency Committee where, in addition, when the bill came up last year, we had the wise counsel of the Commerce Committee of the Senate. Some excellent ideas were brought to us from this sharing of committee jurisdiction.

This amendment, which is casting a shadow over Ohio at the present time, was considered by the Finance Committee, not the Banking and Currency Committee, or the Commerce Committee; yet it deals with the jurisdiction of those committees. Moreover, the study would not go to the Housing and Home Finance Agency which, if there were to be a study, would be the most logical place for it because it is the Agency with the appropriate knowledge and experience.

The amendment would send the study to the Department of Commerce. We have inquired of all the departments affected. There is a unanimity in the chorus of rejection from all the executive agencies. The Department of Commerce has addressed its observations to the chairman of the Finance Committee—I believe toward the latter part of July.

Mr. President, the General Counsel of the Department of Commerce in a tightly written two-page opinion indicates that if there is to be this kind of study, it certainly should not come to the Department of Commerce. It has no jurisdiction over a transit problem. It should more properly go to the Housing and Home Finance Agency.

Mr. President, the committee also received a complete review of the proposal from Assistant Secretary Stanley S. Surrey of the Treasury Department. There is also a communication from Philip S. Hughes, Assistant Director for Legislative Reference, of the Bureau of the Budget stating that this proposal is undesirable.

Mr. President, I judge that it would be proper for me to have these reports printed at this point in the RECORD. I would like to address my distinguished senior colleague in that regard.

Mr. McNAMARA. I see no reason why it cannot be done.

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent to have printed at this point in the RECORD these reports furnished to me by the Finance Committee.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., July 21, 1964.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Department of Commerce concerning an amendment (No. 1111) intended to be proposed to H.R. 10467, an act to continue for a temporary period certain existing rules relating to deductibility of accrued vacation pay.

The proposed amendment would authorize and direct the Secretary of Commerce, acting through the Bureau of Public Roads, to study the feasibility of imposing taxes on transit and commuter systems which are beneficiaries of Federal financial assistance under the Urban Mass Transportation Act of 1964 for the purpose of raising revenues to defray Federal expenditures under such act. The results of the study, together with recommendations, would be reported to the Senate Finance and House Ways and Means Committees not later than June 30, 1965.

The Department of Commerce would be opposed to favorable consideration of the proposed amendment.

The very recent enactment of the Urban Mass Transportation Act of 1964 would make a study at this time premature. With respect to loans provided under the new act, they are to be repaid with interest. Accordingly, special taxes in connection with such loans would not be warranted. Grant provisions of the new act authorize payment of two-thirds of the portion of the cost of a project which cannot be financed from revenues. Special taxes on transit systems receiving grants would increase costs to the system. Thus, the portion of project costs which could be recovered from revenues would be decreased and the portion eligible for Federal grants would be increased.

Additionally, since the Urban Mass Transportation Act will be administered by the Housing and Home Finance Agency, we feel that if a study is undertaken, it should be made by the Administrator of HHFA.

If, despite our opposition, favorable consideration is given to the proposed amendment we make the following recommendations:

1. In section 2(a) strike the words "acting through the Bureau of Public Roads." This would give the Secretary of Commerce flexibility to determine what elements of the Department, in addition to the Bureau of Public Roads, could be of assistance in making the type of study contemplated by the proposed amendment.

2. In section 2(a) insert the word "Mass" after the word "Urban."

3. Delete section 2(c) which provides that costs of the study shall be paid from appropriations available for expenses of the office of the Secretary of Commerce. We have no way of knowing, at this time, what the costs of the proposed study, if undertaken, would be. Other appropriations could be available or supplemental appropriations might be needed.

The Bureau of the Budget advises that there would be no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

LAWRENCE JONES,
Acting General Counsel.

TREASURY DEPARTMENT,
Washington, D.C., July 21, 1964.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have requested the views of this Department on amendment No. 1111 to H.R. 10467, an act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay.

Amendment No. 1111 authorizes and directs the Secretary of Commerce, acting through the Bureau of Public Roads, to investigate and study the feasibility of imposing taxes on those transit and commuter systems which are the beneficiaries of Federal financial assistance under the Urban Transportation Act of 1964 for the purpose of raising revenue to defray Federal expenditures under such act. In making the investigation and study the Secretary of Commerce is authorized to cooperate and consult with appropriate Federal, State, and local government agencies and with representatives of the transit and commuter service industry and national organizations concerned with mass transportation service. The results of the study together with the recommendations of the Secretary of Commerce are to be reported to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives at the earliest practicable date but not later than June 30, 1965.

The Administrator of the Housing and Home Finance Agency is responsible for administering the Urban Mass Transportation Act of 1964. For this reason, it would appear preferable that any study of the type proposed in amendment No. 1111 be conducted by the Housing and Home Finance Agency rather than by the Commerce Department through the Bureau of Public Roads. The Treasury Department, in addition, believes that the proposed amendment would not be consistent with the policy regarding the financing of net project cost established in section 4 of the Urban Mass Transportation Act of 1964. However, the Treasury Department would defer to the views of the Housing and Home Finance Administrator on this matter.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the administration's program to the presentation of this report.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., July 21, 1964.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request of July 10, 1964, for a report on amendment No. 1111, intended to be proposed to H.R. 10467, relating to a study of the feasibility of imposition of taxes on transit systems aided under the Urban Mass Transportation Act of 1964.

The bill would direct the Secretary of Commerce, acting through the Bureau of Public Roads, to study the feasibility of raising revenues to defray Federal expenditures under that act by taxing those transit systems receiving Federal aid.

We believe it is premature at this time to institute a study of the method of financing Federal aids to urban mass transportation systems. These programs of Federal aid have only very recently been enacted. No assistance has as yet been given and only a few aided projects can possibly be in operation prior to the date a report is required by the amendment. Since there will be little new information available for the proposed study and the method of financing aid included in the recently enacted bill was adopted only after the most careful consideration of presently available information by the administration and the congressional committees concerned, it is difficult to see how different conclusions could result from a new study.

The Urban Mass Transportation Act of 1964 authorizes loans and grants to aid transit systems. The loans will have to be paid back with interest, so there will be no net Federal expenditure to be defrayed. Special taxes to support these loans would therefore not be justified. Grants are authorized to pay two-thirds of that portion of the cost of the project which cannot be recovered from revenues. If special taxes were imposed on transit systems receiving grant aid, thereby increasing costs to that system, the portion of project costs which could be recovered from revenues would be decreased and the portion eligible for Federal grant would be increased. It therefore appears that special taxes imposed on aided mass transit systems would increase the amount of Federal aid required, thereby defeating the stated purpose of the tax. We therefore find it difficult to see how the proposed study could reach positive conclusions.

In addition, the programs authorized by Urban Mass Transportation Act will be carried out by the Housing and Home Finance Agency. If a financing study is reguired, we believe it should be made by the Administrator of that agency rather than the Secretary of Commerce.

For these reasons, the Bureau of the Budget strongly recommend against adoption of the proposed amendment No. 1111 to H.R. 10467.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for
Legislative Reference.

Mr. WILLIAMS of New Jersey. Mr. President, now that the mass transit bill has been signed into law, it is illuminating to see the number of cities in need of its benefits. This merely demonstrates what we have known all along—that attention to the problems of urban transportation and mobility is long overdue. We need only cite the number of cities with mass transit programs at different stages of development to understand the national dimensions of the problem: Atlanta, Boston, Baltimore, Chicago, Cleveland, Dallas, Detroit, Los Angeles, Newark, Philadelphia, Pittsburgh, Milwaukee, and San Francisco to mention only some.

But these are big cities. The smaller cities and towns must also be alerted that they, too, can expect and get action under the terms of the act. Their easy access to the large urban centers is just as vital to our national progress. An editorial in the August edition of the American City magazine has dealt with this subject in a highly informative manner. I therefore ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MASS TRANSIT BILL—WHO CAN USE IT?

If the mass transit bill had become law at any other time but now, it would be big news and stay that way. But the bill was passed just when we were starting the frenzied rite of a free people—that of selecting a President. Unfortunately it is a period when most newshawks consider transit too tame a bait for their typewriters.

But the bill did pass, with the refreshing aid of solid conservative support. This amazed and annoyed many who were all set to scorn it as "just another irresponsible grab." Certain manufacturers, for example, worked actively for its passage, manufacturers whose principal products are used in highway construction and who, therefore, might normally be expected to oppose a bill that aids rail rapid transit.

One might compare this with the unselfish support by petroleum interests for the rail rapid transit system being built in the San Francisco Bay area. The new mass transit bill is not a subsidy nor a "grab" but an investment in urban America's economic and social future.

The bill earmarks $375 million for transit aid. It authorizes Federal grants for as much as two-thirds of the capital cost of mass transportation facilities that transit revenues cannot finance, and requires that cities or any other qualified public agency, State or local, raise the balance. It limits the amount going to any one State to $47 million. It requires that these agencies complete a comprehensive plan and forward to HHFA a program of implementation.

What cities or areas are going to use this bill? After all, mass transit costs a lot of money and the bill only provides $375 million. This is roughly one-third the amount required to build the new San Francisco Bay system alone. Supporters originally proposed a half billion but agreed that $375 million in a signed act is better than a half billion stymied in committee.

The list of those who will participate is growing fast. Atlanta, Ga., has plans and an active implementation program for a rail rapid transit system, annoyingly blocked for the moment by the legislative malapportionment issue. Boston has a metropolitan transit authority that recently reached out to serve more of its suburban area. It is ready to take part.

Baltimore is presently bus oriented. Its metropolitan transit authority is ready to participate in a program that will expand and upgrade that bus service. Moreover, a current transit study being made here looks strongly favorable to some sort of rail transit.

Chicago had the unusual experience of receiving a petition backed by cash from Skokie, one of its suburbs, to participate in the Chicago Transit Authority system. The result—the successful and popular Skokie Swift Rail Transit Line. Chicago also plans to apply for grants-in-aid for other projects when the source of matching trends is more definitely available.

Cleveland is ready, has plans for an extension of its rail transit. Dallas recently acquired the bus franchise and this certainly makes it potentially eligible. Detroit, the Nation's auto city, has a transportation study in the works that anticipates expanding the municipally owned bus system through use of the expressway routes and improved feeder roads.

Los Angeles is ready, has plans for 58 miles of transit. Milwaukee once had rail transit and is thinking about reestablishing it. Philadelphia and Pittsburgh are both ready to go. San Francisco has construction already started, and could use the program to pick up areas that didn't come into its bay area system.

Washington, D.C., is long overdue for rapid transit, has the plans and the implementation, consistently torpedoed by an uninterested Congress.

But these are relatively big cities. What about the small cities struggling with mass transit problems, who write us plaintive little notes like this:

"DEAR SIR: Will you please send us anything about urban bus systems, or anything else that will help us set up a transit system?"

The little city can get action under this bill faster than the large. First, it won't take a small city so long to prepare a comprehensive plan, or a program for implementation. Moreover, if it wants top priority action, it can get it by boosting the municipal contribution to half instead of one-third. Half was the usual participation figure during the old PWA days, and most cities found it generously attractive.

Rail mass transit is overdue in this country. At the end of World War II, 14 cities in the world had subways. Today 31 have them either operating or under construction. Our northern neighbor, Canada, with a standard of living and an economic society much like our own, but with only a tenth of our population, has a fine new subway system in Toronto and will have another operating soon in Montreal. In the meantime, we have managed to get only one into the construction stage in San Francisco. As matters stand now, before it is built, Rotterdam, Oslo, Budapest, Milan, and Frankfurt all will have theirs in operation ahead of us.

We have no shortage of those who will talk long, loudly and with great emotion on such subjects as race, juvenile delinquency, and the redistricting of State legislatures. We have fewer who realize that the basic essence of civilization is communication. When it breaks down, anarchy and desolation are not far behind. And nothing gives strength to this communication more than the easy mobility of people within this urban society. And the easiest and most economical of these in strong metropolitan centers is some type of mass transit. It brings strength and direction both to the city and its suburbs.

Mr. WILLIAMS of New Jersey. Mr. President, not long ago a project known as the high school students of special talent was established in North Carolina under the able direction of Gov. Terry Sanford. It was designed primarily to serve the demands of our more gifted youth. But, even more importantly, it emphasized the growing challenge to our academic standards posed by the increasingly complex problems of modern society.

Harry Golden, prominent editor of the Carolina Israelite, payed tribute to Governor Sanford's fine achievement in a recent talk before these talented students. He stressed what he called the great sociological struggle in which the world is now caught up and in which this Nation has been called upon to play such a vital role. He spoke of the enormous legacy of unfinished work which has been passed on to today's youth by former generations.

The North Carolina experiment, like President Johnson's newly created program of Presidential scholars, demonstrates the new drive for excellence in our schools and universities. In recognition of that goal I ask unanimous consent that the full text of Mr. Golden's talk be printed at this point in the RECORD.

There being no objection, the full text of Mr. Golden's address was ordered to be printed in the RECORD, as follows:

A SPEECH TO THE TALENTED

(By Harry Golden)

So you are the special talent students, eh? The elite? Well, you are in for an interesting life. The most amazing development of which, as thinkers as diverse as Mark Twain and Aristotle observed, is how much more intelligent your father becomes as you grow older.

I congratulate you. I congratulate you on achieving this special class, and I offer only one bit of advice which may be the essential secret between success and failure: do not take yourself too seriously.

For though you have been designated as specially talented, the category has only a relative significance. Fifty years ago, on the Lower East Side of New York City, immigrant boys and girls who a few years before had been unable to speak a word of English were reading and understanding John Milton in the seventh grade. We had already studied three plays of William Shakespeare and had committed to memory Gray's "Elegy Written in a Country Churchyard." We were neither an elite nor were we especially smart.

The curriculum standards have been lowered over these past five decades. Although you will attend school for more years than the students of 50 years ago, you enjoy a shorter schoolday. More of you will finish high school and college than ever dreamed of it in the America of 50 years ago but alas, only a small portion will ever read "Paradise Lost," as we did in the seventh grade, yet.

I do not tell you this to shame you nor to make you look upon yourself as less than you are. There is nothing to be ashamed of in the fact that standards have been lowered. Over a 100 years ago, a great American educator, Horace Mann, laid down a new principal of education. He decreed that in a democracy the entire population should be educated, or at least exposed to the prospects of an education. Listening to the critics of any educational system in 20th century America should make you always remember that for the first time in the history of the world one society has undertaken to educate the entire mass of population. No one has ever tried this before, let alone succeeded. You are all part of the experiment. Indeed it is a noble experiment, undertaken nowhere else, not even in our sister democracy, England.

It is also necessary that I explain something about the special talents of immigrant boys and girls. Because they couldn't speak English when they debarked on Ellis Island explains a good deal about their reading Milton in the 7th grade. The stranger feels himself inferior. He fears unless he acquires a complete education he will remain forever alien so he goes about learning hammer and tongs, with a great intensity of purpose. This pattern applies not only to America but to every country whose borders have admitted immigrants. The immigrant must make good, and it is this which gives him a special vitality.

Immigrant mothers, mine included, who could not speak a word of English, used to go to the nearest public library and by holding up the fingers of one hand, tell the librarian how many children she had. The librarian issued her the requisite library cards and the immigrant mothers hurried home and handed them with great solemnity saying to each of her children, "Here. Go! Learn! Become an American! Quick."

Once comfortable in an environment, a student will not have habits, religion, or attitudes appreciably different from the habits, religion and attitudes of his neighbor. He relaxes. But he must realize relaxation brings with it great dangers. The compulsions and drives that animate the stranger no longer animate him. The drive toward becoming a complete man and a complete citizen must come from within and must be called forth by an act of will and intelligence rather than pushed forth by social pressures. This takes more out of you, sitting here this morning than was required of the immigrant boys.

You must call forth these energies, all of you, because today whether you will it or no, you are involved in a tremendous sociological struggle. You are entirely surrounded by this struggle. You bear the burden of all that has transpired over the past 20 years in the matter of civil rights and the cold war. The men who wage these struggles, both pro and contra, are old men, certainly old in comparison to you. Soon they will disappear, either into senility or into death and you will be left to contend pro or contra all by yourselves. You will be the inheritors of what these men have done or what they have tried not to do. But this has always been the case. Every new generation inherits the follies and the courage of the previous one and makes of these its own fortune.

There are fellows on the platforms today who charge that we burden our children with a great debt to persevere in our contentions. But we are not evil nor should our children charge us for their inconvenience.

When the Congress passed the first of its anti-immigration bills, one of the arguments to which it harkened was that the Italians came to America and worked here for 10 or 15 years, saved every nickel, and departed then for home. Congressmen even gave President Woodrow Wilson a carefully documented survey of how many billions of dollars this cost America, money which left here and entered Italy. President Wilson read this document, then vetoed the bill, saying, "Yes. but they left us the subways, didn't they?"

One generation leaves another the subways, the highways, and new schools which a succeeding generation must pay for. And this is all to the good. It means there will be marvels we cannot dream of that children as yet unborn will some day take for granted. Once upon a time in the history of this country children and grandchildren had nothing to pay for. There was a time when President Rutherford B. Hayes was able to divvy up the Federal surplus with the States. Of course, these were the days when a skilled mechanic only commanded a dollar a day and the rich men could be counted on the fingers of one hand. There were Morgan, Rockefeller, and Carnegie, and you were indeed well informed if you knew Vanderbilt and Harriman were as rich. Today, you could not begin to count the men of great wealth in Charlotte, N.C., Indianapolis, Ind., let alone those who live in Houston, Tex., Larchmont, N.Y., and everywhere else in the land.

Though we are wishing you a huge debt we are also permitting you a tremendous chance for great wealth. And of course we wish on to you this great sociological struggle. And as you grow older you may even come to appreciate the dimensions this struggle not only gives America but the dimensions it gives you yourself. You will be lawyers, doctors, clergymen, professors, and salesmen and you will be this because of the classmates you met in this school, and in college, and the voices you heard and the language you heard spoken. Thus, this great struggle will actually make you. You may not admit or realize this, but it is true.

The Jews lived in the ghettoes of Europe for 1,500 years and survived, but survived as an essentially parochial people, learned only in their religious books. Nothing happened to them until the ghetto walls came down and they passed for the first time freely into the outer world. Only then did they produce the Einsteins and the Heines and the Disraelis and the Cardozas and the Jonas Salks and Selman Waxman who discovered the cure for tuberculosis, and hundreds of others I can name. In a way, these people became what they were because of the different ideas they both gave and received. Mind you, this was a century and a half ago. It is cruel and evil and unfair to deny others who are part of our society the chance all of us here in this auditorium have had. Some of you, I hope, will go on in life to chronicle this great social revolution. You will be writers, journalists, editors, and poets. No matter what claims your skills, you will perforce be aware of this struggle. You will be hopeful of exchanging your ideas to the mass of your fellow citizens.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills and joint resolution of the Senate:

S. 51. An act to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District;

S. 1046. An act to provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor;

S. 1363. An act to increase the participation by counties in revenues from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes;

S. 2369. An act to retrocede to the State of Kansas exclusive jurisdiction over certain State highways bordering Fort Leavenworth Military Reservation and the U.S. penitentiary at Leavenworth;

S. 2419. An act to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. WILLIAMS of New Jersey. Mr. President, the State of New Jersey that I am so proud to have the opportunity to represent in the Senate is, I believe, one of the classic examples of the harsh effect of geographical selection for members of the State senate. We have the one county, one senator rule in our State. New Jersey is the most densely populated State in the Union. I believe it is the fourth or fifth smallest State geographically. Yet, we have a population approaching 7 million people.

It is a varying State, running from the magnificence of the dairy farms of northern Sussex County, Hunterdon, and Warren Counties, through the vast complex of metropolitan, central New Jersey, and on to that part of the State that is rural and agricultural. It produces some of the finest and best farm products of the Nation. Fruits and vegetables are grown there. Because of magnificence of our agriculture, New Jersey has been named the Garden State.

While I say such fine things about agriculture, I am reminded of reading some criticism of me in the Farm Bureau Journal. They consider that I am hostile to agriculture for some reason or other—all because of the migratory farm worker legislation that I am responsible for here in the Senate because of my chairmanship of the Migratory Labor Subcommittee.

I feel no hostility for the Farm Bureau Journal. But they certainly heaped abuse on me for my stand on the inequity of the amendment now before us, that would take from us our fundamental constitutional right of one person, one vote, and preserve us in the inequitable status quo that gives us a vote on the basis of geography. Our counties, as far as our voters are concerned, range from 3 or 4 counties where less than 20 percent of the people voted in the last gubernatorial election in 1961, to counties that are prepared now to vote almost 500,000 people. Disparity is obvious, indeed.

I believe that New Jersey is one State where less than 20 percent of the population can elect a majority of the State senate. The only opposition that has been sounded to my position in opposition to Senator DIRKSEN's proposal has come from the Farm Bureau. I am happily burdened with communications that urge my vote against the Dirksen proposal. Shortly, I shall review some of these opinions that have come to me. I believe they are important, for they are from voters in my State, many of whom speak for some of our most thoughtful civic groups and organizations, such as the League of Women Voters. I am sure there is not a Senator here who does not have a feeling of highest respect for the ladies of our country who gather themselves together for the highly important work of understanding and addressing themselves to public issues.

I shall call the honor roll of the League of Women Voters of the State of New Jersey, shortly. I shall place them in the RECORD, one by one, because I am proud, indeed, of them. Before I do so, I should like to analyze as best I can my opposition to the Dirksen amendment.

Dangerous as the present amendment is, it could be the prelude to even greater dangers. I think we all know that one of its major purposes is to win time in which to introduce in the next Congress a constitutional amendment that would deprive the U.S. Supreme Court and the Federal district courts of the right to review actions brought to correct malapportionment of State legislatures. If this move should ever succeed, we would be parties to a most destructive attack upon our judicial system.

The recent Supreme Court reapportionment decisions, to which this amendment is a hastily considered reaction, have been bitterly criticized in this chamber. We have been told they will lead to chaos. But I think those decisions are fresh evidence that our democracy works. They reaffirm the fact that orderly legal process can and does, sooner or later, lead to the correction of evils. For, unsettling as the effects of those decisions may be, they do open the way to a long-needed correction of abuses.

Unequal representation in our State legislatures has long been an outrageous abridgement of democracy. If we do anything to interfere with the swiftest possible correction of such misrepresentation, we are guilty of a shameful and disgraceful act—one which places partisan political considerations above such fundamental American principles as majority rule and the equality of all citizens before the law.

This is not a partisan issue. The inequities struck down by the Supreme Court victimize all of us, regardless of party. I would remind this body that the Solicitor General's Office became involved in the historic case of Baker against Carr during the Republican administration of President Eisenhower and carried its work to a successful conclusion in the Democratic administration of President John F. Kennedy.

Two years before his election, the late President, speaking of unequal representation in State legislatures, said:

> None of us, rural or urban, benefits in the long run from this situation. Our politics should not become a battle for power between town and country, between city-dweller and farmer. The principles at stake go much deeper than that. For whenever a large part of the population is denied its full and fair voice in government, the only result can be frustration of progress, bitterness, and a diminution of the democratic ideal. Country and city are interdependent; conflict and discrimination cannot serve the interests of either.

Those are the words of our late great President.

The present Republican candidate for President of the United States, when asked if he approved of the Supreme Court's decision in Baker against Carr said "yes." Senator GOLDWATER then went on to make the following comment:

> I think that is a function of the courts. They have probably waited too long. I think they should do it. When anything affects a Federal election, then the Federal Courts have the right (to exercise jurisdiction). They have every right to move further in, in my opinion.

That is a quotation from the distinguished candidate of the Republican Party. I would hope that all people from California to Maine would take heed. Perhaps we would not be seeking the advice of the Senator from Arizona [Mr. GOLDWATER] on many subjects, but on the present subject I find it very valuable.

When asked if he would favor the proposed constitutional amendment to prohibit Federal courts from exercising jurisdiction over State legislative apportionment cases, the Senator said, "I wouldn't be for that."

He has spoken in opposition on another occasion to the proposal that is embodied in the amendment that is before the Senate.

Regardless of one's personal or political stake in either eliminating or perpetuating malapportionment, fairness demands that we recognize the simple fact that unequal representation is unfair representation. This is the gist of what the Supreme Court did in its decisions of June 15. It concluded that:

> As a basic constitutional standard, the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis.

I think any American who approaches the issue objectively must agree with this doctrine of one vote for every citizen. I cite as an example of this a recent editorial in a rural newspaper, the Palladium-Times of Oswego, in upstate New York. The day following the Supreme Court ruling, the paper declared:

> Unpleasant the thought may be that the sleazy liberal wastrels within New York City's Democratic organization could eventually control the State * * * it is hard to argue with the fundamental thesis the Supreme Court laid down—namely, that votes should be equally effective in terms of representation, no matter where in the State they maye be cast. In all truth, they haven't been in the past.

As I said, that statement comes from a rural area of upstate New York. Their language in describing the city government of New York is reckless, but their conclusion in my judgment is sound, indeed.

But of course there are other issues involved here besides fair play. Proponents of this amendment and of the many bills before this Congress dealing with Federal review of State apportionment, present a number of arguments in support of their position. I would like to consider two that are frequently advanced. First, it is argued that it is logical and even desirable for one house of a State legislature to be apportioned on a basis other than population. It is argued further that even if it were not logical or desirable, the citizens of a State should have the right to establish by majority vote any scheme of apportionment they prefer.

Let us consider first the proposition that it is a good thing to permit the use of criteria other than population in apportioning the representation in at least one house of a bicameral State legislature. In theory it sounds reasonable enough. In practice, limiting apportionment on the basis of population to only one house would, in most States, result in little correction of unequal representation. For what would still remain would be a situation in which an adverse vote in either house would still be sufficient to block legislation. Overweighting the votes of any segment of the population gives that segment a virtual veto power over legislation. Equality in one house alone is not "half a loaf." It is scarcely more than a few crumbs.

This is particularly true when the issue is considered in terms of rural versus metropolitan areas. While it may be argued that fair representation of city and suburban majorities in one house gives them veto power, too, the fact is that on most substantive questions, whatever metropolitan legislators propose is generally opposed by their rural counterparts. The problems of our growing metropolitan areas generally require positive action. Such action requires majorities in both houses. But a majority in only one house is sufficient to sustain a negative position. This fact is well understood by the forces behind the various proposals advanced in this Congress for limiting judicial action on reapportionment. These forces and these proposals do not seek a middle ground between two extremes. They seek nothing less than the restoration of the status quo.

Actually, the proposal to permit one house to be apportioned on a basis other than population could lead to a situation that, in at least one respect, would be even worse than the status quo. Such a system would almost inevitably lead to a greatly increased number of politically "stalemated" State governments: situations in which it is difficult if not impossible for any point of view to win effective control of the State government.

We already have ample evidence from many States of the difficulties that result from such situations. Give one faction or one political party virtually permanent control of either house of a State legislature, and the other party, regardless of how often it wins the governorship or wins majorities in one house of the legislature, is never in a position to put its policies into effect.

My own State of New Jersey provides an excellent example of this kind of situation. There the State senate is set up on the basis of one member per county. Although the majority of New Jersey's counties are Republican, the State as a whole has voted Democratic more often than not in recent years. As a result, in spite of the fact that the State has had Democratic Governors for the last 12 years, the Governors have always had to deal with a legislature in which at least one house was controlled by the opposition. For 6 of those 12 years, the Governor's party held majorities in the lower house of the legislature, but the State senate has remained resistant to all changes of political fortune.

Other States have similar situations. In Michigan, such a situation almost brought the entire machinery of State government to a complete standstill a few years ago.

I was up there once when the very dynamic, progressive Governor, G. Mennen Williams put before the legislature a very humane piece of legislation—dealing with the regular education of our friends on the farm, the migratory farm workers. The question was on approving a $15,000 pilot project in education for children who would otherwise be out of school—and this was in the fall of the year when other children were in school. That legislature turned down that $15,000 pilot program.

In New York, one party has held the governorship and the other party has controlled at least one house of the legislature for more than half the time during the last 50 years.

Of course, such situations cut both ways, politically. In a number of border and Southwestern States, such as Maryland, Kentucky, Oklahoma, and Arizona, Republicans have won governorships without winning majorities in any of the State legislatures.

It hardly seems logical or desirable to perpetuate these stalemates. In spite of that, those who support the idea of apportioning at least one house on a basis other than population, seek support for their view by drawing an analogy with the Federal Government and by arguing that such an apportionment is necessary in order to assure representation to sparsely populated areas. There are large fallacies in both of these arguments.

Yet I must say they must be analyzed, because the superficial reaction of so many to the Supreme Court decision was exactly that—comparing it with the Federal system. I should like to express my views of the latent fallacies therein.

The "Federal analogy" argument runs that because representation in one House of the Federal Legislature, the Senate, is based upon States and not population, one house of our bicameral State legislatures should logically be based upon counties, without regard to population. The trouble with the analogy is that the relationship between counties and State governments is neither historically nor functionally comparable to that between States and the Federal Government. The original States existed as sovereign units before the Federal Government existed. They voluntarily limited their sovereignty. Before they would agree to enter the Federal Union, the smaller States insisted on having equal representation in one House of the National Legislature. They were able to make conditions. Counties cannot make conditions. They are simply administrative units created by the States. The States can establish, subdivide, or liquidate them according to their convenience.

The State breathes the entire life into the county units of government, whereas at the outset of our country it was the States that breathed the entire life into the Federal Government and our Union of States.

In its recent decision in the Alabama reapportionment case, the Supreme Court considered the Federal analogy argument and rejected it. Speaking for the majority, Chief Justice Earl Warren pronounced the Federal analogy "inapposite and irrelevant to State legislative districting schemes."

"Attempted reliance on the Federal analogy," he said:

> Appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the State legislature would be based completely, or predominantly, on population. And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted. Demonstrative of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.

The Court went on to say, in a footnote, that:

> Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia constitution and frequently proposed changing the State constitution to provide that both houses be apportioned on the basis of population. In 1816 he wrote that "a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns by representatives chosen by himself."

In further discussion of the historic origins of our Federal system, the Supreme Court, in the same opinion, drew the very distinction between State and county that I have attempted to draw.

The Court observed:

> Admittedly, the Original Thirteen States surrendered some of their sovereignty in agreeing to join together "to form a more perfect union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single National Government.

But—

> Political subdivisions of States—counties, cities or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally created by the State to assist in the carrying out of State governmental functions.

Just as specious as the "Federal analogy" argument is the contention that one house must be based on something other than population in order that sparsely populated sections of a State will be adequately represented. There is a great difference, however, between adequate representation and overrepresentation.

What we have in many of our States are legislatures in which sparsely populated areas tend to be overrepresented. No one wishes to deny these areas a voice in State government. But they tend to have the dominant voice.

So much for the logic and desirability of limiting population representation to one house in a State bicameral legislature.

A second proposition proponents of legislation such as this amendment often advance, is that even if the present systems result in overweighted representation of rural areas they should be permitted if a majority of a State's voters approve of them.

The trouble with this argument is that it would permit a majority, by approving a system that gave their votes an overweighted value, to take away the voting rights of the minority of citizens that opposed such a legislative arrangement.

If a State adopted, by majority vote, a system in which each voter of certain racial and religious groups could cast five votes in subsequent elections and all other voters could cast only one, there would be little question that such a scheme is improper. Any action by a majority tc lessen the value of the votes of any citizen is equally improper.

The present situation in most of our State legislatures is bad enough. The real danger of the present amendment is, as I have said, that it can make that situation worse. It can only fortify those interests in our States that thrive on keeping things as they are. We are in the midst of a summer full of incidents that demonstrate the gravity of our urban problems. There are cities in my State that offer vivid and terrifying examples of the explosive forces that build up when we are unable to provide adequate housing, welfare, labor, and education programs for the frustrated thousands in our city slums.

How can we deal with those problems on a State level, in legislatures dominated by men who have no real conception of the terrible problems that confront our growing metropolitan areas?

It strikes me as ironic that the supporters of this amendment and of the bills that would bar the courts from reviewing State legislative apportionment cases, are often men who are ardent champions of States rights.

Nothing seems better calculated to undermine States rights than a series of proposals whose ultimate purpose is to make it more and more difficult for State legislatures to become responsive to the needs of all their citizens. The effect of this can only be to increase urban disillusion with State legislatures and incline millions of city dwellers to look to the Federal Government for help.

That is absolutely the case. We have seen many examples already. We have seen many mayors of our great cities come directly to Washington. They have given up on their State legislatures. In connection with the pending legislation we hear a minority say that the State should do all this. It is the same group and the same thinking that says, "No" to the urban area and their position on this apportionment. To be consistent, those who are deeply concerned with burgeoning Federal Government and diminishing State responsibilities should oppose the amendment before us.

I have a copy of a letter that has been sent to all of us in Congress, from the United States Conference of Mayors, signed by Raymond R. Tucker, president of the conference. Mr. Tucker is one of our greatest mayors. He is the mayor of the beautiful and really developing city of St. Louis. In part, he says:

> The various proposals in Congress to destroy, deflect or delay the application of Supreme Court decisions in State legislative reapportionment issues are aimed at the very heart of our system of representative government.
>
> The concern of every Member of the Congress should be toward the implementation of the mandate of the Supreme Court affirming for our State legislatures the basic one-man, one-vote principle.
>
> The Supreme Court has acted to strengthen democracy in the United States, and every effort should be made toward early action by our State legislatures to redress malapportionment which has too long deprived our cities and towns of their fair share in the activities of State government.
>
> Let us not act to perpetuate the old system, but let us add strength to the Federal system of government, in which strong State governments should be a key element. Nothing can better secure and enhance the position of the States in the Federal system than genuinely representative legislative bodies. Urban and metropolitan areas are where most of our population lives and this trend will continue. Proper representation of these areas is essential if we are adequately to cope with the problems of an urban society.
>
> I urge the Congress to let the mandate of the Supreme Court be pursued. Let us not attempt to frustrate the constitutional process by which deprived citizens have at long last obtained affirmation by our last court of appeal that the one-man, one-vote doctrine is basic to our way of life.
>
> No matter what the professed good intentions of their sponsors, the proposals in Congress are objectionable to the United States Conference of Mayors and to all citizens who have fought—as the conference has—for fair legislative representation, for federalism against centralism, for home rule.
>
> To repeat messages which were sent by the conference's president on August 6 to majority and minority leaders of the Senate: "Urban citizens have too long suffered from malapportionment. Now that redress is at hand Congress should not attempt to prolong or perpetuate this discrimination."

These are the words of Mayor Tucker, of St. Louis. He makes the point that I was trying to make, and makes it much more strongly and with greater understanding, because this mayor has been on the battleline of local government for a long time. I do not know what the situation is in Missouri, at the State legislative level, but certainly Mayor Tucker has wrought miracles of beauty and development and growth in St. Louis.

What we need is not delay in legislative reform but greater speed. The need for such reform becomes increasingly imperative. Our cities are growing at such a rate, it is estimated that by 1975 at least 75 percent of our people will be living in urban areas. What we need to fear is not the "chaos" of the Supreme Court decision, which I think would be no more than transitory as States continued their programs of correcting malapportionment; but rather that chaos we may face if we are unable to deal, swiftly and fairly in our own States with the many dilemmas urbanization has brought us.

The reasoning behind the amendment is woefully shortsighted. Chalmers M. Roberts, in a recent article published in the Washington Post, pointed this out. I ask unanimous consent that the article be printed at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. **WILLIAMS** of New Jersey. Mr. Roberts points out that the move to keep our largely antiquated State legislative situation is a threat to the political power of the suburbs. And this, he says, is in the interest of neither party.

His article observes:

> Republicans who fear one man, one vote for both houses say it would mean city (and therefore Democratic) domination of their States: Chicago and Cook County, for example, in Illinois. But that is based on a false reading of what is happening in this country.
>
> In fact, the cities where populations are declining, with a few exceptions would be the losers along with rural areas under one-man, one-vote reapportionment. The gainers would be the suburbs. And the suburbs have not settled down, if they ever will, to any single party loyalty.
>
> It is a fact that Dwight D. Eisenhower twice swept the suburbs in two presidential elections * * * but * * * they swung back close to political parity in the 1960 Kennedy-Nixon contest.

> The suburbs have grown immense and are now becoming diverse; their residents tend to be more politically active in larger numbers than those in either city cores or rural areas. Today they are the key swing areas in national elections and that is true for this year's presidential contest.
>
> Hence, if one man, one vote prevails in State senates as well as in the lower houses of legislatures, the focus of State power will move rapidly to the suburbs and will increasingly flow there in decades to come.
>
> This does not guarantee either Republican or Democratic control. But it should guarantee a better citizen participation in government. And it should guarantee control by those in both parties who want much more action on the seemingly endless problems of urban sprawl, from education to mass transportation, from police to preserving open spaces.
>
> It is something of a paradox that * * * Republicans * * * who condemn the Federal Government for doing so much they believe should be left to the States, now would destroy the one great opportunity to make sure the States would indeed do their jobs.

Mr. Roberts is there making the point that was made earlier.

The considerations presented in this article are largely matters of self-interest for all of us in public life. I would hope, however, that when we each weigh within ourselves how to deal with this amendment, our conduct will be governed by what will best serve the country's interest. I think it is best served by rejecting an amendment that was hastily drawn, without benefit of hearings, and that can cause serious injury to our judicial system.

In the end, the possibility of such injury is the overriding issue. Fifteen prominent law school deans and professors saw this threat in the proposal to delay action in legislative apportionment cases and said so in a recent telegram to Senate leaders.

While they dealt with an earlier version of this amendment, their warning is still apropos.

The proposal, they said:

> Entirely apart from the merits of the recent Supreme Court decisions on apportionment * * * unwisely and indeed dangerously threatens the integrity of our judicial process.
>
> The effect of these proposals is not, as has sometimes been said, merely to limit the jurisdiction of the Federal courts. It is to declare by statute, without constitutional amendment, that for a period of time certain constitutional rights may not be vindicated in any court, State or Federal.

They saw the proposal as "a drastic interference with the power and duty of the State courts to enforce the Federal Constitution and of the Supreme Court to insure uniformity of interpretation."

The Supreme Court, itself, put the issue clearly in the congressional apportionment case of Wesberry against Sanders, decided earlier this year. It said:

> The right to vote is too important in our free society to be stripped of judicial protection.

For all these reasons, I earnestly hope that this amendment will not be adopted.

Mr. President, I shall conclude by asking unanimous consent to have printed at this point in the RECORD what I call my honor roll of communications that I have received from the State of New Jersey. They include communications from many chairmen and presidents of civic organizations, such as the League of Women Voters. Because of the importance of these organizations in the public life of our country, they should be made a part of the RECORD.

I also ask unanimous consent to have printed in the RECORD communications from some other organizations, the purpose of whose existence is to preserve a high quality of public policy. These should be useful not only to me but to Senators from other States, who may benefit by some of the statements.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

JERSEY CITY, N.J.,
August 10, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

The New Jersey State conference, NAACP opposes the Dirksen proposal on reapportionment.

AUGUSTUS B. HARRISON,
President.
JOHN F. DAVIS,
Chairman Political Action.

TEANECK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Teaneck League of Women Voters urges you to work for defeat of the apportionment rider on foreign aid bill.

Mrs. FENMORE BOOKMAN,
President.

MORRISTOWN, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

Strong urge defeat Dirksen rider Senate foreign aid authorization bill.

Mrs. ROBERT KLEIN,
League of Women Voters.

TENAFLY, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

The Tenafly League of Women Voters urges you to work for the defeat of the reapportionment rider on the foreign aid bill.

Mrs. H. E. KROOSS,
President.

SPRINGFIELD, N.J.,
August 7, 1964.

Senator HARRISON A. WILLIAMS, JR.,
Senate Office Building,
Washington, D.C.:

The League of Women Voters of Springfield, N.J. is opposed to the Dirksen rider to the foreign aid bill.

Very truly yours,

Mrs. S. BENO,
President.

WASHINGTON, D.C.,
August 4, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

Adoption of legislation at this time restricting power of Federal courts to order State legislative reapportionment, either by separate bill or by amendment to pending legislation, would be totally adverse to the best interests of the Nation. An issue of this importance requires careful consideration by appropriate committees, and ample opportunity to express opinions ought to be granted to all interested citizens. On behalf of the Industrial Union Department of the AFL–CIO, I urge you to insure equality of franchise by voting against reapportionment legislation during the remainder of the 88th Congress.

WALTER P. REUTHER,
President, Industrial Union Department AFL–CIO.

SUMMIT, N.J.,
August 7, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Summit, N.J., League of Women Voters reaffirms support of foreign aid bill, opposes reapportionment rider.

Mrs. ROBERT L. BUTTLE,
President.

MOORESTOWN, N.J.,
August 7, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Moorestown League of Women Voters strongly opposes DIRKSEN'S redistricting amendment to foreign aid bill.

MOORESTOWN LEAGUE OF
WOMEN VOTERS.

WESTFIELD, N.J., *August 7, 1964.*

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Believe reapportionment rider to foreign aid authorization jeopardizes whole program. We urge your strong opposition.

MARY LOUISE NUELSEN,
President, League of Women Voters of New Jersey.

MURRAYHILL, N.J., *August 7, 1964.*

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge defeat of reapportionment rider to foreign aid appropriation bill and support of foreign aid appropriation.

LEAGUE OF WOMEN VOTERS
OF NEW PROVIDENCE, N. J.

TRENTON, N.J., *August 7, 1964.*

Senator HARRISON WILLIAMS,
U.S. Senate, Washington, D.C.:

Your vote against Dirksen amendment urgent for New Jersey's future welfare.

SHEILA BERKELHAMMER,
President, League of Women Voters of Ewing.

TRENTON, N.J., *August 7, 1964.*

Senator WILLIAMS,
Senate Office Building,
Washington, D.C.:

Urge defeat of amendment today.

LEAGUE OF WOMEN VOTERS
OF HOPEWELL VALLEY.

HIGHLAND PARK, N.J.,
August 7, 1964.

Hon. HARRISON A. WILLIAMS,
Senate Office Building,
Washington, D.C.:

We urge defeat of Dirksen rider to foreign aid authorization bill.

Mrs. ULRICH STRAUSS,
President, Highland Park League of Women Voters.

SUMMIT, N.J.,
August 7, 1964.

HARRISON A. WILLIAMS,
U.S. Senate,
Washington, D.C.:

Strongly urge opposition Dirksen amendment to foreign aid authorization bill. Apportionment unrelated to foreign aid and should be considered separately without endangering passage of needed aid authorization.

Mrs. Julius L. Mallor,
President, Berkeley Heights League of Women Voters.

Hillside, N.J.,
August 7, 1964.

Senator Harrison A. Williams, Jr.,
Senate Office Building,
Washington, D.C.:

Help defeat apportionment rider to aid bill. Aid should not be endangered Senate or House.

Mrs. S. P. Ostrin,
President, League of Women Voters of Newark.

Englewood, N.J.,
August 7, 1964.

Senator Harrison A. Williams,
Senate Office Building,
Washington, D.C.:

The Englewood LWV urges you defeat reapportionment rider to foreign aid authorization.

Mrs. Murray Cohen,
President.

Woodbury, N.J.,
August 7, 1964.

Senator Harrison A. Williams, Jr.,
Senate Office Building,
Washington, D.C.:

The League of Women Voters of Woodbury urges you vote "no" on the Dirksen rider to the foreign aid authorization bill.

Mrs. Norton D. Worthington,
President.

Asbury Park, N.J.,
August 7, 1964.

Hon. Harrison A. Williams,
Senate Office Building,
Washington, D.C.:

Urge you to defeat the rider proposed by Senator Dirksen attached to the foreign aid authorization bill voted on today.

Mrs. Henry A. Shultz,
President, League of Women Voters, Asbury Park Region.

Haddonfield, N.J.,
August 7, 1964.

Hon. Harrison Williams,
Senate Office Building,
Washington, D.C.:

League of Women Voters of Camden County strongly urges defeat of Dirksen rider on foreign aid authorization bill.

Mrs. Sherman C. Ward, Jr.,
President.

Chatham, N.J.,
August 7, 1964.

Harrison Williams,
Senate Office Building,
Washington, D.C.:

Reaffirm support of foreign aid bill; register strong opposition to Dirksen rider.

League of Women Voters of Chatham, N.J.

Upper Montclair, N.J.,
August 7, 1964.

Hon. Harrison Williams, Jr.,
Senate Office Building,
Washington, D.C.:

The Montclair League of Women Voters strongly urges vote against reapportionment rider to foreign aid bill.

Mrs. Norman E. Woldman,
Foreign Policy Chairman, League of Women Voters.

Washington, D.C.,
August 4, 1964.

Hon. Harrison A. Williams,
U.S. Senate,
Washington, D.C.:

Any attempt to forestall State legislative reapportionment in accord with Federal court decisions by congressional act during this session of Congress would be unconscionable. An issue of this importance should receive full consideration by appropriate committees, with ample opportunity for all interested persons to be heard.

AFL–CIO executive council yesterday unanimously stated: "We call upon the Congress, in its wise understanding of the American Government, to reject all efforts to diminish or dilute the true processes of democracy in this country, and to stand firm for the principle of one man, one vote."

AFL–CIO therefore urges you to oppose any attempt to pass reapportionment legislation during the remaining weeks of this session of Congress.

Andrew J. Biemiller,
Director, Department of Legislation, AFL–CIO.

Princeton, N.J.,
August 7, 1964.

Senator Harrison A. Williams, Jr.,
Washington, D.C.:

Urge defeat of Dirksen amendment to foreign aid bill could cause defeat of entire measure.

Mr. A. J. Fenton, Jr.,
President, League of Women Voters, Princeton.

Washington, D.C.,
August 6, 1964.

Hon. Harrison A. Williams, Jr.,
Senate Office Building,
Washington, D.C.:

We express strong protest against the Senate Judiciary Committee's effort to frustrate plans to make State legislatures more representative of the voting population. Many of the same Senators who were responsible for the long drawn out anticivil rights filibuster are now proposing that Senator Dirksen's bill to halt reapportionment be considered as a rider to must legislation. We respectfully urge that you oppose the Dirksen move. By so doing you will permit the matter of legislative reapportionment to be considered in an orderly manner through the courts and the regular procedures of Congress.

Clarence Mitchell,
Director, Washington Bureau NAACP.

Newark, N.J.
August 7, 1964.

Senator Harrison A. Williams,
Senate Office Building,
Washington, D.C.:

Urge you strongly oppose Dirksen rider delaying reapportionment. Don't delay one-man, one-vote principle.

Sam Zitter,
Americans for Democratic Action.

Washington, D.C.
August 5, 1964.

Hon. Harrison A. Williams, Jr.,
Senate Office Building,
Washington, D.C.:

Urge you vote against Dirksen bill S. 3069 staying Court proceedings in State legislative reapportionment suits. The bill is not only unwise and discriminatory but also unconstitutional. Such precipitous action with no hearings 1 day after introduction is not legislation but panic.

Lawrence Speiser,
Director, Washington Office American Civil Liberties Union.

Washington, D.C.
August 10, 1964.

Harrison A. Williams,
U.S. Senate,
Washington, D.C.:

Strongly urge you vigorously oppose Dirksen rider or any other statutory effort to counter reapportionment. It is incredible that Senate would consider without committee hearings and only week after introduction bill which would do untold damage to constitutional system.

Reapportionment issue simply consists of question whether vote of one American citizen is equal to that of another American citizen. We believe "one man, one vote" rule must be preserved for sake of American democracy even if it causes inconvenience to some State legislators or some special interests.

Thomas J. Lloyd,
President.
Patrick E. Gorman,
Secretary-Treasurer.
Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO).

New York, N.Y.
August 11, 1964.

Senator Harrison A. Williams,
Senate Office Building,
Washington, D.C.:

Urge you to oppose Dirksen rider to foreign aid bill for long and drawn out delay in implementing recent Supreme Court decision on apportionment in State legislatures. The proposed rider threatens fundamental individual rights and would also destroy the traditional concepts of the separation of powers. Such a proposal deserves proper hearings and adequate debate and certainly ought not to be handled as "a rider" on a vital piece of major legislation.

David Dubinsky,
President, International Ladies' Garment Workers' Union.

American Association of University Women,
Washington, D.C., August 7, 1964.

Hon. Harrison A. Williams, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator Williams: We have read in the press of Senator Dirksen's intent to add a rider to the Foreign Assistance Act authorization bill, S. 2658. We believe such a rider would be likely to influence votes on the foreign assistance bill to its detriment. The American Association of University Women has this year, as in the past, supported this legislation as a vital instrument of U.S. foreign policy in carrying on economic and social assistance programs to promote conditions favorable to democracy, security, and peace throughout the world.

We urge Senate approval of the authorization recommended by the Foreign Relations Committee and appropriation of the full amount authorized. In our opinion, this "bare bones" request for next year's program should not suffer further reduction.

We oppose the Dirksen rider for several reasons: First, that it could harm the AID legislation; second, that the rider on reapportionment is not germane to S. 2658. We also firmly believe that such a serious matter as representation and reapportionment, so long overdue in many States, should be discussed on its own merits rather than as a rider to an unrelated and important piece of legislation.

In addition to our opposition to the addition of Dirksen's rider, we also wish to express our sincere hope that any further amendments to S. 2658 which would complicate the implementation of the AID program can be avoided.

Respectfully,

Mrs. George C. Hahn,
Chairman, Legislative Program Committee.
Dr. Alona E. Evans,
Area Representative, World Problems.

Clifton, N.J.,
August 10, 1964.

Hon. Harrison A. Williams, Jr.,
Senate Office Building,
Washington, D.C.

My Dear Sir: I am resolute in my opposition of Senator Dirksen's rider to the foreign appropriations bill which I understand is a moratorium on reapportionment.

I will appreciate it if you would advise as to what your position would be with regard to the moratorium rider on reapportionment by Senator DIRKSEN.

Thank you very much for your kind consideration of my inquiries in the past.

Respectfully,

M. HAROLD NADLER.

MAPLEWOOD, N.J.

DEAR MR. SENATOR: I urge you to vote against the proposed rider to the foreign aid bill which would restrict the jurisdiction of the Supreme Court in redistricting cases. Such a curtailment would be an unfortunate precedent which would open the way for other attempts to limit the Court's absolute jurisdiction over all questions arising under the Constitution.

ROBERT D. JOFFE.

NEW BRUNSWICK, N.J.,
August 13, 1964.

Hon. HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.

DEAR SIR: Strongly urge that you vote against any Dirksen rider to the foreign aid bill which would delay effectuation of the Supreme Court decision on redistricting. The rider is undemocratic and unfair to the great majority of the American people.

DONALD M. RIPPEY.

HACKENSACK, N.J.,
August 12, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

On behalf of myself and a group of interested citizens I want to register our opposition and disapproval of the S. 369 amendment (rider amendment) to foreign aid authorization bill which would jeopardize this legislation and injure U.S. foreign policy committments.

Mrs. G. GREENBERG,
Cochairman, Public Affairs Study Group, Teaneck Chapter Evening Division, Council of Jewish Women.

WASHINGTON, D.C.,
August 13, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

Pending proposal to stay Court orders affecting reapportionment of State legislatures is derogatory of U.S. Constitution which provides for separation of powers between branches of Federal Government. It is unthinkable that the Congress should deem a suspension of constitutional rights to be in the public interest, as this amendment specifically states. The Senate is considering this revolutionary proposal without any hearings whatsoever. The most elementary considerations of due process require that interested citizens be granted an opportunity to present their views to the appropriate committee. AFL–CIO executive council is unanimously on record opposing any legislative interference with the judicial branch. Therefore I strongly urge you to vote against any such proposal and to exert every effort to assure adequate hearings on this highly important question.

ANDREW J. BIEMILLER,
Director, Department of Legislation, AFL–CIO.

NEWARK, N.J.,
August 13, 1964.

Senator HARRISON WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR MR. WILLIAMS: I am a resident of Essex County. My vote for a State senator is about one-nineteenth as effective as that of my counterpart in Cape May. Relief has been granted me by the Supreme Court. Please defend my right to equal suffrage by stopping Mr. DIRKSEN's ill-advised redistricting bill.

Yours truly,

R. B. TRAURIG, D.D.S.

PARSIPPANY, N.J.,
August 12, 1964.

DEAR SENATOR WILLIAMS: I am writing to you relative to the districting amendment to the foreign aid bill, proposed by Senator DIRKSEN.

Please be advised that we are unalterably opposed to such an amendment, and even though we favor the foreign aid bill we would rather see its defeat than to see it used as a vehicle for the passage of such an amendment, that is so repulsive to the liberties and rights of all Americans.

Yours very truly,

Mr. and Mrs. J. LOUGHLIN.

PATERSON, N.J.,
August 13, 1964.

Senator HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.:

Please vote against all measures to delay or prohibit Court-directed reapportionment. Thank you.

ANN GARDNER SCHAAM.

WASHINGTON, D.C.,
August 13, 1964.

Hon. HARRISON A. WILLIAMS, Jr.,
Senate Office Building,
Washington, D.C.:

We urge you to vote against new "compromise" proposal for holding up reapportionment of State legislatures. Produced without hearing in secret conferences unrepresentative of any broad range of Senate views, it still amounts to congressional interference with judicial process. The whole matter deserves a great deal more consideration than it can be given this late in the session. We urge you not to be stampeded into acting hastily.

WALTER P. REUTHER,
President, Industrial Union Department, AFL–CIO.

LEONIA, N.J.,
August 13, 1964.

Senator HARRISON WILLIAMS,
Washington, D.C.:

Urge your vote against redistricting amendment to foreign aid bill. If amendment passes please vote against bill. Fully realize importance foreign aid but we must not relinquish possible only chance to obtain proper representation State legislatures for any other goal.

E. J. ROLLINS.

LINDEN, N.J.,
August 14, 1964.

Senator HARRISON WILLIAMS,
Senate Office Building,
Washington, D.C.:

Central Parkway Section, National Council Jewish Women urge opposition to S. 3069 rider amendment tacked on to foreign aid authorization bill.

Mrs. HAL MILOVSKY,
Chairman, Public Affairs Committee.

EXHIBIT 1

[From the Washington Post, Aug. 11, 1964]

BLOCKING OF REAPPORTIONMENT: DIRKSEN MOVE SEEN AS SHORTSIGHTED

(By Chalmers M. Roberts)

The political power of America's phenomenal suburbs, the fastest growing areas of the United States, is being threatened because Senator EVERETT DIRKSEN, the Illinois Republican, is worried about the fate of his own GOP-dominated State senate.

Some observers, both Republican and Democratic, figure that DIRKSEN has embarked on a very shortsighted move, strictly from the GOP political point of view. Certainly the issue he has created in these closing days of the 88th Congress is one of the most important in decades, affecting as it does nearly all the States of the Union.

Illinois State Senate reapportionment is now before a district court under a June 22 order that the State act in line with the highest Court's earlier one-man, one-vote ruling for both houses of State legislatures.

DELAY DRAWS SUPPORT

This means that next year (but not before next November's election) the State will have to alter the Illinois Senate's composition so that population alone and not the open spaces of DIRKSEN's own downstate area will be the determining factor.

DIRKSEN has found a lot of allies in both Senate and House for his proposal. He would force the district courts to delay the Supreme Court mandate in his and other States until it can be voided entirely by a new constitutional amendment. The amendment he has in mind would allow one house of a legislature to continue to be based on those open spaces with, in many cases, dwindling population.

Such a constitutional amendment, if it could be quickly passed by Congress next year, conceivably could win sufficient State legislative ratifications in the next 2 years to end all hopes of one man, one vote for both houses of legislatures. The effect would be to perpetuate rural domination of at least one house in almost all the States.

PRESSURE FROM HOME

The pressures on DIRKSEN and others in Congress today are coming, Members say, from affected politicians back home. Naturally they don't relish being put out of office by reapportionment. Naturally, too, they could be counted on to ratify an amendment saving their jobs. It is not a matter of political science but of political survival.

Such an amendment, a lot of people reason, would assure continuation of rural Republican power in many States, for generations a major GOP power base.

But is that really in the interest of the Republican Party? An effective argument can be made to the contrary.

Republicans who fear one-man-one-vote for both houses often say it would mean city (and therefore Democratic) domination of their States: Chicago and Cook County, for example, in Illinois. But this is based on a false reading of what is happening in this country.

SUBURBS KEY AREAS

In fact, the cities where populations are declining, with a few exceptions, would be the losers along with rural areas under one-man-one-vote reapportionment. The gainers would be the suburbs. And the suburbs have not settled down, if they ever will, to any single party loyalty.

It is a fact that Dwight D. Eisenhower twice swept the suburbs in two presidential elections, with few exceptions, but that they swung back close to political parity in the 1960 Kennedy-Nixon contest.

The suburbs have grown immense and are now becoming diverse; their residents tend to be more politically active in larger numbers than those in either city cores or rural areas. Today they are the key swing areas in national elections and that is true for this year's presidential contest.

Hence, if one man, one vote prevails in State senates as well as in the lower houses of legislatures, the focus of State power will move rapidly to the suburbs and will increasingly flow there in decades to come.

PARADOXICAL MOVE

This does not guarantee either Republican or Democratic control. But it should guarantee a better citizen participation in government. And it should guarantee control by those in both parties who want much more action on the seemingly endless problems of urban sprawl, from education to mass transportation, from police to preserving open spaces.

It is something of a paradox that such Republicans as DIRKSEN, who condemn the Federal Government for doing so much they believe should be left to the States, now would destroy the one great opportunity to make sure the States would indeed do their jobs.

Those in the legislatures from both the rural areas and the city cores have generally been far too reluctant to do much for the suburbs.

The critical question now before the Senate thus is whether it will let the Supreme Court mandate stand and give the suburbs the tool by which to manage their own affairs in modern fashions or whether the Senate will follow DIRKSEN and force the suburbs to count on Washington alone for help.

Mr. WILLIAMS of New Jersey. Mr. President, there is much more that could be said on this issue. However, I understand that some other legislative business is to be transacted at this hour. For that reason, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER (Mr. EDMONDSON in the chair). Without objection, it is so ordered.

A JAPANESE-AMERICAN SUCCESS STORY

Mr. GRUENING. Mr. President, a true life story that illustrates many things was published in the July 31 issue of Medical World News.

It exemplifies the value of the GI bill of rights, whose 20th anniversary revealed a record of great benefits to mankind.

It exemplifies how a nation's error can be rectified. I refer to the tragically mistaken policy, during World War II, of moving our citizens of Japanese origin from the Pacific Coast into internment camps.

It exemplifies how that wartime error was indirectly compensated for in the later and better treatment of these victims of war hysteria.

It exemplifies how one of these victims took advantage of the opportunities afforded by Uncle Sam, and developed a useful career in medicine, beneficial to his profession, his patients, his adopted city—Juneau, the capital of Alaska—and to the 49th State.

This is the story of Dr. Henry I. Akiyama.

I ask unanimous consent to have this article printed at this point in the RECORD. The article is entitled "Nisei M.D. Thanks GI Bill of Rights"; the subtitle is "Alaskan Is One of 86,000 Doctors Trained Under Historic Law, Now 20 Years Old."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NISEI M.D. THANKS GI BILL OF RIGHTS

ALASKAN IS ONE OF 86,000 DOCTORS TRAINED UNDER HISTORIC LAW, NOW 20 YEARS OLD

Under the GI bill of rights, the Government pays for the tuition, books, fees, and similar authorized costs for eligible veterans seeking higher education. More than 7.8 million World War II veterans—including 86,000 M.D.'s—have received some part of their college and graduate training through the program.

Many physicians who owe their M.D. degree to the GI bill last month noted the 20th anniversary of the historic law with quiet gratitude. But few could respond with as much thanks as Japanese-American Dr. Henry I. Akiyama, city health officer in Juneau, Alaska, and president of the State board of medical examiners. Dr. Akiyama was once a prisoner of the United States.

Early in 1942, he and his parents were taken from their home in Hood River, Oreg., and placed in the Tule Lake Internment Camp for Japanese in California. Several months later, Dr. Akiyama and his family were transferred to the Minidoka Relocation Center, which was in Idaho.

The Juneau internist discusses his years in U.S. internment camps without any trace of bitterness. "As far as I'm concerned, that's all in the past," he says. "Uncle Sam has been good to me ever since."

In 1945, Akiyama was released from the center to join the Army. As a member of the famed Nisei 442d Infantry Regiment, he was assigned to occupation duty in Italy and honorably discharged 2 years later. Using his education rights under the GI bill to attend Reed College in Portland, Oreg., he received a B.S. degree. He went on to the University of Oregon Medical School, graduated in 1957, and then spent his internship and residency at St. Vincent's Hospital in Portland.

Dr. Akiyama estimates that the GI bill underwrote about 50 percent of the cost of his higher education. "To pay for the rest, I had to take a lot of odd jobs," he recalls. "I always had at least two. I was a janitor, a grocery clerk, and for a time I strung badminton rackets for a sporting goods store."

Dr. Akiyama originally had planned to join a clinic in Oregon after his residency there. But Dr. James A. Wilson, a friend who practices in Ketchikan, Alaska, recommended him to the Juneau Medical Clinic. Dr. Akiyama made the trip to the north country, liked what he saw, and made the decision to settle down there with his wife and two children.

"Alaska presented a challenge," he explains. "The motto of the Alaska Centennial Committee is also my motto. 'North to the Future' was what I had in mind when I brought my family here."

Practicing internal medicine in Juneau is particularly rewarding, says Dr. Akiyama, because Alaska is desperately short of specialists. For this reason, he feels that Alaskan M.D.'s with qualified specialty training carry a greater responsibility than their counterparts in built-up metropolitan areas.

He notes that Alaska is no longer a frontier settlement, at least from a medical viewpoint. "Here in Juneau, we have the same up-to-date equipment from anywhere, including the latest diagnostic and X-ray apparatus. Our diseases also are the same as those found in other States—the usual heart, ulcer, and lung problems."

Modern air travel now makes it possible to take medical aid to Alaskan areas that formerly were inaccessible, points out Dr. Akiyama. When a citizen in an outlying district becomes ill, an SOS is transmitted by radio and a plane is immediately dispatched to transport the patient to a medical center.

Dr. Akiyama was elected president of the Alaska Board of Medical Examiners in April 1963. At 37, he is also vice president of the medical staff at St. Ann's Hospital. One of his most vocal admirers is Juneau's Mayor Lauris Parker, who says that the transplanted Oregonian "is a welcome addition to our city. As health officer—besides his clinic work—he recently cooperated with State authorities in conducting a food-handler's school, which I'm sure will prove invaluable in upgrading the health standards of Juneau restaurants."

Adds the mayor: "Dr. Akiyama has served us well."

BOREN CLAY PRODUCTS CO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 665, H.R. 4766.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 4766) for the relief of the Boren Clay Products Co.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ERVIN. Mr. President, this bill was called up on a call of the calendar, and objection was made. I understand now that the objection has been withdrawn. I therefore ask unanimous consent that a statement in the form of a letter addressed to the Senator from North Carolina [Mr. JORDAN] from the accountant of the Boren Clay Products Co. may be printed in the RECORD to show the basis of the claim.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A. M. PULLEN & CO.
CERTIFIED PUBLIC ACCOUNTANTS,
Greensboro, N.C., December 31, 1963.

In re bill S. 985 for the relief of Boren Clay Products Co.

Senator B. E. JORDAN,
c/o Sellers Manufacturing Co.,
Saxapahaw, N.C.

DEAR SENATOR JORDAN: This is written following your conversation with Mr. Perrin to provide you with a brief summary of the events that have resulted in the application for the special remedial legislation provided in bill S. 985.

Percentage depletion applicable to the brick and tile industry was first claimed by Boren Clay Products Co. for its fiscal year ended March 31, 1952, on the basis of 5 percent of the sales price of the finished brick. At this time the Internal Revenue Service insisted that this 5 percent must be applied only to the proportionate part of the sales price that would be allocated to the processed clay, which would represent about 20 to 25 percent of the total sales price. Accordingly, Boren Clay Products Co. was dealt with on this basis upon an examination of this issue in the field and the percentage depletion claimed on its returns was reduced to approximately 20 to 25 percent of the amount taken as a deduction thereon. The corporation paid the income tax on this basis for the fiscal years 1952, 1953, 1954, and 1955 and filed claims to be used as a foundation for refund suits.

The basis for the claim was the provision of the statute that the percentage depletion was to be applied to the amount received for the "commercially marketable mineral product or products," which in the case of the brick and tile industry was considered to be the brick itself when finally completed. Thirty or 40 courts of competent jurisdiction, both Federal district and appellate, had ruled in favor of the taxpayer on this point and called for the computation of percentage depletion in the brick and tile industry on the basis of the full sales price of the finished brick. All of these cases held that the brick was the first marketable mineral product, the sales price of which, according to the Internal Revenue Code, should be used in making the percentage depletion calculation. One of the key cases in establishing this principle was that of Merry Brothers Brick and Tile Co. No single court ever ruled against the taxpayer in the brick and tile industry on this issue.

After a very lengthy and unsuccessful period of litigation, the Internal Revenue Service appealed the brick and tile percentage depletion cases to the Supreme Court, and the Supreme Court refused to grant certiorari. The Internal Revenue Service then on October 18, 1957, issued Technical Information Release 62. This release stated that the Internal Revenue Service intended to dispose of its pending litigation and claims as required under the Merry Brothers and related decisions (these cases requiring the computation of percentage depletion on the basis of the finished brick price), and would conform Treasury regulations and outstanding rulings accordingly. The ruling said that "This should permit the expeditious disposition of a great majority of such cases."

For a number of months thereafter, the Internal Revenue Service was processing and allowing claims on this basis. Claims of Boren Clay Products Co. were examined and the full allowances proposed. The refund was not made, however, because the Internal Revenue Service insisted on holding up the disposition of these cases because of a totally unrelated issue involving depreciation in later years. This depreciation issue arose in the fiscal year 1956 and extended through subsequent years. No income tax deficiency was paid on this percentage depletion issue for the years following the fiscal year 1955, but this question was held open for these later years pending the settlement of the depreciation issue. Acting in reliance upon the representations contained in Technical Information Release 62, Boren Clay Products Co. refrained from pressing its suit and considered that the Service would honor its announced policy, making allowance on the basis of the full sales price in accordance with the Merry Brothers decision and the other numerous cases in point.

The case of the Cannelton Sewer Pipe Co. arose in a later year. This dealt with a manufacturer in the field of fire clay where there was an extensive market for raw material of this nature and the rate for computing percentage depletion was 15 percent instead of 5 percent as the rate applies in the brick and tile industry. Certiorari was granted by the Supreme Court in this case, but not until December 1959, more than 2 years after the issuance of Technical Release No. 62, upon which the taxpayer was relying. During this period of more than 2 years, Boren Clay Products Co. refund was held up because of an unrelated issue. Suits had been filed in the Federal district court for the years ended March 31, 1952, and March 31, 1953, because the claims of the taxpayer for these years had been rejected and notice of the rejection had been issued by registered mail, making it mandatory that these suits be filed if consideration of the claims was to be given. These suits are still being held in abeyance.

The decision of the Supreme Court in the case of the Cannelton Sewer Pipe Company was handed down in June 1960. There is serious doubt concerning its applicability to the brick and tile industry; however, acting upon its interpretation of certain language contained therein, the Internal Revenue Service refused the allowance of any further claims under Technical Information Release No. 62. This meant that because of its reliance upon this release and its acceptance of the Service's policy of connecting all years that were under consideration, Boren Clay Products Co. did not receive the refund that it could ordinarily have expected on the basis of this ruling.

On September 26, 1961, Congress passed Public Law 87-312. This allowed the taxpayer to make an election for all years open under the statute of limitations to take the percentage depletion on the basis of 50 percent of the sales price of the finished brick instead of undertaking to litigate the question under the Cannelton case. The taxpayers had 60 days within which to make this election which would apply to all years open under the statute. Most of the brick and tile manufacturers had received refunds under Technical Information Release No. 62 for the earlier years to which this percentage depletion was applicable. Since these years were now closed by the statute in most cases, the effect of this election was to limit their percentage depletion for the later years to 50 percent of the amount that would otherwise be allowable. Since Boren Clay Products Co. did not receive a refund of percentage depletion for its earlier years, it is limited to depletion computed on the basis of 50 percent of its sales price in the case of all years, beginning with the fiscal year 1952. This has resulted in Boren Clay Products Co.'s being placed in a very inequitable position by comparison with others in the industry.

It is respectfully submitted that the passage of this bill should not open the door to a deluge of similar claims. There are special circumstances in the Boren case, consisting of the delay for a 2-year period, which was accepted without complaint, in reliance upon the ruling of the Internal Revenue Service that it would process the Boren claims under the rule in the Merry Brothers case. Unlike other companies, it did not receive a refund, based on the full sales price for these earlier years. Since this situation is unique, we believe it to be one that should be disposed of on the basis of the peculiar circumstances prevailing therein and for this reason are firmly convinced of the proper and equitable nature of this bill.

It is believed that the statute under consideration herein is the only possible opportunity to this corporation to obtain redress by receiving treatment comparable with that generally received by others in the industry, thus atoning for the loss growing out of the unnecessary delay of the processing in this case by the Internal Revenue Service because of the unjustified relationship of other issues.

Very truly yours,

A. M. PULLEN & CO.
By WM. H. WESTPHAL.

Mr. ERVIN. Mr. President, I understand that the Senator from Iowa [Mr. MILLER] has a statement which he also would like to insert in the RECORD.

Mr. MILLER. Mr. President, as a member of the Calendar Committee, I was the one to whom the bill was assigned originally. I tried to obtain some information to indicate the number and type of cases similar to this one which had been held over. I regret to inform the Senate that this information was not forthcoming. I am withdrawing my objection to the bill. I wish the RECORD to show that there should have been included a letter from the Treasury Department, dated July 22, 1963, to the chairman of the Committee on the Judiciary of the House which is included in Report No. 685 from the Senate Judiciary Committee, which reported the bill.

The Treasury letter was clearly set forth in the report which accompanied the bill. It raises some points with respect to a law passed by Congress in 1961—namely, Public Law 87-312. The RECORD should show the Treasury letter and the points raised by the letter in the event that similar claims should arise, for the guidance of the Judiciary Commitee and the Congress in the future.

I ask unanimous consent to have the letter to which I have referred printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, July 22, 1963.

HON EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Treasury Department on H.R. 4766 (88th Cong., 1st sess.), entitled "A bill for the relief of the Boren Clay Products Co." The purpose of H.R. 4766, which is identical to S. 985 (88th Cong., 1st sess.), is to permit the Boren Clay Products Co., for taxable years beginning before December 14, 1956, to compute percentage depletion upon the basis of 100 percent of its gross income from the sale of finished manufactured products.

For the reasons which will be discussed below, the Treasury Department is opposed to the enactment of H.R. 4766.

BACKGROUND

Congress has provided the percentage depletion allowances to permit recovery of the investment in a wasting asset and to provide an incentive for the discovery and development of additional mineral deposits. The amount of the percentage depletion allowance is computed by applying the percentage rate for the particular mineral, as determined by Congress, against the gross income attributable to mining the mineral. The allowance may not, however, exceed 50 percent of the taxable income from the property. To determine the gross income from mining, it is necessary to define the point at which mining ends and manufacturing begins. This point is often referred to as the "cutoff point."

In the Revenue Act of 1951, percentage depletion was first extended to brick and tile clay, shale, refractory, and fire clay, limestone, and a number of other nonmetallic minerals. Shortly thereafter, the question arose with respect to a number of these minerals as to where the "cutoff point" occurs.

In November of 1951, the Brick and Clay Record, a leading trade journal in the brick and tile industry, stated that "the depletion allowances apply to the market value of the raw minerals * * *." This statement indicated that many in the industry were of the opinion that mining ended in the brick and tile industry when the clay was extracted from the ground. However, by January of 1952 the same trade journal stated the opinion that the cutoff point was not reached for brick and tile clay until the finished brick was obtained. Under this view, "mining" included crushing, grinding, elimination of any waste material, mixing in the pugmill, the shaping and cutting of bricks, drying, and burning. At this point some producers of brick and tile clay and cement rock (a low-grade limestone suitable for making cement) began to apply the percentage rate granted by Congress against the gross income from the sale of finished brick and finished bagged cement, respectively. This approach was based on an interpretation of statutory language which provided that the cutoff point occurs after the mine owner or operator has applied "the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products." These brick and tile clay and cement rock producers contended that, in their industries, the finished manufactured products were the commercially marketable mineral products, and that all the processes necessary to obtain these products were normally applied by miners of brick and tile clay and cement rock.

The Internal Revenue Service took the view that Congress had never intended "mining" to include manufacturing processes, and that it was known generally in the mining industries that depletion was not to be based on gross income from the sale of finished manufactured products. Because of this dispute, it was necessary for the Revenue Service to determine precisely where the cutoff point fell in the brick and tile and cement industries. In 1953, the Revenue Service published a revenue ruling providing that the cutoff point for minerals used in making cement occurs after the materials are crushed and ground but before they are burned in the kiln; and in 1954, the Service published a similar revenue ruling providing that the cutoff point for brick and tile clay and shale used in making brick and tile products occurs after crushing, grinding, and the elimination of any waste material associated with the clay or shale. It was the view of the Revenue Service that after crushing and grinding, the taxpayer had obtained the commercially marketable mineral product, and that subsequent processing converted the mineral product into a manufactured product.

In 1955, the Court of Appeals for the Fifth Circuit, decided, in the case of *U.S.* v. *Cherokee Brick & Tile Co.* (218 F. 2d 424), that percentage depletion should properly be based on the gross income from the sale of finished brick. In 1956 and 1957, other cases involving brick and tile clay and cement rock were decided against the Government. In these cases, the Government had stipulated that there was an opportunity for the sale of only negligible amounts of the minerals involved before obtaining the finished products, but had contended that, in spite of this fact, the taxpayers were not entitled to obtain depletion for the manufacturing part of their business. In holding for the taxpayer in the Cherokee case, the court stated that the "gross income from mining must include the ordinary treatment processes which must be applied to the ore or mineral in order to obtain the commercially marketable mineral product, that is, the first product which is marketable in commerce."

Two of the cases lost by the Government in 1957 were *U.S.* v. *Merry Brothers Brick & Tile Co.* (242 F. 2d 708) and *Dragon Cement Co., Inc.* v. *United States* (244 F. 2d 513). The Government requested the Supreme Court to review these decisions, but the Supreme Court denied the request. At this time, there was substantial pressure from representatives of the brick and tile industry, who had taken the matter up with Members of Congress, for the Government to halt litigation on the end product issue. As a result, on October 18, 1957, the Internal Revenue Service issued technical information release 62 stating that it would take steps to dispose of pending litigation and claims involving brick and tile clay and cement rock as required under the Merry Brothers and Dragon Cement decisions. This release read as follows:

"The Internal Revenue Service announced today that in view of the denial by the Supreme Court of the United States on October 14, 1957, of the Government's petitions for certiorari in *United States* v. *Merry Brothers Brick & Tile Co., et al.*, 242 Fed. (2d) 708 (1057), and in *Dragon Cement Co., Inc.* v. *United States*, 244 Fed. (2d) 513 (1957), it is taking steps to dispose of pending litigation and claims involving 'brick and tile clay' and 'cement rock,' as required under these decisions, and to conform Treasury regulations and outstanding rulings accordingly. This should permit the expeditious disposition of the great majority of such cases. Consideration is being given as to the applicability of these decisions in cases involving fire clay and limestone."

This release was applicable to no minerals except brick and tile clay and cement rock, and even in the case of these two minerals, it was considered by the Revenue Service to be applicable only to the extent it could be shown in the particular case that the finished product was "the first product which is marketable in commerce."

This was not the end of the litigation, however. It was then necessary under the rationale of the Merry Brothers and Dragon Cement court decisions to determine with respect to each mineral what was the "first commercially marketable product," and whether this determination was to be made on an individual, a regional, or an industrywide basis. The Government took the position that the first marketable product must be determined on an industrywide basis. Otherwise, there would be no uniformity of treatment throughout the country. Taxpayers in one area might base the depletion allowance upon the gross income from finished products because there was no market in the area at an earlier stage, and taxpayers mining similar minerals in other areas where there were markets might be cut off after obtaining the crude mineral product. However, taxpayers mining numerous different minerals took the position that the first marketable product should be determined on an individual basis and that depletion should be based on the gross income from the first product that the particular taxpayer could sell at a profit. Under this approach, the depletion allowance could vary widely for the same mineral depending upon whether it was used by the particular taxpayer in making cheap or expensive finished products and upon whether the taxpayer had low-cost mining operation so that he could profitably sell the crude mineral at prevailing prices or a high-cost mining operation which did not permit the sale of the crude product at a profit.

This question of the determination of the first commercially marketable product was before the courts in 1958 and 1959. Taxpayers prevailed in this litigation in cases involving limestone used in making lime, cement, pulverized material for agricultural purposes, and other products; refractory clay used in making expensive ceramic tile and sewer pipe; shale used in making lightweight aggregate; slate used in making roofing tiles; and several other minerals such as perlite, gilsonite, and dimension stone.

This problem was considered by the Government to be so serious from the standpoint of equity as between taxpayers, the theory of the depletion allowance, and revenue considerations, that the Government in 1959 again requested the Supreme Court to review a lower court decision involving the cutoff point question. The case in which the Government requested Supreme Court review was *U.S.* v. *Cannelton Sewer Pipe Co.* (C.A. 7th 1959) 268 F. 2d 334, a case involving a taxpayer which mined fire clay and shale and used them in the manufacture of sewer pipe and other finished products. The taxpayer contended that its depletion allowance should be based on the gross income from the sale of its finished products since it could not profitably sell its clay or shale at any earlier stage. The Government contended that fire clay and shale are marketable in crude form and are in fact marketed by many miners in crude form, and that it is immaterial whether or not the taxpayer could sell its crude clay and shale at a profit since a uniform cutoff point for all miners of the minerals is applicable under a correct interpretation of the statute.

On December 14, 1959, the Supreme Court granted certiorari; and in June of 1960, the Supreme Court handed down a unanimous opinion in favor of the Government (364 U.S. 76). The Court held that raw clay and shale were the marketable mineral products and that the fact that the taxpayer could not sell its raw clay and shale at profit was immaterial. The Court distinguished the Cannelton case from the Cherokee and Merry Brothers cases. However, it stated that it did not express approval of these earlier decisions. In fact, although the Court did not overrule these earlier decisions, the language used by the Court indicates that depletion should not be taken with respect to value added by manufacturing processes in any case. Thus, the Court stated that depletion "is not a subsidy to manufacturers or the high-cost mine operator," and that in the case of an integrated operation "the miner-manufacturer is but selling to himself the crude mineral that he mines, insofar as the depletion allowance is concerned."

In 1961, a district court case in Kansas, *Great Bend Brick and Tile Co.* v. *U.S.* (1961), 194 F. Supp. 309, held that the principles of the Cannelton decision apply to brick and tile clay as well as to fire clay and shale. Since then a number of other decisions, including the Supreme Court's decision in *Riddell* v. *Monolith Portland Cement Co.*, 371 U.S. 537 (1963), have been handed down in the favor of the Government, based upon the Cannelton principles.

At approximately the same time that the Supreme Court handed down the Cannelton decision, Congress amended the cutoff point provisions of the code for 1961 and future years. This amendment made it clear that taxpayers could not base depletion on the gross income from the finished manufactured products. It also provided cutoff points at crushing and grinding for clay used in making brick and tile products and for minerals used in making cement. These cutoff points are in accord with the above mentioned revenue rulings published by the Internal Revenue Service in 1953 and 1954 with respect to those industries.

In 1960, the Internal Revenue Service announced that cases involving the years 1951–60 would be settled in accordance with the principles enounced by the Supreme Court in its Cannelton decision. This meant that, for these years, the cutoff point for clay used in making brick and tile products would occur when the raw clay was obtained and the cutoff point for limestone and cement rock would occur after crushing since these are the points at which the minerals would be sold by the nonintegrated miner.

Because the cutoff points for the cement and brick and tile industries would occur at an earlier stage of processing under the Cannelton decision than under the rulings published by the Internal Revenue Service in 1953 and 1954 and the statutory amendment adopted by Congress in 1960, and because of the technical information release issued by the Revenue Service in 1957 indicating that some cases involving brick and tile clay and cement rock would be settled on the basis of finished brick and cement, the Treasury Department indicated that it would not oppose legislation granting producers of brick and tile products and cement an election to utilize for past years the provisions adopted by Congress for future years. Under such an election, the affected taxpayers would be assured that crushing and grinding would be treated as mining. The Congress adopted such an elective provision for the cement industry and it has been used by the great bulk of the taxpayers in the industry. This election did not grant cement producers the right to base depletion on the gross income from finished cement for the past years. It merely assured those taxpayers that crushing and grinding, the processes necessary to ready the minerals for the kiln, would be treated as mining.

The Treasury Department indicated to industry representatives and to the House Ways and Means Committee in 1960 and again in 1961 that it would not object to comparable legislation for the brick and tile industry. The equities of this industry are similar to those of the cement industry since both were the subject of published rulings by the Revenue Service and since the technical information release issued in 1957 was partially applicable to both industries.

Notwithstanding the Treasury Department's opposition, the House considered and passed H.R. 7057 which, in essence, provided that in the case of brick and tile clay, shale, refractory and fire clay, and ball, sagger, and china clay that the Cannelton decision would not be applied; instead, the principles of the Cherokee and Merry Brothers decisions were to be followed for all taxable years beginning before December 14, 1959. The Senate, however, amended the provisions of H.R. 7057 so that its application was limited to brick and tile clay, fire clay, or shale used to make building or paving brick, drainage and roofing tile, sewer pipe, flowerpots, and kindred products. The bill was further amended and provided, at the taxpayer's election, that for all open years beginning before January 1, 1961, gross income from the property in the case of the above-named minerals, would be equal to 50 percent of the amount for which the manufactured products are sold, but not more than $12.50 per ton of clay used in such manufactured products.

The bill, as amended, was subsequently enacted into law. This clearly indicates that the Congress, while realizing that some degree of legislative relief was justified because of the extenuating circumstances involved, did not agree that percentage depletion be based on the full value of manufactured products. This indication finds further support from the enactment in 1960 of an amendment to section 613 of the Internal Revenue Code which limits percentage depletion for 1961 and subsequent years to an amount based upon the value of brick and tile clay and shale after the mineral has been crushed and ground and separated from any waste. No further processing is allowed.

The relief legislation for the brick and tile industry, Public Law 87–312, was elective at each taxpayer's discretion. If the election is made, percentage depletion on clays or shale used to make structural clay products is arbitrarily based on 50 percent of the selling price of the finished products. The Boren Clay Products Co. availed itself of this legislation by electing to compute its percentage depletion based upon 50 percent of the selling price of the finished products and filed amended returns for all open years. Although this bill would have the effect of revoking that election, Public Law 87–312 itself provided that "such election, if made, may not be revoked."

DISCUSSION OF THE BILL

The first section of H.R. 4766 provides, in effect, that notwithstanding the decision of the Supreme Court in Cannelton, and notwithstanding the company's irrevocable election to obtain the relief which was granted to it by Public Law 87–312, the Boren Clay Products Co., for its taxable years beginning before December 14, 1956,[1] shall be allowed to compute percentage depletion upon its brick and tile clay, fire clays, and shale used to manufacture structural clay products, following the Cherokee and Merry Brothers cases. Presumably, the purpose of this bill is to allow the company to compute percentage depletion on the basis of 100 percent of its gross income from the sale of finished manufactured products.

Section 2 of the bill provides that any election made by the company under Public Law 87–312 shall not apply to any taxable year beginning before December 14, 1956. Section 3 provides that the credit or refund of any overpayment of tax resulting from the application of the first section of the bill may be made, regardless of any law or rule of law, if claim for such overpayment is made on or before expiration of 1 year after the date of the enactment of the bill.

The Treasury Department has a number of fundamental objections to this bill. The first is that the relief which the taxpayer now requests, i.e., to be able to claim percentage depletion upon 100 percent of the gross sales price of its finished products, is exactly the treatment which Congress denied to the brick and tile industry as a whole when it enacted the amended version of H.R. 7057 in 1961. If this bill is passed, there would appear to be no reason to refuse a similar application for legislative relief of similarly situated taxpayers. Thus, the enactment of this bill would, in effect, override the action taken by Congress in 1961 to settle the controversy which existed in this area.

The second objection to the enactment of the bill is that the taxpayer whom this bill is intended to benefit has already been given by Congress an opportunity for relief from the strict application of the Cannelton decision by the enactment of Public Law 87–312. Since this taxpayer has already decided to take advantage of the provisions of the prior relief measure, which would allow it to take depletion upon 50 percent of its gross sales price, it would seem inappropriate to grant additional relief at this time. This is especially so because the taxpayer has made the irrevocable election which is provided for under the terms of Public Law 87–312 and has filed amended returns for all open years claiming percentage of depletion computed under the provisions of that law. If this bill is enacted, it would result in the revocation of the irrevocable election made by the taxpayer. This would create an undesirable precedent for the revocation of other elections which the Congress has made irrevocable so as to arrive at final settlements in areas which have been in dispute.

The third objection is that the enactment of this bill would erode the principle that percentage depletion should not be extended to cover the value added by manufacturing processes. This Department is of the opinion that percentage depletion for manufacturing operations with respect to any mineral violates the basic concepts and theories underlying percentage depletion.

The fourth objection to the bill relates to the uncertainty of its effect. Any legislation which provides for relief which is to be based upon the principles of court decisions which are subject to varying interpretations can only result in more litigation which will be costly and burdensome to both the taxpayer and the Government. As pointed out earlier, the result in the Merry Brothers line of cases was considered to be applicable only to the extent that it could be shown in the particular case under consideration that the finished product was "the first product which is marketable in commerce." Therefore, the enactment of this bill might make it necessary for the courts to determine with respect to each mineral mined and used by the Boren Clay Products Co. in making structural clay products what was the first commercially marketable product. Still undetermined under the Cherokee and Merry Brothers decisions is whether the determination of what is the first commercially marketable product should be made on an individual, a regional, or an industrywide basis. It was this problem which ultimately culminated in the Supreme Court's decision in the Cannelton case.

If H.R. 4766 were enacted, the above question would have to be resolved as to the taxpayer's brick and title clay and shale mined and used in its manufactured structural clay products. As brought out in the Cannelton case, the Internal Revenue Service, was able to establish the existence of a commercial market for shale. In fact, the Government may now be able to point to purchases of brick and tile clay and shale of the type mined and used by the Boren Clay Products Co. where its plant is situated. Thus, even if H.R. 4766 were enacted and the taxpayer's depletion issue was to be settled by following the decisions of the Court in the Cherokee and Merry Brothers cases, it is entirely possible that the Government's position that the first commercially marketable mineral product is crude brick and tile clay and shale might be sustained if the issue was again placed before the Court.

For the foregoing reasons, the Treasury Department is opposed to the enactment of H.R. 4766.

The Bureau of the Budget has advised the Treasury Department that there is no objection from the standpoint of the administration's program to the presentation of this report.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

The **PRESIDING OFFICER**. The bill is open to amendment.

Mr. **ERVIN**. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 685), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to permit the Boren Clay Products Co., Pleasant Garden, N.C., to compute and be allowed percentage depletion under applicable law for taxable years beginning before December 14, 1956, on the basis of a percentage of the full amount of its gross income from the sale of finished products including brick and tile clay, fire clay, or shale.

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[1] Taxpayer's choice of dates is quite unusual. By selecting a date which is 3 years prior to the day the Supreme Court granted certiorari in Cannelton, the taxpayer acknowledges that the Service is entitled to apply the principles set forth in Cannelton to taxable years which were open under the normal 3-year period during which the Government may assess additional taxes. However, by introducing this bill, the taxpayer is, in effect, asking the Congress to prevent the Service from applying the Cannelton principle to other open years. This is so, even though the taxpayer itself took advantage of the fact that these other years were open by filing the election under Public Law 87–312 with respect to these years.

STATEMENT

The bill was the subject of a hearing before a subcommittee of the Committee on the Judiciary of the House of Representatives.

The bill has been considered by a subcommittee of the Committee on the Judiciary of the Senate which has reported it favorably.

The Department of the Treasury is opposed to the enactment of the bill.

The Department of Justice is opposed to the enactment of the bill.

In its favorable report on the bill the Committee on the Judiciary of the House of Representatives said:

"The Boren Clay Products Co. has sought legislative relief as the result of a series of events which culminated in its being allowed to compute its depletion allowance as 5 percent of one-half of its gross income from the sale of finished manufactured products rather than 5 percent of the full amount of that gross income. The 5-percent depletion allowance in this instance is specified in section 613(b)(5) of title 26 of the United States Code. The language concerning percentage of depletion which is relevant to this case provides:

"'(b) Percentage depletion rates. The mines, wells, and other natural deposits, and the percentages, referred to in subsection (a) are as follows:

* * * * *

"'(5) 5 percent—

"'(a) brick and tile clay, gravel, mollusk shells (including clam shells and oyster shells), peat pumice, sand scoria, shale, and stone, except stone described in paragraph (6); and

"'(b) if from brine wells—Bromine, calcium chloride, and magnesium chloride.'

"Percentage depletion allowances have been included in the tax laws to permit recovery of the investment in a wasting asset and to provide an incentive for the discovery and development of additional mineral deposits. The amount of the percentage depletion allowance is computed by applying the percentage rate for the particular mineral, as determined by Congress, against the gross income attributable to mining the mineral. The allowance may not, however, exceed 50 percent of the taxable income from the property. To determine the gross income from mining, it is necessary to define the point at which mining ends and manufacturing begins. The point is often referred to as the 'cutoff point.'

"In the Revenue Act of 1951, percentage depletion was first extended to brick and tile clay, shale, refractory and fire clay, limestone, and a number of other nonmetallic minerals. Shortly thereafter, the question arose with respect to a number of these minerals as to where the 'cutoff point' occurs.

"The report furnished the committee by the Treasury Department on the bill refers to the history of the question of the problem of determining when mining ends and manufacturing begins. This is the 'cutoff point' referred to above. As noted in that report, there were conflicting opinions as to whether in the brick and tile industry this occurred when the clay was taken from the ground or whether the cutoff point was not reached for brick and tile clay until the finished brick was obtained. Under this view, 'mining' included crushing, grinding, elimination of any waste material, mixing in the pugmill, the shaping and cutting of bricks, drying, and burning. At this point some producers of brick and clay tile and cement rock (a low-grade limestone suitable for making cement) began to apply the percentage rate granted by Congress against the gross income from the sale of finished brick and finished bagged cement, respectively. This approach was based on an interpretation of statutory language which provided that the cutoff point occurs after the mineowner or operator has applied 'the ordinary treatment processes normally applied by mineowners or operators in order to obtain the commercially marketable mineral product or products.' These brick and tile clay and cement rock producers contended that, in their industries, the finished manufactured products were the commercially marketable mineral products, and that all the processes necessary to obtain these products were normally applied by miners of brick and tile clay and cement rock.

"The bill, H.R. 4766, contains a specific reference to the case of *United States* v. *Cherokee Brick & Tile Co.*, 218 F. 2d 424 (1955), and the case of *Merry Brothers Brick & Tile Co.*, 242 F. 2d 708 (1957), and provides that the percentage depletion allowance shall be allowed on the basis of the decisions in those cases. In summary, this means that the computation of the allowance is to be made on the basis of the finished product. In the *United States* v. *Cherokee Brick & Tile Co.* case, the Court of Appeals for the Fifth Circuit held in 1955 that percentage depletion should properly be based on the gross income from the sale of finished brick. In 1956 and 1957 other cases involving brick and tile clay and cement rock were decided against the Government. In these cases, the Government had stipulated that there was an opportunity for the sale of only negligible amounts of the minerals involved before obtaining the finished products, but had contended that, in spite of this fact, the taxpayers were not entitled to obtain depletion for the manufacturing part of their business. In holding for the taxpayer in the Cherokee case, the court stated that 'the gross income from mining must include the ordinary treatment processes which must be applied to the ore or mineral in order to obtain the commercially marketable mineral products'; that is, the first product which is marketable in commerce.

"Two of the cases lost by the Government in 1957 were *United States* v. *Merry Brothers Brick & Tile Co.* (242 F. 2d 708), and *Dragon Cement Co., Inc.* v. *United States* (244 F. 2d 513). The Government requested the Supreme Court to review these decisions, but the Supreme Court denied the request. As noted in the Treasury report, at this time, there was substantial pressure from representatives of the brick and tile industry, who had taken the matter up with Members of Congress, for the Government to halt litigation on the end product issue. As a result, on October 18, 1957, the Internal Revenue Service issued Technical Information Release 62 stating that it would take steps to dispose of pending litigation and claims involving brick and tile clay and cement rock as required under the Merry Brothers and Dragon Cement decisions. This release read as follows:

"'The Internal Revenue Service announced today that in view of the denial by the Supreme Court of the United States on October 14, 1957, of the Government's petitions for certiorari in *United States* v. *Merry Brothers Brick & Tile Co., et al.*, 242 Fed. (2d) 708 (1957), and in *Dragon Cement Co., Inc.* v. *United States*, 244 Fed. (2d) 513 (1957), it is taking steps to dispose of pending litigation and claims involving "brick and tile clay" and "cement rock," as required under these decisions, and to conform Treasury regulations and outstanding rulings accordingly. This should permit the expeditious disposition of the great majority of such cases. Consideration is being given as to the applicability of these decisions in cases involving fire clay and limestone.'

"This release was applicable to no minerals except brick and tile clay and cement rock, and even in the case of these two minerals, it was considered by the Revenue Service to be applicable only to the extent it could be shown in the particular case that the finished product was 'the first product which is marketable in commerce.'

"It can be seen therefore that this bill would place the Boren Clay Products Co. in the position of having its depletion allowance fixed in accordance with Technical Information Release 62 for taxable years to which that release was clearly applicable. What occurred, however, was that the tax returns for the company were held open due to unrelated tax matters until the Treasury position was changed due to subsequent decisions. Ultimately the company was only permitted to compute its percentage for depletion on 50 percent of the value of the manufactured product under Public Law 87-312. It seems unfair that the company should be held to this limit due to the fortuitous circumstance that it could not claim benefits under the technical information release due to other tax questions which kept the tax years 1952, 1953, 1954, 1955, 1956, and 1957 open for tax purposes.

"The change of the Treasury position resulted from the fact that issuance of the technical information release and the acceptance of the rationale of the Merry Brothers and Dragon Cement cases by Treasury did not end the controversy. There were issues concerning as to what was the 'first commercially marketable product' and whether this was to be on an individual, regional, or industrywide basis. Litigation ensued and ultimately the Supreme Court granted certiorari in 1959 in the case of *U.S.* v. *Cannelton Sewer Pipe Co.*, 268 F. 2d 334, this case involved a taxpayer which mined fire clay and shale and used them in the manufacture of sewer pipe and other finished products. The taxpayer contended that its depletion allowance should be based on the gross income from the sale of its finished products since it could not profitably sell its clay or shale at any earlier stage. The Government contended that fire clay and shale are marketable in crude form and are in fact marketed by many miners in crude form, and that it is immaterial whether or not the taxpayer could sell its crude clay and shale at a profit since a uniform cutoff point for all miners of these minerals is applicable under a correct interpretation of the statute. The Court held that raw clay and shale were the marketable mineral products and that the fact that the taxpayer could not sell its raw clay and shale at a profit was immaterial. The Court distinguished the Cannelton case from the Cherokee and Merry Brothers cases. However, it stated that it did not express approval of these earlier decisions. In fact, although the Court did not overrule these earlier decisions, the language used by the Court indicates that depletion should not be taken with respect to value added by manufacturing processes in any case. Thus, the Court stated that depletion 'is not a subsidy to manufacturers or the high-cost mine operator,' and that in the case of an integrated operation 'the miner-manufacturer is but selling to himself the crude mineral that he mines, insofar as the depletion allowance is concerned.'

"In 1961, a district court case in Kansas, *Great Bend Brick and Tile Co.* v. *U.S.*, 194 F. Supp. 309 (1961), held that the principles of the Cannelton decision apply to brick and tile clay as well as to fire clay and shale. Since then a number of other decisions, including the Supreme Court's decision in *Riddell* v. *Monolith Portland Cement Co.*, 371 U.S. 537 (1963), have been handed down in the favor of the Government, based upon the Cannelton principles.

"At approximately the same time that the Supreme Court handed down the Cannelton decision, Congress amended the cutoff point provisions of the code for 1961 and future years. This amendment made it clear that taxpayers could not base depletion on the gross income from the finished manufactured products. It also provided cutoff points at crushing and grinding for clay used in making brick and tile products and for minerals used in making cement. These cutoff points are in accord with the above-mentioned revenue rulings published by the Internal Revenue Service in 1953 and 1954 with respect to those industries.

"In 1960, the Internal Revenue Service announced that cases involving the years 1951–60 would be settled in accordance with the principles enounced by the Supreme Court in its Cannelton decision. This meant that, for these years, the cutoff point for clay used in making brick and tile products would occur when the raw clay was obtained, and the cutoff point for limestone and cement rock would occur after crushing since these are the points at which the minerals would be sold by the nonintegrated miner.

"Subsequently the House passed a bill, H.R. 7057, which provided that in the case of brick and tile clay, shale, refractory and fire clay, and ball, sagger, and china clay that the Cannelton decision would not be applied; instead, the principles of the Cherokee and Merry Brothers decisions were to be followed for all taxable years beginning before December 14, 1959. The Senate, however, amended the provisions of H.R. 7057 so that its application was limited to brick and tile clay, fire clay, or shale used to make building or paving brick, drainage and roofing tile, sewer pipe, flower pots, and kindred products. The bill was further amended and provided, at the taxpayer's election, that for all open years beginning before January 1, 1961, gross income from the property, in the case of the above-named minerals, would be equal to 50 percent of the amount for which the manufactured products are sold, but not more than $12.50 per ton of clay used in such manufactured products.

"H.R. 4766 was the subject of a subcommittee hearing on September 11, 1963. At that time representatives of the Boren Clay Products Co. and the Treasury Department testified at length concerning the matter. At the hearing the attorney for the claimant described how the Government had questioned the depreciation claimed by the company in its 1956 and 1957 income tax returns. Treasury representatives had informed the company that its returns for 1952, 1953, 1954, and 1955 would have to be kept open until this question was settled and that, therefore, there could be no refund for those years based upon the depletion allowance discussed in this report. In the light of the events outlined above, the depletion allowance at the time would have been based upon a percentage of the full gross income attributable to the finished manufactured product. The delay so created operated to the benefit of the Government, for ultimately the company could only claim a percentage of one-half the income attributable to the finished manufactured product. In connection with the hearing, the subcommittee was advised that the amount involved in this bill is $113,152.65. The Treasury Department has advised the committee that this is the amount that Boren Clay Products Co. would recoup for the taxable years covered by the bill which are the fiscal years 1952 through 1957. This is computed by excluding any income attributable to the delivery of the finished product and does not include any amount for interest.

"In view of the particular circumstances of this case, the committee recommends that the bill be considered favorably."

The committee has considered the record made before the subcommittee of the Committee on the Judiciary of the House of Representatives and the recommendation of the subcommittee of the Committee on the Judiciary of the Senate and recommends the bill favorably.

Mr. ERVIN. I thank the Senator for his kindness in withdrawing his objection.

Mr. MILLER. I thank the Senator from North Carolina for his gracious comments.

I should like the Record to show that, based upon the letter from the Treasury Department's legislative counsel, the total amount of benefits covered by the bill will be approximately $179,400, which includes interest. The committee report shows only the basic tax amount.

The bill (H.R. 4766) was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ERVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. HART. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Michigan yield, provided that in doing so he shall not lose his right to the floor?

Mr. HART. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I yield to the Senator from Illinois.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I ask the majority leader [Mr. Mansfield] about the calendar for the remainder of the day, tomorrow, and possibly for the remainder of the week.

Mr. MANSFIELD. Mr. President, I am glad that the Senator did not ask me about the calendar for next month, and possibly October.

In response to the question raised by the distinguished minority leader, it had been anticipated that today in addition to the conference report on the State, Justice, and judicial appropriation bill, we might have had the Northwest power intertie, and the tax equalization conference reports, both of which have been approved. But in both instances, the House has to act first.

We hope there will be further conference reports during the week. They will be taken up at any time, soon after they are sent here. Among these are conference reports on the wilderness bill; appropriations covering agricultural, military construction, housing, land conservation, and the National Defense Education Act amendments.

It is anticipated that tomorrow the Senate will very likely take up the food-for-peace, and the Labor, HEW appropriations. Later in the week, we may have the social security bill, reported out of the Finance Committee today, and the Appalachia legislation.

There is also a supplemental appropriation bill which I had hoped would be available, although I am doubtful of that at the moment.

We shall try to do as much as we possibly can before the Senate recesses on Friday night next, to come back on August 31. The only real difficulty that I can see at the present time is with respect to the pending amendment to the Foreign Assistance Act.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask the distinguished Senator from Michigan [Mr. Hart] whether he can advise us how many more speeches and speakers there are to belabor this amendment for the remainder of the week.

Mr. HART. I would dislike to respond to a question which includes in it the word "belabor."

There are a number of us who feel that we have yet to develop a record against which the Senate will be in a position to judge the full effect of the proposed amendment.

Mr. DIRKSEN. Let me modify the term I used, and say "profoundly argue."

Mr. HART. I would not even buy the "profoundly."

I anticipate that there are perhaps seven or eight Senators who at the moment intend to make every effort to clarify, so far as the opponents of the amendment are in a position to do so, the effect of the amendment. I anticipate that the Senator from Illinois [Mr. Dirksen] might wish to explain what he intends the amendment to do.

Mr. DIRKSEN. My speech shall be very short. I doubt very much if I need to consume more than 10 or 15 minutes to speak on what is considered at the moment to be a highly important subject.

May I now inquire of the distinguished Senator whether he is the last speaker this evening?

Mr. HART. With respect to the discussion of the pending amendment, I am the last speaker, as far as I know. I feel sure that I can reassure the Senator that I am the last speaker on the amendment.

Mr. DIRKSEN. How long does the Senator expect to illuminate the Senate?

Mr. HART. Until 8 o'clock.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be permitted to sit during the session of the Senate tomorrow until 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. HART. Mr. President, the distinguished minority leader earlier inquired as to the length at which those of us who have serious concern about the pending amendment which he offered intended to speak. As I indicated in my reply, I felt that there were some of us who are sufficiently concerned lest the Senate act on the amendment without an explanation in full in the RECORD of the effect that the amendment would have on each of the 50 States, and that there will be full discussion conceivably for the remainder of this week on the amendment.

Tonight I should like to attempt to describe the consequences that the amendment might have in the State with which I am most familiar and which I am privileged in part to represent. Before doing so, I should like to underscore one paragraph of the Supreme Court decision which so alarmed the Senator from Illinois. It is the decision in the case of Reynolds against Sims. It has been described as, and in truth it is, a landmark decision.

If we listen to some, we might think that the Supreme Court in concluding that the 14th amendment "equal protection of the laws" means that one person's vote should not have more or less effect than any other person's vote in the State legislature had required that the implementing of the decision be done in precipitate fashion. I submit that that is not the case. It is for that reason that I should like to read one paragraph which expresses the Supreme Court's attitude with respect to the actions that the district courts should take in implementing its decision. The paragraph is to be found on page 50 of the decision. It is a decision written, as I believe the RECORD earlier shows, by Mr. Chief Justice Warren.

Parenthetically, I have heard the minority decision described as a superlative expression of a point of view. Indeed it is. I should like to say that the majority opinion as written by the Chief Justice is a superlative expression of the other and the constitutional point of view.

In this paragraph, which I believe eliminates, or should eliminate, the suggestion that the Supreme Court was unmindful of the consequences that its decision would occasion, the Chief Justice said:

> We do not consider here the difficult question of the proper remedial devices which Federal courts should utilize in State legislative apportionment cases. Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan.

Now to the important language of conditions. The Chief Justice then wrote:

> However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree. As stated by Mr. Justice Douglas, in concurring in *Baker* v. *Carr*, "any relief accorded can be fashioned in the light of well-known principles of equity."

It seems to me that any lawyer reading that language of the Court would say, "That is exactly as it should be. The Court has acted prudently and with restraint." Any legislator or any Member of the Congress would reach a sounder conclusion if he were to say, "A Federal district court somewhere in this land is more familiar with the circumstances that affect the implementation of this constitutional requirement than the Congress sitting in Washington."

I believe that, at root, what we are asked to do in the amendment now pending is to say to the many scores of district courts across the country, "Move over. We think that we here in Washington have a better time schedule and a clearer understanding of the equitable claims in your district than you do."

People will jump up and say, "Oh, but we are not telling the Court that." Because of the concentrated effort to adopt the amendment, I am persuaded that its proponents must believe that they are influencing, affecting, and telling the Court something, and that is exactly what we are telling them: "We know better than you the schedule that should apply. We here in Washington can suggest a more prudent course than you, situated locally, can apply."

That is a rather harsh thing to say about the proposed amendment, but I think at root that is exactly what we are asked to do. It is for that reason, among others, that there are some of us who are determined that there be full understanding of the implications of what we are doing before the roll is called.

Mr. President, year after year we answer a good many rollcalls, and while at the moment most of them seem to have a vital and important effect upon our society, I suggest that in history's long-term view the roll that is to be called on the amendment will have greater significance than virtually any other that we shall ever respond to save the rollcall on the question of peace and war.

Mr. President, in my opening comments I suggested that it would be essential that the Senate have before it an analysis of the effect that this amendment would have in each of the several States. Had the matter been reviewed by a standing committee of the Senate, this would have been the first order of that committee's business. The Senate would have expected its committee, first, to ascertain what the circumstances were in each of the States, and then it would have the judgment of the committee as to the consequences in those 50 States that would follow if the Congress added to the foreign aid bill the Dirksen amendment.

Very unfortunately, in my view, there were no committee hearings. There is no committee report. That leaves us, then, with the responsibility for developing, State by State, some understanding of the situation in each State with respect to the apportionment and any proposed reapportionment of its legislature.

One highly significant reason for having this material available is to assess the argument made in support of the amendment that it is essential that we avoid chaos across the country. I suggest that, until we know the facts in each of the States, it is no less likely that the adoption of this amendment will produce equal or greater chaos. Indeed, it might well be easier to argue and a stronger case might be made that the adoption of this amendment would increase rather than reduce what its proponents describe as chaos.

Let me now attempt to review briefly the chronology of legislative apportionment in Michigan. Before doing so, I suggest that a similar review be prepared and placed in the RECORD analyzing the proceedings that are pending, if any, and the nature of the apportionment in each of the other States. Absent these specific facts, how are we to judge, how can we to conscientiously conclude, that an amendment such as this is desirable?

Mr. CHURCH. Mr. President, will the distinguished Senator from Michigan yield for the purpose of permitting the Senate to consider a conference report on the Seneca Indian bill?

Mr. HART. I am glad to yield to the distinguished Senator from Idaho. I do so conscious of the importance and of some highly emotional interest in the bill on which he is now about to present a conference report. It may well be that, in the analysis of that conference report, we shall find that the time will have run to the point it was indicated the Senate would be sitting. In that case, I shall be glad to place in the RECORD at a later time an analysis of the Michigan apportionment situation.

Mr. CHURCH. I thank the Senator for yielding.

FLOWAGE EASEMENT AND RIGHTS-OF-WAY OVER LANDS WITHIN THE ALLEGANY INDIAN RESERVATION—CONFERENCE REPORT

Mr. CHURCH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two

Houses on the amendments of the Senate to the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of August 18, 1964, pp. 20153–20154, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CHURCH. Mr. President, the Seneca Indians have been faced with a problem of increasing urgency. The problem arises from the construction of the Kinzua Dam, now nearing completion on the Allegheny River in the State of Pennsylvania, located close by the boundary line of the State of New York. The dam is a Federal flood-control project being built by the Army Corps of Engineers. Authorization for its construction is contained in the act of June 28, 1938 (52 Stat. 1215, 1217), as amended by the acts of August 18, 1941 (55 Stat. 638) and December 22, 1944 (58 Stat. 889), and first funds for it were made available in the Public Works Appropriation Act of 1958. Present schedules call for total closure this coming October, and for completion of the entire structure early next year. The estimated cost of the project is $107 million.

The damsite is in Warren County, Pa. The lands to be flooded by the reservoir, either permanently or intermittently, total about 21,175 acres. Some 10,200 acres of these lands, lying in Cattaraugus County, N.Y., belong to the Seneca Indians, having been confirmed to them under article III of the treaty of November 11, 1794 (7 Stat. 44), commonly known as the Pickering Treaty. After describing "the land of the Seneka Nation," article III went on to provide as follows:

> Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneka nation; and the United States will never claim the same, nor disturb the Seneka nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

Mr. CLARK. Mr. President, does the Senator prefer to finish his statement before yielding? I have a keen interest in the Kinzua Dam and would like to make a comment, but if the Senator prefers to complete his statement, I shall be glad to withhold my comments.

Mr. CHURCH. I am only happy to oblige the Senator from Pennsylvania. I yield.

Mr. CLARK. I thank my friend. As the Senator knows, the primary benefits of the Kinzua Dam, in the process of being constructed above the city of Warren in northwestern Pennsylvania, will inure to residents along the Allegheny River down to Pittsburgh, where that river joins the Monongahela to form the Ohio.

It has been my view, ever since I came to the Senate, that the great damage which has been caused by floods, not only in terms of property loss but also in terms of loss of life, made it most essential that the waters of the Allegheny be dammed and flood control instituted to prevent further huge loss of property and some loss of life.

I looked very carefully into the problem of different sites for the dam. I am aware of the very conscientious, earnest, and, no doubt, sincere studies made by Mr. Arthur Morgan, who was retained by the Seneca Indians to attempt to establish that the site chosen by the Corps of Engineers, a site confirmed by independent engineering studies, was not the proper one, and that it would not be necessary to flood the Indian reservation, which had been set aside under the treaty to which my friend referred for the benefit of the Senecas.

I was convinced that the Kinzua site was the only feasible one. I was also satisfied that the treaty presented no legal or moral obstacles to the taking of the Indians' land by eminent domain, just as the taking by eminent domain of other American citizens is justified where it becomes necessary in the public interest. I therefore committed myself, some years ago, to the support of the Kinzua project. I have had no occasion to change my mind. I have been subjected to vilification and attacks from many sources, particularly rough comments from the New York Times, its commentator, Brooks Atkinson, and on its editorial pages.

The Society of Friends, with whose precepts and whose stand with respect to most public questions I find myself almost always in accord, have taken quite an emotional attitude over this Kinzua project, and I have been bitterly attacked by that group. Despite all this, I have had no occasion to change my mind. When the administration came forward with its program for compensation to the Indians, as President Kennedy had urged, I was in accord with the amount asked by the administration.

The Senator will recall that I testified in support of that amount before the Senate committee of which he is the very able chairman. I became satisfied, in the course of the discussion and during the consideration of the testimony which was brought to bear before the Committee on Interior and Insular Affairs, that it would be pretty hard indeed to justify, on any rational ground, the full amount which had been asked for as compensation for the Indians. When the Senator from Idaho and the members of the subcommittee, confirmed by the full committee, undertook to cut in half the amount which the House had initially allowed, I felt myself in some embarrassment, to be sure, because I had the feeling that the Senator from Idaho, who had done a first-class job, had demonstrated that the amount requested was substantially in excess of what could be logically justified, or even justified on compassionate grounds.

I now understand that, as the result of rigorous conference procedure, the Senator from Idaho has now come back with a compromise which is extremely generous.

I commend him for the fine work that he and his confreres have done. I pledge my support to him for the conference report, which I feel clearly to be in the public interest and in many ways extremely generous to the Seneca Indians.

Mr. CHURCH. First of all, let me respond to the distinguished Senator from Pennsylvania by saying that I appreciate his remarks very much. I believe that the bill now before the Senate is a just and generous bill, and I think the undisputed facts that I propose to relate to the Senate will bear this out. The Senator from Pennsylvania has explained his position exceedingly well. There is no question that the taking in this case, is a legal taking, and that the only matter at issue is what shall constitute just compensation.

Mr. CLARK. If the Senator will yield further, I undertook to make a personal inspection of the Seneca Indian Reservation and of the damsite. I have been up in that area three times, I believe. What I have said is not based on written material only, but is the result also of actual on-the-site study of the ground. I reiterate that in my judgment this a fair settlement of the just claims of the Seneca Indians.

Mr. CHURCH. I thank the Senator. I merely wish to add that the Seneca case is not unique. There are a number of similar cases in which Indian treaty lands have been taken for Federal reservoirs, for which compensation has been paid.

In each of these cases, the Indian tribes concerned have been allowed, not only the direct damages caused by the taking, but indirect damages and rehabilitation funds as well.

This bill gives to the Seneca Indians both direct damages and indirect damages, and a rehabilitation fund which is considerably larger than any that has heretofore been given to other like-situated Indian tribes.

The Seneca rehabilitation fund amounts to some $2,900 per capita, whereas the largest rehabilitation fund previously given came to $2,250 per capita, and this despite the fact that the Seneca Indians enjoy a much larger income and generally better living standards than the Western tribes which have previously been accorded rehabilitation funds for comparable takings.

I think that by any reasonable weighing of the facts, which I intend to relate with some particularity this evening, this is a just and generous bill.

Mr. JAVITS. Mr. President, I would not undertake to interrupt the Senator in his presentation except for some remarks made by the Senator from Pennsylvania. I wish to speak my own views, and I feel it incumbent upon me to bespeak also the views of a Senator who has gone to his great reward, and who, representing the State of New York, was a Member of this body with me when I was his junior. He had a very deep interest in this whole matter; indeed, I think it is fair to say that Senator Ives made a moral pledge to the Senecas, who were concerned at the time that their lands were being taken for this purpose, and did not oppose, as he might very well have, the whole Kinzua Dam project, because of his feeling that the construction of the dam should be facilitated in the interest of the county, depending on Congress to give a real measure of justice to the Seneca Nation of Indians who were concerned.

I remember very well being with Senator Ives on the floor of the Senate when he spoke most feelingly, indeed emotionally, because he felt so deeply about this subject.

It is one thing to say that the Seneca Indians are being treated as other Indians were treated whose lands were taken; it is another thing to read the treaty to which the Nation was a party in 1794, and to see, as my colleague [Mr. Keating] and I have seen, the enormous outpouring of concern, not only from newspapers, such as the New York Times but from millions of people in New York who are deeply sympathetic to the plight of the Senecas. Also, we must realize that here we are, almost in the fall, with almost 500 people facing eviction without any real plan as to where they ought to go within a short period of time because their lands would be flooded.

I take issue with my friend from Pennsylvania on the moral question. I believe that a very deep moral question is involved, and that we are by no means in the right, so far as this is concerned, unless we really give these people a meaningful chance for rehabilitation in the future.

Second, I cannot agree at all with the Senator from Pennsylvania [Mr. Clark] that this is a generous settlement. It is not generous at all. The Department of the Interior recommended a bill including $29 million for compensation and rehabilitation. The House reduced the amount to $20 million. The Senate reduced it to $9 million.

The matter is settled. I urged the Senator from Idaho to settle it. But it is critically important that the record shall not stand as the Senator from Pennsylvania might have left it without these answers being made, for this reason:

The legislation not only contains compensation for the Senecas; it also contains a sharp cutoff provision, with respect to withdrawal of Federal supervision over the nation's property and affairs which has now been compromised to take effect 3 years after enactment. In 3 years, the Secretary of the Interior is directed to submit a plan for complete withdrawal of Federal supervision over the property and affairs of the nation and its members. The bill represents the belief that the amount which is allowed will be sufficient to set the Senecas up in a proper environment and to give them a future, so that they will no longer need Federal supervision. It is for that reason that I believe that this settlement is very important, because we shall perhaps be considering other legislation on this subject within the course of the next 3 years. The Congress should give a long look before such a plan is implemented.

The Senecas are much concerned about this provision and, I can tell the Senator, are unhappy about it. They do not like it at all. It is important that those who come after us and who read the Record shall not reach the conclusion that the Senecas have received tremendous largess and that, therefore, further serious consideration need not be given to them. With respect to what will happen when the plan for withdrawal comes from the Department of the Interior, no one hopes more than I, that the rehabilitation will be adequate and that a satisfactory arrangement will be arrived at for the Senecas.

I want to say, however, in deference to the Senator from Idaho and the Senator from Colorado, who brought about this result, that the mere fact that they are here with an agreement, after all the weeks that have elapsed, is a very fine thing, for which I am most grateful. I believe the Senecas are also grateful.

But I felt, in view of the statement made earlier that this is a supergenerous award, the record should reflect evidence of the enormous amount of testimony which was received on the subject of appropriate compensation together with the views of the Senecas themselves, the recommendations of the Government departments concerned, the Departments of Interior, Army, and Bureau of the Budget, the recommendation of the other body, and the compromise, which provided a basis for the amount finally agreed upon.

As I said when I began, I speak in this particular case—and I am sure Senators will understand me when I say this—almost as a trustee, because I know that if Irving Ives were here, and if his spirit watches over us from Heaven—and I am sure it is the same Heaven to which the Indians go—he would want me to utter these words as a continuation of an echo in this Chamber, which remains in my mind, of what he said time and time again on this subject.

Mr. DOMINICK. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I shall yield in a moment.

First, I wish to make one or two comments in response to the statement just made by the distinguished Senator from New York.

As for the tardiness of the bill, I can only say that it was not brought up to the Hill for congressional consideration until this January. After the bill had passed the House, the Senate gave it most prompt consideration. Hearings were arranged for at once, and the bill was reported to, and passed by, the Senate without delay.

Thereupon we went to conference with the House. We diligently sought agreement with the House. Five separate conferences were needed to do it. But never, at any time, was there any foot-dragging on the part of the Senate.

Second, the Senator from New York has questioned whether the bill represents a just or generous settlement. As to that, opinions will differ. I shall let the record speak for itself, once I have set out the facts. It was the considered judgment of the majority who sat in the conference, representing both the House and the Senate, that this compromise represented a fair settlement for the Senecas. Otherwise, it would never have received our approval, for we are as much interested in justice for the Senecas as is the Senator from New York.

Finally, as for the compromise reached between the House and the Senate, the distinguished Senator from New York has observed that it favored the Senate side. With this, I must differ, because the Senate gave more than halfway. The largest slice of the difference between the two versions of the bill was conceded to the House. The original bill, as passed by the House came, as I recall, to $20,150,000. The bill as approved by the Senate came to $9,126,550. The compromise figure recommended by the conferees is $15,000,573. As the Senator will recognize, this is a concession to the House position rather than to the Senate position.

Mr. JAVITS. I was speaking only about the rehabilitation fund when I said what I did.

Mr. CHURCH. Even as to that, we went more than halfway with the House, as the figures will show.

Mr. DOMINICK. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. I appreciate this opportunity to speak, because I wished to make some statements while both Senators from New York were in the Chamber.

First, I congratulate our chairman on what I believe has been a superior job of negotiation of a difficult, troublesome problem. However, I do not want the record to remain in the shape in which I feel that the Senator from New York has left it with regard to some of the problems of the Seneca Indians.

The record should plainly show, as has been stated by the Senator from Idaho, that the Seneca Reservation consists of three distinct, separate sites; that only one of the sites is affected by the Kinzua Dam; that on the area of the taking only some 127 families are now living; and that the number of Indians who are actually working on that section comprises 8. Further investigation indicates that there may be only three farming it. I am talking about full-time farming.

This does not particularly mitigate the question of how much the United States should pay by way of compensation for breach of treaty rights. I think we are all fully aware of that.

But going beyond that, I would say to the distinguished Senator from New York [Mr. Javits] that the Bureau of Indian Affairs has had nothing to do with the Seneca Tribe since 1949. The

Bureau has not been giving the Senecas any supervision over any particular activities or any compensation. Is that not correct?

Mr. CHURCH. Yes. No appreciable service has been rendered to the Seneca Tribe by the Bureau of Indian Affairs since 1949.

Mr. DOMINICK. The Indians have been working and have been educated in the public school system of New York. It might be said that over a long period of time they have more or less emancipated themselves from Federal supervision. One of the things of which we were conscious was our desire—at least, it was from my point of view—to try to keep this situation in effect, so that the Bureau of Indian Affairs would not again attempt to put the Indians into wardship. To me, that is something that Congress as a whole has been working against by trying to provide the Indians with an opportunity to move forward as full, first-class citizens. That is what I should like to see done. I feel certain that a majority of Members of Congress would prefer to integrate the Indians over a period of time rather than to segregate them. This is part of the effort we are making in the terms and provisions to make sure that the Bureau of Indian Affairs does not, once again, secure to themselves a vested right over the Seneca Indians whereby they can then maintain their hold and control of them for a long period of time.

I have two more points on which I wish to comment, and then I shall be happy to let the distinguished chairman—who has taken the lead in this cause—follow through with his explanation.

The direct damages were agreed upon between the Corps of Engineers and the Indians. As to this, there was no difference in the House or Senate versions of the bill.

The indirect damages were agreed on in the final bill. There is money on file in the court for the purpose of handling the immediate problems of moving. Plans have been made, although I do not know how far along the construction or relocation of the few houses involved. The only problem we had all the way through the whole conference was the amount of the rehabilitation fund, which had nothing to do with either the direct or the indirect damages but is a separate fund designed to provide still further mechanisms by which the Indians could go along and manage their own affairs over a period of time and rehabilitate themselves economically.

I appreciate the Senator from Idaho yielding to me.

Mr. CHURCH. I thank the Senator from Colorado for his comments.

Mr. JAVITS. Will the Senator from Idaho yield briefly?

Mr. CHURCH. I am glad to yield.

Mr. JAVITS. Mr. President, in everything which has been stated, I do not see any inconsistency between what I stated and what both Senators have stated. What I was taking issue with was the statement of the Senator from Pennsylvania. I believe that his statement should not stand alone and unanswered.

I shall support the conference report although I have reservations with respect to the termination amendment. I believe the committee has worked hard, diligently, and sincerely to bring this report into being.

I do not believe that I need to assure the Senator from Colorado that I am for integration, whether it is of Indians or any other American minority, but I was only pointing out as to this particular termination of Federal supervision provision in the bill inasmuch as the Senecas themselves are concerned about it, that the record should reflect our views on the report now before us, as we approve it.

For myself, I should like to express my deep appreciation for the sincerity, diligence, and hard work of the Senator from Idaho, the Senator from Colorado, and their committee, along with its staff.

After all, we have observed a number of conferences which got nowhere, and for a time this final one threatened to get nowhere; but I know from the statements of the Senators who were the conferees that they went, as the Senator from Idaho has said, a long, long way. So there is no lack of gratitude at all, and I appreciate the Senator's diligence and his sincerity. I was only spreading on the record some of the views from one side in response to the words of the Senator from Pennsylvania.

Mr. KEATING. Mr. President, will the Senator from Idaho yield briefly?

Mr. CHURCH. I yield.

Mr. KEATING. I rise primarily to express my personal gratitude to the Senator from Idaho, the Senator from Colorado, and the other members of the conference for bringing the conference report before the Senate tonight.

There were those of us in the Senate and many individuals throughout the country who feared that the conference would come to naught, after the conferees had met several times and had not been able to reach agreement, and that we would wind up this session of Congress without any final action on the Seneca bill.

Therefore, in my judgment, we should be grateful to all of the conferees for continuing to work on this bill and for finally arriving at the figure which is placed before us this evening.

As the Senator from Idaho has stated, the figure is more of a concession on the part of the Senate conferees than on the part of the Members from the House. I know this is the case because I personally spoke with the various members of the conference committee and I know how strongly they felt, in the beginning, that the $9 million which was allowed was adequate and that it should not be increased.

I know also from my talks with some of the House Members that it was not an easy conference, that there was a strong feeling in the other body that the $20 million which was allowed was less than had been recommended by the Interior Department and that it should be the final figure. Accordingly, I realize that the $15 million figure is about as much as we could have expected under these unusual circumstances, and that the final sum is the result of compromise on the part of all the members of the conference.

I, therefore, shall support the conference report. It would be tragic if it were not adopted.

The Senecas have suffered much injustice at the hands of the white man. This dam never should have been built on a site where Indian lands would be flooded. In spite of efforts on the part of my colleague and myself to dissuade the Corps of Engineers from this particular plan, this site was chosen and the dam was built. This compensation bill, while not as generous as we would have hoped, at least makes some financial reparation to the Senecas for the violation of the treaty of 1794. Since the land will be flooded on October 1, this measure is long overdue.

I must join my colleague, the Senator from New York, in taking issue with some of the remarks of the Senator from Pennsylvania with regard to the adequacy and generosity of this award.

The New York Times has done an outstanding and crusading job in this area to see that justice for the Indians is achieved. Today's issue contains an editorial entitled "Too Little for the Senecas." I ask unanimous consent to have the editorial printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KEATING. Mr. President, this subject has engaged the interest of not only many editorial writers but also many citizens who have no particular interest except the moral and humanitarian interest to see that these Indians are not mistreated.

Therefore, I do not feel—even though I support the conference report—that it errs on the side of generosity. I repeat what I said in the beginning, that the Senator from Idaho knows how assiduously I have been badgering him about the conference report coming out. The Senator from Colorado and other Senators also know my keen interest in securing just compensation for the Senecas.

I personally am grateful that the Senator has brought the report to the attention of the Senate. I hope that it will be promptly adopted.

I thank the Senator from Idaho for yielding to me.

EXHIBIT 1

TOO LITTLE FOR THE SENECAS

After months of deadlock, Senate and House conferees have agreed on a $15 million damage and rehabilitation fund to compensate the Seneca Indians for the loss of their ancestral homes. The lands on which these homes stand will be flooded next fall by the Kinzua Dam on the Allegheny River. The dam violates a 1794 treaty in which the United States promised it would never disturb the Senecas in these lands. The compromise formula still falls short of fair reparation for this breach of faith.

The Interior Department originally envisaged a $29 million rehabilitation fund, part of which would have gone to construct an "Indian Williamsburg" where Iroquois culture was to be preserved. The House cut the rehabilitation fund to $20 million and the Senate to $9 million. The compromise which was agreed to fixed the rehabilitation fund at a little over $12 million, with the rest of the $15 million going for property damages to the 482 Senecas whose homes will be flooded.

As it now stands, the bill permits the Seneca Nation to spend the rehabilitation fund as it sees fit for improving the economic, social and educational condition of the tribe's 4,200 enrolled members. The only limitation is that it cannot make per capita payments to them, and its plans must be approved by the Secretary of the Interior. Whether a smaller scale Indian Williamsburg than originally planned will now arise is doubtful.

The best friends of the Indians on the conference committee acknowledge that the compromise was disappointing. The whole long record of the United States dealing with the Senecas in the Kinzua Dam matter is a sorry one. From the breaking of the treaty to this inadequate settlement, we have never yet dealt fairly and generously with Chief Cornplanter's descendants.

Mr. CHURCH. Mr. President, I thank the Senator for his remarks. Both Senators from New York have been most diligent in their efforts to see this matter settled fairly, and I appreciate their concern for their constituents, the Seneca Indians.

Mr. President, the distinguished Senator from New York has placed a New York Times editorial in the RECORD, entitled "Too Little for the Senecas."

We have endeavored to reach a figure which will do justice. It is impossible to do justice if the figure is too little, and it is equally impossible to do justice if the figure is too large. The amount of the bill as agreed to by the conferees is $15,000,573. I believe that amount must be weighed against what we found to be the undisputed facts of the case, which are as follows:

The Seneca Nation has approximately 4,200 enrolled members. Around 3,000 of these live on reservation lands; the remaining 1,200 having left to find employment and residence elsewhere. The reservation itself consists of three disconnected parts, two of which are inhabited. The larger inhabited part is known as the Cattaraugus Reservation, where about 1,900 Senecas live. The Cattaraugus lands are untouched by the Kinzua Dam or Reservoir, and none of the Senecas living there are reached or disturbed by the project.

The remaining Senecas, approximately 1,100 in number, live on the Allegany Reservation. Of these, 482—making up 127 families—actually reside within the area of maximum reach of the Kinzua Reservoir. These families will be relocated at two places within the reservation—the Jimersontown site—300 acres—and the Steamburg site—350 acres.

The Kinzua Reservoir, at the highest possible flood stage, estimated to occur once in 100 years, would overflow some 10,200 acres of tribal land on the Allegany Rerservation, which is about a third of the total area. Contrary to its usual practice, the Corps of Engineers, at the request of the Seneca Nation, is acquiring only flowage easements over these lands within the maximum reservoir area, 9,100 acres of which are now dry land, covered in the main by scrub growth, and 1,100 acres of which are within the present river channel. Lacking a fee title in the land itself, the Government must honor the right of the Senecas to enter upon these lands, whenever they are above the water level, for grazing animals or for recreational pursuits. About half, or some 5,000 acres over which the Government is taking flowage easements, will be available most of the time for such Indian use.

The denial of the full use of this land to the Senecas, including the use of it for habitation, must be measured against the actual use being made of it at the present time. Only in this way, can the real impact of the reservoir upon the Senecas be determined. While 127 families presently reside on the affected land, very few indeed actually depend on it for a living. As the Senator from Colorado pointed out, testimony showed that only eight made their living from this land; three farmed it; five derived their income from the collection and use of native products. The rest were wage earners, who looked to the railroads, the local mills, trades, and services, for employment, the same as non-Indian citizens of the region. Their employment opportunities will not be adversely affected, nor will their incomes, as a result of their moving into the new homes to be furnished them at the two townsites. These homes will be equipped with every standard modern convenience, each will be located on from one to three acres of ground, with improved streets, utility connections, sewage and sanitary facilities. All of this is in marked contrast to the shacks and substandard dwelling places in which most of these families now reside.

Mr. President, a question that recurred over and over again was the matter of the Seneca Treaty rights. It was on this basis that the Seneca Tribe originally challenged the legality of the Government taking.

I have already quoted the title of the original treaty upon which the Senecas based their case.

Relying in part on this engagement, the Seneca Nation contested in the courts the authority of the Corps of Engineers to condemn land confirmed to the tribe under the terms of the Pickering Treaty. The matter was fully considered, and the courts held the law to be well established: First, that Congress may authorize the acquisition through eminent domain of Indian lands, in the same manner as non-Indian lands; and second, that Congress had in fact done so with regard to the Seneca lands here in question. (See *U.S.* v. *21,250 Acres of Land*, 161 F. Supp. 376 (D.S.W.D.N.Y. 1957); *Seneca Nation* v. *Brucker*, 262 F. 2d 27 (S.A.D.C. Cir. 1958), cert. den. 360 U.S. 909 (1959).)

These decisions made it clear that, as a matter of legal obligation, under the Constitution of the United States, the Federal Government is obliged to do no more than pay the Seneca Indians the fair market value of the property interests taken from them, as a result of the building of the Kinzua Dam and Reservoir, that is to say, the Federal Government must extend to Indian owners the same treatment the Constitution prescribes for non-Indian owners. In this respect, as in all others, the Constitution is colorblind.

The Congress, however, as a matter of public policy, has chosen to give preferential treatment to Indian tribes, beyond the compensation to which they are legally entitled, whenever Indian treaty lands have been preempted for Federal projects. I wholeheartedly concur in this policy. Congress has properly recognized a special obligation where Indians are concerned. Legislation has been passed, conferring compensation beyond the value of the lands actually taken, in the case of the Garrison Dam, involving the Fort Berthold Indians, in 1950, in the case of the Cheyenne River Sioux, in 1954, the Standing Rock, in 1958, and the Lower Brule Sioux and Crow Creek Sioux, in 1962. Thus, the Seneca case is not unprecedented, by any means.

Mr. President, H.R. 1794, as passed by the House, authorized a total of $20,150,000. On March 30, 1964, the Senate approved a total of $9,126,550. In the interim since Senate action, the conference committee has held five meetings to work out differences. The compromise figure recommended to the House and Senate totals $15,000,573.

There are three classes of money to be paid under the terms of the bill: direct damages; indirect damages; and rehabilitation funds.

1. DIRECT DAMAGES

As to the first class of money, the direct damages sustained by virtue of the encroachment of the reservoir, there was no difference between the House and Senate passed versions of the bill. Agreement had been reached between the Government and the Seneca Tribe as to the surface and the subsurface value of the land to be inundated, together with the value of the dwelling-places, barns, outbuildings, and other improvements to be acquired and demolished. The agreed amount, which was contained in both versions of the bill, is $1,289,060 which breaks down as follows:

Sec. 2:	
(a) Land (surface value)	$666,285
(b) Land (subsurface value—oil and gas)	100,000
(c) Improvement value	522,775
Total	1,289,060

This represents the approximate amount the Federal Government would have had to pay, in ordinary condemnation proceedings, if the land in question had been held by non-Indian owners. It comes to less than 9 percent of the total payments authorized by the bill.

2. INDIRECT DAMAGES

In previous legislation, where federally built reservoirs have encroached on Indian-treaty land, Congress has allowed additional compensation in the form of indirect damages. Such damages are not available to non-Indian owners within the taking area, and cover such items as payment for relocation, for the lost use of timber, fish, fruits, berries, and herbs, and for the loss of enjoyment of ready access to the river bottom. In the case of the Senecas, the indirect damages also includes the loss of sand and gravel in the river bed, the cost of supplying domestic water at the two relocation sites, together with the leveling, planning, staking, survey, and acquisition of the relocation lots. Also included are the costs of moving, plus possible loss of earnings while moving, for the individual Indians concerned. The House approved $1,033,275 for these items of indirect damages. The Senate recommended $824,273. The conference has allowed $945,573, slightly more than 6 percent of the total authorized by the bill.

To put it another way, about 15 percent of the total award made to the Senecas under the bill, relates, either directly or indirectly, to the damages inflicted upon the Senecas through the construction of the Kinzua Dam and Reservoir; the balance, some 85 percent, takes the form of a Federal subsidy to finance an extensive development program for the special use and benefit of the Seneca Tribe, called rehabilitation.

3. REHABILITATION

The third class of money is contained in section 4 of the bill and is to be used to rehabilitate members of the Seneca Nation. The House had recommended $16,931,000 for this item. The Senate allowed $6,116,500. The conferees recommended the sum of $12,128,917 for rehabilitation. Among the programs for which this money may be used are individual and family plans, including relocation, resettlement, education, and the construction of roads, utilities, sanitation facilities, new houses, and related structures. It may be used also for the construction of community buildings and industrial and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations. The funds are to be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior.

In the earlier Indian cases, involving similar reservoir takings, sizable Federal susbidies have been authorized for what we have chosen to call rehabilitation, the same term as used in this bill. However, neither in the earlier cases, nor in this, is the word accurately employed. To "rehabilitate," according to Webster, is "to restore to a former capacity; reinstate." This, of course, is the very opposite of what is intended by the "rehabilitation" features of this bill. The subsidy restores nothing that has been taken away; the direct and indirect damages fully compensate for whatever deprivation has been caused the Senecas by virtue of the penetration of their reservation by the Kinzua Reservoir. The purpose of the subsidy is to improve economic, social, and educational conditions for all the enrolled members of the Seneca Nation, regardless of whether or not they were personally affected by the Federal project; the purpose is to furnish investment capital with which to lift living standards above the level which existed prior to the construction of the dam and reservoir, so that the Senecas might be generally better off afterward than they were before.

The rehabilitation funds contained in the bill include $1,029,000 for constructing new, modern homes for the displaced Seneca families; $970,000 for the erection of new tribal community buildings; $2,300,000 to provide for a 20-year scholarship program, along with vocational training and counseling services; and $194,000 for a resurvey of the congressional villages.

With this money, the Senecas will be able to construct fine, new homes, worth from $12,000 to $14,000 apiece, apart from the value of the acreage on which each one will be built. I have seen a model of one of these houses nearly completed. It boasted a living room with a picture window, a dining alcove, a fully equipped electrical kitchen, two bathrooms with copper plumbing, three bedrooms, and a built-in garage. These houses are the equivalent of the kind being built in many a typical subdivision development in the outskirts of this very city. Compared to the average dwelling-place, cabin, or shack, which the affected families are being forced to vacate, these new residences will be splendid indeed.

Besides these new homes for the displaced Senecas, the rehabilitation fund is also ample to cover the erection of the aforementioned tribal buildings, the scholarships, the vocational training, the counseling, and the resurveys.

After these objectives have been served, there will still remain some $7,635,917 in the rehabilitation fund, which the Senecas may use to promote economic development, if they so choose. This is more than enough money to finance the whole of an elaborate Williamsburg-type Indian village, complete with exhibit halls furnished with their exhibits, a motel, swimming pool, restaurants, outdoor amphitheater, parking lots, landscaping, and supporting services, as envisaged in the original House-passed bill.

I ask unanimous consent that a schedule of these proposed facilities be published at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

EXHIBIT FACILITIES	
Indian village and stockade	$300,000
American Indian heritage:	
Indian place name exhibit; Indian influence on great events in American history; Indian influence on American food; the Indian art and literature; Indian trading post and country store:	
Construction	1,100,000
Contents	1,500,000
Information center, reception and administrative office building	500,000
Amphitheater (1,000 seats)	135,000
Motel and pool (75 units)	600,000
Cafeteria (150-seat capacity)	200,000
Snackbar	12,000
Retail shop, arts and crafts, etc	100,000
Automobile service station	40,000
Total	4,487,000
SERVICE FACILITIES	
Roads exhibit area	100,000
Water, treatment, storage, distribution	100,000
Sewage, collection and treatment	106,000
Dam	150,000
Pump works	50,000
Culverts and gutters	15,000
Electric distribution	85,000
SERVICE FACILITIES—continued	
Parking (2,000 cars)	$170,000
Landscaping, paths, gardens, etc	200,000
Firehouse and truck	75,000
Maintenance, garage and equipment	150,000
Subtotal	1,201,000
Cost exhibit facilities	4,487,000
Subtotal	5,688,000
Architects' and engineers' fees	568,800
Contingencies	853,200
Grand total	7,110,000

Mr. CHURCH. The $12,128,917 rehabilitation provision contained in this bill is the largest amount ever authorized in legislation of this nature. It amounts to approximately $2,900 for every enrolled member of the tribe, whether living on or off the reservation. Previously, the highest amount given was $2,250 for each enrollee. So, I think it can be said that Congress, by making this larger sum available to the Senecas, has sought to be generous in furnishing them ample money with which to improve their living standards. The wise use of these funds should bring about a substantial betterment in the economic and social wellbeing of the tribe and its individual members.

In the Senate version of H.R. 1794, a new section was added to the bill providing that the tribal council of the Seneca Nation would submit to the Secretary of the Interior within 2 years, proposed legislation providing for the termination of Federal supervision over the affairs and property of the tribe and its members within a reasonable time after the submission of the legislation. Primarily, this section was designed to prevent a large build-up of Bureau of Indian Affairs personnel on the reservation to administer the rehabilitation program. The conferees have agreed on substitute language which in place of termination directs the Department of the Interior not to enlarge services to the Senecas except as specifically required to carry out the provisions of H.R. 1794. Further, the Secretary of the Interior is directed, after consultation with the tribe, to submit to Congress a plan for complete withdrawal of Federal supervision over the property and affairs of the Senecas within 3 years from the effective date of this act.

As has been previously noted, the Bureau of Indian Affairs has rendered virtually no services to the Senecas since 1949. These Indians have demonstrated that they are able to handle their own individual and tribal affairs without Government interference. The conferees are in complete agreement that the programs authorized by this bill should not be the wedge to set up a large and permanent staff of Indian Bureau personnel on the Seneca Reservation.

Other technical amendments we agreed to are contained in the conference report.

Mr. President, I want to conclude by saying that this has been a controversial matter, charged with a great deal of emotion. All of us concerned have tried to be just to the Seneca Indians, as well as to the country at large, by striking a figure which seemed to us to fully cover every possible damage sustained by the Senecas by virtue of the construction of this reservoir, plus a rehabilitation fund which would permit large-scale commercial tourist development, educational funds for scholarships, vocational training and guidance counseling, new housing, new tribal utility and sanitary facilities, and more money besides, to substantially improve the living standards of the Seneca Nation well beyond anything known before the reservoir was built.

We think the amount is fully adequate to achieve that purpose, but we recognize that, in striking a compromise figure, it has not been possible to obtain unanimity of opinion.

In the judgment of the majority of the conferees of both the Senate and the House, this bill represents a just and generous settlement; and it is in that spirit that I commend it to my colleagues and urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 16. An act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes;

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam;

H.R. 946. An act to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes;

H.R. 5543. An act to extend the provisions of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia;

H.R. 7662. An act to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company;

H.R. 9334. An act to amend the act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers;

H.R. 9436. An act to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 10199. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 10446. An act to permit the use of statistical sampling procedures in the examination of vouchers;

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation;

H.R. 11052. An act to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe;

H.R. 11211. An act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes;

H.R. 11652. An act to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation; and

H.J. Res. 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

AMENDMENT OF THE TARIFF ACT OF 1930 WITH RESPECT TO RATE OF DUTY ON BROOMS MADE OF BROOMCORN—AMENDMENT (AMENDMENT NO. 1236)

Mr. WILLIAMS of New Jersey submitted an amendment, intended to be proposed by him, to the bill (H.R. 5986) to amend the Tariff Act of 1930 with respect to the rate of duty on brooms made of broomcorn, which was ordered to lie on the table and to be printed.

FOREIGN ASSISTANCE ACT OF 1961—AMENDMENT (AMENDMENT NO. 1237)

Mr. AIKEN. Mr. President, I send to the desk an amendment and ask to have it printed.

Mr. President, this amendment is almost exactly like a part of the wording inserted in the so-called poverty bill. It would require the officials of all corporations who have contracts under the AID program and of banks which have insured loans under AID programs and others who benefit from the AID program to take exactly the same loyalty oath that the beneficiaries of the so-called poverty program will be required to do under legislation which was recently enacted by Congress.

I am sure that no one can logically object to the adoption of the amendment and so I am sending it to the desk and ask to have it printed.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. CHURCH. Mr. President, in accordance with the order previously entered, I now move that the Senate stand adjourned until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 36 minutes p.m.) the Senate, under the order previously entered, adjourned until tomorrow, Tuesday, August 18, 1964, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 17, 1964:

U.S. DISTRICT JUDGE

Francis C. Whelan, of California, to be U.S. district judge for the southern district of California, vice Leon R. Yankwich, retired.

Charles A. Muecke, of Arizona, to be U.S. district judge for the district of Arizona, vice Dave W. Ling, retiring.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR APPOINTMENT

To be senior surgeons

Mark S. Beaubien
Hector P. Gutierrez
William L. Roberson
Joe L. Stockard

To be surgeons

Jack Butler
Dennis G. Carlson
William A. Cherry
Peter Gouras
Robert I. Gregerman
Peter D. Olch

To be senior assistant surgeons

Norman Abramson
Stephen E. Adelman
Jack J. Adler
Robert S. Alexander
Donald W. Altig
Lawrence K. Altman
Douglas R. Anderson
Fred G. Anderson
John B. Anderson
Robert S. Ascheim
Marc A. Asher
Newell Augur, Jr.
William J. Austin
Raymond D. Bahr
Charles R. Baker
Johnson J. Baker
John E. Bakos
T. Carey Barr, Jr.
John A. Baumann
Robert P. Beasley
Robert G. Beegle
Alan E. Beer
Richard A. Bell
Randall G. Benson
Robert J. Bielen
Michael A. Bloom
Robert B. Bokat
Charles C. Bollinger
Vincent H. Bono, Jr.
William G. Bouman
Frank R. Bowers
John E. Boyd
Michael W. Brandriss
Eugene M. Brown
Robert L. Brown
Ronald D. Brown
Ralph W. Bubeck
John U. Buchman
George E. Burgermeister
Robert C. Burns
William J. Carey
William T. Carpenter, Jr.
Ronald A. Castellino
Jerry L. Cates
Leverett L. Chapin
F. Lawrence Clare
Barnett L. Cline
John S. Coldiron
Herbert L. Cooper
James K. Cooper
Thomas A. Coppinger
Bert N. Corley
Willard D. Corley, Jr.
Lyle E. Crecelius
Crile Crisler
Uel D. Crosby, Jr.
Lewis W. Culp
La Rue V. Dahlquist
David W. Dain
William J. Daly
Julius D. Davidson
James W. Debnam, Jr.
William C. Deskins
Dexter D. DeWitt, Jr.
Charles T. Dolan
Richard K. Donabedian
Robert E. Edmands
Robert E. Fay
Leonard J. Figelman
Joel D. Fisler
Robert D. Flaig
Michael R. Fogel
Ben R. Forsyth
William N. Fortescue, Jr.
Louis A. Fragola, Jr.
Richard E. Frasier
Richard B. Freeman
Allan Fried
Anthony V. Furano
Gregory J. Gallivan
Arthur S. Geller.
Edwin J. Gevirtz
Robert S. Gilgor
Robert M. Glasser
M. Michael Glovsky
Stephen R. Gluck
Donald P. Goldstein
Herbert B. Goodman
Charles W. Goredetzky
William B. Greenough III
Paul R. Gross
Lloyd C. Guthrie
Lorenzo Guzman
Jack D. Halpin
Douglas I. Hammer
Warren A. Heffron
David Lynn Heiges
R. Michael Henderson
John T. Henningson
Alan Herschman
Larry L. Hipp
Julian B. Holt
Paxton H. Howard, Jr.
Larry J. Hrdlicka
Edward A. Janon
Danny B. Jones
Monte R. Kahler
Donald D. Kaiserman

Sherrill B. Kelly
Vilis E. Kilpe
Carl T. Kisker
Paul D. Klite
James E. Knorr
Robert L. Kollmorgen
John W. Konnak
John S. Kostin
Robert L. Krebsbach
Alan B. Lachman
Bobby G. Lanier
Larry W. Lassinger
William C. Lawton
Charles W. Lees
Dennis L. Lehman
Henry E. Lehrich
Cecil M. Leitch
Derick J. Lenters
Gary L. LeValley
Jonathan I. Levine
Martin E. Levy
David C. Lifer
William T. London
Dean S. Louis
Stanley B. Lyss
Robert L. Mack, Jr.
Juris M. Macs
Donald W. Paty
Dean J. Pelley
George Perlstein
Paul E. Phillips
Anthony Pirrello, Jr.
Frank J. Pischke
David L. Ravella, Jr.
Thomas S. Reese
Jack R. Rexroad
David R. Riddle
John E. Rittmann
Thomas L. Robertson, Jr.
Bertram H. G. Rogers
Arvid I. Ronning
Fred D. Rose
Jerald M. Rosenbaum
Kenneth A . Ross
Bernard L. Rousch
Anthony F. Saidy
Roland F. Samson
Calvin D. Sanders
John R. Schauwecker
Stanley C. Scheyer
Robert N. Schimke
Donald W. Schlott
R. Larry Schmitt
James R. Scott
Michael M. Shefferman
Blynn L. Shideler
Seymour M. Shoelson
Wesley W. Sikkema
Gilbert Simon
Parker A. Small, Jr.
David G. Smith
Thomas A. Smith
William M. Snyder III
Gerald L. Mendell
Thomas E. Matheson
Robert H. McCollough
Robert A. McCormick
Robert W. McCurdy
Michael D. McGee
John E. McNally
William W. Menninger
Elliot A. Milgram
Lewis H. Millender
Peter T. Montgomery
Wandyr J. Moore
Bayard H. Morrison III
Maurice A. Mufson
Gordon D. Murley
Ernest V. Nau
David D. Nicholas
Paul W. Nykamp
Michael Olejar
Ronald N. Padgett
Roger D. Paterson
Joseph C. Patti
Adam Sommerstein
Charles H. Spurgeon
Richard R. Stacey
Richard M. Stark
Braden C. Stevenson
William B. Strong
Jimmy L. Taylor
George O. Thomasson
John D. Turner
Frederic J. Van Rheenen
Robert L. Waldron II
Robert A. Walton
John A. Wente, Jr.
Charles R. Westley
Alec J. Whyte
Gail R. Williams
James L. Williams
Robert E. Wills
Don C. Wukasch
Huey P. Wyatt
Margaret C. Young

To be assistant surgeons

Francisco M. Frias.
Enrique Pievanetti-Pietri.
John W. Young.

To be senior dental surgeon

Robert L. Lathrop.

To be dental surgeon

Howell O. Archard.

To be senior assistant dental surgeons

James W. Baad
John L. Elliott
Robert Griffith
Thomas E. Hennes
Robert L. Hixson
James P. Johnson
Joe K. Kilgore
Richard W. Mittelstadt
Jack E. Moser
Joseph R. O'Neil, Jr.
Herbert S Reed
Donald M. Schinnerer
Richard K. Schock
James R. Sparks
Lynn A. Thomson, Jr.
Joe H. Tubb
Ronald C. Willard
Charles J. Wolfe, Jr.
Nelson L. Wolfe

To be senior sanitary engineers

Philip J. Coffey.
Grover L. Morris.
Albert P. Talboys.

To be sanitary engineers

Henning W. Eklund.
John P. Murray.

To be senior assistant sanitary engineers

Norman S. Farha.
Francis C. McMichael.
Benjamin M. Smith.

To be assistant sanitary engineers

Benjamin F. Ballard, Jr.
William E. Barkley
Peter Y. Bengtson
David E. Bernhardt
William C. Blackman, Jr.
Denis E. Body
Charles H. Bolton III
Larry W. Canter
George A. Carson
Todd A. Cayer
Eugene I. Chaiken
Leo J. Clark
Charles F. Costa
Herbert M. Dawson
Jackie De Marco
James W. Dening
Richard L. Douglas
Donald E. Evenson
Tommie E. Flora
Daniel D. Geller
Frank E. Hall
Phillip G. Harris
Hubert D. Harvey, Jr.
James K. Hasuike
Raymond H. Johnson, Jr.
William F. Johnson
Kenneth J. Kronoveter
Robert E. Landreth
Pong N. Lem
Howard D. Metz
Richard L. Mikkelsen
Allen H. Palmer
Dale B. Parke
James T. Peeler
Svend E. Pelch
Daniel L. Petke
Denis J. Prager
Marvin Rosenstein
William L. Ryan
Walter H. Scheible
Robert C. Schnall
Warren A. Schwartz
Jerry W. Smith
Daniel R. Steves
Thomas J. Sullivan
James E. Thompson
John B. Wheeler
Robert D. Witte
Richard F. Wromble

To be junior assistant sanitary engineers

Richard K. Ballentine
Daniel E. Benson
Bruce M. Burnett
Dean R. Chaussee
Warren W. Church
John J. Convery
Larry E. Crane
Wayne T. Craney
Wendell T. Decker, Jr.
Bobby L. Dillard
Robert C. Dunlap
Salvatore C. Fazzino
Robert J. Feibusch
Ronald E. Gastineau
Walter G. Gilbert
Thomas P. Glavin
Patrick J. Godsil
David R. Hopkins
Douglas L. Johnson
Donald R. Kaiser
Gary S. Logsdon
Dennis K. Marker
Thomas L. Marshall
Joseph F. Mestromauro
Terry W. McGuire
James K. Michels
Kenneth H. Mosbaugh
Francis W. Norris, Jr.
John R. O'Connor
Perry S. Plexico
William S. Properzio
David Quong
Malcolm B. Reddoch
Billy H. Reid
Charles B. Robison
James M. Ross
Frank L. Rothfuss, Jr.
Lawrence A. Schmid
David K. Smith
Harry F. D. Smith, Jr.
Robert N. Snelling
Michael R. Spear
Wilbur Van Dokkenburg, Jr.
John F. Walsh
Jerome P. Wiener

To be pharmacist

Richard A. Hall

To be assistant pharmacists

Raymond J. Farkas
Lyle M. Glasscock
Walter Jakubowski
Kent T. Johnson
Dan Y. Miura
Jeremiah R. Toomey

To be junior assistant pharmacists

Harry A. Bivens
Louis C. Fras
Edwin A. Gailbreath
Richard M. King
Maurice H. Lacerte
Douglas O. Sharp

To be scientists

Norman A. Hilmar
Billy West

To be senior assistant scientists

John R. Boring III
Barry S. Brown
Larry B. Chasin
Michael A. Oxman

To be assistant scientist

John J. Bartko

To be sanitarians

William F. Bower
Raymond A. Marden
George Morrison
Warren V. Powell
Jack W. Sadler

To be assistant sanitarians

Daniel F. Cahill
Robert M. Hallisey
George W. Hanson, Jr.
Robert A. Marsland
James R. Reed
Philip J. Robbins
Harold F. Stewart

To be junior assistant sanitarian

Jay W. Wiedman

To be senior veterinary officer

Alan D. Stevens

To be veterinary officer

Helen V. Coates

To be senior assistant veterinary officer

Neale D. Stock

To be assistant veterinary officer

Stephen Potkay

To be nurse officers

Frances A. From
Eileen G. Hasselmeyer
A. Naomi Kennedy
Jimmie F. Poplar
Blanche L. Vincent
Doris A. Tansley

To be assistant nurse officer

Brenda G. Brown

To be junior assistant nurse officer

Nan P. Drake

To be dietitians

Ernestina Bou
Marguerite M. Smith

To be senior assistant dietitians

Elizabeth H. Allsworth
Louise L. Boyer

To be assistant dietitians

Carol J. Bresley
Webb D. Evans

To be therapist

Jean M. Gosselin

To be senior assistant therapist

Kingsley M. Miner

To be assistant therapists

Neil O. Hartman
Robert Livengood
Dale E. Swett
James L. Werner

To be junior assistant therapist

Joseph B. Hayden

To be health services officers

Douglas K. Hilliard
Daniel A. Hunt
James G. Paine
George L. Romance
Harry V. Spangler
James L. Verber
Richard W. Whitney
Maria Zalduondo

To be senior assistant health services officers

Leland H. Barton
Laurence T. Carroll
George F. Creswell
Jesse Y. Harris
Peter E. Kauffman
Ronald L. Shearin
Joseph K. Wagoner

To be assistani health services officers

George B. Chapman
William W. Dyal
Anthony R. Gray
Robert A. Haaf
Herbert C. Henley, Jr.
Gerald Katz
Noel R. Mohberg
James L. Setser
Daniel F. Sullivan
David A. Wagoner

To be junior assistant health services officer

James E. De Losier

FOR PERMANENT PROMOTION

To be senior assistant sanitary engineers

Norbert A. Jaworski
John P. Sorg

To be senior assistant health services officer

Philip C. Hoyor

POSTMASTERS

The following-named persons to be postmasters:

ALASKA

Emery W. Kunkle, Talkeetna, Alaska, in place of M. E. Hamblin, resigned.

CALIFORNIA

Katherine B. McClain, El Monte, Calif., in place of T. J. Caffery, retired.

Charles A. Rigoni, Palmdale, Calif., in place of R. B. Wolley, resigned.

J. Paul de la Garrigue, Venice, Calif., in place of O. K. Beeson, retired.

CONNECTICUT

Charles W. Smith, North Franklin, Conn., in place of R. R. Browning, retired.

GEORGIA

White L. Smith, Bartow, Ga., in place of O. S. Gabbert, resigned.

Marie E. Cox, Junction City, Ga., in place of C. W. Cox, deceased.

IOWA

Carson A. Ratliff, Garwin, Iowa, in place of I. M. Mauck, retired.

James D. Wilson, Oakland, Iowa, in place of C. I. White, deceased.

Nicholas D. Roach, Rock Rapids, Iowa, in place of E. G. Dieter, retired.

James F. Drew, Waukon, Iowa, in place of C. A. Palmer, retired.

KENTUCKY

Elsie B. Minor, Burdine, Ky., in place of L. H. Banks, retired.

MAINE

Beatrice G. Atwood, Seal Harbor, Maine, in place of L. B. Carter, retired.

MICHIGAN

Walter E. Marshall, Levering, Mich., in place of C. I. Cook, retired.

MISSISSIPPI

Orwin J. Scharr, Ocean Springs, Miss., in place of O. T. Davis, retired.

Ora B. Hudnall, Porterville, Miss., in place of S. B. Hudnall, deceased.

MISSOURI

Delbert S. Golden, Rutledge, Mo., in place of E. G. Allen, deceased.

NEVADA

Ronald F. Gandolfo, Austin, Nev., in place of B. J. Nurmi, resigned.

NORTH CAROLINA

W. Frank Beshears, Deep Gap, N.C., in place of W. S. Moretz, retired.

OHIO

John R. Thompson, Jamestown, Ohio, in place of R. W. Stitsworth, transferred.

Eber J. Boysel, West Mansfield, Ohio, in place of E. O. Welty, retired.

OKLAHOMA

P. Allen McDonald, Valliant, Okla., in place of J. T. Hughston, resigned.

PENNSYLVANIA

Jennie L. Goldstein, Wynnewood, Pa., in place of E. B. Maguire, retired.

SOUTH DAKOTA

Garfield C. Kraft, Wessington Springs, S. Dak., in place of J. A. DeLay, retired.

TEXAS

Wilson N. Munz, Brenham, Tex., in place of T. A. Low, Jr., deceased.

Delma L. Tyer, Mont Belvieu, Tex., in place of M. K. Fridel, retired.

VIRGINIA

Frances O. Ashworth, Bristow, Va., in place of M. E. Smith, retired.

WASHINGTON

Ralph W. Nicholls, Quincy, Wash, in place of T. W. Chamberlain, retired.

HOUSE OF REPRESENTATIVES

MONDAY, AUGUST 17, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

II Timothy 2: 15: *Study to show thyself approved unto God, a workman that needeth not to be ashamed.*

Almighty God, whose divine grace is inexhaustible in its fullness and invincible in its strength, may we enter upon the tasks and responsibilities of this new week with greater faith and fortitude.

Grant that we may be confident that Thou hast placed at our disposal resources and reserves of achievement and victory upon which we have heretofore failed to draw and springs of splendor in human nature which we have not explored.

Thou knowest how desperately men and nations need the redeeming and regenerating power, if our aspirations, and hopes of a nobler civilization are ever to become a blessed reality.

Inspire us with a lofty appreciation of the part that we may have in establishing peace and good will in a world that still seems to be blocked and barricaded by the forces of evil and the subtle devices of wickedness.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, August 14, 1964, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 946. An act to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes;

H.R. 1172. An act for the relief of Rolando de la Torre Arceo and John Anthony Arceo;

H.R. 1262. An act for the relief of Mrs. Maisie Magdalene Lim Ketchens;

H.R. 2324. An act for the relief of Rosa Stefano Ratajczak;

H.R. 4223. An act to provide for audit of accounts of private corporations established under Federal law;

H.R. 5154. An act for the relief of Wilfredo Lacar de Leon;

H.R. 5155. An act for the relief of Mrs. Guiseppa D'Aquanno, Maria D'Aquanno, and Benedicto D'Aquanno;

H.R. 5543. An act to extend the provisions of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia;

H.R. 5728. An act for the relief of the county of Cuyahoga, Ohio;

H.R. 5964. An act to provide for the inclusion of Hopkins County, Tex., within the Paris Division of the Eastern District for the U.S. District Courts in Texas;

H.R. 6040. An act for the relief of Chrisoula Baker;

H.R. 7138. An act for the relief of Saint Francis Levee District, Arkansas;

H.R. 7219. An act to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment;

H.R. 7508. An act to amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases;

H.R. 7617. An act for the relief of Vula Roed;

H.R. 7662. An act to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company;

H.R. 8399. An act for the relief of Mrs. Edeltraud Englisch Franklin;

H.R. 9150. An act for the relief of Miss Leonor do Rozario de Medeiros (Lenor Medeiros);

H.R. 9290. An act for the relief of Danny Hiromi Ovama;

H.R. 9334. An act to amend the act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers;

H.R. 9436. An act to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 9519. An act for the relief of Young Soon Kim and Tai Ung Choi;

H.R. 9561. An act for the relief of Moni Parvanoff Floroff;

H.R. 10216. An act for the relief of Dr. Miguel de Socarraz;

H.R. 10446. An act to permit the use of statistical sampling procedures in the examination of vouchers;

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation;

H.R. 11211. An act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes;

H.R. 11520. An act to amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the United States district courts; and

H.R. 11652. An act to exempt from taxation certain property of the United Supreme Council, Thirty-third Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5941. An act for the relief of Julian A. Erskine;

H.R. 6910. An act to provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes;

H.R. 8344. An act to amend the Railway Labor Act to provide that the terms of office of members of the National Mediation Board shall expire on July 1;

H.R. 8355. An act to amend the Life Insurance Company Act of the District of Columbia (48 Stat. 1145), approved June 19, 1934, as amended; and

H.R. 8451. An act to amend the District of Columbia Sales Tax Act, as amended, relating to certain sales to common carriers or sleeping-car companies.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 108. An act making Columbus Day a legal holiday;

S. 284. An act for the relief of Ethel R. Loop, the widow of Carl R. Loop;

S. 763. An act to amend the District of Columbia Public Assistance Act of 1962 so as to provide for the furnishing of medical assistance for the aged to eligible residents of the District of Columbia;

S. 1717. An act for the relief of Marie Jane Lewis;

S. 1752. An act for the relief of Lt. Robert C. Gibson;

S. 2180. An act to amend title VII of the Public Health Service Act so as to extend to qualified schools of optometry and students of optometry those provisions thereof relating to student loan programs;

S. 2208. An act granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity;

S. 2392. An act to provide an additional place for holding court in the district of North Dakota;

S. 2588. An act for the relief of Luther D. Stull;

S. 2628. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, delivery, and possession of habit-forming barbiturate drugs, amphetamine, and other habit-forming central nervous system stimulant drugs, and other drugs that have a potential for abuse resulting in psychotoxic effects or antisocial behavior;

S. 2649. An act to designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as a part of the White River backwater unit of the lower Mississippi River flood control project;

S. 2654. An act to change the name of the canal known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal to Point Pleasant Canal;

S. 2856. An act for the relief of Teresa Marangon;

S. 3027. An act to incorporate the American Academy of Actuaries;

S. 3068. An act to amend the Federal Firearms Act, as amended, to authorize the Secretary of the Treasury to relieve manufacturers from certain provisions of the act if he determines that enforcement would impair the national security; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 16. An act to provide for the establishment of the Ozark National Rivers in the State of Missouri, and for other purposes; and

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) entitled "An Act for the relief of E. A. Rolfe, Jr."

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1965

Mr. ROONEY of New York. Mr. Speaker, I call up the conference report on the bill (H.R. 11134) making appropriations for the Departments of State, Justice, Commerce, the judiciary and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Missouri makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 230]

Adair
Alger
Ashley
Avery
Baring
Barry
Bass
Blatnik
Bolton,
  Frances P.
Bromwell
Brown, Calif.
Buckley
Burkhalter
Cameron
Celler
Daddario
Davis, Tenn.
Dawson
Denton
Derwinski
Diggs
Dingell
Elliott
Farbstein
Fraser
Frelinghuysen
Fulton, Tenn.
Fuqua
Giaimo
Goodell
Grabowski
Gurney
Hanna
Hardy
Harvey, Mich.
Healey
Hoeven
Hoffman
Horton
Jarman
Johnson, Pa.
Jones, Ala.
Jones, Mo.
Kee
Kluczynski
Kornegay
Kyl
Landrum
Lankford
Lesinski
McClory
McDowell
McMillan
Macdonald
MacGregor
Michel
Miller, Calif.
Miller, N.Y.
Milliken
Montoya
Morrison
Moss
Murray
Nedzi
Olsen, Mont.
Osmers
Pepper
Pilcher
Pirnie
Pucinski
Rains
Randall
Reid, N.Y.
Roudebush
Roybal
Ryan, Mich.
St. George
St Germain
Scott
Sheppard
Shipley
Sibal
Sickles
Smith, Calif.
Snyder
Staebler
Stafford
Stephens
Stratton
Thompson, La.
Toll
Tollefson
Tupper
Wallhauser
Watson
Whalley
Williams
Wilson, Bob
Wilson,
  Charles H.
Winstead
Wyman

The SPEAKER. On this rollcall 327 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1965

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1817)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11134) "making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 12, 15, 17, 22, 30, 31, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 6, 13, 14, 16, 18, 19, 27, 28, 29, 33, 34, 36, and 37; and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$164,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert: purchase not to exceed two passenger motor vehicles; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,165,000"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,025,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$19,000,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,275,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,130,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$65,100,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$187,500,000"; and the Senate agree to the same

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$47,000,000"; and the Senate agree to the same

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,648,250,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,225,413,315"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$137,800,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendment numbered 7.

JOHN J. ROONEY
(except as to amendment No. 34),
GEORGE MAHON,
FRANK T. BOW,
GLENARD P. LIPSCOMB,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
ALLEN J. ELLENDER,
WARREN G. MAGNUSON,
SPESSARD L. HOLLAND,
JOHN O. PASTORE,
J. W. FULBRIGHT,
MARGARET CHASE SMITH,
LEVERETT SALTONSTALL,
KARL E. MUNDT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11134) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF STATE

Administration of foreign affairs

Amendment No. 1: Appropriates $164,000,000 for salaries and expenses instead of $163,000,000 as proposed by the House and $165,600,000 as proposed by the Senate. Of the increase allowed in conference $500,000 is specifically earmarked for communications equipment and $500,000 for improvement of security facilities.

Amendment No. 2: Appropriates $18,125,000 for acquisition, operation, and maintenance of buildings abroad as proposed by the House instead of $18,821,000 as proposed by the Senate.

Amendment No. 3: Appropriates $5,000,000 for acquisition, operation, and maintenance of buildings abroad (special foreign currency program) as proposed by the Senate instead of $4,000,000 as proposed by the House.

Amendment No. 4: Provides for the purchase of not to exceed two passenger motor vehicles instead of three as proposed by the Senate.

Amendment No. 5: Appropriates $3,165,000 for missions to international organizations instead of $3,100,000 as proposed by the House and $3,234,000 as proposed by the Senate.

International commissions

Amendment No. 6: Appropriates $785,000 for salaries and expenses, International Boundary and Water Commission, United States and Mexico, as proposed by the Senate instead of $760,000 as proposed by the House.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to concur in the Senate amendment appropriating $30,000,000 for Chamizal settlement.

Amendment No. 8: Appropriates $2,025,000 for international fisheries commissions instead of $2,000,000 as proposed by the House and $2,100,000 as proposed by the Senate.

Educational exchange

Amendment No. 9: Appropriates $45,000,000 for mutual educational and cultural exchange activities instead of $44,125,000 as proposed by the House and $48,729,000 as proposed by the Senate. The funds for dependents' travel are disallowed.

Amendment No. 10: Provides that not less than $19,000,000 shall be used for payments in foreign currencies or credits owed to or owned by the Treasury of the United States instead of $18,500,000 as proposed by the House and $20,250,000 as proposed by the Senate.

Amendment No. 11: Provides that not to exceed $2,275,000 may be used for administrative expenses instead of $2,250,000 as proposed by the House and $2,310,000 as proposed by the Senate.

Amendment No. 12: Appropriates $5,300,000 for the center for cultural and technical interchange between East and West as proposed by the House instead of $5,600,000 as proposed by the Senate.

TITLE II—DEPARTMENT OF JUSTICE

Amendment No. 13: Inserts $30,000 as proposed by the Senate instead of $22,000 as proposed by the House as the salary of the Director of the Federal Bureau of Investigation in accordance with the new pay act.

TITLE III—DEPARTMENT OF COMMERCE

Area Redevelopment Administration

Amendment No. 14: Appropriates $13,700,000 for operations as proposed by the Senate instead of $14,000,000 as proposed by the House.

International activities

Amendment No. 15: Appropriates $9,425,000 for salaries and expenses as proposed by the House instead of $10,145,000 as proposed by the Senate.

Amendment No. 16: Appropriates $4,575,000 for export control as proposed by the Senate instead of $4,500,000 as proposed by the House.

Coast and Geodetic Survey

Amendment No. 17: Appropriates $27,000,000 for salaries and expenses as proposed by the House instead of $27,624,000 as proposed by the Senate. The seismograph program should continue to be funded through the Advanced Research Project Agency of the Department of Defense.

National Bureau of Standards

Amendment No. 18: Inserts language proposed by the Senate relative to a standard frequency broadcasting station.

Amendment No. 19: Appropriates $3,770,000 for plant and facilities as proposed by the Senate instead of $2,800,000 as proposed by the House.

Office of Technical Services

Amendment No. 20: Appropriates $1,130,000 for salaries and expenses instead of $1,060,000 as proposed by the House and $1,200,000 as proposed by the Senate.

Weather Bureau

Amendment No. 21: Appropriates $65,100,000 for salaries and expenses instead of $65,000,000 as proposed by the House and $67,266,900 as proposed by the Senate. The increase of $100,000 allowed is for fire weather service expansion.

No funds are included herein for weather services previously funded by the Department of Defense. The conferees reiterate the position taken last year in the statement of the managers accompanying the conference report in the 1964 bill.

Amendment No. 22: Appropriates $10,400,000 for research and development as proposed by the House instead of $11,300,000 as proposed by the Senate.

Despite a specific directive in the statement of the managers accompanying the conference report in this bill last year to the effect that hereafter funds for certain aviation weather research were to be funded by the Federal Aviation Agency, the Bureau of the Budget included the request for funds in this appropriation item. If the research is deemed necessary, it should be funded by the Federal Aviation Agency.

Maritime Administration

Amendment No. 23: Appropriates $187,500,000 for operating—differential subsidies (liquidation of contract authorization) instead of $190,000,000 as proposed by the House and $185,000,000 as proposed by the Senate.

Bureau of Public Roads

Amendment No. 24: Provides a limitation of $47,000,000 on general administrative expenses instead of $46,750,000 as proposed by the House and $47,250,000 as proposed by the Senate.

Amendments Nos. 25 and 26: Appropriate $3,648,250,000 for Federal-aid highways (trust fund) instead of $3,648,000,000 as proposed by the House and $3,648,500,000 as proposed by the Senate and adjust the amount of the 1964 fiscal year authorization being appropriated.

Amendments Nos. 27 and 28: Appropriate $7,000,000 for public lands highways (liquidation of contract authorization) as proposed by the Senate instead of $8,000,000 as proposed by the House and adjust the amount of the 1964 fiscal year authorization being appropriated as proposed by the Senate.

Amendment No. 29: Appropriates $2,000,000 for the Inter-American highway as proposed by the Senate instead of $4,000,000 as proposed by the House.

TITLE IV—THE JUDICIARY

Amendment No. 30: Appropriates $2,670,000 for salaries of referees as proposed by the House instead of $2,750,000 as proposed by the Senate.

Amendment No. 31: Appropriates $5,750,000 for expenses of referees as proposed by the House instead of $5,784,000 as proposed by the Senate.

TITLE V—RELATED AGENCIES

Federal Maritime Commission

Amendment No. 32: Appropriates $2,763,000 for salaries and expenses as proposed by the House instead of $2,938,000 as proposed by the Senate.

Special representative for trade negotiations

Amendment No. 33: Appropriates $525,000 for salaries and expenses as proposed by the Senate instead of $500,000 as proposed by the House.

U.S. Arms Control and Disarmament Agency

Amendment No. 34: Appropriates $9,000,000 for arms control and disarmament activities as proposed by the Senate instead of $11,000,000 as proposed by the House.

U.S. Information Agency

Amendment No. 35: Appropriates $137,800,000 for salaries and expenses instead of $137,550,000 as proposed by the House and $142,789,000 as proposed by the Senate. The increase allowed is for television.

Amendment No. 36: Appropriates $2,000,000 for the acquisition and construction of radio facilities as proposed by the Senate instead of $13,400,000 as proposed by the House. Of the $2,000,000 allowed, $600,000 is for project "Bamboo."

Amendment No. 37: Deletes the appropriation for informational media guarantee fund as proposed by the Senate instead of an appropriation of $750,000 as proposed by the House.

JOHN J. ROONEY
(except as to amendment No. 34),
GEORGE MAHON,
FRANK T. BOW,
GLENARD P. LIPSCOMB,
Managers on the Part of the House.

Mr. ROONEY of New York. Mr. Speaker, this bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes, contains a total of $1,717,157,800 in direct appropriations.

The total amount agreed upon in conference is $14,530,000 above the bill as it passed the House. However, the Senate bill included a supplemental item for the Chamizal settlement between the United States and Mexico which was submitted after the House committee had completed its hearings on the bill. The request for that item was in the amount of $41,400,000 and $30 million agreed upon in conference is included in the total. Excluding that item, the bill is now $15,470,000 below the amount of the bill as it passed the House in April.

It is $13,727,900 below the total in the bill as it passed the Senate.

It is also $123,076,100 below the total 1964 appropriations carried in this bill.

Finally, this bill as it stands is $282,006,900 below the total of the budget estimates presented to the House and Senate.

I should say that the bill also includes a total of $3,648,250,000 for the Bureau of Public Roads, which is derived from the highway trust fund and not from direct appropriations.

Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD a table showing the action of the House-Senate conferees with regard to the various items contained in the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The table referred to follows:

Departments of State, Justice, Commerce, the judiciary and related agencies

Item	1964 appropriation	1965 budget estimate	Passed House	Passed Senate	Conference action	Conference action compared with—			
						1964 appropriation	Budget estimate	House	Senate
Department of State	$341,070,000	$443,112,000	$343,837,000	$383,296,000	$376,827,000	+$35,757,000	−$66,285,000	+$32,990,000	−$6,469,000
Department of Justice	344,539,000	367,887,000	364,036,000	364,036,000	364,036,000	+19,497,000	−3,851,000	----------	----------
Department of Commerce	805,620,100	911,969,000	730,086,000	727,481,900	725,501,000	−80,119,100	−186,468,000	−4,585,000	−1,980,900
Bureau of Public Roads (Highway Trust Fund)	(3,249,650,000)	(3,650,000,000)	(3,648,000,000)	(3,648,500,000)	(3,648,250,000)	(+398,600,000)	(−1,750,000)	(+250,000)	(−250,000)
The judiciary	65,934,800	70,762,700	68,830,800	68,944,800	68,830,800	+2,896,000	−1,931,900	----------	−114,000
American Battle Monuments Commission	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	----------	----------	----------	----------
Commission on Civil Rights	985,000	985,000	985,000	985,000	985,000	----------	----------	----------	----------
Federal Maritime Commission	2,575,000	3,300,000	2,763,000	2,938,000	2,763,000	+188,000	−537,000	----------	−175,000
Foreign Claims Settlement Commission	1,455,000	1,689,000	1,650,000	1,650,000	1,650,000	+195,000	−39,000	----------	----------
Small Business Administration	98,500,000	7,438,000	7,150,000	7,150,000	7,150,000	−91,350,000	−288,000	----------	----------
Special representative for trade negotiations	465,000	533,000	500,000	525,000	525,000	+60,000	−8,000	+25,000	----------
Subversive Activities Control Board	425,000	475,000	440,000	440,000	440,000	+15,000	−35,000	----------	----------
Tariff Commission	3,145,000	3,324,000	3,250,000	3,250,000	3,250,000	+105,000	−74,000	----------	----------
U.S. Arms Control and Disarmament Agency	7,500,000	11,000,000	11,000,000	9,000,000	9,000,000	+1,500,000	−2,000,000	−2,000,000	----------
U.S. Information Agency	166,220,000	174,890,000	166,300,000	159,389,000	154,400,000	−11,820,000	−20,490,000	−11,900,000	−4,989,000
Total	1,840,233,900	1,999,164,700	1,702,627,800	1,730,885,700	1,717,157,800	−123,076,100	−282,006,900	+14,530,000	−13,727,900

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I would like to see a cut in some of these appropriation bills below the spending of last year. However, I do wish to commend the gentleman and his subcommittee for having sustained the position of the House and I guess a little more, in the conference.

I would like to ask the gentleman one question—If there is any increase as between the House and the other body on the item known as tools of the trade?

Mr. ROONEY of New York. I assume the gentleman refers to representation allowances and entertainment funds. I am pleased to be able to say to him that there is not $1 additional included in this bill as we bring it back to the House.

Mr. GROSS. Again I commend the gentleman and the other members of his committee. I thank the gentleman.

Mr. ROONEY of New York. The managers on the part of the House have agreed with the action of the other body in providing $30 million as a payment toward expenses necessary to enable the United States to meet its obligations under the convention between the United States and Mexico, signed August 29, 1963, for settlement of the Chamizal dispute, and to carry out the American-Mexican Chamizal Convention Act of 1964 approved April 29, 1964. The convention settles a boundary dispute with Mexico at El Paso, Tex., and Ciudad Juarez, Chihuahua, which began nearly 100 years ago. President Johnson is entitled to commendation and credit for the settlement of this longtime dispute with our friends and neighbors to the south and was assisted therein by another Texan, the Honorable Thomas C. Mann, Assistant Secretary of State for Inter-American Affairs.

Mr. LONG of Maryland. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the appropriation of $30 million, as provided for in amendment No. 7 to H.R. 11134, is the amount deemed to be necessary to implement the Chamizal Treaty signed by the United States and Mexico August 29, 1963, and subsequently ratified by the President and approved by the Senate. The Treaty itself settled a problem which served as an irritant to U.S.-Mexican relations for 99 years.

It will be recalled that S. 2394, known as the American-Mexican Chamizal Convention Act, was introduced last December to authorize the Secretary of State to conduct technical and other investigations relating to the new boundary; flood control; water resources; sanitation and prevention of pollution; channel relocation, and other matters relating to the new river channel; to acquire all lands necessary to carry out these purposes; and to perform the work involved in the relocation of railroads, schools, and new port-of-entry facilities; and to enter into contracts with property owners for the acquisition of properties; and to transfer or exchange properties acquired or improved by the United States.

The bill authorized an appropriation to the Department of State of an amount not to exceed $44.9 million to carry out the provisions of the treaty and the proposed bill, S. 2394. The present conference report on H.R. 11134, which we will shortly vote on, and which I heartily endorse, contains the appropriation authorized by the American-Mexican Chamizal Convention Act, S. 2394, Public Law 88-300.

There are a few brief points I would like to make about the authorization act and this appropriation bill.

First, perhaps the most significant portion of the Chamizal Convention Act is contained in section 3. This section provides that the U.S. Government shall reimburse the owners and tenants displaced as a result of the settlement for expenses and other losses and damages incurred by them in the process and as a direct result of such moving; and that the Government will also compensate the owners and tenants for proved costs and losses for nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility; for commercial properties for which there are no comparable properties on the El Paso market; for business losses such as loss of profits directly resulting from relocation, and for penalty costs to owners for prepayment of mortgages incident to the acquisition of the properties by the United States.

I could not overemphasize the importance of this section to the people who live in the El Paso area who could otherwise be greatly damaged by the carrying out of this treaty. Section 3 has its origin in the late President Kennedy's instructions to Ambassador Thomas C. Mann at the outset of the negotiations for the convention, that the people who live in El Paso today should not be injured by any settlement. This section was drawn with the view that the acquisition of private properties for transfer to Mexico not cause loss or injury to the U.S. property owners affected. In the course of the negotiations over the treaty, Ambassador Mann and Joseph F. Friedkin, the U.S. Commissioner for the International Boundary and Water Commission, held an extensive series of meetings with the community leaders and with the people who resided in the affected area. Those people were assured that the problems of adequate compensation to enable them to relocate and reestablish their homes and businesses without loss would be presented to Congress. These problems have been presented to Congress in the form of section 3. This section is well worded and well designed to take care of those special problems.

I have long advocated such fair and just treatment of the individuals affected by international agreements. Unfortunately, we have not always provided so well for our own people. When the Falcon Dam was constructed on the Rio Grande, downstream from El Paso, in Zapata County, many complaints were voiced by American citizens of injuries and damages which they sustained as a direct result of the construction of the dam. Those injustices could have and should have been avoided by careful planning and by the close scrutiny of Congress. Section 3 will avoid and preclude such injustices.

For a similar reason I recently introduced an amendment to the housing bill of 1964, which I am happy to say was adopted by the Housing Subcommittee and approved by the Members of this House when the bill was passed last week. This amendment is now section 315 of the housing bill, S. 3049, and is entitled "Planning Problems Resulting From Treaties or Other International Agreements." It carries one step further the principle of fair and just treatment embodied in section 3 of the Chamizal Convention Act. It enables cities, such as El Paso, with urban planning problems that have resulted or are expected to result from the implementation of a Federal treaty, to be entitled to urban planning assistance under section 701 of the housing law. Under the present law cities in federally impacted areas or disaster areas are entitled to such assistance, but not cities affected by Federal treaties. My amendment will close this gap. The effect of the amendment will be to permit El Paso to do the necessary planning for the people who will be relocated as a result of the Chamizal Treaty and for the entire community to the extent that it too is affected.

Finally, it should be noted that the appropriation calls for $30 million. This amount is almost $15 million less than the amount which has been authorized. It is the amount considered necessary at this time to carry out the settlement, and is demonstrative of the care and caution with which we have proceeded.

I urge the adoption of the conference report and the passage of H.R. 11134.

Mr. ROONEY of New York. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

> Senate amendment No. 7: Page 9, line 20, insert:
>
> "Chamizal Settlement
>
> "For expenses necessary to enable the United States to meet its obligations under the Convention between the United States and Mexico, signed August 29, 1963, and to carry out the American-Mexican Chamizal Convention Act of 1964, including purchase of four passenger motor vehicles, $30,000,000, to remain available until expended: *Provided*, That this appropriation shall not be available for expenses of operation and maintenance of works provided for in said Convention and Act."

Mr. ROONEY of New York Mr. Speaker, I offer a motion.

The Clerk read as folows:

> Mr. Rooney of New York moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the motion to recede and concur was laid on the table.

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calender. The Clerk will call the first bill on the calendar.

PROVIDING FOR ACQUISITION OF CERTAIN PROPERTY IN SQUARE 758 IN THE DISTRICT OF COLUMBIA, AS AN ADDITION TO THE GROUNDS OF THE U.S. SUPREME COURT BUILDING

The Clerk called the bill (S. 254) to provide for the acquisition of certain property in square 758 in the District of Columbia, as an addition to the grounds of the U.S. Supreme Court Building.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, since this measure has been given a rule for its consideration, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PROVIDING FOR ADDITIONAL COMMISSIONERS OF THE U.S. COURT OF CLAIMS

The Clerk called the bill (S. 102) to provide for additional commissioners of the U.S. Court of Claims.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore (Mr. Boggs). Without objection, it is so ordered.

There was no objection.

APPLICATION OF EVACUATION AND ALLOTMENT PAY LAW TO GOVERNMENT PRINTING OFFICE

The Clerk called the bill (H.R. 8827) to extend the act of September 26, 1961, relating to allotment and assignment of pay, to cover the Government Printing Office, and for other purposes.

Mr. FORD. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

ANNUITIES OF WIDOWS OF SUPREME COURT JUSTICES

The Clerk called the bill (S. 1686) to amend section 375 of title 28 of the United States Code, relating to the annuities of widows of Supreme Court Justices.

Mr. GROSS. Mr. Speaker, since a rule has been granted for the consideration of this bill, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

AUTHORIZING THE WAIVER OF COLLECTION OF CERTAIN ERRONEOUS PAYMENTS MADE BY THE FEDERAL GOVERNMENT TO CERTAIN CIVILIAN AND MILITARY PERSONNEL

The Clerk called the bill (H.R. 3800) to authorize the waiver of collection of certain erroneous payments made by the Federal Government to certain civilian and military personnel.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I think we ought to have some explanation of the purposes of this bill.

Mr. ASHMORE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. ASHMORE. Mr. Speaker, the purpose of this bill is to authorize the Comptroller General in meritorious cases to waive indebtedness of employees or military personnel based upon erroneous payments.

The Comptroller General would consider cases recommended for relief by the Department concerned. Financial hardship is expressly made an element for consideration in determining whether collection would be against equity and good conscience.

The bill would be made retroactive to June 30, 1958 or approximately 6 years.

As amended, the bill would authorize waiver by heads of Departments, subject to General Accounting Office regulations, of overpayments which do not exceed $150.

Provision is made for congressional review of proposed action by the Comptroller General of groups of similar indebtedness where the aggregate of amounts erroneously paid may exceed $50,000.

The bill provides for a waiver on the part of the Government of the right to demand repayment in cases where the Government has failed to attempt collection within a 6-year period from the time the indebtedness accrues.

Mr. GROSS. Let me say to the gentleman, and I am sure he is aware of it, and if not I would like to call his attention to the fact that there will be a number of claims bills on the Private Calendar tomorrow, and some of them deal with losses as a result of fire.

I cannot recall of more than one or two, though there may be more, which are less than $150. The bulk of those claims bills exceed $150.

I am sure that this limitation of $150 will not do a very great deal to stop the legislation that comes through on the Private Calendar, seeking to satisfy claims which are, for the most part, well above that amount of money.

I wonder if we are not, by this bill, lending encouragement to people to continue to make mistakes.

I have been disturbed for a long time, as the gentleman well knows, because of the errors being made and the overpayments being made. I have forgotten the exact figure, but I believe the General Accounting Office reports there has been $100 million expended by the Federal Government to satisfy overpayment claims in a period of about 7 years. Perhaps it was 10 years, but I believe it was 7.

I question seriously whether this bill goes to the root cause of the trouble.

Mr. ASHMORE. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from South Carolina.

Mr. ASHMORE. I should like to straighten out the first statement the gentleman made, with reference to the number of bills pending, which come up so often on the Consent Calendar and the Private Calendar. The bills to which the gentleman refers are for property losses, whereas this bill is for erroneous payments made to personnel only. This does not include the bills for property losses.

Mr. GROSS. There are a number of such bills on the Private Calendar, as I am sure the gentleman well knows.

Mr. ASHMORE. That is true, but we must differentiate between bills for property losses and bills for erroneous payments.

Mr. GROSS. Very few of those bills are for an amount of $150 or less. Most of them are for more than the $150 limit that would be set in this bill.

I say to the gentleman that I believe the Judiciary Committee ought to go beyond this legislation. This is a step in the right direction, perhaps, but I believe the committee should go well beyond this to the other claims dealing with personal property losses and take some definitive action with respect to the claims which are coming in ever increasing numbers and amounts.

There is a limit of $6,500 which may be paid out in satisfaction of personal property losses, but we find, for instance, as shown on the Private Calendar, that a colonel in the Army or in one of the branches of the military services claims property valued at $24,000. It seems to me that if administrators are going to be allowed to settle claims up to $6,500, the serviceman ought to carry insurance above that amount or the carrier should be made liable for the transportation of personal effects.

I would hope that the committee would not stop here. Either the Judiciary Committee or the Armed Services Committee should get busy and do something about this situation.

Mr. ASHMORE. I will say to the gentleman that it is a problem that has given us much concern. We have given it a great deal of study. We have heard members of the armed services who appeared before our committee to explain why the insurance did not cover these excessive amounts.

The answer is that to carry policies for large coverage would ultimately result in a loss to the Government, because there are so few of those large claims that the premiums would amount to more than the savings for the relatively few which reach that amount.

Mr. GROSS. As a matter of fact, I do not believe that an officer in the U.S. Army should be claiming he lost property valued at $24,000 or that any claim should be adjudicated on that basis. I do not know why the taxpayers should be moving military personnel from place to place throughout the world with $24,000 worth of personal effects—that is, exclusive of an automobile.

Mr. ASHMORE. Mr. Speaker, if the gentleman will yield further, I would like to say that is an unusual case where any person has that much property. In connection with these large claims, I would like the RECORD to show we have had claims officers of the military explain to us the manner in which they arrive at the figure they recommend. In most instances, in fact almost every instance, we have found that claims officers have done a good job. However, there are a few exceptions.

Mr. GROSS. I wish I could agree with the gentleman. I seriously question they are doing the kind of job of which they are capable in many instances.

Mr. ASHMORE. I say in most instances. There are some exceptions. We have reprimanded them, and I hope in the future they will do a better job than they have in the past.

Mr. HALL. Mr. Speaker, further reserving the right to object, as the gentleman knows, I extended my remarks after the gentleman from Iowa [Mr. GROSS] asked that this bill, H.R. 3800, be passed over without prejudice on August 3. At that time I inserted into the RECORD a series of nine questions to this bill predicated on the fact that primarily it will relieve the responsibility of the House; and, secondarily, it will render nonresponsible, or nonaccountable, the people engaged in the financial services of the various military departments who have been trained in such responsibility and accountability. In the interim I have been called upon and circularized by my own ROA—Reserve Officers Association—but no word from the majority counsel of the committee. I wonder if the gentleman who brings the bill to the floor of the House today would care to comment on any one of the objections specifically or in particular at this time.

Mr. ASHMORE. If the gentleman will yield, for those who are going to prepare the claims or who are responsible for the accounting of such, I would say that the authority will be exercised in accordance with the regulations issued by the Comptroller General. It is under his regulations that these claims would be settled, and I know of no better or higher authority than the Comptroller General.

Mr. HALL. If the gentleman will comment further, actually it would relieve the General Accounting Office from the policing of such situations which might arise, would it not?

Mr. ASHMORE. If the gentleman will turn to section 3, he will see the section he refers to.

Mr. HALL. Mr. Speaker, with complete respect for the action of the committee, and certainly of the gentleman from South Carolina [Mr. ASHMORE], our colleague who has done such a fine job on this; and realizing it would make the procedure more efficient, it would relieve military finance officers of the responsibility and accountability, so therefore pending further advice, I ask unanimous consent that this bill be passed over without prejudice again at this date.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

RETROCESSION OF JURISDICTION TO WYOMING

The Clerk called the bill (S. 51) to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain district.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask someone if an out-of-State hunter, in the case of retrocession of Federal jurisdiction to a State, has the same rights as a hunter who is a resident of the State.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. Of course.

Mr. POAGE. As far as I can see, the out-of-State hunter, when the jurisdiction of the State of Wyoming is restored, will be in exactly the same position as in any other part of the State of Wyoming. In most cases these States do impose a larger hunting license charge on out-of-State people than they do on people within the State.

Mr. GROSS. This I understand, but my question really goes to whether they are permitted to hunt on the same land.

Mr. POAGE. Oh, yes, sir.

Mr. GROSS. And have the same bag limit.

Mr. POAGE. Exactly the same; yes, sir. The only thing I think that would stand in the way is that he would probably have to pay a larger license fee.

Mr. GROSS. I can understand that, but I do not want to see discrimination otherwise. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Agriculture is authorized to relinquish to the State of Wyoming such measure as he may deem desirable of legislative jurisdiction heretofore acquired by the United States over lands within the Medicine Bow National Forest constituting the area known as the Pole Mountain District, created by Executive Order Numbered 4245, dated June 5, 1925, as amended by public land order numbered 1897, dated July 10, 1959.

(b) Relinquishment of jurisdiction under the authority of this Act may be made by filing with the Governor of the State of Wyoming a notice of such relinquishment, which shall take effect upon acceptance thereof by the State of Wyoming in such manner as the laws of such State may prescribe.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DISABILITY AND DEATH BENEFITS FOR RESERVISTS

The Clerk called the bill (H.R. 11332) to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training.

Mr. GROSS. Mr. Speaker, in view of the fact that this bill is scheduled to be considered under suspension, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

NAMING OF VETERANS' ADMINISTRATION HOSPITALS

The Clerk called the bill (H.R. 11461) to provide for the designation of certain Veterans' Administration facilities.

Mr. GROSS. Mr. Speaker, in view of the fact that this bill is scheduled to be considered under suspension, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ANSLEY WILCOX HOUSE, BUFFALO N.Y.

The Clerk called the bill (H.R. 3500) to provide for the acquisition and preservation of the real property known as the Ansley Wilcox House in Buffalo, N.Y., as a national historic site.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

BREAKS INTERSTATE PARK COMPACT

The Clerk called the bill (H.R. 11162) granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an amendment to The Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky, originally consented to by the Act of July 27, 1954 (68 Stat. 571; Public Law 543, Eighty-third Congress), as that amendment was approved (1) by the Commonwealth of Virginia by chapter 292, Acts of Assembly, 1964, approved March 31, 1964, and (2) by the Commonwealth of Kentucky by an act of the general assembly approved March 19, 1964 (house bill numbered 413, regular session, 1964, General Assembly, Commonwealth of Kentucky), by which amendment the last sentence of article III of said compact is made to read: "Each Commonwealth agrees that it will authorize the Commission to exercise the right of eminent domain to acquire property located within each Commonwealth required by the Commission to effectuate the purposes of this compact."

SEC. 2. The right to alter, amend, or repeal the provisions of this Act is hereby expressly reserved.

Mr. JENNINGS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. JENNINGS. Mr. Speaker, H.R. 11162 is a bill that I introduced in the House to grant the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky. It is a noncontroversial piece of legislation. It involves no expenditure of Federal funds. I urge its immediate approval.

Congress originally gave its consent to the park compact several years ago, and the two States have proceeded to develop a magnificent park. The compact provided that each of the two States would exercise the right of eminent domain to acquire property located with each State and required for the development of the park. The two States have decided, after considerable experience with the original compact, that this procedure can be improved and simplified by giving the Breaks Interstate Park Commission the authority to exercise the right of eminent domain.

The legislatures of Virginia and Kentucky have approved this amendment to the compact and now seek congressional approval, as is required for such compacts.

Mr. Speaker, in addition to urging passage of this legislation, I would invite my colleagues to take it upon themselves to visit the Breaks Interstate Park located on the western border of Virginia and eastern border of Kentucky. It offers spectacular scenery and fine accommodations. It is a fine vacation spot and I commend it to each of you planning to leave Washington upon adjournment of this session.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

U.S. DISTRICT COURT, EASTERN DISTRICT, MICH.

The Clerk called the bill (H.R. 4989) to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the northern division to the southern division of the eastern judicial district.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 102(a)(1) of title 28, United States Code, is amended by inserting (1) "Genesee," immediately after "counties of", (2) "Shiawassee," immediately after "Sanilac,", and (3) ", Flint," immediately after "Detroit".

(b) Section 102(a)(2) of title 28, United States Code, is amended by striking out "Genesee.", "Shiawassee,", and "and Flint".

SEC. 2. The amendments made by this Act shall take effect on the ninetieth day after the date of its enactment.

Amend the title so as to read: "A bill to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor."

With the following committee amendments:

1. Strike out all after the enacting clause and insert in lieu thereof the following: "That section 102(a) (1), (2) is amended to read as follows:

" '(a) The Eastern District comprises two divisions.

" '(1) The Southern Division comprises the counties of Genesee, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Sanilac, Shiawassee, Washtenaw, and Wayne.

" 'Court for the Southern Division shall be held at Ann Arbor, Detroit, Flint, and Port Huron.

" '(2) The Northern Division comprises the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Tuscola.

" 'Court for the North Division shall be held at Bay City.' "

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "To amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the Northern Division to the Southern Division of the Eastern Judicial District and to authorize a term of court at Ann Arbor."

A motion to reconsider was laid on the table.

MEDICAL BENEFITS FOR MEDAL OF HONOR RECIPIENTS

The Clerk called the bill (S. 1046) to provide hospital domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (2) of section 601 of title 38, United States Code, is amended by inserting immediately after "Indian Wars" the following: ", or any veteran awarded the Medal of Honor".

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VEGA DAM AND RESERVOIR, COLO.

The Clerk called the bill (H.R. 6268) to provide adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Collbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide adjustments in the interests in land heretofore acquired for the Vega Dam and Reservoir, Collbran project, Colorado, and thereby make uniform the estate acquired to fulfill necessary real estate requirement of the project, the Secretary of the Interior is authorized to reconvey to the former owner thereof any mineral interest, including oil and gas, heretofore acquired for said project, whenever the Secretary shall determine that the retention of such mineral interest is not required for public purposes and he shall have received an application for reconveyance as hereinafter provided.

SEC. 2. The Secretary shall give notice to the former owner of such mineral interest of the availability of the interest for reconveyance under the provisions of this Act. The former owner shall thereafter file an application within ninety days of the date of notice if he desires to have the land or interest reconveyed to him.

SEC. 3. Any mineral interest reconveyed under this Act shall be transferred for an amount determined by the Secretary to be equal to the price at which the mineral interest was acquired by the United States.

SEC. 4. As used in this Act the term "former owner" means the person from whom any mineral interest was acquired by the United States or, if such person is deceased, his spouse; or if such spouse is deceased, his children or the heirs at law.

SEC. 5. The Secretary of the Interior may delegate any authority conferred upon him by this Act to any officer or employee of the Department of the Interior. Such officer or employee shall exercise the authority so delegated under regulations prescribed by the Secretary.

With the following committee amendments:

Page 2, line 10, strike out "land or".

Page 2, line 18, strike out "the".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DEVELOPMENT OF COAL ON THE PUBLIC DOMAIN

The Clerk called the bill (H.R. 8960) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 27 of the Act of February 25, 1920, as amended (30 U.S.C. 184), is further amended to read as follows:

"(a) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, coal leases or permits on an aggregate of more than forty-six thousand and eighty acres in any one State."

Amend the title so as to read: "A bill to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain and for other purposes."

With the following committee amendment:

Strike out all after the enacting clause and insert the following language: "That subsection (a) (1) of section 27 of the Act of February 25, 1920, as amended (30 U.S.C. 184), is further amended to read as follows:

" '(a) (1) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, coal leases or permits on an aggregate of more than forty-six thousand and eighty acres in any one State.'

"SEC. 2. (a) Subsection (a) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(a)), is further amended by the deletion from the first sentence of the words, 'but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract,'.

"(b) Subsection (b) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(b)), is further amended by changing the words 'two thousand five hundred and sixty acres' in the first sentence thereof to 'five thousand one hundred and twenty acres'.

"(c) For the purpose of more properly conserving the natural resources of any coal field or prospective coal area, or any part or zone thereof, lessees and permittees and their representatives may enter into a contract with each other or others for collective prospecting, development, or operation of such field or prospective coal area, or any part or zone thereof, whenever determined and certified by the Secretary of the Interior to be in the public interest. A contract approved hereunder shall not provide for an apportionment of production or royalties among the separate tracts comprising the contract area, but may provide for the commingling of production with appropriate allocation to the tracts from which produced. Notwithstanding any provision of this section to the contrary, the Secretary may, with the consent of the lessees or permittees involved, establish, alter, change, or revoke mining, producing, rental, minimum royalty, and royalty requirements of such leases or permits, and issue regulations that are applicable to such leases or permits or contracts. The Secretary is authorized to enter into a contract with a single lessee or permittee embracing his leases or permits. The Secretary may authorize the consolidation of separate Federal permits or leases into a lesser number of permits or leases, or into a single permit or lease.

"(d) Coal leases and permits operated under a contract approved or executed by the Secretary pursuant to subsection (c) of this section may be excepted from limitations on maximum holdings or control imposed by this Act if the Secretary finds that such exception is required to permit economic development of the coal resources and is otherwise consistent with the public interest."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "A bill to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain, and for other purposes."

A motion to reconsider was laid on the table.

EXTENDING TIME FOR COMMITMENT OF VESSEL CONSTRUCTION RESERVE FUNDS

The Clerk called the bill (S. 2995) to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, inasmuch as this bill is scheduled for consideration under a suspension of the rules, I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMEND EMERGENCY LIVESTOCK FEED PROGRAM

The Clerk called the bill (H.R. 12118) to facilitate pricing of feed made available for use in emergency areas, to establish penalties for misuse of feed made available for relieving distress or for preservation and maintenance of foundation herds, and for other purposes.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, does this mean that in an emergency area a farmer can buy feed from the Commodity Credit Corporation and pay the price that the Government has in the feed at that point rather than the price, based upon Chicago, with a phantom freight rate charged?

Mr. **POAGE**. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield to the gentleman from Texas.

Mr. **POAGE**. No, that is not quite what it means.

According to the present law, for the last 2 years, I believe, when we have in one of these disaster areas such a situation, the farmer comes in and obtains a certificate which indicates that he is entitled to so much feed. For instance, he obtains a certificate for 100 bushels of corn. Under the present arrangement he has to take that certificate to some predesignated dealer, and normally there is only one such dealer in a county who has been shipping in Commodity Credit Corporation stocks and has the authority to deal in Commodity Credit Corporation-owned stocks at his place of business.

That has worked out to be quite a hardship, particularly in a large county, because a man will come from one area and will have to go to this predesignated dealer and secure his grain. Then, if he wants the grain mixed—and I am sure the gentleman realizes that most of this feed must be ground and mixed—the Government gives him a discount on surplus grain in CCC stocks. If it is corn or oats, he takes that grain to another mill and has it ground and mixed. By the time he has hauled it all over the country he has probably not saved anything.

Mr. Speaker, what this legislation proposes to do is to allow him to get the certificate just as he does at the present time and take it to any feed dealer anywhere in the county who wants to deal with him. He produces the certificate which gives him a 25-percent discount on the price of the feed and the dealer gives him the feed at that 25-percent discount. The dealer then takes the certificate to the Commodity Credit Corporation and replenishes his own stock at the price at which he delivered the feed.

This farmer can take mixed feed at the dealers and he receives the discount based upon percentage of certificated surplus grain that is in his mixed feed.

For instance, if he has a certificate for 100 bushels of corn and he wants 500 bushels of mixed feed, he receives the discount only on that part which involves the corn which goes into it. When he purchases, for instance, soybean meal or anything like that, he pays the full price.

Mr. Speaker, there is one other thing, and that has to do with establishing a uniform penalty for violation of this procedure.

In the past we have had two laws in relation to the use of this surplus grain in disaster areas passed at different times. One of them actually does not carry any penalty whatsoever for violating it. That is for the issuance of fraudulent receipts and so on. So, we make the penalty uniform and apply it to all the circumstances under which a man can obtain surplus feed from the Government under any disaster program.

Mr. **GROSS**. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Agricultural Act of 1949, as amended, is hereby amended (1) by changing in the fifth sentence the words "not less than 75 per centum of the current support price for such feed (or a comparable price if there is no current support price)" to read "not less than 75 per centum of the current basic county support rate for such feed including the value of any applicable price support payment in kind (or a comparable price if there is no current basic county support rate)"; (2) by inserting in the fifth sentence "including the Virgin Islands" after "The United States" wherever it appears; (3) by adding at the end of the fifth sentence the following: ": *Provided,* That the Secretary may provide for the furnishing of feed or mixed feed, in accordance with regulations prescribed by him, to such persons by feed dealers under an arrangement whereby the feed grains (or other feed being sold by the Corporation) in the feed so furnished would be replaced with feed owned or controlled by the Corporation and sold to such persons at a price determined as provided above."; and (4) by adding at the end of the sixth sentence "or other area".

Sec. 2. The Agricultural Act of 1949, as amended, is amended by adding at the end of title IV the following:

"Sec. 421. Any person who disposes of any feed which has been made available to him under section 407 of this Act for use in relieving distress or for preservation and maintenance of foundation herds, other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $1,000 or imprisonment for not more than one year."

Sec. 3. The Act of September 21, 1959 (73 Stat. 574), is amended (1) by changing the words "at current support prices," to read "at not less than the current basic county support rate including the value of any applicable price support payment in kind (or a comparable price if there is no current basic county support rate)," (2) by adding at the end of section 2, the following: "'State' means any State in the United States, Puerto Rico, and the Virgin Islands."; (3) by adding at the end of section 3 the following: "The Secretary may provide for the furnishing of feed grains or mixed feed, in accordance with regulations prescribed by him, to any such person by a feed dealer under an arrangement whereby feed grains in the feed so furnished would be replaced with feed grains owned or controlled by the Corporation and sold to such person at a price determined as provided in section 1."; and (4) by inserting in section 4 after the word "purchased" the words "or furnished".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. **POAGE**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 400, which is identical to one section of H.R. 12118 and which deals with the same subject matter, strike out all after the enacting clause of the Senate bill and substitute the language of the House bill as passed by the House.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 407 of the Agricultural Act of 1949, as amended, is hereby amended by adding after the sixth sentence the following: "Any person who disposes of any feed, which has been made available to him for use in relieving distress or for preservation and maintenance of foundation herds, other than as authorized by the Secretary, shall be subject to a penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and in addition shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $1,000 or imprisonment for not more than one year."

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **POAGE**. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Poage: Strike out all after the enacting clause of S. 400 and insert the provisions of H.R. 12118, as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 12118, was laid on the table.

AUTHORIZING EXCHANGE OF PUBLIC DOMAIN LANDS FOR USE OF HANFORD PROJECT OF THE ATOMIC ENERGY COMMISSION

The Clerk called the bill (H.R. 11960) to authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **GROSS**. Mr. Speaker, reserving the right to object, I should like to ask someone if this is a fair exchange. I note that the Government is exchanging 10,000 acres for 7,000 acres. Can someone tell me whether this is a fair exchange for the taxpayers of this country?

Mr. MORRIS. Yes; this is land that may be exchanged for land of approximate equal value. The Government is getting land of equal value.

Mr. GROSS. The 7,000 acres is worth as much as the 10,000 acres the Government is turning over?

Mr. MORRIS. That is correct.

Mr. GROSS. On a fair market appraisal basis?

Mr. MORRIS. That is correct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all interests of the United States in the public domain lands lying south and west of the Columbia River, and within:

Township 14 north, range 26 east, section 28;

Township 14 north, range 27 east, section 34;

Township 13 north, range 25 east, section 14;

Township 10 north, range 28 east, sections 2, 4, and 10;

Township 12 north, range 26 east, sections 2, 4, 6, 8, 10, 12, 14, and 18;

Township 12 north, range 25 east, sections 2, 12, and 14;

Township 13 north, range 26 east, sections 28, 30, 32, and 34;

Willamette meridian, comprising approximately 10,000 acres, which lands are now withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, shall hereafter be held by the Atomic Energy Commission as an agent of and on behalf of the United States, and the Atomic Energy Commission shall exercise all of the authorities with respect thereto as provided in the Atomic Energy Act of 1954, as amended, and the Atomic Energy Community Act of 1955, as amended: *Provided,* That any disposal of such lands pursuant to such Acts shall be subject to valid existing rights in third parties.

SEC. 2. All lands within the Hanford project lying north and east of the Columbia River and within:

Township 14 north, range 28 east, sections 18, 19, west half section 20, west half sections 29, 30, 31, and 32;

Township 13 north, range 27 east, sections 1, 12, and 13;

Township 13 north, range 28 east, sections 5, 6, 7, and 8;

Willamette meridian, that were acquired by the Manhattan Engineering District or by the Atomic Energy Commission and that are now under the administrative control of the Atomic Energy Commission, comprising approximately 7,000 acres, are hereby designated public domain lands of the United States subject to all of the laws and regulations applicable thereto, and are withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are reserved for the use of the Atomic Energy Commission in connection with its Hanford operations until such withdrawal and reservation are revoked by order of the Secretary of the Interior with the concurrence of the Atomic Energy Commission.

SEC. 3. The Secretary of the Interior and the Atomic Energy Commission may by agreement designate not to exceed 1,920 additional acres of public domain lands reserved for the Hanford project, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 1 of this Act, and acquired lands of approximately equal value under the administrative control of the Atomic Energy Commission, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 2 of this Act.

With the following committee amendments:

Page 2, line 19, strike out "parties." and insert "parties: *Provided further,* that nothing herein shall be deemed to add to, modify, or eliminate any authority of the Commission pursuant to such acts to dispose of property."

Page 2, lines 23 and 24, strike out "west half sections 29, 30, 31, and 32;" and insert "west half section 29, and sections 30, 31, and 32;"

Mr. MORRIS. Mr. Speaker, I offer an amendment in the nature of a substitute to the first committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. MORRIS: Page 2, line 19, strike out "parties." and insert "parties: *Provided further,* That nothing herein shall be deemed to add to, modify, or eliminate any authority of the Commission pursuant to such Acts to dispose of property."

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALASKA CENTENNIAL COMMISSION

The Clerk called the bill (S. 49) to provide for the establishment of the Alaska Centennial Commission, to cooperate with the State of Alaska to study and report on the manner and extent to which the United States shall participate in the celebration in 1967 of the centennial anniversary of the purchase of the Territory of Alaska, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I would like to ask a question or two concerning this proposed legislation. I note that it authorizes an appropriation of $15,000. Is it customary to make such a request?

Mr. CORMAN. Yes. This is the same thing we did in connection with the centennial for West Virginia, for example. It authorized a study by the Department of Commerce to ascertain what part the United States should play in the centennial.

Mr. FORD. It is my understanding this is not the usual case. Heretofore there have been authorizations for Federal participation, but no Federal funds contributed.

Mr. CORMAN. This is identical with the West Virginia case. There may be other cases too in which this request was not made.

Mr. FORD. When was the authorization for the West Virginia case?

Mr. RIVERS of Alaska. I will say to the gentleman that in 1960 a bill almost identical with this was passed on behalf of West Virginia for the purpose of determining what part the Federal Government should play during the year 1963, which was West Virginia's centennial year. There was $15,000 authorized for the Secretary of Commerce to make a study in regard to the proposed centennial celebration of the State of West Virginia. This legislation is almost identical to what occurred in 1960.

Mr. FORD. What will they do with the $15,000? I am a little concerned about what the Department will undertake to study in order to determine Federal participation.

Mr. RIVERS of Alaska. The State has a commission created and appropriated $50,000, I will say to the gentleman.

This Commission is very desirous of consulting with some authorized representative of the Federal Government with the hope that the Federal Government would see fit to share to some extent in this celebration. The Secretary of Commerce could designate some person on his staff or contract with a specialist to make a survey around the State in communities in which the celebration is going to be carried out, and then report by March of next year.

Mr. FORD. It is my understanding that several States have had similar studies all leading up to centennials and that in those cases there was no federally authorized program. I am thinking of Kansas, for example.

I think the circumstances are a little bit different here. Alaska just became a State a few years ago. I voted for its admission to the Union. This is not a celebration of Alaska's admission to the Union, it is a different kind of celebration.

Mr. RIVERS of Alaska. Correct. This is to celebrate the 100th anniversary of Alaska's life under the American flag. This is something we would like to develop without worrying about the fact that Alaska has been a State for only 6 years.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. If the State of Alaska wants to put up the $15,000 I have no quarrel with the bill. I can recall a few years ago when the State of Iowa celebrated an anniversary of its admission to the Union, but I cannot recall that State getting a single dime from the Federal Government. I am glad it was that way. I hope Alaska will have its celebration, but let it provide whatever finances are necessary.

Mr. RIVERS of Alaska. We are hoping that the Department of Commerce could pay its own way in making this survey, because Alaska has its hands full financially.

Mr. FORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DISPLAY OF THE FLAG AT LEXINGTON, MASS.

The Clerk called the bill (H.R. 11327) to provide that the flag of the United States of America may be flown for 24 hours of each day in Lexington, Mass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ICHORD. Reserving the right to object, Mr. Speaker, I am concerned about the precedent we may be setting here. May I ask the gentleman handling the bill how many places in the United States are authorized to fly the flag 24 hours a day?

Mr. CORMAN. There are about six. One is the Capitol Building and one is the Iwo Jima Monument.

Mr. ICHORD. It has always been the tradition to lower the flag at sundown. I am concerned about the precedent we might be setting for many other places over the United States to fly the flag 24 hours a day.

Mr. MORRIS. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New Mexico.

Mr. MORRIS. There are some places in the United States, for instance in Taos, N. Mex., which is one of the oldest settlements there is in the country, that are authorized to fly the flag 24 hours a day. It is only in places where great historical events have happened.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Missouri.

Mr. HALL. I think maybe I can shed a little light on the official right to fly the flag around the clock, that is, 24 hours a day. They are the Capitol, Fort McHenry, the White House, the Betsy Ross Home, and the Iwo Jima Monument; only five today. The colors may fly anywhere at a prominent point, if well lighted, around the clock. They may fly it for 24 hours a day in other places although it is not particularly authorized. Taos, Sante Fe, Pueblo, and other places near El Paso del Norte were official seats of government long before the Pilgrims landed on Plymouth Rock, and perhaps this is why. I agree with my colleague from Missouri that this is a dangerous precedent, although I agree it was where the "shot was fired that was heard around the world."

Mr. ICHORD. Of course Lexington is a great national shrine. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, notwithstanding any rule or custom pertaining to the display of the flag of the United States of America as set forth in the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 171–178), the flag of the United States of America may be flown for twenty-four hours of each day on the green of the town of Lexington, Massachusetts. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEIF ERIKSON DAY

The Clerk called the joint resolution (H.J. Res. 393) to authorize the President to proclaim October 9 in each year as Leif Erikson Day.

There being no objection, the Clerk read the joint resolution, as follows:

> Whereas Lief Erikson did make the original discovery by nonnative Americans of the North America Continent in about the year 1000 anno Domini, and subsequently explored portions thereof; and
>
> Whereas proof of this historical fact rests solidly, not only on two independent accounts in the Norse sagas, but on archeological discoveries and evidence from the archives of European libraries; and
>
> Whereas the fact of this discovery is further supported by the writings of numerous historians, and in encyclopedias and textbooks for school use; and
>
> Whereas it is fitting that due recognition should be accorded to this historic exploit in early American history: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States is authorized and requested to officially proclaim October 9 in each year as Leif Erikson Day, and to issue annually a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on such day, and inviting the people of the United States to observe such day in schools, churches, and other suitable places with appropriate ceremonies and activities.

With the following committee amendments:

> On pages 1 and 2, strike the "whereas" clauses.
>
> On page 2, lines 3 and 4, strike the words "and requested".
>
> On page 2, line 5, change the comma to a period and strike out the remainder of the bill.

The committee amendments were agreed to.

Mr. KARTH. Mr. Speaker, I rise in support of House Joint Resolution 393 which would proclaim October 9 in each year as Leif Erikson Day. This legislation belatedly would serve to recognize officially the now scientifically established claim that Leif Erikson settled on the North American Continent around the year A.D. 1000.

I hope that the Congress does adopt this House joint resolution and will authorize the President of the United States to proclaim October 9, which historians have settled upon to be Erikson's birthday, as the day to celebrate his Vikings' heroic journey and the establishment of a colony near what is now the village of L'Anse aux Meadows, on Newfoundland Island.

Erikson and his Vikings were the first of many Norsemen to explore and to settle on the shores of North America. For centuries their bold achievement was little recognized. However, last year the outstanding efforts of Dr. Helge Ingstad and an expedition supported by the National Geographic Society have incontrovertibly established through radiocarbon dating of ancient ruins at L'Anse aux Meadows in Newfoundland that the site was, in fact, occupied about A.D. 1000 by Erikson and his Vikings.

All Americans are interested in the history of their land in paying well-deserved tribute to the hardy Norsemen who braved the terrors of unknown seas and the forbidding shores in the quest for adventure and glory.

I want to acknowledge my special debt to Dr. Helge Ingstad, Dr. O. G. Landsverk and the many others who have devoted so much of their energies, time, and resources to verifying Leif Erikson's role in American history.

I am pleased to support House Joint Resolution 393 and urge its adoption.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WHITE CANE SAFETY DAY

The Clerk called the joint resolution (H.J. Res. 753) to provide that October 15, 1963, shall be designated as White Cane Safety Day.

There being no objection, the Clerk read the joint resolution, as follows:

> Whereas the protection of the lives and limbs of blind pedestrians is a major concern of all the blind persons of the United States; and
>
> Whereas public safety education as to the meaning of the white cane and the requirements of laws concerning white canes is necessary to obtain the maximum safety of such pedestrians: Now, therefore, be it
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is hereby authorized and requested to issue a proclamation designating October 15, 1963, as White Cane Safety Day and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

With the following committee amendments:

> On page 1, strike the "Whereas" clauses.
>
> On page 1, line 3, strike out "and requested".
>
> On page 1, line 4, after "issue", insert "annually", and strike ", 1963,".

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day."

A motion to reconsider was laid on the table.

INTERNATIONAL EXPOSITION FOR SOUTHERN CALIFORNIA

The Clerk called the joint resolution (H.J. Res. 952) extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if we could have from the sponsor of this resolution the assurance that it will not result in an expenditure of funds on the part of the taxpayers of this country to support this international exposition.

Mr. CORMAN. There is no request for funds in this proposal, sir.

Mr. GROSS. Does the gentleman give us the assurance that he is not going to come in and ask for funds later on for this exposition; that this is not a foot in the door?

Mr. CORMAN. No, sir; neither is this the camel's head under the tent.

Mr. GROSS. Does the gentleman say that it is not going to cost the taxpayers any money in the future?

Mr. CORMAN. So far as I am concerned, as to this action today, that is correct. However, in the future it would depend on the Members of Congress in the future Congresses.

Mr. GROSS. You say it depends on the voters in your district?

Mr. CORMAN. In all of the districts in southern California this is a matter of great importance. Whether or not there may be a request by some Member for Federal funds in the future, perhaps our colleague the gentleman from California [Mr. HOSMER] is in a better position than I am to respond to the gentleman's question.

Mr. HOSMER. There is no request for the use of Federal funds for this exposition. The reason the resolution is before us today and the reason such a resolution is necessary is in order that international participation in this exposition may be invited. We passed a resolution a year ago naming the year 1966 for the exposition. Since then officials have delayed the exposition until 1968. The only purpose of this bill before the House is to correct the date.

Mr. GROSS. The gentleman does not anticipate that he will be asking for a subsidy out of the U.S. Treasury for the purpose of staging this exposition?

Mr. HOSMER. I do not anticipate asking for any subsidy.

Mr. GROSS. Well, do you anticipate asking for any money—call it whatever you want, long green or anything else. You do not anticipate that you will be in here asking for funds?

Mr. HOSMER. The answer is "No."

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Whereas the International Exposition for Southern California, to be held at Long Beach, California, in the year 1968, the Planet of Man Exposition, will depict the role of arts and sciences, commerce and industry as it applies to the life of mankind on the planet of Earth; and

Whereas the exposition will encompass the five phases of man's life in the realms of living, learning, working, moving, and playing; and

Whereas the exposition will exhibit the various cultures of the nations of the Earth; and

Whereas the exposition will provide an adequate medium for interchange of information by which all people may evaluate the attainments of men of other nations; and

Whereas the exposition will encourage tourist travel to the United States, and stimulate foreign trade; and

Whereas the exposition has met with enthusiastic response from official bodies, organizations, and individuals in California, Los Angeles County, and the city of Long Beach: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes the International Exposition for Southern California in the year 1968 as an event designed to develop and intensify a climate of good will and understanding among men and nations, thereby promoting a lasting peace among all people on the planet of the Earth.

SEC. 2. To implement the recognition declared in the first section of this Act, the President, at such time as he deems appropriate, is authorized and requested to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

SEC. 3. The joint resolution approved August 31, 1962 (76 Stat. 414), is repealed.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the present consideration of an identical Senate joint resolution, Senate Joint Resolution 162.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the Senate joint resolution, as follows:

Whereas the International Exposition for Southern California, to be held at Long Beach, California, in the year 1968, the Planet of Man Exposition, will depict the role of arts and sciences, commerce and industry, as it applies to the life of mankind on the planet Earth; and

Whereas the exposition will encompass the five phases of man's life in the realms of living, learning, working, moving, and playing; and

Whereas the exposition will exhibit the various cultures of the nations of the Earth; and

Whereas the exposition will provide an adequate medium for interchange of information by which all people may evaluate the attainments of men of other nations; and

Whereas the exposition will encourage tourist travel to the United States, and stimulate foreign trade; and

Whereas the exposition has met with enthusiastic response from official bodies, organizations, and individuals in California, Los Angeles County, and the city of Long Beach: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes the International Exposition for Southern California in the year 1968 as an event designed to develop and intensify a climate of good will and understanding among men and nations, thereby promoting a lasting peace among all people on the planet of the Earth.

SEC. 2. To implement the recognition declared in the first section of this Act, the President, at such time as he deems appropriate, is authorized and requested to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

SEC. 3. The joint resolution approved August 31, 1962 (76 Stat. 414), is repealed.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution, House Joint Resolution 952, was laid on the table.

PROVIDING FOR THE APPOINTMENT OF A COMMISSIONER GENERAL FOR U.S. PARTICIPATION IN THE CANADIAN UNIVERSAL AND INTERNATIONAL EXHIBITION

The Clerk called the bill (H.R. 11707) to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Florida [Mr. FASCELL], the author of the bill, several questions.

Is it true that the person who would be serving in this capacity as Commissioner General would receive a salary of $28,500 per year?

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Ohio.

Mr. HAYS. The bill came from my subcommittee. The gentleman is correct; that is, under the new salary scale.

Mr. FORD. What will he do?

Mr. HAYS. He will be the American representative representing this country in negotiations with Canada for the American exhibit. Also, I might say, he will be the ambassador for all American firms who will exhibit there.

Mr. FORD. For how long a term will he hold this sinecure?

Mr. HAYS. Presumably from the time he is appointed until the fair is over. We had a similar chap at the Brussels Fair. I believe he held that sinecure for about 3 years.

Mr. FORD. Did he receive the same compensation?

Mr. HAYS. He was eligible for it, but he, being a wealthy individual, decided the honor was enough and turned back his salary.

Mr. FORD. Mr. Speaker, I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

RETROCEDING TO THE STATE OF KANSAS EXCLUSIVE JURISDICTION OVER CERTAIN HIGHWAYS BORDERING FORT LEAVENWORTH MILITARY RESERVATION

The Clerk called the bill (S. 2369) to retrocede to the State of Kansas exclusive jurisdiction over certain State highways bordering Fort Leavenworth Military Reservation and the U.S. Penitentiary at Leavenworth.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby retroceded to the State of Kansas by the United States exclusive jurisdiction over all of the following described areas bordering Fort Leavenworth Military Reservation and the United States Penitentiary at Leavenworth:

A strip of land one hundred feet in width along the southern boundary of the Fort Leavenworth Military Reservation and along the southern boundary of the Leavenworth Penitentiary lands being that portion of the Fort Leavenworth Military Reservation donated for exclusive use as a public road by Act of Congress approved July 27, 1868 (15 Stat. 238), which remains United States Government property, being a part of State Highways Numbered 92 and 7, the highway numbered United States 73, and the public road known as Mount Zion Road;

Also, a strip of land one hundred feet in width being fifty feet on each side of the centerline of the highway numbered United States 73 and State Highway Numbered 7 extending from the north boundary of the above described one hundred-foot strip northwesterly to the point of intersection of the centerline of said highway with the westerly boundary of said Fort Leavenworth Military Reservation;

Also, that portion of the right-of-way of the public road known as Mount Zion Road which extends in a northwesterly direction along the southwesterly boundary of the Leavenworth Penitentiary lands.

SEC. 2. The retrocession of exclusive jurisdiction provided by this Act shall take effect upon acceptance by the State of Kansas.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STABILIZE AND IMPROVE COUNTY ASC COMMITTEE SYSTEM

The Clerk called the bill (H.R. 9178) to amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. OLIVER P. BOLTON. Mr. Speaker, reserving the right to object, I wonder if we could have an explanation of the bill?

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. OLIVER P. BOLTON. I yield to the gentleman from Texas.

Mr. POAGE. Mr. Speaker, this bill would change the method of electing the county chairman of the ASC Committee. Previously, the county chairman has been elected by the vote of the chairmen of the several precinct or community committees within the county. This bill would make all of the members of the community committees eligible to vote for the county chairman. There are always at least three members of each community committee. Thus at least three times as many people would be voting for the county chairman as presently vote.

Mr. OLIVER P. BOLTON. The gentleman feels that this would give a greater recognition to the members of the committees throughout the counties?

Mr. POAGE. We believe it would give a little more recognition to the localities, because all members of the local committees could vote, instead of merely the chairmen of the local committees.

Mr. OLIVER P. BOLTON. Was the bill passed unanimously by the committee?

Mr. POAGE. As I recollect, it was passed unanimously. I feel certain it was.

Mr. OLIVER P. BOLTON. I thank the gentleman. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh and eighth sentences of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590h(b)), are deleted and the following inserted in lieu thereof: "Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area. The members of the local committees shall, in a county convention, nominate and elect a county committee which shall consist of three members who are farmers in the county. At the first county convention held hereunder, one member of the county committee shall be elected for one year; one member shall be elected for two years; and one member shall be elected for three years. Thereafter, each member of a county committee shall be elected for a term of three years. No member of the county committee shall be elected for more than three consecutive terms."

SEC. 2. Section 503 of the Act of August 26, 1954 (68 Stat. 908; 16 U.S.C. 590h-3), is repealed.

SEC. 3. Section 1 of this Act shall become effective for elections of committeemen held on or after January 1, 1964.

Mr. POAGE. Mr. Speaker, I offer amendments to the bill.

The Clerk read as follows:

Amendments offered by Mr. POAGE: Page 2, line 3, strike out "hereunder," and insert "on or after the effective date of this sentence,".

Page 2, line 9, strike out the period at the end of the sentence and insert "(exclusive of any term which began prior to the effective date of this sentence)."

Page 2, line 13, strike out "1964" and insert "1965".

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZATION FOR SECRETARY OF THE ARMY TO ACQUIRE YMCA BUILDING ON THE FORT JAY MILITARY RESERVATION

The Clerk called the bill (H.R. 9803) to authorize the Secretary of the Army to acquire the building constructed on the Fort Jay Military Reservation, N.Y., by the Young Men's Christian Association.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized to acquire on behalf of the United States, out of funds appropriated pursuant to section 2 of this Act, fee simple title to the building constructed on the Fort Jay Military Reservation, New York, by the Young Men's Christian Association.

SEC. 2. There is authorized to be appropriated the sum of $150,000 to carry out the provisions of the first section of this Act.

With the following committee amendment:

The amendment is as follows:

Strike all of section 2 and, in lieu thereof, substitute the following:

"SEC. 2. The purchase price for the property acquired under this Act shall be $150,000, provided that no funds may be expended for acquisition of title to the property in the absence of specific appropriation of funds for such acquisition, which appropriation is hereby authorized."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPEALING RECAPTURE PROVISION ON MASSACHUSETTS LAND

The Clerk called the bill (H.R. 11338) to remove certain conditions subject to which certain real property in South Boston, Mass., was conveyed to the Massachusetts Port Authority.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I wish I could address my questions to the sponsor of the bill, but I know that is not possible—I notice this provides for an exchange of almost 16 acres of so-called surplus land in South Boston for a little less than 4 acres.

Mr. PHILBIN. Yes. There are some other equities involved here. For 17 years prior to the amendment of the first bill to make this land available the Navy had the use of the land.

This land was appraised for $167,000, I may say to the distinguished gentleman. The appraisal estimated the land to have a fair rental value of $6,500 a year. The Congress recognized this factor and permitted the Navy to waive 50 percent of the difference in the values of the two parcels. Since the difference in the appraised value of the lands is $96,000, all that the Secretary could waive was $48,000, which would be approximately, not the $6,500, which the appraisal deemed the land to be worth, but only $2,800 per year.

Mr. GROSS. The difference in the valuation of the land was fixed at $96,000, of which the Secretary waived 50 percent, or $48,000?

Mr. PHILBIN. That is right.

Mr. GROSS. Am I correct that the port authority will get this 50 percent reduction because the Government has been using publicly owned land at no cost? If so, for what period of time or for how many years did the Government use it?

Mr. PHILBIN. For the period of 17 years.

Mr. GROSS. I cannot understand why there was no charge to the Government for the use of the land during those 17 years.

Mr. PHILBIN. The appraiser valued the rental to be $6,500 a year, but actually, in accordance with the bill, the Government is paying off only on the basis of $2,800 a year. So the Government is getting a very good deal in this matter, in my estimation.

Mr. GROSS. The Government is?

Mr. PHILBIN. A very good deal, I should say, because we are getting more than the equivalent value of the property on the basis of the exchange and the rental appraisal for the use of the authority's property.

Mr. GROSS. I hope you are right, but I would be constrained to object to it were it not for the fact that the Government had the use of some land for a period of years.

Mr. PHILBIN. The gentleman is correct.

Mr. GROSS. The report does not say how many years, but you say it is 17 years?

Mr. PHILBIN. Seventeen years, according to the evidence, and that is the fact of the matter. I think the gentleman may be assured that the Government is receiving at least the equivalent value in the transaction.

Mr. GROSS. In view of the fact that the Government had the use of the property for 17 years, I think we can take that into consideration.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 of the Act entitled "An Act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Massachusetts, in exchange for certain other lands", approved July 7, 1960 (Public Law 86–602; 74 Stat. 355), is repealed.

(b) The Secretary of the Navy shall conform the conveyance made under such Act of July 7, 1960, to the repeal of the conditions imposed by section 2 of such Act.

With the following committee amendment:

Strike everything after the enacting clause and substitute the following: "That section 2 of the Act entitled "An act to authorize the Secretary of the Navy to transfer to the Massachusetts Port Authority, an instrumentality of the Commonwealth of Massachusetts, certain lands and improvements thereon comprising a portion of the so-called E Street Annex, South Boston Annex, Boston Naval Shipyard, in South Boston, Massachusetts, in exchange for certain other lands", approved July 7, 1960 (Public Law 86–602; 74 Stat. 355), is repealed."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed.

The title was amended so as to read: "A bill to remove certain conditions subject to which certain real property in South Boston, Massachusetts, was authorized to be conveyed to the Massachusetts Port Authority."

A motion to reconsider was laid on the table.

EXCHANGE OF LANDS—NAVY DEPARTMENT AND CALIFORNIA

The Clerk called the bill (H.R. 11594) to authorize the Secretary of the Navy to convey to the State of California certain lands in the county of Monterey.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, does not the delivery of the land on the part of the State of California require legislative action?

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. COHELAN. I am not sure of whether it does require legislative action. However, I can assure the gentleman that the details of the exchange and the wording of the bill have been developed through numerous and very extensive discussions between representatives of the State and of the Department of the Navy. The values that are involved, the appraised market value of the property to be conveyed to the Navy, is approximately $163,000. The property to be acquired by the Navy has an appraised market value of approximately the same amount.

Mr. GROSS. Mr. Speaker, let me ask the gentleman this question: Does he not think that in the absence of authority on the part of the State of California to deliver this land there ought to be some kind of a saving clause in the bill based upon the terms and conditions of the bill? I cannot find anything like that in the report.

Mr. COHELAN. I may say to the gentleman that on second thought, as I reflect on his question as to the legislative authorization for the conveyance of this property, I am quite certain the State Highway Commission which is involved in this transaction has that authority.

Mr. GROSS. Has the authority as of the present time?

Mr. COHELAN. Yes.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provisions of law, the Secretary of the Navy, or his designee, is authorized to convey to the State of California, subject to the terms and conditions hereinafter stated, and to such other terms and conditions as the Secretary of the Navy, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to the land located in the county of Monterey, State of California, described substantially as follows:

PARCEL 1

For freeway purposes that parcel of land in the city of Monterey, county of Monterey, State of California, described as follows: Beginning at a brass cap monument designated M–145, which said monument is the southwesterly terminus of course (38) described in the deed to the State of California, recorded December 12, 1960, in volume 2105 of official records, at page 396, records of said county;

thence (a) along the westerly line of the United States Navy property also being course (39) in last said deed, south 06 degrees 36 minutes 03 seconds west, 15.28 feet;

thence (b) north 38 degrees 48 minutes 10 seconds east, 235.86 feet;

thence (c) north 28 degrees 11 minutes 44 seconds east, 546.05 feet;

thence (d) north 20 degrees 05 minutes 51 seconds east, 66.49 feet to a point on the westerly line of the United States Navy property, which last said line is also the above said course (38);

thence (e) along said course (38) south 30 degrees 56 minutes 03 seconds west, 830.46 feet to the point of beginning; subject to easements and rights-of-way for pipelines as granted by Pacific Improvement Company to the Monterey County Waterworks, by deed dated August 27, 1907, and recorded September 3, 1907, in volume 98 of deeds at page 154, Monterey County records.

Together with the release and relinquishment of all abutter's rights of access, appurtenant to the Navy's remaining property, in and to said freeway. Containing 0.45 of an acre, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

PARCEL 2

For highway purposes, that part of the portion of real property in the city of Monterey, county of Monterey, State of California, conveyed to the United States of America by deed recorded June 15, 1948, in volume 1068 of official records at page 1, records of said county, described as follows: Beginning at monument M–124 as said monument is delineated on the map filed February 13, 1953, in volume 4 of surveys, at page 105, records of said county;

thence (aa) along a line connecting said monument M–124, with monument M–151, as delineated on said map, south 11 degrees 12 minutes 09 seconds east, 65.42 feet;

thence (bb), south 36 degrees 00 minutes 14 seconds east, 58.12 feet;

thence (cc), north 62 degrees 57 minutes 51 seconds east, 8.79 feet to a point on the westerly line of Aguajito Road as shown on last said map;

thence (dd) along the said westerly line north 27 degrees 02 minutes 09 seconds west, 120.34 feet to the point of beginning; subject to easements and rights-of-way for pipelines as granted by Pacific Improvement

Company to the Monterey County Water Works, by deed dated August 27, 1907, and recorded September 3, 1907, in volume 98 of deeds at page 154, Monterey County records. Containing 0.03 of an acre, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

PARCEL 3

For a freeway and adjacent frontage road that part of the portion of land in the city of Monterey, county of Monterey, State of California, conveyed to the United States of America by deed recorded June 15, 1948, in volume 1068 of official records, at page 1, records of said county, described as follows: Beginning at monument M–103 on the northeasterly line of the existing State highway, "Road V–Mon–117–Mon, A," as shown on the map recorded May 27, 1957, in volume 5 of surveys, at page 110, records of said county;

thence (1A) northeasterly along the property line of said portion conveyed to the United States of America to a concrete monument with a disk stamped "R.E. 707" set at an angle point in the property line of the Monterey Peninsula Airport as shown on said map recorded at page 110;

thence (2A) along course (10) under parcels III and IV in said deed to the United States of America, north 12 degrees 33 minutes 55 seconds west, 189.49 feet;

thence (3A) tangent to a line bearing north 74 degrees 43 minutes 41 seconds west, along a curve to the left with a radius of 642.69 feet through an angle of 6 degrees 10 minutes 12 seconds for an arc length of 69.21 feet;

thence (4A), north 75 degrees 39 minutes 00 seconds west, 221.21 feet;

thence (5A), along a tangent curve to the right with a radius of 400 feet through an angle of 57 degrees 41 minutes 19 seconds for an arc length of 402.74 feet;

thence (6A), north 14 degrees 24 minutes 42 seconds west, 163.72 feet;

thence (7A), north 27 degrees 30 minutes 56 seconds west, to a point on course (14) under said parcels III and IV in said deed to the United States of America;

thence (8A), westerly along said course (14) to said northeasterly line of said existing State highway; thence (9A), southeasterly along said northeasterly line to the point of beginning; subject to covenants, conditions, restrictions, easements, and reservations of record, if any.

Together with the release and relinquishment of all abutter's rights to access including access rights appurtenant to the Navy's remaining property in and into said freeway, provided however, that such remaining property shall abut upon and have access to said frontage road which will be connected to the freeway only at such points as may be established by public authority. Containing 6.47 acres, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

SEC. 2. In consideration of the conveyance by the United States of the aforesaid lands, the State of California shall convey to the United States lands located in the County of Monterey, State of California, described substantially as follows:

PARCEL 4

That parcel of land in the City of Monterey, County of Monterey, State of California, described as follows: Beginning at the southwesterly corner of that certain 94.984-acre tract conveyed by David Jacks to the Pacific Improvement Company, by deed dated May 11, 1880, and recorded in volume 1 of deeds at page 5, records of said county; thence (1B) northerly along the westerly line of said 94.984-acre tract to the northwesterly corner thereof, said corner being marked on the ground by a monument designated M–92; thence (2B) south 01 degree 20 minutes 04 seconds east, 53.25 feet;

thence (3B), south 02 degrees 31 minutes 54 seconds west, 648.36 feet;

thence (4B), south 03 degrees 49 minutes 15 seconds east, 308.63 feet;

thence (5B), south 18 degrees 11 minutes 15 seconds east, 341.40 feet;

thence (6B), south 27 degrees 30 minutes 56 seconds east, to the southerly line of the parcel of land conveyed to the State of California by final order of condemnation, recorded April 10, 1962 in reel 41 of official records, at page 251, records of said County;

thence (7B), easterly along last said line to the point of beginning; subject to a right of way from T. A. Work to Pacific Gas and Electric Company by instrument dated September 28, 1928, recorded October 3, 1929, in book 209 of official records at page 407, records of Monterey County, subject also to covenants, restrictions, easements, and reservations of record, if any. Containing 5.13 acres, more or less.

Excepting and reserving unto the State of California any and all rights of ingress to or egress from the real property herein conveyed to or from the freeway lying westerly of said real property; provided, however, that said real property shall abut upon and have access to a frontage road which will be connected with said freeway only at such points as may be established by public authority.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

PARCEL 5

That portion of lot 1 in block 1, city of Monterey, county of Monterey, State of California, as said lot and block are shown on the map of "Tract No. 370 Del Monte Research Park" filed in volume 7, of cities and towns, sheet 2 of 5 at page 19, records of said county, described as follows: Beginning at a 1½-inch iron pipe with copper disc stamped "L.S. 2975," said point marking the intersection of the southerly line of the Monterey Peninsula Airport district property with the northeasterly line of Garden Road, as said two lines are delineated on said map recorded in volume 7;

thence (1), along said northeasterly line, tangent to a line bearing south 42 degrees 42 minutes 45 seconds east, along a curve to the left with a radius of 809.95 feet, through an angle of 14 degrees 45 minutes 30 seconds for an arc length of 208.63 feet;

thence (2) north 77 degrees 26 minutes 05 seconds east, 225.00 feet;

thence (3), north 02 degrees 28 minutes 53 seconds west, 167.59 feet to a point on said southerly line of the Monterey Peninsula Airport;

thence (4), along last said southerly line south 77 degrees 26 minutes 05 seconds west, 381.07 feet to the point of beginning; subject to covenants, conditions, restrictions, easements and reservations of record, if any. Containing 1.17 acres, more or less.

Bearings and distances used herein are based on the California coordinate system, zone 4; multiply distances called by 1.0000592 to obtain ground level distances.

SEC. 3. The Secretary of the Navy, or his designee, is also authorized to accept from the State of California, or any local agency or subdivision thereof, such appropriate interests in other land as may be considered necessary for protection of the interests of the United States in connection with the exchange.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROCESSING OF GRAIN FOOD PRODUCTS

The Clerk called the bill (H.R. 11846) to amend the act of August 19, 1958, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 19, 1958, is amended to read as follows:

"That at any time Commodity Credit Corporation has any grain available for donation pursuant to clause (3) or (4) of section 416 of the Agricultural Act of 1949, as amended, section 210 of the Agricultural Act of 1956, or title II of the Agricultural Trade Development and Assistance Act, as amended, the Corporation, in lieu of processing all or any part of such grain into human food products, may purchase such processed food products in quantities not to exceed the equivalent of the respective grain available for donation on the date of such purchase and donate such processed food products pursuant to clause (3) or (4) of such section 416, and to such section 210, and make such processed food products available to the President pursuant to such title II, and may sell, without regard to the provisions of section 407 of the Agricultural Act of 1949, as amended, a quantity of the grain equivalent to the processed food products so purchased: *Provided,* That no food product purchased pursuant to the authority contained herein shall constitute less than 50 per centum by weight of the grain from which processed, or contain any additive other than for normal vitamin enrichment, preservative, and bleaching purposes."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF ANTIMONY FROM NATIONAL STOCKPILE

The Clerk called the bill (H.R. 11913) to authorize the sale, without regard to the 6-month waiting period prescribed, of antimony proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately seven million pounds of antimony now held in the national stockpile. Such dispositions may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act, relating to dispositions on the basis of a revised determination pursuant to section 2 of said Act, to the effect that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees thereof of a notice of the proposed disposition, but in such disposition the Administrator of General Services shall comply with the other provisions of such section 3, particularly those which require that the plan and date of disposition shall be fixed with due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

With the following committee amendment:

Strike everything after the enacting clause and substitute the following: "That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately five thousand short tons of antimony now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such dispositions may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the disposal, without regard to the prescribed six-month waiting period, of antimony from the national stockpile and the supplemental stockpile."

A motion to reconsider was laid on the table.

DISPOSAL OF SISAL FROM THE NATIONAL STOCKPILE

The Clerk called the bill (H.R. 12091) to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile.

The **SPEAKER.** Is there objection to the present consideration of the bill?

Mr. **CONTE.** Mr. Speaker, reserving the right to object, I should like to direct a question to the gentleman in charge of this bill. Can he tell us the present market price of sisal? The report indicates that the sisal should be sold, for one reason, because of the high market price at the present time. There is no mention of the price of sisal today.

Mr. **PHILBIN.** The proposal is to sell the sisal, of which we have a surplus, at the market price, and to eliminate all sisal from the national stockpile because it has been determined that it is no longer needed in the stockpile. The average current price of the sisal in the stockpile is 18¾ cents per pound. Naturally we would receive the current price. We would expect the Government to receive the Government market price.

Mr. **CONTE.** What was the cost of the sisal when we bought it?

Mr. **PHILBIN.** The sisal actually cost the Government 13½ cents. We expect to receive 18¾ cents, so the Government should make some profit out of it.

Mr. Speaker, I appreciate the gentleman's inquiry.

Mr. **CONTE.** Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately nine million five hundred thousand pounds of sisal now held in the national stockpile. Such disposal may be made without regard to the provision of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), that no disposition of materials held in the national stockpile shall be made prior to the expiration of six months after the publication in the Federal Register and the transmission to the Congress and to the Armed Services Committee of each House thereof of the notice of the proposed disposition required by said section 3(e).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF PORTIONS OF 10 MATERIALS

The Clerk called House Concurrent Resolution 320, to express the sense of the Congress on disposal from the national stockpile of certain materials.

The **SPEAKER.** Is there objection to the present consideration of the concurrent resolution?

Mr. **EDMONDSON.** Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The **SPEAKER.** Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REVENUES FROM NATIONAL WILDLIFE REFUGE SYSTEM

The Clerk called the bill (S. 1363) to increase the participation by counties in revenues from the national wildlife refuge system by amending the act of June 15, 1935, relating to such participation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Act of June 15, 1935, as amended (49 Stat. 378, 383; 16 U.S.C. 715s.), relating to the participation by the counties in revenues from wildlife refuges, is amended to read as follows:

"SEC. 401. (a) Beginning with the next full fiscal year and for each fiscal year thereafter, all revenues received by the Secretary of the Interior from the sale or other disposition of animals, timber, hay, grass, or other products of the soil, minerals, shells, sand, or gravel, from other privileges, or from leases for public accommodations or facilities incidental to but not in conflict with the basic purposes for which those areas of the National Wildlife Refuge System were established, during each fiscal year in connection with the operation and management of those areas of the National Wildlife Refuge System that are solely or primarily administered by him, through the United States Fish and Wildlife Service, shall be covered into the United States Treasury and be reserved in a separate fund for disposition as hereafter prescribed. Amounts in the fund shall remain available until expended, and may be expended by the Secretary without further appropriation in the manner hereafter prescribed. The National Wildlife Refuge System (hereafter referred to as the "System") includes those lands and waters administered by the Secretary as wildlife refuges, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas established under any law, proclamation, Executive, or public land order.

"(b) The Secretary may pay from the fund any necessary expenses incurred by him in connection with the revenue-producing measures set forth in subsection (a).

"(c) The Secretary, at the end of each fiscal year, shall pay, out of the net receipts in the fund (after payment of necessary expenses) for such fiscal year, which funds shall be expended solely for the benefit of public schools and roads as follows:

"(1) to each county in which reserved public lands in an area of the System are situated, an amount equal to 25 per centum of the net receipts collected by the Secretary from such reserved public lands in that particular area of the System: *Provided,* That when any such area is situated in more than one county the distributive share to each county from the aforesaid receipts shall be proportional to its acreage of such public lands therein; and

"(2) to each county in which areas in the System are situated that have been acquired in fee by the United States, either (A) three-fourths of 1 per centum of the cost of the areas, exclusive of any improvements to such areas made subsequent to Federal acquisition, such cost to be adjusted to represent current values as determined by the Secretary for the first full fiscal year after enactment of this Act and as redetermined by him at five-year intervals thereafter, or (B) 25 per centum of the net receipts collected by the Secretary from such acquired lands in that particular area of the System within such counties, whichever is greater. The determinations by the Secretary under this subsection shall be accomplished in such manner as he shall consider to be equitable and in the public interest, and his determinations hereunder shall be final and conclusive.

"(d) The payments under subsection (c) of this section to the counties in the United States for any one fiscal year shall not exceed the amount of net receipts in the fund for that fiscal year and, in case the net receipts are insufficient for a particular fiscal year to pay the aggregate amount of the payments for the fiscal year to the counties, the payment to each county shall be reduced proportionately.

"(e) Any moneys remaining in the fund after all payments are made for any fiscal year may be used by the Secretary thereafter for management of the System, including but not limited to the construction, improvement, repair, and alteration of buildings, roads, and other facilities, and for enforcement of the Migratory Bird Treaty Act, as amended (16 U.S.C. 703–711).

"(f) The disposition or sale of surplus animals, minerals, and other products, the grant of privileges, and the carrying out of any other activities that result in the collection of revenues within any areas of the System may be accomplished upon such terms, conditions, or regulations, including sale in the open markets, as the Secretary shall determine to be in the best interest of the United States. Further, the Secretary may dispose of such surplus animals by exchange of the same or other kinds, gift or loan to public institutions for exhibition or propagation purposes and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife in accordance with such regulations as he may prescribe.

"(g) Beginning with the first day of the next full fiscal year hereafter, the provisions of this Act shall supersede and repeal the provisions of the paragraph entitled 'Management of National Wildlife Refuges' in the General Appropriation Act, 1951, approved September 6, 1950 (64 Stat. 595, 693–694)."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. OSTERTAG. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

Mr. SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OSTERTAG. Mr. Speaker, I wish to express my support for this measure to increase the participation by counties in the revenues from the National Wildlife Refuge System. I introduced similar legislation in this Congress in an effor to correct the inequities which presently exist in the program. While some areas are adequately reimbursed for the loss of local tax revenues which occur when the Federal Government takes land for wildlife refuge purposes, many areas such as mine in western New York receive almost nothing in return from the refuge revenues. Let me point out, too, that location of a refuge in an area does not produce the fringe benefits which normally accompany establishment of a Federal installation—that is, increased employment, payrolls and economic activity.

It is not surprising then that the refuge program as it presently operates in some areas, is not designed to encourage local acceptance and cooperation, and has encountered outright opposition in some areas.

The Oak Orchard National Wildlife Refuge was created in my congressional district 6 years ago, and the Bureau of Sports Fisheries and Wildlife of the Department of Interior has acquired more than half of the 11,174 acres planned for the refuge. The refuge spreads into two counties—Genesee and Orleans. Last year these two counties received a total of $275 as their share of the refuge revenues; this is in sharp contrast to the total $8,173 in taxes which the county and town governments would have received from the same land under my legislative proposal, if the land had remained on the local tax rolls.

In all fairness, we should do something about this inequitable situation. As mentioned a moment ago, some counties in other States are far more fortunate under the present system and have no desire to change it. For that reason this bill would provide a choice: counties desiring to retain the present system of receiving 25 percent of the refuge revenues developed in their area, may do so; the others will be allowed to select a reimbursement system providing three-fourths of 1 percent of the cost of the land taken by the Federal Government for refuge purposes. In the case of the refuge in my area, this would provide less than half the amount the local governments would receive in taxes, but it would be a great improvement over the present conditions.

Mr. Speaker, the population of our Nation is increasing rapidly, new land is being settled at a rapid pace, and there is a great need to establish and retain areas for wildlife refuges. This is an important and necessary program. However, there is no need to penalize some areas in the operation of this program, particularly when sufficient revenues are produced by the wildlife refuge system to make adequate reimbursement to each participating area. I believe this bill provides a wise and sound solution to the present problem, and I urge the Members of the House to give it their support.

LAND EXCHANGE—NAVY DEPARTMENT AND SUNNYVALE, CALIF.

The Clerk called the bill (H.R. 12278) to authorize the Secretary of the Navy to convey to the city of Sunnyvale, State of California, certain lands in the county of Santa Clara, State of California, in exchange for certain other lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, here is another bill where there is an exchange of 75 acres of Government lands for 14 acres of municipally owned land.

How are we coming out in this deal?

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. GUBSER. I would say to the gentleman from Iowa that the 14 acres will be in addition to other lands which will be acceptable to the Secretary of the Navy and which will protect the financial interest of the United States; in other words, bring the value of land conveyed to the United States up to a value of $441,000.

The reason the exact acreage is not specified at this date is because as of about 2 weeks ago the property to be conveyed by the Navy was declared as excess by the General Services Administration. The city of Sunnyvale, Calif., was prepared to write a check for the land, but the Navy Department decided that perhaps in the future they might need land suitable for housing and they desired to change the procedure to a land exchange rather than an outright cash payment.

Mr. GROSS. This represents a pretty fair-sized deal. The Government is turning over land appraised at $882,000 and it is only getting $441,000, when and if additional land is put up. This is also on the basis of a 50-percent discount for recreational purposes.

I do not find anything in the report—it may be in the report or it may be in the bill and I have not seen it—that would provide for recapture unless the land is used for recreational purposes.

Mr. GUBSER. This is specifically in the bill. Section 2 states that in the event the land should at any time in the future be used for other than recreational purposes, the payment for the remaining 50 percent of fair market value shall be made to the Government. It is specifically spelled out in the bill.

Mr. GROSS. If any portion of the land is taken out of the present reservation for recreational purposes?

Mr. GUBSER. That is absolutely correct.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Secretary of the Navy, or his designee, is authorized to convey to the city of Sunnyvale, State of California, subject to the terms and conditions hereinafter stated, and to such other terms and conditions as the Secretary of the Navy, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to lands located in the county of Santa Clara, State of California, described substantially as follows:

A parcel of land situate in the Rancho Pastoria de las Borregas, Santa Clara County, California, said parcel being a portion of that certain 153.133 acre tract of land described in judgment entered August 26, 1952, in civil action numbered 31783 had in the District Court of the United States in and for the Northern District of California, Southern Division, a copy of said judgment being recorded in book 2477, official records, at page 487, Records of Santa Clara County, and the boundaries of said parcel being described as follows:

Beginning at a granite monument set at the point of intersection of the northerly line of Maude Avenue with the centerline of Mountain View and Alviso Road as said monument is shown on that certain map entitled, "Map of the Partition of Part of the Rancho Pastoria de las Borregas Patented to Martin Murphy, Jr." filed April 29, 1893, in the office of the recorder, Santa Clara County, California, in book G of maps at pages 74 and 75, from said point of beginning; thence,

(1) north 57 degrees 00 minutes 30 seconds east, 54.33 feet to a point in the centerline of Mountain View and Alviso Road; thence

(2) north 15 degrees 21 minutes east, 1,757.62 feet to a point; thence

(3) north 74 degrees 44 minutes 10 seconds west, 432.23 feet to a point; thence

(4) north 16 degrees 24 minutes east 430.00 feet to a point; thence

(5) north 74 degrees 44 minutes 10 seconds west, 415.16 feet to a point; thence

(6) north 16 degrees 24 minutes east, 555.00 feet to the northerly terminus of the course designated at "(16)" in the aforesaid judgment; thence

(7) south 74 degrees 44 minutes 10 seconds east, along the course designated as "(15)" in the aforesaid judgment, 800.00 feet to a point; thence

(8) south 22 degrees 20 minutes 30 seconds east, 1,877.07 feet to a point in the centerline of Mountain View and Alviso Road, as said road existed in the year 1952; thence along said centerline the following two courses;

(9) north 57 degrees 00 minutes 30 seconds east, 1,898.20 feet; and

(10) north 74 degrees 05 seconds east, 173.08 feet to a point therein; thence crossing said road;

(11) south 15 degrees 55 minutes east, 30.00 feet to a point in the southerly line of said road, said point being the point of curvature of the course next following; thence

(12) northeasterly, on the circumference of a circle, the radius point of which bears south 15 degrees 55 minutes east, 100.00 feet from the point of curvature, through a central angle of 19 degrees 13 minutes 23 seconds an arc distance of 33.55 feet (from the

point of curvature, the long chord bears north 83 degrees 41 minutes 41.5 seconds east, 33.39 feet) to a point of tangency; thence nontangentially, and following the easterly and southerly boundaries of the aforesaid 153.133 acre tract, the following six courses:

(13) south 14 degrees 52 minutes west, 2,027.23 feet to a point; thence

(14) north 75 degrees 08 minutes west, 525.95 feet to a point; thence

(15) north 14 degrees 52 minutes east, 192.52 feet to a point; thence

(16) north 75 degrees 08 minutes west, 910.59 feet to a point, thence

(17) south 14 degrees 52 minutes west, 1,095.29 feet to a point in the northerly line of Maude Avenue; thence

(18) north 67 degrees 32 minutes west, along the northerly line of Maude Avenue 1,208.24 feet to the point of beginning.

Containing within the above-described boundaries, 95.229 acres, more or less.

SEC. 2. In consideration of the conveyance to the city of Sunnyvale by the United States of the aforesaid lands, the city of Sunnyvale shall convey to the United States such lands located in the county of Santa Clara, State of California, which are acceptable to the Secretary of the Navy, or his designee. The city of Sunnyvale shall pay to the United States the difference, if any, between the value of the property so conveyed by the United States, as hereinafter provided, and the fair market value of the lands and interests in lands accepted in exchange therefor. The land conveyed to the city of Sunnyvale shall be used for park or recreational purposes and valued at 50 per centum of its fair market value. The conveyance shall provide that the land be used for park or recreational purposes, and that in the event the land ceases to be used or maintained for park or recreational purposes, the city of Sunnyvale, its grantees or assignees, shall pay to the United States 50 per centum of the then fair market value.

SEC. 3. The Secretary of the Navy, or his designee, is also authorized to accept from the city of Sunnyvale such appropriate interests in other lands as may be considered necessary for protection of the interests of the United States in connection with the exchange.

With the following committee amendment:

On page 3, line 20, strike the figure "74" and insert in lieu thereof the figure "75".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENFORCEMENT OF ARTICLE 19, UNITED NATIONS CHARTER

The Clerk called House Concurrent Resolution 343, expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. FORD. Mr. Speaker, reserving the right to object, I note on page 2 of the concurrent resolution it says on lines 1, 2, and 3 at the bottom thereof:

> *Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that the President should direct the Permanent United States Delegate to the United Nations to continue efforts toward securing payment by members of the United Nations of their assessments in arrears.

I ask the gentlewoman from New York [Mrs. KELLY] why it is not more specific. In other words, should it not be changed to "shall" or should we not drop the word "should" altogether in order to make it more specific?

Mrs. KELLY. Mr. Speaker, if the gentleman will yield, I am very happy that the gentleman from Michigan has raised this point. In a "sense" resolution, as he is aware, this is the customary language. It reflects the courtesy generally extended by the Congress in making such a request of the Chief Executive, particularly on matters which involve foreign relations.

I want to add that this resolution was reported unanimously by the Committee on Foreign Affairs.

Mr. Speaker, I would hope that the gentleman will not press his point because any controversy, disagreement, or delay in the enactment of this resolution may be misunderstood around the world, particularly in areas with respect to which we desire that our action should produce prompt and constructive results.

Because of this, I would like to have this resolution adopted as quickly as possible without an amendment of any kind.

Mr. FORD. I would like to state categorically that I fully support what I believe to be the intent of this concurrent resolution, but in my support of it I want it clearly understood that the President and our representatives at the United Nations shall be very hard and tough. There is no room for compromise. Our U.N. delegates should demand that these other nations make their payments as they are required to do under the charter and the World Court decision. This is not a negotiable issue in the U.N. Payment is to be made, or else.

Mrs. KELLY. I agree with the gentleman from Michigan. This is the very purpose of the resolution. It accomplishes it in two ways, as follows:

First, it reiterates the sense of the Congress that effort should be made to get U.N. members to pay up the arrears on their assessments; and

Second, it goes a step further by urging that the overly delinquent members be subject to the penalty provisions of article 19 of the U.N. Charter: loss of vote in the General Assembly.

Mr. Speaker, 188 years ago we fought a war to uphold—among others—the principle that there shall be "no taxation without representation." Today, I propose that the Congress insist on the corollary of that principle: that there shall be "no representation without taxation" in the United Nations.

Mr. Speaker, I believe that very little needs to be said about the financial situation of the United Nations.

As of June 30 of this year, the deficit position of the United Nations was $134.5 million.

On that same date, the unpaid assessments of U.N. members—for both the regular budget and the peacekeeping operations—amounted to $123 million.

This was $22 million more than the total regular budget of that organization for the calendar year 1964.

These statistics speak for themselves. The United Nations cannot be expected to operate effectively—perhaps even to operate at all—if the budgetary decisions of the General Assembly continue to be defied, and if the members do not fulfill their financial obligations to the Organization.

As I mentioned earlier, the Congress has already expressed itself on this subject. Two years ago, in enacting the United Nations Loan Act, the Congress urged that prompt steps be taken to restore the financial integrity of the United Nations by getting its members to pay up their dues.

Today, 2 years later, the financial situation of the U.N. is even worse. This year, for the first time in the United Nations' history, some 15 member countries are more than 2 years behind in paying their assessments.

Under article 19 of the U.N. Charter, these 15 countries are subject to a loss of vote in the General Assembly unless they reduce their arrears before the Assembly meets in November.

There is no question about this point. The penalty provision is spelled out clearly in the U.N. Charter. It applies to the current arrears of those 15 member countries. And its application is automatic.

The executive branch of our Government has made it perfectly clear that the United States supports prompt and vigorous application of article 19. Nevertheless, some of the delinquent U.N. members are still balking and stalling.

I believe, therefore, that it is incumbent upon the Congress of the United States to tell the world that the United States—both branches of our Government and the American people—are united in our determination to see that the provisions of the U.N. Charter be given effect. To repeat what I said earlier, there should be "no representation without taxation" at the U.N.

Mr. Speaker, the resolution before the House—House Concurrent Resolution 343—clearly expressed the sense of the Congress with respect to this issue. It is a strong—and a timely—resolution. It has bipartisan sponsorship, and it was reported unanimously by the Committee on Foreign Affairs.

For these reasons, I urge its prompt and unanimous adoption by the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. It was the very purpose of serving notice around the world that we want these assessments paid that I offered an amendment in committee to strike the words the President "should" direct the United Nations in two instances in the resolving part of this resolution. I support the resolution but I insist it would be a stronger and better resolution had the two "shoulds" been removed from the resolution.

Mr. FORD. Would it be your interpretation if the House approves this concurrent resolution it is the sense of the

Congress that our delegation in the United Nations is expected to insist upon the assessments being paid?

Mr. GROSS. It would be my opinion that this is a mandate to do exactly that.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from California.

Mr. MAILLIARD. I think this colloquy is valuable. There is not any basic difference of opinion. I introduced an identical resolution to the one we are now considering. The language is a question of nicety, and I do not think anyone should be in doubt as to what we mean here. It seems to me this is the natural result of the record that was made on the floor of the House when we approved the bond issue to bail out the United Nations. At that time I felt the Committee on Foreign Affairs, the executive branch of the Government and everyone involved made a commitment to the Members of Congress that we would do this bailing out only with the understanding that article 19 of the charter was fully enforced so far as the United States could enforce it.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentlewoman from New York.

Mrs. KELLY. Mr. Speaker, I would like to add that this is a bipartisan resolution. It was cosponsored by the gentleman from California [Mr. MAILLIARD], In my opinion, this concurrent resolution should be agreed to immediately.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I wish to join with my distinguished colleague the gentlewoman from New York [Mrs. KELLY] and my friend the gentleman from California [Mr. MAILLIARD] in urging the adoption of House Concurrent Resolution 343.

The Subcommittee on International Organizations and Movements, which I have the honor to chair, has followed closely, and with growing concern, developments relating to the financial position of the United Nations.

In the course of our consultations with the executive branch, we have endeavored to stress the necessity for exerting every effort—including our determination to support the application of the penalty provisions of article 19 of the U.N. Charter—to prompt U.N. members who are in arrears to pay up their assessments.

We have tried to make it clear that the Congress fully supports the executive branch in its firm position on this issue.

I believe that House Concurrent Resolution 343 serves a very useful purpose and should be enacted. Currently, some 15 members of the United Nations are 2 or more years in arrears on their assessments. On January 1, 1965, other U.N. members may find themselves in a similar position.

It is obvious to everyone who has followed the affairs of the United Nations that the Organization cannot long operate effectively unless its financial integrity is restored. The sense of the Congress on this point is outlined in the resolution before the House. I believe that the adoption of this resolution will strengthen the hand of the executive branch in trying to help resolve the financial crisis at the U.N. and may have a salutary effect in prompting the delinquent U.N. members to pay up their dues.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to concur with the gentleman from Michigan in strongly supporting this resolution. I too would have felt better if we had the word "shall" rather than "should" in the resolution. In any case, I shall strongly support the resolution.

Mr. Speaker, I ask unanimous consent that the table on page 2 of the report No. 1756, the committee report, be inserted in the RECORD at this point. This shows the delinquent accounts of the different countries.

I would also like to say, Mr. Speaker, that we must continue to pursue this matter with all of the personal and individual strength we have as a nation.

The principle of collective security is one that is indeed binding on all members and for a particular country, or countries, to overlook their indebtedness at this time would be most tragic.

Example is another important and essential aspect of collective living, and the great dream and steady accomplishments at the United Nations are such that each new nation coming within its purview be aware of its responsibilities.

Certainly, a new nation coming into this organization could feel—in lieu of evidence to the contrary—that payment of necessary debts would not be necessary. Since these nations—many of them—are comparatively poorer, they might feel justified in avoiding these obligations. They might, in fact, point to certain richer nations as an example.

It is precisely this point that is so important. And it is why this resolution is so important. Article 19 of the United Nations Charter must be enforced.

As one who has consistently supported the aims and purposes of the United Nations—I think that I was one of only two Members of Congress who stood on this floor and fought to increase the funds for the UN voluntary organizations in 1963—I feel that it is absolutely essential that this resolution be something more than a simple affirmation of purpose. I hope and trust that it will.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The matter referred to follows:

Status of contributions of U.N. members subject to article 19 in 1964 (based on actual payments as of June 30, 1964)

Country	1963 and prior years arrears				
	Working capital fund	Regular budget	UNEF [1]	UNOC [2]	Total arrear
Africa: None					
Europe:					
Byelorussian S.S.R.		$74,511	$493,083	$1,280,137	$1,847,731
Czechoslovakia			933,084	2,603,920	3,537,004
Hungary		720,881	456,043	918,775	2,095,699
Poland			1,390,410	2,274,641	3,665,051
Rumania			405,581	862,613	1,268,194
Ukrainian S.S.R.		283,714	1,887,904	4,889,673	7,061,291
U.S.S.R.		2,145,051	15,638,166	36,984,971	54,768,188
Far East: China	$358,605	3,624,229	4,347,629	6,454,590	14,785,053
Latin America:					
Argentina		1,569,529	913,350	565,756	3,048,635
Bolivia	6,000	54,536	32,970	31,484	124,990
Guatemala	7,500	60,826	20,874	38,209	127,409
Haiti	6,000	77,935	16,726	30,567	131,228
Paraguay	6,000	78,885	26,726	20,880	132,491
Uruguay	16,391	143,618	31,188	88,453	279,650
Near East: Yemen	6,000	58,851	36,364	40,253	141,468

[1] United Nations Emergency Force in the Middle East.

[2] United Nations operation in the Congo.

Mr. EDMONDSON. Mr. Speaker, this resolution is needed to assure our delegation to the United Nations of our continuing support of their efforts to compel the Soviet Union and others now willfully delinquent to pay their just share of U.N. expenses.

I strongly support the resolution and hope the United Nations will act in accordance with the U.N. Charter to deny the vote in the General Assembly to all willful delinquents.

Membership in the United Nations is not a one-way street, to be traveled only when things are going your own way. With participation goes responsibility, and all who are able to assume that responsibility should do so, without further delay.

Mr. MAILLIARD. Mr. Speaker, as the author of an identical resolution, I wish to join my distinguished colleague from New York [Mrs. KELLY] in urging prompt and unanimous adoption of the resolution before the House.

The reasons which argue for this action on our part are clear and persuasive.

As the largest single contributor to the United Nations, the United States has a special interest and responsibility for the financial integrity of that organization.

In the past, we have endeavored to discharge that responsibility by paying our dues regularly and by urging other

U.N. members to do likewise, by contributing over and above our share of the regular U.N. budget to special U.N. programs and operations, and by bailing the U.N. out of temporary financial difficulties.

We intend to continue on this course. We will do so because we believe that the United Nations serves a very useful and important function in promoting international understanding, cooperation, and world peace.

At the same time, Mr. Speaker, we will not stand idly by and see the United Nations plunged into an ever deeper financial crisis through the refusal of some members to pay their share of that organization's expenses.

And it is for this reason that we ought to—that we must—give our support and endorsement to the sentiments outlined in House Concurrent Resolution 343.

Mr. Speaker, all of us are aware, I am certain, that the financial woes of the United Nations cannot be attributed solely, or even primarily, to the inability of the member countries to pay their assessments. Rather, these woes find their origin in the refusal of a handful of countries to pay their proper share of the cost of the United Nation's peacekeeping operations.

With respect to this subject, one thing is perfectly clear: U.N. assessments for peacekeeping operations constitute the expenses of the Organization within the meaning of article 17 of the United Nations Charter and assessments voted by the General Assembly to cover such expenses are binding upon all U.N. members.

This was established in an advisory opinion rendered by the International Court of Justice on July 20, 1962.

This opinion, to carry the matter one step further, was overwhelmingly adopted by the United Nations General Assembly.

There is no justification, therefore, for claims to the effect that peacekeeping assessments are not binding on member nations—or that the arrears in such assessments may not be counted in applying the penalty provision of article 19 of the U.N. Charter: the provision which states that members which are 2 years or more in arrears on their assessments shall lose their vote in the U.N. General Assembly.

The opinion of the International Court of Justice, and the acceptance of this opinion by the General Assembly, show such claims to be spurious in character.

Nevertheless, Mr. Speaker, certain members of the United Nations which are delinquent in paying their assessments, refuse to accept this fact. Further, they apparently feel that in the final hour before the showdown on this issue, the United States is going to back down and allow this provision of the U.N. Charter—and the budgetary decisions of the General Assembly—to be defied with impunity.

I am confident, Mr. Speaker, that such expectations badly misinterpret our national resolve.

For more than 1 year, while the financial crisis of the United Nations continued to worsen, the United States has taken the position that we will support, and insist on, vigorous application of the penalty provisions of article 19 to members with excessive arrears. Last year, while serving as U.S. Delegate to the U.N. 18th General Assembly, I participated in a number of discussions—and made several speeches in the 5th Committee of the General Assembly—in an effort to make this point perfectly clear to delegates of other member nations. I do not deceive myself, however, that those efforts resolved the problem. Doubts about the firmness of our resolve, and expectations of a last-minute change in the position of the United States, are still evident.

It is for these reasons, Mr. Speaker, that I urge the House to adopt the resolution before us. By this action, we shall demonstrate the unity and the strength of our resolve. And, hopefully, we will convince the delinquent members that they must "fish or cut bait"—in other words, pay up or lose their voting rights in the U.N. General Assembly.

Mr. DUNCAN. Mr. Speaker, the situation which calls for this resolution, expressing the sense of Congress that all members of the United Nations should pay their assessments or lose their vote, may be a crisis in the development of the United Nations comparable, in some respects, to the several which arose during the early days of our own country. Questions which were resolved through the genius of the great Chief Justice, John Marshall.

Questions which involved the survival of the Republic and its ability to make effective its will in those areas of delegated authority. If the Soviets and others successfully refuse to comply with the charter and the resolutions of the General Assembly, then the United Nations is impotent and a mere debating society. If compliance is secured then the United Nations has taken a big step toward becoming an effective force for peace in the world.

In passing this resolution, we must not forget that the day may come when the United States may disagree with the actions of the United Nations, to the support of which this same article 19 will commit us. Recognizing this factor, however, does not change the need for continued efforts for an effective world peace organization such as the United Nations can become and, therefore, I support this resolution.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Clerk read the House concurrent resolution, as follows:

Whereas one hundred and thirteen nations have accepted the obligations of the Charter of the United Nations to maintain international peace and security and have agreed "to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace"; and

Whereas the International Court of Justice in an advisory opinion on July 20, 1962, held that expenditures for peacekeeping operations constitute expenses of the Organization which shall be borne by the members as apportioned by the General Assembly under article 17 of the United Nations Charter; and

Whereas the advisory opinion of the International Court of Justice was accepted by the General Assembly in a resolution on December 19, 1962, by a vote of seventy-six in favor, seventeen against, and eight abstentions; and

Whereas article 19 of the United Nations Charter provides that a member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years, unless relieved of that penalty by a vote of the General Assembly on the grounds that "the failure to pay is due to conditions beyond the control of the member"; and

Whereas at the convening of the Nineteenth General Assembly of the United Nations in 1964, certain members of the United Nations which are now in arrears may fall within the purview of the provisions of article 19 of the United Nations Charter; and

Whereas legislation has been enacted expressing the sense of the Congress that "the United Nations should take immediate steps to give effect to the advisory opinion of the International Court of Justice on the financial obligations of members of the United Nations in order to assure prompt payment of all assessments, including assessments to cover the cost of operations to maintain or restore international peace and security": Now, therefore, be it

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of the Congress that the President should direct the Permanent United States Delegate to the United Nations to continue efforts toward securing payment by members of the United Nations of their assessments in arrears. It is further the sense of the Congress that if, upon the convening of the Nineteenth General Assembly, the arrears of any member of the United Nations equals or exceeds the amount of the contribution due from it for the preceding two full years, the President should direct the Permanent United States Delegate to make every effort to assure invocation of the penalty provisions of article 19 of the Charter of the United Nations.

The SPEAKER. The question is on agreeing to the House concurrent resolution.

The question was taken.

Mr. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 352, nays 0, not voting 78, as follows:

[Roll No. 231]

YEAS—352

Abbitt
Abele
Abernethy
Addabbo
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Auchincloss
Ayres
Baker
Baldwin
Barrett
Barry
Bates
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Blatnik
Boggs

Boland
Bolling
Bolton, Oliver P.
Bonner
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burke
Burkhalter
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conte
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Dole
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Everett
Evins
Fallon
Farbstein
Fascell
Feighan
Findley
Finnegan
Fino
Fisher
Flood
Flynt
Fogarty
Ford
Foreman
Forrester
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Gill
Glenn
Gonzalez
Goodell
Goodling
Grant
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hansen
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Hawkins
Hays
Hébert
Hechler
Henderson
Herlong
Holifield
Holland
Horan
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilburn
Kilgore
King, Calif.
King, N.Y.
Kirwan
Knox
Kornegay
Kunkel
Laird
Landrum
Langen
Latta
Leggett
Lennon
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
Long, Md.
McCulloch
McDade
McFall
McIntire
McLoskey
Macdonald
Mahon
Mailliard
Marsh
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Matthews
May
Meader
Michel
Mills
Minish
Minshall
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nelsen
Nix
Norbald
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Ostertag
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pillion
Poage
Poff
Pool
Powell
Price
Purcell
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Selden
Senner
Short
Shriver
Sickles
Sikes
Siler
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Va.
Snyder
Springer
Stafford
Staggers
Steed
Stinson
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Watson
Watts
Weaver
Weltner
Westland
Wharton
White
Whitener
Whitten
Wickersham
Widnall
Willis
Wilson, Ind.
Wright
Wydler
Young
Younger
Zablocki

NAYS—0

NOT VOTING—78

Adair
Alger
Ashley
Avery
Baring
Bass
Battin
Bolton, Frances P.
Bromwell
Brown, Calif.
Buckley
Cameron
Celler
Daddario
Dawson
Diggs
Dingell
Elliott
Ellsworth
Fraser
Fulton, Tenn.
Grabowski
Gray
Gurney
Hanna
Harvey, Mich.
Healey
Hoeven
Hoffman
Horton
Jones, Ala.
Jones, Mo.
Kee
Kluczynski
Kyl
Lankford
Lesinski
McClory
McDowell
McMillan
MacGregor
Madden
Mathias
Matsunaga
Miller, Calif.
Miller, N.Y.
Milliken
Montoya
Morrison
Moss
Nedzi
Osmers
Pepper
Pilcher
Pirnie
Pucinski
Rains
Randall
Roybal
Ryan, Mich.
St. George
Scott
Sheppard
Shipley
Sibal
Smith, Calif.
Staebler
Stephens
Thompson, La.
Toll
Tollefson
Wallhauser
Whalley
Williams
Wilson, Bob
Wilson, Charles H.
Winstead
Wyman

So the concurrent resolution was agreed to.

The Clerk announced the following pairs:

Mr. Toll with Mr. Whalley.
Mr. Randall with Mr. Battin.
Mr. Ashley with Mr. MacGregor.
Mr. Kluczynski with Mr. Adair.
Mr. Morrison with Mr. Tollefson.
Mr. Hanna with Mr. Smith of California.
Mr. Thompson of Louisiana with Mr. Ellsworth.
Mr. Dingell with Mr. Sibal.
Mr. Pucinski with Mr. Pirnie.
Mr. Buckley with Mr. Osmers.
Mr. Lesinski with Mr. Mathias.
Mr. Daddario with Mr. McClory.
Mr. Ryan of Michigan with Mr. Horton.
Mr. Montoya with Mr. Gurney.
Mr. Nedzi with Mr. Harvey of Michigan.
Mr. Miller of California with Mr. Bob Wilson.
Mr. Madden with Mr. Wyman.
Mr. Shipley with Mrs. Frances P. Bolton.
Mr. Jones of Alabama with Mrs. St. George.
Mr. Baring with Mr. Kyl.
Mr. Cameron with Mr. Bromwell.
Mr. Brown of California with Mr. Wallhauser.
Mr. Elliott with Mr. Miller of New York.
Mr. Grabowski with Mr. Milliken.
Mr. Fulton of Tennessee with Mr. Hoeven.
Mr. Roybal with Mr. Hoffman.
Mr. Macdonald with Mr. Avery.
Mr. Charles H. Wilson with Mrs. Kee.
Mr. Fraser with Mr. Diggs.
Mr. Matsunaga with Mr. Dawson.
Mr. Scott with Mr. Healey.
Mr. Moss with Mr. Celler.
Mr. Pilcher with Mr. Lankford.
Mr. Williams with Mr. Gray.
Mr. Winstead with Mr. Staebler.
Mr. Pepper with Mr. Rains.
Mr. Stephens with Mr. Bass.
Mr. Sheppard with Mr. McMillan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so have permission to extend their remarks immediately prior to the concurrent resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

AUTHORIZATION OF URBAN SOIL SURVEYS

The Clerk called the bill (H.R. 5406) to authorize the Secretary of Agriculture to cooperate with States and other public agencies in planning for changes in the use of agricultural land in rapidly expanding urban areas and in other nonagricultural use areas, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. OLIVER P. BOLTON. Mr. Speaker, reserving the right to object, I would like to ask the committee several questions regarding this bill. In the first place, I see on page 3 of the report, that the Department of Agriculture is actively cooperating with other departments of the executive branch. Mr. Speaker, I wonder if the spokesman for the committee, the distinguished gentleman from Texas, could tell us how many Federal Government planning agencies are now making plans for urban land use.

Mr. POAGE. Mr. Speaker, I have not the slightest idea how many agencies are making plans regarding urban land use, but the Department of Agriculture is the only agency that makes these soil surveys. The soil surveys are of importance in doing this urban planning for all of this multitude of agencies to which the gentleman refers.

Mr. OLIVER P. BOLTON. Would the gentleman from Texas specify what kind of land he is talking about? This is privately owned land?

Mr. POAGE. This is both publicly and privately owned land. It is all the land within a specific area.

Mr. OLIVER P. BOLTON. And this is land that is going out of agricultural use into some other use, as determined by the owners of that land?

Mr. POAGE. Not necessarily. The soil survey of the United States is going on now. It includes both urban and rural areas. It includes every acre of land in the United States, whether it is in New York City or whether it is in Nevada. But it is a slow process. It will probably take from 20 to probably 40 years before the whole United States is mapped for soil purposes at the rate we are going.

What this legislation proposes to do is to authorize local governmental units—and that primarily means a city, of course—to cooperate with—and that means to share the cost with the Department of Agriculture in conducting this general soil survey program.

The surveys which are made under this bill will be no different from the surveys which are presently being made. However, it is anticipated that through this method we will be able to do a good deal of planning in some of the urban areas which we hope will put up half of the cost and move this thing along a little faster than it is presently moving.

Mr. OLIVER P. BOLTON. I am interested in the gentleman's choice of words, because it is different than that contained in the report. The report states that this bill would authorize the Secretary of Agriculture to cooperate with other departments in local government. The gentleman stated that it would authorize local governments to cooperate with the Department of Agriculture.

Mr. POAGE. If the gentleman will yield further, it will. By that I mean primarily it will authorize a local agency to pay a part of the cost of these surveys. Under existing practices this share is 50 percent at the present time, and we anticipate that it will continue to be 50 percent of the cost of these surveys.

Mr. OLIVER P. BOLTON. In its report the committee mentions that one of the reasons that cities would need this land-use study and land study is because of the open air programs provided for under the Housing Act.

The gentleman is familiar, of course, with the responsibility for such land studies now which is in the Housing and Home Finance Administration?

Mr. POAGE. That is right.

Mr. OLIVER P. BOLTON. And that one of the great pitches that has been made for the authority that has been given to the Housing and Home Finance Administrator is that there are so many other departments cooperating with him.

I took it for granted that one of them was the Department of Agriculture and that the Department of Agriculture had this ability.

Mr. POAGE. It was not and is not my understanding as a member of the committee that this bill contemplates that kind of cooperation which the gentleman is suggesting. On the contrary, it is my understanding that the legislation does contemplate that those communities which find that they need a soil map—and in most cases they will need a soil map for any kind of redevelopment of a community because you can do it better and cheaper and more expeditiously if you do have a soil map—will seek such a map from the Department of Agriculture which ultimately under the present program will map every acre of land in the United States, but which does not have existing maps of large areas as yet.

Mr. OLIVER P. BOLTON. The gentleman backs up what they say in the report; namely, that the Department of Agriculture has this responsibility under the present law, but under the priority system it will not get anywhere near to this type thing, I believe the gentleman said, for about 20 years. So those who recognize the great contribution which the Soil Conservation Service is making to the agricultural land would certainly not object to the program until it got into the, shall we say, concrete farming areas?

Mr. POAGE. If the gentleman will yield further, it was the thought of the Committee on Agriculture that this service should be available to everyone in the United States, whether they were located in Kansas or in New York City.

We hope that the program can be expedited by allowing those communities which feel they have an immediate financial interest in getting something done this year or next year—that if they felt it was worth their consideration and their money they might expedite and hasten the survey of their immediate areas by joining in and cooperating with the cost of the program.

Actually, the Department of Agriculture will make the survey. There will be no surveys authorized by anybody other than the Department of Agriculture.

Mr. OLIVER P. BOLTON. My basic question is this: It is my understanding that the Department of Agriculture now has the authority to make such surveys?

Mr. POAGE. That is right.

Mr. OLIVER P. BOLTON. It is under the direction of the executive department, and under the direction of the Congress and under legislation to cooperate with the other departments in carrying out their programs that the Home and Finance Administration is required to make surveys that will take in the local governments. They will encompass different spaces. The Department of Housing and Home Finance Administration has the responsibility to make studies or to see to it that studies are made on a regional or metropolitan basis that will take into account mass transportation. I am under the impression that the sole requirement is that the Department of Agriculture cooperate with the other departments. It seems to me we are adding another bit of fire in this interdepartmental authorization.

Mr. POAGE. No. I do not so interpret the legislation, and neither did the Committee on Agriculture so interpret this legislation. As we understand it, although the Department of Agriculture has the authority to map every acre of the United States, it would take between 20 to 50 years to do it. Therefore the Department of Agriculture cannot do it all at one time. There are certain areas where they have already done this work and where they have soil maps. There are other areas where such maps are needed and needed very quickly. Most of these are urban areas. It could save a great deal of money. It is a good deal cheaper to have the Department of Agriculture make that soil map as a part of the soil map of the United States than for a particular agency to go ahead and do it on their own. In case any agency of government, whether local or a departmental, wants to put up some of the money for the cost of these programs, the Department of Agriculture can under this bill accept it and cooperate with them and thus speed up very materially the work in urban areas. This work is now pretty largely confined to rural areas, because the Department of Agriculture naturally finds that it has a greater need for maps of rural areas.

This bill is an effort to make this soil survey a little more helpful to the urban areas because we think this soil survey should be a national program.

Mr. OLIVER P. BOLTON. I appreciate the gentleman's answer.

It seems to me, Mr. Speaker, this is an obvious example of another duplication of planning authority. I withdraw my reservation of objection and ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADDITION TO EVERGLADES NATIONAL PARK

The Clerk called the bill (H.R. 8290) to authorize the Secretary of the Interior to accept a transfer of certain lands within Everglades National Park, Dade County, Fla., for administration as a part of said park, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, if I understand this proposal correctly this is an authorization to the extent of $452,000 for reimbursement to the Farmers Home Administration. This reimbursement would permit, in effect, the purchase of 4,420 acres of land within Everglades National Park.

As I understand it, the Farmers Home Administration apparently made a bad loan. The parties who borrowed the money could not pay, therefore the Farmers Home Administration took over a defaulted mortgage. It follows if we are to turn this land over to the Everglades National Park the Farmers Home Administration has to be bailed out to the extent of $452,000. I am for the Everglades National Park, but I raise the question about the business wisdom of the Farmers Home Administration in making the loan in the first place. How could they make such a poor loan? The evidence is clear the business could not make a "go" of it.

Mr. POAGE. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Texas.

Mr. POAGE. I do not think the record will show the Farmers Home Administration made a bad loan.

Mr. FORD. They have lost $452,000.

Mr. POAGE. No; they have not lost anything. They made a loan of about $98,000. This was a second mortgage on this property, on which the Connecticut Mutual Life Insurance Co. had a loan of about $200,000. After they foreclosed the second mortgage, the life insurance company thought they could make some settlement, and the Farmers Home Administration paid them off, because there was and is substantial equity in the property. The Farmers Home Administration paid them off. They had property there which we were told would easily sell for more than the total of FHA's investment.

This is the property about which there was considerable dispute at the time of the creation of the Everglades National Park. This was some of that high-priced bean and vegetable land which had been reclaimed by the drainage of the swamps. It was a piece of land which the local people strongly objected to going into the park, because they felt it would cripple the local economy. But when this land was finally taken over by the Farmers Home Administration the local objection had ceased and instead the local people and the Congressmen from that area would like to see this area included in the park.

This bill is to make sure that the Farmers Home Administration not make a profit on what they could make a profit out of but that they come out whole in a transaction by delivering to the park a piece of property they could unquestionably sell at far more than the Department of Interior is prepared to pay them. But it was the feeling of the committee that we in the Agricultural Committee should not hold up another agency of Government and make them pay a greater price for a piece of property than the Government had invested in it. This is the total cost. It is to make sure that the Farmers Home Administration suffers no loss and that the Government gets the property at the cost the Government has invested in it, rather than having to pay the higher price that they would have to if the Farmers Home Administration sold this property in the open market and then the Government had to purchase it from private owners.

Mr. FORD. Would the gentleman indicate what party has a substantial equity, as he has indicated?

Mr. POAGE. The Farmers Home Administration has the equity.

Mr. FORD. The gentleman would have to concede that the Farmers Home Administration did make a loan to an organization that could not make good the loan?

Mr. POAGE. I do not undertsand that that is true. I do understand that this corporation had title to the property. It did get into a good deal of speculative activities. The weather was bad for a number of years. They went broke, and had to go into bankruptcy, and when they went broke the Farmers Home Administration had to protect the loan, which was good, against the general creditors.

Mr. FORD. The gentleman from Texas will have to admit that the organization that borrowed the money went bankrupt and the Farmers Home Administration made a loan, which ended up with a foreclosure.

Mr. POAGE. That is quite a different thing from what the gentleman said a while ago. I think that statement is probably correct. The company did go broke. The loan did end in a foreclosure. But it is not a correct statement to say the Farmers Home Administration made the loan for more than the value of the property.

Mr. FORD. I do not think I said that, but if we can agree on my last statement, that is good enough.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Florida.

Mr. FASCELL. The gentleman from Michigan has cleared up the point that it was not a bad loan in the first place. But the equity was there when the loan was made. So I do not think in that sense it is fair to question the business judgment of the Farmers Home Administration in this particular case.

Mr. FORD. I do not think the Farmers Home Administration is in the business of lending money to organizations that go bankrupt.

Mr. FASCELL. Not if they can help it. I certainly agree with the gentleman. The only point I am making is that these things must be considered as of the time of making the loan. It is pretty hard to go back as a Monday quarterback and find that at that time it was a bad loan. These men who were in business are good substantial businessmen and the property value is there. I just want to point out also that this agricultural area had 5 bad years in a row, because of freezes and floods and a lot of people went broke.

One final thing, the land that we are talking about compromises some 4,000 acres of what is known as the hole in the doughnut in the Everglades National Park. This land is already within the boundaries of the park. But in the congressional act which was previously passed, it is not subject to condemnation. So the gentleman from Texas is correct that the only thing that needs to be done at this point is an authorization to see to it that the revolving fund of the Farmers Home Administration is made whole. It would not make sense to do anything else.

Mr. GROSS. This involves 4,428 acres of swampland and at $452,000 it apparently means it is worth $100 an acre. Do I understand that this swampland is worth $100 an acre?

Mr. FASCELL. It is debatable that it is all swampland in the technical engineering sense. I would certainly think it is worth more than $100 an acre—there is no question about it—if it were tomato land.

Mr. GROSS. All right then, that leads me to this question. Since this is supposedly farmland, for the Farmers Home Administration is supposed to finance farming operations, how many tillable acres were there in this 4,420-acre tract?

Mr. FASCELL. I do not have the slightest idea how many tillable acres there are. I know one thing. Down there you can grow tomatoes just about anywhere that you can turn up the soil and if you do not have any soil, you can grind up rocks and grow tomatoes. You could put the entire 4,000 acres in tomatoes.

Mr. GROSS. The whole 4,000 acres in tomatoes? Somebody said there were some beans raised on this land.

Mr. POAGE. The committee was told that the land was cultivated whether it was in tomatoes, beans, or carrots. I do not know. But that is another question. The land is not undrained everglade land. It was represented to us as some of the best farming land in Florida and is in production or has been in production for a number of years. Certainly it is worth $100 an acre and is probably worth $500 an acre.

Mr. GROSS. How come it got in the financial shape it is in now if it is worth $500 an acre?

Mr. POAGE. Because, as the gentleman from Florida pointed out, there were five successive failures in that area and 5 years of failure is likely to break almost any farmer. Unfortunately, I have had experiences of this kind of failure for 5 years in our section of the country and it bends almost everybody if it does not break them.

Mr. FORD. Could I ask the question of someone concerned with the legislation: What was the amount of the first mortgage?

Mr. POAGE. About $200,000.

Mr. FORD. What was the mortgage of the FHA?

Mr. POAGE. Not quite $100,000.

Mr. FORD. So there was about $300,000-plus in the equity of the Farmers Home Administration when they took it over on the foreclosure proceeding; is that correct?

Mr. POAGE. Approximately $300,000, but I really suspect it was more than that.

Mr. FORD. How could there be larger equity if they loaned about $100,000 and the insurance company loaned $250,000?

Mr. POAGE. There was roughly $350,000 of debt on this land at that time, but the equity was somewhat considerably in excess of that. The equity is the difference between the value of the land and the debt.

Mr. FORD. I understand that, but you admit there is $350,000 of funds, either the first mortgage or the second mortgage.

Mr. POAGE. Yes.

Mr. FORD. And now we are authorizing the transfer of property that is worth $452,000 to the Everglades National Park. Congress will by this authorization pay up to $452,000 to the FHA revolving fund. So FHA's revolving fund will make about $100,000. What kind of business is that?

Mr. POAGE. No. Unfortunately they have not made it. I wish they had.

Mr. FORD. Why should we pay them, if they have not made it?

Mr. POAGE. Because the total cost will stand, by November, at about $442,000. That includes all of it.

Mr. FORD. Whose cost?

Mr. POAGE. The total cost of this land to the Farmers Home Administration. That includes the court costs, bankruptcy procedures, costs of all those who have handled this land, the litigation costs, the back taxes paid. All of the costs bring this up to the point that it is now available for transfer on the market.

Mr. FORD. Does the gentleman mean to tell me that it took $100,000 in various costs to get control of the land which was worth $350,000?

Mr. POAGE. I did not say that—but I would not be surprised if it were true. The costs of bankruptcy and foreclosure often eat up large estates.

Mr. FORD. What kind of operation are they running over there in FHA's Florida operation?

Mr. POAGE. The gentleman continues to put words in my mouth. I have never valued the land at $350,000. In my opinion, the land always was worth a great deal more than $350,000. The debt a few years ago was approximately $350,000. The debt has increased, as debt always does when it is necessary to go through foreclosure. When one goes through court proceedings he is lucky to come out with only 25 percent added. That is roughly what happened to the Government. The Government costs went up just about the same as yours or mine would have.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Texas [Mr. POAGE] says that this land may well be worth $1,000 per acre.

Mr. POAGE. I did not use the words "$1,000 an acre." I used the words "$500."

Mr. GROSS. The gentleman has cut it in half, to $500 an acre.

Mr. POAGE. I have not cut or changed my estimate but the gentleman was within $500 an acre of what I said.

Mr. GROSS. Is this not pretty expensive land to make a wallow for the crocodiles or alligators, at $500 an acre? Is there not plenty of other swamp down there?

Mr. POAGE. I believe the whole misunderstanding arises from the fact that this is not untreated everglades land. It is drained land. It is cultivated land. It is land that has been in cultivation for a number of years. It is high-priced land, and not swampland. Once it was swampland, but the cost of draining the everglades is expensive, just as is the cost of tilling on Iowa farms expensive. That has been done. Those expenses have been incurred and are in the present capital value of the land.

Mr. FORD. Mr. Speaker, I feel certain that to anyone listening to this discussion it is quite obvious there are a number of unanswered questions. None of us doubts the need, the necessity, or the desirability of making the land available to the Everglades National Park, but I believe we ought to have a better explanation of the financial aspects of this transaction.

Therefore, I withdraw my reservation of objection and ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE SMITHSONIAN INSTITUTION TO EMPLOY ALIENS IN A SCIENTIFIC OR TECHNICAL CAPACITY

The Clerk called the bill (H.R. 10178) to authorize the Smithsonian Institution to employ aliens in a scientific or technical capacity.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Smithsonian Institution, subject to adequate security and other investigations as he may determine to be appropriate, and subject further to a prior determination by him that no qualified United States citizen is available for the particular position involved, is authorized to employ and compensate aliens in a scientific or technical capacity at authorized rates of compensation without regard to statutory provisions prohibiting payment of compensation to aliens.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE UNITED SPANISH WAR VETERANS TO ERECT A MEMORIAL IN THE DISTRICT OF COLUMBIA, OR ITS ENVIRONS

The Clerk called the joint resolution (H.J. Res. 793) authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to grant authority to the United Spanish War Veterans to erect a memorial on public grounds in the District of Columbia in honor and commemoration of the men who served in the war with Spain, the Philippine Insurrection, and the China Relief Expedition (1898–1902).

SEC. 2. The United States shall be put to no expense in the erection of such memorial.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

SEC. 4. The memorial erected under authority of this joint resolution shall be maintained by the Secretary of the Interior as a national monument.

With the following committee amendment:

Strike out all language after the enacting clause and insert the following: "That the United Spanish War Veterans are authorized to erect a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the men who served in the war with Spain, the Philippine Insurrection, and the China Relief Expedition (1898–1902).

"SEC. 2 (a). The Secretary of the Interior is authorized and directed to select, with the approval of the National Commission of Fine Arts and the National Capital Planning Commission, a suitable site on public grounds in the District of Columbia, or its environs, upon which may be erected the memorial authorized in the first section of this Act: *Provided,* That if the site selected is on public grounds belonging to or under the jurisdiction of the government of the District of Columbia, the approval of the Board of Commissioners of the District of Columbia shall also be obtained.

"(b) The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the National Commission of Fine Arts, and the National Capital Planning Commission, and the United States or the District of Columbia shall be put to no expense in the erection thereof.

"SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within five years from the date of enactment of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

"SEC. 4. The maintenance and care of the memorial erected under the provisions of this Act shall be the responsibility of the Secretary of the Interior."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia, or its environs."

A motion to reconsider was laid on the table.

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, it is 62 years since the end of the 4-year period, 1898 to 1902, of the war with Spain, the Boxer Rebellion in China, and the Aguinaldo resistances in the Philippines. Those four historic and world reshaping years marked the start of America's march to meet her destiny of world responsibility.

I am very happy that at long last a memorial in honor and commemoration of the men who served in the war with Spain, the Philippine Insurrection and the China Relief Expedition, is to be erected in the District of Columbia. Every cent of the cost of the monument will be borne by the veterans of that war of long, long ago. They wish it that way. The monument will be a heroic size bronze statue portrayal of the Spanish War soldier. I have seen a photograph of the monument to be erected and I can assure my colleagues, and I think it proper I should leave here the record for the future, it is a strikingly correct and accurate representation of the American soldier of that period—with his campaign hat, his leggings, his cartridge rolls, all items of clothing and equipment exactly correct.

As the last veteran of the Spanish-American War in the Congress, the last of over 90 who have served either in this or the other body, I am deeply touched and to my good and close friend, the distinguished gentleman from Missouri [Mr. JONES], chairman of the subcommittee, to my warm friend, the distinguished gentleman from Texas [Mr. BURLESON], chairman of the full committee, and all the members of the great Committee on House Administration, one and all, I extend my deepest thanks.

It is good to learn that after all are gone who played their parts in the unveiling of our country's destiny at the turn of the century there will be standing on the soil of our country's Capital a replica in granite of the Spanish war soldier, a reminder to the oncoming generations of the dreams, the service, and the sacrifice of American youth in uniform in 1898 to 1902.

Mr. Speaker, Archie House is the present commander in chief of the United Spanish War Veterans. He and I served together in Company I, 33d Michigan Volunteer Infantry, at the siege of Santiago in Cuba. Each had just turned 16. Archie will be succeeded as commander in chief at the encampment later this summer by Sam Black, fellow member of mine in Columbia Camp in Chicago for many, many years, from the time we had 1,000 or more members until the present when we have just 7. Time surely has thinned our ranks. But it will be a gladsome day for the remaining veterans of the war with Spain when the monument authorized by this resolution is unveiled here in the District of Columbia, and among those present, providence willing, will be Archie House, Sam Black, the ever-faithful adjutant General McElroy, and the gentleman from Illinois.

STATUE OF FATHER EUSEBIO FRANCISCO KINO

The Clerk called the resolution (H. Con. Res. 273) to place temporarily in the rotunda of the Capitol a statue of Father Eusebio Francisco Kino, and to hold ceremonies on such occasion.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the State of Arizona is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Father Eusebio Francisco Kino, of Arizona, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

The House concurrent resolution was agreed to. A motion to reconsider was laid on the table.

STATUE OF FATHER EUSEBIO FRANCISCO KINO

The Clerk called the resolution (H. Con. Res. 274) accepting the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona, to be placed in Statuary Hall.

There being no objection, the Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the statue of Father Eusebio Francisco Kino, presented by the State of Arizona, to be placed in the Statuary Hall, is accepted in the name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most eminent pioneers, illustrious for his early missionary work, exploration, and cartography; and be it further

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Arizona.

With the following committee amendment:

Page 1, line 4, strike out "Statuary Hall" and insert in lieu thereof "the Statuary Hall collection".

The committee amendment was agreed to.

The House concurrent resolution was agreed to.

The title was amended so as to read: "Concurrent resolution accepting the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona, to be placed in the Statuary Hall collection".

A motion to reconsider was laid on the table.

PLACEMENT OF A MEMORIAL TABLET IN THE U.S. CAPITOL

The Clerk called the resolution (H. Res. 530) to provide for the placement of a memorial tablet in the U.S. Capitol in honor of the troops quartered in the Capitol during the Civil War.

There being no objection, the Clerk read the resolution, as follows:

Whereas President Abraham Lincoln, on April 15, 1861, issued a proclamation calling into the service of the United States the militia of the several States, to the extent of seventy-five thousand men; and

Whereas response was forthcoming from the State of Massachusetts, which sent the Sixth Regiment, the Eighth Regiment, and the Fifth Regiment; the State of New York, which sent the Seventh Regiment (New York State Militia), Ellsworth's Fire Zouaves (Eleventh New York Regiment), the Seventy-first Regiment, and the Fifth New York Regiment; the State of Pennsylvania, which sent the Logan Guards of Lewistown, the Washington Artillerists of Pottsville, the National Light Infantry of Pottsville, the Allen Infantry Rifles of Allentown, the Ringgold Light Artillery of Reading, and the Seventeenth Regiment of Pennsylvania Volunteer Infantry; and the District of Columbia, which sent Companies E, A, C, and F (National Guard), and the Mechanics' Union Rifles; and

Whereas these troops were quartered in the United States Capitol to perform the important functions assigned to them: Now, therefore, be it

Resolved, That the Architect of the Capitol shall provide for the placing, with appropriate ceremonies, of a tablet at a location in the House Wing of the Capitol determined by him to be appropriate, which tablet shall read as follows:

"This tablet records the fact that the following troops were quartered in the United States Capitol in response to President Lincoln's call for volunteers April 15, 1861;

"MASSACHUSETTS

"Sixth Regiment of Massachusetts.

"Eighth Regiment of Massachusetts.

"Fifth Regiment of Massachusetts.

"NEW YORK

"Seventh Regiment (New York State Militia).

"Ellsworth's Fire Zouaves (Eleventh New York Regiment).

"Seventy-first Regiment.

"Fifth New York Regiment.

"PENNSYLVANIA

"Logan Guards of Lewistown.

"The Washington Artillerists of Pottsville.

"The National Light Infantry of Pottsville.

"The Allen Infantry Rifles of Allentown.

"The Ringgold Light Artillery of Reading.

"The Seventeenth Regiment of Pennsylvania Volunteer Infantry.

"DISTRICT OF COLUMBIA

"Companies E, A, C, and F (National Guard).

"Mechanics' Union Rifles."

SEC. 2. The size and design of the tablet referred to in the first section of this Act shall be approved by the Architect of the Capitol, and shall be provided without cost to the United States.

With the following committee amendment:

On page 3, lines 3 and 4, strike out all wording following "and" and insert in lieu thereof the following: "the cost of the tablet shall be borne by the Architect of the Capitol from funds under his control."

The committee amendment was agreed to.

The House resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMN CERTAIN PROPERTY IN ST. AUGUSTINE, FLA.

The Clerk called the bill (S. 2419) to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions in section 1(b) of the Act entitled "An Act to add certain lands to Castillo de San Marcos National Monument in the State of Florida", approved July 5, 1960 (74 Stat. 317; 319), that certain lands may be acquired only by negotiation, the Secretary of the Interior is authorized to acquire the following described land, interests therein, and improvements thereon, for the purposes of said Act by condemnation with funds that are hereby authorized to be appropriated for that purpose:

All of lots 1 and 5 of block 6 less and except that portion acquired by the Florida Highway Department in 1959 in connection with relocated State Route A-1-A, as shown on the subdivision plat of the city of Saint Augustine prepared June 12, 1923, and filed in the official plat book in the circuit clerk's office of Saint Johns County, Florida, lying northeast of a survey line which is the southerly boundary of the proposed Castillo Drive shown on that certain map in three sheets prepared by E. W. Pacetti and Associates, April 23, 1960, and revised June 2, 1960 (map numbered NM-CSM-3012), and more particularly described as follows:

Beginning at a point on the survey line which is south 53 degrees 05 minutes west a distance of 24.0 feet from survey station 31+81.00 of Florida State Highways A-1-A and 5, section 7801-114 being station 0+00 of the proposed relocated highway; thence, south 36 degrees 55 minutes east a distance of 7.46 feet to a point; thence, on a curve to the right with a radius of 612.0 feet for a distance of 160.22 feet to a point which is station 1+67.68; thence, south 21 degrees 55 minutes east for a distance of 185.22 feet to a point which is station 3+52.90; thence, on a curve to the left with a radius of 465.0 feet for a distance of 328.69 feet to a point which is station 6+81.59; thence, south 62 degrees 25 minutes east for a distance of 251.13 feet to a point which is station 9+32.72; thence, on a curve to the right with a radius of 158.0 feet for a distance of 158.98 feet to the end of this survey line description and being station 10+91.70 of the proposed relocated highway, containing 3,850 square feet more or less.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEVELOPMENT OF PHOSPHATE ON THE PUBLIC DOMAIN

The Clerk called the bill (H.R. 9638) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. GROSS. Mr. Speaker, reserving the right to object, nowhere in the report do I find any estimate of the cost, if any, to the Federal taxpayers.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes. I will be glad to yield.

Mr. EDMONDSON. I do not think any cost to the taxpayers is involved. As a matter of fact, this should yield greater revenue to the Treasury through the ability to lease larger parcels of land to companies in a position to develop the phosphate reserves.

Mr. GROSS. The gentleman is saying as far as he knows there will be no additional cost to the Federal taxpayers?

Mr. EDMONDSON. Without doubt it should increase revenues to the Government rather than incur costs.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 27 of the Act of February 25, 1920, as amended (30 U.S.C. 184), is further amended to read as follows:

(c) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under sections 181–184, 185–188, 189–192, 193, 194, 201, 202–209, 211–214, 223, 224–226, 226–2, 227–229a, 241, 261, 261–263 of this title or otherwise, phosphate leases or permits on an aggregate of more than twenty thousand four hundred and eighty acres in the United States.

With the following committee amendment:

Page 1, lines 8, 9, and 10, strike out "sections 181–184, 185–188, 189–192, 193, 194, 201, 202–209, 211–214, 223, 224–226, 226–2, 227–229a, 241, 261, 261–263 of this title" and insert "this Act".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSAL FROM NATIONAL STOCKPILE OF CERTAIN MATERIALS

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 427, the resolution (H. Con. Res. 320) to express the sense of the Congress on disposal from the national stockpile of certain materials.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There being no objection, the Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), the disposal from the national stockpile of the following materials in approximately the following quantities:

1. One thousand five hundred and sixty-seven short tons of Bolivian blue (soft) crocidolite asbestos.
2. One hundred and sixty-five short tons (copper content) of copper and copper base alloys in scrap and thin strip form.
3. Three hundred and sixty-six short tons of cupro-nickel ingots.
4. Three hundred and fifty-five pieces of diamond dies.
5. Forty-six thousand eight hundred pounds of lead castings.
6. Two hundred and twenty thousand two hundred and thirty pounds of punch mica.
7. Sixty-six thousand eight hundred and thirty-four pounds of nickel in fabricated and miscellaneous forms, such as wire, tubing, anodes, cathodes, pellets, and cut cathodes.
8. Twenty-five thousand seven hundred and forty pounds of tantalum in various forms.
9. Two hundred and twenty-one thousand and eighty-seven pounds of zinc in the form of engraving plates.
10. Two hundred and fifty short tons of low-grade manganese ore.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISABILITY AND DEATH BENEFITS FOR RESERVISTS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to return for immediate consideration to Consent Calendar No. 401, the bill (H.R. 11332) to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 106(d)(2) of title 38, United States Code, is amended by striking out "after December 31, 1956,".

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of all eligible bills on the Consent Calendar.

REGISTRATION OF CONTRACTORS OF MIGRANT AGRICULTURAL WORKERS

Mr. ROOSEVELT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6242) to provide for the registration of contractors of migrant agricultural workers, and for other purposes, with amendments.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Labor Contractor Registration Act of 1963".

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that the channels and instrumentalities of interstate commerce are being used by certain irresponsible contractors for the services of the migrant agricultural laborers who exploit producers of agricultural products, migrant agricultural laborers, and the public generally, and that, as a result of the use of the channels and instrumentalities of interstate commerce by such irresponsible contractors, the flow of interstate commerce has been impeded, obstructed, and restrained.

(b) It is therefore the policy of this Act to remove the impediments, obstructions, and restraints occasioned to the flow of interstate commerce by the activities of such irresponsible contractors by requiring that all persons engaged in the activity of contracting for the services of workers for interstate agricultural employment comply with the provisions of this Act and all regulations prescribed hereunder by the Secretary of Labor.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" includes any individual, partnership, association, joint stock company, trust, or corporation.

(b) The term "farm labor contractor" means any person, who, for a fee, either for himself or on behalf of another person, recruits, solicits, hires, furnishes, or transports ten or more migrant workers (excluding members of his immediate family) at any one time in any calendar year for interstate agricultural employment. Such term shall not include (1) any nonprofit charitable organization, public or nonprofit private educational institution, or similar organization; (2) any farmer, processor, canner, ginner, packing shed operator, or nurseryman who engages in any such activity for the purpose of supplying migrant workers solely for his own operation; (3) any fulltime or regular employee of any entity referred to in (1) or (2) above; or (4) any person who engages in any such activity for the purpose of obtaining migrant workers of any foreign nation for employment in the United States, if the employment of such workers is subject to (A) an agreement between the United States and such foreign nation, or (B) an arrangement with the government of any foreign nation under which written contracts for the employment of such workers are provided for and the enforcement thereof is provided for in the United States by an instrumentality of such foreign nation.

(c) The term "fee" includes any money or other valuable consideration paid or promised to be paid to a person for services as a farm labor contractor.

(d) The term "interstate agricultural employment" means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)), when such service or activity is performed by an individual worker who has been transported from one State to another or from any place outside of a State to any place within a State.

(e) The term "Secretary" means the Secretary of the United States Department of Labor or his duly authorized representative.

(f) The term "State" means any of the States of the United States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and Guam.

(g) The term "migrant worker" means an individual whose primary employment is in agriculture, as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), or who performs agricultural labor, as defined in section 3121(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3121(g)), on a seasonal or other temporary basis.

CERTIFICATION OF REGISTRATION REQUIRED

SEC. 4. (a) No person shall engage in activities as a farm labor contractor unless he first obtains a certificate of registration from the Secretary, and unless such certificate is in full force and effect and is in such person's immediate posssession.

(b) A full-time or regular employee of any person holding a valid certificate of registration under the provisions of this Act shall not, for the purpose of engaging in activities as a farm labor contractor solely on behalf of such person, be required to obtain a certificate of registration hereunder in his own name. Any such employee shall be required to have in his immediate personal possession when engaging in such activities such identification as the Secretary may require showing such employee to be an employee of, and duly authorized to engage in activities as a farm labor contractor for, a person holding a valid certificate of registration under the provisions of this Act. Except as provided in the foregoing provisions of this subsection, any such employee shall be subject to the provisions of this Act and regulations prescribed hereunder to the same extent as if he were required to obtain a certificate of registration in his own name.

ISSUANCE OF CERTIFICATE OF REGISTRATION

SEC. 5. (a) The Secretary shall, after appropriate investigation, issue a certificate of registration under this Act to any person who—

(1) has executed and filed with the Secretary a written application subscribed and sworn to by the applicant containing such information (to the best of his knowledge and belief) concerning his conduct and method of operation as a farm labor contractor as the Secretary may require in order effectively to carry out the provisions of this Act;

(2) has filed, within such time as the Secretary may prescribe, proof satisfactory to the Secretary of the financial responsibility of the applicant or proof satisfactory to the Secretary of the existence of a policy of insurance which insures such applicant against liability for damages to persons or property arising out of the applicant's ownership of, operation of, or his causing to be operated any vehicle for the transportation of migrant workers in connection with his business, activities, or operations as a farm labor contractor. The amount of any such policy of insurance shall be not less than the amount required under the law or regulation of any State in which such applicant operates a vehicle in connection with his business, activities, or operations as a farm labor contractor; but in no event shall the amount of such insurance be less than $5,000 for bodily injuries to or death of one person; $20,000 for bodily injuries to or death of all persons injured or killed in any one accident; $5,000 for the loss or damage in any one accident to property of others; and

(3) has filed, within such time as the Secretary may prescribe, a set of his fingerprints.

(b) Upon notice and hearing in accordance with regulations prescribed by him, the Secretary may refuse to issue, and may suspend, revoke, or refuse, to renew a certificate of registration to any farm labor contractor if he finds that such contractor—

(1) knowingly has made any misrepresentations or false statements in his application for a certificate of registration or any renewal thereof;

(2) knowingly has given false or misleading information to migrant workers concerning the terms, conditions, or existence of agricultural employment;

(3) has failed, without justification, to perform agreements entered into or arrangements with farm operators;

(4) has failed, without justification, to comply with the terms of any working arrangements he has made with migrant workers;

(5) has failed to show financial responsibility satisfactory to the Secretary required by subsection (a)(2) of this section or has failed to keep in effect a policy of insurance required by subsection (a)(2) of this section;

(6) has recruited, employed, or utilized the services of a person with knowledge that such person is violating the provisions of the immigration and nationality laws of the United States;

(7) has been convicted of any crime under State or Federal law relating to gambling or to the sale, distribution, or possession of alcoholic liquors in connection with or incident to his activities as a farm labor contractor; or has been convicted of any crime under State or Federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or prostitution;

(8) has failed to comply with rules and regulations promulgated by the Interstate Commerce Commission that are applicable to his activities and operations in interstate commerce;

(9) knowingly employs or continues to employ any person to whom subsection (b) of section 4 of this Act applies who has taken any action, except for that listed in paragraph (5) of this subsection, which could be used by the Secretary under this subsection to refuse to issue a certificate of registration; or

(10) has failed to comply with any of the provisions of this Act or to any regulations issued hereunder.

(c) A certificate of registration, once issued, may not be transferred or assigned and shall be effective for the remainder of the calendar year during which it is issued, unless suspended or revoked by the Secretary as provided in this Act. A certificate of registration may be renewed each calendar year upon approval by the Secretary of an application for its renewal.

OBLIGATIONS AND PROHIBITIONS

SEC. 6. Every farm labor contractor shall—

(a) carry his certificate of registration with him at all times while engaging in activities as a farm labor contractor and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing;

(b) ascertain and disclose to each worker at the time the worker is recruited the following information to the best of his knowledge and belief: (1) the area of employment, (2) the crops and operations on which he may be employed, (3) the transportation, housing, and insurance to be provided him, (4) the wage rates to be paid him, and (5) the charges to be made by the contractor for his services;

(c) upon arrival at a given place of employment, post in a conspicuous place a written statement of the terms and conditions of that employment;

(d) in the event he manages, supervises, or otherwise controls the housing facilities, post in a conspicuous place the terms and conditions of occupancy; and

(e) in the event he pays migrant workers engaged in interstate agricultural employment, either on his own behalf or on behalf of another person, keep payroll records which shall show for each worker total earnings in each payroll period, all withholdings from wages, and net earnings. In addition, for workers employed on a time basis, the number of units of time employed and the rate per unit of time shall be recorded on the payroll records, and for workers employed on a piece rate basis, the number of units of work performed and the rate per unit shall be recorded on such records. In addition he shall provide to each migrant worker engaged in interstate agricultural employment with whom he deals in a capacity as a farm labor contractor a statement of all sums paid to him (including sums received on behalf of such migrant worker) on account of the labor of such migrant worker. He shall also provide each such worker with an itemized statement showing all sums withheld by him from the amount he received on account of the labor of such worker, and the purpose for which withheld. The Secretary may prescribe an appropriate form for recording such information.

AUTHORITY TO OBTAIN INFORMATION

SEC. 7. The Secretary or his designated representative may investigate and gather data with respect to matters which may aid in carrying out the provisions of this Act. In any case in which a complaint has been filed with the Secretary regarding a violation of this Act or with respect to which the Secretary has reasonable grounds to believe that a farm labor contractor has violated any provisions of this Act, the Secretary or his designated representative may investigate and gather data respecting such case, and may, in connection therewith, enter and inspect such places and such records (and make such transcriptions thereof), question such persons, and investigate such facts, conditions, practices, or matters as may be necessary or appropriate to determine whether a violation of this Act has been committed.

AGREEMENTS WITH FEDERAL AND STATE AGENCIES

SEC. 8. The Secretary is authorized to enter into agreements with Federal and State agencies, to utilize (pursuant to such agreements) the facilities and services of the agencies, and to delegate to the agencies such authority, other than rulemaking, as he deems necessary in carrying out the provisions of this Act, and to allocate or transfer funds or otherwise to pay or to reimburse such agencies for expenses in connection therewith.

PENALTY PROVISIONS

SEC. 9. Any farm labor contractor or employee thereof who willfully and knowingly violates any provision of this Act or any regulation prescribed hereunder shall be fined not more than $500.

APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

SEC. 10. The provisions of the Administrative Procedure Act (5 U.S.C. 1001 and the following) shall apply to all administrative proceedings conducted pursuant to the authority contained in this Act.

JUDICIAL REVIEW

SEC. 11. Any person aggrieved by any order of the Secretary in refusing to issue or renew, or in suspending or revoking, a certificate of registration may obtain a review of any such order by filing in the district court of the United States for the district wherein such person resides or has his principal place of business, or in the United States District Court for the District of Columbia, and serving upon the Secretary, within thirty days after the entry of such order, a written petition praying that the order of the Secretary be modified or set aside in whole or in part. Upon receipt of any such petition, the Secretary shall file in such court a full, true, and correct copy of the transcript of the proceedings upon which the order complained of was entered. Upon the filing of such petition and receipt of such transcript, such court shall have jurisdiction to affirm, set aside, modify, or enforce such order, in whole or in part. In any such review, the findings of fact of the Secretary shall not be set aside if supported by substantial evidence. The judgment and decree of the court shall be final, subject to review as provided in sections 1254 and 1291 of title 28, United States Code.

STATE LAWS AND REGULATIONS

SEC. 12. This Act and the provisions contained herein are intended to supplement State action and compliance with this Act shall not excuse anyone from compliance with appropriate State law and regulation.

SEVERABILITY

SEC. 13. If any provision of this Act, or the application thereof to any person or circumstance, shall be held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

RULES AND REGULATIONS

SEC. 14. The Secretary is authorized to issue such rules and regulations as he determines necessary for the purpose of carrying out the provisions of sections 4, 5, 6, and 8 of this Act.

EFFECTIVE DATE

SEC. 15. The provisions of this Act shall become effective on January 1, 1965.

The SPEAKER. Is a second demanded?

Mr. MARTIN of Nebraska. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. POWELL.] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POWELL. Mr. Speaker, I arise on behalf of H.R. 6242 and on behalf of 400,000 of our citizens who leave their homes every year and cross State lines to engage in agricultural employment for low wages and suffer unreasonable and unimaginable abuses.

It is our intention, through this bill, to protect these workers. This is the least that the Government can do for workers who are so vulnerable to exploitation.

The Department of Labor made a survey of crew leader practices in 1960 and rechecked their findings just before the hearings held by the Committee on Education and Labor. The surveys indicated that employer-type responsibility is increasingly being assumed by the crew leaders, and that the crew leaders are, in large part, responsible for the abuses to migrant workers. The surveys indicated that the crew leaders often maintain payrolls and report taxes. They indicated that it was common practice for farm employers to advance transportation costs to the crew leaders on a loan basis and that the advances are later deducted from the worker's earnings. The surveys indicated that the crew leaders are responsible for the misrepresentation of crop conditions, of available jobs, and of anticipated earnings. Workers were overcharged for transportation advances and transportation expenses were accepted from farmers without reporting to work or with a smaller crew than contracted for. Crews are abandoned without means of transportation. Workers are not returned to their homes. Workers do not get social security credit for their earnings. The transportation and living conditions are far below the general standard of living—are indeed inhuman, the very worst conditions of human life in this country, totally unacceptable for human beings.

Since the labor contractor is at the core of this problem, has control over the migrant workers in a way that others do not, the sanction against these abuses is directed toward the crew leader.

The object of this bill is to protect workers against exploitation. This is done by requiring certificates of registration to be issued by the Secretary of Labor to any person who engages in the activities of a farm labor contractor. The certificates will be issued upon the submission of satisfactory information regarding the contractor's conduct and method of operation.

Satisfactory proof must also be furnished of the existence of a public liability insurance policy on vehicles used in the contractor's business covering personal and property damage in amounts conforming to applicable State standards or a specified minimum. The certificate of registration may be refused, revoked, or suspended if the abuses I have referred to are discovered in the case of any farmworker. The abuses which will lead to such revocation, suspension, or refusal are: Giving false or misleading information to migratory workers concerning the terms, conditions, or existence of agricultural employment; failure to perform agreements entered into with farm operators; failure to comply with working arrangements made with migratory workers; and use, with knowledge, of a person who has been determined to be in violation of the immigration and nationality laws. Conviction under a State or Federal law relating to gambling, prostitution, or sale, distribution or possession of alcoholic liquors or narcotics in connection with his activities as a farm labor contractor; and failure to comply with applicable Interstate Commerce Commission regulations are also grounds for refusing, revoking, or suspending a certificate.

Mr. Speaker, legislation for the protection of these workers is long overdue and I earnestly hope that the House will look with favor on this legislation.

Mr. ROOSEVELT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill establishes a system of Federal registration for interstate farm labor contractors or crew leaders as they are frequently called. These labor contractors are the middle men in making work arrangements between growers and migratory farmworkers.

There were a number of other bills introduced on the same subject besides that of the author of this bill, the gentleman from Hawaii [Mr. GILL]. In essence, Mr. Speaker, the purpose of this bill is to protect not only the farmer himself or the grower but also the migratory worker who is primarily at the mercy of the crew leader.

It will be noted in the report of the committee that my distinguished friend from Nebraska [Mr. MARTIN] and the gentleman from Kentucky [Mr. SNYDER] who issued the minority report agreed that there was really nothing wrong with this particular bill. Their fear was that it might lead to other legislation in this area; and I can assure them that speaking at least for myself in this session there will be no other legislation in this area.

The purpose of the bill is to cause the registration by the Secretary of Labor of these crew leaders. It provides that they are only subject to this registration if they transport 10 or more migrant workers for interstate agricultural employment. The bill specifically exempts certain groups which are important to note. First, charitable, educational, or similar nonprofit organizations in their full-time or regular employees.

Second, farmers, processors, and certain related businesses which recruit migrant workers solely for their own operation and their full-time or regular employees.

Third, persons engaged in obtaining farmworkers for employment arranged under the supervision of a foreign nation.

I think it is important to note that there are approximately 8,000 farm labor contractors or crew leaders in this country and that about half of all the interstate migratory workers are crew members of these contractors. It is important to note that these contractors do a number of most important things and I shall list only a few of them.

First of all, they make the arrangement for these workers with the employer.

Second, they are responsible for their payment.

Third, they are responsible for the working conditions under which they are employed. In other words, they actually control the lives of these migratory workers during the period that the worker is under contract. Many of the crew leaders perform their functions in a satisfactory and responsible manner and I think it should always be understood that when we ask for legislation of this kind we are not casting aspersions upon those who are doing a fair, a good, and a decent job in this area. But unfortunately there is mounting evidence that the workers' dependency on this one-sided relationship is being violated by an increasing number and therefore abused.

The Department of Labor surveys have revealed numerous abuses. I shall mention just a few of them: Overcharging workers for transportation, abandoning a crew without means of transportation, the failure to return workers to their homes, the underpayment of wages and the illegal sale of liquor and dope.

Now, Mr. Speaker, the growers are also at times exploited. A typical abuse is the crew leader accepting transportation advances, but failing to report for work, or reporting with a smaller crew than promised.

Mr. Speaker, unfortunately, the record also shows a frequency of criminal records among crew leaders. These have been disclosed as a result of the few State laws providing for crew leader licensing.

In New York State, for example, 52 crew leaders have been found to have criminal records out of a total group of 401.

Mr. Speaker, I believe that this bill is essentially noncontroversial.

There are four amendments which I should describe. One of them is on page 9, line 4, of the bill where the proposed amendment would strike out "migrant agricultural" and insert in lieu thereof "farm."

The reason for that is that we want to make the bill conform in all respects. In other parts of the legislation the term "farm labor contractor" is used and it is so described in the terminology which is described in the definition part of the bill.

On page 9, line 17, the word "by" is stricken where it first appears on that line. It was inserted through a typographical error.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. ROOSEVELT. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, on page 11, line 9, the word "many" is a typographical error, and we shall ask that it be stricken and in lieu thereof insert the word "may," which was the word intended to replace it.

On page 14, line 3, we strike the date of "1964" and insert in lieu thereof "1965" in order to bring the bill up to date.

I believe, in general, that covers what is carried in the bill. I believe it will be noncontroversial in most respects and I indeed hope it will pass.

Mr. Speaker, I yield 5 minutes to the author of the bill, the distinguished gentleman from Hawaii [Mr. GILL].

Mr. GILL. Mr. Speaker, this bill is basically a registration law. It is really a very minimal piece of legislation.

Mr. Speaker, the reason we need a law of this sort is so we can keep track of people in this business, because they travel across State lines and move from jurisdiction to jurisdiction.

Mr. Speaker, the need for this legislation is very obvious. These crew chiefs deal with a type of labor in this country which is often undereducated or in many instances completely uneducated. The literacy level is generally low. Their ability to understand their rights is, of course, minimal.

Many of these migrant laborers have no voting residence. They have no Congressman to whom they can complain, nor do they have access to other officials who may help them with their problems. Therefore, they are easy to victimize.

This bill would be of great assistance to the good crew leaders who, of course, are the vast majority. It will prevent them from being daubed with the same brush used on the bad.

Certainly, Mr. Speaker, if we can be sure that all who are engaged in this business are honest and will carry out their responsibilities, then the character of the trade will improve.

It has been asked why do we not allow the States to regulate this activity. Quite a number of States do. But the problem is that the States who do regulate crew leaders and which do require that they meet certain standards cannot enforce their regulations across State lines. If they find a crewleader who is guilty of a violation of their regulations, all he has to do is to move across the State line and continue in his improper activity.

This legislation, if enacted, will permit the Federal Government to register these crew chiefs in all States.

The Members will note that in section 8 of the bill cooperation with the States can be had by agreement. The key requirement in this bill is found in section 5, under "Financial responsibility." Here we require that there be certain insurance or certain other evidence showing that the operator is financially responsible. Once this is done there will be fewer instances of trucks turning over with loss of life and limb and without recompense to the injured.

Mr. Speaker, the rights of the crew leaders are protected in this bill through the application of the provisions of the Administrative Procedures Act. Judicial review is included under the substantial evidence ruling.

We are dealing with several hundred thousand people. In the poverty bill recently passed we gave the States and localities certain assistance in providing housing and education for migrant workers and their families. This bill provides minimal legal protection for the heads of households when they are hired, and gives them certain basic rights to honest treatment by crew chiefs.

This is a "fair shake" bill, and I hope it will be passed.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker, I rise in support of this legislation. A record has been made in our committee demonstrating the need for the registration of crew leaders who are in charge of transporting migratory workers.

In many cases, migratory workers do not speak English, they often have little or no education. They are peculiarly subject to exploitation if their crew leader should be unscrupulous. This bill will provide better accountability for social security purposes and for tax purposes.

In particular, I endorse the provision requiring a crew leader to prove financial responsibility or establish that he has liability insurance; this is a good provision that is in the public interest. I may say that if I were to direct a criticism to that section it would be that the limits of liability are set too low, requiring only $5,000 of liability insurance coverage in the case of injury to one person, and only $20,000 of coverage for all persons involved in an accident.

As I look at this legislation and note how carefully it has been drawn and considered, I cannot help but notice the contrast between this bill and the migratory labor provision that was inserted very hastily in the so-called antipoverty bill passed last week. In that bill, the Congress, in effect, said to the Director of the poverty program: "You develop and implement a program to assist migratory workers; and here are millions of dollars to do it with." That was a very loose and poorly drafted provision.

By contrast, we can be proud of the legislation before us today, and I hope that the bill will pass.

Mr. MARTIN of Nebraska. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. MCINTIRE].

Mr. McINTIRE. Mr. Speaker, I rise to ask a question of the gentleman from Hawaii.

In connection with the coverage of this bill, does it apply to workers who come from another country, just crossing an international boundary line, and working in an area only for a harvesting season, but do not travel into any other States?

Mr. GILL. The bill does not apply to foreign workers covered by an international agreement. There is a section on that point. It does not apply to workers who work within a single State. They have to be workers recruited in one State and crossing over to another State, therefore being in interstate commerce.

Mr. McINTIRE. The arrangement I refer to is one that is not entered into as a nation-to-nation agreement. It is in fact simply a working agreement under immigration law for the importation of seasonal help. This legislation would not apply under those circumstances if the worker does not travel in interstate commerce, but simply returns to his home following the period of employment.

Mr. GILL. My understanding is that the gentleman is correct.

Mr. McINTIRE. I thank the gentleman.

Mr. ROOSEVELT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT of Florida. Mr. Speaker, I rise in strong support of legislation to provide registration and adequate controls over contractors of migrant agricultural workers. For many years I have been keenly aware of the need for remedial legislation in this field. In this session, in February of 1963, I introduced a bill to provide for registration of such contractors. Subsequently I testified before the House Education and Labor Committee in behalf of this approach and specifically on behalf of my bill, H.R. 3802, which is substantially like the bill now before us, and is, I believe, the first bill of this nature introduced in this session of Congress.

Many abuses have been shown in this field. Among those abuses most frequently attributed to crew leaders are: Overcharging for transportation advances; underpaying workers by giving them reduced figures for total weight or units produced; overcharging growers through inflated production figures; abandoning workers without their pay;

illegal traffic in gambling, liquor, narcotics, prostitution; and overcharging workers for services, housing, and food.

The plight of the migrant laborer in this country is an inexcusable and cancerous sore in the body politic. Though few of us come in close contact with it, its tragedies should be eliminated by every legal means, and this legislation can do much to greatly improve the situation.

This is by no means all that should be done in the field of improving the conditions of migratory labor in this country, but it is a step forward, and I urge that we take this much needed step.

Mr. ROOSEVELT. Mr. Speaker, I yield to the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Speaker, I rise in support of this legislation. I introduced similar legislation in the 87th and 88th Congresses.

H.R. 6242, providing for the registration of contractors of migrant agricultural workers, will cover more than 8,000 crew leaders who recruit migratory farm laborers for interstate employment. In the 87th Congress I introduced in the House, and Senator HARRISON WILLIAMS of New Jersey introduced in the other body, a package of bills designed to protect the migrant laborer and provide essential assistance for migrants and their families. The bill before us today is identical in all major respects to my bill, H.R. 4905.

This legislation is shamefully tardy. The conditions under which the 400,000 migratory farm laborers live and work are disastrously below the national standard of living. At the same time practically none of the benefits or protective measures of Federal law enjoyed by other workers are extended to migratory laborers. They are excluded from protection under the Fair Labor Standards Act, so their wages are below the level of decency. They have been denied the safeguards of the National Labor Relations Act, so they have been handicapped in organizing for their own welfare.

Yet we cannot plead ignorance as an excuse for our inaction. Since the early 1930's the problems of migratory labor have been a subject of Federal study and investigation. In 1951, fully 13 years ago, a President's Committee on Migratory Labor spelled out the plight of these rootless, vulnerable workers. Our delay is a sad commentary on our responsiveness to the needs of the people.

The contractors of migratory labor play a unique and important role in the lives of their employees. Crew leaders who act as middlemen between the farmer and the laborer often recruit, transport, house, feed, pay, and oversee the work of the employees. In short, the welfare of the employees is in the hands of the crew leader who can exploit them with relative freedom from Federal and State regulation. In 1961 the average annual earnings for migratory farm laborers was only $902. Unscrupulous and irresponsible crew leaders have been known to misrepresent wages, travel costs, available jobs, crop conditions, and exploit child labor.

The bill would require crew leaders to register with the Secretary of Labor if they recruit 10 or more migratory laborers for interstate employment. They would also be required to give satisfactory proof of financial responsibility or proof of insurance covering liability for damages arising out of ownership or operation of any vehicle for the transportation of migrant workers. A certificate of registration may be denied, suspended or revoked if a contractor misrepresents terms of employment to workers or to farmers, fails to live up to commitments to workers or farmers, fails to comply with ICC regulations, and for other reasons spelled out in the bill.

Crew leaders are required to disclose to workers terms of employment, including housing and wages, and to keep payroll records.

While the bill is intended to correct the abuses which attend the present status of the crew leader, simple regulation and registration of the crew leaders is not enough to make a substantial change in the conditions of migrant workers. I have introduced other proposals dealing with migrant labor, such as measures for child day care, sanitation, education, the extension of child labor laws to migratory labor, and the establishment of a National Advisory Council on Migratory Labor. The migrant laborer should no longer be neglected. This bill is a belated recognition of his plight. We must also pass the other bills which have already been approved in the other body.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill H.R. 6242?

The question was taken, and the Speaker announced that two-thirds appeared to have voted in the affirmative.

Mr. STINSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 343, nays 7, not voting 80, as follows:

[Roll No. 232]

YEAS—343

Abbitt
Abele
Addabbo
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Ayres
Baker
Baldwin
Barrett
Barry
Bates
Battin
Becker
Beckworth
Beermann
Belcher
Bell
Bennett, Fla.
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton, Oliver P.
Bonner
Bow
Brademas
Bray
Brock
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burke
Burkhalter
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Byrnes, Wis.
Cahill
Carey
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collier
Colmer
Conte
Cooley
Corbett
Corman
Cramer
Cunningham
Curtin
Curtis
Dague
Daniels
Davis, Ga.
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Derounian
Derwinski
Devine
Dole
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards
Ellsworth
Everett
Fallon
Farbstein
Fascell
Feighan
Findley
Fino
Flood
Flynt
Fogarty
Ford
Foreman
Forrester
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fuqua
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gill
Glenn
Gonzalez
Goodell
Goodling
Grant
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Halpern
Hansen
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Hawkins
Hays
Hechler
Henderson
Herlong
Holifield
Holland
Horan
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Joelson
Johansen
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Keogh
Kilburn
Kilgore
King, Calif.
King, N.Y.
Kirwan
Knox
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
Long, Md.
McCulloch
McDade
McFall
McIntire
McLoskey
Macdonald
Madden
Mailliard
Marsh
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meader
Michel
Milliken
Mills
Minish
Minshall
Monagan
Moore
Moorhead
Morgan
Morris
Morse
Morton
Mosher
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nelsen
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Ostertag
Passman
Patman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pillion
Poage
Poff
Pool
Powell
Price
Purcell
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Secrest
Selden
Short
Shriver
Sickles
Sikes
Siler
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stinson
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tupper
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Watson
Watts
Weaver
Weltner
Westland
Wharton
White
Whitener
Wickersham
Widnall
Willis
Wilson, Ind.
Wright
Wydler
Young
Younger
Zablocki

NAYS—7

Abernethy
Gathings
Mahon
Roberts, Tex.
Rogers, Tex.
Teague, Tex.
Whitten

NOT VOTING—80

Adair
Alger
Ashley
Auchincloss
Avery
Baring
Bass
Bolton, Frances P.
Bromwell
Brown, Calif.
Buckley
Cameron
Celler
Daddario
Diggs
Dingell
Elliott
Evins
Finnegan
Fisher
Fulton, Tenn.
Grabowski
Gray
Gurney
Hanna
Harvey, Mich.
Healey
Hébert
Hoeven

Hoffman
Horton
Jones, Ala.
Jones, Mo.
Kee
Kluczynski
Kyl
Landrum
Lankford
Leggett
Lesinski
McClory
McDowell
McMillan
MacGregor
Miller, Calif.
Miller, N.Y.
Montoya
Morrison
Moss
Nedzi
Osmers
Pepper
Pilcher
Pirnie
Pucinski
Rains
Randall
Roybal
Ryan, Mich.
St. George
Scott
Senner
Sheppard
Shipley
Sibal
Smith, Calif.
Smith, Va.
Staebler
Steed
Stephens
Thompson, La.
Toll
Tollefson
Wallhauser
Whalley
Williams
Wilson, Bob
Wilson, Charles H.
Winstead
Wyman

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Toll with Mr. Whalley.
Mr. Hébert with Mrs. St. George.
Mr. Buckley with Mr. Pirnie.
Mr. Healey with Mr. Horton.
Mr. McDowell with Mr. Kyl.
Mr. Daddario with Mr. McClory.
Mr. Celler with Mr. Miller of New York.
Mr. Montoya with Mr. Alger.
Mr. Dingell with Mr. Osmers.
Mr. Nedzi with Mr. Harvey of Michigan.
Mr. Ryan of Michigan with Mr. Bromwell.
Mr. Lesinski with Mr. Hoffman.
Mr. Morrison with Mr. Hoeven.
Mr. Thompson of Louisiana with Mr. Auchincloss.
Mr. Pucinski with Mr. Sibal.
Mr. Kluczynski with Mr. MacGregor.
Mr. Randall with Mr. Gurney.
Mr. Baring with Mr. Adair.
Mr. Moss with Mr. Smith of California.
Mr. Brown of California with Mr. Tollefson.
Mr. Ashley with Mrs. Frances P. Bolton.
Mr. Evins with Mr. Wallhauser.
Mr. Jones of Alabama with Mr. Avery.
Mr. Miller of California with Mr. Bob Wilson.
Mr. Grabowski with Mr. Wyman.
Mr. Roybal with Mr. Staebler.
Mr. Cameron with Mr. Winstead.
Mr. Senner with Mr. Williams.
Mr. Charles H. Wilson with Mr. Fisher.
Mr. Hanna with Mr. Finnegan.
Mr. Leggett with Mr. Lankford.
Mr. Landrum with Mrs. Kee.
Mr. Shipley with Mr. Diggs.
Mr. Elliott with Mr. Gray.
Mr. Scott with Mr. McMillan.
Mr. Fulton of Tennessee with Mr. Sheppard.
Mr. Steed with Mr. Bass.
Mr. Pepper with Mr. Pilcher.
Mr. Stephens with Mr. Smith of Virginia.

Messrs. TEAGUE of Texas, ROGERS of Texas, and ROBERTS of Texas changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 524) to provide for the registration of contractors of migrant agricultural workers, and for other purposes, a similar bill to the bill just passed.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill.

AMENDMENT OFFERED BY MR. ROOSEVELT

Mr. ROOSEVELT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROOSEVELT: Strike out all after the enacting clause of S. 524 and insert in lieu thereof the text of H.R. 6242, as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6242) was laid on the table.

FEDERAL COAL MINE SAFETY ACT AMENDMENTS

Mr. POWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9000) to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Mine Safety Act Amendments of 1963".

SEC. 2. (a) Subsection (b) of section 201 of the Federal Coal Mine Safety Act (66 Stat. 693; 30 U.S.C. 471(b)) is repealed.

(b) For a period of six months following the month during which this Act becomes effective, the amendments made by section 3 of this Act to the Federal Coal Mine Safety Act shall not apply to any mine in which on the effective date of this Act no more than fourteen individuals are regularly employed underground, except that the amendments made by subsections (c) and (d) of such section shall become effective on the date of enactment of this Act.

(c) For a period of six months following the month during which this Act becomes effective, paragraph (5) of subsection (h) of section 209 of the Federal Coal Mine Safety Act shall not apply to any mine in which on the effective date of this Act (1) no more than fourteen individuals are regularly employed underground and (2) the storage, handling, or use of black powder is expressly permitted by a statute of the State in which such mine is located.

SEC. 3. (a) Section 203 of the Federal Coal Mine Safety Act (66 Stat. 694; 30 U.S.C. 473) is amended by adding a new subsection (d) and a new subsection (e), reading as follows, and by redesignating present subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively, and by amending those subsections to read as follows:

"(d)(1) If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 202, finds that any provision of section 209 is being violated, and if he also finds that, while the conditions created by such violation do not cause danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, such violation is of such nature as could significantly and substantially contribute to the cause or effect of a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall include such finding in the notice given to the operator under subsection (b) of this section. Within ninety days of the time such notice was given to such operator, the Bureau shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any special inspection required under section 203 or section 206. If, during any special inspection relating to such violation or during such reinspection, a representative of the Bureau finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in paragraph (3) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such finding and order shall state the provision or provisions of section 209 which have been violated and shall contain a detailed description of the conditions which such representative finds cause and constitute such violation, and a description of the area from which persons must be withdrawn and debarred. The representative of the Bureau shall promptly thereafter advise the Director in writing of his findings and his action.

"(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Bureau who finds upon any following inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

"(3) No order issued under paragraphs (1) or (2) of this subsection shall require any of the following persons to be withdrawn from, or to be debarred from entering, the area described in the order: (A) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to abate the violation described in the order; (B) any public official whose official duties require him to enter such area; or (C) any legal or technical consultant or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

"(e) Except as provided in subsection (g) of this section an order issued under subsection (c) or (d) of this section may be annulled, canceled, or revised by the duly authorized representative of the Bureau who issued such order or any other duly authorized representative of the Bureau.

"(f) If a duly authorized representative of the Bureau, upon making an inspection of a mine, as authorized in section 202, finds that methane has been ignited in such mine or finds methane by use of a permissable flame safety lamp or by air analysis in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face or rib, he shall make an order requiring the operator of such mine to comply with the provisions of section 209 of this title which pertain to gassy mines, in the operation of such mine.

"(g)(1) If an order is made pursuant to subsection (a) of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect, and a State inspector did not participate in the inspection on which such order is based, the operator of the mine may request the agency designated in the State plan to assign a State inspector to inspect the

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mine. The State inspector assigned in accordance with such request shall inspect such mine promptly after the request is made.

"(2) No order shall be made pursuant to subsection (c) or (d) of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect unless a State inspector participated in the inspection on which such order is based and concurs in such order, or an independent inspector apointed under paragraph (3) of this subsection concurs in such order. If the State inspector does not concur in such order, the operator of the mine, the duly authorized representative of the Bureau who proposes to make such order, or the State inspector may apply, within twenty-four hours after the completion of the inspection involved, for the appointment of an independent inspector under paragraph (3). Within five days after the date of his appointment, the independent inspector shall inspect the mine. The representative of the Bureau and the State inspector shall be given the oportunity to accompany the independent inspector during such inspection. If, after such inspection is completed, either the independent inspector or the State inspector concurs in the order, it shall be issued.

"(3) Within five days after the date of receipt of an application under paragraph (2) of this subsection, the chief judge of the United States district court for the district in which the mine involved is located (or in his absence, the clerk of such court) shall appoint a graduate engineer with experience in the coal-mining industry to serve as an independent inspector under this subsection. Each independent inspector so appointed shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and related expenses.

"(4) An order made pursuant to subsection (a) or (c) or (d) of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect shall not be subject to review under section 206, but shall be subject to review under section 207.

"(h) Notice of each finding and order made under this section shall promptly be given to the operator of the mine to which it pertains, by the person making such finding or order."

(b) Section 202 of the Federal Coal Mine Safety Act (66 Stat. 693; 30 U.S.C. 472) is amended as follows:

(1) Subsection (a) is amended by striking out the reference to "section 203(d)" and inserting in lieu thereof "section 203(f)"; and by striking out the reference to "section 203(c)" and inserting in lieu thereof "section 203(c) and (d)".

(2) Subsection (b)(2)(C) is amended by striking out the reference to "section 203(e)(1)" and inserting in lieu thereof "section 203(g)(1)".

(3) Subsection (c) is amended by striking out the reference to "section 203(e)(3)" and inserting in lieu thereof "section 203(g)(3)".

(c) Subsections (a), (b), (c), and (d) of section 205 of the Federal Coal Mine Safety Act (66 Stat. 697; 30 U.S.C. 475) are amended to read as follows:

"(a) The Federal Coal Mine Safety Board of Review is hereby continued as an agency of the United States, except that the Board shall consist of five members, instead of three members, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The terms of office of members of the Board shall be five years, except that—

"(1) the terms of office of members in office on the date of enactment of the Federal Coal Mine Safety Act Amendments of 1963, shall expire on the date originally fixed for their expiration,

"(2) the term of office of one of the members appointed to fill a vacancy resulting from the enactment of the Federal Coal Mine Safety Act Amendments of 1963, shall expire July 15, 1967, and the term of office of the member appointed to fill the other vacancy resulting therefrom shall expire July 15, 1968, and

"(3) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed, shall be appointed only for the remainder of such unexpired term.

The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(c) Each member of the Board shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949 be fully reimbursed for traveling, subsistence, and other related expenses. The Board, at all times, shall consist of one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of operators of coal mines employing fourteen or fewer employees underground (hereinafter referred to as 'small mine operators representative'), one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of operators of coal mines employing fifteen or more employees underground (hereinafter referred to as the 'large mine operators representative'), one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine workers in mines employing fourteen or fewer employees underground (hereinafter referred to as the 'small mine workers representative'), one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine workers in mines employing fifteen or more employees underground (hereinafter referred to as the 'large mine workers representative'), and one person who shall be chairman of the Board, who shall be a graduate engineer with experience in the coal mining industry or shall have had at least five years' experience as a practical mining engineer in the coal mining industry, and who shall not, within one year of his appointment as a member of the Board, have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal mine operators or coal mine workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau.

"(d) The principal office of the Board shall be in the District of Columbia. Whenever the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, the Board may hold hearings or conduct other proceedings at any other place. At the request of an operator of a mine the Board shall hold hearings or conduct other proceedings at the county seat of the county in which the mine is located or at any place mutually agreed to by the chairman of the Board and the operator of the mine involved in the appeal or proceeding. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Board."

(d) Subsection (f) of section 205 of such Act is amended to read as follows:

"(f) Three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members, except that in any official action involving mines in which no more than fourteen individuals are regularly employed underground the participation of the small mine operators' representative and small mine workers' representative shall be required, and in any official action involving mines in which more than fourteen individuals are regularly employed underground the participation of the large mine operators' representative and large mine workers' representative shall be required; but a special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in section 207 of this title and submit the transcript of such hearing to the entire Board of its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts. Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public."

(e) Section 206 of the Federal Coal Mine Safety Act (66 Stat. 699; 30 U.S.C. 476) is amended as follows:

(1) Subsection (a) is amended by striking out the reference to "section 203(e)(4)" and inserting in lieu thereof "section 203(g)(4)".

(2) Subsection (b) is amended by striking out the reference to "section 203(e)(4)" and inserting in lieu thereof "section 203(g)(4)".

(3) A new subsection (c), reading as follows, is added and present subsections (c), (d), (e), and (f) are redesignated as subsection (d), (e), (f), and (g), respectively, and are amended to read as follows:

"(c) Except as provided in section 203(g)(4), an operator notified of an order made pursuant to section 203(d) may apply to the Director for annulment or revision of such order. Upon receipt of such application the Director shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Bureau, other than the representative who made such order, to make such inspection of such time and report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Director shall find whether or not there was a violation of section 209 as described in such order, at the time of the making of such order. If he finds there was no such violation he shall make an order annulling the order under review. If he finds there was such a violation he shall also find whether or not such violation was totally abated at the time of the making of such special inspection. If he finds that such violation was totally abated at such time, he shall make an order annulling the order under review. If he finds that such violation was not totally abated at such time, he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and he shall then make an order, consistent with his findings, affirming or revising the order under review.

"(d) An operator notified of an order made pursuant to section 203(f) may apply, not later than twenty days after the receipt of notice of such order, to the Director for annulment of such order. Upon receipt of such application the Director shall make or cause to be made such investigation as he deems necessary. Upon concluding his investigation or upon receiving the report of such investigation made at his direction, the Director shall find whether or not methane has been ignited in such mine, or whether or not methane was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine, when tested at a point not less than twelve inches from the roof, face, or rib, at the time of the making of such order. If he finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, he shall make an order annulling the order under review. If he finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, he shall make an order denying such application.

"(e) The Director shall cause notice of each finding and order made under this section to be given promptly to the operator of the mine to which it pertains.

"(f) Except as provided in section 203(g)(4), at any time while an order made pursuant to section 203 or this section is in effect, or at any time during the pendency of a proceeding under section 207 or section 208 seeking annulment or revision of such order, the operator of the mine affected by such order may apply to the Director for annulment or revision of such order. The Director shall thereupon proceed to act upon such application in the manner provided in subsections (a), (b), (c) or (d) of this section.

"(g) In view of the urgent need for prompt decision of matters submitted to the Director under this section, all actions which the Director or his representatives are required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved."

(f) Section 207 of the Federal Coal Mine Safety Act (66 Stat. 700; as amended 74 Stat. 201; 30 U.S.C. 477) is amended as follows:

(1) Subsection (a) is amended by striking out the reference to "subsection (a), (c) or (d)" and inserting in lieu thereof "subsection (a), (c), (d) or (f)"; by striking out the reference to "subsection (d)" and inserting in lieu thereof "subsection (f)"; and by striking out the reference to "subsection (c)" and inserting in lieu thereof "subsection (d)".

(2) A new subsection (h), reading as follows, is inserted and present subsections (h), (i) and (j) are redesignated as subsections (i), (j), and (k), respectively, and are amended to read as follows:

"(h) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 203(d), the Board, upon conclusion of the hearing, shall find whether or not there was a violation of section 209, as described in such order, at the time of the making of such order. If the Board finds there was no such violation, the Board shall make an order annulling the order under review. If the Board finds there was such a violation, the Board shall also find whether or not such violation was totally abated at the time of the filing of the operator's application. If the Board finds that such violation was totally abated at such time, the Board shall make an order annulling the order under review. If the Board finds that such violation was not totally abated at such time, the Board shall find the extent of the area of such mine which was affected by such violation at such time, and shall make an order, consistent with its findings, affirming or revising the order under review.

"(i) If the proceeding is one in which an operator seeks annulment of an order made pursuant to section 203(f) or 206(d), the Board, upon conclusion of the hearing, shall find whether or not methane has been ignited in such mine or was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib, as set out in such order. If the Board finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, the Board shall make an order annulling the order under review. If the Board finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, the Board shall make an order denying such application.

"(j) Each finding and order made by the Board shall be in writing. It shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon making a finding and order the Board shall cause a true copy thereof to be sent by registered mail or by certified mail to all parties or their attorneys of record. The Board shall cause each such finding and order to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such finding or order.

"(k) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board is required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved."

SEC. 4. Subsection (d) of section 210 of the Federal Coal Mine Safety Act (66 Stat. 708; 30 U.S.C. 480(d)) is amended by striking out the reference to "section 203(e)(3)" and inserting in lieu thereof "section 203(g)(3)".

SEC. 5. Section 212 of the Federal Coal Mine Safety Act (66 Stat. 709; 30 U.S.C. 482) is amended by adding at the end thereof the following new subsections:

"(d) For the promotion of sound and effective coordination of Federal and State activities within the field covered by this Act, to eliminate duplication of effort and expense, and to secure effective enforcement of the coal mine safety requirements established by this title, the Director shall affirmatively and diligently seek to cooperate with the mine inspection or safety agencies of the several States, through formal agreement or otherwise, in the enforcement of the provisions of this title.

"(e) The Secretary of the Interior shall enlarge and intensify the educational programs of the Bureau of Mines with respect to the advancement of health and safety in coal mines, and shall, to the fullest extent practicable, seek the cooperation and assistance of the appropriate State agencies in the planning and implementation of such programs. There is hereby authorized to be appropriated not to exceed $750,000 for carrying out such programs."

SEC. 6. The Secretary of the Interior shall conduct a special study to determine the sufficiency of the present safety requirements of the Federal Coal Mine Safety Act, with particular emphasis upon the requirements relative to roof support, ventilation, and electrical equipment. The Secretary of the Interior shall make a report to the Congress on the results of such study, together with his recommendations, within one year after the enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. GOODELL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. POWELL. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the purpose of this bill is to insure the safety of those persons that mine coal which passes through interstate commerce. It seeks to extend legislation enacted in July 1962—The Federal Coal Mine Safety Act, Public Law 552. Its objective is to prevent catastrophes which have recently engaged national attention—catastrophes which could have been avoided if the measures which we are recommending had been enacted into law.

The reason for the extension of the title II mandatory provisions to title I is because the recommendations of the Federal mine inspectors to the title I mine operators have not been acted upon. Mine disasters have increased since the enactment of this legislation.

Title I has become an ineffective provision. The testimony before the General Subcommittee on Labor disclosed repeated violations in the same mines. The present legislation guarantees the abatement of particular hazards discovered by the Federal inspectors while they are in the mines.

There is no incentive for the abatement of hazards before they are discovered in these mines. It is, furthermore, impossible to inspect often enough to take account of all hazards. In order to cause the mine to comply with a reasonable standard of safety, there must be some authority in the inspector to bring about that compliance. What is needed is continuous compliance and that is not forthcoming without the mandatory provisions of title II.

The provisions of this act are in no case more burdensome than the provisions of the State acts which have mining laws, because in every case they are identical. Precautionary measures contained in this bill come out of our experience which indicates that the preventive measures are needed.

There have been 250 separate mine disasters between 1940 and 1962 in the title I mines—that is those that employ 14 men or less. In these disasters, 94 men were killed and 184 men were injured. In eight of the mine disasters all of the men underground were killed.

Any opposition to this measure must be based on doctrine, on abstract principles, unrelated to the matter before us. Our support for this measure is based on the simple principle that human life is important no matter what the size of the mine; that those who enter such hazardous duty in this basic industry ought to be protected, and experience has shown us that title I is not adequate; that we need not sacrifice these lives to the treacherous stomachs of the mines; that costs cannot be too great when they are for human safety; that misfortune ought to be avoided when it is easily foreseeable.

Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. ROOSEVELT], chairman of the subcommittee handling this matter.

Mr. ROOSEVELT. Mr. Speaker, the chairman of the full Committee on Education and Labor has stated the basic purposes of this bill which are, of course, to insure the safety of those who work underground in the mining fields of our country.

In order to make it very clear that we have not just indiscriminately gone into the business of taking what are known as the small mines employing 14 individuals or less, as they have become known, we have made certain provisions in this bill to make sure their interest will be fully taken care of.

We have in the first instance revised the Federal Coal Mine Safety Board of Review and reconstituted it with five members serving staggered 5-year terms. Of these new positions 1 must be a worker with experience in a small mine of 14 or less, and 1 must be an employer or owner of such a type of mine.

We are also very much interested in promoting the coordination of safety enforcement between States and the Federal Government to eliminate duplication of effort, and to secure effective enforcement of Federal safety standards. Therefore we have directed the Director to affirmatively and diligently seek to cooperate with the States, through formal agreement or otherwise, in the enforcement of this act.

We have also provided $750,000 of an appropriation which is authorized in the bill for enlargement and intensification of coal mine safety educational programs, again in cooperation with the States.

I want to emphasize that as to title II, the small mines, this bill does not basically change what is now going on. The Bureau of Mines today inspects the small mines, but today they have no power of enforcement. We can see no logical reason why this should be. We treat titles I and II mines in exactly the same manner. After all, human life is the same whether you are working with 14 or less men or you are working with 50 or 100 men.

I believe that this measure, Mr. Speaker, is thoroughly justified, that it will work in harmony with the States just as the regulations for the larger mines have worked in harmony with the States. I believe it will in the long run save many, many lives, although I want to emphasize it is no panacea, it does not mean there will be no mine disasters. It means, however, that where there is a mining danger that might mean disaster the Federal and State inspectors can have the power to go in to stop it before it actually happens.

Mr. GOODELL. Mr. Speaker, I yield such time as he may desire to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I do not believe that the House should suspend the rules and pass H.R. 9000. This is a controversial bill and it should be thoroughly discussed before any vote is taken. Furthermore, I do not believe this bill should be enacted. Certainly the recent safety record of small mines does not demonstrate the need for Federal control.

Currently, the Federal Coal Mine Safety Act comprises two titles: Title I of this act confers the power upon Federal inspectors to make recommendations concerning health and safety conditions in all coal mines; title II of the act confers upon Federal inspectors the power to close mines employing 15 or more underground workers for failure to comply with mine safety provisions of the Federal Coal Mine Safety Act. The proposed bill would confer upon Federal inspectors an additional power which they do not now possess, to close mines employing 14 men or less.

The impelling reason behind consideration of this bill at this time was a directive from President Kennedy to Secretary Udall, instructing the Secretary to investigate the causes of two mine disasters which claimed 59 lives. These disasters occurred in title II mines—mines employing 15 men or more. Despite the occurrence of these disasters in large mines, the Secretary's response to the President's directive was to recommend that the small title I mines be subjected to Federal control.

There are three basic reasons why a number of the Members of the House Education and Labor Committee oppose the pending legislation.

First, the States are doing a constantly improving job with respect to mine safety in the small mines.

Second, the safety record of the title I mines does not demonstrate a need for Federal control, but indicates, rather, that safety in these mines is at least as good as that in the federally inspected mines.

Third, this legislation would have a devastating economic impact on these small mines.

The proponents of this legislation have demonstrated a complete and inexplicable impatience with admittedly successful and improving State mine safety programs. The State inspectors make much more frequent inspections of mines than do Federal inspectors, averaging approximately one inspection per month. For example, through a combination of inspection and educational efforts, the State of Kentucky, during the past several years, has brought about a 55 percent reduction in roof-fall fatalities in the coal mines within its borders. Similar concrete and heartening results in mine safety are being achieved through the continuing efforts of other State administrations.

Yet, the proponents of this legislation appear to be solely concerned with subjecting the small mines of the Nation to Federal control, and with endowing Federal inspectors with authority to close down the mines. If this legislation is not basically concerned with coal mine safety, what is its import? A Pulitzer Prizewinner, Mr. Nat Caldwell, of the Nashville Tennessean, who received the award for his work regarding this matter, had the following to say on the matter before the committee:

> I am strongly convinced that the principal proponents of this measure are far more interested in its utilization for forwarding an economic purpose, that is, closing down the small thin seam coal mines of the Appalachian area, than they are in assuring the union and nonunion miners of a safe place in which to earn their livings.

Mr. Speaker, this is not safety legislation; it can only result in harassment and economic injury to the small mineowners of the Nation, and it should be defeated.

Mr. GOODELL. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BELL].

Mr. BELL. Mr. Speaker, I might say at the outset that there are no coal mines in my district and there are very few coal mines in the State of California, so when the testimony started on this bill I instinctively had a completely open mind on it and perhaps you might say even intended to vote in favor of the bill rather than be against it, because who wants to be against mine safety? It is like being against motherhood.

However, as the testimony proceeded the more it became evident that this bill was not a mine safety act at all but an attempt at control of competition on the part of certain large groups and interests, an attempt actually to stifle competition.

Title I mines, the small mines, today produce a substantial portion of the Nation's coal. In 1948 the small coal mines employed 8 percent of the coal miners. They employ 40 percent of all the coal miners today. This is brought about fundamentally by two things: The automation that occurred in the late 1940's caused an employment drop from 343,700 in 1950 to 139,400 in 1960. Second, the development of techniques which have made it possible to mine thin seam coal, which was impossible to mine 15 years ago.

The result of the unemployment caused the ex-employees of the large mines to establish their own small businesses in mining coal, with their savings. The efforts of these miners established a program of mining the small mines in areas in West Virginia, Virginia, Pennsylvania, and so on throughout the area known generally as Appalachia.

Considerable question of the Bureau's figures has come out in the testimony. There the small miners can claim just as often and frequently and as accurately that there is more safety in title I mines than there is in the title II mines. The material and information of the Bureau of Mines is highly fragmentary, admitted by their own statement. The trend has been toward increased safety for the title I mines, and decreased safety for larger or title II mines.

I should like to cover one other point. This mine safety law would have an adverse effect on unemployment in the Appalachian area, because it could quite possibly throw out of business a number of these small mines. A tremendous number of them could perhaps go completely out of business as the result of this mine safety act. The result would be that our unemployment problem in Appalachia could increase substantially.

We are spending here millions of dollars a year to aid Appalachia and to aid the unemployment problem in Appalachia with the one hand and by passing this act could, with the other hand, deter the very effect that we want to bring about through aid to the unemployed and poverty-stricken people in this area.

One of the most frequently heard arguments of those who support the pending legislation is that Congress erred in granting small mine exemption—that "there is no magic in the number 14." Congress did not err when it excluded small mines from compulsory features of the Federal law. The reasons are that there are a number of fundamental distinctions between the small and large mines which fully justify the exemption granted by Congress.

While all mines have a number of basic similarities and common problems there are a number of significant areas in which the small mine and the large mine are vastly different. They differ in:

First. The type of equipment used.

Second. The conditions of work environment.

Third. The methods of operation.

Fourth. The types of hazards encountered.

These differences are substantial and they are marked.

Because of these inherent differences between the so-called small mines—title I—and the so-called large mines—title II—statistical comparisons as a basis for proving one contention or another leave much to be desired.

Parenthetically, it might be observed that much of the data on title I mines submitted by the Bureau of Mines to the subcommittee was, by the Bureau's own admission, either incomplete or fragmentary. This is particularly true with respect to the number of title I mines, the number of persons employed in such mines, and the total tonnage of coal produced by such mines.

I would refer at this point to the hearings before a Senate subcommittee of Labor and Public Welfare dated July 24. 1959. In the testimony of Mr. Ankeny, Director of Bureau of Mines, he revealed that the Bureau's figures were incomplete in regard to title I mines.

This was reiterated by testimony of Mr. O'Leary on September 18, 1963, of the Department of the Interior.

If this is true one can easily comprehend what a distorted viewpoint one might gain regarding the safety statistics of both title I and title II mines.

The recommendation of the Department's Bureau of Mines regarding the safety of title I mines as compared to title II mines—and thus recommending that title I mines be subjected to the Federal Mine Safety Act—was entirely based upon the Bureau's statistical studies concerning fatalities in title I mines per man-hour of exposure. According to the Bureau, fatalities in such title I mines were greater per man-hour of exposure than fatalities in title II mines.

Very important.

The Bureau states that there were only 1,588 title I underground mines in Kentucky in 1961. The Kentucky State Yearbook shows that the State of Kentucky licensed 2,379 title I mines in 1961. A discrepancy on someone's part of 791 title I mines.

For 1961 the Bureau states that 8,415 men were employed in Kentucky underground title I mines; Kentucky figures state that there were 17,190 men employed in those mines in 1961. A difference of 8,775 men employed.

The Bureau states that there were 1,111 title I mines in operation in Virginia in 1961. Virginia states that the number of title I mines was 1,586. This is a difference of 475 title I mines.

The Bureau states that there were 6,405 men employed in those Virginia mines; the State of Virginia figures show that 8,247 men were employed in these mines in 1961. A difference of 1,842 men employed.

These are just some of the figures that show the large discrepancy that exists between the figures of the Bureau and the figures of two of the States.

But the important point is this: The increase in the man-hours of exposure which these figures would indicate would drastically lower the fatality rate for title I mines.

I am certainly not inferring that these figures are intentionally tailored to fit an argument, but only that this would drastically alter the picture insofar as the relative mine safety of title I and title II mines are concerned.

The opponents of the application of the Federal Mines Safety Act to title I mines maintain that the safety record of title I mines is much better than that of title II mines. They also have produced figures to prove it.

I ask you, Mr. Speaker, if the sole justification for the proposed legislation is the record of safety of title I mines, and if title I mines are safer than title II mines—who are now under the Federal Mine Safety Act—it would seem to me that there must be some other reason than safety for this legislation.

However, until there can be some reconciliation between the figures of the Bureau of Mines and the various State figures, it does not seem to me that any legislation is justified.

However, let me just read from the report showing the accident comparison from the Bureau's own figures—page 41 of the report:

> For the year 1961 the 940 large mines had 61 disaster-type accidents accounting for 46 injuries and 57 deaths; whereas for the same year the 6,914 small mines had only 12 such accidents, accounting for 8 injuries and no deaths. For the period 1948 through 1961, the so-called large mines were the scene of 699 such accidents, accounting for 339 deaths and 430 injuries; whereas the so-called small mines were the scene of 131 such accidents, accounting for 54 deaths and 87 injuries.

If the small miners are correct, and judging from the discrepancy of figures on mine safety they certainly appear to be, this act could easily be a punitive measure on the part of some large interests to eliminate the competition of the small mines. If we were to pass this Federal Mine Safety Act without further study and more reliable accurate statistics, we could find ourselves adding to the problems of unemployment and poverty that now exists in the areas sometimes referred to as Appalachia.

It is my opinion that any of my colleagues who represent these areas should think long and hard before they allow this crown of thorns to be thrust upon the heads of the poor and unemployed in Appalachia.

On the one hand we here vote for the expenditure of millions of dollars each year in programs to help this depressed area. Such programs as the Poverty Act which recently passed, ARA, SBA, farm home loan programs, vocational education, manpower development and training, et cetera, then on the other hand we rapidly pass an act such as mine safety—under suspension—which may have the effect of nullifying much of our financial efforts to help the people of Appalachia.

In 1958 this matter first came before the Congress in the form of S. 3290. There was an attempt made to rush the bill through the Senate without notice to, or hearing from, title I mine operators. This attempt failed, largely because of the action of the late President John F. Kennedy, then chairman of the Senate Subcommittee on Labor. After reopening hearings and receiving testimony from title I interests, Mr. Kennedy submitted Senate Report No. 1963 on July 25, 1958, and at the end of this report said as follows:

> In the light of the inconclusive character of the testimony in support of the proposal to repeal completely the present exemption, the committee preferred to take the steps safeguarding against dangers of imminent disaster while simultaneously providing a method to secure the data necessary for the Congress to legislate intelligently in the near future.

The same conditions continue to prevail today. It would still be advisable for Congress to get the facts before it legislates.

Virtually every witness who appeared before this committee, whether he appeared in favor of or in opposition to the pending legislation, made one consistent observation: Human failure is the basic cause of the overwhelming majority of accidents in mines. This is true for all types of mines, large and small.

With respect to this matter of mine safety, almost everyone who has studied this problem agrees that effective education is the most fruitful safety measure yet devised. Most States are doing a creditable job in this area. Nevertheless, if one is really seeking to make an effective Federal contribution to mine safety, particularly mine safety in small mines, serious consideration should be given to encouraging the expansion and strengthening of State education and training programs in mine safety. Such an undertaking would, we feel confident, be enthusiastically endorsed by the States involved.

Mr. DENT. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. BOLAND). The time of the gentleman from California has expired.

Mr. POWELL. Mr. Speaker, I yield the gentleman 1 minute.

Mr. BELL. I yield to the gentleman from Pennsylvania.

Mr. DENT. On what authority do you tell this House that the passage of this legislation which is in line practically with the legislation now standing on the books in Pennsylvania will destroy jobs in the State of Pennsylvania?

Mr. BELL. I am not saying it will positively, because nobody knows positively that such would occur, I am saying it very possibly may destroy jobs because the passage of these laws may force small mines into introducing types of machinery and equipment that they cannot well afford, in order to live up to the various requirements that may be forced on them by the Federal mine safety officials of the Bureau of Mines. Various States already have State laws to protect the small miners with regard to safety regulations.

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Mr. DENT. If it is true that the States have laws like this and this does not add anything to the State laws, then how can you tell the House that this law will take jobs away from the miners?

Mr. BELL. The gentleman very well knows that it may cause and require some additional amounts perhaps of machinery, material, and inspection programs that they today might not need under present State laws, causing undue strain expenses to the small miner. Further, not all States include the exact same requirements in their State laws that the Federal Mine Safety Act may require.

Congressman ROOSEVELT states that he would like to have this statement stricken.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. POWELL. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, I rise in opposition to H.R. 9000, the bill to amend the Federal Coal Mine Safety Act as it would pertain to the small, or title I, mines.

It is only fair that I, before commenting on the bill's provisions and its effects, explain some of the reasons for my opposition.

I represent the major coal-producing district of Virginia, where we have both large and small mines. We have both union and nonunion mines. We need the continued operation of every mine to provide jobs for our people—and I emphasize we want safe jobs for them. We must have continued market expansion for our coal, if we are to see our economy expand.

I am not an opponent of safety. I have never opposed an appropriation for the Bureau of Mines' work in safety. I have encouraged my State to provide an adequate program of safety education and inspection. I do not condone the unsafe operation of any mine. I have sponsored alternate legislation to take care of any threat of a major disaster in the small mines. I have carefully explored the need for this bill through personal contacts within my district. I invited the general Subcommittee on Labor to visit in my district and inspect the coal mines, believing the information they would gain there would be helpful in their deliberations. And, if I were convinced—and I have given deep and serious thought to this proposal—that H.R. 9000 was needed to enhance safety in the small mines, I would be speaking in its behalf.

I do not appear in the role of an advocate of complete State or Federal control in this field of mine safety. I seek to follow a rule of reason and realism where elements of any program involve both State and Federal jurisdiction. I do not blindly support action by the State or Federal Government, but believe that we can have a safety program for our small and large mines where each can play a needed role. I have to the best of my ability judged the facts presented in several hearings, and I contend that H.R. 9000 would unnecessarily involve the Federal Bureau of Mines in an area that is being adequately handled by the States.

It is difficult to place this bill in a proper perspective so that you can easily judge the situation with accuracy. Since I oppose the bill, I commend to your serious consideration the final pages of the Committee on Education and Labor's report.

It would be erroneous to assume that H.R. 9000 is simply a piece of "safety" legislation. The plain fact that hearings and consideration of this bill—in one form or another—have gone on since 1958. If the bill had been fully merited for safety reasons, I feel confident it would have passed long ago. This fact alone should cause this body to carefully consider this proposal.

When the Federal Coal Mine Safety Act was approved in 1952, it was to prevent major disasters in mines, a major disaster being one in which five or more lives are lost. The Committee on Education and Labor defined the scope of the act in its 1952 report, pointing out that the bill was not designed to prevent the "day-to-day" accidents which occur in the mine industry. The act has two titles, the first conferring power on the Federal inspectors to make recommendations concerning health and safety conditions in all coal mines; the second title gives these inspectors the power to close mines employing 15 or more workers for failure to comply with the mine safety provisions of the act. The small mines with less than 15 employees are generally referred to as "title I" mines.

The reason behind the consideration of this bill at this time was a directive from the late President Kennedy to the Secretary of Interior instructing him to investigate the causes of two mine disasters which claimed 59 lives. These disasters occurred in title II mines—mines employing 15 men or more. Despite the occurrence of these disasters in large mines, the Secretary's response to the President's directive was to recommend that the small title I mines be subjected to Federal control.

Title I mines are now regularly inspected by State and Federal mine inspectors.

Mr. GOODELL. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, those of us who were in the House when the original mine safety bill was passed objected to the elimination of the small mines. We did so because if safety is good it does not matter whether a man works in a mine which has 1 miner or whether he works in a mine which has 100 or more miners. The human life of the miner is just as dear, whether he works in a small mine or in a large mine.

The RECORD has shown with indisputable facts from the day we passed the mine safety bill that a large portion of the fatalities occur in the small mines.

What the House is faced with today is this question: Shall we continue to give the operators of the small mines a license to kill? If a person operates a large mine, he cannot do it.

Let me demonstrate what is being done in some of these small mines. They are using black powder. We have in this House today one Member, JOE SKUBITZ, whose father was killed in a small mine. How did that occur? There was an explosion of black powder which picked up the dust, and JOE SKUBITZ' father lost his life.

I do not doubt that there are other Members here who have lost members of their families in small mines.

What we are faced with today is the question of determining whether we want safety or do not want safety. Do we want to protect the lives of people, or do we want to give people the license to kill? It is that simple.

What has happened? The large mines today have Federal inspectors go into them, and if the inspectors find anything which violates any rule or regulation which Congress has provided, and the mine does not comply, the inspector can close the mine down. Thereby he protects the lives of the men who work in the mine.

But if it happens that a man is working in a mine which has only 14 people, if the same inspector goes in and he finds the same shortcomings, he cannot close the mine. All he can do is to walk out and put a notice on the front board, "Very sorry, boys, but the conditions under which you are working violate the following provisions of the Federal Mine Safety Code, and I cannot do anything about it."

Do we want to continue that, or not? If we pass this bill today we will give the Federal mine inspector the right to say to the operators of the small mines, "Your safety provisions are required to be the same, either in small mines or in large mines."

Human life is what is involved in this issue today and whether or not you are going to protect the lives of human beings.

Mr. POWELL. Mr. Speaker, I yield 1 minute more to the gentleman from Pennsylvania [Mr. SAYLOR]. He is making a very fine contribution, and the gentleman from Oklahoma [Mr. EDMONDSON], would like to ask him a question.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield to me?

Mr. SAYLOR. I yield to my colleague from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding and congratulate him on the splendid statement he has just made. I think there is no question about the fact that methane gas is no respecter of size where mines are concerned. The problem of safety is often much more serious in a small mine than it is in a large mine. Some of the small mine operators are employing an increasingly large percentage of the labor which is in the coal mining industry. So I think the gentleman has made very good arguments for the adoption of this bill, and I hope it will be agreed to.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Speaker, I rise to compliment the gentleman on an excellent statement. I am likewise in favor of the bill.

Mr. GOODELL. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BRAY].

Mr. BRAY. Mr. Speaker, this year the Congress has been taken up with consideration of big problems—big budgets, big taxes, big defense, big foreign aid, big threats to national security, big programs for a variety of domestic problems.

I rise to support a bill concerning a problem which is very big to the people involved, but the scope of which is admittedly small. In H.R. 9000 what we are trying to do is extend the coverage of Federal mine safety legislation to small mines—those employing less than 14 men underground—which presently are exempt.

We again hear the cry that imposing this Federal safety regulation will mean the end of the coal industry—or at least that segment represented by the operators which would be affected under this bill.

May I point out that similar dire predictions were made concerning the ultimate effects of the legislation passed in 1952. That has not been the case; the legislation has worked well. I have kept close observation of the operation of this law for I was quite active in working for the passage of this legislation.

How many accidents have been avoided, how many lives have been saved under this legislation, no one can say. It is true that we still have accidents, even in the mines which are regularly inspected.

Mining admittedly is a hazardous occupation. If a man expects guaranteed safety in his job then he had better look elsewhere than to the mines for his livelihood.

Miners understand this, and they do not expect the impossible. What they do expect—and what we here today can grant—is reasonable protection against those things which can be safeguarded against.

A substantial number of the coal mines located in Indiana are located in my district and I have some knowledge of the needs, dangers, and problems in mining, and I strongly support this legislation.

The regulation of safety in many commercial areas has long been an accepted responsibility of the Federal Government. In the mining field, when the Bureau of Mines was established in 1910, one of its chief functions was the promotion of health and safety in the mining industry.

The present Mine Safety Act authorizes Federal inspectors to close mines in which there is imminent danger of explosion, fire, flood, or transportation accidents. It permits the inspection of roof supports, ventilation, permissible explosives, and equipment.

Since the present act excludes from coverage those mines employing less than 14 men underground this bill seeks to remove that exemption. It would provide greater flexibility in the enforcement provisions, and many and various avenues of appeal are open to allow each operator every chance to refute an untrue finding.

It is very unfortunate that because of the lateness in the congressional year, we must seek enactment of this measure through a suspension of the rules. There has been extensive testimony taken on it in previous years. And the suspension route was provided to allow quick action when necessary. Rather than delay this legislation further, I believe the time for quick action is here.

Unfortunately the same anvil chorus of detractors that fought the 1952 act has returned to bitterly attack this one. They say it will destroy the coal industry, as they said in 1952. It was not true then and it is not true today.

Safety does cost money; in any line of work some necessary expense is involved in trying to safeguard against accidents. But in counting the cost we must never forget that lives are valuable, too; in fact, they are priceless.

Most mine owners do follow proper safety procedures. It costs him money. It is not fair or sensible to allow him to have to compete with other mine owners who refuse to follow safety rules for pinchpenny reasons.

Mr. GOODELL. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Speaker, I rise in opposition to this bill. It has just been pointed out to me that the recent action of the NLRB is undoubtedly one of the reasons why this bill is up today. I want to bring to the attention of my colleagues an article which appeared in the Saturday, August 8, issue of the Washington Post.

> NLRB REJECTS UNION BID FOR PENALTY PAY
>
> The National Labor Relations Board ruled yesterday that the United Mine Workers cannot collect an 80-cents-a-ton penalty royalty on nonunion coal purchased by union operators.
>
> With member Howard Jenkins the dissenter in a 4-to-1 vote, the Board said the contract between those operators and the union has the effect of preventing the operators from doing business with nonunion firms.
>
> The National Independent Coal Operators Association had charged that the double royalty payment might drive some small operators out of business.
>
> Under terms of their contract with the UMW, union operators pay a 40-cent royalty to the union welfare fund for each ton of coal they mine.
>
> Some of the operators do not mine enough coal to meet their needs and must buy from other mines.
>
> The UMW contract with the Bituminous Coal Operators Association, signed last March, provides that the union operator must pay a double royalty—80 cents a ton—for all coal purchased from nonunion producers.

If this were truly a mine safety bill, I would be in favor of it, but from all I can see from listening to and reading the testimony of the last few years, and talking to my colleagues, it is an effort to eliminate the competition of the small miners. As the newspaper account indicates, the NLRB ruled that the 80-cents-a-ton penalty royalty to nonunion coal purchased by union operators was not permissible and, therefore, they could not place this penalty royalty against the nonunion operators. Had they just been charging 40 cents a ton paid into the welfare fund, which the union operators have to pay themselves, it would not have come up, but they want to put a penalty against mining and operating of nonunion 14-man or less mines.

There ought to be enough freedom in this country for a person to run a small coal mine operation, if he wants to. He now gets both State and Federal inspection but we should not permit the Federal Government to close him down as this bill provides.

Mr. POWELL. Mr. Speaker, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I am pleased to join with my other colleagues who support legislation to amend the Mine Safety Act. I want to thank the gentleman from Pennsylvania [Mr. DENT] for permitting me to cosponsor this bill.

I have cosponsored this legislation every Congress beginning with the 85th Congress. My bill is identified as H.R. 1666. It amends Public Law 552, 82d Congress, known as the mine safety bill. The purpose of the bill is to remove the present exemption in section 201(b) for coal mines in which no more than 14 men are regularly employed underground.

My reason for introducing this bill is very simple. I feel that every man who goes down into the bowels of the earth to mine coal is entitled to equal and every possible protection that can be provided through the practice of modern safety precautions.

I have never regretted my activity in support of the present safety laws. It is a matter of public record that the coal industry in the days before enactment of effective mine safety legislation counted its injuries in five figures and its fatalities at more than 2,500 in a single year. By the year 1959, however, the fatalities had dropped to less than 300, or to be exact to 251: 274 in 1960, 256 in 1961, 243 in 1962, and 284 in 1963. This is indeed a mark of which the 82d Congress can be proud. It is my hope that the 88th Congress will give the figures a further reduction by amending Public Law 552, to make every mine in America subject to the penalties prescribed by Public Law 552 for title II mines.

As you know, mines employing less than 15 men underground are known as title I mines. Title II mines are those which employ more than 15 men underground.

Recent statistics indicate that since 1952 the number of title I underground mines increased from 5,281 to 6,879 whereas the number of title II underground mines decreased from 2,233 to 1,045.

It is evident from these figures that limiting the enforcement powers of the act has resulted in an increase in hazardous conditions in hundreds of mines since many coal operators have slipped behind the "14 men curtain" by maintaining their work force under 15 persons. By this means they avoid the mandatory provisions of title II.

More alarming is the information that many new mines are being opened and operated as title I mines. The act

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should not provide such an inviting loophole to escape compliance with reasonable safety precautions.

My own State of Pennsylvania ranks second in the number of title I mines—a total of 1,635.

I hope the Congress will support the provisions of H.R. 9000 without any crippling amendments. I want the safety provisions of Public Law 552 to apply to every coal mine in this country. The Federal Bureau of Mines should have the authority to close down any mine in America where they find a dangerous, uncorrected condition to exist. This means equal protection to every coal miner regardless of whether he is employed in a title I or II mine. Each miner has a right to this protection. Life is just as dear to a title I miner and his dependents as is the life of any miner employed in a title II mine. I believe that any man who mines coal for a living should be protected to the full extent that practice of modern safety precautions can provide.

Mr. GOODELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, there has been a lot of talk here about safety. Let me say right off the bat, I am sorry that this bill is brought to the House under suspension. This is complicated legislation. It should be discussed at great length on the floor. But this is not a safety bill. This is a bill based upon economics. It is a bill that arrays the big mines against the little mines.

We have had extensive testimony from very reputable people telling us that the Bureau of Mines downtown should be investigated. This came from among others, a Pulitzer Prize winner who said that the United Mine Workers are in effect running the Bureau of Mines downtown. At any rate, there is good suspicion that they have a great deal of influence.

The small mines have been growing steadily. They are the backbone of the economy in many parts of this country. They have a good safety record. As a matter of fact, they appear to have a better safety record than the big mines. The fatality rate in the small mines has been going down steadily for the last 10 years while the fatality rate of the big mines has been going up. Small mines have a different type of operation than big mines. We went through these small mines. The gentleman from California [Mr. BELL] and I went there with the idea that we were, of course, for mine safety. Of course, if the extension of this act would help miners, would do some good, we would be for it. When we got down there and looked at the situation we found that the chief causes of accidents in the small mines was entirely different from that in the big mines.

Roof fall is the chief cause, and secondly the negligent use of equipment in the small mines. These are the two things that can be cured only by education. We have said over and over again that in the States they have improved their inspection systems and are doing a better job in many instances than the Federal inspection system. The States also do much, much better in mine safety education. Obviously, these operations can, and should, be improved.

It has been said that the only opposition you could have to this legislation was based on doctrine or abstract principle. The precise opposite is true. I say to the membership, read our minority views. We lay out at great length there the true facts as we see them with reference to this legislation. Please do not vote for this bill simply because it carries the label, "mine safety." This is an economics bill.

Its origin was two big explosions in large title II mines. President Kennedy asked for a study to extend safety regulations. They had such a study. How did it come out? Instead of improving their safety regulations, with reference to large title II mines, they turned to title I mines and they offer a bill here which would restrict title I mines and do nothing to improve safety in the title II mines. We need to update and improve the present Federal Mine Safety Act. This bill not only fails to accomplish any improvement in present mine safety law, it does great harm to small mines and those depending upon those mines for their livelihood.

Mr. POWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I have no coal mines in my district. I had no particular interest in this matter, but this is an old controversy which has been before the Committee on Rules for the last 8 or 10 years. There is serious opposition to it on the part of the people who are directly affected.

It has never gotten enough steam up in the Rules Committee to get out of the committee.

Mr. Speaker, in Congress after Congress we held hearings on it. The people who opposed it, who were the people directly interested, came in and testified that they had around somewhere between 30,000 and 40,000 people engaged in these so-called wagon mines and they did not want this bill. They did not want to be saved by the Government. They did not want to be ruined by the Government. They needed their jobs. They just do not have enough prosperity out there to withstand the force of this legislation, which will put them out of business.

Now, you know it is a funny thing. We are engaged in a great antipoverty program. We have just authorized the appropriation of $1 billion to cure poverty and cure unemployment and put people to work.

Then, out here in Appalachia where these mines are located we are going to hold hearings tomorrow in the Rules Committee to give them $1.5 billion with which to kill poverty in the Appalachia region where these men work.

Well, Mr. Speaker, maybe we have got too much money and probably we have—and I think we have—and maybe we have just got to put all of them out of work again so we can kill their poverty with Government money. That is just about what you will be doing if you pass this bill. These people are going to be put out of work. They just cannot take on this inspection by the Federal agents when they already have ample inspection by the State inspectors in every State. They are inspected regularly and constantly, and the State authority is sufficient.

If you want to get some more people on the poverty list so you can carry on more antipoverty work, why the thing to do is to pass this bill and put these 35,000 people out of work in the Appalachia region.

Mr. GOODELL. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. JENNINGS].

Mr. JENNINGS. Mr. Speaker, I would like to clarify, if I may, some of the things that have been said pertaining to this bill.

There are three basic reasons why the small mines oppose this legislation. First, the States are doing an excellent job with respect to mine safety in small mines. Second, the safety record of the title I mines does not demonstrate a need for more Federal control, but indicates, rather, that these mines are essentially safer than the Federally inspected mines. Third, the small operators have contended the Bureau of Mines, which would be empowered to carry out this legislation, has been in the past unduly deferential to the wishes of the United Mine Workers and the larger coal operators who have strongly supported this legislation, because of the devastating economic impact which it will have on these small mines.

In the course of hearings upon the proposed legislation, the Bureau of Mines submitted statistical data in support of this legislation, but the Bureau itself has admitted that its fatality figures for title I mines were based on fragmentary information. I have secured the State of Virginia's fatality figures for 1963. They show that title I mines produced 12,578,362 tons of coal; 6,885 men were engaged in this production. There were 12 fatalities; 7,270,560 man-hours of exposure. This is a fatality rate of 1.65 per million man-hours worked.

In title II mines, 12,321,521 tons of coal were produced by 3,555 men. There were 13 fatalities; 4,920,120 man-hours of exposure. This was a fatality rate of 2.64.

In small mines, which differ tremendously from the larger mines in coal mining techniques, 80 percent of all fatalities in 1962 were caused by roof-fall accidents. It is conceded by the Bureau of Mines that roof-fall accidents are the result of human failure and that education of the miners themselves is the only truly effective means of combating these accidents. All competent observers agree that Federal inspection of the small mines twice a year, as the Bureau proposes, will have no impact on this type of accident. Indeed, 60 percent of all roof-fall accidents in 1962 occurred either while the mine supervisor himself was on the spot, or within one-half hour after the supervisor had inspected the area where the accident occurred. Approximately 90 percent of all roof-fall fatalities occur at the working face which, of course, changes daily.

In 1962, and as far as I can determine from preliminary statistics on 1963, title I mines had no fatalities due to mine explosions, mine fires, mine inundations, or man-hoist or man-trip accidents—the only accidents which the proposed legislation is designed to prevent. This is due to fundamental differences between the small and large mines which fully justify the exemption granted by Congress to the title I mines. The mechanization of the large mines presents far greater hazards to safety than ever before. Indeed, since 1952, the date of the enactment of the Federal Coal Mine Safety Act, through 1962, the Bureau's own statistics show the rate of fatalities per manhour of exposure in Federally inspected title II mines has gone up by 50 percent and the rate of fatalities in non-Federally inspected title I mines has gone down by 19 percent. It is important to note that 63 percent of all accidents in title II mines were due to accidents other than roof-falls. As is conceded by the Bureau of Mines, roof-fall accidents, which comprise 80 percent of the fatalities in title I mines, fall within the category of day-to-day accidents which neither the existing nor the proposed legislation is designed to prevent.

The proponents of this legislation have demonstrated impatience with admittedly successful State mine safety programs. The State inspectors make much more frequent inspections of mines than do Federal inspectors, averaging approximately one inspection per month. Through a combination of inspection and educational efforts, the State of Kentucky during 1962 brought about a 55-percent reduction in roof-fall fatalities in the coal mines within its borders. In 1963, this State effected another 20-percent reduction in fatalities. Similiar concrete and heartening results in mine safety are being achieved through the continuing efforts of other State administrations.

Virginia has expanded its program of safety education. The Virginia commissioner of labor and industry recently summarized this enlarged effort to provide safety programs, and he declared that it has been proven beyond a shadow of a doubt that "education and cooperation" are the answers to our accident problems and not new laws.

Nevertheless, it is now being proposed that State mine inspectors, who have demonstrated their efficiency in both inspection and educational efforts be required to spend their time in conference proceedings with Federal mine inspectors when the Federal inspector wishes to close a small mine. Many of these Federal inspectors have demonstrated an intent to close down the small mines, but have failed to demonstrate their ability to make safer those mines which are now under their jurisdiction. The net effect of this proposal would be a disruption of the State programs now being administered, with the attendant risks of such disruption being felt through an increase in coal mine accidents.

It would be tragic indeed if any State curtailed its own mine safety programs through the mistaken belief that H.R. 9000 would result in Federal actions that would enhance the safety of their miners in the small operations.

If this legislation is not intended to promote safety, what is its purpose? I frankly cannot answer that question. The proponents contend it is for safety; the opponents contend it would put them out of business. Conclusive testimony has been given to the effect that the cost of complying with the Federal act would be prohibitive for the small mine—might range from hundreds to $10,000. Therefore, I would have to agree with the opponents. Especially, when the 400 pages of testimony collected again last year reinforces the contention that compulsory enforcement of the act is not required to prevent disasters in small mines and would have little effect on the day-to-day type accidents—including roof falls which account for most of the accidents.

Let us talk for a minute about the figure of 14 employees underground that separates the title I and title II mines. There does seem to be, as stated in the hearings, some "magic" in this figure.

The Congress did not make a mistake in establishing this dividing line back in 1952. There are many differences between the small and large mines that justify the exemption, and the disaster record is clear. The smaller mines have a much better record.

The Congress, I believe, felt it was dealing with a question of small business. We often see the same distinction made in other legislation. There are provisions in the Fair Labor Standards Act that exempt small firms, or those with particular problems, from coverage of the act. The civil rights bill that has been passed by the Congress exempts the 6-room boarding house from the public accommodations section and the employer with less than 25 employees from the fair employment provisions.

All this does is carry out that same principle, because it exempts mines with 14 people or less from this Federal act. It does not prevent them from inspecting the mines.

If the mineowner wants to appeal, what does he have to do? He has to come to Washington in order to appeal his case.

Mr. ROOSEVELT. Mr. Speaker, will the gentleman yield?

Mr. JENNINGS. I yield to the gentleman from California.

Mr. ROOSEVELT. I think the gentleman should read the bill. It says any appeal must have hearings held in the county where the accident occurred.

Mr. JENNINGS. The gentleman is correct. It does that. It was not in the original bill. It is something that the gentleman has changed, and I am glad he did so.

I also want to take this opportunity to thank the gentleman for going down and actually going into mines in my district, along with some other members of the subcommittee, to look into the situation. I think he was rather impressed with the situation in poverty areas in my district.

We must consider the small businessmen who are providing thousands of jobs for workers in the Appalachian region, under State safety programs. The impact of closing these small mines through arbitrary and unnecessary legislation would be disastrous.

Congress has before it legislation aimed at economic improvements, such as the ARA extension bill and the Appalachian program. The "war on poverty" proposal has been approved. Yet, we are considering a proposal that can and will have a very adverse economic effect by curtailing the small industry in several Appalachian States where it serves a vital need. Thin seams of coal are being mined that would be ignored by the large automated operations and, as this valuable natural resource is recovered, the employment generated is tremendous in terms of overall effects in the several States.

Let me reiterate to you that these small mines as a group are operating relatively safely when contrasted to the larger mines. A broader program of safety instruction and education would have help, I am sure. Virginia is engaged in expanding such training, and I would certainly favor the appropriation of any needed Federal funds to promote it. This is the key to reduced accidents of any kind.

Finally, let me say this. If there is a need for new legislation to prevent major disasters—such as the two in title II mines that prompted this renewed action on the small mines—then I have sponsored a bill to accomplish this objective. It would place all slope, shaft, or gassy mines under the act. This would include drift mines classified as gassy. It is in these categories that a disaster-type accident might occur. I testified for this bill and I regret it did not receive approval of the Committee on Education and Labor.

I would make this suggestion. If there is any demonstrated need to increase Federal activities in preventing major disasters in the larger mines, then have the existing Federal inspection force concentrate on such mines for a specified period to eliminate any hazards that are found. Maintain a second group of inspectors to work closely with the States in broadened programs of safety instruction and education for all mines—large and small. I believe we would get results and not encounter the economic problems I have mentioned.

Mr. Speaker, I oppose H.R. 9000 as it is before the House and urge my colleagues to vote against suspending the rules.

Mr. POWELL. Mr. Speaker, I yield to the author of this bill, the gentleman from Pennsylvania [Mr. DENT], such time as he may require.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I have, of course, been supporting this kind of legislation for some time. I regret that I cannot make more extensive remarks at this time. I have found an interest in this from Members on both sides of the aisle who have supported this bill, especially from those Members who represent people who work in the mines.

From what I have heard in the last 10 minutes this debate could best be called "They jest at scars that never felt a wound."

Mr. DENT. Mr. Speaker, again I come before the House with an appeal for passage of the title I mine safety inspection law.

I regret we cannot break the barrier set up by the Rules Committee for a normal vote requiring a simple majority but must always be referred to a two-thirds vote procedure in our efforts to pass the life-saving proposal.

It appears to me that if the Members of the House would give consideration to those of us from areas where the men who toil in the bowels of the earth work in everyday jeopardy we could pass this legislation forthwith.

Suppose all Members who are not members of the Cotton Belt would ignore the pleas of the cotton industry, what would happen to the cotton relief legislation?

The same can be said for all regional legislation.

We need a new Federal Coal Mine Safety Act. Back in 1952 the Congress after 10 years of operating on a voluntary basis in the matter of coal mine safety regulation and inspection, passed a Federal mandatory act.

The Congress at that time in its wisdom and deliberations decided that all mines employing 14 or less employees would not be covered by the mandatory law. In 1952 after many major disasters in the coal mines of the Nation which shocked and alerted the Congress urging passage of a strong Federal mandatory safety inspection law, Congress passed this act. The mines of the United States were divided into two categories: Title I mines, with 14 or less employees, and those with over 14 employees.

As this act became operable there was a notable reduction in the number of major coal mine disasters. There was one in 1953, there was one in 1954, none at all in 1955 and 1956. We thought that this was really paying off.

Then a laxity crept into the mine operations regarding safety features and in 1957 the number of coal mine disasters began creeping upward again. It took two recent large coal mine disasters to bring this situation before the public in a dramatic and appalling way. This, of course, called to the attention of the Congress and the people the inherent dangers that always obtain to coal mines. However, these disasters were in the large mines covered by the act. It is assumed they might have been averted by a closer inspection on the part of Federal and State officials. However, the Nation was shocked recently by a disaster that occurred without the benefit of any kind of inspection.

The only inspections made in the No. 1 mines of the United States, the small mines by the Federal Government, is in reality not an inspection but an observation. They go into a mine about twice a year. Then they notify the mine operator and the miners, if there are any representatives of the miners who have that duty, of the conditions they find; but they have no jurisdiction or authority to enforce any of the safety features of the Coal Mine Safety Act of the United States.

There has been a terrific increase in the number of so-called small mines. It is becoming apparent there is an advantage to operating without the so-called restriction covenants of the mine safety law. Therefore in many areas there has been a great increase in the number of mines that are exempted because of their size.

I think this latest disaster up in the hard coal regions of Pennsylvania, the Sheppton mine disaster, has called to the attention of the people again that whether it is 1 life lost or 150 lives lost, the loss is just as tragic and, therefore, we have a duty, I believe, as Members of this Congress, to put whatever blanket coverage of protection we can around all mine operations in the United States.

In the Sheppton case, for instance, the Federal mine inspector made an inspection but only as a matter of routine, and here is his official report. His findings and the language he uses in making the report available to the mine operator and also to the State of Pennsylvania clearly show the need for Federal legislation. I quote from the official report of the Oneida No. 2 slope mine known as the Fellon Mining Co. up in Schuylkill County at the town of Sheppton. I quote from the report:

> The partial and continuing collapse of the main slope pillars presents imminent hazards in this mine. Therefore persons other than those necessary to correct this hazardous condition should not enter the mine.

If that mine was under Federal inspection, the word "should" would have been "must." It would not have said "should not enter the mine" but "must not enter the mine." In all probability Lou Bovas life might have been saved.

Last year through the efforts of the Committee on Education and Labor a bill I sponsored was presented to the Committee on Rules. One simple feature of this bill might have averted this loss of life and a tremendous outpouring of time, money, and effort to save two men whose lives under any other circumstances in the mining industry would have been lost.

It would have been demanded and provided that in any mine operation, regardless of the number of men employed in that mine, there would have to be two entries, one known as the escape-hatch entry. Every mine in the United States employing 15 or more men must have 2 entries, 2 holes down into the ground in order that there is an opportunity to escape in case of an explosion or fire or inundation or collapse of the roof structure. Somehow or other we have come to believe that it is perfectly all right to allow men unfortunate enough to have to dig coal for a living in a small mine to work in a hazardous condition but that it is our duty to protect those who work in large mines. To me it has no sense, and it lacks the human element of concern for our fellow men.

It is a well-known fact that no one works in a coal mine unless he has to. I ought to know. I was born in a coal-mining town.

President Kennedy took cognizance of this fact after the Robena disaster and the situation that developed up in the anthracite region.

This was in a news dispatch carried in all the large papers in the United States:

> He ordered an intensive review of mine safety practices today in an attempt to prevent mishaps such as the recent 2 that cost the lives of 59 coal miners. He sent the order to Secretary of the Interior Stewart Udall.
>
> I also request your views promptly—

The President said—

> on the need for further or improved legislation which would enable us to prevent such accidents in the future.

We have held extensive hearings on the new mine safety proposal sponsored by the Department of the Interior at the request of the President. This proposal would include mines of the category of title I. But it goes further and attempts to prevent by future safeguards some types of disaster accidents that occur because of an insufficiency of fresh air entering the mine.

Now I believe that first things must come first. I admit, and I have sponsored this bill to show I admit the need for further refinements in mine safety law. But I say that at this time the first duty of this Congress is to cover title I mines under the present law otherwise we will enter into a situation where the opponents of safety laws for title I mines, all the small mines, will receive the help of the opponents of reform in the title II mine law.

I believe that many lives can be saved in the mining industry by passing legislation to put the No. 1 mines under the same act as the No. 2 mines; and then work toward a reform in the total mine safety law.

Mining is a peculiar industry. It has had many ups and downs. In the early days when I was a young man the mining industry was one of the major employers in the United States, but of recent years the mining industry has, because of the competition from cheap imported fuel, because of the cheapness of natural gas and the convenience of natural gas, because of the very serious matter of the proportionate labor cost to a ton of coal—there has been a great mechanization taking place in the coal mines and so although we are still producing a sizable tonnage of coal in the United States, we are employing far less men. The automated concept of production has reached its highest form in the production of coal. Now, because of the nature of coal mining and because of the hazardous occupation that it is, the largest organization representing miners, the United Mine Workers of America, accepted automation—accepted mechanization—knowing full well that that meant less men in the mines but that it also meant less men exposed to the hazards of mining coal. But when the big mines, and they had to be big mines in order to mechanize and have sufficient capacity to produce under this new method of mining—when they left and abandoned large areas of coal holdings, a new concept of mining came into being and we are in a situation where we have hundreds of coal mines in the United States employing 2 men, 1 man, 5 men, 7 men, mostly under 14 men.

Now, this new process of mining coal or, rather, this new innovation in the industry has brought on with it the added catastrophes and fatalities that have made mining again a very serious hazard in the United States.

The air of House bill 9000 which I have had the privilege of sponsoring is to remove as much of the element of risk as we can from mining in these particular types of mines. For instance I have here a list of cataloged coal mines in the anthracite region of Pennsylvania, in the area where the Fellin mine is situated. There are 207 single, separate mine operations that have only 1 hole for entry. There is no escape whatsoever if the situation which occurred in the Fellin mine recurs in any of these 207 mines. Under this bill, the first and primary purpose is to force the construction or the excavation of another escape way. There is no question but that if the Committee on Rules in its deliberations and in its wisdom would have seen fit to have given us an opportunity to vote last year on this bill, the situation in the Fellin mine might not have ended in disaster, because these operators go in and they are shoestring operators in the main.

It is an economic situation. This area has been underemployed since 1927. The anthracite region, composed of five counties in the heart of Pennsylvania, has been a depressed area longer than any other State, or other section of the State, or community within a section in the entire United States. The influx of oil from the South American countries and the Asiatic-oil-producing nations hit the eastern seaboard and the great market for anthracite which was the New England manufacturers and utilities. Of course, they went to oil because of the price structure. The anthracite industry practically died there back in the early thirties. It has been revived mainly by these small operators. In the Fellin disaster, for instance, Mr. Fellin himself was the only miner in the mine. Mr. Thorne and Mr. Bova are known as laborers. Here you have an operation with only three men in it producing something like 40 to 60 tons a day. They cannot produce that much coal except—except by going into this mine, which was an old working abandoned many years ago, and taking out of that mine the pillar structures that were left in there for safety purposes. When that mine was a title II mine, the mine inspectors made sure they left the pillars to protect the overburden and the roof. By going into the mine and stealing out the pillars, they caused the disaster which occurred.

Now, we understand the problem in the anthracite region. Nobody wants to destroy the opportunity for these men to make a living. No one wants to destroy them economically. However, in this day and age we no can longer allow conditions such as these to exist in this industry. I believe many Members of this Congress who have had experience in the areas that mine coal have long ago recognized the necessity for legislation to cover all of the coal mines in the Nation and to break away from the idea in law that lives are worth more if there are more of them and that lives are worth nothing if there are less of them. In that concept of government I refuse to participate.

Not long after Sheppton another death notice was pinned on the wall of despair and neglect:

> MINE GAS KILLS TWIN BROTHERS
>
> POTTSVILLE, PA., November 7, 1963.—Carbon monoxide gas killed twin brothers today in an abandoned mine on Sharp Mountain, about 10 miles from this Schuylkill County community.
>
> The bodies of Ralph Studlack, of Millersville, Dauphin County, and his brother, George, of Elizabethville, also Dauphin County, were found this morning. They were 28.
>
> The brothers were trying to pump out the abandoned mine before attempting to dig out coal. Gordon Smith, deputy secretary of mines, said they were using a gasoline motor that created gas fumes in the pumping operation.

Mr. Speaker, some opponents complained about being forced to preshift examine their mines. If obeying their State laws, they are required to preshift examine their mines under such laws. Therefore, it will not cost them anything to comply with this new safety law.

Some oppose the need to hire mine foremen because they must pay them salaries. All of these States require mine foremen of coal mines. They have also protested the right of the Bureau to close mines down under Public Law 552. All States, mentioned heretofore, give to the department of mines and minerals in each State the right to close down mines. In fact, they are more stringent than the Federal Coal Mine Safety Act, because Congress, recognizing the possibility of arbitrary action by a Federal inspector, provided for an appeal to the Federal Coal Mine Safety Board of Review, which is tripartite in nature and composed of three members—one representing the viewpoints of the mineworkers, one representing the viewpoints of the coal operators, and one representing the viewpoints of the public who serves as Chairman of the Board.

This Board is empowered to modify or annul any closure orders issued by the U.S. Bureau of Mines and to give temporary relief to an operator who believes he has been illegally cited by a Federal inspector. Opponents of this legislation might say that the cost of such an appeal to the Board might be prohibitive. Actually, the only thing they need to do to get an appeal before the Board is to send a telegram or letter setting forth their complaint, and the Board is then required to act promptly on questions involved. Further, the Federal Coal Mine Safety Act provides that, while the main office of the Board is in Washington, the Board is required to hold hearings in local areas where the best interest of all parties will be served.

It might be well at this point to clear up any misunderstanding about the difference between the Federal Mine Safety Code and the Federal Coal Mine Safety Act. The Federal Mine Safety Code is an integral part of the contract, presently in force between the coal mine operators and the United Mine Workers of America. It was promulgated by the U.S. Bureau of Mines in cooperation with the industry and the union, and is a comprehensive document setting forth minimum requirements for all phases of coal mine safety in and around the mines. Only in those cases where the provisions of the code are synonymous with the requirements of the act does the Federal inspector have the right to enforce the provisions of the code.

The United Mine Workers are increasingly alarmed at the continuing injuries and deaths in these so-called title I mines. There are literally thousands of these mines. The latest figures available indicate that there are over 7,000. If the average employment runs between 5 and 10 men per mine, we have 10,000 men working in these mines today, and probably more because many of these mines are not a matter of record.

It is impossible to describe to anyone, who is unfamiliar with the coal mining industry, the conditions that exist in some of these operations. It is a matter of common knowledge that in literally hundreds of these mines, there are mine explosion, mine fire, inundation, and mantrap potentials in existence. They remain uncorrected because of the failure of the States to enforce their own laws, and because the continued failure of Congress to pass this legislation prevents the U.S. Bureau of Mines, through its Federal inspectors to correct this situation.

Let us now turn to the economic phase of this situation. While it is true that the cost of compliance with the Federal statutes is almost nil, it is still in my opinion having an adverse effect on coal mine safety. Competition in the coal-mining industry being what it is, the continued exemption of these small mines from their legal and moral responsibility is forcing the larger operators to use every means possible to meet this competition. They are only able to do so by operating at the absolute minimum of cost production and, as a result of situations of this kind, the employees of the industry are paying the price with blood.

Another phase of this situation in the coal-mining industry is brought about by the human element in charge. For instance, an operator who is forced to comply with provisions of the act in looking about him finds that the operators across the street, because they have reduced their force to 14 men, are not obligated in anyway to comply. This leads to attempts by the so-called large operators to evade their responsibilities. As a result, many large operators are breaking their properties down into smaller units by reorganization, subleasing and otherwise so that they, too, may enjoy freedom from Federal regulations. This in turn leads to greater injury potentials throughout the coal-mining industry.

I could go on ad infinitum quoting specific cases wherein the so-called small operators by their lack of responsibility have caused the injury and death of hundreds and thousands of people.

Previous records are replete with such information. The situation has not changed materially since my previous attempts to pass the necessary regulation.

We find the grim statistics on every page of the historical records of the coal mining industry. An example follows:

TWENTY-SEVEN MINERS KILLED IN AUGUST 1963

Twenty-seven coal miners were killed during the month of August, according to figures released by the U.S. Bureau of Mines. Total fatalities for the first 8 months of 1963 were 202, an increase of 40 over the same period in 1962.

Of the August deaths, 24 occurred in bituminous coal mines and 3 in Pennsylvania anthracite mines. Totals for the year show 179 fatalities in bituminous coal operations and 23 in anthracite accidents.

The August fatalities occurred at a frequency rate of 1.10 deaths per million man-hours of exposure, 13 percent higher than the rate for July. Deaths in the bituminous coal industry for the first 8 months of 1963 occurred at a rate of 1.13 per million man-hours of exposure, an increase of 21 percent over the rate for the same period last year. Fatalities occurred in anthracite mines at the rate of 1.66 per million man-hours of exposure, slightly higher than the rate for the first 8 months of last year.

Six coal-producing States reported the 27 August fatalities as follows: West Virginia, 10; Kentucky, 8; Pennsylvania (anthracite) 3; Illinois and Virginia, 2 each; Indiana and Utah, 1 each.

The roof-fall toll in August was particularly bad in the soft coal industry. In August there were 20 underground fatalities, 17 of which (85 percent) resulted from falls of roof, face, or rib.

There has been one major mine disaster this year (a single accident which results in the death of five or more men). An explosion on April 25 in the Compass No. 2 Mine, Clinchfield Coal Co., near Clarksburg, W. Va., killed 22 men.

Production of coal and number of fatalities during 1st 8 months of 1963 and 1962

	Bituminous		Pennsylvania anthracite		Total	
	Production (short tons)	Killed	Production (short tons)	Killed	Production (short tons)	Killed
January	36, 870, 000	15	1, 611, 000	5	38, 481, 000	20
February	34, 100, 000	14	1, 345, 000	1	35, 445, 000	15
March	33, 640, 000	15	1, 595, 000	3	35, 235, 000	18
April	37, 920, 000	52	1, 492, 000	5	39, 412, 000	57
May	40, 800, 000	24	1, 682, 000	4	42, 482, 000	28
June	38, 970, 000	20	1, 783 000	1	40, 753, 000	21
July	28, 000, 000	15	1, 326, 000	1	29, 326, 000	16
August	41, 995, 000	24	1, 959, 000	3	43, 954, 000	27
Total	292, 295, 000	179	12, 793, 000	23	305, 088, 000	202
January-August 1962	277, 825, 000	141	10, 994, 000	21	288, 819, 000	162

Source: Branch of Accidents Analysis. U.S. Bureau of Mines.

There is some determined opposition here in the House of Representatives. I received a copy of a letter addressed to a Member whose name I will not mention which I believe shows the real issue in this debate.

The question is one of human tragedy, avoidable in many instances, as against the callous and determined search for profit without due regard to human lives.

Only the economic distress of many miners forces them into the many deathtraps in this industry.

I quote from the aforementioned letter:

HAYSI, VA.,
September 23, 1963.

It shocked me to read in the paper where you went before the Labor Committee and opposed the mine safety bill now being considered by Congress. I, for one, have worked in these little nonunion mines, and I am not a member of the United Mine Workers of America, and these mines are nothing short of a deathtrap. The only men who will possibly work in them at all are men who are in the same financial condition that I was in. They provide no safety, they pay substandard wages, they operate in violation of the wage and hour law, and in a lot of instances the companies will not pay social security on the employees or unemployment insurance which makes it impossible for the men to qualify for social security or unemployment insurance. They have no form of hospital or medical care, and it is a shame and disgrace on the State for the way the mine department allows them to continue operating in violation of the State mine laws of Virginia.

I hope and trust as Congressman from this district that you are better informed on all legislation pertaining to your constituents than you are on this mine safety bill. Let me urge you in the name of common decency to change your position and put up an all-out fight for this bill. If you take the position that you are for the underdog, the men who are compelled to go in these little mines are the underdog so to speak. If this were not true, the nonunion operators would not be daily running spot announcements on the local radio stations advertising for men, as they are doing today.

With kindest regards, I am,
Respectfully yours,
GEORGE HULL.

H.R. 9000

A bill to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Coal Mine Safety Act Amendments of 1963".

SEC. 2. (a) Subsection (b) of section 201 of the Federal Coal Mine Safety Act (66 Stat. 693; 30 U.S.C. 471(b)) is repealed.

(b) For a period of six months following the month during which this Act becomes effective, the amendments made by section 3 of this Act to the Federal Coal Mine Safety Act shall not apply to any mine in which on the effective date of this Act no more than fourteen individuals are regularly employed underground, except that the amendments made by subsections (c) and (d) of such section shall become effective on the date of enactment of this Act.

(c) For a period of six months following the month during which this Act becomes effective, paragraph (5) of subsection (h) of section 209 of the Federal Coal Mine Safety Act shall not apply to any mine in which on the effective date of this Act (1) no more than fourteen individuals are regularly employed underground and (2) the storage, handling, or use of black powder is expressly permitted by a statute of the State in which such mine is located.

SEC. 3. (a) Section 203 of the Federal Coal Mine Safety Act (66 Stat. 694; 30 U.S.C. 473) is amended by adding a new subsection (d) and a new subsection (e), reading as follows, and by redesignating present subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively, and by amending those subsections to read as follows:

"(d)(1) If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 202, finds that any provision of section 209 is being violated, and if he also finds that, while the conditions created by such violation do not cause danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, such violation is of such nature as could significantly and substantially contribute to the cause or effect of a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall include such finding in the notice given to the operator under subsection (b) of this section. Within ninety days of the time such notice was given to such operator, the Bureau shall cause such mine to be reinspected to determine if any similar such violation exists in such mine. Such reinspection shall be in addition to any special inspection required under section 203 or section 206. If, during any special inspection relating to such violation or during such reinspection, a representative of the Bureau finds such similar violation does exist, and if he finds such violation to be caused by an unwarrantable failure of such operator to comply with the provisions of section 209, he shall forthwith issue an order requiring the operator to cause all persons in the area affected by such violation, except those persons referred to in paragraph (3) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such finding and order shall state the provision or provisions of section 209 which have been violated and shall contain a detailed description of the conditions which such representative finds cause and constitute such violation, and a description of the area from which persons must be withdrawn and debarred. The representative of the Bureau shall promptly thereafter advise the Director in writing of his findings and his action.

"(2) If a withdrawal order with respect to any area in a mine has been issued pursuant to paragraph (1) of this subsection, thereafter a withdrawal order shall promptly be issued by a duly authorized representative of the Bureau who finds upon any following inspection the existence in such mine of violations similar to those that resulted in the issuance of the withdrawal order under paragraph (1) of this subsection until such time as an inspection of such mine discloses no similar violations. Following an inspection of such mine which discloses no similar violations, the provisions of paragraph (1) of this subsection shall again be applicable to that mine.

"(3) No order issued under paragraphs (1) or (2) of this subsection shall require any of the following persons to be withdrawn from, or to be debarred from entering, the area described in the order: (A) Any person whose presence in such area is necessary, in the judgment of the operator of the mine, to abate the violation described in the order; (B) any public official whose official duties require him to enter such area; or (C) any legal or technical consultant or any representative of the employees of the mine, who is a certified person qualified to make mine examinations, or is accompanied by such a person, and whose presence in such area is necessary, in the judgment of the operator of the mine, for the proper investigation of the conditions described in the order.

"(e) Except as provided in subsection (g) of this section an order issued under subsection (c) or (d) of this section may be annulled, canceled, or revised by the duly authorized representative of the Bureau who issued such order or any other duly authorized representative of the Bureau.

"(f) If a duly authorized representative of the Bureau, upon making an inspection of a mine, as authorized in section 202, finds that methane has been ignited in such mine or finds methane by use of a permissible flame safety lamp or by air analysis in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib, he shall make an order requiring the operator of such mine to comply with the provisions of section 209 of this title which pertain to gassy mines, in the operation of such mine.

"(g)(1) If an order is made pursuant to subsection (a) of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect, and a State inspector did not participate in the inspection on which such order is based, the operator of the mine may request the agency designated in the State plan to assign a State inspector to inspect the mine. The State inspector assigned in accordance with such request shall inspect such mine promptly after the request is made.

"(2) No order shall be made pursuant to subsection (c) or (d) of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect unless a State inspector participated in the inspection on which such order is based and concurs in such order, or an independent inspector appointed under paragraph (3) of this subsection concurs in such order. If the State inspector does not concur in such order, the operator of the mine, the duly authorized representative of the Bureau who proposes to make such order, or the State inspector may apply, within twenty-four hours after the completion of the inspection involved, for the appointment of an independent inspector under paragraph (3). Within five days after the date of his appointment, the independent inspector shall inspect the mine. The representative of the Bureau and the State inspector shall be given the opportunity to accompany the independent inspector during such inspection. If, after such inspection is completed, either the independent inspector or the State inspector concurs in the order, it shall be issued.

"(3) Within five days after the date of receipt of an application under paragraph (2) of this subsection, the chief judge of the United States district court for the district in which the mine involved is located (or in his absence, the clerk of such court) shall appoint a graduate engineer with experience in the coal-mining industry to serve as an independent inspector under this subsection. Each independent inspector so appointed shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949, be fully reimbursed for traveling, subsistence, and related expenses.

"(4) An order made pursuant to subsection (a) or (c) or (d) of this section with respect to a mine in a State in which a State plan approved under section 202(b) is in effect shall not be subject to review under section 206, but shall be subject to review under section 207.

"(h) Notice of each finding and order made under this section shall promptly be given to the operator of the mine to which it pertains, by the person making such finding or order."

(b) Section 202 of the Federal Coal Mine Safety Act (66 Stat. 693; 30 U.S.C. 472) is amended as follows:

(1) Subsection (a) is amended by striking out the reference to "section 203(d)" and inserting in lieu thereof "section 203(f)"; and by striking out the reference to "section 203 (c)" and inserting in lieu thereof "section 203(c) and (d)".

(2) Subsection (b)(2)(C) is amended by striking out the reference to "section 203(e) (1)" and inserting in lieu thereof "section 203(g)(1)".

(3) Subsection (c) is amended by striking out the reference to "section 203(e)(3)" and inserting in lieu thereof "section 203(g)(3)".

(c) Subsections (a), (b), (c), and (d) of section 205 of the Federal Coal Mine Safety Act (66 Stat. 697; 30 U.S.C. 475) are amended to read as follows:

"(a) The Federal Coal Mine Safety Board of Review is hereby continued as an agency of the United States, except that the Board shall consist of five members, instead of three members, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The terms of office of members of the Board shall be five years, except that—

"(1) the terms of office of members in office on the date of enactment of the Federal Coal Mine Safety Act Amendments of 1963, shall expire on the date originally fixed for their expiration,

"(2) the term of office of one of the members appointed to fill a vacancy resulting from the enactment of the Federal Coal Mine Safety Act Amendments of 1963, shall expire July 15, 1967, and the term of office of the member appointed to fill the other vacancy resulting therefrom shall expire July 15, 1968, and

"(3) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed, shall be appointed only for the remainder of such unexpired term.

The members of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(c) Each member of the Board shall be compensated at the rate of $50 for each day of actual service (including each day he is traveling on official business) and shall, notwithstanding the Travel Expense Act of 1949 be fully reimbursed for traveling, subsistence, and other related expenses. The Board, at all times, shall consist of one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of operators of coal mines employing fourteen or fewer employees underground (hereinafter referred to as 'small mine operators representative'), one person who by reason of previous training and experience may reasonably be said to represent the veiwpoint of operators of coal mines employing fifteen or more employees underground (hereinafter referred to as the 'large mine operators representative'), one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine workers in mines employing fourteen or fewer employees underground (hereinafter referred to as the 'small mine workers representative'), one person who by reason of previous training and experience may reasonably be said to represent the viewpoint of coal mine workers in mines employing fifteen or more employees underground (hereinafter referred to as the 'large mine workers representative'), and one person who shall be chairman of the Board, who shall be a graduate engineer with experience in the coal mining industry or shall have had at least five years' experience as a practical mining engineer in the coal mining industry, and who shall not, within one year of his appointment as a member of the Board have had a pecuniary interest in, or have been regularly employed or engaged in, the mining of coal, or have regularly represented either coal mine operators or coal mine workers, or have been an officer or employee of the Department of the Interior assigned to duty in the Bureau.

"(d) The principal office of the Board shall be in the District of Columbia. Whenever the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, the Board may hold hearings or conduct other proceedings at any other place. At the request of an operator of a mine the Board shall hold hearings or conduct other proceedings at the county seat of the county in which the mine is located or at any place mutually agreed to by the chairman of the Board and the operator of the mine involved in the appeal or proceeding. The Board shall have an official seal which shall be judicially noticed and which shall be preserved in the custody of the secretary of the Board."

(d) Subsection (f) of section 205 of such Act is amended to read as follows:

"(f) Three members of the Board shall constitute a quorum, and official action can be taken only on the affirmative vote of at least three members, except that in any official action involving mines in which no more than fourteen individuals are regularly employed underground the participation of the small mine operators' representative and small mine workers' representative shall be required, and in any official action involving mines in which more than fourteen individuals are regularly employed underground the participation of the large mine operators' representative and large mine workers' representative shall be required; but a special panel composed of one or more members, upon order of the Board, shall conduct any hearing provided for in section 207 of this title and submit the transcript of such hearing to the entire Board of its action thereon. Such transcript shall be made available to the parties prior to any final action of the Board. An opportunity to appear before the Board shall be afforded the parties prior to any final action and the Board may afford the parties an opportunity to submit additional evidence as may be required for a full and true disclosure of the facts. Every official act of the Board shall be entered of record, and its hearings and records thereof shall be open to the public."

(e) Section 206 of the Federal Coal Mine Safety Act (66 Stat. 699; 30 U.S.C. 476) is amended as follows:

(1) Subsection (a) is amending by striking out the reference to "section 203(e)(4)" and inserting in lieu thereof "section 203(g) (4)".

(2) Subsection (b) is amended by striking out the reference to "section 203(e)(4)" and inserting in lieu thereof "section 203(g) (4)".

(3) A new subsection (c), reading as follows, is added and present subsections (c), (d), (e), and (f) are redesignated as subsection (d), (e), (f), and (g), respectively, and are amended to read as follows:

"(c) Except as provided in section 203(g) (4), an operator notified of an order made pursuant to section 203(d) may apply to the Director for annulment or revision of such order. Upon receipt of such application the Director shall make a special inspection of the mine affected by such order, or cause three duly authorized representatives of the Bureau, other than the representative who made such order, to make such inspection of such mine and report thereon to him. Upon making such special inspection himself, or upon receiving the report of such inspection made by such representatives, the Director shall find whether or not there was a violation of section 209 as described in such order, at the time of the making of such order. If he finds there was no such violation he shall make an order annulling the order under review. If he finds there was such a violation he shall also find whether or not such violation was totally abated at the time of the making of such special inspection. If he finds that such violation was totally abated at such time, he shall make an order annulling the order under review. If he finds that such violation was not totally abated at such time, he shall find the extent of the area of such mine which was affected by such violation at the time such special inspection was made, and he shall then make an order, consistent with his findings, affirming or revising the order under review.

"(d) An operator notified of an order made pursuant to section 203(f) may apply, not later than twenty days after the receipt of notice of such order, to the Director for annulment of such order. Upon receipt of such application the Director shall make or cause to be made such investigation as he deems necessary. Upon concluding his investigation or upon receiving the report of such investigation made at his direction, the Director shall find whether or not methane has been ignited in such mine, or whether or not methane was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine, when tested at a point not less than twelve inches from the roof, face, or rib, at the time of the making of such order. If he finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, he shall make an order annulling the order under review. If he finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, he shall make an order denying such application.

"(e) The Director shall cause notice of each finding and order made under this section to be given promptly to the operator of the mine to which it pertains.

"(f) Except as provided in section 203(g) (4), at any time while an order made pursuant to section 203 or this section is in effect, or at any time during the pendency of a proceeding under section 207 or section 208 seeking annulment or revision of such order, the operator of the mine affected by such order may apply to the Director for annulment or revision of such order. The Director shall thereupon proceed to act upon such application in the manner provided in subsections (a), (b), (c) or (d) of this section.

"(g) In view of the urgent need for prompt decision of matters submitted to the Director under this section, all actions which the Director or his representatives are required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved."

(f) Section 207 of the Federal Coal Mine Safety Act (66 Stat. 700; as amended 74 Stat. 201; 30 U.S.C. 477) is amended as follows:

(1) Subsection (a) is amended by striking out the reference to "subsection (a), (c) or (d)" and inserting in lieu thereof "subsection (a), (c), (d) or (f)"; by striking out the reference to "subsection (d)" and inserting in lieu thereof "subsection (f)"; and by striking out the reference to "subsection (c)" and inserting in lieu thereof "subsection (d)".

(2) A new subsection (h), reading as follows, is inserted and present subsections (h), (i) and (j) are redesignated as subsections (i), (j), and (k), respectively, and are amended to read as follows:

"(h) If the proceeding is one in which an operator seeks annulment or revision of an order made pursuant to section 203(d), the Board, upon conclusion of the hearing, shall find whether or not there was a violation of section 209, as described in such order, at the time of making of such order. If the Board finds there was no such violation, the Board shall make an order annulling the order under review. If the Board finds there was such a violation, the Board shall also find whether or not such violation was totally abated at the time of the filing of the operator's application. If the Board finds that such violation was totally abated at such time, the Board shall make an order annulling the order under review. If the Board finds that such violation was not totally abated at such time, the Board shall find the extent of the area of such mine which was affected by such violation at such time, and shall make an order, consistent with its findings, affirming or revising the order under review.

"(i) If the proceeding is one in which an operator seeks annulment of an order made pursuant to section 203(f) or 206(d), the Board, upon conclusion of the hearing, shall find whether or not methane has been ignited in such mine or was found in such mine in an amount of 0.25 per centum or more in any open workings of such mine when tested at a point not less than twelve inches from the roof, face, or rib, as set out in such order. If the Board finds that methane has not been ignited in such mine and was not found in such mine as set out in such order, the Board shall make an order annulling the order under review. If the Board finds that methane has been ignited in such mine or was found in such mine as set out in the order under review, the Board shall make an order denying such application.

"(j) Each finding and order made by the Board shall be in writing. It shall show the date on which it is made, and shall bear the signatures of the members of the Board who concur therein. Upon making a finding and order the Board shall cause a true copy thereof to be sent by registered mail or by certified mail to all parties or their attorneys of record. The Board shall cause each such finding and order to be entered on its official record, together with any written opinion prepared by any members in support of, or dissenting from, any such finding or order.

"(k) In view of the urgent need for prompt decision of matters submitted to the Board under this section, all actions which the Board is required to take under this section shall be taken as rapidly as practicable, consistent with adequate consideration of the issues involved."

SEC. 4. Subsection (d) of section 210 of the Federal Coal Mine Safety Act (66 Stat. 708; 30 U.S.C. 480(d)) is amended by striking out the reference to "section 203(e)(3)" and inserting in lieu thereof "section 203(g)(3)".

SEC. 5. Section 212 of the Federal Coal Mine Safety Act (66 Stat. 709; 30 U.S.C. 482) is amended by adding at the end thereof the following new subsections:

"(d) For the promotion of sound and effective coordination of Federal and State activities within the field covered by this Act, to eliminate duplication of effort and expense, and to secure effective enforcement of the coal mine safety requirements established by this title, the director shall affirmatively and diligently seek to cooperate with the mine inspection or safety agencies of the several States, through formal agreement or otherwise, in the enforcement of the provisions of this title.

"(e) The Secretary of the Interior shall enlarge and intensify the educational programs of the Bureau of Mines with respect to the advancement of health and safety in coal mines, and shall, to the fullest extent practicable, seek the cooperation and assistance of the appropriate State agencies in the planning and implementation of such programs. There is hereby authorized to be appropriated not to exceed $750,000 for carrying out such programs."

SEC. 6. The Secretary of the Interior shall conduct a special study to determine the sufficiency of the present safety requirements of the Federal Coal Mine Safety Act, with particular emphasis upon the requirements relative to roof support, ventilation, and electrical equipment. The Secretary of the Interior shall make a report to the Congress on the results of such study, together with his recommendations, within one year after the enactment of this Act.

TITLE I.—*Bituminous and anthracite mines, 1961*

	Underground	Strip	Auger	Total
Number of men employed	31,882	24,941	1,809	58,632
Man-hours	39,051,363	43,038,045	1,879,406	83,968,814
Fatalities	86	17	1	104
Number of mines	6,914	1,744	327	8,985

Frequency rate for all coal title I mines	1.24
Frequency rate for all title I underground mines (bituminous and anthracite)	2.20

TITLE II.—*Mines—Underground*

Number men employed	76,686
Man-hours	124,054,832
Fatalities	170
Frequency rate	1.37
Number of mines	940

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 8, 1963.

MR. JAY H. FOREMAN,
Counsel, General Subcommittee on Labor, House of Representatives, Washington, D.C.

DEAR MR. FOREMAN: This responds to your request of November 4, 1963, for our opinion on the statistical information forwarded to you by the counsel for the Independent Coal Operators Association.

It appears from a comparison with Bureau of Mines records that, basically, the statistics presented are based on the total title I mines, including strip and auger mines, instead of only title I underground mines, which are the only mines involved in the present legislation. It is believed that the enclosed tabulation of Bureau of Mines records substantiates this opinion. These records have been broken down for Kentucky and Virginia and for Tennessee, Alabama, West Virginia, and Pennsylvania for comparative purposes.

You will note that the figure for all title I mines, including strip and auger mines, in Tennessee, Alabama, West Virginia, and Pennsylvania (3,701) compares favorably with the association's figure (3,732). The figures quoted for total employment in title I underground mines (31,882) and number of title I underground mines (6,914) are correct, but the association's figure for the employment in title I mines in Kentucky and Virginia (33,797) is at wide variance with the Bureau's figure, even if strip and auger mines are included (18,105). You will note also that the Bureau's fatality-frequency rate for all title I mines, including strip and auger mines (1.24) compares favorably with the association's figure (1.16). The association's fatality-frequency rates of 2.32 and 1.35 for title I and title II mines, respectively, are for bituminous-coal mines only. The rates for all underground mines were 2.20 and 1.37 for title I and title II mines, respectively.

It is believed that the foregoing and the enclosed statistical data substantiate that the association's conclusions have been based on all title I mines, rather than underground mines only.

Sincerely yours,

JOHN F. O'LEARY,
Deputy Assistant Secretary of the Interior.

EMPLOYMENT IN TITLE I MINES, 1961

	Underground	Strip	Auger	Total
Kentucky	8, 415	2, 253	685	11, 353
Virginia	6, 405	228	119	6, 752
Total	14, 820	2, 481	804	18, 105

NUMBER OF TITLE I MINES

Tennessee	443	71	13	527
Alabama	129	44	4	177
West Virginia	1, 216	141	74	1, 431
Pennsylvania (bituminous)	929	584	53	1, 566
Total	2, 717	840	144	3, 701
Pennsylvania (anthracite)	1, 015	176	-------	1, 191
Total	3, 732	1, 016	144	4, 892
Kentucky	1, 558	112	95	1, 765
Virginia	1, 111	36	35	1, 182
Total	2, 669	148	130	2, 947

Bureau of Mines figures of employment in the entire United States	[1] 31, 882
Kentucky and Virginia figures of employment in title I mines	33, 797
Total number of mines in United States	6, 914
Total number of mines in Tennessee, Alabama, West Virginia, and Pennsylvania	3, 732

[1] All figures are for the year 1961.

Mr. Speaker, since there are 33,797 men employed in title I mines in Kentucky and Virginia and since there are 3,732 mines in States other than Kentucky and Virginia, more than 50 percent of the labor force in title I mines is employed outside Kentucky and Virginia. Assuming that in the States other than Kentucky and Virginia there are as many men employed per mine on an average, as are employed in the Kentucky and Virginia title I mines, it becomes clear that instead of 31,882 title I miners there are approximately 65,000–70,000 title I miners in the United States, or more than twice the Bureau total. This means that there were, in title I mines, more than twice the number of man-hours of exposure than the number of hours used by the Bureau.

Thus, in 1961, the Bureau shows that the fatality rate in title I mines was 2.32 and the fatality rate in title II mines was 1.35. The correct fatality rate figure for title I mines would be less than half of 2.32 or approximately 1.16, a figure lower than the fatality rate for title II mines.

Mr. JENNINGS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Virginia.

Mr. JENNINGS. First, would the gentleman not agree that the bill I introduced rectifies the situation which he has just described, and second, will he tell the House how many times Federal inspectors under the bill will inspect each title I mine?

Mr. DENT. Exactly, I will be happy to, because it makes an absolute lie out of the charge that this measure is intended to drive the small mines out of business, because the Federal inspector will inspect only twice a year, but the difference is that he has authority to put into effect a demand for enforcement.

Mr. POWELL. If the gentleman will yield, on the authority of the subcommittee of my committee which visited the area represented by the gentleman from Virginia, the miners were white men, were they not?

Mr. DENT. I do not know about the men, but the mines were small mines. I was not on that trip but perhaps the gentleman from California could answer that.

Mr. ROOSEVELT. If the gentleman will yield, when I got out of the mine I was black, but I was white when I went in.

Mr. POWELL. It is a question of human rights today. A vote by this body today is a vote in favor of machinery over the lives of white men.

Mr. ROUDEBUSH. Mr. Speaker, I too, rise in support of H.R. 9000, the legislation that we have before us to extend safety regulations to our smaller mines. Heretofore, mines employing 14 or less men underground have been exempted from such regulations. The district that I represent in Indiana is a large producer of coal, and I think that it is long past time that we should extend safety coverage to the smaller operators. I also have been told that such legislation would be detrimental to coal production, but I recall the large number of accidents that have occurred in some of these smaller mines. The fact that a mine employs more or less than 14 persons underground, to me, is incidental. I, too, am aware that such safety procedures will not, in itself, make our small mines absolutely safe; however, such procedures will save many lives and crippled limbs by requiring compliance with some standards of safety, and regular inspection. I have long been a foe of Federal control but in this field it would seem to me that the national interest in safety of American citizens is at stake. I certainly hope that the bill will be favorably considered.

Mr. FULTON of Pennsylvania. Mr. Chairman, I strongly favor safety in the coal mines of the United States and always have. We in Congress have the obligation in occupations of high hazard to make sure that there are uniform health and safety rules. We must protect the worker in these industries as human beings and provide their families and dependents that measure of security and guarantee of life and limb itself that every American feels he holds as his birthright.

For I believe that there can be no difference in the protection we give to the individual workers so that there are two standards of mine safety in our country today. It is intolerable, both to the worker and to his family, that one man, who works in a mine regularly employing 15 or more individuals underground, therefore receives Federal protection and power of enforcement; while a second mineworker and his family, through no fault of his own but simply because he works in a mine regularly employing less than 15 men underground, receives for himself and his family less safety precautions and protection.

Our United States of America is strong enough economically to provide the basic needs of the safety provisions to eliminate needless hazards in all hazardous occupations and particularly in the coal mining industry where a double standard of safety precautions and requirements has been permitted to exist.

My hearty congratulations to the United Mine Workers for their officers' and members' organized and persistent work over the years to provide adequate safety precautions, good wages, and fringe benefits with adequate health protections guaranteed by contract. We in Congress must see that the Federal Government has adequate authority and power to enforce mine safety for all mineworkers. This is a must. Therefore, it is a pleasure to support the Federal Coal Mine Safety Act amendments and recommend their passage.

The SPEAKER pro tempore. The question is, Will the House suspend the rules and pass the bill H.R. 9000?

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 151, answered "Present" 1, not voting 76, as follows:

[Roll No. 233]

YEAS—202

Abele
Addabbo
Anderson
Andrews, N. Dak.
Aspinall
Baldwin
Barrett
Barry
Battin
Beckworth
Bennett, Fla.
Blatnik
Boggs
Boland
Bolling
Bolton, Oliver P.
Bow
Brademas
Bray
Brooks
Broomfield
Brotzman
Brown, Ohio
Bruce
Burke
Burton, Calif.
Burton, Utah
Byrne, Pa.
Carey
Cederberg
Chelf
Clancy
Clark
Cleveland
Cohelan
Conte
Corbett
Corman
Cramer
Cunningham
Curtin
Dague
Daniels
Davis, Tenn.
Delaney
Dent
Denton
Donohue
Dulski
Duncan
Dwyer
Edmondson
Edwards
Fallon
Farbstein
Fascell
Feighan
Fino
Flood
Fogarty
Fraser
Friedel
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Hagen, Calif.
Halpern
Hansen
Harding
Harrison
Harsha
Harvey, Ind.
Hawkins
Hays
Hechler
Holland
Jensen
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kelly
Keogh
King, Calif.
Kirwan
Knox
Kunkel
Leggett
Libonati
Lloyd
Long, La.
Long, Md.
McCulloch
McDade
McFall
McLoskey
Macdonald
Mahon
Mailliard
Martin, Calif.
Martin, Mass.
Mathias
Matsunaga
May
Meader
Michel
Milliken
Minish
Minshall
Moore
Moorhead
Morgan
Morris
Morton
Mosher
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Ostertag
Patman
Patten
Perkins
Philbin
Powell
Price
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Rumsfeld
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schenck
Schweiker
Schwengel
Secrest
Senner
Sickles
Sisk
Skubitz
Slack
Staggers
Stratton
Stubblefield
Sullivan
Thomas

Thompson, La.
Thompson, N.J.
Tupper
Udall
Ullman
Van Deerlin
Vanik
Weaver
Weltner
Wharton
White
Wickersham
Willis
Wilson, Ind.
Wright
Wydler
Young
Zablocki

NAYS—151

Abbitt
Abernethy
Andrews, Ala.
Arends
Ashbrook
Ashmore
Ayres
Baker
Bates
Becker
Beermann
Belcher
Bell
Berry
Betts
Bonner
Brock
Broyhill, N.C.
Broyhill, Va.
Burkhalter
Burleson
Byrnes, Wis.
Cahill
Casey
Chamberlain
Chenoweth
Clausen,
  Don H.
Clawson, Del
Collier
Colmer
Cooley
Curtis
Davis, Ga.
Derounian
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Ellsworth
Everett
Findley
Fisher
Flynt
Ford
Foreman
Fountain
Frelinghuysen
Fuqua
Gary
Gathings
Glenn
Goodell
Goodling
Grant
Gross
Gubser
Hagan, Ga.
Haley
Hall
Halleck
Hardy
Harris
Hébert
Henderson
Herlong
Holifield
Horan
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Johansen
Johnson, Pa.
Johnson, Wis.
Jonas
Keith
Kilburn
Kilgore
King, N.Y.
Kornegay
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
McIntire
Marsh
Martin, Nebr.
Matthews
Mills
Monagan
Morse
Nelsen
Norblad
Passman
Pelly
Pickle
Pike
Pillion
Poage
Poff
Pool
Purcell
Quie
Quillen
Rhodes, Ariz.
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rogers, Tex.
Schadeberg
Schneebeli
Selden
Short
Shriver
Sikes
Siler
Smith, Iowa
Smith, Va.
Snyder
Springer
Stafford
Steed
Stephens
Stinson
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Utt
Van Pelt
Vinson
Watson
Watts
Westland
Whitener
Whitten
Widnall
Younger

ANSWERED "PRESENT"—1

Waggonner

NOT VOTING—76

Adair
Albert
Alger
Ashley
Auchincloss
Avery
Baring
Bass
Bolton,
  Frances P.
Bromwell
Brown, Calif.
Buckley
Cameron
Celler
Daddario
Dawson
Diggs
Dingell
Elliott
Evins
Finnegan
Forrester
Fulton, Tenn.
Grabowski
Gurney
Hanna
Harvey, Mich.
Healey
Hoeven
Hoffman
Horton
Jones, Ala.
Jones, Mo.
Kee
Kluczynski
Kyl
Landrum
Lankford
Lesinski
McClory
McDowell
McMillan
MacGregor
Madden
Miller, Calif.
Miller, N.Y.
Montoya
Morrison
Moss
Nedzi
Osmers
Pepper
Pilcher
Pirnie
Pucinski
Rains
Randall
Roybal
Ryan, Mich.
St. George
Scott
Sheppard
Shipley
Sibal
Smith, Calif.
Staebler
Toll
Tollefson
Tuten
Wallhauser
Whalley
Williams
Wilson, Bob
Wilson,
  Charles H.
Winstead
Wyman

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Albert and Mr. Daddario for, with Mr. Waggonner against.

Mr. Horton and Mr. Grabowski for, with Mr. Alger against.

Mr. Shipley and Mr. Miller of California for, with Mr. Scott against.

Mr. Toll and Mrs. Frances P. Bolton for, with Mr. Auchincloss against.

Mr. Gurney and Mr. Pirnie for, with Mr. Adair against.

Mr. Whalley for, with Mr. Smith of California against.

Mr. Madden and Mr. Moss for, with Mr. Bob Wilson against.

Mr. Morrison and Mr. Ashley for, with Mrs. St. George against.

Mr. Dingell and Mr. Ryan of Michigan for, with Mr. Hoeven against.

Mr. Nedzi and Mr. Lesinski for, with Mr. Osmers against.

Mr. Kluczynski and Mr. Charles H. Wilson for, with Mr. Wallhauser against.

Mr. Brown of California and Mr. Cameron for, with Mr. Williams against.

Mr. Hanna and Mr. Roybal for, with Mr. Winstead against.

Mr. Finnegan and Mr. Montoya for, with Mr. McMillan against.

Mr. McDowell and Mr. Celler for, with Mr. Sibal against.

Mr. Diggs and Mr. Pucinski for, with Mr. Tollefson against.

Mr. Randall and Mr. Dawson for, with Mr. MacGregor against.

Until further notice:

Mr. Evins with Mrs. Kee.

Mr. Fulton of Tennessee with Mr. Buckley.

Mr. Pepper with Mr. Staebler.

Mr. Rains with Mr. Healey.

Mr. Elliott with Mr. Sheppard.

Mr. Baring with Mr. Lankford.

Mr. Landrum with Mr. Bass.

Mr. Jones of Alabama with Mr. Forrester.

Mr. Tuten with Mr. Pilcher.

Mr. WAGGONNER. Mr. Speaker, I have a live pair with the gentleman from Oklahoma [Mr. ALBERT] and the gentleman from Connecticut [Mr. DADDARIO]. Had they been present they would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

GENERAL LEAVE TO EXTEND

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks prior to the vote on the bill H.R. 9000.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONTINUING APPROPRIATIONS FOR MONTH OF SEPTEMBER TO BE TAKEN UP ON TUESDAY, AUGUST 18

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it be in order tomorrow to consider the resolution making continuing appropriations for the month of September.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 1839

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House may have until midnight tonight to file a conference report to accompany the bill, H.R. 1839.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

TARIFF SCHEDULES TECHNICAL AMENDMENTS ACT OF 1964

Mr. MILLS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12253) to correct certain errors in the Tariff Schedules of the United States, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tariff Schedules Technical Amendments Act of 1964".

(b) AMENDMENT OF SCHEDULES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, an item or other provision, the reference shall be considered to be made to an item or other provision of the Tariff Schedules of the United States (28 F.R., part II, Aug. 17, 1963; 77A Stat.; 19 U.S.C., sec. 1202). Each page reference "(p. —)" in this Act refers to the page on which the item or provision referred to appears both in part II of the Federal Register for August 17, 1963, and in volume 77A of the United States Statutes at Large.

(c) CITATION OF SCHEDULES.—Title I of the Tariff Act of 1930, as in effect on or after August 31, 1963, may be cited as the "Tariff Schedules of the United States".

SEC. 2. EFFECTIVE DATE.

(a) The amendments and repeals made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after the date of the enactment of this Act.

(b) Upon request therefor filed with the collector of customs concerned on or before the 120th day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after August 30, 1963, and before the 61st day after the date of the enactment of this Act, and

(2) with respect to which the amount of duty would be smaller if the amendments and repeals made by this Act applied to such entry or withdrawal,

shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the 61st day after the date of the enactment of this Act.

SEC. 3. APPLICATION OF TARIFF CLASSIFICATION ACT OF 1962

In applying the Tariff Classification Act of 1962 (19 U.S.C., sec. 1202 note) after the date of the enactment of this Act—

(1) The changes in the Tariff Schedules of the United States made by this Act shall be treated for the purposes of section 203 of such Act as having been included in such tariff schedules on August 31, 1963.

(2) The rates of duty in rate column numbered 1 of the Tariff Schedules of the United States set forth in this Act which are lower than the rates of duty in rate column numbered 2 of such schedules for the corresponding items shall, for the purposes of section 103 of such Act of 1962, be treated as having been proclaimed by the President pursuant to paragraph (1) of section 102 of such Act.

(3) The changes in part 3 of the appendix of the Tariff Schedules of the United States made by section 69 of this Act shall, for the purposes of section 103 of such Act of 1962, be treated as having been proclaimed by the

President pursuant to paragraph (3) of section 102 of such Act.

Sec. 4. Containers Not Imported Empty.

The first sentence of subparagraph (i) of general headnote 6(b) (p. 12) is amended to read as follows: "The usual or ordinary types of shipping or transportation containers or holders, if not designed for, or capable of, reuse, and containers of usual types ordinarily sold at retail with their contents, are not subject to treatment as imported articles."

Sec. 5. Grape Juice.

Item 165.40 (p. 64) is amended by striking out "9¢ per gal." and inserting in lieu thereof "50¢ per gal.", and by striking out "70¢ per gal." and inserting in lieu thereof "$1 per gal.".

Sec. 6. Florist Articles.

Item 192.20 (p. 84) is amended to read as follows:

"	192.20	Cut flowers, fresh; bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts	10% ad val.	40% ad val.	"

Sec. 7. Agricultural Bins and Sprayers.

(a) Harvesting Bins.—Schedule 2, part 1, subpart D is amended by inserting after item 204.25 (p. 91) the following:

"	204.27	Bins designed for use in the harvesting of fruits and vegetables	Free	Free	"

(b) Sprayers.—The article description for item 662.45 (p. 312) is amended by striking out ", self-contained, having a capacity over 5 gallons," and inserting in lieu thereof ("except sprayers, self-contained, having a capacity not over 5 gallons)".

Sec. 8. Certain Boxes and Cases Covered or Lined With Textile Fabrics.

(a) Jewelry Boxes, Etc., of Wood.—Item 204.50 (p. 91) is amended by striking out "8.5% ad val." and inserting in lieu thereof "5% ad val.".

(b) Boxes of Paper, Etc.—Item 256.50 (p. 106) is repealed and item 256.48 is amended—

(1) by striking out "but not" and inserting in lieu thereof "or", and

(2) by striking out "4% ad val." and inserting in lieu thereof "5% ad val.".

Sec. 9. Gasketing Materials of Ground or Pulverized Cork.

Schedule 2, part 2, subpart A is amended by inserting after item 220.20 (p. 93) the following new item:

"	220.25	Slabs and sheets comprised primarily of ground or pulverized cork bonded with rubber or plastics	10% ad val.	25% ad val.	"

Sec. 10. Wood Particles Board.

Item 245.50 (p. 98) is amended by striking out "12% ad val." and inserting in lieu thereof "20% ad val.".

Sec. 11. Shoeboard.

Item 251.49 (p. 103) is amended by striking out "Leatherboard" and inserting in lieu thereof "Shoeboard".

Sec. 12. Textile Fabrics, Coated or Filled, or Laminated, With Rubber or Plastics; Articles Made From Such Fabrics.

(a) Classification of Certain Articles Wholly or in Part of Fabrics Coated or Filled, or Laminated, With Rubber or Plastics.—The headnotes for schedule 3 are amended—

(1) by inserting "except as provided by headnote 5," before "articles" at the beginning of subparagraph (vi) of headnote 2(a) (p. 114), and

(2) by adding after headnote 4 (p. 115) the following new headnote:

"5. For the purposes of parts 5, 6, and 7 of this schedule and parts 1 (except subpart A), 4 and 12 of schedule 7, in determining the classification of any article which is wholly or in part of a fabric coated or filled, or laminated, with nontransparent rubber or plastics (which fabric is provided for in part 4C of this schedule), the fabric shall be regarded not as a textile material but as being wholly of rubber or plastics to the extent that (as used in the article) the nontransparent rubber or plastics forms either the outer surface of such article or the only exposed surface of such fabric."

(b) Determination of Component Fibers of Chief Value in Coated or Filled Fabrics, Etc.—Headnote 3 for schedule 3, part 4, subpart C (p. 145) is repealed, and headnote 4 for schedule 3 (p. 115) is amended to read as follows:

"4. For the purposes of the tariff schedules—

"(a) Except as specifically provided otherwise, in determining the yarn count of fabrics, the warp and filling yarns, whether plied or not, shall be counted as they occur in the fabric.

"(b) In determining the component fibers of chief value in coated or filled, or laminated, fabrics and articles wholly or in part thereof, the coating or filling, or the nontextile laminating substances, shall be disregarded in the absence of context to the contrary."

(c) Woven or Net Fabrics Coated or Filled.—

(1) Schedule 3, part 4, subpart C, headnote 2 (p. 145) is amended by striking out "and" at the end of paragraph (a), by striking out the period at the end of paragraph (b) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(c) the provisions in this subpart for fabrics, coated or filled with rubber or plastics material, or laminated with sheet rubber or plastics (items 355.65–.85), cover products weighing not over 44 ounces per square yard unless they contain more than 50 percent by weight of textile fibers."

(2) The article description preceding item 355.65 (p. 146) is amended by striking out ", except foam or sponge sheet".

(3) Item 355.80 (p. 146) is repealed and there is inserted in lieu thereof the following:

"		Of man-made fibers:			
	355.81	Over 70 percent by weight of rubber or plastics	12.5% ad val.	25% ad val.	
	355.82	Other	25¢ per lb. + 30% ad val.	45¢ per lb. + 65% ad val.	"

(d) Rainwear and Similar Garments.—Items 376.50, 376.54, and 376.58, and the article description preceding item 376.50 (p. 159) are repealed and there is inserted in lieu thereof the following:

"		Garments designed for rainwear, hunting, fishing, or similar uses, wholly or almost wholly of fabrics which are coated or filled, or laminated, with rubber or plastics, which (after applying headnote 5 of schedule 3) are regarded as textile materials:			
	376.54	Of cotton	15% ad val.	37.5% ad val.	
	376.56	Other	30% ad val.	65% ad val.	",

(e) Certain Unsupported Film.—The article description preceding item 771.40 (p. 393) is amended by striking out "and unsupported".

(f) Certain Inflatable Articles.—Item 772.75 (p. 394) is repealed, and schedule 7, part 13, subpart A is amended by inserting after item 790.37 (p. 397) the following new item:

"	790.39	Pneumatic mattresses and other inflatable articles not specially provided for	12.5% ad val.	25% ad val.	",

Sec. 13. Measure of Certain Yarns; Certain Woven Fabrics Containing Manmade Fibers.

(a) Measure of Certain Yarns.—The article description for item 305.14 (p. 121) is amended to read as follows: "Measuring over 270 yards but not over 18,000 yards per pound".

(b) Certain Woven Fabrics Containing Manmade Fibers.—Schedule 3, part 3, subpart B is amended by inserting after item 335.50 (p. 138) the following new item:

"	335.60	Over 50 percent by weight of yarns which yarns are composed of fibers not exceeding 5 inches in length and contain not less than 50 percent by weight of manmade fibers	25¢ per lb.+ 22.5% ad val.	45¢ per lb. + 70% ad val.	"

Sec. 14. Ornamented Fabrics; Fabrics With Tucks.

(a) Ornamented Fabrics.—Item 353.50 (p. 144) is amended—

(1) by striking out "42.5% ad val." and inserting in lieu thereof "42.5% ad val., but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented"; and

(2) by striking out "90% ad val." and inserting in lieu thereof "90% ad val., but in the case of ornamented fabrics not less than the rate which would apply to such fabrics if not ornamented".

(b) Textile Fabrics With Tucks.—Item 357.60 (p. 147) is amended—

(1) by striking out "42.5% ad val." and inserting in lieu thereof "42.5% ad val., but not less than the rate which would apply to such fabrics without tucks"; and

(2) by striking out "90% ad val." and inserting in lieu thereof "90% ad val., but not less than the rate which would apply to such fabrics without tucks".

Sec. 15. Belting and Belts for Machinery.

(a) In General.—Items 358.05 and 358.10 (p. 147) and the article descriptions preceding such items are repealed and there is inserted in lieu thereof the following:

"		Belting and belts, for machinery, of textile fibers or of such fibers and rubber or plastics:		
	358.02	V-belts	8.5% ad val.	25% ad val.
		Other:		
		Of vegetable fibers, or of such fibers and rubber or plastics:		
	358.05	Not in part of rubber or plastics	12% ad val.	30% ad val.
	358.06	In part of rubber or plastics	16% ad val.	30% ad val.
		Of wool:		
	358.08	Woven	37.5¢ per lb.+ 15% ad val.	50¢ per lb.+ 60% ad val.

358.09	Other	32% ad val.	50% ad val.
358.11	Of silk	27.5% ad val.	65% ad val.
358.14	Of man-made fibers	25¢ per lb.+ 30% ad val.	45¢ per lb.+ 65% ad val.
358.16	Other	12.5% ad val.	25% ad val. ”

(b) Machinery Belts Not Containing Textile Fibers.—Item 773.35 (p. 395) is amended by striking out “vegetable fibers” and inserting in lieu thereof “textile fibers”.

Sec. 16. Swiss-Type Curtains and Drapes.

Schedule 3, part 5, subpart C is amended—

(1) by striking out items 365.55, 365.60, and 365.65 and the article descriptions preceding item 365.55 (p. 152), and

(2) by striking out item 365.78 and the article description preceding such item (p. 153) and inserting in lieu thereof the following:

“	Net furnishings made on a lace, net, or knitting machine, whether or not ornamented; and other furnishings, ornamented:		
	Of cotton:		
365.77	Curtains and drapes, including panels and valances, all the foregoing if machine-embroidered but not otherwise ornamented	30% ad val.	90% ad val.
365.78	Other	50% ad val.	90% ad val. ”

Sec. 17. Labels of Man-Made Fibers.

Item 385.61 (p. 163) is amended by striking out “30% ad val.” and inserting in lieu thereof “19% ad val.”.

Sec. 18. Lactic Acid.

Item 425.82 (p. 186) is amended by striknig out “12.5% ad val.” and inserting in lieu thereof “16% ad val.”, and by striking out “25% ad val.” and inserting in lieu thereof “35% ad val.”.

Sec. 19. Esters of Monohydric Alcohols.

The article description preceding item 428.50 (p. 188) is amended to read as follows: “Esters of monohydric alcohols and organic or inorganic acids (except hydrogen sulfide and hydrogen halide acids):”.

Sec. 20. Cellulose Compounds; Surface-Active Agents.

(a) Cellulose Compounds.—Item 429.80 (p. 189) is repealed.

(b) Carboxymethyl Cellulose Salts.—Schedule 4, part 8, subpart A is amended by inserting after item 465.85 (p. 204) the following new item:

“465.87	Carboxymethyl cellulose salts	16¢ per lb.	45¢ per lb. ”

(c) Lignin Sulfonic Acid and Its Salts.—Schedule 4, part 8, subpart A is amended by inserting after item 465.90 (p. 204) the following new item:

“465.92	Lignin sulfonic acid and its salts [1]	10% ad val.	20% ad val. ”

(d) Cellulose Compounds, Not Specially Provided For.—Schedule 4, part 13, subpart B is amended by inserting after item 493.16 (p. 221) the following new item:

“493.18	Cellulose compounds, not specially provided for	16¢ per lb.	45¢ per lb. ”

(e) Surface Active Agents.—The headnote for part 8 of schedule 4 (p. 203) is amended by inserting after the first sentence a new sentence as follows: “This part also covers certain specified products which may or may not be surface-active agents.”

Sec. 21. Synthetic Resins and Plastics Materials.

The headnotes for schedule 4, part 4, subpart A (p. 195) are amended—

(1) by striking out in headnote 1 “a plasticizer, filler, color, or extender” and inserting in lieu thereof “an antioxidant, color, dispersing agent, emulsifier, extender, filler, pesticide, plasticizer, or stabilizer”; and

(2) by striking out in headnote 2 “plasticizers, fillers, colors, or extenders” and inserting in lieu thereof “an antioxidant, color, dispersing agent, emulsifier, extender, filler, pesticide, plasticizer, or stabilizer”.

Sec. 22. Concrete.

Schedule 5, part 1, subpart A, headnote 1 (p. 225) is amended by striking out paragraph (b) and inserting in lieu thereof the following:

“(b) the term ‘concrete’ means a composite of cementing materials of mineral origin with added mineral aggregate such as sand, crushed stone, or gravel; and”.

Sec. 23. Subporcelain Refractory Articles.

Item 531.37 (p. 236) is amended by striking out “Porcelain refractory articles” and inserting in lieu thereof “Porcelain and subporcelain refractory articles”.

Sec. 24. Certain Colored or Special Glass.

Items 542.75 and 542.77 (p. 246) and items 923.75 and 923.77 (p. 437) are each amended by striking out “90 united inches” and inserting in each place in lieu thereof “100 united inches”.

Sec. 25. Certain Semimanufactured Platinum.

Item 605.07 (p. 261) is amended by striking out “Bars, plates, and sheets, all the foregoing not under 0.125 inch in thickness,” and inserting in lieu thereof “Products having no dimension under 0.125 inch,”.

Sec. 26. Round Wire.

Schedule 6, part 2 is amended by striking out items 609.40 and 609.42 and the article descriptions preceding item 609.40 (p. 271) and inserting in lieu thereof the following:

“	Round wire:		
	Other than alloy iron or steel:		
609.40	Under 0.060 inch in diameter	8.5% ad val.	25% ad val.
	0.060 inch or more in diameter:		
609.41	Containing not over 0.25 percent by weight of carbon	0.3¢ per lb.	1.25¢ per lb.
609.43	Containing over 0.25 percent by weight of carbon	8.5% ad val.	25% ad val. ”

Sec. 27. Tableware and Other Household Utensils.

The headnotes for schedule 6, part 3, subpart E (p. 299) are amended by striking out headnote 4 and by redesignating headnotes 5 and 6 as headnotes 4 and 5, respectively; and the headnotes for schedule 6, part 3 (p. 291) are amended by adding at the end thereof the following new headnote:

“2. The provisions in this part which specifically refer to kitchen or tableware, or to table, kitchen, or household utensils and articles, include articles of types which are used outdoors as well as those which are used indoors.”

Sec. 28. Certain Galvanized Wire.

(a) Fencing.—Item 642.35 (p. 293) is amended by striking out “not under 0.08 inch in diameter” and inserting in lieu thereof “not under 0.075 inch in diameter”.

(b) Certain Woven Wire.—The article description preceding item 642.45 (p. 293) is amended by striking out “under 0.08 inch” and inserting in lieu thereof “under 0.075 inch”.

(c) Milliners' Wire.—Item 642.96 (p. 294) is amended by striking out “not under 0.08 inch in diameter” and inserting in lieu thereof “not under 0.075 inch in diameter”.

Sec. 29. Automobile, Etc., Parts.

(a) Hinges and Fittings, Etc.—Item 647.00 (p. 298) is repealed and there is inserted in lieu thereof the following:

“	Of iron or steel, of aluminum, or of zinc:		
647.01	Hinges, fittings, and mountings, designed for motor vehicles	8.5% ad val.	25% ad val.
647.02	Other	19% ad val.	45% ad val. ”

(b) Hairsprings.—Schedule 6, part 3, subpart F is amended by inserting after item 652.85 (p. 306) the following new item:

“652.86	Hairsprings	10% ad val.	65% ad val. ”

(c) Lighting Equipment Designed for Motor Vehicles.—Schedule 6, part 3, subpart F is amended by inserting after item 653.35 (p. 307) the following new item:

“653.37	Lighting equipment designed for motor vehicles, and parts thereof	8.5% ad val.	25% ad val. ”

(d) Pumps for Liquids.—Item 660.90 (p. 310) is repealed and there is inserted in lieu thereof the following:

“	Pumps for liquids, whether or not fitted with measuring devices; liquid elevators of bucket, chain, screw, band, and similar types; all the foregoing whether operated by hand or by any kind of power unit, and parts thereof:		
660.92	Fuel injection pumps for compression-ignition engines, and parts thereof	6% ad. val.	35% ad val.
660.94	Other	10% ad val.	35% ad val. ”

(e) Ball Bearings With Integral Shafts.—Item 680.35 (p. 319) is repealed and there is inserted in lieu thereof the following:

“	Ball or roller bearings, including such bearings with integral shafts, and parts thereof:		
680.34	Ball bearings with integral shafts.	12% ad val.	35% ad val.
680.35	Other	3.4¢ per lb.+ 15% ad val.	10¢ per lb. + 45% ad val. ”

(f) Repair Kits.—Schedule 6, part 4, subpart J is amended by inserting after item 680.57 (p. 319) the following:

“680.59	Kits, each containing three or more replacement parts however provided for elsewhere in the schedules, put up and packaged for the repair of hydraulic-brake master or wheel cylinders or for the repair of internal-combustion engine pumps or carburetors	10% ad val.	35% ad val. ”

(g) Parts of Electrical Articles.—

(1) Subparagraph (vi) of headnote 1 (p. 321) for schedule 6, part 5, is amended to read as follows:

"(vi) electrical instruments and apparatus provided for in schedule 7.".

(2) The article description preceding item 682.70 (p. 321) is amended by inserting "; all the foregoing and parts thereof" after "electro-magnetic lifting heads".

(3) The article description for item 682.80 (p. 321) is amended by inserting "and parts thereof" after "holders".

(h) Permanent Magnets.—Item 682.70 (p. 321) is amended by striking out "18% ad val." and inserting in lieu thereof "16% ad val.".

(i) Automatic Voltage–Current Regulators.—Item 686.20 (p. 323) is repealed and there is inserted in lieu thereof the following:

"	Automatic voltage and voltage-current regulators, with or without cut-out relays, and parts thereof:		
686.22	Designed for use in a 6-volt or 12-volt system...	8.5% ad val.	25% ad val.
686.24	Other............	15% ad val.	35% ad val. "

(j) Ignition Wiring Sets, Etc.—Schedule 6, part 5 is amended by inserting after item 688.10 (p. 324) the following:

" 688.12	Ignition wiring sets and wiring sets designed for use in motor vehicles and craft provided for in part 6 of schedule 6......	10% ad val.	30% ad val. "

(k) Speedometers and Tachometers.—

(1) The headnotes for schedule 7, part 2, subpart D. (p. 344) are amended by striking out "711.99" in headnote 1 and inserting in lieu thereof "711.88", and by striking out "711.99, inclusive (except magnetic speedometers)," in headnote 2(a) and inserting in lieu thereof "711.88, inclusive,".

(2) Schedule 7, part 2, subpart D is amended by striking out items 711.90 to 711.98, inclusive, and the article descriptions for such items (p. 346) and inserting in lieu thereof the following:

"	Revolution counters, production counters, taximeters, odometers, pedometers, counters similar to the foregoing articles, speedometers and tachometers, all the foregoing not provided for in subpart C of this part; parts of the foregoing:		
711.90	Taximeters and parts..........	42.5% ad val.	85% ad val.
711.91	Bicycle speedometers and parts thereof...	55% ad val.	110% ad val.
711.98	Other............	10% ad val.	35% ad val. "

(3) Item 712.25 (p. 346) and the article description preceding such item are each amended by striking out "Tachometers and anemometers" and inserting in lieu thereof "Anemometers".

(l) Furniture Designed for Motor Vehicle Use.—Schedule 7, part 4, subpart A is amended by inserting after item 727.04 (p. 364) the following:

" 727.06	Furniture designed for motor-vehicle use, and parts thereof............	8.5% ad val.	25% ad val. "

SEC. 30. PICKS AND MATTOCKS.

Item 648.53 (p. 300) is amended by striking out "19% ad val." and inserting in lieu thereof "7.5% ad val.".

SEC. 31. FILES AND RASPS.

Items 649.05 and 649.07 (p. 300) are each amended by striking out "7 inches" and inserting in lieu thereof "6.75 inches".

SEC. 32. PENCIL SHARPENERS AND LEAD AND CRAYON POINTERS.

Schedule 6, part 3, subpart E, is amended by inserting after item 651.31 (p. 304) the following:

" 651.33	Pencil sharpeners and lead and crayon pointers, and parts thereof...	17% ad val.	40% ad val. "

SEC. 33. TREATMENT OF CERTAIN SETS.

(a) Certain Camping and Picnic Sets.—Schedule 6, part 3, subpart E is amended by inserting after item 651.13 (p. 304) the following new item:

" 651.15	Camping and picnic sets each comprised of a knife, fork, and spoon, wholly of metal, and with each of the three pieces specially designed so as to permit their being compactly joined and held together when not in use..........	25% ad val.	60% ad val. "

(b) Dissecting Tools Fitted Into Cases Containing Microscopes.—The headnotes for schedule 7, part 2, subpart A are amended by adding at the end thereof (p. 340) the following new headnote:

"4. Sets comprised of tools, implements, and other articles fitted into and imported with cases containing microscopes provided for in item 708.71, and ordinarily sold at retail, and used, in conjunction with such microscopes, are classifiable therewith."

(c) Conforming Amendment.—The article description for item 651.75 (p. 304) is amended by striking out "(except sewing sets, pedicure or manicure sets, and combinations thereof)" and inserting in lieu thereof "(except sets specially provided for)".

SEC. 34. HAND TOOLS.

The article description preceding item 651.39 (p. 304) is amended by inserting ", and parts thereof" after "Other hand tools".

SEC. 35. CHAIN AND CHAINS, AND PARTS THEREOF.

Schedule 6, part 3, subpart F (p. 305) is amended—

(1) by striking out "Chains used for the transmission of power" in the article descriptions preceding item 652.12 and inserting in lieu thereof "Chain or chains used for the transmission of power",

(2) by inserting "or chains" after "chain" in the article description for item 652.21, and

(3) by striking out the article description preceding item 652.24 and inserting in lieu thereof "Chain or chains (except the foregoing) the links of which are of stock essentially round in cross section, and parts thereof:", and by inserting after item 652.33 the following new item:

" 652.35	Other, including parts..........	19% ad val.	45% ad val. "

SEC. 36. HORSE SHOES.

Schedule 6, part 3, subpart F is amended by striking out item 652.40 (p. 305) and inserting in lieu thereof the following:

"	Horse and mule shoes of base metal:		
652.41	Of iron or steel...	0.25¢ per lb.	0.25¢ per lb.
652.42	Other..........	19% ad val.	45% ad val. "

SEC. 37. MISCELLANEOUS METAL PRODUCTS.

The article description preceding item 653.85 (p. 307) is amended by striking out "Not enameled:" and inserting in lieu thereof "Not enameled or glazed with vitreous glasses:", and item 653.97 is amended by striking out "Enameled" and inserting in lieu thereof "Enameled or glazed with vitreous glasses".

SEC. 38. JACQUARD CARDS; PARTS OF TAPS, VALVES, ETC.

(a) Jacquard Cards.—Schedule 6, part 4, headnote 1 (p. 309) is amended by striking out "(iv) jacquard cards;" and by redesignating subparagraphs (v) and (vi) as subparagraphs (iv) and (v), respectively.

(b) Parts of Taps, Valves, Etc.—The article description preceding item 680.20 (p. 319) is amended by striking out "check:" and inserting in lieu thereof "check, and parts thereof:".

SEC. 39. SYNCHRONOUS MOTORS; COMMUTATORS.

(a) Synchronous Motors.—The article description for item 682.20 (p. 321) is amended by inserting ", valued not over $4 each" after "Synchronous".

(b) Commutators.—Schedule 6, part 5 is amended by inserting after item 682.50 (p. 321) the following:

" 682.52	Commutators....	12.5% ad val.	35% ad val. "

SEC. 40. TELEVISION PICTURE TUBES.

Items 687.50 and 687.60 (p. 324) and the article description preceding such items are amended to read as follows:

"	Electronic tubes (except X-ray tubes); photocells; transistors and other related electronic crystal components; mounted piezoelectric crystals; all the foregoing and parts thereof:		
687.50	Television picture tubes......	30% ad val.	60% ad val.
687.60	Other............	12.5% ad val.	35% ad val. "

SEC. 41. INSULATED CONDUCTORS WITHOUT FITTINGS.

Item 688.05 (p. 324) is repealed and there is inserted in lieu thereof the following:

"	Without fittings:		
688.04	Containing (exclusive of insulation and sheathing) over 10 percent by weight of the metal copper.....	17% ad val.	40% ad val.
688.06	Other........	15% ad val.	35% ad val. "

SEC. 42. BRAKE REGULATORS.

Item 690.35 (p. 325) is amended by inserting ", except brake regulators" after "provided for in item 690.15".

SEC. 43. HEADWEAR OF PANDAN.

Item 702.35 (p. 333) is amended by inserting "or of pandan" after "Of palm leaf".

SEC. 44. HEADWEAR OF FUR NOT ON THE SKIN.

The article description preceding item 703.20 (p. 334) is amended by striking out "of fur felt" and inserting in lieu thereof "of fur not on the skin".

SEC. 45. ANESTHETIC APPARATUS; STETHOSCOPES.

(a) Anesthetic Apparatus.—Schedule 7, part 2, subpart B is amended by inserting between item 709.07 and the article description preceding it (p. 342) the following new item:

" 709.06	Anesthetic apparatus and instruments (except syringes).....	19% ad val.	45% ad val. "

(b) Stethoscopes.—Item 709.10 (p. 342) is amended by inserting "and stethoscopes" after "Percussion hammers".

Sec. 46. Surveying Compasses and Parts Thereof.

Item 710.12 (p. 343) is amended by striking out "11.5% ad val." and inserting in lieu thereof "28% ad val.".

Sec. 47. Comparators.

Item 710.88 (p. 344) is amended by striking out "Comparators, comparator benches" and inserting in lieu thereof "Comparator benches".

Sec. 48. Combination Articles Containing Watch or Clock Movements.

(a) In General.—Schedule 7, part 2, subpart E is amended by inserting after headnote 4 (p. 349) the following new headnote:

"5. Combination Articles Containing Watch or Clock Movements.—A watch or clock movement (and its dial, if any) in a combination article is classifiable under the provision applicable to such combination article, but, in determining the duties on the combination article, the movement (and its dial, if any) shall be constructively separated therefrom and assessed with the same rate as would have applied if it had been imported separately. In such circumstances, the movement and its dial shall also be subject to the same marking requirements provided for in headnote 4 of this subpart. However, such separate assessment and special marking shall not be applicable to movements which, when imported, are installed as the usual equipment of vehicles or craft provided for in part 6 of schedule 6 or as integral and essential parts of laboratory, industrial, or commercial apparatus or equipment."

(b) Conforming Amendment.—Items 711.65 and 711.70 and the article description preceding such items (p. 345) are repealed and there is inserted in lieu thereof the following new item:

"	711.67	Other	14% ad val.	50% ad val.	"

Sec. 49. Editors, and Combination Editor-Splicers, for Motion-Picture Films.

Item 722.52 (p. 356) is amended—

(1) by striking out "11.5% ad val." and inserting in lieu thereof "35% ad val.", and

(2) by striking out "35% ad val." and inserting in lieu thereof "45% ad val.".

Sec. 50. Half-Tone Screens Made Photographically on Plastics Material.

Schedule 7, part 2, subpart F is amended by striking out item 722.84 (p. 357) and inserting in lieu thereof the following:

"		Half-tone screens designed for use in engraving or photographic processes:			
	722.83	Made photographically on plastics material	8.5% ad val.	25% ad val.	
	722.85	Other	27.5% ad val.	55% ad val.	"

Sec. 51. Heat-Sensitive Papers

Item 723.35 (p. 357) is amended by striking out "15% ad val." and inserting in lieu thereof "7.5% ad val.".

Sec. 52. Recordings on Magnetic Tape, Etc.

Item 724.40 (p. 358) is amended—

(1) by striking out "0.25¢ per sq. in." and inserting in lieu thereof "2¢ per sq. ft.", and

(2) by striking out "1¢ per sq. in." and inserting in lieu thereof "8¢ per sq. ft.".

Sec. 53. Electronic Musical Instruments.

Schedule 7, part 3, subpart A is amended by striking out item 725.45 (p. 360) and inserting in lieu thereof the following:

"		Electronic musical instruments:			
	725.46	Fretted stringed instruments	34% ad val.	40% ad val.	
	725.47	Other	17% ad val.	40% ad val.	"

Sec. 54. Playing Cards.

Item 734.25 (p. 371) is amended by striking out "5% ad val." and inserting in lieu thereof "4% ad val.".

Sec. 55. Costume Jewelry; Jewelry Materials.

(a) Costume Jewelry.—Schedule 7, part 6, subpart A is amended by striking out items 740.35 and 740.37 (p. 376) and inserting in lieu thereof the following:

"		Valued over 20 cents per dozen pieces or parts:			
	740.35	Watch bracelets valued over $5 per dozen	35% ad val.	110% ad val.	
	740.37	Other	55% ad val.	110% ad val.	"

(b) Jewelry Materials.—The article description preceding item 740.70 (p. 376) is amended by striking out "not over 0.5 inch in any cross-sectional dimension,".

Sec. 56. Buckles and Buckle Slides.

Schedule 7, part 7, subpart A is amended by striking out items 745.45 and 745.47 and the article description preceding item 745.45 (p. 380) and inserting in lieu thereof the following:

"	745.45	Buckles and buckle slides	19% ad val.	45% ad val.	"

Sec. 57. Jewelry Clasps.

Item 745.67 (p. 380) is repealed and there is inserted in lieu thereof the following:

"		Valued over 20 cents per dozen pieces or parts:			
	745.66	Of precious metal except silver (including rolled precious metal except silver)	24% ad val.	80% ad val.	
	745.68	Other	55% ad val.	110% ad val.	"

Sec. 58. Slide Fastener Parts.

The article description preceding item 745.70 (p. 380) is amended by striking out "Slide fasteners, and parts thereof:" and inserting in lieu thereof "Slide fasteners, and parts thereof including tapes in continuous lengths but not including tapes wholly of textile fibers:".

Sec. 59. Dried Wreaths, Etc.

Schedule 7, part 7, subpart B is amended by striking out item 748.35 (p. 381) and inserting in lieu thereof the following:

"		Bouquets, boutonnieres, corsages, wreaths, and similar ornamental articles, all the foregoing made of articles described in item 748.30 or item 748.32:			
	748.34	Wholly or almost wholly of articles described in item 748.30	10% ad val.	20% ad val.	
	748.36	Other	25.5% ad val.	75% ad val.	"

Sec. 60. Electric Toothbrushes.

Subparagraph (i) of headnote 1 for schedule 7, part 8, subpart A (p. 383) is amended to read as follows:

"(i) mechanical combs, brooms, or brushes (other than combs or brushes which are toilet articles), or combs, brooms, or brushes which are parts of articles (other than toilet articles);".

Sec. 61. Fireworks.

Item 755.15 (p. 385) is amended by striking out "32% ad val." in column 1 and "42% ad val." in column 2 and by inserting in lieu thereof in each column "12¢ per lb., including the weight of all coverings, packing material, and wrappings".

Sec. 62. Rubber and Plastics Film, Strips, Sheets, and Plates.

The headnotes for schedule 7, part 12, subpart B (p. 392) are amended—

(1) by striking out "21 inches" in headnotes 1(b) and 2(iv)(B) and inserting in lieu thereof "15 inches", and

(2) by striking out "51 inches" in headnotes 1(b) and 2(iv)(C) and inserting in lieu thereof "18 inches".

Sec. 63. Colostomy Bags.

Item 772.42 (p. 394) is amended by inserting "colostomy bags," after "enema bags,".

Sec. 64. Fly Ribbons.

Schedule 7, part 13, subpart A is amended by inserting after item 790.10 (p. 397) the following new item:

"	790.15	Fly ribbons (ribbon fly catchers).	14% ad val.	35% ad val.	"

Sec. 65. Sausage Casings.

Item 790.45 (p. 397) is amended by striking out "16% ad val." and inserting in lieu thereof "12.5% ad val.".

Sec. 66. Articles of Hair Not Specially Provided For.

Schedule 7, part 13, subpart C is amended by adding after item 792.70 (p. 399) the following new item:

"	792.75	Of hair	14% ad val.	35% ad val.	"

Sec. 67. Articles Assembled Abroad.

The article descripton for item 807.00 (p. 408) is amended to read as follows: "Articles assembled abroad in whole or in part of fabricated components, the product of the United States, which (a) were exported, in condition ready for assembly without further fabrication, for the purpose of such assembly and return to the United States, (b) have not lost their physical identity in such articles by change in form, shape, or otherwise, and (c) have not been advanced in value or improved in condition abroad except by being assembled and except by operations incidental to the assembly process such as cleaning, lubricating, and painting."

Sec. 68. Coconut, Palm-Kernel, and Palm Oils, Sulfonated or Sulfated.

Item 907.77 (p. 433) is amended by striking out "17.5% ad val." and inserting in lieu thereof "14% ad val.".

Sec. 69. Import Restrictions Proclaimed Pursuant to Section 22 of Agricultural Adjustment Act.

Headnote 2 (p. 441) for part 3 of the appendix to the Tariff Schedules is amended—

(1) by striking out "or for the personal use of the importer;" at the end of paragraph (b) and inserting in lieu thereof "for the personal use of the importer, or for research;", and

(2) by striking out "articles not exceeding 100 pounds in aggregate weight in any shipment, if entered for exhibition, display, or sampling at a Trade Fair, or for research, and if" at the beginning of paragraph (c) and inserting in lieu thereof "articles entered for exhibition, display, or sampling at a Trade Fair or for research, but only if".

The SPEAKER. Is a second demanded?

Mr. CURTIS. Mr. Speaker, I demand a second.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 12253, which was unanimously reported by the Committee on Ways and Means, is to provide clarifying language and to correct certain errors and inadvertencies in the tariff schedules of the United States—TSUS—which were put into effect August 31, 1963, by Presidential proclamation, which was issued under the authority of the Tariff Classification Act of 1962.

As Members will recall, the new tariff schedules which are now in effect constitute a comprehensive revision and consolidation of prior provisions of the customs laws under which imported articles were classified for tariff purposes. These schedules were prepared by the Tariff Commission under title I of the Customs Simplification Act of 1954, which directed the Commission to make a comprehensive study of prior tariff laws and to compile a revision and consolidation which would be logical, adapted to the changes which had occurred since 1930 an import trade, eliminate anomalies, and simplify tariff classifications.

In the course of making its comprehensive study, the Tariff Commission conducted numerous public hearings, and its staff held countless informal conferences with interested parties. In November 1960 the Commission transmitted to the Congress the results of its study. The report and the new tariff schedules were published by the Committee on Ways and Means.

In August 1961 our committee invited interested parties to submit comments on the provisions of the proposed new schedules and also on proposed implementing legislation. Suggestions made in response to this invitation were carefully considered by the committee prior to reporting the bill which became the Tariff Classification Act of 1962.

The Tariff Commission, acting under authority contained in the Tariff Classification Act of 1962, continued the tariff study and conducted further public hearings in connection with changes in the revised tariff schedules, which were included in supplemental reports to the Congress and to the President, as provided for in the 1962 act.

Even though the new tariff schedules have been in effect for less than 1 year, it is already apparent that they represent a substantial improvement over the disorganized and unsystematic structure which they superseded. The new schedules have already proved helpful in facilitating the work of Government agencies with responsibilities related to tariff matters, of the Congress, and of the interested public. As further experience is gained in the use of the new schedules they will undoubtedly prove to be of additional benefit to all persons interested in the import trade of the United States.

The import trade of the United States is diversified and involves literally hundreds of thousands of different foreign products. Due to the enormity of the task of revision, the Committee on Ways and Means was aware of the fact that the actual administration of the new tariff schedules very probably would bring to light unintended rate changes and other inadvertencies or oversights which would require corrective legislation. Shortly after the new schedules were placed in effect on August 31, 1963, the committee's attention was directed to several such instances. In an effort to treat with such matters on a comprehensive basis, the Ways and Means Committee, on December 13, 1963, invited all interested parties to make suggestions limited to those provisions of the TSUS wherein it appears that through, first, oversight or inadvertencies or, second, lack of information, errors have been made or clarifying language may be necessary.

In this announcement, the committee expressly stated that it did not intend to entertain and consider matters that had been previously presented to the Tariff Commission or to the committee during the period of several years when the new schedules were being formulated, unless such matters came within the limited criteria of the announcement. In other words, the committee directed its attention only to the correction of provisions in the new tariff schedules which clearly involved errors arising from oversight, inadvertence or lack of information or which required clarification.

Interested parties submitted over 250 briefs with suggested changes in the provisions of the new schedules. Many of these submissions were cumulative in nature and involved the same subject matter. The Committee on Ways and Means carefully considered these submissions and, with the assistance of consultants from the Tariff Commission and other interested departments, has worked out the changes in the new tariff schedules set forth in the bill now before you.

As you will note from the report on the bill, the committee, however, was not able in the limited time available to evaluate and resolve all of the matters which were brought to its attention. Additional studies to further consider the remaining matters which appear to meet the criteria of the announcement of December 13, 1963, can be undertaken at a future date.

The amendments provided for in H.R. 12253 in some instances would increase the rates of duty on imported articles and in other instances would decrease the rates of duty. A number of the amendments are merely clarifying in nature and would involve no changes in rates of duty on imported products. It should be emphasized that generally speaking the rate changes provided for are for the purpose of restoring to the particular imported articles involved the actual or approximate tariff rate levels that had previously applied under the old tariff provisions in effect prior to August 31, 1963. In some cases this involved arriving at a weighted average of several different rates.

The amendments provided for in H.R. 12253 would become effective with respect to articles entered, or withdrawn from warehouse, for consumption after the 60th day after the date of enactment. Special provision is made, however, under which amendments resulting in smaller amounts of duty would be given retroactive effect with respect to entries and withdrawals made on or after August 31, 1963. No increase in the rate of duty would apply retroactively.

Mr. Speaker, the amendments to the bill are merely clerical in nature.

Mr. Speaker, following my remarks I will include a tabulation showing the section numbers of the bill, the articles involved, and the general nature of the changes made.

Mr. Speaker, I want to again state that the gentlemen who did the staff work on the Tariff Classification Act of 1962 and these revisions here today are deserving of the highest commendation. They have spent endless hours patiently and tirelessly reviewing material, holding conferences, meeting with the committees of the Congress, drafting legislation and so on. In particular, I wish to mention Mr. Russell Shewmaker, General Counsel of the Tariff Commission who has lived with this subject ever since 1954.

The executive departments having an interest in H.R. 12253 are unanimous in their support of the bill and recommend its prompt passage.

Tabulation showing nature of changes

Section	Article	Item	Nature of change					
			Purpose	+	−	±	0	Amount
4	Usual containers, filled		Clarify				X	
5	Grape juice	165.40	Rate	X				9 to 50 cents per gallon.
6	Florist articles	192.20	Clarify				X	
7(a)	Wooden harvesting bins	204.30	New provision (204.27)		X			16⅔ percent to free.
7(b)	Agricultural sprayers	662.45	Clarify rate		X			10 percent to free.
8	Wooden cases covered or lined with cloth	204.50; 256.48–256.50	do			X		8.5 to 5 percent; 4 to 5 percent.
9	Gasketing material of ground cork and rubber	Various	New provision (220.25)		X			17 percent and 12.5 to 10 percent.
10	Wood particle board	245.50	Rate	X				12 to 20 percent.
11	Shoeboard	251.49	Clarify rate	X				4.75 to 6.75 percent.

Tabulation showing nature of changes—Continued

Section	Article	Item	Nature of change					
			Purpose	+	−	±	0	Amount
12	Rubber or plastics covered fabrics; articles of such covered fabrics:	355.65–355.85	Clarify rate					
	Manmade fabrics	355.80	New provision (355.81)		X			25 cents per pound plus 30 to 12.5 percent.
	Headwear	703.72			X			Various to 12.5 percent.
	Gloves	705.84–705.86			X			Various.
	Luggage	706.24; 706.60			X			40 to 20 percent.
13(a)	Measure of yarns	305.14	Clarify				X	
13(b)	Vegetable fiber (except cotton) fabrics containing manmade fibers.	335.80–335.90; 338.30	Correct avoidance of higher rate.	X				6.5 and 10 percent to 25 cents per pound plus 22.5 percent.
14	Ornamented fabrics; fabrics with tucks	353.50; 357.60	Correct possible avoidance of higher rates.	X				Various to 42.5 percent.
15	Belting and belts for machinery:							
	V-belts	358.05–358.10	Clarify rate		X			16 to 8.5 percent.
	Other	358.30–358.60	Clarify				X	
16	Swiss-type curtains and drapes	365.55–365.65; 365.78	Clarify rate		X			50 to 30 percent.
17	Labels of manmade fibers	385.61	Recent court ruling		X			30 to 19 percent.
18	Lactic acid	425.82	Reaveraging rates	X				12.5 to 16 percent.
19	Esters of monohydric alcohols	428.50–428.72	Clarify				X	
20	Cellulose compounds; lignin	Various	Clarify rate	X				Various to 16 cents per pound.
	Sulfonic acid and its salts	do	Clarify				X	
21	Non-coal-tar synthetic resins and plastic materials	Pt. 4–A, schedule 4	do		X			Various.
22	Concrete	Pt. 1–A, schedule 5	do				X	
23	Subporcelain refractory articles	531.37	Rate	X				15 to 45 percent.
24	Certain colored or special glass	542.75–542.77; 923.75–923.77	Consistency with ordinary glass.		X			1.4 cents per pound to 1.1 cents per pound; 2.4 cents per pound to 1.9 cents per pound.
25	Certain manufactured platinum	605.07	Clarify rate		X			40 percent to free.
26	Round wire	609.42	New provision (609.43) to avoid rate decrease.	X				0.3 cents per pound to 8.5 percent.
27	Tableware and other household utensils	Pts. 3–E and 3–F, schedule 6	Clarify court ruling			X		Minimal changes.
28	Certain galvanized wire fencing and wire	642.35; 642.45–642.47; 642.96	Court ruling		X			Various.
29(a)	Motor vehicle hinges and fittings	647.00	Rate		X			19 to 8.5 percent.
29(b)	Hairsprings	652.87	New provision (652.86); rate		X			19 to 10 percent.
29(c)	Motor vehicle lighting equipment	653.40	New provision (653.37); rate		X			19 to 8.5 percent.
29(d)	Pumps for liquids	660.90	Reaveraged rates (subdivided).	X				12 to 6 percent. 12 to 10 percent.
29(e)	Ball bearings with integral	660.90; 680.35	Clarify				X	
29(f)	Repair kits	Various	Ease administration		X			Various to 10 percent.
29(g)	Parts of electrical articles	Pt. 5, schedule 6	Clarify rate			X		Various.
29(h)	Permanent magnets	682.70	Reaverage rate		X			18 to 16 percent.
29(i)	Motor vehicle automatic voltage-current regulators	686.20	Rate		X			15 to 8.5 percent.
29(j)	Ignition and certain other wiring sets	688.15	New provision (688.12); rate		X			17 to 10 percent.
29(k)	Speedometers and tachometers	711.90–.98	Rate		X			Various.
29(l)	Motor vehicle furniture	Pt. 4–A, schedule 7	do		X			Various to 8.5 percent.
30	Picks and mattocks	648.53	Reaverage rate		X			19 to 7.5 percent.
31	Files and rasps	649.05–649.07	Clarify 7-inch only		X			28 cents per dozen to 17.5 cents per dozen.
32	Pencil sharpeners and lead and crayon pointers	651.47; 651.55	Clarify				X	
33(a)	Knife-fork-spoon picnic set	Various	Clarify rate		X			Various to 25 percent.
33(b)	Microscope with dissecting kit	651.75	do		X			Do.
34	Handtool parts	651.39–651.55	Clarify			X		
35	Chain and chains	652.12–652.38	do				X	
36	Aluminum horseshoes	652.40	New provision (652.42); rate	X				0.25 cents per pound to 19 percent.
37	Miscellaneous metal products	653.85–653.97	Clarify				X	
38(a)	Jacquard cards	670.56	do				X	
	Parts of taps, valves, etc	680.20–680.22	Rate	X				Various.
39(a)	Synchronous motors valued over $4 each	682.20	do		X			50 to 12.5 percent.
39(b)	Commutators	682.60	do		X			15 to 12.5 percent.
40	Television picture tubes	687.50	do	X				12 to 30 percent.
41	Insulated conductors of copper	688.05	New provision (688.04); rate	X				15 to 17 percent.
42	Brake regulators for railway cars	690.35	Rate		X			18 to 11.5 percent.
43	Headwear of pandan	702.37	do		X			10 to 6.25 percent.
44	Headwear of fur not on the skin	703.20–703.55	Clarify				X	
45	Anesthetic apparatus; stethoscopes	709.27	Court rulings		X			36 to 19 percent.
46	Surveying compasses	710.12	Rate	X				11.5 to 28 percent.
47	Comparators	710.88	Clarify				X	
48	Combination articles containing watch or clock movements.	Various	Correct possible avoidance of higher rates.	X				Various.
49	Motion-picture editors	722.52	Bureau ruling	X				11.5 to 35 percent.
50	Halftone screens made photographically on plastics	722.84	New provision (722.83); rate		X			27.5 to 8.5 percent.
51	Heat-sensitive papers	723.35	Reaverage rates		X			15 to 7.5 percent.
52	Recordings on magnetic tape	724.40	do		X			0.25 cents per square inch to 2 cents per square foot.
53	Electronic musical instruments	725.45	New provision (725.46); rate	X				17 to 34 percent.
54	Playing cards	734.25	Rate		X			5 to 4 percent.
55(a)	Costume jewelry valued over $5 per dozen	740.35–740.37	Rate	X				35 to 55 percent.
55(b)	Jewelry chain, etc	740.70–740.80, various	Clarify			X		Various.
56	Buckles and buckle slides	745.45–745.47	Rate		X			55 to 19 percent.
57	Jewelry clasps	745.67	New provision (745.66); rate		X			55 to 24 percent.
58	Slide fastener parts	745.74	Clarify rate		X			50 to 20 percent.
59	Dried wreaths, etc	748.35	Rate		X			25.5 to 10 percent.
60	Electric toothbrushes	683. 32; 750.40	do	X				12 to 0.8 cents each plus 17 percent.
61	Fireworks	755. 15	do		X			32 to 12 cents per pound.
62	Rubber and plastic film, strips, sheets, and plates:							
	Acrylic plastics	Pts 12–B and 12–D, schedule 7.	Redefinition to avoid rate changes.	X				17 percent to 17 cents per pound.
	Other	do	do		X			Various.
63	Colostomy bags	772.42; 774.25; 744.60	Rate		X			17 to 12.5 percent.
64	Fly ribbons	256.90	New provisions (790.15); rate		X			17.5 to 14 percent.
65	Sausage casings	790.45	Reaverage rates; court ruling		X			16 to 12.5 percent.
66	Articles of hair not specially provided for	Pt. 14, schedule 7	Clarify			X		Various.
67	Articles assembled abroad	807.00	do				X	
68	Coconut, palm-kernel, and palm oils, sulfonated or sulfated.	907.77	Rate		X			17.5 to 14 percent.
69	Import restrictions under sec. 22 of Agricultural Adjustment Act, exceptions.	Pt. 3, appendix to TSUS	Eliminate administrative burdens.				X	

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield.

Mr. BYRNES of Wisconsin. I, too, want to thank the gentlemen who have worked on this thankless task of correcting the errors made in this act. There are still some errors remaining, there are still some problems in connection with them that will need adjustment. It is the intention of the chairman and the rest of the committee, as I understand it, at our first opportunity to arrive at a solution of those problems. But this bill is before us because these items that are in this bill are items on which the committee came to an adjustment and a conclusion that we believe is equitable in the matter.

As to other items, because of the problems involved, we were not able to act on them at this time, primarily because of the time element. The passage of this bill does not mean that these other items will not be considered by the committee. This is spelled out in the committee report.

Mr. MILLS. I wanted to make that clear. I had intended to emphasize that. I concur fully in what the gentleman from Wisconsin said.

May I repeat: We have a few more mistakes that are not included in this bill but that appear to exist under the new tariff schedules. There will be other mistakes of which we are not now aware that will be called to the attention of the Bureau of Customs and the Tariff Commission as well and then to us. But certainly there are others we know about today that we have not been able to include because we have not been able to reach conclusions as to what we should do.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York, my colleague on the committee.

Mr. KEOGH. In line with the statement of the gentleman from Wisconsin, and not intending it to be exclusive, would the distinguished gentleman from Arkansas agree with me that such things as the problem of these button blanks would fall into the category of the type of problem that remains before our committee.

Mr. MILLS. No; I cannot agree with my friend that the button blank problem is on all fours with the problems we have here, as to which I was referring.

Mr. KEOGH. No; I did not intend to say that it is the same as this matter before us. I mean to say that it would fall in the type of continuing problems coming before our committee. For example, flat silverware is another one.

Mr. MILLS. The button blank problem is not the problem to which the gentleman from Wisconsin is referring.

Mr. KEOGH. Would the gentleman from Arkansas concede with me that there is a problem as to the button blanks?

Mr. MILLS. Absolutely, it is a problem and I think it must be resolved, but I think it is not a problem that we can characterize as one of error, omission, or inadvertence.

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. BYRNES of Wisconsin. While the matter of button blanks is being discussed, I would like to say it is my belief, at least, and I think it is the belief of many others that what has happened here is that the importers of these button blanks or those who are sending imports into this country in that area have discovered a loophole whereby they are really avoiding the duty that is supposed to be paid. It does not arise out of the classification and it would be my hope, and I think it would be the hope of the chairman also, that at least that be considered in the committee at the earliest date possible and that possibly even during this session a bill to correct that and close that loophole that has developed.

Mr. MILLS. I would agree with the gentleman from Wisconsin; this is, I think, a situation that we could properly characterize as a loophole and that whenever we find loopholes in the tariff act, we should close it as rapidly as we possibly can.

Mr. BETTS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Ohio, a member of the committee.

Mr. BETTS. Mr. Speaker, I support this bill. I want to thank the chairman for his efforts in getting this bill to the floor of the House for our consideration. As the gentleman knows, there are several provisions here included in the bill that I introduced along with the gentleman from Pennsylvania [Mr. SCHNEEBELI], and the gentlewoman from Michigan [Mrs. GRIFFITHS]. I think these items and other items deserve the consideration of the committee and the consideration that the chairman has given to them. I associate myself with the remarks of the gentleman.

Mr. MILLS. Let me say to my friend, the gentleman from Ohio [Mr. BETTS] that here again he demonstrates the type of service that he and all members of the Committee on Ways and Means constantly render not only to the people of their individual districts but to the people of the United States because this matter came to our attention as it is presented by the members of the Committee on Ways and Means initially. This is the result of what they themselves were told to be the case with respect to the four items that have been mentioned.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield.

Mr. GROSS. Would the gentleman say on balance that the errors that have been made through inadvertence or otherwise were in favor of higher duties or lower duties?

Mr. MILLS. I would say actually that some rates are raised, some lowered, and many are just clarified, but I would say frankly, it is my thought that there are probably more cases in total where there is really no change within the rate of duty itself—no change at all.

Mr. CURTIS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the chairman of the committee has stated this matter very well. This is a technical bill that is before us which was reported out unanimously by the Committee on Ways and Means with the suggestion that this was an appropriate matter to bring up under suspension of the rules.

I do want to call the attention of my colleagues of the committee to the report accompanying the bill which is a very well written report. It spells out the 69 areas where these technical changes have been made. Other than that I would just like to emphasize the procedures that the Committee on Ways and Means followed in considering this matter because I thought that it was exemplary.

On page 2 I read the language:

> In the belief that there might be other such instances, your committee issued on December 13, 1963, an announcement inviting all interested parties and groups to submit written statements and briefs for suggested changes and revisions to your committee.
>
> Your committee's announcement expressly stated, however, that the consideration of such requests would be limited to those situations which came within the criteria explicitly set forth therein, i.e., those instances with respect to which a prima facie case could be made that through oversight or inadvertence or lack of information, errors were made in the new schedules or that clarifying language might be necessary.

To the chairman's credit, these criteria were followed throughout the hearings and executive sessions of the Ways and Means Committee.

Finally I would observe that there are other matters which did not fit within those criteria, as pointed up by the gentleman from Wisconsin, Congressman BYRNES, and by the chairman of the committee, which the committee will look into in the future.

I wholeheartedly recommend the passage of the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a table.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, the chairman of our committee has given you the background leading up to our decision to consider any errors, omissions and inadvertences that may have resulted from the new tariff schedules which went into effect last August 31. Let me state, however, for the record that in our original press release, announcing that we would consider such matters, we narrowly defined the scope of our consideration. This was done at my suggestion.

I am sure that most of us have certain areas of the tariff schedules which we would like to see changed in some way, and that they are not contained in this bill. I know I do. Nonetheless, we on the committee faced a dilemma. Either we confined ourselves to those matters resulting directly from the new schedules and pass a bill this year, or we opened up the whole of the tariff schedules and ran the risk of accomplishing nothing this year.

Events have proven, Mr. Speaker, that the former was the right decision. Here we are in the final days of the 88th Congress and we are just today acting on the bill.

Two categories of problem areas are not contained in this bill. First, there were those in which a prima facie case was made that an error resulted from the new tariff schedules, but further study on the part of the committee was required. In an effort to at least act on matters where we had full information and full committee agreement, these were passed over, but without prejudice to their merit. Second, we did not consider matters calling to our attention, or pending before the committee, which were outside the scope of our press release. These matters did not result directly from the new tariff schedules. In other words, in most cases they were problems that existed under the old schedules, were not remedied by the new schedules and, therefore, still exist. Of course, in not considering these many items we did, in no way, prejudice our later consideration of them. I offer for the RECORD a list of the articles included, and those not included in this bill.

Articles included in H.R. 12253 and those not included

Article	In bill (section number and page)	Not in bill
Agricultural bins and sprayers	7 (a) & (b), p. 5.	
Aluminum, continuous cast		X
Anesthetic apparatus; stethoscopes.	45, p. 24	
Articles assembled abroad	67, p. 31	
Automobile, etc., parts:		
Automatic voltage-current regulators.	29(i), p. 18	
Ball bearings with integral shafts.	29(e), p. 17	
Electrical articles, parts of	29(g), p. 18	
Furniture designed for motor vehicle use.	29(l), p. 20	
Hairsprings	29(a), p. 16	
Hinges and fittings, etc	29, p. 16	
Ignition wiring sets, etc	29(j), p. 19	
Lighting equipment designed for motor vehicles.	29(c), p. 17	
Permanent magnets	29(h), p. 18	
Pumps for liquids	29(d), p. 17	
Repair kits	29(f), p. 18	
Speedometers	29(k), p. 19	
Tachometers	29(k), p. 19	
Belting and belts for machinery	15, p. 11	
Boxes and cases, certain, covered or lined with textile fabrics.	8, p. 5	
Brake regulators	42, p. 24	
Buckles and buckle slides	56, p. 28	
Cadmium sticks, extruded		X
Camping and picnic sets, certain	33(a), p. 20	
Cane splits for musical reeds		X
Cellulose compounds	20(d), p. 13	
Colostomy bags	63, p. 30	
Commutators	39(b), p. 23	
Concrete	22, p. 14	
Conductors, insulated without fittings.	41, p. 24	
Containers not imported empty	4, p. 4	
Diffraction apparatus (X-ray)		X
Dissecting tools fitted into cases containing microscopes.	33(b), p. 21	
Editors and combination editor-splicers for motion picture films.	49, p. 26	
Electronic musical instruments	53, p. 28	
Esters of monohydric alcohols	19, p. 12	
Fabrics, ornamented	14(a), p. 10	
Fabrics with tucks	14(b), p. 10	
Files and rasps	31, p. 20	
Fireworks	61, p. 30	
Florist articles	6, p. 4	
Fly ribbons	64, p. 31	
Gasketing materials of ground or pulverized cork	9, p. 6	
Grape juice	5, p. 4	
Halftone screens made photographically on plastics material.	50, p. 27	
Handkerchiefs, made in the Philippines.		X
Handkerchiefs, ornamented		X
Hanging paper		X
Headwear of fur not on the skin	44, p. 24	
Horseshoes	36, p. 22	
Infants' knit footwear		X
Instantaneous water heaters		X
Insulated conductors without fittings.	41, p. 24	
Jewelry clasps	57, p. 29	
Jewelry, costume	55(a), p. 28	
Kerosene hurricane lamps		X
Labels of manmade fibers	17, p. 12	
Lactic acid	18, p. 12	
Magentic tape, recordings on, etc	52, p. 27	
Masks		X
Mattocks and picks	30, p. 20	
Musical instruments, electronic	53, p. 28	
Metal tanks		X
Methylene chloride		X
Mistblowers and dusters		X
Musical instruments, electronic	53, p. 28	
Newsprint cores		X
Paint boxes, children's metal		X
Paint rollers		X
Paper cut to size or shape		X
Papers, heat-sensitive	51, p. 27	
Pencil sharpeners and lead and crayon pointers.	32, p. 20	
Perfume atomizer bases		X
Picks and mattocks	30, p. 20	
Picnic and camping sets, certain	33(a), p. 20	
Plastics and rubber film, strips, sheets, and plates.	62, p. 30	
Platinum, certain semimanufactured.	25, p. 15	
Rasps and files	31, p. 20	
Recordings on magnetic tape, etc	52, p. 27	
Refractory articles, subporcelain	23, p. 14	
Round wire	26, p. 15	
Rubber and plastic film, strips, sheets, and plates.	62, p. 30	
Sausage casings	65, p. 31	
Sephadex		X
Shoeboard	11, p. 6	
Slide fastener parts	58, p. 29	
Steel conveyor belts		X
Stethoscopes; anesthetic apparatus.	45, p. 24	
Stone, ceramic, glass, and other artwork.		X
Subporcelain refractory articles	23, p. 14	
Surface active agents	20(e), p. 13	
Synchronous motors	39(a), p. 23	
Synthetic resins and plastic materials.	21, p. 14	
Swiss-type cheese		X
Swiss-type curtains and drapes	16, p. 11	
Textile fabrics, certain boxes and cases covered or lined with.	8, p. 5	
Textile fabrics, coated, filled, or laminated with rubber or plastics; articles made from such fabrics.	12, p. 6	
Textile (woven or not) fabrics, coated, filled, or laminated with rubber or plastics.	12(c), p. 8	
Television picture tubes	40, p. 23	
Toothbrushes, electric	60, p. 29	
Tripentaerythritol		X
Watch or clock movements, combination articles containing.	48(a), p. 25	
Wire, certain galvanized	28, p. 16	
Wire-drawing lubricants		X
Wire, round	26, p. 15	
Wood particleboard	10, p. 6	
Wreaths, dried	59, p. 29	
Yarns, measure of certain	13(a), p. 9	

Mr. Speaker, I would hope that we could pass this bill, H.R. 12253, under suspension of the rules and send it to the Senate for action before adjournment. Importers and domestic industry alike have had to live with these errors since the new schedules went into effect 12 months ago.

Some of the corrections in the bill represent increases in the rate of duty and, therefore, will benefit domestic industry. Others represent reductions in duty and benefit the importers. Moreover, in both cases the rates resulting from the new tariff schedules proved to be in error and, thus, necessitate our acting here today. With some exceptions, we are returning to the treatment accorded these items under the old schedules, or a similar treatment. In some cases, we have worked out a compromise between the old and new tariff schedule treatments. This occurred where neither treatment seemed to be just in light of more recent market information, innovations in product lines, or other developments.

Mr. Speaker, I would urge passage of this bill in hopes that early in the next Congress we will be able to complete our work on the more difficult problems that still remain.

Mr. KEITH. Mr. Speaker, the House should approve this bill today. Aside from the merits of each of the provisions of H.R. 12253, there are important reasons for prompt approval of this legislation by the Congress during this session.

At the direction of the Congress, the U.S. Tariff Commission spent a number of years in a study of the modernization of the tariff schedules in the 1930 Tariff Act. On the basis of the Commission's recommendations, the Congress enacted the Tariff Classification Act of 1962. The revised schedules were promulgated by the President and became effective on September 1, 1963. Considering that the tariff schedules contain many thousands of individual items, it was inevitable that some errors, oversights, and inadvertences would occur.

The Ways and Means Committee has given careful study to the various situations brought to its attention. In the report on the bill now before the House, the committee stated that the amendments to the tariff schedules "have been limited to those provisions in the schedules wherein it is clear that errors were made through oversight or lack of information at the time the schedules were formulated, or in which clarifying language is necessary." The committee has included in the bill at this time only those items which clearly should be adjusted on the basis of the committee's criteria. It is my understanding other requests are still under consideration by the committee and certainly future adjustments will be proposed on the merits of each case.

I firmly believe that the Congress should act immediately in order to remove the cloud that has arisen over certain of the classifications. Until we do so, these errors and oversights will stand uncorrected and, in some instances, there may be further damage done. I support the committee's recommendations and hope that the House will act with dispatch in order to permit action by the other body before the close of this Congress.

Mr. CHENOWETH. Mr. Speaker, I rise in support of the resolution to suspend the rules and pass H.R. 12253, a bill to correct certain errors in the Tariff Schedules of the United States. This bill should have the unanimous approval of the House, and I hope it will become a law at this session of Congress.

My immediate concern over the passage of this bill is the fact that it is necessary in order to correct errors made in fixing the import duties on certain types of unalloyed round wire of iron or steel. This error has worked to the detriment of the Colorado Fuel & Iron Corp., one of the largest manufacturers of steel and wire products in the United States. The main plant of this company is located in Pueblo, Colo., in my district. Other plants are located in south San Francisco, Calif., Roebling and Trenton, N.J., and Palmer, Mass.

Mr. Speaker, I want to do what I can to protect the jobs of the men and women working in our domestic steel plants. The plant at Pueblo in my district is of great importance to the economy of southern Colorado, and the entire State, and provides employment for thousands of workers. Imports of steel and iron products, including wire, have constituted a real threat to the welfare of this company, and its many employees. This bill is most important to our area, as it will provide protection to these workers, and will permit the Colorado Fuel & Iron Corp. to maintain its volume of sales.

Mr. Speaker, I received a wire from Mr. Leonard C. Rose, president of the Colorado Fuel & Iron Corp., as follows:

> DENVER, COLO.,
> *August 11, 1964.*
>
> The Honorable J. EDGAR CHENOWETH,
> *House Office Building, Washington, D.C.:*
>
> The Colorado Fuel & Iron Corp. is vitally interested in the passage of H.R. 12253. This is a bill "to correct certain errors in the tariff schedules of the United States" which became effective August 31, 1963, and which constituted a reclassification of previous tariff schedules.
>
> As a result of changes made in the reclassification the duties on certain categories of wire were reduced drastically, thus causing a great increase in the importation of this wire. H.R. 12253 would in effect reinstate the duties substantially to what they were prior to the reclassification but would maintain the new classification.
>
> This bill is the result of months of work by the Tariff Commission and the House Ways and Means Committee. It has the support of the Commission and has been reported favorably by Ways and Means Committee. It should be a noncontroversial matter unless attempts are made to include additional items by amendment. This would jeopardize the final enactment of this bill at this session.
>
> Because of the serious and continuing impact of the increased imports of wire on the business of the Colorado Fuel & Iron Corp., it is urgent that this bill be enacted into law during this session of Congress. We will appreciate any efforts you are able to make in this regard.
>
> LEONARD C. ROSE,
> *President, the Colorado Fuel & Iron Corp.*

I was amazed at the figures submitted by the Colorado Fuel & Iron Corp. in support of this measure, showing the comparison of imports and exports of wire and wire products in recent years. The statement follows:

U.S. imports and exports of wire and wire products

	Net tons	
	Imports	Exports
5-year period—		
1933–37	204, 998	494, 339
1938–42	69, 510	1, 201, 508
1943–47	9, 463	1, 161, 936
1948–52	260, 191	728, 101
1953–57	1, 066, 716	238, 225
1958–62	2, 899, 899	162, 913

I wish to call attention to the rapid increase in these imports of wire and wire products, and the corresponding decline in the exports over the same period of time. It is startling to observe that in the 1943–47 period we imported only 9,463 net tons of these products, and that this figure in the 1958–62 period jumped to 2,899,899 net tons. During this same period our exports of wire and wire products declined from 1,161,936 net tons in the 1943–47 period to 162,913 net tons in the 1958–62 period. Surely no one can read these figures without becoming seriously concerned and alarmed over the threat of these foreign imports to our domestic steel industry.

I wish also to call the attention of the House to the fact that the United States has the lowest average ad valorem steel tariff of any importing country. I have taken the following table from the statement submitted by the company to the Ways and Means Committee in support of this bill:

1961 average ad valorem steel tariff

Importing country:	Percent
Italy	11. 5
France	9. 3
West Germany	8. 1
Belgium-Luxembourg	6. 7
Netherlands	6. 7
Canada	8. 0
United Kingdom	11. 7
Japan	14. 2
United States	5. 9

Mr. Speaker, American steelworkers receive the highest wages paid in any country producing steel and wire products. I am sure the House will be interested in the following table showing the hourly employment costs of steelworkers in the United States, as compared with the costs in other countries:

	1961
United States	$3. 99
Luxembourg	1. 47
Netherlands	1. 40
West Germany	1. 37
Belgium	1. 26
United Kingdom (estimated)	1. 11
France	1. 11
Italy	1. 04
Japan	.63

These figures indicate very plainly that our American steelworkers cannot compete with the cheap labor found in other countries. Our American workmen enjoy the highest standards of living to be found anywhere in the world. I am anxious to see these standards maintained and improved. This can only be done by giving our domestic steel companies the protection they deserve so that they can compete with these foreign imports.

Mr. Speaker, I want to commend the Ways and Means Committee on bringing this bill to the floor. The changes in tariff rates contained in this bill will correct the errors made in the tariff schedules made effective August 31, 1963. The passage of this bill is most important, not alone to the Colorado Fuel & Iron Corp. in Colorado, but to many other domestic industries in this country. I urge the rules be suspended and H.R. 12253 be passed.

The SPEAKER. The question is on the motion of the gentleman from Arkansas that the House suspend the rules and pass the bill H.R. 12253.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that Members desiring to do so may include their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ADDITION TO PROGRAM

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Speaker, I take this time to announce for the benefit of the House that on Wednesday next House Resolution 845 will be considered, making in order the immediate consideration of H.R. 11926, a bill to define jurisdiction of the U.S. Supreme Court or Federal courts inferior thereto in certain instances.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Illinois.

Mr. ARENDS. Is this what is commonly known as the Tuck bill, reported out of the Rules Committee last week?

Mr. BOGGS. That is correct.

Mr. ARENDS. I thank the gentleman.

TARIFF TREATMENT OF CERTAIN ELECTRON MICROSCOPES

Mr. MILLS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2874) to amend the Tariff Act of 1930 to provide that imported electron microscopes shall be subject to the regular customs duty regardless of the nature of the institution or organization importing them, as amended.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That item 854.10 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, page 420, Aug. 17, 1963; 77A Stat. 420; 19 U.S.C., sec. 1202) is amended by striking out "and electron microscopes,".
>
> SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of the enactment of this Act; except that such amendment shall not apply to any article purchased under a written contract entered into before such date of enactment.

The SPEAKER. Is a second demanded?

Mr. CURTIS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MILLS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of H.R. 2874 is to change from a free status to a dutiable status under the Tariff Schedules of the United States electron microscopes, and parts or accessories thereof, imported by, or on behalf of, certain nonprofit organizations.

It will be recalled that Public Law 87–95 established a new paragraph in the free list of the Tariff Act of 1930 which provided, in pertinent part, for the free importation of electron microscopes, and parts or accessories of such microscopes, imported for its own use and not for sale by, or on behalf of, any nonprofit society, institution, or organization, whether public or private, incorporated or established for educational, scientific, or therapeutic purposes. The Committee on Ways and Means, in recommending the passage of H.R. 3385—which was enacted as Public Law 87–95—based its recommendation on information then available which indicated that there was a substantial difference between imported electron microscopes and domestically produced electron microscopes. The committee's evaluation involved some rather complex factors and necessarily there had to be reliance upon extremely technical analysis of the capabilities of the microscopes in question.

Since that time further information which was brought to the attention of the Committee on Ways and Means, and which pointed to advancements in the technology of electron microscope production, has led the committee to reexamine this subject. The committee now has information which indicates that domestically produced electron microscopes are not essentially different in construction and capabilities from some of the electron microscopes which may be imported under the provisions of item 854.10 of the Tariff Schedules of the United States—derived from Public Law 87–95. This being the case, the committee believes that the action taken transferring these articles to the free list should be rescinded and that, with the exception of those microscopes and parts and accessories thereof which are purchased pursuant to contracts entered into before the date of enactment of H.R. 2874, future importations of such articles should be subject to duty.

The pending bill is identical to H.R. 9414 in the 87th Congress, as that bill was reported by the Committee on Ways and Means and unanimously passed by the House of Representatives. The Committee is unanimous in again recommending enactment of this legislation.

The amendment to the bill is a technical amendment required by the passage of time since the bill was acted on by the Committee on Ways and Means.

I call attention to the fact that this bill bears the name of one of our late beloved colleagues, highly admired by all of us in the House, a member of the Committee on Ways and Means, the gentleman from the State of Pennsylvania, the Honorable Billy Green, Jr. The legislation had his very strong support during his lifetime. I regret exceedingly that it was not possible for us to bring it to the House during his lifetime so that he could have been here to have spoken in behalf of the bill himself, but we do have his son, who, I am sure, has the same great interest that his father had in this bill.

Mr. Speaker, I now yield to the gentleman from Pennsylvania [Mr. Green].

Mr. GREEN of Pennsylvania. Mr. Speaker, I rise in support of this bill. One would not normally choose for his initial remarks in this House a matter so uncolorful but rising to support this legislation (H.R. 2874) fills me with pride, because this bill bears the name of my late father. It was his conviction and is mine that this legislation is necessary. This bill is no more or less important than is the continued production of electron microscopes in this country. We are currently making it impossible for domestic producers to survive. When the existing law passed it eliminated the tax import duty on foreign electron microscopes which were sold to nonprofit and charitable organizations in this country. At that time there was thought to be a substantial difference between the domestic and foreign products in both construction and capability and, therefore, the American industry would not be in direct competition with the duty-free foreign import. It now appears that the domestic and foreign products are essentially the same and if the current law is continued it will ultimately force American manufacturers of this most important scientific item to discontinue production. We cannot allow this to happen. It is important to bear in mind that 65 to 85 percent of all electron microscopes sold in this country are purchased by nonprofit organizations and if domestic producers are in a poor competitive position in such a large part of the available market they cannot survive. If domestic production should discontinue, we would, I feel sure, see a sharp rise in the price of electron microscopes. The current law was obviously designed to assist American charitable research, but it has instead increased foreign profits. Only a portion of the duty exemption has been passed on to our nonprofit institutions. About 40 percent of the amount the current law saves the foreign companies is added to their profits rather than being reflected in the price paid by the charitable organizations. I understand, on occasion, this undesirable situation is compounded by the fact that Federal moneys received through grants are used by the charitable organizations purchasing electron microscopes. Last year the largest domestic producer lost 25 percent of its sales, and this year promises to be worse because foreign producers have discovered and are ever increasingly advertising their advantage with significant results. For these reasons, and more, I urge passage of this bill to reinstate the import duties on this item.

Mr. KEOGH. Mr. Speaker, will the gentleman yield to me?

Mr. GREEN of Pennsylvania. I yield to the gentleman from New York [Mr. Keogh].

Mr. KEOGH. Mr. Speaker, I should like very much to commend the distinguished gentleman from Pennsylvania for the assiduity with which he has pressed on the legislation bearing his name and the name of a great former colleague of ours with whom it was my privilege to serve, both on the Committee on Ways and Means and in the House for a number of years.

This, Mr. Speaker, is further evidence of the good fortune of the people residing in the district represented by the distinguished gentleman from Pennsylvania. Here again is further evidence that he is making a very valiant and obviously successful effort to follow in the footsteps of a great and good man, our late colleague, the distinguished father of the gentleman from Pennsylvania.

Mr. Speaker, so that the impression may not go abroad that I am confining my compliments to the Representative of the city of Philadelphia I must in truth and in justice add to that the name of the distinguished gentleman from New Jersey [Mr. Cahill] without whose help this bill would not be pending today. I commend them both, and I extend to the young man from Philadelphia the hope for a long and what we know will be a distinguished career; and so long as he stays close to the philosophy of his father the people of his district will be enriched and the country the greater for his service.

Mr. GREEN of Pennsylvania. Mr. Speaker, I thank the distinguished gentleman from New York.

Mr. CURTIS. Mr. Speaker, the gentleman from Arkansas has stated correctly that this is a bill that comes out of the committee unanimously.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. Cahill].

Mr. CAHILL. Mr. Speaker, I rise in support of H.R. 2874. I join the gentleman from New York [Mr. Keogh] in offering congratulations to the gentleman from Pennsylvania [Mr. Green] on this the occasion of his first speech in the House of Representatives. I am delighted that his first statement on the floor of this House is in support of legislation originally introduced by his father, the late and beloved Member from Pennsylvania who is the sponsor of this legislation.

Bill Green and I first introduced identical bills in 1962 for the purpose of correcting an inequitable situation that developed by reason of inadequate information concerning the product of the manufacturer of a domestic electron microscope in the United States.

As the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. Mills] has said, this information was not available to the committee when the original legislation exempting the importation of electron microscopes from the tariff was passed by the House.

Mr. Speaker, RCA is not only the sole domestic producer of the type of microscope we are discussing today but it is a pioneer in the field. It was the RCA microscope that first detected the polio virus. It is the RCA microscope that is being used extensively in cancer research throughout the United States and it will, I hope, bring the cause of cancer to the attention of our scientists.

The removal of the import duty from electron microscopes removed RCA from a competitive position in the industry and would if continued have made it almost impossible for RCA or any other American manufacturer to invest research funds and manufacturing costs in the development of this type of instrument.

In the CONGRESSIONAL RECORD under date of August 13, 1964, on page 19365, I outlined in a special order all of the salient facts concerning the electron microscope and the great need for continued production by U.S. manufacturers.

I will not take the time of the House to detail all of these reasons because I believe they are completely understood by both sides of the aisle. I want, however, to express my appreciation to the gentleman from New York [Mr. KEOGH], the chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], as well as the distinguished gentleman from Wisconsin [Mr. BYRNES], the gentleman from Missouri [Mr. CURTIS] and all Members from both sides of the aisle on the Ways and Means Committee for bringing this needed remedial legislation to the floor of the House.

This legislation when enacted into law will again restore the domestic manufacture of electron microscopes to a competitive position in the industry and will insure continued production and the development of the necessary scientific know-how in American industry. Mr. Speaker, I urge the unanimous approval of this legislation.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CAHILL. I will be happy to yield to the gentleman from Iowa.

Mr. GROSS. I get just a little satisfaction out of this legislation for the reason that when it was originally before the House—that is, the tariff exemption with respect to the importation of foreign microscopes—I asked a question as to whether there was no one in this country who could produce these microscopes.

At that time I was informed by the committee chairman that there was no one in this country who could produce them. Yet the gentleman from New Jersey [Mr. CAHILL] very shortly thereafter informed me, and he informed the chairman that there was a manufacturer in this country and in his district who could make electronic microscopes.

So, Mr. Speaker, I am pleased to support this legislation. However, it should not have been made necessary for the reason that the duty should never have been eliminated.

Mr. CAHILL. I might say to the gentleman from Iowa that, frankly, I believe it was his remarks in the CONGRESSIONAL RECORD, raising that very question, that brought the entire matter to the attention of the manufacturer of the electronic microscopes.

I feel that the gentleman deserves a great bit of credit for seeing to it that this inequity has now been adjusted.

I thank the gentleman from Iowa.

The SPEAKER. The question is on the motion of the gentleman from Arkansas that the House suspend the rules and pass the bill H.R. 2874.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that Members desiring to do so may extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONSERVATION OF THE NATION'S WILDLIFE RESOURCES ON THE PACIFIC FLYWAY

Mr. ROGERS of Texas submitted a conference report and statement on the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project.

FLOWAGE EASEMENT AND RIGHTS-OF-WAY OVER LANDS WITHIN THE ALLEGANY INDIAN RESERVATION IN NEW YORK

Mr. ASPINALL submitted a conference report and statement on the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River—Kinzua Dam—project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes.

ELECTRIC CONSUMERS IN THE PACIFIC NORTHWEST

Mr. ASPINALL submitted a conference report and statement on the bill (S. 1007) to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes.

LOWER TETON DIVISION, TETON BASIN FEDERAL RECLAMATION PROJECT, IDAHO

Mr. ROGERS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2337) to provide for the construction of the lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assist in the irrigation of arid and semiarid lands in the upper Snake River Valley, Idaho, to provide facilities for river power opportunities created thereby and, as incidents to the foregoing purposes, to enhance recreational opportunities and provide for the conservation and development of fish and wildlife, the Secretary of the Interior is authorized to construct, operate, and maintain the lower Teton division of the Teton Basin Federal reclamation project. The principal engineering features of the said project shall be a dam and reservoir at the Fremont site, a pumping plant, powerplant, canals and water distribution facilities, ground water development, and related facilities in the upper Snake River Valley, Idaho. In the construction, operation, and maintenance of the said project and project works the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388), and Acts amendatory thereof and supplementary thereto). The project shall be operated consistent with the existing agreements as to storage rights in the Federal reclamation reservoirs in the upper Snake River Basin.

SEC. 2. The period provided in subsection (d) of section 9 of the Reclamation Project Act of 1939, as amended, for repayment of construction costs properly allocable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block, or as near that number of years as is consistent with the adoption and operation of a repayment formula as therein provided. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration.

SEC. 3. (a) The Secretary is authorized to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise to include within the division area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of division lands, facilities, and water areas in a manner coordinated with the other division functions. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of division lands or facilities, or to dispose of division lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance, or exchange upon such terms and conditions as will best promote the development and operation of such lands and facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreation purposes.

(b) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among other division functions.

(a) The Secretary is authorized to amend contracts heretofore made under the Acts of September 30, 1950 (64 Stat. 1083), and of August 31, 1954 (68 Stat. 1026), whereby the water users assumed an obligation for winter power replacement based on the winter water savings program at the Minidoka powerplant to relieve the contractors ratably by one-third of that obligation, and to make new contracts under these Acts on a like basis. To the extent such annual obligations are reduced, the cost thereof shall be included in the cost to be absorbed by the power operations of the Federal Columbia River power system.

(b) The actual construction of the facilities herein authorized shall not be undertaken until at least 80 per centum of the conservation capacity in Fremont Reservoir is under subscription, nor until negotiations have been undertaken in accordance with the provisions of (a) of this section.

(c) No construction shall be undertaken on facilities of the lower Teton division which are required solely to provide a full water supply to lands in the Rexburg Bench area until the Secretary has submitted his report and finding of feasibility on this phase of the division to the President and to the Congress.

SEC. 5. There is hereby authorized to be appropriated for the construction of the lower Teton division of the Teton Basin Federal reclamation project, the sum of $52,000,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said division.

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, on today's list of bills to come before the House under suspension of the rules there are five having to do with the carrying on of the reclamation program.

The five follow: First is the one that we are taking up at this time, that is, the lower Teton division project, which will be followed by a bill authorizing the Dixie project. Later on, if we get to it, there will be a bill to authorize research work on the saltcedar eradication program in the Pecos River Basin, to be followed by the Whitestone Coulee project, to be followed by the Crooked River project.

These bills total in their ultimate amount an authorization for the expenditure of $103,644,000 for reclamation purposes.

May I call to the attention of the Members of the House that if we are to have an orderly constructive reclamation program, it will be necessary to provide authorizations in time so that the Department of the Interior, which has jurisdiction over these matters, may be able to handle its business expeditiously and efficiently.

In 1962 before the Congress adjourned we authorized in the omnibus rivers and harbors bill approximately $1.2 billion, which is, of course, a sizable amount, providing for the Army Engineers to construct the project under their jurisdiction in an orderly manner.

So far in this session of the Congress we have only provided for the authorization of an additional $120 million for the Missouri Basin Project Act of 1944 already authorized. Also, we have authorized by House action a project which we passed about 10 days ago, three participating projects of the Colorado storage project and named as follows: the Savery-Pot Hook the Fruitland-Mesa, and the Bostwick Park. These three projects total $46 million approximately.

With these projects, if we have time and if we can get a rule from the Rules Committee, there will be the Garrison project which is another good reclamation project, totaling $207 million.

Adding all these together, we would have authorizations in this Congress of $356,644,000, which, may I say, is about the usual amount of authorizations for appropriations which Congress approves in every Congress.

There has been a statement floating around that we have had no new starts of recent years. We have had new starts as well as new authorizations for the last several Congresses.

In the 86th Congress we had authorizations totaling $262,857,000, in the 87th Congress we had authorizations totaling $281,713,000, and to date, as I have stated hereinbefore, for this Congress no authorizations except the amount authorized for carrying on of the work under the Missouri Basin 1944 Flood Control Act.

The new reclamation starts that we had for 1961 amounted to $241,012,000 and in 1962, $209,430,000. In 1963 there was just the one authorization of $75,309,000, and for 1964—that is, fiscal 1964—we had a total of $292,540,000.

The reclamation program, in other words, is carrying on its work in water resources development in an orderly manner, averaging somewhere around $250 to $300 million a year for construction purposes, with authorizations totaling a sufficient amount to keep an orderly program before the Bureau of Reclamation.

May I advise my colleagues that these five bills to which I have drawn your attention come out of our committee without any opposition, supported by the committee as good reclamation projects conforming to reclamation policy. The arguments and explanation of such bills will be handled here on the floor by the gentleman from Texas [Mr. ROGERS], the efficient and able chairman of the Subcommittee on Irrigation and Reclamation, and by the ranking minority member of the committee, who is a constructive critic, may I say, of reclamation, supporting those projects which he believes conform to the rules and policies laid down by Congress and, of course, objecting to those programs which he considers do not. I think that all of these projects on todays calendar are good projects and deserve your support.

Mr. ROGERS of Texas. Mr. Speaker, H.R. 2337 would authorize a meritorious and much-needed reclamation project in the State of Idaho which, to my knowledge, is not opposed by anyone. The legislation was approved by the Interior and Insular Affairs Committee after public hearings and thorough study of the project. The committee found the project to be sound from both a physical and economic standpoint and that it met every standard test of current reclamation doctrine and policy. It is a multiple-purpose project designed to make maximum use of the available water resources in the area.

The construction and operation of the Lower Teton division would provide irrigation service to about 151,000 acres of irrigable land in southeastern Idaho. In addition, it will provide flood protection to a highly developed area which has suffered severe flood damage in recent years. The project is in an area which is subject to both drought and floods, and both conditions in the same year are not uncommon. In a 6-month period in 1961 and 1962, the area was declared both a drought area and a flood disaster area. Serious floods occurred just a few weeks before the committee held its hearings on this project in June and the committee was impressed with the extent of the damage indicated by photographs furnished during the hearings.

The irrigation water service would be provided to lands in the Fremont-Madison Irrigation District. The principal need of the district is for storage capacity to firm up its water supply. The canals which serve the district lose their natural flow early in the irrigation season resulting in late season water shortages. This area is completely dependent upon agriculture and the frequent crop losses due to drought conditions have a serious adverse impact upon the economy which is felt throughout the entire State.

The principal project works of the Lower Teton division consist of a dam and reservoir on the Teton River, a 22,000 kilowatt hydroelectric powerplant, a pumping plant, canals, and about 100 ground water wells to supplement the surface water supply. Facilities would also be constructed at the reservoir to make it usable for recreation purposes. The combination of reservoir storage and ground water wells would make water available to about 114,000 acres that are presently irrigated but have an inadequate water supply and to 37,000 acres which, at present, are dry farmed. The powerplant, while limited in its firm power capacity because of releases on a highly seasonal schedule, would be very valuable during the irrigation season when the power load would include a large segment for irrigation pumping.

The lower Teton division is estimated to cost $52,034,000 of which $38,151,000 is allocated to irrigation, $6,960,000 to power, $6,850,000 to flood control, and $73,000 to recreation. The amount allocated to flood control and recreation would be nonreimbursable. The amount allocated to power would be repaid with interest within a 50-year period. The amount allocated to irrigation would be repaid within 50 years by revenues received from the water users amounting to about $20,635,000 and revenues received from power marketed by Bonneville Power Administration. The economic analysis of the Lower Teton division shows that the benefits exceed the costs in a ratio of 2.2 to 1.

The committee adopted amendments to bring the project into line with policies presently being followed for all reclamation projects. As I have already indicated, the committee concluded that this propect was sound and feasible in all respects and that it was urgently needed. It is recommended to the House without any opposition in the committee that I know of and I hope that it will be approved.

Mr. SAYLOR. Mr. Speaker, I support H.R. 2337, a bill to provide for construction of the lower Teton division of the Teton Basin Federal reclamation project.

This project, which will be undertaken under the Federal reclamation laws, is located in Fremont and Madison Counties, Idaho. This is in the southeastern part of the State, not far from Yellowstone National Park.

The lower Teton division will be a true multipurpose undertaking. Its chief emphasis will be on irrigation, but it will also serve three other functions—flood control, the production of hydropower and, to a very limited extent, outdoor recreation.

The principal engineering structure of the Lower Teton division will be Fremont Dam. This will store as much as 315,000 acre-feet of water behind it. It is planned to supplement the water which this reservoir will supply with as many as 100 wells.

Most of the 151,000 acres of land which will eventually be furnished water by the project are already irrigated. The trouble is that their water supply is not dependable and that, particularly in the latter part of the farming season, severe shortages develop and crops do not mature. These supplemental irrigation lands total somewhat over 115,000 acres.

The other 37,000 acres are now dry-farmed and in grain. If it proves feasible to bring water to them they will in all likelihood be taken out of grain and put to more diversified use. The bill our commiteee has brought out includes an amendment providing that works for the specific purpose of irrigating these lands shall not be constructed until the Secretary of the Interior has sent to Congress a supplementary report establishing the engineering and economic feasibility of doing so. This was put into the bill on the recommendation of the Interior Department.

This may seem like a flaw in the legislation, but I do not think it is a serious one. There are two good reasons for going ahead with the project at this time despite the fact that we need more information about this part of the undertaking. First, there is the urgent need in the basin for the flood protection which Fremont Dam will afford and it would be foolish and costly to build Fremont Dam to only part capacity and then enlarge it later or to construct substitute flood protection works elsewhere now and then duplicate their benefits in Fremont later. Second, even if the 37,000 acres do not come in, the project is backed up financially by the whole Federal Columbia River power system, so there is no question about its cost being returned to the Government.

This brings me to another thing that commends the Lower Teton division to me. The per acre capital cost of the irrigation features of the project is considerably lower than many other projects we have considered in the past and will consider in the future. The irrigation allocation is $38,150,000, which amounts to about $250 per acre and this, as I said, is a good deal less than we have seen elsewhere. In addition, the water users are going to be able to return over the normal 50-year repayment period a considerably larger share of this cost than is frequently the case. It is estimated that they will return close to 55 percent of the capital cost, plus all the operation and maintenance costs. And, once again, as I have already said, the whole of the Lower Teton division will be linked economically with the Federal power system in that area and this is where recovery of the remainder of the cost will come from.

Mr. Speaker, I recommend passage of H.R. 2337.

Mr. HARDING. Mr. Speaker, H.R. 2337 is a bill that enjoys unanimous support in Idaho. There has not been a single voice in Idaho raised in opposition to this much needed project. Therefore, I was delighted that after hearings were held, the bill was reported from both the Irrigation and Reclamation Subcommittee and the full Interior Committee without a single vote of opposition.

H.R. 2337 provides for the construction of the Lower Teton division of the Teton Basin Federal reclamation project on the Teton River in Idaho. The Lower Teton division will consist of a 310-foot earth-filled dam which forms a reservoir with 315,000 acre-foot storage capacity. A 22,000-kilowatt powerplant, a pumping plant, approximately 100 ground wells, and a system of canals and laterals are also provided for in the project.

The project, in addition to much needed flood control, has provisions for fish and wildlife preservation and would provide for supplemental irrigation water for approximately 114,000 acres of presently irrigated lands and would provide water for the irrigation of 37,000 acres of land that is presently being dry farmed. The project will cost approximately $52 million and an economic analysis shows that the benefits exceed the costs in a ratio of 2.23 to 1 over a 100-year period of analysis.

The reason that this project has met with such unanimous support is because the Teton River is one of the few rivers running through a populated area in the United States in which there is absolutely no provision for flood control. From the time that the snow melts and begins to run off the Teton peaks and other mountain water sheds until the Teton River empties into the Snake River there is no possible way that floods can be checked.

This river passes through several small communities and near the city of Rexburg, Idaho. In 1962, 1963, and again this year the Teton River has been filled with such great amounts of snow runoff that damaging floods have been the result. However, in each of the 3 years, toward the end of the summer, there has been a need for additional irrigation water for farmers in the area. This project will store the spring runoff which is causing the floods and later in the season allow the water to be released orderly for irrigation as needed.

Mr. Speaker, as I said earlier, this project enjoys unanimous support in Idaho. It has been reported from both the Irrigation and Reclamation Subcommittee and the full Interior Committee without any opposition. I sincerely urge my colleagues to support H.R. 2337 here today.

The **SPEAKER** pro tempore (Mr. Mills). The question is, Will the House suspend the rules and pass the bill H.R. 2337.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1123) to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes, a bill similar to the one just passed by the House.

The Clerk read the title of the bill.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assist in the irrigation of arid and semiarid lands in the upper Snake River Valley, Idaho, to provide facilities for river regulation and control of floods, to utilize the hydroelectric power opportunities created thereby, to enhance recreation opportunities, and to provide for the conservation and development of fish and wildlife, and for other purposes, the Secretary of the Interior is authorized to construct, operate, and maintain the Lower Teton division of the Teton Basin Federal reclamation project. The principal engineering features of the said project shall be a dam and reservoir at the Fremont site, a pumping plant, powerplant, transmission facilities, canals and water distribution facilities, ground water development, and related facilities in the upper Snake River Valley, Idaho. In the construction, operation, and maintenance of the said project and project works, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto) and the project shall be operated consistent with the existing agreements as to storage rights in the Federal reclamation reservoirs in the upper Snake River Basin.

Sec. 2. The period provided in subsection (d) of section 9 of the Reclamation Project Act of 1939, as amended, for repayment of construction costs properly allocable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block, or as near that number of years as is consistent with the adoption and operation of a repayment formula as therein provided. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power generated at all Federal projects in Idaho.

SEC. 3. (a) The Secretary is authorized as a part of the Lower Teton division to construct, operate, and maintain public recreation facilities including access roads, to acquire or to withdraw from entry or other disposition under the public land laws such adjacent lands or interests therein as are necessary for present and future public recreation use, and to provide for public use and enjoyment of the land water areas of the project in a manner consistent with the other project purposes. The Secretary is authorized to enter into agreements with State or local public agencies or other public entities for the operation, maintenance, or additional development of project lands or facilities or to dispose of project lands or facilities to State or local agencies or other public entities by lease, exchange, or conveyance, upon such terms and conditions as will best promote their development and operation in the public interest for recreation purposes. The costs of the undertakings described in this section, including costs of investigation, planning, Federal operation, and maintenance and an appropriation share of the joint costs of the Lower Teton division, shall be nonreimbursable.

(b) The Secretary may make such reasonable provision in connection with the Lower Teton division as, upon further study in accordance with the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) he finds to be required for the conservation and development of fish and wildlife. An appropriate portion of the cost of the development shall be allocated to fish and wildlife as provided in said Act and it, together with the Federal operation and maintenance costs allocated to this function, shall be nonreimbursable and nonreturnable under the reclamation laws.

SEC. 4. (a) The Secretary is authorized to amend contracts heretofore made under the Acts of September 30, 1950 (64 Stat. 1083), and August 31, 1954 (68 Stat. 1026), whereby the water users assumed an obligation for winter power replacement based on the winter water saving program at the Minidoka powerplant to relieve the contractors ratably by one-third of that obligation, and to make new contracts under these Acts on a like basis. To the extent such annual obligations are reduced, the cost thereof shall be included in the cost to be absorbed by the power operations of the Federal power system in Idaho.

(b) No construction shall be undertaken on facilities of the Lower Teton division which are required solely to provide a full water supply to lands in the Rexburg Bench area until the Secretary has submitted his report and finding of feasibility on this phase of the division to the President and to the Congress.

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 6. There are hereby authorized to be appropriated for the construction of the Lower Teton Division of the Teton Basin Federal Reclamation project $53,000,000 (1963 prices) plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes and, in addition thereto, such sums as may be required to operate and maintain said unit.

Mr. ROGERS of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: Strike out all after the enacting clause of the bill S. 1123 and insert in lieu thereof the provisions of H.R. 2337 as passed, as follows:

"That, in order to assist in the irrigation of arid and semiarid lands in the upper Snake River Valley, Idaho, to provide facilities for river power opportunities created thereby and, as incidents to the foregoing purposes, to enhance recreational opportunities and provide for the conservation and development of fish and wildlife, the Secretary of the Interior is authorized to construct, operate, and maintain the Lower Teton division of the Teton Basin Federal reclamation project. The principal engineering features of the said project shall be a dam and reservoir at the Fremont site, a pumping plant, powerplant, canals and water distribution facilities, ground water development, and related facilities in the upper Snake River Valley, Idaho. In the construction, operation, and maintenance of the said project and project works the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto). The project shall be operated consistent with the existing agreements as to storage rights in the Federal reclamation reservoirs in the upper Snake River Basin.

"SEC. 2. The period provided in subsection (d) of section 9 of the Reclamation Project Act of 1939, as amended, for repayment of construction costs properly allocable to any block of lands and assigned to be repaid by the irrigators may be extended to fifty years, exclusive of a development period, from the time water is first delivered to that block, or as near that number of years as is consistent with the adoption and operation of a repayment formula as therein provided. Costs allocated to irrigation in excess of the amount determined by the Secretary to be within the ability of the irrigators to repay within a fifty-year period shall be returned to the reclamation fund from revenues derived by the Secretary from the disposition of power marketed through the Bonneville Power Administration.

"SEC. 3. (a) The Secretary is authorized to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, to acquire or otherwise include within the division area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of division lands, facilities, and water areas in a manner coordinated with the other division functions. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, or additional development of division lands or facilities, or to dispose of division lands or facilities to Federal agencies or State or local public bodies by lease, transfer, conveyance, or exchange upon such terms and conditions as will best promote the development and operation of such lands and facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, including costs of investigation, planning, Federal operation and maintenance, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreation purposes.

"(b) Costs of means and measures to prevent loss of and damage to fish and wildlife resources shall be considered as project costs and allocated as may be appropriate among other division functions.

"SEC. 4.

"(a) The Secretary is authorized to amend contracts heretofore made under the Acts of September 30, 1950 (64 Stat. 1083), and of August 31, 1954 (68 Stat. 1026), whereby the water users assumed an obligation for winter power replacement based on the winter water savings program at the Minidoka powerplant to relieve the contractors ratably by one-third of that obligation, and to make new contracts under these Acts on a like basis. To the extent such annual obligations are reduced, the cost thereof shall be included in the cost to be absorbed by the power operations of the Federal Columbia River power system.

"(b) The actual construction of the facilities herein authorized shall not be undertaken until at least 80 per centum of the conservation capacity in Fremont Reservoir is under subscription, nor until negotiations have been undertaken in accordance with the provisions of (a) of this section.

"(c) No construction shall be undertaken on facilities of the Lower Teton division which are required solely to provide a full water supply to lands in the Rexburg Bench area until the Secretary has submitted his report and finding of feasibility on this phase of the division to the President and to the Congress.

"SEC. 5. There is hereby authorized to be appropriated for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, the sum of $52,000,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said division."

The amendment was agreed to.

The bill was ordered to be read a third time, and was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2337) was laid on the table.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DIXIE PROJECT, UTAH

Mr. ROGERS of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3279) to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of developing the water resources of the Virgin and Santa Clara Rivers, including the furnishing of municipal and industrial water supplies, the furnishing of an irrigation water supply to approximately twenty-one thousand acres of land, the control of floods, the generation and sale of electric energy, the conservation and development of fish and wildlife resources, and the enhancement of recreation opportunities, the Secretary of the Interior is authorized to construct, operate, and maintain the Dixie project, Utah. The project shall consist of the Virgin City Dam and Reservoir, tunnels, canals, siphons, pumping plants, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Virgin River; a dam on the Santa Clara River near Gunlock, Utah, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Santa Clara River and on Ivins Beach; and hydroelectric plants and transmission facilities at the Virgin City Dam and at such other points as are desirable. The Dixie project shall be coordinated with the Cedar City water development program which includes the diversion of the waters of Crystal Creek into the Kolob Reservoir, and after completion of the Dixie project said waters of Crystal Creek and of the natural watershed of said Kolob Reservoir shall be exported for use of Cedar City and vicinity in accordance with an agreement entered by Cedar City and Iron County, Utah, on the 26th day of August 1953, with Kolob Reservoir and Storage Association, Incorporated, and Washington County, Utah.

SEC. 2. The project shall include such measures for the disposition of saline waters of La Verkin Springs as are necessary in the opinion of the Secretary to insure the delivery of water at downstream points along the Virgin River for water users in the States of Arizona and Nevada of suitable quality for irrigation, or provision shall be made to indemnify such water users for any impairment of water quality for irrigation purposes directly attributable to Dixie project operations.

SEC. 3. In constructing, operating, and maintaining the works authorized by this Act, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto), except as is otherwise provided in this Act.

SEC. 4. Construction of the project shall not be commenced until there shall be established a conservancy district or similar organization with such powers as may be required by the Secretary, these to include powers to tax both real and personal property within the boundary of the district and to enter into contracts with the United States for the repayment of reimbursable costs.

SEC. 5. The interest rate to be used for purposes of computing interest during construction and interest on the unpaid balance of those portions of the reimbursable costs which are properly allocable to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which this bill is enacted, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. If the interest rate so computed is not a multiple of one-eighth of 1 per centum, the rate of interest to be used for these purposes shall be the multiple of one-eighth of 1 per centum next lower than the rate so computed. The portions of the costs which are allocable to commercial power development and to municipal and industrial water supply shall be repaid over a period of fifty years with interest at the rate determined in accordance with this section. The portion of the cost which is allocable to irrigation shall be repaid, pursuant to reclamation law, within fifty years plus any authorized development period.

SEC. 6. The Secretary is authorized in connection with the project to construct, operate, and maintain or otherwise provide for the basic public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with other project purposes. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of project lands or facilities, or to dispose of project lands or facilities to Federal agencies, or State or local public bodies by lease, transfer, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, and the costs of the project allocated to fish and wildlife enhancement, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of joint costs of the project, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects, or disposition of public lands for recreational purposes.

SEC. 7. The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

SEC. 8. There is hereby authorized to be appropriated for the construction of the Dixie project, the sum of $42,700,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said project.

The SPEAKER pro tempore. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Texas. Mr. Speaker, I yield myself such time as I may desire.

Mr. Speaker, H.R. 3279 would authorize construction of the multiple-purpose Dixie project in the Virgin River Basin in southwestern Utah. This is a meritorious and much-needed reclamation project which provides irrigation and municipal water service, electric energy for project use and commercial sale, and extensive benefits for fish and wildlife enhancement and recreation. The legislation was approved by the Interior and Insular Affairs Committee after public hearings and thorough study of the project. The hearings included field hearings in the project area and an on-the-ground inspection of the proposed development. The testimony received by the committee was unanimous in support of the development. On the basis of its hearings and study, the committee found the Dixie project to be sound from both a physical and economic standpoint, and that it met all the requirements of current reclamation policy.

The Dixie project is in an area where the climate is arid, with rainfall averaging only about 8 inches a year. The available water supply is completely inadequate. An adequate and dependable water supply for irrigation and for municipal use is the paramount need in the area. A dependable water supply would stabilize and revitalize the agricultural economy and would support municipal and industrial growth. The Dixie project would provide the water storage facilities necessary to meet this need. Without the project, economic growth of the communities in the project area would be limited.

The project area is adjacent to the Zion National Park and the recreation development is planned to supplement the facilities available in the Zion National Park, Bryce Canyon National Park, and other recreational areas in southwestern Utah.

The principal project facilities of the proposed Dixie project include two reservoirs, one powerplant, canals, and distribution and drainage systems. A total of about 21,000 acres would receive irrigation water of which a little over half would receive a new irrigation water supply. None of the crops grown in any of the areas to be irrigated fall under the Government's agricultural subsidy program. Municipal water would be furnished to meet the rapidly growing needs of St. George and Cedar City, and other communities in the project area.

The electric energy would be sold to the city of St. George which has already agreed to purchase all of the energy which would be available at a rate of 7.15 mills. The principal recreation facilities would be constructed at the Virgin City Reservoir which is located immediately downstream from the Zion National Park in an area where extensive recreation use is expected.

The Dixie project has been made financially feasible by the agreement of the State of Utah to assume the cost of relocating State Highway 15 at the Virgin City Reservoir site at a cost of almost $2 million. Highway relocation is normally a project cost. The remaining Dixie project cost is about $42,673,000, of which $30,182,000 is allocated to irrigation, $6,573,000 to power, $2,474,000 to municipal and industrial water supply, $142,000 to flood control, $1,494,000 to fish and wildlife, and $1,808,000 to recreation. The allocations to flood control, fish and wildlife, and recreation amounting to $3,444,000 would be nonreimbursable. The costs allocated to power would be repaid in 41 years with interest. The costs allocated to municipal and industrial water would be repaid in 50 years with interest. The cost allocated to irrigation would be repaid within a 50-year period, exclusive of any authorized development period, from the irrigation water revenues, including ad valorem taxes, and from surplus revenues from the sale of power and municipal water. The Dixie project is an excellent project from an economic standpoint with the annual benefits exceeding cost in a ratio of 2.2 to 1.

The committee amended the legislation to require full repayment within a 50-year period and to bring it into line with current policy relative to recreation and fish and wildlife development and repayment.

As I have already indicated, the Committee on Interior and Insular Affairs found the proposed Dixie project to be a sound and meritorious development meeting all the requirements for authorization and construction as a Federal reclamation project.

The committee recommends this project to the House without any opposition in the committee, so far as I know, and I hope that it will be approved.

The SPEAKER pro tempore (Mr. MILLS). The Chair recognizes the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, the Dixie project is located in the district of our colleague, the gentleman from Utah [Mr. BURTON]. For at least 35 years people have been talking about and planning to bring this project, or something like it, into being. Every time it looked as though it were about ready to get off the ground something happened. World War II was one example of this; the all-important Colorado River litigation was another; and complicated financing problems was a third. Now, at last, the Dixieites are ready to go, and I am ready to go with them.

What finally got them over the hurdle and made it possible to say that this project will pay itself out within 50 years is the willingness of the State of Utah to take on the cost of road relocations that the project will involve. This cost will amount to nearly $2 million. Normally this would be a project cost but, in this case, it will not be.

Like the Lower Teton project that we were discussing a few minutes ago, the Dixie project will be a true multipurpose undertaking. Nearly three-quarters of its estimated capital cost is allocated to irrigation. About one-seventh goes to hydropower. The remainder is divided among municipal and industrial water supply, outdoor recreation, and the enhancement of fish and wildlife conditions. The last three will be nonreimbursable, though a part of the recreation allocation of $1,808,000 may be offset by revenues recoverable through user fees and accruing to the land and water conservation fund after it gets into operation.

The irrigation allocation is very high on a per acre basis—nearly $1,500—but the indications are that the water users will pay directly close to 60 percent of this cost, that another 18 percent will be paid from an ad valorem tax levied by a conservancy district in the area, and that the remainder will come from surplus revenues from the sale of power and municipal and industrial water.

The powerplants will be small and will have an installed capacity of only 13,200 kilowatts. They will pay themselves out with interest in 41 years and any revenues that come in after that time will be used to assist in repaying the irrigation allocation. The same is true of municipal water. It will repay its allocation with interest and, in addition, a portion of the irrigation allocation in 50 years.

All in all, then, the Dixie project appears to me to be a worthwhile and economically justified project, and I therefore recommend enactment of H.R. 3279 as amended by the committee.

Mr. BURTON of Utah. Mr. Speaker, the Dixie project is a multipurpose reclamation development considered essential for the healthy growth of southwestern Utah. It would provide irrigation, industrial and municipal water and power, flood control, fish and wildlife, and recreational benefits.

For generations the Virgin and Santa Clara Rivers have been a menace to the hard-working residents of this area. Some seasons the waters have been so low, they could provide no relief to crops burning from drought; other seasons cloudburst floods have eaten away precious cropland, washed out diversion dams and choked canals with silt. Without regulation there is no dependable late season supply, and crops and orchards wither and die. This, gentlemen, in a section of my great State which has a climate conducive to growing of a variety of agricultural products over a long season. In fact, in our early history, the settlers grew cotton there.

The need for a dependable water supply has long been recognized. The Dixie project is the culmination of ideas and investigation by local, State and Federal experts over many years.

WHAT WILL IT DO?

The undependable flow of the Virgin and Santa Clara Rivers will be regulated; irrigation water will be provided for 21,060 acres of land; damaging downstreams flow of sediment would be halted, the city of St. George, Washington County seat would get 5,000 acre-feet of water annually, three hydroelectric plants with a total generating capacity of 13,200 kilowatts to a region that urgently needs electric power. The reservoirs created would provide fish and wildlife, recreational and flood control benefits.

THE NEED

The economy of this area has felt the impact of the erratic water supply. In spite of State and local initiative the economy has lagged and in terms of assessed valuation, Washington County with its great agricultural potential and scenic attractions remains one of the poorest counties in the State. Young people who would prefer to remain in the area are being forced to find their livelihood elsewhere. Development of resources and provision of an adequate and predictable water supply would serve as a base for the revitalization and modernization of agricultural development and provide for increases in local industry and population growth. The Dixie project is the hope of the residents of this area of providing a strong economic base and opportunities for the future. The State of Utah has assisted with small projects which will complement the Dixie project, and will relocate the highway around the Virgin City Reservoir at State expense.

COST AND REPAYMENT

The 2.2-to-1 benefit-cost ratio means that for each $1 of cost, $2.20 would be returned. Thus, the Dixie project is economically justified.

In accordance with reclamation law, the costs of flood control and fish and wildlife would be nonreimbursable. And because of its proximity to Zion National Park, the Department of Interior recommended that recreational costs, too, be nonreimbursable. Power costs would be repaid with interest in 50 years. Municipal and industrial water costs would be repaid with interest in 50 years.

Revenues from irrigators, plus the high ad valorem tax agreed to by residents of the area, would repay 78 percent of the irrigation costs over the usual period. The residents have agreed to this higher 5 mill tax levy in order to make the project economically feasible and have established the Washington County Water Conservancy District well in advance in order to demonstrate their full backing of the project.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill, H.R. 3279, with amendments.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill, S. 26, to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes, a similar bill to the one just passed by the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of developing the water resources of the Virgin and Santa Clara Rivers, including the furnishing of municipal and industrial water supplies, the furnishing of an irrigation water supply to approximately twenty-one thousand acres of land, the control of floods, the generation and sale of electric energy, the conservation and development of fish and wildlife resources, and the enhancement of recreation opportunities, the Secretary of the Interior is authorized to construct, operate, and maintain the Dixie project, Utah. The project shall consist of the Virgin City Dam and Reservoir, tunnels, canals, siphons, pumping plants, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Virgin River; a dam on the Santa Clara River near Gunlock, Utah, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Santa Clara River and on Ivins Bench; and hydroelectric plants and transmission facilities at the Virgin City Dam and at such other points as are desirable. The Dixie project shall be coordinated with the Cedar City water development program which includes the diversion of the waters of Crystal Creek into the Kolob Reservoir, and after completion of the Dixie project said waters of Crystal Creek and of the natural watershed of said Kolob Reservoir shall be exported for use of Cedar City and vicinity in accordance with an agreement entered by Cedar City and Iron County, Utah, on the 26th day of August 1953, with Kolob Reservoir and Storage Association, Incorporated, and Washington County, Utah.

SEC. 2. The project shall include such measures for the disposition of saline waters of La Verkin Springs as are necessary in the opinion of the Secretary to insure the delivery of water at downstream points along the Virgin River for water users in the States of Arizona and Nevada of suitable quality for irrigation, or provision shall be made to indemnify such water users for any impairment of water quality for irrigation purposes directly attributable to Dixie project operations.

SEC. 3. In constructing, operating, and maintaining the works authorized by this Act, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), except as is otherwise provided in this Act.

SEC. 4. Construction of the project shall not be commenced until there shall be established a conservancy district or similar organization with such powers as may be required by the Secretary, these to include powers to tax both real and personal property within the boundary of the district and to enter into contracts with the United States for the repayment of reimbursable costs.

SEC. 5. The interest rate to be used for purposes of computing interest during construction and interest on the unpaid balance of those portions of the reimbursable costs which are properly allocable to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which this bill is enacted, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. If the interest rate so computed is not a multiple of one-eighth of 1 per centum, the rate of interest to be used for these purposes shall be the multiple of one-eighth of 1 per centum next lower than the rate so computed. The portions of the costs which are allocable to commercial power development and to municipal and industrial water supply shall be repaid over a period of fifty years with interest at the rate determined in accordance with this section. The portion of the costs which is properly allocable to irrigation and which is beyond the water users' ability to repay in fifty years plus a ten-year development period but not to exceed $3,500,000 shall be returned to the reclamation fund within such period from revenues derived by the Secretary of the Interior from the disposition of power marketed from Federal projects in the Lower Colorado River Basin.

SEC. 6. The Secretary of the Interior is authorized as a part of the Dixie project to construct, operate, and maintain public recreation facilities including access roads, to acquire or to withdraw from entry or other disposition under the public land laws such adjacent lands or interests therein as are necessary for present and future public recreation use, and to provide for public use and enjoyment of the same and of the water areas of the project but these undertakings shall be coordinated with the other project purposes. The Secretary is authorized to enter into agreements with State or local public agencies or other public entities for the operation, maintenance, or additional development of project lands or facilities or to dispose of project lands or facilities to State or local agencies or other public entities by lease, transfer, exchange or conveyance, upon such terms and conditions as will best promote their development and operation in the public interest for recreation purposes. The costs of the undertakings described in this section, including costs of investigation, planning, operation, and maintenance and an appropriate share of the joint costs of the Dixie project, shall be nonreimbursable.

SEC. 7. (a) The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

(b) In the operation and maintenance of all facilities under the jurisdiction and supervision of the Secretary of the Interior authorized by this Act, the Secretary of the Interior is directed to comply with the applicable provisions of the Colorado River compact, the Upper Colorado River Basin compact, the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act, the Colorado River Storage Project Act (and any contract lawfully entered into by the United States under any of said Acts), the treaty with the United Mexican States, and the operating principles, and to comply with the laws of the State of Utah, relating to the control, appropriation, use, and distribution of water therein. In the event of the failure of the Secretary of the Interior to so comply, any State of the Colorado River Basin may maintain an action in the Supreme Court of the United States to enforce the provisions of this section and consent is given to the joinder of the United States as a party in such suits, as a defendant or otherwise.

SEC. 8. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this Act.

Mr. ROGERS of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: Strike out all after the enacting clause of S. 26 and insert the provisions of H.R. 3279, as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 3279, was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the bills just passed.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

INCREASE FHA LOAN FUND LIMITATION

Mr. COOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7073) to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 308 of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out the figure "$200,000,000" and inserting in lieu thereof the figure "$450,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. McINTIRE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Speaker, I yield such time as he may require to the gentleman from Texas [Mr. POAGE], chairman of the subcommittee that conducted hearings on this bill.

Mr. POAGE. Mr. Speaker, this legislation authorizes an addition in the authority of the Farmers Home Administration to guarantee loans. It does not authorize any addition in the lending authority of the Farmers Home Administration. The Farmers Home Administration makes loans to farmers who cannot secure credit from other sources. It also guarantees loans that are made by private individuals. The limit on that heretofore has been $200 million. This bill would raise that limit to $450 million. But I will point out that over the life of this agency, there have been no losses as a result of this guarantee provision. The Farmers Home Administration charges one-half of 1 percent, I believe, for this guarantee that it makes and over the period of years since the organization of the Farmers Home Administration down to the present, this fund has built up something like $10 million or $12 million surplus. In other words, there has been more money come into the fund than has been used to pay the obligations of the fund.

Therefore, Mr. Speaker, reasoning on the basis of that history, it is our feeling that if we increase the amount of the guaranteed loans, the money for which is provided by private investors rather than by the Federal Government, it could be done to say the least at a very minimal expense to the Federal Government.

We recognize full well that the losses will be somewhat increased, but they can be increased and still have a break-even point which you cannot do if you put the Government in the direct lending business.

The need for these loans is admitted. The Farmers Home Administration had some 12,000 applications for these loans in May of this year which they could not fill because they did not have available funds or the authority to guarantee the loans.

It was the feeling of many members of the committee earlier in the year that we must make provision for an increase in these guaranteed loans.

In all frankness, Mr. Speaker, when we can make loans under the poverty program to small farmers who do not have the ability even to meet the existing requirements of the Farmers Home Administration, it was the feeling of at least many of us on the committee, that certainly we ought not do that without making loans available to those who had shown they had a little better degree of management and did a little harder work and had a little more likelihood of repaying the loans.

In other words, this is harder credit than is to be provided under the poverty bill.

We believe it is rather ridiculous to provide for the making of loans to people who cannot show any ability to repay and then say we will not even let the Farmers Home Administration guarantee the loans of those who probably can repay and who can that way be brought up out of poverty through their own hard work, certainly with very little if any cost to the Government.

Mr. McINTIRE. Mr. Speaker, the gentleman from Texas [Mr. Poage] has outlined the bill very well. It is a matter which has been before our Subcommittee on Conservation and Credit of the Committee on Agriculture for some time.

These loans, as has been stated, are insured loans. This bill would not change in any way the criteria upon which these loans are based. The same requirements will prevail as have prevailed under the legislation which authorized insured loans up to a maximum of $200 million.

This bill merely provides for increased authorization in order that these loans may continue to be made. They are in fact real estate loans. Instead of requiring that there be appropriated funds for lending on the part of the Farmers Home Administration for these long-term real estate loans, the insured loan provision permits the Farmers Home Administration to make the loans and to insure them with investing companies. Many are banks or other companies within the lending area and many are the larger investment companies which are looking for loans of this character.

This bill would provide an additional $250 million. As has been mentioned earlier, there is evidence that a substantial portion of this will be needed within a reasonable length of time.

It was the opinion of the committee that the extension of authority in the amount of $250 million, while it may seem to be a substantial increase over the $200 million already authorized, is warranted. It is our opinion that the Farmers Home Administration will continue its very careful analysis of the applications and that the loans will continue to be sound loans, as has been proved by the record.

Mr. Speaker, I have been requested to yield to the gentleman from Ohio [Mr. Oliver P. Bolton] and I yield to him at this time for 1 minute.

Mr. OLIVER P. BOLTON. Mr. Speaker, I appreciate the gentleman yielding. I have asked for this time in order to ask the gentleman from Texas [Mr. Poage], a couple of questions.

As I understand this, it is purely an extension of the authorization for insuring loans from $200 million up to $450 million. Is that correct?

Mr. POAGE. Yes. That is exactly what it is.

Mr. OLIVER P. BOLTON. Therefore, this is a revolving ceiling. As one loan becomes paid off it goes back into the credit of the Farmers Home Administration?

Mr. POAGE. That is correct, except it is an annual ceiling and they cannot make more than that in any 1 year.

Mr. OLIVER P. BOLTON. But there is no time limit on this legislation at all. Is that correct?

Mr. POAGE. No. It is permanent.

Mr. OLIVER P. BOLTON. And there is no other time limit to this excepting the loans to be made must be good?

Mr. POAGE. Yes. All the restrictions that apply to the regular Farmers Home Administration loans.

Mr. OLIVER P. BOLTON. I am very interested in this because the initials of this administration are FHA and we have had another FHA provision up the other day when we were substituting a dollar ceiling for loans, and the administration and the party on the other side took a very strong position against it. Would the gentleman care to explain whether the administration is in favor of this bill?

Mr. POAGE. I would not want to try to speak for the administration, but I think I can in all fairness say they would want it passed.

Mr. OLIVER P. BOLTON. Does the gentleman know whether this has been cleared with the HHFA?

The SPEAKER. The time of the gentleman has expired.

Mr. McINTIRE. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. POAGE. Mr. Speaker, if the gentleman will yield further, I do not see how this can involve the HHFA at all. It is not a home loan at all. This is the Farmers Home Administration, and it does not involve the construction of homes. It is not a housing proposition.

Mr. OLIVER P. BOLTON. I understand, but it is a very similar proposition, is it not?

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. OLIVER P. BOLTON. I yield to the gentleman from North Carolina.

Mr. COOLEY. The answer is no. This provides operating loans for land acquisition under the broad language of the Farmers Home Administration. It has been in operation for many, many years. Through this we have provided substantially for many acreage additions.

Mr. OLIVER P. BOLTON. I could not agree with the gentleman more, and I find the program is a very satisfactory one and working very well. I am interested, I will say to the distinguished chairman of the Committee on Agriculture, if the position on this FHA bill should be that a permanent dollar ceiling raised and established as a dollar ceiling continuing until Congress takes action is favored in this case; but when it was considered under the other FHA proposition, it was turned down.

I thank the gentleman.

Mr. COOLEY. They are two different programs.

The SPEAKER pro tempore (Mr. Mills). The time of the gentleman has again expired.

Mr. McINTIRE. Mr. Speaker, I yield to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Speaker, there is so much boondoggling going on these days that I cannot keep track of all of it.

Will the gentleman from Texas tell me whether the Farmers Home Administration is engaged in any way in the building of golf courses, ski slides, toboggan slides, and all that kind of business?

Mr. POAGE. Certainly these loans are not. I do not want to say categorically that there is no participation on the part of this agency, because there is a general recreation program, as the gentleman is aware, that is financed through several agencies of the Government. I think it is possible that the Farmers Home Administration does make some of those loans, but this fund and the funds involved here do not encompass any of those kinds of loans. These are land acquisition loans, and that program cannot be involved here.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. COOLEY. The gentleman from Iowa had reference, I believe, to the ski jumps financed by REA money and not by Farmers Home Administration money.

Mr. GROSS. I thought I made it clear that I could not keep track of all the boondoggling going on. I did not know whether there was any of it in this program or not.

Mr. McINTIRE. Mr. Speaker, I reserve the balance of my time.

Mr. COOLEY. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. Waggonner].

Mr. WAGGONNER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I take this time to ask the chairman of the subcommittee, in view of the fact that we are increasing this ceiling on real estate loans today, if there has been any consideration given by the committee to increasing the amount of money available for operating loans.

Mr. POAGE. Mr. Speaker, if the gentleman will yield, there has been consideration given to it but we have not found an easily usable vehicle for that purpose. Since we have these guaranteed loans and can do this without expense to the Government in the case of these real estate loans, we have taken this step. The operating loans have to be made directly by the Government because you cannot get that kind of loan guarantee; at least it is more difficult and we do not have such a program. But we do recognize the need for additional operating funds.

Mr. WAGGONNER. One other point that might be clarified, Mr. Chairman, and that is that the language of the report which I note was issued June 25, 1964, refers to grants available under the Economic Opportunity Act.

Mr. POAGE. This report was written, of course, before the passage of that bill; before it was amended, of course, taking out those grants.

Mr. WAGGONNER. I thank the gentleman.

The **SPEAKER** pro tempore (Mr. MILLS). The question is on the motion, Will the House suspend the rules and pass the bill H.R. 7073?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXTENSION AND AMENDMENT OF PUBLIC LAW 480

Mr. **COOLEY**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12298) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Effective January 1, 1965, section 103(b) of such Act is amended by striking out "1962" and substituting in lieu thereof "1965", by striking out "1964" and substituting in lieu thereof "1967", by striking out "$4,500,000,000" and substituting in lieu thereof "$4,000,000,000", and by inserting prior to the colon the following: "plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years".

(2) Section 104 of such Act is amended by inserting in subsection (c) after the words "common defense" the words "including internal security".

(3) Section 104 of such Act is amended by striking from subsection (e) the words "not more than 25 per centum of the currencies received pursuant to each such agreement shall be available" and substituting "currencies shall also be available to the maximum usable extent".

(4) Section 104 of such Act is amended by adding the following new subsection:

"(u) To use foreign currencies which are in excess of the normal requirements of the United States as determined by the Secretary of the Treasury, to promote the development of the resources of less developed friendly foreign countries in a manner which will secure to the United States the maximum benefit from currencies accruing under this title: *Provided, however,* That no such use shall be made of such currencies which would have the effect of reducing the dollar reimbursement to the Commodity Credit Corporation for foreign currencies. There is hereby established an advisory committee composed of the Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman and the ranking minority member of the House Committee on Agriculture, and the chairman and the ranking minority member of the Senate Committee on Agriculture and Forestry. The function of such Committee shall be to review from time to time the status of foreign currencies which accrue under this title and to make recommendations to the President with regard to (1) the use of excess currencies under the authority conferred upon him by this subsection and (2) grants under subsection (e) hereof."

(5) The first proviso at the end of section 104 of such Act is amended by striking out "to not less than 10 per centum of the foreign currencies which accrue under this title:" and substituting ", effective with respect to agreements entered into beginning January 1, 1965, to not less than 20 per centum in the aggregate of the foreign currencies which accrue under such agreements:".

(6) Section 108 of such Act is amended by striking out the words "six months" and inserting in lieu thereof the word "year".

(7) Sections 109 and 204 of such Act are amended by striking out "1964" and substituting in lieu thereof "1967".

(8) Section 203 of such Act is amended by striking out "1961" and substituting "1965"; by striking out "1964" and substituting "1967"; by striking out "$300,000,000", and substituting "$450,000,000"; and by inserting after "charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto" the following: "or donated under said section 416, section 308 of this Act or section 9 of the Act of September 6, 1958."

(9) Section 203 of the Act is amended by inserting after the third sentence of said section the following new sentence: "In addition to other funds available for such purposes under any other Act, funds made available under this title may be used to purchase foreign currencies accruing under title I in order to meet costs (except the personnel and administrative costs of cooperating sponsors, distributing agencies, and recipient agencies, and the costs of construction or maintenance of any church owned or operated edifice and edifices to be used for sectarian purposes) designed to assure that commodities made available under this title or under title III are used to carry out more effectively the purposes for which such commodities are made available or to promote community and other self-help activities designed to alleviate the causes of the need for such assistance: *Provided, however,* That such funds shall be used only to supplement and not substitute for, funds normally available for such purposes from other non-United States Government sources." and by inserting after the word "costs" in the last sentence the words "or for the purchase of foreign currencies".

(10) Section 101 of such Act is amended by striking out in subsection (f) the words "from the government or agencies thereof" and further by striking the period at the end of subsection (f) and adding the following: ", and which are not less favorable than the highest of exchange rates obtainable by any other nation.".

SEC. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(2) By striking "this Act" and substituting "the Foreign Assistance Act of 1961, as amended.".

(3) By changing the period at the end of the subsection to a comma and adding "except that in the case of any such foreign currencies acquired through operations under title I of the Agricultural Trade Development and assistance Act of 1954, as amended, the United States dollars received from the sale of such foreign currencies shall be deposited to the account of the Commodity Credit Corporation and shall be treated as a reimbursement to Commodity Credit Corporation under section 105 of this Act."

SEC. 3. Section 416 of the Agricultural Act of 1949, as amended, is amended by adding the following at the end of such section: "The assistance to needy persons provided in (4) above shall, insofar as practicable, be directed toward community and other self-help activities designed to alleviate the causes **of the need for such assistance.".**

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **BOW**. Mr. Speaker, I demand a second.

Mr. **DAGUE**. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. The gentleman from Pennsylvania, a member of the committee, demands a second.

Mr. **BOW**. A point of order, Mr. Speaker; I am opposed to the bill and I understand the gentleman from Pennsylvania is not opposed to the bill.

The **SPEAKER** pro tempore. Is the gentleman from Pennsylvania opposed to the bill?

Mr. **DAGUE**. Mr. Speaker, I am not opposed to the bill.

The **SPEAKER** pro tempore. The gentleman from Ohio [Mr. BOW], demands a second. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. **GROSS**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. The Chair will count. [After counting.] One hundred and one Members are present, not a quorum.

Mr. **McFALL**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 234]

Abbitt
Adair
Andrews, Ala.
Ashley
Auchincloss
Avery
Baring
Blatnik
Bolling
Bolton, Frances P.
Bromwell
Brown, Calif.
Buckley
Cameron
Daddario
Davis, Tenn.
Diggs
Dingell
Elliott
Ellsworth
Forrester
Fraser
Gill
Grabowski
Gurney
Hanna
Harsha
Harvey, Mich.
Healey
Hoeven
Hoffman
Horton
Jones, Ala.
Jones, Mo.
Kee
Kluczynski
Kyl
Landrum
Lankford
Lesinski
Lindsay
McClory
McMillan
MacGregor
Martin, Mass.
Miller, Calif.
Miller, N.Y.
Montoya
Moss
Nedzi
Osmers
Pepper
Pilcher
Pirnie
Pucinski
Rains
Randall
Roybal
Ryan, Mich.
St. George
St Germain
Sheppard
Shipley
Smith, Calif.
Staebler
Steed
Taft
Thompson, La.
Toll
Tollefson
Vinson
Wallhauser
Whalley

The **SPEAKER** pro tempore (Mr. MILLS). On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION AND AMENDMENT OF PUBLIC LAW 480

Mr. **COOLEY**. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. POAGE], the chairman of the subcommittee who handled this bill and conducted the hearings.

Mr. **POAGE**. Mr. Speaker, this bill provides for an extension of Public Law 480 for 3 years.

We believe that Public Law 480 has been one of the most successful programs of its kind ever promulgated by the Congress. It has moved vast quantities of agricultural products into the world markets. It has rendered a great service to American agriculture. It has rendered a comparable service to the cause of peace throughout the world, in that it has served as a very important part of our foreign aid program. We believe that in many respects it provides the best kind of foreign aid, although it is, and we believe it must remain, basically an agricultural program.

This bill would extend Public Law 480 for a period of 3 years. It would make relatively minor changes in the law as it exists, but changes which I believe and most of us believe should be made.

It will increase from 10 to 20 percent the proportion of foreign currencies which are received from the sale of agricultural commodities which must be devoted exclusively to U.S. uses and therefore made subject to the appropriating process.

Let me make that point plain, because I recognize there will be efforts to confuse the House as to the effect of this bill on the appropriating process. Under the law as it now stands, 10 percent of the funds carried in any agreement with a foreign country must be made available for American uses. Those American uses are subject to appropriation by the Appropriations Committee. Under this bill as we have written it, 20 percent must be made available in that way. In other words, we have doubled the percentage of these funds which must be made available to the appropriating process.

We have also changed the provision which now provides that not more than 25 percent of these foreign currencies shall be made available for Cooley type loans; that is, loans to American industry. We have provided that all that can be effectively used for that purpose shall be made available for loans to American corporations doing business in these foreign countries.

We have provided a change in the value which foreign countries may place on their currencies, so that the sales which are made to foreign countries must be made at the most favorable legal rate of exchange and in no event at a rate less than the most favorable rate available to any other country.

Now, frankly, my friends, that one point has been a hole as large as a barn door, because unless we can say we are getting as favorable a rate as any other country, you can understand that no matter what our price on our commodity is, if we do not get the most favorable exchange rate, we are not getting a fair shake.

We believe that these provisions in this bill are bound to give us a better and a stronger program than we have ever had. We have in the bill a number of relatively minor changes, such as authorizing the use of certain of the title II and III currencies, to purchase foreign currencies from title I to use to buy tools and equipment to be able to carry out these relief programs carried out under titles II and III. We provide in title I, which is the major portion of this bill, that it shall be extended for 3 years and that there shall be $4 billion available, which is a decrease of $500 million.

The SPEAKER. The time of the gentleman has again expired.

Mr. BOW. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. Dague].

GENERAL LEAVE TO EXTEND

Mr. DAGUE. Mr. Speaker, I ask unanimous consent that all Members may be privileged to extend their remarks at this point in the Record on this bill.

The SPEAKER pro tempore (Mr. Mills). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HOEVEN. Mr. Speaker, I support the extension of Public Law 480 as I have supported this program since its inception in the 83d Congress. I have some reservations, however, about certain provisions in the bill but on the whole, the committee has produced a piece of legislation which is necessary to the continued welfare of American agriculture. I share apprehensions with others that Public Law 480 is becoming more and more an instrument of foreign aid, but the Committee on Agriculture has made a number of changes and recommendations of the executive branch to restrict this part of the program.

Public Law 480 is today more popularly known as the food-for-peace program. It was instituted as the food-for-peace program in the Eisenhower administration in 1959. This was proved when on February 9, 1960, President Eisenhower in his message to the Congress, as set forth in House Document 330, 86th Congress, 2d session, said:

> The food-for-peace program, initiated pursuant to my recommendations of last year, has been vigorously advanced. On my recent trip abroad, I saw many constructive results from these efforts and the need and opportunity for even greater use of this humanitarian program. Clearly we should continue to do our utmost to use our abundance constructively in the worldwide battle against hunger. The law we enacted in 1954, known as Public Law 480 of the 83d Congress, has been especially helpful to us in waging this battle.

There are many provisions in this legislation which I vigorously support. These include the following:

First. The provision to allow foreign currencies to be used for internal security operations of friendly foreign countries. This amendment will be particularly helpful in the execution of our foreign policy in South Vietnam. As we all know, the Vietcong Communists now terrorize and murder all those who oppose them. This amendment will make funds available to more effectively and efficiently protect the population of South Vietnam through the strategic hamlet program.

Second. The provision which removes the limitation on loans to American businessmen overseas. This program, popularly known as the Cooley loan program, has been both popular and successful. The present 25-percent limitation has been removed by the committee in an effort to stimulate further use of foreign currencies for this purpose.

Third. A provision to encourage maximum use of title I currencies for U.S. uses. At present the law requires that at least 10 percent of the foreign currencies generated under title I be earmarked for U.S. uses. The committee has amended this provision of law to require that no less than 20 percent of these currencies be subject to U.S. uses.

Fourth. A provision to encourage maximum exchange rates. In title I foreign currency sales, the exchange rate at which foreign countries agreed to purchase our farm commodities is often unrealistic. The committee amended provisions to get the best possible bargain for the United States on these exchange rates in future negotiations.

There are, of course, a number of other important provisions in this bill which extend titles I and II of Public Law 480 for 3 more years. These are set forth in the committee report and will be debated today.

Mr. DAGUE. Mr. Speaker, while I have some reservations about H.R. 12298, I feel that this legislation is, on the whole, both needed and justified. As a member of the Foreign Agricultural Operations Subcommittee I had the opportunity to consider at length the administration's proposals and recommendations together with the suggested amendments of other groups and individuals.

The administration sought a 5-year extension of both titles I and II, but the subcommittee and the full committee both agreed that a 3-year extension was an ample period of time for this very large program to operate without a full congressional review.

The administration also sought in various ways to make Public Law 480 primarily a foreign aid program. For example, it was proposed that the Commodity Credit Corporation be empowered to go into the market and buy farm commodities which were not in surplus, simply to meet an earlier promise made by the executive branch for the donation of these commodities. This provision would have changed the basic structure of Public Law 480 very drastically and would have no longer retained the basic concept that the food-for-peace program is one which shares our abundance and not one which stimulates surplus just for the sake of giving it away.

The bill before you today makes a number of important changes in the law in addition to extending both title I and title II for 3 years.

While the language of the bill shows the expenditure of $4 billion for title I programs for the next 3 years, the actual amount will be closer to $5.5 billion when unused previous obligations and CCC repayments are taken into account.

Title II expenditures will be in the neighborhood of $1.5 billion during the next 3 years, again taking into account unused authorizations.

The bill also increases from 10 to 20 percent the proportion of foreign currencies which must be used exclusively for meeting U.S. Government needs in foreign countries. The bill establishes a seven-man advisory committee to consult with and make recommendations to the President concerning the use of foreign currencies in excess of anticipated needs. This committee will be made up of the Director of the Bureau of the Budget, the Secretary of Agriculture, the Administrator of AID, the chairman and ranking minority members of the House and Senate Agriculture Committees. These excessive currencies now approach $1.2 billion and are set forth on page 32 of the committee report. In addition, the Advisory Committee will also consult the President on the use of foreign currencies in future agreements for economic development grants under section 104(e) of the act.

The bill authorizes the use of foreign currencies to supplement surplus food and self-help work projects, but the committee has limited the use of these funds to nonsectarian projects.

In addition, the bill allows foreign currencies to be used for increasing our effectiveness in the defense of the people of South Vietnam; it encourages further investment by U.S. private enterprise in foreign countries; it attempts to gain more favorable exchange rates for the United States in the negotiation of title I sales agreements, and it steps up the percentage of title I foreign currencies from 10 to 20 percent.

The bill also changes the reporting period from 6 months to an annual basis. It is certainly my hope that reports and statistics will be furnished to the committee and to the Congress more frequently than annually because this program is indeed a massive one entailing very substantial expenditures of the taxpayers' money.

All in all, the Committee on Agriculture has worked diligently and sincerely to bring to the House a bill which has the committee's overwhelming support.

Mr. BOW. Mr. Speaker, I can agree with a great deal that the gentleman from Texas [Mr. POAGE] has said. This is a fine program. I think I introduced one of the original bills in the House which eventually became Public Law 480. I think it has done a great deal of good throughout the world, and I think it should be continued.

My objection goes to this bill and to some of the amendments that are in this bill. I think the gentleman from Texas [Mr. POAGE], must have had a twinge of conscience when he said he was convinced that somebody would try to mislead the House on the question of appropriations. I am not going to try to mislead this House. I am going to try to give the House the facts. We did not get the facts in the presentation that has been made here.

Let me read from page 33 of the committee report on the section by section explanation. Under title I, paragraph 1 reads in part as follows: It says that this bill, if passed, "authorizes agreements to be entered into during such 3-year period in an amount which does not call for appropriation to reimburse CCC in a total amount in excess of $4 billion plus the carryover of unused authorization from prior years."

This is their own report. Without appropriations, $4 billion.

Now, what are we doing here? This is a complete backdoor spending bill. It is unfortunate that we do not have several hours to debate this bill, for it is a good bill in certain areas and we should have an opportunity to present to the House the chance to amend it. We know now that we are going to be here for a while after next Friday. We are coming back. Let us get a rule. Let us bring this bill in and let the House work its will rather than say to us take this or have nothing at all in this field of foreign aid.

Now let me call your attention to one other matter. In the past, on the question of excess requirements of foreign currencies, you ladies and gentlemen of the House have had the opportunity to pass upon them and how they shall be used.

What happens under this bill? Your rights that you have exercised in the past are now delegated to a new Commission, taken away from the House so that you cannot pass upon them, and turned over to a Commission to make this determination or recommendation to the President. And who is on that Commission? The Secretary of Agriculture, the Director of the Bureau of the Budget, the Administrator of the Agency for International Development, the chairman and ranking members of the House Committee on Agriculture and the chairman and ranking members of the Senate committee.

What you are asked to do in this bill—and this I object to—is to take away from you and delegate to this Commission your responsibility. I think this is wrong. I think this responsibility should stay with the House of Representatives, and we should not delegate to the Secretary of Agriculture and the Director of AID and to the others our responsibility.

Always remember when we talk about this $4 billion-plus that is going to be taken without appropriation that under the Constitution of the United States no funds shall be taken from the Treasury except through appropriation by you, the Congress of the United States, originating here in the House. But we are asked under this bill to forego that. We are asked in this bill to delegate our authority, our responsibility, to a group in the executive branch, with some of the members of the Committees on Agriculture working with them.

Mr. Speaker, I urge the Members to vote against the suspension of the rules. There is pending in the Committee on Rules now an application for a rule on this bill. Let us get a rule on it. This is a great amount of funds that is involved. The responsibility is on us. Let us get it back here where we will be able to offer amendments to it, and if the will of the House is not to accept the amendments, well and good. But it seems to me that this is not the kind of a bill that should be in here under suspension of the rules.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from Ohio yield?

Mr. BOW. I yield to the distinguished gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, I have just this minute come to the floor from our committee room upstairs. May I ask the distinguished gentleman, is this the back-door spending bill that the gentleman from Ohio has discussed with me?

Mr. BOW. This is the bill that I discussed with the gentleman.

Mr. ROONEY of New York. Then I am vigorously opposed to it.

Mr. BOW I thank the gentleman.

Mr. COOLEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I just want to observe that this bill was very carefully considered in the Committee on Agriculture. My recollection is that every member of that 35-man committee approved the draft you now have before you. Under this program, commonly known as Public Law 480, we have disposed of surplus agricultural commodities valued at more than $11 billion, and I do not believe any program we have had has been as free from criticism as this program under Public Law 480.

The gentleman who just addressed the House apparently is under some impression that we are doing something different now from what we have been doing over the years. This program has been in operation beginning in 1954. What we are actually doing is recognizing the fact that about twice as much authority should be given to your committee to appropriate, but here we are not appropriating American dollars. We are not appropriating any dollars in this bill and I am at a loss to understand why the gentleman is disturbed about it, because we are changing some parts of the program to make it more workable and more acceptable. Let me observe that if you damn this bill as back-door spending you might as well say that everything the CCC does is back-door spending.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman.

Mr. BOW. The gentleman says he does not know why I am disturbed. I am disturbed because of the fact that you are here setting up a new advisory commission on how these funds shall be used. I remind the gentleman that we used to hear these same arguments about these currencies in France and England and Belgium and other countries. We said they were surplus, we will never use them. They are gone.

They are gone. What we use these surplus currencies for is the operation of our embassies, the USIA, and the official business of Government abroad. These funds will be gone before long. When the gentleman says these are not American dollars, I say to the gentleman that they were bought with American dollars and they are just as important as American dollars.

Mr. COOLEY. The Committee on Appropriations of which the gentleman from Ohio is a member has the responsibility of appropriating dollars for the purpose of purchasing this currency. So you do have control over it.

You appropriated 17 percent of the program, and if we do what you suggest, you will take this great program which has been in operation under Public Law 480 and bring it down to 17 percent of its normal volume of operation.

The **SPEAKER** pro tempore (Mr. MILLS). The time of the gentleman from North Carolina has expired.

Mr. BOW. Mr. Speaker, I yield to the gentleman 1 additional minute.

Mr. COOLEY. I thank the gentleman.

Mr. BOW. Mr. Speaker, will the gentleman yield to me?

Mr. COOLEY. Certainly.

Mr. BOW. The gentleman says that we appropriate these dollars with which to purchase these currencies.

Does the gentleman mean that we appropriate the money with which to obtain the excess currencies?

Mr. COOLEY. That is right, to buy them.

Mr. BOW. Or do we appropriate certain funds with which to obtain foreign currencies in those countries where they are not in excess?

Mr. COOLEY. They are appropriated to be used to defray American mission expenses abroad.

Mr. BOW. But in the case of excess currency does the gentleman say we appropriate money with which to buy excess currencies?

Mr. COOLEY. We appropriate all of the dollars and we just provide for the use of these commodities. That is all we do.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from North Carolina yield to me?

Mr. COOLEY. I yield to the gentleman from New York.

Mr. ROONEY of New York. I should like to say that we had an example of foreign currency back-door spending today in connection with the appropriation bill on which we adopted the conference report at noon.

You will recall that the House was originally presented with a request to spend $12 million to save the Nubian monuments in the River Nile. The House appropriated no money whatever for such purpose. The bill then went to the other body and it turned out that the other body, while also appropriating no funds for this project, and which will delight many dilettantes throughout the Nation, found that the State Department proposed that it would use Public Law 480 program money in connection with saving those monuments. That, I say, is back-door spending and I am unalterably opposed to such procedure.

The **SPEAKER** pro tempore. The time of the gentleman from North Carolina has again expired.

Mr. COOLEY. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, if the gentlemen are complaining about back-door spending, we hear that statement every time we come out here with an agricultural bill dealing with agricultural commodities.

Certainly, when you deplete the capital stock of the Commodity Credit Corporation, the House Committee on Agriculture does not bring in legislation authorizing the building up of those capital values. It comes from the Committee on Appropriations.

Mr. Speaker, I want to go back and emphasize the fact that if the Members will check the record they will find that the Committee on Appropriations only appropriates 17 percent of the money used in the operation of the Public Law 480 program. If we leave the matter to the Committee on Appropriations they will just restrict this program to 15 or 20 percent. We want it to go on and operate in order to dispose of these surplus commodities and in that way save American dollars.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. Certainly, I yield to the gentleman from Ohio.

Mr. BOW. We do not restrict it. This House of Representatives, the body that is here now, are the ones who pass upon those appropriations. If there is any restricting done, it is done by this full House and the gentleman from North Carolina knows it.

Mr. COOLEY. You have the primary responsibility for initiating appropriations and bringing them before the House.

Mr. BOW. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi [Mr. WHITTEN].

Mr. WHITTEN. Mr. Speaker, in this debate we have frequently heard the expression "dispose" of billions of dollars' worth of commodities.

Mr. Speaker, It has been my privilege to head the Subcommittee on Agricultural Appropriations for some several years. In the next few days we will be before the House requesting $5.5 billion in cash and according to the Senate bill $1,992,453,000 will be to restore the impairment for Public Law 480 sales.

Mr. Speaker, I do not like the relaxation that I see contained in this bill to extend Public Law 480 and I will tell the Members of the House why I do not like this change, though I agree we must extend the law.

Under section 3 we have heretofore had at least a limitation not to exceed 25 percent on how much could be used of these foreign currencies for such loans. I know they say this is only foreign currency, but in foreign countries you must have foreign currency. Here is what we are doing. We are making available these foreign currencies under section 3 to put American corporations and individuals in business in foreign countries.

They are in turn contributing to the production of agricultural commodities and either sending them back to the United States or taking U.S. markets. Then we are having to pick up the cost through the Commodity Credit Corporation takeover of U.S. production.

I have before me a report by the investigators of the Appropriations Committee. It is not as yet complete. As of now the information that we have is that we have had a total of imports of $17.32 billion in 1963, $4.12 billion in agricultural commodities, including $2.293 billion which competed with U.S. farm products.

We have made in grants of foreign currency to Argentina, for example, $24 million for grain storage facilities. Beef and veal have produced sales in the United States 12 percent higher than in 1960.

In Brazil we have made available these foreign currencies of over $34 million, and their imports of beef to the United States have increased 470 percent. That is the reason you have this problem of a conference on beef imports going on right now.

Our committee is trying to get the facts together showing that through the use of these foreign currencies we are putting American businessmen overseas who send the products back here or take our foreign markets, which will wreck the Commodity Credit Corporation, our section 32 funds, and in the long run American agricultural programs.

I urge you to send this bill back to the committee. Let it stand as it is until we have a chance to clean up the bad things that are done with these currencies now. We are putting ourselves out of business with the use of foreign currencies.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from North Carolina.

Mr. COOLEY. Does the gentleman refer to the imports of beef?

Mr. WHITTEN. Yes; along with other commodities.

Mr. COOLEY. You do not have any foreign loans for that. How much beef do we import?

Mr. WHITTEN. It has increased 12 percent from Argentina in 1958 to 1962; in Brazil it has increased 470 percent. In Mexico we have had foreign aid assistance, $47 million. Mexico is an important cotton producer.

In the next few days we will be asking you for $5.5 billion to finance the U.S. Commodity Credit Corporation. May I say in all frankness, in my judgment these funds will last the rest of this fiscal year. I say that we need to send this bill back, and tighten it up, not loosen it up.

Mr. HORAN. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Washington.

Mr. HORAN. I want to agree with my colleague from Mississippi, who is chairman of the subcommittee on which I have the honor of being the ranking minority member. We feel that this measure should come to the floor under a rule, to be discussed and amended, probably. We have complained about back-door spending. Why continue something that we found to be a fault, and which bypasses—I think this is important to every Member of the House—the Congress of the United States. I agree with the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman. Our record shows in these foreign currencies generated here that AID has and will pay up to 50 percent of the cost to explore certain things. They will make these loans and encourage American investors to go in business abroad. This bill should come back in the regular order to be tightened up.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from North Carolina.

Mr. COOLEY. I know the gentleman from Mississippi does not intend to mislead the House or try to mislead this House.

I think he should be aware of the fact that we have had no Public Law 480 sales to Australia or New Zealand, and that is where the beef is coming from. The gentleman mentioned South America and Africa. We cannot bring it in here from that area because of the hoof-and-mouth disease. So where is the beef coming in from?

Mr. WHITTEN. I did not refer to the two countries the gentleman did. I said Argentina, Brazil, and Mexico are the countries from which these imports come into our country.

Mr. COOLEY. Is any coming in from Argentina, on account of the hoof-and-mouth disease?

Mr. WHITTEN. There has been an increase in meat imports and in cotton, and foreign exports have also increased in competition with the United States. In Brazil you have had an increase of 470 percent in meat exports to the United States.

Mr. COOLEY. Of what?

Mr. WHITTEN. Of beef.

Mr. COOLEY. From Argentina?

Mr. WHITTEN. No, Brazil.

Mr. COOLEY. How are you going to bring it in from Brazil? There is hoof-and-mouth disease in the whole area.

Mr. WHITTEN. There is an increase in meat exports to the United States today of 470 percent.

Mr. COOLEY. What figure is the gentleman reading from?

Mr. WHITTEN. This is from the report from investigators of the Appropriations Committee, which is not complete at the present time.

May I read you just a little of what our Appropriations Committee investigators have already reported with regard to our "foreign competition" by American companies abroad, including American grants, loans and foreign currencies, as would be permitted by this bill.

U.S. INTERESTS IN FOREIGN AGRICULTURAL PRODUCTION

A. ARGENTINA

The principal U.S. firms engaged in the livestock and meat industry in Argentina are International Packers Limited (IPL), Chicago, Ill., and the King Ranch of Kingsville, Tex. IPL subsidiaries in Argentina are Swift, Armour, La Blanca, and Provita; IPL also has an interest in 3 ranching operations containing approximately 766,000 acres and 108,000 cattle. IPL has received a $5 million loan from the Export-Import Bank and has investment guaranties from AID of $12,990,000 convertibility and $12,300,000 for expropriation. King Ranch owns and operates 4 ranches totaling some 118,600 acres with about 30,000 cattle and 16,000 sheep.

B. AUSTRALIA

Cotton

The Wee Wa district of New South Wales is the site of a rapidly expanding irrigated cotton growing area which has been financed largely by American capital supplied by cotton interests in California and Arizona. A report by the agricultural attaché in Australia states that the increased production of cotton in this area will undoubtedly have an adverse effect on U.S. exports of raw cotton to Australia, and could reduce such exports by 28,000 to 35,000 bales annually.

Red meats

U.S. interests in Australia are: Esperance Land and Development Co., Western Australia (owned by Chase International Investment Corp. of New York City, American Factors Associates, Ltd., of Honolulu, Hawaii, J. H. Whitney and Co. of New York City, and Elders–G.M. Co., Ltd.) has an option on 1,450,000 acres and currently has about 8,500 sheep and 1,000 cattle. Intercontinental Meat Traders, Inc., Limited, Brisbane, is a subsidiary of Intercontinental Meat Traders, Inc., Chicago, Ill. IPL affiliated companies in Australia are Swift Australian Co., Ltd., Brisbane; Mayfair Hams, Ltd., Sydney ; and Armour & Co., Ltd., Sydney. International Portion Foods Ltd., Brisbane, is a branch of Henderson's Portion Pak, Inc., Coral Gables, Fla. King Ranch Australia, Ltd., associate of the King Ranch in Texas, operates a number of large ranches over 1.7 million acres in Northern Territory, Queensland, and New South Wales. Mr. Art Linkletter owns 22,000 acres at Esperance on which he is raising sheep and cattle, and he recently purchased, in partnership with Mr. Allen T. Chase a 650,000-acre cattle station in Northern Territory. The Peterborough Meat Export Co., Ltd., Peterborough, South Australia, is operated by Mr. Joseph Popp, a U.S. citizen connected with two packing companies in Detroit, Mich. Swift Australian and King Ranch formed a company in 1962 which purchased for approximately $4.5 million over 8,000 square miles of land in Queensland and Northern Territory. Wilson Meats Ltd., Brisbane, is a wholly owned subsidiary of Wilson and Co., Inc., Chicago.

C. COLOMBIA

Purina Limitada, Cartagena, Colombia, wholly owned subsidiary of Ralston Purina Co., St. Louis, Mo., received a "Cooley" loan of 800,000 Colombia pesos (approximately $80,000) in 1959 from the Export-Import Bank for the purpose of financing facilities for the production of animal feeds.

D. HONDURAS

The major U.S. interest in the meat trade of Honduras is through International Foods Corp., S.A., a wholly owned subsidiary of Alberti Foods, Inc., Chicago, of which L. K. Alberti, Jr., a U.S. citizen, is president. Associated with Mr. Alberti in his Honduran interests is Adam Smith, also a U.S. citizen, who is president of Sanda Corp., Miami, Fla. International Foods owns ASTCO, a Honduran transport and warehousing company with a 700,000-pound capacity freezer in Puerto Cortes, and has financial interests in three Honduran packing plants which export boneless beef.

Ganadera Industrial Hondurena, S.A., Tegucigalpa, exports commercial grade boneless beef. Mr. William Montiel, a U.S. citizen, own 25 percent of the stock of the company. Mr. Montiel also has a financial interest in one of the packing plants in which International Foods has an interest, and in a slaughterhouse in Nicaragua. Ganadera Industrial and the other plant in which International Foods and Mr. Montiel have an interest have contracts to sell boneless beef to Gurrentz International Corp., Miami, Fla., and Pittsburgh, Pa.

Matadero de Puerto Arturo is part of the livestock division of the Tela Railroad Co., a wholly owned subsidiary of United Fruit Co., Boston. The livestock division has about 21,000 cattle, and the slaughterhouse produces boneless beef for export and local sales.

Another boneless beef exporting company, Empacadora del Norte, S.A., Puerto Castilla, is not yet in operation. Its principal officers are Temis Ramirez de Arellano and Ruben Santiago, both United States (Puerto Rico) nationals.

E. MEXICO

Ralston Purina de Mexico, S.A. de C.V., a wholly owned subsidiary of Ralston Purina Co., St. Louis, received a "Cooley" loan of 10 million Mexican pesos (approximately $800,000) in December 1958 from the Export-Import Bank for the purpose of financing facilities for the cultivation, manufacture, storage, and sale of animal feed and the construction of a sesame solvent plant. The Export-Import Bank had rejected the loan application in April 1950.

The American Embassy in Mexico had advised the Export-Import Bank that any development of the animal feed business in Mexico would compete with U.S. exports. However, imports of U.S. animal feed are bound to be replaced by domestic production in the future, and it would be desirable to aid American enterprise to expand production in Mexico rather than leave the field open for others.

USDA had advised the Export-Import Bank in April 1950 that the resulting increased production of feeds in Mexico would compete directly with mixed animal feeds then being exported from the United States to Mexico sufficiently to preclude approval of the application. In October 1958 USDA advised the Export-Import Bank that it had given further study to the competition involved and had concluded that it did not preclude favorable consideration of the application. USDA officials stated that they had concluded that feed grain exports from the United States could be expected to increase with expanded mixing facilities. Data furnished to the staff by USDA indicate that Mexican imports did not increase with expanded mixing facilities; average annual imports of corn for 1955–59 totaled 346,454 metric tons, whereas imports were 240,400 tons in 1958; 29,600 tons in 1959; 52,845 tons in 1960; and 42,551 tons in 1961.

Industrial Pecuaria, S.A., a Mexican firm owned 50 percent by Archer-Daniels-Midland Co., of Minneapolis, Minn., and 50 percent by Mexican investors, received a "Cooley" loan of 10 million Mexican pesos (approximately $800,000) from the Export-Import Bank in February 1959 for the purpose of financing facilities for the production and storage of animal feeds. In April 1958 the Export-Import Bank had rejected the application; the American Embassy in Mexico had made a recommendation similar to that made in the Ralston Purina case, and USDA recommended against the loan. However, as in the Ralston Purina case, USDA reversed its prior recommendation in October 1958.

Textiles Morelos, S.A., owned not less than 50 percent by Burlington Industries, Inc., Greensboro, N.C., received a "Cooley" loan in February 1959 of 3,233,362 Mexican pesos (approximately $258,000) to be used to acquire textile production facilities.

F. NEW ZEALAND

IPL has a wholly owned subsidiary, Swift New Zealand Co., Ltd., Wellington, which dates back to the early 1930's when first an export agency and then a slaughter plant were acquired. Swift slaughter presently accounts for between 7 and 8 percent of all New Zealand lamb and mutton slaughters and approximately 8 percent of all cattle slaughter. Swift operates an experimental, demonstration-type farm on leased property and is attempting to lease additional acreage for stockholding purposes to stabilize slaughter operations.

G. PARAGUAY

The principal U.S. firm engaged in the livestock and meat industry in Paraguay is International Products Corp.; canned corned beef is its major meat export.

International Products Corp. received a loan not to exceed $2.6 million in 1958 from the Development Loan Fund for modernization and expansion. In 1960 the company was in financial difficulties and AID postponed payments due under the development loan. The corporation also entered into a credit agreement with private investors in December 1961, and in January 1962 AID agreed to subordinate its loan to the loan of the private investors. In January 1962 AID entered into guarantee agreements under which the private investors were protected against the risks of convertibility, expropriation, and confiscation.

In March 1963 International Products Corp. made application for a "Cooley" loan for a sum equivalent to $450,000 for improving its cattle and pasture operations; this application is now being considered by AID.

Pan Western Enterprises, Inc., with a U.S. address at New Orleans, La., purchased 246,670 acres of land on the Upper Paraguay River in January 1962, and began operating a large cattle ranch in 1963. Pan Western Enterprises applied in October 1962 for a "Cooley" loan for a sum equivalent to $821,400 to help meet the costs of a beef cattle production operation in the Chaco of Paraguay. AID approved the application in March 1963 subject to approval by Paraguay and the U.S. country team there. The country team registered strong objections. The objections of the country team were overruled and the loan was approved in April 1963.

(6) MEXICO

Mexico, an important producer of good quality staple, produced 2,425,000 bales of cotton in 1962, 19 percent more than the annual average production for 1955–59. Preliminary indications were for a considerably smaller crop in 1963 of about 2 million bales. Approximately three-fourths of the total crop entered world trade; exports of 1,897,000 bales in 1962 were 21 percent higher than the annual average exports of 1955–59. Sales were large to France, West Germany, Italy, and especially to Japan which took in 1962, 775,000 bales, or 25 percent of the cotton imported by that country, against only 29 percent of the total from the United States.

Mexico not only supplies a very substantial number of live cattle to the United States, but, additionally, produced in 1958–62 an annual average of 938 million pounds of beef and veal, 18 percent more than the average annual production of 1953–57. Preliminary data indicate a further increase in 1963 to a level 19 percent higher than the 1958–62 average. Pork production also increased by about 11 percent between the two 5-year periods and in 1963 was about 12 percent higher than average for the preceding 5 years. Mutton and lamb production in 1958–62 was 8 percent higher than in 1953–57. Beef and veal exports, largely to the United States, averaged 79 million pounds in 1958–62, 155 percent higher than in the preceding 5 years. Exports to the United States during the 5-year period 1958–62 averaged about 78 million pounds, up 370 percent as compared with the preceding 5 years. Preliminary data for 1963 indicate U.S. imports from that source of 103 million pounds, mostly of boneless beef, 33 percent more than average for the preceding 5 years.

[Amounts in thousands]

Type of aid and purpose:	
AID dollar loans: supervised agricultural credit	$20,000
AID dollar grants:	
Completed projects: National University School of Veterinary	144
Social Progress Trust Fund: Nacional Financiera, S.A., for improved use of farmlands	4,000
Food for peace (foreign currency):	
Title I, sec. 104(e) "Cooley" loans:	
International Harvester Co. of Mexico, S.A., for farm implements and truck parts facilities	$129
John Deere de Mexico, S.A., for agricultural tractors and implement facilities	400
Ralston Purina de Mexico, S.A., for animal feed and sesame solvent plant	801
Industrial Pecuaria, S.A., for animal feeds production facilities	801
Title I, sec. 104(e) "grants":	
Modernization and construction of grain storage facilities	10,326
Project total	36,601
Undistributed activity costs	269
Total	36,870

On June 30, 1962, a loan agreement was executed whereby AID agreed to loan $20 million to Nacional Financiera, S.A., an autonomous financial institution of the Government of Mexico.

The loan provides for expanded short-, medium-, and long-term crop financing and farm improvement credit to small farmers, technical assistance, guidance, and control to insure that such credit results in needed improvements in agricultural resources and productivity, and such activities as may be required to provide the basis for granting of property titles to farmers prospectively eligible for such credit.

About $2 million has been loaned from this fund, as of March 1964, to some 775 farmers with the average loan approximately $3,000.

(7) PAKISTAN

Cotton production in Pakistan in 1962 of 1,690,000 bales was 23 percent above the annual average for 1955–59. Preliminary data for 1963 indicate a larger crop of 1,725,000 bales. Exports in 1962 were 683,000 bales, 47 percent higher than the average for 1955–59. Japan in that year purchased 254,000 bales from Pakistan.

[Amounts in thousands]

Type of aid and purpose:	
AID dollar loans:	
Land reclamation	$15,200
Indus water supply	70,000
Mechanical equipment organization	1,500
Operation and maintenance of Rechna Doab project	750
Salinity control and reclamation	10,000
Coastal embankment project	6,500
Karnafuli multipurpose dam	20,250
AID dollar grants:	
Completed projects:	
Locust control	59
Soil and water conservation	625
Soil mechanics hydraulic laboratory	163
Bolan Dam	75
Nakhi Dhand reclamation	820
Ground water explorations	188
Taunsa barrage project	5,885
Water resources advisory	134
Animal husbandry	18
Plant protection	752
Fertilizer distribution	10,565
Agricultural workshop	1,026

EXCERPTS FROM INTERIM REPORT ON U.S. IMPORTS (MAY REPORT)

1. Total U.S. imports were $17.032 billion in 1963. The $4.012 billion of agricultural commodities included $2.293 billion which competed with U.S. farm crops.

2. Most recent tariff reductions for U.S. imports of meat, meat products, cattle, cotton, wheat, corn, barley, and oats were all made prior to 1955.

3. There are 11 AID programs for loans, grants and technical assistance to furnish agricultural assistance to foreign countries.

ARGENTINA

AID agricultural programs have totaled over $24 million for grain storage facilities and livestock improvements. Beef and veal production has increased with sales to United States 12 percent higher in 1958–62 than 1954–57. Cotton and corn exports also have increased substantially.

BRAZIL

AID agricultural programs have totaled over $34 million, including at least three projects to increase livestock production. Beef and veal production has increased with exports to United States up 470 percent in 1958–62 compared to 1954–57. Cotton exports have also increased sharply since 1960.

MEXICO

AID agricultural assistance has been about $37 million. Mexico is important cotton producer with three-fourths of crop entering world trade. Also imports large number of live cattle and beef and beef products into United States.

PAKISTAN

AID agricultural assistance nearly $279 million for irrigation, salinity control and land reclamation. Cotton exports in 1962 were 47 percent higher than 1955–59.

INVESTMENT SURVEYS

Since 1961 have spent $848,000 for 17 Americans to go to Argentina, Brazil, Central America, Colombia, Ecuador, India, Pakistan, Turkey, North Borneo, Nigeria and Thailand. Fourteen additional applications under consideration which will cost $196,300.

INVESTMENT GUARANTEES

Total of 778 political risk investment guarantees have been issued since 1948.

TECHNICAL ASSISTANCE

In 1963 there were 766 technicians employed overseas in food and agricultural fields. In 1963 about 400 foreigners received agricultural training in the United States under AID programs. In all, about 3,800 foreign nationals were trained in agriculture and home economics in 1963.

U.S. INTERESTS IN FOREIGN AGRICULTURE PRODUCTION

Argentina

International Packers, Ltd. (IPL), Chicago, including subsidiaries: Swift, Armour, La Blanca, and Provita.

King Ranch, Kingsville, Tex.

Australia

Chase International Investment Corp., New York City.

American Factors Associates, Honolulu.

J. H. Whitney & Co., New York City.

Elders-G. M. Co., Ltd.

Intercontinental Meat Traders, Inc., Chicago.

International Packers, Ltd., Chicago.

King Ranch Australia, Ltd.

Art Linkletter and Allen T. Chase.

Colombia

Ralston Purina Co., St. Louis.

Honduras

Alberti Foods, Inc., Chicago.

Adam Smith, Miami.

William Montiel.

United Fruit Co., Boston.

Mexico

Ralston Purina, St. Louis.

Archer-Daniels-Midland Co., Minneapolis.

Burlington Industries, Inc., Greensboro, N.C.

New Zealand

International Packers, Ltd., Chicago.

Paraguay

Pan Western Enterprises, New Orleans.

And may I say, the present law permits the restriction of imports of beef into the United States. I quote from our committee report:

> Accordingly, [Congress] enacted section 22 of the act of August 24, 1935. The pertinent provisions of this law are as follows:
>
> "(a) Whenever the Secretary of Agriculture has reason to believe that any article or articles are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, any program or operation undertaken under this title or the Soil Conservation and Domestic Allotment Act, as amended, or section 32, Public Law numbered 320, Seventy-fourth Congress, approved August 24, 1935, as amended, or any loan, purchase, or other program or operation undertaken by the Department of Agriculture, or any agency operating under its direction, with respect to any agricultural commodity or product thereof, or to reduce substantially the amount of any product processed in the United States from any agricultural commodity or product thereof with respect to which any such program or operation is being undertaken, he shall so advise the President, and, if the President agrees that there is reason for such belief, the President shall cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this section to determine such facts * * *.
>
> "(b) If, on the basis of such investigation and report to him of findings and recommendations made in connection therewith, the President finds the existence of such facts, he shall by proclamation impose such fees not in excess of 50 per centum ad valorem or such quantitative limitations on any article or articles which may be entered, or withdrawn from warehouse for consumption, as he finds and declares shown by such investigation to be necessary in order that the entry of such article will not render or tend to render ineffective, or materially interfere with, any program or operation referred to in subsection (a) of this section, or reduce substantially the amount of any product processed in the United States from any such agricultural commodity or product thereof with respect to which any such program or operation is being undertaken: * * *.
>
> "In any case where the Secretary of Agriculture determines and reports to the President with regard to any article or articles that a condition exists requiring emergency treatment, the President may take immediate action under this section without awaiting the recommendations of the Tariff Commission, such action to continue in effect pending the report and recommendations of the Tariff Commission and action thereon by the President.
>
> "(c) The fees and limitations imposed by the President by proclamation under this section and any revocation, suspension, or modification thereof, shall become effective on such data as shall be therein specified, and such fees shall be treated for administrative purposes and for the purposes of section 32 of Public Law numbered 330, Seventy-fourth Congress, approved August 24, 1935, as amended, as duties imposed by the Tariff Act of 1930, but such fees shall not be considered as duties for the purpose of granting any preferential concession under any international obligation of the United States."

Mr. HARVEY of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HARVEY of Indiana. Mr. Speaker, I am rising to defend Public Law 480 on the floor of the House as one who not only assisted in bringing it into being but as one who has followed it sympathetically, yet critically, during the 10 years of its life. For every criticism that will be leveled at it here today, I could probably name you others of greater proportions; nor would those criticisms necessarily be confined to either the Eisenhower or Kennedy-Johnson administrations.

While the primary purpose of this act is to assist in the orderly disposal of our surplus food and fiber, my interest is also due to its goal of assisting in creating better markets abroad at the same time. As one who has given much thought and study to the problem of world hunger, I can state here that this program was never envisioned to be more than a stopgap measure; and when viewed in this light it has been reasonably successful. The need of the rest of the world for more food is so great that if we were to donate all our agricultural production and were able to have it equitably distributed, we would not then solve the shortage problem. This does bring to our attention one facet of this food-distribution activity that is all too frequently overlooked—the problem of actually getting food to those who are hungry in an orderly fashion and in the best possible processed form; moreover, to accurately evaluate the needs in terms of dietary preferences.

It is a known fact that whole segments of our world population have literally starved to death rather than eat food that was not to their liking. We have come a long way since the first law—Public Law 480—was enacted in 1954. Indeed we have had to learn the hard way, for there was little past experience to guide us except for such short termed ones that existed after World Wars I and II. Not only were we confronted with the problem of distribution, but we were also confronted with the problem of how much of each sale should be in the form of a grant, how much as long-term credit, and how much in actual dollar amounts. We were also attempting to meet the issue of moving these commodities into commerce without displacing or disrupting the normal channels of trade. Two other disposal plans entered into the picture as well. One was the donations to such organizations as CARE. While this outlet has not accounted—percentagewise—for a large amount, it has had a large psychological impact upon people of other lands, especially those who are so needy. Another outlet that we envisioned as an excellent one is that of barter. This has been a somewhat controversial measure, and there is a division of opinion within our own committee as to the value of this plan. We have, however, a substantial stockpile of strategic mineral materials of the type that would be invaluable in time of wartime crisis; the mere fact that we do have this supply may be another reason why we may not have to get involved in another world war.

The other objective of Public Law 480, namely, to use our surpluses as a tool for market development abroad, has succeeded far better than we had anticipated. Previously we had not given much attention or effort to expanding our export outlets for agricultural commodities. Our markets have expanded and will continue to do so at a very satisfactory rate, in my judgment. Time will not permit me to elaborate on this point as I would like to do. To me the greatest commercial benefit that has accrued has been the encouragement that our efforts have generated among private commodity groups; the soybean industry is an outstanding example.

H.R. 12269 provides for a 3-year extension of the act and will keep the cost of the program at no more than we have been expending in prior years. We think that we have tightened the regulations in some areas where the need was indicated. The fact that we have heard no charge of maladministration stems not only from the capable administration the program has enjoyed but also the close scrutiny the appropriate committees of the House and Senate have exercised. This extension provides for even closer inspection to make sure that the intent of the Congress is followed.

There has arisen one conflict of policy which we of the Agriculture Committee have with certain individuals within the State Department. We have believed that our aim should be to use the program of disposal only to the extent that actual surpluses "as determined by the Congress" accumulate beyond the normal requirements of the commercial channels of trade. Those who oppose this policy are of the belief that we should continue to generate surpluses purposely so that they may be used as an extra arm of the diplomatic corps—in other words, used as a weapon in the cold war. Now those of us who are most concerned with this program believe that if this is to be the policy of our Government, then we should include the cost of such a program in the foreign aid program and not load it into the backs of the farmers of our country.

There will be objections and criticisms directed at this program, and some of them will have a measure of justification; in fact, some of them are the ones that I have also voiced. Particularly have I objected to foreign aid in any form going to Communist-dominated countries. But this has been done and may be done again. The differences of opinion on this subject have not been primarily political; both parties have their advocates and dissenters. This, however, has not been a major item, and the recovery of funds now frozen in these countries is not feasible. I never agreed with the massiveness nor the terms of our wheat agreement with India either; nor has it succeeded as its proponents were convinced it would at the time of its enactment. And so I could go down a whole list of complaints, but, even so, I must say that I am supporting it in spite of its faults not without carefully weighing them.

In conclusion, I should like to repeat that we should regard this legislation at best as a stopgap measure; through other efforts, such as our point 4—technical assistance—Fulbright scholarships, Peace Corps, participation in the Food and Agricultural Organization of the United Nations, not to mention the efforts of private foundations, such as Ford and Rockefeller, a massive educational program is underway in most of the underdeveloped and hungry nations. But the processes of education are time consuming, even though we agree that this represents the best solution of the hunger-health problems of great sections of world population. Again, I reiterate that this is good legislation and should be extended for the 3 years provided for in the bill.

Mr. BOW. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Speaker, as a member of the Committee on Agriculture I feel it is my responsibility to try to convey to this body some idea of the magnitude of this program.

We are asked here to provide for a 3-year program of financing by backdoor spending which would average $2.3 billion a year.

You will recall that not long ago we considered a foreign aid bill which was pared down to $3 billion a year. We have insisted upon annual scrutiny of foreign aid, and very properly so. Well here we have a program which rivals the foreign aid program both in size and in character.

Although the bill before us today provides for major and worthwhile improvements in the Public Law 480 program, it definitely needs still more improvement. This program departed far from its original concept of surplus disposal and market development. It has become a massive worldwide feeding program—and I mean exactly that. One hundred and twelve different countries are listed in the committee report as benefiting under donation aspects of this program.

Under the foreign aid authorization and appropriation this year, 100 countries were listed as benefited. This goes foreign aid 12 countries better.

The committee report itself boasts in the following words:

> Under these programs, the products of American farmers have reached more than 100 million people and more than 100 nations.

Strong efforts were made to permit nonsurplus purchases, so as to broaden this program still more. The amendment was rejected in committee, but the other body has accepted an amendment which authorized $50 million appropriations for purchases of beef, poultry, dairy, and other products.

To what extent should the U.S. taxpayers undertake this worldwide feeding responsibility? The question should be debated thoroughly and fairly. The opportunities for overseas feeding are endless. The population of India rises about 1 million each month, for example.

Is the "soft currency" procedure utilized in title I in the public interest? This question too needs thorough and fair debate. For example, a Pakistan banker blandly informed a USDA official the other day that the United States should be grateful that Pakistan has provided us with a way to dispose of some of our surplus wheat production. In his view, the soft currency procedure is an advantage to us. It illustrates the misconceptions which flow from these so-called sales. The misconceptions are just as abundant at home as abroad.

So we ought to realize the magnitude of this program, and I think in fairness to ourselves and to the taxpayers we should insist upon annual scrutiny of it.

We would be well advised to scrap title I entirely and provide only for hard currency sales or donations. If this were done, we would all have a clearer idea of what is going on.

Examination of the committee report will reveal the way in which the donations have been given indiscriminately to friend and foe alike.

Among those aided is Communist-leaning Laos, Communist-leaning British Guiana, Communist Poland, Communist Yugoslavia and Red-leaning Indonesia. And among the so-called friendly countries that have been benefited under title II government-to-government donations, believe it or not, are listed Soviet-occupied Germany, Czechoslovakia, Hungary, and Yugoslavia.

We should realize that this program has the effect of delaying realistic and sensible domestic farm programs. In a sense Public Law 480 has served as the burial ground for legislative mistakes. It has put off the day of decision.

It is high time we take a careful annual look at all this giveaway and bring it under control.

Mr. COOLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. MCINTIRE].

Mr. McINTIRE. Mr. Speaker, reference has been made to the loans for capital investment in some of these countries.

I would point out that it seemed to the committee that with the availability of these currencies and the interest of private investors in the United States to invest in these countries that this is a constructive way in which to use these currencies.

The original proposition in Public Law 480 was enacted in 1957 and some of the figures that have been given here are not related to the situations in which this provision has been applicable.

It was the thought of the committee in view of the broad legislation and the broad funding through the various vehicles that are going on in this day and age, these surpluses can be constructively used by private investors abroad. In relation to the charge that has been made that these industries that are assisted abroad are pouring foreign agricultural products into this country, if that proves to be the case then it is in direct violation of the provision of the act which we deal with here in this instance.

Mr. COOLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, this law was enacted 10 years ago this month. The authors of the original bill were Congressmen Judd, Harrison, Poage, Burleson, and myself. Three of us still remain—Mr. Poage, Mr. Burleson, and myself—Congressmen Judd and Harrison are gone.

I have watched this program develop over the 10 years. I have been in nearly every country this side of the Iron Curtain where it is working. It is working well.

What the distinguished gentleman from Ohio brings up today is nothing new. He has been here every single time this program has been renewed, and not only he but other members of the Committee on Appropriations have been doing the same thing. This is not a new thing today. They have been fighting this bill for at least 6 of the 10 years, that I know of. This is not a new thing they bring to the floor of the House today. It is the same old thing they have brought up time and time again.

If this program is to function, it has to function in the way in which it is functioning at the present time. It cannot have exactly what the gentleman from Ohio desires at all if it is to be successful, or it will not be. They insist it will be.

I tell the Members that this program will not succeed if the entrapments are put on the bill that they seek to put on the bill.

Mr. BOW. Mr. Speaker, I yield myself 2 minutes.

I say to my distinguished and dear friend from the State of Illinois that his facts are entirely wrong in each instance.

I have supported this program. The fact of the matter is I believe I introduced a bill prior to that of the gentleman from Illinois to accomplish the same thing.

I support this bill and the purposes of the bill now before us, but I resent taking away from the House of Representatives its prerogatives and its responsibilities. That is what this bill would do, and it is not the same bill which has been before the House before, on which the House has voted before.

It seems to me, Mr. Speaker, since we know that this Congress will be in session and since the distinguished Committee on Agriculture has requested a rule, that there is no reason why we should not get a rule and bring the bill in for consideration. I wonder whether the entire House may not be confused about what really are the facts. We should have a full debate on a $4 billion bill rather than an attempt to bring it in and to pass it in 40 minutes when some of the rules of the House are being violated.

I say to the gentleman from Illinois and also to the gentleman from North Carolina [Mr. COOLEY] and the gentleman from Texas [Mr. POAGE] that I support the principles of this bill and I will be here with them trying to support the principles of this bill, but I do not believe we should take away from the House its responsibilities.

Since we are going to be in session, let us get a rule. Let us bring this in, and open it up so that not only the Members of the House will know what is in this bill but also the people of the country themselves.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. Derwinski].

Mr. DERWINSKI. Mr. Speaker, I should like to point out to the House that those of us who have objected to this bill are not objecting to the basic program. We are objecting to the procedure under which this bill has reached the floor.

If I correctly understood the statement of the gentleman from North Carolina, he pointed out that this was a form of foreign aid program. He pointed out that it has included $11 billion over the past 10 years. If the Foreign Affairs Committee tried to bring the foreign aid bill to the floor of the House under a suspension of the rules, with 40 minutes of debate and without an opportunity for amendment, the House would explode.

Why is this procedure followed? Why can we not get a rule? Why not give us the opportunity to work on improving these programs?

I should like to point out that all we wish to do is to perfect this program and to bring it up to its potential.

I wish to direct specific attention of Members to page 32 of the committee report, to the excess currency as of June 30, 1964. It may be interesting to note that approximately half of the $1,156 million is held by two Communist countries. This means there is in the hands of two Communist governments a veto power over what we claim to be technically our money.

We cannot spend a red cent in any of these Red countries without the specific approval of the Communist government. This is the type of thing I believe the House and the Congress in its entirety should give attention to. As I understand the schedule, we will be back for 2 weeks early in September. We certainly have enough time to debate this program and to help the gentleman from North Carolina [Mr. Cooley] to improve on this program and to provide conditions whereby these funds will be better administered. Certainly we have time to adjust parts of the program that have been subject to criticism.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. Yes. I yield to the gentleman.

Mr. COOLEY. You want to give to the Committee on Appropriations the authority and responsibility of appropriating money, dollars, to finance all of the staples, every bushel of wheat and bale of cotton we have in storage. That is all we are asking for, to turn it over to them and let them run it. That is exactly what we want. We are dealing with commodities, and they are dealing with dollars. We have nothing to do with a dollar appropriation except when it come to the House.

Mr. DERWINSKI. All I am asking is to give the House a chance to perfect the whole program.

Mr. COOLEY. We appreciate that, and we think 35 Members acting without regard to politics heard the matter and came out with a unanimous vote.

Mr. DERWINSKI. If the gentleman will permit me to make a comment, I directed to the committee what I thought was a constructive suggestion. One of the ranking members of the gentleman's committee pointed out to me in candor that he felt the program could be improved, but if we were to bring this bill to the floor, it might be opening up a Pandora's box and take control away from the State Department. When you consider the membership of the House, and it's interest in perfecting this program we will help the taxpayers and foreign policy by constructive adjustments.

The SPEAKER. The time of the gentleman has expired.

Mr. COOLEY. I yield 2 minutes to the gentleman from Florida [Mr. Matthews].

Mr. MATTHEWS. Mr. Speaker, may I emphasize this bill comes to us today with just about as unanimous support as I think it is possible to obtain from a committee. Both sides of the aisle have worked diligently for weeks on this measure. This is not a fly-by-night proposition.

Mr. Speaker, the main thrust of the opposition, I believe, has been perhaps on the way that we envisioned the Committee on Appropriations spending some of the money that has been accumulating under title I. It is not intended to take away one iota of authority from the Committee on Appropriations. It is intended in the future, as in the past, that any money that has to do with U.S. missions abroad, or other activities that are a part of the Committee on Appropriations procedures, will still be within their authority. However, Mr. Speaker, we have over $1 billion in soft currencies in just several nations throughout the world. It is the intention of this committee, by the appointment of the special advisory committee, to try to do something about this $1 billion worth of currency that we are not using, that we cannot use, and that we have at the present time no foreseeable use for. I think it tidies up the appropriations process. It says that we do not want $1 billion of soft currency lying around. We want to look into it with the help of the special advisory committee to see if there is not some way beyond the requirements of the Committee on Appropriations, and beyond these uses for which the money will be retained, whereby we can put this soft money into use and not have it lie around in various nations of the world.

Mr. Speaker, this is a good bill and it ought to be passed.

Mr. COOLEY. Mr. Speaker, I yield the remaining time to the gentleman from Texas [Mr. Poage].

Mr. Speaker, will the gentleman yield?

Mr. POAGE. Yes. I yield to the chairman.

Mr. COOLEY. As I understand the situation, we have no assurances at all that this House will reconvene after the convention. If we postpone this action now, we do not know when it will come out.

Mr. POAGE. I think we have this assurance: if we pass the bill now, we get a continuing surplus disposal program; that we get continuing foreign aid. If we do not act now, we either have to take a Senate bill or a continuing resolution. Every Member of the House recognizes that fact.

But some of us have become so obsessed with the idea of giving more authority to the Appropriations Committee that we are forgetting about Public Law 480 and its great services to this country. I believe that the Appropriations Committee has a good deal to do in this House. It has pretty nearly all that the Members can handle in the time that they have, and sometimes they do not get it done. They are away behind right now with most of their work. You heard the chairman of the Appropriations Committee just awhile ago ask for time to bring in some continuing resolutions for the month of September. In other words, they are so far behind right now that they have to talk about continuing resolutions next month, not this month, yet they want more authority.

What we are suggesting here is, let us pass this bill which has served the United States so well and forget about giving the Appropritions Committee additional authority.

I am sorry to have to say that when the chairman of the Agricultural Subcommittee of that Appropriations Committee stood right here he talked about how we were going to use this money, how we were buying beef from the Argentine and Brazil. Why, we have not bought a pound of fresh beef from any of those countries for 25 years, because of the foot-and-mouth disease and the chairman ought to know it.

As a matter of fact, what we have been doing is keeping that beef out. We have been getting beef from Australia and New Zealand, and we have not got a dollar's worth of counterpart in any of those countries. As a matter of fact, somebody does not know his lesson. And I believe the Appropriations Committee has given a pretty good illustration this afternoon that they are are more interested in their power than they are in maintaining the welfare of the United States.

We brought you a bill here that is important to this country; we brought you a bill here that is important to agriculture; we brought you a bill here that is important to our foreign relations. And we believe that if we pass it now we will have the opportunity to continue a good program. Everybody who has spoken has said how good the program was, but they want to amend it this way and they want to amend it that way.

You saw the bills that came up from the Ways and Means Committee awhile ago. They were not subject to amendment. No, when they bring their bills in they are not subject to amendment because we all recognize that those things are of paramount importance to the Nation and that it is important to pass them and get them on the statute books. The bill is important and deserves the same treatment.

The SPEAKER. The time of the gentleman from Texas has expired. All time has expired.

The question is, Will the House suspend the rules and pass the bill, H.R. 12298, as amended?

The question was taken; and on a division (demanded by Mr. Bow) there were—ayes 82, noes 71.

So (two-thirds not having voted in favor thereof) the motion was rejected.

REDUCE USE OF WATER IN PECOS RIVER BASIN

Mr. ROGERS of Texas. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 49 authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in all New Mexico and Texas, as amended.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to prevent further decreases in the supply of water in the Pecos River Basin, and in order to increase and protect such water supply for municipal, industrial, irrigation, and recreational uses, and for the conservation of fish and wildlife, and to provide protection for the farmlands in such basin from the hazards of floods, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to take such measures as he deems necessary and appropriate to carry out a continuing program to reduce the nonbeneficial consumption of water in the basin, including that by salt cedar and other undesirable phreatophytes. Such program shall be carried out in the Pecos River Basin from its headwaters in New Mexico to the town of Girvin, Texas: *Provided, however,* That no money shall be appropriated for and no work commenced on the clearing of the floodway authorized by the Act of February 20, 1958 (72 Stat. 17), unless provision shall have been made to replace any Carlsbad Irrigation District terminal storage which might be lost by the clearing of said floodway.

SEC. 2. As a condition to undertaking the program authorized by the first section of this joint resolution, the Secretary shall require the States of New Mexico and Texas to give such assurances as he deems adequate that such States will acquire such lands, easements, rights-of-way, and other interests in lands as the Secretary considers necessary effectively to carry out such program.

SEC. 3. (a) As a further condition to undertaking the program authorized by this joint resolution, the Secretary may, with respect to those beneficiaries in New Mexico and Texas which the Secretary determines to be likely to benefit directly from the results of such program, require such commitments as he deems appropriate that such beneficiaries will repay the United States so much of the reimbursable costs incurred by it in carrying out such program as do not exceed the value of the benefits accruing to such beneficiaries from such program. The Secretary shall not require the repayment of such costs unless he determines that it is feasible (1) to identify the beneficiaries that are directly benefited by the program, and (2) to measure the extent to which each beneficiary is benefited by such program.

(b) Repayment contracts entered into pursuant to the provisions of this section shall be subject to such terms and conditions as the Secretary may prescribe, except that the amount of the repayment installment and total obligation in the case of any beneficiary shall be fixed by the Secretary in accordance with the ability of such beneficiary to pay, taking into consideration all other financial obligations of such beneficiary.

(c) Any costs of the program which the Secretary determines are properly allocable to flood control, fish and wildlife conservation and development, recreation, or restoration of streamflow shall be considered as nonreimbursable costs.

(d) In conducting the program, the Secretary shall take such measures as may be necessary to insure that there will be no interference with regular streamflow, no contamination of water, and the least possible hazard to fish and wildlife resources.

SEC. 4. Nothing contained in this joint resolution shall be construed to abrogate, amend, modify, or be in conflict with any provisions of the Pecos River compact.

SEC. 5. There is hereby authorized to be appropriated not more than $2,500,000 for the initial eradication or suppression of salt cedar and other undesirable phreatophytes on lands within the area to which this joint resolution applies and, in addition thereto, such further sums as may be necessary to maintain continued control over this land to prevent its reinfestation.

The SPEAKER. Is a second demanded?

Mr. FOREMAN. Mr. Speaker, I deman a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ROGERS of Texas. I yield myself 3 minutes.

Mr. Speaker, Senate Joint Resolution 49 would authorize a continuing program in the Pecos River Basin in New Mexico and Texas to reduce nonbeneficial consumptive use of water by saltcedar and other phreatophytes. It has been thoroughly studied by the Interior and Insular Affairs Committee and is approved without opposition in the committee.

The objective of the legislation would be accomplished by the initial eradication of saltcedar from some 70,000 to 80,000 acres along the Pecos River and the continued control over these lands to prevent reinfestation. The bill authorizes an expenditure of $2,500,000 for the initial clearing or $30 to $35 per acre. In addition, the bill authorizes an amount estimated at $600,000 annually to maintain continued control over the cleared lands. It is estimated that some 140,000 to 150,000 acre-feet of water annually can be salvaged from this program. This would mean a cost of some $3 to $4 per acre-foot which would be more economical than any other means of providing additional water in an area where the shortage of water is one of the most serious problems.

The nonbeneficial consumptive use of water by phreatophytes is a longstanding problem in the Pecos River Basin and other basins in the southwestern United States. The U.S. Geological Survey estimated several years ago that these undesirable phreatophytes covered 15 million acres of bottom lands in the 17 Western States and consumed around 25 million acre-feet of water annually. The plants spread rapidly and the seriousness of the problem is increasing. It is more serious in the Pecos River Basin because of the extreme water shortage that exists there. Saltcedar is the best known and most troublesome of the phreatophytes. It was first noted in the Pecos River Basin in about 1914 and since that time has rapidly increased in both density of growth and area. In the relatively short period of 11 years, one area of infestation, which was kept under observation by serial photographs, was approximately doubled. As the area of growth spreads, the density of growth increases in the older areas and more and more water is consumed. It has been estimated that, unless corrective measures are taken, saltcedars will be consuming all of the available water supply from the Pecos River by about 2010.

The problem of control of phreatophyte growth in the Pecos River Basin has been tackled by several local, State, and Federal agencies, and much research on the problem has been conducted. However, in spite of the research and control measures that have been taken, the problem is increasing. The program authorized by this legislation would be a cooperative program with State and local interests working with the Federal Government. While the beneficiaries of the program would be primarily those in the basin who would obtain additional water, other areas of the Nation where this problem exists would also benefit from the experience and information gained as a result of the activities in the Pecos River Basin.

The irrigated areas along the Pecos River are limited by the amount of water that has been available. The irrigated area has decreased in recent years due to a lack of water and many of the areas that have been irrigated have had serious water shortages. For example, in Texas, about 45,000 acres are susceptible of irrigation from the Pecos River but in recent years only about 15,000 acres have been irrigated. The irrigated acreage in New Mexico has diminished also, but by a somewhat smaller percentage.

The water that would be salvaged and recovered through eradication of the phreatophytes would affect the entire hydrologic complex of the basin. The increase occurring in the Pecos River would be subject to diversion through existing priorities established under State law. It would be very difficult to determine, however, the specific amount of water accruing to any given water-right holder. Because of the problem of identifying specific beneficiaries, it would be extremely difficult to establish repayment arrangements. Nevertheless, the legislation includes the principle of repayment whereby the beneficiaries, if they can be identified and have the ability, are required to help pay for the cost of this program.

In a way, the phreatophyte removal program would be similar to some of the other activities, such as flood control, pollution abatement, and so forth, which are undertaken by the Federal Government because of the general public interest involved and where it is impossible, or at least difficult, to identify the bene-

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ficiaries or the amount of the benefit accruing to each.

The Committee on Interior and Insular Affairs, on the basis of its hearings and study of this serious problem, concluded that the problem was of such magnitude and so serious that Federal assistance is warranted. The water-related economy of the Pecos River Basin is at stake. The solution seemed to be beyond the capability of State and local interests. The committee believes that the program this legislation would authorize is justified as a Federal expense and that the cost represents a sound investment in the resources of the Pecos River Basin.

Mr. Speaker, the Committee on Interior and Insular Affairs believes Senate Joint Resolution 49 is meritorious legislation and recommends its enactment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. What is meant by saltcedar?

Mr. ROGERS of Texas. That is one of the phreatophytes. It is a growth or plant that occurs along the waterway and consumes a great deal of water for its growth. If they can dispose of these phreatophytes, or plants, you can save that water and it is available for consumptive use.

Mr. GROSS. Is this brackish, otherwise known as brackish water?

Mr. ROGERS of Texas. No; it is not brackish. It is fresh water, and these phreatophytes, or saltcedar, come from a cedar tree. The gentleman from Iowa has seen a lot of it. It consumes a tremendous amount of fresh water coming downstream.

Mr. GROSS. You are going to clear some land, bring more land into production through this program?

Mr. ROGERS of Texas. It will clear more land along the sides of the Pecos River. That land will be available, but it will make available also a great deal of the water for downstream consumptive use and for other purposes.

Mr. FOREMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, although this bill, Senate Joint Resolution 49, very directly involves my congressional district and my State of Texas, including the proposed expenditure of about 2.5 million Federal dollars along the Pecos River, I have several very serious reservations regarding this legislation. I am of the opinion that if the project is worth doing at all, it should be done, where possible, on a participating, share-the-cost basis with the farmers and ranchers doing a portion of the work, supervising the project and sharing the financial responsibility, rather than initiating an entirely new costly Federal aid project. The Federal Great Plains conservation program is an all-inclusive soil and water conservation plan, operating on a participating basis, that pays up to as much as 80 percent of the cost of various conservation projects. This program of helping farmers and ranchers to help themselves offers considerably more logic and sense to me, than establishing a completely new aid program and Federal bureau to do the job.

No one is more concerned about the preservation of our natural resources and water and soil conservation practices than I am. I have supported our water and soil conservation programs with my work and votes in the House of Representatives. But at the same time, I am also concerned about the conservation of our tax dollars and our own responsibilities and self-respect. I do not believe new Federal aid programs financed with our hard-earned tax dollars is the best answer to all our problems.

There are a good many questions that I think need answering.

First, why not build a concrete canal or a closed conduit? Then we would not have the yearly $600,000 reoccurring mowing and eradication costs.

Second, do you know enough about the problem of proper eradication of saltcedar and other undesirable growths? These are presently the subject of research by the Department of Agriculture from a base at Los Lunas, N. Mex.

The results of this research, directed toward a permanent solution to the problem, limited by available funds and staff, has been so encouraging that the Agricultural Research Service has already requested construction of a laboratory at an estimated cost of $500,000. With an adequate staff to step up the pace of the research. The research service is confident that with the necessary research facilities a laboratory would provide, long strides could be expected toward a permanent solution of the saltcedar problem and development of an economical and effective method for the eradication and prevention of reinfestation of salt cedars and other undesirable phreatophytes.

Another question: Is the initial cost of $2.5 million realistic? When this bill was first considered, officials discussed the problem involving 50,000 acres of saltcedars at $100 an acre, which would have been $5 million. Now that the question has been brought up, this has been revised down to approximately $33 per acre and only about 80,000 acres. I have talked to private contractors who do this on a regular basis, and they do the job for $25 per acre.

There are many questions that need to be answered here. We have some suggestive evidence, though no positive proof, that some of the saltcedars may have been planted by some Government agency many years ago to prevent erosion and washout of the river.

There are a good many things we ought to answer before we get into spending $2.5 million on an initial project and a continuing project which will cost upwards of $600,000 per year.

If we approve of eradicating saltcedar weeds along the Pecos River, and then the folks of Tennessee come to us and ask us to spend $2.5 million to eradicate the Johnson grass in the fields of Tennessee, then we would probably be just as justified to do so.

Because of the interest in, and the problem presented by, the request for Federal aid and control of a saltcedar eradication program for the Pecos River Basin, I have, and am now, conducting various research studies, tests and engineering surveys to see what the real need is. A recent U.S. Department of the Interior geological water-supply survey states:

> The contribution of water to the Pecos River in the reach between Alamogordo Dam and Red Bluff Reservoir has been trending downward for the past 40 years.

Although several factors are involved in the streamflow depletion measured, the principal causes seem to be the ground-water developments near Roswell and Carlsbad, N. Mex., and the natural factors of drought—no rain. Says the report:

> Some of the depletion of the riverflow has been because of the saltcedar growth.

Because of the progressive diminution of inflow from its drainage basin, due to the drought of recent years, and because of the tremendous increase in the use of ground water—pumps, wells, and springs—in the farming acres of Roswell and Carlsbad, the Pecos River has not had the amount of water to carry that it once did. If there just is not any, or at least, any appreciable amount of water running down a riverbed, it really does not make a great deal of difference whether the riverbed is bare—paved—or covered with saltcedar. Of course, if it starts raining again, there would be water running down the river—but if it were raining again, we probably would not be too concerned about the river water—or would we?

I have many reservations about this. I cannot in good conscience urge you to support this proposed very costly legislation without further study that I believe is very necessary.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FOREMAN. I yield to the gentleman from Iowa.

Mr. GROSS. There is no flood control project in this program?

Mr. FOREMAN. We have not had flooding problems in the Pecos River Basin for some years. The trouble is we have no water.

Mr. GROSS. This is in no sense a flood control project?

Mr. FOREMAN. The bill says it is to prevent the flooding of the basin, that to eliminate saltcedars would also eliminate this problem. It is written into the bill, and in the report, that this is one of the results to come about from this program.

Mr. ROGERS of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, I think this is probably one of the most important research and water development bills that has ever been brought before this Congress. I should like to comment very briefly on some of the questions raised by our good friend from Texas [Mr. FOREMAN].

There is nothing in the legislation that would prevent the Bureau of Reclamation from contracting with private contractors to do this job. In fact, I think that we can reasonably expect that we will contract with private contractors, because I think they could probably do the best job of eradicating saltcedars.

I should like to point out some of the difficulties that would be present in specifically saying to each landowner along the river, "You pay back this amount of money, and you pay back this amount because you are going to benefit by this amount."

It is just as difficult to tell who as individuals will benefit by this legislation as it is to tell who will benefit by a flood control project that may be built on the Mississippi River or some other river in this country, because the surface water in this area is so interrelated with the ground water that any time you have an increased flow of the water in the river on the surface you are going to increase the flow from the artesian wells, which comes from the ground water. We are also going to increase the water from the wells which are being pumped. So the problem of determining who would benefit and how much is extremely difficult.

We do say in the language of the bill that the Secretary should try to make this determination as to who would benefit, if that is feasible, and ask for repayment of the cost on a pro rata share.

I think it is very urgent that we act on this bill at the present time, because right now in the western part of the United States about 17 million acres consume in beneficial use an estimated 25 million feet of water a year.

In the Pecos Valley alone, the infestation by these undesirable phreatophytes has more than doubled between 1939 and 1950.

Some people might ask why should we conduct this research in an eradication program in the Pecos Valley? For the simple reason that the Pecos Valley is the oldest irrigated part of our country and we must use this area because we have records of what the streamflow was before this infestation.

It is estimated by the Bureau of Reclamation that we could save in the Pecos Valley alone approximately 140,000 or 150,000 acre-feet of water which could be used for beneficial uses in not only New Mexico but downstream.

In addition, and I think this is the most important part of all in this legislation, and it is not the preventive nature of it, but it is that we hope to gain valuable knowledge and experience in this research and eradication program which will help us in the future to prevent the entire water supply of the western part of these United States from being in jeopardy.

Mr. FOREMAN. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield to the gentleman from Texas.

Mr. FOREMAN. When this bill was under discussion in the committee of which the gentleman is a member, the subject came up about the Federal Great Plains conservation program which is a participating program that helps farmers and ranchers to help themselves on such projects. Has there been a report from the Federal Great Plains conservation program as to whether it could be utilized in this program?

Mr. MORRIS. I do not know that there has been an official report. I know some of the officials in the Department of Agriculture who handle the Great Plains programs and they tell me that some of the difficulties and problems which they would have in trying to do this under the Great Plains program is that they would have no really fair method of prorating the cost-sharing basis fairly and equitably.

As the gentleman from Texas very well knows, because he is very familiar with the area, a great deal of this is pumped from the underground basin and the underground basin is fed from the Pecos River also. A firm who is pumping from underground water could not see any direct benefit by eradicating the phreatophytes in the riverbank because he gets his water from underground and not by diversion.

I sympathize with the gentleman's idea of trying to do this through the methods which he has suggested, but I just do not believe it could ever be done. Furthermore, this is a national problem and it is not just a regional problem.

Mr. FOREMAN. I certainly commend the gentleman for his concern in this matter and, as I stated earlier, no one is more concerned about the conservation of water than I am. I want to conserve and preserve our water and soil resources, but I am also concerned about the cost—the economics of such a program. If this is done, I would certainly be interested in following through and in seeing that it would be done as economically as possible and with private contractors doing the job.

Mr. MORRIS. I think it is the best method.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. MORRIS. I yield to the distinguished gentleman from Iowa.

Mr. JENSEN. I know something about the saltcedar infestation in that area. I have seen it with my own eyes. It is a very serious problem. Does the gentleman believe this commission which you want to set up to make a survey of this problem will find that a program of eradication of the saltcedars will conserve millions and millions of acre-feet of water? Is that what you believe will be the result of such a survey?

Mr. MORRIS. It is the concerted belief and opinion of the gentleman from New Mexico—I believe backed up by the report from the Bureau of Reclamation—that if we can get this program going we shall have an excellent chance in the future, in the whole West, of saving millions of acre-feet of water for the beneficial use of the United States.

Mr. JENSEN. I must say that certainly water is liquid gold in that part of the country. If the eradication of this saltcedar will do what the gentleman believes it will do, then I am very much for this measure.

Mr. MORRIS. I thank the gentleman from Iowa.

Mr. FOREMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, if there is anything that we must all guard against it is waste. This word is one of the most offensive in the English language to nearly all of us. We speak of "waste of time, waste of money, waste of effort, waste of talent, waste of breath." Whenever we speak this way, we mean two things: We mean that that which is being wasted is scarce and valuable and we mean that something which is scarce and valuable is being deliberately or carelessly lost or put to nonbeneficial use.

The measure that we are considering now, Senate Joint Resolution 49, is concerned with waste of another scarce and valuable asset—water. It is not merely concerned with it; it proposes a way by which this waste can be curtailed or wiped out, a means whereby that which is now going into nonbeneficial use can be saved so that it can do good work again.

What is the situation here? It is very simple. There are some 60,000 to 70,000 acres of saltcedars and other phreatophytic growths in the 40 or so miles between Alamagordo and McMillan Dams' and the whole 250 miles between Santa Rosa, N. Mex., and Girvin, Tex., is badly infested. These phreatophytes not only serve no useful purpose but also they consume immense quantities of water that is badly needed to support the agriculture of the basin. They use up and waste as much as 6 acre-feet per acre that they inhabit.

In addition, these phreatophytes have been increasing rapidly. They were first noticed in the Pecos Basin in 1914. By 1939, there were 14,200 acres of them in the reach between Alamogordo and McMillan. By 1950 this had doubled. Today, as I said before, we have 60,000 to 70,000 acres of them using up between 360,000 and 420,000 acre-feet of water each year—enough to irrigate 125,000 acres of land in good and useful crops. And the estimate is that, if steps are not taken to eradicate this growth, there will be no water at all left for human use in the Pecos Basin.

Today, in a world of ever-increasing population, we are becoming more and more aware of the importance of avoiding waste of water. We have instituted pollution control programs, we have undertaken a saline water conversion program, we construct dams and reservoirs all over the country, we are working out methods of reducing evaporation losses from reservoir surfaces. We do all this with one common object in view—that of saving or reclaiming or finding new supplies of water.

I doubt that there is any cheaper method of doing this in the case of the Pecos Basin than that which is being proposed in Senate Joint Resolution 49. For an initial capital cost of about $6 per acre-foot and an annual cost of about one-quarter that figure, we can save this water and allow it to be put to beneficial use. Even if none of this money is repaid—and the bill contains repayment provisions if the proper parties can be identified—this will be a very worthwhile investment.

I urge that the rules be suspended and that the joint resolution be passed.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Pennsylvania.

Mr. HALL. I should like to have a bit of information about this. Is this a tree or is it a weed? I know what a phreatophyte is, and I know it is a water consumer.

How do they destroy it? How do they prevent its recurrence? How do they prevent erosion once it is destroyed?

Mr. SAYLOR. It is a tree.

Mr. HALL. Is there any wood value in this tree?

Mr. SAYLOR. It has no wood value at all. The figures before our committee indicate that an acre of these saltcedars or phreatophytes will use about 6 acre-feet of water a year. This infestation is such that one thing they must do first is to find out how to eradicate it. Second, they must learn how to keep it from coming back.

Mr. HALL. They do not know yet how to eradicate it?

Mr. SAYLOR. I believe they know how. It can be burned off.

Mr. HALL. Is it indigenous?

Mr. SAYLOR. It is indigenous to the area.

Mr. HALL. Can it be destroyed by chemicals or by burning?

Mr. SAYLOR. It can be destroyed either by chemicals or by burning.

Mr. HALL. In the Ozarks we have the winged elm, the red cedar, the buck brush, and the black oak. We would like to get rid of those, and allow the blue stem grass to get back to what was indigenous originally before the forests were cut off.

Could we make a similar request to this, to get back to the natural grasses, livestock, and dairy grazing if this is successful?

Mr. SAYLOR. I think you could do that. I believe our committee would look with favor upon it.

This is a waste of a valuable natural asset, exactly as the bushes which are growing in your section represent a waste of a very valuable asset.

Mr. MORRIS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from New Mexico.

Mr. MORRIS. We would hope that the research which would be conducted would give us knowledge, from a project of this nature, which could be used to do the very things of which the gentleman speaks, in his great State of Missouri.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, perhaps we are going at this backward. We have decided in that area to do the research first under the U.S. Forest Service, working on the problem while we are grazing on the new blue stem. This requires fertilization and seeding, after overcutting the crown, so that the indigenous grasses will come back. Those are very nutritious. Certainly we should do some research first in the laboratories or under the Forest Service, and then the experiments in the field.

Mr. ROGERS of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. POOL].

Mr. POOL. Mr. Speaker, I favor this legislation because, as Congressman at Large from the State of Texas, I know our first problem is water. We are going to get 180,000 acre-feet of water from this program, and to us this is worth money. We are dry in Texas, all across the Rio Grande from New Mexico down to Brownsville.

I ask unanimous consent to revise and extend my remarks on Senate Joint Resolution 49, I would like to discuss the legislation now before this House, legislation which would authorize the eradication of thousands of acres of saltcedar trees in the basin of the Pecos River. The Pecos flows from New Mexico into far west Texas, where it becomes a tributary of the Rio Grande. It is a winding river which brings the beneficence of water to one of the driest reaches of our land.

The Pecos has never been more than a modest river by eastern standards, but its water was once sufficient to irrigate 40,000 acres of Texas farmland. In recent years, that flow has diminished until there is now no more water for growing the melons, grapes, and alfalfa for which the Pecos Basin was once famous. The flow of water has dwindled as the saltcedar trees have multiplied.

The first saltcedars were seen along the Pecos in 1914. There are now 70,000 acres of these trees, dense growths which spread out for acres from the river. Each year, each acre of saltcedars consumes enough water to spread a foot of water over 5 acres of farmland. The trees grow tall, multiply fast, and sink their roots deep. Saltcedar roots will travel as far as 90 feet to find water. The trees are actually growing in the stream in many places, forming islands and diverting the channel.

The Pecos, 50 years after the appearance of the saltcedars, has nearly vanished. The importance of this legislation to many of my colleagues in this chamber lies in the fact that saltcedars have now appeared in the river basins of 17 other States. This program on the Pecos will be a pilot study for other basin areas which will face the same problem in future years.

Where water is precious, men are jealous of their rights to it. Yet, between Texas and New Mexico there exists a realistic spirit of cooperation on a resource so vital to life that it often strains friendships between neighbors, between townships and counties and States. Texas and New Mexico share the water of the Pecos under agreements reached by the Pecos River Commission, established by the Congress. J. C. Wilson of Pecos, commissioner for Texas; and T. E. Lusk of Carlsbad, commissioner for New Mexico, typify the relationship of the two States which share this precious water. Each represents the interests of his State jealously and zealously, but with an understanding that cooperation must exist for the survival of the farm economy of the entire interstate basin.

The members of the Pecos River Commission and Governors of both States have seen the need for this eradication program, and the Department of Interior has stressed its practicality and importance. The cost of water recovered is estimated at from $3 to $4 an acre-foot—a very low figure.

I am proud to have had the opportunity to cooperate with my colleagues, the Honorable THOMAS MORRIS and JOSEPH MONTOYA of New Mexico, in introducing this legislation and I strongly commend the bill which has come before the House from the Committee on Interior and Insular Affairs.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. ROGERS] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 49.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

AGREEMENT TO POSTPONE CONSIDERATION OF BILLS UNDER SUSPENSION OF THE RULES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to recognize for motions to suspend the rules and pass the bills remaining undisposed of on the whip notice today on a day to be agreed upon by the Speaker, the majority leader, and the minority leader.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALLECK. Mr. Speaker, reserving the right to object, and I am not going to object, this has been a matter of considerable concern and conversation. As far as I am concerned, since it is limited to those bills remaining on the calendar, I shall not object. As a matter of fact, I have agreed to this arrangement. I know there are Members who would like to have other bills considered, and I would express the hope that if this unanimous-consent request is granted, the other bills that are on the list could be disposed of as quickly as possible under the arrangement suggested by the majority leader.

With that, Mr. Speaker, I withdraw my reservation.

Mr. GROSS. Mr. Speaker, further reserving the right to object, it would not be the thought that these bills would be called up this week, or would it?

Mr. ALBERT. They will not be called up this week. Ample notice will be given.

Mr. GROSS. And this is confined, as the minority leader has said, to the bills that have not been called up on today's calendar?

Mr. ALBERT. As specified in the request.

Mr. GROSS. And no other bills?

Mr. ALBERT. No other bills.

Mr. HOSMER. Mr. Speaker, further reserving the right to object, on the 31st of August the Third International Atomic Energy Conference occurs at Geneva. The next bill on this calendar is S. 3075 amending the Atomic Energy Act of 1954 to provide for private ownership of special nuclear materials. If passed and enacted into law by that time, this will give the United States a tremendous boost in the eyes of the world through that Conference. I am wondering if there is any possibility, Mr. Speaker, that the House might consider acting upon that bill. I know of no substantial opposition to it. It would take but a very few minutes, and I think that the value that this House could give to it, vis-a-vis the Iron Curtain countries progress in this important field would be well worth the few minutes that we took for the consideration of the next bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HOSMER. I have not withdrawn my reservation, Mr. Speaker, and I would ask the majority leader if, accepting what I have said to be the fact, he would consider withdrawing his request and permitting this other bill to be considered during the few minutes time it would take.

Mr. ALBERT. Well, in response to the gentleman, the majority leader has not consulted with the minority leader or the Speaker on this matter of this particular bill. I would say that it would seem to me that the important thing would be that this bill was up for consideration. Our acting on the bill would not necessarily mean its passage.

Mr. HOSMER. The other body has already passed the bill. This final action is all we need to do here.

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me under his reservation?

Mr. HOSMER. I will be glad to yield to the minority leader.

Mr. HALLECK. I would like to suggest to my friend from California who spoke to me about this a moment ago that there are other ways, if there is a real emergency situation here, to bring about the consideration of this bill in plenty of time for the purpose which the gentleman discusses. In other words, if it is as noncontroversial as the gentleman says it is, it might be disposed of under some arrangement that would start with a unanimous-consent request. Otherwise I would assume again if there is not a controversy, as the gentleman indicates, a rule could be quickly granted and at the proper time the matter could be disposed of.

I will say to the gentleman from California there are numerous Members who are not too happy about some of their bills not being reached, but it has seemed to be in the better interests of all of the membership that this arrangement be entered into.

Mr. HOSMER. I thank the gentleman for his counsel and, against my own better judgment, I withdraw my objection.

Mr. ALBERT. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The Chair will state that if arrangements can be worked out on this or any other bill, through a unanimous-consent request, where the matter has been carefully screened, the Chair will be glad to recognize for that purpose. That does not mean today. It means sometime this week, if it is carefully screened through the leadership. Members are protected in the knowledge that the screening has taken place.

NEHALEM BAND OF TILLAMOOK INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11118) to provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 2, line 25, strike out "tax" and insert: "tax."
>
> Page 3, strike out lines 1 to 5, inclusive.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FUQUA. Mr. Speaker, on rollcall No. 229 I was absent on official business. Had I been present I would have voted "nay."

NATIONAL HUMANITIES FOUNDATION

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I am privileged today to introduce a bill to provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities.

The purpose of the National Humanities Foundation should be to develop and promote a broadly conceived policy of support for the humanities and the arts, but there should be no attempt to direct, control, or otherwise influence the scholarship, teaching, research, or artistic endeavors which are supported by the National Humanities Foundation.

The humanities and the arts should be broadly defined so as to include, but not be limited to, the study of languages, literature, history, and philosophy; the history, criticism, and theory of art and music; the history of religion, science, and law; the creative and performing arts, including theater and dance; and those aspects of the social sciences that have humanistic content and employ humanistic methods.

My sponsorship of this legislation grows out of my recent reading of the report of the Commission on the Humanities sponsored by the American Council of Learned Societies, the Council of Graduate Schools in the United States, and the United Chapters of Phi Beta Kappa.

Dr. Barnaby C. Keeney, president of Brown University, was chairman of the commission which wrote the report. Dr. Herman B. Wells, chancellor of Indiana University, was vice chairman. Other distinguished educators who served on the commission were President Kingman Brewster, Jr., Yale University; Rev. Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame; and Dr. Clark Kerr, president of the University of California. Public members of the commission were Mr. Arthur H. Dean, senior partner of Sullivan & Cromwell; Mr. Devereux C. Josephs, former chairman of New York Life Insurance Co.; Dr. Glenn T. Seaborg, Chairman of U.S. Atomic Energy Commission; and Mr. Thomas J. Watson, Jr., chairman of International Business Machines Corp.

I do not believe the National Humanities Foundation will require a large Federal subsidy. In fact, for the first year I am seeking an appropriation of $150,000. Rather the Foundation should be run something like the Smithsonian Institution which is empowered to accept gifts, endowments, and grants from foundations.

The distinguished British historian, Mr. Arnold Toynbee, has said:

> Man is astonishingly good at dealing with the physical world, but he is just as astonishingly bad at dealing with human nature; therefore, an inch gained in the understanding of and command over human nature is worth a mile in the understanding of and command over physical nature.

The educated man recognizes that the humanities are the study of that which is most human. They record not only our lives but the very substance of which our lives are made. Their subject is every man. I propose therefore a program for all our people, a program to meet a need no less serious than that of national defense. The humanities speak for our beliefs, our ideals, and our highest achievements.

In an age in which we have seen of necessity a spectacular growth in science, it is essential that we preserve the interdependence of science and the humanities so that men will remain the masters of their technology and not unthinking servants.

Let us all recall that over the centuries the humanities have sustained mankind at the deepest level of his being. They flourished in Greece and Rome, in the Middle Ages, in the Renaissance, and in the Age of Enlightment. In the formative years of this Republic it was a group of statesmen steeped in humanities who fused their own experience with their intellectual capacities to create the Constitution of the Republic.

At all times, but particularly in this age, which the poet W. H. Auden has described as the "age of anxiety," man's nature requires that a vision be held before him—an ideal for which he may strive. The teachers of the humanities can offer their fellow countrymen a vision of the eternal verities—truth, goodness, beauty, virtue, justices, and freedom.

Second, a democracy in crisis demands the wisdom of every man. The humanities record the best and the worst of our past and chart a course for wise men to follow.

Third, frequently this country is accused of being a nation of materialism. Our critics find it hard to fathom the motives of a country which will spend billions of dollars on defense and so little to maintain the creative and imaginative abilities of our own people. The arts cross the barriers imposed by language and contrasting customs.

Fourth, world leadership such as is now our responsibility cannot rest solely upon superior physical force, vast industrial wealth, or preponderate technology. Only the elevation of this Nation's goal and the excellence of our conduct entitle us to ask other Nations to follow.

Fifth, science is bringing greater and greater leisure to America. "What shall I do with my spare time?" all too quickly becomes the question. "Who am I? What shall I make of my life?" When men and women find nothing within themselves they turn to trivials and the society to which they belong becomes socially delinquent and potentially unstable. The humanities are the time-tested answer to man's questioning and his need for self-expression.

In introducing this legislation I am mindful of the words that the late President Kennedy spoke on October 26, 1963—less than a month before his death. He took the occasion of the dedication of the Robert Frost Library at Amherst College to say:

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well. And I look forward to a world which will be safe not only for democracy and diversity but also for personal distinction.

President Johnson is holding forth to the American people the vision of the "great society." We have the physical resources to create this society; material, cultural and spiritual. All that is needed is the decision of the American people. I believe that the creation of the National Humanities Foundation by the Congress can be the cornerstone of the "great society."

AN ECONOMIC ANALYSIS OF THE REPUBLICAN PLATFORM

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. CURTIS. Mr. Speaker, Prof. Henry C. Wallich of Yale University, formerly a member of President Eisenhower's Council of Economic Advisers, has written an economic analysis of the 1964 Republican platform for the Journal of Commerce. Dr. Wallich's conclusion after careful study of the document is that the economic planks are not far out of the "mainstream" of Republican thought.

One of Professor Wallich's most interesting conclusions is that the economic model underlying the Republican platform, given favorable conditions, will probably outdistance that of the Democrats in terms of economic growth. The Republican model, he says, is an economy which relies principally on strong incentives to insure the full use of resources, and on competition to insure their optimal allocation. Dr. Wallich points out that it contrasts with the Democratic model, which relies more heavily on fiscal and monetary policies to achieve full resource use, and upon various forms of intervention and control to achieve an allocation that reflects its concepts of welfare.

The improvements in the Republican model and in future platforms, according to Dr. Wallich, must be sought in measures that assure stability in the use of resources at a high level without interfering with strong incentives and free markets.

Mr. Speaker, I ask unanimous consent that Dr. Wallich's analysis of the 1964 Republican platform be included in the RECORD at this point:

AN ECONOMIC ANALYSIS OF THE REPUBLICAN PLATFORM: JOURNAL OF COMMERCE

(By Henry C. Wallich)

Some commentators have said that the Republican platform represents a sharp break with the former views of the party. Careful analysis reveals that the economic sections at any rate contain few dramatic changes. By and large these sections are of a sort that most Republicans could live with.

There are some things missing that progressive Republicans would wish had been put in. A few are in that they—and most nonpolitical economists—would wish had been left out. But if the platform is no mandate for the kind of economic policy that the progressive wing of the Republican Party would like to see, neither is it inconsistent with such a policy.

The voter, accustomed to politicians' forgetfulness where platforms are concerned, often is tempted to write off the document altogether. If so, he misconceives its true purpose. The platform does not settle issues, it poses them. It compels the politicians, individuals normally oriented toward action or at any rate toward speech, to stop and think. It compels them to take positions. It provides a test of strength on these positions.

The voter who takes the trouble to read the platform still does not know what his party would do if it came to form a government. Nobody knows that. But he certainly knows what the pressures are going to be. That is the function of the platform.

The simplest evidence that much of the Republican platform is not far out of the "mainstream" of Republican thought comes from the fact that it incorporates most of the 1960 platform and of the 1962 declaration of Republican principle and policy. At the beginning of the constructive program section, it is stated that, in the interests of brevity, these two documents are not repeated. The platform continues "We incorporate into this platform as pledges renewed those commitments which are relevant to the problems of 1964." While this downgrades the impact, it does serve to preserve continuity. A number of points from the 1962 declaration of principles, moreover, appear in very similar language in the 1964 platform.

A second factor contributing to balance in the economic part of the platform is the spadework done by the Critical Issues Council, a group of Republican-oriented citizens not affiliated with the official party organization. The papers of the council, published during the months preceding the convention and presented in summary form to the platform committee, generally have a middle of the road tenor.

Balance has further been facilitated by the device of dividing the platform document into two parts and releasing it to the press in two stages. The first part contains an indictment of the Democratic administration, the second the positive proposals. Most of the vitriol is discharged in the first part. This leaves an opportunity for a calmer statement on economic policy in the second part.

Balance probably was not the primary reason for the one-two punch technique. Splitting the platform into two parts was a means of giving the press an opportunity to concentrate on the indictments. But the device helps to make the positive program more businesslike than political statements often can afford to be.

Finally, the 1964 platform is a very flexible document which allows many shades of opinion to find support among its numerous proposals. The platform is, in fact, a new approach in platform writing techniques. The planks of the economic section are not assembled according to functional criteria. They do not, in other words, deal with fiscal affairs in one place, with labor in a second, with agriculture in a third. Instead, the planks are organized according to major principles, running from "faith in the individual" to "faith in the competitive system" to "faith in limited government."

The platform writers discovered, not very surprisingly, that most major public policies have something to contribute under more than one of these headings. Something therefore had to be said about the budget under "faith in the individual" as well as under "faith in limited government", and the same is true of agriculture, labor, small business, and all the rest.

With this structure, the platform attempts not so much to list a program as to project a philosophy. This is appropriate for the party out of power: it is not required to run on its record, as the governing party must. Nor does it have the means of putting together a carefully documented program. It lacks control of the vast staffs in the Washington agencies that the party in power can command. It is not under the discipline of responsibility that compels a party in power to bring into line its many divergent elements.

By avoiding to be specific on all subjects, the Republican platform can claim to be a more honest document than if a great many things had been spelled out that, in the nature of politics, are destined to be forgotten later. The specifics are mixed in with the generalities. And it is fairly easy to see which are the specifics, and which the generalities.

The specifics are proposals that are optional, that can be implemented by some feasible piece of legislation or administrative action, such as "tax credits for college education," or "emphasis upon channeling more private capital into sound urban development projects". Given the will and the votes, these things could be done.

Examples of generalities are "elimination of excessive bureaucracy," "the redevelopment of an atmosphere of confidence—in which vigorous competition can flourish," or "an end to chronic deficit financing, proudly reaffirming our belief in a balanced budget." None of this would commit a victorious

Republican Party to any particular course of action, because it is not clear what course of action would achieve the objective, or even what the objective would be in any particular case.

The number of generalities is large in this platform, the number of specifics small. This reflects the differences between the two wings of the Republican Party, which this year are acute, and the preference of Senator GOLDWATER for a short document. But when the 1960 platform is taken into account, the pledges of which are specifically renewed, the range of specific commitments widens.

In some respects this makes the 1964 Republican platform all things to all men. Promoters of freer trade can find support in it as well as protectionists. Budget balancers can cite it and so can protagonists of a flexible fiscal policy. But if failure to arrive at a singleminded economic orientation is a defect, it is also a feature of political significance: in a year in which the Republican Party has made a sharp turn in political direction, it has shifted its stance only mildly on matters of economic policy.

WHERE DO WE STAND?

I have said that the economics of the 1964 platform represent much less of a shift than its political planks. The incorporation of the 1960 platform, insofar as relevant to the problems of 1964, which has been overlooked by many, contributes substantially to this effect. But continuity can be demonstrated also by an analysis of many of the provisions of the 1964 platform alone.

Budget balancing is the acid test of financial ideology. The 1964 pledge is a string of words of art. "An end to chronic deficit financing, proudly reaffirming our belief in a balanced budget." It sounds like budget balancing but it isn't. Chronic deficits are to be ended, and belief in a balanced budget is affirmed, but no commitment is made to balance any particular budget. Occasional deficits are all right, and how closely action in achieving balance is to follow belief is left to the judgment of the reader. The symbolism of the balanced budget is maintained, but somehow the drafting committee has failed to find the words, among the thousands in the financial dictionary, that would convert symbol into program.

The 1964 statement on budget balancing is not significantly harder than its predecessors. In 1962 the statement of principles demanded "more than lipservice to a balanced budget." The 1960 platform proclaimed "Except in times of war or economic adversity, expenditures should be covered by revenues." In each statement there is an element of flexibility.

All these statements, of course, still fall far short of a statement on the budget such as many economists would like to see. Such a statement would say that the budget should be in surplus when consistent with high use of resources and in deficit when required to achieve such use. But it should not be forgotten that balanced-budget-mindedness did not keep Republicans from cutting taxes in 1948 and 1954 in the face of economic recession, even though that may not have been the decisive consideration for all legislators.

On the subject of Federal expenditures, the 1964 platform also takes a stand from which more than one group may take comfort. Here, however, it is not so much a question of the liberal versus the conservative wing, as the taxpayer versus various interested groups.

Pledged is a cut in Federal expenditures of "not less than $5 billion" from present levels. Understandably, no very detailed list of the victims of this cut is provided. There are indications, however, that among them would be agricultural subsidies, space, and Federal grant-in-aid programs.

But there are increases, too. These would be demanded principally by proposals for modernization and broadening of the weapons program, "adequate pay scales" for the career governmental services, military and civilian, strengthening of various social security and health programs, labor training and rehabilitation, and others.

Any increases on behalf of these proposals would mean, of course, that total cuts would have to be correspondingly larger than the proposed $5 billion. I have no doubt that most students of the budget, Republicans as well as a good many Democrats, could individually identify budget areas where they would like to see such cuts. I fear, however, that when the budgeteers come together, each would object to the proposals of the others. The area of agreement on budget cuts traditionally has been small.

Some expenditure cuts, under the Republican platform, would be facilitated by transfers of Federal programs and responsibilities to State and local authorities. This would take the form of a "major overhaul of all Federal grant-in-aid programs." The platform is emphatic about the need to strengthen State and local responsibilities.

Experience has shown, however, that State and local authorities are far from eager for this defederalization of activities. At a minimum, it would have to be accompanied by substantial transfers of resources. The platform proposes "credit against Federal taxes for specified State and local taxes paid, and a transfer to the States of excise and other Federal tax sources." A program of this sort would be a major step forward in sharing the more rapidly increasing Federal tax resources with the hard-pressed States. But while helping to reduce expenditures, the program would cut revenues and thus would fail to contribute toward budget balance or surplus.

Since social security is for the most part outside the regular budget, the Republican platform's proposals in this area do not bear directly upon the state of the budget. The proposals are interesting, however, in their own right, because Republican intentions in this area have been exposed to some skepticism.

At least eight planks, under various headings, deal with social security. Most of them are minor; two, however, are substantial: a general pledge of "a strong, sound system of social security, with improved benefits to our people," and "revision of the social security laws to allow higher earnings, without loss of benefits, by our elderly people." Both proposals, if implemented, would cost substantial money and presumably would require increases in social security levies.

The social security proposals are broadly in lines with the 1960 platform. The latter went into considerably more detail, and listed a wider range of proposals. But since that applies to programs other than social security as well, it cannot be said that the subject is being given short shrift by the 1964 platform.

The platform is less specific where jobs for those not yet eligible for social security are concerned. It arraigns the administration for its failure to reduce unemployment to 4 percent, thereby seeming implicitly to accept the 4 percent target. It attacks the administration's proposal of double pay for overtime. Its principal means for providing jobs are twofold: reliance on the "dynamo of economic growth—free competitive enterprise" and a variety of measures of the structural kind, such as training programs, job information and placement services, vocational rehabilitation, and temporary exemptions from the minimum wage law for teenagers. A clear stand is here taken against the administration's view that unemployment is principally caused by a shortage of demand.

NEW DEPARTURES

The preceding articles have shown that, in most economic matters, the 1964 platform is constructed pretty much according to traditional blueprints. A few significant departures, however, can also be observed.

One departure leads to omission of the usual reference to the need for an independent Federal Reserve System. Such references are contained in the 1960 platform and the 1962 declaration and are therefore automatically repledged in the present platform. Yet, at a time when the Federal Reserve is under fire, the omission arouses attention.

There is no lack of concern over inflation. The administration is criticized for permitting a 5-percent price rise. Protection is pledged against inflation, and competitiveness demanded for American products in domestic and foreign markets. But these concerns are for the most part tied to the effects of public spending. Monetary policy as such is not mentioned.

On this reading of the platform, the Federal Reserve evidently must face up to the fact that it now has critics on the right as well as on the left. This has long been the case in academic circles. Now it is becoming a fact in the political arena.

The reasons underlying these attitudes presumably must be sought in the unsatisfactory performance of the economy in recent years. The Federal Reserve failed to cure them; ergo, the Federal Reserve must carry some of the blame.

The critics' dissatisfaction with the performance of the economy is understandable. Their allocation of blame, however, does not necessarily follow. The Federal Reserve, as its critics should be the first to acknowledge, not only is not all wise, it also is not all powerful. Even a strong credit push by the Federal Reserve would probably have been of rather limited effectiveness in combating the unemployment of recent years.

But the balance-of-payments deficit has prevented the Federal Reserve from making as strong a push as it might have under other circumstances. Interest rates had to be kept up in order to stem the outflow of capital. This reorientation of monetary policy toward the balance of payments, and away from domestic stabilization policy, has been the experience of central banks all over the convertible world. For its contribution to saving the dollar the Federal Reserve gets no credit. But it is blamed for what it did not do domestically.

On balance-of-payments matters, the Republican platform is brief but sensible. It demands high priority for the solution of the present problem. It sees the solution in maintenance of competitiveness, expansion of exports, stimulation of foreign tourism in the United States, and greater sharing of foreign aid burdens. It also includes the controversial proposal for cutting of forces abroad, but proposes that it be done gradually and as manpower can be replaced by increased firepower.

The platform also asks for a strengthening of the international monetary system without sacrifice of freedom of policymaking. Presumably that implies an improvement of existing facilities of the IMF and of the system of currency swaps and foreign currency bonds.

Foreign aid receives fairly constructive treatment. A "drastic reorganization and reorientation of the entire foreign aid effort" is demanded. All aid is to serve the cause of freedom, none is to bolster and sustain anti-American regimes. No demand is made for drastic cutbacks, while sales of surplus farm products under Public Law 480 receive favorable mention.

In the area of international trade, proponents of a liberal trade policy must hunt long and hard among the many planks of the platform before they can come across one that may please them. The overall tenor is protectionist. Meaningful safeguards are demanded against disruptive surges of imports, such as are alleged to have occurred in the case of beef and other meat products, textiles, oil, glass, coal, lumber, and steel. The force of the demand is tempered by the qualification that these safeguards are sought against irreparable injuries. The demand for import labeling, however, is also renewed.

On the positive side, the administration is arraigned for failure to preserve American markets abroad. "Tough, realistic negotiations to remove the many discriminatory and restrictive trade practices of foreign nations" are urged, which with some good will can be construed as a proposal in support of the Trade Expansion Act. But the absence of more specific reference sticks out.

In taking a look at the platform as a whole, the economist feels compelled to ask a question that may seem abstruse to the man of affairs. Yet it goes to the heart of the difference between Republican and Democratic philosophy. What is the economic model underlying the Republican platform: What is it, in the Republican view, that makes the economy tick?

The Republican model is an economy which relies principally on strong incentives to insure the full use of resources, and on competition to insure their optimal allocation. It contrasts with the Democratic model, which relies more heavily on fiscal and monetary policies to achieve full resource use, and upon various forms of intervention and control to achieve an allocation that reflects its concepts of welfare.

The nature of the Republican model becomes apparent in the platform's concern with tax incentives, removal of restraints on small and large business, a hands-off policy for government. Business expenditures rather than those of Government are relied upon to maintain an adequate level of demand. The Democratic model goes the other way.

The Republican model, given favorable conditions, will probably outdistance that of the Democrats in terms of economic growth. The Government takes fewer resources out of the economy, and interferes less with their optimum allocation. But if conditions are not favorable, the Republican model may lack stability, and may temporarily stagnate. Improvements in the model, and in future platforms, must be sought in measures that assure stability in the use of resources at a high level without interfering with strong incentives and free markets.

A WORTHY PROGRAM

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. RUMSFELD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, for 54 years the Boy Scout program has played a significant role in the lives of hundreds of thousands of young boys in America. It has given them a sense of purpose, has broadened their knowledge, and has developed citizenship responsibility. In the face of increasing incidents of crime and defiance of law and order among youth and the growing number of school dropouts who cannot find employment, the Boy Scout program cannot be overlooked. I agree with the editorial of the Chicago Tribune, August 13, that the proposal of Raymond Hilliard, director of the Cook County Department of Public Aid, to institute a campaign for the establishment of more Scout troops in our cities is a wise and effective approach to a serious problem. The editorial follows:

A WORTHY PROGRAM

Raymond Hilliard, director of the Cook County Department of Public Aid, has made a proposal that may be more valuable than some of the schemes of the billion dollar Johnson "war on poverty" program. Mr. Hilliard's plan is for a combined campaign by his department, suburban churches, and the Boy Scouts of America to establish more Scout troops in slum areas of the inner city.

Wherever possible, scoutmasters would be recruited from among young Negro leaders. A suburban church, synagogue, or a combination of suburban congregations could adopt or sponsor a troop. Men of the suburban congregation would be asked to volunteer their services—perhaps one evening a week plus an occasional day for hikes or other adventures. Sponsoring groups could help provide uniforms and funds for camping expenses.

In the Chicago suburbs nearly half of the boys get the benefits of belonging to the Boy Scouts. In the inner city only 10 percent become Scouts, and few of these are in slum areas. The Boy Scout organization has had 54 years of experience teaching boys respect and discipline and, as Mr. Hilliard says, "keeping boys productively busy and out of mischief, and satisfying the cravings of every boy to 'gang up' with other boys."

His program deserves support.

UNLESS CONGRESS ACTS NOW THOUSANDS OF JOBS WILL BE LOST IN CALIFORNIA

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. MARTIN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MARTIN of California. Mr. Speaker, we need to extend Public Law 78 or its equivalent now, not after Congress convenes next year. Why? Because farmers decrease their planted acreage when assurance is lacking that a dependable labor force will be available at harvesttime.

Public Law 78 will expire on December 31, 1964. With no dependable labor force available next year to harvest crops California farmers have limited their acreage so far this year.

An article in the Los Angeles Times of August 16, 1964, clearly shows the depressing effect upon the California economy by the demise of Public Law 78. Limited planting up to now means we have already lost thousands of jobs in California next year.

If Congress acts now to extend Public Law 78, farmers in California will immediately plant more acreage. We cannot retrieve those jobs already lost but we can and should prevent further losses by extending the only workable program yet devised by Congress for supplemental Mexican agricultural labor.

The attached Times article is clear: Unless Congress acts now thousands of jobs, those in agriculture, and those in businesses which so to speak "feed on agriculture" will be lost in California next year.

BRACERO LOSS PERILS STATE'S BILLION-DOLLAR FARM INDUSTRY: NEARLY ALL CALIFORNIA COULD BE SEVERELY AFFECTED NEXT YEAR

(By Gene Blake)

California's $3.43 billion farm industry—and related business valued at $10 billion—is facing a crisis which could severely affect nearly every man, woman, and child in the State.

It will come next year if enough farmworkers are not found to harvest crops now picked by nearly 62,000 Mexican braceros at the peaks of the seasons.

Public Law 78, under which Mexican nationals have been recruited for temporary farmwork on this side of the border, ends December 31. There is no chance for another extension at the end of this year.

Growers say they cannot recruit American domestic workers for the "stoop" labor. They say they've tried with the help of State employment departments here and across the Nation, but failed.

UNIONS DISPUTE GROWER'S CLAIMS

The growers' claims are disputed by some church, social welfare and labor union groups, who argue that a domestic force could be obtained if better pay and working conditions were provided.

While the charges and countercharges and alternative proposals are bandied about, officials close to the situation are growing concerned.

One thing that worries them is that most Californians just don't care—because they are unaware how much their livelihood and California's entire economy depend on the State's farm industry.

For example, the Council of California Growers points out that one of every three jobs in the State rests directly or indirectly on agriculture.

SWELL TO MORE THAN $14 BILLION

California's record $3.43 billion worth of farm commodities in 1963—highest in the Nation—was three times the value of oil and natural gas production in the State.

As the farm commodities flow through the channels of trade, commerce and industry, it is estimated by economists that the monetary effects swell to more than $14 billion.

Services of 312,900 workers, rising to a total of 406,300 at peak harvest, are utilized by farming itself.

But for every 100 employed in agriculture, another 263 are working in such closely related industries as canning, preserving, packaging, transporting, storing and selling.

STEEL INDUSTRY INVOLVED

And there's more, when the chain reactions created by the farm industry needs are considered:

The steel industry annually sells 600,000 tons of tinplate for metal containers to California canneries. Glassmakers each year sell 1.3 billion jars, with a value of $54 million, to California food processors.

Thirty million pounds of low-density polyethylene are supplied annually by the plastics industry for use by California agriculture in items such as food packaging.

Paper products manufacturers provide 400 million fiber box containers. About 40 million wooden containers, with a value of more than $15 million, are supplied for packing produce.

A million miles of printed labels are used by the State's food canners and packagers each year. Food advertising in California amounts to over $125 million annually.

California farmers each year buy an estimated $2.2 billion worth of goods and services—labor, machines, petroleum products, transportation. California lending institutions provided California farmers with $734 million in loans in a recent year.

The estimated annual payroll in 1962 of agriculture-related business and industry in the Los Angeles-Orange County metropolitan area alone was well over $1 billion.

Thus it can be seen that nearly every Californian has a big stake in California agriculture—and ample reason to be concerned lest the crops wither and die for want of pickers.

Of course, not all the enumerated industries and jobs and income will vanish if there is no one to replace the braceros, for their numbers average annually less than 10 percent of the California farmworkers.

RATIO HAS DROPPED

The ratio has dropped from a peak of 15 percent in 1957, largely due to the mechanization, growers say.

Major crops for which braceros are employed are tomatoes, strawberries, asparagus, lemons, lettuce, melons, sugarbeets, and celery.

Aggregate value of these crops in 1962 was $435 million, and it is estimated they gave a $1.74 billion boost to the State's total economy.

Western Growers Association estimates that more than 60 percent of the workers harvesting California's fresh vegetables and melons are braceros.

That industry annually accounts for 117,000 railway carlot shipments, 137,000 carload equivalents of truck transportation, 820,000 tons of ice at points of shipment alone, $10 million worth of petroleum products, $6.5 million in seeds, 156 million containers, and 93 million pounds of fertilizers.

Investments of the fresh vegetable and melon industry include $34 million in packinghouses and equipment, $6 million in special harvest machinery, 17,500 trucks and 16,800 tractors.

TOMATOES CHIEF CROP

Tomatoes are the chief crop harvested by braceros, accounting for a $130 million product in 1962. Of the 43,700 workers in the tomato fields at peak harvest that year, 80 percent were braceros.

Without a sufficient force to harvest the tomatoes when they ripen, they would rot away under the blazing sun within days and the entire crop would be lost. Consider what the impact would be.

The California Tomato Growers Association reports that about 50,000 persons are employed in tomato canneries during the season.

Annual expenditures of the tomato growers, the association says, include $4 million for fuel and machinery repair service, $3.5 million for fertilizers, $3 million for insecticides and their application, $5.5 million for seeds and plants.

In 1962, tomato processors spent $70 million for metal containers, $11 million for glass containers, $1.8 million for caps and lids, $12 million for cartons, $6 million for labels, $12.8 million for trucks hauling raw tomatoes to plants, $32 million for shipping finished products to market, and $45 million for cannery employees.

HUNT PLANT EXAMPLE

A lot of dry statistics? Maybe. But they mean food and clothing and shelter and perhaps even a few modest luxuries for thousands of human beings.

One example of a processing plant is the Hunt Foods & Industries, Inc., a $10 million complex in Fullerton.

It provides jobs for a permanent force of 1,400 persons, plus another 1,200 during peak production months. Its payroll averages nearly $500,000 a month.

The St. Regis Paper Co. in Fullerton devotes 85 percent of its production to agricultural needs, mostly for growers employing braceros. It utilizes $5 million worth of products annually, has an average annual payroll of $750,000, pays $300,000 for services and $80,000 in local taxes.

These are but a few examples of the industries that might be hit—with a resultant blow to the economy—should their raw materials or markets be cut off by a farm labor shortage.

Growers are working desperately on mechanization as one solution. But Dr. George B. Alcorn, director of the agricultural extension service at the University of California, says machines will not replace men for many years in most California crops now picked by hand.

The tomato harvesting machine is farthest along the development route and by next year might handle half the crop, Dr. Alcorn says.

It has taken 17 years to develop a modified tomato that can be harvested mechanically, due to the necessity of having at least 90 percent of the fruit ripen on the vine at one time. Each machine capable of harvesting about 100 acres a season is expected to cost at least $25,000.

MANY YEARS DISTANT

The citrus industry is spending $1 million on research in the next few years, but mechanical harvesting for citrus is many years distant. Mechanical harvesting of strawberries, asparagus, and celery appears to be about as far off.

Other prospects are 1967 for lettuce, the late 1960's for grapes, and 1970 for cantaloups.

Meanwhile, California growers' fears of competition from Mexico and other States are mounting.

Mexico has doubled its irrigated acreage since 1950, from 6 million to 12 million acres. Since 1952, its exports of agricultural products into this country have increased 65 percent, from about $164 million to $271 million.

In Mexico, farm labor is plentiful and cheap—equivalent to about $1.50 a day compared with the average of $1.33 an hour in California.

California growers also are feeling the pinch of competition from other States, chiefly Texas, where the hourly rate is 84 cents. The national average is less than 95 cents.

"If Mexico fills the market vacuum, and apparently she has the capacity to do so, it may make little difference to the consumer," says O. W. Fillerup, executive vice president of the council.

"But it will make a big difference to the many thousands of workers employed in our agriculture-related industries—the packing sheds, the ice plants, the canneries, freeze plants, dehydrators and truck and rail lines."

The Agricultural Producers Labor Committee, created by the citrus and avocado growers of California and Arizona, last fall set up the Farmers Harvest Association to recruit domestic workers.

During a 6-week period, with the help of the State department of employment, FHA recruited unemployed men in the Los Angeles area. They were assembled downtown each Monday and were taken by bus to grower association camps in the San Gabriel Valley and the Ventura area.

The most recruited in any one week was 39, and only 16 were still working at the end of the week, reported Dick Daniels, manager of FHA.

ABANDON PROGRAM

Thereafter, the number declined to such a point that the FHA and department of employment agreed to discontinue the program as being uneconomical.

In a nationwide search, 1,200 unemployed farmworkers were obtained from Texas, but less than 15 percent stayed through the harvest.

"They just came for the ride," one official says.

In all, during the first 6 months of the year, FHA recruited 1,879 domestic workers. Each worked an average of 70.9 hours, for a total of 133,280 man-hours.

But the number of working hours available for that type of labor totaled 8,389,440.

SEEK OTHER SOLUTIONS

And so, the growers are seeking other possible solutions. One may be a Senate bill which in effect would create an American bracero force. Another is a provision of the Immigration Act which permits individual growers to contract for temporary or permanent foreign workers.

A section of President Johnson's $948 million antipoverty program approved by Congress last week may be of some help. It sets aside $15 million for attention to the problems of education, sanitation, child care, and housing for migrant farmworkers.

Perhaps needed most at this point, however, is general public awareness of the crisis and its widespread impact.

FEDERAL SPENDING IN SOUTH DAKOTA IS CLEAR CUT, BUT TOTAL TAX TAKE IS NOT SO OBVIOUS

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from South Dakota [Mr. BERRY] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BERRY. Mr. Speaker, the spenders are at it again, getting ready for the fall campaign by propagandizing the unthinking public in probably every State in the Union on how much more money that State gets from the Federal Treasury than it pays into the Federal Treasury.

This is the old community Christmas tree approach. Make the people believe they can get more off the tree than they put on it, and they will vote for the spenders.

The junior Senator from South Dakota took occasion yesterday to place in the RECORD a glowing story of how his State and mine has been raiding the Federal Treasury. He is so proud of the fact that his figures show that by counting every payroll in every bureau and branch of the Federal Government, every subsidy payment, every emergency payment, school lunch, surplus commodities and even including the small business loans and home loans, and so forth, and by figuring everything, there went into the State last year $507,155,261. Then he says the "total Internal Revenue collections in South Dakota, fiscal year 1963 were $147,800,000."

Senator McGOVERN concludes from this vast list of agency salaries and payments which went into the State last year that South Dakota received $3 from the Treasury for each $1 it contributed.

Apparently there are very few States which do not grab more from the Christmas tree than they hang on because last year the Federal Treasury went into the hole to the tune of $8 billion. The year 1963 was chickenfeed in comparison with 1964 because this is an election year, and the spenders have contrived dozens of new methods of spreading Federal money out to the voters. All of these new poverty war programs will require thousands of new employees, and the spenders are dancing around the Christmas tree with real glee.

The story which the junior Senator from South Dakota prepared boasting of the State's raid on the Treasury was carried in most of the daily papers of the State. The Sioux Falls Argus Leader gave it a full half page with special headlines, but that paper wanted to be fair about it and in an editorial pointed out, as I had tried to point out, that the McGovern figures were a very small part of the Federal tax contributions from South Dakota. I am inserting the editorial of the Argus Leader in this Record to offset the bureaucratic propaganda carried in this news story which was reprinted in the Record on page 19440 under date of August 13.

To prepare a dollar-and-cent response to the figures the bureaucrats have compiled for the junior Senator is, of course, impossible. The editorial points out that corporations like the Homestake Mining Co., the largest gold mine in the Northern Hemisphere, pays its tax in California. Large contracting firms come into the State to do construction work, but they pay their income tax, they make their social security and unemployment tax payments in some other State where their headquarters is maintained. These are a few examples of the taxes Mr. McGovern's constituents pay, which he is trying to rob them of the credit for paying.

Let us take another example. The junior Senator recently made an impassioned plea for the wheat farmers by pointing out that there is less than 2 cents worth of wheat in a loaf of bread; the balance is hidden taxes and charges. What constitutes these 131 hidden taxes in a loaf of bread? First the farmer must buy his machinery and equipment. On this he pays 30 percent of the cost price in taxes, most of which are Federal. He pays social security and unemployment taxes on his labor. If he hires the grain hauled to the elevator, he pays another combination of transportation taxes. The elevator must take out tax cuts and social security, and so forth.

The grain is loaded on boxcars and shipped to grain terminals, and all kinds of Federal taxes go into that move. It is sold to the miller. Another tax is collected. The miller processes the grain, and taxes again are added. The bakery must add another layer of Federal taxes. Thousands of loaves of bread are baked outside of South Dakota by these large chain bakeries and shipped into the State where the consumer pays all of these, layer after layer of Federal taxes. When he was making the pitch for the 2 cents' worth of wheat that go into a loaf of bread he apparently was talking out of the other side of his political position.

As the States of the Nation dance around the "Christmas tree," grabbing off the goodies, there are few which put back as many as they remove. Through these "vote buying" programs, the Nation is going in the hole from $8 to $10 billion annually. A total of $312 billion has already been spent more than was taken in. The "Christmas tree" has been loaded with these goodies.

For every dollar borrowed by the Treasury to make these goodies available, the taxpayer must pay back $3 over a 30-year period.

It is estimated that inflation has already eaten up the value of the tax cut. Inflation is the greatest enemy the poor people have since it destroys their small savings, their social security, and their unemployment benefits. It is, however, this philosophy that somehow, sometime the people of a country can get $3 out of the Treasury for every $1 they put in which brings about unbearable indebtedness, unbearable interest rates, unbearable inflation, and eventually complete bankruptcy through destruction of the currency. And when that happens, even the spenders know the Nation has gone down the drain, as many great nations have done in the past.

Mr. Speaker, the editorial of the Sioux Falls Argus Leader is as follows:

FEDERAL SPENDING IN SOUTH DAKOTA IS CLEAR CUT, BUT TOTAL TAX TAKE ISN'T SO OBVIOUS

The figures which U.S. Senator George McGovern put together showing Federal expenditures in South Dakota constitute a revealing look at Uncle Sam's activities in our State. The article appeared in Sunday's Argus-Leader.

Senator McGovern pointed out that for every $1 South Dakota sends to Washington, $3 comes back in Federal payments. During fiscal year 1963 the Federal Government paid out $507,155,000 in South Dakota. Collections by the Internal Revenue Service for the same period were $147,300,000.

McGovern said: "Release of these figures does not imply my approval of all Federal outlays. Some I have supported and some I have opposed.

"However, the figures do indicate the relative importance of Federal activities in the total South Dakota economy. The $507 million Federal outlays in fiscal 1963 compare to a record $757 million gross farm income ($357 million net farm income) in the State in 1962."

The outlays by the Departments of Agriculture, Defense, and Health, Education, and Welfare lead the list.

Defense outlays were $165 million. Agriculture expenditures totaled $131 million, including $37.5 million of crop price support loans and $23 million in acreage diversion payments. Health, Education, and Welfare spent $81 million in the State.

SPENDING HAS NATIONAL BASIS

Some Defense expenditures in South Dakota should not be considered solely for the benefit of the State's citizens. The military costs are part of the Government's defense plan for the Nation. Thirty-one million dollars of defense expenditures went for such "civil functions" as Missouri River dams. The dams cannot be considered a strictly South Dakota project. They are part of the Missouri River Basin development; their benefits extend beyond our borders.

The $55.7 million of the Department of Health, Education, and Welfare expenditures in South Dakota went for old-age survivor insurance payments and another $9.3 million was in aid to the aged, blind, disabled, and dependent children.

Federal expenditures by the Bureau of Indian Affairs totaled $14,836,050; this is a national, not a State obligation. Payments by the Veterans' Administration for payroll, benefits to veterans, VA center, and hospitals totaled $532,281,599.

These major expenditures cited above constitute proper functions of the Federal Government. So do such activities as the Post Office. Federal courts, Federal Aviation Agency, Weather Bureau and the like.

Anyone who seriously suggests that Uncle Sam curtail his activities in South Dakota should get down to specifics. McGovern's analysis will help the discussion along.

THE HIDDEN TAX TAKE

To provide a complete picture of this matter, however, it is well to point out that South Dakotans pay enormous sums yearly in Federal taxes of a type not included in Senator McGovern's tabulation.

One can only guess at the total of this amount.

South Dakotans, for example, buy large quantities of products that are produced by the General Motors Corp. This company pays a huge amount yearly in Federal income taxes. Of these taxes South Dakotans obviously contribute their share.

The same statement applies to the Federal income taxes paid by International Harvester Co., the Standard Oil Co. of Indiana, and literally hundreds of other large corporations. Their tax payments, though, are credited to the States where their headquarters offices are situated.

Another specific example is that of the Homestake Mining Co. A large share of its earnings come out of the gold mine at Lead but its Federal income taxes are paid in California where the headquarters is situated. Reference also may be made to Northwestern Bell Telephone Co. whose home office is at Omaha. Headquarters offices of Northern States Power Co. and Western Power & Gas Co. aren't in South Dakota.

South Dakotans still smoke many cigarettes and other tobacco products. They also consume some liquor. But no liquor or tobacco companies have their headquarters in South Dakota. Senator McGovern did not itemize his report of South Dakota tax payments and we are not sure whether or not the total included their indirect payments of Federal cigarette and liquor taxes in the total. The same statement may be made in regard to the Federal automobile tax. Usually these aren't included in tabulations such as that which McGovern presented and the chances are that they aren't in his figures.

When we study these additional payments, as we most certainly should, then we can realize that Washington isn't as generous a Santa Claus as he is often pictured in inadequate recapitulations. It may be that the story is the other way around—that Washington is a Santa Claus who collects from South Dakota much more than he distributes.

NATIONAL CHAMPIONSHIP IN VFW TEENER BASEBALL, SALUTE TO GASTON TEENERS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. Whitener] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. WHITENER. Mr. Speaker, on last Saturday afternoon I was privileged to be among a great number of residents of Gaston County, N.C., who welcomed the return of the national champion

Gaston VFW Teeners baseball team to our home county. These young fellows were bringing back from Hershey, Pa., their second consecutive national championship in VFW Teener baseball.

The record of accomplishment of teams sponsored by Absher-Flowers Post 9337, Veterans of Foreign Wars, Gastonia, N.C., of which I am a member, has probably established a record in this competition which will never again be equaled in that they have won the national championship for 4 of the past 5 years and were runners-up in 1962. This is a phenomenal record and one of which all North Carolinians are justly proud.

These fine young boys under the leadership of Coaches J. V. McGinnis and Russell Bergmann are outstanding young athletes and gentlemen. They had that type of training at home and from their coaches which brings out the best in them in their relationship to others in athletics as well as in the wider aspects of life. J. V. McGinnis, coach of the team, is a former professional baseball player and a lifelong resident of Gaston County. He is employed as a carrier in the U.S. Post Office, Gastonia, N.C., where he is rendering outstanding service. He and Russ Bergmann have coached the Gaston Teeners since 1960 with real teamwork. Russ Bergmann was head coach until this year when he was forced to give up the duties because of his physical health. Nevertheless, he has been by the side of Coach McGinnis and has rendered great service to the young fellows who were under their guidance.

Russ Bergmann is a remarkable gentleman in every respect and has had solid experience as a professional baseball player and high school coach and now is personnel director of the A. M. Smyre Manufacturing Co., of Gastonia. He and J. V. McGinnis gladly give their time to the teener baseball program without compensation, which is an evidence of their great public spirit.

It was a genuine pleasure for me to meet the boys on this team and to observe firsthand their mannerliness and excellent demeanor. They are real champions. I salute them and call their remarkable achievements to the attention of my colleagues in the House of Representatives.

Mr. Speaker, I ask unanimous consent that a statement of past winners, a portion of the sports column by Dwight Frady, and an editorial entitled "Salute to Gaston Teeners," all of which appeared in the Gastonia Gazette, Saturday, August 15, 1964, be made a part of the Record.

[From the Gastonia (N.C.) Gazette, Aug. 15, 1964]

What Heart Teeners Displayed in Series

(By Dwight Frady)

You've gotta have heart to be a champion—and a goodly amount of guts, too. That's exactly how the Gaston VFW Teeners must be described following their tremendous comeback Friday in the national finals in Hershey, Pa.

It was a tremendous achievement so here and now let's toss a lot of roses in their path as they return home today.

Name one boy as being the difference in the tournament would be doing an injustice to all. And you just can't beat the coaching of J. V. McGinnis and Russ Bergmann.

In fact, every member of the Absher-Flowers VFW Post is to be congratulated. It's a tremendous feeling of pride by one and all, for both Gastonia and the county.

The Teeners come from all over Gaston. You might expect them to do it once—that is, come out of the loser's bracket in Hershey to go all the way.

But twice—what an achievement and they did it yesterday with 8–0 and 5–4 wins over previously unbeaten West Allis, Wis., thereby capping off five straight wins following their lone loss of the season.

The Gastons finished the season with 14 victories in 15 games.

One other thing. Bill Broome was figured as a light-hitting third baseman. But his eight hits in Hershey now ranks him as a heavyweight.

We're proud of all of you, fellows.

Salute to Gaston Teeners

You can tell that the boys from Gaston County like chocolate candy the way they keep going back to Hershey, Pa., every year.

And you can tell that they like the sweet taste of victory the way the keep bringing home the goodies.

Yesterday, our Teeners did it again. They now have won the last four out of five Teener championships, and they did it yesterday the hard way. Clutching along in the losers bracket after dropping the second game, they had to pull themselves up through main strength and ambition before the bunting was theirs.

They had to win the first game in the morning, which they did; and they had to win the game in the afternoon, which they did. They beat West Allis, Wis., 5 to 4, in the final game and suddenly there was a whole lot of cheering going on.

The local aggregation is composed of a group of fine, hustling youngsters. You will find their names listed on our sports pages.

But don't forget that the Teeners were guided by the best one-two punch in kid baseball—J. V. McGinnis, coach, and Russ Bergmann, pitching coach.

These two men know their onions when it comes to getting the most and the best out of a boy on a baseball diamond.

Once again, the Gazette is proud to salute the Gaston Teeners, world champions for the fourth time in five tries.

Hats off to you lads. All of Gaston County appreciates what you have done.

Past Winners

1953: Winner, Uniontown, Pa.

1954: Winner, Elgin, Ill., runner-up, Winnsboro, La.

1955: Winner, Beatrice, Nebr., runner-up, Johnston, R.I.

1956: Winner, Gloucester City, N.J., runner-up, Gastonia, N.C.

1957: Winner, Panama Canal Zone, runner-up, Tyrone, Pa.

1958: Winner, Bossier City, La., runner-up, Lenoir, N.C.

1959: Winner, Uniontown, Pa., runner-up, Endicott, N.Y.

1960: Winner, Gastonia, N.C., runner-up, Struthers, Ohio.

1961: Winner, Gastonia, N.C., runner-up, Bossier City, La.

1962: Winner, Chester Suburban, Brookhaven, Pa., runner-up, Gastonia, N.C.

1963: Winner, Gastonia, N.C., runner-up, Gloucester City, N.J.

1964: Winner, Gastonia, N.C., runner-up, West Allis, Wis.

1964 Gastonia V.F.W. Teener National Champions, Gastonia, N.C., Absher-Flowers Post 9337

Carl Wayne Barr, pitcher, age 15, son of Mr. and Mrs. C. O. Barr, 503 Seacrest Avenue, Belmont.

William Harvey Broome, Jr., third base, age 15, son of Mr. and Mrs. W. H. Broome, 2701 Club Drive, Gastonia.

James Luther Cook, Jr., second base, age 15, son of Mr. and Mrs. James L. Cook, 105 3d Street, Mount Holly.

Daniel Leroy Denton, pitcher, age 15, son of Mr. and Mrs. James L. Denton, Box 56-A, Route 3, Gastonia.

Barry Daniel Farmer, catcher, age 15, son of Mr. and Mrs. J. C. Farmer, Hickory Grove Road, Belmont.

Warren Evan Garrett, pitcher, 15, son of Mr. and Mrs. Claude Garrett, 107 Georgia Belle Avenue, Belmont.

Kenneth Wayne James, pitcher, age 15, son of Mr. and Mrs. C. R. James, Box 37, Route 1, Bessemer City.

Douglas Spencer Lanham, outfield, age 15, son of Mrs. Gladys Lanham, 2701 Thomas Trail Drive, Gastonia.

Alvah Dewayne Moore, pitcher, age 15, son of Mr. and Mrs. Walter A. Moore, 201 Madora Street, Mount Holly.

John Calvin Rudisill, shortstop, age 15, son of Mr. and Mrs. Jon C. Rudisill, Box 175, Stanley.

Thomas Gene Steele, outfield, age 15, son of Mr. and Mrs. Joe Steele, Box 28, Route 1, Bessemer City.

Terry Steven Stroupe, catcher, age 15, son of Mr. and Mrs. R. J. Stroupe, 539 Brooklyn Street, Cramerton.

Daniel Lee Suggs, first base, age 15, son of Mr. and Mrs. W. H. Suggs, Route 2, Gastonia.

Edward Asbury Thompson, outfield, age 15, son of Mr. and Mrs. Dick Thompson, Box 433, Stanley.

Norris Eugene Thornburg, shortstop, age 14, son of Mr. and Mrs. Howard Thornburg, 510 East Georgia Avenue, Bessemer.

Manager, Roy Payton Warren, Jr., age 14, son of Mr. and Mrs. R. P. Warren, 401 Armstrong Park Road, Gastonia.

Scorer, Miss Sharon Bergmann, 502 Beverly Drive, Gastonia, N.C.

Coach, J. V. McGinnis, Jenny Street, Gastonia, N.C.

Assistant coach and youth director of post 9337, Russell Bergmann, 502 Beverly Drive, Gastonia, N.C.

Commander of Post 9337, VFW, Ernest Hubbard, Jr., Belmont, N.C.

STATEMENT OF HON. ABRAHAM J. MULTER BEFORE DEMOCRATIC PLATFORM COMMITTEE IN SUPPORT OF A PLANK OFFERING GUARANTEES TO ISRAEL

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Multer] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MULTER. Mr. Speaker, I was privileged today to testify before the Democratic Platform Committee meeting here in Washington at the Sheraton-Park Hotel in support of a plank in the platform offering a renewal of our guarantees to Israel on its independence and expressing the determination of our party to continue efforts toward a negotiated peace in the Middle East.

My remarks at the platform hearing follow:

Statement of Hon. Abraham J. Multer Before Democratic Platform Committee

Mr. Chairman, through the years, we Democrats have adhered to the tenets of the founding fathers of our party who, with foresight and astuteness, created the embryo of the structure which governs it today. Moreover, our party has sought, with perseverance and determination, to uphold the democratic principles upon which our great country is based, not only when dealing with national interests, but also as applied to international affairs.

Because we as Americans and Democrats believe in the principle of self-determination, it has become a national policy to aid those people in the world who have desired independence and freedom. Under a democratic government, the United States paved the way for other nations to follow in the liberation of former colonial lands by proclaiming the sovereign independence of the Philippine Islands. It was Harry S. Truman who led the fight for the creation of a homeland for the Jewish people, decimated by the holocaust of World War II. It was this same courageous Democratic President who was the first to recognize the independence of Israel.

Peace, stability, and economic advancement, however, have persistently been denied to the people of the Middle East. Israel, constantly on guard against attack by its Arab neighbors, has repeatedly been forced to call upon our Government for assurance and protection. With the production of missiles of destruction by the United Arab Republic, our guarantee for the maintenance of the independence of Israel must be reissued as a deterrent to any overt action.

That Israel is the strongest, most stable government and the only democratic nation in the Middle East has been recognized by our Government. That the people of Israel constitute our stanchest supporters and allies in that area is also understood by all Americans. We must not let these friends be destroyed by the concerted efforts of militant neighbors.

The Arab States must be made to see how beneficial a lasting peace in the Middle East would be to their own people, how stability would encourage development, how cooperation between the Arabs and Israel would increase mutual trade benefits. If the Democratic Party adopts a strong resolution condemning aggression and supporting Israel, the Arab States would perhaps realize the folly of attempting to use hostile action and may be persuaded that peace is more advantageous than war.

To offset the obvious hostile intent constantly reiterated and boasted of by President Nasser, of Egypt, it is imperative that we include in the platform of the Democratic Party the pledge to the Israeli people and to their friends in the United States that we are determined to maintain the independence of Israel against armed aggression. Furthermore, it is the intention of this Democratic Party to encourage the Arab States and Israel to settle their differences, either through direct negotiations or through the mediation of others. Thank you.

FEDERAL FEE TO FISH AND PICNIC?

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. DORN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. DORN. Mr. Speaker, I am opposed to charging the people of this country a fee to fish in Government reservoirs such as Clark Hill and Hartwell in my congressional district. I am opposed to the Federal Governmnet charging a fee to use the recreational areas around these Government lakes. I am opposed to Government agents charging the people a fee to use the public picnic areas or to visit their own national forests.

Hundreds of thousands of acres of land have been taken by the Federal Government from the people of my congressional district. Thousands of acres have been flooded by the Clark Hill and Hartwell Reservoirs. Vast areas have been taken for national forests. For some of this land, the Federal Government paid as low as $3 or less per acre. Now for the Federal Government to charge these people to visit this land and to fish would be incredible and to me unthinkable. To charge any taxpayer a fee whose money has been taken by the Federal Government to build these reservoirs and buy these Federal forests would be a great injustice.

Thousands of my people were forced off the land by the Government and they or their children are now employed in industry. My congressional district is largely industrial and the largest industry is the textile industry. Under the stretchout system in the textile mills, 40 hours now is hard, grueling, exhausting employment. These people need recreation. To charge them a fee after having their hard-earned wages withheld in taxes would be an outrage.

Many of us in the House opposed this land and water conservation bill because it would permit the Federal Government to charge a fee to use our national forests and the facilities at Federal reservoirs for boating and fishing. This would be a cruel blow to the industrial people of my district and throughout the United States who cannot afford country club membership and lakeside cottages.

Mr. Speaker, I will again oppose this bill when it comes back to the House from the other body unless that provision is eliminated which would permit Federal Government agents to charge my people a fee to fish or boat on Clark Hill, Hartwell, and picnic in our national forests. I urge and plead with the House and Senate conferees to bring back a bill without this Federal power to charge every citizen a fee.

ERNEST MARTIN HOPKINS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on August 13, there died in Southwest Harbor, Maine, one of the great figures in American education, Ernest Martin Hopkins, president of Darthmouth College from 1916 to 1945.

President Hopkins did more than any single man to change Dartmouth from a provincial, sectarian institution to a college of national significance. Under his leadership, there took place at Hanover the physical development and intellectual broadening that were essential prerequisites to the creation of a great college.

President Hopkins' achievement in becoming one of the foremost educators in the United States was unique because he had only an average background of scholarship. His highest degree was that of Master of Arts and the major portion of his activity prior to assuming the presidency of the college was in the field of college and business administration. Nevertheless, he took hold with a firm hand and his contribution to free inquiry and unrestricted scholarship was noteworthy.

An intellectual, who was passionately fond of football; an administrator who loved the wild spaces of northern New Hampshire, Mr. Hopkins enthralled alumni audiences for years by refusing to talk down to them and by discussing abstruse intellectual problems in sentences of fantastic complexity.

His emphasis on the importance of individual self-reliance; his plea for the formation of an elite of the intellectual; his advice on the importance of alumni sharing in the life of a moderate-sized as well as a metropolitan city, and his conviction of the importance of the privately endowed liberal college have as great an importance today as when he originally enunciated them.

Perhaps the most endearing trait of President Hopkins was the interest with which he followed the careers of the men who went forth from Dartmouth to take their places in the life of the country, and the warmth with which he greeted them whenever he met them.

Dartmouth has lost a noble son and, this country one of its outstanding citizens, a solid man in the truest American tradition.

REPORT OF ACTION MEETING OF CIAP—INTER-AMERICAN COMMITTEE ON THE ALLIANCE FOR PROGRESS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FASCELL. Mr. Speaker, on August 13, the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee, had the pleasure of meeting with the distinguished Dr. Sanz de Santamaria, the Chairman of the Inter-American Committee on the Alliance for Progress (CIAP) and Mr. Walt W. Rostow, the U.S. Representative on that Committee.

The CIAP is engaged in assessing the extent to which the member countries of the Alliance are mobilizing in their own behalf and in assisting these countries to assess and obtain the external financial assistance necessary to their development.

The two gentlemen reviewed the progress of CIAP to date and reported on the recent first substantive meeting of CIAP at Mexico City last month. I was much impressed by the progress which has been made by CIAP in the short time it has been in existence.

Although, as Mr. Rostow stated to us that the ultimate worth of CIAP must await final assessment, the direction being taken under the leadership of Dr. Sanz and the other most distinguished members is the proper one.

Most heartening were the comments by Dr. Sanz and Mr. Rostow that there is growing realization that the Alliance for Progress is a multilateral effort and that the Latin American members are increasingly becoming aware that their own social and economic development is principally their own responsibility, and that the external assistance from the United States and elsewhere must be marginal compared to their own efforts.

On August 7, Mr. Rostow spoke at West Point and described the action program which arose from the first meeting of the CIAP in Mexico City. This speech is an excellent statement of the purposes and progress of CIAP, and I ask unanimous consent to insert it in the Record, together with a summary of the action program which was adopted at the first meeting in Mexico City.

Address by the Honorable W. W. Rostow, Counselor and Chairman of the Policy Planning Council, U.S. Member of the Inter-American Committee on the Alliance for Progress, Department of State, at the 1964 Conference of American Armies, Held at the U.S. Military Academy, West Point, N.Y., Friday, August 7, 1964

I—THE ALLIANCE FOR PROGRESS: AUGUST 1964

I have the privilege of serving my Government in two capacities: as chairman of the Policy Planning Council in the Department of State and as U.S. member of the Inter-American Committee on the Alliance for Progress—called CIAP, after its title in Spanish.

As planners in the field of foreign policy, we in the Council must concern ourselves with problems in every corner of the world, many of them with an important military element. On CIAP we are wholly concerned with the great creative challenge of bringing to life the solemn collective commitment of the governments of the hemisphere made at the Punta del Este conference of August 1961: a commitment to bring to the peoples of Latin America in this decade sustained economic development under conditions of increasing social justice and political democracy.

There is one major theme of U.S. foreign policy which binds together much of our work around the world and our commitment to the Alliance for Progress; and it is a theme which bears directly on the military profession which you here represent with such distinction: it is our aim to help nations and peoples remain independent and to help them build the long run economic, social, and political foundations for that independence. From the enunciation of the Truman doctrine and the launching of the Marshall plan in 1947 down to the present we have honored the requests of governments which have sought our military and economic assistance to these ends. And from Berlin to southeast Asia, from the Caribbean to the Middle East, we remain engaged in this historic mission, on every continent.

We understand that the military in other countries of the free world are the trustees of national independence, just as we know that those who have gone forth from this military academy at West Point have been for more than 160 years, along with their colleagues in other services, the trustees of the independence and security of the United States.

It is also clear that in the developing nations of the contemporary world the military are coming increasingly to accept the fact that independence requires more than military defense. In the world of modern science and technology—of communications which make of this whole planet a relatively small interconnected community—independence requires that each nation build its own version of a modern society, bringing to its people the fruits of modern science and technology in ways which conform to its own history and traditions, its own culture and aspirations.

This link between national independence and the modernization of societies is no stranger to the American military tradition—indeed, to this very institution; for West Point was our first school of engineering in the United States. The men trained here in the first half of the 19th century not only protected and extended our continental frontiers, but they also helped to lay our arteries of transportation and helped to build and even operate them. President Lincoln recalled General McClellan in 1861, from the presidency of the Illinois Central Railroad, to take command of the Union armies.

We were, perhaps, the first developing nation to have what would now be called a civic action program run by the military, owing something however to the 18th century tradition of the French; and that role of construction continues in our services to the present day. In fiscal year 1963 the U.S. Army Corps of Engineers, for example, carried out some $1.1 billion in public works on behalf of the Nation. I know that many of the services you represent are contributing—in construction as well as in defense—to the building of that modern independent Latin America which is rapidly emerging on the world scene. The armed forces in at least sixteen Latin American countries are engaged in civic action programs—programs of road building, public health and education, among others, which not merely advance their nations' development but also tend to bind up in common effort the military and civil elements in their separate societies.

It is, therefore, wholly appropriate that I talk to you today—in this place—about the Alliance for Progress—where it now stands, its problems and its prospects.

II

I speak to you at a particular moment in the history of the Alliance for Progress. We have passed, I believe, a critical turning point in its affairs.

At Sao Paulo last November 15 the governments of the hemisphere decided to create in CIAP a kind of steering committee or board of directors for the Alliance for Progress. The Chairman of CIAP is Dr. Carlos Sanz de Santamaria, a distinguished Colombian who, I predict, will emerge in this hemisphere as Mr. Alliance for Progress. Under his chairmanship there are seven members of CIAP. Six are Latin Americans. Each is chosen by a group of Latin American countries. Their job—like mine—is to think in terms of the enterprise as a whole and to set policy for the Alliance for Progress, as defined by the letter and spirit of the Charter of Punta del Este. We are advised by three distinguished Latin American leaders: the Secretary General of the OAS, Dr. Mora; Dr. Felipe Herrera, President of the Inter-American Bank; and Dr. Jose Antonio Mayobre, Executive Secretary of the United Nations Economic Commission for Latin America. In addition there are the nine wise men—mainly Latin American economists of the greatest distinction, who advise the Latin American governments on planning and development policy and participate fully in the deliberations of CIAP.

Behind the creation of CIAP lay these fundamental perceptions shared by our governments.

First, the Alliance for Progress cannot and should not be viewed as a bilateral aid program between individual Latin American countries and the United States. It is, as I said earlier, a common commitment by the governments to their peoples that this is the decade in which we shall all work together to bring about in this hemisphere sustained economic growth under conditions of increasing social justice and political democracy. The Alliance for Progress is, in its essence, therefore, a collective and not a bilateral program.

Second, the primary responsibility for conducting the Alliance must lie with the nations and peoples of Latin America themselves. No outside power or international institution can bring about the transformations required to yield sustained economic growth, along the social and political lines desired by a nation. Only the human beings within a nation, working together toward a common goal, building and improving their own institutions, can do the job. Moreover, more than 80 percent of the material resources now being invested in Latin America are the resources of the Latin American nations themselves. President Johnson has made it quite clear that the commitment of the United States to the Alliance for Progress has never been stronger than it is today. And I am confident that this is also true of the international institutions—notably the World Bank led by Mr. George Woods and the Inter-American Bank led by Dr. Felipe Herrera who contributed so much to the CIAP meetings in Mexico City last month. But all of us working to generate and contribute resources from outside Latin America can only be junior partners in the enterprise. The heart of the task lies in the nations of Latin America themselves.

Third, the Alliance for Progress is a multilateral effort in a different sense. There is a strong impulse in Latin America to break out of the traditional national approaches to development, which have marked the last generation, and to work toward increased economic unity in Latin America. That impulse takes many forms, among them efforts to organize the Central American Common Market, the Latin American Free Trade Area, and to carry forward a growing list of development projects which involve more than one country and which would bind the nations of Latin America closer together. There is a desire among the Latin American nations and peoples to give increasing economic substance to the elements of common history, common tradition, and common culture to the region; and there are good technical and economic reasons which support this powerful sentiment.

Finally, those who met at Sao Paulo and created CIAP also perceived that the Alliance for Progress must be multilateral in the sense that all the agencies committed to assist Latin American development should concert their efforts on a team basis in support of the national and multinational plans, programs, and projects which are its substance.

All these insight and judgments lay behind the decision to multilateralize the Alliance for Progress and to create CIAP as an instrument for this purpose.

There was a second strand of thought present at the Sao Paulo meetings. Taking stock after some 3 years of practical experience with the Alliance for Progress, our governments had every reason to reaffirm the goals and principles of the Punta del Este Charter. But they felt it was time to identify the specific problems that were delaying forward movement and to attack those problems on a practical basis with great energy. They judged that what was required was machinery to move the whole enterprise forward at a faster pace.

Thus, as the members of CIAP gathered in Mexico City last month at our first meeting, we were inspired and guided by these two principles: first, by the desire of our governments to reafirm the Alliance as a multilateral enterprise and to build it in a framework of true hemispheric partnership; and, second, by the need to get on with the job at an accelerated pace. It was in this collective and pragmatic spirit that we worked and wrote our report.

III

I believe you will find our report a somewhat unusual international document. It does not consist of resolutions. It is a statement of a series of problems, followed by specific assignments of responsibility for dealing with them. It is strictly an action document.

The tasks of the Alliance are broken down under four major headings: the domestic effort of the Latin American nations; foreign trade; problems of external assistance to Latin America; and Latin American economic integration. Under each heading we tried to isolate quite specific problems which have to be solved if the Alliance is to reach its targets. We considered how these problems might be tackled; and we assigned action to those elements within the whole machinery of the Alliance for Progress, which are most capable of bringing about solutions.

As a result of this method I can tell you we made a lot of work for ourselves, for our governments, and for the various institutions committed to the Alliance for Progress.

Between now and the next meeting of CIAP in October of this year we shall have to address ourselves to more than 20 specific tasks, including an intensive country-by-country review of the state of Alliance for Progress plans and programs. A good many of the problems we pose will, of course, not be finally solved between now and October; but, in the wake of this CIAP meeting, I can report to you that, throughout the hemisphere, in the international institutions of the Alliance connected with it, and in the Government of the United States, there is not merely great activity but a fresh determination to grapple with these problems and to get on with the job.

Let me briefly list some of these tasks.

We agreed that we must accelerate the formulation of national development plans and programs. Nine countries of the hemisphere have already completed such plans. It is our hope that in the year ahead all the others will do so. As we indicated in our report, we do not believe that such national programing is a panacea for economic development. We need national plans because they offer a useful and essential method for establishing priorities, for achieving balance in the process of economic growth, for identifying critical bottlenecks, and for providing a clear and rational basis for the allocation of external aid.

We agreed that it was necessary to launch a concerted program in Latin America designed to break down the market barriers between the cities and the countryside. Inefficient marketing arrangements not merely make agricultural products in the cities more expansive than they should be, but they also inhibit that expansion and diversification of agriculture which Latin America urgently requires. Moreover, the sluggishness of Latin American agriculture limits the size of industrial markets and prevents more rapid industrial development.

We agreed that the governments of Latin America should urgently seek greater efficiency in government-owned corporations. Large deficits in certain of these corporations in certain countries are not merely a drain on public revenues but also a major cause of inflation.

We agreed that, quite aside from the work going forward in the United Nations and other international bodies to expand Latin American trade, CIAP should take a hand, especially, in ironing out trade problems within the hemisphere and, if possible, in helping our colleagues in LAFTA get on with their mission.

We agreed that a major effort should be made to generate more projects for external financing in Latin America; and that both Latin American resources and the resources of the governments and agencies engaged in external assistance should be mobilized for that purpose, since it is a fact that there are more resources available, particularly in the international banking institutions, than are now being fully exploited for the financing of projects.

We examined candidly what all the governments of the hemisphere, including the U.S. Government, could do to speed the flow of external assistance and streamline the methods for granting such assistance.

We launched a new effort to establish guidelines for the role of foreign private investment in Latin America that would reconcile the legitimate interests of the investor and the country concerned.

We examined a catalog of multinational projects now on the drawing boards, or further advanced, which, if completed, would tend to bind Latin America closer together; and we set up machinery to help push these along.

We made arrangements to refine and complete by October an overall review of Latin American economic requirements and the availability of external resources to meet them for the years 1956–65.

We made arrangements to try to help Costa Rica and Honduras, where, as you know, natural phenomena—the eruption of Irazu in Costa Rica and the forestry plague in Honduras—bear heavily on the economic life of these two nations.

The first CIAP action list is even longer than this. But we are under no illusion that defining problems and assigning men and institutions to work on them automatically insures success. CIAP will be judged by the governments and peoples of the hemisphere—and it should be judged—by the concrete results achieved in the months and years ahead.

What I can tell you now is simply this: working together as brothers, we approached our task, not as representatives of nations engaged in negotiation or bargaining, but as the board of directors of a great common enterprise. To carry forward that enterprise will require the highest degree of cooperation, not only among the governments of the hemisphere, but among the various agencies seeking to assist in Latin American development. Both at the meeting in Mexico City and subsequently there has been heartening evidence of the willingness of all to work together on that team basis to a large common end.

As I said on a public occasion at the end of the CIAP meeting, I believe the Alliance for Progress has grown up; and it has grown up in the only way it could—through the assumption of responsibility and leadership by our Latin American friends.

There are no miracles in economic development. There is no easy way or cheap shortcut to restructuring a society so that it may absorb and apply the fruits of modern science and technology in ways which provide for all the people greater prosperity, greater social justice under conditions of human freedom. It is because the task is so inherently complex that we have always thought of the Alliance for Progress in terms of at least a decade's purposeful common effort.

IV

In concluding let me draw back, for a moment, from these details of the program and say a word, if you would permit me, as an historian.

The nations of Latin America fall, broadly speaking, into two groups.

There is one group of Latin American nations which, in the last generation, have experienced their first major surge of industrialization. Great modern cities have been built—some of them among the most handsome in the world. Skills in government administration have been acquired. Competence has been developed not merely in textiles but in metalworking, chemicals, electronics, and other sophisticated branches of modern industry. A working force has been developed in these sectors with skills that match any in North America, Europe, or Japan. Engineers, industrial managers, and bankers have been trained. In the vocabulary of the Stages of Economic Growth, a takeoff has occurred in these Latin American countries; but the takeoff has been centered, as has always been the case in the past, around a narrow group of sectors.

In the case of modern Latin America, the leading sectors of the takeoff have been in industries producing goods in substitution for imports. These have often been the kinds of luxury products which the more well-to-do groups in Latin America earlier purchased from abroad; for example, automobiles, refrigerators, radios, etc.

These import substitution takeoffs have given to the more advanced countries of Latin America critically important new assets. But the whole process has also created certain major distortions in the structure of these nations. Although much work has been done in the countryside of Latin America, it is clear that, relative to the cities, rural life has been neglected. Agricultural production has not expanded in such a way as to take advantage of the possibilities not merely for providing food for the rapidly growing cities but for providing agricultural raw materials for industry and exports. Nor has the countryside, where most Latin Americans still live, become a vital market for manufacturers.

Thus, with limited markets, the pace of industrialization has not been sufficient to absorb the families who have come from the villages and now live in poverty and semiunemployment around the edge of the cities.

Working behind high tariff barriers, Latin American industrialists have not yet developed the habits and disciplines of that efficiency which only the winds of competition can bring. And, as we noted at the CIAP meeting, certain government-owned corporations operate on deficits which weigh down the public budgets and either inhibit public investment or force governments into inflationary finance.

It is the existence of these distortions which explains the relatively slow rate of growth in some of the more advanced Latin American nations. In these nations the great historical task of the months and years ahead is to move to correct the structural distortions that came about in this first takeoff phase of industrialization and to open the road to a progressive spreading out from the cities of the methods, techniques, and advantages of modern industrial life. The task in these Latin American countries is to move from the takeoff into a sustained drive to industrial maturity. What this involves is a simultaneous movement toward national integration within Latin American countries and toward regional integration of the whole area. The surge of industrialization begun over a narrow front—in a few sectors, in a few cities—must now be extended to become a national and regional phenomenon.

With a sustained and purposeful effort by all elements in their populations and assisted by all of us in the international community. I believe these more advanced countries in Latin America could, in a few years of hard and concerted work, recover from the distortions which developed during their takeoff phase and launch themselves along the path to technological maturity on a broad front.

There are other countries in Latin America which are at earlier stages of industrialization. They have not yet begun, or are just beginning, the takeoff process; for example, the countries of the Central American Common Market. In these cases our common task in the Alliance is to help devise with them a takeoff process that moves them forward into the family of industrial and modernized nations in ways which avoid, if possible, the acute and sometimes painful economic and social distortions that have marked industrialization in Latin America over the past generation.

Looked at in this way, the Alliance for Progress should emerge as an instrument capable of assisting all the nations of Latin America to move forward, whatever their present stage of development, and to do so in ways which tighten the bonds of association and sense of communal destiny throughout the hemisphere.

All of us connected with the Alliance for Progress understand well that many problems lie ahead. But I, for one, have never been more confident that this effort will succeed. It will succeed because our friends in Latin America wish it to succeed, and because they are acting with increased determination to make it succeed.

I have no doubt that this generation of Latin American leaders in every walk of life—civil and military—is determined to see emerge a Latin America which has mastered and applied the arts of modern science and technology and made their fruits available to all their peoples. They intend to do so in ways which preserve and enlarge the great Latin American cultural heritage. And they intend to bring the nations and peoples of this remarkable continent onto the world stage in a role of dignity and increased responsibility.

In that effort they will have the steady support of the Government and peoples of the United States. We are happy and privileged to be partners of our neighbors in this—the most important decade of Latin American history since the liberation.

SUMMARY OF MEXICO CITY MEETING OF CIAP

JULY 10–21, 1964

The Inter-American Committee on the Alliance for Progress (CIAP) made certain important recommendations for changes in policies and methods of development financing and of plan and project preparation during its meeting held in Mexico City, July 10–21, 1964.

The changes are aimed at accelerating the flow of external and internal funds to development projects that meet self-help criteria. In this connection the Committee drew attention, among other needs, to that of reducing losses of government enterprises as a means of increasing public funds available to finance the local costs of development projects.

CIAP also took steps to speed up development projects in Costa Rica, ravaged by volcano damage, and in Honduras, stricken by a plague of its forests. In addition, it specified measures to help find financing for a number of multinational integration projects, and recommended the creation of a new multilateral Development Assistance Fund to finance the Committee's technical assistance activities.

In its final report the Committee outlined and approved a system for the continuous review and evaluation of national development efforts by special subcommittees of CIAP. On the basis of subcommittee reports, CIAP will make recommendations on external assistance to international lending institutions. Representatives of the lending agencies will serve as advisers to the subcommittee. From country by country reviews, and from data submitted by other agencies, CIAP will be able, for the first time, to draw up an over-all estimate of Latin America's financial needs for development, and a projection of external resources available. At its next meeting, scheduled for October in Washington, CIAP expects to present a global estimate of Latin American needs and of resources available under the Alliance for the fiscal years 1965–66.

The review method drawn up by CIAP is an adaptation of the system used under the Marshal plan to promote European economic recovery. Provisions for evaluation on the basis of performance of countries are key parts of both plans.

CIAP emerged from its Mexico meeting as the focal point of economic policymaking within the Alliance. It combines, under one roof, the functions of evaluating country plans and performance with those of drafting recommendations for financial assistance.

Other action programs developed by the Committee in its 9-day meeting include:

DEVELOPMENT ASSISTANCE FUND

To provide a flexible instrument to finance feasibility studies, technical assistance programs and related activities, CIAP recommended to member governments the creation of a special, multilaterally financed fund. The proposed fund will begin operations early next year if approved by member countries.

NATIONAL MARKET INTEGRATION

To close the growing gap between expanding urban economies and stagnating rural areas, CIAP outlined a program for diversification of manufacturing activity, promotion of mass consumption goods, improvement of distribution systems and overall of agricultural production and marketing.

Specific actions recommended in this field included: Dissemination of information on the national market concept through Alliance for Progress Committees in each of the member nations; incorporation of national market projects in national development plans; establishment of an OAS office on national market affairs; and consultation with national and international agencies on further action.

PRIVATE PARTICIPATION

Noting that the full potential of private capital investment is not being utilized, CIAP authorized its Chairman to undertake studies on means of creating a more favorable investment climate, including a code of behavior for private companies and governments.

INTERNATIONAL TRADE

The Committee examined problems of international trade. After hearing a report by the Executive Secretary of the United Nations Economic Commission for Latin America concerning results of the United Nations Conference on Trade and Development, CIAP created a special committee to report specific action recommendations to the next Committee meeting.

ECONOMIC INTEGRATION

The Committee recognized that it had a particular mandate to promote Latin American economic integration and instructed its Chairman to appoint a group of experts to study ways and means by which CIAP could be instrumental in accelerating such integration in cooperation with other inter-American agencies primarily responsible for action in this field. It also established a permament committee to promote multinational projects.

FOREIGN DEBTS

The Committee noted that rigid short-term debt repayment schedules threaten to disrupt some national development programs. It instructed its Chairman to offer his good offices to facilitate consultations with creditors with a view to exploring possibilities for refinancing the more pressing obligations and to work with member countries toward sounder long-term methods of financing. In this connection the Committee recommended that member nations take steps to control effectively the rate at which short-term obligations are incurred.

PUBLIC IMAGE OF THE ALLIANCE

To increase awareness of the multilateral nature of the Alliance, CIAP ordered a reorientation of the work of National Alliance for Progress Committees, and called for the establishment of a National Alliance for Progress Committee in the United States. It urged expansion of Pan American Union information activities in support of Alliance goals.

The CIAP report has been transmitted to all Alliance member governments and to international agencies participating in the program. The Inter-American Development Bank, the United Nations Economic Commission on Latin America, the OAS and the Panel of Nine Experts are represented in CIAP by permanent advisers. The U.S. Agency for International Development and the Export-Import Bank have ties through the U.S. representative on the Committee. The World Bank and the International Monetary Fund have recently entered into cooperative relations with the Committee.

IMMIGRATION

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOLAND. Mr. Speaker, the House Judiciary Subcommittee on Immigration is now considering changes in our immigration, as proposed to Congress last year by our late beloved President John Fitzgerald Kennedy. The Kennedy proposal would eliminate the present discriminatory national origins quota system, now based on the 1920 census, over a 5-year period, and thereafter would place all quota numbers in one pool. President Johnson has firmly endorsed this proposal of the late President. Attorney General Robert Kennedy, in a letter to the editor of the New York Times, August 14, also advocates enactment of this legislation by Congress and urges every American to support the change in our immigration law.

Mr. Speaker, under permission granted, I include Attorney General Kennedy's letter at this point:

KENNEDY ASSAILS VISA BAN—ATTORNEY GENERAL ADVOCATES END TO NATIONAL ORIGINS SYSTEM

To the EDITOR:

In a letter to the editor published August 10 William A. Turner deplores the pending administration bill to eliminate the national origins system from our immigration laws. Mr. Turner says he believes the present system is satisfactory and that in 36 years as a Foreign Service officer of the State Department he has never heard foreigners criticize the national origins provision of our immigration laws.

It is my firm conviction that this national origins system causes our Nation great harm both at home and abroad, and that it should be eradicated from our law.

This national origins system was conceived in a spirit of mistrust of certain racial groups, in southern and eastern Europe and elsewhere. Its original stated purpose was bald discrimination—to preserve what was believed to be the racial and ethnic composition of our population in 1924.

This system is a blot on our relations with other countries. It violates our basic national philosophy because it judges individuals not on their worth, but solely on their place of birth—or even where their ancestors happened to be born. I know from my own experiences abroad how deeply this system hurts us. I have been asked how a country which professes that all men are equal could permit a system which treated immigrants so unequally. It is a different criticism to answer.

UNFILLED NEEDS

This system fails to fulfill our own needs at home. An unskilled laborer from a northern European country can come here without delay or difficulty. But a particularly well-qualified scientist, or engineer—or chef—from one of a number of other countries experiences great difficulty and long delay. Thus there are no visas now available for a Korean radiation expert, a Japanese microbiologist, a Greek chemist, a skilled teacher of the deaf from the Philippines—and many others like them. Yet all want to come here, all are needed, and all are wanted. The time has come for us to insist that the quota system be replaced by the merit system.

This system inflicts cruel and unnecessary hardship on the families of many American citizens and resident aliens. Again and again they are deprived of the chance to bring brothers and sisters or other close relatives to this country because quotas in their native countries are oversubscribed. The national origins quota system makes it easier for a man to bring a maid to this country than to bring his mother; a system which can so distort human values must be revised.

Finally—and ironically—the national origins system does not even achieve its own purposes. It assigns an overwhelming number of quota visas to the countries of northern and western Europe—which do not use them all. For example, out of about 83,000 numbers assigned annually to the British Isles, only about 32,000 visas are used.

The 51,000 unused numbers cannot be reassigned; they are lost. Meanwhile, the quotas of many other countries are oversubscribed with the names of thousands of eligible immigrants eager to come to this country. Thus the ratio of immigration sought by the national origins system is not maintained, nor can it be.

SPECIAL LAWS

Further, the pressures which result from this system have forced Congress to enact special laws from time to time in recent years authorizing visas for people waiting in oversubscribed countries. The result is a further departure from the ratio which the national origins system was designed to continue.

This system damages America in the eyes of the world. It deprives us of able immigrants whose contributions we need. It inflicts needless personal cruelty on large numbers of American citizens and residents. And it doesn't work. Certainly, no plainer or more compelling arguments could be made for changing this system.

The administration's pending immigration bill seeks to change that system and establish a system that works in the national interest. It would increase the amount of authorized immigration by only a fraction—from 157,000 to 165,000. But it would, at the same time, gradually eliminate the present system and provide us with the flexibility necessary to deal with problems of fairness and of foreign policy.

Both major parties and four successive Presidents have urged a revision of the immigration laws. President Kennedy recommended this legislation to Congress and President Johnson has firmly endorsed it. Every American should support the change.

ROBERT KENNEDY,
Attorney General.

WASHINGTON, *August 11, 1964.*

HON. JOHN E. FOGARTY RECEIVED HONORARY DOCTOR OF LAWS DEGREE FROM THE UNIVERSITY OF NOTRE DAME

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOLAND. Mr. Speaker, our esteemed and distinguished colleague from Rhode Island, Congressman JOHN E. FOGARTY, has again been honored by an outstanding American university, this time by the great Catholic institution, the University of Notre Dame of South Bend, Ind. Mr. FOGARTY received an honorary doctor of laws degree from the University of Notre Dame during the 119th commencement exercises on June 17.

The honors, awards, and citations that JOHN FOGARTY has received to date from colleges, schools, societies, and associations number more than 125, including the 1963 International Award in the field of mental retardation by the Joseph P. Kennedy, Jr. Foundation, and a decree from the President of Italy on February 1, 1964, conferring on him the title of "Commendatore al Merito della Repubblica Italiana."

Mr. Speaker, I know that all the Members of the House are proud of Congressman FOGARTY and congratulate him on his most recent honor. I take this opportunity to read the University of Notre Dame's citation conferring this great honor on JOHN FOGARTY:

> University of Notre Dame Du Lac at the 119th commencement, the June exercises, the University of Notre Dame confers the degree of doctor of laws, honoris causa on an enlightened and effective legislator who, throughout his 23 years in the House of Representatives, has been sensitive to the growing national importance of health and education, and also has been successful in securing appropriate congressional action in these areas. During his past 13 years as chairman of the Appropriations Subcommittee, which provides funds for the Department of Health, Education, and Welfare, he has helped us all to see that the health and education of our citizens involve the national interest and are not of private and local concern only. He has initiated or sponsored legislation which has led to rehabilitation programs for the handicapped, to instructional programs for the blind and the deaf, to expanded research in medicine, dentistry, and the field of the mentally retarded, and to a National Institute for International Health and Medical Research. He also has introduced a bill which looks to the welfare of our older citizens, the so-called "Older Americans Act of 1963," and he has sponsored legislation which would establish a National Institute of Arts and Humanities to encourage artistic and cultural activities. For his high achievements, he has been honored by foreign governments, by national organizations, and by many of our sister colleges and universities, as we are proud to honor him now. On the Honorable JOHN E. FOGARTY, U.S. Representative, Second Congressional District of Rhode Island.
>
> Very Rev. THEODORE M. HESBURGH C.S.C.,
> *President.*

NORTH ATLANTIC TREATY FOR COOPERATION REGARDING ATOMIC INFORMATION

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. KASTENMEIER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, tomorrow a subcommittee of the Joint Atomic Energy Committee will conduct a public hearing on an agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information," submitted to Congress on June 30 of this year. Under the provisions of the Atomic Energy Act this agreement will automatically become effective 60 days after June 30, omitting those days on which one or both Houses are in adjournment for more than 3 days. Automatic approval can be averted under the act only by a concurrent resolution stating in substance that Congress does not favor the proposed agreement.

Today I am introducing such a concurrent resolution, together with Messrs. ROSENTHAL and BURTON of California. Although we have individual differences on the subject of NATO nuclear policy, we share common misgivings over the need for the proposed agreement and the purposes which it may serve.

We oppose this agreement because it foretells an increase in the desire and capability of the other NATO countries to have nuclear weapons systems. We feel this agreement should be viewed and discussed for what it is—a possible step in the direction of nuclear weapons proliferation, whether under national or multilateral control. Because of its enormous significance, it should be considered by the Joint Committee and Congress against a background of a resolution of disapproval. Without this resolution there is no alternative to tacit approval of this agreement, and little possibility that the agreement will receive any measure of the full and open debate it should have.

We have many questions about this agreement. The principal one is: "Why is it necessary?" There is already a 1955 accord with the NATO organization providing for the transfer of atomic information which the United States deems necessary for first, the development of defense plans; second, the training of personnel in the employment of and defense against atomic weapons; and third, the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

This 1955 agreement with the NATO organization is supplemented by nine bilateral agreements between the United States and the United Kingdom, Germany, France, Italy, Canada, the Netherlands, Belgium, Turkey, and Greece. These bilateral agreements were made on the authority of the 1958 amendments to the Atomic Energy Act, which provided for the first time that atomic information and nonatomic parts of weapons systems could be transferred to individual allied countries.

The proposed agreement is described as an updating of our 1955 NATO agreement to reflect the 1958 amendments. It calls for multilateral transfers of atomic information, including design information for the nonnuclear parts of atomic weapons systems—in short, a multilateral version of the nine bilateral agreements already in effect.

What purpose, we may ask, is a new agreement to serve? The bilaterals were designed to integrate the weapons systems of various NATO countries with the American-controlled nuclear stockpile which we introduced into Europe beginning in 1957. According to State Department officials these agreements have been used for this purpose with great restraint. We have transmitted only such information and parts as the individual countries required to make their NATO-related weapons systems compatible with the stockpiled warheads. The full scope of these agreements has never been explored or employed. They are not outmoded.

If there is a new and different purpose to be served by the proposed agreement, I think it should be more clearly spelled out to the Congress now. Without fuller explanation, we can only assume that a new NATO nuclear policy is in the offing, one under which the United States and other NATO countries will engage in multilateral transfers of information not now covered by the previous agreements. Until that fuller explanation is given, the potential uses of this agreement must carry as much weight with us in our evaluation of it as the actual intent of its draftsmen.

Clearly, one use of this agreement is the negotiation for and implementation of the much-rumored but inadequately discussed multilateral force agreement.

We share the doubts of many, here and abroad, about the usefulness and wisdom of an MLF. We also strongly believe that additional transfers of the weapons design information contemplated in this agreement accelerates the pace at which other countries develop a capability to produce and deploy the weapons systems which will carry nuclear warheads. Nothing convinces us that this capability does not breed its own desires for nuclear weapons, desires which may or may not be satisfied by the participation in a jointly owned and controlled weapons system. If they are not satisfied by that prospect, then our efforts to stimulate and direct the nuclear policies of our allies will have been worse than fruitless. If the MLF is initially attractive to would-be atomic powers, there is still no guarantee that it will be enduringly satisfactory to them, just as there is no assurance at all that it will not be provocative to our adversary.

Mr. Speaker, I introduce, for an appropriate reference, a concurrent resolution expressing the sense of Congress that this agreement should not be adopted, and under permission granted, I include the text of the resolution at this point in my remarks:

H. Con. Res. 354

Concurrent resolution expressing the disapproval of Congress of the agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information", submitted to Congress by the President on June 30, 1964

Whereas on June 30, 1964, the President submitted to Congress an agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information", concluded under authority of section 144(b) of the Atomic Energy Act of 1954, as amended by Public Law 85–479; and

Whereas section 123(d) of the Atomic Energy Act of 1954, as amended by Public Law 85–479, provides that the agreement shall go into effect without further action by Congress after a period of sixty days (as defined by the Act) from the date on which it was submitted to Congress and referred to the Joint Committee on Atomic Energy, unless during that period Congress passes a concurrent resolution stating in substance that it does not favor the proposed agreement; and

Whereas it has not been demonstrated to the satisfaction of Congress that this agreement, superseding a 1955 agreement with the same parties and supplemented by bilateral accords with nine NATO countries, is essential to the military mission of the North Atlantic Treaty Organization; and

Whereas it has not been demonstrated to the satisfaction of Congress that this agreement would not aid and abet the development of an independent nuclear capability by NATO member countries which do not now have such a capability; and

Whereas it has not been demonstrated to the satisfaction of Congress that this agreement would not contribute to the negotiation, conclusion, and execution of a multilateral agreement establishing a nuclear weapons system jointly owned and controlled by some or all NATO member countries; and

Whereas it is the sense and understanding of Congress that said multilateral nuclear weapons system should be undertaken by the United States only after full and open debate and with the affirmative concurrence of Congress or two-thirds of the Senate; and

Whereas it is the sense of Congress that any and all of the above considerations are paramount to the objective of bringing the 1955 NATO nuclear information agreement into conformity with the amendments to the Atomic Energy Act of 1954 made by Public Law 85–479; and

Whereas Congress is mindful of the resolution by the United Nations General Assembly in its 1959 session, calling on the atomic powers to avoid further dissemination of nuclear weapons: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress does not favor the adoption of the agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information", submitted to Congress by the President on June 30, 1964.

Mr. Speaker, in closing let me direct the attention of the Members to the Record of July 23, at page 16693, where the text of the proposed agreement, the 1955 agreement it would supersede, and the various letters of transmittal are set out. The declassified transcript of the executive hearings held July 30 on this agreement is, unfortunately, unavailable to those not members of the Joint Committee.

VIOLATION OF PASSPORT REGULATIONS TO CUBA

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Murphy] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. MURPHY of New York. Mr. Speaker, I have written to the Attorney General today asking him to prosecute to the maximum all 84 students who violated our passport regulations by traveling to Cuba. I pointed out in my correspondence that passports clearly state that they are not valid for travel in Communist China, Korea, or Vietnam, or in Albania or Cuba. The passports further state that a person who travels to or in the listed countries may be liable to prosecution under section 1185, title 8, United States Code, and section 1544, title 18, United States Code.

I note that 3 of this group of 84 are being called before the House Un-American Activities Committee to investigate the source, intentions, and instigations of this trip. It may be noted that the group was invited by the Federation of University Students in Cuba, coordinated by an American organization called the Students Committee for Travel to Cuba.

It is my sincere hope that the U.S. press, TV, and radio does not extend excess coverage to these traitors to the principles of America. It seems that lately these pink martyrs are clamoring for newspaper and TV exposure as part of their clarion call to communism.

Upon the conclusion of the trials in Brooklyn of the students who visited Cuba last year and who are now awaiting trial for "conspiring illegally to promote a Cuban trip" I will introduce legislation to bring home the lesson learned in all of our grammar schools of the "Man Without a Country."

Let us never lose sight of the fact that we are in a state of national emergency at the present time and that to permit this type of cold war treason is to deny those Americans who have fought and died for our democracy on the hot war battlefields.

LET'S WIN THE COLD WAR

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **ASHBROOK**. Mr. Speaker, the New York Daily News carried an excellent editorial in its Monday, August 17, 1964, edition entitled "Let's Win the Cold War." The editorial praises the new book published by the American Security Council entitled "Peace and Freedom Through Cold War Victory."

I have read this excellent 128-page book and I heartily recommend it to everyone who is interested in a change in policy which will stop the Communist advances throughout the world. It can be obtained from the American Security Council Press, 320 North Dearborn, Chicago, Ill., 60610. The editorial follows:

LET'S WIN THE COLD WAR

"Our central recommendation is that the United States adopt a national objective of victory in the cold war. Unless the United States adopts an affirmative cold war policy, it will continue to lose the cold war in the same way that a football team would lose if it were prohibited from crossing the 50-yard line."

The quotation is from a remarkable book published a few days ago by the National Strategy Committee of the American Security Council: "Peace and Freedom Through Cold War Victory"; American Security Council Press, 320 North Dearborn, Chicago, Ill., 60610; 128 pages, $1.95.

This American Security Council is a highly impressive privately financed outfit, with a distinguished list of members, officers, and cooperating universities and organizations.

The strategy committee which got out this book, after 2 years' study, includes such men at Gen. Mark W. Clark, Adm. Ben Moreell, Robert Morris, Dr. Edward Teller, Gen. Albert C. Wedemeyer, and Gen. Robert E. Wood.

These men and their colleagues realize that communism is out to enslave the entire human race, and never has dropped or watered down that determination. Hence, any idea of a free-world compromise with communism is idiotic.

The comrades don't compromise. They merely wiggle and wangle, bemuse and befuddle, in hope of so weakening the free world that it will eventually fall of its own flabby weight into their hands.

So, says the American Security Council, let's fight the cold war with the realization that you can't compromise with Reds, and let's get cracking without further delay.

Some concrete first steps are outlined most appetizingly in this book.

CRACKDOWN ON CASTRO

For one, the Security Council urges what it calls affirmative action on Castro-Khrushchev Cuba.

The United States, it says, should "declare the entire Western Hemisphere to be a peace zone, with all Communist war material, including fuel, declared to be contraband."

This would mean a real blockade of Cuba, and a sudden cutoff of the great bulk of its trade with both our friends and our enemies.

After that, the Security Council says, we should help in setting up a free Cuban government, to mount a massive guerrilla war against Castro inside Cuba, with the United States furnishing a lot of the war material.

This country is urged, too, to adopt a positive policy in South Vietnam, with the object of winning the war against the Viet Reds as soon as possible. That would call primarily for bombing the sources and supply lines for war material in North Vietnam and Laos.

President Johnson made a stab at this with the North Vietnam air strikes of August 5, but then he pulled back.

The American Security Council also wants to strengthen NATO enormously, by treating the combined European nations of the North Atlantic Treaty Organization "as a full partner rather than as a satellite."

WHY NOT VICTORY?

That would mean giving this partner possession and control of nuclear weapons for its own self-defense, and for cracking back swiftly if attacked by Soviet Russia (or anybody else).

These are only a few of the win-the-cold-war measures outlined and powerfully urged in this striking, dramatic and deadly earnest book sponsored by a crowd of Americans who are fed up to the teeth with seeing their beloved country lose round after round in the cold war—and lose unnecessarily.

It isn't as if we were a weak nation that had to knuckle under to bullies. We are the most powerful nation on earth today, and by acting our size and strength we can stay strong and almost invulnerable indefinitely.

By acting small and playing weak, we invite conquest and enslavement.

For the book discussed herein, we wish a circulation mounting rapidly into the millions—and a swift adoption in official Washington of most of the plans blueprinted by the book's backers.

Let's stop losing the cold war, and stop in a hurry.

ANNOUNCEMENT OF ADDITIONAL PROGRAM FOR TOMORROW

Mr. **ALBERT**. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow that the atomic energy bill under discussion a few minutes ago, S. 3075, may be brought up under a suspension of the rules.

The **SPEAKER**. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE MONETARY POWERS MUST BE SUBJECT TO THE WILL OF THE PEOPLE

The **SPEAKER**. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 60 minutes.

Mr. **PATMAN**. Mr. Speaker, when the Founding Fathers drew up our Constitution, they wisely placed the monetary powers, along with the taxing and spending powers, squarely in the hands of Congress, where they could be directly controlled by the people. History has taught many times that the power to regulate and control money, like the power to declare war and to levy taxes, is fundamental to the public welfare. The only proper safeguard is to keep this vast power subject to the will and vigilance of a free and alert citizenry.

The Congress has failed to bear this responsibility, although it is clearly imposed upon us by the Constitution. We have farmed out this fundamental sovereign power to the Federal Reserve System, an institution which is not a truly public agency at all and has many close ties to private commercial bankers. The Federal Reserve is answerable neither to the President nor to the Congress. In fact, it has become a fourth branch of Government, in violation of basic constitutional principles.

The Federal Reserve and commercial banks have been delegated by the American people probably the greatest responsibility in the free world next to control of the hydrogen bomb. They have been given the power to create the people's money and to fix both its volume and its cost.

RECENT INVESTIGATION REVEALS NEED FOR BASIC REFORM

The Domestic Finance Subcommittee of the Banking and Currency Committee has just completed the most exhaustive study of our Federal Reserve System that has even been held. And the majority members of the subcommittee have unanimously concluded that basic reforms are needed to restore to the people of this Nation control over their monetary affairs.

Moreover, it is obvious to me and the majority of the subcommittee that the violation of constitutional principles involved here is not merely a question of empty legal right. Quite the reverse. A high price is being exacted from the people of this country, day in and day out, because Congress has been asleep at the switch and permitted the big bankers of the Nation to dominate the Federal Reserve System, and thereby to control our money supply, in secrecy, and completely apart from the regular conduct of the U.S. Government. And that high price can be measured in terms of tight money and unnecessarily high interest rates, and, in turn, higher Government spending and debt, lower private investment, slower economic growth, and higher unemployment in all population groups and especially among persons not readily employed because they lack skills. This is tribute exacted from the American public to maintain this expensive anachronism.

I say "anachronism," Mr. Speaker, because, although a big word, it is the most appropriate. It means a carry-over from times past, something out of keeping with the present. The Fed is anachronistic because there is no room in a modern democracy for private exercise of public power. In more primitive and less democratic days, and even today in less democratic countries, great power—including power over money—has been wielded by small private groups and dictators, and always with bad results. But it is unsound and actually dangerous that in the United States today we permit the volume of money and interest rates, and thereby the course of our economy, to be controlled by essentially a private institution not answerable to the people.

The Federal Reserve is above the Government and above the people. I do not know if this state of affairs is communistic. I do not know if it is fascistic but, Mr. Speaker, I do know it is not the way of a democracy in the world of today.

FEDERAL RESERVE AND COMMERCIAL BANKS HAVE MONOPOLY POWER TO CREATE MONEY

The Congress has given a monopoly of the power to create money to the Fed and the commercial banks. They, and they alone, exercise this power and it is the creation and management of money that determines, in large measure, wages prices, employment, the Government's deficit and debt, and the prosperity and well-being of the entire Nation. Immediately, monetary policy controls interest rates. Higher interest is the constant companion of tighter money. The two go together like the sides of a coin, and with the coming of tighter money and higher interest rates, the economy slumps. We have had three recessions since the Fed declared its independence of the U.S. Government in 1951, and each one was preceded by tighter money and higher interest rates. In our economy the creation of money is tied to the creation of debt, and when people cannot borrow—or have to pay too high a price to borrow—they cut down their business operations and production shrinks. There is less spending, and so, less work. Employment falls, deficits and debts rise at all levels of government, business prosperity wants and our overall economic growth and well-being are diminished.

The only people who benefit from tighter money and higher interest rates are certain bankers. This is not strange, for while interest is everyone else's expense, it is a banker's income, and they are just like wage earners and storekeepers—they would like to make as much as possible. The only difference, and it is a tremendous one, is that bankers do not have the competition that the storekeepers and manufacturers and wage earners have that keeps down their take. Entry into the banking business is franchised and, furthermore, bankers have a monopoly on the creation of money. To top it off, being able to dominate the Federal Reserve System, they have had things all their own way, particularly for the last 12 years.

HOW CONTROL IS EXERCISED

You see, the bankers, particularly the big ones in New York who run the show, have found the pot of gold at the end of the rainbow. They found it many years ago when they finally succeeded in getting control of that secretive and powerful little organization that controls the shutoff valve on the money supply and therefore interest rates. I mean the Open Market Committee. It is this group, operating in secret every 3 weeks, that decides our economic fate. The Federal Reserve's Open Market Committee, which might more appropriately be called the Closed Market Committee, because it meets in secret, has tremendous power over every man, woman, and child in America. It can halve or double the spending power of every American with one blow. And who controls the policy of this Open Market Committee? Bankers, especially the big New York Wall Street banks, influence the decisions of the Open Market Committee, and especially its day-to-day actions right there in the New York money market where the Committee's orders are actually carried out.

Central in that controlling group is a New York banker, Mr. Alfred Hayes, president of the Federal Reserve Bank of New York. It is he, in his dual role as a permanent member of the Open Market Committee and president of the Federal Reserve Bank of New York, who acts as the kingpin. The organization that controls the money supply through its day-to-day buying and selling of Government bonds works directly under Mr. Hayes of the New York bank. The law provides that the president of a Federal Reserve bank shall be its chief executive officer and that all other executive officers and all employees of the bank shall be directly responsible to him. And this tremendous authority of President Hayes extends to the employees who actually conduct the open market operations in the New York Federal Reserve Bank for the entire System. I do not have any personal grievance against Mr. Hayes. He is an intelligent and gracious gentleman. But I don't think any one human being ought to have that kind of power in this country.

We did not always have this self-designated, independent, banker-dominated monetary authority. It developed over the course of many years, and it was not until the early 1930's, when the country was flat on its back, that the banking interests were able to put the clincher on the Fed. I have described this development in a speech delivered before this House 2 weeks ago and will not repeat it here except to remind you again that we have with us here and now a central bank dominated by the private money market bankers. Even the President of the United States has to come and ask for their cooperation, and while they claim they are ultimately responsible to Congress, in all my 36 years here, I have never seen the Congress depend upon their cooperation, particularly in the last 12 years.

Let us see, Mr. Speaker, what is the cost of maintaining both the authority of the Federal Reserve to act independently of the President and its ties to the banking community and especially the big New York bankers.

1. BAD ECONOMIC EFFECTS OF THE FED'S POLICIES

When the Open Market Committee wants to increase the volume of money, it instructs the New York Reserve bank to buy Government securities. This adds to the reserves of commercial banks and induces them to increase their lending and investing which they do by creating checkbook or deposit money. If the Open Market Committee does not allow enough money to be created, people will not have enough money to buy the goods and services business produces, and business will not have enough to invest; the economy stagnates and unemployment grows. Only if the Fed allows enough money to be created do people and businesses have enough to spend and thereby insure adequate economic growth and full employment. The Federal Reserve's monetary policy—its decisions about how much money to create or destroy—determines whether times are good or bad.

Nor can the Federal Reserve just stand still. As the economy grows and more goods are produced, it must print more and more money just to keep up. This is not necessarily inflationary. Monetary growth is needed to keep up with our growing labor force and technology.

The Fed has failed to provide a steadily growing money supply. In fact, it has often done just the opposite and strangled our venturesome and growing economy by tighter money, higher interest rate policies. In 1953 and 1957 the Fed reduced the growth of the volume of money to zero. In 1959–60 the Fed actually caused the stock of money to fall. Because of tighter money and its constant companion—higher interest rates—we had recessions in 1953–54, 1957–58, and 1960–61.

The Federal Reserve's policy of tighter money and higher interest rates not only caused our economy to suffer these three manmade recessions, but also turned unemployment into an acute national problem for the first time since the 1930's and slowed our economy's growth. We had to increase Government spending and debt to make up the "spending gap" and prevent economic catastrophe. From 1950 to 1962, the Federal Government's debt increased about 18 percent. The Eisenhower regime, which had flatly promised balanced budgets at all cost, ran large deficits in 1958 and 1959.

Mr. Speaker, these unplanned deficits were unnecessary. As I pointed out before on this floor, at least $35 billion of public debt might have been saved if we had an adequate monetary policy in the period 1952–62.

What aggravates the tragedy of all this is that because of the steady rise in interest rates caused by the Fed's policy, the burden of interest has just about doubled. The annual burden of the national debt on the taxpayer jumped from $6 billion to $11 billion, and I repeat, Mr. Speaker, unless we in this Congress are extremely vigilant, the burden will keep rising and rising until it chokes off the other programs of the Government like social welfare, public health, agriculture, and veterans' benefits.

The root of these problems is the Fed's tightwad monetary policy, and to solve them we need a money supply that grows adequately. Recent events prove this. As a result of the expansionary monetary policy the Fed followed, from the fall of 1962 to the beginning of this year, unemployment has decreased among all groups, including teenagers, persons over 60 years of age, and minority groups, and in all areas, including Appalachia. Also, private investment in plant and equipment, dormant since 1957, increased by more than 15 percent.

To keep this employment and investment upsurge going, we need continuing monetary expansion. This means we need a monetary authority which is a truly Government instrument and one whose policies are coordinated with those of all other Government agencies through the Office of the President of the United States. This is required by the Constitution as well as commonsense and sound economics. We will have adequate and stable monetary policy only if we make the Fed a genuine public monetary authority.

But we can only do this if the public becomes aware of the price they pay for the faults in the existing system. It is at the grassroots that the facts must be understood and the renovation begun.

2. FEDERAL RESERVE TIES TO BANKERS

The trouble with past and current monetary policy lies in the Federal Reserve's self-asserted independence of Government and ties to bankers. More important, as long as these defects exist we have to expect long-term monetary policy to be a tightwad which slows our future economic growth, and short-term monetary operations to be destabilizing and cause periodic recessions in future years. The Fed's miserly and erratic policies can only be explained by its links to the banking community and insulation from the people.

As pointed out in my speech 2 weeks ago, the 12 presidents of the Federal Reserve district banks are chosen by boards of directors; 6 out of 9 of these directors, in turn, are selected by private bankers. Remember, these banker-selected Federal Reserve officials serve on the Open Market Committee, the Committee which determines the volume of money and interest rates. Naturally, these men will look at the economy with the same biases and operating concepts that are held by private bankers.

Chairman Martin told our subcommittee we benefit because the Open Market Committee is loaded with people "with technical experience in banking and with their broad contacts with current credit and business developments, both indirectly and through their boards of directors." Without impugning anyone's motive, I would point out that this is a source of the basic trouble.

Consider, for example, the fact that the Federal Reserve's deepest prejudice is that inflation is a threat to our economy. Now, no one wants inflation. But it is simply not a serious threat now, nor has it been in recent years. Why, then, is the Fed, as Chairman Martin has said, "always fighting inflation"? The reason—plain and simple—is that this is a moneylender's, or banker's prejudice. Furthermore, the Fed fights inflation by pushing up interest rates and bankers benefit from higher interest rates, and this kind of medicine is very pleasant for them to take. Higher bank profits result from higher interest rates. The profits of New York banks are especially enhanced. This was recognized by the authoritative trade journal, Bank Stock Quarterly, when it observed in a recent issue:

> Tighter credit conditions and resulting higher lending rates would have the greatest effect on earnings of New York banks because their assets, by reason of character and maturity, are most sensitive to interest rate changes.

Since the inflations the Fed fought in the postaccord period were more imagined than real, the banks seem to have been the only beneficiaries of higher interest rates. And the price that our citizens paid for this is a high one: higher Government deficits and debts, low private investment, a slowdown in economic growth and higher long-term unemployment.

The Fed's prejudices are only half of the harmful policies that stem from its ties to bankers and banking. The Fed's ties to the banking community also are the source of mistaken operating methods. Bankers are experts in managing banks. This means they know all about such things as judging the soundness of commercial paper, the safety and other prospects of all variety of possible investments, the character of the borrowers to whom they make, or might make, loans, the level of excess and free reserves they desire, and so forth. These are questions about which we would expect bankers to be expert. But expertise in these and other banking matters makes it difficult, if not impossible, to understand and solve the monetary problems of the economy.

Men whose training and experience and contacts are in banking naturally will overemphasize the importance to the economy of problems peculiar to banks. Thus, it is not surprising that the Federal Reserve tries to control such things as the quality and quantity of bank credit, excess and free reserves, and the loan rate to dealers in Government securities.

It is not surprising, but it is unfortunate. It would be better for the agency which is supposed to be our country's monetary authority to aim at controlling the money supply. But as long as the Fed pays little attention to the money supply and instead concentrates on money market and banking variables, the money supply is going to behave erratically in the short run. And this mistake is going to be repeated as long as the Fed is banker and banking oriented. This is an important point borne out by our investigation.

3. THE BALANCE OF PAYMENTS

In recent years we have heard much about our balance-of-payments problems. This new situation is now the basis for the Federal Reserve's policies. The trouble with this argument is that there is no evidence that the Fed's tighter money and higher interest rate policies resulted in lower payments deficits. But there is overwhelming evidence that they have slowed our economic growth and resulted in higher unemployment. Until the Federal Reserve can demonstrate that, in fact as well as in theory, monetary stringency can cure international payments deficits, we should not allow them to justify a restrictive monetary policy on the ground that it is necessary to decrease our payments deficit.

Money must be managed to achieve domestic goals as I see it. Our international payments problem can and should be solved with more direct policies, like the tax on foreign borrowing that the Treasury is proposing. Monetary policy is the most costly and least effective way of attacking the problem. The payments problem, like the threat of inflation, has served as a convenient excuse for tighter money and higher interest rates. We must not allow ourselves to be taken in by this rationalizing in the future. Bankers may have benefited by these tighter money and higher interest rate policies, but the domestic economy and the balance of payments did not.

4. THE FED'S INABILITY TO CHANGE ITS WAYS

The evidence is overwhelming that the Federal Reserve is still, as President Hoover wrote in his memoirs, "a weak reed for a nation to lean on." Why? Why has the Fed not changed its ways? The answer is that there is no reason why it should. The System's ranking executives pay no penalty for their mistakes. In a free enterprise society, businessmen who err go out of business. In a democracy, politicians who make mistakes are defeated. What happens to Federal Reserve officials who make mistakes? The answer is "nothing."

The seven Governors of the System are appointed for 14 years and do not have to answer to anyone for their policies. Individuals, including Congressmen, professors, and others, may complain about their mistakes but cannot penalize them. In the same way, the 12 Reserve banks also are protected from penalty. They answer only to the directors of their respective banks and the seven independent and protected Governors. Thus, all 19 ranking executives of the Fed are insulated from all pressures including the pressure to change mistaken operating methods and harmful prejudices. And, as long as these men continue to be protected from public pressures we are not going to have a truly flexible and unprejudiced monetary policy.

THE SUBCOMMITTEE'S PROPOSALS FOR IMPROVEMENT OF THE FEDERAL RESERVE

A majority of the Domestic Finance Subcommittee of the Banking and Currency Committee, during the intensive 5-month inquiry into the Federal Reserve System, reached unanimous agreement on the existence of the defects I have described and on the need for reform. Accordingly the eight Democratic members of the Subcommittee on Finance have circulated a set of proposals to strengthen the Federal Reserve System. The five Republican members did not participate in the findings.

The proposals of the eight Democrats on the subcommittee are, in my opinion, exactly what we need to make the Fed into a genuine public and flexible monetary authority. If these proposals are to become the law of the land, as they must if we are to do away with manmade recessions, unnecessarily high interest rates and ever-increasing Government debt, you will have to make a public issue of them and show how they will help achieve full employment and economic growth without inflation and without a continually rising national debt.

A. To emphasize the public character of the Federal Reserve—

First. Provide for the retirement of the Federal Reserve stock.

Second. Vest all power to conduct open market operations in the Federal Reserve Board.

The Federal Reserve stock which is owned by the member banks cannot be transferred or sold. It is, therefore, only a fixed interest income nonproprietary asset. But it gives many the false impression that the member commercial banks own the Federal Reserve. Our hearings revealed that even Federal Reserve officials differ on whether the 12 Reserve banks are public or private institutions. The stock should be retired to make absolutely clear that the Reserve banks are part of the Government, not merely "allied to Government," as one official put it.

The Open Market Committee, which meets in secrecy every 3 weeks in Washington, determines the volume of money and interest rates. The voting members of the Committee now consist of 7 men appointed by the President and confirmed by the Senate, and 5 of the 12 Reserve bank presidents. The other seven Reserve bank presidents participate in the Committee's discussions. The public officials who serve on the Open Market Committee are the members of the Board of Governors of the Federal Reserve. The Reserve bank presidents are chosen by the directors of these institutions, subject to approval of the Board of Governors. Since 6 of the 9 directors of the Reserve banks are bankers or men chosen by bankers, the present setup allows 12 representatives of the private banks to have their say, and 5 to vote on the Nation's monetary policy. Does anyone wonder why past monetary policy has reflected banker prejudices and methods? Does anyone think future policy will not reflect these same biases and ill-advised procedures if the Open Market Committee is left intact?

The above two proposals of the subcommittee are a necessary first step to rid the Fed of its overriding concern about inflation and money market conditions. They are, therefore, essential to assure that the money supply is managed in the public interest and that it is managed directly and does not, as now, emerge accidentally from operations to control strictly money market and banking variables.

B. To increase the effectiveness of monetary policy by assuring the recruitment of an outstanding Federal Reserve Board and an adequate response to advances in economic knowledge—

First. Remove the present requirement that the President in selecting Governors of the Federal Reserve Board "shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests and geographical divisions of the country." Instead, require only that the Governors be men of integrity devoted to the public interest.

Second. Reduce to five the number of Governors of the Federal Reserve Board.

Third. Reduce to 5 years the terms of office of the Governors and allow for reappointment.

Fourth. Make the term of the Chairman of the Board of Governors coterminous with that of the President.

Fifth. Raise the salaries of the Governors.

These proposals will assure that the agency which is charged with the responsibility of managing our Nation's money, and so, indirectly, the level of our economic activity, reflects the incumbent President's thinking. Under the present arrangement, a President does not get to appoint a majority of the Board until his eighth year in office when having a majority is meaningless. He is, therefore, unable to count on the Board's being sympathetic to his program and willing to help achieve his aims. Consider, for example, that the President-elect in 1964, during the next 4 years will, unless a change is made, have to rely on the cooperation of all seven of the present Governors until January 1966, when the term of one expires, and on six of them until January 1968, when another present Governor's term expires. Furthermore, the President will have to learn to live with William McChesney Martin as Chairman until 1967, when he will be permitted to appoint his own Chairman. But even in this, the President-elect will be severely restricted for under the law he will have to pick his Chairman from among the then seven Governors.

We must remember that the 22d amendment, which limits the President to two terms, forecloses any possibilities of a President's ever appointing a Board responsive to his wishes and programs. The result is that the President is without freedom of choice in this vital area. He is in a straitjacket. Congress has given him great responsibilities under the law, yet he does not possess the necessary authority to carry them out.

Thus, through 1967 only one Governor can be appointed by the winner of the 1964 presidential election. It is just plain wrong to handcuff the President-elect in this way. It makes a mockery of the principle on which our democratic Republic is founded—the principle of accountability to the people through their elected representatives.

Under the subcommittee's proposals, an incoming President appoints the Chairman immediately. Within 30 months he appoints two additional Governors. Thus, a majority of the Federal Reserve Board will reflect the incumbent President's thinking between 15 months and 2½ years after he is first inaugurated. This is the way it should be in a democracy.

At the same time it is noteworthy that these recommendations provide for continuity. This is assured by the fact that it will be 4 or 5 years before a new President appoints all the Governors, and also by allowing for reappointment.

C. To insure public control over the expenditures of public moneys—

First. Provide for a public audit by the Comptroller General of all expenditures by the Federal Reserve Board and the Reserve banks.

Second. Provide for paying into the Treasury as miscellaneous receipts all capital gains and interest received by the Federal Reserve from U.S. Government securities.

Third. Authorize appropriations by the Congress of the expenses of the Federal Reserve banks and the Federal Reserve Board.

The Federal Reserve claims it is an arm of Congress. These proposals will lend substance to this claim. As it is now, the claim is just bureaucratic oratory. These proposals are required simply to tame a bureau that is running wild in setting its own expenditure policies. They will bring it into the public fold and let it take its place alongside the other agencies of Government, like the Defense Department, and the State Department.

D. To provide statutory guidelines for monetary policy and assure coordination of all of the Government's economic policies in achieving the goals of the Employment Act of 1946—

First. Require that the President set forth in his periodic Economic Reports, in conjunction with his recommendations on fiscal and debt management policy, guidelines concerning monetary policy, domestic and foreign—including the growth of the money supply, as defined by him—necessary to attain the goals of maximum employment, production, and purchasing power of the Employment Act of 1946.

Second. Express the sense of Congress that the Federal Reserve operate in the open market so as to facilitate the achievement of the President's monetary policy; and require that the Federal Reserve, if its monetary views and actions diverge from those recommended by the President, file with the President and the Congress a statement of reasons for its divergence, in form like the President's Economic Report.

Since 1946 this Nation has been committed to a policy of full employment. Under the law the President is required to develop and recommend to the Congress policies to promote maximum employment, production, and purchasing power.

The Fed has been in the position to defeat this objective any time it felt like it. The reason is that monetary policy is so basic to the well-being of our economy that it must come into play in order to assure the objectives of the law. But under existing conditions the Fed decides for itself just how far it wants to cooperate. This is a ridiculous situation. Moreover, it is a state of affairs that no great democracy can tolerate.

What this bill would do is to permit the President to carry out the duties that the law requires him to. It would be up to him and his advisers to issue to the Federal Reserve the guidelines to be followed in carrying out monetary policy. In other words, the President would be in a position to affect the course of interest rates and the money supply, both of which are vital determinants of our economic well-being.

From 1939 to 1951 President Roosevelt and President Truman exercised influence over the Federal Reserve in the people's interest. As a result, during those 12 years the interest rate on U.S. Government bonds never went above 2½ percent and these bonds never sold below par. This shows that it can be done if the Fed wants to do it. At that time the Fed was working in the people's interest. Then in late 1951 at the time of the so-called "accord," the Fed seceded from the Government and the interest rise began. It cost this country an unnecessary additional $40 billion increase in the national debt. If the Roosevelt-Truman rates had prevailed, our national debt would be $270 billion instead of $310 billion, and the interest charges would be $1.5 billion less on the $40 billion year in and year out.

Monetary policy cannot be formulated in a vacuum. It must be coordinated with fiscal and other governmental policies. Our proposals assure such coordination. Moreover, they assure that it will take place in the open forum of public policy debate and not in the secrecy of the Open Market Committee board room.

E. To allow for greater specialization in performing the monetary control function—

First. Permit the Federal Reserve Board to concentrate on monetary policy by transferring its present bank supervisory functions to the Comptroller of the Currency, the FDIC, or alternatively, to a newly created Federal banking authority.

This proposal is a necessary step for ridding the Federal Reserve of the banking and credit concepts and biases. The Fed's present involvement in bank supervision and regulatory matters causes a confusion between monetary policy and such supervisory questions as the quality of credit. In the past the confusion of these two quite separate fields of activity has hampered the effective exercise of monetary policy, in the opinion of the majority of subcommittee members, and separation, too, will benefit the exercise of both functions.

CONCLUSION

We must never forget that our democratic institutions are the source of this country's strength. They have permitted us to weather many storms and crises without the revolution and turmoil that affects other nations. Democratic institutions, responsibility, and accountability, force the Government to take cognizance of the needs of the people and to respond to advances in our ability to meet those needs. The Federal Reserve has not been subject to these democratic pressures, and so it has not responded to the needs of the people or to the great advances in economic knowledge that have marked the 50 years of its existence.

That is why the Domestic Finance Subcommittee, after careful evaluation of the evidence, has been persuaded to the urgency of these reforms.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kyl (at the request of Mr. Halleck), for the balance of this week, on account of death in family.

Mr. Tollefson (at the request of Mr. Arends), for August 15 through August 22, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Smith of California (at the request of Mr. Arends), for August 15 through August 22, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Pirnie (at the request of Mr. Arends), for August 15 through August 22, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. McClory (at the request of Mr. Arends), for August 15 through August 22, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Hoeven (at the request of Mr. Arends), for August 15 through August 22, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mrs. St. George (at the request of Mr. Arends), for August 15 through August 22, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Adair (at the request of Mr. Arends), for August 15 through August 22, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Bromwell (at the request of Mr. Arends), on account of illness.

Mr. MacGregor (at the request of Mr. Arends), on account of official business.

Mr. Daddario (at the request of Mr. Rosenthal), week of August 17, 1964, on account of official business.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Pool and to include extraneous matter.

Mr. Donohue in four instances and to include extraneous matter.

(The following Members (at the request of Mr. Shriver) and to include extraneous matter:)

Mr. Pillion.

Mr. Westland.

Mrs. May.

(The following Members (at the request of Mr. Long of Louisiana) and to include extraneous matter:)

Mr. Powell in two instances.

Mr. Tuck.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 108. An act making Columbus Day a legal holiday; to the Committee on the Judiciary.

S. 284. An act for the relief of Ethel R. Loop, the widow of Carl R. Loop; to the Committee on Foreign Affairs.

S. 763. An act to amend the District of Columbia Public Assistance Act of 1962 so as to provide for the furnishing of medical assistance for the aged to eligible residents of the District of Columbia; to the Committee on the District of Columbia.

S. 1717. An act for the relief of Marie Jane Lewis; to the Committee on the Judiciary.

S. 1752. An act for the relief of Lt. Robert C. Gibson; to the Committee on the Judiciary.

S. 2208. An act granting the consent of Congress to a compact relating to taxation of motor fuels consumed by interstate buses and to an agreement relating to bus taxation proration and reciprocity; to the Committee on the Judiciary.

S. 2392. An act to provide an additional place for holding court in the district of North Dakota; to the Committee on the Judiciary.

S. 2588. An act for the relief of Luther D. Stull; to the Committee on the Judiciary.

S. 2628. An act to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, delivery, and possession of habit-forming barbiturate drugs, amphetamine, and other habit-forming central nervous system stimulant drugs, and other drugs that have a potential for abuse resulting in psychotoxic effects or antisocial behavior; to the Committee on Interstate and Foreign Commerce.

S. 2649. An act to designate as the Graham Burke Pumping Plant the pumping plant being constructed in the State of Arkansas as a part of the White River backwater unit of the lower Mississippi River flood control project; to the Committee on Public Works.

S. 2654. An act to change the name of the canal known as the Bay Head-Manasquan Canal and as the Manasquan River-Barnegat Bay Canal to Point Pleasant Canal; to the Committee on Public Works.

S. 2856. An act for the relief of Teresa Marangon; to the Committee on the Judiciary.

S. 3027. An act to incorporate the American Academy of Actuaries; to the Committee on the Judiciary.

S. 3068. An act to amend the Federal Firearms Act, as amended, to authorize the Secretary of the Treasury to relieve manufacturers from certain provisions of the act if he determines that enforcement would impair the national security; to the Committee on Ways and Means.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 946. An act to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes;

H.R. 5543. An act to extend the provisions of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia;

H.R. 7662. An act to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company;

H.R. 9334. An act to amend the act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers;

H.R. 9436. An act to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended;

H.R. 10199. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 10446. An act to permit the use of statistical sampling procedures in the examination of vouchers;

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation;

H.R. 11052. An act to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe;

H.R. 11211. An act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes;

H.R. 11652. An act to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation; and

H.J. Res. 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 16. An act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes; and

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1174. An act for the relief of Elfriede Unterholzer Sharble;

H.R. 1988. An act to provide for the settlement of claims of certain residents of the Trust Territory of the Pacific Islands;

H.R. 3198. An act to promote the economic and social development of the Trust Territory of the Pacific Islands, and for other purposes;

H.R. 8080. An act to authorize the Secretary of the Interior to prepare a roll of persons eligible to receive funds from an Indian Claims Commission judgment in favor of the Snake or Paiute Indians of the former Malheur Reservation in Oregon, to prorate and distribute such funds, and for other purposes;

H.R. 8334. An act to transfer to the Salt River Pima-Maricopa Indian Community certain lands within the Salt River Pima-Maricopa Indian Reservation;

H.R. 8834. An act to provide for the disposition of the funds arising from a judgment in favor of the Shawnee Tribe or Nation of Indians;

H.R. 10723. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes; and

H.R. 11083. An act to amend the Public Health Service Act to extend the authorization for assistance in the provision of graduate or specialized public health training, and for other purposes.

ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.) the House adjourned until tomorrow, Tuesday, August 18, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2429. A communication from the President of the United States, transmitting a proposed supplemental appropriation in the amount of $390,000 for the Securities and Exchange Commission for the fiscal year 1965 (H. Doc. No. 349); to the Committee on Appropriations and ordered to be printed.

2430. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 19, 1964, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of and a review of reports on Delaware River and Bay, Pa., N.J., and Del., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted March 10, 1951, and April 25, 1951, and in partial response to Public Law 71, 84th Congress, approved June 15, 1955 (H. Doc. No. 348); to the Committee on Public Works and ordered to be printed with three illustrations.

2431. A letter from the Assistant Secretary of the Treasury, transmitting the Annual Report of the Federal Bureau of Narcotics, prepared by the Commissioner of Narcotics, for the calendar year ended December 31, 1963, pursuant to section I of the act of June 14, 1930; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Pursuant to the order of the House of August 13, 1964, the following report was filed on August 15, 1964:

Mr. MILLS: Committee of conference. H.R. 8000. A bill to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes (Rept. No. 1816). Ordered to be printed.

Pursuant to the order of the House on August 14, 1964, the following report was filed on August 15, 1964:

Mr. ROONEY of New York: Committee of conference. H.R. 11134. A bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1817). Ordered to be printed.

[*Submitted August 17, 1964*]

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1818. Reports on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. RIVERS of Alaska: Committee on Interior and Insular Affairs. H.R. 8526. A bill to amend the act of December 22, 1928, relating to the issuance of patents for lands held under color of title, to liberalize the requirements for the conveyance of the mineral estate, and for other purposes; with amendment (Rept. No. 1819). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee of conference. S. 793. An act to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project (Rept. No. 1820). Ordered to be printed.

Mr. ASPINALL: Committee of conference. H.R. 1794. A bill to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes (Rept. No. 1821). Ordered to be printed.

Mr. ASPINALL: Committee of conference. S. 1007. An act to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes. (Rept. No. 1822). Ordered to be printed.

Mr. MORRIS: Committee on Interior and Insular Affairs. H.R. 6925. A bill to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes; with amendment (Rept. No. 1823). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee of conference. H.R. 1839. A bill to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States. (Rept. No. 1824). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEGGETT:

H.R. 12402. A bill to prohibit the construction of facilities in post office buildings designed to permit the secret surveillance of employees of the Post Office Department and prohibiting the use of such facilities in post office buildings now in use; to the Committee on Post Office and Civil Service.

By Mr. HECHLER:

H.R. 12403. A bill to prohibit the construction of facilities in post office buildings designed to permit the secret surveillance of employees of the Post Office Department and prohibiting the use of such facilities in post office buildings now in use; to the Committee on Post Office and Civil Service.

By Mr. DEROUNIAN:

H.R. 12404. A bill to amend the Tariff Act of 1930 to provide that button blanks, regardless of state of finish, shall be subject to the same duty as buttons; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 12405. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 12406. A bill to provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities, and for other purposes; to the Committee on Education and Labor.

By Mr. O'NEILL:

H.R. 12407. A bill to amend title 38, United States Code, so as to authorize the Administrator of Veterans' Affairs to furnish space and facilities, if available, to certain representatives of State veterans' agencies; to the Committee on Veterans' Affairs.

By Mr. ROGERS of Florida:

H.R. 12408. A bill to provide for the humane treatment of animals used in scientific investigation, experimentation or instruction, or for the testing or production of drugs or medicines, by recipients of grants or contracts from the United States and by agencies and instrumentalities of the U.S. Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LENNON:

H.R. 12409. A bill to designate lock and dam 3 on the Cape Fear River, N.C., as the

"William O. Huske lock and dam"; to the Committee on Public Works.

By Mr. ROSENTHAL:

H. Con. Res. 352. Concurrent resolution expressing the disapproval of Congress of the agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information," submitted to Congress by the President on June 30, 1964; to the Joint Committee on Atomic Energy.

By Mr. BURTON of California:

H. Con. Res. 353. Concurrent resolution expressing the disapproval of Congress of the agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information," submitted to Congress by the President on June 30, 1964; to the Joint Committee on Atomic Energy.

By Mr. KASTENMEIER:

H. Con. Res. 354. Concurrent resolution expressing the disapproval of Congress of the agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information," submitted to Congress by the President on June 30, 1964; to the Joint Committee on Atomic Energy.

By Mr. RYAN of New York:

H. Con. Res. 355. Concurrent resolution expressing the disapproval of Congress of the agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information," submitted to Congress by the President on June 30, 1964; to the Joint Committee on Atomic Energy.

By Mr. MILLS:

H. Res. 856. Resolution providing for printing as a House document the "Compilation of Social Security Laws"; to the Committee on House Administration.

By Mr. QUIE:

H. Res. 857. Resolution to create a select committee to study the administration and operation of the Economic Opportunity Act of 1964; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the State of Idaho, memorializing the President and the Congress of the United States to give priority to Senate Joint Resolution No. 184 in order that the entire historic legislative processes of the 50 States be preserved and the right to apportion State legislatures as their individual States may determine shall be held inviolate, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CORMAN:

H.R. 12410. A bill for the relief of Joseph Benudiz and his wife, Carmen Arregui Zuluaga Benudiz, and their children, Carlos Benudiz, Salomon Benudiz, and Messod Prosper Benudiz; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 12411. A bill for the relief of Antonino Cattano; to the Committee on the Judiciary.

H.R. 12412. A bill for the relief of Francesca Maria Arcuri; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 12413. A bill for the relief of the survivors of Lionel W. Johnson; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 12414. A bill for the relief of Chikao George Hori; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 12415. A bill to exempt from taxation certain property of the National Society Colonial Dames XVII Century in the District of Columbia; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1013. By the SPEAKER: Petition of Henry Stoner, Avon Park, Fla., to legislate to create a new department in the Cabinet of the President of the United States, to be called the U.S. Department of Subsidies, Loans, and Tax Exemptions; to the Committee on Government Operations.

1014. Also, petition of Henry Stoner, Avon Park, Fla., requesting the defeat of the Tuck bill relating to reapportionment; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Second District, Washington, Questionnaire Results

EXTENSION OF REMARKS

OF

HON. JACK WESTLAND

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. WESTLAND. Mr. Speaker, the people of my district, the Second Congressional District of Washington State, continue to feel that the need for an adequate national defense is the No. 1 problem facing this Nation today. They are also concerned over problems of foreign policy, and over problems involving Federal spending. By far the great majority of them feel that a balanced Federal budget is important.

These are some of the interesting results shown by the tabulation I have just completed of my annual questionnaire to the people I represent.

As I have in the past, I again this year circulated a questionnaire to each household in my district, using both phone books and my permanent mailing list to obtain as thorough a coverage as possible. Some 85,000 questionnaires were mailed out, and I am happy to say that 14.3 percent were returned to me, many with additional comments and views.

Because my questionnaire survey is of real help to me in my job as a Representative in Congress, careful attention was paid to the handling of each questionnaire. Each was sorted into one of six groups or categories by occupation to insure accurate tabulation. These groups were: Business, farm, labor, professional, white collar, and miscellaneous. This last group included unsigned questionnaires, and questionnaires returned by housewives, retired persons, students, and others who could not readily be classified elsewhere.

Each questionnaire also was acknowledged, and I was particularly anxious to express my appreciation for the time and effort so many persons took to tell me of their opinions. For this purpose, personal letters were used and I, of course, let it be known that those who participated would be advised of the results once all tabulations were completed.

Mr. Speaker, those tabulations are now complete. Because I think all Members of Congress will share my interest in them, I ask, under leave to extend my remarks, that the following detailed report be included in the RECORD:

1. Constituents were first asked to number "In order of importance to you, the six most important issues today."

National Defense was clearly the leader in all categories, with the overall tabulation showing a first place position of 28.8 percent. This figure compared with 19 percent last year, an indication to me, Mr. Speaker, that the people of the Second Congressional District are increasingly aware that communism is still a very real danger, and that the Communists have not forgotten their promise to "bury" us. I believe that this concern with national defense is realistic. It reflects a realization that solutions to a host of vexing domestic problems, no matter how desirable, will mean nothing if we lack the strength to conquer and destroy Communist military might should it ever be unleased against our shores.

Ranking second, with 15.6 percent, was concern over Federal spending. It seems obvious to me that the people of my district realize full well the price they pay through the pocketbook for irresponsible Federal monetary policies. Many persons, particularly those on limited incomes, told me of the problems they face because of inflation.

Rather than ask for more and more Federal spending, however, they indicated a desire for a return to sound fiscal policies that will restore the fast-diminishing purchasing power of the dollar. I believe this outlook, too, is a reasonable one.

Closely allied with the problem of national defense is American foreign policy. Not surprisingly, the people of my district also placed this high on their list, with an overall percentage of 15.4. This was the total reached when all questions involving foreign policy, including Cuba, Vietnam, and Panama, were considered together. The overall percentage of persons selecting foreign policy in general as their first choice was 10.5.

While the remaining choices speak for themselves, I should like to say something about the "Other" category, which gave constituents a chance to suggest some problem other than the 13 listed.

As a category, the "Other" group polled 3 percent for the overall tabulation, and ranged as high as 6.9 percent for farmers and 4.3 percent for those in the business classification. Concern over the Supreme Court decisions banning prayer and Bible reading from the public schools was mentioned most frequently. This was followed by concern over the possible enactment of so-called "antigun" legislation, which most said they opposed as being contrary to the right to "bear arms" guaranteed in the Bill of Rights by the second amendment to the Constitution.

Mentioned often, but less frequently, were such problems as: encroachment by foreign powers on traditionally American fishing grounds; beef and dairy imports; log exports; opposition to the sale of American wheat to Russia, and Communist infiltration.

A complete tabulation of question No. 1 follows:

[In percent]

	All	Business	Farm	Labor	Professional	White collar	Miscellaneous
National defense	28.8	21.1	28.5	33.5	22.3	27.0	30.7
Federal spending	15.6	22.4	22.0	12.1	10.1	18.5	16.0
Foreign policy (total [1])	15.4	12.0	9.2	11.1	19.0	20.5	13.2
Foreign policy	10.5	9.5	6.3	6.7	12.5	15.5	7.7
Employment	9.6	11.7	8.4	15.0	6.2	8.1	8.0
Civil rights	8.1	8.2	6.7	5.6	13.3	6.9	9.2
Federal encroachment	7.2	9.5	9.9	6.0	8.1	8.1	6.0
Education	5.4	3.9	3.2	5.0	11.7	3.7	5.3
Medicare	3.8	3.0	2.4	5.1	2.2	1.9	6.2
Tax cut	2.6	3.9	2.8	3.3	2.0	2.8	2.0
Cuba	2.5	1.7	1.1	2.3	2.3	2.6	3.2
Vietnam	1.5	.4	.9	1.4	1.8	1.8	1.5
Panama	.9	.4	.9	.7	2.4	.6	.8
Space exploration	.5	0	0	.3	2.9	.3	.1
Other	3.0	4.3	6.9	3.0	2.2	2.2	3.3

[1] Includes percentages for Cuba, Vietnam, and Panama.

2. Question No. 2 asked: "How important is a 'balanced' Federal budget to you?" Choices offered were: (A) "Very," (B) "So-so," and (C) "Not at all." Choice (A) "Very," led by large margins in all categories:

[In percent]

	A	B	C
All	70.9	23.4	5.7
Business	80.7	14.9	4.4
Farm	80.3	16.3	3.4
Labor	66.1	27.7	6.2
Professional	63.0	28.6	8.4
White collar	72.7	22.1	5.2
Miscellaneous	73.5	21.3	5.2

3. Question No. 3 asked: "How do you feel medical care for the elderly should be financed? Through: (A) An increase in social security taxes, (B) programs administered by the States but aided by Federal money, (C) voluntary, private medical plans." The following tabulations resulted, with the combined percentage of those selecting either (B) or (C) shown in separate column (D):

[In percent]

	A	B	C	D
All	35.2	27.9	36.9	64.8
Business	23.4	22.6	54.0	76.6
Farm	30.8	24.3	44.9	69.2
Labor	43.4	29.3	27.3	56.6
Professional	27.4	27.8	44.8	72.6
White collar	29.6	26.2	44.2	70.4
Miscellaneous	38.0	30.0	32.0	62.0

4. Question No. 4 noted that "power transmission lines may soon be built between Bonneville and California," and asked: "Who should build them? (A) Federal Government or (B) private industry?" A definite preference for (B) Construction by private industry was indicated in all categories:

[In percent]

	A	B
All	22.2	77.8
Business	11.9	88.1
Farm	21.1	78.9
Labor	26.1	73.9
Professional	22.3	77.7
White collar	17.8	82.8
Miscellaneous	24.1	75.9

5. Question No. 5 was a two-part question dealing with the "Bobby Baker investigation." Constituents were first asked whether they thought such an investigation was (A) "Good," or (B) "Bad." They were then asked to give their opinion as to whether the Baker investigation had been conducted in a (C) "Hushed," or (D) "Open" manner. (A) "Good" and (C) "Hushed" emerged as the most frequent choices:

[In percent]

	A	B	C	D
All	78.6	21.4	73.2	26.8
Business	81.1	18.9	76.1	23.9
Farm	79.3	20.7	83.6	16.4
Labor	80.2	19.8	71.7	28.3
Professional	83.4	16.6	66.4	33.6
White collar	78.1	21.9	70.3	29.7
Miscellaneous	74.9	25.1	78.5	21.5

6. Question No. 6 called for an evaluation of the administration's handling of the Cuban and Panamanian situations. Constituents were asked to indicate whether, in their opinion, handling had been (A) "Just right," (B) "Too strong," or (C) "Too weak." Most indicated they thought administration policy had been (C) "Too weak":

[In percent]

	A	B	C
All	19.7	1.3	79.0
Business	11.6	1.9	86.5
Farm	16.8	1.7	81.5
Labor	18.4	1.5	80.1
Professional	23.1	2.0	74.9
White collar	16.3	.5	83.2
Miscellaneous	24.1	1.4	74.5

7. Incidents of Communist harassment involving American personnel and installations abroad formed the basis for question No. 7. Specifically, my questionnaire asked: "In incidents provoked by the Russians, such as the January 1964 shooting down of three American fliers over East Germany, what should the United States do? Protest. Go to war. Sever diplomatic relations. Forget it." So many persons added "Shoot back" or "Retaliate in kind" to this list, that I made this an additional category in my tabulation.

Because a number of persons checked more than one choice, indicating a preference for some combination of the alternatives, this question could not be calculated exactly. Nevertheless, percentages based on the total number of responses could be calculated and from them, it was possible to rank the selections in this order of preference: (1) "Protest" (2) "Cancel wheat sales" (3) "Sever diplomatic relations" (4) "Forget it" (5) "Shoot back" or "Retaliate in kind," and (6) "Go to war."

Percentages for this ranking follow:

[In percent]

	1	2	3	4	5	6
All	46.7	31.3	13.9	4.9	1.7	1.5
Business	49.5	29.0	13.3	4.4	1.5	2.3
Farm	44.8	30.8	13.9	6.7	1.9	1.9
Labor	43.8	30.2	17.0	5.1	2.0	1.9
Professional	50.3	28.4	11.8	5.0	3.1	1.4
White collar	49.2	30.9	12.6	4.3	1.5	1.5
Miscellaneous	42.7	36.1	13.6	5.3	1.0	1.3

8. Whether the United States should put (A) "More" or (B) "Less" money into Latin and South America was the issue posed in question No. 8. Here, a great many persons added their additional views, expressing the opinion that all American aid programs, no matter what their size, should be "more carefully administered." However, there was a substantial consensus of opinion that (B) "Less" aid money should be spent:

[In percent]

	A	B
All	29.3	70.7
Business	22.7	77.3
Farm	23.0	77.0
Labor	28.8	71.2
Professional	41.5	58.5
White collar	32.9	67.1
Miscellaneous	23.3	76.7

9. Question No. 9, the first in a series of "Yes" and "No" questions, also dealt with foreign aid by asking: "Should the United States continue foreign aid?" While a majority overall seemed to feel that American foreign aid should be continued, this was not true for all categories. And many persons again took the time to add their personal views, telling me that U.S. aid policies should be reexamined and revised in line with realities of the current world situation. "You can't buy friends," was an opinion frequently ventured, even by those who felt that U.S. aid, to some degree, should be continued. A tabulation of the question, "Should the United States continue foreign aid?" follows:

[In percent]

	Yes	No
All	55.9	44.1
Business	49.8	50.2
Farm	48.0	52.0
Labor	51.6	48.4
Professional	70.7	29.3
White collar	62.4	37.6
Miscellaneous	49.8	50.2

10. "France has recognized Red China. Should we continue our policy of nonrecognition?" was the question asked in No. 10. Second district residents showed they strongly favor "Yes" for a continuation of our current nonrecognition policy:

[In percent]

	Yes	No
All	81.4	18.6
Business	82.2	17.8
Farm	83.1	16.9
Labor	81.3	18.7
Professional	77.8	22.2
White collar	80.5	19.5
Miscellaneous	83.3	16.7

11. Question No. 11 read: "If Red China is admitted to the United Nations, should we withdraw?" While many people voiced criticism of administration policies that remain silent in the face of refusals by Communist nations to pay their fair U.N. assessments, a majority said they favored continued American membership. Some, however, qualified

their answer by noting that their "No" vote to withdrawal applied only "for the present" or "for the time being":

[In percent]

	Yes	No
All	30.4	69.6
Business	34.2	65.8
Farm	32.6	67.4
Labor	30.6	69.4
Professional	22.2	77.8
White collar	27.6	72.4
Miscellaneous	35.3	64.7

12. Question No. 12 returned to a local issue by asking: "Do you want another national park in the North Cascades?" Many added additional comments here, saying they preferred continued administration of the North Cascades area under the "multiple-use" concept. On the specific question of another national park, "No" carried for the overall tabulation and for all categories except one:

[In percent]

	Yes	No
All	47.7	52.3
Business	44.0	56.0
Farm	34.9	65.1
Labor	45.3	54.7
Professional	59.3	40.7
White collar	48.7	51.3
Miscellaneous	47.6	52.4

These, Mr. Speaker, are the results of my 1964 questionnaire.

Never in my 12 years in Congress have I found the entire weight of public opinion to be solidly on one side or the other when important matters were under consideration. So it is with the issues with which I dealt in my questionnaire; no one answer received 100 percent of the total vote.

Usually, however, the majority opinion has been discernible, as it is here. On each question, the majority position is clear. I believe that the majority views expressed in this year's survey closely parallel my own and, more importantly, that I have supported these views with my voting record.

I also believe that my annual questionnaire survey represents one of the best means by which I can continue to keep myself accurately informed on the thinking of persons back home.

The results of my questionnaire surveys have helped me in the past when important decisions had to be made. I expect to refer often to this latest survey as Congress is called upon in the future to decide crucial questions of the day.

Small Business Must Be Encouraged and Preserved

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. DONOHUE. Mr. Speaker, I most earnestly believe it is our very deep legislative obligation and the practically unanimous intention of the Congress to make every reasonable effort to preserve and encourage the life and activities of small business which is the foundation stone of our private enterprise system.

Because of my belief I advocated and supported the original legislation, in 1953, that led to the establishment of the Small Business Administration, the first comprehensive agency of the Federal Government devoted wholly to small business problems. Before and since that time I have supported every sound legislative proposal projected for the particular benefit of small business in this country.

While this Congress has perhaps not accomplished as much for the wider encouragement of small business as most of us would have liked, we have nevertheless recognized their needs on appropriate legislative occasions.

For instance, Congress has thus far approved legislation granting special consideration to small corporations, those with taxable incomes of $25,000 or less, by providing tax cuts of about 27 percent; broadening and liberalizing existing authority to extend disaster loans to small enterprises; establishing, under the Economic Opportunity Act, a new program of loans over a 15-year period under greatly reduced collateral requirements; offering, under the new Housing Act, special FHA loan procedures for small business, in urban renewal areas, to improve and rehabilitate their property; authorizing SBA, under certain conditions, to increase the amount they can loan to small business investment companies, from $400,000 to $700,000; and, among others, expanding the set aside program to assure small business a fairer share of Government contracts. I supported all of these legislative proposals.

Mr. Speaker, in an age and a time when the tendencies are toward greater business combines it is our high duty and obligation to provide all legislative insurance we reasonably can that small business, the lifeblood of our private enterprise system, is not suffocated. I most earnestly hope that we will never relax our concentration upon this objective so obviously in the national interest and for the national good.

A Salute to Gabon

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. POWELL. Mr. Speaker, today marks the fourth anniversary of independence for the Republic of Gabon, and on this memorable occasion, we wish to extend warm felicitations to His Excellency Leon M'Ba, President of Gabon; and His Excellency Aristide Issembe, the Gabonese Ambassador to the United States.

Although Gabon is a small and relatively unknown country on the west coast of Africa, it has the highest per capita income of all the former French African territories. The economic outlook for the future of this palmy, mountainous, forested country which straddles the Equator on the west coast of central Africa, holds more promise still. Currently, Gabon's most important natural resource is its forests; the lumber industry is the country's largest employer and main source of revenue. Perhaps more significant for the country's long-term development, however, are its rich mineral resources, which have only begun to be exploited in recent years.

Manganese production began in September 1962 with the opening of mines at Moanda, and by the end of that year, 100,000 tons worth $2.3 million had been exported. Surveys have estimated that about 200 million tons of high quality manganese ore are available in this deposit, one of the richest in the world. An American company, United States Steel, contributed 49 percent of the capital for development of these resources. In addition, another American company, together with a British and a French construction company, cooperated in the construction of a 170-mile railroad for transporting the manganese ore to the coast.

Gabon also has one of the world's richest iron ore deposits, in the Mekambo area in the northeast corner of the country. The three mountains of Batouala, Boka-Boka, and Belinga are in fact huge piles of high-grade iron ore. Geological teams have estimated that the three mountains and the surrounding area contain about 946 million tons of ore with a high iron content. Another U.S. firm, Bethlehem Steel, organized a consortium of companies from several different countries to develop the ore in the late 1950's, and Bethlehem Steel holds 50 percent of the capital.

Gold, uranium, and petroleum are other natural resources expected to bring in increasing amounts of foreign exchange in future years. Thus, in Gabon's rich minerals would seem to be the key to her development as a modern self-sufficient nation. Like all of the other new nations, however, Gabon badly needs foreign capital to build up her economy. But Gabon has been more successful in attracting foreign capital than some of the other new countries. Realizing that foreign private capital investment is necessary to the development of the country, the Government has made significant efforts to encourage the inflow of investment capital. Gabon's investment code provides liberal terms for private investors and makes no distinction between foreign or locally owned firms concerning privileges and guarantees. In April 1963, Gabon signed an Investment Guaranty Agreement with the United States.

Gabon is rightly proud of her development since independence. The country's burgeoning economy is an encouraging contrast to the economic problems of many of her neighboring states in Africa. In 1963, Gabon registered a favorable trade balance for the ninth year in a row, with noteworthy increases in exports.

On the fourth anniversary of your independence, we salute you, President M'Ba, and the people of Gabon. We predict the continued fruitful development of your resources in the years ahead.

U.S. State Department's International Coffee Scheme Increases Coffee Prices to American Housewives—Prices Increased 22 Cents Per Pound—Foreign Coffee Exporters Profiteer to the Extent of $660 Million Per Year

EXTENSION OF REMARKS

OF

HON. JOHN R. PILLION

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. PILLION. Mr. Speaker, I insert in the RECORD a copy of a letter and attached memorandum relating to the International Coffee Agreement of 1962, and the implementing legislation, H.R. 8864.

In my judgment, the sharp increases in retail coffee prices from 69 cents in 1962, to 91 cents at the present time, can be attributed solely to the coffee shortage artificially created by the quota agreements established pursuant to the provisions of the International Coffee Agreement of 1962.

H.R. 8864 would perfect this international scheme to allow the foreign coffee exporters to profiteer at the expense of the American consumer public.

The letter and memorandum follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 15, 1964.

Re H.R. 8864, to implement the enforcement of the International Coffee Agreement of 1962.

DEAR COLLEAGUE: It is anticipated that the conference report on H.R. 8864 will be considered by the House on either Monday or Tuesday.

This bill proposes to require the United States to police and enforce the basic objective of the International Coffee Agreement of 1962, to reduce the available supply of coffee to the consumers of the United States.

The reduction of the supply of coffee, due to the agreed upon quota exports, has resulted in a drastic increase of coffee prices to the American families.

The following list contains the retail price of Maxwell House coffee in one of the supermarkets in Washington, D.C.:

In June 1962 (just before treaty was signed) 69 cents per pound.

In June 1963 (when quotas began to operate) 71 cents per pound.

In June 1964, 91 cents per pound.

In August 1964, 91 cents per pound.

This increase is typical of a comparable increase in coffee prices throughout the Nation.

The United States will import and consume more than 3 billion pounds of coffee in the year 1964. The increase of 22 cents per pound on this amount of coffee will result in an overcharge of $660 million to the American housewives upon their coffee purchases.

The International Coffee Agreement is a foreign cartel and monopoly over the world coffee supply. It is a scheme to rig prices by creating an artificial coffee scarcity. It violates American economic policies prohibiting monopoly and restraints of trade.

H.R. 8864 would require the enforcement of this foreign cartel's monopoly whose chief victim is the American coffee purchaser.

This conference report should be rejected.

Further objections to this report are contained in the enclosed memorandum.

Sincerely,

JOHN R. PILLION.

MEMORANDUM RELATING TO CONFERENCE REPORT ON H.R. 8864, AND THE INTERNATIONAL COFFEE AGREEMENT OF 1962

To: Members of the U.S. House of Representatives.

From: JOHN R. PILLION, Member, U.S. House of Representatives.

The conference report on H.R. 8864 will be presented in the next few days to the House for its consideration. This conference report is the final action needed to perfect the international cartel monopolizing coffee supply and coffee prices.

I list the following objections to and defects in this extortion scheme:

THE INTERNATIONAL COFFEE TREATY

1. The International Coffee Agreement is now in force, and has artificially reduced the available coffee supply to the United States.

2. The demand for coffee in the United States is relatively stable.

3. The reduced supply and stable demand has increased coffee prices by 22 cents per pound in the United States. The total cost to the U.S. consumer for the year 1964 will be $660 million in coffee price overcharges.

4. The treaty's quota system constitutes a world monopoly over the coffee market.

5. The Coffee Treaty organization is an international cartel aimed to extort higher coffee prices out of the United States, which consumes more than 50 percent of the world coffee exports.

6. The Coffee Treaty is a violation of the antimonopoly policies contained in the Sherman Act and other legal prohibitions against the restraint of trade.

7. The machinery for establishing coffee quotas of coffee available for world consumption bear no relation to the cost of production and are designed to create artificial short supplies and increase prices to all the traffic will bear.

8. The exportable world coffee stock is 70 million bags—almost a year and one-half supply. There is no present or potential shortage.

9. The international coffee cartel is contrary to the principles contained in the Reciprocal Trade Agreements for freeing international economic exchange among nations.

H.R. 8864

10. H.R. 8864 would create the machinery by which the United States would require certificates of import for all coffee imports. It proposes to police and enforce the coffee quotas set by the International Coffee Agreement.

11. The defeat of H.R. 8864 would not vitiate the operation of the International Coffee Agreement's coffee quota system. The defeat of H.R. 8864 would only avoid the enforcement by the United States against possible additional nonquota coffee becoming available to the American consumer.

12. The Dirksen amendment was added to H.R. 8864 as a face-saving device to overcome distrust of the Senate for this bill. This amendment is a cumbersome theoretical procedure that cannot effectively protect American interests.

THE U.S. STATE DEPARTMENT

13. The international coffee cartel and H.R. 8864 were conceived, and are sponsored by the U.S. State Department.

14. It is an economic weapon against the American public for the purpose of currying the favor of the coffee export nations. It is a crude, vicious attempt to bribe friendship.

15. The additional $660 million extracted annually from the American housewives is a subsidy to foreign governments, foreign speculators, and foreign land barons.

16. The $660 million annual overpricing of coffee to the American housewife is, in effect, foreign aid paid for creating a coffee shortage when, in fact, there is an existing world coffee surplus.

17. The State Department has willfully misrepresented to the U.S. Congress the facts, the political implications, and the economic principles underlying the International Coffee Agreement and H.R. 8864.

18. The State Department must be identified as the principal causative agency for the drastic coffee price increases to the American public.

CONCLUSION

H.R. 8864 would implement and perfect the scheme contained in the International Coffee Agreement cartel to artificially reduce the world coffee supply for the ultimate purpose of creating abnormal higher coffee prices.

It cannot be justified upon economic principle or political policy.

The conference report on H.R. 8864 should be defeated.

"Results of 1964 Legislative Survey"—By Representative Joe Pool

EXTENSION OF REMARKS

OF

HON. JOE R. POOL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. POOL. Mr. Speaker, earlier this year my 1964 legislative questionnaire was sent to postal patrons throughout Texas. My staff has completed tabulation of the first 20,000 answers received, with the following results:

1. United Nations: Should the United States stay in or get out of the United Nations?

	Percent
Stay in	59
Get out	36
No opinion	5

2. Red China: Do you favor or oppose admission of Red China to the United Nations?

	Percent
Favor	9.4
Oppose	85.0
No opinion	6.6

3. Foreign aid: Which of the following statements comes closets to expressing your opinion of foreign aid?

	Percent
You can't buy friends	36
OK for military allies	21
To be used by the President	43

4. Alliance for Progress: One part of our foreign aid program is the Alliance for Progress. In general, do you favor or oppose the Alliance for Progress?

	Percent
Favor	41
Oppose	37
No opinion	22

5. Medicare: "Medicare" is a bill which would, through social security deductions, help persons over 65 with hospital bills. Would you favor or oppose a plan of this kind?

	Percent
Favor	40
Oppose	54
No opinion	6

6. Aid to education: Do you favor or oppose Federal aid to education?

	Percent
Favor	36
Oppose	59
No opinion	5

7. Income taxes: If income tax rates are cut by Congress, should the main reductions go to:

	Percent
Individuals with low incomes	28
All individual taxpayers	36
Corporations and individuals	36

8. The economy: Generally speaking, do you think you and your family are better off, or worse off, financially than you were 5 years ago.

	Percent
Better	36
Worse	24
About the same	40

9. Civil rights: Which of the following statements is closest to your views on civil rights legislation?

	Percent
Favor	35
Oppose	54
No opinion	11

10. How would you rate the administration of President Lyndon Johnson?

	Percent
Good	54
Bad	21
No opinion	25

11. Party identification: Do you consider yourself a:

	Percent
Democrat	47
Republican	14
Independent	39

12. Questionnaires: Do you think questionnaires like this one are a good idea?

	Percent
Yes	99.0
No	.7
No opinion	.3

Marking of Steel Container

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. DONOHUE. Mr. Speaker, I earnestly hope the Senate will, in their wisdom, expedite consideration and approval of the bill, H.R. 5673, we recently and resoundingly passed here which requires local manufacturers of steel shipping containers from foreign steel to indicate the country of origin of the steel on the container.

I think it should be emphasized and remembered that this measure intends no projection of restraint of trade. It is similar to the required description of ingredients on food and drug containers; its essential purpose is to provide information so that the general public will be alerted to the use of American-made steel products if they so desire. This measure leaves that choice entirely up to the private sector of the economy and, therefore, cannot be open to any criticism of discrimination.

I hope our legislators in the other body will recognize that the present level of production among American steel producers adds to the urgency of the current situation. Unemployed steel workers and hard-pressed manufacturers caught in the cost-price squeeze should be extended every reasonable aid toward the inspiration of an increasing demand for the home product.

Mr. Speaker, by the adoption of this legislation a concerned citizenry will be provided information upon which they may make a free decision in the open market. In my conviction this measure is timely; it would be beneficial to the steel industry, the steel workers, and the general public. For these reasons, I hope that the Senate will promptly pass H.R. 5673 and that it may soon become law.

The Consumers Interest in Beef Imports

OF

HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mrs. MAY. Mr. Speaker, the interest of the consumer for adequate and uninterrupted supplies of high-quality, wholesome beer rests with a growing domestic beef cattle industry and not from overdependence on supply sources from across the seas. We need only look across the waters to the housewives in Europe to see the harmful results of overdependence on foreign suppliers for food, particularly beef. Argentina, a major source of beef for much of Europe, is now suffering a significant reduction in the amount of beef exports to those countries. This reduction in exports of beef from Argentina has caused prices of beef in Europe to skyrocket, catching the European housewife in a price whiplash under which she has little influence or control. This undue dependence on oversea suppliers has not been in the housewife's interest in Europe, nor would it be in the best interest of U.S. housewives to find themselves in similar circumstances.

The producer of food products in the United States is keenly attuned to the needs of the consumer—his customers. He is able to adjust his production techniques, bringing to bear the latest scientific knowledge available, to meet his new and changing demands. Certainly this is true of the beef cattle producer and feeder. Changes the cattlemen have adopted make available, in cooperation with the agri-business members of the agricultural industry, a most desirable and wholesome product. Cattlemen and cattle feeders have devoted much of their time, energy and resources to developing and expanding this market. The work of the National and State Cow Belles in promoting beef is a good example of these efforts to develop and expand this market. The National Livestock and Meat Board is also active in this area. Why this effort? Because the domestic producer and his organizations have a real concern and deep interest in their customers—almost 200 million strong—the consumers.

The producers and feeders do not say "shut off all trade in beef," but ask that the 5 highest years on record for beef exports be used as a yardstick to determine the share of future markets which imports will occupy. Thus, this is in recognition that trade is a two-way street and this industry is willing to go a long way in meeting its obligations.

Housewives have received no significant benefits from the heavy imports of the past as far as retail prices for hotdogs, hamburgers, and luncheon meats. Thus, there is no reason that if imports are only modestly reduced that a price rise will occur. Should such an unjustified rise happen, then a close look should be taken to determine the real cause of any undue increase.

In this brief review of the facts it is keenly obvious that the consumer and the producer have a mutual interest in maintaining an economically sound domestic food industry. Besides the many benefits in contributing to the Nation's economy by the beef industry and other food producers, the money they spend generates thousands of jobs in many walks of life, allowing this country to spend the smallest percent of each citizen's per capita income for food than any other country in the world.

Salute to Indonesia

EXTENSION OF REMARKS

OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. POWELL. Mr. Speaker, I would like to take this opportunity to extend warm congratulations to His Excellency President Sukarno of Indonesia, and the Indonesia Ambassador to the United States, His Excellency Dr. Zairin Zain, on the 19th anniversary of Indonesian Independence Day.

The Indonesian independence movement began in the early part of the 20th century, expanded rapidly after World War I, and continued during the Japanese occupation of the Second World War. On August 17, 1945, 4 days after the Japanese surrender, the independence of the Republic of Indonesia was proclaimed. Four years of warfare and negotiations ensued, after which Indonesia's sovereignty was recognized and she rightfully assumed her position among the independent nations of the world.

A country of 3,000 or so islands, Indonesia stretches in a southeasterly direction from the Asian mainland in the direction of Australia. Its land area of 576,000 square miles is almost the same as that of Alaska, but with many parts separated by large expanses of sea. Indonesia would, if placed on North America, extend from southern Alaska clear across the continent to the Atlantic Ocean. Over 92 million people make their living from the islands' fertile soil. Food crops include rice, corn, soybeans, and sweet potatoes. Among the export crops are sugarcane, tobacco, coffee, and rubber. Petroleum is the largest single source of revenue. Tin, iron ore, copper, and aluminum are also found. Indonesia's potential for economic development is almost unlimited. An 8-year plan for economic development was inaugurated in January 1961, as a blueprint for economic growth. Since independence, substantial improvements have taken place in the educational system. The preindependence literacy level of 7 percent has now been raised to about 60 percent.

President Sukarno is the embodiment of Indonesia's nationalist revolution. Born in Java, 63 years ago, President Sukarno has devoted more than half his lifetime, part in jail and exile, to leading Indonesia's revolution and formulating its ideology. Under the Republic's motto, "Unity in Diversity", President Sukarno has pushed forward toward the basic goals of his domestic policy, which are to establish internal security, to raise the standard of living and educational level of the people, to develop the country's resources, and to give the Indonesian people a greater share in the benefits of an expanding economy. We congratulate the Indonesian people on the tremendous progress they have made in their 19 years of independence, and wish them continued peace and prosperity in the future.

The Establishment of an Administrative Conference in the United States Is Urgently Needed

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. DONOHUE. Mr. Speaker, legislation to establish an Administrative Conference in the United States is urgently needed and I hope the Senate will expediently follow up the action we recently took here on this subject so that it may be congressionally approved for Presidential consideration and signing before adjournment.

As you are aware, the bill, S. 1664, with recommended amendments, was presented to the House with the unanimous approval of the pertinent subcommittee and of the whole House Judiciary Committee itself, and by unanimous vote of the Rules Committee. Seldom has there been more general membership agreement on a legislative proposal.

The reason for this agreement is our universal understanding that if there was ever a legislative proposal that would be helpful to taxpayers, to litigants, and to applicants appearing before various Federal agencies, this is the bill.

This proposal provides a way by which those of us who have had occasion to be critical of Government agencies in their agonizing delays and seemingly unendless technical requirements and duplications can bring fresh viewpoint of objective outside civilian experts to make corrections for the wholesome improvement and more expedient determinations in the operations of Government bureaus.

Unquestionably this legislation is designed to strengthen the administrative procedures of our Federal departments and humanize their impact upon the taxpayer who is supporting them. This bill will confer great benefits, wide comfort, and much joy upon the general public and I indeed, and again earnestly, appeal for its passage, in the national interest, before this Congress concludes.

Senator H. F. Byrd's "Byrd's-Eye Views"

EXTENSION OF REMARKS

OF

HON. WILLIAM M. TUCK

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 17, 1964

Mr. TUCK. Mr. Speaker, each year for 42 years, my distinguished fellow Virginian, Senator Harry F. Byrd, has held a picnic for his friends and neighbors from all over our State and from other States in the orchards of his hospitable estate near Berryville. Last Saturday was the occasion for his latest gathering, attended by more than 4,000 persons.

In addition to the box lunch served in the shade of trees, the highlight on these occasions is an informal talk that the host delivers from the flatbed of a truck. His remarks at this time are listened to avidly, in view of his long service both in Virginia and in the U.S. Senate.

Senator Byrd is not just a great Virginian; he is a great American. I have had the honor and distinction of being associated with him in public life for more than 40 years. He is dedicated to the continuation of sound doctrine and fundamental principles. I have unbounded respect and admiration for him.

Some of the things he said Saturday, based on his wisdom and experience, will be of interest, I believe, to people all over this Nation. For that reason, I ask unanimous consent to insert his remarks in the Record.

They are as follows:

Today is a happy day for me. It is a real pleasure to have so many of our friends here. This is the 42d orchard picnic. The first one was in 1923. That was a long time ago. A lot of water has gone over the dam since then.

We come here to see our friends, to talk shop, and the size of the apple crop, and prices, and to exchange views on what's going on, and maybe we might even talk a little politics.

And if you talk politics at this time of an election year, you can hear anything. It reminds me of Senator Barkley's story about a Congressman checking his district back when prohibition was an issue.

He asked a farmer how his family stood. And the farmer said: "Well, I tell you—I'm a Democrat, my wife's a Republican, the baby is wet, and the cow is dry."

Well, I am a candidate for reelection to the U.S. Senate, and I hope all of you stand for me. So, let me remind you, that there are only 79 more vote-shopping days before the election on November 3.

But I am not making a stump speech today. I am greeting you, my friends, at a picnic, like I have been doing year in and year out. I am standing on the flatbed of an apple truck, it doesn't even look like a stump.

"Candidate" comes from the Latin word meaning shining or white. The old Roman candidates appeared in the forum in white togas, I have on a white suit, but that is because it is a hot day.

And this is the middle of August. It is not the season for long speeches. A good speech is a speech with a short beginning, and a short ending, close together.

You have already heard the beginning of this speech, and at the end I am going to say I hope you are having a good time, and that you have my very best wishes. Now let's see what comes in between.

Usually at the picnics, since I have been in the Senate, I have tried to give you a Byrd's-eye view of what goes on down at Washington—(Washington, that's a place where commonsense is not very common).

Sometimes it's hard to understand what goes on down there. That's because too many Washington officials try to talk like the brain trusters on the Federal Economic Advisory Council.

These "economic councilors" too often are people who seem to know the price of everything, but the value of nothing * * * and their advice usually winds up increasing the Federal debt and concentrating power in Washington.

Sometimes I think a brain trust is a group of people whose education does not include horsesense—(horsesense—that's just stable thinking). These people deal in theory until their theories are kicked out by facts.

You'll see this brain trust influence when I tell you what has been going on down in Washington. It will sound like they are trying to tie a lot of holes together with a piece of string. Listen:

Taxes were cut $11½ billion to increase the revenue.

At the same time expenditures were reduced to a figure which was $5 billion more than last year.

This was the first time in history that taxes were cut and expenditures were increased at the same time.

You know the result—

The Federal debt limit was increased $15 billion, to $324 billion, to take care of the so-called expenditure reduction and the tax cut. And the deficit was reduced to an increase of $2 billion more than the year before.

Deficits—you know—they are what you have when you've got less than nothing. And debt is what you have to pay with interest when you borrow money to pay the current bills. Interest on the Federal debt totals $11.1 billion.

The Federal policy now seems to be for the present generation to pay the debts of the past generation by issuing bonds for the next generations to pay—and it will be generations (plural) before this debt is paid off—if ever.

Somebody has figured it out that if, at the time of the birth of Christ, there had been a debt of $1 billion to be paid off at the rate of a dollar a minute * * * the debt would have been finally liquidated in 1903 (if they were not borrowing more money to pay the interest).

If that arithmetic is correct—paying at the rate of $1 a minute—it would be 600,000 years to pay off the Federal debt as it now stands at $313 billion. But we aren't paying off anything; we are adding more every day.

The Federal Government has been in the red 28 of the past 34 years. And we are still operating on planned deficits for the indefinite future to pay for the tax cut and to meet expenditures at the rate of nearly $100 billion a year.

The Secretary of the Treasury says a deficit is planned for this year, and another one is planned for next year, and still another one may be expected the year after that—and that's as far as he cares to estimate at this time.

The danger in all of these deficits is the fact that fear of inflation forever lurks in a continuing deficit situation. And fear of inflation impairs confidence both at home and abroad * * * and there are facts to justify this fear. Here are two of these facts:

Since shortly after these deficits started, the purchasing power of the dollar at home has dropped from 100 cents to less than 45 cents * * * and it is still dropping. (Think of that; it takes more than $2 to buy what $1 would buy before.) And

In recent years we have lost 75 percent of our free gold to countries abroad. Gold backs our money, and we can't afford to lose much more. Foreign governments draw our gold instead of taking dollars in payment for what we owe them, when they think the value of the dollar might shrink.

So, when we pile these Federal deficits one on top of the other, we are flirting with real danger which is beyond the imagination of everyone here. Everything we own and hope for is involved—our own well-being, and the well-being of our country are involved.

This is the answer we get when we ask ourselves, "What will happen if we continue to spend more than we collect, especially when there is no national emergency?" How do we stop it? Cut out spending for nonessentials. This is what we try to do in Virginia.

But let me get back to what's going on in Washington.

We are providing some more billions for foreign aid, some $6 billion in all—more than $3 billion in regular appropriations, and another $3 billion under other financing.

Legend makes a big thing out of George Washington throwing a coin across the Rappahannock River. But in foreign aid, since 1945, we have thrown $113 billion over the seven seas, and we have more unfriendly nations now than we had when we started.

We have been playing Santa Claus, banker and policeman for the free world too long. The time has come for those nations which are interested in maintaining enlightened liberty in the world to start doing their share.

I was a delegate to the Paris NATO conference in 1962, and I paid my own way. The situation as of this time is withheld for security reasons, but, at that time I asked how many NATO nations were meeting their quotas—and I was told:

Only the United States and Canada were meeting their assigned "goals" qualitatively and quantitatively with respect to furnishing troops.

We have sent foreign aid money to more than 100 countries around the globe * * * including 30-odd countries in Africa, and nearly $1 billion to Sukarno's Indonesia. And some $5 billion has gone to eight countries behind the Iron Curtain.

Getting back to Washington—

The Government economists say there is so much growth in the economy and such booming prosperity that something needs to be done about poverty.

So we are being asked to set up and step up some more Federal payment programs at home. Some of them are of the WPA type. Some are out-right payments. Some are so-called Federal-State cooperative types.

Some are to go into effect without coordination with local and State governments. And some go through the motion of requiring State and local co-operation. Make no mistake, States and localities will do the co-ing while the Federal operates on them.

And some of these programs are set up in the executive branch at Washington without even the benefit of authorizing legislation. The so-called Poverty Corps had been operating a year before the recent bill was passed.

When so-called Federal funds are involved—in all of these programs for Federal subsidies, grants, payments and otherwise—Federal control is sure to follow. Federal handouts have become a device for centralizing power in Washington.

And then in Washington—

A so-called civil rights bill was passed to outlaw discrimination but those who were for the bill refused to define discrimination.

Therefore, it will be defined—case by case—by bureaus in Washington and the Federal courts as people are hauled up, arrested, fined and jailed for what is alleged to be discrimination.

Here we have more concentration of power in Washington. We should have learned before now that massive Federal spending and centralization of power feed on each other.

This so-called civil rights bill was promoted by the administration, with the use of tremendous pressure. And finally it was passed by Congress. And the President signed the bill into law.

And, individual views notwithstanding, it is Federal law until it is repealed or declared unconstitutional by the courts—as it should be. Virginia has been under the Federal guns in so-called civil rights school cases for more than 10 years.

But I must add that noncompliance with this so-called civil rights law is no more illegal than sit-ins, lie-ins and the more violent practices that we are witnessing in violation of other laws.

We hear a lot of talk these days about "freedom"—and I am afraid there is more talk about it than there is thought. But we hear little about liberty. The Founding Fathers used the word liberty as distinguished from "freedom" in the basic document of the Nation.

They understood the word "freedom" to carry the connotation of unrestrained. They understood the word "liberty" to mean freedom restrained by the responsibilities of citizenship and orderly self-government, under law.

And Federal concentration of power continues at the expense of individual liberty—yours and mine. Mondays are always big days for Federal usurpation of power. The Supreme Court hands down decisions on Mondays.

The Warren Court has become notorious for usurping legislative authority to write its own so-called laws of the land, and for amending the Constitution by its own interpretations, both in violation of the Constitution.

This is the Court that told us that the Constitution prohibits children from praying in school—even with their parents' permission. I suppose when they get through with the Constitution, the Supreme Court will start on the Ten Commandments.

I could go on chronicling Washington phenomena, but most of the talk down there now is about liberals and conservatives and reactionaries and extremists.

All of these are kinds of labels. Everybody has a different idea as to what they mean—especially when applied to himself. But you may be interested in some definitions which have come to me recently—

An extremist is a fellow who—when he can't see through the window—smashes the pane instead of washing it.

A reactionary is a conservative exceeding the speed limit.

A conservative—some would say—is one who defends existing evils; and a liberal is one who wants to replace them with other evils.

As I said, these names are labels. They mean different things to different people. They remind me of the soldier who told the Army doctor he had a pain in his abdomen. The doctor said, "Son, let's get your trouble straight. Only officers have pains in the abdomen. Sergeants have pains in the stomach. You are a buck private, so you have got just a plain bellyache."

I have been called a lot of things—including all kinds of a conservative. But if I am going to be dubbed a "conservative," I prefer Webster's definition. He says—

"A conservative favors conservation of existing institutions and forms of government * * *" and I add that that includes the Constitution unless it is constitutionally amended.

I think Dr. Douglas Southall Freeman had me pegged about right. He said I was a progressive based on fiscal conservatism. I think that means I am for sound progress. And sound progress underlies my philosophy of government.

I believe sound progress is the source of individual and national strength.

I believe sound progress should be a primary purpose of every person's life and the primary objective of every government.

I believe progress is not sound if it is based on unsound financing; this is another application of the checks and balances doctrine, which has served us so well.

I believe our form of representative democracy through dual governments is capable of providing the best government the world has ever known.

I believe the fundamentals on which our system is based must be preserved, not chipped away.

I believe that good government flows from separation of powers, and that concentration and consolidation of power breeds corrupt and despotic rule.

I believe in separate but equal and coordinate branches of government at all levels.

I believe, with Jefferson, that States should act in their own right generally with respect to matters purely domestic.

And I believe, with Jefferson, that States should act as one through the Federal Government as to everything connected with foreign relations.

I believe that our system of government is based on these fundamentals, and that they guarantee our liberty and nourish the competitive enterprise which makes sound progress possible.

I believe our strength has been sapped by Federal bureaucracy grown too big, and by the Federal Supreme Court grown too mighty.

I believe centralization of power in the Federal Government has undermined our system, changed our attitudes, and hobbled our liberties.

I believe, with our Virginia Declaration of Rights, that: No free government, or the blessings of liberty, can be preserved to any people but by firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

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I believe that, with responsible citizenship, good government, and fiscal soundness, there could be no fear for the future.

And I believe, without these, there can be neither solid progress nor security with military preparedness.

I believe, as a representative of the people of Virginia in the U.S. Senate, I owe my allegiance to the people of our Commonwealth and to the Constitution of the United States, partisan political platform planks to the contrary and notwithstanding.

This, generally, is my philosophy of government. It has governed every vote I have cast in the nearly 50 years that people of Virginia have honored me with the privilege of serving them in the Virginia senate, as Governor, and as U.S. Senator.

These votes constitute my record. It is a record for all to see, and most of you know it as well as I do. It is on this record that on March 14 I announced that I would run for reelection to the Senate.

I repeat, if I am reelected in November, my allegiance—as in the past—will be to the people of Virginia and to the Constitution of the United States. I firmly believe that is in accord with the principles which Virginians hold dear.

And I repeat—

My platform is my record of nearly 50 years in public service. I cannot express adequately the depth of my appreciation for the honor the fine people of this State have paid me by allowing me to represent them in both State and National office.

I think I understand the will of the people of Virginia. I have tried in the past to adhere to their principles and I shall be proud to do so in the future—if they so decide on November 3.

I am talking too long. It is one thing to rise to an occasion. It is another thing to know when to sit down.

I shall end, as I told you, by saying I hope you are having a good time; you have my very best wishes.

Good luck. God speed. Come again next year.

The Establishment and Operation of a National Commission on Technology, Automation, and Economic Progress Is Imperative to the National Welfare

EXTENSION OF REMARKS
OF
HON. HAROLD D. DONOHUE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, August 17, 1964

Mr. DONOHUE. Mr. Speaker, I most earnestly hope that legislation, H.R. 11611, which I vigorously supported and which passed in the House and the Senate, will be promptly thereafter signed by the President into law.

A brief review of the purposes of this measure obviously reveal its paramount importance to our sustained economic progress and necessity to begin, now, to deal with the complex effects, including serious unemployment, of this otherwise blessed automatic age.

Briefly the bill proposes to identify and assess the past effects and the increasing pace of technological change, identify and describe the impact of technological and economic change on production and employment, including new job requirements and the major types of worker displacement, both technological and economic, which are likely to occur during the next 10 years, the specific industries, occupations, and geographic areas which are most likely to be involved, and the social and economic effects of these developments on the Nation's economy, manpower, communities, families, social structure, and human values; to define those areas of unmet community and human needs toward which application of new technologies might most effectively be directed, including those resulting from the Federal Government's research and development programs; to assess the most effective means for channeling new technologies into promising directions; to recommend specific administrative and legislative steps which should be taken by the Federal, State, and local governments in meeting their responsibilities in this area; to develop and adopt measures which will facilitate occupational adjustment and geographic mobility; and to share the costs and help prevent and alleviate the adverse impact of change, of any type, on displaced workers.

Mr. Speaker, the problems of providing employment, encouraging retraining programs, making adjustments to the shift in the employment structure, including the displacement of workers through defense cutbacks and so many others arising out of the automatic age present one of the greatest challenges of our time. This challenge will require the fullest cooperation of all levels of government and demand the utmost concentration of all our intellectual resources to the planning of wise, constructive uses of the benefits of automation.

It is only too apparent the impact of automation and mechanization on our economy must inspire new economic thinking and the most comprehensive planning in protecting and projecting our general progress and continuing welfare. As an imperative step toward this patriotic objective I most earnestly hope that the provisions of H.R. 11611 will soon become the law of our land.

SENATE

TUESDAY, AUGUST 18, 1964

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore [Mr. METCALF].

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O God, our Father, beyond whose brooding care we cannot drift: In the glory and vigor of a new morning, we lift our care-worn hearts to Thee, as once more we set our faces toward waiting tasks and toil.

Through countless channels, Thou dost seek our lives. At many a door Thou dost stand and knock. Save us from being so preoccupied with things that are born but for one brief day that we heed not the gentle accents of Thy call. Hearken to the prayers of our hearts when, in our highest moments, we forget ourselves and think of Thee.

Beyond our sad confusion,
Our strife of speech and sword,
Our wars of class and Nation,
We wait Thy certain word.
The meek and poor of spirit
Who, in Thy promise trust,
Thy kingdom shall inherit
The blessing of the just.

May the benediction of that blessing crown our lives at last. Amen.

THE JOURNAL

On request by Mr. INOUYE, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 17, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11118) to provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 2874. An act to amend the Tariff Act of 1930 to provide that imported electron microscopes shall be subject to the regular customs duty regardless of the nature of the institution or organization importing them;

H.R. 4989. An act to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the northern division to the southern division of the eastern judicial district and to authorize a term of court at Ann Arbor;

H.R. 10178. An act to authorize the Smithsonian Institution to employ aliens in a scientific or technical capacity;

H.R. 11327. An act to provide that the flag of the United States of America may be flown for 24 hours of each day in Lexington, Mass.;

H.R. 11332. An act to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training;

H.R. 11338. An act to remove certain conditions subject to which certain real property in South Boston, Mass., was authorized to be conveyed to the Massachusetts Port Authority;

H.R. 11913. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of antimony from the national stockpile and the supplemental stockpile;

H.J. Res. 393. Joint resolution to authorize the President to proclaim October 9 in each year as Leif Erikson Day; and

H.J. Res. 753. Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 273) to place temporarily in the rotunda of the Capitol a statue of Father Eusebio Francisco Kino, and to hold ceremonies on such occasion, in which it requested the concurrence of the Senate.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated:

H.R. 2874. An act to amend the Tariff Act of 1930 to provide that imported electron microscopes shall be subject to the regular customs duty regardless of the nature of the institution or organization importing them; and

H.R. 11332. An act to authorize certain veterans' benefits for disability or death resulting from injuries sustained prior to January 1, 1957, by reservists while proceeding directly to or returning directly from active duty for training or inactive duty training; to the Committee on Finance.

H.R. 4989. An act to amend title 28 of the United States Code to transfer the counties of Genesee and Shiawassee in the State of Michigan from the northern division to the southern division of the eastern judicial district and to authorize a term of court at Ann Arbor;

H.R. 11327. An act to provide that the flag of the United States of America may be flown for 24 hours of each day in Lexington, Mass.;

H.J. Res. 393. Joint resolution to authorize the President to proclaim October 9 in each year as Leif Erikson Day; and

H.J. Res. 753. Joint resolution to authorize the President to proclaim October 15 of each year as White Cane Safety Day; to the Committee on the Judiciary.

H.R. 10178. An act to authorize the Smithsonian Institution to employ aliens in a scientific or technical capacity; to the Committee on Rules and Administration.

H.R. 11338. An act to remove certain conditions subject to which certain real property in South Boston, Mass., was authorized to be conveyed to the Massachusetts Port Authority; and

H.R. 11913. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of antimony from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 273) to place temporarily in the rotunda of the Capitol a statue of Father Eusebio Francisco Kino, and to hold ceremonies on such occasion, was referred to the Committee on Rules and Administration, as follows:

Resolved by the House of Representatives (the Senate concurring), That the State of Arizona is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Father Eusebio Francisco Kino, of Arizona, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. INOUYE, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETING DURING SENATE SESSION

On request by Mr. PROXMIRE, and by unanimous consent, the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary was authorized to meet during the session of the Senate this afternoon.

ORDER OF BUSINESS

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore announced that on today, August 18, 1964, he signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 16. An act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes;

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam;

H.R. 946. An act to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes;

H.R. 5543. An act to extend the provisions of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia;

H.R. 7662. An act to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company;

H.R. 9334. An act to amend the act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers;

H.R. 9436. An act to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure, as amended:

H.R. 10199. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 10446. An act to permit the use of statistical sampling procedures in the examination of vouchers;

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation;

H.R. 11052. An act to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe;

H.R. 11211. An act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes;

H.R. 11652. An act to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation; and

H.J. Res. 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF EXPORT-IMPORT BANK OF WASHINGTON ON SHIPMENTS UNDER THE SHORT TERM EXPORT CREDIT INSURANCE PROGRAM

A letter from the Assistant Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on shipments to Yugoslavia under the short term export credit insurance program, for the month of July 1964; to the Committee on Appropriations.

REPORT ON RESEARCH AND DEVELOPMENT PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on research and development procurement action, covering the 6-month period ended June 30, 1964 (with an accompanying report); to the Committee on Armed Services.

REPORT ON PROJECTS FOR THE NAVAL AND MARINE CORPS RESERVES

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, on certain projects for the Naval and Marine Corps Reserves; to the Committee on Armed Services.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on significantly increased costs without commensurate benefits resulting from an inadequately planned and administered program of installing data processing equipment in hospitals, Veterans' Administration, dated August, 1964 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overstated material cost estimates included in firm fixed prices negotiated for T–37 airplanes produced by Cessna Aircraft Co., Wichita, Kans., Department of the Air Force, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF NAME

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, withdrawing the name of George Eric Nurse from a report relating to aliens whose deportation has been suspended, transmitted to the Senate on October 1, 1963; to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore laid before the Senate a letter in the nature of a petition from the Standard Cap & Seal Export Corp., of Miami, Fla., signed by L. J. Hodge, president, praying for the enactment of the bill (S. 2625) to amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of American nationals against the Government of Cuba; to provide for payment of such claims; and to provide that the uncompensated portion of approved claims may be the collateral for certain loans made to claimants by the Secretary of State which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KUCHEL, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 439. An act to provide for the establishment of the John Muir National Historic Site in the State of California, and for other purposes (Rept. No. 1463).

By Mr. KUCHEL, from the Committee on Interior and Insular Affiars, with an amendment:

H.J. Res. 733. Joint resolution to designate the powerhouse on Clear Creek at the head of Whiskeytown Reservoir, in the State of California, as Judge Francis Carr Powerhouse (Rept. No. 1462).

By Mr. SIMPSON, from the Committee on Interior and Insular Affairs, with amendments:

S.J. Res. 6. Joint resolution to cancel any unpaid reimbursable construction costs of the Wind River irrigation project, Wyoming, chargeable against certain non-Indian lands (Rept. No. 1464).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 931. An act to provide for the establishment of the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes (Rept. No. 1465).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 5498. An act to provide temporary authority for the sale of certain public lands (Rept. No. 1471).

By Mr. GRUENING, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2327. A bill to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain (Rept. No. 1466).

By Mr. ELLENDER, from the Committee on Agriculture and Forestry, with an amendment:

S. 2687. A bill to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes (Rept. No. 1467).

By Mr. HARTKE, from the Committee on the District of Columbia, with an amendment:

H.R. 5871. An act to amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia court of general sessions, the District of Columbia Court of Appeals, and the juvenile court of the District of Columbia, and for other purposes (Rept. No. 1468).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2315. A bill to authorize the Weather Bureau to make appropriate reimbursement between the respective appropriations available to the bureau, and for other purposes (Rept. No. 1470).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

S.J. Res. 174. Joint resolution to authorize and direct the Bureau of Commercial Fisheries to conduct a survey of the marine and fresh-water commercial fishery resources of the United States, its territories, and possessions (Rept. No. 1469).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service:

Two hundred and fifteen postmaster nominations.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBERTSON:

S. 3128. A bill for the relief of Frank B. Rowlett; to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 3129. A bill to facilitate the acquisition by State agencies of surplus personal property suitable or desirable for public airport use; to the Committee on Government Operations.

S. 3130. A bill to amend section 709(f) of title 32, United States Code, relating to contributions to retirement systems in the case of caretakers and clerks employed by the National Guard; to the Committee on Armed Services.

By Mr. FONG:

S. 3131. A bill for the relief of Timoteo A. Tuazon; to the Committee on the Judiciary.

PRINTING OF REVIEW OF REPORTS ON THE PROVIDENCE RIVER AND HARBOR, R.I. (S. DOC. NO. 93)

Mr. McNAMARA. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report, dated June 19, 1963, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a review of the reports on the Providence River and Harbor, R.I., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted January 6, 1950. I ask unanimous consent that the report be printed as a Senate document with an illustration, and referred to the Committee on Public Works.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I thank the Senator from Michigan for his interest in this subject. I know that the people of Rhode Island deeply appreciate his efforts.

Mr. McNAMARA. I thank the Senator from Rhode Island.

APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1964—AMENDMENTS (AMENDMENTS NOS. 1238 AND 1239)

Mr. MILLER submitted two amendments, intended to be proposed by him, to the bill (S. 2782) to provide public works and economic development programs and the planning and coordination needed to assist in the development of the Appalachian region, which were ordered to lie on the table and to be printed.

SOCIAL SECURITY AMENDMENTS OF 1964—AMENDMENTS (AMENDMENT NO. 1240)

Mr. JAVITS (for himself, Mr. Case, Mr. Keating, Mr. Kuchel, Mrs. Smith, and Mr. Cooper) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 11865) to increase benefits under the Federal Old-Age, Survivors, and Disability Insurance System, to provide child's insurance benefits beyond age 18 while in school, to provide benefits for certain individuals not otherwise eligible at age 72, to improve the actuarial status of the trust funds, to extend coverage, and for other purposes, which were ordered to lie on the table and to be printed.

SECRET SERVICE PROTECTION FOR CANDIDATES FOR PRESIDENT AND VICE PRESIDENT—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of August 14, 1964, the names of Mr. Curtis, Mr. Dominick, and Mr. Mechem were added to additional cosponsors of the bill (S. 3122) to authorize the U.S. Secret Service to protect the persons of the nominees of the major political parties for President and Vice President of the United States, introduced by Mr. Simpson on August 14, 1964.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS—ADDITIONAL COSPONSOR OF JOINT RESOLUTION

Under authority of the order of the Senate of August 14, 1964, the name of Mr. Hartke was added as an additional cosponsor of the joint resolution (S.J. Res. 195) to provide for a White House Conference on Small Business, and for other purposes, introduced by Mr. Humphrey on August 14, 1964.

SOCIAL SECURITY AMENDMENTS OF 1964—ADDITIONAL COSPONSORS OF AMENDMENT NO. 1232

Under authority of the orders of the Senate of August 14 and 15, 1964, the names of Senators Aiken, Allott, Anderson, Bartlett, Beall, Brewster, Clark, Cooper, Dominick, Eastland, Fong, Gruening, Holland, Jackson, Javits, Keating, Long of Missouri, McIntyre, Mechem, Metcalf, Mundt, Randolph, Saltonstall, Scott, Simpson, Sparkman, Symington, Thurmond, Williams of New Jersey, and Young of North Dakota were added as additional cosponsors of Amendment No. 1232, submitted on August 14, 1964, by Mr. Prouty (for himself and Mr. Miller) to House bill 11865, the Social Security Amendments of 1964.

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THE SUPREME COURT DECISION ON REAPPORTIONMENT

Mr. CURTIS. Mr. President, it is imperative that the Congress take action to deal with the decision of the Supreme Court of the United States in reference to the apportionment of State legislatures.

It is time that we turn our attention to some basic concepts of government. Individual liberty depends upon a maximum role of local, self-government. The people of the several States are competent to determine how they want to compose their legislatures.

I have confidence in free men and women. I have confidence in sovereign States. We do not need in America a Supreme Court that decides what they think is best for the States. We do not need an all-powerful Central Government, any branch of which is devoted to making decisions that rightly should be made by the people themselves or by the sovereign States.

The Federal Government is a government of delegated powers. The Thirteen Original States did not delegate to the Federal Government authority to determine the makeup of State legislatures. States coming into the Union after its formation have all the rights and privileges of the original States. At no time since have the people or the States delegated to the Federal Government the authority to determine the makeup of State legislatures.

When the defenders of this Court decision contend that the 14th amendment gives the basis for such a decision, they read into that something that just does not exist. The language, "equal protection of the laws," means exactly what it says. The end product of a legislative body is the law. The law must provide equal protection to all. It means that as citizens we all must stand equally before the law. If the framers of the 14th amendment intended to delegate to the Federal Government authority to determine the makeup of State legislatures, they would have said so. They did not.

It has been pointed out by some that if the decision of the Supreme Court on the apportionment of members of the State legislature is permitted to go into effect that from this day forward the city of Chicago will have political control of the State of Illinois. Others have pointed out that the county of Los Angeles will be the controlling factor in the State legislature that enacts the laws for all of that large State of California. This decision will accentuate the efforts of gangsters and bosses to control our country.

There is no historic or legal foundation or precedent for the Court's decision. It constitutes an usurpation of powers.

Mr. President, I ask unanimous consent that there be included in my remarks an editorial from the Omaha World-Herald of August 15, 1964, an editorial fram the Nebraska State Journal of August 11, 1964, an article by Claude W. Gifford from the August 1964 issue of the Farm Journal, and an editorial from the Farm Journal.

There being no objection, the editorials and articles were ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald, Aug. 15, 1964]

THE SHOWDOWN

In a dramatic turn of events the Congress is swiftly moving toward a showdown with the Supreme Court of the United States over the Court's ruling on State legislative reapportionment.

Ostensibly, the sole issue is the High Court's usurpation of a State's right to run its legislature as it sees fit.

In reality, the issue is the right of legislative bodies, including the Congress, to pass the Nation's laws—and the removal of the Supreme Court's interference in the purely political affairs of the country.

It's Congress versus the Court and what a showdown it is. The House showed the measure of its wrath by shortcircuiting committee procedures to bring to the floor a bill which strips the Federal Court of jurisdiction over State reapportionment cases.

The Senate's course has been labeled milder because its bill would stay the Court's hand for 2 years. But the avowed purpose of the proposed delay is to buy time in which to pass a constitutional amendment canceling the Supreme Court's decision.

By passage of either bill the Congress will have trimmed the powers of the Supreme Court and established more clearly the limits of the Court's authority.

That has needed doing ever since the Warren majority on the Court began to usurp the legislative authority in its zeal to reform the country.

Congress has threatened, but it has never acted. Now it seems about to act, and the tortured cries of the Court's extremist defenders are something to hear. It is the end of civil rights and antitrust cases, to hear one such defender, and another says the Court is being reduced to a cipher.

If there were, in fact, a real threat to the constitutional powers of the Court, we surmise the country would be aflame with controversy.

But such is not the case. Most Americans seem quite well aware that the Court has been encroaching on the legislative branch of the Government, and believe the time has come to draw a line.

[From the Lincoln Evening Journal and Nebraska State Journal, Aug. 11, 1964]

THE JOURNAL'S EDITORIAL OPINION—WHO DECIDES APPORTIONMENT?

At the behest of EVERETT DIRKSEN, Republican leader of the Senate, that body's Judiciary Committee has initiated a move to put off the day of reckoning for Supreme Court directed reapportionment of State legislatures.

The Dirksen bill would forbid the courts to force reapportionment until two more regular sessions of the State legislatures have been held.

The meaning of the move is far deeper than a simple delay in the effective date of legislative rejiggering. It is concerned with an effort to get an amendment to the Federal Constitution which would, in effect, allow the States to determine how their legislatures shall be apportioned.

What is really involved in the DIRKSEN move is the makeup of the State legislatures at the time they might be asked to ratify such an amendment to the Federal Constitution.

If DIRKSEN's measure is adopted and if, as is hoped, Congress next year approves a constitutional amendment of this nature, the amendment will go before the State legislatures as they presently are constituted. Presumably, this would make it considerably easier to get the necessary ratification of three-fourths of the States.

If, on the other hand, the Dirksen bill fails, the State legislatures will be forced next year to reapportion on a strict population basis, as ordered by the Court. The reconstituted legislatures then would be the ones to act on any proposed amendment put to them by Congress. Undoubtedly, this would eliminate the chance of ratification by the States.

There is a great deal of merit in apportioning one house of a bicameral legislature, or a portion of Nebraska's unicameral, on some basis other than population. This is the system employed in the Federal Congress, which has been a keystone of this Nation's legislative greatness.

The question of the makeup of State legislatures is one of the most momentous ever to come before the country. On this basis alone, the Nation is entitled to the most calm and studied approach to the problem.

This demands that Congress have sufficient time to draft the most suitable form of constitutional amendment and to debate it fully; and that the State legislatures have ample opportunity to give thoughtful consideration to the matter.

This will not be possible if the subject comes before the State legislatures while they themselves are in a state of flux.

A few years time will be a small price to pay for the best possible solution to the legislative apportionment problem. That solution is more likely to come from the State legislatures as they now are constituted. The Dirksen bill will make this possible.

[From the Farm Journal, August 1964]

WHAT THE SUPREME COURT DID TO YOUR VOTE

(By Claude W. Gifford, economic editor)

In one sweeping, historic gesture, the U.S. Supreme Court has voted (6 to 3) to:

Reach down into each State and remake the State legislatures across the land.

The Court has ordered that States must stir themselves to district both houses of their State legislatures on the basis of population—and the population in each district must be "substantially equal." This is likely to force 40 or more States to revamp their legislatures.

This will toss into the ashcan one of the basic, time-honored cornerstones of our system of American representative government.

Since colonial days, States and the Federal Government have selected one house on the basis of population, and the other house partially or entirely by area. It has been one of the vital parts of our check-and-balance governmental system.

The new Court decision shears farm people of a good share of the influence they've had in their State governments.

A State senate based largely on area permits representatives of farm sections to better serve widely scattered farm people and their economic and minority interests.

Also it has served as a brake against population centers running off with all the marbles, or imposing the "tyranny of the majority"—a point held dear by the Founding Fathers.

If this Court decision stands, it will bring one of the most sweeping overnight changes in American government since the Revolution. Farmers and rural areas will feel it most:

It will immediately give farmers less voice in their States over the use of road funds, water rights, school consolidation, allocation of State school aid, real estate taxes, extension programs, conservation, condemning

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land for recreation and open spaces, hunting laws, and other matters close to the interests of farmers and rural areas.

Cities and their suburbs, which will be handed more seats in one house—adding to what they already have in the other—will increasingly run things at the State capitol.

"If this Supreme Court decision is permitted to stand, the States of Illinios will be completely ruled from this day forward by Chicago," sums up Representative PAUL FINDLEY of Illinois.

Similar prospects face other States, where a few big cities have a majority, or close to a majority, of the State's citizens.

Organized labor was quick to sense the crippling blow to farmers. The Committee on Political Education of the AFL–CIO, in its COPE publication of June 29, appraised the decision: "Curtains for rural-dominated horse-and-buggy State governments unresponsive to the needs of an increasingly urban Nation."

COPE told its labor union readers to expect a "surge of responsible, progressive action within the States aimed at advancing the social and economic welfare of their citizens."

Sensing a jugular vein strike at farmers, COPE applauded: "The Court pitched the third strike against lopsided representation which has given the rural voter a powerful advantage over his city and suburban counterpart. And, as in baseball, three strikes means you're out."

Another view, long held by political scholars, is that farmers represent an independent spirit, stable social qualities, desirable moral values and unique economic interests. In a typical legislature where one house gives greater weight to area representation, these qualities of farm people balance off city political action which is more impulsive, more reliant on central government, and is more inclined to organize into political machines that are run by bosses.

"One house based on population and one based on area, assures minority and area interests of some representation and contributes to the check-and-balance system that has worked well for 188 years," says Charles B. Shuman, president of the American Farm Bureau Federation.

What led the Supreme Court to invade this balance and upset State legislatures? The Court opened the door a crack in 1962 in a Tennessee case. The Court said, in effect, that if 30,000 people elect a representative in one district—and 300,000 people elect a representative in another district—the votes of the citizens in the bigger district don't count for as much as those in the smaller district. Their votes are "debased" and the people don't have "equal protection under the law" as guaranteed by the 14th amendment.

That decision was a little vague about what States should do, saying only that State apportionment should make sense.

Since then, State after State has agonized over reapportionment. Meantime, small groups of citizens in densely populated areas caught the scent of new power. Groups in nearly 30 States leaped into their courts to press for a clearer definition of what made sense to the Supreme Court.

A band of Alabama citizens sued, contending that the State constitution called for redistricting every 10 years—but it hadn't been done since 1901. They claimed that when 19.4 percent of the State's people live in districts which could elect a majority of the State's senators, that this surely didn't make sense. (In 13 States, 20 percent or less of the State's population can elect a majority of one house of the State legislature.)

This kind of admittedly laggard action by some States and extreme disparity between districts probably prodded the Court to go whole hog.

Judging cases in Alabama, Colorado, Delaware, Maryland, New York, and Virginia all on the same day, the Court ruled that unequal districts are unconstitutional. Further, in a majority opinion by Chief Justice Warren, the Court said that political equality can mean only one thing: "one person, one vote * * * to say that a vote is worth more in one district than in another would run counter to our fundamental ideas of democratic government."

"Legislators represent people, not trees or acres," said Warren. "Legislators are elected by voters, not farms or cities or economic interests."

James G. Patton, president of the National Farmers Union agrees that, "The decision is fully consistent with the principles and ideals of democratic government intended to insure everyone an equal voice in the affairs of government. This principle rightfully should apply, in my judgment, to government whether local, State, or National."

Three of the Supreme Court Justices disagreed with the majority Court opinion. "Sixth-grade arithmetic," scoffed Justice Harlan.

Sure, trees, land or pasture don't vote, said Harlan, but it's more meaningful that "people are not ciphers and legislators can represent their electors only by speaking for their interests—economic, social, political—many of which do reflect the place where the electors live."

Harlan further pointed out that history shows clearly that when the States ratified the 14th amendment after the Civil War that they did not intend that it would upset their State legislatures. Two-thirds of them had constitutions permitting one house to be apportioned on a basis other than population alone. Differences in population between districts was "widespread and substantial" then, as now.

Harlan did an eloquent job from within the Court of summing up an opinion that many of today's citizens are coming to hold of the Supreme Court:

The decision puts the "basic aspects of State political systems under the pervasive overlordship of the Federal judiciary.

"Nothing less than an exercise of the amending power by this Court.

"The Court's elaboration of its new 'constitutional' doctrine indicates how far—and how unwisely—it has strayed from the appropriate bounds of its authority."

Several Congressmen agree. They followed the lead of Representative MCCULLOCH, of Ohio, in introducing joint resolutions in Congress to make it clear that States have a right to apportion their State legislatures the way people in the States want to. If passed by Congress and then ratified by three-fourths of the State legislatures, it would become a new constitutional amendment.

Representative TUCK, of Virginia, and others introduced bills to tell the Court flatly that it has no jurisdiction over State apportionment. They feel the Court would back down in a direct showdown with Congress.

These bills (about 60) will get a hearing before the House Judiciary Committee starting July 22.

The Senate-House Republican leadership has grasped the issue, saying that it will take the lead in preserving the rights of States to select one house geographically.

State governments have spoken up. The Southern and Western Conferences of the Council of State Governments have met and asked for a constitutional amendment to undo the Court's decision.

[From the Farm Journal, August 1964]

A TIME TO SPEAK UP

If farmers can't see the handwriting on the wall, in the recent Supreme Court decision which would reshape almost every State legislature in the land, they ought to buy a tincup and a seeing-eye dog. Explosive change is ahead in our governmental system, which dates from the earliest days of the Republic. It is aimed at making farmers the 7 percent minority politically that they are by head count.

Nationally farmers will still have the protection of the U.S. Senate. Judging by the remarks of Chief Justice Warren, the Court doesn't think much of this either, but the Constitution puts it beyond the Court's reach. A good thing it does.

Is there anything farmers can do about all this? Yes, and we'll come to that in a moment, but first let's look at what has just happened.

In almost every State, geographic areas, as well as numbers of people, figure in the makeup of at least the State senate. Has nearly every State in the Union been wrong then? Yes, says the Court in a 6 to 3 decision, thus overturning what the people themselves of every sovereign State have set up. Citizens of Colorado, for instance, have just adopted a redistricting plan by a referendum vote of 2 to 1. But in a "Papa knows best" attitude six men of the Supreme Court say they can't have it the way they want it in their own State.

What this amounts to, says Justice Harlan, is that the Supreme Court has taken unto itself the right of "amending the Constitution."

Chief Justice Warren explains that "legislatures represent people, not acres of trees." But up to now they have also represented minorities of people. If both the State senates and the houses are based on the same thing—numbers of people—what's the use of having two bodies in a legislature?

No doubt about it, some change was due. In Nevada 8 percent of the voters can control the State senate, in Connecticut 12 percent can control the house. But the new ruling goes to the opposite extreme. Los Angeles County, for instance, can now control all of California, a State some 900 miles long.

Why not the compromise we've had, with one House based on population and the other, to a degree at least, on areas? Were the Founding Fathers wrong in setting up the Federal Government that way? Were six men on the Supreme Court wiser than they?

Not just recent Court decisions but many another omen indicate that the day of the go-it-aloner is about over, both for individual farmers and for farmers as a class.

As individuals farmers will have to look to Government less and to themselves more. And to do that they will need to band together, as never before, in groups of all sizes. They will need stronger national organizations to fight their battles in Washington, stronger commodity groups to protect and promote individual commodities, each by itself, and stronger local groups too. We've known instances where as few as a half dozen farmers have found ways collectively to buy cheaper or get a premium price.

As a class farmers will have to have the help of country towns. And why shouldn't they have it? The prosperity of these towns depends on how farmers do. Besides, these towns can now be outvoted in their State legislatures, too.

It's up to townspeople to look for ways to help farmers—politically, socially, economically—and it's up to farmers to do the same for their towns. Rural America has got to get together—right now—unless it wants to be completely steamrollered.

This month, Congress is debating bills to force the Supreme Court to keep hands off State legislatures. Cities will fight these bills. Do your part to see that Congress hears a shout from all rural America.

THE DEMOCRATIC PLATFORM COMMITTEE

Mr. CURTIS. Mr. President, yesterday Secretary of State Dean Rusk, Secretary of Defense Robert McNamara, and our Ambassador to the United Nations, Adlai Stevenson, appeared before the platform committee of the Democrat National Convention. If the news reports that followed last night were correct, and I assume that they were, it was a most unusual performance.

The testimony of these three before the platform committee can best be likened to the three monkeys who said, "I see no evil, I hear no evil, I speak no evil."

Their general subject was peace and war. They missed an excellent opportunity to report to the country what had been going on.

Secretary Rusk could have explained to the platform committee that prior to the advent of the New Frontier there was no Berlin wall.

Secretary McNamara should have elaborated on his reported statement that we will be in war in Vietnam for 5 years.

Adlai Stevenson should have explained that prior to the New Frontier, Cuba was not an acknowledged Communist satellite in the Eastern Hemisphere 90 miles from our shores. He also could have informed the people that the Communists are using Cuba as a base to send arms, saboteurs, propagandists and troublemakers throughout the Western Hemisphere. Mr. Stevenson might have given the people information as to what part, if any, he had in the ill-fated Bay of Pigs invasion.

Instead of presenting the facts and a report of their administration, these gentlemen proceeded to blacken the Republican nominee for President, BARRY GOLDWATER. To hear them talk one might be led to believe that it has been the Republican Party that has kept the country at war so much of the time in the 20th century, which of course is not true.

THE PACIFIC AND ASIAN AFFAIRS COUNCIL

Mr. FONG. Mr. President, Hawaii, hub of the Pacific, is also the home of the Pacific and Asian Affairs Council. The PAAC has been credited with having done more to promote the study of international affairs among Hawaii's young people than any other organization.

Privately supported by public-spirited individuals and firms the PAAC's high school program has been welcomed enthusiastically into the public and private schools of Hawaii as a voluntary program. Last school year, for instance, some 3,000 students from 46 of the 50 high schools in Hawaii participated in the program.

Students from large and small high schools alike have shown a similar enthusiasm for grappling with—and grasping—complicated international problems. Meeting on Saturdays and after school, they have contributed their time and even their pocket money to hold highly successful interschool conferences. School administrators and teachers have expressed their satisfaction and pleasure at the alert responsiveness of the students and at the opportunity for an enrichment of the already crowded curriculum without the need for additional school resources.

So successful is the program that schools elsewhere in the Nation have become interested in it. Plans are underway to develop it as a national model for such studies. I hope it does become a national program, for Americans generally known far too little about the Pacific and Asian area, where live more than one-half of the world's population. It is vital that more Americans become knowledgeable about a vast part of the globe that is having both current and long-range impact upon the lives of all of us.

While the youth program has been its outstanding feature, the PAAC has continued its traditional program for adults, including the scheduling of outstanding speakers on foreign affairs and the provision of resource materials to other organizations interested in international problems.

The occasion for my remarks is the installation of a new executive director of the PAAC, William S. McCrea. After 28 years in the service, Dr. McCrea retired from the Army earlier this year. The last 4 years were served in the Office of the Secretary of Defense as a senior staff assistant on southeast Asian affairs.

Two articles from the Honolulu press describe the activities of the PAAC and the hope for an expanded role under Dr. McCrea.

I ask unanimous consent to have printed in the Record at this point the two articles—one titled "A New Role for the PAAC," from the Honolulu Star-Bulletin of March 18, 1964, and the other by the columnist Bob Krauss in the Honolulu Advertiser of November 27, 1963.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Honolulu Star-Bulletin, Mar. 18, 1964]

A New Role for the PAAC

A new role of leadership and influence for the Pacific and Asian Affairs Council begins to take shape with the appointment of William S. McCrea as its executive director.

He holds a Ph. D. in international relations from Georgetown University, has had experience in foreign relations in Europe and the Far East and from July 1960, until he accepted the PAAC appointment, had headed the southeast Asia division of the Office of the Assistant Secretary of Defense.

His appointment comes at a time when the council is considering an expansion of its program to recapture the position once held, some 40 years ago, by the Institute of Pacific Relations when its headquarters was in Hawaii and it sponsored a series of highly successful international conferences.

Hawaii's founding group disassociated itself from the institute after it moved to New York and altered its character. The Pacific and Asian Affairs Council was set up in its place, but up to now has operated mainly as a study group.

Its outstanding achievement to date has been its program for students, and particularly for those in high school. Indeed, this program has attracted so much attention that James H. Shoemaker, council president, is going to the mainland next month to discuss it with educators who are interested in adopting it in mainland high schools and colleges.

This is fine, but the council is looking for a broader field of service in nongovernmental people-to-people relations.

All around the Pacific and in south Asia—in India, Pakistan, Australia, New Zealand, and Canada—councils of international affairs function actively, supported by grants from American foundations. There is no counterpart in the United States.

Suggestions already have come from mainland sources that the council should build itself into a national organization, with Honolulu headquarters, to fill the gap. It could expect strong support, financial and otherwise, from mainland as well as local sources, including the major foundations.

One of the council's main purposes would be to sponsor conferences such as the highly successful meetings in 1925 and 1927, and the Japanese-American Economic Conference of 1953. These conferences are restricted to leaders in their fields who are not officials of any government, although government officials may attend as observers.

The timing seems appropriate. Hawaii is emerging as a new force in international relations through the East-West Center, various professional conferences, and the prospective development of a Pacific Trade Center.

The council is an excellent nongovernmental vehicle to extend Hawaii's influence internationally. Mr. McCrea's appointment could well trigger that development.

[From the Honolulu Advertiser, Nov. 27, 1963]

In One Ear

(By Bob Krauss)

In the sugar plantation community of Kohala on the northern tip of the big island, a group of high school kids 1 day will get up at 3 a.m. so they can attend a unique student conference at far away Ka'u across the island.

On Oahu, recently, 900 kids flocked to Kamehameha schools on a Saturday for the same reason.

At Molokai's country high school, the kids put in a 4-hour session at this new activity last week. On Lanai, it was 2 hours. Throughout the State, a total of about 3,000 youngsters at some 53 high schools meet once a week for this activity.

What is it that draws such a following in teenage circles in Hawaii? Football? Surfing? Rock 'nroll? No, it's none of these. In fact, you probably won't believe me when I tell you.

This exciting new high school craze is a discussion of "The Challenge of Economic Growth" in countries around the world. See? I knew you wouldn't believe me. But it's true.

At Waimea High School on Kauai recently more than 100 kids from all over the island met to tussle with this formidable topic. They had prepared charts showing population and per capita income in Asia.

The youngsters kicked around such unlikely subjects as, "Attempt to establish priorities for various problems as you would if you were Prime Minister or President of the country under discussion."

And the kids knew what they were talking about.

At Lahainaluna High School on Maui, 130 of them meet every week to study up on the Common Market, foreign aid, the revolution in Vietnam, the new nations of Africa, the threat of communism in Asia.

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What makes this teen fad even more amazing is that it's hard work. It means hours of study and wading through books on economics and political science and history.

And every bit of the work is voluntary.

This unique program is the brainchild of Hawaii's Pacific and Asian Affairs Council, a private, nonprofit group organized to promote understanding about our neighboring nations.

The council's staff member, Stephanie McCandless (formerly a teacher at Punahou), makes a circuit of interested high schools three times a year explaining the program and organizing the kids.

If possible she takes along an East-West Center grantee to talk about his country.

The sessions are all business. Miss McCandless starts right in by saying, "I assume you're all here because you're interested. If you aren't, now is the time to get up and leave."

And the kids love it. It's their responsibility, with a volunteer faculty adviser, to organize their own Pacific and Asian Affairs Council Club. Some 53 high schools in Hawaii now have such clubs.

Three times a year on each of the major islands the kids hold a convention to compare notes at roundtable discussions. They bone up for these sessions like college students studying for final exams.

All of this, apparently, is tremendously impressive to the East-West Center grantees who meet with the groups. One of the grantees is from India.

"I knew all about American high school students when I came here," he said. "How lazy they are, interested only in football and parties. But they aren't like that at all. These students really work."

This young man, Jog Mohan Sehgal, not only gave up 2 days of studying before exams to speak on Molokai and Lanai but also paid half his fare to get there.

Another volunteer speaker is an Iho tribesman from Nigeria, Innocent Abiaka, who is studying geology at the University of Hawaii and paying his own way.

He appears in his flowing white robes and speaks in a flawless Oxford accent.

At Kamehameha schools a student asked him, "Do you think America should give foreign aid with no strings attached or help only democratic countries?"

Abiaka smiled and asked in return, "What is your definition of a democratic country?" Before that day was over, the students had gained a new look at democracy.

"That's what makes this program so exciting," says Miss McCandless, who bubbles with enthusiasm. "The kids have to think. And they really enjoy it.

"I just wish that everybody who has ever despaired of the younger generation or of getting kids these days to think of anything besides football could attend one of our sessions."

RESOLUTION OF SULLIVAN COUNTY BOARD OF SUPERVISORS

Mr. KEATING. Mr. President, the Delaware River drainage basin project, which will benefit many of the large cities in New York, New Jersey, and Pennsylvania, will impose a great hardship on some smaller towns in my State, which will be forced to construct new sewage disposal facilities. The board of supervisors of Sullivan County has, accordingly, adopted a resolution calling upon the Congress to consider these needs and to provide to these districts an adequate program of grants to aid in the construction of sewage facilities.

I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION 101

Resolution introduced by Supervisor Carl Campbell

Whereas the States of New York, Pennsylvania, New Jersey, Delaware, and Maryland lie in the Delaware River drainage basin; and

Whereas the counties of Sullivan, Delaware, Broome, Chenango, Greene, Orange, Schoharie and Ulster, of the State of New York, lie within the Delaware River drainage basin located within the boundaries of New York State; and

Whereas based on surveys and studies of the Delaware River located within the bounds of the State of New York, it appears that most of the water drainage within said basin comes from Sullivan and Delaware Counties; and

Whereas the main use of the waters to be impounded within the Delaware River drainage basin is primarily for drinking purposes and electrical power; and

Whereas it appears to the proponent of this resolution that the cities of New York and Philadelphia and the large cities in the State of New Jersey, which comprise almost one-eighth of the total population of the United States are to be the beneficiaries of the drainage basin project; and

Whereas a number of towns within the county of Sullivan, which are within the Delaware River drainage basin, have been advised and notified by the New York State Department of Health and the Water Pollution Control Board that sewerage disposal facilities and systems are to be constructed within their respective communities within the next few years, with no provision being made for aid or grants to the communities, towns, and districts directed to construct such sewerage systems and treatment plants; and

Whereas the economic and tax structure of the communities involved in the County of Sullivan are unable to comply with the financing requirements necessary for the establishment of sewer districts and the construction and maintenance of the sewerage systems therein, unless outright grants are made equal to 75 per centum of the cost of construction and future maintenance: Now, therefore, be it

Resolved, That the Sullivan County Board of Supervisors does hereby unanimously urge and request the Congress of the United States and the commissions and boards authorized and directed to administer the Delaware River drainage basin within the State of New York, to make a resurvey of the requirements of the various towns in the County of Sullivan, required to construct sewerage disposal and treatment plants: and be it further

Resolved, That the commissions involved recommend to the Congress of the United States that appropriate legislation be adopted authorizing grants to the special districts, villages and/or towns required to construct such sewerage systems, in amounts not less than 75 per centum of the cost of construction and future maintenance; and be it further

Resolved, That an appointment or hearing be arranged between a committee of this board and the congressional subcommittee in charge of the Delaware River drainage basin at Washington, D.C., or at the Sullivan County Courthouse for the purpose of affording the towns in this county to fully apprise the congressional subcommittee of the heavy tax burden that will be imposed upon them, the need for Federal aid as above requested, and the limits of the bonding indebtedness of each town involved; and be it further

Resolved, That certified copies of this resolution be forwarded to Hon. Jacob Javits, U.S. Senator, Hon. Kenneth Keating, U.S. Senator, Hon. Katherine St. George, Member of Congress, Hon. E. Ogden Bush, State Senator, Hon. Hyman E. Mintz, member of assembly, Hon. Harold G. Wilm, chairman of Water Resources Commission, Dr. Herman E. Hilleboe, Commissioner of New York State Department of Health and chairman of Water Pollution Control Board, and to U.S. Army District Engineer, Philadelphia, Pa., for appropriate action, and all eight aforesaid counties.

Moved by Mr. Will, seconded by Mr. Behling, and adopted on motion August 10, 1964.

STATE OF NEW YORK,
County of Sullivan, ss.

Eugene M. Hanofee as Clerk of Board of Supervisors of the County of Sullivan, do hereby certify tht I have compared the foregoing copy of resolution with the original thereof now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

Witness my hand and seal of said board this 11th day of August 1964.

EUGENE M. HANOFEE,
Clerk.

HUMPHREY MOVES FORWARD

Mr. GRUENING. Mr. President, HUBERT HUMPHREY has always moved forward. Our public life cannot exhibit a finer example of development and progress, of growth in capacity and range, of interest, than that found in the dedicated and effective service of the senior Senator from Minnesota, our majority whip.

Two more impressive volumes under his authorship have just appeared: "War on Poverty" and "The Cause of Mankind." They testify to HUBERT HUMPHREY's prodigious productiveness. Moreover, the titles are revealing, in suggesting the breadth of his interest. He has been advocating the cause of mankind ever since he came to the U.S. Senate, 15 years ago.

The New York Times, on its editorial page, today pays a deserved tribute to HUBERT HUMPHREY. I ask unanimous consent to have the editorial, which is entitled "HUMPHREY Moves Forward," printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 18, 1964]

HUMPHREY MOVES FORWARD

Senator HUBERT HUMPHREY's emergence as a leading prospect for the Democratic vice presidential nomination is encouraging because he is a man with experience, broad interests and demonstrated integrity and capacity. We as a nation have to establish in our political tradition as quickly as possible the principle that in choosing a Vice President we are really choosing an alternate President. To select a man for this high office because he balances the ticket, or makes an effective campaign hatchetman or simply has no enemies is to play Russian roulette with the Nation's future. Both parties have a clear-cut, serious responsibility here. The decision of the Republicans to nominate a routine corridor politician for the Vice-Presidency makes it all the more welcome that the Democrats are considering a man of presidential quality.

Senator Humphrey not only made a significant personal contribution to the achievement of the nuclear test ban, but he has also consistently talked good sense about foreign affairs. In nearly 16 years in the Senate, scorning the notion of becoming an expert in one or two fields, he has worked hard and effectively on a broad range of issues involving agriculture, labor and management, the young and the aged, and education. Through his idealism and persistence he was one of the principal builders of the national consensus that produced this year's civil rights law.

The power to choose his running mate lies, as it always has, with President Johnson. Whether he finally settles upon Humphrey or a comparable figure, the President might well consider making known his choice a few days in advance of the actual balloting. The convention this year is certain to ratify his decision, but if he at least gives the delegates time to react and reflect, he would establish a healthy precedent. What would be lost in suspense would be gained in dignity for the office of Vice President.

A TIME BOMB CALLED POPULATION—AN ENLIGHTENED CONGRESSMAN'S VIEW

Mr. GRUENING. Mr. President, increasing numbers of Americans are becoming aware of the problems presented by our startling population explosion. We are astounded by the fact that the apparently trivial 1.5 percent per year population increase of the United States means we shall double our numbers by the turn of the century, and every 40 years thereafter. In the blossoming countries of Africa and Asia, where the growth rate is much greater than ours, the explosion is even more frightening.

The poverty and deprivation which accompany the vast overpopulation of many emerging nations are crippling our foreign aid program in such areas; and even the war on poverty in this country makes little sense unless more provisions are made for controlling our own future growth. Overpopulation is the inevitable procreator of future poverty.

Today, we watch as a steadily expanding jungle of manmade concrete, glass, and identical, boxlike houses covers the land. Only too soon each one of our citizens will have his assigned square yard of living space, and little more. Like the song "Little Boxes," we may someday be able to say of our people that "they are all made out of ticky-tacky, and they all look just the same."

It is therefore with great satisfaction that I have read the August 10, 1964, newsletter issued by the able and distinguished Congressman from Arizona, Morris Udall. He has perceptively and effectively called attention to several aspects of the problem which confronts us. He has written:

> While the wonders of medical science have brought on this (population) problem, the doctors are also concerned with its solution. We are now within sight of safe, reliable drugs and other medical means to make it possible for mankind, if it will, to regulate its growth. Whether these solutions will be used in a way to defuse the population bomb is a problem the doctors cannot solve. This is a matter for ordinary citizens, community leaders and people acting through their governments all over the world.
>
> Other nations are beginning to look to the United States for leadership. For example, Pakistan's President Ayub Khan asserted: "We look to you, a country like yours, to apply your mind and your resources to be able to combat this problem." He bluntly stated the alternative: "If we continue to increase at the present rate, it will ultimately lead us to a standard of living little better than that of animals."

As Mr. Udall stated, "the time to begin was yesterday." The Udall resolution—the House equivalent of the Senate Clark-Gruening resolution—calls for substantially increased programs of research within the National Institutes of Health, the results of which will be freely available to countries requesting assistance. It also asks that the President create a Presidential Commission on Population, which would have the duty to inform, after investigation, our Government and the American people as to the nature of population problems at home and abroad, with respect to the implications for all aspects of American life.

Congressman Udall has displayed a great deal of intelligence and farsightedness in calling the attention of our citizens to the problem of an uncontrolled population explosion. I commend him highly on his service to our Nation. Because his newsletter discusses a matter which is of widespread interest, I ask unanimous consent that it be printed in its entirety in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Congressman's Report

(By Morris K. Udall, Second District of Arizona, Aug. 10, 1964)

A Time Bomb Called Population

In this Presidential election year heated debate will be waged on a multitude of current and pressing problems. But conspicuously absent from issues to be discussed is the one which may well be our most urgent problem—the time bomb called population.

As Mark Twain might have put it: Population is something everybody does something about but nobody talks about. I intend to talk about it.

During a recent press conference, in discussing sharply increased school district and local taxes, I cited some startling statistics and commented that a great many of our local, national and international problems originate in one way or another in the "population explosion." When I finished, a reporter asked, "Congressman Udall, what are you doing to help solve this problem?"

"Well, " I replied, "as a father of six, I can't say that I've done very much."

But last week I did do something, little though it may be. I introduced in the House a concurrent resolution which, if passed, might be a step toward recognizing and moving to meet the problem of tremendously rapid population growth.

THE STARTLING FACTS

But, it might be asked, isn't population growth good? Doesn't it mean more people to buy our products, more jobs, more growth for our State? Don't we in Arizona take pride in our growth statistics?

In answer to such questions one might observe that a good steady rain is beneficial but a flood wreaks havoc. And we are talking about a floodtide of human beings:

It took earth millions of years to acquire, by the time of Christ, a population of one-fourth billion. It took until 1830 for the world's population to reach 1 billion. But in only 100 years we passed the 2 billion mark. It has taken less than 35 years for the population to have reached 3 billion. And, incredibly, the fourth billion will be here in but 15 more years.

If present rates are unchecked, it will take only a 35-year span to add the next 3 billion to our present 3 billion. And it will take less than 35 years after that for the 6 billion to double to 12 billion.

Bear in mind that just an increase of 1 billion (due by 1980) is equal to the total present population of all of North and South America plus all 55 nations in Europe.

Each year the United States adds more than 3 million to its population, enough to fill six brand new cities the size of Phoenix. Providing the additional schools, streets, sewers, post offices, and all the other facilities needed by modern society is a heavy and expensive burden.

By the year 2000 the United States will likely increase its population from 190 million to 340 million. Of these, 100 million will be children who need schools, playgrounds, library facilities, etc. And 30 million will be senior citizens with medical care and other problems which become most acute as years advance.

Population growth, like compound interest, is self-accelerating; that is, the more people there are the greater the population growth, even though the rate of growth remains the same. When you are talking about billions of people the results of doubling are staggering.

Just when men and women everywhere are awakening to the possibilities of a decent life and are thus demanding improvement in their standard of living, the population explosion is wiping out most of the benefits of economic growth (and our foreign aid program) in the underdeveloped world. A key democratic nation in Asia, for example, attempting to rise by its bootstraps, recently completed a successful 5-year program by increasing its economic output 12 percent. Are its people better off? No, because in this time its population increased 15 percent and net living standards are worse than before.

WHY NOW?

How does it happen that in this century population figures have gone crazy? The answer is found in two words: Medical science. Human beings aren't suddenly more fertile; our reproduction potential hasn't changed. In any given year the increase or decrease in population is simply the number of births minus the number of deaths.

In North America and Western Europe birth and death rates have declined more or less proportionately. But medical science has upset this pattern in the underdeveloped parts of the world. It has caused a precipitous decline in the death rates while birth rates have remained constant. The result is galloping population growth.

Never before in history has it been possible to introduce an extensive program of death control so quickly in any given area of the world. Armed with miracle drugs, insecticides and extensive knowledge of sanitation and nutrition, scientists almost overnight can drastically curtail the rate of dying. Just since World War II, for example, death rates have been reduced more than one-third in such places as India and Malaya. In Ceylon the spraying of DDT reduced the death rate by 40 percent within a single year.

Birth rates are higher in the underdeveloped areas of Latin America, Asia, and Africa—where two-thirds of all the world's people live. Where birth rates are high, there are high proportions of youth. As infant mortality has declined, family burdens have increased. And the children, when they become adults and parents, face the same prospect of endless toil just to acquire the barest of essentials.

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A NONPARTISAN ISSUE

While the wonders of medical science have brought on this problem, the doctors are also concerned with its solution. We are now within sight of safe, reliable drugs and other medical means to make it possible for mankind, if it will, to regulate its growth. Whether these solutions will be used in a way to defuse the population bomb is a problem the doctors cannot solve. This is a matter for ordinary citizens, community leaders and people acting through their governments all over the world.

Fortunately, the population problem is not a partisan political issue in this country, as evidenced by the following:

Shortly before his death, President Kennedy said, "We should know more and do more about the whole reproductive cycle, and this information should be available to the world."

Former President Eisenhower recently commented that "the time has come when we must take into account the effect of the population explosion on our mutual assistance system. Unless we do, it may smother the economic progress of many nations."

Richard Nixon, after his Asian tour, said he had observed poverty "worse than I have ever dreamed existed" and recommended that the United States give assistance to nations requesting help on population matters.

This is, in short, one of those rare subjects upon which a great many leaders with widely differing political views wholeheartedly agree.

THE RELIGIOUS QUESTION

Central to any consideration of the population problem is the religious question, and particularly the position of the Roman Catholic Church on birth control. It should be emphasized, however, that the church does not condemn birth control; it raises barriers only on the methods used.

Within the church right now there is a tremendous dialog taking place regarding the population explosion, a discussion spurred by the recent Ecumenical Council and by prominent church leaders.

The oral contraceptive pill, simple and nearly 100 percent effective, has opened up opportunity for change within the church. As Newsweek magazine recently pointed out, Catholic theologians are beginning to accept the position of the distinguished Roman Catholic gynecologist, Dr. John Rock, who argues that the new pills can be considered morally acceptable.

Look magazine, in a recent comprehensive report on Latin American Catholics and birth control, noted the open declaration of Jesuit priests in Santiago, Chile. It holds that the pills, which inhibit ovulation but do not destroy any egg, are permissible.

A recent national survey found that at least 30 percent of Catholic couples use birth control methods condemned by the church. And a heavy majority of those polled hoped their church would change its attitude toward birth control. It should be remembered that of the 11 countries in the world with the lowest birth rates 5 are predominantly Catholic: Austria, Belgium, France, Italy, and Luxembourg.

Further evidence of the church's concern with the population problem is the important work being done at Catholic research centers such as the one here in Washington at Georgetown University.

WHAT THE UNITED STATES SHOULD DO FOR OTHER COUNTRIES

Eugene R. Black, then president of the World Bank, declared in 1961:

"Population growth threatens to nullify all our efforts to raise living standards in many of the poorer countries. We are coming to a situation in which the optimist will be the man who thinks that present living standards can be maintained."

That's a pretty bleak outlook when we realize that the average per capita income of the 2 billion people in Asia, Africa, and Latin America is about $100 a year, compared to over $2,300 in the United States and $850 in Western Europe.

Thus, the prospect is one of seething unrest, impatience with the existing order, and sympathy to the advocates of communism (who, ironically, generally assert that concern for population growth is merely a bourgeois excuse for the failure of capitalism).

Congress, in passing the foreign aid bill last year, specifically authorized the spending of money "to conduct research into the problems of population growth." However, there was a $6 million ceiling on research of all kinds, and Senator GRUENING of Alaska calculated that only $130,000 would go toward helping population problems. Nevertheless, the specific authorization was a big step forward. And the late President Kennedy stated that the results of research in this area should be made available to the people of the world.

We certainly ought not to hesitate to give our research findings to nations which request them. Perhaps we should also offer technical assistance in implementing programs of population control when such help is sought. As President Johnson has said: "The only way that we can hope to deal with the population explosion is with the knowledge explosion."

Other nations are beginning to look to the United States for leadership. For example, Pakistan's President Ayub Khan asserted: "We look to you, a country like yours, to apply your mind and your resources to be able to combat this problem." He bluntly stated the alternative:

"If we continue to increase at the present rate it will ultimately lead to a standard of living little better than that of animals."

It has been pointed out that in all of its many programs the U.S. Government is spending $15 billion a year on research. But less than $10 million is being spent on the basic problem of population.

THE CLARK-GRUENING-UDALL RESOLUTION

Senators CLARK, of Pennsylvania, and GRUENING, of Alaska, have introduced a resolution relative to population control. I am the only House sponsor. The resolution would have Congress urge the President to hasten implementation of the policies of the United States regarding population growth by inaugurating substantially increased programs of research within the National Institutes of Health and to make results freely available to countries requesting such assistance, and request the President to create a Presidential Commission on Population with the duty to inform, after investigation, the government and the American people of the nature of population problems at home and abroad, with respect to the implications for all aspects of American life.

THE FUSE IS BURNING

This presidential year we shall debate medicare, civil rights, big government, control of nuclear bombs, and all the rest. But looking ahead three or four presidential elections, I venture to predict that the population bomb may soon overshadow all other issues.

When 6 or 8 billion people are shoved into the already overcrowded cities and slums of tihs planet, breathing polluted air and fighting for an insufficient supply of land, water, and resources, then wars, revolutions, and global strife are inevitable. And even if through science we manage to provide enough basic essentials for everyone we would likely do so only by sacrificing improvement of society's institutions for the sake of providing bare minimums.

I believe the problem of overpopulation on this planet can be solved. But the time to begin was yesterday.

LUIS MUÑOZ-MARÍN: STATESMAN

Mr. GRUENING. Mr. President, it is a pleasure to pay tribute to a great statesman, Gov. Luis Muñoz-Marín, since 1948 Governor of Puerto Rico, and all his adult life a constructive, imaginative, and dedicated worker for his native island and its people.

He has been chiefly responsible for one of the most interesting, important, and successful experiments in making democracy work and in establishing in that Caribbean island an increasingly viable, economically progressing, proud, and happy community. His is a striking illustration of the oft-ignored truism that democracy, in order to function well, requires leadership.

Muñoz-Marín has now decided not to run for a fifth term, to which he could surely be elected, but, instead, to be a candidate for a seat at large in the Puerto Rican Senate. The wisdom of this action lies in that he will thereby establish a smooth and hopeful transition in the governorship.

If there had been any doubt about the future stability and progress of Puerto Rico, it would have been based on a fear that if Muñoz-Marín had continued to serve as Governor until the end of his life, which he could have done, there would have been some question as to the tranquility incidental to, and following, the election of his successor.

After all, Puerto Rico's experience in self-government is comparatively brief, and has revolved wholly around one man. Culturally, Puerto Rico is Latin American, and there naturally has arisen in the minds of all who have solicitously and sympathetically watched its progress the question of whether Puerto Rico might, in the absence of its present leadership, revert to the unhappy Latin American rhythm of alternating chaos and dictatorship, with public office viewed as a spoil.

By stepping down from the governorship while at the height of his prowess and popularity, Luis Muñoz-Marín does not, in any sense, relinquish his great influence, his powers of guidance, or his availability to counsel his successor and his people. His new role gives more assurance than could possibly be given in any other way that the course he has charted, the inspiration and progress he has brought to Puerto Rico, and the achievement under his leadership will continue uninterruptedly.

Muñoz-Marín has been one of the great figures of the Western World. It has been said of him, somewhat ruefully, that it has been a pity that his sphere of activity has been limited to a small Caribbean island, for he could well have assumed, with equally shining success, a larger role in a larger field. However, he has set a great example to all of Latin America, and in a real sense he has operated in a field of hemispheric dimensions.

True, Puerto Rico has enjoyed very special advantages—in fact, unique advantages. They include the protection of the American flag, the benefits of inclusion in the American economic system, and the special provisions which have given Puerto Rico immunity from Federal taxation, with the inclusion of Puerto Rico in all the project appropriations made for the States. No other political entity on earth has been so favored. In addition, there was the escape valve which Puerto Rico's overpopulation has enjoyed by virtue of American citizenship, which permitted emigration to the U.S. mainland of Puerto Ricans whom the island's economy could not absorb.

Finally, there is the special political status which Muñoz-Marín's leadership has achieved, under which Puerto Rico has virtually complete self-government, without the restrictions that earlier burdened other possessions of the United States. This status freed Puerto Rico from its previous condition of colonialism. Some details of this unique and beneficial relationship remain to be ironed out, and a high-level joint commission is about to study them and to make recommendations to the appropriate authorities.

Our congratulations go to Muñoz-Marín, and we send our best wishes for the success of the man he has nominated as the candidate of the Popular Party for the governorship, Roberto Sanchez Vilella.

I ask unanimous consent that two editorials on Luis Muñoz-Marín, which pay him a well-deserved tribute, one from today's Washington Post, and the other from the New York Times, be printed at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 18, 1964]

MUÑOZ-MARÍN STEPS DOWN

Gov. Luis Muñoz-Marín of Puerto Rico has struck an almost unique blow for democracy by refusing to accept a fifth nomination for Governor. Despite an overwhelming demand from the Popular Democratic Party for his continued leadership, the Governor held firmly to his decision. Why? The people of Puerto Rico need to prove to themselves, he said, that they can follow the path of justice and progress without depending upon the leadership of any one man.

The precedent thus set is the more significant because Mr. Muñoz-Marín is the only elected Governor Puerto Rico has ever had. Since 1940 he has held the highest elective office in the island, and since he was first elected Governor in 1948 his role as first citizen has not been effectively challenged. Not only has he given Puerto Rico an energetic and progressive administration; he has also laid secure foundations for popular government within the framework of the Commonwealth.

In some respects, however, the greatest act of his career was his decision to relinquish the far-reaching power that the people had placed in his hands. Continued election of one man to the governorship throughout his lifetime might have cast some unfortunate reflections upon the development of democratic government in the Commonwealth. In acting to avert such a danger Governor Muñoz-Marín has demonstrated a high degree of statesmanship.

It is a happy circumstance that he has consented to continue serving his people as a member of the senate and as a teacher traveling through the countryside to enhance the faith of the people in representative government. Fortunately, too, the gubernatorial nomination went to Secretary of State Roberto Sanchez Vilella, who has been the Governor's right-hand man and chief of staff for 12 years. Presumably a transition of authority will be made under the most favorable circumstances, and the millions of friends of Governor Muñoz-Marín in this country as well as in Puerto Rico will wish him many happy years in his role as elder statesman.

[From the New York Times, Aug. 18, 1964]

MUÑOZ-MARÍN STEPS DOWN

Governor Muñoz-Marín of Puerto Rico is a somewhat uncommon specimen of a professional politician—he believes heart and soul in the democratic principles that he has always proclaimed. And now he is proving it once again by refusing to run for a fifth term as Governor.

His figure is such a familiar one in the United States and Latin America, as well as in Puerto Rico, that it has been impossible to think of the island without thinking of him. The Popular Democratic Party he founded won power in 1940. Don Luis, as everyone calls him, became the first elected Governor of Puerto Rico in 1948, and he has been its only one, for he was reelected three times. Nothing could have prevented him from being elected again in November—except his own determination to step aside which he does at the peak of his power and prestige.

The task he set himself many years ago has been well done. The remarkably successful economic and social program, known as Operation Bootstrap, was his idea and his accomplishment. The Commonwealth status, whereby Puerto Rico became "associated" under the American flag, with common citizenship and complete autonomy in internal affairs, was conceived and carried through by the Governor.

Although he will remain in the political picture as senator and elder statesman, it would be unlike him to overshadow his successor, who will most likely be the present secretary of state, Roberto Sanchez Vilella. Mr. Sanchez is not a popularly known figure, but he has been the Governor's closest associate for years and he is rated as an outstanding administrator.

Presuming that Mr. Sanchez is elected in November—which is a safe presumption—there will be no change in policies. Puerto Rico is older in history than the United States. Mr. Muñoz-Marín is the 123d Governor since Columbus claimed the island for Spain. But it is also a new island, with a hopeful future for which the retiring Governor deserves much credit.

POPE PAUL'S ENCYCLICAL, "ECCLESIAM SUAM"

Mr. PELL. Mr. President, Pope Paul's encyclical, "Ecclesiam Suam," on which I commented briefly in this Chamber last week, has now been released in its official English translation. After studying the text in detail, I wish to offer my additional impressions on it, as they relate to our aspirations and our problems of today.

The encyclical is both an historical and an inspirational document. Deeply spiritual in content, it has also a most significant universal appeal in its moving passages regarding the goals of world peace and religious unity.

Like his wonderful predecessor, Pope John XXIII, Pope Paul is vitally concerned with peace on earth. He has proclaimed the high "human principles that should serve to temper the passions" of intemperate men and nations. He urges prudence in human affairs and a reasonable approach to divisive problems. In this respect I am reminded of Pope John's words:

> In the highest and most authoritative assemblies, let men give serious thought to the problem of a peaceful adjustment of relations between political communities on a world level. Let them study the problem until they find that point of agreement from which it will be possible to commence to go forward toward accords that will be sincere, lasting, and fruitful.

Let us note, too, that Pope Paul called attention to the "sharper emphasis" which John XXIII placed on the teachings of the Catholic Church "in the sense of approaching as close as possible to the experience and understanding of the contemporary world." As Pope John pointed out in his encyclical "Pacem in Terris," the doctrines we most condemn in the world today, the ideologies most opposed to the principles we cherish, "cannot help but evolve and undergo changes, even of a profound nature." Inevitably they will be eroded; but we cannot hope for solutions overnight. We must make sure that the strength of our convictions is enhanced and given even wider scope for growth and appreciation; but we must be patient, so that there can be increasingly positive and constructive dialogues and negotiations whenever and wherever they are possible. In Pope Paul's phrase, we must recognize that our international goals can best be achieved by "gradual development," not by rash acts or by wishful thinking.

> The church needs to reflect on herself. She needs to feel the throb of her own life.

These words in the encyclical apply not only in a religious context, but also to individuals and to nations, as all thoughtful people seek to strengthen the moral fiber needed now and for the years ahead.

> The church must learn to know herself better, if she wishes to live her own proper vocation and to offer to the world her message of brotherhood and salvation.

Those words also have universal application; because mature, carefully reasoned, and deeply perceived self-knowledge is essential to the projection of any important message by an individual, by a religious body, by a nation.

Pope Paul calls for a reawakening of spiritual awareness and for the opening of a dialogue between the Catholic Church and "the world in which it exists and labors"—a dialog to increase our knowledge and understanding of the goals we have in common.

Pope Paul states:

> Let us stress what we have in common, rather than what divides us * * *. For the lover of truth, discussion is always possible.

This is a man of intelligent moderation urging on us the benefits of a similar attitude.

He calls for "new and vital" spiritual relationships and for vigilance "to the dangers and temptations which can threaten damage or ruin to man's conduct." He makes no compromise whatever with the false doctrine of atheistic communism, which he so justly terms "the most serious problem of our times"; but he gives us the two essential ingredients necessary to all our undertakings in these immensely challenging years. Those two essentials are—in his own words—"patience and wisdom."

In regard to spiritual unity and its fundamental relationship to the paths toward peace, he writes:

> The opening of a dialog, such as ours would be, disinterested, objective and sincere, is in itself a decision in favor of a free and honorable peace. * * * It cannot confine itself to relationships with the heads of nations, but must set them up also with the body of the Nation and with its foundations, whether social, family or individual, so as to diffuse in every institution and in every soul the understanding and the duty of peace.

The Pope invites all non-Christians to enter this dialog, including, as he writes:

> The children, worthy of our affection and respect, of the Hebrew people, faithful to the religion which we call that of the Old Testament; the adorers of God according to the conception of monotheism, the Moslem religion especially, deserving of our admiration for all that is true and good in their worship of God; * * * the followers of the great Afro-Asiatic religions.

The encyclical gives eloquent and renewing meaning to the fundamental beliefs of the Roman Catholic Church, but it also gives respectful recognition to "the moral and spiritual values of the various non-Christian religions. We desire to join with them,"

Pope Paul writes:

> In promoting and defending common ideals of religious liberty, human brotherhood, good culture, social welfare and civil order.

All of us, regardless of our own religious affiliations, can join with enthusiasm in this high purpose.

Pope Paul refers to the unifying work of the second Ecumenical Council as "but a continuation and a complement of the first," begun under Pope John XXIII, who so valiantly espoused the cause of religious unity.

Pope Paul writes:

> The mystery of the church is not a mere object of theological knowledge; it is something to be lived.

This passage, it seems to me, is profoundly applicable to all religious experience.

Near the beginning of the encyclical, Pope Paul offers to assist as a mediator, "where an opportunity presents itself," in international conflicts, so that an honorable peace may be secured; and toward the conclusion, in writing of the dialog he proposes, he urges "new fervor, new themes and speakers."

Mr. President, in the highest traditions of other great encyclicals, "Ecclesiam Suam" contains a moving message for all mankind.

The **PRESIDING OFFICER** (Mr. Edmondson in the chair). Is there further morning business? If not, morning business is closed.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The **PRESIDING OFFICER.** Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The Legislative Clerk. A bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. **NELSON.** Mr. President, I intend to discuss this morning the case of Reynolds against Sims. The decision was written by Chief Justice Earl Warren.

In discussing the Supreme Court decision with a number of people in my State, and in looking at my mail, it is perfectly clear that there is a widespread misunderstanding of what the Supreme Court said in the case of Reynolds against Sims. It seems to me that the Record ought to be clear as to the basis on which the Supreme Court made its decision. It is a very compelling argument. It should be made a part of the Record. And I intend to read the Supreme Court decision into the Record, making appropriate comments as I go along.

Mr. Chief Justice Warren delivered the opinion of the Court in this case in the October term, 1963. It reads:

> Involved in these cases are an appeal and two cross-appeals from a decision of the Federal District Court for the Middle District of Alabama holding invalid, under the Equal Protection Clause of the Federal Constitution, the existing and two legislatively proposed plans for the apportionment of seats in the two houses of the Alabama Legislature, and ordering into effect a temporary reapportionment plan comprised of parts of the proposed but judicially disapproved measures.[1]
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> On August 26, 1961, the original plaintiffs (appellees in No. 23), residents, taxpayers and voters of Jefferson County, Alabama, filed a complaint in the United States District Court for the Middle District of Alabama, in their own behalf and on behalf of all similarly situated Alabama voters, challenging the apportionment of the Alabama Legislature. Defendants below (appellants in No. 23), sued in their representative capacities, were various state and political party officials charged with the performance of certain duties in connection with state elections.[2] The complaint alleged a deprivation of rights under the Alabama Constitution and under the Equal Protection Clause of the Fourteenth Amendment, and asserted that the District Court had jurisdiction under provisions of the Civil Rights Act, 42 U.S.C. §§ 1983, 1988, as well as under 28 U.S.C. § 1343(3).
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> The complaint stated that the Alabama Legislature was composed of a Senate of 35 members and a House of Representatives of 106 members. It set out relevant portions of the 1901 Alabama Constitution, which prescribe the number of members of the two bodies of the State Legislature and the method of apportioning the seats among the State's 67 counties, and provide as follows:
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> "Art. IV, Sec. 50. The legislature shall consist of not more than thirty-five senators and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties, as prescribed in this Constitution; provided that in addition to the above number of representatives, each new county hereafter created shall be entitled to one representatives.
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> "Art. IX, Sec. 197. The whole number of senators shall be not less than one-fourth or more than one-third of the whole number of representatives.
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> "Art. IX, Sec. 198. The house of representatives shall consist of not more than one hundred and five members, unless new counties shall be created, in which event each new county shall be entitled to one representative. The members of the house of representatives shall be apportioned by the legislature among the several counties of the state, according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States, which apportionment, when made, shall not be subject to alteration until the next session of the legislature after the next decennial census of the United States shall have been taken.
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> "Art. IX, Sec. 199. It shall be the duty of the legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the state, according to the number of inhabitants in them, respectively; provided, that each county shall be entitled to at least one representative.
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> "Art. IX, Sec. 200. It shall be the duty of the legislature at its first session after taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of senators, and to divide the state into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more; and such districts, when formed, shall not be changed until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the legislature may be attached to senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.
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> "Art. XVIII, Sec. 284. * * * Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments."
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> The maximum size of the Alabama House was increased from 105 to 106 with the creation of a new county in 1903, pursuant to the constitutional provision which states that, in addition to the prescribed 105 House seats, each county thereafter created shall be entitled to one representative. Article IX, sections 202 and 203, of the Alabama Constitution established precisely the boundaries of the State's senatorial and representative districts until the enactment of a new reapportionment plan by the legislature.
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> These 1901 constitutional provisions, specifically describing the composition of the senatorial districts and detailing the number of House seats allocated to each county, were periodically enacted as statutory measures

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[1] *Sims* v. *Frink*, 208 F. Supp. 431 (D.C.M.D. Ala. 1962). All decisions of the District Court in this litigation are reported *sub nom. Sims* v. *Frink*.

[2] Included among the defendants were the Secretary of State and the Attorney General of Alabama, the Chairmen and Secretaries of the Alabama State Democratic Executive Committee and the State Republican Executive Committee, and three Judges of Probate of three counties, as representatives of all probate judges of Alabama.

by the Alabama Legislature, as modified only by the creation of an additional county in 1903, and provided the plan of legislative apportionment existing at the time this litigation was commenced.[3]

Plaintiffs below alleged that the last apportionment of the Alabama Legislature was based on the 1900 Federal census, despite the requirement of the State Constitution that the legislature be reapportioned decennially. They asserted that, since the population growth in the State from 1900 to 1960 had been uneven, Jefferson and other counties were now victims of serious discrimination with respect to the allocation of legislative representation. As a result of the failure of the legislature to reapportion itself, plaintiffs asserted, they were denied "equal suffrage in free and equal elections * * * and the equal protection of the laws" in violation of the Alabama Constitution and the Fourteenth Amendment to the Federal Constitution. The complaint asserted that plaintiffs had no other adequate remedy, and that they had exhausted all forms of relief other than that available through the Federal courts. They alleged that the Alabama Legislature had established a pattern of prolonged inaction from 1911 to the present which "clearly demonstrates that no reapportionment * * * shall be effected"; that representation at any future constitutional convention would be established by the legislature, making it unlikely that the membership of any such convention would be fairly representative; and that, while the Alabama Supreme Court had found that the legislature had not complied with the State Constitution in failing to reapportion according to population decenially,[4] that court had nevertheless indicated that it would not interfere with matters of legislative reapportionment.[5]

Plaintiffs requested that a three-judge District Court be convened.[6] With respect to relief, they sought a declaration that the existing constitutional and statutory provisions, establishing the present apportionment of seats in the Alabama Legislature, were unconstitutional under the Alabama and Federal Constitutions, and an injunction against the holding of future elections for legislators until the legislature reapportioned itself in accordance with the State Constitution. They further requested the issuance of a mandatory injunction, effective until such time as the legislature properly reapportioned, requiring the conducting of the 1962 election for legislators at large over the entire State, and any other relief which "may seem just, equitable and proper."

A three-judge District Court was convened, and three groups of voters, taxpayers and residents of Jefferson, Mobile, and Etowah Counties were permitted to intervene in the action as intervenor-plaintiffs. Two of the groups are cross-appellants in Nos. 27 and 41. With minor exceptions, all of the intervenors adopted the allegations of and sought the same relief as the original plaintiffs.

On March 29, 1962, just three days after this Court had decided *Baker* v. *Carr*, 369 U.S. 186, plaintiffs moved for a preliminary injunction requiring defendants to conduct at large the May 1962 Democratic primary election and the November 1962 general election for members of the Alabama Legislature. The District Court set the motion for hearing in an order stating its tentative views that an injunction was not required before the May 1962 primary election to protect plaintiffs' constitutional rights, and that the Court should take no action which was not "absolutely essential" for the protection of the asserted constitutional rights, before the Alabama Legislature had had a "further reasonable but prompt opportunity to comply with its duty" under the Alabama Constitution.

On April 14, 1962, the District Court, after reiterating the views expressed in its earlier order, reset the case for hearing on July 16, noting that the importance of the case, together with the necessity for effective action within a limited period of time, required an early announcement of its views. 205 F. Supp. 245. Relying on our decision in *Baker* v. *Carr*, the Court found jurisdiction, justiciability and standing. It stated that it was taking judicial notice of the facts that there had been population changes in Alabama's counties since 1901, that the present representation in the State Legislature was not on a population basis, and that the legislature had never reapportioned its membership as required by the Alabama Constitution.[7] Continuing, the Court stated that if the legislature complied with the Alabama constitutional provision requiring legislative representation to be based on population there could be no objection on Federal constitutional grounds to such an apportionment. The Court further indicated that, if the legislature failed to act, or its actions did not meet constitutional standards, it would be under a "clear duty" to take some action on the matter prior to the November 1962 general election. The District Court stated that its "present thinking" was to follow an approach suggested by Mr. Justice Clark in his concurring opinion in *Baker* v. *Carr*[8]—awarding seats released by the consolidation or revamping of existing districts to counties suffering "the most egregious discrimination," thereby releasing the strangle hold on the legislature sufficiently so as to permit the newly elected body to enact a constitutionally valid and permanent reapportionment plan, and allowing eventual dismissal of the case. Subsequently, plaintiffs were permitted to amend their complaint by adding a further prayer for relief, which asked the District Court to reapportion the Alabama Legislature provisionally so that the rural strangle hold would be relaxed enough to permit it to reapportion itself.

On July 12, 1962, an extraordinary session of the Alabama Legislature adopted two reapportionment plans to take effect for the 1966 elections. One was a proposed constitutional amendment, referred to as the "67-Senator Amendment."[9] It provided for a House of Representatives consisting of 106 members, apportioned by giving one seat to each of Alabama's 67 counties and distributing the others according to population by the "equal proportions" method.[10] Using this formula, the constitutional amendment specified the number of representatives allotted to each county until a new apportionment could be made on the basis of the 1970 census. The Senate was to be composed of 67 members, one from each county. The legislation provided that the proposed amendment should be submitted to the voters for ratification at the November 1962 general election.

The other reapportionment plan was embodied in a statutory measure adopted by the legislature and signed into law by the Alabama Governor, and was referred to as the "Crawford-Webb Act."[11] It was enacted as standby legislation to take effect in 1966 if the proposed constitutional amendment should fail of passage by a majority of the State's voters, or should the federal courts refuse to accept the proposed amendment (though not rejected by the voters) as effective action in compliance with the requirements of the Fourteenth Amendment. The act provided for a Senate consisting of 35 members, representing 35 senatorial districts established along county lines, and altered only a few of the former districts. In apportioning the 106 seats in the Alabama House of Representatives, the statutory measure gave each county one seat, and apportioned the remaining 39 on a rough population basis, under a formula requiring increasingly more population for a county to be accorded additional seats. The Crawford-Webb Act also provided that it would be effective "until the legislature is reapportioned according to law," but provided no standards for such a reapportionment. Future apportionments would presumably be based on the existing provisions of the Alabama Constitution which the statute, unlike the proposed constitutional amendment, would not affect.

The evidence adduced at trial before the three-judge panel consisted primarily of figures showing the population of each Alabama county and senatorial district according to the 1960 census, and the number of representatives allocated to each county under each of the three plans at issue in the litigation—the existing apportionment (under the 1901 constitutional provisions and the current statutory measures substantially reenacting the same plan), the proposed 67-Senator constitutional amendment, and the Crawford-Webb Act. Under all three plans, each senatorial district would be represented by only one senator.

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[3] Provisions virtually identical to those contained in Art. IX, secs. 202 and 203, were enacted into the Alabama Codes of 1907 and 1923, and were most recently reenacted as statutory provisions in secs. 1 and 2 of title 32 of the 1940 Alabama Code (as recompiled in 1958).

[4] See *Opinion of the Justices*, 263 Ala. 158, 164, 81 So. 2d 881, 887 (1955), and *Opinion of the Justices*, 254 Ala. 185, 187, 47 So. 2d 714, 717 (1950), referred to by the District Court in its preliminary opinion. 205 F. Supp., at 247.

[5] See *Ex parte Rice*, 143 So. 2d 248 (Ala. Sup. Ct. 1962), where the Alabama Supreme Court, on May 9, 1962, subsequent to the District Court's preliminary order in the instant litigation as well as our decision in *Baker* v. *Carr*, 369 U.S. 186, refused to review a denial of injunctive relief sought against the conducting of the 1962 primary election until after reapportionment of the Alabama Legislature, stating that "this matter is a legislative function, and * * * the Court has no jurisdiction." And in *Waid* v. *Pool*, 255 Ala. 441, 51 So. 2d 869 (1951), the Alabama Supreme Court, in a similar suit, had stated that the lower court had properly refused to grant injunctive relief because "appellants * * * are seeking interference by the judicial department of the state in respect to matters committed by the constitution to the legislative department." 255 Ala. at 442, 51 So. 2d, at 870.

[6] Under 28 U.S.C. §§ 2281 and 2284.

[7] During the over 60 years since the last substantial reapportionment in Alabama, the State's population increased from 1,828,697 to 3,244,286. Virtually all of the population gain occurred in urban counties, and many of the rural counties incurred sizable losses in population.

[8] See 369 U.S., at 260 (Clark, J., concurring).

[9] Proposed Constitutional Amendment No. 1 of 1962, Alabama Senate Bill No. 29, Act No. 93, Acts of Alabama, Special Session, 1962, p. 124. The text of the proposed amendment is set out as Appendix B to the lower court's opinion. 208 F. Supp., at 443–444.

[10] For a discussion of this method of apportionment, used in distributing seats in the Federal House of Representatives among the States, and other commonly used apportionment methods, see Schmeckebier, The Method of Equal Proportions, 17 Law and Contemp. Prob. 302 (1952).

[11] Alabama Reapportionment Act of 1962, Alabama House Bill No. 59, Act No. 91, Acts of Alabama, Special Session, 1962, p. 121. The text of the act is reproduced as Appendix C to the lower court's opinion. 208 F. Supp., at 445–446.

On July 21, 1962, the District Court held that the inequality of the existing representation in the Alabama Legislature violated the Equal Protection Clause of the Fourteenth Amendment, a finding which the Court noted had been "generally conceded" by the parties to the litigation, since population growth and shifts had converted the 1901 scheme, as perpetuated some 60 years later, into an invidiously discriminatory plan completely lacking in rationality. 208 F. Supp. 431. Under the existing provisions, applying 1960 census figures, only 25.1% of the State's total population resided in districts represented by a majority of the members of the Senate, and only 25.7% lived in counties which could elect a majority of the members of the House of Representatives. Population-variance ratios of up to about 41-to-1 existed in the Senate, and up to about 16-to-1 in the House. Bullock County, with a population of only 13,462, and Henry County, with a population of only 15,286, each were allocated two seats in the Alabama House, whereas Mobile County, with a population of 314,301, was given only three seats, and Jefferson County, with 634,864 people, had only seven representatives.[12] With respect to senatorial apportionment, since the pertinent Alabama constitutional provisions had been consistently construed as prohibiting the giving of more than one Senate seat to any one county,[13] Jefferson County, with over 600,000 people, was given only one senator, as was Lowndes County, with a 1960 population of only 15,417, and Wilcox County, with only 18,739 people.[14]

The Court then considered both the proposed constitutional amendment and the Crawford-Webb Act to ascertain whether the legislature had taken effective action to remedy the unconstitutional aspects of the existing apportionment. In initially summarizing the result which it had reached, the Court stated:

"This Court has reached the conclusion that neither the '67-Senator Amendment' nor the 'Crawford-Webb Act' meets the necessary constitutional requirements. We find that each of the legislative acts, when considered as a whole, is so obviously discriminatory, arbitrary and irrational that it becomes unnecessary to pursue a detailed development of each of the relevant factors of the [federal constitutional] test."[15]

The Court stated that the apportionment of the senator to each county, under the proposed constitutional amendment, would "make the discrimination in the Senate even more invidious than at present." Under the 67-Senator Amendment, as pointed out by the court below, "the present control of the Senate by members representing 25.1 percent of the people of Alabama would be reduced to control by members representing 19.4 percent of the people of the State," the 34 smallest counties, with a total population of less than that of Jefferson County, would have a majority of the senatorial seats, and senators elected by only about 14 percent of the State's population could prevent the submission to the electorate of any future proposals to amend the State Constitution (since a vote of two-fifths of the members of one house can defeat a proposal to amend the Alabama Constitution).

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, first I commend my colleague from Wisconsin for reading this landmark decision into the RECORD, because it is such a masterful and brilliant work by Chief Justice Warren, who wrote the majority opinion. Second, I should like to ask my colleague, in view of what he has read from the Supreme Court's views on what the Alabama Legislature proposed, whether this is not an excellent answer to the arguments that have been made, including the argument that was made earlier today by the Senator from Nebraska [Mr. CURTIS], that all we need do is to leave this question to the States and the States will solve their problems; that they will provide for a constitutional reapportionment according to their own State constitutions. Is it not true in this particular case that not only did Alabama, after 60 years, not take care of the situation, but that the Alabama Legislature proposed two acts which would have made the situation even less fair?

Mr. NELSON. The Senator is absolutely correct. One thing that is not understood across the country is that this landmark decision relates to a case in which the Alabama constitution itself provided for a population apportionment. That was a constitution adopted by the people of Alabama. But for 60 years, the Alabama Legislature refused to reapportion itself, until a stage was reached where 25 percent of the people were electing more than 50 percent of the representatives. The legislature simply refuses to comply with Alabama's own constitution. This is not a case in which the Supreme Court of the United States was upsetting the constitution of a State; this is a case in which the Supreme Court in fact upheld the constitution of the State of Alabama.

Mr. PROXMIRE. That point is highly important. It is easy for us in considering these cases to argue that the Supreme Court is moving in on a State supreme court or is moving in on a State legislature, disregarding the prudent action by a State legislature. The facts that the Senator from Wisconsin has just given to the Senate by reading the decision of Chief Justice Warren seem to me to be absolutely unanswerable. I do not know how anyone who really believes in fair representation, even if he does not accept the principle of one man, one vote, but feels there should be some kind of balance, as some like to put it, could possibly accept as a fair basis for representation what the Alabama Legislature provided as a solution. What other remedy was there for Alabama citizens except the U.S. Supreme Court? The State supreme court had refused to act.

The service the Senator from Wisconsin is performing today is most helpful. I hope that Senators who are at all interested in the subject will take the time to read the decision which the Senator from Wisconsin is placing in the RECORD. Without a knowledge of what Chief Justice Warren is saying in this crucial decision, it is difficult to evaluate the Dirksen amendment.

Mr. NELSON. I thank the Senator. It is interesting to note also that under the proposed apportionment State senators representing only 14 percent of the people of the State of Alabama could prevent any constitutional amendment from being submitted to the people of that State. The Supreme Court of the United States, far from taking rights away, was implementing the rights of the people of Alabama. It was the legislature itself, controlled by a small percentage of members, which was effectively denying to the majority of the people of Alabama their rights.

I should think the people of this country would welcome the opportunity that the Supreme Court gives them in this case to take control of their own legislative situation. In this particular case the people were being deprived of their constitutional rights by the legislature.

Mr. PROXMIRE. The Senator is correct. We are inclined to overlook the fact that whereas members of State legislatures—and the junior Senator from Wisconsin served for 10 years in the legislature of Wisconsin—are, by and large, fine, thoughtful people, still this apportionment problem is a subject that directly affects their own particular interests. It affects their own careers. It affects the careers of their friends, and those with whom they have served in State legislatures for a long time. So they are very strongly inclined to resist a change. Whereas in many other cases they would be perfectly openminded and fairminded, acting in the interests of the whole State, when it comes to reapportionment and a change in which the makeup of their own legislative body could be made more representative, the human element enters. It is a perfectly natural, predictable human element. Thus it can be seen that what the Alabama Legislature did in this case will be reflected in the actions of the legislatures of most other States.

The junior Senator from Wisconsin knows this well, because he served for 10 years as a State senator and also served 4 years as Governor of Wisconsin, he was in the middle of the difficult, complicated problem of the reapportionment of the Wisconsin legislature. We had every advantage in Wisconsin, because there was a tradition of apportionment in our State to remove the inequity. In spite of that, the Senator knows how difficult it was to get action, finally, in Wisconsin. It was necessary to rely on an outside body having some objectivity—our State supreme court—before we could get a favorable decision and provide equal representation in Wisconsin.

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[12] A comprehensive chart showing the representation by counties in the Alabama House of Representatives under the existing apportionment provisions is set out as Appendix D to the lower court's opinion. 208 F. Supp., at 447–449. This chart includes the number of House seats given to each county, and the populations of the 67 Alabama counties under the 1900, 1950, and 1960 censuses.

[13] Although cross-appellants in No. 27 assert that the Alabama Constitution forbids the division of a county, in forming senatorial districts, only when one or both pieces will be joined with another county to form a multicounty district, this view appears to be contrary to the language of Art. IX, § 200, of the Alabama Constitution and the practice under it. Cross-appellants contend that counties entitled by population to two or more senators can be split into the appropriate number of districts, and argue that prior to the adoption of the 1901 provisions the Alabama Constitution so provided and there is no reason to believe that the language of the present provision was intended to effect any change. However, the only apportionments under the 1901 Alabama Constitution—the 1901 provisions and the Crawford-Webb Act—gave no more than one seat to a county even though by population several counties would have been entitled to additional senatorial representation.

[14] A chart showing the composition, by counties, of the 35 senatorial districts provided for under the existing apportionment, and the population of each according to the 1900, 1950, and 1960 censuses, is reproduced as Appendix E to the lower court's opinion. 208 F. Supp., at 450.

[15] 208 F. Supp., at 437.

Mr. NELSON. That is correct. I further point out—and I think the public should understand this—that the proposed apportionment was in violation of the Alabama constitution. Eighty-six percent of the people of Alabama could desire an opportunity to be represented on a population basis under their constitution or could desire a constitutional amendment; yet Senators representing 14 percent of the people could deny that opportunity. The only remedy the people of Alabama had was to apply to the U.S. Supreme Court. Otherwise, this situation could have continued for endless years in violation of the Alabama constitution.

I continue to read:

> Noting that the "only conceivable rationalization" of the senatorial apportionment scheme is that it was based on equal representation of political subdivisions within the State and is thus analogous to the Federal Senate, the District Court rejected the analogy on the ground that Alabama counties are merely involuntary political units of the State created by statute to aid in the administration of State government. In finding the so-called Federal analogy irrelevant, the District Court stated:
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> "The analogy cannot survive the most superficial examination into the history of the requirement of the Federal Constitution and the diametrically opposing history of the requirement of the Alabama constitution that representation shall be based on population. Nor can it survive a comparison of the different political natures of States and counties."[16]
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> The Court also noted that the senatorial apportionment proposal "may not have complied with the State Constitution," since not only is it explicitly provided that the population basis of legislative representation "shall not be changed by constitutional amendments,"[17] but the Alabama Supreme Court had previously indicated that that requirement could probably be altered only by constitutional convention.[18] The Court concluded, however, that the apportionment of seats in the Alabama House, under the proposed constitutional amendment, was "based upon reason, with a rational regard for known and accepted standards of apportionment."[19] Under the proposed apportionment of representatives, each of the 67 counties was given one seat and the remaining 39 were allocated on a population basis. About 43% of the State's total population would live in counties which could elect a majority in that body. And, under the provisions of the 67-Senator Amendment, while the maximum population-variance ratio was increased to about 59-to-1 in the Senate, it was significantly reduced to about 4.7-to-1 in the House of Representatives. Jefferson County was given 17 House seats, an addition of 10, and Mobile County was allotted eight, an increase of five. The increased representation of the urban counties was achieved primarily by limiting the State's 55 least populous counties to one House seat each, and the net effect was to take 19 seats away from rural counties and allocate them to the more populous counties. Even so, serious disparities from a population-based standard remained. Montgomery County, with 169,210 people, was given only four seats, while Coosa County, with a population of only 10,726, and Cleburne County, with only 10,911, were each allocated one representative.
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> Turning next to the provisions of the Crawford-Webb Act, the District Court found that its apportionment of the 106 seats in the Alabama House of Representatives, by allocating one seat to each county and distributing the remaining 39 to the more populous counties in diminishing ratio to their populations, was "totally unacceptable."[20] Under this plan, about 37% of the State's total population would reside in counties electing a majority of the members of the Alabama House, with a maximum population-variance ratio of about 5-to-1. Each representative from Jefferson and Mobile Counties would represent over 52,000 persons while representatives from eight rural counties would each represent less than 20,000 people. The Court regarded the senatorial apportionment provided in the Crawford-Webb Act as "a step in the right direction, but an extremely short step," and but a "slight improvement over the present system of representation."[21] The net effect of combining a few of the less populous counties into two-county districts and splitting up several of the larger districts into smaller ones would be merely to increase the minority which would be represented by a majority of the members of the Senate from 25.1% to only 27.6% of the State's population.[22] The Court pointed out that under the Crawford-Webb Act, the vote of a person in the senatorial district consisting of Bibb and Perry Counties would be worth 20 times that of a citizen in Jefferson County, and that the vote of a citizen in the six smallest districts would be worth 15 or more times that of a Jefferson County voter. The Court concluded that the Crawford-Webb Act was "totally unacceptable" as a "piece of permanent legislation" which, under the Alabama Constitution, would have remained in effect without alteration at least until after the next decennial census.
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> Under the detailed requirements of the various constitutional provisions relating to the apportionment of seats in the Alabama Senate and House of Representatives, the Court found, the membership of neither house can be apportioned solely on a population basis, despite the provision in Art. XVIII, § 284, which states that "representation in the legislature shall be based upon population." In dealing with the conflicting and somewhat paradoxical requirements (under which the number of seats in the House is limited to 106 but each of the 67 counties is required to be given at least one representative, and the size of the Senate is limited to 35 but it is required to have at least one-fourth of the members of the House, although no county can be given more than one senator), the District Court stated its view that "the controlling or dominant provision of the Alabama Constitution on the subject of representation in the Legislature" is the previously referred to language of § 284. The Court stated that the detailed requirements of Art. IX, §§ 197–200, "make it obvious that in *neither* the House nor the Senate can representation be based strictly and entirely upon population. The result may well be that representation according to population *to some extent* must be required in *both* Houses if invidious discrimination in the legislative systems as a whole is to be avoided. Indeed * * * it is the policy and theme of the Alabama Constitution to require representation according to population in both Houses as nearly as may be, while still complying with more detailed provisions."[23]
>
> The District Court then directed its concern to the providing of an effective remedy. It indicated that it was adopting and ordering into effect for the November 1962 election a provisional and temporary reapportionment plan composed of the provisions relating to the House of Representatives contained in the 67-Senator Amendment and the provisions of the Crawford-Webb Act relating to the Senate. The Court noted, however, that "the proposed reapportionment of the Senate in the 'Crawford-Webb Act,' unacceptable as a piece of permanent legislation, may not even break the strangle hold." Stating that it was retaining jurisdiction and deferring any hearing on plaintiffs' motion for a permanent injunction "until the Legislature, as provisionally reapportioned * * * has an opportunity to provide for a true reapportionment of both Houses of the Alabama Legislature," the Court emphasized that its "moderate" action was designed to break the strangle hold by the smaller counties on the Alabama Legislature and would not suffice as a permanent reapportionment. On July 25, 1962, the Court entered its decree in accordance with its previously stated determinations, concluding that "plaintiffs * * * are denied

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[16] Id., at 438.

[17] According to the District Court, in the interval between its preliminary order and its decision on the merits, the Alabama Legislature, despite adopting this constitutional amendment proposal, "refused to inquire of the Supreme Court of the State of Alabama whether this provision in the Constitution of the State of Alabama could be changed by constitutional amendment as the '67-Senator Amendment' proposes." 208 F. Supp., at 437.

[18] At least this is the reading of the District Court of two somewhat conflicting decisions by the Alabama Supreme Court, resulting in a "manifest uncertainty of the legality of the proposed constitutional amendment, as measured by State standards * * *." 208 F. Supp., at 438. Compare *Opinion of the Justices*, 254 Ala. 183, 184, 47 So. 2d 713, 714 (1950) with *Opinion of the Justices*, 263 Ala. 158, 164, 81 So. 2d 881, 887 (1955).

[19] See the later discussion, infra, at —, and note 68, infra, where we reject the lower court's apparent conclusion that the apportionment of the Alabama House, under the 67-Senator Amendment, comported with the requirements of the Equal Protection Clause.

[20] While no formula for the statute's apportionment of representatives is expressly stated, one can be extrapolated. Counties with less than 45,000 people are given one seat; those with 45,000 to 90,000 receive two seats; counties with 90,000 to 150,000, three seats; those with 150,000 to 300,000, four seats; counties with 300,000 to 600,000, six seats; and counties with over 600,000 are given 12 seats.

[21] Appendix F to the lower court's opinion sets out a chart showing the populations of the 35 senatorial districts provided for under the Crawford-Webb Act and the composition, by counties, of the various districts. 208 F. Supp., at 451.

[22] Cross-appellants in No. 27 assert that the Crawford-Webb Act was a "minimum-change measure" which merely redrew new senatorial district lines around the nominees of the May 1962 Democratic primary so as to retain the seats of 34 of the 35 nominees, and resulted, in practical effect, in the shift of only one Senate seat from an overrepresented district to another underpopulated, newly created district.

[23] 208 F. Supp., at 439.

* * * equal protection * * * by virtue of the debasement of their votes since the Legislature of the State of Alabama has failed and continues to fail to reapportion itself as required by law." It enjoined the defendant state officials from holding any future elections under any of the apportionment plans that it had found invalid, and stated that the 1962 election of Alabama legislators could validly be conducted only under the apportionment scheme specified in the Court's order.

After the District Court's decision, new primary elections were held pursuant to legislation enacted in 1962 at the same special session as the proposed constitutional amendment and the Crawford-Webb Act, to be effective in the event the Court itself ordered a particular reapportionment plan into immediate effect. The November 1962 general election was likewise conducted on the basis of the District Court's ordered apportionment of legislative seats, as Mr. Justice Black refused to stay the District Court's order. Consequently, the present Alabama Legislature is apportioned in accordance with the temporary plan prescribed by the District Court's decree. All members of both houses of the Alabama Legislature serve four-year terms, so that the next regularly scheduled election of legislators will not be held until 1966. The 1963 regular session of the Alabama Legislature produced no legislation relating to legislative apportionment,[24] and the legislature, which meets biennially, will not hold another regular session until 1965.

No effective political remedy to obtain relief against the alleged malapportionment of the Alabama Legislature appears to have been available.[25] No initiative procedure exists under Alabama law. Amendment of the State Constitution can be achieved only after a proposal is adopted by three-fifths of the members of both houses of the legislature and is approved by a majority of the people,[26] or as a result of a constitutional convention convened after approval by the people of a convention call initiated by a majority of both houses of the Alabama Legislature.[27]

Notices of appeal to this Court from the District Court's decision were timely filed by defendants below (appellants in No. 23) and by two groups of intervenor-plaintiffs (cross-appellants in Nos. 27 and 41). Appellants in No. 23 contend that the District Court erred in holding the existing and the two proposed plans for the apportionment of seats in the Alabama Legislature unconstitutional, and that a federal court lacks the power to affirmatively reapportion seats in a state legislature. Cross-appellants in No. 27 assert that the court below erred in failing to compel reapportionment of the Alabama Senate on a population basis as allegedly required by the Alabama Constitution and the Equal Protection Clause of the Federal Constitution. Cross-appellants in No. 41 contend that the District Court should have required and ordered into effect the apportionment of seats in both houses of the Alabama Legislature on a population basis. We noted probable jurisdiction on June 10, 1963. 374 U.S. 802.

II

Undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in State as well as in Federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, *Ex parte Yarbrough,* 110 U.S. 651, and to have their votes counted, *United States* v. *Mosely,* 238 U.S. 383. In *Mosely* the Court stated that it is "as equally unquestionable that the right to have one's vote counted is as open to protection * * * as the right to put a ballot in a box." 238 U.S., at 386. The right to vote can neither be denied outright, *Guinn* v. *United States,* 238 U.S. 347, *Lane* v. *Wilson,* 307 U.S. 268, nor can it be destroyed by alteration of ballots, see *United States* v. *Classic,* 313 U.S. 299, 315, nor diluted by ballot-box stuffing, *Ex parte Siebold,* 100 U.S. 371, *United States* v. *Saylor,* 322 U.S. 385. As the Court stated in *Classic,* "Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted." 315 U.S. at 315. Racially based gerrymandering, *Gomillion* v. *Lightfoot,* 364 U.S. 339, and the conducting of white primaries, *Nixon* v. *Herndon,* 273 U.S. 536, *Nixon* v. *Condon,* 286 U.S. 73, *Smith* v. *Allwright,* 321 U.S. 649, *Terry* v. *Adams,* 345 U.S. 461, both of which result in denying to some citizens their right to vote, have been held to be constitutionally impermissible. And history has seen a continuing expansion of the scope of the right of suffrage in this country.[28] The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free excerise of the franchise.[29]

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. I interrupt the Senator, although I dislike to do so, because I believe that what he has just read is absolutely crucial in answering what I believe is one of the main challenges to the one-man, one-vote thesis that has been advanced by some Senators and by the Supreme Court.

The Senator from Nebraska made a strong challenge the other day, and again today, on this point. People frequently argue that this is not a right similar to the right of freedom of speech, the right of worship, the right of assembly, and so forth.

In the two sentences that the Senator has just read, it seems to me that we get to the crux only not of the question of the right to vote, but also the right to have the vote counted, and counted equally with the vote of other persons.

If the Senator will permit me, I should like to read those two sentences again. They read:

> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

The junior Senator from Wisconsin is rendering a great service to the Senate in reading this decision. It is most important to stress the crucial point which Chief Justice Warren makes so clear in those two sentences. This is a statement on which we must base our opposition to the Dirksen proposal. The Dirksen proposal is frankly designed to permit a constitutional referendum which would destroy forever our one-man, one-vote principle in the State legislatures.

The two sentences that the Senator has read are a direct and convincing answer to those who argue that this right somehow is not one that needs constitutional protection—the kind of protection that the Court has given in this case.

Mr. NELSON. I am glad that the senior Senator from Wisconsin called special attention to these two sentences. The two pages from this part of the decision, pages 19 and 20, recite a long series of cases, pointing out that there are all kinds of ways in which to deny the right to citizens to have their voice heard appropriately through the ballot box. It is pointed out that all of the ways are unconstitutional. It is unconstitutional to deny some people the right to vote, as has been done in many places. It is a denial of their constitutional right if their vote is not counted, once it is placed in the ballot box. It is a denial of their constitutional right if the ballot box is stuffed so that there is a disproportionate weight given to the ballot stuffer's box.

It is further pointed out, as the senior Senator from Wisconsin has emphasized, that there are all kinds of ways to debase the constitutional right of the ballot box. One of the ways is to have one voter's vote count for more than another voter's vote. That is no different from stuffing a ballot box or denying people a right to vote.

If I were to live in a rural area and my vote were the equivalent of 50 votes in a city, that would be an effective denial of the rights of the people who live in that city area.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. LAUSCHE. I have listened to the dialog between the Senators from

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[24] Possibly this resulted from an understandable desire on the part of the Alabama Legislature to await a final determination by this Court in the instant litigation before proceeding to enact a permanent apportionment plan.

[25] However, a proposed constitutional amendment, which would have made the Alabama House of Representatives somewhat more representative of population but the Senate substantially less so, was rejected by the people in a 1956 referendum, with the more populous counties accounting for the defeat.

See the discussion in *Lucas* v. *The Forty-Fourth General Assembly of the State of Colorado,* —— U.S. ——, ———, decided also this date, with respect to the lack of federal constitutional significance of the presence or absence of an available political remedy.

[26] Ala. Const., Art. XVIII, § 284.

[27] Ala. Const., Art. XVIII, § 286.

[28] The 15th, 17th, 19th, 23d, and 24th amendments to the Federal Constitution all involve expansions of the right of suffrage. Also relevant, in this regard, is the civil rights legislation enacted by Congress in 1957 and 1960.

[29] As stated by Mr. Justice Douglas in *South* v. *Peters,* 339 U.S. 276, 279:

"There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. The right to vote includes the right to have the ballot counted. It also includes the right to have the vote counted at full value without dilution or discount. That federally protected right suffers substantial dilution * * * [where a] favored group has full voting strength * * * [and] the groups not in favor have their votes discounted." (Douglas, J., dissenting.)

Wisconsin. Would the Senator go so far as to say that the rights of Ohio voters in the deliberative process of law-passing proceedings in the Congress had been denied to them? I point out that Ohio has a population of 10.5 million and has 2 Senators in the U.S. Senate. Rhode Island, with a population of about 900,000, also has 2 Senators. How would the Senator from Wisconsin rationalize that difference in the representation of 11 million people in Ohio, having 2 Senators in the Senate, with the representation of 900,000 people in Rhode Island, which likewise is entitled to 2 Senators?

Mr. NELSON. I suppose that the issue raised by the Senator from Ohio has been rehashed on the floor of the Senate dozens of times. The other day I heard a discussion of it.

As the Senator well knows, at the time the Constitution of the United States was formed there was 13 sovereign Colonies. There was no U.S. Government. There was no U.S. Constitution. Those sovereign nations—Colonies—got together. Each individual Colony had all the constitutional powers to govern within its particular geographic area. The sovereign Colonies delegated to a Federal Government certain powers and reserved certain powers to themselves.

As a former distinguished Governor, the Senator from Ohio is well aware of the fact that States are sovereign States and have certain sovereign powers. They reserved to themselves the right to have the representation of two Senators for each State to speak for the sovereign rights of the States in return for their joining in a Federal union.

That is an entirely different question from the question of giving to counties, as Alabama and many other States do, a representative status. As the Senator knows, a county is naught but for the authority given to it by the State. A county is a creature of the State. The Supreme Court flatly rejected the argument. The Court dealt with that exact question.

Mr. LAUSCHE. Will the Senator direct my attention to the page of the opinion to which he refers? I know I read it.

Mr. NELSON. The analogy which the Senator has raised appears on page 13 of the opinion. I shall read it:

> The analogy cannot survive the most superficial examination into the history of the requirement of the Federal Constitution and the diametrically opposing history of the requirement of the Alabama constitution that representation shall be based on population. Nor can it survive a comparison of the different political natures of States and counties.

Of course, as the Senator is well aware, the Reynolds against Sims case——

Mr. LAUSCHE. I understand that the Court said that the States are sovereign, and therefore, we may not draw an analogy with the situation of counties, which are not sovereign. But my question is, how does the Senator explain away the fact that 900,000 citizens of Rhode Island have 2 Senators, and 11 million people of Ohio have 2 Senators? Are not the votes of the citizens of Ohio diluted? If the Senator's argument is sound, that every citizen should have one vote, and that his vote should not be diluted in any manner, are not the votes of the 16 million people in California, which is entitled to only 2 Senators—1 Senator for 8 million people—diluted with the votes of the 2 Senators from Rhode Island, which has 900,000 citizens—1 Senator for 450,000?

Does not the Constitution of the United States debase the votes of the citizens of Ohio, California, New York, Illinois, Texas, Michigan, Pennsylvania, and other States?

Mr. NELSON. As the Senator is well aware, when the Colonies met in Constitutional Convention, they enumerated the powers which they were willing to delegate to the Federal Government and reserved all the remainder of the powers to themselves. That became a provision of the Federal Constitution.

In Reynolds against Sims, the Alabama constitution is dealt with. That constitution provides that apportionment in that State, in both the house of representatives and the senate, shall be on a population basis. For 60 years the Alabama Legislature has ignored its own constitution.

What the Supreme Court really did was to enforce the Alabama constitution.

Mr. LAUSCHE. But Ohio has been affected by the decision. For 61 years each county in Ohio has been entitled to at least one representative. That means there are 88 representatives, since 1 is guaranteed for each county. But under the constitutional provision we are entitled to 137. So the 88 subtracted from 137 left 49 that were distributed to the larger cities. For 61 years Ohio proceeded on the assumption that it was acting constitutionally.

The Supreme Court came along and ruled, "What you have done is invalid. You have been violating the law, although you wrote into your constitution that there shall be one representative for each county."

My inquiry is as follows: Why should not Ohio, and the other 49 States, if they so desire, within the next 2 years, be given the opportunity of amending the Constitution of the United States so that there shall be representation geographically and by population?

Mr. NELSON. As the Senator knows, the States and the people of this country are entitled to initiate a constitutional amendment at any time they wish. That is not what we are doing here. What we are trying to do here is to take a decision that has already been rendered by the U.S. Supreme Court and then, by legislative fiat, so to speak, enter a kind of interlocutory decree against the effective date of the implementation of the U.S. Supreme Court decision. It seems to me that that is a dangerous assault upon the whole theory and concept of the separation of powers of this country. When the resolution was first proposed, it was absolutely mandatory. As it was first proposed, it set the U.S. Congress up as a kind of supreme court handling appeals from the U.S. Supreme Court.

As first proposed, without that tiny, little escape clause, it would mean that we could postpone the effective date of any decision the Supreme Court makes at any time. I think this is a dangerous business to become involved in. That is why I am opposed to it. I am not opposed to any State amending its own constitution as the people wish to have it amended. I am for giving the people of the States that opportunity, but I am not for using the power of Congress to suspend the effective date of the implementation of decisions of the Supreme Court. Let the Constitution be amended so as to take that power away if that is what the people of the country want.

Mr. LAUSCHE. Mr. President, will the Senator yield further?

Mr. NELSON. I yield.

Mr. LAUSCHE. In Ohio there is a provision that every 20 years there must be submitted to the people the issue of whether they shall have a constitutional convention. This question has been submitted to the people of Ohio since 1903—when the constitution so provided—three times, and each time the people have said, "We want no change in the constitution." Suddenly, in 1964, they are told that what they have been doing is wrong; that they have been violating the Constitution. Why should not the people of Ohio have enough time to proceed, before the Supreme Court decision goes into effect, to determine whether they want to follow what the Supreme Court says is the Constitution or whether they want to change it?

Mr. NELSON. My answer to that question is that we have created under our Constitution a method for amending the Constitution, and the Supreme Court of the United States has said what the law is. The Supreme Court has ruled that these malapportionments are a violation of the Federal Constitution, and that they deny the people the equal protection of the law. Now what it is attempted to have Congress do is to have the implementation of the decision of the Supreme Court delayed. We must have some arbiter, some interpreter, of the Constitution, as the Senator from Ohio well knows. The Supreme Court is such an agency. When the Supreme Court interprets the Constitution on an issue brought before it, that interpretation then becomes the law of the land. There is a procedure for amending the Constitution. The procedure is not the kind of interlocutory decree overruling the Supreme Court or postponing the effective date of the decision as this resolution purports to do.

Mr. LAUSCHE. I would subscribe to that statement if it were not for the fact that the pronouncement of the Supreme Court caught State after State by complete surprise. There was no expectation that the pronouncement would be made that the States were acting in violation of the law. Since the States have been caught by surprise, since they have been unexpectedly told that what they have been doing is wrong, the States ought to have an opportunity to remedy the unexpected assertion made by the Court of what the Constitution meant.

Mr. NELSON. I may say to the distinguished Senator from Ohio that it ought not to have surprised Alabama. Alabama had been violating its own constitution for 60 years. How much notice does Alabama want? This is true of other States. Therefore, some people in Alabama, who felt they were being deprived of their constitutional rights, brought suit. Everyone knew the constitution was being violated. The legislature knew it. How much time should be given the State to continue to deny the people their rights?

Mr. LAUSCHE. There are many States that do not fall into the category of the Southern States that have been mentioned. I do not think it is sound to lump them together, because a bit of coloring enters into the question by making it appear that only Alabama is involved. Ohio also is involved. Many other States have for years had one branch of their legislature chosen on the basis of geographical representation and the other on the basis of population.

Mr. NELSON. The reason I mentioned Alabama is that I am discussing the case of Reynolds against Sims, which is the Alabama case. However, the Senator is absolutely correct. A large number of States in the East, West and the North have been violating their constitutions. My own State of Wisconsin did not comply strictly with our constitution for many years, although we were not as malapportioned as were many other States. We are apportioned now as well as can be on a population basis.

Mr. LAUSCHE. Does the Senator have in mind which judges on the Supreme Court dissented from that opinion?

Mr. NELSON. I think the Justice who dissented in this opinion was Justice Harlan.

Mr. LAUSCHE. I know that Justice Harlan dissented. He wrote the dissenting opinion.

In the Ohio case, which also went to the Supreme Court, three judges of the Circuit Court of Appeals in Cincinnati held that what Ohio was doing was valid and in conformity with its constitution and in conformity with the Constitution of the United States.

I ask the question because when one begins adding individuals, if there were three dissents in the Supreme Court, if there were three minds on the Supreme Court who said what had been done was valid, and three minds on the Circuit Court of Appeals in Cincinnati who also said so, that would leave the score at six against six, showing how close the question is.

I thank the Senator for yielding.

Mr. NELSON. Nobody would suggest that in any of these highly involved and emotional and controversial questions there is not a division of opinion. There is a division of opinion on this question. What I am saying to the Senator is that, as a distinguished lawyer and as a former Governor, he is well aware of what the role and function of the Supreme Court is. I say it is a serious business for Congress to put itself in the position of trying to force a postponement of the effective date of a Supreme Court's decision. We ought to follow the proper procedures to amend the Constitution, if that is what we want to do.

I continue reading from Reynolds against Sims:

> In *Baker* v. *Carr*, 369 U.S. 186, we held that a claim asserted under the Equal Protection Clause challenging the constitutionality of a State's apportionment of seats in its legislature, on the ground that the right to vote of certain citizens was effectively impaired since debased and diluted in effect, presented a justiciable controversy subject to adjudication by federal courts. The spate of similar cases filed and decided by lower courts since our decision in Baker amply shows that the problem of state legislative malapportionment is one that is perceived to exist in a large number of the States.[30] In Baker, a suit involving an attack on the apportionment of seats in the Tennessee Legislature, we remanded to the District Court, which had dismissed the action, for consideration on the merits. We intimated no view as to the proper constitutional standards for evaluating the validity of a state legislative apportionment scheme. Nor did we give any consideration to the question of appropriate remedies. Rather, we simply stated:
>
> "Beyond noting that we have no cause at this stage to doubt the District Court will be able to fashion relief if violations of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at trial."[31]
>
> We indicated in Baker, however, that the Equal Protection Clause provides discoverable and manageable standards for use by lower courts in determining the constitutionality of a state legislative apportionment scheme, and we stated:
>
> "Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they must, that a discrimination reflects *no* policy, but simply arbitrary and capricious action."[32]
>
> Subsequent to Baker, we remanded several cases to the courts below for reconsideration in light of that decision.[33]
>
> In *Gray* v. *Sanders*, 372 U.S. 368, we held that the Georgia county unit system, applicable in statewide primary elections, was unconstitutional since it resulted in a dilution of the weight of the votes of certain Georgia voters merely because of where they resided. After indicating that the Fifteenth and Nineteenth Amendments prohibit a State from overweighting or diluting votes on the basis of race or sex, we stated:
>
> "How then can one person be given twice or ten times the voting power of another person in a statewide election merely because he lives in a rural area or because he lives in the smallest rural county? Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment. The concept of 'we the people' under the Constitution visualizes no preferred class of voters but equality among those who meet the basic qualifications. The idea that every voter is equal to every other voter in his State, when he casts his ballot in favor of one of several competing candidates, underlies many of our decisions."[34]
>
> Continuing, we stated that "there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State." And, finally, we concluded: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments can mean only one thing—one person, one vote."[35]
>
> We stated in *Gray*, however, that that case, "unlike *Baker* v. *Carr* * * * does not involve a question of the degree to which the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives. Nor does it present the question, inherent in the bicameral form of our Federal Government, whether a State may have one house chosen without regard to population."[36]
>
> Of course, in these cases we are faced with the problem not presented in *Gray*—that of determining the basic standards and stating the applicable guidelines for implementing our decision in *Baker* v. *Carr*.
>
> In *Wesberry* v. *Sanders*, 376 U.S. 1, decided earlier this Term, we held that attacks on the constitutionality of congressional districting plans enacted by state legislatures do not present nonjusticiable questions and should not be dismissed generally for "want of equity." We determined that the constitutional test for the validity of congressional districting schemes was one of substantial equality of population among the various districts established by a state legislature for the election of members of the Federal House of Representatives.
>
> In that case we decided that an apportionment of congressional seats which "contracts the value of some votes and expands that of others" is unconstitutional, since "the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote." We concluded that the constitutional prescription for election of members of the House of Representatives "by the People," construed in its historical context, "means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." We further stated:
>
> "It would defeat the principle solemnly embodied in the Great Compromise—equal representation in the House for equal numbers of people—for us to hold that, within the States, legislatures may draw the lines of

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[30] Litigation challenging the constitutionality of state legislative apportionment schemes had been instituted in at least 34 States prior to end of 1962—within nine months of our decision in *Baker* v. *Carr*. See McKay, Political Thickets and Crazy Quilts: Reapportionment and Equal Protection, 61 Mich. L. Rev. 645, 706–710 (1963), which contains an appendix summarizing reapportionment litigation through the end of 1962. See also David and Eisenberg, Devaluation of the Urban and Suburban Vote (1961); Goldberg, The Statistics of Malapportionment, 72 Yale L. J. 90 (1962).

[31] 369 U.S., at 198.

[32] Id., at 226.

[33] *Scholle* v. *Hare*, 369 U.S. 429 (Michigan); *WMCA, Inc.*, v. *Simon*, 370 U.S. 190 (New York).

[34] 372 U.S., at 379–380.

[35] Id., at 381.

[36] Id., at 376. Later in the opinion we again stated:

"Nor does the question here have anything to do with the composition of the state or federal legislature. And we intimate no opinion on the constitutional phases of that problem beyond what we said in *Baker* v. *Carr*." Id., at 378.

congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others."[37]

We found further, in Wesberry, that "our Constitution's plain objective" was that "of making equal representation for equal numbers of people the fundamental goal." We concluded by stating:

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right."[38]

Gray and Wesberry are of course not dispositive of or directly controlling on our decision in these cases involving State legislative apportionment controversies. Admittedly, those decisions, in which we held that, in statewide and in congressional elections, one person's vote must be counted equally with those of all other voters in a State, were based on different constitutional considerations and were addressed to rather distinct problems. But neither are they wholly inapposite. Gray, though not determinative here since involving the weighing of votes in statewide elections, established the basic principle of equality among voters within a State, and held that voters cannot be classified, constitutionally, on the basis of where they live, at least with respect to voting in statewide elections. And our decision in Wesberry was of course grounded on that language of the Constitution which prescribes that members of the Federal House of Representatives are to be chosen "by the People," while attacks on state legislative apportionment schemes, such as that involved in the instant cases, are principally based on the Equal Protection Clause of the Fourteenth Amendment. Nevertheless, Wesberry clearly established that the fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a State. Our problem, then, is to ascertain, in the instant cases, whether there are any constitutionally cognizable principles which would justify departures from the basic standard of equality among voters in the apportionment of seats in State legislatures.

III

A predominant consideration in determining whether a State's legislative apportionment scheme constitutes an invidious discrimination violative of rights asserted under the Equal Protection Clause is that the rights allegedly impaired are individual and personal in nature. As stated by the Court in *United States* v. *Bathgate*, 246 U.S. 220, 227, "the right to vote is personal."[39] While the result of a court decision in a state legislative apportionment controversy may be to require the restructuring of the geographical distribution of seats in a state legislature, the judicial focus must be concentrated upon ascertaining whether there has been any discrimination against certain of the State's citizens which constitutes an impermissible impairment of their constitutionally protected right to vote. Like *Skinner* v. *Oklahoma*, 316 U.S. 535, such a case "touches a sensitive and important area of human rights," and "involves one of the basic civil rights of man," presenting questions of alleged "invidious discriminations * * * against groups or types of individuals in violation of the constitutional guaranty of just and equal laws." 316 U.S., at 536, 541. Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized. Almost a century ago, in *Yick Wo* v. *Hopkins*, 118 U.S. 356, the Court referred to "the political franchise of voting" as "a fundamental political right, because preservative of all rights." 118 U.S., at 370.

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their State legislature. And, if a State should provide that the votes of citizens in one part of the State should be given 2 times, or 5 times, or 10 times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's voters could vote 2, 5, or 10 times for their legislative representatives, while voters living elsewhere could vote only once. And it is inconceivable that a State law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by 2, 5, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable. Of course, the effect of State legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical.[40] Overweighing and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. Two, five, or ten of them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighing the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. One must be ever aware that the Constitution forbids "sophisticated as well as simple-minded modes of discrimination." *Lane* v. *Wilson*, 307 U.S. 268, 275, *Gomillion* v. *Lightfoot*, 364 U.S. 339, 342. As we stated in *Wesberry* v. *Sanders, supra:*

"We do not believe that the Framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of inhabitants. To say that a vote is worth more in one district than in another would * * * run counter to our fundamental ideas of democratic government."[41]

State legislatures are, historically, the fountainhead of representative government in this country. A number of them have their roots in colonial times, and substantially antedate the creation of our Nation and our Federal Government. In fact, the first formal stirrings of American political independence are to be found, in large part, in the views and actions of several of the colonial legislative bodies. With the birth of our National Government, and the adoption and ratification of the Federal Constitution, State legislatures retained a most important place in our Nation's governmental structure. But representative government is in essence self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his State's legislative bodies. Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in State government requires, therefore, that each citizen has an equally effective voice in the election of members of his State legislature. Modern and viable State government needs, and the Constitution demands, no less.

Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of

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[37] 376 U.S., at 14.

[38] Id., at 17–18.

[39] As stated by Mr. Justice Douglas, the rights sought to be vindicated in a suit challenging an apportionment scheme are "personal and individual," *South* v. *Peters*, 339 U.S., at 280, and are "important political rights of the people," *MacDougall* v. *Green*, 335 U.S. 281, 288. (Douglas, J., dissenting.)

[40] As stated by Mr. Justice Black in *Colegrove* v. *Green*, 328 U.S. 549, 569–571:

"No one would deny that the equal protection clause would * * * prohibit a law that would expressly give certain citizens a half-vote and others a full vote. [T]he constitutionally guaranteed right to vote and the right to have one's vote counted clearly imply the policy that State election systems, no matter what their form, should be designed to give approximately equal weight to each vote cast. [A] State legislature cannot deny eligible voters the right to vote for Congressmen and the right to have their vote counted. It can no more destroy the effectiveness of their vote in part and no more accomplish this in the name of 'apportionment' than under any other name." (Black, J., dissenting.)

[41] 376 U.S., at 8. See also id., at 17, quoting from James Wilson, a delegate to the Constitutional Convention and later an Associate Justice of this Court, who stated:

"[A]ll elections ought to be equal. Elections are equal, when a given number of citizens, in one part of the state, choose as many representatives, as are chosen by the same number of citizens, in any other part of the state. In this manner, the proportion of the representatives and of the constituents will remain invariably the same." 2 The Works of James Wilson (Andrews ed. 1896) 15.

And, as stated by Mr. Justice Douglas in *MacDougall* v. *Green*, 355 U.S., at 288, 290:

"[A] regulation * * * [which] discriminates against the residents of the populous counties of the state in favor of rural sections * * * lacks the equality to which the exercise of political rights is entitled under the Fourteenth Amendment.

"Free and honest elections are the very foundation of our republican form of government. Discrimination against any group or class of citizens in the exercise of these constitutionally protected rights of citizenship deprives the electoral process of integrity.

"None would deny that a state law giving some citizens twice the vote of other citizens in either the primary or general election would lack that equality which the Fourteenth Amendment guarantees. * * * The theme of the Constitution is equality among citizens in the exercise of their political rights. The notion that one group can be granted greater voting strength than another is hostile to our standards for popular representative government." (Douglas, J. dissenting.)

a State could elect a majority of that State's legislators.

Mr. LAUSCHE. Mr. President, will the Senator from Wisconsin yield for a question?

The PRESIDING OFFICER (Mr. SALINGER in the chair). Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. NELSON. I am glad to yield for a question.

Mr. LAUSCHE. I invite the attention of the Senator to page 29 of the decision, I wish to paraphrase what is in the second footnote and ask the Senator's opinion about the philosophic soundness of what was said.

My paraphrasing is that all elections ought to be equal. Elections are equal when a given number of citizens in one part of the country choose as many Senators as are chosen by the same number of citizens in any other part of the country. In this manner, the proportion of the representatives and of the constituents will remain invariably the same.

The Senator of Wisconsin will notice that instead of the word "State" I have inserted the word "country."

If it is philosophically sound that a citizen in one part of the State ought to have the same voting power as a citizen in another part of the State—forgetting the Constitution as it is now written—would that same principle of necessity be sound when applied to the country as a whole?

Mr. NELSON. In the first place, there is no comparison between the two. There is no rationale to the proposition that one location within a State should increase the power of one's vote and another location decrease it. Upon what rationale would the Senator do that?

Mr. LAUSCHE. I am forgetting that. I am speaking of the philosophy of one human being having one vote and that there be no debasing of anyone's vote. Does it follow that if we follow this philosophy of the Supreme Court we are, in effect, saying, "Repeal the provision of the Constitution which gives Rhode Island two Senators and some Western States with a population of 300,000, two Senators, and yet Senators be chosen on the basis of population throughout the whole country so as not to debase the vote of any citizen."

Mr. NELSON. That proposition may be argued on either side rationally, but each State has two Senators because of the fundamental proposition that when the Constitution was formulated it was intended by the framers thereof that the sovereign rights of the Colonies being formed into a Federal Union must be protected, and that the sovereign rights of the States must also be protected. It is not comparable to say that within a State we may rationally deprive people of the equality of their vote. I do not see that they are in any way comparable.

To put the question back to the Senator, what principle is promoted within a State to make one person's vote equal to the votes of 500 people? There have been cases like that. On what ground does the Senator defend the proposition?

Mr. LAUSCHE. I do not defend it, but I do state that when the Constitution of the United States was adopted, it provided that each State should have two Senators, which was a representation of geographical areas, and the fact that Members of the House shall be chosen on the basis of population had other reasons than the sovereignty of States.

Madison's papers clearly show in the discussions that there was fear that the populous States would overpower the less populous States, and hence there should be equal representation in the Senate for each State. It was definitely intended that we should not create a legislative body in which the big States would dominate the situation. That was the philosophy which was followed at that time.

Mr. NELSON. The debate at the time shows that powerful persuasive arguments were made against the proposition that each State should have two Senators, and that those of that persuasion lost the cause. I emphasize to the Senator from Ohio that the intent and purpose of having two Senators from each State, regardless of size, was for the specific purpose of protecting the sovereignty and the sovereign rights of those colonies which had joined the Union. That is the rational purpose. It is the one which we might debate, but it is the rational purpose; whereas, there is no rational purpose within a State, in my judgment, to allow these great disparities. They are quite frightening when some cities with 4 million population—I will stand corrected if I am wrong—but I believe that Los Angeles, a city of some several million people, has one Senator; yet another county, with only 200,000 population, also has one Senator. There is no rational way to defend that system and still claim that people's rights under the Constitution are being protected.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, the Senator from Ohio [Mr. LAUSCHE] was a great Governor of the State of Ohio for many years. As a Senator, he has been a great champion of the Federal system of federalism, and of States assuming more responsibility.

It seems to me that two Senators for each State was not only something that was a compromise at the time of the Constitutional Convention, but it was also a very good, sound, solid, reasonable, and practical device, to provide to States a definite and specific power. They must be enabled to assume powers that are quite substantial, truly comparable with what the Federal Government has. States must have authority to resist Federal encroachment to a considerable extent. Our Federal Government has a massive power. It has almost a monopoly on military power within our Nation. It has enormous taxing power, of which the Senator from Ohio is well aware. With these two powers, if there were no clear constitutional reservation of powers to the States, the Federal Government's imposition of its authority on an individual citizen would be much greater. I believe our Federal system, in giving recognition to our States, giving them two Senators, and so forth, is right.

There is no legitimate analogy. The State does not have this monopoly of power. The Federal Government has it. I believe it is not at all unreasonable to say that there are some citizens within a State who possess 20, 50, 100, or, in some cases documented by the senior Senator from Illinois [Mr. DOUGLAS], 1,000 times as much influence in choosing a State representative as other citizens. On a historic basis, it is not sound. It is not sound on a practical basis. There is good reason for giving the States authority, dignity, and recognition of certain power. The right to have two Senators is one of the elements of their authority. They should be in a position to resist Federal encroachment.

Mr. LAUSCHE. I am not trying to defend the inequitable allocation of power. My position is that there should exist within the States an ability to prevent big cities, on the one hand, and farm areas on the other, from absolutely dominating the situation.

A system should be set up which would give the farm areas a voice that cannot lightly be overpowered by the city people. And the city people should be given a voice that cannot be overpowered by the rural people.

I believe that a bicameral system could be devised within 2 years' time, within which neither the city nor the rural citizens would have domination. That is my object.

The Supreme Court proclaimed that "The voters represent the people, not trees or acres." Do Senators represent trees and acres?

Mr. PROXMIRE. We represent States. And, in a sense, we are regarded as ambassadors from our States. At any rate, we represent our States. And our representation is quite different than that of a representative in a State legislature.

I served in the Wisconsin State Legislature. And I represented the people of a particular district. That district could be changed or modified. Philosophically, we as Senators represent our States as distinct sovereign entities.

Mr. LAUSCHE. The Supreme Court also proclaimed that "Legislators are elected by voters, not by farms, or cities, or economic interests." What about Senators? Are we elected by mountains and rivers? Or, are we elected by people, each one having an equal voice in the selection of a Senator?

Mr. PROXMIRE. There undoubtedly is an element of inequity in the Federal Constitution. I think everyone recognizes that there is inequity. It gives an advantage to people who live in the smaller States. That is true. This situation arose as a result of compromise. In order to have a Federal system, there had to be a compromise. This system permits the States to have real authority. It permits the States to resist Federal encroachment. It permits the States to have certain power, which is one of the big elements in the protection of liberties. Such protection is not based alone on the first 10 amendments to the Constitution; but also on the fact that a State government can, to a limited extent, interpose itself and resist the power of the concentrated Federal Government, with its vast power, in its attempt to impose that power on an individual. This is important. I believe it is perfectly legitimate. It is worth while. We had to make a compromise. We must give up something when we make a compromise.

So far as domination by the city is concerned, I feel that the Senator from Ohio does not have anything to fear. We had the same problem in Wisconsin that was experienced in Ohio and many other States.

Years ago we were a predominantly rural State. We now have 10 or 12 percent of our people who engage in farming in one aspect or another. We experienced this trend away from the farms. Both bodies of our State legislature reflected that. There is no question in my mind—and I believe in the minds of others who have studied the Wisconsin government—that the farmers have not become weak in their representation. We have for example a strong State department of agriculture. Wisconsin farmers are well represented in both the State senate and the assembly. Their interests are considered. There is no domination by the big cities in our State. On the basis of apportionment, there is always accommodation afforded by the city people to the farm people. There is a much more wholesome accommodation. It is much better than if there were one house, considered the impregnable stronghold of rural areas and one represented the cities. In a population-apportioned situation, as in Wisconsin, there is not the tendency toward the bloc vote, the kind of situation that exists in a number of cities. In Wisconsin we can pass tax programs and educational programs for our cities and rural areas.

I believe that the system has worked well in our State. I believe it can work elsewhere.

Mr. LAUSCHE. I want to set the record straight. In my judgment, the Federal system is sound. I do not want any change. The Senate should represent States. The House is constituted on the basis of population. But I believe that the same principle that has been applied to Congress should be applied with respect to the States. I was mayor of Cleveland. If the city bosses were to get control of the legislature, I would fear it greatly.

While I was Governor, if I had been confronted with that type of situation, my problem would have been far greater than it was. We need the influence of the rural man, the man who works in the soil. He is down to earth. Of course, we also need the influence of the city man. But the combination of the two is the blending of good government.

Some city leaders would spend the government into bankruptcy so quickly that we would not realize that it was happening.

I point out that the Supreme Court, when it approached this subject philosophically, got into trouble when it said that legislators do not represent trees nor farms; they represent people.

Senators represent States. It was so intended. The result is that Rhode Island, with 900,000 people, has two Senators—about which I do not complain—and Ohio, with 11 million people has two Senators. I would strive with all my might in my State to develop a constitutional provision that would have representatives chosen on the basis of geographical representation, and senators on the basis of population.

As a result of that check and balance system neither the State's farmers nor the city's union leaders would dominate the government.

Mr. NELSON. I wonder if the Senator from Ohio will respond to a question. In Alabama, the last proposal showed that 19 percent of the people in that State would control more than 50 percent of the representatives. Is that what the Senator believes would be a fair apportionment? What kind of percentage would the Senator propose?

Mr. LAUSCHE. No; I do not subscribe to that. Ohio has suffered from disproportionate representation. In a measure, I believe there is improper representation in one house. But three times the issue was submitted to the people of Ohio. The people were asked if they desired to change it. They refused to do so. Improper apportionment can be demonstrated by figures, but three times the people were asked, "Shall we have a constitutional convention?" The people voted overwhelmingly not to change the constitution.

The Supreme Court then came along and changed it—perhaps properly. I am not complaining about the analysis of the Constitution by the Supreme Court.

I can see how the Supreme Court could come to the conclusion at which it arrived. But I likewise say that we ought to give the States adequate time to look into the question and determine up which avenue they wish to go. That is why I am supporting the amendment.

Mr. NELSON. Before I continue, I should like to make an observation about what I understood the Senator to say a few moments ago. I understood the Senator to say that he would not like to see the cities dominate the legislature in Ohio because the State would be spent into trouble very quickly.

Mr. LAUSCHE. I think we need both. We need the brakes to be applied by the farmers and we need the proclivity of the city dweller to go ahead in leaps and bounds. Out of the two we get a proper blend of good government. It would be wrong to take away the influence of the cities; likewise, it would be wrong to take away the farmer's influence.

Mr. NELSON. If we apportion, giving representation based upon some geographical theory, we would take away the influence of people who live in urban areas. I understood the Senator from Ohio to be concerned about the argument that if the urban areas dominated, frightful spending programs would result, which would get a State into financial trouble.

I should like to make the observation that I did not know that city workers or city people were big spenders and farmers little ones, and that that is the way they are born. But, under the Senator's theory, think of what trouble a State would be in if there should come about a change in the character of the farmer and he should become a big spender and the city dweller became a small spender, and yet the rural people had so much influence that they could do all the spending they desired. It is a rather novel theory to classify people, saying, "I want my State protected against the big spenders in the city. Therefore it is necessary to give overrepresentation to someone who lives in the country," or vice versa. To me that is a completely irrational argument.

Mr. LAUSCHE. That is my theory, and it is amply supported, word after word, in Madison's papers on the Constitutional Convention of the United States which was held back in 1787.

Throughout that debate a desire was shown for a balance in the Congress, with Senators representing the States and Members of the House of Representatives representing the population.

In my file I have countless quotations showing that much of the debate was centered around that item: How shall we procure stability so that we will not have the wildness, the leaping and bounding and jumping of the irresponsible, and the retarding influence of those who do not wish to move forward?

I repeat that both elements must have their influence. Out of the two comes the blend that leads to good government.

Mr. PROXMIRE. Mr. President, will the Senator yield briefly?

Mr. NELSON. I am glad to yield.

Mr. PROXMIRE. Is it not true that the increase in population has really not been in the central cities? The cities have lost; the figures show that very large cities have lost population. The increase has been in the suburbs. No one can tell me that, by and large, suburban people are radical or are interested in spending a great deal of money on welfare programs and that sort of thing. My experience has been that the suburban people move to the suburbs because they can afford to do so.

Their incomes are good, and they fall into the economic and political category of being, by and large, conservative. In Wisconsin, where there has been good apportionment, Republicans will gain, as I understand. The conservative forces will tend to gain from it. That does not make it right or wrong, but that is the fact. That will be the result. Those people are inclined to do somewhat better in business. They are better educated. Yet those are the people who are being deprived of the opportunity to cast an equal vote because the States have not apportioned as they should have apportioned. Is that not correct?

Mr. NELSON. I believe that states the case correctly.

Mr. PROXMIRE. I thank the Senator.

Mr. LAUSCHE. I thank the Senator for yielding.

Mr. NELSON. I thank the Senator from Ohio.

I continue to read from the opinion in the case of Reynolds against Sims:

> To conclude differently, and to sanction minority control of State legislative bodies,

would appear to deny majority rights in a way that far surpasses any possible denial of minority rights that might otherwise be thought to result. Since legislatures are responsible for enacting laws by which all citizens are to be governed, they should be bodies which are collectively responsive to the popular will. And the concept of equal protection has been traditionally viewed as requiring the uniform treatment of persons standing in the same relation to the governmental action questioned or challenged. With respect to the allocation of legislative representation, all voters, as citizens of a State, stand in the same relation regardless of where they live. Any suggested criteria for the differentiation of citizens are insufficient to justify any discrimination, as to the weight of their votes, unless relevant to the permissible purposes of legislative apportionment. Since the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment, we conclude that the Equal Protection Clause guarantees the opportunity for equal participation by all voters in the election of State legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discriminations based upon factors such as race, *Brown* v. *Board of Education*, 347 U.S. 483, or economic status, *Griffin* v. *Illinois*, 351 U.S. 12, *Douglas* v. *California*, 372 U.S. 353. Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of State legislatures. And the democratic ideals of equality and majority rule, which have served this Nation so well in the past, are hardly of any less significance for the present and the future.

We are told that the matter of apportioning representation in a state legislature is a complex and many-faceted one. We are advised that States can rationally consider factors other than population in apportioning legislative representation. We are admonished not to restrict the power of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us. As stated in *Gomillion* v. *Lightfoot, supra:*

"When a State exercises power wholly within the domain of state interest, it is insulated from federal judicial review. But such insulation is not carried over when state power is used as an instrument for circumventing a federally protected right."[42]

To the extent that a citizen's right to vote is debased, he is that much less a citizen. The fact that an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote. The complexions of societies and civilizations change, often with amazing rapidity. A nation once primarily rural in character becomes predominantly urban.[43] Representation schemes once fair and equitable become archaic and outdated. But the basic principle of representative government remains, and must remain, unchanged—the weight of a citizen's vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies.[44]

[For footnotes [43] and [44] see text, next column.]

I invite the attention of the senior Senator from Wisconsin, who raised the point about suburban areas, to the footnote on page 32, which discusses the exact point raised by the distinguished senior Senator from Wisconsin, and points out that there is considerable evidence that it is the fast growing suburban areas that are being deprived of their representation in the legislatures.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. This is a point we should make with much greater force. There is a tendency on the part of many who support the Dirksen amendment to argue that this is a farm versus city situation. The Senator from Wisconsin [Mr. NELSON], who has been a very strong supporter of farmers and who has received a great deal of support from them in our State, knows that this is no such situation. It is a matter of seeing that the farmer, the city dweller, and all the people in our society and in our States have an equal vote. The notion that perhaps the cities will gain from this procedure is not only irrelevant, but, as the Senator indicates, and as indicated in the footnote in the decision of this particular case, the assertion is inaccurate and untrue.

Mr. NELSON. I think I shall read into the RECORD that footnote, because it points out that, as time went on, many of the cities in the East had substantial control of the legislatures and resisted the dilution of their strength by the growth of the inland parts of the States.

Mr. PROXMIRE. Before the Senator reads that footnote into the RECORD, let me ask if the Senator can conceive of any logic that would justify depriving a man of his proportionate representation in the State legislature if he finds that the economic situation in a certain part of his State is such that he can no longer do very well at his occupation; if, for example, he finds that farming no longer pays, that farm income is too low, so he decides to leave one part of the State and goes to the city and gets a job.

This has happened often. People also leave the cities because they want a more attractive place to live, and they move to the suburban areas.

Can we possibly justify saying that the vote should not follow that man if he moves from a rural area into a city or from a city into the suburbs? This is really what reapportionment is about. Can we justify saying that he should not have equal representation if he decides to exercise the American right to live where he wants to live, to move his family where he wants to move, to change his job? If he wants to do that must he sacrifice some of his representation in the State legislature? That is the price we are requiring some people to pay when they move.

Mr. NELSON. The Senator is correct. He uses a very good example. If a farmer decides to retire and he has lived in a rural area where his vote was worth 50 times what a city voter's vote was worth, he moves into the city and suddenly finds that his power has depreciated by 49 votes. The city dweller moves to the country and suddenly he becomes more responsible about affairs of government to the extent that he is given 50 times the voting power he had while he was in the city. There is no rationality in that situation whatsoever.

The footnote—No. 43—I referred to relates to the point the senior Senator from Wisconsin raised earlier, and I read it into the RECORD at this time:

Although legislative apportionment controversies are generally viewed as involving urban-rural conflicts, much evidence indicates that presently it is the fast-growing suburban areas which are probably the most seriously underrepresented in many of our state legislatures. And, while currently the thrust of state legislative malapportionment results, in most States, in underrepresentation of urban and suburban areas, in earlier times cities were in fact overrepresented in a number of States. In the early 19th century, certain of the seaboard cities in some of the Eastern and Southern States possessed and struggled to retain legislative representation disproportionate to population, and bitterly opposed according additional representation to the growing inland areas. Conceivably, in some future time, urban areas might again be in a situation of attempting to acquire or retain legislative representation in excess of that to which, on a population basis, they are entitled. Malapportionment can, and has historically, run in various directions. However and whenever it does, it is constitutionally impermissible under the Equal Protection Clause.

I read the next footnote, No. 44:

The British experience in eradicating "rotten boroughs" is interesting and enlightening. Parliamentary representation is now based on districts of sustantially equal population, and periodic reapportionment is accomplished through independent Boundary Commissions. For a discussion of the experience and difficulties in Great Britain in achieving fair legislative representation, see Edwards, Theoretical and Comparative Aspects of Reapportionment and Redistricting: With Reference to Baker v. Carr, 15 Vand. L. Rev. 1265, 1275 (1962). See also the discussion in *Baker* v. *Carr*, 369 U.S., at 302–307. (Frankfurter, J., dissenting.)

Now I continue with the body of the opinion:

A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of "government of the people, by the people, [and] for the people." The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as all races.

IV

We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State. Since, under neither the existing apportionment provisions nor under either of the proposed plans was either of the houses of the Alabama Legislature apportioned on a population basis, the District Court correctly held that all three of these schemes were constitutionally invalid. Furthermore, the existing apportionment, and also to a lesser extent the apportionment under the Crawford-Webb Act, presented little more than crazy quilts, completely lacking in rationality, and could be found invalid on that basis alone.[45]

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[42] U.S., at 347.

Although the District Court presumably found the apportionment of the Alabama House of Representatives under the 67-Senator Amendment to be acceptable, we conclude that the deviations from a strict population basis are too egregious to permit us to find that that body, under this proposed plan, was apportioned sufficiently on a population basis so as to permit the arrangement to be constitutionally sustained. Although about 43 percent of the State's total population would be required to comprise districts which could elect a majority in that body, only 39 of the 106 House seats were actually to be distributed on a population basis, as each of Alabama's 67 counties was given at least one representative, and population-variance ratios of close to 5-to-1 would have existed. While mathematical nicety is not a constitutional requisite, one could hardly conclude that the Alabama House, under the proposed constitutional amendment, had been apportioned sufficiently on a population basis to be sustainable under the requirements of the Equal Protection Clause. And none of the other apportionments of seats in either of the bodies of the Alabama Legislature, under the three plans considered by the District Court, came nearly as close to approaching the required constitutional standard as did that of the House of Representatives under the 67-Senator Amendment.

Legislative apportionment in Alabama is signally illustrative and symptomatic of the seriousness of this problem in a number of the States. At the time this litigation was commenced, there had been no reapportionment of seats in the Alabama Legislature for over 60 years.[46] Legislative inaction, coupled with the unavailability of any political or judicial remedy,[47] had resulted, with the passage of years, in the perpetuated scheme becoming little more than an irrational anachronism. Consistent failure by the Alabama Legislature to comply with State constitutional requirements as to the frequency of reapportionment and the bases of legislative representation resulted in a minority stranglehold on the State legislature. Inequality of representation in one house added to the inequality in the other. With the crazy-quilt existing apportionment virtually conceded to be invalid, the Alabama Legislature offered two proposed plans for consideration by the District Court, neither of which was to be effective until 1966 and neither of which provided for the apportionment of even one of the two houses on a population basis. We find that the court below did not err in holding that neither of these proposed reapportionment schemes, considered as a whole, "meets the necessary constitutional requirements." And we conclude that the District Court acted properly in considering these two proposed plans, although neither was to become effective until the 1966 election and the proposed constitutional amendment was scheduled to be submitted to the State's voters in November 1962.[48]

Consideration by the court below of the two proposed plans was clearly necessary in determining whether the Alabama Legislature had acted effectively to correct the admittedly existing malapportionment, and in ascertaining what sort of judicial relief, if any, should be afforded.

V

Since neither of the houses of the Alabama Legislature, under any of three plans considered by the District Court, was apportioned on a population basis, we would be justified in proceeding no further. However, one of the proposed plans, that contained in the so-called 67-Senator Amendment, at least superficially resembles the scheme of legislative representation followed in the Federal Congress. Under this plan, each of Alabama's 67 counties is allotted one Senator, and no counties are given more than one Senate seat. Arguably, this is analogous to the allocation of two Senate seats, in the Federal Congress, to each of the 50 States, regardless of population. Seats in the Alabama House, under the proposed constitutional amendment, are distributed by giving each of the 67 counties at least one, with the remaining 39 seats being allotted among the more populous counties on a population basis. This scheme, at least at first glance, appears to resemble that prescribed for the Federal House of Representatives, where the 435 seats are distributed among the States on a population basis, although each State, regardless of its population, is given at least one Congressman.

Thus, although there are substantial differences in underlying rationale and result,[49] the 67-Senator Amendment, as proposed by the Alabama Legislature, at least arguably presents for consideration a scheme analogous to that used for apportioning seats in Congress.

Much has been written since our decision in *Baker* v. *Carr* about the applicability of the so-called Federal analogy to State legislative apportionment arrangements.[50] After considering the matter, the court below concluded that no conceivable analogy could be drawn between the Federal scheme and the apportionment of seats in the Alabama Legislature under the proposed constitutional amendment.[51] We agree with the District Court, and find the Federal analogy inapposite and irrelevant to State legislative districting schemes. Attempted reliance on the Federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the State legislatures would be based completely, or predominantly, on population.[52] And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in State legislatures when the system of representation in the Federal Congress was adopted.[53] Demonstrative of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.[54]

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[45] Under the existing scheme, Marshall County, with a 1960 population of 48,018, Baldwin County, with 49,088, and Houston County, with 50,713, are each given only one seat in the Alabama House, while Bullock County, with only 13, 462, Henry County, with 15,286, and Lowndes County, with 15,417, are allotted two representatives each. And in the Alabama Senate, under the existing apportionment, a district comprising Lauderdale and Limestone Counties had a 1960 population of 98,135, and another composed of Lee and Russell Counties had 96,105. Conversely, Lowndes County, with only 15,417, and Wilcox County, with 18,739, are nevertheless single-county senatorial districts given one Senate seat each.

[46] An interesting pre-Baker discussion of the problem of legislative malapportionment in Alabama is provided in Comment, Alabama's Unrepresentative Legislature, 14 Ala. L. Rev. 403 (1962).

[47] See the cases cited and discussed in notes 5–6, supra, where the Alabama Supreme Court refused even to consider the granting of relief in suits challenging the validity of the apportionment of seats in the Alabama Legislature, although it stated that the legislature had failed to comply with the requirements of the State Constitution with respect to legislative reapportionment.

[48] However, since the District Court found the proposed constitutional amendment prospectively invalid, it was never in fact voted upon by the State's electorate.

[49] Resemblances between the system of representation in the Federal Congress and the apportionment scheme embodied in the 67-Senator Amendment appear to be more superficial than actual. Representation in the Federal House of Representatives is apportioned by the Constitution among the States in conformity with population. While each State is guaranteed at least one seat in the House, as a feature of our unique Federal system, only four States have less than 1/435 of the country's total population, under the 1960 census. Thus, only four seats in the Federal House are distributed on a basis other than strict population. In Alabama, on the other hand, 40 of the 67 counties have less than 1/106 of the State's total population. Thus, under the proposed amendment, over ⅓ of the total number of seats in the Alabama House would be distributed on a basis other than strict population. States with almost 50 percent of the Nation's total population are required in order to elect a majority of the members of the Federal House, though unfair districting within some of the States presently reduces to about 42 percent the percentage of the country's population which reside in districts electing individuals comprising a majority in the Federal House. Cf. *Wesberry* v. *Sanders, supra*, holding such congressional districting unconstitutional. Only about 43 percent of the population of Alabama would live in districts which could elect a majority in the Alabama House, under the proposed constitutional amendment. Thus, it could hardly be argued that the proposed apportionment of the Alabama House was based on population in a way comparable to the apportionment of seats in the Federal House among the States.

[50] For a thorough statement of the arguments against holding the so-called Federal analogy applicable to State legislative apportionment matters, see, *e.g.*, McKay, Reapportionment and the Federal Analogy (National Municipal League pamphlet 1962); McKay, The Federal Analogy and State Apportionment Standards, 38 Notre Dame Law. 487 (1963). See also Merrill, Blazes for a Trail Through the Thicket of Reapportionment, 16 Okla. L. Rev. 59, 67–70 (1963).

[51] 208 F. Supp., at 438. See the discussion of the District Court's holding as to the applicability of the Federal analogy earlier in this opinion, ante, at —.

[52] Report of Advisory Commission on Intergovernmental Relations, Apportionment of State Legislatures 10–11, 35, 69 (1962).

[53] Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia Constitution and frequently proposed changing the State Constitution to provide that both houses be apportioned on the basis of population. In 1816 he wrote that "a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns * * * by representatives chosen by himself." Letter to Samuel Kercheval, 10 Writings of Thomas Jefferson (Ford ed. 1899) 38. And a few years later, in 1819, he stated: "Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified." Letter to William King, Jefferson Papers, Library of Congress, Vol. 216, p. 38616.

[54] Article II, § 14, of the Northwest Ordinance of 1787 stated quite specifically: "The inhabitants of the said territory shall always be entitled to the benefits * * * of a proportional representation of the people in the Legislature."

The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law of the land. It is one conceived out of compromise and concession indispensable to the establishment of our Federal Republic.[55] Arising from unique historical circumstances, it is based on the consideration that in establishing our type of federalism a group of formerly independent States bound themselves together under one National Government. Admittedly, the Thirteen Original States surrendered some of their sovereignty in agreeing to join together "to form a more perfect Union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single national government. The fact that almost three-fourths of our present States were never in fact independently sovereign does not detract from our view that the so-called federal analogy is inapplicable as a sustaining precedent for State legislative apportionments. The developing history and growth of our republic cannot cloud the fact that, at the time of the inception of the system of representation in the Federal Congress, a compromise between the larger and smaller States on this matter averted a deadlock in the constitutional convention which had threatened to abort the birth of our Nation. In rejecting an asserted analogy to the Federal electoral college in *Gray* v. *Sanders, supra*, we stated:

"We think the analogies to the electoral college, to districting and redistricting, and to other phases of the problems of representation in State or Federal Legislatures or conventions are inapposite. The inclusion of the electoral college in the Constitution, as the result of specific historical concerns, validated the collegiate principle despite its inherent numerical inequality, but implied nothing about the use of an analogous system by a State in a statewide election. No such specific accommodation of the latter was ever undertaken, and therefore no validation of its numerical inequality ensued."[56]

Political subdivisions of States—counties, cities, or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of State governmental functions. As stated by the Court in *Hunter* v. *City of Pittsburgh*, 207 U.S. 161, 178, these governmental units are "created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them," and the "number, nature, and duration of the powers conferred upon [them] * * * and the territory over which they shall be exercised rests in the absolute discretion of the State." The relationship of the States to the Federal Government could hardly be less analogous.

Thus, we conclude that the plan contained in the 67-Senator Amendment for apportioning seats in the Alabama Legislature cannot be sustained by recourse to the so-called federal analogy. Nor can any other inequitable state legislative apportionment scheme be justified on such an asserted basis. This does not necessarily mean that such a plan is irrational or involves something other than a "republican form of government." We conclude simply that such a plan is impermissible for the States under the Equal Protection Clause, since perforce resulting, in virtually every case, in submergence of the equal-population principle in at least one house of a State legislature.

Since we find the so-called Federal analogy inapposite to a consideration of the constitutional validity of State legislative apportionment schemes, we necessarily hold that the Equal Protection Clause requires both houses of a State legislature to be apportioned on a population basis. The right of a citizen to equal representation and to have his vote weighted equally with those of all other citizens in the election of members of one house of a bicameral State legislature would amount to little if States could effectively submerge the equal-population principle in the apportionment of seats in the other house. If such a scheme were permissible, an individual citizen's ability to exercise an effective voice in the only instrument of state government directly representative of the people might be almost as effectively thwarted as if neither house were apportioned on a population basis. Deadlock between the two bodies might result in compromise and concession on some issues. But in all too many cases the more probable result would be frustration of the majority will through minority veto in the house not apportioned on a population basis, stemming directly from the failure to accord adequate overall legislative representation to all of the State's citizens on a nondiscriminatory basis. In summary, we can perceive no constitutional difference, with respect to the geographical distribution of state legislative representation, between the two houses of a bicameral State legislature.

We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in two State legislative bodies is required to be the same—population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multimember districts. The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house. In summary, these and other factors could be, and are presently in many States, utilized to engender differing complexions and collective attitudes in the two bodies of a State legislature, although both are apportioned substantially on a population basis.

VI

By holding that as a Federal constitutional requisite both houses of a state legislature must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.[57]

In *Wesberry* v. *Sanders, supra*, the Court stated that congressional representation must be based on population as nearly as is practicable. In implementing the basic constitutional principle of representative government as enunciated by the Court in Wesberry—equality of population among districts—some distinctions may well be made between congressional and State legislative representation. Since, almost invariably, there is a significantly larger number of seats in state legislative bodies to be distributed within a State than congressional seats, it may be feasible to use political subdivision lines to a greater extent in establishing state legislative districts than in congressional districting while still affording adequate representation to all parts of the State. To do so would be constitutionally valid, so long as the resulting apportionment was one based substantially on population and the equal-population principle was not diluted in any significant way. Somewhat more flexibility may therefore be constitutionally permissible with respect to state legislative apportionment than in congressional districting. Lower courts can and assuredly will work out more concrete and specific standards for evaluating state legislative apportionment schemes in the context of actual litigation. For the present, we deem it expedient not to attempt to spell out any precise constitutional tests. What is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case. Developing a body of doctrine on a case-by-case basis appears to us to provide the most satisfactory means of arriving at detailed constitutional requirements in the area of state legislative apportionment. Cf. *Slaughter-House Cases*, 16 Wall. 36, 78–79. Thus, we proceed to state here only a few rather general considerations which appear to us to be relevant.

A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible, and provide for compact districts of contiguous territory in designing a legislative apportionment scheme. Valid considerations may underlie such aims. Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering. Single-member districts may be the rule in one State, while another State might desire to achieve some flexibility by creating multimember[58] or floterial districts.[59] Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

History indicates, however, that many States have deviated, to a greater or lesser degree, from the equal-population principle in the apportionment of seats in at least one house of their legislatures.[60] So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational state policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment

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[55] See the discussion in *Wesberry* v. *Sanders*, 376 U.S., at 9–14.

[56] 372 U.S., at 378.

[57] As stated by the Court in *Bain Peanut Co.* v. *Pinson*, 282 U.S. 499, 501, "We must remember that the machinery of government would not work if it were not allowed a little play in its joints."

[58] But cf. the discussion of some of the practical problems inherent in the use of multimember districts in *Lucas* v. *The Forty-Fourth General Assembly of the State of Colorado*, —— U.S., at ——, decided also this date.

[59] See the discussion of the concept of floterial districts in *Davis* v. *Mann*, —— U.S. ——, ———, n. 2, decided also this date.

[60] For a discussion of the formal apportionment formulae prescribed for the allocation of seats in state legislatures, see Dixon, Apportionment Standards and Judicial Power, 38 Notre Dame Law. 367, 398–400 (1963). See also The Council of State Governments, The Book of the States 1962–1963, 58–62 (1962).

> of seats in either or both of the two houses of a bicameral state legislature. But neither history alone,[61] nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation. Citizens, not history or economic interests, cast votes. Considerations of area alone provide an insufficient justification for deviations from the equal-population principle. Again, people, not land or trees or pastures, vote. Modern developments and improvements in transportation and communications make rather hollow, in the mid-1960's, most claims that deviations from population-based representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to insure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing.
>
> A consideration that appears to be of more substance in justifying some deviations from population-based representation in state legislatures is that of insuring some voice to political subdivisions, as political subdivisions. Several factors make more than insubstantial claims that a State can rationally consider according political subdivisions some independent representation in at least one body of the state legislature, as long as the basic standard of equality of population among districts is maintained. Local governmental entities are frequently charged with various responsibilities incident to the operation of state government. In many States much of the legislature's activity involves the enactment of so-called local legislation, directed only to the concerns of particular political subdivisions. And a State may legitimately desire to construct districts along political subdivision lines to deter the possibilities of gerrymandering. However, permitting deviations from population-based representation does not mean that each local governmental unit or political subdivision can be given separate representation, regardless of population. Carried too far, a scheme of giving at least one seat in one house to each political subdivision (for example, to each county) could easily result, in many States, in a total subversion of the equal-population principle in that legislative body.[62] This would be especially true in a State where the number of counties is large and many of them are sparsely populated, and the number of seats in the legislative body being apportioned does not significantly exceed the number of counties.[63] Such a result, we conclude, would be constitutionally impermissible. And careful judicial scrutiny must of course be given, in evaluating state apportionment schemes, to the character as well as the degree of deviations from a strict population basis. But if, even as a result of a clearly rational state policy of according some legislative representation to political subdivisions, population is submerged as the controlling consideration in the apportionment of seats in the particular legislative body, then the right of all of the State's citizens to cast an effective and adequately weighted vote would be unconstitutionally impaired.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. PROXMIRE. Mr. President, it seems to me that this particular section of the Reynolds against Sims decision is devastating to the argument just made by the senior Senator from Ohio [Mr. LAUSCHE] about the necessity for providing greater representation to rural areas in order to have a more conservative or more prudent representation and prudent policy on the part of the State government.

Can the Senator imagine what would happen if instead of having some kind of area apportionment, we decided to make it as rational as possible, and say, "What we should do is to provide an intelligence test for each voter. Those who classify in the genius category shall have five votes. Those who are of normal or average intelligence shall have one vote. Morons will receive one-fifth of a vote." Or, suppose we should say, "A bank account is an indication of prudence, caution, conservatism, and resistance to spending. Therefore, we should give votes on the basis of a man's wealth. A rich man will get 10 times the vote of a man with average income, and a very poor man will get almost no vote at all."

When we consider the argument that some people ought to have more responsibilities than others in view of the distinctions that we have discussed, I believe we can see how invidious and false any such proposal would be. We could see how every Senator would recognize that it would be unthinkable, completely wrong, immoral, and unacceptable. And they would say so.

From that viewpoint, it seems to me that it would be much easier to say what qualities we want. We could then reward citizens who had such attributes. We would thereby have a rational, more intelligent, and more enlightened legislature. We would give the vote to people who have these attributes in greater proportion.

Mr. NELSON. I believe the Senator is entirely correct. In the example mentioned by the Senator, some rational argument might be made to support it. The Senator from Wisconsin would not make it. But at least there is some rationality to it, whereas in the other system there is none whatsoever.

Mr. PROXMIRE. Does the Senator not recognize that there are some farmers who are very thoughtful, wonderful people? It has nothing to do with education necessarily. It results from many things experienced by the people—the kind of family they have grown up in, the attitudes of their fathers and mothers toward them, and so on. There are other farmers who are not responsible at all. The same thing could be said of people in the cities and the suburbs. The argument that we shall get more rational suburbanites, more rational city dwellers, or more rational farm dwellers is so inconsistent to that position that we could not find a scientist or any kind of an expert who would justify it. It is almost laughable.

Does it make any sense at all that we should try to construct a legislature based upon saying that because there are fewer people living in a certain area, those people should have more representation? Is there any logic in that kind of argument?

Mr. NELSON. I see no logic whatsoever in the argument. The Senator has called attention to a good point. As he well knows, the State of Wisconsin has a population apportionment. I believe it is perhaps the most perfect apportionment of any State in the Union today. It is almost as perfect as it can be done mathematically. The Senator well knows that every single year representatives of the city areas of the State of Wisconsin vote to appropriate large sums of money to contribute to school aid in order to assist the low tax base areas of the State, which are mainly rural, many of them being small towns. The school systems throughout the State of Wisconsin in areas where the tax base is low are subsidized. Our large cities, such as Milwaukee and Madison—cities with good tax bases—willingly pay taxes that are used for that purpose. The legislature is supporting the subsidy in recognition of the necessity of providing an equal opportunity for education, no matter where a child might be raised.

On the other hand, there has been a rapid growth in metropolitan areas—not merely an extension of city boundaries—so that now there are vast metropolitan areas that cover many square miles. The eastern coast is almost one continuous metropolitan area. In many States of the Union the cities have been unable to meet their rapidly growing problems because of the veto power of a small minority of the citizens over proposed legislation which it is necessary—in fact crucial—to pass if we are to preserve, protect, and permit orderly growth in the metropolitan areas of America. If that should continue, we shall run into catastrophic circumstances in many parts of the Nation. Metropolitan areas will merely collapse of their own weight and their own inability to obtain authorization from legislatures to meet their problems.

I continue to read from the opinion in the case of Reynolds against Sims:

> VII
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> One of the arguments frequently offered as a basis for upholding a State's legislative apportionment arrangement, despite substantial disparities from a population basis in either or both houses, is grounded on congressional approval, incident to admitting States into the Union, of state apportionment plans containing deviations from the equal-population principle. Proponents of this argument contend that congressional

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[61] In rejecting a suggestion that the representation of the newer Western States in Congress should be limited so that it would never exceed that of the original States, the Constitutional Convention plainly indicated its view that history alone provided an unsatisfactory basis for differentiations relating to legislative representation. See *Wesberry* v. *Sanders*, 376 U.S., at 14. Instead, the Northwest Ordinance of 1787, in explicitly providing for population-based representation of those living in the Northwest Territory in their territorial legislatures, clearly implied that, as early as the year of the birth of our federal system, the proper basis of legislative representation was regarded as being population.

[62] See McKay, Political Thickets and Crazy Quilts: Reapportionment and Equal Protection, 61 Mich. L. Rev. 645, 698–699 (1963).

[63] Determining the size of its legislative bodies is of course a matter within the discretion of each individual State. Nothing in this opinion should be read as indicating that there are any federal constitutional maximums or minimums on the size of State legislative bodies.

> approval of such schemes, despite their disparities from population-based representation, indicate that such arrangements are plainly sufficient as establishing a "republican form of government." As we stated in *Baker* v. *Carr*, some questions raised under the Guaranty Clause are nonjusticiable where "political" in nature and where there is a clear absence go judicially manageable standards.[64] Nevertheless, it is not inconsistent with this view to hold that, despite congressional approval of state legislative apportionment plans at the time of admission into the Union, even though deviating from the equal-population principle here enunciated, the Equal Protection Clause can and does require more. And an apportionment scheme in which both houses are based on population can hardly be considered as failing to satisfy the Guaranty Clause requirement. Congress presumably does not assume, in admitting States into the Union, to pass on all constitutional questions relating to the character of state governmental organization. In any event, congressional approval, however well-considered, could hardly validate an unconstitutional state legislative apportionment. Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.
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> ### VIII
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> That the Equal Protection Clause requires that both houses of a state legislature be apportioned on a population basis does not mean that States cannot adopt some reasonable plan for periodic revision of their apportionment schemes. Decennial reapportionment appears to be a rational approach to readjustment of legislative representation in order to take into account population shifts and growth. Reallocation of legislative seats every 10 years coincides with the prescribed practice in 41 of the States,[65] often honored more in the breach than the observance, however. Illustratively, the Alabama Constitution requires decennial reapportionment, yet the last reapportionment of the Alabama Legislature, when this suit was brought, was in 1901.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the senior Senator from Wisconsin.

Mr. PROXMIRE. The Senator has been very patient in yielding.

The last two sentences which the Senator has read, it seems to me, are most significant. They suggest that the Dirksen amendment may well be futile now. Let me repeat those words:

> In any event, congressional approval, however well considered, could hardly validate an unconstitutional State legislative apportionment. Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

If that language means anything, it seems to me it means Congress cannot provide that a stay must be honored by the court—a stay of at least a year, and in many cases of 3 or 4 or 5 years. Such a stay, according to a majority of the court—and this is a majority opinion—would not be constitutional.

The Supreme Court says so. It says so very clearly in the language which the Senator has just read.

Mr. NELSON. What the senior Senator from Wisconsin has said is entirely correct.

I continue to read from the opinion:

> Limitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system, although undoubtedly reapportioning no more frequently than every 10 years leads to some imbalance in the population of districts toward the end of the decennial period and also to the development of resistance to change on the part of some incumbent legislators. In substance, we do not regard the Equal Protection Clause as requiring daily, monthly, annual or biennial reapportionment, so long as a State has a reasonably conceived plan for periodic readjustment of legislative representation. While we do not intend to indicate that decennial reapportionment is a constitutional requisite, compliance with such an approach would clearly meet the minimal requirements for maintaining a reasonably current scheme of legislative representation. And we do not mean to intimate that more frequent reapportionment would not be constitutionally permissible or practicably desirable. But if reapportionment were accomplished with less frequency, it would assuredly be constitutionally suspect.
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> ### IX
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> Although general provisions of the Alabama Constitution provide that the apportionment of seats in both houses of the Alabama Legislature should be on a population basis, other more detailed provisions clearly make compliance with both sets of requirements impossible. With respect to the operation of the Equal Protection Clause, it makes no difference whether a State's apportionment scheme is embodied in its constitution or in statutory provisions. In those States where the alleged malapportionment has resulted from noncompliance with state constitutional provisions which, if complied with, would result in an apportionment valid under the Equal Protection Clause, the judicial task of providing effective relief would appear to be rather simple. We agree with the view of the District Court that State constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should attempt to accommodate the relief ordered to the apportionment provisions of state constitutions insofar as is possible. But it is also quite clear that a state legislative apportionment scheme is no less violative of the Federal Constitution when it is based on State constitutional provisions which have been consistently complied with than when resulting from a noncompliance with state constitutional requirements. When there is an unavoidable conflict between the Federal and a State Constitution, the Supremacy Clause of course controls.
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> ### X
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> We do not consider here the difficult question of the proper remedial devices which Federal courts should utilize in State legislative apportionment cases.[66] Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the Court's decree. As stated by Mr. Justice Douglas, in concurring in *Baker* v. *Carr*, "any relief accorded can be fashioned in the light of well-known principles of equity."[67]
>
> We feel that the District Court in this case acted in a most proper and commendable manner. It initially acted wisely in declining to stay the impending primary election in Alabama, and properly refrained from acting further until the Alabama Legislature had been given an opportunity to remedy the admitted discrepancies in the State's legislative apportionment scheme, while initially stating some of its views to provide guidelines for legislative action. And it correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so. Additionally, the court below acted with proper judicial restraint, after the Alabama Legislature had failed to act effectively in remedying the constitutional deficiencies in the State's legislative apportionment scheme, in ordering its own temporary reapportionment plan into effect, at a time sufficiently early to permit the holding of elections pursuant to that plan without great difficulty, and in prescribing a plan admittedly provisional in purpose so as not to usurp the primary responsibility for reapportionment which rests with the legislature.
>
> We find, therefore, that the action taken by the District Court in this case, in ordering into effect a reapportionment of both houses of the Alabama Legislature for purposes of the 1962 primary and general elections, by using the best parts of the two proposed plans which it had found, as a whole, to be invalid,[68] was an appropriate and well-considered exercise of judicial power. Admittedly, the lower court's ordered plan was intended only as a temporary and provisional measure and the District Court cor-

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[64] See 369 U.S., at 217–232, discussing the nonjusticiability of malapportionment claims asserted under the Guaranty Clause.

[65] Report of Advisory Commission on Intergovernmental Relations, Apportionment of State Legislatures 56 (1962). Additionally, the constitutions of seven other States either require or permit reapportionment of legislative representation more frequently than every 10 years. See also The Council of State Governments, The Book of the States 1962–1963, 58–62 (1962).

[66] Cf. *Baker* v. *Carr*, 369 U.S. 186, 198. See also 369 U.S., at 250–251 (Douglas, J., concurring), and passages from Baker quoted in this opinion, ante, at —, and infra, at —.

[67] 369 U.S., at 250.

[68] Although the District Court indicated that the apportionment of the Alabama House under the 67-Senator Amendment was valid and acceptable, we of course reject that determination, which we regard as merely precatory and advisory since the court below found the overall plan, under the proposed constitutional amendment, to be unconstitutional. See 208 F. Supp., at 440–441. See the discussion earlier in this opinion, **ante at —.**

rectly indicated that the plan was invalid as a permanent apportionment. In retaining jurisdiction while deferring a hearing on the issuance of a final injunction in order to give the provisionally reapportioned legislature an opportunity to act effectively, the court below proceeded in a proper fashion. Since the District Court evinced its realization that its ordered reapportionment could not be sustained as the basis for conducting the 1966 election of Alabama legislators, and avowedly intends to take some further action should the reapportioned Alabama Legislature fail to enact a constitutionally valid, permanent apportionment scheme in the interim, we affirm the judgment below and remand the cases for further proceedings consistent with the views stated in this opinion.

It is so ordered.

That concludes the majority opinion by Mr. Chief Justice Warren, which states, I think cogently and persuasively, the constitutional grounds for the decision that was rendered by the Court.

Although in a controversial matter there will be differences of opinion about the wisdom of decisions, this decision certainly is well reasoned, well written, and well supported in the law. The reason why I read the decision is that it ought to be included in the Congressional Record so that there may be a wider opportunity for the people of the country at least to read first-hand the reasoning of the decision which was made by the Supreme Court, and that the people may come to their own conclusion and their own judgment as to whether they agree or disagree with it, based upon a thorough and careful study of what the Court had to say about the issue.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 26. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes;

S. 400. An act to establish penalties for misuse of feed made available for relieving distress or preservation and maintenance of foundation herds;

S. 524. An act to provide for the registration of contractors of migrant agricultural workers, and for other purposes; and

S. 1123. An act to provide for the construction of the lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes.

The message also announced that the House had passed the joint resolution (S.J. Res. 49) authorizing the Secretary of the Interior to carry out a continuing program to reduce nonbeneficial consumptive use of water in the Pecos River Basin, in New Mexico and Texas, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11202) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Whitten, Mr. Natcher, Mr. Mahon, Mr. Horan, and Mr. Michel were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 12253. An act to correct certain errors in the Tariff Schedules of the United States; and

H.J. Res. 1160. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

S. 51. An act to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District;

S. 1046. An act to provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor;

S. 2419. An act to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes;

H.R. 189. An act to authorize the conveyance of certain Federal land under the jurisdiction of the Naval Ordnance Test Station, China Lake, Calif., to the county of Kern, State of California;

H.R. 4223. An act to provide for audit of accounts of private corporations established under Federal law;

H.R. 4361. An act for the relief of the estate of Paul F. Ridge;

H.R. 5154. An act for the relief of Wilfredo Lacar de Leon;

H.R. 5728. An act for the relief of the county of Cuyahoga, Ohio;

H.R. 5964. An act to provide for the inclusion of Hopkins County, Tex., within the Paris division of the eastern district for the U.S. district courts in Texas;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended;

H.R. 7138. An act for the relief of St. Francis Levee District, Arkansas;

H.R. 7219. An act to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment;

H.R. 7508. An act to amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 9561. An act for the relief of Moni Parvanoff Floroff;

H.R. 10216. An act for the relief of Dr. Miguel de Socarraz;

H.R. 10683. An act to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia;

H.R. 11520. An act to amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

HOUSE BILL REFERRED

The bill (H.R. 12253) to correct certain errors in the Tariff Schedules of the United States, was read twice by its title, and referred to the Committee on Finance.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1965

Mr. HAYDEN. Mr. President, I ask the Chair to lay before the Senate the message from the House transmitting to the Senate House Joint Resolution 1160, which has been passed by the House.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 1160) making continuing appropriations for the fiscal year 1965, and for other purposes, which was read twice by its title.

Mr. HAYDEN. Mr. President, on June 25 of this year, the Senate and the House passed and sent to the President a joint resolution making continuing appropriations for the months of July and August 1964, inasmuch as none of the appropriation bills for fiscal 1965 had been enacted into law prior to the beginning of the new fiscal year.

This pending resolution will continue, until September 30, those operations of the Government for which appropriation bills have not yet been enacted.

For the information of the Senate, the following bills have either been signed by, or cleared for, the President: Department of the Interior and related agencies appropriation bill; Departments of the Treasury, Post Office, and Executive Office appropriation bill; legislative branch appropriation bill; Department of Defense appropriation bill; District of Columbia appropriation bill; Departments of State, Justice, Commerce, the judiciary, and related agencies appropriation bill; independent offices appropriation bill; and the public works appropriation bill.

In conference with the House are the agricultural appropriation bill and the military construction appropriation bill. As the Members know, the Departments of Labor and Health, Education, and Welfare appropriation bill was reported to the Senate by the committee yesterday and is on the Senate Calendar. Still remaining in the committee pending enactment of the authorizing legislation is the foreign aid appropriation bill.

I move the adoption of House Joint Resolution 1160.

The PRESIDING OFFICER. The joint resolution question is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution was ordered to a third reading, was read the third time, and passed.

Mr. NELSON. Mr. President, I invite the attention of the Chair to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Pennsylvania yield to me, without losing his right to the floor?

Mr. CLARK. I am pleased to yield to the majority leader.

JOSEPH DI CICCIO

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1324, H.R. 7088.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 7088) for the relief of Joseph Di Ciccio.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

JOAO CARLOS SENRA FERREIRA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1335, S. 2803.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2803) for the relief of Joao Carlos Senra Ferreira; Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike out all after the enacting clause and insert:

> That, in the administration of the Act of September 26, 1961 (75 Stat. 650), Joao Carlos Senra Ferreira, Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira shall be deemed to be within the purview of section 25(a) of that Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

LIM SAM SOON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1354, H.R. 9560.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT TO INTERNAL REVENUE CODE WITH RESPECT TO LIFE INSURANCE COMPANIES—BILL PASSED OVER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1363, H.R. 5739.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 5739) to amend the Internal Revenue Code of 1954, to correct certain inequities with respect to the taxation of life insurance companies.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LONG of Louisiana. Mr. President, before action is taken on the bill, I should like to see the amendments.

Mr. MANSFIELD. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

DR. G. L. CLIFTON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1378, S. 226.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 226) for the relief of Dr. G. L. Clifton.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 6, after "$1,000", to strike out the comma and "together with interest thereon at the rate of 6 percent per annum from May 27, 1955, until the date of payment of such sum", and in line 9, after the word "sum", to strike out the comma and "together with such interest,"; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Doctor G. L. Clifton, of Sioux Falls, South Dakota, the sum of $1,000. The payment of such sum shall be in full satisfaction of the claim of Doctor G. L. Clifton against the United States for reimbursement of an overpayment of Federal income tax for the taxable year 1950 which was made as a result of an overassessment by an agent of the Internal Revenue Service: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceedng $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. That concludes the call of the calendar for the time being. I thank the distinguished Senator from Pennsylvania for yielding.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER (Mr. Nelson in the chair). Without objection, it is so ordered.

CONTINUATION OF CERTAIN RULES RELATING TO DEDUCTIBILITY OF ACCRUED VACATION PAY—VALUE OF CERTAIN TAXABLE ESTATES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1175, H.R. 10467.

The PRESIDING OFFICER (Mr. Ribicoff in the chair). The bill will be stated by title for the information of the Senate.

The Legislative Clerk. A bill (H.R. 10467) to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay, reported from the Committee on Finance with amendments.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments on page 1, after line 6, to insert:

> Sec. 2. For purposes of the tax imposed by section 2001 of the Internal Revenue Code of 1954, the value of the taxable estate of Carbon P. Dubbs, who died on August 21, 1962, shall be determined by deducting from the value of the gross estate of such Carbon P. Dubbs (in addition to all other deductions and exemptions allowed by part IV of subchapter A of Chapter 11 of such Code) $808,147.87, if cash in the amount of $779,699.17 and household furnishings and equipment with a fair market value of $28,448.70 are transferred, on or before the sixtieth day after the date of the enactment of this Act, to the Department of State of the United States pursuant to and in accordance with the offer of bequest dated February 19, 1963, from the estate of such Carbon P. Dubbs (accepted by the Secretary of State pursuant to section 1021 of the Foreign Service Act of 1946 (22 U.S.C. 809 (1958)), on June 5, 1963). The deduction provided for in this section shall be treated for purposes of the Internal Revenue Code of 1954 as if it had been provided for under section 2055 of such Code, on August 21, 1962.

On page 2, after line 16, to insert:

Sec. 3. (a) The Secretary of Commerce, acting through the Bureau of Public Roads, is authorized and directed to investigate and study the feasibility of imposing taxes on those transit and commuter systems which are the beneficiaries of Federal financial assistance under the Urban Mass Transportation Act of 1964 for the purpose of raising revenues to defray Federal expenditures under such Act.

(b) In making the investigation and study under subsection (a), the Secretary of Commerce is authorized to cooperate and consult with appropriate Federal, State, and local government agencies, and with representatives of the transit and commuter service industry and national organizations concerned with mass transportation service.

(c) The costs of making the investigation and study under subsection (a) shall be paid from appropriations available for expenses of the Office of the Secretary of Commerce.

(d) The Secretary of Commerce shall report the results of the investigation and study under subsection (a), together with his recommendations, to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives at the earliest practicable date, but not later than June 30, 1965.

And, on page 3, after line 13, to insert:

Sec. 4. (a) Section 318(a) of the Internal Revenue Code of 1954 (relating to constructive ownership of stock) is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) Attribution from partnerships, estates, trusts, and corporations.—

"(A) From partnerships and estates.—Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

"(B) From trusts.—

"(i) Stock owned, directly or indirectly, by or for a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

"(ii) Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

"(C) From corporations.—If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such corporation, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation.

"(3) Attribution to partnerships, estates, trusts, and corporations.—

"(A) To partnerships and estates.—Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as owned by the partnership or estate.

"(B) To trusts.—

"(i) Stock owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees' trust described in section 401 (a) which is exempt from tax under section 501(a)) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of this clause, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property.

"(ii) Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under subpart E of part I of subchapter J (relating to grantors and others treated as substantial owners) shall be considered as owned by the trust.

"(C) To corporations.—If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person.

"(4) Options.—If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of this paragraph, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

"(5) Operating rules.—

"(A) In general.—Except as provided in subparagraphs (B) and (C), stock constructively owned by a person by reason of the application of paragraph (1), (2), (3), or (4), shall, for purposes of applying paragraphs (1), (2), (3), and (4), be considered as actually owned by such person.

"(B) Memebers of family.—Stock constructively owned by an individual by reason of the application of paragraph (1) shall not be considered as owned by him for purposes of again applying paragraph (1) in order to make another the constructive owner of such stock.

"(C) Partnerships, estates, trusts, and corporations.—Stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of paragraph (3) shall not be considered as owned by it for purposes of applying paragraph (2) in order to make another the constructive owner of such stock.

"(D) Option rule in lieu of family rule.—For purposes of this paragraph, if stock may be considered as owned by an individual under paragraph (1) or (4), it shall be considered as owned by him under paragraph (4)."

(b)(1) Section 304(b)(1) (relating to rule for determinations under section 302(b)) and section 304(c)(2) (relating to constructive ownership) of the Internal Revenue Code of 1954 are amended by striking out "section 318(a)(2)(C)" and inserting in lieu thereof "sections 318(a)(2)(C) and 318(a)(3)(C)".

(2) Section 318(b) of such Code (relating to cross-references) is amended by striking out "and" at the end of paragraph (6), by renumbering paragraph (7) as paragraph (8), and by inserting after paragraph (6) the following new paragraph:

"(7) section 958(b) (relating to constructive ownership rules with respect to controlled foreign corporations); and",

(3) Section 382(a)(3) of such Code (relating to attribution of ownership) is amended by striking out "section 318(a)(2)(C)" and inserting in lieu thereof "sections 318(a)(2)(C) and 318(a)(3)(C)".

(4) Section 856(d) of such Code (relating to rents from real property defined) is amended by striking out "section 318(a)(2)" in the last sentence and inserting in lieu thereof "sections 318(a)(2) and 318(a)(3)".

(5) Section 958(b) of such Code (relating to constructive ownership) is amended—

(A) by striking out "the first sentence of subparagraphs (A) and (B), and in applying clause (i) of subparagraph (C)," in paragraph (2) and inserting in lieu thereof "subparagraphs (A), (B), and (C)";

(B) by striking out paragraph (3);

(C) by striking out "(4) In applying clause (i) of subparagraph (C)" and inserting in lieu thereof "(3) In applying subparagraph (C)"; and

(D) by striking out "(5) The second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318(a)(2)" and inserting in lieu thereof "(4) Subparagraphs (A), (B), and (C) of section 318(a)(3)".

(6) Section 6038(d)(1) of such Code (relating to definition of control) is amended—

(A) by striking out "the second sentence of subparagraphs (A) and (B), and clause (ii) of subparagraph (C), of section 318(a)(2)" in subparagraph (A) and inserting in lieu thereof "subparagraphs (A), (B), and (C) of section 318(a)(3)"; and

(B) by striking out "clause (i) of" in subparagraph (B).

(c) The amendments made by this section shall take effect on the date of the enactment of this Act, except that, for purposes of sections 302 and 304 of the Internal Revenue Code of 1954, such amendments shall not apply with respect to distributions in payment for stock acquisitions or redemptions, if such acquisitions or redemptions occurred before the date of the enactment of this Act.

Mr. LONG of Louisiana. Mr. President, on August 4 I offered an amendment to the committee amendment on page 1, line 7. The amendment to the amendment was subsequently withdrawn and the bill was returned to the calendar. I now reoffer the amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Legislative Clerk. On page 1, line 7, in the committee amendment, it is proposed to insert:

(b) The Commissioner of Internal Revenue is authorized to enter into a closing agreement under section 7121 of the Internal Revenue Code of 1954 to meet and satisfy the condition set forth in subparagraph (B) of the eleventh paragraph of the Agreement, as amended, made as of May 1, 1964, with respect to the probate proceedings relating to the estate of Anna Gould de Talleyrand (entitled "Probate Proceedings, Will of Anna Gould de Talleyrand, Deceased", in the Surrogate's Court of the County of New York, State of New York (file No. P3878–1961)), between the United States of America, the National Trust for Historic Preservation, the First National City Bank of New York, and others. The enactment of this subsection shall constitute approval of such closing agreement and of the allowance of the deductions in computing the taxable estate of Anna Gould de Talleyrand specified in subparagraph (B) of the eleventh paragraph of such Agreement.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Louisiana to the committee amendment.

The amendment to the amendment was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I did not know that the amendment of the Senator from Louisiana [Mr. Long] to the committee amendment was to be reoffered.

Mr. LONG of Louisiana. Mr. President, this amendment was objected to by the Senator from Oregon because he wished an explanation made first. This explanation has now been made to him and it is my understanding that he is satisfied with the amendment. The amendment was explained to the Finance

Committee, and the committee this morning authorized the amendment to be offered as a committee amendment to the bill.

Mr. MANSFIELD. With that explanation, it is perfectly all right, and I have no objection to it.

Mr. LONG of Louisiana. Mr. President, I shall not move to reconsider, unless some other Senator wishes to do so.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay, and for other purposes."

AMENDMENT TO INTERNAL REVENUE CODE WITH RESPECT TO LIFE INSURANCE COMPANIES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1363, H.R. 5739.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. The bill (H.R. 5739) to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments, on page 2, line 24, after the word "by", to strike out "adding at the end thereof the following: 'reduced (in the case of a taxable year beginning after December 31, 1961) by the amount referred to in clause (i),'" and insert "inserting after 'after December 31, 1958,' the following: 'and before January 1, 1962,'"; on page 3, after line 18, to strike out "the policyholders surplus account for the last taxable year to which such loss is carried under section 812(b)(2) shall be reduced by the amount described in subparagraph (B) or, if lesser, the amount in such account as of the close of such taxable year (computed before any subtractions for such taxable year)." "; and, in lieu thereof, to insert "the policyholders surplus account for the taxable year referred to in subparagraph (A) shall be reduced by the amount described in subparagraph (B)." ".

On page 4, after line 3, to strike out:

(b) The amendment made by subsection (a) shall apply with respect to taxable years beginning after December 31, 1963.

And, in lieu thereof, to insert:

(b) Section 6501 of such Code (relating to limitations on assessment and collection) is amended by redesignating subsection (k) as subsection (l), and by inserting after subsection (j) the following new subsection:

"(k) REDUCTIONS OF POLICYHOLDERS SURPLUS ACCOUNT OF LIFE INSURANCE COMPANIES.—In the case of a deficiency attributable to the application to the taxpayer of section 815(d)(5) (relating to reductions of policyholders surplus account of life insurance companies for certain unused deductions), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2) may be assessed."

(c) Section 6511(d) of such Code (relating to special rules applicable to income taxes with regard to limitations on credit or refund) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL PERIOD OF LIMITATION WITH RESPECT TO REDUCTION OF POLICYHOLDERS SURPLUS ACCOUNT OF LIFE INSURANCE COMPANIES.—

"(A) PERIOD OF LIMITATION.—If the claim for credit or refund relates to an overpayment arising by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 39th month following the end of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2), or the period prescribed in subsection (c), in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of overpayment arising by operation of section 815(d)(5).

"(B) APPLICABLE RULES.—If the allowance of a credit or refund of an overpayment arising by operation of section 815(d)(5) is otherwise prevented by operation of any law or rule of law, other than section 7122 (relating to compromises), such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. In the case of any such claim for credit or refund, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the effect of the operation of section 815(d)(5), to the extent such effect of the operation of section 815(d)(5) was not in issue in such proceeding."

(d) Section 6601(e) of such Code (relating to income tax reduced by carryback with regard to interest on underpayment, nonpayment, or extensions of time for payment of tax) is amended—

(1) by striking out the heading and inserting in lieu thereof the following: "(e) INCOME TAX REDUCED BY CARRYBACK OR ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS.—"; and

(2) by adding at the end thereof the following new paragraph:

"(3) ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS OF LIFE INSURANCE COMPANIES.—If the amount of any tax imposed by subtitle A is reduced by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), such reduction in tax shall not affect the computation of interest under this section for the period ending with the last day of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2)."

(e) Section 6611(f) of such Code (relating to interest on refunds of income tax caused by carryback) is amended—

(1) by striking out the heading and inserting in lieu thereof the following: "(f) REFUND OF INCOME TAX CAUSED BY CARRYBACK OR ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS.—"; and

(2) by adding at the end thereof the following new paragraph:

"(3) ADJUSTMENT FOR CERTAIN UNUSED DEDUCTIONS OF LIFE INSURANCE COMPANIES.—For purposes of subsection (a), if any overpayment of tax imposed by subtitle A arises by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), such overpayment shall be deemed not to have been made prior to the close of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2)."

(f) The amendments made by this section shall apply with respect to amounts added to policyholders surplus accounts (within the meaning of section 815(c) of the Internal Revenue Code of 1954) for taxable years beginning after December 31, 1958.

On page 8, after line 5, to insert a new section, as follows:

SEC. 4. (a) Section 815 of the Internal Revenue Code of 1954 (relating to distributions to shareholders) is amended—

(1) by striking out the second and third sentences of subsection (a), and

(2) by adding at the end thereof the following new subsection:

"(f) DISTRIBUTION DEFINED.—For purposes of this section, the term 'distribution' includes any distribution in redemption of stock or in partial or complete liquidation of the corporation, other than—

"(1) any distribution made by the corporation in its stock or in rights to acquire its stock;

"(2) except for purposes of subsection (a)(3) and subsection (e)(2)(B), any distribution in redemption of stock issued before 1958 which at all times on and after the date of issuance and on and before the date of redemption is limited as to dividends and is callable, at the option of the issuer, at a price not in excess of 105 percent of the sum of the issue price and the amount of any contribution to surplus made by the original purchaser at the time of his purchase; or

"(3) any distribution after December 31, 1963, of the stock of a controlled corporation to which section 355 applies, if such controlled corporation is an insurance company subject to the tax imposed by section 831 and if—

"(A) control was acquired prior to January 1, 1958, or

"(B) control has been acquired after December 31, 1957—

"(i) in a transaction qualifying as a reorganization under section 368(a)(1)(B), if the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the controlled corporation, or

"(ii) solely in exchange for stock of the distributing corporation which stock is immediately exchanged by the controlled corporation in a transaction qualifying as a reorganization under section 368(a)(1) (A) or (C), if the controlled corporation has at all times since its organization been wholly owned by the distributing corporation and the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the corporation the assets of which have been transferred to the controlled corporation in the section 368(a)(1) (A) or (C) reorganization. Paragraph (3) shall not apply to that portion of the distribution of stock of the controlled corporation equal to the increase in the aggregate adjusted basis of such stock after December 31, 1957, except to the extent such increase results from an acquisition of stock in the controlled corporation in a transaction described in such paragraph."

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

On page 10, after line 20, to insert a new section, as follows:

Sec. 5. (a) Section 805(d)(1) of the Internal Revenue Code of 1954 (relating to pension plan reserves) is amended by inserting before the period at the end of subparagraph (D) the following: ", or purchased to provide retirement annuities for employees described in section 403(b)(1)(A)(ii) by an employer which is a State, a political subdivision of a State, or an agency or instrumentality of any one or more of the foregoing".

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

On page 11, after line 6, to insert a new section, as follows:

Sec. 6. (a) Section 613(b) of the Internal Revenue Code of 1954 (relating to percentage depletion rates) is amended—

(1) by striking out "beryl," in paragraphs (2)(B) and (6); and

(2) by inserting "beryllium," after "antimony," in paragraph (2)(B).

(b) The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 1963.

After line 15, to insert a new section, as follows:

Sec. 7. (a) Section 1212(a) of the Internal Revenue Code of 1954 (relating to capital loss carryovers of corporations) is amended to read as follows:

"(a) Corporations.—

"(1) In general.—If for any taxable year a corporation has a net capital loss, the amount thereof shall be a short-term capital loss—

"(A) in each of the 5 succeeding taxable years, or

"(B) to the extent such loss is attributable to a foreign expropriation capital loss, in each of the 10 succeeding taxable years,

to the extent such amount exceeds the total of any net capital gains (determined without regard to this paragraph) of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year.

"(2) Definitions and special rules.—

"(A) Foreign expropriation capital loss defined.—For purposes of this subsection, the term 'foreign expropriation capital loss' means, for any taxable year, the sum of the losses taken into account in computing the net capital loss for such year which are—

"(i) losses sustained directly by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing, or

"(ii) losses (treated under section 165(g)(1) as losses from the sale or exchange of capital assets) from securities which become worthless by reason of the expropriation, intervention, seizure, or similar taking of property by the government of any foreign country, any political subdivision thereof, or any agency or instrumentality of the foregoing.

"(B) Portion of loss attributable to foreign expropriation capital loss.—For purposes of paragraph (1), the portion of any net capital loss for any taxable year attributable to a foreign expropriation capital loss is the amount of the foreign expropriation capital loss for such year (but not in excess of the net capital loss for such year).

"(C) Priority of application.—For purposes of paragraph (1), if a portion of a net capital loss for any taxable year is attributable to a foreign expropriation capital loss, such portion shall be considered to be a separate net capital loss for such year to be applied after the other portion of such net capital loss."

(b) The amendment made by subsection (a) shall apply with respect to net capital losses (to the extent attributable to foreign expropriation capital losses, as defined in section 1212(a)(2)(A) of the Internal Revenue Code of 1954) sustained in taxable years ending after December 31, 1958.

And, on page 13, after line 24, to insert a new section, as follows:

Sec. 8. (a) Section 4216(b) of the Internal Revenue Code of 1954 (relating to constructive sale price) is amended by striking out "highest" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "lowest".

(b) The amendment made by subsection (a) shall apply with respect to articles sold on or after the first day of the first calendar quarter which begins more than 30 days after the date of the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the Senator from Montana explain the bill briefly? This is a field which has been so complex and controversial that I would appreciate a short explanation of it.

Mr. MANSFIELD. This is a House bill (H.R. 5739) which makes the 8-year loss carryover available for new life insurance companies without regard to whether they are affiliated with other companies. Under present law, when the new life company is affiliated with any other company, except a fire or other casualty insurance company, only the 5-year loss carryover is available. The committee accepted the provision without change. The Treasury Department has indicated that it has no objection to this measure.

Mr. PROXMIRE. I thank the Senator from Montana for the explanation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1428), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

I. SUMMARY

H.R. 5739 as passed by the House made three modifications in the present tax treatment of life insurance companies. Your committee has accepted these three provisions although modifying slightly two of them. In addition, it has added to the bill two other provisions relating to the taxation of life insurance companies and three provisions relating to other tax matters.

The House bill makes the 8-year loss carryover available for new life insurance companies without regard to whether they are affiliated with other companies. Under present law, where the new life company is affiliated with any other company except a fire or other casualty insurance company, only the 5-year loss carryover is available. Your committee has accepted this provision without change. The Treasury Department has indicated that it has no objection to this provision.

The House bill amended present law to deny a double inclusion in the "shareholders surplus account" with respect to the excess of net long-term capital gains over net short-term capital losses. Your committee has accepted this provision but modified it to also provide that no addition is to be made to the shareholders' surplus account with respect to these excess capital gains where they are offset by net operating losses. The double inclusion of the capital gains which is removed by the House bill would permit the distribution to shareholders of an amount equal to twice this excess capital gain without the payment of tax at the time of distribution. The modification made by your committee also prevents distributions to shareholders of an amount equal to this excess capital gain where no tax was paid on this gain because of the presence of a net operating loss. The Treasury Department recommended the modification made by your committee and favors the provisions as amended.

The House bill makes certain modifications in the additions which are required to be made to the "policyholders surplus account." At the present time, certain deductions, although they create a loss which cannot be used in full or in part when carried back or forward to the extent permitted by present law, nevertheless are treated as additions to the "policyholders surplus account." Since a distribution to shareholders made out of the policyholders surplus account results in a tax at the company level at the time of the distribution, these deductions in effect are restored to the company's tax base at the time of the distribution even though the taxpayer has previously obtained no benefit from them. The House bill prevents this effect in most cases where the taxpayer obtained no tax benefit from the deductions. Your committee has accepted the House bill with two minor modifications dealing with unusual situations where its hearings disclosed that the House bill did not prevent the imposition of a tax at the time of distribution where the taxpayer obtained no tax benefits from the earlier deductions. The Treasury Department has indicated that it has no objection to this provision as modified.

An amendment added by your committee provides in certain cases that a "spinoff" of the stock of a subsidiary fire or casualty insurance company by a life insurance company is not to result in the imposition of a tax at the company level at the time of the distribution. The provision is carefully restricted to give assurance that amounts will not be distributed in this manner which represent earnings and profits of the life insurance company accumulated on a tax-free basis since the adoption of the Life Insurance Company Income Tax Act of 1959. The Treasury Department has indicated that it does not object to the adoption of this provision.

Another provision added by your committee dealing with the taxation of life insurance companies provides that the pension plan reserves of life insurance companies are to reflect the investment income of life insurance companies attributable to retirement annuities of public school systems. The earnings on qualified pension plan reserves are free of tax at the life insurance company level under present law but reserves attributable to annuities of public school systems, even though generally schoolteacher annuities are treated in the same manner as qualified pension plans, are not presently given this status. Your committee's amendment corrects this problem. The Treasury Department has indicated that it does not object to this provision.

Your committee has added an amendment providing that ores of beryllium are to receive the same percentage depletion treatment when domestically produced as domestically produced beryl. Beryl is eligible for a 23-percent depletion rate when produced from domestic deposits. Previously, beryl was the only domestic source of beryllium but now beryllium is also extracted from other ones. Your committee's amendment equates the percentage depletion allowance in these cases. The Treasury Department has not indicated any objection to this provision.

Another amendment made by your committee provides a 10-year rather than 5-year carryover for capital losses arising from expropriations or similar takings of property by foreign governments. A provision which is substantially similar to this is already available in the case of ordinary losses. The Treasury Department has indicated that it has no objection to this provision.

Your committee has also added a provision to the bill dealing with the manner of computing the constructive sales price for purposes of manufacturers' excise taxes imposed on an ad valorem basis. In the case of sales at retail and to retailers, present law provides a constructive sales price based upon the "highest" price to wholesale distributors. This amendment provides that this constructive price in these cases is to be based upon the "lowest" price to wholesale distributors.

* * * * *

Revenue effect: It is believed that this provision will result in a negligible loss in revenues.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CLARK. Mr. President, there are many reasons why in my opinion the Dirksen "rotten borough" amendment should be rejected by the Senate.

Before going into any of those reasons—and to cover them fully would take a long time—I should like first to discuss why, during the past week, I have referred to the Dirksen amendment as a "rotten borough" amendment. Those Senators—and I hope there are more every day—who have been conscientious enough to read the splendid opinion of our very great Chief Justice of the United States, Chief Justice Earl Warren, in the case of Reynolds against Sims, will recall that on page 32 of the printed opinion, the Chief Justice stated:

> Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies.

Then in footnote No. 44, the Chief Justice stated:

> The British experience in eradicating "rotten boroughs" is interesting and enlightening. Parliamentary representation is now based on districts of substantially equal population, and periodic reapportionment is accomplished through independent boundary commissions. For a discussion of the experience and difficulties in Great Britain in achieving fair legislative representation, see Edwards, Theoretical and Comparative Aspects of Reapportionment and Redistricting.

A year ago when I was preparing the text of a book on the place of Congress in our tripartite system of government, I investigated the causes for the unfortunate failure, in my opinion, of the Congress of the United States to measure up to its constitutional duty. It occurred to me that malapportionment in the State legislatures, and also in Congress, was one of the reasons why Representatives and Senators have tended, in some instances, to fail to demonstrate that devotion to the interests of a majority of our people, which we have traditionally considered, since the founding of the Republic, to be one of the chief qualifications for holding public office, if not the principal qualification.

I recall that when I was in college, far too many years ago, I had been most favorably impressed by a brilliant book written by George Macaulay Trevelyan, entitled, "British History in the 19th Century."

I recalled particularly the chapters in that book which dealt with the fight over the first reform bill in Great Britain during the years 1832 to 1834. It seemed to me that those chapters presented, perhaps in reverse, a pertinent illustration of the difficulties in securing majority control of our legislative bodies, control which, 130 years ago, had not yet been achieved in Great Britain.

So I undertook to draft a part of the chapter in my book on the strategy and tactics of congressional reform, a section on precedents for legislative reform, which included a description of the fight to eliminate the rotten boroughs in Great Britain during the 4th decade of the 19th century. Subsequently, I concluded that the analogy was not sufficiently close to make it desirable to include that particular subject in the final draft of the book, which was published just last May under the title of "Congress: The Sapless Branch."

However, when the Dirksen amendment was first brought forward, the analogy between its objective and that of those individuals in England during the early 1830's who were attempting to prevent parliamentary reform, struck me as pertinent. Then, when I read Chief Justice Warren's opinion and noted his reference to rotten boroughs, it occurred to me that we had now found an excellent title for the Dirksen amendment if we were to call it the "rotten borough" amendment.

Let us take a short look at what happened in England and note the analogy. In 1831 the House of Commons of England consisted of members elected by the English counties and others selected by boroughs.

There were, of course, the representatives from Ireland, who were constantly giving the same amount of trouble, although for different reasons, which I am sure the leadership occasionally thinks the small bands of liberals who are opposing the Dirksen amendments are giving in the Senate today. But while the representation in the House of Commons from the counties was reasonably closely apportioned, for those days, to population, the representation from the boroughs was positively scandalous. Many of them were known in those days as "rotten boroughs" because their parliamentary seats were filled on the nomination of either a few corrupt borough officials or by a powerful local landlord. Many of the boroughs had been created during the Middle Ages or in late feudal times, and there had subsequently been shifts in population. Changes in the economy of England had, in turn, vastly changed the population in those boroughs. Some of them had become little more than discarded pigsties, according to George Macaulay Trevelyan. Those boroughs had been organized many years previously, and because of changes in the economy in England, as I have just stated, had been abandoned by their population. One of the most notorious of the "rotten boroughs" was the Borough of Old Sarum. Nobody lived in it. Nevertheless, it had a seat in Parliament and a vote in the House of Commons—a vote exercised by the nominee of the local landlord who owned the real estate where the Borough of Old Sarum had formerly existed.

At that time, in 1831, the voting franchise in England was restricted to the nobility and to the country gentlemen. The middle and working classes were completely disenfranchised. A number of flourishing cities had grown up in England as a result of the industrial revolution, which had begun with the innovation of the steam engine by James Watt in the last years of the 18th century. But none of the people in the new cities had any representation whatever in the House of Commons.

It should also be pointed out that at that time the House of Lords was entirely hereditary and ultraconservative, and representatives in the House of Commons, on the other hand, who came from English counties, were reasonably up to date with the needs of the times. But the representatives who came from the rotten boroughs were quite candidly for sale.

Through the combination of their control over the rotten boroughs and their control through the British aristocracy in the House of Lords, no very effective legislation of an economic or social nature was passed by the British Parliament in the years between the defeat of Napoleon at Waterloo in 1815 and the year 1831, when the agitation for the first reform bill began.

There was much misery due to chronic and persistent unemployment throughout the country, and there came to be an identification of the economic distress with the failure of Parliament to represent the people of the country. Accordingly, there was a steady public outcry for reform of the House of Commons.

Earlier efforts at parliamentary reform, around 1810, had failed. Lord Grey, who was a Whig and a Member of the House of Lords, had been the leader of the reform movement which had been defeated in 1810. At that time he had declared that he would take up parliamentary reform again when the English people took it up, as Lord Grey said, "seriously and affectionately."

It is interesting to note, in historical perspective, that at this time the Duke of Wellington, hero of the Battle of Waterloo, and an extraordinary character, was Prime Minister and a strong opponent of reform. The Duke of Wellington was a gentleman who, if he were alive today, would make BARRY GOLDWATER look like a leftwing radical. He was a fascinating character of many marvelous qualities—a great general, a man of unimpeachable integrity, but an individual who yearned for the good old days of the end of the 18th century and looked with deep suspicion on anything which might resemble change.

So in 1831 there was in England a situation which bears some analogy, when we think in terms of parliamentary reform and congressional reform, to the situation in this country before the decision of Baker against Carr, and the other decisions which followed in its train, ending up with the most important decision of Reynolds against Sims, decided on June 15 of this year.

The counterrevolutionary forces, terrified by the French Revolution, intent on retaining their political power in England, had their faces set firmly against parliamentary reform.

So, in the same way in our country right now, and much more so before Baker against Carr, decided in 1962, the forces in this country opposing change, the forces which set their hands and minds and voices against anything new, have opposed any effort to achieve either congressional reform in the larger sense, or legislative reform in terms of making State legislatures, and indeed the House of Representatives, represent the people of the country instead of the bears, the bees, the trees, and the flowers.

From their standpoint, one would think their motivation is probably not unlike the reaction of the Duke of Wellington and the owners of rotten boroughs in 1831. They thought things were bad enough, and they did not want them to become any worse. They thought any change was necessarily bad. They knew that as long as the people of England were unable to be adequately represented by Members in the Parliament who would be responsive to the desires of the people, they could control the situation, just as those supporting the Dirksen amendment on the floor of the Senate today want to retain that unconscionable control by the rural districts of State legislatures through which they have been able to retain their power, and indeed to transfer that power, in many instances, from the State legislatures to the Congress of the United States.

And so it has come about today in America, as indeed it had practically always been in England, that a failure of fair and adequate representation in the legislature resulted in blocking the road to necessary change.

To return to the situation in England in 1831: The Paris revolution in France, across the English Channel, resulted in throwing out the reactionary Bourbon king, Charles X, and his Prime Minister Polignac and putting in power the bourgeois king, Louis Phillipe.

It will be recalled that after Napoleon lost the Battle of Waterloo and was sent to St. Helena, there was a restoration of the Bourbon kings in France. They proceeded, to the extent of their ability, to undo all of the reforms of the French Revolution and, again to the extent of their ability, to turn the clock back to the days of the earlier Bourbons, Louis XIV, Louis XV, and Louis XVI.

But the 1831 Paris revolution, unlike the earlier one at the turn of the 18th-19th century, did not result in any attacks on private property. It was a bourgeois middle class revolution which resulted in bringing some very necessary reforms into the French Constitution and into French political procedures, and in very definitely moving the French nation ahead to make it more capable of dealing with the serious social, economic, and political problems which confronted the French nation as the pace of the industrial revolution tended to accelerate.

The experience in France had a great effect across the channel in England. It heartened the forces of reform and resulted in Lord Grey and Lord John Russell, who was the head of the Whig Party in the House of Commons, going out on the hustings in the general election of 1831, and bringing forward a moderate Whig program of reform.

Of course, the analogy is quite inexact, but it has sufficient pertinence to mention it. The Tory Party then, as now, was the party of the conservative elements in England, and the Whig Party was to some extent the party of the liberals. Among the Whigs, of course, were many members of the aristocracy as well as many successful businessmen and members of what in those days was known as the English bourgeoisie. Generally speaking, the Whigs were not completely averse to change, and the Tories were.

In the election of 1831 a Whig majority was elected in the House of Commons. This resulted in turning out the Duke of Wellington as Prime Minister and installing Lord Grey in his place. Remember that Lord Grey, however, was a member of the House of Lords, not of the House of Commons. Nevertheless, his cabinet, or the cabinet which he headed, promptly introduced the first reform bill, which abolished a large number of rotten boroughs and distributed their seats among the larger British cities which had theretofore been unrepresented in Parliament. The bill also enfranchised—or, in other words, gave the vote—to about one-half of the British middle class by lowering significantly the property qualification necessary to entitle one to a vote.

It was not until the third reform bill, more than half a century later, that the British came anywhere near approximating universal suffrage in terms of their electorate. Of course it was many years later before the vote was given to women. The situation in our country was not significantly different in terms of the franchise. Women were not permitted to vote on a national basis until the suffrage amendment was adopted in 1919. There were still, in 1831, drastic property qualifications in connection with the right to vote in this country, but there was no such denial of equal representation to those who were entitled to vote in our country, as there was in England.

One point which I think should be stressed in this debate is that it is perfectly clear that the Founding Fathers, when they were framing the Constitution and dealing with the problem of the franchise, never had the slightest doubt that in the State legislatures, although the franchise was restricted by property qualifications, the rule would be other than one elector, one vote.

It was not until a good deal later that the drastic inequities which now exist and have existed for nearly a hundred years in terms of the franchise or the right to vote for members of State legislatures came into being.

To get back to England, it will be recalled that since Grey was in the House of Lords, the management of the first reform bill was turned over to Lord John Russell, who was the leader in the House of Commons. The first reform bill was as much a bombshell in the England of 1831 as the decisions of Baker against Carr, Reynolds against Sims, the Gray case, and the Wesberry case were to the forces of reaction in the United States.

Just as the first reform bill threatened the political power of the aristocracy and the owners of rotten boroughs, and therefore threatened the counterrevolutionary force in England, so did the Baker against Carr decision, and the decisions which have followed it, cause a tremor of fear to run down the spine of the counterrevolutionary force in the United States.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator is making an extraordinarily useful and historical examination of the development of universal suffrage. I believe that his analogy between the present struggle and the struggle years ago in England and France is not only well taken, but I also get from the Senator's analysis a sense of the long sweep and the long struggle toward equal suffrage, as well as universal suffrage. The latest development by the U.S. Supreme Court is directly connected with and grows out of the historical experience in Western society.

Mr. CLARK. I agree with my friend from Wisconsin, and thank him for pointing it out. I should like to ask a question of the Senator, he being a longtime and able student of constitutional history and, indeed, of politics. I should like to ask him whether he would agree with me that Baker against Carr, Reynolds against Sims, and the cases in between may not one day be written up by the historians as another chapter in the long fight for democracy and freedom and equal opportunity under the law, which we were taught in school and college began with the Magna Carta.

Mr. PROXMIRE. Indeed I do. The case we make now is much clearer, much more incisive, much more explicit than could have been made at any other stage in the development of universal suffrage. A very strong case—a wrong case, but a strong case—can be made for property qualifications to vote. It might be said that a man who had demonstrated his stability, a man who had accumulated property, would be a better elector. An argument like that could be made; and it would be a logical argument.

Mr. CLARK. That argument prevailed for many years.

Mr. PROXMIRE. It did; and we have dismissed it. I have yet to hear any of the proponents of the Dirksen amendment, including the author of it himself, present one logical reason why people should have greater representation merely because fewer people live in a certain area than in another area; or, to put it another way, why those who live in an area that people are leaving should have greater representation than those who live in an area that is growing and developing.

Mr. CLARK. I agree with the Senator. It occurs to me that the reason why the Senator from Illinois [Mr. DIRKSEN] and his supporters, who are curiously silent, have not raised their voices in support of this iniquitous amendment, and have failed to develop the point which the Senator has mentioned, is that they are a little afraid to bring it to the light of day.

The argument which I have heard made—and I am sure the Senator has heard it made also—is that if a person lives on a farm he is automatically a man of integrity and a man of intelligence. An effort has been made to misrepresent the views of Thomas Jefferson, to the effect that a person who lives on a farm is a "goodie," and a person living in a city is a "baddie." Generally speaking, throughout the sweep of American history, the rural interest has been the conservative interest; and the conservative interest has nurtured the "Establishment" in the Senate, in the House, and in State legislatures.

The "Establishment," as we have come to know it in the Senate in recent years, is that group of eminent, intelligent, patriotic citizens who have set their faces against change. There is a tendency, and there has been throughout history, although it is less every day, with the coming of television, highways, and airplanes, for the rural element, which is remote from the clang and clash of conflicting opinions—which is a part of urban life today—to support resistance to change, resistance to the 20th century, resistance to the modern world. It is the element which has supported and elected those who, generally speaking, are supporting the Dirksen amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. PROXMIRE. As a matter of realism, however, if we analyze the movement of populations, we can see that what is actually happening is nothing of the kind that the supporters of the Dirksen amendment argue would take place. The Dirksen amendment will not help farmers. I agree that farmers have unusual character and fine ability. The farmers whom I know and with whom I have spoken about this situation do not feel that they should be given any more consideration than anyone else.

Mr. CLARK. Perhaps our conservative friends may be putting their faith in an element in the community which, if they push their case too far, will one day desert them. I call attention to the Populist movement in the 1890's, which originated, to a large extent, with the farm population.

I call attention to the farm revolt in the 1920's, which resulted in the McNary-Haugen bill, and to the fact that if the farmers become angry enough, they will want change even to a greater extent than their city and suburban colleagues. Nevertheless, generally speaking, over the sweep of history, what I have said has been to a large extent true, despite the influence of the frontier on politics in America.

Mr. PROXMIRE. Farmers are leaving the farms and city dwellers are leaving the central cities. The central cities are not growing the way the rest of the country is. City dwellers are moving to the suburbs. The attitude of suburban dwellers varies greatly. Some are quite progressive; some are not. But in many cases, suburban dwellers tend to be more conservative than city dwellers.

There are really two important reasons why those who support the Dirksen amendment want it, after they think it through and get all the facts on it. One is that they feel that if one branch of a State legislature can be established on some other basis than population, there will be a tendency for the legislature to go slower; that it will not do as much and will not pass certain legislation.

Mr. CLARK. I suggest that it is a subconscious yearning for an "American House of Lords."

Mr. PROXMIRE. Yes; but it is also a feeling that they desire to stop new things, new actions, and new trends. This is most unfortunate, because it means weak, inactive States; the consequences will be a bigger, stronger central Federal Government. If the States fail to act, the Federal Government will.

What will happen if the unequal vote boys succeed? The Senator from Michigan [Mr. MCNAMARA] showed brilliantly in his excellent speech yesterday, showing specific big examples of important legislation that were blocked in the Michigan Legislature by a majority of legislators representing a minority, usually a small minority of the people of Michigan.

Nevertheless, I think there are people who, if they rationalize this condition at all, rationalize it on the basis of feeling that this is a conservative way of preventing legislatures from acting.

There is one other element which induces them to oppose reapportionment. It is because of the perfectly predictable, human, understandable feeling that they want to keep their jobs.

The jobs of those who are members of State legislatures are at stake. The jobs of their friends are at stake. Their careers are at stake. The Senator from Pennsylvania and I know many persons who have served in our State legislatures for 10, 15, or 25 years. They want to serve longer. In many cases, they serve well. But if State legislatures were reapportioned every 10 years, people would be thrown out of work. The human element is important.

Every Member of the Senate or House has friends in the State legislatures. We hear from them. We like them. They are our strong supporters. We want to do what we can to help them.

This is a big element in their support of the Dirksen amendment and the adoption of the constitutional amendment to produce the desired kind of area representation and population representation.

Mr. CLARK. The Senator from Wisconsin is correct. I wonder if his experience in Wisconsin coincides with my own in Pennsylvania. All the talk about a crisis, which we heard in support of the Dirksen amendment, to my way of thinking, comes only from the politicians in the State legislatures, their friends, their sycophants, their supporters. It has no grassroots basis at al. It is merely the normal fear that someone will lose his job. There is no crisis except that some State legislators and those who follow them or whose jobs are contingent upon the continuance in office of the State legislators are afraid that if the people of a particular State had the right to choose their representatives in proportion to their numbers, such individuals would not return to the statehouse.

Mr. PROXMIRE. The Senator is correct. Wisconsin has had population apportionment for 116 years—ever since 1848, when it became a State. The result has been not to have impetuous legislation or radical legislation, or legislation that is out of the mainstream of our general attitudes. It has been constructive, careful, and prudent; and the checks and balances of a bicameral legislature have worked well.

Mr. CLARK. Does not the Senator from Wisconsin agree with me that what he has just said is the American tradition—the American tradition of majority rule? We broke away from England because of taxation without representation. But we have it all over again today in the State legislatures. If there was ever any reason for breaking away from George III, and the British Parliament for their failure to permit the American people to tax themselves, and not have to go back to London with a plea to be relieved of the tea tax, the stamp tax, and others, that same urge which caused the American Revolution is now causing the citizens of our several States and cities to demand that they should not be taxed without proper representation in the State legislatures.

Mr. PROXMIRE. The Senator from Pennsylvania is absolutely correct; 180 years ago Thomas Jefferson, that great apostle of freedom, stressed that in State legislatures it is fundamental that there be representation based on population. James Madison said the same thing. Their writings are clear. There is no question about it. There is almost no conflict among our Founding Fathers so far as State legislatures are concerned. The Senator from Pennsylvania earlier referred to that. This is something we should not lose sight of, because people are always referring to the Federal analogy, the constitutional analogy, that there are two Senators from each State. The analogy is nil.

Mr. CLARK. I thank the Senator from Wisconsin for his helpful intervention.

Mr. President, I somewhat reluctantly desist, at least temporarily, from a continuation of the discussion of the condition in the British Houses of Parliament during the year 1831, for the purpose of affording my able and beloved colleague, the distinguished senior Senator from Ohio [Mr. LAUSCHE] an opportunity to address the Senate on a subject which I am sure is of the greatest importance. I ask unanimous consent that I may yield to him without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965—AMENDMENT

Mr. LAUSCHE. Mr. President, I am grateful to the Senator from Pennsylvania for his generous comments.

I send to the desk an amendment to H.R. 10809, the Health, Education, and Welfare appropriation bill. The amendment contemplates striking from the appropriation bill the sum of $1.5 million from the allocation that the Senate version of the bill makes to the Public Health Service.

The House committee eliminated this item of $1.5 million to be used for the preparation of designs and plans for an Environmental Health Center in Washington. The Senate Committee on Appropriations restored the item of $1.5 million. My amendment, if adopted, would remove the restoration I just identified.

Mr. President, I ask that the amendment be printed, and ask furthermore that my remarks be placed in the RECORD following the presentation made by the distinguished Senator from Pennsylvania [Mr. CLARK].

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

CHAIRMANSHIP OF SENATE DELEGATION APPOINTED TO ATTEND THE BRITISH COMMONWEALTH PARLIAMENTARY CONFERENCE AT JAMAICA

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The Chair, on behalf of the President pro tempore, announces the designation of the Senator from Arkansas [Mr. FULBRIGHT] as chairman of the delegation appointed yesterday to attend the British Commonwealth Parliamentary Conference at Jamaica, as authorized by Senate Resolution 339, agreed to July 23, 1964.

GOV. MUÑOZ-MARÍN OF PUERTO RICO

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a fine editorial published in the New York Times this morning entitled "Muñoz-Marín Steps Down."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MUÑOZ-MARÍN STEPS DOWN

Gov. Muñoz-Marín of Puerto Rico is a somewhat uncommon specimen of a professional politician—he believes heart and soul in the democratic principles that he has always proclaimed. And now he is proving it once again by refusing to run for a fifth term as Governor.

His figure is such a familiar one in the United States and Latin America, as well as in Puerto Rico, that it has been impossible to think of the island without thinking of him. The Popular Democratic Party he founded won power in 1940. Don Luis, as everyone calls him, became the first elected Governor of Puerto Rico in 1948, and he has been its only one, for he was reelected three times. Nothing could have prevented him from being elected again in November—except his own determination to step aside, which he does at the peak of his power and prestige.

The task he set himself many years ago has been well done. The remarkably successful economic and social program, known as "Operation Bootstrap," was his idea and his accomplishment. The Commonwealth status, whereby Puerto Rico became associated under the American flag, with common citizenship and complete autonomy in internal affairs, was conceived and carried through by the Governor.

Although he will remain in the political picture as senator and elder statesman, it would be unlike him to overshadow his successor, who will most likely be the present secretary of state, Roberto Sanchez Vilella. Mr. Sanchez is not a popularly known figure, but he has been the Governor's closest associate for years and he is rated as an outstanding administrator.

Presuming that Mr. Sanchez is elected in November—which is a safe presumption—there will be no change in policies. Puerto Rico is older in history than the United States. Mr. Muñoz-Marín is the 123d Governor since Columbus claimed the island for Spain. But it is also a new island, with a hopeful future for which the retiring Governor deserves much credit.

Mr. FULBRIGHT. Many Senators are well acquainted with Governor Muñoz-Marín of Puerto Rico. He has had an outstanding career as the only elected Governor of that Commonwealth and has done excellent work in improving the welfare of his people.

All of us are greatly in his debt for the wonderful service he has rendered. It is a great pleasure to have this editorial printed in the RECORD.

ORDER OF BUSINESS

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORRECTION OF INEQUITIES IN CONSTRUCTION OF FISHING VESSELS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1006) to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes, which were, on page 2, line 8, strike out "or" and insert "and"; on page 2, line 12, strike out "and;"," and insert "and",; on page 2, after line 13 insert:

> (3) amend section 3 by inserting "after notice and hearing," following the words "of his discretion,";

On page 2, line 14, strike out "(3)" and insert "(4)"; on page 2, line 15, strike out "(4)" and insert "(5)"; on page 2, line 16, strike out "55 per cent" and insert "50 per cent"; on page 2, line 17, strike out "(5)" and insert "(6)"; on page 2, line 18, after "'SEC. 9." insert:

> The Secretary of the Interior, in the exercise of his discretion, after notice and hearing, may approve the transfer of a vessel constructed with the aid of a construction subsidy, whose operations have become uneconomical or less economical because of an actual decline in the particular fishery for which it was designed, to another fishery where he determines that such transfer would not cause economic hardship or injury to efficient vessel operators already operating in that fishery.

On page 3, line 5, strike out "(6)" and insert "(7)"; on page 3, line 7, strike out "(7)" and insert "(8)", and on page 3, line 10, strike out "1968" and insert "1969".

Mr. BARTLETT. Mr. President, the House amendments have been cleared with the ranking Republicans on the Commerce Committee and with the majority and minority leaders.

Mr. DIRKSEN. Mr. President, so far as I know, this matter has been appropriately cleared. I ask unanimous consent, if the Senator from Massachusetts wishes to insert a statement at this point, that he may have the privilege of so doing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, I am quite sure that the Senator from Massachusetts will do so, because he has been one of the most ardent supporters of this measure which is very important to the New England fisheries industry. The bill is important to all segments of our fishing industry and to American fishermen on all coasts. I would like to add only that the careful and thoughtful implementation and administration of this legislation can contribute substantially to the development of the American fishing industry. A failure in the administration of the program could be a deterrent to future progress. I am confident that the Department of the Interior, and more particularly the Bureau of Commercial Fisheries, will do, as usual, an outstanding job of carrying out a program of progress for our fisheries.

I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

Mr. LAUSCHE. Mr. President, initially, when the subsidy was authorized for the construction of fishing vessels, I opposed the program. The argument was made that the fishing vessels of our country constituted a potential defense on the high seas in the event we became involved in international trouble.

I could not accept that argument. I still believe that it is unsound.

However, when the bill was passed several years ago, the subsidy had a limit of 33⅓ percent of the cost of the ship. True to form, the proponents of the measure now have sought to raise the subsidy from the level of 33⅓ to 55 percent.

I believe the bill involves an authorization of $10 million a year for 5 years. It is reflective of the trend of the Congress to provide subsidies when segments of the economy come before Senate committees and argue that they cannot survive unless the taxpayers begin to make another gift of their dollars for the survival of the business.

Subsidies are being expanded. I anticipate that if I am in the Senate a number of years more, I shall witness each year new subsidies for new segments of the business of the Nation.

I believe that it is wrong. It contributes to negligent management. It contributes to labor unions making excessive demands, knowing that if they are met the taxpayers of the country will dig down further into their pockets to pay the costs. That has been our experience in connection with the subsidies provided for the merchant marine traveling on the high seas under the U.S. flag. Year after year new demands are made. The taxpayer has to pay, although he knows nothing about it.

I shall vote against the amendments of the House. I shall do so on the basis of my deep conviction that our Government cannot continue to increase subsidies and establish new ones. It is not in the financial cards. It is bad. It is injurious to our system of government. It gives encouragement to other areas of industry to ask for subsidies. The net result will be that we shall be subsidizing everything. And we cannot do that without finally having to pay the piper for the music that is played.

Mr. SALTONSTALL. Mr. President, the Senate has before it again today S. 1006, to extend and expand the fishing vessel construction subsidy program for 5 years. As a cosponsor of the bill, which first passed the Senate last year, I urge acceptance of the House amendment so that the bill can be signed into law and its provisions become operable at the earliest possible time.

As I have stated many times before, it is essential that this country maintain an active and productive fishing industry. To do this we must assist our fishermen in the area of their greatest need—obtaining and operating modern, efficient vessels. Only under these circumstances can our fishing industry hope to compete successfully with the foreign fleets which are already operating in what we have considered our traditional fishing grounds.

We require our fishing vessels to be built in U.S. yards. Yet it has been proven over and again that domestic construction is about 50 percent higher than similar vessel construction in foreign yards. With the exception of minor relief provided to a small segment of the industry over the past 3 years, the American fishing industry has borne the brunt of this competitive price differential. Most of our ships are old, many are worn out, and certainly lack the efficiency of the modern foreign fleets. I believe that it need only be pointed out again that the U.S. share of the total world fish catch has dropped from 13 to 7 percent since 1956. We have now dropped from second to fifth place among the fishing nations of the world.

Our fishing industry needs help now. We must provide it. We must assist our fishermen in obtaining the new, modern vessels and equipment required to keep this industry alive in its traditional prominent position among the leading fishing fleets of the world.

I join with the Senator from Alaska in supporting the amendments of the House on the construction of fishing vessels.

I am confident that if my colleague, the junior Senator from Massachusetts [Mr. KENNEDY] were present, he would appreciate the opportunity to support these amendments, as I do.

I am glad that we have secured this assistance in the construction of fishing vessels. I hope it may be helpful in building our fishing industry, which is so necessary.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska [Mr. BARTLETT] to concur in the House amendments.

The motion was agreed to.

Mr. BARTLETT. Mr. President, now that the House amendments have been concurred in, I wish to say very briefly that the fishing vessel owners are in a peculiar position. The law enacted earlier provided that the owners of fishing vessels who desire to land their catches in U.S. ports must have their fishing boats built in domestic shipyards. Shipyards abroad will build an identical boat for about half the cost which is charged here.

This measure is designed principally to place the American fishermen on a basis of equality with foreign fishermen. I am sure that when the bill is enacted into law and becomes effective, our fishing industry will forge ahead.

New England has been interested in this measure.

I believe the fishing industry in New England has been wise in pressing for this legislation. I am sure that every coast of the United States will reap great benefits from its operation.

The help of both Senators from Massachusetts [Mr. SALTONSTALL and Mr. KENNEDY] has been really meaningful in the consideration of the many bills relating to fishing which have been considered during this session of the Congress.

It is our hope, our belief, and almost our knowledge that by reason of the passage of the bills, our fishing industry, which has lagged during recent years, will capture its rightful place in the world.

Mr. SALTONSTALL. Mr. President, we owe a great deal to the energy and ability of the Senator from Alaska [Mr. BARTLETT]. As the Senator and I well know, we need the most modern equipment in order to compete with other countries in the fishing industry. We hope this assistance in the construction of fishing vessels will be of help in this regard.

Mr. BARTLETT. And it will be, immediately. At Cape Cod there are 190 Soviet fishing vessels, not to mention the fishing vessels of other nations. The regrettable fact is that we do not have craft large enough to compete.

The bill will make it possible for our fishing people to acquire vessels of sufficient size to compete on the high seas.

Mr. SALTONSTALL. We, in Massachusetts, certainly hope so. I thank the Senator from Alaska.

NEED TO REVISE AMERICAN IMMIGRATION POLICY

Mr. KEATING. Mr. President, this morning's Wall Street Journal carried a most sensible editorial on the need to revamp American immigration policy. The Journal is convinced that "most Americans believe it is wrong to discriminate against someone simply because he was born in the wrong place." The case against certain provisions of the current McCarran-Walter Act could not be stated more succinctly.

The Journal calls for the adoption of new selection criteria for immigrants emphasizing qualifications of skill and of kinship to American citizens or permanent residents of the United States. It also deems it "only fair not to turn down qualified applicants while places in the total allocation go unused." I could not agree more.

Mr. President, I ask unanimous consent that the text of the editorial entitled, "Improving Immigration Policy," be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 18, 1964]

IMPROVING IMMIGRATION POLICY

> We're convinced most Americans believe it's wrong to discriminate against someone simply because he was born in the wrong place. For some reason, though, efforts to get our national immigration laws in line with that ideal have met persistent failure.
>
> A House subcommittee recently held hearings on the latest of many proposals to eliminate the immigration law's national origins system, which determines a nation's immigration quota by the proportion of the U.S. population of that national extraction in 1924. The current law also contains specific provisions beyond the national quotas to limit immigration of orientals.
>
> The latest proposals for change would distribute the overall quota of 165,000 immigrants without regard to national origins. Instead, up to half the quota would go to persons with special skills needed here, and up to another half to relatives of U.S. residents not eligible for nonquota status. Within these preferences, which are similar to ones currently used within national quotas, immigration permits would be granted in order of application. The bill contains provisions for moderating the change to a new system, such as retaining partial national quotas for 5 years.
>
> These suggestions seem eminently reasonable, though they received scant attention in the last two sessions of Congress. They would insure that someone with talents the United States can use would not face lengthy delay because of his birthplace. They would eliminate hardships on separated families from Italy or Greece, who now sometimes must postpone reunion while large quotas for England and Ireland go unused.
>
> It may be well to note that no one is suggesting anything as radical as abolishing limits on total immigration. This is obviously impractical, simply because more people would like to enter than we can accommodate without strain. The problem is how to select which applicants to admit.
>
> There may be a certain amount of sense in accepting more immigrants from countries with close ethnic and cultural ties to the majority of our citizens. But it seems even more reasonable and fair to put the emphasis on such other qualifications as skills and kinship. And it seems only fair not turn down qualified applicants while places in the total allocation go unused.
>
> The national origins system has proved too cumbersome and inflexible to meet these simple tests of equity. The proposed changes might help put our immigration laws on somewhere near a rational basis.

Mr. BARTLETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, yesterday the distinguished Senator from Oregon [Mr. MORSE] delivered a brilliant speech on the pending amendment. One of the very persuasive analogies which he brought to the attention of the Senate was the morality which all of us learned in the playground and the morality that we learn when we play games. People learn that they must be fair and just, and everyone is treated alike. The Senator from Oregon pointed out that is exactly this principle—of treating everyone alike—that is at stake here.

I should like to quote briefly from an article entitled "A New U.S. Judicial System." It is along the line of what the distinguished Senator from Oregon was talking about. I shall then yield to the Senator from Oregon, who has a short statement on the pending amendment:

> Suppose a baseball game is going on.
>
> The score is 1 to 0. The team that is losing is at bat in the last of the ninth inning. The bases are loaded and there are two out. The count is three balls and two strikes.
>
> The pitcher winds up and throws. The batter doesn't swing. All eyes are on the umpire to see if the pitch was a ball or a strike.
>
> Then a strange thing happens. The umpire announces that he is not going to call whether it was a ball or a strike, but he is going to let the pitcher call whether it was a ball or a strike.
>
> The pitcher says it was a strike. The game is over. The pitcher's team is the winner.
>
> What if one's child was the batter and the pitch was over his head?
>
> How could one ever explain to him what had happened? One would never be able to convince him that there was any fairness or sportsmanship connected with such a proceeding.
>
> When a State takes away a right given in the Constitution and the Supreme Court refuses to hear the case and leaves the matter up to the State, it is similar to the umpire refusing to call the pitch and letting the pitcher call whether his own pitch was a ball or a strike.

So when a State takes away a right given in the Constitution and the Supreme Court under congressional duress refuses to hear the case for more than a year, it is similar to the umpire being yanked off the field, refusing to call the pitch and letting the pitcher call whether his own pitch was a ball or a strike. What the Dirksen amendment would do is strictly analogous. It would tell the "umpire" to walk off the field for a year and not to call decisions on equal voting rights as the Court sees them. It means that the right, which we have augmented in the past several years and which is so fundamental, will be foregone for a period of at least a year and, as many of us interpret it, for as long as 5 or 6 years. Indeed if the Dirksen amendment succeeds in its purpose and a constitutional amendment passes ending one man, one vote, the end will be forever.

Mr. MORSE. Mr. President, ordinarily, Walter Lippmann is one of the bright spots on the editorial page of the Washington Post. But this column today is a thorough-going obfuscation of the apportionment issue.

Mr. Lippmann tells us that he thinks—

> This great change in the political balance of power should have also the approval of Congress and be subjected to the test of a constitutional amendment.

Why should it have the approval of Congress? The powers of Congress are not plenary. There is the little matter of the powers of Congress being enumerated and the powers of the courts being enumerated in the Constitution.

I would have Mr. Lippmann read that section of the Constitution. His column this morning shows that he needs to refresh his memory with regard to the Constitution from beginning to end.

I do not believe there is any power given to Congress to tell the courts how they shall decide a certain class of cases. That is what the Dirksen amendment seeks to do. I share the view expressed by the Senator from New York [Mr. JAVITS] that any court would most likely ignore the language of the Dirksen amendment as an illegal and extra constitutional infringement on the judicial power.

A constitutional amendment on the matter is quite within the framework of that system. But I cannot discern from his column today whether Mr. Lippmann favors a constitutional amendment authorizing malapportionment. He says the reapportionment cases should "be subjected to the test of a constitutional amendment. Taking this to be the purpose of the Dirksen proposal, it seems to me sound and in the end desirable."

If Mr. Lippmann is saying that the end justifies the means, then he is straying far from his usual appreciation of the virtues of a constitutional system, especially ours. But the rest of his column seems to argue that reapportionment according to population is sound and should be encouraged.

Yet the only purpose of a constitutional amendment would be to put apportionment by population beyond the reach of achievement. The only purpose of a constitutional amendment—for which the Dirksen amendment is designed to gain time—is to freeze the very system Mr. Lippmann feels is outdated.

All the advocates of the Dirksen amendment—including Mr. Lippmann—have overlooked the history of most of these reapportionment cases. Reapportionment is not something the courts are forcing on the States in preemptory and arbitrary fashion. Take Oklahoma, for example, which is being cited as a State in some kind of anarchy as a result of a reapportionment order.

The Federal Court first directed reapportionment in that State in 1962. But after listening to members of the State legislature faithfully promise to redistrict at the forthcoming session, the Court decided not to press its own order, but to give the legislature the opportunity of doing the job. Yet the State legislature came and went without acting on reapportionment.

I would like to have Mr. Lippmann tell us how long he thinks the States should be given to conform. These cases have been in the courts for years before a decision is ever reached. The legislatures have years of notice that they are going to have to bring themselves up to date. Even after the Court renders a decision, the States are still given the opportunity to do their own redistricting.

Let me tell Mr. Lippmann one of the facts of political life that he may not have heard: the purpose of the Dirksen amendment is not to give the States a breather in complying with Baker against Carr. The purpose of the rider is to give time for a constitutional amendment to be passed that will wipe out Baker against Carr for all time—if the supporters of the Dirksen amendment have their way.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. PROXMIRE. In the first place, let me say that this is an excellent speech. The Senator hits the issue right on the nose. The last point the Senator made is absolutely true. There is no question about it. The Senator from Illinois [Mr. Dirksen] has said so. He has said the purpose of the amendment is to provide time for a constitutional amendment. Such an amendment would freeze forever State after State on an area basis.

Mr. MORSE. I do not think there is any doubt about it.

Mr. McNAMARA. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. McNAMARA. Is it not true that, under the Dirksen amendment, the ratification of a constitutional amendment would take place under what the Supreme Court has ruled is an illegal setup?

Mr. MORSE. Of course. I am about to make that point. As I said yesterday, I think the Dirksen amendment is unconstitutional.

Ever since 1962, when Baker against Carr was handed down, every single malapportionment legislature has been on notice that it was going to have to reform itself to represent people. It can be said that the States have already had at least 2 years' breathing time even if they have not been subjected to a court case.

In specific cases, the courts have uniformly given the States the chance to do the job, sometimes setting a certain date on which reapportionment must have been carried out.

The courts are giving the States plenty of breathing time. They are giving the States plenty of opportunity to reapportion. I do not know of a single instance where the Federal courts have put their own reapportionment plan into execution without first having given the State legislature or the appropriate State agency time in which to reapportion.

The complaints about the lack of breathing time do not really relate to the time needed to reapportion; they refer to the time needed to pass a constitutional amendment which will relieve them of the need to reapportion. And in the amendment process, who ratifies on behalf of the requisite three-fourths of the States? Why, the very same State legislatures that are malapportioned.

The purpose of the Dirksen amendment is to give the malapportioned legislatures a chance to save themselves by constitutional amendment and continue to thrust upon the electorate of this country the present evils of malapportioned legislatures.

Congress could provide that ratification be submitted to State conventions, but that process has not, to my knowledge, been used.

It must also be mentioned to Mr. Lippmann that there is no evidence of any confusion or disruption among the people as a whole over court orders on this matter. I have not received any comment from Oregon or elsewhere about it. Mr. Lippmann says there is no critical emergency which makes the delay proposed by Senator Dirksen intolerable. But neither is there any critical emergency that makes the delay desirable. The only people who are "terrified," to use Mr. Lippmann's word, by reapportionment are the local politicians who stand to have their safe, rotten-borough seats taken away—and they should have been taken away from them long ago.

These districts have long been the foundation of rural and small town political organizations. Once they consisted of human population; today the content of that foundation has been eaten away to the point where it can only be propped up by constitutional amendment.

Far from preserving States rights and powers, the Dirksen amendment and any constitutional amendment that follows will destroy the States. These proposals will reduce the States to mere relics of history, preserved to keep some jobs safe for a small clique of local politicians but unable to function as useful governments because they no longer reflect the will of the people.

PEOPLE WILL HAVE NO VOICE IN MOST STATES

I also want to comment on something said yesterday about Oregon by the Senator from New York [Mr. Javits]. His remarks indicated that the people of the States should, through a constitutional amendment, be able to retain malapportionment if they want it. But I note that not many States give their people any voice in the matter. Only where apportionment is submitted to initiative or referendum would the people of a State, as contrasted from the political officeholders, have any chance to decide the issue.

Why in the world a malapportioned legislature should be allowed to decide this issue is beyond me. If the Senator from New York [Mr. Javits] and others want the people to have a voice, the only way they can be given that voice is to give them a direct vote by way of initiative or referendum, which is what Oregon has. That is the way we got rid of the rotten boroughs. That is the way we achieved reapportionment. That is the way the voice of the people was heard. But I say to my friend from New York, who is a legal authority and a distinguished former attorney general of the State of New York, that if he thinks this problem is to be solved by having the legislatures do it, when they are already rotten to the core in the areas where malapportionment exists, he has another thought coming.

In my judgment, we must keep in mind what the Dirksen amendment would do. It would perpetuate this travesty. That is what the supporters of it want. They do not want one vote per person. They want people living in minority population areas to continue to control the legislatures and deprive the people of their rights.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JAVITS. First let me thank the Senator for his high opinion of my legal ability. I reciprocate it.

Mr. MORSE. My high opinion of the Senator from New York is not limited to his legal ability.

Mr. JAVITS. Let me tell the Senator what I have in mind, and if he wants to make a critical analysis of it I am sure he will, in his usual, candid way, give it. I had in mind that an amendment to the U.S. Constitution should be adopted by three-fourths of the States, through their legislatures, which would entitle a State to amend its own constitution to provide that one house shall be apportioned not on the basis of population, and which required that the people of that State would have a right to judge whether or not they would amend their constitution. We face a serious situation in this regard. If the decisions of the Supreme Court on this subject, Baker against Carr and Reynolds against Sims, should be construed as meaning that the acts of our State legislatures are unlawful because so many of the State legislatures—44 out of 50—are based upon an apportionment which the Supreme Court has stricken down or would strike down, we are really in chaos.

In the final analysis, it seems to me, if there were time, the people of each State, including the State of Oregon, would have the opportunity, when it comes to amending their State constitution, to determine this question.

That was the limited point I was making in my statement on this subject yesterday.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOMINICK. I appreciate the fact that the Senator from Oregon is yielding to me. I shall be very brief. I could not let the statement with respect to the will of the people go by, without saying a word about Colorado.

We have the initiative and referendum in Colorado, and we put two constitutional amendments on the ballot in 1962, one looking to equal population districts in both the house and the senate, and one looking to districts based on population and other elements for the senate.

By a 2-to-1 majority the one providing for what we call the Federal system, passed in every county of the State; the other one was rejected in every county of the State.

Now comes the Supreme Court and states, "We do not care about the will of the people; it cannot be weighed by that vote."

Mr. MORSE. I should like to make two points very quickly. The first is that, of course, the people of no one State alone, even if they have a greater vote, could prevent the Supreme Court from declaring what the constitutional rights of the American people are. The second point I wish to make is that I thoroughly endorse the Colorado system. It is the kind of system which I believe gives the ultimate assurance that the people will express their will.

If the people all over the country had the same power that the people of Colorado and the people of Oregon have, and they decided on a constitutional amendment which would have the effect of reversing the Supreme Court decision, or in amending their State constitutions, no one would find the Senator from Oregon raising one objection, because the people themselves would be making that determination.

The point I was making was that to have this matter decided by three-fourths of the legislatures, most of which are malapportioned, in my judgment, is letting the defendant write his own judgment.

Mr. DOMINICK. I appreciate the courtesy of the Senator yielding to me. I wished to get the Colorado situation into the RECORD.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. In connection with what the Senator has said, I should like to point out that in Ohio we have a provision in our constitution that every 20 years there must be submitted to the electorate the issue: "Shall there be a constitutional convention?"

That provision of the constitution was adopted in 1903. Three times that proposition was submitted to the electorate at a regular election. On each occasion the people voted down the issue that a convention shall be called.

I do know that the last time that issue was submitted, one of the principal questions argued was the alleged malassignment of legislative representatives to various areas.

Even in the face of that argument, which was vigorously made, the issue was turned down by the voters overwhelmingly. To recapitulate, on three occasions the arguments were made to the electorate that there was a malassignment of representation and that a constitutional convention should be called; yet on each occasion the voters turned down that proposal.

Mr. MORSE. Mr. President, I applaud that section of the Ohio constitution. However, even that section of the Constitution, when it is applied gives us no assurance that the people understood the great constitutional question that was raised by Baker against Carr. It gives no assurance that this issue of apportionment was controlling in their decision.

The point I am making is that if we are to have a constitutional amendment submitted—and I recognize what the terms of our Constitution are—I believe we will get closer to the will of the people if we have, in connection with this matter, a ratification by way of a constitutional convention rather than ratification by the legislatures, for the reason that the legislatures are malapportioned in most instances, and that is what the Supreme Court struck down in its landmark decision in Baker against Carr. And if any constitutional amendment is approved there is no assurance that the people will ever have any voice in the decision whether to retain malapportionment.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. The constitution of Ohio was amended in 1903. In that constitutional provision dealing with the assignment of representatives to the legislature it was stated that each county shall have at least one representative. Of course that would run head on into the argument that the selection must be based on population.

I point out, however, that when that amendment was submitted to the people of Ohio, that each county, regardless of population, shall have at least one representative, the people approved it by a vote of 98 percent to 2 percent.

Mr. MORSE. As the Senator knows, 1903 in Ohio was not 1964 in Ohio. In 1903 Ohio was a great rural State. In 1964 it is characterized by great industrialization and great population. In the intervening years great metropolitan areas have risen in Ohio. The result is that the people of the metropolitan areas of Ohio are being discriminated against so far as their voting power is concerned in favor of the sparsely populated counties.

Mr. LAUSCHE. The answer to that is that in 1952 there was submitted to the people of Ohio the question, "Shall we have a constitutional convention?" The proponents of the proposal, that a convention be had, argued that it was especially necessary in order to readjust the assignment of representatives and senators in the State. The people by an overwhelming vote again voted down the proposal. That was 1952, not 1903.

Mr. MORSE. My answer to that is that in 1962 the great landmark decision of the Supreme Court in Baker against Carr had not been handed down, and the people of Ohio had not been educated in regard to the constitutional guarantees to them and all other citizens that are provided in the decision. The people of Ohio are very, very intelligent, or the Senator from Ohio would not be a Member of the Senate.

Mr. LAUSCHE. That is the first issue on which I agree with the Senator from Oregon.

Mr. MORSE. I am satisfied that once the intelligent people of Ohio become educated to the great protection the Supreme Court has given them in Baker against Carr, they will not be of the same opinion still as they were in 1952. I have that faith in the electorate of Ohio. It is a justifiable faith because of the votes they gave to the Senator from Ohio [Mr. LAUSCHE]. They recognize that he, as their Senator, has a right to be mistaken now and then, as he is mistaken on the issue involving Baker against Carr.

Mr. LAUSCHE. Baker against Carr was decided in 1962, was it not?

Mr. MORSE. That is correct.

Mr. LAUSCHE. Does not the Senator from Oregon think that the people of Ohio and other States ought to have a little time to allow this omnipotent intelligence of the Supreme Court to percolate through their minds so that they will be able to adjust themselves to the decision?

Mr. MORSE. They are very apt, smart students. They do not need time ad infinitum to understand the decision.

Mr. LAUSCHE. I thank the Senator from Oregon.

Mr. MORSE. One does not insult them with an argument concerning what the people of Ohio will do. I will take my chances with them, once they understand the facts.

In most cases, the State constitutions would be revised or affirmed by the State legislature or through a procedure directed by the legislature. Where a State constitution already provides for apportionment by area, how would the people have any chance at all to voice an opinion about it, if they do not have the privilege of direct action?

The Senator from New York mentioned Oregon. Oregon reapportioned as recently as 1961, and is said to be the only State that apparently is not required to reapportion again subsequent to Baker against Carr.

The Senator from New York declared that the people of Oregon should have the right to area representation, if they want it. I want him to know that they have always had that right, they have exercised it, and they have rejected area representation. All this was done without reference to Supreme Court rulings, but it was done through the mechanism of initiative and referendum, without which Oregon would undoubtedly be as badly apportioned as are most other States.

The Oregon constitution itself, adopted in 1859, called for apportionment of both houses by population. As happened in so many States, the legislature failed to abide by the directive of the State constitution to reapportion after each census. Finally, in 1952, another provision in the State constitution—that of initiative—was invoked. In November of 1952, the voters by initiative reapportioned the State legislature.

After the 1960 census, reapportionment was carried out through the regular procedures of the State constitution and an initiative was not necessary. That is why it is said that Oregon alone is not affected by the Supreme Court decisions.

Then there were some who thought area representation should replace population representation in the State constitution. So in November 1962, there was another initiative put on the ballot. It proposed an amendment to the State constitution repealing population and substituting area as a basis for apportionment.

This measure was overwhelmingly rejected. Sixty-two percent of the voters in that election voted it down.

Now, if there were the kind of people's choice the Senator from New York had in mind there might be something to be said for his proposals. He said:

> I see no reason why the people of a State should not so decide.

But in most States the matter would be decided by those selfsame legislatures that are the object of the court cases. There would be no referendum, much less initiative.

The Supreme Court has spoken on a great constitutional guarantee. It would be presumptuous—it would be legislatively improper—for Congress, through the Dirksen amendment, to adopt this device for undercutting or undermining the decision of the Supreme Court and for seeking to accomplish a reversal of that decision.

I close with the point I made yesterday, for it is close to my heart. We are making a great mistake in connection with the Dirksen amendment. I am satisfied that it will feed those in this country who would like to fan into a fire a burning disrespect for the Supreme Court of the United States. The Dirksen amendment has the effect of undercutting and undermining respect for the Supreme Court. The Senate of the United States should not be a party to it. The amendment ought to go down to an overwhelming defeat.

I thank the Senator for yielding. If he will permit me to do so, I should like to say to him on the floor of the Senate what I have said to him privately: He and the others in his group who are seeking to take the necessary time to inform the American people about the issues involved in this dispute, and are seeking to focus public attention on the floor of the Senate these hours, are performing a highly patriotic legislative service to the people of the entire Nation.

Mr. PROXMIRE. I thank the senior Senator from Oregon.

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article entitled "The Dirksen Breather," written by Mr. Walter Lippmann, and published in the Washington Post of today, August 18, 1964. Since I criticized Mr. Lippmann's article in my speech, it would be unfair of me to have referred to it and not place it in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DIRKSEN BREATHER

(By Walter Lippmann)

Although it is a bit awkward and rather inconvenient to make Congress deal with apportionment at the tail end of the session, the importance of the subject is overriding. The real issue, as I see it, is whether reapportionment of the State legislatures, which is necessary but also a far-reaching change of habit and custom, should be propelled by something more than the Federal courts alone—whether, that is to say, this great change in the political balance of power should have also the approval of Congress and be subjected to the test of a constitutional amendment. Taking this to be the purpose of the Dirksen proposal, it seems to me sound and in the end desirable.

The heart of the matter is that since about 1890 the United States, which was then composed two-thirds of people from farms and villages, has been transformed. Two-thirds of the Americans now live in cities or in the suburbs. But the apportionment of at least 44 of the State legislatures does not represent this change. In these 44 States, less than 40 percent of the people elect a controlling majority of the legislature. In 13 of these States, one-third or less of the people can elect a controlling majority of the legislature.

While the statistics of this misrepresentation cry out for reform, it is nevertheless true that the problem here, unlike that of the civil rights bill a few months ago, is not such a present danger that delay is intolerable. It is essential that the city and suburban people be properly represented in their State legislatures in order that they may be better able to deal with their pressing needs. But, there is no critical emergency which makes the delay proposed by Senator DIRKSEN intolerable.

There are also positive advantages in the Dirksen breather. It involves Congress, not only the Supreme Court, in the problem of apportionment, and the pause provided by the Dirksen rider may help to make the coming reapportionment seem less terrifying to those who will lose by it.

For many of us this will help to assuage a troubled conscience about the dilemma posed by the Supreme Court's decision in the Alabama case and Mr. Justice Harlan's dissenting opinion. The dissenting opinion argued powerfully against bringing the affairs of the State legislatures into the Federal courts. The opinion was, in my view, unanswerable but for one enormous fact. That is that the unrepresentative State legislatures are unwilling to reform themselves. The underrepresented voters in the cities and suburbs have little or no power to compel reform. In this situation, when there is indubitable evil for which there is no known legal remedy, the intervention of the Supreme Court was the only way of breaking the deadlock.

But such a choice of the lesser of two evils is not attractive, and as one of those troubled by it, I welcome Senator DIRKSEN's action in taking the question to Congress and to the amending process.

The public discussion, which will ensue, will be clarified if we distinguish the two principal arguments which have been used to justify the overrepresentation of the rural voters. One reason, which is as old as the Nation, is that the excitable working people in the cities are not to be trusted as against the stable and virtuous farmers, and that the representative system should be constructed so as to prevent the urban masses from ruling the State. This is the principle of the New York State constitution which was framed before the turn of the century.

This reason could prevail when the city people were still a minority. It cannot prevail much longer now that they have become a preponderant majority.

But there is another reason, closely related in practice but separate in theory. It is, as Madison put it, that it is necessary to "refine the will of the people," and that one of the best ways of doing this is to have a legislature with two houses in which the upper house is more stable and more conservative.

The real question which will confront the States is how to construct senates in which, though all voters are equal, the senators will check and balance the lower house.

It is not an insoluble problem. The States will have to deal with the problem by making the senatorial districts larger and the number of senators smaller. Each senator will therefore represent a much more varied constituency than a member of the lower house. The States can give the senators a longer term and higher pay. This will tend to give the senators a broader view, a less hurried view, more honor, a greater independence and sense of responsibility.

These are ways to refine the will of the people without obstructing it.

Mr. PROXMIRE. Mr. President, not only is Mr. Walter Lippmann a highly influential columnist; not only are his writings read all over America; but he is regarded as a man of integrity, towering ability, and profound understanding. When he writes as he has written on this subject, what he says must carry weight with thoughtful people everywhere. It is most unfortunate—in my judgment, it is a real tragedy—that Mr. Lippmann has not taken more time to study this Dirksen amendment. I earnestly hope that he will read the remarks of the distinguished Senator from Oregon, which I believe are absolutely irrefutable and unanswerable, if one considers what the Dirksen amendment will do.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 2288) for the relief of John J. Feeney.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 7073. An act to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act;

H.R. 9638. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain;

H.R. 9803. An act to authorize the Secretary of the Army to acquire the building constructed on the Fort Jay Military Reservation, N.Y., by the Young Men's Christian Association;

H.R. 11960. An act to authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile;

H.R. 12278. An act to authorize the Secretary of the Navy to convey to the city of Sunnyvale, State of California, certain lands in the county of Santa Clara, State of California, in exchange for certain other lands; and

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 274. Concurrent resolution accepting the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona, to be placed in the Statuary Hall collection;

H. Con. Res. 320. Concurrent resolution to express the sense of the Congress on disposal from the national stockpile of certain materials; and

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter.

HOUSE BILLS AND JOINT RESOLUTION REFERRED OR PLACED ON CALENDAR

The following bills and joint resolution were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 7073. An act to amend the Consolidated Farmers Home Administration Act of 1961 in order to increase the limitation on the amount of loans which may be insured under subtitle A of such act; to the Committee on Agriculture and Forestry.

H.R. 9638. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain; and

H.R. 11960. An act to authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes; placed on the calendar.

H.R. 9803. An act to authorize the Secretary of the Army to acquire the building constructed on the Fort Jay Military Reservation, N.Y., by the Young Men's Christian Association;

H.R. 12091. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 9,500,000 pounds of sisal from the national stockpile; and

H.R. 12278. An act to authorize the Secretary of the Navy to convey to the city of Sunnyvale, State of California, certain lands in the county of Santa Clara, State of California, in exchange for certain other lands; to the Committee on Armed Services.

H.J. Res. 793. Joint resolution authorizing the United Spanish War Veterans to erect a memorial in the District of Columbia or its environs; to the Committee on Rules and Administration.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were referred as indicated:

To the Committee on Rules and Administration:

H. Con. Res. 274. Concurrent resolution accepting the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona, to be placed in the Statuary Hall collection.

Resolved by the House of Representatives (the Senate concurring), That the statue of Father Eusebio Francisco Kino, presented by the State of Arizona, to be placed in the Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most eminent pioneers, illustrious for his early missionary work, exploration, and cartography; and be it further

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of Arizona.

To the Committee on Armed Services:

H. Con. Res. 320. Concurrent resolution to express the sense of the Congress on disposal from the national stockpile of certain materials.

Resolved by the House of Representatives (the Senate concurring), That the Congress expressly approves, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), the disposal from the national stockpile of the following materials in approximately the following quantities:

1. One thousand five hundred and sixty-seven short tons of Bolivian blue (soft) crocidolite asbestos.
2. One hundred and sixty-five short tons (copper content) of copper and copper base alloys in scrap and thin strip form.
3. Three hundred and sixty-six short tons of cupro-nickel ingots.
4. Three hundred and fifty-five pieces of diamond dies.
5. Forty-six thousand eight hundred pounds of lead castings.
6. Two hundred and twenty thousand two hundred and thirty pounds of punch mica.
7. Sixty-six thousand eight hundred and thirty-four pounds of nickel in fabricated and miscellaneous forms, such as wire, tubing, anodes, cathodes, pellets, and cut cathodes.
8. Twenty-five thousand seven hundred and forty pounds of tantalum in various forms.
9. Two hundred and twenty-one thousand and eighty-seven pounds of zinc in the form of engraving plates.
10. Two hundred and fifty short tons of low-grade manganese ore.

To the Committee on Foreign Relations:

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter.

Whereas one hundred and thirteen nations have accepted the obligations of the Charter of the United Nations to maintain international peace and security and have agreed "to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace"; and

Whereas the International Court of Justice in an advisory opinion on July 20, 1962, held that expenditures for peacekeeping operations constitute expenses of the Organization which shall be borne by the members as apportioned by the General Assembly under article 17 of the United Nations Charter; and

Whereas the advisory opinion of the International Court of Justice was accepted by the General Assembly in a resolution on December 19, 1962, by a vote of seventy-six in favor, seventeen against, and eight abstentions; and

Whereas article 19 of the United Nations Charter provides that a member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years, unless relieved of that penalty by a vote of the General Assembly on the grounds that "the failure to pay is due to conditions beyond the control of the member"; and

Whereas at the convening of the Nineteenth General Assembly of the United Nations in 1964, certain members of the United Nations which are now in arrears may fall within the purview of the provisions of article 19 of the United Nations Charter; and

Whereas legislation has been enacted expressing the sense of the Congress that "the United Nations should take immediate steps to give effect to the advisory opinion of the International Court of Justice on the financial obligations of members of the United Nations in order to assure prompt payment of all assessments, including assessments to cover the cost of operations to maintain or restore international peace and security": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should direct the Permanent United States Delegate to the United Nations to continue efforts toward securing payment by members of the United Nations of their assessments in arrears. It is further the sense of the Congress that if, upon the convening of the Nineteenth General Assembly, the arrears of any member of the United Nations equals or exceeds the amount of the contribution due from it for the preceding two full years, the President should direct the Permanent United States Delegate to make every effort to assure invocation of the penalty provisions of article 19 of the Charter of the United Nations.

FREE IMPORTATION OF WILD ANIMALS; QUOTAS ON CERTAIN MEAT IMPORTS—CONFERENCE REPORT

Mr. BYRD of Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. RIBICOFF in the chair). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of Virginia. Mr. President, I call up the conference report on H.R. 1839. This bill provides for meat import quotas and for free importation of certain wild birds and animals.

With respect to meat imports, it will be recalled that the Senate bill imposed quotas on beef, veal, lamb, and mutton and certain beef products. These quotas were limited to the average annual imports of the products in the 5-year period 1959–63. The conferees agreed on a substitute for this Senate amendment. This substitute provides for quotas on beef, veal, and mutton imports by requiring the President to proclaim quotas whenever the Secretary of Agriculture estimates that, in the absence of quotas, aggregate imports of these meats would exceed 110 percent of the average annual import of these meats during the 5-year period 1959–63. When it is estimated that imports may exceed this level the President must proclaim quotas which will limit imports to the 1959–63 level, adjusted for growth in the domestic market.

Specifically, the bill provides for the imposition of quotas whenever the imports of beef, veal, and mutton exceed 725,400,000 pounds plus an allowance for growth of the market. By the growth formula in the substitute, estimates of commercial production of beef, veal, and mutton for the current and the 2 preceding years are compared with commercial production for the period 1959–63. This adjustment is illustrated as follows from statistics furnished by the Department of Agriculture:

MEAT IMPORT CONTROL

What this law provides is a fixed quota for the major beef, veal, and mutton items which would be increased in the future in the same ratio that commercial production in the United States increases in the future, as compared with the average commercial production in the 5-year base period of 1959–63. For example, in the 5-year base period U.S. commercial production of beef, veal, and mutton were as follows:

	Pounds
1959	14, 197, 000, 000
1960	15, 446, 000, 000
1961	15, 937, 000, 000
1962	15, 917, 000, 000
1963	16, 938, 000, 000

The annual average commercial production for these 5 years was 15,687 million pounds.

The U.S. commercial production in 1963 was 16,938 million pounds; in 1964 it was estimated at 18,500 million pounds, and in 1965, it was tentatively estimated at 19,400 million pounds. The annual average commercial production for these 3 years would then be 18,279 million pounds.

The commercial production in the 3-year period 1963–65 exceeded the annual average commercial production in the base period 1959–63 by 16.5 percent.

Applying this percentage increase to the 725,400,000 pounds specified in the bill, the import quota if needed in 1965 would be established at 845,100,000 pounds. This would compare with actual imports of 1,049 million pounds of these products in 1963.

Under the conference substitute the quota of 845,100,000 pounds would be proclaimed by the President for 1965 if the Secretary estimated that imports would exceed 110 percent of that amount or 929,610,000 pounds.

As this example illustrates, after taking into account the growth factor, the conference agreement represents a potential cutback in meat imports of 19.4 percent over actual imports in 1963. Taking into account the 10-percent leeway that the conference agreement provides before quotas are triggered, the conference agreement represents a cutback of 11.4 percent over actual imports in 1963.

The conference agreement requires the Secretary of Agriculture to make quarterly determinations of estimated meat imports and if for any quarter the 110-percent test is equaled or exceeded, the President is required to proclaim the quotas provided by the bill. In such event, the quotas remain in effect for each quarter of the year during which the 110-percent test violated. If, however, quotas are imposed for one quarter and estimates for a subsequent quarter indicate that meat imports have been reduced to such an extent that the 110-percent test no longer is equaled or exceeded, the quotas would terminate. To safeguard against excessive imports in the last quarter of the year, the conference substitute requires that if quotas are in effect for the third quarter of the calendar year then they must continue in effect for the last quarter of the year regardless of the Secretary's estimates for that last quarter.

The conference substitute provides a number of provisions urged by the departments. For example, the bill authorizes the administration to allocate quotas among exporting countries on the basis of a historical representative period except where special factors indicate that a different allocation is necessary. Thus, if an exporting country was unable to meet its quota because of the occurrence in that country of hoof and mouth disease, then that country's quota could be allocated to other countries.

Additional provisions permit the President to suspend or increase quotas he has proclaimed under the bill if he determines and proclaims that such action is required by overriding economic, or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the livestock industry.

Quotas may also be suspended or increased by the President if he determines that the supply of beef, veal, and mutton will be inadequate to meet domestic demands at reasonable prices. Finally, it permits quotas to be suspended or increased if the President determines that trade agreements entered into after the date of enactment of this bill insure that the policy of the bill which is to limit meat imports to the 1959–63 level, will be carried out.

Where quotas have been suspended or increased, the suspension or increase will be effective for such period not extending beyond the calendar year, as the President determines necessary to carry out the purposes of the bill.

The conference agreement includes provisions requiring the Secretary of Agriculture to issue regulations to prevent circumvention of the import restrictions. The conferees particularly had in mind the possibility that the form or packaging of articles included under a quota might be altered in an effort to avoid quota controls. Examples of what the conferees had in mind were: First the dicing of beef so that it would but for the regulations be imported as a prepared product rather than as fresh, chilled, or frozen meat, or second, the packaging of fresh, frozen, or chilled beef, veal, or mutton in some type of airtight container.

The House conferees refused to include lamb in the category of meats subject to quota. They felt very strongly that lamb did not involve the competitive problems that imported beef, veal, and mutton created. Essentially, they felt that since the imported meats competed primarily with utility cattle in this country for use in prepared meats, such as hamburger and frankfurters, and since mutton can be substituted for beef in these products, mutton should be included within the quota limitations. Lamb, however, was imported primarily for use as lamb and, thus, did not raise the substitutional problems involved with mutton.

The Senate bill contained a provision described as the "port of entry" provision which authorized the President to limit imports at a single port of entry in order to prevent the influx of excessive quantities of imported meat within a small area. The House conferees would not agree to include this provision in the conference substitute but they did express the hope that the President could alleviate the potential dumping problems through consultations and agreements with supplying countries.

Let me emphasize that this conference agreement has been reviewed by the cattle industry and is acceptable to them. In addition, the departments assured the conferees that while they do not favor any quota bill, they would not recommend a veto of this conference agreement.

They felt that the approach of the substitute, by not imposing quotas until the actions of the foreign countries indicated they were needed, would relieve much of the pressure on our trade negotiators and that this was very desirable.

With respect to the free importation of wild birds and wild animals it will be recalled that the House bill permitted wild animals and wild birds to be brought in without duty "for exhibition." The Senate deleted this provision from the bill.

The House conferees insisted on their amendment but the Senate conferees were unwilling to yield. Eventually, a compromise was worked out with the House which permits wild birds and wild animals to be imported for use or for sale for use in any scientific public collection for exhibition for scientific or educational purposes. This compromise permits importers to bring wild animals and wild birds into this country for sale to municipal zoos, for instance, for exhibition. It does not permit the free importation of these animals for exhibition in any roadside stand where it may be expected they would receive inhumane treatment. These roadside stands are not either scientific or educational in nature and would not be treated as such under this bill.

Under the present tariff structure a tariff classification controlled by actual use to which an imported article is put is satisfied only if, first, such use is intended at the time of importation, second, the article is so used and, third, proof thereof is furnished within 3 years after the date the article is entered. I believe that these provisions will safeguard against importers accumulating wild animals and wild birds in this country for speculative purposes.

I urge the conference report be agreed to.

Mr. McCARTHY. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. SALINGER in the chair). Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. BYRD of Virginia. I am glad to yield to the Senator from Minnesota.

Mr. McCARTHY. I wish to commend the chairman of the committee and the other members of the Senate conference for the excellent compromise agreement they have worked out with the House of Representatives.

The approach to the problem of beef imports under the direction of the chairman of our committee has been an orderly one in which the Tariff Commission was asked to make its recommendations, in which hearings were held so that everyone might be heard and following that the committee acted and the Senate acted. The conferees represented the position of the Senate in conference very well.

I am hopeful and quite certain that this will be sustained in the House, and that the bill will be signed by the President. I believe it establishes very clearly a guideline for the executive branch of the Government under which it can proceed to arrive at voluntary agreements which have been suggested by the chairman in giving his report and indicating to the executive branch of the Government, as well as to other countries, that Congress will take a stand against unreasonable dumping or unreasonable unloading of surplus commodities on the American market. I believe that the net effect of this bill will be to stabilize and establish a base for international trade.

I commend the chairman, the committee, and the conferees on the part they played in bringing the bill to this point.

Mr. BYRD of Virginia. I thank the Senator. We have given a great deal of attention to the bill. We have gone into a great deal of detail, not only in the committee, but also in the conference with the House.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. SMATHERS. I also join in commendation of the distinguished chairman of the Finance Committee, the Senator from Virginia [Mr. Byrd], and the other conferees. Even though the junior Senator from Florida was one of the conferees, I do not direct the commendation necessarily to myself. But I believe this is a demonstration of how a conference should and can act in a rather difficult situation.

We all know that the able majority leader [Mr. Mansfield] had first brought this bill to the Senate, seeking relief for the cattle producers of this Nation who felt that one of the reasons, and the major reason, for the lowering of the price of cattle was the larger quantities of beef, veal, and mutton which had been imported into the United States, particularly from Australia and New Zealand.

When we reached the conference with the House, the House conferees did not particularly like anything that had been done. The State Department was very much opposed to it, and to any legislation along this line in the belief that we should settle all these problems through the machinery of GATT, which is the General Agreement for Tariffs and Trade, of which we are a major member. Of course, it had not worked very well for us up to that time. It had not worked well, particularly with respect to the importation of beef.

In any event, we finally devised a compromise which received, I believe, virtually unanimous approval of the cattle industry in the United States.

As the able Senator from Virginia [Mr. Byrd] has said, it was not necessarily approved by the executive branch of the Government, although the Under Secretary of State and his representatives and the Secretary of Agriculture assured us that they would not recommend that the President veto the bill. The bill, in essence, provides that while there is no quota at the present time, quotas must be proclaimed in the future to keep meat imports within the level of the base period of 1959–63.

We shall allow a certain amount of imports to come from Australia, New Zealand, and other countries that produce beef, which we think, and everyone else thinks, is a very fair allowance for them.

The quota under the conference substitute will not be triggered unless importations of beef, veal, and mutton exceed 110 percent of the average base period, increased by an allowance for growth. When that happens, the Secretary of Agriculture gives notice to the President of the fact that the 110 percent has been exceeded. The President then is required by the bill to make a proclamation, and the quota then goes into effect. There is a restriction placed on the amount of beef, veal, and mutton which can then be shipped into the United States.

The Secretary of Agriculture will look into the situation every quarter. He will determine whether excess imports are likely to continue. If they are not, the quota terminates. But if it appears that there will be more beef shipped in than should be shipped in, the quota will remain in effect. In this way, our own people will be protected. Moreover, if a quota is in effect for the first quarter, it might be terminated for the second quarter but then reinstated for the third and forth quarters if the estimates indicate they are needed to hold imports to the average of the 1959–63 level.

We believe that the countries which are our good friends, and with which we have a favorable balance of trade, will not be unduly influenced by this particular program. But we believe that the cattle industry of this Nation should and will be protected.

I again commend the able chairman of the Finance Committee [Mr. Byrd], the conferees, and all of those who have had an active part in the program—particularly the majority leader [Mr. Mansfield]—of arriving at what I am sure most reasonable people will think is a fair solution to this big problem.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. McGEE. I commend the chairman of the Finance Committee [Mr. Byrd] and the conferees on arriving at a realistic solution to a very grave question. The conferees have addressed themselves to the realistic point in the whole question, and that is to do what has to be done to try to help the American cattlemen—in Wyoming and in our part of the West. I want the chairman to know that we are deeply appreciative of his work.

Mr. President, in this morning's press the agreement that we will ratify here today is termed a "significant victory" for the cattleman. It is certainly that, but it is a lot more. This is a victory for the American system and for the American way of settling the differences between various groups and between various nations.

It has been obvious to me, Mr. President, that for some time now there has been a lot of talk about the ills of the cattleman and not too much action. But that has changed now. For in this proposal we have before us today and in several other recent actions of the Congress and the Johnson administration we have action—hard action, fast action, concrete action. I would like to congratulate both Houses of Congress and the administration on this significant legislation which represents an honorable compromise of several points of view. This is a further indication that the Congress has faced up to its job and has produced results that can be easily measured in concrete terms.

I would again like to emphasize that this action alone will not do the job. The cattleman's ills may have but one real symptom—low prices—but there are several causes. And it is necessary to attack all the causes if we are to cure the ills. And so I would also like to mention the Food Marketing Commission whose task in exploring the possible evils of power concentration in the hands of a few mass food purchasers at the retail level was so ably outlined last week by the able minority leader [Mr. Dirksen]. And I would mention the work of the administration in encouraging shipment of our beef to meat-scarce Europe and the implementation of beef purchase plans here at home. All these have had an effect and all these are beginning to show results.

I hope that all Members of this body noticed a small news item which appeared last week which said that fat cattle prices on the Chicago market have risen above $27 per hundredweight. And this story went on to say that there might even be a shortage of top grade fat cattle in the fall. I will not say that the problem is solved but I believe that the worst is over and I think the action that we will take here today—and I believe that the other body is also taking a similar action today—will provide still another buttress to stabilize at an economically feasible level the price of American beef cattle.

This legislation provides a logical and fair means to give our cattlemen their traditional share of the Nation's meat consumption, yet not affront our friends abroad with harsh and illogical prohibitions on trade and commerce.

I believe that this action follows the lines of logic and commonsense and will provide great and lasting benefits to our agricultural economy.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. BURDICK. I would like to add my voice to express appreciation for the work of the chairman of the Finance Committee, the Senator from Virginia [Mr. Byrd], has done.

I am very grateful for the fine work that was done on my resolution last November. This has culminated in some helpful legislation which we approved today.

I commend the majority leader, the senior Senator from Montana [Mr. Mansfield], for the direction and the work he did in placing this legislation together.

Mr. MORSE. Mr. President, I join my colleagues in commending the senior Senator from Virginia [Mr. Byrd] for his leadership in bringing out a compromise with the conferees in the form of this conference report.

I shall vote for it only on the basis of his assurance and the assurance of the Senator from Florida [Mr. SMATHERS] that under all the circumstances it is the best we can get.

It will not satisfy the cattle industry of the country. So far as their problem is concerned, it is far from a satisfactory solution. The difficulty was that the other body was not willing to go as far as we went in the Senate bill, which was as far as we needed to go in order to give the cattle industry the protection to which it is entitled.

I also commend the Senator from Montana [Mr. MANSFIELD], the senior Senator from Nebraska [Mr. HRUSKA], the junior Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON], and the others who joined in trying to take care of the American economic industry at long last.

I have no tears to weep over Australia, New Zealand, and the other countries which want to flood the American market. I have one simple solution for them. It is about time we tell them to sell their beef elsewhere. And it is about time to stop the State Department from undercutting the consumer, the farmer, and industrial interests of this country by the foreign trade policy that the State Department has imposed upon us for many long years in the past.

By and large this will be pretty much a surface protection, and no protection in depth. In the first place, we shall leave the administration of it pretty much to the State Department. The State Department will continue to take advantage of the American producers to the advantage of the producers abroad, and particularly in the field of agricultural products.

That has been the sorry, sordid, sad record of the State Department for a long time. I battled away on this floor for a number of years against the giveaway of the economic interest of the American people to governments abroad.

It is about time to make clear to our alleged allies abroad that no longer will we place in second place the economic interests of the American people. That is why I supported the Senate bill. That is why I would have gone even further than the Mansfield amendment and supported the Hruska amendment, because there was an opportunity that we had in connection with this segment of agriculture to serve clear notice that the senior Senator from Oregon is not through. A long list of agricultural products is being discriminate against by the State Department in the so-called Kennedy round over in Geneva.

If anyone thinks that he will receive any support from Secretary of State Rusk in the protection of American agriculture, he could not be more wrong. We have missed an opportunity to set an example as to what we are at long last going to do to protect the economic interests of the American people first and stop making them always second in consideration in connection with policies of the State Department. I am "fed up" with the crocodile tears from the State Department, to the effect that, "If you don't do this, or if you don't do that, you will upset our foreign relations." It is about time for our foreign relations to be upset, for, under the direction of the State Department, they have been bottom side up for a long time. It is about time that to fulfill our obligations as Senators by overruling the State Department and sustaining the consumers and producers of America at long last.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a number of telegrams which I have received regarding the beef quota legislation.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PENDLETON, OREG.,
August 18, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.:

Umatilla County Cattlemen's Association with 200 members request that you vote for the beef quota legislation as it came out of conference committee today.

CHARLES KOPP,
President, Umatilla County Cattlemen's Association.
VIC JOHNSON,
Acting Secretary.

THE DALLES, OREG.,
August 18, 1964.

Senator MORSE,
Washington, D.C.:

We support the beef import bill H.R. 1839.

TED CARLSON,
President, Sherman County Cattlemen's Association.

KLAMATH FALLS, OREG.,
August 18, 1964.

Hon. WAYNE MORSE,
Senate Building,
Washington, D.C.:

Urge your support of H.R. 1839. Thank you for previous effort on our behalf.

NORMAN JACOB,
President, Klamath County Cattlemen Association.

PRINEVILLE, OREG.,
August 18, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Respectfully urge your support of meat import bill reported out of conference committee August 17, 1964.

HUDSPETH LAND & LIVESTOCK CO.

JOHN DAY, OREG.,
August 18, 1964.

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.:

Grant County Stockgrowers Association appreciate your previous support on beef import legislation and urge support of the imports conference report.

WM. K. FARRELL,
Secretary.

JOHN DAY, OREG.,
August 18, 1964.

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.:

Surely hope you can continue to support our beef import legislation today, conference committee report.

JIM SPROUL.

JOHN DAY, OREG.,
August 18, 1964.

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.:

Thank for previous support on beef import legislation. Please help us today on conference committee report. We need it.

BOB LEMCKE.

LAKEVIEW, OREG.,
August 18, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Respectfully urge support passage of beef import legislation vital industry.

CLARANCE DALLAS,
President, Lake County Stockgrowers Association.

PRINEVILLE, OREG.,
August 18, 1964.

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.:

Urge you to support import bill.

J. R. BREECE & SONS,
Pilot Butte Hereford Ranch.

Mr. CURTIS. Mr. President, will the distinguished Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. CURTIS. I rise to thank the distinguished chairman of the Finance Committee for his part in the legislative efforts in regard to this subject. I concur wholeheartedly in the rebuke to the State Department issued by the distinguished Senator from Oregon. I shall not take the time of the Senate to enumerate what might have been done months ago. We missed our opportunity to be more realistic about this question. The heavy imports should never have been allowed to reach the proportions that they did. However, when the subject was submitted to the Finance Committee, the chairman and members responded. The bill which passed the Senate was far superior to the compromise proposal that is before the Senate today. In defense of the House of Representatives, the conference report does not appear to be the result of a compromise between the desires of the House and the desires of the Senate. I happen to know that the executive branch injected itself into the controversy and that representatives from the State Department and from the Department of Agriculture stated flatly that they would not yield at all. They did not want any legislation.

Therefore, I shall support the conference report, hoping and believing that it will be of some value. I commend the distinguished chairman, the Senator from Virginia [Mr. BYRD], for his helpful efforts, and the Senate conferees for standing firmly for the Senate position. I believe that the action of the executive branch is indefensible. They have no right to interfere with a legislative position of this kind.

It might be expected of the State Department that they would sacrifice for their alleged special interest the welfare of agriculture, but when they are joined in the sabotage of the domestic welfare by the Department of Agriculture, it is indeed sad, because they are supposed to represent the rural population of America.

If this compromise proposal has honest administration, it can be of great help. I do not believe that any conference report would be here today if it had not been for the majority leader using his influence. There are many others I would like to mention, particularly my colleague from Nebraska [Mr. HRUSKA], who gave the Senate the first opportunity to do something about the question in the current session, an opportunity which was not to be passed over.

I should like to ask one additional question for the RECORD. I think the point has been mentioned. I believe the distinguished chairman of the Finance Committee mentioned it. It is as follows:

Should the President use the discretionary authority that is given to him to suspend a proclamation setting forth a quota or increase the quota, would the effect of that be permanent, or would it be one that would prevail merely for a period; and would the quota return to the point set forth in the formula in the bill?

Mr. BYRD of Virginia. In response to the Senator from Nebraska, where quotas have been suspended or increased, the suspension or increase will be effective for such period, not extending beyond the calendar year, as the President may determine to be necessary for the purposes of the bill.

Mr. CURTIS. In other words, it is the purpose of the proposed legislation that, should the President raise the quota, say, sometime in the year 1965, the increase would expire at the end of 1965 and it would not be woven into the formula and thus make an increase for 1966. Is that correct?

Mr. BYRD of Virginia. That is correct.

Mr. CURTIS. I thank the distinguished Senator from Virginia.

Mr. HRUSKA. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. HRUSKA. First, I wish to join in the commendations that have been expressed to the chairman and members of the Finance Committee for their service not only during the hearings and the executive sessions, but also in the conference committee meetings.

It is really a great source of gratification to many of us in the Senate that this conference report is presented to us. It is a history-making event and represents a significant victory for the farmers and stockmen of America and, in turn, for the agricultural economies they support, and the consumers they supply.

Its great value lies in the fact that language imposing quotas have been written into a statute and not left to the discretion or fancy of the Department of State or of Agriculture.

The bill and the machinery that it provides will serve as a deterrent against the use of the United States of America as a dumping ground by the exporting nations for all the surplus beef of the world, which is what we have been used for in the past. It is true that earlier this year the amendment that was proposed to the wheat-cotton bill afforded relief to a much greater degree than is found in the conference report. The quotas provided in that amendment were much smaller than those suggested in the conference report. Furthermore, my amendment would have included lamb as well as beef and mutton. In my opinion, the omission of lamb in the conference report is particularly unfortunate.

Also, the provision in subsection (c)(1) of section 2, permitting an overrun of 10 percent on the quotas seems unfortunate to me. In effect, it appears to grant quotas 10 percent larger than the quota level stated to be the policy of Congress in subsection (a) of section 2. We may wish to review this legislation next year with some of these thoughts in mind.

The President is left with a fairly large measure of discretion by this bill. The success of the new law will therefore largely depend upon his sympathetic administration of it. It is to be hoped that he will retain a firm control and not relinquish it into the hands of those who have strongly opposed the legislation from the start, and who even at this late hour have said that they do not agree with it, but they have said that they will not recommend a veto. The Secretaries of State and Agriculture have fought it all the way, of course. As recently as June 17 of this year, Secretary Freeman appeared before the Senate Finance Committee and argued against any quota legislation at all. For that reason, I hope the President, in imposing the quotas provided in the bill, will not rely too heavily on the advice of the State and Agriculture Departments.

Approval of the bill, with the concurrence of the administration, sustains our position that imports have been an important factor in the catastrophic decline of cattle prices.

Those of us who have been concerned with this legislation, Mr. President, never suggested that imports should be totally eliminated. We have urged, rather, that there be a proper regulation of such imports and that they be stabilized at a recent historical average.

It is good that the administration has dropped its unreasoning opposition to this legislation. American agriculture and those who depend on it for their economic well-being will watch with great interest how it is administered and applied. So will the consumer, who has a big stake in an assured supply of quality beef.

It was with great interest that many of us followed the argument made in the other body on behalf of the consumer of the Nation. It was said there that this proposal is terrible; it was said that if these imports are cut down or regulated, it means the price of beef will go up. In all seriousness, I submit that no consumer of any commodity which is bought or used in this country has the right to buy that commodity for less than the cost of production. That is something that has been happening with respect to beef for 20 months.

There is a second answer to the argument that the consumer is such an abused creature. It is this: the Secretary of Agriculture for the past 6 months has been traveling up and down explaining the various methods by which he is trying to increase the price of beef and cattle. He is going to increase exports. He is going to purchase more meat for the school lunch program and for the military, among other programs. All of these programs are urged with the idea of increasing the price of beef and cattle. He seems to believe that an increase in the price of beef achieved in that fashion will not be resented by the consumer, but that an increase in beef prices resulting from regulating imports will be resisted and resented by the consumer.

That complaint on behalf of the consumer has another answer, and that is that the cattlemen themselves are interested in keeping prices at a point where they continue to attract the buying public. The beef man's business is a highly competitive business because of the competition of other meats, and he is concerned about losing public favor for beef.

The struggle to achieve this objective has been quite spirited, but Congress has worked its will. We have obtained from the conference what is possible under the circumstances. Surely the task is to assure fair and equitable treatment for the livestock industry and for the consumer. Many persons will be closely scrutinizing the action taken by the administration.

Again I want to say that all of us who are interested in this legislation are highly indebted to the Finance Committee, and particularly its chairman, for the fine piece of work they have done.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. HRUSKA. I yield.

Mr. MILLER. I wish to ask the distinguished Senator from Nebraska how much, in terms of pounds, he estimates that this 110-percent figure in the formula set forth in the conference report will exceed the amount which would have existed under the formula worked out in the original bill that went to conference. Has the Senator had an opportunity to evaluate it?

Mr. HRUSKA. Has the Senator in mind the new figure that emerged using the 110 percent as the base provided for in the bill?

Mr. MILLER. Yes.

Mr. HRUSKA. My recollection is that if a new computation is made the quantity is——

Mr. SMATHERS. Mr. President, will the Senator yield at that point? I have some information from the staff on that question.

Mr. HRUSKA. I yield to the Senator from Florida, who is familiar with the figure.

Mr. SMATHERS. Nine hundred and twenty-nine million six hundred and ten thousand pounds could be sent in under this quota for 1965 on the basis of current estimates. This amounts to a cutback of 11.4 percent from actual 1963 imports.

Mr. MILLER. A cutback from what?

Mr. SMATHERS. From the base period; a cutback from the 1963 figure. Nineteen hundred and sixty-three was the year when the greatest quantity of meat came in.

Mr. MILLER. I appreciate the help of the Senator from Florida in this matter, but I am not sure I have received the information I really want.

As the bill went to the conference committee it contained certain quotas. I am sure somebody—probably the staff—has the figures which those quotas under the original bill as amended by the Senate provided. I ask the Senator how much of an increase in import allowance the conference report represents over what the Senate did a few weeks ago when it passed the bill.

Mr. SMATHERS. Except for the growth factor, it is the same quota. I have an illustration. The chairman of the committee put it in the RECORD, but I do not think the Senator from Iowa was in the Chamber at the time. I will either read it, or if the Senator does not want me to read it, I will put it in the RECORD at this point, because it gives an illustration as to how the quota and the growth formula will work, taking into consideration how much meat was produced in 1959, 1960, 1961, 1962, and 1963, and the estimates for 1964 and 1965.

Mr. MILLER. That information should be a part of the RECORD. I would appreciate it if it were put into the RECORD, but I would like to ask my question again and reemphasize the Senator's answer. Do I correctly understand that the amendment the Senate put in the bill, as a result of which the bill went to conference, provided for a quota which would lead to imports no greater or less than the number of pounds than was finally devised by the conference committee?

Mr. SMATHERS. Excepting for the growth factor, the Senator is correct. The real difference between the bill now and what the Senate passed was that the Senate provided an immediate quota. The quota became a fact of life. In this bill the quota does not come into being unless imports become excessive and exceed the limits we have established, in which event the President is required to proclaim the quota. So the basic difference is that in the bill as it passed the Senate there was a quota, and in the bill as it comes from conference there is not a quota unless its need is demonstrated.

Mr. MILLER. Am I to understand, when the Senator refers to the President acting and proclaiming a quota, that the quota he would proclaim would, for all practical purposes, be the same as that which would have been put into effect had the amendment adopted by the Senate gone into effect, absent the growth factor?

Mr. SMATHERS. The answer to that question is "Yes."

Mr. MILLER. I thank the Senator.

Mr. ALLOTT. Mr. President, I also want to express my appreciation to the distinguished chairman of the committee and the members of the conference committee. I believe they have done a wonderful job on the bill, although I must say I am disappointed in the total net outcome of it. However, I am not unaware of the problems which they faced, and these probably can be named in two categories: First, that of the other body and its attitude toward this problem, and second, the attitude of the State Department.

I have in my hand telegrams from the executive secretary of the Colorado Cattlemen's Association, the master of the Colorado State Grange, and the executive secretary of the Colorado Cattle Feeders Association, urging support of the conference amendment.

Mr. President, I must concur in the previous remarks made on the floor that the State Department exerts entirely too much influence on legislation which Congress passes. This is not to be critical of the Senate conferees for the position they finally had to take, or of the bill which finally came out of conference. I am cognizant of the factors which shaped the bill.

However, it is not only the agricultural products of this country which have been adversely affected by the attitude of the Department of State; it is the complete raw material resource industry of this country. It extends not only into agricultural products, but also into forestry, and greatly into minerals. In fact, the mineral production of the West has been practically destroyed over a period of years through our negotiations with GATT, in which our so-called good foreign relations with other countries have been taken into consideration, while our own industries have been "sold down the river."

As I understand the bill, it will set the amount of the imports at 725,400,000 pounds a year. This amount will be increased to an amount which will be 110 percent of that, or 797,940,000 pounds before quotas could be imposed. There is also a growth factor, based upon consumption, that would increase this base amount.

I hope it will work. I hope the Secretary of Agriculture will, for the first time, live up and measure up to his responsibilities to the people and the farmers of this country, for whom he has a peculiar responsibility under his appointment in the Cabinet.

I hope the President will take immediate action to invoke the quotas when these amounts are exceeded.

The distinguished Senator from Nebraska has stated that many of us will be watching this matter very closely.

The imports are a significant factor in the fall of beef prices in this country. We cannot ask a man to put heifers and steers in the feedlot and feed them for a period of 6 months, only to sustain a loss of $40 to $75 per head on those animals, and then say that the consumer is entitled to buy that meat at that price. Yet that is what some of our friends seem to think should be done. I wish to say further that, as a result of what has happened, we have only had the first round of the recession in the cattle industry. The second round is now making itself felt, appearing throughout the West and Southwest at the present time. That is where the producer and breeder of cattle is located. He is the one who, despite the fact that in the last 2 weeks there has been a rise in cattle prices, is now selling his feeders and stockers at below cost, and will continue to do so for the next few months unless there is a reversal of our policy.

I supported the Hruska amendment and I supported the Mansfield amendment. Either one would be preferable to the present provision.

I am particularly disappointed that lamb was not included in the bill. It is true, as the distinguished chairman of the committee has said—and I believe this is generally true—that lamb is not a substitute meat product as is the case of mutton, which is used in hamburgers, sausages, and similar products. Although the State Department and the Department of Agriculture claim that the average annual imports of lamb is only 3 percent of domestic production, the fact is that imports equaling as much as 18 percent of our domestic production of lamb has fallen on the market in the East in the course of 1 month. One does not have to be a great economic expert to understand what this will mean to the feeders and raisers of lambs in this country.

I am greatly disappointed, therefore, that lamb was not included. I predict that we will still have to face the problem of lamb imports to this country.

I again express my appreciation to the committee, even though I personally would have been much happier with the bill as it came out of the Senate, which actually imposed quotas. With that bill we would have known where we were, and we would not have to await the will or whim of the Secretary of Agriculture to get effective and protective relief for American agriculture.

Mr. SIMPSON. Mr. President, I, too, compliment the committee—not only the conference committee, but also the entire Committee on Finance, for the marvelous work they have done on this particular bill. I am not unmindful of the many requests that I made of the distinguished Senator from Virginia [Mr. BYRD], in behalf of livestock growers, asking that they be heard, and the fact that they were always given courteous consideration.

I am not sanguine about the beneficial results that are expected to flow from the enactment of this legislation. I am inclined to share the pessimistic view of the distinguished Senator from Oregon, when he said that he has little hope that it will do what is needed.

I am sorry I cannot join the distinguished Senator from Nebraska [Mr. HRUSKA], who has done such yeoman work on behalf of the livestock growers of the country, in his optimism with respect to the bill.

I share the sentiments of the distinguished Senator from Colorado [Mr. ALLOTT] with respect to the elimination of lamb from this bill.

Senators will remember that I stated before that imports of lamb and mutton continue to threaten the existence of our domestic sheep industry. As I previously said, further tariff reductions would only cause additional economic distress.

Poundage of dressed lamb imports has increased 89 percent during the first 9 months of 1963 compared to the same period in 1962. They were up 1,000 percent as compared to the same period in 1957. Poundage of dressed mutton imports is up 7,264 percent during the first 9 months of 1963 as compared to the same period in 1957.

The cattlemen seem to be happy. The State Department and the Chief Executive seem to be happy. The sheepmen are unhappy about the exclusion of lamb products. I am in between. I share some of the optimism and a great deal of the pessimism. I am hopeful that some good will flow from the results of this bill. We must recognize that it does not impose mandatory quotas. It all depends on certain things happening on an international scale.

I again wish to say to the distinguished Senator from Virginia, to his committee, and to the fine conference committee that at least this is a foot in the door. Much more needs to be done, and I am hopeful that good, beneficient results will flow from the bill. By the same token, I have serious misgivings. When I find in the bill the provision: "All determinations by the President and the Secretary of Agriculture under this bill shall be final" I have more misgivings than I had before.

Mr. DOMINICK. Mr. President, I shall be very brief. I should like to ask a question of the chairman. First I wish to express my appreciation for the courtesy which the chairman has shown to my colleague and me in our presentations before the Committee on Finance, in our efforts to have something effective done in this field. I am not sure that we have done it, but perhaps we must adopt the adage that half a loaf is better than none. Perhaps otherwise we would not have gotten even a half loaf.

A provision in the bill permits the President to waive all quota requirements under certain unusual circumstances—the exact language being "overriding national economic interest."

The conference report, at page 7, in the first paragraph, states:

> Speaking directly of agriculture, if other importing countries were in retaliation prepared to adopt tight restrictions covering a wide range of U.S. agricultural export products, and if the effect would be to reduce U.S. agricultural exports in an amount disproportionate to gains to the cattle industry, the overriding national economic interest might be served by suspending or increasing quotas.

Yesterday, the Prime Minister of Australia, apparently in an official speech, threatened to cut off six U.S. exports to Australia, including tobacco and automobiles. I have forgotten what the others were; but certainly they were not things grown or made in Australia, so far as I can ascertain.

Would this type of threatening—not the action itself, but the threatening—in the Senator's opinion be grounds for action by the President, or for saying that he will suspend or increase quotas?

Mr. BYRD of Virginia. I do not think it would be. This particular section was discussed for a long time by the conferees. The House insisted upon the language that the Senator from Colorado just read. The staff informs me—and, of course, I recall it—that if our exports to Australia were barred the national economic interest of Australia could be jeopardized, rather than our own. In any event a threat of retaliation is not sufficient to justify suspension of the quotas. Moreover, in applying the provision to which you refer, the President must give special weight to the importance to the Nation of the economic well-being of the cattle industry.

We did the very best we could. I believe the bill will protect the interests of the livestock producers more than any other bill that has ever been enacted.

Mr. DOMINICK. Mr. President, I sincerely congratulate the Senator from Virginia. He has been not only patient, but very careful in his consideration of the bill. He has spent countless hours upon it, for which we who are so interested are deeply appreciative.

My concern is not really with the actual form of the bill that has been brought out of conference, although I wish it included lamb. My concern is whether in the administration of the act, and the various duties that would have to be performed, the State Department and the President could disregard the obvious wishes of the Senate and House if they felt so inclined.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. MORSE. I am glad the Senator from Colorado has raised a question as to this language in the report, because it is merely another form of the so-called Presidential escape clause that the State Department proceeds upon or makes use of in order to work its will and not the will of Congress. We have lived with this "gimmick" for some years in respect to restrictions that we have been able to include in foreign aid bills, only if we are willing to accept the Presidential escape clause. In the last analysis, this means that we accomplish nothing, because the White House and the State Department can always find rationalizations for working their will and not abiding by the will of Congress. We have just found it impossible to terminate foreign aid to Indonesia if we leave the slightest discretion in the matter to the administration.

Let me show the Senator how, in my judgment, it would be easy for the President and the State Department to work their will in connection with beef imports, through the very language that the Senator from Colorado has wisely pointed out. We can start with the example of what the Prime Minister of Australia threatens to do.

Diplomats have interesting ways of working. Does anyone believe that U.S. diplomats will not, in their conferences, call attention to this language? If so, I say, respectfully, that he could not be more mistaken. When we consider a set of operative facts between the United States and country X, we will find this type of threat: "If you follow this conference report, which is the will of Congress in respect to protecting the American beef industry, we are going to stop importing into our country the following items."

Then the President will issue a report to the effect that in view of unforeseen conditions and new developments, he finds it necessary in the economic interests of our country to suspend the protection that Congress sought to obtain through the conference report. This language will not work in any case in which the State Department wants to undercut us. That will be whenever it wants to carry out the State Department design for the advantage of some industry in this country to the disadvantage of the American farmer. The American farmer does not have a chance in the State Department.

Mr. DOMINICK. I appreciate the comments of the Senator from Oregon. His fears are completely shared by me. This is the reason why I have raised the question. I am most gratified, in trying to keep the record straight, to learn that at least the initial reaction of the Prime Minister of Australia would not be deemed sufficient by the chairman, at least at this point, to invoke this kind of action by the President.

I wish to make one further point. Obviously, any nation engaged in this kind of negotiation will be doing some horse trading, like anyone else. We are all horse traders if we can be. What I wish to make absolutely clear is that, so far as I am concerned, the mere use of this type of weapon by another country in order to try to induce us to put quotas into effect should not be enough to cause the President to invoke the economic-interest clause. It seems to me that we ought to do some good horse trading ourselves, and perhaps this is the weapon that will give us that right.

I shall support the conference report, but I wish it provided some other protections.

Mr. McGOVERN. Mr. President, I hope that the conferees will accept the conference report. The fact that the conferees from the two Houses, the cattlemen, the Department of Agriculture, and the State Department have found a basis for agreement, should be sufficient assurance that American beef and mutton producers will be provided with the protection they need without violence to our international trade relationships.

It is especially pleasing to me that the orderly legislative process has brought about an agreed-upon beef import limitation.

I opposed adoption of a beef import limitation when the wheat-cotton bill was before the Senate. I said then that its addition, without hearings and without consultation with the executive department, would end in the defeat and death of both wheat legislation and any limitation on beef imports. That result had been made very clear to us at the time.

I said then that, in my opinion, a beef and mutton import limitation would be far more likely to be enacted if considered in an orderly way, after hearings by the Finance Committee, than if the effort to force it on the administration was attempted.

My prediction has proved correct.

Representatives of the cattle industry have advised me that they are fully satisfied with the language that has been worked out. My State cattle producers association has wired me of their support of the conference report. I have been advised by the State Department and the Department of Agriculture that they will recommend that the President sign the bill when enacted.

Enactment of this bill will mean achievement of desirable legislation for both our meat producers and our wheat producers. A few months ago we were on the verge of sacrificing them both by premature action.

I might comment that the intervening months have been punctuated with some pretty sharp criticism of our failure to pass the Hruska amendment. As late as last week, statements have appeared in the South Dakota press indicating that there would be no bill, that it was intended for the bill to die in Congress.

This was not my intention. I know that it was not Majority Leader MANSFIELD's intention. By handling the matter in an orderly way, we now have wheat legislation which has meant at least $450 million to the wheat growers of this Nation on this year's crop, and we are soon going to have beef import legislation.

My support of measures which reduce shipment of beef into the United States, where we have a great abundance, is and has always been genuine support.

As food-for-peace administrator, I saw the pathetic results of malnutrition and lack of protein in diets around the world. I am acutely aware that protein is the great need of millions of underprivileged.

America does not need large amounts of imported beef. Underdeveloped lands do need it. If international trade and domestic price complications were set aside, everyone would agree that, in the interest of humanity, exportable meat stocks in any country should be sent to the countries which have need for protein. There would be no debate about policy. I am pleased that the Senate accepted my amendment to the foreign aid bill last week which authorizes the use for $50 million in foreign aid funds to purchase American beef, poultry, dairy products and other high protein foods for use in our oversea school lunch program.

Over and beyond the justifiable consideration of the plight of our domestic cattle industry, there is this consideration of distribution policy which, in my mind, is of high importance.

I believe that a number of benefits will flow from acceptance of the conference report. I am glad that they are attainable without injury to trade relationships.

One is relief for our domestic cattle industry.

A second benefit is to permit the industry to give its attention to adjustment of domestic production, which has grown excessively and is the major cause of recent disastrously low prices.

A third is the better pattern of world distribution of exportable meat production from the exporting countries.

With a decline in imports of lower grade meats, I believe there will be increased demand for and liquidation of excessive cow numbers, both out of dairy and beef herds, which will assist in the production adjustment.

I hope that the conference report will be adopted.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, will the Senator from New York withhold his suggestion of the absence of a quorum? I would hope the Senator from New York would let the Senate proceed, because other conference reports are waiting.

This subject has been discussed quite thoroughly. The conferees representing the Senate have done a splendid job, all things considered.

I suggest to the Senator from New York that it is my strong belief that most Senators have, in effect, made up their minds. We are approaching the climax of this most important question. I would not agree with some of the remarks made on the floor of the Senate to the effect that the State Department and the Department of Agriculture will seek loopholes, because on the basis of the history made during the course of the debate on the Hruska amendment at the time the wheat-cotton bill was under consideration, during the debate on the Curtis-Mansfield amendments, and during the consideration of the conference report today, the situation with respect to congressional intent is clear.

The executive department came a long way toward meeting the needs of the cattle industry, needs which I believe should have been looked after a long time ago, needs which are now being faced, needs to which I am quite certain, on the basis of the illustrations I have given, the State Department and the Department of Agriculture will pay careful attention now.

I hope we may get on with the conference report and move on to other business, as well.

Mr. JAVITS. Mr. President, this impatience with me is hardly matched by the limitless patience which is expended upon individual Members and upon groups of Members in this Chamber. Thank God for the fact that if I am recognized, I can still hold the floor or ask for a quorum or oppose the conference report. I was beginning to doubt. The arrows were falling all around me but did not quite reach me, although I was on my feet seeking recognition not less than five times. I thought perhaps that opposition would no longer be permitted in the Senate, that perhaps it had become unfashionable to oppose.

I am a quiet fellow, a rather mild fellow, but if necessary I can speak for 23 hours, too. I am capable of it. I am physically able. I feel full of fight. I believe that I have as much on my mind as the Senator from Oregon or the Senator from South Carolina, who hold great records in the Senate for long speeches. So, with all due deference to the majority leader, we are not going to get our business done by Friday night anyhow. The Senate could just as well be held up by a debate on the conference report on the beef imports bill. The fact is, I believe it to be a lot better cause than reapportionment, because it involves the pocketbooks of the American people to the tune of billions of dollars.

From sitting in the Chamber one would believe that we are running an export deficit and not an export surplus of over $6 billion, and one would not believe that even in the area of agricultural exports we are breaking all records. The Senator from Arkansas [Mr. FULBRIGHT] spent—quite properly—all the time of the U.S. delegation to the NATO Parliamentaries' Conference, expressing his opposition to the fact that Europeans dared to bar our chickens. We were insulted. What we were going to do about that subject would not be fit to write in a book.

Here we are establishing an elaborate scheme to bar the meat exports of our closest trading partners. This game can be played by two, not just by one. Whatever the Senator from Colorado may say, the Australian Prime Minister, Mr. Menzies has a tough case. We may like to put on a quota for beef, but he will put on a quota for airplanes and other things which Americans export and live on.

Who buys this imported beef? The working people of New York—and they have to earn a living, too. There is lots of room for opposition to this conference report. It is not nearly so hot as it is cooked. Only one side of the case has been disclosed. Since I have been in the Senate, we generally alternate from side to side. Thus far we have had the entire case of the plaintiff put in, so that the defendant has lots of time. I am in no hurry whatever. As much as I love and respect the majority leader I will not be smothered, as I was smothered when this conference report came up.

Mr. SMATHERS. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. SMATHERS. I should like to inquire whether I understood the Senator from New York correctly. Is he indicating in his statement that he has not had a fair share of the time on the floor of the Senate this year?

Mr. JAVITS. I am saying that I have not been heard on this particular issue which relates to the conference report. I have had as much time or as little time as any other Senator, when I could get the floor.

Mr. SMATHERS. Does the Senator disagree that this is the only issue he has not yet been heard on?

Mr. JAVITS. I refuse to yield at this point—let me finish my statement, and then I shall be very happy to yield further to the Senator from Florida.

This is the only issue I have not been heard on yet. I am going to be heard on it right now. I shall be heard on it, I hope, with reasonably equal time. The only thing I complained about was the fact that we had a whole case presented in consecutive order, without any intercession or any opposition made, notwithstanding the fact that it was well known that I opposed it. That is why I was on my feet. I am generally a quiet and peaceful fellow, very anxious to get along with all Senators—and I still am, and will be, but I believe that——

Mr. SMATHERS. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. Not yet. The Senator will forgive me for indulging myself, perhaps, a little bit in the prerogative of a Senator wishing to be heard, when he has something to say. It is reasonably close to the time when what I have to say should be said.

Mr. SMATHERS. Will the Senator yield right there?

Mr. JAVITS. I yield.

Mr. SMATHERS. I totally agree with the Senator. He has every right to say anything on his mind. However, I would not want the Senator or other Senators to believe—or the people who might be listening right now—that the Senator is in any way being smothered, or in any way has been refused the opportunity to state his case on practically every issue that has come before the Senate.

It has been my observation of the able Senator from New York that if one looks into what other Senators have said and compares it with what the able Senator from New York has said on any given subject, I believe that it will be found the able Senator from New York has taken considerably more time. If it were possible to place a quota on each Senator's speaking time on a given issue, we would find that the able Senator from New York has run considerably over his quota compared to the average quotas for other Senators. However, he has got a right to say what he has on his mind. I would not wish him to make a statement and to have it go unchallenged that he has not always had and has not always been able to take every opportunity to express his particular views on most every subject that comes before the Senate.

Mr. JAVITS. Fortunately, Mr. President, the content of what a Senator says is not measured by volume. On that basis, I do not know whether I would meet the average or not. Nor is it pertinent to discuss the obvious. A Senator can obtain the floor some time or other, though it may be late at night on occasion, to express his views on a certain issue before the Senate. My statement was in response to what the majority leader said about getting on with our business. I suggested the absence of a quorum. The majority leader asked me to withhold it, and then gave me a little homily about the fact that we should get on with our business—which to me means that I should sit down and pipe down. That was all I was talking to.

I love the majority leader. I admire and respect him. I have proved that a thousand times—and I shall do so again; but on this question, I respectfully reserve the right to be heard.

Mr. President, I am opposed to the conference report. I shall vote "nay" on it.

Here we are engaged in an elegant charade which so often we see in this august body. We have no business to pass the bill in its present form. We had no business to pass it, in the first place. Having gone up the hill, we will march right down again. I did not wish to be a party to it when it began, and I cannot in conscience be a party to it now.

Why do we not have the right to pass this bill? Because it disrupts far more than it can save. Meaningfully, I take my text from what one of my colleagues said a minute ago, who is a passionately devoted private enterpriser. He says:

> No consumer may buy at less than the cost of production in this country.

Mr. President, if that be true that no consumer may buy at less than the cost of production in this country, then we might as well fold up the private enterprise system right now and forget it.

The fact is, every Senator in the Chamber who opposes governmental regulation is contending to the fact that every consumer has a right to pay any price he can get honestly and legitimately, and that the only true corrective of a society is that if things get out of hand, if products get too expensive and people produce too much, they are penalized and then they have to sell at less than cost, and then they will not do it again.

That is what has happened to domestic beef production. But we are trying to bail the cattle industry out, not by the traditional economic system, not by the system we have applied to farm production in this country. We are trying to bail them out by penalizing the whole foreign trade of the United States.

There is just too much at stake to do that. I argued that when the bill was debated on July 28. I stood here with the aid of 15 other gracious colleagues who voted with me, but the State Department and the Department of Agriculture apparently preferred to do their business behind closed doors in the conference committee and, I might say, did it pretty well in this particular case. Those who have a case for the American export business and for the producers in the United States who produce for that export business, have a right to have aid and comfort and support in open daylight and not just behind closed doors, especially when these battles have to be fought, as they are, in open daylight.

Why am I still opposed to this conference report? Even if the escape hatch is so wide—and it is—I say that with all due respect to my colleagues who fight so diligently for their people, the cattlemen, as I fight for my people, the city dwellers who do most of their farming in window boxes, I am opposed to it for the reason that it gives a permanent basis of pressure upon the exports of the United States and upon the President of the United States.

It encourages the cattlemen not to deal with their problem as they should deal with it; namely, by dealing with overproduction, in which they have been engaged as businessmen. They do not come frankly to Congress and say, as wheat growers or producers of other agricultural commodities, "We need help. We need quotas. We need subsidies. Whatever it is, we shall fight it out. We shall either do it or not do it. But we shall fight it out on the traditional basis that we have been following on the farm problem."

But instead of doing that, we are still letting the cattle industry beg the question. They are going ahead and digging the pit even deeper than they have done so far. They then put pressure on the President through the Senator from Montana [Mr. MANSFIELD], the Senator from Wyoming [Mr. SIMPSON], and others who are seeking to impose a quota.

Mr. President, such pressure on a person can become more intolerable than the demands of the world, the demands of the national interest, or of national security. But when we are heading up to November 3—a very big day in the country—the public will be conscious of it.

I feel that it is wrong to enact a piece of legislation which is not based on sound policy so far as our country is concerned, and merely say, "We shall let the President make the decision if he finds certain conditions prevail."

All we do is shift the responsibility to the President. We abandon our prerogative. We do not help the cattlemen. We only encourage them to dig their pit deeper than it is already dug. In my judgment, we hurt the export business of the country. We hurt the American consumer. The American producer must have this competition in order to keep his own prices within some kind of reason.

The President may suspend quotas if it is required by overriding national security interests of the United States and if beef and veal imports will be inadequate to meet domestic demand "at reasonable prices." I believe that Senators from the consumer States have a right to call that factor very sharply to the attention of the President—"at reasonable prices." It is not only a matter of adequate supplies, but also reasonable prices.

We hope that the President will be just as true to that standard as our friends from the areas that raise cattle want him to be true to the other provisions of the bill.

The President may suspend the quotas if required by overriding economic interests of the United States.

I point out that that is defined in the conference report, which is authored in the other body, as follows:

> It was the understanding of the managers both on the part of the House and of the Senate that the overriding economic interests of the United States referred to in paragraph (1) include largely trade and balance-of-payment considerations. If, for example, the President could expand U.S. exports for dollars significantly, or prevent a drastic decline in such exports, by suspending or increasing meat import quotas, this would be in the overriding national economic interest. If a balance-of-payments deficit were to threaten U.S. fiscal integrity, and if the situation could be materially improved by suspending or increasing quotas, this would be in the overriding national economic interest. Speaking directly of agriculture, if other importing countries were in retaliation prepared to adopt tight restrictions covering a wide range of U.S. agricultural export products, and if the effect would be to reduce U.S. agricultural exports in an amount disproportionate to gains to the cattle industry, the overriding national economic interest might be served by suspending or increasing quotas.

I believe that we who are on this side of the question have a right to emphasize, first, that the United States has a serious deficit in its international payments, and that the biggest plus factor in our balance of payments is the very favorable balance of trade which needs to be encouraged on our part. It is important to keep that balance of trade very strongly in our favor, in every line and in every country, including the countries which sell beef to us. That includes very significantly Australia, New Zealand, and Argentina—which, as we know, is in quite a delicate political situation.

The difficulty with the bill, in addition to the points which I have already made, is that it is essentially a standby protectionist measure. For a country whose economic well being is so greatly affected by exports, even a standby protectionist measure is unwise and very impolitic.

We must remember, too, that this bill sets a pattern which many others may follow. And so the protest—and that is all that I am making, is a protest of critical importance—is to let special interests in the country know that some States are alert to what is afoot, and intend to oppose it.

There are shifting coalitions in the Senate. I may have been defeated in the vote on this bill by a vote of 70 to 16. But if the protest is continued and the reasons are elucidated, perhaps we shall win on another occasion, on another day, and fend off some protectionist measure which would be again very harmful to the American export and import business.

As to the consumer, one thing which is very important is that the meats which are imported and upon which this bill was intended to operate generally go into the cheaper items of consumption. They go into hamburgers. They go into frankfurters, et cetera. It is one of the powerful aspects of the American economy that the individual consumer has such a wide range of choice in terms of his consumption and can get such a plentiful diet for a relatively reasonable part of his income that it will encourage him to buy other things which are so critically important in the American economy.

It is the duty of those who are deeply interested in maintaining the production of industrial goods at a high level to maintain them in that manner. Hence, I am sure many others, like me, have an interest in reducing the cost of living—especially representing those in the low and moderate income group who consume so many of the less expensive items affected by this bill—insuring that they may have a reasonable price level maintained for them, unaffected by the artificialities which would be introduced if quotas were imposed, as proposed in the bill.

In summary—and I invite the attention of the Senator from Montana [Mr. Mansfield] to what I shall say. I hope the Senator will understand that what I said a while ago was in no way directed at him. It is normal for a Senator who seeks recognition for a while and does not get it to have the feeling that the game is going strictly one way, and that in all fairness the opposition ought to have its day in court at a seasonable time, when there are perhaps a few people around to listen.

Mr. MANSFIELD. Mr. President, I must apologize for asking the Senator to withhold his suggestion of the lack of a quorum.

I become a little excited at times. I do like on occasion to speed up legislation. I am deeply grateful to the Senator for his usual courtesy and graciousness in not pressing for a quorum. As the Senator knows, he was perfectly within his rights.

I am sorry that the occasion arose. I therefore want to let him know my feelings and assure him that his stand on this particular question has been well known, and that the leadership contemplated keeping him informed of the time that the report was to come before us for consideration.

The Senator has as much right to speak for as long as he wants to and express his point of view as any Senator has. He did have to wait a long time. I do not think the delay was intentional. As the Senator said, he was surrounded by many Senators who hold an opposite view to his.

Mr. JAVITS. I thank the Senator. As the Senator has said—and I am the first to acknowledge it—he has always treated me with unparalleled courtesy.

I asked for time on the conference report, and he granted the time.

With the indulgence of the Senator from Montana [Mr. Mansfield] I shall seek a quorum call before the vote is taken. I believe that other Senators should be informed that the matter is being voted on.

Mr. MORSE. Mr. President, I suggest that the Senator withhold his request so that I may reply to his remarks.

I have a few comments I should like to make, if I may, by way of rebuttal.

Mr. LAUSCHE. The Senator from Ohio will never allow anyone to be disappointed.

Mr. MORSE. In the interest of saving time, I suggest that the Senator withhold his suggestion of the absence of a quorum. I assure him that I shall ask for a quorum call or yield to him so that he may do so.

Mr. JAVITS. Of course, the Senator from New York understands that only too well. He has no desire to delay action. I hope the Senate completes action on the conference report this evening—unless Senators have other ideas. I wished to have an opportunity to express my concern with respect to it. I believe that the Senator from Kansas [Mr. Carlson] also wishes to make some remarks on the conference report.

I conclude as follows: First, I point out to Senators that even the wild bird—and that is "b-i-r-d" and not "B-y-r-d"—provisions of the conference report were redeemed in the conference, and the House had its way. My colleague from New York [Mr. Keating] succeeded in having stricken out that provision of the bill which provided for the free entry of wild animals, including birds and fish. Nonetheless, it now reappears in the bill, except that the way in which it reappears has been very considerably limited. We had received many protests from the National Audubon Society and other lovers of wildlife in the country to the bill as it came to us, on the ground that its language was much too loose and might result in the imposition of cruelty which was unwarranted. The conference report is confined strictly to imports of wild animals for use, or for sale for use, in any scientific public collection for exhibition for scientific or education purposes.

I should like to ask whatever Senator is handling the conference report on the floor of the Senate now, or some member of the Finance Committee, whether it is the intention of the conferees that that particular provision of the conference report shall be strictly construed and confined strictly to the terms of reference used in what will be the applicable law?

Mr. McCARTHY. Mr. President, I was not a member of the conference committee, but after reading the conference report, I would certainly anticipate that it would be strictly construed. We have not started redefining the words of the English language on the floor of the Senate, as some candidates have started redefining them on the trail. I would expect, therefore, that what is said in the conference report would be strictly interpreted, and that the animals would be brought in under the very rigid controls and for the very specific limited purposes which the conference report indicated would be necessary if any importation should be permitted.

Mr. JAVITS. I believe the Senator from Florida [Mr. Smathers], who is now in the Chamber, was a conferee. I should like to repeat the question in order to give him an opportunity to reply if there is anything to be added.

I asked whether or not, with respect to the provision which persists in the conference report now, and which was not in the bill when it was sent to conference, with regard to wild animals, et cetera, it was the intention of the conferees that the provision should be strictly construed. I asked the question so that in the administration of the law the Federal authorities would have a guide indicating that we have taken account of the complaints of the National Audubon Society and other groups interested in wildlife, who complained against the original bill sent to us, and so that the record shows that we have sharply restricted the provisions which came to us in the original bill from the House, and that it is our intention that it shall be very strictly construed.

Mr. SMATHERS. The Senator is correct. The House bill took the duty off wild animals and wild birds imported for exhibition. The Senate deleted this provision. We in the conference restored the provision, but in a greatly restricted form. We shall let wild animals and wild birds be brought into the country if the importation is only for the purpose of the sale of such animals, birds or the use of them in municipal zoos or for other scientific exhibition purposes.

Mr. JAVITS. The provision in connection with exhibition, which I would not want to expand, reads "exhibition for scientific or educational purposes."

Mr. SMATHERS. The Senator is correct. I am happy that he made that notation. The language is "exhibition for scientific purposes."

Mr. JAVITS. It is our intention that the whole provision be strictly construed.

Mr. SMATHERS. The Senator is correct. In effect, we brought the case that was made by the Audubon Society, the Humane Society, and those who objected to the House bill to the attention of the House conferees.

Mr. JAVITS. To summarize my own position, it is true that the provisions of the conference report as now before us would give to the President the very discretionary authority which we ought to exercise ourselves. The Senate should vote down the conference report.

There are certain considerations upon the basis of which the President will suspend the operation of the quotas. Such considerations include the overriding economic interests of the country and the inadequacy of the domestic demand at reasonable prices to meet the situation of production here. What we are doing is providing a structure in the bill which will only lead cattlemen to believe that they have something when in fact they should not have that kind of relief if the President follows these instructions, and therefore they will not adopt other methods to deal with the situation. I am interested in them as American businessmen. The conference report represents legislation which we should not pass, and therefore I shall vote "no" on the question of agreeing to the conference report.

Mr. President, I shall not now ask for a quorum call. I shall make the suggestion, unless some other Senator does so, before the vote on the conference report.

I want to make one final point. The conference substitute provides in section 2(c)(3 for allocation by the Secretary of Agriculture of the total quantity of meat to be imported among supplying countries on the basis of the share such countries supplied to the United States during a representative period. As the language now stands, this provision is susceptible of a construction that supplying countries will be able to control how and who shall buy and distribute the beef, veal, and mutton that may be imported into the United States under this bill.

Representatives of the importers involved expressed deep concern over this provision in the bill as it may result in unnecessary and continuing confusion and uncertainty with disruption or constant threat of disruption of long-established normal channels of trade.

It is my interpretation, however, that section 2(e) of the bill—directing the Secretary of Agriculture to issue regulations to enforce the bill—gives the Secretary ample authority to issue regulations controlling the administration of the meat import quota.

Mr. MORSE. Mr. President, I wish to make a few remarks in respect to the Senator from New York. With his typical frankness and intellectual honesty, he points out his great concern about the residents of the great metropolitan areas of New York and about the workers in his State.

The purchasing power of the workers in the State of New York and every other State is dependent upon the uniform strength of our economy through all of its brackets. It is a truism that no one can successfully question that a civilization will soon find itself in a declining state if the leaders of the government of that civilization do not recognize that the production of proteins, fats, and fibers—the production of the food supply of the people in any civilization—determines in no small measure the height to which that civilization can climb.

I have a constant interest in the welfare of American labor. But let American labor never forget that its welfare is also dependent upon the welfare of the American farmer. And so in a piece of legislation such as that proposed, we have a problem of balancing interests. We have a duty as legislators to see to it that we follow a legislative course of action that does not do irreparable damage to any group. In this instance, two groups are directly involved. We must see that it does not do irreparable damage to either the farmer or the worker. Before I finish, I shall seek to point out that the beef quota program that some of us supported and took to conference would not have done the damage to the American worker that is assumed by the Senator from New York; but, in my judgment, quite to the contrary. As a Member of this body, I am concerned about the trend in American agriculture, both in respect to its domestic aspects and, in this instance in particular, in respect to its foreign export aspect. There are not very many in our country who fully realize that by the year 2000, which is not so many years away, there will be great concern about the production in the United States of an adequate amount of food to feed the American population.

It is interesting to note that our population experts and our agricultural economists are already forewarning the American people that by the year 2000 or the year 2025, we may be a food deficient country. To date we have never produced one pound of surplus food. In spite of all the talk we have had over the years about the so-called subsidies that have been voted in connection with food production, the fact is that we are not a food surplus producing country.

We have done a very poor job of distributing our food domestically. We have permitted many in our country to go hungry or to suffer from undernutrition or malnutrition. We have done an exceedingly poor job of using our food in exports as one of the instruments for waging peace.

We have a trust to be thinking in our own generation about our obligation to future generations of Americans who will live in the year 2000, in the year 2025, and beyond. City populations a generation from now will not give any thanks to urban representatives who cut down the availability of food and fiber by curbing production in 1964.

We must not follow a course of action that undermines and does irreparable damage to present and future production of protein, fat, and fiber upon which our civilization is so dependent.

That is a broad, abstract principle, but an undeniable one, and one we must keep in mind as we try to forge a compromise that is workable in the public interest.

The Senator from New York is concerned because a good deal of the meat we are importing is in so-called low-quality cuts, hamburger, and meat used for sausages and similar meat products. We have our hamburger problem, too. Our cattle industry produces at least the same amount of hamburger and so-called low-quality cuts as do foreign producers. What are we going to do about that problem?

Even without imports, cheap and plentiful food is one of the greatest advantages our city people have over the city people of other industrial countries. But at the rate our population is increasing that may not be true in the year 2000 unless we expand and not contract our agricultural production.

Unless we do we may find ourselves heavily dependent for food upon other countries and at that point you are going to force great changes in living standards upon the American people.

The question is whether we are to adopt a meat policy, legislatively speaking, that will protect our cattle industry and our sheep industry. I join with Senators who have expressed great regret that all protection for lamb was dropped out of the conference report. We have been doing great harm to the lamb producing industry over the years. That is why I am amused when I hear about the protests from Australia. After what Australia and New Zealand have done to the lamb and wool industry of this country, they ought to be the last to be raising an objection, through their Prime Minister, to a meat quota bill.

Our problem is to strike a balance which will put this segment of agriculture into a fair competitive relationship with the foreign producer. The Senator from Oregon has never stood for exclusion. I do not stand for exclusion in regard to meat or in regard to other imports. The time for an exclusion program is gone forever. But we have an obligation at least to protect the economic interests of American producers. We have an obligation to protect the American producers by guaranteeing them a fair competitive relationship with the producers abroad, whose products we permit to flood our consumer market.

The Senator from Oregon has never limited himself to the beef issue. I have stood on the floor, and will again, arguing in connection with the interests of the lumber industry, and the question of what Canada has been doing and is doing by way of a variety of direct and indirect subsidies to Canadian lumber interests that put the Canadian mills at a competitive advantage over American mills for the great lumber trade of the Midwestern and Eastern States.

I am never surprised when the eastern Senators oppose those of us who only try to strike a balance that will give to

American lumber producers a fair, competitive break with Government-advantaged lumber producers in Canada.

We are all in the economic boat together. I am always at a loss to find Senators from various regions of our country perfectly willing to seek an advantage for their consumers to the unfair disadvantage of the producers where the raw materials are produced in the great agricultural areas of the country. That is not in the longrun interest of consumers.

All I am pleading for is that we give agricultural producers a fair break in competition with foreign producers. The Senator from Oregon will be found in vote after vote in the Senate taking the same position in connection with the American textile producer or the American industrial producer of other commodities. But I do not propose to sit in the Senate and always let the American agricultural producer be put at the bottom of the economic totem pole.

The Senator from New York wants to know where the foreign producers are going to sell their products; and says that we have a balance of trade in our favor. Our European friends do not intend to leave it in our favor. That is why I have completely lost confidence in the State Department in respect of our foreign policy vis-a-vis agriculture, because in instance after instance it is willing to sacrifice, at Geneva, American agriculture in order to maintain support for finished industrial products.

I want finished industrial products to be protected, too, but I am not going to stand by and permit American agriculture to be made the sacrificial goat in this whole policy. That is what the State Department is doing.

I would have the Department take a look at our foreign policy in terms of foreign trade as respects our alleged allies in Western Europe, such as Great Britain, France, Belgium, Holland, the Scandinavian countries, West Germany, and the rest. The record is crystal clear that they are perfectly willing, at Geneva, to put on diplomatic pressure to have all the bars lifted in regard to our agricultural products. When we make suggestions about a reasonable quota, threats are made as to what they are going to do to our industrial products. We must stop being bluffed by such threats.

I concur with the Senator from New York in that part of his speech in which he pointed out that the Presidential escape clause in the bill is very broad. It is as broad as two sliding barn doors through which one can drive not one, but two loads of hay, at one time. Through this escape clause, any time the State Department wishes to lower the boom on the American cattle industry, it has the means with which to do it.

Who does it? The State Department, of course. Oh, it is said, this power is given to the President. However, Senators know as well as I do that the President will follow the recommendation of his Secretary of State, or get a new one. Of course the State Department will call the tune again in my judgment; and when the diplomatic heat is on the American cattle producer and, in the long run, may I say to my friend from New York, the American workers will suffer.

If we follow the policy that we are following with regard to the attitude of the international traders in the State Department, in the international conferences on American products at the Kennedy round now going on with GATT at Geneva, we will wind up with the American agricultural industry being discriminated against, as it has been discriminated against for the past 15 years.

What is the policy of the alleged European allies whom we have rehabilitated to the tune of billions of American taxpayer dollars? They are not able to sustain themselves agriculturally. They have had for a long time an agricultural trade with the United States. Now they are seeking to transfer it wherever they can trade with other countries, countries where they can get their agricultural products. I say to the chairman of the committee, my friend the Senator from Virginia [Mr. BYRD], that I could call him to the witness stand and he would testify to that fact, because he and I and other Senators over the years have tried to do something about the unfair discrimination being practiced by such European countries as Great Britain, France, and West Germany against American fruit. They are following a policy of holding it out to the minimum extent possible and getting their fruit elsewhere; and when they cannot get enough to fill their needs elsewhere, they let American fruit in, in driblets. De Gaulle is following a very interesting policy of waiting until the Christmas trade is over. It is during the Christmas season that the maximum amount of American fruit is in export. He permits a little of it to come into France in January and February. Then he says to our State Department, "After all, I offered to let in your fruit." But he lets it in at a time when we do not have a great amount to send, and also when the purchasing market is almost finished.

What we are asking for is not an act of exclusion, but a balancing by way of a quota system which will maintain American agriculture in fair competition with the foreign producer. I say to my good friend from New York, in his concern for the workers of the country and the high purchasing power which is theirs, that if we permit the agricultural economy to assume the unfair burden of foreign trade discrimination, and if the purchasing power of American agriculture goes down, it will not be long before the purchasing power of the workers will suffer, as a result of the unemployment that will be produced thereby. And if American cattlemen go out of business on a large scale, he will find that steak is no longer within the purchasing power of the workingman.

It is a great mistake for eastern Senators, every time we seek to give equitable protection to the American farmer, to raise the hue and cry that the protection which we seek will be a great disadvantage to the workers and other consumers.

When we look at the price structure, we do not find that it is the price to the farmer that is maintaining the high price of the choice cuts in the butcher shops of America. This has been proved over and over again. There has been a great slump in the cattle depression of recent days. So far as price is concerned, we can ask any housewife how much of a slump there has been in the butcher shop.

I congratulate the President on his appointment of a Council to make an investigation into the expenditure of the consumer dollar, to see why, for example, in this field and in many other fields the housewife has not had the advantage of the drop in prices that she gets in connection with some other commodities.

The price at the supermarket goes up when meat is in short supply, but it does not come down when meat is plentiful. Only the price the producer receives comes down.

I would have the Senator from New York and others take note of the fact that involved in this whole picture is the competition that the American worker has, not only with the farm producer, but also the American producer abroad.

The flight of capital is a serious matter, and the flight of American industry is a serious matter.

We have not only built with American taxpayer dollars since the end of World War II the greatest steel mills in the world abroad, the greatest chemical mills in the world abroad, the greatest plastic plant in the world abroad—I could go down in that list—but the American taxpayer, through a foreign aid program, much of which in Europe was a grant program and not even a loan program, has built up great industrial enterprises which are now in competition with the American worker, with the American housewife and, yes, with the American industrialist.

All we are seeking to put into this picture is some reasonable checks by way of fair regulations that will produce fair competition.

Some of my good friends in the Senate, particularly from the East, seem to think that it is some kind of economic sin for us to suggest it to the Senate. Unless we do it, we shall do irreparable damage to our economy. We shall do irreparable damage to an entire segment of our population. In regard to finished industrial products, as well as in regard to agricultural products, we now have a duty, as I said in my speech on the floor of the Senate some 2 weeks ago, to start putting the economic interest of the American people first.

I am not at all moved by the old argument of proved sophistry by the Secretary of State and his top ambassador, Mr. Herter, selling short the economic interests of the American people through the foreign trade conferences at Geneva.

I am not at all impressed by the argument that we must put the foreign trade interests of this country first. We not only have put them first every time, but we have surrendered the best economic interests of the American consumers and producers. I believe we are laying the foundation for irreparable damage to the production of protein, fat, and fiber in the year 2000, if we do not stop this discrimination, and unfair discrimination in this instance against this fine American agricultural industry, and also American fruit, American poultry, and other segments of American agriculture, as well as the lumber industry and in the whole field of textile products that are produced here.

The bill passed by the Senate was a good warning to the administration that the time had come to put on the brakes. Let the diplomats howl. I do not know why we become so concerned when diplomats, who have but one purpose in mind in international trade conferences, howl. Their only purpose is to take advantage of Uncle Sam so long as he is willing to play the part of an economic sucker. In my judgment, the program of the State Department has been based upon a series of fallacies it has sold to Congress for a long time. One reason why it lost me in connection with the foreign aid bill is that the bill is honeycombed with such fallacies.

I close by giving a message to the American workers. I yield to no one in my record in the Senate of seeking to protect the legitimate rights of American workers. Do not cry on my shoulder about the possibilities that sausage or hamburger might be a few cents cheaper if imports are increased. They may not be; but the price for other grades of meat could go much higher if these imports continue to increase.

I would have American workers keep in mind that they are living in an integrated economy. This is not a labor economy, set off to one side, in which labor is entitled to special privileges and advantages in relationship to a so-called labor economy. We must maintain an integrated economy. When steps are taken necessarily to protect American agriculture by giving it a fair break in competition, we are protecting American labor because we are protecting the economy.

When we ask for a fair competitive break for American textiles or American lumber or other finished products that are manufactured in this country, we are protecting not only American labor, but the American farmer, too.

Very often I receive pressure from the American farmer who wants to get a consumer advantage at the expense of the workers in steel mills, texile mills, glass factories, and other industrial establishments in this country. We must maintain ourselves in a position as Senators to tell off both groups and all groups, when they seek economic advantage at the expense of an integrated economy. That is the basic issue involved in this situation.

Therefore, I disagree with the Senator from New York [Mr. Javits]. In the best interests of the workers of New York City and other metropolitan areas, the Senator from New York ought to be joining us in seeking to protect the production of meat in this country at a fair competitive level, whatever that level is found on the facts to be. That is why I have found myself supporting beef quotas. I have grave doubt as to whether the conference report will be of as much help to the American beef producer as the senders of telegrams I have received today from some of the cattlemen of my State would seem to indicate. They have urged me to vote for the conference report. I read their telegrams and reached the conclusion that they, too, believe, for whatever it is worth, the conference report is the best we could get and that we had better take it rather than nothing.

Mr. AIKEN. Mr. President, I have listened with interest to the discussion that has taken place on the conference report and have come to the conclusion that 1964 will be known as the year of the consumer.

First, we started with a tax reduction. That was to provide the consumer with more spending money than he had ever dreamed of having. But it happened that on the day the tax reduction bill was signed, rents were increased in many places. Since then, other prices have gone up. Hospital costs, health costs, and costs of other kinds have risen.

So when the consumer finds out next spring what she has saved in taxes, she will also find that for every dollar of tax reduction, she received an increase of $5 in inflationary prices.

Last spring there was a cotton-wheat bill, so called. Some called it the trade-and-raid bill. It was to have given the farmer a nice big price for his wheat and was to have reduced the price of bread and cotton goods to the consumer.

Mr. KEATING. Was that the bill that was to have imposed a bread tax?

Mr. AIKEN. I am coming to that.

At the present time, the price of flour is 70 cents a hundred pounds more than it was when the bill was passed. The price of bread has gone up "only" about 2 cents a loaf, for some particular reason. But the price of wheat has gone down 55 cents a bushel to the farmer. So the consumer and the farmer really "made it" on that bill.

And that part of the bill which provides a subsidy of 8½ cents a pound to the domestic cotton mills so that the price of shirts and other goods would come down to the consumer, what has happened to that? The situation as I understand it is that the cotton textile mills are going to pick up from the Public Treasury some $300 million to $400 million this year but as for the price of shirts, if we look through the reports of the Department of Agriculture, we shall find that cotton goods instead of coming down have risen slightly.

Now we have the beef problem. The price of beef dropped "only" about 25 percent on the hoof to the farmer. But, Mr. President, have you bought any steaks in a restaurant lately, or even in the market? Have you noticed a reduction in the price? Is your tip to the waiter smaller than it used to be because of the reduced price of beef? Where has the saving gone?

If the consumers "had it made," or something, this year, come next spring, when they get the bill for additional taxes and increased costs for most everything, they will find out too late what has really happened to them.

Mr. HRUSKA. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. HRUSKA. Is the Senator forgetting the great break given to coffee drinkers in the last 6 or 8 months as the result of the coffee agreement.

Mr. AIKEN. In the last 6 months the price of coffee has not gone up too much although it did rise substantially last fall. I must say that the price of coffee wholesale has gone down about a cent a pound since we thought we had implemented the coffee agreement.

Mr. CARLSON. Mr. President, I do not wish to get into the controversy with the distinguished Senator from New York and other Senators in regard to the issue between the American cattlemen and the consumers of the Nation. However, I cannot resist mentioning at this time that the same fine Senators who are battling for consumers this afternoon should have been with me last week when I tried to save the consumers $600 million on the coffee agreement, which this afternoon, by a rollcall vote, has been defeated in the House of Representatives. It will be coming back to the Senate. I hope those Senators will be with me on that particular occasion.

Mr. President, I have had the honor to serve on many conference commitees of the House and Senate. This was one of the finest conferences on which I ever served. I give great credit to our chairman, the distinguished Senator from Virginia [Mr. Byrd]. There were 4 days of meetings; and had he not stood stalwart as he did in favor of the Senate bill, we would have returned today with a much milder bill than we have.

I, too, could be critical of the bill; but I think we have gone a long way. I strongly commend other Senate members of the conference—the distinguished Senator from Florida [Mr. Smathers], the distinguished Senator from Louisiana [Mr. Long], and the distinguished Senator from Delaware [Mr. Williams].

I appreciate also the fine spirit of cooperation which we received from the House conferees. They, too, are entitled to credit, especially Chairman Mills, Also, I commend the staffs of our own committee and of the House committee. I can honestly say that the conference was one that I enjoyed.

I appreciate the work that was done by all members of the committee and of the staff. It was done with great sincerity and for the very definite interest of both the consumer and the producer. They are both mentioned in the bill.

I shall not take the time to discuss the report in detail, but I am proud of the report. It should be adopted.

Mr. MANSFIELD. Mr. President, I extend my congratulations to the distinguished Senator from Kansas for the part that he, along with the senior Senator from Virginia [Mr. Byrd], the junior Senator from Florida [Mr. Smathers], the junior Senator from Louisiana

[Mr. LONG], and the senior Senator from Delaware [Mr. WILLIAMS] played in bringing this change about. I know that the Senate conferees acted in their usual diligent way, as they did for the passage of the bill by this body.

I can only say that the Senate as a whole is deeply grateful to the conferees for the fine work they did to get the best possible arrangement out of a complex and complicated piece of legislation.

Mr. CARLSON. I do not wish to let this opportunity pass without saying that we are all indebted to the distinguished majority leader, who took an active part in the original enactment of the bill and the presentation of the committee. I assure the Senator that he was as considerate as we were in conference on the bill.

Mr. KEATING. Mr. President, I am going to speak up once again on behalf of the people in modest circumstances who will have to pay more for hamburger and frankfurters as a result of the quotas imposed by this ill-advised measure.

I am under no misapprehensions about the climate in the Senate. I realize that, despite the longrun effect of this restrictive legislation and the total lack of economic justification therefor, the Senate is intent on approving the conference report.

Frankly, I concede that the conference report, so far as the meat part of it is concerned, is an improvement over the bill which we enacted originally. It still disregards the interests of the consumer and is detrimental to the expansion of U.S. trade. For the consumer, and I shall not reiterate the soundness of the economic arguments against the proposal, the results will be similar to the agricultural bill we passed, which has already run up the price of bread. Many Senators warned at the time that the price of bread was bound to go up. Of course it was. It was simple arithmetic. We were ridiculed at the time for saying that, but the price of bread has gone up.

So, too, the price of processed meats—not the fine cuts of beef—but hamburgers and frankfurters that more people eat, will be increased by the adoption of the conference report. I urge every Senator to take one last long look and turn down this conference report.

Mr. President, I should like to say a word about the importation of birds which has been made part of the conference report. As the Chair will remember, this bill has a rather unusual history. It was a bird bill, when it passed the House. The Senate tacked on a meat title to it and adopted my amendment to knock out the provision for the free importation of wild animals and wild birds. Now the conference has placed the birds and animals back in.

I believe that we can live with the bird and animal part of the bill because of the changes which have been made. I commend the distinguished Senator from Florida for the extent to which he has gone—if I understand him correctly—in sustaining the Senate position with regard to the wild birds and animals.

There are one or two questions I should like to ask the Senator from Florida, for the purpose of legislative history, with reference to the original sections of the bill dealing with the wild birds and animals which are imported.

Do I understand correctly that in fact the only change in existing law is the addition of the words "or for sale for use?"

Mr. SMATHERS. The Senator is correct. That is the effect of the amendment.

Mr. KEATING. This, I understand, permits not only zoos but also importers who are importing a specific animal or bird for a zoo to have it admitted duty free?

Mr. SMATHERS. The Senator is correct.

Mr. KEATING. As I understand it, the tariff classifications describe the scientific and educational purposes as meaning "not for sale for profit but for zoological type exhibition." Is that the Senators' understanding?

Mr. SMATHERS. The Senator is correct. That was the understanding of the conference committee.

Mr. KEATING. Would it be permissible, under the language, to import animals or birds for commercial displays, or so-called roadside shows, or for sale in pet shops?

Mr. SMATHERS. No, it would not be permissible, under this language and the chairman of the committee made that point clear in his statement.

Mr. KEATING. That was, of course, the point that many interested individuals and qualified conservation organizations wanted to make clear.

Now, it is clear that there is no basic change in the concept that duty free admission is permissible only where animals are going to municipal or similar type zoos, or educational or scientific institutions; but under the new language an importer can claim this status if a creature is being imported and is destined to reach such an institution. The importer presumably would post bond on the duty and would be forced to pay the duty unless the purchaser came under that category.

Mr. SMATHERS. The Senator is correct. In order to make that a little more accurate, let me state that under the present tariff structure a tariff classification controlled by actual use to which an imported article is put is satisfied only if: first, such use is intended at the time of importation; second, the article is so used; and third, proof thereof is furnished within 3 years after the date the article is entered.

Mr. KEATING. I thank the Senator and again express my gratitude to him and to the conference committee for the fine protection which they gave to the birds, reptiles, and wild animals that may be brought into this country and might otherwise be cruelly treated. There have been many conservation groups who were greatly exercised about this matter.

I still am opposed to the conference report because I cannot bring myself to support the meat provisions of the bill; but at least, if we have flown off course on the meat part, we have spared the birds and the animals.

(At this point Mr. McGOVERN took the chair as Presiding Officer.)

Mr. MILLER. Mr. President, I shall not oppose the conference report to the extent of voting against it, but I should like to make it clear that I do not believe the conference report measures up to what it should. It does not measure up anywhere near to what the amendment of the Senate to the main bill provided for.

I wish to thank the Senator from Florida for responding to my previous questions regarding the comparison between imports provided for under the quota system contained in the amendment to the bill, and the basic imports provided for under the conference agreement.

The distinguished Senator from Florida pointed out that they were the same, but he also pointed out that there were some differences, in that the conference report permits the growth of formulas, and also provides for 110 percent of the amount, before the President may proclaim any quotas.

I have prepared a schedule which shows that for 1963 the imports of beef, veal, and mutton amounted to 1,049 million pounds.

If we use the formula provided in the conference report, the amount of imports for 1965 will total 929,600,000 pounds before any proclamation of quotas would go into effect.

I believe it should be pointed out that no quotas are provided for whatsoever for the year 1964. It should also be pointed out that no quotas are provided for with respect to canned, cured, and cooked items. These comprise a substantial amount of our imports, although they are not nearly as important as the fresh, chilled, and frozen items. But the fact remains that here is an area which exporting countries to the United States can substantially increase if they find that they are impeded at all by any quotas set forth under the conference report.

I believe it ought to be pointed out that since 1958, and particularly since 1960, there has been a great increase in imports of meat. The conference report relates to beef, veal, and mutton. I have figures received from the Department of Agriculture relating only to beef and veal. These figures also include canned, cured, and cooked items. It is noticeable that in 1960, there were 512,605,000 pounds of imports of these items which, as I said, include canned, cured, and cooked items.

Under the formula of the conference report, we can go up to 929,600,000 pounds of items without including canned, cured, and cooked items. I grant that mutton is included.

I ask unanimous consent that the chart showing the country of origin and the amount of imports from that country for each year from 1958 to 1963 may be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD.

Beef and veal—U.S. imports, product weight basis, by country of origin, 1958–63

[In thousands of pounds]

Country	1958	1959	1960	1961	1962	1963
Australia	17, 715	224, 034	144, 684	233, 878	441, 719	517, 346
New Zealand	183, 672	161, 617	130, 723	154, 447	213, 594	235, 690
Argentina	216, 723	128, 573	52, 650	65, 248	55, 912	87, 431
Ireland	23, 775	41, 984	52, 793	64, 449	70, 725	72, 997
Mexico	75, 032	48, 939	39, 116	53, 384	59, 290	72, 968
Nicaragua	40	5, 768	10, 127	14, 577	15, 795	24, 504
Canada	53, 616	22, 564	18, 884	32, 321	19, 361	17, 226
Uruguay	9, 548	12, 945	10, 753	14, 781	16, 126	16, 054
Costa Rica	2, 806	9, 840	15, 335	8, 719	8, 111	15, 162
Guatemala	----------	----------	----------	1, 927	12, 268	14, 773
Paraguay	14, 385	14, 098	9, 988	10, 081	8, 167	12, 283
Brazil	13, 619	36, 007	9, 023	16, 303	17, 206	10, 922
Honduras	409	1, 509	3, 391	5, 542	9, 324	9, 336
Denmark	2, 472	3, 428	4, 536	6, 489	7, 680	6, 146
United Kingdom	20	1, 708	2, 119	1, 317	6, 900	3, 978
Haiti	----------	----------	----------	402	2, 765	2, 732
Dominican Republic	4, 143	5, 369	5, 494	3, 829	739	13
Others	1, 248	3, 965	2, 989	1, 878	1, 833	3, 352
Total	619, 223	722, 348	512, 605	689, 572	967, 515	1, 122, 913

Source: Livestock and Meat Products Division, Foreign Agricultural Service, U.S. Department of Agriculture.

Mr. MILLER. Mr. President, something was said about Australia. I venture to say that under the formula in the conference report, Australia will not be impeded very much. And if perchance it is, I do not think Australia should be heard to complain very much. That country well knows what a problem we have had. It well knows, as the figures in the chart which I have placed in the RECORD show, that it has more than doubled its exports to the United States in the past 3½ or 4 years, while our own domestic producers were increasing their production only about 10 percent.

Even for this year, compared to 1963, Australia has increased its exports to us of beef and veal. I have a table which is based upon figures received from the Department of Agriculture and other agencies which shows that through June of this year, Australia is running ahead of last year in its exports of these items to us.

I ask unanimous consent that the table with the figures through June be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Australia—Imports, beef and veal

[Product weight]

	1963	1964	1964 over 1963 increase or decrease	Increase or decrease
	Pounds	*Pounds*	*Pounds*	*Percent*
January	20, 726, 000	45, 620, 000	+24, 894, 000	+120. 1
February	52, 063, 000	14, 904, 000	−37, 159, 000	−71. 3
March	32, 596, 000	34, 641, 000	+2, 045, 000	+5. 9
April	27, 296, 000	29, 044, 000	+1, 748, 000	+6. 4
May	31, 475, 000	19, 855, 000	−11, 620, 000	−36. 9
June	36, 383, 000	62, 781, 000	+26, 398, 000	+72. 6

Source: U.S. Department of Agriculture.

Mr. MILLER. Mr. President, with this as a background, I comment on the remarks made by the distinguished senior Senator from New York [Mr. JAVITS] indicating that he was very much opposed to the conference report.

If the conference report were tighter, if it were as tight, for example, as the amendment passed by the Senate, I might be able to understand his position. But with the conference report in its present form, with the opportunity for making determinations regarding what are reasonable prices to the consumers, and what are overriding economic interests of the United States—and the Senator from Oregon and others have pointed out how these might be interpreted—I do not believe that the senior Senator from New York should be too discouraged. I suggest that he ought to be a little more realistic in evaluating the depressed situation in the livestock industry.

As the senior Senator from Oregon has well pointed out, the workers in New York will not have good jobs if, indeed, they will have jobs, if we do not have a healthy basic agriculture; and livestock is a very big part of agriculture.

When the national net income from farming dropped 3 percent last year—7 percent in my own State of Iowa—and when farm parity has dropped from 81 in 1960 to approximately 74 today, this cannot happen without being reflected in the jobs that workers in New York and other metropolitan areas would like to have. I do not believe we ought to be too provincial about something like this.

With regard to the export business that the United States has, and the export balance that we have, the senior Senator from New York [Mr. JAVITS] well knows that our negotiators at GATT are not asking to have a share of our market which is double what it was in 1960. That is not our position at all. Our position with respect to these imports is that we do not want those countries to double their exports to us in a matter of 3 or 3½ years.

We are interested in giving them a fair share of our market and giving them a part of the growth of our market. And this is all we are asking for before the nations engaged in the GATT negotiations, and before the Common Market. So the two situations are not at all the same. We have not tried to take over an excessive share of the Common Market for our products. But we have requested that we be allowed to maintain the level that we had back in 1960 or 1961. And all we are asking Australia and some of the other countries to do with respect to their exports to us is to keep their level at about the 1960–61 position, instead of doubling it, and then saying, "We want to hold at that point."

I do not believe that legislation like this will result in any retaliation. The retaliation, if it would come, would be poorly founded.

Mr. President, in conclusion, I ask unanimous consent that a table showing the comparison between the effects of the conference report and the effects of the Senate amendment which has now been pretty well cut down, be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Effects of conference report on H.R. 1839

	Pounds
Imports of beef and veal and mutton for 1963 [1]	1, 049, 000, 000
For 1965 this would be reduced to	929, 600, 000
Under the formula of the conference report:	
Basic formula	725, 400, 000
Plus 16 percent growth factor equals	845, 100, 000
This may increase to 110 percent before action by the President, or	929, 600, 000

[1] Does not include canned, cured, or cooked.

The foregoing should be evaluated in comparison with the quotas provided for under the amendment by the Senate to H.R. 1839 on the basis of which the conference between the Senate and House was called:

	Pounds
Basic quotas for fresh, chilled, or frozen cattle meat per quarter	168, 500, 000
Basic quotas for mutton per quarter	12, 850, 000
Total	181, 350, 000
Multiplied by 4 (number of quarters) to obtain yearly quota	725, 400, 000

Mr. DOUGLAS. Mr. President, I was opposed to this bill when it was originally before the Senate. I oppose the conference report.

I opposed the original bill, in part, because the decline in meat prices has not been as sharp or as precipitous as the advocates stated. There was a decline of 25 percent in the price up to March. But there has been recovery since then.

Australia and New Zealand imports are primarily in the lower grades of meat, which are used for hamburgers. Therefore, the shutting off or diminution in the meat coming from Australia and New Zealand will not appreciably affect the price of the better cuts which are produced in the United States. It will increase the price of hamburger which primarily is the food of people with low incomes and the youngsters.

To the degree that there has been a fall in price, the decline has not been appreciably due to imports but it has been largely due to the favorable consideration which the cattle industry gets under the tax laws. These preferential provisions provide that income in that industry shall be taxed as capital gains, and therefore at only one-half the rate at which ordinary income is taxed. This preferential treatment is augmented by very valuable depreciation allowances. Together, these tax loopholes rig the tax laws in favor of the cattlemen and cause investments in the cattle industry, largely coming from oil interests, which are not justified on economic grounds.

Finally, so far as prices are concerned, the fall in prices has also been due to the ordinary cyclical movements of prices in the cattle industry, augmented by the favorable, and improperly favorable, tax treatment. This bill will directly hurt the consumers and I think it will very directly hurt our foreign relations.

Senators may have noticed the article in yesterday morning's New York Times which gave an account of the letter which the President has apparently received from the Prime Minister of Australia, Mr. Menzies. Mr. Menzies threatened exactly what I said Australia and New Zealand would do. I predicted that if we passed the meat import bill, Australia and New Zealand, in self-defense, would be compeled to adopt reprisals. The Menzies letter stated that that is precisely what they would do.

I named the commodities on which Australia and New Zealand probably would impose quotas or higher tariffs—including soybeans, and farm machinery, and earthmoving machinery, which are produced in my State. They may restrict imports from us in a whole series of American commodities. Interestingly enough, as the article in the Times noted, the commodities which Mr. Menzies singled out for retaliatory treatment precisely equal the total volume of our exports to Australia. So it is perfectly clear what Mr. Menzies was talking about.

Mr. President, Australia and New Zealand are two of the best allies that we have in the world. We need them in the Southwest Pacific. Australians and New Zealanders are some of the best soldiers in the world, and among the bravest people in the world. I had the privilege of serving alongside Australian troops; and while they had a law which prevented them from going north of a certain degree of latitude in the area in which they could operate, they were model soldiers.

Mr. President, I ask unanimous consent to have printed at this point in the Record an article entitled "Australia Warns United States on Beef Curb," by Edwin L. Dale, Jr., published in the New York Times on Monday, August 17.

There being no objection, the article was ordered to be printed in the Record, as follows:

Australia Warns U.S. on Beef Curb—Threatens Sharp Retaliation if Imports Are Cut—Veto Considered by Johnson

(By Edwin L. Dale, Jr.)

Washington, August 16.—Sir Robert Menzies, Prime Minister of Australia has strongly implied in a letter to President Johnson that Australia would cut off imports from the United States of six major products if a bill restricting beef imports to this country becomes law.

In a private letter to the President delivered late last week, Sir Robert said, "I should tell you directly and quite frankly the seriousness with which I view this matter before you decide whether or not the proposed legislation ought to be put into effect."

The substance of Sir Robert's letter became known today. In it he noted that the loss to Australia from the bill cleared by the Senate would be "the equivalent" of the loss to this country if Australia cut off imports of American tobacco, cigarettes, cotton, tractors, harvesting machines, and aircraft.

The bill is now in conference between the House and Senate. So far the conferees have been unable to reach agreement.

A VETO IS POSSIBLE

The administration hopes to induce them to approve legislation that would give the President some discretion as to when and whether import quotas would be imposed.

Failing an acceptable conference agreement, the administration will try to defeat the conference version on the floor of the House.

If that, too, fails, there is a strong likelihood of a Presidential veto, though Mr. Johnson hopes to avoid having to veto the bill, especially in an election year. Strong pressure for the quotas has been applied to cattle raisers and feeders, the latter predominantly in the Midwest.

U.S. exports of these products to Australia last year totaled $68 million, the largest items being raw tobacco, airplanes, and tractors.

The fact that Sir Robert specified individual products, and that the dollar volume involved was almost the exact equivalent of the prospective loss of Australian beef imports, was taken here as a clear threat of Australian retaliation.

Under the rules of the General Agreement on Tariffs and Trade, Australia would have the right to retaliate if the United States reduced her beef exports.

Sir Robert pointed out in his letter that Australia had agreed earlier this year, at the request of the United States, to put a voluntary ceiling on her beef exports. This agreement between the two countries "would of course be voided" by the beef legislation, he said.

In addition, Sir Robert said, the beef legislation would have "the most serious implications for the entire Kennedy round negotiations." These are the global negotiations in Geneva aimed at a sweeping reduction of tariffs.

STRESSES FRIENDLY TIES

"I cannot see," Sir Robert wrote, "how the United States could exert effective leadership and expect success in her effort to contain and reduce restrictions on agricultural trade if she herself imposed restrictive action against imports of beef."

Sir Robert stressed several times the friendly relations between the United States and Australia. But he said he wanted to be frank because of the grave implications of the beef legislation.

Australia is the main supplier of imported beef nearly all of which goes into hamburger and other processed beef products. The beef bill as it was passed by the Senate would cut import from Australia by about 40 percent from last year's level.

Sir Robert noted that Australian balance-of-payments deficit with the United States was about $500 million a year. Of this, about $125 million is accounted for by trade, with U.S. exports to Australia exceeding imports by that amount.

Mr. DOUGLAS. Mr. President, in the conferences with the Common Market we are trying to get other countries to reduce their tariffs to make it more easily possible for us to export wheat and other farm products to the continent of Europe. That is going to be very difficult for us to demand at the same time that we are imposing restrictions upon the importation of meat.

It was a sad day when we passed that bill. Only 19 Senators voted against it. It was passed overwhelmingly. Many Senators voted for it with the expectation that the House would defeat it and that they could therefore be registered as voting for it and the country would not have to pay for their actions. But the cattlemen were busy in the House as they have been busy in the Senate; and the House passed restrictions, too.

Finally, the report of the conference committee is not quite as bad as was the Senate bill. The restrictions are less severe. The President would be given more discretionary power. But it was not a very good service to the President to dump the problem in his lap. I cannot think of anything that could be more embarrassing to the President than to be given these hot coals, so to speak, to handle. The final results are likely to be very bad.

I shall vote against the conference report, as I voted against the original bill.

Unless there are other Senators who wish to speak on the subject, I should like to suggest the absence of a quorum. If there are others who wish to speak, I shall withhold the request.

COFFEE AGREEMENT

Mr. DOUGLAS. Mr. President, before a quorum is called, I should also like to say "I told you so" on coffee. One of the most ungracious acts in the world is to remind people of one's being right. It is generally very ungracious and a general mark of impoliteness to do so. I have done this on meat and I am now compelled to say that I am delighted that the House has turned down the coffee agreement because their action will protect the general consumer.

If no other Senator wishes to speak, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The question is on agreeing to the conference report.

The report was agreed to.

Mr. JAVITS. Mr. President, reserving the right to object, I wish the Record to show that I voted "nay" on the meat conference report.

CLOSING OF THE ROLL OF THE CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1380.

The **PRESIDING OFFICER.** The bill will be stated by title.

The **Legislative Clerk.** A bill (S. 1442) to provide for the closing of the roll of the Confederated Tribes of the Colville Indian Reservation preparatory to the submission of legislation for the termination of Federal supervision over the property and affairs of the Confederated Tribes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

That the following sections of this Act shall become effective on the date a majority of the members of the tribes approve a termination of Federal supervision in accordance with those sections. The Secretary of the Interior shall conduct a referendum to ascertain the wishes of the members within ninety days after the enactment of this Act in accordance with such rules and regulations as he may prescribe.

SEC. 2. The purpose of this Act is to provide for the termination of Federal supervision over the trust and restricted property of the Confederated Tribes of the Colville Indian Reservation, Washington, and of the individual members thereof, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of said Indians, and for a termination of Federal services furnished such Indians because of their status as Indians.

SEC. 3. For the purposes of this Act:

(a) "Tribes" means the Confederated Tribes of the Colville Indian Reservation, Washington.

(b) "Secretary" means the Secretary of the Interior.

(c) "Lands" means real property, interests therein, or improvements thereon, and includes water rights.

(d) "Tribal property" means any real or personal property, including water rights, or any interest in real or personal property, that belongs to the tribes and either is held by the United States in trust for the tribes or is subject to a restriction against alienation imposed by the United States.

(e) "Adult" means a member of the tribes who is an adult according to the law of the place of his residence.

SEC. 4. At midnight of the date this section becomes effective the roll of the tribes shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That the tribes shall have a period of six months from the date this section becomes effective in which to prepare and submit to the Secretary a proposed roll of the members of the tribes living on the date this section becomes effective, which shall be published in the Federal Register. If the tribes fail to submit such roll within the time specified in this section, the Secretary shall prepare a proposed roll for the tribes which shall be published in the Federal Register. Any person claiming membership rights in the tribes or an interest in the assets of the tribes, or a representative of the Secretary on behalf of any such person, may, within ninety days from the date of publication of the proposed roll, file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such roll. The Secretary shall review such appeals and his decisions thereon shall be final and conclusive. After disposition of all such appeals, the roll of the tribes shall be published in the Federal Register, and such roll shall be final for the purposes of this Act.

SEC. 5. Upon publication in the Federal Register of the final roll as provided in section 4 of this Act, the beneficial interest in tribal property of each person whose name appears on the roll shall constitute personal property which may be inherited or bequeathed, but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such tribal property as provided in section 7 of this Act without the approval of the Secretary. Any contract made in violation of this section shall be null and void. Property which this section makes subject to inheritance or bequest and which is inherited or bequeathed after the effective date of this section and prior to the transfer of title to tribal property as provided in section 7 of this Act shall not be subject to State or Federal inheritance, estate, legacy, or succession taxes.

SEC. 6. The Secretary shall—

(a) within sixty days after this section becomes effective institute a program, to be completed within one year, to bring up to date all land and ownership records pertaining to lands on the Colville Indian Reservation; and immediately following completion of such program, jointly with the Secretary of Agriculture, determine what parts of the tribal lands are valuable chiefly for timber purposes, what parts are valuable chiefly for farming, what parts are valuable chiefly for grazing, and what parts are valuable chiefly for other purposes; and divide each such part into appropriate units for sale or management in accordance with the provisions of this Act;

(b) cause separate appraisals to be made by three qualified independent appraisers of the units designated under subsection (a) for the purpose of ascertaining the fair market value of each such unit. The fair market value of the timber assets shall be defined to be the market price that would be realized if the sale of the timber assets were made over a period of ten years. The Secretary shall determine fair market value by averaging the three appraisals;

(c) determine the value of tribal mineral rights (including oil and gas) in each unit;

(d) determine the value to the tribes of the tribal hunting and fishing rights on each unit appraised, to the extent such value is not included in the appraisal;

(e) cause reports of said appraisal and determinations of values to be delivered to all adult enrolled members of the tribes and within sixty days thereafter give to each member whose name appears on the final roll of the tribes an opportunity to elect to withdraw from the tribes and have his beneficial interest in tribal property recognized by section 5 converted into money and paid to him, or to remain in the tribes and participate in the tribal management plan to be prepared pursuant to subsection (g) of this section; in the case of members who are minors, persons declared incompetent by judicial proceedings, or deceased, the opportunity to make such election on their behalf shall be given to the person designated by the Secretary as the person best able to represent the interests of such member: *Provided*, That any member, or any heir or any devisee of any deceased member, for whom the Secretary has so designated a representative may (on his own behalf, through his natural guardian, or next friend) within one hundred and twenty days after receipt of written notice of such secretarial designation, contest the secretarial designation in any naturalization court for the area in which such member resides, by filing of a petition therein requesting designation of a named person other than the secretarial designee, and the burden shall thereupon devolve upon the Secretary to show cause why the member-designated representative should not represent the interests of such member, and the decision of such court shall be final and conclusive;

(f) select the portion of the tribal property which if sold at the appraised value would provide sufficient funds to pay the members who elect to withdraw from the tribes for their beneficial interest in the total tribal property, sell the property so selected, and pay the proceeds of the sale to the withdrawing members: *Provided*, That any tribal forest lands that are offered for sale shall be purchased by the Secretary of Agriculture with funds that are hereby authorized to be appropriated, and such lands shall become national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended: *Provided further*, That any person whose name appears on the final roll of the tribes, or a guardian on behalf of any such person who is a minor or an incompetent, shall have the right to purchase, for his or its own account but not as an agent for others, any other property in lots as offered for sale for not less than the highest offer received by competitive bid; any individual Indian purchaser who has elected to withdraw from the tribes may apply toward the purchase price up to 100 per centum of the amount estimated by the Secretary to be due him from the sale of his interest in tribal property; and if more than one right is exercised to purchase the same property pursuant to this proviso the property shall be sold to one of such persons on the basis of competitive bids;

(g) cause a plan to be prepared in form and content satisfactory to the members who elect to remain in the tribes and to the Secretary for the management of tribal property through a trustee, corporation, or other legal entity. If no plan that is satisfactory both to the members who elect to remain in the tribes and to the Secretary has been prepared six months before the time limit provided in subsection (b) of section 7 of this Act the Secretary shall adopt a plan for managing the tribal property, subject to the provisions of section 15 of this Act.

SEC. 7. (a) The Secretary is authorized and directed to execute any conveyancing instrument that is necessary or appropriate to convey title to tribal property to be sold in accordance with the provisions of section 6 of this Act, and to transfer title to all other tribal property to a trustee, corporation, or other legal entity in accordance with the plan prepared pursuant to subsection (g) of section 6 of this Act: *Provided*, That at any time prior to a transfer of such other tribal property to a trustee, corporation, or other legal entity, the Secretary may, upon request of a majority of the members who elected to remain in the tribes, sell such other tribal property and distribute the proceeds of sale among the members if he determines that such action is the more feasible and practical course to follow.

(b) It is the intention of the Congress that all of the actions required by sections 6 and 7 of this Act shall be completed at the earliest practicable time and in no event later than four years from the date this section becomes effective.

(c) Members of the tribes who receive the money value of their interests in tribal property shall thereupon cease to be members of the tribes: *Provided*, That nothing shall prevent them from sharing in the proceeds of tribal claims against the United States.

SEC. 8. No funds distributed pursuant to section 6 of this Act to members who withdraw from the tribes shall be paid to any person as compensation for services pertaining to the enactment of this Act or amendments thereto and any person making or receiving such payments shall be guilty of a misdemeanor and shall be imprisoned for not more than six months and fined an amount equal to the payment received by him plus not more than $500.

SEC. 9. (a) The Secretary is authorized and directed to transfer within four years from the date this section becomes effective to each member of the tribes unrestricted control of funds or other personal property held in trust for such member by the United States.

(b) All restrictions on the sale or encumbrance of trust or restricted interests in land, wherever located, owned by members of the tribes (including allottees, purchasers, heirs, and devisees, either adult or minor), and on trust or restricted interests in lands within the Colville Indian Reservation, regardless of ownership, are hereby removed four years after the date this section becomes effective, and the patents or deeds under which titles are then held shall pass the titles in fee simple, subject to any valid encumbrances. The titles to all interests in trust or restricted land acquired by members of the tribes by devise or inheritance four years or more after the date this section becomes effective shall vest in such members in fee simple, subject to any valid encumbrance.

(c) Prior to the time provided in subsection (b) of this section for the removal of restrictions on land owned by one or by more than one person, the Secretary may—

(1) upon request of any of the owners, partition the land and issue to each owner a patent or deed for his individual share that shall become unrestricted four years from the date this section becomes effective;

(2) upon request of any of the owners, and a finding by the Secretary that partition of all or any part of the land is not practicable, cause all or any part of the land to be sold at not less than the appraised value thereof and distribute the proceeds of sale to the owners: *Provided,* That any one or more of the owners may elect before a sale to purchase the other interests in the land at not less than the appraised value thereof, and the purchaser shall receive an unrestricted patent or deed to the land; and

(3) if the whereabouts of none of the owners can be ascertained, cause such lands to be sold and deposit the proceeds of sale in the Treasury of the United States for safekeeping.

(d) The Secretary is hereby authorized to approve—

(1) the exchange of trust or restricted land between the tribes and any of the enrolled members;

(2) the sale by the tribes of tribal property to individual members of the tribes; and

(3) the exchange of tribal property for real property in fee status. Title to all real property included in any sale or exchange as provided in this subsection shall be conveyed in fee simple.

Sec. 10 (a) The Act of June 25, 1910 (36 Stat. 855), the Act of February 14, 1913 (37 Stat. 678), and other Acts amendatory thereto shall not apply to the probate of the trust and restricted property of the members of the tribes who die six months or more after the date this section becomes effective.

(b) The laws of the several States, territories, possessions, and the District of Columbia with respect to the probate of wills, the determination of heirs, and the administration of decedents' estates shall apply to the individual property of members of the tribes who die six months or more after the date this section becomes effective.

Sec. 11. The Secretary is authorized, in his discretion, to transfer to the tribes or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribes which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribes will derive benefit.

Sec. 12. No property distributed under the provisions of this Act shall at the time of distribution be subject to Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the individual, corporation, or other legal entity shall be subject to the same taxes, State and Federal, as in the case of non-Indians: *Provided,* That, for the purpose of capital gains or losses, the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.

Sec. 13. (a) That part of section 5 of the Act of August 13, 1914 (35 Stat. 687; 43 U.S.C. 499), which relates to the transfer of the care, operation, and maintenance of reclamation works to water users associations or irrigation districts shall be applicable to the irrigation works on the Colville Reservation.

(b) Effective on the first day of the calendar year beginning after the date of the proclamation provided for in section 18 of this Act, the deferment of the assessment and collection of construction costs provided for in the first proviso of the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a), shall terminate with respect to any lands within irrigation projects on the Colville Reservation. The Secretary shall cause the first lein against such lands created by the Act of March 7, 1928 (45 Stat. 200, 210), to be filed of record in the appropriate county office.

(c) The Secretary is authorized to adjust, eliminate, or cancel all or any part of reimbursable irrigation operation and maintenance costs and reimbursable irrigation construction costs chargeable against Indian-owned lands that are subject to the provisions of this Act, and all or any part of assessments heretofore or hereafter imposed on account of such costs, when he determines that the collection thereof would be inequitable or would result in undue hardship on the Indian owner of the land, or that the administrative costs of collection would probably equal or exceed the amount collected.

(d) Nothing contained in any other section of this Act shall affect in any way the laws applicable to irrigation projects on the Colville Indian Reservation.

Sec. 14. Nothing in this Act shall abrogate any water rights of the tribes and their members, and the laws of the State of Washington with respect to the abandonment of water rights by nonuse shall not apply to the tribes and their members until fifteen years after the date of the proclamation issued pursuant to section 18 of this Act.

Sec. 15. Prior to the transfer of title to, or the removal of restrictions from, property in accordance with the provisions of this Act, the Secretary shall protect the rights of members of the tribes who are minors, non compos mentis, or in the opinion of the Secretary, in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate without application from the member, including but not limited to the creation of a trust of such member's property with a trustee selected by the Secretary, or the purchase by the Secretary of an annuity for such member: *Provided,* That no member shall be declared to be in need of assistance in conducting his affairs unless the Secretary determines that such member does not have sufficient ability, knowledge, experience, and judgment to enable him to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to such member and the income and proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof; *Provided further,* That any member determined by the Secretary to be in need of assistance in conducting his affairs may, within one hundred and twenty days after receipt of written notice of such secretarial determination, contest the secretarial determination in any naturalization court for the area in which said member resides by filing therein a petition having that purpose; the burden shall thereupon devolve upon the Secretary to show cause why such member should not conduct his own affairs, and the decision of such court shall be final and conclusive with respect to the affected member's conduct of his affairs.

Sec. 16. Pending the completion of the property dispositions provided for in this Act, the funds now on deposit, or hereafter deposited, in the United States Treasury to the credit of the tribes shall be available for advance to the tribes, or for expenditure, for such purposes as may be designated by the governing body of the tribes and approved by the Secretary.

Sec. 17. The Secretary shall have authority to execute such patents, deeds, assignments, releases, certificates, contracts, and other instruments as may be necessary or appropriate to carry out the provisions of this Act, or to establish a marketable and recordable title to any property disposed of pursuant to this Act.

Sec. 18. (a) Upon removal of Federal restrictions on the property of the tribes and individual members thereof, the Secretary shall publish in the Federal Register a proclamation declaring that the Federal trust relationship to the affairs of the tribes and their members has terminated. Thereafter individual members of the tribes shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians and, except as otherwise provided in this Act, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the tribes and their members, and the laws of the several States shall apply to the tribes and their members in the same manner as they apply to other citizens or persons within their jurisdiction.

(b) Nothing in this Act shall affect the status of the members of the tribes as citizens of the United States.

Sec. 19. Effective on the date of the proclamation provided for in section 18 of this Act, all powers of the Secretary or other officer of the the United States to take, review, or approve any action under the constitution and bylaws of the tribes are hereby terminated. Any powers conferred upon the tribes by such constitution which are inconsistent with the provisions of this Act are hereby terminated. Such termination shall not affect the power of the tribes to take any action under their constitution and bylaws that is consistent with this Act without the participation of the Secretary or other officer of the United States.

Sec. 20. The Secretary is hereby authorized and directed to transfer title to cemeteries within the Colville Reservation to any organization authorized by the tribes and approved by him. In the event such an organization is not formed by the tribes within eighteen months following the date this section becomes effective, the Secretary is directed to perfect the organization of a nonprofit entity empowered to accept title and maintain said cemeteries.

Sec. 21. The Secretary is authorized to set off against any indebtedness payable to the tribes or to the United States by any individual member of the tribes or payable to the United States by the tribes any funds payable to such individual or tribes under this Act and to deposit the amounts set off to the credit of the tribes or the United States, as the case may be.

Sec. 22. Nothing contained in this Act shall deprive the tribes or their constituent parts of any right, privilege, or benefit granted by the Act of August 13, 1946 (60 Stat. 1049).

Sec. 23. Nothing in this Act shall abrogate any valid lease, permit, license, right-of-way, lien, or other contract heretofore approved. Whenever any such instrument places in or reserves to the Secretary any powers, duties, or other functions with respect to the property subject thereto, the Secretary may transfer such functions, in whole or in part, to any Federal agency with the consent of such agency and may transfer such functions, in whole or in part, to a State agency with the consent of such agency and the other party or parties to such instrument.

SEC. 24. The Secretary is authorized to issue rules or regulations necessary to effectuate the purposes of this Act, and may in his discretion provide for tribal referendums on matters pertaining to management or disposition of tribal assets.

SEC. 25. All Acts or parts of Acts inconsistent with this Act are hereby repealed insofar as they affect the tribes or their members.

SEC. 26. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 27. Prior to the issuance of a proclamation in accordance with the provisions of section 18 of this Act, the Secretary is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the members of the tribes to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, corporation, association, or person. Nothing in this section shall preclude any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 28. Nothing in this Act shall affect the authority to make timber sales otherwise authorized by law prior to the termination of Federal control over such timber. If title to any of the lands comprising the Colville Indian forest is purchased by the United States, the administration of any outstanding timber sales contracts thereon entered into by the Secretary of the Interior as trustee for the tribes shall be administered by the Secretary of Agriculture.

SEC. 29. All sales of tribal lands pursuant to this Act on which roads are located shall be made subject to the right of the United States and its assigns to maintain and use such roads.

SEC. 30. Any person whose name appears on the final roll of the tribes who has, since July 24, 1961, continuously resided on any forest lands purchased by the United States by this Act shall be entitled to occupy and use as a homesite for his lifetime a reasonable acreage of such lands as determined by the Secretary of Agriculture, subject to such regulations as the Secretary of Agriculture may issue to safeguard the administration of the national forest.

SEC. 31. The costs required by this Act may be paid from tribal funds which are hereby made available for such purpose subject to full reimbursement by the United States and the appropriation of funds for that purpose is hereby authorized.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1445), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The purpose of S. 1442, as amended, is to provide for the termination of Federal supervision over the property of the Confederated Tribes of Colville Indians located in the State of Washington and the individual members thereof.
>
> Section 5 of Public Law 772, 84th Congress (70 Stat. 626) provided that:
>
> "The Business Council of the Confederated Tribes of the Colville Reservation shall, in accordance with Resolution Numbered 1955–33, dated April 8, 1955, of the Colville Business Council, submit to the Secretary of the Interior within five years from the date of enactment of this Act proposed legislation providing for the termination of Federal supervision over the property and affairs of the Confederated Tribes and their members within a reasonable time after the submission of such proposed legislation."
>
> In compliance with the 1956 act, the tribal business council submitted proposed legislation providing for a two-stage termination program. That proposal was introduced as S. 1442.
>
> In late October 1963, the chairman of the Subcommittee on Indian Affairs, Senator CHURCH, of Idaho, held hearings on S. 1442 at Spokane, Nespelem, and Seattle, Wash. Officials representing the tribal business council, and various organizations of Colville Indians, as well as individual Indians, and county and State officials gave testimony on and suggested amendments to S. 1442. The vast majority of those appearing to testify did not support S. 1442, but recommended a one-step termination process that would result in ending trusteeship at the earliest possible date. The subcommittee was impressed by the reasoned and persuasive arguments of the Colville people for immediate release from Federal wardship and the enactment of appropriate legislation to achieve this result. In recent tribal elections candidates running on the termination issue were elected to the business council by substantial majorities, further evidencing the desire of most members for termination.
>
> The committee strongly believes that the members of the Colville Tribes should have the opportunity to express themselves on the question of termination.
>
> S. 1442 has been amended by striking all of the original text and substituting language that would put into motion a terminal program similar to that enacted in 1954 for the Klamath Tribe of Oregon.

ENFORCEMENT OF RULES AND REGULATIONS FOR PROTECTION, DEVELOPMENT, AND ADMINISTRATION OF NATIONAL FORESTS AND NATIONAL GRASSLANDS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1382.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 7588) to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1447), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> This bill would permit violators of national forest and national grassland regulations, at their election, to be tried and sentenced by a U.S. Commissioner. This would provide a more expeditious and convenient forum than the U.S. district court, and therefore strengthen enforcement. Persons committing petty offenses in the national parks now have such an election. Examples of the type of offenses covered by the regulations are littering, parking violations, and use of motor scooters in wilderness areas.

EXCHANGE OF LANDS ADJACENT TO LASSEN NATIONAL FOREST, CALIF.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1383.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10069) to authorize the exchange of lands adjacent to the Lassen National Forest in California and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1448), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> This bill permits the exchange of national forest lands for 198.24 acres of privately owned land of equal value adjacent to, but outside the exterior boundaries of, Lassen National Forest. The desired lands are near Eagle Lake and are needed for recreational development. There is existing authority for exchanges of lands within the national forest boundaries, and the bill would extend these existing authorities to the desired 198.24 acres.

SALE OF CERTAIN LAND IN GRAND JUNCTION, COLO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1384.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 6601) to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 1, line 9, after the word "improvements", to strike out "after coming into agreement with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate" and insert a semicolon and "but no commitment to apply the proceeds in any manner shall be made unless at least 60 days prior to the making of such commitment the Secretary of Agriculture shall have advised the Chairman of the Committee on Agriculture of the House of Representatives and the chairman of the Committee on Agriculture and Forestry of the Senate in writing of the facts concerning the proposed application".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1449), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This bill provides for the sale at fair market value of two lots in Grand Junction, Colo., and application of the proceeds to the purchase of more suitable land and construction of similar improvements. The property has been used as a ranger district warehouse, but is now leased to a private business. The city has built up around the property, so that it is not desirable as a ranger district warehouse. The proceeds of the sale should be sufficient to cover the cost of the new facilities so that there should be little or no additional cost to the Government.

SALE OF U.S. ANIMAL QUARANTINE STATION, CLIFTON, N.J., TO CITY OF CLIFTON TO PROVIDE FOR ESTABLISHMENT OF A NEW STATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1385.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 1642) to provide for the sale of the U.S. Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment, on page 1, line 5, after the word "area", to strike out "after coming into agreement with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate, to establish, equip, and maintain a quarantine station for animals and birds imported into the United States" and insert "to establish, equip, and maintain a quarantine station for animals and birds imported into the United States; but no commitment shall be made as to the site at which such station shall be established unless at least sixty days prior to the making of such commitment the Secretary of Agriculture shall have advised the chairman of the Committee on Agriculture of the House of Representatives and the chairman of the Committee on Agriculture and Forestry of the Senate in writing of the facts concerning the proposed site".

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1450), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The following description of H.R. 1642 is excerpted from a letter from the Honorable Orville L. Freeman, Secretary of Agriculture, to Congressman Harold D. Cooley, chairman of the House Agriculture Committee:

"The bill would authorize the Secretary of Agriculture to (1) select a site in the New York-New Jersey port and airport area to establish a quarantine station for animals and birds imported into the United States; (2) remove the quarantine functions now being conducted at the Clifton station to a new station; and (3) enter into an agreement providing for the sale of the lands, buildings, facilities, and improvements of the Clifton station to the city of Clifton. The said city would be required to pay the appraised value of such property as determined by the Secretary. Upon establishment of a new station the Secretary would be authorized to convey to the city by quitclaim deed for public purposes all the right, title, and interest of the Federal Government in the old station. The bill provides that the Secretary would not be required to vacate or surrender the present station until the new station would be equipped and ready for operation and the quarantine functions removed to the new station. The bill further provides that the land would revert to the United States if Clifton uses or conveys any part of the land for other than public purposes. The cost of survey required in connection with the conveyance would be at the expense of the city. Proceeds from the sale would be made available to the Secretary until expended and such additional funds would be authorized to be appropriated as may be necessary for the establishment of a new quarantine station."

ESTABLISHMENT OF FORT LARNED AS NATIONAL HISTORIC SITE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1392.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 3071) to provide for the establishment of Fort Larned as a national historic site, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1457), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

H.R. 3071, proposes the acquisition of approximately 750 acres of land in Pawnee County, Kans., and the buildings of Fort Larned which remain on that land. These are to be preserved and administered as the Fort Larned National Historic Site. The area to be acquired also includes about 60 acres on which remnants of the Sante Fe Trail are preserved and plainly visible.

Fort Larned has been described as "the most significant military post on the eastern portion of the Santa Fe Trail." It was established in 1859 and abandoned as a military post in 1878. Nine of its stone buildings, erected beginning in 1864, are still in existence and are in a good state of repair. These buildings include officers' quarters, barracks, the quartermaster office and storehouse, workshops, and the bakery.

For more than 10 years after its establishment, Fort Larned played an important role in the various skirmishes and wars with the Indians that accompanied the opening of the West. It was, among other things, headquarters for expeditions led by Gen. Winfield S. Hancock in 1867 and by Gen. Philip K. Sheridan and Lt. Col. George A. Custer in 1868–69. In addition, Fort Larned served as agency headquarters for the Indian Bureau in its dealings with the Kiowas, Comanches, Cheyennes, Arapahoes, and Kiowa-Apaches; was an important Indian trading post; and was used to protect the workers who constructed the Santa Fe Railroad.

Fort Larned has been recommended by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments as having exceptional value in illustrating the history of the United States. It is, in this respect, in the same class as Bent's Old Fort, Colo., and Fort Union, N. Mex., which also played prominent roles in the history of the Santa Fe Trail. Both of these are administered as units of the national park system. It is the committee's belief that Fort Larned will be an admirable complement to these.

The estimated cost of acquiring the land involved in H.R. 3071 is $454,000. Development costs, it is anticipated, will amount to about $819,000. Annual operating costs are estimated at $75,000 a year.

Mr. CARLSON. Mr. President, I ask unanimous consent to have printed in the RECORD following the passage of the bill a statement which I have prepared.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CARLSON

I appreciate very much the action taken by the Committee on Interior and Insular Affairs in reporting H.R. 3071, which provides for the establishment of Fort Larned as a national historic site.

This bill was introduced by Congressman ROBERT DOLE of the First District, Kansas, last year and is similar to a companion bill I introduced at the same time.

I want to personally express my appreciation to Senator ALAN BIBLE of Nevada, chairman of the committee, and other members of the committee who assisted in reporting the bill.

I also want to express my appreciation to Senators LEN JORDAN of Idaho, and MILWARD SIMPSON of Wyoming, and Roy Whitacre, a member of the committee staff, who took time from their busy congressional schedule to visit Fort Larned. Their report was most helpful in securing favorable action.

This bill authorizes the Secretary of the Interior to acquire not more than 750 acres of land or interests therein, including historic Fort Larned, which he deems necessary to commemorate the significant role played by Fort Larned in the opening of the West, in Pawnee County, Kans. Lands so acquired would be known as the Fort Larned National Historic Site. The boundaries of such site would be published in the Federal Register.

Fort Larned, the northern anchor of a series of military posts that defended the southwestern frontier, is considered to be an outstanding site having many important historical associations, among which was the protection and use of the Santa Fe Trail as a base of military operations against the hostile Indians of the Central Plains, and as an agency of the Bureau of Indian Affairs for the administration of the Indians of the area under the terms of the Fort Wise Treaty of 1851.

At its April 1959 meeting, the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, recommended to the Secretary of the Interior that Fort Larned be proposed as a national historic site because of its "exceptional value of illustrating and commemorating the history of the United States."

The first military fort in this vicinity, known as the "Camp on the Pawnee Fork" and later as Camp Alert, was established in 1859, about 3 miles from the present site of the fort. It was later moved to its present location and renamed Fort Larned in 1860. The renamed fort was of sod and adobe construction.

In 1862 the construcion of permanent buildings of stone was begun. A quadrangle of nine of these original structures, including the utility shop, the quartermaster's building, the bakery, and the officers' and enlisted men's barracks, facing the fort parade ground, still stand.

The fort played an important role in the Plains War of 1863–64, and as a base for the expedition against the Southern Cheyenne Indians in 1864. In 1867, Maj. Gen. Winfield S. Hancock used Fort Larned as his base of operations when he led his 1,400 troops against the plains Indians.

During the 1868–69 uprising of the Southern Cheyennes, Lt. Col. Alfred Sully, after encountering an unexpected strong force of Indians, found it necessary to retreat to the protection of Fort Larned. This resulted in a general war involving the Kiowas, Comanches, Arapahoes, and Southern Cheyennes.

Maj. Gen. Phillip Sheridan was ordered to organize a winter campaign against the Indians and sent Lt. Col. George A. Custer's 7th Cavalry to Fort Larned to conduct the campaign. Custer's attack resulted in the battle of the Washita on November 27, 1868, during which Chief Black Kettle's village of Southern Cheyennes was wiped out, ending the campaign.

During the period of the Civil War when the plains Indians were on the warpath, travel over the Santa Fe Trail became dangerous to groups traveling without armed escorts. The War Department designated Fort Larned as a marshalling point where armed escorts were assigned to westbound wagon trains.

The fort is now a registered national historic landmark, and the owner, in cooperation with the Fort Larned Historical Society, has opened it for public inspection. The owner has, in the past, expressed interest in the possibility of Federal ownership.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENSION OF EQUAL TIME PROVISIONS OF THE COMMUNICATIONS ACT FOR 1964 PRESIDENTIAL CAMPAIGN—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 247) to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for legally qualified candidates for the offices of President and Vice President. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 247) to suspend for the 1964 campaign the equal opportunity requirements of section 315 of the Communications Act of 1934 for legally qualified candidates for the offices of President and Vice President, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

Strike out the matter proposed to be stricken by the Senate amendment and insert in lieu thereof the following: "overall schedule of rates,".

And the Senate agree to the same.

JOHN O. PASTORE,
MIKE MONRONEY,
STROM THURMOND,
HUGH SCOTT,
WINSTON L. PROUTY,
Managers on the Part of the Senate.

OREN HARRIS,
WALTER ROGERS,
JOHN E. MOSS,
W. R. HULL, JR.,
HORACE R. KORNEGAY,
JOHN B. BENNETT,
J. ARTHUR YOUNGER,
GLENN CUNNINGHAM,
JAMES T. BROYHILL,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MANSFIELD. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that 30 minutes be allotted to the conference report on the joint resolution on equal time now being considered, and that the time be equally divided between the majority and minority leader.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Montana? Without objection, the request is agreed to.

Mr. LAUSCHE. Mr. President, I shall ask for 4 minutes to speak on it.

Mr. MANSFIELD. The Senator need not worry. He will get time.

Mr. PASTORE. Mr. President, I yield myself 2 minutes.

I do not believe it is necessary to labor the explanation of this particular joint resolution. It is similar to a resolution that was passed which permitted the great debates between the candidates in the last presidential election, Mr. John F. Kennedy and Mr. Richard M. Nixon. The joint resolution relieves the broadcaster of the responsibility under section 315 of the Communications Act of 1934 to give equal time to all candidates. That section means that, unless this joint resolution is passed, if a network were willing to give any time to any one presidential candidate or vice-presidential candidate, it would have to give equal time to every other candidate running for the Presidency or Vice-Presidency of the United States.

Back in 1960 it was felt that the networks should be called upon to give, gratis, to the two major parties a certain amount of time for a certain number of weeks prior to the election. This suggestion in that compulsory form was resisted by the networks. Finally they came before the committee and said that if Congress would pass a joint resolution relieving them of the responsibility, under section 315 of the Communications Act of 1934, of giving equal time to all candidates for the Presidency or Vice-Presidency of the United States, they would reach an appropriate arrangement with the major party candidates. As a result of the passage of the joint resolution, arrangements were made for the great debates between Mr. Kennedy and Mr. Nixon in 1960. Our committee favored that legislation.

House Joint Resolution 247 has been delayed, delayed, and delayed after it was passed by the Senate and went over to the House. Finally a conference was held. We agreed unanimously. This is the conference report now being considered by the Senate.

I have nothing further to say than that the Senator from Rhode Island will remain consistent and constant on this legislation. I repeat—I have some qualms as to whether a President should have a confrontation with a candidate. There are two schools of thought on that particular subject. Be that as it may, I think the proposed legislation is in the public interest. The format is left up to the candidates themselves. They can arrange the format as they please and if they please.

It is unfortunate that this resolution has been tied up for so long, whatever the reason. The problem is, who is going to debate whom, and who is going to embarrass whom by not wanting to debate? In spite of that, I move the adoption of the conference report.

Mr. COTTON. Mr. President, I yield myself 10 minutes.

It is not the intention of the Senator from New Hampshire to rehash and rehearse the remarks made a week ago, I believe, on the floor of the Senate with reference to this matter; but as a member of the Committee on Commerce, and as the ranking minority member of the Committee on Commerce, for the purposes of the RECORD, the Senator from New Hampshire desires, before the conference report is disposed of, to make two or three observations.

Mr. President, I cannot find myself in agreement with the closing words of my distinguished friend from Rhode Island when he indicated that while he was faithfully supporting the report, all that involved was a debate and nothing else, and he had a feeling it was not seemly for the President of the Uuited States to engage in debate.

We should be fully aware in the Senate Chamber tonight that, in spite of the rather lukewarm endorsement of the report by the distinguished Senator from Rhode Island, the conference report is going to be put to death by the majority party in this Chamber.

This is, I believe, an unfortunate and regrettable event.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. COTTON. I shall yield in a moment. It is an unfortunate and regrettable event. It is very unfortunate that this measure should be conisdered in a political light. For some time many people in this country, including many Senators, have been deeply concerned about the cost of national political campaigns. The Senate now has a bill, S. 1595, providing for the financing of campaigns by the Government of the United States. The reasons advanced are that people running for high office—and this has reference, of course, to Senators and Members of the House—should not be compelled to be oligated to various people who may contribute to their campaign, and that the ever-increasing cost of newspaper advertising, radio time, television time, and the necessary costs make it impossible for a person of limited means to run for office without becoming obligated by receiving contributions.

The distinguished Senator from Oregon [Mrs. NEUBERGER], the distinguished Senator from Pennsylvania [Mr. CLARK], the distinguished Senator from Illinois [Mr. DOUGLAS], the distinguished Senator from Alaska [Mr. GRUENING], the distinguished Senator from New Jersey [Mr. CASE], and the late distinguished Senator from Tennessee, Mr. Kefauver added their names to that bill as cosponsors. Editorials have been published in some of the leading newspapers in this country dealing with this subject. The pending bill provides such a means, for candidates for President and Vice President, to speak to the people without cost. No candidate would be obligated to a network or a station which gave equal time to his opponent. That is one reason the destruction of this opportunity by the Senate will be a grave injustice.

Four years ago—and much of the credit should go to my distinguished friend from Rhode Island—the Committee on Commerce reported a bill which would suspend the law requiring that equal time be given to all candidates for the office of President and Vice President if time were given to the candidates of the two major parties, the Democrat and the Republican Parties. The bill was reported, as I recall, unanimously from the committee, except for one member, who wished to make it even wider and have it include other officials.

That bill passed the Senate and passed the House. The reason for it was to give the people an opportunity to hear the debates between the then Senator Kennedy and Vice President Nixon. Incidentally, we could not have heard such debate without the legislation because 14 splinter candidates for the Presidency of the United States would have been able to demand equal time, had we not suspended the law.

After passing that bill 4 years ago, after renewing it last fall, after having it reported unanimously by the committee last year, after having it passed by the Senate—and I was on the floor at the time and I do not recall that one voice was raised against it—after having it passed overwhelmingly by the House of Representatives, after having the conference committee report come to us unanimously, suddenly we find that those who originated it and sponsored it and fought for it 4 years ago and last year turning their back upon it, prepared to defeat it.

It does not make any difference which candidate may gain or lose by this exposure to the public. It is highly desirable—if not an absolute right—for the people of this country to have the opportunity to see and to hear their candidates for the two highest offices in the land. The public interest is the loser if this legislation is killed.

Some of us had ideas 4 years ago about who might have an advantage in these debates, but we found ourselves somewhat disillusioned. It is utterly impossible to tell in advance whether one candidate or the other would gain.

So far as the question of debate by the President of the United States is concerned I wish merely to repeat what I said last week. The President of the United States is himself the judge of what the dignity of his high office requires. The bill does not provide for a joint debate. It does not even provide for a confrontation. It simply provides that the networks and the stations may give time either jointly or separately, as the candidates desire, or as the stations and networks are willing to provide, equally divided between the leading candidates for President and Vice President.

If the President of the United States feels that it is not consistent with the duties and dignities of his office to engage in rough and tumble debate, he can simply say "No."

Why should we kill this measure, which has been the result of long, painstaking, and careful preparation and support by the very people who seem to be lukewarm now, merely to save the President of the United States from being obliged to say yes or no? Free and fair public exposure is being killed by the very people who pressed for it in the past.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COTTON. I yield myself 2 additional minutes.

I do not believe for one moment that my friends on the other side of the aisle feel any differently about this bill than they felt in the past.

It is only too evident that some influence must have been exerted from high up to junk this bill because of the exigencies of this campaign. But this is not a question of what happens in the campaign. It is a matter of policy for the American people. This legislation is in the best interests of the American people.

I yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, there is a saying that it is good to have a giant's power, but it is tyranny to use it like a giant. There are those in the Senate who will go to their great national convention and who will sing loudly the praises of their party's achievement, as of course they should, but who will say coincidentally, "We are unwilling to debate these achievements," and who will now say, "We believe in the two-party system," but who will use the great power of outnumbering us 2 to 1 to again sweep the issue under the rug rather than face it, as they swept the corruption issue under the rug in the Bobby Baker case, and who will use their great power to sweep under the rug the right of free discussion and confrontation.

I do not raise the question of whether the President of the United States should be put to the necessity of debating, if he does not wish to do so. All he has to do is to say "Yes" or "No." But we also have the question of the Vice President. I am sure the "Minnesota Twins" are quite capable of taking care of themselves in any league.

At the same time I think we had better remember, Mr. President, that Senators are being given an issue. The issue is that Senators are voting for something in which they do not believe. They are not voting on whether there should be equal time, but whether the time should be issued to splinter parties. They are voting now by orders from higher up not to permit this kind of confrontation, because somebody has decided it is better to be "chicken" than to be strong and forthright about it. If the Democratic Party has the symbol of the rooster, as indeed it does in some States, I suggest that there be substituted for it the symbol of "chicken," because that is the position they are taking today. Democrats will not face the fact that we are denied the opportunity which we freely joined in giving them in the past. We are denied the opportunity of confrontation by a decision to use the great power that the other party has; a decision which gives us an opportunity to say, and to say with justice, logic, and reason, that the division is too great. There must be a closer division of the parties; the minority should be larger than it is, and the majority smaller. If we were closer together in numbers, they would not trample upon us in the way they have done in the Baker case and in the way they are doing with respect to providing equal time.

I say: "Do not tread on us, because if you do, your action will come back to haunt you."

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. SCOTT. I do not know how much time I have remaining.

Mr. PASTORE. The Senator can yield on my time.

Mr. SCOTT. I yield on the time of the great keynoter of the majority party of this country.

Mr. PASTORE. Why did not GOLDWATER debate with Scranton at the Republican Convention?

Mr. SCOTT. If the Senator from Rhode Island thinks that is relevant——

Mr. PASTORE. I think it is very relevant.

Mr. SCOTT. I suggest that the Senator——

Mr. PASTORE. The Senator is speaking about the analogy. I am asking him now: Why did GOLDWATER refuse to debate with Scranton and Rockefeller?

Mr. SCOTT. I suggest that if the Senator is interested in debates, he should arrange debates between the senior Senator from Minnesota [Mr. HUMPHREY] and the junior Senator from Minnesota [Mr. MCCARTHY] as to their relative qualifications for the Vice Presidency of the United States. I will agree that both of them are eminently qualified.

Mr. PASTORE. I do not see how that statement is responsive in the least.

Mr. SCOTT. It is more responsive than the suggestion that the Senator from Rhode Island put to me.

Mr. PASTORE. Mr. Scranton said to Mr. GOLDWATER, "Let us debate the issues in the open, before the entire country, at the convention." Why did GOLDWATER say, "No"? Why does COTTON now say that GOLDWATER says "Yes"?

Mr. SCOTT. I am so glad that the Senator from Rhode Island——

Mr. PASTORE. Why? Why? Why? They are not playing politics. Are we jesting in the Senate?

Mr. SCOTT. I say to the great Senator from Rhode Island that if he is so proud of debating, he should show that pride by his debate.

Mr. PASTORE. I will debate it with the Senator from Pennsylvania; but that is not the question.

Mr. SCOTT. I will debate with the Senator from Rhode Island at any time; but that is not the issue. The confrontation between the Senators should be extended to both political parties.

Mr. PASTORE. I know; but do not let the Senator from Pennsylvania call us "chicken."

Mr. SCOTT. I do.

Mr. PASTORE. The chickens were hatched in the Cow Palace in San Francisco.

Mr. COTTON. Mr. President, to whose time is all this colloquy being charged?

The PRESIDING OFFICER. The Senator from Rhode Island yielded time for the colloquy.

Mr. SCOTT. I yield back the remainder of my time.

Mr. CURTIS. Mr. President, will the Senator from New Hampshire yield time to me?

Mr. COTTON. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 1 minute remaining.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator. I should like to ask the distinguished Senator from New Hampshire if the networks and the broadcasting stations favor the proposed legislation.

Mr. COTTON. I cannot answer for the networks and the broadcasting stations; but it is my impression that they are quite eager to offer to the people of the country an opportunity to see and hear the two men who are running for the highest office in the land and the two men who are running for another office that has become, we are sad to say, of increasing importance in the last few years.

Mr. CURTIS. In view of the fact that the broadcasting industry has established this pattern in the past, we owe it to the American people to enact the proposed legislation so that this discussion can be carried out. It would be an opportunity for the voters of the land to hear an expression from both sides, to see the candidates, and to hear the issues discussed.

I believe it is in the public interest that the bill be enacted. I do not know to whose advantage it would be to have it passed, as to each candidate, but I am thoroughly convinced that the bill is in the public interest.

I shall be happy to answer the question raised by the very eloquent Senator from Rhode Island [Mr. PASTORE]. Senator GOLDWATER made it a practice throughout the entire campaign prior to the convention and during the convention to reserve his debates for the opposition party and not to create strife among Republicans. That was his position. It was announced publicly.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. PASTORE. Is not that the Mr. GOLDWATER who said on the Jack Paar TV show that the President of the United States should not be placed in the position of debating? Is not that the same Mr. GOLDWATER? Or are we talking about a different one?

Mr. CURTIS. I am answering the Senator's question. He asked why Senator GOLDWATER did not debate in the Cow Palace. He did not debate at any time with Republicans. That was his policy. He was reserving his debating for the fall campaign.

I think the question before the Senate should be decided in the public interest. The public has a right to hear from the candidates. It has a right to hear from them under certain ground rules that are laid out, so that the public may form a judgment concerning the issues. The passage of the bill will not mean that it will be necessary to have any debates; but it will make it possible to make any other arrangements that may be desired.

Mr. COTTON. Mr. President, all I wish to have is 1 minute.

Mr. MANSFIELD. I yield 1 minute.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield time.

Mr. COTTON. Mr. President, we have been listening to an exchange that is interesting; but I say this with all the sincerity at my command: The question is not whether the President wants to debate or whether Senator GOLDWATER wants to debate. It is not a question of whether they have wanted to in the past or desire to do so in the future. The question is merely one of saving this bill, which was carefully and properly drawn, which affords an opportunity for joint appearances or separate appearances, and gives the people of the country an opportunity to see and hear the candidates.

I believe that those who feel compelled to kill the bill tonight, a bill that has been carefully nurtured through the years, are doing so with regret and sorrow. As a member of the committee and as one who worked with members of the committee on both sides of the aisle, I feel that this is unfortunate. Neither is it a question of politics. Politics are being talked, but the question is one of future policy. I regret the action that is being taken. This is a regrettable occurrence.

Mr. MANSFIELD. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Montana has 4 minutes remaining.

Mr. MANSFIELD. I had promised the distinguished Senator from Ohio that I would yield him 6 minutes. I therefore ask that I may be allowed 2 additional minutes under the unanimous-consent agreement. I hope that if the additional time is granted, the Senator from Ohio will reserve half a minute for me.

Mr. LAUSCHE. Mr. President, my statement is based upon a letter which I wrote on November 20, 1961. It is not fitted expediently to the issue before us. What I said in November 1961, was a genuine expression of my honest judgment about the merits of debates on television.

I received a letter from the Director of Forensics of Ohio University, and in that letter I was asked several questions. I attempted to answer them and I shall read them to the Senate:

1. To what extent do you think the debates influenced the election of 1960?

In my opinion the debates in the 1960 presidential election did influence the result; to what extent neither I nor anyone else can answer.

2. Do you think that debates are a useful instrument in aiding the public to reach a rational decision in a political campaign?

A genuine and true debate is a useful instrument in aiding the public to reach a rational decision in a political campaign but television does not provide the media for such a genuine debate because of the inadequacy of the time made available to discuss the complex quotations, and the inescapable entry of ulterior factors into the alleged debate.

When I was a judge in the common pleas court of Cuyahoga County, Ohio, I presided over many jury trials; frequently I felt that the evidence of an attractive woman or handsome man had an impact far beyond justification. Similarly arguments made by lawyers of that description impressed themselves beyond reason. There were times when I thought it would be better if all of the evidence and the arguments were taken to the jury in written form for study and consideration. Thus there would be excluded the factors which were not legitimate considerations in the ascertainment of the truth.

The mechanics of photography showing one debate favorably and the other adversely also is an instrumentality that can be used to induce false judgments.

3. Do you favor the idea of candidates for the Presidency and other public offices meeting in debate?

Based on the reasons given in the answer to question 2, I do not favor the idea of candidates for the Presidency and other public offices meeting in television debate.

4. What changes, if any, would you recommend be made in the format of debate used by Mr. Kennedy and Mr. Nixon?

The answer to question 3, in my opinion, makes unnecessary an answer to question 4.

5. Do you feel that training in debate is of value to students in our schools and colleges?

I do feel that the training of students in debate is of value and ought to be pursued in our schools and colleges. In undoubtedly sharpens the mind, it teaches them the ability to express themselves and instills self confidence.

These were the questions and answers given in 1961. They were an honest expression of my judgment.

I believe that Mr. Nixon lost the election in the debates. He did not lose it on the basis of meritorious argument developing truth on television, but he lost it because of the ulterior factors which were considered by the public in listening to the debates.

I do not approve of this conference report, and I am not approaching it on an ad hoc basis. This is a long-range basis on which the problem must be approached.

Mr. MANSFIELD. Mr. President, how much time remains to me?

The PRESIDING OFFICER. 1 minute.

Mr. MANSFIELD. Mr. President, as Senators know, it is my intention to move to table the motion of the distinguished Senator from Rhode Island [Mr. Pastore]. I believe that I have been on record on more than one occasion that I am not one of those who advocate that any President of the United States should engage in a debate with the nominee of the other party. I feel that I am true to my trust.

I thank the Senator from New Hampshire for the high level of his remarks.

Mr. President, at this time, I move to table the motion of the Senator from Rhode Island.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Alabama [Mr. Hill]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. HARTKE (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from North Dakota [Mr. Burdick]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. Brewster], the Senator from Nevada [Mr. Cannon], the Senator from Mississippi [Mr. Eastland], the Senator from Washington [Mr. Magnuson], the Senator from North Dakota [Mr. Burdick], and the Senator from New Jersey [Mr. Williams] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy], are absent because of illness.

I further announce that the Senator from Texas [Mr. Yarborough] is necessarily absent.

On this vote, the Senator from Nevada [Mr. Cannon] is paired with the Senator from Washington [Mr. Magnuson]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Washington would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. Hickenlooper] is absent on official business as a delegate to attend the meetings of the Interparliamentary Union at Copenhagen, Denmark.

The Senator from Kentucky [Mr. Cooper], the Senator from Arizona [Mr. Goldwater], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

If present and voting, the Senator from Kentucky [Mr. Cooper] and the Senator from Kansas [Mr. Pearson] would each vote "nay."

The result was announced—yeas 44, nays 41, as follows:

[No. 549 Leg.]

YEAS—44

Anderson
Bartlett
Bayh
Bible
Byrd, Va.
Byrd, W. Va.
Church
Clark
Dodd
Douglas
Edmondson
Fulbright
Gore
Gruening
Hart
Hayden
Holland
Humphrey
Inouye
Johnston
Lausche
Long, Mo.
Long, La.
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Metcalf
Moss
Muskie
Neuberger
Randolph
Ribicoff
Robertson
Russell
Salinger
Smathers
Stennis
Symington
Talmadge
Walters

NAYS—41

Aiken
Allott
Beall
Bennett
Boggs
Carlson
Case
Cotton
Curtis
Dirksen
Dominick
Ellender
Ervin
Fong
Hruska
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Mechem
Miller
Monroney
Morse
Morton
Mundt
Pastore
Pell
Prouty
Proxmire
Saltonstall
Scott
Simpson
Smith
Sparkman
Thurmond
Tower
Williams, Del.
Young, N. Dak.
Young, Ohio

NOT VOTING—15

Brewster
Burdick
Cannon
Cooper
Eastland
Goldwater
Hartke
Hickenlooper
Hill
Kennedy
Magnuson
Nelson
Pearson
Williams, N.J.
Yarborough

So the motion to table the motion of the Senator from Rhode Island [Mr. Pastore] was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the schedule for the remainder of the day, also for tomorrow and, hopefully, for the remainder of the week.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, the Senate will take up the conference report on the interest equalization bill tomorrow, the conference report on housing, the Northwest power intertie, if the bill is available, and the wilderness conference report, if that is available. Then it is also anticipated that we shall take up the food-for-peace bill, which is S. 2634. The distinguished senior Senator from Louisiana [Mr. Ellender] said that he is practically ready.

Then I am informed by the distinguished Senator from West Virginia [Mr. Byrd] that he would be ready to handle the appropriation bill for the

Department of Labor and the Department of Health, Education, and Welfare. That is all I can think of for the time being.

Mr. DIRKSEN. Mr. President, that looks like a pretty impressive schedule for tomorow. I wonder if my distinguished friend from Montana can tell us about Thursday.

Mr. MANSFIELD. There is Appalachia, social security, the supplemental appropriation bill, and other conference reports. We will get together and make a choice tomorrow.

Mr. DIRKSEN. Specifically, I should like to ask the majority leader whether he thinks there is a possibility that the social security bill will be set for Thursday?

Mr. MANSFIELD. There is a possibility. I would not wish to go any further.

Mr. DIRKSEN. My understanding was that the report probably would not be filed until Thursday afternoon, in view of which we could not very well consider the bill until Friday. It would make a great deal of difference, I believe, to Senators and to their plans for the weekend.

Mr. MANSFIELD. It certainly would, but do not be holding out hopes to them, because they may take the Senator at his word, and I would not wish them to miss any votes that might occur on Friday.

Mr. DIRKSEN. Mr. President, I have some solicitude for our brethren on the other side of the aisle. I know in this season of the year, the temperature being what it is, there is the allurement of the boardwalk in Atlantic City; there is the salty tangy breezes coming off the Atlantic; and there are so many diversions and distractions of one kind or another that would drive back the frostline of distress as we labor with many of these academic subjects that I thought perhaps it would be possible for them to get a running start on the inspiration that will come from that great resort area on the Atlantic coast.

So, thinking only in terms of their solicitude and your comfort—because I wish them to have a good time and brew up all the malice and mischief that they can—we ask only that we be advised in advance, and then we shall be ready for whatever occurs. I am of the opinion that there may be some exodus along about Friday noon if there is no great likelihood of rollcalls. Far be it from me to deny our glorious brethren every opportunity to bask in the beauties and the glories of the Atlantic.

Mr. MANSFIELD. Mr. President, when I think of the Republicans having off practically 10 days—almost 2 weeks—while we gambol in Atlantic City, I feel like shuddering.

Mr. MILLER. Did the Senator say "gamble"?

Mr. MANSFIELD. "Gambol." But I hope that the Democratic exodus to Atlantic City would not start until next Sunday, preferably in the afternoon. I would hope that some of our brethren on the other side of the aisle would feel the spirit so move them that they would consider this an invitation to come and join us at Atlantic City and perhaps, indirectly, participate in our deliberations.

Mr. DIRKSEN. Mr. President, I have been waiting for that invitation for a long time. I am hopeful that perhaps I can nominate someone there.

IMPLEMENTATION OF INTERNATIONAL COFFEE AGREEMENT OF 1962

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMATHERS. I move that the Senate insist upon its amendments and agree to the request of the House for a further conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Byrd of Virginia, Mr. Long of Louisiana, Mr. Smathers, Mr. Williams of Delaware, and Mr. Carlson conferees on the part of the Senate.

EXPORTATION OF IMPORTED DISTILLED SPIRITS, WINES, AND BEER

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1177.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (H.R. 98) to amend the Internal Revenue Code of 1954 with respect to exportation of imported distilled spirits, wines, and beer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? .

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments on page 1, line 4, after "(26 U.S.C. 5062)", to strike out "be" and insert "is', and on page 2, after line 18, to insert a new section, as follows:

Sec. 3. (a) Section 453(a) of the Internal Revenue Code of 1954 (relating to dealers in personal property) is amended to read as follows:

"(a) Dealers in Personal Property.—

"(1) In general.—Under regulations prescribed by the Secretary or his delegate a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

"(2) Total contract price.—For purposes of paragraph (1), the total contract price of all sales of personal property on the installment plan includes the amount of carrying charges or interest which is determined with respect to such sales and is added on the books of account of the seller to the established cash selling price of such property. This paragraph shall not apply with respect to sales of personal property under a revolving credit type plan or with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in paragraph (1)."

(b) Section 453(e) of such Code (relating to revolving credit type plans) is repealed.

(c) The amendment made by subsection (a) shall apply in respect to sales made in taxable years beginning on or after January 1, 1960. The repeal made by subsection (b) shall apply in respect of sales made during taxable years beginning after December 31, 1963.

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished Senator from Indiana several questions because the bill offered us some difficulty in the Senate Finance Committee. I should like to ask, first, relative to one of the committee amendments, the following question:

The amendment I am referring to relates to installment sales, time-price differentials, and revolving credit. I am asking this question to see whether the Senator from Indiana, who offered this amendment, agrees with me as to the sense of the committee as to this amendment.

One phase of the amendment provides that time-price differentials under certain conditions are to be added to the contract price of an article and therefore to be included in the amounts eligible for tax purposes for reporting on the installment basis. I have received inquiries as to whether the committee in making its amendment intended, in any case, to exclude time-price differentials from the contract price where they are included in this price under present law. It was my impression that this part of the committee amendment was only a liberalizing amendment and that the committee did not intend any such result.

Mr. HARTKE. I agree with the distinguished minority leader that the committee did not intend to exclude from the contract price any time-price differentials which have been included under present law.

Mr. DIRKSEN. Will the Senator agree, therefore, that in cases where sales have been made on a traditional installment basis, and time-price differentials have been included in the contract price because these differentials were included in the billing of the customer that this would be continued after the enactment of this bill? Would you further assume that where an article had been sold on the traditional installment basis and the customer had made several installment payments and then purchased another article, that this could, under the traditional installment accounting, be added together with its time-price differential, to the balance of the first account still remaining unpaid and that this would be viewed as a traditional installment sale for purposes of this time-price differential provision?

Mr. HARTKE. I completely agree with the minority leader that this was the intention of the Finance Committee when it adopted this amendment.

Mr. DIRKSEN. I may say, by way of clarification, that this matter has been of considerable difficulty to the Finance Committee. We have had varying reports from the Treasury Department as to whether there would be windfalls or accidental gains ranging anywhere from $18 million to $100 million. I understand that everybody who had some interest in the matter has accepted the amendment, and that it is acceptable to the majority and minority.

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a copy of a letter from the Treasury Department favoring the bill.

Mr. DIRKSEN. I understood from the Treasury that it was sending such a letter to the Finance Committee. I think it will further qualify the position of the Treasury Department.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, D.C., August 18, 1964.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: As requested by the Committee on Finance we have examined a further amendment approved this day by the committee to H.R. 98. We had previously reported to the committee in our letter dated August 17, 1964, on prior amendments made by the committee.

As previously reported by the Finance Committee, H.R. 98 contained an amendment which would repeal section 453(e) of the Internal Revenue Code, relating to revolving credit plans and added by the Revenue Act of 1964. The action taken by the Finance Committee this morning, while retaining the repeal of section 453(e) of the present code, would amend section 453 of the code to provide that in the case of a revolving credit-type plan, the income from which may be reported on the installment method, customer payments shall be treated as applying first against finance charges.

Under present law and regulations, finance charges under revolving credit-type plans which are billed monthly are not a part of the contract price for purposes of the installment method. In addition, the regulations provide that a customer's payment shall be applied first to the earliest amounts charged to his account.

The proposed amendment to section 453(e) provides that customer's payments will be applied first to finance charges previously charged to his account irrespective of the month of billing. This will have the effect of reducing account balances at the end of such years which are attributable to finance charges and increasing account balances which qualify for deferment under the installment method subject to the other requirements of the regulations. The provision of the regulations which would be altered by the amendment resolved a difficult technical question in a manner believed appropriate. The question involved was somewhat complex and the answer provided by the regulations was the result which it was thought was required under existing law. The decision made by the committee is certainly an appropriate resolution of this question.

The proposed amendment would apply only to revolving credit-type plans and is not intended to change existing law with respect to traditional installment plans where charges are determined at the time of sale and added to the established cash selling price of the article sold. Such carrying charges are already deferrable as a part of the installment contract price.

In our previous letter we indicated that the outright repeal of section 453(e) would result in a one-time revenue gain of about $100 million. It is now estimated that this latest amendment would reduce this gain by approximately $20 million.

The Treasury Department believes that the amendments made by the committee to H.R. 98, including this latest amendment, considered as a unit, are appropriate. The Department would thus favor the bill as amended.

Sincerely yours,

STANLEY S. SURREY,
Assistant Secretary.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill be considered as original text for the purpose of amendment.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered.

Mr. HARTKE. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The **PRESIDING OFFICER.** The amendment of the Senator from Indiana will be stated.

The LEGISLATIVE CLERK. On page 3, it is proposed to strike out lines 18 and 19 and insert in lieu thereof the following:

(b) Section 453(e) of such Code (relating to revolving credit type plans) is amended to read as follows:

"(e) Carrying Charges Not Included in Total Contract Price.—If the carrying charges or interest with respect to sales of personal property, the income from which is returned under subsection (a)(1), is not included in the total contract price, payments received with respect to such sales shall be treated as applying first against such carrying charges or interest. This subsection shall not apply with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in subsection (a)(1)."

Mr. HARTKE. Mr. President, the amendment which I am offering to H.R. 98 on behalf of the Finance Committee, is concerned with the amendment added by the Finance Committee relating to the installment method of reporting for tax purposes.

The provision as reported by the Senate Finance Committee provides that interest, carrying charges, or time price differentials in traditional installment sales are to be considered as a part of the contract price—and therefore reported for tax purposes on the installment basis—where the taxpayer adds these interest or carrying charges on his books of account to the cash selling price of the property.

Secondly, the bill as reported also repeals the provision relating to revolving credit type plans adopted in the Revenue Act of 1964 and restores the regulations previously in effect with respect to revolving credit.

In the Revenue Act of 1964, Congress provided that installment plans were to include revolving credit type plans except where the purchaser used the plan primarily as an ordinary charge account. The regulations issued on October 15, 1963, had previously set forth a procedure for determining what proportion of revolving credit plans were to be treated as installment plans. The amendment made by the committee repealed the 1964 act amendment and restored these regulations.

The amendment to the bill that I am offering today has been considered by the Finance Committee and has the approval of the committee.

This amendment provides that in those cases where carrying charges or interest relating to the sale of personal property eligible for installment plan treatment under the tax laws are not included in the "total contract price"—and therefore the carrying or interest charges are themselves not eligible for installment plan treatment—the payments received with respect to the sales will be treated as applying first against the carrying charges or interest.

The principal sales which themselves are treated as installment sales, but the carrying or interest charges relating thereto are not also treated as part of the installment sale, are the revolving credit sales which the Treasury Department in its regulations issued last year specified were eligible for installment plan treatment. Presently the regulations provide that a customer's payment in these cases is to be applied first to the earliest charge on his account. Finance charges which are determined monthly are considered charged to the account after any sales made during the month. The effect of this is that the account balances at the end of the year include a disproportionate accumulation of finance charges which are not deferrable under the installment method.

My amendment provides that customers' payments in these cases will be applied first to finance charges irrespective of the month of billing. As a result, the account balances at the year end in most cases will not be attributable to finance charges and therefore will qualify for deferrment as installment charges.

The amendment is not intended to change existing law with respect to traditional installment plans where charges are determined at the time of sale and added to the established cash selling price of the article sold. The application of the amendment to such carrying charges under traditional plans has no effect since they are already deferrable as a part of the contract price.

The **PRESIDING OFFICER.** The question is on agreeing to the amendment offered by the Senator from Indiana.

The amendment was agreed to.

The **PRESIDING OFFICER.** The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An act to amend the Internal Revenue Code of 1954 with respect to exportation of imported distilled spirits, wines, and beer, and with respect to the total contract price of sales of personal property on the installment plan."

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain measures on the calendar, starting with Calendar No. 1387, H.R. 4242, and the rest of the measures on that page of the calendar be considered in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have inserted in the RECORD, at the appropriate places, extracts from reports and other pertinent material relative to the measures being considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

On request of Mr. MANSFIELD, and by unanimous consent, the following measures were considered and acted upon, as indicated:

TRANSFER OF CERTAIN LANDS IN PENDER COUNTY, N.C.

The bill (H.R. 4242) to provide for the release and transfer of all right, title, and interest of the United States in certain land in Pender County, N.C., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1452), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would authorize the Secretary of Agriculture to sell at fair market value to the Board of Education of Pender County, N.C., reserved mineral interests in five parcels of land located in Pender County. These parcels were conveyed to the board of education under prior quitclaim deeds that retained certain mineral interests to the United States. The bill would simply give the school board a clear title to the tracts in question.

The bill would involve no cost to the United States since it would receive the fair market value of the mineral interests and an amount to reimburse it for any administrative cost incurred in connection with the conveyance.

AMENDMENT TO FARM CREDIT ACT OF 1933

The bill (H.R. 10419) to amend the Farm Credit Act of 1933 to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stocks was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1453), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would enable the banks for cooperatives to pay patronage refunds in cash (rather than class C stock) to the extent necessary to make that part of their net savings applied to surplus accounts, reserves for contingencies, and patronage refunds taxable to their patrons rather than to the banks, thus avoiding double taxation in the manner permitted other cooperatives.

Net savings of the banks applied to surplus accounts and reserves for contingencies are not immediately payable as patronage refunds and would not become so under the bill. They are, however, allocated on a patronage basis and become available for distribution as patronage refunds when they are not needed for reserves and can be distributed without reducing the surplus account below an amount equal to 25 percent of the capital stock. They are, therefore, considered patronage dividends under the tax law and can be excluded from the taxable income of the bank if an amount of the patronage refunds equal to 20 percent of the net savings applied to surplus, reserves, and patronage refunds is paid in cash and the patron consents to have all of the savings so applied included in its gross income. Remaining a member of a cooperative after notice that the cooperative has adopted a bylaw requiring such consent constitutes such consent. The Farm Credit Administration contemplates the adoption of such bylaws by the banks.

At present patronage refunds can be paid only in class C stock, and the banks may retire class C stock only after all class A (Government) stock, all class B (investor) stock issued for the same fiscal period, and all class C stock of earlier issue have been retired. The bill would be effective for any bank only after all its class A stock has been retired; and the Farm Credit Administration advises that it contemplates no objections from class B or C stockholders, or adverse effect on the banks' financial condition, as a result of paying a part of the patronage refund in cash.

The bill would be applicable to any bank only when it becomes subject to Federal income tax. So long as they have any class A (Government) stock outstanding, they are exempt under 12 U.S.C. 1138c. The Government investment in one or two banks may be retired in 1965.

There are 13 banks for cooperatives, 1 in each of the 12 farm credit districts into which the United States is divided, with from 1 to 8 States in each district, and a central bank for cooperatives in Washington, D.C. Their function is to make loans to eligible farmers' cooperative associations engaged in marketing farm products, purchasing farm supplies, or furnishing farm business services (12 U.S.C. 1134c, 1141j). The banks for cooperatives were chartered by the Governor of the Farm Credit Administration under the Farm Credit Act of 1933 and today operate under that act as it has since been amended.

Aside from their capital and surplus, the banks obtain funds with which to make loans principally by selling their consolidated collateral trust debentures to the investing public. All 13 of the banks are liable for payment of the debentures and the collateral pledged for their payment consists largely of the loans made to farmers' cooperatives.

The initial capital of each bank for cooperatives was provided by the United States out of a revolving fund made available for that purpose. While each borrower was required to own a certain amount of capital stock in the bank at the time a loan was made, that capital stock could be retired after a loan was repaid if the borrower so requested and such retirement was customary. It was not until about 8 years ago that the Farm Credit Act of 1933 was amended by the Farm Credit Act of 1955 to provide effectively for the retirement of Government capital.

Under the 1955 amendments, the capital stock of the banks for cooperatives was divided into three classes with a par value of $100 per share: class A held by the United States; class B which may be sold for investment and on which dividends up to 4 percent a year may be paid; and class C which generally is issued only to farmers' cooperative associations that borrow from the bank and entitles them to vote. Aside from the qualifying share of class C stock which each borrower must own when it obtains a loan, a borrower must also invest quarterly in class C stock an amount equal to from 10 to 25 percent of the interest paid on its loan, and still further class C stock is issued to the borrowers as patronage refunds each year. In general the minimum amount of Government (class A) stock to be retired each year is the equivalent in dollar value of the class C stock issue for that year. At least one of the banks for cooperatives is expected to retire all of its Government capital by July 1, 1965, at which time it will become subject to Federal income tax. The proceeds of such retirements are paid into the revolving fund which now consists of $69,088,900 credit in the Treasury and $80,911,100 invested in capital stock of the banks for a total of $150 million. This revolving fund continues to be available for investment in capital stock of the banks if necessary.

In addition to providing for gradual retirement of Government capital, as the borrowers acquired more and more capital stock, the 1955 amendments also changed the method of operation of the banks for cooperatives to a cooperative basis in other important respects. Effective since January 1, 1956, section 36 of the Farm Credit Act of 1933 requires that a bank determine the amount of its net savings each year, after paying or providing for all operating expenses, and then specifies how such savings are to be applied. After restoring any impairment of capital stock, 25 percent of such savings are used to create and maintain a surplus account. These amounts and savings used to establish contingency reserves, if any, are required to be alocated to the borrowers on a patronage basis and eventually such allocations may be distributed in class C stock of the bank. Any remaining savings not required or permitted to be applied otherwise must be paid to the borrowers on a patronage basis in Class C stock. Such allocations and refunds constitute the patronage dividends paid by a bank for cooperatives. While the class C stock eventually may be called for retirement and redeemed in money, existing farm credit law does not permit any part of the patronage dividends each year to be paid in money. H.R. 10419 would make a portion of such patronage dividends payable in money each year as explained in more detail later.

As each bank for cooperatives retires all of the stock held in it by the United States, the bank will become subject to Federal income tax, i.e., the normal taxes and surtaxes imposed by chapter 1 of the Internal Revenue Code. Because a bank for cooperatives does business on a cooperative basis, the tax treatment of the bank and its borrowers with respect to patronage dividends paid by the bank, after it becomes subject to Federal income tax, will be governed by subchapter T which was added to chapter I of the Internal Revenue Code in 1962.

For a patronage dividend that meets the the specified requirements, subchapter T provides that the full amount shall be deducted from the gross income of the cooperative in computing its taxable income and shall be included in the gross income of the patron. This tax treatment applies not only to patronage dividends paid in money but also to account allocations and refunds in capital stock which meet the requirements for a "qualified written notice of allocation" as defined in subchapter T. One of the requirements for such account allocations and refunds in capital stock to come within the "qualified" definition is that they must be part of a patronage dividend of which at least 20 percent is paid in money or by qualified check. Since the Farm Credit Act of 1933 as it now reads does not permit a bank for cooperatives to make such a money payment, H.R. 10419 would amend the 1933 act to provide for it.

For the patronage allocations and refunds of a bank for cooperatives to "qualify" for deduction from gross income in computing its taxable income there also are certain other requirements of subchapter T to be met. One is that the borrowers who receive the patronage allocations and refunds shall consent to include them in their gross income at their stated amount. There are several ways in which such consent may be given, including a consent in writing and obtaining or retaining membership in the organization after it has adopted a bylaw providing that membership constitutes such consent. In the case of a bank for cooperatives the bylaw manner of obtaining consent is most likely to be used. The bylaw may provide that becoming or continuing as a class C stockholder of the bank shall constitute the consent.

Another requirement of subchapter T, if the patronage allocations and refunds of a bank for cooperatives are to be deductible from its gross income in computing taxable income, is that the amounts involved shall come within the definition of a patronage dividend as that term is defined in subchapter T. One element of the definition is that such amounts come out of earnings from business done with or for patrons. In the case of a bank for cooperatives, practically all or at least as much as 95 percent of its gross income comes as a result of the loans made to the farmers' cooperatives that borrow from the bank. There also may be a very minor amount of income from securities in which a bank may invest and from temporarily surplus funds that it may have loaned to other banks of the cooperative farm credit system. These latter amounts are relatively insignificant and the intention is that it should not be necessary to distinguish them from the interest collected on loans insofar as concerns being derived from business with or for the borrowing cooperatives.

BILLS PASSED OVER

The bill (H.R. 9747), to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 4149) to provide for the satisfaction of claims arising out of script, lieu selection, and similar rights, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

EXCHANGE OF PUBLIC DOMAIN LANDS WITHDRAWN FOR USE OF HANFORD PROJECT OF THE ATOMIC ENERGY COMMISSION

The Senate proceeded to consider the bill (S. 2984) to authorize the exchange of public domain lands heretofore withdrawn and withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 2, line 19, after the word "third", to strike out "parties." and insert "parties: *Provided further*, That nothing herein shall be deemed to add to, modify, or eliminate any authority of the Commission pursuant to such Acts to dispose of property."; and on page 3, at the beginning of line 1, to strike out "west half section 20, west half sections 29, 30, 31, and 32" and insert "west half section 29, and sections 30, 31, and 32"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all interests of the United States in the public domain lands lying south and west of the Columbia River, and within—

Township 14 north, range 26 east, section 28;

Township 14 north, range 27 east, section 34;

Township 13 north, range 25 east, section 14;

Township 10 north, range 28 east, sections 2, 4, and 10;

Township 12 north, range 26 east, sections 2, 4, 6, 8, 10, 12, 14, and 18;

Township 12 north, range 25 east, sections 2, 12, and 14;

Township 13 north, range 26 east, sections 28, 30, 32, and 34;

Willamette meridian, comprising approximately 10,000 acres, which lands are now withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, shall hereafter be held by the Atomic Energy Commission as an agent of and on behalf of the United States, and the Atomic Energy Commission shall exercise all of the authorities with respect thereto as provided in the Atomic Energy Act of 1954, as amended, and the Atomic Energy Community Act of 1955, as amended: *Provided*, That any disposal of such lands pursuant to such Acts shall be subject to valid existing rights in third parties: *Provided further*, That nothing herein shall be deemed to add to, modify, or eliminate any authority of the Commission pursuant to such Acts to dispose of property.

SEC. 2. All lands within the Hanford project lying north and east of the Columbia River and within—

Township 14 north, range 28 east, sections 18, 19, west half section 29, and sections 30, 31, and 32;

Township 13 north, range 27 east, sections 1, 12, and 13;

Township 13 north, range 28 east, sections 5, 6, 7, and 8;

Willamette meridian, that were acquired by the Manhattan Engineering District or by the Atomic Energy Commission and that are now under the administrative control of the Atomic Energy Commission, comprising approximately 7,000 acres, are hereby designated public domain lands of the United States subject to all of the laws and regulations applicable thereto, and are withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are reserved for the use of the Atomic Energy Commission in connection with its Hanford operations until such withdrawal and reservation are revoked by order of the Secretary of the Interior with the concurrence of the Atomic Energy Commission.

SEC. 3. The Secretary of the Interior and the Atomic Energy Commission may by agreement designate not to exceed 1,920 additional acres of public domain lands reserved for the Hanford project, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 1 of this Act, and acquired lands of approximately equal value under the administrative control of the Atomic Energy Commission, which shall thereafter be held by the Atomic Energy Commission in accordance with the provisions of section 2 of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1456), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 11960 is designed to give the Atomic Energy Commission jurisdiction over some of such public lands and, at the same time, retain the approximate balance that has been in effect between acquired lands and public domain lands. This would be accomplished by the transfer to Commission jurisdiction of 10,000 acres of public lands in exchange for 7,000 acres of acquired lands that would be given the status of public lands. The 10,000 acres of public lands to be transferred to the Commission are in a compact unit of an area that will not be required to active operation of the Hanford project.

ESTABLISHMENT OF SAINT-GAUDENS NATIONAL HISTORIC SITE, N.H.

The bill (H.R. 4018) to authorize establishment of the Saint-Gaudens National Historic Site, N.H., and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1458), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 4018, by Representative CLEVELAND, is to authorize the Secretary of the Interior to accept, as a gift to the United States, the home of Augustus Saint-Gaudens at Cornish, N.H., and other structures and the lands associated with it and to administer the same as a unit of the national park system. It also provides for the acceptance of a gift of $100,000 or more which the present owners of the property expect to donate in order to further the purposes of the bill.

NEED

Augustus Saint-Gaudens (1848–1907) was one of the most important figures in American cultural history and one of the great sculptors of his day. Among his best known works are those of Lincoln, now in Chicago; Sherman, now in New York City; Farragut, also in New York; and the Adams Memorial, in Rock Creek Cemetery.

Much of Saint-Gaudens' work was done at Cornish. He made this his summer home beginning in 1885 and his year-around home during the last 7 years of his life.

The property to be acquired under H.R. 4018 includes about 86 acres of land, Saint-

Gaudens' home (a brick house built about 1790 and remodeled and rehabilitated under his direction while he lived there), his studio along with many of his works, papers, and books, other and newer structures known as the new studio and picture gallery, the memorial in which the remains of Saint-Gaudens and his wife rest, and accessory buildings.

Acquisition and administration of the Saint-Gaudens Memorial will be in keeping with the purposes of the Historic Sites Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). It has been recommended not only by the Secretary of the Interior but also by the National Advisory Board of National Parks, Historic Sites, Buildings, and Monuments.

The National Park Service already administers many sites connected with the lives of great statesmen, military leaders, financiers, and inventors. The partial rounding out of this picture by the addition of Saint-Gaudens' home will serve as evidence of the importance which the American people rightly attach to the cultural development of the Nation and to the contributions of one of their great fellow citizens in this field.

COST

The lands and buildings to be acquired under H.R. 4018 will be donated to the United States, as will approximately $100,000 or more in endowment funds. Certain rehabilitation and development costs, however, will be associated with the project—approximately $200,000 as presently estimated. It is also estimated that the annual operation and maintenance costs will run about $40,000 per year.

RECREATIONAL FACILITIES AT SANFORD RESERVOIR AREA, CANADIAN RIVER PROJECT, TEXAS

The Senate proceeded to consider the bill (H.R. 8135) to provide for the establishment and administration of public recreational facilities at the Sanford Reservoir area, Canadian River project, Texas, and for other purposes.

Mr. BIBLE. Mr. President, the senior Senator from Texas [Mr. Yarborough] has been most diligent in urging consideration of this bill. His efforts have contributed to the action the Senate is taking today in approving this very desirable recreation development on the Sanford Reservoir.

The bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1461), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

H.R. 8135 would provide for the establishment and administration of public recreational facilities in the Sanford Reservoir area, Canadian River project, Texas. This legislation is supplementary to the act of December 29, 1950, which authorized the construction of the Canadian River project, in that it provides for development of the recreational potential of the Sanford Reservoir which was authorized by that act.

BACKGROUND

The Canadian River project is located in northwest Texas. It includes the Sanford Reservoir, a multiple-purpose impoundment on the Canadian River with the dam located about 38 miles northeast of Amarillo and 13 miles west of Borger. The project also includes an aqueduct system to deliver supplemental municipal and industrial water to Amarillo, Borger, Brownfield, Lamesa, Levelland, Lubbock, O'Donnell, Pampa, Plainview, Slaton, and Tahoka. The project will provide flood control and fish and wildlife benefits, and nonreimbursable allocations to these purposes are authorized. While recreation was included in the authorizing act as a project purpose, there is no present authority for making the cost thereof nonreimbursable.

Construction of the Canadian River project is now underway. It is scheduled for completion in 1967. The first storage of water will occur in 1965. The project will cost about $98,875,000 and the Canadian River Municipal Water Authority is already under contract to repay $92,960,000 with interest. The remainder of the cost is allocated to flood control and fish and wildlife. A fish and wildlife development plan has been approved calling for the expenditure of $790,000. The National Park Service completed in 1962, with funds transferred from the Bureau of Reclamation, a study of recreation development at Sanford Reservoir. The public use plan proposed as the result of that study is presently being reevaluated in the light of current policy with respect to the Federal Government's responsibilities for development of recreational facilities.

The Canadian River project is the only Federal reclamation project presently under construction where recreation development is not authorized on a nonreimbursable basis. The enactment of this legislation would correct this inconsistency.

The Sanford Reservoir is conveniently located to serve the outdoor recreation needs of a sizable population in Amarillo and other cities in the general area. It is well suited for outdoor recreation activities, especially those made possible by a sizable expanse of lake surface. Development of the recreation potential would provide much needed opportunities for fishing, picnicking, camping, boating, water skiing, and waterfowl hunting. Speedboating and water skiing should be especially popular on the lake because of the expanse of lake surface provided. In addition, it is expected that there will be a big demand for those services and accommodations that may be provided by non-Federal facilities.

COST

The cost involved in the enactment of this legislation will not exceed $1,100,000.

PROMOTION OF DEVELOPMENT OF PHOSPHATE ON THE PUBLIC DOMAIN

The bill (S. 2500) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 27 of the Act of February 25, 1920, as amended (30 U.S.C. 184), is further amended to read as follows:

"(c) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under sections 181–184, 185–188, 189–192, 193, 194, 201, 202–209, 211–214, 223, 224–226, 226—2, 227–229a, 241, 261, 261–263 of this title or otherwise, phosphate leases or permits on an aggregate of more than twenty thousand four hundred and eighty acres in the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1459), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of S. 2500, which was sponsored by Senator Lee Metcalf, of Montana, for himself and Senators Mansfield, Church, Jordan, and Moss, is to increase the amount of acreage that any one person, association, or corporation can hold under phosphate lease on Federal lands to a maximum of 20,480 acres. The present limitation is 10,240 acres.

The bill would accomplish this purpose by amending section 27(c) of the Mineral Leasing Act of 1920, as amended (41 Stat. 448; found in 30 U.S.C. 184(c), supp. IV).

The need for an increase in the maximum allowable acreage in order to further development of the phosphate deposits in the publicly owned lands of the United States was established clearly in the committee's hearings by officials of the executive branch and representatives of the phosphate-producing industry. Statistics of the Bureau of Mines show that of a total production of 56.7 million tons in 1962, some 53.4 million tons were mined from private lands in Florida and Tennessee and only 3.3 million tons were produced in the Western States; this is in spite of the fact that the western field contains about 75 percent of the known phosphate reserves in the country.

Within the past 15 years, there has been an increasing demand for phosphate fertilizers and there is every indication that this demand will continue to grow. In recent years the western market for this product has increased at a rate of about 6 percent per year. Data from the U.S. Department of Agriculture show that in the last 10 years, use of fertilizer rose twofold in Montana and Oregon, 2.5-fold in Idaho, and fourfold in Washington. Nationally, the industry forecasts a rise of 65 percent in the next 10 years. Spokesmen for producers assured the committee that companies in the West are anxious to participate in this growth, and are convinced that production can be expanded, provided they have sufficient ore reserves for long-term development.

Because of substantially greater distances to markets and higher mining costs resulting from physical conditions and lower grade ores, western phosphate producers are at a decided competitive disadvantage with other producing areas, in this country and in the world.

The problem is not, of course, confined to the Western States. As was brought out at the committee hearing, S. 2500 is important to the country as a whole. The domestic phosphate industry must be encouraged, or foreign competition, either from foreign companies or from American companies located abroad, may cause the United States to become dependent upon oceanborne sources of supply for a commodity vital to our agricultural supremacy.

Present-day costs for all mining activities in the United States are continuing to increase; mechanization, while necessary, is expensive. Assured availability of substantial deposits of a mineral are requisite to warrant the large investments now necessary to develop deposits.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the

Senate completes its business tonight, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON AGRICULTURE AND FORESTRY TO FILE REPORTS, TOGETHER WITH MINORITY VIEWS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry have until midnight tonight to file reports, together with minority views.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may have the right to sit during the session of the Senate tomorrow until 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

THREE-YEAR EXTENSION OF SPECIAL MILK PROGRAMS FOR THE ARMED FORCES AND VETERANS HOSPITALS

Mr. MANSFIELD. Mr. President, once again I ask unanimous consent to return to Calendar No. 1389, H.R. 9747.

There being no objection, the bill (H.R. 9747) to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1454), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 9747) to extend for 3 years the special milk programs for the Armed Forces and veterans' hospitals, having considered the same, report thereon with a recommendation that it do pass without amendment.
>
> This bill extends the Armed Forces milk program for 3 years, through December 31, 1967. Under this program the Commodity Credit Corporation makes dairy products acquired through price support operations available to veterans' hospitals, the Army, Navy, Air Force, and Coast Guard, and the Merchant Marine Academy after they have purchased their usual quantities in the normal channels of trade.

SATISFACTION OF CLAIMS ARISING OUT OF SCRIPT, LIEU SELECTION, AND SIMILAR RIGHTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to return to the consideration of Calendar No. 1390, H.R. 4149.

There being no objection, the bill (H.R. 4149) to provide for the satisfaction of claims arising out of script, lieu selection, and similar rights, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1455), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED

> The United States historically issued scrip or similar certificates redeemable in land in payment of various services rendered to the United States or for rights relinquished to the United States. Persons who relinquished lands or interests in land to the United States were granted rights to select other lands in lieu thereof, giving rise to the term "lieu selection rights."
>
> The last such scrip or lieu selection rights were issued by the United States in 1907. Because virtually none of the scrip rights carried an expiration date, they remain as an indefinite charge against the public lands of the United States to which they are applicable. Some, when issued, were made applicable to any public lands subject to "private entry"; others were limited to agricultural lands.
>
> The act of August 5, 1955 (69 Stat. 534), required that all holders of scrip and similar rights, including military bounty land warrants, record their claims within 2 years thereafter or not later than August 5, 1957, and provided that claims not presented for recordation should not thereafter be accepted by the Secretary of the Interior "as a bonus for the acquisition of lands." A procedure for notification to claimants was set up in that act. In recommending that legislation, the Department of the Interior stated:
>
> "Once the amounts of the various scrips and rights which remained to be satisfied are definitely determined, the Department will be able to formulate a procedure for satisfying them."
>
> The act of July 27, 1962 (76 Stat. 246), repealed obsolete laws relating to military bounty land warrants and provided for the cancellation of those warrants that had not been recorded under the 1955 act.
>
> The committee was advised in February 1963 that there were 462 pieces of scrip, other than military land bounty warrants, recorded under the 1955 act, representing 16,522 acres of land. In March 1964 the committee was advised that the amount of valid scrip still outstanding is less than 12,000 acres.
>
> The holders of the recorded scrip and similar rights are entitled to the land that the United States pledged to their predecessors in interest. At the same time, however, increasing competing demands for land have made it more and more difficult for scrip holders and the Department of the Interior to agree upon land that can be exchanged for the scrip and similar rights. While the recorded scrip remains in existence it represents a continuing threat to proper management and disposal programs that may be authorized for the public lands.
>
> Enactment of H.R. 4149 will provide procedures to assure that scripholders will have a reasonable selection of public lands from which to choose in satisfying the rights they hold. The bill also provides that if these rights are not exercised by January 1, 1970, or, in the case of soldiers additional homestead claims, by January 1, 1975, a cash settlement will be effected. In any event, all scrip will be retired under this legislation not later than January 1, 1975.

COST

> The committee is of the opinion that, given the opportunity of a reasonable selection of public lands, holders of scrip and similar rights will seek to redeem those rights for land and will not be interested in a cash settlement. However, to the extent that land is not obtained in exchange for scrip, funds, which we believe will not exceed $1 million, will be required in order to satisfy claims that may remain in existence on January 1, 1970, or, in the case of soldiers additional homestead claims, January 1, 1975.

CIVILIAN PATROL INTERNATIONAL AIR CADET EXCHANGE

Mr. HUMPHREY. Mr. President, each year it is my great privilege to discuss for the RECORD the activities of the international air cadet exchange, sponsored by the Civil Air Patrol. This year's program, as those in the past, must be judged an outstanding success.

Twenty-two nations participated in the exchange program this year. A gala banquet honoring the exchange cadets was held on Monday, August 10, 1964, in the Presidential Room of the Statler Hilton Hotel. The distinguished Senator from Nevada [Mr. BIBLE] and the Honorable Victor L. Anfuso, justice of the Supreme Court of the State of New York, delivered the principal addresses.

For 17 years, the Civil Air Patrol has arranged for CAP cadets to visit other countries in an exchange program which has brought their counterparts to the United States.

These young men are chosen for their outstanding qualities of leadership, character, and citizenship, and for their academic achievements.

The CAP exchange is effective for many reasons. First, it begins with young men who already have a basic, common area of understanding and interest—aviation. Second, the CAP do not just visit the District of Columbia and New York; they go into all parts of our Nation to visit our great cities and the people in them. Third, the CAP exchange, although conducted with the full cooperation of the U.S. Air Force, is essentially a voluntary and private program strengthened by the support of many individual citizens, organizations, and business firms.

For many years, I have been an active supporter of the CAP international air cadet exchange program. I have worked closely with Col. Barnee Breeskin, who is in charge of arrangements in Washington for the program. Several times I have been privileged to address the cadets in the annual farewell dinner in Washington.

Some of the distinguished guests at this year's banquet include:

Michael Manatos, special assistant to the President; John McNally, White House; Commissioner John B. Duncan; Assistant Postmaster General Ralph Nicholson; Congressman William L. St. Onge, of Connecticut; Maj. Gen. E. B. LeBailly, USAF, Director of Information, Department of the Air Force; Congressman Melvin Price, of Illinois; Col. Roy St. Lewis, CAP Board of Directors; Lt. Col. Shale L. Tulin, commander, USAF

Band; Congressman James Morrison, of Louisiana; Col. Joe L. Mason, national commander, CAP; Col. Russell Ireland, Deputy Chief of Staff for Personnel; Col. Paul Turner, chairman of the board, CAP; Col. Stanhope Lineberry, commander, Middle East region, CAP; Col. Paul A. Fonda, Northrop International, board of directors, CAP; Dr. Robert Ladner, counselor, Austrian Embassy; Deputy Under Secretary for Transportation, Department of Commerce, Lowell K. Bridwell; Henry G. Catucci, vice president, Washington, D.C., Western Union International, Inc.; John A. Lang, Jr., administrative assistant, Office of the Secretary, Department of the Air Force; Benjamin W. Fridge, Special Assistant for Manpower, Personnel, and Reserve Forces, Department of the Air Force, Office of the Secretary; Patrick P. O'Carroll, Director, Federal Bureau of Narcotics Training School, Treasury Department; Lt. Col. William H. Schulie, chairman, IACE, New York program; Col. Daniel E. Evans, commander, National Capital wing, CAP; Col. Edward M. Kirby, director of public relations, USO, New York; Col. Milton Kronheim; Col. Donald Peck, USAF; Lt. Col. Fred Schleger; Lt. Col. Foley D. Collins, Jr.; Arthur W. Hummel, Jr., Deputy Assistant Secretary of State for the Bureau of Educational and Cultural Affairs; Congressman John L. McMillan, of South Carolina; Lawrence Wyatt, Director of International Program Relations, HEW; Edward Sylvester, Deputy Administrator of the Bureau of International Labor Affairs, Department of Labor; Glenn B. Eastburn, vice president, New York Airways; Edward F. McGinnis, vice president, Seagram & Sons, Inc., New York; Herbert C. Blunck, vice president and general manager, Statler Hilton; Charles A. Cogliandro, president of the Calabrian Co., New York; Arthur J. Bergman, manager, National Guard Armory; W. Chester Martin, President of the Washington, D.C., Board of Trade; and Col. Barnee Breeskin, Washington, D.C.

Senator BIBLE delivered a most outstanding address on the vital services which the Civil Air Patrol performs in the United States and the great value of the international exchange program in fostering good will and understanding among the participating nations. His remarks deserve the careful attention of the Senate and all persons interested in the future of aviation.

Justice Victor L. Anfuso also delivered a stirring address on the importance of youth in our democratic system of government. The Honorable John B. Duncan, Commissioner, District of Columbia, Michael Manatos, special assistant to President Lyndon B. Johnson, and Mr. Laurence Wyatt, Acting Deputy Assistant Secretary for International Affairs, Department of Health, Education, and Welfare, also made interesting and timely remarks.

The distinguished Member of the House of Representatives from South Carolina [Mr. McMILLAN], gave some idea of the value of the international air cadet exchange in a letter to Barnee Breeskin. The State of South Carolina entertained the air cadets from Peru and exposed them to the traditional southern hospitality and friendship.

I ask unanimous consent that these speeches and the letter from Representative McMILLAN be printed at this point in the RECORD.

There being no objection, the speeches and letter were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR ALAN BIBLE

This occasion, I understand, is billed as a farewell dinner. It formally marks a close to activities at the U.S. end of the 17th annual international air cadet exchange. Tomorrow you cadets and officers from other lands will be heading out to Andrews Air Force Base for your trips home. Yet, for my own part, I feel this is more a time to say welcome than a time to say farewell.

I am sure you have been made welcome during your visit in our country. You have seen our Capital and some of our major attractions. You have seen many of our States. You have visited many places, done many things and—most important—met many of our people. I am sure they have all said welcome in one form or another. Still, I feel I would be derelict if I did not do my own part in this address tonight to make you feel welcome and to know that we have valued your friendship and enjoyed your visit.

Speaking of welcomes, I believe it is in order for me to extend a special greeting to the Austrian cadets and officers seated here at the head table. This is Austria's first participation in the international exchange but I trust not the last. I hope you have benefited from the visit as much as I know our country has. The Civil Air Patrol cadets from the United States who went to Austria will, I know, be enriched for their experience. Speaking personally, I hope the United States has retained a bit of Austria and Austria a bit of the United States from this exchange of visits.

This goes for all the visitors, too, of course. If you have found the exchange of visits as interesting and exciting as have your predecessors—if you have gained a better understanding of other nations—then we can ask no more.

Doubtless there will be even more nations participating in this program next year if the speed with which this program has grown is any indication. That is as it should be, and I would like to use this forum as a means to extend thanks to those private individuals, groups and business firms who have done so much, in cooperation with the U.S. Air Force, in making this program work and grow.

I know, for an example, that we have Pan American Airways to thank for this fine banquet.

Still another welcome: This one to Col. Joe Mason, of Ellington, Tex., the new national commander of the Civil Air Patrol. This is an excellent occasion for me to extend my best wishes to Colonel Mason. I know he will carry on the great tradition of the Civil Air Patrol in the United States.

It is most fitting, perhaps, that a Senator from Nevada is given the privilege of delivering this address to the closing banquet of the international air cadet exchange. My State did not take part in the program this year as it has in past years, so I am something of a substitute. I suppose Nevada has to give other States a chance, but I can assure you my State will be looking forward to renewing its participation in future years.

As much as any State—if not more—Nevada is interested in aviation and in the Civil Air Patrol. I know personally that the Civil Air Patrol fills a vital need in my State. Nevada is wide and vast. It has many mountains and, although it is growing, it has few people. There are vast stretches of remote and largely unsettled terrain. You must see Nevada to understand this and to understand why it has been possible for aircraft to become lost and remain lost for years in Nevada's wilderness.

Thanks to the Civil Air Patrol, aircraft do not remain lost so long any more. The volunteer flyers of the Civil Air Patrol, with no compensation except for the gas and oil they use in their own aircraft, have flown countless search and rescue missions in Nevada. There are many who owe their lives to the CAP.

An example of this was the rescue reported in the Air Force Blue Book in 1961. A private plane carrying five persons including a 6-year-old girl crashlanded high in the eastern Nevada mountains in subfreezing weather. This occurred in one of the remote Nevada mountain regions I mentioned—somewhere among the many desolate ranges. There was little to go on, and there was heavy snow and 40-mile-an-hour winds to contend with, but a member of the East Ely cadet squadron in White Pine County discovered the missing aircraft on one of his sorties. He returned and, despite the bad weather and the high altitude, made five drops of food, sleeping bags, and medical supplies.

Another senior CAP cadet from Ely led the ground party which snowshoed into the area and rescued the five victims. All five were hurt—one had a broken back—but all recovered.

This is just an example. There have been other dramatic rescues. Some have not turned out so well, but it has not been the fault of the Civil Air Patrol.

This is why I have always been an enthusiastic supporter of the Civil Air Patrol. This is why I consider it an honor and a privilege to take part in this banquet tonight.

My respect for the Civil Air Patrol only increases my respect and admiration for this cadet exchange program which has brought us all together tonight. A friend of mine whom most of you have probably met at one point or another during your visit has played an important role in the exchange program over the years. I am speaking of Col. Barnee Breeskin, who heads up the Civil Air Patrol's Washington office and who pretty much runs the show for the exchange program here. Ten years ago, when the program was still in its infancy, Colonel Breeskin was a senior escort with a group of CAP cadets visiting Italy. To say he was enthusiastic about the program is an understatement. Let me read a brief portion of an article he wrote about the trip and the program. I am quoting directly:

"It is wonderful to see the changes wrought in these boys in just 3 weeks. Their understanding of the problems that face other nations increased along with their understanding and acceptance of the manifold customs, traditions, and national points of view represented by each of the countries participating.

"My adventure with the exchange was one of the greatest experiences of my life. It showed me again that kids are kids all over the world."

If all of you from the 22 nations represented here tonight have picked up just a portion of that kind of enthusiasm and understanding, this program will have more than served its purpose for all our nations.

Frankly, I am more than ever impressed with this program. It all started on a rather minor scale in 1948, as you know. That was when the United States and Canada got together to exchange visits between our Civil Air Patrol and their Air Cadet League. Now look at it. Hundreds of aviation-minded young people are benefiting from the program. This includes the 145 Americans visiting your countries and your 188 cadets visiting here this year. This is fostering closer friendship and better understanding among air-minded people in Europe, the Near East and North, Central and South America.

There have been all sorts of exchanges in recent years, all of them beneficial I am sure, but it strikes me that this exchange among youth interested in aviation has a special importance to our world's future.

It is aviation which has shrunk our planet and made it easier for peoples of every race and nationality to know one another better. At the same time, however, it is aviation which has done so much to give death and destruction of war the awesome global character it has assumed in this century. Those of us who have been around a good many years have witnessed an unbelievably rapid development in aviation. As in many fields, man has developed aviation faster than he has been able to adapt to the changes aviation has brought.

What I am saying is that aviation is a terribly vital factor in peace and in war. It is a wonderful tool with which to build lasting peace—and it is an awesome weapon with which to wage war.

It is my hope—as I know it is the hope of all of you taking part in this exchange—that the experience and understanding we gain from the program will play an important part in making certain this generation and those which follow will use aviation as a constructive tool and not as a destructive weapon. Let us build peace with aviation. Let us all pit our efforts into guiding aviation for the lasting benefit of all mankind.

REMARKS OF JUSTICE VICTOR ANFUSO, NEW YORK STATE SUPREME COURT

Mr. Toastmaster, distinguished guests, visiting cadets, friends, it has been my good fortune to attend several of these functions in the past and I have always enjoyed them. This is truly a most important program of international friendship and good will, and I should like to see it grow in the years to come.

Let me first, however, pay tribute to one who is doing a magnificent job in helping to arrange these exchange tours, one who has worked for many years with the Civil Air Patrol in promoting this very worthwhile program—and I mean none other than your good friend and mine, Col. Barnee Breeskin. During the many years of my service in the Congress of the United States, I have come to know him intimately. He is a gentleman par excellence, a man who takes great pride in the city of Washington and, in fact, is often called Mr. Washington, and one who is very devoted to the cause and the ideals represented by the Civil Air Patrol.

I want to congratulate the Civil Air Patrol and the U.S. Air Force for sponsoring this exchange of civilian airminded young men each year and for giving us the opportunity to meet these fine young men from abroad and to let them learn as much about our country as they may wish.

I regard this exchange program as a most effective and practical way to foster fellowship among the youth of these nations and a closer relationship now and in the future for the defense of our common interests and Western civilization. You young men have been chosen because of your fine character, qualities of leadership, academic achievements, and good citizenship. You have visited all parts of our country; you have had the opportunity to meet and to talk with Americans from all walks of life. We have placed no restrictions upon you.

No doubt you have read or heard about the recent riots we have had in New York. This has been indeed unfortunate because New York has always been a haven for all people regardless of their race, color or national origin. It has indeed been the melting pot of the world. It has given equal opportunity to everyone whether he came from the deep south or from any other country in the world.

Besides the riots, there have been some inflammatory statements made by certain individuals that the rioters should "kill cops and judges." The utterances and publicizing of such statements are positive proof of the complete freedom of speech that exists in America and I admire our American reporters who take all kinds of risks to get the news and have it printed. The free publication of this and other events makes our people as well informed as any bureaucrat. Thus when they sit on juries or cast their ballots on election day, the entire world can rest assured that the American people invariably come up with the correct decision.

I have a strong suspicion that the cause of these riots is not the new civil rights law we have placed on the statute books. Most Americans agree that this civil rights law has been long overdue. It was passed by the majority of legislators of both major political parties so that it truly represents the will of the great majority of our people. Naturally those who lost certain privileges which they had long enjoyed feel somewhat disappointed. But it is not even these people who are responsible for the riots. Nor can the blame be placed on those who benefited by the passage of this law. In my humble judgment the finger of guilt points to the extremists in our society who have no respect for law and order—to those who would lynch a person accused of a crime before bringing him to trial; to those who take the law in their own hands whenever they are in disagreement with the law.

I don't care what you label such people, whether you call them Communists, leftists, or extreme rightwingers—it doesn't matter. The fact remains that these are lawless people and you can assure your respective countries that we will deal with them as such. The American people fully realize that to invite opposition to any particular law will encourage the violation of other laws making the country an easy prey for subversion. Therefore, in dealing with this new crisis, without sacrificing any of our democratic principles, we will strengthen rather than weaken our national and State laws dealing with criminal anarchists and those who practice rioting to undermine our form of government.

I said before that these riots will have the effect of strengthening America and our democratic system. I say this because free men and women who love their liberty, in full cooperation with our President and all duly elected government and State officials, will ferret out this vermin from our society as we have done in times past. The United States is still a rough diamond in many ways, needing smoothening and polishing here and there—but a diamond it is, owned not by a small ruling class for there is no such thing as a small, large, or medium class in the United States.

We as Americans love our liberty so much that we have fought a war of independence, a civil war the end of which united our country as it had never been united before. We have also sent millions of our boys to foreign shores who have sacrificed their lives that free men all over the world can remain free.

We have hidden neither our strength nor our weaknesses—and like all human beings we have plenty of those. But we try to solve and overcome our weaknesses in a democratic way and not by force or coercion. Perhaps, this is the strength of America.

So I say to you young men who have been in our midst these past few weeks: As you return to your homes, to your countries, tell your people the truth about the United States, the truth as you saw it with your own eyes and heard it with your own ears. Ours is a noncamouflaged showcase of how freedom works without emphasizing the good or minimizing that which is bad. Tell them of our efforts to root out the last vestiges of discrimination in this country—and tell them we will be successful; tell them of our sacrifices in money, in food, and materials to help rehabilitate the countries devastated during World War II and the underprivileged and undernourished countries which have emerged since that war.

And tell them also that America is still the land of freedom, the land of opportunity, the land of human dignity. If you want evidence, I can testify to it. Here stands before you a man who was born abroad in poverty, in a land where opportunities for success are limited. I came to this country as an immigrant at the age of 9, with a widowed mother and several sisters and brothers. We had to struggle for a roof over our heads, for our daily bread, for an education. It did not come easy, but the United States gave us all the opportunities to obtain those necessities and more. I have risen to become an attorney, a political leader, a city judge, a Member of Congress for 10 years where I served on the Committee on Science and Astronautics, and for the past 2 years I am a justice of the New York State Supreme Court.

All of this is not being related to you in a boastful manner. It is done primarily for the purpose of emphasizing to you as clearly as possible that the United States is truly a democratic country where every man has the opportunity to acquire an education and to improve his own position in life according to his capabilities and talents.

And now as I salute you as you prepare to leave our shores, permit me one final word—

Remember that those who have the most at stake in the future are the youth. This means you. If the youth of the world working together cannot contain the hate and the venom that has infiltrated our society and is now spreading into every corner of the world, then a monstrosity will be created far more devastating than any atomic bomb, which will rob you not only of your youth but of everything else that makes life worth living.

STATEMENT OF COMMISSIONER JOHN B. DUNCAN AUGUST 10, 1964—6:30 P.M.

Mr. Chairman, members of the international air cadet exchange, and distinguished guests, once again it is my great privillege to extend to a group of international air cadets the heartiest welcome of the city of Washington, the Capital of this Nation.

I say "again" because this is the third time that I have had the opportunity to meet with the air cadets from foreign countries.

You have been in our city for several days and I trust that by our hospitality and the manner in which you were received you have already felt our welcome. In my capacity as Commissioner for the District of Columbia and speaking for the Board of Commissioners I now affirm this welcome, officially and personally. We are very happy that you are visiting our city. We hope that your stay has been pleasant and informative.

Washington, D.C., congratulates the Civil Air Patrol, the U.S. Air Force, our chairman, Barnee Breeskin, the political and civic leaders, and the many volunteers throughout the country who have given so much of their time and effort to make this, the 17th year of the international cadet exchange so highly successful.

I especially want to welcome the air cadets from Austria. It is my understanding that this is the first year in which Austria has participated in the exchange program. We are very happy to have you join us. I am also proud to tell you that a young man from the Washington area was selected for the exchange program this year. Cadet S. Craig Gillis departed from Washington 3 weeks ago. His destination—Vienna, Austria.

I recognize that you are practically at the end of your scheduled trip in this country and that, therefore, I should say "goodbye" and wish you a pleasant journey home. But this would be like saying "hello" and "goodbye" in the same breath. I do not see it that way. This is not a goodbye, this is a beginning. This is the beginning of a friendly and constructive international relationship which will endure over the years to come.

As you progress in your career development there will be many opportunities for continuing international exchange of people and ideas at all levels of professional activity. The program in which you have now participated and which was so ably organized by the Civil Air Patrol has given you an introduction to what the future holds in store for you. You will visit other countries and, I hope, you will visit us again. Our young men will visit your countries, all will learn from each other and gain the maximum benefits of aviation advances in this rapidly progressing airminded age. But you are much more than just airminded, you have been chosen for your demonstrated qualities of leadership, for your academic achievements, and for your good citizenship. With this solid foundation, I am sure you will go far in building international understanding and good will in whatever activity or profession you choose.

It is when I contemplate these aspects of international exchange that I realize your visit has been all too short. Our cadets, returning from your countries, have confirmed this. They, too, would have liked to stay longer, see more, and get better acquainted. But even in this time allotted to exchange cadets much certainly has been gained in human relations.

So, again, not "goodby," but I bid you "farewell" until we meet again.

REMARKS OF MICHAEL MANATOS, SPECIAL ASSISTANT TO THE PRESIDENT

It is a great privilege to be with you this evening and convey to you the best wishes of President Johnson. It is his sincere hope that your participation in the International Air Cadet Exchange has been enjoyable and profitable, and in the years ahead will prove to be memorable as well.

I would like to take this opportunity to assume the role of spokesman for those American communities and families which were fortunate enough to serve as your hosts during your stay in the United States. In their behalf, I want to say we enjoyed having you visit us.

The homelands to which you will soon be returning should be proud of their youthful ambassadors, just as we are very pleased to say it was both an honor and privilege to have you with us. In this connection, I would like to pay a special salute to our guests from Austria. I understand this marks the first time Austria has participated in this fine program. We sincerely hope that you have found your visit enjoyable and beneficial. We would like to have you come back.

As you get ready to go back, you will be crossing paths with American youths who have been visiting your countries during the time you have been here. They, too, will be carrying back in their hearts the memories of your people, the new places they have seen, the fun they have had, the new things they have learned, last but not least, the new foods they have savored.

These experiences—yours and theirs—come rarely in the lifetime of the average youth. They are to be cherished. But more important, these experiences can be put to work for the benefit of man. Talk about them as we would want our American boys to talk about theirs when they return. Talk to your friends and your families about the impressions you gained here. Tell your people about America. You will have much to talk about. It is hoped that your memories of things here will all be pleasant. America has problems but as a people we are no different, basically, from other people who live peacefully with one another, while finding answers to our problems.

It will be good for all of us to keep in mind that human progress, mutual respect, understanding and freedom—these precious objectives are often won only after differences of opinions are reconciled, through discussion and education, through give and take and through realization that man cannot be denied his birthright.

Be understanding of our problems as you go back. We want your understanding, we want your moral support. All of us here tonight seek a better world, by putting in order those things within our own houses that need action and by promoting trust and understanding between ourselves, on an international level.

You have been called "Ambassadors with Wings." Spread your wings now. Join the almost 5,000 other alumni of the international air cadet exchange who have taken part in this program since its beginning in 1948. Through the medium of aviation—which offers the best possible means for face-to-face communication—let us work together to achieve mutual understanding and good will. Let us help each other realize our common aims of achieving both internal and international peace and prosperity.

And now I wish you a safe, speedy flight home.

REMARKS OF MR. LAURENCE WYATT, ACTING DEPUTY ASSISTANT, SECRETARY FOR INTERNATIONAL AFFAIRS, HEW

Mr. Toastmaster, it is a privilege to represent the Secretary of Health, Education, and Welfare, the Honorable Anthony J. Celebrezze, in welcoming air cadets from 22 countries who are the quests of honor at this dinner. I understand that this is the 17th year of the Civil Air Patrol International Air Cadet Exchange Program. Over these 17 years great value has undoubtedly come from this international exchange program, and has led to its successful continuation and expansion. I know that you cadets here tonight have left with us in the United States a greater appreciation of your countries, as well as increased understanding of the role of aviation as one of the ties binding our countries closer together.

In the Department of Health, Education, and Welfare we have much opportunity to benefit from international exchange. We receive some 7,000 visitors to the Department each year from other countries. Most of them come to learn or train in the United States, but we have found that these visitors also help us to learn and benefit from the experiences of other peoples in meeting their needs in education, health, welfare, and rehabilitation. Moreover, this also is a real two-way exchange of people and ideas. For example, each year many U.S. teachers go to other countries to teach, while their counterparts in the other countries come here to teach in our schools.

I would like to make one other point. The Civil Air Patrol and the operations of the Department of Health, Education, and Welfare both reflect, I believe, an important fact about how we try to meet our needs in the United States. The CAP is an outstanding example of the working together of private citizens and voluntary agencies and governmental agencies—in this case, of course, the U.S. Air Force. The vigorous programs and activities in this country in health or education or welfare are likewise close to the people and involve the active participation of the people. These programs are mainly developed and carried out at the local or State levels, through an interaction of voluntary organizations, and local and State governments and the Federal Government. The Department of Health, Education, and Welfare, administers some programs directly (social security), but generally its role is to assist, advise, give financial support, with the basic responsibility in the States and in the communities. This successful working together—this partnership, in the words of President Johnson—of individuals, voluntary agencies and the various levels of Government reflects our pluralistic society. In diversity there is strength, "E pluribus unum."

Again, it is a pleasure to welcome you and to give you, on behalf of Secretary Celebrezze, warmest wishes for your return voyages and for the future.

CONGRESS OF THE UNITED STATES,
HOUSE DISTRICT COMMITTEE,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 28, 1964.

Mr. BARNEE BREESKIN,
Washington, D.C.

DEAR BARNEE: I feel highly honored to be selected as one of your friends to attend the International Air Cadet Exchange dinner at the Statler Hilton Hotel on August 10, 1964.

I do not know of anyone that could have arranged to have young cadets from 22 different countries attend a dinner in the Nation's Capital except "Barnee Breeskin."

Meetings of this nature are certainly calculated to be of great assistance in having the people of our Nation understand the problems of other nations and also give the young men of other nations an opportunity to understand our problems and our way of living in the United States.

We were delighted to have the Peruvian Cadets visit the State of South Carolina and I sincerely hope that the climate and the people of my State made a good impression on our visitors from Peru.

With kindest personal regards, I am,
Sincerely yours,
JOHN L. MCMILLAN,
Member of Congress.

ADDRESS OF CARL T. ROWAN, DIRECTOR, U.S. INFORMATION AGENCY, BEFORE THE NATIONAL CONFERENCE OF THE URBAN LEAGUE, LOUISVILLE, KY.

Mr. HUMPHREY. Mr. President, I call to the attention of my colleagues the excellent address of Carl T. Rowan, Director, U.S. Information Agency, at the National Conference of the Urban League, Louisville, Ky., on August 5, 1964.

Mr. Rowan discusses in some depth the current situation of the Negro in American society. He urges, in particular, that Negroes now seek to work within the framework of law which has been established by the Civil Rights Act. To this Senator, such advice is both appropriate and sound.

I ask unanimous consent that this address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY CARL T. ROWAN, DIRECTOR, U.S. INFORMATION AGENCY

Mr. Young, Mr. Steeger, ladies and gentlemen, I have spoken to several Urban League gatherings in past years, both at the national and local level, but never under circumstances so sobering and demanding as those that prevail tonight.

My task is difficult, not only because of the ugly, explosive developments of recent weeks, but also because of the sinister rumblings from the shadows where men lurk with seemingly insatiable desires to exploit the racial fears and frustrations of the American people.

My task is difficult, not merely because of the tenseness of the situation, but also because of what I am and what my responsibilities are: on the one hand I am a Negro with a vital desire, indeed a fierce determination, to see that my children escape the degrading shackles of racism; on the other hand I am a public official whose job it is to help protect this country's reputation abroad, and an American citizen eager to see his country bind up wounds and wipe out scars of a conflict that should have been forgotten decades ago.

My difficulty is not that there is any conflict of interest in being all these things. Indeed, what is good for America and its reputation abroad is also good for my children. But you and I are acutely aware that in recent weeks and days there have been developments that do not seem either to brighten our children's futures or to ease the headaches of one described as "custodian of the American image."

RACIAL VIOLENCE RIVETS WORLD ATTENTION

The sordid violence in the streets of our cities and the grisly murders in Mississippi have dismayed our friends and delighted our foes—and each has plastered his reactions across the front pages and editorial pages of the world. Naturally, this is disturbing to the part of me that is the public official.

But the part of me that is American citizen and father is even more disturbed by what it could mean internally, by what this senseless violence could do to warp the heart and soul of America.

We must all worry anew that the cancer of bigotry may again be spreading through the body politic, eating away at our vitals, sapping the moral strength without which we shall be lost.

GREAT PROGRESS IN RACE RELATIONS SINCE WORLD WAR II

Since World War II we have gone through a phenomenal period in American race relations. Progress did not come nearly as fast as I desired, or as justice required, but there could be no doubt that there was great progress, no doubt as to the course America had chosen. She had chosen to prove that the ideals of our Declaration of Independence could also be a reality; she had chosen to show a hate-scarred world that it is possible to create a multiracial society in which there is genuine equality of opportunity and mutuality of respect.

What a tragedy it would be, for our country and for a world desperately in need of an example, if in the passions and despairs of today's conflicts a majority of Americans were to conclude that they ought to reverse course, to move toward some less noble goal.

You sense already, I am sure, that I come tonight in a mood to talk seriously * * * to talk some plain talk. I can think of no better place to do it, for Urban League leaders have been trying to get the power structure of our big cities to heed some plain talk for many years.

DEMONSTRATIONS HAVE SERVED PURPOSE FOR THE MOMENT

But I want to begin by directing a few comments to my fellow Negroes, particularly those who are in a position to influence to any degree the course of the civil rights movement:

The hour has come when bold, uncompromising efforts must be made to free the civil rights movement from the taint of street rioters, looters, and punks who terrorize subways. We must guard that movement jealously against inroads by those whose only desire is to create the chaos they see as America's undoing.

The only effective way to achieve the things we really want is to call off those street demonstrations which unfortunately have come to serve as little more than a fuse to ignite the tempers of the ignorant and irresponsible and as a shield behind which they can hide.

I am aware that the desirability of further street demonstrations and protests at this time is a matter of heated debate within the Negro community. But I want to have my say, and it is this: demonstrations—with possible rare exceptions—have served their purpose for the time being. They serve today, for the most part, only to becloud the real issues of the Negro's legitimate grievances and to raise a bogeyman of supposed excessive, unreasonable desires on the part of this country's colored citizens.

In addition, I fear that we are creating a cult of Negroes for whom the steamletting of angry protest provides satisfaction enough—and thus they are virtually uninterested in the other endeavors and struggles that are essential for real and lasting progress.

These are facts worthy of our urgent concern without any regard whatsoever for the fact that an election is coming up. The things of which I speak go to the heart of this country's destiny, and their implications are broader than any candidate or any election.

With that understanding, let me elaborate:

To emphasize what is happening in the area of protests, I must compare the leaders of some protests to a quack doctor who finds that a shot of penicillin will cure an infected foot and quickly decides that penicillin is a cure for everything.

So the next patient complains of recurring migraine headaches, and the quack pokes her full of penicillin.

Another complains of sharp pains in the abdomen, so the quack loads him up with penicillin.

Indeed, the quack becomes so enthralled by his injections of penicillin that he offers it to a blind man whose complaint is that he needs rehabilitation help in getting a job.

The result is that many of his patients fall victim to a horrible antipenicillin reaction and some die of critical ailments that would have responded to proper treatment.

Fortunately, the medical profession is not burdened by doctors who are that stupid. Unfortunately, the civil rights movement has picked up a few quacks who are that stupid.

Let me make it clear that, in my view, protest demonstrations have played a great role in awakening the conscience of this country. The Montgomery bus boycott, the great march on Washington, and myriad other responsible demonstrations have made Americans understand that the Negro is not, and never again can be, the meek, subservient creature who appeared to be satisfied to wait hat in hand in the backroom for the leftovers of the American feast.

But there is tragic evidence today that what many of us feared at the outset is taking place; that is, that the demonstrations would be seized upon by a few fanatics from the Negro community who have no understanding of the limited ability of protests to effect change, particularly in a society where those doing the demonstrating represent only a 10-percent minority.

Just as the imaginary quack assumed penicillin to be a cure-all, there are so-called Negro leaders popping up in dozens of communities who act as though they believe picketing and demonstrating to be a cure for every social and political ill that afflicts the Negro.

Just as the quack will kill many patients with his endless flow of penicillin, these unthinking Negro leaders can kill the hopes for total freedom of many a Negro with their nostrum of endless and often pointless demonstrations. The penicillin of passion in the streets can be dangerous medicine for a man who needs instead the rehabilitation of job training, more education, and a place to use his talents gainfully.

NEGROES MUST WIN PUBLIC RELATIONS BATTLE

It is doubly tragic when the demonstrations become a springboard to violence, to destruction of property, to widespread looting, for this insures that the Negro will lose the public relations battle. And only a fool can fail to see that if the Negro does not try to win the public relations battle, if he does not attempt to carry a majority of white Americans with him, then he is pursuing a path, not of first-class citizenship within the total American community, but of all-out warfare against nine-tenths of the American community.

I know that the Negro has not made a decision of all-out war against the American community and has no intention of doing so. Such a course would be greatly destructive of white America and its institutions, of course, but it would also be vastly destructive of the Negro and all that he has come to possess and cherish in three and a half centuries on these shores.

The uneducated, frustrated Negro in the slums of our cities may think he is getting even with "Whitey" when he breaks a window during chaotic rioting and carts off a television set. But what he is really doing is stealing the birthright of his own children.

So my appeal to Negro leaders is that we state the Negro's goals anew—so that all Americans may realize that the fates of white and Negro Americans are inseparably bound together in this Nation's quest for survival and in the even broader context of human hopes and endeavors.

CALL FOR CAMPAIGNS TO BETTER EDUCATION AND EMPLOYMENT

What is the response we get from those Negroes who do not believe that the time has come to substitute for the demonstrations vigorous campaigns in such areas as the prevention of school dropouts, registration of voters and the pursuit of new opportunities in education and employment that flow out of the new civil rights law and the pending antipoverty program?

I read recently that an official of one protest group argued that the protests had produced all the recent gains by the Negro and that to call a moratorium on protests is to call for an end to Negro progress.

I can describe this in only one word: "Nonsense."

Nothing could be more foolhardy than for Negroes to proceed on the assumption that progress has not flowed, and will not continue to flow, from the rulings of our courts, from the power and prestige of the executive branch of Government, from the personal and social pressures exerted by workers such as you in the Urban League movement, and now, from the Civil Rights Act of 1964.

CIVIL RIGHTS LAW ALREADY WINS RESULTS

Already there have been more restaurants and hotels made available to Negroes as a result of the civil rights law than were opened up directly by all the sit-in and other demonstrations combined. Anyone who has experienced the angering humiliation of not being able to eat or sleep in public accommodations supposedly available to the general public (as most Negroes have) knows that this is a meaningful contribution to the Negro's search for dignity.

Dramatic and courageous as the Montgomery bus boycott was, the issue was finally resolved only by a ruling by the U.S. Supreme Court.

We know that the powerfully moving March on Washington surely played a role in producing passage of the civil rights law, but certainly some credit for the success of that demonstration must be given to those Washington officials—the late John F. Kennedy, President Johnson, Washington police officials—who gave it their blessing because they saw it as an expression of one of the most noble rights enshrined in our Bill of Rights—the right of peaceful protest.

PROTESTS NOT END IN THEMSELVES

I know that some Negroes believe that extremism in pursuit of the black man's liberty is no vice, but I say that stupidity is never a virtue. So we dare not forget that while some gains may flow from a passionate articulation of our grievances, other great gains will come from our being smarter than those who would deny the Negro the status of free men.

So I join and I applaud those Negro leaders who have called for a return to the realization that protests are not an end in themselves and that we have got to sow many seeds and plow many kinds of fields before we can expect to reap the full harvest of freedom.

When we do this, we shall move forward more rapidly because we shall have wiped out some of the confusion and apprehension that is creeping into—sometimes being deliberately injected into—the white community.

NOTHING TO FEAR FROM THE NEGRO

I note that in one riot-torn community the other day a white woman exclaimed, "My God, what do they want?"

That question deserves an answer, and we must give it.

Unnecessary though it may seem, we must assert again and again what seems to me to be self-evident: white America has nothing to fear from the Negro.

The Negro's past and future are wrapped up in this land. His sweat poured into the efforts that built America's skyscrapers and produced her abundance; his hopes and dreams have helped to weave the fiber of her social and political fabric, and his blood is in the soil where battles were won to protect them all.

Even if this were not so dramatically true, logic would still declare that 20 million Negroes could hardly be construed to be a threat to 170 million white Americans.

But what, someone asks, of those Negroes who are throwing bricks and Molotov cocktails in the Rochesters and Harlems and Jersey Cities of America? Don't they represent a threat?

My answer is, "Yes, the Negro hoodlum does represent a threat—but to the law-abiding Negro as much as to the white man." Some who dwell on this "Negro threat" bugaboo would have the public forget that Negro policemen and Negro leaders have been among those braving the rain of bricks and sticks in an effort to restore law and order.

I want to believe that our society has outgrown the period when the residents of white suburbia would judge all Negroes by the actions of 1 percent. By what kind of logic does a Ralph Bunche or Robert Weaver or Ed Brooke become a threat to the white man because a handful of Negroes are venting their anger and frustration and ignorance by rioting in the streets?

It is just as important for white Americans to realize that not all Negroes are indictable because of street violence in Rochester as it is for the peoples of the world to realize that not all white Americans are indictable because of murders in Mississippi.

About all the majority of Negroes have in common with the rioters is a similarity of skin color and a measure of the frustration and impatience that some Negroes no longer seem able to control.

About all the majority of white Americans have in common with the killers of those civil rights workers is skin color and perhaps a measure of the frustration that seems to permeate society.

But if we must lump Negroes together and speak of them en masse, let us make it clear what the Negro wants. The answer: nothing special.

The Negro asks no special rights or privileges; no special handicaps or obstructions. Just the opportunity to enjoy all those rights that other Americans enjoy. Just the opportunity to go as far as fast in Government and industry as his God-given talents will permit.

Rather than fear this goal, white Americans must view it as a potential blessing, for as the Negro reaches it all America becomes more secure; as the Negro is frustrated in his efforts to reach that goal, then the whole world becomes a bigger threat to the American white man.

DOUBTS EXISTENCE OF "WHITE BACKLASH"

Having said all this, let me say that I am skeptical of all this talk about the "white backlash." I think it exists primarily in the minds, the speeches, the columns of some people who wish for a surge of racial fear in the white community.

They operate on the theory that if you say often enough that a trend exists, enough sheeplike followers will come along to actually produce such a trend.

I've traveled all over this country and have been in contact with many thousands of white Americans these last several months. I remain convinced that there has been a genuine general enlightenment on racial matters.

I believe, and interestingly enough all the polls show, that a majority of white Americans want our race problems solved, and solved the only way it ever can be: by erasing school segregation, job discrimination and humiliating practices in places of public accommodation.

I am convinced that most white Americans know that to launch a campaign to "put the Negro back in his place" not only would go against their consciences and the position that their churches now are taking with greater boldness and courage, but that such a campaign would be futile and would produce upheaval and conflict many times more appalling than the ugliness that exists today.

I am convinced that the overwhelming majority of white Americans agree with the following editorial by Life magazine:

"The Negro majority has earned and deserves the confidence of the whites. If the whites give this confidence and the Negroes reciprocate, there will be less violence and more progress. What most Negroes want is civil equality, not the venting of hate. What the whites should want is civil peace: not yesterday's unequal peace but the peace of justice. To that the Nation, with white and black united, must be committed."

Where do we go from here? How do we achieve peace with justice? The Negro must proceed boldly in efforts to wipe out the last vestiges of second-class citizenship—but remembering at every turn that there is a vast difference between being courageous and being pugnacious.

Our units of Government, Federal and local, must press vigorously for speedy implementation of and strict obedience to the Civil Rights Law of 1964. Nothing is more futile than to preach obedience of the law to the bitter and disillusioned in our slums if we have high officials counseling those who are relatively well off to practice circumvention or even outright defiance of a law passed by well over two-thirds of our Congress.

And the officials of our urban areas must move speedily to right wrongs that have existed for generations too long. Only when the law is enforced with uniform justice can there be lasting respect for the law. Only those who have a stake in the fruits of a society will nurture a lasting concern for the well-being of that society. Machinery must be set up to guarantee the Negro a stake in his society—and thus a responsibility to it.

We Americans of all races live in a time when we have that rare opportunity to achieve greatness—the greatness of a society able to rise above the pettiness, the bigotry, the corrosive fears that have plagued every society known to man.

We can meet our challenge of greatness—but only if we believe in ourselves and in each other.

In success, we shall be free men together; if we fail—if we are consumed by the passions and hatreds that are so much in evidence today—we shall be fools and slaves together.

The choice is ours.

FOOD IN THE GREAT SOCIETY

Mr. HUMPHREY. Mr. President, as one who has a healthy interest in the major issues of our time, but who prefers not to be encumbered by all the time-worn agricultural cliches, I think it is time to speak out on agriculture. The hour is at hand for all of us to take a completely new look at agriculture as it affects our Nation—our finances, our defense, our people, our farms, our consumers, our international relations, our politics—our total position, nationally and internationally. Fundamentally, I have come to the conclusion that if our agricultural policy makes sense in all the other areas, it also will be good politics.

Confession is good for the soul. Those of us in public life ought to honestly state that we do not know all the answers; that we should search for those answers. I have had to learn a great deal, and whenever I get to the point where I quit learning, then I think I should not serve the people any longer. What a man needs today more than anything else is to recognize the great flow of information which is available, the new challenges which we face every day. He must be big enough, at least in heart and mind, to acknowledge his own limitations, and be wise enough to seek the counsel of others who may have something to offer. I shall continue to do that in my years of public responsibility.

All too often we have seen the situation where a member of one party introduces a piece of legislation, perhaps one affecting agriculture, and finds there is an automatic negative reaction by the opposite political party. All too often there has been an automatic adverse reaction when one farm organization took one position and another farm organization took an opposite position on agricultural recommendations. All too often the net result of this automatically conditioned reflex action is that the farmers are hurt and the Nation is hurt by failure to get the action that is required to meet a particular situation. Divide and conquer is an old technique used by those who want to do nothing. But cooperation—not coercion—is the essence of affirmative action, and this requires a high degree of tolerance. It requires that we recognize we are not the depository of all wisdom and that none of us has a monopoly on virtue.

THE MIRACLE OF AGRICULTURE

Mr. President, it is time that all the American people, particularly in the great metropolitan centers, take note of the contribution that American agriculture has made to this Nation and to the rest of the world as well. We have taken this American miracle of agriculture for granted, and we often consider it commonplace. We need to study, and we need to know better the contributions of agriculture to the growth of our economy. We need to study and to know better the extent of the dependence of the rest of this economy on the gallant 8 percent of our population who take the risks of drought and flood, hail and early frost, insects and markets, and all the uncertainties of the marketplace.

We need to study and we need to know how we can improve in a constructive bipartisan spirit the lot of this numerically and proportionately shrinking group. We need to do these things if for no other reason than the matter of simple justice, and we need to do these things because there are many others in our society who are primarily dependent upon the production of this great basic source of food and fiber.

Right now we are in the midst of a great technological revolution in agriculture, in fact, in every aspect of society, that not only is irreversible—except for temporary adverse weather effects—but is accelerating at jet-age speed. The American consumer now is enjoying food at the lowest cost of any people in the world in terms of human effort expended.

The American consumer not only has the world's richest diet, but also has the world's most nutritious and varied diet.

And the American consumer of food buys the family food basket at a smaller percentage of earned income than any other consumer in the world. The best bargain in the world today is the food basket for the American family, and the American farmer has made that possible.

I would not want to forget to pay my respects to our great system of processing and distribution. The quality of our food and the manner in which it is distributed and marketed and handled is a tribute to this entire industry, to this entire area of our economy. No finer products, none more wholesome and none more well guarded in terms of public health, are to be found anywhere.

At the same time as production in agriculture has been increasing, employment in the agriculture labor force has declined sharply. We now are at a point where it takes less than 7 million farm operators and workers to produce food and fiber for 192 million Americans, and to satisfy our commercial exports, our food-for-peace program, our reserves, and still have some left over.

Let the record be clear. The miracle of American agricultural efficiency is something that staggers the imagination and leaves the imprint of American leadership without question in every area of this globe.

INCREASE IN EXPORTS

While the quantity and quality of U.S. food consumption has been upgraded, we also have seen a sharp increase in exports of food and fiber. We are very conscious of exports these days to the world markets. And we need to be, because America can overproduce for its own domestic needs. We now are exporting at the rate of about $6 billion a year of food and fiber. Over $4 billion of this is for cash commercial sales—hard currency. Thus our agricultural abundance is greatly aiding our balance-of-payments problem and greatly aiding our position as a great commercial nation in this new world.

The rapidly advancing agricultural technology affords a primary opportunity to help the developing nations to help themselves, and I want all our people to know that our agricultural economy is doing an amazing job in terms of building a better world and helping to build a political, economic, and social structure suited to the aspirations of many nations oriented toward freedom. This will provide strength to the free world and aid in the struggle with the forces of totalitarianism.

I want to point out here that a new day is upon us, and new approaches must be found to solve some of our problems. In a real sense what we need to understand is that agriculture is in the forefront of the struggle for a better world. It is not a laggard; it is not a burden; it is not what is holding America back. It is what is putting America ahead.

I have seen some of the factories behind the Iron Curtain, and some of my colleagues have seen there the achievements in the field of atomic science. We know of sputnik and we know of the astronauts and the cosmonauts, but despite all the genius of Soviet technology and industry, they have never been able to operate a family farm.

Collectivism negates human aspiration. Collectivism is contrary to individual liberty, and our Nation must never follow any kind of course that leads to collectivism. We must follow only one course—the one that leads to individualism. Therefore, in our responsibilities as a world leader and to meet the needs of people, we need programs that recognize the breakthrough in agricultural technology and that are designed to meet these worldwide opportunities that I have mentioned.

FOOD FOR PEACE

A part of such a program is the Agricultural Trade and Development Act, known all over the world as Public Law 480.

In 1954 I was a member of the Committee on Agriculture when this milestone was passed. I had something to do with bringing about passage of the legislation, along with other members of the committee. The bipartisan support of this legislation and its success should make all of us proud.

This program more recently has become known as the food-for-peace program. Food has become a very significant form of foreign economic assistance. I am tremendously impressed by the single overriding fact that without the farmers' productive capabilities, the entire U.S. foreign assistance program would be much less effective than it is today. In fact, food for peace in many areas of the world is the most effective, and the most worthwhile assistance program. Each of us should share in the glow of pride to know that the food and the fiber from American farms have saved the lives of millions of people. And you should be happy to know that there are millions of boys and girls today, throughout the world, outside of the United States, who are regularly receiving school lunches. There happens to be a bit of the spiritual involved in all of this, at a time when so many people are talking about the destruction of mankind. So I would think that rural families would be reverently grateful as well as genuinely happy that they have been able to save lives.

Does it not make economic sense, as well as moral sense, for the United States and other exporting countries to share abundance—God-given abundance—with the millions who are in need of food, rather than to store it in bins or let the land lay idle?

Wheat has played the largest commodity role in this food-for-peace program. Since July of 1954 we have exported under Public Law 480 about 3 billion bushels of wheat. This represents about 63 percent of total wheat exports during this period. It would be well to stop for a moment and think about the economic chaos or explosion which would have occurred in U.S. agriculture if these markets had not been available.

But it should also be noted that more than 70 percent of the U.S. agricultural exports are normal commercial exports, and we have built many new markets by the use of food for peace. In a sense, these commercial exports constitute food for peace at its best—mutually beneficial, multilateral trade using the efficiency of commercial trade channels. The soundest and the simplest way to maintain our balance of payments would be to utilize to the maximum the productive efficiency of our farmers by finding ways to increase our agricultural exports even more.

Export markets are vital to the American farmer. Here we must find future markets for American agriculture. If we are going to maximize our exports—which is a matter of interest to our country—to the Common Market and to the other areas of the world, we must offer, as I have said, the best quality at competitive prices. There is no substitute for price and quality when it comes to competing for commercial markets abroad. Therefore, every policy that we pursue must be to try to strengthen what we call the operation of the market—including the market price.

I want to make my position clear: I do not believe government programs ought to supersede the operation of our normal markets. Government programs should be designed not to supplant but to supplement; not to take over but to assist; not to move in as a competitive force, but to make competition more just and to make it more effective for the farm producer and for the Nation.

TRADE EXPANSION ACT

The Trade Expansion Act of 1962 equips the President with a formidable armory of negotiating powers. The objective of the United States is to halt and if possible to roll back the trend toward more agricultural protectionism in these markets.

The United States has declared plainly and repeatedly—and it has done this through the President—that it cannot conclude another round of trade agreements unless its major agricultural export commodities are included in a fair and significant way. To put it in simple language, these negotiations must benefit our farms as well as our factories or we are not going to sign on the dotted line.

I am confident of our ultimate success. No country, however prosperous, can indefinitely afford to keep valuable human and material resources locked up in obsolete and inefficient forms of agriculture. As we push for better trade agreements, we actually help our European friends who are today the victims of their own self-imposed obsolescence. We must, therefore, make sure that they have access to reasonably priced, efficiently produced food and fiber. For industrial nations this is an essential factor in maintaining vigorous economic growth and national strength.

I wish to make clear that no agreement should be signed which does not follow the clear intent of the Trade Expansion Act. This emphasizes expansion for agricultural commodities, too. It does not mean haggling again over agricultural tariff bindings for which we have already paid. It means equity to our farmers through opening new markets for which they can compete.

Exports already account for the output of 1 out of 4 acres of farmland—and they are the source of 15 percent of the income of farmers. This is why since 1960 we have moved vigorously to expand farm exports—and have raised them from $4.8 billion to over $6 billion a year.

TWENTIETH CENTURY ALCHEMY

The food-for-peace program is a 20th century form of alchemy. Food for peace has provided the means for converting America's agricultural productivity and abundance into schools and textbooks, hospitals, bridges, and roads, the vital ingredients of economic and social growth in the developing nations of the world. This ingenuity of using food as a resource for development has been termed one of the most imaginative instruments ever created for the purpose of sharing agricultural abundance with undernourished people and emerging nations.

We have found in our great abundance of food one of our greatest resources for peace. The food-for-peace program was initiated, in the words of the late President Kennedy, "to narrow the gap between abundance here at home and near starvation abroad."

We are narrowing that critical gap. Food for peace is reaching nearly 100 million people in the world. In 85 countries, food for peace is contributing to the health and nutrition of some 40 million children through school lunch and preschool child feeding programs. In Latin America alone, U.S.-donated food is going to 1 out of 4 children of school age. We expect these school lunch programs in South America to be reaching 1 out of 3 within the next year.

The magic of school feeding programs lies not only in the fact that foods means life—and this is magic enough. But, in addition, a school lunch often means the difference between a child's going to school or staying at home. And a child who is relieved from the gnawing pangs of hunger is a child who is more alert and receptive to learning.

Joining the U.S. Government in food distribution programs are the American oversea relief agencies, such as CARE, Church World Service, Catholic Relief Services, Lutheran World Relief, and the American Jewish Joint Distribution Committee—and the governments of the countries in which the programs are being conducted. Currently, 15 such agencies are distributing U.S.-donated food valued at $379 million in 228 programs in 113 countries.

But this progress, as good as it is, only begins to meet the needs of the American people. There is much that remains to be done. We will do it.

This administration has been guided by a deep humanitarian spirit—to which we must all wish all mankind would dedicate itself. The very first executive order increased the quantity and quality of food being distributed to needy American families.

FOOD DISTRIBUTION PROGRAMS

The U.S. Department of Agriculture's food distribution programs now directly affect the diets of 1 out of every 6 people in the United States. In retail value, these people will have received close to $1 billion of Federal food assistance during the last fiscal year, and this will be exceeded in the current fiscal year.

Three out of every four children are now attending schools which participate in the national school lunch program. During this school year, some 16 million children ate the nutritionally balanced type A lunch served under this program. About 10 percent of the 2.7 billion type A lunches served this year were served to needy children free or at reduced prices.

This year an estimated 2.9 billion half pints of milk were consumed under the special milk program in schools, day-care centers, orphanages and summer camps. This is in addition to the 2.7 billion half pints served as a part of the type A lunches. Together, these programs account for over 5 percent of all the fluid milk consumed off farms in this country.

Significant and substantial progress has been made in making federally donated foods available to supplement the diets of low-income families in this country.

In December 1960, the needy family food donation program was operating in 1,142 counties throughout the country. In September 1963, the program was operating in 1,499 counties.

In December 1960, 3.7 million people were benefiting from USDA-donated foods. In September 1963, these foods went to 5.2 million, and another 348,000 needy people were assisted under the pilot food stamp program.

Since mid-1961, the Department of Agriculture has been testing a food stamp program which increases the food-purchasing power of low-income families. This program, now operating in 43 areas in 22 States, has proved effective and feasible. Legislation authorizing a continuing and expanded food stamp program passed the Congress this year.

These programs—the food for peace, the school milk, and the school lunch programs—have received strong bipartisan support because they result in an improvement of the health of the recipients and contribute toward using our unmatched agricultural productivity.

However, poverty remains a way of life for too many people in rural as well as in urban areas. Levels of education, and opportunities for young people growing up in rural America, are still far behind the opportunities available to most cities and suburbs. Public services in rural communities still lag behind those in urban areas. Wages and fringe benefits of farm laborers, including migrants, are far below those of industrial workers in the city.

Thus, the progress we have made in recent years only sharpens the contrast between what we have accomplished and what remains to be accomplished. It sharpens our awareness that we have the capacity to insure that a child born in rural America can have the same opportunity in today's world as a child born in the urban areas.

SOME STARTLING FIGURES

I recently asked the Department of Agriculture to give me a report as to the additional amounts of food that would be consumed if the income of all low-income families was brought up to the annual level of $3,000. Some of the figures I am revealing today for the first time are rather startling.

Per capita consumption of these families of all food would rise by from 10 to 15 percent; meat consumption would rise by about 15 to 20 percent, but the increase would be more than one-fourth for beef, 10 to 15 percent for poultry, and about 5 percent for pork. Consumption of milk products would rise about 7 percent, and fresh fruits and vegetables 15 to 20 percent. Think of the dramatic improvement in the diets and health of these low-income families if we could bring their food consumption up to these levels. Not only would their level of living and outlook be considerably improved, but also this increase in demand would have dramatic effects on prices and income received by farmers.

The President's war on poverty offers us a tremendous challenge—a challenge that only now is beginning to be felt more generally throughout the country. President Johnson recently described the challenge in these words:

> The challenge of the next half century is whether we have the wisdom to use the wealth to enrich and elevate our national life—and to advance the quality of American civilization.

I have asked myself many times how to bridge the gap between the need for milk of many impoverished people and their ability to pay for it. We have provided means for the children during the school year. However, there are many families whose children for various reasons do not have access to school milk programs. This could be due to the fact that the children are too young to attend school, or a dropout situation has occurred, and as a result no one in the family is attending school. Adults, too, need milk.

PROPOSED PILOT PROGRAMS

In view of these factors, I would like to see a few pilot programs initiated with the use of section 32 funds to make fluid milk available to relief families at prices substantially below the prevailing retail price. Possibly this milk could be distributed through central depots using the labor of some of the people on relief. This would hold down distribution costs. Milk distributors could contract for the handling of the milk on a competitive bid basis. I feel that there is enough ingenuity properly directed to bridge this gap.

At the same time we give recognition to the producers, we must associate with this the miraculously efficient system we have developed for the marketing, distribution, and processing of food. This is a real tribute to what free men in a free society can do.

The more I have studied our complex society, the more I have recognized the essentiality of maintaining to the maximum extent feasible our free commodity markets—the essential ingredient of a free enterprise system. The second-by-second adjustments of the free market provide us the primary means to advancement at the maximum pace. Commodity markets for important commodities have been established to meet an economic need. The hopes, fears, beliefs, knowledge, and needs pour into these markets. There emerges the most nearly perfect mechanism in the economic world. In a single price—visible to all who would see—there is measured every single factor then extant and communicable.

There is another, and perhaps more penetrating, part of the story which should not be lost from view. It is that the futures trading system, notwithstanding speculative excesses and imperfections, maintains equitable principles of trade. Futures trading on commodity exchanges developed as a highly effective form of free market trading and competitive pricing because it grew up with, and proved adaptable to, our other free institutions. It became an integral part of agricultural marketing because it focused supply and demand forces into a central price picture for one and all to see, because trading was conducted openly, and because anyone with the wherewithal to trade could participate in the market, and in the pricemaking process.

Against this background of the tremendous productivity of agriculture, our ability to utilize our abundance in a manner which is receiving strong bipartisan support, and the basic and fundamental need to help the poor, I have asked myself many times whether in our other areas of agricultural affairs there is a better way.

MULTIBILLION-DOLLAR INVESTMENT

The American people have a multibillion-dollar investment in inventories of a relatively few agricultural commodities. The agricultural budget is high. Is there a better way to utilize these expenditures? Could programs be devised which will make more sense, cost less, and receive general approval? Can the Congress free itself from the past sufficiently to come up with more effective programs which farmers, consumers, and taxpayers will not reject or resent?

Fundamentally, we must ask ourselves whether the present programs boost our opportunities to increase efficient production and at the same time expand profitable markets here and abroad. We should reexamine our entire governmental control mechanism to see whether it is helping us to develop a rational agricultural policy. It is time the Congress asked for a complete examination of the commodity program structure.

There are many factors of farming that have convinced this Government that special rules should apply. Weather brings to farming many vagaries that are surmountable in other enterprises. Food, in reliable quantity, is more vital than any other national resource. Farming is therefore special.

Most of us will agree that there are some special programs that are needed for our farmers and ranchers. Are our present programs adequate for the job for the American of the midsixties and the seventies? How can we harmonize the utilization of the great advantages of the free market and its disciplines with an improving position for our farm families? Might it not be desirable for the Congress to determine the maximum amount to be appropriated for agriculture, and just how it should be spent? I do not feel that the spending of Treasury funds entirely on the basis of a man's past history meets in the fullest sense the social and economic requirements of our age. Determining how much can be spent has the advantage of budgetary control rather than the current open-end obligation. A rational form of payments might do this essential task for some commodities.

However, the Congress in its relations to the agricultural problem is subject to many commodity group pressures. These are at times in conflict one with the other. We legislate against deadlines and under superheated emergency conditions. We need a better approach.

BIPARTISAN BLUE RIBBON COMMISSION

I happen to believe the road to this better approach can be laid by a bipartisan blue ribbon commission. This commission should be composed of leading economists, farmers, agricultural leaders, financial experts, and consumers. We need to take a good hard look at where we have been, and where we are going. We need to know what is good in our programs and what needs change.

The purpose of this commission would be to examine our past agricultural policies, their adequacy or inadequacy, their effectiveness or ineffectiveness, and their relevancy to the present situation. It also would be the purpose of the commission to look ahead, to go into consideration of the technological revolution in agriculture, the shift in farm population from the rural areas to the cities—this is a tremendous factor today—and what types of programs the Government should engage in relating to the price of agricultural products, in marketing, distribution, and agricultural credit.

I am seeking to release the full power of agriculture, to have Government help and supplement, not take over.

Rural America is changing. As a matter of fact, all of America is changing. We need to take a long look to the future.

As President Johnson recently said:

> We need to search for better ways ever responsive to changing conditions—to enable our farmers and ranchers to share more fully in the bounty which they help create. In this endeavor, how can we use the pricing mechanism of the free market with more vitality than presently? In this endeavor, how can we better coordinate the role of Government with the area of the private sector, including farmers' own institutions, in the marketing of farm products? In this endeavor, how can our efficiency in producing and marketing be reflected in fair and open competition in the world's markets? In this endeavor, what should we do to assure ourselves of adequate reserves?

These are questions to which a bipartisan blue-ribbon commission can provide answers.

We live in times that would have confounded Rome's soothsayers and astrologers; times that by the unpredictability with which history unfolds would have condemned alike those seeking its mysteries in the set of the stars or the entrails of fowl. They are bad times for prophets. All that we can expect with certainty is uncertainty.

The signs that old landmarks are moving, that tides are changing and moorings shifting are not necessarily ominous signs. These alterations may signify good things, if we act with the stream of events. They furnish to the agile, the nimble and the swift, as well as to the strong, a chance to exert an influence that sometimes cannot be brought to bear effectively when all is rigid, unalterable, and inflexible. The first requirement in such times is a willingness to look quickly into all our policies, to inquire searchingly into all our premises.

This generation of farmers knows that the winds of change are blowing strong. However, fortunately we have the leadership which will help shape the forces which will generate the great society. One of the challenges to this leadership will be to accommodate our emerging great society to an orderly change for the better. As freemen upholding the best traditions of a free society, we can mold that mighty force—the great society.

THE CASS SCENIC RAILROAD, WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, West Virginia's scenic attractions are known to tourists throughout the world. The State should be commended for its thoughtful planning of conveniences to help visitors enjoy this natural beauty.

One of the most unique systems is the historic Cass Scenic Railroad which, in itself, offers a pleasurable experience not often duplicated. But the railroad also provides its riders with an excursion into great expanses of nature's finest handiwork.

The ride along the foothills of Bald Knob and along the banks of the Greenbrier River passes over hillsides of blooming wildflowers, wanders by an old lumber mill, enters a remote backwoods, and makes a tortuous climb up the mountainside.

The delight of the trip has been mentioned in a recent edition of the Potomac Magazine. I ask unanimous consent to have the article reprinted for reading by all those persons who appreciate natural beauty.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SLOW TRAIN TO THE PAST

Have you a yen to look at the great out of doors eyeball to eyeball this summer?

If so, the Cass Scenic Railroad will offer you surprises you will find in few other places, and the whole family can join in the fun. Not only is the railroading here something rare for the East, but the geography is breathtaking once aboard this old logging train.

Cass is a small West Virginia village on the banks of the Greenbrier River, nestled on the lower reaches of Bald Knob, second highest mountain in this State noted for its mountains. It is just over 200 miles from Washington via Harrisonburg or Staunton, Va., or about 50 miles from White Sulphur Springs, W. Va. It takes 5 or 6 hours by car.

It's a gay train ride made all the more so by the trip narrator, Warren Blackhurst, author of several West Virginia classics: "Sawdust in Your Eyes" and "Riders of The Flood." A lifetime resident of Cass, he is knowledgeable on the history and lore of local logging, the woods and wildlife. He adds a humorous touch to the journey, he answers questions and points out sights not to be missed.

You'll want to bring plenty of film to record the railroad, a former logging line that just a few years ago finished more than 60 years of hauling logs off of Bald Knob and Cheat Mountain in West Virginia's Pocahontas County. Much of the old equipment is still there, a picturesque old lumber mill, and antique, classic, geared-wheel locomotives that are now only rarely seen and then only in the remotest backwoods.

Beautiful flowers abound. A botanist just a few weeks ago counted more than 43 different flowers in bloom along the Cass Railroad's tortuous upward climb. Members of the Audubon Society have chartered a special run of the train for bird watchers.

The train ride itself is unique, for upon leaving the town of Cass, a village of white frame houses and wooden sidewalks, the rails veer to the left past the picturesque water tower, through dense acres of trees and then upward out of the valley.

Up, up, up the little train struggles, over twists and turns in the rail and through two switchbacks. You feel hemmed in by the forest and growing things. In spots, the track forms two silver ribbons in a forest carpet of green. The engine's bark is at its loudest and there's black smoke aplenty now as the train claws up a steep 11-percent grade, rounds a curve, and enters a broad clear meadow on the mountain. The sun is now bright and the view is 20 miles on a clear day.

The air is pure and sweet. The birds sing. There are no airplanes. No cars. No roads. All is remote and beautiful.

If you've planned well, you'll have brought picnic basket and cooler, for here you can have a leisurely lunch, watch the train return to Cass, and then catch a later train down to civilization.

Lots of room here. Place to let the kids run. Play ball. Hike. Throw stones. Do as they will, and as you will. Primitive, yes. But there are conveniences, too. And as plans are completed, more facilities will be added.

The track will eventually go to the top of Bald Knob. A lodge at mountain top is in the planning stage with other conveniences.

A recent issue of National Geographic magazine featured a two page spread on the Cass Cave, one of the most spectacular of its kind and a "spelunker's" delight.

The Cass Scenic Railroad is owned by the State of West Virginia and is operated by its Department of Natural Resources. Trains run every day from June 15 to September 7, and an autumn schedule will feature weekend trips through brilliant fall colors to October 25, weather permitting. Fare is $2 round trip, $1 for children under 12, and those under 6 are admitted free when accompanied by their families. Three trips a day are made, at 11 a.m., and at 1 and 3 p.m. Allow at least an hour and a half for a round trip, or more time if you plan picnicking.

If you prefer to eat out, you may decide to dine in a fine, oldtime railroad diner.

ADDRESS BY JOHN S. GLEASON, JR., TO THE JEWISH WAR VETERANS

Mr. METCALF. Mr. President, last Saturday, August 15, at the 69th annual convention of the Jewish War Veterans, in an appearance at the National Commanders' banquet, the Honorable John S. Gleason, Administrator of Veterans' Affairs, made a significant address. In an eloquent appeal, Mr. Gleason pointed out that America exists because of the sacrifice of men and women of every race, creed, and color, and that without this unselfish sacrifice, the United States as we know it today would not exist. He urged that every veterans' organization help in the enforcement and implementation of the Civil Rights Act, and called upon them to show their patriotism and their unselfish sacrifice in the support of law enforcement, in the same manner as that in which the veterans of America demonstrated their patriotism in the battles against the enemy in World War I, World War II, and the Korean conflict.

I ask unanimous consent that Mr. Gleason's speech be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF REMARKS BY THE HONORABLE JOHN S. GLEASON, JR., ADMINISTRATOR OF VETERANS' AFFAIRS, BEFORE THE NATIONAL COMMANDERS' BANQUET OF THE JEWISH WAR VETERANS, HOLLYWOOD, FLA., AUGUST 15, 1964

Ladies and gentlemen, it is a profound pleasure for me to share this meeting of the leadership, past, and present, of the Nation's oldest veterans organization—and an organization that, from its inception, has held continuously before its eyes the vision of why this Nation is great—and why men have sacrificed in war to protect that greatness.

I would like to begin my talk by reading a list of names—American names like Keokuk, Fort Scott, and Salisbury—and foreign names, like Belleau Wood, Meuse-Argonne, and Mexico City.

Listen to these names:

Mobile and Sitka, Barrancas and Baltimore, New Bern, Woodlawn, and Long Island, Carthage, Golden Gate, Henri-Chapelle, Florence, Italy, and Florence, S.C., Beaufort, Brittany, Bellicourt, and Brest, Seven Pines, Luxembourg, Manila, Mound City, Little Rock, Rock Island, Cold Harbor, and Fort Bliss.

What is this list, with its names, some harsh, some smooth like pebbles rolling on the bed of a trout stream?

Why am I reading this list of place names to you and what do they represent?

Well, let me add three more names to that list, and you will see why: Arlington, Gettysburg, and Flanders Field.

Yes, my friend, these are the names of national cemeteries here in America, and our military cemeteries and memorials on foreign soil. Our late beloved President Kennedy once said that no "nation in the history of the world has buried its soldiers farther from its native soil than we Americans—or buried them closer to the towns in which they grew up."

There are many different facts about these cemeteries, reflecting different wars—different battles—different times in our history.

But all have one thing in common.

Wherever there is an American military cemetery there is to be seen among the crosses row on row, a large number of Stars of David, silent, eloquent testimony of the great number of servicemen of Jewish faith who fought to keep America free, who fought to keep America a land where, though prejudice does exist, it is recognized for the evil that it is—the ultimate un-Americanism.

Some of these cemeteries, in addition to the crosses and the stars, add a central monument, or perhaps many monuments, all trying to say something monumental and memorable about the deeds of those who rest beneath that sod—those who made that most monumental and memorable of sacrifices.

Today, I want to talk to you about three other monuments to their sacrifice, the sacrifice that Jew and gentile, white and black, Protestant and Catholic, rich and poor, have made for freedom. I want to talk to you about the really significant monuments, which, though unmarked, are really the greatest memorials to those who fell so that we might stand unbowed.

The first monument to the nearly 1 million men who gave their lives in America's eight major wars, from the Revolution to the Korean conflict, is found in the central, simple, fact that there is a United States of America. Perhaps that is putting it a little too strongly, perhaps if our veterans had not fought and died for America, we might still exist as a small, weak country, hemmed in by powerful enemies, surviving on sufferance, as a kind of ghetto of freedom.

But the United States as we know it today—the mightiest nation on earth—a nation where "intolerance" is a dirty word to all except self-professed extremists—that the United States would not exist.

The second monument is the fact that despite temporary fogs and cloud banks, the sun of self-criticism has always broken through to illuminate our dark places, so that we could take the action needed to clean them out and remold their sad reality into a shape closer to the core of the American dream.

We have all been privileged to see firsthand this process of creative self-criticism since that day in the summer of 1963 when President Kennedy asked Congress for action to assure that "race has no place in American life or law."

That action was slow in coming, but action that results from careful deliberation is not a threat to freedom, it is one of its basic guarantees. After millions of words and months of debate, we finally had the most far-reaching guarantee of human rights since Abraham Lincoln signed his name to the Emancipation Proclamation. Incidentally, the word "Negro" does not once appear in this historic law; its guarantees and protections are for all of us.

Thus the second monument to our fighting men bore fruit once again. We looked critically at the fair face of America and we saw an ugly blemish. Talking would not remove that blemish. No amount of hollow rhetoric about the fact that laws can do nothing, that we must wait for changes to take place in the hearts of men, would have removed that blemish.

If we sat on our hands and waited for changes in the hearts of men slavery would have gone on for at least another 50 years in this country—if indeed it would not still exist.

If we sat on our hands and waited for changes in the hearts of men—the hordes of Hitler—if indeed they possessed hearts—would now have destroyed our institutions and many of our people.

Neither would that blemish be removed by expecting the slow and gradual processes of evolution to do the job. For far too many people gradualism means do nothing.

For those waiting for the product of gradualism, the equation sometimes reads by-and-by plus by-and-by equals never.

No, the blemish would be removed neither by talking it away, nor expecting it to disappear as the result of the passage of time.

Surgery was clearly necessary and thinking men realized that it was made more necessary for social cancers spread, just as bodily cancers do, and there is no doubt that the effects of social cancer can be seen and heard in the land.

Thomas Jefferson once said that men are not born with saddles on their backs so that other men could ride them. If those who see all Negroes with such saddles on their backs are not reminded that this is America, then who knows where the evil will spread.

If the Negro minority in our country, which, you know, is four times larger than the Jewish minority, is unable to enjoy the full protection of our laws, can we be sure that other minorities will not one day also suffer similar deprivations?

When it comes to civil rights it is certain that no man, or no group of men, is "an island"—whatever diminishes one diminishes all.

But these are not revelations that I speak of now.

This is not some piece of arcane knowledge dredged up from the past.

What I tell you now is not the product of an archeological expedition that has found an ancient fragment of wisdom buried in the desert.

Not at all, this is common knowledge when we stop to think.

And the fact that it is common knowledge is the third monument to those men who fought for freedom in war.

The fact that it is common knowledge is also a monument to those who fight for freedom in time of peace. There are no more valiant warriors in this long twilight struggle than the veterans who have paid the full price of freedom and want no shoddy substitutes.

This is why, only a few weeks ago, I wrote a letter to every American veterans organization in which I asked that they go on record in supporting the Civil Rights Act as the law of the land. I asked that veterans organizations assert themselves, because in time of testing, we need leadership. In time of testing if the responsible are silent the voices of the irresponsible cannot but sound loudly in the land.

One of those letters, of course, went to your national commander—Daniel Heller. But in a way, this letter was not needed. For if any organization has spoken up—and spoken up long ago—it is this organization.

Just as there are so many Stars of David among the crosses that mark the fallen, so too are the sons of David found in high proportion in the ranks of those who see clearly that the promise of America is freedom for all.

Your continuing efforts to widen the scope of American freedom deserve the highest commendation because, as President Johnson said of the passage of the Civil Rights Act of 1964, "We have come to the time of testing. We must not fail."

But we can fail if responsible organizations do not speak out, as you have spoken out. We can fail, if men propelled by unreasoning prejudice lash out and so destroy institutions that generations of our fighting men have done so much to protect on a thousand battlefields. We can fail if, as the Irish poet Yeats once said, "The best lack all conviction, while the worst are full of passionate intensity."

And we can fail and gravely injure ourselves if we permit the passionate intensity of the unreasonable to prevail over the quiet voice of reason.

As Lyndon B. Johnson has said, of his task as President: "I have to make sure that those who claim rights, and those who deny them, bend their passions to peaceful obedience to law."

For lawlessness in the pursuit of justice is anarchy and extremism in the defense of liberty can be the death of liberty.

Liberty and justice pursued by secret societies and extremists groups; liberty and justice sought through dynamiting children in churches; or by looting and destroying property and assaulting police is not liberty and justice as we know it but the kind of perverted and exclusive liberty and justice once sought by fanatics in brown shirts and black shirts who meted out their brand of justice in the streets and destroyed the liberties of others in favor of their own.

Let all Americans follow the law of the land supporting the Constitution, which is our shield. If their cause be just, and if they seek liberty, not license, they will prevail.

Let all good Americans, working together to build a great society, show the world that here a man's worth is not lessened by disabilities or artificial distinctions. Let us prove by the firmness in which we uphold the right, that this generation of Americans is filled with a passionate intensity for the best.

Finally, with the help of Almighty God, the Father of us all may your vision and your devotion to justice be soon shared by your fellow Americans so that, in the words of the prophet Isaiah, righteousness shall come upon our land "like the rushing of mighty waters."

CRIME, WEALTH, AND JUSTICE

Mr. **HRUSKA**. Mr. President, on August 7 both Houses of Congress adopted the conference report on the Criminal Justice Act and sent the measure to the President for his signature. With that symbolic event, we will cross the threshold of a challenging era in the administration of criminal justice. For the first time the bar will be supported by more than legal precedents with which to wage a defense in criminal trials. The necessary means for assuring an adequate defense will be afforded by the law.

In an article for the August 22 issue of the New Republic, "Crime, Wealth and Justice," Ronald Goldfarb phrased it another way—"The poor are beginning to get their day in court." With this legislation, "the practicalities as well as the legalities of criminal trials are recognized."

The article provides us with an informative summary of recent events in the rapidly developing area of criminal justice, and offers a timely commentary on this newly passed bill.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CRIME, WEALTH, AND JUSTICE

(By Ronald Goldfarb)

The poor are beginning to get their day in court. The Criminal Justice Act, which Congress passed, reaches a high water mark in the administration of justice, and joins the legislature in the movement of the judicial and executive branches toward more mature and civilized standards of social justice.

A classic Churchillian cliché observes that the measure of the maturity of any civilization is the way it treats its criminals. Traditionally, criminal law enforcement has been evaluated in terms of its physical implementation—its style and manner. Coercion, invasion of privacy, and police lawlessness have been in the focus of most critical considerations of the criminal trial process. But a new appraisal is being made concerning the evenness of the application of criminal law to classes of defendants. All branches of the Federal Government have now recognized the inherent inequality of a double standard of law enforcement.

For about a decade the Supreme Court has been gradually but inexorably striking at one inequality in the trial process after another. Between the Griffin case in 1956, which dealt with the right of an indigent to a free trial record for appeal purposes, to last year's Gideon case dealing with the right of indigents to counsel in State criminal trials, the Court has decided a number of cases in which various discriminations based upon the poverty of a defendant have been eliminated from the judicial process. The philosophy behind all these cases was articulated in one by Justice Black in a line: "There can be no equal justice where the kind of trial a man gets depends upon the amount of money he has." And recently Justice Goldberg, delivering the annual James Madison lecture at New York University Law School, enumerated inequities which now deny the poor equal legal treatment. His eloquent lecture must be the fountainhead for the course of future attitudes about poverty and the administration of justice. However, the trend of the Justices notwithstanding, it is important to recognize as did Attorney General Kennedy recently that the principles of these decisions are so central to the law that these cases should not have been necessary. Their results "should have been present long ago, springing from our consciences rather than our courts."

This last comment uncovers another, relatively unpublicized aspect of Robert Kennedy, and another significant phase of his administration of the Justice Department. In his first press conference on April 6, 1961, the Attorney General said: "The poor face problems in the criminal court not shared by the rich and I have appointed nine men of distinguished public service to serve on a special committee to investigate the unique problems these people face in the Federal criminal courts." This group, the Allen

Committee, worked quietly for almost 2 years and on February 25, 1963, issued its report entitled "Poverty and the Administration of Federal Criminal Justice," and dealing with the general effects of one's wealth upon the quality of justice he receives. Its suggestions for reform were far reaching and singled out as significantly egregious examples of imbalance the bail situation and the problems of the indigent defendant. This report led both to the National Bail Conference held in Washington this past May and to the Criminal Justice Act.

The act deals with the right to counsel. By the right to counsel, at least nowdays, we speak of the right of a man to demand the aid of a lawyer to represent him at a criminal trial when he cannot afford to provide one himself. This is to be distinguished from the more esoteric question whether one who has counsel may use him at a particular proceeding. Commonsense and common experience both indicate that the wealthy man who has lawyers and all the accompanying protective paraphernalia fares better in criminal trials than does his poor counterpart. The poor man has had to face the mysteries of the trial process, the profundities of the legal profession, and the facilities of government all by himself.

The sixth amendment to the Constitution directs, among other things, that, "In all prosecutions, the accused shall enjoy the right * * * to have the assistance of counsel." Yet, the common law has traditionally denied the right to counsel even in more serious criminal cases. It was not until 1932 that our Supreme Court recognized a right to demand counsel in State cases, and then it applied the protection of this rule only to offenses for which there could be capital punishment. These comprised a small minority of the serious cases arising in the States, and the jails have been full of prisoners who were tried and convicted and sentenced without having had the assistance of a lawyer. As late as 1944, the Supreme Court upheld this rule. Only last year, in the Gideon case, did the Court change this rule for the States, and uphold the right of indigent defendants to be represented by counsel at all criminal trials. The significance of this rule is that the American Bar Association recently estimated that about 150,000 defendants who are charged with serious State crimes each year cannot afford a lawyer.

But at that point new questions arise: Who the lawyer is, what facilities and assistance he is allowed, during what proceedings he is available, and whether he is paid anything for his work are all integral to a defendant's effective counsel. These questions are the subject of the new act; their treatment is a radically refreshing departure from the practices of the past.

The new act, written with unusual simplicity, sets out the following future requirements for the Federal judicial system. In every criminal proceeding, every defendant is to be advised at the earliest possible time of his absolute right to have counsel appointed to assist him if he is financially unable to get counsel himself. He is entitled to this representation from his initial appearance through all subsequent trial stages including appeal. He is entitled to this aid at any stage of the proceedings when his need for assistance develops, and he need not be absolutely impoverished. Attorneys appointed to represent indigents pursuant to this act will be modestly compensated ($15 an hour in court; $10 an hour out of court) for work in court and preparing cases. Now they are not.

The bill goes further and allows counsel "to obtain investigative, expert, or other services necessary to an adequate defense in his case." This assistance is to be provided to all defendants who cannot afford it regardless of whether they can afford counsel. Thus the practicalities as well as the legalities of criminal trials are recognized. Without this kind of often vital assistance the trial bout could be heavily, in fact awesomely, weighted in favor of the Government and to the disadvantage of the poor accused. Finally, in a gesture toward local self-regulation, the bill calls upon the different Federal district courts throughout the country to set up some system to implement this act which best accommodates the local situations. Counsel may be selected from bar associations, legal aid societies, or from court-maintained lists of private practicing attorneys. Each Federal district court is free to choose which specific plan it will use to implement the broad social policies required by the new law. Any combination of these alternatives may be used; but at least one of them must be used. And the plan must be in operation within 1 year from enactement of this bill.

The administration's poverty program has focused attention on a condition which should not and need not exist in America today. It has created an environment and atmosphere which has made curative social legislation possible. There are over 10,000 Federal criminal cases each year involving indigents. The U.S. Judicial Conference has urged legislation to cover this situation 17 times in the past. Every Attorney General since 1937 has supported the Conference's recommendation. Legislation like this law has passed the Senate three times in the past only to be held up each time by the House Judiciary Committee. Yet it was not until last week that the end came in sight. The most astonishing aspect of both the Gideon case and the Criminal Justice Act of 1964 is that it took America until this time to reach the point where an ideal which is so clear and meritorious finally will become a reality.

CONDITIONS IN RED CHINA AS TOLD BY A REFUGEE

Mr. HART. Mr. President, the experience in Red China of a recently arrived refugee in Hong Kong is graphically told in an article which was published in the Washington Post on August 2. The article throws light on recent conditions in Red China and the excesses of the Mao regime, especially during the "great leap forward."

I commend the article to Senators, and to the country; and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NIGHT BATTLES WERE WITH SHOVELS

(This is the story of a Chinese woman teacher, educated in a Western university, who returned to her homeland after World War II with the hope of helping to rebuild it as a free and vigorous country. She was soon disillusioned, of course, by the pall of innate Communist suspicion, which fell most heavily on Western-educated Chinese.

(This story describes the climax of her disillusionment, beginning in 1958, when she first "volunteered" for "thought reform" in the countryside. It is a dated story, of course, because Communist China has changed radically since the great leap forward left China almost on its face. The martial trappings have since practically vanished and the communal system is reduced to a skeleton. But her experience throws frightening light on Mao's excesses at their zenith.

(Chiang Shu-wen is a pseudonym. The shy little woman it represents fled from China a few months ago. She told this story to the Hong Kong publication Current Scene because hundreds of thousands of mainland students and teachers are still being sent "down to the countryside.")

(By Chiang Shu-wen)

We gathered in a classroom that day in the autumn of 1958 wondering why this general staff meeting had been called. We did not have long to wait. The party secretary mounted the platform and announced:

"The Chinese revolution has arrived at a new stage, the great leap forward. This is a new policy decreed by the party to develop China's economy at a quicker pace. Every cadre is to work harder than ever so that we will accomplish 20 years' work in a single year. We shall catch up with Britain in 15 years.

"Moreover, a historical event is now occurring in our motherland. It is the establishment of the people's communes. We, the educational workers of the new China, naturally hail this wise measure taken by our party because the people's commune is a new form of rural economic organization which will certainly hasten our Socialist construction."

When I heard his next sentences my heart sank. He continued: "The party committee of the university has decided to let our teaching staff go down to the countryside, together with the students, for two purposes: to help the peasants to build up the communes by aiding them with manual labor, and to help the intellectuals undergo thought reform by eating, living, and laboring with the peasants. I am sure that every one of our fellow comrades here will undoubtedly respond to the call of the party by signing up for the village after this meeting. The departure will take place on the day after tomorrow."

At the end of the meeting, all the party members, activists and members of the Young Communist League followed the secretary's pointed suggestion by registering to go down to the countryside. I knew that I too would have to "volunteer."

Because I was a foreign-trained teacher with a degree from a Western university, I had already been put through a series of ordeals, including a long and painful period of being "struggled against" and subjected to "fatigue bombarding" (continuous day and night questioning). So I hid my worries from the others and registered with false cheerfulness.

SOAPLESS IDEOLOGY

The following morning, I reported to the school carrying one cotton quilt and a blanket tied together in a bundle and a small kit bag which contained two sets of rough cotton shirts and trousers, a pair of canvas shoes, one face towel, one cake of face soap (later called a "bourgeois luxury"), one bar of laundry soap, one toothbrush, and one tube of toothpaste.

In the city, soap was rationed and coupons were required, but at least it was available. In the countryside, the peasants had no soap powder to get rid of the grease in their clothes and no one took baths. Living with unwashed peasants in patched cotton jackets which had been worn for 6 months was supposed to be part of our ideological toughening process.

Others carried much the same sketchy kit.

About 120 of us from my department had gathered at the school. Ten were teachers, the rest students. Everyone wore the same dark blue cotton trousers and tunic, the ubiquitous uniform in Communist China, plus a straw hat.

After a 100-mile ride in three ancient Dodge open-bed trucks and a 1½-hour tramp across fields, we reached the mud-walled village and were distributed among 20 families.

With three students and two other teachers, I was directed to an earthen-floored peasant's house which contained two small rooms. A woman in her early forties and her 8-year-old son occupied the house. The woman's husband was away in the army and a red paper sign on the door proclaimed that this was "The Home of the Honorable Ones."

One room of the house was used as a storeroom while the family lived in the other, a rectangle about 10 by 11 feet. Half of it was taken up by the traditional brick k'ang, the communal bed or sleeping shelf of north China's villages. Here the six of us from the university crowded in beside the woman and her son to sleep at night.

The room also contained a rough table with three stools, a mud oven and a chest which contained the family's few possessions. At night, a crude candle was used for light. We all took our food from the messhall so the fire was used mostly to boil water. There was no time for social conversation and the woman said very little.

AS IF IN BATTLE

On the night of our arrival, the local party secretary gave us a brief talk on the village, the area, and the main agricultural crop (maize). He then announced that our chief productive mission would be deep ploughing, that is, spading up the earth with a long-handled shovel.

"According to the direction of the party," he said, "our 'life should be in discipline' and 'acting should be as if in battle.' " Therefore our labor teams shall be organized into military formations.

"Students and teachers are to mix with the peasants to form several companies, squads and groups. There will be competition between these companies, squads and groups. Everyone must get up and assemble quickly when the whistles blow."

At daybreak the next morning, the whistles sounded shrilly. Hastily we dressed, wiped our faces with wet towels and gargled. No time was allowed for brushing teeth. Rollcall was not necessary because no one would have dared to skip or lag behind.

We formed up into groups of 15. Four or five groups comprised a squad. Two or three squads made a company. Shouldering the long-handled shovels, the teams proceeded to the fields at a quick march.

Some of the students and teachers sang revolutionary songs to display their zeal to the party representatives. Old women peasants hobbling on their bound feet had to run to keep up with the rest.

In the fields, the company commanders assigned work areas for the day to each squad. The land was marked out in rows and people started shoveling from both ends of a row.

"Deep plowing" was very heavy labor for those who had never taken part in manual labor before and even the peasants found "plowing" a field with a shovel hard going. But there were no real plows and China had so many people, according to the party, that lack of machinery did not matter.

The commanders warned that the furrows must be 1 meter deep. The commander of each company measured the work to see whether the plowing was up to standard. If it was not, the work had to be done again.

ORDEAL BY WATER

In the beginning, I could not even lift the shovel, but after about 2 weeks, my strength and technique improved. Whether the method was good or bad, the soil was being turned.

Starting at about 6:30 a.m., we worked in the field for 2 hours before a meager breakfast of maize congee was brought to the field. Ten minutes for rest and we went on shoveling until noon.

Water was brought to the thirsty shovelers once in the morning and once in the afternoon. To drink water at any other time was not allowed. Two buckets were carried to each field to be passed among 45 people. We all had to drink from the same gourd.

If the water ran out before all had had a drink, the unlucky ones continued working without water. That was called an ideological test. One student took a thermos to the field and it promptly disappeared.

At noon, we lunched in the fields on soup and a maize cake. After an hour's rest, we shoveled until about 7 p.m.

During the first month, we took supper in the fields, too, and then fought a "night battle," which meant digging until 1 or 2 o'clock in the morning. We shoveled by sense, we shoveled by feel. The next day we usually had to do it again.

Over and over again we were exhorted to prove ourselves worthy of being "people's intellectuals." Students and teachers began to collapse from strain and a hopelessly inadequate diet. Peasants, too, fell sick. By the second month, so many were sick that the party secretary was forced to cut down on night battles.

Barring night battles, we returned to the village for supper in the messhall, a requisitioned peasant's house without benches or tables. The food was always the same, maize congee for breakfast, maize cake and cabbage or broad bean soup without oil for lunch, and the same again for dinner.

Flies were found in the soup but were swallowed in the apathy of exhaustion. Many people suffered from dysentery and the most serious cases had to be returned to the city.

I felt dizzy all the time and finally developed edema. I had trouble with rheumatism and having to wash with cold water inflamed the joints. For most of the women, the terrible diet and the endless hours of field labor seriously disturbed the normal cycle of menstruation.

THE CELEBRATION

One night after we had been released from "night battle" about 1 a.m., the company commander announced that we were required at a mass meeting that day to help celebrate the establishment of the People's Commune to which the village belonged. A forced march of some 11 miles was to begin about 4 a.m. Therefore, said the leader, everyone would have to rise at 3 a.m.

By the time we had dragged our exhausted bodies back to the peasant's house, it was already 1:30 a.m. I crawled onto the k'ang and went straight to sleep without bothering to remove my clothes, but the whistle blasted sleep away within what seemed minutes.

The peasants and the "people's intellectuals" stumbled miserably into the road and the cook passed out dried maize cakes for breakfast. Numbed with fatigue, we fumbled onward in the dark, slipping, falling, scrambling wearily to our feet again, across the rough terrain. Even the zealous students had lost their appetite for singing revolutionary songs.

By 7 a.m., we had reached the celebration village. Other groups continued to arrive until there were 5,000 or 6,000 of us sitting on the dusty ground under the hot sun. For 3 hours that vast crowd sat in silence.

I thought to myself how much I admired the patience of the Chinese.

At about 10 a.m., the meeting began. Party secretaries from each village sat on the rough stage under the loudspeakers. The party secretary of the entire commune made the standard speech praising the People's Commune system and the great leap forward.

After he finished, representatives from each village reported on local conditions and swore that they would endeavor to become not only skilled in labor but "Red politically" under the "correct guidance of the party and the great leader Chairman Mao." No speaker failed to praise Mao.

After each speech, organizers would signal for applause. We from the city clapped dutifully but some peasants did not applaud, especially the women. Many old ladies did not even listen. The old peasant women of China seem to be the only ones who dare to treat the regime with contemptuous indifference.

After the speeches, excerpts from plays were given for half an hour, then a group of villagers did the Yang Kuo dance. At long last, at 3 o'clock in the afternoon we were released to begin the weary walk back to our village.

IDEOLOGICAL PLOWING

Besides deep ploughing the earth, we had to go through continual deep plowing ideologically. This was even more strenuous than the manual labor.

Once a week, teachers and students met separately to discuss life in the village, to comment on what was to be learned from the peasants' good qualities and to talk about solving the problems of eating, living, and laboring together with the peasants.

During those meetings, I took great care not to mention how startled I had been by the backwardness of the village and the peasants' low standard of living. I remember I said something of this sort:

"My impression of the village is that things here are much better than I had expected. Our peasants are hard-working people and yet they demand very little out of life. I'm sure I have a lot to learn from their good qualities, such as thriftiness, industry, and simplicity.

"Since I came from a capitalist family, there's an urgent need for me to undergo ideological transformation by living, eating, and laboring together with the peasants, which is a wise and necessary measure adopted by the party and Chairman Mao for reforming the thought of a capitalist intellectual * * *."

It was a great problem to find new ways to say this with conviction each time—but ways had to be found.

Not satisfied with such florid words, the staff party leader asked us to illustrate our "thought activities" (reactions in the mind) when encountering certain problems of "eating, living, and laboring together with the peasants."

"For instance," he said, "was there a conflict going on in your mind before you accepted a water-drinking bowl which was passed on to you after other peasants had drunk from it?"

The question seems ridiculous now but it was a very serious matter in that nightmare time. In the fields, I had indeed worried about drinking from a cup shared by those sadly dirt-encrusted peasants who lacked the most rudimentary knowledge of sanitation or hygiene. But I could not show my rising nausea without risking denunciations.

The correct resolution of this thought activity, according to the party, was that we should disregard the possibility of contagion and drink as a gesture of solidarity with the peasants who were our comrades. Unless we lived exactly as they lived, we would not achieve ideological transformation.

MANDATORY CONFESSION

Another kind of meeting was held once a month to discuss one's achievements in both manual labor and ideological transformation. Criticism and self-criticism were absolutely mandatory. We had to stop work at these times because each meeting would take a whole afternoon and evening while about a dozen people spent a minimum of half an hour each confessing and criticizing.

Criticism of others as well as oneself was compulsory but it was not always easy to find things to say, such as that Comrade X shoveled slowly and reluctantly or that Comrade Y on a certain day seemed lazy and not enthusiastic or that Comrade Z talked too much. If anyone talked while shoveling, this would be criticized.

At long last, in November, we raised our baggage on our shoulders again and tramped across the fields to the highway, where another ancient truck picked us up. I had lost weight, of course, and when I was back in the city, I simply shoveled food down, especially meat. The ordeal was over for a little while, but I knew it had only been a curtain raiser.

In the winter of 1959, the university was preparing to send the second round of cadres to the country. Our department held a general staff meeting to discuss who should go that year despite there being nothing to discuss since the names had already been settled by the party committee of the department. Understanding that quite well, the cadres "volunteered" unanimously.

In February, I joined 4 male teachers from our department and about 12 from another department who were leaving for a mountain village in Hopeh Province. We were told to take enough clothing to last four seasons.

On the evening of our arrival, the village party secretary gave us a talk. He said that this village had been "liberated" in the late 1930's and its people had made a heroic record during the "War against Japanese aggression."

Three of us were to stay at the house of an old woman who was a party member. Her party member husband had died in the Japanese war. Her son had been called away by the party to take part in reservoir construction. Now she lived with her daughter-in-law and a grandson. The six of us shared the only k'ang, or sleeping shelf, in the one-room house.

Particularly since 1958, Peiping had intensified a program to draft all the young men away from the farms to build dams or reservoirs. That was why we did not see any young men between the ages of 16 and 30 in the village. Those engaged in farming were mainly old men and young and old women. Women in their sixties with small "bind-feet," the notorious bound feet of old China, still went to the fields every day.

CARRIED OWN WEIGHT

Life was much harder in this bleak mountain village in terms both of food and of labor. The "chief productive mission" was "collecting fertilizer" for the spring ploughing. We carried fertilizer in baskets on our backs.

The baskets, which weighed anywhere from 55 to 100 pounds, were fastened to our backs with ropes which cut cruelly into our shoulders. People who were small (like me) sometimes found themselves carrying their own weight in wet fertilizer.

Another form of labor was mixing the human manure that had been shipped to the fields. Ten or twelve people stood around the heap of manure and used forks to hit the lumps to make them into smooth, paste-like fertilizer. The job was suffocating because the manure was very fresh, but we were not supposed to wear gauze masks to keep the smell away because "to endure dirt in labor was essential to thought reform."

Food was a problem. For the first two months we had nothing but maize cakes and salted grayish roots because the land was not fit for growing vegetables. The rule here was the same as in the first village: labor two hours on an empty stomach before having breakfast.

In between baskets of fertilizer, there was always that endless process of checking on one's ideological transformation. A thought summarizing meeting was held every two months to see how much progress one had made in manual labor and mental labor.

I found myself preferring fertilizer-carrying to those nerve-straining meetings. But after a few months of this very heavy labor I began to have constant pain in the right side of my back. Finally, early in June, I asked to go back to the city for a medical examination.

The party staff leader reluctantly agreed to give me one week's leave. With another girl who had also fallen sick, I took the bus and train back to the city. Medical examination revealed that the kidney on my right side was damaged due to overstrenuous labor. I was ordered by the doctor to take a rest and preferably not to go down to the countryside again.

I brought the note from the doctor to the party secretary of my department and explained to him what had happened to me. To my surprise, he showed no sympathy or concern but was clearly displeased. He lectured me angrily: "We were glad in the beginning that you decided to go to the countryside for a longer period of ideological transformation, but I'm quite disappointed now that you could not stay on laboring after falling sick.

"Health is, of course, important, but very often sickness can be overcome with strong will power and political enthusiasm. Overemphasizing one's health is just the same as overemphasizing individual benefit, which is typical of a capitalist intellectual."

AND FINALLY, ESCAPE

In the autumn of 1960, I went down to the countryside for the third time. The purpose this time was to practice the new educational policy—"education to be combined with productive labor"—decreed by the Central Committee of the CPC in 1959.

The point of this policy was to let the students experience the life of the peasant or the worker while continuing school study so that they would not become "capitalist intellectuals who possess only theoretical knowledge, not practical or productive knowledge."

For convenience in maintaining contact with the university while having classes in the commune, a village in the suburbs was chosen this time.

The schedule was a half day for labor in the morning and a half day for classes in the afternoon.

The classes were held in a room borrowed from a local primary school. Some 40 full-grown students sat on miniature benches designed for small children. Teaching under these conditions was like playing games in a kindergarten rather than having classes with a group of college students.

To win the trust of the party is the only way to advance to a comfortable life in China. Students know this.

The Chinese Communists encouraged informers. They called it the way of indirect understanding. Inevitably, some people made up stories to harm others and help themselves.

To be trusted politically, students often informed on their teachers. For instance, when I was staying at the woman peasant's house, I used a cake of slightly scented face soap for washing. Students reported to the party secretary that I was spreading perfume on the k'ang before retiring. They followed up the report by accusing me in a "big-letter poster" of having serious bourgeois ways of living.

The new educational policy was a failure among my students. Students exhausted from labor in the morning could not concentrate in classes in the afternoon. Later the classes were shifted to the morning but the students still could not recover from the previous day's labor.

We returned to the city after 3 months in the countryside and spent a month evaluating our experiences. The evaluation was concerned exclusively with "Why this educational policy is good." No one, of course, dared to criticize it.

After that, I began working out a specific plan for escaping from my country with my son, who had been with his grandfather in Nanking all this time. It took many months, because I had to wait for the right time, but I was determined that somehow my son and I would finally be free.

FLOW OF REFUGEES FROM EAST GERMANY CONTINUES

Mr. HART. Mr. President, the flow of refugees from East Germany continues, and further underscores the compelling attraction of freedom. The New York Times magazine of August 9 included a fine article, by Arthur J. Olsen, on the hazardous conditions of escape from Ulbricht's prison. The article is a clear reminder of the free world's responsibility for continuing efforts to ease the burden of the captive peoples in Eastern Europe, and of our obligation to assist those who make the daring escape to freedom.

I commend the article to my colleagues, and ask unanimous consent it be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

"Breaking "The Wall": The Odds Grow

(By Arthur J. Olsen)

Bonn.—A few weeks ago the one-man police force in a Spanish fishing village on the Bay of Biscay suddenly came upon a tall, thin young man, clad only in underclothing and obviously exhausted. The Guardia heard him mumble in some unintelligible language and promptly clapped him into the town's one-room jail.

Thus Horst Beilharz, 24 years old, refugee from the German Democratic Republic, was welcomed to Western Europe. Beilharz is one of more than 100,000 East Germans who have sought to break out since the Berlin wall rose on August 13, 1961, and one of 19,000 who have succeeded.

To attempt the crime called flight from the Republic by the East German Ministry of Justice is to enter into a desperate game in which the odds against success are something like 9 to 1. Most of the losers pay with 2-year prison terms. At least 65 have paid with their lives, and hundreds more with bullet wounds.

It is a game that fewer and fewer can play with hope of success. They are today almost exclusively of two categories: the young and agile, and those of any age endowed with unusual imagination and resourcefulness.

The stream of political refugees from East Germany is down to about 5,000 a year—about 5 percent of the annual total before the wall, when a man who had enough of "building socialism" could simply walk across the sector border dividing East and West Berlin.

Walter Ulbricht, the Communist leader of East Germany, by building the wall stopped the manpower drain that threatened to destroy his state. But East Germany has not advanced appreciably in the last 3 years. After 15 years of grim effort, Ulbricht has just about what he started with—an artificial "state" which survives by virtue of 200,000 Soviet troops stationed between the Elbe and Oder Rivers.

Many thousands of East Germans who had been willing to "go along" during the fifties and early sixties, were turned by the wall into silent rebels, sullen, uncooperative, embittered. Before the wall, Berlin functioned as a sort of safety valve whereby East Germany rid itself of malcontents. Today the malcontents are bottled up inside.

A measure of the disaffection Ulbricht is struggling against is the extraordinary and desperate efforts that thousands of East Germans make to flee his harsh dictatorship. The things that ultimately brought Horst Beilharz onto a Spanish beach have caused many thousands to follow a similar path—not many to a happy end.

Beilharz grew up in a small city near Dresden, knowing only socialism and living dutifully according to its rules. He joined the Pioneers at 10, the Free German Youth at 14 and, as he approached maturity, he put on a straight face, studied earnestly to become "a creative machinist—maybe an engineer" and practiced petty disloyalties in private.

In the winter of 1961–62, he and a few friends met privately to listen to jazz broadcast by the Armed Forces Network, the U.S. Army radio station in West Germany. Someone talked, and one day the radio was confiscated. A few weeks later, when Beilharz applied for an advanced machinist's course at a technical college, he was turned down with a suggestion that he go to work and put in a year of political night school to "strengthen your ideological preparation."

"I realized that I was caught in the system," say Beilharz. "There was a check after my name, and it would take years to remove it. I would always have to be careful. Right then I decided I would have to go."

Beilharz signed up for the merchant marine. "I kept my mouth shut. I was really with it." Nearly 2 years later, he was assigned to the crew of a small freighter scheduled for a swing to Bordeaux and back home. In his seabag Beilharz carried a small inflatable rubber raft.

One day out from the French port the ship turned westward, skirting the Spanish coast. Beilharz learned that they would pass only a few miles from the coast about noon next day.

"That morning I could see a strip of white beach and low hills," he said. "There was a pretty good sea running but no storm in sight. I took the raft up on deck and blew it up under a lifeboat, then dropped over the side. I was pretty far astern when a lookout spotted me. They opened up with a gun.

"I could see them trying to put a boat over the side, but I wasn't worried. Those boats were rusted in pretty tight. I paddled hard for the shore. I think the captain didn't want to come in because of the shallows. Except for the gun he really did not make much of an effort, it seems to me."

Within a half hour the fragile raft collapsed. Beilharz estimates it took 6 hours of swimming to traverse about 5 miles of open sea; then he walked into the nearby village where he was arrested. He identified himself and 2 weeks later was sent to the refugee receiving center at Giessen in West Germany.

To Beilharz, as to almost every one of the 200-odd refugees who enter the trim barracks compound each month, the Giessen receiving center is the gateway to the promised land. "Can you imagine?" said Beilharz a day after his arrival, "bananas for 2 marks (50 cents) a pound."

"So many of them came in with the idea that the land of milk and honey is at hand," said Camp Director Helmut Pluschke, himself a refugee, class of 1951. "It is understandable but psychologically bad. We go to some pains here pointing out that this is a free country, which means that individuals make their own lives. This means work and disappointments and hard adjustments—particularly for people inured in the habit of being told what to do."

In a bread-and-butter sense, East German refugees have few problems in starting out again in the West. Their academic and professional credentials are recognized. West Germany's postwar housing squeeze is now much eased. There are a half million jobs waiting for takers. At Giessen each escapee chooses the region he wants to settle in, gets a list of job opportunities from a state employment agency and receives a small stake to get him started. If he has relatives or friends in the West, the prospects of a smooth readjustment are easier.

The psychological adjustment is something else. German regionalism expressed in accent, custom, and religion is dying, but the emotional wrench is still significant. Before the wall went up a good many refugees went back home to Brandenburg or Thuringia, perhaps to try another day. Some passed through the refugee receiving stations four or five times. Since 1961 there are no known instances of genuine post wall refugees returning voluntarily to the East.

With every month, as the East German police methodically plug holes in their control system, the ingenuity of escapees goes up. About half the 19,000 who have made it in the last 3 years escaped into West Berlin—either across the wall from the Soviet sector or through the barbed wire that separates West Berlin from East German territory on the other three sides.

Statistically, 49 of every 100 post-wall refugees who checked in at West Berlin's Marienfelde Receiving Station came through, under or over the 68 miles of wire from East Germany. Forty-seven came in from East Berlin, and four by other means, such as roundabout trips through third countries. But the number of escapes into West Berlin is declining, particularly flights from the Soviet half of the city. The 300-mile border with West Germany, guarded with police dogs, minefields and patrolling troops is a formidable barrier but now relatively more penetrable.

In the files of the Ministry of All-German Affairs in Bonn, refugee case histories are detailed. Some escapes are simply athletic feats, such as Beilharz' long swim. Others have had all the outward drama of a stroll around the block.

One elderly professor devoted nearly 3 years to making good his escape—99 percent of his effort being expended in a library. The scholar spent 2 years making himself an established authority on the precolonial history of Black Africa. He produced a thesis which was published and attracted the interest of African scholars. He subtly planted the idea of an invitation to lecture at an African university. Before long, he was approached by an East German official with a proposal that he go for a year to a certain African capital. He objected: too old, too tired, too long away from his family. Eventually, he gave in—on the promise that his family could go too. A few weeks ago the professor and his family left for Africa, waved off from the East Berlin airport by Education Ministry officials. At the first stop, Zurich, they stepped off the plane and reached Giessen 24 hours later.

Some successful escapes have been incredibly simple, others something like prolonged torture. A 19-year-old girl named Helga climbed under the hood of a diesel truck, wrapping herself around the engine block. She lay there for a half hour while the truck cleared a check point, emerging seriously burned but free.

Another East Berliner, finding life "no longer worth living" after the wall went up, spent 26 hours crawling through the sewers under Berlin. He inched his way to the West, unwittingly returned to the East side, almost drowned in slime, almost got stuck in a narrow pipe and finally got well under West Berlin streets only to find himself trapped under fastened-down manhole covers. He was near the end of his endurance when he was able to attract help by wigwagging a piece of torn cloth attached to a stick he thrust up through a gutter grate.

Others have quit the German Democratic Republic with ridiculous ease. One crew-cut young East Berliner schemed for 2 years to get out, but every plot went wrong. Finally, he found himself "volunteered" for 2 years of army service and, in time, assigned to 3 weeks of frontier duty.

On the frontier, East German guards stand their posts in pairs, with at least one either a proven devotee of the regime or a married man with a family. The East Berlin youth, who wants to design furniture someday, was detailed one afternoon to a watchtower overlooking a stretch of rural frontier land. Before leaving the barracks he carefully removed the bolt from his submachinegun. Two hours later he told his companion, the company "activist," that he was climbing down to the foot of the tower to relieve himself. He picked up the other's gun, descended and strolled toward the frontier 200 yards away. The activist commanded the nonchalant runaway to halt. He snatched the remaining gun, drew a bead on the retreating figure, and pressed the trigger. The weapon, of course, would not fire.

Two other East Berlin youths found the required inspiration while watching the handling one day of an invalid passenger at the Friedrichstrasse elevated railway station, one of the points where Westerners may cross into the Soviet sector. The returning visitor, a man in a wheelchair, was cleared by frontier police at the street level and then escorted to a locked freight elevator to be lifted to the train level.

Two days later, a crippled boy was wheeled into the Friedrichstrasse station by one who might have been his older brother. Skirting the busy control officials, the latter pushed the wheelchair up to the elevator. He took out a key (made from a wax impression surreptitiously taken), opened the elevator, rode upstairs and wheeled the invalid past the station guards, who assumed the pair had cleared below. Three minutes later, the boys were freemen.

Such loopholes are increasingly hard to find, and today many escapes—no one knows just how many—are organized with help from the Western side of the wall. Fluchthilfe is a game played by idealists, by profiteers, and by amateurs stimulated by such motives as longing for a sweetheart "over there."

Aiding refugees is a dangerous game with exposure almost certain if one keeps at it. The successes are recorded only in statistics at the Giessen and Marienfelde reception centers. Failures are often well publicized. A brief notice in a newspaper reporting the arrest in East Berlin of a Swiss or Austrian or West German or American "student" on suspicion of espionage or subversion is frequently the bleak monument in a scheme that misfired.

A West German truckdriver who made regular runs up the interzonal autobahn to West Berlin constructed a secret compartment inside the chemical tank mounted on his vehicle. For nearly a year, he habitually pulled off at a roadside parking lot to eat his lunch, using the time to load appointed passengers aboard. Betrayed in the end, he is serving a 20-year sentence in an East German prison. But hundreds of new residents of West Germany owe him their freedom.

The professionals in Fluchthilfe charge fees for organizing an escape. The going price now is said to range between $750 and $1,500, with some unusually difficult undertakings priced at $2,500. This essentially idealistic calling has inevitably attracted a fringe of easy-money operators. Recently a West Berlin man was arrested for swindling dozens of East Germans of a total of $25,000. He took downpayments on escape contracts, never raising a finger to carry them out.

Such incidents, hardly less than the case of a woman whose legs were blown off by a frontier landmine, limn the tragic side of the unfinished story of the German refugee movement. The chroniclers of the refugee phenomenon have seen the figures diminished by the wall. But the underlying patterns persist. By all indications the true believers in the Communist system amount to something like 10 percent of the East German population. The overwhelming masses live a life of compromise—balancing the certain undoubted advantages of a reasonably secure if uninspiring existence against the miseries of an ineptly run dictatorship.

Before the wall, a man who judged the compromise intolerable paid for escape with a minimum price of abandoned home and personal fortune. Since 1961, one must consider death, maiming, or a long prison sentence.

The archives show that, almost invariably, a refugee takes on the gamble because of some specific, often minor, incident (such as the confiscation of Horst Beilharz' radio) that shocks him into decision. Few refugees are on the run from justice. Few have records of open disaffection. Most tell a story of tolerable grievances that one day suddenly seemed intolerable.

Until a few years ago, a blond, 20-year-old youth we shall call Robert was secretary of a Free German Youth group in one of the larger East German cities, with an exemplary record. But he threw in a promising Socialist career, brought down certain trouble on his family and fled.

"I did not get the idea overnight," he said. "There was a long accumulation of things. It is a fact that they told us back a few years ago that we would catch up with West Germany soon—by 1965, they said. Anyone can see that is a joke. In the last few years we haven't been catching up. We have been losing ground. When you see how things are around you, when you look at that kind of leadership, you lose faith."

Robert remembers the precise day he decided to get out, though it took nearly 3 years and several false starts to do it successfully.

"It was a few days after the wall went up," he said. "We had a special meeting of the F.D.J. (youth group) to hear a regional party official explain the wall. He was the highest ranked man we ever had as a speaker. The wall was a troublesome thing for all of us, I think. Maybe it was necessary. We had to know why. What did we hear? The worst kind of cant about an anti-Fascist defense wall to protect us from the imperialists. We wanted reasons, and we got slogans.

"I left there saying to myself: 'Robert, that man just told you you are in prison.'" As wardens everywhere know, for a certain type of person, prisons—even model prisons—are something to escape from.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer-term financing in the United States and in markets abroad, and for other purposes.

The message further announced that the House had disagreed to the conference report on the amendments of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes; that the House insisted upon its disagreement to the amendments of the Senate to the said bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Mills, Mr. King of California, Mr. Boggs, Mr. Byrnes of Wisconsin, and Mr. Curtis, of Missouri, were appointed managers on the part of the House at the further conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

H.R. 5155. An act for the relief of Mrs. Guiseppa D'Aquanno, Maria D'Aquanno, and Benedicto D'Aquanno;

H.R. 10222. An act to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes;

H.R. 11296. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 11466. An act to enact subtitle II, "Other Commercial Transactions," of title 28, "Commercial Instruments and Transactions," of the District of Columbia Code, and for other purposes;

H.R. 11579. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes; and

H.J. Res. 1160. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

RESOLUTION BY THE BROOME COUNTY POMONA GRANGE NO. 2 URGING INCREASED PRINTING AND CIRCULATION OF $2 BILLS

Mr. **KEATING**. Mr. President, I present, for appropriate reference, a resolution adopted by the Broome County Pomona Grange No. 2, of Broome County, N.Y., urging that the Treasury Department print and circulate a greater number of $2 bills than it now does. I also ask unanimous consent that the text of the resolution be printed in the Record at this point.

There being no objection, the resolution was referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

Broome County Pomona Grange No. 2,
August 12, 1964.

The following resolution was passed at the last meeting of Broome County Pomona Grange and a copy to be sent to you. Since the Treasury Department recognizes that it costs the same amount to print $1 bills as $2 bills so that the cost of printing the equivalent in currency would be cut in half by the printing of $2 bills rather than two $1 bills.

And since most purchases nowdays cost over $1 thereby call for change from $2; and the widespread use of the $2 bill in Canada clearly shows the feasibility of its use.

And since according to the Treasury Department on one printing alone of 250 million $2 bills rather than 500 million $1 bills the printing cost would be reduced by $2,500,000.

It is our belief that if the $2 bills were more commonplace they would soon be accepted by the public.

Therefore, Broome County Pomona Grange No. 2 goes on record as being in favor of vastly increased printing and circulation of the $2 bill and that copies be sent to Mrs. Kathryn Granahan, U.S. Treasurer, Douglas Dillon, Secretary of the Treasury, Jacob Javits, U.S. Senator, Kenneth Keating, U.S. Senator.

Sincerely,

Solon D. Benedict,
Pomona Secretary.

Resolution committee: R. G. Parker, Earle Titus, Earl Leet, Marian H. Tripp.

ADDITIONAL REPORTS OF COMMITTEES

The following additional reports of a committee were submitted:

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service, without amendment:

S. 1974. A bill to amend the Federal Employees' Group Life Insurance Act, as amended, with regard to filing designation of beneficiary (Rept. No. 1472);

H.R. 3545. An act to amend section 131 of title 13, United States Code, so as to provide for taking of the economic censuses 1 year earlier starting in 1968 (Rept. No. 1475);

H.R. 4818. An act to amend section 25 of title 13, United States Code, relating to the duties of enumerators of the Bureau of the Census, Department of Commerce (Rept. No. 1474); and

H.R. 9425. An act to amend title 13, United States Code, to authorize reimbursement of census enumerators for certain telephone tolls and charges (Rept. No. 1473).

By Mr. JOHNSTON, from the Committee on Post Office and Civil Service, with amendments:

H.R. 5932. An act to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers (Rept. No. 1476).

By Mr. RANDOLPH, from the Committee on Post Office and Civil Service, without amendment:

H.R. 5708. An act to bring certain U.S. commissioners within the purview of the Federal Employees Health Benefits Act of 1959 and the Federal Employees' Group Life Insurance Act of 1954 (Rept. No. 1477).

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read the first time, and by unanimous consent, the second time, and referred as follows:

By Mr. BYRD of West Virginia:

S. 3132. A bill for the relief of Dr. Josefina Quintos Marcelo; and

S. 3133. A bill for the relief of Dr. Bernardino D. Marcelo; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3134. A bill to require bidders for public works construction contracts to disclose the identity of proposed joint contractors and subcontractors and for other purposes; to the Committee on Public Works.

By Mr. HART:

S. 3135. A bill for the relief of Dr. Kim Khong Lie; and

S. 3136. A bill for the relief of Vladimir Stakich; to the Committee on the Judiciary.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1965—AMENDMENTS (AMENDMENT NO. 1241)

Mr. PROXMIRE submitted amendments, intended to be proposed by him, to the bill (H.R. 10809) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, which were ordered to lie on the table and to be printed.

Mr. LAUSCHE submitted an amendment (No. 1242), intended to be proposed by him, to House bill 10809, supra, which was ordered to lie on the table and to be printed.

Mr. JORDAN of North Carolina (for himself and Mr. SALTONSTALL) submitted an amendment (No. 1243), intended to be proposed by them, jointly, to House bill 10809, supra, which was ordered to lie on the table and to be printed.

AMENDMENT TO PREVENT DISCRIMINATION BY GOVERNMENT SUBSIDIES TO CATTLE PRODUCERS IN APPALACHIAN REGION (AMENDMENT NO. 1244)

Mr. HRUSKA. Mr. President, I ask to have printed an amendment intended to be proposed by me to S. 2782, the so-called Appalachian Regional Development Act of 1964. Also, unanimous consent is requested that the text of the amendment be printed at the conclusion of my remarks, and that it lie on the table until the close of business tomorrow night to enable addition of the names of such of my colleagues as may wish to add their names as cosponsors.

The purpose of my amendment is to strike out section 203 of the bill. This section is entitled, "Pasture Improvement and Development." It relates to the proposed grants by the Secretary of Agriculture, and would authorize Federal payment of 80 percent of the cost of the development or improvement of pasture to increase the production of beef cattle in the Appalachian region.

Mr. President, these past 2 years have been a period of severe hardship for the U.S. cattle industry. During a period of less than 18 months, price quotations for the principal grades of fed cattle on the leading markets have dropped as much as 30 percent. For example, the price of Choice steers ready for slaughter in Chicago, which was over $30 a hundred in the latter part of 1952, has averaged between $21 and $22 a hundred throughout the first half of this year.

All Senators are familiar with this situation. Just a few weeks ago in this body we passed corrective legislation, by a vote of 72 to 15, to place limits on the flood of imports of beef which have been a major source of the difficulty. Earlier today we approved the conference report which resulted from that bill.

Now we find that the cattle industry in this country is under attack from another quarter. By the terms of this Appalachia bill, the administration proposes to grant special subsidies for the development of the beef cattle industry in one part of the country only, in competition with the industry in other parts of the country. Such subsidies must, of course, come from the taxes collected from all parts of the country.

According to testimony by Secretary Freeman and of Assistant Secretary of Commerce Franklin D. Roosevelt, Jr., it is hoped to increase beef cattle production in Appalachia to the extent of about $230 million per year, which is equivalent to somewhat more than 1 billion pounds of livestock. It is difficult for me to understand why the administration picked this particular time to inflict this additional hardship on the U.S. cattle industry, or on the order of some 1 million additional head.

It will be recalled that throughout our long effort to secure effective action against the flood of imported beef, Secretary Freeman insisted that the great source of our troubles was our own U.S. overproduction. Persistently and consistently, he has contended that imports were of only minor importance, that our cattle industry brought its troubles down on its own head by overproducing.

If the automobile factories of Detroit were shut down for lack of sales, would we use Government funds to subsidize the erection of additional motorcar factories elsewhere in the country, and then argue that we were creating new jobs by doing so? Would that increase the total market for motorcars? Or the total number of jobs in the automotive manufacturing industry? Of course it would not. Certainly the same is true with the production of beef. New beef production artificially brought into being in the Appalachian region must certainly displace a corresponding production of beef somewhere else.

Let us recognize also that this proposal would mean subsidizing the continued operation of farms admittedly marginal and which, in all candor, will probably need continued subsidies from the Federal Government year after year. During the last 4 years we know that some 475,000 farms have disappeared. Is any real purpose served by pretending that such farms can be kept in production through subsidies of this sort? Twenty-five acres of pasture on a farm in Appalachia will support not over six or eight animal units. It is simply not enough to make a cow-calf operation economically feasible.

Those of us who represent other parts of the country have a duty to protest against this flagrant discrimination proposed by the Administration at general public expense.

Mr. President, when the Appalachia bill comes before us, it is my intention to propose by the proposed amendment that the entire section proposing grants for pasture improvement in Appalachia be stricken from the bill.

In doing so I am not insensitive to the economic hardship and poor condition of the Appalachian people who are the intended beneficiaries of this subsidy. But it is pointed out that to represent that such a step has any permanent or long-range value is a delusion; and in fact pretty much of a "cruel hoax," as the minority report puts it. For all concerned the funds and the effort designed to be expended here should be devoted to a more constructive and realistic effort.

The PRESIDING OFFICER. The amendment will be received, printed, and will lie on the table.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1007) to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River—Kinzua Dam—project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 5941) for the relief of Julian A. Erskine.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 18, 1964, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 16. An act to provide for the establishment of the Ozark National Scenic Riverways in the State of Missouri, and for other purposes;

S. 51. An act to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District;

S. 502. An act to preserve the jurisdiction of the Congress over construction of hydroelectric projects on the Colorado River below Glen Canyon Dam;

S. 1046. An act to provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor;

S. 2419. An act to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

HEARINGS BY SUBCOMMITTEE ON REFUGEES POSTPONED

Mr. HART. Mr. President, I wish to announce that hearings by the Judiciary Subcommittee on Refugees, scheduled for August 19 and 20, have been postponed. The subcommittee was to have heard officials in the Department of State on refugee movements and problems attributed to Communist regimes and activities in Asia. It is the subcommittee's intention to reschedule the hearings.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, in accordance with the previous order, I move that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 45 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Wednesday, August 19, 1964, at 10 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 18, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Colossians 4: 5: *Walk in wisdom toward them that are without, redeeming the time.*

Lord God, Almighty, may we daily bear kinship to the lowly man of Galilee who went about doing good, and inspired His followers to give their strength to the weak, their sympathy to the sorrowing, their substance to the poor, and their heart to God.

Grant that we may appropriate by faith the overtures of His friendship and accept the challenge to make a more daring trial of His moral and spiritual principles as we live and labor to build a nobler civilization.

May the Members of this legislative body feel the urge to come to the high vocation of public service, which Thou has entrusted to them, richly endowed with clear judgment and wise decision.

We beseech Thee to bless them with a calm and courageous spirit as they face many national and international problems which still defy any satisfactory solution.

In Christ's name we bring our needs and desires. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1342. An act to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards;

H.R. 4766. An act for the relief of the Boren Clay Products Co.;

H.R. 6578. An act for the relief of Mrs. Cesira Doddy; and

H.R. 7132. An act for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9361. An act for the relief of Kathryn Choi Ast.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 437. An act for the relief of Wilhelm Konyen, his wife Susanne Fritsch Konyen, and their children, Susanne Konyen and Willy Konyen; and

S. 486. An act to amend certain criminal laws applicable to the District of Columbia, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1664. An act to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the United States, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1794) entitled "An act to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River—Kinzua Dam—project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11134) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes."

The message also announced that the President pro tempore, pursuant to House Joint Resolution 825, had appointed Mr. DOUGLAS, Mr. HARTKE, Mr. DIRKSEN, and Mr. COOPER as members on the part of the Senate to the Committee on Arrangements for the Abraham Lincoln Second Inaugural Address.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1965

Mr. MAHON. Mr. Speaker, pursuant to the unanimous-consent agreement obtained yesterday, I call up the joint resolution (H.J. Res. 1160) making continuing appropriations for the fiscal year 1965, and for other purposes, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1964 (Public Law 88–325), is hereby amended by striking out "August 31, 1964" and inserting in lieu thereof "September 30, 1964".

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the House will recall that last June—June 25—we passed a continuing resolution, covering July and August, in view of the fact that all of the appropriation bills could not be enacted into law by the beginning of the new fiscal year 1965 on July 1. The

House passed all of the regular appropriation bills by the first of the new fiscal year, but because of extended preoccupation with another matter the other body had not passed them. Since that time much progress has been made, but four of those bills have not been finally disposed of. This resolution simply continues the availability of funds under certain conditions for the agencies and programs through the month of September. I have conferred with the gentleman from Iowa [Mr. JENSEN] about it. I know of no objection to this joint resolution.

Mr. JENSEN. I concur, Mr. Speaker.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Iowa.

Mr. GROSS. If I recall correctly, last year in these continuing resolutions we extended them to the end of the calendar year. Would the gentleman think that this year continuing through the month of September would be sufficient and that Congress might be adjourned by the 1st of October?

Mr. MAHON. I hope, and I believe, that the continuance through the entire month of September is unnecessary because I certainly hope, and believe, we will conclude the business before the end of September. As a matter of precaution, the 1 month was thought to be desirable. I join in the hope we will be through before October arrives.

Mr. GROSS. The gentleman joins in the hope we will not be here all this year?

Mr. MAHON. I join in the fervent hope that we will not be here that long.

The resolution is in the usual form adopted by the House virtually every year under similar circumstances. In every respect and in all particulars, the present resolution, Public Law 88-325, merely continues for another month beyond August 31. Thus it continues to accommodate the public necessities on only a minimum, interim basis where the regular bills have not finally cleared. And in this connection, may I also repeat that these continuing resolutions are in the nature of advances on the regular appropriations. All expenditures made under the resolutions are charged against whatever is finally made available for the pertinent activity in the regular bill. So there is no enlargement.

As I pointed out here on the floor on July 1, the House this year passed all the regular bills by the first day of the new fiscal year 1965.

The House moved with dispatch. Not in 4 years have all the bills been cleared to the other body as early as the first day of the new fiscal year.

In all the bills of the session, the House made total reductions of about $3,675,000,000 below the budget requests. And significantly, on a fiscal year basis—1965 compared to fiscal 1964—the House bills totaled about $1,209,000,000 less than the previous year.

As of the moment, 10 of the regular 1965 bills have passed the other body, 8 of those have gone to the President; we have conferred on 1 of the other 2—military construction—and have a conference scheduled this afternoon on the Agriculture bill. Of the regular annual bills, only the Labor-HEW bill and the foreign aid bill are still in the other body; the Labor-HEW bill has been reported from committee—and may yet pass today.

We are ready to report the usual closing supplemental bill to the House. Rare is the session when there are no last minute essentials to be taken care of; I do not recall any recent session when there was not such a bill.

In summary, then, Mr. Speaker, we have five bills yet to be finally cleared: two are in conference; one at the moment is on the Senate floor; one is in Senate committee; and one is in the House committee, ready to report. I believe the Senate committee is also in an advanced position and can probably move expeditiously.

As to the eight regular bills for fiscal 1965 sent to the President, may I just say that, in round figures, they total $73,800,000,000 in appropriations. They aggregate about $1,700,000,000 below the budget requests considered in connection with them. And according to the tentative figures, they approximate $1,268,000,000 below the corresponding appropriations of the prior year.

It is too early to say with certainty just what the results will be on the five bills still in process but I would hazard the guess that when they are finalized, they will, in conjunction with results on the other eight bills, be pretty close to the previous year's total—perhaps slightly over. There is no doubt about being well under the budget requests.

Mr. Speaker, I urge the adoption of the resolution.

I include the supporting figures in more detail:

The appropriation bills, 88th Cong., 2d sess., as of Aug. 18, 1964

[Does not include back-door appropriations or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills]

Title and bill number	Prior year appropriations	House		House action compared with—		
		Budget estimates to House	Amount as passed	Prior year appropriations	Budget estimates	Amount reported
1964 DEFICIENCIES						
Department of HEW (H.J. Res. 875):						
Original resolution, 88th, 1st [1]		$41,886,000	$41,886,000			
Subsequent consideration, 88th, 2d [2]		[3] 247,802,000	[4] 247,802,000			
Total, H.J. Res. 875		289,688,000	289,688,000			
Department of Labor (H.J. Res. 962)		[5] 42,000,000	42,000,000			
Disaster relief (H.J. Res. 976)		[5] 50,000,000	50,000,000			
Deficiency, 1964 (H.R. 11201)		1,307,380,789	1,264,913,689		+$42,467,100	
Total, 1964 deficiencies		1,689,068,789	1,646,601,689		+42,467,100	
1965 APPROPRIATION BILLS						
District of Columbia (H.R. 10199)	($313,469,518)	(357,702,300)	(338,205,200)	(+$24,735,682)	(−19,497,100)	
Federal payment, 1965 regular	40,368,000	53,220,000	40,720,000	+352,000	−12,500,000	
Loan authorization	(19,300,000)	(14,400,000)	(26,400,000)	(+7,100,000)	(+12,000,000)	
Interior (H.R. 10433)		1,035,678,000	1,009,175,600		−26,502,400	
1965 regular appropriations	1,011,029,500	998,903,000	976,475,600	−34,553,900	−22,427,400	
Loan authorization	(6,000,000)	(20,000,000)	(14,000,000)	(+8,000,000)	(−6,000,000)	
1964 supplementals		36,775,000	32,700,000		−4,075,000	
Treasury-Post Office (H.R. 10532):						
1965 regular appropriations	6,055,766,000	6,271,991,000	6,225,420,000	+169,654,000	−46,571,000	
1964 supplementals (by transfer)		(1,675,000)	(1,100,000)		(−575,000)	
Legislative (H.R. 10723)		222,587,355	173,626,640		−48,960,715	−$290,270
1965 regular appropriations	[6] 217,304,244	[7] 222,375,655	[7] 173,446,640	[6] −43,857,604	[7] −48,929,015	[7] −290,270
1964 supplementals		211,700	180,000		−31,700	
Labor-Health, Education, and Welfare (H.R. 10809)		7,561,968,000	6,908,063,000		−653,905,000	
1965 regular appropriations	5,795,436,500	7,104,782,000	6,908,063,000	+1,112,626,500	−196,719,000	
1964 supplementals		457,186,000			−457,186,000	
Defense (H.R. 10939):						
1965 regular appropriations	48,223,210,000	47,471,000,000	46,759,267,000	−1,463,943,000	−711,733,000	
1964 supplementals (by transfer)		(6,000,000)	(6,000,000)			
State, Justice, judiciary (H.R. 11134)		1,957,764,700	1,702,627,800		−255,136,900	
1965 regular appropriations	1,840,233,900	1,915,089,700	1,702,177,800	−138,056,100	−212,911,900	
1964 supplementals		42,675,000	450,000		−42,225,000	

See footnotes at end of table.

The appropriation bills, 88th Cong., 2d sess., as of Aug. 18, 1964—Continued

[Does not include back-door appropriations or permanent appropriations [1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bills.]

Title and bill number	Prior year appropriations	House				
		Budget estimates to House	Amount as passed	House action compared with—		
				Prior year appropriations	Budget estimates	Amount reported
1965 APPROPRIATION BILLS—continued						
Agriculture (H.R. 11202)		5, 588, 922, 600	5, 182, 665, 000		−406, 257, 600	
1965 regular appropriations	6, 246, 297, 215	5, 582, 259, 600	5, 182, 665, 000	−1, 063, 632, 215	−399, 594, 600	
Loan authorization	(855, 000, 000)	(753, 000, 000)	(795, 000, 000)	(−60, 000, 000)	(+42, 000, 000)	
1964 supplementals		6, 663, 000			−6, 663, 000	
Independent offices (H.R. 11296)		14, 244, 653, 400	8, 118, 965, 500		[8] −6, 125, 687, 900	[8] −5, 200, 000, 000
1965 regular appropriations	13, 275, 913, 050	14, 099, 653, 400	8, 118, 965, 500	[8] −5, 156, 947, 550	[8] −5, 980, 687, 900	[8] −5, 200, 000, 000
1964 supplementals		145, 000, 000			−145, 000, 000	
Military construction (H.R. 11369): 1965 regular appropriations	1, 585, 880, 000	1, 879, 000, 000	1, 599, 014, 500	+13, 134, 500	−279, 985, 500	
Public works (H.R. 11579): 1965 regular appropriations	4, 407, 240, 700	4, 372, 449, 000	4, 325, 969, 200	−81, 271, 500	−46, 479, 800	
Foreign assistance (H.R. 11812): 1965 regular appropriations	3, 264, 023, 137	3, 958, 377, 000	3, 739, 249, 400	+475, 226, 263	−219, 127, 600	
Total, 1965 regular	91, 962, 702, 246	93, 929, 100, 355	85, 751, 433, 640	−6, 211, 268, 606	−8, 177, 666, 715	−5, 200, 290, 270
1964 supplementals (included in 1965 bills)		688, 510, 700	33, 330, 000		−655, 180, 700	
Total, all appropriations		96, 306, 679, 844	87, 431, 365, 329		−8, 875, 314, 515	−5, 200, 290, 270
Total, loan authorizations	(880, 300, 000)	(787, 400, 000)	(835, 400, 000)	(−44, 900, 000)	(+48, 000, 000)	

Title and bill number	Prior year appropriations	Senate					Final appropriation		
		Budget estimates to Senate	Amount as passed	Senate action compared with—			Amount as approved	Final action compared with—	
				Prior year appropriations	Budget estimates	House action		Prior year	Budget estimates
1964 DEFICIENCIES									
Department of Health, Education, and Welfare (H.J. Res. 875):									
Original resolution, 88th, 1st [1]		$41, 886, 000	$258, 090, 000		+$216, 204, 000	+$216, 204, 000			−$41, 886, 000
Subsequent consideration, 88th, 2d [2]		[3] 247, 802, 000	[4] 31, 598, 000		−216, 204, 000	−216, 204, 000	[9] $289, 688, 000		+41, 886, 000
Total, H.J. Res. 875		289, 688, 000	289, 688, 000				289, 688, 000		
Department of Labor (H.J. Res. 962)		42, 000, 000	42, 000, 000				42, 000, 000		
Disaster relief (H.J. Res. 976)		50, 000, 000	50, 000, 000				50, 000, 000		
Deficiency, 1964 (H.R. 11201)		1, 436, 177, 743	1, 349, 637, 143		−86, 540, 600	+84, 723, 454	1, 336, 687, 143		−99, 490, 600
Total, 1964 deficiencies		1, 817, 865, 743	1, 731, 325, 143		−86, 540, 600	+84, 723, 454	1, 718, 375, 143		−99, 490, 600
1965 APPROPRIATION BILLS									
District of Columbia (H.R. 10199)	($313, 469, 518)	(357, 862, 300)	(342, 181, 975)	(+$28, 712, 457)	(−15, 680, 325)	(+3, 976, 775)	(341, 242, 200)	(+$27, 772, 682)	(−16, 620, 100)
Federal payment, 1965 regular	40, 368, 000	53, 220, 000	44, 220, 000	+3, 852, 000	−9, 000, 000	+3, 500, 000	40, 720, 000	+352, 000	−12, 500, 000
Loan authorization	(19, 300, 000)	(14, 400, 000)	(26, 400, 000)	(+7, 100, 000)	(+12, 000, 000)		(26, 400, 000)	(+7, 100, 000)	(+12, 000, 000)
Interior (H.R. 10433)		1, 035, 961, 000	1, 029, 226, 400		−6, 734, 600	+20, 050, 800	1, 028, 277, 200		−7, 863, 800
1965 regular appropriations	1, 011, 029, 500	998, 903, 000	993, 554, 400	−17, 475, 100	−5, 348, 600	+17, 078, 800	994, 069, 200	−16, 960, 300	−4, 833, 800
Loan authorization	(6, 000, 000)	(20, 000, 000)	(14, 000, 000)	(+8, 000, 000)	(−6, 000, 000)		(14, 000, 000)	(+8, 000, 000)	(−6, 000, 000)
1964 supplementals		37, 058, 000	35, 672, 000		−1, 386, 000	+2, 972, 000	34, 208, 000		−2, 850, 000
Treasury-Post Office (H.R. 10532):									
1965 regular appropriations	6, 055, 766, 000	6, 268, 691, 000	6, 240, 423, 000	+184, 657, 000	−28, 268, 000	+15, 003, 000	6, 233, 273, 000	+177, 507, 000	−35, 418, 000
1964 supplementals (by transfer)		(1, 675, 000)	(1, 100, 000)		(−575, 000)		(1, 100, 000)		(−575, 000)
Legislative (H.R. 10723)		255, 999, 745	210, 380, 685		−45, 619, 060	+36, 754, 045	210, 300, 885		−45, 698, 860
1965 regular appropriations	[6] 217, 304, 244	[6] 255, 788, 045	[6] 210, 231, 685	[6] −7, 072, 559	[6] −45, 556, 360	[6] +36, 785, 045	210, 300, 885	−7, 003, 359	−45, 487, 160
1964 supplementals		211, 700	149, 000		−62, 700	−31, 000			−211, 700
Labor-Health, Education, and Welfare (H.R. 10809):									
1965 regular appropriations	5, 795, 436, 500								
1964 supplementals									
Defense (H.R. 10939):									
1965 regular appropriations	48, 223, 210, 000	47, 471, 000, 000	46, 774, 401, 000	−1, 448, 809, 000	−696, 599, 000	+15, 134, 000	46, 752, 051, 000	−1, 471, 159, 000	−718, 949, 000
1964 supplementals (by transfer)		(6, 000, 000)	(6, 000, 000)				(6, 000, 000)		
State, Justice, Judiciary (H.R. 11134)		1, 999, 164, 700	1, 730, 855, 700		−268, 309, 000	+28, 227, 900	1, 717, 157, 800		−282, 006, 900
1965 regular appropriations	1, 840, 233, 900	1, 915, 089, 700	1, 700, 405, 700	−139, 828, 200	−214, 684, 000	−1, 772, 100	1, 686, 707, 800	−153, 526, 100	−228, 381, 900
1964 supplementals		84, 075, 000	30, 450, 000		−53, 625, 000	+30, 000, 000	30, 450, 000		−53, 625, 000
Agriculture (H.R. 11202)		5, 583, 625, 600	5, 338, 672, 525		−244, 953, 075	+156, 007, 525			
1965 regular appropriations	6, 246, 297, 215	5, 566, 962, 600	5, 323, 872, 525	−922, 424, 690	−243, 090, 075	+141, 207, 525			
Loan authorization	(855, 000, 000)	(753, 000, 000)	(795, 000, 000)	(−60, 000, 000)	(+42, 000, 000)				
1964 supplementals		16, 663, 000	14, 800, 000		−1, 863, 000	+14, 800, 000			

See footnotes at end of table.

The appropriation bills, 88th Cong., 2d sess., as of Aug. 18, 1964—Continued

[Does not include back-door appropriations or permanent appropriations[1] under previous legislation. Does include indefinite appropriations carried in annual appropriation bill.]

Title and bill number	Prior year appropriations	Senate					Final appropriation		
		Budget estimates to Senate	Amount as passed	Senate action compared with—			Amount as approved	Final action compared with—	
				Prior year appropriations	Budget estimates	House action		Prior year	Budget estimates
1965 APPROPRIATION BILLS—continued									
Independent offices (H.R. 11296)		14, 249, 653, 400	13, 613, 224, 000		−636, 429, 400	[8] +5,494,258,500	13, 454, 859, 000		−794, 794, 400
1965 regular appropriations	13, 275, 913, 050	14, 104, 653, 400	13, 613, 224, 000	+337, 310, 950	−491, 429, 400	+5, 494, 258, 500	13, 454, 859, 000	+178, 945, 950	−649, 794, 400
1964 supplementals		145, 000, 000			−145, 000, 000				−145, 000, 000
Military construction (H.R. 11369): 1965 regular appropriations	1, 585, 880, 000	1, 879, 000, 000	1, 582, 969, 000	−2, 911, 000	−296, 031, 000	−16, 045, 500			
Public works (H.R. 11579): 1965 regular appropriations	4, 407, 240, 700	4, 440, 749, 000	4, 443, 283, 200	+36, 042, 500	+2, 534, 200	+117, 314, 000	4, 430, 794, 700	+23, 554, 000	−9, 954, 300
Foreign assistance (H.R. 11812): 1965 regular appropriations	3, 264, 023, 137								
Total, 1965 regular	91, 962, 702, 246	82, 954, 056, 745	80, 926, 584, 510	−1, 976, 658, 099	−2, 027, 472, 235	+5, 822, 463, 270	73, 802, 775, 585	−1, 268, 289, 809	−1, 705, 318, 560
1964 supplementals (included in 1965 bills)		283, 007, 700	81, 071, 000		−201, 936, 700	+47, 741, 000	64, 658, 000		−201, 686, 700
Total, all appropriations		85, 054, 930, 188	82, 738, 980, 653		−2, 315, 949, 535	+5, 954, 927, 724	75, 585, 808, 728		−2, 006, 495, 860
Total, loan authorizations	(880, 300, 000)	(787, 400, 000)	(835, 400, 000)	(−44, 900, 000)	(+48, 000, 000)		(+40, 400, 000)	(+15, 100, 000)	(+6, 000, 000)

[1] This resolution passed both Houses in 88th Cong., 1st sess. House bill included $41,886,000 for activities to combat mental retardation; Senate bill added $216,204,000 for "Payments to school districts." Resolution not finally adopted in 1st sess.

[2] Action renewed in 88th Cong., 2d sess.

[3] Estimates submitted to Congress in H. Doc. No. 203, dated Jan. 21, 1964, considered as follows: "Payments to school districts," $216,204,000 (previously added by Senate); "Defense educational activities," $31,168,000; "Compliance activities, Mexican farm labor program," $430,000.

[4] Resolution not actually reported by Appropriations Committees for House or Senate consideration. Figures shown for balancing purposes. Amounts shown as reported and passed by Senate include $31,168,000 for "Defense educational activities"; and $430,000 for "Compliance activities, Mexican farm labor program."

[5] Resolutions not reported by Appropriations Committees. Considered and passed in House and Senate without committee action. Figures shown for balancing purposes.

[6] Includes Senate items.

[7] Excludes Senate items.

[8] Amount of $5,200,000,000 reported for National Aeronautics and Space Administration eliminated on point of order by House due to lack of legislative authorization.

[9] Final amount appropriated includes $41,886,000 for activities to combat mental retardation; $216,204,000 for "Payments to school districts"; $31,168,000 for "Defense educational activities"; and $430,000 for "Compliance activities, Mexican farm labor program."

NOTE.—Totals reflect amounts approved and comparisons at latest stage of congressional action on each bill.

Mr. MAHON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain material in connection with the continuing resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGRICULTURAL APPROPRIATION BILL FOR 1965

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H.R. 11202, the agricultural appropriation bill for 1965, with Senate amendments thereto, disagree to the amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, NATCHER, MAHON, HORAN, and MICHEL.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a conference report on the bill H.R. 11202, the agricultural appropriation bill for 1965.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CALL OF THE HOUSE

Mr. GOODELL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 235]

Adair
Albert
Alger
Avery
Baring
Barry
Bolton, Frances P.
Buckley
Daddario
Dawson
Diggs
Dingell
Ellsworth
Gibbons
Gill
Gray
Harvey, Mich.
Healey
Hébert
Hoeven
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Kluczynski
Kyl
Landrum
Lankford
Lesinski
McClory
McDowell
Macdonald
Miller, Calif.
Miller, N.Y.
Morse
Patman
Pepper
Pilcher
Pirnie
Powell
Rains
Roosevelt
Ryan, Mich.
St. George
Sheppard
Shipley
Smith, Calif.
Thompson, La.
Toll
Tollefson
Wallhauser
Whalley
Widnall
Winstead
Wyman

The SPEAKER. On this rollcall, 377 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF A COMMISSIONER GENERAL FOR U.S. PARTICIPATION IN THE CANADIAN UNIVERSAL AND INTERNATIONAL EXHIBITION

Mr. FASCELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 2905.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. HAYS. Mr. Speaker, reserving the right to object, this bill was called up yesterday and was passed over without prejudice on the request of the gentleman from Michigan [Mr. FORD].

Although it was passed out of the subcommittee unanimously in its original form with an amendment and by the full Committee on Foreign Affairs, the gentleman from Florida is now prepared to offer an amendment which in effect would set the salary of the Ambassador at $22,500, which would leave him with the title of Ambassador but not the salary. Is that correct?

Mr. FASCELL. The gentleman from Ohio is correct.

Mr. HAYS. This, in my opinion, might have the effect of forcing the President to find some fellow who can afford this job even though he would not be qualified for it, and would preclude some career person from taking it because he could not afford to have a job at this salary.

It seems a little strange to me when we passed the salary bill and raised all of the Ambassadors around the world that this one would be picked out and that his salary would be set, although he has the rank of Ambassador, even below a class 4 post. If the gentleman from Michigan [Mr. Ford] is available, may I ask what is his reason behind this?

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Massachusetts.

Mr. CONTE. Do I understand correctly that the bill that was before us yesterday provided for a salary of $28,500?

Mr. HAYS. For a class 2 post which, under the new salary schedule, would be that figure.

Mr. CONTE. Twenty-eight thousand five hundred dollars, and this sets the salary at $22,500?

Mr. HAYS. Yes.

Mr. CONTE. That now satisfies the gentleman from Michigan.

Mr. HAYS. I hope we have not established a precedent around here that every bill reported out of the Committee on Foreign Affairs unanimously has to satisfy the gentleman from Michigan. Normally under these circumstances I would object, but in this case I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for United States participation in the Canadian Universal and International Exhibition to be held at Montreal, Canada, in 1967, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the President is hereby authorized to appoint or designate a Commissioner General, by and with the advice and consent of the Senate, and to appoint or designate not to exceed two other principal representatives, who shall receive compensation, allowances, and benefits as determined by the President but not in excess of that received by a chief of mission at a class 2 post, pursuant to the Foreign Service Act of 1946, as amended (22 U.S.C. 801): *Provided,* That no officer of the United States Government who is designated under this Act as Commissioner General or as a principal representative shall be entitled to such compensation.

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fascell: Page 1, line 9, after the word "Senate", strike out the comma, the remainder of the line and line 10 down to and including the word "representatives", and on page 2 strike out all on line 1 and on line 2 through the word "that" and insert in lieu thereof "receive annual compensation not in excess of $22,500 and allowances and benefits as determined by the President but not in excess of those".

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill H.R. 11707 was laid on the table.

ANOTHER SCORE IN THE POLLUTION BATTLE

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MONAGAN. Mr. Speaker, on July 15, 1964, the Bureau of the Budget issued a revised Circular No. A–11 pertaining to the preparation and submission of annual budget estimates. The new circular directs all executive departments and establishments of the Federal Government, when making estimates for the design and construction of Federal facilities and buildings, to include estimates for the installation of air and water pollution control and treatment systems in accordance with instructions issued by the Public Health Service.

This new directive will insure that all Federal facilities and buildings hereafter designed and constructed will include adequate systems for the control and treatment of discharges resulting in either air or water pollution.

This new requirement is a significant step forward in the control of the waste discharges of Federal facilities and its initiation directly results from the activities of the House Government Operations Subcommittee on Natural Resources and Power, headed by our distinguished colleague, the gentleman from Alabama [Mr. Jones]. Through the extended hearings held by this subcommittee, attention has been focused on the excessive and objectionable discharge of waste from Federal facilities and as a result of this attention, the directive in question has been issued.

We can be proud of the work of this committee and the results which are being accomplished from its activities. This is one more forward step in the long battle against the increasing water pollution which is the bane of our modern industrial system.

BASIC ELEMENTS OF A TRUE LITURGY

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, I do not know who compiled, selected, arranged and edited the content of the book on congressional addresses and tributes to President Kennedy, but I would like to say to them and indeed to all who participated in any way, including the chairman and members of the House committee that authorized its publication, that the finished product is a credit to the Congress in form as well as in concept and substance. Too much commendation cannot be given to all who contributed to a sacred job of love magnificently executed.

I am extending my remarks to include the comments on the book of one of my constitutents to whom I had mailed one of the volumes allotted to me. The writer is Dr. Jacob J. Weinstein, rabbi of K.A.M. Temple in Chicago, well known in official Washington as a member of national commissions serving three Presidents of the United States.

Rabbi Weinstein writes:

As I glimpse through its pages I find not only the outpouring of the grief of a whole nation but I find the basic elements of a true liturgy.

Everything that is fine and decent in the Nation and everything endurable in the spiritual hunger of man is found here.

To how few is it given to have written in 3 short years the central commitments of his life on the tablet of a nation's heart. A majestic spirit moved through our Nation and those of us who were touched even by the slightest flutter of his wing must feel forever privileged.

L.B.J.—NO POVERTY HERE

Mr. DEROUNIAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DEROUNIAN. Mr. Speaker, while President Johnson's heart bleeds for the 35 million poverty-stricken citizens of the United States, his "party of the people," last Saturday, was happily partying with the millionaires—not in Appalachia, but in that depressed area known as Southampton, Long Island.

With the anguished criticisms of the Democrats over the millionaires in the Eisenhower Cabinet still fresh in my memory, I was somewhat surprised to receive this invitation:

Miss Charlotte Ford, Mr. Paul Newman, and the Young Citizens for Johnson in New York, Victor Anfuso, Jr., chairman, request the pleasure of your company at an L.B.J. barbecue in honor of Miss Lynda Bird Johnson at the home of Mrs. Henry Ford II.

August 16th, 1964.
Time: 5 o'clock p.m.
Dress: informal.

The New York Times, on August 17, carried a report on the frugal menu and other attractions:

SOME 1,900 DEMOCRATS FIND TEXAS ON LONG ISLAND: LYNDA BIRD JOHNSON ATTENDS BARBECUE ON FORD ESTATE

(By McCandlish Phillips)

Water Mill, L.I., August 16.—Fordune, the magnificient oceanfront estate of Mrs. Anne McDowell Ford a bit east of Southampton, tried to simulate a plain old Texas ranch tonight, and did it as persuasively as a crown princess passing herself off as a cowpoke's gal.

A red and white checked tablecloth can do little to disguise the essential gentility of the 22-room white brick Ford home with its slate-shingle second story and grounds reaching down to the sea. Guitar-snapping, twangy-voiced hillbilly singers seemed like spitoons in a boudoir.

Never before had the estate been opened to any but small private parties, but late this afternoon the two white wood gates on the entrance road were flung wide and nearly 2,000 persons drove in for the newest wrinkle in political fundraising—"an L.B.J. barbecue in honor of Miss Lynda Bird Johnson," the 20-year-old daughter of the President.

The guests were preceded onto the grounds on Wickapogue Road by a stout gentleman in a string bolo tie, pointed leather shoes, and a cowboy shirt. He was Walter Jetton, of Fort Worth, Tex., a thrower of commercial barbecues who has served spare-ribs on the President's Texas ranch.

"A BIG FEED," TEXAS STYLE

It is doubtful that this area of superb and moneyed elegance has seen anything comparable to Mr. Jetton's approach to putting on what he called "a ree-al big feed." This is clearly filet mignon country.

Mr. Jetton came in with three refrigerator trucks and a staff of 15 who dished great helpings of baked beans, potato salad, baking-powder biscuits and other staples of the chuck wagon onto plastic plates. He put out tub-size copper kettles and boiled hundreds of ears of corn on the cob, which were dipped into butter and served.

Sturdy women took frozen apple turnovers out of the trucks in wooden trays, boiled them in deep fat and served up 4,000 "hot fried pies."

By an inexplicable rule of English usage, mansions of whatever size on the ocean here are called "cottages." The Ford cottage has 12 rooms for servants and an 11-car garage. Four high white columns at its front entrance lead into a marble foyer and then to a gold and ivory living room with French appointments and twin fireplaces at either end.

Guests were received in front of the house and then led through the center of the cottage (velvet ropes kept them from straying upstairs or to other side) to a rear veranda overlooking a formal lawn with Grecian urns at the far edge.

They passed through a canvas archway to a big red and white striped tent with 60 tables seating 8 persons each. Later, 2 dozen much larger tables had to be set up beside the tent. Scores also sat on the lawn with plastic platters and coffee in the cups.

To the left of the lawn is a stone-terraced, blue-tiled swimming pool with clay vases and 25 pieces of furniture surrounding it. Behind it, stretching 300 feet to a marsh, is a bird-filled pine forest with a carpetlike lawn and sculptured shrubs.

On this cool evening a soft breeze brushed through the high reeds in the marsh. The rose-streaked sky went slowly dark and a half moon came up behind the white silk of a vague mist. The party ended at 9:30 p.m.

Portable barbecue pits had been set up and 400 pounds of pork ribs were cooked in slabs. There also were 700 pounds of barbecued briskets and 200 large frying chickens. The party started at 5 p.m. By 7:30 there wasn't a rib left, or a chicken wing.

Mrs. Esther Coopersmith, national coordinator of barbecues for the Johnson campaign, expected 500 to 600 guests. "My hobby is raising money," Mrs. Coopersmith said.

The 1,900 guests paid $15 each or $25 a couple, and the gross receipts ran around $22,000. Beer, but no liquor, was served. The barbecue was one of a series sponsored by Young Democrats.

Miss Charlotte Ford, 22-year-old daughter of Henry Ford II, the automobile maker, was hostess and Paul Newman, the actor, host.

The President's two daughters, Luci Baines Johnson, 17, and her older sister, Lynda Bird, are doing the political barbecue circuit. Luci has already appeared at three, but this was Lynda's first.

Miss Johnson, an attractive college sophomore who exudes a quiet charm and ease, wore a sleeveless purple-pink buttoned linen dress with a belted front, a single strand pearl necklace and a small gold cross. She made a brief speech in the tent and then circulated among the guests, who included Mr. and Mrs. John Steinbeck and Huntington Hartford, who said it was the pleasantest political affair that he had ever attended.

Four years ago, Mrs. Ford, who was divorced from her husband in February, was listed as a member of volunteers for Nixon in Southampton, but Miss Ford said tonight that the whole family was for Mr. Johnson. Mr. Ford had already announced that preference.

BALANCE OF PAYMENTS

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, I have asked for this 1 minute because a number of my colleagues have asked me to give them an answer on the recent progress of the balance of payments for the second quarter. I am placing my remarks on this in the body of the RECORD today.

It is indeed an alarming situation, as I tried to point out during debate on foreign aid about 3 weeks ago. I think it is unfortunate that the administration, which had the knowledge that this picture was going to be very bad, did not forthrightly come forth and explain this to the House and to the Congress so that we could have evaluated this in some of the important legislation we had to consider. This is a serious picture. We have not improved our basic balance of payments. This hand-to-mouth operation this administration has been undergoing for the last 4 years fails to attack the basic problem and in failing to do that has made the situation much worse.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

DR. AND MRS. ABEL GORFAIN

The Clerk called the bill (H.R. 2706) for the relief of Dr. and Mrs. Abel Gorfain.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CHARLES WAVERLY WATSON, JR.

The Clerk called the bill (H.R. 2728) for the relief of Charles Waverly Watson, Jr.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

JOHN F. MACPHAIL

The Clerk called the bill (H.R. 5145) for the relief of John F. MacPhail, lieutenant, U.S. Navy.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ESTATE OF J. W. GWIN, SR.

The Clerk called the bill (H.R. 2747) for the relief of the estate of J. W. Gwin, Sr.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CWO ELDEN R. COMER

The Clerk called the bill (H.R. 6136) for the relief of CWO Elden R. Comer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elden R. Comer, Route 3, Box 22, Orland, California, the sum of $1,680.62 in full settlement of the claim of the said Elden R. Comer against the United States. A claim was timely executed by the claimant under date of March 28, 1955, as prepared by the Navy Finance Center, Cleveland, Ohio, but there is no record of any Government action thereon. A subsequent claim was filed October 18, 1962, and payment was made for all amounts not barred by the statute of limitations. The above referred principal amount is for the balance of retired pay owing for the barred period August 1946 to October 1952. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HELEN J. GOOGINS

The Clerk called the bill (H.R. 6839) for the relief of Helen J. Googins.

Mr. CONTE. Mr. Speaker, at the request of the gentleman from Kansas [Mr. ELLSWORTH], one of the members of the Committee of Objectors on the Private Calendar, who is unavoidably absent today, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JONG WAN LEE

The Clerk called the bill (H.R. 6479) for the relief of Jong Wan Lee.

Mr. CONTE. Mr. Speaker, at the request of the gentleman from Kansas [Mr. ELLSWORTH], one of the members of the Committee of Objectors on the Private Calendar, who is unavoidably absent today, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONNECTICUT BEVERAGE CO., INC.

The Clerk called the bill (H.R. 5759) for the relief of Connecticut Beverage Co., Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Connecticut Beverage Company, Incorporated, of Norwich, Connecticut, the sum of $20,000. The payment of such sum shall be in full settlement of all claims of the said Connecticut Beverage Company, Incorporated, against the United States for an amount equal to the amount of tax imposed by section 5001 of the Internal Revenue Code of 1954 and paid on distilled spirits owned by the Connecticut Beverage Company, Incorporated, which was damaged by the flood of March 6, 1963, in Norwich, Connecticut, and condemned by the Consumer Protection Department of Connecticut. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6: Strike "$20,000" and insert "$9,527.52".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENJAMIN A. RAMELB

The Clerk called the bill (S. 353) for the relief of Benjamin A. Ramelb.

Mr. CONTE. Mr. Speaker, at the request of the gentleman from Kansas [Mr. ELLSWORTH], one of the members of the Committee of Objectors on the Private Calendar, who is unavoidably absent today, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JOHN J. FEENEY

The Clerk called the bill (S. 2288) for the relief of John J. Feeney.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John J. Feeney, of Watertown, Massachusetts, the sum of $528, in full satisfaction of all his claims against the United States for reimbursement of payments made by him in satisfying a judgment entered against him on December 13, 1962, in the United States District Court, District of Massachusetts (civil action numbered 62-182-S), arising out of an accident involving an automobile owned by the United States and driven by the said John J. Feeney while acting within the scope of his employment as an employee of the Agricultural Research Service, United States Department of Agriculture, the United States not having been a party to said action: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES MAROWITZ

The Clerk called the bill (H.R. 1219) for the relief of Charles Marowitz.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MIKE MIZOKAMI, ET AL.

The Clerk called the bill (H.R. 3642) for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami, jointly, doing business as Mizokami Brothers Produce, of Blanca, Colorado, the sum of $293,476. The payment of such sum shall be in full settlement of all claims of the said individuals against the United States for losses and damages sustained by them as the result of the institution of proceedings by the United States for the seizure of a shipment of spinach because of an erroneous determination by the Food and Drug Administration that such spinach was adulterated, when in fact it was not. Suit upon this claim may not be instituted under the tort claims procedure as provided in title 28, United States Code: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Strike all after the enacting clause and insert: "That jurisdiction is hereby conferred on the United States Court of Claims to hear, determine, and render judgment on the claims of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami, jointly, doing business as Mizokami Brothers Produce, of Blanca, Colorado, based upon damages and losses allegedly sustained as the result of erroneous determinations by the Food and Drug Administration in 1962 that spinach grown by the said Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami, jointly, doing business as Mizokami Brothers Produce, of Blanca, Colorado, was contaminated by the pesticide heptachlor. Suit upon such claims may be instituted any time within one year of the date of approval of this Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT O. OVERTON, ET AL.

The Clerk called the bill (H.R. 4082) for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, (1) to Robert O. Overton, the sum of $1,500; (2) to Marjorie C. Overton, the sum of $5,000; and (3) to Sally Eitel, the sum of $10,000, in full satisfaction of their claims against the United States arising out of an incident occurring on December 25, 1946, in Indianapolis, Indiana, involving a vehicle of the Army Air Corps for which suit may not be instituted under the tort claims procedure as provided in title 28, United States Code: *Provided,* That no part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MARIE ROSE COLANDRO

The Clerk called the bill (H.R. 4967) for the relief of Mrs. Marie Rose Colandro.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 through 20, inclusive, of the Federal Employees' Compensation Act are hereby waived with respect to the claim of Mrs. Marie Rose Colandro, of West Pittston, Pennsylvania, against the United States for benefits for herself and her children by reason of the Act of July 15, 1939 (5 U.S.C. 797, 797a), arising out of the death of her husband, Captain Anthony C. Colandro (serial number AO741137, Veterans' Administration claim numbered XC–6–357–043) while on active duty in the United States Air Force on December 22, 1949. Such claim shall be acted upon under the remaining provisions of the Federal Employees' Compensation Act without regard to section 416(b) of title 38, United States Code, if she files claim for such benefits with the Secretary of Labor within the six-month period which begins on the date of enactment of this Act, and makes the election required by section 7(a) of the Federal Employees' Compensation Act.

With the following committee amendments:

Page 1, line 4, after "Act" insert "(5 U.S.C. 765–770)".

Page 1, line 11, strike "while on active duty".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT L. YATES AND OTHERS

The Clerk called the bill (H.R. 5079) for the relief of Robert L. Yates and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the employees or former employees of the Department of Defense in the Messenger Service Branch, Brookley Air Force Base, Alabama, named in this section are respectively relieved of liability to the United States for certain overpayments of salary made to them as a result of administrative error during the period from May 29, 1960, through December 2, 1961. The net amounts of such overpayments (exclusive of payroll deductions for civil service retirement and Government service life insurance) were as follows:

Robert L. Yates, $675.07;
Edward E. Skidmore, $796.86;
Preston L. Simmons, $676.75;
Sidney Sawyer, $675.07;
Joe Davis, Junior, $764.83;
Eugene C. Fortune, Junior, $677.45;
Ludy Anderson, $678.77;
James F. Copeland, $675.07;
Clarence A. Baker, $659.49.
Clarence G. Crawford, $271.63.

In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each person named in the first section, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the claim of the United States for refund of the amount specified in the first section: *Provided,* That no part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, line 4, strike the word "Edward" and insert "Edmond".

Page 2, line 5, strike the word "Preston" and insert "Prester".

Page 2, line 25, strike the words "in excess of".

Page 3, line 1, strike "10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD BERGER

The Clerk called the bill (H.R. 5411) for the relief of Edward Berger.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Edward Berger, Philadelphia, Pennsylvania, an employee in the postal field service, is hereby relieved of all liability to refund to the United States the sum of $213.95. Such sum represents the amount of certain overpayments of compensation made to the said Edward Berger through administrative error in the determination of his longevity benefits as a postal field service employee. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward Berger, Philadelphia, Pennsylvania, the sum certified to the Secretary of the Treasury by the Postmaster General as the sum of amounts paid to the United States by the said Edward Berger, or withheld from amounts otherwise due him from the United States, by reason of the liability referred to in the first section of this Act: *Provided,* That no part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$213.95" and insert "$204.19".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAXIE L. STEVENS

The Clerk called the bill (H.R. 6183) for the relief of Maxie L. Stevens.

Mr. CONTE. Mr. Speaker, at the request of the gentleman from Kansas [Mr. Ellsworth], one of the members of the Committee of Objectors on the Private Calendar, who is unavoidably absent today, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EARNEST O. SCOTT

The Clerk called the bill (H.R. 6593) for the relief of Earnest O. Scott.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Earnest O. Scott of Silverdale, Washington, is relieved of liability to pay to the United States the sum of $1,812.80, representing the aggregate amount of compensation held to have been erroneously paid to him due to administrative error while employed by the Department of the Navy as a firefighter during the period beginning October 18, 1959, and ending November 10, 1962, both dates inclusive. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

With the following committee amendment:

Page 1, after line 12 add the following:

"Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Earnest O. Scott, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. KENNETH F. COYKENDALL, U.S. ARMY

The Clerk called the bill (H.R. 7026) for the relief of Maj. Kenneth F. Coykendall, U.S. Army.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Major Kenneth F. Coykendall, United States Army, is hereby relieved of all liability for repayment to the United States of the amount of $805.92 representing overpayments of active duty pay as a member of the United States Army in the years 1949 through 1962, which he received as a result of erroneous credit of service for longevity pay purposes.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the said Major Kenneth F. Coykendall, the sum of any amount received or withheld from him on account of the payments referred to in the first section of this bill.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$805.92" and insert "$752.38".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OSCAR V. JOHNSON

The Clerk called the bill (H.R. 7176) for the relief of Oscar V. Johnson.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GORDON W. McGREW

The Clerk called the bill (H.R. 8300) for the relief of Gordon W. McGrew.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Gordon W. McGrew of Roy, Utah, is relieved of liability to the United States in the amount of $3,484,82, representing the amount of compensation received between June 26, 1960, and May 8, 1961, while employed by the Maritime Administration at the Olympia Reserve Fleet, Olympia, Washington, in violation of the Act of July 31, 1894 (5. U.S.C. 62). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Gordon W. McGrew an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PATRICK J. CLYNE

The Clerk called the bill (H.R. 8596) for the relief of Patrick J. Clyne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Patrick J. Clyne, of San Francisco, California, is hereby relieved of liability to the United States in the amount of $469.52, the amount in which he was indebted to the United States by reason of an overpayment of salary as an employee of the Maritime Administration as a result of an erroneous interpretation of personnel regulations governing promotion and longevity step increases for Government employees. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Patrick J. Clyne, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$469.52" and insert "502.40". The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAPT. CHARLES H. GLASSETT, JR.

The Clerk called the bill (H.R. 9201) for the relief of Capt. Charles H. Glasset, Jr.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Charles H. Glassett, Junior, United States Marine Corps, retired, is relieved of all liability to refund to the United States the sum of $4,092.60 representing an overpayment of retirement pay during the period September 1, 1958, through August 31, 1963, due to an error by the Marine Corps authorities. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Captain Charles H. Glassett, Junior, the amount certified to him by the Secretary of the Navy as the aggregate amount paid to the United States by the said Captain Charles H. Glassett, Junior, or withheld by the United States from amounts due him, on account of the liability referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CWO EDWARD R. KREISS

The Clerk called the bill (H.R. 9282) for the relief of Chief Warrant Officer Edward R. Kreiss.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chief Warrant Officer Edward R. Kreiss, United States Navy, retired, is relieved of any liability under the Act of July 31, 1894 (5 U.S.C. 62), to pay to the United States all amounts received by him as a civilian employee of the Department of the Army from May 1, 1959, through December 14, 1962. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Chief Warrant Officer Edward R. Kreiss an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 3, strike "Edward R. Kreiss" and insert "Edward E. Kreiss".

Page 2, line 3, strike "Edward R." and insert "Edward E.".

Page 2, line 7, strike "section." and insert: "section and, notwithstanding the provisions of the Act of July 31, 1894 (5 U.S.C. 62), said amount shall include any compensation due him for the period December 1, 1962, through December 14, 1962, and lump-sum leave payments based upon the period of civilian employment referred to in this Act.' "

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "For the relief of CWO Edward E. Kreiss."

A motion to reconsider was laid on the table.

LT. COL. JOHN W. CASSELL, U.S. ARMY

The Clerk called the bill (H.R. 9286) for the relief of Lt. Col. John W. Cassell, U.S. Army.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **CONTE**. Mr. Speaker, at the request of the gentleman from Kansas [Mr. Ellsworth] I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CLARENCE L. AIU AND OTHERS

The Clerk called the bill (H.R. 9406) for the relief of Clarence L. Aiu and others.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **CONTE**. Mr. Speaker, at the request of the gentleman from Kansas [Mr. Ellsworth] I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LT. COL. JAMES P. HUBBARD, U.S. ARMY

The Clerk called the bill (H.R. 9430) for the relief of Lt. Col. James P. Hubbard, U.S. Army.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DANIEL WALTER MILES

The Clerk called the bill (H.R. 9847) for the relief of Daniel Walter Miles.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM L. CHATELAIN

The Clerk called the bill (H.R. 9902) for the relief of William L. Chatelain, U.S. Navy, retired.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William L. Chatelain, of Philadelphia, Pennsylvania, is relieved of liability to the United States in the amount of $6,134.92, representing an overpayment of disability retired pay between May 10, 1954, and May 16, 1963, by the United States Navy through an administrative error on the part of the United States Navy Finance Center, Retired Pay Department, Cleveland, Ohio. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William L. Chatelain, United States Navy, retired, an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5: strike "$6,134.92" and insert "$6,134.32".

Page 1, line 6: strike "between May 10, 1954, and May 16, 1963," and insert "for the period from May 1, 1954 to April 30, 1963, inclusive,".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

McKOY-HELGERSON CO.

The Clerk called the bill (H.R. 9949) for the relief of McKoy-Helgerson Co.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **CONTE**. Mr. Speaker, at the request of the gentleman from Kansas [Mr. Ellsworth], I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ELMER LEVY

The Clerk called the bill (H.R. 9976) for the relief of Elmer Levy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Marilyn Grieves, of Ottawa, Illinois, as mother and next friend for John Robert Grieves, a minor, the sum of $2,000 in full settlement of all claims of John Robert Grieves, a minor, and of Marilyn Grieves, as mother and next friend for John Robert Grieves, a minor, against the United States and Elmer Levy, and in full and final payment of the judgment and costs docketed in the United States District Court, Northern District of Illinois, in favor of the said Marilyn Grieves, mother and next friend for John Robert Grieves, a minor, against the said Elmer Levy for damages for personal injuries growing out of an accident on May 2, 1961, in Ottawa, Illinois, while said Elmer Levy was engaged in his duties as a postal employee: *Provided,* That no part of the money appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 7, strike "10" and insert "20."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRYGVE A. ROVELSTAD

The Clerk called the bill (H.R. 10259) to provide for the remuneration of artistic services rendered by Trygve A. Rovelstad in the creation of certain designs for the "American Roll of Honor," a memorial book, now reposing in the American Memorial Chapel of St. Paul's Cathedral, London, England.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **DUNCAN**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Oregon?

There was no objection.

MRS. LOIS GRAYBILL

The Clerk called the bill (H.R. 10294) for the relief of Mrs. Lois Graybill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the one-year time limitation upon the filing of applications for waiver of premiums provided in section 712(c), title 38, United States Code is hereby waived with respect to any application for waiver of premiums on national service life insurance policy numbered V 1421 04 08 (issued on the life of Albert C. Graybill, Veterans' Administration claim numbered XC–9 671 272) filed by Mrs. Lois Graybill of Williamsport, Pennsylvania, within the one-year period which begins on the date of enactment of this Act. Any payments made pursuant to such application shall be paid from the national service life insurance appropriation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARVIN S. KLINE

The Clerk called the bill (H.R. 10526) for the relief of Marvin S. Kline.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marvin S. Kline, of Fairborn, Ohio, the sum of $742.56 in full settlement of all claims against the United States arising out of an overpayment of compensation paid to him as a result of administrative error by the United States Air Force from November 22, 1961, through October 20, 1962, which he has repaid. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, strike all after the enacting clause and insert the following: "That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marvin S. Kline, of Fairborn, Ohio, the sum of $688.29 in full settlement of all claims against the United States arising out of an overpayment of compensation paid to him as a result of administrative error by the United States Air Force from November 22, 1961, through October 20, 1962, which he has repaid. The Secretary of the Treasury is further authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $48.27 to the civil service retirement and disability fund representing retirement reductions of the said Marvin S. Kline, and he is also authorized and directed to pay from the same moneys the amount of $6 to the group life insurance fund representing insurance premium deductions of the said Marvin S. Kline. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDWARD G. MORHAUSER

The Clerk called the bill (H.R. 11223) for the relief of Edward G. Morhauser.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank J. Borrelli the sum of $6,000 in full settlement of all claims against the United States and against Edward G. Morhauser arising out of an accident which occurred when said Edward G. Morhauser was operating a Government motor vehicle in the course of his duties as an employee of the United States Post Office Department and in full satisfaction of the judgment and costs entered against the said Edward G. Morhauser in civil action numbered 994-61 in the United States District Court for the District of New Jersey on July 30, 1962, based upon said accident. No part of the amount appropriated in this Act in excess of 20 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COL. WILLIAM W. THOMAS, ET AL.

The Clerk called the bill (H.R. 11468) for the relief of Col. William W. Thomas and Lt. Col. Norman R. Snyder, U.S. Air Force.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

C.M. SGT. ROBERT J. BECKER, U.S. AIR FORCE

The Clerk called the bill (H.R. 11469) for the relief of C.M. Sgt. Robert J. Becker, U.S. Air Force.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COL. THOMAS O. LAWTON, JR., U.S. AIR FORCE

The Clerk called the bill (H.R. 11484) for the relief of Col. Thomas O. Lawton, Jr., U.S. Air Force.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LT. COL. CLAUDE E. TABOR, JR., U.S. AIR FORCE

The Clerk called the bill (H.R. 11485) for the relief of Lt. Col. Claude E. Tabor, Jr., U.S. Air Force.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SHIRLEY SHAPIRO

The Clerk called the bill (H.R. 11735) for the relief of Shirley Shapiro.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $300,000 to Shirley Shapiro, of New York, New York, in full settlement of all claims against the United States based upon the injuries, expenses, disabilities, or other losses, or damages suffered as the result of an accident which occurred in Naples, Italy, on or about July 6, 1962, when a United States Navy mail truck driven by an intoxicated member of the Navy at an excessive speed went out of control and struck a parked car in which the said Shirley Shapiro was sitting. The operator of the Navy vehicle in that accident has been determined not to have been acting within the scope of his employment, and the claims based on the accident are not cognizable under the Federal Tort Claims Act provisions now set out in title 28 of the United States Code.

SEC. 2. No part of the amounts appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the claims covered by this Act, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$300,000" and insert "$150,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. F. FORT AND OTHERS

The Clerk called the bill (H.R. 5898) for the relief of E. F. Fort, Cora Lee Fort Corbett, and W. R. Fort.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FRANK B. ROWLETT

The Clerk called the bill (H.R. 7348) for the relief of Frank B. Rowlett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Frank B. Rowlett, out of any money in the Treasury not otherwise appropriated, the sum of $100,000, which shall be exempt from all taxation, in full settlement for all rights in respect to his cryptologic inventions which are now or at any time have been placed in secrecy status by the War Department of the Department of Defense, including but not limited to all rights with respect to his inventions covered by Patent Applications, Serial Numbers 70,412 and 443,320, which were the subject of secrecy orders from the Department of Commerce, dated March 23, 1936, and May 16, 1942: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

QUALITY BEDDING CO.

The Clerk called the bill (H.R. 10634) for the relief of the Quality Bedding Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Quality Bedding Company of Huntington, West Virginia, the sum of $328.87, in full settlement of all claims of such company against the United States on account of the amount improperly deducted by the United States under Purchase Orders FNW–43600–5/CD2 and FNW–47003–6/CD2 issued by the General Services Administration. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 1, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS M. TALLEY

The Clerk called the bill (S. 1875) for the relief of Thomas M. Talley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Thomas M. Talley of Pineview, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $1,601.19, representing overpayment of salary which he received as an employee of the Department of the Air Force at Warner Robbins Air Force Base, Georgia, such overpayments having been made as a result of administrative error in establishing his salary rate when he was promoted from the position of stock handler to the position of stock control clerk, effective July 19, 1959. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Thomas M. Talley, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

With the following committee amendment:

Page 2, line 8, add: "No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY LANE LAYCOCK

The Clerk called the bill (S. 2170) for the relief of Mary Lane Laycock.

There being no objection, the Clerk read the bill, as follows :

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mary Lane Laycock, of Washington, District of Columbia, is hereby relieved of all liability for repayment to the United States of the sum of $217.60, representing overpayments of salary which she received as an employee of the Department of Justice for the period from December 9, 1962, through August 3, 1963, following her promotion from grade GS–4 to grade GS–5, effective December 9, 1962, such overpayments having been made in violation of section 802(b) of the Classification Act of 1949 (5 U.S.C. 1132(b)) as a result of administrative error in determining the rate of basic compensation to which the said Mary Lane Laycock was entitled upon such promotion. In the audit and settlement of the accounts of any certifying or disbursing office of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Mary Lane Laycock, the sum of any amounts received or withheld from her on account of the overpayments referred to in the first section of this Act.

With the following committee amendment:

Page 2, line 11, add:

"No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEY LANDS IN PIMA COUNTY, ARIZ., TO EDWARD O. EARL

The Clerk called the bill (H.R. 8156) to authorize the Secretary of the Interior to convey certain lands in Pima County, Ariz., to Edward O. Earl and the estate of Madelon Earl.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to issue, subject to the provisions of section 3, to Edward O. Earl a patent in fee to the following described tract of land in the county of Pima, State of Arizona, lots 3 and 4, the west half of the southwest quarter of section 4, and lots 1 and 2 of section 5, all in township 16 south, range 10 east of the Gila and Salt River base and meridian, containing 258.97 acres.

Sec. 2. The Secretary of the Interior is authorized and directed, subject to the provisions of section 3, to issue to the estate of Madelon Earl a patent in fee to the following described tract of land in the county of Pima, State of Arizona, the west half of the northeast quarter of section 8, township 16 south, range 10 east of the Gila and Salt River base and meridian, containing 80.00 acres.

Sec. 3. The patents authorized to be issued pursuant to sections 1 and 2 of this Act may be issued only after the payment of the fees and purchase price provided under the Desert Land Act of March 3, 1877, as amended (19 Stat. 377; 43 Stat. 320 et seq.), and upon reclamation of the land to the satisfaction of the Secretary of the Interior in a manner comparable to the standards of reclamation required under said Desert Land Act.

With the following committee amendment:

Strike all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Interior is authorized and directed to issue to Edward O. Earl, subject to the provisions of section 2, a patent in fee to the following described tract of land in the county of Pima, State of Arizona: lots 3 and 4, the west half of the southwest quarter of section 4, lots 1 and 2 of section 5, and the west half of the northeast quarter of section 8, all in township 16 south, range 10 east of the Gila and Salt River base and meridian, containing 338.97 acres.

"Sec. 2. The conveyance authorized by this Act shall be made subject to all existing rights of the city of Tucson and upon payment of an amount equal to the sum of (1) the fair market value of the land as of the effective date of this Act, as determined by the Secretary of the Interior, exclusive of any value added by improvements to the lands made by Edward O. Earl or members of his family or their predecessors in interest, and (2) the administrative costs of the conveyance as determined by the Secretary.

"Sec. 3. The execution of the conveyance authorized by this Act shall not relieve Edward O. Earl of any liability to the United States for use of the conveyed lands prior to the date of the conveyance."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to convey certain lands in Pima County, Arizona, to Edward O. Earl."

A motion to reconsider was laid on the table.

AUTHORIZING ACCEPTANCE OF DECORATIONS

The Clerk called the bill (H.R. 12342) to authorize certain retired and other personnel of the U.S. Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-named retired and other personnel of the Government of the United States are hereby authorized to accept and wear such decorations, orders, medals, emblems, presents, and other things as have been tendered as of the date of approval of this Act by the foreign government or foreign governments immediately following their names, and that the consent of Congress is hereby expressly granted for this purpose as required under clause 8 of section 9, article I, of the Constitution of the United States:

MEMBERS OF CONGRESS

Name	Date of retirement	Donor government	Award	Remarks
Green, Theodore Francis	Jan. 3, 1961	Greece	Cross of Grand Commander of Our Order of the Phoenix.	Reason for award unknown.
Smith, H. Alexander	Mar. 1, 1960	do	Cross of Knight Commander of the Royal Order of the Phoenix.	Do.
		Finland	Order, Finnish White Rose	Do.
Vorys, John M	Jan. 3, 1960	Greece	Cross of Commander of the Royal Order of the Phoenix.	Do.
Wolverton, Charles A	Jan. 3, 1959	do	Cross of the Grand Commander of the Royal Order of Phoenix.	Do.
Capehart, Homer E	Jan. 3, 1963	do	Grand Cross of the Royal Order of Phoenix.	Do.
		Paraguay	Order of Merit of the Grand Cross (Praemium Meriti).	Do.
Chiperfield, Robert B	do	Chile	Order of Merit, grade of commander	Do.
		Greece	Cross of the Grand Commander of the Royal Order of Phoenix.	Do.
Judd, Walter H	do	do	Cross of Commander of the Order of the Phoenix.	Do.
Chavez, Dennis	Nov. 18, 1962	Panama	Order of Vasco Nunez de Balboa	Do.
Keogh, Eugene J		Spain	Order of Isabella the Catholic	Do.
Knowland, William F	Jan. 3, 1959	Greece	Cross of the Grand Commander of the Order of the Phoenix.	Do.
Merrow, Chester E	Jan. 3, 1963	do	do	Do.
Wolcott, Jesse P	Jan. 3, 1957	do	do	Do.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Name	Date of retirement	Donor government	Award	Remarks
Gustafson, Rudolph O	July 31, 1960	Iran	Homayun Medal	Reason for award unknown.
Reed, Horace G	Dec. 31, 1961	France	Legion of Honor, rank of officer	Do.
Fox, Paul S		Morocco	Order of Ouissam Alaouite, grade of commander.	Do.
	Nov. 25, 1960	Bolivia	Condor de Los Andes, grade of official	Do.
Walker, Marion N. (Dr.)	Aug. 31, 1960	Haiti	Order of Honor and Merit, degree of chevalier.	Do.

DEPARTMENT OF AGRICULTURE

Name	Date of retirement	Donor government	Award	Remarks
Englund, Raymond E	Jan. 31, 1958	Sweden	Knighthood of the Royal Order of the North Star.	Reason for award unknown.
Deering, Arthur L. (Dr.)	June 30, 1957	Portugal	Commander of the Military Order of Christ.	Do.
Marsh, Raymond E	Jan. 1, 1951	Finland	Order of the White Rose of Finland, Knight 1st class.	For valuable contribution to Finnish forestry in a study which he made for Finland.
Morse, True D	Jan. 20, 1961	U.S.S.R	Gold medal	Presented by Mr. Evgeniy Chekmenev, Soviet Vice Minister of Agriculture and Chairman of the Soviet animal husbandry party.
Termohlen, William Dewey	July 28, 1959	France	Commander of the Legin of Agricultural Merit.	For distinguished service to the advancement of poultry industry in France.
			Order of Merit of Agriculture.	Do.
Burmeister, Gustave	Dec. 29, 1961	U.S.S.R	2 gold medals	An agricultural delegation brought to this country under the Cultural Exchange Agreement negotiated by the Department of State presented medals as an expression of appreciation and gratitude for the program developed and executed during their visit in the United States.
McArdle, Richard E	Mar. 17, 1962	Mexico	Order of Merit for Forestry of Miguel Angel de Quevedo—1951.	For valuable contribution to forestry in Mexico.
		Germany	Knight Commander's Cross of the Order of Merit.	For valuable contribution to forestry in Germany.
Ashby, Wallace	Aug. 31, 1960	U.S.S.R	Gold, red, green, and white enamel medal.	For participation in a program for the Soviet agricultural mechanization team in 1958.
Kellogg, Charles E	Oct. 31, 1960	do	Gold medal	For participation in the program at Beltsville for the Soviet animal husbandry team in 1958.
Knox, Charles W	Oct. 31, 1961	do	Gold medal	Do.
Rodenwold, Zelta F	Sept. 5, 1962	Tunisia	Medal (nondescriptive)	For participation in a program at Beltsville for a team from Tunisia in 1958.
Zeller, John H	Apr. 30, 1962	U.S.S.R	Gold medal	For participation in the program at Beltsville for the Soviet husbandry team in 1958.
Randell, Cortes G	July 21, 1962	Ethiopia	Medallion	Mr. Randell made a survey of east Africa particularly Ethiopia, to locate, if possible, a large area of land which could be used for cattle, sheep and wool production, and to find, if possible, cattle in sufficient numbers which would justify the erection of a meat slaughtering plant and also select a site for the plant. Following the survey of Ethiopia, a special report was prepared for His Excellency Dedjasmatch Asrat Kassa, Chief Advisory to Emperor Haille Selassie, on overgrazing and erosion in Ethiopia with suggestions for remedy. This report was submitted to the Emperor. The award was made for the special report prepared and for the survey and groundwork done to establish an improved livestock production and meatpacking program for Ethiopia.

BUREAU OF THE BUDGET

Name	Date of retirement	Donor government	Award	Remarks
Randall, Robert H	July 11, 1960	Dominican Republic.	Pablo Duarte Order of Merit	For assistance and contributions in the science programs of that country.
		Brazil	Order of the Cruzeiro do Sul	In recognition for fostering of inter-American activities in the fields of history and geography.

CANAL ZONE GOVERNMENT

Name	Date of retirement	Donor government	Award	Remarks
Crawford, Charles H	May 31, 1960	Panama	Order of Vasco Nunez de Balboa	Fostering cordial relations between Panama and the United States.
Garrett, Whitman P	Feb. 29, 1960	do	do	Do.
Marshall, James	Jan. 20, 1961	do	do	Do.

CENTRAL INTELLIGENCE AGENCY

Cabell, Charles (Lt. Gen.)	Jan. 31, 1962	Denmark	Danish—Kommander, 1st Grade Danebrogs.	Reason for award unknown.
		France	Legion of Honor, grade of officer	Do.
		Iran	Boukhara rug, 7 feet 2 inches by 4 feet 9 inches.	Token of good will.
			Boukhara rug, 7 feet 2 inches by 4 feet 8 inches.	Do.

DEPARTMENT OF COMMERCE

Harrison, Robert H	July 31, 1960	Peru	Engraved silver plate	Farewell token of appreciation from officials with whom he worked.
Judge, John J	Oct. 31, 1961	France	Ordre du Merite Commercial (Chevalier).	Important contributions to the development of economic relations between France and the United States.
Miller, Clyde	Mar. 31, 1959	do	French Cross of Commercial Merit (Croix du Merite Commercial).	In appreciation of effort and activity in connection with the "France Comes to You" exhibit.
Johnson, Robert S	May 25, 1963	Philippines	Philippine Legion of Honor (Officer) Medal.	Services rendered to the Philippine Government during the rehabilitation of their roads and bridges.
Russell, William	Sept. 30, 1961	Italy	Award of Cavaliere in the Ordine al Merito della Repubblica Italiana.	No information of record.
Golden, Nathan D	Mar. 29, 1963	France	Legion of Honor	For outstanding service in promoting cultural relations between France and the United States.
		Federal Republic of Germany.	Order of Merit, class 1, and certificate.	Reason for award unknown.

FEDERAL RESERVE SYSTEM

Szymczak, M. S	June 1, 1961	Belgium	Order of the Crown, degree of commander.	Awarded in recognition of his assistance to Belgium during the war.
		Poland	Commander's Cross with star, Order of Polania Restituta.	Awarded in recognition of his interest in Poland and cooperation in developing closer relations between Poland and the United States.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Brand, Alonzo	Mar. 1, 1960	Thailand	Most Noble Order of the Crown of Thailand, 3rd class.	Reason for award unknown.
Sebrell, William H., Jr	Aug. 1, 1955	Haiti	Officer de la Santa Publique	Do.
Knott, Dr. Leslie W	Sept. 1, 1962	Greece	Gold Cross of the Royal Order of George I.	Do.
Overholser, Dr. Winfred	Oct. 4, 1962	France	La Medaille de la France Liberee	Do.
		do	French National Order of the Legion of Honor.	Do.
		Haiti	Order Honneur et Merite	Do.

HOUSING AND HOME FINANCE AGENCY

Speer, George Archibald	Sept. 30, 1959	Greece	Gold Cross of the Order of the Phoenix.	For services in the field of international housing.

DEPARTMENT OF THE INTERIOR

Wirth, Conrad L	Jan. 8, 1964	Netherlands	Order of Orange-Nassau, rank of commander.	Reason for award unknown.

INTERSTATE COMMERCE COMMISSION

Arpaia, Anthony F	Mar. 15, 1960	Italy	Stella della Solidarieta Italiana di 2a classe.	Reason for award unknown.

LIBRARY OF CONGRESS

Epstein, Fritz T	Aug. 31, 1960	Germany	Cross of Merit, 1st class, of the Order of Merit of the Federal Republic of Germany.	Reason for award unknown.

SMITHSONIAN INSTITUTION

Deignan, Herbert G	Jan. 31, 1962	Thailand	White Elephant (4th class)	Reason for award unknown.
			Santimala (peace medal)	Do.

DEPARTMENT OF STATE

[The following, tendered to personnel of the Department of State, were given as tokens of good will by the donor governments]

Name	Date of retirement	Donor government	Award	Remarks
Ponbright, James C. H	Apr. 30, 1961	Great Britain	Silver Jubilee Medal	
Daniels, Paul C	Dec. 31, 1953	Bolivia	Condor de los Andes, grade of officer	
Denby, James O	Apr. 30, 1951	France	Legion of Honor, Chevalier	
Gray, Cecil W	Oct. 31, 1960	Mexico	Mexican Order of the Aztec Eagle	
Henderson, Loy W	Jan. 31 1961	Lithuania	Lithuanian Order of Gedeminas	
		do	Lithuanian Independence Medal	
		Latvia	Order of the Three Stars	
		Saudi Arabia	Silver tea set presented by His Royal Highness Crown Prince Saud Alsaud, of Saudi Arabia.	
		do	Robe, with case, presented by King	
		do	Gold watch, presented by King	
		Iran	Sword, presented by the Shah	
		do	Rug, presented by the Prime Minister.	
		do	Rug, presented by the Shah	
Lacy, William S. B	Oct. 31, 1961	Netherlands	Order of Orange Nassau, degree of officer.	
Murphy, Robert D	Oct. 31, 1959	Saudi Arabia	Robe, with case	
		Japan	Pearl cuff links and tie bar	
Patterson, Jefferson	Apr. 4, 1958	Italy	Officer of the Order of the Crown of Italy.	
Reynolds Eugene S., Jr	Dec. 10, 1949	El Salvador	6 silver coffee spoons	
Simmons, John F	Jan. 31, 1957	Greece	Grand Cross of the Order of Phoenix.	
		Germany	Grand Cross of Merit	
		Guatemala	Orden del Quetzal	
Thibodeaux, Ben H	Jan. 31, 1960	France	Order of Agricultural Merit	
Trueblood, Edward G	Aug. 31, 1958	Bolivia	Official of Order of Condor de los Andes.	
Tuckerman, Gustavus	July 23, 1961	Poland	Gold Cross of Merit	
		U.S.S.R	Camera (35 mm. Zorki-5) from commercial counselor of Soviet Embassy Vladimir S. Alkimov.	
Turkel, Harry R	May 31, 1961	Cuba	National Order of Merit Carlos Manuel de Cespedes, officer, from President Mendiete as token of his Government's appreciation in connection with negotiation of trade agreement.	
Warner, Percy	Dec. 31, 1961	Brazil	Order of Aeronautical Merit	
Warren, Fletcher	Dec. 31, 1960	Nicaragua	Presidential Medal of Merit	
Beaulac, Willard L	May 31, 1962	do	Medal of Merit	
Henderson, James E	May 31, 1962	Saudi Arabia	Watch	
Howard, H. N	Jan. 28, 1962	Greece	Order of the Phoenix, rank of commander.	
Lennerts, Edwin	June 29, 1962	Germany	Silver cigarette case given by the President of Germany Theodor Heuss.	
Mastandrea, Joseph	Mar. 6, 1962	Ethiopia	Cuff links with royal crest given by the Crown Prince.	
Muccio, John J	May 31, 1962	Bolivia	Commendador de la Orden de los Andes.	
Parsons, Marselis C., Jr	do	Denmark	Diploma of insignia of Commander of the Order of the Dannebrog of Denmark.	
Reams, R. Borden	do	Ivory Coast	Commander in the National Order of Ivory Coast.	
Sparks, Edward J	do	Chile	Medal and diploma order of "Al Merito" grade of officer.	
Willard, Jack L	Dec. 31, 1961	China	Stole	
Brenn, Harry A	Dec. 31, 1961	Iran	Homayoun Medal (Second Order)	Reason for award unknown.
Lynch, Andrew G	May 31, 1962	Somali Republic	Order of Somali Star, First Class	Do.
Rankin, Karl L	May 31, 1961	China	Decoration	Do.

TREASURY DEPARTMENT

U.S. COAST GUARD				
REAR ADMIRAL				
Perkins, Henry C. (1097)	July 1, 1960	Korea	Order of Military Merit, Ulchi, with Silver.	For service as chief adviser to the Korean Coast Guard, which is now the Republic of Korea Navy.
		Italy	Al Merito della Republica Italiana (Commendatore).	For meritorious service in connection with rescue operations following collision between SS *Andrea Doria* and SS *Stockholm* in the Atlantic Ocean July 26, 1956.
CAPTAIN				
Davis, Harry E. (1387)	Oct. 1, 1958	Greece	Gold Naval Medal, 1st class	For distinguished services rendered to the Greek merchant marine.
Davis, Kenneth S. (1268)	July 1, 1959	Italy	Al Merito della Republica Italiana (Cavaliere Ufficiale).	For meritorious service in connection with rescue operations following collision between SS *Andrea Doria* and SS *Stockholm* in the Atlantic Ocean, July 26, 1956.
McGowan, Gordon P. (1267)	July 1, 1959	Korea	Order of Military Merit Ulchi	For service as adviser to the Korean Coast Guard, which is now the Republic of Korea Navy.
COMMANDER				
Henthorn, John R. (1346)	May 1, 1958	Portugal	Gold Medal of "Courage, Abnegation, and Humanity."	In recognition of services during the rescue of the crew of the Portuguese schooner *Gaspar* during a gale off Newfoundland Banks on Sept. 18, 1948.
Johnson, Vaino O. (1396)	July 1, 1959	do	do	Do.
LIEUTENANT COMMANDER				
Weber, John A. (3294)	Nov. 1, 1958	Norway	Norwegian Medal of Merit	For meritorious service in connection with the rescue of an injured seaman.

TREASURY DEPARTMENT—Continued

Name	Date of retirement	Donor government	Award	Remarks
U.S. Coast Guard—Con.				
LIEUTENANT COMMANDER—continued				
Horton, Comdr, Norman L. (2555), U.S. Coast Guard.	July 1, 1962	Portugal	Silver Medal of "Courage, Abnegation, and Humanity," with diploma.	In recognition of services during the rescue of the crew of the Portuguese schooner *Gaspar* during a gale off Newfoundland Banks on Sept. 18, 1948.
LeDoux, Lt. Philip G. (4071), U.S. Coast Guard.	do	Italy	Al Merito della Republica Italiana (Cavalier).	For meritorious service in connection with the rescue operations following collision between SS *Andrea Doria* and SS *Stockholm* in the Atlantic Ocean July 26, 1956.
Lovell, Lt. Comdr. Lewis F. (3362), U.S. Coast Guard.	June 1, 1963	do	Al Merito della Republica Italiana (Ufficiale).	Do.
Magee, Lt. (jg.) Roland J. (5299), U.S. Coast Guard.	July 1, 1962	do	Al Merito della Republica Italiana (Caveliere).	Do.
Olsen, Rear Adm. Carl B. (1161), U.S. Coast Guard.	July 1, 1963	do	Al Merito della Republica Italiana (Ufficiale).	Do.
Richmond, Adm. Alfred C. (1086), U.S. Coast Guard.	June 1, 1962	do	Al Merito della Republica Italiana (Commendatore).	In recognition for assistance lent by the U.S. Coast Guard to CIRM (International Radio-Medical Center) in carrying out its services of radio medical aid for seamen.
LIEUTENANT (J.G.)				
Kieffer, James W. (6447) 222-328).	Oct. 1, 1959	do	Al Valor di Marina	For meritorious service in connection with rescue operations following collision between SS *Andrea Doria* and SS *Stockholm* in the Atlantic Ocean July 26, 1956.
BMC (AN)				
Klingensmith, John E	Aug. 1, 1958	Haiti	Brevet de Merite	For outstanding service in training crew of the Haitian Coast Guard vessel *Vertieres* (CC-6), June 11-21, 1952.
U.S. SECRET SERVICE				
Holmes, Rubert E	Oct. 31 1960	China	Order of the Cloud and Banner	In recognition of services rendered during Mme. Chiang Kai-shek's visit in the United States during 1943.
Nelson, Reuben L	Aug. 31, 1958	Norway	St. Olav Medal	In recognition of service rendered during assignment to the protection of Her Royal Highness the Crown Princess Martha and the royal family during their stay in the United States during World War II.
Nicholson, Henry J	Sept. 30, 1958	do	Knight Cross II Class of the Royal Order of St. Olav.	In recognition of services rendered in a supervisory capacity during assignment to the protection of Her Royal Highness the Crown Princess Martha and the royal family during their stay in the United States during World War II.
BUREAU OF NARCOTICS				
Siragusa, Charles	Dec. 12, 1963	Italy	Order of Merit	Reason for award unknown
INTERNAL REVENUE SERVICE				
Llorens, Washington C	May 31, 1963	Spain	La Orden del Merito Civil	In recognition of his cultural contributions to the Spanish language and literature.
UNITED STATES INFORMATION AGENCY				
Hager, Alice R	July 31, 1957	Brazil	Order of the Southern Cross	For services to the Government of Brazil in the field of aviation.
VETERANS' ADMINISTRATION				
Cook, Dr. Robert C	Dec. 15, 1958	Philippines	Legion of Honor, Degree of Officer	Exceptionally meritorious and outstanding services to the Republic of the Philippines, during assignment at the Veterans' Administration Regional Office, Manila, Philippines.
Moore, Henry G	Mar. 1, 1963	do	do	Do.
DEPARTMENT OF LABOR				
Weigert, Oscar	Mar. 31, 1963	Germany	Cross of the Order of Merit and Insignia.	Reason for award unknown.
Gross, John E	Jan. 10, 1964	Norway	Royal Order of Saint Olav, grade of commander.	Do.
OFFICE OF THE SECRETARY OF DEFENSE				
Erskine, Graves B., general, U.S. Marine Corps.	Military, July 1, 1953; civilian, Oct. 31, 1961.	Thailand	Prathamabhon (Knight Grand Cross of the Most Exalted Order of the White Elephant).	Presented in the name of the Kingdom of Thailand.
		Greece	Royal Order of King George I	Presented by His Highness, Crown Prince Constantine of Greece.
		Burma	Bronze statuette	Statuette of Gen. Van Bools presented by Prime Minister of Burma.
		Thailand	Tiger skull	Presented by Prime Minister and Minister of Defense, P. Pibulsonggram.
Cushing, Dr. E. H	Aug. 4, 1961	Philippines	Legion of Honor, rank of commander	Token of good will.
Bryant, Floyd S	Jan. 20, 1961	Korea	Black inlaid mother-of-pearl jewelry box.	Presented by Minister of National Defense Chung Yul Kim.
			Evening bag	Reason for award unknown.
		Taiwan	Tablecloth and napkins	Presented by General Wang, Chief of General Staff.
			Cobra skins (2)	Do.
		Korea	Brass jewelry box	Presented by Minister of National Defense Chung Yul Kim.
			Inlaid mother-of-pearl table	Presented by Gen. Sun Yup Paik, Army Chief of Staff.
			Black inlaid mother-of-pearl box	Presented by Mrs. Syngman Rhee.
			Brocaded silk	Do.
			Ashtray	Presented by Minister of National Defense Chung Yul Kim.
			Cigarette box	Presented by President Syngman Rhee.
			do	Presented by Minister of National Defense Chung Yul Kim.
			Plaque	Presented by Gen. Sun Yup Paik, Army Chief of Staff.
		Pakistan	Sandals (2 pair)	Presented by Gen. Mohammed Ayub Khan.

DEPARTMENT OF THE ARMY

Name	Date of retirement	Donor government	Award	Remarks
GENERAL				
Collins, J. Lawton, O5247	Mar. 31, 1956	Argentina	Order of General San Martin, degree of grand officer.	Received Argentine Minister of War in May 1948 and discussed with him matters pertaining to standardization of arms and other matters of joint interest to Argentina and the United States.
		Brazil	Order of Military Merit, degree of grand officer.	Assisted the Brazilian Minister of War in conferences in matters of joint interest to both Brazil and the United States during the Brazilian Minister's visit to the United States in April 1949.
		Chile	Medal of Military Merit, 1st class	For distinguished services rendered to the Chilean Army per citation dated June 2, 1949.
			Military Medal, 1st class	Reason for award unknown.
		Cuba	Order of Military Merit	Do.
		Iran	Order of Homayoun, 1st class	Do.
		Mexico	Military Merit Medal, 1st class	In recognition of his military virtues and outstanding activity in defense of democracy.
Hodes, Henry L., O12845	Apr. 1, 1959	Chile	Military Medal, 1st class	Reason for award unknown.
Magruder, Carter B., O15155	June 30, 1961	Korea	Order of Merit for National Foundation Tanjang.	In recognition and appreciation of his outstanding and meritorious service while serving as commander in chief, United Nations Command, commanding general, U.S. Forces, Korea, and 8th U.S. Army from July 1, 1959, to June 30, 1961.
Schuyler, Cortlandt V. R., O14905.	Oct. 31, 1959	France	Legion of Honor, grade of officer	Reason for award unknown.
White, Isaac D., O15080	Apr. 1, 1961	China	Order of the Cloud and Banner, 2d class.	For exceptionally meritorious conduct in the performance of outstanding service from July 1957 to February 1961 as commander in chief, U.S. Army, Pacific.
		Japan	Order of the Rising Sun, 2d class	For services rendered to the Japanese Government while serving as commanding general U.S. Army Forces, Far East, and 8th U.S. Army.
		Korea	Order of Merit for National Foundation Tanjang.	In recognition and appreciation of the services rendered to the Republic of Korea while serving as commanding general, X Corps, commanding general, U.S. Army Forces, Far East, and 8th U.S. Army and commander in chief of the U.S. Army, Pacific.
			Taeguk Distinguished Military Service Medal with gold star.	In recognition and appreciation of his outstanding and exceptionally meritorious service while serving as commanding general, U.S. Army Forces, Far East, and 8th U.S. Army during the period July 25, 1955, to June 30, 1957.
		Thailand	Knight Grand Cross of the Most Noble Order of the Crown of Thailand.	In recognition of his valuable services rendered to the Minister of Defense of Thailand.
Wyman, Willard G., O12356	Aug 1, 1958	Chile	Grand Star of Military Merit	For distinguished services rendered to the Army of Chile.
		Mexico	Medal of Military Merit, 1st class	For his brilliant work in promoting a better understanding and a strengthening of the good relations existing between the armies of Mexico and the United States.
Clarke, Bruce C., O16068	May 1962	Belgium	Grand Officer of the Order of the Crown.	As a token of good will.
		France	Legion of Honor, rank of commander	In recognition of the eminent services that he rendered to France during the campaign which liberated their territory.
		Germany	Grand Cross of the Order of Merit	In recognition of particular services rendered to the Federal Republic of Germany.
		Korea	Order of Service Merit, 1st class	In recognition and appreciation of services rendered while serving as deputy commanding general, 8th U.S. Army from October 1953 to July 1954.
Decker, George H., O15950	October 1962	Colombia	"Del Merito Militar Antonio Narino" in the grade of "La Cruz De Gran Oficial."	In recognition of services rendered while serving as Chief of Staff, U.S. Army.
		France	Cross of the Commander of the Legion of Honor.	For services rendered to the French Government.
		Italy	Order of Merit of the Republic of Italy, degree of grand officer.	In recognition of services rendered while serving as Chief of Staff, U.S. Army.
		Korea	Taeguk Distinguished Military Service Medal with gold star.	In recognition and appreciation of his outstanding and exceptionally meritorious service to the Republic of Korea while serving as commander in chief, United Nations Command, from July 1, 1957, to July 1, 1959.
		Peru	Orden Militar de Ayacucho, grado de gran oficial.	In recognition of services rendered while serving as Chief of Staff, U.S. Army.
		Thailand	Most Exalted Order of the White Elephant, 1st class.	In recognition of services rendered while serving as commander in chief, United Nations Command.
		Venezuela	Cruz de las Fuerzas Terrestres Venzolanas, primera clase.	In recognition of services rendered while serving as Chief of Staff, U.S. Army.
Eddleman, Clyde D., O15842	April 1962	Germany	Knight Commander's Cross of the Order of Merit of the Federal Republic of Germany.	In recognition of services rendered while serving as commander in chief, U.S. Army, Europe, during the period Mar. 31, 1957, to Oct. 20, 1960.
		Sweden	Knight Grand Cross of the Order of the Sword.	Do.
Palmer, Charles D., O15519	February 1962	France	Legion of Honor, grade of commander	Token of good will.
		Japan	Order of the Double-Rays of the Rising Sun.	For distinguished services rendered to the Ground Self Defense Forces of Japan while serving as commanding general, U.S. Army, Japan.
		Korea	Taeguk Distinguished Military Service Medal with silver star.	While serving as deputy commanding general, Army Forces, Far East, and 8th U.S. Army from October 1955 to June 1957, and as deputy commanding general, U.S. Army, Japan, from July 1957 to February 1958, General Palmer rendered distinguished service to the Republic of Korea.
McGarr, Lionel C	June 30, 1963	Brazil	Order of Military Merit, grade of commander.	Reason for award unknown.
Ruffner, Clark L	Nov. 1, 1962	Netherlands	Order of Orange Nassau, grade of grand officer.	Do.
LIEUTENANT GENERAL				
Arnold, William H., O15558	Feb. 1, 1961	France	Legion of Honor, grade of officer	For services rendered to the Government of the Republic of France.
Collier, John H., O12388	Oct. 1, 1958	China	Chinese Armored Force Combat Badge.	Being admired by the officers and soldiers of Chinese Armored Force for his glorious activity as a combat commander in ground combat against an armed enemy of allied nations during the period of 1942–45 in the European theater.
		Mexico	Order of Military Merit, 1st class	In recognition of his high military qualities and his praiseworthy actions in behalf of closer relations between members of the Mexican Army and members of the 4th Army of the United States of America.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
LIEUTENANT GENERAL—con.				
Harrison, William K., Jr., O5279.	Feb. 28, 1957	Brazil	Order of Military Merit, grade of commander.	For services rendered while serving as commander in chief, Caribbean Command and in the interest of furthering good international relationship between Brazil and the United States.
		Chile	Military Medal of the Army, 1st class	For distinguished services rendered to the Chilean Army.
		Panama	Order of Vasco, Nuñez de Balboa, grade of grand officer.	For services rendered while serving as commander in chief, Caribbean Command.
		Peru	Military Order of Ayacucho, grade of grand officer.	Given in recognition of his position as commander in chief, Caribbean Command, and to express the gratitude of the Peruvian Government for courtesy shown the Minister of War during his recent visit to the Caribbean Command.
Harold, Thomas L., O16051	June 30, 1961	Chile	Estrella al Merito Militar	For services rendered while serving as the commanding general, USARCARIB.
		Ecuador	Abdon Calderon, 1st class	Do.
		Paraguay	Order Del Merito Militar, grade of gran oficial.	Do.
		Peru	Military Order of Ayacucho, grade of commander.	Do.
Lawton, William S., O14924	June 1, 1960	China	Order of Cloud and Banner	In recognition of his meritorious service to the Government of the Republic of China.
Mathewson, Lemuel, O14980	Apr. 30, 1958	Denmark	Knight Commander of the Order of Dannebrog, 1st class.	Reason for award unknown.
Read, George W., Jr., O12603	Aug. 1, 1960	Greece	Grand Cross of the Royal Order of the Phoenix.	For services rendered to Greece while serving as commander, Allied Land Forces, Southeastern Europe, from July 21, 1955, to Aug. 22, 1957.
Swing, Joseph M	Jan. 5, 1962	France	Officer of the Legion of Honor	Reason for award unknown.
		Brazil	Order of Military Merit, grade of grand officer.	For his enlightened understanding of the needs of the armies of the Western Hemisphere in orienting the training of various Brazilian officers and by his participation in the effort for united defense of the democratic world.
Young, Robert N., O15068	Sept. 30, 1957	Chile	Medal of Military Merit, 2d class	For distinguished services rendered to Chile.
Booth, Donald P., O16395	March 1962	Japan	Order of the Rising Sun, 2d class	For service as High Commissioner of Ryukyu Islands in solution of military land problems.
		Korea	Taeguk Distinguished Military Service Medal with Silver Star.	In recognition and appreciation of his outstanding service while serving as U.S. High Commissioner to the Ryukyu Islands, February 1957 to Feb. 10, 1961.
Cummings, Emerson L., O15500.	April 1962	do.	Taeguk Distinguished Military Service Medal with silver star.	In recognition of services rendered to the Republic of Korea while serving with 8th U.S. Army.
Gaither, Ridgely, O15970	May 1962	Brazil	Order of Military Merit, grade of grand officer.	For services rendered while serving as commander in chief, Caribbean Command, and to further enhance the good will existing between the Armed Forces of Brazil and the United States.
		Panama	Lt. Col. Alfredo Lezcano Gomez	In recognition of services rendered to the Panamanian National Guard.
		Peru	Military Order of Ayacucho, grade of grand officer.	For services rendered while serving as commander in chief of the Caribbean Command, and for the purpose of enhancing the relationship which exists between the armies of Peru and the United States.
			Cross of Aeronautical Merit, grade of grand officer.	For services rendered while serving as commander in chief, Caribbean Command, and to further enhance the excellent relationship which exists between the Armed Forces of Peru and the United States.
O'Neill, Edward J., O15592	April 1962	France	Legion of Honor, degree of officer	In recognition of services rendered while serving as commanding general, U.S. Army Communications Zone, Europe.
		Vatican	Order of Saint Gregory the Great	He deserved well of the good and growth of the Catholic Church and its institutions and proclaimed a knight of the Order of Saint Gregory the Great, military class.
Trudeau, Arthur G., O15513	July 1962	Japan	Order of the Rising Sun, 3d class	Reason for award unknown.
		Korea	Taeguk Distinguished Military Service Medal.	In recognition and appreciation of his meritorius service while serving as commanding general, 7th Infantry Division. He distinguished himself by heroic achievement in Korea in a position of responsibility and international consequence during the period Mar. 21, to Oct. 13, 1953.
			Taeguk Distinguished Military Service Medal with silver star.	For the outstanding and exceptional meritorious service rendered to the Republic of Korea while serving as commanding general, I Corps (Group) from Oct. 16, 1956, to Feb. 3, 1958.
		Sweden	Knight Commander of the Order of the Sword.	Token of good will.
MAJOR GENERAL				
Breckinridge, William M., O17210.	June 1962	Japan	Order of the Sacred Treasure, 3d class	Reason for award unknown.
		Korea	Taeguk Distinguished Military Service Medal.	In recognition and appreciation of his outstanding and exceptionally meritorious service while serving as chief of staff, 8th U.S. Army from Nov. 5, 1958, to Dec. 15, 1959.
Clarke, Christian H., Jr., O18213.	November 1962	do.	Ulchi Distinguished Military Service Medal with Gold Star.	In recognition and appreciation of his exceptionally outstanding and meritorious service during the period Apr. 25 to Dec. 6, 1955, while serving as chief of staff, I U.S. Corps in Korea.
		Mexico	Military Merit, 1st class	For services rendered while serving as U.S. Army attaché to Mexico during the period Mar 1, 1957, to May 1, 1958.
Draper, Philip H., Jr., O17543	do.	Korea	Ulchi Distinguished Military Service Medal with Gold Star.	In recognition and appreciation of his exceptionally outstanding and meritorious service while serving as assistant chief of staff, G-2, Army Forces Far East and 8th U.S. Army (Rear) during the period July 31, 1956, to June 30, 1957, and as assistant chief of staff, G-2, U.S. Army, Pacific from July 1, 1957, to July 31, 1958.
Heath, Louis T., O18060	August 1962	Peru	Military Order of Ayacucho, grade of grand officer.	For services rendered while serving as chief of staff, Caribbean Command.
Howze, Robert L., O16055	May 1962	China	Chinese Armored Force Combat Badge.	Being admired by the officers and soldiers of Chinese Armored Force for his glorious activity as a combat commander in ground combat against an armed enemy of Allied Nations during the period of 1942–45 in the European theater.
McGarr, Lionel C., O17225	July 1962	Bolivia	Order of the Condor of the Andes, grade of grand master.	For services rendered to the Government of Bolivia while serving as Commanding General, U.S. Army, Caribbean.
		Chile	Military Medal, 1st class	For distinguished services rendered to the Chilean Army while serving as commanding general, U.S. Army, Caribbean.
		do.	Star of Military Merit	For distinguished services rendered to the Chilean Army.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
MAJOR GENERAL—continued				
McGarr, Lionel C., O17225	July 1962	Guatemala	Cross of Military Merit, 1st class	For services rendered while serving as commanding general, U.S. Army, Caribbean, and for his high military abilities and his efficient cooperation in strengthening the bonds of fraternity of the Armies of the United States and Guatemala.
		Panama	Order of Vasco Nunez de Balboa, grade of grand officer.	For services rendered to the Government of the Republic of Panama.
		Paraguay	National Order of merit, grade of grand cross.	For services rendered to the Government of the Republic of Paraguay while serving as commanding general, U.S. Army, Caribbean.
		Peru	Military Order of Ayacucho, grade of grand officer.	For distinguished services rendered to the Government of Peru while serving as commanding general, U.S. Army, Caribbean.
		Venezuela	Cross of the Ground Forces of Venezuela, 2d class.	For services rendered to the Government of Venezuela while serving as commanding general, U.S. Army, Caribbean.
Powell, Herbert B., O16684	January 1963	Chile	Star of Military Merit	For distinguished services rendered to the Army of Chile.
Russell, Sam C., O18678	April 1962	Belgium	Commander of the Order of Leopold II.	Successful completion of training of the 1st Belgian Nike-Hercules Battalion, during period May to July 1959.
Steinbach, Richard, O18560	July 1962	Brazil	Order of Military Merit, degree of cavalier.	Reason for award unknown.
Tobey, Frank A., O41698	November 1962	Korea	Taeguk Distinguished Military Service Medal.	In recognition and appreciation of his outstanding and meritorious service while serving as senior chaplain, 8th U.S. Army, in Korea from Jan. 16, 1951, to Nov. 1, 1951.
Ward, Robert W., O17637	May 1962	Netherlands	Order of Orange-Nassau with Swords, grade of commander.	In recognition of services rendered to the Netherlands while serving as NATO adviser.
Yeager, Walter B., O29464	June 1962	Italy	Commander of the Order of Merit of the Italian Republic.	In recognition of services rendered to the Italian Government while serving as commanding general, 10th Infantry Division.
Biddle, William S., O15180	Nov. 1, 1960	Korea	Taeguk Distinguished Military Service Medal.	For superior service to the Republic of Korea during the period May 1 to Oct. 30, 1959, while serving as senior member, United Nations Command Military Armistice Commission.
Binns, John J., O15207	Nov. 1, 1959	do	do	For distinguished service rendered to the Republic of Korea while serving as Chief of Staff, U.S. Army Forces Far East and 8th U.S. Army from Feb. 9, 1956, to May 1, 1957.
Cooney, James P., O17338	Sept. 1, 1960	France	Medal of Honor of the Military Health Service in Vermeil.	In recognition of services rendered while serving as Deputy Surgeon General, Washington, D.C.
Dasher, Charles L., Jr., O15634	Aug. 1, 1960	Spain	Military Merit Medal with white distinctive.	Reason for award unknown.
Farrand, Edward G	July 1, 1961	Brazil	Order of Military Merit, degree of commander.	In recognition of services rendered to the Brazilian Government.
Gard, Robert G., O12247	Dec. 1, 1959	Korea	Taeguk Distinguished Military Service Medal.	Reason for award unknown.
Hains, Peter C., 3d, O15657	June 1, 1961	Mexico	Mexican Order of Military Merit, 1st class.	For his magnificent labor in strengthening the bonds of friendship between members of the Mexican Army and members of the 4th Army of the United States of America.
Harmony, John W., O15240	Nov. 1, 1959	Korea	Taeguk Distinguished Military Service Medal.	In recognition and appreciation of his outstanding and exceptionally meritorious service rendered to the Republic of Korea while serving as Chief of Staff, U.S. Army Forces Far East and 8th U.S. Army from Oct. 3, 1955, to Feb. 8, 1956.
Harper, Joseph H., O15083	Dec. 1, 1959	Ethiopia	Grand Cordon of the Distinguished Order of the Star of Ethiopia.	As "a further token of happy relations which exist between our two Governments and our respective armed forces."
Hays, Silas B., O17803	Aug. 1, 1959	France	Gold Medal of Honor of the Military Medical Service.	For services rendered while serving as Director of the Medical Services of the U.S. Army.
Hendrix, Raleigh R., O15897	Oct. 1, 1961	Japan	3d class Order of the Rising Sun	In recognition of services rendered while serving as chief of staff of the U.S. Forces in Japan.
		Netherlands	Order of Orange-Nassau, grade of commander.	In recognition of rescue and relief operations of the U.S. military relief organization during the flood in Holland in February 1953.
Johnson, Harry W., O16391	Feb. 1, 1961	China	Chinese Armored Force Combat Badge.	Being admired by the officers and soldiers of Chinese Armored Force for his glorious activity as a combat commander in ground combat against an armed enemy of Allied Nations during the period of 1942–45 in the European theater.
		France	Legion of Honor, grade of officer	As deputy commander of the ComZ for more than 1 year, you have been able to establish a most favorable climate for excellent Franco-American cooperations. The active part you played during the Normandy landing and the subsequent battles for the freedom of Europe in the years 1944 to 1945.
Lindquist, Roy E., O18125	July 1, 1960	Greece	Cross of Commander of the Royal Order of Phoenix.	Reason for award unknown.
Mason, Stanhope B., O17295	Sept. 1, 1961	Korea	Taeguk Distinguished Military Service Medal.	For distinguished service rendered to Korea while serving as commanding general, 24th Infantry Division.
McClure, Robert A., O6785	May 31, 1956	Iran	Iranian Merit Decoration grade I, type I.	For exceptionally meritorious conduct in the performance of service during the period May 30, 1953, to May 15, 1954.
McGaw, Edward J., O12631	Mar. 1, 1961	Iceland	Order of the Falcon with star, grade of grand commander.	Reason for award unknown.
Mead, Armistead D., O15767	July 1, 1961	Korea	Ulchi Distinguished Military Service Medal with gold star.	In recognition and appreciation of his exceptionally outstanding and meritorious services to the Republic of Korea while serving as assistant division commander, 3d Infantry Division, Nov. 10, 1950, to Oct. 15, 1951.
Medaris, John B., O39554	Feb. 1, 1960	Argentina	Order of General San Martin, degree of commander.	Served as U.S. aide and tour director for the Argentine Minister of War during his visit to the United States in April and May 1948, and, as such, was constantly with the Minister for a period of approximately 2 months.
Olmsted, George H., O199581	Apr. 1, 1961	France	Legion of Honor, grade of officer	Reason for award unknown.
Partridge, Richard C., O12630	Mar. 1, 1959	Chile	Insignia of Military Professor	As a token of gratitude to officers of the U.S. Army who have acted or are acting as teachers of Chilean officers.
			Military Medal, 1st class	Reason for award unknown.
		Mexico	Merito Militar, 1st class	For his meritorious work as a soldier in the struggle for democracy.
Phillips, James H., O12331	Sept. 1, 1958	Iran	Royal Order of Crown, grade 3	For participation in the burial ceremonies of the late Reza Shah.
Robinson, Bernard L., O12652	Oct. 31, 1957	France	Legion of Honor, grade of officer	For services rendered to the Government of the Republic of France.
Ryan, Cornelius E., O7375	June 30, 1957	do	Cross of the Commander of the Legion of Honor.	For services rendered from May 1946 to August 1947 in Berlin.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
MAJOR GENERAL—continued				
Ryan, Partick J., O17363	Oct. 31, 1958	France	Chevalier de la Legion d'Honneur	For outstanding services rendered to the Government of the Republic of France.
Schow, Robert A., O12180	do	do	Legion of Honor, grade of commander	In recognition of services rendered to the French Government while serving as Assistant Chief of Staff for Intelligence.
		Peru	Military Order of Ayacucho, grade of commander.	For meritorious service. As recognition by the Government of Peru of his merits.
		Portugal	Medal of Military Merit, 1st class	In appreciation of services rendered to the Portuguese Government.
		Spain	Grand Cross of the Order of Military Merit with white badge.	In recognition of the merits of the Assistant Chief of Staff, Intelligence, U.S. Army, to reward his services to Spain.
		Thailand	Knight Grand Cross of the Most Noble Order of the Crown of Thailand.	In high recognition of the valuable service rendered to Thailand in strengthening the relationship between the United States and Thailand and the assistance and guidance in the training of officers in the Royal Thai Army.
Timberman, Thomas S., O15328	Apr. 1, 1960	do	Order of the White Elephant, 2d class	Reason for award unknown.
			Santimala (Peace) Medal	Do.
Tulley, David H., O16075	May 1, 1961	Chile	Star of Military Merit	For the distinguished services rendered to the Army of Chile.
		Japan	Order of the Sacred Treasure	In recognition of services rendered while serving as commanding general, U.S. Army, Japan.
Willems, John M., O16176	Dec. 31, 1961	Italy	Military Order of Italy, degree of cavalier.	As artillery commander and then as chief of staff of a higher unit during the Italian campaign, he showed outstanding capacity of command and conspicuous talent for organization and tactics. By his brilliant qualities, displayed in many confidential missions, and proved to be a valuable element for a higher unit headquarters. He unremittingly developed efficient action for the reorganization of the Italian Army, per citation in diploma dated May 29, 1949.
			Order of Malta, 1st class	Reason for award unknown.
		Peru	Military Order of Ayacucho, grade of grand officer.	In the performance of duty, demonstrating a high degree of cooperation and friendship toward the Peruvian Armed Forces, contributed immeasureably to the strengthening of the prevailing links of solidarity between the Peruvian and the U.S. Armed Forces.
		Portugal	Military Merit Medal, 1st class	In the performance of duty while serving as Assistant Chief of Staff for intelligence.
Zimmerman, Wayne C., O12436	Jan. 31, 1956	Iran	Decoration of Honour, 1st grade	For exceptionally meritorious conduct in the performance of service during the period May 6, 1951, to May 2, 1953, while serving as chief, U.S. military mission with the Imperial Iranian Army.
			Decoration of Merit, 1st class, 1st type (Liaghat).	For exceptionally meritorious conduct in the performance of service as chief of mission.
			Homayun Decoration, 2d grade	He rendered services of exceptional value to the Iranian Army while serving as chief, U.S. military mission with the Imperial Iranian Army.
BRIGADIER GENERAL				
Ammerman, James F., O18165	Aug. 1, 1960	China	Special Collar Order of the Cloud and Banner.	In recognition of his outstanding contribution to the Government of the Republic of China during the bombardment of Chinese Communists upon the Kinmen complex.
Berry, John A., O18473	July 1, 1961	Korea	Ulchi Distinguished Military Service Medal with gold star.	For exceptionally outstanding and meritorious service rendered to Republic of Korea Army from Jan. 24, 1959, to Feb. 22, 1960, as Deputy Chief of Staff for Administration, 8th U.S. Army.
Bethune, Philip H., O18449	Aug. 1, 1961	Mexico	Military Merit, 1st class	For services rendered while serving as U.S. Army attaché to Mexico.
Broom, Thad A., O18246	July 1, 1960	Korea	Ulchi Distinguished Military Service Medal with gold star.	For distinguished service for his assistance in the development of the Republic of Korea Army during his period of assignment as Quartermaster, 8th U.S. Army.
Brown, Robert Q., O18520	Aug. 1, 1961	do	do	For meritorious service in Korea during the period Aug. 27, 1956, to Dec. 1, 1957, while serving as commanding general, I Corps (group), Artillery.
Colby, Joseph M., O17562	Oct. 1, 1959	France	Legion of Honor, grade of officer	For services rendered to the Government of the Republic of France.
Coleman, Frederick W., III, O19216.	Sept. 1, 1958	do	Medaille de la Reconnaissance Francaise.	Reason for award unknown.
Coolidge, George W., O17599	Aug. 1, 1959	Korea	Ulchi Distinguished Military Service Medal with gold star.	In recognition and appreciation of his exceptionally outstanding and meritorious performance of duty as assistant division commander, 1st Cavalry Division, during the period Dec. 17, 1957, to Jan. 21, 1959.
Eastwood, Harold, E., O8202	July 31, 1952	do	Presidential Medal	In recognition and appreciation of his outstanding and exceptionally praiseworthy service while serving as executive officer of the United Nations Korean Reconstruction Agency from Dec. 1, 1953, as its Deputy Agent General from May 16, 1956, and as Administrator of the Agency from Sept. 15, 1958, to Mar. 26, 1960.
Fields, Kenneth E., O18957	Apr. 30, 1955	Iran	Decoration of Merit, 2d class, 1st type.	In recognition of services rendered.
Hannigan, James P., O17531	July 31, 1959	Korea	Ulchi Distinguished Military Service Medal with gold star.	In recognition and appreciation of his exceptionally outstanding and meritorious service to the Republic of Korea while serving as commanding general, 8th U.S. Army Support Command, and concurrently as Assistant Chief of Staff, G4, 8th U.S. Army, during the period June 11, 1957, to Aug. 31, 1958.
Hardenbergh, Elmer P., O38940	Dec. 28, 1960	France	Legion of Honor, grade of chevalier	For meritorious service rendered while serving as Chief of Control Service in the American Army in Europe.
Hughes, Oliver W., O14974	Aug. 31, 1954	Greece	Greek War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Jewett, Richard L., O18339	Aug. 1, 1961	Korea	Ulchi Distinguished Military Service Medal with gold star.	In recognition and appreciation of his exceptionally outstanding and meritorious service rendered to the Republic of Korea from Aug. 15, 1959, to July 30, 1960, while serving as engineer officer, 8th U.S. Army in Korea.
Kreidel, Francis A., O39553	June 30, 1957	Iran	Lyaghet (Merit), 2d degree, type 1	As assistant of the chief of the advisory mission to the Imperial Iranian Gendarmerie for exceptional performance of outstanding service during the period May 30, 1948, to Mar. 20, 1950.
McAnsh, Andrew T., O38667	June 1, 1960	Brazil	Order of Military Merit, degree of officer.	Cooperated intellectually and materially in a highly efficient manner while serving with the U.S. military mission with the Staff College from July 19, 1951, to Mar. 30, 1954.
		Korea	Taeguk Distinguished Military Service Medal.	As Deputy Chief of Staff for Administration 8th U.S. Army during period Jan. 23, 1957, to Oct. 12, 1957.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
BRIGADIER GENERAL—con.				
McNally, Edward J., O17629	Aug. 1, 1959	Greece	Knight's Order of Phoenix	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Munson, Frederick P., O16505	July 31, 1956	France	Legion of Honor, grade of commander	For services rendered while serving as U.S. Army attaché.
O'Connor, William W., O16348	June 30, 1956	Guatemala	Cross of Military Merit, I class	As a member of the U.S. Army mission to Guatemala, in appreciation of the personal merit and as a demonstration of the bond and accord between the U.S. Army and the National Army of the Revolution of Guatemala, in virtue of the importance and efficiency of the services rendered to the Armed Institution.
Schewe, Marion W., O39748	July 1, 1961	Korea	Ulchi Distinguished Military Service Medal with gold star.	In recognition and appreciation of his exceptionally outstanding and meritorious service to the Republic of Korea while serving as special assistant to the Acting Chief of Staff, 8th U.S. Army, during the period June 19, 1957, to July 1 .1957, and as Deputy Chief of Staff, Plans and Operations, 8th U.S. Army from July 2, 1957, to Oct. 1, 1958.
Sladen, Fred W., Jr., O17677	Aug. 1, 1959	do	do	For exceptionally meritorious service to the Republic of Korea as Chief of Staff, I U.S. Corps (group) during the period July 12, 1956, to Sept. 25, 1957.
Smith, C. Coburn, Jr.	Aug. 1, 1961	France	Commander of the Legion of Honor	In recognition of services rendered while serving as military attaché to France.
Van Wagoner, Lou G., O41668	Apr. 1, 1960	Korea	Ulchi Distinguished Military Service Medal with gold star.	For exceptionally meritorious services rendered to Korea.
Vogel, Herbert D., O15520	Aug. 31, 1954	Thailand	Order of the Crown of Thailand	Reason for award unknown.
Whipple, William, O18024	Aug. 1, 1960	France	Legion of Honor, grade of officer	For services rendered to the French Government.
Woodward, William R., O18582	Oct. 31, 1959	do	do	For promoting Franco-American relations.
Bork, Lester S., O17685	June 1962	do	Croix de Guerre with palm	In recognition and appreciation of services rendered while in charge of the 4th Bureau (G-4) of the Department of the Army.
Kromer, Philip F., Jr., O18030	August 1962	Korea	Ulchi Distinguished Military Service Medal with gold star.	For services rendered as engineer, U.S. Army Forces, Far East, and 8th U.S. Army from June 1956 to June 1957, and subsequently as engineer, U.S. Army, Japan, United Nations Command—8th U.S. Army (rear).
Ogden, Milton L., O18687	July 1962	Bolivia	National Order of the Condor of the Andes, grade of commander.	In recognition of superior military qualities and efficient work while serving as deputy commanding general, U.S. Army, Caribbean.
		Peru	Military Order of Ayacucho in the grade of commander.	For meritorious conduct in performance of service during tour of duty in the Canal Zone, U.S. Army, Caribbean.
Waite, Frederick G., O30358	October 1962	Korea	Ulchi Distinguished Military Service Medal with gold star.	In recognition and appreciation of his outstanding and exceptionally meritorious service rendered to the Republic of Korea Army during the period Oct. 8, 1958, to Nov. 5, 1959, while serving as ordnance officer, 8th U.S. Army.
Willing, Alexander M., O38619	November 1962	Japan	Order of the Rising Sun, 3d class	In recognition of his service to the Japanese Government while serving as chief of staff and commanding general, U.S. Army, Japan.
Fuqua, Stephen O., Jr.	July 31, 1963	Iran	Persian rug	Reason for award unknown.
COLONEL				
Allcorn, Ford E., O51544	August 1961	Turkey	Aeronautical Badge	For successfully completing 820 hours and 21 weeks of pilot training. Served as the American adviser to the Turkish Government in the organization and conduct of the Aviation school during the period Aug. 3, 1950, to July 29, 1952.
Allison, Daniel W., O29071	October 1960	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Anderson, Woodrow W., O40220.	July 1961	Ecuador	Abdon Calderon, 2d class	For important services rendered to the Armed Forces o Ecuador.
Barschdorf, Milton P., O21085	August 1959	Bolivia	Condor of the Andes, grade of commander.	Rendered valuable services to the national army, and helped to strengthen the relations between the North American and Bolivian Armies during his period of service in this country.
Baya, George E., O29817	June 1963	Venezuela	Cross of the Ground Forces of Venezuela, 2d class.	For excellent work performed as the head of the North American military mission.
Belanger, Gerard A., O19333	December 1959	Greece	Gold Cross of the Royal Order of George I.	Reason for award unknown.
			Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Benner, John G., O19571	Mar. 31, 1957	Paraguay	National Order of Merit	For services rendered to the Government of the Republic of Paraguay, while assigned as assistant chief of the military mission to Paraguay.
Boatwright, John R., O6927	Nov. 30, 1946	Philippines	Distinguished Conduct Star	For acts of conspicuous courage and gallantry during World War II in the Philippines while commanding the 53d Infantry Regiment, 51st Division.
Bowman, Alfred C., O56777	Apr. 1, 1960	San Marino	Degree of Knight, Grand Officer of the Equestrian Order of St. Agata.	Reason for award unknown.
Boyd, Harry R., O18102	Aug. 1, 1960	France	Chevalier of the Legion of Honor	In recognition of services rendered while serving in Europe.
Branch, Goodman S., O51014	Mar. 1, 1959	Paraguay	National Order of Merit	In recognition of services rendered to the Paraguayan Government.
Brinkley, Thomas M., O12189	Aug. 31, 1954	Guatemala	La Cruz del Merito Military de la Clase.	In recognition of his timely and effective collaboration as head of the mission of the United States of America in Guatemala and his outstanding personal merits.
			Citation in General Orders of the Bronze Star.	Reason for award unknown.
Brophy, Francis J., O39723	Aug. 1, 1961	Brazil	Order of Military Merit, degree of cavalier.	Do.
Brown, J. Trimble, O16666	Mar. 31, 1956	Japan	Order of the Sacred Treasure, 3d class	In appreciation for his outstanding services rendered to the National Safety Agency of Japan.
Brown, Sidney G., Jr., O18393	Aug. 1, 1960	Portugal	Medal of Military Merit, 1st class	For duties performed as chief of the SHAPE mission to Portugal during the period Mar. 10, 1953, to May 17, 1955.
Brownlee, Laurance H., O17583	Aug. 31, 1959	Korea	Chungmu Distinguished Military Service Medal with gold star.	For services rendered while serving as a member of the U.S. military advisory group to the Republic of Korea during the period Oct. 18, 1952, to Feb. 6, 1954.
Bruce, Charles O., O20542	May 31, 1959	Panama	National Order of Manuel Amador Guerrero, rank of knight commander.	For distinguished services rendered to the Government of the Republic of Panama.
Bule, Walter D., O12863	Aug. 31, 1954	Greece	Distinguished Service Medal	For rendering competent invaluable services as a member of the American military mission in Greece.
Burnett, John W., O42578	July 7, 1961	Brazil	Order of Military Merit, grade of officer.	For services rendered to the Government of the Republic of Brazil.
Caldwell, Ross R., O51111	Dec. 1, 1960	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
COLONEL—**continued**				
Carlson, Gunnard W., O18347	Jan. 1, 1959	France	Legion of Honor, grade of knight	Reason for award unknown.
Channon, James A., O29044	Dec. 1, 1958	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Chilson, Francis A., O318792	Aug. 31, 1960	Guatemala	Cross of Military Merit, 3d class	For enthusiastic and effective work performed at Escuela Politeonica and Escuela de Artilleria, Guatemala.
Chotas, Matthew E., O317045	Oct. 31, 1960	Greece	Distinguished Service Medal	Reason for award unknown.
Cole, James V., O12397	May 31, 1955	Peru	Military Order of Ayacucho, grade of officer.	For services rendered to the Government of the Republic of Peru while serving as chief of mission.
Courser, Malcolm W., O42211	July 21, 1961	Korea	Ulchi Distinguished Military Service Medal.	For performance of exceptionally meritorious service during the period May 1955 to Aug. 20, 1956, while serving as commanding officer of the Ascom City Area Command and the 55th U.S. Quartermaster Depot.
Cowan, Edward T., O51042	July 31, 1959	Thailand	Knight Commander of the Most Noble Order of the Crown of Thailand.	Reason for award unknown.
Dalton, Kenneth W., O297636	Apr. 30, 1960	Italy	Croce al Merito di Guerra	Do.
Davis, Ray L., O418102	Nov. 3, 1960	Netherlands	Order of Orange Nassau with the swords, grade of commander.	For services rendered to the Government of the Netherlands.
Davisson, Henry L., O29612	Sept. 1, 1961	Greece	War Cross, class C with crown	For services rendered during the Greek Revolution from May 1948 to May 1949 while serving as adviser to the Greek X Mountain Division.
Dawson, Gordon E., O29587	Aug. 1, 1961	Italy	Order of Merit of the Republic of Italy, grade of officer.	For services rendered as U.S. Army attaché, Rome, Italy, from July 8, 1953, to July 10, 1956.
			Cross of Military Merit with crown, 1st class.	Do.
Dedi, Charles A., O358539	Sept. 30, 1960	Brazil	Order of Military Merit, grade of officer.	Reason for award unknown.
Dorn, George W., O41979	July 1, 1960	Korea	Ulchi Distinguished Military Service Medal with silver star.	For outstanding and meritorious service during the period Nov. 23, 1956, to Feb. 28, 1958, while serving as assistant chief of staff, G–4, I Corps (Group).
Dueker, Fred E., O32051	Dec. 31, 1960	Iran	Medal of Honor, 3d grade	For satisfactory services in the gendarmerie.
Dyer, Fred C., O220739	Nov. 30, 1957	do	Decoration of Merit, 2d class, 1st type	For exceptionally meritorious conduct in the performance of service during the period from May 6, 1950, to Apr. 6, 1952.
Edmunds, James B., O10848	June 30, 1953	Brazil	Order of Military Merit, grade of officer.	For services rendered to the Government of the Republic of Brazil.
Finley, Glenn S., O7177	Aug. 31, 1954	Greece	Cross of the Commander of the Royal Order of the Phoenix.	In recognition of his service rendered to Greece, while serving as chief of staff of the U.S. military mission to Greece.
			Knight's Order of Phoenix	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Goodwin, Arthur C., Jr., O18179	Apr. 1, 1960	Portugal	Medal of Military Merit, 1st class	In recognition of services rendered while serving as chief of SHAPE training mission to Portugal for the period May 2, 1955, to May 5, 1958.
Gray, Ernest R., Jr., O363031	Jan. 31, 1960	Korea	Ulchi Distinguished Military Service Medal.	For outstanding and meritorious service in the development of the Republic of Korea Army during the period Nov. 15, 1956, to Feb. 24, 1958, while serving as secretary of the general staff, Headquarters I Corps (Group), U.S. Army.
Greeley, Brendan McK., O17740.	Aug. 1, 1959	Peru	Military Order of Ayacucho, grade of officer.	Reason for award unknown.
Greene, Alphonse A., O18400	do	Chile	Estrella al Merito Militar	For distinguished services rendered to the Army of Chile while serving as chief, U.S. Army missions, U.S. Army, Caribbean.
Grizzard, Harry M., O16521	July 31, 1956	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Hale, Maurice W., O17333	Oct. 31, 1956	Peru	Military Order of Ayacucho, degree of commander.	Reason for award unknown.
Haley, Charles L., III, O21226	Sept. 1, 1959	Venezuela	Cross of the Venezuelan ground forces, 2d class.	In recognition of his services as Army attaché to Venezuela during the period Nov. 17, 1952, to July 6, 1955.
Hallaren, Mary A., L115009	July 1, 1960	France	Legion of Honor, grade of chevalier	As a token of gratitude for the eminent services she rendered to the allied cause during the last World War and for her faithful friendship to France.
Harper, Neal W., O30262	Sept. 1, 1960	do	Legion of Honor, grade of knight	For services rendered to the Republic of France.
Harris, Edward M., O19819	Oct. 1, 1961	Spain	Medal for Military Merit, 3d class with white distinctive.	For services to Spain.
Hoover, Warren H., O18418	Aug. 1, 1961	Cuba	Distinguished Service Medal	For acts and accomplishments rendered to the Government of the Republic of Cuba, while assigned as chief of the U.S. Army mission to Cuba.
Janairo, Maximiano S., O18098	Aug. 20, 1960	Philippines	Legion of Honor, degree of commander (1st bronze anahaw leaf).	For exceptionally meritorious service in the Philippine Army as Assistant Chief of Staff, G–4, from Mar. 31 to Oct. 20, 1945, and for valuable services to the Filipino people as operations officer, Construction Corps of the Philippines, U.S. Army from Oct. 1945 to the early part of 1947.
Kane, O'Neill K., O18150	June 30, 1954	Ecuador	Abdon Calderon, 1st class	As chief of the U.S. mission to Ecuador for 2 years, rendered important services to the Ecuadorean Armed Forces.
Kidwell. Francis E., O15563	July 31, 1954	Greece	Knight's Order of Phoenix	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
King, Archibald, O3323	Aug. 31, 1942	Brazil	Order of Military Legal Merit	In recognition of services rendered to the Brazilian Government.
Kouns, Charles W., O22129	Sept. 1, 1961	do	Order of Military Merit, grade of cavalier.	Organized, completed administrative details for, and acted as tour director for the official visit of Maj. Gen. Estillac Leal, Minister of War of Brazil, during the period May 2–20, 1951.
Leslie, Robert C., O18993	Oct. 1, 1959	Mexico	Decoration of Military Merit, 2d class	For outstanding contribution as an English instructor at the Mexican War College.
Lindley, Ara G., O31427	Mar. 1, 1961	Belgium	The Military Cross, 1st class	In recognition of services rendered to the Belgian Army within the domain of MAAC-BELUX.
Loomis, Frederick H., O29889	Oct. 31, 1961	Greece	Greek War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Mabee, Richard W., O23241	Dec. 31, 1960	Finland	Order of the White Rose, grade of commander.	For services rendered while serving as Army attaché.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
COLONEL—continued				
Martin, Paul M., O14659	June 30, 1954	Belgium	Order of Leopold, grade of officer	As a token of good will.
Matthewson, Merton K., O910326.	Mar. 28, 1955	Greece	Distinguished Service Medal	As a memberof the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
McAfee, Broadus, O29053	Jan. 31, 1959	Netherlands	Commander in the Order of Orange-Nassau with swords.	For services rendered while serving as Army attaché.
McBride, Clyde R., O18424	Aug. 1, 1961	Peru	Military Order of Ayacucho, grade of officer.	Reason for award unknown.
			Military Order of Ayacucho, grade of commander.	For performance of duty, demonstrated in a high degree of cooperation and friendship toward the Peruvian Armed Forces and have thereby contributed immeasurably to the strengthening of the prevailing links of solidarity between the Peruvian and the U.S. Armed Forces.
McClelland, Charles B., Jr., O17558.	Aug. 1, 1959	Iran	Medal of Merit, 2d grade, 1st class	For commendable services rendered in guidance and reorganization of the Imperial Iranian Gendarmerie.
			Decoration of Honor, 2d class	For services rendered while serving as chief of the U.S. advisory mission to the Imperial Iranian Gendarmerie and adviser to the commanding general of the Imperial Gendarmerie.
			Pas (Reward) Medal, 3d class	In recognition of the meritorious services while serving as chief of the advisory mission.
			Taj Decoration, 3d grade	For services rendered while serving as chief of the American advisory mission to the Imperial Iranian Gendarmerie.
McGrath, Albert W., O389029	Apr. 30, 1961	Greece	War Cross, 3d class	As a member of the American military mission in Greece, rendered precious and invaluable service to the Greek Army and contributed greatly to the reorganization and training thereof.
McNaul, Winfield H., O410151	Apr. 5, 1961	Korea	Ulchi Distinguished Military Service Medal with silver star.	For meritorious service during the period July 20, 1956, to Nov. 28, 1957.
Mills, John V., O28816	Aug. 31, 1955	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Moore, Harold H., O335728	June 30, 1961	do	do	As a member of the U.S. Expeditionary Forces in Greece, rendered valuable services to the Greek Army.
Morrison, John T., O168816	Dec. 31, 1957	France	Chevalier de l'Ordre de la Santa Publique.	For services rendered while serving as administrator of public health, Maryland.
Morse, Henry P., O338673	Nov. 30, 1960	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Neal, Ralph M., O15359	May 31, 1954	Belgium	Military Cross, 1st class	In recognition of services rendered to the Belgian Army within the domain of MAAG-BELUX.
Olson, Clarence H., O201092	May 1, 1960	Philippines	Legion of Honor, degree of officer	In recognition of exceptionally meritorious and distinguished service to the Republic of the Philippines while serving as assistant director of the American Legion National Legislative Commission from 1950 to 1959.
O'Neill, John T., O30166	May 1, 1961	Korea	Ulchi Distinguished Military Service Medal with silver star.	For meritorious service in positions of the highest trust and responsibility while serving as deputy commander, 8th U.S. Army Support Command, and later as Commanding officer, U.S. Army, Seoul Area Command, from May 24, 1957 to Mar. 14, 1958.
Owen, Jack S., O363845	July 31, 1961	Greece	Order of Phoenix	For services rendered to the Greek Army and in furthering the good relations between the 2 armies.
Palmer, Raymond D., O15942	Aug. 31, 1954	Cambodia	Officer of the Order of Agricultural Merit.	For services rendered as assistant director of the construction project, National Highway No. 4.
		China	Order of the Cloud and Banner	For services rendered while serving as U.S. Army attaché in Thailand during the period April 1953 to November 1954.
Peddicord, Everett D., O17245	Jan. 31, 1958	Greece	Military Cross, class A	For his vigilant interest which contributed immeasurably to the glorious success of A Corps, which has liberated Grammos from the bandits and relieved Greece from their malicious intentions.
Penniman, Charles D., O29616	Nov. 30, 1961	France	Knight of the Legion of Honor	In recognition of the services rendered while serving as commanding officer, 11th Transportation Terminal Command, from Oct. 2, 1956, to Aug. 8, 1959.
Pierce, James R., O14979	June 3, 1958	Iran	Lyaghet (Merit), 2d degree, type 1	As chief, U.S. military advisory mission to the Imperial Iranian Gendarmerie, for exceptional performance of outstanding service during the period June 25, 1948, to Mar. 20, 1950.
Poinier, Norman E., O17581	July 31, 1959	Brazil	Order of Military Merit, degree of officer.	For rendering advice and assistance to the staff of the Brazilian Command and General Staff School and to the Brazilian War College.
Pumpelly, James W., O51384	Mar. 31, 1957	Ecuador	Abdon Calderon, 2d class	Reason for award unknown.
		Panama	Orden de Vasco Nunez de Balboa	For services rendered to the Government of the Republic of Panama.
Reed, Charles B., O30193	Aug. 1, 1960	Mexico	Military Merit, 2d class	For services rendered while serving as U.S. representative of Joint Mexico-United States Defense Commission, an instructor at the Mexican War College and assistant Army attaché, also for his efforts in furthering closer relations between the Mexican Army and the Army of the United States.
Roller, Harry G., O18597	July 31, 1957	Greece	Greek War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Roy, Paul A., O18153	July 31, 1960	Belgium	Cross of Officer of the Order of Leopold	In recognition of exceptional services rendered to the Belgian Army while serving as Army attaché from 1954 to 1957.
Sanders, Walter C., O51246	Oct. 1, 1961	Ecuador	Abdon Calderon, 1st class	Reason for award unknown.
Schenken, Carlton G., O39609	Mar. 1, 1959	France	Silver Medal of Reconnaissance Francaise.	For services rendered from May 15, 1950, to December 1951 in the ETO at which time had frequent contact with various officials in the French Government.
Schiele, George C., O281767	Mar. 2, 1961	Korea	Ulchi Distinguished Military Service Medal with silver star.	Colonel Schiele distinguished himself by exceptionally meritorious conduct in the performance of outstanding service to the Republic of Korea during the period from Feb. 13, to Aug. 16, 1953, as the senior adviser of the 21st Republic of Korea Infantry Division.
Schmelzer, John F., O19270	Aug. 1, 1961	Panama	Lieutenant Colonel Alfredo Lezcano Gomez Medal.	For meritorious services to the National Guard, Republic of Panama.
Schull, Herman W., Jr., O16752	July 31, 1957	Peru	Order of Ayacucho, degree of officer	Reason for award unknown.
Schultheis, Leo J., O29555	June 1, 1961	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
			Gold Cross of the Order of George I	Reason for award unknown.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
COLONEL—continued				
Sharp, John R., O183351	Dec. 18, 1957	Greece	Distinguished Service Medal	As a member of the U.S. Army group in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Shoemaker, Paul S., O29348	Aug. 9, 1957	Costa Rica	do	Distinguished himself by his excellent spirit of cooperation and by his advice has performed distinguished services for the police force of Costa Rica.
Shore, Moyers S., O29589	Sept. 1, 1961	Panama	Order of Vasco Nunez de Balboa, grade of commander.	For distinguishing himself in war action in Australia, New Guinea, and on Luzon, and entry of the Armed Forces of the United States into the occupation of Japan. He also won esteem in difficult and important tasks, while assigned to the investigations department in Panama.
Shuder, Russell M., O348543	do	Korea	Chungmu Distinguished Military Service Medal with gold star.	Distinguished himself by exceptionally meritorious service to the Republic of Korea during the period Dec. 13, 1954, to Feb. 16, 1956, while serving as Chief, Communications Division Office of the United Nations Economic Coordinator for Korea.
Slade, Todd H., O18789	Aug. 1, 1958	Mexico	Cross and plaque, Lieutenant General Ignacio Comonfort.	For distinguished services.
			Military Merit, 1st class	For his enthusiastic, active, and effective work of bringing the Army of the United States and the Army of Mexico closer together.
Smith, Philip E., O278533	Jan. 31, 1960	Iran	Decoration of Merit, 3d class, 1st type.	In recognition of services rendered the Iranian Army.
Smith, Philip J., O21719	Dec. 31, 1959	Korea	Ulchi Distinguished Military Service Medal with silver star.	For service rendered to the Republic of Korea during the period Nov. 20, 1955, to July 4, 1956.
		Sweden	Swedish Red Cross in silver	In recognition of his meritorious service on behalf of the Swedish Red Cross.
Spangler, Richard S., O18457	Aug. 1, 1961	Iran	Decoration of Merit, 3d class, 1st type.	In recognition of the services rendered to the Iranian Army.
Stanley, John B., O19549	Dec. 31, 1960	Korea	Ulchi Distinguished Military Service Medal with silver star.	For meritorious service during the period April 1953 to Feb. 15, 1958, while serving as commanding officer of the U.S. Army Command reconnaissance activities, Pacific Command.
Steinbeck, Paul W., O17670	Aug. 22, 1959	Bolivia	Condor de Los Andes, degree of comendador.	In recognition of his services as U.S. military attaché in La Paz, and for his aid to Bolivia during the Trinidad flood of 1947 in which he participated in several hazardous airplane flights ascertaining conditions in the flood areas, per letter dated Nov. 24, 1948, from the U.S. military attaché, La Paz, Bolivia.
Stelzenmuller, William B., O21422.	July 1, 1960	Iran	Decoration of Honor, 3d grade	For exceptionally meritorious conduct in the performance of service during the period Jan. 2, 1952, to Dec. 6, 1953, per citation.
			Decoration of Honor, 2d grade	For exceptionally meritorious conduct in the performance of service during the period Jan. 2, 1952, to June 8, 1953, while serving as engineer adviser to the Imperial Iranian Army.
Stevens, Vernum C., O15526	July 31, 1954	do	Decoration of Merit, 2d grade, 1st type.	For exceptionally meritorious conduct in the performance of service during the period from Sept. 13, 1952, to June 8, 1953, while serving as chief of staff and deputy chief of U.S. military mission with the Iranian Army, per citation.
			Merit Decoration, 2d class, type I, 2d award.	For exceptionally meritorious conduct in performance of service during the period June 9, 1953, to May 15, 1954, while serving as chief of staff and deputy chief of U.S. military mission with the Iranian Army.
Stodter, John H., O15018	June 30, 1954	Ecuador	Abdon Calderon, 1st class	In recognition of the important services rendered to the Ecuadorian National Army as chief of the military mission of the U.S. Army to Ecuador, per decree dated July 12, 1949, signed by Galo Plaza, President of the Republic of Ecuador.
Taylor, James B., O463474	Apr. 30, 1956	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Taylor, William N., O18168	Oct. 1, 1960	Italy	Order of Merit of the Italian Republic, degree of officer.	For services rendered while serving as assistant chief of staff for logistics and administration of the headquarters of the Allied Ground Forces of South Europe.
Timmerman, Fred, O328688	Sept. 30, 1954	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Titus, George F., O38604	Mar. 31, 1956	do	Military Cross	Reason for award unknown.
Trail, Harry E., O30206	Apr. 1, 1961	Cuba	Order of Military Merit, 2d class	Rendered meritorious services to the benefit of our country and particularly to the Army, cooperating for the closer existing friendly relations of both governments.
Troxler, Paul D., O41693	Aug. 1, 1960	Greece	Gold Cross of George I	Award made on Mar. 30, 1949, in recognition of services rendered in the construction and expansion of military and civil airfields in Greece, per letter dated Apr. 1, 1949, from the Office of District Engineers, Grecian District, Athens, Greece.
Truly, Merrick H., O18614	Aug. 1, 1961	Korea	Chungmu Distinguished Military Service Medal with Gold Star.	For the outstanding performance in a position of great trust and responsibility as Assistant Chief of Staff, G2, Army Forces Far East and 8th U.S. Army during the period Jan. 27, 1956, to Apr. 19, 1957.
Vincent, Stewart T., O15021	Aug. 31, 1954	Colombia	Orden de Boyaca, grade of commander.	As chief of the U.S. Army mission to Colombia, in the accomplishment of his mission contributed with exemplary brilliancy, intelligence, and devotion to solving the important military problems and the training of many officers of the Colombian Army, for whom his advice and teaching have been of great benefit. For decree from the President of the Republic of Colombia and signed by the Minister of Foreign Affairs in charge of the War Office.
Vivas, Joseph R., O22704	June 1, 1959	Peru	Military Order of Ayacucho, grade of officer.	Reason for award unknown.
Wallace, Herbert C., O323441	July 23, 1958	Iran	Decoration of Honor, 3d class	In recognition of his services while a member of the U.S. military mission, Imperial Iranian Gendarmerie.
Webber, Donald B., O18392	Aug. 1, 1961	Argentina	Order of General San Martin, degree of commander.	As assistant military attaché to Argentina he has been the main contact between the U.S. military attaché and the Argentine Minister of War because of his command of Spanish and his excellent personal relations with Argentina. He was assistant tour director with the Argentine Minister of War during the latter's visit to the United States in April and May 1948.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
COLONEL—continued				
Williamson, William E., O50970.	Jan. 31, 1958	France	Legion of Honor, rank of chevalier	In recognition of services rendered while serving as military attaché assistant to Ambassador of the United States in Paris.
Wilson, Conson D., O147583	July 31, 1954	Brazil	Order of Military Merit, grade of officer.	Reason for award unknown.
Wirak, Louis R., O18342	Aug. 1, 1961	Korea	Ulchi Distinguished Military Service Medal with silver star.	For outstanding service and exceptionally meritorious achievement as the engineer, 8th U.S. Army in Korea, from May 1, 1957, to July 27, 1958.
Wood, Lincoln, O29116	Aug. 1, 1959	Iran	Medal of Eftekhar, 2d grade	Reason for award unknown.
Adams, James Y., O19755	August 1962	Greece	Royal Order of George I	In recognition of services rendered while serving with Headquarters Allied Forces, Southern Europe.
Anderson, Joseph C., O19884	September 1962	Mexico	Order of Military Merit, 2d class	For his work in drawing together the Armed Forces of the United States and Mexico, per diploma from Secretary of National Defense, Nov. 23, 1951, Mexico, D.F.
Clarkin, Thomas R., O19938	March 1962	Argentina	Orden de Mayo al Merito Militar, rank of comendador.	In recognition of services rendered while serving as military attaché.
Cochran, Avery M., O18834	September 1962	Finland	Order of the White Rose, grade of commander.	For services rendered while serving as Army attaché to Finland.
Conran, Richard J., O29820	November 1962	Italy	Officer of the Order of Merit of the Italian Republic.	In recognition of services rendered while serving as Chie of Staff, SETAF.
Crane, Francis S., O39664	July 1962	Iran	Honor Decoration, 3d degree	For his exceptionally meritorious conduct, untiring efforts, willingness and attention to duty for the period July 30, 1948, to Jan. 14, 1951. Colonel Crane served as medical and veterinary adviser to the Iranian Army.
Ebel, Henry W., O19434	September 1962	Venezuela	Order of Francisco de Miranda, 2d class.	For services to the progress of the country and for his outstanding deeds.
Allred, Vincent C., O330123	July 1962	Vatican	Knight of the Order of Saint Gregory the Great.	For services rendered in connection with his service as a staff member of the Legal Department, National Catholic Welfare Conference, from 1946 to 1960.
King, Archibald, O3323	April 1963	Brazil	Medal of High Distinction of the Order of Merit of Military Jurisprudence of Brazil.	Reason for award unknown.
Elterich, John A., O29696	April 1962	Japan	Third Order of Merit of the Sacred Treasure.	In recognition of his service to Japan in the field of community relations while a member of Headquarters, U.S. Army, Japan.
Golden, Joe E., O18872	August 1962	Korea	Ulchi Distinguished Military Service Medal.	For exceptionally meritorious conduct in the performance of outstanding service to the Republic of Korea during the period from Oct. 9, 1955, to Nov. 23, 1956, as the commanding officer, Headquarters, Seoul Area Command.
Halada, Roland J., O42635	July 1962	Greece	Greek War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Hanford, Thomas B., O29660	January 1962	Guatemala	Guatemalan Cross of Military Merit, II class.	For his personal merits and his effective assistance rendered to the national army.
Hill, John L., O359886	February 1962	Korea	Ulchi Distinguished Military Service Medal with silver star.	In recognition of service performed during tour of duty as commanding officer, U.S. Army, ASCOM Area Command, in Korea from Aug. 15, 1957, to Mar. 30, 1959.
Hunt, Richard J., O18752	August 1962	Netherlands	Order of Orange, Nassau with the Swords, degree of commander.	In recognition of services rendered while serving as U.S. Army attaché.
Kohls, Carl W., O18575	July 1961	France	Order of the Black Star	Token of good will.
McKee, Gregg L., O23811	April 1962	Portugal	Order of Military Merit, 2d class	For services rendered while serving as assistant Army attaché.
McNulty, William A., O18871	August 1962	Iran	Honor Decoration, 2d class, grade I	For services rendered while serving as U.S. Army attaché.
Matthews, Willis S., O16932	December 1962	Chile	Military Medal, 2d class	Has rendered valuable services and attentions to members of the Chilean Army which have contributed to the mutual understanding and advantage of both organizations and thus was of direct benefit to continental harmony.
Mayetta, Frank R., O320706	April 1962	France	Order of the Black Star	Token of good will.
Miller, Henry L., O43302	June 1962	Philippines	Legion of Honor, degree of officer	For exceptionally meritorious conduct of outstanding service to the Republic of the Philippines in his capacity as Army attaché from Apr. 22, 1957, to March 1960.
Robertson, Robert R., O51357	November 1962	Bolivia	Condor of the Andes, grade of officer	In recognition of the services rendered to the Republic of Bolivia in connection with the joint cartographic program.
		Brazil	Medal of the Pacificator	For outstanding services rendered to the Brazilian Army.
		Chile	Military Medal, 2d class	In recognition of the outstanding services rendered to the Army of Chile while serving as Director of the Inter-American Geodetic Survey in connection with the joint cartographic program.
		Colombia	Order of Military Merit Antonio Narino, grade of commander.	For services rendered while serving as Director of the IAGS in connection with the joint cartographic program.
			Order of Boyaca, grade of commander	In recognition of services rendered to the Republic of Colombia while serving as Director of the Inter-American Geodetic Survey.
		Cuba	Distinguished Service Medal	For services rendered while serving as Director of the IAGS in connection with the joint cartographic program.
			Orden del Merito Vial, commander	In consideration of outstanding service rendered to the National Highway Service.
		Dominican Republic.	Order ofMerit of Duarte, Sanchez and Mella, grade of officer.	For services rendered while serving as Director of the IAGS in connection with the joint cartographic program.
		Ecuador	Abdon Calderon, 2d class	In recognition of services rendered while serving as Director of the Inter-American Survey in connection with the joint cartographic program.
			Abdon Calderon, 1st class	In recognition of the services rendered by the Inter-American Geodetic Survey while Colonel Robertson was serving as Director of the IAGS to the Republic of Ecuador in connection with the joint cartographic program.
		El Salvador	Jose Matias Delegado National Order, grade of commendador.	In recognition of the outstanding services rendered while serving as Director of the Inter-American Geodetic Survey.
		Guatemala	Order of the Quetzal, grade of commander.	In recognition of the services rendered while serving as Director of the Inter-American Geodetic Survey.
		Haiti	National Order of Honor and Merit	In recognition of the services rendered to the Republic of Haiti in connection with the joint cartographic program.
		Mexico	Military Merit, 2d class	In recognition of his magnificent cooperation in the development of the cartographic work in Mexico and his interest in bringing close friendly ties between the personnel of the Military Institute of Mexico and the United States.
		Peru	Military Order of Ayacucho, grade of officer.	In recognition of the services rendered while serving as Director of the Inter-American Geodetic Survey in connection with the joint cartographic program.
Scherer, Karl L., O18784	August 1962	Greece	Cross of Brigadiers of Our Order of Phoenix.	Reason for award unknown.
Still, Daniel E., O19510	June 1962	Guatemala	Cross of Military Merit, 3d class	For recognition of meritorious collaborationist work accomplished with a view to improving the National Army and as a sincere demonstration of friendship toward the Army of the United States.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
COLONEL—continued				
St. John, Lawrence R., O19805	August 1962	Korea	Ulchi Distinguished Military Service Medal with silver star.	In recognition and appreciation of his exceptionally outstanding and meritorious service while serving as engineer officer of the I U.S. Corps and commanding officer of the 2d Engineer Group (Construction) during the period Feb. 7, 1958, to Mar. 3, 1959.
Tate, Ferdinand J., O19359	do	Colombia	Order of Merit General Jose Maria Cordoba, grade of commander.	In recognition of outstanding services and assistance in the mapping of Colombia and as technical adviser to the military commissions working in the areas of the Ecuadorian border, Tumaco, and Buenaventura while assigned as Director, U.S. Army Inter-American Geodetic Survey.
Tate, Ferdinand J., O19359	do	Peru	Military Order of Ayacucho, grade of officer.	In recognition of outstanding services and assistance in the mapping of Peru while assigned as Director, U.S. Army Inter-American Geodetic Survey.
Tyner, St. Elmo P., O238278	October 1962	Korea	Chungmu Distinguished Military Service Medal with gold star.	He distinguished himself by exceptionally meritorious service during the period Mar. 1, 1952, to Sept. 30, 1952, while serving as senior adviser to I Republic of Korea Army Corps.
		Paraguay	Orden del Merito Militar, grade of comendador.	In recognition of services rendered while serving as chief of U.S. Army mission.
			Medalla Infanteria	Do.
Warner, Gordon G., O19466	August 1962	Ecuador	Abdon Calderon de Clase	In recognition of services rendered while serving at U.S. Army attaché to Ecuador.
		Peru	Order of Ayacucho, degree of officer	Reason for award unknown.
King, Archibald	April 1963	Brazil	Medal of High Distinction of the Order of Merit of Military Jurisprudence of Brazil.	
Bartlett, William T	Oct. 30, 1962	Bolivia	Condor de los andes, grade of official	Reason for award unknown.
Pritchard, James R	July 31, 1963	Netherlands	Order of Orange-Nassau, grade of commander.	Do.
Schafer, Philip	June 30, 1963	do	Greek Gold Cross Order of George I	Do.
Setliffe, Truman H	do	France	Legion of Honor, rank of knight	Do.
Clark, Roger W	Feb. 1, 1964	Greece	Distinguished Service Medal	Do.
LIEUTENANT COLONEL				
Bakalian, Aram, O110914	July 1962	do	do	As a member of the American military mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training hereof.
Chandler, Eli C., O112617	August 1962	Guatemala	Order of the Quetzal, grade of commander.	For outstanding services performed while serving as Chief of the Inter-American Geodetic Survey in connection with the cartographic program in Guatemala.
Costolo, Hal P., O174832	May 1962	France	Silver Medal of Honor in Sports and Physical Education.	For services rendered while serving as a representative to the Conseil International de Sport Militaire.
Day, Alfred K., Jr., O1104602	October 1962	Iran	Decoration of Honor, 3d class	For exceptionally meritorious conduct in the performance of service during the period Aug. 2, 1953, to June 29, 1954, while serving as assistant G-3 adviser to the Imperial Iranian Army.
Duncan, Joseph G., O21227	March 1962	Mexico	Military Merit, 2d class	Reason for award unknown.
Durfee, Donald L., O19538	July 1962	Brazil	Order of Military Merit, degree of cavalier.	Do.
Eubanks, C. A. Holmes, O42014	April 1962	Greece	War Cross, class III	**As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.**
Farquhar, William R., O1176012.	May 1962	Peru	Order Militar de Ayacucho, grado de oficial.	In recognition of services rendered to the Peruvian Government.
Gates, Chester M., O341954	June 1962	Iran	Decoration of Merit, 3d class, 1st type	**For exceptionally meritorious conduct in the performance of service during the period from Mar. 7, 1951, to Mar. 21, 1952. He rendered services of exceptional value to the Iranian Army while serving as adviser to Armor School and armored units.**
Gelardi, Anthony, O377981	August 1962	China	Air Force Distinguished Service Medal.	**In recognition of meritorious contributions to the construction of the Kungkuan Air Base.**
Goodwin, Walter P., O18733	do	Italy	Cross for War Merit	**For service rendered with the 88th Division in Italy during World War II.**
Gorham, Frank W., O42461	December 1962	Korea	Ulchi Distinguished Military Service Medal.	**For meritorious service as commanding officer, U.S. Army port, Inchon, during the period June 20, 1957, to Aug. 22, 1958.**
Granson, Nicholas, O1284010	do	Greece	Gold Cross of the Order of George I	**Reason for award unknown.**
Hart, Harry L., O30241	July 1962	Chile	Military Medal, 3d class	Do.
Henderson, Lester J., O1113248	December 1962	Korea	Chungmu Distinguished Military Service Metal with gold star.	In recognition and appreciation of his exceptionally outstanding and meritorious service while serving as officer in charge of construction, Republic of Korea Arsenal, during the period May 28, 1957, to June 1, 1958.
Hicks, Fred C., O463925	June 1962	do	Chungmu Distinguished Military Service Metal with silver star.	For exceptionally meritorious conduct in the performance of outstanding service during the period June 30, 1955, to Oct. 2, 1956, while serving consecutively as commanding officer, executive officer and operation officer of the 8222d Army unit.
L'Homme, Jacques M., O267148.	February 1962	Iran	Merit Decoration, 2d class	For exceptionally meritorious conduct in the performance of service during the period Mar. 20, 1954, to Apr. 15, 1955, while serving as adviser to G-2 of the Imperial Iranian Army.
Lininger, John B., O30059	December 1961	Vietnam	National Order of Vietnam, grade of officer.	For services rendered while serving as assistant military attaché.
McPherran, Paul L., O317706	September 1961	France	Order of the Black Star	Reasons for award unknown.
Meade, Stephen J., O31834	December 1962	Iran	Honor Medal, 3d class, 1st grade	For services rendered while serving as assistant U.S. Army attaché in Iran.
		Syria	Order or Merit Medal, 1st class	"In recognition of his good services", per citation signed by the Syrian Prime Minister, Muhsein el Barazi, July 16, 1949.
Mercado, Felix V., O303993	July 1962	Paraguay	National Order of Merit, grade of cavalier.	For services rendered to the Armed Forces of Paraguay as a member of the U.S. Army mission to Paraguay for period of Mar. 23, 1952, to Oct. 25, 1954.
Miller, Luther R., O30737	do	Korea	Chungmu Distinguished Military Service Medal with gold star.	Distinguished himself by exceptionally meritorious conduct in the performance of outstanding service while serving as the Deputy to Assistant Chief of Staff, G-2, U.S. Army Forces, Far East and 8th U.S. Army, during the period Oct. 7, 1955, to Dec. 17, 1956.
Northern, Edward D., O40282	November 1962	Peru	Military Order of Ayacucho, grade of officer.	Reason for award unknown.
Pray, Lee H., O30886	June 1962	Greece	Commander of the Royal Order of the Phoenix.	Conferred upon Colonel Pray by His Majesty, the King of the Hellenes, in recognition of the efficient assistance he gave His Majesty during his visit to Austria.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
LIEUTENANT COLONEL—con.				
Slagle, Halbert J., O39865	July 1962	Iran	Iranian Merit Decoration, 3d class	For exceptionally meritorious conduct in the performance of service during the period June 9, 1953, to May 13, 1954, while serving as adviser to signal section Imperial Iranian Army.
			Decoration of Honor, 3d grade	For exceptionally meritorious conduct in the performance of service during the period June 1, 1953, to June 8, 1953, while serving as adviser to signal section, engineer department, Imperial Iranian Army.
Sokol, Arnold, O451245	October 1962	Colombia	Military Order General Jose Maria Cordoba, grade of officer.	For services rendered with the Colombian Army during the period Oct. 27, 1954, to Feb. 1, 1955.
Rager, Edward E., O22116	July 1962	Iran	Decoration of Merit, 3d grade, 1st rank	Reason for award unknown.
Starkey, Arthur W., O25126	do	do	Merit Decoration, 2d class, 1st type	For exceptional meritorious conduct in the performance of service during the period Dec. 7, 1953, to June 23, 1955, while serving as engineer adviser to the Imperial Iranian Army.
Street, Frank L., O30055	September 1962	Ecuador	Abdon Calderon, 1st class	For valuable services rendered to the national armed forces during the period of time he has remained in Ecuador as a member of the U.S. Army mission to Ecuador.
		Mexico	Military Merit, 2d class	In recognition of services as assistant Army attaché, American Embassy, Mexico City.
Wainhouse, Edward R., O104417.	December 1962	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Anestos, Tash P., O384014	Apr. 30, 1961	do	Battalion of King George I, Gold Cross of Knight without swords.	For services rendered to Greece.
Barton, Dorsey, O888955	Aug. 31, 1956	do	Greek War Cross, class III	As a member of the American military mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Bennett, Arden L., O366931	Nov. 30, 1958	Brazil	Honoris Causa	For important services rendered to the chemical warfare department, as director of the courses for Brazilian officers given in the Chemical Corps School in 1947, 1948, and 1949, per diploma dated Aug. 28, 1952.
Biersteker, Nicholas C., O338847.	Feb. 1, 1961	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Dec. 8, 1950.
Booth, Maynard B., O395521	Nov. 30, 1960	Japan	Japan Ground Self-Defense Force Aviation Badge.	For services rendered in training of Japan ground self-defense force pilots.
Burgger, Vernon W., O39966	Apr. 1, 1959	Thailand	Santimale (Peace) Medal	In appreciation of the services rendered to Thailand by his cooperation and assistance during the war, per letter dated Oct. 31, 1949, from the Royal Thai Embassy.
Bush, Weaver L., O278697	Aug. 1, 1960	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per royal decree dated Feb. 8, 1950.
Cassidy, Frank P., O1101222	Feb. 28, 1957	Colombia	Order of Boyace	For services rendered in connection with the Colombian geodetic mapping program during the period July 5, 1949, to Apr. 1, 1953, per decree No. 411 dated Feb. 19, 1953.
Chiaramonte, Julio, O348151	Feb. 1, 1961	Greece	Greek Military Cross	"Because being liaison officer with the AQ branch, he did, with unsparing effort, the best he could to meet the shortages in equipment. Because during the Grammos operations, he has shown courage and bravery by being in continual action within the division areas, and he has exposed his life several times to danger." (Citation in Greek Order of the Day, dated Nov. 27, 1948, signed by Maj. Gen. T. H. Pentzopoulos.)
Clark, Carroll H., O232382	Oct. 31, 1957	France	Legion of Honor, grade of chevalier	In recognition of the great and distinguished services rendered by Colonel Clark who was always present on the battlefields during the war 1939–45 and in whom France found under all circumstances a true and devoted friend.
Coeyman, William M., O51316	July 1, 1960	Greece	Greek War Cross, class II	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek, royal decree dated Feb. 8, 1950.
Collin, Jonas E., II O1299205	Aug. 1, 1961	do	War Cross, class III	As a member of the American military mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Condon, John F., O39972	May 1, 1960	France	Reconnaissance Francaise	2 documents dated Oct. 31, 1951, and Nov. 2, 1951, for outstanding services rendered to France.
		Iran	Decoration of Merit (Leyaghat), class 2, type 1.	For the appreciation of his services to the Imperial Iranian Gendarmerie during the period from July 5, 1947, to June 20, 1949. Per citation signed by Brigadier General Golpira, commanding general, Imperial Iranian Gendarmerie.
Cranford, James R., O325470	July 31, 1960	Greece	Gold Cross of Our Order of King George I.	For services rendered in promoting cordial relations between the United States and Greece while serving as assistant Army attaché.
Cundiff, Paul L., O321678	June 30, 1960	Belgium	Military Cross, 1st class	For rendering great services to the Belgian Army with his special competence in the field of ordnance, per decree dated Dec. 2, 1954.
Davis, James A., O1633794	do	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly thereof, per Greek royal decree dated Feb. 8, 1950.
Decker, Frederick J., O497542	Apr. 30, 1957	Iran	Merit decoration, type I, grade III	In recognition of the services rendered while serving with the U.S. mission with the Imperial Iranian Army. From Oct. 8, 1952, to Apr. 4, 1954.
Dever, Bernard A., O40827	Feb. 28, 1958	Greece	Military Cross, class C	Because acting as liaison of the allied mission attached to X Mountain Division rendered valuable services for the successful outcome of the Grammos operations, having risked many times their lives. (Citation in Greek Order of the Day, dated Dec. 31, 1948, signed by Lt. Gen. T. H. Tsakalotos, CG, A Army Corps.)
Dodge, Howard D., O51550	Dec. 1, 1959	Iran	Lyaghet (Merit), 3d degree, type 1	As personnel adviser to the Imperial Iranian Gendarmeri for exceptional performance of outstanding service during period Aug. 25, 1948, to Mar. 20, 1950, per citation in General Orders dated May 14, 1950, signed by Major General Coupal, commander, Imperial Iranian Gendarmerie.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
LIEUTENANT COLONEL—con.				
Ford, Edgar O332936	Nov. 30, 1959	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
			War Cross, 3d grade	Reason unknown.
Forsythe, Erwin F., O451952	Aug. 1, 1960	Iran	Iranian Honor Medal, 3d class, 1st grade.	For services rendered while serving as assistant U.S. Army attaché in Iran.
Freeman, Gerald M., O1001133	Nov. 30, 1960	Portugal	Medal of Military Merit, 2d class	During the period Sept. 23, 1952, to Oct. 1, 1953, Colonel Freeman contributed greatly to the improving of the production of ordnance items in Portugal, increasing good relations between the Portuguese and American Governments and strengthening the comradely ties existing between the 2 armies.
Fry, Thomas C. O384200	Mar. 31, 1960	Italy	Cross for War Merit	For service rendered with the 88th Division in Italy during World War II, per letter dated Jan. 4, 1949, from the chief of the Italian economic mission in Trieste.
Garton, Edward R., O32945	May 31, 1961	Belgium	Military Cross, 1st class	For services rendered to Belgium.
Gray, Jack K., O1168257	May 1, 1959	Philippines	Legion of Honor (officer)	For exceptionally meritorious conduct in the performance of outstanding service to the armed forces of the Philippines particularly to the 14th Battalion Combat Team, Philippine Expeditionary Force to Korea as commanding officer of the 160th Field Artillery Battalion, 45th Infantry Division, U.S. Army.
Greer, Harold E., O2054014	July 1, 1961	Thailand	Royal Thai Army Airborne Badge and Ranger Fourragere.	For service rendered while serving as adviser to 1st Army of Thailand from May 1, 1954, to May 17, 1956.
Hall, Grahan S., O468208	Jan. 31, 1957	Iran	Merit Decoration, 3d class of the 1st type.	For exceptionally meritorious conduct in performance of service rendered to the Iranian Army. Major Hall served as the adviser to Transport Department of the Iranian Army.
Harvey, Murray L., O38833	July 1, 1961	Germany	German Parachute Qualification Badge.	For qualifying as a German parachutist.
Hay, James, O308968	Oct. 31, 1954	Mexico	Military Merit, 2d class	For meritorious service rendered to the Government of the Republic of Mexico.
Hess, Frederick W., O1175157	June 1, 1961	France	Honorary Corporal of the French Army Artillery.	In recognition of services rendered while serving as chief, U.S. Army Liaison Group to CCFFA, July 1957 to July 1960.
Holmes, Lester L., O245978	June 1, 1961	Greece	Greek Military Cross	"Because during the operations in Roumeli and until now, following continuously their units in order to insure the necessary assistance by personal appreciation of the situation, they proved to be valuable advisers and they have shown the same interest they would have shown for their own armies. They always advanced as far as the most advanced fighting elements in order to transmit their experiences to the fighting forces representing always a touching self-sacrifice and disregard of the constant danger. By their behavior they have acquired the love of all the soldiers and officers of the units. For all these services to our country." (Citation in Greek Order of the Day, dated Sept. 16, 1948, signed by CG, A Army Corps.)
Huckings, John H., O51290	Apr. 1, 1960	Korea	Ulchi Distinguished Military Service Medal.	In recognition and appreciation of his exceptionally outstanding and meritorious service as civil affairs officer, I Corps (Group), U.S. Army, during the period Feb. 10, 1957, to Apr. 25, 1958.
Huggins, Edward J., O1544222	Dec. 31, 1960	Brazil	Order of Military Merit, degree of cavalier.	No information available as to the exact reason why the Government of Brazil decorated Major Huggins. Diploma dated Feb. 18, 1952.
Hutchison, Aubrey D., O516262	July 31, 1960	Thailand	Order of the White Elephant, 3d class	Reason for award unknown.
			Santimala (Peace) Medal	Do.
Izquierdo, Osvaldo M., O349023	Mar. 1, 1960	Chile	Military Medal, 3d class	Do.
Janota, Erwin J., O1585668	Oct. 31, 1960	Greece	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the organization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Johnson, Kenneth A. L., O295950.	Jan. 31, 1957	do	do	For rendering competent invaluable services as a member of the American military mission in Greece, per diploma dated Jan. 22, 1952.
Kim, Youn P., O544054	July 1, 1961	Korea	Chungmu Distinguished Military Service Medal with Silver Star.	For exceptional and outstanding meritorious service while serving as a member of the Army Security Agency, Far East, during the period Nov. 1, 1950, to July 17, 1952.
LeVey, Arthur E., O348696	Nov. 30, 1958	Peru	Military Order of Ayacucho, grade of officer.	Diploma dated Dec. 9, 1951, for merits mentioned in par. "a" of article 40 of Register of the Order of the Decoration of Military Order of Ayacucho.
Lewis, James W., O1103752	Nov. 30, 1960	Brazil	Order of Military Merit	For services rendered to the Brazilian Government while Major Lewis was a member of the Joint Brazilian-United States Military Commission from July 1948 to March 1951.
Lishness, Arthur R., O1106286	Nov. 13, 1958	Mexico	Military Merit, 2d class	Awarded to him for his magnificent cooperation in the military cartographic works carried out in Mexico.
MacIntyre, John K., O330663	Aug. 30, 1960	Korea	Ulchi Distinguished Military Service Medal.	In recognition and appreciation of his exceptionally outstanding and meritorious service in Korea during the period Mar. 6, 1957, to May 20, 1958, while serving as commanding officer, U.S. Army Seoul Area Command.
McDaniel, Oliver H., O292637	Dec. 24, 1960	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Martorani, William, O386859	May 31, 1960	Paraguay	National Order of Merit, grade of commander.	For rendering outstanding services to the Armed Forces of the Nation and is deserving of the national gratitude, per decree dated Apr. 17, 1953.
Melton, Eugene P., O1280016	Aug. 31, 1954	Iran	Iranian Decoration of Merit, 3d class, 1st type.	For exceptionally meritorious conduct in the performance of service as finance adviser to the Iranian Army and as such rendered services of exceptional value to the Iranian Army.
Milam, Robert M., O336043	Jan. 31, 1960	Guatemala	Cross of Military Merit, 2d class	For his military merits, his constant valuable and efficient cooperation in the military training of Guatemalan troops in the artillery branch and as a demonstration of admiration and recognition to the Armed Institution of Guatemala.
Miller, Clifford L., O22149	Oct. 1, 1960	Iran	Decoration of Merit	For exceptionally meritorious conduct in the performance of service during the period from Nov. 5, 1948, to Apr. 16, 1952, while serving as adviser to the cavalry school, per citation.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
LIEUTENANT COLONEL—con.				
Mix, Stanley M., O399259	Jan. 31, 1961	Venezuela	Cross of the Venezuelan Ground Forces, 3d class.	In recognition of services rendered to the Venezuelan Army while serving as adviser to the Venezuelan Infantry School.
Moore, Russell R., O1010955	July 1, 1961	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Moushegian, Richard, O22109	Jan. 23, 1960	Iran	Honor Decoration, 3d class, grade I	For services rendered while serving as assistant U.S. Army attaché in Iran during the period Jan. 6, 1953, to Jan. 2, 1955.
Mullane, Walter R., O23987	May 1, 1960	Peru	Military Order of Ayacucho, grade of officer.	For services rendered to the Government of the Republic of Peru.
Muratti, Jose A., O368534	June 30, 1960	Chile	Military Medal, 2d class	For rendering distinguished services to the Army of Chile.
Nielsen, Ray, O1111271	Aug. 31, 1958	Colombia	Order of Merit Jose Maria Cordoba, grade of officer, insignia of service.	For services rendered while serving as officer in charge of the Colombia project, Inter-American Geodetic Survey.
Pacheco, Edward F., O1100714	Nov. 30, 1960	Bolivia	Order of the Condor of the Andes, grade of caballero.	Per citation dated Oct. 19, 1952. "For his meritorious service as engineer instructor." Diploma for civil engineer dated Feb. 13, 1951, from the Ministry of National Defense, for successful completion of civil engineer course at the military school of engineering.
Phair, Tom S., O23520	Aug. 1, 1961	Korea	Ulchi Distinguished Military Service Medal.	In recognition and appreciation of his exceptionally outstanding and meritorious service during his tour of duty in Korea from Aug. 15, 1953, to Mar. 30, 1959, while serving as chief of Korean desk, J-2, United Nations Command, and later serving as assistant chief of staff, G-2, 7th U.S. Infantry Division.
Poynter, Vernon L., O1030606	Feb. 29, 1960	Netherlands	Order of Orange-Nassau, grade of officer.	For his meritorious, exemplary, and humanitarian service as chief of the Army helicopter unit that assisted during the 1953 flood crises in the Netherlands.
Pratt, Sherman W., O2006846	Dec. 31, 1959	Iran	Iranian Honor Decoration, grade II, class II.	For exceptionally meritorious conduct in the performance of service during the period Nov. 3, 1953, to May 11, 1954, while serving as adviser of mountain warfare, Imperial Iranian Army.
			Merit Decoration, 1st class, grade 2	Reason for award unknown.
Raleigh, Robert C., O23287	Mar. 1, 1961	Korea	Chungmu Distinguished Military Service Medal with gold star.	He distinguished himself by exceptionally meritorious service during the period June 10, 1955, to May 1, 1956, while serving as deputy chief of staff and as staff secretary of the United Nations Command Military Armistice Commission.
Rettagliata, John B., O402553	June 30, 1961	Italy	To the Merit of the Italian Republic, degree of officer.	In recognition of services rendered to the Italian Government.
Samdahl, Leo B., O453676	Aug. 1, 1960	Korea	Ulchi Distinguished Military Service Medal.	For exceptionally outstanding service in connection with military operations against enemy espionage activities in Korea during the period Aug. 6, 1956, to Oct. 10, 1957.
Sanders, Charles A., O346343	Aug. 31, 1956	do	do	In recognition and appreciation of his exceptionally outstanding and meritorious service rendered to the Republic of Korea during the period Oct. 25 to 27, 1950, while serving as adviser to the Republic of Korea 10th Regiment, 8th Republic of Korea Division.
Sanders, Henry I., O42096	Nov. 1, 1960	Peru	Military Order of Ayacucho, grade of officer.	Diploma dated Mar. 31, 1952, for meritorious service mentioned in clause "b2 of art. 40 of regulations of the order."
Scott, Thomas M., Jr., O52544	July 1, 1960	Iran	Decoration of Merit, 1st class, 3d grade.	For exceptionally meritorious conduct in the performance of service during the period Nov. 6, 1952, to Aug. 29, 1953, per citation.
Sikes, Glenn A., O20353	do	Colombia	Shield of the War College	Decree dated Dec. 13, 1952, for rendering efficient services as adviser and professor to the War College.
Spencer, Robert D., O327426	Nov. 1, 1961	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Steffey, William G., O30404	June 30, 1961	Paraguay	National Order of Merit, grade of commander.	For services rendered to the Armed Forces of Paraguay while serving as assistant chief of the U.S. Army mission.
Sweeney, James L., O31457	July 1, 1961	Jordan	Independence Medal	In recognition of services rendered while serving as U.S. Army tour director for the U.S. visit of Prince Mohammed during the period Feb. 29, to Mar. 31, 1960.
			Independence Medal, 3d class	Do.
Tallackson, Emanuel F., O920878.	Mar. 30, 1956	Iran	3d Class Honor Decoration	For exceptionally meritorious conduct in the performance of services rendered to the Iranian Government while serving as the mission motor officer and assistant motor transport adviser for the Iranian Army.
Thompson, Nathan P., O350077	July 1, 1960	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Tillinghast, Lewis G., O1555143	Mar. 22, 1961	do	Distinguished Service Medal	For rendering competent invaluable service as a member of the American military mission in Greece, per diploma dated Jan. 22, 1952.
Towery, Luther E., O1168952	June 1, 1960	France	Honorary Conductor, 1st class, of the French 6th Regional Company of Transportation.	In recognition of his work and public relations with the French headquarters at Metz from March 1957 to November 1959.
Vigil, Fred, O1798629	May 1, 1961	Panama	Order of Vasco Nunez of Balboa, grade of commander.	In recognition of services rendered while serving as instructor in tactics to Panamanian students at USARCARIB School.
		Peru	Military Order of Ayacucho, grade of knight.	For the promotion of good relations between the United States and Peru.
Wachholz, Paul F., O451259	Sept. 30, 1961	Brazil	Order of Military Merit, degree of cavalier.	Reason for award unknown.
Waggoner, Clinton A , O42552	Aug. 28, 1959	Greece	Golden Cross, Order of King George I.	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Whitman, Orlando O., O1170248	Mar. 31, 1957	France	Chevalier de l'Ordre des Palmes Academiques.	For services rendered while serving as chief of public information with headquarters, USAREUR, communications zone.
Whitmore, Ralph L., O422201	Oct. 1, 1960	Sweden	Medal of Merit of the Swedish Red Cross in silver.	In recognition of his meritorious services on behalf of the Swedish Red Cross.
Wood, George W., O44203	Feb. 1, 1961	Italy	Cross for War Merit	For services rendered with the 88th Division in Italy during World War II, per letter dated Jan. 4, 1949, from the chief of the Italian economic mission in Trieste.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
LIEUTENANT COLONEL—con.				
Wyse, Ralph M., O451866	June 30, 1957	Iran	Third Class Merit Decoration, grade 1	For exceptionally meritorious conduct, untiring efforts, willingness, attention to duty, and cooperation rendered to the Iranian Army while serving as Armored School adviser to the Iranian Army during the period of Sept. 9, 1948, to Mar. 5, 1951.
MAJOR				
Anderson, Brooks D., O35664	May 1, 1961	Panama	Order of Vasco Nunez de Balboa, grade of commander.	For services rendered in connection with military police activities in Panama.
Appling, Robert K., O1100858	Feb. 29, 1960	Italy	Star of Italian Solidarity, 2d class	For his contribution to the reconstruction of Italy.
Bonaventura, Charles M., O1314429.	Aug. 1, 1961	Ecuador	Abdon Calderon, 1st class	For services rendered while serving as chief of the Inter-American Geodetic Survey.
			Parachutist insignia	In consideration of his ample collaboration with the Mechanized and Parachute School to carry out in a successful manner the 1st course in parachuting.
Carroll, Winton A., O1014648	Oct. 31, 1959	Netherlands	Order of Orange-Nassau, grade of chevalier.	For his contribution to the Netherlands flood disaster operation.
Colson, Guy L., O269193	Mar. 30, 1959	Philippines	Legion of Honor, grade of officer	For exceptionally meritorious conduct in the performance of outstanding service rendered to the Armed Forces of the Philippines, particularly to the 14th Battalion Combat Team, Philippine Expeditionary Force to Korea.
Flint, George, O44970	Aug. 31, 1956	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Fries, Josephine, N1894	June 30, 1960	Norway	Medal of Merit	For services rendered while serving as an Army nurse in the European theater of operations during World War II.
Hilliard, Emerson E., O1010578	Mar. 1, 1961	Greece	Distinguished Service Medal	For invaluable services to the Armed Forces of Greece as a member of the American military mission, per citation dated Jan. 22, 1952.
Johnson, Robert E. L., Jr., O1554762.	Mar. 27, 1957	Brazil	Order of Military Merit, degree of cavalier.	Reason for award unknown.
oyce, Robert J., O1824871	Apr. 21, 1961	Greece	Cross of Officer of the Royal Order of the Phoenix.	The Greek decoration was conferred upon him by His Majesty the King of the Hellenes in recognition of the efficient assistance he gave His Majesty during his recent visit to Austria.
Kohl, William A., O1587378	Oct. 31, 1960	do	Distinguished Service Medal	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Martin, John J., O395521	Mar. 31, 1961	Japan	Japan Ground Self-Defense Force Aviation Badge.	For services rendered in training of Japan ground self-defense force pilots.
Quesada, Antonio, O443967	Nov. 30, 1960	Nicaragua	Meritorious Service Award	For efficient work and valuable cooperation given to the cadets and officers of the national army during the courses of military specialty, per special order No. 96, Military Academy of Nicaragua, dated Sept. 26, 1952.
Russell, William E., O1797012	Jan. 31, 1961	Korea	Chungmu Distinguished Military Service Medal with gold star.	For exceptionally meritorious conduct in the performance of outstanding service in connection with military operations against enemy intelligence activities in Korea during the periods Apr. 22, 1952, to Apr. 4, 1953, and Feb. 17, 1956, to Jan. 20, 1957.
St. Onge, Joseph A., O1690964	Feb. 28, 1959	Ecuador	Abdon Calderon, 2d class	In recognition of services rendered to the educational, cultural and Military progress of the Republic of Ecuador.
Stawinsky, Johann, O1181149	Oct. 31, 1960	Korea	Chungmu Distinguished Military Service Medal with silver star.	In recognition and appreciation of his outstanding and exceptionally meritorious service rendered to the Republic of Korea during the period Sept. 15, 1958, to Aug. 1, 1959.
Torres, Jose M., O417060	January 1957	Nicarauga	Meritorious Service Award	For efficient work and valuable cooperation given to the cadets and officers of the national army during the courses of military specialty, per special order No. 96, Military Academy of Nicaragua, dated Sept. 26, 1952.
Vasquez, Ricardo V., O1285342	November 1960	do	do	Do.
Frankville, Dominick D., O395039.	May 1962	Luxembourg	Cross of Honor and Military Merit in silver.	For services rendered to the Government of Luxembourg while serving with the 36th Fighter Bomber Wing, 1st Infantry Division.
Gibson, Forest S., O999616	June 1962	Iran	Merit Decoration, 3d grade	For exceptionally meritorious conduct in the performance of service during the period Aug. 24, 1952, to May 15, 1954 while serving as adviser, Arsenal Department, Imperial Iranian Army.
Olivari-Amill, William, O1325772.	November 1962	Ecuador	Abdon Calderon, 3d class	In recognition of his outstanding accomplishments in connection with the operations of the USARCARIB School, Fort Gulick, C.Z., during his period of duty as a staff officer in that headquarters.
CAPTAIN				
Kieffer, Charles F., O1171224	November 1960	Nicaragua	Honorary Wings of Military Pilot	In appreciation of his meritorious collaboration and approach work on behalf of the Air Force of Nicaragua.
Marquez, Victor, O1340673	do	do	Meritorious service	For efficient work and valuable cooperation given to the cadets and officers of the national army during the courses of military specialty, per special order No. 96, Military Academy of Nicaragua, dated Sept. 26, 1952.
Ruiz, Luis, O940758	do	Panama	Order of Vasco Nunez de Balboa, grade of knight.	For important services rendered to the Government of the Republic of Panama.
Arnold, David S., O442432	May 1962	Greece	War Cross, 3d class	As a liaison officer with the commando groups from the 10th of June up to the 1st of November 1949, he took part in all operations carried out by the commando groups, exposing himself repeatedly to all dangers, and because he entirely disposed of himself for the purpose of Greece, which purpose he considered as one interesting his country. (Citation in Greek Order of the Day, Mar. 25, 1949.)
			War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree, Feb. 8, 1950.
Brake, William P., O946413	September 1962	Pakistan	Army Flying Brevet	For service with Air OP Squadron No. 1 at Pakistan Headquarters, Rawalpindi, Pakistan from Mar. 1 to June 1, 1958, as mobile training chief, flight.
Chun, Richard S., O953945	August 1962	Korea	Chungmu Distinguished Military Service Medal.	For exceptionally and outstanding meritorious service as a member of the 60th Signal Service Co. during the period from Oct. 17, 1950, to Mar. 28, 1953.
CHIEF WARRANT OFFICER				
Campbell, George L., W2145715.	May 1961	do	Award for Defense	Awarded medal for his assistance as company commander of 609th Ordnance Company, in directing the evacuation and rescue of over 750 civilians at Heunde, Pusan, on Sept. 17, 1959. Also in recognition of other community assistance projects.

DEPARTMENT OF THE ARMY—Continued

Name	Date of retirement	Donor government	Award	Remarks
CHIEF WARRANT OFFICER—continued				
Casas, Guillermo, W2151636	September 1960	Colombia	Military Cross "Antonio Marino"	In recognition of services rendered to the Colombian Government.
King, Paul W., W2101930	May 1960	Ecuador	Abdon Calderon, 2d class	For invaluable service to the Instituto Geografico Milita during the period of his assignment by the Government of the Republic of Ecuador.
Stille, Walter H., W2141458	June 1959	China	Piliang Medal (class B)	For exceptionally meritorious conduct in the performance of staff duty in Taiwan during 1958.
Tippit, James H., W2147671	July 1960	Ecuador	Abdon Calderon, 3d class	For distinguished services rendered with his signal specialties, while a member of the U.S. Army mission to Ecuador, per Ecuadorian general orders dated July 17, 1953.
WARRANT OFFICER				
Hungerford, Charles F., W2205351.	March 1961	Korea	Wharang Distinguished Military Service Medal with gold star.	For exceptionally meritorious service as helicopter pilot during the period Feb. 27 to Mar. 5, 1956.
SERGEANT MAJOR				
Wyatt, Cecil P., RA20454327	May 1962	Greece	Parachutist Badge	In recognition of the combined participation of the 1st Airborne Battle Group, 327th Infantry, and the Hellenic parachute unit in the 1961 NATO exercise "Checkmate."
Malone, Thomas J., RA6283028	June 1960	Argentina	Honoris Causa	For services rendered as a member of the U.S. Army mission to Argentina, assigned to duties which caused him to work closely with the Armored School of the Argentine Army.
MASTER SERGEANT				
Bass, Charles W., RA6255805	June 1955	Greece	Distinguished Service Medal	As a member of the American Military Mission in Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training thereof, per Greek royal decree dated Feb. 8, 1950.
Busbee, Howard L., RA39439929	June 1960	do	do	Do.
Horning, Russell O., RA6983841.	do	Indonesia	Cigarette box, lighter, and certificate	In appreciation from the Indonesian Army, attesting to the outstanding professional ability and splendid spirit of cooperation of the team. (Ordnance mobile training team.)
Maksymiec, Myroslaw A., RA20140533.	July 1961	Ethiopia	Gold medallion	As a token of appreciation of his work. Given by His Imperial Majesty, Haile Selassie I, Emperor of Ethiopia.
Rohde, William G., RA7071033	June 1961	Mexico	Medal of Military Merit, 3d class	In recognition of outstanding services to the survey department of the Mexican Armed Forces while assigned to U.S. Army Inter-American Geodetic Survey.
Earhart, Thomas A., RA20703977.	August 1961	Greece	War Cross, class III	As a member of the American military mission in Greece has rendered precious and invaluable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
Hayes, Walter E., RA37007545	September 1962	Greece	War Cross, class III	As a member of the American Military Mission to Greece has rendered precious and valuable service to the Greek Army and has contributed greatly to the reorganization and training thereof.
O'Reilly, Hugh F., RA6710523	March 1962	Japan	Order of the Sacred Treasure, 6th class	In recognition of his efforts in behalf of the Holy Family Home in Osaka, Japan.
Sekulski, Felix T., RA32119769	February 1962	Argentina	Honoris Causa	For services rendered while assigned to mission duties at Armored School of Argentine Army.
Tyler, Grover C., RA36331393	November 1962	Ecuador	Abdon Calderon, 3d class	As acknowledgment of services rendered to this country.
Ward, Johnnie K., RA14007025	June 1962	Germany	German Parachutist Badge	Completed the requirements of the German Airborne School.
SERGEANT, 1ST CLASS				
Craig, Walter E., RA37050694	July 1962	Indonesia	Cigarette box, lighter, and certificate	Expression of appreciation from the Indonesian Army, attesting to the outstanding professional ability and splendid spirit of cooperation of the team (Ordnance Mobile Training Team).
Hook, Bob J., RA25700128	August 1954	Iran	Decoration of Merit, 3d class	For exceptional meritorious conduct in performance of service as assistant adviser to the Arsenal Department of the Imperial Iranian Army during the period July 12 to Sept. 10, 1953.
DEPARTMENT OF THE ARMY, CIVILIAN				
Miller, George A	May 1961	Korea	Ulchi Distinguished Military Service Medal with gold star.	In recognition and appreciation of his exceptionally outstanding and meritorious service to the Republic of Korea Army while serving on a mission to help in the construction of an arsenal to manufacture ammunition for small arms.

DEPARTMENT OF THE AIR FORCE

GENERAL				
Cook, Orval R., 36A	May 31, 1956	France	Legion of Honor (grand officer)	For meritorious service.
		Italy	Ordine Al Merito della Republica Italiana (grande ufficiale).	Do.
Partridge, Earle E., 33A	July 31, 1959	Japan	Order of the Rising Sun	For services as commander, Far East Air Forces.
		China	Cloud and Banner Medal	Do.
		Brazil	Order of Aeronautical Merit, grade of grand officer.	For meritorious service.
Twining, Nathan F., 10A	Sept. 30, 1960	Lebanon	De L'Ordre National Du Cedre, grand officer.	Do.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
GENERAL—con.				
White, Thomas D., 22A	June 30, 1961	France	Air Force pilot wings	Token of good will.
		Chile	Air Force wings	Do.
		Sweden	Great Cross of the Order of Swedish Sword.	For meritorious service.
		Belgium	Grand Cross of the Order of Leopold II.	Do.
		Paraguay	Order of Military Merit, grand official	Do.
		Colombia	El Canciller de la Orden de Boyaca	Do.
			Cruz del Merito Aeronautico "Antonio Ricaurte" (Gran Cruz).	Do.
		Portugal	Medal of Military Merit, 1st class	Do.
		Uruguay	Air Force pilot wings	Token of good will.
		Ecuador	Order of Aeronautical Merit (commander).	For meritorious service.
		Brazil	Order of Aeronautical Merit	Do.
		Colombia	Honorary pilot wings	Token of good will.
		China	Air Force wings	Do.
		Italy	Ordine Al Merito della Repubblica Italiana.	For meritorious service.
		Chile	Medalla Militar de Primera Clase	Do.
		Philippines	Legion of Honor (commander)	Do.
		Korea	Order of Military Merit Taeguk with Gold Star.	Do.
		Peru	Cruz Peruana Al Merito Aeronautico	Do.
Cabell, Charles P., 70A	Jan. 31, 1962	Denmark	Kommander, 1st Grad of Dannenberg.	Do.
		France	Legion of Honor (officer)	Do.
Kuter, Laurence S., 89A	July 31, 1962	Thailand	Prathanabhon (Knight Grand Cross) Most Noble Order of the Crown of Thailand.	Do.
		China	Medal of Cloud and Banner with grand cordon.	Do.
		Japan	2d class of the Order of the Rising Sun	Do.
		Korea	Order of Military Merit Taeguk with gold star.	Do.
		Philippines	Legion of Honor (degree of commander).	Do.
		Thailand	Knight Commander of the Most Exalted Order of the White Elephant.	Do.
Norstad, Lauris, 25A	Dec. 31, 1962	France	Legion of Honor (degree of commander).	Do.
		Morocco	Order of Ouissam Alouite Cherifien, 2d grade (grand officer).	Do.
		Greece	Cross of Grand Commander of the Royal Order of George I.	Do.
		Portugal	Great Cross of Aviz	For meritorious service as Supreme Allied Commander Europe.
		Germany	Grand Cross of the Order of Merit	Do.
		Greece	Grand Cross of the Royal Order of George I.	Do.
		Italy	Knight of the Grand Cross of the Order "On Merit of the Italian Republic."	Do.
		Belgium	Grand Cordon of the Order of Leopold	Do.
		Norway	Grand Cross of the Royal Norwegian Order of St. Olaf.	Do.
		Netherlands	Great Cross of the Order of Orange-Nassau.	Do.
		France	Grand Cross of the Legion of Honor	Do.
		Luxembourg	Grand Cross of the Order of the Crown of Chene.	Do.
Smith, Frederic H., Jr., 461A	June 30, 1962	Japan	Order of Double Ray to the Rising Sun.	For meritorious service
		China	Order of Cloud and Banner	Do.
		Korea	Order of Military Merit Taeguk with silver star.	Do.
		Argentina	Al Merito Aeronautico	Do.
		Columbia	Cruz del Merito Aeronautico "Antonio Ricaurte."	Do.
		Chile	Grand Medal to the Military	Do.
LIEUTENANT GENERAL				
Asensio, Manual J., 324A	Jan. 31, 1960	Colombia	Cruz del Merito Aeronautico "Antonio Ricaurte" (Gran Cruz).	For meritorious service.
Barcus, Glenn O., 87A	July 31, 1960	France	Croix de Guerre with palm	Do.
Craigie, Laurence C., 61A	June 30, 1955	do	do	For outstanding contributions toward liberation of France during World War II.
Lindsay, Richard C., 476A	Apr. 30, 1960	Greece	Royal Order of Phoenix	For meritorious service.
			Royal Hellenic Air Force wings	Token of good will.
		Italy	Gran Commandatori de Repubblica	For meritorious service.
			Italian Air Force wings	Token of good will.
		Turkey	Air Force pilot wings	Do.
		France	Air Force wings	Do.
Lynn, Roy H., 492A	Aug. 31, 1959	Korea	Military Merit Taeguk Medal	For meritorious service.
Myers, Charles T., 37A	July 31, 1958	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Picher, Oliver S., 540A	May 11, 1960	Greece	Cross of Commander of the Royal Order of George I.	For meritorious service.
Samford, John A., 377A	Nov. 23, 1960	Italy	Ordine al Merito della Repubblica Italiana (commander).	Do.
		Thailand	Dvitiyabhorn (knight commander) Most Exalted Order of the White Elephant.	Do.
		France	Legion of Honor, officer	Do.
Todd, Walter E., 361A	July 31, 1961	Korea	Order of Military Merit Taeguk	Do.
			Order of Military Merit Taeguk with silver star.	Do.
		Japan	Order of the Rising Sun	Do.
		Thailand	Dvitiyabhorn (knight commander) Most Noble Order of the Crown of Thailand.	Do.
Tunner, William H., 374A	May 31, 1960	Saudi Arabia	Ornamental Sword and Dagger	Token of good will.
		Italy	Ordine al Merito della Repubblica Italiana, grand ufficiale.	For meritorious service.
		Thailand	Air Force pilot wings	Token of good will.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
LIEUTENANT GENERAL—con.				
Yates, Donald N., 524A	Mar. 31, 1961	Brazil	Ordem do Merito Aeronautico	For meritorious service.
Rogers, Elmer J., Jr., 294A	Dec. 31, 1961	Japan	Order of the Rising Sun (2d grade)	Do.
		Korea	Order of Military Taeguk	Do.
MAJOR GENERAL				
Agee, Walter R., 413A	Apr. 30, 1959	Greece	The Order of Phoenix, Cross of Grand Commander.	Do.
		Israel	Honorary flyers wings	Token of good will.
Anderson, Alvord V. P., Jr., 371A.	Nov. 30, 1960	Brazil	Air Force wings	Do.
			Order of Aeronautical Merit	For meritorious service.
Armstrong, Harry G., 209A	Aug 31, 1958	do	do	Do.
		France	Air Force Medical Service Medal of Honor.	Do.
		Chile	Military Air Medal	Do.
Benson, Otis O., Jr., 19046A	June 15. 1961	Thailand	Dvitiyabhorn (knight commander) Most Noble Order of the Crown of Thailand.	Do.
		France	Air Force Medical Service Medal of Honor.	Do.
Burnside, Merrill D	Sept. 30, 1958	Korea	Military Merit Ulchi Medal with gold star.	Do.
Deichelmann, Matthew K., 331A.	Apr. 30, 1959	do	Order of Military Merit Taeguk	Do.
Douglas, Robert W., Jr., 46A	Feb. 28, 1957	Italy	Military Order of Italy	Do.
Glantzberg, Frederic E., 405A	Sept. 12, 1959	France	Legion of Honor, grade commander	Do.
Grussendorf, Richard A., 543A	Aug. 31, 1960	Greece	Knight Commander of the Royal Order of the Phoenix.	Do.
Hale, Dudley D., 431A	Feb. 28, 1958	France	Croix de Guerre with palm	For meritorious service.
		Korea	Pilot wings	Token of good will.
Hood, Reuben C., Jr., 498A	June 30, 1959	Peru	do	Do.
		Ecuador	do	Do.
		Colombia	do	Do.
		Nicaragua	do	Do.
		Cuba	do	Do.
		Chile	do	Do.
		Brazil	do	Do.
		Peru	Aviation Cross, 1st class	For meritorious service.
		Chile	Military Medal, 1st class	Do.
		Mexico	Air Force wings	Token of good will.
		Bolivia	National Order Condor of the Andes	For meritorious service.
		Venezuela	Cross of the Venezuelan Air Force	Do.
		Uruguay	Honorary Military Aviator	Token of good will.
		Paraguay	Honorary Pilot Aviator	Do.
		do	National Order of Merit	For meritorious service.
		Panama	Order of Vasco Nuñez de Balboa, grade of gran official.	Do.
		Colombia	Aeronautical Cross of Merit	Do.
		Ecuador	Abdon Calderon, 1st class	Do.
		Honduras	Pilot wings	Token of good will.
		Brazil	Order of Aeronautical Merit	For meritorious service.
Kennedy, William L., 517A	Sept. 20, 1961	France	Legion of Honor, grade of officer	Do.
O'Hara, John J., 463A	July 31, 1959	do	do	Do.
Pearsons, John W., 418A	Aug. 31, 1959	Argentina	Pilot wings	Token of good will.
Ruestow, Paul E., 548A	June 30, 1960	Korea	Ulchi Military Merit Medal with gold star.	For service as commander, Far East Air Logistic Forces.
Smith, George F., 380A	July 31, 1958	France	Legion of Honor	For meritorious service.
Dahl, Leo P., 609A	July 31, 1962	do	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Darcy, Thomas C., 629A	Dec. 31, 1961	Brazil	Golf clubs, set, with bag	Token of good will.
		Argentina	Grand Officer of the Order of May	For meritorious service.
		Bolivia	Commander of the Order of the Condor of the Andes.	Do.
		Argentina	Sword of San Martin	Token of good will.
		France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Eaton, Robert E. L., 594A	do	Greece	Cross of Senior Commander of the Order of Phoenix.	For meritorious service.
Hutchinson, Donald R., 664A	June 30, 1962	Iceland	Medal of the Order of the White Falcon.	Do.
Lewis, Millard, 561A	Sept. 30, 1962	Brazil	Order of Aeronautical Merit (grande official).	Do.
Suarez, Edward W., 633A	July 31, 1962	Greece	Grand Order of the Phoenix	Do.
Tate, Robert F., 363A	Nov. 30, 1961	Japan	Third Order of the Rising Sun	Do.
BRIGADIER GENERAL				
Cassady, George S., 994A	Aug. 31, 1961	Portugal	Military Medal, 1st class	For service as commander of MATS, Azores.
Gregory, Hollingsworth F., 496A.	Oct. 31, 1958	France	Legion of Honor (officer)	For meritorious service.
			Medaille de L'Aeronautique	Do.
Hamilton, Pierpont M., AO900788.	Sept. 30, 1959	do	Legion of Honor	Do.
Israel, Robert S., Jr., 354A	July 31, 1958	do	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Johnson, Betrand E., 809A	Mar. 15, 1961	Korea	Ulchi Military Merit Medal with gold star.	For meritorious service.
Keeler, George E., Jr., 466A	July 31, 1959	France	Croix de Guerre with palm	For outstanding contributions toward the liberation of France during World War II.
Lee, William L., 430A	do	do	Aviation Badge (pilot)	Token of good will.
Matheny, William A., 428A	July 31, 1959	Greece	Distinguished Service Medal	For meritorious service.
Morse, Winslow C., 515A	Nov. 30, 1959	Honduras	Meritorious Decoration	Do.
Nuckols, William P., 534A	Nov. 15, 1957	Monaco	Order of Saint Charles, degree of officer.	Do.
Ross, Stoyte O., 531A	Mar. 31, 1960	Greece	Order of Phoenix, cross of commander.	Do.
Schweizer, John M., Jr., 920A	Oct. 31, 1959	China	Air Force Pilot Wings	Token of good will.
		Greece	Commander of the Royal Order of King George I.	For meritorious service.
		Italy	Commendatore of the Order of Merit.	Do.
		Belgium	Order of Leopold II	Do.
Smith, Harold L., 564A	June 30, 1960	Portugal	Medal of Military Merit, 1st class	Do.
			Medal of Gold for Distinguished Services.	Do.
Lessig, Cecil P., 1001A	June 30, 1962	Japan	Third Order of the Rising Sun	Do.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
COLONEL				
Banks, Amberse M., AO222523.	Mar. 31, 1955	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Barber, Rex T., 5198A	Mar. 31, 1961	Colombia	Cruz del Merito Aeronautico Antonio Ricaurte, grade of commendador.	For meritorious service.
Bates, Earl E., Jr., 1581A	Feb. 28, 1961	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Bell, Maynard W., 2515A	do	do	do	Do.
Biddlecome, Bruce D., 7405A	Aug. 31, 1959	do	do	Do.
Blauer, Clinton E., AO338854	Feb. 25, 1958	do	do	Do.
Brause, Jacob L., AO176682	July 31, 1954	Guatemala	Cross of Military Merit, 3d class	For meritorious service.
Brown, Bryan W., Jr., 5248A	June 30, 1961	Peru	Flying Cross	Do.
Burns, Edgar J., 2222A	June 30, 1958	Bolivia	Order of the Condor of the Andes Medal.	Do.
			Pilot Wings	Token of good will.
Burroughs, Orval N., 2302A	June 26, 1961	Greece	Royal Order of George I	For meritorious service.
Carleton, Bert M., 4596A	June 15, 1959	China	Order of the Cloud and Banner	Do.
Cassidy, Charles F., Jr., AO432047.	Mar. 31, 1959	France	Crox de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Clark, James N., AO204560	July 31, 1954	China	Pilot wings	Token of good will.
Cooper, Elven R., 19596A	Apr. 30, 1961	Philippines	Legion of Honor, degree of officer	For meritorious service.
Covington, William E., Jr., 1237A.	May 31, 1957	Lebanon	De L'Ordre National Du Cedre (officer).	Do.
Cox, Robert B., 4407A	July 31, 1961	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Daniel, James L., Jr., 350A	Oct. 14, 1958	Ecuador	Abdon Calderon, 1st class	For meritorious service.
Dietze, Herman V., 2441A	May 31, 1960	Brazil	Ordem de Merito Aeronautico, grade of comendador.	Do.
			Order of Military Merit, degree of officer.	Reason for award unknown.
Edris, Gordon L., 4629A	June 30, 1961	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Fagan, Franklin K., AO265877.	Mar. 15, 1960	do	do	Do.
Fawbush, Andrew T., AO311769.	June 30, 1961	Brazil	Order of Aeronautical Merit, grade of commander.	For meritorious service.
			Mechanic wings	Token of good will.
Fletcher, Eugene B., 1720A	Aug. 31, 1958	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Freeman, Edmund F., 3150A	July 31, 1961	do	do	For meritorious service.
		Vietnam	National Order of Vietnam	Do.
		France	Air Force wings	Token of good will.
		Laos	Royal Order of the Million Elephants and White Parasol.	For meritorious service.
		Cambodia	Royal Order of Cambodia, degree of commander.	Do.
Glassford, Pelham D., Jr., 1131A.	June 30, 1961	France	La Croix de Chevalier du Merite Social.	Do.
Green, George B., 19077A	Feb. 28, 1961	do	Air Force Medical Service Medal of Honor.	Do.
			Flight Surgeon's wings	Token of good will.
Gurney, Samuel C., Jr., 1352A	July 31, 1961	Israel	Air Force Badge	Do.
Hagins, Newton D., 2799A	Dec. 31, 1958	Peru	Air Force wings	Do.
Hamilton, McHenry, Jr., 3438A.	Oct. 31, 1958	do	Aviation Cross	For meritorious service.
Haney, George W., 3174A	July 31, 1960	Greece	Gold Cross of the Order of Phoenix	Do.
Hanley, Paul T., 1068A	July 31, 1961	Italy	Order of Merit of the Italian Republic, grade of officer.	Do.
			Honorary pilot	Token of good will.
		Korea	Ulchi Order of Military Merit with silver star.	For meritorious service.
Harris, Lester S., 1155A	do	China	Pilot wings	Token of good will.
Hild, Fred E., 1604A	June 30, 1961	Italy	Honorary military pilot wings	Do.
Hills, John De P., 1070A	July 31, 1961	France	Aviation badge	Do.
Hinnman, Harvey M., AO393128.	Nov. 22, 1946	do	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Hunter, Anthony G., 578A	Sept. 14, 1959	do	do	Do.
Hutchinson, Richard C., 1939A.	Feb. 28, 1961	Guatemala	Cross of Military Merit, 2d class	For meritorious service.
Kime, Duane L., 1787A	Mar. 31, 1961	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Lampley, Harmon L., Jr., 3353A.	July 31, 1961	Mexico	Military Merit Medal	For meritorious service.
			Air Force Wings and Defensores de la Republica Mexicana y Sus Descendientes.	Do.
McCartney, John F., 447A	Aug. 24, 1959	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
McKinnon, Samuel H., 3338A	July 31, 1961	do	do	Do.
McShane, Joseph B., AO257465.	June 30, 1960	Netherlands	Order of the Orange Nassau with swords.	For meritorious service.
Mangum, Cledous M., AO293149.	June 30, 1959	Korea	Chungmoo Distinguished Military Service Medal.	Do.
Massion, John W., 3430A	July 31, 1961	Paraguay	Gran Maestro de la Orden Nacional del Merito, Otorga, el grade de gran oficial.	Do.
Moore, John W., 2238A	Aug. 31, 1958	Brazil	Order of Aeronautical Merit	Do.
Mobley, Thomas L., 434A	July 31, 1959	Greece	Cross of Commander of the Royal Order of the Phoenix.	Do.
		Argentina	Aviador Militar Honoris Causa	Token of good will.
Ott, Frederick W., 348A	July 31, 1958	El Salvador	Emblem, Staff Officer's School	Do.
			Honorary Air Force wings	Do.
Palmer, Sumner C., Jr., AO129832.	Sept. 30, 1956	France	Medal of Aviation	For meritorious service.
Parham, Harry C., 2356A	Jan. 28, 1960	do	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Parsons, Charles E., Jr., 4490A	Aug. 31, 1961	China	Aviation Badge	Token of good will.
Perkins, Charles L., AO560214	Jan. 31, 1959	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Perkins, Nicholas T., 1217A	June 30, 1961	Yugoslavia	Pilot wings	Token of good will.
Peters, Frederick I., 2436A	May 31, 1960	Korea	Military Merit Chungmoo Medal with gold star.	For meritorious service.
Pillet, Frederick A., 410A	Mar. 31, 1959	Greece	Cross of the Commanders of the Royal Order of the Phoenix.	Do.
Preston, William D., 19129A	Oct. 31, 1961	China	Flight surgeon's wings	Token of good will.
Ramage, Edwin M., 1765A	Aug. 31, 1958	Chile	Pilot Wings	Do.
Richer, Marcel A., 2837A	July 31, 1961	France	Legion of Honor, Order of Knight	For meritorious service.
Russell, Joseph G., 1116A	do	China	Cloud and Banner, 6th class	Do.
			Air Force Wings	Token of good will.
Searles, Frederick W., 3196A	Apr. 30, 1960	Korea	Ulchi Military Merit Order with silver star.	For meritorious service.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
COLONEL—Continued				
Smith, Richard H., 631A	July 31, 1961	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Stefansson, Ragnar 2683A	Sept. 30, 1960	Iceland	Knight's Cross of the Order of the Icelandic Falcon.	For meritorious service.
Stepp, Richard D., 3807A	July 31, 1961	Peru	Aviation Cross, 1st class	Do.
Stoltz, Albert E., 979A	Dec. 31, 1958	France	Legion of Honor	Do.
Taylor, Henry J., 2567A	July 31, 1961	Italy	Ufficiale al Merito della Repubblica, knight officer.	Do.
Taylor, Richard, 8469A	Jan. 31, 1961	Norway	Air Force wings	Token of good will.
Thompson, Glen C., 1135A	July 31, 1961	Bolivia	Condor de los Andes	For meritorious service.
			Pilot wings	Token of good will.
Wadman, John F., 838A	July 31, 1958	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Ward, Thomas N., AO478403	Dec. 17, 1958	Brazil	Order of Aeronautical Merit	For meritorious service.
Ware, Everett H., 2003A	July 31, 1961	Netherlands	Order of Orange Nassau with swords	Do.
Whitney, Robert, OA479379	Jan. 31, 1956	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Will, Ray J., 1692A	July 31, 1960	Vatican	Benemerenti Medal	For meritorious service.
Williams, Ernest F., 576A	June 30, 1961	Brazil	Order of Aeronautical Merit	Do.
Williams, Francis W., 2308A	do	Chile	Military Medal, 2d class	Do.
		Brazil	Orden do Merito Aeronautico, comendador.	Do.
Winstead, Joshua T., Jr., 1588A	Dec. 31, 1958	Ecuador	Abdon Calderon, 1st class	Do.
		do	Honorary pilot wings	Token of good will.
Wood, Randolph L., 1140A	July 31, 1961	France	Aviation Badge	Do.
Woodworth, Lynn F., AO472436.	Sept. 30, 1955	do	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Camp, Kenneth L., 3373A	June 30, 1962	Uruguay	Air Force wings	Token of good will.
Crabbe, Gerald W., 5278A	Oct. 1, 1962	Colombia	Orden del Merito Aeronautico "Antonio Recaurte."	For meritorious service.
		do	Colombian Air Force pilot wings	Token of good will.
		Greece	Royal Order of George I	For meritorious service.
		do	Royal Hellenic Air Force wings	Token of good will.
Dunn, Bruce C., 8774A	Dec. 1, 1962	Yugoslavia	Order of Partisan Star, 2d class	For meritorious service.
		France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Fahy, Albert F., Jr., 3878A	Apr. 30, 1962	Chile	Medalla Militar de Tercera Clase	For meritorious service.
Forwood, William G., 5429A	do	Peru	Aviation Cross, 1st class	Do.
Gregory, Charles E., 1956A	do	El Salvador	Air Force pilot wings	Token of good will.
Johnson, Roberts P., Jr., 2928A	Dec. 1, 1962	China	Friend of China Medal	For meritorious service.
Katz, Bernard A., AO1574887	Jan. 23, 1962	France	Medaille de l'Aeronautique	Do.
Layden, Lionel L., AO487015	Jan. 31, 1962	Portugal	Merito Militar, 2d class	Do.
Marchant, John C., 2677A	June 30, 1962	Great Britain	British Coronation Medal	Do.
Prochazka, Theodore V., 2535A	Dec. 31, 1961	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Randolph, Jack L., 1268A	July 31, 1961	China	Chinese Air Force wings	Token of good will.
		do	Medal of Cloud and Banner, 5th class	For meritorious service.
Reynolds, John N., 2034A	June 30, 1962	France	Aviation Badge	Token of good will.
Rogers, George W., 2029A	do	China	Medal of Cloud and Banner, 5th class	For meritorious service.
		do	Chinese Air Force wings	Token of good will.
Shachtman, Hyman, 2674A	do	Chile	Honorary pilot wings	Do.
Skillin, Byron W., AO305086	do	Netherlands	Order of Orange Nassau with swords, class of officer.	For meritorious service.
Thompson, Matthew, AO902812	Apr. 30, 1962	France	La Croix de Chavalier Du Merite Social.	Do.
LIEUTENANT COLONEL				
Albaugh, Harry M., 4815A	Nov. 30, 1960	Panama	Order of Vasco Nunez de Balboa, grade of gran master.	Do.
Benson, Kenneth B., AO429750	June 30, 1958	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Bondurant, Wiley M., AO4311645.	July 31, 1961	do	Aviation Badge (observer)	Token of good will.
Bostick, John, 2364A	Feb. 29, 1960	Peru	Aviation Cross	For meritorious service.
Brodzinsky, Philip, AO574040	July 31, 1961	Greece	Silver Cross of the Royal Order of George I.	Do.
Chamberlain, Carlton A., AO391689.	Jan. 1, 1953	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Chick, Lewis W., Jr., 5921A	Sept. 30, 1958	Bolivia	Order of the Condor of the Andes	For meritorious service.
Clark, Linwood L., AO269717	July 1, 1960	China	Pilot wings	Token of good will.
		Korea	do	Do.
Colling, James H., AO789545	Apr. 30, 1961	Iran	Merit Medal, 3d class, 1st type	For meritorious service.
Cox, Thomas L., AO2045333	May 31, 1961	Iraq	Gold medal	Do.
		France	Navigator Badge	Token of good will.
DeGroot, Edward B., Jr., 2386A.	Jan. 31, 1960	do	Gold Medal of Physical Education and Sports.	For meritorious service.
Fallon, Robert B., AO1644310	Aug. 31, 1961	China	Honorary Insignia of the Combined Service Forces.	Token of good will.
Fandel, William H., 4204A	July 31, 1961	Iran	Merit Medal, 3d class, 1st type	For meritorious service.
Grier, John C., Jr., AO394326	Oct. 31, 1960	Brazil	Silver Medal, Merito Santos Dumont	Do.
		Norway	Haakon VII Liberation Cross	Reason for award unknown.
Hardeman, Milton L., AO344152	June 30, 1959	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Hearn, Bunn, Jr., 3967A	July 31, 1961	do	Aviation Badge	Token of good will.
Heintz, Adam J., 1864A	Jan. 31, 1961	Colombia	Pilot wings	Do.
			Cruz de Merito Aeronautico "Antonio Ricaurte," grade of commendador.	For meritorious service.
Henry, Noel P., AO803980	do	Belgium	Pilot wings	Token of good will.
		China	Aviation Badge	Do.
Holmquist, George W., 4667A	July 31, 1961	France	L'Ordre Franco-Outremerien	For meritorious service.
Johnson, Russel T., AO421752	Oct. 2, 1958	do	Aviation Badge	Token of good will.
Klapper, David D., AO285620	June 30, 1959	China	Cloud and Banner	For meritorious service.
			Ivory name stamp	Token of good will.
Korona, Wilson B., AO665050	Oct. 31, 1961	France	Aviation Badge	Do.
Laborde, Edward, AO475877	Mar. 1, 1958	Spain	Cruz de 2d Clase del Merito Aeronautico con distintivo blanco.	For meritorious service.
		Argentina	Aviador Militar "Honoris Causa"	Token of good will.
LaBuda, Joseph E., 2419A	Apr. 30, 1960	Chile	Military Medal, 3d class, and engineer wings.	For meritorious service.
Little, John E., AO407105	May 31, 1959	Iran	Merit Decoration, 3d class	For service as air adviser, **Technical School.**
Marshall, Leonard S., 8951A	Jan. 31, 1961	Nicaragua	Military pilot wings	Token of good will.
Moench, Carroll J., AO417045	do	Korea	Pilot wings	Do.
Moynahan, Francis V., AO217758.	Oct. 31, 1961	France	Medaille de L'Aeronautique	For meritorious service.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
LIEUTENANT COLONEL—con.				
Munger, Paul O., AO740254	Jan. 31, 1961	Belgium	Aviation Badge	Token of good will.
Paulin, Harold D., Jr., 3455A	July 31, 1961	France	Air Force wings	Do.
Plummer, Harry W., AO789594	Nov. 2, 1959	do	Aviation Badge (pilot)	Do.
Prentiss, Vernon, 4454A	June 30, 1964	China	Pilot wings	Do.
Ridenour, George F., AO322524.	Aug. 31, 1957	Norway	Haakon VII Liberation Cross	For meritorious service.
Ruhe, Harry A., AO270130 AO270130.	July 31, 1957	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Smith, Joseph C., 3870A	July 31, 1961	Norway	Knights Cross, 1st class, of the Royal Order of Saint Olav.	For meritorious service.
Smith, Robert N., 3501A	Oct. 31, 1960	Paraguay	National Order of Merit	Do.
			Air Force wings	Token of good will.
Weigle, Graham, AO662995	June 5, 1958	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Wolfe George W., Jr., AO863220	Apr. 30, 1961	Ecuador	Abdon Calderon	For meritorious service.
Adams, Frank I., AO455504	Nov. 1, 1962	Greece	Royal Order of Phoenix	Do.
Bullard, Exum F., AO669855	July 31, 1962	Turkey	Aviation Badge	Token of good will.
Carpenter, George W., 11663A	May 1, 1962	Philippines	Legion of Honor (degree of officer)	For meritorious service
Cooper, Harold M., 12894A	Oct. 1, 1962	Libya	Grand Order of Independence of the Fifth Degree.	Do.
Cushman, Charles V. B., AO902989.	May 31, 1962	Peru	Aviation Cross	Do.
Downing, John H., Jr., AO1102215.	May 31, 1961	France	Medaille de l'Aeronautique	Do.
Goni, Frank X., AO1860571	June 30, 1962	Peru	Aviation Cross, 2d class	Do.
Halderson, Oliver K., 4005A	do	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Harris, Oliver W., AO908588	Sept 20, 1962	Chile	Medella Militar de Tercera Clase	For meritorious service.
Hetzel, Robert L., 8136A	Nov. 1, 1962	Guatemala	Cross of Military Merit, 1st class	Do.
Hood, Charles T., 12217A	Aug 31, 1962	France	Air Force Pilot Badge	Token of good will.
Hughes, Phil, 33039A	Dec. 1, 1962	Iran	Iranian Merit Decoration, 2d class	For meritorious service.
Martin, George P., AO666328	Apr. 30, 1962	Korea	Order of Military Merit Chungmoo with silver star.	Do.
McFarlane, John D., 10034A	Oct. 1, 1962	France	Medaille de l'Aeronautique	Do.
Omsted, Kenneth A., 9056A	Aug. 31, 1962	Argentina	Orden de Mayo	Do.
			Aviador Military "Honoris Causa"	Do.
Pettit, Weldon M., 5695A	June 30, 1962	Panama	Order of Vasco Nuñez de Balboa	Do.
Rethmann, Harold W., O740920.	Dec. 1, 1962	China	Chinese Air Force pilot wings	Token of good will.
Sheldon, Benjamin M., 3694A	June 30, 1962	Iran	3d grade Order of the Taj	For meritorious service.
		Greece	Royal Order of George I	Do.
Yates, Mortimer A., AO726873.	Dec. 31, 1961	France	Air Force wings	Token of good will.
MAJOR				
Anderson, Truman F., 7963A	May 31, 1960	Colombia	Pilot wings	Do.
Beck, Charles D., AO417933	Jan. 31, 1961	Brazil	Air Force wings	Do.
Breece, Jean R., AO521580	Mar. 31, 1961	Thailand	do	Do.
Fair, Gene R., AO2044905	Feb. 28, 1961	Chile	Pilot wings	Do.
Fallon, Edward, 6805A	Dec. 31, 1960	Thailand	Air Force wings	Do.
Frank, Louis, III, AO666915	Mar. 31, 1960	France	Croix de Guerre with palm	For outstanding contributions toward liberation of France during World War II.
Garza, Hector J., AO687026	Oct. 31, 1960	Argentina	Air Force wings	Token of good will.
Henry, Oscar J., AO1544757	Sept. 30, 1960	Belgium	Pilot wings	Do.
		China	do	Do.
McIntee, Patrick, G., AO2233792.	Mar. 5, 1959	France	Order of the Black Star, grade of officer.	For meritorious service.
Montgomery, Douglas M., 7874A.	Jan. 31, 1961	Uruguay	Air Force wings	Token of good will.
Moomaw, Lowell A., AO2099549.	Oct. 31, 1961	China	Medal of Pao Ting	For meritorious service.
Nash, William J., AO799617	June 30, 1959	do	Pilot wings	Token of good will.
Nichols, Donald, AO956185	Apr. 2, 1958	Korea	Army and Navy decoration for Meritorious Service.	For meritorious service.
			Honorary rank of colonel in Republic of Korea Air Force.	Token of good will.
			Master parachute wings	Do.
Quinones, Alphonse D., 1311A	July 31, 1960	Nicaragua	Pilot wings	Do.
		Argentina	do	Do.
Scafidi, Anthony, AO570085	Feb. 27, 1961	Italy	Observers wings	Do.
Watley, James D., AO660942	Apr. 30, 1960	Nicaragua	Honorary pilots wings	Do.
		Bolivia	Aviation Badge	Do.
			Order of the Condor of the Andes	For meritorious service.
Brown, James S., AO437190	Oct. 1, 1962	France	Aviation Badge	Token of good will.
Butler, William O., Jr., AO855070.	June 30, 1962	Chile	Air Force Aviation Badge	Do.
Cieri, Anthony J., AO790517	Nov. 1, 1962	Greece	Military Cross, class C	For meritorious service.
Conaway, James T., AO697548	Aug. 31, 1961	Belgium	Belgium Air Force pilot wings	Token of good will.
Daniel, Harlan F., 22580A	Dec. 1, 1962	Mexico	Air Force wings	Do.
Griffith, Ralph L., AO793615	July 31, 1962	France	Pilot Badge	Do.
Hahus, Homer J., AO796530	Oct. 1, 1962	Peru	Air Force wings	Do.
Minard, Craig F., AO787697	June 30, 1962	France	Aviation Badge	Do.
Richardson, W. S., AO809876	Oct. 1, 1962	Greece	Military Cross	For meritorious service.
Shine, Wilbur G., 12158A	Aug. 31, 1962	do	Distinguished Service Medal	Do.
Wilmerding, William E., AO792415.	Jan. 31, 1962	China	Air Force pilot wings	Token of good will.
CAPTAIN				
Aly, Joyce, AO686876	July 31, 1961	Netherlands	Order of the Orange Nassau	For meritorious service.
Gibson, John E., AO590382	June 30, 1961	Belgium	Aviation Badge	Token of good will.
Molland, Leo M., AO3004818	Mar. 7, 1961	France	Navigator Badge	Do.
Morin, Robert E., AO694796	Aug. 31, 1961	do	Aviation Badge (observer)	Do.
Reichard, Richard, AO1911123	do	do	Aviation Badge	Do.
Howe, Gilbert, Jr., 12369A	Nov. 1, 1962	Belgium	do	Do.
1ST LIEUTENANT				
Vanderbank, Harry E., AO739231.	May 31, 1961	Greece	Silver Cross of the Order of Phoenix	For meritorious service.
Johnson, Bruce D., AO3036541	Nov. 28, 1962	Turkey	Aviation Badge	Token of good will.
CHIEF WARRANT OFFICER				
Rader, Robert N., 953061E	July 31, 1959	Chile	Medalla Militar de Tecera Clase and Miembro Honoris Causa de la Fuerza Aerea de Chile.	For meritorious service.

DEPARTMENT OF THE AIR FORCE—Continued

Name	Date of retirement	Donor government	Award	Remarks
FLIGHT OFFICER				
Chitwood, Royce R., T149529	June 27, 1961	Iraq	Gold medal	For meritorious service.
CHIEF MASTER SERGEANT				
Valverde, Horace H., AF6289472	Apr. 30, 1962	Peru	Air Force wings	Token of good will.
MASTER SERGEANT				
Barker, James N., AF6298874	Oct. 31, 1960	Venezuela	Air Force Cross	For meritorious service.
Cronick, Albert, AF6847969	July 31, 1958	Iraq	Gold medal	Do.
Cunningham, Orville R., AF6395153.	Feb. 28, 1957	Bolivia	Aviation Mechanic Badge	Token of good will.
Garcia, Anthony P., AF6903205	Aug. 31, 1958	do	Order of the Condor of the Andes	For meritorious service.
Livingston, Dwain E., AF17002338.	Sept. 30, 1960	Iran	Homayoun Medal	Do.
Parker, Robert M., Jr., AF6383813.	Nov. 30, 1958	Mexico	Aircrew Badge	Token of good will.
Plowman, Ralph M., AF6859833.	June 30, 1959	Bolivia	Order of the Condor of the Andes	For meritorious service.
Prioreschi, Angelo V., AF625512	Sept. 30, 1959	Brazil	Aircraft mechanic wings	Token of good will.
Ruskowsky, Elton L., AF6725279.	July 31, 1961	Norway	Haakon VII Liberation Medal	For meritorious service.
Bourgeois, Curtis M., AF6971151.	Jan. 31, 1960	Italy	Solidarity Star, 3d degree	Do.
Britton, William W., AF36721137.	Aug. 25, 1958	Korea	Hwarang Distinguished Military Service Medal.	Do.
Charlton, John E., AF6297354	Feb. 28, 1961	Norway	Medal of Valor	Do.
Wouralis, James G., AF11041062.	July 8, 1958	Greece	Gold Medal of the Royal Order of George I.	Do.
Lundberg, Laurence W., AF32329204.	Dec. 1, 1962	China	Mao Chi	Do.
McClurkin, Ernest J., AF20920311.	Aug. 31, 1962	Korea	Order of Military Merit Hwarang	Do.
Podlish, Max, AF15010239	July 31, 1962	Greece	Gold Medal of the Royal Order of George I.	Do.
Sylvester, Melvin W., AF6855493.	Mar. 31, 1962	China	Chinese air photographer wings	Token of good will.
STAFF SERGEANT				
McNamara, Alexander T., AF12328443.	Apr. 14, 1960	Italy	Solidarity Star, 3d degree	For meritorious service.
Downey, Kenneth G., AF14001150.	June 30, 1962	do	Italian Solidarity Star, 3d degree	Do.

DEPARTMENT OF THE NAVY

ADMIRAL				
Low, Francis S., 9018	Jan. 1, 1961	France	Legion of Honor (commander)	Token of good will.
		Italy	Al Merito della Repubblica Italiana (grand officer).	Do.
Wright, Jerauld, 17066	Mar. 1, 1960	do	Grand officer of the Order of Merit	Do.
		Peru	Peruvian Cross of Naval Merit (grand officer), Distintivo Blanco.	Do.
		Netherlands	Grand Cross in the Order of Orange-Nassau.	Do.
		Brazil	Order of Naval Merit	Do.
		Belgium	Grand Cross of the Order of Leopold II.	Do.
		Colombia	Grand Cross of the Order of Boyaca	Do.
		Portugal	Great Cross of Avis	Do.
		Morocco	1st Order (Grand Cross) of the Order of Ouissam Alaouite Cherifien.	Do.
Hanlon, Byron Hall, 17669	Oct. 1, 1958	Brazil	Order of Naval Merit (commander)	Do.
Holloway, James L., Jr., 34695	Apr. 1, 1959	do	do	Do.
		Cuba	Order of Naval Merit, 1st class	In recognition of distinguished service.
Good, Roscoe F., 20478	Mar. 1, 1958	Japan	Order of the Double Rays of the Rising Sun.	Token of good will.
		Korea	Order of Military Merit, Taeguk with silver star.	For services rendered the Korean Navy.
Briscoe, Robert P., 34560	Jan. 1, 1959	Italy	Knight of the Great Cross of the Order of Merit of the Italian Republic.	Token of good will.
		Greece	Grand Cross of the Royal Order of King George I.	Do.
		Japan	Order of the Rising Sun (2d class)	For service as commander, Naval Forces, **Far East.**
Hopwood, Herbert G., 55954	Sept. 1, 1960	China	Medal of Pao Ting with grand cordon	During the Taiwan crisis of 1958.
		Korea	Order of Military Merit, Taeguk with gold star.	Token of good will.
		Philippines	Philippine Legion of Honor (commander).	Do.
		Peru	Naval Cross of Merit	For services rendered to the Peruvian Navy.
Burke, Arleigh A., 57951	Aug. 1, 1961	Ecuador	Order of Abdon Calderon, 1st class	Token of good will.
		Japan	1st class of the Order of the Rising Sun	Do.
		Portugal	Grand Cross of the Military Order of Avis.	Do.
		Korea	Order of Military Merit Taeguk with gold star.	Do.
		Argentina	Grand Master of the Order of May for Naval Merit (Grand Cross).	Do.
		Brazil	The Grand Cross of Naval Merit	Do.
		Chile	Medalla Militar de la Armada de Primera Clase.	Do.
		Cuba	Order of Naval Merit, 1st class	Do.
		France	Grand Officer of the Legion of Honor	Do.
		Greece	Grand Cross of the Order of George I	Do.
		Italy	Cavaliere di Gran Croce dell 'Ordine al Merito della Repubblica Italiana.	Do.
		Peru	Peruvian Cross of Naval Merit (Grand Cross) Distintivo Blanco.	Do.
		Spain	Grand Cross of Naval Merit	Do.
		Thailand	Most Exalted Order of the White Elephant, 1st class (Knight Grand Cross).	Do.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
ADMIRAL—continued				
Burke, Arleigh A—Continued	Aug. 1, 1961	Germany	Distinguished Service Cross with star	**Token of good will.**
		Sweden	Grand Cross of the Royal Swedish Order of the Sword.	Do.
		Brazil	Naval Order for Services of Distinction.	Do.
		Colombia	Grand Cross of the Order of Boyaca	Do.
		Belgium	Grand Cross of the Order of Leopold II.	Do.
		Mexico	Special merit	Do.
		Paraguay	Order of Military Merit (grand officer)	Do.
		Denmark	Grand Cross of the Order of Dannebrog.	Do.
		Norway	Grand Cross of Olav	Do.
		Netherlands	Great Cross of the Order of Orange-Nassau.	Do.
		Philippines	Legion of Honor (chief commander)	Do.
		Colombia	Naval Order "Almirante Padilla" (grand officer).	Do.
Will, John M., 58283	July 1, 1958	Netherlands	Order of Orange-Nassau with Swords (commander).	For cooperation with the Dutch Navy operating out of west Australia.
VICE ADMIRAL				
Bledsoe, Albert M., 17147	Sept. 1, 1958	Peru	Peruvian Cross of Naval Merit (grand officer).	For service as commandant, 15th Naval District.
		Panama	Order of Vasco Nuñez de Balboa	Do.
		Chile	Military Medal, 1st class	Occasion of a visit to Santiago, Chile.
Moore, Walter E., 23333	Mar. 1, 1959	Korea	Order of Military Merit Taeguk	For service as commander, Amphibious Task Force 90.
		Greece	Royal Order of the Phoenix (knight commander).	For service as chief of Navy section, Joint U.S. Military Air Group to Greece.
Callaghan, William M., 34540	Mar. 1, 1957	Japan	Order of the Rising Sun, 2d class	For service as commander, naval forces, Far East.
		Korea	Order of Military Merit Taeguk with silver star.	Do.
Von Heimburg, Earnest H., 34574.	July 1, 1958	Brazil	Order of Naval Merit (grand officer)	For service as chief, U.S. naval mission to Brazil.
Roper, John W., 34599	May 1, 1958	Peru	Peruvian Cross of Naval Merit	Token of good will.
Combs, Thomas S., 56057	Apr. 1, 1960	Spain	Order of Naval Merit (grand officer)	Do.
Ingersoll, Stuart H., 56869	July 1, 1960	Peru	Peruvian Cross of Naval Merit (grand officer) Distintivo Blanco.	Do.
		China	Grand Cordon of the Order of the Precious Tripod.	For service as commander, 7th Fleet commander of the U.S. Taiwan Defense Command.
		Brazil	Order of Naval Merit (grand officer).	Token of good will.
		Portugal	Military Merit, 1st class	Do.
Hickey, Robert F., 57064	July 1, 1959	Japan	Order of the Rising Sun, 3d class	Do.
Sabin, Lorenzo S., 57170	Mar. 1, 1961	Korea	Military Merit of Taeguk with silver star.	For services during the Korean conflict.
		France	Legion of Honor (commander)	For his participation in Operation Passage to Freedom in Indochina.
Schindler, Walter G., 57173	Oct. 1, 1959	Chile	Military Medal	For services rendered as chief of naval mission to Chile.
Jarrett, Harry B., 57619	July 1, 1959	China	Collar Order of the Cloud and Banner.	For service as senior military attaché at the U.S. Embassy at Taiwan.
Orem, Howard E., 57700	Dec. 1, 1961	Liberia	Star of Africa (grand commander)	Token of good will.
		Germany	Grand Merit Cross with star	Do.
Sanders, Harry (n), 58212	May 1, 1957	Ecuador	Abdon Calderon, 1st class	Do.
Gillett, Robert M., 58318	Mar. 1, 1958	Denmark	Danish Red Cross Medal	For service with the Danish Red Cross in Korea.
Hedding, Truman J., 58928	Jan. 1, 1959	China	Cloud and Banner Medal	For service as chief of staff to commander in chief, Pacific Fleet.
Kivette, Frederick N., 59408	Oct. 1, 1961	do	The Medal of Pao Ting	For service as commander, 7th Fleet.
			Order of the Precious Tripod	Reason for award unknown.
Marshall, William J., 59713	May 1, 1959	Italy	Order of Merit of the Italian Republic.	For services to the Italian Navy.
		Brazil	War Service Medal	For outstanding performance as captain of an escort vessel.
Moore, French R., 60583	Dec. 1, 1958	do	Order of Naval Merit (commander)	For service as medical officer to the U.S. naval mission to Brazil.
Sears, Harry E., 62111	Aug. 1, 1958	Spain	Order of Naval Merit, 3d class	Token of good will.
Espe, Carl F., 57547	May 1, 1962	Argentina	Order of Naval Merit (grand officer)	Do.
		France	Legion of Honor (commander)	Do.
Pirie, Robert B., 60482	Nov. 1, 1962	Brazil	Order of Naval Merit (grand officer)	Do.
Smoot, Roland N., 58232	June 1, 1962	China	The Cloud and Banner Medal with grand cordon.	For service as commander, U.S. Taiwan Defense Command.
			The Medal of Pao Ting	For participation in the Taiwan Straits crisis.
REAR ADMIRAL				
Clark, Thurston B., 61379	July 1, 1962	France	Legion of Honor (chevalier)	Token of good will.
		Morocco	Ouissam Alaouite	For service as commander, U.S. naval activities, Port Lyautey.
Crawford, George C., 57007	Nov. 1, 1962	Peru	Peruvian Cross of Naval Merit (grand officer).	For service as commander, submarine force, U.S. Atlantic Fleet.
Nation, William M., 61194	July 1, 1962	Japan	Third Order of the Rising Sun	For service as commander, fleet air, Japan; commander, naval air bases, Japan.
Stone, Ellery W., 11405	Feb. 1, 1958	Italy	Grand Officer of the Order of the Crown of Italy.	Communication assistance rendered during Balboa flight in 1933 as a civilian.
			Gold Medal to Protectors of Public Health.	Token of good will.
Halloran, Edward R., 117774	Jan. 1, 1958	Panama	La Estrella de la Fundacion Internacional Jose Gabriel Duque.	Do.
Hartman, Charles C., 20282	Apr. 1, 1960	Mexico	Special Merit	Do.
		Argentina	Grand Master of the Order of May for Naval Merit (grand officer).	Do.
		Brazil	Order of Naval Merit (commander)	Do.
		Ecuador	Abdon Calderon, 1st class (1955)	Do.
		Peru	Peruvian Cross of Naval Merit	Do.
		Eucador	National Order for Merit, rank of commander.	Do.
Glass, Richard P., 20375	June 1, 1958	Greece	Royal Order of George I (knight commander).	For service as chief of U.S. naval mission.
Pihl, Paul E., 56859	Mar. 1, 1958	Finland	Officers' Cross of the White House	For service as U.S. naval attaché.
Kelley, Marion R., 56895	June 30, 1950	Italy	Order of Merit	Token of good will.
Kniskern, Leslie A., 57641	Apr. 1, 1958	Argentina	Order of Naval Merit (grand officer)	Do.
		France	Legion of Honor (commander)	Do.
		Chile	Military Medal for Distinguished Service, 2d class.	For service to the Chilean naval mission.
Solomons, Edward A., 57758	Apr. 1, 1961	Peru	Peruvian Cross of Naval Merit (grand officer) Distintivo Blanco.	Token of good will.
Davis, Burton, 57986	Aug. 1, 1957	China	Order of Cloud and Banner	Do.
Withington, Frederic S., 58289	Apr. 1, 1961	Japan	The Second Order of the Sacred Treasure.	For assistance in developing the Maritime Self-Defense Force.
Latimer, Samuel E., 58715	Sept. 1, 1958	Argentina	Order of Naval Merit (commander)	Token of good will.
		Chile	Military Medal of the Navy, 2d class	For service to the Chilean Navy.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
REAR ADMIRAL—con.				
Parks, Lewis S., 59326	July 1, 1960	Chile	Medalla Militar de la Armada de Primera Class.	Token of good will.
Champlin, Jackson S., 59497	July 1, 1955	Brazil	Order of Naval Merit (commander)	Do.
Peltier, Eugene J., 77434	Feb. 1, 1962	do	do	Do.
Walker, Edward K., 59561	Nov. 1, 1958	Chile	Military Order, 2d class	Do.
Hogan, Bartholomew W., 59745	Mar. 1, 1961	Peru	Peruvian Cross of Naval merit (grand officer).	Do.
		France	Medal of Honor	Token of gratitude from the Medical Service of the French Navy.
Strauss, Lewis L., 60014	Feb. 1, 1956	Belgium	Order of Leopold (grand officer)	Token of good will.
Clarke, Ralph S., 60253	July 1, 1961	China	The Medal of Pao Ting	Do.
Dudley, Paul L., 60354	do	Saudi Arabia	Gifts: Arab ceremonial robe and gold Longine wristwatch.	Do.
Fullinwider, Ranson, 60382	Sept. 1, 1959	Argentina	Order of the Liberator San Martin (knight commander).	U.S. naval attaché at Buenos Aires.
Greytak, John J., 60391	June 30, 1957	France	National Order of the Legion of Honor (chevalier).	Token of good will.
Stelter, Frederick C., Jr., 60521	Feb. 1, 1961	Peru	Peruvian Cross of Naval Merit (commander).	For service to the Peruvian Navy.
Briggs, Harold M., 61082	July 1, 1961	Brazil	Order of Naval Merit (commander)	Token of good will.
		Ecuador	Abdon Calderon de Primera Clase	Do.
		Peru	Peruvian Cross of Naval merit (grand officer).	Do.
		Colombia	Naval Order Almirante Padilla (grand officer).	Do.
			Order of San Carlos (grand officer)	Do.
		Mexico	Special Merit	Do.
Harris, William S., 61414	June 30, 1957	Ecuador	Abdon Calderon, 1st class	Do.
Banister, Alan B., 62009	July 1, 1958	Peru	Peruvian Cross of Naval Merit knight commander).	Do.
Keeler, Frederick S., 62544	July 1, 1959	Colombia	Order of Boyaca (commander)	For service to the Colombian Navy.
Coffin, Harry N., 62658	do	Chile	Military Medal, 2d class	Token of good will.
Howerton, Charles C., 63257	Oct. 1, 1959	Argentina	Order of Naval Merit	U.S. naval attaché and naval attaché for Air.
			Piloto Aviador Naval Honoris Causa.	Do.
Adkins, James A., 63364	Nov. 1, 1959	Brazil	Order of Naval Merit (officer)	Token of good will.
Foster, Walter M., 63380	do	Chile	Military Medal, 2d class	For service to the Chilean Navy.
Sanchez, Henry G., 63398	do	Spain	Cross of Naval Merit	Token of good will.
Andrews, Richard S., 70044	do	Brazil	Medal of Naval Merit	Do.
			Marechal Souza Aguiar	Do.
Hunter, Raymond P., 70074	do	Netherlands	Order of Orange Nassau (commander)	Do.
Norvell, William C., 70122	Sept. 1, 1959	Japan	Third Order of the Sacred Treasure	Do.
DeMetropolis, George (n), 70192	Nov. 1, 1959	Greece	Royal Order of George I (officer)	Do.
Johnsen, William H., 70260	do	Liberia	Order of the Star of Africa (commander).	Presidential inaugural ceremonies, 1952.
Walpole, Kinloch C., 70269	do	Greece	Royal Order of the Phoenix (commander).	For service rendered to the Royal Hellenic Navy.
Roscoe, David L., 70278	do	Korea	Ulchi Distinguished Military Service Medal.	Token of good will.
Sheeley, William R., 70788	Aug. 1, 1961	Italy	Order of Naval Merit (commander)	Do.
Jukes, Herbert L., 71354	Nov. 1, 1959	Greece	Royal Order of George I	For services as technical engineer officer with U.S. naval mission.
Garrison, Malcolm E., 71389	do	Peru	Peruvian Cross of Naval Merit (commander).	Token of good will.
Haskins, Enrique D., 72381	Jan. 1, 1959	France	Legion of Honor (knight)	For service as U.S. Naval attaché, Paris, France.
de Florez, Luis, 72841	Sept. 1, 1955	Spain	Grand Cross of the Order of Naval Merit, distintivo blanco.	Token of good will.
Fleck, Francis E., Jr., 73551	Nov. 1, 1959	Japan	Order of Merit 3d class	Member of the staff, commander, Naval forces, Far East.
DuBois, Thomas H., 73560	Apr. 1, 1958	Colombia	Naval Order Admiral Padilla (officer)	Token of good will.
Ashley, James H., Jr., 73627	Nov. 1, 1959	Korea	Military Order of Merit, Ulchi, with gold star.	For service as chief, U.S. Naval Advisory Group, Korea.
Coffin, Albert P., 73645	do	Chile	Military Medal of the Navy, 3d class	For service to the Chilean Navy.
Shaw, James C., 77130	Feb. 1, 1958	Netherlands	Order of Orange-Nassau (commander)	Token of good will.
Benitez, Rafael C., 82557	July 1, 1959	Cuba	Order of Naval Merit	Do.
		Chile	Naval Military Medal, 3d class	For service to the Chilean Navy.
Bull, Carl E., 83674	Nov. 1, 1959	Peru	Peruvian Cross of Naval Merit (commander).	Token of good will.
CAPTAIN				
Mabley, Louis C., 60437	July 1, 1961	Sweden	Royal Order of the Sword	Do.
Gjoerloff, George O., 60794	Mar. 1, 1959	Ethiopia	Star of Ethiopia, 1st class	Do.
McMillan, Carl H., 61047	Oct. 1, 1958	Peru	Peruvian Cross of Naval Merit (commander).	For service as medical officer to the U.S. naval mission to Peru.
Sullivan, Emmett J., 61275	June 30, 1957	Brazil	Order of Naval Merit	For service to the Brazilian Navy.
Enright, George P., 62036	July 1, 1958	Greece	Cross of Commander of the Royal Order of the Phoenix.	For service as U.S. naval attaché to Greece.
Wakeman, Philip F., 62132	Aug. 1, 1958	Colombia	Naval Order Almirante Padilla	Token of good will.
Brookings, Robert S., II, 74712	July 1, 1962	China	Army-Navy-Air Force Medal, class A, grade 2.	For service as commanding officer, U.S. Naval Support Activity, Taipei, China.
Collett, James D., 71471	do	Spain	The Cross of Third Class of the Order of Naval Merit with distintivo blanco.	Token of good will.
Dimitrijevic, William J., 71377	do	Brazil	Navy Distinguished Service Medal	Do.
Ferrara, Maurice, 78659	do	Philippines	Legion of Honor (officer)	For service as commanding officer, U.S.S. *Gar* (SS–206) during November-December 1944.
Fleck, Thomas M., 71679	do	China	The Medal of Cloud and Banner	For service in the Taiwan area in 1958.
Fletcher, Francis O'C., Jr., 73323.	Apr. 1, 1962	Mexico	Special Merit	For service as naval attaché (1955–57).
Grell, Theodore A., 81182	July 1, 1962	Greece	Royal Order of the Phoenix (golden cross).	Token of good will.
Higgins, Donald C., 77537	do	Israel	UZI Submachinegun	For service as naval attache, Tel Aviv, Israel.
Hydeman, Earl T., 71359	do	China	The Medal of Cloud and Banner	For service in the Taiwan Strait area in 1958.
Wiesner, Frederick C., 62979	Oct. 1, 1957	Germany	Distinguished Service Cross	Token of good will.
Archer, Stephen M., 71396	Mar. 1, 1962	Greece	Royal Order of George I (commodore)	Do.
Whichard, Rogers D., 117575	Nov. 1, 1961	France	Academic Palms Medal (academic officer).	Do.
Jones, Alvin A., 70188	Apr. 1, 1962	Brazil	Order of Naval Merit (officer)	For service rendered the Brazilian Navy.
Kipp, John M., 77682	July 1, 1962	China	Chinese Air Force pilot wings	Token of good will.
Kirkpatrick, Claude S., 73329	do	Japan	The Third Order of the Sacred Treasure.	Do.
Lewis, Hugh Howard, 73297	do	Portugal	Medal of Military Merit	For service as U.S. naval attaché and naval attaché for Air, Lisbon, Portugal.
Loyall, Julius A., 87452	do	Brazil	Navy Merit of Honor (officer)	For assistance rendered during visit of Brazilian training ship to California.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
CAPTAIN—continued				
McAllister, Joseph D., 99275	July 1, 1962	Philippines	Philippine Legion of Honor (officer)	For service to the Filipino people.
McDonald, Edwin A., 70076	do	Belgium	Order of Leopold	For service in the Antarctic during Deep Freeze 4.
Pugsley, Edmond B., 74698	Nov. 1, 1962	Brazil	Order of Naval Merit (officer)	For service as operations officer of the U.S. naval mission to Brazil.
Ross, James G., 78625	July 1, 1962	Ethiopia	The Most Distinguished Star	Token of good will.
Ryan, Paul B., 77164	do	Cuba	Order of Naval Merit	For service as U.S. naval attaché and naval attaché for air.
Salmon, Nelson D., 72765	do	China	The Medal of Cloud and Banner	Token of good will.
Scott, George W., 82410	Sept. 1, 1962	Brazil	Order of Naval Merit (officer)	For service to the U.S. naval mission to Brazil.
Sommer, Harold A., 77600	July 1, 1962	do	do	For service as a member of the U.S. naval mission.
Spangler, John G., 71358	do	Japan	Order of the Sacred Treasure, 3d class	Token of good will.
Spencer, Edward C., 69143	do	Philippines	Legion of Honor (officer)	Do.
Warren, Shields, 87098	Oct. 1, 1959	Brazil	Order of the Southern Cross (commander).	Do.
Wayne, Charles, 74707	July 1, 1962	Ethiopia	Distinguished Order of the Star	Do.
Whiteford, William R., 62192	May 1, 1959	Peru	Peruvian Cross of Naval Merit (commander).	Do.
McElroy, John H., 62661	July 1, 1959	France	Legion of Honor	Do.
Fuetsch, Bernhart A., 63263	July 1, 1960	Peru	Peruvian Cross of Naval Merit (commander).	Do.
Briner, Richard R., 63288	do	France	Cross of the Legion of Honor (officer)	Rescue assistance.
Koepke, Lyle L., 63313	do	Panama	Order of Vasco Nunez de Balboa	Token of good will.
May, Leo G., 63376	do	Japan	Order of the Sacred Treasure, 3d class.	Do.
Harris, David A., 63421	do	Peru	Peruvian Cross of Naval Merit (commander) Distintivo Blanco.	Do.
Ellis, Edward B., 66416	Sept. 1, 1960	Lebanon	Honorary Gold Medal for Merit	Do.
Gurnette, Byron L., 70017	July 1, 1961	Monaco	Order of Saint Charles (commander)	Do.
Robertson, Edward L., 70072	May 1, 1959	Colombia	Order of Naval Almirante Padilla	For service as professor in the Colombian Naval War College.
		Cuba	Order of Naval Merit, 2d class	Token of good will.
Vredenburgh, James B., 70133	July 1, 1960	Japan	Order of the Sacred Treasure, 3d class	For assistance in developing the Maritime Self Defense Force.
Cooper, Robert W., 70135	June 1, 1961	Chile	Medalla Militar de la Armada de Tercera Clase.	For service to the Chilean Navy.
		Finland	Order of the White Rose (commander).	Token of good will.
Wilber, Donald T., 70239	July 1, 1961	Japan	The Third Order of the Sacred Treasure.	Do.
		Greece	The Cross of Brigadiers of the Order of George I.	Do.
Payson, Harold, Jr., 70288	do	Cuba	Distinguished Service Medal	Do.
Foster, Edward L., 70334	July 1, 1960	Peru	Peruvian Cross of Naval Merit (commander).	Do.
Williams, Henry, Jr., 70346	Jan. 1, 1961	Brazil	Order of Naval Merit (commander)	For service to the Brazilian Navy.
Ribble, George B., Jr., 70671	July 1, 1961	do	Air wings	Token of good will.
Gates, Thomas S., 139669	Dec. 1, 1953	Spain	Grand Cross of Naval Merit	In rendering service to Spain.
		Argentina	Grand Master of the Order of May for Naval Merit (grand cross).	Token of good will.
		Peru	Peruvian Cross of Naval Merit (grand cross), distintivo blanco.	Do.
		Brazil	Order of Naval Merit (grand officer)	Do.
Johnson, John H. S., 71305	July 1, 1960	Japan	The Third Order of the Sacred Treasure.	Do.
Roudebush, Jack, 71351	Sept. 1, 1959	Peru	Peruvian Cross of Naval Merit (commander).	Do.
Pitts, Ray M., 71458	Oct. 1, 1960	Venezuela	Francisco de Miranda	For service as chief of U.S. naval mission to Venezuela.
Munson, Henry G., 71515	Mar. 1, 1961	Brazil	Order of Naval Merit (commander)	Token of good will.
Moncure, Samuel P., 71588	Jan. 1, 1962	Portugal	Order of Prince Henry (grand officer)	Do.
Williams, Paul D., 71563	July 1, 1960	Italy	Order of Merit of the Republic (chevalier).	Do.
Arthur, Lionel A., 71616	do	Chile	Military Medal of the Navy	For service as a member of U.S. naval mission to Chile.
Shook, Kenneth S., 72362	Dec. 1, 1959	Peru	Peruvian Cross of Naval Merit (commander).	For service to the Peruvian Navy.
Brittan, Theodore H., 72499	July 1, 1960	China	The Medal of Cloud and Banner	During the Formosa Straits crisis.
Foster, Everett J., 72575	do	Chile	Al Merito Bernardo O'Higgins (commander).	For service as chief, U.S. naval mission to Chile.
			Military Medal, 3d class	Token of good will.
Johnson, Joseph E., 73820	Jan. 1, 1959	Brazil	Naval Merit of Honor (officer)	For service with the Brazilian Navy communication service.
Eppes, Marion H., 74803	July 1, 1961	Greece	Golden Cross of the Royal Order of George I.	Token of good will.
Sullivan, William A., 74835	do	do	Order of King George I	Tour of duty at Athens, Greece.
McDonald, Harold W., 74905	do	Japan	The Third Order of the Sacred Treasure.	Token of good will.
Austin, Marshall H., 75015	do	Peru	Peruvian Cross of Naval Merit (knight commander).	Do.
Parunak, Aram Y., 75914	do	Japan	The Third Order of the Sacred Treasure.	Do.
McElrath, Robert W., 77018	do	China	The Medal of Cloud and Banner	For services in the Taiwan Strait area.
Holman, William G., 77073	Feb. 1, 1961	Netherlands	Orange-Nassau Medal	For service as assistant naval attaché.
		Belgium	Order of Military Cross, 1st class	Do.
Oelheim, Bennett C., 77214	July 1, 1961	Brazil	Order of Naval Merit (officer)	For service to the Brazilian Navy.
Scheve, Carl J., 78433	July 1, 1960	do	do	Do.
Putman, Charles F., 78668	Aug. 1, 1961	Spain	Cross of Naval Merit, 3d class, with white distinctive.	Token of good will.
Brantley, William L., 78818	Aug. 1, 1960	Chile	The Military Medal, 2d class	Do.
Nylund, Harvey R., 82792	Jan. 1, 1959	Brazil	Order of Naval Merit (officer)	Do.
Butcher, Harry C., 83754	Dec. 1, 1953	France	Medal of Liberation of France	For service as war correspondent during World War II.
Daly, George K., 84604	June 1, 1960	do	Croix de Guerre with silver star	Token of good will.
Oard, Harry C., 86763	July 1, 1961	Peru	Peruvian Cross of the Order of Naval Merit (commander).	Do.
Gerber, Marvin L., 113084	Aug. 1, 1961	Argentina	Order of Naval Merit (commander)	Do.
Lowther, Robert D., 118046	July 1, 1961	Peru	Peruvian Cross of Naval Merit (commander).	For service to the Peruvian Navy.
Enzweiler, Joseph M., 146892	Feb. 1, 1958	do	Peruvian Cross of Naval Merit (officer)	Do.
Hunsaker, Dr. J. C	Oct. 31, 1947	Great Britain	Honorary Commander of the Civil Division of the Most Excellent Order of the British Empire.	Reason for award unknown.

DEPARTMENT OF THE NAVY—Continued

Name	Date of retirement	Donor government	Award	Remarks
COMMANDER				
Sears, Richard D., Jr., 40173	Nov. 1, 1957	France	Legion of Honor (chevalier)	Token of good will.
Chapman, George H., Jr., 68173	July 1, 1960	Philippines	Legion of Honor (officer)	Do.
Bailey, Benjamin F., 71680	do	Greece	Royal Order of George I (officer)	Do.
Thomas, Robert H., 72052	do	Korea	Order of Military Merit, Ulchi	Do.
Bierer, Howard T., 72604	do	Greece	Gold Cross of the Order of George I	Do.
Atherton, Harry S., 72450	Sept. 1, 1959	Brazil	Order of Naval Merit (officer)	Member of naval mission to Brazil.
Bartlett, Wilson R., 74986	July 1, 1961	Chile	Military Medal, 3d class	For service to the Chilean Navy.
Shilling, Samuel G., 77107	July 1, 1960	Cuba	Order of Naval Merit, 2d class	Token of good will.
Baczenski, Frank J., 77368	Nov. 1, 1956	Peru	Peruvian Cross of Naval Merit (commander).	For service to the Peruvian Navy.
Michels, Ralph J., 78143	July 1, 1960	Venezuela	Order of Francisco de Miranda, 2d class.	For service as chief, U.S. naval mission to Venezuela.
Winiecki, Frank G., 78231	Apr. 1, 1959	Greece	Royal Order of King George I (officer)	For service to the Royal Hellenic Navy.
Cooper, Thomas V., 78568	Mar. 1, 1957	Korea	Order of Military Merit, Chung Mu, with gold star.	Token of good will.
Fey, William L., Jr., 78654	June 1, 1960	Thailand	Order of the White Elephant	Do.
Bates, Langford W., 81753	July 1, 1960	Ecuador	Abdon Calderon, 1st class	Do.
Heine, Heinrich, Jr. (n), 82258	June 1, 1961	Philippines	Legion of Honor (officer)	Do.
Miller, Steward C., 84761	Jan. 1, 1958	Ecuador	Abdon Calderon, 2d class	Do.
Kelley, George A., Jr	June 1, 1955	Peru	Peruvian Cross of Naval Merit (knight commander), distintivo blanco.	Do.
Smith, Roger F., 85257	July 1, 1960	Argentina	Medal and Antarctic Insignia of the Argentine Navy.	For service as nava adviser to the Argentine Naval War College.
James, John C., 85734	July 1, 1961	Brazil	Order of Naval Merit (officer)	For service to the Brazilian Navy.
Baker, Wyane D., 90031	July 1, 1960	China	The Medal of Pao Ting	Crisis in the Taiwan Straits.
Smith, Ralph C., Jr., 95725	July 1, 1961	Greece	Royal Order of the Phoenix (officer)	Token of good will.
McIntyre, Arthur G., 100263	July 1, 1959	Peru	Peruvian Cross of Naval Merit (knight commander).	Do.
Brown, Pride C., Jr., 100418	Mar. 1, 1961	France	Legion of Honor (chevalier)	Do.
Johnson, Donald H., 112085	July 1, 1961	Spain	Order of Naval Merit (knight)	Do.
Taylor, Harold A., 390058	Aug. 1, 1961	Brazil	do	For service to the Brazilian Navy.
Arey, Richard W., 111636	July 1, 1962	Portugal	Medal of Military Merit, 2d class	Token of good will.
			Order of Prince Henry (commander)	Do.
Chay, Donald S., 86007	do	Ecuador	Abdon Calderon, 2d class	For services rendered to the Ecuadoran Navy.
Davis, James E., 174824	Nov. 1, 1953	Brazil	National Order of the Southern Cross (officer).	For service as commanding officer, Naval Air Facility Fortaleza, Brazil.
Gay, John W., 201810	Aug. 1, 1962	do	Order of Naval Merit (knight)	For services rendered to Brazilian Navy.
Laing, Fred, 123392	July 1, 1962	Peru	Peruvian Cross of Naval Merit (commander), distintivo blanco.	Token of good will.
McDonald, James J., 101800	do	France	Legion of Honor (chevalier)	For service as assistant Naval attaché and assistant naval attaché for air in Paris.
McKinney, Grange B., 112416	Sept. 1, 1962	Spain	Naval Cross of Merit, 2d class	Token of good will.
Metke, Harry D., 104690	July 1, 1962	Brazil	Order of Naval Merit (officer)	Promotion of good will between United States and Brazil.
Miller, Anthony J., 165798	Sept. 1, 1962	Korea	Order of Military Merit, Chung Mu, with gold star.	Token of good will.
Moran, James O'D., 235350	Nov. 1, 1961	Panama	Order of Vasco Nunez de Balboa	Do.
Park, Ernest S., 104635	June 1, 1962	Brazil	Order of Naval Merit (knight)	Do.
Rychly, Vladimir L., 401496	Oct. 1, 1962	Germany	Cross of Merit, 1st class	Do.
Stahl, Robert B., 123418	Aug. 1, 1962	Portugal	Order of Prince Henry (commander)	Do.
Wanggaard, Lars, Jr., 123690	July 1, 1962	Peru	Peruvian Cross of Naval Merit (commander) distintivo blanco.	Do.
Wyatt, Micajah R., 115113	Sept. 1, 1962	France	Legion of Honor (knight) (1959)	For services as assistant naval attaché for air, Paris.
LIEUTENANT COMMANDER				
Dixon, Earl L., 99467	July 1, 1962	China	Medal of Pao Ting	For services on *Kinman* during the crisis in the Formosa Straits.
Hunt, Joe H., 329624	May 1, 1962	Peru	Peruvian Cross of Naval Merit (commander), distintivo blanco.	Token of good will.
O'Hara, H. Richard, 259748	December 1951	Greece	Silver Cross of the Royal Order of the Phoenix.	Do.
Manning, George C., 8685	June 30, 1939	Brazil	Brazilian Naval Order for Services of Distinction.	Do.
Wannemacher, Charles R., 189528.	June 1, 1958	Peru	Peruvian Cross of the Order of Naval Merit (commander).	Do.
Snook, Norman A., 201901	Mar. 1, 1958	Brazil	Order of Naval Merit (knight)	For service to the Brazilian Navy.
O'Connor, James V., 263280	July 1, 1960	Greece	Royal Order of George I (member)	Token of good will.
Walker, John B., 284496	Mar. 1, 1958	Peru	Peruvian Cross of Naval Merit (commander).	Do.
Beer, James H., 300348	do	Brazil	Order of Naval Merit (knight)	For service to the Brazilian Navy.
Reynolds, Raymond M., 104485	July 1, 1961	do	Order of Aeronautical Merit (commander).	Token of good will.
Mallek, Robert A., 108497	Oct. 1, 1961	do	Order of Naval Merit (officer)	Do.
Jones, Forrest M., 309750	June 1, 1960	Philippines	Legion of Honor (officer)	Do.
Reynolds, Bruce H., 309915	Jan. 1, 1962	Brazil	Order of Naval Merit (chevalier)	Do.
Bailey, Ira V., 319631	July 1, 1960	China	Army, Navy, and Air Force Medal A, second grade.	Rescue assistance.
Epps, Edward W., 355590	Feb. 1, 1960	do	do	Do.
Horn, Leslie E., 355684	July 1, 1959	Korea	Order of Military Merit, Chung Mu, with silver star.	Token of good will.
Burt, Robert A., Jr., 487266	Dec. 1, 1960	Brazil	Order of Naval Merit (knight)	For service to the Brazilian Navy.
CHIEF BOATSWAIN				
Williams, Richard A., 602847	Oct. 1, 1962	China	The Armed Forces Medal of Merit	Taiwan Straits crisis in 1958.
ENLISTED				
Symmes, Clifton C., 2014765	Mar. 1, 1961	Ecuador	Abdon Calderon, 3d class	Token of good will.
Carlisle, Judd F., 3755777	July 1, 1960	do	do	Do.
CIVILIAN				
Malanot, Elmer W	Feb. 29, 1960	Jordan	Longines watch and photograph of King Hussein.	For service in transferring a shipment of U.S. Army equipment to the Jordan Arab Army at Aqaba.
Wood, Gilbert J	May 31, 1958	do	Longines watch	Do.

U.S. MARINE CORPS

Name	Date of retirement	Donor government	Award	Remarks
GENERAL				
Erskine, Graves B	July 1, 1953	Thailand	Prathamabhon Knight Grand Cross of the Most Exalted Order of the White Elephant.	Reason for award unknown.
MAJOR GENERAL				
Jerome, Clayton C., O3799	July 1958	Chile	Al Merito Grade of Grand Official	For service as aide to the President of Chile during his visit to United States in early 1950.
Jack, Samuel S., O4252	July 1961	Korea	Order of Military Merit, Taeguk	For service to Republic of Korea as commanding general, 1st MAW, Sept. 22, 1955, to June 30, 1956.
Dawson, Marion L., O4258	July 1962	do	Order of Military Merit	For service to Republic of Korea as commanding general, 1st MAW, Aug. 25, 1954, to Sept. 13, 1955.
BRIGADIER GENERAL				
Hittle, James D., O5627	March 1958	France	Medal Merite Combatant	Token of good will.
South, Hamilton D., Jr., O3815	April 1958	Brazil	Order of Naval Merit (grade of commander).	For service as assistant naval attaché and assistant naval attaché for air, naval aviator and administration officer at the Office of the Naval Attaché, Rio de Janeiro, Brazil, September 1948 to November 1949.
		Korea	Ulchi Distinguished Military Service Medal.	For service as Assistant Chief of Staff, G-1, 1st MAW, July 28, 1955, to June 8, 1956.
Taxis, Samuel G., O4656	November 1959	Syria	Syrian Merit Medal (1st class)	For service to the Republic of Syria as Chairman, Israeli-Syrian Mixed Armistice Commission, U.N. Truce Supervision Organization, May 10, 1951, to Apr. 6, 1953.
Freuler, Herbert C., O4683	June 1, 1959	Korea	Ulchi Distinguished Military Service Medal.	For service to Republic of Korea while serving as Assistant Chief of Staff, G-4, 1st MAW, Sept. 12, 1955, to June 8, 1956.
Kirgis, Howard G., O5367	Nov. 1, 1959	Brazil	Order of Naval Merit	For service rendered to the Brazilian Navy during his tour of duty as the Marine Corps member of the U.S. naval mission to Brazil.
Shofner, Austin C., O5641	do	Peru	Cross of Naval Merit, grade of commander.	For services as U.S. naval attaché and U.S. naval attaché for air, Lima, Peru, March 1947 to June 1949.
COLONEL				
Hayden, Reynolds K., O4953	Feb. 1, 1960	Thailand	Knight Commander of Crown of Thailand, 2d class.	For service to the Republic of Thailand as U.S. naval attaché and U.S. naval attaché for air, Bangkok, Thailand, Oct. 1, 1952, to Aug. 19, 1954.
McGlashan, Robert C., O5379	Sept. 1, 1958	Brazil	Order of Naval Merit, degree of commander.	For service to Brazilian Navy as amphibious adviser to Brazilian Naval War College, U.S. Naval mission to Brazil, December 1951 to January 1954.
Meek, Harold B., O5507	February 1961	do	Naval Medal for Distinctive Service	For service rendered the Brazilian Navy during his tour of duty as Marine Corps member and Marine Corps adviser to Brazilian War College, U.S. naval mission to Brazil.
King, Howard E., O6211	March 1960	Spain	Cross of Aeronautical Merit 2d class, distinctive white.	For service in connection with flood relief operations conducted by Marine Helicopter units from the U.S.S. *Lake Champlain* at Valencia, Spain, Nov. 22, 1954.
Smith, Sherman A., O6984	June 1961	Brazil	Order of Naval Merit, grade of officer	For service rendered to the Republic of Brazil.
Stonecliffe, David W., O5430	July 1961	Thailand	Crown of Thailand Medal, 2d class	For service as U.S. naval attaché and naval attaché for air, Bangkok, Thailand, Sept. 21, 1950, to Oct. 5, 1952.
Murray, James C., Jr., O5389	July 1962	Greece	Gold Cross of the Order of King George I.	For service as planning officer, U.S. naval group, American mission to Greece, June to November 1949.
LIEUTENANT COLONEL				
Donnell, John L., O6712	July 1961	Philippines	Legion of honor (officer)	For service as commanding officer, Marine Barracks, U.S. Naval Base, Olongapo Zambales, July 5, 1952, to July 8, 1954.
Hubka, Frank K., O19853	July 1962	China	Air Force pilot wings	For service during Operation Hunger, a Taiwan flood relief action, Aug. 10-20, 1959.
Langstaff, Harold A., Jr., O11870	do	do	Pao Ting (Order of the Precious Tripod) and Chinese Air Force pilot wings.	For service rendered from August to September 1958 during the crisis in the Taiwan Straits.
CAPTAIN				
Brockman, William A., O27147	June 1961	do	Air Force pilot wings	For service during Operation Hunger, a Taiwan flood relief action, Aug. 10-20, 1959.
CWO, W-4				
Davis, Perry W., O19886	July 1960	Haiti	Order of Honor and Merit	For service as adviser to the recruit depot and rifle range instructor of the armed forces of Haiti.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEY LAND TO PASCUA YAQUI ASSOCIATION, INC.

The Clerk called the bill (H.R. 6233) to provide for the conveyance of certain land of the United States to the Pascua Yaqui Association, Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress hereby finds that the Yaqui community has been in the United States for approximately forty years and has found itself faced with insurmountable problems as a result of urban encroachment upon that area which has been their home in the United States since their flight from Mexico to escape political persecution; the Congress further finds that the unique culture of the Yaqui which has made a great contribution to the southwestern part of this country is threatened unless the community life of the Yaqui can be maintained in a more suitable area, therefore, it is the purpose of this Act to assist the Pascua Yaqui Association, Inc., a nonprofit corporation formed under the laws of the State of Arizona for the purposes of maintaining and enhancing the Yaqui culture as it is found in the State of Arizona and of aiding the Yaqui in meeting the problems which arise as a result of being a member of that community in the United States.

SEC. 2. The Secretary of the Interior is authorized and directed to convey without monetary consideration to the Pascua Yaqui Association, Inc., an Arizona corporation, all right, title, and interest of the United States in and to certain real property more particularly described in section 3 of this Act subject to the following conditions:

(1) Such association shall use such property only in accordance with its corporate purposes set out in its original articles of incorporation.

(2) Title to such property shall be held by such association for the common benefit of all the members of such association and no part of such property shall ever be conveyed for the benefit of any private organization, association, group, or individual, except that a parcel of not to exceed fifteen acres may be conveyed to the county of Pima, State of Arizona, or a political subdivision thereof, for use as a site for a school.

(3) Such other conditions as the Secretary of the Interior shall deem necessary to protect the interest of the United States.

If any condition imposed by this section is breached at any time, all of the real property conveyed under authority of this Act shall revert to the United States.

SEC. 3. The real property referred to in section 2 of this Act is more particularly described as follows:

Township 15 south, range 12 east, Gila and Salt River meridian, Arizona:

Section 13: Lot 4, west half southeast quarter;

Section 24: Lots 1, 2, west half northeast quarter, northwest quarter.

With the following committee amendments:

Page 1, line 3, through page 2, line 8, strike out all of section 1.

Page 2, line 9, strike out "Sec. 2. The" and insert "That the".

Page 2, line 12, after "United States" insert "except as otherwise provided by section 3 of this Act".

Page 2, line 13, strike out "section 3" and insert "section 2".

Page 3, line 7, strike out all of the line and insert: "Sec 2. The real property referred to in section 1 of".

Page 3, strike out all of lines 11, 12, and 13 and insert:

"Section 24: Lots 1 and 2, the west half of the northeast quarter; and the southeast quarter of the northwest quarter, being a total of approximately 202.76 acres."

Page 3, after line 13, add a new section to read as follows:

"Sec. 3. Any patent issued under this Act shall contain a reservation to the United States of any of the following named minerals for which the land as of the date of issuance of patent is deemed by the Secretary of the Interior to be valuable or prospectively valuable: coal, native asphalt, solid and semisolid bitumen, and bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), oil, gas, oil shale, phosphate, sodium, and potassium, together with the right of the United States, its lessees, permittees, or licensees to prospect for, mine, and remove them under applicable provisions of law."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER**. This concludes the call of the Private Calendar.

WILD ANIMALS—MEAT IMPORTS

Mr. **MILLS**. Mr. Speaker, I call up the conference report on the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1824)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That (a) item 852.20 of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R., part II, August 17, 1963) is amended to read as follows:

"‘	852.20	Wild animals (including birds and fish) imported for use, or for sale for use, in any scientific public collection for exhibition for scientific or educational purposes..........	Free	Free	’.

"(b) Headnote 1 of part 4 of schedule 8 of such title I is amended by striking out ‘item 850.50,’ and inserting in lieu thereof ‘items 850.50 and 852.20,’.

"(c) The amendments made by this section shall take effect on the tenth day after the date of the enactment of this Act.

"Sec. 2. (a) It is the policy of the Congress that the aggregate quantity of the articles specified in items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States which may be imported into the United States in any calendar year beginning after December 31, 1964, should not exceed 725,400,000 pounds; except that this quantity shall be increased or decreased for any calendar year by the same percentage that estimated average annual domestic commercial production of these articles in that calendar year and the two preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of these articles during the years 1959 through 1963, inclusive.

"(b) The Secretary of Agriculture, for each calendar year after 1964, shall estimate and publish—

"(1) before the beginning of such calendar year, the aggregate quantity prescribed for such calendar year by subsection (a), and

"(2) before the first day of each calendar quarter in such calendar year, the aggregate quantity of the articles described in subsection (a) which (but for this section) would be imported in such calendar year.

In applying paragraph (2) for the second or any succeeding calendar quarter in any calendar year, actual imports for the preceding calendar quarter or quarters in such calendar year shall be taken into account to the extent data is available.

"(c)(1) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b)(2) equals or exceeds 110 percent of the aggregate quantity estimated by him pursuant to subsection (b)(1), and if there is no limitation in effect under this section with respect to such calendar year, the President shall by proclamation limit the total quantity of the articles described in subsection (a) which may be entered, or withdrawn from warehouse, for consumption, during such calendar year, to the aggregate quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b)(1).

"(2) If the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b)(2) does not equal or exceed 110 percent of the aggregate quantity estimated by him pursuant to subsection (b)(1), and if a limitation is in effect under this section with respect to such calendar year, such limitation shall cease to apply as of the first day of such calendar quarter; except that any limitation which has been in effect for the third calendar quarter of any calendar year shall continue in effect for the fourth calendar quarter of such year unless the proclamation is suspended or the total quantity is increased pursuant to subsection (d).

"(3) The Secretary of Agriculture shall allocate the total quantity proclaimed under paragraph (1), and any increase in such quantity pursuant to subsection (d), among supplying countries on the basis of the shares such countries supplied to the United States market during a representative period of the articles described in subsection (a), except that due account may be given to special factors which have affected or may affect the trade in such articles. The Secretary of Agriculture shall certify such allocations to the Secretary of the Treasury.

"(d) The President may suspend any proclamation made under subsection (c), or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—

"(1) such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry;

"(2) the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or

"(3) trade agreements entered into after the date of the enactment of this Act ensure that the policy set forth in subsection (a) will be carried out.

Any such suspension shall be for such period, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of this subsection.

"(e) The Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of this section.

"(f) All determinations by the President and the Secretary of Agriculture under this section shall be final."

And the Senate agree to the same.

That the title of the bill be amended to read as follows: "An Act to provide for the free importation of certain wild animals, and to provide for the imposition of quotas on certain meat and meat products."

W. D. Mills,
Hale Boggs,
John W. Byrnes,
Thos. B. Curtis,
Managers on the Part of the House.

Harry F. Byrd,
Russell B. Long,
G. A. Smathers,
John J. Williams,
Frank Carlson,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1839) to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as passed by the House provided for the free importation of wild animals and wild birds imported specially for exhibition.

SENATE AMENDMENT

The Senate amendment to the text of the bill struck out all after the enacting clause and inserted new text to impose quotas on imports of certain meat and meat products.

The first section of the Senate amendment would add a new headnote to the Tariff Schedules of the United States.

Paragraph (a) of the new headnote provided basic quotas on imports of five categories of meat and meat products:

(1) Cattle meat, fresh, chilled, or frozen.

(2) Goat and sheep meat (except lamb), fresh, chilled, or frozen.

(3) Lamb meat, fresh, chilled, or frozen.

(4) Sausages (other than sausages in chief value of pork).

(5) Beef or veal, prepared or preserved (except sausages).

The quotas were on a quarterly basis and were to apply to each calendar quarter beginning after December 31, 1964.

Paragraph (b) of the new headnote provided for increases in the quotas imposed by paragraph (a) if the average price received in the United States for the animals from which the quota articles are produced equals or exceeds 90 percent of the average parity price for such animals for a 6-month period and the domestic slaughter of such animals for such period exceeds the base amount specified in the amendment. An increase in quota would be in the same ratio as the increase in the domestic slaughter over the base amount specified and would apply for the second and third calendar quarters following the 6-month period.

Paragraph (c) provided exceptions. Subparagraph (i) provided that the operation of the new headnote shall be suspended with respect to any period which the President declares to be a period of national emergency. Subparagraph (ii) provided for the suspension of (or increase in) a quota where, because of a natural disaster to the livestock in the United States from which the quota articles are produced, the U.S. supplies thereof are inadequate to meet demand at reasonable prices to domestic consumers. Subparagraph (iii) provided that any individual entry having an entry weight of 25 pounds or less shall not be taken into account.

Paragraph (d) provided for the proration of a quota for a calendar quarter on a monthly or more frequent basis where determined by the Secretary of Agriculture as being necessary to prevent the disruption of the orderly operation of the market.

Paragraph (e) required that the weight taken into account for quota purposes be the weight used for customs purposes.

Paragraph (f) authorized the President, whenever he deems it necessary to prevent the entry, at any port of entry in the United States, of excessive quantities of articles in any quota category, to prescribe (within the overall quota for the period) maximum quantities of such articles which may be entered at such port of entry during such period.

Section 2 of the Senate amendment provided that no trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of the first section.

CONFERENCE SUBSTITUTE

Under the conference agreement, new text is substituted for both the text of the bill as passed by the House and the text of the Senate amendment.

Subsection (a) of the first section of the conference substitute amends the Tariff Schedules of the United States to permit the free entry of wild animals (including birds and fish) imported for use, or for sale for use, in any scientific public collection for exhibition for scientific or educational purposes.

Subsection (b) of the first section makes a technical conforming amendment and subsection (c) provides that the amendments made by the first section shall take effect on the tenth day after the date of enactment of the bill.

Section 2 of the conference substitute relates to provisions for the imposition of quotas on certain meat and meat products.

Subsection (a) provides that it is the policy of the Congress that the aggregate quantity of the articles specified in items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs) of the Tariff Schedules of the United States which may be imported into the United States in any calendar year beginning after December 31, 1964, should not exceed 725,400,000 pounds; except that this quantity shall be increased or decreased for any calendar year by the same percentage that estimated average annual domestic commercial production of these articles in that calendar year and the two preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of these articles during the years 1959 through 1963, inclusive.

Subsection (b) of section 2 provides that the Secretary of Agriculture, for each calendar year after 1964, shall estimate and publish—

(1) before the beginning of such calendar year, the aggregate quantity prescribed for such calendar year by subsection (a), and

(2) before the first day of each calendar quarter in such calendar year, the aggregate quantity of the articles described in subsection (a) which (but for section 2) would be imported in such calendar year.

In applying paragraph (2) for the second or any succeeding calendar quarter in any calendar year, actual imports for the preceding calendar quarter or quarters in such calendar year shall be taken into account to the extent data is available.

Paragraph (1) of subsection (c) provides that if the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b) (2) equals or exceeds 110 percent of the aggregate quantity estimated by him pursuant to subsection (b)(1), and if there is no limitation in effect under section 2 with respect to such calendar year, the President shall by proclamation limit the total quantity of the articles described in subsection (a) which may be entered, or withdrawn from warehouse, for consumption, during such calendar year, to the aggregate quantity estimated for such calendar year by the Secretary of Agriculture pursuant to subsection (b)(1).

Paragraph (2) of subsection (c) provides that if the aggregate quantity estimated before any calendar quarter by the Secretary of Agriculture pursuant to subsection (b) (2) does not equal or exceed 110 percent of the aggregate quantity estimated by him pursuant to subsection (b)(1), and if a limitation is in effect under section 2 with respect to such calendar year, such limitation shall cease to apply as of the first day of such calendar quarter; except that any limitation which has been in effect for the third calendar quarter of any calendar year shall continue in effect for the fourth calendar quarter of such year unless the proclamation is suspended or the total quantity is increased pursuant to subsection (d).

Paragraph (3) of subsection (c) requires the Secretary of Agriculture to allocate the total quantity proclaimed under paragraph (1), and any increase in such quantity pursuant to subsection (d), among supplying countries on the basis of the shares such countries supplied to the U.S. market during a representative period of the articles described in subsection (a), except that due account may be given to special factors which have affected or may affect the trade in such articles. Paragraph (3) also requires the Secretary of Agriculture to certify such allocations to the Secretary of the Treasury.

Subsection (d) of section 2 provides that the President may suspend any proclamation made under subsection (c), or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—

(1) such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry;

(2) the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or

(3) trade agreements entered into after the date of the enactment of the bill insure that the policy set forth in subsection (a) will be carried out.

Any such suspension shall be for such period, and any such increase shall be in such amount, as the President determines and proclaims to be necessary to carry out the purposes of subsection (d).

It was the understanding of the managers both on the part of the House and of the Senate that the overriding economic interests of the United States referred to in paragraph (1) include largely trade and balance-of-payment considerations. If, for example, the President could expand U.S. exports for dollars significantly, or prevent a drastic decline in such exports, by suspending or increasing meat import quotas, this would be in the overriding national economic interest. If a balance-of-payments deficit were to threaten U.S. fiscal integrity, and if the situation could be materially improved by suspending or increasing quotas, this would be in the overriding national economic interest. Speaking directly of agriculture, if other importing countries were in retaliation prepared to adopt tight restrictions covering a wide range of U.S. agricultural export products, and if the effect would be to reduce U.S. agricultural exports in an amount disproportionate to gains to the cattle industry, the overriding national economic interest might be served by suspending or increasing quotas.

It was the understanding of the managers both on the part of the House and of the Senate with respect to paragraph (2) that in determining whether or not consumer prices of beef are reasonable the primary consideration will be current prices in relation to prices over the immediately preceding years. If the prices received by farmers and ranchers for beef cattle in the current year unduly exceed and are expected to continue to exceed unduly through the end of the calendar year average prices over the preceding five years, and if furthermore, these prices result in comparable or greater increases in the retail prices of beef, as reflected in reports of the Bureau of Labor Statistics, a basis would be established for suspending quotas. Due consideration would be given, however, to increases in production costs experienced by livestock producers.

It was the understanding of the managers both on the part of the House and of the Senate with respect to paragraph (3) that trade agreements would accomplish the same policy set forth in section 2 if they establish conditions that over a reasonable period of time assure a pattern of world trade in beef, veal, and mutton that results in U.S. imports of these meats in amounts consistent with subsection (a).

Subsection (e) provides that the Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of section 2. The conferees particularly had in mind the possibility that the form or packaging of articles included under a quota might be altered in an effort to avoid quota controls. Examples might be (1) the dicing of boneless beef (so that it would, but for such regulations, be entered as a prepared product rather than as fresh, chilled, or frozen), or (2) the packaging of fresh, chilled, or frozen beef or veal in some type of air-tight container.

Subsection (f) provides that all determinations by the President and the Secretary of Agriculture under section 2 shall be final.

Authority to control imports by port of entry has not been included under the conference substitute. The conferees recognize that it would be most difficult to administer controls on this basis. However, the problem to be dealt with in this area is the undue concentration of imports in particular ports of entry. It would be hoped that the President could alleviate any such problems that exist through consultations with supplying countries.

W. D. Mills,
Hale Boggs,
John W. Byrnes,
Thos. B. Curtis,
Managers on the Part of the House.

Mr. MILLS (interrupting the reading of the statement). Mr. Speaker, in view of the fact that we shall take such time as is required to explain the conference report, I ask unanimous consent that further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, it will be recalled that H.R. 1839, as unanimously passed by the House on February 26, 1963, provided for the free importation of wild animals and wild birds which are intended for exhibition in the United States. A similar measure had been passed by the House in the 87th Congress, but received no consideration in the other body and died at adjournment of that Congress.

The other body passed H.R. 1839 on July 28, 1964, with amendments, the first of which was adopted in the Senate Committee on Finance and added to the bill provisions that would impose import quotas on certain meat and meat products. The second amendment, which was adopted on the floor of the other body, struck from the measure the provisions relating to the free importation of wild animals and wild birds, which was the substance of the House-passed bill.

Mr. Speaker, it will also be recalled that 1 week ago today, the House adopted a resolution disagreeing with the amendments of the other body and requesting a conference. At that time grave concern was expressed by many Members of the House, including the gentleman from Mississippi [Mr. Colmer], who called up the resolution at the direction of the Committee on Rules, that the amendments of the other body relating to meat imports were a nullity.

This question arose from the section of the bill which suspended the operation of the quotas during a period of national emergency. Since we are at present still in the period of national emergency declared by President Truman at the time of the Korean war, many Members of the House who were both learned in the law and very desirous of helping the domestic meat industry, expressed the opinion that this provision would completely nullify the measure as approved by the other body. In other words, it was believed that the bill, by its own terms, would prevent the meat import quotas from going into effect because of the presently existing period of national emergency.

I might add, Mr. Speaker, that there was also indicated in the debate on Tuesday last on the resolution to send H.R. 1839 to conference, some displeasure on the part of Members with regard to the procedures utilized by the other body with respect to this measure. Here again was presented a situation in which the subject matter of the House-passed bill; that is, the dutiability of certain wild animals and birds, was completely stricken from the measure, and there was added, by the other body, the unrelated provisions on the subject of meat imports.

In accordance with assurances given on the floor, the conference committee has worked long and hard during the past week, and it is believed that the managers on the part of the House have been successful in bringing back a meaningful and greatly improved measure that will be effective in dealing with the problem of meat imports and will also do much to preserve the prerogatives of the House in matters of this kind.

In the first place, the substance of the provisions relating to wild animals and birds, which was the sole subject of the bill as passed by the House, has been restored in modified form. It will be recalled that under present law wild animals, including birds and fishes, imported for use in any scientific public collection for exhibition for scientific or educational purposes are admitted duty free. H.R. 1839, as passed by the House, would have extended this duty-free treatment to such articles brought into the country by any importer for exhibition. The conference committee has recommended that present law still obtain, except that the duty-free treatment be extended to imports for sale for use in scientific public collections. In other words, this provision would still apply only with respect to those wild creatures that are intended for exhibition in and will be housed in public zoological collections for scientific or educational purposes.

With respect to the amendments of the other body relating to quotas on meat imports, the conferees have maintained the fundamental purpose of the many bills that have been referred to the Committee on Ways and Means on this subject, but have made modifications and improvements that will render the bill effective in offering the protection desired by the domestic meat industry and, at the same time, less potentially damaging to our vital foreign trade in other agricultural and industrial commodities.

First of all, the quotas agreed upon by the conferees are based on the average annual imports for the years 1959-63, which in terms of pounds is 725,400,000. This is an aggregate figure covering the articles specified in items 106.10—relating to fresh, chilled, or frozen cattle meat—and 106.20—relating to fresh, chilled, or frozen meat of goats and sheep, except lambs—of the tariff schedules of the United States.

As was true in the many House bills introduced on this subject, there is also provided in the bill as approved by the conferees a growth factor which will adjust the quota to take into account increased or decreased domestic production. The bill would provide that the 725,400,000-pound figure will be increased or decreased for any calendar year by the same percentage that estimated average annual domestic commercial production of these articles in that calendar year and the 2 preceding calendar years increases or decreases in comparison with the average annual domestic commercial production of these articles during the years 1959 through 1963, inclusive.

The conferees have also agreed upon a different method for triggering the quotas. The procedure utilized would be just as effective as the automatic quotas provided in the bill as passed by the other body, but will be less offensive to important trading partners of the United States, with whom we enjoy a favorable balance of trade.

The conference committee was particularly desirous of developing a provision that would offer essentially the same protection as intended by the bill passed by the other body, but which would substantially lessen the potentially damaging consequences that inhered in that measure. We believe the provision, recommended by the conferees, which requires the President to proclaim the above-discussed quotas in effect whenever the Secretary of Agriculture's quarterly estimate of the level of imports equals or exceeds 110 percent of the quota calculated for a particular year, is a provision that satisfies these requirements. It is vastly more preferable than the measure of the other body, both from the standpoint of the domestic industry and our world trade relations.

The bill also directs that the quotas proclaimed by the President shall be allocated among supplying countries on the basis of the shares such countries supplied to the United States during a previous representative period. There was no comparable provision in the bill passed by the other body and the managers on the part of the House consider this a distinct and necessary improvement.

Finally, Mr. Speaker, the bill enumerates three categories of circumstances upon the occurrence of which the President may suspend or increase quotas previously proclaimed. The quotas may be suspended or increased if the President determines and proclaims that:

First, such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry;

Second, the supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or

Third, trade agreements entered into after the date of the enactment of this act insure that the policy set forth in subsection (a) will be carried out.

The bill that has resulted from the long and concentrated labors of the conference committee was one that was developed after consultation with representatives of the domestic meat industry and the interested agencies of the Federal Government. We wish to acknowledge the splendid cooperation of both of these groups given the committee during the period involved in its deliberations.

Mr. Speaker, what this, the conference agreement, would provide is a fixed quota for the major beef, veal, and mutton items which would be increased in the future in the same ratio that commercial production in the United States increases in the future, as compared with the average commercial production in the 5-year base period of 1959–63. For example, in the 5-year base period U.S. commercial production of beef, veal, and mutton were as follows:

	Pounds
1959	14, 197, 000, 000
1960	15, 446, 000, 000
1961	15, 937, 000, 000
1962	15, 917, 000, 000
1963	16, 938, 000, 000

The annual average commercial production for these 5 years was 15,687 million pounds.

The U.S. commercial production in 1963 was 16,983 million pounds; in 1964, it was estimated at 18,500 million pounds, and in 1965, it was tentatively estimated at 19,400 million pounds. The annual average commercial production for these 3 years would then be 18,279 million pounds.

The commercial production in the 3-year period 1963–65 exceeded the annual average commercial production in the base period 1959–63 by 16.5 percent.

Applying this percentage increase to the 725,400,000 pounds specified in the bill, the import quota if needed in 1965 would be established at 845,100,000 pounds. This would compare with actual imports of 1,049 million pounds of these products in 1963.

Mr. Speaker, permit me to advise the Members of the House that I have in my possession telegrams from those who represent the cattlemen of the United States through their organization, the American National Cattlemen's Association, and those who represent the feeders of the Nation through the National Livestock Feeders' Association, completely endorsing the conference report and expressing their hope that this measure will be agreed to by the House and the other body and that it may then become law.

I am also advised by representatives of the agencies of government to which I have referred that they will not recommend to the President of the United States that he veto this legislation if it is passed. I thus have every reason to expect and believe that if the House approves this conference report and the Senate does likewise, as I think it possibly will sometime today, it will receive favorable action by the President himself.

Mr. Speaker, on the floor when the rule was being considered I said if it were possible to bring these groups together it probably would be a miracle. I think we should change the word, because I would not characterize it as a miracle. What we can say is that it is the result as much as anything else of what I found to be a cooperative attitude and spirit on the part of the people representing the advocates of the legislation, and the departments of Government involved in the legislation. I have never known people who perhaps in the beginning were any farther apart in their positions and in their desires. Nor have I known any groups of hardworking, conscientious people who did more to bring their own points of view to the middle ground in the hope there could be a joining of the thinking and resolution of the very complex and difficult problems involved.

So, Mr. Speaker, I feel we owe a deep debt of gratitude in this instance to those who have worked in trying to bring about the compromise which we have here. They did it, of course, under the direction of the conference group. They did it, of course, in full keeping with the hope the conference group had that we would be able to bring back something to the House that would be satisfactory to the proponents and certainly acceptable to those in Government. That we have done.

Mr. **KEOGH**. Mr. Speaker, will the gentleman yield?

Mr. **MILLS**. I yield to the gentleman from New York.

Mr. **KEOGH**. Mr. Speaker, I appreciate the great work that the conferees have done in this rather difficult and somewhat delicate area. I am delighted to have the assurance of our distinguished chairman that we have finally consulted with and obtained the favorable attitude on the part of domestic producers and of the agencies of government involved.

But I wonder if at the time the attempt was made to elicit the views of the domestic importers of beef in the first instance, there was also any effort made to obtain the views of responsible and respectable representatives of the consumers of the United States.

Mr. **MILLS**. Yes; that has been done. We have been in contact with many segments of our society. We have received a cross section of views on this.

The **SPEAKER** pro tempore (Mr. ASPINALL). The time of the gentleman from Arkansas has expired.

Mr. **MILLS**. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, let me assure you that what we have done in this conference report is to accomplish the purposes and objectives of the proponents of the legislation in a way different from that proposed in the Senate amendment, but accomplishing the same broad objective. It should be borne in mind that the basic quota fixed by the Senate proposal is approximately 6.7 percent of the domestic slaughter during the base period.

That will be the percent of our domestic commercial production in any future year under the provisions of the conference report. It may be greater or it may be less in total pounds in a future year, depending entirely upon whether or not there is a growth in the domestic commercial production of this type of meat in the United States. Rather than have that tied to consumption or some figure on which we are not as well informed, we have tied this to domestic slaughter here in the United States. What we refer to as domestic commercial production means that domestic slaughter which goes on in the packinghouses. It does not, of course, include slaughter on the farm, which is largely home consumption meat.

This is different from the Senate amendment fundamentally in this respect. Under the Senate amendment we would have legislated a quota that would have gone into effect on January 1, 1965, whether the imports of meat at that particular time justified a prescribed limitation or not. The bill itself has a rather technical, complicated triggering device, as we call it, that puts it into effect when the need arises. There is no "may" about it. It is mandatory, and it is effected, of course, by the growth formula which is in the bill. The conference report puts it into effect when the situation demands this quota. Maybe we will never have this quota under this device in effect. We will not have it unless imports rise above the prescribed quota plus the growth which is allowed within the conference report.

If there are, for example, large shipments into the United States in future years, such as there were in 1963, over and above previous years, then this would go into effect. Many of our people have felt that those increased shipments resulted from an undue portion of meat produced outside the United States being brought into the country.

There are some features of this that I am satisfied will interest the consumers that were not in the bill which passed the Senate. We have enumerated in this conference report, Mr. Speaker, specific circumstances under which the President of the United States may undo the proclamation previously taken imposing this basic quota. In further response to the inquiry from my good friend from New York, we have set this out in the conference report on page 2, wherein we say that:

> The President may suspend any proclamation made under subsection (c)—

Which is his authority to proclaim the quota—

> or increase the total quantity proclaimed under such subsection, if he determines and proclaims that—
>
> (1) Such action is required by overriding economic or national security interests of the United States, giving special weight to the importance to the Nation of the economic well-being of the domestic livestock industry;
>
> (2) The supply of articles of the kind described in subsection (a) will be inadequate to meet domestic demand at reasonable prices; or
>
> (3) Trade agreements entered into after the date of the enactment of this act insure that the policy set forth in subsection (a) will be carried out.

Now, Mr. Speaker, what we are saying is this: In the process of providing for a quota to go into effect, we are doing it in a way to best assure the consumer of the United States that there will not be price increases in meat of an unreasonable nature due to the limitation upon imports of this meat.

In addition, Mr. Speaker, we are saying this—and the cattlemen have been, I think, eminently fair in their willingness to compromise the Senate provision in this respect. We are not saying we will put the best interest of those in the cattle industry above the national interest of all the American people. If it comes to the point where the protection of the cattle industry from these imports is running contrary to the overriding national interest of the rest of the United States, then the President may act to suspend that which he has previously proclaimed.

But let me point out now that whenever the President proclaims the quota to be in effect, it is in effect for only 1 calendar year. This will be reviewed on the basis of each year's situation. If he has a quota in effect by proclamation and he decides to suspend it for any one of these reasons which are set forth here, then, of course, it can be suspended for the remainder of that calendar year. But the whole of the problem will be looked at and reviewed and reconsidered as a result of this triggering device on a calendar year basis and every year separately. It will not be as the Senate provision provided, once in effect and then except in a rare situation, remain in effect whether it is needed or not.

The provision we have here will interfere less, and I think eliminate problems we otherwise would have had in the so-called Kennedy round of negotiations wherein we are seeking greater access to the export of agricultural and industrial products from the United States.

We have accomplished, therefore, the broad purpose of the Senate amendment but we have done it in a way, Mr. Speaker, that will bring to us less dire consequences as a result of the accomplishment of this purpose.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Texas.

Mr. FISHER. First, I desire to compliment the gentleman and his colleagues on the conference committee and the staff for what I think is a very reasonable and acceptable compromise bill. I notice in reading the conference report that lamb is omitted from the bill whereas in the Senate version, lamb was included on the same basis for quota purposes as was true of beef and mutton. Will the gentleman for the record explain why that was done?

Mr. MILLS. I am glad my friend from Texas raised that point. I meant to say something about it. Lamb was included in the Senate version but it is excluded from the first conference report for several reasons.

First, the lamb that we import goes into fresh table use and it is consumed as chops or as leg of lamb. It does not go into manufactured products like hamburger and hotdogs and other processed meat. In contrast, most beef that is imported does go into manufactured products where it tends to compete with our own beef.

Therefore, while mutton is included in the bill because, like imported beef, it is used in these manufactured meat products, lamb is not included.

The second reason is that it seems as if lamb imports for the year 1964 will be no more than 1 to 1½ percent of our table supply. Beef imports, however, as the gentleman from Texas knows, increased to about 10 percent or some say 11 percent of our total supply in 1963.

Finally, the prices to our domestic producers of lamb appear to be firmer, at least compared to cow beef.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has again expired.

Mr. MILLS. Mr. Speaker, I yield myself 5 additional minutes.

Those prices are now at a level, I am told, of about $21, which is perhaps at one of the highest levels lamb prices have been in 4, 5, or 6 years.

There has been an upward trend, I believe we would all admit, in this connection in the past 4 years. We were of the opinion that lamb meat needed to be treated as a separate matter and not to be brought into this legislation, which primarily endeavors to try to do something to alleviate the situation as to cows and cow meat in the United States.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Oregon.

Mr. ULLMAN. I congratulate the gentleman from Arkansas for bringing us a bill. He not only did what he told the House he would do, but he has met this very difficult problem in a way which, in my opinion, will satisfy the problem of the industry, will not harm our tariff negotiations, and will not adversely affect the consumers of this country.

I have some specific questions to ask the gentleman.

First, in section 2(a) we define meat products covered by the bill as coming under sections 106.10 and 106.20 of the tariff schedule. I should like to have some assurance from the chairman of the committee that whereas in those sections ground meat may not be covered—it is considered by the conference committee to come under this bill and under the quota specifications of this legislation wherever it might be found in the Customs Code.

Mr. MILLS. Actually what we are talking about in the subsection (a), where we set the policy of the Congress, is that meat which comes in under 106.10 and 106.20. That is specified in the Tariff Act as being fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats and sheep—and then we provide "except lambs."

It is because of the possibility that there might be some deliberate, designed attempt to circumvent the purpose of the Congress and the legislation itself that we added a proviso which is on page 3 of the report, subsection (e), which is:

> The Secretary of Agriculture shall issue such regulations as he determines to be necessary to prevent circumvention of the purposes of this section.

For example, if a country which is a major supplier of cattle meat decided it would get around this quota by merely grinding the meat there and shipping it over here in some form designed to circumvent these two particular sections, then it would be expected that the Secretary of Agriculture would use this authority to include that within the total we are making possible for importation under this conference report.

Mr. ULLMAN. I thank the gentleman. That answers that question. Now I have a question with regard to section 2(c) (1), (2), and (3).

First the conference report declares it the policy of the Congress that imports shall be at the 5-year level plus a growth factor.

Under the provisions of the bill the Secretary will make an annual computation of the overall quota of beef which can come into the country then, on a quarterly basis, he will make an estimate in advance as to whether imports are expected to exceed that level for the next 3 months.

Is it not true that in any given quarter the imports could exceed the amount allowed by more than 10 percent?

Mr. MILLS. On a quarterly basis, yes; that is entirely true. I call the gentleman's attention to this fact: When once the imports at any time come in, in such amounts as to trigger this device and to bring the quota into existence, then the quota itself, giving proper consideration to the growth factor, comes into play for the entire calendar year.

So the limitation is with respect to the entire calendar year. There would have to be then a leveling so that in all quotas remaining in the year imports would not come in at this very high level to which the gentleman refers.

Mr. ULLMAN. The gentleman's understanding, then, is that in no instance would this overall import exceed this annual quota estimate?

Mr. MILLS. That is clear in the bill, once quotas are set.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, I would like to start with the main question which concerns me since there is so little time to ask questions in the remaining time left.

What I want to know is: Is the purpose of this bill to raise prices or not?

Mr. MILLS. The purpose of this bill is to create a circumstance in which the price of cow meat—and we are talking largely here about cow beef as distinguished from grain fed Choice and Prime meat that we eat in the form of steaks and so on—wherein the price of that meat, which today is down to approximately $12 or $13, as I recall it, compared to a price at this time last year of around $15 and compared to a price in 1962 of around $16—could be increased somewhat because of the adverse effect these imports have had on cattlemen.

Again, though, we are also attempting to protect here against the rise of that price to such levels to the producer as would result in undue increases in consumer prices. In other words, what we are trying to do is to restore a degree of stability here to the price received by producers within the cattle industry that does not now exist but without bringing about unreasonable prices to consumers. We think we have taken precautions in the conference report to do that.

The SPEAKER pro tempore (Mr. Aspinall). The time of the gentleman has again expired.

Mr. MILLS. Mr. Speaker, I yield myself 4 additional minutes.

Mrs. SULLIVAN. Mr. Speaker, I wanted to ask the chairman of the Committee on Ways and Means many of the questions which concern the consumer. Unfortunately his time has just about run out. I wanted to know whether or not it would raise the price to the consumer. The questions I had would have led up to that point. If I may be permitted to pursue some of them, does "reasonable prices" refer to prices for all meats or just hamburgers and hotdogs?

Mr. MILLS. Let me say to my good friend from Missouri, for whom I have the very greatest respect and a very genuine affection, that I know she is very greatly interested in the consumer at all times, as I am myself, but let me tell you this: The price to the consumer is not always the result of the price of an agricultural product rising at the producer's level. It is not always that. There are many, many reasons why prices may rise for the consumer besides merely the price rise of the producer. Now, we cannot protect against all of those eventualities and considerations, but we have protected against the price to the producer rising to such levels as to reflect itself in unreasonable prices to the consumer. This would mean the price of all kinds of meat.

Mrs. SULLIVAN. If the chairman will listen to me here, the reason I wanted to ask these questions was that you are tying retail prices on certain types of processed meats from low-quality beef to the overall price of farmers for high-quality steers. Is that not true?

Mr. MILLS. No, we are not. If we can do that and if we can succeed in doing that, then, of course, I doubt the cattlemen themselves would be for this legislation, because you would have the price of processed beef so far up in the marketplace, if you tied that price of cow meat to steer meat, that you would not have anybody buying red meat in processed form but they would turn to some other kind of meat for consumption.

Let me tell you those who produce cattle are just as concerned about unreasonable prices on any type of meats as the consumers, very frankly. They have a right to be concerned, too. If they are not concerned, the consumer will turn from the consumption of so-called red meat to the consumption of some other kind of meat. Do not think that this is a noncompetitive situation. This is a highly competitive situation in the marketplace. I think I can assure my friend from Missouri that we have safeguarded, we have protected the consumers' interests here as well as the interests of everyone else. We are concerned about consumers just as we are about the producers of meat.

Mr. Speaker, I urge the adoption of the conference report.

Mrs. MAY. Mr. Speaker, I rise in support of the legislation before us. I am a cosponsor in the House of Representatives of the many bills introduced to offer a measure of protection to the livestock industry from excessive foreign imports. While the compromise agreement before us should certainly help the situation, and I will vote for passage of this legislation, I feel it necessary to express to my colleagues a deep disappointment that lamb has been deleted from the provisions of this legislation. I know that some of my colleagues who served on the conference committee expressed similar concern that the administration insisted that import restrictions on lamb not be included. It is difficult to understand the administration's position on this, since the heavy volume of lamb imports from foreign countries has been a serious problem to this vital industry for some time.

The effect of today's action will leave lamb unprotected, and lamb producers can therefore look forward to not only a continuing problem from excessive imports, but an intensified problem because protecting beef but not lamb will no doubt stimulate increased lamb exports from New Zealand and Australia to partly compensate for losses in beef exports.

It was, and continues to be my hope, Mr. Speaker, that the Congress will do something positive to help protect the lamb producers of our Nation.

In support of the need for import restrictions on lamb, I ask unanimous consent to place at this point in the Record, a statement by Edwin E. Marsh, executive secretary of the National Wool Growers Association:

Necessity for Retaining Lamb in Meat Import Quota Bill

Members of the 20 sheep and lamb producer organizations composing the National Wool Growers Association, operating in a 23-State area where over 70 percent of the Nation's lambs are grown, feel very strongly that it is highly essential for quotas on both lamb and mutton to be included in H.R. 1839.

In 1957 dressed lamb imports to the United States totaled 1,800,000 pounds. In each subsequent year with one exception, lamb imports have increased and for the calendar year 1963 totaled 19 million pounds, an 860 percent increase in 7 years. The 1 year that lamb imports fell off slightly from the previous year was 1961 and the reason for this was that domestic lamb prices were so depressed and below costs of production that New Zealand apparently found it more profitable to ship its competing dressed lamb to other markets.

The tariff duty on dressed lamb was reduced 50 percent in 1948. At 3.5 cents per pound it is now so tragically low that it could not begin to meet differences in production costs here and abroad. As a result of this low tariff the price United States wholesalers pay for foreign lamb is considerably below the price domestic producers must receive to meet their costs of production. In recent years many domestic producers have not met their production costs and have progressively gone further in debt. USDA data shows a wide variation between costs of foreign lamb landed at east coast ports and domestic lamb prices for the same period. In some years foreign lamb has been landed here at approximately 50 percent of the price of domestic lamb during the same period. Without the slightest doubt this price differential does create an adverse influence on our domestic lamb market which will only be further aggravated unless some limitations are placed on the amount of cheaply produced lamb that can come in here.

While percentagewise lamb imports may not seem high compared to domestic production, the impact of the foreign product is much greater by reason of the fact that most of it lands in New York City which is also the price setting point for lamb in a wide area of the United States. When a few too many pounds of lamb hit the New York market, the market there drops and the drop is immediately reflected in other major markets of the Nation.

Furthermore, our industry faces a unique distribution problem with lamb. While beef is consumed in volume all over the United States, over 70 percent of the lamb consumed here goes to outlets in only three areas of the United States; namely, the New York-New England area, the Chicago area, and the west coast. Statement has been made that we should have more lamb in this country even if we have to import it, because there are areas where consumption is small. Despite the fact that the U.S. industry has engaged in extensive organized promotional efforts, the fact is that the market for lamb has not widened to any appreciable extent and there is definitely a limit on the amount of lamb that can be marketed profitably. Experience has shown that when the available supply of lamb increases beyond the market potential of the principal lamb-consuming areas, the price decreases, in some cases sharply. This causes rather severe economic difficulties for the sheepmen of the United States because over two-thirds of their total income is from the sale of lambs while less than one-third is from the sale of wool. For example, in 1959, 1960, and 1961 domestic lamb production increased. Lamb imports also increased during those years. As a result, the average farm price of lambs dropped from $21 per hundred pounds in 1958 to $18.70 in 1959; $17.90 in 1960; and $15.80 in 1961. The lamb market is very sensitive to increased supplies.

The price drops above have caused further liquidation in 1962 and 1963. Production, therefore, is down at present and lamb imports to date this year are down considerably from what would be permitted if quotas were established on the basis of average yearly imports for the past 5 years. Domestic lamb prices are now stronger and we know that the decrease in imports has been a factor in this stronger market. If reasonable quotas could now be established, growers here could continue their operations with the confidence that there will be reasonable limitations on the amount of lamb which can be brought into the United States when market conditions abroad render it expedient for the exporting nations to use this country as a "dumping ground."

Statement has been made that mutton should be in the bill, because mutton, also, competes with cow beef, both being used for processed meats. This is true. By the same token lamb must be retained in the meat import quota bill because imported lamb, coming in here in both carcass and cut form, competes directly with production of domestic lamb.

Packers and retailers have stated repeatedly to domestic growers that the price variation between foreign and domestic lamb exerts a continual downward pressure on the market. Unless tariff increases are possible to more nearly equalize this price variation, then the only hope of the domestic industry is the control of the volume of imports.

A recent release out of New Zealand stated meat trade sources reported that New Zealand lamb shipments to the United States would be discontinued for the balance of this year. We checked this report with the New Zealand Trade Commissioner's office here in Washington and are advised there is no truth in this report and that they expect to continue to sell lamb here as usual.

In many of our semiarid regions sheep and lambs are the only livestock that can survive and make use of the sparse vegetation. This is true in the West and Southwest particularly, where sheep production is one of the important industries in the economy of these areas. In fact, a number of rural areas in the West and Southwest depend on the sheep industry as an important source of income for taxes to provide schools, roads, and other necessities, as well as to support the industries of those communities through purchases of supplies for sheep ranching and farming operations. Therefore, in these areas, the sheep industry is extremely important to the economy and serves as a full-time occupation and means of livelihood for many of its residents. These are the areas hardest hit when imports cause a lowering of domestic lamb prices.

In conclusion, future control of imports of both lamb and mutton through quotas is vital to the economic health of our domestic sheep industry. The industry itself badly needs and wants this type of control. Furthermore, we point out that the Senate, in its wisdom, included lamb quotas in the bill they passed by a vote of 72 to 15, indicating the sentiment of that body for reasonable lamb quotas.

EDWIN E. MARSH,
Executive Secretary,
National Wool Growers Association.

Mr. MILLS. Mr. Speaker, at this time I yield 5 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, I am going to be brief because there are many people I know who want to get their 2 cents worth in, or a few words at least in, on this subject.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my remarks immediately following the remarks of the gentleman from Wisconsin.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentlewoman.

Mrs. MAY. Mr. Speaker, I ask unanimous consent that I may include my remarks in the RECORD following those of the gentleman from Texas [Mr. FISHER], when he discussed the exclusion of lamb in this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those Members desiring to do so may extend their remarks in the RECORD following the remarks of the gentleman from Wisconsin on the subject matter of this conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise to speak on this conference report with rather mixed emotions. I think we have to admit at the outset that those who were the proponents of quota restrictions encompassed in the Senate amendment must recognize that that proposal has had most of its teeth extracted. Maybe a little history would be helpful both in terms of what we have here before us, the situation that the conferees confronted, and also the situation as it relates to consumers' prices.

First let us point out that the Senate adopted a quota provision that imposed quotas on the basis of a 5-year average. The total for beef and mutton would have been 725 million pounds per year, allocated on a quarterly basis. That was approved by the Senate by a vote of 72 to 15 with the leadership of both parties in the Senate voting for it. One of the things that was very amazing to me was the silence of the administration's spokesmen at that time with respect to the merits or demerits of the amendment adopted by the Senate. They were very, very quiet and they were quiet until it appeared as if this body might accept the Senate amendment. And then the State Department and Agriculture went to work. The words that they used to describe the Senate amendment ran a whole gamut of adjectives from irresponsible, a violation of GATT, and everything else.

But, let me point this out. The Secretary of Agriculture advised the Committee on Ways and Means and advised the conferees that even if the Senate amendment went into effect it would not produce a reduction in the anticipated importation of beef into this country either this year or next year, or at any time in the future that he could foresee.

So, Mr. Speaker, all this talk about the Senate amendment increasing the price of hamburgers and sausage and all the rest, is frankly just an effort to pull a lot of wool over the eyes of the people. The administration admitted that even the Senate amendment would not have acted to restrict imports below the amount of beef that will be shipped into this country, so that even the Senate bill would have no effect on prices.

Now, what has happened? The cattle people have agreed to accept the compromise that has been worked out. But I believe we must recognize that under this bill the likelihood of restrictions ever being brought into play, and a quota being placed on beef imports, is rather farfetched. It will only happen in the most unusual circumstances, possibly such as a recurrence of the situation that caused the great flood of beef in the years of 1961, 1962, and 1963; namely, when the Western European market was closed to the normal exports of New Zealand and Australian beef. What happened when they could not ship beef to Western Europe? They came into the American market and dumped it here. It is admitted that we had an unusually large influx of foreign beef coming into this country.

Now, Mr. Speaker, this bill might prevent a recurrence of that kind of situation, but that is the only type of situation that I can foresee where this bill could possibly have any effect, and then only if the President decided that none of the three criteria exists for suspending its effect at that time.

The SPEAKER pro tempore (Mr. ASPINALL). The time of the gentleman from Wisconsin has expired.

Mr. MILLS. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. BYRNES of Wisconsin. So that what we really have here is, I believe, a guarantee possibly against a recurrence of the situation that existed in 1961, 1962, and 1963. But, mark this: You use as your quota to determine how much could come in, first, a 5-year average, which amounts to 725.4 million pounds, and then you add a growth factor which, as we were told, would represent another 6-percent increase in that figure. Then the President still does not impose a quota until the imports are estimated to be 110 percent of that figure. So, imports must exceed 116 percent of the 1959–63 average insofar as next year would be concerned, before the quota would even come into effect, and then it would not necessarily come into effect unless the President decided that three other conditions did not exist.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield very briefly to the gentleman from New York.

Mr. KEOGH. Was not the evidence before our committee clear that the state in the exporting countries is such now that no quota would be imposed at least until 1966?

Mr. BYRNES of Wisconsin. The point was that it is not anticipated that there will be the volume of imports coming into this country which would produce an importation in excess of 725 million pounds a year.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. I hope my friend, the gentleman from Wisconsin [Mr. BYRNES], will make it completely clear to everyone, including our mutual friend, the gentleman from New York [Mr. KEOGH], that there may not ever be a quota imposed under this bill.

Mr. BYRNES of Wisconsin. That is the point I have been trying to make. Even if the Senate amendment had been adopted the quota would have been meaningless because it would not have restricted the intended imports.

Mr. MILLS. That is right.

Mr. KEOGH. Mr. Speaker, will the gentleman yield to me?

Mr. MILLS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. To whom does the gentleman from Wisconsin yield?

Mr. BYRNES of Wisconsin. I am not yielding to anyone right now.

In adopting this conference report there is even less likelihood of a quota ever being imposed because of a new growth factor which is added to the base. Then, the imports must exceed 110 percent of that base. That is the very point I have been trying to make. If you have an idea that the quotas will go into effect, you are wasting your time. The only time the quotas would come into effect is possibly a recurrence of the kind of a situation that we had when the Western European markets were closed to Australian and New Zealand beef, and they, therefore, turned to the United States and dumped it here. You would be protected under this conference report against a recurrence of that situation, but that is all it will do.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. KEOGH. This presents an analogy to a court of equity. Equity should not be a vain thing. If the gentleman tells us these quotas will never be imposed, then they should not be provided by law.

Mr. BYRNES of Wisconsin. The quotas are not likely to be imposed. But, I think that we should protect our own source of supply, and our consumers' source of domestic supply, against the disrupting factor of a dumping such as occurred in these years 1961 to 1963, particularly, as a result of the international marketing provision.

Mr. KEOGH. We have laws to prevent the dumping of articles into the United States.

Mr. BYRNES of Wisconsin. There is now no authority to impose quotas on beef, and this bill would give the President that authority.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. MILLS. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Section 227 of the act of 1935—this is an agricultural act—provides for the imposition of quotas, restrictions and tax on imports under certain terms and conditions. I would like to ask the gentleman if the conference report now before us in any way repeals existing law?

Mr. BYRNES of Wisconsin. It does not. The administration entered into a voluntary agreement with Australia and New Zealand.

Mr. WHITTEN. The act goes much further than that, but the gentleman's answer is that it does not affect that provision.

Mr. JENSEN. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Iowa.

Mr. JENSEN. I do not believe it is clear to the Members of the House who are listening to this debate just how much beef and mutton, percentagewise, according to our production, will be permitted to be imported into the United States if this conference report is made the law of the land.

Can the gentleman clarify that?

Mr. BYRNES of Wisconsin. To a degree, yes, but it is always going to be a moving figure. Beef imports, we were told, could reach about 7.5 percent of domestic consumption before the quotas could be imposed. If consumption and domestic production keeps going up, the import allowance will be a higher figure, but the percentage will be in that range.

Mr. JENSEN. I can understand that, but the provisions of this law will be administered——

Mr. BYRNES of Wisconsin. Let me explain to the gentleman. I can understand his question.

We set up a basic amount that can come in, 725,400,000 pounds, plus a growth factor, plus even an estimate of 110 percent of that figure; but once that is estimated, the imports will reach that figure, and these estimates are made on a quarterly basis, the President has no other alternative except to put the quota into effect, unless he finds certain conditions under which he can then suspend the quota. There is always the authority in the President, once having put quotas into effect, to suspend them. This points up how unlikely it is that there will be an imposition of quotas under this act.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Illinois.

Mr. COLLIER. I take this time merely to take note of the fact that there is in some quarters among our colleagues here a rather belated concern over consumer prices, those who voted for the sugar bill, the cotton-wheat bill, and the Coffee Agreement Act. I am happy that now this belated concern comes to the surface.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from South Carolina.

Mr. DORN. I would like to take note of the fact that there has been a lot of talk about the ground meat. About 18 months ago they discovered a lot of mule meat and horse meat, ground, in circulation in Ohio. Several years ago a thousand pounds or a thousand tons of kangaroo meat, ground, was sold throughout Ohio. No wonder we read articles about our being jumpy these days.

Mr. BYRNES of Wisconsin. Let me conclude.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from North Dakota.

Mr. SHORT. The President's authority to establish quotas is the key provision in this bill as far as the livestock people are concerned and as far as the effectiveness of the bill is concerned. The language in the Presidential authority is quite broad. Could the gentleman give the Members of the House some idea as to whether or not in his opinion the President can suspend the quota, because of the indication that was recently received I think from Australia that if this bill is passed today retaliatory measures will be taken by Australia?

Mr. BYRNES of Wisconsin. There is not only that likelihood that quotas can be suspended on the basis of the threat to retaliate, but also on the basis that it would interfere with other negotiations that were going on if this law were in effect today and the quotas were in effect, the President could suspend them on the theory they were interfering with the Kennedy round of GATT negotiations. So here again some of the teeth that were in the amendment as it came from the Senate have been removed.

Mr. SHORT. I think it would be most inappropriate on the part of Australia, because imports have increased from $18 million to $507 million.

Mr. BYRNES of Wisconsin. As far as Australia and New Zealand are concerned, I think they did not contemplate importing into this country any more than the amount which would come in under its formula in this bill.

Mr. SHORT. Mr. Speaker, the livestock producers and feeders of this country have often sought relief from almost completely unrestricted imports through what would seem to be the proper channel—the Tariff Commission. The results have not been satisfactory, partly because the authority of the Commission did not extend to the type of relief desired, but mostly because our State Department could always be counted upon to oppose any effort of a domestic industry to secure relief. The industry has felt they would be no more successful under the escape clause provisions of the Trade Expansion Act.

Having had this experience, it was only natural that the livestock industry—principally the cattlemen—came to Congress when prices dropped so dramatically in 1963. I will not take time to detail the losses experienced by feeders and cattle producers, but the losses were spectacular. In appraising the situation the cattlemen recognized that our cattle population was at an alltime high and beef production was at an alltime high. This pointed to the necessity for cutbacks in production and feeding. The industry has done this in the past and they were ready to put their own house in order again. It is significant that there was no clamor for Federal assistance in the way of price supports or production controls. Cattlemen have strenuously resisted any attempt to include that industry under the umbrella of Federal supply management and price fixing.

In appraising their price situation, however, it became apparent that there was another factor over which the cattleman had no control. This was the factor of imports which had been rising spectacularly during the past few years.

The U.S. share of all world beef imports increased from one-fourth in 1950 to 51 percent in 1962 and 54 percent in 1963. This increase has been caused by an increase in import restrictions in other major world markets. The United States is the only major beef market without any quantitative restrictions and a very nominal fixed import duty.

Over a billion pounds of beef and veal—product weight—were imported by the United States in 1963, an increase of 20 percent over 1962 and equal to 11 percent of U.S. production. This is in sharp contrast to 1956 when imports were equal to only 1.6 percent of U.S. production. In the case of Australia, the largest supplier of beef imports, the increase since 1958 has been from less than 18 to 517 million pounds.

Now what did the livestock industry set out to do? They have never suggested completely shutting off imports as some editorials have inferred. They attempted to establish a quota for imports at a reasonable level that would only be operative when the domestic oversupply was such as to severely depress prices. They determined that an average of the last 5 years' imports would be fair, since that would include 1963 with the highest level in history. In fact each of the 5 years, with exception of 1960 equaled or exceeded all previous import levels—1960, at 5.9 percent of our total production had only been exceeded in 1958. The approach, in effect, guaranteed the importing countries a high level of imports regardless of domestic prices or supply.

Bills were introduced in Congress as long as a year and a half ago. Seventy odd Members of the House have introduced beef import legislation. The Senate by a vote of 72 to 15 passed a beef import bill that would impose positive restrictions on imports regardless of price or supply. This is the bill, H.R. 1839, on which we are considering the conference report.

We are today faced with, as I see it, three choices: first, no legislation; second, the Senate bill; or third, the bill in the form worked out by the conference committee.

I urge the adoption of the conference report as the only means of securing legislation that could be helpful. I say could be, because how this bill works will depend almost entirely on the disposition of the President to provide some reasonable protection to the livestock industry. This conference report is a compromise for the cattle people who wanted a workable provision in the bill to remove import restrictions when protection was not necessary. This has been provided. Many of us thought it indefensible to pass legislation which would restrict imports when domestic prices were high, as beef is a comparatively high-cost item for low-income consumers at best.

For the administration perhaps too much latitude has been provided to suspend quotas—certainly there is more discussion than many of us think desirable.

This is the chance we take.

As I see it this legislation is the best we can get at this time. If it does not result in providing some relief to the livestock industry it will be because it is not administered with a view of providing reasonable protection from excessive imports, to the largest segment of our agricultural industry.

Mr. JOHNSON of California. Mr. Speaker, I rise in support of acceptance of the conference report. I am sure that you are well aware that I was among the first to introduce legislation which would broaden the base upon which the imports of beef and other livestock into this country was computed. At that time, I had hoped that this could be accomplished, however, it appears that this was not attainable.

While the recommendation of the House-Senate conferees on H.R. 1839 does not completely solve the situation which the cattle industry of California now faces, I do believe that it is acceptable, both to the industry and to the administration. Certainly there is no question but what the language recommended by the conferees will help our domestic livestock industry.

The need for some sort of import protection for the domestic industry has been recognized, I feel, not only by the industry of our own United States, but also by the nations of Australia and New Zealand. This is reflected in the voluntary reduction of livestock imports. This was a step which we all hailed and appreciated, however, it was the feeling of the cattle industry and the State of California that the 5-year base should be accepted.

I read here the resolution adopted by the California State Legislature on this subject:

> Whereas the beef cattle industry in California and the United States is suffering severe price and economic damage from beef and veal imports into the State and the Nation; and
>
> Whereas these beef and veal imports imported into the United States in 1963 set an alltime record of nearly 2 billion pounds, of which 23 million came through the four Pacific coast ports during a single month, which is equivalent to almost 54,000 head of grown cattle; and
>
> Whereas beef and veal imports have had a rapid growth over the last decade, particularly subsequent to the modification of the United Kingdom-Australian meat agreement in October 1958, from 2.4 percent in 1953 to 11 percent in 1963; and
>
> Whereas continued price depression will inevitably result in removal of capital from California and the United States to foreign countries with concurrent employment losses; and
>
> Whereas the production potential of beef in certain low-cost producing countries exporting beef to California and the United States is virtually unlimited; and
>
> Whereas since cattle raising and cattle feeding uses approximately 42 percent of the total tonnage of all foodstuffs and byproducts of countless agricultural crops produced in California and the United States, the industry is essential to the growth and welfare of the State of California and the American economy; and
>
> Whereas the meat agreement negotiated between the Government of the United States and the Governments of Australia, New Zealand, and Ireland establishing quotas, to limit their beef, veal and mutton imports into this country to the 1962–63 average level, about 6 percent below the record level of 1963, does little to alleviate the depressed conditions in the cattle industry: Now, therefore, be it
>
> *Resolved by the Senate and Assembly of the State of California (jointly)*, That the Congress of the United States is requested to establish quotas on imports of beef and beef products into the United States with principal exporters at levels substantially below the recordbreaking beef import years of 1962 and 1963; and be it further
>
> *Resolved*, That the secretary of the senate be hereby directed to send copies of this resolution to the President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives, and each Member of the California delegation in the Congress of the United States.

Mr. Speaker, this indicates the feeling of my own State of California on this important matter. May I also say that the conference report brought before us today is not a matter of quick decision or hasty action. It comes to us as a result of detailed investigation and consideration not only by legislative bodies, but also by independent agencies not connected with the industry.

You will recall that the Senate Finance Committee held comprehensive studies of the matter and at its request the Federal Tariff Commission held formal hearings on the matter. While the Commission made no recommendation, the comprehensive report did provide the committee with a general description of the operations of the American cattle and beef industry, the consumption picture and much other information.

These statistics indicated that at least one-half of the increased American use of beef over the past several years has been taken over by foreign imports, which led the committee to the conclusion that foreign meat imports have played "an important part in creating the distressed market conditions in the cattle industry."

In conclusion I want to commend the efforts of the Departments of Agriculture and State in trying to solve the problem through administrative action. They have helped considerably, but I do believe that legislative action is required to complete the task. This proposal, as I said before, is not a complete solution, but it is a start in the right direction. I support acceptance of the conference report. Thank you.

Mr. FINDLEY. Mr. Speaker, the likely effect of this bill is to damage seriously our image abroad and at the same time provide no help whatever to hard-pressed cattlemen.

This legislation is a cruel hoax. It is called a bill to limit beef imports, but it does no such thing. It provides the President with a loophole so vast he could drive a giant herd of imported cattle through it.

The President has made it plain he will not rescind the voluntary import agreements he has negotiated with Australia, New Zealand and Ireland. He has said repeatedly he would veto any legislation requiring him to do so.

This legislation is so constructed that he can let it become law and still do exactly as he wishes in regard to beef imports. It is a plain and pure scheme to help the political position of Senators and Congressmen, particularly those on the Democratic side, who are embarrassed and outraged at the way President Johnson has mishandled the beef situation.

It will help politically only with those cattlemen who fail to read the legislation itself. Those who examine this verbiage will recognize it as a hoax.

Imports will continue, unaffected by this legislation. President Johnson long ago made the deal on beef imports. He tied his own hands and he knows it. That is why he exclaimed the other day that he would not let a "bunch of cowpokes" ruin his foreign policy.

Although ineffectual for U.S. cattlemen, it very likely will damage our position abroad. Some of the people abroad, like those at home, may not recognize this as a hoax.

They may interpret it as a repudiation of the President's agreement on imports. Thus, it may set in motion retaliation against our products, farm and otherwise, in foreign markets and increase the problems of our negotiators under the Trade Expansion Act.

The tragic drop in beef prices had its origin in the massive dumping of Government corn—over 2 billion bushels in all—by the Kennedy-Johnson administration in 1961 and 1962. This dumping action drove down market prices so low it triggered abnormal cattle feeding. This year cattlemen reaped the bitter harvest of this unwise action by the administration as prices tumbled.

This irresponsible dumping should not be permitted to occur again. Nor should a President ever negotiate voluntary import quotas at the unrealistic levels approved by this administration.

What is needed is not new legislation, particularly a hoax of this kind. The need is for a new President, one who will in the future act more responsibly to protect the interests of cattlemen and all other Americans.

Mr. HORAN. Mr. Speaker, it looks to me that there is an element of fairness in this so called beef-quota conference report to the domestic producer.

One thing appears certain and that is that pricewise the domestic beef producer is not apt to profit very much.

The American market is the best market in the world. It is so because American per capita income is high. This enters into every cost of the American beef grower as he pays out wages, taxes, machinery and supply costs and all that it takes to do business in America. To me it is a rule of thumb that since the American producer does his part to build the American market he is entitled to a protection in that market. We are not here, today, talking about the protection of a tariff. We talk of quotas that may be imposed. Certainly if, under the pressure to do everything possible for freer world trade, the American producer is asked to share his own market he is entitled to know the exact amount of that sharing.

Mr. EDMONDSON. Mr. Speaker, I support the conference report on H.R. 1839, and the effort which it makes to safeguard our domestic cattle industry.

The conference measure apparently presents the best available compromise of opposing views on the highly controversial question that confronts us.

I hope and trust this measure, through wise administration, will enable our vital domestic cattle industry to thrive and flourish, without doing grave injury to foreign policy objectives that are also vital to our Nation's best interests.

Mr. LANGEN. Mr. Speaker, at last, after 5 years of talking, Congress has finally recognized the adverse effects of agricultural imports on the U.S. farm economy.

It was over 5 years ago when I first warned of the coming adverse effects of unwarranted imports, and I support the amendment before us today to limit the steadily increasing amounts of fresh, chilled or frozen meats entering this country in direct competition with domestic producers.

I support this amendment even though it does not go nearly far enough toward a complete solution of the problem. This is not the final answer. It is only a very weak beginning.

The greatest significance of our discussion and action today is the precedent we are establishing in finally recognizing that imports have become real problems for our farmers.

Now is the time to carry out my suggestion of last March for the complete study and review of our entire foreign policy in regard to the relationship between agricultural imports and falling prices paid to domestic producers of farm commodities.

This amendment on beef and other meats is only a first step. It now must lead to a consideration of all agricultural imports and their effect on the total agricultural economy.

Mr. BRAY. Mr. Speaker, it is rare indeed when any member of this body votes for a measure with which he agrees 100 percent. We all realize that in any comprehensive measure we must accept things with which we agree and some things with which we disagree.

Yet I doubt that there have been few measures before us which have occasioned as many doubts even among its supporters as this conference report (H. R. 1839) today, but I can see no hope of adopting any better legislation before Congress adjourns.

The objective is simple: to set up effective restrictions on meat imports to keep from flooding domestic markets to the great disadvantage of our own meat producers.

But the means established by this conference report has so many loopholes and is so complex that it is openly conceded that import restrictions on meat may never be imposed under this bill.

Even if the restrictions are imposed, there are a variety of circumstances under which the President would have the authority to remove them and the President has opposed this legislation so how much assistance he will give in enforcing the purpose of it is doubtful. Only time will tell.

Many fail to see the danger to our farm economy unless something is done to regulate meat imports. In addition this importation of foreign meats is increasing our balance-of-payments deficit which now has reached a dangerous all-time high.

Of course the administration has intervened because it does not wish to risk the displeasure of Australia, New Zealand, Brazil, Argentina and other countries which sent meat to the United States.

It is such considerations which have made of this legislation such a hodgepodge.

The thinking of this conference report reflects largely the philosophy of the State Department, rather than the farmer and it is diplomatic rather than economic or agricultural considerations which govern its direction.

I will support the conference bill, Mr. Speaker, but with great reluctance. I still favor the objectives of this legislation, but I have little faith in the vehicle which purports to take us there. Because I believe that the President will allow the thinking of the State Department rather than the interest of American agriculture to dictate his actions in the enforcement of this legislation.

Without the sympathetic administration of this legislation by the President this legislation will be useless. I am hopeful but not confident.

Mr. CONTE. Mr. Speaker, I am deeply concerned when any segment of the economy experiences economic difficulties which adversely affects the income of those earning their living in the particular industry.

No one who has lived in New England in the past two decades could possibly feel otherwise.

Let me state that I am aware that our cattlemen have been faced with difficult adjustment problems during the past year or two and during those times when total supplies of beef were so large in ratio to the market that prices for cattle declined.

These problems do not, I think, justify immediate action by the House in determining the best solutions, for the simple reason that unwise legislation with respect to beef imports might have serious and adverse consequences on a number of groups in this country.

First, the legislation before us, which sharply reduces imports, provides little opportunity for such imports to increase during the next several years and would threaten prices paid by American consumers for hamburgers, frankfurters, and other products made from manufacturing beef from our own production and imports. Since these products are important elements in the diets of our middle- and low-income families, the burden of higher retail prices would be prohibitive.

I could not, in good conscience, wish this possibility upon the residents of western Massachusetts—an area where certain communities have suffered through a slow and persistent economic decline. No serious effort has been made to study and limit the excessive imports of products too numerous to mention, a situation which affects this area.

Secondly, this bill also affects producers of other agricultural products. There are efforts now taking place before the General Agreement on Tariffs and Trade—GATT—to open world markets for agricultural imports.

If legislation were enacted with respect to beef imports, in the interests of equity it would seem appropriate that attention also be given to imports of woolen textiles, shoes and other products made from agricultural raw materials. As I have stated repeatedly, American producers of these raw materials have been seriously concerned for several years with regard to the increasing level of imports, but have been unsuccessful in obtaining any genuine form of relief.

Thirdly, the public generally—by having the benefits of the products that will meet their demands—is also harmed.

One other factor, which has already been mentioned. The principal countries affected will be Australia and New Zealand. These governments are cooperating fully with the United States in present efforts to bring about more liberal trade terms in Western European markets.

These considerations all suggest the need for careful assessment of consequences before determining whether legislation is needed at this time. I, Mr. Chairman, stand with the American consumer.

Mr. UTT. Mr. Speaker, I rise in opposition to the conference report on H.R. 1839 for several reasons. H.R. 1839 went to the other body providing for the free importation of wild birds and animals for exhibition purposes. The other body used this vehicle to initiate tariff legislation, which under the Constitution is a prerogative of the House. The other body struck out all after the enacting clause and by a vote of 72 yeas to 15 nays they adopted legislation imposing mandatory quotas on imports of beef, mutton, lamb, and meat products. The quota provision provided that no quarterly imports of these products could exceed the quarterly amount of the 5-year period, 1959–63.

The formula adopted in conference is based upon the same 5-year period, with certain adjustments. First, there is a growth factor added to the 5-year average which is predicated upon the average production of the preceding 3-year period, including 1962 and 1963, when beef production reached its highest point. For example, the Secretary of Agriculture stated that beef production in 1963 alone increased 7 percent over 1962, and 1962 increased over the preceding year. In addition, quotas will not be invoked unless imports exceed 110 percent of the 5-year average plus this growth factor. In effect, imports for the year 1965—the first year to which the formula applies—must equal about 116 percent of the 5-year average if this bill is to have any effect—about 1 billion pounds. Imports will not reach that figure.

Second. As reported by your conferees, the bill excludes lamb and excludes sausage, canned meats, and other products. The latter was included in the Senate bill in order to close a possible loophole in the quota. It may be that this situation can be dealt with administratively. However, it cannot be said that lambgrowers have not been faced with increased imports of a magnitude equal to the imports of beef. In a hearing before the Tariff Commission, which has been notably unsympathetic to the plight of American industry, the lamb producers presented a sufficient case in order to convince two members of the Commission that they were entitled to relief under the escape clause. In a divided opinion, they were denied relief.

We should not just take cognizance of the beef people, because they are more numerous, and sweep the lamb problem under the rug. The lambgrowers are entitled to equal treatment.

Third. Finally, and what in my mind is most significant, the President is entitled to ignore the provisions of this act, if he finds such action to be in the overriding economic interest of the United States. Just what does this mean? This means that if the President finds that the current GATT negotiations will be adversely affected by the imposition of quotas, or if any country is about to retaliate against other products because of the imposition of quotas, he can suspend the quotas. If we are to believe what the State Department has told the committee, such conditions already exist. I did not give much weight to these statements. But, let us not fool ourselves. Under this clause, there will never be any quotas imposed. The very basis upon which the State Department opposed the Senate can be cited as a basis for suspending any quotas.

Fourth. The Senate amendment was substantially the same as bills introduced by 70 Members of this body, including 6 members of the Ways and Means Committee, of which I was one. Actually, there are more than 100 bills pending before this body dealing with the importation of meat into the United States. Seventy-two Members of the other body favored mandatory restrictions. In the face of these facts, which certainly reflect the will of the Congress, I see no reason for accepting a watered down bill which has been written by the State Department and rammed down the throats of the cattlemen. I dare say that the cattlemen who have been cajoled into accepting this measure will, one of these days, wake up to the fact that they have been sold a bill of goods without substance.

Therefore, since the conferees were not willing to come back to the House with a bill which would have any teeth in it, I propose that the House accept the Senate amendment.

Mr. MONTOYA. Mr. Speaker, it pleases me to see the action taken by my colleagues in the House and the Senate in considering a just and forward looking quota system on imports of beef, veal, and mutton.

The beef cattle industry—which plays a vital role in the economy of my State of New Mexico and in many neighboring States—has been faced with a critical situation. In New Mexico, beef cattle sales are responsible for about 50 percent of our total agriculture cash receipts. Those receipts amount to about $114 million per annum. Such receipts account for the fact that agriculture ranks second in dollar sales among our basic State industries—first, mineral resources; third, manufacturing.

It is naturally of major concern to us when so large a market becomes economically depressed and sharp price drops of $3 to $4 per hundredweight alive, are clear indication that there is something basically amiss. Figured in prices of 1960, when 553,145,000 pounds of cattle, alive, were marketed in New Mexico, a loss of $4 per hundredweight equals an overall loss to the State of $22,125,800. So during a price slump, the livestock producer suffers a direct loss, the business community and, indeed, the entire State suffers indirect but quite substantial revenue losses.

A very basic cause for our depressed market, according to the Department of Agriculture and many of my colleagues, has been the rise in imports as a percentage of our domestic production of beef, veal, mutton, beef cattle and calves, which in 1962 was 10.6 percent as compared with 3.9 percent in 1957. That is an increase of almost 7 percent in only 5 years. Relating imports to consumption, we find similarly that they currently represent almost 11 percent of our total consumption; this is compared with less than 4 percent in 1958—here we have an increase in excess of 7 percent in less than 3 years.

When imports of the first 8 months of 1963 equal 122 percent of those of the previous year when, in 1962, Choice slaughter steers at Chicago averaged $27.67 per hundredweight and fall in May of 1963 to $22.61 and when in November 1962 Choice steers at Chicago sell for $30.13 per hundredweight, but by May of 1963 have fallen to $22.61 per hundredweight, there is no logical reason to further allow excessive foreign imports.

As we speak of becoming more efficient and interdependent under the Trade Expansion Act for world commerce, we swiftly realize that in the area of beef trade the United States is unwittingly furthering every other Nation's beef stability but her own. In international trade, as it relates to cattle, we owe no further concessions, but rather are justly due preferred treatment to compensate

for the extensive losses already incurred at the cattle market.

Mr. Speaker, I am deeply concerned over the unfair treatment which cattlemen have been receiving in the area of foreign trade.

Our beef industry has suffered from considerably lower production expenses in such countries as Australia, New Zealand, and Argentina. All of these countries have been able to export to the United States about 80 percent of the beef which we import annually. Moreover, relative to our Western nations, a far smaller proportion of American agricultural output enjoys the benefits of nontariff import controls. France accrues benefits of 74 percent; West Germany, 93 percent; Italy, 63 percent; Australia, 41 percent; New Zealand, 100 percent; and the United Kingdom comes closest to our humble level with 37 percent outdoing us by 11 percent.

So, while our Nation's imports and quota controls have been steadily falling, those of other nations have risen or remained stationary.

But now we have an opportunity to right the wrong. We have an opportunity and an obligation to afford our livestock producers with proper protection from foreign imports and cutrate prices.

I strongly urge that we impose some restraints on a virtually unlimited importation of beef. It is vital that realistic guidelines be established to afford proper income protection to the world's best cattle producer—the American cattleman. We have the opportunity to establish these guidelines; I urge that we do so with prompt consideration and passage of this measure.

Mr. ROGERS of Texas. Mr. Speaker, in my view the conference report accompanying H.R. 1839 offers a partial solution, to correct long-standing abuses inflicted on our domestic livestock industry by excessively high levels of beef and other meat imports.

In the district I have the honor to represent, the great Panhandle of Texas, virtually every citizen stands behind the enactment of legislation to effect a result in keeping with the best interest of our country.

Our country is cattle country. But, in a sense, all America is cattle country, with each farmer and each rancher permitted by our system to do his best to supply the expanding needs of our expanding population for fresh meat.

Too long have our farmers and ranchers suffered the crippling effects of foreign importation. The facts of the situation are well known and often repeated and I do not mean to dwell on statistics again because the effects of the situation are obvious; a level of imports permitting foreign meat suppliers to provide upward of 11 percent of domestic requirements is disastrously high.

It is clearly true also that in order to export agricultural commodities we must be willing to accept imports. But surely less damaging balances can be found than those presently affecting our domestic livestock people—and as a solid step toward this goal I support the conference report.

In this legislation we are given the tool by which further damage can be prevented, by which the tide can be turned, and a great segment of our economy protected.

It has long been my conviction that the future of American cattlemen was not going to be bright until something was done to correct the problem of unrestricted imports. The potential for increasing beef production in the countries which supply most of our imports—Australia, New Zealand, Mexico, Canada, Central America—is almost unlimited.

Failure of the Congress to act on this matter could serve only to increase the enthusiasm of foreign livestock producers until the United States became the destination of every additional pound of meat they produced.

The conference report recognizes that the United States can absorb normal imports without being badly hurt. It recognizes also that we cannot stand unlimited imports; that our own livestockmen are due to suffer a depressing loss of incentive; that the structure of our markets will surely reflect further foreign inroads in American consumption habits to the detriment of our own people, farmers and consumers.

Our farmers and ranchers are producing more and better food products—including meat—than ever before. And even though their costs are mounting steadily, our farmers are getting lower prices than 16 years ago.

This legislation can serve as a partial answer. I am not sure that any of us can accurately foretell whether this step is all that will be needed. For example, I believe that a sound followup would be enactment of legislation to provide for labeling of beef and meat products from abroad, so that consumers can know the point of origin of the meat they purchase.

I have introduced legislation providing that imported meat and meat products sold in interstate commerce be labeled as to the country from which they came. I will continue to urge our colleagues to adopt this or similar legislation.

But first we must now, in this session, do something about the basic problem, the levels of these imports. Our cattle producers, our livestockmen of all kinds, have served our people well. They have asked little of their Congress.

Let us enact this legislation.

Mr. OLSEN of Montana. Mr. Speaker, I wish to commend the conference committee upon keeping their collective word and bringing us a bill providing import quotas on beef and other meat. I know the committee has had a most difficult task trying to write a bill satisfactory to the cattlemen of the United States and not too objectionable to the trade policy of the administration.

Nevertheless, I support this resulting H.R. 1839 somewhat reluctantly, because I expected more protection. But inasmuch as the cattlemen's organizations are advising us of their pleasure at this compromise, I suppose I should be satisfied, too. To be sure, it is more than a sentiment in the right direction; it is a large step. I am sure the provisions of H.R. 1839 will deter a mushrooming again of beef imports such as occurred in **1961, 1962, and 1963.**

It seems to me that restricting these imports to the last 5 years' average and allowing imports only a very small proportion of the growing U.S. market is a reasonable compromise on this very difficult problem.

I now read into the RECORD at this point a comparison of principal provisions of the Senate amendment and conference report.

IMPORT QUOTAS ON BEEF, ETC.—H.R. 1839

COMPARISON OF PRINCIPAL PROVISIONS OF THE SENATE AMENDMENT AND CONFERENCE REPORT

The Senate bill and its effect	*The House bill and its effect*
1. Basic quota: Imposes a basic quota of the average yearly imports of beef, veal, mutton, and lamb for the 5-year period 1959–63.	1. Basic quota: Same, but does not include lamb.
	This gives the cattle industry the basic protection they want.
	Lamb imports are needed to help meet U.S. consumer demand.
2. Separate quotas for each meat.	2. Aggregate quota for total of all meats.
	This is easier to administer and fairer to exporting countries.
3. Growth factor: Allows a complex growth factor only in years when domestic beef sells for 90 percent of parity or more.	3. Growth factor: Allows exporters a growing share of U.S. market in proportion to the increase in domestic beef production over the base period. (Uses average of a 3-year period to measure growth of U.S. production.)
This limitation effectively prevents any growth factor.	This allows exporting allies a reasonably fair share in growth of U.S. market.
4. Date of imposition of quota:	4. Date of imposition of quota: Only after Secretary of Agriculture has estimated for a future calendar year that imports will be 110 percent or more of the quotas plus allowed growth. Then the President shall proclaim the quota limitation.
January 1, 1965.	
This would result in an immediate violation of U.S. agreements with Australia, New Zealand, and Ireland by which these countries voluntarily agree to reduce imports. We	We can avoid violation of our agreements with Australia, Argentina, and Ireland.

IMPORT QUOTAS ON BEEF, ETC.—H.R. 1839—Continued

COMPARISON OF PRINCIPAL PROVISIONS OF THE SENATE AMENDMENT AND CONFERENCE REPORT—Con.

The Senate bill and its effect—Continued	*The House bill and its effect*—Continued
sell these countries $256 million more than they sell us.	
Meat supplying countries would be entitled to retaliate to the extent of about $100 million against U.S. exports of tobacco, cigarettes, cotton, wheat, automobiles, farm machinery, airplanes, chemicals, and other products.	We can hope to avoid retaliation which would hurt agricultural and industrial exporters.
It would hurt Australia and New Zealand, ANZUS and SEATO allies who furnish us vital military facilities and who buy our military equipment. It would hurt Ireland, over one-half of whose exports to the United States are beef. It would hurt the Alliance for Progress by reducing the earning power of our Latin American neighbors.	We could hope to avoid hurt to these allies by having time to work out new agreements with them.
It would undermine the U.S. negotiating position in the Kennedy round. A main goal is to expand access for U.S. agricultural exports. Imposition of quotas required by the Senate bill would drastically hurt our ability to help U.S. exports. Success in agricultural negotiations in the Kennedy round is essential to the whole negotiation. Without it, we cannot help U.S. industrial exports either. U.S. farm exports provide more than 949,000 jobs (13.2 percent of total U.S. farm employment) and account for one of every 4 acres harvested. U.S. farmers need increased exports.	We could avoid imposition of quotas until our Kennedy round negotiations are completed. We would have time to negotiate new voluntary agreements on meat imports in the Kennedy round (or collateral to it).
	The provision requiring the estimate to be 110 percent allows some leeway so that the whole machinery of quotas will not have to go into effect just because an estimate is a few percentage points above the allowable imports.
5. Safety clause: Not effective in time of national emergency declared by the President.	5. Safety clause: The President may suspend or increase the quota if: (a) required by overriding economic or national security interests (giving special weight to the well-being of the livestock industry); (b) meat imports are inadequate to meet domestic demand at reasonable prices; (c) the policy of the act is carried out by trade agreements.
Since a national emergency declared in the Korean conflict is still in effect, the Senate bill would probably not be in effect at all.	
Other provisions	
6. Imports are to be controlled by ports of entry.	6. No requirement.
This would require unequal treatment of various U.S. ports and would probably be unconstitutional.	
7. Canned, cured, and prepared meats are under the quota.	7. Not covered.
These are essentially foods not produced in the United States. Imports have not been rising. Restrictions would hurt Argentina, Uruguay, Paraguay, and Brazil.	No harm to U.S. producer. No harm to supplying allies.
8. No such provision.	8. Regulations: Secretary of Agriculture is authorized to issue regulations to prevent circumvention of the purposes of the act.
	Since canned and processed beef is not covered, this assures the cattle industry the quota will not be circumvented, for example, by freezing beef in cans.

Mr. EVINS. Mr. Speaker, I wish to commend the gentleman from Arkansas, the distinguished chairman of the Committee on Ways and Means [Mr. Mills], for bringing to the House this conference report on the bill (H.R. 1839). It is a report that makes a constructive contribution toward the solution of a very difficult problem.

I want to associate myself with the gentleman from Arkansas, Chairman Mills, in the resolution of this issue, and to assure him of my support of the course our conferees have recommended to bring needed relief to our American beef cattle farmers, stockmen, and beef producers.

I favor the principle of reciprocal trade, but no trade policy is sound or fair unless it takes into full account the general welfare of our own economy. What is required is the kind of balanced consideration that has guided the authors of this conference report.

The amendments to this bill recommended by the gentleman from Arkansas, Chairman Mills, and the other House conferees are fully warranted by the critical situation existing in our important cattle industry.

The proposals contained in this report are well designed to substantially ameliorate conditions that have disturbed and distressed one of our country's major industries. I support this legislation in the public interest.

Mr. ICHORD. Mr. Speaker, I believe that the quota on meat imports authorized by the Senate amendment to H.R. 1839 is a very important restriction and one which will tend to solve a long-term problem of the domestic beef industry in the United States. The economic losses being incurred by cattle feeders and producers are not to be minimized and certainly there is every reason to believe such losses will rise to even greater heights unless a remedy is found very soon. We cannot continue to import large quantities of a product which we raise domestically in such abundance. The economy of the agricultural industry will be even more disastrous if we do not enact H.R. 1839. I urge adoption of the conference committee report.

It is not the intent or purpose of the cattlemen to completely cut off imports of meat and meat products, but I agree with the industry that the proposed quota system would provide the only recognizable method for fair competition between our producers and foreign producers.

The beef-cattle industry is the very basis of a sound and healthy agricultural economy. If the beef-cattle industry were destroyed, the whole agricultural economy would disintegrate because approximately $20 of every $100 of agricultural income stems from the sale of cattle or calves. The beef industry has experienced tremendous growth since 1940. In 1940 the gross income from the sale of cattle and calves amounted to only $1.4 billion. In 1963, the income was $8.3 billion, an increase of $7 billion which emphasizes that the beef industry is exceedingly important to the whole economy of the United States and any development which adversely affects the beef-cattle industry will be felt throughout the entire structure of our economy.

The recent agreements of Australia and New Zealand are not realistic approaches to a solution of our problem, and will be ineffectual, to say the least. Such agreements cannot present lasting solutions. The imports should have been limited to an average of the years 1958–63 so as to take in the low years of imports instead of basing the agreements on the highest years' average.

And these agreements are completely opposite to the way these countries treat the United States. Australia, the largest exporter of beef and veal and mutton to the United States, prohibits imports of cattle and sheep and hogs and pork products from the United States under health restriction. New Zealand prohibits imports of most meats and packinghouse products. Ireland restricts all livestock and meat products by import license and its tariffs are extremely high.

The last agricultural census showed that we had about 4 million farms in the United States and 2½ million of those farms had cattle and calves upon them.

These farms use 1 billion acres of land in pasturing those cattle. One billion acres of pastureland. We do have a huge production plant. There is absolutely no doubt about the ability of the American cattle farmer to produce to fully supply America's beef requirements.

Argument has been presented that imports are not the cause for the recent depressed market for fed beef. This is ridiculous. Much of the imported beef is used as roasts and lower grade steaks and is in further competition with fed beef because about 20 to 25 percent of the carcass of the fed beef is used as ground beef. These imports have depressed the price of beef at least by $3 to $4 per hundredweight and the situation can only get worse, not better, if something is not done.

After much concentrated research and study I am convinced that our only solution is to establish a system of import quotas to a volume that would not unduly affect prices on the U.S. market.

The record will show that we imported enough beef last year to feed the entire population of the United States for a full month. We did this when we had enough beef domestically produced to fill an entire year's supply, and more.

We in the Congress cannot let these imports destroy a vital industry to our Nation's economy. To permit the American livestock industry to succumb to lower levels as a result of excessive imports would be to arbitrarily precipitate a condition which would further ravage an already "sick" industry.

Mr. Speaker, adoption of the conference committee report is imperative.

Mr. COLMER. Mr. Speaker, a few days ago I presented the rule which would send this bill to conference. At that time I made some rather extended remarks on the parliamentary situation with which we were confronted. I called to the attention of the House that if I had any thought that the Senate amendment would do the job that it was claimed it would do, I would ask the House to vote down the previous question and adopt an amendment which would agree to the Senate amendment and send the bill to the President without further congressional action. But I then pointed out that due to the national emergency clause in the Senate amendment, the Senate amendment was meaningless and inoperative.

Therefore, I suggested that the House adopt the resolution and send the bill to conference. This suggestion was based upon the statement of the distinguished chairman of the Ways and Means Committee, the gentleman from Arkansas [Mr. MILLS], that he would use his best offices in conference to work out something that would give the needed relief or at least some relief to the cattle people.

Mr. Speaker, I have studied this report of the conferees as fully as I have had an opportunity to do. And, I regret to say that due to the provisos in the conference agreement giving the executive department the power to make the agreement inoperative under certain circumstances, it is my conviction that there is little hope for relief from these imports in the bill. However, Mr. Speaker, we are confronted with a situation where we either vote for the conference report, with the hope that the desire of the Congress for some relief will be recognized by the executive department, or we have nothing. Therefore, I am voting for the report.

Mr. SMITH of Iowa. Mr. Speaker, the formula in this bill provides that when domestic production increases and imports would be less needed by consumers and do more harm to producers, the supply of imports can increase. When the domestic supply reduces and imports could increase, the supply that can be imported is reduced. This is an upside down formula that works the wrong way for both consumers and producers. This makes it more sure that the President will have to suspend the quotas.

So all this legislation really does is to embarrass our negotiators and risk loss of agricultural markets. It is likely to set off a round of trade restrictions that can do nothing but reduce our exports and we now export 60 percent of our wheat, 40 percent of our beans, 50 percent of our rice and 20 percent of our Iowa corn. Iowa alone exports $250 million worth of farm products. The best way to solve the agricultural problems is to find markets for our idled acres rather than reduce sales for these products. Decreased exports of feed grains would mean that more grain would need be fed in the United States and this would really produce excess supplies of meat.

Australia seems to be a target for many comments. They exported $300 million worth of goods to the United States last year and purchased $600 million worth from us. Twenty-three percent of all their imports came from the United States. Our purchase from them amounted to $1.50 per person in the United States while their purchases from us amounted to $55 per person and included a great deal of farm machinery. Reduction of their purchases from the United States would mean reduced employment at such places as Charles City, Iowa, Des Moines, Iowa, and Racine, Wis., where farm machinery is under production that will go to Australia unless they reduce purchases from us. Unemployed people do not buy enough meat to help cattle markets. The Republican ranking member on the committee said the quotas will not go into effect, which means that the principal thing the bill is likely to do is to be interpreted as a slap by the United States, causing such countries as Australia to turn to Canada or other sources of supply.

If this bill passes, the long list of quota bills now pending before the Ways and Means Committee can expect consideration. A list of these bills is as follows:

IMPORT QUOTA BILLS OTHER THAN ON MEAT

Alphabetical list of Members of the House who have introduced bills now pending before the Committee on Ways and Means which would impose import quotas on products other than meat

Author	Bill No.	Item
Abele, Homer E	H.R. 8823	Residual fuel oil.
Ashbrook, John M	H.R. 8890	Do.
Aspinall, Wayne N	H.R. 6269	Lead and zinc.
	H.R. 9855	Do.
Baker, Howard H	H.R. 8614	Residual fuel oil.
	H.R. 11627	Lead and zinc.
Baring, Walter S	H.R. 9890	Do.
Battin, James F	H.R. 9943	Do.
Bennett, Charles E	H.R. 7181	Softwood lumber.
Bennett, John B	H.R. 8019	Iron ore.
Berry, E. Y	H.R. 6271	Lead and zinc.
	H.J. Res. 257	Softwood lumber.
Bow, Frank T	H.R. 8615	Residual fuel oil.
Bray, William G	H.R. 8616	Do.
Brotzman, Donald G	H.R. 6393	Lead and zinc.
	H.R. 9895	Do.
Burton, Laurence J	H.R. 6275	Do.
	H.R. 9859	Do.
	H.R. 8617	Residual fuel oil.
Byrnes, John W	H.R. 7436	Lead and zinc.
Chenoweth, J. Edgar	H.R. 6408	Do.
	H.R. 9863	Do.
Clark, Frank M	H.R. 6323	Do.
	H.R. 9861	Do.
	H.R. 8618	Residual fuel oil.
Clausen, Don H	H.J. Res. 404	Softwood lumber.
Colmer, William M	H.R. 1775	Hardwood plywood.
Curtin, Willard S	H.R. 9860	Lead and zinc.
Dent, John H	H.R. 8619	Residual fuel oil.
Denton, Winfield K	H.R. 8621	Do.
Edmondson, Ed	H.R. 6371	Lead and zinc.
	H.R. 9856	Do.
	H.R. 8620	Residual fuel oil.
Fallon, George H	H.R. 8952	Do.
Flood, Daniel J	H.R. 8622	Do.
Gray, Kenneth J	H.R. 8623	Do.
	H.R. 9970	Lead and zinc.
Hall, Durward G	H.R. 6276	Do.
	H.R. 9907	Do.
	H.J. Res. 288	Softwood lumber.
Hansen, Julia Butler	H.J. Res. 258	Do.
Harding, Ralph R	H.R. 9881	Lead and zinc.
Harris, Oren	H.J. Res. 259	Softwood lumber.
Harrison, William Henry	H.R. 8624	Residual fuel oil.
Harsha, William H	H.R. 8653	Do.
Hays, Wayne L	H.R. 8613	Do.
Hechler, Ken	H.R. 8625	Do.
Herlong, A. S., Jr	H.R. 4175	Thermometers.

See footnote at end of table.

Alphabetical list of Members of the House who have introduced bills now pending before the Committee on Ways and Means which would impose import quotas on products other than meat—Continued

Author	Bill No.	Item
Horan, Walt	H.R. 9864	Lead and zinc.
	H.R. 6270	Do.
	H.J. Res. 256	Softwood lumber.
Huddleston, George, Jr	H.R. 8626	Residual fuel oil.
Ichord, Richard	H.R. 7100	Lead and zinc.
	H.R. 11006	Do.
Jarman, John	H.R. 10438	Residual fuel oil.
Jennings, W. Pat	H.R. 8627	Do.
Johnson, Harold T	H.R. 6277	Lead and zinc.
	H.R. 9857	Do.
	H.J. Res. 260	Softwood lumber.
Kee, Elizabeth	H.R. 8268	Residual fuel oil.
King, Carleton J	H.R. 10442	General quotas.
King, Cecil R	H.R. 10545	Lead and zinc.
Langen, Odin	H.R. 9388	Agricultural and forestry goods.
Lloyd, Sherman P	H.R. 6340	Lead and zinc.
	H.R. 9862	Do.
McDade, Joseph M	H.R. 8630	Residual fuel oil.
McIntire, Clifford G	H.R. 6746	Agricultural and forestry goods.
	H.J. Res. 307	Softwood lumber.
Mathias, Charles McC., Jr	H.R. 8629	Residual fuel oil.
May, Catherine	H.J. Res. 261	Softwood lumber.
Montoya, Joseph M	H.R. 6278	Lead and zinc.
	H.R. 9865	Do.
Moore, Arch A., Jr	H.R. 8632	Residual fuel oil.
Morgan, Thomas E	H.R. 1667	Do.
	H.R. 8612	Do.
Morris, Thomas G	H.R. 6272	Lead and zinc.
	H.R. 9871	Do.
Morton, Rogers C. B	H.R. 8631	Residual fuel oil.
Multer, Abraham J	H.R. 527	Chocolate, confectionery.
Natcher, William H	H.R. 8633	Residual fuel oil.
Norblad, Walter	H.J. Res. 262	Softwood lumber.
Nygaard, Hjalmar C	H.J. Res. 263	Do.
O'Brien, Leo W	H.R. 6343	Lead and zinc.
O'Konski, Alvin E	H.R. 3723	Hardwood plywood.
Olsen, Arnold	H.R. 6723	Lead and zinc.
	H.R. 9866	Do.
	H.R. 8634	Residual fuel oil.
	H.J. Res. 281	Softwood lumber.
Pelly, Thomas M	H.J. Res. 264	Do.
Perkins, Carl D	H.R. 8635	Residual fuel oil.
Price, Melvin	H.R. 8636	Do.
Pucinski, Roman C	H.R. 587	General quotas.
Quillen, James H	H.R. 9870	Lead and zinc.
	H.R. 8211	Do.
Reid, Charlotte T	H.R. 10014	Do.
Rhodes, George M	H.R. 8637	Residual fuel oil.
Rivers, Ralph J	H.J. Res. 291	Softwood lumber.
Rooney, Fred B	H.R. 8638	Residual fuel oil.
Roudebush, Richard L	H.R. 8639	Do.
St. George, Katharine	H.R. 1139	General quotas.
Saylor, John P	H.R. 4341	Residual fuel oil.
	H.R. 8640	Do.
	H.R. 9872	Lead and zinc.
Secrest, Robert T	H.R. 9003	Residual fuel oil.
Senner, George F., Jr	H.R. 9879	Lead and zinc.
Siler, Eugene	H.R. 819	Residual fuel oil.
	H.R. 8641	Do.
	H.R. 125	Petroleum, residual fuel oil.
Skubitz, Joe	H.R. 7990	Lead and zinc.
	H.R. 9867	Do.
	H.R. 8681	Residual fuel oil.
Slack, John M., Jr	H.R. 8642	Do.
Staggers, Harley O	H.R. 8643	Do.
Thompson, T. A	H.R. 822	Shrimp.
Thomson, Vernon W	H.R. 6439	Lead and zinc.
	H.R. 9868	Do.
Udall, Morris K	H.R. 11677	Do.
Ullman, Al	H.R. 6857	Do.
	H.R. 9869	Do.
Westland, Jack	H.R. 7082	Agricultural and forestry goods.
	H.R. 10950	Dairy products.
	H.J. Res. 265	Softwood lumber.
Whalley, J. Irving	H.R. 8680	Residual fuel oil.
White, Compton I., Jr	H.R. 6274	Lead and zinc.
	H.R. 9858	Do.
Wickersham, Victor	H.R. 9278	Residual fuel oil.
Widnall, William B	H.R. 6784	Lead and zinc.
	H.R. 9880	Do.

NOTE.—The above list is of quota bills only. It does not include the authors of some 400 tariff bills, the majority of which would impose higher duties on a variety of products, which are pending before the Committee on Ways and Means.

Lobbyists for various other items have been looking for a breakthrough and this would reduce total exports. Last year our exports totaled $22 billion and imports totaled $17 billion of products which we produce in the United States. We export three times as many as we import. Reducing imports to United States would reduce exports from the United States even more. Over two-thirds of the imports to the United States are products we do not produce.

Some people now say this bill is designed only to affect cow meat prices. Six months ago when the drive for this bill started, cow meat was above world market prices in the United States and were not below average cow meat prices in United States but Choice cattle were lower. Then they blamed imports for the Choice cattle problem. Choice cattle today sold for $26.25 per hundred in Chicago compared to $20.50 last June. So now, they change the argument. We have had entirely too much politics and emotionalism and not enough sober thought and analysis on this bill.

If the negotiations going on in Geneva fail, we will need an effective set of laws—not this kind of legislation.

If our negotiators would approve this kind of agreement, the same people who are pressuring for this bill would practically call our negotiators traitors. If they cannot negotiate a better agreement for U.S. interests than this bill, they will have failed.

I am convinced this bill is bad for U.S. interests and especially Midwest agricultural interests.

Mr. SIKES. Mr. Speaker, it is distinctly encouraging to note that legislative relief for the problem of beef imports into the United States is now at hand. This legislation has survived a long and circuitous route. It has been threatened with Presidential veto; it has run the gauntlet of a hostile State Department which apparently cannot look upon the problems of the American producer with concern; it has survived parliamentary delaying tactics inspired by those who oppose the proposal.

The fact is that beef prices to the producer are down. A principal source of revenue to a great many American farmers has been severely cut. Imports of cattle have grown significantly since the market was first tapped by foreign producers, and each year as imports have grown a corresponding number of American cattle were not sold or disposed of.

This simply means a reduced standard of living for the American farmers who depend wholly or in part on beef cattle for their revenue. Since relief is not forthcoming from those responsible within the Government, the Congress has no choice but to take the matter into its own hands. My only quarrel with this legislation is that it has not been enacted earlier. Sometimes, it seems impossible for our Government to comprehend the fact that other countries zealously guard the interests of their own people. This is proper, but our Government has an equal responsibility to guard the interests of American producers in whatever field they may work. That is the situation which requires the enactment of protective legislation today.

Record level imports combined with high domestic production have sent the prices of domestic beef to dangerously low levels, causing millions of dollars of losses to our Nation's economy. Florida's beef cattle producing industry, one of the most important to our State's economy, has been very adversely affected. Amazingly, much of the import problem has been brought about through the use of foreign aid to stimulate cattle production in other countries.

In 1963 imports of beef and veal amounted to well over 1½ billion pounds or roughly 11 percent of our total production. Converting these imports to live cattle equivalents, they amount to over three million head of cattle or roughly four times the total beef cows in the State of Florida, on January 1, 1964. Had these cattle been produced in the United States, they would have consumed many millions of pounds of feed grains, thus relieving some of the storage cost to the Government, not to mention the contributions they would have made to the local and State economies.

In 1957 imports of beef and veal on a carcass weight equivalent basis was only 376 million pounds and had risen to 1,679 million pounds, an increase of over four times as much in only 6 years. Paradoxically, the United States is the biggest producer of beef and veal; yet in 1963 we imported over 56 percent of the total exports of beef and veal in world commerce. We have the highest dollar market in the world for beef and veal, and the lowest degree of tariffs of any of the major beef producing countries.

Historically, the cattle industry has been able to cope with the cattle cycle, but we have never had the combination of record domestic production and record imports. Certainly, it is time that this country recognizes that in order to meet our many commitments at home and abroad we must maintain our basic industries, of which cattle is one. Other countries afford reasonable degrees of protection from unfair competition from abroad and the cattle industry requests no more or less than this. A realistic policy should be our guide and equity our goal in international trade.

In view of the concern of the Federal Government at the present time for the unemployment and poverty problems which are interrelated, I should think the efforts of Congress to protect American producers would be welcomed and strongly supported.

I would hope that in the months ahead in addition to providing the legislative relief that is needed to create fixed import quotas, there will be a firm review of the inspection procedures at port facilities with a view to establishing a method of firmer control over distribution of beef imports; that there will be a careful examination of requirements for handling, slaughtering, processing of meats in foreign countries; and that there will be a careful review of benefits such as special tax situations or transportation rebates on beef imports. It is known that quality standards are much more relaxed in most foreign countries than in our own. A lack of vigilance on our part can mean the admission of inferior or of unsanitary products, or even the introduction of dangerous disease and insect pests.

A correction of the present situation will strengthen the American market for beef, will encourage a resumption of expenditures for improvements on cattle farms, will expedite the acquisition of needed equipment and the employment of additional personnel. There will be stabilization of the entire beef cattle industry. It is an industry which is much too important to the American economy to receive the cavalier treatment heretofore accorded it.

To those who are concerned that a restriction on beef imports would result in higher prices for the consumers for quality beef, let me say that it has been made unmistakably clear that prices to housewives in the markets have varied but little in recent years, and there is no indication that import quotas would result in higher prices to the consumer. It is important to note that the American housewife would be better insured of a quality product for the price she is paying than at present.

Cattlemen generally feel that they cannot survive unless some action is taken to provide protection from foreign competition. The action here is fully justified. Perhaps even more significantly, it creates an important precedent for action by the Congress when American producers and American workmen have their sources of livelihood threatened by foreign competition.

Mr. DORN. Mr. Speaker, may I repeat, some years ago kangaroo meat was imported into the United States from Australia and sold in the great State of Pennsylvania as hamburger meat. At that time I placed in the CONGRESSIONAL RECORD an article entitled, "Are You Jumpy These Days." Then, not long ago, I noticed that horsemeat was being imported from abroad and being sold in Ohio for ground beef. I say the consumers should be protected from such fraud.

If the American consumer has been eating kangaroo meat from abroad, it is entirely possible that he has been eating mule, donkey, billy goat, and there is no telling, Mr. Speaker, what other kinds of animals have been imported into our country and labeled as ground beef and sold to our housewives.

Some of the dear ladies who have been by the office demanding cheap meat for the consumer might well ponder the possibility that they have been eating spaghetti sauce or meatballs made from kangaroo or donkey.

Mr. Speaker, I only call this to the attention of the House in order to prove how easily our Nation can be flooded with anything foreign.

If the American cattleman would take his cattle and give them away at the auction barns, there would be little difference in the price the consumer would pay in the great cities of Chicago, New York, Philadelphia, Boston, and the other large cities of this country. The American cattle farmer receives only a few cents a pound for the choice cuts of steak, roast, and ground beef sold to the housewives of the large cities. At the present time, the cattlemen are receiving nothing at all from the sale of their cattle. They are giving them away at a loss. It is the processing, the packing, the transporting, the rent and labor costs that are being passed on to the housewife.

Mr. Speaker, go with me to the sale barns of this country any day, and I can show you cattle being sold for 7, 8, and 9 cents per pound on the hoof, and some of the better grades for only 17 and 18 cents—cattle that costs the cattleman 25 cents per pound to place on the market. If this trend of falling cattle prices to the cattlemen continues, it could lead to Government controls of the production of cattle and price supports; and then my good friends in the large cities would howl with the resulting increases in prices to the consumer. Limiting imports of cheap grades of beef and other meats sold for beef is the best protection the American housewife has against cheap products and high prices.

In the lifetime of even the young Members of this House, we have seen our farm population dwindle from 35 to 40 percent of the total population down to around 10 percent today. A smaller portion of our population now lives on the farm than in any major civilization of the world. This is dangerous to our very way of life and our very form of government.

The raising of livestock accounts for more than 50 percent of the income of the American farmers. It is free of price supports and Government controls.

Mr. Speaker, let us keep it that way by restricting the foreign, slave-labor imports of beef. This bill is a step in the right direction and I will support it.

Mr. MONAGAN. Mr. Speaker, I oppose this legislation. No one in this Congress desires more than I to lend an attentive ear to the demands of American businessmen who claim injury through an abnormal volume of imports.

At the same time, this Congress, 3 years ago, through the trade bill, declared as its policy a reduction of tariff barriers and an increase in freedom of international trade.

In the trade bill, the Congress also took away the traditional procedure for relief which was provided by the "escape clause" and the "peril point" section.

Now we are met with a unilateral attempt to repeal this legislation for the benefit of one industry.

I do not dwell now on the validity of the meat industry's claim for relief. Neither do I emphasize the undoubted price increase which will flow from this bill and its effects on the lower strata of our population. I also pass over the potentially damaging effects on countries such as Argentina, Australia, and New Zealand, whom we are in various ways trying to assist.

My main question is, Why should there be discrimination among industries? We have seen the harmful effects of imports in the watch industry, the bicycle industry, the rubber footwear industry, and the needle industry, to mention only a few. If we are to consider relief by the application of quotas or otherwise, let us extend it to all industries equally and not limit it to those which are related to the farm.

This is highly discriminatory legislation and I oppose it.

Mr. HALPERN. Mr. Speaker, in my view the conference report has not removed the danger of the Senate amendments to H.R. 1839. Under the new set of provisions, circumstances could still produce the automatic imposition of quotas. And I am not convinced that in future periods these circumstances will warrant the application of quantitative restrictions.

The fact remains that, despite the acceptance of a growth formula in the conference report, the maximum amount of specified meat articles permitted into the United States after December 31, 1964, is set at 725,400,000 pounds annually. This is in reality a quota-quota. Any set figure such as this is arbitrary.

The quota may or may not be applied, dependent upon an equally arbitrary percentage formula. A base period of years is prescribed, and future figuration, no matter how fundamental the changes in world production, trade patterns, and consumption, is inevitably computed on this base period.

In essence, although the wholly injurious character of the Senate proposals is somewhat modified, the essentials are not altered. I remain unconvinced that conditions prevailing in the cattle industry warrant this preferential treatment. In my estimation most of the arguments against the Senate amendments are still relevant.

The price decline experienced by the cattleman is not substantially enough related to imports in order to justify a remedy as damaging, and as consequential as quantitative restrictions.

I was and remain vigorously opposed to the measure adopted by the Senate.

The Tariff Commission in its report to the Senate Finance Committee listed a number of other relevant considerations. The slump in beef prices can be attributed to increases in cattle, increases in the size of beef animals, the availability and comparatively lower cost of other meat, and increases in the number of animals slaughtered. These, and quite possibly other factors, have caused the prices of choice fed steers at Chicago to drop in 1962 and again in 1963. Imports may have played a role, but it would be foolhardy to strike back drastically at this element merely because it represents the easiest remedy from the domestic point of view.

To oppose the imposition of tariffs or quotas does not mean that I am unsympathetic to the cattle industry and its evident distress. Means must be found whereby the industry can regain its health, but not at the expense of other economic sectors and not at the expense of damaging this country's position in the forthcoming trade negotiations which, if successful, can mean growth and prosperity to the whole stage of American industry, including agriculture.

Last February, the voluntary meat agreements with Australia and New Zealand were announced. These two countries are the principal suppliers of beef to this country. Australia agreed to limit its exports of beef, veal, and mutton to the United States. Exports to this country this year will reflect the average level reached during the 1962–63 period.

It is evident that these accords have already had a strong effect. In the first 4 months of this year, beef imports decreased by 34 million pounds compared to the level of importation recorded over the same period in 1963. Beef and veal imports decreased by 11 percent. Australia advised our Government that shipments of veal, beef, mutton, and lamb in 1964 should drop by 170 million pounds, or 29 percent of the 1963 total.

Testifying before the Ways and Means Committee on June 4, the Secretary of Agriculture stated:

> Taking all our suppliers of beef and veal together, it now appears that shipments from these countries destined for the United States in this calendar year will be about one-fourth below 1963.

And in 1963, total imports of beef and veal reached 1.7 billion pounds, representing 9 percent of domestic consumption. Beef imported as live cattle brought imports to 10.7 percent of domestic consumption.

It must be stated that most of our imports consist of low beef quality. The United States produces the finest and choicest beef in the world; but this is not the grade which imports largely consist of. In 1962, imports reached a record level, but cattlemen also received the highest prices for their beef in a decade.

We must acknowledge that most imports are of a quality mainly used for hamburgers, frankfurters, and variety meats. There is no doubt that if import quotas were imposed, consumers in the years ahead would be facing substantial increases in the price of such popular food items.

The Senate amendment did not take into account the potential for growth. Arbitrary computations as provided in the conference report, furthermore, cannot in reality substitute for the free competitive price mechanism, and the growth of consumption cannot be properly estimated. Total beef consumption this year is running 13 percent above 1963. Undoubtedly, with the annual rise in population and other factors, the markets for beef and other meats will continue to grow. Quotas are an inherently discriminatory trade practice which leave no room for such basic realities.

Most important of all, the level of imports thus far suggests that in achieving a scale consistent with the 1959–63 average, the goal of the quota proponents will have been reached. World supply, particularly in Europe, is down. Imports to this country have already been reduced, and our domestic consumption continues to rise.

A further important variable is the forthcoming trade negotiations. It is essential that the United States be in a strong position. We have repeatedly insisted, and rightly so, that the Common Market countries offer a fair and reasonable bargaining on all varieties of agricultural produce. This policy, so important for our whole agricultural community, will be seriously jeopardized if these quotas on meats are imposed; they will put us into an absurd and wholly contradictory situation; they will unquestionably weaken our power to secure meaningful agricultural accommodations from European countries where agriculture is an intensely sensitive agenda item, heavily enmeshed in the hard cold facts of internal politics.

Moreover, meat import quotas are an obvious violation of GATT, to which we have lawfully subscribed. Member countries will have a right to retaliate. This will injure the affected American industries, completely innocent of the whole affair, who will experience the misfortune of an export trade demolished unwittingly.

The simple truth is that American industry, taken as a whole, cannot in the final analysis gain by the imposition of quotas on one product. In the end other interests will suffer. These are the facts of international trade. The irony here is that the legislation, because of other variables, cannot in the long run solve the distress affecting cattlemen. The import level has already fallen to the objective desired through quotas.

I cannot, Mr. Speaker, associate myself with either the immediate or potential imposition of quotas on beef and other meat products. It is a dangerous piece of legislation which, in the final analysis, can do more harm than good.

Mr. ANDERSON. Mr. Speaker, while I shall vote for adoption of the conference committee report on meat imports, I feel compelled to express a deep personal regret that the conferees did not accept the language that was adopted by the Senate before the Johnson administration was able to water down this bill.

However, being entirely realistic, I must confess that a half loaf is better than nothing at all for I am too well aware of the disinterest on the part of the Johnson administration and its lack of sympathy for the American cattle raisers and some of their pressing problems that have placed the American cattle industry on the brink of ruin.

It is very evident by virtue of this watered down version before us today that the Johnson administration has once again sided against the domestic cattle producer. Mr. Johnson must indeed be proud of the fancy footwork done by his Secretary of Agriculture in carrying out his instructions to "torpedo" the meaningful amendment voted earlier by the Senate.

I am well aware that in accepting this compromise, that the legislative cards have been stacked against those of us who have been waging a continuing struggle to alleviate the ruinous conditions that have been prevailing in the American domestic livestock industry. Press accounts give credit to the Secretary of Agriculture for wielding the scalpel so well that the net result is a watered down version of what was once a strongly worded Senate version which, up until today, offered a real ray of hope for our hard-pressed cattlemen.

I am only surprised that we wound up with any bill at all. Reliable stories were being circulated that the administration wanted to bail out some of its party stalwarts who voted against the American livestock producer when they voted to kill an earlier meaningful meat import restriction measure that was offered and supported so unanimously by Senate Republicans. These reports called for giving those Democratic Senators another chance to get off the hook on which they placed themselves by supporting the Johnson administration in voting against the American livestock producer. The idea was for the Senate to pass a restrictive meat import bill as an amendment to one already passed by the House of some minor proportion. Then the bill was to be killed in conference or at a minimum, the meat import amendment was to be removed, so that when the measure reached President Johnson's desk, he would not have to show again his hand that he could care less as to what happened to the American cattleman.

Naturally, in the face of the many cries of the minority Members here in the House of Representatives that this foul play was underway, the administration's cards had to be played a little differently. But the net result, in my estimation, comes out the same; namely, that this bill is not going to change much of anything. It leaves too much to the discretion of the President and his Secretary of Agriculture. We already know what their attitude happens to be. They would not do anything that might hurt their foreign friends, even if it meant restoring to American farmers the former vigorous economy that prevailed for much of the domestic cattle industry before cattlemen were beset with the disastrous effects that fell upon them as a result of these excessive meat imports.

Mr. Speaker, thanks to President Johnson and Secretary Freeman, even if they enforce the provisions of this bill, the watered-down version calls for allowing continued heavy foreign importations of Australian and New Zealand meat at a rate that is 185 percent over and above the already high rate of meat importations from these two countries that existed back in 1961.

As a further example of the handiwork of the Johnson administration, I need only point out to you that President Johnson and Secretary Freeman have once more guaranteed in this measure to foreign exporters, just as they did in the secret Executive agreement they negotiated, a fixed share of the growth of our domestic consumption by the formula set forth in the language of the conference report.

I never cease to be amazed by the inconsistent attitude of the administration which on the one hand will express the hope that our domestic economy will continue to expand, but on the other hand, they tell us that any expansion in the agricultural economy through increased domestic cattle production is taboo. If the American farmer must increase his production to meet rising costs and more competitive conditions, the administration says this is wrong but at the same time, it proposes in the language of this measure to set forth a mathematical formula which, for all intents and purposes, guarantees to Australia and New Zealand a fixed share of our domestic economic growth.

Mr. Speaker, I think it is about time that the administration gave up its designs to place the American cattleman in a regimented economy. And I think it is high time that the administration recognized that livestock raising accounts for a substantial portion of farm income. One need only take note of the fact that the farming population in the United States has seen an actual net farm income drop of $340 million from 1962 to 1963 and a further drop of about $650 million expected in 1964. This will put net income for the current year $92 million below the last Eisenhower year—even though there has been an increase of more than $1 billion in Government payments to farmers. How much longer can the Johnson administration deny the fact that these are crucial times for the American domestic cattle raiser?

Mr. FISHER. Mr. Speaker, I appreciate the gentleman's explanation of why lamb was omitted. It is true that percentagewise, as the gentleman has pointed out, the case for inclusion of lamb may not appear to be urgent. At this point, since the report is not subject to amendment, debating the issue relating to lamb would serve no useful purpose.

The gentleman from Arkansas has made it clear that had the imports of lamb been comparable to that of beef, percentagewise, his position and that of the conference would have been different. For the record I do want to register my disappointment that lamb was not included, and briefly set forth my reasons.

Even though lamb is now coming in at an average annual rate of about 2½ percent of our consumption, that does not tell the entire story. It has been higher in the past, and we may expect it to increase in the future. In fact, only a few years ago the rate was on the order of 3½ percent.

What we do know is that during the past 6 years lamb imports, in various forms, have increased by 860 percent.

We also know that Government statistics confirm the fact that there has been a marked decline in lamb prices during the years of excessive imports.

We also know that our cost of production is twice as much as it is in the countries that export this lamb to this country.

Mr. Speaker, along with others I brought these facts to the attention of the conferees, along with other pertinent reasons. I further pointed out that since most of this meat comes from New Zealand and Australia, protecting beef but not lamb may be expected to stimulate an increase in lamb exports, to help offset any loss in beef exports.

I also pointed to the fact that in 1960 the Tariff Commission held extensive hearings under the escape clause with respect to lamb imports. Two of the members of that Commission filed a minority or dissenting report, holding that evidence proved substantial damage to our domestic lamb industry and they recommended a quota and import fee to offset this.

The conferees were also informed that lamb feeder organizations report that many lamb feeders have gone out of business because of imports. This has served to reduce outlets to consumer trade because the bulk of lambs are fattened by these feeders before marketing. Imports and threat of imports serve to disrupt normal marketing processes, making feeding operations hazardous and less profitable. Faced with no limitation on imports the industry is plagued by constant danger of seasonal upsurge in these imports which can—and has in many instances—been disastrous to our feeders as well as growers.

In other words, the lamb industry is damaged not only by a sudden upsurge in imports but also by the danger and the threat—which hangs over the market—of dumping operations which, at a critical time in the marketing, could drive domestic lamb prices down substantially. The real danger and damage is simply not reflected in the relatively low percentage figure of 2½ percent of our annual consumption.

Mr. Speaker, again I wish to commend the conference committee, even though I regret the omission of lamb and some other changes in the measure. But it was a compromise and the subject is controversial and difficult. The result is certainly better than nothing, and may indeed prove to be quite beneficial. The enactment of this law should add stability to the beef and mutton industry in this country.

Mr. VANIK. Mr. Speaker, I want to take this opportunity to oppose this conference report which would have the effect of imposing import quotas on certain meat and meat products.

This legislation is certain to result in higher prices to the consumer. The controlled import levels would raise the prices of both domestic production as well as that part of import qualified to enter our markets.

It is a nice scheme of price control at higher levels. American meat production should be able to compete with foreign production because of the countless Government aids and supports which contribute to meat production.

Although it is true that cattlemen are having special problems resulting from this year's production, these problems are related to internal market conditions and marketing excesses. It is foolhardy for this Congress to legislate under circumstances unique to this year's business. There is not sufficient evidence to attribute these problems to the low levels of import which have not been proved to be a permanent market factor.

Under these circumstances, we are legislating a price windfall to cattlemen both here and abroad who have larger profits to reap from a controlled marketing economy.

Mr. CLEVELAND. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague, the gentleman from Missouri, Congressman CURTIS, and others who oppose adopting this conference report. Although I feel the beef industry may be entitled to some relief from a flood of imports, I strongly oppose relief being granted to but one section of our country and but one section of our economy in this manner.

For more than 3 years, the administration has solemnly promised to the wool manufacturers of America that quotas or quantitative restrictions on the import of wool manufactures would be granted. Although similar relief was given to cotton—plus outright subsidies in the wheat-cotton bill—promises to the wool manufacturers have been flagrantly violated.

It seems strange that a vital industry, such as wool manufacturing still is in spite of its trials and tribulations, is not being granted relief that has been promised, and all of a sudden the beef interests are given protective quotas. It is my understanding there are more than 200 quota bills in the Ways and Means Committee but none of them are being acted upon. Perhaps the best explanation behind this interest in protecting beef while ignoring such critical and important industries as the wool manufacturing industry, the fisheries industry, the textile industry, the shoe industry, the electronic industries to mention a few is that beef is of particular importance to the State of Texas. It appears that this legislation bears an unmistakable brand.

The all too brief debate that we have been allowed here indicates that this legislation will not even be of much help to the cattle industry. If so, it is indeed a hoax on the cattlemen. If not, then it is certainly a hoax on the consumer who once again is being victimized by the very administration that keeps prating about measures to protect the consumer. The steadily rising price of coffee, sugar, and bread may now be matched by further increases in the price of meat to the consumer.

In addition, it should be pointed out that this legislation is also discriminatory in that it fails to protect the poultry and dairy industry. Although the cattlemen may be entitled to relief, it is unfair to single them out in this manner at a time when many industries throughout the Nation, and in New England, in particular, are in need of sound and sensible relief from excessive imports. As I have said before here in the House, our tariff structure should be reformed to reflect wage differentials between our Nation and those with whom we compete. In addition, our tariffs should reflect and take into account subsidies—direct or indirect—given by foreign governments to manufacturers who export to the United States. Wage differential and subsidy factors are needed to make our tariff structures more meaningful and constructive and to thus foster and increase healthy and fairly competitive foreign trade.

Mr. HARDING. Mr. Speaker, I take the floor of the House today to urge my colleagues to join with me in voting for the conference report on the measure before us, H.R. 1839, which would limit cattle, goat, and sheep imports into the United States.

I regret there is need for this legislation. However, I do not feel that the agreement reached earlier by the State Department with Australia and New Zealand has gone far enough in limiting importation of these meat products.

For this reason I personally introduced two bills which would establish import quotas and protect the domestic livestock industry of our great Nation.

While the bill before us today is not as extensive or as strong as the measures I introduced, nevertheless, I feel it is a step in the right direction and intend to give it my full support.

There are those today we have heard state that there is no reason to pass this legislation—that our livestock producers are not in need of this type of protection.

Let me just quote briefly from some of the letters I have received from Idaho cattlemen.

From Mr. Lowe L. Rudd of the Rudd Hereford Ranch, St. Anthony, Idaho, comes this report:

> Here at the ranch we have a triple activity in cattle. We hurt in each phase. I'm selling fat steers for $50 to $60 less than I have in them. Our breeding cattle are swinging along the same line. We brought all of our bulls home as did half of the other consigners at the Idaho Falls and Blackfoot purebred sales. People need them but are afraid to buy.

And from Mr. Frank A. Titus, a cattleman from Jerome, Idaho:

> Because I live on a farm and feed cattle and because I have just marketed my feeders at a substantial loss, I am real worried about the effects of heavy beef imports into this country. I think that the cattle industry is hurting from an oversupply of cattle on the domestic market and the effects of these imports are just disastrous.

Also from the Heiss Farms at Jerome, Idaho, comes this expression of concern:

> As a breeder of Charolais and Charbray cattle I am very concerned over the extremely heavy beef imports into this country and its disastrous effects on the cattle industry.
>
> It is my belief, as well, as other cattlemen, that the only way to save the industry from complete ruin is to put a substantial curb on beef imports from other countries by immediately imposing reasonable quotas on the shipment of foreign beef into the United States.

It is unnecessary for me to point out to my colleagues that approximately one-third of the value of total U.S. farm and ranch production is represented by meat from cattle, hogs, and sheep, and cattle alone accounted for nearly 23 percent of the receipts from farm marketing in 1962.

I do sincerely regret that lamb has been omitted from the provisions of this bill. I feel that is one of the areas in which the bill is weak. Our sheep industry has been shortchanged by the elimination of lamb.

Should this industry continue to suffer from imports and the Congress fail to take remedial action, I predict that not only our agricultural economy but the economy of our entire Nation will suffer.

Mr. Speaker, I urge the passage of this bill.

Mr. FUQUA. Mr. Speaker, I rise in support of the conference report to the bill, H.R. 1839, which I consider singularly important to an important segment of the American economy.

We know that what we are discussing here is the importation of meat and meat products into these United States from foreign lands. The fact that we are importing meats into this country is not of itself bad, but the quantity we are now importing seriously affects our economy, or rather an important segment of that economy.

The continued increase in beef imports, coupled with rising domestic production, has driven the price of cattle in this Nation down to where the American cattleman faces a crisis.

This year alone, approximately 11 percent of all meat consumed in this country will have come from foreign countries. Ranchers in these lands, favored by cheap labor and favorable taxes, seek an ever-increasing share of the lucrative U.S. meat market.

Imports in 1963 were equal to nearly 4 million head of cattle. Import poundage mixed with fat and fatty meats from cattle that was formerly sent to rendering plants, equals 3¼ million head of cattle.

This in itself is a serious matter, but let me point out further that more than 20 billion pounds of feed grains, largely surplus, would have been used if these cattle had been produced in the United States. More than 100 million man-hours of labor would have been required to produce, slaughter, and process these cattle. This represents a labor loss in the United States of $6 to $25 per head.

There is a loss of millions of dollars that would have been added to the American economy through associated industries.

We want to trade with foreign lands. Free trade is essential to all nations, but there must be a limit, there must be reasonable restrictions. The ever-increasing percentage of meats sold in this Nation coming from foreign lands is alarming, such imports should be reduced to a reasonable level.

We should not expect the American cattleman to pay the price for all other agricultural commodities which are exported from these shores. This is a valuable industry, and we need to see that it is allowed to be healthy.

American cattle producers just simply cannot compete with foreign producers and this is not their fault. They must pay heavier taxes, the equipment they must have was made by men paid higher wages than those of foreign producers. A report of five commissioners of agriculture stated that while on April 3, a difference of 1 cent existed between the cost of imported and domestic beef, yet the cost paid by the consumer represented nearly 20 cents per pound of profit for someone. There just is no comparison in the cost of production between the United States and foreign lands.

This measure is a good measure. It will help to maintain a great American enterprise, it will allow for the continuance of a large international trade in meat and meat products. It is a good measure and I urge its adoption.

Mr. CHENOWETH. Mr. Speaker, I rise in support of the conference report on the bill providing for quotas on imports of certain meat and meat products. I wish to state very frankly that I had hoped the conferees would agree to the Senate bill. However, I realize that this is all that we can get at this time. I feel that the passage of the bill as agreed upon is a victory for our domestic livestock industry. We are not getting what we had hoped for, but the passage of this legislation is recognition of the fact that our cattle producers have suffered heavy losses on account of these imports, and at last Congress is doing something to help.

I am disappointed that lamb is omitted from the conference report. It is true that mutton remains in the bill, but our lamb producers are very unhappy over this omission.

As has been stated, it is not certain that any quotas will ever be established on imports of beef, veal, mutton, and other meat products, however, the bill does offer some hope for relief. I do not like the provision which gives the President the power to suspend any quotas that might be established. It is possible that our cattlemen are not getting very much under this measure. However, we are taking a step in the right direction by approving this conference report, even though it is much less than what we had expected.

Mr. Speaker, I have been working for some time to obtain quotas on these imports, and I have several bills pending at this time. I am happy to support this conference report, and I hope the bill as agreed upon will be effective in curtailing these imports of beef and other meat products in the coming years.

Mrs. GREEN of Oregon. Mr. Speaker, I have received communications from Oregon on the subject of meat quotas. I have given the matter a great deal of thought. I certainly do not regard myself as a doctrinaire freetrader. I believe my voting record will substantiate this statement. However, I have supported extensions of the reciprocal trade act and supported the so-called Trade Expansion Act of 1962.

Mr. Speaker, the inseparable connection between imports and exports is beyond dispute. There have been devastating economic consequences when this country has legislatively attempted to ignore this connection.

Certainly it must be recognized that each major farming State has a vital investment in our agricultural exports. In fiscal year 1963 agricultural exports totaled $5.1 billion compared to $2.1 billion worth of competitive or semicompetitive agriculture products we imported in the same year.

During the fiscal year just past this figure may have risen to about $6 billion. Now, Mr. Speaker, it should be realized that meat and livestock exports are included in this amount. During calendar 1963, such exports carried a dollar value of $364.2 million—an increase of about $45 million above 1962. A call to the Department of Agriculture a few minutes ago brought forth the information that through the first 6 calendar months of this year, exports of meats from this country totaled 121.9 million product pounds, of which 25.1 million pounds represented beef.

We cannot expect our negotiators during the "Kennedy round" in Geneva to demand a loosening of the protective wall around the agriculture products of the Common Market countries while at the same time our national assembly is imposing import quotas on meat products.

Thus, if the conference report before us on H.R. 1839 is accepted, the GATT negotiations will be jeopardized. We can most likely expect retaliation from the six countries of the European Economic Community, the Common Market.

The Department of Agriculture in recent months, we may recall, has not been inactive. In early March of this year, Secretary Freeman announced a beef purchase program which has moved upwards of 160 million pounds of beef into channels leading to the needy. Long and short range programs are operating under the newly established National Cattle Industry Advisory Committee. Beef consumption at home is being encouraged as are beef exports. A voluntary import agreement between this country and major exporting countries, such as New Zealand, Ireland, Mexico, and Australia, has been put into effect. Under the impetus of such moves by Secretary Freeman, fed cattle prices, amounting to about $20.50 a hundredweight in June 1964, rose to $25 to $26 at Chicago last week.

Moreover a study of the Tariff Commission, undertaken at the direction of the Senate Finance Committee, shows that rising imports do not necessarily mean falling domestic beef prices. For example, the study sent to the Finance Committee June 30, shows that when imports increased by more than 400 pounds in 1961–62, prices rose. In 8 of the 13 years studied, the volume of imports and prices moved in the same direction rather than in opposite movements.

I suggest therefore that the conferees agreement be turned back.

Mr. GROSS. Mr. Speaker, I will reluctantly support the conference report on the bill, H.R. 1839, which allegedly restricts the importation of beef and certain other meat products from foreign countries.

I have listened carefully to the arguments in support of the conference report and I have yet to hear a legitimate reason why foreign lamb imports are not included under the purported restrictions.

Mr. Speaker, the freetraders in the executive branch of Government, including of course the State Department, have no intention of permitting real restrictions on foreign imports. This includes President Johnson.

The attempt to give at least some protection to American farmers and beef producers has long been a political football and Lyndon Johnson along with his lieutenants in Congress have made it just that. This milk-and-water legislation is a product of their political gimmickry.

I support this legislation only because it is impossible to obtain more effective action. I will vote for it in the hope, forlorn though it may be, that it will provide farmers and cattlemen some measure of relief.

Mr. DON H. CLAUSEN. Mr. Speaker, the matter before us relating to providing relief to our beef, dairy, and sheep industry frankly leaves me with mixed feelings. Every Member of this House, who will hear this problem without consideration for politics must admit to himself that these industries have really taken it on the chin. They are in serious need of remedial legislative action.

The conference report before us in my judgment can only be categorized as better than nothing. I will vote for it only for the reason that it is a step forward—it considers their problem and initiates recognition of the import quota concept as a necessary tool for negotiations as we proceed through this transition of developing free trade worldwide. I am not too optimistic about the financial relief it will provide to the cattlemen. Again, we find ourselves trapped in the position of not being able to amend, it is a take it or leave it proposition.

The administration, the Agriculture, and the State Departments have not given the American cattle, dairy, and sheep producers proper consideration by permitting the flood of imports to disrupt this industry. The lamb problem has been totally ignored.

Again, I want to repeat, I have no thought of jeopardizing the objectives of the trade expansion program but neither will I be silent when our own domestic producers are affected so seriously. The people have paid substantial taxes and have provided many jobs over the years and I can't for the life of me understand why it need be so difficult to establish a workable and equitable formula of import quotas that would benefit all concerned.

This compromise, as included in the conference report is full of loopholes and opportunities where the administration can back off from taking a firm position to protect our domestic interests. I frankly believe the Congress should have adopted the bill as it left the Senate but there appears to be no alternative. I will reluctantly support this conference report but with a reminder that I will be watching the outcome and the relief to cattlemen in the future, as will many of my colleagues. With this being an election year in the Senate, we have found a lot of Johnny-come-lately friends. It will be interesting to see if this same enthusiasm and interest prevails after the election, should the need arise. For the sake of the cattlemen, I hope they are not the victims of a fast political maneuver. Only time will tell and I do not like to sound pessimistic but I would certainly like to see a stronger bill with less loopholes. I would feel substantially more confident for the future of the cattle industry.

Mr. DUNCAN. Mr. Speaker, I fear that the step the House is about to make is an unwise one and one that the country before long will have occasion to regret. I recognize the political pressures that exist in an election year, emanating from very powerful and articulate economic groups, and fear that those few who share my views of this problem may have occasion even sooner to regret their vote against this bill. Such considerations, however, should not temper our judgment on the merits of the proposal before us.

I shall vote "no" on the conference report. I do so with full acknowledgment of the masterful skill with which the gentleman from Arkansas has compromised the differences between the different parties.

I do so because this bill, in my opinion—shared, I might add by others—does absolutely nothing to relieve the distress of the cattle industry while adding immeasurably to our difficulties in expanding our trade abroad. You need only look at our balance-of-payment figures to realize how important that foreign trade is. You need only note the favorable balance-of-trade figures to realize how important that foreign trade is. You need only look at the figures on agricultural exports to realize that agriculture, more than any other single economic unit in the United States, stands to lose greatly by our failure to expand the export market.

I am not oblivious to the problems of the cattle industry. It is important to the economy of the United States and especially my State. And I am willing to take all proper and necessary steps to help them—Government purchases, changes in grading standards, loans, grants if necessary. But this bill is one that leads exactly nowhere as far as their problems are concerned.

Beef imports are now down to or below the quota called for in this bill. We have heard members of the conference committee tell us this afternoon that the quota system will not be "triggered" this year, nor next—probably not in 1966 or, indeed ever. Then why pass it?

I have cattle in my district. I also have lumber and the lumber people have been having problems over the past few years—especially with Canadian imports into the eastern markets of the United States. They are handicapped by the provisions of the Jones Act which add to the shipping costs to the advantage of the Canadians. They have been aggressively seeking new markets abroad and, in a measure, are succeeding. Imports of American lumber to Australia are up 24.3 percent the first 6 months of this year over a corresponding period last year and Oregon has a substantial share of that market. Last year they were up 15 percent over 1962. Shipments of lumber to New Zealand from the United States are up 39.1 percent over the first 6 months of 1963. These are two major nations against whom this legislation is aimed. Does Oregon want New Zealand and Australia to raise quotas and keep our lumber out? No. We want to lower their trade barriers to expand our markets to furnish jobs for our lumber industry.

The production and marketing of pears is an important industry in my district. For a long time the industry has been working to break down the nontariff trade barriers imposed by the nations of Western Europe against our pears and other fresh fruit. I have worked on this during my tenure in the House. Very substantial progress has been made by the State Department and we look forward to sharing in a vastly increased export market in pears. More still remains to be done and we are making it vastly more difficult by the action taken here today. Pears mean jobs and income to my district.

The story could be repeated for many different items. Recall, if you will, the outrage which this Congress expressed at the trade barriers imposed by Western Europe against our poultry. Remember, if you will, that our agricultural exports totaled $5.1 billion in fiscal 1962–63, of which $3.6 billion was for dollars and the balance food for peace. For fiscal 1963–64 the total is expected to be over $6 billion, of which $4.3 billion will be exported for dollars. I repeat, agriculture has a big stake in our foreign trade.

I repeat also my willingness to help the cattlemen. I cannot, however support a bill which will do nothing to relieve their distress and which will do harm to others whom I represent.

Mr. BROMWELL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RERORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BROMWELL. Mr. Speaker, the comment of the gentleman from North Dakota [Mr. SHORT] which referred to Mr. Menzies' recent letter surely points to one of the weaknesses in the conference report.

As a matter of fact, it seems to me that the most obvious weaknesses in the conference report can be found in the language on page 7 of the "Statement of the Managers," beginning at the eighth line:

> If a balance-of-payments deficit were to threaten U.S. fiscal integrity and if the situation could be materially improved by suspending or increasing quotas this would be in the overriding national economic interest. Speaking directly of agriculture, if other importing countries were in retaliation prepared to adopt tight restrictions covering a wide range of U.S. agricultural export products, and if the effect would be to reduce U.S. agricultural exports in an amount disproportionate to gains to the cattle industry, the overriding national economic interest might be served by suspending or increasing quotas.

Now, in the first instance, many Members of this House presently feel that a balance-of-payments deficit currently threatens U.S. fiscal integrity, to the second point, Mr. Menzies' letter speaks for itself. It is conceivable that these two facts under the language of the "Statement of the Managers"—which is after all legislative history of a most authoritative nature—could trigger a series of judgments which could render the law illusory at the very hour of its enactment. Let me remind the House that the language which I have quoted is intended to clarify the language of subsection (d) of paragraph 3 of the conference report and no standards are stated or implied in the act or in the "Statement of the Managers" which illuminate the phrases "materially improve," "tight restrictions," "a wide range of U.S. agricultural export products," "an amount disproportionate to gains to the cattle industry," or, for that matter, surrounding language.

We should not deceive ourselves about these weaknesses but rather recognize that we are for the effectuation of this act resting our outlook on the recurrent judgment of the President and his successors in office which is to say upon the judgment of those who advise Presidents in the first instance.

I also believe, with all due respect to statements made here previously, that the situation with respect to imported lamb is such that we have been in error to exclude it.

I must say, however, that on balance this bill is a most constructive work. In terms of the long future it may prove to be a better bill than one imposing strict import quotas which the other body was willing to impose and which have been acceptable to so many of us for so long. It has seemed to me throughout the past 2 years during which I have been intimately concerned with the progress toward this legislative goal, that our basic responsibility is to lodge control of the situation on this side of the oceans. To be sure, a threat of retaliation can suspend the operation of the law. However, assuredly this bill will not cripple the efforts of our friends with whom we trade. It will not drastically affect current trade practices anywhere in the world. But it does serve notice upon those with whom we trade and it does serve notice, and most earnestly sought notice, to our domestic livestock producers of what the situation will be as time passes. Our friends will not be invited hastily to overexpand their livestock economy at the expense of the American livestock industry and our domestic producers will have some assurance of stability in the cattle cycle as a guide for capital investment. These seem to be most valuable things. As I have said on this floor before, the protection of the American livestock industry is the responsibility of this Congress. It is not the responsibility of the producers of any other nation. By the passage of this bill we are meeting this responsibility and although our action may have its weaknesses, the balance is on the side of strength and progress and in my opinion this represents a grassroots legislative victory of major proportions.

I congratulate the House conferees on pressing the matter to a conclusion.

Mr. MILLS. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. KEOGH].

Mr. KEOGH. Mr. Speaker, I start off by assuring the membership of the House that no one is more conscious than I of the tremendous job that has been done by the conferees in this obviously difficult and somewhat delicate situation; but, Mr. Speaker, if it is not anticipated that these quotas will ever be imposed, then I raise the question of the propriety of imposing or establishing the machinery by which that can be done, particularly at this time, a most delicate time in the trade negotiations that are being conducted now in Geneva.

This in truth and in fact is a reversal of the trend this Congress has been following since 1935 through all the administrations that have intervened. It is a sorry day indeed when we serve notice on our perhaps declining number of friendly allies that they have to be on the alert in their normal commercial transactions for arbitrary restrictions and limitations that the Congress may with little if any notice impose on them.

I say, Mr. Speaker, this great body in which I have such great confidence should pause now and we should ask ourselves, "What damage, what great and lasting and permanent damage will we be doing to many if not all the segments of our own economy by placating, alleviating, and giving in to a selfish, predatory group which has manifested no concern for our overall national interest and in particular that of other segments of agriculture?"

That is what we are doing. We are pleasing them by giving them nothing, and one who is pleased in that manner is not worthy of the attention of this body.

Mr. BURKE. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to my good friend, the gentleman from Massachusetts.

Mr. BURKE. Mr. Speaker, I wish to associate myself with the statements made by the distinguished gentleman from New York.

Mr. Speaker, on August 14, I addressed a letter to my colleagues expressing my strong opposition to the action of the other body in imposing rigid statutory import quotas on beef, veal, and mutton. On August 11, in connection with the consideration of the resolution under which the meat import quota bill was sent to a conference committee, I enumerated many reasons why I thought this legislation was not in the best interests of the United States. On August 15, I sent a further memorandum to my colleagues pointing out that we have a favorable balance of trade of $5 billion, of which $3 billion constitutes trade in agricultural products, and that we may well suffer retaliation not only on those agricultural products, such as wheat and feed grains, tobacco, rice, soybeans, and so forth, but also on our industrial products, if this legislation is enacted.

Mr. Speaker, I will not today burden the House with all of the arguments which I heretofore made against what I consider to be extremely unwise legislation. However, I wish to reiterate that I do not regard it to be in the best interests of the United States, because, first, it will not help the cattle producer; second, it can be expected to materially increase the cost of domestic meat prices in the cheaper grades of meat which are used most extensively by the American consumer; third, it will injure us in our negotiations under the forthcoming meetings; and fourth, in the form in which it was handled every Member of this House is foreclosed from offering any amendments to the legislation which is now before us. It is bad procedurally and it is bad in substance. I have heretofore pointed out that there are no less than 125 bills, introduced by 89 Members, pending before the Committee on Ways and Means which would impose import quotas in some form on products other than meat, and I have further pointed out that this list does not include more than 400 tariff bills the majority of which would impose higher duties on a variety of products, which are also pending before the Committee on Ways and Means. The authors of this other pending legislation have no consideration in the procedure under which we find ourselves today.

Our allies, Australia and New Zealand primarily, have reason for more than a passing interest in H.R. 1839, the legislation affecting importation of beef into the United States, and must fully realize how deep has been the controversy over this measure.

It further stands to reason that all beef exporting countries which ship to the U.S. market know that our consumer groups and others interested in maintaining good relations with our allies have fought bitterly against any measure which would hamper these allies, particularly over this meat import controversy.

Our beef-exporting allies must know of the valiant work done in this controversy by the Meat Importers Council, Inc., and other industrial and pro bono publico groups, to prevent legislation which would have been detrimental to all concerned.

For that reason, the record of this debate in the House should include an expression of the spirit behind the action of the Congress—that it expects that no discrimination or retaliatory action will be taken in any of the beef exporting nations against any American-owned companies working within their borders.

By this, I do not mean to imply that any such retaliation or discrimination against American-owned companies working in Australia, New Zealand, or any other meat-exporting nation is to be expected. Yet, in fulfillment of our obligation as legislators, I feel that it would be remiss not to include this as being an important factor for the guidance of the Secretary of State and the Secretary of Agriculture in future dealings with our allies, on this and other matters of mutual interest.

This is legislation which should have full and complete hearings before the committee of the House of Representatives which, under the Constitution, is supposed to handle tariff and trade legislation—the Committee on Ways and Means. Under the procedure with which today we are confronted, there is not even an opportunity for an executive session by the committee for the offering of amendments—let alone the conduct of full public hearings which legislation of this nature requires.

Mr. Speaker, for the reasons which I have quite fully established, I am opposed to this legislation.

Mr. Speaker, I ask unanimous consent to include an editorial that appeared in the well-known Boston Herald.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. KEOGH. I thank my colleagues.

Mr. BURKE. Mr. Speaker, the editorial is as follows:

High Cost of Meat Quotas

House and Senate conferees are still wrangling over a Senate effort to attach beef quota legislation to a harmless House bill on the importation of wildlife.

The Senate amendment would limit beef imports after 1964 to the average annual amount brought in between 1959 and 1963. It would mean sharp cutbacks from 1964 import levels, and would theoretically increase the market for domestic beef.

Chief opposition to date has come from the State Department, which fears that the imposition of beef quotas by the United States will bring retaliations from other beef-producing nations and undermine our efforts to win a general lowering of trade barrier in the so-called Kennedy round.

Increasingly, however, another argument is being heard. This points to the effect quotas will have on the American consumer. Congressman James Burke, of Massachusetts, for example, has recently denounced the quota plan as a "raid on the pocketbook of the consumers."

Pointing out that domestic overproduction of fed beef, not imports, is the real cause of the cattle industry's trouble, he told the House:

"We cannot afford to restrict our meat imports to artificially low levels. We're not importing in any significant quantity the kind of beef that is important in our domestic production. That's the kind that was under continuing price pressure through 1963. We're importing a kind of beef we don't produce enough of at home. We're importing a kind of beef that's equivalent to the beef from our old cows and bulls. This beef is used for hamburgers, for manufacturing hotdogs, sausages, luncheon meats. These are foods our children love. These are foods our poorer families can afford to eat more often than the big juicy beefsteak.

"The working family would be hardest hit as they would be forced into paying higher prices for meat products for the family."

So there are two strong reasons for turning down the Senate beef amendment. Whatever the result of the conference, the House should hold firm and refuse to go along with this dangerous experiment in protectionism. What we want is lower trade barriers and lower prices, not the reverse.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the distinguished and most capable member of our committee, the gentlewoman from Michigan [Mrs. Griffiths].

Mrs. GRIFFITHS. Mr. Speaker, I would like to associate myself with the gentleman's remarks and point out that the very theory of protection is to increase the domestic prices. In fact, this theory of protection has been a light that has failed—from McKinley to Kennedy. It temporarily increases domestic prices and it has always cost us our foreign markets. This will be true in this case, too. We are hurting our friends, and finally ourselves. Protection will result in a depressed domestic and world price on beef and other products.

I trust we are not sending up a signal that any group of lobbyists in this country can come in here among the 200 others that are seeking protection and ask for additional protection.

Mr. Speaker, of all the people involved in this operation, the beef producers of this country deserve protection the least. They are already getting favorable tax treatment, which is one of the reasons for our own tremendous beef production. We would be better advised to remove the capital gains treatment from breeder stock than to set up a quota restriction under which our best customers and our best friends can sell beef to us.

Mrs. SULLIVAN. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the distinguished gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Speaker, on behalf of the consumers of my district and of the Nation, I think this is mischevious legislation which its sponsors themselves will regret if it becomes law. We are inviting other countries—particularly those which sell us beef and sheep in fresh, chilled, or frozen form to retaliate immediately against American agricultural imports. We actually invite them to do so by the language in this report, for it says that if they threaten to retaliate or do retaliate, the President can immediately suspend these quota restrictions. How long would it take this Congress to act if some other government imposed restrictions on our products with a public notice that they would lift the restrictions the minute we started to retaliate?

But from the consumer aspect, the point here is that we are asked to deliberately raise the prices of all beef and all beef products merely because a substantial amount of foreign beef goes into hot dogs and commercial hamburger.

Why does not American beef compete for this market? They are not doing so.

Mr. Speaker, we are spending millions upon millions of dollars contributed by taxpayers, who in most instances live in cities, in order to support the American cattle industry by purchasing choice beef for the school lunch program and other surplus removal outlets. More money has been spent on beef under section 32 than on any other commodity. Now, you can say this is section 32 money that the taxpayer does not contribute to—that it comes from customs receipts. But who pays the customs receipts? The American consumer pays them in the cost of imported products—including imported meat. Between March 2 and June 19 we spent $65 million to support the price of beef.

Mr. Speaker, this bill should be defeated. There have been no hearings by either the Ways and Means Committee or the Senate Finance Committee on the merits or justification for quota restrictions on low-grade beef and sheep carcasses. The National Commission on Food Marketing has a responsibility to study this matter objectively, and, as a member of that Commission, it would be my intention to be objective, but that is going to be hard to do if the Congress jams down our throats a mandatory quota without any hearings or investigation.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. KEOGH. I yield to the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. Is it not true that under the formula in this bill, when there is a big surplus of beef on the market and we do not need imports, the amount that is permitted to come in increases; and the supply decreases, and imports could be used to stabilize supplies then the supply that is permissible to come in also decreases? In other words, it is an upside down formula; is that not correct?

Mr. KEOGH. It would seem so, but I do not want to get into any argument on that.

Mr. Speaker, in their celestial abodes, there are residents whom we know and I shudder to think what the spirit of the great Cordell Hull is saying to the spirit of the great John Kennedy when they witness what this body, I know, is about to do.

Mr. Speaker, I have been around here long enough to know that when the motor in the juggernaut is started and when the gears are shifted into the go position, the best thing for a little boy from Brooklyn to do is to get out of the way. But, Mr. Speaker, today I am going to get out of the way of that juggernaut with the loudest resounding "no" that you have ever heard me utter.

Mr. MILLS. Mr. Speaker, I think it would be appropriate for me at this point to yield 2 minutes to the author of the bill, H.R. 1839, the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Speaker, a few days ago, I stood here in the well of the House and pleaded with my colleagues to be sure that they referred to H.R. 1839 as the Teague bill. This was because I was proud to have been the father of such a clean, beautiful little fellow as 1839. Every one of you helped in his delivery because he emerged from this body by unanimous vote. He was prepared to do great things for boa constrictors and gorillas and their owners.

But in the course of events, my little baby was sent to the Senate pediatric hospital. He was horribly neglected there for a year and a half. During all of those months he was kept in dank closets and pigeonholes.

Then, recently, some of the eminent surgeons in the Senate hospital, headed by Drs. MANSFIELD and KEATING, I believe, decided to perform major surgery on poor little 1839.

The operation was a great success by the standards which prevail in the Senate hospital. My little fellow was completely gutted. All that remained of him was the identification number on his poor little wrist. He no longer even bore my name. His little shell, however, had been stuffed by the surgeons in the Senate hospital with all sorts of things entirely foreign to 1839, his heritage and ancestry.

This new creature was sent back to the House not bearing the slightest resemblance to the splendid little fellow who left here 3 years ago.

Our surgeons, Drs. MILLS, BYRNES, and CURTIS made heroic attempts at plastic surgery to restore 1839 to his original condition and character. But, alas, I fear they have failed.

Mr. Speaker, I must disclaim fatherhood of 1839 as he is before us today. I am willing to contribute a little to his support, but he is not mine—my blood no longer flows in his veins.

I suggest that Dr. Calver be asked to perform a blood test to determine whether Dr. MANSFIELD or some other person in the Senate hospital is the real father. Or perhaps it is Dr. MILLS. It could be Dr. BYRD, but under all the circumstances, I suppose that is unlikely.

But I repeat, Mr. Speaker, "This child ain't mine."

Mr. MILLS. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS], a member of the conference committee.

Mr. CURTIS. Mr. Speaker, I believe it is important that I point out to my colleagues that although I signed the conference report, in order to bring this matter to the floor, as the promise was, so that the House could work its will, I certainly do not recommend that anyone vote for it. I myself shall vote against it.

A great deal of what the gentleman from New York [Mr. KEOGH] said about the dire consequences to our country inherent in this bill is true. Indeed, what he said was exactly what the administration witnesses, including the Under Secretary of State, the Secretary of Agriculture, and Ambassador Roth, assistant to Ambassador Herter, our chief trade negotiator, said.

I wish to repeat here what I said in the Ways and Means Committee and during the conference. This entire matter can be resolved within a very short time if the administration spokesmen will go back to President Lyndon Johnson and have him say publicly no more than what they have said to us about the dire consequences to our country if the bill passes and what we heard the gentleman from New York [Mr. KEOGH] say. Yet that word from the President has not been forthcoming.

This is either a hoax on the consumer or it is a hoax on the cattle owner—or perhaps it is a hoax on both. I do not wish to be a part of this kind of operation.

I wish to discuss procedures a bit. People seem concerned about the Constitution of the United States only when it pertains to something which is of concern to them. In the Constitution it is provided that tax measures—and this is a tax measure, having to do with tariffs—shall originate only in the House of Representatives. This is why I have been fighting the nongermane amendments which are tacked on to our tax bills when they come back from the other body.

This has gone to the extreme that the other body knocked everything out of the tax bill of the House except the number. I raised this question in conference. After knocking out everything but the number, can Members so violate the Constitution as to bring this matter back with nothing but a bill originating in the other body. It is no amendment to a House tax bill.

This is a question of procedures, which I know many do not pay much attention to, but this is important and it is basic.

Finally, I make the observation that perhaps something has happened which we and the public do not know about. Perhaps the cattle owners have not been as foolish as this sounds. Perhaps there is a deal which has been made under the table, just as there was so far as the textile people were concerned a few years ago. The only way we are going to find that out will be in the ensuing months.

I can state that under the provisions of the bill and the report there is an item which says that the President can suspend any quotas if such action is required by overriding economic or national security.

If any quotas go into effect—in accordance with the provisions of the bill—if anyone were to ask the Secretary of State, the Secretary of Agriculture or Mr. Herter whether in their judgment overriding economic circumstances did not now prevail, the answer of course would have to be "yes." And the quotas would be suspended.

I think this is a very sorry day not just for the House of Representatives but for the Congress and, I regret to say, for our Nation.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from New York.

Mr. LINDSAY. I thank the gentleman for yielding. First, I want to compliment the distinguished gentleman on his excellent statement. Now, I have one question. The distinguished gentleman from New York [Mr. KEOGH] made very strong statements to the effect that this conference report would pull the rug out from underneath U.S. negotiators in Geneva on tariff and trade problems.

Now the gentleman is a good spokesman for the administration and always has been. How can he say this, then, when other spokesmen for the administration on his side of the aisle take the position President Johnson would sign the conference report? How could he sign it if, in fact, it would pull the rug out from underneath the United States and its negotiators in Geneva?

Mr. CURTIS. I might say to the gentleman the administration leaders who were in our sessions said they felt this was a bad bill—almost the language that the gentleman from New York used—but they would reluctantly not advocate a veto.

The chairman of the Committee on Ways and Means has already told us in his judgment the President apparently will not veto it. I think President Johnson has to answer to the country on this.

Mr. MILLS. Mr. Speaker, permit me to advise my colleagues in conclusion of this debate that I and everyone else, I am sure, would have preferred that this legislation not rise and the circumstances that prompted it not have come about, but those who talk about reciprocal trade agreements and those who talk about world trade action should bear in mind that I, too, have been interested in promoting world trade. I think I can pardonably take credit for a little bit of the success that we have experienced legislativewise in the passage of legislation of that nature. However, Mr. Speaker, at the same time let me point out that I deem it a responsibility as a Member of the House of Representatives ever to be mindful—ever to be mindful—of the overriding economic interests of the people of the United States as we seek to enlarge markets abroad.

Mr. Speaker, all we are trying to do here is to resolve a very knotty problem in a way that will give to those who need protection the protection they need without bringing into existence all of the dark consequences that would follow some other type of approach to providing that degree of protection or perhaps an unneeded and unwarranted degree. I want to assure my colleagues I feel they can justifiably support this conference report, having in mind the best interests of the consumers and having in mind the best interests of all of the people of the United States. Therefore, Mr. Speaker, I urge the adoption of the conference report.

Mr. Speaker, I move the previous question.

The previous question was ordered.

Mrs. KELLY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Does anyone on the minority side have a motion? If not, the Clerk will report the motion to recommit offered by the gentlewoman from New York [Mrs. KELLY].

The Clerk read as follows:

> Mrs. KELLY moves to recommit the conference report to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mrs. KELLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The motion to recommit was not agreed to.

The SPEAKER. The question is on the conference report.

Mr. MILLS. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 232, nays 149, not voting 49, as follows:

[Roll No. 236]

YEAS—232

Abbitt
Abele
Abernethy
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Auchincloss
Baker
Baldwin
Barrett
Bass
Battin
Becker
Beckworth
Beermann
Belcher
Bennett, Fla.
Berry
Betts
Boggs
Bolton, Oliver P.
Bonner
Bow
Bray
Brock
Bromwell
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burkhalter
Burleson
Burton, Utah
Byrnes, Wis.
Casey
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clark
Clausen, Don H.
Clawson, Del
Collier
Colmer
Cooley
Cramer
Cunningham
Dague
Davis, Ga.
Davis, Tenn.
Dent
Denton
Devine
Dole
Dorn
Dowdy
Downing
Edmondson
Elliott
Everett
Evins
Fascell
Fisher
Flynt
Foreman
Fountain
Frelinghuysen
Fulton, Tenn.
Fuqua
Gary
Gathings
Gonzalez
Goodling
Grant
Gray
Griffin
Gross
Gurney
Hagan, Ga.
Haley
Hall
Halleck
Hansen
Harding
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Hays
Henderson
Herlong
Horan
Horton
Huddleston
Hull
Hutchinson
Ichord
Jarman
Jennings
Jensen
Johansen
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Kastenmeier
Kilgore
Knox
Kornegay
Laird
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
McCulloch
McDade
McIntire
McLoskey
McMillan
Mahon
Marsh
Martin, Nebr.
Mathias
Matsunaga
Matthews
May
Meader
Michel
Mills
Montoya
Moore
Morgan
Morris
Morrison
Moss
Murray
Natcher
Nelsen
Norblad
O'Konski
Olsen, Mont.
Olson, Minn.
Passman
Patman
Pepper
Perkins
Pickle
Poage
Poff
Purcell
Quie
Quillen
Randall
Reid, Ill.
Rhodes, Ariz.
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, Pa.
Roudebush
Roush
Saylor
Schadeberg
Schenck
Schwengel
Scott
Secrest
Selden
Senner
Short
Shriver
Sikes
Siler
Sisk
Skubitz
Slack
Smith, Va.
Snyder
Springer
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thomas
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Udall
Ullman
Van Pelt
Vinson
Waggonner
Watson
Watts
Weaver
Westland
Wharton
White
Whitener
Whitten
Wickersham
Williams
Willis
Wilson, Ind.
Wright
Young

NAYS—149

Addabbo
Ashley
Ayres
Barry
Bates
Bell
Boland
Bolling
Brademas
Broomfield
Brown, Calif.
Burke
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Cleveland
Cohelan
Conte
Corbett
Corman
Curtin
Curtis
Daniels
Dawson
Derounian
Derwinski
Diggs
Donohue
Dulski
Duncan
Dwyer
Edwards
Fallon
Feighan
Findley
Finnegan
Fino
Flood
Fogarty
Ford
Friedel
Fulton, Pa.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Glenn
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Hagen, Calif.
Halpern
Hanna
Hawkins
Healey
Hechler
Holifield
Holland
Hosmer
Joelson
Karsten
Karth
Keith
Kelly
Keogh
Kilburn
King, Calif.
King, N.Y.
Kirwan
Kluczynski
Kunkel
Leggett
Libonati
Lindsay
McDowell
McFall
Macdonald
MacGregor
Madden
Mailliard
Martin, Calif.
Martin, Mass.
Milliken
Minish
Minshall
Monagan
Moorhead
Morton
Mosher
Multer
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Neill
Osmers
Ostertag
Patten
Pelly
Philbin
Pike
Pillion
Powell
Price
Pucinski
Reid, N.Y.
Reuss
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Robison
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Rumsfeld
Ryan, N.Y.
St Germain
St. Onge
Schneebeli
Schweiker
Sibal
Sickles
Smith, Iowa
Staebler
Sullivan
Thompson, N.J.
Tupper
Utt
Van Deerlin
Vanik
Wallhauser
Weltner
Widnall
Wilson, Bob
Wilson, Charles H.
Wydler
Younger
Zablocki

NOT VOTING—49

Adair
Alger
Avery
Baring
Blatnik
Bolton, Frances P.
Buckley
Carey
Celler
Daddario
Delaney
Dingell
Ellsworth
Farbstein
Forrester
Fraser
Gill
Harvey, Mich.
Hébert
Hoeven
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Kyl
Landrum
Lankford
Lesinski
McClory
Miller, Calif.
Miller, N.Y.
Morse
Pilcher
Pirnie
Pool
Rains
Reifel
Rodino
Roosevelt
Ryan, Mich.
St. George
Sheppard
Shipley
Smith, Calif.
Toll
Tollefson
Whalley
Winstead
Wyman

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Shipley for, with Mr. Roosevelt against.

Mr. Forrester for, with Mr. Daddario against.

Mr. Winstead for, with Mr. Toll against.

Mr. Hébert for, with Mr. Rodino against.

Mr. Pool for, with Mr. Delaney against.

Mr. Pilcher for, with Mr. Celler against.

Mrs. Kee for, with Mr. Farbstein against.

Mr. Rains for, with Mr. Carey against.

Mr. Landrum for, with Mr. Miller of California against.

Mr. Jones of Alabama for, with Mr. Dingell against.

Mr. Hoeven for, with Mr. Morse against.

Mr. Alger for, with Mr. Pirnie against.

Mrs. Frances P. Bolton for, with Mr. Lesinski against.

Mr. Ellsworth for, with Mr. Ryan of Michigan against.

Mr. Reifel for, with Mr. Buckley against.

Mr. Smith of California for, with Mr. Lankford against.

Mrs. St. George for, with Mr. McClory against.

Mr. Kyl for, with Mr. Wyman against.

Until further notice:

Mr. Blatnik with Mr. Harvey of Michigan.
Mr. Baring with Mr. Tollefson.
Mr. Fraser with Mr. Whalley.
Mr. Gill with Mr. Hoffman.
Mr. Sheppard with Mr. Adair.

Mr. GUBSER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that those Members who spoke on the conference report just adopted may be permitted to revise and extend their remarks and to include extraneous material in the form of charts and so on.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERSONAL EXPLANATION

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. Carey] may extend his remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. CAREY. Mr. Speaker, when the vote was taken on the conference report on H.R. 1839—meat importation bill—I was appearing before the committee on resolutions and platform of the 1964 Democratic National Convention to make a statement of my position on Federal aid to education.

I returned to the floor immediately following my appearance before the committee, but not in time to cast my vote on this bill. Had I been present I would have voted "no" on this antidelicatessen, anticonsumer legislation.

This bill is against the whole spirit and principle of international trade agreements based upon reciprocal considerations and I hope that the President will veto this legislation.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 1160. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

INTERNATIONAL COFFEE AGREEMENT ACT OF 1964

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1803)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6; and agree to the same.

W. D. Mills,
Cecil R. King,
Hale Boggs,
John W. Byrnes,
Thos. B. Curtis,
Managers on the Part of the House.

Harry F. Byrd,
Russell B. Long,
Geo. A. Smathers,
John J. Williams,
Frank Carlson,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8864) to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Amendment No. 1: Under the bill as passed by the House, the short title for the bill was the "International Coffee Agreement Act of 1963," Senate amendment numbered 1 strikes out "1963" and inserts "1964". The House recedes.

Amendment No. 2: This amendment adds a new section 4 to the bill providing that whenever the Congress finds, in a concurrent resolution agreed to by the two Houses, that there is an unwarranted increase in the price of coffee in the United States attributable, in whole or in part, to the application or operation of the International Coffee Agreement, 1962, the President shall cause a copy of such concurrent resolution to be transmitted to the International Coffee Council and the Executive Board established under chapter IV of such agreement. The new section 4 would also provide that if, after the expiration of 30 days after the transmittal of such concurrent resolution, the President finds that the Council has failed to make such adjustments of quotas, or to take such other action, as is necessary to remedy the situation, the President is authorized and directed to cause to be filed with the Secretary-General of the United Nations, in accordance with the provisions of article 68 of such agreement, written notice of withdrawal of the United States from the International Coffee Agreement, 1962. The House recedes.

Amendment No. 3: The bill as passed by the House authorized the President to exercise any powers conferred on him by the bill through such agency or officer as he shall direct. Under Senate amendment numbered 3, the President would be authorized to exercise any powers and duties conferred on him by the bill, other than the powers and duties conferred by the new section 4 added by Senate amendment numbered 2, through such agency or officer as he shall direct. The House recedes.

Amendments Nos. 4, 5, and 6: These are clerical amendments. The House recedes.

W. D. Mills,
Cecil R. King,
Hale Boggs,
John W. Byrnes,
Thos. B. Curtis,
Managers on the Part of the House.

The SPEAKER. The gentleman from Arkansas is recognized for 1 hour.

Mr. MILLS. Mr. Speaker, I yield myself 10 minutes.

PERSONAL ANNOUNCEMENT

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York [Mr. Farbstein].

Mr. FARBSTEIN. Mr. Speaker, as a result of testifying before the Democratic platform committee, I just missed the vote on the previous conference report. If I were present, I would have voted "nay."

Mr. MILLS. Mr. Speaker, the conference report we are presently considering is in connection with the bill H.R. 8864 which passed the House on November 14, 1963, authorizing the President to carry out the obligations of the United States under the International Coffee Agreement, which was at an earlier date ratified by the Senate.

This matter comes back to the House today with certain amendments which have been adopted by the Senate, having passed that body very recently. The Senate has already, incidentally, adopted the conference report that we are now considering. H.R. 8864 as it passed the House, Mr. Speaker, was designed to provide, and only to provide, the necessary implementing legislation to enable the United States to meet its obligations under the agreement previously referred to, that was ratified by the Senate.

That agreement is now the law of the land Mr. Speaker, and it is questionable in my mind whether or not the American citizen and the consuming public can be fully protected from the past erratic behavior in coffee prices without our approving the implementing legislation which is involved in this bill and this conference report. The House conferees, therefore, urge its adoption.

Now let us look to see what we did. As the bill was passed, first, it would authorize the President to require all coffee entering the U.S. markets from member nations of this agreement and exports of this commodity to be accompanied by a certificate of origin or a certificate of re-export. That is the first thing the bill did.

Secondly, it would authorize the President to limit imports of coffee from countries which have not joined in the agreement.

Third, it would authorize the President to require the keeping of certain records and statistics and other information as well as to take such other action as he may consider necessary to implement the obligations of the United States under the agreement.

Finally, it requires the President to submit an annual report to the Congress concerning the operation of the agreement not later than January 15 of each year.

The other body left essentially unchanged the language of the bill as it passed the House but added an amendment. This is the important amendment, the rest of them are clerical and technical and merely improve the language of the House bill. But this amendment, the one I am talking about that was added, provides that if Congress passes a concurrent resolution finding that an unwarranted increase in domestic coffee prices is attributable to the operation of this agreement, the President is directed to notify the International Coffee Council of this action and unless he determines that appropriate remedial action is taken by the Council within 30 days, the President then must initiate action under article 68 for our withdrawal from the agreement.

While there was some question raised initially about the constitutionality of this particular provision, it is now agreed, I think, by all the departments involved and others speaking as lawyers, that it does afford sufficient discretion and latitude for the President to act and would thus not constitute an invasion of his constitutional prerogatives nor change the agreement itself; because the agreement itself provides for the way for us to get out of the agreement.

What we are saying is that if the remedial action that we direct the President to obtain is not obtained then he must proceed to get action on withdrawal from the agreement within 30 days after the failure to get that remedial action.

In view of all this, and because the conferees of the other body were convinced that it affords protection, as were the House conferees, in addition to the protections already provided in the International Coffee Agreement for consumers, the managers on the part of the House have recommended in the conference report that the House recede and agree to the Senate amendment.

Mr. Speaker, this amendment was offered by the distinguished Senator from the State of Illinois, the minority leader of the Senate. Your House conferees, always interested as they are in avoiding increases in the price of imported articles to consumers or avoiding unduly increased prices of domestically produced articles, readily agreed to this, because it gives the Congress of the United States a greater degree of control over whether we remain in the agreement that has already been approved by the Senate, than did the bill as it passed the House. The Senate, which consented to the treaty, agreed to this amendment and we felt we should accept it.

Mr. Speaker, let me look specifically at the question of whether or not the agreement itself that was ratified by the Senate has brought about any abnormal, unreasonable increases in the price of coffee, to see whether or not the implementation of this agreement by this particular conference report will mean the establishment of unreasonable prices for coffee here in the United States.

Now, Mr. Speaker, we can take the original treaty date which was in the year 1962, or the date of the deposit of notice of ratification of the agreement in December 1963. The price of coffee was around 70 to 71 cents at retail. The price of coffee today is about 84 cents, or less, representing a recovery from abnormally low levels that prevailed previously.

Now, Mr. Speaker, permit me to contrast this present price with the price of coffee of $1.25 a pound that prevailed back in the middle part of the 1950's when we had no agreement and long before anyone had thought in terms of the implementation of such an agreement.

Let us now look to see what is the current outlook for prices. Do we anticipate on the basis of the best information available—this is in the channels of trade as well as within the departments of Government—that there will be an increase beyond the current price of coffee? The current outlook, I am advised by those who know, Mr. Speaker, is for stable prices, and that would be for a period of time into the future. During that period of time there might even be a modest downturn in the price of coffee on the basis of the situation which exists throughout the world and under the agreement.

Now, this of course assumes—any prediction about agricultural production assumes—that there will be no great change due to droughts and other acts of nature. I want my friends to know that I am just as much concerned about the price of coffee as anyone. I may be more concerned than some people because I enjoy coffee. I drink my share of the product. I have a partner, my wife, who does considerable shopping for groceries, and I might say personally, if the price of something is a little bit unreasonable in her opinion, I hear about it.

I should also remind Members of the House that there is a mechanism in the coffee agreement, an arrangement if you please, whereby we can utilize, just as we did utilize earlier this year, to obtain additional shipments of coffee from the producing countries at any time we feel that those increased shipments are justified and needed.

Now, Mr. Speaker, I have gotten into a defense of the agreement itself rather than to talk strictly in terms of the implementing legislation. But permit me to say this in conclusion, and then I shall yield to other Members of the House. There was, as I recall, a record vote when this matter passed. Anyone who could justify a vote in November when this bill was up for consideration can today justify a vote for the conference report, for if a person was satisfied then that this implementing legislation should pass, he can take double assurance from the adoption of the conference report today because all that is involved is this additional amendment that I have described that provides the opportunity for the Congress to trigger the withdrawal from the agreement in the event prices should act differently from what I think they will and reach unreasonable levels. I had not thought this assurance was necessary due to provisions to protect against this in the treaty but I am very willing to accept the Senate amendment as an added assurance.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. KEOGH. Mr. Speaker, I perhaps am more anxious to congratulate than to criticize. Therefore I seize this opportunity to say to the distinguished chairman of the Committee on Ways and Means that the pending conference report represents a studious, logical, and proper way for us to deal with an article of important international trade. It does it in a multilateral manner. It affords a kind of protection that our friendly allies need where this item is the most important item of their economy. Yet it affords to the domestic consumers the protection which we should give to them.

Therefore, Mr. Speaker, I say that our conferees have done their usual good job. They are now back on the right track on this pending conference report, and I am delighted to join in support of it.

Mr. MILLS. On behalf of all the members of the conference group, the managers on the part of the House and the managers on the part of the Senate, all of whom signed the conference report, making it unanimous, we thank the gentleman.

Mr. KEOGH. My only concern is that in connection with the previous conference report the chairman used the word "trigger." He used it again in connection with this.

Mr. MILLS. Yes.

Mr. KEOGH. I do not know exactly in what sense it was used.

Mr. MILLS. Not in any dangerous sense, I must assure the gentleman. But under this amendment adopted by the Senate the Congress can trigger the situation of our getting out of the agreement if the Congress wants to. Bear in mind this implementation is only for a limited period of time. The whole of this subject matter will have to be reviewed by October 1, 1965.

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Speaker, I yield myself 5 additional minutes.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. First of all, let me say that a few minutes ago the gentleman from New York [Mr. KEOGH], was deeply concerned about consumer prices. Now he gives his full-fledged support and endorsement to this proposal which implements the International Coffee Agreement, which in turn has kicked coffee prices right on up.

Mr. MILLS. No. I do not yield on that point. If the gentleman has a question I will try to answer it.

I gave you a figure on the price of coffee. The agreement itself, and certainly the implementing legislation, the gentleman from Iowa had occasion to discuss when it was before the House. In my opinion none of that has had anything to do with the 13- or 14-cent increase in the price of coffee, because we are under that agreement to receive on the basis of a country-by-country allocation of a quota, such amount of coffee as we determine here we are going to need and consume. If there is no shortage of coffee coming into the United States as a result of an agreement, what is there about the agreement that would cause the price to go up?

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. I have the record here, and I am sure the gentleman has the record. When the bill was before the House, H.R. 8864, last November, the gentleman at that time told the Members of the House there would be no increase.

Mr. MILLS. I did not say there would not be. I said there would be no increase, in my opinion, in the price of coffee as a result of this legislation. I urged passage so as to give the assurance of stability to our consumers and our friends.

Mr. GROSS. I would like to quote the gentleman's words. I have them here.

Mr. MILLS. That was probably a 30-minute speech, and I do not know whether I have time to listen or not. I remember what I said, and I am saying the same thing now, that there is nothing about the agreement that we have entered into, in my opinion, and there is nothing about the implementing legislation that is involved in this conference report, that in any way would justify an increase in the price of coffee through these things and these things alone. The purpose of the agreement is simply to provide stability to coffee prices.

Mr. GROSS. At what point?

Mr. MILLS. I think we have it stabilized now.

Mr. GROSS. At 91 or 92 cents a pound? Sure.

Mr. MILLS. My friend from Iowa, coming from a great State that produces so many fine agricultural commodities, knows that there are many factors in the production of an agricultural commodity that determine how many pounds or bushels of that product there are going to be. There is no way we can legislate controls over weather in South America. There is no way we can legislate controls over these unknown factors that may do again just what they did in the middle fifties when they raised the price of coffee to the American people to $1.25.

What I am saying is that there is nothing in this agreement, nothing in this implementing legislation, that in any way would be responsible for this situation now. The sole purpose of it is to bring about a stability in the price, the very thing for coffee and the producers of coffee that we have insisted on for agricultural products here in the United States, also the very thing we have just done for beef.

Mr. GROSS. On May 27 of this year the gentleman brought before the House a bill which would exempt soluble and instant coffee from tariff duty.

Mr. MILLS. That is right.

Mr. GROSS. At the time I asked the gentleman concerning the act of last November, H.R. 8864, and what would flow from that.

Mr. MILLS. I know what I said and I still stand on it. The gentleman does not need to bother to take my time to read what I said, because I remember quite well what I said. I say it again. I told the gentleman when this legislation passed that this agreement could not go into effect, I had been told, until the implementing legislation was passed. I find, however, that what I was told was incorrect. I was not in error, but what I was told was incorrect as to when it would go into effect.

The point is that the agreement has gone into effect, contrary to what I understood. What I am saying to the gentleman is this. If he is interested in protecting the consumer he had better vote now for this implementing legislation, because it provides ways for Congress to trigger getting out of the agreement if the prices do rise, as the gentleman from Iowa thinks they may, and as I think they will not, as a result of this legislation.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. As a representative from the only State in the Union which produces coffee, could I have the assurance of the gentleman that the adoption of this conference report will in no way affect the growers in Hawaii?

Mr. MILLS. It does not. The same situation prevails with respect to the conference report that prevailed with regard to the original House bill.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Illinois.

Mr. DERWINSKI. I interpret the gentleman's remarks to mean that the increase in the price of coffee is caused by the treaty.

Mr. MILLS. No, I did not say that. What I am saying is this: There are a number of factors that might contribute to price fluctuation of a commodity, and I do not believe that the treaty, and certainly not the implementing legislation before us, would cause an increase in the price of coffee. On the contrary, the implementing legislation, particularly as approved by the conferees with the amendment to which I have referred that was offered by the Senator from Illinois [Mr. DIRKSEN], affords opportunity to get out of the agreement not only when the President thinks we ought to get out of it but when the Congress thinks we ought to get out of it. That is the virtue of the report we have brought back. We think it strengthens our position.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, let us recognize that underlying this conference report and underlying the legislation that it deals with, there is a treaty of the United States. It is known as the Coffee Agreement of 1962. It was signed in September of 1962 and was ratified by the Senate. So it is the law of the land, one of the highest laws in the sense that it is a treaty.

As far as I am concerned, I do not think it is wise to abrogate a treaty by the process that we would invoke here now if we turned down this conference report. We were told that the bill we passed in November was essential to carry out and implement the treaty that had already been entered into and ratified by the Senate. I am not saying it was a good treaty. I do not think that is the issue. But it is a treaty and I do not think the United States should abrogate its treaties except by going through the process provided in the treaty.

When we passed the legislation last November, it was to implement a treaty that had been entered into. It was supported on the floor of the House and passed by this House.

There are those who were opposed to the bill. They were opposed basically because of the fact they thought the treaty was a bad agreement, and would raise the price of coffee to the consumers in this country.

Now this bill comes back from the Senate with an amendment designed to protect against that contingency and to provide a mechanism for our legal withdrawal from the treaty obligation.

As a member of the conference committee, I have to support the conference. Certainly, this bill in its present form is much better than the bill that was passed by the House. Anybody today who is concerned that this agreement has raised the price of coffee must admit that the bill now before us, as provided in the conference report, is preferable to the bill as it passed the House. So I do not know how on that basis you can oppose the conference report as such.

Now let me suggest something. Let me suggest a procedure that should be followed by those who believe that the coffee agreement as contained in the treaty has caused an unreasonable increase in the price of coffee to the American consumer.

Pass this bill today—adopt this conference report. Send it to the President and then introduce the concurrent resolution that this bill authorizes—pass that concurrent resolution and start the procedure for withdrawal from the treaty.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. PILLION. Does the gentleman think that there is any chance whatever of going through the procedure outlined in the Dirksen amendment; even if that cumbersome procedure were complied with in the House and the Senate, does the gentleman think that the State Department would recommend action on the part of the President? This is just a face-saving device. This Dirksen amendment would no more be called into operation than has been the 90-day withdrawal provision contained in the treaty. That provision has never been called into operation. You cannot get the State Department to abrogate its own brain child here. That will never happen.

Mr. BYRNES of Wisconsin. I would suggest that the gentleman read the amendment.

Mr. PILLION. I have read the amendment.

Mr. BYRNES of Wisconsin. Well, the amendment does not leave anything to the discretion of the Department of State. The amendment says that if Congress passes a concurrent resolution and sends it to the President, that the President shall send a copy of that resolution to the International Coffee Council. After the expiration of 30 days following that transmittal, if the President finds that the Council has failed to make such adjustments of the quotas, or to take such other action, as is necessary in order to reduce the price of coffee, he is authorized and he is directed—and I consider that mandatory—to cause to be filed with the Secretary General of the United Nations in accordance with the provisions of article 68 of such agreement, written notice of withdrawal.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. PILLION. The gentleman knows very well that the Congress has no power to compel the President to take that action. We have no mandamus powers. From whom will the President take his advice? It will be from the State Department.

Mr. BYRNES of Wisconsin. Then the gentleman is saying the amendment is meaningless.

Mr. PILLION. That is correct. It is merely a device in order to make the bill look good; that is all.

Mr. MILLS. Mr. Speaker, will the gentleman yield on that point?

Mr. BYRNES of Wisconsin. I yield to the chairman of the committee, the gentleman from Arkansas.

Mr. MILLS. I can appreciate the concern of the gentleman from New York about whether this particular amendment—offered I am sure, in all sincerity by the distinguished Senator from Illinois, Mr. DIRKSEN—is constitutional and meaningful or not, for the reason that I also had some serious question about the amendment when I first read it.

I believe I can say in all accuracy that the Department of Justice looked at it and had the same reaction to it at the beginning, but upon further consideration and further study of the amendment by the same people within the Department of Justice—and by others who looked at it—it was decided this is within the jurisdiction and the prerogative of the Congress, to pass a concurrent resolution saying that certain conditions have arisen which, in our opinion, justify our using legal procedure to get out of a treaty and to direct the President to do it under the circumstances set forth.

Mr. PILLION. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from New York.

Mr. PILLION. That is exactly where the power of Congress stops. We cannot compel the President to do anything further. As the gentleman knows, the State Department is bound by its own diplomatic and political considerations rather than the economic welfare of the American public.

Mr. MILLS. If the gentleman from Wisconsin will yield further, I answer "No," because the treaty which the Senate ratified already provides for the mechanism for getting out of it.

Mr. PILLION. It will never be used; the gentleman can be sure of that.

Mr. MILLS. I could not agree with that at all.

Mr. PILLION. The 90-day withdrawal provision will never be used.

Mr. BYRNES of Wisconsin. Mr. Speaker, I cannot yield further at this time. I accept that there is a difference of opinion as to whether the amendment is meaningful.

Mr. PILLION. I do not doubt the sincerity behind the Dirksen amendment, but I am talking about the practicality of putting that procedure into effectiveness. It just will not happen.

Mr. BYRNES of Wisconsin. If the majority of this House and the majority of the Senate believes that this agreement has unduly raised the price of coffee, these resolutions can be passed. The gentleman may say that is impractical, but it can be done.

Mr. PILLION. It has already raised the price of coffee. Is any resolution pending anywhere?

Mr. BYRNES of Wisconsin. This is what will give us the authority to make a resolution meaningful. The point of what I am saying to the gentleman is that if we should pass the conference report and adopt the Senate amendment, then we would set the stage for the concurrent resolution to be meaningful.

Mr. MILLS. Mr. Speaker, will the gentleman yield on that point?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. That is the important point I was trying to stress a few minutes ago. Contrary to what I had been told—that the treaty agreement could not go into effect until this was passed—the treaty agreement is now in effect. If we want this added assurance of protection for the consumers under that treaty, we had better agree to the conference report.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Illinois.

Mr. DERWINSKI. First, I wish to point out I recognize that the chairman of the committee and the gentleman from Wisconsin [Mr. BYRNES] are two of the greatest legislators in all of history. However, I should like to have this made clear.

As I understand the gentleman, what we are in effect being told is that we were misinstructed originally and that this action is necessary to protect the American consumer from a tragedy which has already befallen, a 22-percent increase in the price of coffee since the international coffee cartel started to operate. Is that the practical problem we face?

Mr. BYRNES of Wisconsin. Let me say when this bill was before the Committee on Ways and Means last year, and I did not happen to be present at the time it was on the floor of the House in November, but I had very serious reservations and questioned at the time whether the agreement was a sound proposal for the United States to have agreed to. I still have serious question about it, but the thing that impresses me is that this is a treaty. This is not just a statute that we put on the books and then repeal. This is a treaty, and I think when we deal with treaties the integrity of the United States in all of its treaties is involved. In that course of events it seems to me we do not use a device such as would be used here to abrogate an agreement. You should use the recognized procedures provided for withdrawal from the treaty. Until we do withdraw, it seems to me, as one of the Members of this House, it is my responsibility to vote for such implementation as may be necessary to carry out the treaty agreement that we entered into. The conference bill now changes the course somewhat because we add an amendment which gives Congress something to say about adopting a legal course of withdrawal from the obligations of that treaty, and it is on that basis I support the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. Yes. I yield to the gentleman from Iowa.

Mr. GROSS. If the implementing legislation has any meaning at all, Congress had something to say about it last November and they have something to say about it today. If the implementing legislation means anything. If it does not, what are you in here with the legislation for?

Mr. MILLS. Mr. Speaker, will my friend from Wisconsin yield?

Mr. BYRNES of Wisconsin. Yes. I yield to the gentleman from Arkansas.

Mr. MILLS. Because the gentleman from Wisconsin is as well informed as he is on this legislation and was well informed on it but was not here on the day it was presented in November, as he pointed out, I have said that I had been told—and this I do not like—that this treaty could not be put into effect until this implementing legislation had been passed. That is what we said in November and that is what I had been told in November. But now this was put into effect by the deposit of the instrument of ratification in December. Somebody in the State Department who talked to me apparently did not make this clear to me but now this treaty is in effect. If there was an occasion in November for us to pass implementing legislation to try to protect the consumer, today there is more reason than ever for adopting the conference report which consists of this amendment of the Senator from Illinois, Senator DIRKSEN.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. MILLS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Does not my friend agree to that?

Mr. BYRNES of Wisconsin. I agree wholeheartedly, and the basic factor is that this amendment moves in the direction of doing something that can be helpful to those very people who are concerned about this agreement and this treaty raising the price to the consumer.

Mr. MILLS. Exactly.

Mr. BYRNES of Wisconsin. If you do not pass it, you do not have any mechanism whatsoever by which to do it. That is why I support the conference report.

Mr. SECREST. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. Yes. I yield to the gentleman.

Mr. SECREST. Do I understand if we do not pass this legislation, we would be in the position of breaking a treaty or violating a treaty?

Mr. BYRNES of Wisconsin. No. I may have misspoken. That was certainly the position that was presented to us at the time it was before our committee, and I believed it. Apparently the State Department found some other way to implement the treaty without getting congressional implementation. But are we not further ahead to pass by statute Congressional implementation and maintain some control over it, which the Dirksen amendment added in the Senate gives us and which comes from the conference report?

Mr. SECREST. I wanted that clear, because I criticized the treaty breaking by Russia and many other countries, and I do not want to be in a position of voting to have the same thing happen in our own country. That is why I ask.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. Yes. I yield to the gentleman.

Mr. WAGGONNER. It is a matter of fact that this Dirksen amendment involves the sole vehicle which the Congress can employ to remove the United States from this International Coffee Agreement if it does work to our detriment and coffee prices do become unrealistic to the American consumer. Is that not correct?

Mr. BYRNES of Wisconsin. The gentleman is absolutely right. That is the whole issue we have before us today.

Mr. PILLION. Mr. Speaker, will the gentleman yield for a question?

Mr. BYRNES of Wisconsin. I yield.

Mr. PILLION. How about the procedure contained in the treaty itself which provides that we may withdraw within 90 days? That is the procedure in that treaty. We do not need this amendment.

Mr. BYRNES of Wisconsin. There is no question that there is authority to withdraw if the President uses it, but this gives us some leverage on the President.

Mr. MILLS. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CURTIS], a member of the conference committee.

Mr. CURTIS. Mr. Speaker, I agree with one aspect of what has been said about this conference report, that indeed it is a better bill than the one we sent to the Senate. That is why I signed the conference report. But I certainly do not agree with this talk that this legislation is not proper for the House to consider and reject if it wants to without impairing our treaty obligation, if this treaty needs implementation of this sort, as the committee was originally told when it was presented to us by the State Department. It was on the assumption that it did need implementation and I suspect it probably still does, even though the State Department has gone ahead in another way to implement it without the Congress. But if it does need implementation then it is still within our prerogative of the House if in its wisdom it thinks it is a good implementation or, even if it is not a good treaty. We are accustomed, many times, to passing authorization bills, authorizing a program, and when it comes to considering whether we want to vote any money, we take another look and decide that we do not want to do so.

In the debate on the previous bill I pointed out that it is a strange thing to me the concern that certain people express over constitutional powers and treaties and so forth, when it involves an issue that they are concerned about, but how they completely disregard over the bold letters of the Constitution if it is something that they are concerned about the other way. I am willing to debate the constitutionality of any and each issue as it comes up on its own bottom. I happen to think that it is the responsibility of every Member of the House to do exactly that. So if I thought this were unconstitutional, for us to reject an implementation of a treaty I certainly would not do so. When the bill was just before the House and the committee, I felt we had been placed in a delicate position by the State Department in moving ahead with a treaty without such advice on the part of the Senate or knowledge of the House, but the better cause of judgment was, regrettably, to support the treaty. In light of the State Department's subsequent action and the actual increase in coffee prices I have changed my views. The whole purpose of the legislation is for the House to exercise its judgment. So in that regard I cannot agree with my distinguished colleague from Wisconsin, nor the chairman of the committee.

Although I was one who reluctantly voted for this bill when it came to the floor of the House, I had minority views, pointing out its basic errors and spoke on the floor emphasizing its dangers. The very points I made then I think have come back to establish the truth of them. I said this was an international cartel agreement, with licenses and quotas, and the whole purpose of it was to increase coffee prices. Let us not kid the consumers. You can argue, and the gentleman from Arkansas has presented a fair argument, that in stabilizing prices you might have to increase them, but over the long run the consumer will get the benefit from the stabilization. That is a fair thesis, but let us not kid the public by saying that that does not mean increasing the prices in its inception, because the whole purpose of this bill and the International Coffee Agreement was to increase the price of coffee to the producers in Brazil.

Now, Mr. Speaker, that is partly what I objected to in the original debate on the bill, that there was I felt this misrepresentation instead of forthrightly saying "yes; in order to stabilize prices we think we have to increase them." The gentleman from Arkansas [Mr. MILLS] has presented a logical case, at any rate, although I do disagree with it. I disagree with it on the basis of the points I tried to make of what happens when you enter into these international cartel setups, quotas, and licenses wherein you produce a rigidity in production and distribution. In other words, the marketplace mechanism goes out. All of the inspiration to lower costs of production and make productivity increases are lost. These incentives disappear. You freeze the situation.

Mr. Speaker, this is contrary to American tradition. This is why I was opposed to the previous bill on meat quotas. This concept of moving to licenses and quotas stifles and damages the entire international trade situation, and I might say our own domestic market which is based upon the concept of competition. This is the reason we have antitrust laws to try to maintain a competitive market.

Mr. Speaker, we have here through this legislation gone to the retrogressive techniques that are employed in Western Europe and other nations around the world who notably have not achieved the standard of living which has been accomplished in this country.

Mr. Speaker, I suggest that it is about time to get back to fundamental American principles that involve the private marketplace, and get away——

The SPEAKER pro tempore (Mr. BOGGS). The time of the gentleman from Missouri has expired.

Mr. MILLS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. CURTIS. I thank the gentleman.

The SPEAKER pro tempore (Mr. BOGGS). The Chair will state to the gentleman from Missouri that he has been recognized for an additional 2 minutes.

Mr. CURTIS. Permit me to finish my sentence. I was simply saying that we need to get back to the basic American concept of the use of the private marketplace and get away from the regressive system of cartels that we have seen exist in Western Europe, state trading, the very things that represent the antithesis of the American system.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Arkansas.

Mr. MILLS. The gentleman from Missouri has, I think, maintained a very consistent position with respect to the development of his thesis of these impediments to the freer flow of trade.

I believe all of us recognize that, but would not my friend agree with the gentleman from Wisconsin [Mr. BYRNES] and me that certainly in this particular instance before the House, where we have this conference report, that the conference report itself is much to be preferred, even from the point of view of those who are concerned about the agreement, than what originally passed the House?

Mr. CURTIS. Well, I agree with the gentleman from Arkansas. I made that point in the very beginning, that there is this improvement because of the Dirksen amendment. But I would also say this, that those who feel as I do, who do not want to see any further implementing aspect to this treaty, in view of the State Department's moving ahead without even waiting for this bill to become law and the subsequent great increase in coffee prices, could still vote it down even though the conference report is preferable to the original House bill. So our position is that this represents an erroneous approach to international trade and consumer interests, and I do not want to assist the administration any further in carrying out this treaty.

The SPEAKER pro tempore. The time of the gentleman from Missouri has again expired.

Mr. MILLS. I yield 2 additional minutes to the gentleman from Missouri.

Mr. CURTIS. I thank the gentleman.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Arkansas.

Mr. MILLS. Is it not fair to interpret the gentleman's position as being against the agreement itself?

Mr. CURTIS. Oh, yes.

Mr. MILLS. But if this legislation were defeated, since the agreement is presently in effect, we might or we might not be accomplishing the defeat of the agreement as a treaty?

Mr. CURTIS. That is true.

Mr. MILLS. But, certainly, would we not be eliminating some of the elements of protection of the consumer that we would otherwise have if this legislation is passed?

Mr. CURTIS. I want to agree in a very limited way with the gentleman, but I happen to also agree with the gentleman from New York [Mr. PILLION], in the broader conclusion that the protection that is contained in the Dirksen amendment is quite limited in the keywords that the gentleman from Wisconsin [Mr. BYRNES] read over hurriedly, "When the President finds the council has failed, etc."

Any time you give the discretion to find something the President can find as he pleases. That is easy to do. So I do not think there is much protection in the Dirksen amendment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Iowa.

Mr. GROSS. The price of coffee has gone up about 20 cents a pound. If this conference report is agreed to, and I hope it will not be, there would be nothing to prevent them from putting the price up 2 to 5 cents tomorrow, is there?

Mr. CURTIS. You can introduce a resolution and start the machinery. At one point when it comes to the discretion of the President, if he finds it or does not find it, it could easily rest there.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from Ohio.

Mr. VANIK. It is within the provisions of our country to withdraw from the agreement, is it not?

Mr. CURTIS. Yes. I think that is in the agreement. The President has to do that, though. Here we are asked as a Congress to enable him to do certain things in the treaty and for those who might disagree with him this is one way to express our disagreement.

Mr. MILLS. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. PILLION].

Mr. PILLION. Mr. Speaker, no bill has ever been presented that contained more deliberate misrepresentations and misstatements of fact than this bill.

This bill, H.R. 8864, would implement the treaty known as the International Coffee Agreement. This treaty was signed on September 28, 1962. This bill would require the United States to police and prevent the importation of coffee originating from nonmember nations to the treaty.

The International Coffee Agreement is now in full force and effect. Its purpose is to reduce the supply of available coffee to the consumer nations by setting up restricted artificial quotas of exports, and thus drive the price of coffee up.

The treaty is, itself, self-executing. H.R. 8864 is not necessary for its functioning. The rejection of this conference report will not abrogate this treaty. The treaty is not a mandate upon Congress. It can refuse to appropriate funds.

For the coffee crop year 1963, ending October 1, 1963, the international cartel set a quota of 45.6 million bags for export to the consuming nations.

For the coffee crop year 1964, the quota allowed was 48.3 million bags.

On August 7 of this year—about 2 weeks ago—the quota established for 1965 is 48 million bags.

As a result of the scarcity of coffee, due to these restrictive quotas, the price of coffee has sharply increased to the American consumer.

Here are the retail prices for Maxwell House coffee—a popular brand—in one of the chain supermarkets in Washington: 69 cents per pound in June 1962—just before the treaty establishing quotas was signed; 71 cents per pound in June 1963—about the time the treaty began taking effect; 91 cents per pound in June 1964; 91 cents per pound in August 1964.

In the short space of 2 years, coffee prices have increased 22 cents per pound—a jump of 32 percent over the 1962 prices. A comparable increase in coffee prices has occurred throughout the Nation.

The quota for 1965 is less than the quota for the present coffee year 1964. If we add 3 percent to the demand by reason of population increase, the quota for 1965 will be 1,700,000 bags less than 1964.

I predict that this shortage will increase coffee prices to the American housewife in the coffee year beginning October 1, 1964, to a range of somewhere between $1 and $1.25 per pound.

The American public will consume 3 billion pounds of coffee in this calendar year 1964. At 22 cents increase over 1962 prices, the American public will pay over $660 million in higher coffee prices, during this calendar year alone.

This is rank profiteering. The international coffee cartel is a vicious monopoly. If a similar plan were to take place in the United States, it would constitute a civil and criminal conspiracy under the antitrust Sherman Act.

This scheme is an extortion, conceived, planned and successfully executed to allow foreign nations to profiteer at the expense of the American housewives.

I would like to briefly state a few of the more important objections to this bill, and to the treaty it would implement:

First. The coffee treaty is a world monopoly over coffee supply artificially and arbitrarily reducing the coffee supply below the coffee demand.

Second. The demand for coffee in the United States is relatively stable. The reduction of available supply has increased coffee prices from 69 cents per pound in 1962, to 91 cents per pound in 1964.

Third. The machinery for establishing quotas and resultant prices bear no relation to the cost of production. The quotas are established and designed to create artificial short supplies and increase prices to "all the traffic will bear."

Fourth. There is no world shortage of coffee supply. The carryover is about 70 million bags—a 1½ year's supply.

Fifth. The New York coffee wholesale market prices have increased about 15 cents per pound from June 1962 to now. This increase on 3 billion bags to be imported in 1964, means an additional deficit in our international balance of payments of $450 million a year.

It is a drain upon our gold and dollar supply. This drain will further weaken the U.S. dollar.

Sixth. The Dirksen amendment added to H.R. 8864 in this conference report is a face-saving device to make this bill more palatable. It is a theoretical and impracticable procedure. It cannot cure or remedy the basic economic wrongs being inflicted upon the American public.

The Dirksen amendment will not be invoked any more than the 90-day withdrawal provision has been invoked under the treaty agreement. The State Department will see to that.

Seventh. This international cartel is not foreign aid. It is foreign bribery. All we have obtained from the Latin American coffee exporting nations is a weak, halfhearted, meaningless rebuke of Castro.

Eighth. The State Department has willfully misrepresented to this Congress the facts, the political implications, and the economic principles underlying the coffee treaty and H.R. 8864.

Ninth. H.R. 8864 would implement and perfect the scheme contained in the International Coffee Agreement to artificially reduce the world coffee supply for the ultimate purpose of creating profiteering higher coffee prices.

This bill cannot be justified. This is the last chance for this Congress to express its disapproval of this nefarious scheme for extortion.

This conference report on H.R. 8864 should be defeated.

Mr. MILLS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this matter has been thoroughly discussed, I think. Let us bear in mind that what we are endeavoring to do in this agreement is certainly not to take advantage of American consumers nor to bring about unreasonable prices. What we are trying to do is bring about a degree of stability in coffee prices. If ever there was need for stability in the economies of the coffee-producing countries I think all of us must admit that that time is now. The inroads that we fear can be made in the areas of South America I am sure we would certainly be paving the way for if we did not move in the direction of cooperating in the stability of these prices and therefore bringing a degree of stability to their economy. We have put into this every safeguard that we can put in it, both in the agreement and in the implementing legislation, to protect the American housewife against undue price increases. What we want to do is to avoid a repetition of the high prices that occurred in the midfifties when the price reached $1.25, but at the same time we want to avoid those depression prices that have occurred in the past because of the lack of such an arrangement as this. We have had in the past very high peaks and very low valleys in the price of coffee. We hope and believe that the treaty involved in this implementing legislation will bring a degree of stability which not only will benefit our consumers but just as important benefit our friends in South America.

Mr. Speaker, I feel very strongly that this is not only in the interest of these people whom we consider our friends, but this is in the interest of the American people themselves.

If we can help to stabilize this situation, I think we will do a great deal to help to reduce the flow of dollars from the Federal Treasury under some other programs that might come along.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOGGS). The question is on agreeing to the conference report.

The question was taken.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and thirty-one Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 194, not voting 53, as follows:

[Roll No. 237]

YEAS—183

Ashley
Ashmore
Aspinall
Ayres
Baker
Baldwin
Barrett
Barry
Bass
Beckworth
Bell
Bennett, Fla.
Betts
Blatnik
Boggs
Bonner
Brademas
Brooks
Broomfield
Brown, Calif.
Burkhalter
Burleson
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cameron
Casey
Chelf
Clausen, Don H.
Cohelan
Cooley
Corman
Davis, Ga.
Delaney
Denton
Dorn
Downing
Duncan
Edmondson
Edwards
Elliott
Everett
Evins
Fallon
Fascell
Finnegan
Fisher
Flynt
Frelinghuysen
Friedel
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gonzalez
Goodell
Grabowski
Grant
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Hagan, Ga.
Hagen, Calif.
Halleck
Hansen
Harding
Hardy
Harris
Hawkins
Healey
Hechler
Herlong
Holland
Hosmer
Huddleston
Hull
Ichord
Jarman
Jennings
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Karsten
Karth
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Leggett
Libonati
Long, La.
McDowell
McFall
NcMillan
Mahon
Mailliard
Matsunaga
Matthews
Miller, Calif.
Mills
Monagan
Moorhead
Morgan
Morris
Morrison
Moss
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
Olsen, Mont.
Olson, Minn.
Patman
Pickle
Poage
Price
Purcell
Quillen
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Roberts, Tex.
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Roybal
Ryan, N.Y.
St. Onge
Schneebeli
Schwengel
Selden
Senner
Sibal
Sickles
Sikes
Siler
Sisk
Slack
Smith, Iowa
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Thomas
Thompson, La.
Thompson, Tex.
Trimble
Tuten
Udall
Ullman
Van Deerlin
Vinson
Waggonner
Watson
Watts
White
Whitener
Whitten
Wickersham
Willis
Wilson, Charles H.
Wright
Young
Zablocki

NAYS—194

Abbitt
Abele
Abernethy
Addabbo
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Bates
Battin
Becker
Beermann
Belcher
Berry
Boland
Bolling
Bolton, Oliver P.
Bow
Bray
Brock
Bromwell
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burke
Burton, Utah
Cahill
Carey
Cederberg
Chamberlain
Chenoweth
Clancy
Clark
Clawson, Del
Cleveland
Collier
Colmer
Conte
Corbett
Cramer
Cunningham
Curtin
Curtis
Dague
Daniels
Dent
Derounian
Derwinski
Devine
Dole
Donohue
Dowdy
Dulski
Dwyer
Farbstein
Feighan
Findley
Fino
Flood
Fogarty
Ford
Foreman
Fountain
Fulton, Pa.
Gibbons
Gilbert
Glenn
Goodling
Gross
Grover
Gubser
Gurney
Haley
Hall
Halpern
Hanna
Harrison
Harsha
Harvey, Ind.
Hays
Henderson
Horan
Horton
Hutchinson
Jensen
Joelson
Johansen
Jonas
Kastenmeier
Keith
Kilburn
King, N.Y.
Knox
Kornegay
Kunkel
Laird
Langen
Latta
Lennon
Lindsay
Lipscomb
Lloyd
Long, Md.
McCulloch
McDade
McIntire
McLoskey
Macdonald
MacGregor
Marsh
Martin, Calif.
Martin, Mass.
Martin, Nebr.
Mathias
May
Meader
Michel
Milliken
Minish
Minshall
Moore
Morton
Mosher
Multer
Nelsen
O'Konski
O'Neill
Osmers
Ostertag
Passman
Patten
Pelly
Perkins
Philbin
Pike
Pillion
Poff
Powell
Pucinski
Quie
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rich
Riehlman
Rivers, Alaska
Robison
Rosenthal
Roudebush
Rumsfeld
St Germain
Saylor
Schadeberg
Schenck
Schweiker
Scott
Secrest
Short
Shriver
Skubitz
Smith, Va.
Snyder
Springer
Stafford
Stinson
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tuck
Tupper
Utt
Vanik
Van Pelt
Wallhauser
Weaver
Weltner
Westland
Wharton
Widnall
Williams
Wilson, Bob
Wilson, Ind.
Winstead
Wydler
Younger

NOT VOTING—53

Adair
Albert
Alger
Auchincloss
Avery
Baring
Bolton, Frances P.
Buckley
Celler
Daddario
Davis, Tenn.
Dawson
Diggs
Dingell
Ellsworth
Forrester
Fraser
Gill
Harvey, Mich.
Hébert
Hoeven
Hoffman
Holifield
Jones, Ala.
Jones, Mo.
Kee
Kyl
Landrum
Lankford
Lesinski
McClory
Madden
Miller, N.Y.
Montoya
Morse
Nedzi
Pepper
Pilcher
Pirnie
Pool
Rains
Roberts, Ala.
Rodino
Roosevelt
Ryan, Mich.
St. George
Sheppard
Shipley
Smith, Calif.
Toll
Tollefson
Whalley
Wyman

So the conference report was rejected.

The Clerk announced the following pairs.

On this vote:

Mr. Hébert for, with Mr. Rodino against.
Mr. Toll for, with Mr. Adair against.
Mr. Buckley for, with Mr. Pirnie against.
Mr. Shipley for, with Mr. Smith of California against.
Mr. Roosevelt for, with Mr. Auchincloss against.
Mr. Daddario for, with Mr. McClory against.
Mr. Holifield for, with Mr. Morse against.

Until further notice:

Mr. Lesinski with Mr. Avery.
Mr. Dingell with Mr. Miller of New York.
Mr. Nedzi with Mr. Harvey of Michigan.
Mr. Ryan of Michigan with Mr. Tollefson.
Mr. Montoya with Mr. Hoeven.
Mr. Baring with Mrs. St. George.
Mr. Forrester with Mr. Hoffman.
Mr. Roberts of Alabama with Mr. Wyman.
Mr. Gill with Mrs. Frances P. Bolton.
Mr. Landrum with Mr. Kyl.
Mr. Madden with Mr. Ellsworth.
Mr. Pepper with Mr. Whalley.

Messrs. DUNCAN, RHODES of Arizona, HOSMER, GALLAGHER, and SENNER changed their vote from "nay" to "yea."

Messrs. MOORE and TAFT changed their vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I move that the House insist upon its disagreement with the Senate and ask for a further conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

The Chair hears none, and appoints the following conferees: Messrs. Mills, King of California, Boggs, Byrnes of Wisconsin, and Curtis.

INTEREST EQUALIZATION TAX ACT

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer-term financing in the United States and in markets abroad, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1816)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, and 130, and agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows:

On page 30 of the Senate engrossed amendments, in the last line, strike out "section.—" and insert "section—"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows:

On page 42, line 10, of the Senate engrossed amendments, strike out "subparagraphs" and insert "subparagraph"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"SUBCHAPTER B—ACQUISITIONS BY COMMERCIAL BANKS

"Sec. 4931. Commercial bank loans.

"SEC. 4931. COMMERCIAL BANK LOANS.

"(a) Standby Authority.—The provisions of this section shall apply only if the President of the United States—

"(1) determines that the acquisition of debt obligations of foreign obligors by commercial banks in making loans in the ordinary course of the commercial banking business has materially impaired the effectiveness of the tax imposed by section 4911, because such acquisitions have, directly or indirectly, replaced acquisitions by United States persons, other than commercial banks, of debt obligations of foreign obligors which are subject to the tax imposed by such section, and

"(2) specifies by Executive order that the provisions of this section shall apply to acquisitions by commercial banks of debt obligations of foreign obligors, to the extent specified in such order.

Such Executive order shall be effective, to the extent specified therein, with respect to acquisitions made during the period beginning on the day after the date on which the order is issued and ending on the date set forth in section 4911(d). Such Executive order may be modified from time to time (by Executive order), except that no such modification shall (A) have the effect of excluding from the application of subsection (b) or (c) a significant class of acquisitions to which such subsection applied under such Executive order or any modification thereof, or (B) subject any acquisition made on or before the date of issuance of such modification to the application of subsection (b) or (c).

"(b) Debt Obligations With Maturity of 3 Years or More, Etc.—During the period in which an Executive order issued under subsection (a) is effective, and to the extent specified in such order (and any modifications thereof), sections 4914(b)(2)(A), 4914(j)(1)(A)(ii), and 4915(c)(2)(A) shall not apply.

"(c) Debt Obligations With Maturity From 1 to 3 Years.—During the period in which an Executive order issued under subsection (a) is effective, and to the extent specified in such order (and any modifications thereof), there is hereby imposed, on each acquisition by a United States person (as defined in section 4920(a)(4)) which is a commercial bank of a debt obligation of a foreign obligor (if such obligation has a period remaining to maturity of 1 year or more and less than 3 years), a tax equal to a percentage of the actual value of the debt obligation measured by the period remaining to its maturity and determined in accordance with the following table:

"If the period remaining to maturity is:	*The tax, as a percentage of actual value, is:*
At least 1 year, but less than 1¼ years	1.05 percent
At least 1¼ years, but less than 1½ years	1.30 percent
At least 1½ years, but less than 1¾ years	1.50 percent
At least 1¾ years, but less than 2¼ years	1.85 percent
At least 2¼ years, but less than 2¾ years	2.30 percent
At least 2¾ years, but less than 3 years	2.75 percent

For purposes of this title, the tax imposed under this subsection shall be treated as imposed under section 4911, except that, for such purposes, the provisions of section 4918 shall not apply.

"(d) Exclusions.—

"(1) Export loans.—The provisions of subsection (b), and the tax imposed under subsection (c), shall not apply with respect to the acquisition by a commercial bank of a debt obligation arising out of the sale of personal property or services (or both) if—

"(A) not less than 85 percent of the amount of the loan is attributable to the sale of property manufactured, produced, grown, extracted, created, or developed in the United States, or to the performance of services by United States persons, or to both, and

"(B) the extension of credit and the acquisition of the debt obligation related thereto are reasonably necessary to accomplish the sale of property or services out of which the debt obligation arises, and the terms of the debt obligation are not unreasonable in light of credit practices in the business in which the United States person selling such property or services is engaged.

"(2) Foreign currency loans by foreign branches.—The provisions of subsection (b), and the tax imposed under subsection (c), shall not apply to the acquisition by a commercial bank of a debt obligation of a foreign obligor payable in the currency of a foreign country if, under regulations prescribed by the Secretary or his delegate—

"(A) such bank establishes and maintains, for each of its branches located outside the United States, a fund of assets with respect to deposits payable in foreign currency to customers (other than banks) of such branch, and

"(B) such debt obligation is designated, to the extent permitted by this paragraph, as part of a fund of assets described in subparagraph (A) (but only after debt obligations of foreign obligors payable in foreign currency having a period remaining to maturity of less than one year held by such bank have been designated as part of such a fund).

A debt obligation may be designated as part of a fund of assets described in subparagraph (A) only to the extent that, immediately after such designation, the adjusted basis of all the assets held in such fund does not exceed 110 percent of the deposits payable in foreign currency to customers (other than banks) of the branch with respect to which such fund is maintained.

"(3) Preexisting commitments.—The provisions of subsection (b), and the tax imposed under subsection (c), shall not apply to the acquisition by a commercial bank of a debt obligation of a foreign obligor—

"(A) made pursuant to an obligation to acquire which on August 4, 1964—

"(i) was unconditional, or

"(ii) was subject only to conditions contained in a formal contract under which partial performance had occurred; or

"(B) as to which on or before August 4, 1964, the acquiring commercial bank (or, in a case where 2 or more commercial banks are making acquisitions as part of a single transaction, a majority in interest of such banks) had taken every action to signify approval of the acquisition under the procedures ordinarily employed by such bank (or banks) in similar transactions and had sent or deposited for delivery to the foreign person from whom the acquisition was made written evidence of such approval in the form of a document setting forth, or referring to a document sent by the foreign person from whom the acquisition was made which set forth the principal terms of such acquisition.

"(e) Regulations.—The Secretary or his delegate shall prescribe such regulations (not inconsistent with the provisions of this section or of an Executive order issued under subsection (a)) as may be necessary to carry out the provisions of this section."

And the Senate agree to the same.

W. D. Mills,
Cecil R. King,
Hale Boggs,
Managers on the Part of the House.

Harry F. Byrd,
Russell B. Long,
George A. Smathers,
John J. Williams,
Frank Carlson,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the

Senate to the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer-term financing in the United States and in markets abroad, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following Senate amendments made technical, clerical, clarifying, or conforming changes: 1, 2, 3, 4, 9, 10, 16, 17, 20, 21, 22, 25, 26, 27, 28, 33, 35, 38, 39, 40, 44, 45, 48, 49, 50, 55, 56, 57, 59, 60, 61, 63, 67, 69, 72, 73, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 99, 100, 101, 108, 109, 113, 115, 116, 118, 119, 123, 124, 125, 126, 128, and 130. With respect to these amendments the House recedes. The remaining Senate amendments are discussed below; except as otherwise indicated, the discussion of each amendment is set forth under the heading of the section in the new chapter 41 of the Internal Revenue Code of 1954 (added by sec. 2(a) of the bill) to which it relates.

SECTION 4912. ACQUISITIONS

Amendment No. 5: In the House bill, section 4912(b)(1) exempted from the new interest equalization tax contributions made by an employee to a foreign pension or profit-sharing trust established by his employer, where such employee performs personal services for the employer on a full-time basis in a foreign country (and is not an owner-employee). The Senate amendment added language also exempting from the tax contributions made by an employer to such a trust established by him for the exclusive benefit of employees (not owner-employees) who perform personal services for him on a full-time basis in a foreign country. The House recedes.

Amendment No. 6: In the House bill, section 4912(b)(2) provided that certain transfers of money or other property to a foreign corporation or foreign partnership are deemed to be acquisitions of stock of a foreign corporation—taxable as such unless otherwise excluded—equal in amount to the actual value of the money or property transferred. The Senate amendment added a new subparagraph providing that if a domestic corporation or partnership transfers money or other property to (or applies money or other property for the benefit of) a branch office as to which an election to be treated as a foreign corporation or partnership (as described in the new sec. 4920(a)(5)(E), discussed below under amendments Nos. 103 and 104) is in effect, or if funds are borrowed by such branch office from a U.S. bank (other than a bank branch located outside the United States and lending such funds in the ordinary course of its business), the domestic corporation or partnership is deemed to have acquired stock of a foreign corporation or partnership equal in amount to the actual value of the money or property transferred or applied, or the funds borrowed. The House recedes.

Amendments Nos. 7 and 8: In the House bill, section 4912(b)(4) provided that an acquisition of stock or debt obligations of a foreign issuer or obligor in a reorganization exchange to which section 354, 355, or 356 of the code applies (or would apply but for sec. 367) is deemed to be an acquisition from the foreign issuer or obligor in exchange for its stock or debt obligations (and thus, pursuant to section 4914(a)(4), not treated as an acquisition for purposes of the tax or treated as subject to the limitations contained in section 4913(a)). The Senate amendments added a provision (1) extending the coverage of section 4912(b)(4) to an acquisition which is prevented from otherwise qualifying as such a reorganization exchange because the U.S. person receives money or other property (in addition to voting stock) in the transaction, and (2) treating any transaction occurring before the date of enactment of the bill as having occurred on such date so that it may qualify as an exchange under section 354 or 356 pursuant to a reorganization under section 368(a)(1)(B), as amended by the Revenue Act of 1964. The House recedes.

SECTION 4913. LIMITATION ON TAX ON CERTAIN ACQUISITIONS

Amendment No. 11: In the House bill, section 4913(a)(3)(A) limited the tax, in cases where stock is acquired pursuant to the exercise of a right to convert a debt obligation, to the amount of tax which would have applied if the debt obligation had been treated as stock at the time of its acquisition reduced by any tax actually paid by the U.S. person exercising the right (or a decedent from whom he acquired the right) when he acquired the debt obligation. The Senate amendment permitted a similar reduction in cases where the acquisition of the debt obligation was nontaxable, as for example where the acquisition was from another U.S. person, equal to the amount of tax which would have been imposed if the acquisition had been subject to tax. The House recedes.

Amendments Nos. 12, 13, 14, and 15: In the House bill, section 4913(a)(3)(B) limited the tax, in cases where stock or a debt obligation of a foreign issuer or obligor is acquired by a shareholder pursuant to the exercise of an option or similar subscription right, to the exercise price specified in the subscription offer (rather than the difference between the market value of the securities at the time of exercise and the value of the right exercised) if the offering by its terms expires within 90 days from the date the rights involved are distributed. The Senate amendments made this limitation available to subsequent purchasers of the rights involved as well as to the shareholder himself, and also extended the limitation to any case in which such rights are in fact exercised within 90 days from the date the rights are distributed whether or not any termination date is specified in the offering. The House recedes.

Amendment No. 18: This amendment added to section 4913 a new subsection (c) to prevent the imposition of two taxes in certain transactions involving the acquisition by a U.S. person of stock or debt obligations of a domestic corporation or partnership which was formed or availed of by a foreign issuer or obligor to obtain funds in the United States. In such cases the acquisition is taxable (as though it were from a foreign issuer or obligor) under section 4912 (b)(3), and the domestic corporation or partnership may also be subject to tax if it transfers the funds received to the foreign issuer or obligor in return for stock or debt obligations. The Senate amendment in effect limits the tax on the two acquisitions to the larger of the amounts of tax which would otherwise be due. The House recedes.

SECTION 4914. EXCLUSION FOR CERTAIN ACQUISITIONS

Amendment No. 19: In the House bill, section 4914(a) enumerated several types of transactions which are not to be considered acquisitions of stock or debt obligations (and which are therefore not subject to tax). The Senate amendment added to this list of excluded transactions (in a new par. (5)) corporate distributions of stock or debt obligations to a shareholder, in complete or partial liquidation, in cases where the distributing corporation owned the securities involved on July 18, 1963, to the extent that the shareholder acquired his stock ownership in such corporation in a transaction not excluded from tax under section 4914(b), 4915, 4916, or 4917. The House recedes.

Amendment No. 23: In the House bill, section 4914(b) enumerated several types of acquisitions which are not subject to tax. The Senate amendment added to this list of excluded acquisitions (in a new par. (4)) the acquisition of stock or debt obligations by a U.S. person doing business in a foreign country, if and to the extent that the acquisition is made (in conformity with such country's laws) as a substitute for the payment of tax to such country. The House recedes.

Amendment No. 24: This amendment added to the list of excluded acquisitions in section 4914(b) (in a new par. (5)) the acquisition of stock in a foreign cooperative housing corporation. The House recedes.

Amendment No. 29: This amendment added to the list of excluded acquisitions in section 4914(b) (in a new par. (10)) the acquisition of debt obligations in connection with the sale or liquidation of a wholly owned foreign corporation, to the extent provided in the new section 4914(g) (discussed below, under amendment No. 52). The House recedes.

Amendment No. 30: This amendment added to the list of excluded acquisitions in section 4914(b) (in a new par. (11)) the acquisition of debt obligations secured by real property located in the United States and arising out of the purchase of such property from U.S. persons, to the extent provided in the new section 4914(h) (discussed below, under amendment No. 53). The House recedes.

Amendment No. 31: This amendment added to the list of excluded aquisitions in section 4914(b) (in a new par. (12)) the acquisition by a U.S. person residing in a foreign country of stock of a foreign issuer which invests exclusively in the United States, to the extent provided in the new section 4914(i) (discussed below, under amendment No. 54). The House recedes.

Amendment No. 32: In the House bill, section 4914(c)(1) exempted from tax the acquisition from a foreign obligor of a debt obligation arising out of the sale of tangible personal property or services (or both) to such obligor by a U.S. person if payment of the debt obligation is guaranteed or insured (in whole or in part) by an agency or wholly owned instrumentality of the United States, such as the Export-Import Bank. The Senate amendment extended the exemption to any related debt obligation arising out of such a sale. The House recedes.

Amendments Nos. 34 and 36: In the House bill, section 4914(c)(2) exempted from tax the acquisition by a U.S. person of stock or a debt obligation arising out of the sale of tangible personal property or services (or both) to the foreign issuer or obligor if at least 30 percent of the purchase price is attributable to property produced in the United States, and services performed, by that particular person (and affiliated companies) and at least 50 percent of such price is attributable to property produced in the United States, and services performed, by U.S. persons generally. The Senate amendments also provided an exemption from tax, in situations of this kind, where at least 60 percent of the actual value of the stock or debt obligation acquired is attributable to property produced in the United States, and services performed, by the person making the acquisition (and affiliated companies) and 100 percent of such value is attributable to property produced in the United States, and services performed, by U.S. persons generally. The House recedes.

Amendment No. 37: This amendment added to section 4914(c) a new paragraph (3), exempting from tax the acquisition by a U.S. person from a foreign issuer or obligor of its stock or debt obligations in connection with the sale or license to such issuer or obligor of an interest in intangible personal property (such as patents, inventions, models, designs, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, etc.), with or without the performance of related services by such person or by affiliated companies, if at least 85 percent of the purchase price or license fee is attributable to property produced, created, or developed in the United States (and to the performance of any such related services) by such U.S. person or affiliated companies. The House recedes.

Amendments Nos. 41, 42, and 43: In the House bill, section 4914(c)(4) (redesignated as section 4914(c)(5) by amendment No. 39) exempted from tax the acquisition by a U.S. person of a foreign debt obligation received (as all or part of the purchase price) under a contract in which the foreign obligor agrees to purchase over at least a 3-year period ores or minerals (or derivatives thereof) extracted outside the United States by such person, by an affiliated company, or by a corporation at least 10 percent of the voting power of which is owned by such person if at least 50 percent of such voting power is owned by U.S. persons each of whom owns at least 10 percent. It also exempted from tax the acquisition of a debt obligation where the proceeds of the loan involved are to be used by the foreign obligor to install, maintain, or improve storage and other facilities relating to ores or minerals extracted outside the United States by such a person, affiliated company, or 10-percent owned corporation.

The Senate amendments extended the exemption to any case where the ores or minerals involved are extracted by the U.S. person or an affiliated company, or by a corporation at least 10 percent of the voting power of which is owned by such person, such affiliated companies, or domestic corporations owning at least 50 percent of the voting stock of the U.S. person; the requirement that U.S. persons own 50 percent of the extracting company was eliminated. These amendments also extended the exemption to cases where the ores or minerals involved were obtained under a contract entered into on or before July 18, 1963, regardless of whether such U.S. person affiliated companies, or domestic corporations performed the actual extraction, and to cases where similar ores and minerals were obtained in exchange for ores or minerals so extracted or obtained. Finally, the provision exempting debt obligations arising out of loans to install, maintain, or improve storage and other facilities outside the United States was modified to reflect the changes discussed above, and was extended to cases where the installation, maintenance, or improvement involved is carried out by a person controlled by or controlling the obligor.

Amendments Nos. 46, 47, and 51: In the House bill, section 4914(e) exempted from tax certain acquisitions by a U.S. insurance company of stock or debt obligations of a foreign issuer or obligor where such company (1) establishes a fund or funds of assets with respect to foreign risks insured by such company under contracts the proceeds of which are payable in foreign currency, and (2) designates such stock or debt obligations (within a limit of 110 percent of the applicable allowable reserve) as part of such fund or funds. Various provisions were included to govern the method for making these designations, the conditions and limitations applicable to the selection of the particular stock and debt obligations to be designated, the manner in which the assets involved are to be valued, and other matters bearing upon the computation and allowance of the exemption.

The Senate amendments (in addition to rearranging much of the material in sec. 4914(e)) made several changes in the latter provisions:

(1) A new method was provided for the initial designation of stock and debt obligations as part of a fund of assets, permitting certain foreign short-term debt obligations to be included and prescribing an order of priority to be followed in the designation. The date as of which such designation is to be made was changed from December 10, 1963, to July 18, 1963.

(2) The method of valuing designated assets was changed so that the value at which stock or debt obligation will be taken into account as a fund asset is its adjusted basis (within the meaning of sec. 1011 of the code) rather than its actual value.

(3) The provisions relating to designations to maintain a fund of assets on a current basis were changed to permit the designation of stock or debt obligations acquired after July 18, 1963, rather than only those acquired after December 10, 1963.

(4) A new provision was added to require, after the end-of-year permissive designation of additional assets, the designation (up to the limit of 110 percent of the applicable allowable reserve) of stock and debt obligations acquired during the year but excluded from the tax by reason of an Executive order issued under section 4917.

(5) A new provision was added to make it clear that a designation is ineffective, and the acquisition of the stock or debt obligations involved is accordingly not exempt from tax under section 4914(e), to the extent that as a result of such designation the fund of assets would exceed the 110-percent limit.

(6) The provisions relating to determination of an allowable reserve for any calendar year were changed so that such determination (for purposes other than the initial designation) is to be made only as of the close of such year; the amount of the reserve for any year is thus made independent of the amount determined with respect to any earlier year.

The House recedes.

Amendment No. 52: This amendment added to section 4914 a new subsection (g), exempting from tax the acquisition by a U.S. person of a debt obligation of a foreign obligor arising out of the sale or liquidation of a wholly owned foreign subsidiary. This exemption would apply to acquisitions made in connection with the sale by such person (or by one or more affiliated companies) of all of the outstanding stock (except for qualifying shares) of a foreign corporation, or in connection with the liquidation by such person (or by one or more affiliated companies) of a foreign corporation all of whose outstanding stock (except qualifying shares) is owned by such person (or affiliated companies); but in the latter case the exemption would be available only if the debt obligation involved had been received by the foreign corporation as part or all of the purchase price in a sale of substantially all of its assets. The House recedes.

Amendment No. 53: This amendment added to section 4914 a new subsection (h), exempting from tax the acquisition by a U.S. person of a debt obligation secured by real property located in the United States, but only to the extent that such debt obligation is part of the purchase price of such property (and related personal property) or arises out of a loan (made by the U.S. person to the foreign obligor) the proceeds of which are concurrently used as part of such purchase price. The owner of the property would have to be a U.S. person, and at least 25 percent of the purchase price would have to be paid in U.S. currency by the foreign obligor to the seller from funds which have not been obtained from U.S. persons for the purpose of purchasing such property. The House recedes.

Amendment No. 54: This amendment added to section 4914 a new subsection (i), exempting from tax the acquisition by a U.S. person who is a bona fide resident of a foreign country, or who is regularly performing personal services on a full-time basis in a foreign country, of stock of a foreign issuer investing exclusively in U.S. securities; but this exemption would be available only with respect to the first $5,000 of the stock of such foreign issuers acquired by the U.S. person in any calendar year, and it would not apply if the foreign issuer is 25 percent or more owned by U.S. persons. A U.S. person who obtains this exemption with respect to any stock will not be considered to be a U.S. person with respect to such stock, however, if he sells or otherwise disposes of it after July 30, 1964. The House recedes.

Amendment No. 58: In the House bill, section 4914(g) provided that a person may lose his entitlement to certain of the exemptions under section 4914 if he subsequently transfers the stock or debt obligations involved under specified circumstances. The Senate amendment added to this section (which was redesignated 4914(j) by amendment No. 55) new language permitting a U.S. person acquiring a foreign debt obligation in connection with certain export transactions to transfer it to any other U.S. person without incurring tax liability, if the original extension of credit and the acquisition of the debt obligation were reasonably necessary to accomplish the sale of the property or services involved and the terms of the debt obligation were not unreasonable in the light of the credit practices in the business in which such person was engaged. The House recedes.

SECTION 4915. EXCLUSION FOR DIRECT INVESTMENTS

Amendment No. 62: In the House bill, section 4915(a)(1) provided that an acquisition by a U.S. person of stock or debt obligations is not subject to tax if immediately after the acquisition such person (or one or more affiliated companies) owns (directly or indirectly) 10 percent or more of the total combined voting power of all classes of stock of the foreign corporation, or if such person owns (directly or indirectly) 10 percent or more of the profits interest of the foreign partnership. The Senate amendment extended this direct investment exclusion to the acquisition by a U.S. person of a debt obligation from such a foreign corporation if the corporation acquired such obligation in the ordinary course of its trade or business as a result of the sale or rental of products manufactured or assembled by it or the performance of services by it. The House recedes.

Amendments Nos. 64 and 65: In the House bill, section 4915(a) provided that the tax paid on the acquisition of stock of a foreign corporation or foreign partnership by a U.S. person will constitute an overpayment if such person continuously holds such stock from the time of its acquisition to the last day of the calendar year in which the acquisition was made and as of such last day owns 10 percent or more of the total combined voting power of all classes of stock of the corporation or 10 percent or more of the profits interest of the partnership.

The Senate amendments changed the holding period requirement to provide that a U.S. person may qualify for credit or refund with respect to an acquisition of stock or a debt obligation of a foreign corporation or foreign partnership (or a debt obligation referred to in the amended par. (1) of sec. 4915(a)) if such person meets the 10 percent or more ownership requirement of paragraph (1) with respect to such foreign corporation or foreign partnership at any time within 12 months from the date of acquisition of such stock or debt obligation and holds the stock or debt obligation continuously from the date of such acquisition to the last day of the calendar year in which such ownership requirement is first met.

The House recedes.

Amendment No. 66: In the House bill, section 4915(c)(1) provided that the provisions of subsections (a) and (b) of section 4915 are inapplicable where the foreign corporation or foreign partnership is formed or availed of by the U.S. person for the principal purpose of acquiring, through such corporation or partnership, an interest in stock or debt obligations (of one or more other foreign issuers or obligors) the direct acquisition of which by the U.S. person would be subject to the tax imposed by section 4911. Paragraph (2) of section 4915(c) provided that, for purposes of section 4915(c), the acquisition by a U.S. person of stock or debt obligations of a foreign corporation or foreign partnership which acquires stock or debt obligations of foreign issuers or obligors in making loans in the ordinary course of its business as a commercial bank shall not, by reason of such acquisitions, be considered an acquisition by the U.S. person of an interest in stock or debt obligations of foreign issuers or obligors.

This amendment added to paragraph (2) of section 4915(c) a provision that any foreign corporation or foreign partnership which is regularly engaged in the business of accepting deposits from customers and receiving other borrowed funds in foreign currencies and making loans in such currencies shall be treated as a commercial bank for purposes of paragraph (2)(A).

The House recedes.

SECTION 4916. EXCLUSION FOR INVESTMENTS IN LESS DEVELOPED COUNTRIES

Amendment No. 68: In the House bill, paragraph (3) of section 4916(a) provided an exclusion from tax with respect to the acquisition by a U.S. person of a debt obligation issued by an individual or partnership resident in a less developed country in return for property which is used, consumed, or disposed of wholly within one or more less developed countries. Under paragraph (2) of section 4916(d), this exclusion terminates and liability for tax is incurred by the acquiring U.S. person as of the time the property exchanged for the foreign debt obligation is first used, consumed, or disposed of other than within one or more less developed countries. The Senate amendment added language to the foregoing paragraphs to make clear that the exclusion is available where money (as well as other property) is exchanged for the foreign debt obligation. The House recedes.

Amendment No. 70: This amendment added a new paragraph (4) to section 4916(a). Paragraph (4) grants an exclusion to a U.S. person acquiring the stock or debt obligations of a foreign issuer or obligor where such acquisition is required as a reinvestment within a less developed country by the terms of a contract with such country, or a political subdivision, agency, or instrumentality thereof (including any corporation or other business entity which is controlled by such government or a subdivision or agency thereof through ownership of more than 50 percent of its voting stock, or, in the case of a nonstock entity, through the authority to elect or appoint a majority of its directors or equivalent body). The contract must provide for the sale of (or indemnification for) property previously held within such country by the U.S. person or its controlled foreign corporation (as defined in sec. 957) more than 50 percent of the total combined voting power of all classes of stock entitled to vote of which is owned (within the meaning of sec. 958) by the U.S. person. This provision will apply only if the contract was entered into because the government of the less developed country or political subdivision, or the agency or instrumentality, (1) has nationalized or has expropriated or seized, or has threatened to nationalize or to expropriate or seize, a substantial portion of the property owned within such less developed country or such political subdivision by the U.S. person or the controlled foreign corporation, or (2) has taken action which has the effect of nationalizing or of expropriating or seizing, or of threatening to nationalize or to expropriate or seize, a substantial portion of the property so owned. The House recedes.

Amendment No. 71: This amendment modified section 4916(b), which defines the term "less developed country" for purposes of the exemption from tax under section 4916, to authorize the President to designate, by Executive order, a possession of the United States as a less developed country. It would thus permit a corporation organized outside the United States to include assets located in a possession of the United States, such as Puerto Rico, and income derived therefrom, as less developed country assets and income for purposes of section 4916(c). The House recedes.

Amendments Nos. 74 and 76: These amendments to section 4916(c) revised and extended the asset and income criteria for determining whether a foreign corporation qualifies as a less developed country corporation (the acquisition of whose stock or debt obligations is excluded from tax). Substantive changes were as follows:

1. Tangible property located in the United States, stock of domestic corporations, obligations of a U.S. person (other than deposits in the United States with persons carrying on the banking business), and any right to the use in the United States of a patent or copyright, an invention, model, or design (whether or not patented), a secret formula or process, and any other similar property right, regardless of when acquired, and income derived therefrom, are to be excluded completely in making the 80-percent gross income and assets tests of both operating and holding companies.

2. Debt obligations of less developed country corporations are to be treated as qualifying assets for both operating and holding companies even though, at the time of their acquisition, they have a period remaining to maturity of less than 1 year.

3. In the case of holding companies—

(a) money, obligations of the United States, and deposits in the United States with persons carrying on the banking business are treated as assets which may qualify the corporation as a less developed country corporation;

(b) income from deposits in the United States with persons carrying on the banking business constitute qualifying income;

(c) deposits outside the United States (other than deposits in a less developed country) with persons carrying on the banking business and income from such deposits are excluded from the gross income and asset computations;

(d) debt obligations of partnerships and individuals resident in less developed countries constitute qualifying assets; and

(e) if such a corporation does not receive any gross income during an annual accounting period, the 80-percent income test is inapplicable.

The House recedes.

SECTION 4917. EXCLUSION FOR ORIGINAL OR NEW ISSUES WHERE REQUIRED FOR INTERNATIONAL MONETARY STABILITY

Amendment No. 90: In the House bill, section 4917(b) provided that an Executive order described in section 4917(a) may be applicable to all original or new issues, or only to an aggregate amount or classification thereof, as stated in the order. If the order is applicable to a limited aggregate amount of such issues, it will apply to those acquisitions as to which notice of acquisition is first filed, but any such acquisition must be made within 90 days after filing of such notice. The Senate amendment provided that a period of time longer than 90 days may be specified in the order. The House recedes.

Amendment No. 91: In the House bill, section 4917(c) provided that a debt obligation is treated as part of an original or new issue (for purposes of sec. 4917) only if acquired not later than 60 days after the date on which interest begins to accrue on such obligation. The Senate amendment substituted a 90-day period for the 60-day period. It also amended section 4917(c) to provide that a debt obligation secured by a lien on improvements on real property under construction or to be constructed at the time the obligation is issued (or if a series of obligations is involved, when the first is issued) will be treated as part of an original or new issue if two conditions are satisfied. First, the obligation must be acquired within 90 days of the date on which interest begins to accrue on the total amount of the obligation (or if a series of obligations is involved, on the last issued) and, second, the acquiring person must become committed to such acquisition not later than 90 days after the date interest first begins to accrue on any part of the obligation (or if a series of obligations is involved, on the first issued).

The House recedes with a clerical amendment.

SECTION 4918. EXEMPTION FOR PRIOR AMERICAN OWNERSHIP

Amendments Nos. 92 and 93: In the House bill, section 4918(a) provided an exemption from the tax imposed by section 4911 with respect to foreign stock or debt obligations acquired from a U.S. person if such person was a U.S. person throughout the period of his ownership or continuously since July 18, 1963. The acquiring person is permitted to establish such prior American ownership by any clear and convincing evidence. The Senate amendments changed section 4918 (a) by deleting the reference to clear and convincing evidence and by prescribing a more specific procedure (set forth in new subsec. (f) of sec. 4918; see discussion below of amendment No. 95) for establishing prior American ownership. Section 4918(a), as amended, also provided that an exemption based on prior American ownership only applies if the U.S. person from whom a foreign stock or debt obligation is acquired was eligible to execute a certificate of American ownership. The House recedes.

Amendment No. 94: In the House bill, section 4918(c) provided that a written confirmation received from a member or member organization of a national securities exchange registered with the Securities and Exchange Commission (and having the requisite rules) stating that the acquisition was made in the regular market on such exchange serves as conclusive proof of prior American ownership for purposes of section 4918(a).

Under the Senate amendment, a written confirmation will serve as conclusive proof of prior American ownership if the confirmation does not contain a statement that such acquisition was made subject to a special contract. The House recedes.

Amendment No. 95: This amendment added to section 4918 a new subsection (f), providing that for purposes of section 4918 (a) (general rule for exemption for prior American ownership) if a person establishes with respect to an acquisition that there is reasonable cause for his inability to establish prior American ownership under subsection (b), (c), or (d) of section 4918, he may establish prior American ownership by other evidence that the person from whom the acquisition was made was a U.S. person eligible to execute a certificate of American ownership with respect to the acquisition. The House recedes.

SECTION 4919. SALES BY UNDERWRITERS AND DEALERS TO FOREIGN PERSONS

Amendment No. 96: This amendment modified section 4919(a) to permit an underwriter to obtain a refund of tax with respect to stock or debt obligations sold to foreigners in connection with a private placement or a public offering. Under the amendment, the provisions which in the House bill applied only to public offerings would also apply to private placements. The amended section 4919(a) permits a dealer to obtain a refund of tax not only if he sells a debt obligation to a foreigner within 90 days of purchase but also if he sells it within 90 days of the purchase to another dealer who resells it to a foreigner on the day of purchase by the second dealer or on the following business day. Finally, this amendment permits a dealer to in effect purchase stock from a foreigner tax-free if he sells it to a foreigner on the day of purchase or on either of the two succeeding business days. The House recedes.

Amendment No. 97: This amendment modified section 4919(b) (which would still contain the same proof of sale to foreigner requirements which were contained in the House bill with respect to refunds of tax in cases involving sales in connection with an underwriting of foreign securities) to provide rules by which dealers may prove sales of stock or debt obligations to foreign persons in the special market of a registered national securities exchange and may prove sales of debt obligations to foreign persons in over-the-counter transactions. The House recedes.

Amendment No. 98: Under the House bill, a person had to be a member of the National Association of Securities Dealers to come within the definition of the term "dealer" contained in section 4919(c)(2). This amendment changed the definition so that the person may be a member of any national securities association registered with the Securities and Exchange Commission. The House recedes.

SECTION 4920. DEFINITIONS AND SPECIAL RULES

Amendments Nos. 103 and 104: These amendments changed the definition of domestic corporation and domestic partnership contained in section 4920(a)(5) to permit a domestic corporation or partnership which is a dealer in securities to elect, under certain circumstances, to treat a foreign branch office as a foreign corporation or partnership for purposes of the tax. The House recedes on amendment No. 103, and recedes with a clerical amendment on amendment No. 104.

Amendment No. 105: This amendment inserted the phrase "(including any bank deposit)" in section 4920(a)(7)(B)(iv) to make it clear that a demand bank deposit is to be treated as having a maturity of less than 3 years. The House recedes.

Amendments Nos. 106 and 102: The last sentence of section 4920(a)(3) in the House bill provided that a class of stock of a foreign corporation will be treated as not being the stock of a foreign corporation for purposes of the tax if more than 50 percent of such class of stock was held by Americans on the last record date before July 19, 1963, and if U.S. registered securities exchanges constituted the principal market for the stock in 1962. Amendment No. 102 struck out this last sentence, but amendment No. 106 inserted its substance as a new paragraph (8)(B) of section 4920(a). In addition, amendment No. 106 inserted a new paragraph (8)(A) which provides that a class of stock of a foreign corporation will be treated as not being the stock of a foreign corporation for purposes of the tax if Americans held more than 65 percent of such stock on the last record date before July 19, 1963, without regard to the principal market test. The House recedes.

Amendment No. 107: This amendment added to section 4920 a new subsection (b), under which a foreign underwriter may elect to be treated as a U.S. person with respect to his participation in a public offering by an underwriting group which includes one or more U.S. persons. The House recedes.

SECTION 4931. COMMERCIAL BANK LOANS

Amendment No. 110: This amendment added to chapter 41 of the code (as added by the House bill) a new subchapter B, consisting of section 4931 and providing under specified circumstances for the imposition of tax on acquisitions by commercial banks of debt obligations of foreign obligors having a maturity of 1 year or more; otherwise, such acquisitions either would not be subject to tax at all (where they involve debt obligations having maturities of less than 3 years) or would be exempted from tax under section 4914(b)(2)(A) (in other cases). Under the new section 4931, tax would be imposed upon these acquisitions if the President (1) determines that the acquisition of such obligations by commercial banks in the ordinary course of their banking business has materially impaired the effectiveness of the tax imposed by section 4911 because such acquisitions have (directly or indirectly) replaced acquisitions by U.S. persons, other than commercial banks, of debt obligations of foreign obligors which are subject to such tax and (2) accordingly issues an Executive order making the new section applicable to such acquisitions (during the period and to the extent specified in the order). The tax rates on debt obligations having a period remaining to maturity of from 1 to 3 years would range from 1.05 percent for a debt obligation with a period of between 1 and 1¼ years to 2.75 percent for an obligation with a period of between 2¾ and 3 years. The tax imposed under section 4931(c) is treated as imposed under section 4911. The exclusions and exemptions otherwise provided under the new chapter 41 would apply, except that the exclusion for prior American ownership under section 4918 would not apply in the case of debt obligations having a maturity of from 1 to 3 years. In addition, certain export-related loans and certain foreign currency loans by foreign branches would be excluded.

The House recedes with an amendment in the nature of a substitute. Under the conference substitute (1) the tax thus provided for could not be imposed retroactively with respect to acquisitions made before such an Executive order is issued and could not be imposed with respect to acquisitions (whenever made) pursuant to preexisting commitments which were unconditional or substantially formalized no later than August 4, 1964, and (2) the Executive order (if issued) will be effective from the day following the date of its issuance to the date on which the interest equalization tax is to terminate. The Executive order may be modified after it is issued, but not in such a way as to exempt from tax any significant class of acquisitions which had been subject to tax under the order as originally issued or as in effect under any previous modification; and in no case could any such modification apply so as to subject to tax any acquisition made on or before the date of issuance of that particular modification (or any acquisition, whenever made, which was covered on August 4, 1964, by a preexisting commitment as described above).

At the time the Committee on Ways and Means reported H.R. 8000 to the House, concern was expressed as to whether the exclusion from tax provided for loans made by commercial banks might lead to such loans being substituted for loans subject to the interest equalization tax. The report of the Committee on Ways and Means indicated an awareness that an exclusion of this type could be so abused. For that reason, the House version of the bill provided specific authority for the collection of information on the nature and trends in bank lending to foreign persons. It was indicated that this information would be used in determining whether the commercial bank exclusion should be continued. The views of the minority expressed still greater concern with this exclusion.

Since the third quarter of 1963 (the latest data available on bank credits to foreigners when the House considered this bill), both long- and short-term bank loans have increased. While much of the expansion in bank credits may well be attributable to necessary financing of exports, and be beneficial to the balance of payments, rather than a substitute for taxable obligations, nevertheless, the increase in bank credit since the third quarter of 1963 has convinced the conferees on the part of the House of the desirability of accepting, with the modifications indicated above, the Senate amendment giving the President standby authority to impose the tax with respect to commercial bank loans. The conferees understand that the President will follow closely the volume of commercial bank loans and should he become convinced that they are being used to an appreciable extent as a substitute (directly or indirectly) for obligations taxed by the bill, he will exercise the authority granted to him under this provision.

SECTION 2(C) OF THE BILL—EFFECTIVE DATE

Amendments Nos. 111 and 112: These amendments extended the exclusion (contained in sec. 2(c)(2)(B) of the House bill) for acquisitions pursuant to commitments which existed on July 18, 1963, to cases where approval of the acquisition had been sent to the person from whom the acquisition was made (rather than to the issuer or obligor as required by the House bill), and to cases where the commitment was evidenced by a draft purchase contract or other unsigned document. The House recedes.

Amendment No. 114: This amendment added a new subparagraph (C) to section 2(c)(2) of the bill, relating to preexisting commitments. Under the new subparagraph, the tax is not to apply to certain acquisitions of foreign securities pursuant to a contract entered into before July 19, 1963, with the government of a less developed country in connection with the nationalization of property owned within that country by the acquiring U.S. person (or a foreign corporation controlled by him). The House recedes.

Amendment No. 117: This amendment added a new subparagraph (E) to section 2(c)(2) of the bill. Under the new subparagraph, the tax is not to apply to an acquisition of stock in the initial capitalization of a foreign corporation which would be excluded from tax under section 4915 of the code (relating to direct investments) but for the provisions of subsection (c) thereof, if at least 75 percent in interest of the U.S. persons who acquired stock in such initial capitalization had signified on or before July 18, 1963, to the person coordinating the organization the intention to invest a specified amount of money through the purchase of such stock, which amount was equal to or greater than the amount ultimately so invested. The House recedes.

SECTION 3 OF THE BILL—RETURNS

Amendment No. 120: This amendment provided that a U.S. person claiming an exemption on the basis of acquisition from a prior American owner (instead of submitting "clear and convincing evidence" of the exemption, as required under the House bill) must attach a statement to his quarterly interest equalization tax return setting forth a summary of the evidence establishing prior American ownership and the reasons for his inability to produce an exempting certificate or confirmation if he does not have a certificate of American ownership or a confirmation from a dealer for a transaction on a registered securities exchange or in an over-the-counter transaction. The House recedes.

Amendment No. 121: Under the House bill, paragraph (3) of the new section 6011(d) provided that members or member organizations of registered national securities exchanges or association shall keep such records and file such information as is required by regulations prescribed by the Secretary of the Treasury or his delegate in connection with their sales as brokers and in connection with their acquisitions for their own account of stock or debt obligations as to which a certificate of American ownership, or blanket certificate of American ownership, is executed and filed under section 4918(e). Under the Senate amendment, paragraph (3) of section 6011(d) applies to acquisitions, as well as sales, effected by such member or member organizations as a broker and to acquisitions made for the accounts of such member or member organization, but only to those acquisitions or sales, as the case may be, as to which—

(1) a certificate of American ownership or a blanket certificate of American ownership is executed and filed with such member or member organization under section 4918(e), or

(2) a written confirmation is furnished to a U.S. person stating that the acquisition—

(i) in the case of a transaction on a national securities exchange, was made subject to a special contract, or

(ii) in the case of a transaction not on a national securities exchange, was from a person who had not filed a certificate of American ownership with respect to such stock or debt obligation or a blanket certificate of American ownership with respect to the account from which such stock or debt obligation was sold.

The House recedes.

SECTION 5 OF THE BILL—ORIGINAL ISSUE DISCOUNT

Amendment No. 122: This amendment added to the bill a new section 5 amending section 1232(b)(2) of the code, relating to the definition of the term "issue price" for purposes of determining original issue discount. The new section 5 provides that (in the case of privately placed issues) the price paid by the first buyer of bonds or other evidences of indebtedness will be increased by the amount of interest equalization tax (if any) paid under section 4911. The provision is inapplicable, however, to the extent that a credit, refund, or reimbursement of the tax is obtained, directly or indirectly. The House recedes.

SECTION 6 OF THE BILL—PENALTIES

Amendment No. 127: This amendment added to the new section 6681 of the code, relating to false equalization tax certificates, a new subsection (d). Under this new subsection, civil penalties are provided in cases where members of a registered securities exchange or of a national securities association willfully furnish false confirmations. The House recedes.

Amendment No. 129: This amendment changed the new section 7241 of the code to make it clear that the criminal penalties provided by that section are to apply only to violations occurring on or after the date of the enactment of this bill. The House recedes.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
Managers on the Part of the House.

Mr. MILLS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, it will be recalled that the purpose of the Interest Equalization Tax Act is to bring the cost of capital raised in the U.S. market by foreign persons more nearly into alinement with the cost prevailing in markets in other industrial countries.

The conference agreement in basic substance is the same as the House passed bill with one exception which I will describe later.

This tax is designed to aid our balance-of-payments position by limiting somewhat the demand on our capital market from other industrialized countries. The interest equalization tax is a temporary excise tax effective for the period July 19, 1963, through December 31, 1965. The bill imposes a tax on the purchase by U.S. citizens, residents, domestic corporations, and other U.S. persons of debt obligations or stock of foreign persons but only where the obligation or stock was purchased from a foreigner. The tax on the transfer of stock is 15 percent of the value of the stock and the tax on debt obligations varies from 15 percent on those with a maturity of 28½ years or more down to 2.75 percent for those with a maturity of 3 to 3½ years. No tax is imposed for obligations with a maturity of 3 years or less.

The House will recall that the purpose of this tax is to reduce the rate of return on foreign securities by about 1 percent per year. Since the burden of this tax is likely to be shifted to the foreign seller, this means that in most cases he will have to pay a tax which has the same effect as a 1-percent higher interest rate for the use of money that he obtains from the American market. The Treasury Department has estimated that this will have the effect of improving the U.S. balance of payments by from $1¼ to $1½ billion a year. The need for such an improvement is, of course, the reason why it has been necessary for us to pass this bill which none of us otherwise would be anxious to enact.

The balance-of-payments deficit on regular transactions was running at the annual rate of $5.3 billion in the second quarter of 1963 when the President announced his recommendation that this interest equalization tax be enacted. Since that time, there has been a very decided improvement in the balance of payments. In the third and fourth quarters, the deficit on regular transactions was $1.6 billion on an annual rate basis. In the first quarter of 1964, the result is still more favorable with the deficit in balance of payments having shrunk to slightly less than $900 million on an annual rate basis. Some have suggested that this improvement in the balance of payments since the first half of 1963 and particularly the small deficit in the first quarter of 1964 make the interest equalization tax no longer necessary. However, this ignores the fact that the bulk of the gains in the balance-of-payments position have been due to the fact that this tax was likely to be imposed effective from July 1963 on. Certainly other factors such as price stability here at home and an improving balance of trade have contributed toward the improvement in the balance of payments but the major factor has been the realization by most prospective purchasers of stock or debt obligations that Congress was likely to enact this tax effective as of July 19, 1963. Moreover, the preliminary data for the second quarter of 1964 again show a larger balance-of-payments deficit. On an annual rate basis, the deficit in the second quarter according to the preliminary statistics is $3 billion. Even when this is averaged with the more favorable balance in the first quarter of 1964, we can hardly take comfort from a deficit of this magnitude nor consider anything other than the prompt enactment of this bill to restrict capital movements out of this country.

The amendments made by the Senate to the House passed version of H.R. 8000 with one exception were of a relatively technical nature designed to perfect the intent of the provisions as passed by the House. Just as the House Committee on Ways and Means found it necessary to make a series of amendments to the original Treasury proposal, so the further study devoted to the bill by the other body made it necessary to supplement the changes made in the original proposal by the House.

As a result, with the exception of one amendment added on the floor of the other body, the conferees on the part of the House found no problem with the amendments added by the other body. Therefore, with this one exception, your conferees accepted the amendments of the other body with minor clerical modifications. I ask unanimous consent that there be added at the end of my statement a summary of the more significant of these modifications made by the other body in the House passed bill.

The one exception where the other body would make a significant change related to what has been called the Gore amendment. The House version of H.R. 8000 provides an exclusion from tax for debt obligations by a commercial bank in making loans in the ordinary course of its commercial banking business. At the time the House provided this exclusion from tax for commercial bank loans, it was recognized that an exclusion of this type could be abused. For this reason, the report of the Committee on Ways and Means provided specific authority for the collection of information on the nature and trends in bank lending to foreign persons. It was indicated that this information would be used in determining whether the commercial bank exclusion should be continued. The minority report expressed still greater concern with this exclusion. In this regard, the statement of the minority was as follows:

> It is understood that approximately one-half of the long-term foreign loans by institutions, amounting to $248 million for the year 1962, will fall within this exemption. In addition, a substantial amount of the loans, which might otherwise be represented by foreign bonds, may be placed with the banks free of tax. In fact, since the announcements of the proposed tax on July 18, 1963, it is reported that the city of Vienna changed its plan for financing in the United States, from a proposed bond issue to a direct loan from banks.

Since the House acted on H.R. 8000 last fall, the data available do indicate a substantial increase in bank credits to foreigners. In the third quarter of 1963, the total bank credits going to foreigners was at an annual rate of $612 million. This can be contrasted to annual rates of $2.8 billion in the fourth quarter of

1963 and the first quarter of 1964. Preliminary data for the second quarter of 1964 show a slight drop to an annual level of $2.6 billion for bank credits to foreigners.

While the overall increase in bank credits to foreigners represents an unfavorable shift in our balance of payments, since the third quarter of 1963 an analysis of more detailed information suggests that the situation in this regard is not as bad as it might at first hand appear. While short-term loans to foreigners have increased substantially since the third quarter of 1963 the trend in long-term bank credit to foreigners is somewhat more erratic. Short-term credit, that is credit of 1 year or less, increased on a net basis from an annual rate of $76 million in the third quarter of 1963 to $1.1 billion in the fourth quarter, to $1.7 billion in the first quarter of 1964 and to $2.5 billion according to the preliminary statistics for the second quarter of 1964. This increase would be unaffected by the Senate amendment since the Senate would provide standby authority only with respect to debt obligations of banks of more than 1 year.

Long-term bank credits to foreigners increased from about $½ billion in the third quarter of 1963, to $1.7 billion in the fourth quarter and $1.1 billion in the first quarter of 1964. In the second quarter of 1964, however, long-term bank credits on an annual rate basis are reported to amount to only about $150 million. However, it is understood that commitments made suggest that this will increase appreciably in July.

It is, of course, difficult, if not impossible, to be sure of exactly what underlies these short-term shifts in statistical data. Thus, the increase in bank credit to foreigners may represent increases in export related loans or perhaps just temporary seasonal factors.

In any event, however, the other body thought that this increase in bank loans was of sufficient importance to justify giving the administration standby authority to impose the tax with respect to commercial bank loans of more than 1 year. It is understood that the President will follow closely the volume of commercial loans but will not exercise this authority granted him to extend the application of the tax to commercial bank loans unless he becomes convinced that these loans are being issued to an appreciable extent either directly or indirectly as a substitute for debt obligations taxed under the bill. Presumably he would not exercise the authority therefore unless long-term bank credits again show an appreciable increase and there is evidence that these loans are replacing for acquisitions which otherwise would be taxed by the bill.

The need for standby authority does not stem from any already demonstrated abuse of the exclusion for bank loans as a result of substitution for bond financing. The rapid increase in long-term bank lending abroad may well be simply another reflection of the heavy foreign demands for all kinds of capital and credit—demands that might, by and large, have developed whether or not this tax was proposed. But whatever the cause, these loans have resulted in a large outflow of dollars and slowed our progress toward eliminating our deficit.

Although the House conferees accepted the basic standby authority provided by the Senate amendment with respect to commercial bank loans, certain modifications were made in the Senate amendment.

First of all, questions have been raised as to whether it would not be possible under the Senate version of this amendment for the tax to be applied retroactively to commercial bank loans. To meet this problem, the House conferees obtained a modification in the Senate amendment to provide that the tax would in no event be imposed with respect to bank loans made before the date the President issues an Executive order—if he does—imposing the tax with respect to commercial bank loans.

Secondly, the House conferees have obtained a modification in the Senate amendment to provide that a tax—if one is to be imposed—on commercial bank loans will in no event apply to commitments to make loans which were unconditional or substantially formalized not later than August 4, 1964, the date the Senate adopted this basic amendment.

Under the modification agreed to by the House conferees an Executive order, if issued, may be modified after the original issuance. However, if any significant class of bank loans has been subjected to tax under an Executive order previously issued or modified then the tax may not be removed with respect to such a class of bank loans during the limited period of time, this tax remains in effect. Provision is also made to be sure that in any of these cases where an Executive order has been issued and then modified that the modification will not retroactively impose a tax with respect to bank loans made on or before the date of issuance of the modifications.

In granting the authority provided by this bill to the President to impose a tax with respect to commercial bank loans it should be clearly understood that your conferees are not directing that any action be taken in this regard. Instead, it is contemplated that a tax will be made applicable only in the event there is a finding that commercial bank loans are being issued to an appreciable degree as a substitute for otherwise taxable obligations and the extent to which this is true indicates a volume with which we must be concerned from the standpoint of our balance of payments.

Mr. Speaker, I urge adoption of the conference report.

Mr. Speaker, I will include a summary of the principal Senate amendments agreed to by the House:

Summary of Principal Senate Amendments Agreed to by House Conferees Without Substantive Change

1. The House bill provided that contributions to a foreign pension or profit-sharing trust made by an employee who performs services, for the business involved, on a full-time basis in a foreign country (and who is not an owner-employee) are not to be subject to tax with respect to these contributions. The Senate amended the bill to extend this exemption to contributions made by an employer to a foreign pension or profit-sharing trust established for the exclusive benefit of employees (who are not owner-employees) who perform personal services for the business on a full-time basis in a foreign country. Normal business transactions generally provide for the contributions in such cases to be made in foreign currencies since the benefits are payable to the retired employees in foreign currencies.

2. The House bill provided that tax is not to apply to acquisitions of foreign stocks or debt obligations in a tax-free reorganization (in the case of exchanges to which sec. 354, 355, 356 apply, or would apply but for sec. 367). The Senate amendments provide that the tax also is not to apply in those cases which would be tax-free except for the fact that money (or other property) in addition to stock of the foreign person is received by the U.S. person. Since the receipt of money (or other property) in such a case will benefit the U.S. balance of payments, your committee saw no reason why this should result in the imposition of tax (sec. 4912(b)(4)).

3. The House bill provided an exclusion from tax for the acquisition of debt obligations by a commercial bank in making loans in the ordinary course of its commercial banking business. In this regard, the Senate report made it clear that the interest equalization tax was not to apply to loans or investments in foreign currencies made by foreign branches of U.S. banks to the extent of foreign currency deposits acquired in the ordinary course of their business. Loans or investments will be considered as made in the ordinary course of a branch's commercial banking business if the loans or investments would be considered to be in the ordinary course of commercial banking business either in the United States or in the foreign countries in which the U.S. bank has foreign branches (sec. 4914(b)(2)).

4. Under the House bill, tax does not apply to any distribution by a corporation of its own stock or debt obligations. The Senate amended this to also exclude from tax a distribution in complete or partial liquidation of corporation of stock or debt obligations owned by the corporation on July 18, 1963 (the general effective date of the bill). However, such a distribution is to be free of tax only to the extent the shareholder involved owned his stock on July 18, 1963, or acquired his stock in a transaction other than one excluded from tax under sections 4914(b), 4915, 4916, or 4917. Provision for distribution of securities held on July 18, 1963, free of this tax seemed appropriate to your committee since the tax does not apply to acquisitions before this date (sec. 4914(a)(5)).

5. The Senate added an amendment excluding from tax stock or debt obligations acquired by U.S. persons doing business in a foreign country to the extent the acquisition was a substitute for the payment of tax to the foreign country. This exemption was provided because it was obvious that the acquisition of the stock or debt in such cases was not attributable to variations in rates of return in the United States and foreign countries (sec. 4914(b)(4)).

6. The Senate added an amendment excluding from tax stock of a foreign corporation entitling the holder to occupy for dwelling purposes a house or apartment owned or leased by the corporation. Since purchases of dwellings to be occupied by the purchaser are not generally subject to the interest equalization tax, no reason was seen for subjecting to tax what is the equivalent type of ownership in the case of cooperative housing (sec. 4914(b)(5)).

7. The House bill in the case of exporters contains a rule providing that the tax is not to apply to foreign stock or debt arising out of the sale of tangible personal prop-

erty or services if 30 percent of the purchase price of the property or services is attributable to property produced in the United States by the exporter and at least 50 percent of this property (or services) is produced in the United States by U.S. persons. The Senate provided alternate rules in this case which relate these requirements to the stock or debt to be acquired rather than to the purchase price of the property of services. Thus, the Senate amendment provides an exemption for the stock or debt if 60 percent of the value of the stock or debt acquired is attributable to production in the United States (or services) by the exporter and if 100 percent of the stock or debt acquired is attributable to property produced in the United States (or services rendered by U.S. persons). This alternate rule is intended primarily as a way of liberalizing the House rule in the case of construction projects outside the United States (sec. 4914(c)(2)).

8. The Senate added an exemption for stock or debt acquired as a result of the sale or licensing to a foreign person of patents, inventions, or similar property, if 85 percent of the purchase price, or license fee, is attributable to the sale or license of patents, inventions, etc., produced or developed in the United States by the U.S. person who receives the stock or debt obligation. This exemption was provided on the grounds that such sales or licensing have substantially the same effect on the balance of payments as export sales for which a similar exemption is available under the House bill (sec. 4914(c)(3)).

9. The House bill provides an exemption for debt obligations acquired by a U.S. person as a result of the sale by him of ores or minerals extracted outside the United States if the foreign purchaser agrees to purchase these ores or minerals for a period of 3 years or more. Under the House bill, the ores or minerals could have been extracted (1) by the U.S. person himself; (2) by a corporation included in the same affiliated group (50-percent ownership test applied); (3) by a corporation 10 percent of which is owned by the U.S. person in question and at least 50 percent of which is owned by U.S. persons having 10 percent or greater interests. The Senate amendments liberalize this House provision by making this exclusion from tax available where the mineral is extracted by a corporation in which the U.S. person (or its 50-percent shareholder or subsidiary) has a 10-percent interest, whether or not there are five U.S. persons having 10-percent interests (a modification of rule (3) above). In addition, the Senate amendments make this exclusion available where the ores or minerals are obtained under a contract which was entered into on or before July 18, 1963, or where the ore or mineral extracted outside of the United States was exchanged for similar ores or minerals with respect to which the stock or debt was obtained (sec. 4914(c)(5)).

10. The Senate made a series of minor amendments in the exclusion provided by the House bill which allows insurance companies to elect to acquire stock or debt obligations of foreign persons tax free in an amount equal to 110 percent of their reserves against foreign risks. Under the modifications, insurance companies will estimate the size of their reserves without waiting until the end of the calendar years (sec. 4914(e)).

11. The Senate added an exclusion to provide that a U.S. shareholder may acquire foreign debt obligations tax free in connection with the sale of the stock of a wholly owned foreign subsidiary or as a result of a liquidation of a wholly owned foreign subsidiary following the sale of its assets for a foreign debt obligation. It was considered appropriate to provide exclusions in such cases because acquisitions of this character are not made in response to interest rate differentials (sec. 4914(g)).

12. The Senate added an exemption for acquisitions by a U.S. person of a debt obligation of a foreign person in connection with the purchase from a U.S. owner of real property located in the United States, where 25 percent of the purchase price is paid in dollars to the U.S. seller. Such transactions are beneficial to our balance of payments (sec. 4914(h)).

13. The Senate made an exclusion available in certain cases where the assets of a foreign issuer are invested almost exclusively in U.S. securities. In this case, the Senate had in mind primarily cases where foreign investment companies invest almost exclusively in U.S. securities and sell most of the stock of the company to other than U.S. persons. In such cases, it was thought that the stock sales were beneficial to the U.S. balance of payments and, therefore, should not be discouraged by imposing a tax upon minor sales to U.S. persons who are abroad. The tax-free sales to U.S. persons in such cases, however, will only be available to those who are bona fide residents of foreign countries or perform personal services on a full-time basis in a foreign country.

In addition the sales will be tax free only to the extent of acquisitions in any year not in excess of $5,000. To qualify for this treatment, less than 25 percent of the stock of the foreign fund must be held by U.S. persons; money and deposits of the foreign fund, other than deposits with U.S. banks, must represent less than 5 percent of the fund's assets; and all other assets of the fund from June 30, 1963, on (or any period thereafter in which the fund is in existence) must be in stocks and debt obligations of U.S. corporations, in U.S. governmental bonds, or in debt obligations of U.S. persons (sec. 4914(i)).

14. Under the House bill, debt obligations exempted from tax under the export provision generally became taxable if the debt was subsequently transferred by the exporter to other than an agency of the United States or a commercial bank. The Senate amended this provision to permit the transfer of the debt obligation in such cases by the exporter, without tax, where the exporter shows that the extension of credit was reasonably necessary to obtain the sale of property or services and that the terms of the debt obligation were not unreasonable in light of credit practices prevailing in the exporter's business. The standard to be applied under this provision is intended to be flexible, so as to permit U.S. exporters to meet the competitive conditions existing in their respective industries by extending the credit necessary to sell their products and services to foreign customers (sec. 4914(j)(1)(A)(iii)).

15. The House bill contains a general exclusion for direct (as distinct from portfolio) investments by U.S. persons in foreign corporations. Generally, direct investments are considered to be those where the U.S. person owns 10 percent or more of the voting stock of the foreign corporation. The Senate amended this exclusion to extend it to debt obligations of other foreign persons obtained by the American person from the 10-percent-owned foreign corporation where it, in turn, obtained the debt obligation in the ordinary course of its business, as a result of the sale or rental of products produced by it or for the performance of services by it. Since much the same result could be achieved by direct loans to the 10-percent-owned foreign corporation, it was thought there was no reason why the foreign companies should not obtain the funds directly by transferring debt obligations to the U.S. person which it acquired in its business with foreigners (sec. 4915(a)(1)).

16. Under the House bill, the 10-percent ownership test required in the case of a series of acquisitions that the direct investment standard had to be met on the last day of the calendar year in which the stock purchase was made. The Senate provided that this ownership requirement can be satisfied by obtaining the 10-percent ownership at any time within 12 months after the acquisition, and has also provided that debt obligations can qualify under this provision. It was thought there was no reason for requiring the satisfaction of the 10-percent requirement at the end of a calendar year rather than at the end of a 12-month period (sec. 4915(a)(2)).

17. In the case of the exclusion for direct investments, the House bill imposes a limitation to the effect that this exclusion is not to be available where the 10-percent-owned foreign corporation is formed or availed of by the U.S. person for the purpose of acquiring stock or debt which, if it were acquired directly, would be subject to the interest equalization tax. In this connection, it is made clear in the House bill that the acquisition by a U.S. person of stock in a foreign corporation which acquires stock or debt of foreign persons in making loans in the ordinary course of its business as a commercial bank is not to be considered as resulting in the denial of the exclusion to the U.S. person under the direct investment provision. The Senate amended this provision to provide that for this purpose, the term "commercial bank" is to include any foreign corporation or partnership which is primarily engaged in the business of accepting deposits from customers and receiving other borrowed funds in foreign currencies and making loans in these currencies. Even though the institutions are not technically commercial banks, no reason was seen in such cases why the same tests should not be applied as those applicable to these banks (sec. 4915(c)(2)).

18. The House-passed bill provides an exemption from tax for acquisitions by U.S. persons of (1) debt obligations of governments of less developed countries; (2) stock or debt obligations of "less developed country corporations"; or (3) debt obligations issued by individual residents in less developed countries. To qualify as a less developed country corporation, in general, 80 percent of the corporation's income and 80 percent of its assets must, with certain exceptions, originate in, or be located in, less developed countries. The Senate modified this rule to provide for cases where the property of corporations located in less developed countries is being nationalized (or taken in action which has the effect of nationalization) and the property is being paid for by the less developed country involved with the requirement that the funds so obtained be invested in that country. In such cases, the corporations involved have had difficulties in obtaining sufficient information with respect to their reinvestments to provide assurance that the corporations in which they invested constitute less developed country corporations (by meeting the two 80-percent tests). In such cases, there appears to be little doubt that the less developed country corporation test could be met if the necessary information could be obtained. Moreover, because of the fact that the reinvestments within the country are required by the country itself, it appears to your committee that no further tests need be imposed by the United States in such cases (sec. 4916(a)(4)).

19. The definition of a less developed country for purposes of the exclusion for less developed country corporations and investments is to be designated by the President except that certain countries listed in the bill are considered as not being less developed countries. The fact, however, that only "foreign countries" can be so designated makes it impossible for a possession of the United States to qualify for this purpose

as a less developed country. To prevent discrimination in this regard against investments in such U.S. possessions as Puerto Rico, the Senate amended the definition of less developed countries to include not only foreign countries but also possessions of the United States. In the past, in designating less developed countries, the President by Executive order has made it clear that trusteed areas are considered as separate foreign countries and, therefore, may qualify as less developed countries even though the country to whom they are trusteed under United Nations agreement may not so qualify. It is agreed that there should be included in the same category as trusteed countries those which were mandated by the League of Nations whether or not subsequently trusteed by the United Nations (sec. 4916(b)).

20. In determining whether or not 80 percent of a corporation's income is derived from a less developed country and 80 percent or more of its assets comes from such countries, the Senate amended the House bill to provide that income or assets located in the United States are not generally to be taken into account. Thus, while such income or assets will not aid a corporation in meeting the 80-percent tests, nevertheless, the presence of income or assets in the United States will not prevent a corporation from otherwise qualifying (sec. 4916(c)(2)).

21. Under the House bill, the interest equalization tax does not apply if a U.S. purchaser establishes by clear and convincing evidence that he purchased a foreign security from another American. The Senate modified this to provide that he must prove that he purchased the foreign security from an American either by (1) a certificate of American ownership from an American eligible to execute such a certificate, or (2) a confirmation that the purchase was made on the regular market of a registered stock exchange or from a member of a national securities association with respect to an exempt over-the-counter transaction. This prevents an individual from obtaining an exemption from tax where he purchases a foreign security from another American who under the bill is in effect treated in the same manner as a foreigner (e.g., an insurance company with respect to its exempt fund of assets) (sec. 4918 (a) and (f)).

22. Under the House bill, where an underwriter obtains foreign securities from a foreigner and then resells these securities to foreigners, a credit or refund on the tax initially paid may be claimed. In addition, an exemption is allowed under the House bill for debt obligations acquired by a dealer and within 90 days sold by him to foreigners. In the case of stock, under the House provision, no exclusion was available to a dealer for resales to foreigners. The Senate provided an exclusion in such cases where the dealer resells the stock to foreigners either on the day of purchase or on either of the 2 succeeding business days. This is designed primarily as a means of exempting dealers whose principal business is engaging in arbitrage in different markets with respect to foreign securities (sec. 4919(a)(3)).

23. The Senate amended the definition of "domestic corporation" and "domestic partnership" to permit a foreign branch of a dealer in securities to be treated as a foreign corporation or partnership if (1) the branch was located outside the United States on July 18, 1963, and was regularly engaged as a merchant in securities for at least 12 months prior to that date, (2) all purchases by the branch of stock and debt obligations are in the ordinary course of its business, and (3) the branch maintains separate books and records properly reflecting its assets and liabilities. If an election of this type is made, any transfers by the domestic corporation or partnership to the foreign branch, or borrowings by the branch from U.S. banks, are subject to the tax. This is desirable because it places foreign branches of U.S. securities firms, which were in operation for a substantial period of time prior to the announcement of the tax, in a comparable position with foreign subsidiaries of other U.S. securities firms (sec. 4920(a)(5)).

24. Under the House bill, a class of stock of a foreign corporation is treated as the stock of a domestic corporation if registered national securities exchanges constituted the principal market for the stock during the calendar year 1962 and as of the latest record date before July 19, 1963, more than 50 percent of that class of stock was owned by U.S. persons. The Senate amendments also treat a class of stock of a foreign corporation as domestic for purposes of the interest equalization tax if more than 65 percent of the stock was held by Americans on the last record date before July 19, 1963. Treatment of foreign corporations which are substantially owned by Americans as domestic corporations, without regard to the market in which their stock is traded, removes the distinction that existed under the House bill between listed stocks and those traded over the counter (sec. 4920(a)(8)).

25. The Senate provided an exclusion in certain cases from tax for the acquisition of stock in the initial capitalization of a foreign corporation which would be excluded under the direct investment provision but for the requirement that the 10-percent foreign-owned corporation may not invest in assets which would be taxable to the U.S. person if acquired directly. The exclusion is available if at least 75 percent in interest of the U.S. persons in the initial capitalization had appropriately signified before July 18, 1963, their intention to invest in such a corporation (bill, sec. 2(c)(2)(E)).

26. The Senate added new broker reporting requirements to the bill. Under the House bill, only the broker for the seller of the stock or debt was required to maintain records to show that the seller had supplied him with a certificate of American ownership or that he had a blanket certificate on file with respect to the seller. The Senate amended the bill also to require the broker for the purchaser to maintain records where the purchaser is potentially liable for tax; that is, in all cases other than where the purchase was made in the regular market on an exchange or in an over-the-counter transaction where the seller's broker represented to the purchaser's broker that the seller had filed with him a certificate of American ownership (bill, sec. 3(a)(3)).

27. The Senate provided that the criminal provision in the bill which penalizes the willful execution of false certificates is to be made applicable only to false certificates executed on or after the date of enactment of the bill. This is in conformity with the constitutional prohibition against criminal penalties applying to acts occurring before the date of enactment of the legislation involved. However, this change does not affect the applicability of the provisions in present law (sec. 1001 of title 18, United States Code) which provide criminal penalties for false representations made to a department or agency of the United States on a matter within its jurisdiction (bill, sec. 6(b)).

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman. Could the gentleman state what is the current deficit in the balance of payments?

Mr. MILLS. I do not have that figure in my mind. I shall be glad to yield to someone who has that figure in mind.

Mr. BYRNES of Wisconsin. My understanding is that it is running at an annual rate of $3 billion.

Mr. MILLS. As against an annual rate of $5.3 billion in the second quarter of 1963, at the time this program was proposed and it commenced.

Mr. CURTIS. That is taking the second quarter rate, by carrying it across that way, but if you take the first and second quarters together, it is not that bad.

Mr. MILLS. But all of us admit there has been some improvement. However, as much improvement as has been made, we want other improvements made. Certainly, if we move backward with respect to this program, we can expect that $3 billion annual rate to rise in the next 12 months. Undoubtedly it will. I think it would go above the amount of savings here, because there has been a drying up of the availability of American money that would immediately, if we defeat this, be made available to satisfy not only those needs in the future, in the next 12 months, but accumulated needs of the last 12 to 15 months.

I would think it would be a very serious change and enlargement of the balance-of-payments deficit if we do not carry on.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I am glad to yield to the gentleman from New York.

Mr. KEOGH. I am informed the current deficit on the balance of payments is running at a rate just under $3 billion a year, based on the second quarter of 1964.

Mr. MILLS. Thank you.

Mr. KEOGH. If the gentleman will yield further to me, Mr. Speaker——

Mr. MILLS. I will be glad to.

Mr. KEOGH. Is it not a fact that this pending bill was somewhat unique in that its effective date virtually made it effective on the day of introduction?

Mr. MILLS. That is right.

Mr. KEOGH. And the financial communities of the country have already adjusted themselves to it and are operating on the basis that it is law.

Mr. MILLS. That is right.

The SPEAKER. The time of the gentleman has again expired.

Mr. MILLS. Mr. Speaker, I yield myself 1 additional minute. One thing we did, which I am sure everyone would agree we should have done, with respect to this standby authority is to provide that if it is to be used by the President it has to be prospective, that is, it has to be used prospectively. There will be no retroactive tax in the event he should find it necessary to use it.

Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. BYRNES].

Mr. BYRNES of Wisconsin. Mr. Speaker, in my judgment, this legislation, when it was before the House, was bad legislation at that time. I opposed it at that time. I will not repeat the arguments that were then made, but let us recognize this: that for the first time you are going to impose restrictions and regulations on American investment abroad. That is what this bill does. It says, "Americans, stay home." Yet one of the greatest sources of income that improves our balance of payments are the earnings of the funds invested abroad. It is one of our great sources of strength. Yet here we try to solve a temporary problem by putting in jeopardy one of the greatest tools we have throughout the world as far as the American flag is concerned and American interests are concerned. I say that because here we take action to restrict, to shut off, and to regulate that investment. As I say, the bill was bad at that time and I opposed it. In my judgment, the bill as it comes from conference is worse instead of improved. And why? Because here we now start the real precedent of giving to the President the authority to, as he sees fit, impose a tax or not impose a tax on certain transactions, namely, bank loans to foreign borrowers. If the committee had gone ahead and said, "We are going to bring these within the purview of the act and impose the tax," at least they would not be starting this bad precedent of giving to the President unprecedented authority—we have jealously reserved and kept this authority as a prerogative not just of the Congress, but of the House of Representatives. Under the Constitution only the House can originate legislation in the field of taxation and impose taxes or repeal taxes.

But here for once under the Senate amendment and as agreed to in the conference, we are going to give authority to the President to tax bank loans. We say: "Use your own discretion, you can impose the tax when and if you want." I think that is bad. Much as I opposed the bill, much as I think it is bad governmental policy on the part of the United States to put this restriction on investment loans abroad by the private sector, if you are going to do it, you probably should include bank loans. But, do it yourself, have Congress do it, do not give that authority to the President. On that basis, Mr. Speaker, I not only opposed the original bill, but I must now oppose the conference report because it is worse now than it was when it originally went from this body to the other body. And it was bad enough then.

Mr. KEOGH. Mr. Speaker, I yield 5 minutes to the distinguished and able gentleman from Missouri [Mr. CURTIS].

Mr. CURTIS. Mr. Speaker, I want to concur in the remarks of the gentleman from Wisconsin [Mr. BYRNES] and point out that these were the reasons that I, too, did not sign this conference report. Actually, the very loophole that we in our minority views called attention to when this bill was before us has been utilized—our statement occurs on page 78 of the report of the Committee on Ways and Means accompanying H.R. 8000. I read it:

> H.R. 8000 exempts all bank loans irrespective of term. It is understood that approximately one-half of the long-term foreign loans by institutions, amounting to $248 million for the year 1962, will fall within this exemption. In addition, a substantial amount of the loans, which might otherwise be represented by foreign bonds, may be placed with the banks free of tax. In fact, since the announcements of the proposed tax of July 18, 1963, it is reported that the city of Vienna changed its plan for financing in the United States, from a proposed bond issue to a direct loan from the banks.

I noted it was a very strange thing when we were considering this bill that every lending institution and financial institution in the country had something to say about it except the banks. And when you talked to them they said that they knew it was bad legislation, and when we said, "Why do you not appear and say so?" they did not appear. Now that the amendment was put in the Senate, to restrict to some degree these bank loans which immediately went up to high figures, I have been receiving communications from bankers wanting this particular amendment out of the bill.

The basic point, though, is this, that the bill is over 100 pages long. Any time you try to step into this field of finance to distinguish between bonds and stocks and bank loans, and so forth, you are just asking for trouble. You cannot really separate the various forms of securities.

Mr. Speaker, what we have done in this bill is impose a tariff, and it is a tariff, on the sale of foreign securities in the United States.

Mr. Speaker, one of the basic reasons that this country grew great in my judgment was that we always had a free market for investment capital. However, here we have reached the point, because of our balance-of-payments problem and our gold flow, where we are urged to reverse our basic policy in regard to free markets and impose, in effect a Berlin Wall in order to prevent our money from going to freer climates of investment. But, just as the Berlin Wall has been ineffective in keeping people from East Germany fleeing into the areas of greater freedom, so this kind of wall has been equally ineffective. This is now being brought home to our people.

Yes, Mr. Speaker, the balance-of-payments problem is serious, and it is going to continue to get more serious. This is true because we are not hitting at the basic causes. These proposals of the administration like the bill before us are improvisations. Actually, in the long run—and the Secretary of the Treasury has said this in his testimony—it will aggravate the balance-of-payments problem.

Mr. Speaker, one of our greatest assets today in the balance-of-payments picture are the returns that we are receiving from our foreign investment portfolio. However, here we move in and cut down on this kind of investment which we have been making which has been giving us such good returns.

Incidentally, Mr. Speaker, hidden in these balance-of-payments figures for the second quarter—and I have made some remarks today that are in the RECORD on the whole subject—is the fact that our balance of merchandise trade again, while still substantially in favor of the United States, worsened by $270 million as imports rose more nearly in line with prevailing levels of domestic business activities and incomes and merchandise exports declined from the first-quarter levels.

Mr. Speaker, these items represent strength in the area of our balance-of-payments situation, our private investment portfolio, and our private balance of trade.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. KEOGH. Mr. Speaker, I yield 2 additional minutes to the gentleman from Missouri.

Mr. CURTIS. These are our assets. Against this are our costs for military expenditures abroad and foreign aid, plus one other thing: I am convinced that underlying this whole situation is our failure to balance our own Federal budget, our foolhardy pursuit of this deficit financing theory. This is the reason we are not creating a healthier investment climate in our own society.

Members of the House have heard me on this subject so many times that I feel like a broken record when I repeat it.

Mr. Speaker, this is the reason we have to get our expenditures at the Federal level within our revenues. This is the way in which we can really move forward in meeting the balance-of-payments problem.

Mr. Speaker, this bill now pending before us under the conference report is a bad bill. It is taking America backward. In the long run it is going to hurt us.

Mr. Speaker, I advocate that we vote down the conference report.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. CURTIS. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Speaker, I would like to compliment the gentleman from Missouri on his statement and compliment the distinguished gentleman from Wisconsin Mr. BYRNES on his statement.

This bill has been bad from its inception. It indicates a lack of understanding on the part of its proponents on the subject of international finance. It is in the long run a self-defeating bill. It is damaging to New York; it is damaging to the country, and it ought to be defeated.

Mr. MILLS. Mr. Speaker, I yield myself just 1 minute in order to address my remarks to the remarks made by my friend, the gentleman from New York [Mr. LINDSAY].

Mr. Speaker, I agree with everything that is said about it being bad. Any bill that places any restrictions upon anyone, direct or indirect, I believe is to be viewed by most of us as being bad. But we are making a choice and I would call the gentleman's attention to a choice between either this or something other than this that I tried to describe earlier as being even worse than the slight restraint that we are placing here. But, bear in mind that what is involved in this legislation is whether or not we will permit those people of the world who want to build factories or anything else in their country to come to the United States and get our money at a less rate of interest than they may be able to get it anywhere else. What we are saying under this proposal is, "Come here, get what money you want, but in the process we are going to require you to pay a tax which equates the difference between our interest rate and the interest rate in your own country."

We have heard quite a bit about international affairs, but I would doubt that we ought to open this door again—unlock the vaults—and say to them: "Come on over here, get any amount of money you want, regardless of what the effect of that action may be on our balance of payments."

If we do not have and should not face the responsibility of protecting our people against the drain on our gold, I do not know what responsibility we have. It is clear that is what is involved in this. That to me is far more important than any slight inconvenience or equalizing treatment we might place upon a foreigner who is seeking capital to invest in his country.

Mr. LINDSAY. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. LINDSAY. The gentleman spoke about a choice. There was a choice. The gentleman and his committee could have established a capital issues committee on that.

Mr. MILLS. We talked about that, we went over it, and there was no one at the time, except a very few people outside, who were favorable to it. I did not think it would be effective then and I do not think it would be effective now. In any event that would be a complete departure from our traditional position of not interfering in the free play of the money market. We have never used direct controls such as that.

Mr. LINDSAY. We happen to disagree with the gentleman on that.

Mr. MILLS. All I am asking the gentleman is, because I know he is a very astute person, to give consideration to the other side of this matter, not just to the one side of somebody being inconvenienced. The people who are being inconvenienced are those foreign borrowers who will find in the process of getting money in the United States they will end up paying as much interest as they would pay at home.

Mr. KEOGH. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from New York.

Mr. KEOGH. The gentleman from New York [Mr. LINDSAY] is agreeing with us that something should be done. His disagreement is only with the method. Our committee decided after discussing the suggestion that the setting up of a capital issues committee would be impracticable and would be more of a burden than anything else.

Mr. MILLS. I appreciate the gentleman going into the merits of it. I did not mention his point.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken.

Mr. BYRNES of Wisconsin. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 221, nays 147, not voting 62, as follows:

[Roll No. 238]

YEAS—221

Abbitt
Abernethy
Addabbo
Albert
Andrews, Ala.
Ashley
Ashmore
Aspinall
Barrett
Bass
Beckworth
Bennett, Fla.
Blatnik
Boggs
Bolling
Brademas
Bray
Brooks
Brown, Calif.
Burke
Burkhalter
Burleson
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cameron
Carey
Casey
Chelf
Clark
Cohelan
Colmer
Cooley
Corbett
Corman
Daniels
Davis, Ga.
Delaney
Dent
Denton
Donohue
Dorn
Dowdy
Downing
Duncan
Edmondson
Edwards
Elliott
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fisher
Flood
Flynt
Fogarty
Fountain
Fraser
Friedel
Fuqua
Gallagher
Garmatz
Gary
Gathings
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Grabowski
Grant
Green, Oreg.
Green, Pa.
Griffiths
Hagan, Ga.
Hagen, Calif.
Haley
Hanna
Hansen
Harding
Hardy
Harris
Hawkins
Hays
Healey
Hechler
Henderson
Herlong
Holifield
Holland
Huddleston
Hull
Ichord
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Wis.
Karsten
Karth
Kastenmeier
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Kornegay
Leggett
Lennon
Libonati
Long, La.
Long, Md.
McDowell
McFall
McMillan
Macdonald
Mahon
Marsh
Matthews
Miller, Calif.
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
Passman
Patman
Patten
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Pool
Price
Pucinski
Purcell
Randall
Reuss
Rhodes, Pa.
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Rogers, Colo.
Rogers, Fla.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, N.Y.
St Germain
St. Onge
Schweiker
Scott
Secrest
Selden
Senner
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Smith, Va.
Snyder
Staebler
Staggers
Steed
Stephens
Stratton
Stubblefield
Sullivan
Taylor
Teague, Tex.
Thomas
Thompson, N.J.
Thompson, Tex.
Trimble
Tuck
Tuten
Udall
Ullman
Van Deerlin
Vanik
Waggonner
Watson
Watts
Weltner
White
Whitener
Whitten
Williams
Willis
Wilson,
  Charles H.
Winstead
Wright
Young
Zablocki

NAYS—147

Abele
Anderson
Andrews,
  N. Dak.
Arends
Ashbrook
Auchincloss
Ayres
Baker
Baldwin
Barry
Battin
Becker
Beermann
Belcher
Bell
Berry
Betts
Bolton,
  Oliver P.
Bow
Brock
Bromwell
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Byrnes, Wis.
Cahill
Cederberg
Chamberlain
Chenoweth
Clancy
Clausen,
  Don H.
Clawson, Del
Cleveland
Collier
Conte
Cramer
Cunningham
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dole
Dwyer
Findley
Ford
Foreman
Frelinghuysen
Fulton, Pa.
Glenn
Goodell
Goodling
Griffin
Gross
Grover
Gubser
Gurney
Hall
Halleck
Halpern
Harrison
Harsha
Harvey, Ind.
Horan
Horton
Hosmer
Hutchinson
Jensen
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
King, N.Y.
Knox
Kunkel
Laird
Langen
Latta
Lindsay
Lipscomb
McCulloch
McDade
McIntire
McLoskey
MacGregor
Mailliard
Martin, Nebr.
Mathias
Matsunaga
May
Meader
Michel
Milliken
Moore
Morton
Mosher
Nelsen
Norblad
Osmers
Ostertag
Pelly
Pillion
Poff
Quie
Quillen
Reid, Ill.
Reid, N.Y.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Robison
Roudebush
Rumsfeld
Saylor
Schadeberg
Schenck
Schneebeli
Schwengel
Short
Shriver
Sibal
Siler
Skubitz
Springer
Stafford
Stinson
Taft
Talcott
Teague, Calif.
Thomson, Wis.
Tupper
Utt
Van Pelt
Wallhauser
Weaver
Westland
Wharton
Widnall
Wilson, Bob
Wilson, Ind.
Wydler

NOT VOTING—62

Adair
Alger
Avery
Baring
Bates
Boland
Bolton,
  Frances P.
Bonner
Buckley
Celler
Daddario
Davis, Tenn.
Dawson
Diggs
Dingell
Dulski
Ellsworth
Evins
Fino
Forrester
Fulton, Tenn.
Gray
Harvey, Mich.
Hébert
Hoeven
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Kyl
Landrum
Lankford
Lesinski
Lloyd
McClory
Madden
Martin, Calif.
Martin, Mass.
Miller, N.Y.
Minshall
Morrison
Morse
O'Neill
Pilcher
Pirnie
Powell
Rains
Rodino
Roosevelt
Ryan, Mich.
St. George
Sheppard
Shipley
Smith, Calif.
Thompson, La.
Toll
Tollefson
Vinson
Whalley
Wickersham
Wyman
Younger

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Ellsworth against.

Mr. Rodino for, with Mr. Hoeven against.

Mr. Madden for, with Mrs. St. George against.

Mr. Roosevelt for, with Mr. Smith of California against.

Mr. Toll for, with Mrs. Frances P. Bolton against.

Mr. Gray for, with Mr. Bates against.

Mr. Morrison for, with Mr. Adair against.

Mr. Celler for, with Mr. Pirnie against.

Mr. Thompson of Louisiana for, with Mr. Younger against.

Mr. Shipley for, with Mr. Wyman against.

Mr. Ryan of Michigan for, with Mr. Morse of Massachusetts against.

Mr. Dulski for, with Mr. Minshall against.

Mr. Daddario for, with Mr. McClory against.

Mr. Evins for, with Mr. Alger against.

Mr. O'Neill for, with Mr. Fino against.

Mr. Lesinski for, with Mr. Tollefson against.

Mr. Jones of Alabama for, with Mr. Martin of California against.

Mr. Dingell for, with Mr. Kyl against.

Mr. Forrester for, with Mr. Whalley against.

Mr. Landrum for, with Mr. Martin of Massachusetts against.

Mr. Bonner for, with Mr. Hoffman against.

Mr. Pilcher for, with Mr. Miller of New York against.

Mr. Powell for, with Mr. Avery against.

Until further notice:

Mr. Fulton of Tennessee with Mr. Buckley.
Mr. Baring with Mr. Davis of Tennessee.
Mr. Boland with Mr. Lankford.
Mr. Rains with Mrs. Kee.
Mr. Sheppard with Mr. Diggs.
Mr. Wickersham with Mr. Dawson.

Mr. AUCHINCLOSS changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

ARTICLES IMPORTED FOR USE OF CERTAIN UNIVERSITIES

Mr. **MILLS**. Mr. Speaker, I call up the conference report on the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. NO. 1802)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same.

That the House recede from its disagreement to the amendment to the title of the bill; and agree to the same.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
JOHN W. BYRNES,
THOS. B. CURTIS,
Managers on the Part of the House.

HARRY F. BYRD,
RUSSELL B. LONG,
GEO. A. SMATHERS,
JOHN J. WILLIAMS,
CARL T. CURTIS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4364) to provide for the free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as passed by the House would permit duty-free entry of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University. The Senate amendment added new provisions to the bill as passed by the House which would permit duty-free entry for the following additional articles:

One rheogoniometer imported for the use of the University of Tennessee.

One rheogoniometer imported for the use of Ohio State University.

One microcalorimeter imported for the use of the University of Colorado.

All stone imported before the enactment of the bill for use in construction of the Sheldon Memorial Art Gallery, located at the University of Nebraska, Lincoln, Nebraska.

Under both the bill as passed by the House and under the Senate amendment, if an article was entered before the date of the enactment of the bill the entry shall be liquidated or reliquidated and appropriate refund of duty shall be made.

The House recedes.

The Senate amendment to the title of the bill conformed the title to the amendment made to the text of the bill. The House recedes.

W. D. MILLS,
CECIL R. KING,
HALE BOGGS,
JOHN W. BYRNES,
THOS. B. CURTIS,
Managers on the Part of the House

Mr. MILLS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would hope that we can dispose of this matter very briefly.

Mr. Speaker, this is a unanimous conference report.

Mr. Speaker, as Members of the House will recall, on April 30, 1964, the House passed unanimously H.R. 4364 to provide for the free importation of one mass spectrometer for the use of Oregon State University and one mass spectrometer for the use of Wayne State University.

The bill was passed by the other body with amendments not affecting the provisions of the House bill but providing for the duty-free importation of two rheogoniometers, one for the use of the University of Tennessee and one for the use of Ohio State University, and one microcalorimeter for the use of the University of Colorado. The other body also added an amendment providing for the free importation of certain stone imported for the use in the construction of the Sheldon Memorial Art Gallery located at the University of Nebraska, Lincoln, Nebr.

With respect to the amendments by the other body relating to the scientific instruments for the use of the universities referred to, it should be stated that, as was true of the spectrometers included in the bill passed by the House, such instruments at the time they were ordered were not available from sources within the United States. In other words, there were no domestic manufacturers producing an instrument that combined all the characteristics and specifications required in these instances. The amendments of the other body are consistent with prior congressional enactments, and the managers on the part of the House recommend that the House recede with respect to them.

The other body also added an amendment providing for the free entry of certain travertine marble for use in the construction of the Sheldon Memorial Art Gallery at the University of Nebraska. On June 29 last when the House requested a conference on this bill, several Members of the House, including the gentleman from Georgia [Mr. LANDRUM], the gentleman from Vermont [Mr. STAFFORD], and the gentleman from Indiana [Mr. BRAY], expressed concern that if the House should recede with respect to this amendment, it would perhaps establish a precedent for future entries of stone. To these gentlemen and to others who expressed interest in this matter, I can say that, pursuant to the assurances given on the floor of the House, the managers on the part of the House were especially diligent in requiring the conferees from the other body to submit detailed justification for this amendment. As a result we are convinced that this is an exceptional case involving unique facts and should in no wise constitute a precedent for any future legislation.

In the first place, we are advised that the architect for the art gallery had specifically designated Roman travertine marble for its construction and that this particular stone is available only in Italy.

Moreover, in this case the customs appraiser at Omaha had erroneously advised that the stone would be classified for tariff purposes under paragraph 232(a) of the Tariff Act of 1930 at a duty rate of only 27½ cents per cubic foot and not more than 50 cents per cubic foot. The construction of the gallery was thus undertaken and proceeded on this advice. Almost 3 years later and after the stone had been imported, the Chicago office of the Bureau of Customs reversed the Omaha office and assessed duty under section 234 of the Tariff Act at a rate of 21 percent ad valorem. This represented an increase in duty of over 500 percent and total duties in the amount of approximately $45,007.65.

Finally, as has been previously stated, the Sheldon Memorial Art Gallery is on the campus of the University of Nebraska, and we are advised that it houses one of the finest collections of contemporary art that is available in any American community. It is open to the public and is a cultural and educational center for the entire State of Nebraska.

Let me again say that in recommending that the House recede on this amendment, the managers on the part of the House reiterate that this action would not in any way influence the consideration of any future legislation with respect to imports of stone. This is a unique situation which rests on the peculiar circumstances to which I have alluded. It will in no way constitute a precedent, and any other legislation relating to this subject that may come before the Committee on Ways and Means or the House will be considered on its own merits and certainly without reference to this measure.

Unless there is someone else who wants to speak on this, I shall move the previous question.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. CURTIS. I want to confirm what the chairman of the Committee on Ways and Means has said. There were some individual Members who were concerned about certain aspects of marble in their districts. In fact, I was one myself. I think everyone was satisfied that we worked this out very well.

Mr. MILLS. I appreciate the statement of the gentleman from Missouri because we want the Record to be very clear that this action on the part of the conferees is not to be taken as a precedent.

Mr. CURTIS. That is right. It is the circumstances of the case, which involve a very fine educational institution. The circumstances which led up to it were clearly a matter of misunderstanding. I think we did a pretty good job.

Mr. MILLS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

THE 100TH ANNIVERSARY OF THE SECOND INAUGURAL OF ABRAHAM LINCOLN

The SPEAKER. Pursuant to the provisions of Public Law 88–427, the Chair appoints as members of the Joint Committee to Commemorate the 100th Anniversary of the Second Inaugural of Abraham Lincoln the following Members on the part of the House: Mr. Price, Mr. Denton, Mr. Bray and Mr. Schwengel.

AMENDING THE ATOMIC ENERGY ACT OF 1954

Mr. HOLIFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3075) to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 2 b. of the Atomic Energy Act of 1954, as amended, is deleted.

Sec. 2. Subsection 2 h. of the Atomic Energy Act of 1954, as amended, is deleted.

Sec. 3. Subsection 3 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. a program for Government control of the possession, use, and production of atomic energy and special nuclear material, whether owned by the Government or others, so directed as to make the maximum contribution to the common defense and security and the national welfare, and to provide continued assurance of the Government's ability to enter into and enforce agreements with nations or groups of nations for the control of special nuclear materials and atomic weapons."

Sec. 4. Section 52 of the Atomic Energy Act of 1954, as amended, is repealed. All rights, title, and interest in and to any special nuclear material vested in the United States solely by virtue of the provisions of the first sentence of such section 52, and not by any other transaction authorized by the Atomic Energy Act of 1954, as amended, or other applicable law, are hereby extinguished.

Sec. 5. Subsection 53 a. of the Atomic Energy Act of 1954, as amended, between the words "The Commission" and "such material" is amended to read as follows:

"a. The Commission is authorized (i) to issue licenses to transfer or receive in interstate commerce, transfer, deliver, acquire, possess, own, receive possession of or title to, import, or export under the terms of an agreement for cooperation arranged pursuant to section 123, special nuclear material, (ii) to make special nuclear material available for the period of the license, and, (iii) to distribute special nuclear material within the United States to qualified applicants requesting such material—"

Sec. 6. Subsection 53 c. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"c. (1) The Commission may distribute special nuclear material licensed under this section by sale, lease, lease with option to buy, or grant: *Provided, however,* That unless otherwise authorized by law, the Commission shall not after December 31, 1970, distribute special nuclear material except by sale to any person who possesses or operates a utilization facility under a license issued pursuant to section 103 or 104 b. for use in the course of activities under which license; nor shall the Commission permit any such person after June 30, 1973, to continue leasing for use in the course of such activities special nuclear material previously leased to such person by the Commission.

"(2) The Commission shall establish reasonable sales prices for the special nuclear material licensed and distributed by sale under this section. Such sales prices shall be established on a nondiscriminatory basis which, in the opinion of the Commission, will provide reasonable compensation to the Government for such special nuclear material.

"(3) The Commission is authorized to enter into agreements with licensees for such period of time as the Commission may deem necessary or desirable to distribute to such licensees such quantities of special nuclear material as may be necessary for the conduct of the licensed activity. In such agreements, the Commission may agree to repurchase any special nuclear material licensed and distributed by sale which is not consumed in the course of the licensed activity, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission.

"(4) The Commission may make a reasonable charge, determined pursuant to this section, for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4) and shall make a reasonable charge determined pursuant to this section for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (3). The Commission shall establish criteria in writing for the determination of whether special nuclear material will be distributed by grant and for the determination of whether a charge will be made for the use of special nuclear material licensed and distributed by lease under subsection 53 a. (1), (2) or (4), considering, among other things, whether the licensee is a nonprofit or eleemosynary institution and the purposes for which the special nuclear material will be used."

Sec. 7. Subsection 53 d. of the Atomic Energy Act of 1954, as amended, is amended by adding the words "by lease" after the word "distributed", and by amending subsection d. (5) to read as follows:

"(5) with respect to special nuclear material consumed in a facility licensed pursuant to section 103, the Commission shall make a further charge equivalent to the sale price for similar special nuclear material established by the Commission in accordance with subsection 53 c. (2), and the Commission may make such a charge with respect to such material consumer in a facility licensed pursuant to section 104."

Sec. 8. Subsection 53 e. of the Atomic Energy Act of 1954, as amended, is amended by deleting subsection 53 e. (1).

Sec. 9. Section 54 of the Atomic Energy Act of 1954, as amended, is amended by adding the following at the end thereof:

"The Commission may agree to repurchase any special nuclear material distributed under a sale arrangement pursuant to this section which is not consumed in the course of the activities conducted in accordance with the agreement for cooperation, or any uranium remaining after irradiation of such special nuclear material, at a repurchase price not to exceed the Commission's sale price for comparable special nuclear material or uranium in effect at the time of delivery of such material to the Commission. The Commission may also agree to purchase, consistent with and within the period of the agreement for cooperation, special nuclear material produced in a nuclear reactor located outside the United States through the use of special nuclear material which was leased or sold pursuant to this section. Under any such agreement, the Commission shall purchase only such material as is delivered to the Commission during any period when there is in effect a guaranteed purchase price for the same material produced in a nuclear reactor by a person licensed under section 104, established by the Commission pursuant to section 56, and the price to be paid shall be the price so established by the Commission and in effect for the same material delivered to the Commission."

Sec. 10. Section 55 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"Sec. 55 Acquisition.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase without regard to the limitations in section 54 or any guaranteed purchase prices established pursuant to section 56, and to take, requistion, condemn, or otherwise acquire any special nuclear material or any interest therein. Any contract of purchase made under this section may be made without regard to the provisions of section 3709 of the Revised Statutes, as amended, upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing by the Commission that advertising is not reasonably practicable. Partial and advance payments may be made under contracts for such purposes. Just compensation shall be made for any right, property, or interest in property taken, requisitioned, or condemned under this section."

Sec. 11. Section 56 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"Sec. 56. Guaranteed Purchase Prices.—The Commission shall establish guaranteed purchase prices for plutonium produced in a nuclear reactor by a person licensed under section 104 and delivered to the Commission before January 1, 1971. The Commission shall also establish for such periods of time as it may deem necessary but not to exceed ten years as to any such period, guaranteed purchase prices for uranium enriched in the isotope 233 produced in a nuclear reactor by a person licensed under section 104 and delivered to the Commission within the period of the guarantee. Guaranteed purchase prices established under the authority of this section shall not exceed the Commission's determination of the estimated value of plutonium or uranium enriched in the isotope 233 as fuel in nuclear reactors, and such prices shall be established on a nondiscriminatory basis: *Provided,* That the Commission is authorized to establish such guaranteed purchase prices only for such plutonium or uranium enriched in the isotope 233 as the Commission shall determine is produced through the use of special nuclear material which was leased or sold by the Commission pursuant to section 53."

SEC. 12. Section 57 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 57. PROHIBITION.—

"a. Unless authorized by a general or specific license issued by the Commission, which the Commission is authorized to issue pursuant to section 53, no person may transfer or receive in interstate commerce, transfer, deliver, acquire, own, possess, receive possession of or title to, or import into or export from the United States any special nuclear material.

"b. It shall be unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) under an agreement for cooperation made pursuant to section 123, or (2) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States.

"c. The Commission shall not—

"(1) distribute any special nuclear material to any person for a use which is not under the jurisdiction of the United States except pursuant to the provisions of section 54; or

"(2) distribute any special nuclear material or issue a license pursuant to section 53 to any person within the United States if the Commission finds that the distribution of such special nuclear material or the issuance of such license would be inimical to the common defense and security or would constitute an unreasonable risk to the health and safety of the public."

SEC. 13. Section 58 of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"SEC. 58. REVIEW.—Before the Commission establishes any guaranteed purchase price or guaranteed purchase price period in accordance with the provisions of section 56, or establishes any criteria for the waiver of any charge for the use of special nuclear material licensed and distributed under section 53, the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge shall be submitted to the Joint Committee and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the proposed guaranteed purchase price, guaranteed purchase price period, or criteria for the waiver of such charge, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five-day period."

SEC. 14. Section 105 of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase ", including the provisions which vest title to all special nuclear material in the United States," from the first sentence of subsection 105 a.

SEC. 15. Section 123 of the Atomic Energy Act of 1954, as amended, is amended by adding "53," after the word "sections" in the first sentence.

SEC. 16. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding thereto the following new subsection:

"v. (A) enter into contracts with persons licensed under sections 53, 63, 103 or 104 for such periods of time as the Commission may deem necessary or desirable to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission; and

"(B) enter into contracts to provide, after December 31, 1968, for the producing or enriching of special nuclear material in facilities owned by the Commission in accordance with and within the period of an agreement for cooperation arranged pursuant to section 123 while comparable services are made available pursuant to paragraph (A) of this subsection:

Provided, That (i) prices for services under paragraph (A) of this subsection shall be established on a nondiscriminatory basis; (ii) prices for services under paragraph (B) of this subsection shall be no less than prices under paragraph (A) of this subsection; and (iii) any prices established under this subsection shall be on a basis which will provide reasonable compensation to the Government: *And provided further,* That the Commission, to the extent necessary to assure the maintenance of a viable domestic uranium industry, shall not offer such services for source or special nuclear materials of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States. The Commission shall establish criteria in writing setting forth the terms and conditions under which services provided under this subsection shall be made available including the extent to which such services will be made available for source or special nuclear material of foreign origin intended for use in a utilization facility within or under the jurisdiction of the United States: *Provided,* That before the Commission establishes such criteria, the proposed criteria shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing the forty-five days there shall be excluded the days in which either House is not in session because of adjournment for more than three days) unless the Joint Committee by resolution in writing waives the conditions of, or all any portion of, such forty-five-day period."

SEC. 17. Section 171 of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "52 (with respect to the material for which the United States is required to pay just compensation)," from the first sentence; and by adding "55" after "43," in the first sentence.

SEC. 18. Subsection 182 a. of the Atomic Energy Act of 1954, as amended, is deleted.

SEC. 19. Section 184 of the Atomic Energy Act of 1954, as amended, is amended by adding the words "or special nuclear material," after "other lien upon any facility" in the second sentence; and by deleting the word "property" in the second sentence and substituting the word "facility" in lieu thereof.

SEC. 20. Nothing in this Act shall be deemed to diminish existing authority of the United States, or of the Atomic Energy Commission under the Atomic Energy Act of 1954, as amended, to regulate source, byproduct, and special nuclear material and production and utilization facilities, or to control such materials and facilities exported from the United States by imposition of governmental guarantees and security safeguards with respect thereto, in order to assure the common defense and security and to protect the health and safety of the public, or to reduce the responsibility of the Atomic Energy Commission to achieve such objectives.

SEC. 21. This Act may be cited as the "Private Ownership of Special Nuclear Materials Act."

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill now before the House, S. 3075, would amend the Atomic Energy Act of 1954 to provide for the private ownership of special nuclear materials. It is the most far-reaching change in the Atomic Energy Act since the last basic revision of the law in 1954.

BACKGROUND

The Atomic Energy Act, as presently written, requires that title to all special nuclear material—by this we mean fissionable material or nuclear fuels—must be in the U.S. Government. The reasons for this unique requirement may be found in the legislative history of the 1946 and 1954 Atomic Energy Acts.

In 1946, very little was known about the atom. The United States had a complete monopoly over atomic weapons and a virtual monopoly in fissionable materials. The preservation of this monopoly was a cardinal principle of U.S. atomic policy. In order to provide an added measure of control over these materials the Atomic Energy Act of 1946 specified that title to all special nuclear materials in the United States would rest with the U.S. Government.

By 1954, important changes had occurred. First, there was a widespread demand for private participation in the peaceful uses of atomic energy—particularly in the development of civilian nuclear power. In addition, we had acquired enough experience in the handling of nuclear materials to understand that they could be effectively controlled through the implementation of strict regulatory requirements.

The Atomic Energy Act of 1954 therefore permitted private persons to possess and use special nuclear materials under license from the AEC. Private persons could also own and operate nuclear reactors.

However, the requirement for mandatory Government ownership of special nuclear material was retained in the Atomic Energy Act of 1954. The Congress wished to make sure that there would be an adequate means of providing the United States with special nuclear material for weapons and other urgent national requirements, and Government ownership was one of the devices utilized. It is clear, however, that the requirement for Government ownership was retained by the Congress out of an abundance of caution rather than legal necessity.

Even in the absence of Government ownership, the Congress can clearly act to control the security and safety of special nuclear materials. The "war powers" as well as the powers of Congress in the area of interstate and foreign commerce provide an ample basis for such action. There is general agreement among lawyers who have looked at this matter that mandatory Government ownership is not, and never was essential to the effective legal control of special nuclear materials.

WHY PRIVATE OWNERSHIP NOW?

Important strides have been made in the last 10 years in the development of civilian nuclear power. Although no nuclear plant is yet producing competitive electricity, it is clear that nuclear power will be a significant factor in the Nation's power economy in the decades ahead. This means that special nuclear material—the fuel of this new technology—will become an increasingly important article of commerce.

We have therefore reached a point in the development of civilian nuclear power where the provisions of the Atomic Energy Act concerning the ownership of special nuclear materials must be revised. Unless this is done at the present time, the U.S. Government will become increasingly involved in financing the fuel for an expanding commercial industry.

HIGHLIGHTS OF THE PRIVATE OWNERSHIP BILL

Now what does this bill do?

First, it repeals the requirement for mandatory Government ownership of special nuclear materials. Provision for the continued effective regulation and control of such materials is assured in other sections of the Atomic Energy Act, as amended by this bill. The bill does not, in any way, diminish the authority or responsibility of the Atomic Energy Commission to control fissionable materials for the protection of the common defense and security or the public health and safety.

Second, the bill authorizes the Atomic Energy Commission to sell or lease special nuclear material. However, after December 31, 1970, the Commission will not be able to distribute special nuclear material, except by sale, to a person owning or operating a nuclear power reactor if the material is intended for use in a power reactor. As of June 30, 1973, unless otherwise authorized by law, all special nuclear material previously leased to a person owning or operating a nuclear power reactor will have to be converted to private ownership.

Third, the Atomic Energy Commission is directed to establish guaranteed purchase prices for plutonium production in a licensed reactor and delivered to the Commission only until January 1, 1971. A specific cutoff date is thus imposed on the period for guaranteed purchase prices for plutonium. With respect to uranium 233, the commission could establish guaranteed purchase prices for periods of up to 10 years.

Fourth, the bill would authorize the Atomic Energy Commission to enter into contracts for the furnishing of uranium enrichment services. Under this system of "toll enrichment" the Commission could, for instance, agree to accept delivery of normal uranium and deliver to the purchaser an appropriate quantity of enriched uranium. The purchaser would pay the Commission's charges for enriching services—a charge based generally on the cost of doing necessary processing or "separative" work in the Government's diffusion plants. This service, however, could not commence until January 1, 1969.

In general, the bill authorizes the Atomic Energy Commission to enter into similar arrangements with respect to the distribution and purchase of special nuclear material and the furnishing of enrichment services on an international basis.

Mr. Speaker, this bill has been drafted with careful regard for the public interest and the needs of our atomic energy industry. Its enactment will eliminate the necessity for a major build-up in the public investment in nuclear fuel inventories. Its careful transition periods will prevent immediate or serious dislocations in the atomic energy industry.

Mr. Speaker, this bill was reported without dissent by the Joint Committee and passed the Senate by voice vote on August 6. It is deserving of wide and general support.

Mr. Speaker, a note of praise should be injected here for the continuing work and constructive cooperation of my distinguished colleague, the ranking House Minority Member of the Joint Committee on Atomic Energy, Mr. HOSMER. He and his colleagues have been of great assistance in the consideration of this difficult legislation. Mr. Speaker, this is a good bill and I urge its prompt enactment.

Mr. HOSMER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I take this time largely to answer any questions that any Member may have respecting the bill.

Prefatory, I should like to say that there is no bill in the 12 years I have been in Congress that I have supported with greater enthusiasm than this one. It denationalizes fissionable material. It permits us to get on a private basis in the development of a nuclear industry in this country. It avoids the expense of the ownership by the taxpayers of the United States of all of the fissionable material that will have to go into the private reactors that the burgeoning atomic industry will be building in America.

If we fail to pass this bill there will be $3 or $4 billion of the taxpayers' money tied up in an enriched uranium inventory in this country alone by 1980.

Not one iota of security protection in regard to nuclear materials is lost as a result of this bill. In all respects it is the kind of legislation that history will regard as a fine act by this Congress and by all of us who are involved in it.

As the gentleman from California [Mr. HOLIFIELD], the vice chairman of the Joint Committee on Atomic Energy, has mentioned, the members of the committee worked over 2 years on this legislation.

Our difficult work has been guided, with excellence, by my able colleague, the vice chairman of the Joint Committee, the gentleman from California [Mr. HOLIFIELD]. The task before our committee was not easy. This legislation is complicated from both a legal and economic standpoint. Yet, after more than 2 years of hard work, we have arrived at a general consensus which is reflected in the careful drafting of this bill and our committee report.

It is now imperative that this bill be enacted promptly.

I say this for four main reasons.

First, as nuclear power assumes greater importance in the power economy of the United States, utility companies and atomic energy industry must be able to plan on a long-term basis under normal economic rules. This is particularly true with respect to commitments for fuel.

The enactment of this legislation will allow the utility companies to execute long-term contracts for fuel and thus to project, with a reasonable degree of certainty, the fuel costs over the life of a nuclear plant. This long-term planning for nuclear power could be done under the same free enterprise conditions which exist in the case of alternate sources of energy.

Second, private ownership legislation will eliminate the necessity for a major buildup in Government inventories of nuclear fuel for commercial power reactors.

As I stated earlier, it has been estimated that by 1980, the expected growth of nuclear power will require an investment in nuclear fuel inventories of approximately $3 to $4 billion.

If Government ownership were to continue, this enormous inventory would be financed by the taxpayers. Moreover, as the Government's involvement became greater, it would become increasingly difficult to get Uncle Sam out of the commercial atomic power business without serious economic dislocations. It is wise therefore to permit an orderly termination of mandatory Government ownership before a large-scale expansion occurs in the atomic energy industry.

Third, the private ownership legislation will permit the domestic uranium mining and milling industry to develop normally without further reliance on the U.S. Government.

The uranium enrichment services made possible by this bill will enable uranium producers to deal directly and make long-term contracts with utility customers and others. The bill may herald the opening of a new commercial market for natural uranium.

Fourth, this legislation could have a very beneficial effect on America's world trade position in the atomic energy field.

The availability of toll enrichment under this bill will provide a firm assurance of a long-term supply of enriched uranium to other nations. This will enhance the competitive position of the reactors and reactor components manufactured by American suppliers. The sale of American nuclear equipment, materials, and services abroad could be a significant factor in improving our balance of trade. The enlarged volume of business may also help to reduce the worldwide cost of nuclear power.

Mr. Speaker, I believe that the timing of this bill is perfect. The bill itself is in complete harmony with the principles of the free private enterprise system and I urge its prompt enactment.

Mr. RUMSFELD. Mr. Speaker, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Illinois.

Mr. RUMSFELD. I certainly want to congratulate the gentleman from California both on this side and the other side of the aisle for the extremely fine job they have done on this legislation.

As the gentleman knows, there has been some discussion about the possibility that private ownership conceivably during the initial period would be a hardship on some smaller companies engaged in the nuclear fuel processing business in connection with the interest rates to finance the ownership of these materials. I wish the gentleman would comment so the legislative history here today will clarify the concern which I know the gentleman and the committee had in the consideration of this problem.

Mr. HOSMER. The gentleman is referring, I presume, to the problem of the small fuel fabricator.

Our committee report dealt specifically with this problem. Let me refer you to what we said in the report at page 14:

> Thus, under the committee bill, the AEC could continue to lease special nuclear material to persons engaged in the conversion or fabrication of special nuclear material. This provision is included in the bill in order to meet a problem extensively discussed during the course of the hearings, involving the competitive position of certain fuel fabricators and converters.
>
> Leasing of special nuclear material should be of assistance to fuel fabricators and converters who might otherwise be placed at a competitive disadvantage as a result of having to purchase a special nuclear material inventory. Should the Commission elect, however, to require such persons to purchase special nuclear material, the Commission would be expected to utilize a deferred payment plan as set forth in the "section-by-section analysis" of this report.
>
> The committee is aware that even if special nuclear material is leased or sold under a deferred payment plan, certain fuel processors and fabricators may be at a competitive disadvantage insofar as the financing of nuclear fuel inventories is concerned. It is expected that the Atomic Energy Commission will closely follow developments in this field with a view toward taking such steps as may be necessary or desirable to promote competition, including the recommending of legislation, should legislation be needed.

Also, we further stated at page 23, as follows:

> It is also expected that if the Commission elects to require licensees engaged in conversion and/or fabrication of special nuclear material to purchase such material after December 31, 1970, the Commission would make available a deferred payment plan. The deferred payment arrangements could assist in the maintenance of a fair competitive situation among fuel fabricators insofar as the financing of special nuclear material inventories is concerned. These arrangements would require the purchaser to pay in full for the material purchased upon transfer of the material to the ultimate user or within some specified period of time, such as 1 year, from the date of the sale by the Commission. In general, it is contemplated that the Commission would permit the deferral of payments on principal for the entire period of fabrication. Interest on the deferred liability would be paid by the purchaser at a rate not in excess of the rate of the charge established by the Commission pursuant to subsection 53c.(4), in effect at the time of the sale, for special nuclear material distributed by lease. Finally, it is contemplated that, in connection with any such plan, the Commission would accept, for appropriate credit against the deferred liability, any unused material returned to the Commission by the converter or fabricator.

Mr. RUMSFELD. May I make one comment further. Then the assurance we do have from the committee is that the committee will continue to give attention to any problems that might develop in this field?

Mr. HOSMER. You have our absolute assurance on it.

Mr. RUMSFELD. I thank the gentleman.

Mr. HOSMER. Mr. Speaker, I yield to the gentleman from Washington [Mr. Westland].

Mr. WESTLAND. Mr. Speaker, I rise in support of S. 3075. This is truly enlightened legislation. In an era where the trend is toward increasing the Government's role in business, here we have a striking example of a step in the other direction. This legislation provides for an orderly withdrawal by the Federal Government from its involvement in commercial atomic power.

As a Representative from a State which is in the forefront of nuclear developments, I have seen the great strides made in the last 10 years in the development of civilian nuclear power. It seems clear that in the next decade or two we will witness a dramatic expansion in this industry. The timing of this legislation is therefore perfect. It comes just before this expected expansion and will thereby avoid the necessity for a multibillion dollar investment in nuclear fuel inventories by the American taxpayer.

Mr. Speaker, S. 3075 is a triumph of good sense and vision. It will assure that nuclear power will take its rightful place in our free enterprise economy. I am proud of our hardworking Joint Committee and its distinguished leadership for this outstanding legislative accomplishment.

Mr. HOSMER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. Anderson].

Mr. ANDERSON. Mr. Speaker, I rise in support of S. 3075, the private ownership legislation reported by the Joint Committee on Atomic Energy.

Mr. Speaker, I have been a member of the Joint Committee for almost 2 years now and during this period I have participated in the exhaustive committee deliberations that led to this bill. The physical evidence of our effort may be seen in the hundreds of pages of hearings on this legislation and the unusually detailed and carefully prepared committee report.

I have been a witness to the hard, persevering effort of our distinguished vice chairman, the gentleman from California [Mr. Holifield]. I have also seen our capable and diligent ranking House minority member, the gentleman from California [Mr. Hosmer], probe and resolve the complexities of this difficult legislation. As a result of my experience, I can tell you that the Joint Committee approached its difficult task with a rare degree of intellectual honesty and with a sole purpose in mind—the protection and furtherance of the public interest.

Mr. Speaker, S. 3075 is a rare bill in this day and age of expanding Federal power and authority. It represents a careful and deliberate decision to gradually remove the Government from its involvement in the economics of commercial nuclear power. As such, this bill demonstrates an unusual degree of foresight and statesmanship. It sets an example which could be well followed in other fields.

This bill heralds a new era in civilian nuclear power—an era in which the atom will be able to compete with other forms of energy under free enterprise conditions, unrestricted by artificial conditions established by legislation. I am confident that nuclear power—as have other major American industries—will thrive in the healthy, open climate of the free enterprise system.

For the taxpayer, S. 3075 means freedom from the heavy responsibility of financing a multibillion dollar nuclear fuel inventory.

For the utility company, it means a new ability to make long-term commitments for nuclear fuel under economic conditions comparable to alternate sources of energy.

For the uranium industry, we will open a new range of commercial dealings in uranium and eliminate the complete dependence of this industry on U.S. Government contracts.

In the international area, this bill creates new opportunities to improve our balance of trade by encouraging the sale abroad of American nuclear reactors, materials and services.

Mr. Speaker, I am proud to have played a role in this legislation. It will be remembered as a bright and vital turning point in the successful development of civilian nuclear power. I urge the prompt enactment of S. 3075.

Mr. HOSMER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. Saylor] for such time as he may require.

Mr. SAYLOR. Mr. Speaker, I rise in support of S. 3075. It does not go as far as I think it should go, but it is definitely a vigorous step in the right direction.

Subsidies have a way of becoming entrenched; the older they get the more difficult they are to get rid of. The members of the Joint Committee on Atomic Energy have reported to us legislation which will eventually get rid of several of the subsidies involved in this program, after a transition period of several years. I want to compliment the Joint Committee on this action. It shows a determination to preserve fair competition, which is the cornerstone of the free enterprise system that has made America so strong. My congratulations, gentlemen.

In approving this legislation, we should not assume we are doing the entire job that is necessary. There is much more to be done if we are to encourage free competition between fossil fuels and nuclear fuels.

Mr. Speaker, one of the principal subsidies remaining in the atomic energy program, after enactment of the legislation now before us, involves the low price charged by AEC for enriching natural uranium. Current prices recover only the Government's cost, without any charge to cover cost of Government. On plants which cost nearly a billion dollars each, the Government's cost is substantially lower than private enterprise would have to charge. On top of that, it has already been announced by AEC that the Government will not pass on to utilities the increased cost of enriching which will result from the weapons material cutbacks.

I am pleased to note, on page 18 of the Joint Committee's report on this bill, that the Joint Committee intends to follow this matter very closely in the years ahead. I believe that action should be taken in the near future to establish a realistic price which would be equivalent to that which would be charged if these plants were owned and operated by private enterprise. There is precedent for such procedure—precedent established by the AEC itself in establishing prices for fuel reprocessing on the basis of a "conceptual plant."

Mr. Speaker, there is still another important interference with free competition in the provisions of the Atomic Energy Act. I am speaking of the "no recourse" provisions of the Price-Anderson Act. Under that act, the atomic plant operators are given complete freedom from financial responsibility for any accident that might occur. The operators buy the first $60 million insurance from commercial companies; the Government furnishes the next $500 million for a nominal fee; and the law says that the public's recovery for damages shall be limited to this $560 million fund regardless of how high the damage is. This provision is supposedly justified by the authority of Congress to act in bankruptcy matters, but I point out to you now that we are furnishing bankruptcy protection without touching the assets of the so-called bankrupt.

Mr. Speaker, I believe we are, in effect, forcing members of the public into the insurance business for atomic powerplants, and we do not even give them the authority to charge a fee. Furthermore, we say to them that they shall have no right to prevent construction of an atomic plant in their midst. These provisions are scheduled to expire with respect to permits granted after August 1, 1967, although the plants which get a permit before that time will enjoy this benefit as long as they last. I predict to you that next year or the year after Congress will be asked to extend this 1967 cutoff date for another 10 years. I say to you that we should refuse to extend this date. Financial responsibility for negligence is a powerful deterrent to corner cutting when safety costs money. I believe the public is entitled to this additional safety factor, in order that atomic power will grow at a natural rate with the benefit of experience acquired in an orderly manner.

Mr. Speaker, I ask my colleagues to vote for S. 3075 as an important beginning to the restoration of fair competition for the energy markets.

Mr. SLACK. Mr. Speaker, I wish to congratulate the Joint Committee on Atomic Energy for bringing this bill, which establishes the procedure for a transition to private ownership of nuclear fuel, to the floor of the House for action at this session.

I regard this bill as a significant first step in placing civilian nuclear power in the mainstream of our competitive free enterprise system. As the Joint Committee stated in its report, this bill represents the most sweeping amendment to the Atomic Energy Act since 1954.

It is important that private ownership of nuclear fuel for the generation of electric power be made a fundamental part of our national policy governing future developing of civilian nuclear power. The tremendous strides which have been made since 1954 in advancing nuclear technology and achieving a competitive equality with other fuels for generating electricity fully justifies the proposal to remove the subsidy to private utilities represented by Government ownership of all nuclear fuels, and their leasing to private utilities at a fraction of the cost if the fuel were to be purchased through private financing.

Mr. Speaker, this bill, of course, does not go far enough in advancing the nuclear power industry toward the day when it must stand on its own feet, free of all Government support and assistance in the building and operation of proven reactor concepts. However, because the bill does constitute a significant first step toward this goal, I am going to support it.

I would like to see the Joint Committee go one step further and propose legislation which would confine future research and development work on the part of the Government to the breeder reactors and atomic fusion. I have introduced legislation along this line and I hope that early in the next session the Joint Committee can hold hearings at which the desirability of a policy declaration of this kind can be fully explored.

In reading the Joint Committee's excellent report on the legislation before us, I concluded that there is not much, if any difference, between the approach to future nuclear programs I have recommended and that of the Joint Committee.

For example, in discussing the future role of the Government in the nuclear power program, the report states, and I quote:

> The task ahead—and it will require continued Government assistance, direction, and encouragement—involves the development of reactors which show the promise of significantly enlarging the Nation's energy resources—indeed, of providing the Nation with a virtually inexhaustible source of energy. This is the job that lies ahead and the atom's promise for generations yet to come.

I have no quarrel with this statement of the Government's future role. As a matter of fact, this same philosophy motivated my introducing H.R. 10687 to establish this as Government policy.

There is no question but that the development of a breeder reactor is the key to our realization of the full potential of the atom. A breeder reactor would manufacture more nuclear fuel than it consumes, thus enlarging by an untold amount the energy represented in our uranium.

To this end the Government should directs its research and development activities. No one can take issue with this approach.

My difference with the Atomic Energy Commission is that the Commission wants to continue heavy Government expenditures on reactor concepts of an already proven nature, or on those which do not clearly show the promise of significantly enlarging the Nation's energy resources.

The four large advanced converter reactors which AEC has proposed to be built are nothing more than a refinement of present concepts. No doubt these advanced reactors could be made more efficient than those existing now. But the question is, should the Government take the lead in this improvement and refinement, at a substantial cost to all the taxpayers, or should this be done by the manufacturers of reactors for sale?

I believe that this phase of the nuclear power program is the sole responsibility of the reactor manufacturers, and perhaps the electric utilities which will benefit from the increased efficiency of the improved reactors.

The Government's role should be confined to the breeder reactors and other new concepts which promise to carry out the objectives as expressed in the committee's report.

Mr. Speaker, I urge the passage of this bill. It is a good first step toward the complete withdrawal of the Government from that part of the program which has now been proven to be of commercial value.

I urge that the committee, as a second step, agree to take up early next year legislation to define more precisely the role of the Government and private industry, with particular reference to limiting the Government's role to truly experimental work on breeders and other advanced concepts.

Mr. ASPINALL. Mr. Speaker, I rise to support S. 3075, the private ownership legislation reported by the Joint Committee on Atomic Energy.

As the committee report accompanying this legislation notes:

> This legislation is the most sweeping amendment to the Atomic Energy Act since 1954.

Yet, the timing of this legislation is singularly appropriate. It will gradually remove the Government from an otherwise deepening involvement in the economics of an expanding nuclear power industry. This legislation has been carefully drawn so as to minimize any possible economic dislocations.

In particular, this bill will have an important effect on the domestic uranium industry.

Today, after 10 years of intensive exploration, the United States has been converted from a have-not Nation in terms of developed uranium reserves to the point where we have some of the largest uranium reserves in the world. We have, in the process, created a substantial uranium mining and milling industry.

The uranium mining and milling industry has been, and remains, completely dependent upon the Government for two reasons: First, the Government has been the only large-scale consumer of uranium, primarily for its weapons program; second, the uranium industry, even if a large commercial atomic power market had existed for its product, would not have been able to deal directly with its ultimate customer—the utility industry—since neither party had access to facilities for the vital enrichment process.

Current contracts between the Government and the uranium producers expire not later than December 31, 1970. Prices paid by the Government under these contracts are generally $8 per pound through 1968. However, these prices drop to a maximum of $6.70 a pound during 1969–70 and, under a flexible formula dependent upon the producer's cost, will average about $6 per pound during this period.

Recently announced cutbacks in the production of special nuclear materials for weapons purposes and apparent future trends in this direction indicate that the Government's need for uranium for military purposes will not be sufficiently large to support a viable domestic uranium industry beyond 1970. Indeed, it appears that when the uranium procurement contracts expire in 1970, the Atomic Energy Commission will have uranium inventories substantially in excess of requirements for some years.

Thus, in the 1970's and beyond, the uranium-producing industry must depend not upon the Government, but rather upon the civilian power program for its primary market. Yet, under present law there is no basis for the Government to extend uranium enrichment services on a long-term basis for privately owned uranium and therefore no possibility of creating a more normal commercial market for natural uranium.

This bill by providing a statutory basis for toll enrichment of privately owned uranium will allow this market to develop on a commercial basis. It will make possible a variety of normal commercial transactions in uranium and it may also help to create new incentives for further exploration. Moreover, this legislation, by providing a flexible restriction on the enrichment of foreign uranium, will protect our industry from possibly ruinous competition.

The maintenance of a viable domestic uranium mining and milling industry is an essential part of a sound nuclear industry and is also vital to the long-range defense and security interests of the United States. This bill by providing for uranium enrichment services, is a desirable step in this direction.

Mr. PRICE. Mr. Speaker, as a member of the Joint Committee from its inception, this is an especially proud moment for me. This bill is in the great tradition of the Joint Committee—a tradition of forward-looking, progressive legislation.

When this legislation was introduced 2 years ago, it was immediately apparent that private ownership would be a complicated and difficult matter. But the Joint Committee went to work—and worked hard for 2 years. It probed every problem and every alternative solution and came up with a bill which is carefully drawn with a keen awareness of the public's interest in the development of civilian nuclear power.

In particular, this bill is a tribute to the devotion and hard work of our distinguished colleague, the gentleman from California [Mr. HOLIFIELD]. He has given careful study to the private ownership legislation and largely through his leadership, we have developed an excellent piece of legislation.

Mr. Speaker, I strongly support this bill and urge its prompt enactment.

Mr. MORRIS. Mr. Speaker, I would like to add my support for the enactment of S. 3075.

As my colleagues have noted, this bill is the product of extensive hearings, discussions and committee deliberations. The product is a good, tightly drawn bill which assures the future development of civilian nuclear power along normal commercial lines. It is a tribute to the vision and hard work of the distinguished vice chairman of the Joint Committee, the gentleman from California [Mr. HOLIFIELD].

Mr. Speaker, as a Representative of one of the major uranium producing States, I am particularly pleased with the careful attention which has been given to the problems of the domestic uranium industry by this committee. Although our uranium industry has a guaranteed market from the Government through 1970, the prospects after 1970 depend, almost entirely, on the civilian nuclear power market.

This bill, by providing for "toll enrichment," opens the possibility of developing a normal commercial market for uranium. It frees the Nation's uranium producers from their complete dependence on the Government and I am confident that it will open new opportunities for this important industry.

I am particularly pleased that the committee has taken special care to provide protection to our domestic uranium producers against the competition of cheap foreign uranium. The flexible restriction on the enrichment of foreign uranium contained in this bill will protect our industry against ruinous competition from cheap foreign uranium. Our uranium industry is a vital link in the national defense and security. It has been built and nurtured by vast Government expenditures. The Joint Committee had the foresight to protect our investment in this industry during a possible period of limited demand for uranium.

Mr. Speaker, this is an outstanding legislative job by the Joint Committee on Atomic Energy, of which all in the Congress may be proud. It is in the best tradition of furthering the free enterprise system and I urge its prompt enactment.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill?

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

A similar House bill, H.R. 12228, was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ELECTRICITY IN PACIFIC NORTHWEST

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 1007) to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1822)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1007) to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, and 7, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the language inserted by the House amendment, insert the following:

"SEC. 8. No electric transmission lines or related facilities shall be constructed by any Federal agency outside the Pacific Northwest for the purpose of transmitting electric energy between the Pacific Northwest and Pacific Southwest, nor shall any arrangement for transmission capacity be executed by any Federal agency for the purpose of financing such lines and related facilities to be constructed by non-Federal entities, except those lines and facilities recommended for Federal construction in the Report of the Secretary of the Interior submitted to Congress on June 24, 1964, as supplemented on July 27, 1964, or as hereafter specifically authorized by Congress: *Provided*, That, except with respect to electric transmission lines and related facilities for the purpose of transmitting electric energy between the two regions above mentioned, nothing herein shall be construed as expanding or diminishing in any way the present authority of the Secretary of the Interior to construct transmission lines to market power and energy."

And the House agree to the same.

Wayne N. Aspinall,
Walter Rogers,
Jack Westland,
Managers on the Part of the House.

Henry M. Jackson,
Clinton P. Anderson,
Alan Bible,
Thomas H. Kuchel,
Gordon Allott,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1007) to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority, and for other purposes, submit the following statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

The language agreed upon is the language of the House bill except the language in section 8 thereof. Section 8 of the House bill prohibited construction of electric transmission lines outside the Pacific Northwest by any Federal agency for marketing Northwest power and energy until they have been specifically authorized by the Congress. There was no similar provision in the Senate bill. This provision was placed in the bill by the Interior and Insular Affairs Committee of the House over a year ago when it approved S. 1007. In explanation of the provision the House committee report on S. 1007, dated July 25, 1963, contains the following:

"This action by the committee is not intended to question the feasibility or desirability of an interconnection between the electric systems of the Pacific Northwest and the Pacific Southwest. All the testimony presented to the committee indicated that there should be such an interconnection. This action by the committee indicates a desire on the part of the committee that the Department's final plans for interconnecting the two regions be examined by the Congress. It stems from the extensive costs involved, alternative plans that have been proposed, the present uncertainty with respect to Federal construction, and technical questions that have been raised with respect to direct current transmission.

"The task force report to the Secretary of the Interior, dated December 15, 1961, makes it clear that the economic benefits to be derived from a Pacific Northwest-Pacific Southwest interconnection are so great that the question is not one of whether such an interconnection should be built but rather one of 'when' and 'by whom' and 'under what operating criteria' should it be built."

S. 1007 was debated in the House on August 27, 1963 and the discussion of this matter during that debate left no doubt that the House supported the committee's position.

Since the action by the House almost a year ago, the Secretary of the Interior has submitted to the Congress his recommendations for interconnecting the Pacific Northwest and Pacific Southwest with electric transmission lines. These recommendations are set out in his letters of June 24, 1964, and July 27, 1964, to the chairman of the Senate and House Appropriations Committees. The Secretary's plan, involving not only construction by the Federal Government but construction by both consumer-owned and investor-owned utilities, was developed after extended negotiations in connection with all the non-Federal proposals received for electrically interconnecting these two regions. The plan has the approval of all parties—private, municipal, State, and Federal. Thus, the questions raised in the language quoted from the House report on S. 1007 have been answered. The Department has recommended a final plan to the Congress and the plan has been examined by the committees of the Congress. We now know who will be constructing the lines and the cost to the Federal Government. We have detailed information relating to the operation of the interconnected systems and the benefits which will flow from the interconnections.

During the extended period of controversy on this matter, one of the major questions has been whether the Secretary of the Interior presently has authority to construct the proposed transmission lines. The language adopted by the conference committee in lieu of the House language in section 8 makes it unnecessary to answer this question. The language adopted provides congressional authority for the electrical interconnection of the Pacific Northwest and the Pacific Southwest and for construction of the lines that are included in the recommended plan and, in addition, the language makes it clear that there is no intention either to expand or diminish in any way the present authority of the Secretary of the Interior to construct transmission lines to market power and energy. In other words, except with respect to these two regions, whatever authority the Secretary had prior to the adoption of this language he still has. This language does no violence to the position of those who believed that the Secretary had no authority to construct transmission lines interconnecting the Pacific Northwest and the Pacific Southwest and who believe that the Secretary still has no authority to construct transmission lines interconnecting the Pacific Northwest with other regions. Likewise, this language does no violence to the position of those who believe that the Secretary presently has authority for such interconnections.

The Secretary's recommended plan proposes construction by a combination of Federal, public, and private entities of the following electric transmission lines:

(1) A 750-kilovolt direct current line from the Dalles Dam, Oreg., via Nevada to Sylmar substation, Los Angeles, plus a 345-kilovolt alternating current line from Hoover Dam to Phoenix, Ariz.

(2) A 500-kilovolt alternating current line from John Day Dam, Oreg., via the Central Valley of California to Vincent substation, Los Angeles.

(3) A 750-kilovolt direct current line from the Dalles Dam, Oreg., to Hoover Dam, connected to Los Angeles by a 750-kilovolt direct current line, and to Phoenix, Ariz., by a second 345-kilovolt alternating current line.

(4) A 500-kilovolt alternating current line from John Day Dam to Table Mountain in the Central Valley of California, and thence to Vincent substation, Los Angeles.

(5) A 500-kilovolt line from the California-Oregon boundary into Round Mountain station about 100 miles south of the State boundary; and from Round Mountain a 230-kilovolt line to Cottonwood or Keswick.

The letter of the Secretary of the Interior, dated June 24, 1964, transmitting the Secretary's report on the Pacific Northwest-Pacific Southwest Intertie and the letter of July 27, 1964, modifying the plan in certain respects, are attached as a part of this statement. It is the position of your conferees that any substantial change or deviation in the plan recommended to the Congress by these two letters must be reported back to the Congress for authorization.

Wayne N. Aspinall,
Walter Rogers,
Jack Westland,
Managers on the Part of the House.

U.S. Department of
the Interior,
Office of the Secretary,
Washington, D.C., June 24, 1964.

Hon. Carl Hayden and George Mahon,
Chairmen, Appropriations Committees,
Congress of the United States,
Washington, D.C.

Dear Senator Hayden and Mr. Mahon: Transmitted herewith, as requested by your committees, is the Department of the Interior's report of negotiations with non-Federal entities for construction of extrahigh voltage intertie lines linking the Pacific Northwest and the Pacific Southwest.

The report proposes that four such lines be constructed by a combination of Federal, public, and private entities:

(1) A 750-kilovolt direct current line from the Dalles Dam, Oreg., via Nevada to Sylmar substation, Los Angeles, plus a 345-kilovolt alternating current line from Hoover Dam to Phoenix, Ariz.

(2) A 500-kilovolt alternating current line from John Day Dam, Oreg., via the Central Valley of California to Vincent substation, Los Angeles.

(3) A 750-kilovolt direct current line from the Dalles Dam, Oreg., to Hoover Dam, connected to Los Angeles by a 750-kilovolt direct current line, and to Phoenix, Ariz., by a second 345-kilovolt alternating current line.

(4) A 500-kilovolt alternating current line from John Day Dam to Table Mountain in the Central Valley of California, and thence to Vincent substation, Los Angeles.

The essential facts concerning the regional interties between the Pacific Northwest and the Pacific Southwest, as proposed by the Department of the Interior, are these:

The four heavy transmission lines constructed would link all major electric systems—public, private, and Federal—in both regions;

Of about $375 million investment in the first two lines, one-third would be Federal and two-thirds non-Federal;

These lines would interconnect the largest Federal hydrosystem in the country (Bonneville Power Administration), the largest municipally owned electric system (Los Angeles), one of the largest privately owned utility groups (the California Power Pool, comprised of Pacific Gas & Electric Co., Southern California Edison Co., and San Diego Gas & Electric Co.), and two major Bureau of Reclamation systems (the Colorado River project and the Central Valley project).

In addition the lines would provide greater benefits to the smaller public agencies and cooperatives in the Central Valley of California and the Colorado basin that cannot build their own generating plants economically in this era when the most efficient steam generating plants have capacities of 500,000 to 1 million kilowatts.

When fully implemented, the intertie plan would constitute the finest example of interconnected electric systems in the world—and put the United States in a position of world leadership in electric transmission technology. The proposed 750-kilovolt direct current lines from the Columbia River to Los Angeles and to Hoover Dam would be the longest direct current lines in the world;

As a vital side benefit, these lines would open California markets for Canadian entitlement power, and enable us to implement the United States-Canada Treaty for the joint development of the Columbia River.

The multimillion annual benefits of the interconnection would be shared by both public and private utilities—and the Pacific Northwest would benefit from the sale of nearly $20 million "secondary" hydroelectricity which is being wasted each year in the Northwest.

I find that this plan will result in benefits to the national interest comparable to those to be derived from all-Federal construction.

I make this finding and recommendation in compliance with the directive from Congress contained in the conference committee report (H. Rept. No. 1027, Dec. 11, 1963) on H.R. 9140, 88th Congress, 1st session. H.R. 9140 appropriated funds to start Federal construction of the intertie facilities. The accompanying report required good faith negotiations with non-Federal entities which might desire to build the facilities and a report from me to Congress before Federal construction could commence. It also required that S. 1007, a bill to give electric consumers in the Pacific Northwest first call on Federal hydroelectric power produced in the region, or similar legislation, be passed first.

To implement this congressional directive, the Honorable Kenneth Holum, Assistant Secretary for Water and Power, developed a "Federal yardstick" proposal and made available to all non-Federal entities that had indicated an interest in submitting proposals the criteria that would be used in evaluating their proposals.

On April 17, 1964, we received 10 proposals to build all or portions of the Federal yardstick plan (3 of the 12 entities joined together as the California Power Pool to make a single offer). These proposals, with amendments thereto as negotiated, were evaluated by a three-member departmental team composed of Charles F. Luce, Bonneville Power Administrator, as Chairman; Emil V. Lindseth, Associate Chief Engineer, Bureau of Reclamation; and Morgan D. Dubrow, Assistant and Chief Engineering Research Adviser to Assistant Secretary Holum. Mr. Holum recommended approval of the result of their negotiations and their evaluations.

The plan we are recommending to the Congress involves acceptance of proposals of the city of Los Angeles, California Power Pool Companies, Pacific Power and Light Co., Portland General Electric Company, and Arizona Public Service Company. Lines and segments of lines would also be constructed by the Bonneville Power Administration and the Bureau of Reclamation.

The recommended plan will produce benefits estimated to be $2.6 billion over a 50-year payout period. Approximately two-thirds of the benefits would accrue to preference customers. About $1 billion in benefits would flow to the Pacific Northwest, $869 million to California, and $724 million to Arizona, Nevada, and other Colorado basin states.

With regard to the proposed 750-kilovolt direct current line from the Dalles Dam to Hoover Dam, it is our intention that wheeling agreements with non-Federal utilities be negotiated during the present calendar year to assure the financial feasibility of this line.

Our recommendations as to the construction of the first two lines across Oregon also deserve special comment. These lines would be constructed by the Bonneville Power Administration, which would require 75 percent or more of their capacity. Construction by BPA would be much less costly than under any other firm non-Federal proposals we received. For example, under present standards, BPA's own costs on the Oregon portion of a 750-kilovolt direct current line, having capacity of 1,350,000 kilowatts, would be approximately $2 per kilowatt per year. A Northwest Intertie, Inc. proposal would cost about $2.72 per kilowatt per year, and if International Utilities Company built this line, it would cost BPA about $2.91 per kilowatt per year. Thus over a 50-year payout period, these two proposals would cost the Bonneville Power Administration and other users of the lines from $48 to $60 million more than if BPA constructed these lines as part of its main grid. All, or a large percentage, of this additional cost would come from Federal funds, since the non-Federal proposals are conditioned upon long-term leases from BPA sufficient to pay the full cost of the line plus, in the case of International Utilities Company, a profit of its equity investment. A comparison of Federal and non-Federal transmission charges on the first 500-kilovolt alternating current line across Oregon similarly favors BPA construction by a wide margin.

By contrast, the proposals of the city of Los Angeles and the California Power Pool companies, and the other non-Federal proposals we have recommended be accepted, result in transmission charges as low or lower than would result with Federal construction.

One other condition remains to be met before construction of the Federal portion of the recommended intertie plan can begin. That is for the House and Senate to resolve their differences over the Westland amendment to S. 1007. We strongly believe that the intertie plan herein recommended provides a basis for resolving these differences by a substitute amendment. We look forward to early start of construction on a joint Federal-public-private intertie program that is engineeringly sound, economically advantageous, and compatible with the pattern of diverse ownerships of electrical facilities in this Nation.

Under separate cover we have sent, or are sending, you the full text of the criteria and of each proposal.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 27, 1964.

Hon. CARL HAYDEN and GEORGE MAHON,
Chairmen, Appropriations Committees,
Congress of the United States,
Washington, D.C.

DEAR SENATOR HAYDEN AND MR. MAHON: As a result of conferences between Senators and Congressmen from Western States interested in the Pacific Northwest-Pacific Southwest intertie, we have been asked two questions:

1. Could our report of June 24, 1964, to the House and Senate Appropriations Committees, as amended July 21, 1964, be further amended to include an all-Federal tie between the Federal Columbia River power system and the Federal Central Valley project power system?

2. If so, what plan of service would accomplish this objective most economically?"

The answer to the first question is "Yes, and this letter may be regarded as such a further amendment. Our report to the Appropriations Committees dated June 24, 1964, is based upon our understanding of the criteria that Congress asked us to apply in negotiations with non-Federal entities for construction of the intertie lines, see conference committee report accompanying H.R. 9140, House Report No. 1027, December 11, 1963. If it is now determined, as a matter of policy, that the intertie program include an all-Federal tie between the Columbia and the Central Valley, our report can be amended accordingly.

The answer to the second question is that an all-Federal tie between the Columbia and Central Valley systems can be accomplished most economically if the Bureau of Reclamation constructs a 500-kilovolt line from the California-Oregon boundary into Round Mountain station about 100 miles south of the State boundary; and from Round Mountain a 230-kilovolt line to Cottonwood station, where it would connect, directly and indirectly, with five existing Federal 230-kilovolt lines now carrying Shasta and Trinity power southward to Tracy. Such a line would be an extension into northern California of the Bonneville 500-kilovolt line proposed for construction from John Day Dam to the California-Oregon boundary. The approximate cost to the Bureau of Reclamation of such lines, including substation additions, is $20,300,000. To start construction of such lines in fiscal year 1965, the Bureau would require an additional appropriation of $500,000.

The modification of our intertie report to include construction of a Federal 500-kilovolt line from the California-Oregon line to Round Mountain, and a 230-kilovolt extension into Cottonwood, requires negotiation of certain additional agreements with other utilities whose facilities would be affected, for example:

1. P.G. & E.'s agreement would be needed to interconnect the Bureau's 500-kilovolt and 230-kilovolt lines at P.G. & E.'s Round Mountain station, and the Bureau's 230-kilovolt line at its Cottonwood station.

2. A long-term agreement with P.G. & E. whereby the Bureau's 500- and 230-kilovolt lines would be operated in parallel with the company's 500-kilovolt lines and system and capacities on the Bureau and company lines between the Oregon boundary and Tracy would be pooled. The capacity of the 500-kilovolt transmission line to be constructed by the Bureau from the Oregon border to Round Mountain shall be made available, first, for the Bureau's own uses up to 400 megawatts and the balance of the capacity in said line shall be made available to carry out the proposal of the companies including the fulfillment of obligations of the companies thereunder.

3. Agreement between the Bureau and the California companies for equitably sharing the wheeling revenues payable by the State and SMUD, and for reducing the companies' wheeling charges to the Bureau for service to Tracy. It may be necessary to adjust the charge to the State and SMUD, depending upon the result of further negotiations.

4. Agreement by the Pacific Power & Light Co. and the Portland General Electric Co. regarding their participation in the intertie plan.

5. Agreement by the California companies not to withdraw the other features of their proposal, including support for The Dalles-Los Angeles 750-kilovolt direct current line, and service to SMUD and the State of California.

In connection with our recommendation to Congress that either the Los Angeles Department of Water and Power or the Southern California Edison Co. construct the direct current tie between the Hoover and Sylmar direct current terminals, further negotiations will also be necessary.

We cannot say at this time whether all of these agreements could be obtained on satisfactory terms if the intertie plan were thus amended. If funds are appropriated for such a line, we will use our best efforts to obtain the agreements.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Mr. ASPINALL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the conference report which the committee of conference brings to the House at this time brings the same bill that the House passed on the matter of electricity in the Pacific Northwest, commonly known as the Northwest preference bill, with the exception of one amendment. The one amendment, of course, has to do with the important amendment which was discussed on the floor of the House and upon which the House voted. That amendment was known, and is still known, as the Westland amendment. It is an amendment which has for its purpose bringing to the Congress requests for the authorization of any transmission lines to be built outside of the Pacific Northwest for the purposes authorized in the legislation.

The report has been signed by the majority members with the exception of the gentleman from Florida [Mr. Haley]. It was signed by the gentleman from Washington [Mr. Westland] of the minority, and sponsor of the Westland amendment. It has not been signed by the ranking minority member of the House committee who served as a member of the conference committee.

The difference comes about with respect to the understanding which the gentleman from Pennsylvania had concerning the Westland amendment, as opposed to the understanding which others of us working on the bill as it passed the House had on the same amendment. Most of us were of the opinion that the Westland amendment, with its mandatory provision for the Secretary to come to the House for any authorization to build lines outside of the Northwest area, had to do with lines to be built from the Northwest area, or more specifically, the Bonneville area. The gentleman from Pennsylvania, as I understand his position, understood that this language was to be considered nationwide in its scope.

With that in mind as the difference which divides us, may I say that since we last met on this bill the Secretary has arrived at agreements with the power handlers of the Southwest United States—in Nevada, California, and Arizona—whereby there is an agreement as to what the Federal Government is to build and also as to those lines which private interests and municipalities are to build.

Most of us feel that the agreement arrived at by the Secretary, although not entirely agreeable to everybody, nevertheless was as good an agreement as he could have obtained from these various interests. We are willing to go along with him on that agreement.

The agreement is set forth in letters printed in the House report, together with maps, so there is no possibility of anybody mistaking the intention of the Secretary, or of those contracting with the Department of the Interior, as well as those of us who have worked on this legislation.

In order to see to it that there was no implication whatsoever that the Secretary would have any other authority than that given to him in this agreement, there was placed in the conference report this proviso:

> *Provided*, That, except with respect to electric transmission lines and related facilities for the purpose of transmitting electric energy between the two regions above mentioned, nothing herein shall be construed as expanding or diminishing in any way the present authority of the Secretary of the Interior to construct transmission lines to market power and energy.

In other words, this leaves the matter, except for the agreement provisions, just as it was before this was brought to our attention. I think this is as much as we can ask of the Department of the Interior regardless of who happens to be Secretary. I think it is fair.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. Saylor].

Mr. SAYLOR. Mr. Speaker, almost exactly 1 year ago this body considered the so-called Pacific Northwest regional preference bill (S. 1007); and, after extended debate, it was approved. Much of the colloquy at that time centered around an integral and vital provision of the legislation known as the Westland amendment which was designed to give Congress the final determination on an important matter of national policy concerning Federal construction of extra-high voltage transmission lines.

Now we are back here again today to consider a conference report on that bill and a complete capitulation on the Westland amendment.

The original Westland amendment was not so complicated or difficult to understand. It merely said:

> No electric transmission lines or facilities shall be constructed outside the Pacific Northwest by any Federal agency for the purpose of transmitting electric energy for sale or exchange pursuant to this Act except those lines and facilities hereafter specifically authorized by the Congress.

This amendment was added to S. 1007 by an overwhelming majority of the Interior and Insular Affairs Committee. I think a vote of 23 to 9 can be said to be an overwhelming majority. The amendment was also affirmed by the Committee of the Whole House. To many of us on the Interior Committee, the Westland amendment was the only redeeming feature of an otherwise highly undesirable and dangerous piece of legislation. Without the protection it would give to all other areas—not just California—the Pacific Northwest regional preference bill is again undesirable, dangerous and, therefore, unacceptable.

Mr. Speaker, in order to refresh our memories I would like to reiterate some of the basic reasons I cited during the debate last August as to why S. 1007 is dangerous legislation. The documentation on these points may be found in House report 590 of this Congress as a part of the separate views signed by seven members of the Interior Committee, including myself.

The bill would abrogate existing preference laws, first enacted in 1906, governing the sale of Federal electric power at least insofar as they would apply to such power produced in the Pacific Northwest and sold outside of that area.

The bill does not follow the principle of other legislation prescribing boundaries for Federal power marketing agencies, such as TVA.

The bill would lure industries from other areas to the economic detriment of these other areas.

The tax dollars used to pay for Federal Northwest projects containing power came from all Americans.

Regional preference would impede the free flow of power from areas where it can be produced most economically to those areas where it might be needed most.

Customers outside the Pacific Northwest would have to incur the financial burden of building high-cost steam powerplants to meet their increasing needs for power.

This legislation would be a precedent for extending regional preference to other areas.

This legislation is not the effective way to protect the Pacific Northwest.

Mr. Speaker, the one redeeming feature of this bill, however, was the original Westland amendment, which I repeat was adopted by 23 to 9 vote in the Interior and Insular Affairs Committee. The inclusion of that amendment was required to permit Congress to face the issue directly and on its merits as to whether a Federal interconnection should be built between the Northwest and all other regions. It does not prevent any construction within the Northwest area. This amendment permitted the questions of how the power should be marketed and whether Federal funds should be expended to be considered separately. Without this protection the bill would be completely unacceptable.

The original Westland amendment was consistent with other recent actions taken by this body in a number of instances to protect congressional prerogatives. The Atomic Energy authorization bill as passed last year provides in section 107 that:

> No appropriation shall be made to the Commission nor shall the Commission waive charges for the use of materials under the cooperative power reactor demonstration program, unless previously authorized by legislation enacted by the Congress.

The distinguished vice chairman of the Joint Committee on Atomic Energy stanchly defended this provision July 8, 1963, on the floor of the House by saying:

> We have therefore provided, in section 197 of the bill, that prior congressional authorization will be required for all appropriations to the Atomic Energy Commission.
>
> The ultimate effect of this legislation will be to strengthen political and fiscal responsibility in this important scientific program. The result should be beneficial to the Congress, the taxpayers, and the Nation.

His reasoning is equally applicable to the Westland amendment.

In Public Law 88–45, enacted on June 21, 1963, Congress provided that after fiscal year 1964, funds may not be appropriated to or for the use of the Coast Guard for the construction of shore or offshore establishments or for the procurement of vessels or aircraft, unless the appropriation of such funds has been authorized by legislation enacted after December 31, 1963. This certainly constitutes another clear precedent for the original Westland amendment. The amendment offered by the distinguished chairman of the Interior Committee to the Missouri River Basin authorization bill provided that none of the funds authorized to be appropriated by this section shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in the comprehensive plan or not, which is not hereafter authorized by act of Congress.

The Interior Committee report states that:

> The committee believes that this procedure is necessary to provide the Congress with

> proper surveillance and control over further development by the Department of the Interior in the Missouri River Basin (88th Cong., H. Rept. 304, p. 2).

The Missouri River Basin bill was enacted in the past few days and is waiting Presidential approval.

By the same token, the original Westland amendment is just as necessary to provide Congress with proper surveillance and control over this important question of national policy. Perhaps those who criticize the original Westland amendment realize that the presently incomplete plans of the Federal agencies could not stand up under the light of thorough congressional appraisal. If such is not the case, it is difficult to understand why they seek to avoid congressional review.

The appropriation for starting the intertie from the Pacific Northwest to the Pacific Southwest would—as admitted by the Secretary of the Interior—be of no consequence without enactment of the Northwest preference bill (S. 1007) nor could construction of the lines be undertaken if the Westland amendment to S. 1007 were to be retained in its original form.

You cannot have one without the other.

Through the manipulations of a strange group of bedfellows, however, it appears that the skids have been greased and all the legislation necessary to open the way for a hybrid transmission system is in the offing. To attempt to stop this steamroller seems futile. Nonetheless, I should like to make my position clear, though I may end up being the only Member of the House on record in opposition to the so-called revised Westland amendment, which is nothing more than a complete capitulation on the House position that the lines cannot be built from Bonneville without congressional authorization.

Yet I feel that I may not be standing alone after I have reminded my colleagues of the manner in which the intertie was arranged. You are all aware, I trust, that when the public works appropriation bill left the House, there was no mention whatsoever of funds for the grand design to bring power from the Pacific Northwest into California, Arizona, and the several other States selected by the Secretary of the Interior as market areas.

Let us look at the chronology of H.R. 11579, the public works appropriation bill. The Appropriations Committee reported the measure on June 11, 1964, and it passed the House without amendment and without funds for the intertie on June 16. Eight days later the Secretary of the Interior transmitted to the House and Senate Appropriations Committees a report of negotiations with non-Federal entities for construction of the extra-high-voltage intertie lines. The next day, on June 25, the Secretary of the Interior wrote a letter to selected members of the California delegation in answer to questions they had raised in a letter written June 16, thus indicating that certain Members of Congress received preferential treatment on release of information about this project; and I might add that this information had not been made available to the ranking minority member of the Committee on Interior and Insular Affairs, where such projects historically get their start or their stop.

But things move fast in closing days of a Congress when it is only the taxpayers' money at stake. On the afternoon of Thursday, June 25, the Secretary of the Interior, accompanied by the Assistant Secretary, the BPA Administrator, and the Commissioner of Reclamation, held a press conference to explain the intertie and the many benefits that it would bring to selected areas at the expense of taxpayers everywhere. Secretary Udall, with his usual ebullience and enthusiasm, explained the proposed four-line system:

> I think this is the first time in the whole history of the West, you had river basin projects, you had reclamation projects, and power projects in one State. This is the first time that you have a project of this magnitude, nearly three-quarters of a billion dollars, that affects all 11 of the Old West Western States.

The Secretary neglected to mention, in his buoyant poise, that his extravagance would be a tremendous burden on the taxpayers of the older East Eastern States.

The package was all tied up and ready to be delivered, the Secretary assured the press. In answer to a question about the Northwest power preference bill and the Westland amendment, he assured reporters that everything was being taken care of and that a solution had been reached so that conferees on S. 1007 would agree to the passage of the preferential legislation with what one reporter described as a "backoff from the Westland amendment." The conference was dismissed after the Secretary answered this question: "Are there any bugs in this thing?"

"If there are," the Secretary stated, "I am sure they will be brought out. We have our critics."

Maybe it is time to bring out those bugs, including the ones that interfere with normal, traditional, and accepted legislative procedure. How does legislation of this kind, which the Secretary admits is the "first time you have a project of this magnitude," get as far as it is in a responsible Congress without referral to the proper committees?

Mr. Speaker, the Senate appropriation hearing is replete with evidence in testimony of the need for having this whole project closely scrutinized by an Interior and Insular Affairs Committee of at least one House before one penny of Federal funds is made available for construction. In the first place, there is the matter of so-called good faith negotiations which Congress directed the Secretary of the Interior to conduct with private utilities before proceeding with any phase of the proposed lines' construction. What actually happened is that the utilities were told—with a shotgun at their heads—to get in on this deal or else. If they would not go along, the result would be an all-Federal transmission system. Period.

Those are the good faith negotiations that brought around this strange coterie of witnesses that testified in favor of the intertie. Yet with experts from private companies and with an entire cheering section from the Department of the Interior, a great many of the questions posed by members of the committee went unanswered. The matter of the heavy flow of water that determines seasonal power capacity was never carefully examined during the hearings. The cost factor was never fully explained, and indeed by the Interior Department's own figures it was learned that electricity delivered by the intertie in the Phoenix area would actually cost more than if it were generated by steamplants. The senior Senator from California, who throughout the hearings showed a very zealous interest in the intertie, questioned whether the Interior and Insular Affairs Committee should not properly look into the proposal. He contended that the staff of that committee is better qualified to deal with such matters because the Appropriations Committee staff is not equipped for such functions.

The senior Senator from Colorado deplored the lack of information on costs, and he also pointed out that there has been no experience in the operation of a 750-kilovolt direct-current line. No, Mr. Speaker, so far as we know there is no line of this capacity in operation anywhere in the world. In other words, the proponents of these lines are not at all certain as to the rate of line loss, the extent of rights-of-way that will be needed, or other technical questions that are sure to arise. In this connection, I should like to read the following paragraph from Electrical World of March 23, 1964:

> Bonneville's $2 million d.c. research program is in a class of its own. During acceptance tests of the E.h.v. d.c. test center near The Dalles, Oreg. (E.Q., Nov. 4, 1963), a large insulating tube supporting one rectifier transformer failed, and a 2-year test is about to begin on its replacement. The results are expected to yield valuable information for design of d.c. transmission lines. In BPA's fiscal year 1965 budget request to Congress is $3 million for R. & D. which includes $2 million for permanently housing the d.c. equipment on the Bonneville system.

Mind you, Mr. Speaker, this Congress is being asked to permit construction, at what will eventually be a bill of at least $242 million for the American taxpayer, of high-voltage transmission that has failed its first test and still needs—according to BPA—2 more years of laboratory work on this one phase of it alone.

You are acquainted with the more recent episodes of the intertie story. The Senate Appropriations Committee approved $45.5 million to start construction. The Senate passed the bill and it went to conference. Now, not long ago, a very influential member of the House Appropriations Committee made it very clear that he was not at all pleased with what was becoming common custom in the Senate—that is, usurping the House prerogative of originating appropriations. I do not know what his position was when the amended appropriation bill came back to this side of the Capitol with that $45.5 million attachment to it, but for some reason the conferees agreed to the addition without complaint.

As predicted by the Secretary to the press 3 weeks ago, the Westland amendment to the Northwest power preference bill sure enough was amended to authorize specifically this circumvention of proper congressional procedure in the case of the intertie, and now the House is asked to permit the Secretary of the Interior to proceed without any authorization whatsoever on a project that is going to cost the U.S. Treasury a minimum of one-quarter of a billion dollars.

In tracing the timetable of the Interior program, I might also point to the Secretary's press release of last Thursday which announced the signing of an agreement covering the sale of Canada's share of downstream power to be generated at Columbia River dams to the United States under the proposed Colorado River treaty. This step in the intertie plan, which also should have been studied by the Interior Committee along with all other facets of the case, was announced on the day the conferees agreed to the intertie appropriation.

For my colleagues outside the old and the new Bonneville marketing areas, let me look for a moment at what your approval of such projects as these is doing to residents of your own districts. The BPA, which is incurring an annual loss in the vicinity of $18 million due to unnaturally low rates, is making power available to consumers at only 2.4 mills per kilowatt-hour. In contrast, the average TVA cost is 4.11 mills. For those of us who look to private enterprise to supply us with electricity, our cost is at least 6 mills. Why, will someone tell me, should the taxpayers of New England, of Pennsylvania, and of the many other sectors underwrite the loss incurred by BPA so that it can use these rates to attract the industry that would otherwise be ours?

If you do not like the setup, then I suggest that you join me in rejecting this whole Northwest preference bill unless and until it is amended to include the original Westland specification that refuses the Department of the Interior from building tielines outside its own area without the authorization of Congress. It is our last opportunity to protect the integrity of Congress in dealings of this nature.

Mr. Speaker, let me again remind our colleagues that when the bill was debated on this floor last year, several Members took strong exception to the bill without the original Westland amendment. Furthermore assurances were given to the Rules Committee and the whole House that the position in insisting upon the Westland amendment would be upheld. Despite these facts, this conference report now before us represents a total and complete capitulation and is not worth the paper it is written on as far as protecting congressional prerogatives on this vital question.

The House can and must reject this report and instruct its conferees to go back and insist on the original Westland amendment.

Mr. Speaker, I have no crystal ball, but I predict that just as sure as the House of Representatives is meeting in Washington today, the 18th day of August 1964, within less than 10 years from today, if you pass this conference report, there will be from the west coast to the east coast, from the Canadian border to the Gulf of Mexico, a Federal power grid. Now, mark my words and remember the dates. This is the first big step that they have been able to take in the Bureau of Reclamation for the past 20 years. Believe it or not, though, today they take the big bite. Today they make the move that takes power out of Oregon and Washington and moves it down to southern California and into the Hoover Dam. The next step, my colleagues, will be to move it right out of the Pacific Northwest down into the Missouri Basin; tie the Missouri Basin in with the TVA; the TVA with Passamaquoddy, and you have the Federal power grid.

Now, if you want a Federal power grid, then vote for this conference report. If you do not want it, then vote against it.

Let me tell you what happened. We reported out a bill to build a Chinese wall around the Pacific Northwest. For you folks who say you are in favor of Federal power and the Federal Government being in the power business, the bill says that the preference clause does not apply in the Pacific Northwest hereafter. No; we are going to take care of Alcoa and take care of all the big companies that are down in your area now, and we are going to bring them up there and take care of them with low-cost power. You say I am dreaming? Oh, no, I am not. Just while this bill was pending the Bonneville Power Administration entered into a contract with Monsanto Chemical Co. to give them a power rate that they have never given to anybody else in the Pacific Northwest. This is the lowest rate that has ever been given, and if this bill passes, you will put your stamp of approval on that type of legislation. If you want the preference customers in your community to have the benefit of low-cost power, then you vote against this bill. Some of the people from California say they are satisfied with this bill. They should be satisfied with this bill. The four companies—the four private utility companies in California—went to deal with the Secretary of the Interior, and they got the best deal they could possibly get out of the Secretary of the Interior. It is not a good deal for either side. There are some things in it. However, the price you had to pay to get that deal—and I would like you folks from California to pay attention to this—the price you had to pay was not whether or not you should transport that power out of the Pacific Northwest to give it to you down in California to use. No. The price was that this bill, that has absolutely no connection with it, has to be passed before the Secretary of the Interior will authorize the Bonneville Power Administrator to enter into a contract with the power companies. If this is not an agency of the Federal Government holding a gun to the head of Congress and saying, "If you want those people in southern California to have that power, you have to pass the bill," then I do not know. This is the issue that Congress must face today.

This is why I did not sign the conference report. I can say to the Members of the House that the Northwest preference bill would never have passed, it would never have come out of the Interior Committee if the Westland amendment had not been attached to it. What was the vote? Twenty-three to nine in favor of the Westland amendment, in the Interior Committee.

We went to conference last fall. The Senate would not move; the House would not move. The House stood by the Westland amendment. We felt that the Westland amendment should be included.

What you are doing in this bill is giving the Secretary of the Interior a blank check. He can go anywhere he wants to in the United States, build any powerlines he wants. Do you want to give him that authority? Or do you in Congress, who have charge of the purse strings, who are charged by the people in your district with representing them, want to have something to say about whether the Secretary of the Interior spends the money or not? I think we should. And the best thing that can happen today is for the House of Representatives to turn down this conference report. If you do then I am sure that those who believe in the preference clause will see to it that it will apply to the people in their district. If you approve this conference report, just as sure as you are sitting here today, you will see a national power grid.

And I might say to the power companies who have entered into their agreements that if this bill passes, they had better get their accounts ready, and be able to put a price tag on what they have got involved, because they will be out of business in 10 years.

This I do not like to predict, but this I sincerely believe. I sincerely hope that the House turns down this conference report.

The gentleman from Florida [Mr. HALEY] and I refused to sign the conference report.

Mr. ASPINALL. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. MCCULLOCH].

Mr. McCULLOCH. Mr. Speaker, on June 15 last I was concerned by the ticker stories on the series of decisions handed down by the Supreme Court of the United States in the reapportionment cases, which series of cases included the Ohio case. Those cases, unless something is done about it by the Congress or by the people of America, will end 173 years of the glorious history of this country.

Within 7 days after those decisions were handed down as many as 50 Members of the House and almost as many Members of the Senate had introduced joint resolutions proposing to amend the Constitution of the United States or to amend the law of the land to give breather time to offer such amendments.

I was therefore pleased indeed to see in the Washington Post this morning the column by Walter Lippmann entitled

"The Dirksen Breather," which is a counterpart, as I have indicated, of some 30 or 40 bills in the House. I quote this column by the distinguished columnist Walter Lippmann:

TODAY AND TOMORROW

(By Walter Lippmann)

THE DIRKSEN BREATHER

Although it is a bit awkward and rather inconvenient to make Congress deal with apportionment at the tail end of the session, the importance of the subject is overriding. The real issue, as I see it, is whether reapportionment of the State legislatures, which is necessary but also a far-reaching change of habit and custom, should be propelled by something more than the Federal courts alone—whether, that is to say, this great change in the political balance of power should have also the approval of Congress and be subjected to the test of a constitutional amendment. Taking this to be the purpose of the Dirksen proposal, it seems to me sound and in the end desirable.

The heart of the matter is that since about 1890 the United States, which was then composed two-thirds of people from farms and villages, has been transformed. Two-thirds of the Americans now live in cities or in the suburbs. But the apportionment of at least 44 of the State legislatures does not represent this change. In these 44 States, less than 40 percent of the people elect a controlling majority of the legislature. In 13 of these States, one-third or less of the people can elect a controlling majority of the legislature.

While the statistics of this misrepresentation cry out for reform, it is nevertheless true that the problem here, unlike that of the civil rights bill a few months ago, is not such a present danger that delay is intolerable. It is essential that the city and suburban people be properly represented in their State legislatures in order that they may be better able to deal with their pressing needs. But, there is no critical emergency which makes the delay proposed by Senator DIRKSEN intolerable.

There are also positive advantages in the Dirksen breather. It involves Congress, not only the Supreme Court, in the problem of apportionment, and the pause provided by the Dirksen rider may help to make the coming reapportionment seem less terrifying to those who will lose by it.

For many of us this will help to assuage a troubled conscience about the dilemma posed by the Supreme Court's decision in the Alabama case and Mr. Justice Harlan's dissenting opinion. The dissenting opinion argued powerfully against bringing the affairs of the State legislatures into the Federal courts. The opinion was, in my view, unanswerable but for one enormous fact. That is that the unrepresentative State legislatures are unwilling to reform themselves. The underrepresented voters in the cities and suburbs have little or no power to compel reform. In this situation, when there is indubitable evil for which there is no known legal remedy, the intervention of the Supreme Court was the only way of breaking the deadlock.

But such a choice of the lesser of two evils is not attractive, and as one of those troubled by it, I welcome Senator DIRKSEN's action in taking the question to Congress and to the amending process.

The public discussion, which will ensue, will be clarified if we distinguish the two principal arguments which have been used to justify the overrepresentation of the rural voters. One reason, which is as old as the Nation, is that the excitable working people in the cities are not to be trusted as against the stable and virtuous farmers, and that the representative system should be constructed so as to prevent the urban masses from ruling the State. This is the principle of the New York State constitution which was framed before the turn of the century.

This reason could prevail when the city people were still a minority. It cannot prevail much longer now that they have become a preponderant majority.

But there is another reason, closely related in practice but separate in theory. It is, as Madison put it, that it is necessary to "refine the will of the people," and that one of the best ways of doing this is to have a legislature with two houses in which the upper house is more stable and more conservative.

The real question which will confront the States is how to construct senates in which, though all voters are equal, the senators will check and balance the lower house.

It is not an insoluble problem. The States will have to deal with the problem by making the senatorial districts larger and the number of senators smaller. Each senator will therefore represent a much more varied constituency than a member of the lower house. The States can give the senators a longer term and higher pay. This will tend to give the senators a broader view, a less hurried view, more honor, a greater independence and sense of responsibility.

These are ways to refine the will of the people without obstructing it.

Mr. Speaker, I do not wish to take the further time of the House at this late hour in the day and I shall, therefore, not continue except to say that I commend the editorial which I have just read into the RECORD to the reading of the Members of the House in its entirety. Because on tomorrow will begin the debate on proposals which may well be the turning point in the history of America.

In any event, Mr. Speaker, I repeat differently what I have said at the very beginning, we will, unless the Congress or unless the people of this country do something about those series of decisions, be at the end of an era in America.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. BOLLING). The time of the gentleman from Ohio has expired.

Mr. McCULLOCH. Mr. Speaker, may I have 1 minute in which to answer my colleague from Ohio [Mr. HAYS], who is one of the examples of our great system in Ohio?

Mr. ASPINALL. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio [Mr. McCULLOCH].

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman.

Mr. HAYS. I appreciate the remarks of my distinguished colleague and esteemed friend from Ohio. I do not know exactly what he is going to answer because I had not said anything, and I hope what I say will not require an answer.

I am pleased at the gentleman's recommendation of the eminent columnist Walter Lippmann on the subject of reapportionment and I hope the gentleman pays the same kind of careful attention to his numerous columns on Senator GOLDWATER.

Mr. McCULLOCH. Well, Mr. Speaker, there is the power of discernment on the part of some of my colleagues from Ohio, including your humble servant, the gentleman from the Fourth Congressional District.

Mr. HARVEY of Indiana. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from Ohio has again expired.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington [Mrs. HANSEN].

Mrs. HANSEN. Mr. Speaker, I would like to express my commendation and appreciation for the diligent work done on this Senate bill, which is similar to the House bill introduced.

I think the chairman of the Committee on Interior and Insular Affairs has done a magnificent job, and I would personally like to express the appreciation of the people of my region for the splendid work he has done.

I would also like to express the appreciation of these people to the gentleman from Texas [Mr. ROGERS] for the work he has done on behalf of this entire problem.

Mr. ASPINALL. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. WESTLAND].

Mrs. MAY. Mr. Speaker, will the gentleman yield?

Mr. WESTLAND. I yield to the gentlewoman from Washington.

Mrs. MAY. Mr. Speaker, it gives me a great deal of pleasure to know that at long last, the regional preference legislation, S. 1007, is before us on the House floor.

Now that agreement by all major parties on the Interior Department's recommendations with respect to the Pacific Northwest-Pacific Southwest intertie plan is a matter of record, we can proceed with this desirable and necessary legislation so that the first phase of construction of the tielines can proceed.

As the committee is aware, the Senate-House conferees have recommended an appropriation of $42,200,000 with which to initiate construction of three of the four transmission lines between the power system of the Bonneville Power Administration and the Pacific Southwest. The conferees, rightly, agreed that none of these funds shall be expended until enactment of S. 1007, or similar legislation guaranteeing electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region, and to guarantee electric consumers in other regions reciprocal priority.

I would be remiss, Mr. Speaker, were I not to give recognition to my able colleague, the gentleman from the State of Washington [Mr. WESTLAND]. My colleague, I feel, was largely responsible for setting forth the conditions under which a realistic and satisfactory intertie plan would be developed. It was his amendment to S. 1007, which was approved by this body, that made this intertie plan possible. My colleague's amendment has thus served its purpose and this is why he and our other colleagues could now agree to compromise language with the other body.

I urge, Mr. Speaker, that S. 1007, as reported by the conference committee, be accepted by the House. It will mean we can get on with the job of constructing the intertie to the benefit of all.

Mr. WESTLAND. Mr. Speaker, I support this conference report. Eight out of ten members of the conferees have signed this conference report, which I believe is beneficial to the people of the country. Some 20-odd million people will benefit to the extent of $2.5 billion over the term of this intertie. I believe this conference report should be approved by the House, as I am sure it will be, and by the Senate.

This particular piece of legislation has had great consideration by the Interior Department. Anyone who talks about a threat of Federal intertie throughout the Nation really is not talking about this legislation because there is nothing here that says there will be any national intertie proposition. This is designed for a specific area and for the benefit of the people of that area. As I say, it will benefit them to the tune of better than $2 billion.

The Secretary of the Interior has gone out and negotiated with non-Federal entities, with the private power companies, with the municipal water districts, such as the Los Angeles district, and by his own words the Secretary of the Interior has said that through those negotiations he comes here with a better package that will provide a greater benefit and at less cost than by the building of a Federal intertie. This is the kind of thing we wanted to have done. This is the way I believe the processes of the Congress should go.

The Secretary came before the Congress and told the Congress what he had in mind. The Congress has approved it.

Mr. Speaker, this will be one of the most beneficial pieces of legislation I have seen this year, and I hope it will be overwhelmingly approved by the House.

Mr. DUNCAN. Mr. Speaker, the passage of this bill this afternoon will mark the culmination of many months of work on the part of many, many people. There have been disagreements and disputes—and there still are. But a remarkable consensus is embodied in this conference report. It is one that can be supported by advocates of public and private power alike and will provide benefits to both as well as to the various geographical areas involved. It is proof again that, with all the disadvantages, the democratic system can work and does work.

This is not a Federal grid, though it is a regional grid. Someday there may be a national grid. I doubt that it will be a Federal grid however but rather one that follows the pattern of the one soon to span the country along the west coast. Maximum utilization of our resources and the elimination of waste demands the answers we are helping to provide today.

The gentleman from Colorado who chairs the Interior Committee has patiently and skillfully acted as the midwife along with his counterpart in the Senate. The Secretary of Interior and Mr. Charles Luce, the able Administrator of Bonneville were anxious parents along with many of my colleagues from California, Washington, Arizona, and Oregon. All can share the credit for the very imaginative and far-reaching high-voltage intertie that will result.

May I express the thanks of the people of Oregon to all of them and to all of the Members from around the country who support this legislation today.

Mrs. GREEN of Oregon. Mr. Speaker, the House today, I hope, will take the final legislative action on a measure that has been a long time in the legislative mill. I hope the House will accept this report of the conferees. The conferees deserve commendation for the persistent manner in which they have negotiated and renegotiated among themselves in an effort to reach agreement. We have before us an imaginative proposal to create a vast hydroelectric power net reaching from the Columbia River basin, that vital artery of the Pacific Northwest, into the lower reaches of California and eventually into the Southwest. There will be private, municipal, State and Federal participation in what will be the biggest single electric transmission program ever conceived in the United States. The President in late July sent to the Congress a request for $49.5 million to start construction of the Federal portion of three of the planned four lines. The lines would carry more than 4 million kilowatts of power, equivalent to the daily power needs of five Washington, D.C.'s, or to the output of two Grand Coulee dams.

The conference report accompanying S. 1007 would establish needed ground rules for operating the west coast interties, that involve the exchange and sale of hydro energy and power capacity which is surplus to the needs of the respective Federal power marketing areas and agencies. Regional preference legislation is needed to protect electric consumers in the Pacific Northwest by giving them first call on electric energy generated at Federal hydroelectric plants in that region.

It has been a long, hard road, Mr. Speaker, for those of us who see the advantages of the intertie but appreciated the keen need to properly protect our resources development in the Pacific Northwest.

Mr. ASPINALL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the conference report.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 230, nays 134, not voting 66, as follows:

[Roll No. 239]

YEAS—230

Addabbo
Albert
Andrews, N. Dak.
Arends
Ashley
Aspinall
Ayres
Baker
Baldwin
Barry
Beckworth
Beermann
Bell
Bennett, Fla.
Berry
Betts
Boggs
Bolling
Bolton, Oliver P.
Bow
Brademas
Brock
Brooks
Brotzman
Brown, Calif.
Brown, Ohio
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Byrnes, Wis.
Cameron
Carey
Chenoweth
Clark
Clausen, Don H.
Clawson, Del
Cohelan
Cooley
Corman
Cunningham
Daniels
Davis, Ga.
Dawson
Delaney
Dent
Denton
Dole
Donohue
Duncan
Edmondson
Edwards
Elliott
Everett
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Flynt
Fraser
Friedel
Gallagher
Giaimo
Gilbert
Gill
Gonzalez
Grabowski
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Hagan, Ga.
Hagen, Calif.
Halleck
Halpern
Hanna
Hansen
Harding
Harris
Harrison
Hawkins
Hays
Hechler
Henderson
Holifield
Horan
Horton
Hosmer
Hull
Ichord
Jennings
Jensen
Joelson
Johnson, Calif.
Karsten
Karth
Kastenmeier
Kelly
Keogh
Kilgore
King, Calif.
Kirwan
Kluczynski
Laird
Langen
Leggett
Libonati
Lipscomb
Long, La.
Long, Md.
McDowell
McFall
Macdonald
Madden
Mahon
Mailliard
Martin, Calif.
Martin, Nebr.
Matsunaga
May
Miller, Calif.
Mills
Minish
Monagan
Montoya
Moorhead
Morgan
Morris
Morrison
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nelsen
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Powell
Price
Pucinski
Purcell
Randall
Reid, Ill.
Reifel
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, Alaska
Roberts, Tex.
Rogers, Colo.
Rogers, Tex.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roudebush
Roush
Roybal
Ryan, N.Y.
St Germain
St. Onge
Secrest
Senner
Short
Shriver
Sickles
Sikes
Sisk
Slack
Smith, Iowa
Staebler
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thomas
Thompson, N.J.
Thomson, Wis.
Trimble
Tupper
Tuten
Udall
Utt
Van Deerlin
Vanik
Van Pelt
Wallhauser
Watts
Weltner
Westland
White
Whitten
Wickersham
Widnall
Willis
Wilson, Bob
Wilson, Charles H.
Wright
Young
Zablocki

NAYS—134

Abbitt
Abele
Abernethy
Anderson
Andrews, Ala.
Ashbrook
Ashmore
Bates
Battin
Becker
Belcher
Bray
Bromwell
Broomfield
Broyhill, N.C.
Broyhill, Va.
Bruce
Burleson
Burton, Utah
Cahill
Casey
Cederberg
Chamberlain
Clancy
Cleveland
Collier
Colmer
Conte
Corbett
Cramer
Curtin
Curtis
Dague
Derounian
Derwinski
Devine
Dorn
Dowdy
Downing
Dwyer
Findley
Fisher
Ford
Foreman
Fountain
Frelinghuysen
Fulton, Pa.
Fuqua
Gary
Gathings
Gibbons

Glenn
Goodell
Goodling
Grant
Griffin
Gross
Grover
Gurney
Haley
Hall
Hardy
Harsha
Harvey, Ind.
Herlong
Huddleston
Hutchinson
Jarman
Johansen
Johnson, Pa.
Jonas
Keith
Kilburn
King, N.Y.
Knox
Kornegay
Kunkel
Latta
Lennon
Lindsay
McCulloch
McDade
McIntire
McLoskey
McMillan
MacGregor
Marsh
Mathias
Matthews
Meader
Milliken
Minshall
Moore
Morton
Osmers
Ostertag
Passman
Pillion
Poff
Pool
Quie
Quillen
Reid, N.Y.
Rich
Riehlman
Rivers, S.C.
Roberts, Ala.
Robison
Rogers, Fla.
Rumsfeld
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Schwengel
Scott
Selden
Sibal
Siler
Skubitz
Snyder
Springer
Teague, Tex.
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Waggonner
Watson
Weaver
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Whitener
Williams
Wilson, Ind.
Winstead
Wydler

NOT VOTING—66

Adair
Alger
Auchincloss
Avery
Baring
Barrett
Bass
Blatnik
Boland
Bolton, Frances P.
Bonner
Buckley
Celler
Chelf
Daddario
Davis, Tenn.
Diggs
Dingell
Dulski
Ellsworth
Evins
Fallon
Fogarty
Forrester
Fulton, Tenn.
Garmatz
Harvey, Mich.
Healey
Hébert
Hoeven
Hoffman
Holland
Johnson, Wis.
Jones, Ala.
Jones, Mo.
Kee
Kyl
Landrum
Lankford
Lesinski
Lloyd
McClory
Martin, Mass.
Michel
Miller, N.Y.
Morse
Nedzi
Pilcher
Pirnie
Rains
Rodino
Ryan, Mich.
St. George
Sheppard
Shipley
Smith, Calif.
Smith, Va.
Thompson, La.
Thompson, Tex.
Toll
Tollefson
Ullman
Vinson
Whalley
Wyman
Younger

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Smith of California for, with Mr. Morse against.
Mr. Toll for, with Mr. Auchincloss against.
Mr. Daddario for, with Mr. McClory against.
Mr. Adair for, with Mr. Wyman against.
Mr. Ellsworth for, with Mr. Fogarty against.
Mr. Tollefson for, with Mr. Pirnie against.
Mr. Younger for, with Mr. Alger against.
Mr. Hébert for, with Mr. Hoeven against.
Mrs. St. George for, with Mr. Hoffman against.
Mr. Barrett for, with Mr. Michel against.

Until further notice:

Mr. Garmatz with Mr. Avery.
Mr. Fallon with Mr. Harvey of Michigan.
Mr. Shipley with Mrs. Frances P. Bolton.
Mr. Thompson of Louisiana with Mr. Martin of Massachusetts.
Mr. Blatnik with Mr. Kyl.
Mr. Chelf with Mr. Buckley.
Mr. Bonner with Mr. Boland.
Mr. Landrum with Mr. Lankford.
Mr. Jones of Alabama with Mrs. Kee.
Mr. Dingell with Mr. Pilcher.
Mr. Rodino with Mr. Sheppard.
Mr. Holland with Mr. Healey.
Mr. Ullman with Mr. Thompson.
Mr. Baring with Mr. Lesinski.
Mr. Nedzi with Mr. Rains.
Mr. Fulton of Tennessee with Mr. Vinson.
Mr. Ryan of Michigan with Mr. Evins.
Mr. Dulski with Mr. Diggs.
Mr. Celler with Mr. Davis of Tennessee.
Mr. Forrester with Mr. Johnson of Wisconsin.

Messrs. McMILLAN, McDADE, and FORD changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that all Members desiring to do so have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

SENECA INDIAN NATION

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River—Kinzua Dam—project to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1821)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 8, and 9.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Page 3, lines 19 and 20, strike out "$1,033,275", and insert "$945,573"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the language inserted by the Senate amendment, insert the following:

"(f) The sums payable under (a) and (c) of this section shall be subject to deduction in accordance with stipulations entered into, or to be entered into, between the United States, the Seneca Nation, and individual Seneca Indians if it is judicially determined that title to any lands or improvements to which such compensation relates was not vested at the time of the taking, in whole or in part, in the Seneca Nation or individual Seneca Indians."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the language inserted by the Senate amendment, insert the following:

"SEC. 4. There is authorized to be appropriated the additional sum of $12,128,917, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended for assistance designed to improve the economic, social, and educational conditions of enrolled members of the Seneca Nation, including but not limited to the following purposes:

"(a) developing and carrying out individual and family plans, including relocation and resettlement and the construction of roads, utilities, sanitation facilities, houses, and related structures;

"(b) the construction and maintenance of community buildings and other community facilities; and

"(c) industrial and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior: *Provided*, That no part of such funds shall be used for per capita payments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

"SEC. 18. Except as specifically required to carry out the provisions of this Act, the Department of the Interior shall not enlarge the services which it is now in fact rendering to, or the supervision which it is now in fact exercising over the property and affairs of, the Seneca Nation and its members pursuant to the laws of the United States relating to Indians and Indian tribes. The Secretary of the Interior shall, after consultation with the Seneca Nation, submit to the Congress a plan for complete withdrawal of Federal supervision over the property and affairs of the Nation and its members. Said plan shall be submitted within three years from the effective date of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

WAYNE N. ASPINALL,
JAMES A. HALEY,
ED EDMONDSON,
CHARLOTTE T. REID,
Managers on the Part of the House.

FRANK CHURCH,
CLINTON P. ANDERSON,
GEORGE MCGOVERN,
MILWARD L. SIMPSON,
PETER H. DOMINICK,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses to the bill (H.R. 1794) to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social, and economic development of the members of the Seneca Nation, submit the following statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

The Senate amended H.R. 1794, as it passed the House, in 10 respects. Five of these amendments—those numbered (1), (2), (3), (7), and (9)—were clarifying or perfecting in nature and the House conferees recommend that the House recede from its disagreement thereto. Another, amendment number (5), added language to the effect that the sums payable to the Senecas under section 2, subsections (a) and (c), of the bill should be subject to deduction for any property the title to which is found not to have been vested in the Senecas. The House conferees recommend acceptance of this amendment with a further perfecting amendment.

Senate amendment No. (4) reduced the amount payable to the Senecas for so-called indirect damages from $1,033,275 to $824,273. The conference committee recommends that the latter figure be raised to $945,573. This amount was arrived at by deducting from the House figure the sum of $94 per acre for 933 acres of submerged lands in the Allegheny River. The remaining amount thus includes all other items for which the House had allowed compensation in this subsection plus $6 per acre for the submerged lands. The $6 allowed is in accord with legislative decisions heretofore made in other Indian land-taking cases.

Senate amendment No. (6) reduced the amount authorized to be appropriated for rehabilitation and improvement of the Senecas' economic, social and educational conditions from the $16,931,000 in the House bill to $6,116,550, and otherwise modified the language of section 4 in which this amount appeared. The conference committee recommends acceptance of the text of the Senate amendment with a clarifying amendment and the substitution of $12,128,917 for the lower Senate figure.

Senate amendment No. (8) struck from the House-passed bill a provision for the acquisition of property outside the Allegany Reservation for recreational or commercial development and for such acquired property to become part of the Reservation. The House conferees recommend that the House recede from its disagreement to this amendment.

Senate amendment No. (10) would have directed the tribal council of the Seneca Nation to submit a plan for termination of Federal supervision over its property and affairs within two years from the date H.R. 1794 becomes law. It also would have directed the Secretary of the Interior to submit proposed legislation to carry out this purpose within 90 days of the date on which the tribal council submitted its plan. In lieu of this amendment, and in order to encourage the Seneca Nation to continue managing its affairs as it has done since 1949 when the State of New York assumed responsibility for its Indian citizens and to insure that the Secretary of the Interior will not assume responsibilities other than those advisory in nature, the conferees recommend a substitute which will, in effect, forbid the Department of the Interior to enlarge upon the services which it is now rendering to the Senecas and the supervision which it is now exercising over their property and affairs, except as such enlargement is specifically required to carry out H.R. 1794. It also directs the Secretary of the Interior, after consultation with the nation, to submit to the Congress a plan for complete withdrawal of Federal supervision within 3 years from the date of the act.

Wayne N. Aspinall,
James A. Haley,
Ed Edmonson,
Charlotte T. Reid,
Managers on the Part of the House.

Mr. ASPINALL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in this particular conference report the differences between the House and Senate conferees were pretty well ironed out without much controversy with the exception of one matter having to do with the ultimate figure to be authorized for the rehabilitation and improvement of the Seneca's economic, social, and educational conditions. The House provided $16,931,000 and the Senate provided $6,116,550. We finally came to agreement on the amount of $12,128,917. This amount with the other benefits that are provided comes to $15 million to take care of the expenses, the distress, and the rehabilitation of this tribe that was so rudely moved away from its home.

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. Saylor].

Mr. SAYLOR. Mr. Speaker, first I would like to commend our colleague, the gentleman from Florida [Mr. Haley]. Mr. Haley took up the problems of the Seneca Indians as a personal crusade, realizing that their treaty had been broken and that it was incumbent upon the people of the United States to do something to take care of this great tribe.

As a result of his efforts, and his efforts alone, we are here today with a conference report which gives the Seneca Indians the necessary money which will enable them to rehabilitate themselves. This is a tremendous credit to the gentleman from Florida; it is a tribute to him.

The only item that was really deleted was an item that involved a section of their reservation which is not affected by the reservoir, and for this reason the gentleman from Florida was willing to concede that this be taken out.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Colorado.

Mr. ASPINALL. Mr. Speaker, may I at this time express my commendation not only to the gentleman from Florida [Mr. Haley], who has worked hard on this matter, but also the gentleman from Pennsylvania, who has done his best to take care of the Indians involved in this legislation.

Mr. SAYLOR. I thank the gentleman. I certainly hope the conference report will be adopted and that the money will be provided so these Indians can be rehabilitated before the reservation is closed.

Mr. ASPINALL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Goodell].

Mr. GOODELL. Mr. Speaker, this conference report takes care of the Seneca Indians in my district. We have had a good many fights about the building of the Kinzua Dam in the area of the Allegheny River bordering New York and Pennsylvania.

I want to commend the House conferees and the House committee, as well as the gentleman from Pennsylvania [Mr. Saylor] and the gentleman from Colorado [Mr. Aspinall], for their all-out efforts on behalf of the Indians. They took the trouble to go up there and confer with the Indians and look the situation over. They understood the problems created by this dam going in there and flooding out the Seneca Nation. I commend them, therefore, for this legislation.

Mr. Speaker, at long last the Congress has taken final action to provide reimbursement to the Seneca Nation of Indians for the taking of their lands. In earlier actions the United States broke its treaty with the Senecas and proceeded to plan and construct the Kinzua Dam on the Allegheny River.

That dam and the reservoir that will result will cause the Federal Government to take more than 10,000 acres from the Seneca Reservation. The conference report we approve here tonight provides payment to the Senecas for that taking.

This is the culmination of more than 35 years of threats to the very existence of the Seneca Nation. By endorsing this conference report we provide for the continued existence of that ancient nation in our midst. The great heritage of these people can be preserved, studied, and displayed to many, many of our modern society.

The Seneca Nation has indeed suffered. By tonight's action we alleviate, to some degree, that suffering. I, for one, wish that we could do more. This is, however, a beginning in the drive to rebuild the nation of the Senecas and to provide for its young people the means to develop their own future based upon their traditional past.

I support the conference report and commend those who made it possible.

Mr. SAYLOR. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Pillion].

Mr. PILLION. Mr. Speaker, I would like to express my approval of this conference report.

Mr. ASPINALL. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Members desiring to do so may have 5 legislative days in which to extend their remarks in the Record on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONSERVATION OF WILDLIFE RESOURCES

Mr. ROGERS of Texas. Mr. Speaker, I call up the conference report on the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (H. REPT. No. 1820)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the Bill (S. 793) entitled An act to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the language inserted by the House amendment, insert the following:

"SEC. 6. In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended, or the Migratory Bird Conservation Act (45 Stat. 1222), as amended, waters under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by regulations issued by the Secretary pursuant to the contract between the United States and the Tulelake Irrigation District, dated September 10, 1956, or any amendment thereof. Such regulations shall accommodate to the maximum extent practicable waterfowl management needs."

And the House agree to the same.

WALTER ROGERS,
ROBERT B. DUNCAN,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
JOE SKUBITZ,
Managers on the Part of the House.

HENRY M. JACKSON,
CLINTON P. ANDERSON,
FRANK E. MOSS,
THOMAS H. KUCHEL,
GORDON ALLOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project, submit the following statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report. The language agreed upon is the language of the House except the language in section 6. The language agreed upon in section 6 is new language which is different from either the language of the House or the language of the Senate.

Section 6 relates to the maintenance of water levels in the sumps in the Tule Lake National Wildlife Refuge. Presently, these water levels are established by Secretarial regulations which are issued pursuant to section 7 of the contract between the United States and the Tulelake Irrigation District entered into in 1956. Since 1959, these regulations have satisfactorily provided for proper waterfowl management and optimum agricultural use without interfering with either purpose. The new language adopted by the committee of conference as a substitute for the House and Senate versions of section 6, is designed to continue this satisfactory arrangement.

The language agreed upon directs the Secretary of the Interior, in carrying out various treaty and statutory obligations, to regulate the water under his control, subject to valid existing contractural rights, through regulations issued pursuant to the contract entered into in 1956 between the Government and the Tulelake Irrigation District. These regulations establish sump levels in the Tule Lake Refuge. The language agreed upon also directs that the regulations shall, to the maximum extent practicable, accommodate waterfowl management needs.

Your conferees believe that this new language does not impair the rights of the district under its contract, and therefore accomplishes what was intended to be accomplished by the House language. The validity of the contract is recognized and, at the same time, the Secretary retains authority to serve the broadest possible public interest in adjusting the two primary purposes to which the sumps are devoted, waterfowl management and flood control.

In summary, in our view, the language agreed upon fully accomplishes what was intended to be accomplished by the House language in section 6, and it should be adopted.

WALTER ROGERS,
ROBERT B. DUNCAN,
HAROLD T. JOHNSON,
JOHN P. SAYLOR,
JOE SKUBITZ,
Managers on the Part of the House.

Mr. ROGERS of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. ASPINALL].

Mr. ASPINALL. Mr. Speaker, in presenting this conference report I wish to commend the members of the committee of conference, the chairman of the Subcommittee on Irrigation and Reclamation, the gentleman from Texas [Mr. ROGERS], the gentleman from California [Mr. JOHNSON,] the gentleman from Oregon [Mr. DUNCAN], the gentleman from Pennsylvania [Mr. SAYLOR], and the gentleman from Kansas [Mr. SKUBITZ] for the wonderful job they have done. This perhaps is one of the most intricate and controversial responsibilities that we have had to take care of. The conferees have done a magnificent job, and I recommend their report to the House.

Mr. ROGERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. SAYLOR].

Mr. SAYLOR. Mr. Speaker, I commend the gentleman from Texas [Mr. ROGERS] and the members of the committee of conference on bringing in this fine conference report. By the adoption of this conference report we will have solved a problem that has been before the Congress for 20 years. I urge the adoption of this conference report.

Mr. ROGERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Speaker, I want to commend the Committee on Interior and Insular Affairs on bringing in a conference report we can all support. This has been a problem in our State for approximately 20 years, and for the 6 years that I have been here in the Congress. I certainly hope the House will today adopt the conference report, because it does do justice to everyone concerned.

Mr. ROGERS of Texas. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Speaker, I would like to congratulate the distinguished chairman of the committee, the gentleman from Colorado [Mr. ASPINALL] for his tireless work in bringing this important legislation through the conference committee and to the House for final consideration.

The Tule Lake-Klamath Waterfowl Refuge is one of the largest waterfowl concentrations in the United States. It is situated at a critical point, or "bottleneck," on the Pacific flyway and is an essential resting and feeding area for in excess of 7 million birds each year winging southward from their Alaskan and Canadian breeding grounds.

Despite its importance, however, Mr. Speaker, controversy has raged for many years between those who would divert refuge lands and waters to private uses and those who would safeguard this invaluable wildlife habitat. And this despite the fact that the present refuge is but a small part of the once extensive wetlands of the Klamath basin.

This bill, I am pleased to say, is in the public interest. For not only does it preserve an irreplaceable national and international waterfowl refuge, but its maintenace as an assured habitat of migratory fowl also benefits the great majority of affected agriculturists.

Mr. Speaker, this is a sound, constructive bill. It protects a critical national interest, and I urge its approval without further delay.

Mr. ROGERS of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that all Members be allowed to extend their remarks at this point in the RECORD on the conference report just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JULIAN A. ERSKINE

Mr. ASHMORE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5941) for the relief of Julian A. Erskine, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Strike out all after the enacting clause and insert: "That the estate of the late Julian A. Erskine, master sergeant, United States Army, retired, of Staples, Minnesota, is hereby relieved of all liability for repayment to the United States of the amount of $601.07 representing overpayments of active duty pay as a member of the United States Army for the period from July 20, 1944, through August 9, 1959, which he received as a result of a typographical error made in the date of his original enlistment in the National Guard and the granting of subsequent longevity increases prior to entitlement.
>
> "Sec. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Julian A. Erskine of Staples, Minnesota, the aggregate of amounts received or withheld from the late Master Sergeant Julian A. Erskine on account of the payments referred to in the first section of this Act. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of the preceding sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

RELIEF OF E. A. ROLFE, JR.

Mr. ASHMORE. Mr. Speaker, I call up the conference report on the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr., and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore (Mr. Boland). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

Conference Report (H. Rept. No. 1804)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) for the relief of E. A. Rolfe, Jr., having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendment and agree to the same.

Robert T. Ashmore,
John Dowdy,
Roland V. Libonati,
Garner E. Shriver,
Carleton J. King,
Managers on the Part of the House.
Olin D. Johnston,
John L. McClellan,
Roman L. Hruska,
Managers on the Part of the Senate.

Statement

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2215) entitled "An act for the relief of E. A. Rolfe, Jr.," submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

When this proposed measure passed the Senate it was amended by the addition of the words "and assessment of deficiency by the Commissioner of Internal Revenue for any of said years against the said E. A. Rolfe, Jr.," on page 1, in line 6 after the word "Arkansas". This would have extended a waiver of the statute of limitations to the Commissioner of Internal Revenue for the assessment of any deficiencies for the years 1948, 1949, 1951, and 1954 for which the House passed form of the measure would have permitted the filing of a claim for credit or refund of overpayment of income taxes by the taxpayer.

The Senate receded from its amendment.

Robert T. Ashmore,
John Dowdy,
Roland V. Libonati,
Garner E. Shriver,
Carleton J. King,
Managers on the Part of the House.

Mr. ASHMORE. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DEFENSE SECRETARY McNAMARA'S TESTIMONY BEFORE DEMOCRATIC PLATFORM COMMITTEE

Mr. LAIRD. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LAIRD. Mr. Speaker, the remarks of Secretary of Defense McNamara before the Democratic platform committee cannot be left unanswered. In reading over his remarks, I found it difficult to determine from one paragraph to the next whether he was attacking General Eisenhower or Senator Goldwater. I found it virtually impossible to unearth one direct answer to the charges that have been leveled against his administration of the Department of Defense.

It is not, I think, because he misunderstands the charges that have been leveled. Many of us have repeated them on several occasions over the past several months. We can only conclude that his failure to address himself more directly to the charges leveled is an admission that there is no meaningful answer to those charges.

Tomorrow, I will address myself in some detail to the remarks of the Secretary before the platform committee.

For the moment, I would like to address myself to one of the more flagrant assertions contained in the Secretary's statement. In the opening paragraph, he makes reference to the Eisenhower administration and states:

> The Defense Establishment we found in 1961 was based on a strategy of massive nuclear retaliation as the answer to all military and political aggression. We, however, were convinced that our enemies would never find credible a strategy which even the American people did not believe.

This assertion, Mr. Speaker, to any who lived through the Eisenhower years, or to any who have read about the Eisenhower years, and most particularly, to those who understand the Eisenhower years, is a patently indefensible and irresponsible statement. Our response in Lebanon, to Quemoy-Matsu and many other military or political incidents would bear this out.

Mr. Speaker, by way of anticipating what I will lay before this House tomorrow, let me say that I find it shocking that the Secretary of Defense would present a document so obviously political rather than an objective assessment of our defense posture.

CANADA'S DUTY REMISSION PROGRAM

Mrs. GRIFFITHS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include an editorial.

The **SPEAKER** pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. GRIFFITHS. Mr. Speaker, Canada's duty remission program, adopted by our neighbor last fall for the avowed purpose of increasing her exports of automotive parts of this country, has been capably discussed on this floor by several of our colleagues who are genuinely and rightfully concerned over potentially adverse effects upon U.S. jobs and workers.

I share their concern and join them in censuring a unilateral trade action that raises such grave questions of Government subsidy and unfair competition.

I am, however, sorely troubled by the remedy that has been proposed in the form of a demand for the imposition of countervailing duties by the Treasury Department.

Such action is, I submit, neither the only nor the best answer. It is a solution that would be only too likely to create greater problems than it attempts to solve. It is a course that offers much too little lasting relief for the affected U.S. producers and much too much danger to the entire framework of trade relations between Canada and the United States.

Indeed, as far as the U.S. auto parts industry as a whole is concerned, the imposition of countervailing duties might well be worse than taking no action at all. I do not propose such a passive attitude, but in considering our alternatives we must keep in mind that the duty remission program does not operate exclusively on a one-way street. For many U.S. producers of automotive supplies, this program could well mean more exports to Canada and more jobs in the United States.

Remember how the Canadian program works: essentially, it provides for the remission of automotive import duties to manufacturers who successfully increase their exports of similar goods.

The effect and intent of Canada's import duties—like import duties anywhere on anything—is to permit Canadian parts manufacturers to compete on more even terms with their U.S. counterparts whose efficiency and volume permit cheaper production. Any remission of these duties must logically, therefore, increase the competitiveness of the U.S. producer on the Canadian market. Thus, while Canada would be making inroads on the U.S. auto parts market, at least some U.S. producers would also be building up their Canadian sales.

How the interchange would balance out, I cannot predict—nor can anyone else. It is entirely conceivable that the net result would be far less detrimental to the United States than we might initially suppose.

Some U.S. companies, of course, are bound to be hurt if the Canadian program succeeds, and it is for their protection that the demand for countervailing duties has come about. Let us take a hard look at what this course of action might accomplish or fail to accomplish.

The imposition of countervailing duties, of course, would result from a determination that Canada's duty remissions are equivalent to a "bounty or grant" from the Canadian Government to Canadian manufacturers on their exports to this country. In that case, the Treasury Department would assess additional U.S. import duties sufficient to offset the amount of the "bounty or grant." In theory and for the moment, the Canadian program would be neutralized and the situation would be very much as though she had never adopted the program in the first place.

Whether duty remissions as Canada is employing them do or do not actually constitute a subsidy is an involved and complex question that I am content to leave to the Treasury Department and, likely, the courts for interpretation.

In the event countervailing duties were to be imposed, however, I find it hard to believe that the matter would end there. In Canada, the current accounts deficit with the United States, to which automotive parts are a major contributor, is very much a burning issue. The possibility that Canada would meet reprisal with further reprisal is only too real.

Various means are at her disposal. She could, for example, increase tariff levels on imported parts, or increase the local content requirement—now 60 percent on passenger cars—for motor vehicles sold in Canada. Such measures could effectively seal off a large part of the Canadian market in which U.S. automotive producers now enjoy an annual business of more than half a billion dollars. Different U.S. workers and different U.S. companies might be affected, but the total impact would dwarf the worst we can reasonably anticipate from the duty remission program.

Since neither inaction nor retaliatory action holds assurance, or even promise, of solving the problem Canada has posed to U.S. auto parts producers, the alternative that recommends itself is negotiation with Canada. This is by no means the first time that we and our best customer have clashed over trade matters but we have always managed to work things out. We could not otherwise have become the world's largest trading partners whose intercommerce last year totaled nearly $8 billion. Both countries have too much at stake to now start playing beggar-your-neighbor.

Mr. Speaker, it is especially unfortunate that the dispute threatens to come to a head at a time when all our trading partners are on the alert for straws in the wind because of the upcoming Kennedy round of tariff negotiations in Geneva.

We are told by the New York Times of August 10, for example, that Canadian authorities are already expressing apprehension. Under unanimous consent, I insert the Times news account.

The temptation is great, of course, to retort that Canada shouldered the chip with her duty remission program on auto parts, but nothing can be more futile and less helpful at this stage than recriminations. However it came about, a serious situation has arisen in the mutually beneficial trade relationship between our two countries. Our task now is to find a just and equitable solution acceptable to both.

Mr. Speaker, such a solution is not to be found in reprisals, retributions and retaliations. Certainly the route of negotiation and freer trade holds more promise for growth and industry on both sides of the border. Let us not block that path with action taken in haste and regretted at leisure.

CANADA-UNITED STATES RIFT ON TRADE LOOMS: OTTAWA AUTHORITIES FEAR NEW TARIFF BARRIERS

OTTAWA, August 10.—New protectionist trends on both sides of the international border are making Canadian authorities apprehensive of the atmosphere that will prevail at the Kennedy round of tariff bargaining at Geneva.

In recent weeks and months, one of those periodic deteriorations in Ottawa-Washington trade relations has occurred that threatens to substitute mutual reprisals for the usual tranquil trading pattern between the two countries.

The U.S. automobile parts industry is annoyed by new Canadian legislation on shipments. The industry charges the law is a subsidy on the shipment of Canadian automobile parts to the U.S. market, and therefore a threat to the jobs of thousands of American automotive workers.

"BUY AMERICAN" PROTEST

Canadian authorities for their part, have instructed the Canadian Embassy in Washington to protest both the "buy American" clause inserted at the last minute into the rapid transit bill passed by Congress and the meat imports quota bill, which was passed recently by the Senate.

Of the two pieces of legislation, the rapid transit bill is viewed as the more vital in its potential damage to Canadian interests.

It stipulates that U.S. Federal aid to urban rapid transport shall be conditional upon the purchase of materials in the United States.

POLICY REVERSAL SEEN

This is a reversal of the exemption that Canada previously has enjoyed from similar "buy American" clauses in U.S. defense legislation.

As such, it is viewed by Canadian authorities as a vital departure in principle, which if extended, could result in widespread discrimination against Canada in United States purchasing policy.

That prospect is one which, in the view of Canadian trade authorities, could only have one ultimate result: a trade war between the two countries.

A senior official of the Department of Trade and Commerce recently stated:

"In Canada we do not discriminate against U.S. sources of supply. But if Washington should do so we would have to become similarly selective in self-defense."

By comparison, the meat imports quota bill now going before Congress after being passed by the Senate is a measure of far narrower application.

Its effect will be to cut Canadian meat exports to the United States by 30 percent from the present annual volume of $6.25 million.

The bill would not affect Canadian live cattle exports now numbering 250,000 head a year and valued at nearly $20 million.

Nevertheless, it is regarded by Canadian authorities as the kind of protectionist measure that is out of harmony with the Kennedy round of negotiations scheduled to open in mid-November in Geneva.

BEEF IMPORTS

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. SHORT. Mr. Speaker, it appears that the Washington Post is unusually jittery about legislation passed in the Senate and being considered by the House now to establish reasonable limitations on beef imports at a time when domestic prices are depressed because of a domestic oversupply.

For several days now the Washington Post has had editorials on this subject, inferring that the livestock industry is attempting to impose rigid quotas on imported meat. Yesterday, the Post outdid itself in its editorial entitled "Import Jitters," in which they went so far as to insult the livestock industry by using this phraseology:

> The organized cattlemen, a group endowed with more dollars than brains, has found a scapegoat for declining beef prices in the trickle of meat imports, and their demands for rigid import quotas has spread a paralysis of fear among otherwise intelligent lawmakers.

It, of course, does no good apparently to suggest that whoever writes the lead editorials in the Washington Post should exercise their own brainpower a little more carefully and find out what a bill provides before they continue to state, time after time, that the livestock industry is demanding "rigid import quotas." I suppose we, who have introduced such legislation and who support it for good reasons, can take comfort in the fact that this is bipartisan legislation—and its aim is to protect the welfare of not only the livestock industry, but also the American consumers, and the American workingmen.

Let me reiterate what I have been stating now for several days: The livestock industry proposal has been to establish a quota based on the average of the last 5 years' imports—which have been the highest in our Nation's history. In addition a growth factor has been added. The fact that this, in effect, guarantees by law a high level of imports regardless of our domestic price situation—seems to have escaped the "brainy" editorialist of the Washington Post.

The livestock industry has been accused of trying to impose higher prices on lower income beef consumers, who supposedly purchase most of the imported beef. Let me point out that low-income groups are not the only consumers of imported beef, because this product is largely used for making hamburger. Hamburger sandwiches are popular items with all our children, as any parent of teenagers can testify. Hamburger is used for innumerable purposes in cooking, such as Italian spaghetti, meatballs, and various and sundry other items. It also is a popular item for the outdoor grill cookouts so much in vogue in this country.

Further—11 percent of our total beef supply—the amount of imports in 1963—involves a lot of primary processing. This primary processing directly involves a considerable number of jobs in our packing industries in this country. Packinghouses in Australia and other foreign countries pay a great deal lower wage level than we do in the United States. Meat imported into the United States is boned and frozen—and this, too, involves a minimal amount of labor in this country. We have no objection to competing with our good neighbors when their cost of production is in line with our costs in the United States. However, we recognize economic facts of life—which the Washington Post may or may not consider important in utilizing "brainpower." We cannot compete with foreign competition from countries where costs of production is a fraction of what ours are in this country. One of the most attractive things to those importing beef today is the fact that our foreign competitors utiilze much less expenisve labor in boning the production—which means that a lot of packinghouse workers are taken out of employment.

The emphasis this administration is placing on "poverty" in this country—and their efforts to solve our unemployment problem—simply does not make sense, if at the same time they insist that the workers of the United States are to be forced to compete with much cheaper labor from other countries by means of the importation of goods which are priced lower—and therefore more attractive to the American consumer.

The livestock industry is trying to establish what their share of the American market is to be. We have not, in the proposed legislation, cut off the foreign trade because we are interested in providing a reasonable amount of market for the importers.

We are concerned about the consumer because of a situation now existing in England where housewives are completely dependent upon imports, and are faced with an extreme shortage of beef. In our efforts to keep this industry healthy for the consumer, we are trying to keep this country from being faced with a situation similar to England's.

The livestock industry has a proud record. It has never sought, nor does it intend to seek, any direct subsidy payments from the Federal Government—which means the American taxpayer. Instead, the livestock industry asks for a fair opportunity to place their own production in line with the market they are entitled to.

The Washington Post—in repeatedly inferring by means of their editorials—and even the women's page—that the livestock industry is trying to shut out imports and thereby invite retaliatory actions from injured foreign countries—is doing a disservice to the American citizens. They are, furthermore, doing a disservice to the many honest and intelligent journalists who try to ascertain facts before they write articles.

U.S. BALANCE-OF-PAYMENTS DEFICIT WORSENED IN SECOND QUARTER

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CURTIS. Mr. Speaker, the Department of Commerce has recently announced preliminary second quarter figures on the U.S. balance of payments. These figures show that the payments deficit on so-called "regular types" of transactions for the first half of calendar 1964 was running at an annual rate of about $2 billion. In the second quarter—which was, by far, the worst quarter out of the past four—the deficit was $742 million on a seasonally adjusted basis, or at an annual rate of nearly $3 billion. This rate compares with $3.1, $3.6, and $3.3 billion on the same basis for the preceding 3 years, 1961, 1962, and 1963, respectively. Admittedly, the first quarter deficit this year was exceptionally low, but even if we view the first half as a whole the annual rate of loss would be $2 to $2.5 billion.

One of the most disturbing things about the figures just released is that the balance on merchandise trade account, while still substantially in favor of the United States, worsened by $270 million as imports rose more nearly in line with prevailing levels of domestic business activities and incomes and merchandise exports declined from the first quarter levels.

Of course, undue importance should not be given to quarterly figures, even when converted into annual rates. Quarterly figures can swing widely, as they clearly did between the first and second quarter of this year. While the balance-of-payments figures are compiled by some of the most capable statisticians in the Government service, their task is made particularly formidable by several things. The reporting and sources upon which they must rely are illusive and do not always match up, so that later and more complete data may result in sizable adjustments to the preliminary figures. Single large transactions may swing the total in unexpected and unseasonal directions. Many items which do not go through regular channels may escape reporting entirely.

Having thus warned of the risk of concluding too much from the quarterly figures, it is certainly a safe understatement to say that the figures just released for the second quarter make it profoundly clear that the balance-of-payments problem is far from solved. The big payments inflow of last March, which did so much to improve appearances during the first quarter, have been wiped out by a reversal in April.

The statisticians can adjust seasonally for known items such as tourist travel which is known to be low in the winter months, but they can do little more than point out some of the temporary one-shot developments such as those which made the results for the first quarter so deceptively encouraging. Among the temporary developments which had this favorable effect on the first quarter appearance were several in particular that could be specifically identified.

Special Government transactions during the first quarter included foreign debt repayments to the United States in advance of scheduled returns of about $50 million, of which $42 million were collected from Mexico. Agricultural exports during the first quarter were increased by sales to the Soviet bloc amounting to about $80 million. Receipts from military transactions during the first quarter were boosted by collections of about $50 million on foreign obligations arising from logistic supports given by the United States to allied troops in earlier years. After seasonal adjustment, income on direct investments increased during the first quarter of this year by $230 million over the fourth quarter, with at least $75 million representing dividend payments to the U.S. parent companies from accumulated earnings, the payment of which had apparently been postponed to take advantage of the lower tax rates applicable to corporate incomes this year. Including only the special agriculture sale to the Soviet bloc, these developments improved the balance in the first quarter by close to $400 million. Some of these items were single transaction operations which did not repeat themselves and, in several of the cases, as in the special Government transactions, the aggregate, which in the first quarter was favorable to the balance of payments, changed to being unfavorable in the second quarter by about $50 million as cash receipts on military orders fell short of deliveries.

It is, of course, now disturbing to us all to have these second quarter figures destroy the optimism which seems to be implicit in the data released for the previous period.

The second quarter figures should reemphasize, however, the futility of sweeping the balance-of-payments problem under the rug on the basis of a fortuitous package of favorable, but temporary, short run developments or the invention of new expedients. The balance-of-payments problem is not going to be cured by swap arrangements, sales of U.S. Government securities to foreign central banks, interferences with the private flow of capital, tourist restrictions, and other ad hoc transactions to which the administration has been resorting, one after another, in an effort to cure the figures, if not the problem.

The interest equalization tax with which we in Congress have been dealing recently, is a specific example of another of these devices. It is perhaps too soon to judge whether the effects of the interest equalization tax on capital outflows may prove more or less restrictive than was expected since it was first proposed. The second quarter data on capital transactions indicate a rise of $130 million from the previous quarter in purchases of newly issued foreign securities. Admittedly, a large portion of these were parts of larger issues arranged early in 1963, before the equalization tax was proposed, or exempt issues of the Inter-American Development Bank.

It is significant, however, that net capital outflows reported by banks, on long term and short term, which had risen to about $700 million in the first quarter, continued close to that rate in the second quarter after adjustment for seasonal variations. It is especially significant to note for the future of capital outflows that there was a shift from long-term to short-term outflows.

The persistent and basic causes of our balance-of-payments problems which need consideration include a domestic monetary policy and an interest rate structure which is relatively low compared to the other industrial countries. The effect of this can only be to siphon off funds from this country, one way or another, no matter how difficult it may be to trace or measure the magnitude of the capital movements prompted by interest rate differentials. Another difficulty is that we have been depending entirely too much upon the prospect of rising costs in Western Europe to correct the relative cost situation. This reliance on cost inflation in Europe to help us out has lead us to ignore or neglect our own responsibilities for improving and maintaining our own competitive position. Another basic problem that makes the balance-of-payments issue so persistent is that we in the United States are undertaking through our aid and grant programs to buy longrun security and peace for the world through financial processes which in the end create more and more short-term financial liabilities to foreigners.

The discipline of the balance of payments is periodically sharpened for us when foreigners and their central banks, for reasons of their own, convert these open accounts due from the United States into gold or international monetary reserves. The recurrent gold outflows should dramatize anew for us our own responsibility for making the domestic adjustments necessary to bring payments more nearly into balance instead of trusting an occasionally improved statistical improvement in the apparent balance, or a series of new and ingenious devices.

Under unanimous consent I place in the RECORD at this point the news release of the Office of Business Economics of the U.S. Department of Commerce, dated August 13, 1964, entitled "Preliminary Release on the Balance of Payments During the Second Quarter."

BUSINESS NEWS REPORTS—PRELIMINARY RELEASE ON THE BALANCE OF PAYMENTS DURING THE SECOND QUARTER

During the second quarter of this year, international reserves of the monetary authorities of the United States declined by $303 million, the U.S. Department of Commerce reported today.

While the official gold stock increased by $73 million, holdings of convertible foreign currencies declined by $258 million, and the gold tranche positions of the United States in the International Monetary Fund—which represents nearly automatic drawing rights on foreign currency holdings of that institution—declined by $118 million, according to preliminary calculations by the Department's Office of Business Economics.

Liquid liabilities, consisting of foreign deposits in U.S. banks and foreign holdings of marketable U.S. Government securities, increased by about $245 million. Foreign holdings of nonmarketable medium-term securities, convertible into cash at short notice, were $122 million higher than in the previous quarter.

The balance on international transactions during the second quarter, measured by the changes in U.S. official monetary reserves, and in liquid liabilities to foreigners, was adverse by $670 million, if the foreign holdings of nonmarketable medium-term convertible securities are included among the latter—and by $548 million if they are excluded and considered long-term foreign investments in the United States.

The major part of the adverse balance of $670 million, $470 million, occurred early in the quarter, in April. The adverse balance during May and June together was only $200 million. (If the special Government securities are not included with liquid liabilities, the April figure is $418 million and that for May and June $130 million.) The large adverse balance in April followed a favorable balance of about $360 million in March. Both the March and April figures were quite exceptional, and the $830 million shift of the balance between these 2 months accounted for a large part of the change in the balance from the first to the second quarter, OBE noted.

Seasonal factors are generally favorable to the U.S. balance of payments during the first half of the year, but more so in the first than in the second quarter. Preliminary adjustments for seasonal variations would raise the second quarter balance to about $790 million, which compares with a revised figure of about $75 million for the first quarter of the year. Counting the foreign purchases of the $122 million of convertible special Government securities in the second quarter as long-term investments in the United States, the balances for the two quarters would be about $670 million and $75 million, respectively.

Although the change in the balance from the first to the second quarter appears to have been large, it was not unexpected, as the international transactions during the first quarter included many which were temporarily favorable to the U.S. balance of payments.

Incomplete data now available to OBE indicate that the following changes accounted for the major part of the shift in the balance from the first to the second quarter.

1. Special Government transactions (mainly advances on military purchases by foreign countries) which in the first quarter were favorable to the balance of payments by about $140 million, changed to being unfavorable by about $50 million as cash receipts on military orders fell short of deliveries. Omitting these special transactions, the adverse balance on other (regular) transactions, after adjustment for seasonal factors, rose from slightly over $200 million in the first quarter to about $740 million in the second. This compares with last year's nearly $3.3 billion, or a quarterly average of $820 million in 1963, and the quarterly average of $900 million in 1962.

2. Merchandise imports, which in the first quarter were lower than usual at the prevailing level of domestic business activity and incomes, rose by about $200 million. Merchandise exports, which in the first quarter were expanded by extraordinary grain sales to the Soviet bloc, declined by about $70 million. The trade balance declined, therefore, by about $270 million, but was still $200 million higher than in last year's second quarter.

3. Preliminary data on capital transactions indicate a rise of about $130 million from the previous quarter in purchases of newly issued foreign securities. In both the first and the second quarters the new issues included $50 million of securities which were part of a larger issue arranged for early in 1963 before the Interest Equalization Tax was proposed. The second quarter issues also included $50 million of bonds of the Inter-American Development Bank.

4. Transactions in other foreign securities, which had resulted in net sales of close to $100 million in the first quarter, changed to net sales of only about $34 million in the second quarter. The adverse effect of this change was largely offset, however, by a shift from net sales to net purchases of U.S. securities by foreigners.

5. Net capital outflows reported by banks, both on long and short terms, which had risen to about $700 million in the first quarter of this year continued close to that rate after adjustment for seasonal variations. There was, however, a shift from long- to short-term outflows.

6. The balance on other transactions—for which data are not yet available but can be derived as a residual—changed from net debits of $1,250 million in the first quarter to net debits of $1,420 million in the second. It includes all private services transactions, Government transactions and capital transactions reported by U.S. and foreign corporations other than banks and security dealers.

This balance appears to have been exceptionally low in the first quarter, and the change returned the balance approximately to the same level as it was in the last two quarters of 1963. It continued to be more favorable, however, than in the first two quarters of 1963 or the average quarterly balance during 1962.

A summary of data now available is provided in the following table.

Details on the second quarter balance of payments will be published in the September issue of the Survey of Current Business, official monthly journal of the Office of Business Economics, U.S. Department of Commerce.

The Survey of Current Business is available from field offices of the Department of Commerce, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., at an annual subscription price of $4, including weekly supplements; single copy 30 cents.

Selected data on foreign transactions and the balance of payments in the 2d quarter of 1964 available as of the middle of August

[Millions of dollars]

Credits (+), debits (−)	1962	1963					1964		Adjusted for seasonal variations					
									1963				1964	
		Year	I	II	III	IV	I	II[1]	I	II	III	IV	I	II[1]
A. Regular types of transactions:														
Merchandise, excluding military:														
Exports	20,576	21,938	4,953	5,691	5,192	6,102	6,090	6,275	4,984	5,459	5,597	5,898	6,087	6,020
Imports	−16,134	−16,931	−3,909	−4,212	−4,299	−4,511	−4,333	−4,570	−4,017	−4,197	−4,353	−4,364	−4,347	−4,550
Balance	4,442	5,007	1,044	1,479	893	1,591	1,757	1,705	967	1,262	1,244	1,534	1,740	1,470
New issues of foreign securities	−1,076	−1,269	−481	−518	−183	−87	−132	−265	−446	−483	−253	−87	−97	−220
Redemptions	203	195	43	50	52	50	44	55	43	50	52	50	44	55
U.S. purchases (−) or sales (+) of other foreign securities	−96	−6	−59	−68	32	89	99	34	−59	−68	32	89	99	34
Capital outflows reported by U.S. banks:														
Long-term	−127	−722	27	−177	−114	−458	−231	−67	−13	−147	−134	−428	−271	−37
Short-term	−324	−721	77	−402	96	−492	−421	−534	62	−492	−19	−272	−436	−624
Foreign purchases (+) or sales (−) of U.S. securities	134	252	14	114	51	73	−42	9	14	114	51	73	−42	9
Other transactions (derived as residual)	−6,761	−6,022	−1,478	−1,690	−1,672	−1,182	−1,006	−1,560	−1,738	−1,550	−1,377	−1,357	−1,251	−1,419
Balance on regular types of transactions	−3,605	−3,286	−813	−1,212	−845	−416	68	−623	−1,170	−1,314	−404	−398	−214	−742
B. Special Government transactions:														
Nonscheduled receipts on Government loans	681	326	25	34	241	26	54	30	25	34	241	26	54	30
Advances on military exports	470	359	20	−5	105	239	140	−70	20	−5	105	239	140	−70
Sales of nonmarketable, medium-term, nonconvertible securities	251	−43	63	−10	−95	−1	−55	−7	63	−10	−95	−1	−55	−7
Sales of nonmarketable, medium-term, convertible securities	--------	702	350	152	175	25	--------	122	350	142	175	25	--------	122
C. 1. Balance A+B excluding net receipts from sales of nonmarketable, medium-term, convertible securities	−2,203	−2,644	−705	−1,193	−594	−152	207	−670	−1,062	−1,295	−153	−134	−75	−789
2. Balance A+B including net receipts from sales of nonmarketable, medium-term, convertible securities	−2,203	−1,942	−355	−1,041	−419	−127	207	−548	−712	−1,143	22	−109	−75	−667
D. Increase (+) or decrease (−) in short-term official and banking liabilities and in foreign holdings of other liquid assets in the United States	670	1,564	323	917	192	132	−156	245	--------	--------	--------	--------	--------	--------
E. Decrease (+) or increase (−) in monetary reserve assets	1,533	378	32	124	227	−5	−51	303	--------	--------	--------	--------	--------	--------
1. IMF gold tranche position	626	30	−46	2	59	15	131	118	--------	--------	--------	--------	--------	--------
2. Convertible currencies	17	−113	−33	6	−28	−58	−228	258	--------	--------	--------	--------	--------	--------
3. Gold	890	461	111	116	196	38	46	−73	--------	--------	--------	--------	--------	--------

[1] Preliminary.

Source: U.S. Department of Commerce, Office of Business Economics.

APPALACHIA—FACTFINDING TOUR TESTIMONY

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. SCHWENGEL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. SCHWENGEL. Mr. Speaker, throughout the hearings on the Appalachian regional development bill, I repeatedly requested that the Ad Hoc Subcommittee on Appalachian Regional Development of the Committee on Public Works, a subcommittee of which I am a member, make an onsite inspection of the region. As I have stated several times before on the floor of this House, my requests for such a tour were denied.

Because of my interest to obtain firsthand knowledge from the people on legislation, and because I was not convinced that Appalachia was as bad as many people made it out to be, I went to Martinsburg, W. Va., on August 4. I took with me Allen Schimmel, my legislative assistant, and Randal Teague, minority clerk, Watersheds Development Subcommittee, House Committee on Public Works. They also asked questions of the witnesses who appeared to add their remarks to the testimony on Appalachia.

I held a 1-day, informal, and unofficial session in Martinsburg, and I invited, through the press, anyone to come and give testimony on the legislation. There were approximately 20 people at the hearing, and most of them testified.

Under unanimous consent, Mr. Speaker, I would like to make the transcript from that session a part of the RECORD. While the testimony is rather lengthy, it is highly important, and I would like to have it included in the body of the RECORD in one part rather than in different insertions.

The people whose names appear in this testimony are as follows with their addresses:

Nevin A. Schall, Pennsylvania State Chamber of Commerce, 222 North Third Street, Harrisburg, Pa.

Mr. George R. Heidrich, member, West Virginia State Soil Conservation Committee, Charles Town, W. Va.

Mr. Charles S. Toam, executive secretary, Frederick County Fruit Growers, Post Office Box 567, Winchester, Va.

Mr. Ralph E. Fisher, publisher, Moorefield Examiner, Post Office Box X, Moorefield, W. Va.

Mr. W. C. Harper, Harpers Motel, Moorefield, W. Va.

Mr. C. A. Hehle, Tri-County Labor Camp, Martinsburg, W. Va.

Mr. H. J. Slonaker, National Fruit Producers Co., Inc., Inwood, W. Va.

Mr. C. R. McQuilkin, Rock Spring Farms, Shepherdstown, W. Va.

Mr. Franklin McQuilkin, Rock Spring Farms, Shepherdstown, W. Va.

Mr. Lyle C. Tabb, Kenneysville, W. Va.

Mr. J. E. Saville, Charles Town, W. Va.

Mr. W. B. Campbell, Route 1, Martinsburg, W. Va.

The testimony referred to follows:

Mr. SCHWENGEL. Good morning. First let me introduce myself. I am Congressman FRED SCHWENGEL, from the First District of Iowa. As a member of the Ad Hoc Subcommittee on Appalachian Regional Development of the House Public Works Committee, I am intimately acquainted with the Appalachian regional development bill, H.R. 11946, which has been reported out of the Public Works Committee and is now awaiting Rules Committee action.

When the ad hoc subcommittee began holding hearings on Appalachia I requested that the subcommittee take a trip to the area to get a firsthand look at the problems. I renewed this request several times during the hearings. Each time I was assured this request was being considered, but it turned out to be nothing but a stall and the committee never did make such a trip.

I felt that if President Johnson, his wife, and Cabinet and other administration officials felt it was important to take the time to go to Appalachia, the committee should also take the time to come.

So I decided that even at this late date a purpose could still be served by coming to Appalachia to try to get a look at the problems firsthand and talking to the people here to find out how they feel about the Appalachian legislation.

Let me make it clear at the outset that I am not against programs that will adequately deal with poverty in Appalachia or in any other part of the country. I am convinced that we are acting now without having all the facts, information, and material that we should have in order to deal constructively with the legislation we have before us.

There is a right and a wrong way to do the right thing. I am not quarreling about what should be done, but what is the best and the right way to do it.

The probing and searching that is done here today will be inadequate, but it will at least be a start of what should have been done by the ad hoc committee. Our purpose is to hear from the people who know this area best and try to learn from them about the problem and get some idea from the grassroots on how to resolve the problems of this area.

With me today are Randal Teague, minority counsel to the Watershed Subcommittee of the Public Works Committee, who sat through all the hearings on Appalachia and has done a great deal of work on the legislation; Allen Schimmel, my legislative assistant who has also spent many long hours working on the Appalachia bill; and Stuart Huseby, also a member of my staff who will be recording the happenings here today.

I will chair the meeting and will yield to my young assistants for any questions they may want to pose to our witnesses.

Since this hearing was called on rather short notice we do not expect written statements from those wishing to talk to us.

If there are those who would like to submit statements, but do not have them ready today, I invite you to send them to me.

I might add that we have already had contact with some people of the area and some will not be able to be here but will be sending statements to Washington, and I understand we are to get testimony from people in Pennsylvania as well. I had hoped that we could do this sort of thing in different parts of Appalachia; but the bill goes before the Rules Committee and is scheduled to come out soon, and we may not have time to get around to any other parts of the area.

Now, there were some people who contacted us originally and we decided that we should hear from them first and then from those with whom we had not had contact who wished to testify.

Mr. HEIDRICH. I don't think Mr. Hockensmith will be able to be here. However, he has sent a representative.

Mr. SCHWENGEL. We will be hearing testimony today, and I hope today we can get out in the field. If there aren't Soil Conservation Service people here before us we will go to see them in their offices and, if time permits, I may want to see some of the farm area whose owners might be interested in taking advantage of the farm section, section 203 of the bill, if it is passed. Are there any questions before we proceed? Now we would like to hear from somebody right in the area who is prepared to talk to us.

Mr. TOAM. I might as well kick this off. I am representing the Frederick County Fruit Growers, Winchester, Va.; Frederick and Clark Counties of Virginia and Jefferson and Berkeley in West Virginia. Our main concern is one of providing farm labor for the area for harvest of the peaches and apples in this area. We come in contact with this bill only indirectly.

We have endeavored for a number of years to obtain labor out of both West Virginia and southern parts of Virginia for our harvest. We are large users of Bahamian and Jamaican labor because we have been unable to supply our needs for labor in this area from our local supply in spite of the statements that there are many unemployed, and I do not doubt the truth of these statements. We have not been able to induce these people to leave home and to come into this area and pick our fruit crops. We feel that along with this there are several different items that bear greater consideration in the bill—one of them being a modification of our welfare programs, one that would induce people and encourage people to work rather than to discourage them from working because of their inability to get back on a program or to pick up after work ceases to be available, particularly of a seasonable nature. We find all too frequently that they just do not want to take a chance on taking a job. We have even had occasions where public officials have discouraged them from working because they would deplete their rolls and thereupon more or less put them out of a job.

We feel that there is a need, a very definite need, for a welfare program that must be continued; but we feel that somehow these people should be encouraged to work and to take jobs as they may be available. We think that considerable thought and money should be put into a program of a very serious and deeply probing nature on what would motivate these people to work. All too often we have gotten them on the job. They will work only 3 or maybe 4 days. Working right beside them are other men earning excellent wages yet these people will establish a minimum goal for themselves, and when this goal is reached they cease to work. I am not trying to speak against good wages or good working conditions. These are important.

I am saying somewhere, somehow we need to develop the incentive, the initiative, the desire, or to find something to intice these people to get down and go to work. We have found that we have raised wages, yet we have gotten less work out of the people. They simply reach their own goal at an earlier stage and instead of working 4 days they work 3 days. This sounds terrible, and we don't like it. As wages go up, our working force to get the same job done has had to increase. We question whether or not a great deal more emphasis shouldn't be placed on education, starting at an early date of say 3 years old. You might have to go so far as a boarding school where they would come in for a week. It's almost impossible to inspire a child to learn when neither parent can read or write or barely do so. When the parents are sitting around and very little work is being done, the home conditions are not desirable. You don't get the inspiration to the child to learn any more than his parents did.

This is a drastic step to go that low; but it is one that I think needs a great deal of study with the idea of instilling in these children this need to learn the desirability of working and the merits of a free enterprise system. As they see it, this is strictly a welfare state. This is not a healthy situation to keep promoting generation after generation; and if we are every going to break this pattern we are going to have to start with the little ones and instill in them the incentive to work, the principles of democracy, and the merits of a free enterprise system. Along with this, I would suggest—and I know this is controversial—a matter of birth control. This is, as I see it, certainly fair to all these little kids and their families not being given the best that could be provided simply because the family knows no better.

You get back again to the item I mentioned earlier of motivation. How do you instill in these people a desire to better themselves? No matter how many millions of dollars and the best intentions we have of helping them, unless we find the underlying item of motivation that will help them pick themselves up with our assistance, we are just wasting money. I think that Mr. Hehle here can give you a few more concrete examples of it in our efforts to bring labor out of the depressed areas and the success or lack of success he has had. He has direct contact with them; I have not. That's all I have.

Mr. SCHWENGEL. That's a very good and interesting observation. This idea of motivation and education is something that interests me very much. I am quite interested in your suggestion that we change the laws, rules, and regulations to make it more difficult to get back on relief. Do you really believe this would make it easier to get the necessary help? I would like to ask Mr. Hehle to give us his comments.

Mr. HEHLE. I represent the Tri-County Labor Camp, Martinsburg, W. Va. Two years ago, we were told that we could get 300 ablebodied, capable applepickers for the eastern panhandle of West Virginia. Three of us went to southern West Virginia. We visited the three cities of Bluefield, Welch, and Beckley. But on Sunday when we arrived in Bluefield we found an advertisement in the newspaper that said that there would be applemen there to interview men for apple picking in the eastern panhandle. That was a surprise to us because we had thought that they were already to have been screened for us. When we arrived at the office in Bluefield on Monday morning, we found that there were 3 out of the 300 that reported to us to be interviewed. The others had been taken off the list and put on some other program of relief. We visited the three cities. We interviewed approximately 100 out of the 3 cities; and out of the 100 we selected a group of names, came back to Martinsburg, and went over the list again. We finally came up with about 30 that we would accept as applepickers. We sent that list back and when the men arrived at Martinsburg we received 22, I believe. Three of those were people that we had never seen before who arrived at the bus just as it was leaving and they put them on. Out of that group there were seven of them that stayed out the entire season. So you see that our efforts down there were not too good.

Now, in Louisiana where we also went to recruit men we received one busload of 35 one Sunday. Half of those men were given to National Fruit Growers and the other half to Tri-County. On the following Sunday we received another busload of 37 from Louisiana. It is a very good camp, and you can see that it is a very good camp. I don't know for what reason they got out, walked down the road and we didn't receive an hour's work from any of them and at a cost of $700 to our camp. I don't know how far it can go. I was in the CCC back in 1933. That program to me was very good. I understand that such a program, if it were established, could not work on individual or privately owned enterprises. When I was in the CCC we cut rights-of-way for telephone and electric poles, railroad rights-of-way, State roads, county roads, and private roads. That was our task. So I was talking when we were in Winchester on last Tuesday about establishing a camp. A youth camp in this particular area where we could have 200 or 300 young men would be helpful. Why couldn't they work at one of our State parks, such as Cacapon State Park, at Sheppard College? Some of them could be used there. Why couldn't they be funneled out on other projects? During the cherry and peach season, why couldn't those men be utilized on those projects? The Federal Government seems each year to be forcing our hand and saying that we are not going to get offshore labor. Domestic and migrant labor is becoming shorter every year.

Mr. SCHWENGEL. The critical problem here is apple picking, and I am from Iowa but we pick corn down there but we have machines to do this. Is there a possibility of the existence of some sort of an applepicking machine?

Mr. HARPER. We are spending thousands of dollars every year trying to develop a machine, but so far there is nothing.

Mr. SCHWENGEL. What is the reason that people don't want to pick apples?

Mr. HEHLE. The people on the local scene, as Mr. Toam stated, are on relief rolls and getting money. Otherwise they don't want to work. It's being handed to them on a silver platter. If they get off the relief rolls for a while it takes a couple of weeks to get back on and consequently they don't work.

Mr. Schimmel. In other words, if they just take a job for 3 or 4 days and then quit, they can get back on the rolls?

Mr. Hehle. It takes them a little time to get back on.

Mr. Schimmel. Can they stay on the rolls even though they are not availing themselves of the jobs?

Mr. Hehle. That is the peculiar part of that. I don't know. Supposing a man, a plumber, or an electrician or some other tradesman that is what he signs up for. In the spring, if a job picking apples comes along he says he is not a laborer, that he has a trade—a plumber or an electrician—and he does not avail himself for that particular job. Then he could turn down the apple picking job. That is my understanding.

Mr. Schimmel. In other words, these people do not define themselves as apple pickers? Mr. Hehle, about what percent of your apple pickers through this season are brought into Appalachia from sections other than the Appalachian region?

Mr. Hehle. Here in the three counties, I believe the figure is around—in the past 4 years an average of 700 that are picking apples—we have to bring in that amount.

Mr. Schwengel. Where do you bring them from?

Mr. Hehle. We have been getting them from the Bahamas and from the South. Tricounty has been using mostly Bahamans, but the other growers are securing some other laborers. They have had them for years and years.

Mr. Schwengel. You pay their traveling expenses?

Mr. Hehle. They pay their traveling expenses up and we pay it back to Florida.

Mr. Schwengel. What do you state is their total salary? Very little of their money is spent in this State?

Mr. Hehle. The biggest percentage is spent in this community. However, 25 percent is sent back to the Bahaman Government, and that is the savings for their families. The balance is given to them in check or cash and those boys will buy everything on the face of the earth and the biggest percent of their earnings are spent here with the exception of the 25 percent.

Mr. Schwengel. They will buy things here and take them back with them?

Mr. Hehle. Right.

Mr. Schimmel. As far as the labor supply that is concerned here, you feel that there is adequate labor supply here for the needs that you would have and that you are unable to fill that need because of relief rolls?

Mr. Hehle. Our supply is not adequate here. However, there are applepickers in the county that are experienced but they would have to be inspired to work.

Mr. Slonaker. My name is H. J. Slonaker. I am manager for the National Fruit Products Co., Inc., of Winchester. We have been conducting individual recruitment down South. In other words, at the expense of my company, they sent me down South to conduct individual recruitment. Last year I spent 10 days in the State of Louisiana with the employment people, and before I made the trip I had been informed by the employment people of that State that there was adequate and plentiful laborers down there for picking apples. I interviewed approximately 300 Negroes in that area in about eight towns. This was prearranged by the employment office.

Mr. Schwengel. What employment office—Federal?

Mr. Slonaker. No, the State employment office. The State made clearance, and then I worked with them when I arrived there, and I had definite forms to be filled out in case the men were interested in working. I spent some time in that area and signed up 350 workers that expressed an interest in picking apples and signed the form stating that expressed an interest in picking apples and signed the form stating that we were willing to come up, and they knew all the situation of the job, what the food bill would be, what the camp facilities were, what the job was specifically, and what they would possibly make if they would apply themselves.

Just before leaving that State, I lined up a bus service at Baton Rouge to bring these people to Inwood to the National Fruit Growers camp. However, they weren't to be loaded until 10 days after I left. I had to be here Friday, but I wanted to be close to the time, and then not leave too much time before we loaded them on the buses to bring them to the job. We had to have a little time and this was 1 week and it was under the supervision of the employment people to go around to the different little towns—Church Point and Franklin. There were about eight towns in the south central portion that these men were to report to. The bus had driven approximately 200 miles and had gone through 4 towns when I received a call from the employment officer saying, "What do I do? Out of the people that you were supposed to be getting on the bus I now have two workers on the bus." This bus company wanted to know who was going to pay. The employment man in that State checked with other officers in charge of the arrangements. Out of the 350 I was going to have 2. You can't run a bus from southern Louisiana up to Inwood with two workers. But the company had to pay $150 to that bus company. After spending 10 days down there, and the help was to be available, and the help was there, I never have gotten a reason why the people didn't get on. I ended up with no help from that State for the individual recruitment last year.

Mr. Schwengel. How long is your apple picking season? How long have they got a job?

Mr. Slonaker. We tell them from 8 to 10 weeks. From the first of September we will go until about the 10th of November, so that is a period of about 10 weeks you can expect to work.

Mr. Schwengel. How much can a workman make during that period?

Mr. Slonaker. I was telling those people down there, "You people with no experience, healthy, fit, and able, and big enough to carry a 10-foot ladder and pick the fruit like we instruct them—In other words, there are very little instruction that they would have to follow, and I have to tell them they should be earning at least $60 per week for 5 days a week.

Mr. Schwengel. What does it cost them to live?

Mr. Slonaker. I had a catering service in from down in the State of Florida that fed them three square meals per day for $1.75 a day, and these are well-balanced meals. That was the only expense they had, and it's good eating. On Thursdays they would be served fried chicken and two vegetables and coffee.

Mr. Campbell. I don't know if he is from Tri-County Camp, but I would like to say something about Tri-County Camp. I am just a laborer myself, but I have a great interest in meeting strange people, so I personally went down to Tri-County to meet these Bahamans and in fact I hauled several of them to town in my pickup truck, and I was talking to about three of them and the boys told me that they averaged $20 a day, if they were willing to work.

Mr. Schwengel. If they are good and willing to work?

Mr. Campbell. Yes, willing to work just as he stated. They all told me they give them three good meals a day. They all seemed well satisfied with what they were getting paid. They all seemed satisfied with camp, but just as one, I think Mr. Hehle said my personal experience, and I think they indicated to him. I have three boys, and I have done my best to encourage them to work, and they are working small jobs. They are under 20 years of age. When Mr. Furror, who is in the cherrypicking business, came along, the boys all ran out there to pick cherries. Two years ago, I believe it was, his peach season came, and the boys wanted to pick peaches. They went out and asked Mr. Furror. I want to try to teach them to do something on their own, and so they asked Mr. Furror about picking peaches. He said to them, "I'm sorry, I am not able to hire you. I would like to hire, but I am not able because I am forced to sign a contract with the Bahamas." In other words, not to hire anyone else. Now, I have three boys that cannot get a job, cannot pick up a little money due to these contracts. Now, I don't know who is to blame for this. I think a person who is willing to go to work should be able to.

Mr. Hehle. If he reported there, there is a standing order at this employment office. I have always had a standing order in there at harvesttime any able-bodied person that wants to work, and says he can or is willing to try to pick fruit, to send him to National Fruit, he has a job. Whether he stays depends on him, but I have put up a standing order there and in Jefferson County that is there at all times.

Mr. Schwengel. Could they have made such a contract with an individual grower?

Mr. Hehle. No, sir. They must deal through us.

Mr. Schimmel. The gentleman who was doing the hiring in that particular instance was deliberately misleading the boys?

Mr. Hehle. Definitely.

Mr. Schwengel. How old were these boys?

Mr. Campbell. He was 17½, and he was bigger than you are (indicating Mr. Toam).

Mr. Schimmel. Is there an age requirement for these jobs?

Mr. Hehle. In the State of West Virginia all your workers must be covered with workman's compensation, and you cannot cover them under age 18.

Mr. Schimmel. During the Appalachian hearings we heard a great deal of talk about unemployment directly due to the coal mines having closed, and of course, this entire State is a depressed area. What about the labor market here? Is it because the people are still under the unions, and the unions don't want to let go, and the labor cannot be moved from one area to another?

Mr. Hehle. That is the question I brought out awhile ago. They will not move. You cannot get a coal miner to do anything but mine coal.

Mr. Tabb. I am a dairy farmer, and I tried to bring some of those fellows in to help me on the farm. I brought about 10 that had been in the coal mines, and out of the 10 I had 1 man that stayed, and he is an excellent farmer and made an excellent hand. But very few of them will stay because their families are not there. If your wife wants to go back there, you just cannot keep traveling on the road. They are dissatisfied, and what we did was to give my fellow a couple of weeks off to take his wife back, so she could see her people and be satisfied. They would be all right.

Mr. Schwengel. Let me ask a question here, because I have been involved in the District of Columbia taking me into the public school and into contact with the faculty members. I sit down with the faculty members, and the majority of these are Negroes, and we talked about this relief proposition in the District of Columbia. I was surprised to have these Negro educators tell me that the laws have to be changed so that every able-bodied person, if able to work, would be forced to work for his relief check. This came from Negro leaders. I throw this out, because it was a suggestion from them, and this would force these people to gain self-respect. I just throw this out for consideration. I wonder if you have any observations, and if this could relieve your situation—if the Government changed its policy on this.

Mr. Hehle. This goes back to what I mentioned awhile ago. When we made the trip to Bluefield, Welch, and Beckley, it was into the biggest coal mining area. I might add that while we were there, we passed a Montgomery Wards store and chatted with one of the salesmen, and they had three or four boats in the back of the store which ran about $2,000 each. Then between Welch and Beckley we passed a small coal mining area with a lot of shacks, but in front of one there was a similar boat and three brand new automobiles. That is the way the people live, and I have done a lot of work in the southern part of West Virginia. When they are at their best in earnings, they would not go out and buy maybe one pair of shoes, they have to have three or four pair of the finest shoes you can buy.

Mr. Schimmel. In other words, you feel that these people should do some sort of work. That they have to do something whether it be for the city cleaning streets or anything like this, which would certainly be in order for them to get their relief checks, that they should make them do at least something, if they are able bodied anyway?

Mr. Schwengel. If we liberalize the laws so that these people could come off and could go on the relief roles more easily, would that solve your employment problem?

Mr. Slonaker. There are people in this county alone at the present time on this relief program. They are paid $1 an hour, if they work. If they cannot, they still get it. If they are sick, or if they have other things to do, they are not docked for it. They are working for the State roads in this county. They get free medical and dental work for themselves and all their dependents, and they get eight cents a mile to travel from their house to the field office.

Mr. Schwengel. Is this Federal Government money?

Mr. Slonaker. Federal Government money and the State.

Mr. Schwengel. There are 175 able-bodied men on such a program?

Mr. Slonaker. I talked to the superintendent, and he tells me able-bodied men on this program in this one county—Beckley County. Now, that would not provide enough labor to pick all the apples, but it would sure help. Last winter I was in the employment office, and I told them at the time that I needed men to prune apple trees, and I asked him if he had some men. He said, "No, however, if you will agree to pay $1 an hour I can send some of the men who are on this program. I can insist that they apply for this job." I said we do not pay but 90 cents an hour. This is the going rate for fruit growers, so we will be going against other fruit growers, if we agree to the $1 per hour. But after talking it over with the company, we decided that since we do not furnish them housing, we could pay $1 per hour. So we offered $1 per hour, and told the men to come out. There was a job available. There were 10 men available, and we hired all 10 of them. Out of the 10, only 2 came to work. Those two worked for about 5 days. I personally knew these two boys. They were qualified orchard workers.

Mr. Schwengel. Have you been able to explain why they feel they are better off not working?

Mr. Slonaker. I can explain why. Just because the $1 an hour is clear money. When they work in the orchard, a man can make about $60 a week, when he is going to make $40 by not working. Now we provide better housing than he has, but he is not interested in that.

Mr. Schwengel. And he has free medical and dental care which he would have to pay for, if he worked for you?

Mr. Slonaker. Right. We try benefits and look after some of their problems with the families. We have group insurance. But this is not giving completely free medical and dental care.

Mr. Teague. Getting back to the Appalachian bill, the administration sent over a number of people to testify in favor of the bill before the Public Works Committee. One of the administrative decisions, it was brought out in testimony, which might be made upon passage of this bill is that no industries or corporations will be allowed to move into Appalachia to take direct advantage of the Federal grants-in-aid. The next step might be an administrative decision which would prevent new individuals being brought into the area for the use of industries there receiving any Federal assistance. If the fruitgrowers are receiving any type of assistance, this would probably put the growers in a very bad situation, would it not?

Mr. Toam. We are going to have to get even more help from some other source, because the harvest in these areas is going to increase by 1970, and the problem is going to get more intense.

Mr. Schimmel. Before we leave this, what, as far as the provisions of the bill, are the provisions that you feel would be beneficial to you?

Mr. Toam. I am not that acquainted with the bill.

Mr. Schimmel. What about the pasture improvement section?

Mr. Toam. My people are strictly fruitgrowers.

Mr. Schimmel. You are aware that the bill envisions bringing 9½ million acres into production as pasture land. You have more beef production than you can handle. If that is true, I wonder how adaptable this area is.

Mr. Toam. There is considerable beef production in this area. Now you have got to have the market.

Mr. Teague. Mr. Hehle, during the so-called war on poverty hearings before the House in a different committee from ours, Sargent Shriver testified that one of the main functions of the Job Corps would be to take school dropouts into the program. He emphasized taking some troublesome youths, perhaps juvenile delinquents, off of the streets and putting them into the work camps. I am wondering, if you had these young men, whether or not you could trust them with your materials, if these jobs were allowed to be extended to private enterprise?

Mr. Hehle. Well, that is a chance that would have to be taken, but that is one of the best parts of the bill that I can see. When I was in the CCC, of course, we had some "bad apples" in the group, but we did a good work, and it was a good experience for myself and everyone.

Mr. Heidrich. I am not here on this particular subject, but I would like to comment on it, because I am chairman of our local selective service draft board. I want to say that I disagree with Mr. Hehle. He will send 25 boys to Baltimore for examination, a preinduction examination. Probably three will pass.

Others do not pass, because of their mentality, lack of education. It's a horrible situation. Getting the boys to rehabilitate themselves is probably as good an answer as any, but I don't know. It's a waste of our people. They are not of use to themselves or to the community.

Mr. Schwengel. Is this due primarily to the lack of incentive, lack of desire to get an education? Do most of these people have an elementary education?

Mr. Heidrich. All of these boys have an elementary education of sorts. I think it is a matter for the family. They come from families who pay no attention to such. They don't think it's important. They have lost their incentive. The Government pays them $20 a month or more to the girls for every kid they have, married or unmarried. It's just a horrible situation. These boys will never be anything useful.

Mr. Schwengel. Would you say one of the greatest needs is to enspirit, motivate, and lift the sights of these people? Do you have any idea? Do you have any indication what could be done?

Mr. Heidrich. Well, I don't know. I don't know the role of the church in this. I have no idea, but I do know, I think I know, that the family has deteriorated in its method of thinking and its emphasis on work. They are handed too much without any effort on their part. There is no incentive to have their boy, I'll say, be able to earn himself a good living.

Mr. Schwengel. Would a program by the Government training these people who are on relief motivate these people? I get the idea from these people that I associate with, that probably that would help. I have had the top Negro teachers say that one section of the District of Columbia needs a night school to teach them how to be parents. Would this be a legitimate objective of the schools? I think myself—I came from a family which was of German background. My eighth-grade education was enough, and if I got any more I had to get this myself. I remember very well two teachers who sat down with me periodically and said, "Look, have you thought about this? Are you going to college?"

Mr. Heidrich. Although education has some bearing on it, I think this is mostly a family thing.

Mr. Tabb. This has gone on through generation after generation. They can get money without work. They apparently have done it, and think it is honorable. They don't think its a disgrace to be on relief.

Mr. Hehle. Following through on this point, not too long ago, a couple or 3 months ago, a schoolteacher told me this. In his classroom two boys he could not get to do anything—they would not follow instructions, would not study or anything. The teacher said to them, "Don't you want to be able when you grow up and start earning a living to be able to figure out how much you are going to have taken out in income tax and how much the employer is?" He said the boys answered, "I don't intend to work. I am going to be on the State, the way Father is." This is a problem that started some time ago.

Mr. Heidrich. This is not an odd situation. Find a remedy for a situation, and the remedy creates another problem.

Mr. Teague. Is anyone here from Virginia? Last year they supposedly had a $57 million surplus of State funds. Could there be a way to use these State funds before resorting to Federal funds?

Mr. Toam. First, there is not a $57 million surplus. It's closer to $11 million, because a good portion of that is on a contingency basis which immediately affects other appropriations. This is a political year. We work on a biannual basis. I think the closer you keep it to home the better administration you have and the more you get for your money.

Mr. Schwengel. We have a gentleman from Pennsylvania here. What has been your experience?

Mr. Schall. On this particular subject, I think our Governor stated before your committee, and we can concur in what he said to you. But we have some objections to the

Appalachia plan in addition. I do have a short statement here. Would it be appropriate here? I think the best thing to do is to briefly run through this statement:

"POLICY STATEMENT CONCERNING APPALACHIA BY PENNSYLVANIA STATE CHAMBER OF COMMERCE

"The State chamber supports the parts of the President's Appalachian Regional Commission (PARC) program which assist private, local, and State efforts toward regional development. However, it opposes the parts of the program which increase Federal ownership or control of resources or tend to discourage private, local, or State effort through Federal domination.

"The chamber believes that the useful portions of the Appalachian program can be fully implemented by existing Federal agencies. Creation of a new Federal commission, of a new Federal financing corporation, or any additional level of Federal bureaucracy is unnecessary and harmful. Additional governmental structures would not improve existing or proposed programs and would certainly cause Federal domination in essentially State and local affairs. Proper coordination of programs for the Appalachian region could be obtained simply and effectively by a Presidential assistant working with existing agencies.

"The chamber gives qualified approval to the proposals for construction of a highway system for better access to the Appalachian region as suggested in the PARC report. Although such a program is in keeping with traditional functions of government, care must be exercised that proper standards are established. Design criteria for each State should be adequate to insure that the new roads withstand heavy loads of industrial and commercial products. The design criteria should be no less than the standards in effect in each State at the time the roads are constructed. In addition, location criteria should be reevaluated in the light of local needs. Legislation providing for the Appalachia program should set forth (1) the number of miles of development and local access roads to be constructed in each State; (2) the Federal-State matching ratio to be in effect for each State; and (3) a specific but equitable formula that will distribute the annual Appalachian highway appropriation among the participating States. Also, the legislation providing for the Appalachia program should be flexible in assignment of mileage and funds between development roads and local access roads. However, the State chamber opposes the use of general revenues of the U.S. Treasury to construct highways. The Appalachia highway program should be financed by highway funds. With these qualifications the highway program should aid Pennsylvania's economy by increasing the mobility of its citizens, facilitating commerce and stimulating tourism.

"The State chamber approves much of the water resources program recommended in the PARC report. The suggested programs aimed at flood control, reclamation and navigation are a proper responsibility of the Federal Government. However, sewage treatment and prevention of stream pollution are primarily matters for State and local action, and Federal assistance should be given only at the request of State authorities. Moreover, water resources projects should not include uneconomic production of hydroelectric power. Where power can be generated economically at such projects as a byproduct, the power development should be financed by private investor capital and should be owned and operated by private enterprise upon payment of proper costs and license fees to the Government.

"The natural resources proposals in the PARC report are given qualified approval by the chamber. Many of the recommendations concerning agriculture, timber and minerals, including coal, provide for valuable research and technical assistance. More intensive management of existing public forest land for multiple use, as proposed in the PARC report, would have direct beneficial impact on the Appalachian forest products industry and communities dependent on that industry.

"Other parts of the natural resources proposals are objectionable. The proposed agriculture program unwisely provides a substantial possibility of Federal subsidization of uneconomic land use and of perpetuation of the conditions intended to be remedied. The proposed timber development organizations are objectionable because they are unnecessary and would create federally subsidized competition with existing private organizations. The State chamber is opposed to acquisition of additional lands for the national forest system. Public land ownership of forest land in Pennsylvania already exceeds 20 percent. With reference to the minerals portion of the report, the chamber believes that technological advances creating a potential increase in the economic use of coal, by means of large-scale mine-mouth electric generating plants and extra high-voltage long-distance transmission lines, are already being fully utilized by the investor-owned electric companies. Hence, it believes that Government owned or financed power facilities are neither necessary nor desirable.

"The chamber opposes the PARC recommendation that studies be made of mine-mouth powerplants and related hydroelectric projects because such studies would unnecessarily duplicate the national power survey now being conducted by the Federal Power Commission. The chamber expresses concern in light of recent statements by President Johnson, Secretary of the Interior Udall, and other program sponsors that the PARC proposals concerning water resources, minerals, and power might lead to the establishment throughout Appalachia of a Federal electric power empire similar to the Tennessee Valley Authority. The chamber points out that Government subsidized electric power is not an important factor in attracting new industry or stimulating the economy of a region. After 30 years' operation and an investment of $2.3 billion in the power facilities of TVA, most of the counties served by the TVA are listed as distressed areas where Federal assistance is urgently needed.

"The chamber gives qualified approval to the human resources recommendations of the report. While proposals for training, vocational rehabilitation, and health and welfare services are within the proper sphere of governmental activity, the chamber believes that control of these activities should be placed at State and local levels of government. It does not believe that existing Federal programs such as the Vocational Education Act of 1963 and the Manpower Development and Training Act should be expanded as proposed until those programs have been properly implemented and actual experience under the programs have been evaluated.

"The chamber recommends that basic responsibility and leadership for industrial, commercial, and community development activities remain at the local level. In keeping with this, the State chamber has encouraged such activity as its community development contest and other programs. The chamber recognizes that some State aid is necessary for these activities and that Federal research and technical assistance are beneficial. PARC recommendations fulfilling these functions are endorsed.

"Expansion of Federal programs like the Area Redevelopment Administration are centralizing control of community development at the Federal level of government. Achievements of these programs have not justified the Federal expenditures involved. Moreover, these programs are causing local government to become increasingly dependent on Washington and are discouraging local initiative.

"The chamber believes that a number of the PARC recommendations offer hope for alleviating some of the economic problems existing in portions of Pennsylvania. It urges that the PARC programs be confined to operate within the traditional framework of the American political and economic system. If this is done, they should serve a useful purpose."

(Statement attached at end of testimony.)

Mr. Teague. During the public hearings before our committee on this bill, we did not have one person come before us in opposition to the bill. After we closed hearings, we began receiving from the National Association of Manufacturers, the U.S. Chamber of Commerce, and so forth, a great number of statements to be placed into the record in opposition or with reservations to the bill. Do you have any idea why people did not appear in opposition?

Mr. Schall. I think it was a matter of time. We had a lot of work up there, and before we knew it, your hearings were finished. This is the first chance we have had.

Mr. Schwengel. We are very glad to have this statement.

Mr. Schimmel. I was thinking, as far as I noticed, you mentioned the employment section. As far as the Pennsylvania Chamber of Commerce is concerned with regard to Pennsylvania and the sections of the State in Appalachia—do you not believe the pasture improvement section in this bill would be beneficial or would be of any great help to alleviate the conditions in the farms that exist in your State?

Mr. Schall. I believe the people in the farming community will submit data which will support your position.

Mr. McQuilken. I am a beef cattleman in this area, and I would like to object to this portion of the bill myself. The reason I object to it is our market is depressed right at the present, and if you, as stated in this document—if you further list nonprofit land as you have done in the past, as has been done in some other conservation programs, and more cattle are produced, our market will slip further.

Mr. Schwengel. As a beef producer, how large an operation do you have to have to make it profitable?

Mr. McQuilken. I don't know. You have to carry 200 or 300 head. You have a cow-calf operation, but it's not where do you get your feed. I produce most of my own feed.

Mr. Schwengel. Unless you have an operation where you have at least 200 cows?

Mr. McQuilken. You have to have at least this to make an ordinary living or exist.

Mr. Schwengel. Now if this bill is passed in its present form, and Section 203 is left in it, what would be the average size of the farm?

Mr. McQuilken. It would have to go up. I could not say. I would just be guessing.

Mr. Schwengel. (To Mr. Heidrich) Now I would like to ask you a question on another part of this bill. The Soil Conservation Service proposes to complete all the watershed projects in this whole Appalachian region in 10 years. Now I like the idea of completing watersheds, as soon as we can, but is it feasible and practical to do these? Could you complete the watersheds in 10 years, if we passed this bill?

Mr. Heidrich. In the first place, let's start back with the Potomac watershed development program that the Army Engineers studied for so long and made the recommendations with which I disagree. There is part of the upper watershed that I have been interested in and concerned with and worked with for almost 20 years. I am on the State committee that has to approve all of these projects or disapprove them. They are worth while. They are done and paid for by local money and government money, Federal money and local money, the people and Federal money. Controls of the entire project are in the hands of local people. That is what I like. There is one thing about it I don't like.

Because of the cost-benefit ratio some of these structures, just to cite an instance, a 2,000-acre-foot reservoir will be put in that should have or is naturally equipped for a 20,000-foot reservoir. We are wasting good reservoir sites with small structures. The reason is the cost-benefit ratio. Now in our State we have almost innumerable sites where we can and could benefit from the public recreation water supply. So far these sites are being wasted. Allow us to put in these large reservoirs. So my recommendation would be that some means be found. If you are going to put in small reservoirs make them large enough, so they can be increased in size later when it is warranted that a bigger body of water should exist. These reservoirs are put in primarily for flood control, and for that reason they have flood retention pools, so that when you have a heavy rain downstream they will retain the water. My recommendation is to make maximum use of this situation.

To answer your question of 10 years, yes, I think we can complete this program in 10 years, if the funds are found for the engineering. The funds should be assigned to the Soil Conservation Service for their upper watershed program. Another thing I want to advocate, and these are not all my personal opinions, these opinions I am reflecting are from the State committee. A primary goal of course is to have no structure be built unless the above land is first protected. Now that is one of Representative Ben Jensen's primary ideas. The reservoir sites are available, and they are not too numerous.

A big objection of mine to these Army Engineers structures on the Potomac River plan is that their life expectancy is too short. It should not be completed on the main stream, until the upper stream is taken care of first. No Army engineering structure should be planned, until the upper watershed is completely protected. For two reasons: one, the site will spill over and be gone forever. Two, the Engineers' data necessary to complete these dams change as the upper watershed is completed. If they take care of smaller dams, these can be made later. Now I will not say that these structures are not necessary. They are. It's foolish to say they are not. They should be in context with the entire watershed above them.

Mr. Schimmel. As far as Soil Conservation Service in West Virginia is concerned, as you are familiar with it, under existing authorities and under existing provisions of law, if the funds were made available, you could go ahead and get the job done without such circumstances such as pasture improvement sections, although it still puts pastureland into production for soil conservation purposes—supposedly. Would this be an integral part of any such program or would it merely have to be altered by ACP, or SCS would have little to say about it in such a manner that would not necessarily coincide with ACP's plans?

Mr. Heidrich. Are you talking about agricultural conservation program officials?

Mr. Schimmel. Soil Conservation Service and ACP both.

Mr. Heidrich. To begin with you are confusing ACP and Soil Conservation. That is no longer true. We work together. Rarely is there any conflict anymore. It is an integrated program, and both are respected by the other.

Mr. Schimmel. Again, with the failure in Iowa for the ACP and the SCS to work hand in hand, if that situation exists here.

Mr. Heidrich. It could occur. The ACP and the PMA, although the PMA was first organized, and then when it was declared unconstitutional, they swung over to conservation. This philosophy is a little bit different and you cannot carry water on both shoulders.

Mr. Schimmel. One of the biggest problems we seemingly encounter in Iowa too often is ACP money supposedly for soil conservation which the SCS administers not being utilized specifically for that purpose.

Mr. Schwengel. Let me go back a little to this cost-benefit ratio. I know this is an important factor, and I suggest, this is part of the problem. Do you agree with some of us that maybe we ought to review all these costs-benefit factors to see whether or not we are taking into consideration all the benefits from it?

Mr. Heidrich. I most certainly do agree.

Mr. Schwengel. I say that because we do not consider the hazards of the silt in the river. The silt when it comes down the river becomes a hazard, and it makes it more difficult to clear up the streams. It is a costly thing.

Mr. Heidrich. I will agree with you on that. I will agree that cost-benefit theory should be reviewed. If we put an upper watershed, right here we have seven up there, we are not allowed to take into account the benefits outside of that stream's benefits. Even if it goes all the way down to Washington.

Mr. Teague. In the majority report on the Appalachian bill, the majority stated that one reason why the Appalachian States were lagging behind the rest of the Nation in watershed development under Public Law 566 was that those States do not appropriate sufficient funds for matching the costs. The Appalachian region has received only 7 percent of the total nationwide Public Law 566 Federal funds, even considering the fact that Appalachia is the place where many floods on the Ohio and Tennessee Rivers begin. If the amount or percent of matching funds was revised to, say 80 percent, would this benefit West Virginia to any great extent? Could you build more structures then?

Mr. Heidrich. Yes, plenty of them.

Mr. Teague. A change in the law would be beneficial then?

Mr. Heidrich. Yes. It would let us take advantage of the proper cost-benefit ratio. You really wouldn't need any more Federal funds.

Mr. Schimmel. I would like to ask Mr. McQuilken a question. Under the pasture improvement section of the bill, they are going to give pasture improvement for 25 acres. What effect would this 25 acres have to a farmer of the average cow-calf manner in Appalachia?

Mr. McQuilken. Well, that's kind of difficult to answer. I mean it would benefit for a short period. But that stimulation would be over, if you are going to depress in the end. Why build it up to depress it?

Mr. Schimmel. It would be a short term thing. It would build them up and then leave them right back where they started?

Mr. Love. My name is Love, and I live in Jefferson County. I raise approximately 75 beef cows, and it looks like to me as though it just is a useless program. There are acres and acres in Jefferson County that are already cleared and is not suitable for our modern type of machine which in addition could be converted from cow-calf operations and would remain permanent. The soil is of the type, if you give it some benefit from fertilizer and liming and so on, it would remain there. They are talking about rehabilitating, and the land cannot possibly remain profitable for a man to make any living off of, because it will be of such that it will cost an enormous amount. To make it profitable it would have to have from 300 to 350 acres to carry on a good cow-calf operation and operate it efficiently.

Mr. Schimmel. What would be the average size farm to take advantage of that?

Mr. Love. Well, because I am not familiar with that area, but I would say if you got a hundred acres you would be about tops. Then you would have a very uneconomical operation. You don't have an area like that to operate a cow-calf operation and make anything out of it on a hundred acres.

Mr. Schimmel. And you said that you have thousands of acres in this area that could be easily produced or converted into pastureland.

Mr. Love. Well, I don't know for sure, but I suppose possibly there is a thousand acres without any trouble in Jefferson County that could be converted to it.

Mr. Schimmel. What would be the cost to the Government?

Mr. Love. I think if the market would be brought up to where it's a profitable operation, because certainly it's a much easier way of making a living off of that ground than it would be to try to farm it in grain crops because your cost of machinery and maintenance and all that sort of thing goes terribly expensive today, even if you are able to do a lot of it yourself, or even if you have to take it to somebody to repair it. It gets expensive when you total it up.

Mr. Schimmel. Mr. Fisher, I would like to talk to you because I understand you have to leave at noon.

Mr. Fisher. I am Ralph Fisher. I publish a weekly newspaper in Hardy County. We have one-seventh of the agricultural land in production in the State of West Virginia. Primarily we are cattle and poultry, but our poultry raising is going downward due to the fact that our poultry industry was developed back in the late thirties and forties and consisted of farmers who constructed broiler houses and produced from 15,000 to 35,000 broilers, and it was a wonderful thing for the area. Of course, at that time chickens were selling for about 50 cents per pound, but the most lasting, permanent benefit we got out of it was chicken manure. However, at one time we had 6 million broilers, and De Gaulle clamped down on the duty on the broilers on the Common Market. It hurt us a great deal. We don't buy French products anymore. As I see it, the best thing we can get out of this Appalachian development would be some method of financing our small farmers to build an efficient operation, where they could raise somewhere in the neighborhood of 10,000.

Mr. Schwengel. Have you investigated whether or not you could go to the Small Business Administration or to Farmers Home Administration for money to do this very thing?

Mr. Fisher. Well, it's a matter of time. We are on the dry side of the Appalachians. Last year we had a very bad drought, and I think only 8 inches of rain. Financing under ARA or the RAD are so cumbersome, our people simply get discouraged. We have three industries now trying to get money, and supposedly we are a depressed area. We haven't got any place.

We are not in the proposed highway program, although we have one of the most scenic sections of the entire State, and I don't know what or why they just seem to bypass us. We also have one of the best flood programs in the Nation with a series of 23 proposed dams and 11 of them are finished. We think they are wonderful for the simple reason of our protection from floods is very evident with just the use of half of these dams. They are all small watersheds. I think the entire project is only $5 million and the two counties put up $60,000, and the State contributed through moving operations on the dams and so forth.

We have three projects we would like to help on. One is a manufacturing operation, a processing of poultry, and the other is recreational. (The third apparently was not mentioned by Mr. Fisher.)

It's been in the mill for almost a year, and nothing has happened. Well, we get tentatively approved, then nothing else happens. We are sort of bewildered there. There is one thing I would like to question you, we have a gas dome in our area. We have two of the largest wells in the State, both of which happened to be drilled by the United Fuel & Industry. It's a subsidiary of another firm. Now we cannot sell this gas to their own company.

Mr. SCHWENGEL. How much closer are your wells to the ultimate consumer?

Mr. FISHER. Well, they are now pumping it all the way from Texas, 1,100 or 1,200 miles. There is a 9-mile pipeline that has to be built to the pumping station from the field. They have got all the rights-of-way. Everything except the ICC permission. They won't permit them to put that line down, because that comes from them—the gas that comes from them is owned by the parent company which has this Big Inch line.

Mr. SCHWENGEL. It would be quite a shot in the arm for this area.

Mr. SCHIMMEL. You said your county was quite an agricultural center. You mentioned poultry and beef cattle. Are these mainly cow-calf operations?

Mr. FISHER. Feeder calves. Of course, the pastures have burned up which contributed to the depressed market.

Mr. SCHIMMEL. What approximately would be the average size farm in Hardy County?

Mr. FISHER. It would be meaningless, if I told you, because you have valley farms which seldom run over a hundred acres. Then you have your hill farms which may run five.

Mr. SCHIMMEL. You said you have got quite a big watershed program in the county, right now?

Mr. FISHER. It's been going on for 3 years.

Mr. HEIDRICH. I would like to comment on that. You mention two projects: One roads and one recreation—vacationers' money. These are dams that they put in for ultimate watershed projects. Very little more expenditures to make them into real ponds for recreational purposes would have done more good for our community than anything I can think of. In the places where they put in the bigger dams down South, the vacationers are flooding there and spending their money. The same thing could have been done here.

Mr. SCHWENGEL. I would like to get back to the question of engineering. You would get the engineering done to complete the watershed in 10 years. We just do not have enough engineers, and I think also that there is some feeling in the Department of Agriculture that we do not have our sights high enough. Some people in the Department agreee with you that these small dams cannot be bigger and better dams unless we build a bigger program.

Mr. HEIDRICH. In the first place, you have an acre-foot limitation. The acre-foot first should be raised.

Mr. SCHWENGEL. To what height would you raise the acre-foot limitation?

Mr. HEIDRICH. 20,000 acre-feet would cover almost all the sites that I am familiar with.

Mr. TEAGUE. There is a bill, H.R. 9938, before the Senate, already passed by the House, which would raise it to 12,500 acre-feet.

Mr. SCHWENGEL. That would give you a very fine working arrangement and increase the efficiency in places where you can install these dams.

Mr. HEIDRICH. I would not put so much emphasis on completing these quickly as much as I would on completing them properly. What's the sense in putting in the small dams just to say you have done it in 10 years, when they are inadequate? If you want to set your sights make it a combination program. Put in within 10 or 15 years, whatever it is.

Mr. SCHWENGEL. Do you think it would be advisable to set up a special high level study group to look into this? I am talking now about soil conservation.

Mr. HEIDRICH. Sir, I believe all of the surveys have already been made. All the data are in. All you have to do is just look at it. The Department of Agriculture could study this. As far as the scarcity of engineers, there is a scarcity of engineers and the Department should try to induce more young men to take up this career. The colleges are putting them out, but because of the competition of the industries, they do not go into this work.

Mr. SCHWENGEL. Now I would like to ask you about another problem. We have found in Iowa that there is a problem of educating the people who own the land on the importance of conservation, preserving the soil. Do you have this problem?

Mr. HEIDRICH. Yes; it is a universal problem in this country.

Mr. SCHWENGEL. Well, how do you get the landowner to the point where he will listen to you?

Mr. HEIDRICH. Well, it is improving, but his land is only one of his problems.

Mr. SCHIMMEL. Mr. Fisher, do you have anything more to say since you indicated you will not be here after lunch?

Mr. FISHER. Mr. Harper does. He is a farmer in the area.

Mr. HARPER. I am W. C. Harper from Moorefield, W. Va. Speaking about educating the people and educating the parent, I think we should educate the people in charge of the relief and unemployment programs. I think they are the ones who need a lot of educating, the unemployment especially. We have had so much trouble with that. A fellow can work a period of time then quit with no trouble at all and go draw unemployment. The manufacturer will encourage it, and tell them how they can get by and draw unemployment without working.

Recently, we had a girl quit the store, in fact we have had two quit, just because they don't like to work. But they can draw unemployment. They can be penalized 4 to 6 weeks, but then they can get back, and I have to protest and go before the board each time, and it takes me about a day to do this, and most employers won't take that time to go.

Mr. SCHWENGEL. You have to testify? Can't you merely write a letter confirming the position? Shouldn't that satisfy them?

Mr. HARPER. It should, but it will only last for 3 or 4 weeks.

Mr. SCHWENGEL. Instead of personally testifying, could you send a letter?

Mr. HARPER. You cannot even send a lawyer. You either appear, or your protest is overlooked. This draws money from the unemployment fund that you help build up along with the work.

Mr. SCHWENGEL. If the laws were changed, if the unemployment laws were changed so that the check would show that something is put in the unemployment compensation fund, do you think that would change his attitude toward that?

Mr. HARPER. Yes, I do. Maybe then he would realize, you don't get things for nothing.

Mr. SCHWENGEL. If the employee could be made to feel that when he takes money from that fund unjustly and his colleagues could realize he is doing it because he is doing more—he is taking it from the fund.

Mr. SCHIMMEL (to Mr. McQuilken). Would 25 acres pasture assistance be of any help to cow-calf assistance?

Mr. MCQUILKEN. Well, I don't know. I wonder why the average taxpayer should help me.

Mr. SCHWENGEL. Getting back to this conservation. This is a very special interest of mine. I have a group in my staff who help me with legislative matters, and in recent years have been working on soil conservation, and we have gone into all counties in my district in Iowa to study the problem. They are sincerely trying to find a way to solve the problem. They have come up with an idea of giving a bonus for a person who completes his watershed. Would such an idea help?

Mr. HEIDRICH. You mean giving a bonus for the completion of a watershed?

Mr. SCHWENGEL. This would be done through rearranging the schedule of payment.

Mr. HEIDRICH. It would draw a bigger participation. That is a problem. I am not sure. I would like to study that a little more.

Mr. SCHWENGEL. I would like to have you give this some thought, if you would. If you agree with me, you might suggest such a schedule.

Mr. CHARLES. My name is Charles, I am from Martinsburg. I am a fruitgrower, small by comparison, but I listened with interest, and I would like to add that most of the farmers' biggest problems today in this area is that we don't have enough people to get in this area. If our State could have some better way of moving these people. Every time we go down to get apple pickers, we talk about, "Don't you want to come up and live?" In most cases I know very few who have really taken us up. If we could have a positive program. This retraining program, in my opinion, is a boondoggle, a way of getting money to people who apparently need money.

Mr. SCHWENGEL. Your idea to get people to move is a very excellent one, and my committee did not do what they should have done from the very beginning. That is to come to people like you to hear your testimony to learn about the problem at this level and to get your views. I do this at home in every county and spent a full day or two or three to hear the peoples' views and problems.

(The session adjourned for lunch at 12:25 p.m. to reconvene at 1:30 p.m.)

Mr. SCHWENGEL. The meeting will now come to order. I yield to Mr. Heidrich.

Mr. HEIDRICH. Let me start off by saying that I in no way object to the Appalachia regional program as such. I think it's justified, because if you have one section of the country it's going to affect the entire country. It is a matter of public concern to do something for this region. The only thing I would question are the methods and the care taken to assure that the ultimate results are what you aim for. I reflect the views of the State soil conservation committee. I reflect the views of the State Secretary of Agriculture, Mr. John T. Johnson, who is ill and cannot testify. If he had not been ill, he would have been here or sent a statement. A little on the SCS proposition. We are not, and I am speaking for the committee and for myself, we are not in favor of any such extension of authority. I don't care whether it is a river valley authority or the SCS or TVA, as the gentleman from Pennsylvania (Mr. Schall) pointed out as now listed as a depressed area despite the billions of dollars. I do want to emphasize that there are two things that would help us. One is an extension of the upper watershed program to the point where these could be used for recreational purposes. Second, that we should have roads coming into this State from the metropolitan areas. The mountains are holding the people back now. Limited access roads and good access roads within the State, I think would be of great benefit to the whole Appalachian region, especially when they are near the centers of population, such as Washington and Baltimore. I think that would help.

Mr. SCHIMMEL. We were talking about something coming back from lunch that I would like to discuss further with you. We were talking about the mining operations constructing steam generating plants at the mouths of the mines. This bill, as it is originally drawn, left some doubt or some leeway in which one could construe that the Federal Government was going to come in and construct some steamplant or something and under some of it and we considered wide-sweeping authority. This bill constructs some powerlines, and we finally got an amendment into the bill that prohibits the Government from building any steamplants in the area, so I think we have stopped any development toward the TVA. At least what we can see in this bill right now.

Mr. HEIDRICH. In that respect, I don't think the people of West Virginia, in my opinion and I will say an overall opinion of the people of this State, by any means plenty of people in the State who like to see governmental money come in for steamplants and power transmission purposes, figuring it as an opening wedge. They are the people that would favor the TVA type of affair. The majority would not. The people I am associated with would not want that. Plenty of private money for it through private enterprises. I don't think that any Federal money is necessary for any such approach in the Appalachia region.

Mr. SCHWENGEL. One reason you take that position I think is the basic philosophy you have with this TVA authority. They come in and take over the soil conservation.

Mr. HEIDRICH. I would consider that one of my selfish interests. Whenever you have government money under a program of that type, people lose their say over local conditions.

Mr. SCHWENGEL. That is a very good solid point. This has a lot more importance than people realize. You turn the power interests over to a quasi-government interest and not even quasi-interest sometimes.

Mr. HEIDRICH. You have the expenses with the railroad, you have it with the TVA now. It's not making money.

Mr. SCHIMMEL. One thing I was going to ask. We have had at different times great many comments about the Great Plains conservation program. It is a closely coordinated program. Do you have any comments about that?

Mr. HEIDRICH. It's closely coordinated in this respect. It applies to the problem. You have a region with a special problem and everyone got together to solve it. They are working together. The Great Plains conservation program is one of the finest.

Mr. SCHIMMEL. Could such a program be adopted for Appalachia?

Mr. HEIDRICH. Probably with proper preparation, yes. There is a need for it. If it is dumped cold into the lap of the people, however, I think it would be a horrible failure. I think with proper preparation and understanding by the people in the area, I think such a program would be of benefit, but not parallel other programs. They can all be coordinated and do the job. Yes, I think so. May I also mention this, that I mentioned before about this center for the development of small fruits and berries. The Beltsville station has recommended to the Congress that small fruits and berries experimental farms should be established in Appalachia. I believe they favor some region right around here, somewhere where it is mountainous. This area around here is typical and still near Washington. They want a plot of ground and enough money to develop species of small fruits that are applicable to this region. We mentioned the trouble with the apple harvest. They want to develop a type of apple tree that lends itself to the mechanized picking of the fruit which would in large measure solve part of our labor problem. It is a long-range program. It is too big for private money. I would advocate such an experimental farm for the small fruits and berries.

Mr. SCHWENGEL. Are there any plans on paper for this?

Mr. HEIDRICH. Yes, the plans are fully developed. I think Senator ROBERT BYRD even suggested an appropriation for this and did receive an appropriation for a study. I believe the plans are fully formed. This area here is near Beltsville. It could be controlled and handled by Beltsville, and it is not too far for the scientists that take care of these things. We have ample water here, and that is one thing they will need. Most of these things have to be developed with irrigation.

Mr. SCHWENGEL. You have a community that would attract people. It would be a nice place to live.

Mr. HEIDRICH. I think this is one of the finest areas in the East.

Mr. SCHWENGEL. How about your school system?

Mr. HEIDRICH. Wonderful school system, good local government.

Mr. SCHIMMEL. One thing I would like to get on the record. When was the first time you saw the report they made for Appalachia?

Mr. HEIDRICH. When did I see this Appalachia program first?

Mr. SCHIMMEL. Right.

Mr. HEIDRICH. Probably late spring, when it was in its entirety.

Mr. SCHIMMEL. In other words, you were not consulted at all?

Mr. HEIDRICH. Not a person in this State, I don't think, other than the Governor's representative in Washington, Mr. Crabtree.

Mr. SCHIMMEL. Most of the local people in West Virginia had very little to say or any influence or meaningful suggestion that in any way were included in the report?

Mr. HEIDRICH. I would say with the exception of our Representatives in Congress. They probably tried to reflect the feelings of the people.

Mr. SCHWENGEL. Mr. Heidrich, you are known to be a great authority in the field of soil conservation and highly respected in this field, and it is inconceivable to me that somebody at the Government level, and you are known and respected as Congressman BEN JENSEN so well knows to be a great conservationist. It is inconceivable that they didn't counsel with you on the watershed programs and soil conservation programs.

Mr. HEIDRICH. Well, sir, there are thousands like me over the country, and when a program like this and it is a hasty thing, they consider it sort of an emergency and probably put it together expecting it to be amended to be acceptable to people in the field.

Mr. SCHIMMEL. All I can say is that speaking as one who has been in Washington almost a year, not being too familiar with everything that went on and coming out here today has been a real revelation. Perhaps a real eye opener.

Mr. HEIDRICH. Well, these opinions of mine, they are local opinions. Not only that, I represented the National Association of Soil Conservationists in Washington for a good many years. I had a lot to do with the passage, the formulation and passage of some of our watershed and conservation measures. I think my views reflect by and large the views of the majority of soil conservation supervisors. I want to say that in the Appalachia program, you have not paid enough attention to your soil conservation districts.

Mr. TABB. I am a victim of pesticides. On March 23, they came in and checked my milk from the dairy herd I raise, and it was 0.66. I feel that instead of doing a lot of new things, maybe we need to straighten out some of the old things we have had. Because of this pesticide I was using, I am not allowed to sell my milk, but I still have to pay my high expenses. I feel that this should not be happening to American farmers. But it is happening. It's happening in Maryland, Pennsylvania and some of the other States. So I would like to see if something couldn't be done to help farmers in the situation we are in now where we can't use our feed because of the fact they are contaminated by the pesticides. What are we going to do?

Mr. SCHIMMEL. We have gotten some mail on this particular problem. This is the pesticide problem, of course. With the pesticides that you use, they were approved by the Department of Agriculture and used according to the standards that the Department of Agriculture set out for their use?

Mr. TABB. Used according to their recommendations. But now we have used this pesticide and it's in our soil and we don't know how long it will take to clear up. We have it in our streams. In fact, every stream in the Northern Hemisphere shows it in it.

Mr. SCHWENGEL. Would the completion of watersheds be a major solution of that problem?

Mr. TABB. Probably it would help a lot. I have asked for a test to be made on my farm, but I haven't got too far.

Mr. SCHIMMEL. Has the Department of Agriculture taken any action or otherwise acknowledged their mistake and tried, through indemnities, to rectify this?

Mr. TABB. Yes. There is a bill before the House now. I understand it is going to be up before very long. In fact, there have been several bills introduced. I went to Washington right after this happened, and offered my farm for research both to the Department of Agriculture and to the Health, Education, and Welfare, and the Food and Drug Administration, and I was denied. A fellow from Beltsville came out but he didn't do anything.

Mr. SCHWENGEL (to Mr. Heidrich). Mr. Heidrich, in your opinion, would the completion of the watershed by and large resolve that problem by refining the water before it got to the stream?

Mr. HEIDRICH. I don't think so, Congressman. This problem of insecticides must be resolved. We don't know how they get into the streams and it is such small quantities that seem to do the damage. I am no authority on that, but I doubt that it would clear that problem up.

Mr. SCHWENGEL. Do you think the chemicals dissolve very soon in the water, and certainly they are refined out if they go through the ground?

Mr. HEIDRICH. Ground waters are comparatively free of these chemicals but when water runs off the field into a stream, of course the chemicals go with it.

Mr. SCHWENGEL. This Appalachia bill will be before the Rules Committee very shortly, and I shall appear before the committee on this bill in opposition to it. Not because I don't want to obtain the objectives, but because I don't think it is a sound approach. I think our appearance here has confirmed my position.

Mr. HEIDRICH. Do you have any alternative plans in the process?

Mr. TEAGUE. The alternative to this is already in existence. Everything to be done by this bill can be done under existing authorities.

Mr. SCHIMMEL. I think one more point should be brought out. Throughout the hearings on the bill, time after time, it was pointed out by many of the comments that it appeared from the Commission report on the bill that it was poorly drawn up, poorly drafted, that the proper research and proper study, getting the kind of background that was needed was deficient, and I think we have accomplished one thing today. We have proven our point in that regard. If more attention had been given in the preliminary study, preliminary drafting of the legislation, and if they had come out and talked to the people at the grassroots level, perhaps a better bill would have been drawn up, and would have drawn more support, and would have been a bill that had better answers and would, therefore, have a better chance of passage.

Mr. Schwengel. Well, I want to thank you all for being here today and giving us your views. This type of approach is certainly very beneficial, and this is what my committee should have done. They should have come out to talk to the people who are actually affected by this bill. Thank you again for coming.

THE NAVY WAS READY—AS ALWAYS

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rumsfeld] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, under leave to extend my remarks, I wish to insert in the Record the following editorial of the Chicago Daily News, August 7, 1964, which pays deserving honor and tribute to the U.S. Navy, an arm of our defense that is ever ready and capable of undertaking any task it may be called upon to perform:

The Navy Was Ready—As Always

The Navy is accustomed to crises. Even as the *Maddox's* skipper, Capt. Jerome Herrick, understood exactly what was expected of him when the North Vietnam torpedo boats made their first run, so the rest of the fleet was ready to respond as required. A score of ships moved quietly out of their Japanese base. The mighty base at Pearl Harbor came alive. The carrier *Ranger*, in San Francisco, headed out through the Golden Gate. The strength to sink a torpedo boat or, if grim necessity should dictate, to lay waste the industrial might of a whole nation, was being drawn into position to perform whatever mission might be asked.

This year, as all years, the Navy has had to fight for its life—not against fleets abroad, but against its persistent critics in this country, some in Congress and many within the Defense Department, who think the entire fleet, possibly excepting its submarines, is a vast anachronism.

The present crisis should provide an object lesson even for the most skeptical of critics. Utterly self-possessed, dependent upon no hospitable land bases within in the area, the 7th Fleet proved ready to answer instantly the abrupt challenge by hostile forces. To do this required no by-your-leave from any government, involved no one's forces but our own. And yet nothing could have served our purpose better—or in fact, so well.

YOUTH TEMPERANCE EDUCATION WEEK

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Rumsfeld] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RUMSFELD. Mr. Speaker, I have introduced today a joint resolution to provide for the designation of the fourth week in April of each year as "Youth Temperance Education Week," and wish to call attention to the outstanding service being performed by the Youth Temperance Council—whose headquarters are located in the 13th Congressional District of Illinois which I am honored to represent—in educating our youth to the dangers of alcoholism.

Today, our young people are in great need of direction and guidance in order that they may successfully meet the challenges which confront them in this age of pressures and conflicts. All the resources of home, church, school, and government must be mobilized to help our children develop the best in spiritual and moral character and intellectual and physical strength.

I urge the adoption of this resolution by the House.

CONFERENCE REPORT ON H.R. 8864, TO IMPLEMENT THE INTERNATIONAL COFFEE AGREEMENT OF 1962

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentlewoman from New Jersey [Mrs. Dwyer] may extend her remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mrs. DWYER. Mr. Speaker, the International Coffee Agreement was signed for the specific purpose, among others, of preventing coffee prices received by exporting nations from dropping below the general level prevailing in 1962.

By itself, this objective is a worthy one, especially since the United States, which imports nearly 55 percent of the world's coffee, has a grave responsibility to use this enormous economic power in such a way that countries which depend on their exports of coffee for a major share of their foreign exchange earnings can achieve reasonable price stability.

By the same token, stabilization of prices received by exporters should mean—everything else being equal and supplies capable of meeting demand—that prices paid by consumers in importing countries should also be relatively stable. Unfortunately, as we all know so well, this has not been the case during the brief life of the agreement. From a 1962 level of 69 cents a pound, as the gentleman from New York [Mr. Pillion] has pointed out, the retail price of a particular brand of coffee in a Washington supermarket has risen to 91 cents a pound—a 22-cent-a-pound increase, and a rate of increase which would cost American consumers about $660 million a year more than the already high level at which the agreement was supposed to stabilize the price of coffee.

Obviously, Mr. Speaker, something is wrong, and before the Congress provides authority to the President to implement the controls involved in the International Coffee Agreement, we should find out where the trouble is. Certainly, the 10-month experience we have witnessed since this bill was approved last October has more than justified the fears which led so many of us to vote against this bill the first time around. Even though the legislation has not been enacted, it is important to remember that the agreement has been in effect for more than a year, that we have been operating under the quotas set by the agreement, and that 20 cents of the 22-cent increase has taken place since quotas began to operate.

We should benefit from this experience, and use the U.S. authority under the agreement to make any necessary changes—before we ratify, in effect, a system which has already proved itself incapable of protecting the legitimate interests of American consumers. To do otherwise, in the face of such convincing evidence, would be the height of folly. Therefore, Mr. Speaker, I hope the House will reject the conference report.

HOW OUR STATE LEGISLATURES SHALL BE CONSTITUTED

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. Arends] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ARENDS. Mr. Speaker, the extraordinary, somewhat chaotic situation created by the Supreme Court decrees as to how our State legislatures shall be constituted, makes it imperative that the Congress take extraordinary action to protect the people of our sovereign States in their fundamental rights.

We of Illinois take pride in the initiative our Senator Dirksen has taken toward securing remedial action by the Congress.

My views, and I believe the views of the vast majority of the people of Illinois, are expressed in an editorial that appeared in the Chicago American of August 5 and a "letter to the editor" that appeared in the Washington (D.C.) Post of August 16.

I am inserting them in the Record as part of my remarks. They follow:

[From the Washington (D.C.) Post, Aug. 18, 1964]

The Dirksen Bill

Your editorial, "Dubious Cargo," of August 8, accuses Senator Dirksen and his colleagues of "encroaching upon the judicial role" in pushing a legislative stay of execution on the Supreme Court's reapportionment decisions. The objective of the Dirksen bill is to give Congress and the States time to consider a constitutional amendment to remedy what many consider to be a mischievous extension of the Court's power.

Your editorial is based on an inadequate conception of our constitutional system. It talks about "the basic principle of the division of powers into legislative, executive, and judicial categories" as if that principle were an end in itself. It is not, of course. The division of powers was created as a means of checks and balances to the end of preventing concentrations and usurpations of power. It was precisely to create a limit upon the Supreme Court that the Constitution's authors gave Congress power to curtail its appellate jurisdiction. They reasoned, no doubt, that if the Court became too assertive or grasping in its jurisdictional claims, the Congress would step in and blow the whistle. This is exactly what we are now seeing happen. Far from abusing the Constitution, as you imply, the Dirksen proposal seeks to execute its intention.

Granted that the one prior application of this congressional power to protect the Reconstruction Acts was disgraceful, it certainly is no reason to fail to use that power for the purpose for which it was written into the Constitution. Far from being an "encroachment upon judicial authority" as you allege, the Dirksen bill is a check upon it—and by merely holding up reapportionment cases for a reasonable period of time instead of removing them from Supreme Court jurisdiction entirely, the bill seems to be quite a moderate one.

EUGENE H. METHVIN.

ALEXANDRIA.

[From the Chicago (Ill.) American, Aug. 5, 1964]

DIRKSEN'S REMAP PLAN

Senator DIRKSEN, Republican, of Illinois, has proposed legislation to keep States from having to reapportion their legislatures under the Supreme Court's recent ruling that all such reapportionments must be made according to population. He will offer the proposal as an amendment to a bill he knows President Johnson will not veto—the foreign aid bill, for instance.

The amendment would stop any action by the courts on reapportionment until the end of the second regular session of the legislature of the State concerned, upon a request for the delay by the State government by the State's citizens.

In Illinois, where the legislature meets in regular session every 2 years, and will meet next January 1, that would mean that no court could force the State to reapportion under the Supreme Court's ruling until July 1967.

DIRKSEN said that Congress' original plan to block the Supreme Court ruling—by passing an amendment to the Constitution—would take too long unless the amendment he has proposed is passed.

The amendment to the Constitution should still be passed to prevent the Supreme Court's ruling from going into effect at all. In Illinois the house has been remapped on a basis of population but the senate had been remapped partly on a basis of territory. This resulted in one party controlling the senate and the other the house—which was the way the legislature, elected by the people of Illinois, wanted it. We think this is a matter which the people of Illinois should settle for themselves. We do not think it is any of the Supreme Court's business.

CONTROLLING LABOR COST IN THE DEFENSE PROGRAM, AUGUST 18, 1964

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina Mr. [HENDERSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HENDERSON. Mr. Speaker, a few weeks ago I indicated to the Members of the House that the Manpower Utilization Subcommittee was to begin a series of public hearings relating to the total cost of manpower to the Federal Government. The subcommittee has heard from top management officials, representing manpower, procurement and fiscal operations in the Office of the Secretary of Defense, the three military departments, employee groups, and private contractor associations. Our hearings have produced sufficient information to warrant this preliminary report.

NEGATIVE EFFECTS ARISING FROM RESTRICTIVE GOVERNMENT EMPLOYMENT

The establishment and administration of ceilings on direct-hire Government employees has tended to increase the numbers of both active-duty military and contractor employees in support-type work in the Defense Establishment. The chairman of the Appropriations Committee, the gentleman from Texas, Hon. GEORGE MAHON, along with other members of that committee, during public hearings earlier this year with representatives of the military departments questioned the net savings resulting from cutbacks in Government civilian employment. On this point, my colleagues in the Appropriations Committee were certainly correct.

Both the Air Force's Special Assistant for Manpower, Mr. Ben Fridge, and the Under Secretary of the Army, Hon. Paul Ignatius, testified that restricted civilian personnel ceilings were overcome by increased use of military personnel and/or private contractors. In fact, a U.S. Continental Army Command order of December 23, 1963, suggested to the various U.S. Armies, "Replace contractual and direct-hire personnel with military personnel, to the extent that combat readiness is not significantly impaired."

USE OF ABLE-BODIED MILITARY IN CIVILIAN-TYPE JOBS

Two years ago the military services, in a self-made survey, found over 15,000 military personnel in civilian-type jobs for which military management wanted to switch to Government civilian employees. This proposed switch would have resulted in an annual savings in excess of $18 million. Due to the Cuban crisis the switch was not completed. Since then no other studies have been made; however, the trend is upward in the number of able-bodied military performing work outside of their military specialty training.

Apparently, Pentagon officials are beginning to realize that this civilian or support-type work; that is, carpentering, painting, operating office equipment, auditing, et cetera, outside the scope and training of men for combat can and is having a morale effect on reenlistments. Also it might well boomerang when the current selective service legislation again comes before Congress for consideration.

CONTRACTOR EMPLOYEES PERFORM CIVIL SERVICE WORK

The use of contractor employees by the military services to perform work normally accomplished by career civil service employees is alarming. Our studies and the recent public hearings have also emphasized the necessity for top management in the Federal Government not only to take a hard look at existing procurement policies and practices but also to monitor more sharply and realistically contractual operations, including the supplements and change orders.

I say this as a friend to private industry. There is a role for private industry to play in daily Government operations. I do not want to see an agency of the Federal Government go into shoe manufacturing or the oil refining business. Likewise, I feel there is a continuing need for the Government's own people. Certainly we cannot condone an agency's attempt to contract out its responsibilities.

Our subcommittee has reviewed many contracts whereby the military services, under the justification of limited civilian ceilings, bought labor from private industry. These contracts reflect the spectrum of support operations—from custodial work to telemetering in missile range operations.

The Federal Government today is using contractor employees to man some of its defense warning systems. If this be appropriate, is it then not plausible to replace American sailors with foreign nationals on our picket ships?

The Federal Government is currently using contractor employees at premium salaries, possibly double that paid Government civilian employees, to maintain combat equipment in such areas as Korea and Vietnam.

The Department of the Army recently opened a new supply center in the Midwest and then proceeded to let a contract to a private firm to furnish local people to work in the Government building in performance of supply functions historically accomplished in every agency and department in the Government by career civil service employees.

The Air Force at one of its largest installations has crews of civilian and military personnel working in parallel production lines in the same hangars with contractor employees, all on the F-105 airplanes. The contractor is merely furnishing personnel.

The Navy for more than 8 years has contracted with a corporation to furnish engineers and technicians. This year these contractor employees are costing the Government an average of $20,000 each. Many of these employees have for years worked alongside regular Navy civilian technicians.

Our subcommittee on several occasions has been told by executive branch officials that they must resort to the use of contractors due to Government salary limitations. In view of the adoption of the policy of salary comparability in 1962 and of its implementation in 1963 and 1964, it would appear that recruiting problems for the Government are less likely now than has been the case for several years.

NOW IS TIME TO EVALUATE LABOR COSTS

As I said earlier, there is a place in Government for the contractor, the same for the military man in a support role and for the Government civilian employee. The members of the subcommittee join me in congratulating this triparty team for its success to date. However, we do not consider it wise to exercise rigid ceiling control over only one of the three facets of labor; namely, the direct-hire civilian personnel. Ironically we have more specific cost data on the Government civilian employee than on the military man or the contractor personnel. Army officials indicated that the contractor employee cost 30 percent more than Federal personnel.

Mr. Speaker, it appears unwise for the Department of Defense, at this time, to push ahead with full speed to close installations, to reduce career Government civilian employment and at the same time to contract for the furnishing of personnel services until Defense management has a more complete and detailed picture of the total labor costs in the Department, especially the cost of contract labor.

Time and again during the course of our hearings witnesses referred to the Government's current policy on contracting, namely Bureau of Budget Bulletin 60–2. This procurement policy has not been revised since 1959 and is in need of revision. The subcommittee members are looking to the Bureau of the Budget for action in this area.

LACK OF FACTUAL CONTRACTOR DATA IN THE PENTAGON

Another major finding by our subcommittee was the lack of factual data in either the services or in the Office of the Secretary of Defense regarding contractor operations. The Air Force has made an attempt to determine contractor labor costs, with an estimate that about 21 percent of that Department's labor force is supplied by private contractors. However, both Norman Paul and Tom Morris, Assistant Secretary of Defense for Manpower and Assistant Secretary of Defense for Installations and Logistics, respectively, admitted that they lacked this information. They announced, however, that as a result of the subcommittee's interest, procedures were being formulated to supply the data to top management in the Department.

During the 4 weeks of public hearings it became increasingly apparent that Defense management lacks definitive and comprehensive data on operating problems in the field activities of the Department. This lack of information was reflected in such cases as the following:

It took the U.S. Comptroller General to point out to Defense management that Army has been using a commercial contractor for 7 years to perform aircraft maintenance at Fort Campbell, Ky., notwithstanding the fact that it was the primary military mission of the military personnel to do this work. Fort Campbell's own military aircraft mechanics were engaged in kitchen police and post beautification work.

At an Air Force installation cost data were developed justifying the use of a contractor. The data were so unrealistic that the justification appeared ridicuolus. The situation reflected a defective procedure as well as a lack of knowledge in Washington of operating conditions in the field.

Navy's top management learned from the subcommittee of contracts for technicians, that have been going on for years, reflecting personnel costs that could have been reduced through direct-hire.

WAGE BOARD PAY PROCEDURES NEED REVISING

Apparently for the first time, several of the Defense Department's administrative officials learned of the impact of wage board pay procedures on in-house Government operating costs. Testimony has developed the fact that in many labor market areas Government wage board pay rates are not comparable with private industry—they lead private industry. Likewise, the wide differences in wage board pay between Government agencies in the same cities were revealed to the Defense managers. Here are some data our subcommittee staff developed for the hearings:

For custodial workers in Washington, D.C., the General Services Administration pays $1.54 an hour; the Veterans' Administration pays $1.67 an hour; the Army and Air Force pay $2.10 an hour; but, the Navy pays $2.23 an hour for the same work. Here is a difference of 69 cents an hour for custodial workers, all on the Federal payroll, all working in the Nation's Capital.

We revealed other differences, just as significant, in New York, Norfolk, and San Francisco.

Mr. Speaker, I bring these points to the Members' attention because there are today over 400,000 Federal employees who are being compensated on an hourly basis under wage board pay procedures. These pay procedures are in need of revision. For example, not only is there a wide variation in the hourly pay scale for Federal Government carpenters in the same city but even within the Department of Defense. The Navy Department has a wage board pay procedure that is different in many respects from that of the consolidated Army-Air Force plan.

Our subcommittee has, on numerous occasions, questioned the realism of some area wage rates. We have examples of the military services changing a Government function, base maintenance, for example, from civil service to private contractor operation. The contractor hired local people, most of whom were the former Government employees, at less than the wage board scales previously paid by the Government. The reductions in pay suffered by those who were reemployed were substantial.

The private shipyards have indicated to our subcommittee that one of the reasons they can do work cheaper than Government yards is that the naval shipyards have higher rates of pay and fringe benefits.

The high Government wage rates are easing the way for department heads to contract out work historically and successfully performed by the Government. Many of the contractors are paying extremely low wages. A case in point, the Navy recently contracted out custodial work at the Naval Supply Center, Oakland, Calif., at a reported rate of $1.25 an hour. Navy's custodial employees at this Center have been drawing $2.35 an hour.

Mr. Speaker, this, in effect, means the Federal Government is sponsoring substandard living wages.

Since our hearings began the Department of Defense has instituted a review of the wage board pay procedures in relationship to the total labor costs of the Department. The subcommittee members hope that improvements will be forthcoming in the Department of Defense and that the Bureau of the Budget also will move ahead in this functional area, possibly to bring about a single Government-wide wage board procedure.

CONTINUING SUBCOMMITTEE INTEREST

Our subcommittee is going to continue to examine these manpower areas. Current plans call for the subcommittee to prepare within the next few months at least three reports relating to the control of labor costs in the Department of Defense.

These various manpower problems, especially the use of contractor employees in work historically and successfully performed by civil service personnel and wage board pay procedures, are not confined solely to the Department of Defense. Therefore, the subcommittee early in the next Congress plans to look at manpower management in several other departments and agencies.

We are most willing to work closely with any congressional committee that has a need for our material. Two or three committees have already indicated an interest. I appreciate their interest and the cooperation of all my colleagues in this attempt to control, and wherever possible to reduce, the total labor cost of the Federal Government.

LOUISIANA AND ITS FUTURE

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. THOMPSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. THOMPSON of Louisiana. Mr. Speaker, the recent speech delivered by former Governor of the State of Louisiana, Sam H. Jones, needs no preamble if read objectively. I commend this address to the membership of this body as being a striking example of the type of representation which has made America the great and strong Nation she is today. While a lawyer by profession, Governor Jones has devoted much of his time toward development of our areas in Louisiana, and has truly left his fine mark upon our fair State.

LOUISIANA AND ITS FUTURE

(Address by the Honorable Sam H. Jones, former Governor of Louisiana, over KPLC–TV, Lake Charles, La., July 26, 1964)

There is a tendency in Louisiana to downgrade the State. This tendency has existed for many years. It exists in nearly every walk of life. It is not confined to the congenital calamity howlers and confirmed pessimists. It extends even to the most constructive and best educated leaders of our State. There seems to be an uncontrollable urge to criticize, and to point out weaknesses and defects and shortcomings.

This tendency, I fear, is developing into something approaching a disease. Unless restrained, it could become malignant and destructive. There seems to be an idea that, in order to progress, we should point out only our shortcomings, and never our progress and potentials.

I belong to the legal profession. As lawyers our profession must be ready to meet both sides of all questions—the good and the bad. Our training equips us to do this. So it is natural for the lawyer to sift the good from the bad part of his case, and then present the good. It's appalling to me, as a lawyer, to see most Louisianians do the opposite and present only the bad. I think it's a habit. But it's a bad habit, and one that's hurting us terribly, and should be stopped.

I'll give you five examples of the bad side most Louisianians are telling. They say (1) we are the most illiterate people in the Nation and our schools are the worst; (2) they say we are falling behind in per capita income and our neighbors are surpassing us; (3) they say our State tax burden is the heaviest, or about the heaviest, of any State in the Union, and is the most unstable; (4) they say we are failing to keep pace with our sister States, in the building of industry, and our economy is thereby suffering; (5) they say we are losing population because of a steady stream of outmigration, and this is due to our failure to provide job opportunities.

Now these are just a few examples of half-truths. But we have heard them so much that we have convinced ourselves that they are the whole truth. And so this constant repetition is largely destroying the morale, the enthusiasm, the esprit de corps, and the optimism of our people. And it has, to a great extent, weakened the effect of our combined constructive efforts to build a greater State.

This repetition has, in fact, built a psychological barrier against our rightful progress in political, economic, sociological, and cultural welfare. While this barrier is psychological, and the facts upon which it is based are largely untrue, it is extremely potent and deadly. For we not only convince ourselves, we also convince outsiders. Of course, when the patient convinces himself of the improbability of his recovery, it is impossible for him to convince the outsiders we need in the development of our economy.

Now, let us analyze these five typical charges and criticisms that constantly permeate the atmosphere all about us.

1. In the first place are we, in fact, the most illiterate people? The Government used to follow Webster and define an illiterate as one who could not read and write. In those days there were a number of States that ranked below us. Now the Government says one is illiterate who does not have 5 years of education. That caused us to drop because we had 32 percent of our population in Negroes. And our French people had to learn English before they could learn in an English language school.

But whatever illiteracy we have, we are removing faster than any other State of the Union. In median years of school completed from 1940 to 1960 only 17 States improved faster than Louisiana. In percentage of adults having 4 years of high school, only 3 States moved faster from 1950 to 1960. And in percentage of those having 4 or more years of college, we ranked 10th in progress in the entire Nation.

Finally, amazingly, and almost incredibly, 29 States have a smaller percentage of college graduates in their total population than Louisiana does. This is in spite of the fact that our aid to colleges has increased only half as fast in the past 20 years as our aid to public schools. Notwithstanding this, we have added eight complete new college campuses to the six which existed in 1932.

May I pause here to say that our total appropriations to education have increased from $26 million in 1940 to $284 million in 1962—more than 10 times as much.

2. Let's move to per capita income. We are said to be falling behind here. It's true that we remained relatively static from 1950 to 1960. But it's also true that we jumped from 61 percent of the national average in 1940 to 72 percent in 1960, a gain of about 18 percent, which is mighty good progress. Also remember that our per capita income was only $363 in 1940, while it is $1,605 at the present. Then let me remind you that our bank capital accounts increased 150 percent since 1950, while savings and loan accounts skyrocketed from less than $100 million in 1940 to nearly a billion dollars at the present time.

3. We do a lot of talking about our tax handicaps. And we have them. But remember that 40 percent of our total revenues come from oil-lease bonuses, rentals, and royalties, none of which are taxes, and from severance taxes, most of which are paid indirectly by people outside Louisiana. It is, unfortunately, true that business pays 63 percent of our total taxes, against only 50 percent for the average State, which is bad; but remember that our tax rate actually dropped from 1948 to date, the only State to do so, and our taxes per person dropped from 24th in 1953 to 33d at the present—a record any State could be proud of.

4. Let's move into the fourth category—we're losing industry. We lost 2,200 jobs since 1950, one highly respectable group tells us. The same group waits 3 months and then concludes we've gained 4,000 jobs since 1950. But about this time the investor-owned utility companies tell us we've gained 89,000 jobs since 1946, which sounds more like it.

Of course it's true that if we don't build new plants—or additions to the old ones—we'll lose manufacturing jobs. Why? Because of better machinery, and more efficient labor, and automation. But I know one huge plant in this State that lost 2,200 jobs in 10 years, but it's putting 40 percent more money into the community. Why? Because it works more skilled labor, and far less unskilled.

Well, you can't convince me we're losing industry. I live in a community where one concern pays more taxes than all of Lake Charles. But let's sum it up in the words of Dean William D. Ross who, early last year, said, "Louisiana still ranks with Texas and Florida as one of the three wealthiest and most economically developed States in the South and Southwest."

5. Now let us take on the fifth and final story of gloom. It says we had a serious outmigration from our productive population group. That's true. Since 1940 we've reduced our tenant farmers from 80,000 down to 18,000. We've reduced our farm operators from 150,000 to 75,000. But the 75,000 farmers farm more land than the 150,000 used to, and they produce more than twice as much food and fiber. What's wrong with that?

I suspect there are some among our uprooted farmers who have left the State for productive jobs. I don't know how you feel about it, but I'd rather see them do that than go on welfare. Of course I'd rather see them remain in the State, and get good industrial, or distributive or service jobs. And that should be our aim.

But we are not losing population. The Nation gained 18.5 percent from 1950 to 1960, while Louisiana gained 21.4 percent. Only two states in the South—Florida and Texas—exceeded our percentage gain. And our gain was greater than the South Atlantic, the Southern and the Southwestern States—as regions.

There really is no reason, and there has never been a reason, why Louisiana should not be at the very top of the States, economically speaking. Let me give you a few of the recorded statements of some of the great men of the past, on the subject of Louisiana.

As far back as 1721, Father Charlevoix, both a pioneer and a man of God, said, "Rome and Paris had no beginnings so considerable, nor were they under auspices so happy, nor did their founders meet upon the Seine and upon the Tiber the advantages we find upon the Mississippi."

Napoleon looked upon lower Louisiana, with its undeveloped hinterland, as the economic and political force which would enable America to surpass in power the British Empire. Thomas Jefferson, speaking of New Orleans, said that it would "forever be, as it is now, the mighty mart of merchandise brought from more than a thousand rivers" and would "in the not distant time leave the emporia of the eastern world far behind," unless prevented by some accident of human affairs—which came from 1861 to 1865.

Robert R. Livingston said, on the occasion of the Louisiana Purchase, "The treaty which we have just signed will change vast solitudes into a flourishing country. Today the United States take their place among the powers of first rank"—further predicting that, the purchase "will prepare centuries of happiness for innumerable generations of the human race."

There was to come a time when these predictions of these great men of the past would come true. It is recorded that in the year 1850 New Orleans was the third city of the United States. For a period of 7 years its banking resources exceeded those of the city of New York by a substantial margin. It had 20 percent more exports than New York City and with the aid of Charleston, S.C., it controlled, not only the commerce of the United States, but that of Great Britain as well.

In the year 1850 we were the richest State in the Union, both in per capita income and per capita wealth. Our income was 74 percent above the national average. Seven-eighths of the Nation's millionaires lived in Natchez, Miss.; but they made their millions across the river on the delta lands of Louisiana. Our agriculture was a matter of amazement throughout the world. Even to this day, farmlands that were swallowed up by hardwood forests, in the wake of the carpetbaggers, have not yet been placed back in cultivation.

Other generations have come and gone. New forests, so old that they are called virgin and primeval, once again cover the land. Deep down in the bowels of the earth, wealth and resources and minerals our forebears never dreamed of have admitted their presence to the tools of the geophysicist. A cornucopia far beyond the dreams of John Law and Antoine Crozat has been discovered.

So it can be said without exaggeration, that with one-half the resources and advantages we now possess, our forebears gave to the world, here in Louisiana, the richest economy ever known in their day. Now with twice the resources and advantages they possessed, what have we done?

There is not the slightest doubt that those of our generation have let the greatness of Louisiana slip. We have failed to properly develop the storehouse of wealth, resources, and natural advantages that nature has provided. We are the greatest undeveloped agricultural frontier in all of North America. We have been in the past, and we will be again, the leader in forestry, for here we can grow a tree in 40 percent of the time required by the climates of the North and of Canada and of Scandinavia. And we have 16 million acres of land upon which to do this job. Now, in our own time, we are already producing timber twice as fast as we are consuming it.

We have seen our mineral wealth grow to staggering proportions; salt deposits sufficient to outlive the span of the Roman empire; sulfur supplies that furnish 40 percent of the Nation's production; shell reefs, which take the place of limestone, deposited over thousands of years; oil and gas that already place us in second rank among the States, with additional reservoirs in the Gulf of Mexico which competent geologists say will outproduce the fabulous supplies of the Middle East; 9,000 miles of waterways, that nature gave us, which cannot be equaled anywhere else in the world; and supplies of fresh water that daily flow through our State in quantities greater than is consumed the same day by the Nation, by all its people, for all purposes—domestic, agricultural, and industrial.

Then, too, contemplate our fish and wildlife, the quantity and versatility of which is without equal; a fur-bearing industry that surpasses all the other connected 47 States put together, and a seafoods supply of fabulous extent from the Gulf of Mexico and our lakes, bays, and inlets, which has never yet been explored, much less utilized. Thus one day ours will be the leading commercial fisheries State of the Union.

We are thus blessed with products and supplies from the forest, and the farm, and the mine and the sea that causes us to be the No. 1 example of economic self-sufficiency, still largely waiting for its development by the brains and tools of man.

When we repeat the inventory of the wealth which is ours and hear one of the Nation's greatest present-day real estate developers say, "The lower Mississippi Valley has the potential to become the Ruhr Valley of America," we can only conclude that John Law and Antoine Crozat, with their "Mississippi bubble," were merely some two centuries ahead of their time.

I hope by now I have convinced you that we do, indeed, have a place in the American Union that sets us aside from our sister States, and gives us special distinction. I hope I have done something to convince you of the glory of our heritage, the wealth of our resources, and the almost unlimited opportunities that shine brightly upon the horizon of the future.

We do have an inspiring history and a great heritage. We have traditions worthy of the great civilizations. The genius of our people has been drawn from the far corners of the earth. No State in the Union can approach the versatility, the universality, and the breadth of vision which characterized our founders and forebears. I wish I had the time to tell this story, but time forbids.

We live in the present, not in the past. And we are moving once again, up the forward road of progress. In 1950 we crossed the "economic Rubicon" and became for the first time a predominantly urban State. We are moving ahead in general industrial development. We are second in petroleum reserves and production, and that industry today has become the most important factor in the foundation of our economy.

We are becoming, day by day, more important in the field of chemical manufacturing. And, according to the Federal Reserve Bank of Dallas, we now possess three of the seven great petrochemical complexes on the gulf coast. We are modernizing our ports and waterways, and thus we are, once again, making Louisiana a daily word in the household of the world's great commercial marts.

We have the potential capacity, from our growing forests, to increase our papermills from 8 at present to a total of 32 or more by 1975 from pine forests alone, not counting hardwood, of which we have an equal quantity, and thus we can bring prosperity to those portions of our State that need it most.

We are one of the few places in America where oil and gas reserves are increasing in substantial quantities. In the last 10 years half of the new U.S. reserves were discovered in Louisiana. Out in the tidelands are proven reserves already equal to one-third of all those on the mainland of the United States. I do not have to tell an audience like this what this means to the industrial and economic growth of our State and region.

We have barely scratched the surface so far as production of consumer goods is concerned, and that, of course, presupposes a market. Some say that in that field we are lacking. But may I remind you that in the South alone we have 50 million customers. Then lift your vision for a moment to the rapidly developing markets of the Caribbean countries, where 60 million people live. Add these two groups together and you have 110 million people, or 60 percent as much as the total population of the United States. And remember there are 200 million people in all Latin America, all of which could be our market, if we will it.

So we'll whip the problem of markets just as we have whipped the problems of finance, and technical know-how, and skilled workmen, and men of experience. The fact is we'll have to run fast to be ready for the new markets that are developing not only in our own region, but in the lands to the South.

We have a tremendous potential in the tourist business, when you consider that 90 million Americans are spending each year close to $20 billion on recreation and travel. In Louisiana we are spending only $200,000, most of it by New Orleans, to promote tourism, yet we are already receiving each year more than a half-billion dollars in return. Already it is our fourth biggest industry. It can be our first. In addition to official agencies, the new tourist association has recently been organized; and it is beginning the first serious effort to develop the tourist business in our time.

There are few, if any, States in the Union that have the variety and versatility and attractiveness, in this area of activity, as does Louisiana. If we but encourage the leadership which is seeking to promote our tourist attractions, we can easily double, and possibly quadruple, the number of tourist dollars. This presupposes the development of the unmatched advantages and resources that God and nature, in the fullness of time, have given us.

We have not, of course, solved all our problems. The story of Louisiana must be told, not only to the outside world, but to our own people. We have heard, as I said at the outset, too much of our own failures, and shortcomings, and mistakes. We have heard far too little of the glory and grandeur of our past, of our glorious history, our magnificent heritage, our diversified culture, the genius of our people, our fabulous resources, our incomparable location, and our truly brilliant future. This is the untold story of Louisiana. We are now ready to make our dreams come true. We are ready to move into the position of economic axis of the Western Hemisphere.

All this will require constructive leadership. And that is the reason I am talking to groups like yours, as time gives me the opportunity to travel about the State. Louisiana's "golden age" of more than a hundred years ago was not projected into existence by second- and third-rate politicians. It was done by the best brains and the best tools we possessed. It was done by the first team.

Our people, I think, are on the right track again. We are thinking and acting constructively. Despite our periodic lapses into demagoguery and corruption, I could cite you many examples of accomplishments even in the political arena in the last 20 years that have been truly astounding. I could show you periodic bursts of statesmanship in the fields of agriculture, drainage, the development of our oil and mineral resources, the development of waterways and the revamping of our port facilities, and magnificent assistance given to forestry and reforestation—the huge new push for industrial development, as well as for the general economic development of our State.

But we need, not only in Louisiana, but in all America, the type who can make the first team of political and economic leadership. And that is where you come in. Back in 1850 we furnished the leadership and that made us the economic miracle of the world. We still have that kind of brains. Henry Voorhies, the head of the biggest industry in Louisiana, was born on Bayou Teche and educated at LSU. Harrell Smith, head of the giant complex of nearly a dozen refining and petrochemical plants in Lake Charles, was born in Ruston and educated at Louisiana Tech. Louisiana and the South are producing leaders, not only for this State and region, but for the Nation. Seven of the eight biggest banks in New York City have chief executive officers who are southerners, one of them being from Bunkie, La.

The next two decades belong to the scientists and the engineers. I've had my quota of experience with engineers—those who can give you the reasons why a job can't be done, as well as those who can figure out how it can be done. I like the latter, the ones who are not the defeatists, the ones who are the optimists, and who have vision.

As I said 19 years ago, in a talk at Monroe, I do not subscribe to "the idea that we are politically innocuous, economically doomed, and intellectually inferior to the rest of the country. I do not agree with the defeatist attitude," nor with the idea that we must spend our time in excessive self-criticism, condemnation, castigation, and vilification.

I am not afraid of the facts, and it is not my purpose to hide or cover them. But I want all the facts, not just a part of them. I'm an officer of PARI which finds the facts—both good and bad—and distributes them, both good and bad. But if you are trying to sell an article, as we are trying to sell Louisiana, your job is to present the good side—not the bad. That's salesmanship.

In addition, we need a more effective correlation between the efforts of Government and those of private interests.

Also, we must remind ourselves that this country was not created by those who were merely schemers, opportunists and selfseekers—but by the participation of the top leaders from every walk of life. By businessmen like Samuel Adams and Benjamin Franklin and Robert Morris, who entered the ranks of politics. By men like Thomas Jefferson and Patrick Henry and Tom Paine, who fired the imaginations of the Colonials and spurred them on to a higher plateau for the common man. Of men like Washington and Madison and John Marshall who built the foundations from the bold dreams of dreamers.

Finally, I think we need more who can subscribe to the major portion of the following creed:

"I do not choose to be a common man. It is my right to be uncommon if I can. I seek opportunity—not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me.

"I want to take the calculated risk; to dream and to build, to fail and to succeed. I refuse to barter incentive for a dole. I prefer the challenge of life to the guaranteed existence; the thrill of fulfillment to the stale calm of utopia.

"I will not trade freedom for beneficience, nor my dignity for a handout. I will never cower before any master nor bend to any threat. It's my heritage to stand erect, proud and unafraid; to think and act for myself, enjoy the benefits of my creation and to face the world boldly and say, this I have done. All this is what it means to be an American."

Our basic job in building that kind of America is to assume that portion of the task that lies within the borders of our State. Our forebears did it more than a century ago. They gave us Louisiana's "golden age," and they did it with fewer resources and fewer advantages, by far, than we possess today.

Let me give you two examples of what this community has shown it can do.

1. Back in the early twenties it was obvious to all that Lake Charles was a dying town. The sawmills were cutting out, and timber was then the backbone of our economy.

So the people got together and decided to dig a channel to the gulf. The U.S. engineers said it wasn't economically feasible, but Lake Charles defied the U.S. engineers and dug its own channel at its own expense, and thus became the first port in the United States wholly built with local funds. It still is.

But the point is: Lake Charles pulled itself back from the brink of bankruptcy, and opened up the brightest economic horizon this community has ever gazed upon.

2. Then for the second example: Back in 1941 things weren't too good. World was at war, and the shores of America had to be protected

The entire area of the gulf coast—for 250 miles into the interior—was proscribed by the powers in Washington. Within the red line that was drawn near the northern boundaries of this State, no defense plant was to be built.

So a man from Lake Charles went to Washington and tackled the great F.D.R. in his own den, saying: "A year ago, Mr. President, you said: 'The defense line of the United States is out in the islands of the Caribbean.' If this was true a year ago, it is true now." So with the help of the Governors of Texas, Mississippi, Alabama, and Florida, the red line was erased.

Came the time for Lake Charles' second great opportunity. The country needed a huge new plant for the production of high-octane gasoline. It was headed for Texas when once again Lake Charles woke up. They said to the U.S. Government and to Cities Service: "We'll work out the tax differential; we'll vote a 10-year tax exemption; and we'll see to it that the State's 1-cent oil refining tax is repealed."

The last thing was like David tackling Goliath, but we tackled it, and once again, we won.

As a result you can count 40 separate industrial plants—or units—owned by a dozen or more concerns, with a replacement value of a billion dollars, and a payroll of some 8,000 workers.

3. Now, I have a feeling that the third great economic upsurge is about to take place:

We have, in effect, just repealed another 1-cent tax. For the legislature has just granted a tax credit to manufacturing concerns which is equivalent to a reduction of 1 cent in the price of natural gas for Louisiana industrial users.

In addition, the current legislature has:

1. Provided for the equalization of industrial assessments which, heretofore, have often been twice as high as the average taxpayer's rate.

2. Provided for the creation of industrial districts by police juries to prevent tax exploitation of industrial properties.

3. A special appropriation for a pilot project, to test the potentials in adult education, has been adopted.

4. Has reorganized the Department of Commerce and Industry, so as to provide professional guidance, staggered terms, and nonpolitical administration.

5. There is still hope that we may secure an outstanding research institute, and many, in a special session, correct inequities in our workmen's compensation law and its administration.

In addition, a "new look" will be given the State, in the national estimation, because of the passage of the following good Government measures:

The most comprehensive code of ethics ever adopted in the Nation;

A system of centralized purchasing;

Centralized listing of State employees;

Investment of idle State funds;

Plus the activation of the office of legislative post auditor, sought in this State for 25 years and finally achieved.

Then, too, there is that bright light on the horizon of our future, brought about by the fact that we have mandated the law institute to commence the most momentous task undertaken in our State in more than 40 years. I refer to the fact that, at long last, we are tackling the revision of the most antiquated and outmoded constitution of the 50 States of the Union.

If the Governor signs the bills we have mentioned, and if the voters approve the amendments at the election in November, then we shall be on our way to the brightest economic status this State has experienced since 1850, when Louisiana was the richest State in the Union.

On the local scene just remember that:

1. We have more money in our savings and loan associations than ever before in history.

2. We have more prospects for more industrial development than at any time since World War II.

3. We have a police jury that is working with businessmen to a greater extent than I have ever known.

4. Our local legislators have secured the passage of a bill that will give us a nonpolitical dock board modeled after that of New Orleans, which is the model for the Nation.

All we need is to lift our chins up from the sidewalks and point them to the new program, and to adopt a new philosophy that the glass is not half empty: it's half full.

We have no problems in this community half as difficult as those we solved in the midtwenties, and the early forties; and what we did in the twenties and forties, we can do with more ease and greater proficiency in the sixties.

We can do this because we have the benefit of the plans and specifications left us by the leaders of those prior decades.

So let us strike now: For the iron is hot, and the same glorious opportunity may not soon present itself again.

CIVIL RIGHTS

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WAGGONNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, I have been asked in recent months a number of questions concerning the civil rights bill and the attitude of the National Federation of Independent Business concerning it.

The issue in question grew out of my recent experience with this organization, publishers of the Mandate, an opinion ballot which it publishes periodically. The story of my encounter is contained in a letter which I have sent to the subscribers to the Mandate who reside in my congressional district.

Because it is of general interest to every Member who receives these monthly opinion ballots, I insert herewith my letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR FRIEND: As a subscriber to the Mandate of the National Federation of Independent Business, San Mateo, Calif., you will be interested, I believe, in my recent correspondence and a meeting with their officials.

For the past year or so, I looked forward to the day when the Mandate would poll the federation's membership for their opinion of the civil rights bill. Since no other single measure in the past decade would have a greater impact on independent businesses, I felt it would be overwhelmingly rejected. I planned to use the results as a further argument against passage of the bill.

As month after month went by and the civil rights bill was never mentioned on the Mandate, I became concerned and asked for a meeting with the Washington representative, Mr. George J. Burger, with the intention of discussing the matter with him. The interview was entirely unsatisfactory. Mr. Burger informed me that he was a third generation New Yorker and had very strong feelings on the subject, though he would not explain what his residence had to do with the matter or what his "strong feelings" were. In response to my direct questions as to why the Mandate had never polled the membership on the subject of the civil rights bill or if any plans existed to do so, his replies were evasive and, finally, belligerent. I made every effort to explain to him that I was not asking for either his personal opinion of the bill or the opinion of any official of the federation, but the opinion of the federation's membership. The only answer I could elicit from him was that the federation had not polled the membership because the bill was emotional and "too controversial."

I attempted to point out that, in my opinion, this was the very purpose of the federation, to obtain opinions on controversial legislation. Mr. Burger apparently did not agree. The interview was completed unsatisfactory and I was advised by Mr. Burger to direct any further inquiry to the president of the federation.

In an exchange of letters with Mr. C. Wilson Harder, the president, I was not able to persuade him to poll the independent businesses of the Nation to find their opinions of this bill in whole or in part. Although Mr. Harder was extremely courteous in his letters, the end result was that he would not agree to poll the entire bill or the separate sections (FEPC and public accommodations particularly) which directly affect businessmen. Although the federation has polled the membership on a number of allied subjects dealing with the rights and prerogatives of small business and dealing with Federal intervention in State matters, none of the questions and no combination of them subsitute for a poll on the civil rights bill itself or its several sections.

Needless to say, I was extremely disappointed that the federation would not ask for membership opinion on the civil rights bill.

I must say, with all candor, that I can have little faith in the Mandate in the future now that I know the philosophy of avoiding some "controversial" legislation underlies the activity of the federation.

I have made it a practice to study the Mandate and all similar opinion ballots. At the same time, I have always been aware that it is relatively simple to phrase the question and the explanation of an issue in such a manner as to prompt only one answer.

It is not my intention to discourage you from renewing your subscription to the Mandate because your opinion is welcome at all times on any issue and regardless of the manner in which I receive it. However, in view of my disappointing experience with the National Federation of Independent Business, I felt obligated to advise you of the position it took on this vital subject.

Sincerely yours,

Joe D. Waggonner, Jr.

TAX CUT

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. Waggonner] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, there have been a number of indications that the recent tax cut has had a positive and welcome effect on our economy, but there is one, I think, that has been outstanding and I would like to bring it to the attention of the Members.

It concerns the Southwestern Electric Power Co. of Shreveport, La.

I believe the example to be a particularly good one because the entire savings realized by Southwestern was passed on to their customers in the form of a rate reduction for electric service.

The tax cut, in this instance is now having a direct, traceable impact on the spendable income of their customers. The action taken by Southwestern in passing along a saving of $1,415,970 to their customers is in the highest tradition of responsible business and they are to be commended.

The text of the announcement released by Southwestern Electric Power Co. follows:

Approval of a reduction in electric rates has been granted Southwestern Electric Power Co. by the Louisiana Public Service Commission, the Arkansas Public Service Commission, and the cities they serve in Texas. The reduced rates, affecting all types of customers will become effective with all use billed after August 1. The total companywide savings to customers will be $1,415,970, company officials announced.

Reduction for residential customers will range between 2 and 3 percent, depending on amount of use. The small percentage of customers now paying the $1 minimum bill will not be affected, it was said. Commercial and industrial customers as well as municipalities will participate in the decrease.

Savings which the company will realize as a result of the reduction in Federal income taxes made by the Congress this year is the primary reason the reduction is possible, according to J. Robert Welsh, Southwestern president. "We are pleased to be able to pass on to our customers all of the savings made possible by the tax cut," he said. "Greater use of electricity has made it possible for us to hold the price line against rising costs."

In addition to the general reduction in rates for all residential and commercial customers, appreciable reductions have been made in water pumping rates to cities. Also, the minimum rate for summer electric use has been reduced from 2 cents to 1.8 cents for all use over 1,000 kilowatt-hours. In addition the new rates provide that customers may have their electric water heating billed on one regular meter at a rate of 1.1 cents per kilowatt-hour instead of 2 cents. Customers who choose to can still retain the separate meter.

Southwestern made a major rate reduction in 1945 and has been maintaining this schedule of rates up to the present time.

TARIFF CUTTING PROGRAM

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. Dent] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. DENT. Mr. Speaker, I have from almost the first day of taking my seat in this House battled against the intemperate program of tariff cutting that has plagued American industry since the war. I have repeatedly pointed to the ill effects that would be inflicted on the American workingman—not only from the direct impact of imports that take jobs away but from the indirect results that come from new jobs not being opened. The failure of new jobs is more serious even than the actual loss of jobs.

Let me tell you why. When American industries go abroad to open new plants or to buy into foreign manufacturing companies, or when they license foreign firms to use American patents, the new jobs are opened in other countries rather than here in this country. The jobs that are not created here show up in unemployment figures because the newcomers for employment find fewer openings.

By manufacturing abroad we also reduce our export markets. In many cases products manufactured abroad by our expatriated capital are sent into our own market at lower prices than our costs of production permit. These imports shrink our own domestic production.

What hits home is the discouraging prospects facing many of our industries as they contemplate expansion in this country. In all those cases, and there are many of them, in which the industry is confronted with sharp import competition, investment money will go preponderantly into modernization, the purpose being to lower costs by producing more goods with fewer workers. Two-thirds of our new investment in manufacturing enterprise has been going into modernization, which usually means stepping up automation and putting people out of work—all as a means of remaining competitive.

Mr. Speaker, let me say with all the force at my command that we are losing the battle—oh, not the big corporations, the multinational corporations—but American labor, the small- and medium-sized producers, the suppliers of materials and parts to the great assembly plants.

We are losing the battle, I say. Our exports are sustained in great part by subsidies of one kind or another. Yet our share of world exports has been declining.

Mr. Speaker, without prolonging my remarks, I ask leave to insert at this point in the Record a review of some of the points I have made plus some others that are basic in character. This review and analysis of our economic system appears in a statement made by O. R. Strackbein before the platform committee of the Democratic Party this week.

Mr. Strackbein is chairman of the Nationwide Committee on Import-Export Policy, an organization that has been in the lead in combating the trend that is by way of setting back this country if remedial steps are not soon taken.

The analysis goes to the heart of the question, and I urge all Members to read it, study it, and weigh its message:

Statement of O. R. Strackbein, Chairman, the Nationwide Committee on Import-Export Policy, Before the Committee on Resolutions and Platform of the Democratic National Convention, Washington, D.C., August 17, 1964

A general euphoric atmosphere envelops the American economy today, both in its shortrun and longrun prospects.

This high optimism unfortunately is oblivious of trends and of forces, already in high tide, that will, if not halted, reverse the world industrial leadership enjoyed by the United States in the 20th century.

This is a startling statement and needs support in the form of substantiating historical background if it is to stand.

Perhaps the most protrusive fact, standing high in the landscape, is the uniqueness of our economy until its phenomenal record, particularly in World War II, recommended it to Europe and Japan as well as other countries of the world. They are now in full cry on our heels. This erstwhile uniqueness is of crucial importance if we are to understand and weigh the American economic position in the midst of competitive forces that now beset it on all sides.

A half dozen interlocking factors originating from a continental base of considerable advantages can be traced. These are the threads that were combined to form the unique industrial fabric which this country gave to the world.

The economic base rested on a continent relatively rich in both natural and human resources. The abundant natural resources extended not only to fertile land and a temperate climate but to minerals, forests, and streams. The favorable human resources included a remarkable toil-willingness, readiness to withstand hardships, and above all a love of freedom. Also within the population was that sprinkling of inventive genius without which man would not have learned what to do with fire. Then there was the discipline of obedience to law, faith in education, and the moral suasion of religion.

This combination represented a good augury from the beginning.

What was to be done with these resources and endowments was a blank book yet to be written. We adopted a constitutional blueprint, an organic law, for our society, designed to give free rein to human potentials. This was important. The organic law also provided for a system of checks and balances to insure against the formation of tyrannical governmental power. This, too, was important.

Within the Constitution was a recognition of private enterprise through the granting of a temporary monopoly to authors and inventors. This fact represented a recognition of special inducement as a generator of extraordinary effort. It meant that originality was to be rewarded by assuring the innovator of the fruits of his efforts.

The importance of this constitutional provision, in the form of incentive, to our technological development can hardly be exaggerated. It was a blood brother of the profit motive. In turn, technological development of course, was the indispensable forerunner of mass production.

The climate most conducive to the development of human potentials in the material field appears to be constituted of freedom, incentive, and competition. Yet, freedom without restraints leads readily to license and abuse. Since the restraint built into our system of government in the forms of checks and balances was not extended to the commercial and industrial world, economic freedom developed a strong penchant for monopoly.

The great ferment that marked our developing economy in the building of railroads and industrial enterprises, intertwined with financial controls, soon erupted in vast aggregations of power that were beyond challenge by new enterprisers entering the field or by small competitors who were marked for obliteration by the growing giants. Recognition of the incompatibility of this trend with our political system led to the enactment of laws against monopoly.

The Sherman antitrust law of 1890, followed a generation later by the Clayton Act, the Federal Trade Commission Act, and still later by the Robinson-Patman Act, marked one of the principal steps that separated our economy from those of the rest of the world. These acts of Congress attested to our firm belief in the value not only of competition but fairness of competition. We had seen that unfair competition could itself be used to destroy competition. Therefore we concentrated on fairness of competition as a means of preserving this vital force.

The choice was a most crucial one, and one that laid the groundwork of our unique system.

Having before us the vast potentials of mass production, based on our inventive endowment, the system could have succumbed to monopoly and so would have died aborning. Our economy would have been patterned on the European variety which was dominated by cartels. We would not then have achieved world industrial leadership as we did.

The possibility of mass production posed a great lure to anyone who could organize it, manage it, and dispose of its products. It was a great lure despite the tormenting and mountainous obstacles in the way precisely because success would possibly be crowned with handsome rewards, thus repaying the burdens of worry, risk, and toil.

Indeed the problem was formidable, no doubt seemingly insuperable early in this century, because we were wholly without example. It was always easy to go broke. Pioneering in this field was as beset with pitfalls as was the opening of the continent.

What indeed could be done to dispose of the mounting volume of goods that the new technology made possible? Who would buy all the crowding succession of goods that could now be manufactured, many of them new and strange? That was a question that faced the ambitious and prospective enterprisers. The inventor could not answer it. He was seldom even a manufacturer. The producer alone could not answer it. He was not a merchandiser. Which was to come first, the chicken or the egg? First, there must be consumer purchasing power, or the growing volume of goods would simply choke the warehouses and bankruptcy would follow. Unquestionably the merchandiser, salesman, and advertiser had an indispensable function to perform.

Perhaps some obscure annals have recorded the great struggle over an answer; but if so they did not find their way into the public consciousness. Only the most dramatic of all the answers was recorded. It was the one provided by Henry Ford when he announced the $5 a day wage. He had grasped, if only obscurely, the second half of the equation that was needed to complete the vision of mass production. As now seems so obvious, this was mass consumption, based on mass purchasing power. Labor, which represents by far the heaviest part of the consuming public, had to come by the means of purchasing what the system produced; and the possibility of higher worker income was in turn made possible by the higher productivity generated by mechanical and managerial technology. All that was needed was a catalyst, and Henry Ford, as nearly as anyone, was it.

At this point a new function of competition was recognized. Once more the American way took a turn away from the European.

Mass production which was now possible, in turn made possible lower prices; and this became an objective as a means of reaching more consumers. Instead of adopting the course of forcing down wages as a means of achieving lower prices, a course which would have been self-defeating, the function was placed on the shoulders of competition, free and fair competition. However, there had to be a waiting period allowing for experimenting with the market. Fortunately such a period, 17 years of it, was available if the new industry was centered about a patent. Not only did this provide a reasonable period of time but assured a handsome monopolistic reward if the patented device was responsive to human needs.

Time indeed was needed (1) because of the slow pace of converting a mechanical invention into a practical instrument of production, (2) the equal slowness of shaping the product made by use of the new device to the indistinct or latent demand of prospective consumers, (3) the difficulty of gaining adequate financial support for the operation, and (4) then selling the product to a skeptical or indifferent public. The period of the patent provided the time.

With the foregoing factors in gear with each other we moved forward with increasing momentum through the twenties. The profit motive which was and is the luring element that draws economic activity forward, ran ahead without restraint and then crashed. This was followed by the great depression of the thirties. It ushered in the period not only of reform but of widespread hostility to the very system that had produced such industrial wonders.

Denunciation of the system was bitter and ran deep. A product of universal economic frustration, the disenchantment was so great that it teetered on the verge of a disastrous error; namely, substituting the concept of "production for use" for the price-profit system. The venom spewed by frustrated economic aspirations knew no bound but yet was contained in words rather than breaking out in violence.

Having learned the function of purchasing power and having also observed its dependence on employment at good wages, it was now concluded that public works would "prime the pump" by putting people back to work. Reliance on pump-priming indicated that we still looked to our system to pull away once the pump was primed; but the general approach was one that revealed our ignorance of the function of confidence in supplying movement to our system. Therefore we fell into contradictory efforts. The Government scared business while expecting it to respond cheerfully through lively investment in expansive activities. Confidence does not lead far from base in an atmosphere of hostility.

The formula naturally did not work and could not be made to work. Public works, however extensive, cannot be a substitute for wooing of the open market for profit. They provide no lure from the future, drawing forth continuous activity. Public works are piecemeal, and the multiplier on which John Maynard Keynes relied for reemployment stops when a project is completed, be it a highway, school, public building, or whatnot.

During this period we extended the concept of fair competition to wages and hours, seeking to prevent the erosion of purchasing power and to match mass consumption with mass production.

We failed, however, to grasp the essential remaining factors on which the health of our system depended.

Mention has been made of business confidence. These are not new words; but the basis of their great significance has not been analyzed and exhibited in its natural form.

Had this been done we should have avoided some errors, the effects of which still bedevil us. For example, we launched a far-reaching tariff reduction program without reckoning with the upset inherent in foreign competition of the kind that we had explicitly outlawed at home, and without assessing the effects on business confidence when many of our industries found the future clouded by rising import competition.

We did not then and we do not even yet fully appreciate the difference between staple goods such as basic food, plain clothing, unadorned households, etc., on the one hand, and fancy clothing, shapely furniture, multiple duplicates of many items, etc., on the other, so far as their economic behavior is concerned.

No vastly and indefinitely expanding industry dedicated to the provision of the staple necessities is possible. Demand for such products is quite inelastic and limited by the population. The vast expansion of the automobile industry and the ramification of suppliers, maintenance, repair, and fuel services, etc., could not have been duplicated in flour milling, meatpacking, or similar industries. Only those industries that cater to the secondary human needs, the semiluxuries and luxuries, enjoy almost limitless potentials. People need, say, one or two pairs of shoes a year, but may be induced to buy dozens of pairs. On the other hand, the luxuries may be dispensed with completely. This fact makes of confidence a very sensitive flower in this field.

A flour miller or foodpacker, by contrast, may be quite sure of a sustained demand. He needs only to avoid overproduction.

The producer of goods that need not be bought at all is at the mercy of all kinds of lurking upsets. Planning for the future is therefore precarious. In the United States today a great part of production caters to the secondary as compared with the primary demand. Our imports have been moving more heavily into this very area of goods. The meaning of this fact has not hitherto been grasped. Proposed further tariff reductions would aggravate the problem.

Particularly vulnerable are "growth" industries dedicated to mondurable consumer goods; but the retardation goes farther.

In our earlier mass-production activity, we strove to gain the advantage of lower costs, and depended on competition to pass them on to the consumers. If the demand of the product was elastic, i.e., if there was no specific limit to consumption, and if the product had good appeal, consumption would respond to the lower prices. Consumption might double and go on up and up; but it might also be volatile.

This process became a classic of our economy. Much of our growth relied on it. (One of the latest examples was television.) Potential demand awaited a good product;

but technology still came first, followed by actual market outlook. This might be brilliant, fair, or gloomy for several reasons, depending on consumer attitude, selling, etc. Uncertainty became a sure retarder.

If the gloomy factors outweigh the favorable ones, the producer will hesitate. Even if he has a going concern he may reduce his costs by laying off workers; or he may decide on a holding operation, and hire no new workers.

If all looks well on the domestic front, as is seemingly the case today, he may yet be sorely perturbed by import competition. If imports have risen or loom menacingly he will modernize, automate, etc., to hold his own. He will again displace workers; even as the oncoming column of new workers cries for jobs. Unemployment will rise.

Let us say his industry is indeed a new industry (such as electronics) and one that is growing because of wide consumer acceptance of the product.

He will now find that our tariff reductions muddied considerably the springs of confidence that in the past provided courage. While in this country consumer purchasing power is high and supported by high wages, we have exposed ourselves to a foreign competition that can upset the applecart because it is free from our labor legislation extending fairness of competition to wages. The prevailing general prosperity will not lift the fear and uncertainty from such an exposed domestic industry.

The condition is widespread and still growing because other countries now enjoy our technology and may quickly duplicate our patents by similar innovations; or may obtain licenses to manufacture; or, again, our leading firms may establish oversea production. The companies that remain behind may then join the ranks of importers or remain satisfied with a small share of the business. The vision of growth gives way to a struggle to survive. Several elements hold the bag: labor, small companies, suppliers of parts and of materials (farmers, miners, etc.). Thus is blown the fuse of building a huge network of industry with its integrated parts, and providing extensive employment: all in behalf of a hope to increase exports while engaging in a process that assures their shrinkage.

The record shows this to be the trend. Except as we subsidize exports, they have not held their own. Imports are moving into finished goods, aggravating the sliding confidence and the rising unemployment found in our industries that face the competition.

Only by artificial means, such as further subsidization, forced exports, as under foreign aid, etc., can we postpone the inevitable regression of the American economy. The alternative lies in utilizing tariffs and/or import quotas to overcome the unfairness of much of our import competition and to substitute new conditions of confidence. Well-founded hopes of enjoying an expansible domestic market, not robbed of its promise by an instant jump-up of imports, ever ready to share the market under a favorable handicap, will then restore in good part the conditions that accounted for our surge to world economic leadership in the first place.

These are the needs. We hope that they will be recognized in the Democratic platform. Adjustment assistance after injury has been inflicted, is wholly misconceived. To advocate it is to misread the character of our system and to fail completely to understand the motivation and dynamics that alone can generate and maintain a system such as ours.

A PLATFORM PLANK ON TRADE

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. DENT. Mr. Speaker, for the information of the House I ask that a presentation on trade made before the Democratic platform committee be printed in the Journal.

I regret that the makeup of the platform committee does not allow much room for the trade views expressed in the presentation.

Sooner or later we will have to admit that the disease of unemployment has its virus in the unequal trade agreements the Nation has entered into.

Every session of the Congress finds more and more legislation aimed at the relief of our beleagured industries. Every day more and more U.S. corporations move their scene of operations to foreign shores for the purpose of evading our U.S. wage laws, our payroll taxes for the benefit of our peoples and every day more and more subsidies have to be paid to fishing fleet owners, textile mill owners, farmers, and others who find themselves in dire straits because of imports.

None of us want to isolate this Nation from the outside world, but by the same token we have had enough of the isolation of poverty and want caused by unemployment.

I present my case to the House, fully realizing the futility of my endeavor.

Following is my statement before the Democratic platform committee:

> Mr. Chairman and members of the committee, I appear before you in an effort to reemphasize the U.S. position in world trade as it relates to our domestic economy.
>
> It has been a matter of common knowledge and longstanding that the Democratic Party endorses and supports a relaxation of trade barriers and the promotion of International good will and growth through the expansion of world trade. As a Democrat, a Member of Congress and as an American I have no quarrel with this trade policy or its objectives. I do, however, believe the time has come for certain understandings to be underscored and made part of the national platform of the Democratic Party.
>
> When trade is carried on in a market where the need for goods is the prime move in the trading agreements it is logical and equitable. However, since the advent of the automated production facility, the advancement in transportation and communication, the expanded and far-reaching exchange of ideas, know-how, and the easy access to investment finance, world trade takes on another face. This new face has all too often been hidden behind doubletalk, false figures, propaganda, and a confusion caused by a perversion of the original intent of the Reciprocal Trade Agreements Act.
>
> When the price structure of a commodity or product in world trade becomes the determining factor in the movement of said goods, reciprocity flies out the window of reason and fair trade and becomes a menace to the economy of any high-waged, high-cost nation.
>
> We can protect the U.S. standard of living without disturbing our time-honored position of defending free trade in the goods produced in surplus by our Nation and in short supply in another, or the freedom of trade in the minerals, farm products, and manufacturing machinery and commodities necessary for the survival and growth of the underdeveloped nations or nations in short supply. To do this we must adopt a platform (a) which will embargo all imports produced overseas for the sole purpose of reducing the cost of production by substituting foreign labor in producing U.S. marketed goods bearing trademarks, copyrights, and any and all markings or symbols that traditionally identifies said products as American made or common to the American market; (b) which prohibits the importation of any competitive product at a price below the foreign selling price—the lowest U.S. cost of production; (c) that will impose a charge at customs on all imports equal to the amount lost by the Federal Government in taxes, to the differences in the cost of production including wages paid in the United States, the fixed costs of all services set by Federal or State statute and the costs of raw materials; (d) no imports may be imported in volume greater by percentage of the U.S. market than the like article is exported to the exporting nations domestic market.
>
> These safeguards against the further deterioration of our job potential in the United States are minimum. Our primary economic objectives must be to continue the growth of our national product and the necessary job growth for the welfare of our peoples. Examination will show that every other nation protects, by one device or another, the price level of its competitive goods in its domestic marketplace.
>
> As we become more and more mechanized in the nations of the world, we must protect, not our economy alone, but the economies of all nations. Trade therefore must be beneficial to both the exporting and the importing nation. It must be the rule of trade that no nation shall sell in a competitive country products below the costs of production in that nation, any products produced in sufficient quantity to meet the needs of its peoples. This platform should be a notice to all nations that the U.S. marketplace will no longer be used as a dumping ground for products in world trade that destroy our job opportunities and curtail the growth of our industrial complex.
>
> We should reemphasize our position on the freedom of trade in the goods necessary to each nation's welfare with a protective covenant against the destruction of a domestic market by the dumping of goods produced in surplus at prices below the import nation's domestic costs of production.
>
> Sooner or later the trade in world goods will have to be measured on a cost basis rather than the selling price, or the advanced nations will deteriorate at a faster pace than the underdeveloped nations can advance.
>
> Trade when equitable can build understanding and good will amongst peoples and nations.
>
> Trade based upon profit and dollar commercialism has in the past, and will again, sow the seeds of misunderstanding and bitterness which brings on the harvest of devastation and destruction of suffering and war

LATIN AMERICA

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, as one who long has been interested in Latin America, and the image of Latin America which prevails in the United States, I have followed closely the type of reporting which our media give us on that vital area of the world.

For too long a time, a consistent Latin American complaint was that the news of Latin America, disseminated by the U.S. press and radio, was negative—that it stressed revolution and disorder.

The Latin Americans, through the forums available to them, pleaded for a more positive approach—for correspondents who would seek the solid rather than the sensational.

I recall particularly that one of the recommendations of Dr. Milton Eisenhower, following his 1953 tour of South America, and one of the recommendations of the Inter-American Committee of Presidential Representatives in 1957, was that our media should improve their treatment of news from Latin America.

The events connected with Vice President Nixon's 1958 trip proved the validity of these recommendations. On hindsight, if they had been followed, if our media had had the in-depth reporting of Latin America that we get from other areas, then those events would not have come as a surprise to us.

Since 1958, of course, the situation has changed.

Instead of the one or two handfuls of wire service and individual newspaper or magazine correspondents in Latin America in 1958, we now have something like 100 newsmen assigned to the major capitals, many of them on roving assignments.

The news now is coming to the United States. But I still think that there is room for improvement, within the newspapers. The copy editors, who rarely have a background in Latin America, sometimes tend to overlook the really significant developments which their correspondents report.

In this situation, apparently, what is needed is a high level determination to utilize the reports which come in from the southern part of our hemisphere.

Here in Washington, we are particularly fortunate. Such decisions have been made.

All three of the Washington papers—the Post, the News, and the Evening Star—now are bringing us news of Latin America which in other years they may have overlooked.

I have been particularly impressed, recently, with the work on Latin America being done by the Evening Star, and the correspondent it has assigned to this task—Mr. Jerry O'Leary, Jr.

To his assignment, which, as I have already indicated, it is a difficult one, Mr. O'Leary has brought a high degree of reportorial skills, a sure knowledge of Washington, and a refreshingly positive approach to the news.

In other words, through this collection of articles which I would like to insert in the RECORD, he is giving us information by which we—and the people of Washington—can judge developments in Latin America, and our response as a nation.

This is a calm voice—not one that cries sensation.

I shall follow—and I hope other Members of the House will follow—the future course of Mr. O'Leary, particularly since I understand that he shortly is to make a lengthy tour through South America.

[From the Washington (D.C.) Sunday Star, May 31, 1964]

OAS VOTE DUE IN 30 DAYS ON CHARGES AGAINST CUBA

(By Jerry O'Leary, Jr.)

A conference of Western Hemisphere foreign ministers is expected to convene within the next 30 days, probably in San Jose, Costa Rica, to act on Venezuela's complaint of aggression against Communist Cuba.

The preliminary maneuvers and strategy discussions are virtually complete. It remains only for the Organization of American States to name the time and place.

Washington observers believe enough votes have been lined up for the necessary two-thirds majority needed to pass a stiff resolution, warning the Cubans that no further aggression will be tolerated in this hemisphere. The estimate is that 14 or 15 nations will support a censure of Cuba's attempts to undermine Venezuelan democracy.

FOUR STILL MAINTAIN TIES

Experts expect the resolution will recommend that the American Republics sever diplomatic ties with Cuba—as all except four have already done—and halt all economic relations with the island.

The United States, Venezuela, and Costa Rica are the hardline neighbors. At the opposite end of the spectrum are Mexico and Chile, which with Bolivia and Uruguay are the only four hemisphere nations still maintaining diplomatic relations with Cuba.

The Council of the Organization of American States, perhaps this week, will decide on some of the procedures to take about Venezuela's complaint.

Cuba has already been read out of the OAS. Now the bolder residents think the time has come to take sterner action.

The questions are: When, where, and how to chastise the unruly Red nation?

Venezuela and democratic little Costa Rica insist that the letter of the Rio Pact requires a meeting of foreign ministers. The biggest, richest, and most powerful neighbor, the United States, has felt that the strongest resolution against Cuba would come from a session of the OAS Council itself, meeting as an organ of consultation. A few nations—Mexico, for example—would rather pretend the problem doesn't exist and ignore it.

One influential diplomat, Gonzalo J. Facio, Costa Rican Ambassador to the United States, said in an interview that he believes the decision will be to convene the foreign ministers either next month or in July to consider the Venezuelan complaint. A likely location, he said, is San Jose.

The major Latin American nations do not want the council of ministers to meet in their capitals, Mr. Facio says. He believes, on the other hand, that a council session in Washington would put the anti-Cuba nations at a propaganda disadvantage.

Mr. Facio discounts the argument that the Latin foreign ministers would balk at taking a public stand in the action against Cuba.

"It is time they did stand up so the rest of the world can see," Mr. Facio declared.

CONDEMNATION OF CUBA SEEN

He predicted that the hardline nations have the necessary majority of 11 votes required to convene the foreign ministers and the 14 needed to secure condemnation of and even economic sanctions against Cuba.

The foreign ministers he predicted, will vote to condemn Cuba for attempting to export revolution to Venezuela, and authorize any member nation, or group of nations, to take armed action against Cuba if any new aggression occurs.

A second result of the council, Mr. Facio forecast, would be the application of steps to deepen Cuba's isolation from the rest of the hemisphere. Depending on the wording of the resolution, he said, the 20 nations might decide either to recommend or to require severance of all diplomatic and trade relations with the Caribbean island.

Mr. Facio said he believed Bolivia and Uruguay would break with Castro if a strong moral condemnation results from the council, and that Chile will follow suit after the September elections if Eduardo Frei is elected President.

ARMS CACHE DISCOVERED

"If any case demands the application of the Rio Pact, this one does," Mr. Facio said. "Unless the pact is acted upon, we might as well tear it up. We believe this treaty should be invoked in a meeting of the foreign ministers, as the pact requires."

He said Venezuela's case against Cuba is proved beyond any doubt. The complaint is based on the finding of a cache of arms on the Venezuelan coast last November. The arms bore Cuban markings and apparently were intended for the Communist FALN underground. The motor of the boat used to transport the arms had been shipped from Canada to Cuba just 2 weeks before the incident, Mr. Facio asserted.

[From the Washington (D.C.) Evening Star, June 29, 1964]

ORLICH TO THANK UNITED STATES FOR 35 "AMBASSADORS"

(By Jerry O'Leary, Jr.)

When Costa Rica's President Francisco J. Orlich arrives in Washington tomorrow, one of his first acts will be to thank President Johnson for the 35 "ambassadors" the United States has sent to the Central American Republic.

The 35 have had no diplomatic training. They are, in fact, Navy Seabees, more at home with bulldozers than at embassy receptions. But they have become virtually national heroes in Costa Rica where they were sent a month ago to help control the damage being wrought by the erupting volcano, Irazu.

Some of them nearly lost their lives earlier this month when an avalanche of mud, water, and volcanic ash, 600 yards across, swept down the mountain and threatened to inundate the city of Cartago.

In less than 5 minutes, the avalanche rose 28 feet above the bed of the Rio Reventado, along which the Seabees were working. Only advance warning from Costa Rican civil guards posted on the mountain above enabled the Americans to escape safely.

JOHNSON SENDS SEABEES

In this avalanche, two Costa Ricans died and 300 were left homeless. Last December, another avalanche from restless Irazu caused the death of 7 others and left 5,000 homeless. Damage was in the millions.

President Johnson applied $2 million from the contingency funds of the Alliance for Progress to send the Seabees and their heavy equipment to Costa Rica.

Their mission, on which they have been working double-shifts ever since, is to build dikes and flood control works along the Reventado which periodically overflows with accumulated ash from Irazu.

When their work is done in the next 2 months, they will leave their equipment behind for the Costa Ricans to continue the projects.

Since the Americans arrived they have won the respect and admiration of the Costa Ricans. They have been lionized by the press, radio, and TV. Civic organizations compete to do them honor. They have been made honorary citizens of Cartago.

PRAISE FOR U.S. AID

As one Costa Rican editorial writer put it: "The United States sends men who run risks, and sends material and financial assistance. Communism sends agents and propaganda to twist the facts and the truth."

Irazu continues to rain volcanic ash over 100,000 acres of the richest land in Costa Rica. The streets of San Jose, the capital, have to be cleared of ash as snow is removed in Washington. Women never go out without wearing the Costa Rican equivalent of a babushka to protect their hair. The hottest selling item in the country is shampoo.

The visit of President Orlich will be the first of a Latin American chief of state since President Johnson took office. The Orlich party will remain overnight in Williamsburg, Va., tonight and arrive for the 4-day state visit tomorrow.

[From the Washington (D.C.) Star, July 14, 1964]

UNOFFICIAL U.S. "PARTNERS" HELP LATIN AMERICAN AREAS

(By Jerry O'Leary, Jr.)

A New program is personalizing U.S. aid to Latin America by making various areas of the United States partners with towns, sections and whole nations south of the border.

The program is called Partners of the Alliance by Americans and Companeros de la Alianza by the Latins.

But in the last analysis it is a pepole-to-people program between private groups in American cities and States and similar areas in Latin America.

For example, a group of Texans is leaving soon for a trip to Peru with whom the people of the Lone Star State have agreed to become partners. It is not a case of Texas adopting Peru or an old clothes charity program; the Texas Partners Committee will begin to work with a similar group in Peru.

The Texans will furnish some money and the Peruvians will furnish the work on a number of projects, small as aid programs go. The money comes from civic clubs, 4-H clubs, business and professional groups, chambers of commerce, high schools and other organizations who want to help others help themselves.

SELF-HELP REQUIRED

"If there's no self-help in it, we won't touch it," says 38-year-old James H. Boren, special assistant to the Coordinator of the Alliance for Progress.

The self-help projects the Texans will undertake in Peru are typical.

A Peruvian teacher has volunteered to establish a poultry program for a tribe of Indians in the Jivaro country and $607 is needed for baby chicks and rolls of wire. The Texas groups will furnish the money and the purchases will be made in Peru if possible. The Indians will do the work.

Another village needs 1 bull and 30 rolls of barbed wire at a cost of $600. Another needs a $168 hand-operated water pump and a fourth needs $78 for two kerosene lamps and a dozen books so the Indians can be taught to read.

The partnerships have been catching on fast. Utah has joined with Bolivia. Pensacola, Fla., has sent almost $30,000 to establish a medical center in Chimbote, Peru.

FAIRFAX SCHOOL HELPS

The students of Mount Vernon High School, in nearby Fairfax County, Va., raised $200 to help students at a vocational school in Hauara, Peru, buy tools and books.

Fifteen public school districts in the area around Eugene, Oreg., have been linked with Costa Rica so that 15 Costa Rican teachers will spend 2½ months in the Oregon school system for in-service training. The Latin teachers will live with Oregon families.

Alabama is planning an alliance with Guatemala, Arizona with El Salvador, Utah with Bolivia, Ohio with the state of Parana, in Brazil and Illinois with the Brazilian state of Rio Grande do Sul.

The civil defense director of Oakland County, Mich., John E. Madole, is going to Cali, Colombia, to start a partnership with the people of the Cauca Valley. A Colombian counterpart will come to Pontiac, Mich., to form the opposite end of the pipeline. Cali wants help in municipal planning and budgetary control, educational and industrial development.

AT LOWEST LEVEL

Operating at the lowest level of government, where nation-to-nation assistance rarely filters down, Mr. Madole is heading for Gali with the support of Oakland County leaders and its Congressman, Representative WILLIAM BROOMFIELD. He will have his work cut out for him in an area that is unbelievably rich but has a desperately poor population.

The aim is to keep the system uncomplicated, according to Mr. Boren, who is the catalyst for the partners program.

He believes the burgeoning program will do much to erase the image of the "Ugly American." He cites the case of Pelileo, a village of 2,300 people in the shadow of Mount Chimborazo, in the Ecuadoran Andes.

Pelileo was leveled by earthquakes in 1949. The survivors moved 2 miles and slowly began to rebuild their village. Over the years, they reestablished a school, a hospital, and their homes but now they need a water system.

SENDING WATER SYSTEM

The Idaho partners, who had already furnished four pedal-operated sewing machines and a typewriter for an orphanage at nearby Concocto, are going to help the people of Pelileo with a portable water system, equipment for a baking cooperative and electric lights for the hospital which now has a gooseneck lamp in the operating room.

The people of Pelileo are so overwhelmed that when Mr. Boren went there on a visit recently he wound up at the head of a parade.

California has signed agreements with Chile in a larger scale operation, activated by the late President Kennedy and Governor Brown for water resource development, agricultural extension services, and manpower planning.

But the partners program is generally smaller and almost entirely unofficial. Most of the projects cost less than $500.

[From the Washington (D.C.) Evening Star, July 14, 1964]

ROSTOW TO PROPOSE PLAN TO BUILD LATIN MARKETS

(By Jerry O'Leary, Jr.)

Walt W. Rostow, Chairman of the State Department's Policy Planning Council, will propose new strategy for creating national markets in Latin America at the first working session of the Inter-American Committee on the Alliance for Progress in Mexico City this week.

The new American delegate to the committee (called CIAP from its Spanish initials) will make an important report outlining a four-point program for narrowing the gulf between developing metropolitan centers and stagnating rural areas in Latin America. The session, underway in the Mexican capital, may last 3 weeks.

FOUR PROPOSALS

Aside from the obvious need for roads, Mr. Rostow will propose:

Building up agricultural production in rural areas through increased technical assistance, expanded credit resources, and incentives to adopt new crops and methods.

Revolutionizing the marketing of agricultural products in cities by encouraging mass marketing with small unit profits.

Shifting of industrial emphasis to the production of simple agricultural equipment such as canvas shoes, flashlights, bicycles, and sewing machines.

Revolutionizing the marketing of industrial products in rural areas.

TRUCKS NEEDED

"What may be required," Mr. Rostow said, "are mobile trucks which go at regular intervals to the villages with stocks of consumer goods and agricultural equipment. It might take 3 or 5 years to become profitable but the availability of such goods at reasonable prices would yield for the developing nation a higher amount of industrial employment for the expenditure of a given amount of income in the villages."

He said most marketing involves too many middlemen with excessive unit profits.

Mr. Rostow replaced Teodoro Moscoso as the American representative on the committee, which is charged with drawing up long-range plans for applying the principles of the Alliance to Latin America.

REAPPORTIONMENT

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. PEPPER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to insert in the body of the RECORD a statement I made today before the Drafting Committee of the Resolutions Committee of the Democratic National Convention.

It seems to me altogether right and proper that the Democratic Party which is the party of the people, should in its national platform take a strong and forthright position in support of the decision of the U.S. Supreme Court upholding the right of the people to be represented on the principle of one man one vote in the legislative bodies of the States and in the Congress. Yet, today we see that reasonable and fair principle—and I do not see now any principle could be fairer than the principle of one man one vote—is under bitter, determined, and sinister assault from those who want to preserve and protect the vested interest of politicians and the holders of political power and privilege because they represent more space than they do people.

This landmark decision of the U.S. Supreme Court today is not only itself the subject of assault but it is the avenue through which the independence and the integrity of the judicial system of this country is under dangerous attack. For what is proposed is nothing less than that the Congress attempt to deny to the Federal courts of this country the protection of rights and privileges which the U.S. Supreme Court, the constitutional integrity of the Constitution, has held, that the citizens of this country are entitled to enjoy.

This is not the only attack upon an independent judiciary through the forum of the Congress but it is an attempt to induce Congress to usurp power to deny the judicial protection of the constitutional rights of our people, which power the Congress under our Constitution, does not posses.

Under the Constitution, legislative power is vested in the Congress, not judicial or executive. The protection of the constitutional rights of our citizens is vested in the judicial system of our Government.

For example, recently the U.S. Supreme Court held that a defendant charged with a felony in a State court could not be legally convicted unless he had or was tendered by the State qualified counsel. Does any member of this committee believe that if the Congress were to attempt to say that that right could not be enjoyed by a defendant charged with a felony in a State court and the denial of that right could not be properly protected in a proper U.S. court?

Further, the U.S. Supreme Court a bit ago held that children could not be denied access to public schools of this country because of race or color. Could the Congress of the United States set aside that decision of the U.S. Supreme Court and deny to the Federal courts the protection of these constitutional rights?

It may be assumed for the sake of argument that under the judiciary article of the Constitution Congress can abolish the U.S. district courts since it has the power to establish those courts. But so long as the courts exist can the Congress deny to the U.S. district courts the right and power, indeed the duty, when proper application is made to protect the constitutional rights of our citizens?

I am sure that fair interpretation of the judiciary article will not so hold. My State of Florida is particularly interested in this subject and especially so is Dade County, a part of which I have the honor to represent in Congress. Prior to the Baker case, Dade County with one-fifth of the population of the State had 1 senator out of a senate of 38 and 4 representatives out of a house of 95 in the Florida Legislature. After the Baker case was decided and a three-judge Federal court held on our constitutional apportionment under the Constitution, the Legislature of Florida to avoid reapportionment by the Federal courts, finally reapportioned the State after a fashion. As a result of the new apportionment, Dade County with one-fifth of the population of the State got 2 senators out of a senate of 45 and 14 representatives out of a house of 105, in the legislature. The progress toward fair representation which our people have gained has been due to the decision of the U.S. Supreme Court holding that the courts of the country under the Federal Constitution have a right to hear the complaint of any citizen who is not fairly represented in his State legislature. Under the latest decision of the U.S. Supreme Court—Dade County will get a representation of substantially one-fifth of the State senate and one-fifth of the State house of representatives because we have one-fifth of the State population. But that will vastly increase Dade County representation in the State legislature and give us that equality of one man one vote which is the truly democratic principle upon which such apportionment should rest. Those who oppose these measures therefore attack our judicial system and its integrity and thereby endanger every constitutional right which every citizen of America enjoys today. Those who attack the one-man-one-vote decision of the Supreme Court are seeking to freeze modern-day America with its urban problems into the pattern of a past America of rural pattern. They are trying to freeze political privilege and power into the hands of senators and representatives to represent space and trees and water and to deny such power to senators and representatives to represent people. They want to perpetuate privilege and power to benefit the few and to do so they are willing to deny the equitable rights of the many.

If we are to meet the problems of urban America today those problems must be in the hands of the people elected by our citizens whose lives are a part of the urban America to have the association, the knowledge, the point of view about urban problems which will enable them to understand them with their heads and solve them with their hearts.

Let the Democratic Party speak out in words that shall be heard around the world that we are more perfectly, with every passing day, making America in practice the democracy of which we preach to other people around the world. Let the Democratic Party, the party of the people, rebuke those who wish to deny representation on the basis of equity to the people.

As Thomas Jefferson said in the Declaration of Independence, "Governments derive their just powers from the consent of the governed." Let us not perpetuate a government based upon the denial of the right of the people to give their consent but let us perpetuate a government truly based upon the consent of the people. All America is listening for the Democratic platform to come out strongly and forthrightly for the constitutional system which has made us the greatest Nation in the world and for the protection of the rights of all the people of this country.

PEEPHOLE DEVICES IN POST OFFICES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California [Mr. LEGGETT] is recognized for 30 minutes.

Mr. LEGGETT. Mr. Speaker and Members, I am pleased to announce that with the introduction yesterday of H.R. 12402 and H.R. 12403, Representative LEGGETT, of California, and Representative HECHLER, of West Virginia, have jointly declared war on peepholes in post offices throughout the United States.

Apparently a practice cropped up in merry old England several hundred years ago of maintaining surveillance of the administration of the mails through means of hidden devices. When America inherited England's common law system apparently she also inherited their peepholes. The practice was known during the Revolutionary War and subsequently during the Civil War.

I am informed that in 1875 the postal facility down at Richmond, Va., was constructed with a peephole device to allow for the surveillance of bonded postal employees.

Today in modern America, where the right of privacy in personal affairs has grown up in a law of torts, and where in most public and private employment employees are free from the snooping eye and snooping lie detector management might seek to impose, it seems an anachronism to allow a snooping device, an observation gallery which extends even into the very sacrosanct latrines of the postal facilities. In spite of the fact that each of the postal employees is a civil servant carefully screened and bonded and an inspector in his own right, we have a multimillion-dollar inspection gallery system, a holdover from the middle ages, and we have the snooping eye of inspectors in hidden galleries, with one-way glass, casting suspicion on more than 448,000 career civil service employees, and also on the more than 5,000 post office postmasters, which postmasters, I might point out, have been approved by the Congress of the United States, in the Senate.

How effective are these devices? I am advised that last year the Post Office Department arrested and convicted some 513 postal employees. This was out of a total number of 448,000 employees. One-tenth of 1 percent were arrested. We might estimate that if half of the arrests were in some way accomplished through the special archaic middle-age snooping devices that perhaps one-twentieth of 1 percent is the effectiveness. So why should 448,000 public employees be placed under public scrutiny and observation, even in the men's restrooms where, I am advised, they do not allow the separation of facilities within the restrooms because this might block the snooping eye of the inspector? Why should we allow this merely to assist in the arrest of one-twentieth of 1 percent of the employees?

What about the cost? The Post Office states that the thieves who were apprehended in 1963 resulted in a recovery, from the thefts, of a total of $259,940. This seems like a lot of money. The figure should be measured against the cost of the peephole facilities.

Under the law the figure is set at 5 percent of the cost of new construction as the amount which the law allows the Government to spend for peephole devices in postal facilities.

I am told that due to the fact that lights must be raised and ceilings must be raised to allow for the inspection peepholes, many of them account for nearly 10 percent of the cost of post office facilities. This, of course, disregards the annual maintenance cost and other effective costs for heat, light, and maintenance. The plant and facilities budget for the post office system for fiscal year 1965 amounts to $205 million. So that if we take 5 or 10 percent of this item for peephole facilities, you can readily see that the United States spends every year from $10 to $20 million to construct peephole devices to recover perhaps a fraction of $249,000.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I am pleased to yield to my colleague from California [Mr. Cohelan].

Mr. COHELAN. I would like to take this opportunity to compliment my colleague from California and our colleague from West Virginia who I understand have put in a bill on this subject matter today. I would like to say to the gentleman that unfortunately I have not filed a bill with him, because this matter came to my attention some time ago when, for the first time, I had the opportunity to examine in great detail the physical facilities of the postal operations in and about the bay area. In so doing this was one of the items I discovered that seemed to me to be quite antiquated and which deserved a very, very careful analysis and reevaluation. Consequently, when I returned to Washington from this recent trip to my district, I arranged for a meeting with the Postmaster General, Mr. Gronouski, and with the Deputy Postmaster General, Mr. Tyler Abell, and other important officials in the Post Office Department who were in charge of facilities and other matters of this kind. Out of this discussion I was promised or it was pretty clearly understood, may I say, that they would definitely attend to some of the items that I had called to their attention, including this particular subject. The way the matter was left was that in terms of research and development it was my clear understanding that the authorities in our post office, in the administration of our post offices, would give this subject a very, very careful reexamination.

I want to get that into the Record because it is one of the reasons I have not filed a bill with the gentleman, because I feel the authorities did respond to the complaint I made about this. As a matter of fact, I am sure and I feel reasonably certain that when they complete their studies on this subject they will find there are many, many other means to accomplish their objectives both in the form of good industrial management and industrial relations. In addition to that, there are other methods that the Postal Inspection Service might find available in the accumulation of the necessary evidence for people who stray from the path of righteousness from time to time. Still, I could not resist the opportunity to commend the gentleman for what he is bringing to the House today, because the system as it presently exists is really an antiquated and outmoded and uneconomic system. I really think that ultimately they will find that this is so and we will adopt other methods.

I thank the gentleman.

Mr. LEGGETT. I am pleased to have the remarks of the gentleman from Alameda County, who I know represents a number of postal workers and where these highly antiquated facilities cast suspicion on a great number of the fine civil servants that I know you have in your district.

Mr. COHELAN. Will the gentleman yield further?

Mr. LEGGETT. Yes. I yield to the gentleman.

Mr. COHELAN. There are many other points I indicated I took up in the course of my tour, but this one particular thing was so outstanding that I was rather shocked. As the gentleman has called to the attention of the House, this is an uneconomic and unproductive sort of operation, but it is not even consistent, I would remind the gentleman, because these galleries extend in one area, and apparently they only cover the male employees. Is that not correct?

Mr. LEGGETT. That is true.

Mr. COHELAN. So in terms of employee surveillance it is apparently inconsistent. I wonder if the gentleman can tell the House how many female employees there are in our modern post offices.

Mr. LEGGETT. This, of course, is a subject which we will pursue, if we can get this matter to a hearing before the Post Office and Civil Service Committee. I have talked to members of the committee and I am sure they want to hear about it; perhaps not in the 88th Congress, but certainly in the first part of the 89th Congress.

Mr. COHELAN. Mr. Speaker, as I leave this evening, I want to commend the gentleman from California and the gentleman from West Virginia [Mr. Hechler] for bringing this to the attention of the House.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I would be pleased to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I trust the gentleman has personally carried his criticisms to the Postmaster General, Mr. Gronouski; but, on second thought, I suspect he would have a difficult time locating Postmaster General Gronouski these days because he is too busy out castigating Republicans and particularly what he pleases to call Republican extremists. I imagine the gentleman would have a difficult time finding him in his office. He is too busy campaigning.

As one member of the Committee on Post Office and Civil Service I would be most happy, if I am returned to Congress next year, to have the gentleman from California before the committee and others before the committee to provide us with their criticisms and maybe by that time the campaign will be over and if the Democrats are in control, Mr. Gronouski can return to the business of operating the Post Office Department instead of traveling through the country castigating Republicans.

Mr. LEGGETT. Mr. Speaker, I am sure Mr. Gronouski would be doing the thing that he thinks most important. I think, however, the Post Office is in good hands. I am satisfied that they are upholding the law and carrying out the system in the most economical way possible, delivering some 70 billion pieces of mail. Certainly I do not mean to be critical of the 448,000 post office employees or the Postmaster General himself. However, sometimes we get harnessed with certain procedures the antiquity of which we really cannot recognize.

Mr. HECHLER. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I am delighted to yield to the gentleman from West Virginia.

Mr. HECHLER. Mr. Speaker, I am pleased that the gentleman from California has brought this subject to the attention of the House. About 4 years ago when I first brought up this subject my office was literally flooded with mail from postal workers who were very exercised against the operation of these peepholes. One of the main criticisms is contained in this letter, in which a postal worker from a town in Rhode Island indicated that "this practice is an insult to the dignity of one of Uncle Sam's postal workers." And that I think holds true for all of the some half million postal workers, both clerks and letter carriers.

I do not believe that these peepholes accomplish anything which good supervision could not cure. I believe that it is a very healthy thing to have a full-scale investigation of this by the Post Office and Civil Service Committee.

Mr. Speaker, I am not sure if I caught correctly the suggestion of the gentleman from Iowa [Mr. Gross] a minute ago that perhaps Mr. Gronouski would be around with us next year. I thought I caught the suggestion in what the gentleman from Iowa said, that Mr. Gronouski would be around to assist in that investigation in 1965. I appreciate the suggestion and the confidence of the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I would be pleased to yield further to the gentleman from Iowa.

Mr. GROSS. I made no suggestion such as that of having Mr. Gronouski around next year. I think this situation can be cured only if we have a change in the administration.

Mr. LEGGETT. I might point out that we are not being partisan at all in our current attitude with reference to the post office, this particular part of the post office system, because if you look back in the record I think you will find that our colleague, Mr. Hechler from West Virginia, carried on this attack under the Eisenhower administration.

And, I believe, whomever the Postmaster General may have been at that time likewise failed to heed the suggestion made by the gentleman from West Virginia [Mr. Hechler].

Mr. HECHLER. Mr. Speaker, will the gentleman yield further?

Mr. LEGGETT. I yield further to the gentleman from West Virginia.

Mr. HECHLER. Mr. Speaker, certain improvements have been made by the Post Office Department. I talked with the Chief Postal Inspector, Mr. Henry

Montague, and it is true now that these lookout galleries are not installed in post offices employing less than 20 employees.

In addition to that, the cost has been reduced somewhat. I commend Mr. Montague for his work.

But, Mr. Speaker, I believe the gentleman from California and I share the feeling of many other Members that it is the principle of the operation which could stand some improvement.

Mr. Speaker, I certainly commend the gentleman from California [Mr. Leggett], and I trust that this investigation may proceed in the new Congress to such an extent that we may be able to install an adequate system of supervision that will insure the dignity of the great number of postal employees.

Mr. LEGGETT. I thank the gentleman from West Virginia for his remarks.

Mr. Speaker, I just have a few more remarks that I would like to insert into the Record.

To begin with, Mr. Speaker, is the system foolproof, the existing system of peepholes? I believe that we know that it is not. Thefts, of course, still go on in the postal system.

Mr. Speaker, if an employee is going to steal, why not do it out on the route, or better, with the old cliche, the hand is quicker than the eye, applies as well in the postal system as it does on the stage.

Admittedly, Mr. Speaker, the peepholes only cover 80 percent of the working room in a post office.

Is there an alternative method to decrease crime in the post office?

Mr. Speaker, I hope no one gets the idea that I am against or for crime in the postal system. Certainly, I believe any crime should be detected in the easiest and best possible way. But obviously over a period of years the best possible method of handling theft is through the baited-letter system, which is a system that uses marked bills, as well as a number of other facilities which clearly and cogently catches the offender but catches him in a fair way. However, this is not done through snooping and other methods such as that.

VIETNAM AND THE CONGO—ANOTHER RED COUP

The SPEAKER pro tempore (Mr. Bolling). Under previous order of the House the gentleman from Wisconsin [Mr. Laird] is recognized for 5 minutes.

Mr. LAIRD. Mr. Speaker, no official of the present administration seems able to explain why the incident in the Gulf of Tonkin was provoked by the North Vietnamese. To all outward appearances, there was no justification for this unprovoked action. It appears to be even more inexplicable to administration officials because there seems to have been no Communist followup in that area of the world.

For my part, I cannot look at Communist-inspired incidents as isolated, or unrelated to other events, or without purpose.

Let us recall that in 1948, while all eyes were on the Berlin airlift, decisive battles were lost which led to the fall of China.

This is not an unusual Communist tactic.

Today, in 1964, while all eyes were on the Gulf of Tonkin, another decisive action was taken by the Communists, this time in the Congo. Stanleyville, a strategic key to the whole Congo area, is now firmly in Communist hands.

Mr. Speaker, so as to underscore the seriousness of this situation, it has just come to my attention from a usually reliable source that Communists are shipping in Migs and Ilyushin aircraft to Stanleyville.

Mr. Speaker, when will this administration realize that Communist strategy is global strategy, that one incident in one part of the world is almost always related to other incidents in other parts of the world, that President Johnson's proud boast that we have not 1 but 120 foreign policies is a grave deficiency that will prevent this administration from understanding what the Communist strategy is all about?

Mr. Speaker, it is time to develop one meaningful and coordinated American foreign policy.

END OF AN ERA

Mr. CORMAN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CORMAN. Mr. Speaker, a few minutes ago my colleague, the gentleman from Ohio, mentioned that tomorrow we may take action which will be necessary if we are to prevent the end of an era. I suggest to you that tomorrow will see the end of an era one way or the other. For one thing, if we take up the matter at all, we will see the end of an era in this House in which we have some respect for our legislative committees. The Committee on the Judiciary was in the middle of hearings on an extremely complex subject, attempting to bring to this House some advice on what we ought to do concerning the proposed bills to block reapportionment of State legislatures. We had heard some 30 Members of Congress over a period of about 3 weeks, and 23 additional Members were waiting their turn to be heard. Also waiting to testify were a great number of public witnesses. At this point, after a hearing which lasted less than 2 hours on one day, the Committee on Rules took the matter from the Committee on the Judiciary and reported it out of that committee.

If we take up the resolution tomorrow and consider the Tuck bill, we will have abandoned our traditional procedures in the House. The legislative committees of the House will be degraded. If the Committee on Rules can report bills directly to the floor in this manner, of what use are the legislative committees?

Mr. Speaker, assuming we take some action tomorrow, whatever it may be, we will see the end of an era.

If we refuse to take up the Tuck bill and show that we support the Supreme Court decision on reapportionment, we will see the end of the era of control of State government by rural minorities and special-interest groups. Now that end is one which appeals to a great number of people in this country and I hope in this Congress.

If on the other hand we act to deny the plaintiffs in the various reapportionment cases the relief which has been granted to them by the Supreme Court, if we deny the Federal courts the power to rule on constitutional rights and thus deny each American citizen protection of his constitutional rights in the Federal courts, then we will see an end of a system which has served this country well for nearly 200 years.

Mr. Speaker, I do not believe that there is any issue which will come before the Congress in this decade which is of such importance and such far-reaching effect as that action which is proposed on tomorrow.

I sincerely hope all of the Members will be here and participate in the discussion, and after due reflection, decide that each American citizen is entitled to the kind of protection he can presently get in the courts of this land.

SPECIAL ORDER

Mr. HECHLER. Mr. Speaker, I ask unanimous consent that the special order granted the gentleman from Alabama [Mr. Grant] for today, be transferred to tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McClory (at the request of Mr. Arends), for today through August 29, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Pool (at the request of Mr. Beckworth), for August 18 and 19, 1964, on account of illness.

Mrs. St. George (at the request of Mr. Arends), for today through August 29, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Pirnie (at the request of Mr. Arends), for today through August 29, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Hoeven (at the request of Mr. Arends), for today through August 29, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. Adair (at the request of Mr. Arends), for today through August 29, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. TOLLEFSON (at the request of Mr. ARENDS), for today through August 29, 1964, on account of attending Interparliamentary Union Conference as a delegate.

Mr. SMITH of California (at the request of Mr. ARENDS), for today through August 29, 1964, on account of attending Interparliamentary Union Conference as a delegate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. LAIRD, for 5 minutes, today.

Mr. PELLY (at the request of Mr. SHRIVER), for 30 minutes, on August 19.

Mr. FORD (at the request of Mr. SHRIVER), for 30 minutes, on August 19.

Mr. LAIRD (at the request of Mr. SHRIVER), for 30 minutes, on August 19.

Mr. HALPERN (at the request of Mr. SHRIVER), for 15 minutes, on August 18.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. BONNER and to include extraneous matter.

Mr. PHILBIN in two instances.

Mr. O'HARA of Illinois.

(The following Member (at the request of Mr. SHRIVER) and to include extraneous matter:)

Mr. SCHWENGEL.

(The following Members (at the request of Mr. HECHLER) and to include extraneous matter:)

Mr. RYAN of New York.

Mr. TRIMBLE.

Mr. PEPPER.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 437. An act for the relief of Wilhelm Konyen, his wife Susanne Fritsch Konyen, and their children, Susanne Konyen and Willy Konyen; to the Committee on the Judiciary.

S. 486. An act to amend certain criminal laws applicable to the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 189. An act to authorize the conveyance of certain Federal land under the jurisdiction of the Naval Ordnance Test Station, China Lake, Calif., to the county of Kern, State of California;

H.R. 4223. An act to provide for audit of accounts of private corporations established under Federal law;

H.R. 4361. An act for the relief of the estate of Paul F. Ridge;

H.R. 5154. An act for the relief of Wilfredo Lacar de Leon;

H.R. 5155. An act for the relief of Mrs. Guiseppa D'Aquanno, Maria D'Aquanno, and Benedicto D'Aquanno;

H.R. 5728. An act for the relief of the county of Cuyahoga, Ohio;

H.R. 5964. An act to provide for the inclusion of Hopkins County, Tex., within the Paris Division of the eastern district for the U.S. District Courts in Texas;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended;

H.R. 7138. An act for the relief of St. Francis Levee District, Ark.;

H.R. 7219. An act to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment;

H.R. 7508. An act to amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 9561. An act for the relief of Moni Parvanoff Floroff;

H.R. 10216. An act for the relief of Dr. Miguel de Socarraz;

H.R. 10222. An act to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes;

H.R. 10683. An act to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia;

H.R. 11296. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 11466. An act to enact subtitle II, "Other Commercial Transactions," of title 28, "Commercial Instruments and Transactions," of the District of Columbia Code, and for other purposes;

H.R. 11520. An act to amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts;

H.R. 11579. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes; and

H.J. Res. 1160. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 51. An act to authorize the Secretary of Agriculture to relinquish to the State of Wyoming jurisdiction over those lands within the Medicine Bow National Forest known as the Pole Mountain District;

S. 1046. An act to provide hospital, domiciliary, and medical care for non-service-connected disabilities to recipients of the Medal of Honor;

S. 2419. An act to authorize the Secretary of the Interior to condemn certain property in the city of St. Augustine, Fla., within the boundary of the Castillo de San Marcos National Monument, and for other purposes; and

S.J. Res. 162. Joint resolution extending recognition to the International Exposition for Southern California in the year 1968 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 1026. Joint resolution to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

PERMISSION TO FILE CONFERENCE REPORT

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. PATMAN] may have until midnight tonight to file a conference report on the bill S. 3049.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ADJOURNMENT

Mr. HECHLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 1 minute p.m.) the House adjourned until tomorrow, Wednesday, August 19, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2432. A letter from the Secretary of the Air Force, relative to transmitting three copies of the Air Force report entitled "Semiannual Research and Development Procurement Action Report," covering the period January 1, 1964; through June 30, 1964, pursuant to section 2357, title 10, United States Code; to the Committee on Armed Services.

2433. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations) transmitting additional information pertaining to certain additional projects for the Naval and Marine Corps Reserves to be undertaken, which relates to letters dated January 21, 1964, and May 4, 1964, pursuant to title 10, United States Code, section 2233a(1); to the Committee on Armed Services.

2434. A letter from the Comptroller General of the United States relative to an examination which relates to overstated cost estimates for miscellaneous and minor outside production items included in incentive target prices negotiated with the Boeing Co., Seattle, Wash., for KC-135 airplanes, Department of the Air Force; to the Committee on Government Operations.

2435. A letter from the Comptroller General of the United States, relative to an examination which relates to overstated material cost estimates included in firm fixed prices negotiated for T-37 airplanes produced by Cessna Aircraft Co., Wichita, Kans., Department of the Air Force; to the Committee on Government Operations.

2436. A letter from the Comptroller General of the United States, transmitting a report on a review which relates to significantly increased costs without commensurate benefits resulting from an inadequately planned and administered program of installing data processing equipment in hospitals, Veterans' Administration; to the Committee on Government Operations.

2437. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report stating that shipments to Yugoslavia insured by the Foreign Credit Insurance Association and the Export-Import Bank under our short term export credit insurance program for the month of July 1964 totaled $11 million; to the Committee on Foreign Affairs.

2438. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, relative to a list of cases submitted to Congress on October 1, 1963, involving suspension of deportation, and requesting the withdrawal of the case of George Eric Nurse, A-6082963, pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary.

2439. A letter from the Administrator, General Services Administration, transmitting certain information relating to a major project which the National Historical Publications Commission has had in mind for many years relating to the publication of a documentary history of the First Federal Congress, pursuant to Public Law 88-383; to the Committee on House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HARDY: Committee on Armed Services. H.R. 12308. A bill to authorize removal of a flight hazard at the U.S. Naval Air Station, Norfolk, Va.; without amendment (Rept. No. 1825). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 2411. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom south unit, American River division, Central Valley project, California, under Federal reclamation laws; with amendment (Rept. No. 1826). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Texas: Committee on Interior and Insular Affairs. H.R. 12128. A bill to amend the act of March 10, 1964; without amendment (Rept. No. 1827). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee of conference. S. 3049. An act to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes (Rept. No. 1828). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEROUNIAN:

H.R. 12416. A bill to amend the Tariff Act of 1930 to provide a uniform rate of duty for tape recorders and dictation recording and transcribing machines; to the Committee on Ways and Means.

By Mr. HERLONG:

H.R. 12417. A bill to amend section 2056 of the Internal Revenue Code of 1954 relating to the effect of disclaimers on the allowance of the marital deduction for estate tax purposes; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 12418. A bill to amend the Internal Revenue Code of 1954 to expand the exemption from the tax on the transportation of persons which is accorded members of the Armed Forces; to the Committee on Ways and Means.

By Mr. O'BRIEN of New York (by request):

H.R. 12419. A bill to provide for the popular election of the Governor of Guam, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 12420. A bill to provide for the popular election of the Governor of the Virgin Islands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. O'KONSKI:

H.R. 12421. A bill to amend the Tariff Act of 1930 to impose an import quota on iron ore; to the Committee on Ways and Means.

By Mr. KEOGH:

H.R. 12422. A bill to amend the tariff schedules of the United States with respect to the treatment of certain sets; to the Committee on Ways and Means.

By Mr. WATSON:

H.R. 12423. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income dislocation allowances received by members of the uniformed services; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 12424. A bill to facilitate the obtaining of employment by older workers; to the Committee on Education and Labor.

By Mr. MAHON:

H.J. Res. 1160. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes; to the Committee on Appropriations.

By Mr. SCHWENGEL:

H.J. Res. 1161. Joint resolution to establish a commission to formulate plans for the commemoration of the 200th anniversary of the founding of the United States of America; to the Committee on the Judiciary.

By Mr. RUMSFELD:

H.J. Res. 1162. Joint resolution to provide for the designation of the fourth week in April of each year as "Youth Temperance Education Week"; to the Committee on the Judiciary.

By Mr. BROWN of California:

H. Con. Res. 356. Concurrent resolution expressing the disapproval of Congress of the agreement entitled "Agreement Between the Parties to the North Atlantic Treaty for Cooperation Regarding Atomic Information," submitted to Congress by the President on June 30, 1964; to the Joint Committee on Atomic Energy.

By Mr. FRELINGHUYSEN:

H. Res. 858. Resolution to create a select committee to study the administration and operation of the Economic Opportunity Act of 1964; to the Committee on Rules.

By Mr. GOODELL:

H. Res. 859. Resolution to create a select committee to study the administration and operation of the Economic Opportunity Act of 1964; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 12425. A bill for the relief of Martin W. Elliott; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 12426. A bill for the relief of Moises, Elka, Elena, Flora, Diana, Eva Dragon; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 12427. A bill for the relief of Loretta Negrin; to the Committee on the Judiciary.

H.R. 12428. A bill for the relief of Guido Parete, his wife, Giovanti Parete, and their children, Claudia and Mario Parete; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 12429. A bill for the relief of Horacio Pereira; to the Committee on the Judiciary.

H.R. 12430. A bill for the relief of Laudalina D. F. Pereira; to the Committee on the Judiciary.

By Mrs. KELLY:

H.R. 12431. A bill for the relief of Antonina Mandracchia; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 12432. A bill for the relief of Janina Janus; to the Committee on the Judiciary.

By Mr. SIBAL:

H.R. 12433. A bill for the relief of Mrs. Maria Aikler; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 12434. A bill for the relief of Charles B. Franklin; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

1015. The SPEAKER presented a petition of Henry Stoner, Avon Park, Fla., relative to requesting the President of the United States, by resolution, to reassure the American people from time to time that no foreign aid whatsoever is going to any nation (from the United States of America) which is suspected of furnishing Red China with any materiel which may possibly be used for nuclear warhead manufacture by said Red China, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

The Middle Ground of a Midwest Republican

EXTENSION OF REMARKS

OF

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 18, 1964

Mr. SCHWENGEL. Mr. Speaker, as one who has pleaded the cause of moderation in political thought and action for some time, I was especially pleased to read the position paper of Congressman Robert Taft, Jr., "The Middle Ground of a Midwest Republican," which appears in the August 22 issue of the Saturday Review of Literature.

Congressman Taft's scholarly defense of the moderate approach in the "perpetuation and preservation of responsible individualism" provides guidelines for the role of government in meeting the complex problems of the day.

As a Midwest Republican who believes that the middle ground provides the proper climate for the calm wisdom which must prevail in this age when an unthinking decision can—literally—mean the end of all life on earth, I find this treatise by our distinguished colleague, Congressman Taft, all the more valuable in spelling out the proper course for now and the future.

In bringing these remarks to the attention of my colleagues, I am prompted to pay tribute to the able legislator from Ohio whose credentials are considerable as the son of "Mr. Republican," the late Robert Taft, who served in the U.S. Senate from 1939 to 1953, and as the grandson of William Howard Taft who was President of the United States from 1909 to 1913. In perpetuation of the Taft leadership in national politics, Robert Taft, Jr., is presently Congressman at Large from Ohio and is a candidate for the U.S. Senate. His election in November will return the Taft influence to the U.S. Senate and give the body another moderate voice to consider issues of the day with the calm wisdom which is so necessary.

Under leave to extend my remarks, I place the article by Congressman Robert Taft, of Ohio, "The Middle Ground of a Midwest Republican," in the Record:

THE MIDDLE GROUND OF A MIDWEST REPUBLICAN

(By Robert Taft, Jr.)

The stampede of American political thought toward the poles of "conservatism" on the one hand and "liberalism" on the other must be halted. Rigidity at both ends of the spectrum has become a refuge for lazy minds and volatile emotions. It bars new approaches and stifles new ideas; it ignores time-taught truths. As a result, it fails to answer the questions raised by dynamic changes in human relationships.

Both the liberal tradition of applying untried concepts and the conservative tradition of relying on established tenets are essential to the continued progress—and even survival—of Western civilization. Simply pitting one against the other is a futile endeavor. Instead, the real challenge comes in making our society, founded and built with the individual as its chief concern, better able to cope with the personal, political, and philosophical problems we all must face.

Throughout our history, we Americans have taken great pride in our individualism. Necessarily, this national characteristic was rugged in nature in the early days of the Republic. Pioneers struggling to develop a new land more often than not had only themselves to rely upon and be concerned about.

But as villages grew into cities and cities into metropolises, we built a society that changed the posture of our individualism. American Government, as originally conceived, was dedicated to promoting the general welfare of all citizens at all times. It laid the foundation of equal opportunity upon which we all might build as individuals seeking success, satisfaction, and security. Thus did we acquire the national trait of responsible individualism, in which the freedom of each man is guaranteed through the freedom of all men.

As our Nation prospered, though, the importance of the individual seemed to wane. We became a "big" society, with "big" business, "big" labor, "big" government. Human values slowly but steadily were supplanted by material values. Property rather than person was placed on the pedestal of pride. As our society grew bigger and our values became more material, expressed and implied controls became an impediment to the exercise of individualism.

Today the world is divided over the proposition that a system based upon a minimum of external authority over each individual, consistent with the freedom of others from such authority, is indeed feasible and desirable. I believe deeply that it is both.

It is oversimplification to say that the United States, the Western World, and their institutions are wholly on one side or the other in this contest. Many political developments and policies in the so-called liberal sphere of American life today move toward authoritarianism and away from individualism. The same can be said for the announced objectives and methods of certain "conservative" groups.

If we are to make progress in restoring responsible individualism to its historic position in America, lipservice will not suffice. There must be a renaissance of applied ethical precepts that are its integral and essential parts. If they are to be reestablished and reinforced, each person must accept accountability for the freedom of all others. In this spirit, we can adopt a responsible approach to the problems that threaten the constituent parts of freedom.

These precepts must win ready and continued acceptance in the minds of most, if not all, of our citizens. They must become dominant once more, not only in the actions of our political leaders but in the affairs of our educational, business, professional, and religious leaders. And this must take place not only in our public life as a nation but in all segments of private society as well.

Most vital to an individualistic society is the precept of free expression, one that has been nurtured slowly in Anglo-American history. It is threatened today in several ways.

The mere size and power of our institutions pose serious danger. Perhaps this concentration of influence is made necessary by the economics of our times. But these institutions—business and industry, organized labor, modern agriculture, growing government—have burgeoned so as to cast a huge shadow over freedom of expression—and with the exercise of only a fraction of their power potential. Their economic impact upon the American way of life is so great that even their implied interest is sufficient to influence the course of public and private events. This influence is easily detected in positions taken by certain public opinion journals.

Government, acting diligently but with discretion, can prevent excessive concentration of influence. Reasonable enforcement of antitrust laws, for instance, keeps the size of individual economic units consistent with the size of the industry as a whole. In this way, a monopoly of power is avoided and the vital interplay of varied interests in our private enterprise system is preserved.

Technological advance has created a different kind of danger. It is implied in the need for licensing limitations on the number of radio and television stations. Hopefully, this governmental prerogative has not been misused. But the temptation and danger inherent in it are ever present. The need for and size of worldwide news services and national publications present a similar potential for control of information upon which public and private conduct is based. This danger is particularly acute in the case of the rewrite man, who can infringe on individual freedom even when the original reporting is responsible. Only a vigilant and vocal citizenry can provide adequate protection against the potential misuse of vast powers of influence possessed by public information media.

Equally important is a public demand for full disclosure of essential facts for public scrutiny. All too often, military and diplomatic excuses tend to cover up bungling or failure. The American public is entitled to decide its own fate, and essential to this process of freedom is open and candid presentation of the pertinent facts, within the bounds of national security. Frequently the complexity of issues causes citizens to accept pat answers willingly. Responsible individualism demands their rejection.

Preservation of free thought must be accompanied by a renewed tolerance of nonconformity. Historically, the use of instinctive imagination and initiative has enabled us to escape from established problem patterns and find adequate solutions. Hesitation enveloped in the fear of public rebuke inhibits the discovery of new ways and deprives all of us of the products of our native ingenuity.

Formal and informal education, primarily, carry the responsibility for preserving thought and tolerance. And education can best be kept strong and stimulating by encouraging its decentralization through local direction, local financing, and local control. Special Federal programs and financing and the increasing growth of public colleges and universities, as compared to private institutions, point up the possible danger in our present course.

Our acceptance of the principle of equality of opportunity, so basic to responsible individualism, implies underlying governmental responsibility for primary and secondary education. From this belief came our public school system. But local control and support—plus the competition of private institutions—have promoted freedom of thought and variance of views.

The trend toward uniform standards and methods, urged by education associations and backed by Federal money, has been evidenced in passage of the National Defense Education Act and other Federal and State support programs. True, they can be justified when they are necessary to provide a proper minimum level or as pilot programs. But the shift of basic support—and with it, inevitably, the shift of control—from the local community to another level of Government creates a potential for conformity of thought that is foreign to our historic practices. It should be avoided.

Through modification of our tax systems, we should be inventive enough to enable local communities to care for all but emergency and extraordinary needs. We have moved in the opposite direction, unfortunately, and responsible individualism compels us to reverse the trend. Use of tax credits and deductions and a reversal of Federal preemption of local tax sources can restore the proper perspective.

At levels beyond or after the secondary education level, the risk of thought control decreases but does not disappear. The billions of Federal dollars spent on research programs could be so tempting as to encourage prejudicial channeling of these university-based activities. Adult education, vocational training, and manpower retraining programs contain less danger since basic control rests at the State level. Requirements for State—and, where appropriate, local—participation in the financing affords similar safeguards against external domination.

An essential tenet of individual freedom, fundamental to our way of life since prerevolutionary days, has been that the taxing power of Government is to be used only for areas of proper governmental concern. The drastic increase in extraordinary demands by the Federal Government for funds since 1932, as much as any other single factor, has interfered with the individual freedoms of Americans. It has deprived them, as individuals, of the right to determine the ultimate use of those resources taken from them in the form of taxes. Instead, the use of these funds has come to be bureaucratically directed. Where the uses are proper ones—national security or to insure basic safety or to provide a minimum of well-being for those unable to make their own way—few of us would gainsay them. But some aspects of Federal action today raise deep doubts as to their justification.

There is no reason to catalog them here. The CONGRESSIONAL RECORD is replete with specific citations. A recent and flagrant example was the payment of over $24 million in public money to many privately owned—and, in many cases, quite profitable—textile manufacturers under the new cotton purchase subsidy program. One large and affluent company received over $700,000 of taxpayers' money during a 2-month period. This money, paid to encourage the purchase and use of higher priced American-produced cotton, can be used nevertheless for any company purpose, including the payment of dividends.

Innumerable other examples, such as Federal subsidization of electric power generation and transmission facilities in competition with private efforts, can be cited. Regardless of the merits of the particular programs involved, their financing deprives taxpaying citizens generally of the benefits reaped through the outlay of public money. Much too frequently, these activities constitute an interference with individual and local choice.

The reluctance of the current administration to give prompt and serious attention to the medical care proposal submitted by Congressman FRANK BOW, of Ohio, serves as a vivid illustration of the regrettable tendency to rely on paternalistic government. The administration's measure would attach the medical care program to the social security system and thereby increase the possibility that the financing cracks now evident in the system might soon become irreparable fissures. The Bow bill, on the other hand, would extend tax credits to those who pay taxes to enable them to purchase private health insurance of their own choice and fitted to their own individual specifications. For nontaxpayers, Government funds would be used (within limits) to purchase adequate health care coverage through private sources.

Despite the fact that the Bow plan is more extensive and less costly than that offered by the administration, it has been virtually ignored by administration policymakers and members of the congressional majority. They apparently prefer to enlarge an already too large Federal Establishment in order to impose uniform coverage standards on each individual, no matter what his particular preference or need. In so doing, they strike at the very fiber of responsible individualism.

The principle of equal economic opportunity is inherent in the concept of responsible individualism. As much as anything else, this is what the Civil Rights Act of 1964 is all about. In recent years, unfortunately, resistance to the acceptance of this concept seems to have grown stronger rather than weaker. Denial of opportunity—by practice, local law, and even Federal regulation—necessitated Federal concern. At this point, the denial of such equal opportunity to American Negroes is a denial of the validity of the concept involved and is wholly antipathetic to this essential element of responsible individualism.

The same principle applies to young men and women who aspire to a better life but lack the job skills necessary to achieve it, to older people who are frustrated by arbitrarily imposed retirement requirements, to experienced workers who are displaced by automated machinery, to impoverished families who are denied the essentials of living by the harsh economics of the day. In each instance, our historic responsible individualism makes it mandatory that we use the forces and funds of public and private interests to insure all those who harbor honorable ambitions an equal opportunity to fulfill them.

One of the most perplexing problems our country now faces is that of a decline in public respect for and support of observance of law and order. It is as great a threat to individual liberty as any that now exists. Related to the race relations problem, it is by no means limited to it.

There can be no freedom for any individual without some definition of the rights of each. Violations of those rights must be prohibited and prosecuted. One need only examine the increased crime rate, the increase in juvenile delinquency, and the increase in nonsupport cases to realize the major proportions of the problem. Its remedy cannot and must not come, chiefly through establishment of a national police system. It must come through better local understanding and impartial enforcement of law and order. Even more importantly, it must come through the cultivation of public attitudes that we seem to be losing.

At a time when the philosophical and practical conflict of human rights and property rights has provoked bitter protest, the need for fair but firm enforcement of law and order is crucial. The right to seek redress of wrongs through public petition is recognized and respected, but its distortion and abuse cannot be tolerated. Utter disregard for individual rights—whether human or property—only perpetuates bitterness and bigotry and makes the day of full human understanding and compatibility that much more remote.

As individuals, we are obliged to protect not only our own freedoms but those of others as well. This can be accomplished only through complete respect for and compliance with the laws of the land and the community. Disobedience, on either side, merely breeds disorder.

These precepts—freedom of expression, freedom of thought, freedom from excessive government, freedom of opportunity, and respect for law and order—are not offered as the only ethical principles necessary and vital to the continued enjoyment of an unfettered life.

But as familiar an invocation as they might be, they are our best guide toward the preservation and perpetuation of responsible individualism in American society.

The Line Is Drawn

EXTENSION OF REMARKS

OF

HON. HERBERT C. BONNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 18, 1964

Mr. BONNER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following brochure which was prepared for distribution throughout the Army as a part of the command information program:

THE LINE IS DRAWN

(Extracts from the letters of Capt. J. P. Spruill, U.S. Army)

Capt. James Polk Spruill, U.S. Army, was killed when his vehicle struck a land mine in Vietnam on April 21, 1964.

Captain Spruill's ideals, his respect for his fellow man, and his deep and abiding patriotism are revealed in the excerpts from his letters to his wife which appear on the following pages. This eloquent young Army officer understood and appreciated his country's dedication to the cause of freedom all over the world. In the last analysis, he was a soldier doing his duty in keeping with the code of the soldier.

Captain Spruill had his moments of doubt and discouragement. But he was sustained by his belief in what he was doing and he did his job with faith and enthusiasm

Because of "his love and compassion for the young Republic of Vietnam and especially the people," his wife, Barbara Spruill, sent excerpts of these letters to the New York Herald Tribune "in the hope that all Americans would have the opportunity of reading them." She has been kind enough to authorize this publication in this form in the Army.

These letters are an inspiration to everyone who reads them.

STEPHEN AILES,
Secretary of the Army.

Vietnam—it is 10,000 miles from New York to Vietnam, but Captain Spruill's letters spanned the distance to relate this story to his wife in Suffern:

SAIGON, November 9, 1963: "The flight was long and tiring but otherwise uneventful. Then came Saigon and a hair-raising, steep-dive landing because of the danger of small-arms fire. Received none and landed safely. We were processed and then taken to the Majestic Hotel in the heart of Saigon where I am now staying and where I will be until Tuesday at noon. The time here in Saigon is being taken up with much processing and with receiving my assignment.

"By the way, my Vietnamese language works wonders here. So few Americans speak it. I have spoken little else and believe it thrills them. I can't get over how well I understand them."

A few days later he wrote from his first duty station:

VINH LONG, November 1963: "Today is Thursday and I am at my first duty station.

I am at the end of the long "pipeline." I left Saigon on Tuesday at noon and flew from Tan Son Nhut airfield to Sadec, headquarters of the ARVN (Army of the Republic of Vietnam) 9th Division. I received my assignment and was briefed there.

I am an adviser to the Cai Son Self-Defense Corps Training Center. I will live there with my two sergeants, who are the greatest. Cai Son is about 15 kilometers from here. The accommodations there are not as good as here in Vinh Long but I have it better than many poor battalion advisers do. I have a roof and walls and a cot. We have a sun baked mud parapet around the house—and it is a house, and a personal guard of nine men and one sergeant. The guard is Vietnamese, everything in Cai Son is Vietnamese. The sergeant in charge of the guard wanted to line his men up for me. He was so proud when I agreed. They stood tall and were visibly impressed when I addressed them off the cuff in their own language."

Captain Spruill developed great admiration for the Vietnamese:

Vinh Long, November 20, 1963: "I am in Vinh Long today in order to attend a farewell dinner for one of the officers here, and I will return to Cai Son tomorrow morning. I actually miss Cai Son at the moment because the work is interesting to me and the Viets are just great. They stay over at my house all the time and I am getting so used to Vietnamese that English is starting to sound strange. I have already become good friends with two key members of the training center and the Agroville.

"Last night Major M told me that he had written you a letter. That shows you what kind of man I'm working for. He is a professional and it is a rare privilege to work with him.

"It is also a privilege to work with the Vietnamese soldier. Frustrating at times * * * he is the most genuine and kind human I have met. Simple, humble, willing and warm—they are wonderful people. If the press judges them harshly at times, it would be well to remember that they have had their independence only 9 years * * *.

"It was brought to my attention last night that we were once inadequately equipped and poorly trained and that professional soldiers came from afar to aid the fledgling American Army in its fight for freedom and internal order. Two of these 'advisers' are well known—Von Steuben and Lafayette. It is heartwarming to think that we now continue the tradition of sacrifice fostered by those two men when they aided a nation in need."

He took a warm interest in village problems—and the Vietnamese people:

Cai Son, November 25, 1963: "Had to stop for a while to talk to the leader of Cai Son Agroville about possibility of having his people dig ponds so we can stock them with fish that Eusom says they can get me. Eusom tells me that in 1 year 1 pair of fish will breed into 10,000 fishes. The people here are poor, the land is poor, and the fish are poor. The Agroville chief was thrilled at the idea. The people could eat the fish, use them to enrich the land, and start a 'Nuoc mam' (fish sauce) industry * * *.

"You can't imagine the comradeship and gratitude of these men when an American stands with them through danger. It seems to bring heart to them. They cheer and wave and yell 'Dia-uy,' 'Dia-uy' which is their word for captain.

"Tonight I'm going to have one of my Viet friends for supper—a man called Wolf. His little boy is by my side now watching me write this. Wolf is a Canton chief and is much renowned for his fighting skill and courage. He's a sight to see and just likes the hell out of me for some reason. His foot is all swollen now from a cobra bite he received on an ambush the other night. I gave him a pair of my boots but he wouldn't wear them.

He reacted to the news of President Kennedy's death like Americans everywhere:

Vinh Long, November 28, 1963: "President Kennedy's death was a profound shock to me and I am still not over it. As the poet said: 'Every man's death diminishes me.' May God bless him."

He continued to learn about Vietnam:

Cai Son, December 4, 1963: "What a day I had yesterday. Seemed as if I did more visiting than usual and as usual I had to eat some things you wouldn't believe. For instance, I had octopus and dried bananas. How's that for a real combination?

"Last night I taught the doctor, Lieutenant H, and Lieutenant H to play cards (casino)—and you have never seen anyone more thrilled. They love it with a passion. You should hear them talking about it. Sounds like a Chinese fire drill.

"The Viets here are really friendly to me—in fact when I ride along it's like being a visiting president. The mothers bring their children to the doors and they all wave and cheer. Whenever I even ride by the schoolhouse, the teachers interrupt their work and stand up by their desks. They are really courteous to the extreme.

"Things are nice and quiet here now. We have an ARVN battalion camped here and the VC (Vietcong) don't like to mess with them."

Reflection on the approaching Christmas season led to thoughts of friendship and sacrifice:

Vinh Long, December 15, 1963: "Took a roll of color film yesterday while on the way to Can Tho. Have to cross a ferry and got shots of that. Also got some of "Wolf" who went with me. Some man. He and I have a mutual admiration society going. Also his wife and family are extremely nice to me * * *.

"By the time another letter gets to you, Christmas will be there. God alone knows how hard Daddy will reach out for you all in his heart during that time. In a way it will be a sad Christmas. But only in a selfish way. In a better, more meaningful way, it will be one of our best Christmases, for our little family is giving of itself to the world. We are sacrificing, you and I, for the good of other people and that is truly Christlike."

Captain Spruill developed his thinking about night operations:

Vinh Long, December 21, 1963: "At the moment I have a project I want to work on. It is a proposal I have to eliminate all SDC outposts in the Province thus liberating all SDC men. I would propose that I be allowed to train them in night combat and that they be employed as mobile strike forces at night. It is in the night that the myth of the invincible guerrilla must be destroyed * * *.

"I am convinced that when the night becomes more ours than their's that events will take a dramatic turn. Will work on this now and will close with another very Merry Christmas and may we both have a wonderful New Year."

On Christmas day he thought of his family:

Vinh Long, Christmas Day 1963: "Last night, on Christmas Eve, I went downtown to a Catholic service. There were children everywhere and there was a Santa Claus * * *. I saw a small child that reminded me of another child I know and it was all I could do to keep smiling. But you know, the mother read what was in my eyes and brought the child over to me. For one warm moment East and West were one in heart. It was a wonderful Christmas. I want you to understand that * * * my heart was so full of happiness and gratitude that it could not hold it all. I was sublimely happy because I have had the three of you.

"I have had the most wonderful Christmas of my life because you three have given me the greatest gift of all—love.

"With the knowledge that where Christmas and love are concerned there is no distance, I am well pleased to greet you this day and to say as father and husband, Merry Christmas and a Happy New Year."

His thinking about night operations led to a plan:

Cai Son, January 7, 1964: "The plan of mine was enthusiastically received by * * * the Province Chief. My boss thinks it's the greatest. I think it is a good plan."

He expressed his conviction of a decisive victory:

Vinh Long, January 12, 1964: "I know that you read nowadays of defeat or of lack of progress. None of this bothers me because I am convinced that we can win it and win it decisively—on the ground and in the night."

And spoke of the imponderables of Vietnam:

Cai Son, January 19, 1964: "Thanks for the news clipping and the Newsweek article. We really get no news here. The article about the Hamlet was very descriptive and accurate. However, my place is a bit quieter. Last night, for example, we showed a movie in the market and that helps keep things quiet because the local VC like to see the movies too. Strange thing to sit there in the night, a pistol in your hand and laugh at animated cartoons with members of the VC."

Captain Spurill described death among the villagers:

Vinh Long, January 25, 1964: "Right now I don't even want to think of anything. I really shouldn't write you anything like this but do you remember that I mentioned a little girl that I said was so cute. Well, yesterday I helped the Cai Son medic keep her guts from falling completely out as we bandaged her punctured and severely burned little body and those of three other children (VC white phosphorus mine). Her little eyes were burned shut, her nose and lips off, and skin off her entire body and every time the embedded bits of phosphorus were exposed to the air the poor thing smoked and screamed—and when she screamed her guts came out more.

"I was the only one the people would turn to, indeed could turn to. My sergeants and I wrapped the children in our nylon blankets to keep the air off the phosphorus and took them to Vinh Long—a long dusty ride. The little girl amazed me because she was still alive when we got her there. She was put in a chopper and taken to Can Tho. I do not know how she is, but I can guess.

"When I got back in the late afternoon, I went to the area where the children lived. All at once people came from everywhere and surrounded me. I told them what I could about the children and suddenly all of them lay down in the dirt at my feet in the most heart-melting demonstration of thanks I have ever experienced. I shall never forget that and I shall never forget that sweet little girl, that poor tortured little female who had nothing but me—and I was so inadequate. She was two and a little doll. I felt as if I had died a little.

"Please forgive me for writing this. I must stop now and in a couple of days the sun will shine again for me."

He described the stoic Vietnamese and expressed his confidence in ultimate victory:

Cai Son, February 23, 1964: "When they get wounded, no matter how bad it may be, you never hear so much as a whimper. The only sound comes from the man's buddy who generally bawls like a baby if the wound is serious. Strange, but strangely logical for a people who have never been far removed from the raw facts of life and death—never deeply involved in one, never far separated from the other. I grow more attached to them every day now and even look forward with dread to the time when I must leave Cai Son and the many friends whose lives and fortunes I have been privileged to share.

"I feel that there is too much talk of despair. I warned you of that before I left. You may remember. Above all, this is a war of mind and spirit. And it is a war which can be won no matter what present circumstances are. For us to despair would be a great victory for the enemy. We must stand strong and unafraid and give heart to an embattled and confused people. This cannot be done if America loses heart. At the moment my heart is big enough to sustain those around me. Please don't let them back where you are sell me down the river with talk of despair and defeat. Talk instead of steadfastness, loyalty, and of victory—for we must and we can win here. There is no backing out of Vietnam, for it will follow us everywhere we go. We have drawn the line here and the America we all know and love best is not one to back away.

"I must admit that there are many moments of frustration in Vietnam * * *. But that is exactly why we are here. It is exactly in places and in circumstances such as this that communism gains its foothold. Communism is the scavenger of the upheaval that comes with the modernization process and the age of rising expectations.

"Sometimes we are ready to say the hell with it. But then there are other times. For instance the other day when I found out that Wolf had risked going into Vinh Long to find out if I were safe. He knew I was in Saigon when the theater was bombed. He never told me about that.

He describes a trip to Saigon:

VINH LONG, March 16, 1964: "I have just returned from Saigon and find many letters from you. At the moment I am well rested and very happy. I managed to find a nice little book of Vietnamese legends which I needed badly for my personal research, and I can't wait to read them.

"Well, what can I tell you about Saigon? I grow to like it more and more, I can tell you that. I am learning its character, its people, its sights, sounds, smells as I have never learned any city. It is sort of strange but I feel more at home in Saigon than in any city I have ever been associated with. While there I made mental plans to take many rolls of film for you. Perhaps you will capture some of the feeling I have for the city.

"Boy, I had some delicious steaks while in Saigon. And I went to a film you would love. The music, the clothes, the scenery, the story, and the photography were all magnificent. It was made in Japan and the dialogue was in Japanese. However, it had Viet and French subtitles so I could follow it well. I wish you could just hear the music. It is really heroic and on a grand scale. And the scenes of the human misery were like nothing you have ever seen on film before. I felt wonderfully at ease watching this Asian film and sitting among an all-Asian audience. I had the feeling that I was beginning to comprehend something without knowing really what it was."

A soldier studies and practices war:

VINH LONG, March 21, 1964: "You wouldn't guess what I am doing in my spare time. I'm taking a correspondence course from Fort Bragg on Counterinsurgency and Psychological Warfare. It's long and demanding, but really quite good. It's interesting to study the stuff while you're smack in the middle of it."

VINH LONG, March 30, 1964: "Yes, the language training is paying off just as you mentioned. I am able to get very close to the people. I have developed to the point that I go among the soldiers alone with no interpreter. I refer of course to operations. I have never experienced so much interest and devotion as I receive from them.

"A few nights ago I put in at a Self Defense Corps fort called Phuc Quoi. They had a 40-man ambush going out as a result of a large experiment we've been running on night saturation patrolling. On that night 1,000 separate ambushes were laid. As you know the SDC are close to my heart, so I finally got permission to go with them after proving that they would take care of me. By golly, they actually are quite good. I was amazed with their skill at night—well, at some of it anyway. I've been with this particular group on four consecutive night ambushes and developed quite a rapport with them. The only trouble I had with them was to get them to quiet down. They were all over me. I brought candy to them which they all smacked on like little children. They all brought their wives and children to me and I had to tickle them all and lift them in the air.

"The leader of the group was amazed that I would share my water with him. After the first night nothing was too good for the "Dai-uy." They even put straw on the ground where my position would be. Ambushes require much patience and one can get most uncomfortable after 11 hours of not moving. So the straw was quite welcome. The other night my position was smack in the middle of a pig pen. What a stench. And of course it got all over me. And the damn pig was there with me.

"As I walked out of my pig pen and followed the still indistinct figure in front of me, I realized that I was walking into an Easter morning sunrise."

VINH LONG, April 10, 1964: "Much sweat—and I am afraid much blood—remain to be shed. Progress will not be dramatic. It will in fact be painfully slow. One of our biggest enemies now will be impatience and despair in America itself."

His last letter:

CAI SON, April 19, 1964: "Chin up. See you later."

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 25, 1964.

Hon. STEPHEN AILES,
Secretary of the Army,
Washington, D.C.

MY DEAR MR. SECRETARY: It was my privilege to appoint James Polk Spruill to the U.S. Military Academy at West Point in 1950. His mother, who ran a cafeteria in Plymouth, N.C., brought the young man to see me and requested the appointment. There was never any doubt in my mind from the first time I saw him that he would develop into a fine citizen and soldier.

James Spruill graduated from the Military Academy in June 1954. Until his promising career was brought to an end in the fighting in Vietnam on April 21, 1964, he served in the finest tradition of American military service.

Captain Spruill's example of selfless service is something in which all Americans can take pride. These letters to his wife tell us a great deal about the idealism, strength of purpose and dedication which filled his life. His words will be an inspiration to all Americans who carry on the never-ending task of defending freedom.

Sincerely,

HERBERT C. BONNER,
House of Representatives.

JAMES POLK SPRUILL, CAPTAIN, U.S. ARMY

Captain Spruill was commissioned in the infantry after his graduation from the U.S. Military Academy in 1954. He attended the Infantry Officers Basic Course and the Ranger School. He served as a platoon leader in the 10th Infantry Division at Fort Riley and in Germany and then joined the 2d Infantry Division at Fort Benning. He later was assigned to the infantry school as an instructor.

In preparation for his assignment to Vietnam, Captain Spruill attended the special warfare course at Fort Bragg and studied Vietnamese at the Army Language School at Monterey, Calif., for 12 weeks. He arrived in Vietnam in November 1963, and was assigned as an adviser to the Cai Son Defense Training Center in the Mekong River Delta.

Captain Spruill was born at Winston-Salem, N.C., on February 10, 1931.

Reapportionment

EXTENSION OF REMARKS
OF

HON. CLAUDE PEPPER

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 18, 1964

Mr. PEPPER. Mr. Speaker, because of the tremendous concern over the Supreme Court ruling dealing with the reapportionment of the States I made a statement before panel No. 1 of the platform committee of the Democratic National Committee and with permission I enter that statement in the RECORD:

It seems to me altogether right and proper that the Democratic Party which is the party of the people, should in its national platform take a strong and forthright position in support of the decision of the U.S. Supreme Court upholding the right of the people to be represented on the principle of one man one vote in the legislative bodies of the States and in the Congress. Yet, today we see that reasonable and fair principle (and I don't see how any principle could be fairer than the principle of one man one vote) is under bitter, determined, and sinister assault from those who want to preserve and protect the vested interests of politicians and the holders of political power and privilege because they represent more space than they do people.

This landmark decision of the U.S. Supreme Court today is not only itself the subject of assault but it is the avenue through which the independence and the integrity of the judicial system of this country is under dangerous attack. For what is proposed is nothing less than that the Congress attempt to deny to the Federal courts of this country the protection of rights and privileges which the U.S. Supreme Court, the constitutional integrity of the Constitution, has held, that the citizens of this country are entitled to enjoy.

This is not the only attack upon an independent judiciary through the forum of the Congress but it is an attempt to induce Congress to usurp power to deny the judicial protection of the constitutional rights of our people, which power the Congress, under our Constitution, does not possess.

Under the Constitution, legislative power is vested in the Congress, not judicial or executive. The protection of the constitutional rights of our citizens is vested in the judicial system of our Government.

For example, recently the U.S. Supreme Court held that a defendant charged with a felony in a State court could not be legally convicted unless he had or was tended by the State qualified counsel. Does any member of this committee believe that if the Congress were to attempt to say that that right could not be enjoyed by a defendant charged with a felony in a State court and the denial of that right could not be properly protected in a proper U.S. court?

Further, the U.S. Supreme Court a bit ago held that children could not be denied access to public schools of this country because of race or color. Could the Congress of the United States set aside that decision of the U.S. Supreme Court and deny to the Federal courts the protection of these constitutional rights?

It may be assumed for the sake of argument that under the judiciary article of the Constitution Congress can abolish the U.S. district courts since it has the power to establish those courts. But so long as the courts exist can the Congress deny to the U.S. district courts the right and power, indeed the duty, when proper application is made to protect constitutional rights of our citizens.

I am sure that fair interpretation of the judiciary article will not so hold. My State of Florida is particularly interested in this subject and especially so is Dade County, a part of which I have the honor to represent in Congress. Prior to the Baker case, Dade County with one-fifth of the population of the State had one senator out of a senate of 38 and four representatives out of a house of 95 in the Florida Legislature. After the Baker case was decided and a three-judge Federal court held on our constitutional apportionment under the Constitution, the Legislature of Florida to avoid reapportionment by the Federal courts, finally reapportioned the State after a fashion. As a result of the new apportionment, Dade County with one-fifth of the population of the State got 2 senators out of a senate of 45 and 14 representatives out of a house of 105, in the legislature. The progress toward fair representation which our people have gained has been due to the decision of the U.S. Supreme Court holding that the courts of the country under the Federal Constitution have a right to hear the complaint of any citizen who is not fairly represented in his State legislature. Under the latest decision of the U.S. Supreme Court * * * Dade County will get a representation of substantially one-fifth of the State senate and one-fifth of the State house of representatives because we have one-fifth of the State population. But that will vastly increase Dade County representation in the State legislature and give us that equality of one man one vote which is the truly democratic principle upon which such apportionment should rest. Those who oppose these measures therefore attack our judicial system and its integrity and thereby endanger every constitutional right which every citizen of America enjoys today. Those who attack the one-man-one-vote decision of the Supreme Court are seeking to freeze modern day America with its urban problems into the pattern of a past America of rural pattern. They are trying to freeze political privilege and power into the hands of senators and representatives to represent space and trees and water and to deny such power to senators and representatives to represent people. They want to perpetuate privilege and power to benefit the few and to do so they are willing to deny the equitable rights of the many.

If we are to meet the problems of urban America today those problems must be in the hands of the people elected by our citizens whose lives are a part of the urban America to have the association, the knowledge, the point of view about urban problems which will enable them to understand them with their heads and solve them with their hearts.

Let the Democratic Party speak out in words that shall be heard round the world that we are more perfectly, with every passing day, making America in practice the democracy of which we preach to other people around the world. Let the Democratic Party, the party of the people, rebuke those who wish to deny representation on the basis of equity to the people.

As Thomas Jefferson said in the Declaration of Independence, "Governments derive their just powers from the consent of the governed." Let's not perpetuate a government based upon the denial of the right of the people to give their consent but let us perpetuate a government truly based upon the consent of the people. All America is listening for the Democratic platform to come out strongly and forthrightly for the constitutional system which has made us the greatest Nation in the world and for the protection of the rights of all the people of this country.

Finland's Contribution to American Civilization

EXTENSION OF REMARKS

OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 18, 1964

Mr. PHILBIN. Mr. Speaker, 3 years ago it was my privilege to cite the splendid special section of the New York Times, entitled "Finland—Nation of Integrity." Today I should like to salute both the supplement which the Times published on March 15 of this year, under the title "Focus on Finland," and the memorable address, "Finland's Contribution to American Civilization," delivered on April 16 by Finnish Ambassador Richard R. Seppala at Suffolk University in Boston.

With regard to the special supplement in the New York Times, which contained a significant introductory statement by President Lyndon Johnson, included were a number of articles attesting to the industrial enterprise and cultural contributions of this democratic country.

Under unanimous consent I place President Johnson's noteworthy words about Finland in the RECORD. I also include therein the meaningful address of Ambassador Seppala, whose lecture was one in the Edward L. Bernays Foundation series sponsored by Suffolk University on "Europe's Contribution to American Civilization":

PRESIDENT JOHNSON'S MESSAGE

The friendly, forward-looking, freedom-loving Finnish people well deserve the deep respect which we in the United States have for them and their heritage. The tenacity of purpose which they have exhibited, even in the face of the most adverse circumstances, and in their dedication to the basic principles of liberty are two traits of the Finnish people which have special appeal for me.

The warmth of the reception my family and I received on our visit to Finland last September is a memory I shall cherish always. During that trip, on September 7, 1963, I made an observation before Finnish Parliamentarians in Helsinki which I should like to underline again:

"From afar, we of America have watched with admiring respect the courage of the Finnish people in defending and preserving their rights to govern themselves. * * * We of America are proud to count your country and your people as old friends. We join with you in the prayer and hope that the friendship between Finland and America will always endure without compromise or interruption."

In many ways today our friendship and esteem for Finland is demonstrated. As one who welcomes and encourages expanded trade between our two countries, it is reassuring to know that a conscious effort is being made in both countries to increase the flow of two-way trade between Finland and the United States. The growth of travel between our people is another reassuring development, since it helps deepen the close bonds which exist between us and tends to remind us of the underlying concepts we share about human dignity and the rights of man.

Finland, with its vigorous free enterprise system and democratic government, has proved by her stirring example the values inherent in freedom—and the importance of its preservation at all costs.

FINLAND'S CONTRIBUTION TO AMERICAN CIVILIZATION

A granite monument in Chester, Pa., and a memorial plaque on the opposite shore of the Delaware River at Finn's Point, N.J., commemorate the arrival of the first Finnish pioneers on this continent more than 300 years ago.

As Finland was then a part of Sweden, the colony founded in 1638 was named New Sweden. From 1638 to 1654 the land along both shores of the Delaware was the colony's territory and a succession of ships brought additional settlers of which at least half were Finns. Many settlements developed along the river. One was on the present site of Philadelphia and was called "Sauna," a Finnish word meaning Finnish steam bath or bath house. From earliest times the Finnish settlers have always built saunas first, using them as temporary dwellings until a more spacious house was built. As the Finns were the first pioneers to settle where Philadelphia is now, it is not surprising that the place was once called Sauna.

Other Finnish settlements were called Finland and Upland and were at the site of what is now Chester, Pa. A sizable colony of Finns settled in present-day New Jersey around what is still known as Finn's Point. The Finns built their log cabins and saunas like their forefathers in Finland had done for more than a thousand years. The log cabins became the pride and symbol of pioneer life as the Finnish sauna baths are today, becoming more and more popular in this country.

We learn from a history of this colony, published in 1702, that in the settlement called Finland, the Finns lived without fortifications, at peace with the Indians. Together with the Swedes, they founded the first town, built the first schools and roads, established the first courts and constructed the first churches in the Delaware Valley, and in so doing, made an important and lasting contribution to American civilization.

Although 16 years after its founding, the colony of New Sweden passed under Dutch rule and 8 years later to the British, the settlers remained and were even increased by newcomers. They retained their identity—linguistic, religious, and cultural—but ultimately merged with the mainstream of American nationality. The historical fact remains, however, that the Finns were one of the nationalities that helped to settle the Original thirteen States of the Union, the others being the English, Dutch and Swedes. Even today, some old names in Pennsylvania and Delaware could be traced back to their Finnish origin. Only a few are found in history books, because history in those days was not so much written as it was made by the work and toil of these early settlers. Some of them, however, are still remembered like Long Finn or John Finn, who was maybe the first true rebel against the colonial rule. But he lived too early and suffered for it.

John Morton, the man who cast the deciding vote in favor of the Declaration of Independence, was luckier. It seems that his great-grandfather was Martti Marttinen, born in Rautalampi, Finland, in 1606. He came with his young son, Martti Marttinen, Jr., through Sweden to Delaware in 1641. Their name, Marttinen, was later changed many times in Swedish and British official records to Martenson, Marten, Martin, and finally Morton. What Morton, with the other Founding Fathers, accomplished was foreseen may years earlier by another well-known Finn, the naturalist, Peter Kalm. He was the son of a Finnish pastor and professor in the University of Turku, then the capital of Finland, traveled widely in America from 1748 to 1751 as the first investigator of plant and animal life here. This famous scientist prophesized: "If the French can be driven from the American continent and the Indians defeated, then the American colonies will fight Great Britain and win their independence."

After the death of the main promoter in Sweden of the Delaware colony, a Finnish nobleman named Klaus Fleming, and the passing of the settlement to the Dutch rule and some years later, to the British, interest in emigration to America faded in Finland and Sweden for a long time. Occasionally, Finnish sailors arriving at the ports of the north, south, and west coasts, would be found searching for their fortunes in the New World during the following century.

As a consequence of the Napoleonic wars in Europe, Finland was separated from Sweden and passed under the rule of Russian czars in 1808. Then from 1830 to 1840, a considerable number of Finns immigrated to Alaska, which also belonged to Russia at the time. Alaska even had two Finnish Governors: Admiral Etholen in 1840, and Captain Furuhjelm in 1859. A considerable amount of trade developed between Finland and Alaska and numerous Finnish ships transported goods and emigrants around Cape Horn to Alaska. Later, when Alaska was sold in 1867 to the United States, many Finns stayed on and settled, particularly around the Sitka. The descendants of these early Finns and those who came later, played an important part in the development of this territory, which now, a century later, has become the 50th State of the Union. The Finns in Alaska were not only early pioneers, hunters and fur traders, fishermen, and gold diggers, but also administrators, mayors, and officials who advanced law and order in this (at the time) faraway land.

The great flow of emigration from Finland over the Atlantic began, however, in the latter part of the last century. In 1865, a group of 35 Finns arrived in upper Michigan. From then on, more and more came to Michigan and Minnesota where they found work in mines and iron furnaces, lumber camps, and in agriculture. Some remained on the east coast in New York and in the New England States where there are today several Finnish communities, particularly in Massachusetts, Connecticut, and Maine. Between 1871 and 1873 Finns were pushing their way to the furthermost western points of the country; to Astoria, Oreg. (where they have held an important place as fishermen), and to the State of Washington. The depressions which occurred in the United States in the years 1873 and 1893 temporarily slowed down emigration from Finland. It increased later and reached its peak at the turn of the last century and continued to be high until the outbreak of the First World War and soon thereafter.

Finnish immigration to the United States remained, however, rather modest in comparison to that of many other European nationalities. The number of Finns in the United States—immigrants and second generation (one of the parents being a Finn)—never exceeded 150,000 in any given year according to the official American statistics. Several unofficial estimates included all people of Finnish origin who still knew Finnish or Swedish or who otherwise could be counted as Finns. These estimates vary between 300,000 and 400,000 as maximum on any given year. This is understandable if we take into account the fact that the total population of Finland was, at the turn of the century when immigration was at its highest, only about 2½ million, and today, when immigration has slowed down, 4½ million.

During these past decades, the Finns settled mainly in the Middle East and northernmost States of the east and west coast as already indicated. In these areas, the immigrants toiled mainly in the mines, lumber camps and railway construction works, and later, as pioneers. It has been said that no nationality of comparable size dug more iron and other metals out of the earth of this country than the Finns.

As Finland is still today a country of forests, the Finnish immigrants were used to heavy forest work and carpentry of every kind. In this respect, Professor Van Cleef from Ohio University writes about the Finns: "In efficiency in the mines, the Finns rank close to the top. They make good timbermen in the underground mines for they are reputed clever and ingenious with the ax and the log."

The majority of the Finnish immigrants came originally from agricultural life. It is not surprising, therefore, that they found their steps leading back to farm life in America. It was the aim of most of those who began working in the mines and lumber camps to obtain homesteads or to buy farms as soon as they had the means to do so. They generally obtained 40 to 120 acres, often cutover land in Michigan, filed for a homestead in Minnesota, or bought a rundown farm in western New York, Connecticut or elsewhere. Then they settled down to work and often cleared the stumpy land, acre after acre, making of these virgin or rundown lands flourishing farms. They were not only handy in tilling the soil, but they built their own homes, shoed their own horses, and showed skill in different kinds of manual work. In the Scientific Monthly, May 1923, Professor Van Cleef writes that "the Finn is thrifty and independent. Both of these qualities are the consequence of his life upon the farm in his native country where isolation and the struggle against the odds of nature challenge the strongest and bravest of men. He has consequently developed a penchant for work, a tenacity of purpose, and a skill in farm management which may well be the envy of the peer of America's best farmers."

Most of these emigrants came here with little means to search for a better life or to earn money to return home and buy a farm. Therefore, the first generation, except in a few cases, could not start industries or commercial enterprises. From early times, however, the Finnish emigrants have been pioneers in establishing cooperatives in such fields as agriculture, dairy farming, retail stores, and insurance. It has been said that if two Finns meet they are either on their way to their cooperative or their sauna bath. Both these, even today, are most important; one to the economic and the other to their physical well-being. Thanks in part to these institutions in their life, many Finns from later generations have reached the top even in private business and industry. There are many outstanding engineers of Finnish descent and Finland has given this country several outstanding architects of which the Saarinens—father and son—are the most famous. Our best living architect, Alvar Aalto, who last year received the Gold Medal of the Institute of American Architects, has been both lecturing and teaching in this country.

Finns are an artistic race also, having one of the richest traditions in folklore and popular music. Since 1880, nearly every Finnish temperance and church society has had a choir, orchestra, or amateur theater group. The American Journal of Folklore wrote in October 1934: "The Finns in Minnesota have maintained much of the folklore of their homeland and have greatly enriched the musical life of the State." Finnish folklore had a special influence on Longfellow when he wrote "Hiawatha." He had read with great interest the German translation of the Finnish national epic, "Kalevala." Nathan Haskell Dole wrote in his introduction to "Hiawatha" in February 1898: "But it is not extravagant to claim that just as Virgil imitated Homer, so Longfellow more or less consciously imitated the Suomi epic (Kalevala), nor does it detract from the value or interest of the poem."

In other artistic fields, as well, there has been a rich exchange between our countries to this day. Both Finnish-American and American choruses, orchestras and conductors have visited Finland as have similar Finnish groups, conductors, singers, and actors visited this country. Our distinguished composer and conductor, Oskari Merikanto, visited this country in 1900 and many artists and conductors have followed since. In 1914 our famous composer, Jean Sibelius, made an extensive visit to this country, and not long afterwards, the conductor of the Minneapolis Symphony Orchestra, Mr. Oberhof, introduced the traditional presentations of Sibelius' music here.

In recent years, Finnish designers of furniture, glass, ceramics, and textiles have had an important influence on contemporary American design and living as part of the recent Scandinavian revival in this country.

Physical education, gymnastics, wrestling, and track and field sports were very popular in Finland at the time of the largest immigration to the United States. Therefore, it was only natural that young Finns in this country founded sports clubs which have given a valuable support even to American Olympic teams. Particularly, Finnish long distance runners, who visited America (some settling here) have been an inspiration to the youth of this country. The most famous of these sportsmen is "the Flying Finn," Paavo Nurmi, who during the 1920's and 1930's held most world records on distances over a mile. Recently, Nurmi visited this country again as a sports veteran and was received by the President of the United States and welcomed by all sportsmen, particularly by those who remembered him from his days of glory.

Today, as American citizens, descendents of Finnish immigrants are university professors, educators, lawyers and others, have achieved success and high positions in business and industry. Although most of them no longer speak our language, they have their roots in Finland and form a firm link between our two countries. This bond, which was established by early settlers from Finland, has widened and strengthened since Finland became an independent country in 1917. The best known and most popular American in Finland from this time on, is President Herbert Hoover. It was mainly thanks to his support and insistence at the Paris Peace Conference that the Allied Governments recognized our independence; and it was the relief action led by him after the First World War, that saved Finland from starvation in 1918. We are still paying the war debt which came out of this American action; but, as we are the only nation that paid our war debt from that time, the payments have been made available in the form of scholarships for students and young scholars from both countries. Some Americans have gone to Finland to study but most of the funds have benefited Finnish youth wishing to study here. Thanks to these and other funds, about 100 to 150 of our young scholars study in American universities or other institutions each year, strengthening the cultural relations between our countries.

Soon after the First World War, permanent trade relations between Finland and the United States were established which were interrupted only by the last war. We export mainly paper, pulp, plywood, furs, ceramics and glassware and buy from this country machinery, grain, tobacco, chemicals and fruits. Our mutual trade is well balanced—about $50 million annually each way. There is also an increasing tourist trade, which benefits both countries materially as well as culturally.

Political relations between Finland and the United States are traditionally friendly. Finland is a neutral country, like Sweden, maintaining good relations with both West and East. Finland's policy is to remain outside great power conflicts of today; this is understood and accepted in the East as well as in the Western world. This was confirmed by President Kennedy when our President visited the United States in 1962, and again by President Johnson, when he, as Vice President, with Mrs. Johnson, visited Finland last year. Both of these visits were highpoints in the long tradition of friendship between our countries, the development of which I have tried to describe. There is an inscription on one of the many Finnish monuments in this country: "A strong will takes a man through gray granite stone." It is this will that has helped build both our nations, our civilizations and our freedom, which we shall defend, if necessary, with the same strong resolve.

The Attorney General and Our Immigration Policy

EXTENSION OF REMARKS

OF

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 18, 1964

Mr. RYAN of New York. Mr. Speaker, with the passage of the Civil Rights Act of 1964, and the antipoverty bill, this Congress has brought our society closer to the goal of equality. As part of this all important effort, the immigration law should be revised now. I have introduced H.R. 7740, which would do so. Our present immigration laws based on the 1920 census and the quota system are grossly inequitable and inconsistent with our fundamental principles. The Attorney General, Robert F. Kennedy, has stated the case for the passage of the administration's immigration bill, which I have cosponsored, in a letter to the New York Times published on August 14, 1964. The Attorney General points out that the present immigration system "damages America in the eyes of the world * * * deprives us of able immigrants who contributions we need * * * inflicts needless personal cruelty on large numbers of American citizens and residents. And it does not work."

I strongly urge all my colleagues to read the following letter:

KENNEDY ASSAILS VISA BAN; ATTORNEY GENERAL ADVOCATES END TO NATIONAL ORIGINS SYSTEM

To the EDITOR: In a letter to the editor published August 10, William A. Turner deplores the pending administration bill to eliminate the national origins system from our immigration laws. Mr. Turner says he believes the present system is satisfactory and that in 36 years as a Foreign Service officer of the State Department he has never heard foreigners criticize the national origins provision of our immigration laws.

It is my firm conviction that this national origins system causes our Nation great harm both at home and abroad, and that it should be eradicated from our law.

This national origins system was conceived in a spirit of mistrust of certain racial groups, in southern and eastern Europe and elsewhere. Its original stated purpose was bald discrimination—to preserve what was believed to be the racial and ethnic composition of our population in 1924.

This system is a blot on our relations with other countries. It violates our basic national philosophy because it judges individuals not on their worth, but solely on their place of birth—or even where their ancestors happen to be born. I know from my own experiences abroad how deeply this system hurts us. I have been asked how a country which professes that all men are equal could permit a system which treated immigrants so unequally. It is a difficult criticism to answer.

UNFILLED NEEDS

This system fails to fulfill our own needs at home. An unskilled laborer from a northern European country can come here without delay or difficulty. But a particularly well-qualified scientist, or engineer—or chef—from one of a number of other countries experiences great difficulty and long delay. Thus there are no visas now available for a Korean radiation expert, a Japanese microbiologist, a Greek chemist, a skilled teacher of the deaf from the Philippines—and many others like them. Yet all want to come here, all are needed, and all are wanted. The time has come for us to insist that the quota system be replaced by the merit system.

This system inflicts cruel and unnecessary hardship on the families of many American citizens and resident aliens. Again and again they are deprived of the chance to bring brothers and sisters or other close relatives to this country because quotas in their native countries are oversubscribed. The national origins quota system makes it easier for a man to bring a maid to this country than to bring his mother; a system which can so distort human values must be revised.

Finally—and ironically—the national origins system does not even achieve its own purposes. It assigns an overwhelming number of quota visas to the countries of northern and western Europe—which do not use them all. For example, out of about 83,000 numbers assigned annually to the British Isles, only about 32,000 visas are used.

The 51,000 unused numbers cannot be reassigned; they are lost. Meanwhile, the quotas of many other countries are oversubscribed with the names of thousands of eligible immigrants eager to come to this country. Thus the ratio of immigration sought by the national origins system is not maintained, nor can it be.

SPECIAL LAWS

Further, the pressures which result from this system have forced Congress to enact special laws from time to time in recent years authorizing visas for people waiting in oversubscribed countries. The result is a further departure from the ratio which the national origins system was designed to continue.

This system damages America in the eyes of the world. It deprives us of able immigrants whose contributions we need. It inflicts needless personal cruelty on large numbers of American citizens and residents. And it doesn't work. Certainly, no plainer or more compelling arguments could be made for changing this system.

The administration's pending immigration bill seeks to change that system and establish a system that works in the national interest. It would increase the amount of authorized immigration by only a fraction—from 157,000 to 165,000. But it would, at the same time, gradually eliminate the present system and provide us with the flexibility necessary to deal with problems of fairness and of foreign policy.

Both major parties and four successive Presidents have urged a revision of the immigration laws. President Kennedy recommended this legislation to Congress and President Johnson has firmly endorsed it. Every American should support the change.

ROBERT KENNEDY,
Attorney General.

WASHINGTON, *August 11, 1964.*

Grant by National Science Foundation of $870,000

EXTENSION OF REMARKS

OF

HON. BARRATT O'HARA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 18, 1964

Mr. O'HARA of Illinois. Mr. Speaker, when I came to the Congress in 1949 from the district in Illinois in which is located the University of Chicago, I was deeply interested in the creation of a Federal agency to promote basic scientific research. It seemed to me vital to our position, in a modern world that our Nation, which had accomplished so much in the field of applied science, now should reach out for supremacy in the field of basic science. The challenge seemed all the more commanding since we no longer could fall back on the basic scientists of Germany, upon whom we had depended in large measure, as we went our way of progress and prosperity, in applied science.

I am happy that I was privileged not only to testify before the committee in the 81st Congress that had under consideration the bill creating the National Science Foundation but to arrange for the appearance of a number of distinguished authorities on the subject from the facility of the University of Chicago.

The National Science Foundation was established in 1950, in the 2d session of the 81st Congress, as an independent agency of the Federal Government, and its accomplishments have surpassed the large expectations of its early friends and advocates.

The Foundation recently gave a grant of $875,200 to the Chicago Natural History Museum.

EXPLORE MAN AND HIS WORLD

Founded in 1893, Chicago Natural History Museum is one of the world's great museums of natural science. It has reached this position as a result of its comprehensive educational programs and its contributions to knowledge through scientific research.

The purpose of all basic scientific research is to understand man and the incredibly complex world in which he lives. Man constantly seeks to manipulate his environment for his own ends, and to do this intelligently he must understand not only how nature operates today, but also how the world of nature came to be. For everything in the world, from a chromosome to a mountain range, is the product of forces that have been acting throughout the history of the universe. Research at Chicago Natural History Museum contributes to our understanding of these forces.

In this approach to nature, the museum scientist's first step is to gather representative samples of the living and physical universe so that they can be investigated in the laboratory. The universe is too unyielding to be studied in its entirety. The most important function of the museum, therefore, is to collect and store samples drawn from the vastness of nature. Next, these samples are analyzed in order to extract answers to some of the questions nature poses.

The first fruit of this approach is an inventory of nature itself—the orderly classification of minerals, rocks, fossils, living plants and animals, and the objects of human cultures. But museum research goes far beyond the mere cataloging of nature. It inquires into the whole physical universe—the mystery of how our planet was born and the processes that led to the formation of continents and oceans, of mountain ranges and ice ages; the evolution of life and its distribution on earth; the proliferation of human culture; the development of civilizations.

Other scientists investigate nature in ways that do not require the broad samples that museum collections provide. But the world is so involved that it must be probed from every point of view if we are ever to understand it. No one can forecast which approach will give us the next important breakthrough.

The natural history museum's unique scientific resource consists in its huge collections. Without them, we could not investigate how man and nature have become what they are.

The building of great collections has been a sustained goal of Chicago Natural History Museum for more than 70 years. Through worldwide expeditions, exchange of specimens, purchase, and many notable gifts, the museum's collections have grown until they now number more than 10¼ million specimens. These scientific collections represent major stages in the history of the earth and of human societies.

In the department of geology, the systematic collections document the formation of our planet and the physical evolution of plants, animals, and man. The botanical collections are a comprehensive index to the vegetation of the world. Zoological and anthropological materials represent living animals and the primitive cultures and high civilizations of the past.

Many parts of these collections are world renowned, among them the meteorites, Pennsylvanian and Permian fossil vertebrates, Central American plant specimens, tropical and neotropical birds and mammals, the Oceanic and Tibetan ethnological artifacts, and the primitive art.

In each of the museum's four departments—anthropology, botany, geology, and zoology—the collections are systematized, cataloged, and often photographically documented. Scientists and scholars from every part of the globe come to the museum to study these materials. Specimens are also lent to specialists throughout the world. The museum publishes research based on study of the collections by its own scientists or those associated with other institutions.

Since World War II, the resources of the museum have been made increasingly available to universities responsible for the training of graduate students. Seminars, aided by study of specimens, are held in museum laboratories. Museum specialists—many of whom also hold academic appointments on the faculties of local universities—lecture to graduate classes and supervise doctoral theses. Thus the collections and the museum professional staff play a vital role in the preparation of students who plan careers in the natural sciences.

To keep pace with new discoveries and trends in research, collections are constantly renewed and enlarged. The museum building, which was designed for great flexibility, encloses more than 17 acres, yet even this spacious structure cannot continue indefinitely to house new acquisitions. In the department of geology, an already critical space shortage became an outright emergency when the University of Chicago proposed the merger of the famous Walker collection of fossil invertebrates with the museum's geology collections.

The university realized that much of the Walker collection needed proper housing, sorting, cataloging, and maintenance if it were to realize its potential as a major resource for paleontological research and graduate education. In recent years, such curatorial care of collections has tended to become the province of museums rather than universities. Chicago Natural History Museum was the natural choice because of its long history of educational collaboration with the university. The museum accepted the transfer of the Walker collection in the confidence that funds would be found to construct the facilities needed to house it. This confidence has been justified by the National Science Foundation grant.

Speaking of the transfer, Dr. George W. Beadle, president of the University of Chicago, said:

> A most important result of the proposed change will be the increase of real cooperation and pooling of efforts of various midwest universities and colleges and the Chicago Natural History Museum. Not only the University of Chicago, but all other institutions interested in fields represented in the museum, will find increased opportunities for independent study and teaching.

According to Museum Director E. Leland Webber:

> The museum welcomes this opportunity for greater research contributions based on the Walker collection and continued close collaboration with nearby universities. The addition of the collection to the museum's geological holdings, together with the new construction within the museum building, will create an outstanding national center for research on fossil invertebrates.

The National Science Foundation grant provides funds to roof over a light well between two wings in the northwest quadrant of the museum building at the second- and third-floor levels. Within this space, two new bearing floors and a mezzanine are to be built.

This new area, together with remodeled space now occupied by the museum geologists, will house a diagnostic X-ray unit for radiographic study of rocks and fossils; a photographic laboratory; a new rock-sectioning laboratory; and a thin-sectioning laboratory, where rocks are ground to translucence. The Chalmers Mineralogical Laboratory will be enlarged.

A classroom and several study rooms for graduate students are planned, as well as office space for museum research associates and visiting scientists. The geology library will be enlarged and space allotted for a paleontology library. The entire second floor and mezzanine of the former light well is to be devoted to the housing of geological specimens, including the Walker collection. The third floor will be used for expansion of the museum library.

Altogether, filling in the light well will add about a half-acre, or 250,000 cubic feet, of new space to the museum building. The forces that have acted to shape the world and the history of life on earth are the primary concern of all the museum's scientists. Even the universe beyond our planet lies within the scope of the museum's geologists through the study of meteorites. Opportunities for broadening these extraterrestrial investigations should emerge as space probes continue.

In 1894 there were two professional staff members in the department of geology and an assistant who wrote labels in India ink on cardboard. Today, the department has 16 full-time members, among them scientists, research assistants, artists, specimen preparators, and exhibit experts. Research is concerned with such aspects of geology as mineralogy, petrology, and fossil plants, invertebrates, and vertebrates.

Typical of the work underway are these projects:

FOSSIL FISHES

Robert H. Denison, curator of fossil fishes, has long been investigating the earliest vertebrates from the Ordovician—when they first appear as fragments of armor—through the Devonian, when the major modern groups of fishes became established. Currently he is collecting in the Bighorn Mountains of Wyoming, where there is a Devonian fish fauna that includes not only peculiar jawless vertebrates, but also some of the earliest known fishes with true jaws. Most of these are extinct, but some, like the earliest known lungfishes, have survived as "living fossils" for nearly 400 million years to the present day. Through studies of the structure of these animals, Dr. Denison is attempting to determine how they evolved and lived. In addition, his work on ancient fishes is also yielding clues to the origin and early history of the hard tissues that make up the vertebrate skeleton.

MINERALS AND METEORITES

The study of minerals in meteorites is the research interest of Edward J. Olsen, curator of mineralogy. Dr. Olsen is now comparing assemblages of minerals found in meteorites—the only material known from outer space—with similar assemblages found in certain kinds of earth rocks. Only under specific conditions of temperature, pressure, and appropriate timing could these clusters of minerals, found in close physical contact with each other, have been formed in the unknown planetary body from which the meteorite specimens came. Through analysis of the mineral clusters, Olsen—in collaboration with Dr. Robert F. Mueller of the University of Chicago—hopes to find clues to the conditions under which the planets, including our earth, were born.

EXHIBITS

Because of the increased demand from teachers and students in local high schools for geological studies of this region, Harry Changnon, curator of exhibits, is gathering material for a handbook of the geology of the Chicago area. In addition, he is supervising the remodeling of the Hall of Economic Geology to emphasize exhibits of minerals used in the Nation's atomic energy and space programs.

FOSSIL MAMMALS

William D. Turnbull, associate curator of fossil mammals, is currently in southeast Australia, seeking early Tertiary and late Cretaceous rock deposits containing fossil vertebrates. He hopes to answer two unsolved questions: "When did marsupials first arrive in Australia?" and, "Can their patterns of adaptive radiation be traced to show when and how these early animals occupied the various ecological niches of that continent?" His explorations, if successful, will fill a major gap in our knowledge of the history of the characteristic marsupial mammals of Australia.

FOSSIL VERTEBRATES

One of the most significant finds in the history of paleontology has been made by the museum's chief curator of geology, Rainer Zangerl: the discovery of an extensive fossil fish graveyard in Parke County, Ind. Dr. Zangerl is now studying this treasury of Pennsylvanian—coal age—lower vertebrates—sharks ranging to 14 feet in length, palaeoniscoid fishes, acanthodians, and a form entirely new to science which he has tentatively assigned to the placoderms. In a reconstruction as fascinating as the unfolding of a detective story, Dr. Zangerl and his associate, Eugene S. Richardson, Jr., curator of fossil invertebrates, have re-created the detailed history of the struggles for survival of these ancient fishes on the flooded coastal plain of an extinct inland sea 285 million years ago. A landmark in paleoecology, the pioneering work of Zangerl and Richardson has recently been published by the museum.

SEDIMENTARY ROCKS

Knowledge of what the weather was like geologic ages ago is of tremendous import to the future of our civilization, according to John Clark, associate curator of sedimentary petrology. Through studies of sedimentary rocks and the distribution of ancient faunas and floras, Dr. Clark is investigating the climatic patterns that prevailed on the North American continent some 40 million years ago. At that time a warmer climate than ours began cooling to an ice age. Since ice ages have constituted only a very small fraction of the geologic past, Dr. Clark hypothesizes that we may now be returning once again to a period of general warmth. His research on ancient climates should aid, therefore, in predicting the climatic patterns of the future.

IGNEOUS AND METAMORPHIC ROCKS

Bertram G. Woodland, curator of petrology, has just published his investigations of the unusual structures called "cone-in-cone" found in sedimentary rocks. While these formations have been discussed in geological literature for more than 100 years, Dr. Woodland has proposed a new and more comprehensive theory of their origin, which has broad implications for understanding the history and formation of certain sedimentary rocks. Since the completion of this work, Woodland has returned to his primary research on the deformations found in metamorphic rocks. Through microscopic and other detailed analyses of thin sections of rock, he is gaining insights into the complex mechanics of mountain formation.

FOSSIL INVERTEBRATES

For many years, Eugene S. Richardson, Jr., has been interested in the animal life of the Pennsylvanian era, basing his work on specimens from the famous Mazon Creek area in northern Illinois. Within the rocks exposed in the stream bed and adjacent coal mines of this region are fossils indicative of several different ancient environments, including open sea, land-locked lagoons, and coastal swamp. More kinds of invertebrates lived in this region during the coal age than in most areas of comparable extent today, and continual collecting by Dr. Richardson and his collaborators is revealing species previously unknown to science.

Dr. Richardson will be in charge of the Walker collection of fossil invertebrates.

The filling in of the former light well also provides space for the museum library's rapidly expanding collection of scientific literature. The new third floor section is designed to connect directly with the present library area, and will be used primarily for additional book stacks.

The Chicago Natural History Museum Library ranks among the eight largest natural science libraries in the world, and is one of the four largest in the United States. Currently it is the only museum library to be a U.S. Government Depository to receive scientific publications of Federal agencies under the depository library program.

An essential resource for all phases of museum research, education, and exhibition, the library serves not only the museum staff and their colleagues, but also other visiting specialists and students. Through the interlibrary loan system, books are circulated to college, university, public, and special libraries for the use of faculty members, students, and research workers in other institutions and industries.

More than 160,000 volumes on anthropology, botany, geology, and zoology are in the present library collection; these are progressively augmented by purchase, gift, and exchange of the museum's scientific publications for related material. The extensive exchange of publications program is conducted in cooperation with scientific institutions in more than 110 countries throughout the world.

In recent years a considerable portion of the library's holdings have been reclassified to the more widely used and greatly expanded Library of Congress system of classification. Included in the National Science Foundation grant are funds to complete the reclassification of the collection.

The third area of the museum with current, critical space needs is the division of insects. Its collections, containing nearly 2 million specimens from around the world, are most broadly representative of North America. Since World War II, specialists from all over the world have requested that more than a quarter of a million of these specimens be lent to them for study.

The curator of insects, Rupert L. Wenzel, is currently collaborating in a study of the fleas, mites, and ticks of Panama, that live as parasites on other animals, especially mammals. Since many of these insects are carriers of disease, Dr. Wenzel's research is of fundamental importance to tropical medicine and public health.

Associate Curator Henry S. Dybas is working on the periodical cicadas. Several very closely related species of these insects appear to live in the same area, emerging simultaneously from their underground burrows every 13 or 17 years to lay their eggs in twigs of shrubs and trees. Dybas' investigation of these emergences should throw light on the ecology and evolution of these species.

The new construction will provide storage within the division for about a half-million insect specimens that cannot presently be integrated into the collection. Additional room will also be available for the divisional library, for new work areas, and for future growth of the insect collections.

THE NEXT DECADE

The present construction, which benefits primarily the department of geology and the library, is but the first step in the museum's necessary physical development. Since the completion of the present building in 1921, research programs and collections have expanded into nearly every available space. Coordinated planning for modernization and enlargement of all the museum's scientific departments is being undertaken to anticipate and prepare for orderly future growth.

But the acquisition of new space for research will fulfill only one of the museum's commitments to the future. In this century of science, a better understanding of the impact of scientific discovery upon our civilization must become the concern of every thoughtful citizen. There is urgent need for more knowledge of man and his world. Chicago Natural History Museum accepts its obligation to serve this need.

The building and conservation of collections; the continued attraction of a strong professional staff with the capacity for excellence in original research; the training of future scientists; the presentation of exhibits that reflect the light of new knowledge, using effective graphic and interpretive techniques; the broadening of educational programs to serve unmet needs—these are the museum's guidelines to the future.

Carl Elliott

EXTENSION OF REMARKS
OF

HON. JAMES W. TRIMBLE

OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 18, 1964

Mr. TRIMBLE. Mr. Speaker, I join with others in tribute to our colleague, Carl Elliott, of Alabama. I have known him intimately since he first came to the Congress. He is the kind of person who is the same every day as he is in his church—a dedicated soul who has done much for this constituency and for his country.

I regret deeply that the people of Alabama did not return him to the Congress. After he has left this earth, his name will be written in the history of his country in many ways, especially in the field of education.

He is a brave man and takes his defeat with his chin up and without bitterness. He is one of God's jewels.

Hon. Carl Elliott

EXTENSION OF REMARKS
OF

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, August 18, 1964

Mr. PHILBIN. Mr. Speaker, I can conceive of no finer, more capable, more dedicated, effective public servant than our beloved friend and esteemed, admired colleague, the illustrious gentleman from Alabama, Congressman Carl Elliott.

To my mind, this great American stands foremost and topmost in the ranks of contemporary statesmen noted for their stanch devotion to country and their fierce passion for liberty and justice. Carl Elliott is a true, loyal son of a great State, a man of highest character, noblest ideals, and loftiest objectives—fearless champion of the ordinary people of America.

While in his brilliant service here, he has been particularly interested in advancing the cause of education, and has achieved truly extraordinary results in this vital field. Congressman Elliott's many interests and high achievements in this House have ranged over virtually the whole spectrum of essential, commendable legislative effort.

Every good cause related to the well-being, opportunity, and betterment of the American people has commanded the energetic attention and able assistance of this great statesman.

Patriot of the first magnitude, firm in his allegiance to the Constitution and American institutions, resolute defender of the Nation against the attacks and challenges of our enemies, whether to the security and safety of its shores and its homes or by the subversive Communist conspiracy. Vigilant, alert, penetrating, and swift of comprehension, vigorous and forthright of action, honesty and undaunted of approach and decision, of heartfelt concern for the weak, disabled, the handicapped, the lowly, and the inarticulate, Carl Elliott has served his district, State, and Nation with that zeal, sincerity, vision, and loftiness of purpose that is seldom witnessed in any legislative body or elsewhere.

He has the respect, admiration, and affection of every Member of this House and is rightly honored for his many outstanding contributions to our work and to the national interest.

Carl Elliott will be greatly missed in this body where he did such magnificent work and has so very many dear friends. But he is not departing from public life. He will be heard from soon again and he will be privileged to serve the people and the Nation in higher posts, God willing, for many years to come.

Men so gifted, talented and dedicated as Carl Elliott do not fade away. To the contrary, they are drafted by the people to serve them, because the people know that they are invaluable in the public life of the Nation to help guide the ship of state through storm and through calm into the havens of freedom, justice, prosperity, and peace.

Carl Elliott will go forward and upward toward his great destiny of exalted public service. We shall not bid him goodby, but merely au revoir, because his greatest triumphs lie ahead of him.

The country and the people need men like Carl Elliott and I wish for him and his dear ones choicest blessings and every measure of success, prosperity, and happiness in the time to come.

Hail and salute to one of our greatest Congressmen—Carl Elliott, of Alabama.

HOUSE OF REPRESENTATIVES

Wednesday, August 19, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

The words of the Master. John 8: 29: *I do always those things that please Him.*

O Thou who art our companion on our pilgrim way, hitherto Thou hast blessed us and we have found our comfort and confidence in the glorious assurance and testimony that where Thou dost guide Thou wilt also provide.

We humbly and gratefully acknowledge that always and everywhere we need Thee; in our weakness to sustain and encourage us; in our strength to discipline and direct us.

Continue to inspire us with a faith that defies despair; a hope that makes the future more radiant; and a love that conquers all of life's obstacles and impediments.

May our finite minds and hearts, which are so frequently blinded and enslaved by a sense of futility and frustration, be brought in complete obedience to Thy wise and holy will.

Grant that Thy name may be glorified through Christ Jesus, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3071. An act to provide for the establishment of Fort Larned as a national historic site, and for other purposes;

H.R. 4018. An act to authorize establishment of the Saint-Gaudens National Historic Site, N.H., and for other purposes;

H.R. 4149. An act to provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights;

H.R. 4242. An act to provide for the release and transfer of all right, title, and interest of the United States of America in and to certain tracts of land in Pender County, N.C.;

H.R. 7088. An act for the relief of Joseph Di Ciccio;

H.R. 7588. An act to provide for enforcement of rules and regulations for the protection, development, and administration of the national forests and national grasslands, and for other purposes;

H.R. 8135. An act to provide for the establishment and administration of public recreational facilities at the Sanford Reservoir area, Canadian River project, Texas, and for other purposes;

H.R. 9560. An act for the relief of Lim Sam Soon;

H.R. 9747. An act to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals;

H.R. 10069. An act to authorize the exchange of lands adjacent to the Lassen National Forest in California, and for other purposes; and

H.R. 10419. An act to amend further the Farm Credit Act of 1933, as amended, to provide that part of the patronage refunds paid by a bank for cooperatives shall be in money instead of class C stock after the bank becomes subject to Federal income tax, and for other purposes.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 98. An act to amend the Internal Revenue Code of 1954 with respect to exportation of imported distilled spirits, wines, and beer;

H.R. 1642. An act to provide for the sale of the United States Animal Quarantine Station, Clifton, N.J., to the city of Clifton to provide for the establishment of a new station and for other purposes;

H.R. 5739. An act to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies;

H.R. 6601. An act to authorize the Secretary of Agriculture to sell certain land in Grand Junction, Colo., and for other purposes; and

H.R. 10467. An act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 226. An act for the relief of Dr. G. L. Clifton; and

S. 2803. An act for the relief of Joao Carlos Senra Ferreira, Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1006. An act to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes.

The message also announced that the Senate further insists upon its amendments to the bill (H.R. 8864) entitled "An act to carry out the obligations of the United States under the International Coffee Agreement, 1962, signed at New York on September 28, 1962, and for other purposes," disagreed to by the House; agrees to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD of Virginia, Mr. LONG of Louisiana, Mr. SMATHERS, Mr. WILLIAMS of Delaware, and Mr. CARLSON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1839) entitled "An act to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the United States."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8000) entitled "An act to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3049) entitled "An act to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes."

MILITARY CONSTRUCTION APPROPRIATION BILL, 1965

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight to file a conference report on the bill, H.R. 11369, making appropriations for military construction for the fiscal year 1965.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL WILDERNESS PRESERVATION SYSTEM

Mr. ASPINALL submitted a conference report and statement on the bill (S. 4) to establish a National Wilderness System for the permanent good of the whole people, and for other purposes.

THE HONORABLE BERNARD M. BARUCH

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MULTER. Mr. Speaker, I take this time to extend warm birthday greetings to a longtime friend and a great American, the truly elder statesman of the world, the Honorable Bernard M. Baruch.

He is today 94 years young.

I imagine that the title he cherishes most is "Adviser to Presidents." His sage advice is sought by many, denied to none, and welcomed by all.

I extend the traditional wish of my coreligionists, that the Lord bless him with all the good things of life until 120.

REBUKE TO SUPREME COURT

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, some time this afternoon the House is destined to resolve itself into a drumhead court of the Union and by statute attempt to remove critical jurisdiction from the Supreme Court of the United States. The short path leading to this vote is paved with unprecedented irregularities, and yet the result will be as though the Constitution had been solemnly rewritten and ratified to recast our tripartite form of government in the mold of the British system.

I have no doubt that this vote will be widely interpreted as a rebuke to the Supreme Court. But I am equally convinced that the one lesson to be drawn from this exercise in retaliation is that the Supreme Court was utterly right in reluctantly concluding that neither Congress nor the States were capable of revitalizing our Federal system to meet the legitimate needs of the Nation and the exacting demands of the times. If the Court's decision lacked either eloquence or persuasiveness, that has been amply supplied by the drama unfolding here today.

To those who feel that the Court has gone too far toward becoming a political institution, I can only say that they, themselves have had a heavy hand in bringing this about. Preaching the American creed of self-reliance and democratic initiative, they have permitted Congress and the State legislatures to become ineffective avenues for both.

To those who foresee that the Supreme Court will now retreat from the fundamental controversies of our society, I say that it is within their power to achieve this, not by retaliation, but by recognition of the unabating pressures which brought about the decision they find so distasteful. If this recognition is not made and acted on, the Supreme Court's legitimate role will enlarge, not contract. We will all be the poorer for it, because the Supreme Court is not the best institution to take on many of these tasks. But I for one will support the Court, as will a growing number of Americans who see in measures such as the one we will vote on today the unmistakable signs of decay in our representative form of government.

PERSONAL ANNOUNCEMENT

Mr. HULL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HULL. Mr. Speaker, during rollcall No. 217 on H.R. 1927, to amend title 38, United States Code, so as to revise the rates of disability and death pension authorized by the Veterans' Pension Act of 1959 and for other purposes, I was unavoidably detained outside the Chamber.

Had I been present, I would have voted "aye" on this bill.

BELTSVILLE ENVIRONMENTAL HEALTH CENTER

Mr. SICKLES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SICKLES. Mr. Speaker, Members of the other body will soon consider the appropriations for the Department of Health, Education, and Welfare during fiscal year 1965. Before this measure was passed by the House, the House Appropriations Committee did not have time to fully evaluate Secretary Celebrezze's request that the proposed Environmental Health Center be located in Beltsville, Md., and that funds for the planning of this facility be included in the budget.

Since that time, however, the Senate Appropriations Committee has recommended that the construction planning funds be included in the departmental budget. Apparently there are some Members of the other body who seek to make public works projects out of the research activities of the Federal Government and will oppose this budget item.

The past history of the Environmental Health Center project has been checkered with ill-advised attempts to locate this facility away from research activities of the Federal Government that are directly related to the work which will be done at the Center. The result has been an unnecessary delay in the construction of a much needed facility. Research on pesticides, the effect of radiation on man, and other problems has been hampered. It is my hope that the Members of the other body will support the sensible request of the Senate Appropriations Committee and that the House conferees will allow the $1.5 million in planning money to remain in the budget.

HOUSING ACT OF 1964

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

The conference report and statement follow:

CONFERENCE REPORT (REPT. NO. 1828)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "That this Act may be cited as the 'Housing Act of 1964'.

"TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

"Time limit on FHA recoupment of title I insurance payments

"SEC. 101. Section 2(g) of the National Housing Act is amended by striking out 'after December 31, 1957,'.

"Mortgage limits for homes under section 203 programs

"SEC. 102. (a) Section 203(b)(2) of the National Housing Act is amended by striking out '$25,000', '$27,500', '$27,500', and '$35,000' and inserting in lieu thereof '$30,000', '$32,500', '$32,500', '$37,500', respectively.

"(b) Section 203(i) of such Act is amended by striking out '$9,000' and inserting in lieu thereof '$11,000'.

"Home improvement loans outside of urban renewal areas

"SEC. 103. Section 203(k) of the National Housing Act is amended by—

"(1) striking out in clause (2) 'economically sound' and inserting in lieu thereof 'an acceptable risk';

"(2) striking out clause (4) and inserting in lieu thereof the following: '(4) insurance benefits shall be paid in cash out of the Section 203 Home Improvement Account or in debentures executed in the name of such Account'; and

"(3) striking out in the third sentence 'Debentures issued with respect to loans insured under this subsection shall be issued' and inserting in lieu thereof 'Insurance benefits paid with respect to loans insured under this subsection shall be paid'.

"Additional relief for home mortgagors in default due to circumstances beyond their control

"SEC. 104. (a) Section 204(a) of the National Housing Act is amended by striking out the fourth proviso and inserting in lieu thereof the following: ': *And provided further,* That with respect to any mortgage covering a one-, two-, three-, or four-family residence insured under this Act, if the Commissioner finds, after notice of default, that the default was due to circumstances beyond the control of the mortgagor, he may, upon such terms and conditions as he may prescribe, (1) approve the request of the mortgagee for an extension of the time for the curing of the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property to such time as the Commissioner may determine is necessary and desirable to enable the mortgagor to complete the mortgage payments, including an extension of time beyond the stated maturity of the mortgage, and in the event of a subsequent foreclosure or acquisition of the property by other means the Commissioner is authorized to include in the debentures an amount equal to any unpaid mortgage interest, or (2) approve a modification of the terms of the mortgage for the purpose of changing the amortization provisions by recasting, over the remaining term of the mortgage or over such longer period as may be approved by the Commissioner, the total unpaid amount then due, as determined by the Commissioner, with the modification to become effective currently or to become effective upon the termination of an agreed-upon extension of the period for curing the default; and the principal amount of the mortgage, as modified, shall be considered to be the "original principal obligation of the mortgage" as that term is used in this Act for the purpose of computing the total face value of the debentures to be issued or the cash payment to be made by the Commissioner to a mortgagee'.

"(b) Section 230 of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: 'Upon receiving notice of the default of any mortgage covering a one-, two-, three-, or four-family residence heretofore or hereafter insured under this Act, the Commissioner, in his discretion and for the purpose of avoiding foreclosure of the mortgage, and notwithstanding the fact that he has previously approved a request of the mortgagee for an extension of the time for curing the default and of the time for commencing foreclosure proceedings or for otherwise acquiring title to the mortgaged property, or has approved a modification of the mortgage for the purpose of changing the amortization provisions by recasting the unpaid balance, may acquire the loan and security therefor upon payment of the insurance benefits in an amount equal to the unpaid principal balance of the loan plus any unpaid mortgage interest plus reimbursement for such costs and attorney's fees as the Commissioner finds were properly incurred in connection with the defaulted mortgage and its assignment to the Commissioner, and for any proper advances theretofore made by the mortgagee under the provisions of the mortgage. After the acquisition of such mortgage by the Commissioner, the mortgagee shall have no further rights, liabilities, or obligations with respect thereto.'

"Changes in FHA insurance benefits and simplification of payment procedures

"SEC. 105. (a) Section 204 of the National Housing Act is amended by—

"(1) striking out in the third sentence of subsection (a) the words 'insurance on the mortgaged property, and any mortgage insurance premiums paid after either of such dates' and inserting in lieu thereof the following: 'charges for the administration, operation, maintenance and repair of community-owned property or the maintenance and repair of the mortgaged property, the obligation for which arises out of a covenant filed for record and approved by the Commissioner prior to the insurance of the mortgage, insurance on the mortgaged property, and any mortgage insurance premiums';

"(2) inserting after the colon following the second proviso of subsection (a) two additional provisos as follows: '*And provided further,* That with respect to a mortgage accepted for insurance pursuant to a commitment issued on or after the date of enactment of the Housing Act of 1964, the Commissioner may include in debentures or in the cash payment an amount not to exceed the foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved by the Commissioner: *And provided further,* That with respect to a mortgage accepted for insurance pursuant to a commitment issued prior to the date of enactment of the Housing Act of 1964, the Commissioner may, with the consent of the mortgagee (in lieu of issuing a certificate of claim as provided in subsection (e)), include in debentures or in the cash payment, in addition to amounts otherwise allowed for such costs, an amount not to exceed one-third of the total foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved by the Commissioner, but in no event may the total allowance for such costs exceed the amount actually paid by the mortgagee:';

"(3) striking out 'and the payment of insurance premiums' in the third proviso in subsection (a) (as numbered prior to the amendment made by paragraph (2)), and by inserting before the colon at the end of such proviso the following: ': *And provided further,* That where the claim is paid in cash there shall be included in the cash payment an amount equivalent to the compensation for loss of debenture interest that would be included in computing debentures if such claim were being paid in debentures';

"(4) striking out '$50' in the second sentence of subsection (c) and inserting in lieu thereof '$350';

"(5) striking out in the second sentence of subsection (d) ', except that debentures issued pursuant to the provisions of section 220(f), section 221(g), and section 233 may be dated as of the date the mortgage is assigned (or the property is conveyed) to the Commissioner, and' and inserting in lieu thereof ': *Provided,* That debentures issued pursuant to claims for insurance filed on or after the date of enactment of the Housing Act of 1964 shall be dated as of the date of default or as of such later date as the Commissioner, in his discretion, may establish by regulation. The debentures';

"(6)(A) inserting '(1)' after '(e)' in subsection (e); striking out 'The certificate' in such subsection and inserting in lieu thereof 'Subject to paragraph (2), the certificate'; and adding at the end of such subsection a new paragraph as follows:

"'(2) A certificate of claim shall not be issued and the provisions of paragraph (1) of this subsection shall not be applicable in the case of a mortgage accepted for insurance pursuant to a commitment issued on or after the date of enactment of the Housing Act of 1964.';

"(B) striking out 'and a certificate of claim' in the second sentence of subsection (a) and inserting in lieu thereof 'and (subject to subsection (e)(2)) a certificate of claim';

"(7) striking out the first paragraph of subsection (f) and inserting in lieu thereof the following:

"'(f)(1) If, after deducting (in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound accounting practice) the expenses incurred by the Commissioner, the net amount realized from any property conveyed to the Commissioner under this section and the claims assigned therewith exceed the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:';

"(8) redesignating the second paragraph of subsection (f) as paragraph (i), and striking out '207; and' at the end of the paragraph and inserting in lieu thereof the following: '207: *Provided*, That on and after the date of enactment of the Housing Act of 1964, any excess remaining after payment to the holder of the full amount of the certificate of claim, together with the accrued interest increment thereon, shall be retained by the Commissioner and credited to the applicable insurance fund; and';

"(9) redesignating the third paragraph of subsection (f) as paragraph (ii);

"(10) designating the last paragraph of subsection (f) as paragraph (2) and inserting the following before the period at the end thereof: ': *Provid d*, That the settlement authority created by the Housing Amendments of 1955 shall be terminated with respect to any certificates of claim outstanding as of the date of enactment of the Housing Act of 1964'; and

"(11) inserting at the end of subsection (f) a new paragraph as follows:

"'(3) With the consent of the holder thereof, the Commissioner is authorized, without awaiting the final liquidation of the Commissioner's interest in the property, to settle any certificate of claim issued pursuant to subsection (e), with respect to which settlement had not been effected prior to the date of enactment of the Housing Act of 1964, by making payment in cash to the holder thereof of such amount not exceeding the face amount of the certificate of claim, together with the accrued interest thereon, as the Commissioner may consider appropriate: *Provided*, That in any case where the certificate of claim is settled in accordance with the provisions of this paragraph, any amounts realized after the date of enactment of the Housing Act of 1964, in the liquidation of the Commissioner's interest in the property, shall be retained by the Commissioner and credited to the applicable insurance fund.'

"(b) Section 207(g) of such Act is amended by adding at the end thereof the following: 'Notwithstanding any other provision of this Act, upon receipt, after the date of enactment of the Housing Act of 1964, of an application for insurance benefits on a mortgage insured under this Act, the Commissioner may terminate the mortgagee's obligation to pay premium charges on the mortgage.'

"(c)(1) Sections 203(k), 220(f)(3), 220(h)(6), and 233(g) of such Act are each amended by adding at the end thereof the following: 'If the insurance payment is made in cash, there shall be added to such payment an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Commissioner.'

"(2) Section 221(g)(3) of such Act is amended by striking out '; or' at the end thereof and inserting in lieu thereof a period and the following: 'If the insurance is paid in cash, there shall be added to such payment an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Commissioner.'

"(d) Section 604 of the National Housing Act is amended by—

"(1) inserting after the colon following the first proviso in subsection (a) an additional proviso as follows: '*Provided further*, That with respect to any debentures issued on or after the date of enactment of the Housing Act of 1964, the Commissioner may, with the consent of the mortgagee (in lieu of issuing a certificate of claim as provided in subsection (e)), include in debentures, in addition to amounts otherwise allowed for such costs, an amount not to exceed one-third of the total foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved by the Commissioner, but in no event may the total allowance for such costs exceed the amount actually paid by the mortgage:';

"(2) striking out '$50' in the second sentence of subsection (c) and inserting in lieu thereof '$350';

"(3) striking out 'default, and' in the second sentence of subsection (d) and inserting in lieu thereof the following: 'default, except that debentures issued pursuant to claims for insurance filed on or after the date of enactment of the Housing Act of 1964, shall be dated as of the date of default or as of such later date as the Commissioner, in his discretion, may establish by regulation. The debentures';

"(4) striking out the first paragraph of subsection (f) and inserting in lieu thereof the following:

"'(f)(1) If, after deducting (in such manner and amount as the Commissioner shall determine to be equitable and in accordance with sound accounting practice) the expenses incurred by the Commissioner, the net amount realized from any property conveyed to the Commissioner under this section and the claims assigned therewith exceed the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:';

"(5) redesignating the second paragraph of subsection (f) as paragraph (i), and striking out 'property; and' at the end of the paragraph and inserting in lieu thereof the following: 'property: *Provided*, That on and after the date of enactment of the Housing Act of 1964, any excess remaining after payment to the holder of the full amount of the certificate of claim shall be retained by the Commissioner and credited to the War Housing Insurance Fund; and';

"(6) redesignating the third paragraph of subsection (f) as paragraph (ii);

"(7) designating the last paragraph of subsection (f) as paragraph (2) and inserting the following before the period at the end thereof: ': *Provided*, That the settlement authority created by the Housing Amendments of 1955 shall be terminated with respect to any certificate of claim outstanding as of the date of enactment of the Housing Act of 1964'; and

"(8) inserting at the end of subsection (f) a new paragraph as follows:

"'(3) With the consent of the holder thereof, the Commissioner is authorized to settle, without awaiting the final liquidation of the Commissioner's interest in the property, any certificate of claim issued pursuant to subsection (e), with respect to which a settlement had not been effected prior to the date of enactment of the Housing Act of 1964, by making payment in cash to the holder thereof of such amount, not exceeding the face amount of the certificate of claim, together with the accrued interest increment thereon, as the Commissioner may consider appropriate: *Provided*, That in any case where the certificate of claim is settled in accordance with the provisions of this paragraph, any amounts realized after the date of enactment of the Housing Act of 1964, in the liquidation of the Commissioner's interest in the property, shall be retained by the Commissioner and credited to the applicable insurance fund.'

"(e) Section 904 of such Act is amended by—

"(1) inserting after the colon following the first proviso in subsection (a) an additional proviso as follows: '*Provided further*, That with respect to any debentures issued on or after the date of enactment of the Housing Act of 1964, the Commissioner may, with the consent of the mortgagee (in lieu of issuing a certificate of claim as provided in subsection (e)), include in debentures, in addition to amounts otherwise allowed for such costs, an amount not to exceed one-third of the total foreclosure, acquisition, and conveyance costs actually paid by the mortgagee and approved by the Commissioner, but in no event may the total allowance for such costs exceed the amount actually paid by the mortgagee:';

"(2) striking out '$50' in the second sentence of subsection (c) and inserting in lieu thereof '$350'; and

"(3) striking out 'default, and' in the second sentence of subsection (d) and inserting in lieu thereof the following: 'default, except that debentures issued pursuant to claims for insurance filed on or after the date of enactment of the Housing Act of 1964 shall be dated as of the date of default or as of such later date as the Commissioner, in his discretion, may establish by regulation. The debentures'.

"(f) Sections 604 and 904 of such Act are each amended by striking out in the third sentence of subsection (a) 'paid after either of such dates'.

"Maximum amount of section 207 rental housing mortgages

"SEC. 106. Section 207(c)(2) of the National Housing Act is amended by striking out all that follows the first colon and precedes 'to mortgages on housing in Alaska', and inserting in lieu thereof the following: '*Provided*, That this limitation shall not apply'.

"Family unit limits on FHA rental housing

"SEC. 107. (a) Section 207(c)(3) of the National Housing Act is amended by striking out the first paragraph and inserting in lieu thereof the following:

"'(3) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms or not to exceed

$1,800 per space or $500,000 per mortgage for trailer courts or parks; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require.'

"(b) Section 213(b)(2) of such Act is amended by striking out all that precedes the third proviso and inserting in lieu thereof the following:

"'(2) not to exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms, and not to exceed 97 per centum of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed physical improvements are completed: *Provided,* That as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design: *Provided further,* That the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require'.

"(c) Section 220(d)(3)(B)(iii) of such Act is amended to read as follows:

"'(iii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 45 per centum in any geographical area where he finds that cost levels so require: *Provided,* That nothing contained in this subparagraph shall preclude the insurance of mortgages covering existing multifamily dwellings to be rehabilitated or reconstructed for the purposes set forth in subsection (a) of this section; and'.

"(d)(1) Section 221(d)(3)(ii) of such Act is amended to read as follows:

"'(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 45 per centum in any geographical area where he finds that cost levels so require; and'.

"(2) Section 221(d)(4)(ii) of such Act is amended to read as follows:

"'(ii) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this clause by not to exceed 45 per centum in any geographical area where he finds that cost levels so require;'.

"(e) Section 231(c)(2) of such Act is amended to read as follows:

"'(2) not exceed, for such part of the property or project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $8,000 per family unit without a bedroom, $11,250 per family unit with one bedroom, $13,500 per family unit with two bedrooms, and $17,000 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $9,500 per family unit without a bedroom, $13,500 per family unit with one bedroom, $16,000 per family unit with two bedrooms, and $20,000 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require;'.

"(f)(1) Clause (2) in the first sentence of section 810(f) of such Act is amended by striking out '$2,500 per room (or $9,000 per family unit if the number of rooms in such property or project is less than four per family unit)' and inserting in lieu thereof '$9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms'.

"(2) The second sentence of section 810(f) of such Act is amended to read as follows: 'The Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require.'

"(g) If the Federal Housing Commissioner determines that it would be inequitable to apply the provisions of the National Housing Act as amended by this section to a project which had been submitted for his consideration prior to the date of the enactment of this Act, such provisions may be applied to such project without regard to the amendments made by this section.

"Elimination of mandatory acquisition or foreclosure within one year of multifamily project in default

"Sec. 108. Section 207(k) of the National Housing Act is amended by striking out the second sentence.

"Supplementary cooperative loans under section 213(j)

"Sec. 109. (a) Section 213(j)(1) of the National Housing Act is amended—

"(1) by striking out 'or' at the end of clause (A);

"(2) by striking out the period at the end of clause (B) and inserting in lieu thereof '; or'; and

"(3) by adding at the end thereof the following new clause:

"'(C) Cooperative purchases and resales of memberships in order to provide necessary refinancing for resales of memberships which involve increases in equity; but in such resales by the cooperative the downpayments by the new members shall not be less than those made on the original sales of such memberships.'

"(b) Section 305(e) of such Act is amended by adding at the end thereof the following new sentence: 'Without regard to any of the limitations of this subsection except the total amount of authorizations available, the Association is authorized to enter into advance commitment contracts and purchase transactions on supplementary cooperative loans with respect to which the Federal Housing Commissioner shall have issued, pursuant to section 213(j), either a commitment to insure or a statement of eligibility; but such commitments and purchases shall be made solely where there is a management-type cooperative involved which is certified by the Federal Housing Commissioner as a consumer cooperative.'

"Mortgage limits under section 220 sales housing mortgage insurance program

"Sec. 110. Section 220(d)(3)(A)(i) of the National Housing Act is amended by striking out '$25,000', '$27,500', '$30,000', '$35,000', and '$35,000' and inserting in lieu thereof '$30,000', '$32,500', '$32,500', '$37,500', and '$37,500', respectively.

"Mortgage limits under section 220 multifamily housing mortgage insurance program

"Sec. 111. Section 220(d)(3)(B)(i) of the National Housing Act is amended by striking out '$20,000,000' and inserting in lieu thereof '$30,000,000'.

"Loans to cover the cost of public improvements

"Sec. 112. (a) The second sentence of section 220(h)(1) of the National Housing Act is amended to read as follows: 'As used in this subsection—

"'(A) the term "home improvement loan" means a loan, advance of credit, or purchase of an obligation representing a loan or advance of credit made—

"'(i) for the purpose of financing the improvement of an existing structure (or in connection with an existing structure) which was constructed not less than ten years prior to the making of such loan, advance of credit, or purchase, and which is used or will be used primarily for residential purposes: *Provided,* That a home improvement loan shall include a loan, advance, or purchase with respect to the improvement of a structure which was constructed less than ten years prior to the making of such loan, advance, or purchase if the proceeds are or will be used primarily for major structural improvements, or to correct defects which were not known at the time of the completion of the structure or which were caused by fire, flood, windstorm, or other casualty; or

"' (ii) for the purpose of enabling the borrower to pay that part of the cost of the construction or installation of sidewalks, curbs, gutters, street paving, street lights, sewers, or other public improvements, adjacent to or in the vicinity of property owned by him and used primarily for residential purposes, which is assessed against him or for which he is otherwise legally liable as the owner of such property;

"'(B) the term "improvement" means conservation, repair, restoration, rehabilitation, conversion, alteration, enlargement, or remodeling; and

"'(C) the term "financial institution" means a lender approved by the Commissioner as eligible for insurance under section 2 or a mortgage approved under section 203(b)(1).'

"(b) Section 220(h)(2)(i) of such Act is amended by inserting before the semicolon at the end thereof the following: ', and be limited as required by paragraph (11)'.

"(c) Section 220(h) of such Act is further amended by adding at the end thereof the following new paragraph:

"'(11) Notwithstanding any other provision of this Act, no home improvement loan made in whole or in part for the purpose specified in clause (A)(ii) of the second sentence of paragraph (1) shall be insured under this subsection if such loan (or the portion thereof which is attributable to such purpose), when added to the aggregate principal balance of any outstanding loans insured under this subsection or section 203(k) which were made to the same borrower for the purpose so specified (or the portion of such aggregate balance which is attributable to such purpose), would exceed $10,000.'

"Home improvement loans on property held under lease

"Sec. 113. Section 220(h)(2)(vi) of the National Housing Act is amended by striking out 'a period of not less than 50 years to run from the date of the loan' and inserting in lieu thereof 'an expiration date in excess of 10 years later than the maturity date of the loan'.

"FHA section 221 housing for low- or moderate-income persons

"Sec. 114. (a) Section 221(d)(3) of the National Housing Act is amended by inserting after 'or association' the following: ', or other mortgagor approved by the Commissioner, and'.

"(b) Subsection (e) of section 221 of such Act is amended to read as follows:

"'(e)(1) A mortgagor which may be approved by the Commissioner as provided in subsection (d)(3) includes a mortgagor which, as a condition of obtaining insurance of the mortgage and prior to the submission of its application for such insurance, has entered into an agreement (in form and substance satisfactory to the Commissioner) with a private nonprofit corporation eligible for an insured mortgage under the provisions of subsection (d)(3), that the mortgagor will sell the project when it is completed to the corporation at the actual cost of the project, as certified pursuant to section 227 of this Act. The mortgagor to whom the property is sold shall be regulated or supervised by the Commissioner as provided in subsection (d)(3) to effectuate its purposes.

"'(2) The Commissioner may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage.'

"(c) Section 221(d)(3) of such Act is amended by inserting before the colon at the end of the first proviso in clause (iii): ': *Provided further,* That in the case of any mortgagor other than a nonprofit corporation or association, cooperative (including an investor-sponsor), or public body, or a mortgagor meeting the special requirements of subsection (e)(1), the amount of the mortgage shall not exceed 90 per centum of the amount otherwise authorized under this section'.

"(d) The last sentence of section 221(f) of such Act is amended by striking out 'July 1, 1965', each place it appears, and inserting in lieu thereof 'September 30, 1965'.

"Mortgage insurance for servicemen

"Sec. 115. Section 222(b) of the National Housing Act is amended—

"(1) by striking out '203(b) or 203(i)' in paragraph (1) and inserting in lieu thereof '203(b), 203(i), or 221(d)(2),'; and

"(2) by striking out 'such principal obligation shall not exceed $9,000' in paragraph (2) and inserting in lieu thereof 'or section 221(d)(2) such principal obligation shall not exceed the maximum limits prescribed for such section'.

"Private financing of sale of FHA-acquired properties

"Sec. 116. Section 223(c) of the National Housing Act is amended by striking out 'limitation upon eligibility contained in this title II' and inserting in lieu thereof the following: 'limitations or requirements contained in this title upon the eligibility of the mortgage, upon the payment of insurance premiums, or upon the terms and conditions of insurance settlement and the benefits of the insurance to be included in such settlement (except that in any case the payment of insurance shall be in debentures)'.

"Mortgage insurance for nonprofit nursing homes

"Sec. 117. Section 232(b)(1) of the National Housing Act is amended by inserting after 'proprietary facility' the following: 'or facility of a private nonprofit corporation or association'.

"Experimental housing

"Sec. 118. (a) Section 233(a) of the National Housing Act is amended by striking out ', in the case of mortgages insured under subsection (b)(2) of this section, advances on such mortgages' and inserting in lieu thereof 'home improvement loans, and including advances on mortgages'.

"(b) Section 233(b) of such Act is amended to read as follows:

"'(b) To be eligible for insurance under this section, a mortgage shall meet the requirements of one of the other sections of this title; except that, in lieu of determining the appraised value or the replacement cost of the property in cases involving new construction or the estimated cost of repair and rehabilitation or improvement in cases involving existing properties, the Commissioner shall estimate the cost of replacing the property using comparable conventional design, materials, and construction, and any limitation upon the maximum mortgage amount available to a nonoccupant owner shall not, in the discretion of the Commissioner, be applicable to mortgages insured under this section.'

"(c) Section 233 of such Act is further amended by striking out subsections (e) and (f) and inserting in lieu thereof the following:

"'(e) Any mortgagee or lender under a mortgage insured under subsection (b) shall be entitled to insurance benefits determined in the same manner as such benefits would be determined if such mortgage or loan were insured under the section of this title for which it otherwise would have been eligible except for the experimental feature of the property involved.'

"(d) Section 233 of such Act is further amended by redesignating subsections (g) and (h) as subsections (f) and (g), respectively, and by striking out 'subsections (e) and (f)' in the first sentence of the subsection so redesignated as subsection (f) and inserting in lieu thereof 'subsection (e)'.

"Mortgage insurance for condominiums

"Sec. 119. (a) Section 234 of the National Housing Act is amended—

"(1) by striking out the heading and inserting in lieu thereof 'Mortgage Insurance for Condominiums';

"(2) by striking out 'structure' each place it appears and inserting in lieu thereof 'project' (and by striking out 'structures' in the last sentence of subsection (c) and inserting in lieu thereof 'projects');

"(3) by striking out 'the term "mortgage" for the purposes of this section' in subsection (b) and inserting in lieu thereof 'the term "mortgage" for the purposes of subsection (c)';

"(4)(A) by striking out 'this section' each time it appears in subsection (c) and inserting in lieu thereof 'this subsection';

"(B) by striking out 'under another section' in the first sentence of subsection (c) and inserting in lieu thereof 'under any section';

"(5) by striking out 'section 213' each time it appears in subsection (c) and inserting in lieu thereof 'section 213(a) (1) and (2)';

"(6) by striking out the third sentence of subsection (c) and inserting in lieu thereof the following: 'To be eligible for insurance pursuant to this subsection, a mortgage shall (A) involve a principal obligation in an amount not to exceed $30,000, and not to exceed the sum of (i) 97 per centum of $15,000 of the amount which the Commissioner estimates will be the appraised value of the family unit including common areas and facilities as of the date the mortgage is accepted for insurance, (ii) 90 per centum of such value in excess of $15,000 but not in excess of $20,000, and (iii) 75 per centum of such value in excess of $20,000, and (B) have a maturity satisfactory to the Commissioner, but not to exceed, in any event, thirty-five years from the date of the beginning of amortization of the mortgage or three-fourths of the Commissioner's estimate of the remaining economic life of the project, whichever is the lesser.';

"(7) by redesignating subsection (d) as subsection (g), by redesignating subsections (e) and (f) as subsections (i) and (j), respectively, and by inserting after subsection (c) the following new subsections:

"'(d) In addition to individual mortgages insured under subsection (c), the Commissioner is authorized, in his discretion and under such terms and conditions as he may prescribe, to insure blanket mortgages (including advances on such mortgages during construction) which cover multifamily projects to be constructed or rehabilitated in cases where the mortgage is held by a mortgagor, approved by the Commissioner, which—

"'(1) has certified to the Commissioner, as a condition of obtaining the insurance of a blanket mortgage under this subsection, that upon completion of the multifamily project covered by such mortgage it intends to commit the ownership of the multifamily project to a plan of family unit ownership under which each family unit would be eligible for individual mortgage insurance under subsection (c) and will faithfully and diligently make and carry out all reasonable efforts to establish such plan of family unit ownership and to sell such family units to purchasers approved by the Commissioner; and

"'(2) shall be regulated or restricted by the Commissioner as to rents, charges, capital structure, rate of return, and methods of operation until the termination of all obligations of the Commissioner under the insurance and during such further period of time as the Commissioner shall be the owner, holder, or reinsurer of the mortgage. The Commissioner may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary to render effective the regulation and restriction of such mortgagor. The stock or interest acquired by the Commissioner shall be paid for out of the Apartment Unit Insurance Fund, and shall be redeemed by the mortgagor at par at any time upon the request of the Commissioner after the termination of all obligations of the Commissioner under the insurance.

"'(e) To be eligible for insurance, a blanket mortgage on any multifamily project of a mortgagor of the character described in subsection (d) shall involve a principal obligation in an amount—

"'(1) not to exceed $20,000,000, or not to exceed $25,000,000 if the mortgage is executed by a mortgagor regulated or supervised, under Federal or State law or by a political subdivision of a State or an agency thereof, as to rents, charges, and methods of operation;

"'(2) not to exceed 90 per centum of the amount which the Commissioner estimates will be the replacement cost of the project when the proposed physical improvements are completed;

"'(3) not to exceed, for such part of the project as may be attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), $9,000 per family unit without a bedroom, $12,500 per family unit with one bedroom, $15,000 per family unit with two bedrooms, and $18,500 per family unit with three or more bedrooms; except that as to projects to consist of elevator-type structures the Commissioner may, in his discretion, increase the dollar amount limitations per family unit to not to exceed $10,500 per family unit without a bedroom, $15,000 per family unit with one bedroom, $18,000 per family unit with two bedrooms, and $22,500 per family unit with three or more bedrooms, as the case may be, to compensate for the higher costs incident to the construction of elevator-type structures of sound standards of construction and design; and except that the Commissioner may, by regulation, increase any of the foregoing dollar amount limitations contained in this paragraph by not to exceed 45 per centum in any geographical area where he finds that cost levels so require; and

"'(4) not to exceed an amount equal to the sum of the unit mortgage amounts determined under the provisions of subsection (c) assuming the mortgagor to be the owner and occupant of each family unit.

"'(f) Any blanket mortgage insured under subsection (d) shall provide for complete amortization by periodic payments within such term as the Commissioner may prescribe but not to exceed forty years from the beginning of amortization of the mortgage, and shall bear interest (exclusive of premium charges for insurance) at not to exceed 5¼ per centum per annum on the amount of the principal obligation outstanding at any time. The Commissioner may consent to the release of a part or parts of the mortgaged property from the lien of the blanket mortgage upon such terms and conditions as he may prescribe and the blanket mortgage may provide for such release. The project covered by the blanket mortgage may include five or more family units and such commercial and community facilities as the Commissioner deems adequate to serve the occupants.';

"(8) by striking out 'this section' each time it appears in the subsection redesignated as subsection (g) by paragraph (7) of this subsection and inserting in lieu thereof 'subsection (c) of this section';

"(9) by inserting after the subsection redesignated as subsection (g) by paragraph (7) of this subsection the following new subsection:

"'(h) The provisions of subsections (d), (e), (g), (h), (i), (j), (k), (l), (m), (n), and (p) of section 207 shall be applicable to mortgages insured under subsection (d) of this section, except that all references to the Housing Insurance Fund, or Housing Fund, shall be construed to refer to the Apartment Unit Insurance Fund.'; and

"(10) by amending the subsection redesignated as subsection (j) by paragraph (7) of this subsection to read as follows:

"'(j) The provisions of sections 225 and 230 shall be applicable to the mortgages insured under subsection (c) of this section.'

"(b) Section 212(a) of such Act is amended by adding at the end thereof the following new sentence: 'The provisions of this section shall also apply to the insurance of any mortgage under section 234(d).'

"(c) Section 227(a) of such Act is amended by striking out 'or (vii)' and inserting in lieu thereof '(vii)', and by inserting before the semicolon at the end thereof ', or (viii) under section 234(d)'.

"Prepayment of mortgages by nonprofit educational institutions

"SEC. 120. Title V of the National Housing Act is amended by adding at the end thereof the following new section:

"'Prepayment of mortgages by nonprofit educational institutions

"'SEC. 517. (a) Notwithstanding any other provision of this Act, no adjusted premium charge shall be collected in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor certifies to the Commissioner that the loan was paid in full by or on behalf of a nonprofit educational institution which intends to use the property for educational purposes.

"'(b) The Commissioner shall refund any adjusted premium charge collected subsequent to July 1, 1962, and prior to the date of the enactment of the Housing Act of 1964, in connection with the payment in full, prior to maturity, of any mortgage insured under this Act, if the mortgagor under such mortgage makes the certification prescribed by subsection (a).'

"Correction of substantial defects in mortgaged homes

"SEC. 121. Title V of the National Housing Act is amended by adding after section 517 (added by section 120 of this Act) the following new section:

"'Expenditures to correct or compensate for substantial defects in mortgaged homes

"'SEC. 518. (a) The Commissioner is authorized, with respect to any property improved by a one- to four-family dwelling approved for mortgage insurance prior to the beginning of construction which he finds to have structural defects, to make expenditures for (1) correcting such defects, (2) paying the claims of the owner of the property arising from such defects, or (3) acquiring title to the property: *Provided*, That such authority of the Commissioner shall exist only (A) if the owner has requested assistance from the Commissioner not later than four years (or such shorter time as the Commissioner may prescribe) after insurance of the mortgage, and (B) if the property is encumbered by a mortgage which is insured under this Act after the date of enactment of the Housing Act of 1964.

"'(b) The Commissioner shall by regulations prescribe the terms and conditions under which expenditures and payments may be made under the provisions of this section, and his decisions regarding such expenditures or payments, and the terms and conditions under which the same are approved or disapproved, shall be final and conclusive and shall not be subject to judicial review.'

"TITLE II—HOUSING FOR THE ELDERLY AND HANDICAPPED

"Housing for the elderly—Loan program

"SEC. 201. Section 202(a)(4) of the Housing Act of 1959 is amended by striking out '$275,000,000' and inserting in lieu thereof '$350,000,000'.

"FHA section 221 housing for low- or moderate-income elderly persons

"SEC. 202. Section 221(f) of the National Housing Act is amended by adding at the end thereof the following new sentence: 'Any person sixty-two years of age or over shall be deemed to be a family within the meaning of the terms "family" and "families" as those terms are used in this section.'

"Housing for the handicapped

"SEC. 203. (a)(1) The heading of title II of the Housing Act of 1959 is amended by striking out 'HOUSING FOR THE ELDERLY' and inserting in lieu thereof 'HOUSING FOR THE ELDERLY OR HANDICAPPED'.

"(2) Section 202 of such Act is amended—

"(A) by striking out 'elderly families and elderly persons' wherever it appears in subsections (a)(1), (a)(2), and (e) and inserting in lieu thereof in each instance 'elderly or handicapped families';

"(B) by amending subsection (d)(1) to read as follows:

"'(1) The term "housing" means structures suitable for dwelling use by elderly or handicapped families which are (A) new structures, or (B) provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for proposed dwelling use by such families.';

"(C) by striking out the first sentence of subsection (d)(4) and inserting in lieu thereof the following: 'The term "elderly or handicapped families" means families which consist of two or more persons and the head of which (or his spouse) is sixty-two years of age or over or is handicapped, and such term also means a single person who is sixty-two years of age or over or is handicapped. A person shall be considered handicapped if such person is determined, pursuant to regulations issued by the Administrator, to have a physical impairment which (A) is expected to be of long-continued and indefinite duration, (B) substantially impedes his ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions.';

"(D) by inserting before the period at the end of subsection (d)(7) the following: 'or rehabilitation, alteration, conversion, or improvement of existing structures'; and

"(E) by amending subsection (d)(8) to read as follows:

"'(8) The term "related facilities" means (A) new structures suitable for use by elderly or handicapped families as cafeterias or dining halls, community rooms or buildings, workshops, or infirmaries or other inpatient or outpatient health facilities, or other essential service facilities, and (B) structures suitable for the above uses provided by rehabilitation, alteration, conversion, or improvement of existing structures which are otherwise inadequate for such uses.'

"(b) The last sentence of section 221(f) of the National Housing Act (as added by section 202 of this Act) is amended by striking out 'person sixty-two years of age or over' and inserting in lieu thereof 'person who is sixty-two years of age or over, or who is a handicapped person within the meaning of section 202 of the Housing Act of 1959,'.

"(c) Section 231 of such Act is amended by adding at the end thereof the following new subsection:

"'(f) Notwithstanding any of the provisions of this section, the housing provided under this section may include family units which are specially designed for the use and occupancy of any person or family qualifying as a handicapped family as defined in section 202 of the Housing Act of 1959, and such special facilities as the Commissioner deems adequate to serve handicapped families (as so defined). The Commissioner may also prescribe procedures to secure to such families preference or priority of opportunity to rent the living units specially designed for their use and occupancy.'

"(d) The second sentence of section 2(2) of the United States Housing Act of 1937 (as amended by section 401 (a) of this Act) is amended by inserting after 'and includes' the following: 'a single person who is handicapped within the meaning of section 202 of the Housing Act of 1959 or who is'.

"(e) Section 207 of the Housing Act of 1961 (as amended by section 407 of this Act) is further amended by inserting before the period at the end of the first sentence the following: 'and of demonstrating the types of housing and the means of providing housing that will assist low income persons or families who qualify as handicapped families as defined in section 202 of the Housing Act of 1959'.

"TITLE III—URBAN RENEWAL

"Code enforcement

"SEC. 301. (a) Section 101(c) of the Housing Act of 1949 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ': *Provided further,* That commencing three years after the date of enactment of the Housing Act of 1964, no workable program shall be certified or re-certified unless (A) the locality has had in effect, for at least six months prior to such certification or re-certification, a minimum standards housing code, related but not limited to health, sanitation, and occupancy requirements, which is deemed adequate by the Administrator, and (B) the Administrator is satisfied that the locality is carrying out an effective program of enforcement to achieve compliance with such housing code.'

"(b) The first sentence of section 110(c) of such Act is amended by inserting after 'or rehabilitation or conservation in an urban renewal area,' the following: 'or a program of code enforcement in an urban renewal area,'.

"(c) Paragraph (5) of the second sentence of section 110(c) of such Act is amended by (1) striking out 'a program of' and inserting in lieu thereof 'programs of code enforcement or', and (2) adding before the semicolon at the end of such paragraph the following: ': *Provided,* That no program of code enforcement shall be included as part of an urban renewal project unless the locality shall agree to increase its total expenditures with respect to code enforcement, during the period such project is under contract for a loan or capital grant, by an amount equal to the required local grants-in-aid with respect to the code enforcement included as part of such project'.

"(d) Any contract for a capital grant under title I of the Housing Act of 1949, executed prior to the date of enactment of this Act, may be amended to incorporate the provisions of subsection (c) for costs incurred on or after such date.

"Self-help programs for community improvement

"SEC. 302. Section 101(d) of the Housing Act of 1949 is amended by inserting immediately after 'local urban renewal programs' the following: '(including rehabilitation projects requiring no additional assistance under this title or self-liquidating redevelopment projects)'.

"Loan contract for two or more projects

"SEC. 303. (a) Section 102(a) of the Housing Act of 1949 is amended by adding at the end thereof the following: 'Notwithstanding any other provision of this title, the Administrator may make a temporary loan, as described in the first two sentences of this subsection, for two or more urban renewal projects being carried out by the same local public agency. The principal amount of any such loan which is outstanding at any one time shall not exceed the estimated expenditures to be made by the local public agency for such projects.'

"(b) Section 110(g) of such Act is amended by striking out in the first sentence thereof the words 'for any project'.

"Capital grant authorization

"SEC. 304. Section 103(b) of the Housing Act of 1949 is amended by striking out 'not to exceed $4,000,000,000' and inserting in lieu thereof 'not to exceed $4,725,000,000'.

"Relocation of displacees from urban renewal areas

"SEC. 305. (a)(1) Section 105(c) of the Housing Act of 1949 is amended by striking out 'families' wherever it appears and inserting in lieu thereof 'individuals and families'.

"(2) The requirement imposed by the amendments made by paragraph (1) shall not be applicable to any project receiving Federal recognition prior to the date of the enactment of this Act.

"(b) Section 105(c) of such Act is further amended by inserting before the period at the end thereof the following: ': *Provided,* That the Administrator shall issue rules and regulations to aid in implementing the requirements of this subsection and in otherwise achieving the objectives of this title which shall require that there be established, at the earliest practicable time, for each urban renewal project involving the displacement of families, individuals, or business concerns occupying property in an urban renewal area, a relocation assistance program which shall include such measures, facilities, and services as may be necessary or appropriate in order (1) to determine the needs of such families, individuals, and business concerns for relocation assistance, (2) to provide information and assistance to aid in relocation and otherwise minimize the hardships of displacement, and (3) to assure the necessary coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community which may affect the carrying out of the relocation program'.

"(c) Section 8(b) of the Small Business Act is amended—

"(1) by striking out 'and' at the end of paragraph (12);

"(2) by striking out the period at the end of paragraph (13) and inserting in lieu thereof '; and'; and

"(3) by adding after paragraph (13) the following new paragraph:

"'(14) to provide at the earliest practicable time such information and assistance as may be appropriate, including information concerning eligibility for loans under section 7 (b)(3), to local public agencies (as defined in section 110(h) of the Housing Act of 1949) and to small-business concerns to be displaced by federally aided urban renewal projects in order to assist such small-business concerns in reestablishing their operations.'

"Disposal of land for low- and moderate-income housing

"SEC. 306. Subsections (a) and (b) of section 107 of the Housing Act of 1949 are amended to read as follows:

"'(a) Upon approval of the Administrator and subject to such conditions as he may determine to be in the public interest, any real property held as part of an urban renewal project may be made available to (1) a limited dividend corporation, nonprofit corporation or association, cooperative, or public body or agency, or (2) a purchaser who would be eligible for a mortgage insured under section 221 (d)(3) or (d)(4) of the National Housing Act, for purchase at fair value for use by such purchaser in the provision of new or rehabilitated rental or cooperative housing for occupancy by families or individuals of moderate income.

"'(b) When it appears in the public interest that real property acquired as part of an urban renewal project should be used in whole or in part for a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act, the property shall be made available to the public housing agency undertaking the low-rent housing project at a price equal to its fair value, as determined in accordance with subsection (a), and such amount shall be included as part of the development cost of such low-rent housing project: *Provided,* That the local contribution in the form of tax exemption or tax remission required by section 10(h) of such Act, or by analogous provisions in legislation authorizing such State or local program, with respect to the low-rent housing project into which such property was incorporated on or after September 23, 1959, shall (if covered by a contract which, in the determination of the Public Housing Commissioner, will assure that such local contribution will be made during the entire period that the project is used as low-rent housing within the meaning of such Act, or by provisions found by the Administrator to give equivalent assurance in the case of State or local programs) be accepted as a local grant-in-aid equal in amount, as determined by the Administrator, to one-half (or one-third in the case of an urban renewal project on a three-fourths capital grant basis) of the difference between the cost of such property (including costs of land, clearance, site improvements, and a share, prorated on an area basis. of administrative, interest, and other project costs) and its sales price, and shall be considered a local grant-in-aid furnished in a form other than cash within the meaning of section 110(d) of this Act.'

"Rehabilitation of property in urban renewal areas

"SEC. 307. Section 110(c) of the Housing Act of 1949 is amended by adding immediately after and below paragraph (7) the following new paragraph:

"'Notwithstanding any other provision of this title, no contract shall be entered into for any loan or capital grant under this title for any project which provides for demolition and removal of buildings and improvements unless the Administrator determines that the objectives of the urban renewal plan could not be achieved through rehabilitation of the project area.'

"Projects involving the acquisition and development of air rights sites

"SEC. 308. (a) Section 110(c)(1) of the Housing Act of 1949 is amended by—

"(1) inserting a new clause (iv) before the proviso to read as follows: ', or (iv) air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income';

"(2) striking out in the proviso 'an open land project' and inserting in lieu thereof 'projects under clauses (iii) and (iv) hereof'; and

"(3) adding before the semicolon at the end thereof the following: ': *Provided further*, That the aggregate amount of capital grants for projects under clause (iv) shall not exceed 5 per centum of the aggregate amount of grants authorized by this title to be contracted for after the date of enactment of the Housing Act of 1964'.

"(b) Section 110(c) of such Act is further amended by—

"(1) striking out 'and' at the end of paragraph (6), and redesignating paragraph (7) as paragraph (8);

"(2) inserting after paragraph (6) a new paragraph as follows:

"'(7) construction of foundations and platforms necessary for the provision on air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income; and'; and

"(3) striking out 'paragraph (7)' in the third sentence (as numbered prior to the amendments made by this Act) and inserting in lieu thereof 'paragraphs (7) and (8)'.

"(c) Section 110(d) of such Act is amended by striking out 'project)' and inserting in lieu thereof 'project, or of air rights over streets, alleys, and other public rights-of-way)'.

"(d) Section 110(e) of such Act is amended by striking out 'and (7)' in clause (i) and inserting in lieu thereof '(7), and (8)'.

"Amendment of definition of 'going Federal rate'

"SEC. 309. Section 110(g) of the Housing Act of 1949 is amended by striking out the last sentence and inserting in lieu thereof the following: 'Any contract for a loan or advance, authorized by the Administrator after the date of enactment of the Housing Act of 1964, shall provide for a single interest rate which shall be applicable also to future amendments of the contract which provide additional funds thereunder, and shall further provide for a periodic revision of the interest rate on the balance outstanding or to be outstanding on such loan or advance based on the going Federal rate on the date of such revision: *Provided*, That any contract for a loan or advance authorized prior to the date of enactment of the Housing Act of 1964 shall be amended (with the first amendment to such contract authorized after the date of enactment of such Act) to provide for such a single interest rate (based on the going Federal rate at the time such amendment is authorized) and for periodic revision thereof.'

"Relocation payments to displaced persons and businesses

"SEC. 310. (a) Tile I of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"'Relocation

"'SEC. 114. (a). Notwithstanding any other provision of this title, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this title shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, "displaced" refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

"'(b) A local public agency may pay to any displaced business concern or nonprofit organization—

"'(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed $3,000 (or, if greater, the total certified actual moving expenses); and

"'(2) an additional $1,500 in the case of a private business concern with average annual net earnings of less than $10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of real property under the third sentence of section 102(a)), (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.'

"Notwithstanding the provisions of clause (1) of the preceding sentence, a business concern which is not being displaced from an urban renewal area shall be eligible for payments under such clause (1) of its certified actual moving expenses with respect to its outdoor advertising displays being removed from the urban renewal area in the same manner as though such business concern were being displaced.

"'(c)(1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed $200: *And provided further*, That the Administrator may authorize payment to individuals and families of fixed amounts (not to exceed $200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

"'(2) A local public agency may pay (in addition to any amount under paragraph (1)), on behalf of any displaced family or any displaced individual sixty-two years of age or over, during the first five months after displacement, a relocation adjustment payment, not to exceed $500, to assist such displaced individual or family to acquire a decent, safe, and sanitary dwelling. The relocation adjustment payment shall be an amount which, when added to 20 per centum of the annual income of the displaced individual or family at the time of displacement, equals the average rental required, for a 12-month period, for such a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family (in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities): *Provided*, That such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act: *Provided further*, That payments under this paragraph shall be available only in the case of families, and individuals sixty-two years of age or over, displaced on or after January 27, 1964.

"'(d) The Administrator is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section and may provide in any contract with a local public agency, or in regulations promulgated by the Administrator, that determinations of any duly designated officer or agency as to eligibility for and the amount of relocation assistance authorized by this section shall be final and conclusive for any purposes and not subject to redetermination by any court or any other officer. Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred.'

"(b) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by section 114 of the Housing Act of 1949.

"(c) Section 106 of the Housing Act of 1949 is amended by striking out subsection (f).

"Acquisition of property affected by coal mine subsidence or underground mine fires

"SEC. 311. (a) Section 110(e) of the Housing Act of 1949 is amended by adding at the end thereof the following new paragraph:

"'Where a project includes the acquisition of property which has been damaged because of the collapse or subsidence of underlying coal mines, or underground mine fires, and the property is to be acquired from an individual, family, business concern, or nonprofit organization which was the owner of such property at the time the damage first occurred, the amount otherwise allowable as the acquisition price of such property may be increased by an amount equal to so much of any diminution in the value of such property as is determined to be reasonably attributable to such damage and to represent an otherwise uncompensated and (but for such acquisition) uncompensable loss actually sustained by such owner.'

"(b) Any contract under title I of the Housing Act of 1949 executed prior to the date of enactment of the Housing Act of 1964 may be amended to provide for payment of the increased amounts authorized under the amendment made by subsection (a) with respect to any uncompleted project if the project includes acquisitions which, under any State or local law in effect on such date, would involve expenditures by a local public agency that could not otherwise be included in the costs of such project.

"Rehabilitation loans

"SEC. 312. (a) To assist rehabilitation in an urban renewal area and thereby reduce the need for demolition and removal of structures, the Housing and Home Finance Administrator is hereby authorized, through the utilization of local public and private agencies where feasible, to make loans as herein provided to the owners or tenants of property in such area to finance rehabilitation required to make the property conform to applicable code requirements or to carry out the objectives of the urban renewal plan for the area. No loan shall be made under this section unless the Administrator finds (1) that the applicant is unable to secure the necessary funds from other sources upon reasonable terms and conditions, and (2) the loan is an acceptable risk taking into consideration the need for the rehabilitation, the security available for the loan, and the ability of the applicant to repay the loan.

"(b) For the purposes of this section—

"(1) the term 'rehabilitation' means the improvement or repair of a structure or facilities in connection with a structure, and may include the provision of such sanitary or other facilities as are required by applicable codes or the urban renewal plan to be provided by the owner or tenant of the property;

"(2) the term 'urban renewal area' means a slum area or a blighted, deteriorated, or deteriorating area as defined in section 110(a) of the Housing Act of 1949;

"(3) the term 'tenant' means a person or organization who is occupying a structure under a lease having a period to run at the time a rehabilitation loan is made under this section of not less than the term of the loan; and

"(4) the term 'Administrator' means the Housing and Home Finance Administrator.

"(c) A rehabilitation loan made under this section shall be subject to the following limitations:

"(1) The loan shall be subject to such terms and conditions as may be prescribed by the Administrator.

"(2) The term of the loan may not exceed twenty years or three-fourths of the remaining economic life of the structure after rehabilitation, whichever is less.

"(3) The loan shall bear interest at such rate as the Administrator determines to be appropriate but not to exceed 3 per centum per annum of the amount of the principal outstanding at any time, and the Administrator may prescribe such other charges as he finds necessary, including service charges and appraisal, inspection, and other fees.

"(4) The amount of the loan may not exceed—

"(A) in the case of residential property, the amount of a loan which could be insured by the Federal Housing Commissioner under section 220(h) of the National Housing Act: *Provided,* That, within the limitations otherwise applicable on the amount of a loan under such section, the loan may exceed the cost of rehabilitation in order to include an amount approved by the Administrator to refinance existing indebtedness secured by such property if such refinancing is necessary to enable the applicant to amortize, with a monthly payment of not more than 20 per centum of his average monthly income, such loan and any other indebtedness secured by his property; and

"(B) in the case of nonresidential property, whichever of the following is the least: $50,000, or the cost of rehabilitation, or an amount which when added to any outstanding indebtedness related to the property securing the loan creates a total outstanding indebtedness that the Administrator determines could be reasonably secured by a first mortgage on the property.

"(5) A loan shall be secured as determined by the Administrator.

"(d) There is authorized to be appropriated not to exceed $50,000,000 which shall constitute a revolving fund to be used by the Administrator in carrying out this section.

"(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this section, the Administrator shall have (in addition to any authority otherwise vested in him) the functions, powers, and duties set forth in section 402 of the Housing Act of 1950 (except subsection (c)(2)).

"(f) The Administrator is authorized to delegate to or use as his agent any Federal or local public or private agency or organization to the extent he determines appropriate and desirable to carry out the objectives of this section in the area involved.

"(g) The Administrator is authorized to issue such rules and regulations and impose such requirements and conditions (in addition to those specified in this section) as he determines to be desirable to carry out the objectives of this section, including limitations on the amount of a loan and restrictions on the use of the property involved.

"Urban renewal demonstration program

"SEC. 313. Section 314 of the Housing Act of 1954 is amended—

"(1) by inserting '(a)' after '314.' at the beginning of the section;

"(2) by inserting before the period at the end of the second sentence the following: ', but such a grant may in addition cover the full cost of writing and publishing the reports on such activities and undertakings';

"(3) by inserting 'activities and' before 'undertakings' in the third sentence;

"(4) by striking out the fourth and fifth sentences; and

"(5) by adding at the end thereof the following new subsections:

"'(b) The Administrator is further authorized to pay for the cost of (1) writing and publishing reports on activities and undertakings financed by grants made under this section, as well as reports on similar activities and undertakings, not so financed, which are of significant value in furthering the purposes of this section, and (2) writing and publishing summaries and other informational material on such reports.

"'(c) The aggregate amount of grants made under subsection (a), and other costs incurred pursuant to subsection (b), shall not exceed $10,000,000 and shall be payable from the grant funds provided under and authorized by section 103(b) of the Housing Act of 1949. The Administrator may make advance or progress payments on account of any contract entered into pursuant to this section, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended.'

"Urban and regional planning grants

"SEC. 314. (a) Section 701(a) of the Housing Act of 1954 is amended by striking out 'resulting from rapid urbanization' in clause (B) of paragraph (1).

"(b) Section 701(a) of such Act is further amended by—

"(1) striking out 'and' at the end of paragraph (4);

"(2) striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

"(3) adding two new paragraphs after paragraph (5) as follows:

"'(6) metropolitan and regional planning agencies, with the approval of the State planning agency or (in States where no such planning agency exists) of the Governor of the State, for the provision of planning assistance within the metropolitan area or region to cities, other municipalities, counties, groups of adjacent communities, or Indian reservations described in clauses (A), (B), (C), and (D) of paragraph (1) of this subsection;

"'(7) to official governmental planning agencies for any area where there has occurred a substantial reduction in employment opportunities as the result of (A) the closing (in whole or in part) of a Federal installation, or (B) a decline in the volume of Government orders for the procurement of articles or materials produced or manufactured in such area; and'.

"(c) Section 701(a) of such Act is further amended by striking out '(a)' after 'section 5' in paragraph (3).

"(d) Section 701(b) of such Act is amended by striking out the proviso in the first sentence and inserting in lieu thereof ': *Provided,* That such a grant may be in an amount not exceeding three-fourths of such estimated cost to an official governmental planning agency for an area described in subsection (a)(7), or for planning being carried out for a city, other municipality, county, group of adjacent communities, or Indian reservation in an area designated by the Secretary of Commerce as a redevelopment area under section 5 of the Area Redevelopment Act'.

"Planning grants for Indian reservations

"SEC. 315. (a) Section 701(a) of the Housing Act of 1954 is amended by—

"(1) striking out 'and' at the end of clause (B) of paragraph (1);

"(2) inserting ', and (D) Indian reservations' before the semicolon at the end of paragraph (1); and

"(3) inserting a new paragraph after paragraph (7) (added by section (b)) as follows:

"'(8) tribal planning councils or other tribal bodies designated by the Secretary of the Interior for planning for an Indian reservation to which no State planning agency or other agency or instrumentality is empowered to provide planning assistance under clause (D) of paragraph (1) above.'

"(b) Section 701(d) of such Act is amended by—

"(1) striking out 'and urban regions' in the first sentence and inserting in lieu thereof 'urban regions, and Indian reservations'; and

"(2) inserting after 'instrumentalities' in the second sentence the following: ', and to Indian tribal bodies,'.

"Eligibility of counties for planning assistance

"SEC. 316. Section 701(a) of the Housing Act of 1954 is amended by striking out clause (A) of paragraph (1) and inserting in lieu thereof the following: '(A) cities and other municipalities having a population of less than 50,000 according to the latest decennial census, and counties without regard to population: *Provided,* That grants shall be made under this paragraph for planning assistance to counties having a population of 50,000 or more, according to the latest decennial census, which are within metropolitan areas, only if (i) the Administrator finds that planning and plans for such county will be coordinated with the program of comprehensive planning, if any, which is being carried out for the metropolitan area of which the county is a part, and (ii) the aggregate amount of the grants made subject to this proviso does not exceed 15 per centum of the aggregate amount appropriated, after the date of enactment of the Housing Act of 1964, for the purposes of this section,'.

"Planning grant authorization

"SEC. 317. Section 701(b) of the Housing Act of 1954 is amended by striking out '$75,000,000' in the last sentence and inserting in lieu thereof '$105,000,000'.

"Planning problems resulting from Chamizal Treaty of 1963

"SEC. 318. Notwithstanding the provisions of section 701 of the Housing Act of 1954 with respect to the eligibility of a city for a grant thereunder, the Housing and Home Finance Administrator is authorized to make planning grants to the city of El Paso, Texas, for the purpose of assisting it to solve those urban planning problems that have resulted or are expected to result from the Chamizal Treaty of 1963 between the United States of America and the Republic of Mexico. Any such grants shall be subject to all other conditions and requirements contained in such section 701.

"Small Business Administration loans

"SEC. 319. Section 7(b)(3) of the Small Business Act is amended by inserting before the period at the end thereof the following: '; and the purposes of a loan made pursuant to this paragraph may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises from which it was displaced'.

"TITLE IV—HOUSING FOR LOW-INCOME FAMILIES

"Eligibility of displaced individuals

"SEC. 401. (a) Section 2(2) of the United States Housing Act of 1937 is amended to read as follows:

"'(2) The term "families of low income" means families (including elderly and displaced families) who are in the lowest income group and who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use. The term "families" includes families consisting of a single person in the case of elderly families and displaced families, and includes the remaining member of a tenant family. The term "elderly families" means families whose heads (or their spouses), or whose sole members, have attained the age at which an individual may elect to receive an old age benefit under title II of the Social Security Act, or who are under a disability as defined in section 223 of that Act. The term "displaced families" means families displaced by urban renewal or other governmental action.'

"(b) Section 10(g)(2) of such Act is amended by—

"(1) striking out 'those displaced by urban renewal or other governmental action' and inserting in lieu thereof 'displaced families'; and

"(2) striking out '; and' at the end thereof and inserting in lieu thereof the following: ': *Provided,* That in establishing such admission policies the public housing agency shall accord to families of low income such priority over single persons as it determines to be necessary to avoid undue hardship; and'.

"(c) Section 15(7)(b) of such Act is amended by striking out 'family displaced by urban renewal or other governmental action' and inserting in lieu thereof 'displaced family'.

"Additional subsidy for urban renewal and low-rent housing displacees

"SEC. 402. The first proviso in section 10(a) of the United States Housing Act of 1937 is amended to read as follows: ': *Provided,* That the Authority may, in addition to the payments guaranteed under the contract, pay not to exceed $120 per annum per dwelling unit occupied by an elderly family, or a displaced family if such family was displaced by an urban renewal or low-rent housing project on or after January 27, 1964, on the last day of the project fiscal year where such amount, in the determination of the Authority, was necessary to enable the public housing agency to lease the dwelling unit to an elderly or displaced family at a rental it could afford and to operate the project on a solvent basis, and, in the case of displaced families, if and to the extent that the average or estimated average rental for units so occupied by such families was less than the rental which the Authority determines, on the basis of the average or estimated average project rentals, would have been established in leasing the units to families which were neither elderly nor similarly displaced'.

"Increase in authorization for annual contributions

"SEC. 403. Section 10(e) of the United States Housing Act of 1937 is amended by striking out '$336,000,000' and inserting in lieu thereof '$366,250,000'.

"Payments in lieu of taxes by local housing authorities; local contributions

"SEC. 404. Section 10(h) of the United States Housing Act of 1937 is amended by striking out all that follows the first colon and inserting in lieu thereof the following: '*Provided,* That, with respect to any such project which is not exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivisions, such contract shall provide, in lieu of the requirement for tax exemption and payments in lieu of taxes, that no annual contributions by the Authority shall be made available for such project unless and until the State, city, county, or other political subdivisions in which such project is situated shall contribute, in the form of cash or tax remission, the amount by which the taxes paid with respect to the project exceed 10 per centum of the annual shelter rents charged in such project: *Provided further,* That, prior to execution of the contract for annual contributions the public housing agency shall, in the case of a tax-exempt project, notify the governing body of the locality of its estimate of the annual amount of such payments in lieu of taxes and of the amount of taxes which would be levied if the property were privately owned, or, in the case where the project is taxed, its estimate of the annual amount of the local cash contribution, and shall thereafter include the actual amounts of such payments or contributions in its annual report. Contracts for annual contributions entered into prior to the effective date of the Housing Act of 1964 may be amended in accordance with the first sentence of this subsection.'

"Relocation of families and individuals displaced from project sites

"SEC. 405. (a) Section 15(7)(b) of the United States Housing Act of 1937 is amended by striking out 'and' before '(ii)', and by inserting before the period at the end thereof the following: '; and (iii) unless the public housing agency has demonstrated to the satisfaction of the Authority that there is a feasible method for the temporary relocation of the individuals and families displaced from the project site, and that there are or are being provided, in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of such individuals and families, decent, safe, and sanitary dwellings equal in number to the number of and available to such individuals and families and reasonably accessible to their places of employment'.

"(b) The amendments made by subsection (a) shall not be applicable to any project for which an application for preliminary loan has been approved by the local governing body prior to the date of the enactment of this Act.

"Relocation payments

"SEC. 406. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph:

"'(8) The Authority may authorize the cost of relocation payments made by public housing agencies to be included with the development or acquisition cost of any project for purposes of determining the amount of loans and annual contributions authorized to be made with respect to such project under sections 9 and 10, but such costs shall be separately stated as relocation costs. For purposes of this paragraph, a 'relocation payment' is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 114 (b) or (c) of the Housing Act of 1949 for relocation payments made to individuals, families, business concerns, or nonprofit organizations, as the case may be.

"Low-income housing demonstration program authorization

"SEC. 407. Section 207 of the Housing Act of 1961 is amended by striking out '$5,000,000' and inserting in lieu thereof '$10,000,000'.

"TITLE V—RURAL HOUSING

"Extension of rural housing programs

"SEC. 501. (a) The second sentence of section 511 of the Housing Act of 1949 is amended by—

"(1) striking out 'June 30, 1965' and inserting in lieu thereof 'September 30, 1965'; and

"(2) striking out '$700,000,000' and inserting in lieu thereof '$850,000,000'.

"(b) Section 512 of such Act is amended by striking out 'June 30, 1965' and inserting in lieu thereof 'September 30, 1965'.

"(c) Section 513 of such Act is amended by striking out 'June 30, 1965' each place it appears, and inserting in lieu thereof 'September 30, 1965'.

"(d) Section 515(b) of such Act is amended by—

"(1) striking out '$100,000' in clause (1) and inserting in lieu thereof '$300,000'; and

"(2) striking out '1964' in clause (5) and inserting in lieu thereof '1965'.

"Definition of domestic farm labor

"SEC. 502. Section 514(f)(3) of the Housing Act of 1949 is amended to read as follows:

"'(3) the term "domestic farm labor" means persons who receive a substantial portion (as determined by the Secretary) of their income as laborers on farms situated in the United States and either (A) are citizens of the United States or (B) reside in the United States after being legally admitted for permanent residence therein.'

"Low-rent housing for domestic farm labor

"SEC. 503. (a) Title V of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"'Financial assistance to provide low-rent housing for domestic farm labor

"'SEC. 516. (a) Upon the application of any State or political subdivision thereof, or any public or private nonprofit organization, the Secretary is authorized to provide financial assistance for the provision of low-rent housing and related facilities for domestic farm labor, if he finds that—

"'(1) the housing and related facilities for which financial assistance is requested will fulfill a pressing need in the area in which such housing and facilities will be located, and there is reasonable doubt that the same can be provided without financial assistance under this section;

"'(2) the applicant will contribute, from its own resources or from funds borrowed under section 514 or elsewhere, at least one-third of the total development cost;

"'(3) the types of housing and related facilities to be provided are most practical, giving due consideration to the purposes to be served thereby and the needs of the occupants thereof; and

"'(4) the construction will be undertaken in an economical manner, and the housing and related facilities will not be of elaborate or extravagant design or material.

"'(b) The amount of any financial assistance provided under this section for low-rent housing and related facilities shall not exceed two-thirds of the total development cost thereof, as determined by the Secretary, less such amount as the Secretary determines can be practically obtained from other sources (including a loan under section 514).

" '(c) No financial assistance for low-rent housing and related facilities shall be made available under this section unless, to any extent and for any periods required by the Secretary, the applicant agrees—

" '(1) that the rentals charged domestic farm labor shall not exceed such amounts as may be approved by the Secretary, giving due consideration to the income and earning capacity of the tenants, and the necessary costs of operating and maintaining such housing;

" '(2) that such housing shall be maintained at all times in a safe and sanitary condition in accordance with such standards as may be prescribed by State or local law, or, in the absence of such standards, in accordance with such minimum requirements as the Secretary shall prescribe; and

" '(3) an absolute priority will be given at all times in granting occupancy of such housing and facilities to domestic farm labor.

" '(d) The Secretary may make payments pursuant to any contract for financial assistance under this section at such times and in such manner as may be specified in the contract. In each contract, the Secretary shall include such covenants, conditions, or provisions as he deems necessary to insure that the housing and related facilities, for which financial assistance is made available, be used only in conformity with the provisions of this section.

" '(e) The Secretary shall prescribe regulations to insure that Federal funds expended under this section are not wasted or dissipated.

" '(f) All laborers and mechanics employed by contractors or subcontractors on projects assisted by the Secretary which are undertaken by approved applicants under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary shall not extend any financial assistance under this section for any project without first obtaining adequate assurance that these labor standards will be maintained on the construction work; except that compliance with such standards may be waived by the Secretary in cases or classes of cases where laborers or mechanics, not otherwise employed at any time on the project, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and the Secretary determines that any amounts thereby saved are fully credited to the person, corporation, association, organization, or other entity undertaking the project. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

" '(g) As used in this section—

" '(1) the term "low-rent housing" means rental housing within the financial reach of families of low income consisting of (A) new structures suitable for dwelling use by domestic farm labor, and (B) existing structures which can be made suitable for dwelling use by domestic farm labor by rehabilitation, alteration, conversion, or improvement;

" '(2) the terms "related facilities" and "domestic farm labor" shall have the meaning assigned to them in section 514(f); and

" '(3) the term "development cost" shall have the meaning assigned to it in section 515(d)(4).'

"(b) Section 513 of such Act is amended by redesignating clauses '(c)' and '(d)' as clauses '(d)' and '(e)', respectively, and by inserting after the semicolon at the end of clause (b) the following: '(c) not to exceed $10,000,000 for financial assistance pursuant to section 516 for the period ending September 30, 1965;'.

"(c) Section 506(a) of such Act is amended by striking out 'sections 514 and 515', each place it appears, and inserting in lieu thereof 'sections 514–516'.

"TITLE VI—COMMUNITY FACILITIES

"Public facility loans

"SEC. 601. (a) Section 202(a) of the Housing Amendments of 1955 is amended by striking out in clause (1) of the first sentence 'instrumentalities of States' and inserting in lieu thereof 'instrumentalities of one or more States', and by striking out 'in the same State' and inserting in lieu thereof 'of one or more States'.

"(b) Section 202(b)(4) of such Amendments is amended by—

"(1) striking out 'the second sentence of section 5(a) of the Area Redevelopment Act' and inserting in lieu thereof 'section 5 of the Area Redevelopment Act'; and

"(2) inserting '(A)' before 'to any municipality' in the first sentence, and by striking out everything following the phrase 'most recent decennial census, or' in that sentence and inserting in lieu thereof the following: '; (B) to any public agency or instrumentality serving one or more municipalities, political subdivisions, or unincorporated areas in one or more States, unless each municipality, political subdivision, or unincorporated area to be served by the specific public work or facility for which assistance is sought under this section has a population less than the applicable figure under clause (A) according to such census.'

"Advances for public works planning

"SEC. 602. (a) Section 702(e) of the Housing Act of 1954 is amended to read as follows:

" '(e) In order to provide moneys for advances in accordance with this section, the Administrator is hereby authorized to establish a revolving fund which shall comprise (1) all moneys heretofore or hereafter appropriated pursuant to this section, together with all repayments and other receipts heretofore or hereafter received in connection with advances made under this section, and (2) all repayments and other receipts received after June 30, 1964, and all advances (and claims in connection with advances) outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) and the Act of October 13, 1949 (63 Stat. 841–2). There are authorized to be appropriated to such revolving fund, in addition to amounts authorized to be appropriated for the purposes of this section prior to the date of the enactment of the Housing Act of 1964, such sums, not to exceed $20,000,000, as may be necessary to carry out the purposes of this section.'

"(b) Section 702 of such Act is further amended by adding at the end thereof the following new subsection:

" '(h)(1) Notwithstanding any other provision of law, if a public agency or Indian tribe undertakes to construct only a portion of a public work planned with an advance under this section, under title V of the War Mobilization and Reconversion Act of 1944, or under the Act of October 13, 1949, it shall repay only such proportionate amount of the advance relating to the public work as the Administrator determines to be equitable.

" '(2) The Administrator is authorized to terminate, upon such terms and conditions as he shall deem equitable, all or a portion of the liability for repayment of any advance made under this section, title V of the War Mobilization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Administrator determines that there is no reasonable likelihood that the public work, or a portion of the public work, planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Administrator.'

"(c) Section 702 of such Act is further amended—

"(1) by striking out 'public agencies' wherever that term appears in subsection (a) and inserting in lieu thereof 'public agencies and Indian tribes';

"(2) by striking out 'public agency' in clause (3) of subsection (b) and inserting in lieu thereof 'public agency or Indian tribe';

"(3) by striking out 'to any public agency' and 'by the public agency' in subsection (c) and inserting in lieu thereof 'to any public agency or Indian tribe' and 'by the public agency or Indian tribe', respectively, and by striking out 'by such agency' in such subsection and inserting in lieu thereof 'by such agency or tribe'; and

"(4) by striking out 'That if' and all that follows down through 'And provided further,' in subsection (c).

"(d) Section 702(f) of such Act is amended by striking out '$50,000' and inserting in lieu thereof '$100,000'.

"(e) Section 702(a) of such Act is amended by inserting immediately before the first colon the following: ', including, in the case of public works to be constructed in connection with the development of a medical center, a general plan for the development of such center'.

"(f) Section 702(b) of such Act is amended by striking out the last sentence.

"TITLE VII—FEDERAL NATIONAL MORTGAGE ASSOCIATION

"Pooling of mortgages for sale

"SEC. 701. (a) Section 302 of the National Housing Act is amended by adding at the end thereof a new subsection as follows:

" '(c) Notwithstanding any other provision of this Act or of any other law, the Association is authorized under section 306 to create, accept, execute, and otherwise administer in all respects such trusts, receiverships, conservatorships, liquidating or other agencies, or other fiduciary and representative undertakings and activities as might be appropriate for financing purposes; and in relation thereto the Association may require, hold and manage, dispose of, and otherwise deal in any first mortgages in which the United States or any agency or instrumentality thereof may have a financial interest. The Association may join in any such undertakings and activities notwithstanding that it is also serving in a fiduciary or representative capacity; and is authorized, consistent with section 307, to guarantee any participations or other instruments, whether evidence of property rights or debt, issued for such financing purposes. Any participations or other instruments so guaranteed shall to the same extent as securities issued or guaranteed by the United States or its instrumentalities be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission. The amounts of any mortgages acquired by the Association under section 306, pursuant to this subsection, shall not be included in the total amounts set forth in section 306(c).'

"(b)(1) Section 311 of such Act is amended by inserting after 'obligations' the following: ', participations, or other instruments'.

"(2) Sections 304(b) and 306(b) of such Act are amended respectively by striking out 'or obligations which are lawful investments' and inserting in lieu thereof 'or obligations, participations, or other instruments which are lawful investments'.

"(3) Section 310 of such Act is amended by striking out 'or in obligations which are lawful investments' and inserting in lieu thereof 'or in obligations, participations, or other instruments which are lawful investments'.

"(c) The penultimate sentence of paragraph Seventh of section 5136 of the Revised Statutes is amended by striking out 'or obligations of the Federal National Mortgage Association' and inserting in lieu thereof 'or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association'.

"(d)(1) Section 11(h) of the Federal Home Loan Bank Act is amended by striking out 'in obligations of the Federal National Mortgage Association' and inserting in lieu thereof 'in obligations, participations, or other instruments of or issued by the Federal National Mortgage Association'.

"(2) The last sentence of section 16 of such Act is amended by striking out 'in obligations of the Federal National Mortgage Association' and inserting in lieu thereof 'in obligations, participations, or other instruments of or issued by the Federal National Mortgage Association'.

"(e)(1) Section 1820 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"'(e)(1) The Administrator is authorized from time to time, as he determines advisable, to set aside first mortgage loans, and installment sale contracts, owned and held by him under this chapter as the basis for the sale of participation certificates as herein provided. For this purpose the Administrator may enter into agreements, including trust agreements, with the Federal National Mortgage Association, and any other Federal agency, under which the Association as fiduciary may sell certificates of participation based on principal and interest collections to be received by the Administrator and the Association or any other such agency on first mortgage loans and installment sale contracts comprising mortgage pools established by them. The agreement may provide for substitution or withdrawal of mortgage loans, or installment sale contracts, or for substitution of cash for mortgages in the pool. The agreement shall provide that the Federal National Mortgage Association shall promptly pay to the Administrator the entire proceeds of any sale of certificates of participation to the extent such certificates are based on mortgages, including installment sale contracts, set aside by the Administrator and he shall periodically pay to the Association, as fiduciary, such funds as are required for payment of interest and principal due on outstanding certificates of participation to the extent of the pro rata amount allocated to the Administrator pursuant to the agreement. The agreement shall also provide that the Administrator shall retain ownership of mortgage loans and installment sale contracts set aside by him pursuant to the agreement unless transfer of ownership to the fiduciary is required in the event of default or probable default in the payment of participation certificates. The Administrator is authorized to purchase outstanding certificates of participation to the extent of the amount of his commitment to the fiduciary on participations outstanding and to pay his proper share of the costs and expenses incurred by the Federal National Mortgage Association as fiduciary pursuant to the agreement.

"'(2) The Administrator shall proportionately allocate and deposit the entire proceeds received from the sale of participations into the funds established pursuant to sections 1823 and 1824 of this chapter, as determined on an estimated basis, and the amounts so deposited shall be available for the purposes of the funds. The Administrator may nevertheless make such allocations of that part of the proceeds of participation sales representing anticipated interest collections on mortgage loans, including installment sale contracts, on other than an estimated proportionate basis if determined necessary to assure payment of interest on advances theretofore made to the Administrator by the Secretary of the Treasury for direct loan purposes. The Administrator shall set aside and maintain necessary reserves in the funds established pursuant to sections 1823 and 1824 of this chapter to be used for meeting commitments pursuant to this subsection and, as he determines to be necessary, for meeting interest payments on advances by the Secretary of the Treasury for direct loan purposes.'

"(2) Section 1823 of title 38, United States Code, is amended by—

"(1) inserting before the period at the end of the last sentence of subsection (a) the following: ', and a reasonable reserve for meeting commitments pursuant to subsection 1820(e) of this title'; and

"(2) inserting before the period at the end of the last sentence of subsection (c) the following: 'and for the purposes of meeting commitments under subsection 1820(e) of this title'.

"FNMA—Removal of $20,000 mortgage amount limitation

"SEC. 702. Section 302(b) of the National Housing Act is amended—

"(1) by striking out 'any mortgage' in clause (3) and inserting in lieu thereof 'any mortgage under section 305'; and

"(2) by striking out the proviso in clause (3).

"FNMA—Ninety per centum loans

"SEC. 703. Section 304(a)(2) of the National Housing Act is amended by striking out '80 per centum' and inserting in lieu thereof '90 per centum'.

"FNMA—Purchase of participations

"SEC. 704. Section 304(d) of the National Housing Act is hereby repealed.

"TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

"PART 1—FEDERAL-STATE TRAINING PROGRAMS

"Findings and purpose

"SEC. 801. (a) The Congress finds that the rapid expansion of the Nation's urban areas and urban population has caused severe problems in urban and suburban development and created a national need to (1) provide special training in skills needed for economic and efficient community development and (2) support research in new or improved methods of dealing with community development problems.

"(b) It is the purpose of this part to assist and encourage the States, in cooperation with public or private universities and colleges and urban centers, to (1) organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are training to be, employed by a governmental or public body which has responsibilities for community development; and (2) support State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems.

"Matching grants to States

"SEC. 802. (a) Subject to the provisions of this part and in accordance with regulations prescribed by him, the Administrator may make matching grants to States to assist in—

"(1) organizing, initiating, developing, or expanding programs to provide special training in skills needed for economic and efficient community development to those technical and professional people who are, or are training to be, employed by a governmental or public body which has responsibilities for community development; and

"(2) supporting State and local research that is needed in connection with housing programs and needs, public improvement programing, code problems, efficient land use, urban transportation, and similar community development problems, and collecting, collating, and publishing statistics and information relating to such research.

"(b) No grants may be made to a State under this part unless the Administrator has approved a plan for the State which—

"(1) sets forth the proposed use of the funds and the objectives to be accomplished;

"(2) explains the method by which the required amounts from non-Federal sources will be obtained;

"(3) provides such fiscal control and fund accounting procedures as may be reasonably necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this part;

"(4) designates an officer or agency of the State government who has responsibility and authority for the administration of a statewide research and training program as the officer or agency with responsibility and authority for the execution of the State program under this part; and

"(5) provides that such officer or agency will make such reports to the Administrator, in such form, and containing such information, as may be reasonably necessary to enable the Administrator to perform his duties under this part.

"(c) No grant may be made under this part for any use unless an amount at least equal to such grant is made available from non-Federal sources for the same purposes and for concurrent use.

"(d) There is authorized to be appropriated for grants under this part, without fiscal year limitation, not to exceed $10,000,000.

"State limit

"SEC. 803. Not more than 10 per centum of the total amount authorized to be appropriated by section 802(d) may be used for making grants to any one State.

"Technical assistance, studies, and publication of information

"SEC. 804. In order to carry out the purpose of this part, the Administrator is authorized to provide technical assistance to State and local governmental or public bodies and to undertake such studies and publish and distribute such information, either directly or by contract, as he shall determine to be desirable. Nothing contained in this part shall limit any authority of the Administrator under any other provision of law.

"Miscellaneous

"SEC. 805. (a) As used in this part, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and the term 'Administrator' means the Housing and Home Finance Administrator.

"(b) There are authorized to be appropriated such sums as may be necessary for administrative and other expenses in carrying out this part.

"PART 2—FELLOWSHIPS FOR CITY PLANNING AND URBAN STUDIES

"SEC. 810. (a) There is hereby authorized to be appropriated not to exceed $500,000 annually, for a three-year period commencing on July 1, 1964, to be used by the Housing and Home Finance Administrator for the purpose of providing fellowships for the graduate training of professonal city planning and urban and housing technicians and specialists as herein provided. Persons shall be selected for such fellowships solely on the basis of ability and upon the recommendation of the Urban Studies Fellowship Advisory Board established pursuant to subsection (b). Fellowships shall be solely for training in public and private nonprofit institutions of higher education having programs of graduate study in the field of city planning or in related fields (including architecture, civil engineering, economics, municipal finance, public administration, and sociology), which programs are oriented to training for careers in city and regional planning, housing, urban renewal, and community development.

"(b) There is hereby established the Urban Studies Fellowship Advisory Board (hereinafter referred to as the 'Board'), which shall consist of nine members to be appointed by the Housing and Home Finance Administrator as follows: Three from public institutions of higher learning, and three from private nonprofit institutions of higher education, who are the heads of departments which provide academic courses appropriately related to the fields referred to in subsection (a), and three from national organizations which are directly concerned with problems relating to urban, regional, and community development. The Board shall meet upon the request of the Administrator and shall make recommendations to him with respect to persons to be selected for fellowships under this section. Members of the Board shall be entitled to receive transportation expenses and a per diem in lieu of subsistence as authorized for members of advisory committees created pursuant to section 601 of the Housing Act of 1949.

"TITLE IX—SAVINGS AND LOAN ASSOCIATIONS

"Sec. 901. (a) The first sentence of section 5(c) of the Home Owners' Loan Act of 1933 is amended by striking out 'fifty miles' and inserting in lieu thereof 'one hundred miles'.

"(b) The third sentence of section 403(b) of the National Housing Act is amended by striking out all that precedes the first semicolon and inserting in lieu thereof the following: 'Each applicant for such insurance shall also file with its application an agreement that during the period that the insurance is in force it will not make any loans beyond one hundred miles from its principal office, except (1) loans in the area beyond such one-hundred-mile limit in which it was operating prior to June 27, 1934, and (2) loans which are made pursuant to regulations of the Corporation: *Provided,* That such agreement shall further provide that any loan made beyond fifty miles from the applicant's principal office (and outside the territory in which it was operating on such date) shall also be subject to such regulations'.

"Sec. 902. The first proviso in section 5(c) of the Home Owners' Loan Act of 1933 is amended—

"(1) by striking out '$35,000' and inserting in lieu thereof '$40,000'; and

"(2) by striking out ', except that the aggregate sums invested pursuant to the two exceptions in this proviso shall not exceed 30 per centum of the assets of such association'.

"Sec. 903. The next to last paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows:

" 'Without regard to any other provision of this subsection, any such association is authorized to invest not more than 5 per centum of its assets in, or in interests in, real property located within urban renewal areas as defined in subsection (a) of section 110 of the Housing Act of 1949 and obligations secured by first liens on real property so located, but no investment shall be made by an association under this sentence in real property or any interest therein if the aggregate investment of the association under this sentence in real property and interests therein, determined as proscribed by the Board, would thereupon exceed 2 per centum of the assets of the association.'

"Sec. 904. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by adding at the end thereof a new paragraph as follows:

" 'For the purpose of this section the terms "real property" and "real estate" shall include a leasehold or subleasehold estate in real property under a lease or sublease the term of which does not expire, or which is renewable automatically or at the option of the holder (or at the option of the association) so as not to expire, for at least fifteen years beyond the maturity of the debt.'

"Sec. 905. Section 5(c) of the Home Owners' Loan Act of 1933 is further amended by adding at the end thereof (after the paragraph added by section 804 of this Act) the following new paragraph:

" 'Any such association is authorized to invest in the capital stock, obligations, or other securities of any corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located, if the entire capital stock of such corporation is available for purchase only by savings and loan associations of that State, District, Commonwealth, territory, or possession and by Federal savings and loan associations having their home offices therein, but no association may make any investment under this sentence if its aggregate outstanding investment under this sentence, determined as prescribed by the Board, would thereupon exceed 1 per centum of its assets.'

"Sec. 906. Section 10(b) of the Federal Home Loan Bank Act is amended—

"(1) by striking out 'twenty-five' in clause (1) and inserting in lieu thereof 'thirty', and

"(2) by striking out '$35,000' in clause (2) and inserting in lieu thereof '$40,000'.

"Sec. 907. The second proviso in the first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows: ': *And provided further,* That any portion of the assets of such associations may be invested in obligations of, or fully guaranteed as to principal and interest by, the United States, or in the stock or bonds of a Federal Home Loan Bank, or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by, the Federal National Mortgage Association or any other agency of the United States; or in general obligations of any State or of any political subdivision thereof; and as used in this proviso the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States'.

"Sec. 908. The first sentence of the second paragraph of section 5(c) of the Home Owners' Loan Act of 1933 is amended to read as follows: 'Without regard to any other provision of this subsection except the area requirement, any such association is authorized to invest a sum not in excess of 20 per centum of the assets of such association in loans insured under title I of the National Housing Act, in home improvement loans insured under title II of the National Housing Act, in unsecured loans insured or guaranteed under the provisions of the Servicemen's Readjustment Act of 1944, as amended, or chapter 37 of title 38 of the United States Code, and in other loans for property alteration, repair, or improvement: *Provided,* That no such loan, unless so insured or guaranteed, shall be made in excess of $5,000.'

"Sec. 909. Title IV of the National Housing Act is amended by adding at the end thereof the following new section:

" '*Investment of certain funds in accounts of insured institutions*

" 'Sec. 409. The savings accounts and share accounts held by institutions insured by the Corporation, to the extent they are insured by the Corporation, shall be lawful investments and may be accepted as security for all public funds of the United States, fiduciary and trust funds under the authority or control of the United States or any officer or officers thereof, and for the funds of all corporations organized under the laws of the United States (subject to any regulatory authority otherwise applicable), regardless of any limitation of law upon the investment of any such funds or upon the acceptance of security for the investment or deposit of any of such funds.'

"Sec. 910. Section 5(c) of the Home Owners' Loan Act of 1933 is amended by inserting after the second paragraph the following new paragraph:

" 'Without regard to any other provision of this subsection, any such association is authorized to invest in loans, obligations, and advances of credit (all of which are hereinafter referred to as "loans") made for the payment of expenses of college or university education, but no association shall make any investment in loans under this paragraph if the principal amount of its investment in such loans, exclusive of any investment which is or which at the time of its making was otherwise authorized, would thereupon exceed 5 per centum of its assets.'

"TITLE X—MISCELLANEOUS

"*Open-space program—Grant authorization*

"Sec. 1001. Section 702(b) of the Housing Act of 1961 is amended—

"(1) by striking out '$50,000,000' and inserting in lieu thereof '$75,000,000'; and

"(2) by adding at the end thereof the following: 'All funds so appropriated shall remain available until expended.'

"*College housing*

"Sec. 1002. The second paragraph of section 404(b) of the Housing Act of 1950 is amended by striking out the period and inserting in lieu thereof the following: ': *Provided,* That where the law of any State in effect on the date of enactment of the Housing Act of 1964 prevents the institution or institutions, for whose students or students and faculty the housing is to be provided, from cosigning the note, the Administrator shall require the corporation and the proposed project to be approved by such institution (or by any one or more of such institutions) in lieu of such cosigning.'

"*Acquisition of certain housing by Secretary of Defense*

"Sec. 1003. The first sentence of section 404(a) of the Housing Amendments of 1955 is amended by inserting before the period at the end thereof the following: ', or (3) any housing situated on or adjacent to a military installation which was (A) completed prior to July 1, 1952, (B) considered by the Department of Defense, prior to construction, as being necessary to meet an existing military family housing need and considered as military housing by the Federal Housing Commissioner, and (C) financed with mortgages insured under section 608 of the National Housing Act, including adjacent property constructed primarily to provide commercial facilities for the occupants of such housing'.

"Real estate loans by national banks

"SEC. 1004. Clause (3) of the third sentence of the first paragraph of section 24 of the Federal Reserve Act is amended to read as follows: '(3) any such loan may be made in an amount not to exceed 80 per centum of the appraised value of the real estate offered as security and for a term not longer than twenty-five years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity, and'.

"Forest Hills project in Paducah, Kentucky

"SEC. 1005. The Federal Housing Commissioner is authorized and directed to sell to the Paducah-McCracken County Development Council, Incorporated, of Paducah, Kentucky, for use as a public facility (including such use by the Paducah Junior College as may be deemed appropriate by such Council), and for a total price of $1,000,000, all right, title, and interest of the United States in and to the housing project in Paducah known as Forest Hills (a project constructed under title VIII of the National Housing Act as in effect prior to August 11, 1955, and subsequently acquired by the Federal Housing Administration).

"Payment in lieu of taxes by Hawaii Housing Authority

"SEC. 1006. Notwithstanding the provisions of any other law or any contract or rule of law, the Public Housing Commissioner shall approve a payment in lieu of taxes to be made for the fiscal year ended June 30, 1959, in the amount of $24,167.78, by the Hawaii Housing Authority to the city and county of Honolulu.

"Transfer of land for urban renewal purposes by Philadelphia Housing Authority

"SEC. 1007. (a) Notwithstanding the provisions of title I of the Housing Act of 1949 and the United States Housing Act of 1937, the Housing and Home Finance Administrator and the Public Housing Commissioner are authorized and directed to consent to the transfer by the Philadelphia Housing Authority to the Philadelphia Redevelopment Authority of all property acquired by the Housing Authority for low-rent housing project numbered Pennsylvania 2-51, on condition that (1) an amount which, together with any funds of the Housing Authority available for the purpose, is sufficient to pay and discharge all obligations incurred by the Housing Authority in connection with such low-rent housing project and owing at the time of transfer, will be paid by the Redevelopment Authority to the Public Housing Administration to be applied in satisfaction of the Housing Authority's obligations which it cannot meet with its own funds available for the purpose, and (2) the total amount so paid by the Redevelopment Authority will be included in the gross project cost of its Whitman urban renewal project, Pennsylvania R-35.

"(b) The Housing and Home Finance Administrator and the Public Housing Commissioner are authorized to modify any contracts heretofore entered into and to take any other appropriate action necessary to carry out the provisions of subsection (a).

"Eligibility of certain local grants-in-aid

"SEC. 1008. (a) Notwithstanding the date of the commencement of construction of the Fox Point hurricane dam in Providence, Rhode Island, local expenditures made in connection with such dam shall, to the extent otherwise eligible, be counted as a local grant-in-aid to the railroad relocation urban renewal project (Rhode Island R-8) in accordance with the provisions of title I of the Housing Act of 1949.

"(b) Notwithstanding the provisions of section 112(b) of the Housing Act of 1949, expenditures made by the Methodist Hospital of Central Illinois, and Saint Francis Hospital, Peoria, Illinois, for the purchase of two parcels of land on or about June 25 and July 28, 1956, for a price of not more than $82,980, shall if otherwise eligible be counted as local grants-in-aid to the Peoria 'Medical Center' urban renewal project (Illinois R-61) in accordance with the remaining provisions of title I of that Act."

And the House agree to the same.

WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
WM. A. BARRETT,
WILLIAM B. WIDNALL,
PAUL A. FINO,
FLORENCE P. DWYER,
Managers on the Part of the House.

JOHN SPARKMAN,
PAUL H. DOUGLAS,
JOSEPH S. CLARK,
HARRISON A. WILLIAMS, Jr.,
EDMUND S. MUSKIE,
EDWARD V. LONG,
JOHN G. TOWER,
WALLACE F. BENNETT,
JACOB K. JAVITS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical, clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

TITLE I—AMENDMENTS TO THE NATIONAL HOUSING ACT

Loan to value ratios

The House amendment contained a provision increasing loan to value ratios on FHA sales housing above $15,000. No comparable provision was contained in the Senate bill. The conference substitute conforms to the Senate bill.

Maximum mortgage amounts on rental housing

Both the Senate bill and the House amendment contained provisions changing the computation of maximum mortgage amounts on rental housing under FHA from a per room to a per unit basis. These were identical except that the Senate bill authorized the FHA Commissioner to increase the maximum amounts by up to 45 percent in high cost areas, while the House amendment provided for increases up to 30 percent. The conference substitute conforms to the Senate bill.

Term of lease

The House amendment contained a provision authorizing home improvement loans (secs. 203(k) and 220(h)) on leaseholds if the term of the lease ran for more than 5 years beyond the term of the loan. No comparable provision was contained in the Senate bill and the conference substitute requires that the lease run more than 10 years beyond the term of the loan.

Additional mortgagors permitted under FHA section 221(d)(3)

The Senate bill contained a provision not in the House amendment permitting the FHA Commissioner to approve regulated mortgagors, other than corporations as sponsors of section 221(d)(3) projects. The conference substitute contains the Senate provision.

Both the House amendment and the Senate bill contained provisions permitting real estate development and building organizations to be the initial mortgagor under section 221(d)(3) during the construction period, provided they had entered into contracts to sell the project to an eligible sponsor upon completion. The Senate bill further provided that the sponsor which purchased such a project must be a nonprofit organization and that the development organization would be limited to 90 percent of the amount otherwise authorized under section 221. The conference substitute conforms to the Senate bill.

Extension of section 221 mortgage insurance program

The Senate bill contained a provision not in the House amendment which would have extended the termination date of section 221 mortgage insurance for low and moderate cost sales and rental housing for three months from July 1, 1965, to October 1, 1965. The conference substitute contains this provision.

Mutuality for section 213 cooperative housing

The House amendment contained a provision which would have placed the FHA section 213 cooperative housing program on a mutual basis the same as FHA's basic section 203 sales housing program. There was no comparable provision in the Senate bill and there is none in the conference substitute.

The conference committee felt it did not have sufficient data on the status of the cooperative housing program to determine whether or not such mutuality would be advisable or workable at this time. However, it is the desire of the conferees that FHA establish a separate management insurance fund for type section 213 mortgage insurance operations.

Section 810 housing

The House amendment contained a provision authorizing 5,000 additional units of FHA-insured "off-base" military housing. No comparable provision was contained in the Senate bill and none is contained in the conference substitute.

Payment of insurance claims

The Senate bill contained a provision not in the House amendment to simplify FHA procedures on the payments of claims including the elimination of FHA's certificate of claim. The conference substitute contains the Senate provision.

Cash payment

The Senate bill contained a provision, not in the House amendment, authorizing cash payment instead of debentures for defaulted home improvement loans (sec. 203(k)) not in urban renewal areas. The conference substitute contains the Senate provision.

FHA title I claims

The Senate bill contained a provision not in the House amendment extending the 2-year statutory limitation on FHA demands for return by lenders of insurance benefits received on defaulted Title I loans claims which were certified for payment prior to December 31, 1957 (now applicable to claims certified after that date). The conference substitute contains the Senate provision.

Correction of defects

The Senate bill contained a provision, not in the House amendment, authorizing FHA to correct substantial defects in homes built under FHA inspection if the builder does not provide relief. The conference substitute conforms to the Senate provision except that the new authority is not retroactive and also is applicable only in case of "structural defects."

Acquisition of multifamily projects in default

The Senate bill contained a provision not in the House amendment eliminating the requirement that FHA acquire or foreclose a multifamily project within one year of default of the mortgage. The conference substitute contains the Senate provision.

Waiver of premium

The conference substitute contains a provision in the House amendment, not in the Senate bill, waiving the FHA adjusted premium charge in cases where the mortgage is paid off by a nonprofit educational institution. It was the opinion of the conferees that this limited waiver should not become a precedent for other mortgagors.

Transfer of equity in FHA financed homes

The House bill contained a provision authorizing a homeowner who has an FHA loan and who is required to move to a new location to transfer his home to FHA and receive credit for his equity toward the purchase of an FHA-owned property in his new location. There was no comparable provision in the Senate bill and none is contained in the conference substitute. However, the members of the conference urge the agency to study the problem carefully to see whether a provision of this kind is workable.

TITLE II—HOUSING FOR THE ELDERLY AND HANDICAPPED

The conference substitute conforms to the House amendment.

TITLE III—URBAN RENEWAL

Capital grant authorization

The House amendment would have authorized an additional $600 million for capital grants under the urban renewal program, while the Senate bill would have authorized $850 million for this purpose. The conference substitute authorizes $725 million.

Loan contracts

The Senate bill contained a provision not in the House amendment to authorize a single contract to provide temporary financing for all urban renewal projects in a community. The conference substitute contains the Senate provision.

Additional relocation payments

The Senate bill contained a provision which would have authorized the payment of up to $2,500 to displaced small businesses. The House amendment would have authorized the payment of $1,000. The conference substitute authorizes a $1,500 payment upon displacement.

The Senate bill would have provided for partial rent payments over a 12-month period to displaced families and elderly individuals. The House amendment authorized the payment of rent or mortgage payments at new accommodations for 3 months not to exceed $200. The conference substitute provides for payments for up to a 5-month period of up to $500 on behalf of the displaced low- or moderate-income family or elderly individual to be applied to housing costs in the new quarters.

The committee wishes to point out that the new relocation payments to individuals for families are in the nature of a substitute for the housing cost which they must pay immediately after their displacement at a time when they are faced with many additional difficulties and expenses, and should not be considered as "income or resources" for purposes of applying the "needs" test under any of the public assistance programs in the Social Security Act.

The Senate bill contained a provision not in the House amendment authorizing the payment of certified actual moving expenses for outdoor advertising displays removed from an urban renewal area. The conference substitute includes the Senate provision.

Rehabilitation loans

The House amendment contained a provision not in the Senate bill authorizing a new program of low interest (3 percent) loans to rehabilitate homes and business firms in urban renewal areas. The Conference substitute retains the House provision with an amendment extending the maximum maturity from 15 years to 20 years and permitting the refinancing of existing debt in connection with rehabilitation work on homes.

The rehabilitation loans can be made to tenants but the conferees expect that these loans will be made only where there is a long term lease.

The conference substitute authorizes the appropriation of $50 million for these loans, the same amount originally approved by the House, and the conferees expect the Housing Administrator to seek the appropriation of the full amount authorized for this urgently needed program.

Tax abatement for FHA section 221(d)(3)

The House amendment contained a provision permitting any local realty tax abatement granted to a section 221(d)(3) housing project to be counted as a noncash local grant-in-aid for urban renewal projects in the community. There was no similar provision in the Senate bill and none is included in the conference substitute.

Projects involving air rights

The Senate bill contained a provision not in the House amendment authorizing urban renewal projects for the development of air rights sites for low and moderate income housing and related facilities. The conference substitute conforms to the Senate bill with an amendment limiting such projects to not more than 5 percent of the new capital grant authorization.

Interest rate on urban renewal loans

The Senate bill contained a provision not in the House amendment permitting the interest rate set for an urban renewal contract for loans or advances to apply not only to the amount originally authorized but also to additional amounts authorized by subsequent amendments to the contract. The conference substitute includes the Senate provision.

Urban planning grants in redevelopment areas

The Senate bill contained a provision not in the House amendment making a limited number of counties in areas which are designated under section 5(b) of the Area Redevelopment Act eligible for section 701 urban planning grants without regard to population and providing three-fourths (rather than two-thirds) grants to these areas. The conference substitute includes the Senate provision.

Closing of Federal installations

The Senate bill contained a provision not in the House amendment authorizing three-fourths planning grants in areas affected by the closing or reduction of a Federal installation. The conference substitute contained the Senate provision.

Planning problems resulting from treaties

The House amendment contained a provision authorizing urban planning grants to official government agencies in cities affected by treaties. The Senate bill contained a similar amendment which was restricted to problems in El Paso, Texas, arising from the Chamizal Treaty. The conference substitute conforms to the Senate bill.

TITLE IV—HOUSING FOR LOW INCOME FAMILIES

Eligibility of displaced individuals for low-rent public housing

Both the House amendment and the Senate bill contained provisions making displaced single persons of low income eligible for occupancy in public housing, but the Senate included a further provision permitting the local housing authority to give a priority to families over such individuals. The conference substitute conforms to the Senate bill.

Public housing authorization

The House amendment contained a provision authorizing an increase of $27 million in low-rent public housing annual contributions to permit the construction of an additional 35,000 units; the Senate bill would have authorized an increase of $36 million to permit the construction of 45,000 units. The conference substitute would authorize an increase of $30,250,000 to permit the construction of approximately 37,500 units, and cover the cost of the newly authorized relocation benefits.

TITLE V—RURAL HOUSING

Extension of programs

The Senate bill contained a provision not in the House amendment extending the expiration date of the rural housing programs contained in title V of the Housing Act of 1949 until September 30, 1965. The conference substitute contains the Senate provision.

Housing for the elderly

The Senate bill contained a provision not in the House amendment increasing the maximum amount of a loan insured under the rural housing for the elderly program from $100,000 to $300,000. The conference substitute contains the Senate provision.

Direct home loan program

The House amendment contained a provision setting a $15,000 ceiling on direct loans under title V of the Housing Act of 1949. There was no comparable provision in the Senate bill and none is contained in the conference substitute.

Domestic farm labor

The Senate bill contained a provision not in the House amendment authorizing a new program of Federal grants of up to two-thirds of the cost of providing low-rent housing for domestic farm labor and authorizing an appropriation of $10 million for this purpose. The conference substitute contains the Senate provision.

TITLE VI—COMMUNITY FACILITIES

Public facility loans

The Senate bill contained a provision not in the House amendment making a limited number of areas designated under section 5(b) of the Area Redevelopment Act eligible for public facility loans if their population does not exceed 150,000. The conference substitute contains the Senate provision.

Advance acquisition of land

The Senate bill contained a provision not in the House amendment authorizing public facility loans with deferred payment of principal and interest to finance acquisition of land to be used for public works and facilities. The Senate receded on this provision and it is not included in the conference substitute. However, the conferees wish to state that they feel that this proposal has much merit but deserves further study. It is the hope of the conferees that such further study will enable a perfected provision to be proposed in next year's bill.

TITLE VII—FEDERAL NATIONAL MORTGAGE ASSOCIATION

FNMA sale of participations

The Senate bill contained a provision not in the House amendment authorizing FNMA to sell beneficial interests or participations in respect to mortgages or interests therein held by government agencies. The conference substitute contains the Senate provision with an amendment restricting its application to first mortgages held by the government.

Secondary market

The Senate bill contained a provision not in the House amendment repealing the existing prohibition against purchase of participations in mortgages under FNMA's secondary market program. The conference substitute contains the Senate provision.

TITLE VIII—TRAINING AND FELLOWSHIP PROGRAMS

City planning fellowships

The Senate bill contained a provision not in the House amendment authorizing appropriations of $500,000 annually for three years to provide fellowships for graduate training of city planning and urban and housing technicians and specialists. The conference substitute contains the Senate provision.

TITLE IX—SAVINGS AND LOAN ASSOCIATIONS

Loans on leaseholds

The House amendment contained a provision permitting federal savings and loan associations to make loans on leaseholds extending 15 years beyond the maturity of the loan or such shorter period as the Federal Home Loan Bank Board may prescribe. The Senate bill had a similar provision except that it set the limit at 15 years or such longer period as the Board may prescribe. The conference substitute contains language requiring that the leasehold extend "at least 15 years" beyond the maturity of the debt.

Authority to invest in municipal bonds

The House amendment contained a provision authorizing federal savings and loan associations to invest in the obligations of any State, county, municipality, or political subdivision of a State, or any district, public instrumentality, or public authority. There is no comparable provision in the Senate bill. The conference substitute retains the House provision with an amendment eliminating obligations of public instrumentalities and public bodies and restricting the eligibility to general obligation bonds.

Investment of public funds

The House amendment contained a provision not in the Senate bill providing that the accounts insured by the Federal Savings and Loan Insurance Corporation shall be eligible as investments for public funds of the United States. The conference substitute retains the House provision with an amendment giving the Federal Home Loan Banks authority to restrict the investment of the funds of one savings and loan association in the accounts of another.

Urban renewal investment

Both the House amendment and the Senate bill contained identical provisions authorizing federal associations to invest up to 5 percent of assets in real property and obligations or interests in obligations secured by first liens on property located within an urban renewal area. It is the intention of the conferees that this new authority should be in addition to any provision in existing law and not be diminished by investments permissible under other powers contained in section 5(c) of the Home Owners' Loan Act of 1933.

TITLE X—MISCELLANEOUS

Real estate loans by banks

The Senate bill contained a provision not in the House amendment raising the limits on real estate loans which can be made by national banks from 75 percent of value and a 20-year term to 80 percent of value and a 30-year term. The conference substitute contains the Senate provision with an amendment limiting the term to 25 years.

Medical center urban renewal project

The Senate bill contained a provision not in the House amendment which authorizes expenditures made by the Methodist Hospital of Central Illinois and St. Francis Hospital, Peoria, Ill., for the purchase of certain land to be made eligible as a local grant-in-aid to the Peoria Medical Center urban renewal project. The conference substitute conforms to the Senate bill.

WRIGHT PATMAN,
ALBERT RAINS,
ABRAHAM J. MULTER,
WILLIAM A. BARRETT,
WILLIAM B. WIDNALL,
PAUL A. FINO,
FLORENCE P. DWYER,
Managers on the Part of the House.

Mr. PATMAN (during the reading of the conference report). Mr. Speaker, I ask unanimous consent that the further reading of the conference report be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, it is a source of pride to announce that the conference report was adopted unanimously by the managers on the part of the House. The House and Senate bills contained 66 points of difference, and the conferees on both sides worked long and arduously to resolve them. The fact that it was done in 1 day is a tribute to the good will and competence of the conferees. The result is that our housing programs will be continued for another year. Moreover, many improvements have been introduced into the programs, which I am sure will prove their worth and effectiveness in the coming year.

In particular, there are a number of features that should prove beneficial to the less fortunate members of our society in permitting them to participate more fully in the benefits of these programs. This applies especially to families of low income, elderly people, those who are handicapped, and those who are displaced from their dwellings. In addition, it contains measures to assure that the human values will be upheld in the course of our housing and urban renewal activities.

It is with considerable pleasure that I announce the inclusion in the conference report of several substantial liberalizations of the laws governing Federal savings and loan associations. Many of these, as you know, were previously enacted by the House in H.R. 9609, but they had not been previously passed by the Senate. Consequently, they were included by the House in these housing amendments, accepted by the Senate conferees, and were today passed by the Senate. They need only favorable action in the House today to become law.

The savings and loan industry has been a tremendous force for progress in this Nation by reason of its very constructive role in supplying financing for millions of private homes. Without their vigorous participation, housing would be far behind its present stage. It is therefore fitting and proper that these liberalizations be included in a general housing program.

I am now going to ask the gentleman from Alabama, ALBERT RAINS, chairman of the Housing Subcommittee of the Banking and Currency Committee, to summarize the major points of agreement in the conference report.

Mr. Speaker, I yield 6 minutes to the gentleman from Alabama [Mr. RAINS].

Mr. RAINS. Mr. Speaker, the conference report before us is on the housing bill which, as all Members of the House know, passed this body last Thursday by an overwhelming vote of 308 to 68. Earlier today it passed the Senate by voice vote.

Mr. Speaker, I want to inform our colleagues in the House that in my judgment our conference with the other body on yesterday was a model of harmony and constructive cooperation, both as between the Members of the two bodies and between the Members of the majority and the minority. All members of the conference joined in signing the report. In a bill which covers so many programs of governmental assistance in the field of housing there were naturally many points of difference and, in fact, there were 66 items in disagreement. However, most of these were of a minor nature and were quickly resolved.

In some instances, naturally, we were forced to recede or compromise—that, of course, is the purpose of a conference. But, in general, I am pleased to say that the bill before you today in all essential parts is substantially the same bill as passed the House last week.

The conference report before us, I am sure, is virtually noncontroversial, just as the bill that originally passed the House by such an overwhelming vote. The conference report, just as the original House bill, is designed to carry our housing programs for a period of 1 year. The Senate bill had been designed to carry our programs until October 1, 1965, a period of about 15 months from the time it was reported from the Senate committee. However, by the time this bill is signed into law it will be actually just about a 1-year bill, and so right at the outset of the conference there was general agreement that we would compromise our differences to carry the programs until October 1 of next year.

This basic decision governed our compromises on two of the most important provisions of the bill. The House bill had provided $600 million for urban renewal capital grants, while the Senate bill would have provided $850 million. We split the difference and accepted $725 million.

In the case of public housing the House bill would have authorized 35,000 units and the Senate bill 45,000. Here we compromised at somewhat less than half the difference, and the conference report would authorize 37,500 units. These are urgently needed to meet the backlog of applications now on hand amounting to over 40,000 units for which PHA has no authorization under present law. It will also carry the program for 1 year at the rate which has prevailed over the past decade, just about 35,000 units put under contract annually.

The conference committee made two significant changes in the first title of the bill which covers Federal Housing Administration programs. First, the modest reduction in downpayment which would have been made by the House bill for homes valued at $15,000 or more is not in the conference report but we did keep the higher mortgage amounts recommended by the administration which will enable FHA to insure loans up to $30,000 on single-family homes instead of the present limit of $25,000. The other major change in title I was the acceptance of a provision in the Senate bill authorizing FHA to go in and correct structural defects in homes which had been built under FHA inspection. This is a difficult problem and the solution in the conference report is at least partly experimental in nature. The provision is limited to structural defects which means only major problems and there is no intention that FHA should become involved in minor matters. Also, FHA will do its utmost to see that the builder corrects any defects under the warranty required in existing law. FHA will make the repairs only in those cases where the builder is unable or unwilling to.

The next important changes made in conference are in title III of the bill which covers urban renewal. I have already mentioned the capital grant authorization. In addition, we made a number of changes in the provision for additional relocation payments. The Senate bill had contained the administration recommendation for a payment of up to $2,500 to displaced small business, including the payment that could be made after 1 year for a firm which did not reopen. The House bill authorized the payment of $1,000 at the time of displacement.

We felt that the additional Senate provision actually put a premium on not going back into business so we compromised at a payment of $1,500 upon displacement without any further payment 1 year later. In the case of families, the House had authorized the full payment of rent or mortgage payments for 3 months in the new quarters. The Senate had provided a partial payment extending over 1 year and the conference report compromised at partial payments to be made for up to a 5-month period with a maximum in any case of $500.

I am pleased to report that the conference committee retained the new program of low-interest loans for rehabilitation in urban renewal areas which was originated by the ranking minority member on the Housing Subcommittee, Mr. Widnall. Two changes were made in the program which were accepted by the conference without dissent. The first extends the maximum maturity from 15 years to 20 years, and the second permits the refinancing of existing debt in connection with rehabilitation work on homes and subject to the ceiling on individual loans.

The conference committee also accepted a provision in the Senate bill authorizing urban renewal projects for the development of air rights sites for housing. Because this was a new program we restricted such projects in total to not more than 5 percent of the new capital grant authorization and added language to make certain that any such housing provided will be for low- and moderate-income people.

Mr. Speaker, I was very pleased that the conference committee kept all of the House provisions designed to strengthen savings and loan associations which are vital to home financing and homeownership. In addition, the conference accepted a provision in the Senate bill liberalizing home loans which can be made by national banks. Present law limits these loans to 20 years and 75 percent of value. The Senate bill would have raised this to 30 years and 80 percent of value. The conference substitute provides an increase to 80 percent of value and an extension to 25 years maximum maturity.

Mr. Speaker, this is a good bill and I urge all of my colleagues to support it.

Mr. WIDNALL. Mr. Speaker, will the gentleman yield?

Mr. RAINS. I yield to the gentleman from New Jersey.

Mr. WIDNALL. I thank the gentleman for yielding.

I should like to clarify at this point something which is in the report at page 46 which actually is not a true report on the record. I quote from the second paragraph under "Rehabilitation Loans." The language is:

> The rehabilitation loans can be made to tenants but the conferees expect that these loans will be made only where there is a long-term lease.

Is it not true that this does not agree with the text of the law as agreed upon by the conferees? And is it not also true that no such agreement or understanding was made by the conferees?

Mr. RAINS. Is the gentleman referring to the language on page 24? To what numbered section does the gentleman refer?

Mr. WIDNALL. Actually, on page 23 of the report there is section 312(b), and on page 24 under subsection (3) the language is:

> The term "tenant" means a person or organization who is occupying a structure under a lease having a period to run at the time a rehabilitation loan is made under this section of not less than the term of the loan.

Mr. RAINS. The gentleman is absolutely correct. It was the unanimous intention of the conferees that it be passed exactly as the language in the act itself, in subparagraph (3) as shown on page 24 of the Housing Act of 1964.

I wish to state, so far as the paragraph which reads "the rehabilitation loans can be made to tenants but the conferees expect that these loans will be made only where there is a long-term lease" is concerned, this was not the intention of the conferees and it should be rejected in the administration of the bill as not being the intention of the conferees. Instead, the act itself should prevail.

Mr. WIDNALL. Actually that paragraph in the report on page 46 should be stricken from the report.

Mr. RAINS. That is correct.

Mr. MULTER. Mr. Speaker, will the gentleman yield to me?

Mr. RAINS. Yes. I yield to the gentleman from New York.

Mr. MULTER. With reference to the statement on the part of the managers, on page 44, under the title "Mutuality for section 213 cooperative housing," we have in there a statement that "it is the desire of the conferees that FHA establish a separate insurance fund for management-type section 213 mortgage insurance operations."

Is it not a fact that the conferees felt the authority that is already in existing statute should be used by FHA?

Mr. RAINS. That is correct.

Mr. MULTER. And we expect they will do that between now and the time we consider the next housing bill?

Mr. RAINS. That is absolutely correct.

Mr. Speaker, I yield back the balance of my time, and I yield now to the gentleman from New Jersey [Mr. WIDNALL] for 5 minutes.

Mr. WIDNALL. Mr. Speaker, I rise to support the conference report which the gentleman from Texas has placed before the House. The amounts of authorization in the bill are somewhat more than I wished—they are more than I think the agencies concerned can profitably use. At the same time, they are lower because of concessions made by conferees who held to the honest belief on their part that the figures should be greater than those which we agreed upon.

All of the conferees signed the conference report. We have before us a bill to which many contributed. I wish to thank the honorable gentleman from Alabama for his part, which was major. I can say to the House that he most resolutely upheld the consensus of its views as we hammered out the final draft. He spoke up for all the various sections which individual committee members and Members of the House had added to the House bill and most of them are in the final draft before us.

I am particularly grateful for the support he gave me in the sections having to do with relocation of people and businesses in urban renewal areas and in the field of code enforcement. These two parts of the bill will, if properly executed, do much to correct current troubles of the urban renewal program. I want this program to work. We have been generous with the Urban Renewal Administration as to authorization. We have with this bill given it new tools with which to work. It is up to the agency to produce accordingly.

The new legislation regarding relocation and code enforcement is concerned with the betterment of the low and moderate income people which the program has in the past adversely effected. Urban renewal's basic purpose, its major purpose, is to produce better residential housing—to clear out slums and blight and replace them with new home construction of which we can be proud. It has in recent years slipped into attitude of commercial preference which has turned it from its basic purpose. I hope the Congress will with the passage of this bill turn the agency and its thinking back toward the original purpose of curing urban slums and blight and providing decent homes and environment for low income people.

It is also my hope that the rehabilitation sections of the bill which I proposed with my colleagues last January before the administration presented its bill will enable the Urban Renewal Administration to encourage a rehabilitation approach which will be more helpful to low and moderate income citizens in urban renewal areas than the rough confrontation so many of them have had with the bulldozer. They have suffered; their businesses have suffered; our cities and the Nation have suffered.

In the field of public housing, we still need a new approach and in 1965 I intend to return to my proposal of a rent certificate plan which can make immediate use of existing housing. The basic purpose of the public housing program is to get people into decent, safe, and sanitary housing when they do not have it. The agency has shown considerable zeal in making contracts for the building of such housing. Their backlog of unfulfilled contracts, however, is at its highest peak in a decade. Before we take up a housing bill in 1965, I recommend a serious effort to reduce this backlog to manageable proportions. We need the buildings much more than we need the contract authorizations.

Mr. Speaker, I urge the passage of this bill. I have great hopes for it.

Let me once again compliment the distinguished gentleman from Alabama [Mr. Rains] for the excellent work he has done not only on this bill but on so many other major issues before the Congress. We will miss him in the committee, Congress will miss him, and I wish to say he has been one of the finest and most able legislators we have ever had here in the House of Representatives.

Mr. KILBURN. Mr. Speaker, will the gentleman yield?

Mr. WIDNALL. I yield to the gentleman from New York [Mr. Kilburn].

Mr. KILBURN. Mr. Speaker, while I realize that the conferees on the part of the House have done a good job in upholding the House position on the housing bill, I will vote against the conference report because it contains public housing and a huge amount for urban renewal.

I take this opportunity to say a word about my friend, the gentleman from Alabama, Albert Rains. It so happens that we have been close friends for many years and while most times we disagree on legislation, it has never affected our friendship. There is no question of his being one of the most effective and well-informed Members of the House. His influence on our Banking and Currency Committee has always been great. I know his State of Alabama will miss such an able Representative.

I wish him every success as he goes back to Gadsden and practices law. I know his home folks realize his great abilities.

Mr. ROSENTHAL. Mr. Speaker, I rise to support the conference report on the Housing Act of 1964. I wish, however, to express my disapproval of the act of the conferees in taking out of the bill a provision included in the House bill, which would have placed the FHA section 213 cooperative housing program on a mutual basis. It was my understanding that the administration supported this provision which experience has shown is both sound and deserved. I am advised, Mr. Speaker, that the administration urged the conferees not to include this provision in the conference report. This was most regrettable and, I believe, a violation of the understanding that was had with the administration. I hope that the Banking and Currency Committee will look into this matter with dispatch and make the enactment of the mutuality provision its first order of business at the next session.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes had it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 310, nays 70, not voting 50, as follows:

[Roll No. 240]

YEAS—310

Addabbo
Albert
Andrews,
  N. Dak.
Arends
Ashley
Aspinall
Auchincloss
Avery
Ayres
Baker
Baldwin
Barrett
Barry
Bass
Bates
Battin
Beckworth
Bell
Bennett, Fla.
Berry
Betts
Blatnik
Boggs
Boland
Bolling
Bolton,
  Oliver P.
Bonner
Bow
Brademas
Bromwell
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Broyhill, Va.
Burke
Burkhalter
Burton, Calif.
Burton, Utah
Byrne, Pa.
Cahill
Cameron
Carey
Cederberg
Celler
Chelf
Chenoweth
Clancy
Clark
Clausen,
  Don H.
Cleveland
Cohelan
Collier
Conte
Cooley
Corman
Cramer
Cunningham
Curtin
Daniels
Davis, Ga.
Davis, Tenn.
Delaney
Denton
Diggs
Dingell
Donohue
Downing
Duncan
Dwyer
Edmondson
Edwards
Elliott
Ellsworth
Everett
Fallon
Farbstein
Fascell
Feighan
Finnegan
Fino
Flood
Fogarty
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Gallagher
Garmatz
Gary
Giaimo
Gibbons
Gilbert
Gill
Glenn
Gonzalez
Goodell
Grabowski
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Halleck
Halpern
Hanna
Hansen
Harding
Hardy
Harris
Hawkins
Hays
Healey
Hechler
Henderson
Herlong
Holifield
Holland
Horan
Horton
Hosmer
Hull
Jarman
Jennings
Johnson, Calif.
Johnson, Pa.
Johnson, Wis.
Jonas
Karsten
Karth
Kastenmeier
Keith
Kelly
Kilgore
King, Calif.
King, N.Y.
Kirwan
Kluczynski
Knox
Kornegay
Kunkel
Landrum
Langen
Latta
Leggett
Lennon
Lesinski
Libonati
Lindsay
Lipscomb
Lloyd
Long, La.
Long, Md.
McDade
McFall
McLoskey
McMillan
Macdonald
MacGregor
Madden
Mailliard
Martin, Calif.
Martin, Mass.
Mathias
Matsunaga
Matthews
Meader
Michel
Miller, Calif.
Milliken
Mills
Minish
Monagan
Montoya
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nelsen
Nix
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Osmers
Ostertag
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Powell
Price
Pucinski
Purcell
Quie
Rains
Randall
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes, Pa.
Rich
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Saylor
Schenck
Schneebeli
Schweiker
Scott
Secrest
Senner
Sheppard
Shriver
Sibal
Sickles
Sikes
Siler
Sisk
Slack
Smith, Iowa
Springer
Staebler
Stafford
Staggers
Steed
Stephens
Stinson
Stratton
Stubblefield
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Trimble
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Van Pelt
Vinson
Waggonner
Wallhauser
Watts
Weaver
Weltner
Westland
Wharton
White
Whitener
Wickersham
Widnall
Wilson, Bob
Wilson,
  Charles H.
Wright
Wydler
Wyman
Young
Zablocki

NAYS—70

Abbitt
Abele
Abernethy
Anderson
Andrews, Ala.
Ashbrook
Ashmore
Becker
Beermann
Belcher
Bray
Brown, Ohio
Bruce
Burleson
Casey
Chamberlain
Clawson, Del
Colmer
Curtis
Dague
Devine
Dole
Dorn
Dowdy
Findley
Fisher
Flynt
Ford
Gathings
Goodling
Grant
Gross
Haley
Hall
Harrison
Harsha
Harvey, Ind.
Huddleston
Hutchinson
Jensen
Johansen
Kilburn
McCulloch
Mahon
Marsh
Martin, Nebr.
Minshall
Passman
Pillion
Poff
Pool
Quillen
Rhodes, Ariz.
Rogers, Fla.
Rogers, Tex.
Roudebush
Schadeberg
Selden
Short
Skubitz
Smith, Va.
Snyder
Teague, Tex.
Tuck
Utt
Watson
Whitten
Williams
Wilson, Ind.
Winstead

NOT VOTING—50

Adair
Alger
Baring
Bolton,
  Frances P.
Brock
Buckley
Byrnes, Wis.
Corbett
Daddario
Dawson
Dent
Derounian
Derwinski
Dulski
Evins
Foreman
Forrester
Gray
Harvey, Mich.
Hébert
Hoeven
Hoffman
Ichord
Joelson
Jones, Ala.
Jones, Mo.
Kee
Keogh
Kyl
Laird
Lankford
McClory
McDowell
McIntire
May
Miller, N.Y.
Nedzi
Norblad
Pilcher
Pirnie
St. George
Schwengel
Shipley
Smith, Calif.
Thompson, La.
Toll
Tollefson
Whalley
Willis
Younger

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Hoffman against.

Mr. Byrnes of Wisconsin for, with Mr. Adair against.

Mr. Hébert for, with Mr. Smith of California against.

Mr. Daddario for, with Mr. McClory against.

Mr. Laird for, with Mr. Alger against.

Mrs. May for, with Mr. Foreman against.

Until further notice:

Mr. Toll with Mr. Talcott.

Mr. Gray with Mrs. St. George.

Mr. Thompson of Louisiana with Mr. McIntire.

Mr. Jones of Alabama with Mr. Hoeven.

Mr. Baring with Mr. Harvey of Michigan.

Mr. Nedzi with Mrs. Frances P. Bolton.

Mr. McDowell with Mr. Derounian.

Mr. Dent with Mr. Corbett.

Mr. Willis with Mr. Younger.

Mr. Evins with Mr. Tollefson.

Mr. Shipley with Mr. Derwinski.

Mr. Joelson with Mr. Pirnie.

Mr. Ichord with Mr. Kyl.

Mr. Pilcher with Mr. Norblad.

Mr. Dulski with Mr. Schwengel.

Mr. Buckley with Mr. Whalley.

Mr. Lankford with Mrs. Kee.

Mr. Forrester with Mr. Brock.

Mr. ASHMORE and Mr. MAHON changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ETHEL R. LOOP

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 284) for the relief of Ethel R. Loop, the widow of Carl R. Loop.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 5 of the Act entitled "An Act to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system", approved May 1, 1956, as amended (22 U.S.C. 1079d), Carl R. Loop, who died in 1923, while serving as consular officer at Catania, Italy, shall be held and considered to have been a participant under the Foreign Service retirement and disability system at the time of his death.

SEC. 2. No annuity shall be payable as a result of the enactment of this Act for any period prior to the date of such enactment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am aware of the nature of this bill. I believe it will meet a humanitarian need. I trust that it will not be considered a precedent for further legislation in this direction.

Mr. HAYS. I would say to the gentleman, as I did in our conversation yesterday, that as far as I am concerned, any further bills of this nature will have to be considered on their merits.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, 1965

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on H.R. 11202.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

GREATER SOUTHEAST COMMUNITY HOSPITAL FOUNDATION, INC.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2944) for the relief of the Greater Southeast Community Hospital Foundation, Inc.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That parcel 230/55, assessed to the Greater Southeast Community Hospital Foundation, Incorporated, which has been held by the Commissioners of the District of Columbia to be real property exempt from taxation in the District of Columbia, effective July 1, 1964, under the provisions of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (56 Stat. 1089; 47 D.C. Code 47–801a et seq.), shall be held and considered to have been real property exempt from taxation in the District of Columbia under the provisions of such Act for the period beginning on October 14, 1958, and ending on June 30, 1964. The Commissioners of the District of Columbia are authorized and directed to allow refund to the Greater Southeast Community Hospital Foundation, Incorporated, of any amounts paid as real estate taxation on such parcel for such period.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMEND DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT OF 1958

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12196) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

The Chair hears none and appoints the following conferees: Messrs. McMILLAN, DOWDY, WHITENER, HORTON, and HARSHA.

JURISDICTION OF THE FEDERAL COURTS IN REAPPORTIONMENT CASES

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 845 and ask for its immediate consideration.

Mr. O'HARA of Michigan. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. O'HARA of Michigan. Mr. Speaker, I make a point of order against the consideration of House Resolution 845 on the grounds that the Committee on Rules is without jurisdiction to bring such resolution to the floor of the House under the provisions of rule 16 of the Rules of the House of Representatives, and I ask permission to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. O'HARA of Michigan. Mr. Speaker, a review of the precedents of this House reveals occasions on which the House has permitted the Committee on Rules to bring before it resolutions making in order the consideration of bills that have been improperly referred to legislative committees, bills that had not yet been referred to the Committee on Rules, and possibly even a bill not yet introduced. In addition, a decision of the Speaker of the House permitted the consideration of resolution of the Committee on Rules of a bill that had not been placed on the calendar at the time the resolution was reported by the Committee on Rules. However, Mr. Speaker, I can find no occasions on which the House has clearly permitted the Committee on Rules to report to it a resolution making in order the consideration of a bill that had been introduced in the House of Representatives and referred by it—properly referred by it—to one of its legislative committees and not yet reported out or acted upon by that legislative committee to which the bill had been referred.

Mr. Speaker, I move to make this point of order after noting the gentleman from Virginia, the chairman of the Committee on Rules, which reported out House Resolution 845, is on record strongly opposing such action by the Committee on Rules as unprecedented and unwarranted. The CONGRESSIONAL RECORD of June 29, 1953, reports the gentleman's opposition to a resolution reported from the Committee on Rules which would have brought to the floor a bill pending before the Committee on Ways and Means and not yet reported by that committee.

The gentleman from Virginia did not follow up the point of order in that matter, but he was persuasive in effecting a recommittal of the resolution and a return to the regular order of business.

The only comparable incident I can find which might provide a precedent for this, Mr. Speaker, was the action taken by this Congress on the price control legislation in the 79th Congress, 2d session, found at page 8059 of the CONGRESSIONAL RECORD. This, however, it might be pointed out, was emergency legislation and a similar version had earlier been reported by a legislative committee, acted upon by the House and vetoed by the President.

I point out that in that instance the request for the rule was based on the fact that the legislation was about to expire and it was impossible to get action through the ordinary channels. The request for the rule was made by the chairman of the committee having legislative jurisdiction over the Price Control Act, a situation distinctly different from the one in which we find ourselves today, where we are asked to consider a rule making in order the consideration of a bill which was referred to a legislative committee, not yet reported by that committee and with no request made for its consideration by the chairman of the committee to which it was referred.

The SPEAKER. Does the gentleman from Virginia [Mr. SMITH] desire to be heard on the point of order?

Mr. SMITH of Virginia. Just briefly, Mr. Speaker. The rules are perfectly clear. The Committee on Rules, under the rules of the House, may report a rule on any pending bill. This is a pending bill before the Rules Committee and the precedents for that are well established. The rule itself is very plain.

The SPEAKER. The Chair is prepared to rule.

The Chair finds a precedent in volume 5 of "Hinds' Precedents of the House of Representatives" at section 6771. On February 4, 1895, a similar point of order was raised against an action taken by the Rules Committee. The Speaker at that time, Speaker Crisp, of Georgia, ruled on a point of order made by Mr. Thaddeus M. Mahon, of Pennsylvania. The point of order was the same as that made by the gentleman from Michigan [Mr. O'HARA], that the bill had not been reported from the Committee on War Claims and therefore it was not in order for the Committee on Rules to report a resolution for its consideration in the House.

Speaker Crisp overruled the point of order, holding that the Committee on Rules had jurisdiction to report a resolution fixing the order of business and the manner of considering a measure, even though the effect of its adoption would be to discharge a committee from a matter pending before it, thereby changing the existing rule relative to the consideration of business.

Speaker Crisp further said that it was for the House to determine whether the change in the mode of consideration should be made, as recommended by the committee.

The rules of the House provide that—

> The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business.

The Chair also desires to state that in 1929 a similar point of order was raised. In 1946 and again in 1953 the Committee on Rules reported similar resolutions and on each occasion the precedent established by Speaker Crisp was followed and adhered to.

Therefore, the Chair overrules the point of order.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11926) to limit jurisdiction of Federal courts in reapportionment cases. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

> Committee amendments: Lines 1 and 2, page 1, strike the words "it shall be in order to move that," and line 2, page 1, after the word "House" insert "shall immediately".

The SPEAKER. Without objection, the committee amendments are agreed to.

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. SMITH] is recognized for 1 hour.

Mr. SMITH of Virginia. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN] and pending that I yield myself such time as I may consume.

Mr. Speaker, this resolution which has just been read makes in order immediately the so-called Tuck bill with which I am sure all of the Members of the House are familiar, the purpose of which is to put a curb on the legislative functions that have been assumed by the Supreme Court.

Mr. Speaker, I shall discuss that at great length later.

Mr. Speaker, I yield 7 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker and Members of the House, Shakespeare said in "Measure for Measure":

> Oh, it is excellent to have the strength of the giant but it is tyrannous to use it like a giant.

Mr. Speaker, I feel that the Rules Committee has usurped power and we can well say it is using its tyrannous power like a giant in a most cavalier manner without so much as "by your leave."

Mr. Speaker, the Rules Committee, or rather, the majority of the Rules Committee dismisses the Judiciary Committee from consideration of the so-called Tuck bill. It ruthlessly assumes control of a bill that bristles with perplexing constitutional questions. The problems are baffling to most constitutional experts but not apparently to the all-powerful Rules Committee.

Mr. Speaker, what avails us to have a committee system if today the Rules Committee can deprive the Judiciary Committee of jurisdiction over its bills? Tomorrow it could do the same thing to the Committee on Foreign Affairs. The next day to the Committee on Interstate and Foreign Commerce. We would render the committee system a mere shambles and then the all-powerful Rules Committee would be a sort of panjandrum of the entire proceedings of the House.

Mr. Speaker, if the Members of the House vote for this resolution they are going to approve—put their permanent approval—upon that tyrannous use of power.

Mr. Speaker, as to the procedure directed by the Rules Committee I believe that no such action has been attempted by the Rules Committee since the 83d Congress.

Mr. Speaker, it is instructive to review that episode of 11 years ago and the part played in that episode by the very distinguished gentleman for whom I have high respect, Judge SMITH of Virginia.

It is instructive to review the episode of 11 years ago, and I refer the Members to the permanent RECORD of June 29, 1953. In that instance the Rules Committee reported out a resolution bringing an excess-profits tax bill before the House, which tax bill had been referred to the Committee on Ways and Means on June 25, 1953.

Quoting the words of the late Mr. Reed of New York, chairman of that committee, I find the following:

> Two days later—I repeat, 2 days later—the Committee on Rules suddenly and without the faintest color of authority arrogated to itself jurisdiction over that bill and reported it to the House by a divided vote, although the bill in question had never been considered by the Committee on Ways and Means and, of course, had not been reported by that committee. That is the simple background of this situation.

Mr. Reed reviewed the precedents of the House and established clearly that there was no precedent for the action of the Rules Committee; that in the infrequent occasions throughout the years when the Rules Committee had acted in seemingly similar cases, such action always had been with the cooperation and assent of the legislative committee having jurisdiction.

For example, a 1946 bill extending the tenure of the Office of Price Administration had been reported to the House by the Rules Committee without having first been reported by the Committee on Banking and Currency; but, as Mr. Reed pointed out on the floor, this action was taken at the specific request of the chairman of the committee of jurisdiction and with the full concurrence of its members, because the committee itself was unable to meet and take timely action.

In his persuasive statement detailing the precedents to show there was no foundation for the Rules Committee action, Mr. Reed included this statement on a point I have already alluded to:

> No rule of procedure is of longer standing than the rule of the House of Representatives to the effect that a committee may not report a bill whereof the subject matter has not been referred to it by the House. In recent times no committee has even sought to challenge this rule.

I subscribe to that statement.

Other Members spoke against the resolution of the Rules Committee in the same vein as Mr. Reed.

Now, I call to the attention of the Members the strong statement made by the distinguished gentleman from Virginia [Mr. SMITH], who is now the Chairman of the Rules Committee reporting the present resolution, who at that time was a minority member of the Rules Committee. The gentleman from Virginia took a stand in opposition to the very type of action he is taking now.

In the floor debate on June 29, 1953, the gentleman from Virginia said:

> Mr. Speaker, I am very happy that there is a prospect that House Resolution 306 will not be called up this morning. I appreciate the position of the majority leader, Mr. HALLECK, and he is pursuing his usual course of wisdom and good judgment in not bringing this resolution to the floor today, and even if my suggestion is not adopted, I hope he will be successful in so arranging matters that the House will not be confronted with a decision on this resolution overriding the Ways and Means Committee, which I regard unprecedented in all the annals of the House of Representatives.

Mr. SMITH went on to say:

> In order that the proceedings here today may never be taken in any way as a precedent for destroying the historic and proper authority of the legislative committees, I take occasion to call attention to the various actions of the House in the past that have been cited as precedents for the action of the Rules Committee reporting House Resolution 306. I wish to state emphatically that there is no precedent that would justify the Rules Committee in reporting this resolution or the House in adopting it.

The gentleman from Virginia then went on to review the precedents and added:

> Mr. Speaker, I devoutly hope that the majority leader, the gentleman from Indiana [Mr. HALLECK] will be successful in his sincere efforts to bring this measure to the floor of the House for consideration in the regular course of authorized legislative procedure, without the necessity of resorting to the device with which we are confronted this morning of a precedent-shattering character; the ultimate effect of which on legislative procedure in the future no one could predict.

The gentleman from Virginia suggested that it would be the better part of wisdom for the then majority leader [Mr. HALLECK] to move to table the Rules Committee resolution; and better yet—to avoid the possibility of the matter being brought up again—to ask for unanimous consent to recommit the resolution to the Committee on Rules. This course was agreed to. On July 9, 1953, unanimous consent was asked and given, and the resolution in question was recommitted—CONGRESSIONAL RECORD, volume 99, part 6, page 8412—thus ending by general consent and agreement of the opposing parties an attempt to circumvent the regular course of action by the Ways and Means Committee. The excess profits tax bill then was reported by the Committee on Rules and passed by the House the day after the recommittal of the bypassing resolution. In other words, the normal procedure was used.

We should take this experience to heart and mind. The gentleman from Virginia reminded us then, and I hope he would remind us now, that we should honor precedents that are sound and long-established, and respect the arrangements for orderly legislative procedure. We should permit the House to work its will when the legislative committee of jurisdiction has given us the benefit of its study and findings based on public hearings and analyses of all the complex issues which bear upon this matter.

Mr. Speaker, apparently the shoe is on the other foot, and it is to the advantage of the gentleman from Virginia to overturn and subvert all of these splendid statements he made 11 years ago.

I hope this rule will not be adopted because of the statements made by the gentleman from Virginia [Mr. SMITH] 11 years ago.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, may I say to my friend from New York, who just preceded me in the well of the House, that I hold for him an even greater love, respect, and affection than he has expressed himself as holding for another senior Member of this House, Judge SMITH.

I always enjoy hearing the gentleman from New York quote the classics, Shakespeare, for instance, and I listened with admiration to his words from Shakespeare about tyranny. I began to think to myself that perhaps we have seen a bit of tyranny here a few times in the House since we have been Members of this body. Tyranny is not always on the same side, nor does it always apply to the same thing.

Today my good friend from New York is objecting very strongly and very ably, I might add, to permitting the House of Representatives to work its will on one of the most important issues that has come before this body in many, many years. Yet not long ago my beloved friend from New York voted to pack the House Rules Committee and add to that body certain Members so that as an effect thereof the chairman of the great Committee on Rules might be stripped of a bit of his influence, if not much of it.

Then, of course, the shoe was on the other foot, as Shakespeare says. Then the situation was different. Then it suited the desires and the ambitions of my beloved friend from New York to have it that way. Now he cries to the heavens and to his colleagues in the House as to what a terrible thing it is when he, as chairman of a legislative committee, receives the same sort of treatment he helped dish out to his beloved friend, the gentleman from Virginia, not too long ago. Yes, tyranny, my friends, tyranny.

Let us speak plainly, let us be honest with ourselves. We are grown men and women. We know something of the facts of life. We know the issue before us is one of the most important we have had here in many, many years, as I said a moment ago. We also know, in our own minds and our own hearts, or at least I will say that I know, I am convinced, and I am honest in my conviction, that if the gentleman from New York as chairman of his great committee had his way on this particular piece of legislation the House would never have an opportunity to pass upon it. Tyranny? Yes. But it is all according to who may practice it.

The rules of this House provide specifically, in order that no chairman, no committee of this House, shall become too tyrannical, that the Committee on Rules shall have the power and authority to take from a committee, or, if you please, from the Speaker's desk here, if it is so located, any bill or resolution it may judge is necessary so the House may pass upon it and may work its will, by bringing it to the floor for consideration. That is what has been done here, exactly, nothing more or less, to see that our legislative processes work. The Rules Committees sat back and waited, and waited patiently, but vainly for action from the committee chaired by the gentleman from New York to do something to give the House the opportunity to work its will on this type of legislation.

So the great Committee on Rules and the chairman thereof have been under attack, charged with having done something just a little bit dastardly, or a little bit unfair.

Let me say to you, speaking of the Committee on Rules, that the Rules Committee can take no action of any kind unless it has the approval of the majority of this House.

Furthermore, the rules of this House protect the House of Representatives against any tyranny upon the part of the Committee on Rules, the same as it does against tyranny on the part of the Committee on the Judiciary, or any other legislative committee of the House.

Let us talk about the issues before us for a moment. You know why we are here. Because the Supreme Court of the United States in June handed down certain decisions that would set aside the laws of many States under which legislators are chosen and selected by the people of those individual States to represent them in their own legislatures. The Supreme Court said, in effect, you must follow another method of selecting members of your own legislature—your own representatives in your own legislature—according to the desire of—who?—of the majority of the members of the Supreme Court.

The Supreme Court set aside court decisions directly opposite to that concept. Three Federal judges in our own State decided the Ohio method of selecting members of its own State house of representatives was entirely constitutional, because it was on all fours with the provisions of the Federal Constitution for the election of Members of this House of Representatives. Yet, the Supreme Court said: "Oh, no, you are wrong about that. Your unanimous decision must be wiped out and you must decide the other way according to what we want you to decide and have Ohio redo its entire legislative process."

We are here now to meet that situation. There has been all kinds of legislation introduced to try to correct those dangerous decisions. Many Members have introduced joint resolutions to submit to the States for ratification, a constitutional amendment to take care of this situation—to negate, if you please, the effect of the Supreme Court decision.

Yet, most students of political procedure, and in the judgment of those who know best the process of enacting legislation realize such a constitutional amendment procedure is entirely too slow, and that by the time a constitutional amendment could be approved by both branches of the Congress and sent to the States, and be ratified by three-fourths thereof that the damage to State and local government would be done.

So we have found a new method and it has been brought before you today in the Tuck bill. This is a new way to meet the present situation, and it is entirely constitutional.

The Tuck amendment simply provides that under article III of the Constitution, and under the authority given to the Congress by the Constitution itself, that the Congress may define and fix just what the appellate rights and jurisdiction of the Supreme Court shall be, and that the Congress can properly restrict the appellate rights of the Supreme Court.

What about it? Is that constitutional? Oh, some people say no. But the Supreme Court of the United States on occasion after occasion has decided the Congress does have that power.

Going back to the McCardle case in 1868, if you please, to answer talk about the 14th amendment. In the McCardle case the Supreme Court decided, after the 14th amendment had become effective, that the Congress did have the power to limit the appellate rights of the Court.

Let me give one or two other decisions by the Supreme Court.

On March 23, 1932—the gentleman from New York probably remembers this, because he has a very retentive memory—the Norris-La Guardia Act was passed. That was a labor act. It was an act of Congress. It provided, with certain exemptions, that no Federal court should have jurisdiction to issue an injunction in a case involving or growing out of a labor dispute. That case was sent to the Supreme Court, and the Supreme Court decided that the Congress had the right to limit the appellate jurisdiction of the court, and that it had no right to consider that case on appeal.

Let me refer to 1942. Then Congress enacted the Emergency Price Control Act. That was the OPA. Most Members will remember it. It contained a provision withholding from Federal district courts authority to enjoin the enforcement of the act. Saying that Congress did have the authority to restrict appellate rights in cases of this sort, the Supreme Court held that act of Congress to be constitutional.

Those are just three of the times when the Supreme Court, by its own decision, has ruled Congress does have the constitutional right to so legislate.

Shake your heads "No," if you please, but there it is, my friends, and many of you supported those decisions at that time.

Yes, three times the Supreme Court has decided the Congress had authority to do that which it wants to do today, to protect the American people from this outrage by the adoption of this rule and the enactment of this particular bill.

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, the pending resolution, House Resolution 845, was nothing more than a smoke screen in order to postpone the effect of the Supreme Court decision giving all American citizens an equal opportunity to participate in legislation considered by our State and national legislative bodies. The decision of the Supreme Court in declaring unconstitutional the age-old policy of most State legislatures in refusing to reapportion legislative districts has been too long delayed. Most States have not complied with the U.S. Constitution on apportionment providing that no person shall be denied the equal protection of the laws. After generations of delay, fortunately the Supreme Court has stepped into the picture with its decision that all States must comply with the Constitution of the United States.

I think every Member of this body knows the total disregard that most of our State legislatures have maintained over the years in refusing to properly apportion so that citizens living in all areas of each State can enjoy their constitutional rights to an equal share of representation in the legislative bodies in their respective States.

I have not the time allotted to me to review some of the startling inequalities and almost criminal disregard to the legislative rights of millions of citizens residing in practically every State of our Union. I hold in my hand a reprint, by permission of the Library of Congress, a map of the United States setting out the startling percentage of population imbalance in legislative election districts in the various States in our Union.

In my congressional district, Lake County, Ind., we have almost 600,000 people. For 30 years my district has had five State representatives and two State senators. Under the Supreme Court decision if we carry out proper apportionment we should have about 14 representatives and 4 or 6 State senators. This resolution will, if enacted, nullify the Supreme Court decision and continue misrepresentation in our district.

This map reveals that in nine States less than 20 percent of the States' population can elect a majority in their State legislative houses.

In 14 States, 20 to 40 percent of the States' population can elect a majority of the house or senate chambers.

Fortunately since the Supreme Court decision, a number of the States of our Union have complied with our U.S. Constitution and have, or are, redistricting with the hope to obey the laws of our land.

In order to bring to the attention of the Members, I wish to call your attention to some of the startling inequalities taken from the 1960 State legislative elections:

California: In the largest district, Los Angeles County, where 6,038,771 people live, they elect 1 State senator. In the smallest central legislative district of California only 14,294 people live. They elect one State senator. They have the same representation as the 6 million people in the Los Angeles area; in other words, 420 times the representation per person or group of persons as those in the county of Los Angeles.

Delaware: Consider the State of Delaware where the smallest district there has 4,177 people and in the largest district there are 70,000. One person in the smallest district of Delaware has about 17 times the legislative influence of one person in the largest district in election to the State senate.

Kansas: In Kansas the figures for 1960 show that there was a population of 16,083 in the smallest district and a population of 343,231 in the largest senatorial district. In other words it took 21 times more people to elect a member of the Kansas senate in 1960 than it did in Kansas' smallest senatorial district.

Mississippi: In Mississippi the smallest senatorial district had a population of 3,576 persons and the largest senatorial district 59,542 persons, or a ratio of 17 to 1.

Alabama: The smallest senatorial district had a population of 15,417, the largest district 634,864. A ratio of 41 to 1—Alabama is now undergoing reapportionment.

Nevada: The smallest senatorial district has a population of 574—the largest senatorial district—Reno—127,016. A ratio of 224 to 1.

South Carolina: The smallest senatorial district had 1,000 and the largest, 216,000. A ratio of 25 to 1.

Oklahoma: In the 1960 election the smallest district had a population of 13,725; the largest 346,038. A ratio of 26 to 1.

Florida: The smallest senatorial district has a population of 9,543 and the largest 935,047—Miami area. A ratio of 98 to 1.

Michigan: The 1960 election—a population of 34,006 in the smallest senatorial district and 135,268 persons in the largest district—a ratio of 4 to 1. Thanks to the Supreme Court decision Michigan has undergone apportionment proceedings.

Indiana: In the 1960 election the smallest senatorial district had a population of 14,804 and the largest 79,538. A ration of 5.4 to 1.

Connecticut: The largest senatorial district had a population of 81,000 and the smallest district 191 people. A ratio of 424 to 1.

I could go on narrating numerous States in the Union where the percentage of citizens submitting to inequal representation is of varying degrees of ratio. I must not terminate the list of States without mentioning Arizona. The smallest senatorial district in Arizona has a population of 3,868 and the largest 331,755—approximately 400 to 1. This percentage has existed for years and years in the State of Arizona. It is unbelievable that the man who is now campaigning throughout the land for the Presidency of the United States would allow this legislative inequality to continue within the confines of his home State. The smallest district of Arizona with a population of only 3,848 would have to count all the coyotes, jackrabbits, and hootowls in that sagebrush area to balance up in equal representation with the 331,755 people in the Phoenix area.

I am merely mentioning these comparisons in order to remind the Members of the House how fortunate and thankful millions of Americans in our land should be for the Supreme Court of the United States in making the decision to compel State legislatures throughout our Nation to reapportion and give all citizens an equal voice in the legislative halls of their State and their Nation.

We have heard so much about centralized government in Washington, our National Capital, and with the startling revelations that have developed regarding the reapportionment of various States throughout the Nation one must realize that millions of our citizens must come to our Nation's Capital for fair representation in what our Government has to offer to all American citizens. Millions have been denied equal representation in the States and can go nowhere else except our National Capital and we can thank God for the Supreme Court which can give the necessary protection. When all American citizens realize the true facts regarding the tyranny of certain State legislatures in refusing to reapportion in order to give all citizens representation, you will hear the repercussion in the ballot box next November.

In closing, I might say that we are spending hours in debating this unconstitutional bill brought to the floor of the House through an extraordinary procedure of the Rules Committee. The Members of the House, in devoting this day of our valuable time before adjournment, should realize that if this bill passes the House it will go over to the other body where, if considered at all, it will receive its just reward by an overwhelming defeat. Bear in mind that the vast majority of our friends in the other body will this November or 4 years hence be asking the voters of Chicago, New York, Toledo, Buffalo, Miami, Denver, Seattle, Minneapolis, Los Angeles, Detroit, and dozens of other legislatively disenfranchised urban areas for their vote when they seek reelection. I firmly believe we can save valuable time of the Congress by defeating this unconstitutional piece of legislation.

WASHINGTON, D.C.,
August 18, 1964.

Hon. RAY J. MADDEN,
U.S. House of Representatives,
Washington, D.C.:

Any attempt to forestall State legislative reapportionment in accord with Federal court decisions by congressional act during this session of Congress would be unconscionable. An issue of this importance should receive full consideration by appropriate committees and not come to the floor by Rules Committee arbitrary action.

AFL–CIO executive council on August 3 unanimously stated, "We call upon the Congress, in its wise understanding of the American Government, to reject all efforts to diminish or dilute the true processes of democracy in this country, and to stand firm for the principle of one man—one vote."

AFL–CIO, therefore, urges you to oppose any attempt to pass reapportionment legislation.

GEORGE MEANY,
President, AFL–CIO.

INDUSTRIAL UNION DEPARTMENT,
Washington, D.C., August 18, 1964.
Congressman RAY J. MADDEN.

DEAR MR. CONGRESSMAN: Congressman TUCK's bill (H.R. 11926), which the House is expected to consider Wednesday, is an outright attack on our judicial system. The proposal to withdraw from all Federal courts their jurisdiction over reapportionment cases, would create a situation in which a citizen could be deprived of an effective forum in which to fight for basic constitutional rights.

The Industrial Union Department opposes the bill, because it is bad law and because of the alarming precedent it sets for Congress to attempt to impose other limitations on the jurisdiction of our courts.

For the same reason, we have also objected to the Dirksen proposal, now under consideration in the Senate as an amendment to the foreign aid authorization measure.

We view all of these bills as efforts to stay progress and deny citizens of this country equitable representation in State legislatures.

On behalf of the Industrial Union Department, I wish to urge you to work and vote against such legislation.

Sincerely,

WALTER P. REUTHER,
President.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana, the minority leader [Mr. HALLECK].

Mr. HALLECK. Mr. Speaker, in my time here, I have heard a great deal of talk about how committees should not be permitted to prevent the House of Representatives from working its will. If this rule is adopted—and I am for it—and if this bill is adopted—and I am for it—it will be very evident that the House of Representatives by this action here today has been permitted to work its will.

My very good friend, the gentleman from New York, referred to an occasion when, as the majority leader of the 83d Congress, I was called upon at the request of the administration to support the extension of the excess profits tax for 6 months. I had a little trouble getting that bill out, and finally I got a rule.

I never had to use that rule because the legislative committee involved then reported out an extension. I see some people around here nodding assent; they remember what for me was one of the most difficult times of my life, because I believe in procedures, the orderly procedures of the House of Representatives. But by the same token, when the roll was called—I have not bothered to look it up for the exact figures—the bill passed overwhelmingly. So there the House of Representatives was permitted to work its will.

Ever since this decision of the Supreme Court came down some of us have been disturbed, have been trying to do something about it. I am a lawyer by profession. I practiced law for 10 years. I did not support an effort that was made in 1937 with reference to the Supreme Court because I did not think that operation was right. I believe in the courts, but I also believe in the Constitution and I believe in the authority and the responsibility of the Congress of the United States.

On June 26, after careful deliberation the joint Senate-House Republican leadership issued a statement. I want to read to you the statement that was presented in the press conference by the Senator from Illinois [Mr. DIRKSEN].

It has been 175 years since the adoption of the Constitution of the United States, a document never equalled in history in its profound concern for the protection of all the people's rights and interests, whether they are the majority or minority, the great or small, the rich or poor.

The Constitution achieved its near millenium in government by establishing a Federal system of States under a tripartite National Government of carefully limited powers, with all other authority residing in the States. One of its wondrous features was modeled on a constitutional practice of certain States themselves—a legislative body divided into two branches, one, the Senate, based on geographic representation, the other, the House of Representatives, based on population. It represents one of the delicate balances which brought about the union of the States.

Last week, the Supreme Court handed down a 6-to-3 decision declaring that "the equal protection clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis." In a dissenting opinion Justice Stewart said the decision "finds no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of our Federal Union." The majority opinion embraces the so-called one person, one vote doctrine.

What's next under this Court's logic?

Will it be the U.S. Senate, where today 26 States having only 16 percent of the population could exercise a 52–48 majority if they chose?

Will it be the electoral college system, under which one New York City precinct casting less than a thousand votes could nullify the electoral vote of 12 States for President of the United States.

What happens to our Federal system now that, as Justice Harlan said, "the amending power," reserved to the Congress and the States, has been usurped by the Supreme Court? Of course abuses of geographic representation exist in some State legislatures and should be remedied, but is this the way to do it? We say emphatically, "No."

Clearly it is up to Congress to examine this whole question. We Republicans intend to take the lead.

Now, Mr. Speaker, I followed that with a statement of my own.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and at this point in my discussion to include therein this entire statement.

The **SPEAKER** pro tempore (Mr. THOMPSON of New Jersey). Without objection, it is so ordered.

There was no objection.

The statement referred to follows:

> For the past week since the Supreme Court's decision on apportionment of State legislatures, Republicans have been working on a proposed constitutional amendment to nullify the edict. We have done so in the conviction that sober examination of the facts points directly to the existence of a constitutional crisis.
>
> The issue can be stated simply. If the Supreme Court, with neither clear constitutional language nor precedents to guide it, can upset 175 years of legislative tradition in unmistakable violation of rights specifically vested in the States, then what is the future of the historic Federal-State relationship in the United States?
>
> Some 44 of the 50 States must revise their legislative apportionment to comply with this decision based on a sentence in the 14th amendment which Justice Harlan, in a dissenting opinion, showed by exhaustive historical citation, was never intended to be applied in such fashion.
>
> The Founding Fathers, by their determination that the membership of the U.S. Senate be geographic, evidently thought highly of the system that has been upset by the Court's decision.
>
> As Justice Stewart said, "What the Court has done is to convey a particular political philosophy into a constitutional rule, binding upon each of the 50 States * * * without regard and without respect for the many individualized and differentiated characteristics of each State * * * stemming from distinct history, distinct geography, distinct distribution of population, and distinct political heritage."
>
> Does not the majority decision potentially challenge the very foundation of municipal and county government? It is a question that confronts us.
>
> We Republicans believe the historic geographic-population legislative balance which has protected minority rights and interests for 175 years should be maintained. We intend to support a constitutional amendment if necessary to rectify the Supreme Court's decision.

Mr. **HALLECK**. Mr. Speaker, I want to give to the Members of the House one statement from Justice Stewart:

> What the Court has done is to convey a particular political philosophy into a constitutional rule, binding upon each of the 50 States * * * without regard and without respect for the many individualized and differentiated characteristics of each State * * * stemming from distinct history, distinct geography, distinct distribution of population, and distinct political heritage.

The **SPEAKER** pro tempore. The time of the gentleman from Indiana has again expired.

Mr. **BROWN** of Ohio. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. **HALLECK**. Now, Mr. Speaker, if I might proceed a bit further, I know questions have been raised here and contentions have been made about the constitutionality of this legislation. Let me just say that I took a course in constitutional law at the University of Indiana Law School and I know those who attend some places east and west of Indiana are supposed to learn more than we did, but I still have kind of a horseback opinion of what the Constitution means. I have been here so long that I can remember clear back to 1935 and I want to say to the Members of the House those were some troublesome days, troublesome days.

Mr. Speaker, we had before the House of Representatives a proposal to do something about stabilizing the bituminous coal industry. We had a great President of the United States. His name was Franklin D. Roosevelt. Those were the days when many things were being enacted here in the House of Representatives and by the Congress of the United States. As I say, we had what was known as the Guffey coal bill. There were a lot of questions about the constitutionality of that act.

Mr. Speaker, the Honorable Sam Hill of the State of Washington was the senior man on the Democrat side of the Committee on Ways and Means and chairman of the subcommittee in charge of this particular bill.

Under date of July 5, 1935, the President of the United States, from the White House, wrote to Hill, as follows:

> Your subcommittee of the Ways and Means has pending before it H.R. 8479, a bill to stabilize the bituminous coal mining industry and promote its interstate commerce, et cetera, and I understand that questions of the constitutionality of some of its provisions have arisen in the subcommittee.

Now, Mr. Speaker, there are other parts in the body of the letter, but it wound up with this rather long paragraph, but I hope not too long:

> Manifestly, no one is in a position to give assurance that the proposed act will withstand constitutional tests, for the simple fact that you can get not 10 but 1,000 different legal opinions on the subject. But the situation is so urgent and the benefits of the legislation so evident that all doubts should be resolved in favor of the bill, leaving to the courts, in an orderly fashion, the ultimate question of constitutionality. A decision by the Supreme Court relative to this measure would be helpful as indicating with increasing clarity, the constitutional limits within which this Government must operate. The proposed bill has been carefully drafted by employers and employees working cooperatively. An opportunity should be given to the industry to attempt to work out some of its major problems. I hope your committee will not permit doubts as to constitutionality, however reasonable, to block the suggested legislation.
>
> Sincerely yours,
>
> FRANKLIN D. ROOSEVELT.

Mr. Speaker, I have always felt that the problem of constitutionality first of all must be accepted by the Congress of the United States. But as I said before, I have investigated as best I could the constitutional question here involved, and other Members here, who are, I will say I am quite sure, more able than I in this field, have examined the problem of constitutionality, and they have come to the conclusion, as I have come to the conclusion, that this measure is constitutional. I believe it moves in the right direction and I hope that it will be adopted here by the House of Representatives.

Mr. **GUBSER**. Mr. Speaker, will the gentleman yield?

Mr. **HALLECK**. I yield to the gentleman from California.

Mr. **GUBSER**. The gentleman from Indiana [Mr. MADDEN] has cited California as a classic example of the need for reapportionment. It should be noted for the record that on three occasions the voters of California have renounced reapportionment along the lines suggested by the Supreme Court. One of these occasions was in 1948. I should like to quote the Governor of California, who said in Merced, Calif., on October 29, 1948 just before the reapportionment measure was on the ballot:

> Many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting the representation in the senate to a strictly population basis.
>
> It is the same reason that the Founding Fathers of our country gave balanced representation to the States of the Union—equal representation in one House and proportionate representation based on population in the other.
>
> Moves have been made to upset the balanced representation in our State, even though it served us well and is strictly in accord with American tradition and the pattern of our National Government.
>
> There was a time when California was completely dominated by boss rule. The liberal election laws and legislative reapportionment of the system have liberated us from such domination. Any weakening of the laws would invite a return to boss rule which we are now happily rid of.
>
> Our State has made almost unbelievable progress under our present system of legislative representation. I believe we should keep it.

Today that Governor of California is the Chief Justice of the U.S. Supreme Court, the Honorable Earl Warren.

Mr. **BROWN** of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. ARENDS].

Mr. **ARENDS**. Mr. Speaker, it is most unfortunate that we should find it necessary to enact legislation of this character. It is most unfortunate that we should find it necessary to adopt this extraordinary parliamentary procedure. The truly extraordinary decision by the Supreme Court created an extraordinary situation involving a fundamental principle of our form of government which warrants our taking this action today.

The question involved here is not whether our State legislatures should be apportioned solely on the basis of population rather than, as heretofore, on the basis of geography and population. The question involved here is whether the people of the respective States shall themselves determine how they will be represented in their own State legislatures.

At the very least, the people should have opportunity to express themselves on this very fundamental question. That they may have such opportunity many of us, including myself, introduced a resolution to amend the U.S. Constitution. This is the regular procedure by which the people through their Representatives in Congress and their State governmental processes insure that the Constitution is what they wish it to be and not solely what the Supreme Court decrees it to be.

The adoption of a constitutional amendment is a long process, requiring not only affirmative action by two-thirds of the Congress present and voting, but also favorable action by two-thirds of the States.

The Supreme Court decision last June unfortunately has created a chaotic situation throughout the Nation that time has become of the essence. There is not now sufficient time either for the States to pass an amendment to the Constitution or to reconstitute their State legislatures as decreed by the Court. Unless we do something now the people in our own States will not have the kind of representation they want and to which they are entitled in their own State legislatures.

Along with many other Members of Congress I introduced a resolution to stay temporarily all judicial proceedings relating to State reapportionment. This temporary stay would give the people opportunity to express their own wishes. The measure under consideration goes further than I had proposed. Nonetheless, the urgency of the situation is such and the constitutional principles involved so fundamental that I urge support of the measure before us.

In my view the Supreme Court decision represents a departure from the basic concept of our system of government. If the Supreme Court decision is allowed to stand we will have not only taken away from the States their most sovereign rights, but we will have allowed to be vested in the judicial branch of our Goverment a function that rightfully belongs to the legislative branch. The Court's decision is tantamount to an abandonment of the principle of a Republic of Federated States.

It is also an abandonment of our system of checks and balances between the three branches of Government. To an all too great extent our Federal Government has been steadily encroaching on the rights of our sovereign States. Unless this encroachment is stopped now our States will become little more than convenient geography boundaries on a map.

Mr. Speaker, I urge the adoption of the pending measure. As I stated at the outset, the question involved here is not how our State legislatures should be apportioned but how the people of the States themselves wish their legislatures to be apportioned.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Michigan [Mr. HUTCHINSON] such time as he may desire.

Mr. HUTCHINSON. Mr. Speaker, this rule should be adopted and the bill enacted. As soon as deliberate legislative process can accomplish it, a constitutional amendment should be submitted to the States for ratification.

Mr. Speaker, I do not quarrel with the proposition that legislative apportionment on the basis of population is fair and just. But I believe there are other bases equally fair. The Supreme Court's apportionment decisions of June 15, 1964, unduly narrowed the Constitution. They compel an unwarranted uniformity. The Court's decisions just do not square with the facts of our history and our system of checks and balances. These decisions amend the Constitution—nothing less.

It is destructive of our political liberties to indulge the Court in its assertion of political power. The power to define the composition of a legislative body is political, not judicial. Political power under our system is vested in the people, not in the courts. The Congress has a duty to lead the Court out of the political thicket into which it has wandered.

Mr. Speaker, if the Court today may rightfully say the only constitutional basis of apportionment is according to population alone, a later Court may impose some other basis. This is not an unreasonable supposition. Social concepts dominant in the Court today persuade the Court that equal protection requires apportionment according to population. Sometime later it may appear to another Supreme Court that equal protection requires an effective legislative voice by all sections of a State, according to geographic or economic interests. It may assert the Constitution requires apportionment according to voters, rather than total population, or on some other basis.

These political decisions are not properly made by courts. They should be made by the people or by the people's elected representatives.

It is inconsistent with democracy that power to define the composition of a governmental body should be vested in judges never chosen by the people nor answerable to them. Federal judges are not chosen by the people, The people cannot remove them. The people cannot reach them. Therefore, it follows Federal judges have no rightful power to decide political questions.

When the people of a State adopt a constitutional amendment at the polls, defining the composition of the legislature, there should be no power in a Federal court to set that decision aside.

The equal protection clause of the 14th amendment is couched in words which lend themselves to a diversity of interpretation. Wise judicial policy in the past recognized those words were not intended to transfer political power from the people of a State to Federal courts. Today's assertion of such power by the courts is dangerous to our liberties, and lays the ground for judicial dictatorship. This threat must be allayed, and this Congress has the duty to prevent it.

A respect for the doctrine of the separation of powers should support our determination in this matter. It is revolutionary to accept the dictates of the court's apportionment decisions. It is not reasonable to believe that the courts are above the people in our system. It is not reasonable to believe the people's elected representatives are powerless to make the court our equal rather than our superiors. If the executive, legislative, and judicial branches of Government are coordinate, then there must be ways to keep them coequal. And, Mr. Speaker, unless the States are to be reduced to mere administrative subdivisions of one central government, there must be power in the people of a State to erect their own State government, and to divide its powers as to them seems proper, within the republican form. The Federal courts have no rightful power to override them.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentleman from Ohio [Mr. AYRES] such time as he may desire.

Mr. AYRES. Mr. Speaker, there can be nothing so dangerous as confusion in government. Less than 60 days ago—June 15 and June 22—the Supreme Court of the United States came to the decision that the composition of the legislatures of most of our States had been computed on the improper basis. The result has been one of confusion. Had that august body used the usual term "with all reasonable speed" in calling for the enforcement of its decision, I believe that proper legislative action could have been taken to solve this problem.

We must remember that a different formula has been evolved by the great majority of the States that are concerned. The speed of action called for under the Supreme Court decision could easily bring about the very injustices that the decision was handed down to solve.

I would suggest that some method be resolved that would be equitable to all. While I must believe that the drastic method before us today is fraught with danger. We could well be setting a precedent that could affect the division of powers so necessary for the proper continuance of our form of government.

We must all agree that no longstanding action should be taken on this subject without consulting the leading authorities that are affected. I would that some method be evolved that would bring about detailed hearings and consultations.

This could be done properly if we asked the majority and minority leaders of the various State legislatures to appear before the full Judiciary Committee.

Anyone concerned with reapportionment problems knows that many formulas must be considered before a proper and just final judgment be made.

My own State of Ohio is listed among those with the least population imbalance in both legislative houses. However, a complete study would be necessary to find whether it conforms in every detail with the Supreme Court decision. I have been told that there might be cases where an imbalance in election districts might not be the only cause for redistricting.

Criticism has been made of some States because they have decreed that each county has been allotted a minimum of one representative. The recently handed down Supreme Court decision would abolish this. Section 2 of the first article of the U.S. Constitution states that each State should have at least one Representative in the Congress. Section 3 of that very same article calls for the election of two Senators from each State. I would not change this formula but there might be those who would on the basis of imbalance.

Certainly the Supreme Court decision calls for a complete review of the laws affecting the selection of our legislative bodies.

Injustices should be corrected. I do not doubt that they exist. They should be corrected in a deliberate manner. Certainly the leaders of this House, together with the leaders of the Senate can discover a less drastic and perilous method than is before us today.

Mr. BROWN of Ohio. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I think it should be abundantly clear at this stage of the debate on this resolution that the issue that confronts this body today is certainly far greater than the jurisdiction of any single committee of the House. The action taken by the Rules Committee the other day was extraordinary, let us face it, but I think these are extraordinary times.

The other day when the gentleman from Ohio [Mr. MCCULLOCH], the ranking minority member of the House Judiciary Committee, appeared before the Committee on Rules and testified on the legislation which is the subject of the pending resolution, he spoke of a constitutional crisis. He used those words, I think not for mere dramatic effect, but to describe the situation brought about by the Supreme Court decisions handed down on June 15 of this year.

A few minutes ago the gentleman from Indiana [Mr. MADDEN] said he thought we might be performing a useless task if we spend 5 or 6 hours debating this matter; that the bill which this resolution would make in order would go to the other body and there it would languish and die. I would say the issue involved is sufficiently important, and sufficiently grave, that we might well spend not 5 or 6 hours but 5 or 6 days in talking about the Constitution of the United States.

We have heard so much in recent months, yes, in recent years, about the fact that the Congress of the United States has lost the esteem of the American people, that we have slipped, that we have declined in stature and influence. I think that if we have, one of the reasons, very frankly, is that we have failed and refused to address ourselves to the kind of basic constitutional question that is before this House today.

The charge is going to be made, for it was argued before the Committee on Rules and you are going to hear it over and over again here this afternoon, I am sure, that by passing the bill sponsored by the gentleman from Virginia [Mr. TUCK] taking away appellate jurisdiction from the Supreme Court and taking away original jurisdiction from the Federal district courts we are thereby making an assault on the Supreme Court; that in the words of the chairman of the House Judiciary Committee before our committee this is going to lead to a shift in our constitutional system of checks and balances and that we are going to see the most dangerous thing of all, the emergence of an absolute legislative supremacy.

I think these charges are not only wide of the mark but they beg the question. They ignore the fact that by unwisely choosing to enter what Justice Frankfurter once wisely referred to as the political thicket it is the Court itself that is launching an attack on our system of constitutional checks and balances. It is the Court itself by invading this field that is seeking to usurp legislative power even, as we were told in the Rules Committee, to the extent that a three-judge Federal court in the State of New York has gone so far, based on the June 15 decision of the U.S. Supreme Court as to cut down the terms of duly elected representatives of the New York Legislature in order to compel that body to conform to its idea of how this reapportionment should be made.

As we were informed earlier today by the gentleman from California [Mr. GUBSER], the people of California have thrice expressed themselves by referendum and have allowed a majority of the people of that State to say whether or not they wanted a particular kind of reapportionment. The Supreme Court says that is out. In other words the "one-man, one-vote" principle which they so insistently espouse cannot be permitted to prevail under a State-sponsored referendum where a majority of the eligible voters in a free election decide on a plan of legislative apportionment, but the U.S. Supreme Court disagrees. I submit that this is judicial arrogance of the first order with a portent of tragic consequences for our whole constitutional system.

The U.S. Supreme Court has told the people of the State of Colorado, to cite another example, that even though a majority votes in a free election for a system of apportionment of its State legislature whereby one house would be apportioned on factors other than population, that the mandate of a majority of the legal voters of Colorado must be set aside by judicial decree.

Mr. Speaker, we have heard much from our liberal brethren, particularly in the form of recent campaign oratory, about the dangers of extremism and about the dangers of embracing simplistic solutions to exceedingly difficult and complex questions involving government and its relationship to the people.

Mr. Speaker, I think it can be said that the present Court is rapidly branding itself in the eyes of the Nation as an extremist court and with its undiscriminating total embrace of the one-man, one-vote principle, it is prescribing a simplistic solution to the existing complex questions of legislative apportionment, and thereby perhaps endangering the very minorities which they say so often they are trying to protect.

By unwisely choosing to enter what Justice Frankfurter once wisely referred to as the political thicket it is the Supreme Court that has launched an assault on our whole constitutional system of checks and balances. It is the Court that by its invasion of this field is seeking to usurp legislative power.

It is the Court by its exceedingly uncommon lack of judicial restraint that is seeking to impose a judicial supremacy in defiance of our system of checks and balances.

As an editorial writer for the Christian Science Monitor put it in commenting on the Court's decision last June 20:

> It has imposed on the States—which is itself a danger—a voting rule for electing legislatures that will tend to encourage mere majority rule and to weaken the complex American system for diffusing power and for protecting minorities.

Mr. Speaker, it was argued before the Committee on Rules that to report this legislation to the floor of this House was unwise because it might serve as a precedent for further withdrawals of jurisdiction including such categories as criminal cases, civil rights cases until the Federal courts would be reduced to complete impotence by virtue of their severely circumscribed jurisdiction. This is the familiar complaint of those who view with dread, suspicion, and alarm any attempts by Congress to use its clearly defined powers under article III, section 2, to curtail the Court's jurisdiction lest as the Founding Fathers feared, this Court should become too powerful and fall completely beyond the reach of the other coordinate branches of Government. Mr. Speaker, in a matter of weeks every single Member of this body will face an electorate which does have the power to register its approval or disapproval of what we may do here today. The illusory fear of a legislative dictatorship need scarcely rise to haunt us in these deliberations. Mr. Speaker, it is clearly imperative that we take action during the waning days of this session of Congress to halt the onrushing tidal wave of Federal Court decisions that may soon remake the legislatures of as many as 44 States to suit 6 Justices of the U.S. Supreme Court. The Tuck bill gives us an opportunity to act decisively and in a constitutional manner.

Some will argue that a sense resolution would be adequate. This, in my judgment, would amount to a craven admission that we are powerless to act despite the clear language of article III, section 2, and the precedent thereunder. Some will argue that all we need is a breather and that by adopting the proposition now pending in the other body as a rider to the foreign aid authorization bill we can curb the Court's apparently insatiable appetite for power to intervene in nonjudicial matters. Mr. Speaker, this ignores the fact that apologists for the Court's decision are said to be not too unhappy over the possibility of a statutory "breather." Their rationale is that it thereby implicitly puts the Congress on record as supporting the Supreme Court's decision but merely delaying temporarily its application for the sake of administrative convenience. It was also amply pointed out in testimony before the Committee on Rules that the language in the amendment to the foreign aid bill now pending in the other body wherein it states that "in highly unusual circumstances" stays need not be granted is the most obvious type of loophole in which the Court could take refuge. It is only too clear that the amendment now pending in the other body would be a wholly inadequate remedy for the problem we now face.

Mr. Speaker, I urge the adoption of this rule and I urge the passage of the bill introduced by the gentleman from Virginia [Mr. TUCK]. The hour has grown late for us to act. I hope we will seize the opportunity to act now to undo the mischief unleashed upon our land by the decisions of the U.S. Supreme Court of last June.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I have been here for 34 years. I believe this is the most momentous question and the most far reaching and one that is going to more deeply affect and change our constitutional Government than any measure that I have seen presented here.

When I came here 34 years ago, the first thing I did was to stand in this House and raise my right hand and solemnly swear to support and defend the Constitution of the United States.

The first book that was handed to us was the House Rules and Manual. The first article printed in that book is the Constitution of the United States.

I want to address my few remarks, feeble as they may be, to the Constitution of the United States.

Mr. Speaker, I notice a good deal of conversation on my right, and I hope that those who are not any longer interested in the Constitution of the United States would retire so that those who might be interested could listen to my few remarks.

As we all know, one of the basic principles of the Constitution is the division of powers among the three branches of the Government—the executive, the legislative, and the judicial departments.

In recent years and in recent months, millions of people in this country who love that Constitution and who believe in our institutions have been deeply alarmed and concerned over decisions of the Supreme Court which seem to go far beyond the powers granted to the Supreme Court under the Constitution.

The powers granted to the judicial department are very narrowly limited. I am going to address myself largely to that today.

I have been more or less inspired to do so by a press handout by the distinguished chairman of the Committee on the Judiciary and my old and valued friend. He said, "Oh, this thing is unconstitutional. It is not worth"—if you will excuse me, what he said was "a tinker's dam" or something like that.

The Constitution does not mean what the fellow says who can holler the loudest. The Constitution is written in simple words.

John Marshall did initiate the doctrine which has lived ever since that the Supreme Court had the right to construe the Constitution, but nobody has ever said that the Supreme Court had any right to misconstrue the Constitution.

As I said, the reapportionment decision is the most drastic assault on the Constitution that has happened in my time, and I want to bring to the attention of the House the language under which we are proceeding in this bill, which is strictly in accordance with the language of the Constitution. It is not what somebody wishes the Constitution would say, but what it says in plain words. There is no room for construction. There is no room for doubt.

I am going to use some of the little time I have to read it to the House. Members will find it still in the House Rules and Manual, which is on the desk of every Member; the Constitution which Members swore to uphold:

> The judicial power (of the United States) shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

Following right behind there, in the next sentence it is stated:

> In all cases affecting Ambassadors, other public Ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction.

This is the clincher:

> In all the other cases before mentioned—

These I have read to you—

> the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Why did they do that? That is perfectly plain. There is no room for construction. Why did they do it?

If you have read the history of the formation of this country—and I am sure all of you have—one of the great arguments made during the formation of the Constitution was, and particularly Jefferson was very profound on this, that if we gave the Supreme Court power enough the first thing we knew we would have an autocratic government, because there is no appeal from the Supreme Court. There must be some check on the unlimited power of the Supreme Court, because if the Supreme Court can say anything is the law and then go by this false doctrine some people have put out, that the Supreme Court writes "the law of the land," then, my friends, we are drifting into an autocracy of the courts.

We cannot get away from that. That is just what will happen to us if we ever concede this. That is why this principle we are discussing today is so vitally important to this generation and particularly to future generations.

> With such exceptions and under such regulations * * * as the Congress shall make.

You are solemnly pledged to support this Constitution. This is the one check which anybody in this country or in any agency of the Government has. It is given solely to the Congress of the United States, to perform the duty of saving this country from becoming a dictatorship of the judiciary.

That is what this is all about. These few little words, "with such exceptions and under such regulations as Congress shall prescribe."

Now, I want to say this to you. Keep that in your mind for a minute. The legislative, executive, and judicial departments are separated, and there are checks and balances in this Constitution, if you will pay attention to it, under which that can be done.

This decision of the Supreme Court in this legislative apportionment matter is the first case that I have ever been able to discover where the Federal courts of the United States have just set out deliberately and with malice aforethought to invade the province of the Congress and to themselves actually write legislation that is to be inscribed in the books of the States. Do you realize that? Do Members understand the depth of that? I have never known the Federal courts to say, "If you do not write this legislation, we are going to write it for you."

The SPEAKER. The gentleman from Virginia has consumed 10 minutes.

Mr. SMITH of Virginia. Mr. Speaker, I yield myself the balance of the time.

Now, I want to refresh your recollection on the situation in my own State where we have had one of these decisions by a three-judge court. Do you know what that court did? In its decree—mind you, not in a piece of legislation but in a decree of the court—it actually told the people of Virginia:

> If you do not redistrict your State in so many days, we are going to write the law and we are going to proclaim the law. We are going to be the legislative body in your State on this matter.

Do you all realize the seriousness of that? Do Members understand what that means? That in any subject where the Supreme Court chooses to do it, since they have assumed the power which is not given to them in the Constitution, assumed the power to write the "law of the land"—and where do they find that in the Constitution?—they cannot do so. Can any of you find it in the Constitution? The law of the land is not used but one place in the Constitution, and that says that the law as made by the Congress of the United States pursuant to the Constitution shall be the "supreme law of the land."

My friends and my dear friend from New York, who is a great constitutional lawyer, except he gets off the track every now and then—I think he is so busy with all of these laws and things he is trying to do that he does not have time to read and study the Constitution like some of us poor fellows who do not have anything to do. I just wish Members would think about this. Think about what this Court can do to you. You can come to live under just as much of a dictatorship—and I hate to say this—as any European country which has gone through the regimes of Hitler and Khrushchev. I do not say these men mean to do this. I think they take so much jurisdiction now that I am afraid they do not have time to sit down and read this Constitution and see what is meant when it says the Federal courts shall only have such jurisdiction as is not excepted by the Congress of the United States. Some of them did. I remember one Justice—I read it not many days ago—found that these little words of exception that Congress may make as to the jurisdiction of the Supreme Court—"is the Achilles heel of our power" set forth in the Constitution of the United States.

Somebody is going to say, "Well, they will declare this unconstitutional." Maybe they will. But some day, sometime, when the American people realize that we are changing our system of government day by day, abandoning our Constitution and placing this country under a judicial autocracy, then they are going to wake up. And you Members of Congress who will be elected here in the future are going to hear from them. And I have noticed that when the people speak loudly enough the Members of Congress listen.

I have heard some Members state, "If you do not do this, my State will go Republican," or, "my State will go Democratic." You are Members of this great Congress. You must think more deeply than that. Think about what can happen to this country if you do not put some check on this situation.

I want to come back to the situation, before I leave you—because I want to impress this on you—that exists in my own State by reason of the decree of the three-judge Federal court, sustained by the way subsequently by the Supreme Court of the United States, in which the three-judge court said:

> If you don't legislate we are going to write your legislation for you.

And the Supreme Court affirmed that judgment and said:

> If Virginia does not write her law you people on the three-judge court will write that law for them.

The people of the United States do not realize the significance of this. I am afraid some Members do not realize the significance of it. Some say that this will be vetoed by the other body or that it will be declared unconstitutional. Mr. Speaker, we here can only do the things that our conscience dictates. We must do our best. We must try to save this country from a judicial autocracy. What we are talking about this morning is just a symbol of what is happening to this Constitution that you are sworn to defend. There is no limit.

If the Federal courts can write the laws of your State on redistricting and Congress has not the intestinal stamina to stand up and say to them, "So far you shall go and no further," then your country is in a bad way.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

Mr. BROWN of Ohio. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 242, nays 148, not voting 40, as follows:

[Roll No. 241]

YEAS—242

Abbitt
Abele
Abernethy
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Auchincloss
Avery
Baker
Baldwin
Barry
Bates
Battin
Becker
Beckworth
Beermann
Bennett, Fla.
Berry
Betts
Boggs
Boland
Bolton, Oliver P.
Bonner
Bow
Bray
Brock
Bromwell
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burleson
Burton, Utah
Byrnes, Wis.
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conte
Cooley
Cramer
Cunningham
Curtin
Curtis
Dague
Davis, Ga.
Devine
Dole
Dorn
Dowdy
Downing
Dwyer
Edmondson
Elliott
Ellsworth
Everett
Evins
Findley
Fino
Fisher
Flynt
Ford
Foreman
Forrester
Fountain
Fuqua
Gary
Gathings
Glenn
Goodell
Goodling
Grant
Gray
Griffin
Gross
Grover
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Hardy
Harris
Harrison
Harsha
Harvey, Ind.
Hébert
Henderson
Herlong
Horan
Horton
Hosmer
Huddleston
Hull
Hutchinson
Ichord
Jennings
Jensen
Johansen
Johnson, Calif.
Johnson, Pa.
Jonas
Keith
Kilburn
Kilgore
King, N.Y.
Knox
Kornegay
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
McCulloch
McDade
McIntire
McLoskey
McMillan
Mahon
Marsh
Martin, Calif.
Martin, Nebr.
Matthews
Meader
Michel
Milliken
Mills
Montoya
Moore
Morris
Morrison
Morse
Morton
Murray
Natcher
Nelsen
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Pickle
Pillion
Poage
Poff
Pool
Purcell
Quie
Quillen
Randall
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Rivers, Alaska
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rogers, Fla.
Rogers, Tex.
Roudebush
Roush
Rumsfeld
Saylor
Schadeberg
Schenck
Schneebeli
Schweiker
Scott
Secrest
Selden
Senner
Short
Shriver
Sibal
Sikes
Siler
Sisk
Skubitz
Slack
Smith, Va.
Springer
Steed
Stephens
Stinson
Stubblefield
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Utt
Van Pelt
Vinson
Waggonner
Wallhauser
Watson
Watts
Weaver
Westland
Wharton
White
Whitener
Whitten
Wickersham
Widnall
Williams
Willis
Wilson, Bob
Wilson, Ind.
Winstead
Wright
Wydler
Wyman
Young

NAYS—148

Addabbo
Ashley
Ayres
Barrett
Belcher
Bell
Blatnik
Bolling
Brademas
Broomfield
Brown, Calif.
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Carey
Casey
Celler
Clark
Cohelan
Corbett
Corman
Daniels
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Duncan
Edwards
Fallon
Farbstein
Finnegan
Flood
Fogarty
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Grabowski
Green, Oreg.
Green, Pa.
Griffiths
Halpern
Hanna
Hansen
Harding
Hawkins
Hays
Healey
Hechler
Holifield
Holland
Jarman
Joelson
Johnson, Wis.
Karsten
Karth
Kastenmeier
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Leggett
Lesinski
Libonati
Lindsay
Long, Md.
McFall
Macdonald
MacGregor
Madden
Mailliard
Mathias
Matsunaga
Miller, Calif.
Minish
Minshall
Monagan
Moorhead
Morgan
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Patten
Pepper
Philbin
Pike
Powell
Price
Pucinski
Reid, N.Y.
Reuss
Rhodes, Pa.
Rodino
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Sickles
Smith, Iowa
Snyder
Staebler
Stafford
Staggers
Stratton
Sullivan
Thomas
Thompson, N.J.
Tupper
Udall
Ullman
Van Deerlin
Vanik
Weltner
Wilson, Charles H.
Zablocki

NOT VOTING—40

Adair
Alger
Baring
Bass
Bolton, Frances P.
Brooks
Buckley
Daddario
Davis, Tenn.
Derounian
Derwinski
Dulski
Fascell
Feighan
Harvey, Mich.
Hoeven
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Kyl
Lankford
McClory
McDowell
Martin, Mass.
May
Miller, N.Y.
Nedzi
Pilcher
Pirnie
Rains
St. George
Schwengel
Sheppard
Shipley
Smith, Calif.
Toll
Tollefson
Whalley
Younger

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Pilcher for, with Mr. Toll against.

Mr. McClory for, with Mr. Daddario against.

Mr. Younger for, with Mr. Schwengel against.

Mr. Harvey of Michigan for, with Mr. Martin of Massachusetts against.

Mr. Rains for, with Mr. Feighan against.

Mr. Shipley for, with Mr. Nedzi against.

Mr. Smith of California for, with Mr. Lankford against.

Mrs. May for, with Mr. Buckley against.

Mrs. St. George for, with Mr. Dulski against.

Mr. Adair for, with Mr. McDowell against.

Mr. Alger for, with Mrs. Kee against.

Mr. Pirnie for, with Mr. Sheppard against.

Mr. Tollefson for, with Mr. Fascell against.

Until further notice:

Mr. Brooks with Mr. Hoffman.

Mr. Baring with Mr. Miller of New York.

Mr. Bass with Mr. Whalley.

Mr. Jones of Alabama with Mrs. Frances P. Bolton.

Mr. Davis of Tennessee with Mr. Hoeven.

Mr. OLSON of Minnesota changed his vote from "yea" to "nay."

Mr. THOMPSON of Louisiana changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

Mr. O'HARA of Michigan. Mr. Speaker, I make a point of order against the consideration of the bill H.R. 11926.

The SPEAKER. The gentleman will state his point of order.

Mr. O'HARA of Michigan. Mr. Speaker, I make a point of order against the consideration of H.R. 11926 on the ground that the bill has not been properly reported in that it purports to amend title 28 of the United States Code, that is, the act of June 25, 1948, chapter 646, but it fails to show in its report or in an accompanying document a comparative print of that part of the bill making and amending the statute or part thereof proposed to be amended as required by part 3, rule XIII, of the House of Representatives.

The SPEAKER. The Chair is prepared to rule.

Rule XIII, clause 3, provides, "whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall include in its report or in an accompanying document the text of the statute or part thereof which is proposed to be repealed;". It will be noted that the rule only applies when a committee reports a bill. In this case the Committee on the Judiciary did not file a report on H.R. 11926. Therefore, that rule does not apply to the present situation.

In addition, the resolution before the House provides for the House immediately to resolve itself into the Committee of the Whole House on the State of the Union for the consideration of this particular bill.

The Chair overrules the point of order.

GENERAL LEAVE TO EXTEND

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. ABELE. Mr. Speaker, today, we are discussing an issue of vital importance to all thinking Americans. It has been billed by the press as a debate between the rural and urban people. This is just a surface issue. The debate involves much more than this. We are here to determine whether this Nation can travel unmolested down the path of history without the unlawful usurpation of legislative power by the Supreme Court. The recent Supreme Court decision affecting the reapportionment of State legislatures is an unwarranted attempt by six men, to change the historical concepts of legislative power.

I, for one, do not propose to stand in the wings and let this grasp for power go unchallenged. As the duly elected representative, of the people of the 10th District of Ohio, I propose to represent their best interests.

The measure which we act upon today will give the State an opportunity to make any changes they feel are warranted without undue duress on the part of the courts. The people of each State have the inherent right to decide for themselves the manner in which their representatives are chosen. If the individual States are forced to follow the dictates of the Supreme Court, we will be faced with an intolerable tyranny of the majority. In my own State of Ohio, 8 counties out of 88 would be able to control both houses of the State legislature.

Although not completely disenfranchised, these people would lose their independent voice in matters which directly concern them. They would become "poor country cousins" who were dependent upon the largess of the machine politicians.

The constitution of Ohio requires the people of Ohio to determine every 20 years whether or not they want to hold a constitutional convention. In this manner they can determine whether or not they want to change their manner of representation, and this question has been one of the determining factors involved in the voting by the people of Ohio.

Mr. Speaker, I rise in support of H.R. 11926. This measure deserves the support of Members from both sides of the aisle.

Mr. JOELSON. Mr. Speaker, the way that the pending legislation has been brought before us indicates that the Rules Committee has become a powerful kingdom unto itself. Although the Judiciary Committee to which the measure was originally referred failed to report favorably upon it, the Rules Committee voted it out on its own initiative. This is still another arrogant and autocratic act of a committee which has consistently and willfully failed to vote out bills which have been passed by the original committees to which they were referred.

Since the Rules Committee is voting out bills not passed by original committees, how about medicare? The American people are certainly entitled to have us stand up and be counted on this vital issue.

Some time ago I introduced a bill calling for congressional reform. It was aimed mainly at the Rules Committee. By some act of irony, it was referred to the Rules Committee where it is now buried. What kind of democratic process is this?

As for the bill itself, it is a bald and flagrant attempt to pass an unconstitutional measure to nullify the recent Supreme Court decision on reapportionment of State legislatures. It is amazing that among its chief supporters are those who profess a reverence for our Constitution and who constantly raise the cry of the need for constitutional government.

This is a bad and unfair bill and I urge its defeat.

Mr. BARRETT. Mr. Speaker, I am very much opposed to the bill before us today, H.R. 11926, which, if enacted into law, would limit the jurisdiction of the Federal courts in reapportionment cases.

I am also opposed to the Dirksen amendment to the foreign aid bill or any other similar legislation that will destroy the true processes of democracy in our Nation.

I have received dozens of letters from organizations and private citizens from the First Congressional District of Pennsylvania opposing such legislation. I have not received one letter or telegram supporting the proposal.

My district in Philadelphia comprises one-fifth of Philadelphia County which, according to the 1960 census, has a population of 2,002,512. It is the most heavily populated county in the Commonwealth of Pennsylvania. Yet it only has 38 representatives serving in the State house. Each representative has a constituency of approximately 52,700. Wyoming County has a population of 16,813 and 1 representative. Sullivan County has 1 representative and a population of 6,251. Forest County has 4,485 people and 1 vote in the State house. As you can see, the rural areas of the Commonwealth can and do control the legislature. The people do not have the voting power. It is controlled by acres of land.

Mr. Speaker, this is wrong. There should be one vote for every man in every State legislature in our land.

Mr. SECREST. Mr. Speaker, the U.S. Supreme Court by a vote of 6 to 3 has, in effect, required that representation in both houses of a State legislature must be based on population. In other words, the population in each district must be substantially equal.

This will probably require 40 or more States to revamp their State legislatures unless the Congress of the United States acts with the utmost speed.

On June 24, the gentleman from Ohio, Congressman MCCULLOCH, introduced a joint resolution to amend the Constitution of the United States to guarantee the right of any State to apportion one house of its legislature on factors other than population. After discussing it with Congressman MCCULLOCH, I introduced an identical resolution with the sole object of presenting a united bipartisan show of strength in our effort to permit the people of a State to decide how to apportion their own legislature.

In Ohio we have 88 counties. Each county is entitled to one member in the house of representatives, which gives each county one person dedicated to represent the interests of his county. The balance of the house of representatives is allocated to the larger counties. Seventy-seven of Ohio's eighty-eight counties have one member each. The other 11 counties have a total of 62. Cuyahoga County in which Cleveland is located has 17 members of the house, and Hamilton County where Cincinnati is located has 9 members of the house. The Senate of Ohio is elected on the basis of population. If our system of apportionment is wrong in Ohio, the Congress of the United States is far worse. The State of Alaska has 2 U.S. Senators with a 1960 population of 226,167. New York has only 2 U.S. Senators with a population of 16,782,304.

If the Supreme Court decision is allowed to stand, 7 counties of Ohio's 88 counties, on the basis of the 1960 population, will have absolute control of both houses of the State legislature. The other 81 counties will be completely at their mercy in the allocation of road funds, school consolidation, allocation of State school aid, taxes, conservation, condemnation of land for recreation, strip mining laws, hunting laws, and countless other matters of great interest to them. My district now has seven members in the legislature. We would have no more than three.

It appears that none of these resolutions will be reported. Today, the Tuck bill is before us. It has the same objective as the resolution I introduced and I support and will vote for it.

Mr. GLENN. Mr. Speaker, I am definitely opposed to any theory of legislative representation which seeks to upset the prevailing system in use in the majority of the States, which permits representation in one body of a State legislature on factors other than population.

I have introduced House Joint Resolution 1068 in this regard, and while it seeks to obtain the aforesaid objective through a constitutional amendment, I can and do support H.R. 11926 to define the jurisdiction of the U.S. Supreme Court and all Federal courts in certain circumstances which we are here considering.

The State of New Jersey was one of the Original Thirteen States that ratified the U.S. Constitution. The legislative system in New Jersey consists of a senate and a house of assembly. The members of the house of assembly are chosen on the basis of population representation while the senate is chosen on a county basis of one senator for each county. Therefore, the principle that prevails in New Jersey—population representation in one house and regional representation in the other—is exactly the same as that which prevails in Congress. It is clearly mandated by the Constitution—the same Constitution that the Supreme Court would now have us believe does not permit New Jersey or any other State to set up its legislature the same way as it is in Congress. When the State of New Jersey ratified the Constitution of the United States, it is inconceivable that the members thereof would have voted to ratify a system of representation at the Federal level which was unconstitutional at the State level, and yet the Supreme Court would now have us believe that this is so.

In Mr. Justice Harlan's dissenting opinion in the Supreme Court case of Reynolds against Sims he pointed out that to accept the majority's belief in its decision, one is confounded by its disregard of recorded history, and he then went on to say:

> The problems which concern the Court now were problems when the amendment was adopted. By the deliberate choice of those responsible for the amendment, it left those problems untouched.

History bears out this statement and unquestionably this is but another example of where the Supreme Court, instead of confining itself to interpretation, seeks to legislate.

I believe that the statement at the conclusion of the opinion by Mr. Justice Harlan concisely states an historically correct and self-evident enunciation, as follows:

> The Constitution is an instrument of government, fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens. This Court, limited in function in accordance with that premise, does not serve its high purpose when it exceeds its authority, even to satisfy justified impatience with the slow workings of the political process. For when, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process.

In New Jersey, Mr. Speaker, the State's county system of electing its one house other than on a basis of population goes back to 1776, predating the Federal Constitution, and as recently as 1947 a new State constitution was voted upon by public referendum and the people overwhelmingly approved the continuance of a senate on a "one senator per county" basis.

The prevailing principle in New Jersey of population representation in one house and regional representation in the other has worked very well in the past 188 years. Down through the years, the heavily populated areas, particularly in north Jersey, have controlled the house of the assembly by population numbers, but not so in the senate where general representation represented many factors prevailing in each county.

Under our present-day economic system, south Jersey has many problems which are very different from those in north Jersey. Under the Supreme Court's decision these problems would be intensified and multiplied, as both houses unquestionably would be controlled by the heavily populated centers of north Jersey, and any protection of minorities, with which the Supreme Court is so often concerned, would be completely absent. Our system of checks and balances, which we are so proud of at the Federal level, has given splendid service at the State level in New Jersey, and it is unbelievable, after the experience of almost two centuries, that the Supreme Court changes the system by a stroke of the pen. Certainly, the people of the State have a right to determine how they should be governed in that or any State, and in New Jersey we reaffirmed our system by popular vote in 1947.

Unquestionably, all of the States will be affected by this decision and the only method of retaining the status quo is by an amendment to the Constitution. "Time runneth short." This bill, or a similar one, must be adopted during this Congress in order to forestall a chaotic condition in the governments of the 50 States when one considers the necessary changes which will, of necessity, have to be made if the legislatures of all States have to reapportion as directed in the Supreme Court's decision. This is indeed an outstanding opportunity for the Congress by its action to direct the Supreme Court to "let well enough alone." In so doing we of the Congress will have again reasserted our faith in our system of government by giving direct approval to the legislatures of the 50 States to organize their bodies like that of the Federal Government, if they so desire, and this without any restraining interpretation as farfetched as that of the Supreme Court.

The future of the State government as we have known it for over a century depends on maintaining the status quo or, if the people of any State want to change their government, that right should be reserved to them and not to any interpretation by any Federal court which, in effect, tells them what to do.

I urge the passage of this bill.

The SPEAKER. Pursuant to House Resolution 845, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11926.

IN THE COMMITTEE OF THE WHOLE

Accordingly (pursuant to H. Res. 845), the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11926 with Mr. Price in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from Ohio [Mr. McCulloch] will be recognized for 1 hour.

The Chair recognizes the gentleman from New York.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. Tuck].

Mr. TUCK. Mr. Chairman, I rise today to urge favorable consideration of the bill, H.R. 11926. The effect of this bill is to withdraw from the Supreme Court of the United States appellate jurisdiction in apportionment and reapportionment cases affecting legislative assemblies in the various States and to deny jurisdiction to the U.S. district courts to entertain any petition or complaint seeking to apportion or reapportion the legislative assembly of any State of the Union or any branch thereof.

The main purpose of the bill is to preserve the Constitution of the United States, already bleeding from assaults made upon it by the Supreme Court, and to continue the heretofore unchallenged rights of the citizens of every State in the Union to decide for themselves the manner in which their legislative assemblies shall be established.

First, let me say that I favor apportionment of legislative bodies and I favor the reapportionment of the same, whenever it becomes necessary or desirable on the part of the citizens of any State. But I am in favor of this reapportionment being done by the people of the State. I am opposed to our States and our people being subjected to the utterances and arbitrary commands of the Supreme Court of the United States and to having their activities proscribed by the inferior Federal courts.

Whenever an effort is made to liberate the people of the United States from the clutches of this Federal-judicial octopus, we hear the cry from those exponents the judicial oligarchy, "unconstitutional."

This is the type of drivel that exudes from the mouths of those who would rob us of our liberty and deprive us of our rights under the guise of preserving the Constitution. We are exposed and subjected to these bursts of spurious constitutional doctrines.

The constitutional right of the Congress to legislate in this field along the lines proposed in the bill now under consideration cannot be seriously questioned by anyone who takes time to read the Constitution and the cases decided on this subject.

The pertinent part of section 2 of article 3 of the U.S. Constitution reads as follows:

> In all cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such exceptions, and under such Regulations as the Congress shall make.

Article 3, section 1 of the Constitution vests in Congress the power to create "such inferior courts as the Congress may from time to time ordain and establish."

The best known case concerning the appellate jurisdiction of the Supreme Court is Ex Parte McCardle, 74 U.S.—7 Wallace—506 (1869). There, one McCardle, a Mississippi editor, had been arrested under the Reconstruction Acts and imprisoned by a military tribunal. Upon a denial of a writ of habeas corpus, appeal was taken to the Supreme Court pursuant to an act of 1867 providing for such appeals. While the case was pending, the Congress exercised its constitutional prerogative to stake out exceptions to the Supreme Court's jurisdiction and repeal the appellate jurisdiction of the Court in habeas corpus cases under the 1867 act. Thereupon, the Court dismissed the appeal for want of jurisdiction. The Court's opinion upheld the right of Congress to withdraw jurisdiction previously exercised by the Court, as well as to cases then pending before the Court. Chief Justice Chase, writing for the Court, declared:

> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this Court is given by express words—(74 U.S. at 514).

Mr. Chairman, the McCardle decision has not been reversed; it remains the law today.

The power of Congress to control the jurisdiction of the lower Federal courts also has been uniformly upheld. Ever since the classic case of *Cary* v. *Curtis*, 3 How. 236 (1845), which upheld a statute conferring final authority on the Secretary of the Treasury in tax disputes, numerous decisions have sustained restrictions and exceptions to Federal court jurisdiction.

On March 23, 1932, the Norris-La Guardia Act was enacted. It provided, with certain exceptions, that no Federal court should have jurisdiction to issue an injunction in a case involving or growing out of a labor dispute. The Federal courts, including the Supreme Court of the United States, have consistently held that this enactment was a valid exercise of the power of Congress—See *Lockerty* v. *Phillips*, 319 U.S. 182.

In 1942, the Congress enacted the Emergency Price Control Act which contained a provision withholding from Federal district courts authority to enjoin the enforcement of the act. That provision was attacked as unconstitutional. The United States of America asserted that the exclusion was valid. The United States was represented in the Supreme Court by Mr. Thomas I. Emerson. The current volume of "Who's Who in America" reveals that Mr. Emerson is now a distinguished professor of law at the Yale School of Law.

Mr. Emerson successfully maintained the validity of the exclusion. The Court held that Congress had the power of withholding jurisdiction from inferior Federal courts in the exact degrees and character which to Congress may seem proper for the public good—see *Bowles, Price Administrator* v. *Willingham*, 321 U.S. 503.

The Constitution of the United States, as hereinabove pointed out, explicitly provides that the Supreme Court of the United States has appellate jurisdiction "with such exceptions, and under such regulations, as the Congress shall make."

In sum, there is ample constitutional authority for Congress to enact legislation in this field. I am supported in this view by the counsel for the Virginia Commission on Constitutional Government, a very able and distinguished organization recognized as such throughout the country. A great Virginia constitutional lawyer, Judge William Old, of Chesterfield, has said:

> The U.S. Congress undoubtedly has the plenary power to limit and control all elements of jurisdiction of the Federal courts inferior to the Supreme Court and also has the power to limit and control the appellate jurisdiction of the Supreme Court.

In this proposal we also have the support of the Honorable Charles J. Bloch, a great lawyer of Georgia known throughout the land for his knowledge of constitutional law. In an unsolicited letter from him to me, dated August 16, 1964, he makes the following statement:

> I am delighted to learn of your bill which would cut off the jurisdiction of the Supreme Court and lower Federal courts over the composition of State legislatures.
>
> I am delighted to see that at long last there may be a break in the cloud of judicial usurpation of power which has hung like a pall over all thinking people. I wish you well in your fine efforts, and tender to you whatever help I may render.

Many colleagues in the Congress, including the distinguished gentleman from Ohio [Mr. McCULLOCH], have introduced proposed constitutional amendments designed to remove Federal jurisdiction over State legislative apportionment, or to authorize States to apportion the less numerous branch of their legislature on other than a population basis. While I do not oppose such amendments, I believe the amendment procedure too time consuming to be effective. My bill proposes the enactment of a law which would become effective upon passage. The constitutional amendments proposed would not become effective until ratified by the legislatures or conventions of three-fourths of the States. Moreover, for the reasons I have already discussed, I do not believe that an amendment to the Constitution is necessary to accomplish the purposes we seek.

The notion seems to have become current in this country that there is no recourse from decisions of the U.S. Supreme Court other than to secure constitutional amendments. The Court itself has aided in the spreading of this notion. See, for example, Mr. Chief Justice Stone's dissent in *United States* v. *Butler*, 297 U.S. 1, 78 (1936):

> The only check upon our own exercise of power is our own sense of self-restraint.

The framers of the Constitution were men too experienced in government and too alert to concentrations of power in any one place to have created an entity of such unlimited and imperial scope. In fact, the Supreme Court has only for practical purposes such power as the Congress permits it to exercise. It has been well said that every people receives the kind of government it deserves. The Congress of the United States receives the kind of Supreme Court decisions it deserves.

The Supreme Court decisions in the apportionment cases mark a new and shocking interference by the Federal judiciary with the right of the sovereign States to conduct their domestic affairs. Going far beyond any alleged denial of franchise because of race, color, religion, or sex, reversing a uniform course of prior judicial decisions, the Court asserts a novel judicial power under which the Federal courts are encouraged to intervene in what are essentially political questions, heretofore uniformly decided by the States. These unfortunate decisions do not arise out of any issue dividing the North and South. They must prove as obnoxious to the North as to the South. As an instrument for destroying the delicate balance of State-Federal relationships, it is unique and unprecedented, even for a court well known for its disregard of the rights of the States.

The decisions in these cases constitute a wide departure from the wise policy of judicial restraint. They strike destructively at the Federal Union obtained by the Constitution.

Prior to the decision in *Baker et al.* v. *Carr et al.*, 369 U.S. 186 (1962), the Court had uniformly refused to entertain such apportionment cases on the ground that these cases involved political questions not presenting a justiciable issue to the Court. In Baker, however, the Court summarily reversed its prior decisions and held that it had jurisdiction over the subject matter and that the cause of action was justiciable. This decision was a blow to the delicate balance in Federal-State relations and a further extension of judicial control was advanced by the Court. In an unanswerable dissent, Mr. Justice Frankfurter clearly and forcefully attacked the majority opinion in the Baker case when he stated (369 U.S. at 266–267):

> The Court today reverses a uniform course of decisions established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only 5 years ago. The impressive body of rulings thus cast aside reflected the equally uniform

> course of our political history regarding the relationship between political and legislative representation—a wholly different matter from denial of the franchise to individuals because of race, color, religion, or sex. Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power demands a detailed analysis of the role of this Court in our constitutional scheme.

The Court has now gone much further than it did in the above cited case. It has now announced that in a bicameral legislature the State senate as well as the house of representatives must be strictly apportioned on the basis of population and that such apportionment must reflect as nearly as practicable the "one-man, one-vote" concept. Up to this time, it has never been considered that the equal protection clause of the 14th amendment, or any other protection clause of the 14th amendment, or any other provision of the Constitution, requires that both houses of a State legislature be composed of members apportioned on a strict population basis. To the contrary, our system of government presupposes representation of all elements of society. Unlike a pure democracy, a republican form of government such as that of the United States must give due regard to minority groups and interests. There can be no better proof of this fact than the explicit provisions of the U.S. Constitution itself establishing a Congress composed of the House of Representatives, apportioned on the basis of population, and the Senate, in which each State, regardless of size, has two Senators.

Unless we enact promptly legislation withdrawing appellate jurisdiction from the Supreme Court in such cases, it may not be long before this Court, which has now converted itself into a superlegislative body, or a de facto constitutional convention, will decide that the 14th amendment nullified that part of the Constitution which guarantees that each State shall have two Senators.

It seems clear that the Court moved far beyond the bounds of its authorized powers in rendering these decisions on June 15 last. Mr. Justice Clark in his dissenting opinion in one of those cases, Lucas et al. against Colorado General Assembly et al., expressed this opinion very clearly when he stated:

> In striking down Colorado's plan of apportionment, the Court, I believe, is exceeding its power under the equal protection clause; it is invading the valid functioning of the procedures of the States, and hereby commits a grievous error which will do irreparable damage to our Federal-State relationship.

Until the Court acted, it had been rightfully assumed that a State had the right to apportion one house on a basis other than population. Indeed, it had not been seriously questioned.

In addition, I believe the June 15 decision is clearly in conflict with the history of our government and our Constitution. Justice Warren states that it is:

> Established that the fundamental principle of representative government in this country is one of equal representation for equal numbers of people. *Reynolds* v. *Sims*.

This is simply not true. As Justice Stewart points out in his dissent, this was not the colonial system; it was not the system chosen for the National Government by the Constitution; it was not the system practiced by the States before or at the time of adoption of the 14th amendment; nor is such a system practiced today. Justice Stewart, in his dissenting opinion, reflects my own views completely when he says:

> To put the matter plainly, there is nothing in all the history of this Court's decisions which supports this constitutional rule. The Court's draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, in any prior decision of this Court, or in the 175-year political history of our Federal Union. With all respect, I am convinced these decisions mark a long step backward into that unhappy era when a majority of the members of this Court were thought by many to have convinced themselves and each other that the demands of the Constitution were to be measured not by what it says, but by their own notions of wise political theory. The rule announced today is at odds with long-established principles of constitutional adjudication under the equal protection clause, and it stifles values of local individuality and initiative vital to the character of the Federal Union which it was the genius of our Constitution to create. (*Lucas* v. *Colorado General Assembly* (decided June 15, 1964).)

Unless Congress moves swiftly, it may be too late to undo the irreparable damage that will flow from the Court's recent decisions. Immediate, decisive action by Congress is imperious.

The Supreme Court in these inept if not indeed venal decisions has opened wide Pandora's box of troubles. The only palladium available is the prompt adoption of my bill or a similar one.

The validity of State bonds throughout the land will under these decisions no doubt be questioned. Criminals who fill our penitentiaries will claim they are illegally imprisoned and will clamor for release on the grounds that their convictions are based on invalid statutes enacted by legislative bodies illegally constituted and assembled. Prisoners who have completed the service of their sentences may seek damages for unlawful imprisonment.

Even I can envision judges and juries, legislators and Governors of States being pursued and harassed through time and eternity by the pitiful and ghostly apparition of the shattered forms of those criminals who have been executed under laws which the Supreme Court now in effect says are a nullity and are void and of no effect.

If our distinctive way of life which all patriotic Americans love and cherish is to survive, an end must be made forthwith to these Federal incursions into the rights of the States and localities.

I urge the House of Representatives to take prompt action in this matter.

Congress has the power to lay the hand of restraint upon the Federal judiciary and stop these judicial indiscretions and abuses. I hope and believe it has the will.

If Congress forgoes the duty to restrain the unbridled powers asserted by the Supreme Court, then I say, "God save the United States of America."

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, in a few days I will sever one of the most pleasant connections I have ever had in my life when I cease to be a Member of this body, the greatest deliberative body on the face of this earth. When I leave here I will leave here with a wholesome respect for every last one of you. Sometimes I disagree with you and sometimes you disagree with me, however I have come to believe that to be the genius of this country. Through disagreement and debate often the real truth emerges.

If you or anyone, however, were to ask me in the years to come, "What are you the most proud of of anything you ever did in the U.S. Congress?" here is what I will say. I will say that there was a bill known as S. 44 introduced in the 1954 Congress, which beyond a shadow of a doubt was inspired by the U.S. Supreme Court and which was recommended by a former Justice of the Supreme Court, containing a provision that would deprive the Congress of the right to make any exceptions or regulations in their appellate court jurisdiction, on constitutional questions, and give that Court all-inclusive control of the Constitution.

That particular bill that deprived the Congress of the right to except or make any regulations passed the U.S. Senate and passed the subcommittee of the House Judiciary Committee, but to the great pleasure of the gentleman from Michigan [Mr. MEADER] and "TIC" FORRESTER of Georgia we fought that bill and we killed it. Therefore you have the right to make exceptions and regulations the framers of the Constitution gave to Congress. If we had not killed that bill, Congress would now be powerless to prevent that Court from meddling with the Congress or the legislatures of the States.

Let me say this to you: You have some responsibilities of your own. There is nobody in this country that has complete, undiluted power. The truth of it is, as said by one of the Supreme Court Justices in his dissent, the Supreme Court has no authority in political matters and they are attempting to make a reform in fields, fields which the Constitution as plainly as can be has committed exclusively to the political process.

I say to you that up until just a few years ago that the courts held, and properly held, that you had the right to judge and determine who your Members were, and that beyond the shadow of a doubt the State legislatures had the right of its legislative bodies to make reapportionment without interference from the Federal Government.

I do not want to be unkind, but I think anyone can say that the Supreme Court has made so many decisions that are erroneous until we find ourselves in the situation people were in, back in England many years ago, when they passed a law that they would hang you if you did not pray for the King. This presented a dilemma because there were two claimants to the throne. So they got up a prayer, as follows:

> God bless the King, the Nation's defender. God bless, there is no harm in blessing the pretender. But who the pretender and who the King? God bless us all, that's another thing.

The time has come now when no good lawyer in the United States would attempt to tell you what the law is on any given situation, or what the Supreme Court would hold. It is the worst situation I have ever seen in my life. Never has respect for the U.S. Supreme Court been so low.

The **CHAIRMAN**. The time of the gentleman from Georgia has expired.

Mr. **CELLER**. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia.

Mr. **FORRESTER**. Let me say this to you: You as Congressman, have responsibility, and you are charged with it. You are to be the judge of your Members according to the Constitution. The Supreme Court has nothing to do with that. When that Court seeks to divide up your congressional districts and tell you how to elect your Congressmen, they are completely beyond their field, their jurisdiction, and you are not taking anything away from them when you tell them they have to stop it. It is your problem; it is not theirs.

Do you know what has happened down in the State of Georgia?

The Supreme Court has created utter chaos down there. Our legislature was in the process of trying to adopt a constitution. They held that our legislative body was unconstitutional. They have enjoined us from trying to do anything about the constitution. They say we are an illegal body. Well, when did we get to be an illegal body? If we are illegal now, we have been illegal for 100 years and everything that has been done in that 100 years is illegal. Is that true or not?

Let me tell you another thing. And you had better listen to me. You had better get your minds on this. Do you know, under the Supreme Court's decisions, you have hardly any Members of this Congress who have been legally elected? Three hundred and ninety-seven of you fail to come up to the rules laid down by the Supreme Court. Thank God the Supreme Court are interlopers. If they were correct, you would have to consider: Are any of the laws that you have passed good or are they no good? Well, I do not know. Frankly, the Supreme Court left me years ago. When the Supreme Court can say, as it has said that a thing is illegal and unconstitutional, but they will let you do it for 6 months or so, I had to tear up every lawbook I had.

I am appealing to you. I am asking you, for Heaven's sake, to help us down in Georgia. We cannot convene our State legislature because they say we are an illegal body.

I will tell you this: If you do not believe that these decisions are designed to knock out the electoral college, you are just wrong.

If you do not believe that this is designed to destroy the two Senators for each State provision, you are wrong. The one person one vote theory will be used to declare the provision that each State shall have two Senators as void under the 14th amendment.

That is just exactly the way you are headed under the one man, one vote proposition. The provision that each State shall have at least one Congressman will be destroyed under that formula.

I will tell you what we should do. Let us go ahead and adopt this bill. Do not let anybody tell you that this bill is not constitutional because a former Justice of the Supreme Court tried to take away the power of Congress to lay a restraining hand upon an arrogant Court, as shown by S. 44 heretofore referred to.

The **CHAIRMAN**. The Chair recognizes the gentleman from Ohio [Mr. McCulloch].

Mr. **McCULLOCH**. Mr. Chairman, I should like to ask the chairman of the Committee on the Judiciary if he does not wish to yield time at this time.

Mr. **CELLER**. I will say to the gentleman from Ohio, we are in a rather strange predicament here. We only have 1 hour and we are dividing that time among those who are in favor of the bill and those who are against it. Is my colleague going to yield any time to those who are against the bill?

Mr. **McCULLOCH**. Under the proper conditions it is very likely that I shall, just as I yielded a great deal of time to those who were opposed to the most controversial legislation to come before this House in my time, and I am referring to the civil rights bill.

The **CHAIRMAN**. The Chair recognizes the gentleman from Ohio [Mr. McCulloch].

Mr. **McCULLOCH**. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. Johansen].

Mr. **JOHANSEN**. Mr. Chairman, in view of the remarks that were made earlier by the gentleman from Indiana [Mr. Madden] in which he cited the State of Michigan as one of the alleged reasons for the Supreme Court decision in this matter, I should just like to record one or two facts about the State of Michigan.

I should like to point out that unfortunately this is the State in which the noxious doctrine of "One person, one vote" largely originated. I should like the record to further show that both by the adoption of a constitutional amendment in 1950 and by the adoption of a new constitution in 1963—both by popular referendum of the citizens of Michigan—the Reuther and Gus Scholle leadership that promoted this noxious doctrine was rejected and repudiated overwhelmingly.

Mr. Chairman, I rise in vigorous support of H.R. 11926.

We are confronted with a condition, not a theory.

We are confronted with an overt usurpation, not an academic discussion. Already that usurpation is bearing its evil fruit of confusion, controversy, and a major reordering of our representative institutions without due constitutional process and without the consent of the governed.

In Oklahoma, an election has been canceled out by judicial decree.

In the State of Washington, both houses of the legislature are confronted with the prospect of the votes of elected legislative representatives being shrunken or inflated—likewise by judicial decree.

In my own State of Michigan, a subservient State supreme court acting with the indecent haste against which even Mr. Chief Justice Warren warned, has imposed a gerrymander of both house and senate legislative districts so extreme that these districts have been described facetiously as "drunken worms."

By the June 15 decisions, the U.S. Supreme Court has reversed a century and a half of judicial precedent which forbade its entry into the political thicket of legislative apportionment.

By the June 15 decisions, the U.S. Supreme Court has defied the century and a half historical and constitutional premise, in Mr. Justice Harlan's words, "that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens."

By these decisions, it imposes the "one person, one vote" dictum on both houses of State legislatures, enshrines the principle of unchecked majority rule, disrupts the system of checks and balances, and destroys any meaningful reason for continuing bicameral legislatures.

By the action of the Court's majority, it justifies the stinging indictment of Mr. Justice Harlan:

> When, in the name of constitutional interpretation, the Court adds something to the Constitution that was deliberately excluded from it, the Court in reality substitutes its view of what should be so for the amending process.

It is as true as it is tragic that in the words of columnist William S. White, "a profound contest is developing between Congress and the Supreme Court" over this issue.

It is regrettable that the Congress has deferred action on this matter until this late date—late not only in the session, but late in the very contest itself.

The Congress has been on notice for more than 2 years. The warnings of coming events became clear with Baker against Carr. They became clear enough to me with the Michigan Supreme Court decision of July 18, 1962, holding the makeup of the State senate unconstitutional, that I introduced the following proposed constitutional amendment only 5 days later:

> Nothing in the Constitution of the United States shall be deemed to prohibit any State from establishing, through its own constitution, representation in one house of its legislature based on factors other than population exclusively.

Today, because of delay and default, the Congress finds it necessary to improvise after the fact. One proposal in the other body seeks to buy time in order that the next Congress may give careful consideration to this or some similar constitutional amendment.

I offer these comments neither to reproach nor in the spirit of self-congratulation. I offer these comments merely as a reminder that if Congress is to truly exercise its legislative function, it must anticipate the constitutional crises instead of waiting until all it can do is to try to pick up the pieces. If Congress is to lead, it must lead.

Following the June 15 decisions, I made this statement on the floor of the House:

> The first and immediate decision must be whether we act by the process of constitutional amendment or by statutory curtailment of the appellate authority of the Supreme Court.
>
> That decision should be dictated by the practicalities and urgency of the situation, but the method once chosen must be pursued with speed and all-out effort.
>
> Only the Congress can call a halt.

In all candor, I would prefer the action proposed in the other body as a means of providing time for consideration of a constitutional amendment.

As I testified before the House Committee on the Judiciary on August 5, I have some concern that by denying appellate authority of the Supreme Court in this area in the hope of doing what needs to be done, we may be doing more than should be done.

I am equally concerned, as I stated in this same testimony, that this statutory approach will not touch the actions of appellate courts in the States, but would, on the other hand, foreclose any appeal from the decisions of those appellate courts to the U.S. Supreme Court, when such right of appeal might be urgently necessary.

At the same time, I did not question in this testimony, and I do not now question, the constitutional authority of the Congress to determine the "exceptions" and "regulations" relating to the appellate jurisdiction of the Supreme Court.

I repeat, as a practical matter we are today confronted with a condition and not a theory. As a practical matter, the only course we have before us today is to vote H.R. 11926 up or down.

This bill is the only effective weapon we have at hand.

Certainly, adoption of this bill would not preclude consideration of a constitutional amendment in the 89th Congress.

If I am a Member of that Congress, I will continue to support and urge such a constitutional amendment. Until then, I cast my vote to curb the Court and to begin the process of undoing the damage inflicted by the June 15 decisions.

So far as I am concerned, to do otherwise would be to underwrite and ratify a revolutionary revision of our Constitution and of our system of government by judicial decree and usurpation.

Mr. KNOX. Mr. Chairman, will the gentleman yield to me?

Mr. JOHANSEN. I yield to my colleague from Michigan.

Mr. KNOX. I appreciate the gentleman from Michigan yielding on this subject matter. I am 100 percent for this legislation. However, we all know the great damage that has been done to our respected State through the directives of the Court.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman from Michigan [Mr. JOHANSEN] 1 additional minute.

Mr. KNOX. I should like to refer to the district court that held our new constitution was constitutional and then in turn another district court, by a 2-to-1 decision, ordered the legislature to reapportion contrary to the provisions of our State constitution. Is that correct?

Mr. JOHANSEN. The gentleman is correct. It seems to depend on the Federal panel of judges you get. I will say further that the gentleman's words give additional weight to this, because he served honorably for many years as a Speaker of the Michigan State House of Representatives.

Mr. KNOX. I thank the gentleman, and I should like to associate myself with his remarks, because I think they are true, honest, and in the best interests of all of the people of this great Nation of ours.

Mr. JOHANSEN. I thank the gentleman.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. ROGERS].

Mr. ROGERS of Colorado. Mr. Chairman, to date the real discussion of what the Tuck amendment is has never been brought forward in the debate. The Tuck amendment says that the Supreme Court of the United States and all inferior courts shall not have jurisdiction in reapportionment matters.

Now, Judge SMITH, when he read certain parts of the Constitution, failed to read the first part of article III of the Constitution, which states as follows:

> The judicial power of the United States, shall be vested in one Supreme Court.

If by action of this Congress we can deprive the Supreme Court of jurisdiction in one instance, then we can deprive it of jurisdiction in all instances. If the Tuck proposal is adopted, then where have all of the Congressmen and all of the lawyers been throughout the time that the Constitution has been in force and effect when they did not figure up one little old amendment to say that any time this act gets to court the Supreme Court of the United States shall not have jurisdiction thereof? That is the real issue here. It is not a question of whether or not the Supreme Court of the United States shall properly interpret the Constitution. The Supreme Court of the United States did in Baker against Carr and in subsequent cases. In the interpretation of the 14th amendment it said that each citizen was entitled to equal protection of the law.

Now, there has not been introduced nor has there been any mention made by anybody of an attempt to repeal that section of the 14th amendment. Yet that is exactly the thing which brought about these decisions. Now, are you ready, able, and willing, as Members of Congress, to propose an amendment to the States that they shall repeal that section of the 14th amendment which denies equal protection to the people? No, you are not likely to do it.

Now let us go one step further. Remember that the Supreme Court of the United States in the various decisions, including one from my own State, although the principal decision came in the case of Reynolds against Sims, had this to say:

> Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivation of individual constitutional rights.

Is there anybody so simple minded as to feel that we can deprive the U.S. Supreme Court of the right to protect your constitutional rights? Is it to the point that we are in this legislation going to say that no District Court of the United States, no Circuit Court of Appeals, nor the Supreme Court, shall have authority to protect your rights under the Constitution of the United States? If so, then vote for the Tuck amendment because the jurisdiction here, if it could be done, if we could take the jurisdiction away from the Supreme Court of the United States to determine the matters dealing with the Constitution, then why have any court? Why not take the Tuck amendment and attach it to every piece of legislation that is presented to Congress and as we attach it to that we will take jurisdiction away from the Federal Court because we say then that the Supreme Court shall not have the authority to interpret the Constitution or protect your constitutional rights.

That is what is involved here. And if that is involved then, of course, are you ready, willing, and able to repeal that part of the 14th amendment to the Constitution which says that we are entitled to equal protection under the laws?

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, before commencing my main remarks I want to comment on the remarks of the gentleman from Colorado [Mr. ROGERS] who just preceded me. I sought to have him yield to me so that I might ask a question, but since he did not yield I want to call the gentleman's attention to the fact that he and I were members of Subcommittee No. 4 of the Judiciary Committee in the 83d Congress, to which were referred some five proposed constitutional amendments adopted by the other body.

The Judiciary Committee of the other body had reported a sixth constitutional amendment, the Bricker amendment, which failed of passage in the Senate by one vote, as the gentleman will recall.

After hearings held by that subcommittee on June 23, 1954, on Senate Joint Resolution 44 which dealt with the Supreme Court, limiting the number of judges to nine, compulsory retirement at 75, section 4 of that proposed constitutional amendment reads as follows:

> The second paragraph of section 2 of article III of this Constitution is hereby repealed.

I wonder if the gentleman will recall that of all the constitutional amendments passed by the Senate in that Congress referred to our Subcommittee No. 4 the only one reported was Senate Joint Resolution 44.

If my recollection is correct—and I want the gentleman to confirm it—that resolution was reported by a 3-to-2 vote. The then chairman of the subcommittee, the gentleman from Ohio [Mr. McCulloch], the gentleman from Massachusetts, Mr. Curtis, and the gentleman from North Carolina, Mr. Jones, were the three affirmative votes. The gentleman from Colorado and myself were the two negative votes.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield to me at that point?

Mr. MEADER. I yield to the gentleman.

Mr. ROGERS of Colorado. I cannot see the parallel in what the gentleman is now talking about has to do with the Tuck amendment.

Mr. MEADER. I will go right ahead and make it clear to the gentleman.

Mr. Chairman, I also have in my hand the February 1955 American Bar Journal which contains an article written by Associate Justice of the Supreme Court Harold Burton, and this is what Mr. Justice Burton said with respect to the McCardle case. That was the title of the article, "The McCardle Case, the Court's Achilles' Heel." That is the headline.

This is what Justice Burton said:

> The Achilles' heel of the Supreme Court's right of judicial review is thus disclosed. The weakness lies in the fact that the Constitution does not give the Court absolute appellate jurisdiction. The Constitution confers appellate jurisdiction on the Court only with such exceptions and such regulations as the Congress shall make.

Mr. Chairman, if the Congress did not have the power under article III, section 2 of the Constitution to regulate and make exceptions to the appellate jurisdiction of the Supreme Court, that resolution which the gentleman from Colorado and I opposed had no meaning and no purpose, and the statement of Justice Burton that the clause which was sought to be repealed was the Achilles' heel of the Supreme Court makes it abundantly clear that the Congress does have the power to make exceptions and to regulate the appellate jurisdiction of the Supreme Court.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. MEADER. I yield briefly.

Mr. ROGERS of Colorado. Does not the Tuck amendment take all jurisdiction away from all courts in connection with reapportionment matters? Certainly, if we can take the jurisdiction away in one instance, then we can take it away in all. May I say to the gentleman, if that is true, why can we not work out one simple little amendment and tie it to every piece of legislation that we pass and say that the Supreme Court and the district courts will have no jurisdiction to interpret this law, nor shall they protect your constitutional rights?

Mr. MEADER. Let me say to the gentlemen that I hope the Tuck amendment does take away from the inferior Federal courts and the Supreme Court any jurisdiction to entertain cases relating to apportionment of State legislatures.

Mr. Chairman, if the gentleman from Virginia is on the floor, I should like to ask him—he is the author of the bill—for an interpretation of the language and the phraseology of his bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman from Michigan an additional 5 minutes.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Georgia.

Mr. FORRESTER. The Congress has complete power to take jurisdiction away from all of the inferior courts, does it not? They are creatures of the Congress, are they not?

Mr. MEADER. They are creatures of the Congress and they exist only by virtue of action by the Congress.

Let me say also that the appellate jurisdiction of the Supreme Court results from affirmative action taken by the Congress in the Judiciary Act of 1789, and we have added to and limited the appellate jurisdiction of the Supreme Court in statutes from time to time down through the years.

Mr. Chairman, this measure, as the gentleman from Virginia said, is probably the most far-reaching, the most basic, the most historic, the most important of any legislation which has come before the Congress in many, many years.

Mr. Chairman, the very structure of our Government, the equilibrium between the separate branches of our Government, the autonomy, independence, and vitality of the legislative branch of Government and the power of the sovereign people to control their affairs is threatened.

Mr. Chairman, it is to get away from that threat, the judicial invasion of the legislative process, that this bill is before us. This serious constitutional problem requires immediate action and should have the concern and approval of the entire membership of this body and of the people of the United States.

It is not so much the legislators who are losing in this matter, as it is the people. When the people of Colorado determined the way their legislative bodies were to be composed, the way they wanted to elect agents to represent them in making policy, the Supreme Court says "You people do not count any more. We take from you the power to determine how you are to make policy. The people are no longer sovereign. We will have judicial despotism," if this trend is permitted to continue.

If we do not deal with this matter now I am afraid these bobtailed legislatures created by the courts will be in such a confused state it will be impossible to deal with this constitutional problem by way of constitutional amendment.

I want to make the point that the Supreme Court decisions, beginning with Baker against Carr of March 6, 1962, continuing with the Wesberry decision on February 17, 1964, which related to congressional districts, and the Sims case, June 17, 1964, are erroneous decisions.

Under leave obtained in the House earlier I am going to include at this point in my remarks a most clear and convincing statement on the decisions of the Supreme Court, particularly the Sims decision, that I have ever seen. I refer to the dissenting opinion of Justice Harlan. I want to include at this point his discussion of the 14th amendment and the use of that amendment to strike down apportionment by State legislatures, appearing on pages 6 to 29 of his dissenting opinion. I urge Members of the House to read at least that portion of Justice Harlan's opinion.

The matter referred to follows:

A. THE LANGUAGE OF THE 14TH AMENDMENT

The Court relies exclusively on that portion of section 1 of the 14th amendment which provides that no State shall "deny to any person within its jurisdiction the equal protection of the laws," and disregards entirely the significance of section 2, which reads:

"Representative shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State."

The amendment is a single text. It was introduced and discussed as such in the Reconstruction Committee,[1] which reported it to the Congress. It was discussed as a unit in Congress and proposed as a unit to the States,[2] which ratified it as a unit. A proposal to split up the amendment and submit each section to the States as a separate amendment was rejected by the Senate.[3] Whatever one might take to be the application to these cases of the equal protection clause if it stood alone, I am unable to understand the Court's utter disregard of the second section which expressly recognizes the States' power to deny "or in any way" abridge the right of their inhabitants to vote for "the members of the [State] legislature," and its express provision of a remedy for such denial or abridgment. The comprehensive scope of the second section and its particular reference to the State legislatures precludes the suggestion that the first section was intended to have the result reached by the Court today. If indeed the words of the 14th amendment speak for themselves, as the majority's disregard of history seems to imply, they speak as clearly as may be against the construction which the majority puts on them. But we are not limited to the language of the amendment itself.

B. PROPOSAL AND RATIFICATION OF THE AMENDMENT

The history of the adoption of the 14th amendment provides conclusive evidence that neither those who proposed nor those who ratified the amendment believed that the equal protection clause limited the power of the States to apportion their legislatures as they saw fit. Moreover, the history demonstrates that the intention to leave this power undisturbed was deliberate and was widely believed to be essential to the adoption of the amendment.

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[1] See the Journal of the Committee, reprinted in Kendrick, The Journal of the Joint Committee of Fifteen on Reconstruction (1914), 83–117.

[2] See the debates in Congress, Cong. Globe, 39th Cong., 1st Sess., 2459–3149, passim (1866) (hereafter Globe).

[3] Globe 3040.

(i) Proposal of the amendment in Congress.—A resolution proposing what became the 14th amendment was reported to both Houses of Congress by the Reconstruction Committee of Fifteen on April 30, 1866.[4] The first two sections of the proposed amendment read:

"Section 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process or law; nor deny to any person within its jurisdiction the equal protection of the laws.

"Section 2. Representatives shall be apportioned among the several States which may be included within this Union, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever, in any State, the elective franchise shall be denied to any portion of its male citizens not less than 21 years of age, or in any way abridged except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens not less than 21 years of age."[5]

In the House, Thaddeus Stevens introduced debate on the resolution on May 8. In his opening remarks, Stevens explained why he supported the resolution although it fell "far short" of his wishes:

"I believe it is all that can be obtained in the present state of public opinion. Not only Congress but the several States are to be consulted. Upon a careful survey of the whole ground, we did not believe that 19 of the loyal States could be induced to ratify any proposition more stringent than this."[6]

In explanation of this belief, he asked the House to remember "that 3 months since, and more, the committee reported and the House adopted a proposed amendment fixing the basis of representation in such way as would surely have secured the enfranchisement of every citizen at no distant period," but that proposal had been rejected by the Senate.[7]

He then explained the impact of the first section of the proposed amendment, particularly the equal protection clause.

"This amendment * * * allows Congress to correct the unjust legislation of the States, so far that the law which operates upon one man shall operate equally upon all. Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree. Whatever law protects the white man shall afford 'equal' protection to the black man. Whatever means of redress is afforded to one shall be afforded to all. Whatever law allows the white man to testify in court shall allow the man of color to do the same. These are great advantages over their present codes. Now different degrees of punishment are inflicted, not on account of the magnitude of the crime, but according to the color of the skin. Now color disqualifies a man from testifying in courts, or being tried in the same way as white men. I need not enumerate these partial and oppressive laws. Unless the Constitution should restrain them those States will all, I fear, keep up this discrimination, and crush to death the hated freedmen."[8]

He turned next to the second section, which he said he considered "the most important in the article."[9] Its effect, he said, was to fix "the basis of representation in Congress."[10] In unmistakable terms, he recognized the power of a State to withhold the right to vote:

"If any State shall exclude any of her adult male citizens from the elective franchise, or abridge that right, she shall forfeit her right to representation in the same proportion. The effect of this provision will be either to compel the States to grant universal suffrage or so to shear them of their power as to keep them forever in a hopeless minority in the National Government, both legislative and executive."[11]

Closing his discussion of the second section, he noted his dislike for the fact that it allowed "the States to discriminate [with respect to the right to vote] among the same class, and receive proportionate credit in representation."[12]

Toward the end of the debate 3 days later, Mr. Bingham, the author of the first section in the Reconstruction Committee and its leading proponent,[13] concluded his discussion of it with the following:

"Allow me, Mr. Speaker, in passing, to say that this amendment takes from no State any right that ever pertained to it. No State ever had the right, under the forms of law or otherwise, to deny to any freeman the equal protection of the laws or to abridge the privileges or immunities of any citizen of the Republic, although many of them have assumed and exercised the power, and that without remedy. The amendment does not give, as the second section shows, the power to Congress of regulating suffrage in the several States."[14]

He immediately continued:

"The second section excludes the conclusion that by the first section suffrage is subjected to congressional laws; save, indeed, with this exception, that as the right in the people of each State to a republican government and to choose their Representatives in Congress is of the guarantees of the Constitution, by this amendment a remedy might be given directly for a case supposed by Madison, where treason might change a State government from a republican to a despotic government, and thereby deny suffrage to the people."[15]

He stated at another point in his remarks:

"To be sure we all agree, and the great body of the people of this country agree, and the committee thus far in reporting measures of reconstruction agree, that the exercise of the elective franchise, though it be one of the privileges of a citizen of the Republic, is exclusively under the control of the States."[16]

In the 3 days of debate which separate the opening and closing remarks, both made by members of the Reconstruction Committee, every speaker on the resolution, with a single doubtful exception,[17] assumed without question that, as Mr. Bingham said, supra, "the second section excludes the conclusion that by the first section suffrage is subjected to congressional law." The assumption was neither inadvertent nor silent. Much of the debate concerned the change in the basis of representation effected by the second section, and the speakers stated repeatedly, in express terms or by unmistakable implication, that the States retained the power to regulate suffrage within their borders. Attached as Appendix A hereto are some of those statements. The resolution was adopted by the House without change on May 10.[18]

Debate in the Senate began on May 23, and followed the same pattern. Speaking for the Senate Chairman of the Reconstruction Committee, who was ill, Senator Howard, also a member of the committee, explained the meaning of the equal protection clause as follows:

"The last two clauses of the first section of the amendment disable a State from depriving not merely a citizen of the United States, but any person, whoever he may be, of life, liberty, or property without due process of law, or from denying to him the equal protection of the laws of the State. This abolishes all class legislation in the States and does away with the injustice of subjecting one caste of persons to a code not applicable to another. It prohibits the hanging of a black man for a crime for which the white man is not to be hanged. It protects the black man in his fundamental rights as a citizen with the same shield which it throws over the white man. Is it not time, Mr. President, that we extend to the black man, I had almost called it the poor privilege of the equal protection of the law?

"But, sir, the first section of the proposed amendment does not give to either of these classes the right of voting. The right of suffrage is not, in law, one of the privileges or immunities thus secured by the Constitution. It is merely the creature of law. It has always been regarded in this country as the result of positive local law, not regarded as one of those fundamental rights lying at the basis of all society and without which a people cannot exist except as slaves, subject to a depotism [sic]."[19]

Discussing the second section, he expressed his regret that it did "not recognize the authority of the United States over the question of suffrage in the several States at all."[20]

He justified the limited purpose of the amendment in this regard as follows:

"But, sir, it is not the question here what will we do; it is not the question what you, or I, or half a dozen other Members of the Senate may prefer in respect to colored suffrage; it is not entirely the question what measure we can pass through the two Houses; but the question really is, what will the legislatures of the various States to whom these amendments are to be submitted do in the premises; what is it likely will meet the general approbation of the people who are to elect the legislatures, three-fourths of whom must ratify our propositions before they have the force of constitutional provisions?

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[4] Globe, 2265, 2286.

[5] As reported in the House. Globe 2286. For prior versions of the Amendment in the Reconstruction Committee, see Kendrick, op. cit., supra, note 7, 83–117. The work of the Reconstruction Committee is discussed in Kendrick, supra, and Flack, The Adoption of the Fourteenth Amendment (1908), 55–139, passim.

[6] Globe 2459.

[7] Ibid. Stevens was referring to a proposed amendment to the Constitution which provided that "whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons therein of such race or color shall be excluded from the basis of representation. Globe 535. It passed the House, id., at 538, but did not muster the necessary two-thirds vote in the Senate, id., at 1289.

[8] Globe, 2459.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] Globe, 2460.

[13] Kendrick, op. cit., supra, note 7, 87, 106; Flack, op. cit., supra, note 11, 60–68, 71.

[14] Globe 2542.

[15] Ibid. It is evident from the context of the reference to a republican government that Bingham did not regard limitations on the right to vote or the denial of the vote to specified categories of individuals as violating the guarantee of a republican form of government.

[16] Ibid.

[17] Representative Rogers, who voted against the resolution, Globe 2545, suggested that the right to vote might be covered by the Privileges and Immunities Clause. Globe 2538. But immediately thereafter he discussed the possibility that the southern States might "refuse to allow the negroes to vote." Ibid.

[18] Globe 2545.

[19] Globe 2766.

[20] Ibid.

"The committee were of opinion that the States are not yet prepared to sanction so fundamental a change as would be the concession of the right of suffrage to the colored race. We may as well state it plainly and fairly, so that there shall be no misunderstanding on the subject. It was our opinion that three-fourths of the States of this Union could not be induced to vote to grant the right of suffrage, even in any degree or under any restriction, to the colored race.

"The second section leaves the right to regulate the elective franchise still with the States, and does not meddle with that right." [21]

There was not in the Senate, as there had been in the House, a closing speech in explanation of the amendment. But because the Senate considered, and finally adopted, several changes in the first and second sections, even more attention was given to the problem of voting rights there than had been given in the House. In the Senate, it was fully understood by everyone that neither the first nor the second section interfered with the right of the States to regulate the elective franchise. Attached as appendix B hereto are representative statements from the debates to that effect. After having changed the proposed amendment to the form in which it was adopted, the Senate passed the resolution on June 8, 1866.[22] As changed, it passed in the House on June 13.[23]

(ii) Ratification by the "loyal" States: Reports of the debates in the State legislatures on the ratification of the 14th amendment are not generally available.[24] There is, however, compelling indirect evidence. Of the 23 loyal States which ratified the amendment before 1870, 5 had constitutional provisions for apportionment of at least 1 house of their respective legislatures which wholly disregarded the spread of population.[25] Ten more had constitutional provisions which gave primary emphasis to population, but which applied also other principles, such as partial ratios and recognition of political subdivisions, which were intended to favor sparsely settled areas.[26] Can it be seriously contended that the legislatures of these States, almost two-thirds of those concerned, would have ratified an amendment which might render their own States' constitutions unconstitutional?

Nor were these State constitutional provisions merely theoretical. In New Jersey, for example, Cape May County, with a population of 8,349, and Ocean County, with a population of 13,628, each elected one State senator, as did Essex and Hudson Counties, with populations of 143,839 and 129,067, respectively.[27] In the house, each county was entitled to one representative, which left 39 seats to be apportioned according to population.[28] Since there were 12 counties besides the 2 already mentioned which had population over 30,000,[29] it is evident that there were serious disproportions in the house also. In New York, each of the 60 counties except Hamilton County was entitled to 1 of the 128 seats in the assembly.[30] This left 69 seats to be distributed among counties the populations of which ranged from 15,420 to 942,292.[31] With 7 more counties having populations over 100,000 and 13 others having populations over 50,000,[32] the disproportion in the assembly was necessarily large. In Vermont, after each county had been allocated one senator, there were 16 seats remaining to be distributed among the larger counties.[33] The smallest county had a population of 4,082; the largest had a population of 40,651 and there were 10 other counties with populations over 20,000.[34]

(iii) Ratification by the "reconstructed" States: Each of the 10 "reconstructed" States was required to ratify the 14th amendment before it was readmitted to the Union.[35] The constitution of each was scrutinized in Congress.[36] Debates over readmission were extensive.[37] In at least one instance, the problem of State legislative apportionment was expressly called to the attention of Congress. Objecting to the inclusion of Florida in the act of June 25, 1868, Mr. Farnsworth stated on the floor of the House:

"I might refer to the apportionment of representatives. By this constitution representatives in the Legislature of Florida are apportioned in such a manner as to give the sparsely populated portions of the State the control of the legislature. The sparsely populated parts of the State are those where there are very few Negroes, the parts inhabited by the white rebels, the men who, coming in from Georgia, Alabama, and other States, control the fortunes of their several counties. By this constitution every county in that State is entitled to a representative. There are in that State counties that have not 30 registered voters; yet, under this constitution, every one of those counties is entitled to a representative in the legislature; while the populous counties are entitled to only one representative each, with an additional representative for every thousand inhabitants." [38]

The response of Mr. Butler is particularly illuminating:

"All these arguments, all these statements, all the provisions of this constitution have been submitted to the Judiciary Committee of the Senate, and they have found the constitution republican and proper. This constitution has been submitted to the Senate, and they have found it republican and proper. It has been submitted to your own Committee on Reconstruction, and they have found it republican and proper, and have reported it to this House." [39]

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[21] Ibid.

[22] Globe 3042.

[23] Globe 3149.

[24] Such evidence as there is, mostly committee reports and messages to the legislatures from Governors of the States, is to the same effect as the evidence from the debates in the Congress. See Ark. House J. 288 (1866–1867); Fla. Sen. J. 8–10 (1866); Ind. House J. 47–48, 50–51 (1867); Mass. Legis. Doc., House Doc. No. 149, 4–14, 16–17, 23, 24, 25–26 (1867); Mo. Sen. J. 14 (1867); N.J. Sen. J. 7 (Extra Sess. 1866); N.C. Sen. J. 96–97, 98–99 (1866–1867); Tenn. House J. 12–15 (1865–1866); Tenn. Sen. J. 8 (Extra Sess. 1866); Va. House J. & Doc., Doc. No. 1, 35 (1866–1867); Wis. Sen. J. 33, 101–103 (1867). Contra, S.C. House J. 34 (1866); Tex. Sen. J. 422 (1866 App.).

For an account of the proceedings in the State legislatures and citations to the proceedings, see Fairman, "Does the Fourteenth Amendment Incorporate the Bill of Rights?" 2 Stan. L. Rev. 5, 81–126 (1949).

[25] Conn. Const., 1818, Art. Third, § 3 (towns); N.H. Const., 1792, Part Second, § XXVI (direct taxes paid); N.J. Const., 1844, Art. IV, § II, cl. 1 (counties); R.I. Const., 1842, Art. VI, § 1 (towns and cities); Vt. Const., 1793, c. II, § 7 (towns).

In none of these States was the other House apportioned strictly according to population. Conn. Const., 1818, Amend. II; N.H. Const., 1792, Pt. Second, §§ IX–XI; N.J. Const., 1844, Art. IV, § III, cl. 1; R.I. Const., 1842, Art. V, § 1; Vt. Const., 1793, Amend. 23.

[26] Iowa Const., 1857, Art. III, § 35; Kan. Const., 1859, Art. 2, § 2, Art. 10, § 1; Me. Const., 1819, Art. IV–Pt. First, § 3; Mich., Const., 1850, Art. IV, § 3; Mo. Const., 1865, Art. IV, § 2; N.Y. Const., 1846, Art. III, § 5; Ohio Const., 1851, Art. XI §§ 2–5; Pa. Const., 1838, Art. I, §§ 4, 6, 7, as amended; Tenn. Const., 1834, Art. II, § 5; W. Va., Const., 1861–1863, Art. IV, § 9.

[27] Ninth Census of the United States, Statistics of Population (1872) (hereafter Census), 49. The population figures, here and hereafter, are for the year 1870, which presumably best reflect the figures for the years 1866–1870. Only the figures for 1860 were available at that time, of course, and they would have been used by anyone interested in population statistics. See, e.g., Globe 3028 (remarks of Senator Johnson).

The method of apportionment is contained in N.J. Const., 1844, Art. IV, § II, cl. 1.

[28] N.J. Const., 1844, Art. IV, § III, cl. 1. Census 49.

[29] Ibid.

[30] N.Y. Const., 1846, Art. III, §§ 2, 5. Census 50–51.

[31] Ibid.

[32] Ibid.

[33] There were 14 countries, Census 67, each of which was entitled to at least one out of a total of 30 seats. Vt. Const., 1793, Amend. 23.

[34] Census 67.

[35] Act of Mar. 2, 1867 § 5, 14 Stat. 429. See also Act of June 25, 1868, 15 Stat. 73, declaring that the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, would be admitted to representation in Congress when their legislatures had ratified the Fourteenth Amendment. Other conditions were also imposed, including a requirement that Georgia nullify certain provisions of its Constitution. Ibid. Arkansas, which had already ratified the Fourteenth Amendment, was readmitted by Act of June 22, 1868, 15 Stat. 72. Virginia was readmitted by Act of Jan. 26, 1870, 16 Stat. 62; Mississippi by Act of Feb. 23, 1870, 16 Stat. 67; and Texas by Act of Mar. 30, 1870, 16 Stat. 80. Georgia was not finally readmitted until later, by Act of July 15, 1870, 16 Stat. 363.

[36] Discussing the bill which eventuated in the Act of June 25, 1868, see note 41, supra, Thaddeus Stevens said:

"Now, sir, what is the particular question we are considering? Five or six States have had submitted to them the question of forming constitutions for their own government. They have voluntarily formed such constitutions, under the direction of the Government of the United States. * * * They have sent us their constitutions. Those constitutions have been printed and laid before us. We have looked at them; we have pronounced them republican in form; and all we propose to require is that they shall remain so forever. Subject to this requirement, we are willing to admit them into the Union." Cong. Globe, 40th Cong., 2d Sess., 2465 (1868). See also the remarks of Mr. Butler, infra, p. 19–20.

The close attention given the various Constitutions is attested by the Act of June 25, 1868, which conditioned Georgia's readmission on the deletion of "the first and third subdivision of section seventeen of the fifth article of the constitution of said State, except the proviso to the first subdivision." 15 Stat. 73. The sections involved are printed in Sen. Ex. Doc. No. 57, 40th Cong., 2d Sess., 14–15.

Compare *United States* v. *Florida,* 363 U.S. 121, 124–127.

[37] See, e.g., Cong. Globe, 40th Cong., 2d Sess., 2412–2413, 2858–2860, 2861–2871, 2895–2900, 2901–2904, 2927–2935, 2963–2970, 2998–3022, 3023–3029 (1868).

[38] Cong. Globe, 40th Cong., 2d Sess., 3090–3091 (1868).

[39] Id., at 3092.

The constitutions of 6 of the 10 States contained provisions departing substantially from the method of apportionment now held to be required by the amendment.[40] And, as in the North, the departures were as real in fact as in theory. In North Carolina, 90 of the 120 representatives were apportioned among the counties without regard to population, leaving 30 seats to be distributed by numbers.[41] Since there were 7 counties with populations under 5,000 and 26 counties with populations over 15,000, the disproportions must have been widespread and substantial.[42] In South Carolina, Charleston, with a population of 88,863, elected two senators; each of the other counties, with populations ranging from 10,269 to 42,486 elected one senator.[43] In Florida, each of the 39 counties was entitled to elect 1 representative, no county was entitled to more than 4.[44] These principles applied to Dade County with a population of 85 and to Alachua County and Leon County, with populations of 17,328 and 15,236, respectively.[45]

It is incredible that Congress would have exacted ratification of the 14th amendment as the price of readmission, would have studied the State constitutions for compliance with the amendment, and would then have disregarded violations of it.

The facts recited above show beyond any possible doubt:

1. That Congress, with full awareness of and attention to the possibility that the States would not afford full equality in voting rights to all their citizens, nevertheless deliberately chose not to interfere with the States' plenary power in this regard when it proposed the 14th amendment;

2. That Congress did not include in the 14th amendment restrictions on the States' power to control voting rights because it believed that if such restrictions were included, the amendment would not be adopted.

3. That at least a substantial majority, if not all, of the States which ratified the 14th amendment did not consider that in so doing, they were accepting limitations on their freedom, never before questioned, to regulate voting rights as they chose.

Even if one were to accept the majority's belief that it is proper entirely to disregard the unmistakable implications of the second section of the amendment in construing the first section, one is confounded by its disregard of all this history. There is here none of the difficulty which may attend the application of basic principles to situations not contemplated or understood when the principles were framed. The problems which concern the Court now were problems when the amendment was adopted. By the deliberate choice of those responsible for the amendment, it left those problems untouched.

C. AFTER 1868

The years following 1868, far from indicating a developing awareness of the applicability of the 14th amendment to problems of apportionment, demonstrate precisely the reverse: that the States retained and exercised the power independently to apportion their legislatures. In its constitutions of 1875 and 1901, Alabama carried forward earlier provisions guaranteeing each county at least one representative and fixing an upper limit to the number of seats in the house.[46] Florida's constitution of 1885 continued the guarantee of one representative for each county and reduced the maximum number of representatives per county from four to three.[47] Georgia, in 1877, continued to favor the smaller counties.[48] Louisiana, in 1879, guaranteed each parish at least one representative in the house.[49] In 1890, Mississippi guaranteed each county one representative, established a maximum number of representatives, and provided that specified groups of counties should each have approximately one-third of the seats in the house, whatever the spread of population.[50] Missouri's constitution of 1875 gave each county one representative and otherwise favored less populous areas.[51] Montana's original constitution of 1889 apportioned the State senate by counties.[52] In 1877, New Hampshire amended its constitution's provisions for apportionment, but continued to favor sparsely settled areas in the house and to apportion seats in the senate according to direct taxes paid,[53] the same was true of New Hampshire's Constitution of 1902.[54]

In 1894, New York adopted a constitution the peculiar apportionment provisions of which were obviously intended to prevent representation according to population: no county was allowed to have more than one-third of all the senators, no two counties which were adjoining or "separated only by public waters" could have more than one-half of all the senators, and whenever any county became entitled to more than three senators, the total number of senators was increased, thus preserving to the small counties their original number of seats.[55] In addition, each county except Hamilton was guaranteed a seat in the assembly.[56] The North Carolina constitution of 1876 gave each county at least one representative and fixed a maximum number of representatives for the whole house.[57] Oklahoma's constitution at the time of its admission to the Union (1907) favored small counties by the use of partial ratios and a maximum number of seats in the house; in addition, no county was permitted to "take part" in the election of more than seven representatives.[58] Pennsylvania, in 1873, continued to guarantee each county one representative in the house.[59] The same was true of South Carolina's constitution of 1895, which provided also that each county should elect one and only one senator.[60] Utah's original constitution of 1895 assured each county of one representative in the house.[61] Wyoming, when it entered the Union in 1889, guaranteed each county at least one senator and one representative.[62]

D. TODAY

Since the Court now invalidates the legislative apportionments in six States, and has so far upheld the apportionment in none, it is scarcely necessary to comment on the situation in the States today, which is, of course, as fully contrary to the Court's decision as is the record of every prior period in this Nation's history. As of 1961, the constitutions of all but 11 States, roughly 20 percent of the total, recognized bases of apportionment other than geographic spread of population, and to some extent favored sparsely populated areas by a variety of devices, ranging from straight area representation or guaranteed minimum area representation to complicated schemes of the kind exemplified by the provisions of New York's constitution of 1894, still in effect until struck down by the Court today in No. 20, post, p. ——.[63] Since Tennessee, which was the subject of Baker against Carr, and Virginia, scrutinized and disapproved today in No. 69, post, p. ——, are among the 11 States whose own constitutions are sound from the standpoint of the Federal Constitution as construed today, it is evident that the actual practice of the States is even more uniformly than their theory opposed to the Court's view of what is constitutionally permissible.

E. OTHER FACTORS

In this summary of what the majority ignores, note should be taken of the 15th and 19th amendments. The former prohibited the States from denying or abridging the right to vote "on account of race, color, or previous condition of servitude." The latter, certified as part of the Constitution in 1920, added sex to the prohibited classifications. In *Minor* v. *Happersett*, 21 Wall, 162, this Court considered the claim that the right of women to vote was protected by the privileges and immunities clause of the 14th amendment. The Court's discussion there of the significance of the 15th amendment is fully applicable here with respect to the 19th amendment as well.

"And still again, after the adoption of the 14th amendment, it was deemed necessary to adopt a 15th, as follows: 'The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.' The 14th amendment had already provided that no State should make or enforce any law which should abridge the privileges or immunities of citizens of the United States. If suffrage was one of these privileges or immunities, why amend the Constitution to prevent its being denied on account of race, et cetera? Nothing is more evident than that the greater must include the lesser, and if all were already protected, why go through with the form of amending the Constitution to protect a part?" Id., at 175.

In the present case, we can go still further. If constitutional amendment was the only means by which all men and, later, women, could be guaranteed the right to vote at all, even for Federal officers, how can it be that the far less obvious right to a particular kind of apportionment of State legislatures—a right to which is opposed a far more plausible conflicting interest of the State than the interest which opposes the general right to vote—can be conferred by judicial construction of the 14th amendment?[64] Yet, unless

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[40] Ala. Const., 1867, Art. VIII, § 1; Fla. Const., 1868, Art XVI; Ga. Const., 1868, Art. III, § 3, ¶ 1; La. Const., 1868, Titl. II, Art. 20; N.C. Const., 1868, Art. II, § 6; S.C. Const., 1868, Art II, §§ 6, 8.

[41] N.C. Const., 1868, Art. II, § 6, There were 90 counties. Census 52–53.

[42] Ibid.

[43] S.C. Const., 1868, Art. II, § 8; Census 60.

[44] Fla. Const., 1868, Art. XIV.

[45] Census 18–19.

[46] Ala. Const., 1875, Art. IX, §§ 2, 3; Ala. Const., 1901, Art. IX, §§ 198, 199.

[47] Fla. Const., 1885, Art. VII, § 3.

[48] Ga. Const., 1877, Art. III, § III.

[49] La. Const., 1879, Art. 16.

[50] Miss. Const., 1890, Art. 13, § 256.

[51] Mo. Const., 1875, Art. 4, § 2.

[52] Mont. Const., 1889, Art. V, § 4, Art. VI, § 4.

[53] N.H. Const., 1792, Part Second, §§ 9–11, 26, as amended.

[54] N.H. Const., 1902, Part Second, Arts. 9, 10, 25.

[55] N.Y. Const., 1894, Art. III, § 4.

[56] N.Y. Const., 1894, Art. III, § 5.

[57] N.C. Const., 1876, Art. II, § 5.

[58] Okla. Const., 1907, Art. V, § 10.

[59] Pa. Const., 1873, Art. II, § 17.

[60] S.C. Const., 1895, Art. III, §§ 4, 6.

[61] Utah Const., 1895, Art. IX, § 4.

[62] Wyo. Const., 1889, Art. III, § 3.

[63] A tabular presentation of constitutional provisions for apportionment as of Nov. 1, 1961, appears in XIV Book of the States (1962–1963), 58–62. Using this table, but disregarding some deviations from a pure population base, the Advisory Commission on Intergovernmental Relations states that there are 15 States in which the legislatures are apportioned solely according to population. Apportionment of State Legislatures (1962), 12.

[64] Compare the Court's statement in *Guinn* v. *United States*, 238 U.S. 347, 362:

". . . Beyond doubt the [Fifteenth] Amendment does not take away from the state governments in a general sense the power over suffrage which has belonged to those governments from the beginning and one takes the highly implausible view that the 14th amendment controls methods of apportionment but leaves the right to vote itself unprotected, the conclusion is inescapable that the Court has, for purposes of these cases, relegated the 15th and 19th amendments to the same limbo of constitutional anachronisms to which the second section of the 14th amendment has been assigned.

Mention should be made finally of the decisions of this Court which are disregarded or, more accurately, silently overruled today. *Minor* v. *Happersett*, supra, in which the Court held that the 14th amendment did not confer the right to vote on anyone, has already been noted. Other cases are more directly in point. In *Colgrove* v. *Barrett*, 330 U.S. 804, this Court dismissed "for want of a substantial Federal question" an appeal from the dismissal of a complaint alleging that the Illinois legislative apportionment resulted in "gross inequality in voting power" and "gross and arbitrary and atrocious discrimination in voting" which denied the plaintiffs equal protection of the laws.[65] In *Remmey* v. *Smith*, 102 F. Supp. 708 (D.C.E.D. Pa.), a three-judge district court dismissed a complaint alleging that the apportionment of the Pennsylvania Legislature deprived the plaintiffs of "constitutional rights guaranteed to them by the 14th amendment." Id., at 709. The district court stated that it was aware that the plaintiffs' allegations were "notoriously true" and that "the practical disenfranchisement of qualified electors in certain of the election districts in Philadelphia County is a matter of common knowledge." Id., at 710. This Court dismissed the appeal "for the want of a substantial Federal question." 342 U.S. 916.

In *Kidd* v. *McCanless*, 292 S. W. 2d 40, the Supreme Court of Tennessee dismissed an action for a declaratory judgment that the Tennessee Apportionment Act of 1901 was unconstitutional. The complaint alleged that "a minority of approximately 37 percent of the voting population of the State now elects and controls 20 of the 33 members of the senate; that a minority of 40 percent of the voting population of the State now controls 63 of the 99 members of the house of representatives." Id., at 42. Without dissent, this Court granted the motion to dismiss the appeal. 352 U.S. 920. In *Radford* v. *Gary*, 145 F. Supp. 541 (D.C.W.D. Okla.), a three-judge district court was convened to consider "the complaint of the plaintiff to the effect that the existing apportionment statutes of the State of Oklahoma violate the plain mandate of the Oklahoma Constitution and operate to deprive him of the equal protection of the laws guaranteed by the 14th amendment to the Constitution of the United States." Id., at 542. The plaintiff alleged that he was a resident and voter in the most populous county of the State, which had about 15 percent of the total population of the State but only about 2 percent of the seats in the State senate and less than 4 percent of the seats in the house. The complaint recited the unwillingness or inability of the branches of the State government to provide relief and alleged that there was no State remedy available. The district court granted a motion to dismiss. This Court affirmed without dissent. 352 U.S. 991.

Each of these recent cases is distinguished on some ground or other in *Baker* v. *Carr*. See 369 U.S., at 235–236. Their summary dispositions prevent consideration whether these after-the-fact distinctions are real or imaginary. The fact remains, however, that between 1947 and 1957, four cases raising issues precisely the same as those decided today were presented to the Court. Three were dismissed because the issues presented were thought insubstantial and in the fourth the lower court's dismissal was affirmed.[66]

I have tried to make the catalog complete, yet to keep it within the manageable limits of a judicial opinion. In my judgment, today's decisions are refuted by the language of the amendment which they construe and by the inference fairly to be drawn from subsequently enacted amendments. They are unequivocally refuted by history and by consistent theory and practice from the time of the adoption of the 14th amendment until today.

It is clear, is it not, that the power to establish the structure and the form of a legislative body is legislative power?

There is one thing that is clear in our Constitution. In article I the legislative power of the United States is vested in the Congress. That is clear. None of it is vested in the court system. "All legislative powers herein granted shall be vested in a Congress of the United States."

Where in the Constitution is any authority given to the court to entertain and exercise legislative power? I defy anyone to find it.

The 10th amendment to the Constitution, which the Supreme Court rarely refers to, says that all powers not delegated in this Constitution or prohibited to the States are reserved to the States or to the people respectively.

The power of the people of Colorado to determine how their agents for determining State policy shall be selected was at least a power reserved to the people, and it was a legislative power vested in their legislature.

The courts have gone rather beserk in this field. A Federal court in New York has amended the constitution of the State of New York to provide that the legislators instead of having a 2-year term, as the constitution provides, shall have a 1-year term.

In the State of Washington, a three-man court, ordered the legislature to be called into special session. The Governor would not do it by a certain limited time and the court said to the legislature, in effect, "in the event you fail to reapportion your State legislature forthwith, next January, when you convene, each member of the legislature will have that weight attached to his vote as the proportion of the people he represents bears to the proportion of the State generally. This is a weighted vote. Is that legislative power? Where is legislative power vested in the Supreme Court or Federal courts of the United States?

It is clear under the plain language in article III, section 1, that the lower courts have the powers that the Congress gives them, and under article III, section 2, the Supreme Court has that appellate jurisdiction which Congress gives it subject to such regulation and subject to such exceptions as the Congress may make.

The Tuck bill is clearly constitutional, in my opinion.

I see the gentleman from Virginia on the floor. I want to ask him a question for the purpose of making legislative history. The gentleman's bill uses this phrase to describe the type of action in which jurisdiction is withdrawn:

> Any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union.

I have a similar bill, H.R. 11879, in which I describe the type of action for which jurisdiction is withdrawn in somewhat different fashion. This is my language:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:
>
> "§ 1361. Legislative districts
>
> "A district court shall not have jurisdiction of any action to enjoin, suspend, or modify the operation of any law respecting the boundaries of, or the number of persons to be elected from, any district from which persons are elected to the legislature of any State."
>
> (b) The table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following:
>
> "1361. Legislative districts."
>
> SEC. 2. (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:
>
> "§ 1259. Exception to appellate jurisdiction in cases involving legislative districts
>
> "The Supreme Court of the United States shall not have appellate jurisdiction of any action of any type described in section 1361 of this title."
>
> (b) The table of sections at the beginning of chapter 81 of title 28, United States Code,

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without the possession of which power the whole fabric upon which the division of state and national authority under the Constitution and the organization of both governments rest would be without support and both the authority of the nation and the State would fall to the ground. In fact, the very command of the Amendment recognizes the possession of the general power by the State, since the Amendment seeks to regulate its exercise as to the particular subject with which it deals."

[65] The quoted phrases are taken from the Jurisdictional Statement, pp. 13, 19.

[66] In two early cases dealing with party primaries in Texas, the Court indicated that the Equal Protection Clause did afford some protection of the right to vote. *Nixon* v. *Herndon*, 273 U.S. 536; *Nixon* v. *Condon*, 286 U.S. 73. Before and after these cases, two cases dealing with the qualifications for electors in Oklahoma had gone off on the Fifteenth Amendment, *Guinn* v. *United States*, 238 U.S. 347; *Lane* v. *Wilson*, 307 U.S. 268. The rationale of the Texas cases is almost certainly to be explained by the Court's reluctance to decide that party primaries were a part of the electoral process for purposes of the Fifteenth Amendment. See *Newberry* v. *United States*, 256 U.S. 232. Once that question was laid to rest in *United States* v. *Classic*, 313 U.S. 299, the Court decided subsequent cases involving Texas party primaries on the basis of the Fifteenth Amendment. *Smith* v. *Allwright*, 321 U.S. 649; *Terry* v. *Adams*, 345 U.S. 461.

The recent decision in *Gomillion* v. *Lightfoot*, 364 U.S. 339, that a constitutional claim was stated by allegations that municipal lines had been redrawn with the intention of depriving Negroes of the right to vote in municipal elections was based on the Fifteenth Amendment. Only one Justice, in a concurring opinion, relied on the Equal Protection Clause of the Fourteenth Amendment. *Id.*, at 349.

is amended by adding at the end thereof the following:

"1259. Exception to appellate jurisdiction in cases involving legislative districts."

My question is based on the factual situation in Michigan. The suits in Michigan relating to the State legislature were not brought against the State legislature to mandamus it in effect to exercise its legislative power the way the Court thinks it should; they were brought against the Secretary of State as an individual to restrain him from carrying out an election according to State law, which the plaintiffs claimed was unconstitutional. Would the gentleman's bill cover that type of situation?

Mr. TUCK. I think it would.

Mr. MEADER. The gentleman believes the language I mentioned would be constitutional in either event?

Mr. TUCK. Yes.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. FASCELL. In the gentleman's discussion, in my opinion, the gentleman touched on the question of whether the legislative power of the Congress provided that jurisdiction under article III dealing with appellate jurisdiction of the Supreme Court, or whether or not that should be considered with other constistutional provisions, for example, due process. The gentleman has not touched on the question of whether or not due process requires the process of judicial review on some constitutional issues.

Mr. MEADER. I know that argument can be made. The very way the Court gets into this thing at all is by stretching the 14th amendment. No one ever thought before Baker against Carr that the 14th amendment gave the courts power to determine the composition of legislative bodies.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. Whitener].

Mr. WHITENER. Mr. Chairman, I believe that the business we are about is the most important to come before the Congress since I came here 8 years ago. Today we have before us a decision which as much as any other we have had during my service as a Member of Congress, will say whether we believe in the clear language and purpose of the Constitution of the United States or whether some of us are going to be carried away and do violence to that great instrument because of what we deem to be some extraordinary political situation.

Some newspapers in my own home area that are carrying editorials because they feel their constituency is an urban constituency and that they are, therefore, serving their community by taking a position which, in my judgment, is absolutely contrary to both the language and the history of the Constitution, and more specifically the 14th amendment.

There are men seated in this room who, feeling that the result which they contemplate will flow from the decision of the Court is favorable to their party or unfavorable to another political party, will support it.

There are others who are here from urban centers who will support this legislation because they believe it will do something to bring about equity where inequitable situations exist—and we all recognize that such conditions do exist—in city representation, who at the same time are overlooking the fact that if the equal protection clause of the Constitution vests in the Supreme Court the authority to meddle in State legislative apportionment on the theory of one vote to one person, that same principle gives to that same Court and its inferior Federal courts the right to determine whether or not in your city, your county, and in your education board elections—that principle of one vote to one person exists.

It has been suggested here that anyone who feels that under the Constitution the Congress has the authority and the power to bring about some degree of rectitude in this miserable situation created by the unfortunate decision in Reynolds against Sims that that indicates a degree of simplemindedness on the part of some of us.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. Not unless the gentleman wants to associate himself with that group.

Mr. ROGERS of Colorado. I will be delighted to reply and ask you: Are you in favor of repealing that portion of the 14th amendment which offers equal protection to all individuals?

Mr. WHITENER. I will say to the gentleman, I have not proposed that.

Even Thaddeus Stevens with all his vigor and vim for the 14th amendment took the position, as the debates in the Congressional Globe will show, diametrically opposed to the position asserted by the gentleman from Colorado. Stevens expressed regret that the Congress could not go further with the 14th amendment than it did. He said this about it. He said, in effect:

> We have put into it a provision in section 2 which will dilute the representation of any State which denies to male persons over 21 years of age the right to vote, and that is as far as we can go—

Because he said, in effect:

> We must be practical men and we know that the States will not ratify it if we give to the Federal authorities control over State apportionment.

I regret that my time has expired.

Mr. Chairman, I urge the adoption of the amendment and the enactment and thorough approval of the bill now before us.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Lindsay].

Mr. Chairman, will the gentleman yield to the gentleman from Maryland for a unanimous-consent request?

Mr. LINDSAY. I yield to the gentleman.

Mr. MORTON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MORTON. Mr. Chairman, I rise in support of H.R. 11926.

The issue before us concerning apportionment of the legislatures of the several States brings this country to a point of great decision. If we take the course of apportioning each house of our State legislatures on the basis of population alone, we upset and undermine the very force that has placed our system of government by the people in a position of leadership among the nations.

A knowledge of the history of apportionment is essential for an understanding of our representative system of government. Dr. Alfred de Grazia, the noted political scientist, defines apportionment in the most abstract and general sense as "the division of a jurisdiction into groupings or constituencies some of whose members are able to participate in a designation of officers of the jurisdiction."

An apportionment system should be aimed at facilitating the tasks of the people in the movement of their society in a way that will preserve the basic principles of representative government. These principles are summarized by De Grazia as:

First. A pervasive doctrine of the consent of the people.

Second. Provisions for the entry of various kinds of opinions and interests into the political processes and the resulting legislation.

Third. Limits on the extent to which dissenting groups can be coerced.

Fourth. A rule of law applicable to the Government as well as to the people.

These principles are definitive and provide us with the substance to consider any proposition and particularly the proposition before the country now of departing from a system of apportionment of State legislatures which has in many cases been in existence as long or longer than the National Congress.

In his dissenting opinion in the June 15 decision of the U.S. Supreme Court—Reynolds against Sims—Mr. Justice Harlan very articulately pointed out how the Court strayed from the appropriate bounds of its authority.

As well as demonstrating that the equal-protection clause was never intended to inhibit the States in choosing any democratic method they pleased for the apportionment of their legislatures, Mr. Justice Harlan listed the following points which the Court declared unconstitutional in its decision:

First. History.

Second. Economic or other sorts of group interests.

Third. Area.

Fourth. Geographical considerations.

Fifth. A desire to insure effective representation for sparsely settled areas.

Sixth. Availability of access of citizens to their representatives.

Seventh. Theories of bicameralism—except those approved by the Court.

Eighth. Occupation.

Ninth. An attempt to balance urban and rural power.

Tenth. The preference of a majority of the voters in a State.

Mr. Chairman, I rise here today not as a lawyer or even a student of constitutional law. I speak here as a representative of the people of the First District of Maryland, a State whose legislature was established prior to 1650.

From colonization until 1650, it is true that in Maryland the right of representation had no particular characteristic of regularity. Every freeman in the colony had the right to be present at any of the assemblies that transacted business relative to the colony, pending approval of the Royal Governor. That right, a personal privilege like that of a member of the House of Peers in England, allowed the colonists either to appear in person or be represented by proxy, or to join in the election of delegates to represent him.

Generally Maryland's earliest assemblies became assemblies of representatives. In 1692, after the establishment of the Royal Government in Maryland, the constitution of the lower house was regulated by law. It provided for the right of representation established on a basis of equality among the counties. This provision existed without alteration for nearly 100 years until the time of the American Revolution.

In the heat of the War for Independence, a State convention was called at Annapolis to form a constitution and adopt a bill of rights that would guide the newly declared State of Maryland. The State's first constitution was adopted November 10, 1776. It stated emphatically that "all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole."

It was provided in the State constitution of 1776 and again provided in the three later constitutions of 1851, 1864, and 1867, that the people of the State of Maryland be represented in two houses of legislation—the upper house apportioned equally among the several counties and legislative districts of Baltimore City and the lower house according to population of the State.

During the course of the State's history, the establishment of additional counties and of additional legislative districts in the city of Baltimore took place which now provide the Senate of Maryland's General Assembly with 29 senators. It was with a general assembly of two houses, one based on population, the other based on other considerations, that Maryland entered the Union and in good faith. This is the system under which the State has flourished and grown. It was under this system of legislation that Maryland's transportation complex both on land and maritime became a reality; it was under this system of legislation that her schools, universities, and other educational institutions have flourished providing opportunities in this field second to none. It was under this system of legislation that Maryland's economy was achieved binding agriculture, industry, and mineral development together in a dynamic common purpose.

Here in this small State, here in this, one of the earliest States, here in this free State, is proof that a dynamic bicameral general assembly, one house based on population and one house based on other considerations, has worked well for the people in their responsibility of governing themselves and developing their society.

Now, in this hour after almost two centuries of incomparable growth and development—a period during which the aspirations for human freedom under law were matched in no other place in the world—the Supreme Court says, "Change."

Mr. Chairman, if it becomes necessary for the States to yield from their position and if we must apportion each House of our legislature according to mere numbers of people, we cannot help but depart from the historic and basic principles of republican government.

If ever there were a challenge before Congress it is now. It is the challenge to hold the line for the sovereignty of the people and of the several States in the determination of their own political destiny.

Mr. McCULLOCH. Mr. Chairman, will the gentleman from New York yield to the gentleman from Ohio [Mr. Bow]?

Mr. LINDSAY. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOW. Mr. Chairman, I am one of those who believes that the authors of the Constitution of the United States, though they were most certainly an unusually gifted group of men, could not have produced the greatest document in the history of Government without divine inspiration and guidance.

I am one who believes that this Government can fulfill its primary purpose, to preserve the liberty and independence of our people, only by faithful adherence to the language and spirit of the Constitution. I fear that we shall lose our liberties and we will cease to be the shining beacon of freedom in a world of darkness if we continue to tamper with or try to interpret the God-given foundation of our society in the light of novel sociological fads or political whims. It is a temptation we must ever resist.

The Supreme Court has asserted authority to determine how the State legislatures shall be composed. Many did not believe that the Court could properly consider the question. Many continue to regard these decisions as a usurpation of power by the Court. But whatever the merits, we are here today to decide whether it is in the interests of good government to permit the Court to continue to exercise jurisdiction in this matter or whether we should exercise our power to limit its jurisdiction.

With regard to the judicial power, the history of the Constitutional Convention indicates that the primary consideration was to establish courts that would be free and independent of the whims of tyrants, but responsive to the requirements of the growing Nation.

The Convention authorized Congress to establish a system of inferior courts, it spelled out insofar as it could the jurisdiction of the Supreme Court and the inferior courts that Congress might later establish, and added the wise proviso in article III, section 2:

> In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and regulations as the Congress shall make.

Thus it was left with the representatives of the people in Congress to bestow, withhold or withdraw appellate jurisdiction of the Supreme Court, as might be required in the interests of justice and the development of free government in this Nation.

Regrettably, the drafters of our Constitution have left us relatively little explanation of their deliberations on the judicial power. They were primarily concerned with the legislative and executive branches of the new Government and most of their discussions, deliberations and later comments were concerned with these branches.

I am convinced that had they foreseen the growth of the Supreme Court to the position of power and authority it wields today, they might have devoted considerably more attention to the third branch of Government. However, they did leave us in this case, as in others, a constitutional safety valve adequate for the solution of unforeseen problems, and that is what we are working with today. The Congress now faces a problem that requires us to exercise our constitutional authority to define the appellate jurisdiction of the Court. We must exercise here today one of the devices of our splendid system of constitutional checks and balances in order to preserve that system in the legislatures of the 50 States.

May I point out that the Supreme Court itself has ruled consistently that Congress may exercise the constitutional power to limit the appellate jurisdiction of the courts. Such a ruling was first handed down in the *Wiscart* v. *Dauchy* (3 Dall. 321) in 1796. The McCardle case of 1869 is a landmark decision in which an act of Congress withdrew appellate jurisdiction from the Court in certain habeas corpus proceedings while the Court actually had under advisement such a proceeding initiated by Mr. McCardle. The Court thereupon dismissed the appeal for want of jurisdiction with the following statement by Chief Justice Chase:

> Without jurisdiction, the Court cannot proceed at all on any cause. Jurisdiction is the power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause.

One could continue with other citations, but without belaboring the issue, we need only say that it is clear we have the power to withhold or withdraw appellate jurisdiction of the Supreme Court and the district courts and that the courts have acknowledged that fact repeatedly.

Mr. Chairman, I have received a number of telegrams from officials of local unions in my district who have been alerted to protest approval of the Tuck amendment. A few individuals have written on this subject. They rejoice in the Court decision concerning apportionment of the State legislatures because they believe that it gives the urban centers a greater voice in the States and it is only fair and just that they should have adequate representation. I agree entirely that our legislatures should represent fairly and equitably all of the citizens of our States. But in this instance as in many others, I question whether the means of achieving the goal are not at least as important as the goal itself. Here we would surrender to the Court the right to decide political questions that have been and, I believe should continue to be outside the province of the Court. Perhaps the end is desirable, but when we surrender this small part of our political responsibility to the Court, no matter how desirable the immediate goal, we are losing a part of our freedom. I do not care whether we lost it to a President or a King or a Court, the fact remains that when freemen surrender their responsibilities as freemen, to whatever authority, freedom is diminished and freedom lost is seldom regained.

The political questions involved in legislative districts and representation can and will be solved in time in the proper way. Most of us, I am certain, will work vigorously to that end. But for now, I will resist this usurpation of power by the Supreme Court and I will support the Tuck amendment to withdraw from the appellate jurisdiction of the Court a question over which I do not believe it has or should have exercised jurisdiction.

Mr. McCULLOCH. Mr. Chairman, will the gentleman from New York yield to the gentleman from California?

Mr. LINDSAY. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DON H. CLAUSEN. Mr. Chairman, the fact that we have H.R. 11926 before us this late in the session indicates the great concern over legislative reapportionment held by Members of this body and their constituencies. The Supreme Court of the United States has issued an opinion calling for a revolutionary change in the political order of most of the States in our Union.

The very magnitude of the change indicates it should be very carefully examined instead of blindly followed. The decision holds that the legislatures of 80 percent of our States are improperly constituted and that all State bodies must be made up of representatives chosen from districts that are reasonably equal in population.

I am unalterably opposed to this decision and will fight to see that the major upheaval in our Federal system demanded by the decision shall not come to pass. It is my opinion that the Supreme Court does not have jurisdiction over our State legislatures and that it far overstepped its boundaries by, in effect, entering the legislative field.

It seems to me, Mr. Chairman, that this Congress has before it the entire spectrum of possibilities on the subject of legislative districts:

On the one hand, we have the Supreme Court's decision ordering that both houses of State legislatures be apportioned according to population—an order that would disenfranchise the rural areas and provide city control of our States, and potentially the Federal Government.

In the middle, we have a number of resolutions introduced which would initiate a constitutional amendment stipulating that one branch of a State legislature must be chosen according to reasonably equal population.

And on the other hand, we have H.R. 11926 before us today which would restrict the Court's jurisdiction to order changes in either house.

While I want and seek a change in the Supreme Court ruling, I certainly do not want to go all the way in the other direction and permit rural domination of some of our States. This is an untenable situation which runs contrary to the will of the people. It permits head-in-the-sand ultraconservatism to prevail, resulting in a lack of development and progress in many areas of the United States.

The plea of the liberals for one man, one vote is high sounding and desirable on its face. But in practice it means that three counties of southern California would dominate the entire State of California and the development of its resources. As an example, how could the counties of origin guarantee enough of their water resources for future use if both houses of the legislature are controlled by southern California? Southern California would have complete domination, from a legislative standpoint, over the water supply in northern California and laws could be passed by the preponderance of legislators from southern California to repeal the counties of origin laws which now protect the water supply of northern California counties.

The answer, it seems to me, lies closer to the center. Instead of having both houses city dominated, or both houses rural dominated, we should retain the balance of power between these areas by keeping the so-called Federal system specified for the Congress by the Constitution of the United States. Similar systems now are used in many States, including California, and they should be required in other States that have retained rural domination.

To do this, I have introduced House Joint Resolution 1047, which says simply that "the requirements of this Constitution shall be satisfied if the members of one branch of such legislature are elected by districts having as nearly as practicable an equal number of inhabitants." This would give the cities control of one house according to their population. It also would permit the other house to represent area or political jurisdiction determined by each State for a balance of power between the two houses.

It may be well to note that the great Senator from Illinois [Mr. DIRKSEN] has said that he feels it is too late in the session to accomplish this approach. Recognizing his vastly superior experience in these matters, I will now support his present efforts to require a delay in the implementation of the Court decision until the Congress has the opportunity to act on this subject.

I might add that I am perfectly willing to remain here in Washington, despite any detriment to my efforts for reelection from the first district of California, until Christmas Eve, as we did last year, if necessary, in order to obtain action to withhold the Court decision.

Chief Justice Earl Warren himself said, when he was Governor of California in 1948, that "many California counties are far more important in the life of the State than their population bears to the entire population of the State. It is for this reason that I have never been in favor of restricting the representation in the Senate to a strictly population basis." It is difficult for me to understand how he could change his position from then to now.

I agreed with the statement of the Chief Justice then and disagree with his opposite stand now in the recent Court ruling.

I agree with the jurisdictional restriction approach to retain a balance of power and will vote for a delay until the Congress has the time to consider this solution.

I had hoped the Wyman amendment placing a time limit on the restriction would have carried. I believe this would have been a more moderate approach to the question. It will be my intent to suggest the reintroduction of similar language as the bill is presented to the Senate. Meanwhile, this appears to be the only legislative vehicle available to us at this late date in the session, that will provide the necessary staying action until positive steps can be taken to initiate the constitutional amendment.

There has been much talk about checks and balances in our system of government and separation of powers between the three branches. In interpreting the Constitution, Mr. Chairman, it appears that the political makeup of the Members' districts tends to sway the opinion of the Members. This of course can be constructive or destructive.

It becomes increasingly evident that to many of the Members from large cities, checks and balances relates only to the three branches of government, legislative, executive and judicial—nothing more is required in their minds. This is where the major problem exists. In my judgment, additional checks and balances must be retained between the majority and minority, the urban and the rural in order to guarantee free protection under the law.

The one-man, one-vote rule should apply only in one house of a bicameral legislature, leaving the other house to geographic boundaries. This is the only way the State of California will retain the political checks and balances to guarantee maximum statewide development of our natural resources and to insure political tranquillity.

If the one-man, one-vote principle for States is sustained, the trend toward a unicameral legislative body will be irrevocable, thus destroying the necessary checks and balances that the people of California voted overwhelmingly to protect during the most recent vote on reapportionment.

Under no circumstances do I want to see the minority restrict proper legislative action of the majority. Conversely, under no circumstances should we set the stage for the majority to run roughshod over the minority. The only guarantee for reciprocity lies in maintaining the suggested political checks and balances. It is for this reason that I support this staying action until a constitutional amendment similar to the one I introduced can be adopted and subsequently ratified by the States. This is truly a historic day and I am privileged to be participating in this deliberation.

Mr. McCULLOCH. Mr. Chairman, I yield 1 additional minute to the gentleman from New York [Mr. LINDSAY].

The CHAIRMAN. The gentleman from New York [Mr. LINDSAY] is recognized for 6 minutes.

Mr. LINDSAY. Mr. Chairman and members of the Committee, I take the floor with some hesitation. When a subject of this kind is under consideration, with emotions and passions running as hot as they are, I suppose it is nearly impossible to try to argue rationally.

I speak as a member of the great Committee on the Judiciary of the House of Representatives and as a Representative of the 17th Congressional District of New York. I alone can speak for that district.

I do not expect I am far away from my close friend and distinguished senior, the gentleman from Ohio [Mr. McCULLOCH], on this subject. We are probably a lot closer together on this subject than either of us believes at the moment. We have rarely separated in the 6 years that I have been a member of the Judiciary Committee.

I suspect, also, that a great many Members of this House hope to find a more moderate position to take than simply voting for or against the Tuck bill.

Members will recall that in 1962 when Baker against Carr was handed down, the Supreme Court enunciated some very important propositions. One, that the cities of this country should have fair and equal representation in legislative bodies. Two, that the Federal courts, under the 14th amendment of the Constitution, have the right and power to decide upon the constitutionality of apportionment laws and formulas.

With both these propositions I am in complete and total agreement. I believe that many Members, perhaps even a majority, are also in agreement with those propositions.

Baker against Carr caused very little disruption in the country and relatively little adverse comment. I recall the surprise I felt at the degree of acceptance there appeared to be on both sides of the aisle of this body as a result of that decision. Undoubtedly this was because most people accepted its logic and reasonableness in law.

It was only later, in June of 1964, that the turmoil was created over the extension of those propositions specifically into the area of bicameral legislatures, that is to say, State legislatures with two houses, usually a general assembly and a senate. It is argued, with some weight, that under these later Supreme Court opinions bicameral legislatures no longer have any point in being; that all States might as well change to unicameral systems.

Just as I agree with Baker against Carr and the principle that there shall be fair and equal representation in legislative bodies of urban centers and with the jurisdictional question involved, by the same token I have questions in my mind about the later decisions of the Court insofar as they appeared to follow the logic of Baker against Carr right out of the window.

Where does that bring us?

The Judiciary Committee of the House has been considering a series of propositions designed to study this problem and to see whether or not, in the area of bicameral legislatures in particular, some adjustment could be made.

Several proposals have been offered. Among them is the one by the distinguished gentleman from Ohio [Mr. McCULLOCH], a proposed constitutional change which states that where there is a bicameral legislature it shall be proper for one of the two houses in that legislature to be apportioned on bases in addition to strict population—historical and geographical factors which go back a long ways in our history.

Another proposal is the well-known Dirksen-Mansfield proposal, pending in the other body, which would permit breathing space and time. This is a proposal which apparently has been worked out with the agreement and assistance of the Deputy Attorney General and the Solicitor General of the United States.

But of all these proposals presently being considered by the House Committee on the Judiciary, regardless of their individual merits or demerits, the Committee on Rules saw fit to report out of the Rules Committee the one proposal before the Judiciary Committee that has nothing whatever to commend it. I say that with great deference to the distinguished author of that proposal, the gentleman from Virginia, a good lawyer and good friend, and a constructive member of the committee. But his proposal is both bad law and bad policy.

Even many of those who feel the strongest antagonism against the Supreme Court decisions of June 1964, and who feel most positively that there ought to be some adjustment in our legal structure in the United States, cannot see the wisdom at this time of the Tuck proposal; yet this is the one which has been reported out to the floor of this House by the Rules Committee.

Now, Mr. Chairman, I understand that the Tuck bill is being offered possibly as a tactical move in our relations with the other body. Being politicians, I suppose Members have a right to approach a subject from a tactical point of view as well as on the merits. But, when we are dealing with a question of this great import to this country the tactical considerations clearly should come second and the merits of the question come first. This is no way to approach this grave constitutional question.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. LINDSAY. So what are we faced with here? We are faced with a proposed statute that denies all jurisdiction to all Federal courts in this area. This is very fundamental and very drastic stuff. If three men are carrying a boat on their shoulders over difficult ground and there is at some point a struggle between them for footing, two of the men do not push out the third, because if they do, in the long run, in the long pull, the boat may fall. The philosophical question here is terribly important. The end sought in respect of bicameral legislatures is worthy of careful consideration, I repeat, but the means here being used to accomplish this end go far beyond the philosophical question and strike at the very "guts" of our Federal constitutional system.

Mr. Chairman, if we pass this decapitating measure today, inspired by opinions of the Supreme Court which may be unpopular, we will pass decapitative legislation tomorrow on some other question. Tomorrow it may be a decision which safeguards the individual person from unreasonable searches or seizures in his own private home, or the right of a person to cast his vote for a representative in Congress, or the right of a person to confront his accuser, or to speak out freely against a ruling majority. The persons or points of view this safeguarded may at the time be unpopular, and therefore the opinions unpopular, but is that a reason to deny the courts jurisdiction in these areas? Yes, we may do all of these things. We may wipe out the Bill of Rights and we can cancel the 14th amendment if we wish to by launching a carefully considered constitutional amendment. But even the proposed constitutional amendments in this area of legislative apportionment do not go so far as this proposal, which denies all jurisdiction to all Federal courts in an area which involves personal rights and liberties just as much as do questions of searches and seizures, the inviolability of one's home, the right to speak freely, and other rights enunciated in the Bill of Rights.

The Tuck bill goes beyond all constitutional proposals. It denies the Federal courts their function in our system. I believe the Tuck bill is unconstitutional. But whether or not it is unconstitutional, it is a hastily conceived, blunderbuss measure that would do great violence to our system.

I shall vote against it.

Mr. CELLER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I deem this bill a rather vicious attack upon the Supreme Court; and I use the word "vicious" advisedly, because any time any one of those who will vote for this bill or who advocates the passage of this bill finds his constitutional rights invaded or eroded or taken away from him, he will flee to the Supreme Court as a haven to protect those very rights. And now those who support this bill would subvert that very haven.

I want to say also this, countering some of these statements that have been made about the Supreme Court, that the Supreme Court has acted summarily and has given little or no time to the State legislatures to clean their houses, that every single one of these cases involving apportionment, either in the district courts, the courts of appeals, or the Supreme Court, encouraged the Supreme Court to say, "We will give you more time"; in every single one of those cases stays were granted by the Supreme Court and by the district courts. It got to be scandalous, these delays did, so that the district court in the State of Washington had this to say about these inordinate delays:

> This case is a narrative of frustration and delay.

And it is high time that they cease, and then the courts acted and only then. It has been charged that I have been bottling up these various bills before the House Judiciary Committee. There were 138 bills offered by 99 authors. We spent only 8 days in hearings before the Rules Committee summarily took away jurisdiction from us. Twenty-five more Members wanted to be heard on constitutional amendments. I am perfectly willing to hear these men, but I do not want a sort of drumhead court-martial in consideration of matters of such high and paramount importance as constitutional amendments. I am not going to be rushed off my feet, as the chairman of a responsible committee. I want to give due deliberation to all these matters. If I were to do any less I would subject myself to grave charges, and I would subject the members of my committee to grave charges.

You cannot take this shortcut that you are now seeking through this so-called Tuck bill. If you want to develop something in the nature of reform you can only do it by the constitutional route.

Why rush this thing? There is plenty of time when we return at the end of August or the beginning of September, when we can continue these hearings. I said very carefully, and I weighed my words at the hearings that I would be perfectly willing to incline toward a constitutional amendment on one condition, that the ratification would have to be by convention in the States.

If you did not have conventions to ratify—and the ratification would be by the legislatures of the various States—these legislatures entrenched in power would want to maintain the status quo. They want to continue their entrenchment of power, and every single solitary one, in order to reserve their own selfish status would vote for a constitutional amendment. Whereas, if the ratification were to be by a convention then the people of the various States would have an ample opportunity to say whether the State should or should not ratify the particular constitutional amendment.

So, Mr. Chairman, I hope—and it is a vain hope I am sure—that the Tuck bill will be voted down. Beyond that, this is the result of the deliberations of angry men, irate men, and the Tuck bill is among the most recent instances of legislative proposals that would curtail the powers and effectiveness of the Supreme Court and of the Federal courts in general.

Mr. Chairman, since the beginnings of the Republic, angry Congresses—angry Congresses—have sought to upset decisions of the Federal courts which were unpopular with some regional sections or factions or economic interest.

Mr. Chairman, it is interesting to note that the late John W. Davis commented on this type of legislation. He said:

> When all such proposals are reduced to their simple terms they stand forth naked and undisguised as an attack upon our theory of government under the written Constitution.

Moreover, Mr. Chairman, the American Bar Association recently said with reference to legislation brought about by angry men:

> It is difficult to conceive of an independent judiciary if it must decide cases with constant apprehension that if a decision is unpopular with a temporary majority in Congress the Court's judicial review may be withdrawn.

Mr. Chairman, I repeat, the Rules Committee is composed of those who are angry when they voted out this bill in this summary fashion, angry at the Supreme Court's decisions, angry at the Judiciary Committee, because the Committee on the Judiciary did not jump when they cracked the whip.

And, Mr. Chairman, I say this: Anyone who rises in anger usually sits down with a loss.

It may be that those who advocate a vote for the Tuck bill will win this afternoon. But the victory will be a hollow victory like a hollow stump. It will be like a ship without a rudder. They will get no further in their victory than the portals of this very Chamber.

Mr. Chairman, I say that this bill is unconstitutional in three respects, and I am going to try to give to the members of the Committee in everyday language, if I may, so that everyone may read why I feel the statute is unconstitutional and violates the supremacy clause, the principle of the separation of powers, and the 14th amendment.

Mr. Chairman, let us take the last first. In the Baker against Carr case, and other cases, the Supreme Court said in no uncertain language that one person, one vote was a sacred constitutional right guaranteed by the 14th amendment. Now comes this bill and says what? There shall be no Federal forum in which you can prosecute that right, to which you can take that right. The district court, the court of appeals, the Supreme Court is denied jurisdiction over apportionment cases, denied the right to hear cases involving the Constitution.

You are therefore making a shambles of the 14th amendment. You give it with one hand this constitutional right, then you say with the other hand "you cannot prosecute that right."

Second. I maintain there is a violation of the principle of the separation of powers, as was very carefully noted by the gentleman from New York [Mr. LINDSAY]. This bill denies all Federal courts jurisdiction in apportionment cases. By what right? Where in the Constitution is there given the right to the Congress to do that?

But, let us assume that the Congress does that. Today it is apportionment cases over which the Supreme Court and the Federal court shall have no jurisdiction. Tomorrow this Congress can say the Federal courts shall have no jurisdiction over antitrust cases. The next day it shall have no jurisdiction over criminal cases, that it shall have no jurisdiction over the Bill of Rights. Finally, what would happen to the Supreme Court? You would render the Supreme Court a nullity, you would destroy the Supreme Court. Then you would have a legislative dictatorship that violates the principle of the separation of powers.

I could give you a number of cases, and I am going to file a brief in the extension of my remarks. I commend your reading of that brief.

Finally, there is the violation of the supremacy clause. You take away the jurisdiction of the Federal courts to pass upon apportionment cases. Where does a man go who wants to protest some ruling on apportionment? He has to go to a State court. What does that mean? That means you have 50 jurisdictions. The chief justices of the supreme courts of 50 States will constitute the supreme law of the land. You would have a veritable mishmash, you would have dozens and dozens of interpretations of a constitutional provision. Therefore, the supremacy clause would be violated.

How does the supremacy clause read?

> This Constitution and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

That supremacy clause again would be cast into the limbo, it would be dead as a dodo if you pass this bill. There would be no supremacy clause. I am sure that the court of final jurisdiction would have to so rule.

You would have apportionment meaning something on the east side of the Mississippi, and meaning something else on the west side of the Mississippi River if the State courts could be the final arbiter. And beyond that there are a number of States which hold that as far as apportionment is concerned the State court shall have no jurisdiction. Then you have this situation in those States where there may be some complaint about apportionment. The complainant cannot go to the Federal court because of the Tuck bill, if we pass it. He could not go to the State court in many States. Where does that leave the complainant in such a State? He has no remedy whatsoever, not even in his own State, let alone no remedy in the Federal courts.

History reveals interesting twists. Here we have a former Governor of the Dominion State invoking a Supreme Court decision concerning a statute passed in the Reconstruction period by an anti-Southern, anti-Confederate Congress.

McCardle, because of inflammatory editorials in his paper against a northern general, was arrested and court-martialed. A U.S. circuit denied his application for a writ of habeas corpus. After an appeal in the Supreme Court was heard an angry Unionist Congress passed a statute denying the Court jurisdiction to pass on that appeal from a denial of a writ of habeas corpus. President Johnson vetoed the statute but the Congress overrode the veto.

Later Congress repealed that act.

The bill, H.R. 11926, would deprive the district courts of the United States of original jurisdiction in State apportionment cases and the Supreme Court of appellate jurisdiction in such cases. The Congress of the United States does not have the authority to deprive an individual of the right to invoke the Government of the United States to enforce the Constitution against the State. Never in the history of this country has Congress enacted a statute which would deprive a person of a forum, original or appellate, to enforce a right guaranteed by the Constitution. The right to enforce a constitutionally guaranteed right is found in the Constitution itself under article III. Article III of the Constitution provides that "the judicial power which extends to all cases, in law and equity, arising under this Constitution" and the "judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may, from time to time, ordain and establish."

Therefore, if a State deprives one of a right given in the Constitution, then that person has a case arising under the Constitution, and under article III is assured that the judicial power of the United States extends to that case so that a party has the right to invoke the Government of the United States and enforce the Constitution against that State.

A clear distinction must be made between the power of Congress over the jurisdiction of inferior Federal courts such as the district court and the appellate jurisdiction of the Supreme Court of the United States. Congress can limit the jurisdiction in both cases. However, under article III which does give the Congress the power to limit jurisdiction in certain cases there is no authority for the Congress to limit the forum to enforce a constitutionally guaranteed right.

The judicial power extends to all cases arising under the Constitution. This judicial power is vested in the Supreme Court and in the inferior courts of the United States. Therefore, if one has a case arising under the Constitution, one is entitled to be heard by either the Supreme Court or one of the inferior courts of the United States. It is for the Congress to determine which court will hear that case but Congress cannot deny a forum wherein that case must be heard.

The cases which construe the constitutionality of taking away one's right to be heard date from the provisions of the original Judiciary Act of 1789, as amended by the Judiciary Acts of 1916 and 1925. However, there are no cases in point on this subject, principally because Congress has never denied a forum to enforce a constitutional right. When one reviews the cases in point it is evident that there has always been at least a forum in a court of the United States when the case arose within one of the specified classes set forth in the Constitution. Much may be said here today regarding ex parte McCardle, 6 Wall. 318 and 7 Wall. 506, which is regarded as the ultimate in sustaining congressional power over the Supreme Court's appellate jurisdiction. Note well the words "appellate jurisdiction," for in this case McCardle had his forum in the circuit court which had heard its case in the first instance. That court gave him a hearing.

If Congress can provide that no court of the United States created pursuant to article III of the Constitution may hear a case arising under the Constitution, then the rights guaranteed by that same Constitution become nullities. My answer is that Congress has no power to do this when a constitutional right is at issue. I say to those who maintain that Congress has this power, then it must follow that if Congress exercised the power to deprive a person of his right to be heard in a Federal forum to enforce a right guaranteed under the equal protection clause of the 14th amendment, then Congress also has the power to deprive anyone of life, liberty, or property without due process of law or to take one's private property with just compensation. The history of this body is ample evidence that never has Congress attempted to do such a thing. This bill creates the most dangerous precedent of the invasion of the principle of checks and balances and separation of powers. For this body to invade the separation of powers as provided for in article III would be the beginning of the destruction of the legislative, judicial, and executive branches of this Government.

I must say this also, that some proponents of this legislation would declare a moratorium on the enforcement of the constitutionally guaranteed rights by the Federal courts for a period of time. I deny the power of Congress to declare any moratorium in this instance. If you deny the enforcement of that constitutional right for 2 days, 2 months, or 2 years, you can deny it for centuries and that right becomes an empty gesture. Congress cannot do such a thing because it lacks the power to deny the enforcement in the first instance and therefore lacks the power to suspend the enforcement of the right in any instance. But lack of power to deny carries with it the lack of power to suspend.

It must be kept in mind also that by withdrawing the appellate jurisdiction of the Supreme Court of apportionment cases, this Nation may be faced with 50 different interpretations of a right guaranteed by the Constitution because of the rulings of 50 of the highest courts of the United States. This is so because there would not be an appeal from the ruling of the highest court of a State to the Supreme Court of the United States. The enactment of this proposal would permit a State to take away a right given in the Constitution and then deny to that person a Federal forum to enforce the federally guaranteed right. The supremacy clause of the Constitution is rendered void.

For Congress to tamper by statute with the Federal courts' jurisdiction over Federal constitutional issues is to shift from a system of separation of powers to a system of legislative supremacy. Such action clearly violates the letter and the spirit of the Constitution of the United States.

H.R. 11926 would deprive the district courts of the United States of original jurisdiction in State apportionment cases and the Supreme Court of appellate jurisdiction in such cases.

H.R. 11926, the earlier bill, would add to title 28 of the United States Code a new subsection 1331(c) which would provide that the district courts shall not have jurisdiction of any court action.

It will be noted that under H.R. 11926 the U.S. district courts would be deprived of jurisdiction in apportionment cases even if such action would not be within the jurisdiction of, and justiciable in, a State court, and that it generally deprives the Supreme Court of jurisdiction in such cases without stating expressly that it did matter whether the action was originally brought in a State or Federal court. This bill raises serious questions of policy and of constitutionality.

I

The proposed legislation obviously has been prompted by the recent decisions of the Supreme Court in the apportionment cases. The bill thus is the most recent instance of the legislative proposals designed to curtail the power and effectiveness of the Supreme Court, or of the Federal courts which always since the beginning of the Republic have followed from decisions of the Federal courts which were unpopular with some regional section, faction, or economic interests. The late John W. Davis commented as follows on this type of legislation:

> When all such proposals are reduced to their simplest terms, they stand forth naked and undisguised as an attack upon our theory of government under a written constitution.

More recently the American Bar Association pointed out that proposals to withdraw jurisdiction from the Federal courts after decisions which were unpopular in some quarters, constituted a serious threat to the judicial independence:

> It is difficult to conceive of an independent judiciary if it must decide cases with constant apprehension that if a decision is unpopular with a temporary majority in Congress, the Court's judicial review may be withdrawn. (S. Rept. 1586, 85th Cong., 2d sess., p. 37 at 38.)

The court packing bill of 1937 (S. 1392, 75th Cong., 1st sess.) sought to achieve the same result as these bills by different means. The Senate report adverse to the enactment of S. 1392 commented pithily on the proposed legislation:

> It applies force to the Judiciary. (S. Rept. 711, 75th Cong., 1st sess., p. 8.)

Moreover, it should be noted that the bill seeks to withdraw jurisdiction from the Federal courts in the delicate area of Federal-State relations. It has been pointed out repeatedly that this Union cannot persist unless controversies as to the limits of Federal and State power are to be determined by the courts, rather than by force. Chief Justice Taney held in *Ableman* v. *Booth*, 21 How. 506, 521:

> This tribunal, therefore, was erected, and the powers of which we have spoken conferred upon it, not by the Federal Government, but by the people of the States, who formed and adopted that Government, and conferred upon it all the powers, legislative, executive, and judicial, which it now possesses. And in order to secure its independence, and enable it faithfully and firmly to perform its duty, it engrafted it upon the Constitution itself, and declared that this Court should have appellate power in all cases arising under the Constitution and laws of the United States. So long therefore, as this Constitution shall endure, this tribunal must exist with it, deciding in the peaceful judicial form of judicial proceedings, the angry and irritating controversies between sovereignties, which in other countries have been determined by the arbitrament of force.

In a similar vein, Mr. Justice Holmes observed:

> I do not think the United States would come to an end if we lost our power to declare an act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several States. (Oliver Wendell Holmes, Collected Legal Papers, pp. 295–296.)

Most recently, Judge Learned Hand expressed his belief that this "Government could not proceed as planned; and indeed would almost certainly have foundered" if the Supreme Court had not assumed "an authority to keep the States, Congress, and the President within their prescribed powers."

The bill thus constitutes an attack on our theory of Government under a written Constitution, an attempt to undermine the independence of the judiciary, and to subordinate rights guaranteed by the Constitution to the vicissitudes of political controversy. It finally involves the risk of wrecking our peaceful method of solving Federal-State conflict by judicial means rather than ultimately by force.

It does not matter whether the reprisals against unpopular decisions of the Supreme Court take the form of packing the Court, of limiting its jurisdiction, or of requiring qualified majorities for its decisions, or whether these reprisals originate in the executive branch or in Congress. In the words of President Andrew Johnson's veto message on the act of March 27, 1868, 15 Stat. 44, which withdrew one of several alternative methods of reviewing habeas corpus cases in the Supreme Court, such legislation:

> Cannot fail to affect most injuriously the just equipoise of our system of Government, for it establishes a precedent which, if followed, may sweep away every check on arbitrary and unconstitutional legislation. It will be justly held by a large portion of the people as an admission of the unconstitutionality of the act on which its judgment may be forbidden or forestalled, and may interfere with that willing acquiescence in its provisions which is necessary for the harmonious and efficient execution of the laws (6 Richardson, "Messages and Papers of the Presidents" 648, 649–650).

Congress overrode the President's veto, but the act of March 27, 1868, was repealed by the act of March 3, 1885. At that time, Congress conceded somewhat ruefully:

> This last action of Congress [i.e., the act of March 27, 1868] can only be excused upon the ground that the fierce and bitter feeling engendered by the war, had not then sufficiently abated for cool and dispassionate legislation. (H. Rept. 730, 48th Cong., 1st sess. 4.)

II

The bill would deprive the Federal courts of all original and appellate jurisdiction to give effect to a right granted by the Constitution of the United States. Proposed 28 United States Code 1331 would prevent the enforcement of the right to an undiluted vote in all the Federal courts; 28 United States Code 1259 would deny the Supreme Court the power to review such cases if they originated in a State court.

It is, of course, well established that Congress need not grant the district courts of the United States all the judicial power of the United States, and that it may make "exceptions" and "regulations" to the appellate jurisdiction of the Supreme Court—Constitution, article III, section 2, clause 2. It has, however, never been determined that Congress can combine these powers so as to preclude altogether the review by the Federal courts of State action denying Federal rights.

In some instances, Congress has limited the jurisdiction of the Federal district courts in cases arising under the Constitution, laws or treaties of the United States. Thus, under 28 United States Code 1331, 1341, and 1342, the Federal district courts lack jurisdiction in civil actions where the amount in controversy is less than $10,000; and in State tax and State rate order cases, there is provided a plain, speedy and efficient remedy to be had in the State courts. The appellate review by the Supreme Court under 28 United States Code 1257, however, is preserved in those cases.

The act of March 27, 1868, 15 Stat. 44, repealed the appellate jurisdiction of the Supreme Court conferred upon it by the act of February 5, 1867, 14 Stat. 387. The Supreme Court held in ex parte McCardle—7 Wall. 507, that the 1868 act effectively withdrew from it the jurisdiction to review a decision by a Federal circuit court denying a writ of habeas corpus by way of appeal pursuant to the act of 1867. Significantly, however, the 1868 act did not deprive the lower Federal courts of the power to protect the constitutional rights of citizens by issuing writs of habeas corpus, and it did not altogether terminate the power of the Supreme Court to review the decisions of those courts in habeas corpus cases. The Supreme Court stressed in the McCardle case that the scope of the decision was limited to "appeals from circuit courts under the act of 1867. It does not affect the jurisdiction which was previously exercised"—7 Wall., at 515. In the same year it reviewed by way of certiorari the denial by a circuit court of a writ of habeas corpus. Ex parte Yerger, 8 Wall. 85. Ex parte McCardle thus merely stands for the proposition that where a right guaranteed by the Federal Constitution is enforceable in the lower Federal courts, Congress may withdraw one of several available methods of review in the Supreme Court.

This bill goes far beyond these statutory precedents.

H.R. 11926 would withdraw the jurisdiction in apportionment cases from the lower Federal courts and would completely deprive the Supreme Court of jurisdiction in such cases. The past history of reapportionment cases in the State courts has indicated that even if they have jurisdiction the remedy they provide is anything but plain, speedy and efficient. Even more serious is the absence of ultimate review by the Supreme Court. It means that in those States which exercise jurisdiction in reapportionment cases, the decision of the highest State court is final.

In other words, 50 State courts could potentially render divergent interpretations as to a citizen's voting rights under the Federal Constitution. In the words of the House Judiciary Committee:

> The 14th amendment * * * [would mean] one thing on the east bank of the Hudson and the opposite thing on the west bank." (House Rept. 1222, 63d Cong., 3d sess., p. 2.)

Under H.R. 11926, the Federal courts would not have jurisdiction over redistricting cases in any circumstances. Thus, if the State courts should have jurisdiction in reapportionment cases, the decisions of the highest court of the State would be final, with the resulting possibility of chaotically conflicting decisions. Even more serious would be the situation in those States in which the courts do not have jurisdiction in apportionment cases. There, a citizen, deprived of his full voting rights guaranteed by the Federal Constitution, would have no court in which he could vindicate his rights. In this connection, it should be noted that the Federal courts finally assumed jurisdiction in voting cases because the State courts either lacked jurisdiction or were unable to provide the suitor with a plain, speedy and effective remedy.

The question thus arises whether Congress can so exercise its powers under article III of the Constitution to prescribe the jurisdiction of the lower Federal courts and to make "exceptions" and "regulations" relating to the appellate jurisdiction of the Supreme Court, as to deny judicial remedies to rights protected by the Constitution, and thus, in effect, to suspend the operation of the Constitution for all practical purposes; or to leave the ultimate determinations of Federal and constitutional rights not to one supreme court but to the potentially conflicting decisions of the highest courts of the 50 States, which at times have shown varying degrees of hostility toward the Federal Government. Indeed if the powers of Congress under article III were unlimited, Congress could repeal the jurisdiction of the Federal courts altogether, except for the mandatory original jurisdiction of the Supreme Court under article III, section 2, clause 2, and thus, for all practical purposes, abolish the third branch of the Federal Government.

To ask these questions is, of course, to answer them in the negative. The power vested in Congress to make "exceptions" and "regulations" does not authorize that body to upset the entire constitutional plan and to defeat the precise purposes for which the Federal judiciary was established.

During the debates on the Court packing plan, it was suggested that Congress was given the power to determine the size of the Supreme Court so that the legislative branch could impose its will upon the judiciary. The Senate Judiciary Committee had little patience with this reasoning:

> This amounts to nothing more than the declaration that when the Court stands in the way of a legislative enactment, the Congress may reverse it by enlarging the Court. When such a principle is adopted, our constitutional system is overthrown.
>
> This, then, is the dangerous precedent we are asked to establish (S. Rept. 771, 75th Cong., 1st sess., p. 14).

The rationale of this reasoning clearly applies with equal force to an attempt to impose its will on the Court by seeking to limit its jurisdiction rather than by enlarging it.

The debates in the Constitutional Convention indicate strongly that the authority under article III, section 2, clause 2, was not designed to give Congress plenary control over the appellate jurisdiction of the Supreme Court; indeed, a motion to that effect was defeated. The purpose of that clause rather was to enable Congress to legislate with respect to limited technical issues, such as the extent to which the Court could review questions of law and fact. There is, however, nothing to indicate that Congress could issue rules and regulations which would impinge on the essential constitutional functions of the Court.

In the Constitutional Convention, Mr. Rutledge pointed out that the essential function of the "supreme national tribunal" would be to secure the "national rights and uniformity of judgments." Any attempt by Congress to curtail these two essential functions of the Supreme Court under the guise of "exceptions" and "regulations" would give rise to serious constitutional questions. When, during the New Deal days, suggestions were made to limit the appellate jurisdiction of the Supreme Court, it was suggested, in paraphrase to a passage of President Roosevelt's annual message to Congress of January 3, 1936, that in that event perhaps the Court "has the right and can find the means to protect its own prerogatives."

While there are many dicta to the effect that the appellate jurisdiction of the Supreme Court is entirely statutory, those decisions which discussed the problem in the light of the uniform enforcement of Federal rights and of Federal supremacy have come to the conclusion that this jurisdiction was essential and beyond the power of congressional control.

In *Martin* v. *Hunter's Lessee,* 1 Wheat. 304, 347–348, Mr. Justice Story explained the indispensable nature of the appellate jurisdiction of the Supreme Court over the State courts:

> That motive is the importance, and even necessity of uniformity of decisions throughout the whole United States, upon all subjects within the purview of the Constitution, judges of equal learning and integrity, in different States, might differently interpret the statute, or a treaty of the United States, or even the Constitution itself: if there were no revising authority to control these jarring and discordant judgments, and harmonize them into uniformity, the laws, the treaties and the Constitution of the United States would be different in different States, and might, perhaps, never have precisely the same construction, obligation or efficiency, in any two States. The public mischiefs that would attend such a state of things would be truly deplorable; and it cannot be believed, that they could have escaped the enlightened Convention which formed the Constitution. What, indeed, might then have been only prophecy, has now become fact; and the appellate jurisdiction must continue to be the only adequate remedy for such evils."

In *Cohens* v. *Virginia,* 6 Wheat. 264 Chief Justice Marshall held:

> The necessity of uniformity, as well as correctness in expounding the Constitution and laws of the United States, would itself suggest the propriety of vesting in some single tribunal the power of deciding, in the last resort, all cases in which they are involved. [at 416]
>
> They [the Constitutional Convention] extend to it, among other objects, to all cases arising under the Constitution, laws, and treaties of the United States; and in a subsequent clause declare, that in such cases, the Supreme Court shall exercise appellate jurisdiction. Nothing seems to be given which would justify the withdrawal of a judgment rendered in a State court, or the Constitution, laws, or treaties of the United States, from this appellate jurisdiction.

In *Ableman* v. *Booth,* 21 How. 506, 517–518, Chief Justice Taney demonstrated that constitutional rights and Federal supremacy, which he considered to be a synonym for independence, would be a scrap of paper in the absence of a supreme Federal tribunal in which all cases which might arise under the Constitution, laws, and treaties of the United States could be finally and conclusively decided:

> But the supremacy thus conferred on this Government could not peacefully be maintained, unless it was clothed with judicial power, equally paramount in authority to carry it into execution; for if left to the courts of justice of the several States, conflicting decisions would unavoidably take place, and the local tribunals could hardly be expected to be always free from the local influences of which we have spoken. And the Constitution and laws and treaties of the United States, and the powers granted to the Federal Government, would soon receive different interpretations in different States, and the Government of the United States would soon become one thing in one State and another thing in another. It was essential, therefore, to its very existence as a Government, that it should have the power of establishing courts of justice, altogether independent of State power, to carry into effect its own laws; and that a tribunal should be established in which all cases which might arise under the Constitution and laws and treaties of the United States, whether in a State court or a court of the United States, should be finally and conclusively decided. Without such a tribunal, it is obvious that there would be no uniformity of judicial decision; and that the supremacy (which is but another name for independence), so carefully provided in the clause of the Constitution above referred to, could not possibly be maintained peacefully, unless it was associated with this paramount judicial authority. (21 How. 517–518.)

It follows that the power of Congress to establish exceptions and regulations to the appellate jurisdiction of the Supreme Court does not enable it to interfere with the essential constitutional functions of the Supreme Court to provide for the peaceful maintenance of the Union by insuring that all rights under the Constitution, laws and treaties of the United States are uniformly enforced. The Supreme Court thus is the main instrument which gives effect to the supremacy clause of article VI of the Constitution. Congress obviously cannot repeal or suspend the supremacy clause by limiting the jurisdiction of the latter. The same considerations demonstrate that Congress cannot suspend the operation of the 14th amendment by failing to guarantee that it can be enforced in at least one Federal court. H.R. 11879, indeed, does not even insure that these rights can be heard in any court.

So, Mr. Chairman, I do hope that sober judgment and reason will descend upon the Members here to the end they will vote down this Tuck bill.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from New Hampshire [Mr. WYMAN].

Mr. WYMAN. Mr. Chairman I should like to say to the genial and learned chairman of the Committee on the Judiciary that the Tuck bill is not the work of angry men. It is the work of deeply concerned Americans that are troubled by a pattern of judicial legislation of a Supreme Court that in the process is destroying the Constitution as it has been written and that makes this country so strong. Something has to be done to stop it. We think this is the way now, and that it is a matter of urgency.

A lot of things have been said about the constitutionality of this proposal from both sides. As a member of the American Bar Association Committee on Constitutional Law I say that it is as plain as the nose on your face that if Congress wishes to modify or even remove appellate jurisdiction of the Supreme Court it has power to do so under article III except for those cases in which original jurisdiction is provided. The question is not whether we can do it. It is whether we should do it. Whether this is the way.

Secondly, it is important we should understand what is being done, because I believe I introduced the first statutory bill, H.R. 11881, to do just this thing, to stay further reapportionment pending proposal of a constitutional amendment.

I think it is important to realize that this Tuck bill is really just a stay. It is not the permanent solution. The Tuck bill could have an expiration date in 2 or 3 or 4 years, if necessary. This might be an improvement and I may offer an amendment to do this today.

It is to no avail in this Congress to urge that Mr. Justice Harlan's dissent in the Alabama case—Reynolds against Sims—rests upon sound constitutional grounds or that the majority was wrong. It does not alter the decision that a dissenting Justice should point out that Baker against Carr was in fact an "experiment in venturesome constitutionalism" or that the history of the Constitution conclusively renders the 14th amendment inapplicable to apportionment cases.

The majority opinion is the opinion of the Court. The minority views are merely dissents. Here, once again, the only redress for the people of the United States is by action in this Congress. If that redress is not forthcoming now, at this time, in this session, and before we adjourn in the next few weeks, it is not improbable that before we return many of the State legislatures will have been reapportioned. A legislature so reapportioned is unlikely to adopt a constitutional amendment disenfranchising many of its new members, for reasons obvious.

Assuming we here in the House and Senate propose a constitutional amendment, these State legislatures to be reapportioned on something other than one person, one vote, must not be reapportioned in the interim. If we do not act today State legislatures that have been reapportioned will not divest themselves of their office and ratify a constitutional amendment.

I should like to direct your attention to the Constitution of New Hampshire, one of the original States, where it is specifically provided in its constitution adopted in 1784 that the State senate shall be apportioned in accord with direct taxes paid. Many State constitutions have provisions for reapportionment on a basis other than population in respect to one house. We apportioned our lower house legislature on the basis of one person, one vote, and the upper house on the basis of property. These provisions were in the law when the U.S. Constitution and the 14th amendment were adopted. Can the present Supreme Court reasonably come along almost two centuries later and tell us we have been wrong since the very beginning of this Nation?

The talk about the 14th amendment is not apt here at all. There is no appeal from the U.S. Supreme Court. Whatever we do here now the present Court will pass on as to constitutionality so it behooves us to be explicit in what we do here because the Court has shown a propensity to rewrite the face of America in its own image. The people have only this Congress left to protect them. Our proposed amendment must make it very clear that it is in the power of State legislatures to apportion one house on some basis other than population. It is in this sense that I have offered H.J. Res. 1130.

This is an extremely serious situation, for it would be hard to contemplate a greater invasion of the constitutional rights of the several States, nor a more deliberate Federal interference with rightful State prerogatives. A short decade ago, most Americans would not have dreamed that the High Court would think of holding that one person, one vote must apply to all State legislatures.

The members of the Supreme Court as learned men are fairly chargeable with an awareness of the full significance of their opinions before they are handed down. They are fairly chargeable here today before this Congress with knowing that the effect of their decision on legislative apportionment is to transfer the control of the machinery of State government from rural areas and small towns to the huge concentrations of persons in metropolitan environments. They are fairly chargeable with knowing that this will but weaken and enervate America. It is not unreasonable to ask why these opinions. Why this continued judicial demoralization of the land we love? What are they trying to do to the Constitution—the checks and balances—the very fiber of America?

There was no more need to destroy the machinery of State government by these apportionment decisions than there has been for the High Court to encourage the spread of Communist doctrine in the United States by misconstruing the first amendment or destroying State sedition laws, or tying the hands of law enforcement officials by requiring virtually impossible standards for arrest and prosecution.

Congress should act now to protect the reserved constitutional process and rights of the States and the people.

I hope the bill will be approved. It is urgently needed to give time to the States to ratify a constitutional amendment which astonishingly enough is now needed to protect reserved constitutional rights and powers of the several States against our own Supreme Court.

We, the representatives of the people, should pass this bill now and show the Court and the people that we will protect their interests as we should by immediately thereafter proposing a constitutional amendment. There is no other body that is going to protect the American Constitution for there is no appeal under our Constitution from a final order of the Supreme Court except to this Congress.

The next order of business should be the proposal of a constitutional amendment. I hope the House will adopt essentially the provisions of my bill, House Joint Resolution 1130.

Mr. CELLER. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, it was Thomas Jefferson who said:

> Equal representation is so fundamental a principle * * * that no prejudices can justify its violation.

Those sentiments are as meaningful today in this House of Representatives as they were when uttered. What are the prejudices of today that enter into the bringing of H.R. 11926 to this floor?

There has been a great cry of foul play directed toward the Supreme Court since the now noteworthy decision in Baker against Carr. Is it a prejudice of special interest that motivates those who cry foul play? Frankly, I cannot believe that Members of this House are themselves today willing to repeat this cry of foul play without clearly looking at the record in the interest of American fair play.

I ask those of you who are inclined to vote for H.R. 11926 to take a moment to look at some of the circumstances concerning apportionment in the United States, and question yourselves if this legislation is really needed:

First. Is it fairplay in California where 1 State senator represents 6,038,771 citizens, and another State senator represents 14,294 citizens?

Second. Is it fairplay in Connecticut where a town with a population of 791 has 2 members in the State house of representatives—the same number as does the city of Hartford, with a population of 162,178?

Third. Is it fairplay in Tennessee when 1 member of the Tennessee House in Moore County represents 3,454 citizens, while another member of the Tennessee House from Shelby County represents 78,000 citizens?

Fourth. Is it fairplay in New York State where the assemblyman from Schuyler County represents 15,044 citizens, and the assemblyman from Suffolk County represents 268,530 citizens?

In my enlightened State of New York, the Governor and State legislature have proposed a pre-Baker against Carr formula which has been held in abeyance since the handing down of that decision. Under that proposed formula, I ask you, in addition:

Fifth. Is it fairplay that the average citizen population for a State senatorial district in my county of Queens is 346,616 citizens, while in Monroe County it is 190,343;

Sixth. Is it fairplay that the average citizen population of a State senatorial district in Nassau County is 425,267, and in Broome County it is 209,597;

Seventh. Is it fairplay that the average citizen population for a State assembly district in my county of Queens is 133,314, while in Schuyler County it is 14,974;

Eighth. Is it fairplay that the average citizen population in Schenectady County for an assembly district is 150,688, while in Yates County it is 18,552?

Mr. Chairman, the facts speak for themselves. I cannot believe that any Member of this House is willing to be a party to the foul play of perpetuating the great disparities in voting representation. Whatever their motivations, if my colleagues take a long hard look at the foul play criers, they will find that it is not a rebellion of the citizens against the Supreme Court decision, but rather a politicians' rebellion.

H.R. 11926, Mr. Chairman, is a monstrous piece of legislation, and I predict it will, if enacted, become the most discredited pronouncement this House has yet to make.

Only Shakespeare could adequately describe our work of today, saying, "Confusion now hath made his masterpiece."

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CORMAN].

Mr. CORMAN. Mr. Chairman, the question is whether we believe in equal protection of the law? Is the right to vote one of those individual rights which is sufficiently important to be worthy of inclusion in those rights to be protected? My answer to both is yes. I am unalterably opposed to any action which would diminish that right or withdraw that protection.

Frequently during the past decade, the U.S. Supreme Court has spoken out on individual rights, such as those involving racial segregation and religious freedom.

Over the years the Court has evidenced great reluctance to move into this field of voting rights as effected by malapportionment, and the logical question is "why now?" Why are we faced with this thorny political and legal problem? Clearly, the answer is that the value of the vote has been gradually eroded by changes in our living patterns.

We have seen during the past half century a population explosion in urban areas, a shift of the great majority of Americans from rural communities to cities. But State governments have taken absolutely no action to permit the political power to follow the people to their new places of residence. Because of this lack of representation, State government is beyond the control of and, thus, unavailable to the great majority of Americans. More and more we see people turning to the National Government for relief because a deaf ear has been turned to them in the State capital.

The decisions expressing the one man, one vote rule will, unless we reverse them, give new life, and vigor to State government because State government will again be controlled by the people. In the long run, States rights and States responsibilities are inseparable. States cannot retain rights unless they fulfill responsibilities.

Those who seek to preserve the right of the States to apportion one house of the legislature on bases other than population have come forth with some peculiar arguments. The first is that such a structure is necessary for the protection of the minority from the majority. Under our system of government, the minority—the individual—is protected from the majority by constitutional mandate. Each citizen has a right to freedom of religion, of speech, of assembly, the right to his life and property, the right to due process of law and the many other protections written into both State and Federal Constitutions. These are limitations on what government may do, but it is an absurdity to pretend that the minority living in one part of a State is entitled to some special kind of protection against the majority which lives in another part of a State. The very concept of equal protection is that each person has it, wherever he may reside. We can hardly justify a special protection for that small minority which has resisted the temptation to move to the big city.

The second contention is that disproportionate representation in State legislatures is necessary to preserve checks and balances in government. The theory of checks and balances was to balance governmental power among the three branches of government and to provide checks in the hands of each to prevent excesses at the hands of the others. The executive branch cannot raise and spend money without congressional action. An action of the Congress is subject to Presidential veto. All governmental activity is subject to judicial review to ascertain its constitutionality. Does anyone seriously contend that the framers of the Constitution intended that city dwellers would have to be held in check by the farmers to keep State government in balance?

The final argument which I would like to refute is that if Senators based on geography are good for the United States, then they are just as good for the States. The logician who contends that analogy is the weakest kind of argument may very well have had this analogy in mind. There is absolutely no similarity between State government and National Government as it relates to this matter. The National Government is a Federal system; States are sovereign except for those limited powers given to the Federal Government by the Constitution; but no State government purports to be a federation of sovereign counties. The county is a mere administrative entity, totally the creature of the State with no inherent powers. Chief Justice Warren expressed it very well in Reynolds against Sims when he observed, "Attempted reliance on the Federal analogy appears often to be an after-the-fact rationalization offered in defense of maladjusted State apportionment arrangements."

My State is a classic example of disproportionate representation. It takes 467 voters in Los Angeles County to equal 1 voter in Mono County, so far as senatorial representation is concerned. The mayor of Los Angeles and a supervisor of Los Angeles County, seeking relief for the residents of the county, presently have a suit pending before the U.S. Supreme Court. In view of the recent decisions, it is obvious that relief will be granted.

If every Member of this House whose constituents are now denied equal representation in the State legislature, will join in defeating this pending proposal, it will go down to its just and ignominious defeat.

Mr. SENNER. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Arizona.

Mr. SENNER. I have nothing but respect for my distinguished colleague on the Committee on the Judiciary. But I would like to ask my colleague whether or not in the State of California, you have initiative measures in which the people of California can regulate the bicameral legislature without resorting to a Federal Supreme Court decision; or a three-man Federal court order, that could be handed down in the State of California to bring about these desired results?

Mr. CORMAN. There is the possibility of a constitutional amendment by initiative in the State of California. It has never succeeded. It has never been possible in any State to bring about legislative reform by initiative, because the people do not have a sufficiently broad base for support.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. McCULLOCH. Mr. Chairman, I should like to yield 1 minute to my distinguished colleague, the gentleman from California.

Did I correctly understand my good friend to say that no State has ever taken advantage of the initiative and referendum in a major constitutional amendment? Or did my friend limit it to California? If he limited it to California, I have no objection, because I do not know. If he meant to include Ohio, I regret to differ with him, because it is not in accordance with historical facts.

Mr. CORMAN. Since I have been yielded 1 minute to respond, I should like to do that.

I say to my honored colleague, with whom I am so comfortable when we are in tandem and so uncomfortable when we are on opposite sides of the fence, there was obviously not a reform of the Ohio Legislature, or you would not be under the Federal court order now. It is my contention there has never been a legislature reformed to provide one man, one vote, or we would not be considering this matter. To say that you have something better than you used to have but still a long way from one man, one vote is not reform.

Mr. McCULLOCH. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. MACGREGOR].

Mr. MACGREGOR. Mr. Chairman, I should like to have the attention of the distinguished author of the proposal now before the House.

A number of us have had some doubt in our minds as to the effect of the passage of the proposal of the distinguished gentleman from Virginia on the six cases decided by the U.S. Supreme Court on June 15, 1964. I refer specifically to the cases appealed from the Federal district courts of Alabama, Colorado, Delaware, Maryland, New York, and Virginia.

Before putting the first question to the distinguished author of the bill now before us I should like to call the attention of the Members to some of the language from some of these decisions. Specifically, in the Delaware case the Supreme Court said:

> The court below must now determine whether it would be advisable, so as to avoid a possible disruption of State election processes and permit additional time for the Delaware Legislature to adopt a constitutionally valid apportionment scheme, to allow the 1964 election of Delaware legislators to be conducted pursuant to the provisions of the [Delaware] 1963 constitutional amendment, or whether those factors are insufficient to justify any further delay in the effectuation of appellant's constitutional rights.

Mr. Chairman, I note that in each of these six decisions the Supreme Court has remanded the case, with instructions consistent with its holding, to the lower district courts for further action and consideration.

In that connection I should like to ask the distinguished gentleman from Virginia [Mr. Tuck] what, in his opinion, would be the effect on these six pending cases decided and remanded by the Supreme Court on June 15 of this year, were we to pass his bill.

Mr. TUCK. Mr. Chairman, I wish to say, in answer to the question of my distinguished colleague on the Judiciary Committee from the State of Minnesota, it is difficult to answer the question as to what would be the particular legal situation in each case. I might say to him that the object I seek to accomplish is to determine all jurisdiction in any cases that are pending. Whether it will have that effect or not I do not know.

I should like to ask the gentleman, for he is undoubtedly qualified as a more able expert in the law than I, what his opinion on the subject is.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. McCULLOCH. Mr. Chairman, I yield one additional minute to the gentleman from Minnesota for the purposes of a new question being asked.

Mr. MacGREGOR. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. Curtin].

Mr. CURTIN. Mr. Chairman, I asked the distinguished gentleman to yield so that I can ask a question of the distinguished gentleman and my good friend from Virginia, who is the author of this bill.

Mr. Tuck, a reapportionment bill was enacted last year in Pennsylvania. A constitutional question regarding that bill was taken to a Federal district court in Pennsylvania. That court decided that the legislation was unconstitutional. That decision has been appealed to the U.S. Supreme Court. Now, if this bill, H.R. 11926, is enacted into law, does that mean that the district court decision is binding and final as to the Pennsylvania reapportionment law?

Mr. TUCK. Mr. Chairman, will the gentleman yield?

Mr. MacGREGOR. I yield to the gentleman.

Mr. TUCK. I cannot answer that particular question as to any particular State. I can only say to the gentleman the general purposes of the bill are to withdraw all jurisdiction from all Federal courts, the Supreme Court and the inferior courts, in apportionment matters. As to what the situation in Pennsylvania is, I could not answer and I will not undertake to do so.

Mr. CURTIN. I thank the gentleman.

Mr. MacGREGOR. Obviously there is uncertainty as to the effect of the Tuck bill. It should be recommitted to the Committee on the Judiciary for further study and proper disposition.

Mr. ROGERS of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. Gilbert].

Mr. GILBERT. Mr. Chairman, I am unalterably opposed to the bill before us and any proposal which would deny Federal judicial review in State legislative apportionment cases. I urge defeat of any compromise which may be offered us, which would delay applications of Supreme Court decisions in State legislative reapportionment issues. I shall strongly oppose any constitutional amendment to perpetuate unequal representation in States.

As a member of the House Committee on the Judiciary, I deplore the action of the Rules Committee in reporting out H.R. 11926, introduced by the gentleman from Virginia [Mr. Tuck], which would deprive all Federal courts—Supreme, court of appeals, and district courts—of all jurisdiction over State legislative apportionment matters. Our Judiciary Committee has more than a hundred proposals before it which all represent legislative attempts to deny Federal review of a constitutional right, the equal protection of the law as it relates to voting; they are unsound proposals and enactment of any of them would establish a most dangerous precedent.

I would point out that reapportionment bills are rightfully under the control of our committee; the Rules Committee action in usurping this control showed a gross disregard of orderly rules of procedure. Let every Member of this body be alerted to the dangers ahead; if the Rules Committee can successfully oust a standing committee such as ours of control over a bill that has not even been reported, it can take the same highhanded action against any other committee and thus eventually render our committee system useless. The Rules Committee, with meager, inadequate debate, sent us this bill which is palpably unconstitutional. As the chairman of our Committee on the Judiciary pointed out, if Congress could arrogate such power unto itself and deny jurisdiction to the Federal courts over apportionment matters today, it could deny jurisdiction to the courts over civil rights tomorrow, and the Bill of Rights, or any constitutional provision the next day and, conceivably, render the courts a nullity. This would violate the separation of powers clause and the supremacy clause.

The Supreme Court has held, one person, one vote as a sacred constitutional right protected by the 14th amendment. If H.R. 11926 passes, our people would have no Federal forum available to them in which to assert or protect this constitutional right.

This Congress faces a constitutional crisis; it behooves us to meet it wisely and to resolve it successfully and defeat any efforts which would threaten our constitutional form of government.

It is the duty of the Congress to work for implementation of the mandate of the Supreme Court which has acted to strengthen democracy in our country. Early action by our State legislatures should be mandatory to remedy the malapportionment which has deprived our cities and towns of their fair share and voice in the activities of State government. Numerous suits in the Federal courts have exposed the "rotten-borough" character of many State legislatures. States have permitted unfair representation within their borders for years and years; they have done nothing to correct the situation. Now Members of Congress should be as anxious as other citizens to right existing wrongs and to restore and uphold the principles of fair representation in the lawmaking process. I shall, therefore, oppose any bill which would allow any appreciable delay in State reapportionment. There is no need for us to provide any such drastic remedy; the Supreme Court recognized that flexibility is essential in the application of the rule it laid down. Chief Justice Warren's opinion in the Alabama case said:

> In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes.

The necessary mechanism for avoiding any crises or undue hardships resulting from the Court's ruling is already provided; it is not necessary for Congress to add anything to it.

I, for one, subscribe to the Supreme Court's opinion in *Baker* v. *Carr*, 369 U.S. 186, decided in 1962. There the Court held that malapportionment in a State legislature was no longer immune to Federal judicial review when the validity of such apportionment is challenged on the basis of the equal protection clause of the 14th amendment. I also support the thesis recently elaborated by the Supreme Court, that the equal protection clause of the 14th amendment necessarily implies "one man, one vote." And I fully concur in the thought expressed by Chief Justice Warren in the principle case, Reynolds against Simms, decided June 15:

> Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our (State) legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system (slip opinion, p. 27).
>
> We conclude that the equal protection clause guarantees the opportunity for equal participation by all voters in the election of State legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the 14th amendment just as much as invidious discriminations based upon factors such as race * * * or economic status (slip opinion, p. 31).

We must defeat any efforts which would make it possible for State legislatures to perpetuate themselves in power irrespective of the constitutional mandates enunciated by the Court. By immunizing such apportionment plans from judicial intervention, the Congress would be sanctioning existing flagrant abuses in State legislative apportionment throughout this country. We must make it impossible for any State to use apportionment as a guise for a racial, economic or other invidious discrimination, and the proposal before us would afford them the opportunity. Congress cannot afford to offer such an opportunity if we are to legislate in conformity with traditional democratic principles.

Even a proposal which seeks to stay judicial review, and not to directly withdraw Federal jurisdiction, would open the way for an eroding of the Federal judicial power whenever the majority disagreed with a decision of the Federal judiciary. If the appellate jurisdiction of the Supreme Court is seriously eroded, then the U.S. Constitution will become only a museum piece. Enemies of the Supreme Court seek to undermine the Court and nullify or circumvent its decrees. Let us remember that the Supreme Court is one of our most vital institutions and is essential to the protection of our freedom and rights as citizens. When we act to destroy the Court, we destroy ourselves.

Our constitutional system requires that there be a Federal forum for judicial review of constitutional questions such as those involved in State legislative apportionment. The supremacy clause of article VI, the historic and traditional policy of the Congress, and the chaos which could ensue if such questions were left to final decisions by State courts, all militate against a withdrawal from Federal judicial review questions involving State legislative apportionment.

The true purpose in seeking the delay for a year or two or even more in State apportionment cases, is not to obtain a breathing spell for orderly reapportionment, but to provide time to try to pass a constitutional amendment undoing the Supreme Court's decision that State legislatures must be apportioned solely on the basis of population. This would have the effect of continuing lopsided State governments for years to come. If this Congress makes this possible, we will betray all those denied equal representation today and who are denied a voice in their State government. Ever increasing urban problems will not be solved. Considering the issue of civil rights alone, we must realize that the antireapportionment measures now before us would undermine and jeopardize the cause of civil rights and would result in denial of effective representation of minority groups.

Does this Congress wish to go down in history as the first Congress to take away from the people a right guaranteed them by the Constitution? Until now, constitutional amendments have guaranteed or secured a right for our citizens. We would rue the day that the Congress of the United States took action to eliminate any of the gains we have made toward fair representation of all our citizens.

Mr. McCULLOCH. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. CAHILL].

Mr. CAHILL. Mr. Chairman, while I introduced House Joint Resolution 1067, giving to the States the right to apportion one house of a bicameral legislature on a basis other than population, I must nevertheless oppose the Tuck bill, H.R. 11926, presently being considered by the House of Representatives.

While I disagree with the findings of the Supreme Court in the redistricting cases, I cannot disagree with their right to decide these cases. While I would like to change the decision of the Supreme Court, I insist that it only be done according to the Constitution. This means, Mr. Chairman, that while the road is long and cumbersome, it must be followed as outlined in my resolution and many similar resolutions, by constitutional amendment.

The Tuck bill would strip the Federal courts of the right to hear apportionment cases. It would, in my judgment, if enacted, be patently unconstitutional. While I recognize the right of Congress to make certain exceptions and to make certain regulations concerning the Federal courts of both original and appellate jurisdiction, it is my opinion that Congress has no right to deprive the Federal courts of jurisdiction over a constitutional right. To permit the State courts to determine the rights of citizens in apportionment cases would be, in effect, to make possible 50 different bases for apportionment throughout this Nation and would certainly deprive citizens of their equal protection under the law.

Each decade, it seems to me, the Congress with some justification becomes violently angered at decisions rendered by the Supreme Court of the United States. The Founding Fathers in setting forth lengthy and sometimes cumbersome methods by which to amend the Constitution must have contemplated that there would be periods of anger and indeed these were the periods when no changes should be made in our basic law. In my judgment, Mr. Chairman, the Supreme Court of the United States may be in some degree likened to the seniority system here in the Congress of the United States and to the jury system as it applies in our civil and criminal courts. It has many failings. It provides some injustices. It provokes, it irritates, and it angers but, Mr. Chairman, until some better way is found it must serve our purpose and its power and authority be preserved.

I remember as a young lawyer being critical of the jury system and I can likewise remember as a first-term Congressman being critical of the seniority system. Older and wiser heads with whom I discussed these matters always asked, "What do you have to offer that is better?" I ask, "What does anybody in the House of Representatives have to offer that is better than the Supreme Court of the United States?" Certainly it is to be admitted that there has to be an ultimate final tribunal. Who here can suggest a better plan?

We make every effort to provide the Justices of the Supreme Court with an environment conducive to studious and mature judgment. We appoint them for life. We provide them with ample funds. We insist that their appointments be made by the President and that these in turn be confirmed by the Senate. Each nominee is scrutinized by his local, State, and National bar association. Each nominee is investigated by the FBI. Each name is publicized in advance of nomination so that if there are any skeletons in the closet, they usually will be disclosed, in advance of final approval. Are not these men, therefore, best qualified—by training, by environment, by security, and by every criteria that can be suggested—to pass upon the Constitution of the United States in final judgment? If we in the House of Representatives each time we are angered, each time we are pressured by local and State interests, each time we are made aware that our term of office is for only 2 years and that we are at the mercy and will of the electorate, are authorized to strip jurisdiction from the Supreme Court then I ask, Mr. Chairman, how long will there be a Supreme Court of the United States? No, Mr. Chairman, though I disagree with what the Supreme Court has done in this particular case and while I would hope that we can amend the Constitution, I cannot in good conscience support the Tuck bill because I am convinced that it does violence to the very Constitution it seeks to uphold. If we are to change the findings of the Supreme Court, the Tuck bill is not the way to do it. It must be done along the arduous route of constitutional amendment which must be submitted to the States and to the people. This is the only answer. This is the answer I have proposed. This is the route I would take. This is the legislative process I recommend. This is the type of legislation I will support. The only argument I have heard against the constitutional amendment procedure is that it consumes too much time. I concede that it is time-consuming. I would, therefore, hope that a moratorium be placed upon the effect of the Supreme Court decision and that the Congress be afforded ample time to implement the necessary constitutional machinery. I would support that type of legislation. I cannot support the Tuck bill and I will, therefore, vote against it.

Mr. CELLER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, this bill has been hustled through the Rules Committee and brought to the floor of the House under the most extraordinary procedure witnessed by any of us who have been in the Congress less than 15 years. Its proponents say it is needed in order to prevent chaos resulting from a Supreme Court decision in the case of Baker against Carr, and subsequent decisions effectuating that first enunciation of the principle that equal protection of the laws included equal protection at the ballot box in the election of a State legislature.

"Prevent chaos" has been the watchword of those who advocate this bill, but I submit to you that the best way to create chaos is by enactment of this proposal.

The gentleman from Minnesota asked the sponsor of the bill, "What effect would this have upon the cases already decided by the United States Supreme Court?"

I might add in addition to the original six mentioned by the gentleman from Minnesota there were several others decided subsequently thereto which are now on the books.

The gentleman from Virginia, sponsor of the bill, said, "I do not know what the effect of my bill will be in those States."

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from Florida.

Mr. FASCELL. I agree with the gentleman, the pending bill makes for utter confusion and is highly discriminatory. Furthermore, the bill is silent on cases similar to a case now pending in the Federal district court in my district dealing with Federal redistricting on which the court is withholding judgment until the legislature meets. I have heard nothing in this colloquy as to the effect of this bill on that decision. The legislature will decide congressional redistricting.

Mr. O'HARA of Michigan. The gentleman from Pennsylvania raised the same question with reference to his State where there was a decision finding the apportionment of Pennsylvania in violation of the 14th amendment. That decision has now been appealed to the Supreme Court. He asked would the effect of this bill, if enacted, be to freeze into the law the decision of the lower court and the sponsor of the legislation indicated he did not know if that would be the effect of it or not.

Mr. Chairman, we are going to have chaos if we enact this legislation. What, for instance, will happen in the State of Michigan where the legislature has already been reapportioned in accord with the Supreme Court's decision in Reynolds against Sims? Candidates have filed for State legislative offices, the primaries take place less than 2 weeks from today. Are we going to go into the State of Michigan and change that apportionment back to some other system, at this late date, or are we going to have a situation where the Constitution means one thing in some States, and quite another thing in some other States, and because of the Tuck bill we are not going to decide what it does mean. For the first time in the history of the United States we would not have a uniform rule of application of the U.S. Constitution to all the States.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from North Carolina.

Mr. WHITENER. The question asked by our good friend from Florida [Mr. FASCELL], answers itself. If one will look at the bill, it would be needless for anyone to say it did not apply to his congressional district situation because the bill says apportionment or reapportionment of a "legislature of any State of the Union."

Mr. O'HARA of Michigan. Mr. Chairman, let me reiterate my contention, which is simply this: When asked about the application to specific decisions already rendered by the U.S. Supreme Court holding legislative apportionments invalid, the sponsor of the legislation said he did not know the effect of his bill. He could give no other honest answer.

We do know that a situation already confused would be compounded. On every conceivable ground, the Tuck bill should be defeated.

Mr. ASHLEY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ASHLEY. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, I rise in opposition to the bill before us and to speak against any amendments which may be offered.

In the recent cases involving legislative apportionment, the Supreme Court ruled that apportionment which is not based upon population violates the clause in the 14th amendment which guarantees equal protection of the laws. The implications of these decisions were soon clear. For most States, this meant that there would be a shift in political power from overrepresented rural districts to urban districts which are presently underrepresented.

It is this shift in power which the legislation before us seeks to thwart. Much has been said about the Supreme Court having gone beyond its proper judicial scope. The decisions which have reaffirmed the principle of one-man, one-vote are attacked as wrongful invasions of State's rights and the legislative branch of Government. These protestations may be sincere but the swiftness with which we are considering the legislation before us, and the manner in which the legislation has come before the House and the Senate, attests to the fact that the fundamental concern is with any shift from the present power structure which controls most States and Congress itself.

The Tuck bill which we are here considering has been brought to the floor through a procedure unknown to most Members of this body. The Committee on the Judiciary was summarily discharged from any consideration of the measure and a rule was granted which made it in order for the bill to come directly to the floor. All of us are aware of the procedure whereby the Rules Committee can be discharged from consideration of a bill which has been duly reported from a legislative committee in order for the House to work its will upon it but I venture to say that few, if any of us have ever witnessed the procedure which attends the bill before us.

Remarkable though this procedure is, it is far less remarkable than the bill itself. It provides, as we all know, for denial of the right of the Supreme Court to review the actions of Federal or State courts concerning reapportionment cases. In short, the constitutional question of whether a citizen has been denied equal protection of the laws shall be decided not by the Supreme Court but only by State courts of last resort.

While the Constitution does provide that Congress can limit the appellate jurisdiction of the Supreme Court, I feel it would be unwise and dangerous to pursue this course. If we choose to do so with respect to apportionment cases, the precedent will be established to limit the Court's power to review in other areas—in other times when other issues are deemed to be of great importance. We must resist if the authority of the Court is to be preserved and the division of governmental power perpetuated.

We are advised that our colleague, the gentleman from Oklahoma [Mr. EDMONDSON] will offer an amendment similar to the so-called Dirksen rider. This amendment would seek a moratorium during which State legislatures can take such action as necessary to comply with the mandate of the recent Supreme Court decisions.

The trouble with this remedy, Mr. Chairman, is that the time would not be used to bring about compliance but rather to advance amendments to the Constitution which would obviate compliance—which would withdraw from the traditional protection of the 14th amendment equal protection of the law in apportionment cases.

This purpose, as we all must be aware, would be enhanced by freezing the present malapportionment of State legislatures since it would be these very legislatures that would pass upon the constitutional amendments.

The issue is clear, Mr. Chairman, and I urge the defeat of both the Edmondson amendment and the Tuck bill.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Chairman, last month we completed action on the most significant bill of the last 100 years to insure the full equality of all Americans, regardless of their race. Today we are considering and are confronted with still a further proposal involving fundamental human and constitutional rights; a proposal to determine whether one man's vote shall weigh as heavily as another's.

The Supreme Court in Reynolds against Sims, June 15, 1964, has stated that:

> Full and effective participation by all citizens in State government requires that each citizen has an equally effective voice in the election of members of his State legislature. Modern and viable State government needs, and the Constitution demands, no less.

It may be that the Court in enunciating this seemingly basic principle of American democracy has made a ruling with which an overwhelming majority of the people of this country find disapproval. I do not think this is the case. But if so, the proper course is to put this question to the orderly test of a constitutional amendment—not to the hasty "solutions" offered us today which by legislative fiat would deny both the due process guarantee of the Constitution and the whole procedure of constitutional adjudication.

Any recourse, in brief, short of a constitutional amendment must be regarded as nothing else than a clear violation of our age-tested principle of separation of powers and a flagrant intermeddling with the judicial process.

The effect of this bill, Mr. Chairman, as 15 eminent law school deans and professors have stated in communications to the Congress, would be to suspend the operation of constitutional rights by statute. It would threaten "the integrity of our judicial process" and set a dangerous precedent for scuttling the Bill of Rights on a much broader scale.

The purpose of this bill, and others of its kind, clearly is to provide a "stay" to final reapportionment in many States—a situation where we today find in 44 States, less than 40 percent of the people electing a controlling majority of the legislature, and in 13 of these States, one-third to one-tenth determining majority control.

It would, of course, allow time for consideration of a constitutional amendment. But it would also place the final decision on any proposal to allow one house of a State legislature to be apportioned by factors other than population in the hands of many already malapportioned State legislatures.

This clearly raises several serious constitutional objections.

First, in sophisticated guise, this bill and its compatriot measures, would withdraw from the Federal courts all jurisdiction—both original and appellate—over the constitutional question of a voter's right to cast an equally weighted vote with his fellow citizens in the election of State legislatures. By preventing final determination of a Federal constitutional question by the Federal courts which, under the supremacy clause of the Constitution—article VI—are the ultimate determiners in such matters, it constitutes a denial of due process.

Second, this bill would constitute a direct invasion of the time-proven principle of separation of powers by denying Federal courts any exercise of discretion over Federal constitutional questions. It would thus violate the time-honored prerogatives of the judiciary in the exercise of its equity powers.

The Tuck bill to deny jurisdiction by the Federal courts in all State apportionment matters, and the other measures designed to delay implementation of the Court's orders, raise further and serious legal questions as well. For example, the Federal "removal" statute—28 U.S.C. 1441—permits defendants in actions in State courts where the complaint raises a Federal constitutional question, to remove such cases to Federal courts of competent jurisdiction. How will this legislation affect this statute? Will it deny aggrieved parties all recourse to any court?

These and other questions clearly have not been thought through. They clearly require the extensive consideration of the appropriate legislative committee which can expose them to the searching review necessary to determine their full ramifications. This obviously has not been done in the hurried approach and frantic rush of the Rules Committee's action. For no other reason this ill-considered legislation should not be approved today.

Mr. Chairman, malapportionment already characterizes too many of our popularly elected bodies. But if, as the New York Times stated on August 6, "the apportionment standard set by the Court is too rigid," the answer is not "to perpetuate conditions under which one vote in one section of a State has as much weight as a hundred in another."

This bill, in addition to its constitutional denials, makes a mockery of democracy. It should be rejected as a measure of our responsibility to the American people.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, I am vigorously opposed to the provisions of H.R. 11926 and hope it will be defeated by this body.

While this country is infinitely better than any other place we know of in this world, we are not without injustice—and we cannot relax in our struggle against it.

In America—and in a few other places in the world—liberty is the child of the law. We have our Constitution, our separation of powers between the judiciary, the legislature, and the executive.

In our proud history, we have lived and we have prospered under the shelter of our Constitution and the laws which provided the security of justice.

Recently, our Supreme Court has suffered attack of its far-reaching decisions, the desegregation decision of 1954 and the apportionment decision of this year. While there are those who disagree, I feel that the Supreme Court reached its finest hour in these decisions which first reaffirmed the equality of man and then moved to give him an equal vote.

In the closing hours of this session of the Congress we are battling against efforts to nullify these vital Court decisions. There are leaders among us who attack the concept of one man, one vote as something unfair—or something strange. We must not tolerate this deceit. The oppressed people of the world came here for equality. The tyranny of communism is founded upon representation denied. The feudal tyranny which existed in the lands of our forebears was based upon the exaggerated voting power of the landed barons and their wealth. This is a country of people and we should never assign our voting rights to either dollars or to acres.

In Ohio we have suffered immeasurably under unjust laws which have given the citizens of 68 small counties almost three times the voting power as we possess in the large cities. If 10,274 people in Vinton County are entitled to 1 State representative, 1,737,000 people in my county are entitled to 172 representatives in the Ohio Assembly instead of 17. We are cheated 10 times over.

The tyranny of unfair representation in Ohio has been costly to us. The welfare of 140,366 farm operators in Ohio has received more consideration than 10 million other Ohioans. Practically nothing has been done at State levels for the thousands of unemployed. While big noises are made about the differential between Federal taxes collected and spent in Ohio, a long silence accompanies the wider differential between State taxes collected in the cities and spent in scattered farm areas.

While we overwhelm these farm areas with our generosity, they reward us by opposing decent standards for the poor, the aged, and the infirm of our cities. The needy people in Ohio are living at standards admitted to be 25 percent below decent requirements. The farmer says: "Let your poor find work," and many are forced to cruel deprivement. These degrading policies have offended human decency and have indeed forced many into primitive independent businesses with a knife, a blackjack, or a gun. There is a definite relationship between the crime of our streets and the poverty which has been propelled by State neglect.

The dynamic demands of growing urban life cannot be met by archaic attitudes of indifference which are fostered by the tyranny of unequal representation in our State. The Supreme Court is right, in a right that will be wronged by further delay. We must see that the work of our Supreme Court is not undone.

It is the greatest cause of this hour; it is the cause of justice and equal representation.

Mr. ANDREWS of North Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ANDREWS of North Dakota. Mr. Chairman, the need for reapportionment in many of our State legislatures is obvious and has existed for some time.

I strongly believe that the membership of State houses of representatives should be based strictly on population This is the fair and equitable way based on historic precedent and must not be ignored.

However, I feel just as sincerely that State senate membership, besides being based on population, should also consider other factors, not only to give rural people and the small cities and towns and their industries more adequate voice in State government, but also because I feel it has been a fundamental concept of American government to have that government close to the people. If both houses were apportioned strictly on population, many individual Americans would live 50 to 75 miles away from their closest State legislator.

While the cities have their problems, so, too, do the rural areas. One must not overshadow the other. A lower house based strictly on population and an upper house apportioned partially on population and partially on area gives the balance of control that has enabled our country and the several States to grow and strengthen as the years have gone by, without one class of Americans having an advantage over the other.

Further, if this arbitrary decision of the Supreme Court were to be followed through, we could assume that a constitutional amendment might well be framed apportioning the Senate of the United States on a population basis as well. This, of course, would be very detrimental to a State such as I represent, which, though sparsely populated, provides the great urban centers with the food and fiber so necessary to their existence.

I think this Supreme Court ruling based on technicalities in the law moves away from the fundamental concept of giving both rural and urban sections of our country an equally firm voice in their government. This concept has been proved satisfactory by the test of time, and I think we would be wise to continue it.

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, a constitutional crisis confronts us, as a result of the series of Supreme Court decisions handed down on June 15, 1964, on apportionment of members of State legislatures.

The United States is a large, polyglot nation. It is composed of an infinite variety of different and conflicting interests and needs. What may be beneficial to the seaboard area may be detrimental to the mountainous regions. What may produce demands by the agriculture heartland may generate little or no interest in the heart of an urban area.

The founders of our country were familiar with only a limited part of the land, which now makes up our 50 States, when they sat down to draft the Constitution. But, in this limited expanse, they were presented with a microcosm of the variations which confront the United States of today. In many of their own States, in fact, wide variations existed. The Maryland shore differed vastly from the mountains of western Maryland. Upstate New York did not mirror the ways of New York City. East Pennsylvania had little in common with its western territory. Thus, in their infinite wisdom, they created a type of government which could best be adapted to the vast American continent.

The Government of the United States was established on the principle of representative government—a government where elected officials would be charged not only with advancing national interests, but also with protecting the needs of their local populace.

In a pure democracy, the voice of a single citizen becomes so intermixed with those of his fellow citizens that local conditions become lost in the so-called "common good". This, of necessity, leads to mass rule, which, in fact is usually managed by a select, organized minority. Today, such a minority could easily develop through machine politics and boss rule. This, Adams, Madison, Jefferson, Monroe, and others foresaw and foresook.

Directly associated with the principle of representative government is that of checks and balances between the three branches of the Federal Government, and also that of authorized sovereign independence between the States and the Federal Government.

The Founding Fathers recognized that representative government alone would not preserve liberty and prevent centralized rule. They rightly concluded that power accumulated within a single source would undermine individual freedom, whether such power be in the executive, legislative, or judicial branch, or whether it be in a Federal Government's dominance of the several States.

For 173 years this system has worked so well that the United States is the most powerful nation in the world, and at the same time, has insured individual liberty. In recent years, we have seen the Federal executive's growing power at the expense of the Congress and of the States. This is most worrisome and potentially dangerous.

In 1962, this independence of the Congress and the States was seriously undermined. For, in that year, the Supreme Court determined in the case of Baker against Carr, that it had the authority, under the equal protection clause of the 14th amendment to tell States how their legislatures were to be apportioned. This was followed in early 1964 by the decision in the case of Wesberry against Sanders, where the Supreme Court, relying upon a different constitutional provision, declared that the Federal judiciary had the right to tell Congress how its membership was to be selected. Then, in June 1964, the Supreme Court concluded its handiwork by declaring, in the case of Reynolds against Sims, that a State lacked the authority to compose even one house of its State legislature on factors other than population so as to permit local representation on geographical lines as the U.S. Senate is so composed.

The effect of these decisions should be obvious to even the most elementary student of history. The whole structure of our form of government shall be transformed and the unique system of checks and balances undermined. In place of the concept of balanced power structures and diversified representation, there shall be substituted the dominance of mass rule.

When the legislature of a State is composed of members who represent the varying and diverse interests of that State, boss rule, enthroned by an organized minority, cannot gain control of the State. When the National Legislature is composed of representatives chosen from districts which reflect such varying and diverse interests and when the National Legislature is composed of Members who are elected from States without the sinister influence of boss rule, the National Government cannot be dominated by the will of a few men of self-interest.

Within the past 2 months, Members of the House of Representatives have introduced over 130 legislative and constitutional proposals to restrict or modify the effects of the Supreme Court decision. Many Members, including myself, have introduced proposed amendments to the Constitution to return to the States the authority to apportion their legislatures or, at least, one branch thereof. This, in my opinion, is the proper long-term approach. For, by so doing, we shall be following the accepted path laid down by the Constitution. All proper time is not being extended to the people and to their elected representatives to modify such decisions by proper, orderly means. Thus, extraordinary measures must be taken, as much as I dislike to resort thereto.

The press of time requires that we enact legislation to maintain the status quo until the people have time to act.

There are those who believe that merely enacting legislation to permanently withdraw the jurisdiction of the Federal courts from cases of apportionment is a sufficient end in itself. That is not the case in its entirety, because the State courts remain open to hear such cases and the State courts, under the supremacy clause of the Constitution are under a mandate to support the Constitution, as interpreted by the Supreme Court. It is necessary, therefore, to amend the Constitution. But, as I said before, it is necessary to gain time to do so.

The Constitution, in article III, section 2, provides:

> In all cases affecting Ambassadors, other public ministers and consuls, and those in which a State shall be Party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such exceptions, and under such regulations as the Congress shall make.

These clear words of the Constitution would appear to be sufficient to permit Congress to withdraw the appellate jurisdiction of the Supreme Court in cases of apportionment. Moreover, in cases decided earlier by that Court, it has been determined that the Court does not have original jurisdiction over this category of cases.

Aside from the words of the Constitution itself, numerous past decisions of the Supreme Court have declared that Congress has the power to withhold, withdraw, or otherwise make exceptions to the appellate jurisdiction of the Court—*Wiscart* v. *Dauchy*, 3 Dall. 321 (1796); *Durrosseau* v. *U.S.*, 6 Cr. 307 (1810); *Barry* v. *Mercein*, 46 U.S. 103 (1847); *The Francis Wright*, 70 U.S. 250 (1866); *Exporte McCardle*, 6 Wall. 318 (1868).

Time does not permit a thorough analysis of the case law at this time. I have had prepared, however, such an analysis, which I shall submit for the RECORD, immediately following this statement. It can be said, though, that these cases, and others, do contain concise language in support of the withdrawal of appellate jurisdiction. Moreover, it should be strongly stressed that the opponents of this legislation are unable to cite clear holdings of the Court denying to Congress the authority granted to it by the Constitution.

Turning to the lower Federal courts, the Constitution provides in article I, section 8, that Congress "shall have power to constitute tribunals inferior to the Supreme Court." Through a long line of decisions, this language has been interpreted as granting Congress the authority to withdraw or limit the original jurisdiction of the lower Federal courts. For, the power of Congress to create such courts is also the power to abolish them. And, certainly, contained in that power is the authority to limit the jurisdiction of a court once established—*Sheldon* v. *Sill*, 49 U.S. 440 (1850); *Lockerty* v. *Phillips*, 319, U.S. 182 (1943).

The final question is whether Congress, by denying an individual a Federal forum to test his court-declared constitutional right in apportionment cases, runs afoul of the due process clause of the fifth amendment which guarantees to a citizen life, liberty, and property.

There is nothing in the Constitution which requires Congress to afford citizens a remedy in a Federal court. In the many cases decided on the issue, including those cited by the opponents to this legislation, the Supreme Court has never stated that due process requires access to a Federal forum. All that is required is that some judicial forum remain available. And, in the present case, the courts of the States remain open to protect individual rights.

There are those who say this will cause confusion and lay the groundwork for conflicting decisions by the courts of the 50 States. In answer, I say that I have great faith in the State courts and the State courts are required to follow the Federal Constitution. Furthermore, limited variation may be a good thing even in the law, so long as basic rights are not trampled upon. That is what the drafters of our Constitution intended.

There are those who claim that Congress would not have the right to deny the Federal courts jurisdiction to hear cases under the first or fifth amendments, for example. And that, therefore, it does not have the right to deny a Federal forum in an apportionment case arising under the 14th amendment.

Of course, I could answer by stating that matters of apportionment are legislative matters which are not the business of the Federal judiciary and that the 14th amendment was never intended to enable courts to interfere in such a matter. Justices Harlan, Frankfurter, and Stewart have written masterful decisions proving this point. I concur in their decisions.

But, I need not rest my case on that ground because the Constitution does give Congress the authority to regulate the jurisdiction of the Federal courts, except in the limited area of original jurisdiction, and the Constitution does grant authority to withdraw or limit this jurisdiction even where constitutional rights are involved. In fact, in the famous case of ex parte McCardle, Congress took away the Supreme Court's jurisdiction over habeas corpus cases—a clear constitutional right—and the Court upheld the right of Congress.

If the drafters of the Constitution had not so intended this right in the hands of Congress, they would not have created it in articles I and III and they would not have permitted the State courts to remain operative on an equal footing. These men of foresight and commonsense did place this authority in the hands of Congress, however, because they retained faith in the State judiciary and, especially, they entrusted Congress, as the elected representatives of the people, with the ultimate power to guard the rights of the people. These men had too frequent an experience with royal courts and monarchial despots to place their confidence otherwise.

What we do here today is in the best interests of our country. We are here to preserve the Constitution and to follow its interpretation for all of the first 173 years of our Federal existence. If we do not act favorably on this measure it may well be the end of an era, the most glorious era in the known history of civilized men.

The action referred to follows:

NOLAN *v.* RHODES, ET AL. AND SIVE ET AL. *v.* ELLIS ET AL.

(In the Supreme Court of the United States, appeal from the U.S. District Court for the Southern District of Ohio, Nos. 454 and 455, decided June 22, 1964)

Per curiam.

The judgment below is reversed. *Reynolds* v. *Sims*, —— U.S. ——. The cases are remanded for further proceedings consistent with the views stated in our opinions in *Reynolds* v. *Sims* and in the other cases relating to State legislative apportionment decided along with Reynolds.

Mr. Justice Clark would reverse on the grounds stated in his opinion in *Reynolds* v. *Sims*, —— U.S. ——.

Mr. Justice Stewart would affirm the judgment because the Ohio system of legislative apportionment is clearly a rational one and clearly does not frustrate effective majority rule.

Mr. Justice Harlan dissents for the reasons stated in his dissenting opinion in *Reynolds* v. *Sims*, —— U.S. ——.

Mr. Chairman, in response to those who seem to harbor reservations about the constitutional propriety of withdrawing the jurisdiction of the Federal courts over questions of State legislative apportionment and leaving such cases to State courts, I wish to make clear my firm belief in the legality of this method of quickly meeting a most serious problem which confronts our American system of government today. I believe that a study of the Constitution, and the relevant decisions handed down by the courts, demonstrates that this law would be well within the constitutional powers of Congress.

POWERS OF CONGRESS OVER INFERIOR FEDERAL COURTS

The plenary power of Congress over Federal inferior courts is clearly evident on the face of the Constitution itself in article III, section 1 and section 2. The Supreme Court has long held that without specific, affirmative legislative pronouncements by Congress granting portions of the original and appellate jurisdiction enumerated in article III, the Federal courts, except the Supreme Court in its matters of original jurisdiction, are without jurisdiction. It should be noted that Congress did not even grant Federal district courts jurisdiction over Federal questions until 1875—18 Stat. 47. Before that time, such suits were filed in State courts.

As stated in *Lockerty* v. *Phillips*, 319 U.S. 182 (1943):

> All Federal courts, other than the Supreme Court, derive their jurisdiction wholly from the exercise of the authority to "ordain and establish" inferior courts, conferred on Congress by article III, section 1 of the Constitution. Article III left Congress free to establish inferior Federal courts or not.

Justice Iredell in a very early case, *Chisholm* v. *Georgia*, 2 Dall. 419, 423 (1793), said, "I conceive that all the courts of the United States must receive, not merely their organization as the number of judges of which they are to consist; but all their authority, as to the manner of their proceeding, from the legislature only." And in *Insurance Co.* v. *Dunn*, 86 U.S. 214 (1873), the Court stated that Congress could give the inferior courts such jurisdiction, within the limits of the Constitution, either original or appellate, as it may see fit to confer—"the whole subject is remitted to the unfettered discretion of Congress"—id. at 226.

The courts continued to uphold the power of Congress to delimit the jurisdiction exercisable by inferior Federal courts. In *Turner* v. *Bank of North America*, 4 Dall. 8, 9 (1799), Justice Chase in supporting the enforcement of section 11 of the Judiciary Act of 1789 which forbade diversity suits to recover on promissory notes unless the action was brought before an assignment thereunder was consummated, declared:

> The judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this Court, we must possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the Federal courts, to every subject, in every form, which the Constitution might warrant.

One of the most often cited cases in this category is *Sheldon* v. *Sill*, 49 U.S. 440 (1850). Here, a citizen of one State sued a citizen of another State on a bond and mortgage in the Federal circuit court. However, under the Judiciary Act of 1789, the circuit court was specifically precluded from taking cognizance of suits of this nature. The question presented to the court was whether the provision of the Judiciary Act conflicted with that part of the Constitution—article III, section 2—which extends the judicial power to "controversies between citizens of different States." The court held that Congress, having the power to establish the inferior courts, must define their jurisdiction. Furthermore, having the right to prescribe, Congress may withhold from any court of its creation, jurisdiction of any of the controversies enumerated in the Constitution—page 448. See *Kline* v. *Burke Construction Co.*, 260 U.S. 226 (1898), and *Lauf* v. *Shinner & Co.*, 303 U.S. 323 (1938).

Repeatedly the Court has upheld the broad extent of congressional authority, under article III, over the jurisdiction of inferior Federal courts, including the power to withdraw from them the jurisdiction to adjudicate various categories of cases. Specific examples will be examined later in this memo. See *Stuart* v. *Laird*, 1 Cr. 299 (1803); *Ex parte Bollman*, 4 Cr. 75, 93 (1807); *U.S.* v. *Hudson and Goodwin*, 7 Cr. 32 (1812).

POWERS OF CONGRESS OVER THE APPELLATE JURISDICTION OF THE SUPREME COURT

Similarly, the Supreme Court has clearly held that its own appellate jurisdiction is subject to the will of Congress under article III. In *Duroussean* v. *U.S.*, 10 U.S. 307 (1810) in construing the Judiciary Act of 1789, Chief Justice Marshall, speaking for the Court, said:

> The appellate powers of this court are not given by the judicial act. They are given by the Constitution. But they are limited and regulated by the judicial act, and by such other acts as have been passed on the subject. (Id. at 313.)

The Court stated that affirmative grants of jurisdiction by Congress were to be construed as being exclusive in nature and as constituting a negation of the exercise of such appellate power as is not comprehended within it.

In *Barry* v. *Mercein*, 46 U.S. 103, 119 (1847), the Court said:

> By the Constitution of the United States, the Supreme Court possesses no appellate power in any case, unless conferred upon it by act of Congress; nor can it, when conferred, be exercised in any other form, or by any other mode of proceeding than that which the law prescribes * * * nor indeed is this limitation upon the appellate power of this court confined to cases like the one before us (habeas corpus child custody case). It is the same in judgments in criminal cases, although the liberty or life of the party may depend on the decision of the circuit court. (*Ex parte McCardle*, 6 Wall. 318 (1868); 7 Wall. 506 (1869); *The Francis Wright*, 105 U.S. 381, 386 (1882); *Daniels* v. *Railroad Co.*, 70 U.S. 250, 254 (1866).) To come properly before us, the case must be within the appellate jurisdiction of this court. In order to create such jurisdiction in any case, two things must occur: The Constitution must give the capacity to take it, and an act of Congress must supply the requisite authority.
>
> The original jurisdiction of this court, and its power to receive appellate jurisdiction, are created and defined by the Constitution; and the legislative department of the Government can enlarge neither one nor the other. But it is for Congress to determine how far, within the limits of the capacity of this court to take, appellate jurisdiction shall be given, and when conferred, it can be exercised only to the extent and in the manner prescribed by law. In these respects it is wholly the creature of legislation.

At this point it should be noted, for example, that in section 25 of the Judiciary Act of 1789, under which the Supreme Court could review decisions of the highest courts of the States through writ of error, complete review was not accorded to the Supreme Court. While the original act had permitted review of cases in which the State court decided in favor of the constitutionality—U.S. Constitution—of a State law or proceeding, it was not until 1914 that Congress permitted review by "certiorari or otherwise" of a State decision "against the validity of the State statute or authority claimed to be repugnant to the Constitution"—38 Stat. 790, Dec. 23, 1914. Thus, until 1914, parties in the latter type of decision were left without any Supreme Court review of the constitutional question.

In regard to the "right" of review, the words of *Luckenbach Steamship Co.* v. *United States*, 272 U.S. 533, 536 (1926), should be noted. In holding that the plaintiff had no right to a general review by the Supreme Court of a Court of Claims ruling, the Court said:

> The well settled rule applies that an appellate review is not essential to due process of law but is a matter of grace. (See *McKave* v. *Durston*, 153 U.S. 684, 687, *Andrews* v. *Swartz*, 156 U.S. 272, 275, and *Reetz* v. *Michigan*, 188 U.S. 305, 508.)

And as Chief Justice Marshall said in *Bank of the United States* v. *Deveaux*, 9 U.S. 61, 85 (1809):

> The right to sue does not imply a right to sue in the courts of the Union, unless it be expressed.

The power of Congress to make exceptions to the Court's appellate jurisdiction, in effect, has been expanded by the cases into a plenary power to bestow, withhold and withdraw appellate jurisdiction. The *"Francis Wright,"* 105 U.S. 381 (1881) involved the question of the extent of the Supreme Court's appellate jurisdiction in admiralty causes. The Court stated the rule:

> While appellate power of this court under the Constitution extends to all cases within the judicial power of the United States, actual jurisdiction under the power is confined within such limits as Congress sees fit to prescribe. (Id. at 385.) What those powers (of appellate jurisdiction) shall be, and to what extent they shall be exercised, are, and always have been, proper subjects of legislative control. Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while others are not. (Id. at 386.) (See *Wiscart* v. *Dauchy*, 3 Dall. 321 (1796); *U.S.* v. *Bitty*, 208 U.S. 393, 399–400 (1908); *Railroad Co.* v. *Grant*, 98 U.S. 398, 401 (1878); *Kurtz* v. *Moffitt*, 115 U.S. 487, 497 (1885); *Cross* v. *Burke*, 146 U.S. 82, 86 (1892); *Missouri* v. *Missouri Pacific Railroad Co.*, 292 U.S. 13, 15 (1934); *Stephan* v. *U.S.*, 319 U.S. 423, 426 (1943).)

The most celebrated case perhaps is *Ex parte McCardle*, 74 U.S. 507 (1868). Upon his arrest by military authorities acting under the authority of the Reconstruction Acts, McCardle, alleging unlawful restraint and challenging the validity of said measures, filed a petition for a writ of habeas corpus in the Federal Circuit Court for the Southern District of Mississippi. The writ was issued, but after a hearing, the prisoner was remanded to the custody of the military authorities. McCardle, then appealed to the Supreme Court, pursuant to the provisions of the act of February 5, 1867—14 Stat. 386—which heard arguments on the merits of the case and took it under advisement. However, before a conference could be held, Congress enacted a statute—15 Stat. 44, 1868—withdrawing appellate jurisdiction from the Supreme Court on "appeals which have been or may hereafter be taken" to the Court from the circuit courts under the 1867 act.

Citing Durousseau, supra, as authority, the Court said that the exception to its appellate jurisdiction which was before the Court was not an inference from the affirmation of other appellate jurisdiction:

> It was made in terms. The provision of the act of 1867, affirming the appellate jurisdiction of this Court in cases of habeas corpus is expressly repealed. It is hardly possible to imagine a plainer instance of positive exception. (Ex parte McCardle, supra at 514.)

Thus, after dismissing the appeal for want of jurisdiction, the Court declared that:

> Without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause." (Ibid.)

According to the Court, acts of Congress providing for the exercise of jurisdiction are to be viewed "as acts granting jurisdiction and not as making exceptions to it"—Id. at 513.

It should be noted that the Court did say:

> Counsel seem to have supposed, if effect be given to the repealing act in question, that the whole appellate power of the Court, in cases of habeas corpus, is denied. But this is in error. The act of 1868 does not except from that jurisdiction any cases but appeals from circuit courts under the act of 1867. It does not affect the jurisdiction which was previously exercised (Id. at 515).

I do not doubt that opponents will cite this language as evidence that the Court would never have upheld the act of 1868 if "the whole appellate power of the Court, in cases of habeas corpus," had been denied. Such an interpretation, I believe, is to grasp at straws, for, rationally, this language does nothing more than carefully spell out the limits of the Court's decision.

THE QUESTION OF DUE PROCESS

Perhaps the most important issue that would arise, when Congress withdraws Federal judicial review of questions of State legislative apportionment, is that of due process under the fifth amendment. While the Supreme Court has never held that the requirement of due process implies review by Federal courts over constitutional question—and thus such action clearly cannot, out of hand, be said to be unconstitutional—dicta in peripheral decisions of the Supreme Court lead to the conclusion that the power of Congress over the Federal courts is sufficiently broad to make valid a withdrawal of jurisdiction to hear such cases, so long as there remains at least some forum for protection against unconstitutional State action—*Yakus* v. *United States*, 321 U.S. 414 (1944). I believe that the availability of the highest court in each State to hear such complaints satisfies the latter caveat.

One of the early cases, *Cary* v. *Curtis*, 44 U.S. 236 (1845), involved the question of whether Congress could constitutionally abolish the right of a taxpayer to sue a Federal tax collector for recovery of taxes paid under protest. The Court held that the right could be and had been abolished. Basing its decision on the immunity of the Government from suit in its own courts and the power of Congress over the jurisdiction of the Federal courts, Justice Daniel stated:

> The claimant, moreover, was not without other modes of redress, had he chosen to adopt them. He might have asserted his right to the possession of the goods, or his

> exemption from the duties demanded, either by replevin, or * * * detinue, or * * * trover * * *. The legitimate inquiry before this court is not whether all right of action has been taken away from the party, and the court responds to no such inquiry (Id. at 250).

In the past, Congress has occasionally placed strict limits on access to the courts to test Federal action. For example, the Emergency Price Control Act of 1942—56 Stat. 23—withdrew jurisdiction from all courts, State and Federal, to test the validity of price control regulations and orders. As a substitute, the jurisdiction to contest such regulations and orders was vested in a newly created Emergency Court of Appeals, with the right of appeal to the Supreme Court. This restriction was upheld in *Lockerty* v. *Phillips*, 319 U.S. 182 (1943), as well as in *Yakus* v. *United States*, 321 U.S. 414 (1944). Here, in response to a constitutional challenge, the Court said the act was objectionable only if it would deny an adequate opportunity to be heard. Since there was a forum in the emergency court, there was no defect. The Court said:

> There is no constitutional requirement that that test be made in one tribunal rather than in another, so long as there is an opportunity * * * for judicial review which satisfies the demands of due process (Id. at 444).

Perhaps one of the best examples of withdrawal of jurisdiction may be seen in the so-called portal to portal cases, which evolved out of the act of 1947 (61 Stat. 84). Basically, the act abolished liability for wages and overtime compensation imposed upon employers by reason of Supreme Court decisions—*Tennessee Coal Co.* v. *Muscoda Local*, 321 U.S. 590 (1944); *Jewell Ridge Corp.* v. *Local No. 6167*, 325 U.S. 161 (1945), and *Anderson* v. *Mt. Clemens Pottery Co.*, 328 U.S. 680 (1946)—which held certain activities of employees to be "employment" for purposes of the Fair Labor Standards Act of 1938. Most important, this act, in section 2(d), withdrew jurisdiction from all courts, State and Federal, to hear and consider cases involving liabilities within the scope of the act. While the lower Federal courts upheld the act, the Supreme Court never passed on its validity.

The Second Circuit Court of Appeals felt it necessary to find that the liability had been properly extinguished before they would apply the act because of doubts of the constitutionality of a total denial of any remedy. The court, in *Battaglia* v. *General Motors Corp.*, 169 F. 2d 254, 257 (1948), cert. den., 335 U.S. 887, said:

> A few of the district court decisions sustaining section 2 of the Portal-to-Portal Act have done so on the ground that since jurisdiction of Federal courts other than the Supreme Court is conferred by Congress, it may at the will of Congress be taken away in whole or in part. Relying upon a statement of the Supreme Court in *Kline* v. *Burke Construction Co.*, 260 U.S. 226, 234, and on cases like *Norris* v. *Crocker*, 13 How. 429; *Ex parte McCardle*, 7 Wall. 506; and *Assessors* v. *Osbornes*, 9 Wall. 567, these district court decisions would, in effect, sustain subdivision (d) (withdrawal of jurisdiction) of section 2 of the act regardless of whether subdivisions (a) and (b) (nonliability of employers) were valid. We think, however, that the exercise by Congress of its control over jurisdiction is subject to compliance with at least the requirement of the fifth amendment. That is to say, while Congress has the undoubted power to give, withhold, and restrict the jurisdiction of the courts other than the Supreme Court—footnote: "It also has the power, of course, to make exceptions to and regulations regarding the Supreme Court's appellate jurisdiction"—it must not so exercise that power as to deprive any person of life, liberty, or property without due process of law or to take private property without just compensation. *Graham & Foster* v. *Goodcell*, 282 U.S. 409, 431; cf. *Brinkerhoff-Faris Trust & Savings Co.* v. *Hill*, 281 U.S. 673; see also *Lynch* v. *United States*, 292 U.S. 571, 580; *Louisville Joint Stock Land Bank* v. *Radford*, 295 U.S. 555, 589. Thus regardless of whether subdivision (d) of section 2 had an independent end in itself, if one of the effects would be to deprive the appellants of property without due process or just compensation, it would be invalid.

In short, although the Congress has the power under the Constitution to limit the jurisdiction of Federal courts, if the exercise of that power operates in such a fashion as to deprive an individual of all means of obtaining protection of a constitutional right, it is possible that the Court will declare the statute unconstitutional. A statutory withdrawal of the jurisdiction of Federal courts over questions of apportionment does not suffer from this defect because of the availability of the State courts for redress; courts which are bound by the Constitution—article VI, section 2, clause 2—to enforce the Federal rights thereunder—*General Oil Co.* v. *Crain*, 209 U.S. 211 (1908) and *Testa* v. *Katt*, 330 U.S. 386 (1947).

ORIGINAL JURISDICTION OF THE SUPREME COURT

Article III, section 2, clause 2, of the Constitution provides that the Supreme Court shall have original jurisdiction in all cases, among others, "in which a State shall be party." Thus, would a suit by a citizen against his own State in an apportionment case be one which is in the original jurisdiction of the Court? No. That language of the Constitution has been interpreted to refer to suits between the United States and a State, or between two or more States, or by a State against citizens of another State or aliens. The Supreme Court has held that without the consent of the State, an action against it by its own citizens will be barred under the doctrine of sovereign immunity—*Principality of Monaco* v. *Mississippi*, 292 U.S. 313, 322 (1934).

As in *Duhne* v. *New Jersey*, 251 U.S. 311 (1920), where the Court refused to allow a citizen of New Jersey to file a suit seeking to enjoin the United States and New Jersey from enforcing the 18th amendment, the Court said:

> But it has been long since settled that the whole sum of the judicial power granted by this Constitution to the United States does not embrace the authority to entertain a suit brought by a citizen of his own State without its consent. (*Hans* v. *Louisiana*, 134 U.S. 1; *North Carolina* v. *Temple*, 134 U.S. 22; *California* v. *Southern Pacific Co.*, 157 U.S. 229; *Filto* v. *McGhee*, 172 U.S. 516, 524 (Id. at 316).)

The court adopted the rule set forth in *Louisiana* v. *Texas*, 176 U.S. 1, 16:

> The second clause (art. III, sec. 2, clause 2 of the Constitution) distributes the jurisdiction conferred in the previous one into original and appellate jurisdiction, but does not profess to confer any.

Continuing, the Court said:

> The distribution which the clause makes relates solely to the grounds of Federal jurisdiction previously conferred and hence solely deals with cases in which the original jurisdiction of this court may be resorted to in the exercise of the judicial power as previously given. In fact, in view of the rule now so well settled as to be elementary, that the Federal jurisdiction does not embrace the power to entertain a suit brought against a State without its consent, the contention now insisted upon comes to the proposition that the clause relied upon provides for the exercise by this court of original jurisdiction in a case where no Federal judicial power is conferred. (*Duhne* v. *New Jersey*, *supra*, at 316).

In regard to the 11th amendment, *Hans* v. *Louisiana*, 134 U.S. 1 (1890), holds that it cannot be construed to impliedly allow suits by a citizen against his own State in lower Federal courts. Since the amendment does not waive the doctrine of sovereign immunity in the lower courts, it would follow that such suits are similarly not within the original jurisdiction of the Supreme Court.

THE SUPREMACY CLAUSE

In reply to the argument that the "supremacy clause"—article 6—in some way calls for Federal court review of this question, it should be noted that where the Supreme Court has made its strongest statements in regard to the need for final Supreme Court review of constitutional questions under the supremacy clause, it has done so not in cases where Congress has withdrawn jurisdiction pursuant to its power under article III, but in cases where States themselves have in one form or another attempted to thwart Supreme Court review of constitutional questions. These cases are *Martin* v. *Hunter's Lessee*, 1 Wh. 304 (1816); *Cohens* v. *Virginia*, 6 Wh. 264 (1821); *Ableman* v. *Booth*, 62 U.S. 506 (1858); *Cooper* v. *Aaron*, 358 U.S. 1 (1958). Such cases therefore have little bearing on the question of the constitutionality of the exercise by Congress of its express constitutional power under article III.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. RYAN].

Mr. RYAN of Michigan. Mr. Chairman, I am unalterably opposed to this bill.

Mr. Chairman, I am unalterably opposed to the bill and I rise in opposition to this measure.

This is a move to deliberately deprive the Federal courts of jurisdiction in reapportionment cases. It is a direct assault on our judicial system—our heritage of separation of powers in Government—and usurps the cherished principle of checks and balances so essential to our democracy.

Proponents claim that Congress must act now or chaos will result. Actually, chaos has already resulted and has existed over the years because the legislatures in most of the States have failed to properly reapportion themselves.

I speak from experience because I was a State senator in Michigan for many years. Our legislature, rural dominated, failed to abide by the provisions of the Michigan constitution, calling for reapportionment every 10 years. This was totally ignored. As a result, many people in Michigan were disenfranchised because of the disparity in population of the various districts. For example, several senatorial districts contained less than 90,000 persons while the largest one contained nearly 700,000 persons. Saying it another way, 11 of the Democratic senators received more votes than the total received by 23 Republican senators. When measures were debated in the senate, on occasions too numerous to mention, the vote would inevitably be 23 to 11.

Chaos resulted from this situation as it did in so many of the other States, because of the failure of the legislatures to reapportion themselves.

The failure of State legislatures to reapportion, and thus give the people of the State an equal voice in government, has led to the futility and ineffectiveness of the State governments themselves. And this, in turn, has forced the Federal Government to fill the gap left by the paralysis of the States.

Mr. Chairman, the decisions of the Court that every man's vote must be equal is good for the country because it will unchain the "deadlock of democracy," and true and basic popular representation will result in more effective Democratic action; likewise, a fuller participation in government by all the people. Their vote will mean and count as much as any other persons in the State.

The Court has freed the people of the sovereign States from the scourge of unequal representation. Let us, as Congressmen, not reverse this forward trend.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR. Mr. Chairman, I support the bill.

Mr. Chairman, I am supporting this resolution which denies Federal jurisdiction over reapportionment of State legislatures. The Supreme Court decision which promoted the resolution was a usurpation of authority granted by the Constitution to the States and to the people. In rendering this decision, as in many other recent decisions, the Supreme Court has gone beyond its allotted domain and is legislating by judicial decree.

Earlier I introduced a bill providing for a constitutional amendment to reverse this unfortunate decision. The adoption of this or a similar constitutional amendment is, in my opinion, the best and only lasting remedy, but that is a long, time-consuming road and quick action by Congress is needed.

The power of the Federal judiciary is being increased and extended with each Court decision. In effect, the Court has been amending the Constitution by judicial decree, thus creating a judicial dictatorship. This creates a situation which is dangerous to our country and demands this quick action by Congress. The question is shall the people of the different States retain the right to determine the composition of their own State legislatures or shall that authority be surrendered to the U.S. Supreme Court.

Mr. CELLER. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. FLYNT].

Mr. FLYNT. Mr. Chairman, I support the bill.

Mr. Chairman, I support H.R. 11926 and urge its passage. The time has come for the Congress to take a clear and unmistakable position that it and not the Supreme Court is the legislative branch of the Federal Government as provided for in the Constitution.

For more than 160 years the Federal courts avoided entanglement in the political thicket. During recent years the Supreme Court has reversed that policy and has undertaken in many instances and in cases arising in many States to do that which is clearly within the exclusive jurisdiction of the legislative branch of the Federal Government or the legislative branch of the governments of the respective States.

This involves much more than a disagreement between the people who live in the larger cities and the people who live in the smaller cities and in the rural areas. Here involved is the significant question of whether the States' legislatures and/or the people of the respective States shall determine the makeup and composition of the legislatures of the respective States or whether such composition shall be determined by the Federal judiciary.

Mr. Chairman, I believe that such determination should properly be made by the legislatures and the people of the several States. In most instances, and I believe that this is one, the people themselves will correct any injustices and inequities which from time to time may develop and exist.

If corrective changes are needed, let those changes be made by normal, orderly, and constitutional processes. Do not let reason give way to emotion, nor logic give way to the clamor of those who may seek change for the sake of change alone. If unreasonable actions take place and if a court undertakes to replace a legislative body and make laws instead of interpreting laws, then chaos can only follow where law and order previously obtained. Enactment of H.R. 11926 can prevent chaos and restore order.

In one of the legislative apportionment cases a three-judge court has gone so far as to declare one act of a State legislature to be unconstitutional because the house of representatives of that State is, according to the court, illegally constituted; and at the same time the same court declared another act enacted by the same legislature during the very same session to be constitutional. Mr. Chairman, can it be that this court reached two wholly inconsistent conclusions because it liked the content of one act and disliked the content and substance of the other?

Mr. Chairman, if our courts have reached the point at which decisions are rendered on procedural matters on the basis of substance instead of procedures then again such courts have entered the legislative instead of the judicial field and corrective legislation is needed.

Mr. Chairman, H.R. 11926 offers the best solution to this trying and complex question, and I hope that this committee and this House will act favorably and pass this bill.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from California [Mr. ROOSEVELT].

Mr. ROOSEVELT. Mr. Chairman, I am strongly opposed to this bill.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Georgia [Mr. WELTNER].

Mr. WELTNER. Mr. Chairman, I rise in opposition to the bill.

Mr. Chairman, I have listened to this debate with a great deal of interest. I have heard the concept of popular government assailed, and the doctrine of "one man, one vote" termed "noxious."

I, for one, fail to find anything noxious, or radical, or subversive in the idea that the vote of one citizen should be counted just like the vote of another citizen.

I see no reason why representative government should not be representative. I see no reason why democratic government should not be democratic. And I see no reason why one man should not have one vote. Accordingly, I shall vote against this bill.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I am opposed to this bill.

Mr. Chairman, I rise in opposition to the Tuck bill, and in opposition to any amendments which incorporate the principles of the Dirksen amendment.

Both of these moves are simply designed to blackjack the residents of populous areas into retaining political control by rural areas just at a time when the populous areas of this country are on the verge of fair representation in their State legislatures. It is understandable that those who have benefited by this political control through unfair representation have no desire to give it up. But the Supreme Court has declared such unfair representation unconstitutional and by taking jurisdiction of these cases has provided a remedy to millions of citizens who have been violently discriminated against.

The Tuck bill would remove the right of any aggrieved citizen to be heard in any Federal court on this issue, and as amended it would deny any further action in those cases where some action has already been taken. The Edmondson substitute incorporating the proposal of Senator DIRKSEN and Senator MANSFIELD simply delays all reapportionment. Both measures are completely unacceptable to the people of my district and others similarly situated who for years have been denied full representation in their State legislature, and who under the U.S. Constitution are entitled to it.

Furthermore, as the discussion discloses in this RECORD on this bill there is monumental confusion, doubt, and considerable disagreement as to the effect of the legislation which we are considering today—in fact many of us are convinced that the bill is unconstitutional.

I have here an excellent analysis prepared by Robert L. Tienken, legislative attorney in the American Law Division of the Legislative Reference Service of the Library of Congress. He says, and I quote:

WITHDRAWAL OF JURISDICTION OF FEDERAL COURTS OVER QUESTIONS OF STATE LEGISLATIVE APPORTIONMENT

Article III, section 1 of the Constitution provides:

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

Article III, section 2, cl. 1 provides:

"The judicial Power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority, to all Cases affecting Ambassadors, other public Ministers and Consuls, to Controversies to which the United States shall be a Party, to Controversies between two or more States; between a State and Citizens of another State; between Citizens of different States; between Citizens of the same State claiming Lands under Grants of different States; and between a State, or the Citizens thereof, and foreign States, Citizens, or subjects."

Article III, section 2, cl. 2 provides:

"In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

Article I, section 8, cl. 9, provides:

"The Congress shall have Power * * * to constitute Tribunals inferior to the supreme Court."

These are the constitutional provisions which relate directly to the matter of the authority of Congress over the jurisdiction of the Federal courts. That other provisions may also relate to such authority as to impose some limits upon it will be discussed hereafter.

The question: May the jurisdiction of the Federal courts over matters of State legislative apportionment be withdrawn?

This question essentially involves the following: Can Congress prohibit judicial review in any Federal court of a question concerning a violation of the U.S. Constitution?

More particularly, the question involves: Can Congress withdraw jurisdiction over such a question from the inferior Federal courts and at the same time deny appellate review by the Supreme Court over such decisions by the highest courts of the various States?

These explicit questions have apparently not been finally disposed of by the Supreme Court. In addition, commentators have differed among themselves, as have judges in considering them. In the case of the latter, much has been in the form of dicta but it is relevant nevertheless.

THE SIGNIFICANCE OF THE QUESTION

The significance of the question stems, of course, from the decisions by the Supreme Court in *Baker* v. *Carr*, 369 U.S. 186 (March 1962), *Reynolds* v. *Sims*, Nos. 23, 27, and 41, October term, 1963, decided June 15, 1964, *WMCA* v. *Lomenzo*, No. 20, October term, 1963, decided supra, *Maryland Committee for Fair Representation* v. *Tawes*, No. 29, October term, 1963, decided supra, *Davis* v. *Mann*, No. 69, October term, 1963, decided *supra* *Roman* v. *Sincock*, No. 307, October term, 1963, decided supra and *Lucas* v. *Colorado General Assembly*, No. 508, October Term, 1963 decided supra which held, in effect, that a citizen possessed a constitutional right, under the equal protection of laws clause of amendment XIV, to vote in the election of State legislators on a basis of equal participation with other voters, and that the Federal courts possess jurisdiction to review such cases and to grant relief therein.

EXISTING STATUTES

Existing Federal statutes relating to jurisdiction to determine Federal constitutional questions include:

28 U.S.C. 1331 (as amended, 1958) grants district courts original jurisdiction in civil actions arising under the Constitution, laws, or treaties of the United States and wherein the matter in controversy exceeds the sum or value of $10,000.

28 U.S.C. 1343 grants district courts original jurisdiction of any civil action authorized by law commenced by any person for, among other things, to redress the deprivation, under color of any State law, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States. This section requires no amount in controversy.

28 U.S.C. 2281 grants three-judge Federal district courts authority to enjoin the enforcement, operation, or execution of any State statute (including State constitutional provisions, see *Sincock* v. *Duffy*, (D.C. Del.) 215 F. Supp. 169 (1963), and *American Federation of Labor* v. *Watson*, 327 U.S 582, 592–593 (1946)), by any officer of such State upon a showing of the unconstitutionality of such statute.

Title 42, U.S.C. 1983 grants a right of action in law or equity to any person who deprived of any rights, privileges, or immunities secured by the Constitution and laws, by any person under color of any statute, ordinance, etc., of any State. No amount in controversy is required under this provision.

42 U.S.C. 1988 provides for proceedings in civil rights cases to be carried on in conformity with the laws of the United States where suitable, and in the absence of such, under State common law where not in conflict with the Constitution or laws of the United States.

28 U.S.C. 1253 grants direct appeals to the Supreme Court from decisions by three-judge Federal district courts pursuant to 28 U.S.C. 2281, supra.

28 U.S.C. 1257(2) provides for review by the Supreme Court, by appeal, of final judgments by the highest court of a State where is drawn in question the validity of a State statute on the ground of it being repugnant to the Constitution, laws, or treaties of the United States, and the decision is in favor of its validity.

28 U.S.C. 1257(3) provides for review by the Supreme Court, by writ of certiorari, of a final judgment by the highest court of a State, where the validity of a State statute is drawn in question on the ground of it being repugnant to the Constitution, laws, or treaties of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties, or statutes of the United States (see also 28 U.S.C. 2103).

28 U.S.C. 1254(2) provides for review by the Supreme Court of cases in the courts of appeals, by appeal by a party relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties, or laws of the United States, but such appeal shall preclude review by writ of certiorari at the instance of such appellant, and the review on appeal shall be restricted to the Federal questions presented.

42 U.S.C. 1984 provides for review of civil rights cases in the Federal courts, by the Supreme Court, without regard to the sum in controversy, under the same provisions and regulations as are provided by law for the review of other causes in said court.

28 U.S.C. 1441(b) provides for the removal from a State court to a Federal district court of any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States. Diversity is not a prerequisite in such actions.

Most actions involving State apportionment are considered by three-judge Federal district courts pursuant to 28 U.S.C. 1343, 2281, and 42 U.S.C. 1983, under which they exercise jurisdiction. A few cases such as *Maryland Committee for Fair Representation* v. *Tawes*, *supra*, are reviewed by the Supreme Court pursuant to 28 U.S.C. 1257(2), supra.

CONGRESSIONAL AUTHORITY OVER "INFERIOR" FEDERAL COURTS

Pursuant to its authority under Article III of the Constitution, Congress, in the Judiciary Act of 1789 (1 Stat. 73), gave no express power to the inferior Federal courts which were then established, to determine controversies arising under the Constitution. The Supreme Court, however, was granted authority to review Federal constitutional questions, by writ of error, decided by the highest court of a State (1 Stat. 85–86, sec. 25).

In 1801, Congress briefly granted to inferior Federal courts jurisdiction of "all cases in law and equity, arising under the Constitution and laws of the United States." (2 Stat. 89, 92, sec. 11, Act of Feb. 13, 1801). However, on March 3, 1802, the statute was repealed (2 Stat. 132) and the jurisdiction consequently withdrawn.

It was not until 1875 that power was definitely made a part of the jurisdiction exercised by the "inferior" courts (18 Stat. 47, sec. 1, March 3, 1875). The statute required an amount in controversy of $500. In 1887 this was increased to $2,000 (24 Stat. 552); in 1911 to $3,000 (36 Stat. 1091); and in 1958, to $10,000 (72 Stat. 415).

Congress, meanwhile, was enacting, as part of the civil rights laws, jurisdictional provisions to implement the post-Civil War constitutional amendments. Among these were section 1, ch. 22, of the Act of April 20, 1871 (17 Stat. 13), now codified as 42 U.S.C. 1983, supra.

In 1911, Congress enacted the original form of what is now 28 U.S.C. 2281, relating to enjoining State official action by a three-judge Federal court (see 38 Stat. 1162, ch. 321, March 3, 1911, sec. 255; a provision of this nature was originally enacted as section 17, of ch. 309, of the Laws of 1910, "A bill to create a commerce court * * * and for other purposes," June 18, 1910, 36 Stat. 539, 557, which section 17 was repealed by the 1911 statute and section 266 thereof enacted in its place).

The general authority in the Supreme Court to review Federal constitutional questions decided by the highest court of a State as enacted in the Judiciary Law of 1789 (see supra) was amended slightly, but not substantially, by the Act of February 5, 1867 (ch. 28, sec. 2, 14 Stat. 386), and existed as section 709 of the Revised Statutes. It was slightly revised in the general revision of 1911 (36 Stat. 1156, secs. 236, 237), and at various times thereafter, but it remains today as 28 U.S.C. 1257 (supra).

It is to be noted, therefore, that Congress, although not granting original jurisdiction over Federal questions to the inferior courts until 1875 (except for the brief period in 1801), has always provided general review, at least in the Supreme Court, over such decisions from the highest court of a State. There has, in fact, always been, by statute, some Federal judicial review of such questions.

COURT DECISIONS

An aspect of the cases which have considered questions of jurisdiction under Article III is whether the so-called "judicial power" of the second section constitutes a limitation on the power of Congress over inferior Federal courts. The Federal judiciary has not construed the provisions of this Article as conferring a quantum of authority available for exercise by Federal tribunals by direct derivation therefrom. The Supreme Court has repeatedly asserted, albeit not always unanimously, that absent enactments of Congress expressly sanctioning the exercise of all or specific portions of the measure of original and appellate jurisdiction enumerated in Article III, none of the provisions of that constitutional source may be invoked by Federal district courts established as tribunals vested with original jurisdiction, or by the Supreme Court in its capacity solely as an agency endowed with powers of appellate review.

Shortly after the ratification of the Constitution, Justice Iredell, in *Chisholm* v. *Georgia,* 2 Dall. 419, 423 (1793), remarked: "I conceive that all the courts of the United States must receive, not merely their organization as to the number of judges of which they are to consist; but all their authority, as to the manner of their proceeding, from the legislature only."

The Courts continued to uphold the power of Congress to delimit the jurisdiction exercisable by inferior Federal courts. In *Turner* v. *Bank of North America,* 4 Dall. 8, 9 (1799), the Court, in enforcing literally section 11 of the Judiciary Act of 1789 which forbade diversity suits to recover on promissory notes unless the action was brought before an assignment thereunder was consummated, declared that "the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this Court, we must possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the Federal courts, to every subject, in every form, which the Constitution might warrant." Of like import was the comment of Chief Justice Marshall two years later in *Bank of the United States* v. *Deveau,* 5 Cr. 61 (1809), to the effect that the right to sue does not imply a right to sue in a Federal court unless expressly conferred by an act of Congress.

Reiteration of the conclusion respecting the broad extent of congressional authority under Article III over the original jurisdiction of inferior Federal courts is found in many cases, among them: *Stuard* v. *Laird,* 1 Cr. 299 (1803); *Ex parte Bollman,* 4 Cr. 75, 93 (1807); *United States* v. *Hudson and Goodwin,* 7 Cr. 32 (1812); and *Sheldon* v. *Still,* 8 How. 440 (1850). Also in accord are the following: *Rice* v. *M. & N.W. R. Co.,* 1 Bl. 358, 374 (1862); *Mayor of Nashville* v. *Cooper,* 6 Wall. 247, 251–2 (1868); *United States* v. *Eckford,* 6 Wall. 484, 488 (1868); *Case of the Sewing Machine Companies,* 18 Wall. 553, 577–78 (1874); *Gaines* v. *Fuentes,* 92 U.S. 10, 18 (1876); *Holmes* v. *Goldsmith,* 147 U.S. 150, 158 (1893); *Johnson Steel Rail Co.* v. *Wharton,* 152 U.S. 252, 260 (1894); *Plaquemines Tropical Fruit Co.* v. *Henderson,* 170 U.S. 511, 513–521 (1898); *Stevenson* v. *Fain,* 195 U.S. 165 (1904); *Kentucky* v. *Powers,* 201 U.S. 1, 24, 35 (1908); *Ladew* v. *Tennessee Copper Co.,* 218 U.S. 357, 358 (1910); *Kline* v. *Burke Construction Co.,* 260 U.S. 226, 233, 234 (1922); *New Negro Alliance* v. *Sanitary Grocery Co.,* 303 U.S. 552, 562–63 (1938); *Milk Wagon Drivers Union* v. *Lake Valley Farm Products Co.,* 311 U.S. 91, 100–103 (1940); *Lauf* v. *E. G. Shinner & Co.,* 303 U.S. 323 (1938); *FPC* v. *Pacific Power and Light Co.,* 307 U.S. 156 (1939).

While these cases did uphold, in general, the power of Congress to withdraw from Federal courts original jurisdiction to adjudicate certain categories of cases set forth in the delineation of jurisdiction found in Article III (for a list of citations of acts of Congress dealing with the Courts, see Appendix in Frankfurter and Landis, "Power of Congress Over Procedure in Criminal Contempts in Inferior Federal Courts—A Study in the Separation of Powers," 37 Harvard Law Review 1010, 1075 [1934]), they were not based on a decision that Congress could prohibit completely all Federal review of a Federal constitutional question. (In fact, they deal primarily with statutory rights or existence of alternate remedies). Such a question was not at issue in any of them. In fact, a constitutional question was raised specifically in *Mayor* v. *Cooper,* supra, but in that case the Court strongly sustained the power of the courts to interpret the Constitution where the power and maintenance of the Federal Government was at issue.

Nor in these cases did the Supreme Court allude to the question of whether, although there might be few limitations on the power of Congress over jurisdiction under Article III, other provisions of the Constitution such as the due process clause of amendment V might not circumscribe such authority. This point will be discussed subsequently.

In the area of appellate jurisdiction of the Supreme Court, cases have likewise construed Article III as requiring an act of Congress to bestow such jurisdiction in order for it to be exercised. Moreover, such affirmative bestowals of jurisdiction have been construed to be exclusive in nature and as constituting an exception to all other cases (*Durousseau* v. *United States,* 6 Cr. 307 (1810)).

The power of Congress to make exceptions to the Court's appellate jurisdiction, in effect, has been expanded by the cases into a plenary power to bestow, withhold and withdraw appellate jurisdiction, even to the point of its abolition (see *Wiscart* v. *Dauchy,* 3 Dall. 321 (1796); *The "Francis Wright,"* 105 U.S. 381, 386 (1882); *United States* v. *Bitty,* 208 U.S. 393, 399–400 (1908); *Railroad Co.* v. *Grant,* 98 U.S. 398, 401 (1878); *Kurtz* v. *Moffitt,* 115 U.S. 487, 497 (1885); *Cross* v. *Burke,* 146 U.S. 82, 86 (1892); *Missouri* v. *Missouri Pacific Railroad Co.,* 292 U.S. 13, 15 (1934); *Stephen* v. *United States,* 319 U.S. 423, 426 (1934)).

The most celebrated case perhaps is *Ex parte McCardle,* 6 Wall. 318 (1868); 7 Wall. 506 (1869). Upon his arrest by military authorities acting under the authority of the Reconstruction Acts, McCardle, alleging unlawful restraint and challenging the validity of said measures, filed a petition for a writ of habeas corpus in the Federal circuit for southern Mississippi.

The writ was issued, but after a hearing, the prisoner was remanded to the custody of the military authorities. McCardle then appealed to the Supreme Court, pursuant to the provisions of the Act of February 5, 1867 (14 Stat. 386), which heard arguments on the merits of the case and took it under advisement. However, before a conference could be held, Congress enacted a statute (15 Stat. 44 (1868)) withdrawing appellate jurisdiction from the Court on "appeals which have been or may hereafter be taken" to the Court from the circuit courts under the 1867 Act. Thereupon, the Court, after dismissing the appeal for want of jurisdiction, declared that "without jurisdiction the Court cannot proceed at all in any cause. Jurisdiction is power to declare the law and when it ceases to exist, the only function remaining to the Court is that of announcing the fact and dismissing the cause" (7 Wall. 514). According to the Court, acts of Congress providing for the exercise of jurisdiction are to be viewed "as acts granting jurisdiction and not as making exceptions to * * * it." (supra, p. 513).

While the language was quite broad, the Court was careful to point out, "Counsel seem to have supposed, if effect be given to the repealing act in question, that the whole appellate power of the Court, in cases of habeas corpus, is denied. But this is an error. The Act of 1868 does not except from that jurisdiction any cases but appeals from Circuit Courts under the act of 1867. It does not affect the jurisdiction which was previously exercised" (supra, p. 515).

The efficacy of the above statement was demonstrated by the Court in *Ex parte Yerger,* 8 Wall. 85 (1869), handed down in the same year. In this decision the Court reiterated the sense of its language in the *McCardle* case respecting the authority of Congress over the appellate jurisdiction of the Court. However, it declared that the 1868 act only applied to appeals under the 1867 act and left intact the power to review denial of the writ on a petition in the Supreme Court for habeas corpus and certiorari as provided in the Judiciary Act of 1789 and later laws. (Decision on the merits in this case was prevented, however, by the release of Yerger from the challenged military custody; 2 Warren, *The Supreme Court in United States History* 455 (1935 ed.).)

In addition, it should be noted, despite the 1868 act, the Circuit Courts of the United States were still open in habeas corpus proceedings.

Moreover, the *McCardle* case said nothing about the power of Congress to limit appeals from State courts where Federal rights were involved. This was not in issue, since at that time the Court had full jurisdiction to hear appeals from State courts in those cases (*Martin* v. *Hunter's Lessee,* 14 U.S. 304 (1816)).

As in the cases relating to jurisdiction of inferior Federal courts, the Supreme Court was not faced, in *McCardle,* with a situation in which total Federal relief had been withdrawn by Congress.

As stated in "Limitations on the Appellate Jurisdiction of the Supreme Court," 20 University of Pittsburgh Law Review 99, 108–109 (1958):

"On the basis of stare decisis, therefore, the *McCardle* case does not stand for the proposition that Congress has plenary control over the Court's appellate jurisdiction. The actual limitation imposed there was slight. If the Court is ever faced with the question of whether a withdrawal of appellate jurisdiction is such as to violate an independent constitutional provision, *McCardle* will not reasonably bar the Court from holding that it does."

The same conclusion, it is submitted, could be drawn as respects the other cases in appellate jurisdiction mentioned above.

Consequently, in these cases cited both as respects Congressional authority to regulate the jurisdiction of inferior Federal courts and the appellate jurisdiction of the Supreme Court, the latter has sustained such authority, independently exercised in each instance. The Court was not faced, however, in any of the cases with the question of total denial of Federal judicial review of Federal constitutional questions. While the cases might sustain the exercise of Congressional authority either to withdraw original jurisdiction from inferior Federal courts over State apportionment questions (Congress did not grant to inferior courts original jurisdiction over Federal questions until 1875), or (probably), review by the Supreme Court over such decisions by the highest court of a State, there is some doubt whether legislation denying both routes of Federal relief would be sustained.

The following discussion pertains to this matter.

THE DUE PROCESS FACTOR

While the question presented, i.e., whether Congress can constitutionally deny Federal judicial review over Federal constitutional matters, has never actually been considered by the Supreme Court, because Congress has never withdrawn Supreme Court review of such decisions by the highest courts of the States, certain statements by judges and certain observations as respects due process throw some doubt upon the power of Congress to do so. This involves, in effect, the question of whether the power of Congress over Federal jurisdiction under Article III is not subject to the influence of other provisions in the Constitution, notably Amendment Five.

The Supreme Court has implied that due process requires some opportunity for judicial review of constitutional questions (see, for instance, *Yakus* v. *United States,* 321 U.S. 414, 444 (1944)). This being so, it is reasonable to support as a proposition the concept that the "Supremacy Clause" of the Constitution (Art. VI, cl. 2) would require some Federal judicial review of Federal constitutional questions.

True it is that the Court has stated that "appellate review is not essential to due process of law but is a matter of grace" (*Luckenback Steamship Co.* v. *United States,* 272 U.S. 533, 536 (1926)). It has not, however, held that lack of judicial review is consonant with due process.

In the early case of *Cary* v. *Curtis,* 3 How. 236 (1845), the Court considered the validity of congressional abolition of the traditional right of action against a collector of customs for duties claimed to have been exacted illegally. The majority opinion, written by Justice Daniel, considered the problem from several angles. It stated the contention that the withdrawal could attribute to Congress purposes which "would be repugnant to the Constitution, inasmuch as they would debar the citizen of his right to resort to the courts of justice" (*supra,* p. 245). **He then proceeded to advance the arguments in support of the Congressional action, namely, the immunity of the Government from suit in its own courts, and the power of Congress over the jurisdiction of the Federal courts.**

Perched on the dilemma between these two approaches, the Justice escaped by pointing to the fact that other judicial remedies were open to the plaintiff including replevin, detinue, etc., and stated, "The legitimate inquiry before this court is not whether all right of action has been taken away from the party, and the court responds to no such inquiry" (*supra,* p. 250). This was before acknowledgement of "due process" as a term of judicial art, but the substance is clear.

The Court has further suggested, for instance, that due process requires an opportunity to apply eventually to a Federal court for an interlocutory stay of a state administrative order challenged on constitutional grounds (see *Pacific Tel. & Tel. Co.* v. *Kuykendall,* 265 U.S. 196, 204–205 (1924); *Porter* v. *Investors Syndicate,* 286 U.S. 461 (1932)).

In other cases the Court has referred to the requirements of due process. In *United States* v. *Carolene Products Co.,* 304 U.S. 144, 152 (1938), the Court declared, "We may assume for present purposes that no pronouncement of a legislature can forestall attack upon the constitutionality of the prohibition which it enacts * * * and that a statute would deny due process which precluded the disproof in judicial proceedings of all facts which would show or tend to show that a statute depriving the suitor of life, liberty or property had a rational basis."

In *St. Joseph Stock Yards Co.* v. *United States,* 298 U.S. 38, 73 (1936), Justice Brandeis commented, "The supremacy of law demands that there shall be an opportunity to have some court decide whether an erroneous rule of law was applied; and whether the proceeding in which facts were adjudicated was conducted regularly. To that extent, the person asserting a right, whatever its source, should be entitled to the independent judgment of a court on the ultimate questions of constitutionality."

Then, in *Lockerty* v. *Phillips,* 319 U.S. 182, 187 (1943), in unanimously upholding statutory restrictions on the issuance of injunctions restraining price regulations and orders of the Office of Price Administration during World War II, the Supreme Court declared that there "is nothing in the Constitution which requires Congress to confer equity jurisdiction on any inferior Federal court." All Federal courts, other than the Supreme Court, the latter repeated, derive their authority solely from the exercise by Congress of its authority to ordain and establish inferior courts conferred on Congress by Article III. This power, which the Congress is free to exercise or not, includes the power of investing these inferior Federal courts "with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good." In the Price Control Act, Congress had seen fit to confer exclusive jurisdiction to review price and rent orders on the Emergency Court of Appeals with the right of appeal to the Supreme Court.

However, the Court expressly reserved the question of the application of due process, saying:

"We have no occasion to determine now whether, or to what extent, appellants may challenge the constitutionality of the act or the regulation in courts other than the Emergency Court, either by way of defense to a criminal prosecution or in a civil suit brought for some other purpose than to restrain enforcement of the Act or regulations issued under it."

The question was partially asked and answered in *Yakus* v. *United States,* 321 U.S. 414 (1944). There, the plaintiff was tried in a U.S. District Court for infringement of the act and the Court excluded evidence allegedly demonstrating the invalidity of the price regulation, holding that under the statute this was a question for the Emergency Court. Plaintiff raised the question of due process, and the Supreme Court held, in effect, that the jurisdictional requirement of the Price Control Act was objectionable only if it would deny any adequate opportunity to be heard on the question of validity. Since those affected had an opportunity to test price-control action in the Emergency Court, no organic objection might be raised. The Court, however, stated: "There is no constitutional requirement that that test be made in one tribunal rather than in another, so long as there is an opportunity * * * for judicial review which satisfies the demands of due process" (*supra,* p. 444). The clear intimation in the statement is that, where no opportunity at all is given for review in a court, the constitutional limits surrounding the power of Congress under Article III have been passed.

It might also be noted that the Court also referred to the adoption of the act under the war power (*supra,* pp. 422–23, 441–43), implying that this, as well as the power of Congress under Article III, gave validity to the legislation.

The Courts of Appeal, not the Supreme Court, rendered interpretations in another example. These occurred in the so-called "portal to portal" cases. Congress, in enacting the statute in 1947 (71 Stat. 84), acted to deprive both State and Federal courts of jurisdiction to entertain the bonanza claims under the Fair Labor Standards Act to which previous Supreme Court decisions (*Tennessee Coal Co.* v. *Muscoda Local,* 321 U.S. 590 (1944); *Jewell Ridge Corp.* v. *Local No. 6167,* 325 U.S. 161 (1945); *Anderson* v. *Mt. Clemens Pottery Co.,* 328 U.S. 680 (1946)) had given rise. It, however, at the same time, outlawed substantive liability of employers.

The question arose, why was it necessary to outlaw liability when no court was left with jurisdiction to enforce the liability?

The Courts of Appeals felt it necessary to satisfy themselves that the liability had been validly extinguished before they would apply the act because of doubts of the constitutionality of a total denial of any remedy, in either the State or Federal courts. Thus, Judge Chase, writing for the Second Circuit in *Battaglia* v. *General Motors Corp* (C.C.A. 2d), 169 F. 2d 254, 257 (1948), cert denied 335 U.S. 887, said:

"A few of the district court decisions sustaining section 2 of the Portal-to-Portal Act have done so on the ground that since jurisdiction of Federal courts other than the Supreme Court is conferred by Congress, it may at the will of Congress be taken away in whole or in part. * * * Relying upon a statement of the Supreme Court in *Kline* v. *Burke Construction Co.,* 260 U.S. 226, 234, and on cases like *Norris* v. *Crocker,* 13 How. 429; *Ex parte McCardle,* 7 Wall. 506; and *Assessors* v. *Osbornes,* 9 Wall. 567, these district court decisions would, in effect, sustain subdivision (d) (withdrawal of jurisdiction) of section 2 of the act regardless of whether subdivisions (a) and (b) (nonliability of employers) were valid. We think, however, that the exercise by Congress of its control over jurisdiction is subject to compliance with at least the requirements of the Fifth Amendment. That is to say, while Congress has the undoubted power to give, withhold, and restrict the jurisdiction of the courts other than the Supreme Court ('It also has the power, of course, to make exceptions to and regulations regarding the Supreme Court's appellate jurisdiction'), it must not so exercise that power as to deprive any person of life, liberty, or property without due process of law or to take private property without just compensation. *Graham & Foster* v. *Goodcell,* 282 U.S. 409, 431; *cf. Brinkerhoff-Faris Trust & Savings Co.* v. *Hill,* 281 U.S. 673; see also *Lynch* v. *United States,* 292 U.S. 571, 580; *Louisville Joint Stock Lank Bank* v. *Radford,* 295 U.S. 555, 589. Thus regardless of whether subdivision (d) of section 2 had an independent end in itself, if one of the effects would be to deprive the appellants of property without due process or just compensation, it would be invalid. Under this view, subdivision (d) on the one hand and subdivisions (a) and (b) on the other will stand or fall together." (See also *Manosky* v. *Bethlehem-Hingham Shipyard* (C.C.A. 1st), 177 F. 2d 529, 532 (1949); *Addison* v. *Huron Stevedoring Corp.* (C.C.A. 2d), 204 F. 2d 881 (1953)). Since the Supreme Court did not grant certiorari in the *Battaglia* case, it never did consider the issue.

Such cases help to amplify the meaning of Justice Harlan's statement in *United States* v. *Bitty,* 208 U.S. 393, 399–400 (1908) (a Supreme Court's appellate jurisdiction case) that "What such exceptions and regulations should be it is for Congress, in its wisdom, to establish, having of course due regard to all the Constitution" (underlining supplied).

The cases or statements seemingly require some judicial review of Federal constitutional questions as an element of due process. (See, for instance, the statement by Chief Justice Stone in *Lockerty* v. *Phillips,* 319 U.S. 182, 187 (1943): "A construction of the statute which would deny all opportunity for judicial determination of an asserted constitutional right is not to be favored.") What they do not explicitly determine is whether such a requirement is satisfied only by Federal judicial review or whether it could be satisfied by judicial review in the highest courts of the States. This is in part a question of policy, the elements of which relate to such matters as federalism, a supreme Federal judiciary, the principle of balance of powers, etc. These will be considered briefly in the following section.

OTHER CONSIDERATION

The question of whether there should be some Federal judicial review of Federal constitutional questions has been a matter of consideration since the ratification of the Constitution. Congress has never seen fit to deprive persons of some review by the Federal judicial system.

Chief Justice Marshall, in *Cohens* v. *Virginia,* 6 Wh. 264, 383–84 (1821), stated his belief as follows:

"The Constitution gave to every person having a claim upon a state, a right to submit his case to a court of the nation."

Even in *Lockerty* v. *Phillips,* 319 U.S. 182, 187 (1943), where the Court reiterated phraseology about the power of Congress over the jurisdiction of inferior Federal courts under Article III, it conceded the possibility of some Federal review. "There is nothing in the Constitution," it stated, "which requires Congress to confer equity jurisdiction on any particular Federal court. * * * Article III left Congress free to establish inferior Federal courts or not as it thought appropriate. It could have declined to create any such courts, leaving suitors to the remedies afforded by state court, with such appellate review by this Court as Congress might prescribe."

And the Court has indicated its concern about the importance of an independent judiciary (see *Ableman* v. *Booth,* 62 U.S. 506, 517 (1858); *Dodge* v. *Woolsey,* 59 U.S. 331, 335 (1856); and *Cohens* v. *Virginia, supra*).

The question to some extent involves the problem of "judicial power" as distinguished from jurisdiction (see, for instance, Edward S. Corwin, "Total War and the Constitution," 1947, pp. 128–130, 178, and *Marbury* v. *Madison,* 5 U.S. 137 (1803)), but this is a matter more for discussion by commentators in journals.

In more recent cases, the lower Federal courts have expressed differing views on the problem. In *Brewer* v. *Hoxie School District No. 46* (C.C.A. 8th), 238 F. 2d 91 (1956), the court stated (without citations): "Federal courts have the power to afford all remedies necessary to the vindication of Federal substantive rights defined in statutory and constitutional provisions except where Congress has explicitly indicated that such remedy is not available."

To the contrary, a three-judge Federal District Court in *Bush* v. *Orleans School Board* (D.C. La.), 188 F. Supp. 916, 924–925 (1960), affirmed 365 U.S. 569, strongly set forth the proposition of the necessity in our system, of final Federal judicial review of Federal questions. The case concerned the doctrine of "interposition" but the purport of the Court's remarks is equally applicable to the present question.

"The inquiry is who, under the Constitution, has the final say on questions of constitutionality. In theory, the issue might have been resolved in several ways. But, as a practical matter, under our Federal system the only solution short of anarchy was to assign the function to one supreme court. That the final decision should rest with the judiciary rather than the legislature was inherent in the concept of constitutional government in which legislative acts are subordinate to the paramount organic law, and, if only to avoid 'a hydra in government from which nothing but contradiction and confusion can proceed,' final authority had to be centralized in a single national court. The Federalist, Nos. 78, 80, 81, 82. As Madison said before the adoption of the Constitution: 'Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general rather than under the local governments, or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combated.' The Federalist, No. 39.

"And so, from the beginning it was decided that the Supreme Court of the United States must be the final arbiter on questions of constitutionality. It is of course the guardian of the Constitution against encroachments by the national Congress. *Marbury* v. *Madison,* 1 Cr. 137. But more important to our discussion is the constitutional role of the Court with regard to state acts. The original Judiciary Act of 1789 confirmed the authority of the Supreme Court to review the judgments of all state tribunals on constitutional questions. Act of September 24, 1789, § 25, 1. Stat. 73, 85. See *Martin* v. *Hunter's Lessee, supra; Worcester* v. *Georgia;* 6 Pet. 515; *Cohens* v. *Virginia,* 6 Wh. 264; *Ableman* v. *Booth,* 21 How. 506. Likewise from the first one of its functions was to pass on the constitutionality of state laws. *Fletcher* v. *Peck,* 6 Cr. 807; *McCulloch* v. *Maryland,* 4 Wh. 316. The fact is that the Constitution itself established the Supreme Court of the United States as the final tribunal for constitutional adjudication."

While it is true that State courts are bound to enforce Federal rights (Art. VI, sec. 2, cl. 2; *Testa* v. *Katt,* 330 U.S. 386 (1947); *General Oil Co.* v. *Crain,* 209 U.S. 211 (1908)), it does not seem unreasonable to say that the supremacy clause also contemplates that these rights will be protected by a court possessing the judicial power of the United States (see *Bush* v. *Orleans School Board, supra*). For instance, see the opinion of the Supreme Court, in *Cooper* v. *Aaron,* 358 U.S. 1 (1958), a case involving the so-called interposition doctrine, wherein the court stated, referring to *Marbury* v. *Madison,* 1 C. 137 (1803) and its duty "to say what the law is": "This decision declared the basic principle that the federal judiciary is supreme in the exposition of the law of the constitution, and that principle has ever since been respected by this court and the country as a permanent and indispensable feature of our constitutional system" (p. 18) (see also *Martin* v. *Hunter's Lessee,* 1 Wh. 304 (1816)).

Consequently, while the Supreme Court has not definitely held that the requirement of due process as respects judicial review of constitutional questions implies such review by Federal courts, the concept of Federal supremacy would argue that it does. It is suggested that this is a matter to which serious consideration must be given in any study of the withdrawal from the Federal courts of jurisdiction over State apportionment suits.

A further practical consideration voiced by Charles Warren in his Supreme Court in United States History, Vol. 1, pp. 27–28 (1923 ed.) was mentioned in the *Bush* decision, *supra.* This involves the constitutional and legal chaos that would result if final review were withdrawn from the Supreme Court. Said Mr. Warren:

"Changes * * * restricting the appellate jurisdiction of the Court * * * would result in leaving final decision of vastly important national questions in the State or inferior Federal Courts, and would effect a disastrous lack of uniformity in the construction of the Constitution, so that fundamental rights might vary in different parts of the country."

Such lack of uniformity, might in itself constitute a denial of due process.

Another consideration is the effect of existing decisions such as *Reynolds* v. *Sims,* etc. Withdrawal of jurisdiction from Federal courts would not "repeal" these decisions. They would have to continue to exist at least as guides for State courts. In addition, Congress cannot use its power under Article III to promulgate a substantive rule of constitutional law contrary to a rule established by the Court, thereby "amending" the Constitution by legislation. The judicial power of the United States is vested in the courts, not in Congress (see *United States* v. *Klein,* 13 Wall. 128 (1872)), and Congress could not annul as a part of constitutional law the holdings in *Reynolds* v. *Sims,* etc., by now withdrawing jurisdiction from the Federal courts. True, such legislation could annul the effect of *Baker* v. *Carr,* which decided that Federal courts had jurisdiction in State apportionment cases, but it could not do the same as respects *Reynolds* v. *Sims,* etc., which established the constitutional standard under the equal protection of law clause of the 14th Amendment, of "one man, one vote" in State elections.

ORIGINAL JURISDICTION OF THE SUPREME COURT

Regardless of the question of Congressional control over the jurisdiction of inferior Federal courts and the appellate jurisdiction of the Supreme Court, the question remains: might a citizen of a State sue the State in an apportionment case in the Supreme Court on the supposition that such a suit would fall within the "original jurisdiction" of that Court?

Apparently such an action would not be possible without the consent of the State.

Article III, sec. 2, as noted, provides for Federal jurisdiction in controversies (a) between two or more States, (b) between a State and citizens of another State, (c) between citizens of different States, (d) between citizens of the same State claiming land under grants of different States, and (e) between a State, or the citizens thereof, and foreign States, citizens or subjects.

Clause 2 of Section 2 provides for original jurisdiction in the Supreme Court in all cases in which a State shall be a party.

The Eleventh amendment provides that: "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State."

Title 18, U.S.C., section 1251, relating to original jurisdiction of the Supreme Court, provides as follows:

"(a) The Supreme Court shall have original and exclusive jurisdiction of:

(1) All controversies between two or more States;

(2) All actions or proceedings against ambassadors or other public ministers of foreign states or their domestics or domestic servants, not inconsistent with the law of nations.

(b) The Supreme Court shall have original but not exclusive jurisdiction of:

(1) All actions or proceedings brought by ambassadors or other public ministers of foreign states or to which consuls or vice consuls of foreign states are parties;

(2) All controversies between the United States and a State;

(3) All actions or proceedings by a State against the citizens of another State or against aliens."

None of these sources allude to suits in the Supreme Court by a citizen against his own State except Amendment XI, and that by implication from its silence on the subject. However, although the Amendment does not specifically prohibit such suits, the doctrine of sovereign immunity, for all practical purposes, does.

The Supreme Court very early determined that Congress could neither increase nor diminish the scope of the grant of original jurisdiction (*Marbury* v. *Madison,* 5 U.S. 137 (1803)).

In 11 Stanford Law Review 665, 670–671, "The Original Jurisdiction of the United States Supreme Court," it is stated: "the Court has held that its original jurisdiction extends to suits by one State against a citizen of another State [citing *Texas* v. *White,* 74

U.S. 700 (1868) and others]; to suits by the United States against a State [citing *United States* v. *Texas*, 143 U.S. 62 (1892)]; and to suits between sister States [citing *Texas* v. *Florida*, 306 U.S. 398 (1939) and others]. It is settled that suits by a State against its own citizens [citing *Pennsylvania* v. *Quicksilver Mining Co.*, 77 U.S. 553 (1870); *California* v. *Southern Pacific Co.*, 157 U.S. 229 (1895)], or the converse situation [*Hans* v. *Louisiana*, 134 U.S. 1 (1890) holds that the eleventh amendment bars suits by a citizen against his own State in the federal district courts. It follows that suit in the original jurisdiction is likewise prohibited], are not within the original jurisdiction." The *Hans* case, *supra*, discussed fully the possible exception under Amendment XI respecting suits by its own citizens against a State in Federal courts and raised the sovereign immunity doctrine as a bar in such situations.

SUMMARY

General conclusions from the foregoing are as follows:

While Congress might, pursuant to its authority under Article III, withdraw original jurisdiction from the Federal district courts over State apportionment cases, or withdraw appellate jurisdiction from the Supreme Court over such cases, a statute combining both might be subject to question as a violation of the due process clause of the Fifth Amendment. This results from the fact that the Supreme Court in *Baker* v. *Carr* and *Reynolds* v. *Sims* has held that a constitutional right exists under the equal protection clause of the Fourteenth Amendment that one person's vote shall count as much as another's in State elections; and, from the fact that courts have considered the power of Congress under Article III to be limited by due process to the extent that some judicial review of constitutional questions is required.

Whether such review by the highest courts of the States only would satisfy the due process requirement, or whether Federal judicial review is essential, is yet to be determined by the courts.

However, our constitutional system including the supremacy clause of Article VI, the policy of Congress to thus far always provide for Federal review, in some form, of constitutional questions, and the chaos that could well develop if such questions were left to final decision by State courts, all militate against a determination that apportionment cases should be withdrawn entirely from Federal judicial review.

Finally, it is ascertained that the doctrine of sovereign immunity would bar such suits from being heard by the Supreme Court pursuant to its original jurisdiction unless a State would consent thereto.

Mr. Chairman, what about the situation in Florida?

One student of American State politics, Prof. H. Douglas Price, had this to say about the apportionment of seats in the Florida State Legislature:

> From 1950 to 1960 Florida was the fastest growing State in the Union. It was also the State with the least representative legislature of any State in the Union. There are a handful of States with somewhat less representative senates but fairly acceptable houses and a few others with less representative lower houses but fairly acceptable senates. In composite ranking, however, Florida stands alone: In both house and senate the ratio of largest to smallest population per member is on the order of 100–1, and in both house and senate a majority of the members are elected from areas with less than 15 percent of the State's 1960 population.[1]

Although the reapportionment plan that was devised in 1963 increased the senate from 38 to 43 seats and the house from 95 to 112, little headway was made in the direction of the "one man, one vote" principle. Whereas only 12 percent of Florida voters could previously elect a majority of the old senate, it now requires 14.5 percent. Before reapportionment was put into effect, 15 percent could choose a House majority; now, 29.5 percent is required to elect a majority.

As it now stands, the small county control of the senate is greater than that of the house. With something close to "ideal" apportionment in effect, more representation will be accorded to metropolitan areas. Conversely, the disproportionate representation of rural interests will decrease.

While the population of counties in north Florida has been static, or even declining, the population of many counties in south Florida has been doubling, tripling, and even quadrupling within a decade. The trend toward an increasing concentration of the population in a few of Florida's 67 counties is demonstrable. By 1960, the five most populous counties contained a majority of the State population. Four of the five are in south Florida, which is heavily urbanized and suburbanized.

The people of my district have been clamoring and fighting for fair representation. With the help of the courts they have been moving toward the goal of assuring that each person's vote shall have the same value for the purpose of electing their representatives and obtaining true and ideal representative government under our Constitutional system. The Tuck bill would stop all this by denying to our citizens resort to be heard in the Federal courts. The Dirksen proposal would delay it. The people whom I have the honor to represent do not want either measure. They do want and are entitled to fair representation and constitutional protection that they can have their day in court if they do not obtain it. Accordingly I strongly oppose both measures.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. FOUNTAIN].

Mr. FOUNTAIN. Mr. Chairman, I rise in support of this legislation.

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Indiana [Mr. ROUSH].

Mr. ROUSH. Mr. Chairman, I have consistently answered letters of my constituents on the subject of apportionment by telling them I look with favor on legislatures which are composed of one house made up of the members selected on the basis of population and one house composed of members selected on the basis of geographic distribution.

This is and has been my view. However, I cannot in good conscience vote for this measure which takes from the Federal courts all jurisdiction over matters of apportionment. I consider such legislation ill conceived and unconstitutional. How can we in good conscience deprive our citizens of their right to redress in the Federal court? Despite all the sympathetic feelings I have for the cause of the proponents of this legislation, I do not intend to violate my oath to defend the Constitution by casting an "aye" vote for this bill today. I disagree with what the Court did but I shall not in angry disagreement even attempt to take from that Court, the protector of my rights and the advocate of justice, its right and duty to perform its constitutional function.

I would also like to say that my "no" vote reflects strong disapproval of the manner in which this bill was brought to the floor of the House. At the very moment the Judiciary Committee was conducting hearings on this subject, the jurisdiction was snatched from that great committee by the Rules Committee and this bill was in one moment brought to the floor without hearings, without deliberations and without the benefit of considered judgment. This is a matter of grave importance with far-reaching consequences and for it to be treated in such a manner is a travesty on proper procedure. Surely we can be more reasonable. If there is a successful attempt to modify this bill by provision for a temporary stay of proceedings so as to allow State legislatures to act I will support this proposal as it is presented; however, if this is not done I must vote against it.

Mr. CELLER. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. RIVERS].

Mr. RIVERS of South Carolina. Mr. Chairman, I rise in support of H.R. 11926.

The greatness of our Government is based on the principle that there are three separate branches of Government—the legislative, the executive, and the judicial.

But it cannot be denied that with increasing regularity the Supreme Court of the United States and certain district courts have accelerated their encroachments upon the constitutional responsibilities and duties of the Congress.

But there is a specific provision of the Constitution which the Supreme Court is emasculating to an extent never contemplated by our Founding Fathers. I refer, of course, to that part of the Constitution which provides:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The bill before us today, H.R. 11926, finds its constitutional basis in article 3 of the Constitution which provides:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

Additional language in article 3 provides:

> In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

There can be no doubt that the Congress of the United States can enact legislation which limits the jurisdiction of inferior courts which it has created. It logically follows that the power to create carries with it the obvious power to limit, and, of course, the appellate jurisdiction of the Supreme Court, under the clear words of the Constitution, can be limited by the Congress.

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[1] Hugh Douglas Price, "Florida: Politics and the 'Pork Choppers,'" in Malcolm E. Jewell (ed.), the Politics of Reapportionment (New York, Atherton Press, 1962), p. 81.

But basic to all the arguments, both pro and con, in this matter is the issue being debated today with respect to the manner in which State legislatures shall be organized, elected, and serve.

No person who professes to understand the history of this Nation can question the fact that our Founding Fathers gave to the Federal Government specific powers and reserved to the States the powers not delegated.

From early childhood, we all learned that ours is a Federal Government made up of 50 sovereign States. But with each passing year, the sovereignty of these 50 States becomes less and less as the power of the Federal Government becomes greater and greater.

If a State cannot determine the manner in which its own laws will be made, then the very fountainhead of State government is subject to Federal control.

If the Supreme Court of the United States can pass upon the distribution of seats in the house or senate of each State, then the Supreme Court can pass upon any function of the State.

The equal-protection clause of the Constitution, vital as it is to the rights of American citizens, must be subservient to the greater concept of the very essence of our national structure. We are a nation made up of 50 States. Each State must retain some aspect of self-government. If the Supreme Court can determine the legislative makeup of every State legislature, then there is no need to continue the structure of our Government as we now know it.

The wise men who founded this Nation obviously did not possess all the clairvoyance which has been attributed to them, but certainly we cannot, in our wildest imagination, overlook the certain knowledge that 13 States jealously surrendered only certain prerogatives when the Federal Government was formed and the Constitution was adopted.

The issue, therefore, before the House transcends the issue of constitutional rights. It goes to the very muscle and skeleton of the Nation. Here the Congress, acting within its rights, acting under the clear language of the Constitution, is seeking to restore the balance-of-power concept that has taken this Nation from the small founding land of the free, to the greatest nation in the world. Are we to turn our backs on the very system that made this Nation what it is today? I think not. I hope not.

I hope that this Congress will overwhelmingly support H.R. 11926 and add another weight on the scale of balanced powers to bring them more nearly in juxtaposition. We cannot undo all the harm that the Supreme Court has brought to the American people and to our form of government, but we can take this step and, perhaps, others to follow.

The American people are becoming alarmed by the manner in which a lifetime appointed Court is assuming functions not granted to it. The American people are demanding that we take steps to preserve representative government. Will we turn our backs upon their demands? their alarm? their wishes? I think not. I hope not.

I know of no clearer words than those of Justice Harlan who recently said:

> The Constitution is an instrument of government fundamental to which is the premise that in a diffusion of governmental authority lies the greatest promise that this Nation will realize liberty for all its citizens.

That diffusion is being attacked and destroyed by a power-mad Court—we must act now to stop the Court from destroying us, and itself.

Mr. CELLER. Mr. Chairman, I yield half a minute to the gentleman from New Jersey [Mr. JOELSON].

Mr. JOELSON. Mr. Chairman, we have been treated by the chairman of the Committee on Rules to a discourse about judicial autocracy, but I say that we are witness to the most flagrant, the most blatant type of legislative autocracy it is possible to imagine. The chairman of the Committee on Rules talked about Congress having the right to work its own will, but his is a committee that has constantly refused to report out bills reported favorably by other committees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOELSON. Like my distinguished predecessor, I must also depend on the 5-minute rule.

SUPREME COURT'S POWER OVER REAPPORTIONMENT MUST BE CURBED

Mr. FISHER. Mr. Chairman, I support the Tuck bill, H.R. 11926. The prompt enactment of this or some similar legislation is imperative. A delay could be disastrous. We in the Congress have a duty to perform and the eyes of the American people are upon us as we grapple with this problem of maintaining the sanctity of the American system of checks and balances, recently under attack by the Supreme Court.

As has been pointed out, there are two or three ways of handling the situation. One would be by constitutional amendment, expressly stating that it shall be the prerogative of the State legislatures to permit the reapportionment of their two legislative bodies—one on a basis of population, and the other on a basis not solely related to population.

Such an amendment should be promptly submitted. But it is a long and meandering trail, beset with delays, roadblocks, and uncertainties that leads from the initiation of a constitutional amendment to its final approval and ratification. Therefore, while we should pursue that course, and travel that trail with determination, we must proceed in the meantime with other alternatives. And a very effective alternative, a very timely and meaningful approach, is the enactment of the Tuck bill. This trail is much shorter, less hazardous, and prospects for success more visible. Indeed, we can travel both courses at the same time, and that we should do.

Mr. Chairman, the distinguished gentleman from Virginia [Mr. SMITH] addressed himself to the constitutionality of this bill. Those who heard him and did so with an open mind must have been impressed with the cold logic of his argument as he tore aside the cobwebs of confusion with respect to the real purpose of the Constitution as it applies to the issue of apportionment, and the right of this Congress to determine the jurisdiction of the courts to exercise jurisdiction in apportionment cases.

The chairman of the Rules Committee cited article III of the Constitution. That provision creates the judicial branch of the Government, spells out its limited authority, and those situations where it shall have jurisdiction. After enumerating nine different categories of jurisdiction, the article then states:

> In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Does this not mean that the Congress has it within its power to spell out a specific exception with respect to the jurisdiction of the courts? It has done it before in a number of instances. It did it only a few years ago, some 32 years ago, in the Norris La Guardia Act, when it expressly excepted from the jurisdiction of the courts the matter of issuing injunctions that apply to labor unions.

If the Congress has the power, which it undoubtedly has, to say the courts shall not have jurisdiction with respect to injunctions against labor unions, then by the same token the Congress has authority under the Constitution to say the courts shall not have jurisdiction with respect to reapportionment by the State legislatures.

Mr. Chairman, this Nation is indeed faced today with a constitutional crisis. That crisis has arisen by arbitrary and autocratic assumption of power by the Supreme Court which is not found in the Constitution. On last June 15 the Supreme Court, by a 6-to-3 decision, ruled that both branches of the State legislatures must be apportioned on the sole basis of population. The Constitution does not say that. The Constitution does not give the Court that authority. This marks an arrogant usurpation of power which the Constitution lodges in the legislative branch.

Since colonial days both the States and the Federal Government have chosen one house on the basis of population and the other on the basis of area. This has been a cornerstone of our system of checks and balances—a diffusion of concentrated power.

The American people and the press has viewed this usurpation with understandable concern and apprehension. This entire concept of bicameralism—the system of two legislative branches—one based on population and one on area, is deep seated in the American tradition. It is in the Federal system, and the Colonies followed it long before the Constitution and the 14th amendment were enacted.

Mr. Justice Potter, in an able dissent to the June decision, said the majority ruling gave "support to a current mistaken view of the Constitution and the constitutional function of the Supreme Court."

> This view—

He added—

> is that every major social ill in this country can find its cure in some constitutional "principle," and that this Court should take the lead in promoting reform when other branches of Government fail to act.

Mr. Chairman, the reasons for this system of having one branch of the legislatures on a basis of area—as is true of the Congress—is both fundamental and logical. Only 16 years ago the Supreme Court upheld the validity of it. The system was expressly approved and supported by Chief Justice Warren when he was Governor of California a few years ago, to be repudiated by a strange change of attitude in the June decision.

The Richmond, Va., News-Leader summarized the basic reasons for the system in an editorial in which it stated:

> Constituencies are not formed of so many warm bodies; they are formed of ideas, of ambitions, of vital group concerns. Commonsense demands as well that certain facts of geography must be given some respect, and that every local interest must not be sacrificed before the urban throne of King Numbers.

That editorial added:

> Bigness is not an unblessed virtue nor is smallness a fault. Centralization of authority, whether in Federal or State Governments, can lead to despotism.

Mr. Justice Harlan, in his able dissent, made it clear that the equal protection of the 14th amendment did not intend to require both houses of State legislatures to be apportioned on the sole basis of population. He concluded:

> The Court's action now bringing them within the purview of the 14th amendment amounts to nothing less than an exercise of the amending power of this Court.

That Justice added these historic words to his analysis of the Court's decision:

> In my judgment, today's decisions are refuted by the language of the amendment which they construe and by the inference fairly to be drawn from subsequently enacted amendments. They are unequivocally refuted by history and by consistent theory and practice from the time of the adoption of the 14th amendment until today.
>
> The Court's elaboration of its new constitutional doctrine indicates how far—and how unwisely—it has strayed from the appropriate bounds of its authority.

Mr. Chairman, there is no point in belaboring the issue. This is one of the most important decisions this Congress has faced in years. Action taken on this bill, and on other legislation curbing the power of the Supreme Court on this subject, will be far reaching. We are dealing with fundamental concepts of government. We are at last facing up to an awesome responsibility that will influence the future course of our form of government. Unchecked and uncurbed, the present Supreme Court is leading this Nation down the road to judicial autocracy where the people and their freedoms are in grave danger of being subjected to unbridled and irresponsible whims and social theories entertained by a few men on the Supreme Court—men whose actions are beyond the control of the people and of the Congress.

The Tuck bill should be approved at once. Time for action is overdue and the hour is growing late.

Mr. JENSEN. Mr. Chairman, I rise in support of the Tuck bill now before the House.

Iowa is known nationwide to have the best and fairest laws of any State in the Union.

Those laws have been enacted by representatives and senators most of whom live on farms and smaller towns of the State.

If in the future our Iowa legislators must be elected solely on a population basis, as the U.S. Supreme Court has ruled, then our Iowa farmers and smaller town citizen will have little or no voice in the enactment of laws for our great State. Mr. Chairman, this is a good chance to the head off, at least to some degree the strong, long arm of centralized Federal control over our sovereign States and the people.

Mr. SIKES. Mr. Chairman, on this measure, Congress is exhibiting a commendable and long-needed spirit of independence. The bill now before us, which would deny to the U.S. Supreme Court and the U.S. district courts jurisdiction in the reapportionment of State legislative bodies, is easily one of the most important bills to be considered by the 88th Congress. I hope the bill will be enacted.

The U.S. Supreme Court edict would require representation in State senates to be based solely on population, despite the fact that the senate in most States is patterned after the U.S. Senate with equal representation for each State. The decision goes in the face of all known precedent. It violates the time-honored practice of seeking to establish a balance in Government and to insure that all areas have equal representation.

Opponents of the measure have made much capital of the theory of one vote for one man. They support the Court's decision that centers of population should control and legislate for rural and smalltown areas. It would be interesting to know whether those opponents seek to extend the Court's ruling to apply to the U.S. Senate or to the United Nations. The Court edict should be as broad as it is long. If it is good for the States, it should be equally good for the U.S. Senate and for the United Nations.

In substance, the Supreme Court has thrown out the system of equal representation for counties and the upper portions of State legislatures despite the fact that this is the system used in the U.S. Congress. Many legislatures have historically based their apportionments and procedures on that of the Congress. My State is one of them. Florida will be a loser if the U.S. Supreme Court's edict on legislative apportionment is followed. I doubt that the situation is different elsewhere. In effect, the Court has ordered that control of States like mine be shifted to the metropolitan areas. This takes no consideration of the fact that a healthy situation now exists in the State legislature in the average State which is fair to all parts of the State.

In effect, the Court has reached down into each State and ordered State governmental organizations across the land to be remade. Thus, with one sweeping gesture, the Court has destroyed one of the basic, time-honored cornerstones of our system of American representative government. Throughout our history many States and the Federal Government have selected one house on the basis of population and the other house partially or entirely by area. This is recognized as a sound and even a vital part of our check and balance system of government.

A State senate based largely on area permits representatives of less populous areas to better serve widely scattered communities and their economic and minority interests. This, too, is essential to sound government. Without this system, those of rural areas and small communities would have been ignored in greater or lesser measure by the representatives of the population centers. This is called tyranny of the majority.

One house based on population and one based on area assures minority and rural area interests of some representation in State government. Without it the sparsely populated areas lose almost all voice in their States over the use of road funds, river and harbor programs, educational opportunity, real estate and other taxation, extension programs, conservation and recreation programs, and so forth. The cities and their suburbs will increasingly control all activities. The development of the rural and smaller community areas cannot fail to suffer.

It is well to keep in mind the fact that those who reside in rural areas and in the smaller communities represent an independent spirit essential to the welfare of America. It is in these areas that stable social qualities, desirable moral values, and sound economic interests flourish best. To banish the voice of this important group from State government and to substitute city political action with its reliance on central government and its tendency to organize into political machines will be an unwholesome thing indeed for America.

It is very important that steps be taken to give to the people of the various States full and final right to determine the method in which their own legislature apportionment will be conducted.

Mr. FRASER. Mr. Chairman, I join in protesting these proposals to interfere with the normal exercise of the powers of the judiciary. The U.S. Supreme Court has rendered its judgment upon a question of gravest concern to every American. The Court in its opinion called for the enforcement of this decision with due regard to all of the circumstances using the following language:

> However, under certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was

> found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the Court's decree.

Those who subscribe to the principle of the separation of powers must be alarmed at the efforts being advanced on the floor today to abridge that separation by attempting to circumvent or limit the authority of the Court. If these efforts prevail, then the independence of the judiciary is threatened.

I would remind the committee that we are dealing here not with ordinary commercial rights or the rights of property but instead with the very highest order of rights; namely, the political rights possessed by every American citizen. There is no right which should be guarded more zealously because upon their exercise rests the operation of our Government.

May I emphasize, Mr. Chairman, that the original bill as sponsored by the gentleman from Virginia [Mr. TUCK] is unconstitutional. It does not seek to regulate the judiciary in its constitutional application to protect the rights of citizens, it attempts to cut off from the Court any access by a citizen whose rights are being impaired. If the Congress can strip the judiciary of its power to set aright wrongs which may occur to the individual with respect to his voting rights, would not the same reasoning apply if efforts should be made to strip a citizen of his access to the Court to have his other rights protected including all the rights enumerated in the Bill of Rights?

Mr. Chairman, I hope that these proposals will be defeated and that the integrity of the Court will be preserved and the rights of citizens protected, unhampered by any actions of this body or of the Congress.

Mr. WHARTON. Mr. Chairman, may I first quote the 10th amendment to the U.S. Constitution in full:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Also, from article III, section 2, of that historical document:

> In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

I doubt that there is any more classic example of this diversification than in my own home State of New York. The metropolitan area, teeming with millions upon millions of inhabitants, faces an altogether different spectrum of problems than are met and resolved by the rest of this great State. It is commonly known that our metropolitan population is constantly shifting to suburbia, supplanted by the influx which contributes to our famous melting pot. Everyday press reports of violence in the streets and racial strife suggest that we have more than a local problem which can be handled by remote control with expediency by our High Court. It is also a well-known fact that the sources of taxation in New York City are exhausted and have reached the saturation point. To reach out and inflict additional tax burdens upon our more conservative rural areas through a strict population representation is not the answer.

The Supreme Court's adoption of the slogan "one man, one vote," is indeed unfortunate. History and experience dictates that governmental authority cannot be settled by rule of thumb alone and if such were the case, many of our recently admitted States would never have qualified at all. The voting power of one man in Alaska, for instance, at the time of its recent admission, was equivalent to the representation of 100 New York voters in the U.S. Senate. Indeed, the composition of the U.S. Supreme Court itself is not based on the questionable principles which it now attempts to foist upon the States and their local subdivisions.

In a bicameral legislature, as in Congress, one body may properly be elected on a basis of population, but to require that both houses of the New York State Legislature be apportioned strictly on population alone, amounts to a desertion of the minority rights and completely disregards the voice of the numerous local governing bodies.

H.R. 11926 should be adopted by Congress in conformity with article III, section 2, and the 10th amendment of the U.S. Constitution, which I have already quoted.

Mr. HOLIFIELD. Mr. Chairman, the judicial power of the United States emanates from the Constitution and not from the Congress. The manner in which this power can be exercised, however, is subject in certain respects to congressional action. The Constitution does not say in so many words that Congress has the power to allocate, restrict, or withdraw jurisdiction of the lower Federal courts, but this power has been considered an implied one flowing from the first sentence in article III, section 1 of the Constitution providing for the establishment by Congress of lower Federal courts.

The Supreme Court, of course, was established by specific language in the Constitution and given certain original jurisdiction. In addition to this original jurisdiction, the Constitution, in clause 2 of article III, section 2, states that: "In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make." Under this language it has long been recognized that, irrespective of congressional grants, the Supreme Court has certain appellate jurisdiction considered traditional in courts of law. The framers of the Constitution specifically rejected an amendment which would have provided that the judicial power was to be exercised only in the manner directed by the legislature—2 Farrand, Records of the Constitutional Convention 425, 431, 1911.

The problem then is to give specific content and meaning to that phrase in article III, section 2 of the Constitution allowing Congress to make exceptions and regulations with respect to the appellate jurisdiction of the Supreme Court. The Court's decision in *Ex Parte McCardle*, 7 Wall, 506 (U.S. 1869) is often cited in this connection, but it should not be interpreted in too sweeping a fashion. For instance, the opinion cannot be cited for the general proposition that Congress has unlimited power with respect to altering the appellate jurisdiction of the Supreme Court, particularly where constitutional and other basic rights are involved. It is worth recounting a little history on this point.

The Judiciary Act of 1789, in section 14 (1 Stat. 81), explicitly gave to the Federal courts, including the Supreme Court, the power to issue writs of habeas corpus. It can be argued that this explicit grant was unnecessary particularly inasmuch as the Constitution itself had made reference to the writ of habeas corpus when in article I, section 9, it forbade the suspension of the great writ except in cases of rebellion or invasion. At any rate, the Congress affirmed or extended the courts' powers with respect to the writ of habeas corpus on several occasions. To further Reconstruction policy and to implement the post-Civil War amendments to the Constitution, the Congress by an act of 1867 (14 Stat. 385) provided that the United States courts could grant writs of habeas corpus "in cases where any person may be restrained of his or her liberty in violation of the Constitution, or of any treaty or law of the United States." The act further provided that an appeal could be taken from decisions in such cases first to the circuit courts and then to the Supreme Court.

McCardle, a southern newspaper editor, had sought a writ of habeas corpus under this act questioning the authority of the military in holding him on charges of allegedly seditious activity arising from his editorial criticism of the military's reconstruction actions. Since McCardle's suit brought into question the reconstruction laws, Congress sought to prevent judicial review of these laws by repealing that part of the previous act of 1867 which authorized appeals from the judgments of the circuit courts to the Supreme Court. As a result, the Court decided it could not hear McCardle's appeal for lack of jurisdiction. The Court, however, pointed out that its decision left untouched its broader powers of jurisdiction with respect to the writ of habeas corpus.

The significance of this qualification was quickly brought home by the decision in a case heard by the Court in the same term, *Ex Parte Yerger*, 8 Wall. 85 (U.S. 1869). Yerger had petitioned a circuit court to issue a habeas corpus writ directed at the military authorities holding him on a charge of murder to be tried by a military commission. The circuit court upheld the authority of the military, and Yerger subsequently petitioned the Supreme Court for a writ of certiorari to review the lower court decision and for a new writ of habeas corpus.

The Supreme Court noted that the language of the 1868 repealing legislation said only "that so much of the act approved February 5, 1867, as authorizes an appeal from the judgment of the circuit court to the Supreme Court" was repealed. Therefore, said the Court, it still had the power to issue writs of habeas corpus when the Court was directly petitioned by a person. This was in accordance with the original grant of jurisdiction made by the Judiciary Act of 1789.

Although this power in practical terms seems like original jurisdiction, as a technical matter it had to be considered appellate jurisdiction since the Court only had that amount of original jurisdiction as was conferred by the Constitution in article III. Presumably then, McCardle himself, if he had still been detained, also could have gone right back to the Supreme Court for a new writ of habeas corpus after having been turned away by consequence of the repealing act of 1868. McCardle had already been freed, however, when a change of command took place in the military occupation authority.

The McCardle case, it can be seen, does not sanction the right of Congress to make unlimited changes in the jurisdiction of the Supreme Court. As was implied in Ex Parte Yerger, Congress particularly could not remove the Court's jurisdiction with respect to basic constitutional rights. Otherwise, the Congress could repeal or amend the Constitution without going through the formal processes required by the Constitution. For instance, the Congress could not pass an obviously unconstitutional law and then forbid the Supreme Court to pass on it. Similarly, the Congress cannot so legislate as to forbid the Supreme Court to hear cases involving constitutional rights, such as those contained in the 14th amendment.

H.R. 11926 does not provide in so many words that the Supreme Court cannot interpret the 14th amendment, but that is its ultimate effect. The leading Supreme Court opinion on the apportionment of State legislatures, *Reynolds* v. *Sims*, — U.S. — (1963), depends on an interpretation of the equal-protection clause of the 14th amendment. The Court held in this case that the dilution of one citizen's vote by making the vote of another worth 20 times that of the first is a deprivation of equal protection of the laws under the 14th amendment. Consequently, the effect of H.R. 11926 is to remove from the appellate jurisdiction of the Supreme Court the litigation of a basic constitutional right: that of voting.

Second. The bill, H.R. 11926, also would deprive the lower Federal courts of jurisdiction in the subject matter in question, thereby removing a constitutional issue entirely from the exercise of the judicial power of the United States. It is clear that the Congress does have the power to control the jurisdiction of the lower courts in the Federal judiciary. *Sheldon* v. *Sill*, 8 How. 44 (U.S. 1850). This power has been exercised over the years. For instance, when Congress passed the Norris-La Guardia Act (47 Stat. 70, 1932), it restricted the jurisdiction of the Federal courts to issue injunctions in cases involving labor disputes. This restriction was upheld by the Supreme Court in *Lauf* v. *E. G. Shinner & Co.*, 303 U.S. 323 (1938). The Court has also upheld the right of Congress to vest exclusive jurisdiction in special emergency courts with respect to enforcing the wartime price control legislation, *Lockerty* v. *Phillips*, 319 U.S. 182 (1943).

There are limits to this congressional power. These limits were recognized when Congress acted to overturn the effect of Supreme Court decisions interpreting the Fair Labor Standards Act to require payments to employees for time spent in getting to their worksite. These decisions resulted in a flood of claims involving approximately $5 billion. Congress, therefore, passed the Portal to Portal Act of 1947 providing that employers would not be liable under the Fair Labor Standards Act to pay out these claims and stating that no court had jurisdiction in actions seeking to enforce the previously decided liability.

In *Battaglia* v. *General Motors Corp.*, 169 F. 2d 254 (2d Cir. 1948), this law was upheld, but the court there said that the power vested in Congress over lower court jurisdiction could not be used to destroy rights guaranteed by the Constitution. The Congress, said the court, has the power to restrict and withhold jurisdiction, but "it must not so exercise that power as to deprive any person of life, liberty, or property without just compensation." The court went on to hold that in that case no constitutionally protected contractual right had vested, since the minimum-wage benefits were congressionally bestowed and thus could be congressionally limited. It is true that the law in that case took away the jurisdiction of all courts, both Federal and State, whereas H.R. 11926 acts only on the Federal judiciary. One might conceivably argue then that a person still could seek protection of his voting rights guaranteed by the Constitution in the State courts just as labor unions were not barred from the State courts when the Norris-La Guardia Act was passed. The courts, however, have never passed on the question involved here; that is, when a Federal, constitutionally protected right is removed entirely from litigation in the Federal courts. The limitation of the Norris-La Guardia Act did not touch on such rights. The question has never been raised, of course, because legislation as sweeping as H.R. 11926 has no precedent.

At any rate, even if the State courts are available to a litigant seeking redress of his constitutional rights, the Constitution certainly does not envision a situation where there is no final court of last resort to test a constitutional issue or to decide a matter involving a constitutional right. On this point, one could cite a host of Supreme Court decisions, but it suffices, in reflecting on the possibility of 50 different State interpretations or decisions on a constitutional matter, to quote the language of Chief Justice John Marshall in *Cohens* v. *Virginia*, 6 Wheat. 264, 416 (U.S. 1821):

> The necessity of uniformity, as well as correctness in expounding the Constitution and laws of the United States, would itself suggest the propriety of vesting in some single tribunal, the power of deciding, in the last resort, all cases in which they are involved.

Third. Furthermore, there are problems in H.R. 11926 with respect to the doctrine of separation of powers. As was said earlier, the judicial power of the United States stands independent of what the Congress dictates since the power flows directly from the Constitution itself. The doctrine of separation of powers is a legal concept as well as a political one.

United States v. *Klein*, 13 Wall. 128 (U.S. 1872) is instructive here. Congress had passed a statute making proof of loyalty necessary to recover property abandoned and sold by the Government during the Civil War notwithstanding any Presidential pardon or amnesty. The statute was written in terms of judicial jurisdiction, stating that neither the Supreme Court nor the Court of Claims had jurisdiction of such claims when only a pardon was involved.

The effect of this law, said the Supreme Court, was to deny not only the President the effect of pardons issued by him under his consitutional powers but also the courts the power granted in the Constitution to interpret their effect. The law was therefore unconstitutional since it violated the separation of powers. On the basis of this doctrine and the reasoning in the case cited, can the Congress legitimately deny to the Federal judiciary the power to interpret the Constitution in a particular matter? Again the precise question has not come before the courts, but it would seem the answer is "no."

Mr. Chairman, I believe that the Tuck bill if passed and allowed to become law by Presidential signature, will fail to pass the test of constitutionality. No court established by the Congress can abolish a basic constitutional right. Nor can it be prohibited from protecting a basic constitutional right when and if if its services are needed. I shall therefore vote against H.R. 11926 or any substitute amendment which seeks to degrade the protection of an individual's basic constitutional rights.

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in opposition to the proposal of the distinguished gentleman from Virginia.

By denying the Supreme Court of the United States its appellate jurisdiction and the Federal district courts their original jurisdiction in reapportionment cases, this resolution has but one objective: To preserve an inequitable status quo and effectively thwart State legislative reapportionment on the basis of "one man, one vote."

The right to vote is the essential ingredient of our democratic society. Any attempt to impair the individual's right is a direct attack on our representative system of government. The Supreme Court has ruled, and justly so in my opinion, that the "debasement or dilution" of the weight of a citizen's vote is the type of "invidious discrimination" that effectively limits the individual's franchise.

There are some among us who have expressed a fear that the Federal Government is too large. These same gentlemen, many of whom support this resolution today, would have us relinquish to the several States much of the duty and function of the Federal Government. While demanding "States rights," these individuals support this bill and the preservation of unequal control of the States legislatures; while crying for increased governmental responsibility on the local level, they advocate the adoption of this resolution and the continuation of rule by minority within our State governments; while attacking the power and size of the Federal Government as an invasion of the individual's rights, they demand the enactment of a proposal that would deny the individual an effective remedy for a constitutionally protected right.

But quite aside from the question of where the power of government should lie, it is a fact that the States presently regulate and control much of the governmental action in this country. The fact is that in most of the States, the legislative function is in the hands of a minority of the voters. The Congressional Quarterly of June 19, 1964, reported, on the basis of figures supplied by the National Municipal League and the 1960 census, that less than one-third of the voters could elect a majority in 23 of our State senates and 17 of our State houses. These figures also show that in more than one State, a single voter in one district has the same voice as a thousand voters in another legislative district of the same State.

In my own State, the Commonwealth of Pennsylvania, the situation is similarly critical.

One general assembly district includes an area populated by 4,500 individuals, while another has a population of better than 375,000 and only 4 assemblymen, a ratio of more than 20 to 1. One State senatorial district of Pennsylvania has a State senator to represent 51,793 individuals. On the other hand, the State senator from another district is responsible for voicing the views of over 553,000 citizens, a ratio of better than 10 to 1.

Can any reasonable man doubt that these are clear and serious abuses of the individual's right fairly to be represented in a legislative chamber of his State government? It was to those abuses—deeply embedded in the political fabric of many of our States, timeworn, self-perpetuating, and intensely resistant to amelioration or reform through the customary political processes—that the recent Supreme Court decisions were addressed and from which they afford proper and long-overdue judicial remedy.

Quite apart even from the merits of those decisions—the effects of which the proposed measure seeks to undo—there are, however, I believe, yet more serious questions which it poses; namely, the propriety, justice, indeed even the constitutionality of withdrawing a Federal remedy from what is an established and unquestionably important Federal constitutional right.

The equal protection clause of the 14th amendment—as construed by that branch of this Government which was entrusted with the responsibility of interpreting the Constitution—requires that State legislatures be apportioned substantially on the basis of population. It is the law of the land that each citizen has a constitutional right to such fair representation. Whether we as individuals agree or disagree with the wisdom of the Court's having entered this vital if complex area or with the soundness of its legal reasoning once it had so entered—and let me say for my own part that I regard the Court's action as necessary and correct—this is now the clear constitutional mandate. Nothing which the Congress, the several States, or any power known to man can do this day or at any time—nothing, that is, short of a forthright amendment of that Constitution which established the right—can contradict this.

For this right, however, the measure before us today would deny any Federal remedy. The right would exist, but the citizen would be deprived of any Federal forum in which it could be vindicated.

This result I regard as patently undesirable, and the proposal which would produce it as of the most dubious constitutionality.

Moreover, the proposed measure would have most marked and severe consequences on responsible State court action. Because the Federal constitutional right would, of course, continue to exist—notwithstanding the denial of a Federal forum in which to enforce it—the courts of the several States would under our system of government and specifically under the supremacy clause be obliged to enforce it. Even assuming for the moment that this measure is constitutional on its face, however, the only conceivable grounds for its being upheld as constitutional in practice is the availability of the State courts as the only remaining forum in which the right can be vindicated. Because I believe that the State courts would not, following enactment of this measure, be available for the practical, effective, and adequate enforcement of the Federal right of fair representation, I regard this measure, on its face of dubious constitutionality, as clearly unconstitutional in practice.

Passage of this legislation would necessarily have one or the other of two effects, vis-a-vis the State courts: first, either the State courts would proceed pursuant to their solemn obligation to enforce the right—but without the possibility of Supreme Court review of their orders and hence without the possibility of the uniform application of the equal protection clause which is so obviously necessary for truly adequate enforcement, or second, perhaps more probable and surely more objectionable, it would be accepted as an invitation tendered by the Congress to the State courts to overlook their responsibilities to enforce the Federal right, and as an indication that the Congress was prepared to sanction if not to welcome this. The measure would not only bar the door of the Federal trial courts before the citizen seeking his right of fair representation, it would also assure the State courts that any continued denial on their part of enforcement of those rights would be wholly insulated from review—in other words, would be strictly their own concern. Let me say that I do not wish to see any action by this Congress serve as a signal that the Congress is indifferent to the deprivation of the now established Federal constitutional rights of any citizen anywhere in this land.

The distinguished minority leader of the other body recently observed, concerning another measure, that "nothing is so irresistible as an idea whose time has come." The principle at stake here is, I believe, likewise such an idea—the principle that each citizen is entitled to have his vote counted as of equal weight with his fellow citizens in the selection of his State representatives. Its time, too, has come. The proponents of this measure, however, ask us to resist this fact, to stay the course of progress and reform, to push back the hands of the clock, as it were, to give them time to repeal the present.

Worse than this, they ask us to invite the State courts to overlook their constitutional responsibility. They ask us to deny a forum for the vindication of an important Federal right.

If it is the right itself which they oppose, then I say let them seek to extinguish it by the valid, constitutional procedures of the amendment process, if they wish—although such efforts also I will oppose on the merits. But do not let them adopt the invalid means of denying a remedy for an established constitutional right.

Mr. **BENNETT** of Florida. Mr. Chairman, this is a drastic measure; and regrettably, even it may be ineffective. But when a Congressman has a sincere belief, as I have, that the Supreme Court has assumed for itself unconstitutional powers; namely, the powers of legislation and of constitutional amendment, then under these circumstances drastic measures become appropriate, particularly when the only other apparent alternative step is even more drastic, impeachment.

Our Supreme Court has probably been motivated in this matter by high and honorable intentions. The same, however, can be said for intentions behind the acts of most of the tyrants in history, Catherine de Medici, George III, the Spanish Inquisition, and all the rest.

It is my opinion that the Supreme Court was without constitutional power to make the decision it made with regard to reapportionment of State legislatures and that Congress clearly has the constitutional power to pass the measure before us by virtue of article III of the Constitution, which creates a Supreme Court but specifically allows Congress to make exceptions to its jurisdiction and to make regulations concerning it and puts in the hands of Congress even the matter of the existence and creation of all inferior courts.

I am speaking here of the basic constitutional matters involved. There may be merit to requiring every vote to count the same and certainly a Congressman who represents a large city, as I do, can see much merit in this argument. But the fact remains that we have a government of law and not a personal government in which the individuals on the Supreme Court can take unto themselves the determination of what is best for the people when the people have reserved that decision for themselves and to the States.

For these reasons I support the measure before us and urge its passage.

Mr. O'HARA of Illinois. Mr. Chairman, I always have thought of my country as a land where one man was as good as another in the enjoyment of his rights under the law.

I grew up in the climate of an earlier America when the popular concept of an American was one who stood on his own feet, bent his knee to no man, and asked none to bend to him.

That is still my concept. I am sure it was the concept of the men who made our Constitution. They were about as independent a set of men as was ever gathered. They certainly were neither givers nor recipients in the practice of knee bending.

It seems plain to me that unless we, follow in everything, and in the functioning of our Government at every level, the rule of one man, one vote, we are departing violently and dangerously from the pattern of our Constitution.

If one man's vote for members of the legislature or of the Congress, or of any public office is worth twice the vote of another I can only vision the latter as a forced knee bender to the former. It is too much on the order of citizenship by degrees, enjoyment of rights by classes of privilege, to conform with my notion of what the makers of our Constitution envisioned.

I was impressed, albeit somewhat shocked, by the figures given by the able and distinguished gentleman from Indiana [Mr. MADDEN] showing how in some States the vote of one elector is worth several hundred times that of another elector.

No democracy, no representative government, could possibly endure if this went on and on, uncorrected. There is no democracy and representative government is a mockery when Tom's vote is counted for 100, Dick's for 50 and Harry's for a lonely 1.

The Supreme Court of the United States, in awareness of the responsibility placed upon it by the Constitution, has acted to end conditions which if left unmended surely would have destroyed representative government as conceived, by the makers of our Constitution.

Mr. Chairman, the rule of one man one vote is as American as the Constitution itself. I shall vote against the pending measure.

I am closing my remarks by reading the following telegram:

> BARRATT O'HARA,
> *Washington, D.C.:*
>
> On behalf of the 500,000 members of the Chicago Federation of Labor and Industrial Union Council we urge you to oppose current proposals to upset recent decisions of the United States Supreme Court which ruled out inequitable apportionment of State legislatures. Congress should uphold the AFL–CIO position on this issue which declares that Congress should "Reject all efforts to dilute the true processes of democracy in this country and stand firm for the principle of one man one vote."
>
> WILLIAM A. LEE,
> *President, Chicago Federation of Labor & Industrial Union Council.*

Mr. ICHORD. Mr. Chairman, the issue which this body is debating today is in my opinion the greatest political issue to come before the Congress in this century. Unfortunately, it is an issue on which it is very easy to make up your mind depending upon where you are from. I suppose this is excusable because we are all influenced greatly by our environment and experiences. But I hope, Mr. Chairman, that this issue is not decided upon that basis because at stake today is the very heart of constitutional government. The line of decisions which the Supreme Court handed down on June 15 were made without one iota of precedent in all the cases handed down by the Supreme Court since Marbury against Madison. They were decided by the Court with no precedent in the debates of the constitutional convention, the debates in the Congress upon the submission of the 14th amendment to the legislatures of the States for ratification, or in the debates of the legislatures upon the ratification. In short the Supreme Court did not interpret the Constitution on June 15. It amended the Constitution by judicial decree.

I first became alarmed at the course the Supreme Court was following when the decision of Baker against Carr was handed down in March of 1962. Justice Frankfurter, the great champion of liberal causes on the Supreme Court for many years sounded an ominous warning which I hope that all the Members of this body will hearken to. This is what Justice Frankfurter said in Baker against Carr:

> The Court today reverses a uniform course of decisions established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only 5 years ago. The impressive body of rulings thus cast aside reflected the equally uniform course of our political history regarding the relationship between population. * * * Such a massive repudiation of the experience of our past in asserting destructively novel judicial power demands a detailed analysis of the role of this Court in our constitutional scheme. Disregard of inherent limits in the effective exercise of the Court's "judicial power" not only presages the futility of judicial intervention in the essentially political conflict of forces by which the relation between population and representation has time out of mind been and is now determined. It may well impair the Court's position as the ultimate organ of the supreme law of the land.

Justice Harlan said in his dissenting opinion in June of 1964 that the majority have cut deeply into the "fabric of our federalism" and that these decisions "have the effect of placing basic aspects of State political systems under the persuasive overlordship of the Federal judiciary."

Justice Stewart in his dissenting opinion in the Colorado case said this:

> The Court's Draconian pronouncement, which makes unconstitutional the legislatures of most of the 50 States, finds no support in the words of the Constitution, in any prior decisions of this Court, or in the 176-year political history of the Federal union.

The fear which Justice Frankfurter had that the decision might impair the position of the Court in interpreting the Constitution has been proven to have been well founded. The Halls of Congress are now reverberating with the sounds of this legislative battle. Respect for the Court has deteriorated in the minds of many Members who have heretofore supported the Court. Its position as the supreme organ to interpret the Constitution has been impaired.

Mr. Chairman, few people realize how far the Supreme Court went in the Colorado decision. In that decision, the Supreme Court violated its own "one man, one vote" principle. In spite of the fact that the people of the State of Colorado had voted overwhelmingly at the polls to have one of its legislative bodies to be based on factors other than population, the Supreme Court overruled the people and held that the "equal protection" clause of the 14th amendment required both houses to be apportioned strictly on the basis of population.

I had some doubt at first, Mr. Chairman, of the constitutionality of this measure but upon research of the question I have changed my mind and I do support this measure taking away the power which it has illegally assumed over State legislature reapportionment.

Mr. BARRY. Mr. Chairman, by the concluding provision of amendment 14, Congress is vested with the power to enforce by appropriate legislation, the provisions of that amendment, of which the equal protection clause is a part. Thus, as a branch of the National Government, Congress has original jurisdiction in any denial of equal protection of the laws of which States are alleged to have been guilty; and it is with a view to effectuating this constitutional mandate that H.R. 11926 was introduced in the House. By adopting this measure the Congress, in a constitutionally permissible manner, not only would be making an effective contribution toward orderly fulfillment of the constitutional prohibition against discriminatory denials of equal protection in this area of legislative apportionment, but in the process of attaining this objective it also would relieve the Federal courts of a dilemma of their own making.

When the Supreme Court, in 1962, in its decision in Baker against Carr, elected to depart from past precedent and inject itself into an area of controversy which hitherto it had chosen to view as nonlitigious; to wit, State legislative apportionment, and when, on June 15, 1964, in Reynolds against Sims, and related cases, it decreed that fulfillment of the constitutional guarantee against denial of equal protection can be attained only when both upper as well as lower houses of bicameral State legislatures are apportioned solely on the basis of equality as to population, the effect of this judicial reversal of prior holdings was to undermine the validity of the internal composition of legislatures in all but a handful of States, probably as many as 44 out of 50.

If one were to search for a reversal of comparable magnitude, it very probably would be the holding in Brown versus Board of Education, 1954, wherein the Court put an end to the separate but equal facilities doctrine under which segregation of public school pupils by race previously had been tolerated as constitutional. Yet in the latter holding, the Supreme Court, mindful of the significance of the ruling and the magnitude of the problem occasioned by adjustment thereto, adopted the precautionary measure whereunder lower Federal courts were advised that the standard which should guide them in formulating remedies to implement this ruling was that progress toward the goal of desegregation was to be achieved "with all deliberate speed." Admittedly, the latter phrase has not proved susceptible of precise application, but it has been attended by beneficial results insofar as it has operated, as no doubt it was intended, as a restraint against issuance of improvident decrees by lower Federal courts.

For reasons not readily understandable, the Supreme Court in the more recent litigation contesting State legislative apportionment, has persistently refrained from offering assistance to the Federal courts in the form of comparable guides whereby they might be dissuaded from fashioning remedies impracticable in terms of immediate execution for correction of inequities presently discernible in the allocation of seats in the houses of State legislatures. Left wholly to their own resources, Federal court judges, unfortunately, have not measured up to the occasion. In their endeavor to implement the Supreme Court rulings on apportionment, many have acted, not in conformity with standards of moderation, but so rashly as to produce conditions so chaotic that the normal functioning of State governments in many instances either already has been impaired, or is in danger of being impaired.

Seemingly unaware of their total lack of experience and questionable competence in attempting to redress the problem of malapportionment, a number of Federal courts have commanded State legislatures to reassemble in special session and complete reapportionment within intervals as brief as 15 days; and, upon default in this undertaking, as appraised by the Federal courts, to submit to the redrawing of legislative district lines directly by the judges thereof. To the extent that such direct judicial intervention has been attempted, results, in some instances, have entailed or threatened the disruption of State electoral processes in the form of commands for special elections of legislators on virtually an annual basis in utter disregard of State constitutional provisions fixing tenure of a longer duration. In other areas of the country, State legislatures have been confronted with the prospect that upon judicial disapprobation of hastily contrived reapportionment schemes in ineffectual compliance with Federal court dictation, continuous, uninterrupted functioning of State governments may be suspended with consequences capable of producing disaster.

Federal courts having demonstrated lack of foresight and reluctance to be deterred by the consequences of such rash intervention, it remains for Congress to step into the breach, and by adoption of H.R. 11926 simultaneously extricate Federal judges from their involvement.

As heretofore noted, on the basis of the third article of the Constitution, which states: "In all the other cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make," this measure is within the constitutional competence of Congress to extend.

Mr. FUQUA. Mr. Chairman, the question which we debate today is above partisan politics, region or section. It is a grave constitutional question which will determine, perhaps, the future direction which these United States will take. It may well be that we are making one of the great decisions of our time. I can only hope and pray that we make the right decision.

For me, the right decision for this body would be for the House of Representatives to adopt H.R. 11926 which was introduced by our able colleague from Virginia.

We have seen the Supreme Court again move into uncharted waters, rendering a decision not based on judicial precedent nor the law enacted by the Congress, but on personal opinion and grounds which have no backing in precedent.

In ruling that both houses of our State legislatures should be based on population, they have in effect ruled out our time honored system of bicameralism. They have ruled against the wisdom of the Founding Fathers who made this concept of a bicameral legislature one of the cardinal precepts for a new nation. They have gone far beyond judicial restraint in their assigned role of interpreting the law, they now make the law.

The two questions which can be resolved by the passage of this legislation would therefore be two in number. First, it would assert the right of Congress to make the laws of the land, not a body which is appointive and answers to no one. Basic to representative government is that those who make the laws be responsible to the people. You and I are responsible to our people for our conduct, but the Court does not have to stand the sterling test of the ballot box. Second, we would preserve the time-honored concept, and the one which we once generally thought to be the best, for one of the houses of our legislatures to be based on factors other than population.

I know this is not popular in some quarters. I know that for some the end justifies the means. But I would warn them that the dangers inherent in the courts having jurisdiction over the apportionment of our State legislatures are far graver than any which the States might perpetuate upon themselves.

The bicameral legislature is basic to American democracy, and basic to that concept is that one of the two houses be based on factors other than population—and even more basic than that is the right of the people of the individual States to determine for themselves the makeup of their State legislatures.

This is not a sectional fight. This is a basic question as to the type of government we are going to have. It is serious. Let me say that I know that we have inequities, but that which we have will be far less left to the people than those faced by a court which has to answer to no one. These justices are human, and they will be guided by the same impulses of political and doctrinal considerations as any other political body, with the difference being that they would not have to answer for their actions.

Today is the day when Congress should assert its dominion over the making of the laws. Ours is the proper body.

Today is the day when we should vote to allow the people to rule their government through their elected officials.

Today we can pass a law which will give the States a breathing spell, time to consider additional legislation and/or a constitutional amendment setting forth their beliefs.

Gentlemen, in this Nation we have separation of powers. The Court has overstepped its bounds and it is our duty to assert our basic rights. It is for the Congress to make the laws, not the courts. Let us determine the grievances here, as officials answerable to the people.

It is no light question. I sincerely believe that the proper answer—the beginning at least—is to adopt the bill before us.

Mr. DOLE. Mr. Chairman, few will disagree that the greatness of our Nation is owing to the intrinsic greatness of its people. This inner greatness, thriving, dynamic, and creative, is reflected in a number of our institutions—one of which is our principle of representative government. This principle is not an expression of an unchanging, immutable axiom; rather it manifests a deep understanding of people, their inherent tendency for conflict, and their redeeming inclination for compromise. Moreover, it permits that restless endeavor without which, surely, there could not be a "more perfect union." The worth of this principle rests primarily on a reverent respect for the people; and, so it is recognized in the Preamble of the Constitution: "We, the people."

Basic to the successful operation of this principle has been the ability of American citizens from all States to so organize their political systems that clashing economic interests, community rivalries, and local jealousies might be assuaged as fairly as possible. America, therefore, has been witness to unique governmental techniques whose genius is a tribute to her people and to their way of insuring majority rule and at the same time protecting minority interests. Among these are the referendum, initiative, home rule and, last of all, a variety of systems of legislative apportionment. Implicit in each of these is a conscious effort to resolve the inner struggles and conflicting interests embodied in the concept of politics—that quest for influence in government whose "sine qua non" is discrimination and inequality.

Despite the historical and operationally complex meaning of democratic representative government, the U.S. Supreme Court has summed it up in an ironclad rule when it declared that "the fundamental principle of representative government in this country is one of equal representation for equal numbers." This simply is not true.

Many were apprehensive when the Supreme Court in Baker against Carr decided that voters' claims under the equal protection clause presented a justifiable controversy subject to adjudication by the Federal courts. This apprehension turned to a more rooted anxiety when the Court, pursuing its political interest, decided that the "one person, one vote" principle applied to State apportionment laws involving the election of U.S. Senators and Congressmen. When the Court applied the latter principle to both houses of our State legislatures, this anxiety ripened into negative acclamation. What was once regarded as a principle of representative government—"one district, one vote," or "bicameralism," has, in effect, been ruled unconstitutional or, more bluntly, unfair. This same principle was responsible for the genesis of our great Nation. It has permeated the makeup of State legislatures for over 175 years, and history can account for it yet farther into the annals of the past. The present Court, however, says it is unconstitutional and violates that agreement the sovereign people of this country entered into in 1789, the Constitution of the United States.

When faced with an unpopular Court decision, the majority will normally respectfully decline to contest the Court's reasoning. This is as it should be, for the constitutionality of a law should be left to the courts. However, when the Court has seen fit to unreasonably invade a province relegated to political controversy and has reached results not on the basis of resolving legal questions but of determining political ones, it is not inappropriate for a politician to publicly voice disapproval. Such disapproval tends to undermine the great respect and high honor our judicial system has in the past commanded from the American people. Yet, in this instance, I have no other choice, and there are a number of reasons for my disagreement with the Court.

The basic one, already expressed, is that the Court has clearly misread the full meaning of the fundamental principle of representative government in this country. In its June 15, 1964, holdings on apportionment of seats in State legislatures, the Supreme Court acknowledged that bicameralism as an institution or method of affording representation is not without justification. In the Court's own words, "a prime reason for bicameralism * * * is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures." Yet it professes inability to perceive "that the concept of bicameralism is rendered anachronistic and meaningless when the predominate basis of representation in the two State legislative bodies is required to be the same—population"—Reynolds versus Sims, 377 U.S. —— (1964); slip opinion, page 41.

Perhaps, if the Court had been more cognizant of other additional advantages accruing from bicameralism and the dangers associated with unicameralism, it might have been dissuaded from its aforementioned glib and exceedingly erroneous assumption that a bicameral legislature somehow is destined to survive, and to continue to function successfully notwithstanding that the upper house is constructed upon identically the same basis as is the lower; namely, that the seats in each are to be allocated in proportion to population. Precisely the contrary is likely to occur. To so organize an upper and lower house is to render them virtually undistinguishable; and when differentiation between the houses has been obliterated, bicameralism will have ceased to be defensible and unicameral State legislatures will become the order of the day.

If bicameralism is to retain its justification, an upper and lower house must be organized in such manner that members elected to each, by the unavoidable consequence of differentiation in the basis of representation upon which it is founded, can be depended upon to register and give voice to different points of approach in evaluating legislative proposals and policies. Absent such distinctions, the upper and lower houses of a bicameral legislature are likely to be converted into identical twins, performing in such pedestrian, repetitive manner as to forfeit any justification for their perpetuation. When representatives elected to the two houses are both chosen on the single basis of population without regard to the different occupational and economic interests of constitutents born of residence in geographically diverse areas of a State, they can be expected to have recourse to virtually the same appraisals in considering legislation; and this dull uniformity in their approach is likely to be reflected in a comparable sameness in debate. Once the legislative process of a bicameral legislature deteriorates into nothing more significant than repetition and protraction, popular dissatisfaction engendered thereby can be expected to culminate in support of a change to unicameralism.

The Court, of course, blithely unaware of the consequences unavoidably resulting from apportionment in conformity to its population based formula, finds no occasion to entertain fears for the survival of bicameralism; but the prospect of abandonment of the latter is not to be viewed with equanimity; for certain advantages hitherto associated with bicameralism will cease to be available for protection of the inhabitants of the States. Hereinafter presented are several of the arguments advanced by notable political scientists and commentators on behalf of bicameralism.

First. A dual chamber legislature is less vulnerable to domination by special interest groups than is the unicameral system.

Second. Only through bicameralism can there be attained such equitable representation as will protect widely scattered communities confronted with the concentrated power of a single large metropolitan area. Only through bicameralism, whereunder one house can be so constructed as to represent territorial regions rather than population, can identifiable areas within a State be accorded representation in such manner as to enable them to avoid being submerged by the massing of population in cities. In short, bicameralism is the only means of effecting a balance of power between rural minorities and urban majorities. Thus, where a large proportion of a State's population is centered in one huge metropolis, adequate representation of the inhabitants of sparsely populated rural or agricultural regions can be achieved only through reliance upon bicameralism organized other than exclusively upon the basis of population.

Third. Bicameralism affords insurance, through checks and balances, against hasty and ill-advised legislation. Errors of one house can be corrected by the other. Unicameralism is devoid of any checks and balances.

Had the Court, in espousing apportionment according to population in its recent decision, been disposed to tolerate any reasonable deviation therefrom sanctioned by popular approval, the necessity for this corrective amendment might have been obviated. To the Court, however, it is of no consequence that the inhabitants of a State, by an overwhelming vote at the polls, have recorded their approval of an apportionment formula whereby the allocation of seats in one house of their legislature continues to be representative of regions, areas, or territory.

There are others which are adequately expressed in the dissenting opinions of Justices Harlan, Clark, and Stewart. All these combined prompt one to ask certain questions: If economic interests are not important, why do people live where they do? Is not contract or consent the real principle of our Government? And, if so, why did not the Court make any effort to determine the substance and meaning of the consent that inheres in the Constitution? Does it not care to take notice why Michigan's electorate rejected a pure equal population district plan in 1952; why more recently Oklahoma and Colorado by a majority vote in State referendums accepted plans they feel to be fair; why the majority of the States of this country have governed themselves by a principle the Court now calls unconstitutional? Should not these facts, apart from the facts existing in 1789, have some relevant bearing on the proper interpretation of what now seems to be a "living and growing" Constitution? Does not the Court realize that its decision has merely contributed to the political influence of the equalitarians, that it has thereby taken a political stand that can have no other effect than to prejudice the high confidence of the people, the only rational foundation for its authority? Will not the Court recognize that the "rigid leveling of people to the status of numbers is deeply and psychologically associated with both advocacy 'of the masses and the desire to dominate them' * * * that true mass leaders of equality movements always aim at dictatorships?"

Mr. Chairman, as politicians, as legislators, but most of all as Americans, we are today vitally concerned with the effect the Court's recent decision may have on the future course and well-being of this country. The Court has entered the political thicket and to the extent some supervision is desirable, we cannot complain. However, where it has arrogated itself to a position that it can determine and settle fundamental principles of representative government and has so decided them without regard to history, reason, or the consent of the people, it is time for the people to act. Normally the Court, itself, oversees flagrant violations of trust imposed by the concept of "separation of powers." Unfortunately, by its own action, the Court cannot pass judgment on this great issue. As initiators of constitutional amendments, that is our task.

Since the Court is unwilling to permit popular will to prevail, recourse to constitutional amendment appears to be the only alternative remaining whereby the people can be enabled to have their way and adoption of the so-called Tuck proposal would provide time for full congressional consideration. Ratification of the proposal I introduced will not compel any State to take action in strict compliance with its provisions. Insofar as any State is disposed to abide by the decision of the Court, and is prepared to apportion seats in both houses of its legislature solely in accordance with population, my proposal will not operate to prevent them from exercising the latter option. All I seek to accomplish in my measure is to insure that the States retain some measure of freedom to choose alternative methods for effecting the distribution of seats in at least one house of their legislature as is the case now in Kansas where we do have a "balanced" legislature.

It is our sovereign duty to permit the people themselves to determine what the fundamental principles of our representative government are.

Mr. CRAMER. Mr. Chairman, as a member of the Judiciary Subcommittee considering the reapportionment of State legislatures decision of the Supreme Court, I am confident that the pending Tuck bill is clearly unconstitutional. No amendments were adopted to overcome this unconstitutional shortcoming, including the refusal to adopt the Jonas amendment. I have sat through the hearings on the Supreme Court decision involving the Bill of Rights and most proponents of legislation to provide for Bible reading and prayer in public schools and other public places—and I am a proponent of taking action in this field—have conceded long ago that the only constitutional approach to overcoming the Supreme Court decision in that instance is through a constitutional amendment. We have pending many proposals for removing Federal court decisionmaking power in this field similar to the Tuck bill pending dealing with legislative reapportionment.

I believe that it is inherent under our constitutional form of government, with the Federal courts having the power to determine constitutionality in certain instances, that the Congress can take away that power through the passage of legislation. If an act declared unconstitutional is to overcome this barrier it must be done through a constitutional amendment.

It is my considered opinion that the Tuck bill will be declared unconstitutional if it ever becomes law and then the valuable time needed in evolving a sound constitutional amendment will have been lost because I am convinced that until the Court acts if the Tuck bill becomes law in determining its constitutionality, all hearings and further consideration of a needed proper constitutional amendment will be suspended. The bill also has no termination date and would thus invite legislative inaction by all legislatures indefinitely.

I do not agree with Chairman CELLER's failure to push this reapportionment matter adequately to result in the drafting of a proper amendment. I disagree with his failure to permit the Committee on the Judiciary to consider a constitutional amendment in the prayer decision case. With the demand for some action as evidenced by the support for the Tuck bill, I am confident that the Judiciary Committee will act with dispatch if the Tuck bill does not become law.

I am confident that a proper constitutional amendment can be evolved—that will preserve our bicameral State legislatures—will give adequate population representation in the upper body of the States and yet not rule out the consideration, within reasonable limitations, of other factors. I am in the process of giving consideration to the draftsmanship of such an amendment believing sincerely that an answer of this nature is the only meaningful action that Congress can take in an area that I admit is most troublesome and which cries out for action to bring reason and order out of what could develop into a chaotic constitutional crisis.

In my opinion, the Supreme Court will strike down the Tuck bill if it becomes law before it can have any effect on reapportionment. Certainly, in Florida, with the legislative session commencing in May 1965, such would be the case. On the other hand, I am convinced that the Supreme Court would stay action on reapportionment cases until the legislatures had acted, so long as that period of time was reasonable, on such constitutional amendment as Congress might submit to the States.

Any constitutional amendment to be considered should provide the requirement of approval within the States of any reapportionment enacted to avoid the highhanded action of the Florida Legislature that reapportioned itself without submitting the issue to the people resulting in the present setup. The right of the people in the States to make their final decisions by referendum must be preserved.

I have introduced legislation differing with the Supreme Court many times and was instrumental as a member of the Committee on the Judiciary in helping to evolve an answer to the Jencks decision that opened the FBI files a few years ago. I also authored the bill to clarify the Mallory decision that was twice passed by the House but not the Senate. I cosponsored a constitutional amendment to preserve Bible reading and prayer in public places.

Therefore, it can hardly be said that I have not differed with the Supreme Court often and tried to find sound solutions to the problems created by many of the decisions and I think a solution to this problem can be found. However, I do not think it is a very auspicious beginning in seeking an answer to this grave problem of legislative reapportionment to support a bill that I believe will not do the job and which is, in my opinion, unconstitutional if it becomes law and probably won't become law in any event. We should be expending our time considering a constitutional amendment to meet this problem and I call upon the Committee on the Judiciary to take immediate action in drafting a sound amendment that will offer a permanent answer as soon as possible so that this issue can be brought to rest.

Mr. STAEBLER. Mr. Chairman, I rise to protest the attempt that has been made in this House to undermine the principles and spirit of the Constitution of the United States by the introduction of H.R. 11926. This bill would deny jurisdiction to the U.S. Supreme Court and Federal district courts over any reapportionment cases affecting State legislatures. The haste and methods of the Rules Committee in bringing this measure to the floor at the tail end of a session, with a minimum of opportunity for discussion by the American people and their Representatives, is to be deplored.

Of even greater importance than the procedure of introduction is the fact that this measure strikes at the very core of our constitutional system based on a separation of powers. By article I of the Constitution of the United States, "All legislative powers herein granted shall be vested in a Congress of the United States"; by article II, "The Executive power shall be vested in a President of the United States of America"; and by article III, "The judicial power of the United States, shall be vested in one Supreme Court." If this House is party to an attempt to strip all Federal courts of their judicial power in this matter of reapportionment, then it flies in the face of the Constitution.

It will permit and encourage a fundamental conflict of interest by which legislatures will be able to set up their own ground rules for representation and ignore the rights of the individual. In my own State of Michigan the evil results of minority rule in the legislature have been manifest for years. Without the Supreme Court decision there would have been no remedy, and now you wish to take hope of equality of citizenship from the greater part of the people of this country.

We all, I am sure, admit that constitutions are not immutable and that a document drawn up in 1787 may from time to time require amendment or be subject to changing interpretations, but such changes should be in accord with the spirit of the times and not dead against it. The proponents of this measure hope to enshrine inequality in our Constitution. They hope to abridge the greatest words of the 14th amendment, to deny the equal protection of the laws to our citizens, and to abridge their privileges and immunities.

In this age when Communists exalt the role of class and class war, and Fascists the importance of racial and national elites, we at the center of democratic government should reaffirm our belief in the equality of the individual's constitutional rights, should confirm our support of this Declaration of Independence and should uphold our belief in a government of law, the most precious inheritance of our Revolution. This bill will write a new and truly subversive principle into the very foundation of our Government. I can only hope it will be given short shrift in the courts of our land should it pass this House.

Mr. ABERNETHY. Mr. Chairman, I expect Thomas Jefferson will be quoted often in the course of this debate and, if he is not, he ought to be. That wise man foresaw and predicted the primary source of the upheaval that is today shaking our republican form of government to its very roots. What Jefferson foresaw was and is a counterrevolution to the American Revolution and the war which ended it; the war in which our Founding Fathers spilled blood and died to establish freedom on these shores.

Jefferson looked into the future, all the way to the 1950's and 1960's, and said:

> The germ of dissolution of our Federal Government is in the * * * Federal judiciary; an irresponsible body * * * working like gravity * * * gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all shall be consolidated into one. When all government * * * in little as in great things, shall be drawn to Washington as the center of all power, it shall render powerless the checks provided of one government on another, and will become as venal and oppressive as the Government from which we separated.

Thus did Thomas Jefferson, with uncanny vision, peer into the future and foresee the role of an unbridled Court, particularly the Supreme Court.

Of all the questionable and obnoxious decisions of the Warren Court, none strikes so deadly at the heart of our free system than that of June 15 applying to the apportionment of State legislatures.

Aside from the overwhelming magnitude of the threat to our governmental structure posed by the decision, there are several technical grounds for voting to override it.

In the first place, the Supreme Court has no business interfering in political questions. Justice Harlan, dissenting in the Alabama case, said: "Judicial entry into this realm is profoundly ill advised and constitutionally impermissible."

Second, the Court's doctrine of "one person, one vote" meaning that numbers of people can be the only basis of representation, is contrary to both principle and practice. The U.S. Congress provides the best example, wherein one body of the bicameral legislature is based on population but the other on purely arbitrary criterion arrived at by our Founding Fathers in their determination to preserve the sovereignty of the several separate States.

It is not popular these days to reflect on the intentions of our Founding Fathers. It is barely tolerated when one relies on principle and precedent in debating Supreme Court decisions. But the 13 Colonies which formed the Union and set up the Central Government did so with certain reservations, giving only certain powers to the Federal establishment and retaining others.

They did not give to the Central Government the power to apportion State legislatures. That power was reserved for the States. The only truly lawful manner in which that power could be transferred to the Central Government would be by constitutional amendment. In the absence of such amendment, the power remains with the States and the Supreme Court's decision is unconstitutional on its face.

I congratulate our colleague from Virginia, Governor Tuck, for authoring the pending resolution. And I congratulate another great Virginian, Judge Howard Smith, chairman of the Rules Committee, in providing the leadership to exhume the Tuck resolution from what was intended to be its last resting place, a filing cabinet in the offices of the House Judiciary Committee.

Since the days of old, Virginia has provided this Nation with leaders of ability and courage. Our Virginia colleagues of today, Governor Tuck and Judge Smith, stand as stately and as tall as their Virginia forebears, the Founding Fathers of this Nation.

We should give them our support by overwhelmingly passing the pending resolution.

Mr. JOHNSON of California. Mr. Chairman, I would like to rise in support of the legislation now under consideration. Most of my colleagues here today are aware that I was among the first to cosponsor legislation calling for a constitutional amendment to permit one house of a bicameral State legislature to be apportioned on a basis other than population.

This is one of several approaches which have been offered as a solution to the State legislative representation problems created by the Supreme Court in its recent decision regarding the apportionment of our legislatures. The Senate is considering another possible solution and we have before us today a third approach.

The legislative arrangement in California is much the same as that which exists in our United States, the so-called Federal system, whereby one house is apportioned generally by population and other factors, including area, determine the apportionment of the other house.

I have always been proud of the representative government we have in California. It has been progressive and fair to all segments of our population. The proof of this is in the legislative record which has been achieved by our State of California. We have one of the most progressive highway programs in the Nation, the State is liberal in its assistance to the operation of school districts and a sound school construction program has met the needs of an exploding population.

The State has provided wise unemployment compensation programs with the highest disability rates and compensation rates on record. Hospital and public works construction programs have been enacted and our disaster act has served as a model for many States in the establishment of a working organization to cope with any type of manmade or natural disaster. Provisions for the health and safety of our people, ranging from grade separations to sewer and sanitation assistance, water pollution control and air pollution control have been enacted. We have undertaken the biggest water and power development ever undertaken by any State in the Union. We have embarked upon a small craft harbors program which I believe also is unexcelled anywhere. The State of California has provided vital assistance, in cooperation with Federal agencies, for the planning of wise growth and development of urban and rural areas alike.

I am sure that all who review our record in the field of progressive legislation, would agree that the State of California has a fine record which can be attributed primarily to the legislative system of government in our State.

The California constitution of 1879 originally provided for apportionment of both senate and assembly by population only. As the State grew, the imbalance of our population grew until by 1920, 52 percent of the State's population was concentrated in only three metropolitan counties. It became apparent that the system was rapidly becoming topheavy and in 1926 the electorate had the direct choice of apportioning one house, the State senate, by population or by the combined factors of population and region. The modified Federal plan was adopted overwhelmingly. Even two of the three metropolitan areas which then dominated the legislature saw the equity of providing representation to all segments of the State and supported the Federal system.

This system has been upheld by the voters of the State of California in three separate elections, the most recent of which was 2 years ago, in which constitutional amendments to change the system were placed on the statewide ballots.

Thus the voters in 1926 and since have wisely recognized the importance of the Federal plan, in other words, upon a principle widely recognized in American Government and other governments that representation in a public assembly is fairly apportioned not according to population alone but according to two factors—population and territory. In the Federal system the principle of having both territorial and population representation in the legislature, is incorporated in the Constitution. It is part of one of the distinctive contributions of that instrument to the art or science of government, its system of checks and balances.

This principle has been basic to our Nation since the Articles of Confederation were adopted in November 1777, and was incorporated into our U.S. Constitution 10 years later in determining the manner of selecting representatives in the two Houses of Congress. On numerous occasions since, the Federal system has been reaffirmed as the system which is most stable and efficient and which provides the best possible safeguards to all of the people of our Nation.

In considering the wisdom of reapportioning the State senate we must not lose sight of the fact that the legislative systems of California and many other States do not consist of the senate alone. It includes three other elements, all popularly based: First, the assembly whose members are elected from districts as nearly equal in population as may be; second, the Governor, elected by and responsible to the people of the State as a whole, who has the general veto power, and as well, an item veto over appropriations; and third, the people, who have reserved to themselves the power to legislate through referendum or initiative. Populous areas also have the power to elect the Lieutenant Governor, State constitutional officers such as secretary of state, treasurer, and so forth, both U.S. Senators and a majority of the delegation to the House of Representatives. Thus, the populous centers have ample opportunities for exerting their political weight at the polls not available to the sparsely populated counties.

The State senate adds one element to this factor of popular control. It provides a means by which the diverse classes and interests in the State, otherwise in a minority position, may have effective representation. Were the senate, too, appointed on a popular basis, those classes and interests, to the very substantial extent that they are found outside of the small area of great population concentration, could and probably would be submerged by the domination of the popular majority.

In conclusion, Mr. Chairman, I do want to say that all of us have been here in Congress long enough to accept the wisdom of George Washington and our Founding Fathers in creating the Federal system of legislative representation.

It has been my experience in the California State Legislature that there are identical advantages to the Federal system at State government level. I therefore urge favorable consideration of the best possible solution to the problem which we have before us today.

Mr. Chairman, at this point in the discussion I would like to submit for the RECORD the official position taken in the State of California by the Honorable Edwin J. Regan, chairman, Senate Committee on Judiciary, State of California:

STATEMENT OF SENATOR EDWIN J. REGAN, CHAIRMAN SENATE COMMITTEE ON JUDICIARY, STATE OF CALIFORNIA

My name is Edwin J. Regan. I am the senator from the fifth senate district of the State of California and chairman of the senate committee on judiciary and representing the corporate body of the California Senate before this Committee on Judiciary of the House of Representatives.

It is my purpose to describe to you in a general way the manner in which the so-called Federal plan of legislative apportionment has worked in California; and the adverse impact upon that successful operation that reapportionment pursuant to the recent decisions of the Supreme Court of the United States is likely to have.

California is a diverse State—diverse in its geographic and topographic features, its peoples, its natural resources and its economic, industrial and agricultural interests. It is also a large and a populous State, with a majority of its population concentrated in two metropolitan complexes, situated in only a very small proportion of its area, and which do not include a most substantial part of its resources and wealth.

In 1960, Los Angeles County alone had 38.4 percent of the State's population; four southern California counties (Los Angeles, Orange, San Diego, and San Bernardino) had 52.6 percent of the population. Most of California's population resides in only 2½ percent of its land area.

On the other hand, for example, agricultural production, one of the State's most valuable assets, is not as concentrated—California ranks first in the United States in the production of over 30 crops, ranging in variety from such staples as lemons and lettuce to more esoteric items, such as dates, garlic, and broccoli; and second in the Nation in such items as cotton, oranges, and onions. The dollar value of these crops in 1960 ranged from $1,012,000 for Persian melons to $351,460,000 for cotton.

This vast production is distributed over a good portion of the State's area, and no one county or combination of contiguous counties has a share of the production of all, or even of a substantial number of these varied crops. At that, only 10 percent of the State's area is used for cultivated crops, located for the most part in the more sparsely or moderately populated counties.

About one-third of the State's land in 1959 was in farms. (The difference between that figure and the 10-percent figure of land in use for cultivated crops is explained by the large amount of land used for pasture and rangeland.) In the latter connection it may be noted, that as of 1959, cattle and calves made up California's largest agricultural or farm crop. The gross value of the State's agricultural production in 1963 was $3,937,073,000; 88¾ percent of this total was produced in 53 of the State's 58 counties having about 40 percent of the State's population. The five most populous counties (including Los Angeles, of course), having well over half of the population, produced only 11¼ percent of the total.

Notwithstanding that agriculture has its incidence in considerably less than a major part of the State's area, its importance to the economy of the State as a whole cannot be underemphasized. Out of the billions of dollars of gross farm income in the State, a good portion is paid to other businesses for services and commodities supplied to farmers. For example, farm products account for more than one-third of California's total railroad shipments, and about one-half of waterborne exports from California is directly attributable to agriculture. Cut flowers make up a large part of agricultural air cargoes.

Many new industries are arising from the development of techniques for concentrating and freezing agricultural products, such as fruit juices and vegetables. Abcut one-third of the total output of the U.S. food processing and packaging industry is in California. In terms of value added (in the neighborhood of $2 billion) and people employed (around 200,000), food and kindred product manufacturing is the second most important industry in California.

California's natural resources, located for the most part in the least populous parts of the State, are similarly of immeasurable importance to the whole State. A striking example is water. A good part of California, without ample supplies of water for irrigation as well as human consumption, is semiarid land. The major water-yield areas of the State, however, are located in the mountainous northern counties, by all odds the most sparsely populated counties in the State; 72 percent of the annual runoff occurs north of Sacramento, but 77 percent of the State's present water requirements are south of that point.

The 10 leading counties in irrigated acreage, having over 60 percent of the State's total of such acreage, range from 11th to 37th in the State in the order of their respective populations. Their aggregate population is less than 11 percent of the State's total. By the same token the counties of origin—the counties in which the bulk of the water supply originates—have less than 5 percent of the State's population. The contribution of the northern counties to the water needs of the rest of the State is of inestimable value. Without it the State will not be able to support anywhere near the population, agriculture, and industry now in it.

Similar conditions exist with such other resources as timber. Most of it comes from the least populated northern counties. The industry ranks with the leaders in the United States. It feeds into the State's economy over one-half billion dollars in wages alone to about 80,000 employees.

Natural recreation facilities, i.e., hunting and fishing, abound in the mountainous and least populated counties. It is estimated that recreationists attracted to these areas spend $1½ billion annually in the State.

Examples such as these of California's almost boundless diversity, the existence of its resources for the most part in its least populated areas, and the immense value of these resources to the life and economy of the entire State could be multiplied almost indefinitely. Those already given amply illustrate the point, which is that use, distribution, and regulation of these resources are matters that ought to be considered from a statewide point of view, as free as possible of local or parochial and possibly selfish motivations.

In a population-majority controlled legislature the areas in which these valuable resources exist could be completely submerged on any occasion when their interests happened to conflict with some local interest, and deemed, even though transiently, of importance in the areas of concentrated population.

Out of the fact of California's diversity and population concentration, coupled with the very natural and human trait of people to think in terms of their own immediate interest, have come many difficult problems of government, problems of so ordering things that all of the State's many diverse peoples and interests should have an effective, not merely a nominal voice in their government.

That need brought about the adoption in 1926 by vote of the whole electorate of the State the so-called Federal plan of apportioning representation in the State's legislature. The plan did not come about accidentally, or develop haphazardly or in a crazy-quilt manner. Nor did it arise, as in some States, from inaction, from a failure as population shifted or increased to reapportion the legislature to fit current conditions. California has a good record of obeying its constitutional mandate to reapportion after each decennial census.

Legislative apportionment in California, prior to 1926, was based in both houses upon population. At the time that method was adopted and for a good many years afterward there was only one area of concentrated population in the State—the San Francisco Bay area—and it had much less than a majority of the State total. Accordingly, on a population basis, no one area could elect a majority of the members of either house. With the remaining population spread more or less evenly throughout the rest of the State, the problem of districting in a way that would represent substantial equality of population and at the same time give the whole State an effective voice in its legislature was not too difficult.

Los Angeles began its unparalleled growth some 50 or so years ago, and it soon became apparent that it was destined to become, as it did, the most populous part of the State. By the 1920's that growth, together with the steady but somewhat less spectacular growth of the San Francisco area, had concentrated a majority of the State's population in the three counties, (Los Angeles, San Francisco, and Alameda), which made up those two areas.

Many thoughtful citizens and civic organizations became increasingly concerned over the prospect of the entire political power of the State—the power to elect all of its executive officers and a controlling majority of each house of the legislature—being vested in an area that represented less than 3 percent of the State's area and much less than half of its natural resources, agriculture, business, and industry. That concern produced two initiative measures dealing with legislative apportionment that were presented to the people at the general election of 1926. One of these provided for apportionment on a population basis in each house with a special commission established to reapportion after each decennial census if the legislature failed to do so. That plan was defeated by a vote of 492,923 to 319,456. The other plan was adopted 437,003 to 363,208, and is the one now in force. It has since been reapproved three times by vote of the people of the State at large. Thus, the people had a clear-cut choice between thoroughgoing majority control and a system of checks and balances. They chose the latter.

The plan—the so-called Federal plan—bases one house, the assembly, on population; the other, the senate, on geographic or county districts. The arrangement is such that a majority of the senate, no matter from which counties or districts it is made up, necessarily represents a major part of the State's area, and, accordingly, a major part of its resources and interests. No legislative measure unduly favoring a small part of the State area or interests or affecting adversely the larger part of them is likely to achieve such a majority. The senate, therefore, has been the house in which every element of the State's makeup has an effective voice; and because of that fact it has served well the proper function of a second house, that is, to act as a check on, a balance to, the disproportion that can and not infrequently does result from unbridled or unlimited popular control.

Under that plan California has prospered and grown beyond the predictions of even its most optimistic prophets of the earlier days. It is now the most populous State in the Union. It is at or very near the top in the extent and value of its agricultural, mineral, manufacturing, and financial production. While population has continued to be centered in the two metropolitan areas of San Francisco and Los Angeles, the whole State has shared in that growth. Nonetheless, a majority of the population is found, as in 1926, in just a handful of counties out of its 58.

That growth, with its concomitant economic development, could not have taken place in the relatively orderly fashion in which it occurred, or with as relatively little dislocation of or strain upon the local and State-wide government as was experienced, without the Federal plan of legislative representation.

The many problems—statewide in their consequences, but frequently local or provincial in their incidence—produced by that growth could not have been equitably or wisely solved by considerations dictated entirely or largely by the immediate benefits to one area or one set of interests rather than those of the State as a whole. Such problems were of vast magnitude and a biased or distorted solution of them, while perhaps favoring and seemingly benefiting one area greatly, could in the long run have been disastrous to the State as a whole. Such problems, for example, as how to distribute the water resources, concentrated in the sparsely populated counties of the north, in a way that it would take into account not merely numbers but the present and reasonably anticipatable real needs of every part of the State; or how to distribute fairly throughout the State the enormous tax load made necessary by the influx of peoples into the State and, by the same token, how to distribute the resulting revenue for the ultimate good and a meeting of the real needs of the entire State, not just or primarily a small, but heavily populated part of it. While taxes may be paid by checks signed by individuals, it is after all property of some kind that in reality bears the tax, even when not laid directly on that property. Numbers alone, therefore, are not the only matter to consider in solving the perennial problems of fairly distributing the tax load.

For the solution of problems such as these—there are many others similar—something more than a local or provincial point of view is needed. It is the great value of the so-called Federal plan that it prevents such a narrow point of view from becoming the dominant one, by forcing reconciliation of all the varied and not infrequently competing attitudes and predispositions that are effectively represented in the Senate.

This is not to say that a representative from a populous center cannot, but only one from a small or rural community can, take the larger view of a State's problems. Neither type of community has a monopoly of virtue or vice or of public-spirited citizens. It is to say, however, that because of the exigent pressures of local public opinion, of immediate and pressing local needs, of natural local pride, of the competitive drive to be first and of the natural human trait of self-serving concern for one's own interests, the local rather than the larger view tends naturally to come to the front and to color if not indeed to control one's thinking. The Founding Fathers knew this truth and provided for it in the legislative system they set up. In the Federalist, No. 51, we find this perceptive comment:

"It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be unsecured."

And in the report of a Study Commission on Senate Reapportionment, which made an extensive study of the California problem, it is said:

"On quite a different level of importance in drawing a parallel between the California Senate and the U.S. Senate was a point made by Supervisor Bruce McKnight, chairman of the San Joaquin County Board of Supervisors. What would have happened to the potentiality for development of each new stage of the western frontier in the event representation in both Houses of the U.S. Congress had been based on population? Supervisor McKnight's point takes on profound meaning when one recalls in early U.S. history the bitterness with which eastern seaboard communities fought to maintain economic advantages and political dominance over the frontier. Had the established population centers controlled the U.S. House and Senate and had their representatives been men of narrow vision, the tremendous advance of these United States in a relatively short century and a half might not have been possible."

The foregoing background leads to an insight into the impact that will be produced upon a State such as California of a requirement that both houses of its legislature be constituted strictly in proportion to population. That impact may be appreciated by thinking of a legislature so constituted, in relation to its probable or possible action on problems of the sort that in California have been solved in a pretty satisfactory and equitable way under the Federal plan.

Take for example, the use and distribution of water. Most of the State's water resources originate in the northern counties, as yet without the numbers of people and the agricultural and industrial development that would require them to use locally all or a large part of that water. They are, however, the counties that, by reason of their natural resources, the beauty of their mountainous setting, their large area, and the filling up of the southern portions of the State, are bound to bear a good share of California's future growth. Conservation of some substantial part of the water that they have is, therefore, a wise precaution against that future need. On the other hand, there is at present, and there will be increasingly, a need for water elsewhere in the State. High in the list of the counties which are water needy, are the large population centers, especially now that southern California's supply from the Colorado River will be limited by the operation of the Supreme Court's decision in *Arizona* v. *California*.

It is possible and certainly not improbable that a metropolitan population controlling all governmental power, executive and legislative, and driven to desperate or short-sighted measures by pressing immediate needs, would arrogate to itself all or most of the available supply, to the prejudice and injury of the rest of the State. To guard against such a possibility in a fair and equitable way would be wise. Such a way is the Federal plan. Under it a grab of the sort just cited could not happen, because of the senate's check on the otherwise unrestricted power of the popular majority in the other house.

It has not happened. Instead, the normal workings of the legislative process, requiring in California satisfaction of a fair cross-section of all of the State's interests in the senate, has resulted in agreement upon a water plan that makes northern water available in fair proportions to all parts of the State, including the small counties of origin—counties that on a population basis of representation would have no effective voice in the matter in either house.

Education is another example of potential adverse impact. California has achieved an enviable reputation for the distinction of its system of higher education. The Berkeley campus of the University of California, is generally acknowledged to be among the top three universities in the country. It has more Nobel laureates on its faculty than any other institution in the world, and has gained great distinction in virtually every field of university instruction and research. That eminence is due in no small part to the generous financial treatment the university has received from the legislature. The Los Angeles campus of the university also, and for the same reason, has made great strides toward eminence. Seven other campuses spaced throughout the State are in process of development to meet the needs of an extraordinarily large enrollment projected for the next few years. To provide for the even larger group whose needs are somewhat different and who, though in the upper third of their high school classes, cannot meet the university's very high entrance requirements, an extensive State college and junior college system exists and is being enlarged.

Probably nowhere else are there found the local pride and the striving for pre-eminence than are found in the collegiate field. An annual or biennial struggle between the university campuses or the individual State colleges, or between the university system and the State college system for an undue share of the available legislative appropriations of money, and for other privileges, could be destructive to those institutions situated out of the areas of concentrated population, and reduce them to mediocrity. This has happened in other States.

A fruitful field for the play of personal and local self-interest is taxation. The State's sources of tax revenue are not boundless, especially in view of the heavy burden of Federal taxation that all of us bear. The devising of a tax system that will not press down disproportionately on any class, interest or area is not a matter for parochial minds, but for those who can and will take all elements of the problem into consideration.

The same is true in respect of the subjects upon which tax revenues are expended. There is little need for a State government if the theory, so often voiced locally, that tax expenditures in a given area should equal the tax revenues drawn from it is to prevail. Taxes collected on a uniform statewide basis ought to be used as needed in the best interests of the State as a whole, regardless of the geographical source of the funds. Such problems of assessment, collection and expenditure of tax revenues also need the statewide rather than the local or provincial point of view. Local domination of State government would be mischievous in this field.

Under the Federal plan, however, California's solution of this problem has been, on the whole, a fair one, and one under which the large cities have not suffered. For a few, but typical examples, one should consider such legislation initiated in the Senate as that which allocates a substantial part of the State's gasoline tax to use for acquisition, construction, and maintenance and improvement within cities. This and similar legislation has made possible construction of the extensive and elaborate freeway system in Los Angeles and San Francisco. State legislation made possible construction of the mighty San Francisco and Golden Gate Bridges. All tax revenues collected by the State in lieu of property taxes, as for instance from public utilities, are distributed to the cities.

A legislature based on the Federal plan tends strongly to adoption of the statewide view, for without the concurrence of enough Senators to insure that undue subservience has not been given to purely local or selfish needs, no measure can be enacted. The two or three examples discussed are intended to illustrate the impact on a State such as California of the requirement that both legislative houses be based strictly on population. A similar impact can be expected in relation to every important legislative problem having a statewide significance.

It is no answer to the imbalance that may result from locally slanted legislation, to say, as the Supreme Court said, that "our constitutional system amply provides for the protection of minorities."

The kind of imbalance or inequity likely to result from the predominance of a local point of view in a legislature, for example, the unfair distribution of tax funds, would seldom, if ever, raise any Federal or constitutional question cognizable in a Federal court. The inequities would generally be of a kind that operated, not directly against individuals but against cities or counties or other political subdivisions. Even if the inequity could be said to involve a Federal constitutional question, no judicial relief could be gotten, as no one would have standing to raise the question. The individual would be without standing because not directly affected or affected in a way peculiar to himself and different from the effect upon the public at large. The political subdivision directly affected could not raise it, because it has been held, by both the Supreme Court of the United States and the Supreme Court of California that such a subdivision has no constitutional rights against the State whose child it is.

There are other problem areas. For instance, California's diversity and proliferation of numerous particularized or local interests has resulted in the creation of literally thousands of special districts, 5,448 in number, such as school districts, and the like. Many of these districts are governed, at least in respect to the selection of their governing boards, on an elective basis; and in many of the districts, especially those whose purpose is to confer special benefits on land within their area, paying for their cost by assessments levied in proportion to benefit, the right to vote is granted and proportioned in relation to value of the property holdings serviced by or included in the particular district. Such a system of voting, of course, does not literally comply with the 1-for-1 requirement of the reapportionment decisions. The decisions, therefore, cast serious doubt on the validity of numerous California laws relating to the operation of these districts and may serve to invalidate a system of operation that has become traditional and well-accepted, and has served the State well.

In a State physically formed and with its population distributed as in California, districting on an equal population basis becomes a problem of great difficulty. Assuming a senate of manageable size—e.g., 40 members, as the California Senate now is, each senatorial district should have in it about 450,000 people—a population larger than at least 5 of our States. Putting the least populous counties into such districts would requre a district of tremendous size—so large that notwithstanding modern communications, the lines of communication between the district's representative and his constituency would be seriously attenuated. Further, it would require lumping in one district, areas of radically different geographic and climatic characteristics producing different types of economic activity and living conditions, thus grouping under one representation competing and not infrequently conflicting interests. Imagine, for example, a district split down the middle by the High Sierras, with sparsely populated desert lands on one side, and rich farming or timberlands on the other, and with a coastal type of economy and preoccupations on its oceanward fringe.

On behalf of the Senate of the State of California I urge prompt action by the Congress of the United States to the end that there will be passed a law, the substance of which will provide that in a State having a bicameral legislative system one of the houses of said legislature may be elected other than by population.

Mr. SICKLES. Mr. Chairman, the June 15 ruling of the Supreme Court has caused political turmoil throughout this Nation. At the State level many traditional centers of power have been shaken by the Court's one-man, one-vote decision. Political leaders, along with the people and economic interests in the districts they represent, are naturally quite concerned over the prospects of a loss of political power. We in Congress can understand their concern because we will probably lose the right of decisionmaking in areas where we now have the opportunity to exercise it.

In my view, however, the Court's decision represents a positive step in the direction of doing what the great bulk of the Americans desire to do both practically and theoretically; that is, solve their basic problems at the level of government that is closest to them. The Supreme Court decision will have a tremendous positive impact on the vitality of State government and the willingness of States to deal with most of the governmental problems within their borders. It will also provide a new lease on life for county governments, encouraging them to solve problems at the local level rather than running to the State capitals for a solution.

Many of our so-called States righters in this country have failed to recognize that the problems people expect government to resolve will not solve themselves. If the people do not get relief at the local level or the State level, they will probably come to Washington with their problems.

Many people today are concerned with the growth of the Federal Government, but I submit that they should also consider why the Federal Government has grown. One reason, of course, is the fact that there are more problems today which of necessity must be met at the Federal level such as our national defense posture, but surely another is the seeming reluctance on the part of many States to meet the legitimate needs of their people.

Although the Congress will lose a degree of political influence when reapportionment finally takes place, that fact does not deter me from supporting the Court decision. I do so because I think it is fair and because it makes sense to solve the problems government deals with at a level as close to the people as possible.

Regarding the alleged return to tradition under the bill before us today, may I remind my colleagues that: The original constitutions of Pennsylvania, New York, and South Carolina put both houses on the basis of population; and as a report of the Advisory Commission on Intergovernmental Relations noted:

> The original constitution of 36 States required that representation [in the State legislature] be based completely or almost so on population.

Many State legislatures, to this date, have not complied with their constitutional duties regarding reapportionment.

As of November 1961, 15 States had constitutional provisions for representation in which both houses of the State legislature are based on population and 9 States have both houses based on population with slight modification in 1 house.

Changing constitutional principles is a serious matter, not to be undertaken in haste, nor without considering every aspect of the problem. Many who support the bill we are considering feel that the practical effect of the Reynolds against Sims decision will be a trampling on the rights of minorities. While this may prove to be a legitimate concern, in my view it is not likely to occur.

The bill does a tremendous injustice by virtue of the haste with which it is being pressed; its purpose is to negate the Court's decision. The passage of this bill could easily herald a return to the present situation, where, for example, in malapportioned Maryland 14 percent of the population can elect control of the State senate.

Certainly neither the Congress nor the vast majority of the American people should welcome the maintenance of the status quo. The need for rectification of this situation as has been granted by the Supreme Court is long overdue. It is my sincere hope that the Congress will take into consideration the inequities existing in our present system and realize that a hastily drawn measure is not the way to deal with a Supreme Court decision which has many potential advantages and no proven detriments.

The principles of democratic government should not be shattered by hasty vindicative action.

Mr. WHITTEN. Mr. Chairman, it is my belief that today this House of Representatives has perhaps one of its greatest opportunities to help save our great Nation. Truly, unless the Tuck bill, pending before us, is passed, checking to a degree a rampant and dictatorial Supreme Court, all the work of our forefathers in setting up a nation of checks and balances, of three equal and coordinate branches, executive, legislative, and judicial, will have been destroyed; for perhaps if this House of Representatives fails to stand up now—it may never have another chance.

Mr. Speaker, I pointed out many years ago, in this RECORD, in fact, that the present Chief Justice, Mr. Warren, when Governor of California said that he was pledged to use all the power at his command to carry out the platform of a political party. Half Norwegian and half Swedish, Mr. Warren's background was one of state socialism and not that of one who had grown up on the principles of English jurisprudence on which our Constitution is based. Since he became Chief Justice it has become so very apparent that his whole course has been contrary to and different from the principles on which our Nation was founded; and the authorities he quoted in the Brown case, 1954, clearly shows these facts.

Truly, since he became Chief Justice, not only he but a majority of his Court have set out to destroy the established rulings of his distinguished predecessors of many, many years. As I have said before and say now, history shows that no dictator ever stops short of taking it all. Power breeds on power. So it has been with the Warren Court. Beginning with the Brown decision in 1954, the Court has from day to day broadened its grab of power. Where in the Brown case, decisions of many generations were upset and forced segregation was prohibited, the same Court now has misconstrued the Constitution to mean that forced integration is in order.

Perhaps the recent decision in the Virginia case by a three-judge Federal court is the best illustration of just how far the Warren Court has gone in setting itself up as a judicial autocracy. In that case a three-judge Federal court ordered the State of Virginia to take certain legislative action on or before a certain date, or else the court would write such legislation for it. On appeal to the Supreme Court the Supreme Court upheld the decision by the three-judge court. Just think what that means. It means the Court is assuming to itself the right to determine what legislation should be passed by a State, and if not passed by the State legislatures, the Court claims to itself the right to enact legislation for such State. Anyone who can understand the English language is bound to know that means full and complete judicial autocracy.

RESTRICTION OF SUPREME COURT AUTHORIZED

Fortunately, the Founding Fathers recognized that there would have to be some check on the Supreme Court, since there would be no appeal from the decisions of such Court. For that reason, after listing certain rights of the Supreme Court, they provided the following provision in the Constitution, and I quote:

> In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and to fact, with such exceptions, and under such regulations as the Congress shall make.

Today we are here assembled in an effort to exercise that limitation provision of the Constitution, virtually the only deterrent to a grab for power never before seen by any group of judges in history. I hope that this House of Repsentatives will show to the Court and to the country that there still exist in the land people who believe in the Constitution as it was written and who oppose this new idea of a "living, breathing" Constitution that can be construed to mean anything that may be desired by a majority of the present Supreme Court.

ANARCHY PREVAILS

I know in recent weeks many people have been greatly disturbed at the absolute disregard for local law, for States rights, for property rights, yes, and for individual and personal rights by mobs and paid rioters in virtually every section of the United States.

We should not be surprised at this lack of regard for anything which smacks of local law. We should not be surprised at the disregard for personal rights, the hatred for local police, the lack of respect for State or local judges, because, Mr. Speaker, under the leadership of the Supreme Court a whole generation has seen the might of the Federal Government used to destroy local self-government; and in the process State and local rights have been destroyed and much of the press, radio, and television has joined in holding local authorities up to ridicule.

Beginning when the might of the Federal Government was put behind one minority race in the armed services in 1943 as against the majority race; then with Little Rock, where the might of the Federal Government, "soldiers with bayonets," were shown on the television screens of this country in use against the local officers and local people; and in recent years where it has mattered little in any section of the country what a State or local judge did or what a local policeman or local officer might do, regardless of how sincere, conscientious, and hard working they might be, this new generation has seen these actions set aside and held for naught under the supervision of this autocratic Warren Court, or in some cases, by even one judge of such Court.

Yes, we have seen rapists and murderers released by that Supreme Court and lower Federal courts, following its directives after conviction at the State court level, not because they were innocent but because some officer had not followed the dictates of the Supreme Court so far as the manner of arrest, so far as the time of arraignment, or other things, such as confessions. These thieves, murderers, and rapists have been released on an innocent people by this Court, in violation of all the rules of stable government. Instead of the guilty being punished, it is the American people who have been punished, and many even killed.

Perhaps this decision which we attempt to correct today, whereby the Supreme Court has claimed unto itself the right to prohibit and upset State legislatures and State government from maintaining for themselves a facsimile of our Federal system, a type of government which existed when the Constitution was formed, which is on a parallel with the Federal Constitution and on which this Congress has not ever legislated, could be our last chance. If the Court gets by with this decision, truly there will be nothing left that it will not claim unto itself the right to do.

SUPREME COURT, IF NOT RESTRICTED, COULD ABOLISH SENATORS

I would point out that the Court could next set aside the constitutional provision for two U.S. Senators to represent each State, regardless of population. The Court could set aside the electoral college system and everything else on which our Nation was founded and has stood these many years. Already the Court has taken unto itself the right to determine who shall sit in the House of Representatives, in direct violation of the Constitution.

Mr. Chairman, as I pointed out sometime ago, it took more than a thousand years for our forefathers to wrest from the crown the right of local self-government; the right to work and save and thereby accumulate capital; the right to own property, the incentive for putting forth effort; the right to individual freedom from molestation by others; the right to choose and have one's religion; and the right to have a government of laws instead of men to protect these rights.

Mr. Chairman, is not it a sad commentary that here a thousand years later, we are faced with the necessity of again trying to wrest away from an autocratic Supreme Court these same basic rights. This Court is led by men who have no regard whatsoever for English history, who respect in no way the sanctity nor the provisions of our Constitution based on the experience of a race which stands out in its capacity at self-government, which really means self-restraint, which were built upon the experience of thousands of years, who would destroy everything we hold near and dear though many of us come from other races, but who recognize the basis and soundness of our form of government, all in an effort to take unto themselves power equal to that ever held by any dictator.

Mr. Chairman, I hope today that we will give an overwhelming vote for the pending bill and regain the confidence of the American people, which this Congress has so sadly lost by failing to stand up to a branch of government which should be equal and coordinate but never the master of the legislative and executive branches—and of the States and of the people.

UNRESTRAINED COURT COULD SUBSTITUTE UNITED NATIONS CHARTER

Unless this latest action is successfully challenged the next decision might well place the Charter of the U.N. as taking precedence over the right of the American people, as set out in the Constitution of the United States. All it would take is for a majority of these nine powerful and, to a great degree, irresponsible men, the Supreme Court, to determine that such action was for any reason desirable.

Mr. Chairman, we must act now.

Mr. PEPPER. Mr. Chairman, this House is today engaged in the consideration of the most solemn and the most significant constitutional questions and in the making of decisions which vitally affect the basic rights of the citizens of this country. Thomas Jefferson wrote in the Declaration of Independence that governments derive their just powers from the consent of the governed. This bill would deny to the majority of citizens living in the urban areas of this country the right to give or withhold their consent to the operation of their State governments through their several State legislatures. This bill is a frontal and unabashed assault upon the integrity of the judicial system of this country and upon the Constitution of the United States as a shield for the protection of the voting rights of the people of this country for the members of their several legislatures. If this bill were the law of the land the decision of the U.S. Supreme Court in Reynolds against Sims, that equality of voting rights for members of the legislatures of the several States by the people of such States is a right which can and should be protected in the Federal courts of the Nation and by the U.S. Supreme Court, would be overruled and made null and void by the Congress of the United States which under the Constitution is vested only with legislative power. This bill proposes a dangerous doctrine, Mr. Chairman, that the declared constitutional right of the citizens of this country can be stricken down and utterly denied by an act of the Congress.

This issue means much, Mr. Chairman, to my district and to my State of Florida. The Florida constitution, since our first one in 1838, has required substantial equality in voting units selecting the members of the senate and the members of the house of representatives. Both our first constitution of 1838 and our second and last constitution of 1885 provided for reapportionment of the senate and the house of representatives every 10 years. Notwithstanding the provisions in our constitutions since 1838, no State legislature has, prior to the decision of the United States in Baker against Carr, reapportioned our legislature at the end of any decade. Prior to Baker against Carr only in 1923 did the legislature propose and the people adopt a constitutional amendment increasing membership in our State senate to 38 and in our house of representatives to 95. Until Baker against Carr, Dade County, a part of which I have the honor to represent in this House, had a population of approximately 1 million people, constituting about a fifth of the population of the State. Yet, under the constitutional amendment of 1923, Dade County had 1 member of a senate of 38 and 3 members of a house of 95. Moreover Dade County, with a population of about a million, had one State senator while Jefferson County had one State senator. Dade County had three representatives in the house; Jefferson County had one member of the house. Jefferson County had 10,000 population. Therefore, one senator in Jefferson County represented 10,000 people while in Dade county he represented a million people; one representative in Jefferson County represented 10,000 people while one representative in Dade County represented over 300,000.

When the U.S. Supreme Court decided Baker against Carr, a three-judge Federal court soon convened and found the system of legislative apportionment prevailing in Florida was in violation of the Constitution of the United States. The court gave the Florida Legislature a reasonable time to reapportion. The Florida Legislature did reapportion and gave greater representation in the senate and the house to the urban areas of the State. However, even under the new apportionment, directly resulting from Baker against Carr, Dade County with a million population has two senators out of a senate of 35 and 14 representatives out of a house of 105.

Although this reapportionment has meant progress in fair representation of the populous areas of Florida even now in the smallest senatorial district in Florida 1 senator represents 17,711 people while 1 senator in the largest senatorial district, my county of Dade, represents 467,525 people. The average population of senatorial districts in the State is 115,152, while the smallest is, as I said, of a population of 17,711. Even now, under the improved reapportionment which Baker against Carr made possible, fifteen and two-tenths percent of the people of Florida can elect control of the Florida senate. In the smallest district in the house 1 representative represents 2,868 people whereas in the largest house district 1 representative represents 66,788 people. The average number of people represented by the members of the house is 44,210. Twenty-six and nine-tenths percent of the people of Florida, even under the present improved apportionment which Baker against Carr made possible, can elect control of the Florida house of representatives.

Hence, the County of Dade and the other larger counties of Florida were gratified when the U.S. Supreme Court decided Reynolds against Sims holding that every voter in every State was entitled to substantially equal weight in voting for all the members of the legislatures of the several States. The Tuck bill would strike down Reynolds against Sims and strip the people of my district, my county and my State, from the protection of their voting rights for the members of the State legislature which this decision accords. Since we have no hope in the forseeable future of getting any improvement from the legislature of Florida or from Florida courts, denial to us of the principle so rightly established in Reynolds against Sims condemns the majority of the citizens of Florida to the discrimination to which they have long been and still are subject.

The U.S. Supreme Court has been attacked for its decision in Reynolds against Sims and in companion cases as usurping power, setting itself up as an oligarchy, and in substantially assuming the role of dictators, bent upon nothing save gratifying its lust for power and devouring the rights of the people of the country. But what did the U.S. Supreme Court hold in Reynolds against Sims? On page 42 of its opinion handed down June 15, 1964, by the distinguished Chief Justice, the Court said:

> By holding that as a Federal constitutional requisite both houses of a State legislature must be apportioned on a population basis, we mean that the equal protection clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable.

Again on page 44 of the same opinion, the Supreme Court through the Chief Justice said:

> So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational State policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral State legislature.

So the Court simply held that every voter was entitled to have his vote count substantially the same as every other voter in the election of all the members of the legislature of the several States. The Court agreed that it would recognize substantial and practical equality and even divergences based on legitimate considerations incident to the effectuation of a rational State policy in the apportionment of the seats in the legislatures of the several States.

Is this the sort of stuff of which oligarchies and dictatorships are made? Is a Supreme Court which solemnly assures, in its interpretation of the Constitution of the United States that in voting for members of the legislature of the several States, every voter shall have his vote count substantially the same as every other voter, devouring the liberties of the people of this country? On the contrary, how could every voter be better protected than to stand on an equal basis with all of his fellow voters?

Mr. Chairman, since 1789 in the original judicial act adopted by the first Congress the U.S. Supreme Court has had the right to review decisions of the highest courts of the several States affecting the constitutional rights of the citizens of this country. That right of review, in respect to apportionment in the State legislatures, would be stripped from the Supreme Court by the Tuck bill. The right of review of any decision respecting apportionment rendered by any district court of the United States would be taken away from the Supreme Court by the Tuck bill. The district courts of the United States would be denied the right and the power to protect the constitutional right of the voters of the several States to substantial equality in the value of their vote in the election of the members of their several legislatures. It is clear, Mr. Chairman, that a bill with such a purpose is unconstitutional. Indeed, the U.S. Supreme Court in Reynolds against Sims, perhaps anticipating such an attack as this bill presents, said:

> In any event, congressional approval, however well considered, could hardly validate an unconstitutional State legislative apportionment. Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

This bill, therefore, Mr. Chairman, threatens not only the constitutional rights of the voters of this country in the election of the members of their legislatures; it threatens every constitutional right declared to exist and protected by the Supreme Court of the United States. Does the holding of the U.S. Supreme Court that in electing the members of the legislatures of the several States that one person is entitled to one vote justify this assault upon the Constitution of the United States and the judicial system under which it is preserved? Has the U.S. Supreme Court in according equality in voting power to the several electors of the several States in the election of the members of their legislatures done so monstrous a thing as to deserve that its power be emasculated to afford protection to the citizens of this country in the enjoyment of their constitutional rights? Mr. Chairman, under the Constitution of the United States this House has the right to impeach any and every member of the Supreme Court of the United States and utterly, if the Senate concurs, to oust them of their power and to strip them of their authority. If they have committed so heinous a wrong against the citizens of this country as to deserve such violent attack as this bill affords why have there been no resolutions of impeachment against the Chief Justice who wrote the opinion in Reynolds against Sims, and all the Justices save one, who concurred in it?

No, Mr. Chairman, this bill is not designed to protect the constitutional rights of the people of this country from the assaults of the U.S. Supreme Court; it is, I must say, designed to protect the special interests of this country, economic, political and otherwise, from the salutary protection of the Constitution of the United States and the U.S. Supreme Court. This bill, Mr. Chairman, is not designed to confer more rights upon the people but to protect the minority in continuing to discriminate against the majority in the election of representatives and senators in the legislatures of the several States.

Mr. Chairman, I have long had a profound respect for this great House. Since I have had the honor to be a member of it in the 88th Congress, to my respect has been added affection. I deeply hope, Mr. Chairman, that this great House, which by the Constitution and tradition, is the champion of the people, will not by the passage of this measure turn its back upon the people. I earnestly hope that this great House which has done so much to promote democracy in the world will not turn its face against democracy at home.

Mr. Chairman, under the authority previously given to Members to revise and extend their remarks, I submit for inclusion in the RECORD following my remarks the decision of the U.S. Supreme Court in Reynolds against Sims; page 1219 for the week ending June 19, 1964, of the Congressional Quarterly dealing with "State legislative districts compared"; and an article in the August 16, 1964, issue of the Miami Herald entitled "Florida's Case History—Reapportionment: Now—Or Maybe Never?"

(In the Supreme Court of the United States, Nos. 23, 27 and 41; October term, 1963; on Appeals from the United States District Court for the Middle District of Alabama)

B. A. REYNOLDS, ETC., ET AL., APPELLANTS, *v.* M. O. SIMS ET AL.; DAVID J. VANN AND ROBERT S. VANCE, APPELLANTS, *v.* AGNES BAGGETT, SECRETARY OF STATE OF ALABAMA ET AL.; JOHN W. MCCONNELL, JR., ET AL., APPELLANTS, *v.* AGNES BAGGETT, SECRETARY OF STATE OF ALABAMA ET AL.

Mr. Chief Justice Warren delivered the opinion of the Court.

Involved in these cases are an appeal and two cross-appeals from a decision of the Federal District Court for the Middle District of Alabama holding invalid, under the Equal Protection Clause of the Federal Constitution, the existing and two legislatively proposed plans for the apportionment of seats in the two houses of the Alabama Legislature, and ordering into effect a temporary reapportionment plan comprised of parts of the proposed but judicially disapproved measures.[1]

I

On August 26, 1961, the original plaintiffs (appellees in No. 23), residents, taxpayers and voters of Jefferson County, Alabama, filed a complaint in the United States District Court for the Middle District of Alabama, in their own behalf and on behalf of all similarly situated Alabama voters, challenging the apportionment of the Alabama Legislature. Defendants below (appellants in No. 23), sued in their representative capacities were various State and political party officials charged with the performance of certain duties in connection with State elections.[2] The complaint alleged a deprivation of rights under the Alabama Constitution and under the Equal Protection Clause of the Fourteenth Amendment, and asserted that the District Court had jurisdiction under provisions of the Civil Rights Act, 42 U.S.C. 1983, 1988, as well as under 28 U.S.C. 1343(3).

The complaint stated that the Alabama Legislature was composed of a Senate of 35 members and a House of Representatives of 106 members. It set out relevant portions of the 1901 Alabama Constitution, which prescribe the number of members of the two bodies of the State Legislature and the method of apportioning the seats among the State's 67 counties, and provide as follows:

"Art. IV, sec. 50. The legislature shall consist of not more than thirty-five senators, and not more than one hundred and five members of the house of representatives, to be apportioned among the several districts and counties, as prescribed in this Constitution; provided that in addition to the above number of representatives, each new county hereafter created shall be entitled to one representative.

"Art. IX, sec. 197. The whole number of senators shall be not less than one-fourth or more than one-third of the whole number of representatives.

"Art. IX, sec. 198. The house of representatives shall consist of not more than one hundred and five members, unless new counties shall be created, in which event each new county shall be entitled to one representative. The members of the house of representatives shall be apportioned by the legislature among the several counties of the state, according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States, which apportionment, when made, shall not be subject to alteration until the next session of the legislature after the next decennial census of the United States shall have been taken.

"Art. IX, sec. 199. It shall be the duty of the legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the state, according to the number of inhabitants in them, respectively; provided, that each county shall be entitled to at least one representative.

"Art. IX, sec. 200. It shall be the duty of the legislature at its first session after taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of senators, and to divide the state into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more; and such districts, when formed, shall not be changed until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the legislature may be attached to senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

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[1] *Sims* v. *Frink,* 208 F. Sup. 431 (D.C.M.D. Ala. 1962). All decisions of the District Court in this litigation are reported sub nom, *Sims* v. *Frink.*

[2] Included among the defendants were the Secretary of State and the Attorney General of Alabama, the Chairmen and Secretaries of the Alabama State Democratic Executive Committee and the State Republican Executive Committee, and three Judges of Probate of three counties, as representatives of all the probate judges of Alabama.

"Art. XVIII, sec. 284. * * * Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments."

The maximum size of the Alabama House was increased from 105 to 106 with the creation of a new county in 1903, pursuant to the constitutional provision which states that, in addition to the prescribed 105 House seats, each county thereafter created shall be enitled to one representative. Article IX, §§ 202 and 203, of the Alabama Constitution established precisely the boundaries of the State's senatorial and representative districts until the enactment of a new reapportionment plan by the legislature. These 1901 constitutional provisions, specifically describing the composition of the senatorial districts and detailing the number of House seats allocated to each county, were periodically enacted as statutory measures by the Alabama Legislature, as modified only by the creation of an additional county in 1903, and provided the plan of legislative apportionment existing at the time this litigation was commenced.[3]

Plaintiffs below alleged that the last apportionment of the Alabama Legislature was based on the 1900 federal census, despite the requirement of the State Constitution that the legislature be reapportioned decennially. They asserted that, since the population growth in the State from 1900 to 1960 had been uneven, Jefferson and other counties were now victims of serious discrimination with respect to the allocation of legislative representation. As a result of the failure of the legislature to reapportion itself, plaintiffs asserted, they were denied "equal suffrage in free and equal election * * * and the equal protection of the laws" in violation of the Alabama Constitution and the Fourteenth Amendment to the Federal Constitution. The complaint asserted that plaintiffs had no other adequate remedy, and that they had exhausted all forms of relief other than that available through the federal courts. They alleged that the Alabama Legislature had established a pattern of prolonged inaction from 1911 to the present which "clearly demonstrates that no reapportionment * * * shall be effected"; that representation at any future constitutional convention would be established by the legislature, making it unlikely that the membership of any such convention would be fairly representative; and that, while the Alabama Supreme Court had found that the legislature had not complied with the State Constitution in failing to reapportion according to population decennially,[4] that court had nevertheless indicated that it would not interfere with matters of legislative reapportionment.[5]

Plaintiffs requested that a three-judge District Court be convened.[6] With respect to relief, they sought a declaration that the existing constitutional and statutory provisions, establishing the present apportionment of seats in the Alabama Legislature, were unconstitutional under the Alabama and Federal Constitutions, and an injunction against the holding of future elections for legislators until the legislature reapportioned itself in accordance with the State Constitution. They further requested the issuance of a mandatory injunction, effective until such time as the legislature properly reapportioned, requiring the conducting of the 1962 election for legislators at large over the entire State, and any other relief which "may seem just, equitable and proper."

A three-judge District Court was convened, and three groups of voters, taxpayers and residents of Jefferson, Mobile, and Etowah Counties were permitted to intervene in the action as intervenor-plaintiffs. Two of the groups are cross-appellants in Nos. 27 and 41. With minor exceptions, all of the intervenors adopted the allegations of and sought the same relief as the original plaintiffs.

On March 29, 1962, just three days after this Court had decided *Baker* v. *Carr*, 369 U.S. 186, plaintiffs moved for a preliminary injunction requiring defendants to conduct at large the May 1962 Democratic primary election and the November 1962 general election for members of the Alabama Legislature. The District Court set the motion for hearing in an order stating its tentative views that an injunction was not required before the May 1962 primary election to protect plaintiffs' constitutional rights, and that the Court should take no action which was not "absolutely essential" for the protection of the asserted constitutional rights, before the Alabama Legislature had had a "further reasonable but prompt opportunity to comply with its duty" under the Alabama Constitution.

On April 14, 1962, the District Court, after reiterating the views expressed in its earlier order, reset the case for hearing on July 16, noting that the importance of the case, together with the necessity for effective action within a limited period of time, required an early announcement of its views. 205 F. Supp. 245. Relying on our decision in *Baker* v. *Carr*, the Court found jurisdiction, justiciability and standing. It stated that it was taking judicial notice of the facts that there had been population changes in Alabama's counties since 1901, that the present representation in the State Legislature was not on a population basis, and that the legislature had never reapportioned its membership as required by the Alabama Constitution.[7] Continuing, the Court stated that if the legislature complied with the Alabama constitutional provision requiring legislative representation to be based on population there could be no objection on federal constitutional grounds to such an apportionment.

The Court further indicated that, if the legislature failed to act, or its actions did not meet constitutional standards, it would be under a "clear duty" to take some action on the matter prior to the November 1962 general election. The District Court stated that its "present thinking" was to follow an approach suggested by MR. JUSTICE CLARK in his concurring opinion in *Baker* v. *Carr*[8]—awarding seats released by the consolidation or revamping of existing districts to counties suffering "the most egregious discrimination," thereby releasing the stranglehold on the legislature sufficiently so as to permit the newly elected body to enact a constitutionally valid and permanent reapportionment plan, and allowing eventual dismissal of the case. Subsequently, plaintiffs were permitted to amend their complaint by adding a further prayer for relief, which asked the District Court to reapportion the Alabama Legislature provisionally so that the rural stranglehold would be relaxed enough to permit it to reapportion itself.

On July 12, 1962, an extraordinary session of the Alabama Legislature adopted two reapportionment plans to take effect for the 1966 elections. One was a proposed constitutional amendment, referred to as the "67-Senator Amendment."[9] It provided for a House of Representatives consisting of 106 members, apportioned by giving one seat to each of Alabama's 67 counties and distributing the others according to population by the "equal proportions" methods.[10] Using this formula, the constitutional amendment specified the number of representatives allotted to each county until a new apportionment could be made on the basis of the 1970 census. The Senate was to be composed of 67 members, one from each county. The legislation provided that the proposed amendment should be submitted to the voters for ratification at the November 1962 general election.

The other reapportionment plan was embodied in a statutory measure adopted by the legislature and signed into law by the Alabama Governor, and was referred to as the "Crawford-Webb Act."[11] It was enacted as standby legislation to take effect in 1966 if the proposed constitutional amendment should fail of passage by a majority of the State's voters, or should the Federal courts refuse to accept the proposed amendment (though not rejected by the voters) as effective action in compliance with the requirements of the Fourteenth Amendment. The act provided for a Senate consisting of 35 members, representing 35 senatorial districts established along county lines, and altered only a few of the former districts. In apportioning the 106 seats in the Alabama House of Representatives, the statutory measure gave each county one seat, and apportioned the remaining 39 on a rough population basis, under a formula requiring increasingly more population for a county to be accorded additional seats. The Crawford-Webb Act also provided that it would be effective "until the legislature is reapportioned according to law," but provided no standards for such a reapportionment. Future apportionments would presumably be based on the existing provisions of the Alabama Constitution which the statute, unlike the proposed constitutional amendment, would not affect.

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[3] Provisions virtually identical to those contained in art. IX, secs. 202 and 203, were enacted into the Alabama Codes of 1907 and 1923, and were most recently reenacted as statutory provisions in secs. 1 and 2 of title 32 of the 1940 Alabama Code (as recompiled in 1958).

[4] See "Opinion of the Justices," 263 Ala. 158, 164, 81 So. 2d 881, 887 (1955), and "Opinion of the Justices," 254 Ala. 185, 187, 47 So. 2d 714, 717 (1950), referred to by the District Court in its preliminary opinion. 205 F. Supp., at 247.

[5] See *Ex parte Rice*, 143 So. 2d 848 (Ala. Sup. Ct. 1962), where the Alabama Supreme Court, on May 9, 1962, subsequent to the District Court's preliminary order in the instant litigation as well as our decision in *Baker* v. *Carr*, 369 U.S. 186, refused to review a denial of injunctive relief sought against the conducting of the 1962 primary election until after reapportionment of the Alabama Legislature, stating that "this matter is a legislative function, and the Court has no jurisdiction." And in *Waid* v. *Pool*, 255 Ala. 441, 51 So. 2d 869 (1951), the Alabama Supreme Court, in a similar suit, had stated that the lower court had properly refused to grant injunctive relief because "appellants are seeking interference by the judicial departments of the State in respect to matters committed by the constitution to the legislative department." 255 Ala., at 442, 51 So. 2d, at 870.

[6] Under 28 U.S.C. 2281 and 2284.

[7] During the over 60 years since the last substantial reapportionment in Alabama, the State's population increased from 1,828,697 to 3,244,286. Virtually all of the population gain occurred in urban counties, and many of the rural counties incurred sizable losses in population.

[8] See 369 U.S., at 260 (Clark, J., concurring).

[9] Proposed Constitutional Amendment No. 1 of 1962, Alabama Senate Bill No. 29, Act No. 93, Acts of Alabama, Special Session, 1962, p. 124. The text of the proposed amendment is set out as Appendix B to the lower court's opinion. 208 F. Supp., at 443-444.

[10] For a discussion of this method of apportionment, used in distributing seats in the Federal House of Representatives among the States, and other commonly used apportionment methods, see Schmeckebier, The Method of Equal Proportions, 17 Law and Contemp. Prob. 302 (1952).

The evidence adduced at trial before the three-judge panel consisted primarily of figures showing the population of each Alabama county and senatorial district according to the 1960 census, and the number of representatives allocated to each county under each of the three plans at issue in the litigation—the existing apportionment (under the 1901 constitutional provisions and the current statutory measures substantially reenacting the same plan), the proposed 67-Senator constitutional amendment, and the Crawford-Webb Act. Under all three plans, each senatorial district would be represented by only one senator.

On July 21, 1962, the District Court held that the inequality of the existing representation in the Alabama Legislature violated the Equal Protection Clause of the Fourteenth Amendment, a finding which the Court noted had been "generally conceded" by the parties to the litigation, since population growth and shifts had converted the 1901 scheme, as perpetuated some 60 years later, into an invidiously discriminatory plan completely lacking in rationality. 208 F. Supp. 431. Under the existing provisions, applying 1960 census figures, only 25.1% of the State's total population resided in districts represented by a majority of the members of the Senate, and only 25.7% lived in counties which could elect a majority of the members of the House of Representatives. Population-variance ratios of up to about 41-to-1 existed in the Senate, and up to about 16-to-1 in the House. Bullock County, with a population of only 13,462, and Henry County, with a population of only 15,286, each were allocated two seats in the Alabama House, whereas Mobile County, with a population of 314,301, was given only three seats, and Jefferson County, with 634,864 people, had only seven representatives.[12] With respect to senatorial apportionment, since the pertinent Alabama constitutional provisions had been consistently construed as prohibiting the giving of more than one Senate seat to any one county,[13] Jefferson County, with over 600,000 people, was given only one senator, as was Lowndes County, with a 1960 population of only 15,417, and Wilcox County, with only 18,739 people.[14]

The Court then considered both the proposed constitutional amendment and the Crawford-Webb Act to ascertain whether the legislature had taken effective action to remedy the unconstitutional aspects of the existing apportionment. In initially summarizing the result which it had reached, the Court stated:

"This Court has reached the conclusion that neither the '67-Senator Amendment' nor the 'Crawford-Webb Act' meets the necessary constitutional requirements. We find that each of the legislative acts, when considered as a whole, is so obviously discriminatory, arbitrary and irrational that it becomes unnecessary to pursue a detailed development of each of the relevant factors of the [Federal constitutional] test."[15]

The Court stated that the apportionment of one senator to each county, under the proposed constitutional amendment, would "make the discrimination in the Senate even more invidious than at present." Under the 67-Senator Amendment, as pointed out by the court below, "the present control of the Senate by members representing 25.1% of the people of Alabama would be reduced to control by members representing 19.4% of the people of the State," the 34 smallest counties, with a total population of less than that of Jefferson County, would have a majority of the senatorial seats, and senators elected by only about 14% of the State's population could prevent the submission to the electorate of any future proposals to amend the State Constitution (since a vote of two-fifths of the members of one house can defeat a proposal to amend the Alabama Constitution). Noting that the "only conceivable rationalization" of the senatorial apportionment scheme is that it was based on equal representation of political subdivisions within the State and is thus analogous to the Federal Senate, the District Court rejected the analogy on the ground that Alabama counties are merely involuntary political units of the State created by statute to aid in the administration of State government. In finding the so-called Federal analogy irrelevant, the District Court stated:

"The analogy cannot survive the most superficial examination into the history of the requirement of the Federal Constitution and the diametrically opposing history of the requirement of the Alabama Constitution that representation shall be based on population. Nor can it survive a comparison of the different political natures of states and counties."[16]

The Court also noted that the senatorial apportionment proposal "may not have complied with the State Constitution," since not only is it explicitly provided that the population basis of legislative representation "shall not be changed by constitutional amendments,"[17] but the Alabama Supreme Court had previously indicated that that requirement could probably be altered only by constitutional convention.[18] The Court concluded, however, that the apportionment of seats in the Alabama House, under the proposed constitutional amendment, as "based upon reason, with a rational regard for known and accepted standards of apportionment."[19] Under the proposed apportionment of representatives, each of the 67 counties was given one seat and the remaining 39 were allocated on a population basis. About 43% of the State's total population would live in counties which could elect a majority in that body. And, under the provisions of the 67-Senator Amendment, while the maximum population-variance ratio was increased to about 59-to-1 in the Senate, it was significantly reduced to about 4.7-to-1 in the House of Representatives. Jefferson County was given 17 House seats, an addition of 10, and Mobile County was allotted eight, an increase of five. The increased representation of the urban counties was achieved primarily by limiting the State's 55 least populous counties to one House seat each, and the net effect was to take 19 seats away from rural counties and allocate them to the more populous counties. Even so, serious disparities from a population-based standard remained. Montgomery County, with 169,210 people, was given only four seats, while Coosa County, with a population of only 10,726, and Cleburne County, with only 10,911, were each allocated one representative.

Turning next to the provisions of the Crawford-Webb Act, the District Court found that its apportionment of the 106 seats in the Alabama House of Representatives, by allocating one seat to each county and distributing the remaining 39 to the more populous counties in diminishing ratio to their populations, was "totally unacceptable."[20] Under this plan, about 37 percent of the State's total population would reside in counties electing a majority of the members of the Alabama House, with a maximum population-variance ratio of about 5-to-1. Each representative from Jefferson and Mobile Counties would represent over 52,000 persons while representatives from eight rural counties would each represent less than 20,000 people. The Court regarded the senatorial apportionment provided in the Crawford-Webb Act as "a step in the right direction, but an extremely short step," and but a "slight improvement over the present system of representation."[21] The net effect of combining a few of the less populous counties into two-county districts and splitting up several of the larger districts into smaller ones would be merely to increase the minority which would be represented by a majority of the members of the Senate from 25.1% to only 27.6% of the State's population.[22] The Court pointed out that, under the Crawford-Webb Act, the vote of a person in the senatorial district consisting of Bibb and Perry Counties would be worth 20 times that of a citizen in Jefferson County, and that the vote of a citizen in the six smallest districts would be worth 15 or more times that of a Jefferson County voter. The Court concluded that the Crawford-Webb Act was "totally unacceptable" as a "piece of permanent legislation" which, under the Alabama Constitution, would have remained in effect without alteration at least until after the next decennial census.

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[11] Alabama Reapportionment Act of 1962, Alabama House Bill No. 59, Act No. 91, Acts of Alabama, Special Session, 1962, p. 121. The text of the act is reproduced as Appendix C to the lower court's opinion. 208 F. Supp., at 445–446.

[12] A comprehensive chart showing the representation by counties in the Alabama House of Representatives under the existing apportionment provisions is set out as appendix D to the lower court's opinion. 208 F. Supp., at 447–449. This chart includes the number of house seats given to each county, and the populations of the 67 Alabama counties under the 1900, 1950, and 1960 censuses.

[13] Although cross-appellants in No. 27 assert that the Alabama constitution forbids the division of a county, in forming senatorial districts, only when one or both pieces will be joined with another county to form a multicounty district, this view appears to be contrary to the language of art. IX, sec. 200, of the Alabama constitution and the practice under it. Cross-appellants contend that counties entitled by population to two or more senators can be split into the appropriate number of districts, and argue that prior to the adoption of the 1901 provisions of the Alabama constitution so provided and there is no reason to believe that the language of the present provision was intended to effect any change. However, the only apportionments under the 1901 Alabama constitution—the 1901 provisions and the Crawford-Webb Act—gave no more than one seat to a county even though by population several counties would have been entitled to additional senatorial representation.

[14] A chart showing the composition, by counties, of the 35 senatorial districts provided for under the existing apportionment, and the population of each according to the 1900, 1950, and 1960 censuses is reproduced as appendix E to the lower court's opinion. 208 F. Supp., at 450.

[15] 208 F. Supp., at 437.

[16] Id., at 438.

[17] According to the district court, in the interval between its preliminary order and its decision on the merits, the Alabama Legislature, despite adopting this constitutional amendment proposal, "refused to inquire of the Supreme Court of the State of Alabama whether this provision in the constitution of the State of Alabama could be changed by constitutional amendment as the '67-senator amendment' proposes." 208 F. Supp., at 437.

[18] At least this is the reading of the district court of two somewhat conflicting decisions by the Alabama Supreme Court, resulting in "a manifest uncertainty of the legality of the proposed constitutional amendment, as measured by State standards * * *." 208 F. Supp., at 438. Compare Opinion of the Justices, 254 Ala. 183, 184, 47 So. 2d 713, 714 (1950) with Opinion of the Justices, 263 Ala. 158, 164, 81 So. 2d 881, 887 (1955).

[19] See the later discussion, infra, at—, and note 68, infra, where we reject the lower court's apparent conclusion that the apportionment of the Alabama house, under the 67-senator amendment, comported with the requirements of the equal protection clause.

[20] While no formula for the statute's apportionment of representatives is expressly stated, one can be extrapolated. Counties with less than 45,000 people are given 1 seat; those with 45,000 to 90,000 receive 2

Under the detailed requirements of the various constitutional provisions relating to the apportionment of seats in the Alabama Senate and House of Representatives, the Court found, the membership of neither house can be apportioned solely on a population basis, despite the provision in art. XVIII, sec. 284, which states that "representation in the legislature shall be based upon population." In dealing with the conflicting and somewhat paradoxical requirements (under which the number of seats in the House is limited to 106 but each of the 67 counties is required to be given at least one representative and the size of the Senate is limited to 35 but it is required to have at least one-fourth of the members of the House, although no county can be given more than one senator), the District Court stated its view that "the controlling or dominant provision of the Alabama Constitution on the subject of representation in the Legislature" is the previously referred to language of sec. 284. The Court stated that the detailed requirements of art. IX, secs. 197–200, "make it obvious that in neither the House nor the Senate can representation be based strictly and entirely upon population * * *. The result may well be that representation according to population to some extent must be required in both Houses if invidious discrimination in the legislative systems as a whole is to be avoided. Indeed, * * * it is the policy and theme of the Alabama Constitution to require representation according to population in both Houses as nearly as may be, while still complying with more detailed provisions."[23]

The District Court then directed its concern to the providing of an effective remedy. It indicated that it was adopting and ordering into effect for the November 1962 election a provisional and temporary reapportionment plan composed of the provisions relating to the House of Representatives contained in the 67-Senator Amendment and the provisions of the Crawford-Webb Act relating to the Senate. The Court noted, however, that "the proposed reapportionment of the Senate in the 'Crawford-Webb Act,' unacceptable as a piece of permanent legislation, may not even break the strangle hold." Stating that it was retaining jurisdiction and deferring any hearing on plaintiffs' motion for a permanent injunction "until the Legislature, as provisionally reapportioned * * *, has an opportunity to provide for a true reapportionment of both Houses of the Alabama Legislature," the Court emphasized that its "moderate" action was designed to break the strangle hold by the smaller counties on the Alabama Legislature and would not suffice as a permament reapportionment. On July 25, 1962, the Court entered its decree in accordance with its previously stated determinations, concluding that "plaintiffs * * * are denied * * * equal protection * * * by virtue of the debasement of their votes since the Legislature of the State of Alabama has failed and continues to fail to reapportion itself as required by law." It enjoined the defendant state officials from holding any future elections under any of the apportionment plans that it had found invalid, and stated that the 1962 election of Alabama legislators could validly be conducted only under the apportionment scheme specified in the Court's order.

After the District Court's decision, new primary elections were held pursuant to legislation enacted in 1962 at the same special session as the proposed constitutional amendment and the Crawford-Webb Act, to be effective in the event the Court itself ordered a particular reapportionment plan into immediate effect. The November 1962 general election was likewise conducted on the basis of the District Court's ordered apportionment of legislative seats, as Mr. Justice Black refused to stay the District Court's order. Consequently, the present Alabama Legislature is apportioned in accordance with the temporary plan prescribed by the District Court's decree. All members of both houses of the Alabama Legislature serve four-year terms, so that the next regularly scheduled election of legislators will not be held until 1966. The 1963 regular session of the Alabama Legislature produced no legislation relating to legislative apportionment,[24] and the legislature, which meets biennially, will not hold another regular session until 1965.

No effective political remedy to obtain relief against the alleged malapportionment of the Alabama Legislature appears to have been available.[25] No initiative procedure exists under Alabama law. Amendment of the State Constitution can be achieved only after a proposal is adopted by three-fifths of the members of both houses of the legislature and is approved by a majority of the people,[26] or as a result of a constitutional convention convened after approval by the people of a convention call initiated by a majority of both houses of the Alabama Legislature.[27]

Notices of appeal to this Court from the District Court's decision were timely filed by defendents below (appellants in No. 23) and by two groups of intervenor-plaintiffs (cross-appellants in Nos. 27 and 41). Appellants in No. 23 contend that the District Court erred in holding the existing and the two proposed plans for the apportionment of seats in the Alabama Legislature unconstitutional, and that a federal court lacks the power to affirmatively reapportion seats in a state legislature. Cross-appellants in No. 27 assert that the court below erred in failing to compel reapportionment of the Alabama Senate on a population basis as allegedly required by the Alabama Constitution and the Equal Protection Clause of the Federal Constitution. Cross-appellants in No. 41 contend that the District Court should have required and ordered into effect the apportionment of seats in both houses of the Alabama Legislature on a population basis. We noted probable jurisdiction on June 10, 1963. 374 U.S. 802.

II

Undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, *ex parte Yarbrough*, 110 U.S. 651, and to have their votes counted, *United States* v. *Mosley*, 238 U.S. 383. In *Mosley* the Court stated that it is "as equally unquestionable that the right to have one's vote counted is as open to protection * * * as the right to put a ballot in a box." 238 U.S. at 386.

The right to vote can neither be denied outright, *Guinn* v. *United States*, 238 U.S. 347, *Lane* v. *Wilson*, 307 U.S. 268, nor can it be destroyed by alteration of ballots, see *United States* v. *Classic*, 313 U.S. 299, 315, nor diluted by ballot-box stuffing, *Ex parte Siebold*, 100 U.S. 371, *United States* v. *Saylor*, 322 U.S. 385. As the Court stated in *Classic*, "Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted. * * *" 313 U.S. at 315. Racially based gerrymandering, *Gomillion* v. *Lightfoot*, 364 U.S. 339, and the conducting of white primaries, *Nixon* v. *Herndon*, 273 U.S. 536, *Nixon* v. *Condon*, 286 U.S. 73, *Smith* v. *Allwright*, 321 U.S. 649, *Terry* v. *Adams*, 345 U.S. 461, both of which result in denying to some citizens their right to vote, have been held to be constitutionally impermissible. And history has seen a continuing expansion of the scope of the right of suffrage in this country.[28] The right to vote freely for the candidate of one's

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seats; counties with 90,000 to 150,000, 3 seats; those with 150,000 to 300,000, 4 seats; counties with 300,000 to 600,000, 6 seats; and counties with over 600,000 are given 12 seats.

[21] App. F. to the lower court's opinion sets out a chart showing the populations of the 35 senatorial districts provided for under the Crawford-Webb Act and the composition, by counties, of the various districts. 208 F. Supp., at 451.

[22] Cross-appellants in No. 27 assert that the Crawford-Webb Act was a "minimum-change measure" which merely redrew new senatorial district lines around the nominees of the May 1962 Democratic primary so as to retain the seats of 34 of the 35 nominees, and resulted, in practical effect, in the shift of only one senate seat from an overrepresented district to another underpopulated, newly created district.

[23] 208 F. Supp., at 439.

[24] Possibly this resulted from an understandable desire on the part of the Alabama Legislature to await a final determination by this Court in the instant litigation before proceeding to enact a permanent apportionment plan.

[25] However, a proposed constitutional amendment, which would have made the Alabama House of Representatives somewhat more representative of population but the senate substantially less so, was rejected by the people in a 1956 referendum, with the more populous counties accounting for the defeat.

See the discussion in *Lucas* v. *The Forty-Fourth General Assembly of the State of Colorado*, — U.S. —, ——, decided also this date, with respect to the lack of Federal constitutional significance of the presence or absence of an available political remedy.

[26] Ala. Const., Art. XVIII, sec. 284.

[27] Ala. Const., Art. XVIII, sec. 286.

[28] The 15th, 17th, 19th, 23d and 24th amendments to the Federal Constitution all involve expansions of the right of suffrage. Also relevant, in this regard, is the civil rights legislation enacted by Congress in 1957 and 1960.

choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.[29]

In *Baker* v. *Carr,* 369 U.S. 186, we held that a claim asserted under the Equal Protection Clause challenging the constitutionality of a State's apportionment of seats in its legislature, on the ground that the right to vote of certain citizens was effectively impaired since debased and diluted in effect, presented a justiciable controversy subject to adjudication by federal courts. The spate of similar cases filed and decided by lower courts since our decision in *Baker* amply shows that the problem of state legislative malapportionment is one that is perceived to exist in a large number of the States.[30] In *Baker,* a suit involving an attack on the apportionment of seats in the Tennessee Legislature, we remanded to the District Court, which had dismissed the action, for consideration on the merits. We intimated no view as to the proper constitutional standards for evaluating the validity of a state legislative apportionment scheme. Nor did we give any consideration to the question of appropriate remedies. Rather, we simply stated:

"Beyond noting that we have no cause at this stage to doubt the District Court will be able to fashion relief if violations of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at trial." [31]

We indicated in *Baker,* however, that the Equal Protection Clause provides discoverable and manageable standards for use by lower courts in determining the constitutionality of a State legislative apportionment scheme, and we stated:

"Nor need the appellants, in order to succeed in this action, ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Protection Clause are well developed and familiar, and it has been open to courts since the enactment of the Fourteenth Amendment to determine, if on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action." [32]

Subsequent to Baker, we remanded several cases to the courts below for reconsideration in light of that decision.[33]

In *Gray* v. *Sanders,* 372 U.S. 368, we held that the Georgia county unit system, applicable in statewide primary elections, was unconstitutional since it resulted in a dilution of the weight of the votes of certain Georgia voters merely because of where they resided. After indicating that the Fifteenth and Nineteenth Amendments prohibit a State from overweighting or diluting votes on the basis of race or sex, we stated:

"How then can one person be given twice or ten times the voting power of another person in a statewide election merely because he lives in a rural area or because he lives in the smallest rural county? Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment. The concept of 'we the people' under the Constitution visualizes no preferred class of voters but equality among those who met the basic qualifications. The idea that every voter is equal to every other voter in his State, when he casts his ballot in favor of one of several competing candidates, underlies many of our decisions." [34]

Continuing, we stated that "there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State." And, finally, we concluded: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments can mean only one thing—one person, one vote." [35]

We stated in *Gray,* however, that that case, "unlike *Baker* v. *Carr,* * * * does not involve a question of the degree to which the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives * * *. Nor does it present the question, inherent in the bicameral form of our Federal Government, whether a State may have one house chosen without regard to population." [36]

Of course, in these cases we are faced with the problem not presented in *Gray*—that of determining the basic standards and stating the applicable guidelines for implementing our decision in *Baker* v. *Carr.*

In *Wesberry* v. *Sanders,* 376 U.S. 1, decided earlier this Term, we held that attacks on the constitutionality of congressional districting plans enacted by state legislatures do not present nonjustifiable questions and should not be dismissed generally for "want of equity." We determined that the constitutional test for the validity of congressional districting schemes was one of substantial equality of population among the various districts established by a state legislature for the election of members of the Federal House of Representatives.

In that case we decided that an apportionment of congressional seats which "contracts the value of some votes and expands that of others" is unconstitutional, since "the Federal Constitution intends that when qualified voters elect members of Congress each vote be given as much weight as any other vote * * *." We concluded that the constitutional prescription for election of members of the House of Representatives "by the People," construed in its historical context, "means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's." We further stated:

"It would defeat the principle solemnly embodied in the Great Compromise—equal representation in the House for equal numbers of people—for us to hold that, within the States, legislatures may draw the lines of congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others." [37]

We found further, in Wesberry, that "our Constitution's plan objective" was that "of making equal representation for equal numbers of people the fundamental goal * * *." We concluded by stating:

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right." [38]

Gray and Wesberry are of course not dispositive of or directly controlling on our decision in these cases involving State legislative apportionment controversies. Admittedly, those decisions, in which we held that, in statewide and in congressional elections, one person's vote must be counted equally with those of all other voters in a State, were based on different constitutional considerations and were addressed to rather distinct problems. But neither are they wholly inapposite. Gray, though not determinative here since involving the weighting of votes in statewide elections, established the basic principle of equality among voters within a State, and held that voters cannot be classified, constitutionally, on the basis of where they live, at least with respect to voting in statewide elections. And our decision in Wesberry was of course grounded on that language of the Constitution which prescribes that Members of the Federal House of Representatives are to be chosen "by the people," while attacks on State legislative apportionment schemes, such as that involved in the instant cases, are principally based on the equal protection clause of the 14th amendment. Nevertheless, Wesberry clearly established that the fundamental principle of representative government in this country is one of equal representation for equal numbers of people, without regard to race, sex, economic status, or place of residence within a State. Our problem, then, is to ascertain, in the instant cases, whether there are any constitutionally cognizable principles which would justify departures from the basic standard of equality among voters in the apportionment of seats in State legislatures.

III

A predominant consideration in determining whether a State's legislative apportionment scheme constitutes an invidious discrimination violative of rights asserted under the equal protection clause is that the rights allegedly impaired are individual and personal in nature. As stated by the Court in *United States* v. *Bathgate,* 246 U.S. 220, 227,

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[29] As stated by Mr. Justice Douglas in *South* v. *Peters,* 339 U.S. 276, 279:

"There is more to the right to vote than the right to mark a piece of paper and drop it in a box or the right to pull a lever in a voting booth. The right to vote includes the right to have the ballot counted. * * * It also includes the right to have the vote counted at full value without dilution or discount. * * * That federally protected right suffers substantial dilution * * * [where a] favored group has full voting strength * * * [and] the groups not in favor have their votes discounted." (Douglas, J., dissenting.)

[30] Litigation challenging the constitutionality of state legislative apportionment schemes had been instituted in at least 34 States prior to end of 1962—within 9 months of our decision in *Baker* v. *Carr.* See McKay, Political Thickets and Crazy Quilts: Reapportionment and Equal Protection, 61 Mich. L. Rev. 645, 706–710 (1963), which contains an appendix summarizing reapportionment litigation through the end of 1962. See also David and Eisenberg, Devaluation of the Urban and Suburban Vote (1961); Goldberg, The Statistics of Malapportionment, 72 Yale L.J. 90 (1962).

[31] 369 U.S., at 198.

[32] Id., at 226.

[33] *Scholle* v. *Hare,* 369 U.S. 429 (Michigan); *WMCA, Inc.* v. *Simon,* 370 U.S. 190 (New York).

[34] 372 U.S., at 379–380.

[35] Id., at 381.

[36] Id., at 376. Later in the opinion we again stated: "Nor does the question here have anything to do with the composition of the State or Federal Legislature. And we intimate no opinion on the constitutional phases of that problem beyond what we said in *Baker* v. *Carr.*" Id., at 378.

[37] 376 U.S., at 14.

[38] Id., at 17–18.

"the right to vote is personal * * *."[39] While the result of a court decision in a State legislative apportionment controversy may be to require the restructuring of the geographical distribution of seats in a State legislature, the judicial focus must be concentrated upon ascertaining whether there has been any discrimination against certain of the State's citizens which constitutes an impermissible impairment of their constitutionally protected right to vote. Like *Skinner* v. *Oklahoma*, 316 U.S. 535, such a case "touches a sensitive and important area of human rights," and "involves one of the basic civil rights of man," presenting questions of alleged "invidious discriminations * * * against groups or types of individuals in violation of the constitutional guarantee of just and equal laws." 316 U.S., at 536, 541. Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized. Almost a century ago, in *Yick Wo* v. *Hopkins*, 118 U.S. 356, the Court referred to "the political franchise of voting" as "a fundamental political right, because preservative of all rights." 118 U.S., at 370.

Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their State legislature. And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or 10 times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavored areas had not been effectively diluted. It would appear extraordinary to suggest that a State could be constitutionally permitted to enact a law providing that certain of the State's voters could vote two, five, or 10 times for their legislative representatives, while voters living elsewhere could vote only once. And it is inconceivable that a State law to the effect that, in counting votes for legislators, the votes of citizens in one part of the State would be multiplied by two, five, or 10, while the votes of persons in another area would be counted only at face value, could be constitutionally sustainable.

Of course, the effect of state legislative districting schemes which give the same number of representatives to unequal numbers of constituents is identical.[40] Overweighting and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there. The resulting discrimination against those individual voters living in disfavored areas is easily demonstrable mathematically. Their right to vote is simply not the same right to vote as that of those living in a favored part of the State. Two, five, or 10 of them must vote before the effect of their voting is equivalent to that of their favored neighbor. Weighting the votes of citizens differently, by any method or means, merely because of where they happen to reside, hardly seems justifiable. One must be ever aware that the Constitution forbids "sophisticated as well as simple-minded modes of discrimination." *Lane* v. *Wilson*, 307 U.S. 268, 275, *Gomillion* v. *Lightfoot*, 364 U.S. 339, 342. As we stated in *Wesberry* v. *Sanders, supra:*

"We do not believe that the Framers of the Constitution intended to permit the same vote-diluting discrimination to be accomplished through the device of districts containing widely varied numbers of inhabitants. To say that a vote is worth more in one district than in another would * * * run counter to our fundamental ideas of democratic government * * *."[41]

State legislatures are, historically, the fountainhead of representative government in this country. A number of them have their roots in colonial times, and substantially antedate the creation of our Nation and our Federal Government. In fact, the first formal stirrings of American political independence are to be found, in large part, in the views and actions of several of the colonial legislative bodies. With the birth of our National Government, and the adoption and ratification of the Federal Constitution, State legislatures retained a most important place in our Nation's governmental structure. But representative government is in essence self-government through the medium of elected representatives of the people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his State's legislative bodies. Most citizens can achieve this participation only as qualified voters through the election of legislators to represent them. Full and effective participation by all citizens in State government requires, therefore, that each citizen has an equally effective voice in the election of members of his State legislature. Modern and viable State government needs, and the Constitution demands, no less.

Logically, in a society ostensibly grounded on representative government, it would seem reasonable that a majority of the people of a State could elect a majority of that State's legislators. To conclude differently, and to sanction minority control of State legislative bodies, would appear to deny majority rights in a way that far surpasses any possible denial of minority rights that might otherwise be thought to result. Since legislatures are responsible for enacting laws by which all citizens are to be governed, they should be bodies which are collectively responsive to the popular will. And the concept of equal protection has been traditionally viewed as requiring the uniform treatment of persons standing in the same relation to the governmental action questioned or challenged. With respect to the allocation of legislative representation, all voters, as citizens of a State, stand in the same relation regardless of where they live. Any suggested criteria for the differentiation of citizens are insufficient to justify any discrimination, as to the weight of their votes, unless relevant to the permissible purposes of legislative apportionment. Since the achieving of fair and effective representation for all citizens is concededly the basic aim of legislative apportionment, we conclude that the equal protection clause guarantees the opportunity of equal participation by all voters in the election of State legislators. Diluting the weight of votes because of place of residence impairs basic constitutional rights under the 14th amendment just as much as invidious discriminations based upon factors such as race, *Brown* v. *Board of Education*, 347 U.S. 483, or economic status, *Griffin* v. *Illinois*, 351 U.S. 12, *Douglas* v. *California*, 372 U.S. 353. Our constitutional system amply provides for the protection of minorities by means other than giving them majority control of State legislatures. And the democratic ideals of equality and majority rule, which have served this Nation so well in the past, are hardly of any less significance for the present and the future.

We are told that the matter of apportioning representation in a State legislature is a complex and many-faceted one. We are advised that States can rationally consider factors other than population in apportioning legislative representation. We are admonished not to restrict the power of the States to impose differing views as to political philosophy on their citizens. We are cautioned about the dangers of entering into political thickets and mathematical quagmires. Our answer is this: a denial of constitutionally protected rights demands judicial protection; our oath and our office require no less of us. As stated in *Gomillion* v. *Lightfoot, supra:*

"When a State exercises power wholly within the domain of State interest, it is insulated from Federal judicial review. But such insulation is not carried over when

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[39] As stated by Mr. Justice Douglas, the rights sought to be vindicated in a suit challenging an apportionment scheme are "personal and individual," *South* v. *Peters*, 339 U.S., at 280, and are "important political rights of the people," *MacDougall* v. *Green*, 335 U.S. 281, 288. (Douglas, J., dissenting.)

[40] As stated by Mr. Justice Black in *Colgrove* v. *Green*, 328 U.S. 549, 569–571:

"No one would deny that the equal protection clause would * * * prohibit a law that would expressly give certain citizens a half vote and others a full vote. * * * [T]he constitutionally guaranteed right to vote and the right to have one's vote counted clearly imply the policy that State election systems, no matter what their form, should be designed to give approximately equal weight to each vote cast. * * * [A] State legislature cannot deny eligible voters the right to vote for Congressmen and the right to have their vote counted. It can no more destroy the effectiveness of their vote in part and no more accomplish this in the name of 'apportionment' than under any other name." (Black, J., dissenting.)

[41] 376 U.S., at 8. See also id., at 17, quoting from James Wilson, a delegate to the Constitutional Convention and later an Associate Justice of this Court, who stated:

"[A]ll elections ought to be equal. Elections are equal, when a given number of citizens, in one part of the State, choose as many representatives, as are chosen by the same number of citizens, in any other part of the State. In this manner, the proportion of the representatives and of the constituents will remain invariably the same." 2 The Works of James Wilson (Andrews ed. 1896) 15.

And, as stated by Mr. Justice Douglas in *MacDougall* v. *Green*, 355 U.S., at 288, 290:

"[A] regulation * * * [which] discriminates against the residents of the populous counties of the State in favor of rural sections * * * lacks the equality to which the exercise of political rights is entitled under the 14th amendment.

"Free and honest elections are the very foundation of our Republican form of government. Discrimination against any group or class of citizens in the exercise of these constitutionally protected rights of citizenship deprives the electoral process of integrity.

"None would deny that a State law giving some citizens twice the vote of other citizens in either the primary or general election would lack that equality which the 14th amendment guarantees. The theme of the Constitution is equality among citizens in the exercise of their political rights. The notion that one group can be granted greater voting strength than another is hostile to our standards for popular representative government." (Douglas, J., dissenting).

State power is used as an instrument for circumventing a federally protected right."[42]

To the extent that a citizen's right to vote is debased, he is that much less a citizen. The fact that an individual lives here or there is not a legitimate reason for overweighting or diluting the efficacy of his vote. The complexions of societies and civilizations change often with amazing rapidity. A nation once primarily rural in character becomes predominantly urban.[43] Representation schemes once fair and equitable become archaic and outdated. But the basic principle of representative government remains, and must remain, unchanged—the weight of a citizen's vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies.[44]

A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear and strong command of our Constitution's equal protection clause. This is an essential part of the concept of a government of laws and not men. This is at the heart of Lincoln's vision of "government of the people, by the people, [and] for the people." The equal protection clause demands no less than substantially equal State legislative representation for all citizens, of all places as well as of all races.

IV

We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral State legislature must be apportioned on a population basis. Simply stated, an individual's right to vote for state legislators is unconstitutionally impaired when its weight is in a substantial fashion diluted when compared with votes of citizens living in other parts of the State. Since, under neither the existing apportionment provisions nor under either of the proposed plans was either of the houses of the Alabama Legislature apportioned on a population basis, the District Court correctly held that all three of these schemes were constitutionally invalid. Furthermore, the existing apportionment, and also to a lesser extent the apportionment under the Crawford-Webb Act, presented little more than crazy quilts, completely lacking in rationality, and could be found invalid on that basis alone.[45]

Although the District Court presumably found the apportionment of the Alabama House of Representatives under the 67-Senator Amendment to be acceptable, we conclude that the deviations from a strict population basis are too egregious to permit us to find that that body, under this proposed plan, was apportioned sufficiently on a population basis so as to permit the arrangement to be constitutionally sustained. Although about 43 percent of the State's total population would be required to comprise districts which could elect a majority in that body, only 39 of the 106 House seats were actually to be distributed on a population basis, as each of Alabama's 67 counties was given at least one representative, and population-variance ratios of close to 5-to-1 would have existed. While mathematical nicety is not a constitutional requisite, one could hardly conclude that the Alabama House, under the proposed constitutional amendment, had been apportioned sufficiently on a population basis to be sustainable under the requirements of the Equal Protection Clause. And none of the other apportionments of seats in either of the bodies of the Alabama Legislature, under the three plans considered by the District Court, came nearly as close to approaching the required constitutional standard as did that of the House of Representatives under the 67-Senator Amendment.

Legislative apportionment in Alabama is signally illustrative and symptomatic of the seriousness of this problem in a number of the States. At the time this litigation was commenced, there had been no reapportionment of seats in the Alabama Legisalture for over 60 years.[46] Legislative action, coupled with the unavailability of any political or judicial remedy,[47] had resulted, with the passage of years, in the perpetuated scheme becoming little more than an irrational anachronism. Consistent failure by the Alabama Legislature to comply with State constitutional requirements as to the frequency of reapportionment and the bases of legislative representation resulted in a minority strangle hold on the State Legislature. Inequality of representation in one house added to the inequality in the other. With the crazy-quilt existing apportionment virtually conceded to be invalid, the Alabama Legislature offered two proposed plans for consideration by the District Court, neither of which was to be effective until 1966 and neither of which provided for the apportionment of even one of the two houses on a population basis. We find that the court below did not err in holding that neither of these proposed reapportionment schemes, considered as a whole, "meets the necessary constitutional requirements." And we conclude that the District Court acted properly in considering these two proposed plans, although neither was to become effective until the 1966 election and the proposed constitutional amendment was scheduled to be submitted to the State's voters in November 1962.[48]

Consideration by the court below of the two proposed plans was clearly necessary in determining whether the Alabama Legislature had acted effectively to correct the admittedly existing malapportionment, and in ascertaining what sort of judicial relief, if any, should be afforded.

V

Since neither of the houses of the Alabama Legislature, under any of the three plans considered by the District Court, was apportioned on a population basis, we would be justified in proceeding no further. However, one of the proposed plans, that contained in the so-called 67-Senator Amendment, at least superficially resembles the scheme of legislative representation followed in the Federal Congress. Under this plan, each of Alabama's 67 counties is allotted one senator, and no counties are given more than one Senate seat. Arguably, this is analogous to the allocation of two Senate seats, in the Federal Congress, to each of the 50 States, regardless of population. Seats in the Alabama House, under the proposed constitutional amendment, are distributed by giving each of the 67 counties at least one, with the remaining 39 seats being allotted among the more populous counties on a population basis. This scheme, at least at first glance, appears to resemble that prescribed for the Federal House of Representatives, where the 435 seats are distributed among the States on a population basis, although each State, regardless of its population, is given at least one Congressman. Thus, although there are substantial differences in underlying rationale and result,[49] the 67-Senator Amendment, as proposed by the Alabama Legislature, at least arguably presents for consideration a scheme analogous to that used for apportioning seats in Congress.

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[42] 364 U.S., at 347.

[43] Although legislative apportionment controversies are generally viewed as involving urban-rural conflicts, much evidence indicates that presently it is the fast-growing suburban areas which are probably the most seriously underrepresented in many of our State legislatures. And, while currently the thrust of State legislative malapportionment results, in most States, in underrepresentation of urban and suburban areas, in earlier times cities were in fact overrepresented in a number of States. In the early 19th century, certain of the seaboard cities in some of the Eastern and Southern States possessed and struggled to retain legislative representation disproportionate to population, and bitterly opposed according additional representation to the growing inland areas. Conceivably, in some future time, urban areas might again be in a situation of attempting to acquire or retain legislative representation in excess of that to which, on a population basis, they are entitled. Malapportionment can, and has historically, run in various directions. However and whenever it does, it is constitutionally impermissible under the equal protection clause.

[44] The British experience in eradicating "rotten boroughs" is interesting and enlightening. Parliamentary representation is now based on districts of substantially equal population, and periodic reapportionment is accomplished through independent Boundary Commissions. For a discussion of the experience and difficulties in Great Britain in achieving fair legislative representation, see Edwards, Theoretical and Comparative Aspects of Reapportionment and Redistricting: With Reference to *Baker* v. *Carr*, 15 Vand. L. Rev. 1265, 1275 (1962). See also the discussion in *Baker* v. *Carr*, 369 U.S., at 302–307. (Frankfurter, J., dissenting.)

[45] Under the existing scheme, Marshall County, with a 1960 population of 48,018, Baldwin County, with 49,088, and Houston County, with 50,713, are each given only one seat in the Alabama House, while Bullock County, with only 13,462, Henry County, with 15,286, and Lowndes County, with 15,417, are allotted two representatives each. And in the Alabama Senate, under the existing apportionment, a district comprising Lauderdale and Limestone Counties had a 1960 population of 98,135, and another composed of Lee and Russell Counties had 96,105. Conversely, Lowndes County, with only 15,417, and Wilcox County, with 18,739, are nevertheless single-county senatorial districts given one Senate seat each.

[46] An interesting pre-Baker discussion of the problem of legislative malapportionment in Alabama is provided in Comment, Alabama's Unrepresentative Legislature, 14 Ala. L. Rev. 403 (1962).

[47] See the cases cited and discussed in notes 5–6, supra, where the Alabama Supreme Court refused even to consider the granting of relief in suits challenging the validity of the apportionment of seats in the Alabama Legislature, although it stated that the legislature had failed to comply with the requirements of the State Constitution with respect to legislative reapportionment.

[48] However, since the District Court found the proposed constitutional amendment prospectively invalid, it was never in fact voted upon by the State's electorate.

[49] Resemblances between the system of representation in the Federal Congress and the apportionment scheme embodied in the 67-Senator Amendment appear to be more superficial than actual. Representation in the Federal House of Representatives is apportioned by the Constitution among the States in conformity with population. While each State is guaranteed at least one seat in the House, as a feature of our unique Federal system, only four States have less than 1/435 of the country's total population, under the 1960 census. Thus, only four seats in the Federal House are distributed on a basis other than strict population. In Alabama, on the other hand, 40 of the 67 counties have less than 1/106 of the State's total population. Thus, under the proposed amendment, over ⅓ of the total number of seats in the Alabama House would be distributed on a basis other than strict population. States with almost 50 percent of the Nation's total population are required in order to elect a majority of the members of the Federal

Much has been written since our decision in *Baker* v. *Carr* about the applicability of the so-called federal analogy to state legislative apportionment arrangements.[50] After considering the matter, the court below concluded that no conceivable analogy could be drawn between the federal scheme and the apportionment of seats in the Alabama Legislature under the proposed constitutional amendment.[51] We agree with the District Court, and find the federal analogy inapposite and irrelevant to state legislative districting schemes. Attempted reliance on the federal analogy appears often to be little more than an after-the-fact rationalization offered in defense of maladjusted state apportionment arrangements. The original constitutions of 36 of our States provided that representation in both houses of the state legislatures would be based completely, or predominantly, on population.[52] And the Founding Fathers clearly had no intention of establishing a pattern or model for the apportionment of seats in state legislatures when the system of representation in the Federal Congress was adopted.[53] Demonstrative of this is the fact that the Northwest Ordinance, adopted in the same year, 1787, as the Federal Constitution, provided for the apportionment of seats in territorial legislatures solely on the basis of population.[54]

The system of representation in the two Houses of the Federal Congress is one ingrained in our Constitution, as part of the law of the land. It is one conceived out of compromise and concession indispensable to the establishment of our federal republic.[55] Arising from unique historical circumstances, it is based on the consideration that in establishing our type of federalism a group of formerly independent States bound themselves together under one national government. Admittedly, the original 13 States surrendered some of their sovereignty in agreeing to join together "to form a more perfect Union." But at the heart of our constitutional system remains the concept of separate and distinct governmental entities which have delegated some, but not all, of their formerly held powers to the single national government. The fact that almost three-fourths of our present States were never in fact independently sovereign does not detract from our view that the so-called federal analogy is inapplicable as a sustaining precedent for state legislative apportionments. The developing history and growth of our republic cannot cloud the fact that, at the time of the inception of the system of representation in the Federal Congress, a compromise between the larger and smaller States on this matter averted a deadlock in the constitutional convention which had threatened to abort the birth of our Nation. In rejecting an asserted analogy to the federal electoral college in *Gray* v. *Sanders, supra*, we stated:

"We think the analogies to the electoral college, to districting and redistricting, and to other phases of the problems of representation in States or Federal legislatures or conventions are inapposite. The inclusion of the electoral college in the Constitution, as the result of specific historical concerns, validated the collegiate principle despite its inherent numerical inequality, but implied nothing about the use of an analogous system by a State in a statewide election. No such specific accommodation of the latter was ever undertaken, and therefore no validation of its numerical inequality ensued."[56]

Political subdivisions of States—counties, cities, or whatever—never were and never have been considered as sovereign entities. Rather, they have been traditionally regarded as subordinate governmental instrumentalities created by the State to assist in the carrying out of State governmental functions. As stated by the Court in *Hunter* v. *City of Pittsburgh*, 207 U.S. 161, 178, these governmental units are "created as convenient agencies for exercising such of the governmental powers of the State as may be entrusted to them," and the "number, nature and duration of the powers conferred upon [them] * * * and the territory over which they shall be exercised rests in the absolute discretion of the State." The relationship of the States to the Federal Government could hardly be less analogous.

Thus, we conclude that the plan contained in the 67-Senator Amendment for apportioning seats in the Alabama Legislature cannot be sustained by recourse to the so-called federal analogy. Nor can any other inequitable state legislative apportionment scheme be justified on such an asserted basis. This does not necessarily mean that such a plan is irrational or involves something other than a "republican form of government." We conclude simply that such a plan is impermissible for the States under the Equal Protection Clause, since perforce resulting, in virtually every case, in submergence of the equal-population principle in at least one house of a state legislature.

Since we find the so-called federal analogy inapposite to a consideration of the constitutional validity of state legislative apportionment schemes, we necessarily hold that the Equal Protection Clause requires both houses of a state legislature to be apportioned on a population basis. The right of a citizen to equal representation and to have his vote weighted equally with those of all other citizens in the election of members of one house of a bicameral state legislature would amount to little if States could effectively submerge the equal-population principle in the apportionment of seats in the other house. If such a scheme were permissible, an individual citizen's ability to exercise an effective voice in the only instrument of state government directly representative of the people might be almost as effectively thwarted as if neither house were apportioned on a population basis.

Deadlock between the two bodies might result in compromise and concession on some issues. But in all too many cases the more probable result would be frustration of the majority will through minority veto in the house not apportioned on a population basis, stemming directly from the failure to accord adequate overall legislative representation to all of the State's citizens on a nondiscriminatory basis. In summary, we can perceive no constitutional difference, with respect to the geographical distribution of state legislative representation, between the two houses of a bicameral state legislature.

We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of representation in the two state legislative bodies is required to be the same—population. A prime reason for bicameralism, modernly considered, is to insure mature and deliberate consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single-member districts while the other could have at least some multimember districts.

The length of terms of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of districts from which legislators are elected could also be made to differ. And apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house. In summary, these and other factors could be, and are presently in many States, utilized to engender differing complexions and collective attitudes in the two bodies of a State legislature, although both are apportioned substantially on a population basis.

VI

By holding that as a federal constitutional requisite both houses of a state legislature must be apportioned on a population basis, we mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one

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House, though unfair districting within some of the States presently reduces to about 42 percent the percentage of the country's population which reside in districts electing individuals comprising a majority in the Federal House. Cf. *Wesberry* v. *Sanders*, supra, holding such congressional districting unconstitutional. Only about 43 percent of the population of Alabama would live in districts which could elect a majority in the Alabama House, under the proposed constitutional amendment. Thus, it could hardly be argued that the proposed apportionment of the Alabama House was based on population in a way comparable to the apportionment of seats in the Federal House among the States.

[50] For a thorough statement of the arguments against holding the so-called Federal analogy applicable to State legislative apportionment matters, see, e.g., McKay, Reapportionment and the Federal Analogy (National Municipal League pamphlet 1962); McKay, the Federal Analogy and State Apportionment Standards, 38 Notre Dame Law. 487 (1963). See also Merrill, Blazes for a Trail Through the Thicket of Reapportionment, 16 Okla. L. Rev. 59, 67–70 (1963).

[51] 208 F. Supp., at 438. See the discussion of the District court's holding as to the applicability of the Federal analogy earlier in this opinion, ante, at ——.

[52] Report of Advisory Commission on Intergovernmental Relations, Apportionment of State Legislatures 10–11, 35, 69 (1962).

[53] Thomas Jefferson repeatedly denounced the inequality of representation provided for under the 1776 Virginia Constitution and frequently proposed changing the State constitution to provide that both houses be apportioned on the basis of population. In 1816 he wrote that 'a government is republican in proportion as every member composing it has his equal voice in the direction of its concerns * * * by representatives chosen by himself." Letter to Samuel Kercheval, 10 Writings of Thomas Jefferson (Ford ed. 1899) 38. And a few years later, in 1819, he stated: "Equal representation is so fundamental a principle in a true republic that no prejudice can justify its violation because the prejudices themselves cannot be justified." Letter to William King, Jefferson Papers, Library of Congress, vol. 216, p. 38616.

[54] Art. II, sec. 14, of the Northwest Ordinance of 1787 stated quite specifically: 'The inhabitants of the said territory shall always be entitled to the benefits of a proportional representation of the people in the legislature."

[55] See the discussion in *Westberry* v. *Sanders*, 376 U.S., at 9–14.

[56] 372 U.S., at 378.

has an identical number of residents, or citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.[57]

In *Wesberry* v. *Sanders, supra,* the Court stated that congressional representation must be based on population as nearly as is practicable. In implementing the basic constitutional principle of representative government as enunciated by the Court in *Wesberry*—equality of population among districts—some distinctions may well be made between congressional and state legislative representation. Since, almost invariably, there is a significantly larger number of seats in state legislative bodies to be distributed within a State than congressional seats, it may be feasible to use political subdivision lines to a greater extent in establishing state legislative districts than in congressional districting while still affording adequate representation to all parts of the State. To do so would be constitutionally valid, so long as the resulting apportionment was one based substantially on population and the equal-population principle was not diluted in any significant way. Somewhat more flexibility may therefore be constitutionally permissible with respect to state legislative apportionment than in congressional districting. Lower courts can and assuredly will work out more concrete and specific standards for evaluating state legislative apportionment schemes in the context of actual litigation. For the present, we deem it expedient not to attempt to spell out any precise constitutional tests. What is marginally permissible in one State may be unsatisfactory in another, depending on the particular circumstances of the case. Developing a body of doctrine on a case-by-case basis appears to us to provide the most satisfactory means of arriving at detailed constitutional requirements in the area of state legislative apportionment. Cf. *Slaughter-House Cases,* 16 Wall. 36, 78–79. Thus, we proceed to state here only a few rather general considerations which appear to us to be relevant.

A State may legitimately desire to maintain the integrity of various political subdivisions, insofar as possible, and provide for compact districts of contiguous territory in designing a legislative apportionment scheme. Valid considerations may underlie such aims. Indiscriminate districting, without any regard for political subdivision or natural or historical boundary lines, may be little more than an open invitation to partisan gerrymandering. Single-member districts may be the rule in one State, while another State might desire to achieve some flexibility by creating multimember[58] or floterial districts.[59] Whether the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.

History indicates, however, that many States have deviated, to a greater or lesser degree, from the equal-population principle in the apportionment of seats in at least one house of their legislatures.[60] So long as the divergences from a strict population standard are based on legitimate considerations incident to the effectuation of a rational State policy, some deviations from the equal-population principle are constitutionally permissible with respect to the apportionment of seats in either or both of the two houses of a bicameral state legislature. But neither history alone,[61] nor economic or other sorts of group interests, are permissible factors in attempting to justify disparities from population-based representation.

Citizens, not history or economic interests, cast votes. Considerations of area alone provide an insufficient justification for deviations from the equal-population principle. Again, people, not land or trees or pastures, vote. Modern developments and improvements in transportation and communications make rather hollow, in the mid-1960's, most claims that deviations from population-based representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to insure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing.

A consideration that appears to be of more substance in justifying some deviations from population-based representation in state legislatures is that of insuring some voice to political subdivisions, as political subdivisions. Several factors make more than insubstantial claims that a State can rationally consider according political subdivisions some independent representation in at least one body of the state legislature, as long as the basic standard of equality of population among districts is maintained. Local governmental entities are frequently charged with various responsibilities incident to the operation of state government. In many States much of the legislature's activity involves the enactment of so-called local legislation, directed only to the concerns of particular political subdivisions.

And a State may legitimately desire to construct districts along political subdivision lines to deter the possibilities of gerrymandering. However, permitting deviations from population-based representation does not mean that each local governmental unit or political subdivision can be given separate representation, regardless of population. Carried too far, a scheme of giving at least one seat in one house to each political subdivision (for example, to each county) could easily result, in many States, in a total subversion of the equal-population principle in that legislative body.[62] This would be especially true in a State where the number of counties is large and many of them are sparsely populated, and the number of seats in the legislative body being apportioned does not significantly exceed the number of counties.[63] Such a result, we conclude, would be constitutionally impermissible. And careful judicial scrutiny must of course be given, in evaluating state apportionment schemes, to the character as well as the degree of deviations from a strict population basis. But if, even as a result of a clearly rational state policy of according to some legislative representation to political subdivision, population is submerged as the controlling consideration in the apportionment of seats in the particular legislative body, then the right of all of the State's citizens to cast an effective and adequately weigthed vote would be unconstitutionally impaired.

VII

One of the arguments frequently offered as a basis for upholding a State's legislative apportionment arrangement, despite substantial disparities from a population basis in either or both houses, is grounded on congressional approval, incident to admitting States into the Union, of state apportionment plans containing deviations from the equal-population principle. Proponents of this argument contend that congressional approval of such schemes, despite their disparities from population-based representation, indicate that such arrangements are plainly sufficient as establishing a "republican form of government." As we stated in *Baker* v. *Carr,* some questions raised under the Guaranty Clause are nonjusticiable, where "political" in nature and where there is a clear absence of judicially manageable standards.[64] Nevertheless, it is not inconsistent with this view to hold that, despite congressional approval of state legislative apportionment plans at the time of admission into the Union, even though deviating from the equal-population principle here enunciated, the Equal Protection Clause can and does require more. And an apportionment scheme in which both houses are based on population can hardly be considered as failing to satisfy the Guaranty Clause requirement. Congress presumably does not assume, in admitting States into the Union, to pass on all constitutional questions relating to the character of state governmental organization. In any event, congressional approval, however well-considered, could hardly validate an unconstitutional state legislative apportionment. Congress simply lacks the constitutional power to insulate States from attack with respect to alleged deprivations of individual constitutional rights.

VIII

That the Equal Protection Clause requires that both houses of a state legislature be apportioned on a population basis does not mean that States cannot adopt some reasonable plan for periodic revisions of their apportionment schemes. Decennial reapportionment appears to be a rational approach to readjustment of legislative representation in order to take into account population shifts and growth. Reallocation of legislative seats every 10 years coincides with the prescribed practice in 41 of the States,[65] often honored more in the breach than the observance, however. Illustratively, the Alabama Constitution requires decennial reapportionment, yet the last reapportionment of the Alabama Legislature, when this suit was brought, was in 1901. Limitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system, although undoubtedly reapportioning no more frequently than every 10 years leads to some imbalance in the population of districts toward the end of the decennial period and also to the development of resistance to change on the part of some incumbent legislators. In substance, we do not regard the Equal Protection Clause as requiring daily, monthly, annual or biennial reapportionment, so long as a State has a reasonably conceived plan for periodic readjustment of legislative representation.

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[57] As stated by the Court in *Bain Peanut Co.* v. *Pinson,* 282 U.S. 499, 501, "We must remember that the machinery of government would not work if it were not allowed a little play in its joints."

[58] But cf. the discussion of some of the practical problems inherent in the use of multimember districts in *Lucas* v. *The Forty-Fourth General Assemby of the State of Colorado,* — U.S., at —, decided also this date.

[59] See the discussion of the concept of floterial districts in *Davis* v. *Mann,* — U.S. —, — —, n. 2, decided also this date.

[60] For a discussion of the formal appointment formulae prescribed for the allocation of seats in state legislatures, see Dixon, Apportionment Standards and Judicial Power, 38 Notre Dame Law. 367, 398–400 (1963). See also The Council of State Governments, The Book of the States 1962–1963, 58–62 (1962).

[61] In rejecting a suggestion that the representation of the newer Western States in Congress should be limited so that it would never exceed that of the original States, the Constitutional Convention plainly indicated its view that history alone provided an unsatisfactory basis for differentiations relating to legislative representation. See *Wesberry* v. *Sanders,* 376 U.S. at 14. Instead, the Northwest Ordinance of 1787, in explicitly providing for population-based representation of those living in the Northwest Territory in their territorial legislatures, clearly implied that, as early as the year of the birth of our Federal system, the proper basis of legislative representation was regarded as being population.

[62] See McKay, Political Thickets and Crazy Quilts: Reapportionment and Equal Protection, 61 Mich. L. Rev. 645, 698–699 (1963).

[63] Determining the size of its legislative bodies is of course a matter within the discretion of each individual State. Nothing in this opinion should be read as indicating that there are any Federal constitutional maximums or minimums on the size of State legislative bodies.

[64] See 369 U.S., at 217–232, discussing the nonjusticiability of malapportionment claims asserted under the Guaranty Clause.

While we do not intend to indicate that decennial reapportionment is a constitutional requisite, compliance with such an approach would clearly meet the minimal requirements for maintaining a reasonably current scheme of legislative representation. And we do not mean to intimate that more frequent reapportionment would not be constitutionally permissible or practicably desirable. But if reapportionment were accomplished with less frequency, it would assuredly be constitutionally suspect.

IX

Although general provisions of the Alabama Constitution provide that the apportionment of seats in both houses of the Alabama Legislature should be on a population basis, other more detailed provisions clearly make compliance with both sets of requirements impossible. With respect to the operation of the Equal Protection Clause, it makes no difference whether a States' apportionment scheme is embodied in its constitution or in statutory provisions. In those States where the alleged malapportionment has resulted from noncompliance with State constitutional provisions which, if complied with, would result in an apportionment valid under the Equal Protection Clause, the judicial task of providing effective relief would appear to be rather simple. We agree with the view of the District Court that State constitutional provisions should be deemed violative of the Federal Constitution only when validly asserted constitutional rights could not otherwise be protected and effectuated. Clearly, courts should attempt to accommodate the relief ordered to the apportionment provisions of State constitutions insofar as is possible. But it is also quite clear that a State legislative apportionment scheme is no less violative of the Federal Constitution when it is based on State constitutional provisions which have been consistently complied with than when resulting from a noncompliance with State constitutional requirements. When there is an unavoidable conflict between the Federal and a State Constitution, the Supremacy Clause of course controls.

X

We do not consider here the difficult question of the proper remedial devices which Federal courts should utilize in State legislative apportionment cases.[66] Remedial technique in this new and developing area of the law will probably often differ with the circumstances of the challenged apportionment and a variety of local conditions. It is enough to say now that, once a State's legislative apportionment scheme has been found to be unconstitutional, it would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan. However, under certain circumstances, such as where an impending election is immiment and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, even though the existing apportionment scheme was found invalid. In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of State election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree. As stated by Mr. Justice Douglas, in concurring in *Baker* v. *Carr*, "any relief accorded can be fashioned in the light of well-known principles of equity."[67]

We feel that the District Court in this case acted in a most proper and commendable manner. It initially acted wisely in declining to stay the impending primary election in Alabama, and properly refrained from acting further until the Alabama Legislature had been given an opportunity to remedy the admitted discrepancies in the State's legislative apportionment scheme, while initially stating some of its views to provide guidelines for legislative action. And it correctly recognized that legislative reapportionment is primarily a matter for legislative consideration and determination, and that judicial relief becomes appropriate only when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so. Additionally, the court below acted with proper judicial restraint, after the Alabama Legislature had failed to act effectively in remedying the constitutional deficiencies in the State's legislative apportionment scheme, in ordering its own temporary reapportionment plan into effect, at a time sufficiently early to permit the holding of elections pursuant to that plan without great difficulty, and in prescribing a plan admittedly provisional in purpose so as not to usurp the primary responsibility for reapportionment which rests with the legislature.

We find, therefore, that the action taken by the District Court in this case, in ordering into effect a reapportionment of both houses of the Alabama Legislature for purposes of the 1962 primary and general elections, by using the best parts of the two proposed plans which it had found, as a whole, to be invalid,[68] was an appropriate and well-considered exercise of judicial power. Admittedly, the lower court's ordered plan was intended only as a temporary and provisional measure and the District Court correctly indicated that the plan was invalid as a permanent apportionment. In retaining jurisdiction while deferring a hearing on the issuance of a final injunction in order to give the provisionally reapportioned legislature an opportunity to act effectively, the court below proceeded in a proper fashion. Since the District Court evinced its realization that its ordered reapportionment could not be sustained as the basis for conducting the 1966 election of Alabama legislators, and avowedly intends to take some further action should the reapportioned Alabama Legislature fail to enact a constitutionally valid, permanent apportionment scheme in the interim, we affirm the judgment below and remand the cases for further proceedings consistent with the views stated in this opinion.

It is so ordered.

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[65] Report of Advisory Commission on Intergovernmental Relations, Apportionment of State Legislatures 56 (1962). Additionally, the constitutions of seven other States either require or permit reapportionment of legislative representation more frequently than every 10 years. See also the Council of State Governments, the Book of the States 1962–63, 58–62 (1962).

[66] Cf. *Baker* v. *Carr*, 369 U.S. 186, 198. See also 369 U.S., at 250–251 (Douglas, J., concurring), and passages from Baker quoted in this opinion, ante, at —, and infra, at —.

[67] 369 U.S., at 250.

[68] Although the District Court indicated that the apportionment of the Alabama House under the 67-Senator Amendment was valid and acceptable, we of course reject that determination, which we regard as merely precatory and advisory since the court below found the overall plan, under the proposed constitutional amendment, to be unconstitutional. See 208 F. Supp., at 440–441. See the discussion earlier in this opinion, ante, at —.

State legislative districts compared

[Updated to June 16, 1964—Subject to further revision]

The column marked "Average" gives the average Senate or House population figure. The largest and smallest columns give the population represented by each legislator in a State's largest and smallest Senate or House district. In those States where multi-member districts are used, a figure suitable has been obtained by dividing the population of the district by the total number of representatives assigned to that district.

The percent column gives a percentage of the State's population that could theoretically elect control of the Senate or House.

CURRENT APPORTIONMENT

State	Senate				House			
	Average	Largest	Smallest	Percent	Average	Largest	Smallest	Percent
Alabama	93,278	634,864	31,715	27.6	30,818	50,718	10,726	37.9
Alaska	11,308	88,021	4,603	41.9	5,654	7,174	2,945	47.3
Arizona	46,506	331,755	3,868	12.8	16,277	30,438	5,754	46.0
Arkansas	51,036	80,993	35,983	43.8	17,863	31,686	4,927	33.3
California	392,930	6,038,771	14,294	10.7	196,465	306,191	72,105	44.7
Colorado	50,113	127,520	17,481	29.8	26,984	63,760	7,867	32.1
Connecticut	70,423	175,940	21,627	32.0	8,623	81,089	191	12.0
Delaware	21,252	64,820	4,177	29.9	9,918	20,040	1,643	27.6
Florida	115,152	467,525	17,711	15.2	44,210	66,788	2,868	26.9

State legislative districts compared—Continued

[Updated to June 16, 1964—Subject to further revision]

CURRENT APPORTIONMENT

State	Senate				House			
	Average	Largest	Smallest	Percent	Average	Largest	Smallest	Percent
Georgia	73,021	85,594	57,937	49.2	19,235	185,422	1,876	22.2
Hawaii	25,311	50,040	8,515	23.4	12,407	15,163	7,044	47.8
Idaho	15,163	93,460	915	16.6	8,451	10,384	915	44.0
Illinois	173,812	565,300	53,500	28.7	56,596	160,200	34,433	39.9
Indiana	93,250	171,089	39,011	40.4	46,625	79,538	14,804	34.8
Iowa	55,110	266,314	29,696	35.2	25,532	133,157	7,910	26.9
Kansas	54,465	61,920	47,114	47.8	17,378	47,800	2,241	19.4
Kentucky	79,951	120,720	62,048	46.6	30,382	40,480	20,166	44.8
Louisiana	83,513	248,427	31,174	33.0	31,019	57,622	6,909	33.1
Maine	28,508	45,687	16,146	46.9	6,418	13,102	2,394	39.7
Maryland	106,920	492,428	15,481	14.2	21,836	37,879	6,541	42.3
Massachusetts	128,714	199,107	86,355	44.6	21,452	49,478	3,559	45.3
Michigan	200,682	690,259	55,806	29 0	71,120	135,268	34,006	44.0
Minnesota	50,953	99,446	26,458	40.1	26,060	99,446	8,343	34.5
Mississippi	44,452	187,045	20,987	37.2	15,558	26,361	3,576	41.2
Missouri	127,053	160,288	96,477	47.8	26,502	53,015	3,936	20.3
Montana	12,049	79,016	894	16.1	7,178	12,537	894	36.6
Nebraska	28,803	36,393	21,703	43.9	(1)	(1)	(1)	(1)
Nevada	16,781	127,016	568	8.0	7,710	12,525	568	29.1
New Hampshire	25,288	41,457	15,829	45.3	1,517	1,779	8	43.9
New Jersey	288,894	923,545	48,555	19.0	101,113	143,913	48,555	46.5
New Mexico	29,719	262,199	1,874	44.0	14,394	29,133	1,874	27.0
New York	287,626	425,276	190,343	36.9	108,272	314,721	15,044	34.7
North Carolina	91,123	272,111	45,031	36.9	37,968	82,059	4,520	27.1
North Dakota	12,907	42,041	4,698	31.9	5,499	8,408	2,665	40.2
Ohio	288,073	439,000	228,000	46.0	70,850	148,700	10,274	28.4
Oklahoma	52,916	346,038	13,125	24.5	19,242	62,787	4,496	29.5
Oregon	58,956	69,634	29,917	47.8	29,478	39,660	18,955	48.1
Pennsylvania	226,387	553,154	51,793	33.1	53,902	139,293	4,485	37.7
Rhode Island	18,684	47,080	486	18.1	8,594	18,977	486	46.5
South Carolina	51,796	216,382	8,629	23 3	19,214	29,490	8,629	46 0
South Dakota	19,443	43,288	10,039	38.4	9,074	16,688	3,531	38.6
Tennessee	108,093	133,248	83,031	44.5	36,031	50,105	22,275	39.7
Texas	309,022	1,243,158	147,454	30.3	62,864	105,725	33,987	38.7
Utah	35,625	64,760	9,408	21.3	13,916	32,380	1,164	33.3
Vermont	12,996	16,014	2,927	47.0	1,585	35,531	38	11.9
Virginia	99,174	163,401	61,730	41.1	39,669	95,064	21,825	40.5
Washington	58,229	145,180	20,023	33.9	28,820	57,648	12,399	35.3
West Virginia	58,138	252,925	74,384	46.7	18,604	252,925	4,391	39.8
Wisconsin	119,780	208,343	74,293	45.0	39,528	87,486	19,651	40.0
Wyoming	13,202	30,074	3,062	24.1	5,598	7,929	3,062	46.5

APPORTIONMENT FOR SESSION OF 1965

State	Senate Average	Senate Largest	Senate Smallest	Senate Percent	House Average	House Largest	House Smallest	House Percent
Florida	115,152	467,525	17,711	15.2	44,210	66,788	2,868	26.9
Idaho	(2)	(2)	(2)	(2)	8,451	10,384	915	44.0
Kansas	54,465	60,197	48,232	50.1	(2)	(2)	(2)	(2)
Nebraska	28,803	36,393	21,703	43.9	(1)	(1)	(1)	(1)
Wyoming	13,202	30,074	3,062	24.1	5,598	7,929	3,062	46.5

[1] Unicameral legislature.
[2] Unchanged by new apportionment.

Source: National Municipal League and 1960 census figures.

REAPPORTIONMENT: NOW, OR MAYBE LATER?

(By Frederic Sherman)

Florida got off on the right foot with its first constitution in 1838. The men who wrote it were from northern and western parts of the State, where most of the people were then. They figured these areas should have most of the representation in the legislature.

There were then only about 6,000 persons living in south Florida, fewer than 200 of them in Miami.

One-sixth of the State's population of 600,000 lived in Leon County so Leon County was given one-sixth of the house seats and two senators. That first constitution provided for reapportionment every 10 years at mid-decade starting in 1845.

From that noble beginning, Florida has backtracked from the ideals of representative government. By the mid-20th century, it was among the two or three worst represented States at the legislature level.

THE SLOW START

From 1838 until 1885 when the present State constitution was adopted, there was no reapportionment. A 1923 amendment provided for 38 senate seats and 95 in the house. That was the formula in the spring of 1962 when a University of Virginia survey revealed that only Fulton County (Atlanta) had a worse record of underrepresentation than did Dade County at the statehouse. With about 19 percent of the Florida population, Dade had only 2.6 percent voting strength in the Florida senate and only 3.2 percent in the house.

There had been 10 tries at constitutional reform since 1915, but that 1923 formula was the only one approved by the voters. It cemented control of the State in the hands of 22 senators and the small northern counties.

Gov. Millard Caldwell called a special session of the legislature in 1945, but the changes were minimal.

GOVERNOR COLLINS TRIED

It remained for LeRoy Collins to make the only real challenge to the 22 senators who constituted the "pork chop gang," a name that seems to have sprung from the slang of trade unionism. It means someone who benefits at the expense of the common welfare.

Governor Collins took a legislative beating in 1955 at the hands of the gang. He had proposed a modest plan that would have given Dade and other large counties extra seats in Tallahassee, but 22 percent of the State would still have controlled a majority of the house and about 12 percent would have elected a majority in the senate.

Throughout the numbers game played with reapportionment, the rural counties would never approve any plan that gave the metropolitan areas of Florida even half the representation they deserved on the basis of population.

The gang tossed the Collins proposal aside and came up with a plan that gave each county one senator and made some concessions with a 153-member house. Though this would have raised control of the house to 30 percent of the State population, the formula was set up to guarantee that the figure would decline with continued growth of the cities. In the senate, control would have been in the hands of 10 percent of the State.

THE VOTE: "NAY"

As they had done before and as they continued to do in the years following, the people of Florida rejected the proposal as unfair.

The situation was summed up by 29 house members during their fight for fair reapportionment at the 1957 session:

"After these many days of labor, endeavoring to give the people of Florida fair representation in their senate, we have been forced to the firm conclusion that the underlying reasons for defeat of reapportionment are refusal of some members of the senate to give up their personal political control over State, city, and county government and their personal political control over laws affecting large segments of the business interests of the State."

Nothing changed in the 5 years that followed. A 1958 plan was so obviously unfair that it was ruled off the ballot by the State courts. A 1959 plan was soundly defeated. And this suited the "Pork Chop Gang" just fine.

Florida law does not provide for an initiative referendum by the people. The only ways to change the makeup of the legislature are through statute or by proposing a constitutional amendment. The rural legislators have preferred the second way because it provides built-in delays.

KILLER COMMITTEES

Their harsh control over the affairs of the State continued. V. M. Newton, Jr., managing editor of the Tampa Tribune, threw a spotlight on the "pork chop gang" and its control through committees in his book, "Crusade for Democracy," Wrote Newton:

"In the 1959 session of the legislature, these 'killer' committees killed legislation before it reached the floor, which would have provided the following: central purchasing, a chancellor for the State university system, regulation of unethical business practices, urban renewal, State control of unclaimed bank accounts, regulation of billboards on highways, aid to libraries, integrity in government, and provisions for less costly purchase of highway rights-of-way." He pointed out that the small counties represented by the 22 members of the "gang" were paying only 14 percent of the State's taxes and getting back 27 percent of the State's benefits.

ENTER, THE COURT

England took steps to reform its "rotten borough" system in the 1830's. Here in the United States, metropolitan areas were helpless until the 1962 decision of the U.S. Supreme Court that ruled in a Tennessee case that city voters could appeal unfair apportionment to the Federal courts. This was a reversal of an earlier decision in which Justice Felix Frankfurter had warned against Federal intervention in the reapportionment struggle. Frankfurter argued that the matter should be left in State hands and solved through the pressure of demands for fair play.

But it is too much to ask of a politician that he vote himself and his friends and their own personal interests out of office.

In Florida, the legislature has been controlled by men with investments in citrus, utilities, banking, phosphate and insurance companies. These are the special interests that have always escaped taxation while hundreds of millions in new taxes have been passed on to consumers. A proposal for severance taxes on timber and phosphates is sent to a "killer" committee and is never seen again. But a bill to raise auto license fees sails through to the Governor's desk. A more equitable division of State road funds is knocked out, but the small loan companies win an increase of maximum loans from $300 to $600.

NOTHING BETTER?

Despite Florida's sorry record, Gov. Farris Bryant told newsmen after the decision in the Tennessee apportionment case that "The situation is quite different from Florida which has been vigorous in its responsibilities in this field. The proposal that will be before the people (in November 1962) is a vast improvement over the present formula. I believe the voters will approve it if they are not misled by false hope."

It was said at the time that the statement paid more credit to Bryant's political savy than it did to his education at Harvard Law School. On the basis of 100 percent being perfect representation, Tennessee was at 56 percent when the Supreme Court acted. And Florida was at 25 percent and at that time in the worst position of any of the 50 States.

Governor Bryant warned the big cities not to kill the plan because he said it offered as much as they could hope to get. Tiny Gilchrist County with 2,900 residents voted 576 to 49 for it. Hamilton County with 7,800 residents voted 15 to 1 for it. Columbia County with 22,000 voted 12 to 1.

AN URBAN DENIAL

But the six largest counties turned out enough votes to defeat the unfair reapportionment. Dade voted 2 to 1 against it. Broward and Hillsborough voted 3 to 1 against it. Pinellas voted 4 to 1 against it. Palm Beach voted more than 2 to 1 against it.

As always, Duval County (Jacksonville) went along with the "pork chop gang" and voted better than 4 to 1 for the defeated proposal.

It was really a moot question that November; the same situation we have this year with a constitutional amendment for reapportionment that has already been declared invalid by the Supreme Court. Will we have to go through the motions in November of voting down still another pork choppers' offer of a bucket with no bottom and a bone with no meat?

ONE MAN, ONE VOTE

Miami Attorney Richard Swann has returned to the Federal court in Miami armed with the opinion from Washington and he is asking that the rights guaranteed to all Florida residents by the 14th amendment to the U.S. Constitution be respected by the State.

The Supreme Court has ruled that for one man there should be one vote.

The arguments against this doctrine come from those who customarily are found pleading for freedom of the individual and for States rights. There are accusations that the decision in the reapportionment cases is another effort by the Federal Government to take over control of the States.

The truth is that the Federal Government has been forced to step in to protect a majority of American citizens from the abuses of a minority. That minority now seeks to protect its status of privilege by changing the National Constitution.

America changed from two-thirds rural to two-thirds urban between 1920 and 1960. But control of the State legislatures remained in the hands of rural counties.

Fighting their way through State and Federal courts, urban residents finally got their case before the U.S. Supreme Court. In 1962, the Court ruled in a Tennessee case that the Federal courts could provide relief when a legislature refused to reapportion.

In June this year, the Court said the 14th amendment provides apportionment of both houses of a State legislature on the basis of population alone: one man equals one vote. For a majority of Americans, this meant a chance at constitutional reform within the States to cope with urban problems.

But a move by Senator EVERETT DIRKSEN threatens to delay that relief. The Senator does, however, leave the door slightly open for court-ordered reapportionment in "highly unusual circumstances," such as with a State that shows an apparent lack of good faith. Senator DIRKSEN's amendment would allow a State legislature "a reasonable opportunity in regular session" to reapportion according to the June decision of the Supreme Court.

Here is the record of the Florida Legislature in meeting the State constitution's provision for reapportionment every 10 years. It appears to meet the criteria of a "highly unusual circumstance."

QUOTE

"This is a splendid opportunity to tell the Federal courts to go to hell." Senator Clyde Galloway, of De Funiak Springs, 1962.

"Florida has grown and prospered greatly in the last 10 years and the majority bloc has never been more in control of the legislature than it was at the time. Doesn't that prove we are right?" Anonymous member of pork chop gang, 1962.

"I think the boys of the majority bloc have made us a little better deal. It is hard to admit, but these boys are going to give us whatever they want. If you are hungry, why hold out for steak? Go ahead and eat hamburger." Representative William Boyd, of Manatee County.

AND UNQUOTE

"Those in control aren't going to give in until they are made to do so." Senator Ralph Blank of Palm Beach, 1962.

"This issue is a political one that should be settled by the elected officials of the State, not the Federal courts." Representative William Chappell, of Ocala, 1962.

"We are up here because of those two idiots with law degrees (Peter Sobel and Richard Swann). And as for giving Dade a second senator, half the people in Dade County don't know their senator and half don't want to know him. Our two U.S. Senators just sit back and don't open their cotton-picking mouths (to object to Federal court.)" Senator Harry Stratton, of Callahan at 1962 special session.

Mr. BARRY. Mr. Chairman, I support H.R. 11926.

By adopting this measure the Congress would be acting in a constitutionally permissible manner, since Congress is vested with the power to set appellate jurisdiction of the Supreme Court which is specifically stated in article III of the Constitution:

> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The right of Congress to state the areas of appellate jurisdiction of the Court has been upheld in three major decisions. In 1868, in the McCardle case the Supreme Court affirmed that the Congress had the power to limit the appellate rights of the Court. In 1932 the Court upheld the Norris-La Guardia Act provisions that no Federal court could issue an injunction in a case involving a labor dispute and in so doing the Court reaffirmed Congress right to limit appellate jurisdiction. And, in 1942, the Congress passed the OPA containing a provision to withhold from Federal district courts the authority to enjoin the enforcement of the act. The Court reviewed and upheld the constitutionality of the act.

In handing down the decisions of Baker against Carr, 1962, and Reynolds against Sims on June 15, 1964, which held that a constitutional right exists under the equal protection clause of the 14th amendment that one person's vote shall count as much as anothers in State elections, the Court departed from past precedent and injected itself into an area of controversy which hitherto it had chosen to consider not within its authority because apportionment of legislatures was a legislative matter. The effect of this judicial reversal of prior holdings was to undermine the validity of the internal composition of legislatures in all but five or six States. Left wholly to their own resources, Federal court judges unfortunately have not measured up to the occasion, for the Supreme Court has persistently refrained from offering assistance to the Federal courts in the form of comparable guides whereby they might be dissuaded from fashioning remedies impracticable in terms of immediate execution. In their endeavor to implement the Supreme Court rulings on apportionment, many Federal courts have acted, not in conformity with standards of moderation, but rashly and independently as to produce conditions so chaotic that the normal functioning of many State governments has been impaired, or is in danger of being impaired.

A number of Federal courts, demonstrating their lack of guidance and understanding of the problem of apportionment, have commanded legislatures to reassemble in special session and complete reapportionment within intervals as brief as 15 days, and if they default in the instructions issued by the Federal courts, to submit the drawing of legislative district lines by the judges, themselves. Such direct judicial intervention resulted, in many instances, in the disruption of State electoral processes. Most apparent of these disruptions are the court commands for special elections of legislators on virtually an annual basis in utter disregard of State constitutional provisions fixing tenure of longer duration. For reasons not readily understandable, the Federal courts in a number of States have arbitrarily bypassed the wishes of the people in referendum and established reapportionment guidelines contrary to the referendums.

Federal courts having demonstrated lack of foresight and reluctance to be deterred by the consequences of such rash intervention, it remains for the Congress to step into the breach within its constitutional prerogative.

The effect of the Supreme Court decision of Reynolds against Sims in June of this year, is to give the Federal Courts the authority to write the laws of our States. Some do not realize the seriousness of this new court power. Legislating is not the business of the courts and amounts to judicial autocracy. Within our three branches of Government there was created an important set of checks and balances. The one check the Congress has upon the judiciary is the stated constitutional right to set the appellate jurisdiction of the courts. The fact is that the Supreme Court has overstepped itself by legislating and if Congress does not exercise its prerogative to check the court, what control, then, is there to be over the judiciary?

Furthermore, if the individual States are forced to follow the dictates of the Supreme Court decision that both legislatures represent the people by population, it will encourage arbitrary majority rule and weaken the complex balance of our Government which protects the rights and opinions of minorities.

Mrs. GREEN of Oregon. Mr. Chairman, H.R. 11926, in my judgment, seeks to amend the Constitution unconstitutionally. Stripped of the window-dressing, this bill and its echo, the Dirksen-Mansfield proposal in the Senate, are nothing less than part of a wrongheaded venture by which improperly constituted State legislatures will hoist themselve into legitimacy.

Mr. Chairman, by a split vote of the Rules Committee there was ordered to the floor this most objectionable bill. H.R. 11926 would flatly deny the Supreme Court or inferior Federal courts any jurisdiction over reapportionment of State legislatures. Certainly the distinguished chairman of the Judiciary Committee, Mr. CELLER, spoke for many of us when he objected:

> Tammany Hall in its wildest moments would never have tried anything like this.

The bill itself is objectionable, but the manner in which it is before us is also subject to criticism because the bill has not had full consideration by the legislative committee, Judiciary, to which it was originally referred.

I have already made known my objections to the silly business of attaching an apportionment rider to the foreign aid bill. I have said I would vote against the foreign aid bill if it is brought before us with the apportionment rider attached.

I object, in company with scores of other House Members, to this and similar proposals because the legislative approach unwisely and indeed dangerously threatens the integrity of our judicial process. This objection is apart from the merits of recent decisions of the Supreme Court on apportionment, which I happen to approve.

It seems to me the question is really whether we believe in the rallying cry of popular sovereignty and the right of each American to be equally represented in the legislative branch of the State in which he resides. The apportionment of seats in many State legislatures is most inequitable, as many speakers have pointed out today. When 10, 15, and 20 percent of the aggregate vote can elect a majority in a State senate, for example, there surely must be legislative deformity. However tolerable these conditions have been in the past, they are intolerable today when two-thirds of the American people live in urban areas.

I wonder what the thoughtful writers of the Federalist Papers would say if they were watching us today. How far from their careful considerations, their detailed deliberations, their eloquence and methodical exposition is the content of the punitive bill before us. I say "punitive" because there can be no doubt that the bill is aimed less at the issue it purports to resolve than with the Supreme Court itself. It is a recurring nasty episode in the history of our National Legislature. John Marshall is remembered long after his petty detractors, as have been and will be other great figures of jurisprudence, who at one time or another have been members of the High Court.

The effort is a crude attempt to perpetuate the rule of the unresponsive minority. It is an effort to turn back the clock; to deprive a majority of the American people fair and equal voice in their State assemblies. In short, it is the antithesis and repudiation of the ultimate goal of all democratic government.

Mr. HANNA. Mr. Chairman, I rise as one who has expressed a favored position for the apportionment by the States of one of their houses of the legislature on a basis that includes factors and considerations in addition to population. I rise also to join those who look with disfavor upon the Tuck amendment.

The problem we face is one related to the apportionment of State legislative bodies. It is a critical problem at this juncture of history for two reasons; first, the failure of the political machinery of the several States to themselves adjust in some reasonable way to the changing complex of the lives and environment of their citizens and second, the quantitative mandate of the Supreme Court that all apportionment shall be accomplished on the single criterion of "one man, one vote." In a previous presentation to this House, Mr. Chairman, I put it as a problem created by State governments who had waited too long and a Supreme Court which may have gone too far.

It is my sober judgment that we must consider the problem as a complex one involving the sovereign powers of the several States and the constitutional rights of the individual citizens. I put this language with care, Mr. Chairman, for it is my contention that States have, and are entitled to, exercise "powers" but only citizens have and are entitled to have protected "rights." This distinction is emphasized in the language of the 10th amendment which reads as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States are reserved to the States respectively, or to the people.

Mr. Chairman, it would seem that the power to establish a bicameral legislature as the legislative arm of the State would be a power obviously reserved to the respective States. We could so stipulate and to some this would resolve the problem. But, it does not. We must consider the rights of the individual citizen as well. The 14th amendment clearly sets forth and we quote:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside.

In this language the Constitution sets forth the duality of citizenship and with it the rights, privileges, immunities, burdens, duties, and obligations incident thereto. Likewise, to be meaningful the machinery of both levels of government should be empowered to enforce the burdens, duties, and obligations and to protect the rights, privileges, and immunities. Further, in the language of the 14th amendment, section 1, it is stated "nor to deny to any person within its jurisdiction the equal protection of the laws."

Now, if a citizen under the claim of his Federal or U.S. citizenship should make a legal claim that he was being denied "equal protection of the laws" as set forth in the 14th amendment, why should he be precluded from going to the forum of the Federal courts. Under section 2 of article III of the Constitution the language reads:

> 1. The judicial power shall extend to all cases, in law and equity, rising under the Constitution, the laws of the United States,

> and treaties made or which shall be made under their authority.

The jurisdiction of the Federal court for the merits of the U.S. citizen's claim is therefore properly before the courts. The necessity for such jurisdiction is made clear by the second section of article VI which sets forth:

> 2. This Constitution and the laws of the United States which shall be made pursuant thereof; and all treaties made or to be made, under the authority of the United States, shall be the supreme law of the land.

Mr. Chairman, is it not self-evident that there is a singularity implicit in the word supreme. There cannot be two supremes. More surely there cannot be 50 supremes. The Constitution is what the court interprets it to be but that interpretation must be singular to be supreme. It can come, therefore, from only a single court system and that system is the Federal courts, with the final voice being the decisions as uttered by the Supreme Court.

We must distinguish between the powers of the court to decide and our readiness to accept the decision. Our history is sprinkled with instances from John Marshall to the present day where either the executive or the legislative branch or both were at bitter odds with the judicial branch. Attacks upon the personalities and the powers of the Supreme Court are certainly not unique to our day and time. What is more important, they were not unknown to our English forebearers. The history of the common law is marked with clashes between the King and the chief magistrates and between Parliament and the courts. Some of the most significant advances made for the rule of law and the symmetry of order were made in those clashes from whence the judiciary emerged with increased independence as the haven for the protection of a citizen's fundamental rights.

The concern for this independence of the judiciary from executive or legislative personalized pressure is reflected in two specific places in the Constitution. One relates to their tenure of office which is recited in article III, section 1, as "during good behavior" and the second relates to their compensation which, in the same section, provides "shall receive for their services, a compensation which shall not be diminished during their continuance in office."

Both of these provisions arose out of experience in England where the Kings and Parliaments had made the judiciary subservient to their wishes by summarily dismissing judges for new and more amenable substitutes or by cutting off or substantially diminishing their pay. Thus the independence and integrity of the judiciary and its importance in our form of government has been sorely won from painful experiences from a past to which none would knowingly return. If we do not approve of the findings of the court, then, we do not attack the court system's integrity nor do we attack the judge. The framework within which we are safe requires that we change the law.

Our situation is clear. Under the language of the only body competent to speak the contest between the power of the state and the rights of the individual citizen as claimed under the 14th amendment has, in this instance, been resolved as the Constitution is now written in favor of the individual citizen's right.

To those of us who would make more clear the express power of the States in this matter and the limitation of the citizen's right in this case there is but one course. The Constitution must be amended in a manner which sets things straight with our desires. It makes no difference that such a course be difficult and time-consuming. We cannot have the great benefits of a written constitution without the great burdens incident to changing it. Neither can we have the great protection of the three independent arms of our Federal system without carrying the burdens of the armor which secures their independence. If this be lightly held, it shall be easily lost.

I cannot support the Tuck proposal because it seriously assaults the many sections of the Constitution I have cited. More disturbing, it treats lightly, and cavalierly a pillar of the structure of liberty history bought at a costly price—the independent judiciary. I am not ready for such sacrifices. I urge my colleagues not to make them.

Mr. TEAGUE of Texas. Mr. Chairman, there has been much said about the decisions of the Supreme Court of the United States which have held that a State cannot apportion either house of its State legislature on any basis other than population. I believe that most of the controversy since the decisions of the Court has revolved around the question of whether or not the Court has properly interpreted the 14th amendment to the Constitution.

I do not believe the issue should be resolved entirely on the question of whether or not the decisions of the Supreme Court properly interpret the language of the 14th amendment. It seems to me that the basic and overriding question is whether or not the results of the decisions are desirable ones. If the language of the Constitution clearly requires the interpretation placed upon it by the Court, then the Court could only hold as it did and might at the same time regret the necessity for doing so. If a result imposed by the clear language of the Constitution or a result imposed by Court interpretation of the Constitution is undesirable, then the Constitution should be amended. Our Founding Fathers recognized that the future would probably bring with it the necessity to amend the Constitution and therefore very wisely provided for this in article V of this historic document.

It is my opinion that the decisions of the Court were undesirable and that within the framework of our Constitution the Congress has the right and the power to take action. I believe that reapportionment is needed in many States, but I do not believe that there is such an urgency connected thereto that it was necessary for the courts of this country to direct the States to effect such reapportionment within a specified time, or they, the courts, would do so. This infringes upon the rights of the States.

Therefore, Mr. Chairman, I shall support the resolution before us today which will limit the jurisdiction of Federal courts in the reapportionment and urge that enforcement of pending cases be stayed until such time as the question can be put to the States in the form of a constitutional amendment which would give them the right to reapportion one of their houses in a bicameral legislature on some basis other than population.

The **CHAIRMAN**. All time has expired. The Clerk will read:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Following section 1258 of title 28 of the United States Code (28 U.S.C., sec. 1258) add a new section as follows:

"§ 1259. Supreme Court, limitation of appellate jurisdiction

"The Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion any legislature of any State of the Union or any branch thereof."

SEC. 2. Amend title 28, section 1331 of the United States Code (28 U.S.C., sec. 1331) by adding at the end thereof a new subsection to read as follows:

"(c) The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof."

Mr. DOWDY. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I hesitated to take any of the limited time that was allotted to my distinguished colleagues who wanted to expound on this bill during general debate.

We all know that when this Nation was founded the Government was divided into three branches, supposedly coequal, the legislative, judicial, and executive. The legislative authority was placed in the Congress. Now, whether we maintain the authority and the prerogatives given to us under the Constitution depends upon us. If Congress wants to maintain the prerogatives it had given to it under the Constitution, we have to quit being gutless. We know that. The executive has encroached on our prerogatives and the Supreme Court has. Probably the Supreme Court has more recently, and more drastically undertaken legislative authority and legislative action.

One of the reasons our forefathers used for wanting independence when we declared our independent from Great Britain was taxation without representation. We won that war. Legislation without representation is the same thing as taxation without representation. These decisions that have been coming down from the Supreme Court over the past several years and the one in particular concerning redistricting and reapportionment of the States is legislation without representation. There should not be legislation without representation in our country. Such would be a repudiation and betrayal of the Founding Fathers.

There is not a soul in the United States, who has an opportunity to vote for even one of the Supreme Court Justices. They are nominated by the President and confirmed by however many there may be in the other body at the time of confirmation. Their legislative acts are legislation without representation.

Somehow or other the Supreme Court of the United States has got it into its mind that the Constitution is its own private document, its own private property to do with it as it pleases. This seems to have been a big part of the opposition's argument here today, that the Supreme Court can do with the Constitution whatever it pleases.

The bill we are here considering is an affirmation by Congress to the Supreme Court that, "You are not going to tear the Constitution to pieces as you please," and that the Congress of the United States is going to quit being a bunch of dummies, pushed around by the other two branches of the Government that are supposed to be only our coequals, under a system wherein we, the Members of the Congress have the legislative function which shall not and must not be encroached by the other two arms of our Government.

I consequently support this bill and I believe that every Member of this body who is proud of his membership and the faith and trust of the people he represents will vote for it.

In so doing, we say that the U.S. Constitution belongs to all the people, and is not the private document of the Supreme Court.

AMENDMENT OFFERED BY MR. WYMAN

Mr. WYMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WYMAN: Amend H.R. 11926 by adding at the end thereof the following new section:
>
> "3. The provisions of this act shall expire on December 31 of the fifth full calendar year following the year of proposal to the States by the Congress of a constitutional amendment establishing in substance the right of each State to apportion at least one house of its legislature on a basis other than population."

Mr. WYMAN. Mr. Chairman, I would like to explain this amendment. Very simply, what this amendment would do is this. This law would expire 5 years after Congress proposes a constitutional amendment for ratification to the States.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. WYMAN. I yield to the gentleman.

Mr. WAGGONNER. The gentleman says that it will expire 5 years after the proposal of a constitutional amendment to the States. Is the gentleman not basing his amendment upon the presumption that Congress will propose such an amendment and what will be the expiration date if none is proposed?

Mr. WYMAN. I would like to explain to the gentleman that that is very clearly set forth in the language. If none is actually proposed to the States the expiration date will never take effect and the statute will continue indefinitely. What we are trying to do here is this. There have been a lot of questions asked about the status of Supreme Court decisions, like Reynolds against Sims during the period when we are acting on a constitutional amendment, when the State legislatures are deliberating. Obviously this is something that is being done in order to allow the proposal of a constitutional amendment to the several States, to allow them to act on it without reconstituting or reapportioning their State legislatures in the meantime. Which, of course, is precisely what the opposition here today does not want to happen.

As things stand at this moment the situation is that the Federal district courts are issuing orders to State legislatures to "reapportion by a certain date." Then, of course, once reapportioned, as has been said here today, once reapportioned they will not ratify a constitutional amendment. They will not then vote to change the Constitution to reaffirm the status quo beforehand. So we will then be right back to the old question of constitutionality with a Supreme Court declaring unconstitutional whatever seems to fit their idea of what is best for a modern America and the Devil take the plain meaning of the English language. The present U.S. Supreme Court is rewriting the Constitution of the United States in its own image.

Mr. Chairman, I call my colleagues' attention to article V of the U.S. Constitution, our U.S. Constitution, which spells out how to amend the Constitution, where the last two lines of this section read as follows.

I quote:

> *Provided, however,* That no State, without its consent, shall be deprived of its equal suffrage in the Senate.

What this means is that built-in malapportionment in the view of some is expressly provided for in the U.S. Constitution, such as two Senators from New Hampshire and two from New York and two from California.

Mr. Chairman, is that one person, one vote? Of course, it is not. In the various States we have the same sort of things in many of the State constitutions. Why should the U.S. Supreme Court strike down State constitutional provisions that in substance offend less than the U.S. Constitution itself?

So, Mr. Chairman, let us adopt this amendment and let us make it clear that we are merely granting a period of 5 years in which to propose this amendment and to let it go through. If no amendment is ever proposed, why, of course, the law continues in effect.

Mr. Chairman, it seems to me my amendment represents an improvement in the Tuck bill. I support the amendment and I hope my colleagues will do so, also.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is no small wonder why the gentleman from New Hampshire wants to perpetuate the situation that exists in his State, and he would perpetuate it by the adoption of this amendment because as I see it, if for example the amendment that would be offered, possibly offered, failed this bill would continue in effect. If no amendment is offered I do not know what the real result would be. But let us for one moment look at what is happening in the State of New Hampshire from which State the gentleman comes. There exists this very, very strange situation in New Hampshire. You have a member of the lower house representing how many people, do you imagine? Eight people. Eight people of New Hampshire can elect a member of the lower house. The largest membership is 1,779.

In the upper chamber the representative represents 15,000 and the largest 41,000.

Mr. Chairman, I can very well see why the gentleman wants to continue the situation where eight people can elect an assemblyman or a member of the lower house in New Hampshire. That is what would happen in the situation here. You would continue that forever and a day under this amendment.

Mr. Chairman, I hope the amendment will be voted down.

Mr. WHITENER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in opposing the gentleman's amendment I do not attribute to him any selfish or ulterior purposes as others may do. I am sure that he is as interested, as are most of us, in the basic constitutional question involved.

Mr. Chairman, my opposition to his amendment is because of my firm conviction that the Supreme Court does not now have, has never had, and it was never contemplated that it would have, authority to wander into the field of apportionment or reapportionment of State legislatures. They are doing so in the case of Reynolds against Sims. This constitutes a bald usurpation of alleged authority and jurisdiction.

Mr. Chairman, I would hope that we would not accept the amendment because I believe that to do so would be, in effect, admitting that some of us are willing to say that the Court was not improperly engaged in this terrible business in which they did engage in the case of Reynolds against Sims.

Mr. Chairman, I respect my good friend from New Hampshire, and I dare say that those eight people up there, if they are his constituents, are mighty wise people.

It is provided in the State of New Hampshire that eight people can select a representative. That is thoroughly consistent with the thought of the authors of the 14th amendment, Senators Howard, Thaddeus Stevens, and the others who debated it when they said the only thing that the Federal Government could require of a State government was that it have a republican form of government.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New Hampshire.

Mr. WYMAN. In answer to the remarks of the chairman of the Committee on the Judiciary, who declined to yield to permit me to make this explanation, I would like to make it clear that my amendment as written will not continue this law indefinitely if a constitutional amendment is not ratified by the States. Under the proposed expiration clause if Congress proposes a constitutional amendment the time starts running on expiration whether or not ratified by December 31 of the fifth calendar year after the year in which it was proposed.

Mr. WHITENER. I certainly do not feel any Member of the House is on the hook when he is defending the Constitution of the United States. To do other than to take the position which Justice Harlan took in Reynolds against Sims is to close our eyes not only to the language but to the history concerning the adoption of the 14th amendment.

Mr. JOELSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the new liberal attitude of the Rules Committee in letting Congress work its will will mean we may not adjourn in September. We are assuredly going to get the medicare bill, since the Rules Committee wants to let us work our will. They will doubtless give us Federal aid to education also, since they want us to work our will.

Some time ago I introduced a bill to reform congressional procedures, mainly the Rules Committee. What happened to that bill? It was referred to the Rules Committee, and wound up with a rather indecent burial. Now that we can work our will, we are going to get the opportunity to vote on congressional reform also, and I hope we will give it to the Nation as a Christmas present.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment is rather clever. It is a trap. It would deny all of our constituents equal protection of the law as to their right to vote unless there is proposed a constitutional amendment to which many of us are violently opposed. It seems to me it is a rather obvious trick. It would, I suppose, create a Supreme Court of the Union, which some have proposed, so far as the right to vote is concerned. That may be considered as a defeat of constitutional rights.

I hope the amendment will be defeated.

Mr. BECKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I sat here last week and I listened to the distinguished chairman of the Committee on the Judiciary, complain about this legislation. I listened to him talk about tyranny and about burying bills in the Rules Committee. I listened to a Member talking about a built-in burial in the Judiciary Committee. But, starting on June 26, 1962, the chairman of the Judiciary Committee has had 147 resolutions introduced by 111 Members of the House to provide a constitutional amendment to permit prayer and Bible reading in public schools. He refused to hold a hearing for 20 months until a discharge petition I put on the desk reached about 160 signatures of Members of the House. Then he held hearings on April 22 to June 3. Since June 3 what has he done? Absolutely nothing. Absolutely nothing. Talk about tyrants. He has not held a meeting of his committee to discuss this. He will not bring my resolution to his committee for a vote. But time was utilized in bringing many people to Washington to oppose my amendment.

The gentleman from New York, [Mr. CELLER] talks about tyranny. He talks about burying legislation. The issue of a prayer amendment, House Joint Resolution 693, is a most important issue, more important than this. The chairman of the Judiciary Committee, my colleague from New York, should look in a glass when he speaks of tyranny in this context, and not at the Rules Committee or Members of this House. I think it is a great tragedy when Members take this floor and attempt to destroy the will and direction of the American people and placing this power in the hands of nine men on the Supreme Court, regardless of who they are or at what time in our history. The Congress of the United States has the responsibility. In respect to this particular bill, I think it is one of the greatest responsibilities we have at this time and let us take the jurisdiction of determining whether the States shall have the right to apportion in accordance with the will of the people of the various States.

I think it ill behooves my colleague, the gentleman from New York [Mr. CELLER], to talk about tyranny or burying bills, because he has been the best undertaker in the House since I have been a Member of the House past 12 years.

Mr. CAHILL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the sponsor of this amendment a question, because his proposal is not clear to me or I think to other members of the committee. If the House of Representatives and the Senate passed this proposal, and then a constitutional amendment is submitted to the various States of the Union, suppose at the end of 5 years not enough States have acted so as to make that constitutional amendment effective. What happens to the Tuck bill then, if the Tuck bill is adopted?

Mr. WYMAN. At the end of 5 full years after the year in which the proposal is signed and sent to the States the Tuck bill will expire, by section 3, as proposed in this amendment.

Mr. CAHILL. So then, if I may ask another question, is it the sole purpose of the gentleman's amendment to give the Congress time to implement the constitutional machinery so as to change by constitutional amendment the effect of the Supreme Court decision on reapportionment?

Mr. WYMAN. Yes, on reapportionment of the State legislatures, because the question before us by a statute is not the final necessary action. A constitutional amendment will have to be adopted and the purpose of my amendment is to encourage and accelerate this proposal.

Mr. MEADER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I reluctantly oppose the amendment offered by the gentleman from New Hampshire. I do so because of a strong belief that the Court has no business invading the legislative process, and I do not want, by putting a termination date on the legislation, to recognize the propriety of any action they take to determine the composition of a legislative body.

I also oppose it because if this amendment is defeated I intend to offer an amendment which I think will settle some of the questions which have been raised here as the debate has been going on.

I believe that we ought to refrain from putting a time limit in legislation—especially an indefinite limit. It is within the power of Congress to repeal an act.

I should like to point out also that most of the constitutional amendment resolutions provide for a period of 7 years for ratification by the States, and the time limitation in this amendment would expire before the time for ratification of the constitutional amendment by the States. If it would be 2 years during which the States still had time to approve the resolution, what would happen to the question of legislative reapportionment by judicial decree in that period?

I hope the amendment will not be adopted.

Mr. HAGEN of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am proud to make an appearance here because I represent one of the semirural areas. We feel in terms of one man, one vote we are in the minority. We want to see the protection of minority rights in this country in the structure of one house of our various State legislatures.

I am not here to attack the Supreme Court. The Chief Justice is a very distinguished Californian, who—I might appropriately remark—when he was Governor of the State opposed a reapportionment plan which would have brought us closer in the State senate in California to the principle of one man, one vote.

The Constitution since the days of Marshall has been what the Supreme Court thought it was and their decisions, of course, are guided by the personalities and backgrounds of the Justices. They make policy. They have made policy in this area and I think it is our prerogative to change that policy if we so desire because we are the primary policymaking agency of the Federal Government.

Actually the Court got into a very real thicket when they got into this reapportionment area because districts, congressional or otherwise, change every day.

To really carry out the principle of one man, one vote, you have to have instant reapportionment or at least reapportionment annually because districts shift in population so rapidly. So this is not a very valid principle of reapportionment except on a very limited basis, certainly not a principle which should be left solely to the judiciary for review and interpretation.

I want to support any proposal that will get this issue out of this House and into the Senate where we can come to some logical decision on this question of reapportionment. I am certain that between the House and the Senate an equitable, constitutional solution can be arrived at.

In this regard I think the interests of the whole of northern California, for example, lie with us in the rural areas of California. San Francisco, Oakland, all of northern California is outvoted by southern California, dominated by one county. Presently there is a balance in our State legislature which shall be changed only according to principles approved by people of California who have complete opportunity to compel necessary changes.

So that I think all northern Californians should join with us in supporting some kind of a formula which will permit at least one house of a State legislature to be apportioned on the basis of considerations other than population and the principle of one man and one vote.

I would like to point out, as the gentleman from Ohio [Mr. McCulloch] has pointed out with respect to Ohio, in California this issue of the structure of the State senate has been presented several times to the people of the State, and they have voted on the issue and approved the present structure of the legislature in California.

I might add that on some occasions organized labor, for example, has opposed reapportionment which would have brought us closer to a one-man, one-vote representation in the State senate.

I might point out in terms of the principle of one-man, one-vote, I think California so far as the State senate is concerned is the second worst State in the Union. But I do not think anybody maintains that we get bad representation in the State senate. I know of no demand in California presently to change it. We had the issue on the ballot 2 years ago and the voters approved the present organization of the State senate. We have the opportunity here to make a policy contrary to the Supreme Court policy, if you please, if that is the wish of the Congress.

I think in the protection of minority rights and the perpetuation in the States of the Federal principle which has been recognized for decades, we should adopt some proposal and send it to the Senate.

I am not entirely satisfied with the Tuck proposal but we need a vehicle of some kind to meet this issue and pass something before this Congress adjourns.

To those who take a different position I will say that they are not consistent. I have heard none of them recommend this proposal in presidential elections, where the principle is violated by the electoral college rules. I have not heard them advocate it with respect to the organization of the U.S. Senate. I have not heard them advocate it with respect to membership on the Supreme Court itself, the members of which are most certainly selected on the basis of unequal voting power as expressed through the presidential elections or otherwise.

My position is that the ideal system of State legislative organizations is that of one House selected on a population basis and the other on districts created to represent geographic, and economic and sociological interests.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

In order that California might be well balanced, since my friend from a hayseed county has spoken, perhaps he would like to listen to remarks of one from the city.

We have 40 senators in the State of California. There is one hayseed senatorial district in the northern part of California which has 14,000 people in it. They elect a State senator. I live in Los Angeles County, where we have 6¾ million people, and we elect a State senator. That means, so far as my vote is concerned, in electing a State senator, it is worth 1/467 of that of a citizen voter who lives in the State senatorial district in Mono, Inyo, and Alpine Counties, if I have those names correct.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I would rather not yield at this time, because this is important.

Mr. DON H. CLAUSEN. I wanted to add a little balance.

Mr. HOLIFIELD. I believe this speech of mine is going to sway the vote in the right direction. I decline to yield at this time.

We heard our friend, the gentleman from California [Mr. Gubser], another good Californian from up in the cow counties or the hayseed districts.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I will have to yield, because I mentioned the gentleman's name.

Mr. GUBSER. I merely wish to say that the gentleman from California, Congressman Edwards, and I have the privilege of representing the second fastest growing city in the United States.

Mr. HOLIFIELD. People? Or jackrabbits?

Mr. GUBSER. Of people.

Mr. HOLIFIELD. My friend, the gentleman from California [Mr. Gubser], made a little bit of an allusion to the State initiative of 1962 which was defeated. It was not defeated very badly, I might say, but it was defeated by a close vote.

I want to tell you why it was defeated. There was the greatest outpouring of cash from the vested interests that has ever been known in the State of California. I have the complete file on it. I am not going to bore you with all of the statement of the cash that was put into the campaign against proposition 23, which was not to do what the Supreme Court did, but just to give, instead of 16 senators, to Los Angeles County, only 6.

Several hundred thousand dollars—in fact, several million dollars was spent in that campaign, but I am not going through all of it.

The four biggest oil companies in the State put in $43,000 to oppose reapportionment. A big utility company in the State put in $25,000. Three railroads put in $21,000. Five San Francisco banks put in $26,500. Those 13 contributors contributed $115,000.

I have a number of pages listing other contributors. Some of them are real "chicken." They only put in $1,000, $2,000, or $3,000. But the total was enough to confuse the people and to defeat the initiative.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to the gentleman from Indiana.

Mr. HALLECK. Does the gentleman mean by this statement that the voters of California were corrupted for those few dollars?

Mr. HOLIFIELD. No. They were confused. The voters were confused. There is a great deal of difference between confusion and corruption.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to my friend from California.

Mr. DON H. CLAUSEN. The gentleman made reference to the fact that Los Angeles had one State senator. I wonder if he would give the number of assemblymen Los Angeles has in the California Assembly, to provide for a check and balance?

Mr. HOLIFIELD. We have the number of assemblymen according to population, because the assembly is on a population basis.

Mr. DON H. CLAUSEN. That is correct.

Mr. HOLIFIELD. Thirteen percent of the people of the State of California can elect the control of the State senate, which nullifies all 80 assemblymen that are elected on a population basis.

Mr. DON H. CLAUSEN. I might point out to the gentleman—I feel certain he is aware of it—that in our area we have one assemblyman representing four or five counties.

Mr. HOLIFIELD. Yes; a lot of sticks, stones, and jackasses.

Mr. DON H. CLAUSEN. The latter is associated with the gentleman's party, I might add.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a former member of the California Legislature, as a Member of Congress for 12 years, as a Representative of an urban area which is decidedly industrial, and the fastest growing area in the entire Nation, I feel that the passage of legislation to postpone the effect of the Supreme Court decision on reapportionment is the single most compelling thing that we must do at this session of Congress.

One of the first to warn that the Supreme Court could invade the legislative functions was Abraham Lincoln. He said, and I quote him:

> If the policy of the Government upon vital questions * * * is to be irrevocably fixed by decisions of the Supreme Court * * * in ordinary litigation * * * the people will have ceased to be their own rulers.

Although I have disagreed with several of the Court's decisions in recent years, I have not denounced the Court. I have not felt it was our place as legislators to complain about judicial decisions when, by passing laws or amendments to the Constitution, we can correct those decisions. This is what we are here to do today and this is what we should do.

It is not sacrilege to disagree with the U.S. Supreme Court. As a citizen it is my right to disagree. As a Representative of the people, it is my duty to change that with which I disagree. I am sure the Court itself would unanimously uphold this right and duty.

One of the most basic precepts of a democracy is the protection of minority rights. This was the foundation of the "great compromise" at our Constitutional Convention and is the justification today for such bills as civil rights. Yet this action of the Court would place the minorities of rural, and more conservative areas, at the mercy of urban and liberal areas.

Mr. Chairman, human problems cannot be categorized by mere numbers. Problems of human beings in sparsely populated areas are nonetheless acute because they affect small numbers. Although the Supreme Court may not have intended it, the practical effect of the reapportionment decisions will be to deny the residents of sparsely populated areas a solution to their peculiar problems except at the will and pleasure of those who reside in metropolitan and urban areas. Had the philosophy of one man, one vote, as interpreted by the Supreme Court, prevailed throughout our history, the rural free delivery system, which has done so much for this country, would probably never have been created. Soil and water conservation and the great reforestation programs of sparsely populated mountain areas might not have been understood by the representatives of urban areas.

Geography, topography, and geology are often the reasons for sparsity of population. Yet at the same time they are the cause of many human problems. These problems, these human problems, cannot be evaluated with compassion by a thing as cold as a decennial census.

I cannot agree with the Court's distinction between the Federal system of representation at the national and State levels. I cannot agree that different constituencies based upon population will provide a well-rounded approach which can be productive of nondiscriminatory legislation. Such an argument ignores the requirement to solve human problems which are directly related to a lack of population rather than its presence. It allows only for representation by slightly differing densities of population, and it refuses to recognize that the human problems of minorities are as severe as those of majorities.

Mr. Chairman, despite the amounts of campaign money which may have been spent, the processes of democracy have operated in California on three separate occasions, and the voters have turned down what the Supreme Court decisions would impose upon us. I ask you, is it in the spirit of democracy to use judicial interpretation to force a system upon a citizenry which has gone to the ballot box, our sacred ballot box, and turned it down?

This is a government "by the people." As such, the ultimate sovereignty should lie with the people. We should not tolerate a situation where a Court of nine men can deny a decision of the people which has been made at the ballot box.

Mr. Chairman, I would much prefer to vote for the version of this bill proposed by the senior Senator from Illinois. The ultimate answer to this problem must eventually lie in a constitutional amendment like the one I have introduced which would guarantee the right of any State to apportion one house of its legislature on "factors other than population." But such an approach takes time which is not available. So in order to gain time I feel that I should support the pending bill if I do not have the chance to vote for a simple postponement of the Supreme Court decision.

This bill is a crossroads for democracy. If we do not pass it the traditional rights of a minority will be gone and the Federal system, so long the strength of our Nation, will have been ruptured. We must postpone the effects of the Supreme Court decisions.

The **CHAIRMAN**. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New Hampshire.

The amendment was rejected.

Mr. **HARDY**. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The **CHAIRMAN**. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. **HARDY**. Mr. Chairman, during the course of the debate on the rule my colleague, the gentleman from Virginia [Mr. SMITH] discussed the problem of encroachment by the Supreme Court on the prerogatives of the Congress with unusual clarity. This is one of the best presentations I have heard on this subject, and it brings into sharp focus the dangers to our tripartite form of government if we fail to check the Court, to confine its actions to the narrow limits intended by the Constitution, and stop it from legislating. Today we are dealing with but one facet of the Court's misconstruction of its authority and its intrusion into the area of legislating. There are many other facets which need attention just as badly as this. For example, the extreme abuse by the Court of its authority with respect to requiring the Prince Edward County supervisors to levy taxes for integrated schools.

Notwithstanding my desire to join with my colleagues in trying to restrict the Court to its proper functions, I have some misgivings about the measure we are now debating.

Insofar as the extent to which this bill would affect my own State is concerned, I believe this would be minimal. The three-judge district court has already ruled that the existing apportionment of the Virginia Legislature is unconstitutional and this ruling has been upheld by the Supreme Court. Section I of this bill would not be retroactive and as a consequence, the decision of the Supreme Court in the Virginia case is, I presume, final. My own congressional district is entitled to additional representation in the Virginia Legislature. I hope this inequity will be corrected promptly and I have urged Governor Harrison to call a special session of the legislature to accomplish this.

Viewing this subject on a broader national scope, I do believe that questions of State apportionment insofar as possible should be adjudicated by State courts, but in the final analysis, I doubt seriously the wisdom and constitutionality of denying to any citizen the ultimate right to seek relief from the Supreme Court if he believes that he has been denied equal protection of the law in lower courts.

And so, Mr. Chairman, I am following this debate as closely as I can and I understand that a number of amendments will be offered. I hope that we will find a proper way to recover from the Supreme Court those rights and responsibilities which belong to us and which they have usurped.

AMENDMENT OFFERED BY MR. MEADER

Mr. **MEADER**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEADER: Page 1, line 3 strike out line 3 and all that follows to and including line 9 on page 2 and insert the following:

"That (a) chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

" '§ 1361. Legislative districts

" 'A district court shall not have jurisdiction of any action to enjoin, suspend, or modify the operation of any law respecting the boundaries of, or the number of persons to be elected from, any district from which persons are elected to the legislature of any State.'

"(b) The table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following:

" '1361. Legislative districts.'

"SEC. 2. (a) Chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

" '§ 1259. Exception to appellate jurisdiction in cases involving legislative districts

" 'The Supreme Court of the United States shall not have appellate jurisdiction of any action of any type described in section 1361 of this title.'

"(b) The table of sections at the beginning of chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following:

" '1259. Exception to appellate jurisdiction in cases involving legislative districts.' "

Mr. **MEADER**. Mr. Chairman, it had not been my intention to offer this amendment. In effect what I have offered is the language of H.R. 11879, introduced by me on July 1, 1964.

Those who have listened to the amendment read will realize that my bill has the same objective as the Tuck bill; namely, to withdraw the jurisdiction of lower Federal courts over legislative apportionment cases and to make an exception to the appellate jurisdiction of the Supreme Court in the same type of cases.

The reason I offer the amendment is that many questions have been raised about some of the phraseology in the Tuck bill. I believe the language in my bill, which was worked out over the past 2 years very carefully with the lawyers in the Office of the Legislative Counsel in the House and the counsel of the Judiciary Committee of the House, would set at rest some of those questions which have been raised.

For example, the question has been raised whether or not the Tuck bill would apply to cases now pending or only to cases where a petition, subsequent to the effective date of the Tuck bill, was filed with the Court. The language of the Tuck bill on page 2, line 6 reads:

> The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State.

That language "shall not have jurisdiction to entertain" would seem to be completely prospective in operation and any pending cases would not be affected by the Tuck bill.

In contrast the comparable language in my bill reads, "A district court shall not have jurisdiction of any action to enjoin."

Mr. Chairman, the effective date of this act under my phraseology would affect not only cases in the future where petitions or complaints might be filed, but would cut off jurisdiction in all pending cases right as of the time of the effective date of that act.

Now, there is one other difference in the phraseology. The Tuck bill uses the phrase, "seeking to apportion or reapportion the legislature of any State"—I engaged in a colloquy with the gentleman from Virginia [Mr. TUCK] in which I asked him the meaning of that phrase.

Most of the cases of which I am aware involving State legislative districts are suits in equity in a Federal district court before a three-judge court seeking to enjoin the Secretary of State and his subordinate election officials from carrying out an election for the State legislature, utilizing the pattern of districts provided by State law, on the grounds that the State law setting up these districts is unconstitutional because of the one-man, one-vote philosophy.

Mr. Chairman, I am not sure whether this language "seeking to apportion or reapportion" meets the situation, because no suit about which I know runs against the legislature of a State, ordering it by mandamus, as it were, to enact a law in accordance with the court's belief as to how the State should be apportioned. They are all injunction suits against a State official restraining him from carrying out his duties under existing law.

Mr. Chairman, I am not sure that the language contained in the Tuck bill would reach that type of case. If it does not and if the court construes around it, it would mean we have done an idle thing because most of the suits are injunction suits in equity before three-judge courts against State officials.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. FASCELL. I am inclined to agree with the gentleman's reasoning on his interpretation of the pending bill and the interpretation of his amendment. But that still leaves, I respectfully submit to the gentleman from Michigan, the question of where a decision has already been made by the Court on a constitutional issue, whether or not the gentleman's amendment would, in effect, by the withdrawal of jurisdiction actually repeal the decision, and I submit it does not.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MEADER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Under my language I am quite sure that any final order which had already been entered and the legislature had taken action to reapportion in accordance with the Court's decree would not in any way be affected by my amendment. It would only be where there is still some unperformed task on the part of the Court such as entering an order for an injunction or such other action as the Court might take, or where the lower court had entered a final order which had not been appealed. Under my amendment the Supreme Court would not be able to take an appeal on a final order of the district court after the effective date of this act.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Hawaii.

Mr. GILL. Would that mean that the district court had ordered reapportionment and if your amendment were adopted, there would be no appeal against that order?

Mr. MEADER. Exactly so.

Mr. TUCK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I regret very much that I am not able to agree with my friend, the gentleman from Michigan [Mr. MEADER], who is a very able lawyer. But we have been debating and discussing the provisions of the pending bill all day. I believe the membership of the House understands the bill, but the amendment which has been offered by the gentleman from Michigan is quite a complicated one and I would hate to see it voted on at this time and substituted in the place of my bill.

Mr. Chairman, I respectfully ask that the amendment be rejected.

Mr. CELLER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I too object to the amendment. It is quite complicated and very difficult to comprehend at the tail end of the session. An amendment of this character, drawn in technical language as it is, requires considerable study, to say the least.

It would be like a blind man looking for a black hat in a dark room.

I hope the amendment does not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MEADER].

The question was taken; and on a division (demanded by Mr. MEADER) there were—ayes 25, noes 130.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. SMITH OF VIRGINIA

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SMITH of Virginia: On page 2, line 9, strike out the period, insert a comma, and add the following: "nor shall any order or decree of any district or circuit court now pending and not finally disposed of by actual reapportionment be hereafter enforced."

Mr. SMITH of Virginia. Mr. Chairman, there are a great many different situations in a great many different States, and a great deal of confusion brought about by reason of the Supreme Court decision. It appears that this language is all right in the bill as far as it goes, but it does not cover pending cases. There are cases all the way from here to yonder that are in some state of litigation.

All I am asking to do by this amendment which I have offered if adopted is to suspend jurisdiction of the court on cases that are now pending in court. I might mention Oklahoma and several other States are in that situation where they are right in the clutches, but they might not be considered as covered by section (c) on page 2, reading:

> The district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of any State of the Union or any branch thereof.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Ohio.

Mr. McCULLOCH. I would like to ask the distinguished gentleman from Virginia this question:

The Ohio case went to the Supreme Court, and the unanimous decision of the three-judge court was reversed. The case was remanded. The three-judge court ordered the complainant to submit its plans, and the defendant to submit plans. That is the present status of that litigation. How would the Tuck bill affect that litigation? Would it stay that litigation henceforth?

Mr. SMITH of Virginia. This amendment would. I have my doubts whether the bill presently drafted would take care of that kind of a case.

Mr. McCULLOCH. May I conclude it is the gentleman's intention with this amendment to stay all litigation in apportionment cases in every State of the Union where orders have not been carried to a final conclusion?

Mr. SMITH of Virginia. To finality, on reapportionment, anyway.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Oklahoma.

Mr. BELCHER. What about a case in which the courts have already ordered reapportionment, the districts have been set, and the election has been called and candidates nominated for office in the new districts. Would the gentleman's amendment stay the operation of that?

Mr. SMITH of Virginia. As long as it is in the Federal court.

Mr. McCULLOCH. Mr. Chairman, if the gentleman will yield, I am pleased to support the amendment offered by the gentleman from Virginia.

Mr. SMITH of Virginia. I thank the gentleman. I very much hope this amendment will be adopted.

Mr. TUCK. Mr. Chairman, if the gentleman will yield, I am pleased to support the amendment offered by the gentleman from Virginia.

Mr. REUSS. Mr. Chairman, I rise in opposition to the amendment, as I oppose the Tuck bill itself, because we in Wisconsin believe in one person, one vote. We have had reapportionment in both houses for 10 years. It has worked very well.

There was a time in Wisconsin when the people who believed in representation not according to population but according to lily pads, pine stumps, or acreage, tried to have their way with the people of Wisconsin and presented the following proposition—this was back in the administration of Governor Kohler—which was rendered into roughhewn poetry about this way:

> If we have our way and we see it coming
> We will base the vote on outdoor plumbing,
> So every farmer with an old three-holer
> Can cast three votes for Governor Kohler.

Fortunately the attempt to reapportion by area did not succeed. I hope we can defeat the attempt to bring back area apportionment which is contained in this bill.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the mere fact that many questions have been raised indicates that, since some cases have not been concluded, some have not had final orders, and some are on appeal, it would be quite difficult to comprehend the import of this amendment. For that reason, I hope the amendment will not prevail.

Mr. OSTERTAG. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I believe the Supreme Court rendered an unwise decision in ruling that the States of the Union cannot apportion one house of the State legislatures on a basis other than population. This decisions runs contrary to historical development of our system of government; it casts aside an important element in our system of checks and balances; it ignores the historical meaning of the 14th amendment; and it is a decision on a political matter which should be decided by elected political representatives of the people.

As a result, I have introduced a resolution in the House to amend the Constitution to guarantee the right of any State to apportion one house of its legislature on factors other than population. The measure before us today provides another approach to the problem caused by the Court's decision. Certainly, something must be done by this Congress to protect our present system of government which has proven superior to any other in the world.

In reaching its decision, the Supreme Court declared there is no relation between the permissible composition of State legislatures and the organization of the Federal Legislature or Congress, where the House of Representatives is apportioned on the basis of population and the Senate is comprised of equal representation from each State. The equal protection clause of the 14th amendment to the Constitution provides grounds for requiring that all State legislative bodies be based on population, alone, or else the right of voters who live in more populous districts is debased, the Court argued.

The Court said:

> Legislatures represent people, not trees or acres.

The Court maintained:

> It would seem reasonable that a majority of the people of a State * * * (should be able to) elect a majority of that State's legislators.

Whether or not these opinions are valid, the Court's majority has considered this issue too narrowly and has ignored even more important factors. The effect of the Court's ruling is another tremendous extension of Federal power over State and local affairs.

What the Court has done is to declare that the people of our States do not have the right to determine for themselves what form their State and local governments may take. The form of State and local governments in our country was set before the Constitution of the United States was drafted, and it was the basis for many of the provisions which went into the Constitution. To rule this system now invalid is to rule contrary to the historical development of our entire system of government.

Our bicameral system of government, with one House based on population and the second on other factors, was devised as an important part of the checks and balances in our system of government. One of the strongest attributes of our system has been the adequate protection of minority interests amid majority rule.

As one of the leading newspapers, the Buffalo, N.Y., Evening News, wrote recently:

> We are for majority rule that respects minority rights—for majority rule that has to respect them because they are constitutionally protected.

One house of the legislatures based on other than population has been an important element of that system. Absolute rule by a completely unrestricted majority has never been part of the American system: 14 Presidents of the United States have been elected by less than a majority of voters.

Our State of New York with more than 18 million people is represented by two U.S. Senators, just as is the State of Alaska with its 250,000 people. That is a ratio of almost 100 to 1.

The Court cites the 14th amendment as the basis for this ruling, but it is clear that the amendment had no such meaning for those who prepared and adopted it. A majority of the States which ratified the amendment had at least one house of their legislatures apportioned without regard to population at the time the amendment was ratified, and it was understood that the amendment took "from no State any right that ever pertained to it."

By this decision the Court has ruled on a political question which should be decided by the elected political representatives of the people and not by a tribunal whose members are appointed for life by the President. There are wide differences among our 50 States in history, terrain, distribution of population, political tradition, economics, and other interests; certainly we should leave to the people of these varied States the right to shape their own form of government.

An interesting note is that when the present Chief Justice of the Court served as Governor of California, he said this on the same question:

> Our State has made almost unbelievable progress under our present system of legislative representation. I believe we should keep it.

That opinion remains sound today. After all, our present system has proven superior to any other in the world.

Mr. Chairman, the least we must do in this situation which confronts us today is to retain for the people of our respective States the right to decide for themselves on their system of legislative representation.

Mr. GIBBONS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, may I ask a question of the sponsor of the amendment, the gentleman from Virginia [Mr. SMITH]? In Florida we have an unusual situation. The constitution provides for 95 members of the house and 38 members of the senate. By court action which has become final—the constitution has not been changed in Florida, the constitution is just the same—we now have 112 members of the house and 43 members of the senate. The nominating elections have already been held down there, although the general election comes up in November. Where does that leave Florida? Do we have 112 men in the house and 43 men in the senate, under the court order, or do we go according to our constitution?

Mr. SMITH of Virginia. What court acted in that case?

Mr. GIBBONS. The Federal District Court in Miami.

Mr. SMITH of Virginia. I would say the job has already been done as far as the gentleman's State is concerned. I do not think we can pass any legislation that would be retroactive to that extent. However, just remember that if this bill passes, the gentleman's State, if it wishes to do so, can redistrict again tomorrow.

Mr. GIBBONS. Then would the elections we have had in Florida under your amendment stand as they presently are and would Florida have the same legislative body that the district court has allowed despite the fact that it does not comply with the Florida constitution?

Mr. SMITH of Virginia. Of course, the thing has been done and your members have been elected under this order. This bill could have no effect so far as I can see except to give you the privilege of reapportioning again if your State chose to do so.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from California.

Mr. ROOSEVELT. I do not know why it would not be possible for some citizen of the State of Florida to just file another suit on the whole thing and throw you all into utter confusion under this amendment that has been offered.

Mr. FASCELL. There is one big difference—there would be no appellate jurisdiction.

Mr. CHAIRMAN. I am opposed to the Tuck bill. I feel that it would work a hardship on the district I represent.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am opposed to the pending amendment. I want to say I am looking forward to the introduction of a substitute amendment to be offered by the gentleman from Oklahoma [Mr. EDMONDSON]. This would substitute in place of the Tuck bill, which in my judgment is clearly unconstitutional, the so-called Dirksen-Mansfield compromise which is currently under discussion in the other body.

Mr. Chairman, I have the honor to represent a district that includes more farmers in New York State than are included in any other congressional district in my State.

It is the fourth largest dairy district in the entire United States. I am proud to represent a rural district, and I must say that I think the people of my congressional district have shown a great deal of discernment and discrimination in the selection of their Representative. Every one of the eight counties that I have the honor to represent is going to be affected by the recent reapportionment decision of the Supreme Court. As an American, Mr. Chairman, I do not think that one can honestly take exception to the basic principle of one-man, one-vote. That principle is vital in our democracy. It applies in everything that we do and in all our associations. No man is any better than his neighbor. But I do feel, Mr. Chairman, that these counties have the right to gain a reasonable amount of time in carrying out the provisions of the Supreme Court action.

In New York State, for example, under the action of the Federal court, we are scheduled to have three legislative elections in the next 3 years.

Mr. Chairman, as a Member of this body who took an oath to uphold the Constitution, I cannot in good conscience support the bill offered by the gentleman from Virginia [Mr. TUCK] because in my judgment it is clearly unconstitutional. But the amendment that is going to be offered by the gentleman from Oklahoma [Mr. EDMONDSON] will simply provide for a reasonable amount of time so that there is no disruption or chaos in implementing this important and very sweeping decision. I think it would be a fair and reasonable substitute. I hope the gentleman from Oklahoma will have the opportunity to offer it. I intend to support it and I hope it will be carried.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. WAGGONNER) there was—ayes 135, noes 91.

Mr. CELLER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SMITH of Virginia and Mr. CORMAN.

The Committee again divided, and the tellers reported that there were—ayes 164, noes, 96.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDMONDSON: On page 1, line 3, strike out all after the enacting clause and insert the following:

"SEC. 402. (a) Chapter 21, title 28, United States Code, is amended by adding at the end thereof the following new section:

"'SEC. 461. Stay of proceedings for reapportionment of State legislative bodies.

"'(a) Any court of the United States having jurisdiction of an action in which the constitutionality of the apportionment of representation in a State legislature or either house thereof is drawn in question shall, upon application, stay the entry or execution of any order interfering with the conduct of the State government, the proceedings of any house of the legislature thereof, or of any convention, primary or election, for such period as will be in the public interest.

"'(b) A stay for the period necessary—

"'(i) to permit any State election of representatives occurring before January 1, 1966, to be conducted in accordance with the laws of such State in effect immediately preceding any adjudication of unconstitutionality and

"'(ii) to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution shall be deemed to be in the public interest in the absence of highly unusual circumstances.

"'(c) An application for a stay pursuant to this section may be filed at any time before or after final judgment by any party or intervener in the action, by the State, or by the Governor or Attorney General or any member of the legislature thereof without other authority.

"'(d) An order of a district court of three judges granting or denying a stay shall be appealable to the Supreme Court in the manner provided under Section 1253 of this Title, and in all other cases shall be appealable to the court of appeals in the manner provided under Section 1294 of this Title. Pending the disposition of such appeal the Supreme Court or a Justice thereof or the court of appeals or a Judge thereof, shall have power to stay the order of the district court or to grant or deny a stay in accordance with subsections (a) and (b).'

"(b) The chapter analysis of that chapter is amended by adding at the end thereof the following new item:

"'461. Stay of proceedings for reapportionment of State legislative bodies.'"

Mr. EDMONDSON. Mr. Chairman, this amendment which is offered as substitute language for the Tuck bill is offered after a great deal of deliberation and conversation with Members of the House by one who represents a State where this issue is probably as hot as it is anywhere in the United States, because to my knowledge the State of Oklahoma is the only State in the Union where the courts have invalidated and set aside primary elections held within a matter of weeks before the Court decision; primaries held in May followed by the Supreme Court decision of June with the "one-man, one-vote" rule, followed by a court order setting aside and invalidating those primaries.

With the deepest respect for the adversaries in this most important debate—and I doubt very seriously if we have had a debate in this Congress that goes to the heart of a more fundamental issue than this debate—with the deepest respect for the distinguished chairman of the Rules Committee, for whom I have the highest regard and affection, and the distinguished chairman of the Judiciary Committee, for whom also I have the highest regard and affection, I submit to you that this is a proposal which has several merits to commend it to your attention.

Mr. Chairman, in the first place, it provides a reasonable moratorium on the judicial exercise of the reapportionment power, a reasonable period in which the legislatures and the State courts can address themselves to this very serious question, with the June decision of the Supreme Court as a guideline.

Mr. Chairman, this is the period agreed upon by the majority leader in the Senate, Senator MANSFIELD, and by the minority leader in the Senate, Senator DIRKSEN. Now, Mr. Chairman, if the members of the Committee believe that this issue is grave enough and important enough to require a moratorium on the judicial exercise of the reapportionment power, if the members of the Committee believe that there are constitutional questions involved which require time for careful consideration by this body, not in the heat of a presidential campaign year, if the members of the Committee believe they want to vote for a bill that is supported by both the majority and the minority leadership, in substance, in the other body, because this is in substance the so-called Dirksen-Mansfield proposal, with the deletion only of language which is reported to be in question on the germaneness issue, and if the members of the Committee believe that they want to support a bill which has the best possible chance of passage in the other body and will make available to this body and to the country a period in which we can conduct a constitutional debate upon the highest level and in a nonelection year atmosphere, I urge you to vote for this substitute amendment.

Mr. MOORHEAD. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD. I understood that the gentleman was referring to the deletion of section (d) of the amendment as it appears in the other body?

Mr. EDMONDSON. That is correct.

Mr. MOORHEAD. And if the gentleman will yield further, do I take it, if the parliamentary situation were different, the gentleman would not object to the inclusion of section (d)?

Mr. EDMONDSON. I submitted subsection (d) to the best authorities I could find on the parliamentary question and I was told there was a germaneness question on subsection (d). So I did not want to rule out the consideration of the remainder of the amendment. Therefore I deleted it.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Hawaii.

Mr. GILL. Does not the deletion of section (d)——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, this purports to be——

Mr. WHITENER. Mr. Chairman, will the gentleman yield for one question?

Mr. CELLER. I yield to the gentleman from North Carolina.

Mr. WHITENER. In reading the subsection (a) of section 461 I note that it says if the question of reapportionment of legislatures is drawn into question the Court shall "upon application stay the entry or execution of any order interfering with the conduct of State government."

I am wondering if the Chairman would not interpret that to mean if an apportionment action were brought the Federal court could not enter into any kind of order affecting any branch of the State government and the conduct of government. It is not limited, it seems, to reapportionment matters.

Mr. CELLER. I do not know whether the gentleman's interpretation is correct or not, but addressing myself to the amendment proper, I would say that this purports to be the so-called Dirksen-Mansfield amendment.

But it is the amendment with the guts taken out. Why do I say "guts taken out"? Because it eliminates from the Dirksen amendment the so-called subdivision (d) which provides if the State fails to apportion representation in the legislature in accordance with the situation within the period required by the State, if the State fails to act, then under this subdivision (d) the Court can act. That is the sanction.

The Court is looking over the shoulder of the State legislature to see that they will act. If you take that out and the States refuse to act, that is the end of it. That destroys the purpose and purport and the intent on the part of the distinguished Senator from Illinois in the other body to bring about a sort of consensus. For that reason I cannot accept this amendment, because it takes the teeth out of the so-called Dirksen rider. I hope this body will not accept this diluted, watered-down version of the Dirksen-Mansfield proposal.

Fundamentally also I am opposed to this rider in any form because it seeks to suspend the power of the Supreme Court over apportionment cases for a definite period, until January 1, 1966, a little less than 6 years, or until after the convention processes shall have been concluded. That might be 4 years hence. If you can suspend the jurisdiction of the Supreme Court for that period you can suspend the jurisdiction of the Supreme Court for double that period, or for 8 years or 16 years, or forever. For that reason I am unalterably opposed to the general principle underlying this so-called Edmondson amendment which, as I said before, is a diluted Dirksen proposal.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana.

Mr. HALLECK. I would like to observe on this occasion, as on others in the past, I seldom agree with the gentleman. This time I agree with him, and I am against the amendment.

Mr. CELLER. I thank the gentleman. Now I wonder if I am right.

Mr. HARDING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the hour is late and I certainly do not feel that this is the time for a long speech, so I will be brief. However, I want to congratulate the gentleman from Oklahoma [Mr. EDMONDSON] for his proposed amendment and for his very excellent speech in support of his amendment. I concur fully with his view that something should be done to clear the air on the matter of legislative apportionment in our States. I feel that the recent Supreme Court decision which has the effect of requiring that both Houses of a State legislature be apportioned on the basis of population is too far reaching.

I believe that if the citizens of a State want their legislature patterned after our Federal Congress with one house apportioned according to population and one house apportionad according to divisions of local government or land area that this is their right. I do not feel that the Supreme Court or any other court should be able to say that such a legislature is wrong if it clearly represents the wish of the majority of the people in that State. However, I believe that there must be provisions for periodic referendums to allow a majority to change the system if they so desire.

This is the reason that I believe that this Congress should act to slow down the effect of the Court's decision and to provide for a moratorium while this entire problem is studied and adequate legal and constitutional provisions are made to clear the air on this subject.

I believe that the Dirksen-Mansfield bill will accomplish this object. It provides for a reasonable moratorium and yet at the same time appears to be constitutional and will not have a lingering adverse effect on the jurisdiction of our Federal judiciary in these matters.

I have heard many of the great lawyers in this House question the constitutionality of the Tuck bill. I am also in agreement with those who feel that removing the jurisdiction of the Supreme Court and Federal courts in the matter of State legislative apportionment entirely and forever is just going too far. I am sure that the Senate will never pass this extreme approach to the problem of legislative apportionment. In the Dirksen-Mansfield bill as offered in the gentleman from Oklahoma's [Mr. EDMONDSON] amendment we have a solution that is constitutional, that is moderate, and that can be passed by the Senate, therefore, I am fully in support of this amendment. Mr. Chairman, following is a memorial recently adopted by the Idaho State Legislature urging Congress to enact the Dirksen bill:

SENATE JOINT MEMORIAL 1

To the Honorable Senate and House of Representatives of the United States in Congress Assembled:

We, your memorialists, the members of the Senate and House of Representatives of the Legislature of the State of Idaho, assembled in the 1st extraordinary session of the 37th legislature thereof, do respectfully represent that:

Whereas we heartily concur with the remarks of the distinguished Senator from Illinois, the Honorable EVERETT M. DIRKSEN as said remarks are recorded in the CONGRESSIONAL RECORD of the U.S. Senate on page 16689; and

Whereas we are in complete accord and heartily endorse and urge the passage of Senate Joint Resolution 184, which resolution was introduced on July 23, 1964, by Mr. DIRKSEN for himself and 20 other U.S. Senators; and

Whereas this resolution follows closely the intent and wording contained in Idaho State Joint Memorial 4, passed by the regular session of the 37th Legislature of the State of Idaho on February 4, 1963, which memorial was forwarded to the Congress of the United States on February 9, 1963: Now, therefore, be it

Resolved by the 1st extraordinary session of the 37th Legislature of the State of Idaho now in session (the Senate and House of Representatives concurring), That the Congress and President of the United States of America, be respectfully petitioned to give priority to Senate Joint Resolution 184 in order that the entire historic legislative processes of the 50 States be preserved and the right to apportion State legislatures as their individual States may determine shall be held inviolate; and be it further

Resolved, That the secretary of state of the State of Idaho be, and he hereby is, authorized and directed to forward certified copies of this memorial to the President and Vice President of the United States, the Speaker of the House of Representatives of the Congress, and to the Senators and Representatives representing this State in the Congress of the United States.

Mr. Chairman, I urge my colleagues to join with me in supporting this worthy amendment by the gentleman from Oklahoma [Mr. EDMONDSON] as the best approach to a most controversial problem.

Mr. TUCK. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, in my opinion this amendment compounds the wrongs we have been complaining about in the Supreme Court decisions. I know of no constitutional provision to stop any laws or staying the powers of the Constitution of the United States. I believe the House is ready for the question.

I hope very much that the proposed amendment will be voted down.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the proposed amendment. I rise in opposition now because to me the amendment simply says we have been living in sin; let us live in sin just a little bit longer. We can and ought to do better. I do not believe we have been in any way constitutionally wrong in allowing bicameral State legislatures to have one body apportioned on a geographical basis and the other body apportioned on the basis of population.

This is supposed to be in the minds of some at least an issue between the country people and the city people, and it is not that at all. There is only this issue and it is the meat of the coconut, and that is the undeniable fact that so long as it is constitutional and it always has been and always will be constitutional for the U.S. Government to have a bicameral Federal Legislature, we can not deny to State legislatures that same privilege? The Court once more has shown contempt for Congress. We have the responsibility and privilege under our Constitution of apportioning one House of the U.S. Congress on a geographical basis, and we cannot deny that right to State legislatures. Congress is today showing courage we should show more often. The choice is clear. Support this legislation and remove from the Federal courts appellate jurisdiction of the apportionment or reapportionment of State legislatures or continue to side with the Supreme Court and evade your obligation to maintain a tripartite government. Stop the Court from legislating now. We have the authority and we must exercise it now. I choose to curb the Court.

Mr. ROGERS of Colorado. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto conclude in 20 minutes.

Mr. HOLIFIELD. I object, Mr. Chairman.

Mr. ROGERS of Colorado. Mr. Chairman, I move that all debate on the bill and all amendments thereto conclude in 20 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. CASEY].

Mr. CASEY. Mr. Chairman, I offer an amendment.

Mr. STRATTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STRATTON. There is a pending amendment offered by the gentleman from Oklahoma. Is it in order for other amendments to be offered to it?

The CHAIRMAN. Is the amendment offered by the gentleman from Texas an amendment to the amendment offered by the gentleman from Oklahoma?

Mr. CASEY. It is an amendment to the bill.

The CHAIRMAN. The gentleman can speak on his amendment at this time, but the amendment must be offered later.

Mr. CASEY. All right; I will take in when I can.

Mr. Chairman, my amendment will be offered later. If we can pass the Tuck bill we can pass it as amended, which will do what you are endeavoring to do by a constitutional amendment. My amendment will simply state that where a State having a bicameral legislature has apportioned one house on the basis of population the Supreme Court and the lower Federal courts will not have any jurisdiction.

So if you can pass the Tuck bill, you can pass this and forget all about the constitutional amendment.

Now I am not in favor of keeping the status quo on disapportionment in both houses. If you pass the Tuck bill, disapportionment in both houses will be maintained.

If you accept my amendment, they will be compelled to apportion one body on the basis of population, and that is what all the constitutional amendments now pending propose to do.

I urge your support when my amendment is offered.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. LATTA].

Mr. LATTA. Mr. Chairman and Members of the House, I am very much opposed to the Edmondson amendment because you have to ask yourself why we are here today. We are here today on this question brought about by a special procedure in the Committee on Rules because the chairman of the standing committee refused to act on this question. We find ourselves in the same situation if we adopt the Edmondson proposal, and then this proposal then becomes the law because in a reasonable length of time or in a period of time, as stipulated by this proposal, in the public interest we will be back in here with the same type of situation asking for a joint resolution to amend the Constitution, and we will have it right back in the same committee.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii [Mr. GILL].

Mr. GILL. Mr. Chairman, the struggle over this bill and its various amendments—including the Dirksen compromises—is another convulsive and perhaps the most important struggle over equal rights in this country. This is the American equivalent of the "rotten borough" struggle in England many years ago. These attempts to deprive some of our people of equal rights—and this time the right of city and suburban dwellers to have their vote counted equally with others—have close parallels with the civil rights and antipoverty bills which we have just passed.

In those bills we gave to all citizens, regardless of color or economic condition, an enforcible right to equal opportunity. Now the proponents of these antireapportionment bills—many of whom were opponents of civil rights and antipoverty—seek to prevent the majority of the people in this country from having their vote counted equally in their State legislatures.

Why, indeed, should a man who lives in a rural part of the State have a vote worth several times the vote of the man who happens to live in a city? In effect, in many parts of this country, we are voting cows instead of people. In the light of reason this seems ridiculous, but it is important to some.

Why? Unrepresentative bodies in legislatures can develop control not only over the finances of a State and its legislative process, they can also exercise their influence directly on Members of Congress through control of districting. This power structure has existed for a long time. In some States it is all powerful; in my State it is less rigorous than most; yet in all it should bow before the rule of "one man, one vote."

Some worry has been expressed about country areas being forgotten if all men have their votes counted equally. I do not think this is so. May I offer my personal experience as an example: Hawaii's two Members of Congress run at large and thus represent both rural and city voters, and about 80 percent of our total voters live in and around the metropolitan complex of Honolulu. Yet I find that far more than 20 percent of my time and the time of my office is spent on problems and projects of particular interest to our neighbor island or rural areas. Why is this? It is simply because specific projects are needed in these areas and community interest in them is far more intense and unified.

All that will be destroyed by voting people instead of cows will be the dubious influence of political machines based on the manipulation of ill-apportioned legislatures.

For this reason I urge you to vote against the Tuck bill, the Edmondson amendment, and any other measure which would deprive the courts of their duty to enforce the Constitution of the United States.

Mr. Chairman, I rise in opposition to both the Edmondson amendment and the Tuck bill, as amended.

I would like to point out to those interested in the Edmondson amendment that they have not explained that there is any date on which action must be taken under the Edmondson amendment.

There is no time required for action. The elimination of subsection (d) as found in the so-called Dirksen amendment further removes any sanction for action under the amendment.

I think all we are doing here is compounding the felony and we should vote both proposals down.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. LEGGETT].

Mr. LEGGETT. Mr. Chairman and members of the committee, I find it rather unrealistic to note that 14.9 percent of the total number of voters in the United States can elect a majority of the liberal body of this great legislative system; namely, the U.S. Senate. That is the total number that can elect a majority of Members in that body by 25 of our smaller States. As I say, I find it unrealistic to note that that is the situation, and yet to find that this system cannot permeate down to the other States of the Union.

However, I do not support the Tuck bill to remedy this situation simply because I feel that the Tuck bill is unconstitutional.

The judicial power of the United States set forth in article III of the Constitution is vested in one Supreme Court and in the inferior courts, section 1 of which reads as follows:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. JONAS].

Mr. JONAS. Mr. Chairman, my amendment is the Dirksen-Eastland-Lausche-Stennis original proposal. It would, without any recognition of any right on the part of any court to redistrict States, merely grant a moratorium to permit the States to act if they wish to act and to permit the Congress to act in the way of proposing a constitutional amendment, if the Congress wishes to do so. Furthermore, it would stay all proceedings under recent decisions until the expiration of two legislative sessions following the enactment of the bill.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. DORN].

Mr. DORN. Mr. Chairman, we stand today at the most important crossroad in the modern legislative history of our Republic. We still have a choice, at the moment, to follow the road of constitutional government, with its guarantees of States rights and individual liberty or we take the road to a complete dictatorship by the Supreme Court.

House consideration of this bill is equal in importance to the cause of freedom as consideration by the Continental Congress of the Declaration of Independence. It is comparable to the historic debate in the Constitutional Convention before adoption of our Constitution. It is as important as consideration of the Bill of Rights by the Congress in June and July 1789. This occasion can even be compared with the struggle in England for the adoption of the Magna Carta.

In its June 15 decision, the Supreme Court of the United States, in one cold, calculated stroke, changed our entire form of government. Our Government is a Federal union of 50 sovereign States. In their decision, the Supreme Court took over control of the legislatures of the States of the Union. In this decision, the Supreme Court seized from the people their right to apportion their representation in their own legislatures.

The only protection the people have from this unwarranted usurpation of their rights is by legislation such as this before the House today. Mr. Chairman, I support this bill with every ounce of energy at my command.

This bill will take from the Supreme Court power already usurped unconstitutionally and restore to the people their constitutional right to apportion their legislatures. This bill will prevent the Supreme Court and subordinate Federal courts from apportioning the legislatures of the States and restore the right to apportion to the legislatures of the several States and to the people of the States, where it belongs.

If this bill is not passed and these rights restored to the citizens of this country, the Supreme Court will next reapportion city councils. The Supreme Court will apportion county commissioners and local school trustees and county boards of education. Every vestige of local goverment, which is the foundation stone of our Republic, could be destroyed by the Supreme Court; and every action of city councils, State legislatures, county commissioners, school trustees, and boards of education will be supervised by the Supreme Court, operating from its marble palace in Washington, D.C.

If the Supreme Court is permitted by this Congress to take over and apportion our State legislatures, then as night follows the day, the Supreme Court will reapportion the Senate of the United States. The Constitution, with our form of government, only came into being after a compromise—a compromise which granted to each State of this Union, large and small, thickly populated or sparsely populated, two United States Senators in the Federal Congress. This system has worked superbly. The rights of minorities, the rights of our citizens in the rural areas and faraway places have had representation on an equal basis with the great and powerful in the United States Senate. If the Supreme Court decision reapportioning State legislatures is allowed to stand, we can soon expect South Carolina to loose its representatives in the U.S. Senate while California and New York would gain representatives.

Mr. Chairman, we are fighting today on this floor to preserve Congress as a coequal branch of the Federal Government with the Supreme Court and the executive. We are fighting to preserve the sovereignty and integrity of State government, city and county government and, yes, individual liberty.

Mr. Chairman, the passage of this bill today should be the first step in curbing a power-mad, rampaging Supreme Court running roughshod over the Congress, over the States, the communities and the people of this country. This Congress must and can eliminate the constitutional usurpation of power by this Court. Tomorrow may be too late.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. THOMPSON].

Mr. THOMPSON of New Jersey. Mr. Chairman, there has been considerable misunderstanding, no doubt due to inaccurate press reporting, respecting the position of the Department of Justice as it relates to the so-called Dirksen amendment. I have discussed the matter at length with the Deputy Attorney General, Mr. Katzenbach, who advises me that at the request of the Senator from Illinois they participated, on an advisory basis, and advised the Senator from Illinois that in their opinion his amendment was constitutional. But Mr. Katzenbach said to me clearly and unequivocally that he does not support it.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA].

(By unanimous consent, Mr. O'HARA of Michigan yielded his time to Mr. THOMPSON of New Jersey.)

Mr. THOMPSON of New Jersey. Mr. Chairman, I thank the gentleman. My statement was about complete.

I wish to emphasize that the participation by the Department of Justice and by the Deputy Attorney General did not indicate either his or the Attorney General's approval of the amendment per se. It was merely a statement with respect to its constitutionality which was attributed to them.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the chairman of the committee, the gentleman from New York.

Mr. CELLER. Of course there is no opinion from the Deputy Attorney General, Mr. Katzenbach, as to the amendment offered by the gentleman from Oklahoma [Mr. EDMONDSON] with subdivision (d) stricken out.

Mr. THOMPSON of New Jersey. There is no opinion existing which would relate directly to the Edmondson amendment I referred only to the other amendment.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I have not claimed the support of the Department of Justice for this amendment, but I have talked to Mr. Katzenbach, who said that the deletion of subsection (d) does not affect the constitutionality of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. WRIGHT].

Mr. POOL. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Texas.

(By unanimous consent, Mr. POOL yielded his time to Mr. WRIGHT.)

Mr. WRIGHT. Mr. Chairman, permit me in these 2 minutes which I have, thanks to my colleague, the gentleman from Texas [Mr. POOL], to make an appeal to reason in behalf of the Edmondson substitute. As he explained, it embodies the basic philosophy of the Dirksen-Mansfield proposal already approved in the other body. Yet it would not permit Courts to usurp the rights of State legislatures by performing the actual redistricting.

Those who want to impose the most severe restrictions upon the Supreme Court say that the Edmondson approach is not strong enough, and those who want to impose no legislative restrictions upon the Supreme Court say that it is too strong. This alone seems to commend it to our consideration.

Obviously, something needs to be done to avoid sheer chaos in a number of States, since elections already held in one State have been judicially invalidated after being held. Unless some legislation is forthcoming, more of the same surely will occur. The logic of that decision could even project itself into invalidation of congressional elections. Already some Members of Congress have been forced to seek office at large. Unless something is done, this surely will be the case in additional States if legislatures are not given adequate time in which to perform their reapportioning in an orderly way.

Obviously, we need the opportunity to submit a constitutional amendment permitting States with bicameral legislatures to apportion one house on some basis other than population. If it could be said that this practice is a denial of rights, then the same would have to be said of the U.S. Senate. I cannot conceive of the validity of a legal doctrine which would approve this system for the U.S. Senate but disallow it for the States, most of whom patterned and modeled their structures directly after our own. I will support such a constitutional amendment and hope to have that opportunity.

Yet the Tuck approach at best seems an exercise in futility, and at worst it would appear officially to condone the worst and most glaring legislative malapportionments deliberately perpetuated in some few States to deny some of their citizens even a reasonably equal voice in the operation of their State governments. The Tuck bill would deny relief even in the case of State houses of representatives constitutionally created on the basis of representation by population.

I wonder if anyone in this House seriously believes that the courts would allow the Tuck bill to stand. I make no pretense of being a great constitutional authority, but one does not have to be a great constitutional authority to know that this Congress cannot, by simple legislative enactment, repeal a Supreme Court ruling on a constitutional question. This in effect is what the Tuck bill would attempt to do. Almost surely it would be stricken down by the courts, surviving only as the hollow echo of a meaningless protest.

So we have in the Edmondson substitute the opportunity of a reasonable, workable approach which would give a moratorium, a grace period, in which the States could at their best, in an orderly manner, comply with the requirements of their own State constitutions with respect to those houses created on the basis of population. This approach also would give us time to pass a constitutional amendment with respect to State senates. On the other hand, if we reject the Edmondson substitute, we shall be left only with the alternative of passing a meaningless gesture which surely will be knocked down by the courts and will result in nothing but futility.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I rise in opposition both to the Edmondson amendment and to the Tuck bill itself.

I cannot think of anything worse that could happen to this country than to have the Tuck bill passed. It appears there are sufficient votes here to pass it despite compelling arguments against this legislation. The country can only pray it will not go beyond this body.

The chairman of the Committee on the Judiciary has assured the House that next year they will give consideration to expressing some of the views expressed here today, and will consider some constitutional amendments.

I have introduced a constitutional amendment which would limit Supreme Court judges to 14-year terms. I hope this suggestion will get some attention next year. But certainly dealing with this problem in the manner we are trying to do today is not the way to do it.

The Tuck bill would strip the Supreme Court of jurisdiction over reapportionment cases. If the House is foolish enough to propose this action in the face of full knowledge that it will be unconstitutional, what then is to stop the House from passing other restrictions against the Court?

I should like to remind my colleagues that every dictator—every despot—in the history of the world first destroyed the judicial system in his quest for power. This was true of Hitler, Stalin, Peron, Castro, and all the others.

I believe we are playing with fire. It was quite properly pointed out earlier today that the Tuck proposal is being backed by angry men—angry men who want to get even with the Court. May I remind my colleagues that whom the gods would destroy, they first make mad. I hope both these measures are defeated so the Court can continue to stand supreme in its judgment.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Chairman, I rise in opposition, in the first place, to the Tuck amendment and, secondly, to the amendment offered by the gentleman from Oklahoma. We are now at a crossroads in the House of Representatives. The question is: Are we going to uphold our Constitution and the three branches of the Federal Government as they have evolved through our history? The amendment offered by the gentleman from Virginia [Mr. TUCK] strikes at the very heart of our constitutional system. If Congress can take the jurisdiction of the Supreme Court away from it on reapportionment cases, then Congress can take jurisdiction away from the Supreme Court on any other kind of case. I strongly suspect that there are those in this body who would do so. It is clear that this amendment is aimed directly at the Supreme Court and the decisions it has rendered.

H.R. 11926 is completely at odds with our history; it is destructive of our Federal system; and it is the refuge of those who seek to maintain the status quo, denying the realities of urban America. A rural oriented Congress, the product of rural dominated, malapportioned State legislatures, through outmoded procedures has failed to meet urgent unmet needs. The Committee on Rules which has bottled up important legislation has moved with a vengeance to strip the Supreme Court of its historic jurisdiction.

The most precious possession of a citizen in a democracy is the right to vote. Without the right to an equal voice at the ballot box, the citizen is not a freeman, for he is denied the full opportunity to choose those who will represent him at the various levels of government.

When a citizen enters the voting booth, not only should he be free to cast his ballot for whomever he wishes, but his ballot should carry the same weight as that of any other voter. To give the vote of one citizen disproportionate strength is no different from handing him extra ballots to mark and place in the ballot box.

Would any Member of the House seriously advocate handing 1 voter 2, 10, or 20 ballots as he enters the voting booth, while another voter receives only 1? This would be a ludicrous travesty of democracy. But it is a fact that in New York State voters in 1 assembly district are, in effect, handed 21 votes, while voters in a more populous district are restricted to a single ballot. This results from gross malapportionment of the New York State Legislature.

In almost every State of the Union similar examples can be found. In 35 percent of our States less than one-third of the population can elect a majority of the lower house of the legislature. And in 49 percent of the States, less than a third of the voters can elect a majority of the upper house. In one State—Nevada—as small a minority as 8 percent of the voters can elect a majority of the State senate.

In the State of Rhode Island, a voter from one district casts one ballot in a State senatorial district. In another district in the same State, a voter from a less populous area is given the equivalent of 97 votes. How can this be squared with the concept of representative democracy?

Why should certain localities, or certain kinds of voters, be given an unequal voice in the State legislatures? Most State legislatures overrepresent rural interests. Certainly farmers are entitled to representation, but I fail to see why they should be more represented than urban dwellers. Farmers have their problems; so do city residents. Secondary roads are no more important than the problems of mass transit. Wheat and corn, cotton and cattle are no more important than urban schools and hospitals, air pollution and decent housing.

The Tuck bill aims to keep urban and suburban citizens in bondage to the rural interests which control State legislatures.

Mr. Chairman, every attempt to reverse the "one-man, one-vote" doctrine should be resisted as a matter of principle. We should keep in mind the words of Chief Justice Warren, "to the extent that a citizen's vote is debased, he is that much less a citizen."

To deprive a citizen of his rightful vote strikes at the fundamental principles of democracy. For Congress to usurp the constitutional jurisdiction of the Federal courts strikes at the roots of our Federal system. H.R. 11926 is so obviously unconstitutional that there might be a temptation to let it pass because the courts will invalidate it. However, it would be an irresponsible act to pass the buck to the judiciary.

The bill is at least forthright and clearly drawn. It deprives the U.S. Supreme Court of all appellate jurisdiction over decisions of Federal and State courts on questions of reapportionment of State legislatures. It deprives the U.S. district courts of all jurisdiction to entertain complaints about apportionment of State legislatures.

One of the propositions most clearly developed in the proceedings of the Constitutional Convention of 1787 is that the Federal judiciary must have the power to hold invalid State laws which are in conflict with the Federal Constitution. H.R. 11926 opens up the frightening possibility that the same provision of the U.S. Constitution may mean 50 different things in 50 different States. This measure opens a path toward a goal which the Civil War could not accomplish—to drive a wedge between the States and the Union, to render the supremacy clause meaningless.

Bernard Schwartz has pointed out that, where constitutional rights are involved, the individual cannot be left without a remedy:

> Where constitutional rights are involved, however, the power over jurisdiction may not be employed to cut off the individuals concerned completely from the bar of justice. Constitutional rights may not be rendered bereft of all remedies.
>
> To be sure, the Congress has never—even in the drastic cases discussed in the prior section—actually sought to push its authority over jurisdiction so far. The basic jurisdictional statutes actually enacted have allowed the judges to carry on their essential review functions with reasonable effectiveness. Though the avenues of review have been restricted in some areas, all access to the judiciary has never been barred where constitutional rights have been at stake. Organic limitations are not transgressed by such jurisdictional restrictions, so long as any court remains available for the enforcement of constitutional rights. But jurisdictional legislation which did preclude all courts from enforcing such rights would be beyond the limits of legislative authority. The organic power vested in the Congress over the competence of the judicial department does not enable it to act in a manner that would, in effect, negate all judicial authority to vindicate constitutional rights. (1 Schwartz, "A Commentary on the Constitution of the United States," p. 365 (1963).)

Mr. Chairman, over the years it has become obvious that the vast migration of millions of our citizens from rural areas to our urban centers has not been matched by a corresponding adjustment in the relative sizes of State legislative districts. Years of control of State legislatures by rural interests have been maintained in the face of a vast shift of population. Our cities and suburban areas have developed great needs—for adequate education, for housing, for highways and transit systems, and for adequate financing to meet these and other needs of our urban population. Yet in State after State the urban problems have been ignored and brushed aside by States legislatures controlled by rural interests.

It is scarcely cause for wonder that the cities look to the Federal Government for financial help in meeting their obligations. Public housing, urban renewal, mass transit, school aid, and other needs require Federal financing. It is ironic that the conservative rural representatives in the Congress and State legislatures decry this fact as destructive of States rights, for their own inaction helps to make it necessary.

Our forefathers fought a war for independence because they were unwilling to accept taxation without representation. But in many of our States, voters must pay equal taxes while being denied equal representation. Now, as in 1776, this is intolerable, and the Supreme Court apportionment decisions represent a historic affirmation of the concept of one man, one vote, for which we fought almost two centuries ago.

Mr. Chairman, I urge the defeat of the bill before us and the pending amendment. Democracy demands no less from us.

The **CHAIRMAN**. The Chair recognizes the gentleman from California, [Mr. CORMAN.]

Mr. **CORMAN**. Mr. Chairman, I rise in opposition to the Edmondson amendment to the Tuck bill. It seems to me it is the most confusing of all proposals that have come before us. We have had no chance to make legislative history here as to what such things as "highly unusual circumstances" mean. By adopting this proposal under the present conditions we would deprive State legislatures of any guidelines they could hope for as to what they are supposed to do to be legally constituted. It seems to me it is the worst of all proposals from the point of view of every State legislature.

The **CHAIRMAN**. The Chair recognizes the gentleman from New York [Mr. STRATTON].

Mr. **STRATTON**. Mr. Chairman, I have already spoken in support of the Edmondson amendment. I would like merely to make two additional points in its behalf. The first is to emphasize again the reason for the exclusion of section (d) of the Mansfield amendment as it appeared over in the Senate from the version offered by the gentleman from Oklahoma was because, as has already been explained, the particular parliamentary situation made it not germane. Personally I believe it ought to be included. It certainly does strengthen the measure. It is my hope that if the amendment is adopted and then goes over to the other body, section (d) can then be included in the conference version.

The other point I want to make is that we ought to recognize that this reapportionment decision of the Supreme Court is a fairly sweeping decision. The decision on school desegregation, let us not forget, was after all handed down in 1954, and yet we are still trying to accomplish that very worthy result in the country. Why then should not we properly provide that this sweeping decision too have a reasonable period of time to be carried out, as Walter Lippmann declared in a thoughtful article which appeared in the August 18 issue of the Washington Post. Under leave I include herewith the article:

THE DIRKSEN BREATHER

(By Walter Lippmann)

Although it is a bit awkward and rather inconvenient to make Congress deal with apportionment at the tail end of the session, the importance of the subject is overriding. The real issue, as I see it, is whether reapportionment of the State legislatures, which is necessary but also a far-reaching change of habit and custom, should be propelled by something more than the Federal courts alone—whether, that is to say, this great change in the political balance of power should have also the approval of Congress and be subjected to the test of a constitutional amendment. Taking this to be the purpose of the Dirksen proposal, it seems to me sound and in the end desirable.

The heart of the matter is that since about 1890 the United States, which was then composed two-thirds of people from farms and villages, has been transformed. Two-thirds of the Americans now live in cities or in the suburbs. But the apportionment of at least 44 of the State legislatures does not represent this change. In these 44 States, less than 40 percent of the people elect a controlling majority of the legislature. In 13 of these States, one-third or less of the people can elect a controlling majority of the legislature.

While the statistics of this misrepresentation cry out for reform, it is nevertheless true that the problem here, unlike that of the civil rights bill a few months ago, is not such a present danger that delay is intolerable. It is essential that the city and suburban people be properly represented in their State legislatures in order that they may be better able to deal with their pressing needs. But, there is no critical emergency which makes the delay proposed by Senator DIRKSEN intolerable.

There are also positive advantages in the Dirksen breather. It involves Congress, not only the Supreme Court, in the problem of apportionment, and the pause provided by the Dirksen rider may help to make the coming reapportionment seem less terrifying to those who will lose by it.

For many of us this will help to assuage a troubled conscience about the dilemma posed by the Supreme Court's decision in the Alabama case and Mr. Justice Harlan's dissenting opinion. The dissenting opinion argued powerfully against bringing the affairs of the State legislatures into the Federal courts. The opinion was, in my view, unanswerable but for one enormous fact. That is that the unrepresentative State legislatures are unwilling to reform themselves. The underrepresented voters in the cities and suburbs have little or no power to compel reform. In this situation, when there is indubitable evil for which there is no known legal remedy, the intervention of the Supreme Court was the only way of breaking the deadlock.

But such a choice of the lesser of two evils is not attractive, and as one of those troubled by it, I welcome Senator DIRKSEN's action in taking the question to Congress and to the amending process.

The public discussion, which will ensue, will be clarified if we distinguish the two principal arguments which have been used to justify the overrepresentation of the rural voters. One reason, which is as old as the Nation, is that the excitable working people in the cities are not to be trusted as against the stable and virtuous farmers, and that the representative system should be constructed so as to prevent the urban masses from ruling the State. This is the principle of the New York State constitution which was framed before the turn of the century.

This reason could prevail when the city people were still a minority. It cannot prevail much longer now that they have become a preponderant majority.

But there is another reason, closely related in practice but separate in theory. It is, as Madison put it, that it is necessary to "refine the will of the people," and that one of the best ways of doing this is to have a legislature with two houses in which the upper house is more stable and more conservative.

The real question which will confront the States is how to construct senates in which, though all voters are equal, the senators will check and balance the lower house.

It is not an insoluble problem. The States will have to deal with the problem by making the senatorial districts larger and the number of senators smaller. Each senator will therefore represent a much more varied constituency than a member of the lower house. The States can give the senators a longer term and higher pay. This will tend to give the senators a broader view, a less hurried view, more honor, a greater independence, and sense of responsibility.

These are ways to refine the will of the people without obstructing it.

The **CHAIRMAN**. The Chair recognizes the gentleman from Missouri [Mr. RANDALL].

Mr. **RANDALL**. Mr. Chairman, I rise in support of the Edmondson amendment. I do not know about the Tuck bill's constitutionality, but I do offer this prediction: When it leaves this body—and it is going to pass—that is all you will hear from it. If this amendment is adopted, the resulting bill will be closely akin to the Dirksen amendment, and will have a chance of being enacted into law. Let us enact something on this side that will go all the way. It is a reasonable amendment and will give a moratorium and time for consideration.

Earlier today I voted for House Resolution 845, the resolution providing for debate of H.R. 11926. Seldom do I oppose a resolution which sets up an open rule and permits amendments under the 5-minute rule. However, support of the rule should not be taken to mean I was in favor of the procedure of bypassing the Judiciary Committee. It only means I thought there might be a chance to amend the Tuck bill in the Committee of the Whole with some chance of success for improvement. When it became apparent there were enough votes in the Rules Committee to pass out the Tuck bill, it also appeared likely there were enough votes in the House to pass some version of the Tuck bill.

What the Rules Committee did recently to the Judiciary Committee on H.R. 11926 they could do tomorrow to the Foreign Affairs Committee and a little while later to the Interstate and Foreign Commerce Committee, or to any other committee of this House. Such action makes a shambles of the committee system we have all found so workable for so long a time.

I make no prediction as to how the courts would rule on the constitutionality of the Tuck bill. My own personal belief is that it is clearly unconstitutional. I will hazard a prediction that if the Edmondson amendment is not adopted, you will never hear anything more of H.R. 11926 after it leaves this House. There is no doubt about it. There are enough votes here to pass the Tuck bill but when it leaves this Chamber that is the end of it.

If we can adopt the Edmondson amendment, which is fashioned after the Dirksen amendment in the other body, then we can become realistic. It is a proposal that, if adopted, can be sent to the other body as a vehicle that could very well go all the way to enactment.

By passing the Edmondson amendment, we can say that we are in favor of reasonable moratorium. We are saying that we believe this whole problem is important enough to think over, but not so pressing that it demands hasty action in a 2-hour debate. There is a grave constitutional question here which should not be considered just before a presidential election. Over in the other body both the minority and the majority parties have been able to agree upon a bipartisan amendment. While it may differ in particulars from the Edmondson amendment, both versions provide for a stay of proceedings until on or after January 1, 1966. Certainly we should not act in the emotional atmosphere of an election year.

I repeat: The Tuck bill, in my opinion, is unconstitutional. The fact that those who support the Tuck bill appear to be against the Edmondson amendment is just an additional reason why I think those who seek a middle ground should support the Edmondson amendment. One of the strongest arguments for the Edmondson proposal is the fact that it is opposed by both those who want no bill of any kind as well as those who favor H.R. 11926. For different reasons, both sides fear the success of this compromise.

I predicted a few seconds ago that we would hear no more of the Tuck bill after action in this House. I stand on that prediction and I add only one qualification. If H.R. 11926 does have a future life, it will be because the Edmondson amendment is adopted here or some similar amendment is attached in the other body.

For all of these reasons the amendment of the gentleman from Oklahoma should be adopted.

The **CHAIRMAN**. The Chair recognizes the gentleman from Colorado [Mr. ROGERS].

Mr. **ROGERS** of Colorado. Mr. Chairman, I rise in opposition to the Edmondson amendment and also to the amendment to be offered by the gentleman from North Carolina [Mr. JONAS], for the simple reason that the Congress of the United States cannot, by any legislative act, take from the Supreme Court its authority to interpret and enforce the Constitution of the United States, and that is all this amendment does. Therefore, we should not at this point attempt to interfere with their interpretation of the Constitution of the United States. If there is a method to meet the problem, the Constitution is subject to amendment, and the Congress can propose how it should be amended.

The **CHAIRMAN**. The time of the gentleman has expired. The Chair recognizes the gentleman from Virginia [Mr. TUCK].

Mr. **TUCK**. Mr. Chairman, I reiterate my opposition to the Edmondson amendment for the reasons already stated. I am also opposed to the amendment to be offered by the distinguished gentleman from North Carolina [Mr. JONAS].

The **CHAIRMAN**. The question is on the amendment offered by the gentleman from Oklahoma [Mr. EDMONDSON].

The amendment was rejected.

AMENDMENT OFFERED BY MR. HOLIFIELD

Mr. **HOLIFIELD**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLIFIELD: On page 2, line 9, after the word "thereof," strike out the period, insert a semicolon and add the following new language:

"*Provided, however,* That nothing in this Act shall deprive any citizen of the Equal Protection Clause of the Fourteenth Amendment of the Federal Constitution.

Mr. **HOLIFIELD**. Mr. Chairman, the legislative proposals and actions of recent days regarding apportionment cause me great concern. They have about them an air of reckless haste and disregard for orderly procedure. They flout the normal legislative process. They challenge the firmest precedents and the best traditions of this House. Of this last feature I will say more in a moment. I plead with my friends and colleagues, though the hour is late, to pause and reflect and consider what is involved, and to vote down H.R. 11926, the bill to limit the jurisdiction of Federal courts in State legislative reapportionment cases.

This bill is but one of several proposals which strike at the decisions of the United States Supreme Court on reapportionment. These are landmark decisions of the Supreme Court. They will go down in history, along with the 1954 civil rights decision and several other great decisions, as reaffirmations of our faith in the democratic ideal.

However much these decisions may inconvenience particular groups or persons, however much you may differ with the legal reasoning, the fundamental fact remains that these decisions point in a morally right and irreversible direction. They point toward a broad path of freedom and opportunity for all Americans to exercise their full citizenship rights and to enjoy in equal measure the protection of the laws.

REPRISAL ACTIONS

What do we find in the pending legislative proposals? They are reprisal actions. In one way or another they would attempt to delay or thwart or nullify the decisions of the Supreme Court. In the other body there is a proposal to attach a rider to the foreign aid bill which would stay the effect of the reapportionment decisions for 2 years or more—the time delay is not specified too clearly—until action may be taken at the State level.

It is not my purpose to comment on the action of the other body, but we all know that a rider on a major bill in the closing days of the session is not the proper way to legislate on a matter of such vital importance. Aside from questions concerning the constitutionality of a legislative enactment of that kind to stay the enforcement of a Supreme Court decision, apparently the proposal has bipartisan supporters who do not see eye to eye. There are some who regard it as providing a reasonable opportunity for State authorities to take action, and others who regard it as a means of delaying action until a constitutional amendment can be enacted setting aside the Supreme Court decision in large part.

It will be time enough to consider a proposal of the other body if and when it comes before us. In the meantime, we are confronted with the legislative situation of H.R. 11926. Under color of exercising the authority of the Congress to define or limit the jurisdiction of the Federal courts conferred by article III, section 2 of the Constitution, we are asked to render powerless the district courts of the United States to hear petitions or complaints on reapportionment of State legislatures, and to render powerless the Supreme Court to review the actions of any Federal courts or State court of last resort in the same subject matter.

THE BASIC ISSUE

The basic issue is a simple one. Should the authority of Congress to define and limit the jurisdiction of the Federal courts be carried to the point where it jeopardizes constitutional rights? The answer is obviously no. The Supreme Court has decided that the right of each citizen to have his vote count equally with others is a constitutional right safeguarded by the equal protection of the laws provision of the 14th amendment to the Constitution. Where a constitutional right is involved, the Federal courts properly have jurisdiction.

Enactments of the Congress bearing upon the jurisdiction of the Federal courts are few and far between, beginning with the great Judiciary Act of 1789. They should not be treated lightly, they should not be made in haste, they should not be vindictive in nature. If we review the history of such enactments, we will see that they are made in order to improve the judicial processes, to afford greater protection to aggrieved parties before the courts, and generally to enable the courts to better handle the great burden of litigation. These enactments are concerned with the organization and procedure of the Federal judiciary.

THE M'CARDLE CASE

Only once in American history, judging by recent accounts in the press, has the Congress acted specifically to prevent or thwart the decision of the Supreme Court. This is the famed McCardle case, decided in 1869. McCardle was a Mississippi newspaper editor arrested and held in custody by military occupation authorities for publishing statements considered unfriendly and libelous to the Union. By an act of 1867 the Congress provided for appeals to the Supreme Court on judgments rendered in the circuit courts in cases involving a petition for a writ of habeas corpus sought on the ground that a person had been restrained in his liberty in violation of the Constitution or laws of the United States.

When McCardle appealed under that act to the Supreme Court, and while the High Court was hearing the case, the radical Republicans in Congress amended the law. They took away the authority of the Supreme Court to hear appeals from circuit court decisions in cases involving writs of habeas corpus brought under the act of 1867. The Supreme Court then dismissed the case for want of jurisdiction. It pointed out at the same time that the congressional action was limited to amending a particular law and did not affect the Supreme Court's broader jurisdiction with respect to the writ of habeas corpus.

NOT A PRECEDENT

The McCardle case is not a precedent for action now to limit the appellate jurisdiction of the Supreme Court and the original jurisdiction of the lower Federal courts in apportionment cases. The McCardle decision did not sanction the right of Congress to remove from all the Federal courts the jurisdiction to pass on constitutional questions and rights, such as are involved in the State legislature apportionment cases.

In fact, a decision rendered by the same court which decided McCardle revealed, a half year later, that even McCardle himself could have obtained action from the Supreme Court on a habeas corpus petition. In the later case, Ex Parte Yerger, Yerger had petitioned a circuit court to issue a writ of habeas corpus directed at the military authorities who were holding him on a charge of murder to be tried by a military commission. The circuit court upheld the authority of the military officials. Yerger then went to the Supreme Court and, among other things, asked for a new writ of habeas corpus.

The Court noted that the language of the 1868 repealing legislation said only "that so much of the act approved February 5, 1867, as authorizes an appeal from the judgment of the circuit court to the Supreme Court * * *" was repealed. Consequently, the Supreme Court still had the power to issue habeas corpus writs when a petition came directly to it. As a result, the repealing legislation of Congress in 1868 only restricted the manner in which a legal right under the laws and Constitution could be heard, and did not remove that right entirely, as would the present bill.

The McCardle case, I repeat, is not a precedent for action now to limit the appellate jurisdiction of the Supreme Court and the original jurisdiction of the lower courts in State legislative apportionment cases. The congressional action relating to McCardle was taken in the aftermath of the Civil War. It was a defiant gesture against the trend of the times, for not long after the McCardle case was decided, a Republican majority in Congress began to make its peace with the South and to clear away the chaos and confusion of the reconstruction era.

AMPUTATION WORSE THAN PACKING

Reprisal action against the Federal courts, carried to its logical extreme, leads to destruction of the judiciary, to anarchy. Are we to slice off a segment of Supreme Court jurisdiction every time a majority of us disagree with its decisions? To amputate the Court's jurisdiction is even worse than packing it, and no more eloquent defense of an independent judiciary will be found than the report of the late Senator McCarran in behalf of the Senate Judiciary Committee opposing the court-packing scheme. I will quote one brief excerpt from Senate Report No. 711, 75th Congress, 1st session, at page 20:

> Minority political groups, no less than religious and racial groups, have never failed, when forces to appeal to the Supreme Court of the United States, to find in its opinions the reassurance and protection of their constitutional rights. No finer or more durable philosophy of free government is to be found in all the writings and practices of great statesmen than may be found in the decisions of the Supreme Court when dealing with great problems of free government touching human rights. This would not have been possible without an independent judiciary.

We should not act in haste or interfere with the established procedures of the Federal courts. We should not treat lightly and tamper with the constitutional rights and privileges of American citizens. We should not act against a decision of the Supreme Court in a vindictive spirit. And finally, we should not cast aside the sound precedents and traditions of this great House of Representatives.

VIOLATING A PRECEDENT

We do just that if we pass H.R. 11926. That bill comes to the floor of the House from the Committee on Rules, which has no jurisdiction to report out substantive legislation in the first instance. Look at the Legislative Reorganization Act and the House rules which embody the relevant provisions of that act. Rule 11, paragraph 16 of the Rules of the House of Representatives directs that legislative matters referring to "the rules, joint rules, and order of business of the House" shall be referred to the Committee on Rules. It does not say that apportionment matters or any substantive legislation of any kind shall be referred to the Committee on Rules.

A longstanding practice in this House is that a committee may not report a bill on a subject matter which has not been referred to it—Hinds' Precedents, volume IV, sections 4355–4360. H.R. 11296 comes before this body from the Rules Committee, not as an order of business in behalf of the standing committee of jurisdiction, but as a direct submission of the Rules Committee. It is, in effect, a discharge petition, taking the bill away from the Judiciary Committee to which it was referred by the Speaker, without conforming to the rules for discharge petitions.

The gentleman from New York [Mr. CELLER], who is the chairman of the Judiciary Committee, has been holding hearings on a variety of legislative proposals regarding apportionment. That committee had not concluded its work. No final bill had been reported out. The Rules Committee undertook by a force play of its own to report out a resolution bringing H.R. 11296 before the House. This bill should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. HOLIFIELD].

The amendment was rejected.

AMENDMENT OFFERED BY MR. CASEY

Mr. CASEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY: Beginning on page 1, line 8, strike all in lines 8, 9, 10 and lines 1 and 2 on page 2, and insert the following:

"Where any State, having a bicameral legislature, has apportioned one house of its legislature on the basis of population, the

Supreme Court shall not have the right to review the action of a Federal court or a State court of last resort concerning any action taken upon a petition or complaint seeking to apportion or reapportion the legislature of such State, or any branch thereof."

On page 2, strike all in lines 6, 7, 8 and 9 and insert the following:

(c) "Where any State, having a bicameral legislature, has apportioned one house of its legislature on the basis of population, the district courts shall not have jurisdiction to entertain any petition or complaint seeking to apportion or reapportion the legislature of such State, or any branch thereof."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CASEY].

The amendment was rejected.

AMENDMENT OFFERED BY MR. JONAS

Mr. JONAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jonas: Page 1, line 3, strike out line 3 and everything thereafter down to and including line 9 and insert the following:

That (a) chapter 21, title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 461. Stay of proceedings for reapportionment of State legislative bodies

"Upon application made by or on behalf of any State or by one or more citizens thereof in any action or proceeding in any court of the United States, or before any justice or judge of the United States, in which there is placed in question the validity of the composition of any house of the legislature of that State or the apportionment of the membership thereof, such action or proceeding shall be stayed until the end of the second regular session of the legislature of that State which begins after the date of enactment of this section."

(b) The chapter analysis of that chapter is amended by adding at the end thereof the following new item:

"461. Stay of proceedings for reapportionment of State legislative bodies."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 11926) defining the jurisdiction of the U.S. Supreme Court and all Federal courts inferior thereto, in certain instances, pursuant to House Resolution 845, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MacGREGOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MacGREGOR. I am, Mr. Speaker.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MacGregor moves to recommit the bill H.R. 11926 to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 218, nays 175, answered "present" 1, not voting 36, as follows:

[Roll No. 242]

YEAS—218

Abbitt
Abele
Abernethy
Albert
Anderson
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashbrook
Ashmore
Aspinall
Auchincloss
Avery
Baker
Baldwin
Barry
Bates
Battin
Becker
Beckworth
Beermann
Bennett, Fla.
Berry
Betts
Bolton, Oliver P.
Bonner
Bow
Bray
Bromwell
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Bruce
Burleson
Burton, Utah
Byrnes, Wis.
Cederberg
Chamberlain
Chelf
Chenoweth
Clancy
Clausen, Don H.
Clawson, Del
Collier
Colmer
Cooley
Cunningham
Dague
Davis, Ga.
Derwinski
Devine
Dole
Dorn
Dowdy
Downing
Edmondson
Elliott
Ellsworth
Everett
Evins
Findley
Fino
Fisher
Flynt
Ford
Foreman
Forrester
Fountain
Fuqua
Gary
Gathings
Glenn
Goodell
Goodling
Grant
Gray
Griffin
Gross
Gubser
Gurney
Hagan, Ga.
Hagen, Calif.
Haley
Hall
Halleck
Harris
Harrison
Harsha
Harvey, Ind.
Hébert
Henderson
Herlong
Horan
Hull
Hutchinson
Ichord
Jensen
Johansen
Johnson, Calif.
Johnson, Pa.
Jonas
Keith
Kilburn
Kilgore
King, N.Y.
Knox
Kornegay
Kunkel
Kyl
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Lloyd
Long, La.
McCulloch
McIntire
McLoskey
McMillan
Mahon
Marsh
Martin, Calif.
Martin, Nebr.
Matthews
Meader
Michel
Mills
Montoya
Moore
Morris
Morrison
Morton
Murray
Natcher
Nelsen
Osmers
Ostertag
Passman
Patman
Pelly
Perkins
Pickle
Pillion
Poage
Poff
Pool
Purcell
Quie
Quillen
Reid, Ill.
Reifel
Rhodes, Ariz.
Rich
Riehlman
Rivers, S.C.
Roberts, Ala.
Roberts, Tex.
Robison
Rogers, Tex.
Roudebush
Rumsfeld
Saylor
Schadeberg
Schenck
Schneebeli
Scott
Secrest
Selden
Senner
Short
Shriver
Sibal
Sikes
Siler
Sisk
Skubitz
Smith, Va.
Springer
Steed
Stephens
Stinson
Stubblefield
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, La.
Thompson, Tex.
Thomson, Wis.
Trimble
Tuck
Tuten
Utt
Van Pelt
Vinson
Waggonner
Wallhauser
Watson
Watts
Westland
Wharton
White
Whitener
Whitten
Wickersham
Widnall
Williams
Willis
Wilson, Bob
Wilson, Ind.
Winstead
Wyman
Young

NAYS—175

Addabbo
Ashley
Ayres
Barrett
Belcher
Bell
Blatnik
Boggs
Boland
Bolling
Brademas
Brock
Broomfield
Brown, Calif.
Burke
Burkhalter
Burton, Calif.
Byrne, Pa.
Cahill
Cameron
Carey
Casey
Celler
Clark
Cleveland
Cohelan
Conte
Corbett
Corman
Cramer
Curtin
Curtis
Daniels
Davis, Tenn.
Dawson
Delaney
Dent
Denton
Diggs
Dingell
Donohue
Duncan
Dwyer
Edwards
Fallon
Farbstein
Fascell
Feighan
Finnegan
Flood
Fogarty
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Giaimo
Gibbons
Gilbert
Gill
Gonzalez
Grabowski
Green, Oreg.
Green, Pa.
Griffiths
Grover
Halpern
Hanna
Hansen
Harding
Hardy
Hawkins
Hays
Hechler
Holifield
Holland
Horton
Huddleston
Jarman
Jennings
Joelson
Johnson, Wis.
Karsten
Karth
Kastenmeier
Kelly
Keogh
King, Calif.
Kirwan
Kluczynski
Leggett
Lesinski
Libonati
Lindsay
Long, Md.
McDade
McFall
Macdonald
MacGregor
Madden
Mailliard
Mathias
Matsunaga
Miller, Calif.
Minish
Minshall
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Nix
Norblad
O'Brien, N.Y.
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neill
Patten
Pepper
Philbin
Pike
Powell
Price
Pucinski
Randall
Reid, N.Y.
Reuss
Rhodes, Pa.
Rivers, Alaska
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Roosevelt
Rosenthal
Rostenkowski
Roush
Roybal
Ryan, Mich.
Ryan, N.Y.
St Germain
St. Onge
Schweiker
Sickles
Slack
Smith, Iowa
Snyder
Staebler
Stafford
Staggers
Stratton
Sullivan
Thomas
Thompson, N.J.
Tupper
Udall
Ullman
Van Deerlin
Vanik
Weaver
Weltner
Wilson, Charles H.
Wright
Wydler
Zablocki

ANSWERED "PRESENT"—1

Hosmer

NOT VOTING—36

Adair
Alger
Baring
Bass
Bolton, Frances P.
Buckley
Daddario
Derounian
Dulski
Harvey, Mich.
Healey
Hoeven
Hoffman
Jones, Ala.
Jones, Mo.
Kee
Lankford
McClory
McDowell
Martin, Mass.
May
Miller, N.Y.
Milliken
Nedzi
Pilcher
Pirnie
Rains
St. George
Schwengel
Sheppard
Shipley
Smith, Calif.
Toll
Tollefson
Whalley
Younger

So the bill was passed.

The Clerk announced the following pairs:

Mr. Shipley for, with Mr. Toll against.

Mr. McClory for, with Mr. Daddario against.

Mr. Younger for, with Mr. Hosmer against.

Mr. Rains for, with Mr. McDowell against.

Mr. Jones of Alabama for, with Mr. Buckley against.

Mr. Pilcher for, with Mr. Nedzi against.

Mr. Harvey of Michigan for, with Mr. Sheppard against.

Mr. Adair for, with Mr. Healey against.

Mrs. May for, with Mrs. Kee against.

Mr. Pirnie for, with Mr. Lankford against.
Mrs. St. George for, with Mr. Dulski against.
Mr. Smith of California for, with Mr. Schwengel against.
Mr. Tollefson for, with Mr. Martin of Massachusetts against.
Mr. Bass with Mr. Hoffman.
Mr. Baring with Mr. Hoeven.

Mr. HOSMER. Mr. Speaker, I have a live pair with the gentleman from California [Mr. YOUNGER]. If he were present, he would have voted "yea." I voted "nay." I withdraw my vote, therefore, and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks and include extraneous matter in the general debate on this bill.

The **SPEAKER** pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from California?

There was no objection.

TAXATION OF LIFE INSURANCE COMPANIES

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5739) to amend the Internal Revenue Code of 1954 to correct certain inequities with respect to the taxation of life insurance companies, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The **SPEAKER** pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MILLS, KING of California, BOGGS, BYRNES of Wisconsin, and CURTIS.

There was no objection.

LIABILITY UNDER BONDS FILED UNDER SECTION 44(d) OF THE INTERNAL REVENUE CODE

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4844) relating to the release of liability under bonds filed under section 44(d) of the Internal Revenue Code of 1939 with respect to certain installment obligations transmitted at death, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The **SPEAKER** pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MILLS, KING of California, BOGGS, BYRNES of Wisconsin, and CURTIS.

There was no objection.

DEDUCTIBILITY OF ACCRUED VACATION PAY

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10467) to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The **SPEAKER** pro tempore. Without objection, the Chair appoints the following conferees: Messrs. MILLS, KING of California, BOGGS, BYRNES of Wisconsin, and CURTIS.

There was no objection.

EXPORTATION OF IMPORTED DISTILLED SPIRITS, WINE, AND BEER

Mr. MILLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 98) to amend the Internal Revenue Code of 1954 with respect to exportation of imported distilled spirits, wines, and beer, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "be" and insert: "is".

Page 2, after line 18, insert:

"SEC. 3. (a) Section 453(a) of the Internal Revenue Code of 1954 (relating to dealers in personal property) is amended to read as follows:

" '(a) DEALERS IN PERSONAL PROPERTY.—

" '(1) IN GENERAL.—Under regulations prescribed by the Secretary or his delegate, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

" '(2) TOTAL CONTRACT PRICE.—For purposes of paragraph (1), the total contract price of all sales of personal property on the installment plan includes the amount of carrying charges or interest which is determined with respect to such sales and is added on the books of account of the seller to the established cash selling price of such property. This paragraph shall not apply with respect to sales of personal property under a revolving credit type plan or with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in paragraph (1).'

"(b) Section 453(e) of such Code (relating to revolving credit type plans) is amended to read as follows:

" '(e) CARRYING CHARGES NOT INCLUDED IN TOTAL CONTRACT PRICE.—If the carrying charges or interest with respect to sales of personal property, the income from which is returned under subsection (a)(1), is not included in the total contract price, payments received with respect to such sale shall be treated as applying first against such carrying charges or interest. This subsection shall not apply with respect to sales or other dispositions of property the income from which is, under subsection (b), returned on the basis and in the manner prescribed in subsection (a)(1).'

"(c) The amendment made by subsection (a) shall apply in respect to sales made in taxable years beginning on or after January 1, 1960. The amendment made by subsection (b) shall apply in respect of sales made during taxable years beginning after December 31, 1963."

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1954 with respect to exportation of imported distilled spirits, wines, and beer, and with respect to the total contract price of sales of personal property on the installment plan."

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, the amendments, I take it, are germane to the bill?

Mr. MILLS. The amendments are not germane. However they involve a subject which we have recently considered a most important subject matter that I think all of us should be perfectly willing to accept though it does not pertain to the initial subject in the House-passed bill.

Let me briefly explain what it is. It involves the sales of personal property under the installment plan.

First, this amendment provides that interest, carrying charges, or time-price differentials on traditional installment sales are to be considered as a part of the contract price, and therefore reported for tax purposes on the installment basis where the taxpayer adds these interest or carrying charges on his books of account to the cash selling price of the property.

The amendment also repeals a provision that was enacted in connection with the Revenue Act of 1964, replacing it with a provision increasing the deferment on revolving type sales qualifying as installment sales.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Missouri.

Mr. CURTIS. I wanted to confirm the chairman's statement and say that this is material that the Committee on Ways and Means had under consideration in the tax bill of 1964.

Mr. MILLS. That is right.

Mr. CURTIS. And is in the nature I think we can say almost of an error which was made on the other side.

Mr. MILLS. Yes, Mr. Speaker, let us keep the record straight. The initial legislation on this particular point was not handled by the Committee on Ways and Means but on the other side.

Mr. CURTIS. That is correct. There was an amendment on the Senate side. As the gentleman from Iowa [Mr. GROSS] knows, I would be very jealous to see this procedure followed with reference to a nongermane amendment. But I think when the material has been fully considered by the Committee on Ways and Means, as in this instance, and it is something in agreement with the Treasury and is of a technical nature, we are following good procedure by accepting it in this way.

Mr. Speaker, I am happy that the gentleman from Iowa asked for this explanation.

Mr. MILLS. My full statement explains why we are accepting this without going to conference.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the Record in further explanation of the Senate amendments, in some detail.

The **SPEAKER** pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. MILLS. Mr. Speaker, in the form in which H.R. 98 passed the House of Representatives, on June 29, 1964, the bill amended existing law to provide for a refund or credit of taxes paid with respect to alcoholic beverages where such beverages have been imported into the United States, under certain circumstances. As you may recall, the Treasury Department had no objection to the enactment of that legislation which was reported unanimously by the Committee on Ways and Means.

The other body added certain amendments to the House-passed bill dealing with the installment method of reporting for tax purposes. First, it provided that interest, carrying charges, or time-price differentials on traditional installment sales are to be considered as a part of the "contract price," and therefore reported for tax purposes on the installment basis where the taxpayer adds these interest or carrying charges on his books of account to the cash selling price of the property. This amendment eliminates a superficial distinction under existing law which is followed in determining the tax treatment of these carrying charges or time-price differentials. Carrying charges or interest under these traditional plans will be deferrable as part of the contract price either under present rules which will continue in effect or under the Senate amendment.

On the Senate floor, there was a colloquy between Senator Dirksen and Senator Hartke as to the effect of the amendment which I have just described to you. In recommending the acceptance of this Senate amendment, we are doing so on the understanding that it is intended as a liberalizing amendment to permit finance charges under certain installment plans not presently includible in the total contract price to be so included and that it does not eliminate from the total contract price any carrying charges or finance charges included under present law, regulations, rulings, or practice.

In this connection the report of the Senate Committee on Finance lists certain general characteristics of traditional installment plans. For example, the report states that traditional installment plans ordinarily involve a separate contract for each item of property purchased, providing for a series of payments specifically applicable to the purchase price of that property. However, under some traditional plans the customer's payments are applied to a combined balance. Under these plans, it has been the practice to allow a customer to make more than one purchase under the plan and to consolidate the additional purchases—including carrying charges or finance charges—with the prior balance. The customer's payments are then applied against this combined balance. For example, a purchase of $100 payable in 10 installments of $10 each, when the balance has been paid down to $50, may be combined with another purchase of $125, with the new balance of $175 payable in 10 installments of $17.50 each. Such a plan will continue to qualify as a traditional plan even though it provides for a consolidation of purchases, with the payments applied to the total balance.

The second change repeals the provisions relating to revolving credit type plans adopted in the Revenue Act of 1964 and restores the Treasury Department regulations previously in effect with respect to such plans.

It was concluded that because of the variation in revolving credit type plans, it was better to leave to regulation—which could provide the necessary flexibility—the extent to which sales under revolving credit type plans are to be treated as sales under installment plans.

The third change provides that in those cases where carrying charges or interest relating to the sale of personal property eligible for installment plan treatment under the tax laws are not included in the "total contract price"—and therefore the carrying or interest charges are themselves not eligible for installment plan treatment—the payments received with respect to the sales will be treated as applying first against the carrying charges or interest.

The principal sales which themselves are treated as installment sales, but the carrying or interest charges relating thereto are not also treated as part of the installment sale, are the revolving credit sales which the Treasury Department in its regulations issued last year specified were eligible for installment plan treatment. Presently the regulations provide that a customer's payment in these cases is to be applied first to the earliest charge on his account. Finance charges which are determined monthly are considered charged to the account after any sale made during the month. The effect of this is that the account balances at the end of the year include a disproportionate accumulation of finance charges which are not deferrable under the installment method.

This change provides that customers' payments in these cases will be applied first to finance charges irrespective of the month of billing. As a result, the account balances at the yearend in most cases will not be attributable to finance charges and therefore will qualify for deferment as installment charges.

This third amendment is desirable because it will have the effect of treating all time price differentials more nearly the same where the underlying sales are treated as installment sales.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1169) to authorize a per capita distribution of $350 from funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. SAYLOR. Mr. Speaker, reserving the right to object, I will ask the gentleman from Colorado to explain the bill.

Mr. ASPINALL. If the gentleman from Pennsylvania will yield to me, there are six bills which are pending and about which the gentleman knows. All of these bills have been approved by the leadership on both sides of the aisle. They came out of our committee unanimously. This is one of the first three Indian bills. This first one provides for a per capita distribution.

Mr. HALEY. Mr. Speaker, will the gentleman from Pennsylvania yield to me?

Mr. SAYLOR. I yield to the gentleman from Florida.

Mr. HALEY. I might say that these bills have had serious consideration by the Indian Affairs Subcommittee. They merely provide for distributing amounts of money that have already been granted to them under the Indian Claims Commission Court; is that not true?

Mr. ASPINALL. If the gentleman from Pennsylvania will yield to me, that is true.

Mr. HALEY. If the gentleman from Pennsylvania will yield further, if we do not distribute these funds, of course they are drawing interest at the rate of 4 percent, and the money is just lying there.

Mr. ASPINALL. The gentleman is correct.

The **SPEAKER** pro tempore (Mr. Boggs). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Colville Tribe, San Poeils-Nespelem Tribe, Okanogan Tribe, Methow Tribe, and Lake Tribe (certain constituent groups of the Confederated Tribes of the Colville Reservation) that were appropriated to pay a judgment of the Indian Claims Commission dated March 1, 1960, in docket numbered 181, and the funds which may be deposited in the Treasury of the United States to the credit of the said constituent groups or any other constituent groups of the Confederated Tribes of the Colville Reservation to pay any judgments arising out of claims presently pending before the Indian Claims Commission and the interest on said judgments, after payment of attorney fees and expenses, shall be credited to the account of the Confederated Tribes of the Colville Reservation and the Secretary of the Interior is authorized and directed to make a per capita distribution from such funds of $350, to the extent that such funds are available, to each enrolled member of the Confederated Tribes of the Colville Reservation. Any part of such funds distributed per capita to the members of the tribes shall not be subject to Federal or State income tax.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, S. 1169 will authorize and direct the Secretary of the Interior to distribute, on a per capita basis, $350 to each of the 4,760 enrolled members of the Colville Confederated Tribes from judgment funds on deposit in the U.S. Treasury. In 1960 the Indian Claims Commission awarded a judgment of approximately $1¾ million in favor of the Colville Tribes which has not as yet been distributed or used. A very sizable majority of Colvilles want a per capita payment. The Secretary has been most reluctant to approve the per capita distribution. He prefers to have the funds used to develop the reservation.

After receiving hundreds of letters from interested Colville Indians and a resolution unanimously passed on July 10, 1964, by the Colville Business Council urging the per capita payment, our committee reported the bill in its present form.

The per capita payment will not deplete the judgment fund and its accumulated interest nor will it touch the timber, grazing, and mineral funds now deposited to the credit of the tribe. Enactment of S. 1169 will entail no cost to the Government. In fact it will result in a saving of approximately $60,000 a year in interest being earned by the judgment funds. I urge enactment of S. 1169.

EXTENDING THE OSAGE MINERAL RESERVATION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10204) to extend the Osage mineral reservation for an indefinite period, with a committee amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of June 24, 1938 (52 Stat. 1034), which extends the mineral estate reserved to the Osage Tribe by the Act of June 28, 1906 (34 Stat. 539), until April 8, 1983, unless otherwise provided by Act of Congress, is hereby amended by deleting "the 8th day of April 1983, unless".

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That section 3 of the Act of June 24, 1938 (52 Stat. 1034), which extends the mineral estate reserved to the Osage Tribe by the Act of June 28, 1906 (34 Stat. 539), until April 8, 1983, unless otherwise provided by Act of Congress, is hereby amended by striking the word 'unless' and substituting therefor 'and thereafter until'."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, H.R. 10204, in the amended form reported by the Committee on Interior and Insular Affairs, extends for an indefinite period the mineral estate reserved to the Osage Tribe of Oklahoma when its tribal lands were allotted under the act of June 28, 1906. Neither Congress nor the Osage Indians knew how valuable the land and the minerals were going to become but being wise Indians they asked that the minerals be reserved to the trible for a 25-year period with the understanding that the reservation could be extended at the pleasure of itself and the Federal Government. Several extensions have been made. Under present law it will expire on April 8, 1983, unless terminated otherwise by Congress.

The Osage field has proven to be a very valuable asset to the members who have realized over $400 million in oil and gas over the past 60 years. Reserves are believed to be so extensive that they could hardly be developed by individual Indians but can be by the tribal entity. In addition, if the mineral reservation were allowed to expire in 1983 or during the production period there would be serious questions of ownership of the subsurface rights.

May I assure my colleagues that the same benefits that have been accruing to the tribe will be continued. The tribal council will continue to divide the royalties with the proper members of the tribe.

If production should cease to be profitable and if members decide to terminate the mineral reservation they may certainly petition Congress for such a purpose.

Our committee amendment clarifies the intent of the original bill and in no way alters its provisions.

I strongly favor the enactment of H.R. 10204, as amended.

FUNDS OF THE NORTHERN CHEYENNE TRIBE, MONT.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2961) to provide for the disposition of the judgment funds on deposit to the credit of the Northern Cheyenne Tribe of the Tongue River Indian Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Northern Cheyenne Tribe of Indians of the Tongue River Reservation in the State of Montana that were appropriated by the Act of January 6, 1964 (77 Stat. 857) to pay a judgment by the Indian Claims Commission in docket 329–C, and the interest thereon, after payment of litigation costs, may be advanced or expended for any purpose that will improve the economic and social conditions of the members of the tribe and is authorized by the tribal governing body thereof and approved by the Secretary of the Interior: *Provided,* That no more than $100 per capita shall be distributed in unsupervised payments. Any part of such funds that is distributed per capita to the members of the tribe shall not be subject to the Federal or State income tax.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, S. 2961 is another of the numerous bills coming to Congress to provide for the disposition of judgment funds awarded by the Indian Claims Commission to various Indian tribes. This one involves the Northern Cheyenne Tribe in eastern Montana, one of the most needy groups in the United States.

A year ago the Northern Cheyenne Tribe was awarded a $4,360,000 judgment for land ceded to the United States under the Fort Laramie Treaty of 1851. Of this amount $428,000 was set aside for attorney and court fees. The remaining $3,930,000 is on deposit in the Federal Treasury and is drawing 4 percent interest.

S. 2961 came to the Congress as an executive communication from the Secretary of the Interior with the request for its enactment. It will permit the Northern Cheyenne Tribe, subject to the approval of the Secretary of the Interior, to decide how the funds are to be expended. Not more than $100 may be distributed per capita wise to the 2,700 enrolled Indians.

The Northern Cheyenne Tribal Council and the Bureau of Indian Affairs have devised a program of usage encompassing an educational program and an economic development program which includes the development of business opportunities, industrial development, and the wise use of the scanty natural resources found on the reservation. Since the members of the Committee on Interior and Insular Affairs were assured that the funds would be put into immediate use and would help to alleviate an acute economic condition we urgently request the enactment of S. 2961.

CANYONLANDS NATIONAL PARK, UTAH

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill—H.R. 6925—to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes, with a committee amendment.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. Is there objection to the present consideration of the bill?

Mr. **SAYLOR**. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Interior and Insular Affairs whether or not the establishment of the Canyonlands National Park will involve the expenditure of any money?

Mr. **ASPINALL**. Mr. Speaker, if the gentleman will yield—not to amount to anything. Of course, there will be some exchange of land between the State-owned land within the borders and the other land of the Federal Government. Any equity remaining might result in moneys coming into the Treasury, or a small amount of money going out. But there is no provision contained in the bill for any appropriation.

Mr. **SAYLOR**. There is no private land within the boundaries of the proposed national park?

Mr. **ASPINALL**. The gentleman is correct.

Mr. **SAYLOR**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, the Secretary of the Interior is authorized to establish the Canyonlands National Park which, subject to valid existing rights, shall comprise the following generally described lands:

Beginning at a point on the left or east bank of the Green River on the north township line of township 27 south, range 17½ east (partially surveyed), Salt Lake base and meridian:

thence easterly along the north township line through township 27 south, range 17½ east (partially surveyed), and township 27 south, range 18 east (partially surveyed), to the northeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 6 to the southeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 8, 9, and 10 to the northeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 10 to the southeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 14 and 13 to the northeast corner of section 13, township 27 south, range 18 east (partially surveyed);

thence continuing easterly along the north line of sections 18, 17, 16, and 15 to the northeast corner of section 15, township 27 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 15 and 22 to the southeast corner of section 22, township 27 south, range 19 east (partially surveyed);

thence easterly along the north line of section 26 and 25 to the northeast corner of section 25, township 27 south, range 19 east (partially surveyed);

thence continuing easterly along the north line of section 30 to the northeast corner of section 30, township 27 south, range 20 east;

thence southerly along the east line of section 30 to the southeast corner of section 30, township 27 south, range 20 east;

thence easterly along the south line of section 29 to the southeast corner of the west half of section 28, township 27 south, range 20 east;

thence southerly along the east line of the west half of section 33 to the southeast corner of the west half of section 33, township 27 south, range 20 east;

thence continuing southerly along the east line of the west half of sections 4, 9, 16, and 21 to the southeast corner of the west half of section 21, township 28 south, range 20 east;

thence westerly along the south line of sections 21 and 20 to the southwest corner of section 20, township 28 south, range 20 east;

thence southerly along the east line of sections 30 and 31 to the southeast corner of section 31, township 28 south, range 20 east;

thence continuing southerly along the east line of sections 6 and 7 to the southeast corner of the north half of section 7, township 29 south, range 20 east;

thence westerly along the south line of the north half of section 7 to the southwest corner of the north half of section 7, township 29 south, range 19 east;

thence continuing westerly along the south line of the northeast quarter of section 12 to the southwest corner of the northeast quarter of section 12, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of the west half of sections 12, 13, and 24 to the southeast corner of the west half of section 24, township 29 south, range 19 east (partially surveyed);

thence westerly along the south line of section 24 to the southwest corner of section 24, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 26 and 35 to the southeast corner of section 35, township 29 south, range 19 east (partially surveyed);

thence easterly along the south line of township 29 south, range 19 east, to the east line of the west half of section 36; township 29½ south, range 19 east (partially surveyed);

thence southerly along the east line of the west half of section 36 to the southeast corner of the west half of section 36, township 29½ south, range 19 east (partially surveyed);

thence continuing southerly along the east line of the west half of section 1 to the southeast corner of the northwest quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of the southeast quarter of section 1 to the northeast corner of the southeast quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence southerly along the east line of section 1 to the southeast corner of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of section 7 to the northeast corner of section 7, township 30 south, range 20 east;

thence southerly along the east line of section 7 to the southeast corner of section 7, township 30 south, range 20 east;

thence easterly along the north line of section 17 to the northeast corner of section 17, township 30 south, range 20 east;

thence southerly along the east line of section 17 to the southeast corner of section 17, township 30 south, range 20 east;

thence easterly along the north line of sections 21 and 22 to the northeast corner of section 22, township 30 south, range 20 east;

thence southerly along the east line of sections 22, 27, and 34 to the southeast corner of section 34, township 30 south, range 20 east;

thence easterly along the south line of township 30 south, range 20 east, to the east line of section 34, township 30½ south, range 20 east (partially surveyed);

thence southerly along the east line of section 34 to the southeast corner of section 34, township 30½ south, range 20 east (partially surveyed);

thence continuing southerly along the east line of sections 3, 10, 15, 22, and 27; to the southeast corner of section 27, township 31 south, range 20 east (partially surveyed);

thence westerly along the south line of section 27 to the southwest corner of section 27, township 31 south, range 20 east (partially surveyed);

thence southerly along the east line of section 33 to the southeast corner of section 33, township 31 south, range 20 east (partially surveyed);

thence westerly along the south line of sections 33, 32, and 31 to the southwest corner of section 31, township 31 south, range 20 east (partially surveyed);

thence continuing westerly along the south line of section 36 to the southwest corner of section 36, township 31 south, range 19 east (partially surveyed);

thence northerly along the west line of sections 36, 25, and 24 to the northwest corner of section 24, township 31 south, range 19 east (partially surveyed);

thence westerly along the south line of sections 14, 15, 16, 17, and 18 to the southwest corner of section 18, township 31 south, range 19 east (partially surveyed);

thence continuing westerly along the south line of sections 13, 14, 15, 16, 17, and 18 to the southwest corner of section 18, township 31 south, range 18 east (partially surveyed);

thence continuing westerly along the south line of sections 13, 14, and 15 to the southwest corner of section 15, township 31 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 31 south, range 17 east (partially surveyed);

thence easterly along the north line of sections 3, 2, and 1 to the northeast corner of section 1, township 31 south, range 17 east (partially surveyed);

thence continuing easterly along the north line of section 6 to the northeast corner of section 6, township 31 south, range 18 east (partially surveyed);

thence north through partially surveyed township 30½ south, range 18 east, to the north line of partially surveyed township 31½ south, range 18 east;

thence easterly along the north line of partially surveyed township 30½ south, range 18 east, to the southwest corner of section 34, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 34 and 27 to the northwest corner of section 27, township 30 south, range 18 east (partially surveyed);

thence easterly along the north line of section 27 to the northeast corner of section 27, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 23, 14, 11, and 2 to the northwest corner of section 2, township 30 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 35 to the northwest corner of section 35, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 27 to the southwest corner of section 27, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 27 and 22 to the northwest corner of section 22, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 16 to the southwest corner of section 16, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 16 and 9 to the northwest corner of section 9, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 5 to the southwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of section 5 to the northwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 32, to the northwest corner of section 32, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of section 30 to the southwest corner of section 30, township 28½ south, range 18 east (partially surveyed);

thence northerly along the west line of sections 30 and 19 to the northwest corner of the south half of section 19, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of the north half of sections 24 and 23 to the southwest corner of the northeast quarter of section 23, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of the northeast quarter of section 23 and the west line of the southeast quarter of section 14 to the northwest corner of the southeast quarter of section 14, township 28 south, range 17 east (partially surveyed);

thence westerly along the south line of the north half of sections 14 and 15 to the southwest corner of the north half of section 15, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 28 south, range 17 east (partially surveyed);

thence continuing northerly along the west line of sections 34, 27, 22, and 15 to the northwest corner of the south half of section 15, township 27 south, range 17 east (partially surveyed);

thence easterly along the north line of the south half of sections 15 and 14 to the northeast corner of the south half of section 14, township 27 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 13, 12, and 1, township 27 south, range 17 east (partially surveyed), to the right or west bank of the Green River;

thence northerly across the Green River to the point of beginning, containing approximately 238,140 acres.

SEC. 2. (a) Within the area described in section 1 hereof or which lies within the boundaries of the park, the Secretary of the Interior is authorized to acquire lands and interests in lands by such means as he may deem to be in the public interest. The Secretary may accept title to any non-Federal property within the park and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Utah and adjacent States, notwithstanding any other provision of law. The properties so exchanged shall be of the same classification: *Provided,* That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange. Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior, without consideration, for use by him in carrying out the purposes of this Act. Any lands within the boundaries of the park which are subject to Bureau of Reclamation or Federal Power Commission withdrawals are hereby freed and exonerated from any such withdrawal and shall, on the date of enactment of this Act, become a part of the Canyonlands National Park subject to no qualifications except those imposed by this Act.

(b) The Secretary shall acquire, subject to the provisions of subsection (c) of this section, all lands and interests in lands (both surface and mineral estates) owned by the State of Utah, including State-owned school sections and riverbed lands, situated within the area referred to in subsection (a) of this section by gift, purchase with donated or appropriated funds or exchange.

(c) With respect to such State-owned lands and interests in lands referred to in subsection (b) of this section, the Secretary shall first offer to acquire such lands and interests in lands by negotiated purchases or exchanges. The Secretary is authorized to accept title to any such State lands or interests within the area described in section 1 of this Act and in exchange therefor is authorized to convey to the State of Utah any federally owned property under his jurisdiction within such State, notwithstanding any other provision of law. The properties so exchanged shall be of the same classification. In the event the State and the Secretary cannot agree as to the fair market value of the properties involved in any such purchase or exchange the Secretary shall offer to submit the question of fair market value to binding arbitration, such arbitration to be conducted by a board composed of three persons, one to be chosen by the State, one to be chosen by the Secretary, and the third to be chosen jointly by the two persons thus selected. The third disinterested arbitrator shall be the chairman of the board of arbitration. The Secretary shall not be required to comply with the provisions of this subsection in any case in which the State refuses to agree to such arbitration.

(d) Notwithstanding any other provision of this Act, no park shall be established pursuant to this Act prior to the acquisition by the Secretary of all such State owned property referred to in subsection (b) of this section which is situated within the area described in section 1 of this Act.

(c) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of an acreage within the boundaries of the area described in section 1 of this Act which, in his opinion, is efficiently administrable for the purpose of this Act, the Secretary shall, subject to the provisions of subsection (d) of this section, establish the Canyonlands National Park by publication of notice thereof in the Federal Register.

SEC. 3. Where any Federal lands included within the Canyonlands National Park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges on the date of approval of this Act, their heirs, successors, or assigns, to renew the privileges from time to time subject to such terms and conditions as the Secretary may prescribe: *Provided, however,* That no such privilege shall be extended beyond the period ending twenty-five years from the date of approval of this Act except as specifically provided for in this section. The Secretary shall permit a holder of the grazing privilege to renew such privilege from time to time during the holder's lifetime beyond the twenty-five year period, subject to such terms and conditions as the Secretary may prescribe, if (1) the holder is the person who held such privilege on the date of approval of this Act, or (2) the holder is the heir, successor, or assign of such person and was a member of that person's immediate family, as determined by the Secretary of the Interior, on the date of approval of this Act. Nothing contained in this Act shall be construed as creating any vested right, title, interest, or estate in or to any of the Federal lands. The Secretary, by regulation, may limit the privileges enjoyed under this Act to the extent that they are appurtenant to the private lands owned by the persons who held such privileges on the date of approval of this Act, and may adjust such privileges to preserve the park land and resources from destruction or unnecessary injury. Grazing privileges appurtenant to privately owned lands located within the Canyonlands National Park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulation applicable thereto and after reasonable notice of any default.

SEC. 4. Nothing in this Act shall preclude the continued application of the mining and mineral leasing laws of the United States within the Canyonlands National Park; except that such laws shall cease to apply with respect to the area comprising such park upon the expiration of twenty-five years following the date of enactment of this Act, but such termination of application shall not affect any valid rights established prior thereto. The provisions of the Act of July 31, 1947 (61 Stat. 681), as amended, shall have no application within the Canyonlands National Park.

SEC. 5. (a) In order to provide suitable access to the Canyonlands National Park and facilities and services required in the operation and administration of the park, the Secretary may select the location or locations of an entrance road or roads to such park and to points of interest therein from United States Route 160 and State Routes 24 and 95, including necessary entrance and related administrative headquarters sites upon lands located outside the park, and he may select a suitable location or locations outside the park for connections between entrance roads and between roads lying within the Canyonlands National Park.

(b) To carry out the purposes of this section, the Secretary may acquire non-Federal lands or interests in lands by donation, purchase, condemnation, exchange, or such other means as he may deem to be in the public interest: *Provided,* That lands and interests in lands acquired outside the park as rights-of-way for said entrance roads and connections shall not exceed an average of one hundred twenty-five acres per mile. Rights-of-way and entrance and administrative sites required pursuant to this authority shall be administered pursuant to such special regulations as the Secretary may promulgate in furtherance of the purposes of this section except that the Secretary shall take no action which would result in denying to any individual reasonable access to, and the commercial use of, all entrance and connecting roads outside the park.

(c) The Secretary may construct, reconstruct, improve, and maintain upon the lands or interests in lands acquired pursuant to this section, or otherwise in Government ownership, an entrance road or roads and connections of parkway standards, including necessary bridges and other structures and utilities as necessary, and funds appropriated for the National Park Service shall be available for these purposes.

(d) Nothing in this Act shall preclude the continued application of the mining and mineral leasing laws and grazing laws of the United States within the areas comprising the lands and interests in lands selected or acquired by the Secretary outside of the park as right-of-way for entrance roads and connections pursuant to this section.

(e) The beneficiary of any right or privilege under this Act shall, in exercising such right or privilege, have the right of ingress and egress with respect to the park and the use of the roads within and outside the park where reasonably necessary to the enjoyment of such right or privilege.

SEC. 6. Subject to the provisions of this Act, the administration, protection, and development of the Canyonlands National Park, as established pursuant to this Act, shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 and the following), as amended and supplemented.

SEC. 7. (a) In administering the Canyonlands National Park, the Secretary of the Interior shall permit hunting under the laws of the State of Utah within the areas referred to in subsection (d) of section 5 of this Act and within any area in the park which is within two hundred yards of either bank of the Green or Colorado River.

(b) The Secretary, with the approval of the Department of Fish and Game of the State of Utah, may establish periods when no hunting shall be permitted within such area or areas for reasons of public safety. The Secretary shall, after consultation with such Department, issue such regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

SEC. 8. In administering the Canyonlands National Park, the Secretary of the Interior shall establish a predatory animal control program for the purpose of controlling predatory animals, such as wolves, coyotes, cougars, foxes, pumas, and other species destructive to livestock, wildlife, or agriculture.

SEC. 9. There are hereby authorized to be appropriated such sums as are necessary to carry out the puroposes of this Act.

With the following committee amendment:

That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the following generally described lands:

Beginning at a point on the left or east bank of the Green River on the north township line of township 27 south, range 17½ (partially surveyed), Salt Lake base and meridian:

thence easterly along the north township line through township 27 south, range 17½ east (partially surveyed), and township 27 south, range 18 east (partially surveyed), to the northeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 6 to the southeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 8, 9, and 10 to the northeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 10 to the southeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 14 and 13 to the northeast corner of section 13, township 27 south, range 18 east (partially surveyed);

thence continuing easterly along the north line of sections 18, 17, 16, and 15 to the northeast corner of section 15, township 27 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 15 and 22 to the southeast corner of section 22, township 27 south, range 19 east (partially surveyed);

thence easterly along the north line of sections 26 and 25 to the northeast corner of section 25, township 27 south, range 19 east (partially surveyed);

thence continuing easterly along the north line of section 30 to the northeast corner of section 30, township 27 south, range 20 east;

thence southerly along the east line of section 30 to the southeast corner of section 30, township 27 south, range 20 east;

thence easterly along the south line of section 29 to the southeast corner of the west half of section 28, township 27 south, range 20 east;

thence southerly along the east line of the west half of section 33 to the southeast corner of the west half of section 33, township 27 south, range 20 east;

thence continuing southerly along the east line of the west half of sections 4, 9, 16, and 21 to the southeast corner of the west half of section 21, township 28 south, range 20 east;

thence westerly along the south line of sections 21 and 20 to the southwest corner of section 20, township 28 south, range 20 east;

thence southerly along the east line of sections 30 and 31 to the southeast corner of section 31, township 28 south, range 20 east;

thence continuing southerly along the east line of sections 6 and 7 to the southeast corner of the north half of section 7, township 29 south, range 20 east;

thence westerly along the south line of the north half of section 7 to the southwest corner of the north half of section 7, township 29 south, range 19 east;

thence continuing westerly along the south line of the northeast quarter of section 12 to the southwest corner of the northeast quarter of section 12, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of the west half of sections 12, 13, and 24 to the southeast corner of the west half of section 24, township 29 south, range 19 east (partially surveyed);

thence westerly along the south line of section 24 to the southwest corner of section 24, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 26 and 35 to the southeast corner of section 35, township 29 south, range 19 east (partially surveyed);

thence easterly along the south line of township 29 south, range 19 east, to the east line of the west half of section 36, township 29½ south, range 19 east (partially surveyed);

thence southerly along the east line of the west half of section 36 to the southeast corner of the west half of section 36, township 29½ south, range 19 east (partially surveyed);

thence continuing southerly along the east line of the west half of section 1 to the southeast corner of the northwest quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of the southeast quarter of section 1 to the northeast corner of the southeast quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence southerly along the east line of section 1 to the southeast corner of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of section 7 to the northeast corner of section 7, township 30 south, range 20 east;

thence easterly along the north line of section 7 to the southeast corner of section 7, township 30 south, range 20 east;

thence easterly along the north line of section 17 to the northeast corner of section 17, township 30 south, range 20 east;

thence southerly along the east line of section 17 to the southeast corner of section 17, township 30 south, range 20 east;

thence easterly along the north line of sections 21 and 22 to the northeast corner of section 22, township 30 south, range 20 east;

thence southerly along the east line of sections 22, 27, and 34 to the southeast corner of section 34, township 30 south, range 20 east;

thence easterly along the south line of township 30 south, range 20 east, to the east line of section 34, township 30½ south, range 20 east (partially surveyed);

thence southerly along the east line of section 34 to the southeast corner of section 34, township 30½ south, range 20 east (partially surveyed);

thence continuing southerly along the east line of sections 3, 10, 15, 22, 27, and 34 to the southeast corner of section 34, township 31 south, range 20 east (partially surveyed);

thence continuing southerly along the east line of sections 3, 10, and 15 to the southeast corner of section 15, township 32 south, range 20 east (partially surveyed);

thence westerly along the south line of sections 15, 16, 17, and 18 to the southwest corner of section 18, township 32 south, range 20 east (partially surveyed);

thence northerly along the west line of section 18 to the northwest corner of section 18, township 32 south, range 20 east (partially surveyed);

thence westerly along the south line of section 12 to the southwest corner of section 12, township 32 south, range 19 east (partially surveyed);

thence northerly along the west line of sections 12 and 1 to the northwest corner of section 1, township 32 south, range 19 east (partially surveyed);

thence westerly along the south line of section 35 to the southwest corner of section 35, township 31 south, range 19 east (partially surveyed);

thence northerly along the west line of sections 35 and 26 to the northwest corner of section 26, township 31 south, range 19 east (partially surveyed);

thence westerly along the south line of sections 22, 21, 20, and 19 to the southwest corner of section 19, township 31 south, range 19 east (partially surveyed);

thence continuing westerly along the south line of sections 24, 23, 22, 21, 20, and 19 to the southwest corner of section 19, township 31 south, range 18 east (partially surveyed);

thence continuing westerly along the south line of sections 24, 23, and 22 to the southwest corner of the east half of section 22, township 31 south, range 17 east (partially surveyed);

thence northerly along the west line of the east half of section 22 to the northwest corner of the east half of section 22, township 31 south, range 17 east (partially surveyed);

thence westerly along the south line of section 15 to the southwest corner of section 15, township 31 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 31 south, range 17 east (partially surveyed);

thence easterly along the north line of sections 3, 2, and 1 to the northeast corner of section 1, township 31 south, range 17 east (partially surveyed);

thence continuing easterly along the north line of section 6 to the northeast corner of section 6, township 31 south, range 18 east (partially surveyed);

thence north through partially surveyed township 30½ south, range 18 east, to the north line of partially surveyed township 30½ south, range 18 east ;

thence easterly along the north line of partially surveyed township 30½ south, range 18 east, to the southwest corner of section 34, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 34 and 27 to the northwest corner of section 27, township 30 south, range 18 east (partially surveyed);

thence easterly along the north line of section 27 to the northeast corner of section 27, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 23, 14, 11, and 2 to the northwest corner of section 2, township 30 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 35 to the northwest corner of section 35, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 27 to the southwest corner of section 27, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 27 and 22 to the northwest corner of section 22, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 16 to the southwest corner of section 16, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 16 and 9 to the northwest corner of section 9, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 5 to the southwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of section 5 to the northwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 32 to the northwest corner of section 32, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of section 30 to the southwest corner of section 30, township 28½ south, range 18 east (partially surveyed);

thence northerly along the west line of sections 30 and 19 to the northwest corner of the south half of section 19, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of the north half of sections 24 and 23 to the southwest corner of the northeast quarter of section 23, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of the northeast quarter of section 23 and the west line of the southeast quarter of section 14 to the northwest corner of the southeast quarter of section 14, township 28 south, range 17 east (partially surveyed);

thence westerly along the south line of the north half of sections 14 and 15 to the southwest corner of the north half of section 15, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 28 south, range 17 east (partially surveyed);

thence continuing northerly along the west line of sections 34, 27, 22, and 15 to the northwest corner of the south half of section 15, township 27 south, range 17 east (partially surveyed);

thence easterly along the north line of the south half of sections 15 and 14 to the northeast corner of the south half of section 14, township 27 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 13, 12, and 1, township 27 south, range 17 east (partially surveyed), to the right or west bank of the Green River;

thence northerly across the Green River to the point of beginning, containing approximately 257,640 acres.

SEC. 2. Within the area described in section 1 hereof or which lies within the boundaries of the park, the Secretary of the Interior is authorized to acquire lands and interests in lands by such means as he may deem to be in the public interest. The Secretary may accept title to any non-Federal property within the park, including State-owned school sections and riverbed lands, and in exchange therefor he may convey to the grantor of such property any federally-owned property under his jurisdiction within the State of Utah, notwithstanding any other provision of law. The properties so exchanged shall be of approximately equal value: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior, without consideration, for use by him in carrying out the purposes of this act. Any lands within the boundaries of the park which are subject to Bureau of Reclamation or Federal Power Commission withdrawals are hereby freed and exonerated from any such withdrawal and shall, on the date of enactment of this act, become a part of the Canyonlands National Park subject to no qualifications except those imposed by this act.

SEC. 3. Where any Federal lands included within the Canyonlands National Park are legally occupied or utilized on the date of approval of this act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges to continue in the exercise thereof during the term of the lease, permit, or license, without renewal thereof.

SEC. 4. (a) In order to provide suitable access to the Canyonlands National Park and facilities and services required in the operation and administration of the park, the Secretary may select the location or locations of an entrance road or roads to such park and to points of interest therein from United States Route 160 and State Routes 24 and 95, including necessary entrance and related administrative headquarters sites upon lands located outside the park, and he may select a suitable location or locations outside the park for connections between entrance roads and between roads lying within the Canyonlands National Park.

(b) To carry out the purposes of this section, the Secretary may acquire non-Federal lands or interests in lands by donation, purchase, condemnation, exchange, or such other means as he may deem to be in the public interest: *Provided*, That lands and interests in lands acquired outside the park as rights-of-way for said entrance roads and connections shall not exceed an average of 125 acres per mile. Rights-of-way and entrance administrative sites acquired pursuant to this authority shall be administered pursuant to such special regulations as the Secretary may promulgate in furtherance of the purposes of this section.

(c) The Secretary may construct, reconstruct, improve, and maintain upon the lands or interests in lands acquired pursuant to this section, or otherwise in Government ownership, an entrance road or roads and connections of parkway standards, including necessary bridges and other structures and utilities as necessary, and funds appropriated for the National Park Service shall be available for these purposes: *Provided*, That if any portion of such road or roads crosses national forest land the Secretary shall obtain the approval of the Secretary of Agriculture before construction of such portion shall begin.

(d) The Secretary is hereby authorized to cooperate with the Secretary of Agriculture in the location and extension of a forest development road from State Route 95 and may extend the same from the national forest boundary to the park and points of interest therein in accordancce with the applicable provisions of this section.

SEC. 5. Subject to the provisions of this act, the administration, protection, and development of the Canyonlands National Park, as established pursuant to this act, shall be exercised by the Secretary of the Interior in accordance with the provisions of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 and the following), as amended and supplemented.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, H.R. 6925, when enacted, will create the Canyonlands National Park in the State of Utah. As the bill comes to the floor, the park will contain 257,640 acres, nine-tenths of which is already in Federal ownership.

Members of the Committee on Interior and Insular Affairs who visited this area a few months ago came back very much impressed with its merits. It lies north, south, and east of the junction of the Green and Colorado Rivers. This is spectacular country showing the effects of millennia of erosion of water and wind. Some who are familiar with our national park system have compared its potential attraction to visitors, once it is made accessible, to that of Yellowstone National Park. In any event, it came to our committee recommended not only by the National Park Service and the Interior Department but by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments.

The land within the Canyonlands National Park is now completely unused except for a little grazing and a number of oil and gas leases and potash prospecting permits under the Mineral Leasing Act. There are, however, no producing wells in the area, and the boundaries of the park have been changed from those originally proposed to omit the land in which potash is most likely to be found.

The only controversy of any consequence that developed around the proposal to set this area aside as a national park centered around the provisions of the bill for continued mining and grazing within the area. As we all know, these uses are incompatible with national park status.

Our national parks are set aside for the very purpose of preserving their scenery and their natural and historic objects for present and future generations. They are, in effect, great outdoor museums which are to be kept in as unspoiled condition as it is possible to keep them consistent with making them available to the public for relaxation, enjoyment and education.

The chairman of our Subcommittee on National Parks, the Honorable TOM MORRIS, was very much aware of this when he conducted hearings in the vicinity of Canyonlands. He put to witness after witness the question whether, given a choice between continuance of the present status of the land and the creation of a park with all the usual restrictions on mining, grazing, and hunting, they would prefer the former or the latter. A few witnesses said they were against the creation of a park unless it could also be kept open to these activities. Most of them, however, said that if it was a choice between park and no park they would prefer the former even though they had hoped that these activities could continue.

The committee has marked up the bill accordingly and it believes it did the right thing. We cannot have a Canyonlands National Park with mining and grazing unless we are prepared to open our other national parks to this same sort of activity. I, for one, do not believe that the American people would or ought to tolerate anything like this. They ought not to be asked to do so.

I said earlier that 90 percent of the land within the Canyonlands area is in Federal ownership. The other 10 percent is owned by the State of Utah. The bill provides for acquiring this land by exchange for other Federal land in the State and for equalizing the values of the two by cash payments, either to or by the United States. It is thus clear that land acquisition will cost the Treasury little or nothing and that it may even be that some money will be coming in from the exchange transactions as they are consummated. It will, of course, cost a certain amount to build roads into part of the area and to put up the necessary visitor facilities. These will probably cost, over the long run, $17 million. They will, however, be constructed under the general authority which the Secretary of the Interior already has and will be funded through normal appropriation procedure over the course of the years. The committee for this reason omitted from the bill as reported the usual provision authorizing appropriations.

Mr. Speaker, I recommend enactment of H.R. 6925.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the gentleman from Utah [Mr. LLOYD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LLOYD. Mr. Speaker, nowhere in this country has nature formed a more diverse chronicle of the passage of time than in this park proposed for southeastern Utah.

In these 257,640 acres, the elements have scoured and sculptured a unique and beautiful variety of deep river canyons, mesas, buttes, graceful stone arches and tall monoliths standing sentry on canyon floors.

It is a land largely untouched by man which we of this generation owe as our obligation to preserve for succeeding generations.

I had, frankly, wished that it might be possible to adapt this national park to a modified multiple use concept. The country of which Zane Grey wrote was, after all, populated by cows and cowboys and their presence in a park would, perhaps, be a supplemental attraction for visitors.

I understand that the grazing and mining leases now in effect may continue during the terms of the leases and I would hope the Secretary of Interior will be sympathetic in his administration to these interests so basic to Utah's economy.

The park as approved by the Interior and Insular Affairs Committee is a "pure" park and while many of us in Utah wish it were otherwise, we are agreed that this area deserves national park status.

I think the record should be clear that this involves some sacrifice for Utah. The Federal Government already owns more than 68 percent of the land in Utah, a percentage of ownership exceeded only in Alaska and Nevada.

This bill which we are acting on today will permanently reserve to the Federal Government a tract of land more than a third the size of Rhode Island and more than six times the size of the District of Columbia.

If there is anything that Utah is not lacking it is Federal ownership of land.

Yet, we recognize the irreplaceable values of this wild and beautiful country and want to share it with all people for all time.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 27) to provide for establishment of the Canyonlands National Park in the State of Utah, and for other purposes.

The Clerk read the title of the bill.

The Clerk read the Senate bill.

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 27 and insert the provisions of H.R. 6925, as passed, as follows:

"That in order to preserve an area in the State of Utah possessing superlative scenic, scientific, and archeologic features for the inspiration, benefit, and use of the public, there is hereby established the Canyonlands National Park which, subject to valid existing rights, shall comprise the following generally described lands:

Beginning at a point on the left or east bank of the Green River on the north township line of township 27 south, range 17½ (partially surveyed), Salt Lake base and meridian:

thence easterly along the north township line through township 27 south, range 17½ east (partially surveyed), and township 27 south, range 18 east (partially surveyed), to the northeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 6 to the southeast corner of section 6, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 8, 9, and 10 to the northeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence southerly along the east line of section 10 to the southeast corner of section 10, township 27 south, range 18 east (partially surveyed);

thence easterly along the north line of sections 14 and 13 to the northeast corner of section 13, township 27 south, range 18 east (partially surveyed);

thence continuing easterly along the north line of sections 18, 17, 16, and 15 to the northeast corner of section 15, township 27 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 15 and 22 to the southeast corner of section 22, township 27 south, range 19 east (partially surveyed);

thence easterly along the north line of sections 26 and 25 to the northeast corner of section 25, township 27 south, range 19 east (partially surveyed);

thence continuing easterly along the north line of section 30 to the northeast corner of section 30, township 27 south, range 20 east;

thence southerly along the east line of section 30 to the southeast corner of section 30, township 27 south, range 20 east;

thence easterly along the south line of section 29 of the southeast corner of the west half of section 28, township 27 south, range 20 east;

thence southerly along the east line of the west half of section 33 to the southeast corner of the west half of section 33, township 27 south, range 20 east;

thence continuing southerly along the east line of the west half of sections 4, 9, 16, and 21 to the southeast corner of the west half of section 21, township 28 south, range 20 east;

thence westerly along the south line of sections 21 and 20 to the southwest corner of section, 20, township 28 south, range 20 east;

thence southerly along the east line of sections 30 and 31 to the southeast corner of section 31, township 28 south, range 20 east;

thence continuing southerly along the east line of sections 6 and 7 to the southeast corner of the north half of section 7, township 29 south, range 20 east;

thence westerly along the south line of the north half of section 7 to the southwest corner of the north half of section 7, township 29 south, range 19 east;

thence continuing westerly along the south line of the northeast quarter of section 12 to the southwest corner of the northeast quarter of section 12, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of the west half of sections 12, 13, and 24 to the southeast corner of the west half of section 24, township 29 south, range 19 east (partially surveyed);

thence westerly along the south line of section 24 to the southwest corner of section 24, township 29 south, range 19 east (partially surveyed);

thence southerly along the east line of sections 26 and 35 to the southeast corner of section 35, township 29 south, range 19 east (partially surveyed);

thence easterly along the south line of township 29 south, range 19 east, to the east line of the west half of section 36, township 29½ south, range 19 east, (partially surveyed);

thence southerly along the east line of the west half of section 36 to the southeast corner of the west half of section 36, township 29½ south, range 19 east (partially surveyed);

thence continuing southerly along the east line of the west half of section 1 to the southeast corner of the northwest quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of the southeast quarter of section 1 to the northeast corner of the southeast quarter of section 1, township 30 south, range 19 east (partially surveyed);

thence southerly along the east line of section 1 to the southeast corner of section 1, township 30 south, range 19 east (partially surveyed);

thence easterly along the north line of section 7 to the northeast corner of section 7, township 30 south, range 20 east;

thence southerly along the east line of section 7 to the southeast corner of section 7, township 30 south, range 20 east;

thence easterly along the north line of section 17 to the southeast corner of section 17, township 30 south, range 20 east;

thence southerly along the east line of section 17 to the southeast corner of section 17, township 30 south, range 20 east;

thence easterly along the north line of sections 21 and 22 to the northeast corner of section 22, township 30 south, range 20 east;

thence southerly along the east line of sections 22, 27, and 34 to the southeast corner of section 34, township 30 south, range 20 east;

thence easterly along the south line of township 30 south, range 20 east, to the east line of section 34, township 30½ south, range 20 east (partially surveyed);

thence southerly along the east line of section 34 to the southeast corner of section 34, township 30½ south, range 20 east (partially surveyed);

thence continuing southerly along the east line of sections 3, 10, 15, 22, 27, and 34 to the southeast corner of section 34, township 31 south, range 20 east (partially surveyed);

thence continuing southerly along the east line of sections 3, 10, and 15 to the southeast corner of section 15, township 32 south, range 20 east (partially surveyed);

thence westerly along the south line of sections 15, 16, 17, and 18 to the southwest corner of section 18, township 32 south, range 20 east (partially surveyed);

thence northerly along the west line of section 18 to the northwest corner of section 18, township 32 south, range 20 east (partially surveyed);

thence westerly along the south line of section 12 to the southwest corner of section 12, township 32 south, range 19 east (partially surveyed);

thence northerly along the west line of sections 12 and 1 to the northwest corner of section 1, township 32 south, range 19 east (partially surveyed);

thence westerly along the south line of section 35 to the southwest corner of section 35, township 31 south, range 19 east (partially surveyed);

thence northerly along the west line of sections 35 and 26 to the northwest corner of section 26, township 31 south, range 19 east (partially surveyed);

thence westerly along the south line of sections 22, 21, 20, and 19 to the southwest corner of section 19, township 31 south, range 19 east (partially surveyed);

thence continuing westerly along the south line of sections 24, 23, 22, 21, 20, and 19 to the southwest corner of section 19, township 31 south, range 18 east (partially surveyed);

thence continuing westerly along the south line of sections 24, 23, and 22 to the southwest corner of the east half of section 22, township 31 south, range 17 east (partially surveyed);

thence northerly along the west line of the east half of section 22 to the northwest corner of the east half of section 22, township 31 south, range 17 east (partially surveyed);

thence westerly along the south line of section 15 to the southwest corner of section 15, township 31 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 31 south, range 17 east (partially surveyed);

thence easterly along the north line of sections 3, 2, and 1 to the northeast corner of section 1, township 31 south, range 17 east (partially surveyed);

thence continuing easterly along the north line of section 6 to the northeast corner of section 6, township 31 south, range 18 east (partially surveyed);

thence north through partially surveyed township 30½ south, range 18 east, to the north line of partially surveyed township 30½ south, range 18 east;

thence easterly along the north line of partially surveyed township 30½ south, range 18 east, to the southwest corner of section 34, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 34 and 27 to the northwest corner of section 27, township 30 south, range 18 east (partially surveyed);

thence easterly along the north line of section 27 to the northeast corner of section 27, township 30 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 23, 14, 11, and 2 to the northwest corner of section 2, township 30 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 35 to the northwest corner of section 35, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 27 to the southwest corner of section 27, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 27 and 22 to the northwest corner of section 22, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 16 to the southwest corner of section 16, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of sections 16 and 9 to the northwest corner of section 9, township 29 south, range 18 east (partially surveyed);

thence westerly along the south line of section 5 to the southwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence northerly along the west line of section 5 to the northwest corner of section 5, township 29 south, range 18 east (partially surveyed);

thence continuing northerly along the west line of section 32 to the northwest corner of section 32, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of section 30 to the southwest corner of section 30, township 28½ south, range 18 east (partially surveyed);

thence northerly along the west line of sections 30 and 19 to the northwest corner of the south half of section 19, township 28½ south, range 18 east (partially surveyed);

thence westerly along the south line of the north half of sections 24 and 23 to the southwest corner of the northeast quarter of section 23, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of the northeast quarter of section 23 and the west line of the southeast quarter of section 14 to the northwest corner of the southeast quarter of section 14, township 28 south, range 17 east (partially surveyed);

thence westerly along the south line of the north half of sections 14 and 15 to the southwest corner of the north half of section 15, township 28 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 15, 10, and 3 to the northwest corner of section 3, township 28 south, range 17 east (partially surveyed);

thence continuing northerly along the west line of sections 34, 27, 22, and 15 to the northwest corner of the south half of section 15, township 27 south, range 17 east (partially surveyed);

thence easterly along the north line of the south half of sections 15 and 14 to the northeast corner of the south half of section 14, township 27 south, range 17 east (partially surveyed);

thence northerly along the west line of sections 13, 12, and 1, township 27 south, range 17 east (partially surveyed), to the right or west bank of the Green River;

thence northerly across the Green River to the point of beginning, containing approximately 257,640 acres.

Sec. 2. Within the area described in section 1 hereof or which lies within the boundaries of the park, the Secretary of the Interior is authorized to acquire lands and interests in lands by such means as he may deem to be in the public interest. The Secretary may accept title to any non-Federal property within the park, including State-owned school sections and riverbed lands, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction within the State of Utah, notwithstanding any other provision of law. The properties so exchanged shall be of approximately equal value: *Provided,* That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Federal property located within the boundaries of the park may, with the concurrence of the agency having custody thereof, be transferred to the administrative jurisdiction of the Secretary of the Interior, without consideration, for use by him in carrying out the purposes of this Act. Any lands within the boundaries of the park which are subject to Bureau of Reclamation or Federal Power Commission withdrawals are hereby freed and exonerated from any such withdrawal and shall, on the date of enactment of this Act, become a part of the Canyonlands National Park subject to no qualifications except those imposed by this Act.

Sec. 3. Where any Federal lands included within the Canyonlands National Park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges to continue in the exercise thereof during the term of the lease, permit, or license, without renewal thereof.

Sec. 4. (a) In order to provide suitable access to the Canyonlands National Park and facilities and services required in the operation and administration of the park, the Secretary may select the location or locations of an entrance road or roads to such park and to points of interest therein from United States Route 160 and State Routes 24 and 95, including necessary entrance and related administrative headquarters sites upon lands located outside the park, and he may select a suitable location or locations outside the park for connections between entrance roads and between roads lying within the Canyonlands National Park.

(b) To carry out the purposes of this section, the Secretary may acquire non-Federal lands or interests in lands by donation, purchase, condemnation, exchange, or such other means as he may deem to be in the public interest: *Provided,* That lands and interests in lands acquired outside the park as rights-of-way for said entrance roads and connections shall not exceed an average of one hundred twenty-five acres per mile. Rights-of-way and entrance and administrative sites acquired pursuant to this authority shall be administered pursuant to such special regulations as the Secretary may promulgate in furtherance of the purposes of this section.

(c) The Secretary may construct, reconstruct, improve, and maintain upon the lands or interests in lands acquired pursuant to this section, or otherwise in Government ownership, an entrance road or roads and connections of parkway standards, including necessary bridges and other structures and utilities as necessary, and funds appropriated for the National Park Service shall be available for these purposes: *Provided*, That if any portion of such road or roads crosses national forest land the Secretary shall obtain the approval of the Secretary of Agriculture before construction of such portion shall begin.

(d) The Secretary is hereby authorized to cooperate with the Secretary of Agriculture in the location and extension of a forest development road from State Route 95 and may extend the same from the national forest boundary to the park and points of interest therein in accordance with the applicable provisions of this section.

SEC. 5. Subject to the provisions of this Act, the administration, protection, and development of the Canyonlands National Park, as established pursuant to this Act, shall be exercised by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 and the following), as amended and supplemented.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 6925) was laid on the table.

AMENDING THE ACT OF MARCH 10, 1964

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12128) to amend the act of March 10, 1964.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act of March 10, 1964 (78 Stat. 156), is hereby amended by substituting the figures "$3,200,000" for the figures "$2,000,000".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, H.R. 12128 would provide an increase of $1,200,000 in the amount Congress previously authorized to be appropriated to acquire farm units on the third division of the Riverton Federal reclamation project.

Earlier this year there was enacted legislation—act of March 10, 1964, 78 Stat. 156—which was designed to provide the basis for settlement of the physical, economic, and financial problems that have been encountered in the third division of the Riverton project. One of the provisions of that act authorized the Secretary of the Interior to negotiate with landowners and acquire options to purchase farm units from those landowners who wanted to sell out and leave the project. As a result of these negotiations the Secretary has now reported to the Congress on the options acquired and has indicated that the cost for land acquisition will be $3,080,808 if all options are exercised. Additional administrative expenses would bring the total financial requirements to about $3,200,000. Since the earlier act authorized the appropriation of only $2 million, an additional $1,200,000 is required. The purpose of H.R. 12128 is to make this amount available.

Mr. Speaker, this does not finally resolve the serious problems of the third division. Assuming that all options are exercised, this would leave the Federal Government as owner of the entire division with the exception of one farm unit. The final disposition of these lands will not be known until the Secretary reports to the Congress under the provisions of section 2 of the earlier act. The Secretary is required to make his final report on the third division prior to January 1, 1967. It is hoped that a plan can be worked out whereby these lands can continue to be farmed in order to prevent an adverse effect on the economy of this area.

PURCHASE, SALE, AND EXCHANGE OF CERTAIN INDIAN LANDS ON THE YAKIMA INDIAN RESERVATION

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5837) to amend the act entitled "An act to authorize the purchase, sale, and exchange of certain Indian lands on the Yakima Indian Reservation, and for other purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

On page 3, line 6, strike out "acquired" and insert "purchased".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Members desiring to do so may have permission to extend their remarks following the passage of either of the last six bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TRIBUTE TO THE LATE JOHN B. BENNETT, REPRESENTATIVE FROM THE STATE OF MICHIGAN

Mr. MEADER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MEADER. Mr. Speaker, my attention has been called to an article appearing in the Ypsilanti Press, Ypsilanti, Mich., on August 15, 1964, by Paul A. Miltich of the Washington Bureau of the Booth newspapers, entitled "'Long John' Bennett Had the Confidence of the People."

For several years, Mr. Miltich has been in close contact with the congressional delegation from Michigan and it has been his duty to observe and report on the activities and views of the Michigan Members of the House. He has written this article in the nature of a eulogy for the late Congressman John B. Bennett, of Michigan's 12th District.

Under leave granted, I include the text of this article in my remarks and also ask unanimous consent that the article may be included in the eulogies delivered by Mr. Bennett's colleagues on Thursday, August 13, 1964.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MEADER. Mr. Speaker, the article to which I refer is as follows:

"LONG JOHN" BENNETT HAD THE CONFIDENCE OF THE PEOPLE

(By Paul A. Miltich)

WASHINGTON.—An era in upper Michigan politics died with John B. (Long John) Bennett, the Republican Congressman who represented a Democratic district for 20 years.

There was nobody quite like Bennett in Washington. Once he disposed of his political nemesis, Democrat Frank Hook of Ironwood, Bennett was considered well-nigh unbeatable in his iron and copper country district.

What made Bennett's victories at the polls seem so remarkable was that in parts of his district the Democrats practically owned the courthouse—even held their meetings there.

The secret of Bennett's success is that he was close to the people. They trusted him, and he served them well.

Although Bennett personally was wealthy, iron ore miners scratching for a living in the pits near Ironwood and Bessemer looked upon him as a friend.

Construction workers in the Marquette-Ishpeming area felt the same way about Bennett—and with good reason.

One winter a big construction project near Marquette shut down because there were no salamanders (stoves) on the job to provide heat for the men.

Union officials complained to Bennett and to Senator PATRICK V. MCNAMARA, himself a one-time union leader.

Bennett attacked the problem, got to the root of it and phoned the union officials immediately to say it would be straightened out.

Several days later the union got a letter from MCNAMARA saying he was looking into the situation.

Bennett was a great guy for using the telephone—maybe because the Upper Peninsula seems as far away from Washington as Alaska, and the Postmaster General's promises don't get the mail there any faster.

Bennett reportedly ran up a bigger phone bill than Congressmen with districts four times as big as his.

In population, Bennett's district was the smallest in the country. He always said it was the "most important" in the Nation.

Bennett was bitter when the State legislature this year merged his 8-county district in the western half of the Upper Peninsula with 14 of the 16 counties in Representative Victor A. Knox's district.

The campaign for the Republican nomination in the new 22-county district would have been a tough one for Bennett.

He was not a curbstone-type campaigner although he claimed to know three out of four of his 12 District constituents by name.

He made the rounds of the courthouses and the fairs and picnics but didn't go in too much for handshaking his way into office.

Friends love to tell the story of John and the tree.

During one of Bennett's campaigns he went to a picnic accompanied by supporters who wanted him to get around and meet people.

Bennett's friends wandered around the grounds rounding up folks for a Bennett handshake.

When they looked back they saw Bennett standing near a large tree, looking up at it.

They never did find out whether it was a robin's nest or some other attraction that had Bennett looking up at the sky.

Bennett was a creature of contradictions.

He was a warm person and yet almost painfully shy.

At times he found it difficult to express himself. In other situations he was a sharp interrogator, as when he asked probing questions during the House investigation of influence peddling in Government.

He was an attorney with a keen respect for the law, but with him people always came first.

He was tough and unyielding where principle was at stake.

Yet he was so sensitive you could see the hurt in his eyes when he felt he had been wronged by someone.

Upper Peninsula politics may return to normal now that Bennett is gone. Democrats may again become Democrats. The Bennett era is ended.

There was nobody else quite like John in Congress and there probably never will be again.

Perhaps the most fitting tribute that anyone can pay him adds up to just five words: He was a good man.

PROPOSED SELECT COMMITTEE ON ADMINISTRATION OF ECONOMIC OPPORTUNITY ACT OF 1964

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, yeserday I introduced House Resolution 858. The purpose of this resolution is to establish a select committee of the House to maintain a continuous check upon the administration of the recently enacted Economic Opportunity Act of 1964, the so-called antipoverty law.

As is well known, the Economic Opportunity Act of 1964 authorizes a host of federally financed programs, some of which, such as the Job Corps and the VISTA Corps, are new undertakings, others of which are merely adjuncts to, or apparent duplications of, already existing programs. These programs, in composite, reach into a considerable number of different areas of Government activity: education and training of youth; adult basic education; migrant labor; farm housing; farm loans; small business regulations; rehabilitation of public assistance recipients; and so-called community action programs of almost every type and description.

In addition, this legislation establishes a new level of Federal bureaucracy, the so-called Office of Economic Opportunity, with power to administer several of these antipoverty programs directly, and authority to supervise and coordinate the efforts of various Cabinet Secretaries in their administration of programs which are or may be related to the effective administration of the Antipoverty Act.

This newly created Office of Economic Opportunity, in addition to its powers to "coordinate" the efforts of established Federal departments and agencies is also empowered to deal directly with innumerable public and private agencies on a local level, with respect to the establishment of "community action" programs. In this significant area of operations, the decision of the Director of the Office of Economic Opportunity, the so-called poverty czar, is final and conclusive, and these decisions need be based on no meaningful legislative standards.

The establishment of this new agency, with its wide-ranging administrative powers within the Federal Government, together with its virtually unlimited powers to deal directly with local public and private organizations, without regard to established State and local agencies of government, represents an unprecedented departure from the traditional concepts of Government organization and intergovernmental relationships.

Mr. Speaker, now that the antipoverty bill has been enacted and these various programs authorized, I deem it imperative that this entire operation be held under the continuing scrutiny of a responsible agency of the Congress. It is for this reason that I have introduced House Resolution 858. This resolution authorizes the creation of a select committee of the House, the 12 members of which will be drawn equally from the following standing committees of the House: Agriculture, Banking and Currency, Education and Labor, and Ways and Means. This type of diversified membership is essential in view of the fact that certain of the programs authorized by the antipoverty legislation fall logically within the jurisdiction of these various standing committees of the House.

The select committee contemplated by House Resolution 858 would be a working committee. It would have the responsibility of maintaining a continuous and careful check on the various antipoverty programs as well as all related Federal and federally assisted programs. This committee would concern itself with first, determining means of improving the operation of the so-called Economic Opportunity Act of 1964; second, reducing or eliminating any conflicts or duplications between or among these various Federal programs; and third, making recommendations to the Congress as to those actions which it deems necessary or advisable to achieve the foregoing purposes.

Mr. Speaker, the Congress has seen fit, for one reason or another, to approve the establishment of the various antipoverty activities. It has done so by means of a legislative vehicle which, in the opinion of many, leaves much to be desired. But the legislative interest in, and responsibility for, these matters should not and does not end with the enactment of a law. The Congress has a continuing responsibility to assess the effectiveness and the worth of the programs it has authorized.

Already we are advised, at least informally, that in a number of areas these programs, even before they have been launched, have become embroiled in tug and haul of factional political warfare. Indeed, it has been repeatedly reported that in some communities programs of a similar nature and purpose have become infiltrated by and, at least in part, diverted to the advantage of subversive elements.

All these considerations point to the need for Congress to prepare now to meet its continuing responsibilities in these important areas of Federal activity. I can think of no more effective method to achieve this end than the creation of the select committee to function continuously in behalf of those responsibilities.

Accordingly, Mr. Speaker, I urge that the House extend to House Resolution 858 its speedy and favorable consideration. Similar resolutions have been introduced by the gentleman from New York [Mr. Goodell], and the gentleman from Minnesota [Mr. Quie].

DEVELOPMENT OF OUR RESOURCES

Mr. BONNER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include a speech by the Honorable Franklin D. Roosevelt, Jr.

The **SPEAKER.** Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BONNER. Mr. Speaker, I include my introductory speech and the address of the Honorable Franklin D. Roosevelt, Jr., at Chowan College on August 18, 1964:

Remarks by Mr. Bonner

As always, it is a great pleasure to have the opportunity to visit Murfreesboro and Chowan College, this splendid cultural center of northeastern North Carolina. My pleasure is magnified on this occasion when I have the honor and privilege of introducing our distinguished speaker of the evening.

This area of North Carolina saw the very earliest beginnings of the society which was to become the United States of America. The early Americans, who settled here with pioneer spirit, carved from the wilderness a way of life which sowed the seeds of independence on the North American Continent which have spread from generation to generation over all our land. Freedom of speech and freedom of religion were the keystones of their philosophy. Vigorously they strived for a prosperous economy—fearlessly they defended against attacks from without.

Just 100 years after the Chowan Baptist Association took the basic step leading to the foundation of Wake Forest College, and a few years later Chowan College, one of the outstanding men in American history ascended to the Presidency of the United States. Elected by overwhelming majorities for an unprecedented 4 terms, his influence not only upon the United States, but upon the world, was and is, tremendous in both war and peace. Born with a long American heritage, and imbued with the spirit of the American ideal, President Franklin Delano Roosevelt called for a new world order, based upon four essential freedoms, the search for which had made this country great—freedom of speech, freedom of religion, freedom from want, and freedom from fear.

His words were heard then, and are now, ringing around the world as men seek to break their chains and strive for the ideals of that great American with unlimited vision.

Tonight I have the honor to present to you the son of President Roosevelt, a man who has inherited much from his great father. Our speaker this evening, though still a young man, has already had a full and distinguished career.

Born at his father's beloved home on Campobello Island, he received a well-rounded education at Groton School, Harvard University, and the University of Virginia Law School. As a member of the Naval Reserve he had little time to start upon his professional career before he was called to active duty as an ensign in the Navy. Five years of active naval service took him into all the major theaters of the war at sea; the North Atlantic, Murmansk, and the Caribbean—the North African invasion and the Sicilian campaign—and in 1944, and thereafter as captain of a destroyer escort, he took part in the Philippines, Okinawa, and Iwo Jima campaigns. He earned numerous decorations for his outstanding war service, including the purple heart and the coveted silver star.

After the war our speaker returned to the practice of law in New York City. But the tradition of public service has continued strong within him. He has served on various high-level national and local committees, as delegate to Democratic conventions, and as a Member of the House of Representatives during three congressional terms. He has, as might be expected, always been an active Democrat, and has been high in party councils.

Our speaker comes to us now from another high position of public service, where he has served with great distinction and effectiveness.

Ladies and gentlemen, I have the honor to present to you the Under Secretary of the Department of Commerce, the Honorable Franklin Delano Roosevelt, Jr.

ADDRESS BY MR. FRANKLIN D. ROOSEVELT, JR.

I realize that we are on the brink of the political wars, but tonight my subject is development. In presenting my credentials, I can proudly say that the name of Roosevelt has always stood for development. My ancestors in Holland were the source of much development—they were tax collectors. My uncle Theodore developed much of our modern Navy, our antitrust procedures, the Panama Canal, our national park system, and the now lost cause of progressive republicanism. You know too well how both my parents stood on the issue of development—although I will admit my father once cast an understandable veto over legislation developing the basin of the Republican River in Kansas.

At this point in time, development is a very important issue. For in these times of general and increasing prosperity, we must concern ourselves with development so that such abundance bypasses: no person, no region, no State, no county, and no township. In this sense, development means utilizing our resources, our energies, our abilities, and our potential. If this is done, our economic future will be secure, will be free from want, free from fear, and free from waste.

The time to worry about such a future is now—while times are good and while we have the means. And times are good right now.

We are currently in our 42d month of continued economic expansion—the longest and strongest such expansion since World War II. We seem to have outdistanced the cycle of recession that has plagued us since the war. Our total worth of goods and services, gross national product, stands at an alltime high annual rate of $618½ billion. In perspective, consider that our GNP back in 1933 was only $56 billion. Also consider that we have expanded our GNP almost $120 billion since the 1961–61 recession.

Personal income is also at an alltime high—now at the annual rate of $489.2 billion. Retail sales are at $21.7 billion—6 percent higher than a year ago and 21 percent higher than they were in January of 1961 when the present expansion started. Those are the statistics of the good life. In more real terms consider that today 4 out of 5 American families own a car; 1 out of 5 own 2 cars; and 1.2 million families own 3 or more cars. Consider also the estimate that by 1975 the average American family will boast an annual income of $10,000—roughly $200 a week.

Yes, times are good and will be better at current rates and under current sound policies. But what will such affluence mean? The statistics I gave you are average rates. What will they mean to those whose below-average existence balances out those who live at the top of the economic scale? What will they mean to the great majority who truly benefits by such a burgeoning economy? Will they mean that the extra wealth of money, time, and opportunity is spent only on living ahead of the neighbors? Or taking more expensive vacations? Or living in a better house in a better neighborhood? Or will it all mean more than that? Will it mean that the resources both employed and unleashed by such prosperity be used for the upgrading of our whole society? We all hope so.

But we must do more than just hope that prosperity will be reflected in better schools, better highways, more modern cities, more security for the aged, more opportunities for the young. Mere hope for these things will not convert them from dreams into blueprints * * * from possibilities into actualities. The actions we take and the attitudes we have now will develop our prosperity from projected graphs to concrete improvements.

The prosperity we have is not a bunch of magic beans which, once planted, will grow into a fantastic beanstalk leading to geese laying golden eggs and people living happily ever after. We must fully realize that concealed within the wealth we have now there is a needless cycle of human circumstances which is labeled poverty.

The word "poverty", I think, is an oversimplification * * * because it doesn't just mean having less money than someone else. Poverty really means being trapped by the four walls of poor education, poor job skills, poor earning power, and poor opportunity. That kind of poverty is waste. When you have an 8- or 10-year-old child who doesn't go to school because he lives too far from where the schoolbus stops, that is a waste. When you have a town that is flooded year after year, that is waste. When you have once-rich timberland yielding only one-quarter of its potential, that is waste. When you have a man who has been out of work for 10 years, that is incredible waste.

What I have just described to you exists, and in a much larger scale, in Appalachia—a region of some 165,000 square miles and some 16 million people. But the wasted manhours, the wasted natural resources, the wasted land, and the wasted abilities of an unschooled child * * * these exist all over this country today. We cannot afford such waste. We are the richest nation on earth, the most productive, the most advanced, the most powerful—yet we tolerate this kind of waste.

Why should it be true that the more we have, the more we waste? Why should our prosperity mean that we have more waste in the form of poverty? What we today waste in the course of our booming economy, could mean lasting prosperity for generations to come—it could, if we develop what we have. A survey of our waste would list not only substandard schools but schools where even double sessions will not provide the necessary education for every child; it would list the rat-infested slums in our greatest cities; the polluted streams caused by mines and factories; the sick or injured who have no hospital in their area; the land whose topsoil has been washed away; the coal that is unmined because its use has dwindled; the bumpy dirt road that could be a highway to carry industry and tourists into an area that might prosper because of them; the unemployed whose job skills are now obsolete; the factory that is operating at only 50 or 60 percent of capacity.

Meaningful development of our resources—both human and physical can eliminate such waste. It must * * * because schools that are inadequate now, will not begin to meet the need of 1980, when our population will increase by 25 percent. How long can cities and highways that are congested now keep up with a public that is buying 7 or 8 million new cars a year? How long can we exist with the dual problems of automation—the jobs lost to machines and the jobs that go begging for lack of properly trained workers?

There can be no question as to why we should be concerned about these problems. Why should we eliminate poverty and waste? Why should we seek to provide a college education for all? Or for that matter, why should we go to the moon? The answer is * * * because we can. We have the ability to do these things, so we must do them. When our research gives us the means to conquer killer diseases, we will conquer them.

The peace and prosperity that we have and that which we seek must be constantly defended against any and every encroachment. Just as we act to maintain the general peace when it is wounded in Vietnam or Cyprus, so we must act to maintain the general prosperity when it is wounded by poverty or wasted potential.

There is much to be developed; there are resources to be mined; there is food to be harvested; there is knowledge to be gained; there are markets to be sold; there are minds to be broadened; there are cures to be found * * * and to work these wonders, there is, above all, the indomitable American spirit.

In working with the people and the leaders of the States in Appalachia, we were most impressed by one important fact. That was the boundless energy and desire of the people of Appalachia to help themselves, given the tools of development. In community after community, where despair had every reason to be the dominant emotion, there existed the overriding will to overcome their condition.

President Johnson saw this on his two trips through the area last spring. He saw that the attitude of the people themselves made development possible and practical. For that reason, the basic unit upon which the Appalachian bill depends for its success is the local development organization. We will depend on these organizations to initiate requests for projects. We will depend on surveys such as the one presented tonight.

We will depend on efforts such as that of President Whitaker with the Choanoke Area Development Association. Such efforts can end the wasted potential and resources that now characterize much of Appalachia, and plague many other communities.

The job in Appalachia, and elsewhere, is to make sure that prosperity can be shared as well as contributed to, by all. For instance economic studies have shown that if the people of Appalachia had the same purchasing power as the average American, the increased retail sales would add more than $12 billion to our GNP. If the people of Appalachia had a per capita income equal to that of the average American, $5.2 billion would be added to the country's annual rate of personal income. That is what development could do.

Our task, therefore, is to survey what we have, what we are, and what we are doing. Then we must decide what we should have, what we should be and what we should be doing.

There is nothing to be gained by questioning our progress. Instead, let the question be: "Are we doing enough?"

The government, the laws, and the leadership we have had since 1932 have been dedicated to full development of this country's energies and resources so that our future is unquestionable and its prosperity is assured. The vast majority of the people has overwhelmingly supported this concept. It forms the basis of our policies toward the emerging nations of the world. It has determined our response in crises, both foreign and domestic. It will determine our response to the challenges of not only the sixties, but the seventies, the eighties, and of many years to come.

There are those who would waste our public debates defining terms that are abundantly clear to all of us. Those of us who speak for the administration will not do this. Rather, let us define the dimensions of our abilities and our potential. For that is where the definition of the word "greatness" lies. And the greatness we seek will be the result of much effort through many years. Any greatness we now enjoy as a nation has taken the administrations of 36 Presidents 188 years. There has been and there will be no quick or simple way. In the words of Longfellow:

"The heights by great men reached and kept
Were not attained by sudden flight
But they, while their companions slept,
Were toiling upward in the night."

JIM BENNETT

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, a great public servant will retire on August 31. Jim Bennett, as my distinguished colleagues are well aware, has been Director of the Bureau of Prisons for 27 years and a Government official for 45 years. I have known him and been associated with him for a good part of that time and I am personally familiar with the many achievements that have marked his Federal service. With his retirement the Government will lose an executive of imagination, ability, and rare dedication. Few Government administrators can match his record of selfless devotion to the responsibilities he has been given and to the unfortunates of society whose advocate he has always been.

Jim Bennett started out in Government in 1919 in the old Bureau of Efficiency. He rose rapidly in that organization and one of his assignments was an investigation of the conditions surrounding the imprisonment of Federal offenders during the 1920's. He was not pleased with what he saw, and he wrote a report for a congressional committee which in 1930 produced legislation establishing the Bureau of Prisons. By this time he was deeply interested in correctional work, and joined the Federal Prison System on the day it was activated as an integrated organization, July 1, 1930. In 1934 his work further resulted in the statutory establishment of Federal Prison Industries, Incorporated, and he was appointed the first Commissioner of that organization. This Government corporation operates all the factories and production shops in Federal institutions, pays wages to prisoners, finances their vocational training, and still declares a tidy dividend for the Treasury of the United States every year.

President Franklin D. Roosevelt appointed Jim Bennett Director of the Federal Prison System on February 1, 1937, when the first Director, Sanford Bates, departed to accept a new challenge in youth work. Jim Bennett's stature in Government has grown steadily in the years since his appointment. Needless to say, he made the prison system he had virtually created into a model for all the world to follow. He developed a career service of expertly trained prison workers, and he saw to it that their salaries and working conditions were improved. He demanded a hard day's work from every employee, and more, and the result has been an organization with an esprit de corps that is not often seen in Government or elsewhere.

He has had a national and international influence on the improvement of methods for dealing with imprisoned offenders. He has been active in a number of national and international organizations, including the United Nations, and he has traveled to many States and foreign countries to lend a hand when asked to do so. He has also made his personnel and the resources of the Bureau of Prisons available for technical assistance wherever needed.

Jim Bennett has a knack for architecture and it is no coincidence that his son Edmund is one of the Washington area's most original and capable builders. Jim has built many correctional institutions, and they provide a great variety of settings in which to rehabilitate different types of offenders. Representatives of many nations, states, counties, and cities have come to Washington to review with him their architectural designs for prisons, jails, and other types of correctional facilities. Somehow, he has always found time to help out.

But his greatest contributions have come in the field of criminal justice. He was the author, of course, of the legislation which brought about such tremendous improvements in the national prisons. But he also drafted or helped to draft bills improving procedures for the disposition of juvenile delinquents, the mentally ill, and other types of offenders. He was of tremendous help to me and my distinguished colleague, the gentleman from Louisiana, Representative EDWIN E. WILLIS, in developing the Omnibus Sentencing Act that was passed in 1958. He also appeared before many subcommittees and committees of the House and Senate urging the adoption of measures to improve our society or opposing measures which he felt were contrary to the best interest of the Nation. His voice has been a persuasive and influential one, and it has always been exerted in behalf of humanitarian causes.

Jim Bennett has earned the commendation of this body for the valuable work he has done, and I wish to offer him also our congratulations on his retirement, our compliments, and our best wishes for an equally fruitful career in the years ahead. I think it would be fitting, and of much interest to the Congress, to print in the RECORD at this point the 1928 report in which Jim Bennett outlined what needed to be done to create and develop a system for the effective rehabilitation of Federal offenders. My distinguished colleague from Louisiana, I understand, will supplement this report with material describing the way Jim Bennett's recommendations were carried out:

THE FEDERAL PENAL AND CORRECTIONAL PROBLEM

(A study by James V. Bennett, U.S. Bureau of Efficiency, March 1928)

FOREWORD

The National Government has never given adequate attention to its prison problem, said President Coolidge in his message to Congress in 1923. He could repeat the same thought today without modification even though the Congress approved the reformatories he recommended at that time, one for men and one for women. Perhaps the neglect of the National Government of this problem is but the reflection of the public mind. Naturally, the social outcast is the last to receive attention. We have, it is true, recurring instances when men discuss crime waves, surge forward with this or that remedy, and seek through one means or another to deny the unenviable preeminence of this country in crime.

At no time, however, has interest in penology been greater than it is today. Crime commissions, prison reform associations, and legislative committees are busy investigating and overhauling existing machinery for the detention, prosecution, and punishment of crime. As a result, some of our traditional methods and principles are being cast aside. Attention has so far been devoted largely to the States, the Federal Government being allowed to escape probably because heretofore the number of men who transgressed U.S. statutes were relatively few in number and further removed.

But this neglect cannot long continue. The activities of the Central Government are being daily brought nearer the doorstep of the populace. Whether we agree with it or not as a policy, it cannot be denied that the Federal Government has of late years enormously expanded its criminal jurisdiction. Not only does it pursue its traditional course of protecting the mails, of preserving order on Federal reservations, of suppressing counterfeiting, and the like; but it is also prohibiting the use of alcoholic liquors, suppressing the drug evil, apprehending automobile thieves, and protecting women and girls. It has engaged in these activities with little enough consideration of what it was going to do with the persons it convicts of violating its laws. It is trying to adapt and expand a prison system hardly large enough to accommodate those who violate long-standing Federal statutes. The breaking point has about been reached. Something must be done without further postponement, if those in public office do not reflect on these problems, and propose a constructive program, someone else will receive support of a plan which may or may not be wise or acceptable to those who must administer it.

There is no need, however, for alarm, hysteria, or blindly plunging ahead without thought or consideration of the problem as a whole. We have yet time to survey the field, formulate a policy, and evolve a coordinated and homogeneous Federal correctional scheme.

It is the aim of this discussion to survey present conditions, set forth the problem, recount briefly the history of our existing penal system, direct attention to some lessons of the past, and suggest some remedies and lines of action.

SURVEY OF FEDERAL CRIME AND PRISON CONDITIONS

The accompanying charts and figures show at a glance present tendencies. The whole situation is summarized in the first chart on the growth of Federal crime and prison population. From 1895 to 1917 the persons convicted in Federal courts either decreased in ratio to population or kept in step with it. The decrease from 1895 to 1905 is probably due to the fact that the figures for this period included the convictions in the territories of Utah, Oklahoma, New Mexico, Arizona, and Indian Territory. As these territories were admitted the number of offenses cognoscible in U.S. courts decreased rapidly.

From 1905 to 1909 the number of Federal offenders decreased not only in actual numbers but in inverse ratio to the population. From 1909 to 1915 the number of convictions displayed an opposite tendency.

The tremendous increase in convictions from 1917 to 1918—80 percent—is, of course, due largely to the war. Evaders of the Draft Act, offenders of the Espionage Act, sabotage law, and the like, found themselves at odds with our wartime law enforcement agencies. The safe types of offenses were being prosecuted in increasing numbers during the fiscal year 1919—July 1, 1919, to June 30, 1920.

From 1920 to date the increase in the number of individuals who are tried in Federal courts seems to be due to three important pieces of Federal criminal legislation—the National Prohibition Act, the Harrison Narcotic Act, and the Automobile Theft Act.

The reason for the decrease from 1925 to 1926 cannot be accounted for unless it is due to a letdown by the enforcement agencies. The decrease of 1927 over 1926 is due largely to the fact that the Federal courts were practically closed from April to July because of lack of funds through failure in the closing hours of Congress of the deficiency bill which carried the funds for the courts and other law-enforcement agencies.

The accompanying charts also show how Federal offenders are distributed, the crimes they commit, and the length of their sentence.

It is worthwhile to direct attention to the significant fact that a very much greater proportion of those who violate the drug laws, and the Automobile Theft Act are sentenced to the penitentiaries than are those who violate the Prohibition Act. In 1926 over one-third of all men received in prison violated the Drug Act while the number of convictions under the narcotic laws was only about 6 percent of the total number of convictions. During the same year, about 68 percent of the convictions were for violation of the Prohibition Act. Approximately one-fourth of this number received a prison sentence. However, only 765 men out of 37,018 convicted were sent to the penitentiary under the Prohibition Act—but 2 percent.

State crime

To be of value, the figures on Federal crime and prison population must be studied in connection with the growth of crime and prisoners in the States. Seldom does anyone discuss the growth of crime in the United States without first apologizing for the meagerness of the data on which his conclusions are based and without inferring that his hypotheses are open, perhaps, to question. No exception to this generality can be made now. The truth is that we have no statistics on crime, generally speaking, worthy of the name. We are not wholly lost, however. If we are content to study merely the general movement of crime, we find in the report of the U.S. Bureau of the Census on prisoners some enlightenment. While the Federal Government has enumerated the number of men in prison since 1850, the statistics are of practically no value until 1910. The next report on prisoners was issued by the Bureau of the Census in 1926 covering the persons in confinement on January 1, 1923.

The available statistics on all of the prisons, reformatories, jails, workhouses, chain gangs, etc., as a whole are summarized as follows:

	Total population	Number of prisoners in confinement	Per 100,000 population
1923	109, 955, 947	109, 619	99. 7
1910	91, 972, 266	111, 498	121. 2

According to these figures there was a decided decrease in the proportionate prison population from 1910 to 1923. It would require a hardy optimist, however, to say that this means there has been the same relative decrease in criminality. But from 1910 to 1923 it is certain that a less number of offenders reached the prison where they could be enumerated. Probation laws indeterminate sentence laws and more generous parole policies may have operated to reduce the number of persons in confinement.

From 1923 to 1927, however, the pendulum has swung the other way. The Census Bureau in a preliminary report released on September 28, 1927, says:

"In the 31 States covered by this statement, there has been a steady increase in the number of prisoners in State prisons and reformatories, as indicated by the figures for the dates at the beginning of the 3 most recent years for which data are available, which are as follows: January 1, 1923, 47,578; January 1, 1926, 59,692; and January 1, 1927, 63,828. The number of prisoners in confinement per 100,000 of the general population, increased from 66.6 on January 1, 1923, to 84.1 on January 1, 1927. For the most part, also, the figures for the individual States show striking increases."

These ratios may not be compared with the rates given in the first table because they do not include prisoners received in jails, workhouses, chain gangs, and the like. No strictly comparative figures for all persons sentenced to confinement in any institution are available.

So far as the Federal Government is concerned this increase is of tremendous importance because it means that State institutions which formerly were able to receive some Federal prisoners are now being forced to exclude them because of the pressure within their own State.

The following table shows the number of admissions to State prisons and reformatories in 31 States:

Prisoners in State prisons and reformatories on Jan. 1

Division and State	Jan. 1, 1927	Jan. 1, 1926	Jan. 1, 1923	Number per 100,000 of general population[1]	
				1927	1923
Total, 31 States	63, 828	59, 692	47, 578	84. 1	66.6
New England:					
New Hampshire	133	150	138	29. 3	30.8
Massachusetts	1, 923	1, 777	1. 448	45. 6	36.0
Rhode Island	[2] 388	[2] 315	355	[2] 55. 5	54.9
Middle Atlantic: Pennsylvania	4, 170	3, 960	4, 298	43. 1	47.2
East north central:					
Ohio	9, 144	8, 590	4, 234	137. 4	69.1
Illinois	6, 368	5, 593	4, 416	87. 8	64.9
Wisconsin	1, 521	1, 403	1, 158	52. 4	42.2
West north central:					
Minnesota	2, 371	2, 054	1, 634	88. 8	65.3
Iowa	2, 144	2. 108	1, 794	88. 4	74.3
Missouri	3, 442	3, 059	2, 205	98. 2	64.0
North Dakota	309	304	244	48. 2	37.9
South Dakota	494	471	326	71. 3	49.2
Nebraska	998	930	789	71. 8	59.1
Kansas	2, 968	2, 614	1. 574	162. 7	87.7
South Atlantic:					
Virginia	1, 979	1, 920	1, 960	78. 2	81.6
West Virginia	1, 799	1, 768	1, 628	106. 9	104.8
North Carolina	1, 580	1, 490	1, 046	54. 9	38.9
East south-central:					
Kentucky	2, 248	2, 170	2, 079	88. 8	84.4
Mississippi	1, 564	1, 471	1, 620	87. 3	90.5
West south central:					
Louisiana	1, 682	1, 571	1, 593	87. 3	86.1
Oklahoma	2, 681	2, 521	1, 799	113. 5	83.1
Texas	3, 225	3, 420	3, 577	60. 2	72.3
Mountain:					
Montana	437	420	331	62. 0	54.0
Wyoming	264	282	385	110. 9	157.3
Colorado	1, 129	1, 185	1, 015	105. 9	102.3
Arizona	444	473	355	98. 2	92.9
Utah	210	209	200	40. 5	41.8
Nevada	231	201	174	298. 4	224.8
Pacific:					
Washington	1, 548	1, 500	1, 010	99. 9	70.3
Oregon	572	478	406	64. 7	49.2
California	5, 862	5, 285	3, 873	134. 0	100.5

[1] Based on the estimated population for Jan. 1.

[2] Includes data for the Rhode Island State Reformatory for Women, which has been established since 1923.

It is noteworthy that the rate of admissions increased in all but 5 of the 31 States.

The States have been doing little enough prison constructing to care for this tremendous increase in the number of persons sent to their institutions by the courts. Only two new institutions have been reported to the Bureau of Census as being opened since 1923: London Prison Farm in Ohio, and the Reformatory for Women at Howard, R.I.

There has been a pronounced tendency to make additions to existing equipment, however. To what extent this increase in facilities has kept step with the increasing number of prisoners, we do not know. Judging the present by the past, however, it is safe to say that prison construction has lagged far behind actual and pressing needs. The building of prisons has always been a kind of hand-to-mouth affair.

CONGESTION OF FEDERAL PRISONS

The tremendous increase in the number of Federal offenders in the last 25 years has resulted, naturally, in overcrowding the three Federal penitentiaries. Instead of being able to provide additional facilities for the flood of Federal offenders the Department of Justice has been still further cramped by the refusal of almost all the States to board U.S. prisoners in their penal institutions. The average daily population of all three Federal penitentiaries in 1905 was 1,617. By 1915 the average daily population had reached 2,265. But the rising tide in the number of Federal prisoners has been greatest during the past 7 years when the average daily population of the Federal penitentiaries at Leavenworth, Atlanta, and McNeil Island rose to about 7,000, an increase of nearly 100 percent.

While the designers and builders of the two large Federal prisons at Atlanta and Leavenworth foresaw a constantly expanding need for prison accommodations, they did not plan for any such increase as has taken place and the facilities of these institutions have been greatly overtaxed.

Leavenworth

The Leavenworth Penitentiary has normal cell capacity for about 1,640 men—just about half its present population. Makeshifts of all kinds are being used. Men are sleeping in dark, poorly ventilated basements, with inadequate toilet facilities, and in ill-suited assembly and office rooms badly needed for other purposes. The vicious system of doubling up is common practice at Leavenworth. Placing two men in a cell is universally condemned by prison authorities. It not only permits but actually encourages bestial homosexualism, recruiting of narcotic addicts, and generally degrades the standards of the better men to those of the lowest. Sixty-one men at Leavenworth are quartered alone because they are known sexual perverts. The warden estimates that at least 200 inmates should be housed by themselves because they are morons, or have homosexual tendencies.

All of the facilities of the prison are sadly overburdened. The dining room seats but 1,620 men, compelling the serving of each meal to two groups of men. Sanitation, well-prepared food, and cleanliness are all but impossible under such conditions. The chapel or auditorium holds but 1,200 men. The hospital and clinical facilities are being made to serve more men than can adequately be done. Men swarm in the small shops and inadequate industrial units. About 100 men, for instance, spend their daylight hours in the clothing shops, a room 51 feet by 115 feet. Real work is, of course, impossible under such circumstances. Only on the farm is there adequate room for the limited number of men who are permitted outside the walls. Yard and exercise facilities are also becoming cramped by the encroachment of shops and outbuildings. Fortunate circumstance and everlasting vigilance alone have prevented either a decimating epidemic or a wholesale jail delivery.

Atlanta

The original plans for this institution provided for but 500 inmates but far-thinking administrators so drafted the plans that it might ultimately be added to sufficiently to accommodate 1,200 men. The most radical of these officials, however, little dreamed that it would within 25 years from the time is was opened house nearly three times as many as the maximum at first contemplated. Even though the increase in the size of the institution was planned for and authorized, building operations could not keep step with the augmenting population.

Present crowded conditions at Atlanta are but little less appalling than those at Leavenworth. Two hundred and twelve men were until recently sleeping on the top floor of the duck-mill warehouse equipped with but six shower baths and six toilets. One hundred and seventy-three men are being housed in a basement 230 feet long and 81 feet wide under "A" cell wing. Small windows, exposed steampipes, and no systematic means of ventilation make healthful conditions all but impossible. Another 183 men are housed in a similar basement under "B" cellhouse equipped with but four toilets and four shower baths. Seven and sometimes eight men are crowded into cells designed originally for four men but now considered to have a normal capacity of six men. These multiple-man cells are 21 feet 8 inches long, 10 feet deep and 7 feet 8 inches high and contain 217.5 square feet or 1,685 cubic feet. In other words there are but 38 square feet and 281 cubic feet per man when six men are placed in a cell. The Army in its barracks construction allows 60 square feet of floor space and 720 cubic feet per man. Most hospitals allow about 100 square feet of floor space to the man. The congestion is increased proportionately when seven men are crowded into a cell.

But conditions in the larger cells are not subject to the same censure which may be justly leveled at the single cells where two men are quartered. There are no cells at the Atlanta Penitentiary used regularly as single-man cells except disciplinary cells for men in solitary confinement. Workshops, dining room, chapel, hospital, tubercular camp, auditorium, and the like are also quite inadequate.

In a word, this prison is now housing 1,000 more men than should be allowed there under any circumstances.

The physician at Atlanta has this to say in his 1926 report:

"I am told the penitentiary as now constituted was designed for a maximum population of 1,600 men; the count now is in excess of 3,200. No new cell blocks have been erected; rather are the prisoners living in basements, in improvised quarters in out-of-way places, and the top floor of the duck-mill warehouse. Cells meant for one man contain two; those for four, eight. The laundry has not the machinery to care for the tremendous amount of work required. Bathing facilities for 3,200 men might be said not to exist. Physical cleanliness is not only necessary for health but is conducive to mental cleanliness. That old rite of the Saturday bath prevails here winter and summer, and our summers are inclined to be warm. Instances have been met recently where superficial infections have been contracted as a result of insufficient bathing. These conditions are to be condemned, for they lead to disaster from the health standpoint. Inasmuch as every nook and cranny must be utilized for housing, no space is available where incoming men could be placed for a period of observation, a practice which should be put into force. At the time of the initial examination the presence of existing disease can be ascertained, but there is no way of knowing whether a man has been exposed and is in process of developing some one of the contagious diseases. During the year we had some scattered cases of mumps. Fortunately it was mumps rather than scarlet fever, diphtheria, or some one of the other exanthemata. We should have been in a deplorable plight indeed. The whole point of this argument is not to magnify anthills into mountains, but rather to bring to attention the real hazard we are running. Just because we have escaped thus far is no reason for concluding that the condition and the danger do not exist. Moreover, I feel these conditions should be brought to light and correction recommended; then, if trouble comes, our duty in that respect, at least, has been discharged and the blame may fall where due."

Nothing has transpired since this report was made which would substantially alleviate the conditions mentioned.

McNeil Island

When the construction of the new cell wing at McNeil Island is completed there will be less congestion at this prison than at any other of our Federal penitentiaries. The normal cell capacity will be 558, about 175 men can be accommodated on the farm, 35 or 40 men in various outbuildings, and 30 men in the hospital thus bring the normal capacity up to about 800 men. The capacity of the dining room and kitchen is about 800. The average daily population during the fiscal year 1927 was 654. Consequently it may be seen that this institution has not yet reached its normal capacity of about a hundred. But as soon as accommodations become available they will be absorbed immediately, it is predicted.

Pressing as may be the exigency we cannot go on expanding this prison so that it can relieve, to any great extent, the overcrowding at Leavenworth. As will be seen, from a reading of the history of this institution, it has "just growed." Its site was accepted by a travel-worn and despairing Federal agent in 1870 from a farsighted settler on remote McNeil Island, as a place to segregate the prisoners convicted in the Territory of Washington. On these 27 barren acres, costing originally but $100, the Government has spent hundreds of thousands of dollars in the erection and support of a prison. Almost everyone who has seen the institution believes it to be ill suited for a general Federal prison. Attorneys General, from McKenna (1897) almost to the present day, have recommended either its abandonment or its curtailment by using it for some special class of Federal convicts. In the first place, it is not near enough to the points where the greatest amount of crime occurs to be reached economically. Its use, therefore, results in heavy expenses for transporting the prisoners and their guards. Instead of being at the center of any large portion of the Federal criminal population it is on the extreme border both of population and crime. Since it was selected because of its isolation it is, of course, inaccessible. All supplies, prisoners, and others having business at the institution, must be transported on launches and barges from the mainland. Costly docking facilities have been necessary. It has been handicapped by the lack of fresh water and arable land. Expensive drilling operations have finally been undertaken to obtain a supply of potable water with, as yet, only questionable success. A 360-acre tract of land, almost 2 miles from the prison proper, has at last been secured which is being developed into a farm.

Should this prison be abandoned as a penitentiary receiving all types of Federal convicts, and be converted into an institution for the care and treatment of a special class of prisoners? The general question of a differentiated treatment of Federal prisoners is discussed subsequently. It can be said here, however, that McNeil Island does seem to be unsuited by reason of its location, climatic conditions, and natural handicaps for a large general Federal penitentiary.

OTHER FEDERAL INSTITUTIONS

The new U.S. Industrial Reformatory at Chillicothe, Ohio, has just been opened on the site of the great Army cantonment, Camp Sherman. No permanent buildings have as yet been constructed. The purposes of this institution, its scope, and the extent to which it will relieve the other prisons is discussed elsewhere.

The new Federal Industrial Institution for Women has also just been opened. It is a complete and self-sufficient institution capable of adequately caring for all Federal women prisoners for some years to come. A brief résumé of the history and purposes of this institution is set forth subsequently.

The National Training School for Boys is also discussed later at the time the juvenile delinquency problem is considered.

STATE INSTITUTIONS

Federal prisoners are committed not alone to the large U.S. penitentiaries but are also sentenced to a number of State institutions. On June 30, 1927, there were about 1,200 Federal convicts in State prisons or penitentiaries. In addition to this number there were from 6,500 to 9,000 men held by the Federal courts in county and municipal jails either awaiting trial, detained as witnesses, or serving sentences of less than 1 year and a day.

At one time practically all of the States permitted the confinement of U.S. convicts in their prisons but, in more recent years, there have been a decreasing number of State institutions open to Federal offenders. Massachusetts is practically the only State which will now board adult male convicts serving sentences of more than a year in its prisons. The prison facilities of most of the States have lately become inadequate for their own convicts. They cannot, and will not, accommodate Federal offenders. Several States are receiving Federal women and juveniles in certain specialized institutions. The number of these is rapidly decreasing, however.

Certainly the Federal Government cannot depend upon the States to solve its penal housing problem. A loud hue and cry has lately been raised because of the fact that the Federal Government is paying only the fair cost of subsisting the Federal prisoners held in State institutions and refusing to pay anything in the shape of rent for the space occupied by the prisoners. The reason for this is found in section 5545 of the Revised Statutes which reads:

There shall be allowed and paid by the Attorney General, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it reasonably and actually costs to subsist them.

It is also contended that the presence of Federal prisoners results in overcrowding the State and county institutions to the detriment of both local and Federal prisoners.

Everywhere, in Federal, State, and county institutions, there is overcrowding; malefactors are increasing in number; they cannot be permitted to roam at large or thrown into a dungeon and forgotten; organized society must do something about this problem. There is yet time, however, for thought and a careful review of the problem as a whole. In planning for the future the Federal Government must depend upon its own resources; become reconciled to the fact that it will need a large and integrated prison system; and be prepared to pay, without stinting at the prison gate, the cost of enforcing the multitude of regulatory measures now on the statute books.

THE NEW PROGRAM

What is to be the Government's penal policy? Shall it extend and add to its present equipment? Shall it build one or two additional institutions similar to those we already have? Shall it build specialized institutions to care for those needing individual treatment, like narcotic addicts; juvenile offenders; or young men capable of reformation. Shall it build a number of smaller institutions, one for each district where the number of Federal offenders is large, and use these institutions for jails as well as for the incarceration of all men in that district sentenced to short terms in the penitentiary?

Adding to present institutions

It is almost unthinkable that the Government would, as a matter of policy, extend its present penal units. Leavenworth and Atlanta already have nearly three times as many men as it is physically possible for one warden to watch, advise, and care for. They are no longer economical units to operate as the cost of transporting men long distances to a large institution are prohibitive.

The administrative problems of a warden of one of our large penitentiaries are tremendous. He must purchase the food for 3,600 people; run the farm; act as the operating head of large industries, like the duck mill at Atlanta employing 700 men and turning out annually a product valued at $1,300,000. He is responsible for a large amount of construction work, from building a cellhouse to constructing revetments and draining swamps.

But his main, and principal, work is overseeing the safekeeping, health, and welfare of the 3,000 or more men committed to his care—each man an individual problem, a special challenge to his tact, to his wisdom, and his ingenuity. They cannot properly be handled wholesale. Each man needs individual attention if he is to be discharged any better than when he entered. The warden, being a member of the Board of Parole, must also aid in determining whether it is compatible with the welfare of society to grant the application of any of the 2,000 men in his institution who annually become eligible for parole.

To do all of this the warden has a pitifully small amount of assistance. The civilians assigned to aid him are few in number; most of them underpaid. What is said of the overwhelming responsibility on the warden is also true of the deputy warden, the physician, and certain of the other officers.

The physician at Leavenworth in his annual report in 1926 says:

"To ask one man to function as penitentiary physician is a manifest unfairness. I know of no village in America of 3,200 souls that has but a single doctor. It is absolutely certain that a great many important details will be neglected and a large number of other items slightingly treated if all the work is shouldered by a single physician, who is interested in his work and will even spend 8½ to 9 hours per day in the hospital."

The physician, in addition to having the responsibility for the medical work of the hospital, is also a member of the parole board.

If imprisonment is to alter the character of the inmate, the staff of the prison must be trained and educated in developing the best side of each individual prisoner but above all they must have time and leisure to reflect on their problems and not be compelled to pass snap judgments.

The same problems which face the warden are presented in a magnified and concentrated form to the Superintendent of Prisons, the Assistant Attorney General in Charge of Taxation, Prohibition, and Prisons, and finally upon the Attorney General. It is no small task to administer a service which has in its custody close to 20,000 men and women. In considering the tremendous amount of responsibility devolving upon these Government officials, it is helpful to know that they have as many men in their control as does the Hospitalization Division of the Veterans' Bureau. There are now in round numbers, about 30,000 World War veterans who are now being hospitalized at Government expense. Of this number about 20,000 are cared for in the 51 Veterans' Bureau hospitals. It requires over 200 people in the Medical Division of the Veterans' Bureau in Washington to administer this work. In addition to this number are the employees in the field and in the service division of the Veterans' Bureau, such as the Supply, Construction, and Personnel Divisions. No fantastic contentions are made that it requires as many people or as much money to administer 20,000 prisoners. A large number of problems are, however, similar and there is much common ground. It must not be forgotten that the Superintendent of Prisons is responsible for passing upon the paroling, also, of these several thousand prisoners. There is no work similar to this in the Veterans' Bureau. This comparison is helpful, also, in considering the size and importance of the work of the office of the Superintendent of Prisons which has but 19 employees.

Much of the work connected with the administration of the prisons is decentralized. The wardens of the larger penal institutions are far more independent of supervision than are the men in charge of most Government institutions. They now purchase all their own supplies have, almost without restrictions, the power to select personnel, prescribe disciplinary action and treatment of the men in their custody. They have moreover up until recently disbursed their own appropriations and generally acted almost independently.

It may be that the placing of so large a measure of independence and responsibility on the men in charge of the institution is a good thing. The old axiom of "centralized control and decentralized operation" has been carried further in the prison regime, however, than in most Government establishments.

Then, too, there is the economic arguments against the expansion of the present penitentiaries. Up to a certain point it is of course prudent to have the prison units a reasonable size. Maintenance and operating costs are somewhat dependent upon the population. But there is a point of diminishing returns in a prison as in any other business. That point has usually been set at from 1,200 to 1,500 men.

Transportation costs also are a very important factor. The cost of carrying a prisoner and his guard anywhere from 100 to 2,500 miles and return is no inconsiderable item. It is not so important for a long-term prisoner but for the man who serves a year or less it is apt to be the most important item in the cost of his incarceration. About $200,000 is spent each year for transporting prisoners to and from each of the prisons located at Atlanta and Leavenworth.

It is hardly necessary to mention the foregoing arguments for not expanding the present institutions. Doubtless no one who stopped to consider the matter would make such a suggestion. But it must be remembered that it is very much easier to secure additions to present equipment than it is to start a new program. It is a long, difficult, and tedious process to secure the necessary legislation authorizing the building of a new institution. Many Government officials must be consulted, congressional committees must be convinced, and individual Members of Congress must be made to understand the needs of the department.

Experience has shown that it requires at least 5 and more often 10 years after an institution has been decided upon as necessary by those closely connected with the problem before it is completed and operating.

SPECIALIZED INSTITUTIONS

For ages we have been generalizing about crime and criminals. We have been assuming that the man who murders is one type of criminal, the one who steals, another type, and the one who commits rapine, still another. Penalties have been fitted to crimes and invoked generally against all found guilty of each type of crime. The offender was not considered an individual. Now, however, we have entered the age of particularization.

A differentiated system of handling malefactors is the modern trend in the development of penal systems. Prisons are being made a place to develop a special class or type of men. Everywhere in this country can be seen the tendency to establish factories to make better men instead of storehouses for penning up villians. It is the philosophy of hope, not maudlin sentimentality, which inevitably leads to the conclusion that there must be a separation of the hopeful from the irredeemable if all are not to sink to the level of the lowest. Moreover, we are learning that custodial and disciplinary problems are simplified if our institutions are for special classes of offenders.

Male offenders against Federal statutes fall roughly into the following classes:

1. Insane criminals.
2. Juveniles.
3. Redeemable men.
4. Addicts of habit-forming drugs.
5. Desperate criminals and recidivists.

Female offenders can of course be divided into the same general classes as male offenders. They are, however, so much fewer in number than the men that the problem of specialized institutions for their confinement and treatment is a quite different one. There are not now more than 500 women who have been convicted of a Federal penitentiary offense.

Classification of criminals began with the separation of men from the women. The Federal Government has never incarcerated women and men in the same institution. It is only recently, however, that the Federal Government has had an institution of its own for the segregation of women. Prior to April 1, 1927, when the Federal Industrial Institution for Women at Alderson, W. Va., was opened they had been boarded in various State institutions. This institution represents the best thought in penological methods. It is built on the cottage plan and is thoroughly modern in every respect. Present facilities at Alderson permit of the individual treatment of women, and their segregation into groups or cottages, by classes or types. The Federal Industrial Institution for Women has not been in existence long enough to indicate whether it will be able to handle successfully all the women who are committed to it. It gives promise, however, of the greatest possibilities for the specialized treatment and regeneration of female convicts. It does not seem likely that the Federal Government will need to consider, in the immediate future, the problem of further specialized treatment for its female convicts. Consequently this phase of the Federal penal problem will not be discussed here.

INSANE CRIMINALS

In a program of functionalized institutions, those who are suffering from mental diseases must be given consideration first. We now have an institution for the care and treatment of the insane and the need for additional facilities of this character is not urgent. Convicts suffering from mental derangements to such an extent that they are a menace or source of disturbance in prison are now transferred to St. Elizabeths Hospital, Washington, D.C. They are held here indefinitely or until they recover their mental poise sufficiently to be trusted at large at which time they are retransferred to a Federal prison or released if their sentence has expired. There are an average of approximately 225 persons convicted of some offense against the Government who are cared for at St. Elizabeths Hospital. On December 15, 1927, there were 259 insane criminals in the Government hospital for the insane. In this number are included those insane criminals from the Federal prisons, the U.S. Disciplinary Barracks, the naval prisons, and the District of Columbia correctional institutions.

Number of insane criminals

Somewhere between 2 and 3 percent of all persons convicted under Federal statutes are transferred to Washington as being insane. Psychiatrists declare that ordinarily from 15 to 20 percent of the criminal population have some definite and well-recognized mental defect. Many criminologists contend that a very much larger proportion, upward of 50 percent, of the criminal population are unbalanced mentally; psychologically abnormal. We do not need to discuss this more or less controversial question here, but it would, however, be most enlightening to have a psychiatric survey of all our Federal penal institutions for the purpose of determining how many actually are defective. In the absence of such figures it is sufficient if we take into consideration only those who are suffering from the more common and well-recognized kinds of mental disease.

If only 3 percent are sent to St. Elizabeths Hospital, it is pertinent, however, to ask what becomes of the other 13 to 18 percent? The answer obviously is that mental defectives are not recognized and segregated by the regular prison authorities or else they are not transferred after they have been definitely determined to be insane. None of the Federal civil prisons, at the present time, have a trained psychiatrist on duty at the prison full time. Where it is obvious to the prison physician or warden that a man is suffering from a mental disease he is examined by a contract psychiatrist or a psychiatrist detailed from the Army or Navy. If the mental defective is violent or is a disturbance in the prison and his sentence is of sufficient length, he is more than likely transferred to the Government hospital for the insane. If he is a harmless moron or imbecile, or is not troublesome to the prison officials he is apt to remain in the penitentiary until his sentence expires.

It may be asked what is wrong with this procedure? Does it not save the Government money? Could any more be done for the defective in an insane hospital than a prison? Possibly not, but on the other hand, it hardly seems wise to turn a man loose upon the community if he is a defective, who may or may not be a menace, without an attempt to cure him or without a definite understanding of his tendencies. He should, moreover, be in the custody of men who understand him, who do not mistake his eccentric actions for incorrigibility, or misinterpret his failure to accede to prison rules or respond to prison discipline as plain cussedness. It is not mushy or sentimental treatment to take a man out of prison whose mind has been overthrown by the prison atmosphere, who has a "situation psychoses" or develops paranoia in prison and transfer him to some other place where there is some chance of keeping him in the same condition at least and some possibility of turning him out at the end of his sentence without maniac tendencies. Not only is such a policy more "hardboiled" but also infinitely wiser than releasing him because of his mental derangement as it is asserted sometimes happens.

Psychiatrists assert that a large proportion of the men who are subjected to disciplinary measures in the prison are suffering from some mental disease and that present methods of prison discipline not only do them little good but often do them real harm. There are a number of cases on record where the man who was absolutely unmanageable in prison makes a good patient, when transferred to a hospital where he is understood. To illustrate, there were recently sent to a hospital for the insane two men who had had their hands cuffed up over their heads to the bars of their cells for a number of hours in such a manner that they could stand only in one position on their toes. This treatment evidently failing to accomplish anything, the buck was passed to the insane hospital. They were found to be suffering when received from a definite and well-recognized mental disease, they were given care and treatment accordingly and are now considered good prisoners.

Conditions at the Government hospital for the insane

In proportion to the number in confinement, the prisoners at St. Elizabeths Hospital are probably the worst type that have ever been assembled. Not only have they committed desperate and atrocious crimes but they have proved impossible to handle by ordinary prison methods. Yet they are treated as patients, given individual attention, and in not a few cases substantial improvement effected.

But unfortunately, the ward at St. Elizabeths Hospital for the criminally insane, Howard Hall, has like the Federal prisons reached its capacity. It is not yet as congested as at Atlanta and Leavenworth but it cannot continue to receive an increasing number of insane criminals without an extension of its buildings. Howard Hall, being one of the oldest buildings at St. Elizabeths, lacks some of the facilities necessary to care for prisoners. The yard space and exercise grounds are exceedingly small and cramped, some of the wards are overcrowded, and space for occupational therapy is limited.

The number of insane Federal convicts is, relatively speaking, so small that it does not appear to be wise to create a special institution for their care outside the Government's largest general psychiatric center. Even if every Federal convict who is at all defective mentally or has some sort of personality distortion is segregated in a special institution, it is doubtful if there would be enough of them to make it economical or wise to establish a special institution for their care. It would probably be better to use St. Elizabeths Hospital where the cost of the administrative overhead, special equipment, and professional and scientific service could be spread over a large number of inmates. What is needed most at St. Elizabeths Hospital is additional and more modern buildings. The need here, however, is not as pressing as it is in other parts of the Government's penal and correctional structure.

INSTITUTIONS FOR JUVENILES

In our progress toward making the punishment fit the criminal, and not the crime he has committed, we have established special institutions, first of all for juveniles and later for young first offenders. The first institution of this kind established by Congress was the Reform School for the District of Columbia. It was at first exclusively for boys from the District. Later, however, it was made a national institution and is now receiving boys under 17 years of age from all parts of the United States.

The emphasis is on educating the boys in the common branches of an English education, training them in a useful trade and generally fitting them to lead respective lives. Unfortunately, however, some of these objectives have been little more than ideals. There is now little enough industrial and vocational training at the school.

The National Training School for Boys, in common with the Federal prisons, is overcrowded. The number of boys sentenced to this institution by the Federal district courts has more than doubled in the past 10 years. The number of boys sent here by the juvenile and other courts of the District of Columbia has, on the other hand, decreased. The complexion of the institution has of late years entirely changed. In spite of this change the

Department of Justice has small part in the management of the training school. It is true that the Attorney General recommends the appointment of the Board of Trustees, of which the Superintendent of Prisons is a member. He is also a member of the Board of Parole for Federal prisoners. In actual practice, however, the Attorney General has little more to say about the policies of the institution than he does about the State institutions where Federal prisoners are incarcerated. This can hardly be said to be logical arrangement at least so far as the Federal Government is concerned.

Number of juvenile offenders

Approximately 10 percent of all Federal prisoners are at the time they are committed under 20 years of age. This percentage varies from year to year but over a 16-year period, out of 67,164 persons received in prisons, 6,272 were under 20 years of age. Of the 7,961 persons who were sentenced to State and Federal prisons during 1927, 860 were under 20 years of age. As the attached chart will indicate, the boys received at the National Training School come from all parts of the country. Most of them, however, from the eastern half of the United States. A considerable number of the boys from the Western States are sent to the Colorado State Industrial School at Golden, the Idaho Industrial Training School at St. Anthony, and the Washington State Reformatory at Monroe. During the year 1927 there were 109 boys sent to the above-named reform schools.

It is also interesting to know that during 1927 the following number of men under 20 years of age were received in the Federal prisons: Atlanta 178, Leavenworth 148, Chillicothe 51, and McNeil Island 8, a total of 365. We do not have at hand how many of these youths were 17 or under at the time they were committed. It is certain, however, that a large majority of them are in the class usually handled by juvenile courts and treated by juvenile institutions. Undoubtedly, if facilities were available, they would have been sent to institutions for boys. It scarcely needs mentioning that the sending of impressionable boys who offer possibilities of reformation to prison for further schooling in crime is merely aggravating the problem of lawlessness.

Treatment of juveniles

If we are to cultivate the most fertile ground in the whole field of correctional work, a modern system for handling boys under 20 must soon be established. To what extent the recent Federal probation law will operate to reduce the number of young men committed to our correctional institutions, we do not yet know. As soon as it begins to operate fully and each Federal court has its own probation staff, supervised and coordinated by a chief probation officer in Washington, it is certain that the number of men and women, particularly the younger ones, who have heretofore been, of necessity, committed to institutions will be reduced substantially. That the probation law affords a sane and progressive method of dealing with Federal offenders few would question. It will also operate to reduce materially the intake of our correctional institutions and be of tremendous help in solving many heretofore vexatious problems connected with the administration of justice.

But the problem of the delinquent child in the Federal courts will still remain to trouble those who are striving to lessen through sensible means the revolt against social standards. Most States have a separate and distinct procedure for dealing with children who transgress their laws. State juvenile courts have been everywhere established with exclusive jurisdiction over children under 17 or 18 years of age where the youthful offender's case is heard under the chancery procedure after his case has been investigated by a prohibition officer for the purpose of discovering what kind of a child is being tried and his possibilities for regeneration or development. The underlying reason for adopting a special process for children is the belief that generally speaking they should not be branded as criminals, that they should be shielded from contact with confirmed adult malefactors, be heard in private under a procedure stripped of legal formalities, and the case disposed of finally in such manner as is best for the welfare of the child. The entire case is altogether devoid of any element of retribution or vengeance. At present these principles are not even approached in the Federal courts. A juvenile apprehended by the Federal authorities is arrested upon a warrant, detained awaiting hearing in an ordinary jail frequently for weeks or months, presentment made to the grand jury, publicly tried, often before a jury, and finally sentenced to jail, the National Training School, or some State institution usually hundreds of miles away from the home of the child. It may be said in just tribute to a number of Federal judges and district attorneys that many of them go to all lengths and to every legal fiction to avoid this method of stigmatizing the juvenile, which so seldom fails to make him a confirmed criminal, a social liability, or a permanent inmate of one correctional institution or another.

It was developed in the interesting study made by the U.S. Children's Bureau on the Federal courts and the delinquent child (No. 103) that the Federal authorities in the exigency often referred the case to the State juvenile court, informally placed the juvenile on probation to the district attorney, who would then enter a nolle prosequi, would impose a sentence of 1 day in the custody of the U.S. marshal or would commit the juvenile for a short term in the local house of refuge or the jail.

Laudable as are these efforts to prevent the indelible branding of a child as a criminal, it goes without saying that society has not been adequately protected or the child permanently bettered as much as might be if there were some method of dealing with these children in Federal courts analogous to those used in juvenile courts.

How can this goal be realized? Obviously we cannot establish children's detention homes and institutions in every Federal jurisdiction nor would it be wise to try to adapt to any great extent Federal court procedure to children's cases.

Cooperation with States

The plan offering the greatest possibilities is one of cooperation with the State authorities. There are very few cases brought against children in Federal courts which could not as well be dealt with in State juvenile courts. Most juvenile court laws give such general authority that almost any type of case is cognoscible therein. The provisions permitting the juvenile court to deal with a child who is incorrigible, who is destitute of a suitable home, or who is neglected or in surroundings dangerous to morals, health or general welfare, or who has violated the laws or ordinances of the State are sufficiently elastic to make practically every case brought in a Federal court also cognoscible in the local juvenile court. The cooperation of the State court ought to be the more readily obtained for those offenses against what in substance are Federal police regulations. Any child who steals from a post office or mailbox, forges a check contained in stolen mail, steals an automobile or goods in interstate commerce could be prosecuted as well in the State court.

It is more a question of policy than anything else. If the Federal authorities would frown upon the arresting and indicting of a child under 17 or refuse to take him in custody except in a most extraordinary case, much could be accomplished toward the solution of the child delinquency problem. If they could be eliminated at the source, we would have little enough trouble in caring for them in our correctional institutions. To this end it is suggested that the Department of Justice employ an expert in child delinquency whose duty it would be to cooperate with the several Federal district attorneys, judges, and probation officers in working out a practicable scheme for the amelioration of the evils attendant upon the present procedure. It should be his duty also to advise the various Federal enforcement agencies as to the best method of handling children's cases, develop a definite system of referring cases to State courts, supervise the institutional care and treatment of children and, generally, to see that minors are given the protective care that would prevent further delinquency.

It may be that the Federal Government will be forced to build eventually an institution for juveniles on the west coast. The refusal of the States to care for the 250 or 300 youths who annually commit offenses in Federal jurisdictions west of the Mississippi may force the Federal Government to action. But in this case the policy of delay can be justified. If we have no such institution at hand there will be no inclination to fill it up through the human tendency to take the easiest method of dealing with the juvenile. Only as a last resort should a child be placed in an institution, say those who have devoted their lives to the welfare of the dependent, neglected, and delinquent child. The urgency of some more adequate method of dealing with the juvenile who commits a Federal offense should not be complacently brushed aside. We should, however, experiment along the lines suggested above before building any new institutions for juveniles.

Reformatories for young first offenders

To bridge the gap between boys under the age of 17 and those older and hardened criminals who are fit only for incarceration in a penitentiary there have been established a number of so-called reformatories. The first reformatory for adults in the United States was opened at Elmira, N.Y., in 1876. Since then the majority of States in the Union have established reformatories for adults. The Federal Government finally authorized in 1925 the establishment of an industrial reformatory at Chillicothe, Ohio.

Generally speaking, these institutions receive criminals between the ages of 16 and 30 who have not previously been convicted of a crime punishable by confinement in a penitentiary. The idea is to take the young man who has not yet progressed far on the road to recidivism and give him special treatment in an effort to reform and rehabilitate him, through special treatment and care by means of vocational training and by education.

No one will now debate the need for a specialized institution to care for a selected class of the most promising men who find their way into the prison.

Selfish motives alone should actuate the Government to do its utmost in this field. Tremendous savings will accrue to society if the young criminal can be made to forsake the career on which he has embarked. It has been conservatively estimated that the cost of convicting a man of a felony is not less than $1,500. The usual estimate is in the neighborhood of $3,000. After society has paid for the cost of conviction, it must support the man in prison at a cost of about $300 a year.

Number of repeaters

Just how many repeaters, or recidivists, there are in our penal population no one knows, chiefly because of our inefficient methods of identification and of recording facts about criminals. Studies made in Massachusetts, Wisconsin, West Virginia, and Georgia indicate that nearly 50 percent of the men received in prison are repeaters.

From 1910 to 1926 there were 67,164 men received in prison for violation of a Federal statute. Of this number 15,073 or 22 percent admitted they had previously been in prison. These figures give no accurate measure of the number of recidivists for it is well known that men who have previously been in penal institutions take every means to hide that fact.

The officials of the Identification Division of the Bureau of Investigation where the fingerprints of all men convicted of crime in the Federal courts as well as those apprehended in more than 1,300 of the principal cities of the country are filed, report that between 31 and 33 percent of the prints received can be identified. That means that of the 600 prints received daily approximately one-third have previous criminal records. The Bureau of Identification has been receiving prints extensively for only about 5 years and it does not now receive a print for every man apprehended. Consequently, the actual percentage of recidivists is much greater than 33 percent.

Even so large a percentage as 22 percent seriously reflects not only on our methods of treating the delinquent but also upon the extent to which our correctional policies are deterring crime.

No panacea for this situation is prescribed. Specialized institutions will surely help. At any rate they seem to offer the greatest hope to thoughtful men who have considered the problem. The percentage of cures effected by such institutions as the Elmira Reformatory is greater by far than penal institutions like Sing Sing. The most pessimistic estimate yet made places the number of men released from men's reformatories who return to crime, as only 25 percent. As stated previously, it is generally estimated that nearly 50 percent of the men released from ordinary prisons return to their previous criminal pursuits and eventually return to a so-called "correctional institution."

The place of men's reformatories in our penal system is hardly open to debate. We can, however, with good reason question the criteria which have commonly been used to select the inmates of our reformatories. The simple rule of thumb which admits to a reformatory only those men between specified ages who have not previously been sentenced to a penitentiary has been discredited. It is discouraging, perhaps, to learn that the number of hardened offenders under the age of 30 is proportionately quite large. It is certain that a large number of men over the age of 30 are also amenable to reformative measures. Our laws relative to the committing of men to reformatories should be changed to permit the committing of older men to a reformatory.

Institutions for redeemable men

The wide area from which Federal prisoners are committed makes it difficult to classify them and send them to specialized institutions unless the basis of their classification is so simple that the committing magistrate may determine easily where they should be sent. He can do this with narcotic addicts, women, and juveniles. It is not so simple with adult male offenders.

New York's experience has taught us that what is needed is a central receiving station where the men can be carefully sorted by scientific methods and then transferred to functionalized institutions where they can be given the care their condition justifies. Lack of centralized control in the commitment of criminals has ruined the success of many a well-conceived institution.

Admitting as we must that men's reformatories are an essential part of the Federal prison system it is not easy to determine whether we now need any additional institutions of this kind. Until the Federal Government has some means of classifying scientifically its criminals, it should not proceed too rapidly in the direction of institutions the inmates of which must be carefully selected.

Moreover, the Federal Government now has in the Industrial Reformatory at Chillicothe sufficient capacity to care for a large percentage of all the redeemable adult offenders of Federal statutes. Until the practicability of this lively experiment in Federal correctional policy is proved it seems unwise to do more along these lines at the present time. It seems reasonable to believe also that this centrally located institution can be used as the clearinghouse for all Federal offenders, where they will be examined, classified, and finally sent to the proper type of institution.

ADDICTS OF HABIT-FORMING DRUGS

The Federal Government has taken the lead in the suppression of the drug evil. It has done more than any or perhaps all of the States combined in regulating the importation and distribution of habit-forming drugs. The violators of the Harrison Anti-Narcotic Act comprises about one-third of the total Federal penal population. Latest figures show that slightly more than 2,200 men in the 3 large prisons at Atlanta, Leavenworth, and McNeil Island have been segregated for the illegal sale, possession, or distribution of drugs. Just how many of these are themselves addicts is not known. It is certain, however, that the proportion is very high. If we add to these violators of the Harrison Act those addicts who are committed for other offenses, it is certain that considerably more than 1,800 Federal prisoners are users of opium and its derivatives. There is absolutely no doubt that there are enough of these addicts to fill an institution of reasonable size at the present time.

Prevalence of drug addiction

If we are to believe some of those who are agitating for the suppression of this evil the vice is spreading by leaps and bounds. Hobson claims that there are at least 1 million citizens of this country hopeless slaves to what Miss Graham-Mulhall calls, the demon flowers. Federal official sources place the number at about 100,000 nonmedical addicts. Col. L. G. Nutt testified before the Appropriations Committee on November 19, 1926:

"Mr. NUTT. We estimate there are upward of a hundred thousand nonmedical addicts in this country, and by nonmedical addicts I mean addicts that take it simply to gratify the habit."

It is most surprising to the layman that anywhere from 20 to 60 percent of the users of drugs are, so to speak, legitimate addicts. They are inoculated with the drug by reputable physicians to relieve pain, as a temporary expedient or to tide them over in a crisis. They use these drugs because they are, with the exception of heroin, indispensable to proper medication. If sufficient amount of the drug is used or its prescription extends over a long enough time—in many cases not more than 20 days—the hapless patient becomes an almost irredeemable addict.

The research made by the able physician at the Atlanta Penitentiary who has given close attention to this problem seems to corroborate this theory. He shows that out of 137 men received in prison during 1926 who were users of narcotics, 74, or 54 percent, alleged that they contracted the habit through some sickness, injury, or operation. Only 51 admitted that they had consciously contracted the habit through bad company, pleasure, or for no reason at all.

Withdrawal of drug

Of course, the drug can often be withdrawn but just as often it cannot. The victim must satiate his desire or body need for the drug. If he cannot get it legitimately, as is frequently the case, he patronizes the peddler; he is caught for violation of the law and is sentenced to prison where he suffers excruciating withdrawal pains or gets his drug "underground." A quotation from Bishop will show how the patient suffers when the drug is withdrawn:

In a general way they (the withdrawal symptoms) may be said to begin with vague uneasiness and restlessness and sense of depression, followed by yawning, sneezing, excessive mucous secretion, sweating, nausea, uncontrolled vomiting and purging, twitching and jerking; intense cramps and pains, abdominal distress, marked circulatory and cardiac insufficiency and irregularity, pulse going from extremes of slowness to extremes of rapidity, with loss of tone, faces drawn and haggard, pallor deepening to grayness, exhaustion, collapse, and in some cases death.

It is not a fair inference from the foregoing quotation that the sudden withdrawal of the drug is unnecessarily harsh or cruel. The plain fact about the matter seems to be that the medical profession does not agree upon how the disease should be treated. It is one of those diseases which has been given, relatively speaking, little attention, research or study, because so many physicians have shunned its treatment. Most victims of the drug habit are left to their own devices. Is it any wonder that many of them sink into the underworld?

Reasons for segregation of addicts

We now confine addicts in ordinary penal institutions, because we have no other place for them, not because it is the best place for their care and treatment. The medical profession has long recognized that the users of narcotic drugs are not, as they have commonly been pictured, spineless slaves of habits voluntarily acquired, but rather unfortunate persons afflicted with a malignant disease.

The Whitney Committee, in their report to the New York Legislature in 1918, says:

"It has been conclusively established to our satisfaction that drug addiction, however established, is not of itself a vice but is rather a disease and one that afflicts honest, intelligent people in all walks of life."

It is held by many in the medical profession that opiates establish a toxin in the addict which requires the continued use of the opiate as neutralizer. Bishop says:

"My present definition of narcotic drug addiction is as follows: A definite physical disease condition, presenting constant and definite physical symptoms and signs, progressing through clean-cut clinical states of development, explainable by a mechanism of body protection against the action of narcotic toxins, accompanied if unskillfully managed, by inhibition of function, autotoxicosis, and autotoxemia, its victims displaying in some cases deterioration and psychosis which are not intrinsic to the disease but are the result of toxemia and toxicosis, malnutrition, anxiety, fear, and suffering."

This problem interests the penologist because he is now required to care for diseased persons in an institution designed primarily for the segregation of criminals. Drug addicts in a prison are a most disturbing element. Because they are continually striving to smuggle their opiates into the prison through various underground channels, authorities are compelled to adopt rigorous rules which react to the detriment of all the inmates. Examples of the ingenious methods used to get drugs into a prison could be multiplied almost indefinitely. Strict as are the rules, most candid prison officials will admit that some drugs get into their institutions, occasionally at least. It has been frequently alleged that narcotics can be had by any prisoner if he has the money to buy them.

A high morale among prisoners is difficult to maintain if their privileges must be limited by the standards of those most difficult to handle.

Drug addicts also require a disproportionately large amount of medical attention while in prison, a common concomitant of drug addiction being other diseases of greater or less importance. The use of drugs also seriously impairs the general health of the addict; it inhibits normal digestion and elimination; it retards the proper functioning of the glands; and commonly leaves the victim in a sadly debilitated condition. The care of drug addicts places a tremendous burden upon the already overworked medical staff of the prison hospital. It has been established also that inexpert withdrawal of opiates has been, in not a few cases, the cause of transforming a capable and useful citizen into an invalid incompetent, for whose ultimate salvation resumption of opiate medication is a therapeutic necessity.

Drug addicts in a penal institution are also objectionable because of their known tendencies to make addicts out of those with whom they associate. While some authorities contradict this theory, of one addict recruiting others, the practical experience of prison officials seems to corroborate those who claim an addict is a seat of infection for the spread of addiction. Certain it is that many addicts advocate that their fellows use drugs, with lurid stories of its efficacy, as a panacea for all the woes, tribulations, and diseases of mankind. In a place where despondency is so widespread as in a prison; where congested conditions make it practically impossible to segregate the addicts from the nonusers of drugs, it is certain that some recruits to drug addiction are continually being enlisted.

But far more important than these more or less negative arguments are the affirmative reasons for establishing separate institutions for treatment of drug addicts. If we are to effect any large number of cures or turn the men out of prison better than when then entered they must have a specialized institution for their care. As the Whitney Commission says, "The commitment of addicts not charged with (any other) crime to prisons or so-called correctional institutions is an extraordinary way of treating sick persons. Carelessness, indifference, ignorance, and misconduct are responsible for a good deal of tuberculosis and most of the venereal diseases. Few persons would have the temerity to advocate throwing them into prisons or correctional institutions when they come to the public soliciting treatment in their misery."

Since the Federal Government has taken the lead in the control of the drug evil it has a duty to perform toward those whom it apprehends. It is commonly alleged that our legislators pass criminal statutes with reckless abandon of the consequences so far as its enforcement is concerned. Many people have asked why the Federal Government did not provide an institution for its narcotic addicts at the time it approved the Harrison Act. Belated attempts to rectify this oversight are, however, a healthy sign.

Some people question the propriety of now establishing an institution for narcotics on the ground that the constitutionality of the Harrison Act is being subjected to scrutiny. We have, however, the problem of drug addiction to face. A particular statute may be vitiated but other regulatory measures will surely supplant it. Delay cannot be excused on this ground because if the institution is not used for narcotic addicts it can be readily and quickly converted into an institution for other types of Federal prisoners.

We know, moreover, that something should be done now to relieve the congestion of our Federal penitentiaries. It seems logical, therefore, that the Federal Government should consider immediately the erection of a specialized institution for the segregation of the 1,800 to 2,300 drug addicts who are now housed in the Federal penitentiaries. Assuming that one or two institutions for the treatment of narcotic addicts are to be established where shall they be located?

Location of narcotic hospitals

The only reliable statistics we have on the location of the offenders against the narcotic laws are those compiled by the Narcotics Division of the Treasury Department. From these figures we find that about 87 percent of the estimated number of addicts are east of the States bordering both sides of the Mississippi River.

This territory includes the States of Minnesota, Iowa, Missouri, Arkansas, Louisiana, and all States east of the ones mentioned. Slightly more than 70 percent of the convictions for the violation of the Harrison Act were secured from Federal districts in this territory.

Only 30 percent of the convictions were in judicial districts in that part of the country west of 95° of longitude.

The following figures indicate the prevalence and spread of narcotic addiction in the two areas suggested:

	Eastern area	Western area
Square miles	1, 176, 720	1. 824, 930
Population, 1926	94, 099. 343	22, 858, 958
Convictions, 1926	3. 366	1, 356
Addicts estimated, 1926	76, 740	11, 600
Addicts per 100,000 population	81	51
Addicts per 10,000 square miles	650	62

It follows that one narcotic hospital should be located somewhere near the addiction center of the eastern area. Taking into consideration climate, transportation, land values and the like, it would seem that no great mistake could be made if the hospital were located in the vicinity of Nashville, Tenn. It could be placed as far north as Indianapolis without seriously increasing transportation expenses or being otherwise unsuited as a location for a narcotic hospital.

For the western part of the country a site in or about Denver, Colo., or Ogden, Utah, should be given serious consideration.

Use of McNeil Island

It has been suggested that the McNeil Island penitentiary be converted into a sanitarium for the treatment of drug addicts. A description of this institution is found elsewhere in this report. McNeil Island is advocated because it is located on an island in Puget Sound where escape of inmates and introduction of drugs would be difficult, and because there is abundant land on the island which could be used for outdoor treatment of addicts.

Important and fundamental changes in the type of the Federal buildings now located at McNeil Island would have to be made if it is to serve adequately as a sanitarium for drug addicts. Iron bars and cells of the ordinary prison type are neither desirable nor necessary in a narcotic hospital. Even though the exact method of withdrawing the addict's drug varies there seems to be no dispute that it is of prime and fundamental importance that the addict be restored to normal bodily health before he is released. For this an environment is needed which is conducive of rapid convalescence and where facilities for healthy outdoor work and exercise under favorable climatic conditions, are at hand. Were McNeil Island converted to a narcotic farm its penal atmosphere could never be eradicated except by scrapping completely the entire present equipment.

Assuming that McNeil Island was favorably located as far as climatic conditions and facilities for outdoor work were concerned—an assumption not warranted by the facts—would it be either rational or economical to establish a narcotic hospital there and at the same time build another institution for the care of convicts elsewhere? The same arguments against the use of McNeil Island as a location for a Federal prison could be urged with double cogency against its use as a narcotic hospital. It hardly seems wise to establish an institution for the care of a special class of individuals in so remote a location as McNeil Island. Narcotic addicts are not more than one-third as dense as the general criminal population. If it is to be used to capacity the inmates would have to be transported from all parts of the country, whereas its present population comes from a restricted area. What folly it would be to take an institution which has been so palpable a failure because of its location as McNeil Island, dump hundreds of thousands of dollars into construction work and acquirement of land and then have in the last analysis an institution which would be still inaccessible, and ill-favored climatically, a hopeless and discouraging makeshift.

McNeil Island has been suggested, it is feared, as a narcotic hospital by those who were more discouraged with its use as a Federal penitentiary than they were encouraged with its possibilities as a narcotic hospital. It has also been favored by those who, being overcome with the slow process of Federal legislative machinery, see some hope of accomplishing something immediately by administrative action. Even though all of the narcotic addicts in the Federal prisons were transferred to McNeil Island and the prisoners at this prison were transferred elsewhere, the need for a narcotic hospital would be just as pressing. If the chances of securing a new institution for narcotics are remote, it might be wise in the emergency to convert McNeil Island into an institution especialy for addicts. No other reason would justify its conversion.

DESPERATE CRIMINALS AND RECIDIVISTS

Even the most optimistic must admit that there is a very considerable part of our criminal population who offer small chance of reclamation, who are fundamentally antisocial, and who are unresponsive to any but rigorous and direct methods. Just how large this proportion is no one seems able to guess. We can make some estimate of it by deducting from the total Federal penal population those individuals who fall into other classes. We can safely assume that 10 percent of the criminals are women and juveniles, that 25 to 30 percent of the Federal prisoners are drug addicts, and that 30 percent are men under 30 who are in prison for the first time, most of whom are eligible for an institution of the reformatory type. If we assume that the Federal Government will house all juveniles, addicts, and redeemable convicts in separate institutions those remaining will have to be cared for in the more conventional type of penitentiaries.

The average number of Federal prisoners in State and Federal institutions serving sentences of a year or more is now close to 9,000. Consequently, there would be about 4,000 to 4,500 men who should be held under close observation. This does not mean that all of this 4,000 to 4,500 men must at all times be kept in a cell block or behind high walls. A considerable number of them can be given a measure of freedom. But we do have some 4,000 to 4,500 men who should not be classed with the more hopeful type, and who should be held in the more traditional type of penitentiary.

It is certain that we ought now to be planning new penitentiaries in addition to those specialized institutions which are of prime and paramount importance, because we have at present comfortable accommodations for only about 4,000 men.

Prison architecture

When it is stated that penitentiaries of the more or less traditional type to house the confirmed criminals ought to be built, it does not follow that the present type of penitentiary at Atlanta and Leavenworth should be duplicated elsewhere. As indicated previously many advancements in prison architecture and design have lately been made. There has been of late years a decided trend away from the former idea of the central cell block which was originated at the old Auburn prison and which has dominated American prison architecture for a century. A number of States have lately been building dormitories instead of cell blocks. Indiana, Ohio, and the District of Columbia house a large number of their men in dormitories. Many prisons are adopting the outside cell. The new prison at Norfolk, Mass., is to be of this type. Kilbey Prison in Alabama and the Illinois State Prison at Joliet as well as a few others are of the outside cell type.

Regardless of the type of architecture selected or the extent to which it departs from the old type of construction it seems plain that any new prison should be built as a unit. Anyone who visits any number of American prisons readily sees that they represent a more or less fortuitous growth rather than a homogeneous plan. Most of the older prisons began with a cellhouse or two, a wall, and an administration building. From time to time various buildings for shops, hospitals, dormitories, and the like have been added, the buildings varying radically in type of construction and building materials and being scattered or cramped within the walls with apparently little thought of future growth or needs. What can be accomplished under a unified and definite plan is well illustrated by the Minnesota State Prison at Stillwater, acknowledged generally to be one of the finest prison plants in the country.

District of Columbia prisoners

In considering the need for additional institutions to house the criminals of the more desperate type, special mention should be made of those who are now being sentenced by the courts of the District of Columbia which is, of course, a Federal jurisdiction entirely. Formerly, all persons committed to the penitentiary from Washington were sent to either Atlanta or Leavenworth. About 11 years ago, however, the District of Columbia Reformatory, at Lorton, Va., began to receive prisoners from the District of Columbia. An increasing number have been sent to Lorton as the building program has progressed. In 1926 the District courts sentenced 336 men to the penitentiary; 201 of these went to the reformatory, 98 went to Atlanta, and 37 to Leavenworth. During the fiscal year 1927, 167 were sent to Leavenworth and 55 to Atlanta. There were 6 dormitories completed at the reformatory with a normal capacity of 300 men, on June 30, 1927. An additional 4 dormitories are now being constructed which will house 200 men more.

Regardless, however, of the extent to which this institution is expanded, it will never, if present plans remain unchanged, be able to house all of the men sentenced in the supreme court of the District of Columbia. The institution is without walls, and without facilities for restraining men who are of the more desperate character. It is as its name indicates built on the reformatory plan depending largely on the vigilance of guards to keep men within its confines. It has proved surprisingly successful. Escapes have been no higher than in other penitentiaries, the cost of construction has been low, and considerable progress has been made in reformative measures.

But there is a certain percentage, perhaps 10 or 15, who must be kept in a walled and closely guarded institution. The District has been using Atlanta and Leavenworth for this purpose. It costs an average of $125 in transportation expense to send a District prisoner to Leavenworth and about $70 to send him to Atlanta. Besides these institutions are overcrowded.

Two methods of solving this problem are available: One is to build a cell block with a walled yard at Lorton or send the men to some institution in the northeastern part of the country. There are a number of arguments against building a small detention ward at Lorton, the principal one being that it would change the character of the institution, but it would seem reasonable that the District should be required to rely upon its own resources, and not look to the Federal Government to handle its most difficult penal problems. However, the problem must be borne in mind and considered in connection with the Federal prison problems.

Location of penitentiary

If additional penitentiaries for the housing of desperate criminals are to be erected where shall they be located? One who looks at the map of commitments is immediately struck by the fact that there is no place in the thickly populated northeastern section of the country where a Federal offender can be sequestered. A prisoner from Boston must be sent 1,100 miles to Atlanta; from New York to Atlanta it is 875 miles; from Philadelphia, 785, and so on.

When these distances must be multiplied by the large numbers of men who come from the great centers of population, transportation costs mount rapidly. The Atlanta Penitentiary now spends about $50,000 per year in transportation expenses of discharged prisoners. This involves merely the payment of a released man's travel back to his home. It takes no account of the cost of sending him and his guard to the prison and the return fare of the guard. If only one man were sent with each guard it would cost about $200,000 a year to get the men to and from the Atlanta Penitentiary. It is not quite this amount, however, because two guards will be sent with three or four prisoners; sometimes the ratio is greater, especially if the prisoners are sent in carload lots as occasionally happens. It is safe to say, however, that it costs not less than $175,000 a year to send men to and from the Atlanta Penitentiary. The Leavenworth Prison costs for transportation are slightly more than those of Atlanta. By locating a prison in the northeastern part of the country an appreciable part of this expense will be eliminated.

From a study of such figures as we have been able to gather it would appear that a logical site for a Federal prison would be about or near Pittsburgh, Pa. As may be seen by consulting the map there is within a radius of 200 miles from Pittsburgh such large cities as Detroit, Toledo, Columbus, Charleston, W. Va., Washington, D.C., Harrisburg, and Buffalo. Within 300 miles is the entire States of Pennsylvania, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, practically all the thickly populated part of New York State, and Michigan; a substantial portion of Kentucky and Indiana is also within this radius. The distances by rail are somewhat farther, of course.

It is interesting to note that a substantial portion of the commitments from the northeastern part of the country to Federal prisons are within a radius of 300 miles of Pittsburgh.

Determining the approximate location for a Federal prison in the extreme western part of the country, if one is needed, is not so easy. We now have McNeil Island in the extreme Northwest, and Leavenworth at about the geographical center of the country, while a large portion of our criminal population in the West is along the Mexican border. If a prison is to be established in the southwestern part of the country it would, of course, be a smaller unit than either Atlanta, Leavenworth, or the one in the northeastern section of the country. If a Federal correctional institution is to be located in this section of the country, it might be possible to use it also as a place for housing jail prisoners—those men sentenced to short terms, awaiting trial or held as witnesses. Consequently, before we can discuss intelligently this phase the reader must be introduced to the problem of caring for Federal prisoners who are now held in county and municipal jails either serving sentences of less than a year or awaiting trial.

U.S. INDUSTRIAL REFORMATORY

The Federal Government, seldom in the vanguard so far as prison reform is concerned, began to see the necessity for an institution for young male offenders as early as 1911. The Attorney General at that time referred in his annual report to the problem. Continued agitation for a separate institution for young male offenders finally brought action in the early part of 1924. It is doubtful if it was as much the desire to lead the youthful offender to regard himself as not yet sunk to the level of the hardened criminal that prompted the establishment of this institution as it was the desire to mitigate the problems caused by the serious overcrowding of the three existing Federal penitentiaries. But whatever may have been the motive an enabling act was passed on January 7, 1925.

The location of this institution caused the Department considerable difficulty. It was at first proposed to locate it at Camp Grant, Rockford, Ill., one of the World War Army cantonments. The citizens of this community, however, objected so strenuously to locating a reformatory in their midst that Camp Grant was abandoned in favor of Camp Sherman at Chillicothe, Ohio. By Executive order nearly 2,000 acres bordering the Scioto River, not far from Columbus, Ohio, was transferred from the War Department to the Department of Justice. A considerable amount of surplus war material was also transferred along with the land, the old Army barracks, and the temporary utilities.

The prison was formally opened in March 1926, when a small squad of prisoners were transfered from the other penitentiaries to clean up and prepare the grounds.

There are now nearly 400 prisoners at Chillicothe engaged in making the preliminary preparations for beginning the building of a permanent institution to house about 1,000 men. The present plans for this institution provide for the progressive reformation of the men. A small portion of the institution will be enclosed by a wall, where only the new men will be placed. The bulk of the men will be cared for in dormitories and honor cottages to which they will be transferred as their conduct warrants. The men will be given an increasing amount of privileges and independence according to their individual merits. They will be taught in well-equipped industries and vocational shops, given scholastic training, taught husbandry, and otherwise afforded every opportunity to rehabilitate themselves. It is hoped that this progressive training will make the transition from the ordinarily complete subjugation of the incarcerated man's ego to unrestricted independence less shocking, encourage the self-reliance of the Federal offender, and inculcate in him a sense of responsibility and respect for the rights of others. It is an attempt to get away from the wholesale regimenting of the prisoner, mitigate the harshness of prison discipline, and preclude brutalizing the men.

It is not to be assumed however that this is an experiment or a softening of punishment for wrongdoing dictated by maudlin sentimentality. Rather it is an institution developed along modern progressive lines, with a definite standard of care and treatment of prisoners, following the best practices in Europe and America. It is a long step forward in shortening the gap between tried principles and ideals and actual practice.

OTHER FEDERAL PENAL INSTITUTIONS

In addition to the foregoing prisons which are directly under the Attorney General there are several others which are either wholly or partly supported by the National Government. These include the Army prisons: the U.S. Disciplinary Barracks at Fort Leavenworth, Kans., Atlantic branch, Governors Island, N.Y., and Pacific branch, Alcatraz, Calif.; the naval prisons at Portsmouth, N.H., Parris Island, S.C., and Mare Island, Calif.; the National Training School for Boys at Washington, D.C., St. Elizabeths Hospital sane are confined, and the District of Columbia Reformatory at Lorton, Va.

ARMY PRISONS

The Army prisons are administered by the Adjutant General of the Army. The largest of these is the main branch of the Disciplinary Barracks at Fort Leavenworth. It is built on the radial plan and has a capacity of nearly 2,500 men. Within the prison inclosure are work and instruction shops. The institution also maintains a dairy farm, chicken, and hog ranches. All the inmates of this institution are soldiers or former soldiers most of whom are serving short sentences. Until the civil prisons became overcrowded soldiers convicted of felonies which were cognoscible by the civil as well as the military courts, were confined there. There are still a considerabe number of military offenders now incarcerated in the Federal civil prisons but every attempt is being made to reduce the number. With the reduction which has been taking place in the Army the number of military prisoners has been shrinking correspondingly. On June 30, 1926, there were in confinement at the U.S. Disciplinary Barracks, Fort Leavenworth, Kans., 1,246 men, at the Pacific branch, Alcatraz, Calif., 398, and at the Atlantic branch, Governors Island, N.Y., 583.

NAVAL PRISONS

The Judge Advocate General of the Navy is the officer directly in charge of the Naval prisons at Portsmouth, N.H., Parris Island, S.C. and Mare Island, Calif. These institutions receive not only officers and enlisted men of the Navy but also are open to men of the Marine Corps and Coast Guard who violate the regulations of their service.

The main building of the Portsmouth Naval Prison was completed in 1904. It consists of a large square tower with a cell block, containing 320 cells extending to the southwest. The accommodations of the prison were greatly increased during the World War when there were at one time nearly 2,500 men in the institution.

The average population of all the naval prisons has decreased very rapidly since the war. As a result almost all naval prisoners have now been withdrawn from State and Federal penitentiaries. As a consequence of the transfer of naval activities from the Atlantic to the Pacific coast the number of naval prisoners on the west coast has increased beyond the capacity of the Mare Island Prison. The overcrowding of this prison, which is a piecemeal development from an old original building with stone cells, at one time became so great it was necessary to transfer some men by Navy transport to the Portsmouth Naval Prison. Frequent recommendations for a modern prison at Mare Island to house about 500 men has not yet resulted in a new institution. On June 30, 1926, there were 337 men in the Portsmouth prison, 354 at Parris Island, 183 at Mare Island and 14 at Cavite, P.I.

NATIONAL TRAINING SCHOOL FOR BOYS

On July 1, 1862, President Lincoln approved an act to incorporate the Guardian Society "to reform juvenile offenders in the District of Columbia." The home, established by the Guardian Society, was at first located in Georgetown. By 1870 it had grown to an institution or reform school having a population of 63 boys. By the act of May 5, 1872, the Secretary of the Interior was authorized to purchase a new site for the school on which buildings to house 300 boys were authorized. The present site of the school, about 3 miles northeast of the National Capitol, was selected. There are now about 350 acres of land in the school reservation.

The school was originally established as a reform school for boys of the District of Columbia. By the act of March 5, 1872, the supervision of the school was transferred from the Secretary of the Interior to the Department of Justice. The act of May 3, 1876, revised and amended the various acts relating to the reform school. It provided a board of seven trustees appointed by the President upon the recommendation of the Attorney General. One Senator and one Member of the House of Representatives act as consulting trustees. One of the Commissioners of the District of Columbia also has the full powers of a trustee.

The name of the institution was changed first to the Reform School of the District of Columbia and later to the National Training School for Boys.

The school was originally conceived of as a strictly District of Columbia institution. The status of the institution, however, was changed in 1905 from the joint control of the District Commissioners and the Department of Justice to exclusive management by a Board of Trustees selected by the Attorney General and appointed by the President. The school has thenceforth been supported directly from the Federal Treasury and boys sentenced by Federal courts outside the District of Columbia have been committed to it. The District of Columbia boys are paid for under a contract with the Board of Public Welfare of the District of Columbia.

The number of boys from the District has up to recent years far exceeded the number of boys from other Federal judicial districts. By 1924, however, the population was nearly evenly divided between those coming from the District of Columbia and those from outside. On October 13, 1927, there were 128 District boys sentenced by the juvenile police and supreme courts of the District of Columbia, and 357 U.S. boys serving terms imposed by the Federal district courts. The Attorney General designates where boys under 17 years of age are to serve. Many of those within a reasonable distance of Washington are sent to the National Training School.

Recently the physical equipment of the school has been added to by the building of two new dormitories so as to mitigate the evils of overcrowding which has affected this as well as the other Federal correctional institutions. In the original group of buildings is an administration building, assembly hall, six dormitories, industrial building, school, hospital, barns, poultry houses, boilerhouse, and utilities. The administration building located on a hill above the old Bladensburg Turnpike, is an imposing building commanding a splendid view of the surrounding country. The school building contains two large study halls—one for white boys and that other colored—classrooms, a gymnasium, bowling alleys, some living rooms, offices, and an assembly room. The curriculum is progressive and well adapted to teaching problem boys. Military training is an important feature in the school life.

HISTORY OF THE FEDERAL PENAL SYSTEM

In the century following the surrender of Cornwallis only passing attention was given to the problem of caring for those persons who offended the few Federal criminal statutes. Little concern was felt for the relatively few U.S. convicts. It was only natural that the Legislature of a young republic, with little money to spend and fearing to encroach too rapidly upon the jealously guarded prerogatives of the States, should adopt at its first session in 1789 a resolution respectfully requesting the legislatures of the several States to pass laws making it the duty of the keepers of their jails to receive and safely keep prisoners committed to their charge under the authority of the United States; the United States offering to pay for their keep. Practically all of the States complied with this request and the Federal Government immediately dismissed this problem from further consideration for exactly 100 years, while the Federal convicts were boarded and maintained by a large number of State reformatories and penitentiaries. As late as 1889 there were only about 1,252 U.S. prisoners scattered among those States having accommodations for their maintenance. The territorial prisons of course came under the jurisdiction of the Central Government but these were used largely for the incarceration of persons offending local regulations and were usually transferred to the new State at the time it was granted autonomy.

It was easy to forget the hapless individual who had run counter to the U.S. statutes because he was no trouble to the Federal Government. It cost but little to maintain him in State institutions most of which were glad to receive and subsist him for the value of his labor which was usually leased or contracted out, the pessimistic would have us believe, to some fortunate contributor to the coffers of the political party in power. U.S. prisoners were an asset to the State because of the value of their labor. Congressional legislation, however (Feb. 23, 1887) put a stop to this practice by prohibiting the employment on the contract or lease basis of any persons convicted of violating a Federal statute. When the States were forced to maintain Federal prisoners in idleness they began charging the Government from 25 to 35 cents per day for their maintenance, which seemed an exorbitant rate in those days. A number of States also passed laws prohibiting the receipt of Federal prisoners. Some of them were willing to accept prisoners sentenced within their territorial limits but refused to accept those from outside the State.

The Department of Justice, which was charged with the duty of disbursing the funds for Federal convicts made a number of recommendations to Congress on the subject. A congressional committee was appointed to investigate the matter. The Judiciary Committee headed by Mr. Stewart of Georgia considered the problem. The General Agent of the Department of Justice, Mr. E. C. Foster, presented the facts to the American Prison Association and a number of other individuals interested in prison reform agitated the question.

Increasing attention to this problem was also forced upon the Federal Government by the rate at which Federal offenders were increasing along with the disparity in conditions of treatment prevailing among Federal convicts. By 1891 there were nearly 1,600 persons convicted of a penitentiary offense. After a man was committed by a U.S. judge to a State penal institution he was forgotten. There was no supervision or inquiry into the conditions of these unfortunates. Indeed, so far was all control relinquished by the Government that it was—and still is—provided by law that:

"Whenever any criminal convinced of an offense against the United States is imprisoned in a jail or penitentiary of any State or Territory, such criminal shall in all respects be subject to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which such jail or penitentiary is situated; and when so confined therein shall be exclusively under the control of the officers having charge of the same, under the laws of the State or Territory."

Not alone was there no inspection of the places where Federal prisoners were confined, no uniform attempt to reform the Federal prisoner, and no congruity of treatment of persons convicted of offenses unknown to State officers, but there was also actual discrimination against Federal offenders who could not share in the benefits of the local laws permitting parole or reduction of sentence for good conduct. Deprivation of the incentives that induced their fellow prisoners to work for parole, and inability of the State officials to keep their minds occupied by useful employment, caused Federal prisoners to believe they were being unjustly treated and encouraged them to be insubordinate and thus frequently subjected to the rigorous and direct methods of discipline which were common in those days.

These facts and frequent recommendations of the Attorney General finally resulted in the approval of an act by the 51st Congress (March 3, 1889) authorizing the purchase of sites for the erection of three U.S. prisons. These prisons were to be located "one north, the other south of the 39° N. latitude and east of the Rocky Mountains, the third site to be located west of the Rocky Mountains and the same to be located geographically as to be most easy of access to the different portions of the country." To save reference to the geography it may be helpful to know that the 39° N. latitude runs from Cape May slightly south of Cincinnati, just north of St. Louis, immediately south of Kansas City to about the geographical center of Colorado.

The apparent reason for the selection of this line was the desire of those in charge of the legislation to avoid subjecting persons reared in the South to the rigors of the northern climate. At least this was the reason advanced in the debate on the bill in the House, and Attorney General Judson Harmon in his report for the year 1895 (p. 27) says, "It is suggested that at least one penitentiary should be established in a Southern State for the confinement of convicts from southern districts. This measure seems to me to be imperatively demanded for reasons of humanity as well as economy. But few State institutions in that section can be used for Federal prisoners who are consequently sent to penitentiaries in northern districts. The change of climate involved results injuriously, and executive clemency is frequently invoked and exercised on the ground alone that the prisoner's health has been permanently broken and incurable disease contracted by the severity of the northern winters."

How far necessity has compelled the Federal Government to stray from the motive prompting the selection of sites can be seen from a study of the table showing the States from which commitments have been made to the prisons at Atlanta and Leavenworth.

THE LEAVENWORTH PENITENTIARY

Unfortunately the act passed by the 51st Congress authorizing the purchase of sites for the erection of three U.S. prisons was held to be inoperative because it carried no appropriation. Evidently responsive to the pressing need for a Federal penal institution, Congress in the sundry civil bill approved March 2, 1895, provided for the transfer of the military prison at Fort Leavenworth to the Department of Justice. Probably at the time this was considered to be merely a temporary expedient. It resulted however in determining the ultimate location of one of our Federal penitentiaries.

The Army was the first to select this locality for the incarceration of its offenders against Army regulations. In March 1873, Congress finally passed, after a considerable period of agitation and a number of recommendations by the military authorities, an act providing for the establishment of a military prison. It was at first planned to locate the prison on Rock Island but when it was found that the prison might be likely to restrict and interfere with the use of the island for an ordnance depot the original act was amended (May 24, 1874) and Fort Leavenworth was substituted for Rock Island. The quartermaster storehouses were adapted for the military prison which continued to house military offenders until 1895.

When it was found that the act providing for the establishment of the three civil institutions was inoperative, attention was directed to the possibility of turning the military prison into a civil institution. Despite the protests of the War Department, Congress authorized the transfer of the Military Establishment to the Department of Justice and on July 1, 1895, the U.S. penitentiary under the Department of Justice was inaugurated.

It did not take long for the Attorney General to realize that the old adapted storehouses of the military reservation were not suitable for a civil institution. The Attorney General believed that the old military prison did not afford adequate security because its walls were only 20 feet high. Moreover he thought it was not large enough as it could accommodate only 500 convicts which was less than one-fifth of the whole number of Federal prisoners. It was at that time proposed to use it chiefly for persons convicted in the judicial districts adjacent to Kansas. As can be seen from the table of commitments Indian territory furnished a large proportion of the inmates of the Leavenworth Prison from 1895 until 1905.

The penal authorities then recommended and brought about the approval on June 10, 1896, of an act authorizing the selection of a site on the military reservation for the erection of a penitentiary and other buildings for the incarceration of at least 1,200 convicts. A site comprising about 1,000 acres was set aside on the southwest section of the old military reservation and adjoining the north line of the city of Leavenworth. Construction on the civil prison began shortly thereafter and has continued since that time to the present date.

The construction on the walls, cellhouses, workshops, and other buildings of the Leavenworth Penitentiary has been done largely by convict labor. This accounts to a considerable extent for its tardy completion. Construction was slow at first due to the fact that the prisoners who did most of the work were housed in the disciplinary barracks and marched each day to the site of their labors, a distance of nearly 2 miles.

The plans for the new penitentiary were drafted by William S. Eames, of St. Louis, Mo. They provided for a penitentiary, with a capacity of 1,200 inmates, on the radial plan; that is, 4 cellhouses radiate from a rotunda with a projection in the center for offices, dining room, kitchen, and chapel. The original plans provided that over the rotunda there was to be a dome the top of which was to be 200 feet from the street. They also provided that each cell was to be 5½ by 9 feet with an 8-foot ceiling. A modern ventilation system was also provided. A wall 30 feet high which was to surround completely the prison and all of the adjoining buildings and workshops was incorporated in the plans. No substantial or important change in the original plans of the architect have been made. The size of the cells in the west main cell block have been made larger and were planned to house four men.

The work of constructing the Leavenworth Penitentiary has extended over a period of 30 years. Active work on the new penitentiary was begun in March 1897, with the clearing of the site, establishing the grades, opening of a stone quarry and planning the construction of a brick plant. By the 30th of June 1904, the entire enclosing wall, towers, sallyports, and some work on the foundations and steel framing of the northeast cellhouse had been completed. On February 1, 1906, the second subsidiary or northwest cell wing was completed along with the kitchen, dining room, and residence for the warden and deputy warden at which time the old military prison was abandoned. While work on the foundations of the main front cell wings was begun in 1906, the first or east main cell wing was not completed until 1915. The west main cell wing was nearly completed when on July 19, 1919, a disastrous fire did much damage necessitating the replacing of much of the stone work and removal and reerection of the steel work. The west cell wing was completed during the fiscal year 1923. Work on the administration building and rotunda has been going forward since that time and it is believed these will be completed by the end of the fiscal year 1928.

Besides the main prison buildings there has also been constructed at Leavenworth a hospital, farm buildings, physician's residence, shoe factory, and a number of smaller buildings.

Continued recommendations by many wardens and Attorneys General that Congress provide some means of employing the convicts was partially answered so far as Leavenworth is concerned by providing for additional land for the prisoners to farm. By the act of May 31, 1924, Congress authorized the transfer of a 900-acre tract of rich bottom land which formed part of the military reservation on the east bank of the Missouri River to the Department of Justice. In order to give access to the land funds were also appropriated for renovating the old Rock Island Bridge across the Missouri River.

It has been impossible to ascertain the exact cost of constructing this prison but from the best sources available it appears to have cost in the neighborhood of $3,500,000.

ATLANTA PENITENTIARY

The transfer of the old military prison at Fort Leavenworth to the jurisdiction of the Department of Justice for use as a civil prison did not solve the problem of what should be done with the Federal offenders. The number of Federal prisoners was increasing rapidly. From June 30, 1895, to June 30, 1896, the number of U.S. convicts increased from 2,516 to 3,012. There was no suitable place in the East or South where they could be housed; the States were objecting to receiving Federal convicts and the number of long-sentence convicts from the District of Columbia where there was no proper place of confinement, other than an antiquated and overcrowded jail, were increasing.

For these reasons Congress made effective the law already passed in 1891, providing for the establishment of three Federal penitentiaries by embodying in the Sundry Civil Act approved July 1, 1898, an appropriation of $15,000 "to enable the Attorney General and the Secretary of the Interior to have prepared plans, specifications, and estimates, and for expenses connected with the selection of a prison site south of the 39th degree of north latitude and east of the Rocky Mountains."

In compliance with the provisions of this act the Attorney General selected a site on the outskirts of Atlanta, Ga. The tract comprising about 300 acres was purchased by the city of Atlanta for $60,000 and presented to the Government.

The Sundry Civil Act approved March 3, 1899, carried an appropriation of $500,000 for the erection, complete, of a U.S. penitentiary at Atlanta, Ga. The original plans as approved contemplated the erection of a prison complete consisting of cellhouse with accommodations for about 500 prisoners, administration building, dining room, offices, and utilities. The original plans were prepared, however, with a view to the addition of another building large enough to increase the capacity to 1,200 convicts.

The contract for the erection of the prison was let in 1900. The prison was formally occupied on January 31, 1902. In view of the fact that the structure as originally planned could not be constructed within the total amount appropriated ($615,000) the main building as designed was omitted. The front consisted at first of the smaller cellhouse with a structure built to connect ultimately the two cell blocks used as an administration building. The wisdom and foresight of the authors of this plan can now be appreciated when it is realized that there are at present 3,200 men incarcerated in an institution planned at first for 500 men and later modified to accommodate in the very indefinite future perhaps 1,200 men.

With the 350 prisoners in confinement at the end of the fiscal year 1902, active construction on the farm buildings, stone shed, warden's residence, and the wall was begun. It took 7 years to build the prison wall, 30 feet high, which encloses about 28 acres. It is interesting to know that at the time this wall was completed in 1910, it was, with one exception, the largest single piece of concrete construction in this country. The foundations and footings for the main front cell building were begun in 1904. Other construction work besides the enclosing wall, main front cell buildings, and administration building, was carried along concurrently, including a hospital, isolation building, stables, and other outbuildings. By the end of the fiscal year 1911, the walls of the administration building and main cell wings were raised on the average about halfway to the roofline. Work on a deputy warden's residence, laundry building, and tailor shop was begun in 1912. The rapidly increasing prison population was responsible for the quickening of building operations during 1915 and 1916, so that by the end of the fiscal year 1917, the west main cell wing had been completed.

The east main cell wing evidently would have been completed during 1918, had not the efforts of the inmates and prison officials been diverted to the construction of a cotton-duck mill, provisions for which was made by Congress in the act approved July 10, 1918. The duck mill was completed and ready for operation during 1920. Due to a surplus supply of canvas from the war the mill did not begin to operate at anywhere near its capacity until the latter part of the fiscal year 1921.

The same act also provided $200,000 for the purchase of a farm. About 1,248 acres of farmland in De Kalb County, approximately 8 miles from the institution, was secured during the fiscal year 1920. Housing facilities for nearly 200 men have been provided, the road from the prison to the farm has been improved, and the farm completely stocked and equipped.

The construction work on the east main cell wing was completed during the first half of the calendar year 1920. The final construction work on the penitentiary was completed by the first of January 1921. A new powerplant has since been planned and is now being installed.

M'NEIL ISLAND

As in the case of Leavenworth the selection of McNeil Island as a site for a Federal penitentiary was due more to circumstance and expediency than it was to conscious planning. It seems clear that Leavenworth was determined upon as a site for a Federal prison largely because it was near the old Army prison—taken over by the civil authorities as a temporary makeshift—where prison labor and free land was available. Circumstance has also played a most important part in the development of McNeil Island as a Federal penitentiary. The first reference in the statutes to a Federal prison in Washington is found in the act approved January 22, 1867, wherein it was provided that not to exceed $20,000 of the net proceeds of the internal revenue of the Territor of Washington was appropriated for the purpose of erecting a penitentiary in that Territory. Twenty thousand dollars more was appropriated for McNeil Island by the act of February 22, 1873. In 1874, an additional appropriation of $7,000 for placing the buildings in suitable condition for the reception and confinement of convicts was was made. McNeil Island continued to be used as a Territorial prison under the direction of the U.S. marshal until Washington was admitted as a State.

The following excerpt from the annual report of the Attorney General for the year 1897 relative to McNeil Island explains its status after Washington was admitted as a State:

"After the approval of the act of February 22, 1889, providing for the admission of Washington Territory into the Union as a State, the attention of Federal officials therein was called in 1890 to section 15 of said act, which the Department seemed to hold provided for the transfer of the U.S. penitentiary on McNeil Island to the State of Washington. Instructions to this effect were given the then U.S. marshal, district of Washington, but the Governor of the State declined to accept the institution with the prisoners therein, until specific authority for its acceptance had been conferred on him by the Legislature of Washington. This apparently has never been done, and the U.S. marshal was accordingly directed by the Attorney General to continue to conduct the penitentiary as before, and it has since been, and is now conducted, as a Federal institution.

"In it are confined prisoners who have been convicted and sentenced in the Federal courts of Washington, except the more desperate convicts, who are sent to State prisons where they can be more securely kept. The buildings of this U.S. penitentiary, which are old and constructed chiefly of wood, are in an insecure condition, and the necessity exists, if the institution is to be continued as a place of confinement for U.S. prisoners, for the erection of buildings of modern character where convicts can be securely confined, in which case provision might be made for the confinement of all prisoners convicted of crimes against the United States on the Pacific slope who are now sent to State penal institutions. In the absence of such provision it is believed that the Department should be authorized by Congress to abandon it entirely. The present per capita cost of maintaining the penitentiary, including guarding and subsisting prisoners, is about 70 or 75 cents per day."

The authorities of the State of Washington evidently did not believe McNeil a proper place for the confinement of State convicts or they did not want to take it over and have two State prisons on their hands. The principal place of confinement for the State convicts was the Walla Walla Prison which had been established in 1886. Instead of taking over McNeil Island the State recovered their proportionate share of the cost of the prison by securing in 1893 from Congress an appropriation of $30,000 for the State prison at Walla Walla (27 Stat. L. 646).

The propriety of continuing McNeil Island as a penitentiary after the State of Washington refused to accept it often troubled the Department of Justice. In 1898 the Attorney General reported:

"The attention of Congress has heretofore been invited to the condition of this institution, and the question submitted as to the propriety and expediency of enlarging it, with the ultimate intention of making it the place of confinement for all U.S. prisoners (sentenced to a penitentiary) from the Pacific slope districts. The repairs recently made were requisite in order to keep it from actual ruin and decay and to render it reasonably secure, but have not resulted, of course, in increasing its capacity. Whether this prison shall continue to be maintained in its present status or an amount sufficient to convert it into a first-class penitentiary shall be appropriated is a question before the Congress for consideration."

The following excerpt from the report of the Attorney General for 1901 indicates that the problem was still unsolved at that time:

"This [McNeil Island] institution has been carried on for a number of years as a Government prison, the expenses of maintenance being defrayed from the general appropriation 'Support of U.S. prisoners.' It is understood to be but poorly suited to the purpose, however, and some action, apparently, should be taken looking either to its discontinuance entirely or its conversion into a suitable prison for Federal convicts from the western districts. If the latter is impracticable, because of its location or otherwise, the propriety of securing a new site for the erection of a third U.S. prison might possibly be considered."

Again in 1902 Attorney General Knox said the place was unfit for the purposes of a penitentiary, that it was not easily accessible, and indicated that it should be abandoned. He recommended however that consideration be given to the erection of a prison for the reception of U.S. prisoners from the extreme western districts and Alaska.

Nothing, however, was done about abandoning the institution and the pressing need for a place of confinement for prisoners west of the Rockies was growing. Although an appropriation of $30,000 for improving facilities at McNeil Island was made in 1903 it was not expended until 1905, the reason evidently being that the Attorney General felt the site should be abandoned. This appropriation was finally used for a cellhouse containing 66 cells, completed in 1907. This was the second cellhouse, the other one was built in 1873 of brick and stone by a private contractor. It contains 42 cells now accommodating 2 men each.

This institution continued to dodder along under the direction of the U.S. marshal until 1909 when a warden was appointed and construction completed on the new cell block which was authorized in 1903. The completion of this cell block raised the capacity of the institution to about 200 prisoners, nearly twice its former size, the average population, therefore, having been less than 100. There were, for instance, in confinement on June 20, 1907, only 81 prisoners from Washington, Alaska, Oregon, and Idaho. The appended chart shows the growth of the population of this institution.

The institution gradually grew until during the fiscal year 1918 there was an average of 240 inmates crowded within its confines. No further recommendations looking to its abandonment were made and it was evidently accepted that this was to be the only Federal institution on the Pacific coast, for in 1919 the largest single appropriation for new construction that had ever been made became available on July 1, 1918. This money was for a new cellhouse, five stories high, 70 by 125 feet. On each of the five tiers room for eight cells was provided, each one accommodating six men. This cellhouse and its appurtenances was completed in the fall of 1921.

It was the hope of the warden that when the new cellhouse was completed the old cellhouse built in 1873 could be abandoned as well as some of the so-called dormitories which had been pressed into service to take care of the rapidly expanding prison population as emergency accommodations. Due to the expanding population he has never, however, been able to realize this objective.

There is now in process of construction a new cellhouse which when completed will provide accommodations for about 300 additional inmates.

The original reservation for the McNeil Island Penitentiary comprised about 27 acres on a large island in the southwestern part of Puget Sound about 16 miles from Tacoma and 46 miles from the city of Seattle, from which place all supplies must be procured. All supplies and persons having business at the institution are transported by the Government from the mainland in gasoline launches. In 1923 the Legislature of the State of Washington authorized the transfer of about 360 acres of land on McNeil Island belonging to the State to the Federal Government in exchange for lands in the Olympic National Forest Reserve. The Congress approved of this exchange and the property has now been added to the penitentiary reservation. Unfortunately, however, this land is located almost 2½ miles from the prison with no improved roads leading to it. In spite of its distance, an honor farm has been hewn out of the wilderness. In the not far distant future it will be a splendid source of food products, and fresh vegetables as well as healthful and refreshing employment for the prisoners, a large portion of whom are users of narcotics.

The problem of supplying the institution with potable water has always been a perplexing one. Up until February 1923, water was obtained from two wells. On the night of February 2, 1923, both wells caved in evidently due to seismic distrubances. Temporary relief was obtained by using the water from springs and by drilling at the site of the former well. An appropriation of $60,000 to drill new wells, erect a tank, and provide pumping facilities was made and the institution is now developing a supply of water which may or may not prove ample for its needs.

FEDERAL INDUSTRIAL INSTITUTION FOR WOMEN

The need for a place of confinement for female prisoners did not become acute until after the passage of the white slave and narcotic acts. Prior to that time the number of women prisoners had been so negligible that they could be taken care of by boarding them in various State institutions. The problem was first presented in the Annual Report of the Attorney General for the year 1912, when he recommended an appropriation of $55,000 for completion of a wing for female prisoners at the Leavenworth Penitentiary. Preliminary plans and work had already been started on this wing but it had not been carried to completion due to lack of funds. Also it seems to have been the opinion of the Department that it was not wise to attempt to place female prisoners near male offenders nor subject them to the same rules, discipline, and administration.

At any rate nothing further was done until 1923 when the matter was presented to Congress by the Department of Justice through Mrs. Mabel Walker Willebrandt, Assistant Attorney General in Charge of Prisons. A number of women's organizations had become interested in the problem. They endorsed the proposal to establish an industrial institution for women and their representatives appeared before the Judiciary Committee of the House as well as informing individual Congressmen of their views.

President Coolidge in his message to Congress delivered December 6, 1923, said:

"The National Government has never given adequate attention to its prison problems. * * * Two independent reformatories are needed: one for the segregation of women and another for the segregation of young men serving their first sentence."

The enabling act was passed on June 7, 1924, authorizing the Attorney General, the Secretary of Labor, and the Secretary of the Interior to choose a site for the institution. The site chosen was at Alderson, W. Va., on the Chesapeake & Ohio Railroad about 20 miles from White Sulphur Springs. The property, consisting of about 500 acres, is a long narrow strip following a bend in the Greenbrier River.

The institution, with a projected capacity of 500 inmates, has been built on the cottage plan. While each cottage is a distinct unit with its own dining room and kitchen, the whole institution is made homogeneous by a central receiving building, hospital, and utilities.

The roads in and about the institution are being constructed by an honor camp of male convicts detailed from Atlanta and Leavenworth.

The institution was formally opened in April 1927.

THE JAIL PROBLEM

The Federal Government is now compelled to board in local jails throughout the country, persons awaiting trial, held as witnesses, or convicted of misdemeanors or felonies carrying sentences of less than a year. Just how many prisoners are thus held no one seems able to state accurately. The best estimate obtainable indicates that there are an average of from 6,200 to 8,000, or possibly 9,000, such individuals in the 900 or so county and municipal jails throughout the United States. The map in the accompanying charts shows the number and their location on June 30, 1927, as reported by the 80-odd U.S. marshals.

In the whole penal problem the most vexing phase is the care and treatment of men and women who are awaiting trial for some offense, held as witnesses, or serving short sentences. The bulk of the county jails and workhouses are in a deplorable condition so far as sanitation, ventilation, and health conditions are concerned. In most of the jails there is no classification of those being detained; no separation of the guilty from the innocent; the convicted from those awaiting trial or being held as witnesses; the infected from the well. Not only is there no classification in the smaller county jails but even in the larger prisons like the Tombs, and the Queens Prison in New York, the Moyamensing Prison in Philadelphia, and the Baltimore city jail there is only the slightest attempt to classify the prisoners. In our own jail in the District of Columbia conditions are almost a public disgrace. Almost without exception there is no attempt to provide work for the sentenced man in jail during the period of his confinement. Everywhere the jails are crowded to the point almost of overflowing. Men not only are doubled up in cells built for only one man but there are sometimes three, four, or five men in a one-man cell. The cities, States, and counties are everywhere refusing to accept Federal prisoners. It taxes the ingenuity of the officials to the utmost to find any place at all where Federal offenders can be held.

Improvements in the jail system are almost impossible to make in spite of the vigorous efforts which have been made by State boards of charity, prison reform committees, and prison associations. The jail is always the last place to receive attention by the legislature, budget committees, and the public.

Some idea of the feeling that has been injected into this problem can be gathered from the following excerpts from a speech by the Honorable Joseph C. Hutcheson, Jr., judge of the U.S. Court, Southern District of Texas:

"It became my imperative duty to go into these jails, and find out at first hand what they were, and what confinement in jail really meant. I found there conditions which, apparently taken for granted by those in charge of the jails, struck me as so medieval and barbarous, and so contrary to the ordinary principles of Christianity, that I was shocked beyond expression; not at any direct and malevolent cruelty toward the inmates on the part of their custodians, but at the very conditions themselves. That men with lungs and hearts, nerves and brains like mine were penned up for months on end without a thing to do; with no access to the open air, no opportunity for any kind of exercise except in the "bullpens" and runarounds inside of dark walls, no provision made for their occupation or their improvement, and generally, at the heartbreaking, morale-destroying cruelty of society in permitting the maintenance of the system, shiftless, sloppy, and destructive to those who it has taken captive.

"Leaving every other thought aside, I was impressed with the economic loss to society of this miserable practice of locking a man up in a cage like a wild animal, and then after a certain time turning him loose on society, still like a wild animal as far as anything society has done to help him. This is not commonsense; certainly it is not Christianity.

* * * * *

"I found the Federal Government in the position of a purely permissive tenant of the jails, and, due to the higgling-niggling policy pursued by its agents in making contracts for the subsistence and medical care of its prisoners and their arbitrary and dilatory practices in settling and discharging the jail accounts, quite an unwelcomed tenant; a position unjust to the counties and States, unjust to the United States, and, I soon found, unjust toward its prisoners.

"I found that if I approached the matter of jail conditions in a spirit of complaint I would not only be committing a breach of good manners toward an unwilling and long suffering host, but I would be met, as the marshal had on several occasions already been met, with the polite but firm answer: 'Well, we don't want these prisoners, they cost us money and trouble. We are not properly paid for them though we are giving them as good, if not better, treatment than our own, and if conditions don't suit you, take them out.'

* * * * *

"In March 1925, the Federal grand jury at Houston was charged to make an investigation of the Harris County jail and to return a report thereon, not in a spirit of criticism or of faultfinding with the county officers, but a real report, constructive, for humanizing the jail according to the modern theory that a prisoner is a ward and not an enemy of society.

* * * * *

"In lieu of the present haphazard system this report does not recommend either splendid buildings or mushy and sentimental treatment. It advocates strict, wholesome, kindly, and constructive discipline under proper surroundings. It emphasizes the point of view that the object is to convert the antisocial and the unsocial into the social; that society must mold its wards while it has them, and that it is the spirit toward the task which gives its accomplishment life."

* * * * *

Regardless of one's feelings as to whether the foregoing is a dispassionate statement of facts, it is certain that the Federal Government has reached the point where it planning for the future it must depend upon its own resources.

Hardship on local taxpayers

It is also argued that the system of boarding Federal prisoners in local jails is unfair to the local taxpayer since the Government will pay only for the fair cost of subsistence and make no allowance for the use of the building. The Federal Government cannot do this because the law (Rev. Stat. 5545) provides:

"There shall be allowed and paid by the Attorney General, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it reasonably and actually cost to subsist them."

Since the Government does not pay rent and does not distribute its prisoners uniformly, the taxpayers of one jurisdiction bear a disproportionate share of the rental charge for housing Federal convicts, say those who oppose the housing of Federal prisoners in local jails. On the other hand, however, there are a few places where the number of local prisoners is not sufficient to fill the jail and the presence of Federal prisoners keeps down unit costs.

When the Federal Government boards its prisoners in local jails it thereby surrenders a large measure of control over them. It is next to impossible to inspect all of the places where they are detained, see that they obtain what is paid for and prevent the granting of undeserved liberties. The Bureau of Investigation reports that in 1926 it "investigated under charge of contempt of court the case of Sheriff P. M. Hoffman, of Cook County, Ill., who was sentenced to 1 month in jail and to pay a fine of $2,500 for allowing undue liberties to a number of wealthy bootleggers who were Federal prisoners in his charge."

"Another case of similar character was that of Mannie Pickeloup who was warden of the New Orleans House of Detention. * * * These officers charged with the custody of Federal prisoners were cited for failure to exercise proper supervision over their charges and for allowing undue liberty and privileges."

The remedy

But what can be done about this condition of affairs? Can the Federal Government ever hope to provide adequate jail facilities for its prisoners who are spread over the length and breadth of the United States? Is it practical for the Central Government to construct detention houses or jails of its own wherever there are Federal prisoners? To one who considers the magnitude of the problem the answer obviously must be in the negative. It can, however, provide some jails or houses of detention at those points where the number of Federal offenders is sufficiently large to make the construction and maintenance of a Federal jail economical. Some idea of where these points should be can be obtained from a study of the tabulation and maps showing where Federal prisoners are held. After a study of these maps, the statistics, and from some knowledge of actual conditions, it is thought that the need for Federal jails in the different parts of the country is about in the following order:

Estimated average daily jail population

1. New York, N.Y.	150
2. Chicago, Ill.	130
3. Detroit, Mich.	350
4. Cleveland, Ohio	75
5. Baltimore, Md.	100
6. Tulsa, Okla.	85
7. El Paso, Tex.	100
8. Los Angeles, Calif.	110
9. Charleston, W. Va.	100

The cost of a jail building program for all of the foregoing cities would of course be tremendous. It has been suggested that the initial outlay for places of detention for Federal prisoners be kept down by utilizing some of the space in present Federal buildings or by providing space in any new Federal buildings erected. For example, an additional story could be added to the new Appraiser's Stores Building in New York for a detention house for Federal convicts.

Building a jail in large cities is a most perplexing problem because of the cost of the site. Every jail ought to have an exercise yard where men held for some time either awaiting trial or serving sentences will have some opportunity for outdoor recreation. As a matter of fact, however, very few of the jails in the larger municipalities now have any place whatever where the men can exercise. There is no reason, of course, why a small Federal jail could not be located on the outskirts of a city where land would be cheaper.

Cost of jails

Outside the cost of the site the expense of erecting a jail would be considerable. It is doubtful if a jail with a capacity of from 150 to 200 men could be erected for less than $3,500 to $4,000 per inmate. This may seem high but when it is remembered that a jail consists practically of two buildings, one inside the other, the interior being built largely of steel, and that a large amount of plumbing must be provided, this cost will not appear disproportionate. Certainly it is not prohibitive to spend three-quarters of a million dollars to build a house of detention for the city of New York. A post office, customhouse, or courthouse costs more in proportion.

But if the Federal Government would adopt the policy of housing its own prisoners wherever practicable, doubtless opportunities would arise whereby a house of detention could be erected in conjunction with other Federal buildings, abandoned military or other Federal buildings could be converted or similar economies effected.

Maintenance costs

While the cost of maintaining the prisoners in these Federal jails would be high it probably would not be much, if any, higher than the rates now being paid in the larger cities. It now costs about 70 cents per day to maintain a man in one of our Federal penitentiaries. The costs are distributed about as follows:

	Annual	Daily
Subsistence	$85.00	$0.232
Clothing and transportation	25.00	.068
Miscellaneous:		
Coal, water, forage, and supplies	60.00	.164
Medical	3.50	.0095
Guarding and administration	85.00	.232
Total	258.50	.7055

Costs are low in the penitentiaries on subsistence, miscellaneous items, medical care, and guarding because of the large number of men. On the other hand, the penitentiary expense for clothing and transportation is higher than it would be in a jail. Maintenance expenses in a jail housing 200 men are estimated as follows:

Subsistence	$0.30
Clothing	.005
Miscellaneous supplies	.20
Medical	.04
Guarding and administration	.34
Total	.885

It is reasonable to believe that the Federal Government could maintain its own jail prisoners for something less than $1 per day, the amount now being paid in some of the larger cities to local authorities. The charge of $1 per day which the Department of Justice allows in some cities does not include medical attention, clothing, transportation, or any extraordinary expenses. The question of maintenance expenses is of course a moot one and no dogmatic statements can be made until it has been tried. It certainly cannot be rejected as being impracticable on its face. Why should not the Government erect a jail in one of the cities where conditions are most critical and make an experiment? If it proves feasible more jails can be built; if it is a failure it can be converted into the more traditional type of penitentiary which we now know to be an imperative necessity.

Cooperation with local authorities

But even with jails provided for each of the larger cities there will still be in the aggregate a large number of Federal prisoners who must be held in the smaller county and municipal jails. A still greater expansion of the already broad scope of the Federal criminal jurisdiction must take place, however, before there will be a sufficient number of persons awaiting trial, being detained as witnesses, or serving short sentences to warrant the wholesale construction of Federal jails. There are many places where there is at any one time only a handful of such persons. They cannot be transported outside the jurisdiction of the court or detained at points inconvenient to the place of holding court.

We must recognize therefore the necessity for securing the cooperation of the local county and municipal authorities. As previously pointed out the Federal authorities are now limited, technically at least, in the amount they can pay the local sheriffs and jailers for keeping Federal convicts. The law providing that the Federal Government may pay only the fair cost of subsisting persons held for the Federal courts was passed on March 12, 1864, at a time when Congress felt the local authorities were charging extortionate rates and when there was no agency at the seat of government to supervise and audit expenditures for this purpose. Local jailers were charging far more than it cost to maintain a prisoner and were pocketing the difference.

Now, however, we have a central agency—woefully inadequate and undermanned it is true—to supervise these jails and contract for the care of U.S. prisoners. Their hands should not be tied by an obsolete law. They should be permitted frankly and openly to pay the local authorities the fair cost of maintaining Federal convicts taking into consideration all of the conditions under which the prisoner is held. The Federal authorities should no longer be forced to bicker with the local jailers over costs of subsistence. They should be permitted to remunerate them fully for everything which might be reasonably furnished a prisoner.

By indicating a willingness to pay for a certain prescribed standard of care, the fair cost of building maintenance and depreciation, rather than merely the cost of subsistence, the Government has some chance of obtaining cooperation from the county and municipal authorities and a willingness to make additions, if necessary, to local facilities to care for Federal prisoners. The Central Government can inform the local jailers as to what they feel are reasonable conditions and of their willingness to pay for such treatment. Those who comply will receive compensation accordingly; those who do not conform will be treated as at present. The Federal Government has taken the lead in improving local methods of road construction and maintenance, in raising the standards of maternity and infancy care, in extending the facilities of State agricultural colleges, and has numberless other extension activities ranging from the reclamation and irrigation of arid lands to the promotion of civil aeronautics. Why should not the Central Government through its power to designate the place of confinement of a Federal prisoner assist in overcoming the deplorable conditions of congestion, idleness, promiscuity, and contamination found almost everywhere in our county and municipal jails? It could engage in no other activity which would yield higher returns in rescuing the criminal and preventing recidivism.

If the Government is to get a fair return for money thus expended there must, of course, be frequent and rigid inspection of all places where Federal prisoners are held. To set standards or raise rates and make only superficial effort to see that the regulations of the National Government are enforced would breed only contempt. Of what value are the most rigid specifications unless there is inspection to insure compliance?

Large as are the number of these places where Federal prisoners are held it would not be an insurmountable task to see that the regulations of Federal Government were followed if the assistance of the local Federal judges, the marshals and district attorneys was invoked. There would, of course, also need to be a unifying influence with periodic field investigations by the agency charged with the supervision of Federal prisoners. This force would, however, need to be neither large nor expensive.

This plan, of course, has its drawbacks but the only alternative is for the Federal Government to build everywhere its own jails or admit that so far as it is concerned the problem is hopeless and insolvable. Because we despair, should we not try to see what can be done by repealing the law providing that the Federal Government may pay only the fair cost of subsisting Federal prisoners and place at the disposal of the agency supervising prisons the means to improve openly and frankly existing conditions?

The practical plan would seem to be a combination of these two schemes. We can immediately begin the construction of a few Federal jails in the larger centers and if they prove to be economical and successful more can be built as the need arises. A progressive Government ought also to assist in raising the standards of the local jails by educating the county and municipal authorities as to how the Government expects its wards to be treated and by paying without stinting or bickering the fair and reasonable cost of the services rendered.

COMBINED JAILS AND PENITENTIARIES

We cannot afford to build either jails or penitentiaries in different parts of the country unless they can be made large enough to make them economical units to operate and maintain. It is better to transport the men considerable distances if by so doing it saves money in the long run. However, if the sentence is short the proportionate cost of transportation is larger. As we have seen nearly one-fourth of the men now sentenced to the penitentiary are serving sentences of a year and a day. If we have to send a man from Los Angeles to Leavenworth it costs the Government about $200 in transportation while the cost of his subsistence and maintenance exclusive of transportation is about the same amount. If he is paroled in 4, 6, or 9 months his traveling expenses are greater than the cost of his maintenance. Obviously, if we can keep down transportation charges we can afford to spend more on maintenance. Any penologist would frown upon combining a jail and penitentiary if it could be avoided. But the exigencies are such that it may not be possible for the Federal Government to follow this policy in all cases.

With all of the foregoing facts as to jail conditions and the need for more penitentiaries before us why would it not be wise to build a combined jail and penitentiary in those sections of the country where a penitentiary is needed but where there will not be enough men of the penitentiary type to warrant the establishment of such an institution? It should be primarily a penitentiary but used secondarily as a jail or house of detention. The need for an institution of this character is most acute in the extreme western part of the country where distances to existing or projected penitentiaries are greatest.

If such an institution were established on the outskirts of Los Angeles, say, it would house an average of 125 men awaiting trial or serving short sentences, perhaps 100 men (60 percent of all commitments) from southern California serving sentences of less than 2 years, 120 men from northern California serving sentences of less than 2 years, a total average daily population of about 345. If El Paso were selected there would be 100 to 125 jail prisoners, 150 short-term men from west Texas, and 60 short-term men from southern Texas, a total of about 325 prisoners.

In view of the rapidly growing number of Federal prisoners in the southwestern section of the country it is only a matter of a few years when there will be enough prisoners in this section of the country to make it wise and economical to establish an institution for incarcerating the more desperate type of criminals. We can save money by starting a small institution immediately and use it at first as a combined prison and jail then gradually add to its size by utilizing prison labor for construction purposes. It can be made large enough to be used as an institution for the more desperate type of criminals in the western section of the United States, in the course of a few years.

It must be remembered that the establishment of a number of large penitentiaries of the traditional type is to be avoided because it would inevitably mean the scrapping of any functionalized scheme of correctional institutions. If the Federal Government has a number of small jails or institutions, short-term men can be held there permanently; those men with long terms can be sent there until they can be classified after which they may be transferred to a specialized institution—reformatory, narcotic hospital, juvenile institution, or other penitentiary.

A RATIONAL PROGRAM

Summarizing the foregoing it would appear that the Federal Government should plan to care for the expanding number of Federal offenders in the following order:

First of all a narcotic hospital should be authorized.

Secondly, but almost concurrently a combination jail and penitentiary should be established about the city of Los Angeles or El Paso which could be used also to house men committed to the penitentiary for terms of not more than 2 years from contiguous judicial districts.

Thirdly, an experimental jail should be established in the near future either at New York, Chicago, or Detroit.

In the course of the next 4 or 5 years a penitentiary should be started in the vicinity of Pittsburgh.

In the more distant future more jails can be built if they prove successful and economical. Another narcotic hospital on the eastern slope of the Rockies can be authorized, and eventually, perhaps, an institution for juveniles and one for women can be built in the Far West.

The cost of such a program would be within reason: A narcotic hospital to house from 1,500 to 2,000 inmates would cost about $4½ million; the combination jail and penitentiary to house 400 to 450 inmates would cost about a million and a half; a Federal jail for New York or Chicago would cost perhaps a million dollars more; a total of $7 million. Appropriations for these institutions could be spread over a period of at least 5 or 6 years.

A penitentiary of the traditional type to house from 1,200 to 1,500 men would cost in the neighborhood of $3½ million. It would require from 5 to 8 years to build it with prison labor.

It is not unreasonable to ask the Federal authorities to spend a million dollars a year more on penal and correctional institutions for the next 10 or 11 years.

CONCLUSION

The need for a coordinated system of Federal correctional institutions to overcome congestion, to rationalize the treatment of Federal offenders, and to relieve the States and cities of the burden of caring for persons foreign to their laws is imperative. In this ever-ramifying and perplexing problem the Federal Government requires first of all a plan—a correctional policy—broad, humane, and farsighted. It is hoped that the foregoing limping and halting discussion will be of some help in understanding the problem, afford a basis for crystallizing thought and cause at least some few to devote passing attention to the human scrap heap.

This report does not, however, purport to cover all of the problems involved in the treatment of malefactors. It has not touched upon the many vital questions connected with the employment of convicts or training them to be useful citizens; on the principles underlying parole and probation, or on some of the theories recently advanced for stimulating and upbuilding the character of those who transgress our laws. The employment problem has already been presented in another report. A discussion of the other subjects would lead too far afield.

None of the foregoing is intended to be either directly, or by inference, a criticism of those hard-working and conscientious officials who have struggled in the face of great odds, to improve a system which they had little part in framing, and which has gradually become more aggravating by force of circumstances and because of public ignorance and lassitude. They can no more be held responsible for conditions than can the enforcement agencies be held to answer for the criminal tendencies of the population.

Respectfully submitted.

J. V. BENNETT.

MARCH 15, 1928.

JIM BENNETT

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. WILLIS] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WILLIS. Mr. Speaker, I certainly agree with everything that my distinguished colleague, the chairman of the Committee on the Judiciary, had to say about Jim Bennett. Our Subcommittee No. 3 has the responsibility for considering basic legislation affecting the Prison Bureau, and over the years we have learned to know Jim Bennett as a close and valued friend. The entire subcommittee has the greatest respect for his ability, his integrity, and his profound dedication to the common good of the country.

My distinguished colleague has already covered Jim Bennett's career in some detail, but I would like especially to add a few observations. One of the most important pieces of legislation on which Jim and I worked together was the omnibus sentencing bill that was enacted in 1958. That bill made nearly all Federal offenders eligible for indeterminate sentencing, it provided for diagnostic commitments to help judges in determining what the sentences should be, it extended the Federal Youth Corrections Act to young men in their early twenties, and it authorized the Parole Board to release from supervision those parolees who have been doing very well in the community for some time and still have a substantial part of their sentence left. The bill also directed the Federal judiciary to hold frequent seminars and institutes for the purpose of working out standards and a basic philosophy of sentencing that would eliminate the startling disparities described to our subcommittee during the hearings.

The measure grew out of a number of separate bills, and Jim Bennett personally helped me to refine the various proposals and put them together into a unified package. I know that he also nursed the measure through the Senate. The Celler-Hennings Act of 1964 is a landmark in Federal criminal justice, and my own inquiries indicate that it has more than fulfilled its promise.

The judges are very commonly using the new indeterminate sentencing procedures and they send defendants by the hundreds to Federal institutions for diagnoses and sentencing recommendations. The Federal judiciary, too, has been holding frequent sentencing institutes, and has made substantial progress toward the goals outlined in the legislation. I attended the first such institute at Boulder, Colo., in 1958, and I was deeply impressed by the sincerity and determination with which the judges approached the task of making justice more perfect. Jim Bennett was there, as he has been at all the subsequent sentencing institutes. In fact, not only were the sentencing institutes in large part his own creation, he has personally seen to it that the legislation has been carried out as intended. He has thrown all the resources of the Bureau of Prisons into making them effective instruments for improving criminal justice.

In connection with my responsibilities as chairman of the Judiciary Committee's Subcommittee No. 3, I have also visited a number of institutions of the Federal prison system from time to time. I think they are operated along highly professional standards. They are not at all the grim, repressive places that so many people generally conceive prisons to be. The treatment of the inmates is humane but the discipline is firm. They are fed well and receive excellent medical services. Everything possible is done to improve their educational and vocational qualifications and to make them better citizens. Sometimes these efforts fail, but according to recent studies more often they succeed.

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During most of the 19th century the Government's board bill was low. Federal criminal statutes outlawed counterfeiting, piracy, and other felonies committed on the high seas but little else. Congress had not yet begun to exercise the jurisdiction inherent in its powers for regulating interstate commerce and enforcing Federal tax statutes. Crime was considered essentially a State and local problem.

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Other measures were taken toward the goal of a professional correctional service. Guards were relieved of their clubs in 1938. Many protested they were without personal protection. The clubs were never missed, however, and the relationship between staff and inmate was put on a sounder basis. The authorized the Parole Board to release from supervision those parolees who have been doing very well in the community for some time and still have a substantial part of their sentence left. The bill also directed the Federal judiciary to hold frequent seminars and institutes for the purpose of working out standards and a basic philosophy of sentencing that would eliminate the startling disparities described to our subcommittee during the hearings.

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DEVELOPING A CAREER SERVICE

The Bureau of Prisons recognized from the outset that achieving high standards in correctional work would require training its custodial personnel and developing a career service. Initially a training school for prison officers was opened at Federal Detention Headquarters in New York City. This program and later courses for institution employees covered rudiments of criminology and penology. They included physical training, firearms practice, and instruction in controlling disorderly individuals and groups. The New York training program was continued only a brief time. The Bureau then established five regional centers in which new employees received basic training. These were operated at major institutions in each area of the country.

Other measures were taken toward the goal of a professional correctional service. Guards were relieved of their clubs in 1938. Many protested they were without personal protection. The clubs were never missed, however, and the relationship between staff and inmate was put on a sounder basis. The old blue uniforms with silver buttons, purchased out of the employee's salary, were replaced with gray suits furnished by the Government. Higher standards for training and performance justified replacing the title "guard" with "correctional officer." In 1937 the Federal prison employees were placed under civil service jurisdiction. They became entitled to the days off, annual leave, and other benefits long enjoyed by other Government workers.

After World War II the Bureau undertook large-scale recruiting and developed an intensified training program for new employees. Basic training, at each institution, followed a Bureau plan. Trainees spent 1 week in the classroom and 3 weeks in on-the-job training, interspersed with firearm and physical training. A continuous inservice training program was devised to keep experienced employees abreast of changes in programs, policies, and procedures. Selected employees were offered advanced training.

In later years personnel training started when the new employee entered on duty and continue until he retired. Basic and quarterly training programs were reorganized to reflect developing correctional technology. Conferences of specialized personnel were planned. Supervisory training emphasizing human relations was initiated. With many top executives reaching retirement eligibility, the Bureau established a program to develop future executives.

Other measures helped mold a career service. The FBI screened new employees. Congress enacted a law making most Federal prison employees eligible for retirement after they had worked 20 years and had reached 50 years of age. With employees producing a higher level of performance virtually all positions could be upgraded. Conversion of large numbers of mechanical, culinary, and farm personnel to the wage board pay system brought them higher pay than their former classified salaries.

By 1960 the Bureau had become an organization of more than 5,000 highly trained employees.

NEW CRIMINAL STATUTES

The development of Federal criminal law had a profound influence on the Federal prison system. In 1910 Congress enacted the White Slave Traffic Act, and in 1914 the Harrison Narcotic Act. The Volstead Act of 1918 flooded the Federal courts and prisons with liquor law offenders for the next 15 years. The National Motor Vehicle Theft Act of 1919 eventually contributed the largest category of offenders confined in Federal institutions. Congress produced a number of criminal statutes in 1934, including the Fugitive Felon Act, the National Firearms Act, and the National Stolen Property Act.

In 1935 Congress passed the first mandatory sentence statute; it established a fixed 25-year sentence for defendants convicted of armed postal robbery. The Bank Robbery Act was broadened to include burglary and larceny. During World War II, the Selective Service Act contributed over 11,000 offenders, and military courts thousands more, to Federal institutions.

In 1951 Congress passed the Boggs Act; it provided mandatory minimum penalties and prohibited probation for certain violations of the narcotics laws. The Narcotics Control Act, passed 5 years later, made penalties more severe and denied narcotics offenders parole. Prisoners were committed with sentences ranging from 10 to 80 years with no eligibility for parole. They soon composed the second largest category in the Federal prison population.

Growth in prison population

The new Federal criminal statutes increased Federal prison population. Volstead Act commitments reached a peak in 1930. At that time there were 12,000 inmates in Federal institutions. By 1940 there were more than 18,500. Population decreased over the next 10 years but with the fifties began a growth that has continued. On June 30, 1960, Federal institutions held 23,228 prisoners.

The character of the prison population changed during the Bureau of Prisons' first 30 years. At first the Bureau dealt largely with the relatively stable liquor law violators. But by the 1950's the population had become more unstable, with large numbers of auto thieves, narcotics violators, military offenders, forgers, and bank robbers.

The new laws brought a younger population. Liquor law violators of the 1930's were largely mature men. During the war period the average age dropped to the early thirties. In the next decade it dropped below 30—one-third of all prisoners were less than 25 years old. Sentence length, however, had increased. Averaging less than 24 months in 1930, it exceeded 33 months by 1960.

More new institutions

Construction of new institutions rarely keeps up with actual needs. During the late thirties, the administration, aware of the system's overcrowding problem, included funds for new institutions in an omnibus relief bill. By the end of 1940, seven correctional institutions and a penitentiary had been completed, and the National Training School for Boys in Washington, D.C., had been transferred to the Bureau. There was to be no further construction of new institutions for 20 years.

The Bureau had long envisioned an open institution. In June 1945, the U.S. Immigration Service returned the former women's institution at Seagoville, Tex., borrowed for the internment of aliens during the war. The Bureau tentatively filled the institution with old and physically handicapped prisoners, selective service violators, and military prisoners. These men were carefully selected for transfer to Seagoville from other institutions. But eventually most commitments came directly from the courts. When the escape rate remained low, the prison without walls was no longer an experiment.

For several years during the fifties the Bureau operated a jail system in Alaska; when the territory became a State, the Bureau gradually turned over the facilities to State administrators.

The rise in prison population reached critical proportions by the midfifties and it became apparent that more institutions were needed. In 1955 the Bureau regained the Terminal Island, Calif., institution that had been turned over to the Navy during World War II. In 1959 the Sandstone, Minn., institution reopened. At the same time the Army transferred to the Federal prison system the well-equipped institution at Lompoc, Calif. This had been built just after World War II, when the military service had many thousands of prisoners. By 1959 there were comparatively few general court-martial prisoners to be cared for in military installations.

Accumulation of prisoners presenting custody problems necessitated construction of a new maximum-security institution. The Bureau secured funds in 1959. Architects Hellmuth, Obata, and Kassabaum, working closely with the Bureau, developed the "pinwheel plan," a functional and attractive arrangement of facilities. The new institution was slated for completion in 1963.

By 1960 the Federal prison system fulfilled the congressional mandate for facilities to meet the needs of different types of offenders. The institutions ranged from maximum-custody Alcatraz and large penitentiaries at Atlanta and Leavenworth to minimum custody Seagoville and a number of honor farms and camps.

PRISON LIFE: NEW STYLE

The Bureau pioneered improving living conditions for prison inmates. A standard food ration providing each inmate an average 5 pounds of food daily and a varied menu replaced the old monotonous diet. Cafeterias replaced the traditional bucket system of feeding and the dining room silence rule was abolished. The eventual elimination of cafeteria lines permitted inmates to go to the dining room any time during meal hours. Four-man tables replace the long benches and tables, and inmates seated themselves where they wished. A balanced diet replaced the bread and water formerly given prisoners in punitive segregation.

The grim screens and barriers used for family visits were torn down. The visiting rooms were remodeled. They were equipped with informally arranged tables and chairs which encouraged more relaxed attitudes for the inmate and his family. Visiting regulations were eased and visits became longer. Inmates could eat lunch and attend church services with their visitors. Some institutions arranged outdoor visiting areas.

Recreational facilities were expanded. Cubicle dormitories were installed, designed to give limited privacy. Dormitories for farmworkers were built outside the main institutions. Prerelease units were established to give the soon-to-be released inmate a measure of freedom which would make the transition to community life less difficult. Haberdasheries, where inmates could select release clothing, were developed.

The relationship between officers and inmates became less one of mutual surveillance and suspicion. The officers had lost their nightsticks but found they could maintain discipline, even improve it, by substituting the principles of human relations they learned in training classes. The officer's role was no longer repressive. It became one of stimulating the inmate to use institutional opportunities for self-improvement. Research confirmed that the most effective rehabilitative influence in an institution was the correctional officer.

Inmates were no longer locked in their cells at dusk. The educational and recreational programs continued into the evening hours. Inmates could move freely between their housing units and these activities. Institutions were authorized to award inmates extra good-time allowances for constructive use of this new freedom toward rehabilitation.

Despite the increased freedom accorded prisoners throughout the system, the escape rate remained exceptionally low. Since 1937 more than 785,000 men and women have been committed to Federal prisons. Only eight of these have been successful in escaping and remaining at large or unaccounted for.

The Federal prisons between 1930 and 1960 experienced few major disorders. The most serious occurred at Alcatraz in May 1946. Seven inmates seized the weapons of a gun gallery officer. They took several guards hostage (eventually killing two) and gained control of their cellblock. After a 2-day gunfight in which several officers were wounded, the prisoners were brought under control. In the early 1950's there was a rebellion at the Chillicothe Reformatory, which was brought under control without any serious injury. In June 1959, when a group of psychotic prisoners at the Springfield Medical Center captured five officers and isolated themselves in a housing unit, officers moved into the unit to free the hostages and regain custody of the inmates.

Legislation enacted when the Bureau of Prisons was created placed responsibility for the medical and psychiatric treatment of Federal prisoners on the U.S. Public Health Service. Full-time medical officers were stationed at every major institution. Consultants were enlisted to aid these officers, and part-time medical services were contracted for the camps and small institutions. The guard attendants who once staffed prison hospitals were replaced by trained medical technical assistants.

Psychiatrists were difficult to recruit but enough were attracted by correctional work challenges to assign one each to a half dozen major institutions and several to the Springfield Medical Center. The psychiatrists and medical officers were represented on institution classification committees. They helped analyze the prisoner and develop an appropriate program of treatment.

CORRECTIONAL MEDICINE AND PSYCHIATRY

Corrections psychiatry became over the years increasingly important. In 1949 Congress authorized the courts to commit prisoners to Springfield for observation to determine mental competency. The bill also authorized the courts to commit certain incompetent defendants until such time as they were restored to competency. The Bureau was authorized to retain psychiatric prisoners who were considered too dangerous for release.

Under several later sentencing laws the courts began to commit juveniles, youths, and adults for presentence studies. It was apparent that the courts were particularly interested in determining the presence of any mental defects which may have contributed to the delinquent behavior of the defendants. And the courts recommended that a large proportion of the regular commitments be given psychiatric treatment.

The mental competency debate

Inevitably prison psychiatrists were caught up in the spreading "mental competency" debate. Most of the Federal courts still depended upon the old "right and wrong" McNaughton rule, which holds the defendant responsible for his actions if he knows the difference between right and wrong. The District of Columbia Circuit Court modified this concept with the Durham rule. The Durham rule stipulates that the defendant is not responsible for his illegal acts if he is mentally ill and his act is a product of his illness. In the Curran case, the third circuit declined to hold the defendant responsible if the jury concluded that mental illness deprived him of a substantial capacity to control his conduct. Other judges studied the definition of the American Law Institute which was influenced by the Durham rule but which excluded psychopathy from its definition of mental illness.

Need for new psychiatric hospital

The increasing demands for psychiatric services necessitated additional facilities. By 1960 the medical center at Springfield, originally intended for chronic medical cases and for prisoners needing highly specialized medical or surgical treatment, accommodated 600 psychiatric patients. But great numbers of mentally ill prisoners at other institutions awaited availability of space at Springfield.

The Bureau of Prisons began to plan the construction of a phychiatric hospital. The new hospital would provide the range of facilities required by a modern program for diagnosis and treatment of the mentally ill. The hospital would also be used for training professional personnel, and for research into problems of human behavior and treatment of mental disorders.

Medical research

The importance of medical research grew between 1930 and 1960. The first prisoners volunteered for a study of gonorrhea in 1934. Extensive research projects, however, were not attempted until the forties and fifties. Projects were set up at Seagoville and Atlanta to develop prevention techniques and treatment drugs for malaria. Scores of long-term military prisoners participated; for this cooperation many of them eventually received substantial cuts in their sentences.

Later projects examined the effects of industrial noise on hearing, the effects of hallucinogenic drugs, the development of vaccines against gas gangrene, tetanus, polio, and the common cold.

By 1960 there were still not enough psychiatrists or facilities to treat all the Federal prisoners with mental and emotional illness. Yet the quality of the medical services was at least equal to that available in most communities. Several of the institutional hospitals were accredited by the American Hospital Association Committee on Accreditation. The Federal courts, faced with sentencing offenders with serious medical conditions, were assured that commitment to a Federal prison would bring proper care.

FEDERAL PRISON INDUSTRIES, INC.

In 1934 the institution's industrial enterprises were reorganized as Federal Prison Industries, Inc., with James V. Bennett as the corporation's first Commissioner. The corporation operated as an integral part of the Bureau of Prisons and its board of directors included representatives of labor, agriculture, industry, the consuming public and the Department of Justice. The board's policies established a diversified range of industries, offering a practical approach to vocational training of Federal prisoners.

A cotton textile mill at Atlanta and a shoe factory at Leavenworth were in operation. Other factories were installed throughout the system: A garment factory at the Alderson Reformatory, brush factories at Alcatraz and Leavenworth, printshops at Atlanta and Leavenworth, and a modern machine, die, and toolshop at El Reno Reformatory. By World War II the corporation was running 21 industries and had an average of 3,421 inmates employed daily. Annual sales grossed $5½ million. It was financing vocational training programs in all Federal prisons.

Prison industries in wartime

The corporation expanded rapidly during the war. Shops and factories were converted and soon produced bomb fins, gun brushes, and other articles for national defense. As early as 1941 nearly 95 percent of the corporation's output went to Government agencies directly involved in the war and lend-lease programs. The workweek increased to 48 hours and inmates were paid overtime for all work over 40 hours. Many of the factories and shops went on double shifts; some operated around the clock. In 1942 the value of goods produced for the Armed Forces amounted to a 390-percent increase over total production for 1940, and by 1943 the corporation had 49 plants in full production.

But Federal Prison Industries did not neglect training and rehabilitating inmates. In 1940 the Airplane Mechanics School—perhaps the most successful and ambitious vocational training enterprise in the history of corrections—opened at the Chillicothe Reformatory. Airplane engines and airframes were secured from the Army Air Force. The demand for trained graduates from this school continued into the postwar years as the commercial airlines multiplied and expanded, and private companies and individuals purchased their own planes.

A placement director was appointed by the corporation to coordinate vocational training with outside industry needs, placing emphasis on fields where there was a shortage of skilled workers. A widespread need for welders established welding as a major vocational training activity throughout the prison system. The corporation hired employment placement officers for Atlanta and Chillicothe, and later for other institutions. These officers had immediate success in placing released inmates in jobs directly or indirectly related to their training and employment experience in the Federal institutions.

With shortages of raw materials and supplies, the sales of the corporation fell to $10 million in 1946. But in the same year it paid its first dividend, almost $5 million, to the U.S. Treasury. This was an amount equal to the value of all the property that had been turned over to the agency at the time of its incorporation.

Industrial expansion

Shortages soon eased and production regained its wartime rate. The vocational training program was expanded; it touched almost one-half of the Federal prisoner population. During the Korean war production increased over the World War II record.

Industries were installed in Army disciplinary barracks for the first time in the 1950's. New shops and factories were created in many of the Bureau's institutions to employ and train the increasing prisoner population. The corporation built new plants and warehouses. It entered the electronics and rubber industries. It set up office machine repair shops, furniture refinishing factories, and new garment industries.

By 1960 industries was employing 4,500 inmates and paying them average wages of $32 a month. It was spending nearly $800,000 a year for vocational training and $320,000 for inmate meritorious compensation. In 1960 it paid the Treasury a $3 million dividend—for a total of $43 million since World War II.

JAIL INSPECTION

In 1930 there were 12,000 Federal prisoners confined in local jails. The new Bureau wanted to make sure these jails met at least minimum standards of security, sanitation, and care. It organized a jail inspection program; the States were grouped into 6 districts, and 6 full-time inspectors began inspecting and evaluating more than 3,000 local institutions.

The inspectors condemned and refused approval of Federal contracts for more than two-thirds of the jails they saw. They reported deteriorated buildings, untrained and unqualified personnel, custodial laxities, poor food and sanitary conditions. But their strongest criticisms were of the infamous kangaroo courts. Many jailors, through apathy or lack of help, had relinquished control of the jails to more aggressive, often psychopathic, prisoners. Ringleaders of these star chamber tribunals ruled the other prisoners by terrorism and sometimes murder; robbed them of money, food, and clothing; and forced them into sexual submission.

Improving the jails

The Bureau set out to improve jail conditions generally. Jail administrators were provided with a list of minimum Federal requirements. Jail management information was sent to newly elected sheriffs. The inspectors pointed out deficiencies in individual jails and suggested corrective measures. At the same time the Bureau's central office focused public attention on the evils of the county jails.

The Bureau had no jurisdiction or authority over local jails. It could only advise, but the suggestions of its inspectors frequently brought improvements. Federal condemnation of a jail directed public attention to its deficiencies and public opinion forced the needed changes. In the late 1930's many communities, financially assisted by the Federal Government and technically advised by the Bureau, built new jails.

The jail inspection program gradually developed into informal technical assistance to States and municipalities who had correctional problems. In 1946 the Bureau set up an advanced planning unit. The unit planned further Bureau construction, aided local and State governments in planning institutions, and prepared a handbook on design and construction of institutions. States and municipalities used the unit extensively.

In one month, for example, the advanced planning staff served as consultants for seven jail projects. They helped a Latin American government plan a new jail. They helped a State design a new training school.

The Bureau investigated further reform in jail conditions. It developed an inservice correspondence course for jail personnel and published a manual of procedures for small jail operation. Inspectors held institutes for jailors in key cities in the Nation. These institutes covered all phases of jail management, and the control and treatment of prisoners. The Bureau inspectors began to carry projectors and sound equipment. They used motion pictures, slides, and recordings in on-the-spot programs at individual jails.

By 1960 the battle against the notorious kangaroo court was virtually won. This was a major achievement worth the decades of work by jail inspectors. Other jail conditions had also improved, but there were still haphazard methods of personnel selection, careless custodial security, and inmate idleness. The jail inspection service, encouraged by the progress, divided the Nation into smaller districts and trained additional inspectors for a renewed attack on substandard jail conditions.

The Bureau's assistance to the States, municipalities, and foreign nations became a major activity. The Director, Assistant Directors, and other Bureau personnel made extensive surveys of State correctional systems. Weekly, the Bureau responded to requests for assistance in design and construction of jails. Several Latin American countries asked advice on modernizing outdated penal systems. In 1960 the Director went to Thailand to make an intensive survey of its prison and crime problems.

SENTENCING

In carrying out sentences by the court the Bureau is concerned with the nature of the sentence. The length of sentence and possibilities of timing parole determine to a large extent whether or not a realistic rehabilitative program can be prescribed for the individual. Inmates present different types of problems; they respond to treatment differently. Their sentences must necessarily be flexible.

Flexibility in Federal sentencing procedures came about slowly. In 1910 Congress enacted a statute making Federal prisoners eligible for parole when they had served one-third of their sentence. In 1925 it passed an act enabling Federal judges to place convicted defendants on probation. But in later years with more professional correctional programs it became apparent that these steps were not enough.

Federal Juvenile Delinquency Act

Sentencing flexibility was first achieved for the juvenile offenders brought before Federal courts. The Bureau viewed treatment of the juvenile offenders as properly the responsibility of the States. As early as 1932 Congress enacted a statute authorizing U.S. attorneys to divert juveniles to local authorities when such action was in the public interest. But the procedure was rarely used.

In 1938 Congress passed the Federal Juvenile Delinquency Act. Persons under 18 charged with Federal offenses were extended the informal court procedures and indeterminate commitments long associated with State juvenile court systems.

Federal Youth Corrections Act

Equally significant legislation was the Federal Youth Corrections Act, the culmination of 10 years of effort by the Department of Justice and the Judicial Conference of the United States. This 1950 statute provided for the commitment of Federal offenders under the age of 22 to the custody of the Attorney General for a 6-year indeterminate term, or for as long as the maximum provided by law for the offense. The youth sentenced under this procedure could be paroled at any time but not later than 2 years before expiration of his sentence. If he made a particularly good parole adjustment, the board of parole could discharge him from supervision and set aside his conviction.

The act was a milestone in Federal sentencing. It envisioned intensive programs of diagnosis and treatment and imposed new responsibilities on the Bureau of Prisons. The law was implemented in 1954; a youth division in the U.S. Board of Parole was established and the institution at Ashland, Ky., was designated to accept commitments from courts east of the Mississippi.

The institution, originally a correctional institution for short-term adult offenders (mostly liquor law violators) was completely reorganized to provide diagnosis, treatment, and training of young men. The education and vocational training programs were expanded, recreational facilities enlarged, and additional psychiatric and psychological personnel were provided.

Similar adaptations were made in 1956 at the Englewood, Colo., institution for youth offenders from west of the Mississippi. Commitments under the act rose rapidly. In 1958 the camp at Tucson, Ariz., was emptied of immigration violators and converted to the treatment of selected young men from other institutions.

The Celler-Hennings Act

Congress gathered extensive data and testimony concerning the rigidities and disparities which still characterized Federal sentencing procedures. During a 5-year study, they learned the proportion of defendants placed on probation varied widely among the Federal courts: in western Tennessee only 15.7 percent of all convicted defendants received probation, but in eastern South Carolina probation was as high as 64.5 percent. The average prison terms of offenders varied from 11.7 months in northern New York to 52 months in southern Iowa. The sentences given to car theft defendants averaged 12 months in New Hampshire and 43.8 months in northern Oklahoma. An experienced check forger received a term of 6 months in one midwestern court, but a first offender in another midwestern court was given a term of 18 years.

Concerned about such disparities, Congress, in 1958, passed an indeterminate sentencing law for adult offenders. At the same time it extended the Youth Act to include offenders up to the age of 25. The new adult offender law provided that the judge could set the date of a prisoner's parole eligibility at any time up to one-third of the imposed term, or he could leave the matter to the discretion of the parole board.

If the judge sought more information upon which to base sentence, he could commit the defendant to the Bureau of Prisons for 3 to 6 months of diagnosis and observation, though technically for the maximum term provided by law. At the end of this period the Director would specifically recommend to the court the nature of the sentence the Bureau thought should be imposed. On the basis of the Director's report the judge could reaffirm the original sentence, reduce it or impose sentence under other provisions of law, including probation.

The first defendant was committed under this statute in October 1958. By the end of 1960 referrals were being made at a rate of 30 to 35 a month. Most of these offenders presented problems necessitating close study by institution staff. They prepared an evaluation which in turn was analyzed by the Bureau staff and forwarded to the court with the Director's recommendations. These reports were favorably received by the courts; they adopted the Director's recommended dispositions in 80 percent of the cases.

Sentencing institutes

Congress prefaced the new law with a directive: The judges in each circuit would meet periodically in sentencing institutes and seminars to develop a consensus of guiding principles for consistent and effective sentencing.

The Bureau worked closely with the courts. A national pilot institute on sentencing was conducted at Boulder, Colo., in 1959; thereafter the Federal circuits held seminars of their own. The Bureau participated in the meetings. It acquainted the courts with the resources and limitations of Federal institutions, presented examples and effects of inconsistent sentences, and suggested criteria for applying sentencing alternatives now available to the courts. The Bureau helped the judges develop the case history technique, a method of identifying the issues causing disparities. The Bureau contributed the statistical data and other resource materials required for the seminars. The new sentencing procedures resulted in close cooperation between the courts and the Federal prison system.

RESEARCH

When James V. Bennett became Director of the Bureau of Prisons in 1937 he set forth as one of his objectives "a greater amount of scientific research on the causes of crime and how most effectively to bring to bear upon those who violate the law constructive ways of bringing about their rehabilitation." But lack of funds restricted the Bureau's research activity for several years. Finally, in the late 1950's a research unit was established in the Bureau's Division of Inmate Training and Treatment.

Under the guidance of the new unit research committees were organized in the central office and in the institutions. Plans were coordinated to study problems of special significance to prison management. Population trends were forecast for future years. Timing and circumstances of escapes and methods used by escapees were examined, and data were secured to develop preventive measures. Treatment programs received close scrutiny. Even procedures for issuing prisoner clothing received attention.

In 1958 the Ford Foundation granted $250,000 to the University of Illinois for a 4-year study of prisoners released from Federal institutions. The Bureau's research unit with the university's sociology staff worked out the detailed design of a project intended to identify and evaluate the factors accounting for the success or failure of ex-prisoners in the community. This information would then be used to design prison programs more precisely for the task of stimulating behavior changes in offenders.

The research unit assisted the Bureau's psychiatric and construction personnel in developing the concept of a new psychiatric hospital for Federal prisoners. At this hospital, major research into the problems of human behavior and the relationship between mental disorder and crime could be undertaken. The unit gathered data which led to demonstration projects in streamlining classification procedures and refining diagnostic techniques. A research design was drafted for other demonstration projects which would experiment with group counseling and educational methods in changing negative attitudes of delinquents. The unit helped crystallize such concepts as institutional treatment teams and prerelease guidance centers.

Research activity was expected to grow in the decade following 1960. The Bureau of Prison's institutions were virtually unused laboratories for investigating antisocial behavior, and for evaluating treatment methods. Soaring crime rates indicated the need for systematically organized information in delinquency prevention and correction.

FUTURE GROWTH

As the rest of America grew and changed in the three decades following 1930 so did the Bureau of Prisons. Prisoner population doubled and the number of institutions multiplied by 5. The correctional program expanded in scope and complexity, demanding the services of skilled and professional personnel.

Today the treatment of the offender begins with a prompt diagnostic evaluation. Emphasis shifts as he responds to treatment; it extends into the community with his release. Custody, once dependent on guns, bars, and walls, now relies on a corps of highly trained correctional officers directed by experienced career executives. The regimented, repressive discipline that formerly characterized the prison has been replaced by an institutional philosophy conducive to the development of the self-discipline essential to rehabilitation.

Institution programs have become increasingly technical. Individual counseling and group therapy hasten rehabilitation. Education programs offer courses from the first grade to college level. Training in dozens of trades is available for the unskilled. Modern machinery and quality control methods have been installed in the industrial program.

Where the Federal prisons had each been virtually autonomous before 1930, now they receive professional supervision. Teams of inspectors carefully examine their operations. The institutional decisions that had been left entirely to the warden are now made with the assistance of institutional planning committees who coordinate operations.

The prison dilemma

But correctional development is still impeded by a society which has not decided what it expects of prisons. Because the purpose of a prison is uncertain, its administration remains a series of compromises. Some citizens want the prison to punish committed men. Others want the prison to reform them. To remove the prison system from this dilemma the public must understand that the focus of prison administration must be on the individual and that the primary justification for a prison is correction.

The prison, it is sometimes charged, is a failure. Those who make this charge point to recidivism rates and to the crimes committed by ex-prisoners. This criticism fails to recognize that too often the offender was irreparably damaged by the social pathologies of the community before he ever got to prison. It fails to recognize that too many essentially noncriminalistic persons—whose problems are primarily alcoholism, mental illness, physical disability, drug addiction, or senility—are still being sent to prison. The solution of such problems requires specialized agencies within the community; the prison cannot be expected to reclaim all the products of the community's strains and conflicts.

Predictions

It is difficult to anticipate the future problems and needs of the Federal prison system. Many factors shape growth and development. Federal crime jurisdiction and law-enforcement policies will undoubtedly change. Trends will shift in the use of alternatives to imprisonment, probation, and parole. The national economy may undergo serious dislocations. The accumulation of research data may redirect correctional work in ways which cannot be predicted. The use of new sentencing procedures will make greater demands on professional resources. Continued growth in the prisoner population is expected, possibly accompanied by overcrowded conditions.

Nevertheless, the correctional philosophy expressed in the legislation establishing the Bureau of Prisons will continue to form the basis of its policies and programs—a system of individual discipline, care, and treatment of persons committed by the courts. This ideal has proven sound in the 30-year history of the Bureau of Prisons, and will remain an inspiration in the future.

JIM BENNETT

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the gentleman from Washington [Mr. TOLLEFSON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, I am pleased that my distinguished colleagues have chosen to take note today of the forthcoming retirement of my old friend Jim Bennett, Director of the Federal Prison Bureau. Few persons have served our Nation as long and few persons have served it as well. We owe him much, and we certainly owe him a gesture of appreciation for the 45 years he has served in Government and for the 27 years he has headed the prison system.

I have personally participated in the rehabilitation program of the Federal system, and I know the dedicated character of the Federal prison personnel. From time to time I have visited the U.S. Penitentiary at McNeil Island, Washington, in connection with the inmates' self-improvement group. Many other citizens in the surrounding communities, including U.S. District Judge George H. Boldt, of Tacoma, lend their support to this group that the inmates term SIG. The purpose of SIG is to inspire and stimulate the inmates to make the best possible use of their time at McNeil Island so that they may come out better prepared and trained to take their places in orderly society. I am happy to be a part of that program.

Now nearing completion at McNeil Island, incidentally, is a new chapel that Jim and I planned together. It is imaginatively designed and when it is opened for use by inmates of all faiths it will have a tremendously uplifting effect in their rehabilitation. In order that the taxpayers will obtain maximum use from the funds appropriated for the chapel, a substantial part of the construction work is being done by the inmate themselves. In this way it contributes in yet another way to their rehabilitation.

I know from my own observations at McNeil Island and my own participation in the program that Jim Bennett has built a correctional organization that must be without peer in the world. When he retires in a few days he can be sure that he has carried out his stewardship of the Federal prison system energetically and conscientiously. His successor will have a solid and enduring foundation upon which further to build.

Aside from his many contributions to the welfare of our Nation, Jim is himself a man with many fine qualities. He is a humanitarian who wastes little time lamenting the plight of the unfortunates of our society, but does all that he can to help them, including digging deeply and regularly into his own pocket. I am sure that when Jim retires, he will not take his well-earned leisure but will instead lend his considerable energies and his considerable talents to the continued improvement of our society. I wish to express my own profound appreciation for his innumerable contributions and to wish him all possible success in the many new projects that I am sure he will undertake.

RADIATION PROTECTION GUIDES

Mr. LIBONATI. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. PRICE] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Speaker, 1 year ago, in August 1963, the Joint Committee on Atomic Energy completed comprehensive public hearings on fallout, radiation standards, and countermeasures. These hearings were held by the Joint Committee's Subcommittee on Research, Development, and Radiation of which I am chairman.

At that time we received information concerning fallout radiation levels present and to be expected resulting from all nuclear weapons tests conducted through 1962. We found that there were no radiation protection guides established for fallout radiation and none had been recommended. The Federal Radiation Council had previously stated that the general radiation protection guides established by the Council were not applicable to fallout radiation. I urged the Chairman of the FRC, who appeared before our subcommittee in June of 1963, to organize the work of the Council and its staff so that appropriate guides for fallout could be established within the year. I was assured that this could and would be done.

Today the White House announced the President's approval of "Protective Action Guides" applicable to fallout radiation recently recommended by the Federal Radiation Council. In addition, the Federal Radiation Council has released its Report No. 5 entitled "Background Material for the Development of Radiation Protection Standards, July 1964."

The recommendations of the Council are contained in a memorandum for the President dated July 16, 1964. These recommendations were approved on July 31, 1964, by President Johnson.

The Council in its memorandum and in its staff report develops the concept of a protective action guide. In principle, projected radiation doses to individuals or to the general population are calculated based upon the conditions of a radioactive release—whether it be fallout material, fission products from a nuclear reactor accident or radioactive material inadvertently released in a waste handling accident. If the projected dose exceeds the level specified in the guides, protective action is indicated. The action might take the form of modification of normal methods of processing and distributing food, withholding effected food from the market, or diverting food supplies for other than intended use.

The Council has evaluated and made recommendations which were approved concerning protection action guides for iodine 131, a relatively short-lived fallout isotope. It is encouraging to me that this progress has been achieved by a body such as the FRC technically competent to judge these matters. I, myself, will not speak to the wisdom of the numbers selected or the specifics of the guidelines recommended for use. I do, however, expect that in the normal course of events, the Joint Committee will receive information from the Federal agencies concerned, the scientific community, and members of the general public expressing their opinions on these guides.

At an appropriate time, I intend to schedule hearings in order that the executive branch can present testimony providing a background for a complete understanding of the guides and the justification for their selection.

I should point out that at this time only guides for iodine 131 have been recommended and approved. It is my understanding that work on the evaluation of strontium 89, strontium 90, and cesium 137 is continuing and it is the Council's expectation that recommendations for these nuclides will be ready in some 3 to 6 months.

The nuclides just mentioned are extremely important since they are the long-lived constituents of fallout material. In addition, they are components of the waste material which results from the operation of nuclear reactors. I am, of course, disappointed that the Council was not able to make recommendations on all of the important isotopes at this time.

Mr. Speaker, I realize that with the advent of the nuclear test ban treaty, the question of protection guides for fallout to some may seem to be a subject of little interest. It is my personal conviction that it is important to develop such guides now so that they can be promulgated and understood by those who may exercise final judgments in these matters when and if it becomes necessary to do so. I refer here, of course, to officials at the State, county, and local levels who may be involved in a future situation where the use of such guides would be appropriate.

I believe that the members of the Federal Radiation Council and its staff should be congratulated for the work that has been done during the past year on this very difficult problem. I urge them to continue to pursue the work that lies ahead. I shall look forward to receipt by the first of next year of approved guides for the long-lived constituents of fission products. At that time there will be an opportunity to evaluate the appropriateness of the concept which has been developed and the definitive numbers which have been selected.

I shall be interested in reviewing in detail the memorandum for the President and the background material in the staff report. I do not propose at this time to evaluate this work of the Council. When the completed job has been furnished to the Congress, I plan to hold hearings and receive testimony from interested parties in order to form the basis for a judgment concerning the excellence of the guides and their usefulness in practical situations.

At this point I would like to insert into the RECORD a copy of the memorandum for the President from the Chairman of the Federal Radiation Council dated July 16, 1964, which was released today by the President, entitled, "Radiation Protection Guidance for Federal Agencies."

The memorandum follows:

FEDERAL RADIATION COUNCIL,
Washington, D.C. July 16, 1964.

Memorandum for the President.

Subject: Radiation protection guidance for Federal agencies.

Pursuant to Executive Order No. 10831 and Public Law 86–373, the Federal Radiation Council is transmitting recommendations for the approval of the President for guidance of Federal agencies in their radiation protection activities. The present recommendations are directed to guidance for protective actions affecting the normal production, processing, distribution, and use of food products for human consumption. Specific guidance is provided for iodine 131. It is the intention of the Council to release the background material leading to these recommendations as Staff Report No. 5 when the recommendations herein are approved.

BACKGROUND

The first two memorandums which provided guidance for Federal agencies in the conduct of their radiation protection activities were approved by the President on May 13, 1960, and September 20, 1961. These provided a general philosophy of radiation protection and general principles of control based on the annual intake of radionuclides. The recommendations contained therein provided the basis for the control and regulation of normal peacetime operations in which exposure to radiation is a factor. Numerical values were provided for the radiation protection guides designed to limit the exposures of the whole body and of certain organs resulting from normal peacetime operations.

During the period of atmospheric testing of nuclear weapons in 1961 and 1962 the question arose as to the use of these radiation protection guides for determining the conditions under which the production, processing, distribution, and use of food, particularly fresh fluid milk, should be altered to reduce human intake of radionuclides from fallout.

In September 1962 the Federal Radiation Council stated its position on this subject, and in 1963 the Council reiterated that existing guides were not applicable to a determination of a need for protective actions and noted that it would recommend guidance on the subject to the President.

CONCEPT OF PROTECTIVE ACTION GUIDE

In previous reports the Federal Radiation Council has recommended a philosophy of radiation protection and discussed alternative approaches to the derivation of basic guidance for radiation protection. It has pointed out that decisions concerned with radiation protection involve a balance between the possible health risks associated with radiation exposure and the reasons for accepting the exposure. The Council adopted the term "radiation protection guide" to express the balance between the benefits from normal peacetime operations and the health risks associated with those exposures. The radionuclide releases causing these exposures are generally controlled at the source.

Radiation protection guidance for protective actions applicable to ingestion of food contaminated with radioactive material requires a different balance. Here, the Council is concerned with a balance between the risk of radiation exposure and the impact on public well-being associated with alterations of the normal production, processing, distribution, and use of food.

For this purpose, the Council has adopted the term "protective action guide" (PAG), defined as the projected absorbed dose to individuals in the general population which warrants protective action following a contaminating event. The projected dose is the dose that would be received in the future by individuals in the population group from the contaminating event if no protective action were taken. If the projected dose exceeds the PAG, protective action is indicated. According to the operational technique adopted in the memorandum for the President, May 1960, the corresponding average projected dose to a suitable sample of the exposed population would be one-third of the PAG.

A protective action is an action or measure taken to avoid most of the exposure to radiation that would occur from future ingestion of foods contaminated with radioactive materials. Such actions are apppropriate when the health benefits associated with the reduction in exposure to be achieved are sufficient to offset the undesirable features of the protective actions. The PAG represents the Council's judgment as to where this balance should be for the conditions considered most likely to occur. If, in a particular situation, there is available an effective action with low total impact, initiation of such action at a projected dose lower than the PAG may be justifiable. If only very high impact action would be effective, imitation of such action at a projected dose higher than the PAG may be justifiable.

A basic assumption in the development of the guidance in this memorandum is that a condition requiring protective action is unusual and should not be expected to occur frequently. In any event, the numerical values selected for the protective action guides are not intended to authorize deliberate releases expected to result in absorbed doses of these magnitudes.

The types of actions to which application of the protective action guides may be related are:

1. Altering production, processing, or distribution practices affecting the movement of radioactive contamination through the food chain and into the human body. This action includes storage of food supplies and animal feeds to allow for radioactive decay.
2. Diverting affected products to uses other than human consumption.
3. Condemning affected foods.

Measures that require an alteration of the normal diet are generally less desirable than those listed and should not be undertaken except on the advice of competent medical authorities.

RADIONUCLIDES CONSIDERED

Four radionuclides are of particular importance in considering radioactive contamination of food. These are iodine 131, strontium 89, strontium 90, and cesium 137. This memorandum will deal only with iodine 131.

In contrast to the other fission nuclides, the relatively high yield of iodine 130 and the short radioactive half life (8 days) of iodine 131 make it the radionuclide most likely to reach concentrations justifying protective actions. This is especially true if the deposition occurs within a few days after the fission event. Protective action against iodine 131 must be taken promptly in order to be effective.

Physical and biological factors related to iodine 131 have been considered in FRC Report Nos. 1 and 2. As in FRC Report No. 2, it is assumed that children 1 year of age, with a thyroid weight of 2 grams and 30 percent uptake of iodine 131, are the critical segment of the population.

PROTECTIVE ACTIONS AGAINST IODINE 131

The Council has evaluated the kinds of protective actions available for use against iodine 131, the health benefit that may result by averting a radiation dose larger than the protective action guide, and the probable impact of taking the actions. Of various actions that might be effective in averting the major part of the potential exposure, two appear to provide the most acceptable combinations of maximum effectiveness and minimum undesirable consequences. One of these is the diversion of fresh milk to provide unaffected milk in the contaminated area and to use the affected milk in the production of dairy products that may be conveniently stored until the iodine 131 has effectively decayed, a matter of a few weeks. The other is the substitution of stored feed for pasturage, until most of the iodine 131 has decayed.

RECOMMENDATIONS

In view of the considerations summarized, the following recommendations are made.

It is recommended that:

1. The term "protective action guide" (PAG) be adopted for Federal use.

The protective action guide is defined as the projected absorbed dose to individuals in the general population which warrants protective action following a contaminating event. The projected dose is the dose that would be received in the future by individuals in the population group from the contaminating event if no protective action is taken.

It is recommended that:

2. The protective action guide for iodine 131 be 30 rads to the thyroid.

If the projected dose exceeds the protective action guide, protective action is indicated.

According to the operational technique adopted in the memorandum for the President, May 1960, the corresponding average projected dose to the thyroids of a suitable sample of the exposed population group would be 10 rads.

It is recommended that:

3. The guidance contained herein be approved for the use of Federal agencies in the conduct of those radiation protection activities affecting the normal production, processing, distribution, and use of food and agricultural products.

ANTHONY J. CELEBREZZE,
Chairman.

(The recommendations numbered "1" through "3" contained in the above memorandum are approved for the guidance of Federal agencies, and the memorandum shall be published in the Federal Register.)

LYNDON B. JOHNSON.

Date: July 31, 1964.

PRESS COVERAGE OF RACE DISTURBANCES IN COOK COUNTY, ILL., UNFAIR TO CHICAGO

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The **SPEAKER.** Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, yesterday the Washington Post featured a three column story on its front page which stated, "Police and Negroes Exchange Shots After Chicago Store Is Set Afire." The New York Herald Tribune carried a similar head in its editions, and the newscasters on the National Broadcasting Co.'s morning news program "Today" also gave the impression that the clash between police and Negroes which occurred several miles from Chicago on Sunday night actually occurred in the city of Chicago.

I believe that the law-respecting citizens of Chicago have a right to strongly protest these unprovoked attacks on the good name of their city.

It would be my hope that the gentlemen of the press would take the time to draw the distinction between the suburbs of Chicago and the corporate limits of Chicago itself.

It so happens that Chicago is the largest corporate community of a five-county area, starting on the shores of Lake Michigan and spreading north, west, and south, which is commonly referred to as Metropolitan Chicago or, in some circles, as Chicagoland.

The racial disturbance of Sunday night actually occurred in the village of Dixmoor, which is a suburb several miles south of the city limits of Chicago in Cook County.

No Chicago police were involved in Sunday's rioting in Dixmoor. The entire affair was handled by Dixmoor police, State police, and the county police.

I raise my objection to this rather careless reporting simply because this is a repetition of the same kind of reporting we see regarding a wave of bombings in Illinois.

While it is true that some 72 bombings and arson have occurred in recent months, with the exception of, I believe, 8 of them, all of these bombings and arson occurred outside of Chicago. Yet, to read press accounts, one could not be surprised that the readers of the Nation think that these bombings occurred in the city of Chicago itself.

I think it is only fair to point out that the bombings which occurred within the corporate limits of Chicago were of a relatively minor nature, quite amateurish, and generally believed to be the work of some crank or malcontent. The really vicious bombings which have created damage running in some instances into hundreds of thousands of dollars have occurred in areas substantially removed from Chicago.

No one can condone the race riots which occurred in Dixmoor. But for the press to say they occurred in the city of Chicago is to create a great injustice to the people, the police, the public officials, the religious leaders, and all other citizens of Chicago who have been working so diligently to prevent the type of hoodlumism that has marked rioting in New York, New Jersey, the Southern States, and other parts of the country.

Chicago has been working on various programs to keep racial tensions to a minimum.

Mayor Richard J. Daley, who undoubtedly is today the most competent municipal administrator in the world, foresaw these clouds of dissension more than 10 years ago, and way back then began charting a course to keep racial tensions in Chicago to a minimum.

Mayor Daley's commission on human relations has worked literally around the clock with the Mayor and religious leaders of all denominations to keep racial unrest in Chicago to a minimum.

Mayor Daley today leads the whole Nation in developing antipoverty programs to take restless youth, looking for trouble, off the street corners and put them into productive experiences.

All the moral and civic forces of Chicago have been marshaled in order to remove the sources of racial unrest.

Those of us who have watched this entire massive effort to spare Chicago the tragedies of other cities quite properly voice indignation when we see a responsible newspaper like the Washington Post malign the efforts of an entire city with a carelessly thought out head on a story.

In fairness to the Associated Press, whose story the Post carried with a Chicago dateline, it should be noted that the Associated Press did in fact point out that the rioting occurred in the suburb of Dixmoor. It was the headline over the story that was incorrect.

I invite responsible editors of this country to examine the magnitude of the effort by Mayor Daley, the Chicago police force, and all the citizens of this great city to try at all costs to avoid a racial clash in this long and bitter summer of discontent.

This Nation is sitting on a human time bomb, and while we cannot say with any certainty that Chicago will be spared the tragedy of racial explosions, I do not believe that the responsible press of this country wants to prematurely indict the good name and the good record of Chicago's effort to keep racial disturbances to a minimum.

Mr. Speaker, I hope the press of this country will stop to consider, once in awhile, that the people of Chicago and those responsible for its administration have in the last two decades built a city which shines out as a beacon on the shores of Lake Michigan to the rest of the world as an example for responsible conduct both by Government and its citizens.

It has taken Chicago a long time to become the model city of the world. I hope that hereafter the press will spare this great city the blame for everything that happens in hundreds of suburbs which surround it in a metropolitan area of five counties having a population in excess of almost ten million people.

THE HONORABLE GEORGE F. SENNER, JR.

Mr. UDALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include a letter and two newspaper articles.

The **SPEAKER.** Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, a few months ago, a distinguished colleague, my fellow Arizonan, GEORGE F. SENNER, JR., was viciously attacked and accused of soliciting and receiving a bribe. Unfortunately, this preposterous charge received a great deal of publicity; too often, public officials serve as scapegoats for the unfounded accusations of twisted minds. The accusation was made in the course of attacks upon the Arizona Corporation Commission, on which the gentleman from Arizona [Mr. SENNER] served with distinction prior to his election to Congress; these attacks included impeachment proceedings in the Arizona Legislature against two present commissioners.

None of us who have had long association with the gentleman from Arizona, Congressman SENNER, gave these scurrilous charges any credence whatever. My colleague promptly filed a slander suit against his accuser, and though not compellable, he voluntarily appeared before the impeachment proceeding to testify and deny the irresponsible charge, which was made by a disgruntled water company owner, whose business had been subjected to investigation by the Arizona Corporation Commission because of manifold complaints by the customers of the accuser's company.

Not only did my colleague testify voluntarily, he submitted himself to a lie detector examination by one of the Nation's recognized experts in the use of the polygraph. This test completely vindicated my own faith and that of all responsible Arizonans in the integrity and honor of this distinguished public servant.

Now the accuser has abjectly admitted the falsity of the charge and judgment has been taken against him, by his own stipulation, in Maricopa Superior Court in Phoenix, Ariz.

That the world may know of this complete and unqualified vindication of my colleague, GEORGE F. SENNER, JR., of Arizona's Third District, Mr. Speaker, at this point, I enter into the RECORD the pertinent texts of news stories and documentary evidence which shows so graphically that truth has triumphed in this unhappy matter.

These include a letter from Mr. Kenneth W. Scarce, formerly of the Scientific Investigation Department of the Los Angeles Police Department and now polygraph examiner for the district attorney of Los Angeles County, and also news items from the Phoenix Arizona Republic dated July 21, 1964, and from the Phoenix (Ariz.) Gazette dated August 5, 1964.

The material follows:

HACIENDA HEIGHTS, CALIF.,
July 18, 1964.

Mr. GEORGE F. SENNER, JR.
Phoenix, Ariz.,

DEAR SIR: The following report on your polygraph examination taken July 16, 1964, Los Angeles, Calif., is hereby submitted.

A three-channel Stoelting Deceptograph was the instrument used for the examination.

During the pretest interview we discussed your work background prior to your assignment with the State corporation commission, your work background while employed by the State corporation commission, and your work background after leaving the corporation commission. We discussed the allegations made by Joe Adams regarding yourself, Eddie Williams, and Paul Daugherty. The $20,000, the $10,000, and the $5,000 bribe allegations were discussed. The alleged meeting at Harold's Club, the postponement of the approval of certificate transfer, the final approval, etc., were discussed. During this discussion you showed visible indications of anger at the mention of Joe Adams, so this discussion was continued until this examiner was unable to detect any visible signs of anger in connection with the name "Joe Adams."

The issues for the examination were as follows:

1. Did you, GEORGE SENNER, JR., solicit any bribe from Joe Adams?

2. Did Paul Daugherty give you, GEORGE SENNER, JR. any money collected from Adams as a bribe?

3. Did you, GEORGE SENNER, JR., receive any bribe money from Adams before you approved Adams' certificate for transfer?

4. After the Adams certificate for transfer was approved, from Adams did you, GEORGE SENNER JR., receive any bribe money?

You were then advised as to the manner in which the examination would be conducted and the reasons why deception patterns would appear on your charts, should there be deception on your part. Each question to be asked was discussed, read to, and answered by you, prior to being asked the same questions with the instrument in operation.

An examination of the polygrams produced by you indicate in my opinion that you were truthful to the four issues in question. These questions, with your answers as indicated, cover the issues in question in which you answered truthfully.

1. Did you solicit any bribe from Joe Adams? Answer, "No."

2. Did Paul Daugherty give you any money collected from Adams as a bribe? Answer, "No."

3. Did you receive any bribe money from Adams before you approved Adams' certificate for transfer? Answer, "No."

4. After the Adams certificate for transfer was approved, from Adams did you receive any money? Answer, "No."

This examiner received his polygraph training at the polygraph school conducted by the Los Angeles Police Department. Shortly after this schooling, this examiner was assigned to the Scientific Investigation Division, Los Angeles Police Department, as a polygraph examiner. He conducted polygraph examinations under the supervision of experts in the polygraph field until they were satisfied that he was a capable examiner. During the period from approximately April 1960, until retirement from Los Angeles Police Department, this examiner conducted in excess of 800 criminal subjects examinations. These examinations covered all types of crimes, such as homicide, robbery, burglary, forgery, petty theft, grand theft, bribery, arson, kidnaping, false reports, et cetera. January 7, 1963, this examiner retired from the Los Angeles Police Department and on January 8, 1963, was employed by the Los Angeles District Attorney's office as their polygraph examiner. To date this examiner has conducted in excess 1,000 polygraph examinations. This examiner instructs in the polygraph school conducted by Gormac in Pasadena.

Respectfully,

KENNETH W. SCARCE,
Polygraph Examiner.

[From the Arizona Republic, July 21, 1964]

"LIE DETECTOR TEST CLEARS ME"—SENNER

PRESCOTT.—Representative GEORGE F. SENNER, JR., Democrat, of Arizona, disclosed here last night that he has taken a polygraph examination which shows him to be innocent of accepting a $5,000 bribe while a State corporation commissioner.

SENNER revealed the result of the lie detector test, never before made public, in a political debate in the Hassayampa Hotel with Senator Sam Steiger, Republican, of Yavapai.

Steiger is opposing SENNER in the race for the U.S. House of Representatives from Congressional District Three.

Joseph Adams of Mesa testified before an Arizona House investigating committee on March 5 that he paid SENNER and E. T. (Eddie) Williams, Jr., a $5,000 bribe in 1958 to obtain permission to sell his Newtown Water Co.

The testimony brought an immediate denial from SENNER and the filing by him of a $100,000 slander suit against Adams. The suit is still pending. The bribe charge was one of several against Williams, of which he was exonerated in a senate impeachment trial.

SENNER revealed last night the contents of a letter written July 18 by Kenneth W. Scarce, polygraph examiner with the Los Angeles district attorney's office. He said the letter contained the results of the polygraph test given to him by Scarce on July 16 in Los Angeles.

The letter, SENNER said, clears him of the bribe charges made by Adams during his March 5 testmony.

Adams had testified that he paid $5,000 to a commission utilities inspector, Paul Daugherty, now dead, after meeting with SENNER and Williams at a bar east of Mesa.

Scarce's letter stated that SENNER admitted to a "three-channel stoeleting-deceptograph" test.

The letter said the examination included these four key questions:

"(1) Did you, GEORGE SENNER, JR., solicit any bribe from Joe Adams? (2) Did Paul Daugherty give you, GEORGE SENNER, JR., any money collected from Adams as a bribe? (3) Did you, GEORGE SENNER, JR., receive any bribe money from Adams before you approved Adams' certificate for transfer? (4) After the Adams certificate for transfer was approved, from Adams did you, GEORGE SENNER, JR., receive any bribe money?"

Scarce's letter showed that SENNER answered "No" to each of the questions.

"An examination of the polygrams produced by you indicate in my opinion that you were truthful to the four issues in question," Scarce's letter stated.

The letter also pointed out that Scarce discussed Adams with SENNER during a pretest interview, and discovered that the mention of Adams' name caused the Congressman to become angry.

"You showed visible indication of anger at the mention of Joe Adams," the letter states, "so this discussion was continued until this examiner was unable to detect any visible signs of anger in connection with the name Joe Adams."

SENNER's debate with Steiger ranged from BARRY GOLDWATER's political chances to the Bobby Baker scandal. Steiger said he supported GOLDWATER's political position, while SENNER said he favored that of President Johnson.

[From the Phoenix (Ariz.) Gazette, Aug. 5, 1964]

SENNER SLANDER SUIT IS SETTLED

The $100,000 slander suit filed by Representative GEORGE F. SENNER, Democrat, of Arizona, against Joseph W. Adams, former Apache Junction water company owner, has been settled for $1.

SENNER filed the suit against Adams as the outgrowth of a preimpeachment hearing for two members of the Arizona Corporation Commission. Adams testified that SENNER was involved in accepting money for sale of a water company when the Congressman was a member of the corporation commission.

Then, SENNER asserted in his complaint, Adams repeated his accusation outside the hearing room.

In the $1 settlement yesterday before Judge Laurance T. Wren, of Flagstaff, Adams stipulated that he was guilty of slandering SENNER; agreed to pay $1 and SENNER's court costs; and agreed to the dismissal of his counterclaim against SENNER for $5,000 damages.

Adams stipulated that his counterclaim could be dismissed with prejudice, meaning that it could never be filed again.

Jack C. Cavness, attorney for SENNER, obtained the settlement after a pretrial hearing before Judge Wren.

The impeachment proceedings were brought against Corporation Commissioners E. T. Williams and A. P. Buzard, with whom SENNER served for a time on the commission. Williams and Buzard were found innocent in an impeachment trial before the Arizona Senate. SENNER was not a defendant in the proceedings.

Adams had claimed he paid $5,000 to secure approval of sale of a water company. This was denied by Senner, Williams, and Buzard.

In Washington, SENNER issued this statement:

"The truth is now known and my name has been cleared beyond question. My family and I are deeply gratified with the only result possible under a system where law and justice prevail.

"Those whose faith and confidence in me never wavered are vindicated. Those who attempted to capitalize on the vicious and unfounded charges must now make peace with their conscience."

Mr. SENNER. Mr. Speaker, will the gentleman from Arizona yield?

Mr. UDALL. I gladly yield to my colleague, the gentleman from Arizona.

Mr. SENNER. Mr. Speaker, I deeply appreciate my distinguished colleague's faith in my integrity. Throughout this unfortunate and trying time, his friendship and loyalty did not waver.

The gentleman from Arizona [Mr. UDALL] and I have been more than friends for many years, since 1939 when we cracked heads together as members of opposing football teams. These years developed professional, political, and personal relationships. His honesty is unassailable; his dedication to truth and justice is inflexible.

I must express this appreciation to him, for I am deeply moved by the comments that he has just made.

GOVERNMENT MUST HELP MORAL UPLIFTING

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BECKER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BECKER. Mr. Speaker, in the August 11 issue of the daily CONGRESSIONAL RECORD, Senator BARRY GOLDWATER inserted on page A4223 one of the greatest addresses I have ever read, delivered by His Eminence, Francis Cardinal Spellman, of the archdiocese of New York, to the Grand Aerie Convention of the Frateral Order of Eagles at the Denver Hilton Hotel, August 6, 1964.

This address should be read by every American and particularly Members of the Congress of the United States and the Supreme Court Justices, as well as all members of the judiciary. I am sure no one will find reason to quarrel with the remarks and reasoning of Cardinal Spellman. Members of the House of Representatives have tried to do something about this, but I am afraid have not tried hard enough.

Greater effort, greater steps must be taken by the Congress if we are, to in any way, prevent the further demoralization of the youth of this great Nation of ours. For it is on the youth of our country that the future depends. It is equally true that it depends upon what action we take, as to whether our youth will be able to see the true light and be prepared properly to take care of the future with a real sense of morality.

Cardinal Spellman is one of the truly great men of our times, not merely as a prelate of the Roman Catholic Church, but as an American dedicated to the wellbeing of all Americans and our country. When he speaks, as he does in this instance, he speaks as a great American and a priest. I hope all will read this speech and do something about it. I know I will try my best.

PRODUCT OF MARXISM

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. JOHANSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. JOHANSEN. Mr. Speaker, as senior Republican member of the House Committee on Un-American Activities it has been a privilege for me to serve over the years with the chairman of the committee, my good friend, the gentleman from Louisiana, Congressman ED WILLIS, who has the respect and confidence of all the members of the committee.

I emphasize that there is no room for politics or partisanship in the hearings and deliberations of the committee. In fact, the menace of communism is so great, the threat to our freedom is so real, and the stakes are so high that there ought not to be any difference of opinion among the people of our country concerning the evils of communism. That there is or should be is one of the sad commentaries of our time.

When the gentleman from Louisiana, Congressman ED WILLIS, wrote the foreword to the annual report of the committee, submitted to the House recently, I phoned to congratulate him, particularly with reference to the passage relating to the assassination of the late President Kennedy. After the report was published the news media asked the gentleman from Louisiana, Congressman WILLIS, for a statement with reference to this phase of the report and I commend to the Members of this body the following statement made by him over the Mutual Broadcasting System:

Why did I suggest in the committee's annual report that the assassination of President Kennedy might not have taken place if, over the years, the American people as a whole had shown more concern and had worked harder to expose the lies and half-truths in propaganda disseminated by our homegrown Communists?

Mind you, I did not say it would not have happened. I only said it might not have happened.

Let's go back a few years for a practical example of what I had in mind. The setting is the Metropole Hotel in Moscow; the year, 1959. Lee Harvey Oswald, now deceased, who stands accused of assassinating President Kennedy, is being interviewed by a U.S. newspaperwoman. He is telling her why he has defected from the United States and is applying for Soviet citizenship. He informs her that he is a Marxist, and then goes on to say:

"I became interested about the age of 15. An old lady handed me a pamphlet about saving the Rosenbergs.

"I still remember that pamphlet about the Rosenbergs. I don't know why. Then we moved to North Dakota and I discovered one book in the library, 'Das Kapital.' It was what I'd been looking for. It was like a very religious man opening the Bible for the first time.

"I started to study Marxist economic theories * * * I found some Marxist books on dusty shelves in the New Orleans library and continued to indoctrinate myself for 5 years."

What started Oswald on his Communist career, on his journey to Moscow, on his agitating for Castro on the streets of New Orleans, though he was never technically a Communist Party member?

It was a single propaganda item put out by a U.S. Communist front, a front, by the way, which was thoroughly exposed as such in hearings and a report of this committee years ago.

I think we should all ask ourselves what the course of subsequent events might have been if Oswald—then in high school—had been getting a worthwhile course on communism, a practical course that taught not only the tenets of communism, but gave facts about how the party operates—including material on then existing Communist fronts and the issues on which they and the this been so, young Oswald might have thrown away the Communist propaganda handed him by the old lady—or he might have brought it to his school where, under the guidance of the teacher, the truth could have been brought out for the benefit of the whole class and the propaganda item thoroughly discredited. Unfortunately, this was not done—and, in many instances, is not

Courses on communism are now being given in quite a few schools. The situation is better than it used to be, but I cannot help wondering just how effective some of the courses are—if they are practical enough; if they really get down to earth and provide satisfactory answers to the propaganda now being directed to American youth by the U.S. Communist Party.

This is an important point because I am afraid that the Communists have made gains in the area of youth activities in the last few years and unless something more is done, they will continue to make gains.

An alert interested adult—years ago—might have saved Oswald—and thus the life of the late President Kennedy. This, I think, is something all of us must keep in mind, especially those of us who work with youth.

FOOD STUDY COMMISSION

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ASHBROOK. Mr. Speaker, I was impressed by the statement of the minority leader of the other body, which appeared in the RECORD August 13 and August 15, 1964, with respect to the Food

Marketing Commission created by the recently enacted Senate Joint Resolution 71. It is a short and excellent statement of the condition of our farm economy and of one particular problem which the Commission will, I trust, explore. Indeed, I look forward to offering legislation at the opening of the next Congress with respect to this special problem. We must do everything we can to protect the mutual interests of the producers and consumers of food.

I am inserting the statement in question into the RECORD at this time to underline its importance and with the hope that it will be carefully read and considered by Members of this body:

> Mr. DIRKSEN. Mr. President, I also ask unanimous consent to have inserted in the RECORD my statement with reference to the capabilities and authority of the recently created Food Study Commission.
>
> When the work of the 88th Congress comes to be judged, I think it likely that the passage of Senate Joint Resolution 71 will be considered one of the important things we have done.
>
> In the passage of that resolution we have for the first time moved toward a serious overall examination of our modern agricultural economy. We have been conscious for at least a generation that the American farm economy was changing and that much of it was in trouble. A massive flow of statistics has proven to all of us that our farm economy is in a way our greatest achievement. It is the wonder of the world. It feeds us as a nation and provides us with surpluses that enable us to provide enormous quantities of needed food abroad. No people has been so well fed as we now are, and no farmers have ever been so productive as ours. Yet at the same time we have all known that the American farmer has not had his full reward in the abundance he has created. Agricultural wages and the income from farming are lower than they should be if the American farm economy is to survive in a healthy condition. Its health seems plainly threatened by certain present-day tendencies toward the concentration of economic control, and inevitably ownership, in a few hands.
>
> The strength of our institutions, both political and economic, has traditionally required a wide distribution of power. The tradition is sound. We have prized the checks and balances of our political system, and we have sought to maintain a less formal but equally real balance in our economic arrangements. This balancing of interests in the field of agriculture now appears to be gravely disturbed. On the surface at least the enormous economic power of the whole farm economy seems to be increasingly massed in the hands of the relatively few great retail marketing groups.
>
> One of the things that I hope the Food Commission will consider at length is the process by which these great retail marketing groups are coming to control the production of particular commodities by marketing practices that play off one producer against others. This process could be dangerous. Producers with their own brands and with some present economic independence can, by these practices, be reduced to the status of anonymous supplies at the prices and on the terms of the few groups dominating the retail market for food.
>
> This process may, in the short run and on the short view, give some passing advantage to the consumers of food. These consumers may for a time get certain commodities at lower prices—until the producers' independence is lost. In the long run and on the long view the consumers will suffer. As competition in the production and marketing of food disappears, prices are likely to rise. And as consumers we are not only consumers, but citizens too. The creation of a monopoly or an oligopoly agriculture will weaken us as a people. To the extent that we become—to borrow a phrase from Joseph Eastman, who was a great public servant—"a nation of clerks and subordinates" we are all diminished and injured.
>
> This particular problem is complex and needs to be studied. The remedy for it may be complicated and difficult to contrive. At the opening of the next Congress I hope the Study Commission created to investigate this matter will be able to provide a constructive report on this particular activity.

MILITARY PROCUREMENT

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. WILSON] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, I salute Lt. Gen. Frank S. Besson, Jr., for taking positive action to strengthen internal operating procedures in the Army. This type of action could lead to the winning of the war on waste in Defense procurement. After a detailed study of numerous military procurements of electronic equipment, it became obvious to me that the taxpayers were being overcharged approximately 100 percent as a result of poor business practices. This study revealed that the overpriced contracts were a direct result of 10 major categories of bad business practices. After these bad business practices were confirmed by the General Accounting Office, I relayed them in detail to the President of the United States and the Secretary of Defense.

Mr. Speaker, it is heartening that the Army Materiel Command has acknowledged its errors and has used a new broom at Fort Monmouth, and is now doing the same in its Chicago Procurement Office. Also, Mr. Speaker, the Navy and the Air Force, though somewhat reluctantly, are beginning to pursue the same course. The upward swing in sole-source procurement has now been reversed, and competitive bidding is on the increase. This will result in a saving of $2½ billion this year.

Members of the House will recall last year when the Army Materiel Command instituted sweeping changes as a result of my inquiries. These changes were designed to see that the Army obtained and used technical data it paid for to stimulate subsequent competitive procurement. False certifications of "no drawings available" were being used at Fort Monmouth and Philadelphia to justify sole source, noncompetitive purchases. After I became interested in this problem, a full and complete investigation followed to reveal numerous false certifications and waste. Finally, many changes were made.

Mr. Speaker, on May 21, 1964, I directed a letter to Lt. Gen. Frank S. Besson, Jr., concerning similar problems I had uncovered in the Chicago Procurement District of the Army Materiel Command. In most of these cases certifications of "no drawings available" seemed highly questionable to me in the justification of sole source purchases. I selected a few of these cases for a pilot study and asked the Army for a complete investigation.

In reply to my inquiry, Lieutenant General Besson's office said that several of the solicitations as originally issued, erroneously stated that drawings were not available. Lieutenant General Besson then took the following action, as he described it in his letter to me:

> As you will note, the solicitations, as originally issued, erroneously stated that drawings were not available for the item being procured. These errors have been corrected by amendments to the basic solicitation. The Chicago Procurement District has taken action to strengthen their internal operating procedures in an attempt to preclude a reoccurrence of similar errors. Close supervisory review will be maintained to assure that these procedures are followed in the future.

Mr. Speaker, these procurements are indicative of the way in which superficial work had been substituted for the proper study and effort necessary to safeguard the expenditure of the tax dollar. One of the procurements was for an ammeter, a device which measures the charge or discharge of a battery. Investigating its own contention that drawings were not available, the Army reported it had found them and stated its certification was in error. These drawings and other technical material were then made available to industry and a competitive procurement was then effected. Another procurement was for a humidity indicator and was also justified sole source on a "no drawings available" basis. Again, the Army reported "the citation of no drawings available was a clerical error by the Chicago Procurement District." Here, again, the drawings were furnished and a competitive procurement was effected.

On another procurement for a test set, it was found that drawings do exist, but that the test procedures needed to make the drawings useable had not been ordered before. They are now being ordered to clear the way for competition in subsequent open procurement for this unit.

A fourth procurement for an electrical resistance temperature indicator stated that no drawings were available, but the Army reported to me "the invitation for bid erroneously indicates the citation 'drawings are not available.' The Chicago Procurement District is amending the IFB to correct this error."

Mr. Speaker, a purchase for a wattmeter is also being changed as a result of my inquiries. This equipment has been purchased sole source because, stated simply, no one thought to order drawings for use in followon procurement. The necessary drawings are now being ordered and will be used in the future to obtain competition for purchase of this equipment. The Navy was the only previous purchaser of a sixth item—a direct current motor used in connection with a radar set. The Army said no drawings were available, but when it checked, it found that the Navy did have the drawings and they could be used for procurement purposes. Later the Army further checked into its inventories and found it did not need the equipment anyway, so the entire procurement action was then canceled, saving the total amount that might have been used to purchase this equipment.

Mr. Speaker, the Army's report on those items was enough to convince Lt. Gen. Frank Besson that remedial action was mandatory. Therefore, I was pleased to see that he took immediate steps to get the Chicago Procurement District into line as Gen. Frank Moorman did at Fort Monmouth, where he has initiated an unprecedented action, of a type long needed, to fire seven engineers and technicians involved in a multimillion-dollar waste in the procurement of a portable radiation detector identified as the IM–108( )/PD, thousands of which had been purchased, none of which can be used.

However, Lieutenant General Besson's actions, as stated in his letter, have left me with several unanswered questions. They are:

First. What specific individual was responsible for the errors here?

Second. How were the errors corrected, other than changing the procurement document?

Third. What specific actions have been taken to strengthen internal operating procedures at the Chicago Procurement District to preclude reoccurrence of such errors?

Fourth. What sort of supervisory review is planned to assure these actions are carried out?

Fifth. What sort of disciplinary action is contemplated if there are reoccurrences of such errors and inefficiencies in the future?

Mr. Speaker, I am happy to report the Army's cooperative attitude in these matters. Lieutenant General Besson has reacted vigorously, and I expect a report from him to show that all his reforms are now being implemented, the same sort of solid, positive action taken earlier at Fort Monmouth and Philadelphia by Major General Moorman, Brig. Gen. Stuart Hoff, Brig. Gen. Allen T. Stanwix-Hay, and Gen. Walter Lotz. Confronted with inefficiency and error, the Army has several times reacted by thanking me for my efforts and then set out to correct the problems. These corrections are announced publicly, and, in my opinion, this action reflects credit on the Army officials involved. All the services should use this type of conduct as an example. By correcting errors such as these, and many more in the Army, Navy, and Air Force, we are daily winning the fight against defense waste, and we are, in fact, obtaining more responsible competitive bidding. It is a distinct pleasure for me to come to the floor of the House and report that our taxpayers are daily getting more bang for a buck as a result of these efforts. And while I am quick to criticize poor procurement practice, I want to be equally alert to compliment a job well done by Lt. Gen. Frank S. Besson, Jr., U.S. Army. I have been dubbed "Watchdog of the Pentagon," which I consider a compliment that I would like to share with General Besson.

PROPOSED: HELP FOR THE AUTO OWNER

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. MATHIAS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. MATHIAS. Mr. Speaker, there are before both Houses of the Congress bills dealing with truth in lending, advertising, packaging, and so forth; all purport to aid the general public in matters which the average citizen finds beyond his technical competence.

Rather than legislation, I am proposing a much-needed voluntary service which responsible private enterprise can provide to the auto-dependent public—at cost, and with immediate and incalculable dividends in rapport with the public.

Initially, I must emphasize that my proposal is neither a plan to provide government supervision nor create competition with established auto repair shops nor set repair prices nor establish monopolies in the repair business; it is simply a suggestion that private enterprise employ modern technology to aid both the auto owner and, collaterally, the auto repairman.

The many, many complaints and reports that have come to my attention regarding abuses of the public by some elements of the automobile repair community indicates that the problem deserves immediate attention.

My proposal, plus some of the reaction up till now, follows:

U.S. HOUSE OF REPRESENTATIVES,
July 6, 1964.

Hon. WALTER N. TOBRINER,
President, Board of Commissioners, Government of the District of Columbia, Washington, D.C.

DEAR COMMISSIONER TOBRINER: May I have your comments and advice on a suggestion I have dealing with the unfortunate abuse of the public by a few unscrupulous or unqualified auto repairmen in Washington who are not only mulcting the public but are injuring the reputations of the reputable repairmen and the auto industry as a whole.

Simply, my approach would be to enfranchise or license the establishment of "Auto Diagnostic Centers" by the auto and/or petroleum industries. These centers should be staffed by full-time, modernly equipped, master mechanics, who, on appointment, and for a modest fee, would diagnose an auto and prescribe in writing the needed repairs, the approximate labor cost, the required auto parts and their costs.

Research reveals that (1) there are modern electronic diagnostic instruments that can quickly and accurately pinpoint an automotive problem; (2) there are reference manuals that list the accepted costs of particular repair jobs; and (3) there are reference manuals listing the costs of parts. In toto, these diagnostic aids plus the reference manuals in the hands of expert mechanics would go a long way in taking the guesswork, the fraud, the incompetence, and the padded bills out of the auto repair business.

Following diagnosis, the auto owner—armed with the diagnostician's analysis—would take his auto for the "needed" repairs to an auto repairman of his own choosing.

Pursuing my inquiry further, I am advised that a major oil company recently inaugurated in Cherry Hill, N.J., a diagnostic center in many ways similar to my proposal. The Cherry Hill facility, I am informed, can diagnose with accuracy within 12 to 15 minutes at the nominal cost of $4.75. Apparently, the oil company which pioneered the Cherry Hill project is the first to do something positive in answer to the hue and cry and frustration of the auto-dependent public.

My feeling is that this course appears practical inasmuch as it would (1) provide a check against the repairman in the presence of the diagnostic centers; (2) provide the public with expert guidance for their automobile problems before they seek repairs; (3) stimulate greater competition and efficiency among repairmen; (4) in view of the public relations value, the auto and petroleum industries, I feel, would be willing to set up their most efficient, up-to-date diagnostic facilities and procedures; (5) insure that repair work that really needs doing will be done and that unnecessary or fraudulent work will be avoided; (6) provide an additional bonus to the driving public by increased safety through periodic, inexpensive diagnosis; and (7) save John Q. Auto Owner the considerable expense of unnecessary, incomplete, or incompetent repair work.

I hope you will agree that the general public—necessarily naive about details of auto technology—has been, and is subject to the ravages of a few repair bandits. Something should be done. I ask your opinion as to both the legal and practical feasibility of diagnostic centers. Specifically, would any special licensing legislation be required other than the ordinary license to do business in the District?

Inasmuch as the technology of auto mechanics is an exact science, caveat emptor should not be the byword; this is one field where the buying public can and should be protected with a minimum of governmental assistance leaving the administration of such a program in the hands of responsible private enterprise.

I am attaching a copy of a series of articles by Washington Daily News reporter Miss Gail Perrin dated April 2, 1963. It was this very excellent series plus numerous citizen complaints which provoked me to attempt a solution to this obnoxious business. Miss Perrin's startling findings revealed that the vast majority of auto repairmen were either dishonest, incompetent, or both.

At a later date, and if this idea proves practical, I would hope to see it expanded to other areas.

With kind regards, I am,
Sincerely yours,
(S) CHARLES McC. MATHIAS, Jr.

[From the Washington (D.C.) Daily News, April 2, 1963]

HOW GOOD ARE GARAGES HERE?—THE CURIOUS CASE OF THE CROSSED-UP CAR

(NOTE.—This is the first of a series of four articles by a Washington Daily News reporter who—over a period of weeks—visited repair shops in various parts of the area with a carefully checked-over auto and found most of them sadly lacking in either honesty or competence.)

(By Gail Perrin)

The American car is functional, stylish, and sturdy—designed, manufacturers will tell you, for thousands of trouble-free miles.

But nothing is perfect, so there is no scarcity of mechanics eager to open the hood and poke around.

Are they competent? Are they honest? The Washington Daily News decided to find out.

AAA HELPS OUT

The American Automobile Association supplied me with one of their cars—a 1962 Ford station wagon—for a spot check of repair shops and service stations in the Washington area.

All told, I took the car to 30 garages.

And I found shocking evidence of incompetence or dishonesty—or both—more than enough to raise the suspicion that there are too many shoddy repair shops here and that they are doing a great deal of harm to the reputations of the honest, competent ones.

Before I set out, George Viverette, head of the AAA Emergency Road Service department, and a top AAA mechanic, whom I'll call Mr. H., checked over the car thoroughly, tuned the engine and pronounced the car in excellent condition.

Then Mr. H. very carefully set the voltage regulator too low. This, he said, has the effect of draining too much current from the battery, and not enough from the generator. This would eventually ruin the battery, he said.

The improper adjustment was easy to spot. The red generator light on the dashboard glowed brightly while the car idled. Normally, and properly, the light only flickers dimly during idling.

The AAA men said this imperfection was a fair test of a mechanic's competence—he should find the trouble easily and reset the voltage regulator for a nominal charge—$4 at most.

"You just go in and tell them that the generator light stays on much brighter than it used to when you're idling," Mr. H said, "and that you have trouble starting your car in the morning because the engine doesn't turn over fast enough."

NORTHWEST ADVENTURE

Fifteen minutes later I pulled up at a filling station in Northwest Washington.

"This light here," I said to the mechanic, "stays on much brighter than it used to. And I've been having trouble starting the car in the morning. The engine doesn't seem to be turning over fast enough. Can you tell me what's wrong?"

The mechanic, a pleasant, husky man of about 35, poked his head in the window, watched the brightly beaming generator light, then asked me to turn off the engine.

He opened the hood, fiddled around a few seconds, then asked: "How long's it been since you had a motor tuneup?"

It had only been a matter of 24 hours, but I told him I didn't know—that the car was my uncle's and that he had loaned it to me. He was in Europe for the month, I said.

"Well, it looks as if you could stand a motor tuneup," the mechanic said.

"Are you sure?" I asked.

"Yup, fairly sure. But we'd better check it out. Can you leave the car?"

I said I would be able to bring it in and leave it the next day. A different mechanic waited on me, and when I returned for the car I asked him if a tuneup was really necessary.

"No—it looks as if you had a tuneup fairly recently," this mechanic said. "But your automatic choke needs repairing and the carburetor needs to be cleaned. Also, I'd recommend a can of dry gas. Be about $16.50 altogether."

NO, THANKS

I thanked him, said my uncle would be returning shortly from Europe, and that I'd tell him to bring the car in—I didn't have enough money for this.

The shop refused to let me pay for the time I'd taken up.

I returned to Mr. H and asked him to check the choke and carburetor on the off chance something had gone wrong in the 48 hours since he'd checked the car.

Mr. H said the choke was fine and the carburetor clean.

My first day turned out to have been rather typical of what I was to discover in a discouraging 6 weeks.

[From the Washington (D.C.) Daily News, April 3, 1963]

THE CURIOUS CASE OF THE CROSSED-UP CAR—WE GOT LOTS OF OPINIONS, BUT FEW RESULTS

(By Gail Perrin)

(Second of a series)

Looking for an honest, competent repair shop for your car troubles?

Six weeks ago, the American Automobile Association supplied the Washington Daily News with one of its cars—a 1962 Ford station wagon—for a spot check of repair shops and service stations here to see if there are some unscrupulous mechanics or incompetents doing a great deal of damage to honest businesses here. The results were shocking.

After making sure the car was mechanically perfect, a selected AAA mechanic, whom I'll call Mr. H set the voltage regulator so low that too much current was drained from the battery.

FOUR-DOLLAR ESTIMATE

Mr. H and George Viverette, head of the AAA emergency road service department, said a competent mechanic should find and correct the trouble for not more than $4.

Yesterday I told what happened at the first station I visited. Incompetent mechanics told me first that I needed a motor tuneup—then said the automatic choke needed repairing and the carburetor cleaning, an estimated $16.50 job altogether.

I continued my rounds.

I waited a half hour for the "expert mechanic on duty" in a Southeast filling station to drag himself out from underneath another car so he could look at mine.

"You're the 'expert mechanic?'" I asked brightly.

"Yessum."

"This light here," I said pointing to the generator light, "stays on much brighter than it used to. And I've been having trouble starting the car in the morning. The engine doesn't seem to be turning over fast enough. Can you tell me what's wrong?"

He looked under the hood. "Well, it's not your generator," he said a minute later, wiggling his screwdriver around so that sparks flew out. Then he checked all the wires, fiddled with the fan, and ended up taking the carburetor cover off. He turned a screw with his screwdriver, and replaced the carburetor cover.

"You was just idling too slow, that's all," he said.

"Oh, is that all it needed? Will that help me start up better in the morning?"

"Yessum."

I paid him $1.50 and drove off. I had to keep my foot on the brake most of the way because each time I took it off, the car would lurch forward at about 20 miles an hour—without my foot touching the gas pedal. The mechanic had made my car a menace to traffic.

When I checked back with Mr. H, the AAA mechanic, he assured me an adjusted carburetor might get rid of the generator light burning brightly but "that's not going to help you start your car any better."

He readjusted the carburetor to where it should have been.

THREE MECHANICS

Three mechanics at one big Northwest filling station that has sections for all kinds of motor work besides bodywork busied themselves under the hood of my car while I waited in the office.

"Can't find what's wrong yet," one mechanic reported after 15 minutes. "But you have got something wrong."

"We'll find it, don't worry," another said 10 minutes later.

After an hour, the owner came in and told me, "We've finally got you all fixed up."

He handed me the repair slip. It read: "Adjust carburetor—$3.50." I asked if that's all he found wrong. He said it was, that they were sorry it took so long but that's how things went sometimes. And, oh, yes, the adjustment would cure my starting problems, he said.

Mr. H adjusted the carburetor back again. (I could only do 10 miles an hour with my foot off the pedal the way the last station had it set.)

Next I went to a new-car dealer in Northwest Washington. I left the car all morning.

The mechanic there diagnosed that I needed a new voltage regulator—besides a new condenser, new points, and "a good motor tuneup." He estimated the job would cost "about $30." I thanked him, and paid the cashier $2.75 for the labor charge.

I drove out to Vienna where one filling station mechanic said he couldn't see that anything was wrong at all but that maybe the generator or voltage regulator needed something.

"But I don't have any equipment to test them," he said.

I was satisfied that at least this mechanic might have found the problem had he had the equipment.

BOXLIKE GADGET

Down the highway to another filling station where two mechanics came out and very eagerly looked at my car.

They brought out a boxlike gadget and hooked it up to the generator.

"Your generator's gone," one of them announced cheerfully. "Come look. It isn't charging at all."

I got out and looked at the gadget's dial. It was in a green zone marked "safe" under a section labeled "generator."

"Yeah, but the needle should be over here," he said, pointing to the green part of another red-green blocked section to the right. It wasn't identified so far as I could see.

"Well, if that's for the generator, why doesn't this other box say it's for the generator?" I queried. They said it all had to do with the generator and that the needle should be in the green section of the box to the right—not the green section of the box in the middle.

I then asked them why the generator light went off when I put my foot on the gas. "Wouldn't it stay on all the time if it wasn't charging?"

"Not necessarily," they said.

Thoroughly confused, I said I didn't have the $18 for the new generator they wanted to install and would be back later.

I returned to Mr. H and insisted he check the generator. He used a different type of machine which said the generator was as peppy as a generator can be. When I described the boxlike gadget at the other station, Mr. H chuckled. "Did you ask them if they can read?"

He said he had never heard of a generator light going out when the generator wasn't charging "at all." It was obvious I had hit upon another mechanic who simply didn't know what he was doing.

The next garage, in Northwest Washington, said I needed a new voltage regulator and that it would be about $12.50 for parts and labor—a fair estimate, if I needed a new voltage regulator, which I didn't.

I asked the mechanic if perhaps the old one could be fixed in any way.

"No, you can't adjust voltage regulators," he said.

Mr. Viverette laughed with Mr. H. Mr. H said that not only can voltage regulators be adjusted, but that "five out of a hundred that come right out of the box have to be reset before you install them."

He said that if one gets dropped "even a foot" it will get out of whack and that a good front-end bump might also disrupt the adjustment.

The only regulators that can't be adjusted, they said, are what Mr. H calls "gypsy" regulators—cutrate replacement regulators found on only 2 to 3 percent of cars.

BATTERY CHECK

"Probably have something wrong with your battery," still another mechanic said at a Northwest alley garage. "Go across the street to the gas station and have it checked." I did. They said the battery was fine so I went back to the mechanic.

"Well, then, I can't find anything wrong," he said. "Wait till something else happens and come back."

Another place, an alley garage behind a Northwest apartment house, wouldn't even look at the car though I assured them I would pay for the time they spent finding out what was wrong.

"What you need is a motor tuneup, lady. You can either leave the car and we'll give you one or else take it somewhere else. There's nothing else wrong with it. I can tell you that without even opening the hood," he added firmly.

I suggested that maybe the ailment might be something simpler—that the car might not need a tune-up.

"Lady, the days of having something wrong that can be fixed with just a turn of the screwdriver are over. What you need is a motor tuneup and we'll give you one for $13.80."

TWO OUT OF FOURTEEN

Only two out of the 14 places diagnosed that all that was needed was an adjustment.

But one of these adjusted the regulator so high that the needle ran off the voltage regulator tester when I took it back to Mr. H. "It would burn that generator out before too long," he said.

The one place that fixed the regulator properly was, oddly enough, a dealership in Northeast. The only other dealer I'd been to was the one that gave me the highest repair estimate of the lot—"about $30."

There was no way I could tell how someone should or could pick good mechanics. No matter whether they were big shops or neighborhood filling stations—the results, as you can see, showed that a majority of the shops were run by bungling, fumbling idiots. Only one mechanic out of 14 fixed my regulator properly. Only one!

I decided that perhaps I should develop a simpler problem. I talked the situation over with Mr. Viverette and Mr. H. They suggested I cross two wires on the distributor or, better yet, detach a spark plug wire and cap from a spark plug so that it would dangle before the mechanic's face as soon as he opened the hood.

"Nobody could miss something like that," Mr. H said. I said I'd find out.

[From the Washington (D.C.) Daily News, Apr. 4, 1963]

The Curious Case of the Crossed-Up Car— A Test With the Obvious

(Third of a series)

(By Gail Perrin)

If 13 out of 14 garage mechanics, picked at random here, can't find a simple maladjustment in the voltage regulator of an otherwise perfect car, are they competent?

If some of them recommended an unnecessary expensive repair job, are they honest?

The answer to both questions is, "Probably not."

This is what the Washington Daily News found in the first phase of a 6-week investigation undertaken with the cooperation of the American Automobile Association here, using a 1962 Ford station wagon supplied by the AAA and certified by them to be in topflight condition—except for the voltage regulator which **was purposely set too low.**

WAS TRAP TOO SUBTLE

Still, there remained the possibility that some mechanic might say the trap we'd set was too subtle.

How about trying something so blatant that even the sorriest repairman could hardly fail to spot it at once?

George Viverette, head of the AAA's emergency road service department, and an AAA mechanic we'll call "Mr. H" came up with some new ideas.

"Why don't you cross two wires on the distributor cap?" Mr. H suggested. "Kids are always fooling around with cars in parking lots and pulling pranks like that."

So I drove the station wagon to within a block of an Alexandria gasoline station, parked, opened the hood, detached two wires from the distributor cap and hitched them up again in reversed position.

Then I closed the hood, started the engine and drove to the station. The car sputtered, backfired, and shook like a vibrating machine.

"My car's been sounding like this ever since I got it out of the parking lot last night," I said.

The mechanic laughed.

"Sounds as if someone crossed your wires, dearie," he said, lifting the hood.

"Can you fix it?"

"Yeah, just a moment."

He went inside his office and came out with the owner.

"Oh, that's not crossed wires," the owner said. "You probably need a valve job."

I asked them to find out.

They told me I'd have to leave the car with them and warned there would be a $4.80 charge anyway since they'd have to put a "scope" on the car. (The "scope" they said tests a car's electrical functions.)

I told them to put the scope on, but not to do anything that would cost too much more money—I had very little with me.

Three hours later I phoned to see what the scope found.

"This is Miss Perrin calling," I said.

"Well, so far we've found one bad plug, Gail," the voice at the other end said with unexpected familiarity. "Yup, Gail, you got one dead plug. Not firing at all. But there's still something wrong. Don't worry, though. We'll get you fixed up."

I asked him if he would save the bad plug—that I thought my "uncle would like to have it." I said I'd be back in an hour.

When I returned, I found a bill for $10.90.

"What's this?" I asked.

"Well, your valves needed adjusting and we had to put in a new gasket," the owner said.

"Why didn't you tell me?" I asked. "I thought all that was wrong was a spark plug. You said you would let me know if anything else needed fixing."

The owner explained that the symptoms indicated something was wrong with the valves. Grudgingly, after asking twice for the spark plug, they gave me back my old plug, I paid the bill. "And no crossed wires?" I asked, starting the engine. "No crossed wires," the owner said.

As I drove off, I could tell by the smooth, healthy sound of the motor that the crossed wires had been uncrossed. But just to make sure, I stopped a few blocks away and looked. The wires were back where they should have been.

RETURN FOR A CHECK

I returned to Mr. H at the AAA.

"They probably checked to see if the valve pushrod was broken," he said. "So while they had all that opened up, they probably decided to adjust things a bit."

Mr. H had explained before I went out that a good mechanic would check three things on a car which sounded and behaved as mine did with the crossed wires: points, pushrod, or the possibility of crossed wires. Any one of these, he said, could possibly be the source of the sputtering and backfiring.

"I certainly wouldn't check the valves before looking at the wires," Mr. H said.

I informed him that the mechanic had told me he thought someone was trying to pull a joke on me by crossing the wires, but the owner had overruled him.

"Then you just got took," Mr. H said.

I asked him if he would check the "bad" spark plug which they had replaced. The "bad" one "is as good as new," Mr. H said.

TO THE FIELD AGAIN

After Mr. H rechecked the car, I drove to Chevy Chase, stopped around the corner from a filling station, and crossed the wires again. Then I drove to the station.

The owner, a friendly, earnest man, gave the car a thorough going over. He checked the timing and points. Then he noticed the new valve gasket that the previous station had put on.

"You've had a valve job done on this recently," he said. "There's a new gasket here."

I told him the car was my uncle's—that I didn't know what work had been done on it recently.

The mechanic looked inside the car and found an identification sticker from the dealer who sold the car.

"You take it back to them and let them look at it," he said. "It's probably something wrong with the valves—the pushrod may be gone or something. And they should be the ones to fix it."

Despite the half hour he had spent on my car, he refused to take any money.

Though he hadn't either spotted or mentioned the crossed wires, I felt the man was honest. He had spotted the new gasket and assumed something had been done to the valves recently and that I should make whoever worked on it check it again.

WAS THE GASKET A TIPOFF?

When the next filling station (again in Chevy Chase) recommended the same thing—that I go back to the new car dealer—I decided the gasket was too much of a warning sign to the cautious mechanic.

I marked them both down as honest. I didn't think it would be fair to judge them on competence.

Because of these two experiences, I had another talk with Mr. H and Mr. Viverette who then suggested pulling the most blatant stunt known to a mechanic—unhitching a spark-plug wire.

"Even you would see what was wrong if you opened the hood," Mr. H said.

I went to 13 more stations—pulling off the capped spark-plug wire myself just a block before each stop. Each time I let the wire dangle, the spark plug bared.

The car shook furiously.

"You need a motor tuneup," one mechanic at a Northwest filling station said after he'd driven it around the block. "How long's it been since you had one?" I told him I didn't know—that it was my uncle's car.

He then opened the hood.

"Your points need changing," he said.

I asked him if he was sure that a tuneup was what I needed. "Yes," he assured me.

He was about to shut the hood when he saw the spark plug wire. Behind his shoulder I could see it dangling. He put it back on.

"What did you do there?" I asked.

"You had a loose wire," he said. "That'll probably help some. But you still need new points."

He said he'd give me a good motor tuneup for $25. (A high price, according to Mr. Viverette, but still within a fair range.)

The mechanic at another Northwest filling station also concluded I needed a motor tuneup—$23—after I'd left the car with him for 3 hours so he could check it.

He didn't mention the wire.

The next two places I visited—one in Silver Spring and another in Northwest—spotted the problem quickly, put the wire back on and sent me on my way, refusing to charge me a cent.

An Arlington filling station reported I had "bad plugs and points." They offered to give me a tuneup for $24. While fiddling under the hood I saw the mechanic's hand actually touch the end of the dangling wire. Though I saw him glance at it he made no attempt to fix it.

I asked him again if I really needed a tuneup—that my "uncle" generally took very good care of his car and wasn't likely to loan it to me when it needed such a major repair.

"You can need a motor tuneup two or three times a year," the mechanic, a boy in his late teens, said.

Mr. H said that was "ridiculous."

I drove to a filling station that does a big business on Connecticut Avenue and was referred to the chief mechanic. He opened the hood, quickly replaced the wire, and then took off the carburetor cover. He promptly put it back on again.

"Well, I cured your trouble," he said.

"What was wrong?"

"Your carburetor needed adjusting."

"Is that all?"

"Yes."

He charged me a dollar.

I stopped at a new car dealer in Chevy Chase. A young mechanic drove me around the block. He told me I needed a motor tuneup. I asked if he would check to make sure and that I would be back in 2 hours to find out what was wrong.

When I returned, the mechanic laughed and said the car was all fixed.

"What was wrong?"

"Tell your uncle he had some carbon behind one of the spark plugs," he said. "He'll know what I mean."

"You mean you had to scrape off some carbon from a spark plug?"

"Uh-huh."

The bill was $4.20. The dangling spark plug wire was firmly back in place.

A Georgetown shop also said I needed a motor tuneup. Then, after looking under the hood, the mechanic, a man in his late twenties, said:

"And your generator looks shot."

"Really?"

"Yeah. But I'll give you a good deal. Motor tuneup and generator—both for $30. Couldn't get it done for that anywhere else."

"But how do you know I need all those things?" I asked.

"Honey, after you've been looking at cars as long as I have you can tell what's wrong with a car the minute it pulls up."

THE RESULT

To sum up the case of the dangling wire, only 6 of the 13 places I visited quickly spotted the problem, fixed it, and told me exactly what had been wrong.

Five tried to sell me a motor tuneup. Two fixed the wire but told me something else really had been the trouble.

When I reported to Mr. Viverette that some of these incompetents had been in AAA-approved stations, he took the news in stride.

"I'm glad to find out," he said.

Mr. Viverette, Mr. H, and I then sat down and had a long talk on what might possibly be done to protect the public.

The purpose of this investigation was not to show that the average auto owner ventures into quicksand the moment he takes his car to a garage—even though this opinion is widely held by motorists here, and with some justification.

Obviously, there are a great many honest, skilled mechanics doing business here. But just as obviously, the shoddy, dishonest ones are doing great damage by dirtying the image.

[From the Washington (D.C.) Daily News, Apr. 5, 1963]

THE CURIOUS CASE OF THE CROSSED-UP CAR—WHAT CAN YOU DO ABOUT IT?

(By Gail Perrin)

(Last of four articles)

When a citizen takes his car to a garage for repairs, how can he be sure of honest, competent service?

There appears to be no clear, complete answer to this. Even the partial ones are hardly encouraging.

In the preceding 3 articles, I told how I visited 30 garages in the Washington area with a car which had been certified, by expert mechanics, to be in perfect condition—except for 1 minor, obvious fault.

Of the 30 establishments, only 8 correctly diagnosed the trouble. The performances of the other 22 raise some disturbing questions, ones that should be of great concern to all those skilled and honest mechanics here who compete for the motorist's dollar and trust.

The 30 garages were picked at random. They included big dealerships, independent shops, and a variety of filling stations, some having major repair facilities and some only minor ones.

I came away from most of these places with the feeling that the mechanics were earnest but incompetent. Some of them, however, indicated they were engaged in downright deceit.

How can a mechanic tell you you need new points when new ones were installed 2 days before? How can someone look at a perfectly good condenser and pleasantly inform you that you need a new one?

How can a mechanic assure you that by setting idling speed higher—sometimes dangerously high—your car will be easier to start in the morning?

How can a mechanic reattach a pulled spark plug wire, close the hood, and tell you your carburetor needs adjusting?

Well, they can. And some do.

AAA SUGGESTIONS

The American Automobile Association, which supplied the car I used in this spot check, naturally was interested in the outcome—particularly since some AAA-approved stations were among those I weighed and found to be wanting. (The AAA can lift its stamp of approval when necessary.)

George Viverette, head of the AAA Emergency Road Service Department, and "Mr. H," a top AAA mechanic, offer some suggestions which might improve a sorry situation:

License mechanics.

Encourage mechanics to unionize.

Persuade filling stations not to let unqualified personnel attempt to repair cars.

Educate the public.

There is at present no mechanics association or similar group which might restrict its membership to qualified men and police their performance.

Nor are mechanics required to be licensed.

Leland McCarthy, the Better Business Bureau's managing director, doubts that this would help. "If a repairman's already a crook," he said, "you're just giving him a license to steal."

He reported that he gets relatively few complaints about auto mechanics and that as the years go by the number has tended to dwindle. For instance, there were 28 such complaints in September 1961, but only 13 in the same month last year. There were 27 complaints in October 1961, but only 7 last October.

"I don't think the condition is so bad," Mr. McCarthy said.

He said customers tend to tell a mechanic to "do whatever's needed" without asking for estimates. "And then they complain when the bill's exorbitant."

UNIONS?

Although the Better Business Bureau is "not excited about the situation," the AAA indicates it is quite concerned. "I hate to say it, but if all garages were unionized, you'd have better control of the type of mechanic," Mr. H said. An apprenticeship period, he said, would help eliminate incompetents.

The AAA said it is trying to persuade filling station managers not to let unqualified attendants even suggest repair work, and one big company is now setting up a school for attendants to train them to make minor repairs.

Perhaps the greatest reason for the shortage of good mechanics, however, is the shortage of all mechanics.

"The situation is more serious than we realize," the AAA's Mr. Viverette said. "Nowadays most men can make more money than mechanics and they can do it without getting their hands greasy and cramping themselves under a car."

Some manufacturers, such as Chrysler-Plymouth, hold contests for teenage auto mechanics to encourage the trade, but such programs aren't enough.

Unless something is done to relieve the situation, Mr. H said, the public will just have to learn about good mechanics.

"And I don't mean the mechanic who will just fix a car so it will run. A good mechanic will tell a customer what should be done. If the customer doesn't OK all the work, then I only do what he wants. But in those cases I always write on the ticket 'on customer's orders.' "

SOME SAFEGUARDS

"A mechanic has the driver's and other people's lives at stake," Mr. H said. He said he almost fired a mechanic recently who adjusted the brakes on a car, as the customer ordered, but failed to replenish the brake fluid. There was no brake fluid, Mr. H said, and the customer might have been killed.

"You can't economize on people's lives," he said.

The AAA and Mr. Viverette recommend that auto owners follow these points when dealing with garages:

Try to check the shop's reputation first. Get a recommendation from a friend, if possible.

Never tell a mechanic to "do anything that's necessary." That's a go-ahead sign for the dishonest firm to run up an exorbitant bill.

Always have a mechanic tell you what he is going to do before he does it. Then, if he does work you didn't authorize, you've got a legitimate complaint to file with the Better Business Bureau.

Ask, in advance, for the old parts they replace.

Tell a mechanic as precisely as possible the symptoms your car has. By describing these accurately, you cut down the chances of having a mechanic give you a "motor tuneup" which may mean he has done nothing.

Get an itemized receipt on a printed billhead for all work done. Crooked mechanics sometimes hesitate to write up dishonest work.

Don't hesitate to ask for an explanation for every charge. Don't be afraid to be skeptical.

When you find a competent, honest mechanic, stick with him and don't let anyone else work on your car—unless it's an emergency.

And when you've made the priceless discovery of an honest repairman, by all means tell your friends.

Government of the District of Columbia,
July 8, 1964.

Hon. Charles McC. Mathias, Jr.,
U.S. House of Representatives,
Committee on the District of Columbia,
Washington, D.C.

Dear Congressman Mathias: I have reviewed with considerable interest your suggestions contained in letter dated July 6, 1964, proposing the establishment of auto diagnostic centers in the District of Columbia by the automobile and/or petroleum industries in an effort to curb certain abuses by unscrupulous or unqualified auto repairmen.

It is agreed that the course suggested by you appears practicable and would provide the public with much-needed guidance in seeking solutions to their automobile repair problems. The establishment of such automobile diagnostic centers would not require any special licensing legislation and can be established under existing regulations merely by obtaining a certificate of occupancy indicating that such use of property is in conformity with applicable provisions of the District of Columbia Zoning Regulations and Building Code.

In the event any responsible industry is desirous of establishing such an auto diagnostic center, application for certificate of occupancy should be made to the Department of Licenses and Inspections, which office has assured me that such requests will be expeditiously processed.

Sincerely yours,
Walter N. Tobriner,
President, Board of Commissioners.

[From the Washington (D.C.) Post, July 16, 1964]

Cast a Cold Eye on Yon Mechanic

(By Alan Barth)

Representative Charles McC. Mathias, Jr., has come up with the greatest scheme for emancipation since that proclamation issued by Abraham Lincoln a century ago. He proposes to liberate the automobile owner from the automobile repairman.

The idea is to have the auto and gas industries set up automobile diagnostic centers in the Washington area, staffed by expert mechanics and appropriate equipment to tell car owners disinterestedly what repairs their chariots actually need and how much the work ought to cost. Armed with a written specification of this sort, the owners could then go to any repairman they chose, have the work done and return to the diagnostic center for a checkup to make sure that it was done properly.

The need for such a service will seem self-evident to anyone who has ever gone to a garage or gas station with an ailing transmission, a flooded carburetor, or a leaking fuel pump. Time was when every boy brought up in the American way of life was personally capable of taking an automobile engine apart and putting it together again barehanded. But that simple, happy time is long past.

Boys are brought up nowadays to operate computers and electronic guidance systems; and the ways of the old fashioned internal combustion engine are as mysterious to them as psychoanalysis.

Automobile mechanics, as everybody knows, are a special breed. Nicer fellows are not to be found in any other calling. For sheer charm, social grace, warmth of companionship and personal persuasivness, they really are unrivaled.

There is only one thing wrong with automobile mechanics and that is a fixed feeling among them, amounting to a passion, that every sucker was born to be sucked and that it is their inexorable mission in life to do the sucking. A sucker, in the lexicon of any repairman, is anyone who does not know his exhaust pipe from his flywheel. Used car salesman, funeral directors, and bucket-shop operators are softies by comparison.

Let us suppose that the Mohican Eight which you purchased not so very long ago has developed a slight hiccup in the normal purring of its 300-horsepower motor, and you have taken it into the repair department of the Mohican Agency which sold it to you in the first place. A repair department foreman, garbed in white like a hospital attendant or surgeon, comes up affably and engages you in friendly small talk. You ask him to listen to that delicate, hesitant intake of breath in the engine.

"I'm afraid we'll have to ambifiate the dynagroove," he says gravely.

"What's that mean?" you answer, sudden anxiety clutching at your heartstrings.

"Well, it's something you really ought to have done every couple hundred miles, you know. Let's see, you've already driven this over 300. What about a good spring tuneup on her? We've got a special combination offer on now for $49.49."

"What does that include?" you ask in an effort to show that you're a hardheaded, practical fellow.

"Oh, for that we go through the whole diverticulatory system, clean out the pelliculates, put in new zing-sprockets, flush out the lavicords, and check the syncopation throughout. Make her run like new."

"But she is new," you say somewhat plaintively, hopeful, however, that he won't be offended. In the end, he lets you keep your old transmission and hubcaps—although not without a foreboding that you'll have to replace them at the next 250-mile checkup. And you discover that you have run up a bill which you can pay quite comfortably just by mortgaging your house.

The great virtue of Congressman Mathias' proposal is that it avoids any direct confrontation or defiance of your repairman. Naturally, you don't want to do anything that might cost you his friendship. He's much too charming for anything like that. You just want to reduce his rapacity without in any way deflating his ego.

The diagnostic service seems the ideal answer. It enables you to walk into your repairman's emporium and to say simply, provided you have the requisite steeliness of will and inflexibility of purpose, that you want your car decollated, maglified, and transposed—and nothing else. And you want it done for $12.68.

He may be hurt momentarily, even frustrated. But he'll bound back. They always do. The only thing is, where are we going to get the paragons to do the diagnoses? The authentic mechanic is a brigand at heart. Has Mr. Mathias ever thought of that?

Mr. MATHIAS. Mr. Speaker, Mr. Barth precisely illustrates the machinations of which our technologically naive neighbor is victim when his Mohican Eight exhibits symptoms of having a congested pelliculate or a tired zing sprocket.

To answer Mr. Barth's questions in his concluding paragraph, let me reiterate:

First. The "key" to my diagnostic proposal would be the electronic diagnostic machines. According to my best information, these newly perfected instruments are specially calibrated to do the diagnosing of an auto's ills with a minimum of assistance from the mechanic who need only plug in the machine, read the results and finally consult the standard manuals for repair and parts costs; these he will list for the auto owner. The mechanic-diagnostician will perform no repairs himself.

Second. The actual repair work could be done by an independent mechanic of the auto owner's own choosing; but the owner and the repairman would have the guidance of the diagnostician's analysis, thus removing the guesswork and voodoo from the repair business.

Third. The "Auto Diagnostic Centers" would be voluntarily established, staffed, equipped, and managed by the major auto and/or petroleum industries. The cost of diagnosis would be very modest.

Mr. Speaker, I, like my neighbors, lack the technical expertise to speak with authority on this field but I do know that the public needs to be protected. By no means wedded to any particular hard-and-fast plan, I welcome and encourage any and all positive suggestions from the general public, the industries, and the authorities.

July 22, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Mathias: Several days ago in one of the local newspapers I read an article by Alan Barth entitled "Cast a Cold Eye on Yon Mechanic," which discusses a proposal introduced by you to have automobile diagnostic centers set up in the Washington area for the purpose of advising car owners about repairs and probable cost of such repairs.

The article was extremely funny and I thoroughly enjoyed reading it. However, it reminded me of the number of times I have been in the position of the utterly helpless "sucker," in situations such as Alan Barth describes. Just at this time, for example, I am ready to weep tears of rage at the way my car repairs have been handled by a so-called reputable dealer in the Washington area—and at the fantastic charges made and paid for a brake-lining job that was so badly done in the first place that I wonder if anything was ever done at all. And a female "sucker" is even fairer game for these gougers than a male "sucker."

I cannot believe your proposal will ever get past the powers that will lobby against it, but I'd appreciate having some information about it. You may rest assured it will have my wholehearted support, as well as that of your many other "sucker" (automobile-repair-wise, that is) constituents.

Sincerely yours,
Mrs. MacLeod Simchak.
Washington, D.C.

July 8, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Congressman Mathias: Amen—a very progressive step, long overdue—thank you very much.

Sincerely,
Francis L. Otto.
Alexandria, Va.

July 10, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Congressman: Your idea of providing for checking automobiles before having them repaired is excellent. Those auto repair outfits really give the consumer the business and apply scare tactics.

Keep up the good work.

Sincerely,
A. Podolsky.
Silver Spring, Md.

July 13, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Mathias: I was delighted at your fine proposal to establish automobile check-up centers in the Washington area, although it is unfortunate that such a step is necessary.

Automobile service and repairs rank among the most costly and aggravating experiences a car owner must tolerate. I feel that the manufacturers themselves owe the public some action in providing responsible service garages.

Until that occurs the proposed centers would perform a vital consumer service.

Very truly yours,
Martha H. Dunn, Jr.
(Mrs. H. Stewart Dunn, Jr.)
Potomac, Md.

July 9, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Mr. Mathias: I was delighted to read in this morning's paper of your proposal for establishing automobile diagnostic centers in the Washington area.

In my opinion (and I'm sure other car owners have the same feeling) this has long been needed, not only in the Washington area but all over the United States.

I am glad to see that you are trying to remedy the situation locally.

Sincerely,
(Miss) Eleanor L. Crosby.
Kensington, Md.

July 9, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: I have had in mind for some time the need for auto diagnostic centers, not only in the Washington area but throughout the entire United States.

Your proposal is sure to meet opposition from auto repair shops, but not from the motoring public.

Much luck to you in a very worthwhile cause.

Truly yours,
Frank Newman.

July 25, 1964.

Hon. Charles McC. Mathias, Jr.,
Washington, D.C.

Sir: This morning's San Francisco Chronicle ran an article stating that you were suggesting standards whereby the public could be better informed concerning necessary automotive repair and fair charges.

I want you to know that I speak for myself and many friends when I say this is a very sensible suggestion.

I hope you will accept congratulations and best wishes for success from a California Democrat.

Sincerely,
John W. Gay.
San Francisco, Calif.

La Jolla, Calif.,
July 24, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: It was with great interest that I read your proposal to liberate automobile owners from repairmen. I think your idea is great.

Very truly yours,
Donald H. Dechant.

July 14, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Congressman Mathias: Several days ago, I noticed the story of your letter to District Commissioner Walter N. Tobriner, concerning an automobile diagnostic center in the Washington area, to prevent "mulcting" of the public by unscrupulous auto repairmen.

As one who was just recently so "roughly" handled by several registered dealers, I would strongly urge that you pursue through to consummation the setting up of such a center or clinic.

The center should be self-supporting, and I for one, would welcome it.

Yours very sincerely,
Alice Byrd Boschen.
Arlington, Va.

July 15, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Sir: Your proposal that an automobile diagnostic center be set up in the Washington area to help prevent motorists from being cheated by unscrupulous mechanics is unexpected aid to a person who has recently been victimized (for about the fifth time in as many years) by unscrupulous, untrained, and dishonest auto mechanics.

Many, many persons with whom I came in contact during my complaints told me of having suffered similar problems with auto mechanics. None of them recovered any of the repair bills they paid reluctantly * * *.

I sincerely hope you are successful in your idea and if you need a volunteer to type, telephone, etc., in this direction, please call on me.

Sincerely,
Mrs. Joyce Wachter.
Washington, D.C.

July 15, 1964.

Representative Charles McC. Mathias, Jr.,
Room 333,
Cannon House Office Building,
Washington, D.C.

Dear Congressman Mathias: Most recently I read in the newspapers where you were advocating a plan whereby automobile diagnostic centers would be set up in the Greater Washington area to prevent "mulcting of the public" by unscrupulous auto repairmen.

As executive Director of the Greater Washington Service Station Association, representing dealers in the District, northern Virginia and Montgomery and Prince Georges Counties of Maryland, I would like to have the opportunity to meet with you about this program. It is the belief of both myself and GWSSA President James D. C. Gouldin that diagnostic centers, while maybe having many good points, also will incorporate features which conceivably could go against the free and competitive grain of American business.

We agree with you that the public should and must be protected. But we feel that this can be done through other means—means which would not impair the earning power of those expert, well-trained mechanics in the field, and means by which the character of all auto service and repairmen would not be impugned by implication of dishonesty.

We, as an association, are as aware as any person or group that there exists in our field those "buzzards" or "fly-by-night" operators who prey on the unsuspecting public—as there are in any business. But we do not at this time, nor can we, support ideas which treat only the symptoms of illness of our industry, and not the illness as such.

James Gouldin and I are asking for the opportunity to be heard. We feel that we have the means and the method to stop the rooking of the public, but without punishing or castigating the service and repair work performed by the numerous honest, conscientious and well-qualified mechanics in the Greater Washington service stations and garages.

Respectfully yours,
Stanley A. Rodman,
Executive Director, Greater Washington Service Station Association.
Washington, D.C.

July 16, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Honorable Sir: May I congratulate you, sir, on your recent action in which you, according to the Washington Post, have asked the auto and gas industries to set up diagnostic centers to prevent "mulcting" of the public.

I am happy that you are receiving complaints and that contrary to belief nobody does anything about it. This shows that you, sir, have heard the people and are trying to do something about the legitimate complaints of people who have been victimized when buying a car, or when having one repaired. Your comments are welcome indeed and I wish that more of your colleagues would take action along these lines.

I have followed this thing for a long time and I believe that the public needs protection from abuses by automobile repairmen.

Again I wish to express my thanks for your interest in the welfare of the motorists. I think it is long overdue; I think that the individual motorist must take a long hard look at the repairman and I am now getting a list of persons who have been swindled by car repairmen and keeping a log of all printed matter pertaining to such practices and hope to soon get a movement started in the direction that you, sir, have outlined in the press.

Sincerely,
Clarence Eacret Smith.
Takoma Park, Md.

July 25, 1964.

Hon. Charles Mathias, Jr.,
House of Representatives,
Washington, D.C.

My Dear Mr. Mathias: I noticed a report which indicated your great interest in furthering the cause of accurate diagnosis and repair of automobiles for the American motorist. A good and timely cause indeed, for the motorist has perhaps been the most exploited segment of the buying public for many years.

Yours very truly,
Automotive Center Consultants, Inc.,
E. N. Moon, *President.*

July 22, 1964.

Hon. Charles McC. Mathias, Jr.,
House of Representatives,
Washington, D.C.

Dear Representative Mathias: I believe that if an investigation were made of employees of repair shops, it would show that in most cases the automobile owners are grossly overcharged and sometimes charged for work not needed at all.

If inspection stations such as suggested by you are established, I feel sure most automobile owners would be very glad to pay a fee for such inspections and thereby protect themselves against unscrupulous garage owners.

Wishing you the best of success in this matter, I am,

Sincerely yours,
Wyatt C. Hedrick & Associates,
B. Daugbjerg.
Houston, Tex.

July 21, 1964.

Hon. Charles McC. Mathias, Jr.,
House Office Building,
Washington, D.C.

Dear Mac: Reading hastily over a recent news release, and without knowing a continental thing about automobiles, I am 100 percent back of your idea that the industry should establish some nonpartisan experts who could tell me or all of us who drive an automobile what is wrong, when we have trouble, and what repairs should cost.

I haven't the faintest idea that you will ever succeed in putting this into effect but, whether you do or not, I am still with you.

Cordially yours,
John.
JOHN R. FITZPATRICK.
FREDERICK, MD.

JULY 29, 1964.

Congressman CHARLES MATHIAS, Jr.
Washington, D.C.

DEAR CONGRESSMAN MATHIAS: It may interest you to know, that I represent a group of small businessmen who hold the same views as yourself. It is pleasing to know that responsible persons such as yourself are cognizant of and appreciative of the fact that John Q. Public is being taken in by the automotive repair garages, large or small.

I sincerely hope that amongst your many problems, you can continue some attention to this nationwide problem.

Most respectfully yours,
W. B. HOLLIS.
SANTA CLARA, CALIF.

JULY 24, 1964.

Hon. CHARLES McC. MATHIAS, Jr.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: Your idea about establishing automotive diagnostic centers staffed by expert mechanics and properly equipped for the task is the best thing that has come out of Congress in many a moon.

I hope you follow through on this.

Sincerely yours,
V. T. PECK.
BERKELEY, CALIF.

Hon. CHARLES McC. MATHIAS, Jr.,
House of Representatives,
Washington, D.C.

DEAR SIR: A news item relative to your plan to liberate the automobile owner from being overcharged in repair departments is very much in order. I hope you are successful in getting it started even if it does sound like a difficult task.

Sincerely,
MRS. MARTHA H. SHANNON.
HOUSTON, TEX.

[From Roll Call, July 23, 1964]

HONEST ENGINE

Representative MATHIAS, of Maryland, has suggested that the auto and/or petroleum industries establish auto diagnostic centers in Washington. The Congressman feels that the public is being mulcted by dishonest or incompetent auto mechanics. Mr. MATHIAS bases his thesis on a not-too-astonishing survey which indicated that upward of 90 percent of the area mechanics are palpably deficient in moral fiber or technical competence. This survey found a severe wanting even among the mechanics of the large distributorships.

Mr. MATHIAS' "centers" would be facilities where expert industry-trained mechanics, equipped with electronic diagnostic instruments, would, for a modest fee, quickly and accurately diagnose an auto and prescribe in writing the needed repairs, parts and costs—the auto owner could take his car elsewhere for the actual repairs. Inasmuch as auto technology is an exact science, the Congressman feels that the public can and must be adequately protected by responsible private enterprise—sans guesswork, fraud, incompetence and padded bills.

We heartily endorse this very positive suggestion to protect the consumer. Heretofore negligent, in our opinion, the major auto and petroleum industries must assume a continuing moral responsibility in this area inasmuch as the auto-dependent public is getting a rough shake from the local "mechanic."

Congressman MATHIAS' idea could be the start of something grand.

Mr. Speaker, a boon to all auto owners, think what a lifesaver the diagnostic facility would be to a prospective used-car buyer who could run a possible purchase through the center to be tested for soundness before consummating the actual purchase; the center could protect him from buying a pig-in-a-poke.

ALLEGIANCE TO THE AMERICAN CONSTITUTION

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois [Mrs. REID] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mrs. REID of Illinois. Mr. Speaker, allegiance to the American Constitution is the clear-cut issue facing the Congress today. Fortunately, the issue is drawn in simple terms which any American can understand. The facts are crystal clear. The Supreme Court has overstepped the authority granted it under the Constitution. The power to alter the Constitution belongs to the people. The amending procedure is the only proper way to change it. I have faith in the ability of the American people to govern themselves. A vote against H.R. 11926 is an attempt to deny the people of this Nation their sovereign rights.

It should be apparent to any person reading the Constitution that it gives the Federal Government no power to establish the basis for election of the legislatures of the States. To those who insist that the power lies in the 14th amendment, I suggest they read the House debate on adoption of that amendment. There—for all to see—is the clear statement that this amendment does not alter any existing rights of the States.

There is no question that there is a major problem of equality of voting strength in some States. For this reason, I decided that the constitutional solution to the problem lay in enactment of temporary relief which is the purpose of H.R. 12238 which I introduced on August 4, 1964. H.R. 11926, which we are considering today, limits the jurisdiction of the Federal courts in cases on the apportionment of State legislatures. In my judgment, this bill is a simple statement of the intent of the Constitution. Although this bill is more restrictive than my proposal, it accomplishes the same basic result—and I give it my full support.

The next step is to submit the question to the people in the form of a constitutional amendment. House Joint Resolution 1139, which I introduced on August 3, 1964, does this. We must complete our job by submitting this amendment to the American people.

COUNTY COMMENT

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Texas [Mr. GONZALEZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, many times those of us passing on legislation that we consider meaningful, though controversial, wonder just what the grassroots feeling and reaction really is. In my District, the 20th from Texas, a local governmental leader, County Commissioner Albert Pena, has written a significant article in the Weekly Dispatch, published in San Antonio, Tex. I submit this article from last week's issue:

COUNTY COMMENT

(By Commissioner Albert Pena, Jr.)

Several weeks ago, in this column, I wrote about the meaning of the recently enacted civil rights bill and emphasized the fact that the Negro deserves credit for having fought the battles that helped bring about this long overdue legislation.

And since Mexican-Americans, along with other minorities, will benefit from the civil rights bill, perhaps we should claim some credit for beginning this revolution of our times.

It was Mexican-Americans who first complained effectively about discrimination in public accommodations and jobs. We continue to protect these practices, whether the discrimination is against the Mexican-American or some other minority group. Our fight against discrimination in public accommodations has been virtually won with few exceptions, but job and wage discrimination continue to plague us. And we must continue to stress our number one problem—illiteracy; because, like it or not, the average Mexican-American child repeats the first grade three times and doesn't go beyond the fourth grade. And many of our older people are illiterate in two languages.

To be sure, we have made gains, and there is more and more of a recognition of our problems by Texas politicians. But we must make sure the gains we have made are not destroyed by the forces of reaction that are now mounting a counter-attack under the leadership of the Republican candidate for president, BARRY GOLDWATER.

The radical right-wing and the Ku Kluxers and the other terrorists of America must realize they are fighting in their last trenches. When they lose them they have lost the war.

Like all armies that are near defeat they will forget the rules of war and use every horrible weapon and dirty trick that is known to the war of politics. What else can they do?

Can they appeal to the voters' intelligence? Of course not.

Can they appeal to his sense of morality? No.

Can they appeal to his conscience? No.

What can they do, then, if they hope to win this election for Baron Barry.

They can scare the H--- out of some voters by appealing to their fears and prejudices. This is their only hope. This is what they must do.

Fear and smear—fear and smear—those are the time-honored weapons of the reactionary rightwing's guerrilla fighter.

This war will end on election day, perhaps, and victory must be ours, for our future as human beings, as leaders on this earth may very well depend on it.

What can the minorities do to stop this counter-revolution?

We must organize, we must mobilize the strongest and most effective campaign yet to defeat these ghosts from the 18th century who have come to haunt our mid-20th century America. We must work for the election of the man who promises a future—a bright future—for this Nation. That man is Lyndon B. Johnson.

In the past few months the President has said much and done much in the areas with which Mexican-Americans, Negroes and organized labor are so vitally interested.

One thing he said about the Democratic Party is worth repeating. He said, "To the Democratic Party, the old, the sick, the hungry, the helpless have represented not failures to be forsaken, but human beings to be helped."

To me, this just about sums up the philosophy of the Democratic Party. I would add only one more thought, a quote from the late President John F. Kennedy: "America stands for progress in human rights as well as economic affairs, and a strong America requires the assurance of full and equal rights to all its citizens, of any race or of any color."

This is the Kennedy legacy, which, together with the Johnson program, represents the future of our Nation—and the world. We Democrats must work to insure that future.

INTERSTATE HIGHWAY SYSTEM

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. Fallon] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FALLON. Mr. Speaker, more than half the vast 41,000-mile, $41 billion Interstate Highway System is open to traffic or under construction.

For all Americans this is good news. Efficient, economical transportation benefits everybody. Transportation affects the cost of everything we make and the price of everything we buy. The whole country profits from a modern road network.

This year the Nation's 95 million licensed drivers will make a tax investment of close to $3 billion in construction of interstate highways. But they will receive close to $3 billion in user benefits—lower operating costs, less tire wear, and the like. Due to superior safety features of the controlled access road network, many will live who otherwise would die on obsolete and unsafe highways.

Federal Highway Administrator Rex Whitton tells the many ways the public will benefit from the giant Federal-aid road program in his excellent article, "Save-as-You-Go Driving."

Through the Commerce Sunday Feature Service millions of Americans will gain a fuller appreciation of their stake in the Interstate, a program that offers a shining example of how the Federal Government and the States work together as partners in progress.

I take pleasure in inserting in the Record Mr. Whitton's article, "Save-as-You-Go Driving":

SAVE-AS-YOU-GO DRIVING

(By Rex M. Whitton, Federal Highway Administrator, U.S. Department of Commerce)

One of the best investments in America today guarantees a quick, no-risk return of 100 percent on your money. What's more, the deal is open to every one of the Nation's 95 million licensed drivers.

Actually, although many are unaware of it, they are already participating in this unique financial venture—and already receiving dividends. This year they will invest close to $3 billion in the construction of the vast Interstate Highway System; before the year is out they'll get back—in money saved by using these great new roads—close to $3 billion.

After 1972, the investment picture will become even brighter for the Nation's drivers. When this beautiful $41 billion, 41,000 mile network of controlled access highways is completely opened to traffic, the dollar-and-cents benefits to those who use it will soar to $11 billion annually. It only takes a little figuring to see that the entire $41 billion cost of the system will be returned in less than 4 years, and after those 4 years, dividends to those who use it will mount substantially.

Drivers invest in the Interstate System by paying special Federal taxes, primarily the 4 cents a gallon gasoline tax. These revenues go into the highway trust fund created in 1956, the sole source of Federal aid to States for highway construction.

None of the money spent on the interstate comes from the General Treasury. The system is being built with 90 percent Federal aid, while States pay the remaining 10 percent, mostly with funds collected through their own highway user taxes.

Here's how we at the Commerce Department's Bureau of Public Roads calculate the return on your investment in the interstate. Because the system incorporates the most advanced design techniques, it eliminates, or at least holds to a minimum, many of the factors that add to highway transportation costs. It lowers accident rates because these broad, controlled-access highways allow safer, swifter, higher capacity travel than ordinary roads. It cuts operating expenses by reducing fuel and oil consumption, tire wear, maintenance, and depreciation. Travel distance between points is shorter, the number of stops and slowdowns is negligible compared to older roads and the hidden costs due to strains of driving are greatly decreased by the wider lanes, easier curves, and elimination of intersections, permitting entry only at planned interchanges.

Look how much is saved, for example, just by reducing traffic stops. Studies show that every stop made by a vehicle traveling 60 miles an hour adds about 2 cents to the cost of the operation because of the additional wear on tires and brakes, plus the fuel consumed in starting up again.

Savings this year from travel on the interstate will exceed $2 billion for passenger cars and comes close to three-quarters of a billion for trucks and buses. After the system is completed, these benefits will rise to $8 billion for passenger cars and $3 billion for commercial vehicles. For the average car owner, that is a saving of $29 this year on his share of interstate driving and $92 a year in 1973.

No dollar value can be put on the most important "plus" of the system; namely, the saving of lives. The network is expected to save the lives of no less than 3,500 persons this year and after it is finished, 8,000 annually. These are persons who otherwise would die on conventional roads, roads they would have to use if the Interstate didn't exist.

Of course, benefits to highway users aren't limited to the Interstate System. Improvements on all types of highways pay dividends in time and money saved. In fact, the Bureau of Public Roads estimates that this year's benefits from improvements made on the Federal-aid highway systems since 1956 will amount to $6 billion. That means a total saving of $4.5 billion for the owners of our 69 million passenger cars, and $1.5 billion for the operators of 13.8 million commercial vehicles.

After 1972, we expect total annual user benefits on all federally aided highways to reach $21 billion—$15 billion for passenger cars and $6 billion for commercial vehicles.

In other words, the individual car owner can count on savings of $65 in 1964 and $173 annually after 1972. Let's see how this looks in terms of his total tax investment. The owner of a moderately priced car with a lifespan of, say, 10 years, will pay $700 in State and Federal taxes used for improvements on Federal-aid highways. In return, he will receive at least $1,730 in direct user benefits over the same period of time. That's a good investment in any stockbroker's book.

As with Interstate, that most important plus enters into the cost-benefits equation here, too. President Lyndon B. Johnson has launched an accelerated safety campaign to save lives by eliminating hazards on existing highways where accidents occur with dismaying frequency. Not-so-incidentally, this life-saving effort will also boost user benefits by reducing accident costs.

But the benefits of better roads are shared by all Americans, whether or not they use highways. Every aspect of American economic or social life is affected. Lower transportation costs are reflected advantageously in the price of all goods and products hauled by trucks, with the consumer ultimately benefiting. Improved highway transportation stimulates employment and production, improves land use, and makes a significant contribution to the high standard of living enjoyed in our country. Basic to the Federal-aid highway program is the recognition of the importance of highways to all aspects of our national life.

When the Federal-Aid Highway Act of 1956 was adopted, providing for an acceleration of the Interstate highway program, President Johnson, then Senate majority leader, said: "Evidence is mounting daily that the Federal-Aid Highway Act recently enacted by Congress is one of the most far-reaching legislative measures ever to come out of this body. New highways result in the establishment of new businesses. Intensive industrial and commercial development accompanies the construction of controlled access highways such as those that will comprise a large part of the completed Interstate System."

The President's words have proven prophetic. Today, wherever we look throughout our country, we find that the Interstate System is spurring new industrial and commercial development, creating new jobs, and generating new economic growth for the benefit of all Americans.

THE SO-CALLED WHEAT-COTTON LAW

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Rhode Island [Mr. Fogarty] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FOGARTY. Mr. Speaker, nearly 4 months ago this Chamber passed a so-called wheat-cotton law which was described by its proponents then as legislation that would lower the price of cotton goods to consumers, and would not—I repeat the word not—raise the price of flour, bread, macaroni, and related products.

Along with many other Members of this Chamber, I voted against that legislation because I believed that sound reason dictated just the opposite of the claims made for this bill.

I believed then—and said so—that the price of flour, bread, macaroni, and related products would rise. I did not believe the price of cotton goods would be reduced.

Today, nearly 4 months later, the record is very clear.

Prices for flour, bread, macaroni, and other flour-based products are up for consumers—and still rising—and prices for cotton goods are not down.

Further, textile union leaders who pleaded with us to support this legislation because they saw in it a wage increase for their members now are finding that the cotton mills are not passing any part of their $300 million windfall to workers.

Mr. Speaker, I must ask at this date—how gullible are we?

We are given solemn pledges that the price of flour and bread will not rise because of our actions on this floor. We are given solemn pledges that cotton products would be cheaper to consumers.

Neither of those two pledges has come true. As a matter of fact, our constituents now are faced with the exact opposite.

Flour prices are up as much as 80 cents a hundred pounds; bread prices are up in some areas as much as 2 cents a loaf—and still more increases are on their way.

All of this has come about because we voted a law which makes it necessary for millers to pay more for their wheat. What makes the deed even worse is that the price of wheat to farmers is down. The thing that is raising the price of bread and other flour products to consumers is the "certificate" we legitimized by our vote here.

In cotton, we find by looking at the record that mill margins—that is the margin the mills make in the processing of cloth—are up nearly 1 cent this July as compared with July of 1963.

Why are these margins up? We voted more than $300 million to subsidize those cotton mills at the rate of 6½ cents a pound of cotton, and now we find those same cotton mills are making nearly a penny more for every pound of cotton they process. Why is cotton not down 6½ cents, or nearly that?

The mills cannot say they have passed on some of this windfall to their workers. I have here in my hand a release from the executive council of the AFL–CIO Textile Workers Union of America which says that the great subsidy we voted here for cotton mills has turned out to be "a one-way street for increased profits" for mills.

I do not like to say it—but that was predicted by many of us—and it happened.

I submit for the RECORD the full text of that release by the AFL–CIO:

THE SO-CALLED WHEAT-COTTON LAW

ASBURY PARK, N.J.—The textile industry was accused today of turning the benefits of one-price cotton legislation into "a one-way street for increased profits."

The charge was leveled by the executive council of the AFL–CIO Textile Workers Union of America during the course of its quarterly meeting here. It was accompanied by a call to textile employers to start sharing these benefits with their workers through substantial wage increases, and with American consumers through meaningful price reductions.

William Pollock, TWUA general president, said Congress did not enact one-price cotton legislation earlier this year "solely for the purpose of boosting millowners' profits."

"It was assumed that a reduction in the cost of raw materials would be reflected by a proportionate reduction in prices which, in turn, would stimulate increased sales," Pollock said. "It was further anticipated that consumers would profit from lower prices and workers would enjoy higher wages, fringes and increased employment opportunities."

So far, Pollock added, textile employers have been pocketing about 75 percent of the savings in raw-material costs provided under this legislation, with the result that none of these expectations have been fulfilled.

A resolution adopted by the 22-member executive council, top governing body within the union between conventions, declared TWUA's intention to call the Democratic platform committee's attention next week to the industry's failure to share the profits of one-price cotton. It noted that the Republican Party platform last month demonstrated no interest in extending this legislation when it expires in 1966.

Unless there is a quick change of attitude by the industry, the outlook for extension of this legislation will be seriously endangered, the TWUA council predicted.

It warned that unless the textile industry immediately demonstrates that it will begin "traveling the road to the 20th century," TWUA's support for one-price cotton legislation will be withdrawn. The industry can do so by modernizing its wage and fringe standards and abandoning its "fanatical" attempts to deprive textile workers of their right to bargain collectively, the TWUA resolution added.

Also noted was the fact that since April 11, cotton mills have been enjoying a reduction of 6½ cents a pound, equivalent to 20 percent, in the cost of raw cotton. This could make possible a 10-percent reduction in prices; yet, according to the U.S. Bureau of Labor Statistics, the average wholesale price of cotton products declined by only 2.4 percent between March and June.

Last month, price increases were boosted for many cotton gray goods, leading the TWUA council to conclude that the textile industry "is taking advantage of the strong demand for its goods to boost prices in the face of a reduction in raw-material costs and despite an average gain of 18 percent in profits after taxes during the first half of 1964."

By contrast, the council said, the $1.70 hourly average wage in the textile industry lags 74 cents an hour, or nearly $30 a week, behind the average for all U.S. manufacturing industries.

Mr. Speaker, now as to flour, bread, and other products—all foods that are purchased by our constituents every day of the year. We are not dealing here with luxury foods—we are dealing with the staff of life, with food that low income families eat in greater proportion than families with higher incomes.

Let us look at a story from the Wall Street Journal of August 12, 1964:

BREAD PRICE IS LIFTED 1 TO 2 CENTS A LOAF IN SOME CITIES; MOVE EXPECTED TO SPREAD

(By Harlan S. Byrne)

CHICAGO.—The price a housewife pays for bread is beginning to rise in some cities by 1 to 2 cents a loaf. The increases, so far highly selective, are expected to spread.

The boosts were triggered by last month's sharp rise in flour prices, which millers blame on higher wheat costs and which prompted bakers at the time to predict bread price increases. The flour price increase was assailed July 9 by Agriculture Secretary Freeman who claimed there was no justification for any "substantial" increase in flour or bread prices this year.

Cities where retailers report recent bread price increases include Chicago, Kansas City, Mo., St. Louis, Knoxville, Tenn., and Topeka, Kans. The increases have been initiated largely by chainstores that bake and sell their own brands of bread and by small independent retail and wholesale bakers. So far there's no indication the large commercial bakers operating widely throughout the country have boosted the price of well-known advertised brands.

MOVES IN CHICAGO

In Chicago, A. & P. raised the price of a popular 1¼-pound loaf of white bread to 21 cents from 19 cents and a 1½-pound loaf to 27 cents from 25 cents. A. & P.'s 19-cent loaf has been a price feature in the Chicago area for the past year, and other chains often have dropped the price of their 1¼-pound loaf to that level to meet the competition. A. & P. competitors maintain their regular price for this bread is 23 cents, even if not sustained for long periods.

One big chain, National Tea Co., it's understood, has decided to price the 1¼-pound loaf at 21 cents and eliminate sporadic discounting of the price to 19 cents. National doesn't make a 1½-pound loaf of its own. Jewel Tea Co., another leading chain in Chicago, is considering increasing the price of its own brand in light of the A. & P. price boosts. To date the widely advertised brands of the big commercial bakers haven't been increased in the Chicago area. But one baker insisted increases were inevitable. These breads traditionally sell several cents a loaf above the private brands of chainstores.

In the Kansas City area, at least three big store chains—A. & P., Safeway, and Kroger—have lifted the price of white bread by 1 cent for a 1-pound loaf and 2 cents on a 1½-pound loaf. One chain today is selling two 1-pound loaves for 37 cents, compared to 35 cents prior to the recent increases. A chainstore executive claimed prices haven't gone up in some sections of the city due to competitive conditions.

In Topeka, independent bakers raised the price of a 1-pound loaf by 1 cent, touching off a 2-cent-a-loaf retail increase, according to Don L. Walters, president of the Jayhawk Food Dealers Association, made up of independent retailers. The new retail price is 24 cents a loaf. Mr. Walters reports most chainstores have made similar increases on independent brands they sell, though they haven't yet increased the price of their own brands.

One large chain baker said wholesale bread prices in Knoxville generally were increased by ½ to 1½ cents a loaf, followed by retail increases of 1 and 2 cents.

DIFFICULTY IN PINPOINTING

Pinpointing bread price trends nationally isn't easy. For one thing, bread pricing is governed by local competitive conditions, as a rule. Also there are many types and sizes of bread. Some bakers note that bread has become a pricing football in recent years. Private brands of the chainstores not infrequently are discounted as loss leaders to build store traffic. Since the flour price advance, there's been less discounting of bread, bakers say.

Many bakers are reluctant to discuss price increases openly, fearing unfavorable publicity. One baker in Kansas City claimed he knew of no bread price increases in the area, though several competitors confided that increases had been made.

Based on present costs, the latest increases are expected to spread, bakers asserted. In Chicago, an official of the Associated Retail

Bakers of Greater Chicago said a spot check among 400 independent retail members indicated increases of 1 to 2 cents a loaf are expected to become general in the next few weeks. Some independent retail bakers already have made increases, he added.

D. H. O'Connell, president of American Bakeries Co., based in Chicago, said, "I wouldn't be surprised to see more price increases." Last month officials of other national bakery chains warned bread prices probably would go up. At the time, they speculated the increases would come gradually in various market areas, as the present pattern seems to indicate.

Bakers point out that due to competitive conditions, bread and other baked goods prices haven't advanced generally for about 5 years despite steady increases in labor and other costs. "The shock of the flour price increase may be more than we can continue absorbing," Mr. O'Connell said.

The flour price increases were as much as 80 cents a hundredweight. Since then, flour prices have slipped about 20 cents a hundredweight. One widely used type of bakery flour is selling in Kansas City at a bulk price of about $5.55 a hundredweight, up from about $4.95 a year ago. One Kansas miller reports top milling grades of wheat are costing 25 to 30 cents a bushel more than a year ago. As it takes about 2.3 bushels of wheat to make a hundredweight of flour, the per hundred cost increases range from about 55 to 75 cents.

The flour and bread price increase are annoying to farm planners in Washington because in pushing legislation for a new wheat subsidy this past spring, they assured liberal Congressmen from populous eastern States the program shouldn't result in flour or bread price increases.

Mr. Speaker, this wheat-cotton legislation was bad last April. It is even worse now.

I stand here now to warn those who would seek next year to try to renew legislation of this kind that I will fight much harder to defeat the efforts of those who would foist again this kind of bunkum onto the consumers of this Nation.

It is my firm belief that the farmers of this Nation want to produce food and fiber efficiently, and that they can do the job better than farmers anywhere in the world. They can do it—and consumers can benefit—only if we stop tinkering with farm programs, only if we return to sanity.

I repeat that which I have said before—the interest of farmers and consumers are not opposed. They are the same. Farmers want to produce and sell at a profit. Consumers want to buy as cheaply as they can.

Both sides can benefit if we will stop fooling around with things we obviously do not know anything about.

Next year, Mr. Speaker, we will be faced again with those who want to nick the consumers. I will oppose the attempts vigorously, and this time, based on the record before us now, I am confident I will be joined by more than a sufficient number to defeat this kind of serious nonsense.

After all, in my opinion, this legislation was never needed in the first place. The administration, through the Secretary of Agriculture, could have rolled back the price support of cotton from 8½ to 4 or 5 cents and that would have been the easiest and simplest solution to help solve the problem.

KEEPING FAITH WITH SMALL BUSINESS: A SUGGESTION FOR A DEMOCRATIC PARTY PLATFORM PLANK

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MULTER. Mr. Speaker, I was privileged yesterday to submit a statement to the Democratic Party platform committee meeting here in Washington, in support of a plank in the platform calling for a continuation of the policies benefiting small business that the Kennedy-Johnson administration has been following for the past 4 years.

My statement follows:

STATEMENT OF HON. ABRAHAM J. MULTER BEFORE DEMOCRATIC PARTY PLATFORM COMMITTEE SUPPORTING A SMALL BUSINESS PLANK

Mr. Chairman, small business, particularly its economic health and opportunity for growth and expansion, traditionally has been the subject of special concern to the Democratic Party and to every Democratic President and Congress.

Aware of the national importance of the 4.6 million small businesses in this country which produce about one-third of the Nation's goods and services, provide a broad source of diversified employment opportunities, and the means for expression and growth of personal initiative and judgment, the Democratic Party has devoted, and continues to devote, much effort toward increasing the participation of small business in the national prosperity.

We are imbued with the creed that the essence of the American economic system of private enterprise is free competition and that only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. We have always been concerned with expansion of free competition as basic not only to the economic well-being but also to the security of this Nation.

The Democratic Party firmly and fervently believes that small business is intimately bound up in that economic well-being and security. At the same time, we abhor the attempts of opponents to sow discord between large and small business and to engage them, and the Government, in an artificially created class struggle.

Under the present Democratic administration, and especially under the leadership of President Johnson, have these artificially and intentionally created antagonisms between large and small business begun to be eliminated. More and more, large and small businesses now view each other not as adversaries but as an integral and indispensable aid to each other's economic prosperity and are, therefore, increasingly cooperating whenever the opportunity arises. One of the outstanding examples in this regard is large business' recent efforts of cooperation with the Small Business Administration (SBA) in a voluntary program to create and expand subcontracting opportunities for small business in the Government procurement programs. The success of this cooperation is reflected in the large volume of subcontracts awarded during fiscal year 1964 by large business to small business and in bank participation in SBA's lending programs.

Indicative of the Democratic Party's interest in the economic welfare of the small business community is the late President Kennedy's call on March 15, 1961, as one of the first and foremost important items of his busy agenda after his inauguration, for a 10-percent increase in Government contract awards to small business.

This call was imperative because, notwithstanding the statutorily established national policy, expressed in the Small Business Act, that "the Government should aid, counsel, assist, and protect * * * the interests of small business concerns in order to * * * insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government * * * be placed with small business enterprises," the Republican administration had failed to comply with the law. The result was that small business continued to fall behind, bit by bit, in its participation in America's accelerated defense and space effort. Between the dates of Republican assumption and relinquishment of office, the small business share in the defense and space effort declined from some 25 to 16.1 percent. In contrast, under the Democratic Kennedy-Johnson administration, this percentage has been continuously increased and has reached 18 percent by the end of fiscal year 1964.

While we are pleased with this accomplishment, and properly claim credit therefor, our task has just begun. Our successes have not decreased our sensibility—neither as to the nature nor as to the extent of our duties toward the small business community. These demand that we continue to aid and assist small business to participate effectively in our national endeavors.

We deem it necessary and we are determined to give increased consideration to the special problems of small businesses in terms of participation in the Nation's research and development (R. & D.) effort. On March 15, 1961, the late President Kennedy noting that under the Republican administration the percentage of R. & D. awards to small business decreased from 5.7 percent in fiscal 1956 to 3.5 percent for fiscal 1962, the last fiscal year of Republican administration, expressed the Democratic Party's determination on this vital aspect by saying, and I quote: "We are going to provide an increase for small business participation in development contracts."

Their increase of Government R. & D. awards to small business is the more important since today commercial businesses are being created from the new technologies developed for the Nation's military and space effort.

President Johnson pinpointed this potential in his Economic Report to Congress on January 20, 1964. The President stated: "The Federal Government has provided the major support for the research and development which underlies our striking technological advances. In the past, much of our research and development has been connected with national defense. Now, as military outlays level off, we face a challenge to apply the Nation's growing scientific and engineering resources to new socially profitable uses, and an opportunity to accelerate the technological program of our civilian industries."

The Democratic Party has accepted this challenge and this administration is taking steps to enable the Nation's small industries and firms particularly geared to military production to learn to produce and sell commercial products developed as a result of Government-funded research and development.

The SBA is in the process of developing, while Government contracting dollars are still flowing at a high level, a Defense Production Adjustment program. I recommend that in the process of so doing, imaginative and profitable privately owned small business product development companies, based on small business' unique scientific capabilities, be created. Their function will be to develop new products, utilizing available company funds for investment and, where necessary, Government-furnished small business loans. I am convinced that with the aid and assistance of a Democratic administration and from a foundation of superior small business technology, facilities, and personnel, the Nation's small business defense firms can create a vital, competitive technological small business economy which will be immune to the difficulties caused by Government cut-offs or curtailments. In order to accomplish this as well as other tasks incident to the development of a healthy and prosperous small business community, it is good business to make development credit easily available to promising small business enterprises.

This Democratic Party belief is, of course, in sharp contrast with the tight money, high-interest-rate policies of the Eisenhower regime. But for its ill-advised policy this Nation might well have avoided the three Eisenhower depressions, those of 1953–54, 1957–58, and 1959 and 1960.

We still remember that shortly after assumption of power by the Eisenhower administration, the growth of the money supply began to fall steadily. When money becomes tight to all and unavailable to many, a depression is inevitable. We had a Republican depression which did not end until August of 1954, and which cost America billions of dollars and thousands of our citizens their jobs.

The next economic disaster created by the Republican administration began in July 1957 and lasted until April of 1958. Interest rates had started to rise in the middle of 1956. By the spring of 1957 the money supply was decreasing, and it continued to decrease until the beginning of 1958.

The third Republican depression began in May of 1960 and lasted until February of 1961. Once again interest rates were rising and the growth of money supply falling just before the downturn. Interest rates started to rise in the spring of 1959 and peaked in the winter months of 1959 and 1960. And too, the money supply, beginning in late 1959, began to decline once again and continued to fall until June 1960.

It is these depressions, or recessions, as the Republican administration preferred to call them, which need not have occurred had they made available credit at low interest rates. Bear in mind that the volume of money and the rate of interest are also crucial factors in the determination of consumer spending on durable goods and on housing as well as on business borrowings and investments.

This Democratic administration has not and will not follow such blind and blinding Republican policies. As you know, President Johnson has, on several important occasions, stressed the great need for low interest rates. In the Economic Report of the President, in his budget message, and more recently in a March 7, 1964, press conference, President Johnson very emphatically stated the case that higher interest rates might deprive the Nation of ample, low-cost capital, vitally needed for continued economic expansion.

In line with President Johnson's policy, the SBA has revamped its loan policies for small businesses in need of equity capital. For the very small firms a liberalized $15,000 loan program was adopted, and for the very, very small ones, for those enterprising tradesmen who wish to strike out for themselves in the good old American tradition, a more liberalized $6,000 loan program was established.

As regards the larger small-business en-capital and long-term loans by the various other SBA loan programs, some of which are operated in partnership with private banks and financing institutions.

As a corollary to an expanded loan program as well as to the liberalized $15,000 and $6,000 loan program, small businesses, introduced since President Johnson's assumption of the Presidency, consideration should be given to granting to lenders tax incentives in connection with exemption of very small businesses during the latters' first 5 years of operation. I believe that such tax advantages will result in a bounty of opportunity for small business and in a record harvest of successful small-business operation in the forthcoming 4 years of Democratic administration.

I, therefore, recommend that the following be included in the Democratic Party's platform:

1. Government has a moral responsibility to concern itself with the equitable participation of small business in the economic well-being of our Nation. To discharge this responsibility we pledge to adopt new and vigorous means whereby capable small business firms will receive such share of the Government's contract and subcontract awards as is commensurate with the small business community's productive capacity.

2. To encourage the establishment of new small businesses, we shall seek enactment of laws granting tax advantages to newly formed small businesses during their early formative years and tax incentives to lenders to small business.

3. Encourage a vigorous small business product development program by providing technical and financial assistance to small business firms in order to enable them to exploit commercially new technology which has become available because of Government activities or because of Government expenditure; and

4. Make available to small businesses affected by shifts in Government defense spending requirements, a liberal adjustment program designed to keep such small firms operating, and to provide continued employment for their personnel.

CLEAR AIR TURBULENCE—A MAJOR AIR SAFETY PROBLEM CONFRONTING US NOW

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RODINO. Mr. Speaker, we Americans properly pride ourselves in the technological advances we have made and are continuing to make. Hardly any problem seems beyond solution by our scientists and engineers. We marvel at our achievement of landing a vehicle on the moon, transmitting pictures of its progress to the very instant of impact. Yet, we are doing practically nothing to solve a major air safety problem, or, worse yet, to discover its cause. I refer to the increasingly serious jet age problem of clear air turbulence—CAT—a danger to every passenger flying commercial or military transport aircraft.

CAT is not a new phenomenon to the air industry and its disastrous effects are recognized, yet practically no funds—and no major research program—have been devoted to combating this serious problem. It seems that everyone connected with the air industry has left its solution to the next fellow and, in the process, apparently has carefully avoided public mention of its existence.

Manufacturers, operators and our Government agencies seemingly have been too busy with other problems. Knowing that such a grave problem exists, yet devoting so little of our great technical and scientific competence to its solution, is inexcusable. Our scientific and industrial communities must be given adequate funds promptly to initiate work on the problem; and that can best be done through a coordinated research effort jointly undertaken by Government and private industry.

So far, the problem has been swept under the rug. There is general agreement among those investigating CAT that a nationally coordinated program is imperative, only one public demand—by Vernon Weihe, consultant to General Precision, Inc.—for such action appears to have been made.

Mr. Weihe's plea for action, made at last April's Radio Technical Commission for Aeronautics open forum on air traffic control, was met with warm applause but nothing more has been heard of it since.

Now at last, an intelligent, documented and well-researched article appears about this grave matter. The article, "Clear Air Tubulence," was written by Physicist James A. Fusca, contributing editor of Space Aeronautics, and appears in the August edition of this authoritative aerospace trade journal, which arrived in offices and on the newsstands today.

Mr. Fusca, a native of Massachusetts, did his undergraduate and graduate work at Columbia University in New York. He has been a technical adviser for production of military electronics with the U.S. Military Assistance Advisory Group in Belgium, and was formerly a member of the Radio Technical Commission for Aeronautics specializing in air navigation. He has worked as senior engineer or project engineer with the Directorate of Engineering of the Air Force, the Naval Special Systems Planning Group, and in private industry, RCA and Melpar. He has written articles for all major publications in the aerospace field, and researched the article I refer to over 6 months.

Believe me, his article demands the attention of all of us. Mr. Fusca sets forth facts, and figures, which cannot but shock you as they have me. Our failure to implement without delay a national effort to develop an effective CAT detection and avoidance system may—in fact, probably will—cost the lives of many future air passengers. With every gain in air traffic, with every increase in aircraft speed, with every additional mile flown by every additional plane, the problem becomes more serious.

Let me set forth the following six incidents from Mr. Fusca's piece:

First. On February 12, 1963, a Northwest Airlines' Boeing 720-B crashed near Miami, killing all 43 aboard. A combination of thunderstorm activity in the area and clear air turbulence—severe storms can generate such turbulence miles from the nearest clouds—is suspected as the cause of this fatal crash.

Second. The U.S. Air Force attributes loss of three B–52's, after structural failure, and temporary loss of control in two other B–52 incidents, to severe CAT.

Third. One USAF C–47 crashed after CAT separated a wing from the fuselage.

Fourth. One B–57 was damaged and passengers in five military transport aircraft have been injured by CAT.

Fifth. Last November, 26 passengers required medical care after an Eastern Air Lines' DC–8 plunged from 19,000 to 6,000 feet near Houston. The pilot averted tragedy in this instance by reversing thrust on the inboard engines; but when the plane landed safely at Barksdale Air Force Base, one engine was wrenched from its pylon and a second engine was left hanging by little more than its control cables.

Sixth. On July 12, 1963, a United Air Lines' Boeing 720, after encountering a severe CAT front, first pitched upward in a near-vertical climb, then—in a near-vertical dive at speeds ranging up to 60,000 feet per minute—plunged from a maximum altitude of 39,000 feet to 12,000 feet before the pilot miraculously managed to recover control of the aircraft and avert another tragedy.

These examples alone dramatically pinpoint the critical need for a prompt maximum effort to combat this established threat to air safety.

I hope these facts, and my words, will encourage all my colleagues to read all of Mr. Fusca's challenging article which has served to finally break the strange silence that has shrouded this very real, and very major problem. In order that they may do so, I would like permission to insert Mr. Fusca's article at this point in the RECORD. And I urge my colleagues to join with me in asking our distinguished colleague from Arkansas [Mr. HARRIS] to initiate hearings aimed at compiling complete data on loss of life, property damage, and other accompanying effects of clear air turbulence in both civilian and military aircraft. From this information, recommendations should be made concerning the level of funding and size of effort which can be justifiably supported. Above all, it is time that the total extent of this problem, which directly affects the safety of all modern-day air travel, be fully aired and the facts brought to public attention.

[From Space Aeronautics, August 1964]

CLEAR AIR TURBULENCE

(By James A. Fusca)

Pilots and transport operators have grown steadily more aware of the unsolved and increasingly grave threat to jet age safety posed by the phenomenon of clear air turbulence. Although there are Government and industry programs to study CAT, and promising attempts to develop a practical CAT detection and avoidance system, these efforts remain today, as in the past, underfunded and uncoordinated.

The safety record set by scheduled airlines in the United States and throughout the non-Communist world over the past 2 years has literally made commercial air travel safer than the cigarette-smoking habit or Sunday afternoon at the beach. Fatalities have dropped domestically to 0.38 per 100 million passenger miles flown, internationally to 0.94. Despite this record, many expert meteorologists and air safety specialists believe we face a serious if not outright dangerous gap in our present day air safety program.

Atmospheric turbulence has been with us in some form since man's earliest efforts at flight. Low altitude turbulence induced by terrain characteristics soon became familiar to him; storm-induced turbulence he learned to avoid. Not until after World War II when pressurized aircraft began penetrating to above 14,000 feet, however—probing the lower reaches of the jet stream—did we meet this new breed of clear air turbulence, now familiarly called CAT.

There is more than one variety of CAT. It can be the vertical components of a turbulent parcel of air as they affect an aircraft, or the effect of successive penetrations of a washboard-contoured interface between two dissimilar but stationary air masses or, again, turbulence at the interface sometimes caused by cool air overlying warm air.

The horizontal extent of CAT areas can range from less than 10 miles to an extreme of more than 1,000 miles. Vertically, CAT layers are usually less than 3,000 feet deep but, again, they may extend more than 20,000 feet. No definite limit can be set—there have been U–2 and X–15 reports of CAT to 100,000 feet.

AVOIDANCE IS THE AIM

While the scientific aspect of CAT are understood only in general terms, its dangers to the pilot are known through hard experience. There is just about unanimous agreement among pilots and scientists alike that the only safe way to cope with any form of severe atmospheric turbulence is to avoid it whenever and wherever possible. The development of airborne weather radar has given the pilot this capability for storm-induced turbulence, but the only effective method he has for detecting CAT at present is the seat of his pants.

Meteorologists in the Weather Bureau, the services, and the scheduled airlines have devised detailed procedures for CAT prediction, using the information gathered by standard meteorological instruments. Sensors have been placed aboard aircraft to measure turbulence. There is no system in existence today, however, that enables the pilot to detect CAT before entering it—and nowhere in the country today is there an adequately funded, coordinated, centrally directed program to develop such a system.

What happens when an aircraft encounters severe CAT? On July 12, 1963, a United Air Lines' Boeing 720 did. During the next 90 seconds the aircraft was:

1. Pitched nose up to beyond 50 degrees, possibly to near vertical, with both pilots holding full forward on the elevator.

2. Forced by extreme up and down drafts to attitudes which caused the artificial horizon to disappear behind the mask at the top and bottom of the indicator.

3. Beyond the stall- and high-speed buffet boundaries several times, and at least one time fully stalled.

4. At minimum speeds of 213 kilotons (and mach 0.69) and maximum speeds beyond 470 kilotons indicated air speed (and mach 0.93), the flight recorder having "pegged" at 460 kilotons.

5. In a high-speed dive with both pilots unable to move either stabilizer or elevator despite their joint efforts.

6. In a near vertical descent from a maximum altitude of 39,000 feet, at a rate that reached 60,000 feet per minute before final recovery at 12,000 feet.

7. Subjected to peak g. loads of +3.2 and —1.4 (that is, g. loads varied between +2.2 and −2.4 of the normal +1 g.).

Other aircraft have not been so fortunate as to recover from a similar loss of control. Five months earlier, on February 12, 1963, a Northwest Airlines' Boeing 720–B crashed near Miami, killing all 43 aboard. There was known to be thunderstorm activity in the area and severe turbulence is suspected (there is a gray area in separating CAT from storm-induced turbulence; severe storms can generate turbulence miles from the nearest clouds).

TURBULENCE COSTS ARE SUBSTANTIAL

More recently 26 passengers required medical care after an Eastern Air Lines' DC–8 plunged from 19,000 to 6,000 feet near Houston last November. The pilot averted tragedy in this instance by reversing thrust on the inboard engines. One engine was wrenched from its pylon during pullout and the second engine was left hanging by little more than its control cables, but the aircraft was landed safely at Barksdale Air Force Base.

The Air Force attributes loss of three B–52's after structural failure, and temporary loss of control in two other B–52 incidents, to severe CAT. One USAF C–47 crashed after CAT separated a wing from the fuselage. Passengers in five military transport aircraft have been injured, and one B–57 damaged, by CAT.

The true costs of clear air turbulance extend beyond injuries to humans or damage to aircraft, however; they range from reduction in the fatigue life of the aircraft structure to expensive lawsuits against the airline operators. Estimates of the value of lawsuits against a major airline stemming from turbulence encounters at any one moment fall between one-quarter and one-half million dollars.

Many airline people believe a CAT detection system would pay for itself if it gave the pilot no more than 1 or 2 minutes' notice of turbulence ahead. In this time the seat belt sign could be turned on, the aircraft trimmed for turbulence penetration, and moderate changes in course or altitude executed. In the meantime, however, the airlines are studying past turbulence incidents in order to modify pilot training and aircraft operating procedures for maximum safety in CAT encounters.

One of the first results of the turbulence incidents of last year and early this year has been a change in turbulence penetration procedures worked out cooperatively between the airlines operating jet equipment, the airframe manufacturers, and the Federal Aviation Agency. Boeing, Douglas, and Convair made joint recommendations for penetration procedures and these changes were accepted by all airlines to maintain uniformity in pilot techniques.

AN INTERIM SOLUTION

This is not to suggest there is complete and unanimous agreement between the airframe manufacturers and the airlines on the causes of the uncontrolled dives characteristic of these incidents, or on a final solution. The revised procedures should, however, improve the present situation while an ultimate solution to CAT is being sought.

The research programs related to the prediction, measurement, analysis, and detection of CAT are scattered among various facilities of the Weather Bureau, NASA, the military services, the airlines, and scientific-industrial organizations in many parts of the country. Some of these studies are concerned with overall weather phenomena but others concentrate on CAT alone.

Fundamental to any solution of the problem, of course, is a thorough knowledge of the nature of CAT. Investigation of CAT phenomena began early in the 1950's and soon disclosed their relationships with the jet streams and the tropopause. CAT was considered the result of the growth of small eddies in the presence of strong vertical wind shear.

JET STREAM IS HABITAT

At the same time continuing studies of the more familiar mountain waves (air masses lifted vertically in mountainous regions) revealed that very severe turbulence was sometimes found with these phenomena at levels near the lows and troughs in the upper air, near the jet stream, and near discontinuities in the tropopause surface. The majority of the severe cases are associated with the cyclonic side of the jet streams. Vertical measurements showed severe turbulence just below the jet stream core, along the upper reaches of the frontal surface, and above the core in the area of maximum change in height or discontinuity of the tropopause.

Studies performed at Stanford Research Institute for the Weather Bureau have generalized the distribution of CAT as being in association with the jet stream in sharp confluent troughs, broad upper troughs, straight flow, and sharp ridges. A program in progress there now is comparing weather satellite photographs of cloud formations with CAT reports to discover the usefulness of satellites in CAT prediction.

CAT associated with convective activity is commonly experienced at low levels in the atmosphere, having been produced by surface heating or rough terrain. If the air is lifted to the condensation level, a cloud is formed and the turbulent region is visible and therefore no longer qualifies as CAT.

This type of CAT is undoubtedly much less common at high levels than it is at lower levels because almost invariably the thermal energy released by the latent heat of condensation is required to maintain the positive buoyancy of the rising air parcels and enable them to reach high levels. There is a possibility, however, that many hours after some thunderstorms have dissipated turbulent air exists throughout a large volume; the viscous forces are small and damping would be slow under conditions of neutral stability.

AEROSOL BACKSCATTER

Convective activity of this type is usually initiated at or very close to the earth. Therefore, the parcels of rising air will almost certainly have an appreciably higher aerosol concentration (that is, a higher density of fine particles in suspension) than the upper level air by virtue of their content of smoke, dust, and other pollutents of surface origin. Accordingly, there would seem to be a very fair chance for systems to detect CAT of this type in much the same manner that a weather radar detects a convective cloud made up of low level air which has risen to higher altitudes.

CAT is often experienced in certain regions near the cores of high level jet streams and near tropopause interruptions. The mechanism creating the rough air in these situations is uncertain, but may be turbulent eddies mechanically induced by the juxtaposition or confluence of horizontal air currents of substantially different velocity. Either horizontal or vertical wind shear, or both, are involved, and distinctive and detectable aerosol distributions may be formed. The air on either side of a shear zone at a given instant must have been transported there from different regions in the atmosphere and hence may very well have different aerosol types and concentrations. In the shear zone itself these different aerosols will be mixing and the resultant point-to-point variations may also be observable.

Some meteorologists theorize that one form of CAT may occur at or very close to well-marked temperature inversions or regions where warm air overlies cool air layers. Inversions are regions of great atmospheric stability, like the interface between layers of oil and water, and as such may sustain the presence of stable or unstable gravity waves created by wind velocity differences in the cool and warm air. Clouds frequently form in association with these waves and form patterns indicating they may be quite periodic. An aircraft flying through such a wave pattern might experience reasonably small but regularly spaced bumps which, if they matched the natural vibrational frequency of parts of the aircraft, might produce vibrations of rapidly increasing amplitude with potentially disastrous results.

A number of physical mechanisms have been suggested for sensing CAT. They include optical effects, radiometric techniques (microwave and infrared), and devices based on the stimulated emission of radiation (masers, irasers, and lasers).

FOUR APPROACHES TO DETECTION

Turbulence in the earth's atmosphere has been harassing astronomers for years by deleteriously affecting the seeing capabilities of their telescopes. These effects consist, in general, of scintillations in brightness and color, wandering, dancing, focus drift and pulsations, and the tremor disk. These effects may make it possible, some believe, to sense CAT with a small airborne telescope and suitable photomultipliers. The Schlieren technique used in shock wave photography has also been suggested as worth further examination.

Radiometer receivers are known to be capable of mapping temperature fields in the atmosphere at distances of hundreds of yards, as well as being able to provide good map displays of terrain beneath the aircraft. Radiometers are, in effect, highly sensitive radio receivers operating within preestablished bandwidths and calibrated to show the relative noise temperature of the input. Several such systems have been proposed, one of which is included in the discussion that follows.

Since the development of weather radar operating at conventional microwave frequencies, new devices have come into use making feasible operation at frequencies in the heat and light portions of the spectrum. Above 30 gc., atmospheric attenuation varies widely depending on composition of the airspace in relation to the wavelength. Air molecules, water droplets, and dust particles in combination will contribute to the total backscattered energy, since neither a solid surface nor a dense curtain of water is involved. Several systems using this approach are being studied, one of which is described below.

RADAR A POSSIBILITY

A fourth approach, difficult at the present state of the art, but simplifying the equipment problem considerably, would be use of the present airborne weather radar. Despite the comparatively long wavelengths employed, some studies indicate these radars could possibly be modified to operate against clear air turbulence without giving up any of their capability to display areas of thunderstorm turbulence.

If the turbulent volume of air exhibits an index of refraction different from nonturbulent air, detectable radar echoes should take place. A two-mode system has been suggested which uses a cockpit-operated toggle switch to shift the system between storm mode and CAT mode. In the CAT mode, the the power-sensitivity ratio will need to be increased (probably by about one order of magnitude), and the contour circuitry may need to be modified for more nearly optimum display of the reflected CAT echoes.

Though optical and microwave radar approaches will continue to attract interest, laser and radiometric detection systems seem to be getting the most of current R. & D. attention. A passive airborne radiometric system for CAT detection has been proposed by E. S. Merritt and R. Wexler of Aracon Geophysics Co. Based on the direct and indirect correlations between areas of CAT and temperatures in the upper troposphere and lower stratosphere, the system is planned to sense two varieties of temperature distribution: horizontal (stepwise) gradients, and horizontal microscale anomalies.

A RADIOMETRIC SYSTEM

The system hypothesis is that significant CAT occurrences are related to meso and microscale atmospheric distribution. Strong, stepwise gradient distributions exceeding 2 C. per 2 minutes of flight (less than 15 miles) were detected in association with CAT during USAF's project jet stream, and numerous reports by commercial pilots are said to confirm the relationship.

While microscale anomalies are much less frequently observed, this may be because of the slow response of conventional aircraft temperature probes. Research flights carrying fast-response instrumentation have encountered anomalous temperature "spikes" often in association with a CAT zone. For example, a British meteorological research flight has reported such a "spike" at 16,000 feet. The horizontal time extent was 3 seconds (approximately 900 feet at piston aircraft speeds), and the measured turbulence approached 0.5 g. (qualitatively termed moderate).

Since the amount of radiant energy present in most spectral regions at the pressures and temperatures where CAT is a significant problem is limited, the system must utilize a spectral region which will provide detectable radiant energies within reach of the present radiometric technology. Three regions were examined in preparation of the Aracon proposal:

1. The 2.7-micron region, containing strong carbon dioxide and water bands.
2. The 6.3-mircon water band.
3. The 15-micron carbon dioxide band.

By examining the emissivities of a representative turbulent cell, a horizontal stepwise gradient, and the transmissions of the intervening atmosphere at about 35,000 feet each of the spectral intervals was studied to determine the optimum.

ESTABLISHING SIGNAL INTENSITY

Exploring theoretically the difference between the apparent intensity of the atmospheric background, expressed in units of radiant power per steradian and the different radiant intensity of a turbulence-related cell of finite size, we find:

$$\Delta N=\tau\epsilon(\Delta W)$$

where τ is a function of the range and the spectral interval, ϵ the emissivity of the cell (a fraction less than one), and ΔW the difference between the atmospheric background radiant emittance within a given spectral interval and the emittance power of the cell. The expression therefore represents the signal variations to be expected as the radiometer scans a turbulent area composed of micro-scale temperature anomalies similar to those discussed in the examples above.

In the cases where the turbulence is associated with a horizontal temperature gradient the expression for the change in radiant intensity becomes simply:

$$\Delta N=\tau\Delta W$$

The simplification is possible because transmissivity plus absorbtivity equals 1.0, and because of the interrelationship $\epsilon=1-\tau$.

To establish that these two differences in radiant intensity are detectable in a selected spectral interval within the present-day radiometric art, two assumptions are necessary; namely, that at subsonic aircraft speeds 2-min notice (approximately 20 miles) to the pilot will, indeed, give him sufficient warning, and that a temperature difference of 2 C will exist between the nonturbulent background and the CAT area.

INTERVAL SELECTION IS CRITICAL

Because the changes in radiant intensity produced by a temperature anomaly of 2 C at a range of 20 miles in the relatively low air densities where CAT is a problem are extremely small, selection of the optimum spectral interval is critical. Also, because there is no known method of obtaining target range with a single radiometer, a spectral interval must be selected that is also sufficiently absorptive to preclude detection at significantly greater ranges.

The interrelationships among transmissivity, absorptivity, and emissivity provide an answer: one of the absorption bands of carbon dioxide or water or a band combining both. The optimum tradeoff of detectivity and range is achieved by selecting an interval which is deep enough into the strong absorption region to permit detection, yet far enough into the wings to provide a range of about 20 miles. Since turbulent areas are expected to be associated with humidity fluctuations as well as temperature fluctuations—due to vertical motion and flux of air of different sources—the inclusion of a water vapor band appeared desirable.

The total black-body radiant power available for appropriate intervals of each of these bands is easily calculated. While the 15-micron band contains the greatest amount of energy, the slope of the curve is such that changes as small as the 2 C. specified would not be detectable. The 2.7-micron region first appeared attractive because of its steep slope and bands in both gases (water vapor to take advantage of humidity fluctuations plus carbon dioxide to provide detectability even in areas of extremely low humidity) and the availability for this area of detectors of greater sensitivity. Further examination, however, suggested that the energy in this region is too low to permit its use in spite of the availability of higher detector sensitivity. Accordingly, the demonstration of feasibility was restricted to the 5.71–6.90-micron portion of the 6.3-micron water vapor band.

Examining the system's potential in this region under typical conditions and varying humidities, the radiant powers at the radiometer calculated by Merritt and Wexler suggest that an operable system—limited in performance in the presence of heavy concentrations of water vapor—could be put together and flight tested with state of the art components. The authors point out, however, that extensive flight testing would be necessary to confirm the theory and substantiate the usefulness of the system.

TEMPERATURE CORRELATIONS STUDIED

Other experiments with temperature sensors are currently underway. Eastern Air Lines has equipped some of its aircraft with fast-reaction temperature sensors, while USAF and the Weather Bureau are continuing a series of tests trying to define the exact relationship between temperature and CAT. Northwest Airlines, while concentrating on CAT detection by means of drift indications from aircraft doppler radar, is studying a combination of doppler radar and temperature sensors.

Under a small Air Force contract, Stanford Research Institute and United Air Lines have equipped 10 UAL DC–8's with electric field sensors to explore the possible correlation between CAT and the atmospheric electric field gradient.

The Royal Aircraft Establishment, Farnborough, England, conducted CAT-measurement experiments last year over southeast and central Australia under the name Project Topcat. Specially instrumented aircraft obtained temperature and gust-acceleration data now being evaluated at RAE and in the Aeronautical Research Laboratories of the Australian Department of Supply.

The laser approach to CAT detection is being studied by Minneapolis-Honeywell and, cooperatively, by Lear Siegler, Inc. and Stanford Research Institute. The potential ability of laser radars (also termed "lidars" for light detection and ranging) to detect clear air turbulence has been examined by SRI under Lear Siegler sponsorship.

PULSE LASER GIVES LONGER RANGE

According to R. Collins and M. Ligda of SRI, its lidar program is based in part upon direct observational evidence and experience, partly upon theory, and partly upon deductive reasoning and speculation. Of the several approaches suggested for laser detection of CAT, SRI believes its work has perhaps the broadest base of observational experience.

The thinking of scientists at SRI centers on lidars employing giant pulse ruby lasers rather than the lower power continuous-wave (CW) laser approach under consideration elsewhere. Four unique properties of the Q-switched ruby laser are exploited: the tremendous energy for maximum range of detection, the monochromatic light for discrimination against sunlight, the very short pulse length for maximum range resolution, and the coherent nature of the radiation for achievement of narrow beams.

The SRI argument for its approach is straightforward. The laser is employed as a source of illumination in a brief pulse of light. As this pulse of light (which may only be a few tens of feet in length) travels out into the atmosphere, particles of dust, smoke, salt, ice, pollen, and so forth, backscatter some of the radiation to a photomultiplier receiver located beside and aimed in the same direction as the laser. The intensity of the backscattered light is a function of a number of factors such as range, power transmitted, attenuation along the path, and so on, but most significantly it is a function of the concentration, size, and nature of the atmospheric aerosol particles doing the backscattering. The clearer the air, the less the backscattering. While the gaseous molecules of the air also backscatter (Rayleigh scattering), the contribution to echo intensity from this source is several orders of magnitude less than particulate (Mie) scattering, at least in the troposphere and at the wavelength of the ruby laser light (6943 A).

EXPLANATION BECOMES SPECULATIVE

This much of the argument rests on extensive observational experience and accepted physical theory. Under favorable conditions, particulate scattering in the atmosphere has been observed with artificial light sources to heights of tens of kilometers.

The line of reasoning at this point becomes speculative. It is suggested that the phenomenon of clear air turbulence may in itself produce or be associated with lidar-detectable local variations in the atmospheric aerosol concentration. Several mechanisms are postulated to associate distinctive aerosol variations or distributions with clear air turbulence. Because of the uncertainty as to the precise cause or causes of CAT, among which are such nonmeteorological factors as wing loading, flight characteristics, and speed of the aircraft involved, the correctness of these mechanisms and the postulated aerosol variations is quite problematical at this time.

Because air masses of different origins are involved, distinct differences in aerosol content can be and have been observed to exist by several different techniques in such thermal discontinuities. Therefore, the hope is that the lidar will be able to do in clear air what airborne storm avoidance radar accomplishes in cloud-filled regions.

EMPIRICISM MAY BE CALLED FOR

The microwave radar currently carried by all commercial aircraft cannot directly detect turbulence, but rather precipitation—hailstones, raindrops, and snow. The presence of turbulence is inferred from several factors including distinctive variations in the horizontal distribution of precipitations. The association of these distinctive variations with turbulent air was not established on a theoretical basis but rather upon direct observational evidence based upon actual flight experience. The point is an important one, for it suggests that we might still be waiting for storm avoidance radar if an unimpeachable theoretical demonstration had been required before flight tests were attempted. Another point worth noting is that two possibilities for lidar CAT detection exist. First, individual CAT elements may be detectable like small clouds in the sky. Alternatively—or additionally—large patches of sky containing CAT may be identifiable like an isolated area of cirrus or altostratus cloud.

The question next arises: what kind of ranges of detection may be expected, assuming that CAT manifests itself in some way such as postulated above? The answer to this question of course rests very heavily upon advances in laser and photodetector technology, the former currently being about where microwave radar magnetron technology was in the early 1940's. In addition, there still remains much to be learned about the localized distribution and concentration of particulate matter in the upper atmosphere, especially in the vicinity of CAT.

If we optimistically assume that the CAT-associated aerosol variations are as detectable as echoes received from the clear air with the first version of SRI lidar, some estimate of the required lidar efficiency can be made.

GREATER EFFICIENCY IS WITHIN REACH

On the afternoon of August 19, 1963, for example, strong echoes with about 10:1 signal-to-noise ratio were detected coming from what was apparently clear blue sky at about 300 meters range from the instrument at Menlo Park, Calif. These echoes were apparently produced by irregular aerosol distributions at the interface between clear air coming inland from San Francisco Bay a few miles to the east and the slightly turbid mass of air lying over the peninsula. The noise present in the video signal was almost wholly caused by skylight.

The lidar employed for this observation consisted of a ¼- by 3-inch ruby laser emitting about 6 Mw of power in a ½-deg beam and a receiver system with a 4-inch diameter lens, a 30 A bandpass filter centered at 0.6943 micron, and a ten-stage (RCA 7326) photomultiplier. Signals were displayed as a function of amplitude versus range (A-type display) and photographed.

Assuming no atmospheric attenuation and complete beam interception by the CAT region, a lidar with an efficiency some 10,000 times greater than this one would be required to detect these same echo sources with the same S/N ratio at a distance of 30 km. It appears such an improvement is within the state-of-the-art today. A factor of 10 is readily available in increased laser energy output, a factor of 100 can be achieved by narrowing the transmitter beam to 0.05° with a 4-inch aperature and reducing the receiver beam-width accordingly (this reduces background noise proportionally), background noise could be reduced by about a factor of 10 by narrowing the bandpass of the filter to about 2 A, and the receiver gain could be increased by a factor of 10 by enlarging the aperture to about 12 inches (airborne storm avoidance radar antennas are more than twice this large). Other means of increasing the signal-to-noise ratio are also available. Thus a lidar system could be built even now which might have a reasonable chance of detecting marked aerosol discontinuities as useful distances. SRI considers the major uncertainty to be whether or not such discontinuities occur in association with CAT, and believes that sooner or later someone is going to have to put a lidar in a plane and find out.

LACK OF FUNDING A HANDICAP

Another CAT investigation contract granted the Institute by the Weather Bureau effectively demonstrates one of the major problems in turbulence research. This contract calls for the use of multistation rawinsonde (radio-wind-sounding balloon) data to develop objective CAT prediction techniques. SRI proposed the addition of accelerometers to the rawinsondes to detect turbulence they might encounter—at a total cost of approximately $10,000. The Weather Bureau was unable to fund the addition. The total Stanford effort on CAT runs less than $100,000 annually.

NASA's Ames Research Center has two CAT-related programs underway. The Full-Scale and Systems Research Division is setting up a 6- to 8-foot evacuated laser test chamber, eventually to be used in conjunction with a 60- to 100-foot test tunnel, for basic study of backscattering-absorption phenomena in gas samples. The theoretical data gained will, it is hoped, be applicable to laser systems for CAT detection, although the long-range goal is data for laser space systems.

Ames' Man-Machine Integration Branch recently concluded phase 1 of a three-phase program to explore breakdowns in the man-machine relationship in a jet aircraft cockpit under CAT. Phase 1 was to gather cockpit environmental information to assist in setting priorities for phases 2 and 3. Phase 2 will explore methods to assist a jet aircraft pilot avoid losing control of his aircraft in turbulence; phase 3 will study techniques to help him regain control once he has lost it.

STORM PENETRATION DATA

The U.S. Air Force's Flight Test Engineering Division is continuing its participation for the 5th straight year in the ASD-National Severe Storm Laboratory (Weather Bureau) Rough Rider project. Data from severe storm penetrations may assist in related CAT studies.

Earle Binckley, ASD deputy for flight test, has pointed out a now-forgotten mechanical system for alleviating CAT tested aboard a DC-3 in the early 1950's. The aircraft was equipped with a pole between 10 to 15 feet long with a turbulence sensor on the forward end that electronically actuated spoilers or flaps to dump lift when turbulence was detected. A problem with the system was that it occasionally generated a flutter condition. In practical applications a computer would be needed to evaluate the gusts to determine the proper response.

Binckley states that USAF does not intend to follow airline procedure changes by raising required penetration speeds. As a part of Project Rough Rider, he said, more than 500 penetrations of severe storms had been made since 1960 without a turbulence associated loss of control to date.

While there is a general agreement among those investigating CAT that a nationally coordinated program is imperative, only one public demand for such action appears to have been made. At last April's Radio Technical Commission for Aeronautics' Open Forum on Air Traffic Control, Vernon Weihe, consultant to General Precision, Inc., and a recognized authority on aircraft and airline problems, challenged RTCA to assume responsibility for coordinating the needed R. & D. program. He said RTCA should accept the responsibility for "publicizing the need for a unified program to develop a practical airborne CAT sensor and display system.

CHALLENGE WAITS TO BE MET

"Data should be compiled on loss of life, property damage, and other accompanying effects of severe CAT in aeronautical operations, both civil and military. From this information, recommendations should be formulated concerning the level of funding and size of effort which can be supported. RTCA should not attempt to define technical solutions to the problem in advance of critically needed scientific studies or measurements. It should, however, provide leadership to assure that the problem is attacked in a competent manner by an adequately staffed and supported group."

The proposal was met with warm applause but, as of this writing, nothing more has been heard of it since.

PROBLEMS AND PROCEDURES IN CAT ALLEVIATION

Airline encounters with CAT have been characterized by violent, uncontrolled dives at speeds up to 60,000 f.p.m. In those cases where the aircraft was recovered from the dive and the pilots were available to discuss the "incident," it appears the combined efforts of pilot and copilot couldn't force back the control column to bring the aircraft out of the dive.

Studies of these dives to establish CAT penetration procedures has brought out some interesting conclusions. In a report on recommended revisions in CAT procedures, Boeing states pilots encountering CAT have two considerations uppermost in their minds. The first is a fear of exceeding the structural limits of the aircraft by imposing excessive aerodynamic loads—whereupon, in the gentle words of the Civil Aeronautics Board accident reports, the aircraft "loses structural integrity." The second is a concern that the aircraft attitude might reach undesirable extremes—for example, the nose pointing vertically toward the ground.

Boeing believes the first consideration has been overemphasized and that the second, maintaining control, being a less scientific and less tangible problem, has been underemphasized. The Boeing report states, "It is important to note here that there is strong suspicion, if not specific evidence, that almost every structural breakup that has occurred in severe turbulence has been accompanied by a prior severe change in attitude and a subsequent combination of stresses resulting from both the recovery maneuver and the severe turbulence." The implication is that the structural limits of the aircraft were exceeded by the combination of turbulence forces and extreme control movements by the pilots.

A common factor in recent turbulence incidents, according to Boeing, was too low airspeed (though some airlines dispute this). The recommended turbulence penetration speed has been revised upward from 240 knots to 280 knots, or above 34,000 feet to mach 0.8 (because of atmospheric compressibility), to give the widest possible margin between the low-speed and high-speed buffet boundaries. Boeing also recommends that whenever possible stabilizer trim be set for penetration speed and not changed while in turbulence, and that aircraft pitch attitude be adjusted with the elevator.

Curves on the accompanying chart (not printed in RECORD) of altitude versus indicated airspeed indicate the points where an aircraft will begin to encounter heavy buffeting. These curves are similar for all jet transport aircraft, though the particular curve within which an aircraft must operate is determined by the aircraft weight, successively higher curves applying as the aircraft lightens. Note, however, that a 1.5-g. gust or a 48° (1.5-g.) bank has the same effect as increasing the gross weight of the aircraft by 50 percent.

The peak of the curve for an aircraft at a given weight is its aerodynamic ceiling; no amount of thrust will force it higher. To the left of this point, the slope of the curve marks the slow-speed or prestall buffet point; to the right of this point lies the high-speed buffet point. As altitude increases, the distance between the two boundaries decreases, a factor of little importance in normal cruise—because large speed changes are rare—but of serious importance in turbulence.

Until recently a heated debate has been waged over the use of the autopilot in turbulence. One airline, however, has firmly concluded the autopilot should be used. Paul Soderlind of Northwest Airlines, an airline that pioneered in establishing a comprehensive program to study CAT, stated in a technical paper given last month:

"The autopilot is calm and dispassionate and unaffected by stress; the human pilot is not. The autopilot does not get tired. It is as fresh and efficient at the end of a long flight as it was at the start. Not so the human pilot. Dust dislodged by negative g. forces does not get in the autopilot's eyes. When the instrument panel shakes so the instruments are unreadable, the autopilot could not care less. The autopilot is not subject to nystagmus.

"The autopilot is safely force limited in one fashion or another. The autopilot sees every attitude displacement and makes a corrective control input the instant it happens. The human pilot cannot. When the autopilot carries all the control load, the human pilot is free to monitor. It is far easier to monitor than to do everything. It is also safer. We find no case where a modern autopilot has lost control of a jet transport in turbulence. We know of several cases where the human pilot has lost control. We know of at least one case where the pilot firmly believes the airplane was saved by use of the autopilot in severe turbulence."

One of the most interesting aspects of the continuing Northwest CAT program is in the examination of the pitch references available to the pilot. By far the most common type of aircraft upset in CAT is in pitch. Where only one instrument furnishes the pilot with roll information—the attitude indicator—and this instrument tells the truth, the pilot has five inputs supplying him with some form of pitch information, and in CAT several of these instruments can be lying to him about what is actually happening to the aircraft. These five inputs, ignoring the Machmeter as probably being insignificant, are (1) the attitude indicator, (2) the altimeter, (3) the vertical speed indicator, (4) the airspeed indicator, and (5) load factor changes.

The pilot spends thousands of hours in normal flight, usually consisting of a constant speed climb to cruising altitude, a constant altitude cruise, and a constant airspeed descent. In each segment of his flight the pilot uses an instrument that is not truly a pitch indicator as the basis for his pitch control inputs. He may be in severe turbulence only a few minutes during his entire lifetime. Northwest believes that under stress he may by habit look to the wrong instruments for pitch reference when he encounters CAT.

Consider gusts hitting an aircraft from eight different directions about the pitch axis. The chart shows for each direction of gust the pitch "commands" given the pilot by each instrument—telling him to push the control column forward to drop the aircraft's nose or pull it back to raise the nose. The commands indicated by color give the pilot wrong information about what is happening to his aircraft and tell him to do the exact reverse of what he should do to maintain control.

For example, a direct vertical updraft, direction 7, has the effect of pitching the aircraft's nose down (true, though some pilots still refuse to believe it) and, therefore, the control column should be pulled back. But three of the five instruments direct the pilot to "push."

Though Northwest plans further studies of the problem, Soderlind believes two operational approaches are evident. The first is the necessity of flying the attitude indicator alone, ignoring pitch clues from other sources. Second is to use the autopilot because, among its other advantages, it is not fooled by false indications as to pitch from the wrong instruments.

FUTURE OF LOCAL AIRLINE SERVICE

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Fraser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRASER. Mr. Speaker, many communities across the country are complaining that their airline service is insufficient. The smaller cities dependent on local transport lines are most affected. As rail passenger service has dwindled and bus or auto travel is too slow for the more urgent needs of modern business and personal transportation, communities without good air connections are off the main course of American progress.

Large cities, too, are losers. Their economic well-being depends on easy access to their market areas. Practical businessmen and local governments are so well aware of this that cities have gone to great expense, and are still paying off their bonds, to build airports and terminal buildings for the air service that links them with the rest of the Nation.

More air service—more speed, more frequent flights, and more convenient scheduling to meet the people's needs—is in keeping with a healthy, expanding economy. As it contributes to the Nation's war potential, civil aviation is part of our extra margin to keep the peace.

But the Federal regulatory agencies are heading toward less service. The Civil Aeronautics Board threatens to eliminate or downgrade service at more than 100 airline points out of some 540 now served. The Federal Aviation Agency withholds airport aid from cities involved in CAB "use it or lose it" and regional airport cases.

Congress repudiated a restrictive policy for air transport in the Civil Aeronautics Act of 1938 and again in the Federal Aviation Act of 1958. This intent is now being nullified by decisions that chop service to save subsidy rather than try to find ways to continue and improve air transport.

It is time for Congress to make it clear once more that American air progress goes forward and not backward. To that end, responsible national and local organizations have petitioned for a congressional review of the needs for local air service.

It is urgent that all interests be heard—the cities that have spent millions for airports, poorly served and unserved; the civic groups behind them; the State aviation officials; the airlines; and the Federal agencies. To what extent can local airline service be continued and expanded without unreasonable demands for subsidy? Can new types of aircraft reduce costs? What other answers can be found?

I have introduced a House resolution that is supported by the Local Airline Service Action Committee, formed in Minnesota and gaining the support of cities and civic groups in other States. This resolution calls for the necessary review, by the Interstate and Foreign Commerce Committee, and cautions the Civil Aeronautics Board to cut back no more service until the review is made. Action is urgent. Few congressional districts are unaffected and our constituents are counting on us.

The text of the resolution is as follows:

H. Res. 860

House resolution to set national policies for local airline service

Whereas it is recognized by the Federal Aviation Act that air transport is essential to economic progress and hundreds of communities, with or without aid under the Federal Airport Act, have financed airports to keep their place in a growing nation; and

Whereas cases before the Civil Aeronautics Board threaten the discontinuance of air service at more than 100 points and there is a narrow division within the Board between a policy of restriction and one of expanding service: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the House Committee on Interstate and Foreign Commerce shall make a thorough review of the needs for airline service with a view to setting a progressive national policy and recommending any necessary legislation; and

Sec. 2. That it is the sense of the House that, pending the outcome of such review, the Civil Aeronautics Board shall maintain scheduled air service to all points now served, on a frequency not less than at present.

LAND GRANT COLLEGES POINT WAY TO DEVELOPMENT IN NEW COUNTRIES

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. Fraser] may extend his remarks at this point in the Record and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRASER. Mr. Speaker, an excellent address by David E. Bell, head of the Agency for International Development, has come to my attention. He spoke at a conference between the land-grant universities and the Department of Agriculture. The subject was "International Rural Development."

Our foreign aid program can be greatly improved by maximum use of the experience and resources of the Department of Agriculture and the land-grant universities of our country.

I believe my colleagues would be interested in reading Mr. Bell's excellent address.

Address by the Honorable David E. Bell, Administrator, Agency for International Development, Department of State, Before the International Rural Development Conference, Washington, D.C., July 27, 1964

It's a great pleasure for those of us in the Agency for International Development to join with the land-grant universities and the Department of Agriculture in this Conference on International Rural Development. We are convinced of the very great importance of improving the effectiveness of U.S. assistance to rural development in the less-developed countries. And we are convinced that the sponsors of this Conference jointly command the strong resources of competence and experience to achieve that end. Together we can do far more than has been done thus far to enlarge the horizons and enrich the lives of rural people in Asia, Africa, and Latin America.

Everyone here knows of the enormous impact upon life in the United States of the work of the land-grant universities and the Department of Agriculture over the last century. The results of this mutual effort by the universities and the Department are visible not only in our country's highly productive agriculture and our prosperous rural communities, but also in the productivity and strength of our entire national economy. Moreover, the results of this century of mutual effort are also found in the structure and workings of our Nation's free institutions—urban as well as rural—political and social as well as economic.

I say these things not just by way of polite introduction. I say them because, stated in broadest terms, we have come together here today to consider what we can do to help achieve similar results in the less-developed countries of the world. All of us in the United States would like to see in the developing countries a growth in agricultural productivity and in rural living standards, coupled with a strengthening of local public and private institutions, just as we have seen these things happen in the United States over the last century. If we can help bring this about, it will benefit the United States as well as the people of the developing countries. Rural development in Asia and Africa and Latin America will benefit us by strengthening the prospects for peace and freedom around the world; it will contribute to a stronger and healthier world economy in which our own exports and our own foreign investments can flourish; and it is certainly essential to our own self-respect to use a share of the resources of the strongest Nation in the world to help our fellow human beings.

These are elements of the broad framework within which our Conference is set. In these introductory remarks, I would like to say a word or two about each of three main questions: first, the nature of the problem of rural development in the less-developed countries; second, the role of U.S. resources—particularly the resources represented in this room—in helping to meet the rural development problem; and third, the direct and immediate work of this Conference today and tomorrow.

U.S. economic assistance is now being provided to about 75 countries with a combined population of about 1,250 million people. About three-fourths of those people live in rural areas and make their living in rural occupations. Moreover, the rural populations of these countries invariably are the poorest elements in the country—poorest in income, in health, in education, in opportunities. The problem of rural development therefore is the largest and in many respects the most serious part of the job of achieving economic and social progress in the less-developed countries.

There is no need to describe at length for this audience what rural life is like in the less-developed countries. Most of us in this room have seen it at first hand and many of those present have worked for years in such areas. The facts regarding India can serve as illustration. India has more than 460 million people, 80 percent of them rural, living in half a million villages, many without road connections, most without electricity, clean water supply, or health facilities. Less than one-quarter of the population is literate.

To feed themselves and their animals, India has 385 million acres of arable land, compared to 457 million acres in the United States. India's land is divided into 60 million farms, 70 percent of which contain less than five acres—and these small farms are commonly fragmented into several separated fields.

Agricultural credit is inadequate and 80 percent of the money farmers borrow comes from money lenders at rates of 25 to 75 percent per year. Farm technology is primitive. Indian fertilizer consumption of 2.4 pounds of nutrient per acre compares to 235 pounds per acre for Japan. Prices for grains fluctuate widely and price relationships are unfavorable, the cost of fertilizer in terms of rice being three times that in Japan. Small wonder that yields per acre are among the lowest in the world—18 bushels per acre for rice, 11.5 bushels per acre for wheat—and that food production has not been keeping pace with population growth.

We have been taught correctly by the anthropologists that village life in different countries is tremendously varied in cultural and historic background, in languages and leadership, in the methods by which change is accomplished. The people of Indian villages are very different from the people of Nigerian or Honduran villages. Nevertheless, there are common threads of poverty, of exposure to disease and brief life spans, of narrow horizons of knowledge and opportunity, which run through village life in all the continents.

It is therefore permissible to generalize about the rural development problem, so long as we do not forget that every generalization has to be adapted to the particular circumstances of each cultural setting.

Recognizing this important qualification, I would suggest to this conference that a good deal has been learned in the last two decades about how to deal with the problem of rural development.

First, I suggest that we have learned that rural development requires much more than an improvement in agricultural technology. Along with better agricultural techniques, rural development requires improvements in marketing and transportation arrangements, in education and health facilities, in better institutions of local government and of private cooperation. Without such broad changes on the local scene, improvements in agricultural technology will neither take root nor be effective.

Let me cite an illustration. Most of you will have heard of the striking improvement in the rural sector in Taiwan over the last 10 years, and some of you may have heard this attributed to the success of the land reform program there. It is true that the rural development effort in Taiwan included a very important redistribution of ownership rights in the land. But it was far more than that. In addition to changes in land ownership, the rural development program has included better agricultural methods, better markets and roads, better schools and health services—and all these matters have been related to each other under the leadership of the Joint Commission on Rural Reconstruction. The very great gains in agricultural productivity and income in Taiwan, and in the enrichment of rural living there, provide an impressive example of the necessity for considering rural development as a problem of rural societies, not just a problem in agricultural technology.

A second suggestion which may be derived, I believe, from the experience of the last two decades is that rural development is not a single factor problem. The experience under the Marshall plan in Europe was misread by some to indicate that there was something very close to "instant development"—just add capital and stand back. We have long since recognized, however, that restoring effective economies in Europe, and creating effective economies in Africa, or Asia, or Latin America, are problems of very different kinds.

There was a time also when some were dazzled by the apparent magic of transferring know-how. Just take hybrid corn, and contour plowing, and artificial insemination and teach them to the farmers of the world and the millennium would follow. Hard experience has demonstrated the contrary. All of us know today that what works in Bozeman may not work at all in Bolivia—that useful know-how must be derived from research and experimentation on the spot where the know-how is to be applied—and that in any event know-how by itself is helpless without capital on the one hand and economic and social institutions on the other with which to put it to work.

Today, therefore, there is general agreement that rural development requires capital plus know-how plus institutional development. But there are some elements even beyond these, namely, the attitudes, incentives, and systems of values which provide drive and motivation for the people in a country. This is particularly important in the newer nations where it is frequently necessary to develop a sense of national identity that gives the people respect for themselves and confidence in their ability to meet the future successfully.

These matters are not easy to define and the way they grow is not easy to measure. But those who have thought most deeply about the situation of the less-developed countries would I think agree that the commitment of energy and leadership—the will to achieve economic and social progress—is more important than any other single factor in accomplishing development. To be able to walk in dignity before the world is undoubtedly the most powerful motivation affecting the less-developed nations today.

A third and final suggestion which may be derived from the experience of the last two decades is that rural development must be achieved from within, by the people of the less-developed countries themselves. It cannot be imposed from without. This is a lesson we have had to learn over and over again. All of us know of excellent reports, impressive schemes, beautiful blueprints which have been drawn up by outsiders, showing convincingly how the rural people of one country or another could overcome the obstacles that confront them. But in case after case nothing has happened. And the hard fact is that nothing will happen unless the local people are at the center of the process, unless they help plan and execute the projects, unless they understand how to maintain and carry on and use what has been built.

Illustrations of this point can be seen in many places. Stanley Andrews has told me of the village wells in Ethiopia which were dug with much fanfare 10 or 15 years ago, but which invariably ended up a few years later out of commission and filled with rocks. To dig wells seemed to be something which would obviously be good for the villagers, and which indeed they welcomed, but in the absence of understanding how to maintain and operate the simple equipment involved, the wells soon became worthless.

One of the most striking successes in the whole field of rural development at the present time is the rural public works program which began at Comilla in East Pakistan, and has been spearheaded by a remarkable local leader named Akhtar Hamid Khan, whom some of you may have the privilege of knowing. The key to this program is the development of leadership within the village, and the organization by village people themselves of local work forces to build roads, dykes, schools, clinics, canals, drainage facilities—improvements which they want, which they understand, and which they are capable of maintaining. External help is vital, both in the form of money and in the form of engineering advice, but the projects are truly local and they will live. Moreover, in the process, local institutions are being built, both cooperatives and local governments, which will be able to handle more and larger problems in the future.

The lessons that have been drawn by the people who have been working at Comilla are of great significance to all those interested in rural development. I cite four of them briefly because they crystallize so much wisdom so briefly:

Responsible local government is necessary to utilize the services of central government effectively.

The villagers have great potential for leadership and can perform local government functions if trained and assisted by people in whom they have confidence.

Village leaders selected by the villagers themselves are the most effective communicators of improved methods.

The creation of organized groups such as co-ops maximizes the results of demonstration and training.

All these points emphasize the necessity of thinking about rural development as basically a process of change that must be achieved by rural people themselves.

These then are some major conclusions I believe we are entitled to reach about the problem of rural development in less-developed countries. First, we must think of the improvement of a complex group of rural institutions and services, not just of agricultural technology. Second, we must think about a whole range of factors with which to bring about change, not just capital, or just know-how, or just institutional development. And third, we must think of means and methods which will permit rural development to be achieved by the people of an area, not just conceived of as an intellectual exercise by outside experts.

II

If these conclusions correctly describe important elements of the rural development problem in the less-developed countries, they establish some limits and indicate some means by which we in the United States can help.

First of all, we can clearly help through research to discover the precise methods, techniques, varieties, institutional modifications, and so on, which will fit the local needs of different places and circumstances.

A good deal of such research is underway, financed by the foundations and by U.S. research organizations with their own funds. Until recently, the foreign aid program of the U.S. Government did not support any significant research. That neglect ended with the Foreign Assistance Act of 1961. Over the past 3 years we have begun to build a respectable research program. It is still small—$6 million in the last fiscal year—little enough in view of the entire range of national development problems that needs to be covered. But it is growing; we have asked Congress for $15 million for fiscal 1965. And we believe it is soundly guided, with men like Dr. Moseman of the Rockefeller Foundation, Dr. Mosher of the Agricultural Development Council, and Professor Parsons of the University of Wisconsin serving on the Research Advisory Committee which reviews each of our projects before it is approved. We hope through this program to enlist more of the research talent of U.S. universities and institutions to address questions of moment to the less-developed countries.

In the long run it will be at least as important to help build effective research institutions in the developing countries themselves. This is the great significance of the agricultural research center at Chapingo, Mexico, and of the International Rice Research Institute at Los Banos in the Philippines, both organized under the careful, experienced guidance of the Rockefeller and Ford Foundations, both capable of extraordinary impact on whole regions of the world and on generations of young researchers.

Research is far from the only contribution we can make to international rural development. We can also, through education and training in the United States, build skills, competence, knowledge, and attitudes in foreign students who will be the leaders of their countries in the future. AID is financing perhaps 10,000 trainees now in this country, many of them enrolled in the universities represented here today, and there are thousands more in the United States under other sources of financing. I think we have much to learn about how to make their learning experiences more beneficial. Too much of what these young people learn in our country today is relevant to Kansas but not to Katmandu. But already the contribution of U.S. training is very large.

Certainly more influential in terms of numbers in the long run, we in the United States can help create educational institutions of high quality in the developing countries. Many of the universities represented here today have engaged in this kind of work—helping to establish new universities or to upgrade existing ones. All of us know how difficult, how sensitive, how slow these tasks can be. But all of us know also the very great "multiplier effect" that can follow from the success of a well-planned, well-executed project of this kind—a project like that of Michigan State at Nsukka in eastern Nigeria or that of Cornell in the Philippines.

The United States can make major contributions to international rural development through research and teaching, here and abroad—substantially greater contributions, in my opinion, than we have yet made. But this is not the limit of our assistance.

We can help, and we have helped, to apply knowledge to the actual problems of rural development, on the spot in less-developed countries. American advisers and advisory teams, publicly or privately financed, have applied their brains and experience in one country or another to just about every practical problem of rural life—from the planning of agricultural price-support laws to the design of sanitary privies.

It is quite clear, however, to anyone who examines this experience that most projects have been rather narrow in concept, and in most cases the U.S. institutions involved—the Department of Agriculture, a land-grant university, or whoever—has been used rather narrowly. Typically a university, or the Department, has been asked to help train certain specified participants in certain specific fields, or to organize a team of advisers to execute a limited project which has been planned by somebody else.

This has begun to change, and it is a fundamental assumption underlying this conference that it should change further and faster. As we have come to realize the breadth and depth of the rural development problem, so also have we come to realize the need to associate American expertise more broadly and more deeply with the process of change in rural life in less-developed countries.

Let me illustrate by referring to the work now underway in Peru by North Carolina State and by Iowa State universities, in two separate but related projects, both of which are much broader than has been customary in the past. North Carolina State is working with the national agricultural university at La Molina and with the national Ministry of Agriculture. The purpose of this work is to assist Peru in developing a combined program of agricultural education, research and extension. North Carolina State has staff members today working not only at the site of the university at La Molina, but in half a dozen other locations in Peru.

Iowa State is working with the National Planning Commission of the Peruvian Government to develop a national rural development plan, to establish through research the necessary basis of data and analysis for the plan, and to develop through training the local competence for effective rural development planning, with special emphasis on the land tenure and other institutional adjustments required for rural development in Peru.

The nature of these tasks has been recognized to be very broad, and the universities involved, the Government of Peru, and AID have all undertaken them in the expectation that they will require a wide range of skills, and extensive commitment of first-class talent, and a series of years of steady effort to yield the results we are all hoping for.

These illustrations indicate the very great challenge to be found in properly conceived technical cooperation work. They also illustrate, incidentally, the possibilities of using more than one land-grant university in a country in a complementary relationship, without blurring the clear-cut allocation of responsibility necessary for accomplishing effective results.

III

Thus far I have suggested that the task of rural development is necessarily a broad and complex one which hinges upon the effective participation of rural people. I have also suggested that the United States can assist the rural development process through research, through teaching, and through active participation in solving developmental problems, and that to do so effectively will require improvements on our past record. It is essentially the business of this conference to consider these conclusions, and if they are generally accepted, to discuss their meaning for our mutual efforts.

Without presuming to speak for anyone else, let me mention briefly three or four conclusions we in AID have come to. It is our firm conviction that we must seek to engage the resources of the Department of Agriculture and the universities more broadly than they have been engaged thus far in international rural development work. We would like to involve the Department and the universities more than we have in the past in country planning processes—both in helping our oversea missions to decide which activities the United States can most usefully conduct in different countries, but more importantly, to assist less-developed countries with the development of their own plans and policies. We would like to involve the Department and the universities more than has often been the case in project planning and evaluation, as well as in project execution. We would like to conduct more of our projects in the future through contract relationships and fewer through direct hire staff. We would like to assist in the substantial strengthening of the work of the Department and the universities in research and training, both here and abroad, in the broad spectrum of fields which are relevant to rural development.

We have reached these conclusions and seek these changes in recognition of the extraordinary significance of the problem of rural development in the world, and in the belief that we should be contributing to the mobilization and application of the highest quality talent the United States affords to the solution of this problem.

We recognize fully that if we are to achieve these objectives we must first of all change many of our own patterns of work, many of our own attitudes, many of our past practices. We have reviewed the draft committee reports which have been jointly prepared prior to this Conference by representatives of the Department of Agriculture, the universities, and AID. Speaking for AID, we are prepared to accept these reports without significant qualification. If this Conference, after considering these reports and modifying them as it may wish to do, sees fit to adopt reports along the lines of these drafts, we will be prepared to accept them as working guidelines and to proceed to put them into effect so far as that lies within our competence. The preparatory work for this Conference seems to me to have been of extraordinarily high quality, and I believe the draft committee reports embody the basis for a most significant series of understandings and agreements.

IV

Let me in closing express one or two cautionary words, to avoid any possible misunderstanding.

First of all, we should expect, I think, to continue to move forward in the rural development field abroad on a careful, step-by-step basis. All of our oversea work is conducted, so to speak, in the other fellow's backyard. It can be successful only when his interest and his conviction is joined with ours. The opportunities for effective work therefore depend only in part on our own energy and wisdom. They also depend on the varying environments of dozens of local situations in the less-developed countries. We must continue to seek effective opportunities for our useful work, but we must never mistake zeal on our part for receptivity on theirs.

Secondly, none of us can project with any degree of precision the likely volume of rural development work that will call for U.S. resources in the future, recognizing that there are important sources in other countries of similar research, training, and advisory skills. Nor can we even state with any precision the likely future volume of AID contracting. We have today between $150 and $200 million worth of contracts in effect with over 100 American universities. We believe the number and dollar volume of contracts is likely to rise somewhat. In our view, however, it is more important to improve the quality than the volume of our joint work, and we ourselves expect to concentrate more on questions of quality than on the simple expansion of our total effort.

Lastly, I think it is most important for all of us to recognize that the work of assisting rural development in other countries is a task of the utmost complexity and sensitivity. It cannot be accomplished by anything less than our very best talent. The Department of Agriculture, the other governmental departments and agencies who will be involved, and those land-grant universities that wish to participate in this work, must expect to put some of their ablest people into it. We will have to have some of your best people—not too many, but some—for our own AID staffs in Washington and the field, and you will have to commit some of your best people to any training, research, and advisory activities that you may wish to undertake. No doubt some of the land-grant universities will not wish, or will not feel able, to undertake oversea activities. We hope enough will do so to meet the needs we see. And as the committee reports indicate, AID recognizes that we should help to develop the research facilities, and to train the people, who will be necessary to carry out this work.

I think it is important to recognize these cautionary notes. But I think we should approach the task of international rural development with zest and vigor. It is challenging, rewarding work, which combines high personal satisfaction with high contributions to great national objectives.

In that spirit I invite your attention to the work of this conference.

REPORT TO THE PEOPLE

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. RYAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RYAN of Michigan. Mr. Speaker, I do not wish to address the Members of Congress at this time, but I wish to speak directly to the people of my district—the taxpayers, the supporters of equal rights, the college students and their parents, the senior citizens, the auto workers, the businessmen, the professionals—in effect, all of the people who make up the great 14th Congressional District of Michigan.

I want to keep them informed on the progress of legislation in the House of Representatives and on my own activities during this term. This is my second "Report to the People."

TAX REDUCTIONS

In January of 1963, unemployment remained one of the top domestic problems. Thousands of qualified persons sought work, but were unable to find a job. I myself received many letters from people in my district asking that the Government do something to create more jobs. At the time, we were studying a number of proposals which had been presented by our conscientious, young President, John F. Kennedy.

The most important, the most effective, in my opinion, was the Kennedy-Johnson tax cut. The plan was simple: If taxes are reduced, people and corporations will have more money to spend and invest. If the consumer demand for goods and services went up, business must expand and produce more. With expansion comes new jobs.

Congress, however, stalled on this proposal. The tax cut bill was bottled up in committees until September 1963. The key rollcall vote in the House came on September 25 when 271 Members voted to pass the bill. It was not until the following session of Congress when the bill was approved by the Senate and signed into law.

KENNEDY PROPOSALS

President Kennedy had introduced a number of economic and social reforms during the winter and spring of 1963. The bill that received nationwide attention was the civil rights bill, especially designed to bring peace to the explosive cities of the South and to insure persons of minority groups equal treatment in various areas of American life.

This bill contained four main provisions: All qualified Americans have the right to vote in Federal elections; everyone, without regard to race, color, creed, or national origin, has the right to obtain an education in public schools; all persons have the right to buy a meal in a restaurant or cafe; the right to stop at a hotel or motel while traveling; the right to attend a ball park, theater, stadium, arena, or public park; and no person shall be hired or fired strictly on the basis of race, color, creed, or national origin.

On November 20, the House Judiciary Committee approved President Kennedy's civil rights bill, and it was sent to the Rules Committee.

The young President never had the opportunity to gain Southern support of his bill, he was not present for the great debates, he was not able to sign the bill into law.

THE ASSASSINATION OF PRESIDENT KENNEDY

Two days later, November 22, President Kennedy was shot in Dallas.

In a flash, the black bullets of hate tore away from us the life which had such great promise—the hand which rested so steadily at the helm of our Nation, the heart filled with hopes of peace and seasoned with the trial of power and responsibility, the smile and friendly wave which seemed to befriend every American, every European, and every person who loved freedom.

I stood at the airport on that drizzly evening in Washington, D.C. Jacqueline Kennedy stepped down off the plane and waited for the box carrying the body of her husband to be lowered from the Presidential jet. It was Mr. Kennedy's last ride. The crowd remained silent, quelled by the sorrowful figure in pink. In a moment, she was hidden inside the black car, beside him.

The door of the plane opened again, and two lonely figures emerged.

It was the newly-sworn President and Mrs. Johnson.

Several of my colleagues and I waited for the new President to speak. He walked slowly to a microphone, with Mrs. Johnson on one arm. His sorrow was deep and sincere. His request was simple: he asked for the help of God and the Nation.

Those of us who attended the sorrowful funeral service asked each other why it had to happen. I know all of my constituents carried his or her share of the emptiness which we all felt.

As we buried our dear President, I, like most everyone else, cried, for I had truly lost a great leader and friend.

THE NEW PRESIDENT CARRIES THE TORCH

Congress seemed to be in the same state of shock that was evident around the Nation and the world. One week later, President Johnson called a joint meeting of Congress which included Cabinet members, Supreme Court Judges, and several foreign representatives.

The President, strong and determined, pledged himself to carry out President Kennedy's program. The Congress, deadlocked for months on several appropriation bills, responded vigorously. Continuity of our Government's policies had been insured by the President, with the result that national and world affairs remained stable.

THE EDUCATION CONGRESS OF OUR HISTORY

However, the 1st session of the 88th Congress, under the guidance of John F. Kennedy, will be remembered as the "education Congress of our history." Several education bills introduced by the late President were passed during that session.

One bill, in which I was greatly interested, was a program of Federal aid for medical schools and medical students at public and private institutions. The House of Representatives appropriated $175 million for a 3-year program of matching Federal grants for the construction of teaching facilities for medical, dental, and related health profession schools.

Since many students have to work their way through these institutions of higher education, as I did, or forfeit the education, the House bill also included a student loan program to charge 3 percent interest on loans to students of medicine, dentistry, and osteopathy.

HANDICAPPED CHILDREN AND MENTAL HEALTH

A bill very dear to the heart of Mr. Kennedy was the mental health bill. More than $300 million was appropriated to help build community mental health centers, to help build research and treatment centers for mental retardation, and to help train teachers of mentally retarded and other handicapped children.

There are thousands of children in Michigan alone who need this special care so that they might lead as normal a life as possible. The new legislation expands existing maternal and child health and crippled children's programs and starts three new programs: grants for prenatal care for low-income, expectant mothers; grants for research on maternal, child health, and crippled children's problems, and grants to help start local community action against mental retardation.

HELP FOR OUR COLLEGES AND OUR YOUTH

Another bill which had my complete support was the college construction aid measure. Under this act, a 5-year, $1.2 billion program of Federal grants and loans to colleges and universities for the construction of classrooms, libraries, laboratories, and other academic facilities was authorized. With America's student population growing in leaps and bounds, these new facilities will be a necessity.

A few days after the signing of the college construction aid bill, the Congress passed the most extensive vocational educational bill in the history of the Nation. Nine hundred and twenty-one million dollars will be spent up to and through 1967, to update and to expand the teaching of job skills and to provide job training and job experience.

This is extremely important to the Detroit area, where large numbers of adults and youths are untrained and unskilled. This vocational retraining program will help needy students from becoming high school dropouts; $170 million will be loaned to college students at a very low interest, so that they might continue their education.

I am proud to say that I had the opportunity to vote for this bill and for the other education bills proposed by President Kennedy, who will certainly be commemorated for his leadership and endeavors in the field of education.

THE 1964 SESSION OF CONGRESS

The year 1964—and the 2d session of the 88th Congress—opened under the dark cloud of tragedy which had befallen the Nation scarcely a month earlier. Congress, however, to use an old colloquial expression, rolled up its shirtsleeves and prepared to dig its way out of the mounds of legislative bills which had piled up over the preceding months. Congressmen and Senators of both parties seemed determined to cooperate and to help their new Chief Executive as much as they could.

With blitzlike swiftness, major and minor bills were passed by the two Houses and sent to the President for signature. Among these bills were the tax cut, the civil rights bill, the antipoverty bill, the mass transportation bill, the library service and construction aid bill which will mainly benefit urban areas, and several appropriation bills.

BILLS INTRODUCED BY CONGRESSMAN RYAN

I myself presented several bills to the House of Representatives which, in my opinion, would benefit the Detroit community and the Nation. A description of some of these bills follows:

H.R. 3566: This bill amends the Immigration and Nationality Act by abolishing the prejudiced "national origins theory" of immigrant selection. It does not increase the present quota allotment, but authorizes our present quota to be distributed among the various nations without discrimination. The Subcommittee on Immigration of the House Judiciary Committee held hearings on this legislation, but has not yet made its report. I appeared before the committee to argue for its passage.

H.R. 3988: Motor vehicles sold or shipped in commerce must be equipped with seat belts which meet certain safety standards. This measure was passed by the House during this session, but was changed to authorize the Department of Commerce to set up the national safety standards for the safety belts.

H.R. 5000: Realizing that children with epilepsy often need special help and understanding in the classroom, I introduced a bill to provide Federal aid to institutions of higher learning to instruct teachers to learn improved techniques, practices, and methods of teaching epileptic children.

H.R. 5527: This bill would help veterans who served in the Armed Forces during the "cold war" period by providing readjustment assistance.

H.R. 5876: A bill to expand and to amend the Area Redevelopment Act.

H.R. 8063: Columbus Day would become a legal national holiday in honor of our great Italian discoverer.

H.R. 8409: The Mackinac Bridge would become a freeway. Cars would not have to pay the current $7.50 round trip.

H.R. 9967: To amend the Juvenile Delinquency and Youth Offenses Control Act of 1961 by extending its provisions for 2 additional years and providing for certain special projects and studies.

H.R. 10901: Provides 200,000 scholarships for college students across the country by increasing the amount authorized for loans under the National Defense Education Act of 1958. In addition, loan insurance and work-study programs would be expanded.

H.R. 11183: A bill which would protect high schools, junior colleges, and colleges from the effects of simultaneous professional football telecasts on Friday nights and Saturdays within a 75-mile radius. The bill has the support of the major high school and collegiate athletic associations.

RYAN RESOLUTIONS

I also introduced several resolutions to the Congress which may lead to action by that body.

Probably the most important and the most urgent, as far as Michigan is concerned, is my resolution calling for an immediate report from the International Joint Commission on the feasibility of raising the water levels of the Great Lakes.

This year, the Great Lakes Basin area will lose $100 million because of these receding lake levels. Our tourist and shipping industries are suffering great losses. Many Michigan boatowners are experiencing difficulty on the lakes due to the low water level.

I believe the most practical, feasible solution to this problem might be the construction of dams or locks on the Niagara River, somewhat north of Buffalo. A dam at this location would not, in any way, interfere with Niagara Falls or shipping on the Niagara River since all vessels and ships use the Welland Canal.

Another of my resolutions calls for the holding of an official World's Fair in 1972 at Detroit. I conducted hearings on this proposal in Washington before the Foreign Affairs Committee in December of 1963. After these hearings on my resolution, Mayor Cavanagh of Detroit named citizens to a committee for the purpose of investigating the feasibility and economic importance of a World's Fair at that time. A World's Fair at Detroit would create thousands of jobs for Detroiters and greatly expand the business of this area, plus place the international spotlight on Detroit for a year.

In other resolutions, I proposed that the United States establish a Tercentenary Commission to commemorate the advent and history of Father Jacques Marquette in North America; and that we designate the fourth Friday in September of every year as American Indian Day.

LOCAL ISSUES

Let us step away from the National-State picture for a moment and talk about Detroit and the suburban communities.

As a member of the important Public Works Committee, I am in a very good position to see that the Detroit area receives its share of Federal grants and assistance. It helps in many ways. For example, I procured two grants for our suburban cities, Harper Woods and Grosse Pointe Woods.

Harper Woods received $125,000 for the construction of the John F. Kennedy Memorial Library.

Grosse Pointe Woods, with the help of a $182,000 Federal grant, built a new public safety building.

I had the privilege of dedicating both of these fine, new community facilities.

More recently, on behalf of the Detroit Board of Education, I interceded and stopped the public sale of a Government surplus building. This was known as the Army Automotive Tank Center Building. The school board wanted this building for use as a skills training center; but its application had been turned down. Through personal contacts with officials of the General Services Administration and the Department of Health, Education, and Welfare, I arranged a meeting between them and representatives of the Detroit Public Schools. Through my efforts, the Board was given the building, free of charge, to be used for retraining unemployed adults and school "dropouts." The Center is valued at $7 million.

A $33 MILLION BUILDING FOR DETROIT

Legislation for the construction of a new Federal building in Detroit lay in the Public Works Committee for 4 years. After I received my appointment to the Public Works Committee, I went to work on this project immediately, and it was only 3 months later when I pried this legislation loose. The building and land will cost $33 million and will be located in Detroit's Civic Center. The architects are now drawing the plans.

HOSPITAL GRANTS

St. John's Hospital and Women's Hospital, through my assistance, were awarded Federal grants for the expansion of medical facilities.

THE 14TH DISTRICT PROJECTS

Last year, I sponsored four projects of interest especially for the people in my district.

The first is my mailing of a scholarship list to more than 10,000 high school seniors in the 14th District and vicinity. For many months, my staff and I compiled scholarship information obtained from all over the country. This list is available only to my constituents. It is a special list, containing thousands of scholarship opportunities offered by businesses, which have never before been compiled.

In order to help the constituents of my district, I initiated the first "Federal Employment Opportunity Night." It was the first one ever held in the United States. On this night, I arranged for Government experts to come from Washington to explain and answer questions about the qualifications and the availability of Federal Government jobs in all branches. This was an important project for many people in the area who want to get a Federal job but do not know how to go about it.

My third district project was the annual "Contract Procurement Clinic" designed to spur the economy of the east side of Detroit. This clinic is a bringing together of people who offer Government contract work and East Side manufacturers who are able to produce this work, and who want to supplement their regular business. Government contract work, arranged by virtue of this clinic, will aid economic conditions in this area by creating more business and more jobs.

My most historic project was the peace forum which was held on the very day the United States and Russia signed the nuclear test ban treaty. More than 300 people turned out to hear a panel of experts speak on peace and prosperity for our times. I cosponsored this peace forum with three local peace groups.

I have always sought to provide vigorous and effective representation in Congress for the people of my district and to assist them in solving local problems and issues. Practically every weekend since I have been in Congress, I have commuted from my Washington office to my district office, at my own expense, so that I might better serve my constituents.

While in Congress, I will continue to meet with my people and discuss national and local issues, to introduce legislation which I believe will benefit this community and the country, and to sponsor projects designed to promote and improve and expand educational, economic, and employment developments in the area.

THE ANTIDUMPING ACT

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, last week my colleagues from Massachusetts, Congressman BURKE and Congressman BATES, along with several other Members of the House, expressed their concern for still another example of the widespread and continuing damage perpetrated on American industry and labor by foreign manufacturers. I speak, of course, of those foreign businessmen and governments who flagrantly disregard the elementary principles of economic fairplay by dumping their products on what is, for all practical purposes, relatively defenseless American market.

I think that Mr. BURKE and Mr. BATES, and our other colleagues, should be commended for bringing this important problem to the attention of the House. Extended discussion of the dumping problem is not new to the Members of this House. Even the briefest perusal of floor discussion held here in recent years will indicate that dumping has been a matter of continuing concern, and the present session in particular evinces a renewed interest in the subject, as witness the nearly 40 bills to amend the Antidumping Act of 1921 which were introduced last April.

What bothers me is that, because dumping by nature begins with a little here and a little there, we may tend to lose sight of the big picture and think of the damage done only in terms of isolated cases rather than in terms of the growing collective danger that it constitutes. What I want to make clear, Mr. Speaker, is that the problem of dumping is no less a matter of national concern simply because of the scattered individual instances in which it occurs. What may appear to be an isolated incident today, may by accretion become an economic catastrophe tomorrow.

The specific case which aroused so many Members of the House last week—the dumping of shoes by Czechoslovakia—is especially significant in that, unless counteracted by immediate legislation, it will be tantamount to an engraved invitation to other Iron Curtain countries to go and do likewise. Dumping by nations which are supposed to be our friends is disheartening enough; but dumping by producers from countries which are no friends of the United States adds insult to injury, and constitutes a mode of economic warfare which the statutes of this Nation should and must be able to proscribe without hesitation. I am well aware of the great damage which has already been inflicted on the managers and workers of the American shoe industry.

The simple fact of the matter is that with the wage rates and other economic factors prevailing in foreign nations, it is impossible to expect American producers to compete when they must meet the fair demands of their workers who, after all, are entitled to, and assured of, an adequate standard of living. The average Japanese and Italian worker receives only a fourth or fifth of what his American counterpart receives, and I would not even hazard a guess at the pittance which the economic czars in Czechoslovakia hand out.

As for Japan and Italy, their successful and deep-running infiltration of the United States shoe market is simply a result of a callous disregard for the impact on a major American industry, and for the mutually beneficial conditions which would flow from orderly marketing agreements. And when it comes to countries like Czechoslovakia, we may rest assured that a regard for the United States and its workers is not in the catalog of those things which motivate the Communist mind.

As to the specific problem of dumping, we must take all the necessary steps to strengthen present law. The most glaring weakness in the Antidumping Act of 1921 and the subsequent decisions of the Treasury Department and the Tariff Commission is that nothing can be done to prevent the rising tide of cheap products unless the injury is deemed "material." And whether the injury is deemed "material" is unfortunately more a function of the administrators' whims than a function of the actual damage which has occurred. I might add that the American workingman who has lost his job because of foreign imports has a few ideas of his own when it comes to saying whether an injury is "material" or not.

I therefore join my distinguished colleagues in asking for an immediate investigation of this latest blow to the domestic shoe industry, and I join them in recommending in the strongest possible terms to the Members of this House that they give their serious attention and support to the badly needed remedial legislation before it is too late to take action.

BEEF IMPORTS

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Arizona [Mr. SENNER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SENNER. Mr. Speaker, yesterday, 232 Members of this great body voted to accept the conference report accompanying H.R. 1839, which offers a partial correction of longstanding abuses inflicted on our domestic livestock industry. It was a vital moment in the history of an industry which plays so important a role not only in the overall national economy, but in the economy of my State and district as well.

Frankly, I voted for the conference report with considerable reluctance because I would have preferred the more protective coverage afforded by the Senate bill which was very similar to legislation introduced by myself and a number of my colleagues last year.

From almost the first day after arriving here in 1963 as a freshman Congressman representing Arizona's Third Congressional District, I have been deeply involved in efforts to stem the alarming rising tide of beef imports. My district is essentially rural in structure and it reacts significantly to any adverse impact on the livestock industry. In short, Mr. Speaker, whenever our cattlemen are hurt financially, a considerable number of families in my district bleed.

And we bled heavily during the past 3 years while beef imports were skyrocketing to 11 percent of the country's total supply causing a dramatic drop in prices—a drop, incidentally, which was not particularly reflected in retail costs to the consumer.

Now we can hopefully look forward to a certain degree of price stability.

I hasten to emphasize that this bill leaves much to be desired. It is, however, a compromise of conflicting viewpoints and clearly reveals that no problem is insoluble when reasonable minds are willing to seek a solution.

RETIREMENT OF JAMES V. BENNETT, DIRECTOR OF U.S. BUREAU OF PRISONS

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. BLATNIK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BLATNIK. Mr. Speaker, I wish to join with my colleagues today in noting the retirement of James V. Bennett, who has been director of the U.S. Bureau of Prisons since 1937 and a public servant since 1919. As a Congressman I have been familiar with the work of Jim Bennett for many years, but I became particularly aware of his accomplishments within the last few years when Pine County and the Federal prison at Sandstone were added to my district. The citizens of Sandstone are proud to have the institution and the Federal personnel as a part of their community. John G. Hawley, a postmaster of Sandstone for many years as was his father before him, has often expressed to me the fact that the personnel of the Federal institution have not only made economic contributions but they have also added much to the social and political life of the community.

The personnel of the Sandstone institution are in themselves a great credit to Jim Bennett. They are proud of the work they are doing in salvaging lives, and they are proud to be members of the Federal prison service. And many of them, I am happy to say, have chosen to remain in Sandstone upon retirement. Among them is George W. Humphrey, the warden who first opened the institution in 1939.

The high caliber of the personnel at Sandstone, their professional training and their esprit de corps are distinct evidence of the competent and forward-looking management of the Federal prison system over the years. A point of which I am particularly proud is that Jim Bennett's personal staff has for many years included two Minnesotans who began their Federal prison careers at Sandstone—Dick Heaney, deputy assistant director and brother, incidentally, of my good friend Gerald W. Heaney of Duluth, who was Democratic National Committeeman from Minnesota for many years, and Larry Carpenter, Mr. Bennett's executive assistant and a native of Duluth.

Jim Bennett's many contributions to the field of criminology and to the administration of justice will undoubtedly be cited by others here today. Personally, I wish to call attention to the fact that the development of the Federal prison system has been in large part attributable to Federal public works programs. During the latter part of the great depression of the 1930's a majority of the institutions that now comprise the Federal prison system were built as public works projects. They were needed then because of overcrowded conditions in the few existing Federal prisons, and they became increasingly valuable in later years when the number of Federal prisoners rose so rapidly. More recently, the accelerated public works program was put to good use in making badly needed institutional repairs and modifications for which regularly appropriated funds were not available.

Jim Bennett is also a nationally known expert on public administration; in view of his 45 years of service he certainly qualifies for that role. He has contributed to a number of seminars and institutes for Government and business executives, and I am hopeful that after his retirement he will continue to be active in this field. The men now entering the ranks of management can learn much from one who has served our Government so well for so long.

TENNESSEE VALLEY AUTHORITY

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Tennessee [Mr. FULTON] is recognized for 60 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, this week I had the opportunity, good fortune, and pleasure to appear before the Democratic platform committee which is meeting in our Nation's Capital.

On that occasion, it was my purpose to urge that the 1964 Democratic platform contain a strong endorsement of that great and highly successful resource development, the Tennessee Valley Authority.

It was my purpose, by that appearance, to insure that the Democratic Party continue, as I know it will, its strong endorsement of the TVA which it has not only supported over these past 31 years but which it has nurtured and encouraged until the Tennessee Valley Authority today is a showcase for the world of what can be achieved in resource development through multipurpose approach and coordination.

However, a reaffirmation of our support of the principles behind the TVA is especially important in 1964.

It is important because there is a man in this Nation today who aspires to the high and honorable office of President of the United States who would sell the Tennessee Valley Authority.

He would take that great resource development institution and its facilities, built with the money of the American taxpayer, and would turn this all over to private power utilities for the benefit of a group of stockholders who could raise power rates with a fearsome monopolistic freedom.

There is in this Nation today a man who aspires to the office of President who is on record, time and time again as opposed to the Tennessee Valley Authority or the right of the people of this Nation to full participation in the benefits of this resource development program.

There is a man in this Nation today who aspires to be President who either will not or cannot, because of blind adherence to some 18th century philosophical concepts, understand the Tennessee Valley Authority, its purpose, its accomplishments, and its reason for being.

His vicious attacks on the Tennessee Valley Authority and public power institutions through the years give us insight into his lack of understanding of the TVA.

Let us take a moment to survey some of his statements.

In August of 1963, he was interviewed in the Saturday Evening Post. At that time he told the Post reporter, "You know, I think we ought to sell TVA." "You really do?" "Yes, yes, I do."

Immediately I wrote the candidate, though he was not then the candidate, and asked him if he had been quoted correctly.

Of all men in public life today, he seems to encounter the most difficulty in being quoted correctly.

So much difficulty in fact that they have a "No. 2" man now who goes around after him saying to people, "Now what the Senator meant by that was this."

I wrote him because I wanted to be certain he was quoted correctly.

Amazingly enough, on this occasion, he replied that he had been quoted correctly and added, "I am quite serious in my opinion that the TVA should be sold for, among other benefits of such a transaction would be a great boon to the State of Tennessee to have this enterprise placed on the tax rolls."

Now let us look at the facts.

The facts are that the TVA does pay State and local governments, in lieu of taxes, 5 percent of its gross revenues from power sales excluding those sold to the Federal Government.

Nor are those mere token payments.

As a matter of fact, TVA's payments in lieu of taxes to the State of Tennessee exceed the tax payments to the State by any other enterprise.

In most cities in the TVA power service area, the tax payment by the local retail system is larger than the tax paid by any other enterprise in the community.

Whether these payments are on a scale comparable with the State and local tax payments of private utilities can be measured by determining the portion of the consumer's dollar which goes for this purpose.

TVA and the Associated Retail Distributors in 1963 paid 7.4 percent of total revenues for State and local taxes, where the 12 private utilities adjacent to TVA made payments ranging from 4.7 to 11.8 percent.

In the 25 years preceding 1963, the TVA system's payments increased 554 percent as against 444 percent for private utilities of the country.

In short, the TVA power system makes full and adequate contribution to the support of State and local governments in which it operates.

So the candidate's statement that the TVA States would benefit by having TVA on the tax rolls is not a valid one.

TVA is already very much on the tax rolls.

The only way private power could put it any more on these rolls would be to increase rates to increase revenues.

These rates would have to be paid by the public and I see no benefit to the public in this approach.

Another point which the candidate fails to understand has to do with the purpose of the TVA.

In his letter he goes on to state:

> When the TVA was created in 1933, its primary purpose was to harness the Tennessee River and its tributaries for navigation and flood control.
>
> It was said that it would sell a little power on the side that would be an "incidental" byproduct of the harnessing of the river.

Now, what are the facts?

If the candidate would read President Roosevelt's TVA message to the Congress or would read the enabling act, he would discover that, as stated in the act, the purpose, without any emphasis on "primary" purpose, the purpose was "to improve the navigability and to provide for the flood control of the Tennessee River, to provide for the reforestation and the proper use of marginal lands in the Tennessee Valley. To provide for the agricultural and industrial development of said valley, to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes.

This latter item was for the production of certain chemicals for use in the manufacture of explosives.

Additionally, the candidate would discover, if he were to read in section 23 of the act, that the general objectives of the TVA are summarized, as follows:

First. The maximum amount of flood control.

Second. The maximum development of the river for navigation purposes.

Third. The maximum generation of electric power consistent with flood control and navigation.

Fourth. The proper use of marginal lands.

Fifth. The proper method of reforestation of all lands in the drainage basin suitable for reforestation.

Sixth. The economic and social well-being of the people living in the river basin.

Nowhere in these references do I see any mention made of selling "a little power" as an "incidental byproduct."

In the candidate's letter he refers to the fact that the TVA derives its financing by the issuance today of revenue bonds.

This has been true since passage of the self-financing bill in 1959.

A bill which the candidate voted against.

Now the candidate says that despite the issuance of the revenue bonds, there is still over $1 billion in appropriated funds invested in TVA's power facilities which will take more than 50 years to pay off.

The candidate is quite correct.

But, he might add, that the TVA already has returned $500 million to the Treasury and over the next 50 years will not only pay off that $1 billion investment but will return an additional $1 billion in dividends to the taxpayers.

And, while we are on the subject of cost of the TVA and its benefits to the people, I am reminded of a little project that the candidate is interested in for his State of Arizona.

This is known as the central Arizona project.

It is basically akin to the TVA.

That is, it is a resource development program.

In the case of the TVA, the project is navigation and flood control with public power a major feature.

In the case of the central Arizona project, it is irrigation and reclamation with public power, again, a major feature.

Now let us look at the candidate's little project for which he is sponsoring legislation in the U.S. Senate.

Like the TVA, the CAP is a resource development program.

Like the TVA, the CAP is to be paid for by the taxpayers, that is out of the U.S. Treasury.

Like the TVA, the CAP is a program which will benefit many persons.

Like the TVA, the CAP will cost a little over $1 billion.

Like the TVA, the CAP is dependent upon production and sale of electric power for economic feasibility.

Like the TVA, the CAP's public power facilities provide essential revenues which underpin the program.

Unlike the TVA, which is a 7-State areawide development program, the CAP would benefit only one State, and that is the candidate's own home State of Arizona.

And on "Meet the Press," on the National Broadcasting Co., January 5, 1964, the candidate was asked regarding the TVA and the CAP: "Don't you see any moral or ethical inconsistency here?"

And the candidate replies: "Oh, there is none at all. There is no comparison between the TVA and the central Arizona project. It is not a public works project to begin with. It will pay back at least 85 percent of the money invested in it by the Federal Government."

No, there certainly is a difference.

The Tennessee Valley Authority will not pay back 85 percent.

It will pay back 100 percent with an additional 100 percent dividend to the taxpayers.

Let me say here that I view the central Arizona project very favorably.

My concern is not with the proposal but with the inconsistency with which the candidate views the central Arizona project as being something good and beneficial for his State while he seems to feel that the same type program, already in existence and paying for itself, is evil and should be denied the people of my State.

I could continue with this exposé of the candidate's position on the TVA.

It is a delightful pursuit because no sooner do you get him pinned on one statement than he has his "No. 2" man come out and say, "What he really meant by that was."

For some time now, the candidate has been silent on the Tennessee Valley Authority but I expect we will be hearing again from him, probably soon, and perhaps it will be something about selling steamplants to State governments.

If there is anything consistent in the candidate's position on this, as well as many other issues, it might facetiously be said to be his inconsistency.

But the fact is, there is a very distinct and deadly thread of consistency throughout all his statements.

It can be traced very easily.

In fact, we need go no further back than the debate of the TVA self-financing bill when on July 9, 1959, the candidate, as a Member of the U.S. Senate, offered an amendment to that bill which would, in the candidate's own words, provide "That TVA ultimately be disposed of to private utilities."

This is the consistency "that TVA ultimately be disposed of to private utilities."

The desire to turn the property of the people over to private interests is consistent throughout the candidate's attacks on the TVA.

He does not hate the TVA. He loves it.

He just hates to think that this great facility is working for millions of Americans instead of a handful of stockholders.

That is why, in this year of 1964, it is important for the Democratic Party to reaffirm its full support of the Tennessee Valley Authority, the purposes for which it was designed, and its multipurpose approach to resource development.

Let us, as the party of all the people, tell the American people anew, for there are those who would tell them otherwise, that the Tennessee Valley Authority belongs to all Americans.

Let us pledge to the American people, and especially those good people of the Tennessee Valley, that the Democratic Party will never permit this great public utility, owned by the American people and operated for their benefit, to be sold to private interest, controlled by a corporate few and operated for private profit.

Mr. EVINS. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from Tennessee.

Mr. EVINS. Mr. Speaker, I thank the gentleman for yielding.

And, I also wish to express by appreciation for his vigorous and resourceful leadership in bringing the true facts about the Tennessee Valley Authority before the public and alerting our Nation to the nature of the threat involved in attacks on this great regional development agency of our Government.

I want to associate myself with the remarks of the gentleman from Tennessee, my friend and colleague [Mr. FULTON], and to express my complete support of all that he and other true friends of TVA have said in regard to TVA's enormous usefulness in the Nation.

It is my conviction that a great national tragedy would be wrought if TVA were to be sold to private interests, or broken up, or crippled in any way.

You will recall that we are indebted to Congressman FULTON for the light he has shed on the position of a certain prominent Member of the other body who favors the sale and dismemberment of TVA.

Because of his familiarity with the work and achievements of TVA Congressman FULTON was properly shocked at the position taken by this conspicuous critic of the Tennessee Valley Authority. As a result, my colleague addressed a letter last year to the advocate of the sale proposal, asking for clarification of his position on this amazing proposal. In due time, a letter came back from the other party, stating that he was "quite serious" in his opinion that TVA should be sold.

The author of that letter replying to Congressman FULTON is now, as you know, the Republican candidate for President. He has not changed his position on TVA in the interim. He has made various attempts to explain and justify his stand, but nothing he has said on the subject has served to make his position any less clear. His subsequent remarks have been intended to confuse but his position remains the same. He is for the sale of TVA and its dismemberment. It is obvious that this gentleman does not know the true facts about TVA or does not want to know them.

He has made up his mind, and he is against the Federal Government's support of all river development projects—with the possible exception of a $1 billion reclamation project for the State of Arizona.

The TVA power program is self-sustaining and self-liquidating. It is a profitable enterprise.

TVA is the Nation's most profitable Government operation—not only from a dollars-and-cents point of view, based on cash returns into the Treasury, but also from the point of view of TVA's contribution to the strengthening of our economy and our national defense.

PAYMENTS INTO THE TREASURY

The TVA paid into the U.S. Treasury in 1964 alone some $52 million. Since its beginning, TVA has paid into the U.S. Treasury more than $480 million—almost one-half billion dollars. In addition, TVA low-cost power used by Federal agencies, has saved the Government—and thus the taxpayers—hundreds of millions of dollars.

I repeat, Mr. Speaker, the seven-State area which TVA serves realizes vast benefits from flood control, navigation, power production and other services through the TVA which is the world's most renowned water resource development program.

I would point out the following benefits for a true appreciation of TVA's contribution:

POWER

TVA now finances expansion of its power system through the sale of its own bonds. Congress granted this financing authority to TVA in 1959, and set a ceiling of $750 million. These bonds are subject to Federal income taxation.

TVA's electric system is America's largest, generating more than 70 billion kilowatt-hours of electricity each year, and supplying power to 155 local distribution systems.

The average residential use among consumers of TVA power distributors is more than 2½ times the average use in the rest of the Nation—and the cost to consumers amounts to less than half the national average cost.

In 1933, there were only 300,000 power consumers in this region, and only 3 percent of the farms were electrified. Today, there are more than 1.5 million electric power consumers in the area and more than 98 percent of the farms in the region are electrified.

Today more than 50 percent of TVA's electricity goes to national defense installations. During World War II, 75 percent of TVA's power went into defense production—I repeat, there are enormous savings to the Government in power costs.

Hundreds of millions of dollars have been saved for U.S. taxpayers through the supplying of low-cost TVA power to our defense installations.

TVA power was used in building the Nation's first atomic bomb, the first weather satellite, and the first space missiles and rockets.

FLOOD CONTROL

The accumulated benefits of the TVA flood control system totaled $461 million in 1963—approximately 60 percent more than the total investment in the flood control system.

Last year alone, the TVA dams controlled heavy spring floods and prevented an estimated $117 million in flood damage in the area.

COMMERCE

More than 14 million tons of high value commodities are moved each year in the valley portion of the Tennessee Valley waterway—a system providing 650 miles of channels for tow boats and barges and millions of tons of water commerce have been developed. Thirty years ago the total volume of shipments in commercial navigation was less than a million tons.

This waterway provides a 20-State link for transportation between the Tennessee Valley and the Ohio, the Mississippi and the Nation's entire inland waterway system.

INDUSTRY

Approximately $1 billion has been invested in new plants and industries and plant expansions by private industry along the shorelines of the Tennessee River since the TVA reservoirs have been built and commerce developed.

RECREATION

TVA also has stimulated the growth of a great recreation industry in the seven-State area of the South. Private and public investment in recreation sites on TVA lakes and waterways now exceeds $150 million.

AGRICULTURE

TVA's National Fertilizer Center produces fertilizers that are used throughout the Nation. TVA-produced fertilizers are used for demonstration purposes on farms to improve American agriculture, and all sections benefit from this research. Not only farmers but industry also benefits from this program, as patent rights on new fertilizers developed by TVA research are made available to private industry.

FORESTRY

Forest-related industries contributed $100 million to the Valley's economy in 1933; they now contribute $500 million annually.

More than one-half the Tennessee Valley now is forest land, and Tennessee is the hardwood center of the Nation. Reforestation is preventing the waste and erosion of our soils and promoting economic wealth.

TAX PAYMENTS

TVA pays to States and counties, in lieu of taxes, 5 percent of what it collects from the sale of electricity.

States and counties are collecting more from TVA than the private power companies ever paid these units of our Government.

In the 30-year period, 1933–62, payments to States and counties in lieu of taxes amounted to $76,806,094 from TVA and $113,735,086 from distributors of TVA power—a total of $190,539,180—paid to our counties and cities.

Mr. Speaker, TVA is a going operation. It is a tremendous success, stimulating, developing and strengthening all elements of our economy. TVA is world renowned as the most successful resource development program in any country. Visitors from all over the world annually come to see and make inquiry as to how their government can imitate it.

The evidence of TVA's success is overwhelming. Yet there are those who would sell, dismember or destroy this great agency of our Government, which has meant so much to the development of Tennessee and the South—and indeed the Nation.

Mr. FULTON of Tennessee. I thank my able colleague for his remarks.

Mr. EVERETT. Mr. Speaker, will the gentleman yield?

Mr. FULTON of Tennessee. I yield to the gentleman from Tennessee.

Mr. EVERETT. Mr. Speaker, I want to concur in what has been said about our distinguished colleague, the gentleman from Tennessee [Mr. FULTON], by the gentleman from Tennessee [Mr. EVINS], and to congratulate the gentleman on the wonderful remarks he has just made with regard to the Tennessee Valley Authority. I also want to congratulate him on the wonderful contribution he has made to the House of Representatives since he has been a Member during the last 2 years. I know of no man who has come to the Congress who has done a better job than he has these past 2 years in the hard work he has done not only for the constituency of his district but for the great State of Tennessee and the Nation as well. I certainly commend him.

Mr. FULTON of Tennessee. I thank my distinguished colleague from Tennessee.

GENERAL LEAVE TO EXTEND

Mr. FULTON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on this subject.

The SPEAKER pro tempore (Mr. LIBONATI). Without objection, it is so ordered.

There was no objection.

CONGRESSMAN PELLY EVALUATES THE 88TH CONGRESS

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Washington [Mr. PELLY] is recognized for 30 minutes.

Mr. PELLY. Mr. Speaker, this 88th Congress will be adjourning sine die shortly. Thereupon Members will return to their home districts to report personally to their constituents. In my case it will be the 12th such time I have returned to the First Congressional District of my State of Washington to fulfill my responsibility of accounting to the people I have had the honor to represent.

Because of the difficulty in reaching all my constituents I will distribute a statement by mail as well as in person.

As in the past, I intended to include in my report to constituents an evaluation of actions of the Congress, pointing up objectively, as I see them, its accomplishments as well as its failures and mistakes. By setting forth my personal views on issues the voters who have elected me to office six times can better judge as to whether I should continue to merit their confidence for another 2-year term of office.

Most legislative programs are controversial and, of course, it is impossible to please all the people all of the time. But, Mr. Speaker, each time an issue has come before the House of Representatives I have tried during the debate to state my position and explain for the record why I support or oppose each bill. One thing I should stress is that my differences of opinion, while at times perhaps appearing otherwise, are not the result of partisan opposition. Rather, they have been based frequently on the philosophies of the respective parties. Frankly, I have sided generally with those Members of Congress who distrust the continual growth and centralization of government.

In this connection, Mr. Speaker, may I say that a tabulation of replies to periodic questionnaires widely distributed by me to the citizens of the area I represent have clearly indicated that my voting on various issues has been in accord with the majority of both Democrats and Republicans of my congressional district.

In general, I have favored practical programs where local people retain a voice in their own affairs. Also, I have supported the kind of programs which sought to help those who actually need help. Conversely, I have opposed Federal "handouts" to those able to help themselves. Obviously in such ways as voting against increases in the national debt ceiling I have strongly opposed the policy of planned chronic deficit Government financing in times of relatively high employment and prosperity.

FOREIGN AFFAIRS

Mr. Speaker, as I review the record of the 88th Congress, it seems that perhaps our most noteworthy single act was passage of the so-called Vietnam joint resolution endorsing President Johnson's decision and authorizing him to use force, if necessary, to defend U.S. forces in southeast Asia.

Had Members of Congress considered this resolution a predated declaration of war it would never have received, as it did, our overwhelming support. My own thinking was that by a show of national bipartisan unity the hope of peace was strengthened.

However, in other matters of foreign policy I have not been in full agreement with the administration. For one thing I have wanted a recasting of foreign aid. I oppose the bolstering of any anti-American regimes. Especially, I have criticized wheat sales to Communist bloc nations without substantial concessions. I have believed in firmness; our policy should not ignore recent Communist gains. For example, let us not forget that when President Eisenhower left the White House there was no Berlin wall. Neither was there a Soviet military buildup 90 miles from our shore. Nor were American boys dying in South Vietnam.

Meanwhile, our NATO alliance has deteriorated and the free world is at odds. American leadership, in my opinion, has been weak and ineffective and our foreign policy has seemed to make enemies out of friends instead of friends out of our enemies.

All in all, Mr. Speaker, my personal attitude in connection with foreign affairs has been to register opposition to recognition of Red China and to her admission to the United Nations because she is certainly anything but peace loving. Furthermore, I believe it ill advised to surrender any of our sovereignty to any international group, and as indicated earlier I voted to cut the amount of the foreign aid appropriation. We have been assisting 99 countries; that is too many. For example, 56 of these nations that received $12.5 billion in the past 6 years have been buying up our gold—they have bought $7 billion of our gold during this period.

So as I say, I have wanted to curtail the foreign aid program.

DOMESTIC AFFAIRS

Coming now to congressional action on legislation having to do with domestic affairs there is one development of great significance, especially to the Pacific Northwest. I cannot stress too much how important the settlement of this difficult, involved, and controversial matter is to Washington State's power users and industrial payroll builders. I refer to the Bonneville Administration's proposal and the administration's approval of a Federal-private partnership for construction of an electric power transmission system to link 11 Western States. This Northwest-Southwest intertie for sale of surplus power retains a priority to users in the Pacific Northwest. It will recover an estimated $20 million annual waste of energy and thereby avoid an otherwise increase in Bonneville power rates.

Mr. Speaker, I fully support this new California intertie arrangement.

Another important measure that has been of great interest to many outdoor lovers in my district is the wilderness bill. The passage of this bill at long last sets aside permanently in the national wilderness preservation system some 9 million federally owned acres for future generations to enjoy. I have strongly supported this and other conservation programs so as to provide necessary recreation to the ever-expanding population of the United States.

I should list on the positive side of the record, too, the various measures adopted by Congress to provide for the reconstruction of Alaska following the disastrous earthquake last March. Our Washington State delegation, I am proud to say, was especially active in support of this legislation.

Referring back to my State of Washington, and before discussing issues of wider interest, I am compelled to point up the failure of my State to assure medical and hospital aid to low income senior citizens as intended by Congress. It is most unfortunate that the Kerr-Mills Act has not been strengthened so as to establish standards to prevent States, like the State of Washington, from using Federal funds intended for the medically indigent aged and instead using the money to finance the State's welfare program. My files contain example after example in the way of letters, showing where independent self-sustaining low income citizens 65 years and over could not obtain needed help because the State preferred to use Federal money to balance its budget rather than for the purpose Congress intended. Only paupers in my State can qualify whereas in many States full hospital and medical benefits are available to all low income senior citizens without forcing these persons to sell their homes or dissipate their modest savings.

Congress should establish new standards so as to assure that the needy older citizens are properly assisted instead of being shortchanged as in the State of Washington.

As to legislation which was passed by Congress, Mr. Speaker, the civil rights bill was by far the most controversial. I supported this legislation because I sincerely believed in a Federal law to prohibit discrimination. I believed the time had finally come to use every proper means, in accordance with the Constitution to end racial discrimination.

Many persons on the contrary have equally sincere reservations regarding the constitutionality of this new law and I respect their views.

One thing is sure, any person who followed the debate in the House during the time this bill was being considered must agree that the arguments on both sides were on a very high level. Furthermore, I am confident that the people in my congressional district who disagreed with me—and there were many—nevertheless have recognized my support for the bill was based on conscience and deep conviction, and that in spite of any difference of opinion I believed the law as passed by Congress was both legally and morally right.

In other areas, there were many bills this year that came before the House of Representatives which I could not support or could only partially support.

As to these, I will try to recapitulate but first I should mention income tax reduction. Here my first vote was for a tax cut with a provision that the reduction would not go into effect if the President's estimate of Federal expenditures for fiscal 1965 exceeded $98 billion. Instead the House passed this bill with a provision, a sort of pious hope, calling for holding the line on spending.

In due course, the President sent Congress a $97.9 billion budget whereupon many of us favoring curtailment of Government expenditures voted to support the tax cut. Unfortunately since then there has been no sincere effort to hold the line on governmental expenditures.

Instead the administration has embarked on the greatest spending spree in history.

On the Federal pay-raise legislation I have had some criticism on my vote. I opposed the first bill considered by the House, but after various cuts were made so as to reduce the cost $11 million below the budget I voted in favor of it. I did so mindful of the fact that study commissions appointed by both President Eisenhower and President Kennedy had recommended this pay increase and that President Johnson had strongly urged Congress to act on it affirmatively. The present scale of compensation as a result will be comparable with private industry—and that has been the policy back of the pay raise.

Rather than economize on salaries I have called for cuts in many programs where there is unnecessary spending and waste. One of these was in connection with appropriations for the National Aeronautics and Space Agency which included, among other multimillion-dollar expenditures, a new pork barrel Federal electronic research center for Boston. As a member of the House Committee on Science and Astronautics I found no justification for this costly project. I think the space program is unnecessarily large, and not only too costly but wasteful.

All in all, my opinion has been that the administration has been insisting on an extravagant spendthrift budget. This is demonstrated especially by the recently passed so-called antipoverty bill.

Already the Government has more than 40 agencies attacking poverty, yet because it is an election year, it seems we must start all over again and establish a super agency to duplicate much of what is already being done. The result is more big centralized bureaucracy.

After all, poverty is essentially unemployment. There are something like 4,200,000 people today, so we are told, who need jobs.

In this connection, and in considering various solutions it must be borne in mind that almost 1 million of the unemployed are ages 14 to 19.

These young people really belong in school, and as to available jobs it must not be overlooked that in America today more than 3 million persons are holding down 2 jobs. Besides, in more than 11 million families both husband and wife work. If husbands earned more and wives could stay home, there would be plenty of job opportunities. The problem is not just one of a dole, food stamps, and so forth, or of artificially creating jobs by massive Government deficit spending. Much of the solution, to my mind, is increased vocational training and increased earnings.

Personally, I supported a substitute bill providing for assistance to the States to attack the problem, but unfortunately it was defeated. One of the projects mentioned during the consideration of the antipoverty bill was to finance relocation of families in New York City to eliminate the imbalance of minority groups in their schools. I do not consider this a proper Federal function, and I hope such a plan is not approved. Altogether the bill as it passed the House, to my mind, was extremely poor legislation. But some Members of Congress reluctantly voted for the bill, because, after all, as many will confess privately, who can be for poverty.

On the positive side I believe the Congress has enacted some good programs. I think particularly of expanded vocational education and some other meritorious school programs where Federal controls were not a factor.

Mr. Speaker, last year Congress cut between $8 and $9 billion from President Kennedy's budget. About 40 percent of that cut applies to the 1964 spending or a cut of about $3.6 billion. I take pride in that record, but even so the 1964 deficit is up by $2 billion from fiscal 1963, and the national debt has increased by $6 billion over the past year.

To me this is far from frugality. In times of comparative prosperity Congress should be reducing, not adding to, the debt.

Some argue that the increased gross national product justifies more spending and a higher debt ceiling—and, of course, in a way it does. Nevertheless, the increase in Government expenditures and deficit spending have caused the purchasing power of wages to decline 5 percent in the past 3 years. This is hardly fair to pensioners and low-income wage earners so I will continue in the future, as in the past, to oppose spending money the Nation does not have for things it does not need. But for defense and normal public services I favor adequate funds. It is the careless, carefree spending, the piling up of debts for unconstructive purposes that I object to and to Federal deficits that make the rich richer and the poor poorer.

In conclusion, let me say I have tried to carry out faithfully the very important role of a minority Member of Congress; namely, that of debating, differing, and arguing to bring out the true facts. Always, however, I have tried to put the national interest first as against any partisanship.

As to legislation and issues of special interest to my own district, such as the fishing and lumber industry, I regret that the administration has completely failed us. President Johnson even vetoed a bill to require imported lumber to be labeled so as to show the country of origin. But as long as I am in the Congress I will continue to fight for our fishing, lumber, and maritime interests as well as our interest in industries against political discrimination such as the Boeing Airplane Co., which have so much to do with the economy of our area.

Mr. Speaker, the Members of the House of Representatives are the closest legislative branch of Government to the people. That is why the House is so important under our system of government and why it is such an honor to serve in the House.

I only hope I have deserved that honor. Whether I always voted right depends on viewpoint, but at least at the time I always thought my vote was right and had valid reasons to vote the way I did. I can say this, too: I have consistently participated in debates and I am told my attendance record at legislative sessions is among the highest of any Member of the House. I do not know how significant it is but I am told that I voted "yea" 66 percent of the time. Perhaps this should have been more or less but at least it indicates that my participation is not negative.

Mr. Speaker, I have a profound respect for our system of government and especially for the capability of our people to govern themselves.

Let me say finally, because of the foibles of a few Members of Congress at times the prestige of Congress has suffered, but actually the Members as a whole are honest, hard working and deeply devoted to the public interest. I wish more people knew that.

As far as I am concerned as long as I continue as a Member of Congress, I shall fight to protect and uphold the constitutional power and influence of the legislative branch of the Government.

Meanwhile, I remain grateful for the opportunity and honor that has come to me in my important role of public service as Representative in Congress of the First Congressional District of the State of Washington.

UNITED STATES-CANADIAN TRADE

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from Michigan [Mr. Ford] is recognized for 30 minutes.

Mr. FORD. Mr. Speaker, when the U.S. Government announced in July 1963 that it intended to impose a so-called interest equalization tax on the acquisition of foreign stocks and bonds by U.S. residents, representatives of the Canadian Government immediately hurried to Washington to explain the dire consequences such a tax would have on Canada's own balance-of-payments position.

Within 3 days after the original White House announcement of the proposed tax, following a weekend of intensive high-level negotiations, a joint Canadian-United States statement reported an agreement under which a tax-free exemption would be provided for new Canadian issues needed to maintain an unimpeded flow of trade and payments between the two countries. Canada, for her part, promised close consultations with U.S. authorities to keep borrowings in U.S. financial markets to a necessary minimum.

In sharp contrast to the speed with which this earlier economic issue between our two countries was resolved is the sorry record of the State Department and the White House in the case of the Canadian Order in Council of November 1963 announcing a duty remission program to stimulate Canada's automotive exports. Although the Canadian plan could obviously harm the business of several U.S. automotive parts manufacturers and the job security of several thousand American workers, 9 months have passed without any visible progress toward the neogtiation of a more acceptable plan.

It should certainly be possible for United States and Canadian representatives to agree on a compromise formula which would enable Canada to achieve some reduction in its troublesome current accounts deficit while avoiding concentration of the impact on a few companies and a few localities in the United States. I cannot believe that the Canadian Government would refuse to make any concessions if intensive diplomatic efforts were exerted on our part and if the facts were forcefully presented. Both we and the Canadians must surely recognize the dangers implicit to our long and fruitful partnership in the current situation.

During this period while the matter has apparently been allowed to drift, a substantial amount of pressure has been building up in certain areas, including this Chamber, for unilateral action on the part of the United States to cancel the effects of the Canadian duty-remission program. I understand that petitions bearing 16,000 signatures obtained through the Paducah, Ky., and La Porte, Ind., factories of the Modine Manufacturing Co., of Racine, Wis., have been forwarded to the President and the Speaker of the House demanding imposition of countervailing duties on Canada's automotive exports to the United States.

As many Members of the House are aware, the U.S. Treasury Department is currently considering the question of whether the U.S. countervailing duty statute applies to the Canadian duty remission order. The countervailing duty statute provides for imposition of levies in addition to the usual tariffs to offset any "bounty or grant" allowed by a foreign government on products exported to the United States. The Canadian program provided for remission of duties on a dollar's worth of automotive imports for each dollar by which a Canadian manufacturer increases his exports of vehicles and parts over the base year November 1, 1961, to October 31, 1962. It has been pointed out that the Canadian plan closely resembles our own duty drawback system under which import duties are refunded when the same or similar articles are later exported. Thus, there is an important legal question as to whether the Canadian program is, in fact, a "bounty or grant" within the meaning of the statute.

I sympathize fully with the urgent desire of the affected businessmen and workers for relief from this form of import competition. However, I must regard as both misguided and misdirected the campaign to stampede the Treasury Department into imposing countervailing duties immediately.

In the first place, the established administrative procedures provide the proper channel for consideration of the legal issues involved. Ultimately, Treasury will reach a decision which can and, no doubt will be, appealed to the courts for further review. Attempts to short-circuit this procedure are likely to result only in intensifying a dispute which already contains the seeds of a bitter and damaging trade war between ourselves and Canada in which all of us would be the losers. Actions taken with the full sanction of the law, after orderly consideration by the proper authorities, are far less likely to touch off such a conflict than a decision which might be interpreted as the result of a political pressure campaign.

Second, and equally important, there is substantial reason to doubt that the imposition of countervailing duties would achieve the best result from the standpoint of U.S. manufacturing interests. The Canadian program was undertaken as part of that country's effort to overcome a persistent deficit on goods and services which has averaged approximately a billion dollars annually during the past decade. Under international trade rules, Canada is within her rights in attempting to achieve a more satisfactory balance on automotive trade, which is one of the largest elements in her deficit, amounting to around $500 million annually.

If the duty remission program is eventually ruled out by the United States as a violation of our countervailing duty statute, Canada could take certain other steps, without infringing U.S. rights, that might be expected to have even more serious economic repercussions for the U.S. automotive industry. For example, a decision to require minimum Canadian content of 80 or 90 percent, in place of the present 60 percent, would not be unheard of. Such a requirement would cause the loss to U.S. parts and vehicle manufacturers of a very substantial Canadian export market. In fact, there are at least five major automotive suppliers in Grand Rapids, Mich., who could be directly and adversely affected. The resulting dislocations would exceed, both in dollar volume and in the intensity of the impact on U.S. localities, anything which is to be anticipated as a result of the duty remission program. Surely it is not wise policy to flee from one kind of trouble in order to embrace another and more serious kind of trouble.

Third, and most important, all Americans should realize that Canada did not conceive this program to take advantage of the United States but rather to meet a persistent and serious imbalance in her current accounts. This imbalance has long been a burden on Canada's shaky foreign exchange position. Canadian policymakers have been preoccupied with the problem for a long time, just as our Government has been tinkering with various "solutions" for our own balance-of-payments deficit. And let me say on this score that some of the expedients which our so-called experts have devised have been pretty ill conceived and have had unfortunate effects abroad.

The crucial point, however, is that the Canadians do have a problem to solve, and we do have an obligation as an ally and economic partner not to make it worse by merely rejecting their attempts to bring the problem under control.

The proper place to work this matter out is at the conference table. Appeals addressed to the Treasury Department for immediate imposition of countervailing duties are not going to achieve a workable solution. Rather, the petitions ought to be going to the State Department to demand intensive negotiations for a compromise formula that, insofar as possible, will protect the interests of American companies and American workingmen while recognizing also Canada's legitimate interest in improving its current accounts position. The petitions ought to be calling on President Johnson to show the same initiative on this matter as Prime Minister Pearson showed on the interest equalization tax a year ago.

DEFENSE SECRETARY McNAMARA'S TESTIMONY BEFORE THE DEMOCRATIC PLATFORM COMMITTEE

The SPEAKER pro tempore (Mr. LIBONATI). Under previous order of the House, the gentleman from Wisconsin [Mr. LAIRD] is recognized for 30 minutes.

Mr. LAIRD. Mr. Speaker, in my very brief remarks yesterday on Secretary McNamara's testimony before the Democratic platform committee, I indicated that I would return to the subject in greater detail today. I also registered my shock at the Secretary's presentation of a document that is so obviously political in tone and intent. This is an exercise in which I never expected to see participation by a Secretary of Defense who is expected by the American people to be objective, nonpartisan, and concerned only with national security, not political security.

Mr. Speaker, in this one speech, there is more misleading information and a greater misuse of statistics than I have witnessed in a long time. I would like to outline for my colleagues several instances where the Secretary has been less than objective and candid with the American people regarding the state of our defenses.

Mr. Speaker, other concerned Members of the Congress, will in the next few days address themselves to the remarks made by Secretary McNamara. For my part today, I will select several of the points he has raised and treat them in chronological order as they appeared in his statement.

> We believed in a strategy of controlled flexible response, where the military force of the United States would become a finely tuned instrument of national policy, versatile enough to meet with appropriate force the full spectrum of possible threats to our national security from guerrilla subversion to all-out nuclear war.

This, of course, misleads the American people by implying that the Eisenhower administration was not prepared "to meet with appropriate force the full spectrum of possible threats to our national security." More important, it obscures the fact that under the present administration the number of options which might be available to the President in the application of military force is actually diminishing. By allowing our bomber forces to become obsolete, for example, we shall soon have no capability for strategic operations using conventional weapons. Failure to keep our air defense forces modern will lay our cities bare not only to nuclear bombs but to conventional bombardment as well.

> We found a weapons inventory completely lacking in certain major elements required

> for combat readiness, but which also contained 270 percent of the necessary .105 mm., towed howitzers and 290 percent of the necessary 4.2-inch mortars.

In connection with this questionable assertion, it is interesting to point out that it was Gen. Maxwell Taylor who urged an additional $950 million for Army modernization during the fiscal 1960 hearings before my Defense Appropriations Committee, and that General Taylor particularly emphasized a need for additional howitzers and mortars which were added to the Army inventory within a year's time.

One of the pledges of the Kennedy-Johnson administration which Secretary McNamara asserts has been kept, reads as follows:

> To pursue continuous modernization of our forces through intensified research and development, including essential programs slowed down, terminated, suspended, or neglected for lack of budgetary support.

In marked contrast to this assertion, research and development, rather than being intensified under this administration, has slowed down considerably, especially in critical areas. Research and development for the strategic deterrent forces, for example, stood somewhat in excess of $9 billion 3 years ago. In the coming year, it will dwindle to approximately 50 percent of this figure. This hardly represents an "intensification" in our research and development effort.

One of the repeated claims the Secretary has used to silence charges about our diminishing strength is as follows:

> A 150-percent increase in the number of nuclear warheads and a 200-percent increase in total megatonnage in our strategic alert forces.

The number of nuclear warheads actually increased by 125 percent, not 150 percent. More important, however, is that these percentages as figured by the Secretary, assume that one bomber is equivalent only to one warhead which is not really the case at all. Each bomber can carry several warheads, or as we know them, bombs. Rather than a 200-percent increase in the megatonnage of our strategic alert forces, it is more on the order of 30 percent. This figure can actually be varied considerably depending uopn the definition and application of the term "alert." In other words, the number actually on alert is a variable factor.

The 200-percent figure is also inflated significantly because it assumes that all 16 missiles in each Polaris submarine are on alert. Actually, this is not the case as all missiles cannot be in an alert position at any given time. The number on alert is a classified figure.

In any event, these percentages are based upon arbitrary and unannounced assumptions. There is no way to document them specifically without disclosing classified information.

The next point, Mr. Speaker, concerns a subject which the Secretary of Defense is constantly reluctant to face. It concerns not our strength today, but our strength tomorrow. The Secretary says:

> To appreciate the full extent of this force, we must contrast it to that of our principal adversary. By such a test, our strategic superiority is uncontestable.

Note, Mr. Speaker, the use of the word, "is." This connotes "present," that is, today. There is no dispute over the fact that our strategic force is superior and uncontestable today. The problem, however, is whether we have the will today to use that superiority if necessary. A further and equally critical question concerns whether we will have even an armaments superiority in the period of the 1970's.

Mr. Speaker, I think we all recognize that the Secretary of Defense is not known for his enthusiastic support of the manned bomber. Yet, he says in his remarks to the Democratic platform committee:

> Our strategic alert forces now have 1,100 bombers, including 550 on 15-minute alert, equipped with decoy missiles and other penetration aids to assure that they will reach their targets.

It seems that the Secretary of Defense, when comparing overall U.S. strength with Soviet strength, visualizes the bomber as an effective weapon with a high dependability factor. However, when defending his computer decision to phase out the manned bomber, the Secretary sees the bomber as a very undependable bird.

Mr. Speaker, this clearly illustrates an oft-used, favorite tactic of the Secretary of Defense, namely, to juggle situations and figures to prove predetermined conclusions.

Continuing on, Mr. Speaker, with a comparison of the relative strengths of the United States and the Soviet Union, the Secretary then cites Soviet bomber strength, as follows:

> The Soviet Union could, with difficulty, place over this country on two-way missions slightly more than 100 heavy bombers, plus 150 medium bombers capable of striking only Canada and the northwestern corner of the United States.

Mr. Speaker, the Secretary neglects to state that the Soviet bomber force, because of our second-strike posture, would be on a first-strike mission and would probably not contemplate a round trip. In addition, they could conceivably land in Cuba now that we have surrendered this to the Communists.

One further note on this point, Mr. Speaker, I find the figures used by the Secretary somewhat disturbing. In Senate and House hearings in 1961, as well in the 1963–64 publication of the Institute for Strategic Studies, the Soviets are credited with having 190 heavy bombers and 1,000 medium bombers. It would be most helpful to the Congress and the American people if the Secretary could explain the reason for the discrepancy. I have heard of no unilateral bonfires having been conducted in the Soviet Union.

Mr. Speaker, at this time, I would like to address myself to just one more statement made by the Secretary in his testimony. He said:

> Let me assure you that our strategic forces are and will remain in the 1960's and the seventies, sufficient to insure the destruction of both the Soviet Union and Communist China, under the worst imaginable circumstances accompanying the outbreak of war.

The assurance the American people want and deserve, Mr. Speaker, is the assurance that U.S. forces in the future will be sufficient to deter war and maintain peace, not merely have the capability to destroy our enemies once war has broken out.

These brief remarks by no means have exhausted the many points contained in the Secretary's statement that should and will be treated in the days ahead. One significant area, for example, that will receive special attention is the subject of nuclear control.

For the moment, I would like to close with a reiteration of the genuine dismay I felt when I saw for the first time in my memory the Office of the Secretary of Defense used before the platform committee of a major political party not to advance national security but to insure political security.

Mr. Speaker, I cannot stress too much the seriousness with which I view this development.

Mr. Speaker, it was only last week—Congressional Record, August 12, page 19256—that outlined in detail the misleading information released by the administration on the SR–71 "The All-Purpose Aircraft." I want to call this information again to the attention of my colleagues.

JAMES V. BENNETT

The SPEAKER pro tempore (Mr. Libonati). Under previous order of the House, the gentleman from Illinois [Mr. Gray] is recognized for 15 minutes.

Mr. GRAY. Mr. Speaker, I wish to add my own comments today to those of my distinguished colleagues in taking note of the retirement of James V. Bennett, Federal prison director for the past 27 years and an unusually productive public servant for the past 45 years. I have been a close friend of his for some time and have come to know him as a man of great energy, great talent, and great compassion.

About a year ago a new Federal prison was opened in my district, at Marion, Ill. It is designed to secure custody but it is also designed with modern rehabilitative principles in mind. It is not another Alcatraz. Instead it fully reflects Jim Bennett's rehabilitative philosophy as expressed in an article, "Of Prisons and Justice," found among a collection of articles recently printed by the U.S. Senate. In one paragraph Jim set forth what is actually the basic philosophy of the Marion prison:

> It is not coddling to make a socialized human being out of a criminal. A deliberately punitive prison program would have vastly destructive effects on the public welfare. For with the exception of three or four, out of a hundred, who die in prison, the rest all come out some day. They come right back into the community, and it is to make this day filled with hope, not hate, that prison programs should point.

The new Marion prison is in a very real sense an extension of the high principles that have guided Jim Bennett's career and that have guided the direction of the Federal Prison System. It is visited by prison administrators from all over the United States and the world. The citizens of my district are proud of their association with the Federal Prison System.

And I am proud of my association with Jim Bennett. If ever there was a public servant who fully warranted the descriptive term "dedicated," it is Jim Bennett. I know from my own friendship with him that he rarely took a day off, that he rarely took sick leave, and that even his evenings and weekends were devoted in some way to furthering the interest of his organization, and of his Government. Jim lived and breathed public service.

I know that his retirement is not going to change that way of living. He may shift to a slightly different scene, but I am sure that Jim Bennett is going right on with his work of trying to make our society better, that he will go right on trying to salvage young people from ways of crime, and that he will go right on helping those who need help. He long ago dedicated his life to others, and his retirement means only that he will find new ways of fulfilling that dedication. I know that all of my colleagues will join me in wishing him the best of luck and the best of health.

Mr. Speaker, under previous order granted me I would like to insert in the RECORD following my remarks a very forthright and interesting document written by our very able friend Jim Bennett.

OF PRISONS AND JUSTICE

(By James V. Bennett, Director, U.S. Bureau of Prisons)

Yesterday a State penal administrator sought my advice on the problems of his State's bulging institutions. This morning I received a letter from a worried Philadelphian who wanted to find some way of spending hard-earned tax moneys on badly needed schools instead of the new jail for which they were budgeted.

There might be a solution to both problems, I had to respond, if someone would take a look at the men confined in prison and jail and weed out those who do not belong there.

The average citizen seems to have the impression that our jails are inhabited chiefly with thieves and our prisons by murderers, rapists, and kidnapers—and therefore they belong where they are. If his impression were correct, there might be some justification for his conclusion. But unfortunately he is wrong to begin with.

More than half the persons committed to our jails are drunks and vagrants. Two-thirds of all offenders who are sent to prison every year are convicted of such nonviolent acquisitive crimes as burglary, larceny, forgery, and automobile theft. Less than 10 percent have been convicted of homicide, rape, or kidnaping. Robberies account for another 10 percent and an assortment of miscellaneous crimes for the remainder.

Every big city has its skid row character who has been sent to jail for short terms on 80, 90, or 100 occasions. He is even greeted by the police, the magistrate, and the jailor as an old friend. He is hardly a serious menace to society, but he is herded behind the bars of justice and forgotten, for a time.

Some of the men in prison are unquestionably the vicious, unregenerate enemies of society. But a much larger number are the physically and mentally handicapped. Some are social misfits, and there are some who look upon work as the white man's burden. Some are the disadvantaged of our teeming cities and our distress areas of the mountains, blighted railroad or mining towns, or the victims of alcohol, drugs and barbiturates.

The dubious distinction of having received the most severe sentence in the entire Federal Prison System belongs to a prisoner who is serving a term of natural life without eligibility for parole. Other lifers, who may have been convicted of multiple murders or other heinous crimes, are eligible for parole at the end of 15 years. This prisoner, you say, must be a desperado of the worst sort, a homicidal maniac, a compulsive rapist, or a violently dangerous bank robber.

He is, on the contrary, a mentally retarded youth, an epileptic and a drug addict, convicted of selling drugs to support his addiction. His habit, incidentally, was acquired when he was committed to a State hospital for treatment of his epilepsy and his seizures were controlled over a long period of time by the administration of drugs.

The resident population of our jails and prisons can be thinned out if we look to the intelligence and resources of our communities for a solution. In Denver, Judge William H. Burnett and his associates in the municipal court cut the drunk population of the city jail by 60 percent in recent years. They did it by marshalling community resources, turning some of these persons over to a medical commission for treatment in a State hospital, and encouraging those with some constructive motivation left to join Alcoholics Anonymous or a similar organization. Judge Roy Harrison of Des Moines has reduced the rate of arrests for drunkenness in his city by more than 30 percent through similar efforts.

Our Nation's prisons can also be made less crowded. Many of the alcoholics, it has been already demonstrated, can be diverted to community programs more fitted to deal with their problems. Addiction should be treated as a medical matter and subject to civil commitment to hospitals rather than criminal commitment to prisons. Senator KEATING of New York has already introduced legislation which would accomplish this objective. The mentally retarded belong in State institutions equipped and staffed to give them the training they will need to get along in life. The mentally ill should be in State mental hospitals. There are only a handful of psychiatrists scattered among the Nation's prisons and professional treatment is simply not available for those who need it. There would not be so many checkforgers, paperhangers, and nofunds checkwriters if businessmen were less eager for the stranger's dollar.

Then there are the incidental or early offenders convicted of minor crimes who could get along under probation supervision in the community. An evenhanded use of properly administered probation would go far to reduce prison populations without in the least handicapping law enforcement. Yet statistics indicate that its use depends on local court practices and funds for supervisory officers rather than the fitness of defendants for probation grants. In the Federal courts of South and North Carolina as many as two-thirds of all convicted defendants are placed on probation. In western Tennessee as few as 8 percent. This great variation is very largely the reflection of local court practice in the same States.

Who then should be sent to prison, one might ask.

Send there the men who repeatedly commit serious offenses or deliberately choose crime as a way of life. The prison staffs can expose them to higher and more worthwhile values and perhaps change them. Send the youthful offenders who commit crimes because they do not have the maturity or the education or vocational skills to earn their way in modern society. The prison can equip them with those skills, give them the guidance and discipline they lack usually for want of a stable home. Send the men whose presence in the community would risk the lives and welfare of our citizens. The prisons are admirably designed to restrain their antisocial drives.

The prison can serve useful purposes in the fight against crime. And it should be permitted to fulfill those purposes, rather than used as a dumping ground by communities who choose to evade their own responsibilities.

II. PRISON SENTENCES: JUSTICE OR INJUSTICE?

Early in 1960 a 32-year-old man was committed to a Federal prison upon his conviction of forging a $58.40 check. He was unemployed at the time of his offense, his wife had just suffered a miscarriage, and they needed money for food and rent. He was a veteran who had been honorably discharged from the Army in 1952. He had been in trouble only once before, when he received a summary court-martial for a minor act of misconduct.

At about the same time there was also committed to prison a 36-year-old man, who had been convicted of forging a check for $35.20. He was also unemployed, and his wife had left him. He had been honorably discharged from the Navy in 1946. A year prior to his forgery charge he had been committed to jail for 30 days for drunk driving, and shortly thereafter sentenced to 6 months in the county jail for failing to provide for the child that had been born to his marriage.

Our records disclose that the histories and offenses of these two men are practically identical. Yet the first man received 15 years in the penitentiary, the second man received 30 days. Why? Simply because they appeared before two different judges.

The statistics tend to conceal the extremes in leniency or severity, but they still vary sufficiently to demonstrate that the kind of justice dispensed to an offender depends upon the judge before whom he is convicted. For the crime of forgery, an offense involving remarkably similar circumstances and individuals, the Federal courts of western Arkansas and western Oklahoma in 1959 gave average terms of 58 and 63 months respectively, while Maine and southern New York imposed an average of 9 months. For auto theft, again an offense which involves similar factors in most cases, southern Iowa imposed terms averaging more than 46 months, but western New York imposed terms averaging about 11 months.

The same situation exists in the State courts. The time served by all persons sentenced to prison for felonies in Vermont averages 9 months, but in Illinois it averages 31 months. The average rapist serves 19 months in New Jersey, but he serves 40 months in the neighboring State of New York. Those convicted of homicide, on the average, serve less than 3 years in Texas, but more than 12 years Ohio.

Needless to say, these inequities fail to stimulate a respect for the law among the very persons whom the law is supposed to teach that respect. The prisoner who must serve his excessively long sentence with other prisoners who receive relatively mild sentences under the same circumstances cannot be expected to accept his situation with equanimity. And the more fortunate prisoners do not attribute their luck to a sense of fairness and justice on the part of the law but to its whimsies. The existence of such disparities is among the major causes of prison riots, and it is one of the reasons why prisons so often fail to bring about an improvement in the social attitudes of its charges.

The United States, except for Massachusetts and Connecticut, is the only nation in the Western World where the sentence, as long as it remains within legal limits, can be imposed by a single judge without any review of its fairness by a higher court. And it is no wonder that our country is the only Western nation where sentences are characterized by extreme and widespread inequities. Considering the many adverse effects of such disparities on law enforcement it is hardly strange that although our prison sentences are on the whole the most severe in the world, we also continue to have one of the highest crime rates. The deterrent and rehabilitive purposes of the law are largely frustrated and nullified by sentences of an inconsistent and unjust nature.

The problem has not been totally neglected. Every Attorney General of the United States for the past 30 years has expressed his concern over this problem. The Federal judiciary has had it under continuous study since 1938. The anxiety of the bar and the public has been mirrored in repeated articles in law journals and the press.

But it was not until 1958 that the first meaningful action was taken. Representative EMANUEL CELLER, chairman of the powerful House Judiciary Committee, introduced remedial legislation in the lower Chamber, and the late Senator Thomas C. Hennings, the great humanitarian and student of constitutional law, sponsored it in the upper Chamber. In a survey made by Chairman CELLER the proposed legislation received the endorsement of a majority of the Federal and State judges, law school deans and professors, and other interested groups from whom the committee solicited views.

The new legislation was enacted unanimously by both Chambers of the Congress in August 1958. In this omnibus act the Congress recognized that despite present shortcomings the function of sentencing was inherently judicial and should remain in the hands of the judges. But it sought to improve sentencing practices by urging the judges to get together periodically to develop a more consistent approach to their duties. The judges have followed this cue and have already held nearly a dozen seminars in which many of the issues accounting for inconsistent sentencing have been identified and studied.

The new law also gave the courts a practicable means of minimizing disparities. It simply authorized the courts to fix a maximum term within legal limits and to vest in the parole board the responsibility of determining when the individual offender could be considered eligible for parole. Sentencing consistency was therefore sought, not by any impossible attempt to measure the seriousness of the crime in terms of months and years, but by trying to keep the offender in prison until such time as he convincingly demonstrates his readiness for a law-abiding life in the community and he has served sufficiently long to deter others from similar crimes. The Congress foresightedly admitted that some defendants presented perplexing problems to the sentencing court and authorized the court to commit such defendants for an extended period of observation and study in a correctional institution before fixing the ultimate term.

Not all judges have yet attended a sentencing seminar. Not all judges are yet using the new discretionary sentencing procedures. But gradually the entire Federal judiciary is being drawn into the new programs. State legislatures are also studying the advisability of similar statutes. Newly appointed judges are preparing themselves more conscientiously for their sentencing duties. Individual courts are putting forth a concrete effort to make their sentencing actions consistent with those of their colleagues. California has taken from the courts the determination of how long a prisoner shall serve and placed it in the hands of a special seven-man tribunal. Other States allow the courts to fix only the maximum and leave the exact time to be served to special boards. Contrary to what some prosecutors predicted, the time actually served is longer when the fixing of the sentence is left to experts than when it remains in the hands of a single judge.

The problem of sentence disparities however is still serious. But the courts, encouraged by the lawmakers, are traveling down the road toward its resolution. Perhaps we shall some day reach the point where the principle of equal justice shall have achieved a reasonable semblance of reality.

III. IN THE CAN AS MEN OR SARDINES?

The 118-year-old State penitentiary had just experienced a riot. Five persons had died, 60 had been injured, a number of buildings had been burned, and wanton damage exceeded $3 million. The Governor asked me to find out what was wrong.

There was a great deal wrong in the ancient and overcrowded prison. For example, I found six men jammed indiscriminately into a dirt-encrusted cell originally built for a single prisoner. Light and air struggled into the cell through a minuscule window and seeped through a strap-iron door so low and narrow that I had to crouch to enter. The cell itself was so cluttered with sweaty clothes, dirty blankets, and old papers that there was room enough for only one prisoner to move about at a time. Conditions throughout the penitentiary were equally bad. "If anyone is rehabilitated here," the warden commented, "it is entirely by accident."

That State is now building another institution to take the population pressure off the old penitentiary. But it has no plans for scrapping it and substituting more adequate facilities for a modern rehabilitation program. Apparently prisons are destined to be used forever. More than a hundred prisons still in operation today were built before Grant took Richmond. When Grant entered Richmond he found there a prison still in use today which was opened in 1797. The following year, 1798, New Jersey opened its Trenton Prison, now standing as a diserupting in violence, bloodshed, and escape grace to American penology and periodically plots.

The old prisons cannot even be crowded out by burgeoning urbanism. Built in 1811, a day when space and traffic presented no problems, the Maryland Prison stagnates yet in the heart of Baltimore. The Ohio Penitentiary, opened in 1834, is a civic eyesore in downtown Columbus.

In 1956 I had heartfelt hopes that an era of infamy in American penology had closed. A New Jersey Governor had the funds to replace the Trenton Penitentiary which had long shamed the consciences of professional penologists. But now I learn that old prisons do not die so easily. An effort is to be made to patch it up, so I am told, and worry along with it under the delusion it can be modernized.

These long-outworn prisons are given a seemingly perpetual lease on life because of the dramatic rise in the national prisoner population since World War II. Penal administrators must seek out every available facility, no matter how old or inadequate, to house their increasingly numerous charges.

The prisoners in Federal institutions have increased by 35 percent during the postwar period. New York and Ohio have experienced a similar increase. In Texas the prisoner population has nearly tripled. In California the number of prisoners has gone up from 7,363 in 1946 to more than 22,000 in 1960. The State is now engaged in a frantic new construction and improvisation program to find accommodations for the men which now crowd its institutions nearly 6,000 over design capacities.

Legislatures are slow to authorize funds for new institution construction, but the courts continue to send men to prison in an ever-engulfing stream. The administrator must find the space somehow. In our Atlanta Penitentiary, 8 and 10 men are now occupying cells intended for 4. The single cells each hold two men. Beds are strung closely together in dingy basement areas. And prisoners still arrive daily.

Although the prison warden may find a place, however unsatisfactory, for the prisoners to sleep, the rest of the prison facilities fall hopelessly behind. Men stand in line at the toilets and washbowls. They go to the dining room in shifts; the dining room of the Atlanta Penitentiary is in continuous use throughout the day. But the effects of overcrowding are even more destructive in terms of the prison's purpose in salvaging men. The classrooms cannot accommodate all the men who need even basic education. The shops, industries, and maintenance work of an overcrowded prison cannot provide jobs for all.

Overcrowding means idleness, and in some prisons as many as 50 percent of the prisoners can only sit vacantly in their cells or mill aimlessly in the prison yard. What should be a time for preparation in anticipation of a fresh start in life turns out instead to be a stultifying, soul-deadening interim. And yet the prison warden is told, when such men leave prison and return again to crime, "You failed to rehabilitate them." The warden was never given a chance.

Most of the wardens I know are charged with running an overcrowded prison. And most of the wardens I know are nervous men. They pace the floor in their offices. They order the steward to put more meat in the stew. They tour the prison daily, and concealing their anxiety, search the faces of the men.

With the aid of their skimpy staffs, they can try only to keep the lid on. But experience tells them it is only a matter of time. It may be today, or tomorrow. It is no accident that the decade of the 1950's has seen the most overcrowding in the history of American prisons—and also the most unrest, violence and disorder among American prisoners. In the first 3 years of the decade there were more destructive prison riots than in the previous 50 years. The unrest broke out again in 1959, raged for a time, and then subsided.

American prison systems are now trying desperately to construct enough new facilities to contain and treat the mounting prisoner populations. But the present rate of prison commitments suggests that the effort is not enough. Prison populations continue to multiply faster than prison facilities. Despite a rise in the number of prisoners that should warrant the construction of a new institution annually, the Federal Prison System for example has been authorized only one new institution since 1940.

Until the public recognizes that more adequate institutional facilities are needed if the role of prisons in crime control is to be fully realized, our wardens seem destined to remain nervous and sleepless for yet another decade. And perhaps yet another.

IV. IS THE DEATH PENALTY A DETERRENT?

Not long ago I attended the funeral of a good friend's wife. As I entered the vestibule I noticed one of the church officials standing by and recognized him as a man who had once been sentenced to death. During the services I sat beside another man, who had once been similarly doomed and who for 20 years has led a spotless life as a hardworking civil servant. Following his conviction and sentence, well-founded questions arose as to his actual guilt. President Roosevelt commuted his term to life imprisonment, and later when a full-fledged investigation established his innocence, released him from prison. He received a full pardon from President Truman. The man who was now serving his church had his death sentence commuted to life imprisonment, and following another commutation further reducing his sentence, he was paroled. Since that time he has devoted his life to the assistance of troubled and unfortunate persons.

These cases make me, and no doubt you, question whether or not we should retain the capital penalty.

But my life's work has been the protection of society and that is a responsibility that carries with it little room for sentiment. I cannot help but think of two men who are now serving out their lives in Federal prisons. One of them is still in his twenties, as violent and mutinous an individual as ever a prison held. On separate occasions, he has killed one fellow inmate and seriously stabbed another. There is no question that unless he is closely guarded he will kill again, and his release from prison in the foreseeable future is unthinkable.

The other is an old man now. Early in his prison career he stabbed one inmate and a few years later killed a guard in one of the most coldblooded crimes in the annals of American prisons. For the protection of the other lives in the prison—inmates and guards alike—he had to be closely confined for decades.

I have often wondered if any useful purpose can be served by the lifelong imprisonment of these men. If they had paid the supreme penalty for their terrible crimes, would other inmates subsequently killed in prison brawls now be alive, would the lives of other guards killed in their efforts to protect society have been spared?

The capital punishment issue is indeed baffling, particularly in the wake of the Chessman case. Both sides in this controversy have been free, almost cavalier, in their use of statistics. One side uses statistics to prove that the abolishment of capital punishment has not the slightest effect on the homicide rate. The other side uses many of the same statistics to show that without capital punishment there are no brakes on murderers and rapists.

It is true that although the number of executions has dwindled from 200 25 years ago to 50 or 60 in recent years the volume of homicides has not significantly increased. The number fluctuates between 7,000 and 8,000 from year to year. However, who can say that the continued use of capital punishment, regardless of the number actually executed, has not had some effect in keeping the homicide rate down even though other crimes punishable by lesser penalties have increased enormously?

I do not take issue with the abolitionists who point out the grimness of execution. I do contest their charge that it brutalizes those whose job it is to carry out the sentence when a court condemns a man to death. The strongest and most eloquent abolitionists have been prison wardens like Lewis Lawes of Sing Sing, James Johnston of Alcatraz, and Clinton Duffy of San Quentin. Confronted with necessity of arranging an execution, a prison warden's concern must be with the welfare of society, not the plight of the condemned.

These men and others who know the facts about how the death penalty is actually applied in this country lost faith in it as an effective measure. With a few isolated exceptions the persons put to death each year are penniless and friendless. Many of them are mentally ill or defective. More than half are Negroes. Most of them are convicted in areas where juries set the penalty without knowing much if anything about the offender. They know only such circumstances concerning the offense as legal minds consider relevant and material to the issue of guilt or innocence.

As a result capital punishment is applied inequitably. For the 8,000 murders a year and 15,000 forcible rapes, only a half hundred of those convicted are executed. Whether an offender is executed depends not so much on the nature of his crime, but on the jurisdiction in which he was indicted and the jury that convicted him.

I believe that the deterrent effect of the death penalty would be more effectively realized if its use were put on a more equitable and judicious basis, and if some way could be found for minimizing the almost endless litigation that surrounds some of these cases. The Chessman case was kept going in the courts for 12 years.

Unquestionably there are some crimes that are heinous, so outrageous, that society recoils in such horror that execution is the only means of expressing it. The death penalty, in my opinion, should be retained for such offenses as murder for hire, murder involving a law enforcement officer engaged in his duties, the kidnaping and injury of a child, treason, the bombing of an airplane, and the bombing of innocent people in a school building or a church. For all other capital offenses now on the statute books, I would make the penalty life imprisonment.

For the death penalty even under the circumstances I have mentioned, I would require the concurrence of the judge and the jury. I would require a separate jury trial on the issue of sentence, as divorced from conviction. I would provide for an automatic psychiatric examination of the defendant prior to sentence, and I would provide for an automatic appeal. With these safeguards we would assure ourselves that the death sentence would not be lightly nor indiscriminately used.

This approach would get rid of the justifiable objections to capital punishment. Moreover, and most importantly, we would have a reasonable outlet for the primitive and instinctive feelings of retribution from which few persons can free themselves when considering how to deal with the offender. Then too we could meet the tests that civilization demands of us in the treatment of all who come into conflict with the law.

V. DILEMMA OF THE PRISON ADMINISTRATOR

A prison administrator is repeatedly reminded how widely our citizens disagree as to the fundamental purposes of a prison. On the one hand, there are those who accuse him of running country clubs, coddling prisoners, and otherwise removing the sting from the punishment meted out to those miscreants who have at great expense been caught and convicted.

On the other hand are the armchair psychologists and amateur criminologists who tell the administrator that the total effect of a prison is to brutalize those persons unfortunate enough to land in one. They say that only the ignorant and untalented would work in a prison, and that behind its walls brutality, apathy, and worse are rampant.

Both charges may be made although the persons making them may never have stepped foot inside a prison. In my 30 years with the Bureau of Prisons, I have learned that a prison administrator does not lack for suggestions on how to run his prisons.

Actually, at least as far as many American prisons are concerned, both viewpoints are wrong. The day when brutality was common has long since gone, and the inherent nature of a prison prevents it from becoming a country club.

Make no mistake about it, a prison sentence is tough medicine. It imposes a stigma that will linger with the offender long after he has served his time. It takes a man away from his loved ones for what is now becoming a longer and longer period. It confines him to a few acres of land during that time. Inevitably it enforces monotonously regular hours upon him. It clothes him in a cheap uniform completely lacking in any sartorial elegance. And it deprives him of any normal sex outlet. For most, the latter is more refined torture than the cruelest of corporal punishment.

During the 30 years of my association with prison work I have known only two men who wanted to be in prison. One was an old man, 83 years of age, friendless, arthritic, and crippled, who had been in prison so long that he had lost contact with all friends and relatives. Another was a middleaged mental incompetent who was so homesick for the medical center for Federal prisoners where he had served two previous sentences that he arranged his recommitment to that institution by the desperate expedient of sending a crude bomb through the mail to a Bureau of Prisons official.

The prison administrator walks the tightrope between softness and harshness by making a prison purposeful and by providing a program of training and constructive work. He can do this only if he can keep the numerical population of the prison within manageable limits and he is not frustrated by shortsighted laws. The prisoner is there to learn the moral values of society and the prison is punishment enough, the regime he follows there has the higher purpose of salvaging his social usefulness.

To relieve the hardships of a prison which would otherwise become inhuman the prisoner is accorded such privileges as correspondence and visits with his family, weekly movies, a recreation program. Religious instruction is made available and as attractive as possible so that those inner changes so essential to true reform actually occur. To appeal to his legitimate aspirations and talents there are the talent shows, the educational and vocational training programs, the prison newspaper, human relations groups. And modestly paid jobs and productive work are furnished in order to give the prisoner a basis for self-respect, without which prison rehabilitation programs would founder.

It is not coddling to make a socialized human being out of a criminal. A deliberately punitive prison program would have vastly destructive effects on the public welfare. For with the exception of the three or four, out of a hundred, who die in prison, the rest all come out someday. They come right back into the community, and it is to make this day filled with hope, not hate, that prison programs should point.

The recognition of this principle does not solve the prison administrator's dilemma. The society whom he serves, or at least the representatives of that society, do not yet give full support to that principle.

I read in the newspaper the other day that a judge had given a tax accountant a term of 31 years and 31 days on tax fraud charges. As I read the item I wondered what the judge expects us to do with this man when he reaches one of our institutions. His crime, as crimes go in this country, does not warrant a punishment which exceeds that usually given to armed bank robbers. He is educated and has employable skills. He raised a family and kept out of trouble for most of his life, his offense apparently stemming from a temporary lapse in his sense of values.

How, I asked myself, can we be expected to keep hope, drive, and ambition alive in this prisoner over the long years of his sentence? How can we prevent him from hating and attempting to get even with a society that permits that sort of thing.

Not long ago we had to release a prisoner who had received a term of 98 days for armed bank robbery and he is now on probation. When he left us he was about as unskilled, emotionally unstable, and lacking in social values as when he entered. I sincerely hope that he manages to keep out of trouble, but if he fails, the whole machinery of justice—the courts and the prisons—will stand indicted for his failure. As for the prison warden who released this man, I know that he has already experienced a deep sense of frustration. The youngster might have been straightened out more enduringly before he was exposed to further serious temptation. Whether the judge's leniency has truly served the welfare both of this youngster and society remains for the future to determine.

The warden does his best to deal with problems the individual prisoner poses, even within the limitation of such capricious sentences. But in the meantime he must tend to his knitting. He has a plant worth many millions of dollars to run. He has to find housing and work for the prisoners who crowd in on him from the courts. He has to run a large prison industry and perhaps an agriculture program that would rank among the largest in Iowa or Kansas. And he must be quick to answer the phone—it might be a disturbance, an escape, anything.

He really cannot solve his dilemma. Society must do it for him. Society must decide what kind of individual it wants to come out of prison. An unreconstructed rebel, ready to rob another bank? Or a trained mechanic who want a job in a garage? There is, obviously, but one choice.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. May (at the request of Mr. Halleck), for the balance of the week, on account of death in the family.

Mr. McDowell (at the request of Mr. Albert), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders theretofore entered, was granted to:

Mr. Gray, for 15 minutes today; to revise and extend his remarks and include extraneous matter.

Mr. Ford (at the request of Mr. Shriver) for 1 hour, on Thursday, August 20.

Mr. Grant (at the request of Mr. Burke), for 60 minutes, on Thursday, August 20.

Mr. Edwards (at the request of Mr. Burke), for 30 minutes, on Thursday, August 20; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Congressional Record, or to revise and extend remarks, was granted to:

Mr. Meader to revise and extend remarks to be made in Committee of the Whole today and to include extraneous material.

Mr. Harding the remarks he made in the Committee of the Whole today and to include extraneous matter.

Mr. Stratton the remarks he made in the Committee of the Whole on the Edmondson amendment and to include an editorial by Walter Lippmann.

Mr. Cooley (at the request of Mr. Burke) and to include a statement by Secretary Freeman.

(The following Member (at the request of Mr. Shriver) and to include extraneous matter:)

Mr. Ellsworth.

(The following Members (at the request of Mr. Burke) and to include extraneous matter:)

Mr. Gonzalez.

Mr. Dorn.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 226. An act for the relief of Dr. G. L. Clifton; to the Committee on the Judiciary.

S. 2803. An act for the relief of Joao Carlos Senra Ferreira, Jose Jorge Senra Ferreira, and Maria Goretti Senra Ferreira; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1172. An act for the relief of Rolando de la Torre Arceo and John Anthony Arceo;

H.R. 1262. An act for the relief of Mrs. Maisie Magdalene Lim Ketchens;

H.R. 1341. An act to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards;

H.R. 2324. An act for the relief of Rosa Stefano Ratajczak;

H.R. 4766. An act for the relief of the Boren Clay Products Co.;

H.R. 6040. An act for the relief of Chrisoula Baker;

H.R. 6578. An act for the relief of Mrs. Cesira Doddy;

H.R. 7132. An act for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.;

H.R. 7617. An act for the relief of Vula Roed;

H.R. 8399. An act for the relief of Mrs. Edeltraud Englisch Franklin;

H.R. 9150. An act for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros);

H.R. 9290. An act for the relief of Danny Hiromi Oyama;

H.R. 9419. An act to provide for the regulation of the business of selling securities in the District of Columbia and for the licensing of persons engaged therein, and for other purposes;

H.R. 9519. An act for the relief of Young Soon Kim and Tai Ung Choi; and

H.R. 11118. An act to provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1006. An act to amend the act of June 12, 1960, for the correction of inequities in the construction of fishing vessels, and for other purposes;

S. 1664. An act to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administration Conference of the United States, and for other purposes;

S. 1363. An act to increase the participation by counties in revenue from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes;

S. 2369. An act to retrocede to the State of Kansas exclusive jurisdiction over certain State highways bordering Fort Leavenworth Military Reservation and the U.S. Penitentiary at Leavenworth; and

S. 3075. An act to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 189. An act to authorize the conveyance of certain Federal land under the jurisdiction of the Naval Ordnance Test Station, China Lake, Calif., to the county of Kern, State of California;

H.R. 946. An act to authorize the establishment of the Fort Bowie National Historic Site in the State of Arizona, and for other purposes;

H.R. 4223. An act to provide for audit of accounts of private corporations established under Federal law;

H.R. 4361. An act for the relief of the estate of Paul F. Ridge;

H.R. 5154. An act for the relief of Wilfredo Lacar de Leon;

H.R. 5155. An act for the relief of Mrs. Guiseppa D'Aquanno, Maria D'Aquanno, and Benedicto D'Aquanno;

H.R. 5543. An act to extend the provisions of the act of October 11, 1949 (63 Stat. 759, ch. 672; 32 D.C. Code 417), to authorize the commitment of persons of unsound mind found on Federal reservations in Loudoun County, Va., to St. Elizabeths Hospital in the District of Columbia;

H.R. 5728. An act for the relief of the county of Cuyahoga, Ohio.

H.R. 5964. An act to provide for the inclusion of Hopkins County, Tex., within the Paris Division of the eastern district for the U.S. district courts in Texas;

H.R. 6034. An act for the relief of Robert L. Johnston;

H.R. 6353. An act to amend the District of Columbia Unemployment Compensation Act, as amended;

H.R. 7138. An act for the relief of St. Francis Levee District, Arkansas;

H.R. 7219. An act to amend sections 3288 and 3289 of title 18, United States Code, relating to reindictment after dismissal of a defective indictment;

H.R. 7508. An act to amend title 28, United States Code, to establish jurisdiction and venue for appeals from orders of the Interstate Commerce Commission in judicial reference cases;

H.R. 7662. An act to amend the Federal Employees' Compensation Act, as amended, to provide appeal rights to employees of the Canal Zone Government and the Panama Canal Company;

H.R. 8201. An act for the relief of Maj. Jack J. Shea, U.S. Air Force;

H.R. 9334. An act to amend the act of May 21, 1928, relating to standards of containers for fruits and vegetables, to permit the use of additional standard containers;

H.R. 9436. An act to amend the act of September 2, 1958, to establish a Commission and Advisory Committee on International Rules of Judicial Procedure as amended;

H.R. 9561. An act for the relief of Moni Parvanoff Floroff;

H.R. 10199. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 10216. An act for the relief of Dr. Miguel de Socarraz;

H.R. 10222. An act to strengthen the agricultural economy; to help to achieve a fuller and more effective use of food abundance; to provide for improved levels of nutrition among economically needy households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes;

H.R. 10446. An act to permit the use of statistical sampling procedures in the examination of vouchers;

H.R. 10683. An act to amend the act of July 25, 1956, to remove certain residence restrictions upon officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia;

H.R. 10705. An act to amend the Government Corporation Control Act to change the General Accounting Office audit to a calendar year basis in the case of the Federal home loan banks and the Federal Savings and Loan Insurance Corporation;

H.R. 11052. An act to declare that 80 acres of land acquired for the Flandreau Boarding School is held by the United States in trust for the Flandreau Santee Sioux Tribe;

H.R. 11211. An act to provide authority for the payment of certain amounts to offset certain expenses of Federal employees assigned to duty on the California offshore islands, and for other purposes;

H.R. 11296. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 11466. An act to enact subtitle II "Other Commercial Transactions," of title 28, "Commercial Instruments and Transactions," of the District of Columbia Code, and for other purposes;

H.R. 11520. An act to amend subsection (d) of section 1346 of title 28 of the United States Code relating to the jurisdiction of the U.S. district courts;

H.R. 11579. An act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes;

H.R. 11652. An act to exempt from taxation certain property of the United Supreme Council, 33d Degree, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction—Prince Hall Affiliation; and

H.J. Res. 1160. Joint resolution making continuing appropriations for the fiscal year 1965, and for other purposes.

ADJOURNMENT

Mr. BURKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Thursday, August 20, 1964, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2440. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 25, 1964, submitting a report, together with accompanying papers and illustrations, on an interim hurricane survey of the tidewater portions of the Patuxent, Potomac, and Rappahannock Rivers, including adjacent Chesapeake Bay shoreline, authorized by Public Law 71, 84th Congress approved June 15, 1955 (H. Doc. No. 350); to the Committee on Public Works and ordered to be printed with four illustrations.

2441. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 7, 1964, submitting a report, together with accompanying papers and an illustration, on a survey of Kaskaskia River levees, Illinois, authorized by the Flood Control Act approved October 23, 1962 (H. Doc. No. 351); to the Committee on Public Works and ordered to be printed with one illustration.

2442. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 15, 1964, submitting a report, together with accompanying papers and an illustration, on an interim report on Rocky River Harbor, Ohio, in final response to a resolution of the Committee on Public Works, House of Representatives, adopted June 3, 1959. It is also in final response to an item in the River and Harbor Act approved March 2, 1945, and in partial response to two other items contained in that act, all as quoted in the district engineer's report (H. Doc. No. 352); to the Committee on Public Works and ordered to be printed with one illustration.

2443. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 15, 1964, submitting a report, together with accompanying papers and illustrations, on an interim survey of the coasts of the Hawaiian Islands, authorized by the River and Harbor Act approved May 17, 1950 (H. Doc. No. 353); to the Committee on Public Works and ordered to be printed with three illustrations.

2444. A letter from the Secretary of Commerce, transmitting a report entitled "Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal-Aid Systems", pursuant to section 108(k) of the Federal-Aid Highway Act of 1956, approved June 29, 1956 (70 Stat. 374), as amended by the act approved August 28, 1958 (72 Stat. 983) (H. Doc. No. 354); to the Committee on Public Works and ordered to be printed with illustrations.

2445. A letter from the Archivist of the United States, General Services Administration, transmitting a report on records proposed for disposal under the law; to the Committee on House Administration.

2446. A letter from the Secretary of the Air Force, transmitting a report of tort claims paid by the Department of the Air Force for fiscal year 1964, pursuant to section 2673 of title 28, United States Code; to the Committee on the Judiciary.

2447. A letter from the Secretary of the Air Force, transmitting a report of claims paid under the Military Personnel Claims Act by the Department of the Air Force for fiscal year 1964, pursuant to section 2732(f) of title 10, United States Code; to the Committee on the Judiciary.

2448. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 10, 1964, submitting a report, together with accompanying papers and illustrations, on a review of the report on Three Mile Creek, Leavenworth, Kans., requested by resolutions of the Committees on Public Works, U.S. Senate and House of Representatives, adopted April 13 and June 27, 1950; to the Committee on Public Works.

2449. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 25, 1964, submitting a report, together with accompanying papers and an illustration on a letter report on the Atlantic Intracoastal Waterway, Albemarle Sound to Pungo River, N.C., requested by a resolution of the Committee on Public Works, U.S. Senate, adopted April 20, 1948, and resolutions of the Committee on Public Works, House of Representatives, adopted April 13, 1948, June 27, 1956, and July 31, 1957; to the Committee on Public Works.

2450. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated May 28, 1964, submitting a report, together with accompanying papers and an illustration, on a letter report on Calf Island, Roque Bluffs, Maine, authorized by the River and Harbor Act approved July 14, 1960; to the Committee on Public Works.

2451. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 25, 1964, submitting a report, together with accompanying papers and an illustration on a letter report on St. Anthony Falls, Upper Mississippi River, Minn., requested by a resolution of the Committee on Public Works, House of Representatives, adopted March 16, 1954; to the Committee on Public Works.

2452. A letter from the Director, Peace Corps, transmitting a report on tort claims paid by the Peace Corps in the United States, including Puerto Rico, during the fiscal year 1964, pursuant to the Federal Tort Claims Act, as amended, 62 Stat. 983 (1948), 28 U.S.C. 2673; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPINALL: Committee of conference. S. 4. An act to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes (Rept. No. 1829). Ordered to be printed.

Mr. SHEPPARD: Committee of conference. H.R. 11369. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1831). Ordered to be printed.

Mr. WHITTEN: Committee of conference. H.R. 11202. A bill making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1832). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McMILLAN. Committee on the District of Columbia: S. 2944. An Act for the relief of the Greater Southeast Community Hospital Foundation, Inc.; without amendment (Rept. No. 1830). Referred to the Committee of the Whole House

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASHLEY:

H.R. 12435. A bill to authorize the sale, without regard to the 6-month waiting period prescribed, of zinc proposed to be disposed of pursuant to the Strategic and Critical Materials Stockpiling Act; to the Committee on Armed Services.

By Mr. EVINS:

H.R. 12436. A bill to designate the Johnsonville steam-electric plant of the Tennessee Valley Authority, located in the vicinity of Waverly, Tenn., as the "Kenneth McKellar Powerplant"; to the Committee on Public Works.

H.R. 12437. A bill to designate the Nickajack Dam and Reservoir now under construction by the Tennessee Valley Authority on the Tennessee River in Marion County, Tenn., as the "Estes Kefauver Dam and Reservoir"; to the Committee on Public Works.

By Mr. ROYBAL:

H.R. 12438. A bill to revitalize the mint at San Francisco so that more coin producing capacity will be available; to the Committee on Banking and Currency.

By Mr. TOLLEFSON:

H.R. 12439. A bill to correct inequities in the operation of the annuity commencing date provisions of section 3(b) of the act of June 25, 1958, relating to the payment of civil service retirement annuities to certain unmarried widows and widowers; to the Committee on Post Office and Civil Service.

By Mr. STAEBLER:

H.R. 12440. A bill to provide for Federal payments to institutions of higher education of certain costs of educating foreign students; to the Committee on Education and Labor.

By Mr. CLEVELAND:

H.R. 12441. A bill to provide that U.S. foreign aid shall not be used by recipient countries to conduct activities directed toward obtaining foreign aid from the United States, and for other purposes; to the Committee on Foreign Affairs.

H.R. 12442. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for reasonable additions to reserves maintained by ski areas, summer hotels, and other trades or businesses engaged in providing recreational facilities or services for losses due to adverse weather; to the Committee on Ways and Means.

By Mr. KUNKEL:

H.R. 12443. A bill making Columbus Day a legal holiday; to the Committee on the Judiciary.

By Mr. ASPINALL:

H.R. 12444. A bill to authorize the appropriation of the receipts of the Colorado River development fund for the purpose of making allowances to the Hoover Dam powerplant for deficiencies in firm energy generation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHELF:

H.J. Res. 1163. Joint resolution proposing an amendment to article III, section 1 of the Constitution of the United States, limiting the tenure of office of members of the Supreme Court to 15 years; to the Committee on the Judiciary.

By Mr. HECHLER:

H. Con. Res. 357. Concurrent resolution expressing the sense of the Congress that the Federal Communications Commission should review its rules applicable to the Citizens Radio Service and report with respect thereto to the Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H. Res. 860. Resolution to set national policies for local airline service; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PUCINSKI:

H.R. 12445. A bill for the relief of Constantinos Manaves; to the Committee on the Judiciary.

H.R. 12446. A bill for the relief of George Hatzopoulos; to the Committee on the Judiciary.

H.R. 12447. A bill for the relief of Maria Kakouropoulou; to the Committee on the Judiciary.

H.R. 12448. A bill for the relief of Dr. Jose Pichon; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 12449. A bill for the relief of Fakhr Sadat Motardjem Aalam; to the Committee on the Judiciary.

By Mr. TOLLEFSON:

H.R. 12450. A bill for the relief of Mrs. Mary C. Ryan; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 12451. A bill for the relief of Joo Yul Kim; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 12452. A bill for the relief of Mrs. Esther Telushkin; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 12453. A bill for the relief of Dr. Rizalino M. Buyoc; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 12454. A bill for the relief of Santo Lipari; to the Committee on the Judiciary.

By Mr. CAREY:

H.R. 12455. A bill for the relief of Charles Williams; to the Committee on the Judiciary.

H.R. 12456. A bill for the relief of Alberta Blanche Stevens; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 12457. A bill for the relief of Indru S. Thawani; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1016. By Mr. ROOSEVELT: Petition of Joseph E. Hertzberg, Fairfax High School, Los Angeles, Calif., and 135 other students, in opposition to the proposed prayer amendment; to the Committee on the Judiciary.

1017. By the SPEAKER: Petition of Henry Stoner, Avon Park, Fla., to require an appropriate committee to investigate the unholy axis now existing between plutocratic urbanites and rural forces all across America to scuttle the U.S. Supreme Court decisions; to the Committee on the Judiciary.

SENATE

Wednesday, August 19, 1964

The Senate met at 10 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. Metcalf).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Almighty God, who hath made us in Thine image and likeness, and hast implanted within us unquenchable desires which the material world can never satisfy: As citizens of a world that carries on its sagging shoulders problems of human relationships and burdens of suffering greater than humanity has ever borne, make us inwardly adequate to be Thy ministers of reconciliation.

In this day of crashing systems, save us from being prophets of gloom and of doom. Even as we peer at the fiery destruction of the old, may there be vouchsafed to us hopeful vistas of a richer, fairer earth to be.

In this faith, steel our hearts to march forward toward the clean world our hands can help to mold.

We ask it in the Redeemer's name. Amen.

THE JOURNAL

On request by Mr. Mansfield, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 18, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3075) to amend the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 6268. An act to provide adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Collbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands;

H.R. 7026. An act for the relief of Maj. Kenneth F. Coykendall, U.S. Army;

H.R. 8960. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain, and for other purposes;

H.R. 9178. An act to amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes;

H.R. 10526. An act for the relief of Marvin S. Kline;

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky;

H.R. 11594. An act to authorize the Secretary of the Navy to convey to the State of California certain lands in the county of Monterey, State of California, in exchange for certain other lands; and

H.R. 11846. An act to amend the act of August 19, 1958, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 6268. An act to provide adjustments in order to make uniform the estate acquired for the Vega Dam and Reservoir, Collbran project, Colorado, by authorizing the Secretary of the Interior to reconvey mineral interests in certain lands; to the Committee on Public Works.

H.R. 7026. An act for the relief of Maj. Kenneth F. Coykendall, U.S. Army; and

H.R. 10526. An act for the relief of Marvin S. Kline; to the Committee on the Judiciary.

H.R. 8960. An act to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain, and for other purposes; placed on the calendar.

H.R. 11846. An act to amend the act of August 19, 1958, to permit purchase of processed food grain products in addition to purchase of flour and cornmeal and donating the same for certain domestic and foreign purposes; to the Committee on Agriculture and Forestry.

H.R. 11162. An act granting the consent of Congress to an amendment to the Breaks Interstate Park compact between the Commonwealths of Virginia and Kentucky; to the Committee on Interior and Insular Affairs.

H.R. 11594. An act to authorize the Secretary of the Navy to convey to the State of California certain lands in the county of Monterey, State of California, in exchange for certain other lands; to the Committee on Armed Services.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. Mansfield, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

COMMITTEE MEETINGS DURING SENATE SESSION

On request by Mr. Sparkman, and by unanimous consent, the Subcommittee on Antitrust and Monopoly of the Judiciary Committee was permitted to meet during the session of the Senate this afternoon.

On request by Mr. Byrd of West Virginia, and by unanimous consent, the Subcommittee on Internal Security of the Judiciary Committee was authorized to meet during the session of the Senate today.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider the nominations on the Executive Calendar.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

COMMODITY CREDIT CORPORATION

The Chief Clerk read the nomination of John A. Schnittker, of Kansas, to be a member of the Board of Directors of the Commodity Credit Corporation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations of postmasters be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

On motion by Mr. Mansfield, the Senate resumed the consideration of legislative business.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report on Overstated Cost Estimates for Miscellaneous Outside Production Items Included in Incentive Target Prices Negotiated With Boeing Co., Seattle, Wash.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on overstated cost estimates for miscellaneous and minor outside production items included in incentive target prices negotiated with the Boeing Co., Seattle, Wash., for KC–135 airplanes, Department of the Air Force, dated August 1964 (with an accompanying report); to the Committee on Government Operations.

Report on Tort Claims Paid by Peace Corps

A letter from the Director, Peace Corps, Washington, D.C., transmitting, pursuant to law, a report on tort claims paid by that Corps, during the fiscal year 1964 (with an accompanying report); to the Committee on the Judiciary.

Report on Maximum Desirable Dimensions and Weights of Vehicles Operated on the Federal-Aid Systems

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on maximum desirable dimensions and weights of vehicles operated on the Federal-aid systems, dated August 1964 (with an accompanying report); to the Commtitee on Public Works.

Disposition of Executive Papers

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The ACTING PRESIDENT pro tempore appointed Mr. Johnston and Mr. Carlson members of the committee on the part of the Senate.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3053. A bill to amend the act of March 10, 1964 (Rept. No. 1478).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 3672. An act to provide for the construction, operation, and maintenance of the Savery-Pot Hook, Bostwick Park, and Fruitland Mesa participating reclamation projects under the Colorado River Storage Project Act (Rept. No. 1479).

By Mr. DIRKSEN, from the Committee on the Judiciary, with amendments:

H.R. 1136. An act to authorize the Secretary of the Army to pay fair value for improvements located on the railroad right-of-way owned by bona fide lessees or permittees (Rept. No. 1480).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. Con. Res. 93. Concurrent resolution expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter (Rept. No. 1481); and

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress with respect to the enforcement of the provisions of article 19 of the United Nations Charter (Rept. No. 1482).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PROXMIRE:

S. 3137. A bill for the relief of Har Gobind Khorana; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3138. A bill to amend the Home Owners Loan Act of 1933, as amended; to the Committee on Banking and Currency.

By Mr. RIBICOFF:

S. 3139. A bill to amend title V, part 3, of the Social Security Act to require the special allotment for day care services to be matched by State expenditures for such services; to the Committee on Finance.

(See the remarks of Mr. Ribicoff when he introduced the above bill, which appear under a separate heading.)

SPECIAL ALLOTMENT FOR DAY CARE SERVICES TO BE MATCHED BY STATE EXPENDITURES FOR SUCH SERVICES

Mr. RIBICOFF. Mr. President, I introduce a bill to amend title V, part 3, of the Social Security Act to require the special allotment for day care services to be matched by State expenditures for such services. This bill will be referred to the Committee on Finance, of which I am a member.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3139) to amend title V, part 3, of the Social Security Act to require the special allotment for day care services to be matched by State expenditures for such services, introduced by Mr. Ribicoff, was received, read twice by its title, and referred to the Committee on Finance.

Mr. RIBICOFF. Mr. President, I recognize that it is too late to act on the bill this year. But I say to the Senator from West Virginia [Mr. Byrd] that, God willing, if I am back here in January.

I again shall introduce the amendment. In a sense of fairness, I do think that a matching requirement is appropriate.

SOCIAL SECURITY AMENDMENTS OF 1964—AMENDMENT (AMENDMENT NO. 1245)

Mr. PROUTY. Mr. President, I send to the desk an amendment to H.R. 11865, the Social Security Act Amendments of 1964, and ask that it be printed.

I have long pondered the role of social security in our society. It is my deep conviction that current benefit levels fail to fulfill their objectives.

The amendment I have sent to the desk provides for a minimum monthly benefit of $70 with scaled increases in benefits at all levels. I ask unanimous consent that a schedule of benefits be included at this point in the Record.

There being no objection, the schedule was ordered to be printed in the Record, as follows:

Amount to be received under the Prouty plan

Those now receiving between—	
$40 to $49	$70
$50 to $59	77
$60 to $69	84
$70 to $79	91
$80 to $89	98
$90 to $99	106
$100 to $109	116
$110 to $119	126
$120 to $127	136

Mr. PROUTY. Mr. President, the Canadian Government provides a $75-a-month old-age pension to every one of its citizens who have attained age 70. It is time our Government recognized that there is a severe gap between the needs of our elderly and their social security benefits. We need to take a hard, new look at our social security system.

If we are willing to spend a billion dollars in a war on poverty we must be willing to give $70 to our aged and infirm.

If we are willing to spend billions of dollars to send a man to the moon we must be willing to assure older Americans freedom from the wretched face of poverty.

This amendment imposes no new tax burdens on employer or employee. Excesses over actuarial balance in the old-age and survivors trust fund are to be supplied out of general revenue. There is enough money currently being wasted in other Federal programs to completely finance this new aid to our elderly.

We can and we must make this step forward.

I ask unanimous consent that the amendment may remain at the desk until the close of business tomorrow evening for cosponsors.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be held at the desk, as requested by the Senator from Vermont.

SOCIAL SECURITY AMENDMENTS OF 1964—ADDITIONAL COSPONSOR OF AMENDMENT

Mr. KUCHEL. Mr. President, at its next printing, I ask unanimous consent that the name of the distinguished Senator from New Jersey [Mr. Case] may be added as a cosponsor of the amendment submitted by the Senator from Vermont [Mr. Prouty], No. 1232, to House bill 11865, the Social Security Amendments of 1964.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF PHILIP NICHOLS, JR., TO BE JUDGE OF THE U.S. CUSTOMS COURT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, August 20, 1964, at 10:30 a.m., in room 2228, New Senate Office Building, on the nomination of Philip Nichols, Jr., of Massachusetts, to be judge of the U.S. Customs Court.

At the indicated time and place, persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas [Mr. McClellan], the Senator from Nebraska [Mr. Hruska], and the Senator from Connecticut [Mr. Dodd], as chairman.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, August 19, 1964, he presented to the President of the United States the following enrolled bills:

S. 1363. An act to increase the participation by counties in revenue from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes;

S. 1664. An act to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administrative Conference of the United States, and for other purposes; and

S. 2369. An act to retrocede to the State of Kansas exclusive jurisdiction over certain highways bordering Fort Leavenworth Military Reservation and the U.S. Penitentiary at Leavenworth.

OUR QUIET, CAREFUL, COMPETENT SECRETARY OF STATE

Mr. CHURCH. Mr. President, a recent editorial published in the Lewiston, Idaho, Morning Tribune characterizes the Secretary of State as "quiet, careful, competent," and says that he may turn out to be one of the Democratic Party's major assets in the coming presidential election campaign.

The editorial says of Dean Rusk:

> The quiet, patient, thoughtful Secretary of State stands in almost total contrast to the impulsive, flamboyant and often reckless Senator Goldwater. The two men could hardly be more different in temperament and tactics. Senator Goldwater personifies the frustration of those Americans who are impatient with obstacles, negligent of details, and want swift and sweeping "final solutions" to the free world's problems. Rusk personifies America come of age in world affairs.

I congratulate my friend, Bill Johnston, who wrote the editorial, for the candor and accuracy of his appraisal, and the Secretary of State for conducting himself in a way to deserve such thoughtful praise.

I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Dean Rusk: Steady Hands

Quiet, careful, competent Dean Rusk could turn out to be one of the Democratic Party's major assets in the coming presidential election campaign.

In a speech last night and in a press conference Friday, the scholarly Secretary of State, who has somehow maintained an air of thoughtful kindliness in one of the world's most frightening positions, spoke simply and earnestly for reason and responsibility in the conduct of American foreign policy.

"No one has to convince us," Rusk told Foreign Service officers at an American Field Service dinner, "that the contest between freedom and Communist imperialism is for keeps. For this struggle is our first order of business in the State Department. And it must never cease to be our first order of business until a worldwide victory for peace and for freedom has been secured.

"Our purpose must be to win that victory without a great war, if possible. We will defend our vital interests, and those of the free world, by whatever means are required. But a military orgy is not a rational path to a decent world order of freemen. No sane man could regard the incineration of most of the Northern Hemisphere as a triumph for freedom."

When international issues become complex and threatening, Rusk said, "it is easy to say we should either have a big war or quit." But he said U.S. allies must be assured that America stands by its commitments and its Armed Forces "are directed and controlled by steady hands."

In a prepared speech or in impromptu answers to newsmen's questions, Rusk personifies the wise, patient but steadfastly dedicated custodian of American objectives in a troubled world. He does not raise his voice nor pound the table. He does not frighten U.S. allies with blurted threats or impetuous ultimatums. He does not offend America's enemies needlessly or foolishly, either out of ignorance of the complexities of international problems or out of frustration that they cannot be resolved immediately to his entire satisfaction.

Newsmen fired questions at him Friday about Senator Barry Goldwater's criticisms of U.S. foreign policy. They also wanted to know what he thought about being crossed off President Johnson's list of potential Democratic vice presidential nominees. The questions could have trapped a less modest, less able, less reasonable man. Rusk answered them with that kindly, fatherly air of a conscientious and learned professor of international relations explaining a difficult problem to his favorite class.

This vice presidential "boom," he smiled, probably was "the shortest of all time." He wasn't surprised, "no, not at all," that the President removed him from the potential vice-presidential list. In fact, the President had made his task easier, because now "everyone understands I'm not interested in another job."

As for criticism of U.S. foreign policy, he said:

"Where our vital interests and the vital interests of our allies are concerned, the United States is just as tough and just as stubborn as is necessary to protect our vital interests. But we ought to bear in mind that when the other side considers that their vital interests are at stake, they are going to be stubborn, too. And I think it would be unrealistic to suppose that they will roll over and play dead on the basis of anything that we say or do to write off their vital interests."

This impromptu answer is just about as complete a short course in international relations as the reporters (and the American people) are likely to find compressed into one paragraph anywhere in the history of diplomacy. Yet, Rusk delivered it quietly, earnestly, without ostentation. He was just explaining a difficult problem from the point of view of a man who happens to represent the vital interests of the whole free world.

At about this time in most presidential election campaigns, the incumbent President is spending a considerable share of his time defending his Secretary of State. Opposition politicians usually cannot resist the temptation, despite the bipartisan foreign policy tradition, to center their fire upon the man who occupies the "impossible job" of Secretary of State. The modest, unassuming, supremely capable Rusk has been almost immune from such criticism despite turmoil in world affairs.

Now it appears that he not only will not be a political liability to President Johnson but may be a major asset in the coming campaign. The quiet, patient, thoughtful Secretary of State stands in almost total contrast to the impulsive, flamboyant and often reckless Senator GOLDWATER. The two men could hardly be more different in temperament and tactics. Senator GOLDWATER personifies the frustration of those Americans who are impatient with obstacles, negligent of details, and want swift and sweeping "final solutions" to the free world's problems. Rusk personifies America come of age in world affairs.

The contrast could be illustrated in many ways, but one small example might suffice. Can anyone imagine Dean Rusk calling the Premier of the Soviet Union, let alone any President of the United States, the "biggest faker" in his country or "the phoniest individual who ever came along?"

The United States certainly will have "a choice, not an echo," in this year's election. Secretary of State Dean Rusk may help to personify the nature of that choice.

COMMUNIST CHINA TRAINING REVOLUTIONARIES FOR PENETRATION OF AFRICA

Mr. CHURCH. Mr. President, many Senators, and others who read the CONGRESSIONAL RECORD, will be especially interested in a recent dispatch from the Times of India which has come to my attention.

The dispatch confirms that Communist China is training revolutionaries on a very substantial scale for penetration of Africa. It also details new initiatives by Peiping in the fields of propaganda, cultural exhibits, and trade which are very disquieting in view of their probable impact on the nationalist movements centered in and around the Tanganyikan capital of Dar-es-Salaam. I believe that this information should be noted by Congress, and so I ask unanimous consent to have the dispatch printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AFRICAN REVOLUTIONARIES BEING TRAINED IN PEIPING

(By H. R. Vohra)

NAIROBI, July 14.—"Africa is ripe for revolution," said the Chinese Prime Minister, Mr. Chou En-lai, in Mogadishu on the last lap of his African visit earlier this year.

Now it is learned from an unimpeachable source that Peiping is training African revolutionaries.

According to the source, about 250 Africans, members of various liberation movements based in Dar-es-Salaam have gone to China in batches of 10 to 15 over the past 18 months for "crash" military training. The Tanganyikan capital is the base for a number of nationalist organizations of southern Rhodesia, Portuguese Africa, South-West Africa, and South Africa.

The source said that Chinese agents had been visiting Dar-es-Salaam, Mogadishu, Lusaka, and Blantyre, mostly on diplomatic passports.

Chinese loans, gifts, and technical aid to African countries have earned Peiping a fund of gratitude. At an Africa Day rally in Dar-es-Salaam, Sheik Abeid Karume, Vice President of the United Republic of Tanganyika and Zanzibar, interrupted his speech to point to the Chinese Ambassador, Mr. Ho Ying, and tell the crowd: "This is our friend. His country has given Kenya an interest-free loan."

China was well to the fore at Tanganyika's national festival, Saba, marking the 10th anniversary of the ruling party, the Tanganyika African National Union. A 40-member Chinese acrobatic team delighted the audiences.

China followed it up with a month-long trade fair with exhibits worth an estimated £100,000. No expense has been spared in putting up the impressive pavilion. All the exhibits came by special ship, which also brought the technicians to put up the show.

A significant feature of the exhibition is that most goods—like bicycles, textiles, hardware, and handicrafts—are those for which Tanganyika has been traditionally India's market. All the exhibits are for sale, and the prices are believed to be highly competitive with those of Indian products.

The Chinese are going strong with their propaganda drive. Chinese films are being shown almost daily. A plan to construct a cinema hall in the embassy compound came up against objections from neighbors, but the Chinese got over the difficulty by calling it a banqueting hall.

The New China News Agency has doubled its representation in Dar-es-Salaam. One of its correspondents is Mr. Kao Liang, who was expelled from India 4 years ago for anti-Indian activities.

Last year China became the largest buyer of Tanganyika cotton, with an offtake worth £3 million. Uganda has discovered, however, that Peiping does not always keep its promises. It had undertaken to buy 30,000 to 40,000 bales of Uganda cotton but had not fulfilled the commitment. India helped Uganda to relieve the glut.

During Tanganyika's national festival, large crowds visited the Indian pavilion at an exhibition. President Julius Nyerere complimented the organizers on the display. The exhibits included handicrafts, silks, and textiles. Large photographs giving a panoramic view of India's progress through planning formed the backdrop. A special corner was devoted to Mr. Nehru.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE MONTANA CENTENNIAL BAND

Mr. MANSFIELD. Mr. President, 1964 is the year of Montana's territorial celebration and the diamond jubilee of our statehood. One of the most enthusiastic and well-received developments of the year-long celebration was the formation of the Montana Centennial Band. The first major appearance of the band was at the Tournament of Roses Parade on New Year's Day in Pasadena, Calif., the official kickoff of the Montana centennial celebration.

The Montana centennial band is not just an ordinary band. It is composed of 95 members who come from 35 different communities throughout Montana. The members come from the ranches, the mining camps, from our big cities—our biggest is 55,000—and from the small towns. It is an excellent representation of Montana's talented young people.

The scholastic grade average of the total membership is a B+. The lowest grade average in the band is above a C. Six members have a straight A average.

Twelve members attended "Boys State" last summer. And a similar number of girls attended "Girls State." The "Boys State" governor and one Associate Justice of the Supreme Court are centennial band members.

Thirty-seven members won superior ratings in the district and State music festivals last spring. Most members soloed in the festival.

Twenty-seven band members plan to major in music in college. Twenty-two band members plan to study music as a minor in college.

The band members hold an average of two offices each in various clubs and organizations in and out of school.

The directors are James Tibbs, Missoula County High School, and Roger Heath, Great Falls High School.

The drum major is Gerald Buffington, Great Falls High School.

The majorettes are Paulette Forsyth, Great Falls, State champion; Gwen Lloyd, Great Falls; and Sherry Humber, Butte.

I am very pleased to announce on behalf of the present Presiding Officer [Mr. METCALF] and myself that the Montana Centennial Band will make several appearances in Washington, D.C. The band will give concerts tomorrow, August 20. There will be one concert at 12 o'clock noon in the rotunda of the old Senate Office Building, and at 7 o'clock in the evening they will give another concert on the steps of the Senate wing of the U.S. Capitol.

The Montana congressional delegation extends a very cordial invitation to all to take time out on August 20 to listen to some really good band music.

THE GALLUP POLL; PEOPLE BACK HIGH COURT ON APPORTIONMENT, 3 TO 2

Mr. DOUGLAS. Mr. President, we have been debating the Dirksen amendment less than a week. This amendment, it has been made abundantly clear, would prevent the rulings of the Supreme Court concerning reapportionment from going into effect for an indeterminate period. During this time, a constitutional amendment, which would undo the decisions of the Supreme Court, and permit the present malapportioned State legislatures to be continued in office—and do so for the indefinite future—would be proposed and passed on by the same unequally apportioned legislatures.

The preliminary discussion, which has been going on for only a few days, is beginning to arouse public opinion. I call attention to the fact that the Gallup Poll as published in this morning's Washington Post shows that 47 percent of the people who were polled over the Nation approved of the decisions of the Supreme Court. Thirty percent disapproved of them. Twenty-three percent had no opinion. In effect, the public ratio is approximately 3 to 2 in favor of the decisions.

I predict that as the discussion proceeds and the full nature of the "rotten borough" amendment of my colleague [Mr. DIRKSEN] is revealed to the public, opinion will rise still further. Therefore, I feel that those of us who are trying to make it clear to the Nation just what the Dirksen amendment is, are serving the general interest. I believe this is one occasion in which extended debate will, in all probability, change votes.

Mr. President, I ask unanimous consent that the article published in the Washington Post of this morning, entitled "The Gallup Poll; People Back High Court on Apportionment, 3 to 2," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEOPLE BACK HIGH COURT ON APPORTIONMENT, 3 TO 2

(By George Gallup)

PRINCETON, N.J., August 18.—A constitutional amendment that would undo the Supreme Court's ruling on apportionment of State legislatures is likely to run into trouble with voters of the Nation.

In the first test of the public's reaction to the Supreme Court ruling, opinion divides 3 to 2 in favor among those who have formed an opinion.

The effect of the Supreme Court's ruling would be to reduce representation of the small towns and rural areas in State legislatures, thus reducing what is normally a conservative influence in State politics.

At this point, roughly one-fourth of those interviewed had not yet formed an opinion on this issue, which will be debated in the campaign and in the months to come. Voters living in the most highly urbanized areas—who stand to gain the most from the new Court ruling—voice the greatest approval.

The following question was put to a cross-section sample of people across the Nation:

"As you know the U.S. Supreme Court has ruled that the number of representatives of both the lower house and the senate in all State legislatures must be in proportion to population. In most States, this means reducing the number of legislators from the rural areas and increasing the number from urban areas. Do you approve or disapprove of this ruling?"

The results for the Nation as a whole:

	Percent
Approve	47
Disapprove	30
No opinion	23

A plank in the 1964 Republican platform calls for a constitutional amendment as well as legislation—"enabling States having bicameral legislatures to apportion one house on bases of their choosing, including factors other than population."

But the survey showed very little difference between Republicans, Democrats, and Independents on this issue.

HOUSING ACT OF 1964—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SPARKMAN. Mr. President, this is a unanimous report on both sides of the Capitol. The House and the Senate conferees all signed it.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. SALTONSTALL. Substantial amounts of money are requested before the Appropriations Committee, of which I am a member, to carry forward the objectives of the bill which the Senate is now considering.

Does the Senator understand that there is approximately $22 million for one item, and $15 million for another item?

Mr. SPARKMAN. I do not know the precise amounts but I believe I know the items to which the Senator refers.

Mr. SALTONSTALL. Are those funds necessary, in the opinion of the Senator, to carry forward the program this year?

Mr. SPARKMAN. I believe they are. I would like to check with the committee before giving the Senator a more definite answer.

Mr. SALTONSTALL. I would appreciate that. The items were brought up by Mr. Weaver yesterday when we discussed the bill. Did I correctly understand the Senator to say that the report was unanimous?

Mr. SPARKMAN. Yes.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield.

Mr. KEATING. Do I correctly understand that the amendment adopted in the Senate which would provide Federal grants for plans to meet the problem of urban blight where families are moving out, has been retained in the conference report?

Mr. SPARKMAN. The amendment of the Senator from New York was retained exactly as proposed.

Mr. KEATING. I appreciate that action very much. I am sure it is in the national interest. I express my gratitude to the chairman of the committee and to the other conferees for retaining my amendment.

Mr. SPARKMAN. The conferees thought that it was a very good amendment, and forward looking. We had some discussion about the limited scope of the urban planning assistance program to do physical planning and that this program is not now set up to do economic or industrial planning. However, once this was explained there was no difficulty in getting the House to agree to it.

Mr. President, this is a good bill, remarkably so, in fact, when one considers the difficulties of getting action this late in the session.

Because of the time limitation, the bills passed by each House were relatively modest extender bills. In addition to extending programs already on the books, changes were made to improve and make more workable existing programs.

Despite the many similarities in the two bills, the conferees were faced with the problem of resolving 66 items of differences; most of them were small but there were a few important ones which involved significant changes in the effectiveness of existing housing programs.

The conferees worked well together with open minds to consider the best features of the two bills before us. I have not made a count but both sides seemed to be satisfied that the provisions finally agreed to were about equally divided between the two bills.

To mention a few of the more important items, the Senate accepted House provisions for—

First, FHA higher mortgage ceilings;

Second, assistance to the provision of housing for the physically handicapped;

Third, a new direct loan program for the rehabilitation of property in urban renewal areas;

Fourth, grants to States for training of persons for community development programs.

Some of the more important items in the Senate bill accepted by the conferees are:

First, a new FHA requirement to correct substantial structural defects in mortgaged homes after recourse to the builder has failed;

Second, an expansion of the planning grant assistance program to help plan for communities suffering loss of Government contracts or closing of Federal installations;

Third, an expanded program of assistance for housing for domestic farm workers;

Fourth, authority to FNMA to sell beneficial interests secured by a pool of first mortgages.

In addition the conferees worked compromises on many items which were in both bills but on which there were differences. The most important of these is an expanded relocation assistance program to help both families and business establishments readjust in a new location after being displaced by urban renewal.

Both bills already contained identical provisions to carry out code enforcement activities and other programs to make the urban renewal program a more effective instrument for improving the housing of our cities.

The two big programs on which authorizations were involved were urban renewal and public housing. The conferees agreed to an urban renewal authorization of an additional $725 million and a public housing contract authorization of an additional 37,500 units. The conferees were satisfied that these amounts would be adequate to continue these programs at their present rate up to October 1, 1965.

One of the important features agreed to by the conferees was a provision to establish a uniform terminal date for expiring housing programs of October 1, 1965, and to provide for extensions of programs to that date.

One item, to which the conferees did not agree, which was in the House bill but not in the Senate bill, was the proposal to authorize FHA to establish a mutual fund for management-type cooperatives. Instead, the conferees agreed to put a statement in the Report of Managers of the House that the FHA would be requested to establish a separate insurance fund for this type of cooperative. In this way, if experience indicates, the FHA would be enabled to reduce the premium on the program from the present one-half of 1 percent to a lower figure. The 1961 Housing Act authorized the FHA to reduce insurance premiums so with the establishment of a separate insurance fund there should be no difficulty in having a reduction of premium for management cooperatives if experience indicates that a lower premium would adequately carry out the FHA purposes.

The amendment related to that subject was supported by the Senator from New York [Mr. Javits]. While we were not able to write the mutuality provision into the bill—probably it was a little premature since we had not fully examined all the basic facts relating to it—we agreed that we would ask the FHA to study the facts and to establish the proposed separate fund. Perhaps as time goes on the agency would have sufficient experience to enable it to carry out the intent of the proposal; that is, to reduce the FHA premium charges on this type of cooperation.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am glad to yield.

Mr. MANSFIELD. Would the Senator from Alabama consider withholding further consideration of the conference report pending the arrival of a Senator who is vitally interested in the subject?

Mr. SPARKMAN. There is one other item I should like to mention, and that is the beneficial legislation enacted by both Houses—partly by one and partly by the other—and agreed to in conference, relating to savings and loan associations. We know that over the last period of months, and in fact, over the last several years, there has been an unusually high level of savings. That is true not only in the savings and loan associations, but also in mutual savings banks, commercial banks, credit unions, and in every phase of the savings industry throughout the country. Savings and loan associations have reached the point at which they feel the necessity of reaching out and making loans on activities other than merely home mortgages. They appealed very strongly to us for that authority. By giving this authority there was no intent to reduce the primary emphasis on home mortgage lending. We followed rather closely the recommendations of the Federal Home Loan Bank Board in those regards—not completely, but very closely. I think that that is the greatest amount of beneficial legislation to savings and loan associations that has been enacted in a very long time. We did not give them everything they wanted, but we gave them the great substance of what they wanted. I feel that it will be quite helpful.

Mr. President, the distinguished senior Senator from New York [Mr. Javits] is now in the Chamber. I stated at the conclusion of my earlier remarks that there was a matter in which he was deeply interested. I understand he wishes to make a brief statement.

Mr. JAVITS. Mr. President, I shall be extremely brief. The conference report contains many items which represent real innovations in the housing field. One to which I shall address myself in a moment, and which is of deep interest to many of us in New York and other States, is cooperative housing, which receives FHA mortgage insurance assistance under section 213 of the National Housing Act. There has always been a question as to whether the premium for FHA insurance on such mortgages should remain at the rate of one-half of 1 percent because of the excellent actuarial experience with this type of housing.

The 1961 Housing Act gave the Administrator the authority to reduce that premium, assuming that actuarial experience with this type of housing warranted it. But the Administrator has not used that authority, and has maintained the premium at the previous rate, contending that the reserve funds for the section 213's were not treated as separate from those for other, less successful programs. This has resulted in higher cost to those who are engaged in section 213 cooperative housing despite their excellent record.

An amendment was adopted in the other body which would in effect have reduced the premium by providing for a rebate at the termination of successful insurance; but in conference it was felt that that was too far-reaching a technique. However, the conferees were of one mind as to the desire to direct that, at long last, the much-deserved reduction in premium be put into effect. So the conference report states:

> However, it is the desire of the conferees that FHA establish a separate management insurance fund for type section 213 mortgage insurance operations.

I wish only to express the feeling, which I understand to be the sentiment of the conferees this time, that we want that premium reduced, and not merely overlooked, as it has been for the last 3 years; and we direct that it should be done. The owners of this type of housing have done an extraordinarily fine job, both in maintenance and by making a success of their endeavors. Every penny counts with them. They are all people of modest incomes. This provision will be a highly desirable reward for the continued fine performance which they have given and the fine example they have set in operating this type of housing. I have directed particular attention to this provision because in the past few years, although the authority was given, it has not been used.

I invite attention also to the fact that, at long last, we have recognized the modern possibilities in the field of construction using air rights over railroad tracks, bridge and tunnel entrances, and other open places, for low and moderate income housing, especially in the great cities where there is an increasing need for building space. Anyone who has recently crossed the George Washington Bridge in New York City and has seen the new high-rise apartments built using the air rights over the New York bridge entrance, will appreciate the vast possibilities that have been opened up for New York, Chicago, Boston, Philadelphia, Detroit, and every other big city in the country.

Also, we are at long last recognizing the plight of the homeowner in the occasional case, who suffers serious damage because of structural defects in his home, built with FHA mortgage insurance, which were not detected by the FHA inspection but were discovered only after the builder who was responsible for the construction had gone away or his corporation had collapsed and was no longer around to make good. In such circumstances, the FHA is authorized to repair the defect and to pursue the builder itself.

At long last, we are going to try to help the slum-clearance program by insisting that within 3 years there be practicable plans for an enforcement of an adequate building code. The distinguished Senator from Pennsylvania [Mr. Clark] contributed to that result. It was my privilege to assist with my contribution.

I invite attention to a new provision for relocation of small business concerns which are displaced from urban renewal areas. The conference has authorized a payment for the loss of good will in the amount of $1,500, although that is not as much as I and others would have liked it to be.

Finally, I am pleased that both Houses included a provision authorizing for the first time urban planning assistance to some of our hard-pressed larger counties.

I wish to pay tribute to our brothers in the House, led by Representative WIDNALL, who successfully carried through a new concept by providing a $50 million loan fund for slum rehabilitation, in lieu of tearing down buildings now standing and building new ones. This will be of great benefit.

No one could have sat in the conference without paying tribute to the distinguished Senator from Alabama [Mr. SPARKMAN]. His interests were not personal as necessarily affecting his State; but so wide his range of interest and so understanding is his mind with respect to the housing problems of the great cities that he was the main instrument, on the Senate side, in bringing about what I believe should properly be hailed, not as a bare bones housing bill, as we thought it would be, but as a milestone housing bill.

I wish also to pay tribute to Representative ALBERT RAINS, who is unfortunately retiring from Congress, who has led the other body on housing legislation, and to whom also we owe a great debt for his understanding of many of these problems. As was the case with the Senator from Alabama, these problems were not typical exclusively of his community; but the understanding and broad outlook which he brought to the conference were materially responsible for this result. All of us, without regard to party, especially those who come from large cities, are deeply indebted to Senator SPARKMAN and Representative RAINS and, of course, to all the other conferees.

Mr. SPARKMAN. Mr. President, I am grateful to the Senator from New York for his kind remarks. I join him in the tribute he pays to my fellow Alabamian, ALBERT RAINS, who will leave Congress voluntarily at the end of this session. It has been my good fortune that he has been chairman of the House Subcommittee on Housing for a good many years, while I was chairman of the subcommittee on this side of the Capitol. We have had a delightful and harmonious working relationship. ALBERT RAINS has always been most cooperative and understanding, and has done masterly work in the field of housing over the years. His departure will be a great loss to Congress when he retires.

Mr. JAVITS. Mr. President, I call attention to an amendment which my colleague [Mr. KEATING] was most ingenious in drafting, to provide much-needed urban planning assistance in areas disadvantaged by the removal of defense installations. The amendment was accepted by the conferees. In this instance, too, both he and I owe a debt of gratitude to the Senator from Alabama for his support of this amendment, which was adopted on the floor of the Senate, which the Senator from Alabama felt was desirable, and which the other conferees fully supported.

Mr. SPARKMAN. The Senator from New York will recall that I said at the time that the amendment would tie in with the study the Small Business Committee is making over a period of months. The Senator from New York is a member of the Small Business Committee.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SPARKMAN. I yield to the Senator from Pennsylvania.

Mr. CLARK. I should like to note my concurrence in the kind words spoken by the Senator from New York about the outstanding work done by the chairman of the Senate Subcommittee on Housing, who was also the head of the senatorial conferees, the distinguished Senator from Alabama [Mr. SPARKMAN]. Through the years since I first came to the Senate, it has been my privilege every year to work under Senator SPARKMAN's kindly, intelligent guidance in bringing housing bills to the floor of the Senate, through the Senate, and into conference with the House.

His knowledge of the whole subject—and a vast subject it is—which is covered by these omnibus housing bills is unequaled by that of any other man in the country. I know of no more skillful negotiator, or any more genial and kindly presiding officer. Under his guidance there was a minimum of partisanship in connection with getting the important housing bill through the Senate and conference.

We have a big task to perform next year, as the Senator from Alabama knows, in writing a more permanent housing bill than we were able to write this year. To a large extent this bill, although excellent, is a stopgap measure intended to keep existing programs rolling until September 30, 1965.

There are many recommendations of the administration and many recommendations of members of the subcommittee, including myself, which we felt could not be handled in the limited time available to us this year. But under the leadership of the Senator from Alabama, we shall have a fine housing bill next year, which will go deeply into the many unsolved problems and go a long way toward assuring a safe and sanitary home to every American family, and the adequate rebuilding of our cities.

I cannot close without expressing my own deep regret for the breakup of the Alabama team. No two legislators have rendered greater service to their country in this highly important area of housing than Representative ALBERT RAINS and the Senator from Alabama [Mr. SPARKMAN]. Representative RAINS has been a stalwart in the other body as the Senator from Alabama [Mr. SPARKMAN] has been a stalwart in the Senate. We shall all miss Representative RAINS. I hope that his career in public service has not come to an end, and that in some way his enormous talents will again be enlisted in the service of his country. I personally shall miss him as a friend and shall miss him also as a wise and considerate legislator.

I also commend the Senator from Alabama for the excellent work which he has done in connection with the passage of the bill.

Mr. SPARKMAN. I am indebted to the Senator from Pennsylvania for his kind remarks.

Mr. SCOTT. Will the Senator from Alabama yield?

Mr. SPARKMAN. I yield.

Mr. SCOTT. Mr. President, I rise in support of the conference report on S. 3049, the Housing Act of 1964, and to congratulate the managers of this bill for an outstanding report.

I also want to call attention to a provision in the bill that is of special significance and benefit to many citizens of the Commonwealth of Pennsylvania who have suffered from the peculiar problem of mine subsistence or mine fires. I refer to section 311(a) which provides that when property damaged as a result of mine subsidence or underground mine fires is acquired by and for an urban renewal project the urban renewal authority purchasing such property will pay the difference between the present market value of the property and the value held by such property at the time the damage occurred. In other words, owners of such property would be compensated, under this provision, for damage caused by mine subsidence on underground mine fires.

Credit for this provision should go to Representative JOSEPH M. McDADE, of Pennsylvania, who, as a member of the House Banking and Currency Committee, was instrumental in its inclusion in this bill. Congressman McDADE represents a district whose inhabitants have been plagued by the problem of mine subsidence for several years. He has persistently sought relief for them for a long time.

As sponsor of S. 2614, a measure similar in intent to section 311(a) of S. 3049, I strongly urged the Senate conferees on this bill to preserve this section. My bill would authorize a local public agency, in determining the price to be paid for land which has been damaged by subsidence of underlying mines, to ignore any diminution of value occasioned by that subsidence. I am especially pleased by the conference committee's report and heartily endorse its adoption by the Senate.

Mr. SPARKMAN. I thank the Senator from Pennsylvania.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

TRIBUTE TO JAMES V. BENNETT, DIRECTOR OF U.S. BUREAU OF PRISONS

Mr. HAYDEN. Mr. President, the retirement of James V. Bennett at the end of this month will be a great loss to the Federal Government. I have been familiar with his work during all the 27 years that he has been Director of the U.S. Bureau of Prisons, and I have always had the utmost respect for him and for the organization he has so capably headed. His experience and his ability in the field of public administration are matched by few government executives.

The members of the Senate Committee on Appropriations have always had a pleasant relationship with Jim Bennett. We have found his budget requests to be modest and reasonable at all times. As a matter of fact, we have been markedly impressed by the extreme economy with which the Federal prison system has operated. The inspections that have been made each year by members of the committee suggest that Jim Bennett might, with justification, have asked for a more ample budget.

I have become further acquainted with the work of Jim's organization because of the location of three Federal prison camps in Arizona. These camps have made valuable contributions to the welfare of the areas in which they are situated. The men of the camp near Tucson built a difficult mountain road into the pine forest on the crest of Mount Lemmon, and are currently engaged in maintaining it. The more recently established camp near Safford is now building a similar road up the eastern slope of Mount Graham, the top of which is over 10,000 feet above sea level. At all of the camps, including the one at Florence, the men have been of great assistance on a number of occasions in fighting forest fires. We are happy to have the Federal prison system in Arizona.

In my many contacts with Jim Bennett I have been tremendously impressed by his knowledge of the problems of our Government, especially in the field of law enforcement and the administration of justice. He has never been one to look upon these problems with pessimism. On the contrary, he has been ready with constructive suggestions and with support for worthy ideas advanced by others. He is of course internationally known as a prison administrator, but in my opinion his efforts to improve our system of criminal law are at least equally important. He has been a potent and effective spokesman in behalf of a rational approach to the problems of crime.

I know I am speaking for the entire Senate Appropriations Committee when I say that the Nation is indebted to Jim Bennett for all that he has done. I hope that his retirement means that, freed of his administrative duties, he will have more time to work for the many humanitarian causes with which he has been so long identified.

Mr. LONG of Missouri. Mr. President, I wish to take note today, along with a number of my distinguished colleagues, of the approaching retirement of Jim Bennett, the world-renown director of the Federal Prison System. Within a few days he will reach the mandatory retirement age for Federal service.

As chairman of the Subcommittee on National Penitentiaries I have been closely associated with Dr. Bennett. I refer to him as "Dr." Bennett because his various honorary degrees include a degree as doctor of public administration from my own college, Culver-Stockton. He is also known throughout the international criminological field as "Dr." Bennett, as a tireless scientist, student, and teacher in the field of work he chose for his life's career.

His record is well known to all of us, and I will review it only briefly. He started Government service 45 years ago as an assistant investigator for the U.S. Bureau of Efficiency. One of his eventual assignments included an investigation of the Federal prisons beginning in 1926. Three years later he drafted a report for a congressional committee that led to the creation of the Bureau of Prisons in 1930. Mr. Sanford Bates, the Massachusetts commissioner of corrections who was appointed director of the new bureau, immediately appointed Jim as an assistant director.

In 1934, again as a result of legislation that Jim Bennett drafted, the Government corporation known as Federal Prison Industries, Inc., was created. Jim Bennett was appointed as its first Commissioner, and the corporation thereafter was operated as an integral part of the Bureau of Prisons. At that time it sold $4 or $5 million in goods and services annually. Today its annual sales come to $40 million.

Jim Bennett became director of the Federal Prison System in 1937, a post which he held for the last 27 years. The five Federal institutions that existed when the Bureau of Prisons came into being in 1930 have multiplied into nearly 40—ranging from the big penitentiaries at Atlanta and Leavenworth to the prerelease guidance centers in the Nation's four largest cities. The Federal Prison System is known throughout the world as the best in the corrections field. It is no coincidence that Jim Bennett is also known as the most outstanding administrator in corrections.

Penal systems all over the world have benefited from the expertise collected by Jim Bennett and his associates. He was active in the International Penal and Penitentiary Congress from the early 1930's, and when its functions were taken over by the United Nations he participated as a leading American delegate in the 1955 and 1960 U.N. Congresses on the Prevention of Crime and the Treatment of Offenders. Right now he is engaged in helping to plan the Third U.N. Congress, scheduled for 1965 in Stockholm. Jim Bennett and members of his organization have visited many foreign countries in response to requests for prison surveys and technical advice. Immediately following World War II he also spent 6 months reorganizing the German civil prisons.

The experience and training of Federal prison personnel have been made available to innumerable States, counties, and communities. Former Federal prison officials now head the penal systems and institutions of a number of States. Missouri is one of the States which has benefited from Jim Bennett's help. A number of years ago he made a survey of our State penal system, and it marked a turning point. The Missouri system, headed by an individual whom Jim helped us to pick, has improved steadily ever since.

Jim Bennett belongs to a number of bar organizations, including the American Bar Association, the American Judicature Society, and the American Law Institute. He helped to draft the model penal code that is now influencing the reorganization of the penal codes of so many States. He has helped tremendously to obtain recognition in our American criminal law of the complex problems involved in the disposition of the many types of offenders, including the mentally ill or psychotic, who come before our courts.

One of his foremost interests has been the matter of sentencing, and naturally some of his greatest contributions have come in that area of interest. Early in his own prison career he became aware of the deficiencies and rigidities in both the Federal and State sentencing systems, and he began working toward improvements. In 1948 he successfully secured the enactment of special procedures for determining the competency of mentally ill offenders and for making disposition of them. In 1950 he and a number of associates obtained the enactment of the Federal Youth Corrections Act, which for the first time introduced the indeterminate sentence into the Federal courts. In 1958 he was the chief adviser to Representative EMANUEL CELLER and my predecessor, the late Senator Tom Hennings, in getting an omnibus sentencing bill enacted. The bill was drafted by Jim Bennett, and gave the courts a great deal of additional latitude in tailoring sentences to the needs of defendants—diagnostic studies prior to final sentence, a range of discretion in imposing indeterminate sentences, an extension of the Youth Act to offenders in their early twenties, and a method for discharging parolees from supervision when their rehabilitation is assured.

The measure also included a provision authorizing the Federal judiciary to hold periodic seminars and institutes on sentencing. The purpose of the seminars was to develop more consistent standards of sentencing for the Federal district courts, and to eliminate the disparities and inappropriate sentences that Jim had worried about from the time he first entered prison work. Jim Bennett and the Administrative Office of the U.S. Courts have worked together in organizing and carrying out the sentencing institute program. The results are already apparent in improved sentencing standards, a somewhat smaller proportion of prison commitments, more use of probation, and fewer of the shocking disparities that caused President Kennedy so much work in clemency actions when he took office.

Jim Bennett has made many contributions to the improvement of criminal justice, and his work with the sentencing institutes has been among the most valuable. I trust that even in retirement he will remain active in the institute program as a consultant, speaker, and resource person. His great knowledge concerning criminals and justice should continue to be made available to our judiciary, as indeed it should wherever it is needed.

It was for this reason that our Subcommittee on National Penitentiaries printed a few months ago a collection of Jim Bennett's writings. He has been a most prolific penman and his articles and speeches cover almost every possible phase of the problems of crime and delinquency. It was the subcommittee's purpose to make this knowledge more widely available to Members of the Congress, law schools, and others associated in some way with the field of criminal justice. We have received many letters of approval for compiling and printing this material.

My preceding remarks have been concerned largely with the more formal aspects of Jim Bennett's work. But his day-to-day official life has actually been made up of the many personalities with whom he has come into contact—abnormal personalities, bizarre personalities sometimes, personalities of almost every conceivable kind. In these terms, as in others, his career has been a rich and varied one. It has been filled with much hope for the redirection of strayed lives, sometimes a great feeling of satisfaction when such hopes have been realized, sometimes the deep disappointment of failure. But his interest in the people who have run afoul the law has never flagged for one moment. In my view it is Jim Bennett's humanitarian interest in other people that has made him so effective in instilling a measure of humanitarianism into the abstractions of our criminal law.

Mr. President, in closing I wish to express my congratulations to Jim Bennett for 45 years of solid achievement and to thank him for his labors as a public servant without peer.

Mr. KEATING. Mr. President, one of America's most distinguished public servants will retire on August 31. James V. Bennett, Director of the U.S. Bureau of Prisons, entered Government service exactly 45 years ago. His career has been marked by solid achievement, and I should like to join in an expression of appreciation for all that he has done.

I have long followed his career, for one reason because he has roots in the same part of New York State that I do. His father was for many years a parson at Sodus Point, and his mother was a schoolteacher. Jim himself was born near Rochester, at Silver Creek in Chautauqua County. As a youngster, he spent many summers working on his uncle's farm near Poughkeepsie.

Jim Bennett's contributions toward the improvement of criminal justice have been many. His work in making the Federal prison system the best in the world is only one. When I was a member of the House Judiciary Committee, he appeared before our various subcommittees on many occasions in support of measures intended to help the administration of justice, and he has appeared many times before subcommittees of the Senate Judiciary Committee. He has also labored among innumerable public and private groups in an effort to bring about a better understanding of the problems of criminal justice and how they might be resolved. In this connection, I was particularly pleased recently when the Senate Judiciary Committee printed a selection of his articles and speeches in a special document. The document will be of use to students and researchers in the field of criminal law for many years to come.

I should like to note here the fact that Jim Bennett did all that he could to make civil rights more meaningful many years before the Supreme Court decision of 1954 which marked a turning point in the civil rights movement. Although the segregation of races has long been traditional among American prisons, and still is, all traces of discrimination have been removed from our Federal prisons. The work, educational, training, and recreational activities have been integrated for as long as Jim Bennett has been Director, and the final integration of all housing units and dining rooms was accomplished not long after World War II. With this achievement, I think Jim Bennett demonstrated a valuable lesson to the entire Nation. If, with enlightened leadership, the races can be persuaded to work peacefully together in the emotionally difficult situation of a prison, they ought to be able to do so, also with enlightened leadership, in the free community where there is so much more incentive.

Jim Bennett is entitled to our best wishes on his well-earned retirement, and also our hope that the benefit of his counsel will continue to be made available to the Government and the Congress.

Mr. BEALL. Mr. President, to salute Jim Bennett on his forthcoming retirement is to salute one of the world's greatest penological systems. Under his leadership, the Federal Bureau of Prisons has traveled far toward the attainment of the ultimate in the theory of corrections—that is, not to punish but to rehabilitate. He has inspired those under him toward intelligent understanding and sympathetic aid to those who find themselves imprisoned.

Jim Bennett, during 27 illustrious years as Director of the Federal prison system, has been recognized throughout the country and the world as the foremost exponent of the tenets of modern rehabilitative penology. Few men have served so long or so faithfully through a period of such great change and such import in the history of our Nation.

One cannot overlook his exceptional personal traits which have endeared him to all who know him, including thousands of unfortunate people who have passed through the gates of the prisons he administered. His feelings for the underprivileged, his personal kindliness, his willingness to visit and hear out the complaints and hopes of prisoners, have earned him esteem and affection throughout our land.

Maryland has many citizens of great distinction, and Jim Bennett is certainly among the most notable. We trust that his retirement from Federal service means that he will have more time to pursue his varied interests in our State. His counsel will continue to be valued.

Mr. McINTYRE. Mr. President, the Bureau of Prisons is losing one of its most capable and effective administrators with the retirement of James V. Bennett as its Director. After 45 years of singular achievement in Government service, including 27 as Director of the Bureau, Jim Bennett leaves behind an inspiring record of accomplishments in the field of criminal justice.

I join my colleagues today in paying tribute to this man, who has made such significant contributions to the betterment of both communities and individual offenders of the law. Guided by an abiding faith in the resilience of decency in every man, no matter how deeply it may become submerged and distorted, Jim Bennett has shed new light on the dual role of punishment and rehabilitation for those who violate the law.

A couple of years ago, Mr. Bennett, himself a native New Englander, wrote a penetrating article on "The New England Conscience and Prisons," which was published in the New Hampshire Bar Journal. I was particularly interested in his statement singling out New Hampshire for having the lowest number of men in prison per 100,000 of population of any State in the Nation. Furthermore, the latest FBI index of crime shows that the Granite State still leads New England, with the lowest number—531.1—of major offenses known to the police per 100,000 inhabitants.

Mr. President, in the hope that my colleagues and the millions of other readers of the CONGRESSIONAL RECORD throughout the Nation will find it as enlightening as I have, I ask unanimous consent that this article, entitled "The New England Conscience and Prisons," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Hampshire Bar Journal, July 1960]

THE NEW ENGLAND CONSCIENCE AND PRISONS

(By James V. Bennett)

As a New Englander myself I have often speculated why the New England conscience with respect to crime is so much different from that which apparently prevails in other sections of the Nation. This difference is shown most strikingly in the fact, for instance, that of all States, New Hampshire has the lowest number of men in prison per hundred thousand of population. For the Nation as a whole there are 120 men in prison per 100,000 population; in the District of Columbia there are 10 times as many (257) as in New Hampshire (25). In Massachusetts people get sent to prison even for the common offense of adultery, yet it has only 40 men and women in prison per 100,000 of population as contrasted to 137 for California, where no one ever goes to prison for adultery.

Our statistics also show that in New England the Federal judges grant probation to about 50 percent of the cases, whereas in southern Iowa, for example, only 12 percent are given probation. Your juvenile delinquency record is equally good, measured in terms of persons known to the juvenile courts. Moreover, the time actually served by offenders for particular offenses is shorter in New England than almost anywhere in the country. For instance, the average time served for all offenses is lowest in Vermont, 10 months (16 months in New Hampshire), and highest in Illinois, 38 months.

Now what do all these figures prove? Certainly they cannot be used to demonstrate that crime is more prevalent in New England than elsewhere in the country. According to the FBI Crime Index, the number of major offenses known to the police runs about 408 per 100,000 inhabitants in New Hampshire, 459 in Vermont, and 468 in Maine, as compared to a national rate of about 900. Clearly, New England has not followed in the beaten path of beaten men who believe that crime can be stopped through harsh penalties.

The latter approach has been tried in countless jurisdictions ever since imprisonment was substituted for multilation, banishment, or death. There are a number of reasons why this popular nostrum for crime does not work. (That it does not work is easily proved by the twin circumstance that our American penal statutes are already the most severe in the Western World and at the same time our crime rate is the highest.) In the first place, the odds are with the offender to get away with any single act of crime. For all major crimes, only one out of seven is followed by conviction and the imposition of punishment. The actual rate varies by type of crime. There are, for instance, 290,000 automobiles stolen during the course of a given year, but only 10,000 persons are convicted and sentenced to prison or probation for this offense. Add to this the fact that numberless crimes are not even detected and reported, particularly the sex and white collar varieties.

For another reason existing laws are compromised and under practical pressures the district attorneys dicker with the defendants. In return for a plea of guilty, the district attorney will often prosecute for a lesser offense than the one which the defendant really committed. In the Federal jurisdiction, for example, from 80 to 90 percent of all criminal convictions are brought about on pleas of guilty, and the rate is much the same in the State jurisdictions. Hence, any deterrent effect the law may have is badly crippled from the outset, not to mention any possible rehabilitative treatment that a sentence based on all pertinent factors in the case might have brought the defendant.

Then why saddle the prison with any part of the blame for the high-crime rate?

In response to this some persons cite the high rate of recidivism among persons released from prison. Admittedly the rate is high. Although we do not yet have valid statistics on the rate of recidivism among prisoners released from Federal prisons, we do know that two-thirds of the people who come into our institutions have served one or more prior sentences in local, State, or Federal institutions.

But this does not justify the argument that the prison is a failure and at fault for much of the crime rate. We have already seen that the majority of offenders during a given year are not committed to prison. Hence, the prison deals only with a small segment of the criminal population. In addition, of those persons convicted in our courts, an average of 40 percent are placed on probation, although in some courts it ranges as low as 10 percent and in others as high as 80 percent. The prison gets largely the more unregenerate, assaultive, and confirmed types of criminals.

There are today about 210,000 men and women in the 230 State and Federal prisons, reformatories, farms, and camps. Not included are an estimated 300,000 more in the nearly 3,000 local and county jails and workhouses. The institutions in which these persons are housed are old, inadequate, and overcrowded. One-third are more than 70 years old, and some like Wethersfield, Trenton, and Baltimore are rounding out nearly 150 years of service.

Consider for a moment the kind of men and women who get into prison. Some, make no mistake about it, are vicious, unregenerate enemies of society. Some, and a much larger number, are handicapped physically and mentally. Some are sexual deviates. Some are social misfits, and some there are who look upon work as the white man's burden. Some are the disadvantages of our teeming cities and our distress areas of the mountains, blighted railroad or mining towns, or the victims of alcohol, drugs, and barbiturates.

It is difficult, indeed, to catalog these law violators by their personality characteristics. It is not so hard to describe the kind of things they do. While most recorded crimes are such offenses against the public order as disorderly conduct and drunkenness, it is the perpetrators of more serious crimes who end up in State and Federal prisons. The largest number of these men by far are those who have been convicted of acquisitive crimes—burglary, larceny, forgery, automobile theft, and the like. In this category fall about 65 percent of the major offenders who are committed to State prisons during a typical year. The next largest number are robberies, 11.7 percent, and then come the aggravated assault cases and the drug violators, with 10.7 percent. Homicides, rapes, and kidnappings together account for about 9 percent. The remainder are for miscellaneous crimes like arson, gun-law violations, and, I suppose, adultery.

As a result of the many different kinds of laws applying to criminal acts and the many different ways they are administered there is an utter lack of consistency in the sentences received by convicted offenders. Depending on the jurisdiction, two offenders who are quite similar in their backgrounds and crimes may receive substantially different penalties, and, convicted say of car theft, one may receive probation or a month or two in jail while the other may receive 5 or 10 years in prison. The effect is to create a profound disrespect for the law in the very persons whom the prison is charged with inculcating a greater measure of respect.

To add to this already difficult situation the offenders sent to prison for corrective treatment are very often persons who need treatment of another sort. A prison is no place for persons whose crimes stem primarily from alcoholism, mental illness, and vocationally crippling medical disorders. But these persons comprise a growing proportion of prison populations, and treatment programs intended primarily for persons whose antisocial behavior is the product of character defects are further handicapped and compromised.

But, in its rehabilitative efforts, the prison's most burdensome handicap is the prevailing moral atmosphere of payola in our culture. It is difficult to develop more constructive habits of thought and action in prisoners when they are very much aware that the fast buck so very largely sets the tone of morality for a significant part of our society. The prisoners read the papers, and perhaps more than most citizens they keep up on the news about payola, false advertising in television, influence peddling in high circles, kickbacks in industry, and the many barely legal schemes that are devised to separate the unwary from his bank balance.

The thought has been repeatedly and futilely expressed that we are going to have juvenile delinquency as long as parents do not set good examples for their children. To this should be added the observation that we are going to have crime as long as there is any indication that the supposedly more law-abiding elements of our society embrace payola and similar unethical practices. The moral line between payola and crime is thin, and the difference can be easily bridged and rationalized by someone who is looking for an excuse for crime.

Considering the many legal, financial, and social handicaps under which it must operate, I think the prison does remarkably well in reshaping the lives of the offenders that are committed to it. While the prison deals only with a small part of the crime problem, it is perhaps doing better with that part than the other elements of society are doing with their share of the crime problem.

Every prison, regardless of the nature of its program, can of course recite cases of exprisoners who have gone on to earn fine records in the community. Some of these men, bank embezzlers and income tax offenders for example, can be expected to do so, whether or not they go to prison. Their punishment and rehabilitation occurred simultaneously at the time they were caught and indicted.

But there are many examples of men who had to go to prison to find therein the insights, skills, and moral habits that eventually permitted them to take their places as useful citizens in the outside world. I have a large file of success stories of this kind in my office, and they are only a sampling of the many more that take place. It is the stories of these men that convince me that the prison can be a place for rehabilitation and that helps me to keep my faith in the resilience of decency in every man, no matter how deeply it becomes submerged and distorted at times.

Recently I have come closer to the problems that face the courts in determining the disposition of offenders because the Congress in 1958 assigned me the new duty of diagnosing and making sentencing recommendations to the courts concerning convicted offenders committed to Federal institutions for this purpose. Technically this period of observation is made possible under the new law by permitting the courts to impose an initial sentence for the statutory maximum while retaining for a period up to 6 months the authority to modify or reduce the sentence.

This procedure is intended to be used in those cases where the court has some question regarding the physical or mental condition of the prisoner, where the court believes that a period of observation under control will produce pertinent information not otherwise available, or where the court wishes to pronounce sentence promptly but for some reason to keep the case under advisement. In this manner the judge secures as full and complete data as we are able to provide concerning the defendant and his mental and emotional health, his physical condition, his social history, and his vocational and educational needs. It gives the judge a good idea of the extent to which the defendant needs institutional treatment and how long might be required to bring about beneficial results. Also, it gives the court the benefit of the views of the people who must deal with the prisoner.

In illustrating the kind of cases we have been getting under this procedure, I recall one man who was convicted on a charge of assaulting an Internal Revenue officer. Previously arrested on a charge of selling illicit liquor at an industrial plant, he had been placed on probation. Upon being notified by the Internal Revenue Service that he owed some $2,000 in liquor taxes, he tried to work out a compromise for about half that amount. When his compromise was not accepted, he entered an Internal Revenue office and socked a collection officer.

Unpopular as Internal Revenue collection officers may be in this country, the Government must look with disfavor on an act of this kind. In fact, considering the well-known inevitability of taxes, it is an irrational act and the possibility of mental disease in this case had to be considered. Committed to one of our institutions under the diagnostic procedure, he was found after a thorough psychiatric examination to have no sign of mental illness. He had no serious prior criminal record, and he had been a frugal, independent, hardworking person with seven children. Apparently it was one of those instances in which a man was unable to resist an impulse to which I am sure many of us have given at least fleeting and furtive consideration over the years. In view of his previous history of stability, we recommended probation, and the court thereupon sentenced him to a 2-year probation term.

In another case, two police officers who had taken advantage of their positions to plan and execute a series of robberies were sent to us for observation and diagnosis. We diagnosed one as being mentally ill, and because his recovery was problematical, his offense was extremely serious, and the public had to be protected, we recommended a 25-year sentence. The other man was found to have personality inadequacies and needed vocational training and intensive counseling. With the factor of deterrence of overriding importance in this case, we recommended a term of 15 years, and the judge complied. However, both men were sentenced under the indeterminate sentence provisions which were also incorporated in the new statute authorizing the diagnostic studies.

Under the old law, which had been in effect since 1910, offenders sentenced to prison by the Federal courts did not become eligible for parole until they had served one-third of the sentence imposed by the court. This requirement was automatic, and could not be reduced, regardless of how well the individual prisoner might respond to treatment. Needless to say, this rigidity in the parole law inevitably gave rise to disparities that affected the welfare and interest of both the community and the individual offender.

For example, the largest category of offenders are sentenced to prison for auto theft, an offense carrying a 5-year maximum in the Federal courts. If the judge imposed the maximum, the prisoner had to serve a minimum of nearly 2 years before he could be considered for parole, notwithstanding any progress he may have made in his rehabilitation. In many cases our experience tells us individuals improve sufficiently in a year or 18 months to warrant parole. On the other hand, if the judge imposed a shorter term, say 1 or 2 years, the brevity of the sentence made virtually impossible the period of community supervision following release that so many of these offenders need.

The rigidity of this system was first modified to some extent by the Federal Youth Correction Act of 1950. Under this act the court was given the discretion to commit offenders up to age 21 for a period of 6 years, with the individual offender eligible for parole at any time. In fact, the act required that the youth be paroled no later than 4 years after he had been committed. If the court wished the offender to be under authoritarian control for a longer period, it could commit him under the Youth Act for a period up to the statutory maximum provided for the offense. But in any case the offender remained eligible for parole at any time.

The indeterminate procedure has several advantages over the old regular procedure. For one thing, with the prisoner's prospects for eventual release on parole dependent largely on his own efforts, the institutional staff can develop a realistic program for him, along with definite goals for him to achieve. It also reintroduces the offender to the community under controlled conditions. During this crucial initial period he still has the counsel, psychological support, and if necessary, the authoritarian control of an experienced correctional worker, the probation officer.

It was the success of the Youth Act and its undeniable advantages that led to the new sentencing legislation of 1958. In addition to its provision for a period of diagnosis and observation, the new law equipped the judges with considerably greater discretion in imposing sentences. It extended the Youth Act itself to apply to potentially good candidates for rehabilitation up to and including age 25. It also authorized the courts in disposing of convicted adult offenders to give a completely indeterminate sentence, setting only the maximum term and leaving the matter of parole eligibility up to the U.S. Board of Parole. It also gave the court the option of setting parole eligibility at any point less than one-third the maximum sentence imposed. Again borrowing slightly from the Youth Act, the new law permitted the Board of Parole to discharge from supervision any parolee who had fully demonstrated his ability to live responsibly in the community.

But while prisons, with their reformative and detention purposes strengthened by the new sentencing law, can retire a substantial number of persons from criminal occupations, they cannot alone reduce the crime problem to a level that would permit our society to rest easily. There are many other factors involved in this problem. The detection of crime and the apprehension of crime must be made several times more efficient if deterrence is to be achieved by quick and sure penalties—and that is the only way that deterrence can be effective. The courts and the prosecutors must dispose of the offenders on the basis of the actual crimes they committed and on the basis of the actual problems they present rather than, in the interests of expediency, some lesser compromise. The sentencing laws of our States and to a lesser extent those of the Federal Government must be made more flexible, so that men may be retained in prison so long as they represent a menace to society—and no longer.

Some of these ends lawyers can accomplish, but it is not by law alone that people can be made lawful and that is where the New England conscience comes to the fore.

Above all our society must uplift its moral standards. A recent poll suggests that by and large our citizens feel that payola is a necessary if unfortunate part of a world in which life is still precarious and beset with practical hardships. The effect of our lax system of values is also seen in the violence and sensuality of the products of our communication media—television programs, magazines, books. These and the many other reflections of the ascendancy of material over moral values in our society must somehow be swept away, and I am convinced that it cannot be done entirely by law. Possibly it may be done by a reinvigoration of such old-fashioned institutions as the family, the school, and the church. Possibly it may be done by creating other social institutions that we do not now foresee. But it must be done.

Perhaps it sounds unrealistic to propose the moral refashioning of our culture. Perhaps. But if that proposal is unrealistic, it is then unrealistic to expect to solve the crime problem. A society rich in material things and filled with relentless pressures for each individual to get as many of these things as he can—regardless of the moral standards that mankind has taken so many thousands of years to achieve—must therefore expect to pay a price for its competitive opulence. That price is crime.

Mr. DODD. Mr. President, I rise to join other Senators in honoring James V. Bennett, who plans to retire at the end of this month as the Director of the Federal Bureau of Prisons.

Jim Bennett has been an old and good friend of mine of 30-years standing. I met him at the beginning of my service in the Justice Department, and it seems to me that we have always been associated both personally and in some common enterprise ever since.

One of those many enterprises took place at the time of the Nuremberg war crimes trials when he came to Germany to organize that country's civil prisons for the American military government. In this job as in the many other important positions he has held, he displayed outstanding intelligence, resourcefulness, and ability to get things done.

These are the qualities that made Jim Bennett the top prison official in the country. These are the qualities that have made him known and respected around the world, and these are qualities that we will need and call upon even after his retirement from the high position he now holds.

To no man is the complex problem of crime an open book, but Jim Bennett has read it further than most of us and he has shared with us his vast knowledge in full measure.

He has helped me in my work as chairman of the Juvenile Delinquency Subcommittee. He was among the first to warn us against the harmful effects of excessive crime, violence, and brutality portrayed on television; he has been a stanch supporter of laws to eliminate the irresponsible mail-order sale of weapons to felons, mental patients and young children; and he has been available to me for consultation and advice on hundreds of the problems we encounter in the daily work of the Juvenile Delinquency Subcommittee.

Jim Bennett's understanding of the entire spectrum of crime is reflected in a recent statement on delinquency in which he said:

> Behind almost every adult criminal, there is the shadowy figure of the juvenile delinquent. It follows, therefore, as surely as day follows night that any reduction we can make in the number of juvenile delinquents means that there will not be so much adult crime, so much need for prisons, so much loss of money, or so much wasted in human lives.

He has worked personally to prevent delinquency and thus to prevent young people from coming to the prisons under his charge. One of the remarkable things he has done in this area was to open "halfway houses" in a number of our Nation's largest cities. These guidance centers have helped hundreds of young people to bridge the gap between the correctional institution and the community, and the success of these Federal institutions has prompted several States and communities to create similar facilities on the local level.

These are some examples of Jim Bennett's work and there are a hundred others embellishing his directorship of this country's Federal prisons and his career as a penologist and correctional administrator.

It is certainly with regret that we see James Bennett leave the Bureau of Prisons. His great ability and his professional competence have been acclaimed by Democrats and Republicans alike. He has served under both Democratic and Republican administrations. And I know that we will continue to need his help and his advice in the handling of the crime problem in this country, in the coordination of Federal and local services and in the prevention of juvenile delinquency.

I for one will look forward to a continued cooperation with Jim Bennett and I am confident that he will be available to all the people in Government and in the correctional field.

Mr. PELL. Mr. President, a distinguished Rhode Islander is retiring from Government service on August 31, after 45 years of singular achievement. I am referring to James V. Bennett, Director of the U.S. Bureau of Prisons. He is famous the world around as a criminologist and correctional administrator, and he is a particularly honored figure to Rhode Islanders.

He has excellent credentials in our State. His father was a pastor in North Providence for 20 years; one of his brothers is a banker; and another a lawyer in Providence. Jim Bennett and four other members of his immediate family are graduates of Brown University, and so is his gracious and talented wife, Marie. The family's ancestral home, built in 1669, has been deeded to the university's affairs. Jim has been a speaker at commencement exercises and a good fundraiser for the university, and he has been honored with a doctor of laws degree.

Jim Bennett's accomplishments were the subject of considerable discussion in Congress 2 years ago, when he completed 25 years as Director of the Bureau of Prisons. Those accomplishments were summed up well in an article published on April 1, 1962, in the Providence Sunday Journal. The article is still up to date; therefore, I request permission to have it reprinted in the RECORD, in recognition of Jim Bennett's innumerable contributions to his Nation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Providence Sunday Journal, Apr. 1, 1962]

TOP JAILER FOR UNCLE SAM

(By Joseph M. Ungaro)

WASHINGTON.—In 1926 a cheerful young man out of Brown University serving as a management analyst for the U.S. Bureau of Efficiency was assigned to investigate the disorganized, inadequate Federal prisons.

Three years later he completed a report that led to the creation of the Federal Bureau of Prisons and his assignment to it as an Assistant Director to help put the recommendations into effect. Eight years later he became Director.

In February, James Van Benschoten Bennett, 64 years old and still cheerful, observed the 25th anniversary of his appointment by quipping that he was "still working to put all his recommendations into effect" and by cutting a cake in which his staff had appropriately baked a file.

Mr. Bennett's humor and humility overlooks his national reputation in the field of correction and the many changes in the Federal prison system made during his tenure, but points up the humanitarian rather than custodial approach he brings to the post.

His staff says he is a prisoner of his prisons, the inmates and their problem, and "an easy touch" for his former convicts.

Despite a busy schedule that includes a 9- or 10-hour day and "much homework," Mr. Bennett visits his 31 institutions at least once a year to inspect them, to talk with prisoners and to give convicts with a gripe a chance to air them in private to him.

At his Washington office he maintains a petty cash box for former prisoners in need of a loan. This money comes from fees for speeches and articles and from his own pocket.

"More than one probation officer has received a check from him, invariably with instructions not to disclose its donor, to help out a parolee who is having a difficult struggle," according to Representative EMANUEL CELLER, Democrat, of New York, who has known Mr. Bennett for 40 years.

Mr. Bennett also corresponds with many of his former prisoners. At Christmas a table in one corner of his office is piled with cards from convicts, ex-convicts as well as judges, lawyers, and Congressmen.

A bank robber who served time at Leavenworth jotted on his Yule card to Mr. Bennett: "Am chief pantryman at the —. Everything is fine. Hope you are well."

Another former prisoner wrote: "Will always like to hear from you. Have married and am very happy."

It is such notes along with the fact that about one-third of his prisoners are completely rehabilitated and never return that are his "real reward in prison work," Mr. Bennett said.

"When an ex-convict reverts to type, he usually makes headlines which are very discouraging to us. When a man lets us down everyone is told about it. When he resumes the place in society to which his birthright entitled him, no one hears about it," he added.

Congressman CELLER, in a speech in the House calling attention to Mr. Bennett's anniversary, summed up his attitude thus:

"Jim Bennett is not one of those humanitarians who is concerned with mankind only in the abstract. He is humanitarian in his dealings with the individual. He has a personal interest in the welfare of each prisoner he encounters."

In reminiscing about his 25 years as Director, Mr. Bennett was particularly proud of the great strides made toward rehabilitating prisoners.

"We have educated our people out of the idea that their job is just to keep these unfortunate men and women in custody.

"Thirty years ago," he said, "theoretical notions of rehabilitation obtained some circulation but punishment was still the prevailing philosophy in actual practice. Considerations of custody dominated all decisions affecting the prisoners."

In 1929, the Federal Government had more than 12,000 prisoners in 7 institutions and another 12,000 in State prisons, county jails and workhouses. The Federal Government had about 650 poorly paid employees, mostly guards, in its prison system.

Under Mr. Bennett's direction the Federal prison system has grown to include 31 institutions in 24 States with 5,000 career employees engaged in the management of 23,000 prisoners.

Regimentation in every activity of prison life has given way to freedoms, which are intended to give the prisoners the desire to want to be rehabilitated. For example, lockstep cafeteria lines and bucket feedings have been replaced by informal table arrangements permitting inmates to eat in some measure with those of their own choosing.

This freedom has even led to a prison without walls, bars, or guns. Mr. Bennett's pioneering effort at Seagoville, Tex., of an open Federal institution aimed at rehabilitating first offenders has been successful and now has been adopted by the Air Force for court-martial offenders and many States, according to Mr. CELLER.

In fact, under Mr. Bennett's philosophy preparation for a prisoner's return to society must begin the minute he checks into prison.

Inmates are immediately classified and hardened criminals are sent to maximum custody prisons or the "supermaximum security Alcatraz." Firm discipline is always maintained at all prisons from minimum to supermaximum ones.

But along with the discipline there is an individual program of treatment and training based on social, medical, psychiatric, educational, and vocational studies of each prisoner.

The success of this formula is shown by the low Federal prison escape rate and the fact that during the rash of violent prison riots in the 1950's only one Federal institution had any trouble.

Mr. Bennett has served under 4 Presidents and 11 Attorney Generals. His busiest period was during the depression when President Roosevelt pushed through as public works projects the construction of five Federal penal institutions.

"We had to have building plans drawn in 30 days and contracts let within 6 months. Fortunately, we had done some advance planning because we thought we might get some money. But even so, those were long days."

Mr. Bennett's most "trying time" was during World War II when, he said, he was responsible for carrying out the Selective Service Act in regards to conscientious objectors.

"We had," he explained, "about 11,000 of them, extremists of all kinds who did everything they could to make trouble."

One of the most difficult cases, he said, was a young man from a very prominent New England family.

"When he came into our institution he went on a hunger strike and resisted our efforts to help him. After he became ill and weak we fed him intravenously and he pulled through. He is now out and is quite a respectable and satisfactory citizen. He even writes me occasionally.

"Those were very difficult days. Loss of key men to the services, shortages of money and personnel and difficult people to cope with, but I feel no one can charge they were mistreated."

Mr. Bennett, tolerant and understanding of his prisoners, is less so with the attitude of those responsible for sending them to him.

In lectures and speeches throughout the country he has harped on the lack of cooperation between police, courts and the prisons; lack of cooperation between States to build modern, regional prisons; inequitable sentencing, and lack of training facilities for those going into prison work.

"I hope the day is rapidly coming when courts, police, and correctional people will work closer together.

"You can't scare people into following the law. Punishment is a weak reed for deterring crime.

"Police and courts must stop thinking of prisons as just a place for putting someone away, as if he were a wild animal.

"There must be cooperation to deter crime, to attack the social problems of crime and to make greater efforts toward rehabilitation."

Another pet peeve of Mr. Bennett, who has been called in by many States as a consultant, is the failure of States to get together to build regional prisons that would have the necessary rehabilitation facilities that are often too costly for individual States.

Turning around at his desk he pulled out records to show that the 5 New England States have a total of 320 women prisoners in 5 separate institutions. New Hampshire had 1 woman prisoner and Rhode Island had 17, for example.

"Why can't they get together?" he asked defensively. "Greater cooperation would be a major step forward," he answered.

The disparity of sentences also bothers Mr. Bennett. In a recent speech in Michigan he cited several examples of how virtually the same offense drew different sentences in different States.

For example, he noted: "For auto theft, an offense so often involving similar factors, one court in this circuit imposed terms averaging 48 months, but eastern New York imposed terms averaging slightly in excess of 14 months. The proportion of all types of convicted defendants placed on probation ranged from 67 percent in South Carolina to 10 percent in western Tennessee."

The prison chief's solutions to the problems of sentencing would be exhaustive presentence investigations of the individual and other indeterminate sentences so that a prisoner would be released only when he is rehabilitated.

In a lecture at Yale University Mr. Bennett declared: "The man who goes to prison under a sentence sufficiently flexible to enable the authorities to structure his term to what he actually is rather than to technical charge to which he pleads can be dealt with more intelligently and effectively. You do not know where to start when all you know about a prisoner is that he was committed, for say, 1 or 2 years for violating section so of chapter so and so."

"Mr. Correction," as Senator EDWARD V. LONG, Democrat, of Missouri, called him in a Senate speech on Mr. Bennett's anniversary, was brought up in Providence. He worked his way through Brown University by cutting meat in the Providence Public Market.

After getting an A.B. from Brown in 1918 he became a cadet in the Army Air Corps. He worked his way after the war through the ranks of the old U.S. Bureau of Efficency and was their chief investigator when he took on the problems of prisons.

He married Marie Ettl in 1919 and they have three children, Edmund J. Bennett, Mrs. Homer Humbert, and Mrs. Henry J. Bell.

He received an LL.B. degree from George Washington University in Washington in 1926 and honorary doctorate degrees from Brown University in 1950 and Springfield College in 1955.

He also was honored on the floor of both the Senate and House in February on the 25th anniversary of his appointment as director of Federal prisons.

Senator LONG also called him "one of our most distinguished public servants." Senator ROMAN L. HRUSKA, Republican, of Nebraska, paid tribute to "his humane philosophy and to the enlightened efforts by which he has succeeded in making the Federal prison system a standard for the world."

Mr. CELLER declared in the House: "But it is what he has done for our American prisoners that will stand as his enduring monument. When he came upon the prison scene, our Federal institutions were neglected abodes for the wretched. Prisoners were cast aside like broken tools, never to be used again. Today the same Federal penal system is a model for all the nations and all the world to follow."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tribute to James Bennett by the Senator from North Dakota [Mr. BURDICK].

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BURDICK

It has been only within the past year that I have become acquainted personally with Jim Bennett and the Federal Prison System. However, I have known for many years of Jim's reputation as the country's outstanding penologist and his organization's reputation as the country's outstanding penal system. In North Dakota we have fewer prisoners in relation to our population than all but two other States, and penal administration is a relatively minor activity. But with my assignment to the Judiciary Committee's Subcommittee on National Penitentiaries I have observed that this work is a very significant part of law enforcement and the administration of justice in the Federal jurisdiction.

During the current session of the Congress I have attended hearings of our subcommittee on the problems of the Federal Prison System and have also visited a number of Federal institutions ranging from the U.S. Penitentiary at Lewisburg, Pa., to the open camps in Arizona. I think I have seen a good cross section of the Federal system, and if it is true that an organization is but the lengthened shadow of one man, Jim Bennett is an exceptionally dedicated and able man.

The several institutions that I have visited are staffed by highly trained and experienced personnel. They are realistic in their outlook and yet patient and hopeful in trying to rehabilitate the prisoners in their charge. I have received the distinct impression that they know what they are doing, and although they have a most difficult and at times disagreeable task, they are imbued with a remarkable esprit de corps. And a remarkable loyalty to their chief, Jim Bennett.

I have also been highly impressed by the great economy with which these institutions are operated. They depend in large part upon the materials and equipment that other Government agencies consider surplus to their needs. The inmates are garbed in surplus clothing, the maintenance and repair work is done very largely with surplus materials, and throughout each institution one finds here and there a piece of equipment that has been renovated and made useful after some other agency cast it off. The institutions also support each other in a variety of ways, such as exchanging farm produce and meat, performing jobs that one institution may be better equipped to do than another, and conducting certain business affairs for each other. It is apparent that a good job is being done with little fanfare and comparatively little cost to the Government.

My own impressions of Jim Bennett on the many occasions on which we have discussed prison problems during the past year confirm the skilled leadership that he has provided the Federal prison system. As my distinguished colleagues are well aware, he brought a great deal of preparation to his job. He was an investigator for the old Bureau of Efficiency for more than 10 years following 1919, and one of his assignments was to investigate thoroughly the problems of the scattered Federal prisons of that day. When as a result of his work the new Bureau of Prisons was created in 1930, he served for 7 years as Assistant Director before being appointed Director.

His history is familiar to all of us, and I share my colleagues' regret that he intends to retire soon. Despite the tremendously difficult assignment he has held for so long the years rest lightly upon him. Jim Bennett is today a vigorous and competent administrator with a high enthusiasm and readiness for innovation that is found in few younger men. I know that hard work and a dedication to the welfare of his fellow man will continue to form the pattern of his life, and I hope that he will be able to find time to lend his counsel to the various Judiciary Subcommittees on the questions of law enforcement and criminal justice in which he is so much interested. As he approaches the day of his retirement, he has my best wishes for a new, equally productive and perhaps more rewarding career in the days to come.

PROGRESSIVE PENOLOGIST

Mr. HRUSKA. Mr. President, the news of Jim Bennett's retirement as Director of the Federal Bureau of Prisons at the end of this month brought to mind a flood of deep feelings. Not long after my appointment to the Judiciary Committee, I became a member of the National Penitentiaries Subcommittee and observed at firsthand the tremendous influence he has had on the development and direction of our Federal prison system. His humane, yet realistic approach to the problems within his jurisdiction has won for the Bureau of Prisons the respect and regard of all who are concerned with the administration of criminal justice.

In reviewing Mr. Bennett's service, I could do no better than cite the announcement of the Department of Justice. He has, the Attorney General noted, made a "historic contribution to justice in America" for which the Nation will always be grateful. The New York Times commented editorially, Mr. Bennett is "one of the most farsighted men in the enforcement of criminal law. Mr. Kennedy spoke, if anything, with understatement when he called Mr. Bennett a man of 'rare compassion, intelligence and skill.' "

I ask unanimous consent to insert at this point in my remarks the Department of Justice announcement of Mr. Bennett's retirement.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

Mr. Bennett drafted the legislation establishing the Bureau of Prisons in 1930 and was appointed an assistant director of the Bureau at that time. He became Director in 1937, succeeding Sanford Bates, and has been its Director ever since.

Since the establishment of the Bureau, it has grown from 5 to 31 major installations and now has 22,000 prisoners, 6,000 employees, and an annual budget of $70 million.

Mr. Bennett has been responsible for countless innovations and reforms which have made the Federal Prison System a model not only for State correction systems but also for those in other countries.

In addition to the reforms leading to the establishment of the Bureau, he drafted legislation establishing Federal Prison Industries, Incorporated, an inmate-staffed complex whose sales have grown from about $4 million in 1934, its first year, to $40 million last year.

He has been largely responsible for the enactment of a number of sentencing and correction acts. One is the Youth Corrections Act of 1950, permitting courts to take more effective rehabilitation action through discretionary sentencing.

Another is the Omnibus Sentencing Act of 1958, permitting courts to tailor sentences to the progress inmates make toward rehabilitation.

One of Mr. Bennett's most recent undertakings has been the system of prerelease guidance centers, first established in 1961. In these "halfway houses," located within major cities, youthful offenders serve the last few months of their sentences while working at regular jobs and receiving counseling on their readjustment to society.

Mr. HRUSKA. Mr. President, in addition to the pioneering legislation in the field of penology with which he has been associated, I cannot fail to mention one other bill Mr. Bennett helped design. This is the Criminal Justice Act, which awaits the President's signature this week. Perhaps no other piece of legislation so well illustrates his broad concern for the problems of poverty and the administration of criminal justice. For a quarter of a century Mr. Bennett has urged and worked for a measure of this kind, which will better assure an adequate defense of indigents accused of Federal crimes. It is both fitting and gratifying that this proposal in which he believed so deeply will become public law within a week of his retirement.

Earlier this year the National Penitentiaries Subcommittee compiled a selection of Mr. Bennett's writings and published them under the title "Of Prisons and Justice." The title is most appropriate, for as prisons are his work, justice has been his objective. By perusing the amazing scope of articles, the reader cannot escape the realization that many reforms in the criminal law largely evolved from the forward looking efforts of Mr. Bennett. The book is a remarkable testament to his devotion to the cause of criminal justice.

I share the splendid sentiments of the Washington Post as expressed in its recent editorial about Mr. Bennett. I ask unanimous consent, Mr. President, to print at this point in my remarks the editorial entitled "Well Done."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WELL DONE

Few men in public life have earned the accolade "Well done" more fully than James V. Bennett, who is retiring this month as Director of Federal Prisons. In the 27 years that he has held this position Mr. Bennett himself has become a Washington institution. We surmise that almost everyone who knows him has come to regard him as a sort of ultimate authority on prison management and prison reform and on the baffling human problem of transforming criminals into useful members of society.

Probably the greatest tribute that will be paid to Mr. Bennett as he steps down from his exacting responsibility will be the regrets and good wishes he is receiving from the men he has kept in prison. This high regard for him among the prisoners themselves does not stem from any "coddling" or any belief that he is "soft" on crime. Inmates of the 31 Federal penal and correctional institutions know that they are run with hardheaded efficiency. But they also know that the Director of the system has a personal interest in their welfare, that they will be treated with the utmost fairness and that the aim of the system is to give them a new chance in a law-abiding society.

Mr. Bennett has earned special distinction for his sponsorship of the Youth Corrections Act of 1950 and for his indefatigable efforts to save young offenders from criminal careers. He has sought to keep the light of hope still burning in the hearts of even the most desperate law violators and to help them develop skills that can give them a new orientation in the world of free men. At the same time he has exerted a highly constructive influence on the public attitude toward released prisoners.

Mr. HRUSKA. Mr. President, because of its mandatory age requirements, the Federal Government is retiring one of its most able leaders. Beyond that, the course of social justice is losing a courageous and compassionate champion. Mr. Bennett's contributions are happily not ended, however. By his agreeing to remain as a consultant, we can look forward to his continued service and, consequently, to continued progress in the field of penology.

VERNON R. ALDEN: A GREAT OHIO LEADER

Mr. YOUNG of Ohio. Mr. President, the war on poverty aims at helping Americans break away from the cycle of poverty and join the mainstream of American life. We cannot close our eyes to the paradox of poverty amidst plenty in our Nation.

A great step forward toward eliminating poverty in our country was taken when the Congress by an overwhelming vote in both Chambers passed the Economic Opportunities Act of 1964. Very shortly we shall also pass the Appalachia bill which will bring to the inhabitants of the 10-State Appalachian area some of the benefits and opportunities which the rest of us have enjoyed.

Many have said that the poor are always with us. It is now time to say that our belief in a better life for every American is always with us, and that we are willing to work toward that goal.

One American who has performed outstanding service to his nation in this effort is Vernon E. Alden, president of Ohio University in Athens, Ohio, one of the great institutions of higher learning in our Nation.

For many months now, Dr. Alden has been devoting 1 day a week as chairman of an advisory task force to set up the Job Corps in the antipoverty bill. In this capacity he was one of the chief advisers to the President in helping to shape the nationwide war on poverty.

Since passage of the Economic Opportunities Act of 1964, Dr. Alden has been devoting a part of his time, talent, and energy to the Appalachia bill now pending before the Congress. The Ohio University president will head a meeting of college and university presidents from the 10 States involved. These men will consider what they, from their special positions, can contribute to the Appalachia program. In this capacity President Alden will be very much representative of the people of southeast Ohio.

Mr. President, it is amazing that some Members of the House of Representatives who oppose these legislative proposals would criticize Dr. Alden's participation in these programs.

They say that those like President Alden who give their time and energies—with dedication and without pay—are "taking too much time away from Ohio." These are the very people who say the local and State communities should undertake these colossal tasks. Then, they find it improper for a great university president, a leader in their own State, to contribute his knowledge and a small part of his time in helping cure a serious ill in our Nation. In my judgment, these Ohio Members of the other body—and I refer to Representatives DEVINE and ABELE—are dead wrong in their highly partisan comments regarding this farsighted educator.

I commend President Alden of Ohio University as a fine example of how the war on poverty will be won. Through the efforts of this Ohioan, and many others like him, the people of my State will help shape and wage this mid-20th century battle against human suffering.

Mr. President, I ask unanimous consent that an Associated Press article entitled "Ohio University's Alden Claims Full Backing of Trustees" be printed in the RECORD at this point as part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OHIO UNIVERSITY'S ALDEN CLAIMS FULL BACKING OF TRUSTEES

ATHENS, OHIO.—Ohio University President Vernon R. Alden said Wednesday he has the full backing of university trustees in his nonpaying post as a special poverty adviser to President Johnson and added "doesn't understand" published reports criticizing his activities.

Representative SAMUEL L. DEVINE, Republican, of Ohio, suggested that trustees call in Alden and ask him to explain charges by another Ohio Republican, Representative HOMER ABELE, that Alden tried to pressure him to vote for the poverty and Appalachia aid bills.

Alden, who is vacationing in Massachusetts, said:

"I don't really understand Congressman DEVINE'S suggestion."

Alden has been serving 1 day a week as chairman of the Johnson task force to set up a Federal Job Corps under the antipoverty bill which was passed this week by Congress.

In a statement issued by Athens, Alden said:

"When President Johnson asked me to give a day a week to help plan the Job Corps, this request was fully discussed by our board of trustees and approved. Also when Governor Rhodes asked me to serve as chairman of the Ohio Valley Regional Development Council, our trustees encouraged me to accept.

"I believe that both these activities are very much in the interest of the people of southeast Ohio and of the university."

Alden, who said he is leaving his post as Job Corps adviser now that the bill has passed Congress, has been flying to Washington weekly since Johnson asked him to serve.

DEVINE charged that Alden was spending too much time away from the university.

ABELE accused the university president of trying to pressure him to vote for the poverty bill.

The Ohio Congressman who termed the poverty bill "an awkward attempt * * * to pull the political hat trick," joined the State's 17 other Republicans in voting against the bill.

POVERTY BILL WILL SHOW THE WAY

Mr. YOUNG of Ohio. Mr. President, President Johnson's antipoverty program marks the beginning of a national commitment to deal with the cruel paradox of poverty amidst plenty in our Nation. It is not a program to support the poor, but to give them a real opportunity to develop their skills and talents and to contribute to and partake of the promise and wealth of America.

The Economic Opportunities Act of 1964, passed in both Houses of Congress by an overwhelming vote, embodies a sound and comprehensive program to eliminate poverty. Its effects will be felt before the end of this year in depressed areas, in migratory labor camps, in city slums, and elsewhere where up to now Americans have lived without hope or needed help.

Among those who will benefit greatly from this legislation will be underprivileged youth now confined and condemned to slum life in cities such as

New York, Chicago, Baltimore, and, in my State of Ohio, Cleveland.

On August 3, an editorial appearing in the Cleveland Press, one of America's outstanding newspapers, pointed out the ways in which the poverty program would help Cleveland. It stated:

> Greater Clevelanders could be benefited by every aspect of the measure.

Mr. President, I am proud to have supported and voted for this program which will mean so much to the poor and often forgotten of my State and of the Nation. I ask unanimous consent that the editorial in the Cleveland Press, entitled "Poverty Bill Would Help Cleveland," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> [From the Cleveland Press, Aug. 3, 1964]
>
> POVERTY BILL WOULD HELP CLEVELAND
>
> President Johnson's antipoverty bill moves to the floor of the House this week. Representatives from Greater Cleveland would be doing their constituents a service by helping its passage.
>
> The Senate has already cleared the measure.
>
> While no perfect answer is available for wiping out poverty in the United States, Johnson at least has offered a beginning. His program has been called the most comprehensive ever designed to help the poor and illiterate.
>
> It is a massive approach to the school dropout problem and Cleveland public schools stand to benefit under the program.
>
> In some respects the poverty struggle will resemble the present Community Action for Youth effort being carried on in the Hough area.
>
> The bill also would create a Job Corps through which 40,000 young men and women would be given training and further education, a work-study program to aid needy college students and a work-training program to keep a hoped-for 200,000-teenagers from dropping out of school.
>
> Greater Cleveland could be benefited by every aspect of the measure. It has been estimated that Ohio would get $12,700,000 in Federal aid in the first year of the program. Chief benefactors of course will be youth—stumbling, ill-advised, ill-educated youth.
>
> As President Johnson said, "This program will show the way to new opportunities for millions of our fellow citizens. It is a struggle to give people a chance."

A BAD PENNY ALWAYS RETURNS

Mr. MUNDT. Mr. President, will the Senator from Alabama yield?

Mr. SPARKMAN. I yield to the Senator from South Dakota.

Mr. MUNDT. Mr. President, I presume that if these remarks were to bear a heading, that heading would be "A Bad Penny Always Returns." And when a penny has become red with concealment and disuse, it returns with vengeance.

Last night President Johnson said he wanted to put an end to riders by night and an end to violence in the streets by night. Certainly, every Member of this body wants that to eventuate, but it seems to me the time has come when the kinds of civil disobedience and public rioting and threats to life and property which have been taking place within the past few months have reached the stage where they call for something besides lipservice, something besides news releases, something besides pious declarations. First of all, we ought to discover what is behind the riots, and, second, we ought to do something effective to stop them. Law and order should be restored in the United States.

It was well and good—and the Senate approved with only one dissenting vote—that the United States should strike at the nests of communism in North Vietnam after they had brazenly attacked our ships in the seas off Vietnam. This is good, but it is not enough. We should start striking at the causes of the disruptions and riots taking place in the streets of America and in our fine cities and communities.

These riots are not the spontaneous affairs we have been led to believe they are. There are reasons behind them. One reason, as usual, when we have internal strife in this country is the long tentacles of international communism moving into the domestic areas of America.

In last night's Washington Evening Star this double column heading appeared: "Peiping Urges Negroes in United States to Street War." It is an Associated Press article written by William L. Ryan. Let me read a part of it, because it deals with an old American "bad penny," a Red one, who was employed, unhappily, by previous Democratic administrations and given high positions in offices in which he had great access to confidential information, and was instrumental in injuring our American strength and security.

Since this Communist agent, who held office under past Democratic administrations, was permitted to escape punishment after we discovered who he was, identified him, and exposed him, we find now that we are suffering from the dregs of such inaction and ineptitude, because he has come back to help disrupt America at home and to destroy our fair reputation abroad.

Let me read the story by Mr. William L. Ryan, because it brings back some nostalgic and some highly unpleasant recollections to the senior Senator from South Dakota:

> Broadcasts from Red China have been pouring out a torrent of advice to American Negroes to take to the streets in armed revolutionary violence and even guerrilla war.

Who among us will deny that these results have eventuated and are even now taking place in some of the great metropolitan areas of America?

I read on:

> The Chinese claim Negro violence in America must be encouraged in the name of "the national liberation movement."
>
> Peiping has enlisted a man called Frank Coe. A Frank Coe once was a target of a U.S. Senate investigation for alleged spying on behalf of international communism. He had been a high-paid secretary of the International Monetary Fund in the late 1940's.

Mr. Ryan was almost correct, in that Mr. Coe was indeed the subject of a congressional investigation. I hold in my hand the only remaining available copy of the hearings entitled "Hearings Regarding Communist Espionage in the U.S. Government," conducted from July 31 through September 9, 1948.

Here Mr. Ryan was slightly in error. They were conducted not by the Senate, because in those unhappy days the Senate did not even have a committee for the investigation of communism. It was conducted by the House Un-American Activities Committee, at a time when I was serving as its acting chairman. Therefore, I recall pretty well what transpired concerning Mr. Coe. I shall allude to that a little later. I continue to read from the article:

> Just a year ago, China's Mao Tse-tung issued a declaration urging "the world's people"—meaning the Communists—to move in on the U.S. situation. Peiping now uses its advocacy of violence in America as a club in its ideological war with the Soviet Communists.
>
> The Chinese want nonwhite people in Africa, Asia, and Latin America to believe Peiping is their only true friend. Red China is trying to shut the Russians out of Asia and take over revolutionary causes—the "national liberation movement"—in all underdeveloped areas.
>
> EXHORTS TO VIOLENCE
>
> Last week, to commemorate the first anniversary of Mr. Mao's declaration, a series of rallies was held in China. One speech was delivered by "American comrade Frank Coe," as Peiping radio described him.

Parenthetically, not from Mr. Ryan, but from the senior Senator from South Dakota, this is the same Mr. Coe who was a former Communist employee of the U.S. Government.

I continue the article:

> Mr. Coe noted that Mao's declaration was widely distributed among Negroes in the United States. He told the rally American Negroes "are beginning to talk more and more about armed self-defense, about fighting for freedom by any means necessary, about guerrilla warfare and civil war."
>
> Mr. Coe said true Marxist Leninists "advocate armed self-defense," and "liken the stand of nonviolence to that of Khrushchev." He accused pro-Khrushchev Communists in America of counseling Negroes to stop their violence.
>
> Mr. Coe praised William Epton, the 32-year-old leader of the "Progressive Labor Movement," which he has said is financed by Red Chinese money.

Mr. President, this ought to be interesting to those who are saying, "We ought to stop the violence in the streets. My goodness, things are getting awful. People cannot even walk up and down the avenues of our large cities without being attacked at night. Law and order has broken down. We ought to stop it."

Mr. Coe's report suggests that one way to stop it is to contact the law enforcement officials and talk to them about the Communists in this country perpetuating communism, and precipitating riots.

Here we have a former governmental official, Frank Coe, now working for Mao Tse-tung, a comrade all the way, with Moscow in 1948 and now with Peiping in 1964. He says Mr. Epton is being financed by Red Chinese money.

The article continues:

> Epton has been indicted for criminal anarchy in New York.

Apparently Mr. Epton will not be available for a few days to continue his efforts, but it is logical to assume that someone else—perhaps one of his associates—will be picking up those Chinese shekels and will continue to carry out the moves and instructions of the Communist-created riots as long as we do nothing to prevent them, or expose the fact that communism is behind a great many of these terrible street demonstrations which are taking place. The Federal Government had better be doing something more effective about it than deploring the fact that it is taking place.

Riots too long continued in America in certain areas can spread to total anarchy in some other municipal areas.

From all this we might draw a lesson. Some people—and good people—in this country do not believe in congressional investigations of communism. They would downgrade such investigations, and would attack the committee members who engage in them.

I was acting chairman of the committee back in the days of Alger Hiss, Whittacker Chambers, Elizabeth Bentley, and Frank Coe. I suffered my fair share of inspired leftwing criticism in those exciting days.

One of those who was exposed at those hearings in 1948 was Lauchlin D. Currie, who is now in South America, in Colombia, helping Communist activities down there I presume to destroy the benefits received from American aid.

But, let me return to Mr. Coe. At page 916 of the hearings he was quoted as testifying that he had been the secretary of the International Monetary Fund, which position he still held at that time, in 1948.

It is rather curious what Communists can do when they get into these high governmental positions. Here we note that Coe was secretary of the International Monetary Fund. In that capacity he helped in the thoroughly disgraceful manner in which our Government contributed to the fall of Nationalist China, by depreciating its currency and withholding aid, at the time the Nationalist Chinese had a chance to defend themselves from the attacking Communist forces from the North at the close of World War II.

Not being content with doing that, Coe is now employed by Mao Tse-tung as one of his spokesman and public relations officials in helping to promote the global program of the communism espoused by the Red Chinese, and is now trying to get even with his former employer, the American Government, by inciting riots, and funneling money into this country, and bragging about it and naming some of the people who have received the money in order to create a bad impression at home and a bad impression abroad.

A bad penny does indeed return. Especially a Red one.

Perhaps we should look again at the Otepka case, and ask ourselves whether we are moving into a situation, 5 or 6 or 8 years from now, when it will develop that what Otepka said was right, and ask ourselves whether it is no better to punish people at whom the finger of guilt is pointed, instead of punishing security officers like Otepka. Instead of catching the wrongdoers it appears we now prefer to shoot the watchman.

I wonder if someday we will read another story of Communist infiltration like the one it was my sad duty to put in the Record today. It frightens me to read how our security rules are being relaxed to how identified security risks of the past are finding their way back on the Federal payroll.

I ask unanimous consent, because this is the only remaining copy of the hearings which I have been able to locate, to place in the Record at this point the testimony of Frank Coe when he appeared before the committee which I was chairing, accompanied by Counsel O. John Rogge.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

TESTIMONY OF FRANK COE, ACCOMPANIED BY COUNSEL O. JOHN ROGGE

Mr. Coe. Mr. Chairman, I have a statement I would appreciate giving if the committee will allow me.

Mr. Stripling. Just a moment, Mr. Coe. The committee will be glad to receive your statement, but we would like first to get you identified on the record.

Will you please state your full name and present address?

Mr. Coe. My full name is Virginius Frank Coe, but for a number of years I have not used the first name. My address is 1918 North Roosevelt Street, Arlington, Va.

Mr. Stripling. When and where were you born, Mr. Coe?

Mr. Coe. I was born in Richmond, Va., January 5, 1907.

Mr. Stripling. Were you ever employed in the Federal Government?

Mr. Coe. Yes, sir; I was, several times.

Mr. Stripling. Is that covered in your statement?

Mr. Coe. No; it is not.

Mr. Stripling. Would you outline to the committee your Government service?

Mr. Coe. I will be glad to. I was first employed in the Federal Government as a temporary consultant in the Treasury in 1934 for several months. Although I was offered employment then and subsequently in the Federal Government, I left it at that time and did not return permanently until 1939 mainly for the reason that at that time I did not like the conditions of work.

In 1936 I was also a consultant for a brief time in the Treasury and again in 1939. Toward the end of 1939 I was appointed financial adviser to the Federal Security Administrator. I served in that position until the middle of 1940, when I accepted an assignment to form a fiscal staff in the National Defense Council or to help form such a staff.

After several months there I was offered the position of Assistant Director of the Divisions of Monetary Research in the Treasury. That would have been in the fall or late fall of 1940.

All of these dates are approximate. I served in the Treasury until the end of 1941. In the middle of that period of service I was sent to London and became a special assistant to the U.S. Ambassador in London, Winant.

I returned to the Treasury and after several months left it. Beginning in 1942 and through 1942, 1943, 1944, I served on the staff of the Board of Economic Warfare and its successor agencies, serving as assistant to the Executive Director of the Board and later as Assistant Administrator of the Foreign Economic Administration, which was formed by an amalgamation of several agencies.

In the beginning, I believe it was, of 1945 I was offered a position as Director of the Division of Monetary Research in the Treasury Department, in which position I served until I left the Federal Government in June 1946.

At that time I became secretary of the International Monetary Fund, which position I still hold.

Mr. Stripling. You have a statement, Mr. Coe?

Mr. Coe. Yes, sir.

Mr. Stripling. Mr. Chairman, I suggest that he read his statement at this point if it is agreeable.

Mr. Mundt. I think he should be permitted to read his statement.

Mr. Coe. On August 5 I telegraphed your chairman asking to appear before the committee and testify under oath. I wish to say that the allegation which Miss Bentley apparently made to this committee about my being a member of a Communist espionage group is entirely false. I do not know Miss Bentley, and to the best of my knowledge I have never seen or talked with her. I have never been a member of such a group as she has described. I have never been a member of the Communist Party. I have not followed the line of that party nor, for that matter, the line of any political party or group. I have never given official information to any person known to me to be a member of the Communist Party or an agent of the Soviet Union. To the best of my knowledge I have never given official information to any unauthorized person.

One of the members of this committee has been reported as saying that these hearings would leave the decision to public opinion. If public opinion is to decide, surely the committee ought to hear witnesses on behalf of the accused. Such witnesses should be heard and cross-examined, and Miss Bentley should likewise be cross-examined. The public would not find such testimony as exciting as the original accusation, but at least all the facts would be available.

I understand that this committee has previously decided against using such procedures on the ground that, though they may be incumbent on a court, they are not desirable for a legislative committee. It seems to me, however, that this committee does in fact function as a criminal court. Before this committee there are accusers and accused, just as in a court. The accused are punished. The grave and sensational charges which are made here are given wide publicity, and that is a cruel punishment. It hurts the accused, his family, and his frends and associates.

The peculiarity of this court is that all who are accused before it are punished—the innocent and the guilty alike. Under the present methods of the committee, that result is inevitable. As the committee knows, these views are held by many people. I hope they will be given consideration.

I wish to thank the committee for allowing to make this statement.

I am now prepared to answer any questions.

Mr. Stripling. Mr. Coe, do you know John Abt?

Mr. Coe. John Abt was at the University of Chicago when I was a student there. I believe I met him at that time. I may have met him in Washington, but I do not believe so.

Mr. Stripling. Do you know Solomon Adler?

Mr. Coe. Yes, I do. I met him at the Brookings Institute in 1933 or 1934. He worked with me in the Treasury and I have seen him from time to time.

Mr. Stripling. Do you know Norman Bursler?

Mr. Coe. I may have met Norman Bursler when he did some work in the Justice Department, but I cannot recall.

Mr. Stripling. Do you know Lauchlin Currie?

Mr. Coe. Yes; I have known Lauchlin Currie. He and I were members of the same staff in the Treasury Department in 1933. I worked under him and I have seen him from time to time.

Mr. Stripling. Do you know Edward J. Fitzgerald?

Mr. Coe. I know Edward J. Fitzgerald. He worked on a staff which I supervised. I have seen little of him.

Mr. Stripling. Do you know Harold Glasser?

Mr. Coe. Yes. Harold Glasser was at the University of Chicago at the same time as I and I knew him in the Treasury Department.

Mr. Stripling. Do you know Sonia Gold?

Mr. Coe. Sonia Gold worked in the Division of Monetary Research. She was employed there when I came.

Mr. Stripling. Do you know Bela Gold?

Mr. Coe. Bela Gold was employed in an office which I supervised at the Foreign Economic Administration.

Mr. Stripling. Do you know Jacob N. Golos?

Mr. Coe. No.

Mr. Stripling. Do you know Joseph B. Gregg?

Mr. Coe. No; to the best of my knowledge.

Mr. Stripling. Do you know Michael Greenberg?

Mr. Coe. Michael Greenberg was on the payroll of the Board of Economic Warfare and I knew him at that time.

Mr. Stripling. How well did you know him?

Mr. Coe. Not very well. He was assigned from an office which I supervised to work with Mr. Currie. I saw little of him and after a time that arrangement was discontinued.

Mr. Stripling. Do you know Maurice Halperin?

Mr. Coe. I do not believe so.

Mr. Stripling. Do you know Alger Hiss?

Mr. Coe. I have met Alger Hiss but know him only slightly.

Mr. Stripling. How many times have you met him?

Mr. Coe. I have never met him except to bump into him in some other company I should say two, three, not more than four or five times.

Mr. Stripling. Do you know Julius J. Joseph?

Mr. Coe. Not to the best of my knowledge.

Mr. Stripling. Do you know Charles Kramer?

Mr. Coe. Yes, I have met him. He called on me in the Treasury in 1945 once or twice in connection with some investigation, but I don't know him otherwise.

Mr. Stripling. Do you know Irving Kaplan?

Mr. Coe. Irving Kaplan I knew first in 1939, I believe. He was assigned by another agency to make a study of the wage records of the Federal Security Agency. I saw him from time to time and later in 1944, I believe it was, he was employed in the Foreign Economic Administration.

Mr. Stripling. Do you know Duncan C. Lee?

Mr. Coe. To the best of my knowledge, I have never met him.

Mr. Stripling. Do you know Solomon A. Lischinsky?

Mr. Coe. I met Solomon Lischinsky once or twice I believe at the time UNRRA was winding up. He came to the Foreign Economic Administration or the Treasury Department for that employment. Otherwise I don't know him.

Mr. Stripling. Do you know Harry Magdoff?

Mr. Coe. I have met Harry Magdoff once or twice only.

Mr. Stripling. Robert Miller, III?

Mr. Coe. Robert Miller is a parent at the school where my children go and I have met him there.

Mr. Stripling. Do you know Willard Z. Park?

Mr. Coe. To the best of my knowledge, no.

Mr. Stripling. Do you know Victor Perlo?

Mr. Coe. Yes; I knew Victor Perlo slightly as an economist in the Government and in 1945, I believe it would have been, he was employed in the Division of Monetary Research when I directed it.

Mr. Stripling. Do you know Mildred Price?

Mr. Coe. To the best of my knowledge, I have never met her.

Mr. Stripling. Do you know William W. Remington?

Mr. Coe. I don't believe I ever met him.

Mr. Stripling. Allan Rosenberg?

Mr. Coe. Allan Rosenberg was an attorney in the Foreign Economic Administration—in the Board of Economic Warfare and held other positions in the Foreign Economic Administration, and I knew him there.

Mr. Stripling. Do you know Abraham G. Silverman, George Silverman?

Mr. Coe. Yes; I first met Silverman in 1943, I believe, at the Brookings Institution, knew him subsequently in Washington, and knew him socially.

Mr. Stripling. Do you know Nathan Gregory Silvermaster?

Mr. Coe. Yes; I knew Nathan Gregory Silvermaster first, I think, in 1939. I believe I met him through Mr. Ullmann, who was at the Treasury when I was there. At that time, in 1939 and 1940 we knew each other socially and I have seen him from time to time since.

Mr. Stripling. Do you know William H. Taylor?

Mr. Coe. William H. Taylor was employed in the Division of Monetary Research at two times when I was there. He is presently a member of the International Monetary Fund.

Mr. Stripling. Do you know Helen B. Tenney?

Mr. Coe. I don't believe I ever met her.

Mr. Stripling. William L. Ullmann?

Mr. Coe. William L. Ullmann was employed in the Treasury when I was there in 1939. I saw him then.

Mr. Stripling. You were the supervisor, were you not?

Mr. Coe. I beg your pardon?

Mr. Stripling. Were you his supervisor?

Mr. Coe. I may have been his supervisor. Not at that time, no, sir.

Mr. Stripling. Were you ever his supervisor?

Mr. Coe. In 1945 I was his supervisor because I directed the division. In 1941 I was an assistant director of the division and certainly to some extent was his supervisor.

Mr. Stripling. Do you know Donald N. Wheeler?

Mr. Coe. Donald N. Wheeler, I believe, was at the Treasury in 1939, 1940, or 1941 for a brief time and I saw something of him then.

Mr. Stripling. And you know Dr. Harry D. White?

Mr. Coe. Yes. I entered the Government at the same time and worked with him at various other times.

Mr. Stripling. I have no questions, Mr. Chairman.

Mr. Coe. Mr. Chairman, I wonder if I may say something about the question of knowing in the Government. A long list of names has been read to me, as it has been before, and I have previously testified under oath, waived immunity, and testified under oath concerning these things.

Mr. Stripling. Where was that, Mr. Coe?

Mr. Coe. That was before a grand jury. I would like to say first that any minor discrepancies in my statement on various occasions are unintentional. I am speaking now as to my best recollection. I cannot recall details about persons or dates about persons.

Mr. Mundt. I take it that wouldn't hold for your printed statement?

Mr. Coe. No, sir. I thought about that quite carefully. The second point I want to say especially, in view of the allegation that these people comprised a group, is that so far as I can see these were never a group in any shape or form. They never acted as a group. As the testimony before you shows, some knew each other and some did not. The nearest they ever came to being a group, to my knowledge, was in the playing of volleyball. They used to meet, or a number of these people used to go out Sundays and play volleyball. I personally didn't do it because I didn't get up that early. On the one or two occasions I did go out, I saw some and not others. I could, if it were of any relevance——

Mr. Stripling. Just a moment, Mr. Coe. I would like to ask you: Are you thoroughly familiar in detail with the lives of these people? Can you testify as to whether or not they are a group?

Mr. Coe. I am testifying as to my knowledge and experience of them.

Mr. Stripling. How complete is your knowledge and experience of them?

Mr. Coe. I am willing to go into that with regard to any one of them. I am saying first, especially since I have been alleged——

Mr. Stripling. Just a moment. How many times have you been to the home of Nathan Gregory Silvermaster?

Mr. Coe. In 1939 or 1940, I suppose I was there 10 or 12 times.

Mr. Stripling. How many times was he at your home?

Mr. Coe. Several times.

Mr. Stripling. And how many times were you at the home of John Abt?

Mr. Coe. Never.

Mr. Stripling. Never there?

Mr. Coe. No.

Mr. Stripling. Was he ever at your home?

Mr. Coe. No.

Mr. Stripling. Where did you meet him?

Mr. Coe. At the University of Chicago.

Mr. Stripling. How many times?

Mr. Coe. That was 20-some odd years ago. I should think——

Mr. Stripling. You are not too familiar with his habits, then, are you?

Mr. Coe. No, sir; I may say I am talking particularly——

Mr. Stripling. To continue, Solomon Adler—do you know him?

Mr. Coe. Yes, sir.

Mr. Stripling. How many times have you seen him?

Mr. Coe. I must have seen him a hundred times.

Mr. Stripling. At your home?

Mr. Coe. Sometimes.

Mr. Stripling. Have you been to his home?

Mr. Coe. Yes, sir.

Mr. Stripling. How about Norman Bursler?

Mr. Coe. I have seen almost nothing of him.

Mr. Stripling. You are not familiar with him. You couldn't speak for Mr. Bursler whether he comprised a group or not?

Mr. Coe. I can speak to this effect. This is the effect I am speaking to: So far as I can say from my acquaintance with these people——

Mr. Stripling. Now, these people——

Mr. Rogge. I object to this interruption.

Mr. Coe. As far as I can see, these people did not comprise a group.

Mr. Mundt. Just a moment.

Mr. Stripling. I want to find out, Mr. Chairman——

Mr. Mundt. You have indicated of your own volition that you knew a great deal about how these people acted, where they went, where they played, where they gathered together. I think counsel is perfectly within his rights to interrogate you specifically about them. You brought the matter up. Go ahead, Mr. Stripling.

Mr. Stripling. Lauchlin D. Currie?

Mr. Coe. I have seen him in work capacity and socially.

Mr. Stripling. How many times socially and during what period?

Mr. Coe. I saw most of Lauchlin Currie in the period 1939 through 1947. I would see him for lunch from time to time and from time to time I would go to his house. At times he would come to mine.

Mr. Stripling. Edward J. Fitzgerald?

Mr. Coe. Edward J. Fitzgerald I have seen little of.

Mr. Stripling. Harold Glasser?

Mr. Coe. Harold Glasser I knew as a student at the University of Chicago. I knew him when I was employed at the Treasury Department in 1939 and at other times. I should say I have seen a good deal of Harold Glasser.

Mr. Stripling. Sonia Gold?

Mr. Coe. Sonia Gold I knew only in 1945, I believe, when she worked in the Division of Monetary Research, and I saw her from time to time as a supervisor of her work.

Mr. Stripling. Michael Greenberg?

Mr. Coe. Michael Greenberg I saw several times.

Mr. Stripling. How many times?

Mr. Coe. Perhaps six, perhaps a dozen.

Mr. Stripling. You said several. A dozen is quite——

Mr. Coe. I must have seen Michael Greenberg—I can't remember the year when I saw him—he was employed in the Foreign Economic Administration or Board of Economic Warfare, one or the other.

Mr. Stripling. About when?

Mr. Coe. I should think it was 1943 but I am not sure.

Mr. Stripling. You are not sure what year?

Mr. Coe. No.

Mr. Stripling. You only knew him this one particular year?

Mr. Coe. That was the only time I knew him.

Mr. Stripling. How about Maurice Halperin?

Mr. Mundt. Before we leave Mr. Greenberg, as I recall your earlier testimony about him, you said something about the relationship or the arrangements being terminated. I didn't know what that referred to. You were talking about Mr. Greenberg at that time?

Mr. Coe. As I recall, he was assigned as an assistant from our agency to Mr. Currie, who was then at the White House on the staff. After some time that arrangement was terminated, I believe, by Mr. Currie because Mr. Currie found he did not need an assistant, or for some other reason, I don't recall. I believe that later in a rearrangement of the FEA or the BEW he was shifted, but I do not recall.

Mr. Stripling. Alger Hiss?

Mr. Coe. I have said only several times.

Mr. Stripling. Julius J. Joseph?

Mr. Coe. To the best of my knowledge, not at all.

Mr. Stripling. Charles Kramer?

Mr. Coe. Once or twice in the Treasury Department only, I believe.

Mr. Stripling. Once or twice?

(Mr. Coe nods head in the affirmative.)

Mr. Stripling. Irving Kaplan?

Mr. Coe. Irving Kaplan, as I said, I first knew, I believe, in 1939 when he worked on some wage-and-hour figures of the Federal Security Agency where I was employed. At that time I saw a fair amount of him. I read his report and had to deal with him.

Mr. Stripling. Solomon Lischinsky?

Mr. Coe. Solomon Lischinsky I met once or twice, and I believe he was in to me about employment the last time I saw him.

Mr. Stripling. Harry Magdoff?

Mr. Coe. Very seldom.

Mr. Stripling. Robert T. Miller?

Mr. Coe. Robert T. Miller, to the best of my knowledge, I knew first as a parent at the school where my children are.

Mr. Stripling. Victor Perlo?

Mr. Coe. Victor Perlo I have met once or twice before I asked him to accept employment in the Division of Monetary Research. At that time I saw him as a supervisor whenever it was necessary.

Mr. Stripling. William W. Remington?

Mr. Coe. I don't believe I have met him.

Mr. Stripling. Allan R. Rosenberg?

Mr. Coe. Allan R. Ronsenberg was acting in the general counsel's office at the Board of Economic Warfare at the time I was employed there. I saw him then. He was also in various positions in the Foreign Economic Administration, and I saw him.

Mr. Stripling. I mean after hours, after working hours. How often did you see these people?

Mr. Coe. Ask me about each one, and I will be glad to tell you.

Mr. Stripling. In asking for information I am trying——

Mr. Coe. I believe I seldom, if ever, saw Mr. Rosenberg after working hours.

Mr. Stripling. You did not play volleyball during working hours; did you?

Mr. Coe. As I have said, I was not a volleyball player.

Mr. Stripling. You brought up the fact that these people probably got together only to play volleyball.

Mr. Coe. I said that the group—and I was speaking of the group about which Bentley made an allegation concerning me——

Mr. Stripling. Which group?

Mr. Coe. That was the Silvermaster group.

Mr. Stripling. All right.

Mr. Coe. I said that so far as I knew the only way in which it could be said that those people acted as a group was in the playing of volleyball and even there several of the people she mentioned were never, in my judgment, or rarely present, and I was one of them.

Mr. Stripling. How about George Silverman?

Mr. Coe. George Silverman I know well; saw socially a good deal of.

Mr. Stripling. Nathan Gregory Silvermaster?

Mr. Coe. Nathan Gregory Silvermaster I saw in 1939 and 1940 a good deal socially. Thereafter I saw him from time to time, but infrequently.

Mr. Stripling. Did you ever see any of the people mentioned on this list at Mr. Silvermaster's home?

Mr. Coe. I may have; I do not recall.

Mr. Stripling. You do not recall whether you ever met any of them or not?

Mr. Coe. The time when I was at Mr. Silvermaster's home, Mr. Chairman, was about 9 years ago now. It would not surprise me if I had seen some of them.

Mr. Mundt. Do you remember seeing Mr. Ullmann in Mr. Silvermaster's home?

Mr. Coe. I should say I could be almost certain of that.

Mr. Mundt. Certain that you did or did not?

Mr. Coe. I cannot remember but I am almost certain that he was there at that time, since I certainly know now and knew then that he lived there.

Mr. Stripling. William H. Taylor?

Mr. Coe. William H. Taylor I have not seen much of socially. During most of this period he has been abroad.

Mr. Stripling. Donald Wheeler?

Mr. Coe. Donald Wheeler I saw, as I stated, very little about 9 years ago—8 or 9 years ago.

Mr. Stripling. Harry D. White?

Mr. Coe. Harry D. White I worked for twice in permanent positions and kept in touch with and saw from time to time at lunches and to a certain extent socially.

Mr. Stripling. Mr. Chairman, I would say that with 18 names on the list his acquaintanceship with them was very casual.

Now, do you want to continue your statement about the group, Mr. Coe?

Mr. Coe. Yes, sir. I would like to say a couple of more things, if I may. I noticed that there was introduced here a telephone device for recording numbers, which indicated that my name was on a telephone device which Mr. Silvermaster used.

Following that I dug out or had my secretary dig out the same devices which were used in my office in 1945 and 1946. That is a time subsequent to Miss Bentley's apparent activity. I found on that list Silvermaster's name. I also found on one such device which was used in our office 266 names, on another 200.

The point I am making is that some of these people, according to my knowledge, were friendly to each other, some were not, some were thrown into juxtaposition by the nature of their work, some were not, and that inevitably in Washington, as everybody knows, you meet and know a great many people.

In saying that I do not wish to imply that in any way any of these people ever gave me any cause to doubt their loyalty to the U.S. Government.

Mr. Mundt. You do, however, corroborate that portion of Miss Bentley's testimony which goes to the effect that a great number of these people associated with Mr. Silvermaster did know Mr. Silvermaster rather intimately, so well in fact that they did move around in groups on hiking trips and volleyball games; and it would certainly seem conceivable that people who liked each other so well that they played volleyball together on Saturdays and Sundays and holidays might conceivably know each other so well they would meet together socially in the evening also. But at least you have provided one very interesting corroborative piece of evidence heretofore lacking, and that is that these people have been associating together in groups, volleyball groups, but nonetheless in groups.

Mr. Coe. Mr. Chairman, may I say that each is, of course, entitled to his opinion on that, but the one person—on the few times I was out to play volleyball, the one that I did not see there was Silvermaster.

Mr. Mundt. That is perfectly correct because the testimony was to the effect that these people associating together gave this material to Miss Bentley through Mr. Silvermaster.

Mr. Hébert. I think it might be well to point out to the witness—he has made a point of the telephone indicator which was introduced—it may be well to point out to the witness that it was quite necessary to introduce such a piece of evidence because with rare exceptions—and you are included among the rare exceptions—these men refused to talk on the ground that they might self-incriminate themselves.

Mr. Coe. Yes, Mr. Chairman. I was not making my point for that purpose. I was making the point for the purpose of indicating that I, at least, and I believe most other people who worked in fairly high positions in Government, had very extensive acquaintances in Government.

Mr. Hébert. There is no doubt about that. These people were brought in here and refused to answer questions. And it became incumbent on the committee to get the evidence the best way we could.

Also your reference to the Silvermaster group—at no time was it ever indicated in the testimony that this group of people got together for social activity or volleyball as a group. One possibly couldn't have known the other, as a matter of fact, if you want to place it that way. It was known as the Silvermaster group to designate the certain number of people in the group over which Silvermaster presided and through which the group contacted Miss Bentley through Silvermaster.

Mr. Coe. Mr. Chairman, I personally am unable to account for the behavior known to me of a number of these persons if they were members of a group in any such sense as alleged here. I know of differences between the men. I know of differences in the positions that they took on various crucial issues in the Government, which are nonexplicable to me on the grounds such as have been brought forward here.

Mr. Hébert. It is amazing to us also, Mr. Coe.

Mr. Stripling. Mr. Coe, I would like to ask you if you are acquainted with an individual by the name of Whittaker Chambers.

Mr. Coe. No, sir. To the best of my knowledge I have never met him.

Mr. Stripling. In 1935 or 1936 did you know an individual by the name of Henry Collins?

Mr. Coe. To the best of my knowledge I have never met him.

Mr. Stripling. Did you know an individual known to you only by the name of Carl. C-a-r-l?

Mr. Coe. I have never known anyone simply as Carl.

Mr. Stripling. That is all the questions I have.

Mr. Coe. Mr. Chairman.

Mr. Mundt. The committee may have some questions.

Mr. McDowell.

Mr. McDowell. Only one. Where did you play volleyball, Mr. Coe?

Mr. Coe. It was one of the sports, Mr. Congressman, that I excused myself from because it was on Sunday mornings. It was played in a public park, usually, as far as I know.

Mr. McDowell. Not the same place all the time?

Mr. Coe. I think it was generally the same place but, as I say, though often invited to the volleyball games, I usually did not get up even when Mr. White was my superior in the Government.

Mr. McDowell. Was it in a schoolyard somewhere or something of the kind?

Mr. Coe. It was in a public park somewhere on 16th Street, I believe.

Mr. McDowell. That is all.

Mr. Mundt. Mr. Hébert.

Mr. Hébert. No.

Mr. Mundt. I am a little bit puzzled, Mr. Coe, about the fact that you know so well and can remember so clearly the names of people who played volleyball together in the games at which you were seldom present, but your memory is so vague about the people who attended the Silvermaster home in the 10 or 20 times you said you were there.

Mr. Coe. No, sir. I say I believe and I have heard that a great many of these people played volleyball often together. I could not say on any specific occasion or I could not even swear to the ones who did not play among this rather extensive group. Some of the people and some of the people who are better known to the people did play, and so far as I knew, that was the time that they got together. I certainly knew Mr. White at intervals at certain times when I don't believe that during the day—I can't account for all of his days—but I have the impression that he was not seeing certain of these persons. It was true of some others. There were some years when they might have been seeing each other according, I would say, to the fortunes of the bureaucracy as to whether they were crossed, as to whether during that time they felt like having lunch with one another or did not. So it appeared to me.

Mr. Mundt. During the many times that you visited in the home of Mr. Silvermaster, were you ever in that very famous basement of his?

Mr. Coe. No, sir; to my knowledge, I was not. However, if I had been invited, I certainly would have gone down there.

Mr. Mundt. I wish you had gone. Maybe you could tell us what was in it. We are trying to find out.

Mr. Coe. Lest there be a contradiction in testimony, Mr. Chairman, on the many times in the Silvermaster home, our relationship diminished mainly because I moved to Virginia. I would corroborate certain testimony which has been given here that they were pleasant people, friendly, I thought very human people. Mr. Silvermaster never impressed me as having any undue interest in anybody else's job or activities. In fact, he talked an awful lot about labor and the report, or whatever the current operation would be that he was engaged in, and about general matters. That is my impression of the Silvermasters.

Mr. Mundt. Mr. Stripling.

Mr. Stripling. No questions.

Mr. Coe. Mr. Chairman, I have a request to make.

If Miss Bentley is here, I would like to ask her some questions.

Mr. Mundt. The position of this committee has been—and you explained it very clearly in your statement—that we are not functioning as a court, don't have the power, unfortunately, that a court does have, and so we have not made it a policy to cross-examine witnesses or to permit counsel to do so.

Had we the full authority of a court, certainly it would be easier to get down into the disputed evidence in this particular case. Since we do not have, we cannot adapt ourselves to part of the rules of the court without having the authority that goes with being a court. Unfortunately, we cannot accept your request.

Mr. Coe. Mr. Chairman, may I ask you to reconsider that on these grounds? My name was brought into this by Miss Bentley. She made a very distinct allegation about me. Perhaps she was the reason why over several years not only myself but my friends have been interrogated, and now she is certainly the reason for the very harmful publicity which I have received.

It seems to me only fair, since I believe the committee can adopt any procedures, that you allow me to ask her a few simple questions bearing on what I may have done or what she knows I did relating to any of the groups that she asserts she handled.

Mr. Mundt. Is that the extent of your renewed request?

Mr. Coe. Yes, sir.

Mr. Mundt. The Chair will have to rule the same way due to the unfortunate fact that while we can adopt rules of procedure, we cannot arrogate to ourselves the power of the court, since we do not have the authority of the court, in order to get the proper decorum and the proper rules of evidence and rules of perjury and the rules of contempt which go with court procedure. Certainly, we cannot adopt part of the procedure without having the authority which is essential if we are going to do that.

The witness is excused.

Mr. Coe. Mr. Chairman.

Mr. Mundt. Go ahead.

Mr. Coe. Might I state the questions and the answers?

Mr. Mundt. No.

Mr. Coe. Which I would have asked her.

Mr. Mundt. No; because you couldn't state the answers.

How could you state the answers?

Mr. Coe. The correct answers to the questions I would have asked her.

Mr. Mundt. I don't know what answers she would give.

If you want to read a series of questions, I have no objection.

Mr. Stripling. I don't believe he should be permitted to answer those questions, Mr. Chairman.

Mr. Coe. I am not answering for the witness; I am answering for myself.

Mr. Stripling. You have been given ample opportunity to make a statement covering any grounds you want to in your statement.

Mr. Mundt. Why didn't you put that in your statement?

Mr. Coe. Because it seemed to me it would be preferable to put it as questions to the witness. If I can't put it as questions to the witness, I would like to simply indicate the kind of questions. They are perfectly fair questions, in my judgment.

Mr. Stripling. Mr. Chairman, I don't think this procedure has ever been followed before a congressional committee, and I see no purpose in permitting the witness to establish a precedent. If he has additional statements, I think he should submit that for the record. He has had ample opportunity to be heard. I do not think this is the time to introduce novel proceedings before committees of Congress.

Mr. Coe. May I then, sir, make an additional statement?

Mr. McDowell. First, let me make a statement. I would like to point out, too, Mr. Chairman, that a subcommittee is now sitting. Any matter relating to a change in the procedure of this committee or any other committee of the House of Representatives should be before the full committee.

Mr. Mundt. There is no question about that. There is not any question also that we cannot, much as we would like to do that, get authority for ourselves of a court. It seems to me the witness' difficulty is, if he wants to make a statement, he should have made it when he had the opportunity.

Mr. Coe. May I then, sir, make an additional statement in view of your ruling?

Mr. Mundt. Does anybody have any objection to his additional statement?

Mr. Coe. Mr. Chairman, may I repeat my request?

Mr. Mundt. As soon as order is restored [referring to hurried exodus from the hearing room by a number of photographers].

Mr. Coe. Mr. Chairman, may I repeat my request to add to my statement?

Mr. Mundt. What is your request?

Mr. Coe. That I be permitted to make an additional statement.

Mr. Mundt. I think your additional statement should be made the same as your original statement, in writing; and if it is pertinent, you certainly can make it.

Mr. Coe. I don't have it in writing. I am prepared to give it orally.

Mr. McDowell. We will be here for quite a while.

Mr. Mundt. I suggest you prepare it and bring it in. If it is pertinent to the inquiry—we can't stay here for stump speeches by anybody.

Mr. Coe. No, sir; it is a statement which I believe would add, and the statements I would have based upon that would have added, to the committee's knowledge of the facts in this case; also the allegations that have been made.

Mr. McDowell. That is all right.

Mr. Mundt. I suggest then that you prepare it, submit it in writing, and if it is pertinent, we will permit you to make it. We will call you back when that time comes. The witness is excused.

Mr. Rogge. May I ask a question?

Mr. Mundt. No. We permit no questions by counsel. You may consult with your witness.

Mr. Rogge. No; I was going to answer one of Congressman Hébert's questions, but if that is not permitted, all right.

Mr. Mundt. It is not directed to you; it is directed to the witness.

Next witness.

Mr. Stripling. Donald Hiss.

Mr. Mundt. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Hiss. I do, sir.

Mr. Mundt. You may be seated.

Mr. MUNDT. I ask unanimous consent that the entire article may be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEIPING—URGES NEGROES IN UNITED STATES TO STREET WAR

(By William L. Ryan)

Broadcasts from Red China have been pouring out a torrent of advice to American Negroes to take to the streets in armed revolutionary violence and even guerrilla war.

The Chinese claim Negro violence in America must be encouraged in the name of "the national liberation movement."

Peiping has enlisted a man called Frank Coe. A Frank Coe once was a target of a U.S. Senate investigation for alleged spying on behalf of international communism. He had been a high-paid secretary of the International Monetary Fund in the late 1940's.

Just a year ago, China's Mao Tse-tung issued a declaration urging "the world's people"—meaning the Communists—to move in on the U.S. situation. Peiping now uses its advocacy of violence in America as a club in its ideological war with the Soviet Communists.

The Chinese want nonwhite people in Africa, Asia, and Latin America to believe Peiping is their only true friend. Red China is trying to shut the Russians out of Asia and take over revolutionary causes—the "national liberation movement"—in all underdeveloped areas.

EXHORTS TO VIOLENCE

Last week, to commemorate the first anniversary of Mr. Mao's declaration, a series of rallies was held in China. One speech was delivered by "American Comrade Frank Coe," as Peiping radio described him.

Mr. Coe noted that Mao's declaration was widely distributed among Negroes in the United States. He told the rally American Negroes "are beginning to talk more and more about armed self-defense, about fighting for freedom by any means necessary, about guerrilla warfare and civil war."

Mr. Coe said true Marxist Leninists "advocate armed self-defense," and "liken the stand of nonviolence to that of Khrushchev." He accused pro-Khrushchev Communists in America of counseling Negroes to stop their violence.

Mr. Coe praised William Epton, the 32-year-old leader of the progressive labor movement, which he has said is financed by Red Chinese money. Epton has been indicted for criminal anarchy in New York.

Chinese propaganda urges American Negroes to form a united front. This recalls Epton's statement that he would work with any group, including the militant Black Muslims and Black Nationalists.

TAKEOVER URGED

Peiping broadcasts call upon Chinese-oriented Communists in the United States to seize the Negro movement and mount a systematic series of parades, demonstrations, boycotts, strikes, and violent uprisings with the use of weapons in American cities.

The Red Chinese newspaper People's Daily said a "Negro revolution breaking out in the heart of U.S. imperialism" could be an important source of support for the world Communist movement.

From Havana, whose younger Communists lean to the Peiping idea of unremitting violence, "Radio Free Dixie" broadcasts violent denunciations of President Johnson and calls the Civil Rights Act a fraud.

Mr. MUNDT. I do hope that all Americans, regardless of position or party or economic pursuit will reflect upon what happens when we permit a Communist to get a job with the Government, because the Communist conspiracy will continue to try to infiltrate public positions, and will continue to create difficulties in this country. All Americans should be alert to what it can do.

Perhaps in restrospect, looking at the proof will be beneficial for us all.

EQUAL JUSTICE UNDER LAW

Mr. ERVIN. Mr. President, those of us who believe in the principle of equal justice under law have been much troubled by the recent tendencies of Federal courts to grant immunity to punishment to demonstrators who riot in the streets of our cities and towns in violation of State laws and municipal ordinances. A few days ago the U.S. court of appeals of my circuit handed down a 3-to-2 decision, however, to the effect that persons who engage in so-called demonstrations for so-called civil rights are not entitled to special immunity from laws which apply to all other Americans.

The Evening Star for August 12, 1964, made some sound editorial comments upon this decision. I ask unanimous consent that these editorial comments which are entitled "Equal Justice Under Law" be printed at this point in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

EQUAL JUSTICE UNDER LAW

The Fourth Circuit Court of Appeals in a 3-to-2 decision has struck out forthrightly at the notion that civil rights demonstrators enjoy a special immunity from laws which apply to the rest of us.

Last year the Supreme Court in case after case overturned convictions growing out of civil rights demonstrations. In the South Carolina case especially the court seized upon the flimsiest of grounds for its action. This was followed, however, by the savage riots in New York and other cities outside the South—riots possibly encouraged by the belief that punishment would not be forthcoming.

No encouragement for this belief will be found in the Fourth Circuit Court's ruling. Instead, unless it is reversed by the Supreme Court, it puts everyone on notice that the law applies equally to all.

The immediate effect of the ruling is to permit the city of Danville to proceed with the prosecution of demonstrators arrested in a series of incidents last summer. It also leaves in effect an injunction and ordinances curbing demonstrations unless the lower court finds that they "have been applied so sweepingly as to leave no reasonable room for reasonable protest, speech, and assemblies, and thus, in application, are plainly unconstitutional." If some relief is found to be needed, the appellate court said "it should be no broader than the necessities of its purpose."

In announcing its ruling, the majority said that the constitutional right of free speech and assembly is "not a license to trample upon the rights of others." Further, said the court, the rights of Negroes "must be exercised responsibly and without depriving others of their rights, the enjoyment of which are equally as precious."

Hopefully, this signifies that the pendulum is beginning to swing back—that in the area of civil rights the doctrine of equal justice under law is being reasserted. If this is not the case, if this ruling is overturned, then no citizen—North or South—can have any confidence that his rights will be protected by law if they are ground down in the course of so-called civil rights demonstrations.

A LOOK AT HAWAIIAN STATEHOOD AFTER 5 YEARS

Mr. FONG. Mr. President, this Friday, August 21, will mark the fifth anniversary of Hawaiian statehood.

In anticipation of this historic event, the Honolulu Star-Bulletin recently asked a number of community leaders—in government, business, labor, and education—for their comments on what statehood has meant to Hawaii. Their statements make interesting reading, for they confirm what statehood advocates had predicted—that statehood would be a boon, not only for Hawaii, but also for the Nation.

I ask unanimous consent that the Star-Bulletin article of August 15, 1964, entitled "A Look at Statehood After 5 Years," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LOOK AT STATEHOOD AFTER 5 YEARS

By John A. Burns, Governor of Hawaii: "Since Hawaii attained the sovereignty of statehood 5 years ago, our islands have gained increasing recognition not only from our sister States but also from the nations of the Pacific-Asian world.

"Hawaii is regarded in many ways today as the capital of the Pacific, and our citizens are beginning to assert themselves by meeting the many new challenges of leadership for which they are so uniquely equipped.

"As Hawaii grows into its role as a leader in the cultural and commercial interchange in the Pacific, we can expect a greater flow of traffic gravitating toward our islands. While the talents and special abilities of the people of Hawaii have always been there, the true measure of our potential remained latent until the impetus of statehood spurred our rate of economic development.

"The growth we have exhibited over the past 5 years, as compared with the experience of the pre-statehood years, serves to underscore the inherent relationship between economic and political development.

"I take very special pride in the political maturity our people have shown in accepting the responsibilities of self-government, and I am confident that as we continue to extend the right of self-government at the local level, Hawaii will blossom even more as a true showcase of democracy."

By William F. Quinn, former Governor of Hawaii: "The anticipated advantages of statehood have been realized.

"An elected Governor, local control over judicial appointments, voices and votes in Congress, mature participation in national politics—all the blessings of full citizenship which we eagerly sought for so many years are as satisfying to have as they appeared to be.

"Economic arguments made to Congress in support of statehood were not only true—they were understatements.

"Statehood accelerated our growth and contributed substantially to the rise in income and standard of living.

"The splurge when we became the 50th State is not over. Neither is the job of completing the conversion to our new status. Our progress toward straightening out relationships between State and counties, both functional and fiscal, has been disappointing. We have not yet clearly defined our objectives for the public schools and for higher education. Systematic, foresighted planning, and coordination are missing and we flounder without direction in some important areas.

"We have grown too fond of praising ourselves and our society, instead of being acutely aware of whatever prejudices might exist in our midst and trying to rid ourselves of them.

"All in all, the years since statehood have been good ones. It's great to really be part of the Union."

By Dan E. Dorman, president, First National Bank: "The Hawaiian economy has experienced remarkable growth during the last 5 years, and undoubtedly much of this—although no one will ever know just how much—has been due to statehood.

"A quick survey of several economic indicators shows that—

"1. Over 500 mainland and foreign concerns have established operations in the islands during this period—more than double the number previously located here.

"2. The number of hotel rooms available now is double that of 5 years ago, and the number of visitors from the mainland alone has tripled.

"3. Personal income in the islands has jumped from $1,158 million in 1958 to nearly $1,700 million last year—an increase of one-third.

"These figures, and others of a similar nature, indicate that our islands have enjoyed an amazing growth during our few years of statehood. And with the initial boom over, we seem to be not only holding our own, but continuing to grow at a very respectable rate.

"Although the impact of statehood was an unknown quantity 5 years ago, it is apparent that we are thriving in our new role and that our future is a most inviting one economically."

By Lowell S. Dillingham, president, Dillingham Corp.: "Statehood has been good for Hawaii. It gave us the opportunity to guide our own destiny on an equal footing with the other 49 States. We can feel proud of the results. Since 1959, progress has been made in almost every field of human endeavor—government, education, social welfare, human relations, art and science.

"In business, statehood helped focus the attention of the mainland on the islands. Many nationwide companies like J. C. Penney, Texaco, and others who had served Hawaii for years from the mainland, liked what they saw and decided to open branches here. We thrived on the competition and found new strength for greater growth.

"Conversely, Hawaiian companies expanded to the mainland and are now competing successfully with the mainlanders on their own terms.

"Although we are a small State, our political impact has far exceeded our geographical size. The high caliber of Hawaii's Representatives attracted immediate interest, and their political ability and knowledge has made them an integral part of the Nation's political climate.

"Hawaii is fortunate that statehood came before the great increase in economy jet air travel, preparing us to accommodate the new flood of tourists and enabling us to build a vigorous, healthy tourist industry.

"Hawaii earned statehood, and demonstrated beyond doubt that it deserved it. We now face a bright future. With the political strength to influence our own development, and the vigor and experience to make the most of our rapidly developing opportunities, we stand on the threshold of a new era of unparalleled growth and progress."

By Eddie Demello, ILWU legislative representative: "Basically, statehood has resulted in our becoming first-class citizens.

"Taxation without representation has been eliminated.

"No longer are our chief executive and our circuit court judges appointed by a President whose election we were not allowed to participate in.

"Certainly statehood has had a positive effect on our economy, especially in the tourist industry.

"Our maturity has received worldwide recognition—witness the recent conference of international philosophers and our selection for the site of the East-West Center.

"Statehood has been good for the people of Hawaii."

By Malcolm MacNaughton, president, Castle & Cooke: "Hawaii's growth since becoming a State has been impressive, but measuring the exact role statehood has played in this expanded economy is difficult.

"I believe the rest of the Nation has gained more from our statehood than we have.

"Other States—and, in fact, the world—have learned from us, as never before, how a multiracial society can live in harmony.

"Hawaii was provided a fine example at a time when it was badly needed."

By Elizabeth Farrington, former Delegate to Congress: "It is a great source of satisfaction and comfort to me that the long struggle for statehood in which my husband, Joseph R. Farrington, dedicated his life was not in vain.

"All of his predictions have come true:

"That the people of Hawaii were long since ready to accept the responsibility of statehood, as well as to enjoy the full privilege of American citizenship;

"That the economy of Hawaii would grow beyond all proportions of the imagination;

"That Hawaii would serve as a renowned center of pan-Pacific learning and scientific research;

"And that the people of Hawaii themselves would continue to cast a stronger and stronger beam from their lighthouse of democracy, revealing to all the world that men of all faiths and colors can and do live in freedom and democracy."

By Harry Boranian, executive secretary, AFL–CIO Central Labor Council: "The AFL–CIO in Hawaii has had a steady growth of membership due to the business expansion created by the confidence that mainland firms have felt in Hawaii as a result of it becoming a genuine first-class part of the United States.

"This is turn has contributed to the upgrading of educational standards to meet the demands of mainland management.

"These businesses, rather than bending to the status quo, are insisting on the same quality of personnel that they would ordinarily hire on the mainland.

"There is also a slow but noticeable shift from the old paternalistic economy based on landownership to a tourist economy based on the confidence of mainland travelers now that we are a State."

By Seido Ogawa, executive director, Honolulu Council of Churches: "Hawaii has gained increased political stature, expanded economically, and matured socially since, and because of, statehood.

"The granting of statehood to Hawaii was a tangible reaffirmation of the American heritage of equal opportunity for all peoples.

"This has led to other tangible reaffirmations such as the visible presence of multiracial representation in Congress.

"In turn the manner in which our Representatives and Senators have acquitted themselves and earned not only equality but respect, for themselves and for Hawaii's people, has helped measurably to inspire a new sense of worth and belonging that encourages the growth of self-confidence and enterprise.

"There is a new sense of pride in us, which, together with a deepened responsibility, motivates us to strive for excellence in our educational system, our civic planning, our economic development. The new awareness of economic and other potential on our neighbor islands is related in a subtle but real way to the fact of statehood.

"Perhaps some of the mystery and glamour about Hawaii, its people, and its life, have been lost as statehood has brought a new kind of focus upon us, but this, too, in the long run, is a basic gain and not a loss. What we have to give to, and share with, the Nation and the world are real things such as cultural variety and richness, mutual appreciation and respect among races, and the capacity to enjoy life."

By Chinn Ho, president, Capital Investment Co.: "As we look back into the recent history of Hawaii, we find that the periods of accentuated and accelerated growth can be traced back to the impact of annexation, World War I, World War II, the introduction of more convenient communication facilities, particularly the jet, and statehood.

"Although statehood is only on its fifth anniversary, the accumulated results to date have surpassed most optimistic expectations.

"Statehood has, no doubt, given Hawaii a much improved economic, social, and political status.

"With this new climate our growth has been greater than the average of the gross national products of the United States. New industries have developed with accelerated activity in general trade, tourism, and the latent interests expressed by astute businessmen from many out of State areas for participation.

"Hawaii, today, is setting the foundation for even greater growth ahead. Continued gains in science and improvements in travel and communication under a climate of improving international understanding, together with higher standards of living at home and abroad, will have even greater impact than before. To take full advantage of the future, Hawaii must gear its attitudes and plans to changing conditions today and not tomorrow."

By Henry J. Kaiser, industrialist: "Statehood has given great impetus to the growth of Hawaii.

"For 5 years or so before statehood, the islands were experiencing tremendous growth. The granting of statehood gave new life to this long-range growth trend. It added vastly to the stature of Hawaii.

"Hawaii in the 5 years of being the 50th State has been taking an always increasingly significant role as the crossroads of the Pacific—with education, culture, and human relations of the Aloha State proving unique contributions to the Nation and the world.

"The latest upturn in the islands' vacation industry and resort hotel facilities is enormous. It is stimulating our entire economy.

"I have been forecasting that tourist travel would reach a million visitors a year around 1970, at the same time that the State's population would be reaching a million.

"Jet planes at $100 fares to and from California are spurring the number of visitors, and within a few years supersonic planes flying between Hawaii and the mainland in a couple of hours will still further boom travel.

"Another factor is this: A study by the Government and two planning organizations states that California's population, now 18 million, will keep soaring every year and by the year 2000 will reach 41 million people. Think what that and the low-cost, terrifically fast jet transportation will mean to Hawaii's vacation industry.

"Hawaii continues to grow—both in national and international stature and in its economy, which will keep right on gaining."

By the Very Reverend Robert R. Mackey, president, Chaminade College: "The first 5 years as a sovereign State have been a boon for Hawaii. Although statehood is not the only cause of our recent growth, this new political stature created a climate favorable to expansion.

"Higher education is one dramatic dimension of this maturity. The expansion of the

University of Hawaii, private colleges and the proposed public community colleges is gradually removing Hawaii from the debtor State class. In fact, our university and colleges are serving more and more students from the mainland and the entire Pacific Basin.

"Political responsibility is another aspect of our new status. Voters are more discriminating. Legislators, with an apprenticeship at the local and State levels, can anticipate service in Washington.

"Possibly the most striking dimension of growth is our expanding economy. Hawaii-based companies are competing in the world market more than ever before. Outside capital is looking for investment opportunities here.

"The discovery of the potential of the ocean and space has opened a whole new world to our creativity. Citizens with a sense of responsibility for developing new products and new markets in Hawaii are looking toward astrophysics and oceanography.

"But we must now give greater attention to the kinds of social, political, and economic institutions that will direct this expansion toward the truly human growth of our citizens."

By Robert C. Loveless, president, Honolulu Christian College, member, State board of education: "One of the areas in which it strikes me that there has been significant progress, is the area of city and State planning.

"Through a growing community concern, piecemeal planning and spot zoning have been significantly checked.

"Through excellent choices of leadership on both city and State level, comprehensiveness and integrity have emerged in city and State planning.

"The advent of strong private groups interested in planning and eager to participate in constructive discussions is another healthy sign, as is the new proneness to look at social and mental health aspects of planning along with the more traditional engineering concerns.

"An area in which progress has been in mincing steps, where rapid, lengthy strides are needed, is that of cooperation between the legislative and executive branches of government.

"Perennial postures of attack and defense have been carried over into statehood, long after there is any warrant for them.

"The discovery of and mutual respect for the distinctive roles of legislature and executive constitutes one of the most critical problems in our Government today."

By Neal S. Blaisdell, mayor of Honolulu: "Improvement in communications with Washington, D.C., through direct representation is, of course, the major advantage statehood has brought to Hawaii.

"The city and county of Honolulu, as well as the State, has benefited by faster action and broadened programs in such matters as disposal of surplus land, Federal aid for urban renewal and redevelopment, civil defense, transportation, and planning.

"In addition, national recognition has been given to many of our civic leaders and government officials. I have been honored with membership on the President's Advisory Commission on Intergovernmental Affairs and recently with membership on the National Citizens Committee for Community Relations under the Civil Rights Act.

"Statehood has brought increased recognition of Hawaii's role in the world as our Pacific defense frontier, the focal point of East-West commerce and tourism, and the center for East-West cultural and technical interchange at the University of Hawaii.

"Also, Honolulu has had many more conventions of national importance in the past 5 years. Among them were conferences of U.S. Governors, attorneys general, postal employees, and the U.S. conference of mayors in June 1963, at which President Kennedy made his first address on civil rights. As vice president of the U.S. conference of mayors, I recently extended an invitation for this organization to return here for the 1967 conference, which has been accepted. Events of this top-level, all-States dimension, and many other national conventions we expect to be held in our new Honolulu International Center, will help to improve rapport between Hawaii and the mainland States.

"Hawaii's continued economic stability, with its high per capita and family income relative to other States, its low unemployment rate, its long-term labor contracts and absence of serious labor-management strife, have attracted new capital and industry to a State with a growing import and export market.

"A significant increase in the number of mainlanders moving to Hawaii, and substantial increases in the number of new firms incorporated here since 1960, show that the American people have confidence in this State's future.

"During the past 3 years I have visited financial centers on the mainland to present all these facts on our political and economic development, with the result that Honolulu's credit rating has improved greatly in the municipal bond market. This is one of the surest indications of the improved status of our capital city under statehood.

"With more interest and confidence shown by our fellow Americans in the people of Hawaii, our local residents also appear to have more incentive to travel to the mainland, to have more confidence in themselves, and in the contributions we in Hawaii can make in national affairs.

"There has been an increase in travel to the mainland, both for personal enrichment and for participation in national conferences and activities. We can expect this interchange of mainland and island people to increase as travel time is shortened, business interests are developed, and government agencies work more closely together on problems of mutual interest—urbanization, transportation, labor laws, civil rights, education, and East-West relations."

By Richard P. Nolan, president, Hawaii Congress of Parents and Teachers: "* * * 5 years of statehood with all the effort toward arousing the people to the needs of the schools by the PTA, the legislators and the board of education has not seen the kind of improvement most worked and hoped for.

"Serious problems still beset an inadequately financed school program throughout the State. Teachers' salaries still remain discouragingly low, workloads on teachers are burdensome, textbooks are lacking, and buildings are inadequate.

"However, the people are involved and interested in a measure never existing under territorial status.

"There are also clear signs of a growing maturity on the part of many legislators as as they begin to respond to intelligent citizen action in behalf of educational measures. The board of education is a growing, learning body seeking to define its policies and goals to provide quality education for all.

"There is clearly a climate of willingness on the part of the people to come together and to work hard to solve complex and difficult problems of public school finance, administration and program.

"What Hawaii's schools needed (before statehood) they still need in 1964. Fundamentally, they need an aroused and dynamically interested citizenry in a posture of creative tension with a responsible legislature and board of education. The very fact of statehood has stimulated this to a meager but nonetheless discernible degree. There is hope, then, that quality education for all will someday, itself, become a fact."

THE DIRKSEN BREATHER

Mr. AIKEN. Mr. President, an article appeared in yesterday's Washington Post by Walter Lippmann, entitled "The Dirksen Breather."

The article demonstrates that Mr. Lippmann thoroughly understands the situation relative to apportionment and realizes the dangers inherent in the too hasty action by the courts, and other matters pertinent to the reapportionment problem.

There being no objection, the article was ordered to be printed in the Record, as follows:

Today and Tomorrow

(By Walter Lippmann)

THE DIRKSEN BREATHER

Although it is a bit awkward and rather inconvenient to make Congress deal with apportionment at the tail end of the session, the importance of the subject is overriding. The real issue, as I see it, is whether reapportionment of the State legislatures, which is necessary but also a far-reaching change of habit and custom, should be propelled by something more than the Federal courts alone, whether, that is to say, this great change in the political balance of power should have also the approval of Congress and be subjected to the test of a constitutional amendment. Taking this to be the purpose of the Dirksen proposal, it seems to me sound and in the end desirable.

The heart of the matter is that since about 1890 the United States, which was then composed two-thirds of people from farms and villages, has been transformed. Two-thirds of the Americans now live in cities or in the suburbs. But the apportionment of at least 44 of the State legislatures does not represent this change. In these 44 States, less than 40 percent of the people elect a controlling majority of the legislature. In 13 of these States, one-third or less of the people can elect a controlling majority of the legislature.

While the statistics of this misrepresentation cry out for reform, it is nevertheless true that the problem here, unlike that of the civil rights bill a few months ago, is not such a present danger that delay is intolerable. It is essential that the city and suburban people be properly represented in their State legislatures in order that they may be better able to deal with their pressing needs. But, there is no critical emergency which makes the delay proposed by Senator Dirksen intolerable.

There are also positive advantages in the Dirksen breather. It involves Congress, not only the Supreme Court, in the problem of apportionment, and the pause provided by the Dirksen rider may help to make the coming reapportionment seem less terrifying to those who will lose by it.

For many of us this will help to assuage a troubled conscience about the dilemma posed by the Supreme Court's decision in the Alabama case and Mr. Justice Harlan's dissenting opinion. The dissenting opinion argued powerfully against bringing the affairs of the State legislatures into the Federal courts. The opinion was, in my view, unanswerable but for one enormous fact. That is that the unrepresentative State legislatures are unwilling to reform themselves. The underrepresented voters in the cities and suburbs have little or no power to compel reform. In this situation, when there is indubitable evil for which there is no known legal remedy, the intervention of the Supreme Court was the only way of breaking the deadlock.

But such a choice of the lesser of two evils is not attractive, and as one of those troubled by it, I welcome Senator Dirksen's action in taking the question to Congress and to the amending process.

The public discussion, which will ensue, will be clarified if we distinguish the two principal arguments which have been used to justify the overrepresentation of the rural voters. One reason, which is as old as the Nation, is that the excitable working people in the cities are not to be trusted as against the stable and virtuous farmers, and that the representative system should be constructed so as to prevent the urban masses from ruling the State. This is the principle of the New York State constitution which was framed before the turn of the century.

This reason could prevail when the city people were still a minority. It cannot prevail much longer now that they have become a preponderant majority.

But there is another reason, closely related in practice but separate in theory. It is, as Madison put it, that it is necessary to "refine the will of the people," and that one of the best ways of doing this is to have a legislature with two houses in which the upper house is more stable and more conservative.

The real question which will confront the States is how to construct senates in which, though all voters are equal, the senators will check and balance the lower house.

It is not an insoluble problem. The States will have to deal with the problem by making the senatorial districts larger and the number of senators smaller. Each senator will therefore represent a much more varied constituency than a member of the lower house. The States can give the senators a longer term and higher pay. This will tend to give the senators a broader view, a less hurried view, more honor, a greater independence and sense of responsibility.

These are ways to refine the will of the people without obstructing it.

NEVADA FIRE DISASTER

Mr. BIBLE. Mr. President as many Senators are already aware, a vast conflagration has been sweeping the northern ranges of Nevada for 5 days. Flames touched off by unprecedented dry lightning storms have already blackened more than 350,000 acres of prime grazing lands, causing death, injury, and destruction. The total area of destruction is half the size of the State of Rhode Island—and spread over an area as large as Rhode Island. The damage has been so savage and widespread—and the mounting threat of additional devastation so severe—that the Governor of my State has asked the President to declare northern Nevada a disaster area.

The violence of nature is mauling a vital region of Nevada, Mr. President. Even now its fury continues. I am confident the President and the resources of our Federal Government will respond. Disaster relief will speed to the State.

The response of Federal agencies at the outset was prompt and full. I would like to applaud these efforts. We will never know how much life and property has already been spared as a result of this willingness to answer an emergency call.

Latest reports received in my office estimate 75,000 additional acres have been blackened in the past 24 hours, putting the total range destruction at more than 350,000 acres. In all, seven major fires are raging.

Tracing the path of one of the fires in Lander and Elko Counties, one can see the flames now threaten the important Humboldt National Forest. Mr. President, I am talking about some of the most rugged and wildly beautiful country in our Nation. The flames have devoured miscellaneous ranch buildings and camps. Three volunteer firefighters have suffered serious injury. The pilot of an airplane bombing the flames with fire retardant has been killed in a crash.

More than 2,000 experienced firefighters are on the lines. Indian veterans from Idaho, New Mexico, Arizona, and Oregon, Mexican laborers from Oregon—all are joining Nevadans in a desperate effort to check the fires.

The Bureau of Land Management, because much of the ravaged area is public domain, is heading up the firefighting organization. The National Park Service, Forest Service, Bureau of Indian Affairs, Nevada National Guard, Nevada Division of Forestry, Nevada Fish and Game Service are all fighting in this pitched battle against nature's violence. In addition, the Air Force has two medical teams in the area.

If this is a story of death and destruction, it is also a chronicle of courage and resourcefulness. To all those on the fire lines, I give my deepest thanks.

We are wholly concerned now with stopping the fires. But we cannot ignore the aftermath. My purpose in speaking today, Mr. President, is to advise this body that I will seek authority in a supplemental appropriation bill for rehabilitation and assistance funds. I am told by authoritative men in the field that it may be weeks before even the crudest estimates will be available on the financial needs to recover from this blow to Nevada's land and Nevada's economy.

We can only guess now how many cattle have perished or will perish; how many buildings and fences are ashes; how much grazing has gone up in smoke. Emergency relief in the form of livestock feed and other measures will help the immediate situation. Looking farther ahead, we will need to reseed the devastated ranges and to rebuild what has been lost. We will have to assist the ranchers, already hard pressed by lowering livestock markets, to get back on their feet.

I plan to seek authorization in a supplemental appropriation bill because I am advised it is imperative to reseed this fall. The experts tell me there will be 50 percent more germination if we can reseed while the ashes are still on the ground. I know this body will respond to this emergency situation.

Meanwhile, I urge continued, all-out response to this emergency. I know the Office of Emergency Planning is already at work. I am confident the President's authority to speed the full benefits of disaster relief to my State will be swiftly given. It remains my hope now that this heartening response to a desperate situation will avert further tragedy.

DEPRESSING OIL PRICES

Mr. TOWER. Mr. President, a few days ago the Texas Independent Producers & Royalty Owners Association presented before the Senate Small Business Committee a statement voicing the disappointment of the domestic oil industry in the policies of this administration as they relate to the petroleum industry.

Specifically the association points out that the President is not now using powers at his disposal to alleviate the depressing price situation, which is doing great harm to the economy of oil-producing States, and ultimately will do harm to the economy of all our States.

In order that all Members of the Senate may know the seriousness of this situation I ask unanimous consent to have their presentation printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement Before the Senate Small Business Committee, Washington, D.C., August 10, 1964, by Texas Independent Producers & Royalty Owners Association, Austin, Tex.

Mr. Chairman, gentleman of the committee, we believe it is highly appropriate that a committee of the Congress, and especially one concerned with the preservation of small business, concern itself at this time with the quite obvious failure of the current oil import program to achieve even the minimum objectives which the Congress set forth in providing for it.

From the viewpoint of both domestic independent producers and refiners, the current oil import program must be judged a failure. Ample evidence of that failure is now a matter of record and, we submit, can no longer safely be ignored by Congress. The Congress provided in the Trade Expansion Act of 1962 that—when, as in this case, there has been a finding of national security involvement—the President "shall take such action" as proves necessary to deal with the problem. This has not been done. The Senate Finance Committee report, explaining the origin and purpose of the "security clause" in the Trade Act, emphasized the intent to insure a vigorous domestic oil producing industry capable of maintaining defense-vital domestic oil reserves. President Eisenhower on March 10, 1959, said the program is intended "to insure a stable, healthy industry in the United States capable of exploring for and developing new hemisphere reserves to replace those being depleted." This intent, clearly now, is being ignored by those in the Interior Department charged by the President with basic responsibility.

In the light of demonstrated deficiencies in the present oil import control system—its lack of success in terms of objective, its tendency to aggravate a rapidly accelerating monopoly trend, and certain of its more "inappropriate" aspects—we believe it is incumbent upon all concerned to develop and implement alternatives which are both equitable and effective.

However unintentionally, the present program structure conforms more to the economic comfort of the relatively few integrated international oil companies than to the paramount objectives of national security and domestic industry well being. Entirely aside from the question of import levels, there is now every reason to conclude that basic change is essential in the allocation system itself if import controls are to achieve meaningful results. The present arrangement, it now seems clear, lends itself to manipulation in such fashion as to become subordinated to the economic aims of leading companies.

The present system largely ignores the fact that the principal economic beneficiaries of vastly more profitable foreign oil have to bid for no more than 15 percent of crude imported here. That is the approximate total allocated to independent refiners which, being in no position to utilize this foreign oil directly, are compelled to "sell" or exchange these quotas on terms netting in the range of $1.25 a barrel. Approximately 85 percent of imported crude, therefore, enters this country in the hands of a few international companies which produce it abroad on terms vastly more favorable than domestic production.

It is this advantage—in part the result of indirect subsidies to foreign production—which largely accounts for the difficulties in which the domestic oil producing and refining industry today finds itself.

These large international companies, enjoying this enormous advantage, are thus impelled to tolerate and often initiate product price wars and other measures which place domestic independents in grave jeopardy. Survival of nonintegrated segments of this great industry is very much at stake. Both independent refiners and producers, gentlemen, are in deep trouble right now.

The independent refiner is presently allocated some portion (about 15 percent) of oil imports on the theory that this affords him his "proportionate share" of the economic advantage of foreign oil. It does not. However welcome may be this allocation to an independent refiner struggling for survival, this is by no means adequate protection to preserve his historic role in this Nation's oil industry. Not owning foreign production, or the tankers to transport foreign oil here, or even being in a position to utilize his foreign crude allotments in his own refinery, the independent refiner must exchange his quota for domestic crude with the leading integrated companies. He thereby shares even a portion of the economic advantage of his small import quotas with his large international competitors. The remaining 85 percent of crude imports, moreover, go directly to the few large importers without being in any significant way treated so as to neutralize their economic advantage over domestic oil.

Similarly independent domestic producers are also victims of a system which fails to neutralize the economic advantage of foreign oil.

They are not even allocated import quotas on the share principle which theoretically, and only theoretically, preserves the competitive position of independent refiners. We independents are in the business of exploring for and producing oil in this country. Because of the serious disadvantage in which we are being placed by partially subsidized foreign oil, all in the hands of our large competitors, our historic role in this industry is threatened. More than that, we are being prevented from fulfilling our obligation to the security and economy of this Nation.

WEAKNESSES IN THE PRESENT SYSTEM

There are several fundamental weaknesses in the mandatory program's allocation system. Some of these contribute directly to the current unmistakable concentration trend in the domestic refining and producing segments. Some contribute needlessly to the furtherance of Federal jurisdiction over domestic oil operations. Together they add up to failure of the program in terms of recognized objectives.

Varied criteria determine quota allocations of both crude and products, most of which bear little relation to the program's purpose and many involve a questionable degree of administrative discretion.

These bases range from historical levels of individual companies, to informal U.S. agreements with source countries, to areas of entry, to types of imports. We have, for example, what amounts to "source country" quotas with Canada and Mexico. (This is true also to some degree with Venezuela, if Venezuelan officials are correct in their public statements concerning commitments they have been privately given by officials of this Government.) Special provisions have been made in the case of overflow imports via Puerto Rico.

Less than half of total oil imports are restrained on any ratio with domestic production. About half of all imports—including all imports into west coast and residual fuel oil imports—are regulated on the theoretical basis of need or domestic deficiency.

For a more detailed expression of our views concerning deficiencies in the import quota-only system, we refer to the appended brochure entitled "Shortcomings in U.S. Oil Import Policy."

In general it can be said that the current allocation system fails to serve the program's objective in numerous ways. It contains no meaningful provision assuring balance between domestic production and foreign oil—with the result that oil imports have gobbled up the lion's share of market growth under both voluntary and mandatory controls. Individual companies which seek to keep faith with the intent of Congress in providing for a controls system, far from being rewarded, find themselves penalized under the present system. For example, importing refiners are rewarded by the allocation's formulas if they increase their runs beyond demand levels—by virtue of the fact that more profitable import quotas are raised. Thus the refiner which contributes to present product glut receives, instead of a penalty, some measure of encouragement under the present system.

Moreover, quota assignments under this plan are often quite arbitrary and, consequently, place Federal officials in a position of favoring some companies and industry segments at the expense of others. Attempts to spread quotas among companies which normally have no interest in foreign oil, notably independent refiners, have clearly failed to achieve the objective of preserving their competitive relationship, as evidenced by the severe pinch in which most currently find themselves. At the same time, the theory of using import quotas as a partial subsidy to a company's total supply operation tends to work a double hardship on those not given quotas, notably domestic independent producers and marketers, with the exception of residual fuel oil marketers.[1]

It is this situation which accounts for the fact of record earnings by the leading integrated companies at the very time when domestic independent producers and refiners are being forced into virtual stagnation if not entirely out of business.

FORCES FOR CHANGE

Both within industry and Government circles there has been some recognition that the present system is simply not a long-range or proper answer.

For example, President Kennedy's petroleum study committee (comprising representatives of the Departments of State, Treasury, Defense, Justice, Interior, Commerce, and Labor, coordinated under the OEP Director), last year expressed deep concern over monopoly aspects of the present system. This intercabinet report stated, as a matter of fact, that the present system "places the Federal Government in the role of distributing a considerable economic advantage." Though acknowledging the logic of limiting oil imports, it clearly deplored the present stopgap arrangement. It declared that "the use of tariffs is generally considered preferable to quantitative (quota) restrictions by reason of their simplicity and the larger scope they allow to market forces."

This President's Petroleum Study Committee report added that "further consideration" should be given to "improved means of distributing oil allocation."

Noting that the crude oil import allocations alone are worth perhaps $1 million per day, the President's committee added significantly:

"The distribution of an economic advantage of this magnitude is bound to bear upon the financial return of individual companies, the structure of the industry, the functioning of the economy, and other national objectives."

In suggesting that "fees and auctions are among the methods which might be used" as an alternative procedure, the report was referring to the (Ikard-Long) competitive bidding plan—to permit more normal competitive economic forces to decide which companies are logical importers of what foreign oil, after source countries are assigned country quotas amounting to the maximum overall level established.[2]

Similarly, Attorney General Kennedy's antitrust chief last year told U.S. Senators that the Justice Department has "consistently urged the need to establish a basis of allocation which will permit growth and change inherent in a free enterprise system," contending that the present arrangement "other than for temporary purposes, freezes the industry affected and is therefore antithetic to the normal process of growth and change to competitive effort."

Parenthetically it should be noted that Attorney General Kennedy, in his surveillance report of the Interstate Oil Compact Commission, highlighted what many believe is the most compelling reason of all to change the oil imports system. He noted that the present highly "discretionary" arrangement, by virtue of its flexibility in determining levels of supply from abroad, unavoidably confers a measure of Federal jurisdiction over domestic production—which was heretofore reserved for State regulation. Strangely, instead of acknowledging this all-too-clear danger inherent in the present system, some industry leaders and Interior officials have contended that it alone is "uniquely suited" to the oil import problem.[3]

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[1] On resid, even more than crude, almost no meaningful criteria exist for determining which companies are entitled to quotas and how much. The result has been a repetition of spot "shortages" even when total available supply was more than adequate. This has permitted selfish interests to manipulate "consumer crises" seeming to indicate the "need" for higher resid quotas, when in fact residual fuel oil supplies were near the saturation point.

[2] Petty's Oil Letter of July 20, 1963, refers to such "suggestions" as "that import 'tickets' be auctioned off instead of allocating each refiner a quota." An article titled, "J.F.K.'s Regime Covetously Eyes the Profits From Imported Oil," appearing July 22, 1963, in the Oil Daily, includes this statement:

"In the meantime there is a unanimous suggestion sitting on President Kennedy's desk (contained in the oil report to him last September) that a different method might be considered for portioning out oil import allocations. Long ago, the Texas Independent Producers and Royalty Owners Association suggested a tariff on imported oil, adjusting to fit the disparity between domestic and foreign oil costs. But this got nowhere because of the difficulty in trying to devise a tariff system to fit all foreign sources. Then TIPRO recommended an auction program with companies bidding for oil import quotas within an overall ceiling that would be set for total oil imports.

"Such an auction system has now, in fact, been suggested unanimously to the President as a substitute for the present type of quotas, based either on history or a refiner's inputs."

[3] An article titled "Methods of Import Allocation Still a Hot Topic for Debate," appearing July 22, 1963, in the Oil Daily, points

Contrary to much information now being circulated, the more fundamental problems affecting this business are not susceptible of correction through still greater emphasis on so-called efficiencies in the domestic industry. Under the guise of movement toward greater efficiency, a philosophy which bears close affinity to monopoly domination is being foisted upon the industry in some instances. The goal of efficiency in a domestic industry is, to say the least, no more important than the goal of preserving free competitive enterprise. When the two concepts often clash, as is the case here, it is incumbent upon Congress to indicate which must take precedence. It should be stressed, however, that no degree of so-called efficiency in the domestic industry could possibly make domestic oil competitive with foreign oil—until either the indirect subsidies to foreign production are removed or the economic advantage neutralized when imported here.

The purpose in granting crude import quotas to domestic refining companies—which are not in a position to process foreign oil and which have no foreign oil production or investment—was to prevent monopoly. Yet this supposed antimonopoly provision is widely believed to underline much of the monopoly pressure in both the producing and marketing phases. Additionally, domestic producers—that industry segment for which import restrictions were primarily provided in the first place—are realizing at best only the most indirect benefits from the arrangement. Of passing significance, perhaps, is the fact that the attempt to protect domestic independent refiners in this fashion has added international complications in the form of protests, principally from Venezuela, in the belief that this has led to crude price discounting there.

Nor are independent refiners, the recipients of these quotas, by any means agreed upon the merit of the system—however much they seek such allocations. Claims have been documented by some that this provision contributes to the cutthroat pricing practices both at the wellhead and the filling stations. Independent producers, in any case, are victimized both through excessive imports and depressed prices. Likewise, independent marketing concerns have been placed in a severe squeeze by price wars which some attribute to this procedure.

BASIC REQUIREMENTS FOR EFFECTIVE PROGRAM

Clearly U.S. oil import policy must be revised if it is to achieve intended objectives. Even if the restriction of import volume had been successful under the present arrangement, it would still have left domestic independents at a serious competitive disadvantage—because importing companies would continue to receive a substantial portion of their U.S. needs from their own more profitable foreign oil operations. Thus the need for some means to neutralize the economic advantage of all oil imported here in competition with higher cost U.S. production. Not only is this necessary to halt the concentration trend favoring international companies, but the basic objective of maintaining a strong defense—vital to home producing and refining industry demands it.

Thus stabilizing total volume of imports in relation to domestic production is only part of the solution to the problem of oil imports. Domestic producers must of course enjoy their proportionate share of U.S. market growth. But they must also be able to sell their oil at realistic and stable crude prices.

This requires, over any long period, some form of tariff or duty to neutralize the economic advantage of whatever level of foreign oil imports permitted. Even if imports were cut by an unlikely 25 percent, there would still be more than a million and a half barrels of foreign oil daily coming into this market at a tremendous economic advantage—enough to demoralize the crude and product price structure. Neutralizing the economic advantage of foreign oil, moreover, is also essential to prevent a monopoly trend favoring companies with higher import privileges.

Contrary to many assertions, there are numerous means to achieve import equalization tariffs or duties—available either through new congressional directives or under existing statutes. Nor is the fact of differing costs in differing source areas a real impediment to a solution which is fair to all affected countries and companies. No new legislation is needed for that matter, to add a neutralizing duty to the present quota-only system—and no trade agreement or other limitation prohibits the President's doing so.

Along with other groups affiliated with the Liaison Committee of Cooperating Associations, TIPRO believes there are certain definite measures that should be taken immediately. (These measures are apart from the question of import levels.) They include (a) changes in Interior Department policy concerning Federal offshore development, and movement of oil from oil-surplus districts I–IV into oil-deficient district V, (b) changes in Treasury Department policy to nullify tax advantages to foreign oil, and (c) changes in Defense Department policies to stop favoring foreign oil in meeting military requirements.

In addition, we support the principle of legislation which would have the effect of placing foreign-produced oil on an equal tax basis with domestic oil. A second legislative proposal we recommend is a quota-bidding system to implement and make meaningful the present quantitative system.

Of the numerous forms of equalization tariff for duty which either the Congress or the President could direct, perhaps the most realistic and feasible for the oil imports problem is the quota-bidding procedure.

Through this means, quantitative import limitation would first be established in keeping with the national security purposes. Then, all companies having logical economic motivations to participate in marketing foreign oil on the U.S. market would enjoy the competitive opportunity to do so. Inasmuch as the duty on any oil or product import from any source would be determined by its economic attractiveness, the effect would be simply to neutralize the windfall advantages, while assuring that in no case would tariff or duty be excessive. Foreign oil would continue to enjoy its proportionate share of this market, but only on a basis of economic equality with domestic oil.

It would then be unnecessary to hand out quotas to anyone just to protect him against advantages of competitors with imports and foreign production.

Quota assignments would cease to be handed out arbitrarily by Federal officials, substituting normal economic forces for arbitrary bureau decisions. This could be extremely important in preventing encroachment of Federal control over the entire industry.

We recognize, in this connection, that hard-pressed independent refiners have no desire to see the value of their import quotas diluted. Inasmuch as we share fully their concern, our suggestion for a quota-bidding procedure specifically provides a set-aside of import quotas for which no bidding would be required in most such cases, generally applying to domestic independent refiners. (This proposal is detailed in an appendix to our statement.)

CONCLUSION

Current U.S. policy is utterly failing to cope with the problem of oil imports. All the criteria by which success of the program was to be measured, as set forth by Congress in the security clause, indicates its failure in terms of purpose.

There is mounting economic distress on the part of the domestic nonintegrated independent oil producer and refiner, even while American international companies are registering record earnings. There is in consequence a rapidly accelerating trend of concentration into the corporate hands of a relatively few American international companies. Crude oil prices are steadily deteriorating with corresponding reductions in income to independent producers, refiners, and oil communities and States. This has led to a worsening depression of domestic exploration and drilling activity, which in turn is now being reflected in lower proved oil reserves and reserve productive capacity—which may be needed for emergency.

There is urgent need for official Washington attention to this grave matter.

APPENDIX TO STATEMENT BEFORE THE SELECT COMMITTEE ON SMALL BUSINESS, U.S. SENATE, DETAILS OF AN ALTERNATIVE ALLOCATION SYSTEM UNDER THE MANDATORY OIL IMPORT PROGRAM, TREATING RELATED OBJECTIVES OF DOMESTIC INDEPENDENT PRODUCERS AND REFINERS, TEXAS INDEPENDENT PRODUCERS & ROYALTY OWNERS ASSOCIATION, AUSTIN, TEX., AUGUST 10, 1964.

The purpose of this appendix is to suggest possibilities for detailing and implementing a quota-bidding oil import system.

IMPLEMENTATION OF BIDDING SYSTEM PROPOSAL

Essentially, a quota-bidding system along the lines of that detailed in this statement would replace the current hodgepodge of bases for granting import allowances. In its stead would be a system requiring open competition for the privilege to import among companies previously determined as eligible to participate. In other words, eligible companies would be authorized to compete for a license to import.

Consequently, successful bidders would not be assured of a supply of foreign oil to import. This, in turn, would have to be acquired either by purchase or exchange with other foreign oil producers.

Under such a system, logical importing companies would have to be protected from those who might submit unrealistic bids with no intention of importing. Successful bidders subsequently revealing inability to import the amount of imports for which they bid either directly or through exchange would be subject to forfeiture or restriction of their import license through administrative review.

It is understood that a leading advantage of the quota-bidding method would be the changing of the Federal Government's primary oil import role from that of arbitrary distributor of quota privileges to that of referee in quota distribution. This does not mean, however, that the Federal Government's participation would become less important. A carefully designed and regulated quota-bidding system demands sound and thorough administration.

Many of the technical aspects involved in any Government-operated bidding procedure

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out that, contrary to widely circulated statements a short time earlier, "the method used to allocate crude oil import quotas to refiners is nearly as controversial as the fight by independent domestic producers to get a formula for stabilizing the total flow of oil into the United States." The story refers to the Cabinet Committee suggestion that a "study be given to the auction system for allocating quotas to the highest bidders. Top Interior officials say that these suggestions and others of a technical nature are being considered at the Interior Department—but nothing is expected to come from this until much later this year when it comes time to figure out quotas for the next allocation period, January–June 1964."

need not be explored here. Much of the program would be designed under already well-established ground rules of the Administrative Procedures Act and GSA regulations.

There are nevertheless, aspects of the proposed system which are peculiar to the oil imports situation and should be considered. Organization of the system should reflect to some extent, for example, vested industry and foreign source country interests developed under former and present U.S. import programs. Classification of both eligible importers and imports for bidding purposes should aim at arriving at a system both feasible and basically acceptable for all concerned, subject, of course, to the overriding concern of national security and welfare upon which oil import regulation is based.

At least three other factors should also be reflected in the system's design—domestic market supply-demand balance, use of domestic supply, and the heterogeneous nature of total oil imports. In the interest of national security through domestic producing industry welfare, those importers which do not contribute to damaging domestic oversupply of oil products through excessive refinery runs should be eligible for favorable classification in the bidding system. Similar treatment should be accorded importers which utilize relatively high amounts of domestic oil supply to meet refining needs.

As for the varied nature of oil imports, the different types of crude and oil products involved result in a myriad array of values and importing company desires involved. Unless this factor is reflected or eliminated in the basic structure of the bidding system, administration would become more complex than is necessary.

A basic bidding classification structure that directly or indirectly reflects all of the factors discussed above with a minimum of administrative involvement is presented in table I attached to this statement. While the table applies to quotas for crude and unfinished oils only, with minor adjustments the classification breakdown could readily apply to product imports as well.

All eligible importing companies, under this proposal, would be classified according to prescribed characteristics into one of four groups or classes designated I, II, III, and IV. The lower the classification an importing company achieves, the more favorable would be its treatment under the bidding system.

Classification I, the most favorable classification, would automatically include all eligible importers which do not refine foreign crude in the United States and which do not contribute to domestic oversupply of products by refining in excess of logically devised standards. Eligible importers meeting these requirements would be authorized quotas without having to bid for them and would be authorized to conduct exchange agreements with other eligible importing companies.

This classification would virtually consist of small domestic independent refiners, thus granting logical advantage to small business operations that contribute to national security through inland processing of domestic crude supply. Further, such operations should be encouraged to maintain competitive diversity in the oil refining industry as well as the domestic crude producing industry in which independent operators frequently rely on independent refiners for crude markets.

Classification II would be comprised of eligible importers which also process no foreign crude in the United States but do contribute to oversupply by refining in excess of need standards. Such importers would be eligible to move into classification I once they had corrected their supply contribution. Importers remaining in classification II would be required to bid competitively for license to import.

As suggested in table I, individual bid volumes would be feasible in the range of 1,000 barrels daily. Companies in this classification should be restricted to a specified number of bids (10 suggested in table I) so that most, if not all, of the companies can remain active import participants. This is advisable in that companies in this classification are basically similar to companies in classification I.

A minimum bid requirement equal to 100 percent of the tariff existing in 1964 would also apply to classification II. Bids would be submitted in terms of tariff percentage with the highest receiving the successful bid. In this way, volume bids offered by the Government could ignore the various types of foreign crude desired by importers. Bidding companies would simply consider the appropriate existing tariff and submit their percentage bids for whatever type crude they prefer. The highest percentage submitted would remain the logical winner.

As in classification I, importers would be authorized to conduct exchange agreements with other eligible importing companies.

Importing companies in classifications III and IV would comprise the relatively small number of large integrated international companies which process foreign crude in the United States. In the more favorable classification III would be those companies which contribute to national security and domestic industry welfare objectives through high refinery utilization of domestic crude and noncontribution to product supply excesses. Table I recommends that companies running foreign crude in an amount equal to 15 percent or less of their total U.S. refinery liquid runs be eligible for this category, assuming other requirements are met. Companies failing to meet all of classification III requirements would be classified in group IV.

Companies in both classifications would have minimum bid requirements and would compete for quotas in the range of 30,000 barrels daily. It is suggested in table I that there be no limit in the number of bids competed for by individual companies. The one difference in requirements would be the minimum bid level—300 percent of tariff in classification III and 600 percent of tariff in classification IV.

The 30,000 barrel daily quotas would be designated by the government in one of four source-continent categories: North America, South America, Mideast, and other. Successful bidders would, through own production, purchase, or exchange, be required to import their quota from the designated source area. This requirement would protect the vested interest of source countries in current and prior import programs and would also place the government in position to emphasize or adjust participation of countries in the Western Hemisphere, according to national security needs.

TABLE I.—*Proposed classification of importers of crude/unfinished oil into United States under quota-bidding import program*

Importer classes	Classification characteristics	Bid requirements of each classification	Casual estimate of—: Number of importers	Amount, barrels per day [1]
I	Eligible for license; no foreign crude runs; operates refinery at or below demand level.[2]	None; class I importers receive quotas in proportion to quotas under 1964 mandatory program.	90	150,000
II	Eligible for license; no foreign crude runs; operates refinery above demand level.[2]	Minimum bid, 100 percent of existing tariff of 1964; competitive bids on bid volumes of 1,000 barrels per day; importers restricted to 10 bid participations.	30	50,000
III	Eligible for license; foreign crude runs, excluding foreign oil exchanges with I and II importers, equivalent to 15 percent or less of total runs; operates at or below demand level.[2]	Minimum bid, 300 percent of existing tariff in 1964; competitive bids on maximum bid volumes of 30,000 barrels per day;[3] no restriction on extent of participation.	10	300,000
IV	Eligible for license; foreign crude runs, excluding foreign oil exchanged with I and II importers, exceeding 15 percent of total runs, or operates above demand level.[2]	Minimum bid, 600 percent of existing tariff in 1964; competitive bids on maximum bid volumes of 30,000 barrels per day;[3] no restriction on extent of participation.	20	600,000

[1] Import volume would be distributed among the 4 classes in proportion to the total quotas held by the importer group in each class under the mandatory program in 1964.

[2] Demand level defined as the nationwide average percentage of operable refinery capacity on the first day of the year projected by Bureau of Mines as necessary to meet national refinery run demand requirements.

[3] Each bid volume would be assigned to 1 of 4 source-continent categories: North America, South America, Mideast, and other.

PASSAMAQUODDY TIDAL POWER PROJECT

Mrs. SMITH. Mr. President, the lead editorial of the Bangor Daily News of August 17, 1964, provides valuable perspective on the proposed Passamaquoddy tidal power project at an appropriate time. The editorial shows admirable objectivity; and I ask unanimous consent that it be placed in the body of the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Bangor Daily News of Aug. 17, 1964]

More Than a Power Project

The U.S. Interior Department is more optimistic than ever about the feasibility of the Quoddy-Dickey power proposal.

The department declared in a report issued several months ago that the plan was practical. It outlined a $1 billion project.

In a report issued last week, the Department offered a revised plan, including the use of reversible pumping turbines, which would provide more power for less money than under the previous plan. It was supported by Secretary of the Interior Stewart Udall and other officials before a Senate committee hearing.

We realize the Department's figuring has been challenged before and will be challenged again. It is not easy to prove or disprove feasibility on the drawing boards. However, more than cold engineering statistics relating to a power project should be considered in regard to Quoddy.

Interior Department officials have properly made note of Washington County's economic plight. It has fallen into a condition of chronic depression, an "Appalachia" in a small scale. The building and maintenance of the power project would bolster the region's economy to a substantial extent.

In fact, the Quoddy plan, linked with recreational development, could very well bring a lasting prosperity to the region.

The county is scenic, especially along its coast. Eastport boasts of being the easternmost point of the U.S. mainland. A bridge links Lubec with Campobello, recently established as an international shrine honoring the late Franklin D. Roosevelt. Add to this an imposing tidal power project, the first of its kind in the United States and the area could very well become a major mecca for tourists, instead of one that drifts year after year in economic doldrums.

Thus Quoddy should be looked upon as more than a power project. It could be a practical way for the Government to war on poverty. The broad view should be taken by Congress and State supporters of the plan when it next comes up for study.

WORLD FEDERATION OF THE BLIND

Mr. HARTKE. Mr. President, among the choice associations and opportunities which have been mine as a Senator is that of becoming, insofar as it has been possible, a champion of the blind among us. Bills I have introduced for improvement of the lot of these handicapped people have been passed on several occasions. Others have failed; but in every case, it has been a welcome task to try to represent the interest of these often needy people.

Last week, my good friend John Nagle, of the Washington office of the National Federation of the Blind, who is well known to many Members of this body, visited my office. He was accompanied by the president emeritus of the organization, Dr. Jacobus tenBroek, a chief founder of the federation. Like Mr. Nagle, Dr. tenBroek is also one of the blind.

Since his visit, I have discovered in the organization's publication, the Braille Monitor, a reprint of an article which originally appeared in the Kansas City Times of July 6. In the course of telling about a blind leader of Ceylon on his first visit to the United States, mention is made of the founding of a new organization in Phoenix, Ariz., at the federation's recent annual convention. The World Federation of the Blind was established there, again under the inspiration and leadership of Dr. tenBroek. Present for that meeting were 15 representatives from 8 countries, including India, Malaysia, Pakistan, Japan, and Australia.

We shall shortly be considering the social security amendments bill, in which the Finance Committee will be recommending a small change which will expand existing opportunities under the bill for those blind who are rehabilitating themselves for useful employment and self-support. In our concern for the elderly and the poverty stricken, we also need to remember with compassion this group of people, and to help, for them, to preserve the dignities of self-supporting, useful citizenship.

Therefore, Mr. President, I ask unanimous consent that the article to which I refer be printed in the Record at the end of these remarks.

I should like to add a word in favor of another measure, House Joint Resolution 753. This resolution, which has recently been passed by the House, was received yesterday by the Senate, and was referred to the Judiciary Committee. It authorizes the President to proclaim October 15 as White Cane Safety Day. I hope the joint resolution will be promptly cleared and acted upon.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Kansas City Times, July 6, 1964]

Though Blind, a Man of Vision

Rienzi Alagiyawanna, 48, of Colombo, Ceylon, is pleased with his first trip around the world and his first visit to America.

For the 140 children who attend the Siviraja School for the Blind in Colombo, of which he is principal; for the 10,000 blind persons of Ceylon, and for the more than 14 million persons throughout the world who, like himself, are also blind, he seeks independence, education, and dignity.

And so Alagiyawanna, who is president of the Ceylon Federation of the Blind, undertook correspondence 6 months ago with Dr. Jacobus tenBroek of Berkeley, Calif., president emeritus of the National Federation of the Blind (NFB) and discussed with him the possibility of establishing a World Federation of the Blind (WFB).

"Under the leadership of Dr. tenBroek, the World Federation of the Blind became a reality last week at the annual NFB convention in Phoenix, Ariz.," Alagiyawanna said yesterday. He is a house guest this week at the home of Mr. and Mrs. George Rittgers, who also are blind. Rittgers is president of the Progressive Blind of Missouri, Inc., the Missouri chapter of the NFB.

"Progressive blind persons throughout the world will be able to attack their problems more aggressively when the WFB becomes organized on a worldwide scale," Alagiyawanna said. "Blind persons in Ceylon, in the United States—everywhere—face the same major problem: Educational and employment opportunities so that they may live as individuals, not as charitable wards of the state."

Alagiyawanna speaks English fluently. He was educated at a Catholic French missionary college in Ceylon and teaches English and Sinhalese, the native language of Ceylon, in his school.

"About 3,000 of the blind persons of Ceylon are of school age, but there are facilities for only a third of them," Alagiyawanna said. "That third will be able to live, not well, but at least independently. The remainder will be burdens on their families all their lives.

"In my own school we could teach twice as many students. But why bring in more students when we have only two dozen Braille books in the Sinhalese language," he said. "Each teacher must painstakingly make his own books by hand."

Alagiyawanna said he believed federations of the blind in many underdeveloped countries also were unable to educate most of their blind.

"I am very impressed by the way many schools in this country integrate blind children into regular schools," Alagiyawanna said. "If we could do that in Ceylon, we would not have to provide expensive resident schools such as mine."

Alagiyawanna will attend the World Council for the Welfare of the Blind July 30 to August 12, in New York. The high point of the trip will be his arrival in West Berlin, where he plans to marry a German nurse whom he met there in 1957 while attending a training college for teachers of the blind.

"A blind person must learn everything by doing things for himself," Alagiyawanna said. "We have no wheat in Ceylon and I ate my first wheat cakes this morning on the train. Tomorrow I am going to a grain elevator and learn how it operates.

"I also want to learn how an automatic washing machine works," he said with a smile, "so I am going to wash my own clothes in one."

THE 1964 INTERNATIONAL AIR CADET EXCHANGE

Mr. HARTKE. Mr. President, this year, for the 17th time, the Civil Air Patrol has participated in the CAP International Air Cadet exchange program. A year ago, it was my privilege to address the nearly 140 young men, from 22 nations, at their farewell dinner here in Washington. This year, the same number of countries, 22, were represented in the exchange. Twenty-three States were hosts to these young fliers—one for each national group, and two for the delegation from Germany. Indiana was the host State for the Canadian contingent. Although conducted with the full cooperation of the U.S. Air Force, this operation is, nevertheless, essentially a voluntary and private program supported by many individuals, organizations, and business firms.

Prominent among these is an Indiana firm, Mercedes-Benz Sales, Inc., of South Bend. This company, the U.S. sales agent for the famed Mercedes-Benz automobiles, formerly distributed through Studebaker outlets, is still in operation, although the Studebaker company has ceased to make passenger cars in South Bend.

For the second successive year, Mr. L. A. Fleener, president of Mercedes-Benz Sales, has been host, here in Washington, to these air cadet men the night before they returned to their own countries. This event was held on August 8 in the East Room of the Mayflower Hotel, and was attended by air attachés and embassy officers from countries involved in the exchange. I extend my appreciation to Mr. Fleener, not only on my own behalf, but also on behalf of my various colleagues in the Senate who share my continuing interest in the CAP International Air Cadet exchange program. I also thank Mr. Fleener's associates—Mercedes-Benz Sales vice president, Heinz Waizenegger; Zone Manager Russ Martin, of Bethesda; and Col. Barnee Breeskin, of the CAP who once more had a great deal to do with the arrangements.

ISSUES IN THE PRESIDENTIAL ELECTION

Mr. CURTIS. Mr. President, Mr. Jack Lowe, of the Sidney, Nebr., Telegraph, is not only a very talented writer; he is also a reliable observer and a stalwart citizen.

I ask to have printed in the Record Mr. Lowe's article of August 14, 1964.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Sidney (Nebr.) Telegraph, Aug. 14, 1964]

The Lowe Down

(By Jack H. Lowe)

A friend of mine who prefers to remain anonymous because he works for Lyndon Johnson says he's going to vote for Barry Goldwater and if it costs him his job he can always go over Niagara in a leaky barrel.

He says he has been threatening to rebel against giveaway government for several years, and now that he has almost earned his pension he is going to take the big step and defect from the ranks. He wonders how many other people in the United States feel the way he does, and so do I.

My friend says he thinks the big government which has gained so much power through promises to extend its largesse to the masses actually is more tied up in capitalistic intrigue than the old days of J. P. Morgan and John D. He says he is sick of hearing big government spokesmen tell the little people how they are being cared for, when all the time the little people are getting littler while the big ones get bigger. He wonders how long the little people are going to fall for that line, and so do I.

He says he can remember when government recognized its position as a creature and a servant of the people, created and designed to serve the public and to protect the interests of all the populace at a cost in keeping with its income. He says he thinks its time government got rid of its hypocrisy and got back on an honest, eyeball-to-eyeball relationship with the man on the street, and so do I.

He says he learned in history books when he was a boy that the United States was founded by people who believed in freedom from oppressive, snoopy, and expensive government. They took a long journey in a very uncomfortable sailboat in order to establish a new beachhead where they could put their philosophies into actual practice. My friend says he thinks the United States has strayed a long way from those ideals, and so do I.

At the risk of getting his pink slip and a terse note of termination, my friend says too much emphasis is being put on the welfare of people in faraway countries, and not enough on the man who is paying his taxes and living an honest life right here at home. He thinks it is time that our leaders cut out the big talk about one world and start putting some emphasis on one country where first consideration will be given to the old and young folks at home. He says he's tired of reading about the billions that are going down ratholes in countries he never heard of and he thinks it's about time that this country's foreign policy started to make some sense, and so do I.

He said he thinks the people of the United States are being fed a big bill of goods about the dangers of nuclear warfare and the treacheries we face from the nasty old Communists who are trying to take over the world. He thinks we have enough friends in the world who want to be on our side because they think we are right, and not because we are buying their loyalty with our Federal overdrafts, and so do I.

He says he believes in feeding hungry people at home and abroad, just as his mother used to feed hungry people out the back door, but he thinks the hungry people should show a willingness to chop wood for what they get, and should appreciate their full bellies once they get them. He says his father worked hard and never complained about it because that was the heritage he was promised by the father before him. My friend says it is too bad that many Americans have abandoned the belief that it is a privilege to live in a land where a man can work hard and make an honest living in an atmosphere of security which enables him to sleep well at night. It is my friend's feeling that Americans aren't as genuine as they used to be because they have become mentally lazy and are permitting Government to do their thinking for them. He thinks this is a human tragedy, and so do I.

My friend says he has evaluated the political philosophies of his boss Lyndon and those of the candidate BARRY and he thinks BARRY's beliefs are closer to real American idealism than Lyndon's. He thinks a lot of people are talking about extremism without knowing what it means and he would like to know if it is a national crime for a candidate for President to tell the rest of the world that the United States is tired of being pushed around and is fast becoming of a disposition to start pushing back as a matter of national honor. My friend said this long before Lyndon started pushing back in Vietnam, but not before BARRY had been criticized by folks who said he is a warmonger because he is tired of turning the other cheek. My friends thinks both cheeks have been turned often enough, and so do I.

My friend says he has grown a little weary of reading about the white backlash at the colored people and the colored backlash at the white people because these things have been going on all over the world since people of different colors were invented. He thinks the people of both races are being exploited for political purposes. He thinks people in the North spend too much time telling people in the South how they should cure their problems, and so do I.

My friend says the United States spends too much time apologizing to nonentities around the world who know we are easy marks because we want to cast a favorable image in the eyes of everyone. He thinks this country is old enough to agree that the philosophies of government we approved in 1776 are sound and sane and fair. He fears we have strayed too far from some of these philosophies but he thinks it isn't too late to retrace our steps and practice the principles we try to preach around the world. He recommends that Americans should stand for Americanism, and so do I.

Finally, he says he's quite sure the ship of state will steer a true and stable course regardless of who is elected in November, but he thinks it would shake the rest of the world up and bring them to attention if we elected BARRY in spite of all the advice to the contrary we are getting from the foreign press. In the matter of electing Presidents, my friend thinks the people of the United States should get on with the job without unsolicited help from the far away places, and so do I.

He also thinks BARRY has a good chance of getting elected in spite of what the pollsters say, and so do I.

The PRESIDING OFFICER (Mr. WALTERS in the chair). Is there further morning business?

BERNARD BARUCH'S 94TH BIRTHDAY ANNIVERSARY

Mr. KEATING. Mr. President, today is the 94th birthday anniversary of a man who is distinguished by lifelong service to the cause of good government, Bernard Baruch. As the trusted adviser to seven American Presidents, Republicans and Democrats alike, he symbolizes a dedication to higher goals, above the realm of ambition and partisanship.

In his long life, Mr. Baruch has left an ineradicable stamp on American philosophy. His own words best express his commitment to better government.

> To me—

He once said—

> the greatness of America rests mainly in the fact that we have a form of government in which the people have the means of effecting all necessary changes without enslaving one another.

Mr. Baruch has shared many of his finest ideals with us, and America is the better for his example. We would do well to remember these words in the difficult times that lie ahead.

Mr. President, I know that the entire Senate joins me today in extending hearty greetings to Mr. Baruch.

RELIGIOUS PERSECUTION IN SYRIA

Mr. KEATING. Mr. President, on July 2, Israel radio broadcasters announced that the Syrian Government has banned Jehovah's Witnesses, forbidding all dealings with the association and banning its publications from Syrian territory. The reason given for this move is that Syrian authorities have charged the group with being closely associated with Zionism. In effect, Jehovah's Witnesses are accused of being Israeli intelligence agents because so many of the religious tracts of the Watchtower Bible and Tract Society refer to Israel and to Zion.

Mr. President, discrimination against religious groups and religious practices is a serious matter in most cases. But in this particular case, the attempts of the Syrian Government are also ludicrous. For every child in the United States knows that Zion is used by Jehovah's Witnesses in the biblical sense as the city of God and not in reference to the present State of Israel or the Zionist movement. The Government of Syria makes clear its blind hatred of activities which it does not even understand by the promulgation of this type of decree. This action, I understand, had its origin in a reported recommendation from the central office of the Arab boycott.

Mr. President, Americans are familiar with the unholy activities of the central office of the Arab boycott which seeks to boycott individual American businessmen and firms, even including the Chase Manhattan Bank, for dealings with Israel. This latest action shows the bigotry, hatred, and downright ignorance which are the basis for religious discrimination, and are also in many ways the basis for Arab hostility toward Israel.

Mr. President, I believe that the Department of State is already making appropriate representations to the Syrian Government. Certainly, the Syrians should be the first to realize that their efforts to link Zionism and Jehovah's Witnesses can only make them a laughing stock throughout the world.

WORLD GAMES, INC.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 672, H.R. 1213.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1213) for the relief of World Games, Inc.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

AMENDMENT TO SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1386, Senate bill 1253.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. The bill (S. 1253) to amend section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, line 15, after the word "after", to strike out "January 1, 1964" and insert "January 1, 1965"; so as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, the seventh and eighth sentences of section 8 (b) of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C., sec. 590h(b)), are deleted and the following inserted in lieu thereof: "Farmers within any such local administrative area, and participating or cooperating in programs administered within such area, shall elect annually from among their number a local committee of not more than three members for such area. The members of the local committees shall, in a county convention, nominate and elect a county committee which shall consist of three members who are farmers in the county. At the first county convention held on or after the effective date of this sentence, one member of the county committee shall be elected for one year; one member shall be elected for two years; and one member shall be elected for three years. Thereafter, each member of a county committee shall be elected for a term of three years. No member of the county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to the effective date of this sentence)."
>
> SEC. 2. Section 503 of the Act of August 28, 1954 (68 Stat. 908; 16 U.S.C., sec. 590h–3), is repealed.
>
> SEC. 3. Section 1 of this Act shall become effective for elections of committeemen held on or after January 1, 1965.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time and passed.

EXCHANGE OF PUBLIC DOMAIN LANDS RESERVED FOR USE OF HANFORD PROJECT OF THE ATOMIC ENERGY COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1406, H.R. 11960.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 11960) to authorize the exchange of public domain lands heretofore withdrawn and reserved for the use of the Hanford project of the Atomic Energy Commission, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which Senate bill S. 2984, a similar bill, was passed yesterday, and that the bill be indefinitely postponed.

The motion was agreed to.

PROMOTION OF DEVELOPMENT OF PHOSPHATE ON THE PUBLIC DOMAIN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1407, H.R. 9638.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 9638) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of phosphate on the public domain.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which Senate bill, S. 2500, a similar bill, was passed yesterday, and that the bill be indefinitely postponed.

The motion was agreed to.

INTEREST EQUALIZATION TAX ACT—CONFERENCE REPORT

Mr. LONG of Louisiana. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8000) to amend the Internal Revenue Code of 1954 to impose a tax on acquisitions of certain foreign securities in order to equalize costs of longer term financing in the United States and in markets abroad, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceeding of August 18, 1964, pp. 20128–20133, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. LONG of Louisiana. Mr. President, the Interest Equalization Tax Act, H.R. 8000, imposes a tax designed to aid our balance-of-payments position by restricting the demand on our capital market in the case of foreign issuers of securities in industrialized countries.

The interest equalization tax is a temporary excise tax effective for the period July 19, 1963, through December 31, 1965. The tax applied to purchases by U.S. citizens, residents, domestic corporations, and other U.S. persons of stock or debt obligations of foreign persons but only where these are purchased from a foreigner.

The tax on the transfer of stock is 15 percent of its value and the tax on debt obligations varies from 15 percent on those with a maturity of 28½ years or more down to 2.75 percent for those with a maturity of 3 to 3½ years. No tax is imposed on obligations with a maturity of 3 years or less.

The Senate will recall that the purpose of this tax is to reduce the rate of return on foreign securities by about 1 percent per year. Since the burden of this tax is likely to be shifted to the foreign seller, this means that in most cases he will have to pay a tax which has the same effect as a 1-percent higher interest rate for the use of money he obtains from the American market. The Treasury Department has indicated that this will improve the U.S. balance of payments by from $1¼ to $1½ billion a year.

Your conferees were unusually successful in retaining the Senate amendments on this bill. The Senate made 130 amendments to this bill, and, out of this total, we bring back to you substantially unchanged 129. This, of course, is attributable to the fact that these changes did not modify the basic intent of the House bill. They were of a relatively technical nature and were designed to perfect the intent of the provisions as passed by the House.

Even with respect to the remaining amendment, the amendment adopted here on the floor—the Gore amendment—the House conferees agreed, in large part, with the Senate amendment.

This amendment grants to the administration standby authority to impose the interest equalization tax with respect to commercial bank loans for periods of more than 1 year.

Under the House bill, commercial bank loans were exempted from the tax and no such authority to extend the application of the tax to these loans was included in the bill.

The conferees retained this amendment but modified it in a few limited respects. First of all, it has been modified so that it cannot be applied retroactively before the date of any Executive order—if any such order is issued—imposing the tax with respect to commercial bank loans.

Secondly, the provision is modified to provide that a tax—if one is to be imposed—on commercial bank loans will in no event apply to commitments to make loans which were unconditional or substantially formalized no later than August 4, 1964, the date the Gore amendment was adopted here on the floor.

Also, under the modification agreed to in conference, an Executive order, if issued, may be modified after the original issuance. However, if any significant class of bank loans has been subjected to tax under an Executive order previously issued or modified, then the tax may not be removed with respect to this class of bank loans during the limited period of time this tax remains in effect. Provision is also made to be sure that in any of these cases where an Executive order has been issued, and then modified, that the modification will not retroactively impose a tax with respect to bank loans made on or before the date of issuance of the modification.

In granting the authority provided by this bill to the President to impose a tax with respect to commercial bank loans, it should be clearly understood that the conferees are not directing any action to be taken in this regard. Instead, it is anticipated that a tax will be made applicable only if there is a finding that commercial bank loans are being issued to an appreciable extent as a substitute for otherwise taxable obligations and the extent to which this occurs indicates a volume of such size that we must be concerned from the standpoint of our balance of payments.

Mr. JAVITS. Mr. President, I wish to speak on this measure briefly. I believe Senators should be advised that the conference report is up for consideration.

I assure the majority leader [Mr. MANSFIELD] that I shall not take a great deal of time. But I believe that Senators should know the conference report is up for consideration.

Mr. LONG of Louisiana. Mr. President, so far as I know there is no disposition on the part of Senators to debate the matter further, inasmuch as there were 130 amendments, and the House has agreed to 130 amendments. From the standpoint of the Senate, this was a very successful conference.

The conference report is more in line with what the Senator advocated than the action of the Senate itself. We have been waiting to present the conference report since yesterday. So far as I know, no other Senator intends to oppose the conference report.

Mr. JAVITS. Mr. President, I do not see that that answers the question of whether the Senators should be notified that the conference report is up for consideration.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, we are back with the interest equalization tax measure, which I oppose. I laid my reasons in great detail before the Senate during debate on the bill on August 4. A yea-and-nay vote was taken on the question. The Senate decide that the measure was what it wanted. I think it is wrong in terms of the financial policy of the United States and its position in the world as the principal market for capital. I still believe it is wrong. I believe we shall regret the day that we adopted this improvisation to deal with the balance-of-payments problem.

To summarize my argument against the proposed legislation—and I shall take very little time on the question—I believe we shall find that the rate of the capital outflow from the United States will slowly inch up to exactly what it was, or almost what it was, before the measure was proposed a year ago. We could have accomplished all that we needed to accomplish by adopting the amendment which I proposed, which had outstanding support from the New York financial community. It would have exempted the first 25 percent of domestic distribution of new foreign capital issues. It would have made possible the continuing availability of U.S. capital to foreigners within historic limits; it would have allowed the United States to continue to be the premier capital market of the world, without jeopardizing our balance-of-payments position.

By approving the enactment of an interest equalization tax, we are depriving the United States of the reputation of being the untrammeled capital market of the world with the greatest distribution facilities.

Be that as it may, however, the Senate decided to go along with this improvisation of the Secretary of the Treasury and Mr. Roosa, and that decision having been made, that is it.

The action does not, however, gainsay the need for making clear that this tax places the United States, as a great capital market, in grave peril. In my judgment, the measure requires an appeal to the banking and investment houses of the United States, that, notwithstanding the tax and the discouragement which it represents today, they do their utmost to maintain the position of the United States as the premier capital market of the world.

I emphasized before, and I emphasize again, that a great element of American power in the world is its power to extend credit.

Let us remember that the two things which the Communists do not have and cannot get or give are credit and ownership. They cannot get or give extensive credit because they are not trusted, and they do not trust their own people. Ownership is completely inimical to them, due to their need for tight governmental control, which is the very essence of the Communist system.

Ownership and credit are the two great assets which we have and which we must exercise.

Many people talk about a "win policy" instead of a "no-win policy"—a decisive victory and the will to have victory in terms of the cold war struggle.

Mr. President, if we should be—and I am afraid we are—seriously jeopardizing America's standing as the premier capital market of the world by this ill-advised tax, we would be impairing one of the greatest powers that we have in the struggle with communism; namely, our power to grant or deny credit, in this case in the form of foreign capital issues sold to this market, which are critically important—indeed decisive—to the economies of many countries around the world.

I also point out the infinite complexity which the proposed legislation presents to countries with which we have extremely favorable balances of trade, and with which we wish, in every way, to cultivate friendship and financial cooperation. Canada is a notable example. Canada is our biggest customer in terms of capital flotation; and, of course, Canada is exempt, as it had to be. The tax would have been completely unworkable if Canada had not been exempted.

I have said before, and I repeat, that before we are through with the interest equalization tax we shall have to make some special arrangements with Japan. The Treasury says it will not. I am sorry to hear it say that. The authority is clearly available under section 4917. I am advancing my unilateral view as a person with some experience in this field. Japan must have capital to trade and grow. The financial and trade viability of Japan is extremely important to the United States. In my judgment, the pressure of these necessities will result in lifting the bars for Japan. Then nothing will be left of the interest equalization tax except a great disservice made to the trustworthiness of the great American capital market.

One can only hope, and appeal to the patriotism of the distributors of securities in this country, as well as to their own self-interest to make up for the disadvantage of the interest equalization tax by retaining close relations with markets overseas, and by making an extra effort to retain oversea interest in the U.S. capital market.

But, Mr. President, that is water over the dam. We can do little about it, the Senate having expressed its will, and having turned down both alternatives which I offered.

I wish to make brief reference to a provision in the bill which resulted from a floor amendment in the Senate, granting standby authority to the President to impose the tax on commercial bank loans made to foreign borrowers.

It is amazing to me that the conferees should have kept that amendment in the bill. It indicates the extent to which we are going with this improvisation. In the first place, the Senate Finance Committee, when it reported the bill, said that no such tax was necessary, and excluded from the bill commercial bank loans of less than 3 years' duration. The Secretary of the Treasury said the same thing in a letter to the Senator from Tennessee [Mr. GORE], in which he stated very clearly that he saw no need for the imposition of the tax on this kind of bank credit. Nonetheless, to close a loophole which both the Treasury and the committee said did not exist, the Senate adopted the Gore amendment.

The bill has now emerged from conference in somewhat better form than it left the Senate, but, nevertheless, a very deleterious amendment, one which only worsens the interest equalization tax and a bad situation, was left in. The conferees kept the standby provision with respect to bank loans from being retroactive, and also provided that when it is applied it shall not affect the arrangements made for such bank loans if they were fixed and conclusive up to the date the bill was passed by the Senate, August 4, 1964. In other words, preexisting commitments are exempted.

It seems to me, and seems to the whole banking fraternity that the retroactive feature and the fact that there is a standby power given to the President have created yet a new complexity and a very trying one in respect to this bill. The objective of getting through this difficult period in our balance-of-payments situation without resort to a still further extension of controls has been jeopardized. Although retroactivity has been eliminated in conference, the bill imposes a burden, a responsibility, upon the banks themselves to determine whether borrowing is for legitimate purposes or whether there is advance borrowing in anticipation of the effect of the tax upon these loans.

The agencies of Government which regulate the banks—the Comptroller of the Currency, the Federal Reserve banks, and the Federal Reserve Board—have adequate authority in this field over banks. Even if it were only moral suasion that were exercised, no bank would run contrary to their views.

Therefore, such a tax is unnecessary; and it is likely to prove harmful by encouraging advance borrowing in order to offset the bad effects of a tax when it becomes effective.

Mr. President, I had a purpose in speaking as I am speaking at this time. I believe it is essential that the Secretary of the Treasury clearly announce his policy—which would be the President's and the administration's policy—with respect to the utilization of the standby authority and the exact criteria which he feels will control in asking the President to impose it. If he does not do that, every borrower and lender will extrapolate what he thinks will be the situation with respect to the standby authority in imposing the tax; and advance borrowing may take place with an unwarranted and uncalled for drain on the balance of payments.

Finally, I conclude this discussion of the dangers which I see and the measures which I feel need to be taken with respect to this bill by calling attention to the fact that, with the Gore amendment, Congress has transferred its taxing authority to the President. I do not understand why we so often view with alarm case A. Then case B comes along and we forget what we did in case A, and say it is all right in case B.

The Senator from Louisiana [Mr. LONG] is correct when he says that very few of us are exercised about this conference report and what it portends. Yet with respect to the tax bill, when a suggestion was made, to give the President some limited standby authority which might have been justified on some basis, when we talked about that kind of standby authority, everyone raised his hackles. The House objected to the Executive's usurpation of this prized possession of Congress—namely, its power to tax. Without so much as a whisper or a whimper except for such protests as mine, Congress gives the President standby authority, to impose at his discretion, a tax upon the credit system of the United States as it is used abroad.

If I were not here to see it, I would not have believed it. I would have felt that it was inconceivable that something like that should have happened. But here it is, and without enough opposition to warrant a rollcall or an effort to reject the conference report on this ground.

Senators ought to consider this situation very seriously. This measure is to expire in 1965. Notwithstanding all the assurances given to the contrary, once these programs are started, it is very difficult to stop them. I have no doubt that an effort will be made to extend the authority. I hope Congress will study the record in light of what is being done and will take heed that with this kind of unnoticed measure—in spite of the efforts I have made to bring it to notice—Congress is transferring to the Executive its jealously held power to tax, which it has heretofore so zealously guarded.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. LONG of Louisiana. The Senator realizes, does he not, that the conference report comes closer to what the Senator was contending for in connection with the Senate bill when that was under discussion here? In other words, the House amendments to the Gore amendment move in the direction of what the Senator from New York was advocating.

Mr. JAVITS. Although the Senator is a kind human being, I cannot be very grateful for such very tiny favors. I believe it to be a disastrous mistake. I believe it will turn out to hurt the position of the United States irremediably. We shall find people going elsewhere, with all that it implies in commissions, in insurance, and in the power to give credit or to withhold it. That is a tremendous power. All we have done is to compound the difficulty. Giving the President this standby authority is serious, indeed, because we are surrendering to the President the taxing authority. It is a very ill-advised policy, in my judgment, which is carried out in this measure with practically no opposition. It is a great mistake.

By standing alone on the floor and voting "No" upon the conference report, as I shall, I hope what I have said will not have been said in vain or that my vote will have been in vain. I do not believe it will, because I see events occurring which will make us rue the day we did which will make us rue the day we did it.

Mr. BENNETT. Mr. President, the Senator from New York does not stand alone. He has at least one Senator at his side. The two of us together made a fight against the bill. We thought what was in it was dangerous when the bill was before the Senate the first time. We realized that we were voices crying in the wilderness. At least until the terms of the bill expire, the fight has been lost for a year. I am proud and happy to associate myself with the statements made by the Senator from New York. I do not wish to repeat them. I feel the same great, deep fear that we may have done irreparable damage to the position of the United States as the money market of the world, not in terms of the few loans or the few stock offerings that may have been passed elsewhere, but in terms of the confidence that the people in other countries of the world had in us, and which we now have shattered.

I believe this will be particularly evident in our relations with the Japanese in the months and years ahead.

I also wish the RECORD to show that I shall vote against the conference report, even though it is more or less futile to express my opposition to this ill-conceived, shortsighted program, which may have a very temporary beneficial effect on our balance of payments, but which over the long pull will undoubtedly damage our balance-of-payments position very seriously.

Mr. JAVITS. Mr. President, I am grateful to the Senator from Utah. When I spoke earlier, I spoke more forensically than in an effort to poll the Senate. I am honored to be associated with the Senator from Utah in these views. He is a conservative in his views, and I am a liberal in my views on many questions. However, I am very hardheaded, as he is, in terms of how to use our powers in the struggle for freedom. The money power is an extremely important one. Let us mistake it not. Anything which we do to jeopardize the money power is harmful to us.

It is easy to see disasters and casualties, and difficult to perceive the detraction from our strength which comes when we lose the power to extend or withhold credit. I am glad that we have had a meeting of minds on this question. It illustrates what I have always felt. I thank God for the conservatives in this body, for giving us their guidance and counsel and advice, which sometimes are opposite to mine. I hope that they feel the same way about us.

It is critically important when we see issues in the same light, and join forces, as the Senator and I have done. I am honored to have him associated with me and to have him say what he has had to say on this subject.

I do not believe that what we are saying this afternoon is being said in vain. There are many in the world who are listening for some hope in this situation, which could be very discouraging to them. If a few voices are raised in opposition, there is the hope that they will gain strength when the issue comes up again and that better counsel will prevail. There is the expectation that if the program is carried out improvidently, there will be those who will protest, and protest effectively. So we shall be giving hope to our friends and to those who regard the United States as the greatest capital market in the world. There will be protests if the program is carried too far. Therefore these words may not be in vain. They may very well insure another course of action if it is found that the present course is unwise, and if what I have said is proved to be right by events, I would rather not be proved right, but I am very much afraid I shall be considering the situation.

I wish to conclude on this note. No discussion of this matter would be complete without advancing what people like myself would do about the balance of payments rather than adopt an interest equalization tax.

After all, we are talking in round figures about something like a half billion dollars in capital flotations over and above the total amount of about $600 million to $800 million a year in capital outflows that we are ready to accept. We do not think that the tax will cut it off below that. At least we hope not. Therefore, we are talking about a half billion dollars a year. When we look at that half billion dollars a year, we must also keep in mind what our capital market will lose in commissions, insurance, and other invisible exports. We shall lose materially.

We must also consider the many alternatives that are available to us to diminish our balance-of-payments deficit, such as to lessen our imbalance in tourism, which comes to about a billion and a half dollars a year, or to persuade other nations to help adequately in the field of military, technical, and economic assistance, to a greater extent than is done today. The Defense Department has done a rather fine job in reducing our military expenditures abroad, and Secretary McNamara has directed that further efforts be made in that direction. When we consider all the questions which are involved in the expenditures by American personnel abroad, and the major drive to increase our exports abroad, which will be interfered with, incidentally, by these restrictions on the American capital market, we see that these are the best hopes to right the balance-of-payment problem. Also to be considered are steps that the various international monetary organizations, including the Paris Club of Ten, can take to improve international monetary liquidity, and help to carry the burden of the imbalance of payments, which affects all nations one time or another. All these are better alternatives than the one we have chosen.

Let us never forget that when we get rid of the balance-of-payments problem, we shall only be shifting that problem over to Europe, where it may cause far more mischief than we are afraid of here. Let us not forget that for a moment. Our balance-of-payments situation only highlights the fact that world monetary resources are inadequate and that the adjustment mechanism built into the world monetary system is inflexible. We have studied this in the Joint Economic Committee for years. Unfortunately, we have been unable to arouse the interest of the people adequately.

I think we are making a great mistake. I shall vote "nay." I see nothing which will stop the bill now. I only hope that what I have said concerning what the President ought to do, what the Secretary of the Treasury ought to do, and what the American banking community ought to do in this matter, may have some effect; and that our friends abroad, who have looked to us for so long as the greatest capital market of the world, may at least be encouraged in the feeling that they have friends in this great body who understand the problem and who will be vigilant to see that, within the limits of the law, we shall do our utmost to dampen down its seriously adverse effects.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. LONG of Louisiana. Mr. President, I move that the Senate reconsider the vote by which the report was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. PARTICIPATION IN CANADIAN UNIVERSAL AND INTERNATIONAL EXHIBITION

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate the amendment of the House to S. 2905.

The PRESIDING OFFICER. The Chair is advised that the papers have not yet been received from the House.

Mr. DOUGLAS. Mr. President, may we have an explanation of the bill?

Mr. FULBRIGHT. I will make an explanation. The House passed the bill with an amendment yesterday.

By way of explanation, the bill would authorize the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition to be held in Montreal in 1967. As it passed the Senate, the bill authorized the Commissioner General to receive the pay of a chief of mission, class 2. At that time, this was $22,500. The amount was increased by the pay bill to $28,500. The House amendment fixes the pay at $22,500.

The Senate bill also authorized the appointment of two other principal representatives in connection with U.S. participation in the exhibition. This authority has been deleted by the House.

I do not believe these changes are significant enough to warrant a conference; therefore, I move that the Senate concur in the amendment of the House.

I was informed by members of the staff that the bill passed the House yesterday, so it should be received by the Senate shortly.

Mr. MANSFIELD. Mr. President, in view of the fact that the distinguished Senator from Arkansas, chairman of the Committee on Foreign Relations, has made the necessary explanation, it would be the intention of the leadership, when the bill, as amended, has been received from the House, to call it up on that basis.

DEATH OF PROF. EDMOND CAHN

Mr. JAVITS. Mr. President, I invite attention to the untimely death on August 9 of Prof. Edmond Cahn, who may well be considered a prototype of the legal philosopher.

I knew Professor Cahn, who was a member of the faculty of New York University Law School, my alma mater. He was also a highly distinguished author and lecturer on the Supreme Court and the philosophy of justice, whose works will long stand as monuments in the field.

I ask unanimous consent that the obituary with respect to Professor Cahn, published in the New York Times of August 10, be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 10, 1964]

EDMUND CAHN, 58, A JURIST, IS DEAD—PROFESSOR AT NYU WAS A NOTED PHILOSOPHER

Prof. Edmond Cahn, of the New York University Law School, a noted legal philosopher, died yesterday of a heart ailment in Roosevelt Hospital. He was 58 years old and lived at 6 Washington Mews.

Mr. Cahn, an intimate of justices of the U.S. Supreme Court, had written and lectured extensively about the Court and the philosophy of justice. He was a tall, white-haired man and was known as a brilliant speaker, with a flair for concrete examples, and with a faint trace of southern accent.

In 1955, Mr. Cahn received the American Philosophical Society's Phillips Prize in Jurisprudence for organizing a symposium on "Supreme Court and Supreme Law" and for his book "The Sense of Justice: An Anthropocentric View of Law," published by New York University in 1949.

The book, which one judge called "the most impelling discussion since Aristotle on the subject of justice," examined the critical points where indignation about injustice should be aroused.

"Where justice is thought of in the customary way as an ideal mode or condition," Mr. Cahn wrote, "the human response will be merely contemplative, and contemplation bakes no loaves. But the response to an instance of injustice is something quite different; it is alive with movement and warmth in the human organism."

MADE SURVEY ON ETHICS

After the book was published, a research institute offered Dr. Cahn a grant of $20,000 from a philanthropic foundation to survey American ethics as revealed in the law courts. When the research institute criticized the first section of his report as "controversial," he decided to continue the costly 5-year study at his own expense.

The result, "The Moral Decision: Right and Wrong in the Light of American Law," was published by Indiana University Press in 1955 and was a Book Find Club selection. It was perhaps his most important work.

In another book, "The Predicament of Democratic Man," published by Macmillan in 1961, Mr. Cahn discussed the duties of collective and individual responsibility in a democratic community. Associate Justice William O. Douglas wrote of it in the New York Times Book Review:

"It is at once a handbook in citizenship and a philosophical analysis of the free society. It radiates confidence in the free society as the hope of the world."

Mr. Cahn was the editor of "The Great Rights," published by Macmillan in 1963—a discussion of safeguards of American freedom by Chief Justice Earl Warren and Justices Hugo L. Black, William J. Brennan, Jr., and William O. Douglas.

A TULANE GRADUATE

He was born and reared in New Orleans. In 1925 he was graduated from Tulane University, where he received a law degree in 1927. He held an honorary doctor of laws degree from the Jewish Theological Seminary of America.

Mr. Cahn practiced law here from 1927 to 1950. He had been a member of the New York University faculty since 1945 and professor of law since 1948.

He had also been a visiting lecturer on the philosophy of law at Hebrew University, Jerusalem, and had taught ethics at the Jewish Theological Seminary of America.

Mr. Cahn was chairman of the Conference on the Social Meaning of Legal Concepts from 1948 to 1951 and a member of the Association of American Law Schools Committee on 20th-century legal philosophy series.

He was a member of the Sons of Confederate Veterans, Phi Beta Kappa, Zeta Beta Tau, and the Order of Coif.

He had recently been elected a director of the American Civil Liberties Union.

Surviving are his widow, the former Lenore Lebach; a son, Edgar S.; a daughter, Mrs. Mary Schwartz; a sister, Mrs. Nils Jacobson, and three grandchildren.

THE MUTUAL INVASIONS WHICH MAKE A FREE UNITED STATES

Mr. JAVITS. Mr. President, much has been said about the so-called "invasion" of Mississippi by several hundred young people from the North who are dedicated to urging Negroes to exercise their constitutional right to vote and educating them so that they can, in spite of the barriers and harassments set in their path. It has often been argued that civil rights difficulties in the students' home cities should have their attention rather than those in other States. A recent letter to the New York Times answers this point very effectively by pointing out that such movements across State lines have for a long time been very much a part of the American scene, and often involve far greater numbers of students from Southern States into New York City, for example, than are involved in the Mississippi project this summer. What is inherent in these movements is, of course, the very essence of a free society, the ability of citizens to travel freely throughout the United States for lawful purposes and to be protected from harassment and violence by the local authorities wherever they go. I ask unanimous consent that the letter to the editor of the Times be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 15, 1964]

NEW YORK'S INVASION BY SOUTH

To the EDITOR:

Many people in the North as well as the South profess to be indignant about the "invasion" of Mississippi by students from other States. These critics are apparently not aware that such "invasions" have been going on for many years in both the North and the South.

Students from Mississippi and other Southern States have "invaded" New York City year after year, far exceeding in numbers the Northern students now in Mississippi.

Many of the Protestant denominations have summer service projects in New York which have attracted a steady stream of volunteers from the South. I personally know of Mississippi students who have spent the summer working in Harlem.

The East Harlem Protestant Parish is perhaps the best known project of its kind, but there are many others. I once served on the staff of the Methodist Board of Missions in New York and organized a project in Harlem. I remember very well that we had more volunteers from the South than we could accept. (Understandably there were no volunteers from New York City.)

There is nothing at all unusual about the desire of young people to spend a summer working on voter registration projects in Mississippi. It's the same desire that Mississippi students have to work a summer in Harlem.

Both Mississippi and Harlem are dangerous places these days. But it is not in the nature of idealistic young people to shrink from danger. Personally, my hat is off to all of them. What a poor world this would be if our young people lost their desire to serve their fellow man.

Reverend CAXTON DOGGETT.

CIVIL RIGHTS UNDER LAW: STATEMENT OF NEW YORK STATE BAR ASSOCIATION

Mr. JAVITS. Mr. President, earlier this summer the New York State Bar Association issued a statement on civil rights under law which has become increasingly significant. The statement very concisely summarizes the correlative responsibilities of all elements of our society in achieving justice through peaceful and lawful means, and it emphasizes the leadership which is properly expected of the legal community in this moral and social crisis. Kings County Surrogate Orri G. Judd, one of our most distinguished lawyers, prepared the statement as chairman of the State bar association's committee on civil rights, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CIVIL RIGHTS UNDER LAW

(A statement prepared by the committee on civil rights and approved by the executive committee of the New York State Bar Association, June 15, 1964)

The thrust for implementation of Negroes' rights to jobs, education and housing remains the most urgent domestic issue of 1964. It was dramatized in the summer of 1963 by the march on Washington, and the summer of 1964 promises to produce a variety of civil rights activity, both in the South and in the North.

The New York State Bar Association considers this a strategic time to express some basic principles for guidance of lawyers and other citizens in meeting the problem. All our human and property rights depend on a system of laws which are to be obeyed. Flouting any law weakens the grounds of all those rights. New York State has been a pioneer in legal protection of the rights of minorities. There are correlative obligations: on the community, to assure the achievement of racial equality in conformity with law, and on minority groups to conform with law and order in voicing their demands for effective equality.

The first basic principle is that the achievement of racial equality requires the urgent efforts of the entire community. One hundred years after the Emancipation Proclamation, and 10 years after the school segregation decision, there are still many areas of our life where patterns of segregation remain. Antibias housing laws still fall short of permitting the dispersal of minority groups from segregated areas in both urban and suburban communities. Steps to provide true equality of educational opportunity are proceeding slowly, and will require vast sums of money, which may necessitate additional taxes on all our citizens. The opening of new employment opportunities for Negroes has proceeded slowly. There is need for much wider channels of communication, so that the community may be fully aware of minorities' problems, and the minorities may be kept informed of the efforts which are being made to implement their rights.

The second basic principle is that demands for racial equality should be expressed in conformity with law and order. Camping in Government or business offices, blocking traffic, or like willful obstructions, are tactics which we believe both bespeak and beget disrespect for law—a disrespect which is singularly antithetical to the goal of equal rights for all. Such tactics are unnecessary in New York State, where the law imposes virtually no obstacles to peaceful protest against social evils, the courts act impartially, the ballot is open equally to all, and public officials are available to all persons asserting grievances. Moreover, demonstrations which interfere with the civil rights of others are not, we suggest, the best way to achieve equality of treatment. Ideally, the common resolve to promote racial justice should not be prejudiced by any misconduct of civil rights advocates. It is a fact of life that demonstrations which violate the rights of others frequently lose friends and alienate the support of many persons of good will. Frustrations caused by delay in reaching full equality do not justify resort to violence or lawbreaking.

The third basic principle is that lawyers should lead in assuring the legal rights of all citizens. They are equipped by training, experience and skill to resolve disputes on a basis of reasonable adjustment, rather than emotion and violence, but they must undertake more active roles both individually and in association than heretofore. We commend the efforts of the Lawyers' Committee for Civil Rights Under Law, to resolve the Nation's racial problems, and we urge all local bar associations to study what needs to be done in their own areas, and to furnish leadership in accomplishing it. The lawyers' committee urges local bar aid in two particular fields—establishing biracial committees to seek solutions to civil rights problems, and seeing that all persons in civil rights controversies can obtain competent legal counsel. When a citizen takes the law into his own hands by willfully violating it, the result is nothing less than anarchy and must never be condoned by an emotional misjudgment that the end justifies the means. Resentment at illegal demonstrations should not be an excuse for relaxing the efforts of the white community to promote racial justice. Local bar associations can help clarify fundamental legal issues, as a contribution to public discourse.

COST OF LONG-TERM ILLNESS

Mr. JAVITS. Mr. President, although provision for health care of aged persons on public relief rolls has long been established and continues to be improved, and although in recent years we have begun providing through the Kerr-Mills program for the health care of the medically indigent aged, these measures are confined to dealing with dependency after it has occurred. They do not encourage or strengthen the efforts of the aged to avoid dependency or the illness that if not treated on time will lead to chronic sickness and impoverishment. Public relief programs do not reduce the disadvantage of the millions of aged persons in coping with the costs of illness nor ease the special risk they face of losing their self-sufficiency and being reduced to the welfare rolls by the impact of health costs. This is the kind of situation that an adequate program of health care insurance for the aging, with Government and private insurance participation such as I have proposed, can prevent.

I ask unanimous consent to print in the RECORD the article on the effects of long-term illness by Dr. Michael M. Dacso, entitled "A Plea for Improvement in Chronic Medical Care," which appeared in Medical Tribune, July 8, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Medical Tribune, July 8, 1964]

A PLEA FOR IMPROVEMENT IN CHRONIC MEDICAL CARE

(By Michael M. Dacso, M.D., professor, physical medicine and rehabilitation, New York University School of Medicine; director, Department of Physical Medicine and Rehabilitation, Goldwater Memorial Hospital, New York)

In the past the responsibility for the care of the indigent and chronically ill aged and handicapped was traditionally entrusted to county homes, poor farms, and other publicly owned institutions with almost universally low standards of care. In recent years this regrettable situation has begun to improve as responsibility for long-term medical care has gradually, albeit reluctantly, been included in the general medical care pattern. Some hospitals, as well as public and voluntary agencies, have already made or are in the process of planning changes in their long-term medical care programs. In addition, sporadic but vigorous research trends are also evident in this field.

Today's medical education is still primarily focused on acute illnesses. However, it is becoming increasingly recognized that a substantial proportion of patients suffer from chronic ailments for which the medical student has not been adequately prepared. Recognition of this deficiency has already shown itself in places by the introduction of at least a degree of instruction in chronic medical care in our already critically overburdened medical school curriculums.

Changes in curriculum content alone will not solve the problems of long-term medical care. What is needed is a reevaluation of the basic concept of comprehensive medical responsibility. The student should be trained to recognize and accept, as a fundamental principle, that the physician's responsibilities go far beyond a concern for his patients' health and include a concern for their total welfare.

Long-term illnesses affect a large segment of the population and if this problem is left unsolved it will continue to exacerbate the already politically volatile needs and demands of our population. Unless planned action is taken, arbitrary and ill-conceived decisions will be made which are motivated by exigency rather than by sound public policy. The solution of important health issues by using emotional rather than professional considerations can only lead to an intensification of this already difficult situation and as a result the public and the medical profession will suffer.

At the present time, with a few exceptions, neither the physical plant and equipment nor the professional and ancillary staff of the chronic disease hospitals can be compared favorably with those of the general hospitals. It cannot be denied that the quality of medical care available to the acutely ill is far superior to the care given to the chronically ill. Such a double standard is not compatible with the concepts of modern medical care. The need for prolonged hospitalization should not be used as an excuse for substandard services. Patients suffering from chronic illnesses require the same high-quality medical and nursing services as the acutely ill patients. The magnitude of the problem of chronic illness is such that only the coordinated efforts of physicians and other experts in the health and social fields can meet it. Therefore, it is suggested that a study group be organized similar to the now defunct Commission on Chronic Illness. This organization should be responsible for making recommendations for immediate improvements as well as long-range planning in chronic medical care.

The problem of long-term medical care is not new. The most conscientious, dedicated, and knowledgeable efforts of many governmental and voluntary agencies, such as the Commission on Chronic Illness, the U.S. Public Health Service, and the local governmental and voluntary health agencies, have so far not resulted in the sorely needed improvement in the standards of chronic medical care. The task of preventing the ravages of chronic diseases and of treating and rehabilitating the physically handicapped is an enormous one, and the longer it is postponed the more formidable it becomes. In view of these undeniable facts it is suggested that we forget the frustrating failures of the past and that vigorous steps be taken to develop a sound and realistic long-term medical care policy. With appropriate modifications to suit local and regional needs, programs could be introduced in some of the already existing chronic disease institutions. New services should be created where necessary and those which are capable of improvement should be revitalized.

Intensification of the fight against chronic illness has never been more timely than it is at the present time when the world's economically best endowed nation has begun a concentrated attack against poverty. Long-term illness is undeniably a significant factor in creating poverty. It saps the patient of his vital strength and drains his financial resources, often contributing heavily to the complete disintegration of the family structure. A multiplicity of such family situations eventually strikes at the very heart of the community, leading to social and economic disorganization. Radical and immediate improvements in long-term medical care would not only help to eliminate a major health problem but would serve as a most effective tool in the struggle to raise the physical and economic standards of the Nation.

BERNARD BARUCH

Mr. PELL. Mr. President, all of us have long admired Bernard Baruch. If ever there was a man who displayed the old Renaissance characteristics of the homo universale, of doing everything well—in commerce, government, literature, and athletics—it is he.

Speaking particularly as a U.S. Senator, I am most conscious of the service he has rendered our Nation over the years. It is for this reason that I pay public tribute to him on his 94th birthday.

SENATOR McINTYRE'S WISE AND THOUGHTFUL EXPOSITION ON EXTREMISM

Mr. PROXMIRE. Mr. President, the word "extremism" has been injected perhaps more than any other into our public oratory of late. There have been explanations, definitions, and rebuttals by the score.

One of the most clearly worded and incisive statements I have seen was one written by my colleague, Senator TOM MCINTYRE, and distributed to the newspapers in his State of New Hampshire. He shows exactly why it is false, indeed ridiculous, to call great American patriots past and present "extremists."

Mr. President, I ask unanimous consent to have the article inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REPORT FROM WASHINGTON ON EVENTS AND ISSUES FROM U.S. SENATOR TOM MCINTYRE

More and more the American people are being subjected to the watery idea—disguised as a philosophy—that there is only one way to be patriotic, one way in which to love your country. Now we are told there is but one label to pin on those who have defended our priceless liberty and fought for justice—extremist.

We are told that, among others, George Washington was an extremist, Patrick Henry was an extremist, Abraham Lincoln was an extremist, Dwight Eisenhower was an extremist. And how do the new prophets justify calling these and other American heroes extremists? Because they have defended liberty and fought for justice and equality. This, we are told, is synonymous with extremism and, therefore, we have nothing to fear from extremist groups. This is sheer nonsense.

These budding philosophers are entangled in a monumental mass of confusion. They are confusing extremists with those who oppose them. They say, in effect, that extremism and fighting extremism are the same thing.

Were the farmers of Lexington and Concord extremists because when all else failed, they leveled their muskets in defense of life, liberty, and property? Were the opponents of a "state" church and of taxation without representation extremists?

And were the people who believed that one man should not own another extremists? Were those who fought a war to end the practice of slavery extremists?

Was General Eisenhower an extremist when he landed in Normandy? Was our part in World War II extremism?

Or—was not the British crown in the 18th century the extremists? And were not the proslavery people in the 19th century the extremists? And was it not the hellish crusade of Hitler in the 20th century—with its death camps and desire for world conquest—that was absolute extremism?

Must everyone who has ever fought or died in the cause of liberty and justice now be lumped together with the evil forces they were fighting? Only, I submit, if after winning their battles they take on the tinge of those they have defeated.

To recognize the evils in a system such as Soviet communism which, after helping free the people enslaved by Hitler, itself became the master of some of the same people, is one thing. However, to give the name "Communist" to everyone who disagrees with one's philosophy, to tag Dwight Eisenhower a knowing agent of the Communist conspiracy, to hysterically overrate the Red threat domestically at the dangerous cost of underrating it internationally—this is another thing. It is extremism.

Let us not become involved in a sea of technicalities which obscure true meaning. No one will deny that war is an extreme action. No one will deny that those who fight a war—even those who were forced into it—were taking part in an extreme activity. But let's look at some of the people who fought in that war—John F. Kennedy, Lyndon B. Johnson, Dwight D. Eisenhower, George C. Marshall. Remember, the day war ended these great patriots—yes, patriots—turned their thoughts completely toward peace. Vengeance and vindictiveness played no part in their lives or actions.

In defense of liberty, this Nation undertook to rebuild a broken Europe (including the homeland of our former enemy), to feed the starving children of wartorn countries, and, perhaps most important, to help restore the dignity of people who had lived for years beneath the boot of tyranny. In pursuit of justice, we refrained from exterminating the former exterminators. Instead the chieftains of the Third Reich were given trials, allowed due process of law in courts open to the eyes of the world.

Let us not confuse these acts with extremism—an "ism" that has no place beside Americanism, patriotism, and humanism.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXTENSION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1402, S. 2687.

The PRESIDING OFFICER. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry, with an amendment to strike out all after the enacting clause and insert:

That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Section 101 of such Act is amended by striking out in subsection (f) the words "from the government or agencies thereof" and further by striking the period at the end of subsection (f) and adding the following: ", and which are not less favorable than the highest of exchange rates obtainable by any other nation.".

(2) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(g) require such foreign currencies to be convertible to dollars to the extent consistent with effectuation of the purposes of this Act."

(3) Section 102 of such Act is amended by adding at the end thereof the following: "The Commodity Credit Corporation shall finance ocean freight charges under this section only to the extent that such charges are higher (than would otherwise be the case) by reason of a requirement that the commodities be transported in United States-flag vessels.

(4) Section 103(a) of such Act is amended by adding at the end thereof the following: "In presenting his budget, the President shall classify expenditures under this Act as expenditures for international affairs and finance rather than for agriculture and agricultural resources."

(5) Effective January 1, 1965, section 103 (b) of such Act is amended to read as follows:

"(b) Agreements shall not be entered into under this title during the period beginning January 1, 1965, and ending December 31, 1966, which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of $2,700,000,000 plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years: *Provided*, That agreements shall not be entered into during any calendar year of such period which will call for appropriations to reimburse the Commodity Credit Corporation in amounts in excess of $2,500,000,000."

(6) Section 104 of such Act is amended by striking out in subsection (c) the word "military" and inserting after the words "common defense" the words "including internal security".

(7) Section 104 of such Act is amended by striking from subsection (e) the words "not more than 25 per centum of the currencies received pursuant to each such agreement shall be available" and substituting "currencies shall also be available".

(8) Section 104 of such Act is amended (i) by striking out, in the first proviso following subsection (s), "subsections (d) and (e) and for payment of United States obligations involving grants under subsection (f)" and inserting in lieu thereof "this section, and to all foreign currencies derived from payments of interest or repayments of principal on loans made under this section,"; and (ii) by striking out the second proviso following subsection (s).

(9) Section 104 of such Act is amended by adding at the end thereof the following: "No agreement hereunder shall impose any restrictions not contained in this section on the use to meet the requirements of United States Government agencies in the importing country of local currencies not devoted to subsection (c), (d), (e), or (g). Any such currencies shall under the terms of the agreement be made legal tender or convertible into legal tender for the purpose of any obligation of the United States or any of its agencies to the government of the importing country or any of its agencies. Any loan made under the authority of this section shall bear interest at such rate as the President may determine but not less than the cost of funds to the United States Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturity of such loans."

(10) Section 108 of such Act is amended by striking out the words "six months" and inserting in lieu thereof the word "year".

(11) Section 203 of such Act is amended (i) by striking out "1961" and substituting "1965"; (ii) by striking out "1964" and substituting "1966"; (iii) by striking out "$300,000,000", and substituting "$375,000,000"; and (iv) by inserting after "charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto" the following: "or donated under said section 416, section 308 of this Act or section 9 of the Act of September 6, 1958 (72 Stat. 1790)". Clauses (i), (ii), and (iii) hereof shall not become effective until January 1, 1965.

(12) Sections 109 and 204 of such Act are amended by striking out "1964" and inserting "1966".

(13) The first sentence of section 403 of such Act is amended by striking out the words "more than" and inserting the words "less than".

Sec. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(2) By inserting after the subsection designation the following: "For sale to United States citizens as provided herein.";

(3) By striking "this Act" and substituting "the Foreign Assistance Act of 1961, as amended.";

(4) By changing the period at the end of the subsection to a comma and adding "except that in the case of any such foreign currencies acquired through operations under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, the United States dollars received from the sale of such foreign currencies shall be deposited to the account of the Commodity Credit Corporation and shall be treated as a reimbursement to Commodity Credit Corporation under section 105 of this Act."

Sec. 3. Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply, is directed to sell or otherwise make available for export extra long staple cotton at prices not in excess of the prices at which cotton of comparable qualities is being offered by other exporting countries. Such cotton shall be sold or otherwise made available for export as long as such cotton is in surplus supply as determined pursuant to the provision of section 106 of the Agricultural Trade Development and Assistance Act.

Mr. JAVITS. Mr. President, I have an amendment to offer to the committee amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER (Mr. Nelson in the chair). Without objection, it is so ordered.

CONSTRUCTION, OPERATION, AND MAINTENANCE OF DIXIE PROJECT, UTAH

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 26) to authorize the Secretary of the Interior to construct, operate, and maintain the Dixie project, Utah, and for other purposes, which was to strike out all after the enacting clause and insert:

That, for the purposes of developing the water resources of the Virgin and Santa Clara Rivers, including the furnishing of municipal and industrial water supplies, the furnishing of an irrigation water supply to approximately twenty-one thousand acres of land, the control of floods, the generation and sale of electric energy, the conservation and development of fish and wildlife resources, and the enhancement of recreation opportunities, the Secretary of the Interior is authorized to construct, operate, and maintain the Dixie project, Utah. The project shall consist of the Virgin City Dam and Reservoir, tunnels, canals, siphons, pumping plants, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Virgin River; a dam on the Santa Clara River near Gunlock, Utah, and other works necessary to serve irrigated and irrigable lands along and adjacent to the Santa Clara River and on Ivins Beach; and hydroelectric plants and transmission facilities at the Virgin City Dam and at such other points as are desirable. The Dixie project shall be coordinated with the Cedar City water development program which includes the diversion of the waters of Crystal Creek into the Kolob Reservoir, and after completion of the Dixie project said waters of Crystal Creek and of the natural watershed of said Kolob Reservoir shall be exported for use of Cedar City and vicinity in accordance with an agreement entered by Cedar City and Iron County, Utah, on the 26th day of August 1953, with Kolob Reservoir and Storage Association, Incorporated, and Washington County, Utah.

SEC. 2. The project shall include such measures for the disposition of saline waters of La Verkin Springs as are necessary in the opinion of the Secretary to insure the delivery of water at downstream points along the Virgin River for water users in the States of Arizona and Nevada of suitable quality for irrigation, or provision shall be made to indemnify such water users for any impairment of water quality for irrigation purposes directly attributable to Dixie project operations.

SEC. 3. In constructing, operating, and maintaining the works authorized by this Act, the Secretary shall be governed by the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto), except as is otherwise provided in this Act.

SEC. 4. Construction of the project shall not be commenced until there shall be established a conservancy district or similar organization with such powers as may be required by the Secretary, these to include powers to tax both real and personal property within the boundary of the district and to enter into contracts with the United States for the repayment of reimbursable costs.

SEC. 5. The interest rate to be used for purposes of computing interest during construction and interest on the unpaid balance of those portions of the reimbursable costs which are properly allocable to commercial power development and municipal and industrial water supply shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which the bill is enacted, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue. If the interest rate so computed is not a multiple of one-eighth of 1 per centum, the rate of interest to be used for these purposes shall be the multiple of one-eighth of 1 per centum next lower than the rate so computed. The portions of the costs which are allocable to commercial power development and to municipal and industrial water supply shall be repaid over a period of fifty years with interest at the rate determined in accordance with this section. The portion of the cost which is allocable to irrigation shall be repaid, pursuant to reclamation law, within fifty years plus any authorized development period.

SEC. 6. The Secretary is authorized in connection with the project to construct, operate, and maintain or otherwise provide for the basic public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for public recreation use, to allocate water and reservoir capacity to recreation, and to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with other project purposes. The Secretary is authorized to enter into agreements with Federal agencies or State or local public bodies for the operation, maintenance, and additional development of project lands or facilities, or to dispose of project lands or facilities to Federal agencies, or State or local public bodies by lease, transfer, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes. The costs of the aforesaid undertakings, and the costs of the project allocated to fish and wildlife enhancement, including costs of investigation, planning, Federal operation and maintenance, and an appropriate share of joint costs of the project, shall be nonreimbursable. Nothing herein shall limit the authority of the Secretary granted by existing provisions of law relating to recreation development of water resource projects, or disposition of public lands for recreational purposes.

SEC. 7. The use of all water diverted for this project from the Colorado River system shall be subject to and controlled by the Colorado River compact, the Boulder Canyon Project Act (45 Stat. 1057; 43 U.S.C. 617t), and the Mexican Water Treaty (Treaty Series 994) (59 Stat. 1219).

SEC. 8. There is hereby authorized to be appropriated for the construction of the Dixie project, the sum of $42,700,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to types of construction involved therein, and, in addition thereto, such sums as may be required to operate and maintain said project.

Mr. MOSS. Mr. President, on Monday of this week, the House of Representatives approved S. 26, the measure I introduced on January 14, 1963, to authorize the Dixie reclamation project in Utah. I was, of course, elated to have House action on this project for which the people of southern Utah have waited so long. But my elation was considerably tempered by the amendments added to the bill by the House Interior Committee.

The committee abandoned the concept recognized in Central Valley, Missouri Basin, and other reclamation legislation that a project should bear the costs of highway relocation, and that the water or power users should not be called upon to pay back these costs. The House Interior Committee amended the Dixie bill to shift about $2 million of the costs to the State and the power consumers in the area by putting the costs of relocating a highway on the State of Utah and increasing the power rates for the citizens of St. George. There is no precedent for shifting the road costs to the State, but this amendment was not successfully opposed in the House.

The House committee also rejected a Senate provision allowing the repayment of $3 million of project construction costs from Hoover Dam revenues. This provision also followed a pattern which has been well set, since excess costs are repaid by the power revenues in basin accounts in most areas. But the House struck this from the bill. The Dixie project is in the lower basin of the Colorado River. There are huge power revenues available from the great Hoover Dam and other dams on the lower Colorado. Three million dollars was a very minor part of those revenues, yet of greatest importance to a small project like Dixie. It does not seem fair to deny this power revenue support to Dixie, just because no lower basin fund is yet in existence.

Proposals have already been made for the development of a Lower Colorado River Basin account, but such a proposal cannot be enacted this year. However, in anticipation of the establishment of such a fund—which we already have in the Upper Colorado River Basin—the Department of the Interior offered no objection to plans to allow the Dixie project to use a very small portion of Hoover Dam revenues. The Senate agreed that this was fair.

I wish to serve notice now, therefore, that I shall make an effort, when the lower basin account bill is before the Senate, to amend it to lessen the burden placed by the House bill upon the power and water users of the Dixie project in paying out the project.

I shall try first to include in the basin bill provision for the repayment of the highway relocation costs, for I know of no instance before when a Federal reclamation project has been made contingent on State assumption of part of the expense. The amendment which was allowed to go in the House is not equitable to the State of Utah.

Next, I shall try to revise the power contract for the city of St. George. This power rate should be comparable with that in other areas located in the marketing area of a Federal power project. It is not—it is much higher. It is considerably higher even than the rate people in other sections of southern Utah will be paying for Glen Canyon power.

My somewhat testy reaction to the changes made in the Dixie reclamation bill by the House Interior Committee is heightened, I will admit, by the provisions of another reclamation project reported by the House committee only a few days before the Dixie project. I am referring to the Savory-Pothook project for Colorado and Wyoming. As chairman of the Senate Irrigation and Reclamation Subcommittee, I was asked by the House committee to schedule hearings on this measure as soon as the House had acted on it—which I did within a week and with pleasure, even though we were in the last days of the session.

The Savory-Pothook project pays back a much smaller percentage of its costs than will Dixie. For example, $30,182,000 of the costs of the Dixie project have been allocated to irrigation, of which $17,890,000 must be paid back by the water users. Some $15,065,000 of the costs of Savory-Pothook have been allocated to irrigation, of which only $2 million must be paid back. In other words, the farmers who will use Dixie water to irrigate their farms must pay back over half of the irrigation costs of the project; the farmers who will use Savory-Pothook water will pay back only one-eighth of the project irrigation costs.

Again, the ad valorem tax to residents of Washington County, site of the Dixie project, is 5 mills countywide; Savory-Pothook residents will pay less than 2 mills.

I realize that the Savory-Pothook project is a high-altitude project, with limited acreage to be brought under cultivation, while Dixie is located in a section of the country where the climate is mild and where it has been proved that water can create endless lush green fields growing a variety of crops in an extended growing season.

Savory-Pothook operations must, therefore, be large-scale farming operations, since it will require a large unit to make them economical. Dixie, on the other hand, will bring water to many small farms, of limited acreage, some of them inadequate for more than marginal living. So when the Congress makes it more difficult for the Dixie water users to pay out their project, we put a greater burden on the small farmer on the postage-stamp farm. This I cannot accept without making vigorous objection.

I must make it plain, therefore, that I feel the amendments which were allowed to go into the House version of the bill to authorize the Dixie reclamation project are not equitable to the State of Utah. I should like for the legislative history of S. 26, the Dixie project bill, to make it clear, in fairness to my colleagues in the Senate, that although I must accept the House amendment today in order to insure passage of the bill in this Congress and get the project underway, I shall make every effort to repair the damage which was done to the bill at a later date as the opportunity presents itself. I know that a number of my colleagues in this body agree to the equity of this, just as they agreed to the equity of the bill as passed by the Senate.

The Dixie project is an excellent project. The cost benefit ratio exceeds 2.2 to 1. It is of regional and national, as well as local, importance.

The project is located in the Virgin River Basin in southwestern Utah. The river rises in the high plateaus and mountains of western Kane County, Utah. It flows through Iron and Washington Counties in Utah, across the corner of Mohave County, Ariz., and discharges into Lake Mead in Clark County, Nev., making it a part of the Lower Colorado River Basin.

The area is known as the Dixie of Utah because of its moderate climate and the fact that cotton was grown in the valley when it was first settled.

There is available in the valley considerable water. The river reaches flood proportions in the spring and dwindles to a very limited supply in other months. Average rainfall is 8.42 inches. There are land and resources for both the production of crops not in surplus and for industrial development.

Without storage of high water flows to increase the reliable year-round supply, to agriculture, to the towns of St. George and Hurricane and to other communities, growth in the valley will be limited. The reservoirs will service the area for increasing numbers of tourists and visitors to Zion National Park, Bryce Canyon National Park, and other scenic and recreational areas in southwestern Utah. Doubtless, visitors there will increase even faster when Canyonlands—a little to the east—is added to the cluster of outstanding national park and monument areas in southern Utah. There is, consequently, real national, as well as State, interest in the Dixie development.

Mr. President, I regret that I must make any reservations in accepting the Dixie reclamation project as passed by the House. But in all conscience I must make my position clear. With this done, I move that the Senate concur in the House amendment to my bill authorizing the Dixie reclamation project, S. 26.

Mr. BENNETT. Mr. President, I share the feelings of my junior colleague with regard to what happened to the Dixie project bill in the House.

This is not the first time that the West has had to take less than we thought was right, wise, or necessary because of the attitude of some Members of the House who have no real conception of our needs for water.

I recall that after we in the Senate had passed the upper Colorado storage project bill, we found it necessary to agree with the deletion of the Echo Park Dam, one of the key dams in that project, because of the attitude of certain Members of the House.

I have not personally given up the hope that at some time in the future, as the need becomes more obvious, we shall be able to provide for another upper Colorado storage project dam, either at Echo Park or one to replace it.

I realize that it has been necessary to accept those changes in the bill for the Dixie project, as passed by the Senate, to which my colleague has referred. I agree with my colleague that under the circumstances it is wise to accept the bill as passed by the House on the theory that it is the best we can get at this time. It is much better than half a loaf. But the loaf does not have the full crust on it that we hope will be there someday.

I express my gratitude to our colleague in the House, Mr. BURTON, a freshman Representative who is serving his first term on the House Committee on Interior and Insular Affairs. He has ably worked with his chairman and other colleagues on that committee to have the bill accepted in the House.

I believe this achievement ranks with the achievement that we made in the Senate. The Dixie project proposal has been with us for many years. I introduced a similar bill for the consideration of the Senate early in my service. This is the first time we have really been able to have it seriously considered.

I believe we are very fortunate to have had it passed by both Houses, even though it contains some features which all the Members of Congress from Utah feel could be improved.

Mr. President, this is a red letter day for the people of southern Utah. Final authorization of the Dixie project marks the culmination of some 50 years of study and planning and effort to obtain this vital reclamation project. The State of Utah and virtually its entire citizenry wholeheartedly endorse the Dixie project and hail its passage as the fulfillment of a need which has existed since the days of the early pioneers.

The authorization of the Dixie project by the Congress will be the culmination of many years of effort on the part of many persons, all of whom deserve high praise. At this time, I would particularly like to call attention to the diligent efforts of Representative LAURENCE J. BURTON, who has been largely responsible for obtaining House passage. He was able to persuade the House Interior Committee to favorably report the bill, when in prior Congresses the committee has not held hearings, even though Utah had a representative on the committee in 1961 and 1962. Representative LLOYD also played a key role in the House.

DEDICATED LOCAL SUPPORT

It has been my privilege to work for the Dixie project directly during all of my 14 years in the Senate. However, the leaders and people of Washington County in many cases have been crusading for this vital project for up to 50 years. This is their day, and they are to be congratulated for their great labors in the face of adversity. Typical of these people are State Senator Orval Hafen, Judge LeRoy Cox, County Attorney Phillip L. Foremaster, and many others. State officials who played a key role are Gov. George D. Clyde, Utah Water and Power Director Jay R. Bingham, and State Engineer Wayne D. Criddle, among others.

HOUSE VERSION ACCEPTED

I greatly appreciate the time, effort, and cooperation extended by the House and Senate Interior Committees throughout their study and deliberations of the Dixie project legislation. It is proposed that the Senate approve the final House version of the bill rather than to have it go to conference. Frankly, I would prefer to have the bill amended in two principal respects. First, I would prefer to provide for financial assistance to the project from the Lower Colorado Basin power revenues generated at Hoover, Parker, and Davis Dams, for example. In this same manner, the central Utah project is assisted by the Glen Canyon and Flaming Gorge Dams. Secondly, I would rather have the road construction handled in a different manner. However, I have been advised by both local and State officials that they are willing to accept the House bill rather than to have further delay. Therefore, I will support the proposal now before the Senate. However, I reserve the right to work in the future to enable the Dixie project to receive assistance from power revenues. One possible vehicle may be the proposed Lower Colorado Basin Development Fund.

NEED FOR THE PROJECT

The story of the "Dixie Cotton Mission" is one of the most fascinating in all the history of Utah. The State's earliest leader, Brigham Young, decided to colonize that portion of the State and sent 300 wagons loaded with families and their provisions to the area. This was known as the "Cotton Mission" or the "Dixie Mission" because of the hot climate. Today a stalk of cotton would be a source of wonder to the children of Utah's Dixie, but in 1861 the people did plant and raise cotton for the State in a valiant effort to become self-sustaining.

Those early colonizers initiated an irrigation system which opened up the croplands and the fruit orchards that are in Utah's Dixie today. However, without river control and storage, it was then and still is today impossible to divert a plentiful supply of water from the rivers and streams in this arid region. Interspersed with the serious drought conditions are periodic flash floods which destroy crops and wash away valuable land.

Water storage facilities are the primary need of the Dixie project area. Development of such facilities will enable the conservation and orderly release of water that is now largely wasted in floods. The project also will permit the conservation of those portions of normal flows which are in excess of immediate requirements for irrigation and other purposes. A reserve of stored water will serve as the foundation upon which to base a revitalized and modernized agricultural development. Any substantial economic increase and population growth for the region hinges heavily on this project.

BACKGROUND OF THE LEGISLATION

The Dixie bill is a product of lengthy and detailed studies by expert engineers. The Bureau of Reclamation reported on the project first during my service in the Senate in 1953. Because of the lengthy payout period of over 70 years called for in the report, consideration of the project was postponed. However, once the Colorado River storage project had established the principle of assigning power revenues to irrigation projects in our area, Senator Watkins and I asked the Bureau to restudy the project. This was done, and a second report was prepared in June of 1961 and was culminated by the report of October 1961.

It was my privilege to introduce the first Dixie project bill, offered after the Bureau of Reclamation had completed its restudy of this meritorious project, S. 14 of the 87th Congress, which was introduced January 5, 1961. Others in the Utah congressional delegation introduced similar bills. The people of Utah are united in their earnest desire to see the Dixie project built after being under study by the Bureau of Reclamation since at least 1918. It was only World War II which blocked much earlier construction of the project at a cost that would have been but a relatively small fraction of the burdens which the people of Utah's Dixie are willing to undertake so that the project may become a reality.

On January 9 of 1963, I directed a letter to my junior colleague from Utah, Senator Moss, inviting him to join in sponsoring the Dixie project. Five days later he chose instead to introduce his own bill, S. 26. So that I would be clearly on record in support of the project I introduced my bill, S. 655. Utah's Congressmen Laurence J. Burton and Sherman P. Lloyd also introduced their Dixie bills in the House.

CEDAR CITY PROTECTED

The bills introduced by Senator Moss and myself were essentially the same, except for one provision in my bill which pointed out the already existing contractual arrangement under which the Cedar City area would receive 8,000 acre-feet of water annually. This language was written so that Cedar City's citizens would be fully protected. When the Kolob Dam and Reservoir was constructed by the Kolob Reservoir and Storage Association in Washington County, Utah, in 1956, it was agreed that Cedar City would construct works for the diversion of up to 8,000 acre-feet of water from tributaries of the Virgin River for municipal use. It should be noted that Cedar City agreed to reimburse the project for power revenue losses resulting from this diversion.

In my testimony before the Senate Interior Committee, I said it would be equally satisfactory to me for the subcommittee either to have Senator Moss' bill amended to add this clause or to approve my bill, whichever the committee desired. The committee agreed to include my Cedar City amendment in the bill which it reported to the Senate.

My only concern throughout the entire consideration of this bill has been to get it approved, not over who was to get the credit for it.

PROJECT BENEFITS

Of course, the major benefits of the project will accrue to Washington County, in which it is located. The Dixie project is a proposed multiple-purpose water resource development in the Virgin River Basin in southwestern Utah. By regulation of flows of the Virgin River and its tributary, the Santa Clara River, the project will provide supplemental irrigation water to 9,455 acres of presently developed land and a full water supply for 11,615 acres of new land. The city of St. George will be provided with 5,000 acre-feet of water annually for municipal and industrial purposes. Construction of three powerplants will produce about 44,500 kilowatt-hours of firm electric energy and about 1,900,000 kilowatt-hours of secondary energy for sale annually. In addition, minor flood control benefits will result, as will fish and wildlife and recreation benefits.

PROJECT REPAYMENT

The local people have agreed to impose an almost unprecedentedly high tax to repay their share of the project costs. This 5-mill ad valorem tax contrasts with the usual levy of from 1 to 2 mills for other reclamation projects.

The local people have further demonstrated their complete cooperation by forming a local conservancy district to assume responsibility for repayment contracts and for operation and maintenance of the project.

It has been determined by all agencies concerned that the project has engineering feasibility, that it is economically justified, that the reimbursable cost can be repaid within the standard 50-year repayment period, and that construction will be a forward step in the conservation and utilization of the lands and water resources of the entire region.

REQUEST FOR EARLY CONSTRUCTION

Authorization of the Dixie project will fill a vital niche in this arid region of the State and of the country. Because of the urgent need for early construction of the project, Congressman Laurence J. Burton, Congressman Sherman P. Lloyd, and I have directed a letter to President Johnson to urge administration approval of a supplemental appropriation of $365,000 to enable the Bureau to complete all preconstruction studies and plans during this fiscal year.

In addition, we have submitted statements to the Senate and House Appropriations Committees urging that funds for the Dixie project be included in the supplemental appropriations bill currently being considered by the committee. This would allow construction to begin next year, thus saving a full year's time in getting this vital reclamation project under way.

I ask unanimous consent that our joint letter to the President, dated August 17, be included in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., August 18, 1964.

The President,
The White House,
Washington, D.C.

Dear Mr. President: As you know, the House of Representatives yesterday approved H.R. 3279 to authorize construction of the Dixie project in Utah. The Senate last October gave its unanimous approval to a similar bill; thus, House passage marks a significant final milestone in the long struggle to obtain authorization of this vital reclamation project. The bill may go to a conference committee to reconcile the differences in the Senate- and House-passed versions; however, it has wide bipartisan support and the conference report likely will be issued without delay.

It is our purpose in writing you at this time to call your attention to the urgent need to commence construction of the Dixie project at the earliest possible date and to respectfully request your assistance in obtaining the necessary funds to complete the definite plan report and final details preparatory to construction. Since the Public Works Appropriations bill has passed both Houses of Congress, it is impossible to include funds for the Dixie project; however, there is still sufficient time remaining in the current session of Congress for action to be taken on a supplemental appropriation.

We therefore respectfully urge that a request for $365,000 to complete preconstruction work on the Dixie reclamation project be sent to the Congress, for approval conditional upon final congressional authorization. This same procedure was adopted by President Eisenhower in connection with the upper Colorado River storage project in his budgets submitted in both January of 1955 and 1956, even though the project was not authorized until April of 1956. Because of his foresight, construction was started immediately and delay was avoided.

We know you will wish to do as much for the Dixie project. The people of southern Utah know what a drought means. Likewise, they know that a ceiling is placed upon their future and their economic growth unless they get the long-hoped-for water from the Dixie project. The project would permit irrigation of 21,070 acres of farmland in Washington County and provide a 5,000-acre-feet municipal water supply to the city of St. George. In addition, it would also furnish 8,000 acre-feet of water to Cedar City in Iron County.

Time is of the essence. The towns of southern Utah are undergoing a period of transition and reappraisal. Already modern interstate highways are bypassing communities whose lack of water and many natural resources has forced them to lean heavily on the tourist trade. The Dixie project would bring to the area the assurance of plentiful water, electric power, recreation resources and other values that will serve as the foundation for a revitalized and modernized agricultural development and will permit local industry and population growth. The future of the entire area is dependent upon the Dixie project.

It is our sincere hope that final plans may be completed and contracts let to initiate construction during the current fiscal year. Funds can be provided through a supplemental appropriations bill, and we respectfully hope and urge that you will send a budget request to the Congress for this purpose.

It should be noted that the crops which will be grown on the farmlands involved are not in surplus. Likewise, it must be emphasized that the money for which we have asked will be repaid. It is a loan and in the case of the municipal and industrial water features will be repaid with interest.

We are grateful for your consideration of our request.

WALLACE F. BENNETT,
U.S. Senator.
LAURENCE J. BURTON,
Member of Congress.
SHERMAN P. LLOYD,
Member of Congress.

Mr. BENNETT. Mr. President, I am happy to join with my colleague [Mr. Moss] in urging that the Senate concur in the House amendment to S. 26. We would then have another year in which to make a drive to get things done that would make the Dixie project the very successful project it would have been if the House had not acted as it did.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. Moss] that the Senate concur in the House amendment to S. 26.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1875. An act for the relief of Thomas M. Talley; and

S. 2170. An act for the relief of Mary Lane Laycock.

The message also announced that the House had passed the bill (S. 2905) to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 3642. An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami;

H.R. 4082. An act for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel;

H.R. 4967. An act for the relief of Mrs. Marie Rose Colandro;

H.R. 5079. An act for the relief of Robert L. Yates and others;

H.R. 5411. An act for the relief of Edward Berger;

H.R. 5759. An act for the relief of Connecticut Beverage Co., Inc.;

H.R. 6136. An act for the relief of CWO Elden R. Comer;

H.R. 6593. An act for the relief of Earnest O. Scott;

H.R. 7348. An act for the relief of Frank B. Rowlett;

H.R. 8156. An act to authorize the Secretary of the Interior to convey certain lands in Pima County, Ariz., to Edward O. Earl;

H.R. 8300. An act for the relief of Gordon W. McGrew;

H.R. 8596. An act for the relief of Patrick J. Clyne;

H.R. 9201. An act for the relief of Capt. Charles H. Glassett, Jr.;

H.R. 9282. An act for the relief of CWO Edward E. Kreiss;

H.R. 9902. An act for the relief of William L. Chatelain, U.S. Navy, retired;

H.R. 10294. An act for the relief of Mrs. Lois Graybill;

H.R. 10634. An act for the relief of the Quality Bedding Co.;

H.R. 11223. An act for the relief of Edward G. Morhauser;

H.R. 11735. An act for the relief of Shirley Shapiro; and

H.R. 12342. An act to authorize certain retired and other personnel of the U.S. Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 1363. An act to increase the participation by counties in revenue from the National Wildlife Refuge System by amending the act of June 15, 1935, relating to such participation, and for other purposes;

S. 1664. An act to provide for continuous improvement of the administrative procedure of Federal agencies by creating an Administration Conference of the United States, and for other purposes; and

S. 2369. An act to retrocede to the State of Kansas exclusive jurisdiction over certain State highways bordering Fort Leavenworth Military Reservation and the U.S. Penitentiary at Leavenworth.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 3642. An act for the relief of Mike Mizokami, Sam Mizokami, Tom Mizokami, and Hatsuyo Mizokami;

H.R. 4082. An act for the relief of Robert O. Overton, Marjorie C. Overton, and Sally Eitel;

H.R. 4967. An act for the relief of Mrs. Marie Rose Colandro;

H.R. 5079. An act for the relief of Robert L. Yates and others;

H.R. 5411. An act for the relief of Edward Berger;

H.R. 5759. An act for the relief of Connecticut Beverage Co., Inc.;

H.R. 6136. An act for the relief of CWO Elden R. Comer;

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H.R. 9282. An act for the relief of CWO Edward E. Kreiss;

H.R. 9902. An act for the relief of William L. Chatelain, U.S. Navy, retired;

H.R. 10634. An act for the relief of the Quality Bedding Co.;

H.R. 11223. An act for the relief of Edward G. Morhauser; and

H.R. 11735. An act for the relief of Shirley Shapiro; to the Committee on the Judiciary.

H.R. 8156. An act to authorize the Secretary of the Interior to convey certain lands in Pima County, Ariz., to Edward O. Earl; to the Committee on Interior and Insular Affairs.

H.R. 10294. An act for the relief of Mrs. Lois Graybill; to the Committee on Finance.

H.R. 12342. An act to authorize certain retired and other personnel of the U.S. Government to accept and wear decorations, presents, and other things tendered them by certain foreign countries; to the Committee on Foreign Relations.

EXTENSION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

The Senate resumed consideration of the bill (S. 2687) to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes.

Mr. ELLENDER. Mr. President, we have before the Senate the bill, S. 2687, which would extend Public Law 480, the so-called food-for-peace program for a period of 2 years with a total authorization under title I of $2.7 billion plus the use of carryover and reimbursement from other agencies, which amounts to about $1.3 billion. Title II authorization has been increased to $375 million.

This program was initiated in 1954 and has served the national interest well during the last 10 years.

It has had dual objectives. On the one hand, it has assured an enlarged outlet for U.S. farm products. On the other, it has been the most effective instrument ever devised by any government to share its food abundance with free and hungry people the world over. Under this program, the products of America's farms have reached more than 100 million people in more than 100 nations.

Public Law 480 operations are large from any standpoint. Commitments totaling over $20 billion at cost to the Commodity Credit Corporation have been entered into under all titles of Public Law 480 during the 10 years between July 1, 1954, and June 30, 1964. This total includes ocean transportation financed by the CCC under cargo preference and other requirements.

Commodities having an export market value of $12.3 billion were actually shipped under all titles during the last 10 years. Public Law 480 exports represent approximately 27 percent of the total $44.8 billion worth of agricultural products shipped in this period.

The economic impact of Public Law 480 is particularly great in the case of some commodities.

For example, Public Law 480 shipments of wheat in the fiscal year 1964 were equal to 43 bushels out of every 100 bushels of wheat U.S. farmers harvested in 1963. Total Public Law 480 wheat exports of 3½ billion bushels were equivalent to three average U.S. crops.

Public Law 480 exports of rice this year equaled 30 bags out of every 100 harvested by growers in 1963. Total shipments under the program amount to 160 million bags, rough basis—equivalent to more than two average U.S. crops.

Cotton exports under Public Law 480 have totaled 11 million bales with a value of $1.5 billion.

Public Law 480 has opened up outlets for 5.5 billion pounds of nonfat dry milk, 4.8 billion pounds of soybean oil, and substantial volumes of feed grains, tobacco, and other commodities.

Public Law 480, directly and indirectly, helped the United States in the fiscal year 1964 set a new agricultural export record of $6.1 billion. Of this total, $1.5 billion, or about 25 percent, represented shipments under Public Law 480. But the commercial exports of $4.6 billion, also a new high record, reflected in considerable degree the export-expanding effects of market development programs made possible through Public Law 480.

TITLE I

Title I accounts for the largest volume of activity, with slightly over 60 percent of the total Public Law 480 exports of agricultural commodities moving out as sales for foreign currencies.

In terms of export market value, these shipments have accounted for approximately $8 billion of agricultural exports during the 10-year period.

The Commodity Credit Corporation is reimbursed by congressional appropriation for the actual costs incurred in financing title I shipments. These costs include the difference between the domestic price and the export market value of the commodities, storage, handling, and other charges, including transportation, interest, and administrative costs, as well as the cost of transporting 50 percent of the agricultural commodities on U.S.-flag vessels as required by the Cargo Preference Act.

The total charge, including all costs, against title I of Public Law 480 since the beginning of the program for commodities actually exported is estimated at about $12 billion.

Under existing legislation the President has been authorized to enter into agreements under title I, which will not call for appropriations to reimburse Commodity Credit Corporation in excess of $15.8 billion. As of June 30, 1964, agreements had been entered into with an estimated CCC cost of $14.2 billion. The export market value of the commodities is estimated at $8.9 billion, financing of ocean freight about $1.1 billion and additional CCC costs total about $4 billion.

These agreements provide for the sale of more than 3 billion bushels of wheat, 433 million bushels of feed grains, 88 million bags of rice, 8.9 million bales of cotton, 7.9 billion pounds of fats and oils, and large quantities of other surplus commodities.

TITLE II

Title II of Public Law 480 authorizes the use of surplus agricultural commodities held in stock by the Commodity Credit Corporation for disaster relief and other assistance.

Section 201 of the legislation provides that emergency commodity assistance to meet famine or other urgent or extraordinary relief requirements may be given to friendly countries or to friendly people without regard to the friendliness of their government.

The expanded authority to use food as a direct self-help incentive was written into Public Law 480 in 1960 under section 202 of title II. Under this authority, food is being widely used as part payment of wages for work on projects such as land clearing, building earthen dams, and simple farm-to-market access roads. In addition, food is being provided to farmers and their families while they are bringing new land into production or changing existing land use; to grubstake colonists; to combat teenage unemployment through work camps; and for other worthwhile purposes. Although the so-called food-for-work programs are relatively new, projects are now active in 22 countries, giving employment to an estimated 700,000 workers and providing food to more than 4 million persons.

Under the expanded authority to use food to promote economic development, there has been and will continue to be a shift from relief feeding to food-for-work community development programs.

Total title II commitments through June 30, 1964, is $1.7 billion. This amount includes about $1.3 billion in commodities and the remainder of $400 million in ocean transportation costs both for title II shipments and for title III foreign donation shipments.

TITLE III

Title III authorizes two programs. Section 302 amended and broadened the authority contained in section 416 of the Agricultural Act of 1949 for donations of surplus food for domestic distribution to eligible recipients and institutions, and for distribution to needy persons overseas through nonprofit American voluntary relief agencies and intergovernmental organizations.

Section 303 provides for the barter of CCC agricultural commodities for strategic and other materials, goods and equipment.

Under the foreign donations program, during the past 10 years, the U.S. Government has distributed more than 20 billion pounds of commodities at a CCC cost of about $2.4 billion, with the greatest volume being in flour, nonfat dry milk, rice, cornmeal, and dairy products. Distribution has been made in 112 countries with a relatively even distribution among the continents.

During the past year commodities shipped were wheat and wheat flour, corn and cornmeal, nonfat dry milk, vegetable oils, shortening, beans, bulgur, butter, butter oil, cheese, ghee, and rolled wheat totaling more than 3 billion pounds and with a CCC value of more than $330 million.

The provisions of section 303 require that barter transactions be in the best interest of the United States. A number of restrictions form a framework for barter transactions—among them, first, agricultural commodities may not be transshipped from approved countries of destination without prior approval; second, materials delivered in exchange for the commodities must originate in friendly countries; and third, financial coverage for agricultural commodities taken in advance of barter materials deliveries is required in the form of cash deposits or irrevocable letters of credit in favor of CCC.

The barter program is being utilized to the maximum extent possible in offshore procurements by Government agencies to stem the flow of U.S. dollars abroad.

The total value of surplus agricultural commodities exported under barter contracts entered into since the beginning of the program is $1.7 billion.

Contracts negotiated during the calendar year 1963 had a value of $141.5 million.

TITLE IV

Title IV of Public Law 480 provides for long-term supply and dollar credit sales of U.S. agricultural commodities. Major objectives of this title are to stimulate and increase the sale of U.S. agricultural commodities for dollars through the extension of credit which will assist in maximizing U.S. dollar exports of such commodities, develop foreign markets for U.S. agricultural commodities, and assist in the development of the economies of friendly nations.

This program is being used by some dollar-short countries whose economies are improving as a "transition stage" from title I purchases with foreign currencies to straight cash purchases with dollars.

Under the program, agreements are entered into by the U.S. Government with governments of friendly nations—and with individuals, commercial firms, cooperative associations, or other private organizations of the United States or friendly foreign countries—for delivery of surplus agricultural commodities for periods up to 10 years. Credit periods of up to 20 years are authorized, with both principal and interest being paid in U.S. dollars.

Sales in recipient countries of the commodities supplied on credit have made local currencies available in those countries for various projects which are contributing significantly to economic growth.

The first dollar repayments of credit extended under title IV agreements were received by the United States in 1963. Through June 30, 1964, the United States received from foreign governments dollar payments of $3 million on principal and $1.8 million in interest against their obligation under the program.

USE OF FOREIGN CURRENCIES

Title I sales agreements include the terms for the deposit and use of foreign currency proceeds. The agreements as now written specify the percentage of total proceeds to be used for grants and loans to the purchasing government under sections 104 (c), (e), and (g), and for loans to private business firms under section 104(e). The percentage for U.S. uses authorized by section 104 of the act is shown as a combined total. As shipments are made, the foreign currencies are deposited to the account of the U.S. disbursing officer. The Treasury Department establishes and administers regulations concerning the custody, deposit, and sale of the currencies.

Title I sales proceeds available under the terms of the sales agreement for U.S. uses are generally available to agencies only when their use is charged to regular agency appropriations. These currencies are used for the payment of U.S. Government expenses which are payable in local currency, for accommodation exchange sales for dollars to U.S. Government personnel, and where possible for sale to tourists. The dollars received are credited to the Commodity Credit Corporation.

In countries where the supply of currencies is in excess of requirements for the payment of normal expenses, "U.S. use" proceeds are available for use under appropriations for special foreign currency programs as authorized by sections 104 (a), (b), (d), and (h) through (r) of Public Law 480 or other laws. In addition, sales of currencies to tourists may be undertaken under section 104(s). U.S. holdings of the currencies of Burma, India, Indonesia, Israel, Pakistan, Poland, the United Arab Republic, and Yugoslavia were determined by the Treasury Department to be in excess of foreseeable U.S. requirements for the fiscal year 1964.

Agencies desiring to use currencies for special foreign currency programs—which may cover activities of lower priority than regular appropriations—include estimates in their budget submissions to the Bureau of the Budget. These proposals are reviewed in the light of discussions held at the time of negotiation of the sales agreement and analysis of the requesting agency's program requirements. Budget recommendations are presented to the Congress for appropriation. On completion of congressional action, each agency informs the Treasury Department of the foreign currencies it plans to use under the appropriations. The Treasury Department provides the currencies when needed and the appropriation is charged with the dollar value.

Mr. President, I ask unanimous consent to insert in the RECORD at this point two tables which show the various uses made of these currencies and the percentage allotted to each use.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—*Uses of foreign currency as provided in title I, Public Law 480, agreements signed since inception of program*

Use	Amount	Percent
	Million	
104(c) common defense	$855.8	8.7
104(e) grants for economic development	1,773.2	18.0
104(e) loans to private enterprise	569.2	5.8
104(g) loans to foreign governments	4,375.1	44.3
Other U.S. uses	193.1	23.2
Total	7,766.4	100.0

TABLE II.—*Uses of foreign currency as provided in title I, Public Law 480, agreements signed Jan. 1 through Dec. 31, 1963*

Use	Amount	Percent
	Million	
104(c) common defense	$66.1	12.7
104(e) grants for economic development	43.3	8.4
104(e) loans to private enterprise	39.7	7.7
104(g) loans to foreign governments	234.2	45.1
Other U.S. uses	135.5	26.1
Total	518.8	100.0

COMMITTEE DELIBERATIONS

Mr. ELLENDER. Mr. President, Public Law 480 has now been in effect 10 years, and we have gained much experience from it. Not only have we found out much about the good it can accomplish, but we have learned of some of its weaknesses. We are now in a position to tighten up provisions that may be a bit loose, correct deficiencies, and put the program upon a more businesslike basis.

I had hoped that the committee might be able to conduct an extensive review of operations during the last 10 years. However, the legislative situation in the Senate this year prevented such a review, and the committee was able to hold only 1 day's hearings. In fact, we heard all witnesses who desired to be heard. The bill therefore is restricted to an extension of the program and to a tightening up of those provisions where the need for such action is most apparent.

Three areas appeared to the committee to be in particular need of clarification. These concerned exchange rates, interest rates, and congressional control. It appeared obvious to the committee that the United States should receive fair exchange rates and fair interest rates under the act, and that Congress should maintain control over expenditures under the program.

EXCHANGE RATES

Congress has already acted twice on the question of exchange rates. However, some differences in interpretations have persisted. Those differences should be eliminated and the law should be clarified.

Congress first legislated on exchange rates in 1961, when it added section 101(f) to the law. That section required the United States to obtain rates of exchange on title I transactions that were as favorable to the United States as the rates at which our agencies could obtain the currencies from U.S. disbursing officers. The disbursing officer rates were fixed on the basis of our best judgment as to the real value of the foreign currencies, and were regarded by Congress as realistic and fair.

After section 101(f) had been in effect for some time we learned that at least in some cases the disbursing officer rate was being reduced so that it would not be above the rate being negotiated under our title I agreements. This, of course, did not meet the objectives of section 101(f) at all. The purpose of that section was to obtain realistic exchange rates on title I sales, not to require use of unrealistic rates by disbursing officers. Consequently, Congress amended section 101(f) last year to require that we obtain the highest legal rate of exchange. This amendment, too, has been the subject of some difference in construction. Some agencies have correctly interpreted it as requiring the highest rate that is legal for any purpose, while others have erroneously construed it as meaning the legal rate for comparable transactions. As a result of the current congressional consideration of this problem, these differences in interpretation we believe have been eliminated; and section 101(f) is generally construed as requiring use of the highest rate that is legal for any purpose.

What gave rise to this change in rates was a discovery made by some of us in studies we made abroad. I for one made such studies. I point out to the Senate that the exchange rate applied to title I sales to Poland was 24 zlotys to $1. The then current rate of exchange at which anybody could buy Polish currencies in Poland was 55 zlotys to $1. So when we sold wheat, corn, or other commodities to Poland, we sold at a rate of 24 to 1, when the real rate was 55 to 1.

In Yugoslavia the rate was 600 dinars to $1, but we sold wheat at 300 to 1.

In transactions that took place in Poland, Spain, Turkey, and Yugoslavia, in addition to losing the difference between the cost of the commodity to us and the world prices, under these exchange rates our Government suffered a net loss of over $63 million.

I ask unanimous consent to insert in the RECORD a table showing our unreported losses on 11 Public Law 480 sales due to unrealistic exchange rates.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Unreported losses on 11 Public Law 480 sales due to unrealistic exchange rates

Country and currency	Agreement date	Collection exchange rate, foreign currency to $1	Market rate foreign currency to $1 at the time	Market rate as of June 30, 1960	Total collections to date: Units of foreign currency	Total collections to date: U.S. dollar equivalent	U.S. dollar equivalent at market rate of exchange
Poland (zloty)	June 7, 1957	24 to $1	55 to $1	55 to $1	1, 534, 745, 428. 80	$63, 947, 726. 20	$146, 546, 872
	Feb. 15, 1958	24 to $1	55 to $1	55 to $1	1, 692, 159, 665. 16	70, 506, 652. 71	161, 577, 744
	June 10, 1959	24 to $1	55 to $1	55 to $1	1, 864, 646, 884. 56	77, 693, 620. 19	178, 047, 879
Spain (pesetas)	Jan. 27, 1958	42 to $1	57.40 to $1	59.85 to $1	4, 439, 171, 228. 52	105, 694, 553. 10	150, 614, 738
	Jan. 13, 1959	49.721 to $1	62.30 to $1	59.85 to $1	4, 254, 307, 633. 83	85, 563, 445. 55	107, 210, 200
Turkey (lira)	Mar. 12, 1956	2.8252 to $1	9.37 to $1	9 to $1	42, 611, 023. 09	15, 082, 480. 21	50, 025, 500
	Nov. 12, 1956	4.0321 to $1	9.39 to $1	9 to $1	236, 459, 862. 81	58, 643, 967. 24	136, 570, 700
Yugoslavia (dinar)	Jan. 5, 1955	300 to $1	600 to $1	750 to $1	36, 096, 732, 699. 00	120, 322, 442. 04	240, 644, 884
	Nov. 3, 1956	475 to $1	600 to $1	750 to $1	50, 912, 753, 018. 00	107, 184, 743. 02	135, 391, 254
	Feb. 3. 1958	475 to $1	600 to $1	750 to $1	30, 036, 733, 569. 00	63, 235, 228. 26	79, 876, 077
	Dec. 22, 1958	525 to $1	600 to $1	750 to $1	49, 962, 785, 707. 00	89, 452, 925. 02	102, 231, 914
Total						857, 327, 783. 54	1, 488, 737, 762
Approximate loss							631, 409, 979

Mr. ELLENDER. As I stated, in 1961 the law was amended to correct that situation. It did correct it to a large extent. Somehow, the law Congress enacted was misinterpreted by some of our representatives at the Washington level.

I have discussed the matter with the distinguished chairman of the House Committee on Agriculture. Fortunately, we were able to agree to similar provisions, so as to provide that all sales hereafter will be at realistic rates.

Since these differences have been resolved, it is necessary to make only minor changes in section 101(f) at this time. The bill would amend it first, to require use of the highest rate legally obtainable from any source, rather than from, as at present, "the government or agencies thereof in the respective countries," and second to include a most-favored-nation clause assuring the United States a rate as favorable as that accorded any other nation.

INTEREST RATES

The second area in which the committee thought there was a clear need for tightening up was in the matter of interest rates. A banker who borrows money at a high rate of interest in order to loan it out at a low rate of interest does not stay in business very long. The bill therefore provides that loans made by the United States under titles I and IV should bear interest at a rate which is not less than the cost of money to the United States.

I have discussed some of the cases in which some of the loans for soft currencies were made for three-fourths of 1 percent, with a 10-year grace period and 40 years in which to pay. We might as well give them the goods and forget about the currency.

Public Law 480 involves sales, loans, and gifts; and these three should not be confused if the program is to be operated on a businesslike basis. A sale should clearly be a sale and not one that would appear to be in the nature of an unplanned gift. A loan also should be a businesslike operation, not a hybrid that only has some of the attributes of a loan. And if our interest in foreign aid, in helping less fortunate or less developed countries, requires the giving of a gift, then it should clearly be a gift. It should be something that Congress determines is in the best interest of the United States, not something that can be justified only on the basis of surplus disposal.

CONGRESSIONAL CONTROL OF GRANTS

The third area in which the committee was particularly interested was the question of congressional control over grants. The law now requires that grants under sections 104 (d), (e), and (f) be subject to appropriation act control; but the law also provides that this requirement may be waived by the President, and it has frequently been waived. In order to regain congressional control over grants, paragraph (8) of section 1 of the bill makes all grants under title I subject to the appropriation process and repeals the President's authority to waive that process. Funds derived from payments of principal and interest on loans made under title I were also made subject to the appropriation process by paragraph (8).

PROHIBITION OF RESTRICTIONS ON U.S. USES

Another problem considered by the committee was that of restrictions on the use in the host country of currencies reserved for U.S. uses. For instance, Suez Canal tolls are required to be paid in convertible currencies so that we must spend dollars for this purpose even though we have an oversupply of Egyptian pounds. The bill reported by the committee prohibits the imposition of any restrictions, other than those contained in the act itself, on currencies reserved for U.S. uses; and requires that such currencies be convertible to the extent necessary to pay any obligation of the United States to the host country.

OTHER AMENDMENTS ADOPTED BY THE COMMITTEE

Convertibility—Paragraph (2) would add a new section 101(g) to the act to require that foreign currencies received from title I sales be convertible to dollars to the maximum extent consistent with the circumstances in each case.

The purpose of this amendment is to transform sales for foreign currencies into regular commercial sales for dollars as rapidly as is feasible and consistent with the purposes of the act.

OCEAN FREIGHT CHARGES

Paragraph (3) amends section 102 of the act by providing that the Commodity Credit Corporation finance only that part of the ocean freight charges on commodities transported in U.S.-flag vessels, pursuant to the Cargo Preference Act, which is higher than the world rate.

This provision does not amend the Cargo Preference Act under which at least 50 percent shipped must move in American bottoms. We do not affect that title at all. That provision would still be in effect and 50 percent of the outcargo would still be required to be carried in American bottoms.

Under the amendment made by the committee the Commodity Credit Corporation would still be required to ship 50 percent of the commodities moving under Public Law 480 in American bottoms, and would also be required to pay the difference, in dollars, to American shipping lines between world freight rate charges and American shipping rate charges. American shipowners would collect the differential from the U.S. Government in dollars and the basic freight rate from the foreign country in such currencies as may be acceptable to the shipowner. This provision in no way requires the American shipowners to accept foreign currencies in payment for their charges. They are, of course, entitled to require dollars or other convertible currencies from the purchasing country. All this provision does is to prohibit CCC from financing the basic freight costs.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. BARTLETT. I am heartened to have the Senator from Louisiana read the language he has just read in connection with the shipping provision. Nevertheless, as a member of the Committee on Commerce, I am gravely concerned about the implications of the provision which has been added in these words:

> The Commodity Credit Corporation shall finance ocean freight charges under this section only to the extent that such charges are higher (than would otherwise be the case) by reason of a requirement that the commodities be transported in U.S.-flag vessels,

I notice in the committee report this statement:

> The freight rates charged by American-flag ships are twice as much or more than

the rates charged for shipments in foreign bottoms.

Would not the Senator agree that that may or may not be the case?

Mr. ELLENDER. The situation is different in different countries.

Mr. BARTLETT. I mean with respect to American ships. My understanding is that Public Law 480 commodities are shipped in American liners and tramps. The statement in the report with reference to tramp ships may be and probably is accurate. However, it does not apply to the liners in regular schedule service. This is the situation which I believe would be created if the amendment should become law; and I would like to ask the Senator's comment on it. Is it not true that the CCC, the Government, pays the owners of the American-flag ships for transporting this freight abroad, in hard dollars?

Mr. ELLENDER. Yes.

Mr. BARTLETT. In good, hard American dollars.

Mr. ELLENDER. Yes. What the change does is to provide that there shall be paid to the shipowner in dollars, the excess between the world cargo rate and what our American vessels would be paid. That would be paid in dollars, and the rest of it the shipper would have to bargain for with the country involved.

I have no doubt that those shippers could do the same as they now do with respect to other shipments; that is, obtain a convertible currency or handle the shipments so that they can get full payments.

As I said a while ago, in addition to the cost to the Federal Government of these commodities, we pay all freight charges; and the freight charges paid by CCC as of May 31, 1964, have totaled almost three-quarters of a billion dollars. On agreements signed through June 30, 1964, it is estimated that the CCC ocean transportation costs will be over a billion dollars. I do not believe anyone will suffer from the provision in the bill. Most of the countries to which we are shipping are fairly well off. Their currencies are steadily improving. The committee thought it was time for us to let the shippers bargain with the host countries, the countries to which we ship commodities, for a currency they can use by way of exchange, and let the Government assume the payment of the difference between the world price to the shipper and what the excess cost would be, which as the Senator says, sometimes runs 50 percent, sometimes 40 percent, sometimes 30 percent more.

I believe that is a good provision. The House does not have it in its bill, but I can understand that. It is my hope that an arrangement can be made that will be of advantage to all. What we are trying to do is help friendly countries. The countries with which we are dealing are getting on their feet, as it were. Many of them have convertible currencies, and there is no doubt that the shipowners can bargain with them and obtain convertible currencies in payment of the world price on shipments, and we in this country will pay the differential in cash.

Mr. COTTON. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. COTTON. I thank the Senator for yielding at this time, because I must leave the Chamber for a few minutes at this time and I had intended to say a few words about the matter now under discussion.

I share the apprehension manifested by the distinguished senior Senator from Alaska [Mr. BARTLETT] and I wish to express my agreement with him concerning this problem, with all due respect to the distinguished Senator from Louisiana. I hope he will reexamine the proposal when he gets to conference because I believe it will work a hardship both on his program and on the merchant marine.

Mr. ELLENDER. I thank the Senator from New Hampshire.

Mr. McGOVERN. May I interject here that as a Senator with a primary interest in agriculture, I hope the shipping amendment in the Senate version will be removed. I have two reasons:

Public Law 480 has aided the United States' hard-pressed maritime industry, just as it has aided the farmer. The maritime industry, like our farmers, needs the help. Both are essential to national strength. The program has been a source of strength to both of them and has created a mutual interest between them—a partnership—which has given both of them an appreciation of the common interest that segments of our society have which, although they may seem remote, in reality rise or fall together. At a time when the farm population is at the lowest comparative percentage in our national history, the farmer needs every possible ally.

My second reason is that the requirement that recipient countries pay in cash penalizes the countries most which have greatest need for aid. Some countries will not be able to get the food they need because of the requirement to pay their share of U.S. shipping in dollars. Some will have to reduce the quanities of foodstuffs they are able to buy. Some may have to forgo aid altogether, because of the intensity of their need.

Mr. BARTLETT. Mr. President, will the Senator further yield?

Mr. ELLENDER. I yield.

Mr. BARTLETT. I should like to discuss this problem a little further. I thank the Senator from New Hampshire for his statement. Both of us are members of the Committee on Commerce, and we have various personal interests in the problems pertaining to the U.S. merchant marine.

I still entertain the fear which I expressed, because, as I am sure the Senator from Louisiana understands, the situation I have described will exist if the amendment prevails.

Let us suppose the owner of a tanker takes a load of wheat to India. Let us assume that he charges $20 a ton. Let us further assume that that is twice the world price. Under the provisions of this amendment, as I read it, the U.S. Government would pay him $10 a ton, or half the hauling charge, in U.S. dollars. He would be required to obtain hard currency from the host country for the remaining $10. That is the situation, as I view it, that will exist, so far as a tramp-ship owner is concerned.

Now, let us consider the liner operator. He is in an entirely different category. As I understand, his price for carrying that amount of wheat will be precisely the price charged by any other foreign-flag operator in the liner service. So no differential would be involved. This shipowner would be required to negotiate with the receiving country for the payment of all his freight charges in convertible currency; he would get no U.S. dollars.

Mr. ELLENDER. The liner operator would be in the same position as other shipowners. If there were no differential, CCC would not be able to finance any part of the cost. If there was a differential, CCC could finance it. If his rate were double the world rate, CCC could finance half the cost.

Mr. BARTLETT. No; it would not be half. There would be no differential, because his price would be the world price. That is the point I am trying to make. There is no differential between the price that the liner operator charges and the price that the British or Norwegian operator charges. These are comparable rates.

Mr. ELLENDER. I am sure my good friend from Washington [Mr. MAGNUSON] will agree with me that few American ships can carry freight as cheaply as foreign ships can.

Mr. BARTLETT. All the liners do. Furthermore, in respect to the particular provision we are now discussing—and I am merely trying to express my apprehensions upon the RECORD, because I am gravely concerned; I heard about this only a couple of days ago—in respect to the carriage of the goods concerned, my understanding is that it constitutes about 20 to 30 percent of the entire amount of the cargo transported by liners. The money has been paid in dollars to U.S. maritime companies operating U.S.-flag ships. That is a matter of record.

Up to now, the situation has been that the Government pays the American farmer, the American railroads, the U.S. ports and the American carriers in dollars. Now what is proposed to be done?

If he takes wheat to India, he will be paid not in dollars but in hard currency. I do not suppose India has any surplus reserves of hard currency. I have heard to the contrary. The shipowner could do nothing with the rupees. They will be no good to him, because he is operating an American ship with American labor. The only expenses he incurs in India relate to longshore charges and possibly the purchase of some provisions. He pays with American dollars for repair work done in American shipyards.

I shall conclude by saying that I am so gravely concerned about this amendment that I express the hope that when the bill goes to conference, assuming that it will——

Mr. ELLENDER. I am sure it will.

Mr. BARTLETT. I am glad to hear that.

Mr. ELLENDER. The House and Senate bills are altogether different.

Mr. BARTLETT. As the Senator said earlier, the House did not have this provision in its version. I know the Senator will not mind my saying, because of my deep interest in the American merchant marine, that it is my hope that when the bill is finally agreed upon by both Houses, the provision which we have been discussing will not be included. I understand, I appreciate, I sympathize, I join with the Senator from Louisiana in the desire to save dollars. But I believe the action is being taken too hastily, without full knowledge of all the facts. I fear the woes will be greater than the blessings. I hope the amendment finally will not prevail.

Mr. ELLENDER. I appreciate the sentiment expressed by my good friend from Alaska. I am wondering what the liners that he speaks of do, if they can compete with ships that fly other flags. They certainly haul freight from India as well as take freight there. I am sure they carry goods from Japan and from other areas.

As I understand, they make bargains and trade with the people, or the countries who hire them. As a rule, they come out of it rather well. They come out with money that can be converted by them. It would seem to me that, in this case, they could do the same thing.

Let me emphasize that the language which has been added to the bill does not in any manner change the 50–50 program we have been discussing. I believe that we have gone far in providing for cargo preference in order to assist the shipping industry. So far as I am concerned, let me say to my good friend from Alaska, this bill, instead of providing for an extension for 5 years, as the administration desires, provides for an extension of 2 years, so that in the meantime we could look into the subject further. If we have made mistakes, they can be corrected. We have been carrying on the program for 10 years. We have been carrying on the foreign aid program for 14 or 15 years. The countries of the world are becoming better off, and their currencies are growing stronger, so I do not believe that the difficulties my good friend from Alaska anticipates will come to pass.

Mr. BARTLETT. If the Senator from Louisiana will bear with me for one further statement, he expresses the opinion that the merchant marine might be doing well enough by taking out cargo in the United States and landing it in a foreign country. Our merchant marine is doing as well as it can, but it is not too well. That is the reason for the Cargo Preference Act. I hope that the currencies will become stronger for the sake of the countries involved.

I appreciate the opportunity the Senator from Louisiana has given me to express my fears concerning this point.

Mr. MAGNUSON. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I feel the same concern that the Senator from Alaska does about this provision. This is a serious matter, and one on which I suppose the committee held hearings and took testimony; but it is a matter that should have gone into great detail as to the effect upon the American merchant marine. It does not affect the 50–50 provision, that is true, but in order to be paid, it will be placed in a position in world trade which will be the greatest of handicaps, as against the other nations, which obtain hard currency in many cases from the countries that have only so much. So if 2 million tons of wheat are going to be shipped, let us say, to Pakistan or India, if the American ship operators had to follow it up, they would probably be able to get hard currency for only 1½ million tons. Shipments would be reduced.

The trouble is that all countries have laws on the subject, particularly the countries that are recipients of this cargo. They are the ones which set the exchange by their own government action. Then, when we go on the world market, it is another story.

Consider what our people will be encountering.

Let us take India. The value of the rupee set by the government is 20 cents, 5 to the dollar. If our people could take 5 rupees and get a dollar, that would be fine; but the price listed on the world market for India is 11 cents. That is all we could get when we go out and trade on it. The governments say to American ship operators that even if they wish so many rupees, and could exchange them, they are allowed to take out of the country only so much. This puts a heavy burden upon our shipping.

I am concerned about this point. The Senator from Louisiana has been most sympathetic toward our merchant marine problems. But we now haul, as of last week, 8.46 percent of all of our exports and imports in American-flag vessels. That is probably the lowest rate of any maritime country, or any country in the world which has even a ton of shipping. If we haul any less than 8 percent of our exports and imports, we shall not have a merchant marine very long. If the Agriculture Department would interpret the language to mean that, taking the figure of $10—we will receive 5 American dollars and have to take $5 in the equivalent of foreign currency, if that $5 could be guaranteed for those foreign currencies, or they could be manipulated, so that they could get $5, there would be no problem. I trust that is the correct interpretation. But all these currencies are on the world market, too. Pakistan sets its rupee at 30 cents to the dollar. On the market, if we called up today on the foreign exchange, we would get 11 cents. This is what it is selling for. This poses a serious problem. I am hopeful that the committee will go into this problem in some depth. Perhaps we were hoping that the practical effect of the language would not be as I have suggested. But I fear it is. Any person in the shipping business will tell us so. People who have to deal in these matters will also tell us this. Our merchant marine is at a low ebb. I do not know why we continue to pick on it all the time. Even with the 50–50 provision, we haul only 8 percent of our exports and imports. I have just been talking with some merchant marine people who are alarmed about this matter.

Mr. BARTLETT. As well as maritime labor.

Mr. MAGNUSON. Yes; maritime labor as well. I believe the Senator from Louisiana assured the Senator from Alaska that what the committee meant was that if the operators took currencies other than dollars that the foreign currency value would be the same amount by exchange in the long run.

Mr. ELLENDER. I said they could bargain as they do now. They bring shipments of goods from foreign countries to our country, and they usually enter into an agreement whereby they receive convertible currencies. I have no doubt that they can do that, but as I said to my good friend from Alaska——

Mr. MAGNUSON. Consider what happens to those currencies. Look at today's quotations.

Mr. ELLENDER. The House has no such provision in its version. We hope to solve the problem in such a way that the merchant marine, which we have been subsidizing for quite some time, will not suffer.

Mr. MAGNUSON. I hope this will be clarified. If they had $10 coming for transportation, and they got 5 American dollars—say that was the differential; I merely use this as a figure—if they could realize $5 in hard currency, there would be no complaint. But this must be certain.

Mr. AIKEN. Mr. President, I have supported the chairman of the Committee on Agriculture and Forestry in his position, not because I am opposed to looking out for our merchant marine or subsidizing the merchant marine to the extent necessary, or even to the extent of guaranteeing business for our merchant marine, or guaranteeing the value of the currency which has been referred to. What I object to—and why I support the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER]—is that I do not like to see this country continue to subsidize the merchant marine to the extent, as I understand, of approximately $50 million a year, and charging it to the Agriculture Department.

I believe that would more properly be a matter to be considered by the Senate Committee on Commerce. It seems to me that should be worked out, and only that portion of the shipping cost which is properly chargeable to Agriculture should be charged to Agriculture. The remainder of it should be arranged for in some other manner.

Out of a $6 billion agricultural appropriation bill, something over $3 billion of it, or a little over half, now goes to the benefit of other people. It so happens that the merchant marine is one of the other interests that benefits from an agricultural program and appropriation.

Mr. MAGNUSON. What the Senator from Vermont [Mr. AIKEN] says is, of course, true. But our merchant marine is not all subsidized. Only a small portion of it is subsidized.

Mr. AIKEN. I know that.

Mr. MAGNUSON. The unsubsidized tramp ships that haul the cargo are trying to keep alive. They are trying to continue to fly the American flag, and employ American seamen and capital. This is not the subsidized portion. Only a portion of the American merchant marine is subsidized. We subsidize our merchant marine far less than any other country in the world. Any other country that has a similar program would be subsidizing it 100 percent.

Mr. AIKEN. It might be rather short notice to make this change at this time. But as the chairman has stated, the bill has to go to conference. I am sure that the conferees will be willing to listen to all arguments when that time comes. But we should get away from the practice of charging costs of programs designed to benefit other parts of our economy to our Agricultural Department all the time.

This practice goes back to the days when, if one could get an amendment or an appropriation for a program tacked onto an agricultural bill, it was sure to be approved. But those days are gone forever. It is about time that we place each factor of our economy in its proper perspective.

Mr. MAGNUSON. There is no question about it. We could save a great deal of money if we let all of the cargo go on other ships. We could place it on a ship owned by Greeks, using an Indian crew, Italian officers, and flying the Panamanian flag. It would be done at a much cheaper rate. But it would mean that the United States would no longer be a maritime power.

Mr. ELLENDER. What currency would the Greeks use? They can convert the currency.

Mr. MAGNUSON. No. They get hard currency. They dicker for that.

Mr. ELLENDER. That is what I want our people to do.

Mr. BARTLETT. Mr. President, there is one essential difference between a Greek and an American shipping company. It is essential to understand that, in this connection, a Greek ship does not put into Greece very often, in all likelihood. The Greeks can use this currency. But our people go to India and then come back to the United States. They receive a dollar.

Mr. MAGNUSON. I realize that it is rather late for us to pursue this matter. I feel so strongly about it that I would be tempted to hold the bill up so that I could go into the matter at greater depth. I could look over the volumes of testimony, papers, and everything else, and continue on this measure all day. But I do not want to do that.

I am hopeful, because this is a very important matter. The people are vitally concerned about it, and the merchant marine of our country must stay alive. We hope that they will have an opportunity to consider the matter in depth, and get some indication from the Agriculture Department about their getting hard currency. We hope that there will be some assurance that they may get paid in dollars or the same value in foreign currency.

Mr. ELLENDER. I suggest to the Senator from Washington that he have the Commerce Committee staff prepare a memorandum, which we can consider in conference.

Mr. MAGNUSON. I thank the Senator.

Mr. ELLENDER. Mr. President, under existing law the Commodity Credit Corporation pays the total freight charges to American shipping lines for Public Law 480 shipments. This Government then collects world freight rate charges from the recipient country in its currency. The foreign currency so collected remains in the country and is used under section 104 of the law.

As of May 31, 1964, the Commodity Credit Corporation had paid a total, since the inception of Public Law 480, of $748,899,661.79 in dollars to American shipping lines. Foreign countries, in turn, paid $399,819,831.79, or 54 percent of the total cost, to the U.S. Government in their respective currencies which remain in the country. The remaining $349,079,830.00, or 46 percent of the total cost, represents the payment by the U.S. Government to the shipping lines in order to comply with the Cargo Preference Act.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. In this particular case, all the other people who participate in the program—the railroads that haul to the terminal, the terminal man, the farmer, and everyone else is paid in dollars. Then when the material is placed on American ships, we say, "You are out."

The operation is a continuous process until the shipment reaches its point of destination. I point out that that is discriminatory in some sense.

Mr. ELLENDER. Mr. President, paragraph (4) provides that when the budget is presented to the Congress by the President, expenditures under Public Law 480 shall be classified as expenditures for international affairs and finance rather than for agriculture and agricultural resources.

The committee feels that appropriations charged to agriculture are overstated in a number of ways because the use of the funds relate, not only to costs of farm programs, but to programs that are for the general welfare. This would correct part of the misinterpretation.

TITLE I AUTHORIZATION

Paragraph (5) authorizes $2.7 billion for the 2-year period ending December 31, 1966, plus unused authorizations estimated at $1.3 billion from prior years, and limits agreements in any one year to $2.5 billion. This would permit normal operations. The committee felt that the size and importance of the program required constant and close review and therefore extended both titles I and II for only 2 years.

INTERNAL SECURITY

Paragraph (6) amends section 104(c) to make specific provision for the use of foreign currencies for internal security.

COOLEY LOANS

Paragraph (7) amends section 104(e) of the act to strike out the 25-percent maximum limit previously imposed on the use of title I currencies for loans to private enterprise for business development and trade expansion in friendly countries.

In calendar 1963, for example, only 7.7 percent of the currencies were earmarked for this purpose. The committee felt that the use of greater amounts of currencies would redound to the benefit, not only of this country and private enterprise, but to the foreign country as well, if greater amounts were earmarked for this purpose.

PRESIDENTIAL REPORTS

Paragraph (10) amends section 108 to require the filing of a report on the activities under Public Law 480 once each year rather than every 6 months.

TITLE II AUTHORIZATION

Paragraph (11) extends title II authorization for a period of 2 years until December 31, 1966, and provides for an increase in funds to $375 million compared with the present $300 million, plus, as at present, the unused authorization from the preceding year.

EXTENSION OF TITLES I AND II

Paragraph (12) extends titles I and II through 1966. They would otherwise expire on December 31 of this year.

FOREIGN CURRENCY SALES TO U.S. CITIZENS

Section 2 provides that sales to U.S. citizens may be included among the uses for foreign currencies provided for by title I sales agreements.

Section 2 also amends section 612(b) of the Foreign Assistance Act of 1961 by redesignating it as section 104(t) of Public Law 480 and provides further that the dollars received from the sale of currencies to U.S. citizens be deposited to the account of the Commodity Credit Corporation, rather than to miscellaneous receipts in the Treasury.

EXTRA-LONG STAPLE COTTON SALES

Section 3 directs the Commodity Credit Corporation to sell or otherwise make available surplus extra-long staple cotton at prices not above those of other exporting countries. Inasmuch as American upland cotton is presently being exported with Government help, the committee felt it only fair to extend the same privilege to the producers of extra-long staple cotton.

Mr. President, this is a good bill. It is a fair bill. It is a reasonable bill.

It would do nothing to prevent the full use of our agricultural abundance in helping our friends abroad. As a matter of fact, I feel quite certain that the passage of this bill will assure a program stronger than ever before and more useful. I urge the Senate to act favorably on it.

I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, first I commend the chairman of the Committee on Agriculture for his handling of the bill. I shall not say what I think of the Public Law 480 program, because I have said so often that it is one of the best programs that we have. I have often remarked that our food supply which is surplus in this country, if we wish to call it a surplus, although I do not call it that, has been more effective in the Western world in preventing the spread of alien ideologies than has many of the other programs which we have tried. I would not even put the furnishing of food to other countries second to the furnishing of arms.

I wish to offer a small amendment, which I have discussed with the chairman. On page 9, line 9, of the bill I would ask to insert after the word "available" the words "to the maximum usable extent." That is an amendment to the so-called Cooley loan part of the program.

Mr. ELLENDER. It is designed to encourage loans to private business.

Mr. AIKEN. It is to encourage the development of other countries by private means. The Cooley loan program has not worked out as Congress intended, because it appears that in some areas the making of loans has been on such a restricted basis that the program really has not functioned. It does no good to make a loan to a private operator to construct a plant and lend the money to him at 6 percent if he must then go out and pay 30 percent or 40 percent for the capital required to operate the plant.

The purpose of the amendment is virtually to direct the AID people to make use of the Cooley loan authority, as I say, to the maximum usable extent.

Mr. ELLENDER. I am in thorough agreement with the amendment, Mr. President. We discussed it in committee.

Mr. AIKEN. Mr. President, I offer the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. On page 9, line 9, it is proposed to strike out the period and quotation marks after "available" and add the following words: "to the maximum usable extent."

Mr. ELLENDER. Mr. President, on behalf of the committee, I accept the amendment and shall take it to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY and Mr. McGOVERN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I wish to make a few general comments in reference to the bill before the Senate, the food-for-peace program. I know that the Senator from South Dakota [Mr. MCGOVERN] has some questions to raise relating to the use of grant funds and the interest rate provisions of the bill.

Public Law 480 has been one of the most effective instruments of American foreign policy, economic policy, and social policy that ever has been legislated by a Congress.

We ought not in any way weaken the program, nor should we burden it with undue restrictions. The funds which are generated under a particular program are of little value unless they are put to use. That is generally true of all forms of capital. Capital has its value when it is used and when it is invested. The currencies which are generated through the sale of food commodities under the terms of Public Law 480 lose their value unless they are readily put to use for constructive purposes. Those purposes have been outlined and detailed through legislative enactment over the years, so that the purposes range all the way from capital improvement or investments in capital structure to social and welfare benefits. There even are programs such as the food-for-work programs, which now is being used in North Africa, Latin America, and in certain other countries. The food-for-work program had a very good beginning in Tunisia and some excellent results were achieved.

Mr. President, I view with considerable concern some of the amendments which have been included in the bill as reported by the Senate committee. It is my view that the one weakness in the food-for-peace program is the lack of prompt and effective utilization of the currencies which accumulate under this program. At the conclusion of my remarks today I will bring to the attention of the Senate a situation that prevails, for example, in India, where vast sums of Indian rupees have accumulated to the account of the Government of the United States. This money has not been invested on a loan basis by the Government of India, nor has it been utilized for social, welfare, educational, or other purposes under the grant section provided for under section 104.

That section relates to a number of activities. One of them involves the use of funds on a grant basis for purposes such as medical research, hospital construction, educational opportunities, and so on.

The Senate version of the bill subjects all grants under section 104 of the act and all uses of interest and principal paid on loans made under title I to the appropriation process. This means that the Appropriations Committee, sitting in Washington, will determine the use of a certain percentage of the funds generated under title I of Public Law 480—funds that are ready, available, and on deposit in the host country. It means, in other words, that the Committee on Appropriations actually takes over much of the administration of the use of the funds that belong in the hands of the executive branch, and particularly those who administer this program.

The so-called soft currencies that arise from title I sales have to be used very carefully. We have a very detailed process of negotiation that we follow with the countries that purchase our food commodities under title I. Those negotiations must take into consideration the economic situation in the country making the purchase. Those negotiations must take into consideration the limitations that are set down in statute as to the use of the funds for the purposes of the United States. Those negotiations must take into consideration what are called Cooley funds, or funds used for investment in American private enterprise abroad. Those negotiations must take into consideration the general economic well-being, such as matters of inflation or deflation, in any of the countries making purchases.

A substantial amount of money is loaned out and some of the money is available for grant purposes. That was specified in the act under an amendment adopted in the 1950's. I served on the Committee on Agriculture and Forestry at that time and was very much interested in Public Law 480. I was present at the time it was authorized. I was one of those who supported its adoption. A number of us in the Senate had separate bills. As the result of these being before the committee, a committee bill was reported, and it has been known as Public Law 480. That was, as I recall, in the 83d Congress.

Later the act was amended to add title IV. It was amended to expand the provisions of sections 104 and 106. A number of other amendments have been included in the act, now known by the common name of food for peace.

I hope the Congress of the United States recognizes that in this great food program we have the most effective, the most powerful, the most important instrument of diplomacy, of foreign policy, and of national security that any nation on the face of the earth has today. For us to cripple the program or in any way to restrict it unduly by tying the hands of the administration in the field, as well as those who are responsible for the administration of the law in Washington, seems to me to be unwise.

The main question we shall be asked is: What are we going to do with the four or five hundred million dollars worth of rupees that lie on deposit in New Delhi, India, that are not being used? The Indian Government worries about it, because if those rupees are used foolishly, there may be dire effects upon the fragile Indian economy. But those funds could be put to use, for example, in binational centers that promote much goodwill. They could be put to use as grants in countries literally fighting for their lives. They could be put to use in education, health, research, translation of scientific documents, and a host of other activities.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from South Dakota.

Mr. McGOVERN. Is the Senator from Minnesota aware that in the House version of this bill there was a very carefully worked out provision to deal with the very problem of how we can best handle currencies in excess of U.S. needs in countries where those currencies rest?

The House proposed a provision that an advisory committee should be set up, on which would serve the chairmen of the Senate and House Agriculture Committees, with the ranking minority members, as well as the Secretary of Agriculture, the Administrator of the AID Agency, and the Director of the Bureau of the Budget. I am wondering if the Senator from Minnesota does not think that would be a feasible and practical way of bringing insight to bear on the use of such currencies, giving Congress some voice in their use, and yet providing some flexibility for those who administer the program in finding constructive uses to which these currencies can be put.

Mr. HUMPHREY. Mr. President, I hope that such a provision will be retained in conference. I believe it was to that provision that the Senator from Arkansas, the chairman of the Foreign Relations Committee [Mr. FULBRIGHT], directed his attention.

One of the really critical problems facing the whole food-for-peace program today is the proper use of the currencies which are generated from title 1 sales. They are not being properly used. The main reason they are not being properly used is the restriction of the law and the timidity of the Bureau of the Budget.

Quite frankly, the Advisory Committee to which the Senator from South Dakota referred would be very conservative and very restrictive in attitude. There is no reason we should delude ourselves. For example, if we sell 6 million tons of wheat to India for Indian rupees, and we receive Indian currency for that sale, and only half of that currency is reinvested under terms of an economic loan, why do we not face the fact that the balance of it is lying there unused, being eroded by inflation, and losing its value, when the people of India themselves could use that money very effectively in a host of projects.

In many countries we have sizable amounts of foreign currencies loaned out as a result of Public Law 480 activity, and we have an equal amount of foreign currencies which lie idle, drawing no interest, losing value through inflation, hanging like a sword over the economy of the country, with no one knowing what will happen to it.

In the meantime, people are in need, schools are inadequate, health facilities are neglected, roads are not being constructed, medical research goes undone or is pursued without any real effort being devoted to it. All this is happening because of the inadequacy of funds available to perform these tasks.

Mr. President, this section of the bill needs to be carefully examined. I recognize the position taken by the Senator from South Dakota, and I know he will make a statement on it. Therefore I shall not dwell on this point any longer. The Senator will wish to make his own statement.

On the matter of repayment of the loans, I must refer to the section of the bill which requires title I loans and title IV credits to bear interest at not less than the cost of the funds to the United States.

We have gone through this battle on foreign aid many times. If we are to insist upon an interest rate on title I loans and title IV credits to be the interest rate that is paid by the U.S. Government on the money it borrows, we shall be making loans which will not be repaid.

The first thing we need is frankness and candor. Title I loans are being made to countries which are in desperate economic straits and circumstances. Sales are being made under title I to help the American agricultural economy, to help fulfill the objectives of American foreign policy and our national security policy. They are made to help friendly countries through a difficult period in their economic development.

Title IV programs are dollar sales on credit. The purpose of the program is to expand sales of agricultural commodities to countries just reaching a point of economic development where they can trade on commercial terms. These credits should be encouraged by modest rates of interest, not discouraged by making the terms so difficult that sales cannot be made.

If we charge 4 or 4¼ or 4½ percent interest on Public Law 480 loans, we shall jeopardize the entire structure of Public Law 480.

Therefore I hope these new restrictive provisions relating to interest rates will be left out of the bill in conference.

I recognize that we have a very limited time to deal with this subject. However, I have devoted a great deal of my public life to the question of Public Law 480, including the use of American agricultural products and the development of our foreign and economic policies.

I have given my support to Public Law 480, the food-for-peace program, as an instrument of American generosity, compassion, and kindness. I have looked upon Public Law 480 as a very important and integral part of the total program for American agriculture and, indeed, American industry.

I should like to make the record clear to the effect that Public Law 480 has probably done more to stimulate commercial markets for American industrial products and American agricultural products than any other act passed by Congress.

Today we are finding lucrative markets for soybeans, rice, and cotton, and for American farm machinery, American processed agricultural products, and American fertilizer, as a result of the market development which took place through the use of funds coming from Public Law 480 sales and economic development.

While I am pleased that we shall extend Public Law 480, I am displeased with some of the restrictions which have been incorporated in the Senate bill. I have fought this battle of restrictions time and time again for many years. Each time we defeated them. We now find them trying to creep into the law.

Senators can rest assured that if we tie the hands of the Administrator of the program with restrictive amendments, in a sense we shall be putting chains on the arms and legs of American foreign and economic policy. We shall be diluting and reducing the effectiveness of Public Law 480. We shall not be helping the American agricultural program. We shall be weakening American foreign policy. We may very well be making less effective the Public Law 480 program in the host or recipient countries.

The greatest single asset we have today in the world of power politics—and I regret to say it is such a world, but that is a fact—is the power of American food, technology, scientific know-how—the American agricultural abundance and food production. No other country on the face of the earth can even come close to matching this. This is a world in which there is a rapidly expanding population, a world in which the variances of weather and technology leave their impact upon agricultural production. The great abundance that is ours should be guarded carefully and should be made available for the most effective use at all times.

Furthermore, I am not one who believes that we are overproducing for the long run and for the long-term interests of this country. I remind the Senate once again that last fall I brought to the Senate a well-documented speech, upon which I received considerable technical assistance from meteorologists and scientists, indicating the continuance of drought in critical areas of the world and in certain parts of the United States. Many parts of this country have suffered severe drought, and the production of certain agricultural products has been reduced as the result of drought. Many parts of the world are suffering severe drought. The United States ought to take a good look at its agricultural policy in terms of the amount of food and fiber reserves that ought to be available at all times for this great Nation.

It is an old theme of mine, but one which I shall repeat until my dying day: We do not have too much food. We have too little imagination as to how to use it. We do not have too many farmers. We have policies that, regrettably, do not utilize the great capacity of our farmers to produce and to distribute their product. We need a national security reserve in this country, established by law, so we can stop talking about agricultural surpluses. We need a bipartisan blue ribbon agricultural policy commission to examine the entire structure of agricultural policy in America.

Much of what we have on the law books today is the result merely of accumulated amendments. We do not have a coherent or coordinated structure. We need to give much more thought to how we shall integrate our agricultural policy, domestic and foreign, into our overall programs of international security and international diplomacy.

We have stopped talking about food surpluses in some areas, thank goodness. But even when we have referred to the foor-for-peace program, we have said only that food for peace was the result of dumping surpluses. This is a poor way and a foolish way to talk about one of our great resources. The food-for-peace program ought not to be dependent only upon the availability of surpluses.

We ought to program American food as we program military items. We do not seek to dump weapons because we have a surplus of them. We base our military assistance program on a schedule of production of certain weapons because they are needed. I wish our civilian administrators were as effective as our generals. Then we would not have much argument over food for peace. Does anyone really believe that if we take part in a major nuclear war, we shall win it and have much left if we win? We might win it for purposes of history; but let us win it for purposes of humanity.

An abundance of food and fiber, if programed, planned, and considered from the standpoint of what really is needed, including policies of purchasing, merchandising, and distribution—instead of limiting it to Public Law 480—would enable us to enter a more extensive area of legislation.

FOOD IS LIFE

Mr. President, since the Pilgrim fathers celebrated their first Thanksgiving in the New World, we Americans have recognized that food is life to men. In ancient civilizations it was always so—and men gave thanks to their gods for lifegiving food.

But food is more than the staff of life to men; it is the strength of nations. Food produced on American farms is the lifeblood of our Nation. And so it is with the new and emerging nations of the world.

American agricultural abundance—the productivity of our farms and farmers—is one of the brightest chapters in the history of our Nation.

Our farms and farmers are the most productive in the world, and their productivity continues to grow. The American farmer's output has increased 140 percent since the end of World War II, almost three times the gain in nonagricultural productivity. Today, 1 American farmer produces enough food and fiber for 29 consumers—4 of whom are overseas. The vigor, productivity, and the strength of American agriculture stands as a model for the rest of the world. The farmers and others in the United States can be justifiably proud of their accomplishment.

More food and better food mean a better life for all Americans. And agriculture and agribusiness are keystones of our economy. But it is evidence that American agriculture has an even greater role to play in this last half of the 20th century—in this shrinking world where all nations and all men are neighbors. The exports of food and fiber from the farms of America are vital to the economy of the United States, and their contribution to our economic strength and prosperity will be critical in the next few decades.

EXPORTS MEAN JOBS

At the present time farm products account for more than one-fourth of our total exports. More than 25 percent of all U.S. farm production is exported—the harvest of one out of every four acres.

Farm exports mean jobs—about 1 million on U.S. farms, and more jobs in financing, packaging, processing, shipping. This year, for example, our farm exports would fill 4,500 cargo ships—12 shiploads every day of the year.

Only last month President Johnson announced that U.S. agricultural exports for the fiscal year just concluded had reached an alltime high of $6.1 billion. This is a 20-percent increase over last year's record high, and 35 percent greater than the farm export level of 4 years ago.

Furthermore, this year's increase of $1 billion over last year's farm exports was virtually all in sales for dollars.

America's agricultural productivity brings us face-to-face with a moral obligation, an economic opportunity and a challenge to the ingenuity of man.

President Kennedy met this obligation, this opportunity, and this challenge with the second Executive order of his administration, when he introduced—as a policy of this Government—the concept of using food for peace. "We must narrow the gap between abundance here at home and near starvation abroad," President Kennedy said:

> Humanity and prudence, alike, counsel a major effort on our part.

We seek, through our food-for-peace program, to offer our fellow man throughout the world bread instead of bombs, milk instead of mortars.

We seek to banish hunger from the face of the earth, for a hungry man can never be free.

We seek to use our food as a resource to help men help themselves to a better and more productive life.

A BLESSING—NOT A CURSE

Mr. President, since the enactment of Public Law 480 in 1954, we have endeavored to put our farm surpluses to work throughout the world—to regard and use our agricultural productivity as an asset, rather than a liability—as a blessing, rather than as a curse.

In the past 10 years, we have moved about 130 million tons of food—more than $12 billion worth—overseas under Public Law 480—3 billion bushels of wheat, 10 million bales of cotton, 100 million bags of rice, 6 billion pounds of vegetable oil, and feed grains, tobacco and dairy products.

Food for Peace feeds the hungry—today more than 100 million men, women and children in 100 countries throughout the world.

The phrase, "donated by the people of the United States," in more than a dozen languages on food packages distributed in the teeming slums of large cities and in the most remote villages of far-off lands, is one of the most effective statements in our vocabulary of international relations. It says that the people of the United States care about men, women, and children of all nations—and want to share.

Our feeding programs throughout the world are made possible by the great American oversea relief agencies supported by the American people who distribute the food—CARE, Church World Service, Catholic Relief Services, the American Jewish Joint Distribution Committee, and many others.

We seek particularly to feed the children, to strengthen the generation that will inherit this world. Today, 40 million children are getting a school lunch every day made possible by food for peace. In Latin America alone, as the result of an intensified child-feeding program—"Operation Ninos" launched only a year ago, the number of children benefiting from school lunch programs has increased from 3 to 10 million—1 out of every 4 children of school age.

U.S. FOOD AIDS DISASTER VICTIMS

U.S. food has come to the aid of millions left hungry and homeless by floods, famines, earthquakes, droughts, and plagues—and has been a lifeline to hundreds of thousands of refugees cast adrift without food, shelter, homes—or hope. In the past 10 years, we have sent $1 billion worth of food overseas to aid victims of disaster.

Our agricultural abundance is one of our most valuable resources in international development.

Food from American farms provides the vital ingredients—the capital and the wages—to help the countries and the people of the free world help themselves to economic and social progress.

The local currencies generated by the sale of our agricultural commodities are essential to our aid program throughout the world. Nearly two-thirds of all local currencies generated by food-for-peace sales in the past 10 years have been set aside for economic development.

Hospitals, clinics, schools, highways, bridges, railroads, reforestation projects, irrigation projects, flood control, cooperatives, credit unions—all vital institutions and facilities in country development—have been built with U.S. food, with the local currencies—instead of U.S. dollars—generated by sales under the food-for-peace program.

Some 600,000 workers and their more than 2 million dependents in 22 countries today are benefiting from American food used as a partial wage in self-help community development projects. These are real "bootstrap" projects. Able and conscientious—but idle—men and women are working to improve their own communities—to reclaim idle land; to plant forests; to build roads, homes, wells, and reservoirs.

Thus, unemployed and hungry people can earn their daily bread for themselves and their families, can earn a partial wage in the currency of their country, and can contribute to the building of important capital improvements in their own community.

These food-for-work projects represent a calculated shift in our food-for-peace program from relief feeding to self-help programs—and they have proved to be enormously successful in every instance.

Food from the farms of America provides capital for private investment in the developing countries.

LOANS TO U.S. FIRMS ABROAD

Under the private enterprise loan provisions of Public Law 480, more than $180 million in local currencies generated by the sale of agricultural commodities overseas has been loaned to U.S. firms for business development and trade expansion in the developing countries, and to U.S. and local business for expanding markets for U.S. agricultural products abroad.

Ingenious use of our agricultural abundance has enabled the United States to reduce by millions the outflow of dollars to finance oversea programs in the past 10 years. Since 1954, food for peace has provided more than $936 million in foreign currency for payment of U.S. expenses abroad, and another $567 million for the common defense of the United States and friendly nations. Food from the farms of America has contributed to the financing of trade fairs and exhibitions; binational and community centers; international exchange programs; scientific, medical, cultural, and educational programs—and has been bartered for almost $2 billion worth of strategic materials and equipment.

There are no limits to future markets for U.S. farm products.

Food from the farms of America is feeding millions of hungry people throughout the world. It is converted into essential capital for economic development. At the same time that American food answers the human and economic needs of the world, it is opening up vast new markets for future exports and sales of U.S. agricultural products.

There is a limitless need and demand in the world for the food and fiber produced in America. The future markets of the developing countries are incalculable. One of the first needs of the people of the developing countries as we help them to develop is for food and clothing, and no other nation in the world is so capable of filling their need as is the United States.

MARKET DEVELOPMENT

The food-for-peace program, through the sale of agricultural commodities overseas, provides the financing for U.S. Department of Agriculture market development activities in 67 countries today. In cooperation with more than 40 U.S. agricultural producers and trade organizations, USDA has in the past 10 years engaged in aggressive food-for-peace-financed programs designed to develop new and expanding markets for U.S. farm products overseas—cotton, soybeans, poultry, wheat, rice, meat, feed grains, and milk. American marketing specialists are overseas teaching foreign buyers to fabricate our cotton, process and package vegetable oil, to mix and blend our wheat. American foods are exhibited at trade fairs and trade centers—all this financed by food-generated local currencies.

These food for peace-financed market development programs have played no small part in the 35-percent expansion of farm exports in the last 4 years.

American agricultural capacity is a vast and potent arsenal in times of peace.

The time has come to stop thinking of our agricultural productivity and abundance as a great national problem. We must recognize and use our abundance of food and fiber as one of our most precious resources—more precious often than gold, as we have learned.

When Public Law 480 was passed 10 years ago, it generally was regarded as a device for seeking ways and means of making use of the surplus production of American farms. Our discoveries concerning the use of food in the world today have exceeded our wildest dreams of 10 years ago.

We know that whatever we produce on the farms of America we can use—and use constructively to feed hungry millions; as capital for development; as a wage to help people help themselves; as capital for capital investment overseas, and as the opening chapter to a future history of vigorous and expanding U.S. agricultural exports throughout the world.

CAPACITY TO ABOLISH HUNGER

President Johnson recently told a Conference on International Rural Development at the White House that:

> Since World War II, we have multiplied our capabilities as never before, but we have not put them to the fullest use * * * we have the capacity to abolish hunger * * * we have not put our capabilities to work.

We still have not put our agricultural capacity to work to its full potential. The United States is indeed fortunate that at a moment in history when the developing nations of the world need food to feed their hungry and for development, we are able to supply that food assistance.

Food for peace is a brilliant concept. Our experience in the past 10 years has proven that American agriculture, the products of the American farm, can make a great contribution to a world of peace, prosperity, and security.

So long as American farms and the American farmer continue their brilliant record of productivity, we must put this capacity to work at home and abroad.

We must continue to build with determination and imagination—on the concept and experience of food for peace—to bring new life to men and nations.

FOOD FORTIFICATION

Mr. President, for many years, the problem of malnutrition among the poorer people of the world have been studied—with special emphasis on the children—by the National Institutes of Health, the National Academy of Sciences, the Agricultural Research Service in the Agriculture Department, UNICEF, AID, and a number of other public and private groups. All agree that there are two major problems in overcoming malnutrition. One is the need for more food, a problem we are helping to solve through our food-for-peace effort. The other is the need for nutritional improvement in the food which is being sent—such as the simple addition of vitamins A and D in milk as we have in this country, or the extra enrichment of flour.

A study just completed by nutritionists at NIH tells us that in east Pakistan alone 50,000 infants every year are being subjected to a life of blindness due to vitamin A deficiency. We in the United States have it within our power to prevent this kind of thing from happening. We can do this, at a very minor cost, with the addition of vitamins in the powdered milk we already are providing. We can do it with the further enrichment of flour we are now shipping. And we can do it with other inexpensive means of food fortification.

Aside from the obvious moral concerns related to such a problem, there are also some basic economic considerations. First, our competition abroad in nonfat powdered milk is with countries which do fortify their exported milk. Since the cost factor of the fortification is negligible, we obviously are placed at a disadvantage in our striving for future foreign markets. Second, we must weigh the cost of fortifying our food-for-peace donations against the costs which may result from the consequences if we do not.

In east Pakistan alone we are talking about 50,000 potential invalids, in 1 year, in one small part of one country who may end up needing some type of major welfare assistance. To the budget of that country—and the budget of this country which through its aid program supports that country—it certainly seems a reasonable investment to spend pennies to prevent this kind of thing from happening.

We ought to find a way to make this minor adjustment in our Public Law 480 program to fortify our donated foods and prevent such vitamin deficiencies. If we do not, it is our own deficiencies to which people in the future can justifiably point.

I am pleased that once again we have an opportunity to speak up for one of the finest programs America ever has designed. I hope that as a result of extending the program, we shall not limit it, but rather improve upon it.

Mr. President, earlier in my remarks I said I would bring to the attention of the Senate a situation that prevails in India, where vast sums of Indian rupees have accumulated to the account of the Government of the United States. I now ask unanimous consent to include at this point in the RECORD a memorandum prepared by the American Embassy in New Delhi concerning the costly paradox of our American-owned Indian rupees.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE COSTLY PARADOX OF OUR AMERICAN-OWNED INDIAN RUPEES

This memorandum has been prepared in response to many recent questions from Members of the U.S. Congress, businessmen, journalists, members of the general public and American visitors in New Delhi about our failure to use more of our massive rupee holdings for urgently needed programs here in India.

The facts are as follows:

I. THE SOURCES AND MAGNITUDE OF OUR RUPEE HOLDINGS

For the last several years India has been importing between $400 and $500 million worth of surplus farm products from the United States annually under the terms of our Public Law 480 legislation.

These products are sold here in India for rupees and the proceeds placed in several major funds. An average of 80 percent of the total goes into the so-called country-uses fund, and are then granted or reloaned to the Indian Government to pay the local costs of new roads, irrigation dams, schools, and the like.

Seven percent, on the average, goes into the so-called Cooley loan fund which provides rupee loans to private enterprises in India.

The remaining 13 percent, on the average, goes into the so-called U.S.-uses fund which pays the salaries of our local employees, the publication of American books and periodicals, administrative expenses, official travel within India, a large portion of the expenses of USIS, etc.

In addition to the rupees which accrue to the "U.S.-uses" account from the sale of U.S. agricultural products under our Public Law 480 agreements, we also receive substantial amounts of rupees in the form of interest paid on our rupee bank accounts in India, and from principal and interest payments on rupee repayable loans to the Government of India which are now falling due at an increasing rate.

These funds are all added to our growing holdings of U.S.-owned rupees available for the use of the United States Government in India.

At present our balances from these various sources of U.S.-owned rupees available for U.S. uses in India total nearly Rs1,900 million (equivalent to about $400 million), while our current rupee income from these sources, adds nearly Rs600 million ($126 million equivalent) each year.

Since we are spending U.S.-owned rupees at an annual rate of about Rs. 165 million ($35 million equivalent), our rupee holdings may be expected under existing circumstances to reach nearly Rs. 2,900 million (about $610 million equivalent) by the end of the U.S. fiscal year of 1966.

II. THE PARADOX

We are accumulating far more rupees earmarked for "U.S.-uses" than we are now spending. Yet the present legislative and administrative restrictions are such that we are unable to use them to cover some of our most basic needs. In addition we are deprived of many opportunities to expand some of our most effective programs and to create new programs which would significantly promote American interests in India, at no additional dollar cost whatsoever to the American taxpayer.

The following examples illustrate the needs and opportunities which are not now being met because of the administrative and legislative restrictions on the use of these U.S.-owned rupees.

A. Administrative costs

In spite of the huge masses of rupees which were set aside for U.S.-uses, our administrative operations in India are restricted in many ways for lack of rupees to cover the costs. Among them are the following:

1. Although India is a country as vast and complex as Europe, requiring detailed contact and understanding with all its political and geographic components, our rupee travel funds are restricted to a point where no more than 7 percent of the time of our principal officers can be spent out of New Delhi, a city which is no more typical of India than Washington is typical of the United States.

2. Because of the existing administrative and legislative restrictions we are forced to rent houses and other real estate in New Delhi at very high rentals although we would be much wiser in a rising real estate market to use our rupees to purchase these houses and buildings or to construct new ones.

Even the use of the Embassy fountains is now held to 1 day a week because of rupee budgetary restrictions.

B. Restrictions on USIS activities

At present the U.S. Information Service in India is publishing some 3 million books a year in India on American culture and history, science, economics, political science, etc., which serve the important function of bringing American philosophy and methods to Indian scholars, students, and the general public. By drawing on our overflowing rupee holdings we could expand this program to some 9 million books annually and at the same time cut the prices in order to make them more readily available to students.

Our USIS newspaper, the American Reporter, which comes out every 2 weeks with a circulation of 400,000 could become a weekly and its circulation increased.

We could greatly improve and expand our American libraries which are a major instrument for better American-Indian understanding. We could initiate a nationwide program of English language teaching to assure a vehicle of communication with Indian leaders and people.

These are only a few illustrations of the many ways in which our idle rupees could be put to good use in serving our national interests through expanded U.S. informational programs at no dollar cost to the American taxpayer.

C. Establishment of a binational foundation

One of the most dramatic ways we could use our fast-growing rupee balances would be the establishment of an Indian-American foundation generally similar in concept and operations to the Rockefeller and Carnegie Foundations in the United States.

Financed by excess rupees from our ample holdings, such a binational foundation could offer scholarships to several hundred outstanding Indian students annually, establish research centers, increase cultural cooperation, help strengthen Indian universities, promote additional cultural exchange, research in history, science, etc., without any additional dollar expenditures.

III. SOLVING THE PROBLEM

The incredible paradox of massive and fast-growing rupee holding expressly set aside for U.S. uses side by side with enormous unfilled needs which these rupee funds could enable us to meet stems from legislative and administrative decisions which are not fully adaptable to the situation which has now developed here in India.

When the programs such as Public Law 480 from which our rupees are now being generated were first established, the United States Congress was properly concerned that local currency expenditures might include hidden dollar expenditures.

For this and other reasons Congress required all foreign currency expenditures to be passed upon precisely as though they were expenditures to be financed with dollars collected from U.S. taxpayers. Under this system, even when the actual expenditures are to be in rupees, dollars must first be appropriated and then used to buy the rupees from the U.S. Treasury.

What is needed now is either new legislation sufficiently flexible and adaptable to permit us to use our excess rupees effectively, or administrative action which has the approval of congressional leaders (or a combination of these) to break the costly impasse which is frustrating our efforts to implement fully the policy enunciated in Public Law 480 itself; namely; "to promote collective strength, and to foster in other ways the foreign policy of the United States."

* * * * *

India has a population greater than all the 55 nations of Africa and Latin America combined. It is a key democratic country with a new government whose stability and success is of the most vital importance to the American people.

Under the circumstances I believe it is unreasonable and self-defeating to permit the bulk of our United States-owned rupees holdings—which could be used to advance our national interests in India without cost to our taxpayers—to continue to lie idle.

Mr. McGOVERN. Mr. President, the bill before the Senate would extend the food-for-peace program for another 2 years. Because it extends this essential program, the bill has my support. But I support it with considerable reservation. I am convinced that several of the steps taken by the Senate Committee on Agriculture and Foresty and incorporated in the extension of the act will have the effect of crimping, confining, and constricting the food-for-peace program in such a way as to decrease its effectiveness.

There is no doubt in my mind that the Senator from Minnesota [Mr. HUMPHREY] was absolutely correct when he described this program as a most effective instrument of American foreign policy and a bulwark of American agriculture. It is because of that double content of the program that we sometimes have some confusion as to its purpose. Every year when this program is discussed, both in Congress and in the executive branch, some debate develops as to whether it is basically a foreign aid program or is basically an agricultural program. I submit that it is both. This program is worth perhaps a billion dollars a year to American agriculture. It is worth at least that much or more to our friends overseas who are being assisted under the various provisions of the food-for-peace program.

When the law was drafted some 10 years ago, the Government was paying about $1 million a day storage charges on surplus grains.

Agricultural prices had been in a skid for 2 or 3 years. We were losing farm families from the land at the rate of approximately a million a year. Partly because of that very serious economic problem, Congress set about devising some way to limit these costly storages and to increase the use of our agricultural commodities that we could not sell through normal commercial markets. The framers of the bill said from the beginning that the program should be administered in such a manner as to promote our foreign policy interest in peace and freedom while assisting American agriculture.

I should like to read a few lines into the RECORD from the original Act as it was developed in 1954, so that we do not lose sight of the various purposes for which the program was developed:

> It is hereby declared to be the policy of the Congress to expand international trade among the United States and friendly nations, to facilitate the convertibility of currency, to promote economic stability of American agriculture and the national welfare, to make maximum efficient use of surplus agricultural commodities in furtherance of the foreign policy of the United States, and to stimulate and facilitate the expansion of foreign trade in agricultural commodities produced in the United States.

Those objectives have been met admirably and with increasing effectiveness over the 10-year life of the program. It has been of vast benefit to the American farmers. It has been of great benefit to the cause of peace and freedom in countries all over the world.

If we believe in those objectives, if we are sold on the concept of an abundant American agriculture, if we believe that food should be used in every possible way to advance the cause of peace and freedom, we are going to be disappointed in the steps taken by the Senate committee in its bill and in its report this year, because almost all of those steps were in the direction of restricting the effectiveness of the program.

There are 13 items listed on pages 1 and 2 of the committee report, and at least 4 of them I would strongly oppose as being backward steps in the effectiveness of the food-for-peace program.

Point No. 2 relates to ocean freight charges and disturbs an existing arrangement that has been working effectively. I fear that the new provisions will be a blow to the food-for-peace programs, to our shippers and to the receiving countries. Point No. 8, which is the most serious mistake of all, places all of the grants in the program under the appropriation process. Point No. 9 and point No. 13 have reference to interest rates. Point No. 12 limits the extension of the program to 2 years when it should be 5 years or at least 3 years as provided in the House bill.

If the program were simply a hard dollars and cents commercial operation in which the chief criteria should be the making of dollars, then what the committee has done would be in proper order. But, if we are serious when we say that this is an instrument of foreign policy, if we are serious when we say that this is a humanitarian policy, if we are really interested in promoting transactions that are in excess of normal commercial marketings, then what the committee has done is ill advised and a backward step in the development of our food-for-peace program.

I find it particularly objectionable that the committee has insisted on providing that the grants under the program be routed through the Appropriations Committee. In the first place, there is not a dollar that moves under the program that has not already been appropriated by Congress. We are dealing with funds that have been authorized and appropriated for the Commodity Credit Corporation. Congress has worked its will on those funds both in the legislative and in the Appropriations Committees. Funds are turned over to the Commodity Credit Corporation and not one single dollar flows out through Public Law 480 that has not had the appropriation process applied to it. This is the way the program has worked and worked successfully for 10 years.

What this new, unprecedented provision in the bill does, is to provide, in effect, for a double appropriations process. It not only does that, but it also hamstrings the administrators of the program who have been doing an increasingly effective job. It ties the hands of the President in using these grants in a flexible and imaginative way to encourage economic development, to promote the mutual defense programs in which our country is cooperating with other countries. In every way it represents the introduction of more redtape, more of the kind of unfortunate delay to which the Senator from Minnesota was referring, it means more procrastination, less efficiency, and less effectiveness for the total program.

It has been my impression, and there are others in the Senate much better able to comment on this than I, that the Appropriations Committee already has enough to do. We are told that this is one of the bottlenecks that stands between the Congress and adjournment. We are continually being called upon to deal with emergency situations which develop because of the backlog of work already piled up in the Appropriations Committee. Why anyone would believe it is in the interests of either efficiency or practicality to dump still another burden on this overworked committee is beyond me. The Appropriations Committee has no business getting into this field and can make no useful contribution. It can only add delay and confusion and redtape to our food-for-peace effort. That program is already too heavily burdened with interagency delay, bureaucratic timidity and executive branch fears of congressional reaction.

The requirement that loans to foreign governments from the proceeds of sales under title I and credits under title IV carry interest rates at not less than the cost of funds to the United States will take away some of the effectiveness of this program from the standpoint of both our agricultural as well as foreign policy interests.

On the face of it, Mr. President, it seems wrong to me to require interest rates on loans arising from the sale of agricultural commodities higher than loans in the aid program arising from the industrial sector.

With respect to title IV credits, particularly, a sharp increase in interest rates to countries just emerging into capability to trade on commercial terms will certainly have an adverse effect upon the ability of the U.S. Government to make these title IV sales for dollars. Where this situation exists the alternative in many cases will be to continue sales or donations on much softer terms under titles I, II, or III or not to provide these commodities at all. The purpose of a maximum limit on interest rates under title IV was to encourage progress toward commercial trade in U.S. agricultural commodities; the Senate bill will have exactly the opposite effect.

In almost every category, what we have done in these new provisions in the bill is to write in new restrictions, new redtape, which will make it more difficult for the administrators of the program to do a good job.

Perhaps there are those who want to see us do less in using our God-given food abundance to reduce human hunger.

If you believe that we should do everything we can to curtail food production to the point where we have no reserves to share with hungry people abroad, if you really believe that food for peace is nothing more nor less than just another hard-boiled commercial transaction, with profit the only consideration, then you can be reasonably satisfied with the changes which have been made in the Senate bill. That is not my view of food for peace, nor is it the view of former President Eisenhower, the late President Kennedy, nor President Johnson.

I am going to support this extension in the earnest hope that the other body, when it works its will on the legislation, will strike a good many of these restrictions which have been incorporated in the Senate bill.

I believe that the House committee after long and diligent hearings and investigation on the food-for-peace program before the subcommittee headed by the gentleman from Texas, Congressman POAGE, came out with a good bill. I know that the legislation suffered a temporary setback in the House on Monday of this week, but I do hope that the basic provisions of the bill as drafted by the other body will prevail in conference. It will be in the long-range interest of the American farmer, the American taxpayer, and our friends abroad, if the House version of the bill prevails.

I say this with all due respect to the great chairman of the Senate committee on which I serve. The chairman of that committee is one of the most diligent, effective, and hard-working men in the Congress and nothing that I say here today casts reflection in any way on either his integrity or his devotion. It is simply a difference in philosophy. I believe that the food-for-peace program is one which should be expanded rather than curtailed. I believe that we should knock down the barriers and the restrictions interfering with its effectiveness. I believe that we should give our administrators greater freedom and greater flexibility. I believe that this is a very powerful tool on behalf of American agriculture and on behalf of a more peaceful world.

Mr. President, at my request a specialist who is thoroughly familiar with all aspects of the food-for-peace program, prepared an analysis of the impact of subjecting all grants or currencies received under title I of Public Law 480, title I, to the appropriations process. I ask unanimous consent that this analysis be printed at the conclusion of my remarks.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 480 GRANTS AND THE APPROPRIATIONS PROCESS

Making all grants or currencies received under title I of Public Law 480 subject to appropriations will deny to the President a useful instrument for foreign policy and the common defense, and will not lighten the load now being carried by the appropriations to the Department of Agriculture to cover the costs of the price support program and the food-for-peace program. These currencies cannot do what dollar aid can and must do; i.e., provide needed goods and services from outside the receiving country. The wheat, cotton, and soybean oil which are shipped to the country under the Public Law 480 sale agreement does that, and the dollar request for foreign assistance is already reduced by taking full account of the needs of our less developed friends and allies which can be met in this way. AID dollars and MAP dollars are already tight, are all needed to finance additional goods and services these countries need from the outside, and will not be used to buy Public Law 480 grant currency.

The authority to commit in the sale agreement a part of the sales proceeds for loans or grants for economic development or the common defense is what enables the food-for-peace program to serve the interests not only of the U.S. farmer and taxpayer, but of our foreign policy abroad. Under every agreement the choice exists to commit a share of the sales proceeds on a loan basis or on a grant basis for purposes which will serve the needs of the country and the interests of the United States. There are three kinds of situations where the U.S. interest is best served by a grant, rather than a loan. The amendments in the committee bill by making also grants for the procurement of military goods and services for the common defense under section 104(c) subject to section 1415 and by removing the authority for a Presidential waiver of appropriation requirement for such currency grants will forestall this choice and remove from the President the option of committing currency on a grant rather than a loan basis when the U.S. interest would be best served by so doing.

The first case where a grant serves the U.S. interest better than a loan is that of Vietnam and Korea—the two countries which are expected to continue to require substantial support from this country and from Public Law 480 for their extraordinary defense effort. Under section 104(c) the productivity of American farms is being directly put to work supporting the active defense of the free world against Communist aggression.

During the past year there were only four grants in the Public Law 480 grant agreements under section 104(c) authorizing use of the currency for the common defense. These were in Vietnam, Korea, Greece, and China. In each case the currency went directly to bolster the extraordinary defense effort of these countries. We anticipate a continued heavy requirement for U.S. support of this kind, particularly in Korea and Vietnam, and the amendment in the committee bill will seriously hinder the President's ability to support our allies on these active fronts of the cold war.

The second kind of situation in which grants have been useful in the conduct of Public Law 480 programs have been occassional special situations, usually modest in size, where the ability to make an economic development grant, rather than an economic development loan, has permitted a foreign policy purpose to be served in the U.S. interest which was marginal in nature and would not have been served if scarce aid dollars had been required for the purpose. For example, in the Sudan we were able to both supplement our technical assistance program by using Public Law 480 currencies to finance some of the local costs of projects into which we were putting AID dollars and, at the same time, to make the overall sale agreement attractive to the Government of Sudan in competition with an offer of wheat from Russia at a lower market price. Again, in Brazil we were able to meet a substantial part of our pledged support under the Alliance for Progress to the special development activity for the drought areas of the northeast with Public Law 480 proceeds. There these funds help found co-ops, build roads and dams, and open new territory for cultivation. Such occasions arise only infrequently in the conduct of the program but the ability to meet them flexibly is a useful, if marginal, instrument in the President's hands.

The third situation where it is desirable in the U.S. interest to be able to make economic development grants instead of economic development loans, is in the countries such as Pakistan and India where the sales of Public Law 480 commodities have been so great in comparison with our requirements for expenditures in those countries, that the 10 percent required to be reserved for U.S. uses, when combined with the repayments coming in from past DLF loans and Public Law 480 loans, greatly exceeds both our current and our future needs. In addition to the $330 million equivalent of rupees available for U.S. uses currently on hand in U.S. Treasury accounts in India, the Government of India now owes the United States more than $2 billion of rupees payable over the next decades. We are currently using these rupees at the rate of $17 million a year for all U.S. uses, including special foreign currency appropriation.

Under these circumstances it is simply more sensible to concentrate our attention and our bargaining power over the use of these sales proceeds on the substantive questions of what they are to be used for and how our control over them may be used to improve the pattern of investment in India and speed the pace of development, rather than to squander that bargaining power over loan repayment terms governing an obligation which will be a heavy burden on the future Indian budget but will not result in a usable asset for us. In view of this extraordinary circumstance of excess currency accumulation in a very few countries, the last major sales agreements with India and Pakistan provided economic development funds half on a loan and half on a grant basis. The committee's amendment would foreclose the President's ability, in consultation with the appropriate congressional leaders, to continue this sensible behavior.

The committee has also included use of currency loan repayments in its prohibition of grants which are not covered by appropriations. There is a great deal of confusion regarding the status of currencies received as interest and repayment of principal on Public Law 480 loans which should be clarified. These repayments are not subject to the commitments in the sales agreements, but are all available for U.S. uses within the country. The United States is committed to take into consideration the impact of their use on the economy of the country but we are free to use them for either our own normal civilian or military operations or for any other purposes covered by appropriations. In most countries the level of U.S. offshore expenses is such that our need for local currency is still greater than the flow of these repayments and they are all readily absorbed in substitution for dollar expenditures. This is a pure saving both to the taxpaver and to our balance of payments.

In a few countries, however, which are the ones where the largest loans are outstanding, these repayments simply add to balances of local currency in the Treasury which are already greatly in excess of any need covered either by regular appropriations or by special foreign currency appropriations. These are currencies for which the Commodity Credit Corporation was reimbursed years ago when the commodities were shipped under an agreement providing for the sales proceeds to be loaned to the purchasing countries. To require them to be subject to appropriations would be to impose double jeopardy. It would place before the Appropriations Committees the necessity for reaching a judgment on a problem which is foreign to their normal concerns—a problem not of weighing competing claims on scarce U.S. resources, but of how best to exercise a limited right of interference in the use of a foreign country's resources.

These excess loan repayments are in a limited way useful. They are not useful for any ordinary or extraordinary U.S. Government program. Under the existing system the need for these currencies for such purposes is already exhausted. They are useful, however, for building new institutions in the host country, for stimulating new activities short of causing inflationary demands, for expanding educational, health, scientific and other developmental opportunities that would otherwise remain closed. The administration needs some flexibility and assurance of support in negotiating such uses. Under the existing law it has that support and flexibility. The committee amendment would remove it, denying to the President another opportunity to advance U.S. interests abroad.

Mr. JAVITS. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from New York will be stated.

The LEGISLATIVE CLERK. On page 10, after line 25, it is proposed to insert the following:

> (13) clause (1) of section 304(a) of such Act is amended by inserting after the words "Union of Soviet Socialist Republics" the words "or the Communist regime in China."

Redesignate the succeeding paragraph numbers.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the purpose of the amendment is obviously to include, among the category of friendly nations which we seek to make independent of trade with the Communist bloc, the Communist regime in China standing separately.

As the bill now reads, the section refers to the Union of Soviet Socialist Republics and nations dominated or controlled by the Union of Soviet Socialist Republics. The words of the bill have therefore not caught up with the rift between Moscow and Peiping. In the course of my work on a code for getting the Western nations together in respect of trade with the Communist bloc we came across this omission, and the Department of Agriculture and the Department of State have both concurred in the idea of including the language proposed.

Mr. ELLENDER. I wish to say to my good friend from New York that the committee really overlooked that point. The committee had received from both the Department of State and the Department of Agriculture the suggestion, which the Senator is now making, that the bill be amended to that effect. Mr. President, I have no objection to the amendment.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent that extracts of letters from the Department of Agriculture and Department of State pertinent to this amendment be placed in the RECORD at this point.

There being no objection, the excerpts from department letters were ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF STATE,
> *Washington, D.C., October 11, 1963.*
>
> DEAR MR. CHAIRMAN: Your letter of May 10, 1963, requested a report on S. 1498, a bill to amend section 304 of the Agricultural Trade Development and Assistance Act of 1954.
>
> * * * * *
>
> Secondly, the bill would add areas controlled by the Communist regime in China to those countries from which the United States would seek to make friendly countries independent with regard to trade.
>
> The Department believes that the first of these additions would be both unnecessary and undesirable, but that the second would be desirable.
>
> * * * * *
>
> The second change which would be effected by Senate bill 1498 would add areas controlled

by the Communist regime in China to those from which the U.S. Government should seek to make friendly countries independent in their trade. The Department considers that this change would be a useful and desirable one entirely consistent with the U.S. policy regarding the Communist Chinese regime. It wishes to support that part of Senate bill 1498 which would serve this purpose.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,
Frederick G. Dutton,
Assistant Secretary,
(For the Secretary of State).

Department of Agriculture,
Washington, D.C., October 10, 1963.

Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

Dear Mr. Chairman: This is in response to your request for a report on S. 1498, a bill to amend section 304 of the Agricultural Trade Development and Assistance Act of 1954, commonly known as Public Law 480 (83d Cong.).

* * * * *

(2) Add areas and nations dominated or controlled by the Communist regime in China to the countries from which the United States would seek to assist friendly countries to be independent in their trade.

* * * * *

With respect to adding areas dominated or controlled by the Communist regime in China to those countries from which the United States would seek to assist friendly countries to be independent in their trade, we have been advised by the Department of State that it considers this change useful and desirable and entirely consistent with U.S. policy regarding the Communist Chinese regime. Therefore, the Department would have no objection to the enactment of this proposal.

* * * * *

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,
Charles S. Murphy,
Acting Secretary.

Mr. FULBRIGHT. Mr. President, I wish to address an inquiry to the chairman of the committee regarding the provision in the House bill dealing with excess foreign currencies generated under this program, which appears on page 2, line 17, running over to line 16 on page 3. It provides for the setting up of an Advisory Committee composed of the Secretary of Agriculture, the Director of the Bureau of the Budget, the head of the Administration for International Development, the chairman and ranking minority members of committees of both the House and Senate, to try to develop some efficient ways of utilizing the excess currencies. This provision was not carried in the Senate bill. I was hopeful that in conference the Senate conferees, particularly the chairman of the committee, would give sympathetic consideration to that suggestion, because we believe it might lead to more efficient utilization of excess foreign currencies, which many of us believe have not been utilized to the fullest in the past.

Mr. ELLENDER. I share the views expressed by the Senator from Arkansas. I believe such a study is long overdue. Speaking for myself—but I am sure the committee as a whole would agree—there would be no objection to the formation of such a Committee as he has suggested, to the end of finding better ways and means of utilizing the currencies.

Mr. FULBRIGHT. The personnel of the Committee, since it would include the chairman of the Senate committee, would be well established. I hope the Senate will accept the House language.

Mr. ELLENDER. It would be a good Committee.

Mr. FULBRIGHT. It will be an excellent Committee. I thank the Senator.

Mr. AIKEN. Mr. President, when the Senate was considering the extension of the food-for-peace law, Public Law 480, earlier in the day, the distinguished senior Senator from Kentucky [Mr. Cooper] was necessarily absent. He has, however, prepared a statement setting forth his views on the extension of Public Law 480.

I ask unanimous consent that the statement be printed at the proper place in the Record, when the discussion took place on the extension of the act.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Cooper

I have supported Public Law 480, often referred to as the food-for-peace program, since its development and enactment in 1954 under President Eisenhower. As a member of the Senate Committee on Agriculture and Forestry, and in the Senate, I have been able to take part in the continued development and to vote for extensions of the program.

Public Law 480 has encouraged and made possible increased exports of American farm products—building expanded markets abroad and putting to good use our agricultural plenty in ways that support and greatly benefit farmers in Kentucky and all parts of the Nation. It has helped to meet the food and fiber needs of dozens of countries in transition which are short of dollars and are struggling to meet the demands of their developing and growing economies. It makes available for a wide variety of worthy purposes, largely through loans and consistent with our programs of assistance and the interest of the United States, the foreign currencies generated by the increased sales of American farm products—which could otherwise become a burden upon our farm price support and surplus disposal programs.

Public Law 480 has had wide support in the Congress and in the country. It is one program which brings into harmony the problems of abundant agricultural production in this country and hunger in the world—striking directly at a paradoxical situation so often cited as a challenge to our ingenuity.

I am very glad to support the extension for 2 years of titles I and II of Public Law 480, as I have supported extensions of the program in the past, and I hope the Senate and the Congress will vote to continue the successful operation of the food-for-peace program.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2687) was passed, as follows:

S. 2687

An act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Trade Development and Assistance Act of 1954, as amended, is further amended as follows:

(1) Section 101 of such Act is amended by striking out in subsection (f) the words "from the government or agencies thereof" and further by striking the period at the end of subsection (f) and adding the following: ", and which are not less favorable than the highest of exchange rates obtainable by any other nation.".

(2) Section 101 of such Act is amended by adding at the end thereof the following new subsection:

"(g) require such foreign currencies to be convertible to dollars to the extent consistent with effectuation of the purposes of this Act."

(3) Section 102 of such Act is amended by adding at the end thereof the following: "The Commodity Credit Corporation shall finance ocean freight charges under this section only to the extent that such charges are higher (than would otherwise be the case) by reason of a requirement that the commodities be transported in United States-flag vessels.

(4) Section 103(a) of such Act is amended by adding at the end thereof the following: "In presenting his budget, the President shall classify expenditures under this Act as expenditures for international affairs and finance rather than for agriculture and agricultural resources."

(5) Effective January 1, 1965, section 103 (b) of such Act is amended to read as follows:

"(b) Agreements shall not be entered into under this title during the period beginning January 1, 1965, and ending December 31, 1966, which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of $2,700,000,000 plus any amount by which agreements entered into in prior years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior years by this Act as in effect during such years: *Provided,* That agreements shall not be entered into during any calendar year of such period which will call for appropriations to reimburse the Commodity Credit Corporation in amounts in excess of $2,500,000,000."

(6) Section 104 of such Act is amended by striking out in subsection (c) the word "military" and inserting after the words "common defense" the words "including internal security".

(7) Section 104 of such Act is amended by striking from subsection (e) the words "not more than 25 per centum of the currencies received pursuant to each such agreement shall be available" and substituting "currencies shall also be available to the maximum usable extent."

(8) Section 104 of such Act is amended (i) by striking out, in the first proviso following subsection (s), "subsections (d) and (e) and for payment of United States obligations involving grants under subsection (f)" and inserting in lieu thereof "this section, and to all foreign currencies derived from payments of interest or repayments of principal on loans made under this section,"; and (ii) by

striking out the second proviso following subsection (s).

(9) Section 104 of such Act is amended by adding at the end thereof the following: "No agreement hereunder shall impose any restrictions not contained in this section on the use to meet the requirements of United States Government agencies in the importing country of local currencies not devoted to subsection (c), (d), (e), or (g). Any such currencies shall under the terms of the agreement be made legal tender or convertible into legal tender for the purpose of any obligation of the United States or any of its agencies to the government of the importing country or any of its agencies. Any loan made under the authority of this section shall bear interest at such rate as the President may determine but not less than the cost of funds to the United States Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturity of such loans."

(10) Section 108 of such Act is amended by striking out the words "six months" and inserting in lieu thereof the word "year".

(11) Section 203 of such Act is amended (i) by striking out "1961" and substituting "1965"; (ii) by striking out "1964" and substituting "1966"; (iii) by striking out "$300,000,000", and substituting "$375,000,000"; and (iv) by inserting after "charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto" the following: "or donated under said section 416, section 308 of this Act or section 9 of the Act of September 6, 1958 (72 Stat. 1790)". Clauses (i), (ii), and (iii) hereof shall not become effective until January 1, 1965.

(12) Sections 109 and 204 of such Act are amended by striking out "1964" and inserting "1966".

(13) Clause (1) of section 304(a) of such Act is amended by inserting after the words "Union of Soviet Socialist Republics" the words "or the Communist regime in China."

(14) The first sentence of section 403 of such Act is amended by striking out the words "more than" and inserting the words "less than".

SEC. 2. Subsection (b) of section 612 of the Foreign Assistance Act of 1961, as amended, is amended (1) by redesignating it as subsection (t) of section 104 of the Agricultural Trade Development and Assistance Act of 1954, as amended.

(2) By inserting after the subsection designation the following: "For sale to United States citizens as provided herein.";

(3) By striking "this Act" and substituting "the Foreign Assistance Act of 1961, as amended.";

(4) By changing the period at the end of the subsection to a comma and adding "except that in the case of any such foreign currencies acquired through operations under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, the United States dollars received from the sale of such foreign currencies shall be deposited to the account of the Commodity Credit Corporation and shall be treated as a reimbursement to Community Credit Corporation under section 105 of this Act."

SEC. 3. Notwithstanding any other provision of law, the Commodity Credit Corporation, in order to encourage exports of extra long staple cotton which is in surplus supply, is directed to sell or otherwise make available for export extra long staple cotton at prices not in excess of the prices at which cotton of comparable qualities is being offered by other exporting countries. Such cotton shall be sold or otherwise made available for export as long as such cotton is in surplus supply as determined pursuant to the provision of section 106 of the Agricultural Trade Development and Assistance Act.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the bill which we just considered, S. 2687, be printed, as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BILL TO AMEND SECTION 8(b) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House.

The PRESIDING OFFICER laid before the Senate the bill (H.R. 9178) which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

AMENDMENT OF SECTION 8(b) OF THE SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT, AND FOR OTHER PURPOSES

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which Senate bill 1253, a similar bill, was passed today, and that the bill be indefinitely postponed.

The motion was agreed to.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1965, AND FOR OTHER PURPOSES

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar Order No. 1396, H.R. 10809, that it be laid down and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 10809) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, there are several points about the Dirksen amendment which have not been adequately discussed. Before coming to these, I would like to examine the very premise of the amendment. As I understand Senator DIRKSEN's position, he is proposing that enforcement of the Supreme Court's apportionment ruling be delayed so that there will be time to adopt a constitutional amendment reversing that decision. Now, on the surface that is a plausible position. Surely those who oppose a Supreme Court decision interpreting our Constitution have a perfect right to press for a constitutional amendment. The 14th amendment itself was a decision by Congress and the people to change a constitutional interpretation of the Supreme Court. Personally, I would be opposed to the type of constitutional amendment Senator DIRKSEN has in mind, but I do not question his right to present his amendment and have it considered.

The issue raised by the pending rider, however, has nothing to do with whether there should be a constitutional amendment. The real issue is more basic. It is whether any constitutional amendment that may be proposed should be adopted by constitutional or unconstitutional means.

The real issue is whether the State legislatures that may one day consider a constitutional amendment will be constitutionally apportioned or unconstitutionally apportioned.

The real thrust of Senator DIRKSEN's rider is to make sure that his proposed constitutional amendment comes up for ratification in State legislatures which are unconstitutionally apportioned. Indeed, the argument from some of the proponents has been made with refreshing candor. They have argued that unless the Court's decision is stayed for at least 2 years, the States will go ahead and reapportion, and then, so the argument continues, it will be too late to reverse the result by constitutional amendment. Therefore, they want to make sure that the present arrangements are frozen so that illegally apportioned legislatures get to vote on whether to make themselves legal by amending the Constitution.

It would be unconscionable to let malapportioned legislatures make the decision as to whether malapportionment is to continue.

And what of the argument that after reapportionment, it will be too late? This is saying that a population-based legislature might not vote to go back to a system based partly on geography. Yet the proponents are not the least troubled by the certainty that the existing legislatures would never go forward to a system based on population.

As a matter of fact, population-based legislatures might well give full and fair consideration to a constitutional amendment allowing some variation from strict adherence to population. After all, such proposals have been approved in some States by a majority of all the voters. And a population-based legislature would reflect the sentiment of such a majority.

But a minority-controlled legislature could scarcely be expected to do anything but cling to the system which gives control to the minority.

The issue should not, however, turn on our prediction of what a legislature might do in the future. Our concern should be to make sure that any proposed amendment is considered in a constitutional way. That can occur only if the States go ahead and reapportion. Then we will have lawful legislatures empowered to consider whatever amendment Senator DIRKSEN or others might care to propose.

To adopt the Dirksen "freeze" is to let the boy caught with his hand in the cookie jar decide whether he is to continue his illegal nourishment.

Beyond this most basic argument, the proponents have also contended that delay is necessary to avoid confusion. In my own State of Connecticut, and in many others as well, I believe delay will only add to confusion.

Connecticut now has a special session of its general assembly in progress trying to work out a reapportionment plan that conforms to the Supreme Court ruling. Good faith efforts are being made to reach a constitutional result. Should these efforts be brought to a halt by a stay of the district court's order, confusion will surely be compounded. We will not be sure whether there can be an election for State legislators this November. We will not be sure how to nominate for such positions. We will not be sure what powers such a legislature would have. In short, a situation that is now on the track, moving to a solution, would be derailed into chaos.

There may well be some situations around the country where a stay is in the public interest. If that is so, no legislation is needed to authorize the district courts to grant such a stay. They have such power now.

But in Connecticut a stay would certainly not be in the public interest. Very likely the Dirksen rider would not require a stay in the Connecticut case in any event, since the pendency of the special session surely must be the kind of "high unusual circumstances" which the rider itself exempts from congressional interference. But I think it would be most unfortunate to pass the rider and then have to go back to court just to get a ruling that the rider does not cover the Connecticut case. The delay needed just to get such a ruling would greatly complicate and confuse our situation.

On another point, let me make one suggestion to Senator DIRKSEN. He has defended his rider on the grounds that it secures States rights and he has resisted the argument that the rider should really be known as the "rotten borough" amendment. If his intention is not to cater to the rotten boroughs, but sincerely to concern himself with the interests of the States, then why does he provide that any member of a State legislature, no matter how "rotten" his borough, may come into court to delay reapportionment? If his concern is for the States, then let a stay be requested only when it is thought to be appropriate by the one official in every State who is elected by all the people of each State—the Governor. If delay would really serve the interests of a State, the Governor knows this. If anyone is to be given the power to request a mandatory stay, it should be the Governor who is elected by all the people.

It is most unfortunate that we should have to deal with this matter now, in the midst of the many pressures and distractions that always arise in the closing days of a session; on extremely short notice and without benefit of hearings or a report by the committee which, under the Senate's rules, should properly consider this weighty matter.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 284. An act for the relief of Ethel R. Loop, the widow of Carl R. Loop; and

S. 2944. An act for the relief of the Greater Southeast Community Hospital Foundation, Inc.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3049) to extend and amend laws relating to housing, urban renewal, and community facilities, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12196) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCMILLAN, Mr. DOWDY, Mr. WHITENER, Mr. HORTON, and Mr. HARSHA were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H.R. 1172. An act for the relief of Rolando de la Torre Arceo and John Anthony Arceo;

H.R. 1262. An act for the relief of Mrs. Maisie Magdalene Lim Ketchens;

H.R. 1341. An act to require passenger-carrying motor vehicles purchased for use by the Federal Government to meet certain passenger safety standards;

H.R. 2324. An act for the relief of Rosa Stefano Ratajczak;

H.R. 6040. An act for the relief of Chrisoula Baker;

H.R. 6578. An act for the relief of Mrs. Cesira Doddy;

H.R. 7132. An act for the relief of Wetsel-Oviatt Lumber Co., Inc., Omo Ranch, El Dorado County, Calif.;

H.R. 7617. An act for the relief of Vula Roed;

H.R. 8399. An act for the relief of Mrs. Edeltraud Englisch Franklin;

H.R. 9150. An act for the relief of Miss Leonor do Rozario de Medeiros (Leonor Medeiros);

H.R. 9290. An act for the relief of Danny Hiromi Oyama;

H.R. 9519. An act for the relief of Young Soon Kim and Tai Ung Choi; and

H.R. 11118. An act to provide for the disposition of funds from judgments in favor of the Nehalem Band of the Tillamook Indians and the Tillamook Band of the Tillamook Indians.

VISIT TO THE SENATE BY MEMBERS OF THE GERMAN PARLIAMENT

Mr. CARLSON. Mr. President, we are honored today to have with us in the Senate Chamber Parliamentarians from the Federal Republic of Germany. They are members of the Bundestag. With us are Mr. Holger Boerner, a member of the Social Democratic Party; Mr. Herman Duerr, a member of the Free Democratic Party; Mr. Harry Liehr, a member of the Social Democratic Party; and Mr. Linus Memmel, a member of the Christian Social Party.

We are honored by their presence. They represent in their Parliament a great country which has been and is associated with us in preserving the principles of freedom and democracy for which our Nation has stood and is now standing. They represent a nation that is willing to be with us and serve with us in NATO, which is also a part of the great effort for the preservation of freedom. [Applause, Senators rising.]

I shall ask our guests to rise and, if it would be agreeable to the Presiding Officer, I ask unanimous consent that the Senate stand in recess for 3 or 4 minutes in order that Senators may shake hands with them.

The PRESIDING OFFICER. The Chair extends to our guests a hearty greeting, and hopes that their visit will be interesting.

There being no objection (at 2 o'clock and 27 minutes p.m.) the Senate took a recess.

At 2 o'clock 32 minutes p.m., the Senate reassembled, on being called to order by the Presiding Officer (Mr. MCINTYRE in the chair).

CORRECTION OF INEQUITIES IN CONSTRUCTION OF FISHING VESSELS

Mr. MAGNUSON. Mr. President, I ask that the Chair lay before the Senate the amendment of the House to S. 1106, a bill to correct inequities in the construction of fishing vessels.

The PRESIDING OFFICER. The Chair is advised that the papers have not yet been received from the House.

Mr. MAGNUSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement concerning the bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

The House has passed, with a vote of 198 to 124, S. 1006, the fishing vessel subsidy bill, as amended.

AMENDMENTS

1. Fifty percent subsidy in lieu of Senate's 55 percent.

2. June 30, 1969 expiration date in lieu of Senate's 1968.

3. New matter: House would permit Secretary of Interior, after notice and hearing, to approve transfer of vessel from one fishery, which has become uneconomical or less economical, to another fishery.

Section 5: House amended Senate 55 percent to 50 percent.

Section 9: House amended, main change is addition of "after notice and hearing." Herewith existing law and amended section 9 as proposed by House of Representatives.

EXISTING LAW

If any fishing vessel is operated during its useful life, as determined by the Secretary, in any fishery other than the particular fishery for which it was designed the owner of such vessel shall repay to the Secretary, in accordance with such terms and conditions as the Secretary shall prescribe, an amount which bears the same proportion to the total construction subsidy paid under this act with respect to such vessel as the proportion that the number of years during which such vessel was not operated in the fishery for which it was designed bears to the total useful life of such vessel as determined by the Secretary for the purposes of this section. Obligations under this provision shall run with the title to the vessel.

LAW AS AMENDED BY THE HOUSE OF REPRESENTATIVES

The Secretary of the Interior, in the exercise of his discretion, after notice and hearing, may approve the transfer of a vessel constructed with the aid of a construction subsidy, whose operations have become uneconomical or less economical because of an actual decline in the particular fishery for which it was designed, to another fishery where he determines that such transfer would not cause economic hardship or injury to efficient vessel operators already operating in that fishery. If any fishing vessel constructed with the aid of a construction subsidy in accordance with the provisions of this act, as amended, is operated during its useful life, as determined by the Secretary, contrary to the provisions of this act or any regulation issued thereunder, the owner of such vessel shall repay to the Secretary, in accordance with such terms and conditions as the Secretary shall prescribe an amount not to exceed the total depreciated construction subsidy paid by the Secretary pursuant to this act and this shall constitute a maritime lien against such vessel. The obligations under this section shall run with the title to the vessel.

Section 13: House amended Senate's expiration date from June 30, 1968, to June 30, 1969.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10809) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I regret, and I am sure every Member of the Senate regrets, that the very able and congenial chairman of the subcommittee, Senator LISTER HILL, cannot be here today to pilot the Labor and Health, Education, and Welfare appropriation bill through the Senate. I recognize that I am inadequately prepared to assume the task that is mine today. I feel that the chairman of this subcommittee normally has the same experience in handling this bill, that I have in connection with the handling of the District of Columbia appropriation bill, which is, of course, very minor in comparison with the bill that we shall discuss today. The chairman usually sits many long hours and listens to the witnesses all by himself. Most of us have so many subcommittee meetings to attend that it is not possible for us to be present at all of the hearings of all the subcommittees of which we are members.

Moreover, as all Senators are aware, the chairman of the subcommittee is highly competent in the field in which we are dealing. He has had many years of service as chairman of this subcommittee. He has conscientiously and studiously given of his talents and time to this work. Additionally, he came to the Senate exceptionally well equipped and prepared to handle legislation in the field of health.

I can only say that we all look forward to the day when Senator LISTER HILL will return to the Senate. I spoke with him yesterday. He is most eager to return and continue the work. He was eager to learn about the progress of the bill. He was extremely interested in having it passed, and he looks forward to joining us when we take up the bill in conference.

Mr. President, the bill, H.R. 10809, making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1965, and for other purposes, as reported to the Senate by the Committee on Appropriations, totals $7,079,678,000, an increase over the amount of the bill as passed by the House of $171,615,000; a decrease of $723,512,000 from the budget estimates considered by the committee, and an increase of $1,092,416,500 over the appropriations for fiscal year 1964. I must point out that the committee received supplemental estimates, not considered by the House, amounting to $296,222,000, including the $55 million revised estimate for "grants for public libraries" delivered to the House after completion of their hearings, and not considered by the House committee.

I think I should further point out that while the bill as reported is $1,092,416,500 over the 1964 appropriations, the committee has approved a total of $1,111,248,000 for new authorizations, resulting from either new legislation or from increased authorizations effective for fiscal year 1965.

For the Department of Labor the committee recommends a total of $565,420,000, a reduction of $20,534,000 from the House allowance, $105,090,000 from the budget estimates, but $147,912,000 over the 1964 appropriations.

The committee reduced the allowance for the Bureau of Labor Statistics by $500,000, to be taken from the funds sought for the recommendations of the so-called Gordon committee, a group of statisticians who made an investigation and decided that more statistics were needed. Even with the committee reduction there will be available approximately $1.5 million for the purpose.

A reduction of $20 million was made in the allowance for "manpower development and training activities," first because the Department had requested, after the House had acted on the bill, approval of their plan to reprogram $20 million for so-called youth opportunity centers, to be staffed by employees of the State employment security agencies, with a corresponding reduction from the training program. The committee could not approve the reprograming request and decided in view of the fact that the Department in suggesting such reprograming had admitted a surplus of funds in the training program, that the $20 million should be disallowed.

Another point considered was the requisite matching by the States, on a 1-to-2 basis, beginning on July 1, 1965, of all training services and allowance payments. At the present time it does not appear that the States have evidenced a concern over continuing the training programs on a matching basis. Further consideration was given to the newly authorized antipoverty program with training programs somewhat similar with those financed with this appropriation.

A reduction of $184,000 was taken out of the allowance for trade adjustment activities, allowing $160,000, inasmuch as there was no showing that the year would see any decisions by the Tariff Commission on tariff concessions which would entitle workers to allowance payments.

The committee added $150,000 for the Labor-Management Services Administration to continue funds available to retain the services of outside consultants to deal with critical labor-management situations. This amount has been provided for each of the past 2 years.

For the Department of Health, Education, and Welfare the committee recommends a total of $6,482,183,000, a reduction of $603,338,000 from the budget estimates, and an increase of $205,983,000 over the House allowance, and an increase of $942,534,500 over the 1964 appropriations.

The committee recommends a reduction of $25 million in the account for "expansion and improvement of vocational education" for which the House allowed the full budget estimate of $183,296,000, including the $25 million sought for establishing five residential vocational education schools. None of the sites has been selected, and the committee felt that before approving an average of $5 million for each residential vocational education school, it should first be apprised of the location. The Office of Education was informed of the committee's interest in receiving notice of site selections as early as February when the Commissioner of Education testified in behalf of his budget.

The committee recommends the inclusion of the full budget estimate of $55 million for grants for library services, which request was not considered by the House inasmuch as the revised estimate was not received until a few days after the subcommittee had concluded its hearings.

The committee has reduced the allowance for "payments to school districts", under Public Law 874, by $27,450,000, upon receipt of notification from the Department that the estimate was overstated by that amount. The annual increase in average daily attendance was not realized in fiscal year 1964, nor is it now estimated that the increase projected for fiscal year 1964, nor is it now estimated that the increase projected for fiscal year 1965 will occur.

The sum of $100,000 was added for "Salaries and expenses, Office of Education," to permit the addition of 11 positions for the Division of Handicapped Children. The program handled by this Division has increased appreciably in the last 2 years and it is felt that these additional positions are necessary to permit the realization of the full potential of the program.

For the research and training program of the Vocational Rehabilitation Administration, the committee has added $500,000 to permit the establishment of additional medically and vocationally oriented training centers.

The committee approved the $1,500,000 sought by the Department for plans and specifications for an environmental health center. The center has been sought in each of the past 3 fiscal years, and failed to win approval because of the lack of a firm decision on a site.

The committee approved the allowance of the budget estimate for "Accident prevention," a reduction of $340,000 from the House allowance, a reduction to be applied solely against the driver simulator program.

The committee added $5,709,000 for community health practice and research, $5,109,000 of which was requested in a supplemental estimate, not considered by the House, for public health traineeships, authorization for which is being extended from June 30, 1964. The remainder, $600,000, was added to provide the full amount authorized, $2,500,000, for grants to schools of public health under the Hill-Rhodes Act.

For tuberculosis control, the committee added $550,000 to finance activities recommended by the Surgeon General's Task Force on Tuberculosis Control for certain direct operations. The committee also recommends that the $8 million approved by the House for grants for control of tuberculosis be apportioned $5 million for formula grants, and $3 million for project grants.

The committee approved the supplemental estimate for $17,600,000 for "nursing services and resources" to add the funds authorized by the Nurse Training Act of 1964.

The committee considered a supplemental estimate in the amount of $202,650,000 for "hospital construction activities" submitted in pursuance of the extension of the Hill-Burton program. The committee approved a total of $222,650,000 for the purpose, $150 million for the general hospital program, and $70 million for the categorical program, of which $40 million is for long-term care, $20 million is for diagnostic and treatment centers, and $10 million is for rehabilitation facilities, and $2.5 million for planning grants.

The committee added $25 million for "health professions educational assistance" to allow $110,782,000, which will provide the full authorization for the first 2 years under the authorization.

The committee restored $350,000 of the House reduction for "environmental health sciences"; added $315,000 for "water supply and water pollution control" for additional staff at the three laboratories now under construction in Georgia, Oklahoma, and Oregon; and also approved the supplemental request for $800,000 in the same item for the fishkill incident in the lower Mississippi.

The committee added $628,000 for "hospitals and medical care" to provide the full obligational authority contemplated in the estimate, substituting this direct appropriation addition in lieu of a contemplated reimbursement from special study patients, authority for which was sought and disallowed in the House.

The committee added $520,000 to "dental services and resources" to provide an initial allowance for grants for State control programs.

A total addition of $14,250,000 was added for the National Institutes of Health, $10 million of which is for special cancer research to pursue leads on the viral origin of leukemia, a form of cancer that claims some 15,000 lives a year, mostly children; $3.6 million for fellowship grants, to make up a deficit in 1964, approved and unpaid applications in this approximate amount; and $650,000 to fund a special heart drug study, directed by the House, but for which no funds were budgeted or allowed by the House.

An increase of $200,000 was approved for the National Library of Medicine to finance additional activities under its expanded program for extramural support of communication activities in the health field, and to carry forward the plans for medlars.

For the Welfare Administration, the committee recommends four changes: a reduction of $100 million in "Grants for States for public assistance"; an increase of $63,000 for assistance for repatriated U.S. nationals to fund a newly extended authority; and a reduction of $2 million from the day-care centers under "Grants for maternal and child welfare."

An increase of $38,000 is recommended for "Construction, Gallaudet College," to permit the completion of the speech and hearing center.

The committee has disallowed in its entirety the funds sought for "Payments for military service credits, Railroad Retirement Board" for the reasons set forth in the committee report.

Mr. President, I ask unanimous consent that the amendments of the committee be agreed to en bloc, and that the bill as so amended be regarded for the purpose of amendment as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 7, after the word "rendered", to strike out "$18,125,000" and insert "$17,625,000".

On page 2, line 19, after word "manpower", to strike out "$327,906,000, to be immediately available" and insert "$307,906,000".

On page 3, line 4, to strike out "$344,000" and insert "$160,000".

On page 4, line 9, after the word "which", to strike out "$30,000,000" and insert "$22,000,000", and in line 11, after the word "resulting", to insert "from increases in the base salary rate in excess of the rate in the fiscal year 1965 appropriation request, and".

On page 7, line 9, after the word "relations", to strike out "$7,352,000" and insert "$7,502,000".

On page 12, line 22, after "1963", to strike out "$183,296,000, to be immediately available" and insert "$158,296,000", and on page 13, line 3, after the word "and", to strike out "$30,000,000 for carrying out sections 13 and 14" and insert "$5,000,000 for carrying out section 13".

On page 13, after line 16, to insert:

"GRANTS FOR PUBLIC LIBRARIES

"For grants to the States, pursuant to the Act of June 19, 1956, as amended (20 U.S.C. 351–358; Public Law 88–269), $55,000,000, of which $25,000,000 shall be for grants for public library services under title I of such Act, and $30,000,000 shall be for grants for public library construction under title II of such Act."

On page 14, line 10, after "(20 U.S.C., ch. 13)", to strike out "$359,450,000" and insert "$332,000,000".

On page 14, line 24, after the word "Welfare", to insert a colon and "*Provided further,* That applications filed on or before June 30, 1964, shall receive priority over applications filed after such date."

On page 18, line 12, after the word "slides", to strike out "$18,599,000 to be immediately available" and insert "$18,699,000".

On page 20, line 5, after "(74 Stat. 364)", to strike out "$40,565,000" and insert "$41,065,000".

On page 21, line 20, after the word "exceed", to strike out "$19,000" and insert "$24,500".

On page 22, line 1, after the word "sites", to strike out "$21,512,000" and insert "$23,012,000".

On page 22, line 7, after the word "prevention", to strike out "$4,163,000" and insert "$3,823,000".

On page 23, line 12, after "301,", to insert "306,", and in the same line, after the word "Act", to strike out "$22,575,000" and insert "$28,284,000".

On page 23, after line 13, to insert:

"Grants and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, grants and payments under section 306 of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and the obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments pursuant to this paragraph may not exceed 75 per centum of the amounts authorized in such section for this purpose for the next succeeding fiscal year."

On page 24, at the beginning of line 3, to strike out "$10,364,000" and insert "$10,914,000"; in the same line, after the word "which", to strike out "$7,000,000" and insert "$3,000,000"; and in line 10, after the word "which", to strike out "$1,000,000" and insert "$5,000,000".

On page 25, line 5, after "301", to strike out "and 311" and insert "311 and 314(c)", and in line 9, to strike out "$6,651,000" and insert "$7,171,000".

On page 25, line 12, after the word "resources", to insert "and the Nurse Training Act of 1964,", and in line 13, after the amendment just above stated, to strike out "$4,031,000" and insert "$21,631,000".

On page 25, after line 13, to insert:

"Loans, grants, and payments for the next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans, grants, and payments under part B of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and the obligations incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided*, That such payments pursuant to this paragraph may not exceed 75 per centum of the amounts authorized in such part B for these purposes for the next succeeding fiscal year."

On page 26, after line 1, to strike out:

"To carry out the provisions of title VI of the Act, as amended, and parts B and C of the Mental Retardation Facilities Construction Act (77 Stat. 284–290), $23,346,000, of which $3,012,000 shall be for the purposes authorized in section 636 of the Public Health Service Act, $7,500,000 shall remain available until expended for grants for facilities pursuant to part B of the Mental Retardation Facilities Construction Act, and $10,000,000 shall be for grants for facilities pursuant to part C of the Mental Retardation Facilities Construction Act: *Provided*, That funds made available under section 636 of the Public Health Service Act for experimental or demonstration construction or equipment projects shall not be used to pay in excess of two-thirds of the cost of such projects as determined by the Surgeon General: *Provided further*, That there may be transferred to this appropriation from 'Grants for construction of community mental health centers' an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act."

And, in lieu thereof, to insert:

"To carry out the provisions of section 318 and title VI of the Act, as amended, and parts B and C of the Mental Retardation Facilities Construction Act (77 Stat. 284–290), $245,996,000, of which $150,000,000 shall be for grants or loans for hospitals and related facilities pursuant to section 601(b) of the Public Health Service Act, $70,000,000 shall be for grants or loans for facilities pursuant to section 601(a) of the Public Health Service Act, $2,500,000 shall be for special project grants pursuant to section 318 of the Public Health Service Act, $3,012,000 shall be for the purposes authorized in section 624 of the Public Health Service Act, $7,500,000, to remain available until expended, shall be for grants for facilities pursuant to part B of the Mental Retardation Facilities Construction Act, and $10,000,000 shall be for grants for facilities pursuant to part C of the Mental Retardation Facilities Construction Act: *Provided*, That there may be transferred to this appropriation from 'Construction of community mental health centers' an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 202(c) of the Community Mental Health Centers Act: *Provided further*, That $222,650,000 of this appropriation shall become effective only upon enactment into law of H.R. 10041, Eighty-eighth Congress, or similar legislation."

On page 27, line 22, after the word "Act", to strike out "$85,782,000, to be immediately available" and insert "$110,782,000,"; in line 23, after the word "which", to strike out "$45,000,000" and insert "$60,000,000"; on page 28, at the beginning of line 1, to strike out "$15,000,000" and insert "$20,000,000"; and in line 3, after "720", to strike out "$15,000,000" and insert "$20,000,000".

On page 28, line 24, after the word "activities", to strike out "$9,350,000" and insert "$9,700,000".

On page 30, line 8, after "(33 U.S.C. 466–466d, 466f–466k)", to strike out "$34,239,000" and insert "$35,354,000".

On page 31, line 7, after the word "ammunition", to strike out "$52,710,000" and insert "$53,338,000".

On page 32, at the beginning of line 8, to strike out "$162,959,000" and insert "$164,759,000".

On page 33, after line 16, to insert:

"SPECIAL CANCER RESEARCH

"For special studies of viruses, leukemia and allied diseases, $10,000,000: *Provided*, That these funds may be expended pursuant to contracts made to the extent authorized, and subject to the limitations provided, in title 10, United States Code, section 2353, except that determination, approval, and certification required thereby shall be by the Surgeon General."

On page 34, line 15, after the word "Act", to strike out "$124,174,000" and insert "$124,824,000".

On page 35, line 1, after the word "conditions", to strike out "$19,983,000" and insert "$20,083,000".

On page 35, line 7, to strike out "$112,050,000" and insert "$113,250,000".

On page 35, line 12, after the word "diseases", to strike out "$69,847,000" and insert "$70,147,000".

On page 35, line 19, after the word "blindness", to strike out "$87,621,000" and insert "$87,821,000".

On page 35, after line 20, to insert:

"GENERAL RESEARCH SUPPORT GRANTS

"For general research support grants, as authorized in section 301(d) of the Act, there shall be available from appropriations available to the National Institutes of Health for operating expenses the sum of $45,000,000: *Provided*, That none of these funds shall be used to pay a recipient of such a grant an amount for indirect expenses in connection with such project in excess of 10 per centum of the direct costs."

On page 37, line 1, after "(42 U.S.C. 275)", to strike out "$3,792,000" and insert "$3,992,000".

On page 39, line 1, after the word "achieved", to insert a colon and the following additional proviso: "*Provided further*, That not to exceed $3,500 of this appropriation shall be available for official reception and representation expenses for the International Social Security meeting."

On page 40, line 2, after the parenthesis, to strike out "$2,880,000,000" and insert "$2,780,000,000", and in line 5, after the word "year", to insert a colon and the following proviso: "*Provided*, That none of the funds contained in this paragraph shall be available for carrying out section 1115 of the Social Security Act, as amended."

On page 40, line 9, after the word "expenses", to insert "of carrying out section 1113 of the Social Security Act, as amended (42 U.S.C. 1313), and", and in line 14, after "(24 U.S.C. 191a, 196a)", to strike out "$310,000" and insert "$373,000".

On page 40, line 22, after the parenthesis, to strike out "$129,830,000" and insert "$127,830,000"; in line 25, after "part 2," to strike out "$36,000,000" and insert "$34,000,000"; on page 41, at the beginning of line 1, to strike out "$6,000,000" and insert "$4,000,000", and in line 19, after the word "retarded", to insert a colon and the following additional proviso: "*Provided further*, That none of the funds contained herein shall be used to pay in excess of one-half of the cost of day care services under section 527(a) of the Social Security Act, as amended."

On page 42, after line 15, to insert:

"JUVENILE DELINQUENCY AND YOUTH OFFENSES

"For grants and contracts for demonstration, evaluation, and training projects, and for technical assistance, relating to control of juvenile delinquency and youth offenses, and for salaries and expenses in connection therewith, $10,000,000; and for a demonstration and evaluation project in the Washington metropolitan area, $5,000,000 to remain available until expended."

On page 46, line 4, after the word "services", to strike out "$329,000" and insert "$367,000".

On page 48, after line 17, to strike out:

"SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs."

On page 49, after line 12, to insert a new section, as follows:

"SEC. 206. Except upon the request of the Department of the Interior none of the funds herein appropriated shall be used to conduct or assist in conducting, or carry on, undertake, or continue surveys, investigations, or any programs (including, but not limited to, the payment of salaries, administrative expenses, the conduct of research activities and policing actions) in the field of salinity control or of irrigation water quality in the States of Arizona, California, Nevada, New Mexico, Utah, Colorado, and Wyoming."

On page 51, after line 14, to strike out:

"PAYMENT FOR MILITARY SERVICE CREDITS,
RAILROAD RETIREMENT BOARD

"For payment to the railroad retirement account for military service credits under the Railroad Retirement Act, as amended (34 U.S.C. 228c 1), $13,834,000."

On page 53, line 19, after the word "exceed", to strike out "$75" and insert "$95".

On page 54, after line 17, to insert a new section, as follows:

"SEC. 906. None of the funds contained in this Act shall be used for implementing any provision of the Economic Opportunity Act of 1964."

TRIBUTE TO SENATOR HILL

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, I yield to the distinguished Senator from New Hampshire [Mr. COTTON.]

Mr. COTTON. Mr. President, representing the minority side of the Appropriations Subcommittee on Labor and Health, Education, and Welfare, I wish first to join in the sentiments of the distinguished Senator from West Virginia [Mr. BYRD] in expressing our deep disappointment that the distinguished

Senator from Alabama [Mr. Hill], chairman of the subcommittee, is compelled, for the first time in years, to be absent when his bill is under consideration. I know that in his absence the bill will be very ably handled by the Senator from West Virginia.

What I am about to quote may have been inserted in the Congressional Record at some time in the past, although I was unable to find it. I crave the indulgence of the Senate to read what was to me an intensely fascinating article in the Birmingham Post-Herald, of Birmingham, Ala., for June 23, 1964, by Seth Kantor, a Scripps-Howard staff writer, entitled "Hill Remembers His Father's Words." Incidentally, as Members of the Senate will recall, June 23 was a couple of days following Father's Day. The article is brief, but I want to read it into the Record. I want my colleagues to hear it:

Hill Remembers His Father's Words

(By Seth Kantor)

On a September evening 62 years ago, Dr. Luther Leonidas Hill, a Montgomery, Ala., surgeon learned that a Negro youth had been stabbed in the chest.

There were no hospital facilities for Henry Myrick, 13, the dying boy. Dr. Hill hitched his buggy and set out on a call that made medical history.

He found Henry bleeding profusely in a bed in a shack. It was a heart wound. There was barely time, but Dr. Hill summoned what help and equipment he could get.

At 1 a.m., he was ready and Henry was put on a table.

Using chloroform as an anesthetic, Dr. Hill removed the boy's heart far enough so that an assistant could hold it firmly while the surgeon got a catgut suture through the center of the wound.

The operation took just 45 minutes and Henry Myrick recovered. But Dr. Hill's work that night was recorded in medical journals around the world—he had become the first surgeon in the United States ever to sew up a human heart successfully.

Dr. C. A. Bilroth, a renowned Austrian surgeon, had said that surgical repair of the heart was not possible and should not be considered by reputable doctors.

Dr. Hill still was working as a heart specialist when he died in 1946 at 84. He had grown up on an Alabama farm and put himself through medical colleges in Philadelphia, New York, and London, which was rare training for an apprentice in the 1880's.

In England he had studied under the great Dr. Joseph Lister who was teaching the revolutionary idea of antiseptic surgery. Dr. Hill was so grateful, he later named his first-born son Joseph Lister Hill.

Better known today as Senator Lister Hill, Democrat, of Alabama, that son was so inspired by a father who devoted a lifetime to advanced medical practices and who saved countless needy patients without asking a fee, he is the Nation's leading specialist in health legislation.

With Father's Day, Senator Hill recalls the words of Dr. Hill—words when the surgeon was honored by colleagues after 50 years as a doctor, but words for all sons of all men to live by:

"I care not what a man's mental endowments are nor what his professional attainments may be—unless he is true to his ideals, and has the approval, the sympathy of his fellows, his life is a failure. For the dominant and triumphant tone of life is love."

Mr. President, it has been my privilege to serve on the subcommittee chairmaned by the distinguished Senator from Alabama for the past 3½ years. As he misses the action of the Senate on the bill reported by his subcommittee, I know I am expressing the sentiments of every one of his colleagues, not only on the subcommittee, but on the full Appropriations Committee, and in the Senate, that we wish for him an early and complete recovery so that he may return to his duties.

We pause, as we consider the bill, to recognize his dedication through the years, the knowledge, the patience, the industry, the constant devotion of Lister Hill, the Senator from Alabama, to the cause of medical research and to the cause of a Government that is solicitous of its people in promoting the welfare and health of this Nation.

Mr. President, having taken the time of the Senate for that quotation, which I thought ought to be in the Record at this time, I wish to say a word about the bill, because it must be discussed bit by bit.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COTTON. I am happy to yield.

Mr. PASTORE. Mr. President, I congratulate and compliment the distinguished Senator from New Hampshire for the eloquent statement he has made about Senator Lister Hill. It has been my privilege for many years to serve as a member of the subcommittee. I know of no man who is more dedicated to the people than Lister Hill. It is an honor for me to associate myself with the remarks of the Senator from New Hampshire.

Mr. COTTON. I thank the Senator.

Representing the minority side of the subcommittee, I shall not say to the Senate that I am satisfied with the bill brought to the Senate for its consideration. I believe no Senator, on either side of the committee, is entirely happy with the bill.

My feeling is that no bill which is considered by the Appropriations Committee is so difficult to deal with carefully, economically, but justly and adequately as is the pending bill, which carries appropriations for many of the health activities in this Nation.

It is very difficult to stand on the floor and fight for a reduction, or to sit in committee and fight for a reduction, of certain appropriations, when one knows that in taking that position one is, in a sense, limiting the war against heart disease, cancer, tuberculosis, and the various enemies of health and life and happiness in this country.

Nevertheless, we must deal with these appropriations frugally and carefully, in spite of the sensitive areas that they cover.

I call the attention of Senators to the fact that when the bill came from the Bureau of the Budget to the House of Representatives, it was nearly a billion and three-quarters more than the appropriations that were made for fiscal year 1964.

The House committee and the House of Representatives reduced the bill, so that when it reached the Senate committee, it was only—if only is the word—$654 million plus, over last year's appropriations.

But, as has been pointed out by the acting chairman of the subcommittee, immediately the subcommittee and the committee were confronted by the fact that after the bill left the House and before it could be considered by the Senate committee, more than $300,000 in new appropriations was added to it, because of either new or renewal authorizing legislation which had been passed by Congress during that interim.

The committee was faced with over a billion dollars more than the fiscal 1964 appropriations. The actual reduction of the money in this bill, strive as we did, and with all the power that we had, is less than $200 million over the total amount that came to us from the House, and that was added from downtown.

The committee has accomplished much more in holding down the appropriations in the bill than the bare figures would indicate. I call the attention of the Senate to the language at page 54, the last page of the bill, which was inserted by the subcommittee, and confirmed by the full committee. A new section has been added. It is section 906, and reads as follows:

Sec. 906. None of the funds contained in this Act shall be used for implementing any provision of the Economic Opportunity Act of 1964.

I wish the Record to show that the Senate passed the Economic Opportunity Act, colloquially known as the antipoverty bill, and that in the bill which is before us are appropriations for agencies and activities that parallel, if they do not in every case duplicate, activities to be covered by the new agency to be headed by Sargent Shriver. Already before the full Committee on Appropriations is a supplemental request of more than $900 million to finance the first year's activities under the authority of the so-called antipoverty bill.

Mr. President, the Senator from New Hampshire, as one member of the committee, wishes to make one point crystal clear. The antipoverty bill has been passed, and, as our friends who talk about civil rights so frequently use the expression, it is the law of the land. As a member of the Appropriations Committee, it is not my intention, even though I voted against that bill, to try in any sense to starve the agencies that will be performing the work under that bill.

However, all of us know something about the way the agencies work down at the other end of the avenue—or, rather, downtown, because I am not referring to the White House, but to the departments. I would not give a nickel for a man or woman in a responsible position in administering any program in this Government who did not really believe that that program was vitally important. They would not be worth their salt, otherwise. Sometimes I believe we in the Senate and in Congress, when we rather glibly talk about bureaucrats, and wail about how the money is spent downtown, and about how the will of Congress is circumvented, do not stop to think that when we create a program and when we entrust it to the executive department to administer it, we want it performed by people who believe in it. If they believe in it, they want it to grow. That is natural and laudable. But it is our job to make certain that it does not grow beyond legitimate proportions. It is our job to make certain that we do not have half a dozen departments, half a dozen bureaus, or half a dozen agencies doing the same work or parallel work, when it could be done in one agency.

During the debate in this body on the economic opportunity bill, it was said again and again by its proponents that one of its virtues would be to gather under one tent and under one head, with the consent and cooperation of the Cabinet officers at the head of the various departments, the activities concerning the struggle against poverty and the various programs under the bill.

We could go through the bill that is before us today and find item after item increased over the 1964 appropriation, items that are also being taken over and administered, with the same work to be done, under the new organization.

It was first the intention of the Senator from New Hampshire to go through the bill and offer amendments to every section, reducing to the 1964 level the appropriations for every program and activity that could be considered as duplicating or paralleling the antipoverty activities contemplated by the Economic Opportunity Act. However, as is true of most of the work of the Committee on Appropriations, these things are not so easy and simple as they appear. In my opinion, it is impossible to go through all these items, separate the wheat from the chaff, and say with certainty that all of one program or half of another program or two-thirds of another program will be duplicated or will be taken over by a new agency. One reason is that it is only the people in the executive departments, who are up to their knees in the work, and who know all the ins and outs, who would be able to make such a separation, even though the committee and its staff are faithful, able, and experienced.

So instead of offering such amendments, which would have reduced the bill by nearly half a billion dollars, as a conservative estimate, a majority of the committee decided—and the full committee supported us—that the surest, safest, and most careful way to proceed would be, if the Senate will pardon my use of a slang phrase, "to put the monkey directly on the back of the people downtown by providing a limitation that none of the funds contained in the act shall be used for implementing any provision of the Economic Opportunity Act of 1964."

If the bill passes with that language, it may well be necessary—let us be fair and square about it—for Sargent Shriver and his staff to return to Congress with a request for a supplemental appropriation; because, unless I miss my guess, that agency is depending on some of the appropriations in the bill, and the $900 million supplemental will be in addition. They may come before Congress, and they may be able to justify, they may be able to show with reason, through the Budget Bureau, of course, the need to enlarge their appropriation because of the language in the bill, which is a limitation on the regular appropriations. But if that is so, so be it. I am sure we shall give them a careful, just, and sympathetic hearing, because we have no intention of defeating the purpose of the Economic Opportunity Act.

However, we must not start down this long highway, keeping the bureaus operating, and then putting a frosting on top of the appropriations for the new agencies.

I have taken some time because I wanted the Record to show clearly that I think that is the most important feature in the bill; and because it is in the bill, it means that the committee, in my opinion, has discharged its duty fully in holding appropriations within reason.

Because that language is included, and so long as it remains in the bill, I, as the senior minority member of the subcommittee, am prepared to go along with my friend, the distinguished Senator from West Virginia [Mr. Byrd], the acting chairman of the subcommittee, and support the bill in the form in which it now appears, and to oppose reducing amendments which otherwise I might support if there were not this safeguard. Of course, I shall oppose amendments that would increase the appropriation.

Mr. PROXMIRE. Mr. President, I call up my amendment No. 1241. I ask unanimous consent that it not be read, but that it be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 5, strike out "$41,065,000" and insert in lieu thereof "$40,565,000".

On page 23, line 13, strike out "$28,284,000" and insert in lieu thereof "$27,684,000".

On page 24, line 3, strike out "$10,914,000" and insert in lieu thereof "$6,364,000".

On page 24, line 3, strike out "$3,000,000" and insert in lieu thereof "$4,000,000".

On page 24, line 9, beginning with the word "and" strike out all through the period in line 18.

On page 25, line 3, strike out "$10,030,000" and insert in lieu thereof "$9,716,000".

On page 25, line 9, strike out "$7,171,000" and insert in lieu thereof "$6,651,000".

On page 26, line 24, strike out "$245,966,000" and insert in lieu thereof "$225,996,000".

On page 26, line 24, strike out "$150,000,000" and insert in lieu thereof "$100,000,000".

On page 27, line 1, strike out "$70,000,000" and insert in lieu thereof "$100,000,000".

On page 27, line 17, strike out "$222,650,000" and insert in lieu thereof "$202,650,000".

On page 30, line 9, strike out "$35,354,000" and insert in lieu thereof "$35,039,000".

On page 32, line 8, strike out "$164,759,000" and insert in lieu thereof "$163,715,000".

On page 33, line 17, beginning with the word "special" strike out all through the period in line 24.

On page 35, line 7, strike out "$113,250,000" and insert in lieu thereof "$113,075,000".

On page 35, line 12, strike out "$70,147,000" and insert in lieu thereof "$67,847,000".

Mr. PROXMIRE. Mr. President, this is an economy amendment. It would save $40 million. The appropriation, as the Senator from New Hampshire has indicated in his excellent speech, is $1,092 million over the appropriation for last year. It is an increase from $5,900 million to $7,079 million. With most of these increases, massive as they are, it is difficult to argue.

For example, $177 million represents the increase for manpower development and training activities.

I shall run through the items and indicate what the bigger increases are, to show why I think it is necessary for the bill to be increased.

An amount of $123,500,000 in additional funds over last year for expansion and improvement of vocational education.

An amount of $463 million more money than 1964 for higher education facilities construction.

A $47 million increase over 1964 is provided for grants for public libraries; an $11 million increase for payments for school districts; a $34 million increase for assistance for school construction; a $37 million increase for defense educational activities; a $110 million increase over 1964 for health professions educational assistance; a $42 million increase for the National Institutes of Child Health and Human Development; a $35 million increase for construction of community mental health centers.

It is clear that the overwhelming amount of the increased spending is for education. Every Member of this body realizes that if we are to have a strong country, if we are to have any real chance of overcoming poverty and providing our people with a really significant equality of opportunity, it will be necessary to have Congress appropriate the heavy cost.

Now my amendment would reduce the amount of the bill $40 million. It would not touch anything the administration says it must have. But the amendment would cut $40 million from the bill by reducing every item in the bill that exceeds what the President requested to the amounts of the President's budget requests, except where the administration has subsequently indicated approval of the increases.

This is the year when the President and Congress have pledged to keep Federal spending low. This year Americans have enjoyed the luxury of the greatest tax cut in history—a luxury which I did not believe we should enjoy this year. This tax cut reduces Federal revenues.

Mr. GORE. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am glad to yield to the Senator from Tennessee, who made such a gallant fight on the tax cut, and whose leadership I followed.

Mr. GORE. I thank the Senator from Wisconsin. Does he not believe that the enjoyment of the tax cut, to which he has referred, will result in a considerable shock and jolt to millions of people, come taxpaying time, next March and April?

Mr. PROXMIRE. Yes, indeed. This is because of the withholding tables. Many people who for a lifetime have enjoyed refunds, are going to be very much surprised. Come taxpaying time, they are going to find there is no refund coming to them. They will have to dig down and in many cases borrow money in order to pay their taxes. It will be a real jolt.

Mr. GORE. More seriously, will not uncounted millions of people be shocked into a realization that what they thought was a tax cut was but an unjustified modification of the withholding tables, and they will find that, come taxpaying time next April, instead of having paid their taxes they will owe a considerable tax liability?

Mr. PROXMIRE. I believe that the Senator is correct. Especially a great majority of those people whose incomes are modest or in the lower brackets, whose tax cut is only $2, $3, or $4 a week at best, who, because of the working of the withholding tables, assumed they were more generous than they are but will soon find, come the day of tax reckoning, that their tax cut was very modest, indeed.

Mr. GORE. Mr. President, will the Senator from Wisconsin yield further?

Mr. PROXMIRE. I yield.

Mr. GORE. This morning representatives of the Bureau of the Budget appeared before the Senate Finance Committee and testified in opposition to a small increase in the payments of disabled veterans, veterans who as single persons are receiving no more than $800 a year income, and for a veteran with a wife and family no more than $1,200 a year income. Of course, the reason given was the financial stringency of the budget. It was this same Budget Bureau which recommended a tax cut of $11 billion annually.

Mr. PROXMIRE. I thank the distinguished Senator from Tennessee. As he knows, I share his very strong views concerning the tax cut.

Mr. President, the tax cut reduces Federal revenues. Therefore, increased Federal spending means an increased budget deficit. We have a big deficit this year and we had a big one last year. Increased Federal spending means an increased budget deficit. This one appropriation bill is more than a billion dollars higher than last year's. This one bill means a billion dollar bigger deficit.

A few moments ago, the Senator from New Hampshire stated that the monkey should go on the backs of those downtown, that they understand these programs, and that they know where they can be cut. I believe that he is correct. That is exactly what my amendment would do. I would cut out the increases and go back to the level the administration—the boys downtown—say is adequate to do the job. I do not believe that anyone in Congress would accuse the administration of being against spending enough money on education, or of being against spending enough money in the health field. I feel that the least we can do is to refuse to give them more money than they request for any item. If economy means anything at least we ought to stick with this simple principle.

Mr. President, I should like to continue and go into a little bit more detail on my amendment.

Mr. COTTON. Mr. President, before the Senator does that, will he yield to me for one moment?

The **PRESIDING OFFICER** (Mr. Edmondson in the chair). Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. PROXMIRE. I am glad to yield to the Senator from New Hampshire.

Mr. COTTON. I believe that the purpose behind the Senator's amendment is the very best. If it had not been for the language we put in the bill I would be not only supporting his amendment but I would also be wanting to cut deeper. When we cut an appropriation back to last year's appropriation, I believe that sometimes there is great rejoicing downtown. They still have plenty to go on, and more than is needed; but when we put the limitation on in this bill, under the scrutiny of the Bureau of the Budget and the General Accounting Office and everyone else, they are charged with their own knowledge that they cannot duplicate these new activities. If the appropriation were cut $40 million, I believe that there would be the greatest outcry in a long time. It might mean cutting it $300 or $500 million simply on this language. That is why I was willing to forgo supporting the amendment such as the very worthy amendment of the Senator from Wisconsin.

Mr. PROXMIRE. I appreciate very much what the Senator from New Hampshire has stated. He may well be correct, that the language to which he refers may indeed result in a reduction of hundreds of millions of dollars. I hope so, but at the same time it seems to me that my amendment does not really conflict with that, because it does not pretend to go back to the 1964 level. What it does is simply maintain for each item as the maximum expenditure the level the administration requested.

Mr. President, I yield to the Senator from New York and the Senator from Connecticut.

Mr. JAVITS. Mr. President, with the Senator from Connecticut, I propose to indulge in a colloquy with the chairman, in order to gain a clear idea of his intention on the child care amendment.

Mr. RIBICOFF. Mr. President, I should like to ask the Senator from West Virginia a few questions, and to discuss with him a few items which I consider very important, especially on page 41 of the bill, line 1, where $6 million has been cut to $4 million, and then to line 19, in the proviso requiring matching funds. What bothers me is that there is written in the bill a requirement for matching funds. Last year, a similar proviso was in the appropriation bill. After a discussion with the distinguished Senator from Alabama [Mr. Hill], and a colloquy between myself and the Senator from Nebraska [Mr. Hruska], and the Senator from New Hampshire [Mr. Cotton], it was agreed to delete that proviso.

It should be pointed out that at present interested States are spending some $258 million for child welfare services. Today, the Federal share of this $258 million is some $29 million, which means the States are spending more than 10 times as much as the Federal Government's matching requirement.

I agree, as I agreed last year, that there is nothing wrong with a matching requirement, but, unfortunately, there is no notice to the States that the matching requirement would be a condition for them receiving funds for child day care services. We all know as a practical matter that the State legislatures have practically all gone home. In my State, the legislature meets next in January of 1965. I believe that this is probably the case in most of the 50 States. The legislatures in most States cannot comply with the matching requirement because they are not now meeting.

I wish to read the colloquy that took place last year between the distinguished Senator from Nebraska [Mr. Hruska] and myself.

A question from Mr. Hruska:

> I should like to ask the Senator from Connecticut what would be his judgment as to the desirability, in timely and considered fashion, of adopting the concept of State participation in the program of the kind proposed?
>
> Mr. Ribicoff. In reply to the senior Senator from Nebraska, I should first like to thank him for his gracious remarks * * * I agree with the Senator from Nebraska that it probably would be advisable to have a specific matching formula. In due course, if it would be the desire of the Senator from Nebraska specifically to insert a matching formula in the future, I would support him in that desire.

Then, as the colloquy continues, Mr. Hruska then said:

> Mr. Hruska. Hence, one method that could be used would be to amend the organic law—the original law—which provides for the program itself.
>
> Another way that the result could be accomplished would be by the procedure we have resorted to here, but with sufficient advance notice to alert all interested parties. Do I correctly understand the Senator from Connecticut to say that either of those methods would be considered suitable and effective and would receive his support on the basis of timeliness?
>
> Mr. Ribicoff. They would. As I indicated on the floor of the Senate and in the conference it would receive my support because I believe it is proper. I believe that the States could comply. In my opinion the States would be willing to comply, because the need is basic, not only throughout the country, but in each of the 50 States.
>
> I am confident that there should be such a matching requirement in the basic legislation or in the appropriations, and if the States were to have an opportunity to make their plans timely, there would be no difficulty about the States matching the Federal program.

On the question of timeliness, when the executive branch sent up the budget request, and the budget requirement, there was no provision in it for a matching requirement. The measure went to the House first. The House passed a $6 million budget with no matching requirement.

The first indication and the first notice that the States received that there would be a matching requirement was sometime in August of this year. Since the legislatures are not in session, it is impossible for them to comply. What I contemplated last year was that a matching formula bill would be introduced and I would support that measure. But this has not been done. I recognize the fairness of what is being recommended by the Appropriations Committee. The only objection that I have is as to the timeliness of the matching requirement.

I would say to the members of the Committee on Appropriations, and to the Senator from West Virginia [Mr. Byrd] that it would seem in all fairness that we should delete this proviso. The element of timeliness is not involved. The States should not be punished. We would be depriving the States of the opportunity to take advantage of this program, even though the States today are spending 10 times as much money as the Federal Government requires them to spend in matching funds in the field of child welfare.

I hope that the distinguished Senator from West Virginia [Mr. Byrd] and the distinguished Senator from New Hampshire [Mr. Cotton] will recognize the justice of it, and accede to an amendment on this portion of the bill to delete the matching proviso that is being discussed.

I also hope that, since the administration asked for $8 million, which was cut back by the House to $6 million, the Senate would recognize the inadequacy of a $4 million figure and go back to the $6 million figure approved by the House for this program.

We have two factors then which I hope will be corrected. We have the inadequate amount and the matching proviso which makes the whole appropriation a nullity if it stays in the bill.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield first to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I join with Senator Ribicoff in his request of the chairman, the ranking minority members, and other members of the Appropriations Committee who are handling the bill, for the reasons that the distinguished Senator from Connecticut [Mr. Ribicoff] has so well stated—and upon which he is so authoritatively able to comment, as the former Secretary of the Department of Health, Education, and Welfare. With due deference, I state that I was the author of the first day care center bill. I sponsored this bill for many years, until funds were included for day care centers in this appropriation bill.

There is presently a general matching fund arrangement with the States. The States have to match the amount which the Federal Government allocates to general child welfare. Services on a sliding scale varying from one-third to two-thirds of Federal expenditures.

Members of the Appropriations Committee apparently thought a case could be made out not only for State matching funds for Federal expenditures specifically on day care services, but also for a specific 50-50 formula for matching funds.

I believe that the plea of the distinguished Senator from Connecticut [Mr. Ribicoff] is most worthy. I hope that it is met. I believe this solution is proper. The States should have time to express themselves on this matter. And the day care people themselves—who are so devoted and have poured so much of their effort, time, and energy into the program for years—should also have an opportunity to express themselves on the matching fund provision, so that we may see whether a 50-50 matching arrangement is practical, and whether the views of the members of the Appropriations Committee can be complied with.

I also emphasize to the Senator from West Virginia that the testimony clearly shows that the problem is growing—not receding—9.3 million American women are now working mothers. This represents a great addition to the national wealth.

The day care center movement—and I believe Senator Ribicoff would be as expert a witness on that matter as we could find—is responsible for the opportunity which mothers now have to maintain themselves and thus not be forced to go on welfare. That is the alternative. They either get a job, or the whole family is on welfare. This is not a case of a money-spending amendment. It is a money-saving amendment.

I hope very much that most serious consideration will be given to Senator Ribicoff's views. Any of us could, of course, move to strike this proviso. We could move to restore the figure to $6 million.

But I say to my friend, the Senator from West Virginia [Mr. Byrd], that I believe it is, at this time, inappropriate to do so in a case such as this until we have discussed the matter. This is the kind of situation that we ought to talk out in the family.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. FULBRIGHT. Mr. President, I join the distinguished Senator from Connecticut [Mr. Ribicoff] and the distinguished senior Senator from New York [Mr. Javits].

I have received a number of communications on the subject in the past 2 days. I endorse what has been said by the two previous speakers. They have made the case very well.

There is one further point that the senior Senator from New York mentioned. That relates to the significance of these centers. They have been extremely important in my State. I believe they have a great and important use in other fields, in addition to the immediate objective of day care centers.

I join both Senators who have spoken on this subject. I urge the committee to work this matter out. I have been told that quite a number of centers will have to be closed until the next meeting of the legislature. This would be most unfortunate.

I do hope that the distinguished chairman of the committee will straighten this matter out.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the senior Senator from New York [Mr. Javits].

Much concern has been expressed in my State as to whether this is a retroactive provision. If it is to be retroactive to the beginning of the present fiscal year, South Carolina—and possibly many other States—will find themselves in a financial pinch. They have gone forward in this program since the beginning of the fiscal year under the assumption that the program would be operated as in the past. And suddenly they find that they must provide matching funds.

I am sure that the distinguished Senator from West Virginia can well understand the predicament in which a State will find itself if the provision is to be retroactive. It would be my hope that either that section would be stricken or so amended that it would not be applied in a retroactive manner. In that way the States would not be caught in a pinch, as apparently they will be under the proposed language. I wonder if the Senator from West Virginia has any thoughts on the subject. I wonder if he would be willing to accept some amendment that would so apply that the section would not be made retroactive.

Mr. BYRD of West Virginia. Mr. President, I have been discussing the subject with the distinguished ranking minority member of the subcommittee, the Senator from New Hampshire [Mr. Cotton]. We shall try to reach some agreement which will be pleasing to Senators who have spoken in regard to the item. I recognize the dilemma in which many States will find themselves if the provision in the bill is not amended.

The Senator from New Hampshire [Mr. Cotton] and I are discussing the subject now. We are trying to reach an agreement which will meet the objections which have been raised by Senators.

Mr. JAVITS obtained the floor.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from North Carolina.

Mr. JORDAN of North Carolina. I thank the distinguished Senator from New York. I wish to associate myself with the remarks that have been made with reference to the child care provision of the bill. Yesterday I talked with Dr. Ellen Winston, who is Commissioner of Welfare, and whom most Senators know. At one time Dr. Winston held a position in North Carolina similar to the one she so ably holds in the Department here.

I emphasize the point which the distinguished Senator from South Carolina has made. There is a possibility, at least, that States that have spent money—and I believe wisely—might be required to repay it to the Federal Government out of funds that they do not have. I believe it would be a great mistake to pass the bill in its present form with any such requirement in it.

I should like to associate myself with the distinguished Senator from Connecticut [Mr. Ribicoff] and other Senators who have spoken in respect to that particular section of the bill. I have already spoken to the distinguished Senator from West Virginia [Mr. Byrd] regarding it. I, too, hope that he and the ranking minority member of the committee, the Senator from New Hampshire [Mr. Cotton] will be able to agree to delete completely that provision, and, if possible, restore the other $2 million which was taken out by the committee of the Senate.

By all means I hope that the matching fund provision of the bill will be completely eliminated.

I return to what the distinguished Senator from Connecticut [Mr. Ribicoff] said. I would not be opposed to such a requirement being imposed somewhere along the road. Probably it should have been imposed previously. But I believe that the States should have time to make preparations. The States should know that the requirement will be imposed so that they can make provision to take care of their share in the program. I believe that counties, cities, and States that receive money for the program should contribute something to it, for they are the ones that receive the benefits from the program. But I do not believe that we ought to include the proposed provision in the bill. As the Senator so ably pointed out, very few, if any, of the State legislatures will meet until next year. I do not know of any State legislatures that will meet prior to that time. A great hardship would be imposed on the services which I know are in operation and are doing a wonderful job. I hope that the distinguished Senator from West Virginia [Mr. Byrd] and his colleagues on the committee will agree to delete that item from the bill.

Mr. JAVITS. I thank the Senator very much.

Mr. SIMPSON. Mr. President, will the distinguished Senator from New York yield?

Mr. JAVITS. I yield.

Mr. SIMPSON. I wish to echo the expressions of the Senator from New York [Mr. Javits] and other Senators with respect to the item. I, too, urge on the chairman of the committee and the other members of the committee reinstatement of the program. The situation is exactly as has been stated by the distinguished Senator from Connecticut [Mr. Ribicoff] with respect to the meeting of State legislatures. Wyoming finds itself in a similar position. I am sure that the States would be willing to appropriate matching funds. I know that Wyoming has always done so and would be willing to do so again. By the same token, if States should find themselves suddenly deprived of the funds, they would be in a bad state of confusion as to what to do. A very material service would be curtailed. I, too, implore the committee to exercise its prerogative and restore the provision.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield again briefly?

Mr. JAVITS. I yield.

Mr. JORDAN of North Carolina. I appreciate the Senator's yielding to me for a brief remark. I had discussed the subject thoroughly with my colleague [Mr. Ervin]. My colleague is in thorough agreement with what I have said and what is being said by other Senators. He would be present in the Chamber to make the statement himself if he were not engaged in another meeting. He could not get here in time. I wish the Senate to know that the North Carolina Senators are unanimous in support of the proposal.

Mr. JAVITS. I believe that the Senators from New York are also unanimously in agreement. I now yield to my colleague.

Mr. KEATING. I thank my colleague. The day care assistance program is one of the very finest of Federal programs and one which has been unusually effective in New York City. It has enabled a great many working mothers to secure proper care for their children. I regret deeply that the committee felt it necessary to reduce the amount allowed by the House, and also to require specific matching funds. I very much hope that the $2 million cut by the Senate committee will be restored in conference. As you know the budget request was $8 million—$4 million more than the Senate committee has allowed.

The very least we should do, it seems to me, is to accept the suggestion of the distinguished Senator from Connecticut [Mr. Ribicoff], so as to make it possible for the program to continue without the matching funds for the present until some fixed date. Otherwise the whole program would end. It would mean at least a suspension in services by a number of these very important centers. I hope that the committee will see fit to accept the date suggested by the Senator from Connecticut or some other date before imposing a guillotine upon the program. And, I express the hope that the full amount of funds appropriated by the House will be restored.

Mr. JAVITS. I thank my colleague very much for his intercession.

I should like now to yield to the Senator from West Virginia if he is ready to give us his views.

Mr. BYRD of West Virginia. Mr. President, as I indicated a little earlier, the committee last year put the States on notice that they would be expected to match these day care grants. I recognize, and my colleagues on the committee recognize, that very few of the State legislatures have had an opportunity to meet and take action in that regard. On the basis of the recommendation of the subcommittee, the committee acted to require matching of Federal grants by the State legislatures. The committee felt that we should proceed in that direction. So we have the provision as it is written in the bill today before the Senate.

I have discussed the question with Senators who have spoken on the floor of the Senate. I have discussed it with the ranking minority member of the committee, the Senator from New Hampshire [Mr. Cotton]. Recognizing, as I said earlier, the dilemma in which the various State legislatures would find themselves—most of the States not having legislative sessions until the beginning of the forthcoming year—we have agreed to submit an amendment, which I shall offer and ask to have stated for the information of the Senate.

I trust that the amendment will be agreeable to Senators who have very rightly, I believe, raised the objection. I trust that it will meet the objection they have raised.

The PRESIDING OFFICER. The amendment of the Senator from West Virginia will be stated.

The Legislative Clerk. On page 41, line 20, after the word "used" it is proposed to insert "on or after April 1, 1965".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, the amendment would give the State legislatures an opportunity to meet in the month of January, as my State legislature meets, or in January and February—and I assume most State legislatures will meet during the first 2 or 3 months of the forthcoming year—to deal with the problem and take steps to provide adequate matching moneys to cover the fourth quarter of the fiscal year 1965, so that the provision written into the bill originally by the committee will not take effect until the beginning of that fourth quarter.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COTTON. Is it the understanding of the chairman of the committee that if the amendment is adopted, payments until the fourth quarter—that is, until after April 1, 1965—will be made on the basis of the 1964 appropriation, which has been a continuing appropriation thus far on the basis of $6 million rather than $4 million?

Mr. BYRD of West Virginia. It would be on a proportionate basis with reference to whatever appropriation is provided, $4 million being the amount that is provided in the bill. This would mean there would be $1 million for each of the four quarters. So, as of April 1, 1965, presumably there would be $1 million left in the Federal appropriation.

Mr. COTTON. Mr. President, already under the continuing resolution there have been some payments on the basis of 1964. Is that right? There is no expectation to recapture that?

Mr. BYRD of West Virginia. That amount would be charged against the $4 million appropriated in this bill.

Mr. JAVITS. Mr. President, I know that the Senator from Connecticut [Mr. Ribicoff] will wish to comment on this matter. If I may address the chairman of the subcommittee—and we certainly appreciate what the chairman is doing. Does not equity dictate that there should be some means to meet the very problem that the Senator from New Hampshire [Mr. Cotton] has brought out; namely, that the assumption upon which the Senate committee provided $4 million will have been, by this amendment, materially changed? In other words, if there is not to be 50–50 matching, is it not necessary to increase the funds that have been allowed in order equitably to carry out the extension of the program? In other words, if the date for initiating the matching fund program is extended, but sufficient money is not provided, the States are being hit just as hard as they would be if they had to meet the program immediately on a 50–50 basis. Is that not the case?

Mr. BYRD of West Virginia. No; that would not be the case, because the $4 million is the same figure on which the States have been operating during the last fiscal year.

Mr. JAVITS. I thought it was $6 million, and the House had included $6 million.

Mr. BYRD of West Virginia. No; it was $4 million.

Mr. JAVITS. Then they are given a reduction in the quotient——

Mr. BYRD of West Virginia. No.

Mr. JAVITS. I wonder if the committee thought it was improving the program by providing the $4 million, rather than the House approved amount of $6 million because it was to be on a 50–50 matching basis? Heretofore, the States had operated under an appropriation of $4 million.

Since the response has been in a family spirit on this question, the Senator from Connecticut [Mr. RIBICOFF] and I thought the chairman would consider seriously the matter of increasing the amount to the House figure, perhaps not at this very moment, but while the bill was being debated or while the Proxmire amendment was being considered, to take into account the fact that the date for initiating the matching formula is being deferred until April 1, 1965.

I wonder if the Senator would permit the Senator from Connecticut [Mr. RIBICOFF] to comment on that?

Mr. RIBICOFF. I thank the Senator. First, let me say to my friend from West Virginia that the date of April 1, 1965, will not be a burden. As a former Governor, I know that the legislature of Connecticut, which will come into session in January, will have an opportunity to pass a supplemental appropriation bill to take care of the appropriations in the last quarter. I do not know what the procedures are in Wyoming or New York or South Carolina, for example. But the Senator from New York and the Senator from New Hampshire have made a good case when they point out that the $4 million program the States had in the beginning permitted them to have an $8 million program. When we adopt the new program, it is no longer an $8 million program.

While I am very grateful to the chairman for giving us an opportunity now to match the funds, I would hope the Senator from West Virginia would consult with the Senator from New Hampshire to see if they could not go along with the House figure of $6 million. It would put everybody back in the status quo and satisfy those of us who have raised the question on the floor.

Mr. BYRD of West Virginia. The House figure is $6 million. The Senator from New Hampshire and the Senator from West Virginia do not believe the Senate should act at this time to increase the amount from $4 million to $6 million. It is a matter which can be settled in conference. We feel that the step we propose to take, in response to the very eloquent presentations of the Senators who have spoken in respect of the problem which is common to all States, is sufficient. We are willing to have the Senate act on the amendment at the appropriate time, but we think the figure of $4 million should remain as it was reported by the committee.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. AIKEN. I would like to know how a State like Vermont, the legislature of which has been ordered not to take any action except on reapportionment, could comply with the matching requirement. It could not possibly do so. The legislature has been prohibited by the courts from making any appropriations or appointments. Even if the State could make an appropriation no one would be legally empowered to spend the money. How is the State to comply with the court order and at the same time comply with the requirements of the bill?

When the legislature meets in session in January it would take at least 2 months to reapportion. Then it would be necessary to have new elections and a session of the newly elected legislature before the State could qualify for any Federal matching funds. What would the Senator from West Virginia do if he were a Vermont voter? I am a voter at the present time. Anyway, I hope to retain my one vote as long as possible.

Mr. BYRD of West Virginia. I am, of course, sympathetic with the situation in which the Senator from Vermont finds himself. I can appreciate his predicament. But I do not think this is the sole problem that will confront the Vermont Legislature.

Mr. AIKEN. Not the major one, either.

Mr. BYRD of West Virginia. I do not feel the committee would be justified in proceeding any further than has been suggested by the ranking minority member and myself. We feel that this proposal would treat the problem generally.

As I indicated, the committee put the States on notice a year ago that it was going to expect them to provide matching moneys. We feel that, if the committee did act in haste in this instance, certainly an amendment would serve to rectify the situation.

Mr. JAVITS. Mr. President, I do not think either the Senator from Connecticut or I will give up hope until the third reading. The Senator from Wisconsin [Mr. PROXMIRE] has been gracious in yielding to us. We have made a little progress. Perhaps we can consult again with the acting chairman.

Mr. BYRD of West Virginia. Let me say to the Senator from New York that he need not give up hope until the conference, which is at least 2 weeks away, but I doubt that any further consultations on this subject today will change the situation.

Mr. JAVITS. In good faith, I would not want the amendment the Senator has sent to the desk to be agreed upon until the Senator from Connecticut [Mr. RIBICOFF] and I agree not to press for an increase of the figure. After consultation and decision, we will advise the Senator.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I have been yielded to most graciously by the Senator from Wisconsin [Mr. PROXMIRE]. I will ask him to yield no more unless he wishes me to do so.

Mr. PROXMIRE. Mr. President——

Mr. THURMOND. Mr. President, if the Senator will yield, I wish to express my appreciation to the Senator from West Virginia for the support he has given in this matter.

Mr. PROXMIRE. Mr. President, the Senator from Massachusetts asked me if I would yield him 5 minutes to discuss an amendment which he has discussed with the chairman of the committee. I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPENSES IN CONNECTION WITH INAUGURAL CEREMONIES

Mr. SALTONSTALL. Mr. President, if this discussion takes more than 5 minutes, I shall withdraw the amendment. I offer an amendment.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 54, after line 20, insert the following:

TITLE X—LEGISLATIVE BRANCH

Senate

Contingent Expenses of the Senate

Joint Committee on Inaugural Ceremonies of 1965

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1965, in accordance with such program as may be adopted by the joint committee authorized by concurrent resolution of the Senate and House of Representatives, $265,000.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Wisconsin will be temporarily laid aside for the consideration of the amendment offered by the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, the amendment is offered by the Senator from North Carolina [Mr. JORDAN] and myself. It concerns the inaugural expenses in connection with the building of the stands for the inaugural ceremonies. It amounts to $265,000.

Ordinarily the amount would be added to a supplemental appropriation bill. However, the supplemental bill will not be passed before some time in the middle of September. It is therefore necessary to add this amendment as a rider on the pending bill. I have talked about it with the Senator from West Virginia, who is in charge of the bill, and the Senator from New Hampshire, the ranking minority member. I believe it agreeable to both that the amendment be added to the pending bill. It is a necessary expense, and it is necessary to do this now.

While we do not like to add riders, I believe it is the necessary thing to do in connection with this item.

Mr. President, I ask unanimous consent that there may be printed in the Record at this point a brief statement which I have prepared in conjunction with my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

The bulk of this money, $215,000, will be used by the Architect of the Capitol to construct the platform and seating stands for the inauguration in January. The Architect of the Capitol has advised that bids have been solicited for the construction of the platform and the stands and are scheduled to be opened August 31. It has been the custom in the past to award the bids the day after Labor Day in order to assure that everything will be in order for the inauguration.

Normally, the funds for this purpose would be included in the supplemental appropriations bill. However, it does not appear that the supplemental appropriations bill will be cleared by the Congress in sufficient time to award the bids in early September. Accordingly, the chairman of the Joint Committee on Inaugural Ceremonies, Mr. Jordan, and in my capacity as ranking Republican member, we have concluded that these funds should be considered on the Labor-HEW bill, which is the last vehicle in which these funds can be included in sufficient time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts [Mr. Saltonstall].

Mr. BYRD of West Virginia. Mr. President, the Senator from New Hampshire and I have discussed the matter with the Senator from Massachusetts, as has been indicated, and we have agreed to accept the amendment.

Mr. COTTON. Mr. President, the Record ought to show, before the vote on the amendment, that the amendment has nothing whatever to do with the Departments of Health, Education, and Welfare, or Labor. It is being attached to the appropriation bill, because we are now at the end of the procession, so to speak; however, we do not want any public review of the bill to have this sum charged to what is being asked for in the appropriation bill for the departments I have named.

Mr. SALTONSTALL. The Senator from New Hampshire has expressed it much better than I have tried to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. PROXMIRE. I ask unanimous consent that I may yield briefly to the Senator from Rhode Island. I understand he has a matter he wishes to discuss.

Mr. PASTORE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection the pending Proxmire amendment will be temporarily laid aside.

The amendment offered by the Senator from Rhode Island will be stated.

The Legislative Clerk. On page 50, line 7, after the word "laws" it is proposed to strike out $24,000,000 and insert in lieu thereof $25,250,000.

Mr. PASTORE. Mr. President, I discussed this amendment in committee, and I intimated then that I would pursue the matter on the floor. I have had some conversations with the distinguished Senator in charge of the bill, and I have also discussed it with the distinguished Senator from New Hampshire [Mr. Cotton], the ranking minority member of the subcommittee.

All that the bill does is to restore the original budget figure. It was cut by the House to $24 million. I attended the hearings, and I heard a very solid case made before the committee with respect to the number of new cases that have been added. I hope the Members of the Senate will understand that unless we expedite the hearing of these cases, we shall work ourselves into work stoppages and unfair situations, which will actually result in more expense than would be involved by the adoption of the amendment. Of course, the money would provide additional personnel to hear these cases.

I have a statement in explanation of the amendment, and I ask unanimous consent that it may be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Pastore

The purpose of the proposed amendment is to restore $1,250,000 to the appropriation of the National Labor Relations Board to enable it to meet a critical situation in its workload caused by a rapidly rising case intake.

The House acted on the express assumption that the agency could handle its mounting volume of work with $1,250,000 less than the budget request, as pared down at the direction of the President. This action would reduce the authorized positions requested by 147.

Since then the agency has presented to the Senate committee further evidence showing that the caseload, which originates with petitioners and charging parties outside the agency, and the attendant problems of backlog and delay, have been increasing at a rate even faster than anticipated. For example, during the past year despite a genuine effort to remain current, the volume of formal contested work pending before hearing examiners and before the Board has increased more than 50 percent.

Rises of 10 and 7 percent in unfair labor practice and representation workloads necessitate 140 new positions over 1964. Reduction of backlogs and improved investigations, as requested in prior congressional action, will require the balance of 70 positions. Roughly nine-tenths of the requested positions will be in the field offices. The $1,250,000 restored by the amendment will enable the agency to meet these urgent case-processing needs and halt the accumulation of contested issues for want of manpower.

In view of the agency's growing caseload, and also its increasing involvement in matters of critical national concern; that is, shipping, missile sites, space programs, the monetary savings contemplated by the proposed cut in the agency's budget would appear prejudicial to the national interest.

It is important for industrial relations stability generally that we facilitate the resolution of controversies over representation and unfair practices by the orderly processes established by Congress, rather than by economic conflict.

Mr. BYRD of West Virginia. Mr. President, I believe the Senator from Rhode Island has presented a persuasive justification for his amendment. The workload of the agency involved is not one over which the agency has any control. It is not something that can be turned on and off like a faucet in the kitchen. As I recall the figures, over the past 5 years there has been an annual rate of increase in unfair labor practice situations of 13 percent, and there has been an annual rate of increase in representation petitions, over the past 5 years, of 10 percent.

I believe that the estimates submitted by the agency took into account very conservative increases of 10 and 7 percent, respectively, in the two categories.

In view of these conservative estimates, and the fact that the number of so-called merit cases increased 10 percent last year over the previous year, and in view of the additional fact that the present high level of economic activity in the country is quite likely to stimulate increased business for the Board, I feel that the Senator from Rhode Island is thoroughly justified in offering the amendment.

I have discussed it with the Senator from New Hampshire, and we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PASTORE. Mr. President, there is another matter which I should like to discuss briefly. A new section has been added to the bill. It is section 906. It provides that no funds contained in the act shall be used for implementing any provision of the Economic Opportunity Act of 1964.

It is my understanding that this limitation is a safeguard. It is not designed to prevent or inhibit the coordination of activities under this appropriation with activities under the antipoverty bill, and in fact, such coordination is extremely important to the success of both programs. Nor is it designed to prevent the Office of Economic Opportunity and other agencies and departments from cooperating together to carry out a joint project where both have special interests and where joint action results in greater efficiency and economy.

In short, this limitation is intended to reinforce injunctions against duplication and overlap under these programs, but to allow and to encourage all possible coordination and cooperation where this results in greater economy and efficiency.

Mr. President, the provision was originally suggested by the distinguished ranking minority Member, the Senator from New Hampshire [Mr. Cotton]. I believe he had good cause to make sure that there would be no duplication of these programs. We should make it abundantly clear in the legislative history of this matter that we do not intend in any way to limit the efficiency of these programs. What we are trying to do is to avoid duplication. I hope that is exactly what the purpose of this provision is.

Mr. COTTON. Mr. President, I believe I can agree with what I understand to be the purport of the statement of the distinguished Senator from Rhode Island. This is a very delicate matter in making the legislative history for this bill. The word "coordinate" is a word that has been used throughout the years that the Senator from New Hampshire has been serving both in the House and in the Senate. Many times the word "coordinate" is a word used to justify two organizations doing the same thing.

The purpose of the language is not to stifle proper programs—programs contemplated and authorized by Congress. It is to prevent a practice which has developed, of getting money from Congress for one agency, and then we find another agency is conducting parallel activities. Actually, the regular appropriation bill provides funds which are to be used as contributions to State programs. There is a similar program contemplated in the new agency that will be purely Federal. There are distinctive features which we must recognize in making legislative history. The purpose of the language is to put an absolute limitation on the use of funds for the same or parallel activities, when there is no real, distinctive difference or no satisfactory reason why the activities of two agencies cannot be conducted by one.

Mr. PASTORE. The Senator from New Hampshire seeks to prevent two agencies from stepping on each other's toes, and each one asking for money for the privilege of doing so. I understand that.

On the other hand, I think it should be made clear to everyone that this provision will not prevent the overall agency from carrying on its activities. We do not, however, want to appropriate money under this bill to be used for the activities of the Office of Economic Opportunity, that was created by the Employment Opportunity Act of 1964, because our understanding is that that agency will seek appropriations for its activities later.

Mr. PROXMIRE. Mr. President, I shall discuss each of the reductions briefly.

First the amendment would cut $500,000 from vocational rehabilitation—research and training. This money would have been used for additional development grants to vocationally and medically oriented centers. This increase was requested by the National Rehabilitation Association in the Senate hearings. It was not mentioned in the House or requested in the budget. Without this amount, almost $6 million more was appropriated to the Department of Health, Education, and Welfare for this purpose this year than was appropriated last year.

Next, the amendment proposes a reduction of $600,000 for Community Health Practice and Research. This amount would have been used for formula grants to schools of public health. The increase was requested by representatives of the Association of Schools for Public Health. Again, it was not included in the budget. It was not even included in the Department's request to the Bureau of the Budget.

Next, the amendment would cut $4,550,000 from the appropriation for the control of tuberculosis. It would eliminate completely a $5 million formula grant appropriation because the Bureau of the Budget decided that the formula grant system is no longer workable due to the fact that all States receive a share of formula grant funds. Yet certain States do not have a tuberculosis problem.

Five hundred and fifty thousand dollars is also cut back in the operating expense. However, $1 million is to be added to the project grant program. This puts the program at $4 million, which is $3 million below the amount appropriated in the House bill.

The $4 million equals the amount requested for project grants in the President's budget. It is precisely what the President's experts, who are handling the problem, say they need to do the job.

Fifth, the amendment would cut $314,000 from the item for control of venereal diseases. This amount would have been used for additional personnel required by the States to achieve the level of staffing recommended by the Surgeon General's task force. On pages 910 and 911 of the Senate hearings, a Communicable Diseases Center representative says that CDC can continue to make progress within the budget amount. The budget amount is all they say they need, all that they can at this time use most efficiently.

Sixth, the amendment would cut $520,000 from the item for dental services and resources. This amount would have been used to stimulate the development of adequate State and local resources in order to combat the increasing dental health problem of the Nation. This money would have been apportioned about as follows:

Ten thousand dollars to each State, regardless of size, regardless of need, regardless of population. The amount would be exactly $10,000 to each.

Five thousand dollars would have been apportioned to the District of Columbia; $5,000 to Puerto Rico; $5,000 to Guam; and $5,000 to the Virgin Islands.

This amount was not requested by the President. The method of financing the program is unfair because the smallest State gets as much as the largest State, and $10,000 per State is not enough to hire a good administrator, much less start a program.

Seventh, the amendment would cut $20 million from the overall amount for hospital construction. It cuts $50 million from amounts to be used for construction of general purpose hospitals and adds $30 million for construction of long-term treatment hospitals for the chronically ill and aged. This is precisely in accordance with the President's budget and represents recognition of the need for more hospitals for the treatment of chronic illness and for the aged, and the lessened need for general purpose hospitals.

The next item cuts $315,000 from the Water Supply and Pollution Control. This would have been used to staff three water pollution control laboratories prior to the opening of the facilities. This appears on the face of it completely unnecessary, since the facilities will not be used until they are opened, and the administration does not wish it because they state they cannot use it.

The next item is a cut of $1,044,000 in General Research and Services. This would have been used for an increase in fellowships because last year $1,776,000 worth of qualified fellowships remained unfunded. These fellowships are in the Division of Research Facilities and Resources, Office of International Research, and National Institute of General Medical Sciences. This latter Institute sponsors the basic research.

It would seem that other general research funds could be diverted into these fellowship programs, in view of the large amounts remaining unspent in the Institute. For example, in 1963, 15.1 percent of the funds appropriated for the Institute were not spent on activities of the Institute. That amount was more than $24 million that they could not find a use for.

The next item is National Cancer Institute, and my amendment would cut $10 million from it. There is nothing more unpopular, I suppose, than cancer, and it would be hard to conceive of an amendment less likely to receive public support than an amendment to reduce $10 million for cancer research, but it just does not make any sense to give the administration more money than they say is feasible, and that they can use providently even in this regard.

This would have been used for special cancer virus research aimed especially at leukemia. In view of the fact that more than $27 million of the amount appropriated for the Institute in 1963 was not spent by the Institute, it would seem that other Institute funds could be channeled into this program. This is the administration position and it makes sense to me.

The next cut is for the National Institute of Arthritis and Metabolic Diseases, and my amendment would cut $175,000 from that. This would have been used for an increase in fellowships. The Senate Appropriations Committee provided overall an increase of $1.2 million over last year for this program. In view of the fact that testimony in committee indicated the program expects only 90 additional qualified applicants, and that the average amount of the fellowship grant is $8,500, my arithmetic indicates $765,000 is all they can use. Even with my amendment they would have an additional $1 million.

Next item is the National Institute of Allergy and Infectious Diseases. My amendment cuts $2.3 million from that; $300,000 of this is for additional fellowships; $2 million would be used for increased organ transplant research. Again, the Institute does not spend all of its funds. In 1963, over $3 million of the amount appropriated was not spent by the Institute.

Mr. President, before I yield the floor, I wish to ask unanimous consent to have printed in the RECORD a table showing the amount of new obligated authority, the lapsing unobligated balances, and the percentage relationship for general research, for cancer research, and for research in: mental health, heart disease, dental, for metabolic diseases, for allergy and infectious diseases, and neurological and blindness work.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

National Institutes of Health

[Dollar amounts in thousands]

	GRS	NCI	NIMH	NHI	NIDR	NIAMD	NIAID	NINDB
FISCAL YEAR 1961								
New obligational authority	$83,900	$111,000	$95,761	$86,900	$15,500	$61,200	$44,000	$49,600
Unobligated balance lapsing	$860	$5,185	$4,261	$1,476	$972	$3,138	$680	$1,858
Percent unobligated	1.7	4.7	4.4	1.7	6.3	5.1	1.5	3.7
FISCAL YEAR 1962								
New obligational authority	$127,589	$142,738	$108,838	$132,862	$17,335	$81,802	$56,074	$70,762
Unobligated balance lapsing	$10,773	$27,273	$1,526	$22,241	$2,476	$3,765	$1,846	$8,755
Percent unobligated	8.4	19.1	1.4	16.7	14.3	4.6	3.3	12.4
FISCAL YEAR 1963								
New obligational authority	$159,703	$155,697	$143,575	$147,374	$21,199	$103,388	$66,137	$83,472
Unobligated balance lapsing	$24,167	$27,146	$5,128	$29,883	$1,448	$9,133	$3,265	$10,045
Percent unobligated	15.1	17.4	3.6	20.3	6.8	8.8	4.9	12
FISCAL YEAR 1964 (ESTIMATE)								
New obligational authority	$154,206	$143,158	$176,165	$127,408	$19,166	$107,699	$67,117	$84,443
Unobligated balance lapsing	$4,922	$11,486	$9,212	$6,830	$192	$2,484	$680	$2,396
Percent unobligated	3.2	8	5.2	5.4	1	2.3	1	2.8

Mr. PROXMIRE. Mr. President, all of these are terrible scourges. The administrations of Eisenhower, Kennedy, and Johnson have done excellent work in combating these diseases. Congress also deserves a great deal of credit for taking the initiative in moving ahead. But the record is fraught year after year after year, one example after another when far more funds have been provided by us than inventive administrations can possibly spend.

Just last year, there was nearly $5 million lapsed in balances for general research; $11¼ million for cancer; $9,200,000 for mental health; $6,800,000 for heart disease; $192,000 for dental research; $2,484,000 for arthritis; $680,000 for allergy and infectious diseases; $2,300,000 for neurological and blindness work.

As I say, this is among the most constructive, satisfactory and laudable work that can be done in our country. It is a fact, however, and we know it, that we can and have appropriated more money than can be usefully used again and again, year after year after year. If the administration tells us what it wants, it does not make any sense that we should be giving them more, far more than the experts say they can use.

There is no doubt in my mind that every Senator is truly concerned about a balanced budget. All Senators wish to cut unnecessary spending, and are sincere about it. Well let us do it. Here is a constructive and logical chance. We should pare it down to a proper level, not an arbitrary or a meat ax level. We simply reduce to the level the administrators of the program say they can use. If we had a parsimonious kind of President or administration who was unconcerned about health, that would be one thing. But we have a generous open-hearted administration, and we know it.

In this single bill we have $1 billion over what we spent last year—$1 billion more; the least the Senate can do, in the interest of economy, is to keep the level of spending down on every item, at least to that level which the administration says is necessary to do the job.

Mr. STENNIS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. I invite attention to the proposed reduction in the Senator's amendment with reference to the control of tuberculosis. The Senate had a modest amount for a national program of distribution for that item, in round numbers a little over $4 million, based upon the testimony among others of the National Tuberculosis Association.

Now the Senator proposes the Senate disregard that recommendation and testimony. Does the Senator make this proposal based on his personal knowledge of the program or just the idea of someone else's?

Mr. PROXMIRE. The Senator from Mississippi knows perfectly well that the purpose of my amendment is to knock spending down to what the administration experts—who have considerable interest in this problem and who have lived with it and who understand it better than I do, and who understand it probably better than any other Senator—say they need and wish. They say in this case that the formula grant appropriation system is unworkable because there are a number of States that do not have a tuberculosis problem; still we provide funds for every State and disregard what is needed and what is most efficient.

Mr. STENNIS. I wish to make the point that the Senator does not have personal knowledge of these matters that he can testify to, to offset the testimony that is already in the RECORD as to the application of the money. I certainly am familiar with the explanation of it over a period of a great number of years. In my State, I do not know of any dollar that is spent for health purposes that does more good and reaches as many people in so many different walks of life. This is a statewide application of the program. Many years ago, we had an outstanding doctor, Henry Boswell, who was a pioneer in new ways of treating tuberculosis and also on preventing it, who achieved and deserved a national reputation in this field long before there was any national program or any Federal assistance in the field. We had one of the outstanding sanitariums in the Nation in Mississippi. That work has continued. It is necessary that it continue because we have a great number, as the Senator knows, of colored people there who are more susceptible to this disease than others, it seems, and this modern program with the Federal stimulant that comes along with these funds, which are still meager, takes these X-ray machines out on the highways and byways and really reaches down to all the people—with vast results obtained.

I was disappointed that the Senator would propose to reduce this meager fund, of all the funds he might select to reduce. I have been on the subcommittee a long while, and with all deference to those in charge of the budget, they seem not to ever have been much impressed with items of this kind that are distributed to the States. I have never found so persistent a need for money in this field as there is for new laboratories, new equipment, or something that might go into the offices.

I plead with the Senate, unless there is more evidence to offset the permitting recommendation, to let this recommendation be increased so that it can guarantee in my area of the country that this program would serve a laudable purpose and be a very effective program. It literally helps many thousands of people.

We have a State program that goes along with it. It is strange to me that we could spend 4 or 5 months here talking about a civil rights bill, and then come along a few weeks later and cut the heart out of some of these little programs and take their rights away from the people.

We have been proclaiming that we want to afford them all their rights. Of course we want to give them their rights. We also want to give them a little assistance here in the prevention of tuberculosis. With respect to the people that we do not reach in that way, we want to give the finest treatment that we can give. I am proud of the record of my State, and other States, in this fine field.

I urge the Senate to reject this part of the amendment. I shall vote against it.

Mr. PROXMIRE. I thank the distinguished Senator. A great deal of what the Senator says has merit. I am sure this is a fine program.

The Senator from Wisconsin is not against this program in any way, shape, or form. But I would like to point out that the facts show a 1964 appropriation of $6,850,000. This is to control tuberculosis. And the budget requested about $6,340,000 for 1965.

Now if there is any disease over which we have been making progress with the incidence of death dropping—it is tuberculosis. There are some other diseases, concerning which this cannot be said.

Yet in this case, the committee recommends a whopping increase. The recommendation is not for $6.8 million or $7 million but for $10,900,000 this 1 year. The House had already recommended $10,300,000. So a conference report will come up with about a two-thirds increase in 1 year to fight a disease which most of us recognize as a terrible disease. It has many victims. But it is relatively under control and death is declining sharply. The experts in the present administration, who have just as much concern about tuberculosis as any Senator, proclaim that what we need to do to meet this problem efficiently, adequately, and properly is to appropriate the amount of $6,340,000.

On the basis of my experience with budget experts, I have faith in their judgment. They are concerned. They care about curing this disease. They want to cure it as rapidly as they can. They feel perfectly free to come in and ask for as much money as they feel they can use efficiently.

Mr. STENNIS. Mr. President, with reference to the treatment of the disease, great progress has been made as a result of discoveries of better ways in which to treat the disease. But people are still susceptible to it. The child is susceptible to it. So is the young child, and the adult. In the case of earlier detection, which is so highly important, the need is as great as it ever was to carry on these fine programs.

We had gentlemen come up and testify in favor of a reduction in the item. In my standpoint, this should be the last, and not the first, item that should be reduced in the health program.

I thank the Senator for yielding.

Mr. BYRD of West Virginia. Mr. President, the distinguished Senator from Mississippi has already made a very cogent statement in opposition to at least one of the provisions of the amendment offered by the Senator from Wisconsin [Mr. PROXMIRE].

The Senator from Mississippi has been talking about the incidence of cases of tuberculosis and the grants that have been made in our war upon this disease.

The Senator from Wisconsin referred to the incidence of tuberculosis as being a declining incidence. The facts do not support the contention made by the Senator from Wisconsin. The facts show that the incidence of tuberculosis is increasing.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. PROXMIRE. What I was trying to bring out was that all the medical evidence indicates that we are winning the great struggle against tuberculosis. The point made by the Senator from West Virginia [Mr. BYRD] is correct. I am sure the incidence is increasing. But I believe that everyone who has traveled in any of our cities or small towns is familiar with the presence of the tuberculosis buses and the X-ray machines which detect tuberculosis now, as never before, and on a much more widespread basis.

This does not mean that there is more tuberculosis. This means that we know when and where tuberculosis occurs now. We are in a much better position to find out the number of cases. The number of people who are dying from tuberculosis is something else again. That figure is declining, and sharply. There again, we are in a much better position to analyze the cause of death than we ever were before.

On the basis of the evidence that I have seen, and I think it is correct, the advice of our top experts is that this spending can be leveled off. Certainly it does not warrant a two-thirds increase this year.

Mr. BYRD of West Virginia. Mr. President, I call attention to the fact that more than half of the 53,315 tuberculosis cases reported in 1962 involved persons over 45 years of age. I also call attention to the fact that 6,000 of these cases involved children younger than 15 years of age. These 6,000 children had active cases of tuberculosis. They were not just tuberculin reactors. They were active cases. Some of them had the adult type of pulmonary tuberculosis.

The fact that children in our society have tuberculosis to this degree indicates a failure in the present control of the disease. It also indicates a future growing problem in this area.

I call attention to a table which appears on page 1648 of the hearings. This table refers to various sections of the country. It states the number of active cases existing during the years 1962 and 1963, and the percentage of change.

For example, in the city of Akron, Ohio, in the year 1963, there was a 50.7-percent increase in the number of new active cases. In Baltimore, Md., there was a 10.9-percent increase. In Dallas, Tex., there was a 39.3-percent increase. In Dayton, Ohio, there was a 14-percent increase. In Nashville, Tenn., there was a 23.5-percent increase. In Newark, N.J., there was a 16-percent increase. In Oklahoma City, Okla., there was a 32.3-percent increase. In Seattle, Wash., there was a 34-percent increase.

Those are statistics that I take from the table for just a few cities to indicate that the number of new active cases in various urban areas of the country is increasing.

The committee felt that it should provide an appropriation which would be in keeping with the recommendations of the Surgeon General's Task Force on Tuberculosis Control. The task force recommended a number of things to the committee. Several recommendations were presented by the task force. Among them are the following:

Improved and expanded services to unhospitalized active cases, and to inactive cases for that very vulnerable period 5 years after they first become inactive; an expanded program of identifying persons who present a risk of inflicting their younger generations; a program of tuberculosis testing of school children; examination of the associates of those persons who react.

Additionally, it was recommend that steps be taken to adapt the automatic data processing technique to tuberculosis with the thought of developing a central intelligence center.

Those are but a few of the recommendations that have been made by the task force on tuberculosis.

The Senator from Wisconsin speaks about people downtown and what they recommend. He has indicated that the people downtown feel that the amount of money recommended is more than is needed.

Mr. President, the people downtown to whom the Senator refers are clerks in the Bureau of the Budget. They are not medical experts. They are not people who can competently speak to the subject. They are clerks, and they have various responsibilities. Of course, they cannot speak as can eminent physicians, scientists, and medical people who appeared before the committee, who have recommended the appropriation, and who feel that it is necessary if we are to regain the ground that we have lost, for we have been losing ground. I trust that the recommendation of the committee will be upheld by the Senate.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Yes, I yield.

Mr. PROXMIRE. I ask the Senator to turn to the hearings from page 1648 to 1650. He will see there a chart which details the death rate of tuberculosis per 100,000. He will observe that the rate has gone down from 24,000 deaths in 1952 to 11,000 deaths in 1959 and 9,500 deaths in 1962. I repeat the death rate from TB is dropping continuously and sharply.

The decline has been substantial and continuous. The only way that we can square the sharp increase in some cities in detection with a very sharp drop—an encouraging and quick drop—in the death rate as a result of tuberculosis, is, as I have said, by pointing out that the detection of tuberculosis, the determination of the people who have tuberculosis at an early stage, has been greatly stepped up. Tuberculosis is being brought under control. The battle is being won.

The Senator has referred to the people downtown as clerks.

The fact is that the budget must be approved by the President of the United States, a man who served in this body for many years, who served in the House of Representatives for many years; a man who has as good a grasp of budget procedure as any President we have had in a long time. He is a man who would not delegate the responsibility of a life and death program of the kind of which we are speaking to someone who had no understanding, experience or sympathy.

The same people who appeared before the Appropriations Committee to testify appeared before the budget expert. The only difference is that the budget expert can concentrate and, by specializing, can spend years and years on these programs and nothing else. Those experts are carefully selected by the President as a result of their expert background and their knowledge of what they are talking about.

I do not believe that an accurate picture is given by the statement that the people downtown are clerks and know nothing about what the situation is—the statement implies that they have no sympathy toward or understanding of the medical procedures. Experts who specialize have been selected for that work by the President of the United States. They can be discharged or replaced by the President of the United States.

If those experts say that a certain amount of money is sufficient to do the job, particularly in view of the statistics which show a declining death rate from tuberculosis, their recommendation is adequate and fair, especially when the budget for these agencies alone is $1 billion higher—not lower—higher than it was last year.

Mr. BYRD of West Virginia. Mr. President, the Senator from West Virginia was not speaking of deaths resulting from tuberculosis. The Senator from West Virginia was referring to the increasing incidence of cases; and the incidence is on an upward curve. The people downtown are experts in their own field, but they have no medical competence.

I say to the Senator from Wisconsin that those who appeared before the Bureau of the Budget are not the same people who appear before the Senate Appropriations Subcommittee handling the bill.

The senior Senator from Alabama [Mr. HILL], who has presided over the subcommittee over a period of at least 10 years, and who has sat almost alone year after year in the hearings, is a pretty fair judge of the medical competence of individuals who appear before his committee year after year and urge the appropriation of adequate funds with which to deal with this and other diseases. All of the State health officers—and they are men and women who are competent to advise us in this field—support the appropriation as we have it before us.

I feel that the Senate would wish to trust the judgment of the State health officers of the various States. It would want to trust the judgment of the qualified people in the Department. It would want to trust the judgment of the Senator who has so long presided over the hearings of the subcommittee. Those are the people who, it seems to me, speak wisely and knowledgeably in this field.

The Senator referred to the President. So far as I know, the President has always supported the recommendations of the subcommittee and the full committee with regard to grants in this area.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from New Hampshire.

Mr. COTTON. I should like to interpolate that I seem to recall, and the RECORD shows, that outside witnesses before our subcommittee, most of them doctors and experts engaged in various parts of the country in the detection and the combating and the eradication of tuberculosis, came in and asked us for an extra $40 million because of what they considered to be a grave situation confronting the country rather unexpectedly at a time when it was generally supposed that we had tuberculosis on the run. Of course, we could not go that far and did not go that far. But that is certainly evidence of the fact that the subcommittee, including the chairman, the Senator from Alabama [Mr. HILL] tried to stay within economical grounds, and recommend only what seemed to be absolutely necessary. We agreed to that.

Mr. BYRD of West Virginia. The Senator is correct. The worksheets used by our committee will show that the request was for $40 million.

Included in the amendment offered by the Senator from Wisconsin is a reduction of $175,000 for the National Institute of Arthritis and Metabolic Diseases, a reduction of $2.3 million for the National Institute of Allergy and Infectious Diseases, a reduction of $1.44 million for general research services, and a reduction of $10 million for special cancer research.

The Senator from Wisconsin is not attempting to cut the amount back to the budget estimate. The estimate is in the amount of $956,492,000. He would go below this.

The committee, with regard to all of the Institutes with the exception of one, went along with the estimate and merely readjusted within that total. So the overall total, with the exception of $10 million for special cancer research, is the same as the budget estimate.

If the Senator from Wisconsin has his way and the Senate reduces the amounts for the National Institute of Allergy and Infectious Diseases, the National Institute of Arthritis and Metabolic Diseases, and so forth, he will thereby be going below the estimate, because the estimate is $956,492,000. That is precisely the amount the committee recommended—except for the $10 million—and the readjustment was made only within the total.

One more thought, and I shall say no more about the amendment of the Senator from Wisconsin. I shall not attempt to deal with each aspect of his amendment, but I wish to say a few words concerning the $10 million the committee added for special cancer research. I am sure the Senator from New Hampshire [Mr. COTTON] will also want to say a few words on that subject.

Mr. President, we stand on the threshold of exciting new discoveries in the field of prevention and treatment and cure of leukemia. Recent developments have been so rapid that we have had to use the approach here used. The information that was brought to the attention of the committee was not known in time for a request to be made to the Bureau of the Budget and thus to travel through the normal channels. So it came to the committee in the form of a special report.

Two hundred and ninety thousand persons die annually from cancer. Of these 290,000, approximately 15,000 die from leukemia, mainly children. Heretofore, and today, leukemia was and is considered to be an incurable disease, although considerable progress has been made in recent years with respect to the development of palliative drugs, drugs which will delay the develoment of the disease. But up until this point, there is no known, sure cure for leukemia.

Leukemia is the second greatest killer of children, ranking second only to accidents. In the recent past, children afflicted with leukemia could be expected to live only for a very few weeks. Then the average period of life was extended through drug therapy to 6 months. I think about 80 children have been treated with various new drugs and have lived for a period of 5 years subsequent to the initial discovery of the disease. So we have been making some slow progress, but, as I say, recent scientific discoveries have been brought to the attention of the committee. They have indicated that we do, indeed, stand at the door of what may be an exciting breakthrough in our effort to make war upon and conquer this dreadful disease.

Mr. President, it appears possible that a vaccine may be developed, such as the polio vaccine, which can prevent the incurring of this disease. Time is of the essence, and it is necessary, if we are to take advantage of new discoveries, that we make this initial appropriation, which is the beginning of a 2- or 3-year "crash" program.

Those who work in research on this disease and who will attempt to determine whether or not it is actually caused by a virus, to determine whether or not that virus is transmitted to man by animals, and who will attempt to grow these viruses in tissue culture in such amounts that a vaccine can be developed are going to be in considerable danger. Therefore, it is necessary that we make an appropriation large enough so that adequate laboratory facilities may be constructed to provide protection to the scientists and researchers who will be working in this field, so that they may mount an aggressive, determined program to deal with what heretofore has been a sure and terrible killer.

If efforts are successful in this regard, it is hoped that we shall have opened the doors to the prevention and cure of other types of cancer. It is felt this may be a model program for dealing with other types of cancer.

It would be a great mistake for the Senate to adopt the amendment offered by the Senator from Wisconsin in this regard in particular, and in other regards as well, but especially in respect of this item. The subcommittee and the full committee, I think unanimously, favored this item. I do not recall that any attempt was made in the full committee to delete the item, and I was present when the subcommittee marked up the bill. Unfortunately, the Senator from Alabama [Mr. HILL] was not able to be present when the full committee acted. All who spoke on it spoke enthusiastically about it. I do not recall any item that has ever been before this committee or any other subcommittee or committee of which I have been a member in the 12 years I have been in the House and Senate that has been so enthusiastically and unanimously received—certainly as far as the full committee and subcommittee were concerned—as was this item. It would be a grave, unthinkable, and unforgivable error for the Senate, today, to approve the amendment which has been offered by the Senator from Wisconsin, to strike this item from the bill.

Mr. COTTON. Mr. President, the Senator from New Hampshire will not take any more time, other than to make a statement in one sentence, and to ask the distinguished Senator from West Virginia a question.

First, the Senator from New Hampshire is in complete agreement with every word the Senator from West Virginia has said.

Second, so far as the Senator from New Hampshire is concerned many times I have perhaps, leaned over backward and have earned the reputation of being an "aginer" with regard to appropriations. However, this type of item gives one the feeling of satisfaction that he had an opportunity to be in the Senate to help obtain this money for this purpose.

The question I wish to ask the Senator from West Virginia is this:

First, the Senator from Wisconsin is very thorough and logical in his approach on all these matters. He has called attention to the fact that the Bureau of Cancer Research ought to absorb this extra-substantial amount. I respect him for that. In many cases, we find that bureaus and departments could absorb some of these expenses.

However, I ask the Senator from West Virginia if it is not a fact that the appropriation for cancer research is already very carefully designated and held to the minimum for all kinds of cancer research, and that there is no research more important in this country.

Second, is it not the further fact that those who are seeking this help from the committees of Congress, in order to develop the vaccine and in order to try to make a breakthrough on leukemia, felt it is necessary to have $25 million, not $10 million; and that it was the distinguished chairman of the subcommittee, the Senator from Alabama [Mr. HILL] who felt that we should provide $10 million with which to proceed, and that he hoped they would find some means of reinforcement by rigid economy from their general appropriation, even though it was committed?

We have already cut the amount from $25 to $10 million.

Mr. BYRD of West Virginia. The Senator is correct. They requested $30 million for special cancer research, and the 1965 estimate is fully committed. There is no surplus. I should like to read a sentence from a letter written to us by one of the experts downtown, and I use the word "expert" advisedly, because he is a competent medical expert. He is Dr. Shannon, the Director of the National Institutes of Health. This is what he says in a letter to the chairman of the subcommittee:

> A substantial amount of the information contains unpublished data controlled by individual scientists. * * * We believe the findings to be highly significant and directly pertinent to the problems under discussion.

He goes on to say:

> The sum total of the information now available seems to provide a sound basis for expanding research on the causation and treatment of leukemias. It would also appear that leukemias provide an excellent model for a broader program in virus-cancer research.

Mr. President, I have nothing further to say on this subject. I am willing to let the case rest here. I am ready to vote.

Mr. PROXMIRE. Mr. President, the distinguished Senator from West Virginia and the distinguished Senator from New Hampshire have rested most of their case on opposition to the cut in the cancer fund. It is true that additional information was furnished to the committee after the budget request was made. It was indicated that there might be an encouraging opportunity for progress on a special cancer virus.

My staff called the budget experts. We said to them, "In view of this new information, would you advise that an additional $10 million be appropriated, as the Appropriations Committee recommended?"

They said, "No." They said, as the distinguished Senator from New Hampshire has indicated, that the cancer institute should use funds that have been approved by the Bureau of the Budget for this purpose.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. COTTON. Is not the Senator fully aware of the fact that under the law, they are compelled to stand on the recommendation of the Bureau of the Budget, and that they could be discharged or lose their jobs if they dared, in speaking to a Senator or Representative, without some other authority, to go back on the recommendation of the Bureau of the Budget?

Mr. PROXMIRE. No, indeed.

Mr. COTTON. I do not mean in a formal committee hearing. If they come into a formal hearing and a Senator says to them, "Is this what you are asking for, or what the Bureau of the Budget is asking for?" A witness can say, "No. We are asking for more." What does the Senator think would happen to someone, a subordinate in the Bureau of the Budget, who told a Senator that the recommendation of the Bureau of the Budget was not right?

Mr. PROXMIRE. The answer to the distinguished Senator from New Hampshire is that we secured an honest and direct answer. We did not put the question as the Senator from New Hampshire suggested. We asked if in the expert's judgment there was a substantial reason for an increase on the basis of new information. We did not settle on this one matter either. And the budget experts did feel free to tell us when new information suggested a change. For instance, we asked about the water pollution laboratory at Ann Arbor, Mich., for example. There was a feeling that new facts had been adduced since the budget requests were made. It was felt that this justified the amount requested by the Appropriations Committee over the budget request. They told us so. Whereas I was going to ask for a cut in that item, I eliminated it, on the basis of the advice of experts downtown, which showed that the money for the water pollution laboratory at Ann Arbor was justified. I went along with it.

The Senator has said that the cancer research is tight and that they need every dollar that they have asked for. I call attention to what has happened every year for the past 3 years.

In 1964, they had $143 million in new obligational authority.

In 1963, they lapsed $27 million. They could not spend that money. They met all of their first, second, and third priority programs. They still had $27 million that they could not spend.

In 1962 they lapsed $27 million.

I say to the Senator that if this were the first National Institutes of Health budget that I had seen, I would "buy" the proposal of the Senator from New Hampshire instantly. However, he and I and others have been through this process often enough to know that there is plenty of money in the cancer institutes to make this cut. There is ample money for them. It is adequate to provide for this research. That is based on our experience with them in the past. I predict that even if we do not provide the additional $10 million, they will lapse millions, which they will not have found a way to spend.

Mr. President, that is all I shall say, except that I hope Senators will recognize that this amendment affords a real opportunity to vote for economy, to stand shoulder to shoulder with President Johnson. This is his program. This is what he says he wants. He does not want additional money. The bill provides a billion dollars more than the bill last year. When the administration says it needs a certain amount to do the job, the Senate should respect that request, and perhaps reduce the amount below the request, if it thinks the department does not need it. But under no circumstances should we say, "You should take more money and spend more than you think you need to do the job, or the experts who are doing the job downtown think is needed."

Mr. BYRD of West Virginia. Mr. President, the Senator from Wisconsin has indicated that the President does not want the additional $10 million. Will the Senator indicate whether he has communicated with the President to determine that the President does not want the additional $10 million?

Mr. PROXMIRE. In the course of his remarks, the Senator from West Virginia said something to the effect that when President Johnson was a Senator, he always went along with the Committee on Appropriations. The Senator from West Virginia knows that if we have ever had a President who has the capacity, the power, and the will to control the people who are subordinate to him, it is President Johnson. I am sure Lyndon Johnson would not permit half a million, let alone $40 million, of inadequate requests to go to Congress. He is asking for every nickel that he wants.

Is the Senator from West Virginia implying that President Johnson does not have control over the Budget Bureau and the Department of Health, Education, and Welfare, or that he does not know what is going on?

The Bureau of the Budget is an arm of the President. President Kennedy called the Budget Director his "no-man"; his "no" agency. It is close to the President. It does what the President wants. All the President has to do is to pick up one of the telephones on his desk and say, "Increase the request," and it will be done.

The President has studied the budget carefully and knows it inside out. He sends requests to Congress that embody what he wants and all he wants. He certainly is asking for every penny that is needed.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. Proxmire].

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Wisconsin. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Arkansas [Mr. Fulbright], the Senator from Michigan [Mr. Hart], the Senator from Alabama [Mr. Hill], the Senator from Florida [Mr. Smathers], and the Senator from Tennessee [Mr. Walters] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that, if present and voting, the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Nevada [Mr. Cannon], the Senator from Michigan [Mr. Hart], the Senator from Alabama [Mr. Hill], the Senator from Massachusetts [Mr. Kennedy], the Senator from Florida [Mr. Smathers], and the Senator from Tennessee [Mr. Walters] would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. Hickenlooper] is absent on official business as a delegate to attend the meetings of the Interparliamentary Union at Copenhagen, Denmark.

The Senator from Kentucky [Mr. Cooper], the Senator from Arizona [Mr. Goldwater], the Senator from Iowa [Mr. Miller], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

If present and voting, the Senator from Kentucky [Mr. Cooper], the Senator from Iowa [Mr. Miller], and the Senator from Kansas [Mr. Pearson] would each vote "nay."

The result was announced—yeas 6, nays 79, as follows:

[No. 550 Leg.]

YEAS—6

Allott
Dominick
Douglas
Lausche
Proxmire
Robertson

NAYS—79

Aiken
Anderson
Bartlett
Bayh
Beall
Bennett
Bible
Boggs
Byrd, Va.
Byrd, W. Va.
Carlson
Case
Church
Cotton
Curtis
Dirksen
Dodd
Eastland
Edmondson
Ellender
Ervin
Fong
Gore
Gruening
Hartke
Hayden
Holland
Hruska
Humphrey
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Jordan, Idaho
Keating
Kuchel
Long, Mo.
Long, La.
Magnuson
Mansfield
McCarthy
McClellan
McGee
McGovern
McIntyre
McNamara
Mechem
Metcalf
Monroney
Morse
Morton
Moss
Mundt
Muskie
Nelson
Neuberger
Pastore
Pell
Prouty
Randolph
Ribicoff
Russell
Salinger
Saltonstall
Scott
Simpson
Smith
Sparkman
Stennis
Symington
Talmadge
Thurmond
Tower
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.
Young, Ohio

NOT VOTING—15

Brewster
Burdick
Cannon
Clark
Cooper
Fulbright
Goldwater
Hart
Hickenlooper
Hill
Kennedy
Miller
Pearson
Smathers
Walters

So Mr. Proxmire's amendment, No. 1241, was rejected.

Mr. LAUSCHE. Mr. President, I call up my amendment No. 1242 and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

The Legislative Clerk. On page 22, line 1, it is proposed to strike out "$23,012,000" and insert in lieu thereof "$21,512,000".

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request. I ask unanimous consent that there be 80 minutes on the pending amendment, with 40 minutes to a side, the time to be divided between the Senator from West Virginia, the chairman of the committee, and the sponsor of the amendment, the distinguished Senator from Ohio [Mr. Lausche].

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LAUSCHE. Mr. President, I feel certain that I shall not use my full 40 minutes.

Under the chapter in the bill entitled "Public Health Service," there is an appropriation of $23,012,000 to be used for investment in buildings and facilities, and included in that item of $23,012,000 is the sum of $1.5 million to be used for the preparation of plans and specifications, the basis for the development of an Environmental Health Center in Beltsville, Md., as I understand.

At this point I should like to inquire of the Senator in charge of the bill if it is his understanding that the judgment has been made to build the Environmental Health Center at Beltsville, Md.?

Mr. BYRD of West Virginia. According to the information given to the committee, the Department of Health, Education, and Welfare has decided to locate at least the major portion of the facility at Beltsville, on land which will be given to the Public Health Service by the Department of Agriculture at no further cost to the Government.

Mr. LAUSCHE. Mr. President, with respect to this item, I do not mind stating that while in a substantial degree it concerns Ohio, it also concerns the treatment that is being accorded to the Midwestern States by the U.S. Government in the assignment of research, development, and electronics works, and the establishment of centers.

In 1913, in Cincinnati, Ohio, the Federal Government established an Environmental Research Center. Initially the work dealt with the impact that environment has upon health, and dealt with polluted waters. The Public Health Service Center was established in 1913 specifically to study the Ohio River, which flows by the city's doorstep. By the turn of the century, the blue Ohio River and many of the tributaries were badly polluted with sewage. The areas of the country with congested populations, situated on rivers, were likewise affected by polluted waters.

While I do not have the figures, undoubtedly by 1913, health experts became concerned about the damaging impact that contaminated waters had upon the health of human beings. The Public Health Service chose Cincinnati as the basic center for the establishment of the research work on polluted waters. Since that time, this health center has grown. It has taken on a number of functions which deal with health.

The trend toward growth is manifested especially by the fact that a number of divisions have been established at that center since 1913. Division No. 1 is the Division of Water Supply and Pollution Control. Division No. 2 is that of Air Pollution and Cures. Division No. 3 is that of Radiological Impact Upon Health. Division No. 4 deals with environmental engineering and food protection.

In addition, there is a very active operation in Cincinnati which deals with research concerning the effect that occupations have upon health. This institution had its beginning in 1913. It is at present the center of environmental research work with respect to the effect that contaminated waters, contaminated air, contaminated food, and other contaminations in our environment have upon human health.

We are proud of this center. We do not want the Federal Government to take action now that is likely to erode the great growth that we have experienced in that work.

The issue comes before us on the basis of the plan, developed about 3 years ago, for the establishment of a $70 million health center in Washington. After arguments had been made, the Department of Health, Education, and Welfare reduced the estimated cost of the Beltsville area health center from $70 million to $35 million.

My concern about the Ohio installation revolves about the fact that the officials of the Cincinnati area, my colleague and I cannot learn from the Department of Health, Education, and Welfare what is contemplated to be the eventual destiny of the Cincinnati installation.

In July of this year, the magazine Science published an article, which reads in part:

> There is a new dimension of public health activity which figures in the controversy over the location of the Environmental Health Center proposed for the Washington area by the Public Health Service of the U.S. Government. The proposals, vicissitudes in Congress, and what, from the outside, appears to be Public Health Service uncertainty on just what kind of center it wants, leave it a matter of speculation as to whether the installation would be an administrative headquarters or a center for basic research on problems of environmental health.

I candidly say to my colleagues—and I say it with sincerity—that I am not able to find out whether this $35 million installation in Washington is to be an administrative center that will coordinate with the activities of environmental health research throughout the country, or whether it will become the center of active research.

I have read the record. There are some statements made to the effect that that issue had been clarified. But a thorough and careful examination of the record will not corroborate that conclusion.

The $1,500,000 was not allowed by the House. The House turned it down. And in turning it down, the House committee, in its report filed with the House of Representatives, stated:

> The committee has disallowed the request for $1,500,000 to plan environment or health facilities. As has happened in connection with past requests for this facility, or these facilities, as the case may be, the committee was presented with a considerable amount of confused and indecisive information.

Representatives of the Public Health Service testified on this item that they were not able to tell the committee where the facility or facilities would be located if Congress appropriated the funds. It was not until the last day of the committee hearings with the Department of Health, Education, and Welfare officials that the Secretary presented anything approaching a definite program.

(At this point Mr. SALINGER took the Chair as Presiding Officer.)

Mr. LAUSCHE. I now call the Senate's attention to the testimony given to the Senate Committee on the item. Mr. Kelly appeared before the committee and testified—

> Senator BYRD, I think that the very large figure in the $70 million came from testimony which I gave originally with respect to it and has been picked up.

That is the end of the quotation for the time being.

Originally an appropriation of $70 million was intended. The testimony of Kelly on this subject finally was that, "We only want $35 million, but we have not at all changed our plans for a $70 million enlargement to enable us to hire and accommodate 4,000 people." The $35 million installation will accommodate 1,600. Whether they will be administrative officials coordinating the activities throughout the whole country we do not know. We do not know whether they will start doing the research work actively in Washington.

To corroborate what is intended, Mr. Kelly further said—

> For the purpose we said that we ought to secure enough land and we ought to plan in such a way that perhaps at some eventual date we could house as many as 4,500 people.

My inquiry is as follows: Would those 4,500 people work on actual research or would they be administrators coordinating the various research work which would be done throughout the country? Why did the agency ask for $70 million 3 years ago? Why are they down to $35 million now? No adequate explanation has been given. There is confusion in the minds of those in charge. If they are confused, how do they expect that the people in Cincinnati, my colleague from Ohio [Mr. YOUNG], and myself should have a clear view as to what they contemplate?

I submit to my fellow Senators, "If you were in my place, and for 51 years your community was the center of research work on environmental contamination, and you were faced with a decision of the Federal Government to establish a $70 million enterprise or installation in Washington, would you be justified in becoming alarmed as to what was going to happen to your installation?"

I think the question answers itself. If I did not appear on the floor of the Senate to present this argument, I would be unfair to the citizens of Ohio. I would not be performing my duty, not only to the citizens of Ohio, but also to that entire area.

Mr. President, the Midwestern States I mentioned a moment ago should have a concern about what is happening respecting this installation. The Midwestern States have suffered a shock and erosion by reason of the assignments of work that come from the Federal Government.

In 1952 the assignments amounted to $34 billion for the Midwestern States. In 1962 they were down to $25 billion.

The Midwestern States are suffering a population growth. In the entire country since 1952, population growth has been 18.8 percent; in the Midwestern States it has been 16.4 percent.

In manufacturing jobs throughout the country the increase has been 14.4 percent; in the Midwestern States it is up 6 percent.

In personal income throughout the country the increase since 1952 has been 63.4 percent; in the Midwestern States it is up 52.9 percent.

There are not many Senators in the Chamber at the present moment. There are a number from the Midwestern States. But I feel rather certain that they are becoming concerned about the erosion that they are suffering because of the movement that is taking place economically throughout the country. I am not begging the Federal Government to give Ohio what it is not entitled to. But I cannot be silent when I witness the possibility of the Federal Government taking away from Ohio and that entire economic area this installation of the Federal Government.

Cincinnati officials have asked me, "What can we expect if the $70 million center is built in Washington? Can we expect that our activities will be diminished? Will they be allowed to remain as they stand, or what will happen?" I cannot answer the question on the basis of the information that is available to me.

The $70 million plan has not been abandoned. The $35 million plan, embracing the employment of 1,600 employees, according to Kelly, is a temporary one. The ultimate purpose is to expand that activity so as to make it adequate to cope with this general problem, and it is a serious one, confronting the country. I do not wish Senators to think that I feel that the operation is unessential. I think it is one of the gravest importance, but there is no reason to believe that only in Washington can it be performed.

I now wish to enter into a discussion of another subject, which I believe ought to concern every Senator living in the interior of the United States. To preface my remarks, I wish to quote what the distinguished Senator from West Virginia [Mr. BYRD] so ably said in the hearings:

> I heretofore, as you know, have opposed the location of the facility in the Washington area. My opposition has been based largely on my concern regarding the growing traffic congestion and the increasing concentration of research facilities in the District of Columbia metropolitan area. I felt also that national defense factors should be considered and if properly considered would probably dictate against adding such a large new activity to the research complex already here, but I certainly believe any further delay regarding the location of this facility will react to the detriment of our people.

I venture to say that it was about 22 years ago that I first heard the argument of decentralizing activities by way of industrial and population growth so as to minimize the destructive impact that might come in a time of war.

As Governor of Ohio, I took the platform in various places urging decentralization. I exerted my efforts to bring new businesses into Hillsboro, Circleville, Chillicothe, Waverly, Napoleon, Ohio, and other places away from the congested areas. I did so primarily because I believed it was economically unsound to be building skyward in areas where populations were congested, to the point that we had breeding places of crime, disease, and indifference to social responsibility.

Yet in Washington, and in other places, completely contrary to that philosophy, the purpose is, "Add to the congestion." Today they are asking us to add more people to this community. Tomorrow they will be pointing out the crime which is prevalent, the inability of the bus system to carry passengers, and the inadequacy of the bridges crossing the Potomac. I cannot understand how those arguments can be reconciled.

We have a conflicting situation: The U.S. Government, through the civil defense agency, is marching up and down throughout the country urging communities to decentralize. The Congress is appropriating money for the hiring of agents in the civil defense agency who advocate decentralization. At the same time we in this Congress are enacting legislation—and this $1,500,000 will be only the beginning of such legislation—that can only result in additional concentration of activities in this city.

I speak not only with regard to the Environmental Health Center. Dayton, Ohio, is the cradle of aviation, the birthplace of the Wright brothers, the ground where they had their bicycle shop and used their imagination to devise an instrumentality heavier than air that could be projected into the air. So Dayton is known as the cradle of aviation. It has what is known as the museum of the development of airplanes. I am witnessing there an erosion of those operations.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that for many years the Smithsonian Institution made every effort to deprive the Wright brothers of the credit for first developing the heavier than air flying machine and tried to give it to Samuel P. Langley, who was then Secretary of the Smithsonian Institution?

Mr. LAUSCHE. That is correct.

Mr. DOUGLAS. Is it not true that the Wright brothers were compelled to send a copy of their airplane to England before it would be accepted in Washington?

Mr. LAUSCHE. That is correct.

Mr. DOUGLAS. Is it not true that there is a continuous prejudice against the Middle West and middle western scientists on the part of most of the Government bureaus in Washington?

Mr. LAUSCHE. I am glad the Senator from Illinois has brought up that subject. It is a very important one. A member of the U.S. Government made the statement that the Middle West is not getting an assignment of research development and electronic work because it does not have the scientists. He did not use the word "scientists." He said, "The Middle West does not have the brains."

I have a table before me that I would like to place in the RECORD, showing in what areas of the country the scientists, the engineers, and the doctors of philosophy of being graduated and from what institutions of higher learning. The record will clearly show that it is the Middle West that is graduating the men who play such an important part in this scientific age of great miracles.

This will be of interest to the Senator from Illinois. On scientists only, Illinois leads the Nation.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. DOUGLAS. Is it not a fact that on the faculty of the university with which I was connected, the University of Chicago, there were more Nobel Prize winners in physics and mathematics than there were in any college or university in the world with the exception of Cambridge in England?

Mr. LAUSCHE. I did not know that.

Mr. DOUGLAS. That is true.

Mr. LAUSCHE. A moment ago I spoke about graduates and mentioned that Illinois led in scientists alone. Now I speak of graduates in the field of science, philosophy, and engineering. Illinois is second in that field. Wisconsin is third in the second field. Michigan is sixth. Ohio State is third.

In science alone, Illinois leads. Wisconsin is third. Purdue, which is in Indiana, is fourth. Michigan is sixth. Ohio State is eighth. Iowa State is seventh. That is in the Middle West, adjoining Illinois.

Mr. DOUGLAS. Mr. President, will the Senator yield further?

Mr. LAUSCHE. I yield.

Mr. DOUGLAS. Would not the scientists of the East like to tell the country that the country consists of skim milk in the Middle West and cream in the East and Pacific coast, instead of being made of homogenized milk?

Mr. LAUSCHE. I do not want to get into an altercation over the areas that have obtained these assignments, but the fact is that we are graduating scientists in the Midwest and we are witnessing their movement to other places in the country. That, I think, applies to practically the whole gamut of States. It is for that reason that I am making this argument today on a broader scale than its mere application to the Environmental Health Center at Cincinnati.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Ohio has 8 minutes remaining.

Mr. LAUSCHE. I yield 5 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, for 5 years I have followed this matter in the Appropriations Committee. In each of the 5 years the appropriation for the Environmental Health Center has been turned down. I shall speak from a different angle than the one which the distinguished Senator from Ohio has employed. I agree that he has a case, and a great case, that the Environmental Center in Cincinnati should not be despoiled and diluted until there is nothing left there.

There is too much of a feeling that there is nothing but cream in the Eastern States and that the skimmed milk comes out of the West and Midwest. The facts, the products of men's minds, do not justify it. The real issue is that $70 million was requested for an Environmental Health Center. What were they to do with it? They did not know. They have never been able to make a concrete enough case to Congress to get it through Congress.

I have looked through some of the appropriations which touch on the following subjects: air pollution; chronic diseases and health of the aged; communicable disease activities; community health projects and research; environmental engineering sanitation; environmental health aspects; foreign quarantine activities; occupational health, radiological health; waste treatment works construction; water supply; and water pollution control.

These are only a few of the items in the bill already being undertaken under the environmental work of the Public Health Service. These items total $419,329,000.

Does any Senator, or anyone else in the United States, believe that this move will stop a single bit of the work or a single dollar of the money that is being spent in these areas, and bring all of it into Washington?

What they are trying to do in a very hazy and, I must say, fuzzy way, is to develop a sort of a super center here, with the same work still being carried on in the field, where it will go on as it is, but with 1,600 more employees and an expenditure, they now say, of $34 million, rather than $70 million. That is what they would pile on top of all this program. If there ever was a case of extreme bureaucracy and a demonstration of Parkinson's law in motion and running at full tilt, it is this.

Unless Congress puts its foot down and says it must stop, it will not stop.

We have an environmental center at Cincinnati, in a region which has a wealth of brains, despite what some people think, in a region which is near the center of the country, and which has better access from all of the States in the United States. That is where we ought to develop, if we are to develop, an Environmental Research Center.

We have turned this proposal down year after year. I feel perfectly justified, as a member of the Appropriations Committee, in speaking as I do, because I offered an amendment in the Appropriations Committee to strike this item. Unfortunately it was at a bad time, and it did not succeed. I say to the Senate that if we approve this item we shall be making a serious mistake. We shall be establishing a bureaucracy on a bureaucracy which has already become overloaded and overheated.

I yield back whatever time I have remaining.

Mr. LAUSCHE. Mr. President, I reserve the balance of my time.

Mr. BYRD of West Virginia. I yield to the Senator from Ohio such time as he may require.

Mr. YOUNG of Ohio. I am very much incensed over what is contemplated. We have had this facility for 51 years in my State of Ohio. I am in complete accord with the statements made by my distinguished colleague, the senior Senator from Ohio [Mr. LAUSCHE]. In Ohio we know we have the capability, the brains, the know-how, and the fine institutions to supplement environmental health research work. The Taft Center at Cincinnati has a great history and tradition behind it, and it has been rendering a much needed service. It would be unthinkable to diminish it and concentrate its functions in the Washington area, in Maryland.

My colleague from Ohio made a most convincing argument in favor of his amendment. It is unfortunate that more Senators are not on the floor to hear the subject debated, as there is a tendency to uphold the provisions of the bill before us. No more meritorious amendment has been offered during the entire session than the one offered by my colleague.

It would be unfortunate if the facility at Cincinnati were diminished at great expense to the taxpayers of our country, because new buildings would have to be constructed if identical functions were placed in the Washington area. If it were placed in Maryland, it would grow and grow as all Federal agencies in the Washington area tend to do. We do not want that. Rather, we should decentralize, take facilities away from this area, and place agencies and centers like this in the States of the Midwest. The tendency seems to be to favor the eastern seacoast and the western seacoast and to pay no attention whatever to what is in between. The tendency is to put new agencies and projects in Massachusetts and in Washington and elsewhere on the east coast and in California on the west coast.

It is unthinkable that a center which has been in Cincinnati for so many years and has done so much good should be shunted aside.

I hope that the amendment offered by my colleague from Ohio [Mr. LAUSCHE] will be accepted by the Senate, as it should be.

Mr. LAUSCHE. Mr. President, I express thanks to my colleague for the cooperation he has given me in the presentation of this subject, not only today, but also in the past.

Mr. BYRD of West Virginia. Mr. President, I yield 3 minutes to the distinguished Senator from Maryland.

Mr. BEALL. Mr. President, I wish to commend the committee for including $1,500,000 for planning the Environmental Health Center facilities. The Senate has considered this matter in each of the past 3 years and it is essential that we avoid any further delay.

The location of an Environmental Health Center in Maryland was first approved by a special committee appointed by the Surgeon General in 1960. Since that time, every agency of Government which has studied this problem has endorsed the view that this facility be located in the Washington metropolitan area. It is contemplated that the Center will be established in Beltsville, Md., on land now owned by the Federal Government. This site is unique in that it will permit coordination of environmental health programs with the Public Health Service, Atomic Energy Commission, National Institutes of Health, National Aeronautics and Space Administration, and other agencies and organizations which are active in this field.

Mr. President, Congress has clearly expressed its intention to deal with air pollution, water pollution, and other environmental health problems. A total, well-coordinated effort demands the immediate establishment of a central facility to conduct research in these fields. Let us begin by approving the funds necessary to plan for the development of an Environmental Health Center.

I urge the Senate to reject the amendment offered by the Senator from Ohio [Mr. LAUSCHE].

Mr. President, my colleague from Maryland [Mr. BREWSTER] is necessarily absent on official business. Senator BREWSTER has been a vigorous supporter of the proposed Environmental Health Center. Since he is unable to be present at this time, he has asked me to read the following statement on his behalf:

STATEMENT BY SENATOR BREWSTER

The urgent need for the establishment of a center for the study of environmental health has been well documented. The publication of the book by Rachel Carson and the testimony developed in Senate hearings on the use of pesticides are only two of the more dramatic aspects of this problem.

As our population increases at an accelerated rate, it becomes vital for the Nation to mount an organized program for the control of air and water pollution, radiation hazards, and other manmade contaminants. A continuing search into the factors which affect man's physical environment and, through it, his health is essential.

I have closely followed the progress and plans for this Center. In so doing, I have become acutely aware of the tremendous stake which our Nation has in environmental health and of the need for the proposed facility.

I consider it a matter of grave concern that an essential program of research involving the health of every citizen in this Nation should have been stalled for 3 years in a morass of political controversy.

The location of this Center for medical research in Greater Washington was recommended by the Department of Health, Education, and Welfare; by President Kennedy in his 1963 health message to the Congress; and by two scientific panels appointed by the Surgeon General and the President's Science Adviser. The latter group was composed of 19 eminent scientists from 11 States. The National Capital Planning Commission also has endorsed the location. It is recommended again this year.

It has been clearly demonstrated that proximity to the National Institutes of Health, the Food and Drug Administration, the Atomic Energy Commission, the Bureau of Standards, and other agencies in the health field is vital to the success of the new Center.

I urge the Senate to support the recommendation of its distinguished committee by approving the appropriation of $1,500,000 to begin work on this facility.

Mr. MANSFIELD. Mr. President, on this amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BYRD of West Virginia. Mr. President, I hope that the amendment offered by the senior Senator from Ohio [Mr. LAUSCHE] will be rejected, because the need for a National Environmental Health Center has been clearly established time and time again; because the problems it will attack are growing more complex and severe each passing day; and because it is the only means by which the Nation can mount the necessary effort to tackle those problems.

Senators are well aware of the attention that has been given by the Congress in recent years to specific problems relating to the microbiological, chemical, and physical contamination of the environment. Pesticides, air pollution, and water pollution illustrate the result of our changing way of life in this country. The simple but inescapable fact is that our trend toward urbanization, our growing industry with its increasing diversity and new technology and waste products, and many other changes in our way of life, have drastically altered the environment in which we live.

We should not revert to our old ways of life now merely because we see possible problems in our environment. We must learn to manage the changes we are providing in the environment so that man's life and his activities are the fullest. The management of the environment is one of the prices we must pay for the improvement of our economy, for the improvement of our whole way of life.

To learn to live with our new environment it is essential that we know the effects of the new contaminated environment on all living things—plants, animals, and especially, of course, on human beings.

Almost 3 years ago a committee of eminent scientists appointed by the Secretary of Health, Education, and Welfare to make a thorough study of the whole environmental health problem in our country, made its report after 6 months of study, and one of its four primary recommedations was:

> That accommodation to the national needs in environmental health will require the establishment of a strong focal center adequately staffed and equipped to prosecute an effective and integrated program within the Public Health Service and to manage and coordinate a strong extramural research, training, and technical support program utilizing the available institutional resources of the Nation.

The recommendation—clear, unequivocal, and carefully considered—was reaffirmed the following year by another scientific committee of the Office of Science and Technology of the White House. It is high time, therefore, that it was put into effect.

In all of the Public Health Service programs in environmental health, a major deterrent to the most effective action has been the lack of a coordinated program of basic research that would supply scientific knowledge necessary to all of them. We need knowledge about the biological effects of contaminants in all parts of the environment. We need information that will constitute an assessment of the total effect on man's health of his environment. The primary job of this Center will be to mount a major scientific research thrust on the biological effects of environmental contamination on man.

While a great deal of effort has gone into and is still going into the development of control mechanisms using the knowledge we now have, there is no doubt that we know too little about how much his total environment affects the health of man, the mechanisms through which the new contaminants work on man, and indeed, the basic structure of the new chemicals and other contaminants that are present today. Every one of the specific programs of environmental health control needs to know how environmental contaminants react on each other, if they affect humans, how they affect us, and to what extent they affect us before we can intelligently institute control measures.

The National Environmental Health Center would be the focal point of this necessary effort; it would get us the basic knowledge we need to develop meaningful standards of control and prevention.

It would also provide the administrative headquarters of a unified grants program in support of fellowships, university training programs, university-related research projects, and demonstration grants to other Federal, State, and local agencies.

The relationship of the National Environmental Health Center to the field laboratories of the environmental health programs of the Public Health Service is clear. It is simply, in essence, a central headquarters for all of the programs and activities.

I know how carefully the Public Health Service has expanded its field activities, always with the aim that the great majority of its work would be in regional and field laboratories.

For example, the radiological health program has regional laboratories in Massachusetts, Alabama, and Nevada; the shellfish sanitation program has laboratories in Rhode Island, Washington, and Alabama, and the water pollution program now has scheduled the construction of nine regional laboratories in all parts of the Nation. Other field stations of environmental health programs are in Missouri, Michigan, Utah, New York, Virginia, Pennsylvania, Illinois, Indiana, Alaska, and my own State of West Virginia. These laboratories will concentrate on the solution of practical problems local, State, and regional in nature.

The biggest laboratary and field center has been in operation in Cincinnati, Ohio, for more than 10 years. This is the Robert A. Taft Sanitary Engineering Center, a national facility for the conduct of applied and developmental research, technical training, and technical assistance. Since its construction, the Taft Center has been the primary location of pilot plant testing operations, field demonstrations, and the application of research findings to actual problems in preventing and controlling pollution in our environment. These activities in Cincinnati have long been and will continue to be a very important part of our national environmental health program. There are now more than 1,200 employees at the Taft Center engaged in a wide variety of projects aimed at applying knowledge toward prevention or control of environmental contamination.

Only 4 months ago, Dr. Luther L. Terry, Surgeon General of the Public Health Service, speaking to a public gathering in Cincinnati, spoke about the future of the Taft Center and the National Environmental Health Center, and said:

> When the new facility (the National Center) becomes a reality, some changes in emphasis will necessarily take place in our research activities in Cincinnati. But changes in emphasis will not mean curtailment of activity. On the contrary, I look forward to continued productive, significant, and expanded work in the Taft Center. Environmental research will need many sources of specialized skills and responsibilities. Certainly, the Taft Center shall continue to play an important role in the Nation's health picture.

Mr. President, I hold in my hand a letter written to the chairman of the subcommittee, the distinguished senior Senator from Alabama [Mr. HILL], by Acting Surgeon General David E. Price. For the moment, I shall extract a few sentences therefrom.

In reference to the Taft Center, the Surgeon General wrote:

> These activities have long been and will continue to be a very important part of our national environmental health program.
>
> One of the greatest lacks in environmental health has been an adequate basic research program. Because of this lack the applied, developmental and indeed control programs have lagged. The major research effort in the proposed new facilities would be directed at improving our knowledge of the biological effects of environmental contaminants especially as they affect human health.
>
> This research must be closely coordinated with that of the National Institutes of Health, the Food and Drug Administration, the Department of Agriculture, the Atomic Energy Commission, and other Federal agencies.
>
> As these research efforts produce the knowledge necessary for scientifically sound preventive programs we shall need to provide for the development, demonstration, and application of this knowledge. The Taft Center is ideally suited for these activities and will continue to be the national focal point of our applied and developmental research, advanced technical training and development of practical environmental preventive and control measures. The Taft Center has achieved national prominence in this role and we expect it to continue in this role.

Mr. President, I ask unanimous consent to have the letter inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE,

August 13, 1964.

DEAR SENATOR HILL: I am pleased to respond to your request for information concerning the impact of our proposed environmental health facilities on the Robert A. Taft Sanitary Engineering Center in Cincinnati, Ohio.

The Taft Center has for many years served as our national center for applied and developmental research, pilot plant testing operations, field demonstrations, and application of research findings to actual problems in preventing and controlling pollution in our environment. These activities have long been, and will continue to be, a very important part of our national environmental health program.

One of the greatest lacks in environmental health has been an adequate basic research program. Because of this lack the applied, developmental and indeed control programs have lagged. The major research effort in the proposed new facilities would be directed at improving our knowledge of the biological effects of environmental contaminants, especially as they affect human health. This research must be closely coordinated with that of the National Institutes of Health, the Food and Drug Administration, the Department of Agriculture, the Atomic Energy Commission and other Federal agencies.

As these research efforts produce the knowledge necessary for scientifically sound preventive programs we shall need to provide for the development, demonstration, and application of this knowledge. The Taft Center is ideally suited for these activities and will continue to be the national focal point of our applied and developmental research, advanced technical training, and development of practical environmental preventive and control measures. The Taft Center has achieved national prominence in this role and we expect it to continue in this role.

To meet the national program need for environmental health activities, the Public Health Service has planned a comprehensive set of facilities. They include: (1) The Environmental Health Center, which would be our national headquarters and would house our fundamental environmental health science research; (2) the Robert A. Taft Center in Cincinnati, a national facility for the conduct of applied and developmental research, technical training and technical assistance; and (3) a number of smaller field facilities across the country designed to deal with specific local or regional environmental health problems. The personnel of the Taft Center will play a vital role in providing the scientific leadership and guidance in the development and support of these latter field facilities.

It is my judgment that the establishment of the Environmental Health Center is vital to the development of an effective national environmental health program, and that its establishment will not adversely affect the Taft Center but will strengthen its role in the national program.

Sincerely yours,

DAVID E. PRICE,
Acting Surgeon General.

Mr. BYRD of West Virginia. Mr. President, the letter indicated strongly, and in no uncertain terms, that the Taft Center will continue in its very important and significant role, that the applied and developmental research activities heretofore carried out will continue to be conducted there, and that the research to be conducted in the National Environmental Center—most of which will be located in Beltsville—will be basic research. I have read extracts from this letter because they should offer assurance to the two Senators from Ohio that, as I have just said, the Taft Center will continue to play an important role in applied and developmental research.

The Environmental Health Center is urgently needed to spearhead the national basic research program that is so sorely needed in this field, and to stimulate, assist, and supplement all of the research and preventive work now being done by other laboratories, Federal and State, so that man can live within the environment he has created.

I trust that the amendment will be defeated.

The PRESIDING OFFICER. Do both Senators yield back the remainder of their time?

Mr. LAUSCHE. Mr. President, I yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio [Mr. Lausche]. On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY (when his name was called). Mr. President, on this vote I have a pair with the Senator from Connecticut [Mr. Ribicoff]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MUSKIE (when his name was called). Mr. President, on this vote I have a pair with the Senator from Maryland [Mr. Brewster]. If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was completed.

Mr. HUMPHREY. I announce that the Senator from Maryland [Mr. Brewster], the Senator from North Dakota [Mr. Burdick], the Senator from Virginia [Mr. Byrd], the Senator from Nevada [Mr. Cannon], the Senator from Pennsylvania [Mr. Clark], the Senator from Mississippi [Mr. Eastland], the Senator from Louisiana [Mr. Ellender], the Senator from Arkansas [Mr. Fulbright], the Senator from Michigan [Mr. Hart], the Senator from Arizona [Mr. Hayden], the Senator from Connecticut [Mr. Ribicoff], the Senator from Virginia [Mr. Robertson], the Senator from Georgia [Mr. Russell], the Senator from Florida [Mr. Smathers], the Senator from Mississippi [Mr. Stennis], and the Senator from Tennessee [Mr. Walters] are absent on official business.

I also announce that the Senator from Alabama [Mr. Hill] and the Senator from Massachusetts [Mr. Kennedy] are absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. Burdick], the Senator from Virginia [Mr. Byrd], the Senator from Mississippi [Mr. Eastland], the Senator from Alabama [Mr. Hill], the Senator from Massachusetts [Mr. Kennedy], the Senator from Georgia [Mr. Russell], the Senator from Florida [Mr. Smathers], the Senator from Mississippi [Mr. Stennis], and the Senator from Tennessee [Mr. Walters] would each vote "nay."

On this vote, the Senator from Kansas [Mr. Carlson] is paired with the Senator from Louisiana [Mr. Ellender].

If present and voting, the Senator from Kansas would vote "aye" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Kentucky [Mr. Cooper] is paired with the Senator from Virginia [Mr. Robertson]. If present and voting, the Senator from Kentucky would vote "aye" and the Senator from Virginia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. Hickenlooper] is absent on official business as a delegate to attend the meetings of the Interparliamentary Union at Copenhagen, Denmark.

The Senator from Kentucky [Mr. Cooper], the Senator from Arizona [Mr. Goldwater], and the Senator from Kansas [Mr. Pearson] are necessarily absent.

The Senator from Kansas [Mr. Carlson] is detained on official business.

I further announce that if present and voting, the Senator from Kansas [Mr. Pearson] would vote "yea."

On this vote, the Senator from Kansas [Mr. Carlson] is paired with the Senator from Louisiana [Mr. Ellender]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Louisiana would vote "nay."

On this vote, the Senator from Kentucky [Mr. Cooper] is paired with the Senator from Virginia [Mr. Robertson]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Virginia would vote "nay."

The result was announced—yeas 35, nays 40, as follows:

[No. 551 Leg.]

YEAS—35

Aiken
Allott
Bayh
Bennett
Church
Curtis
Dirksen
Dominick
Douglas
Gore
Hartke
Holland
Hruska
Jordan, Idaho
Lausche
Long, La.
McCarthy
McGovern
Mechem
Miller
Morse
Morton
Moss
Mundt
Nelson
Prouty
Proxmire
Scott
Simpson
Symington
Thurmond
Tower
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—40

Anderson
Bartlett
Beall
Bible
Boggs
Byrd, W. Va.
Case
Cotton
Dodd
Edmondson
Ervin
Fong
Gruening
Inouye
Jackson
Javits
Johnston
Jordan, N.C.
Keating
Kuchel
Long, Mo.
Magnuson
Mansfield
McClellan
McGee
McIntyre
McNamara
Metcalf
Monroney
Neuberger
Pastore
Pell
Randolph
Salinger
Saltonstall
Smith
Sparkman
Talmadge
Williams, N.J.
Yarborough

NOT VOTING—25

Brewster
Burdick
Byrd, Va.
Cannon
Carlson
Clark
Cooper
Eastland
Ellender
Fulbright
Goldwater
Hart
Hayden
Hickenlooper
Hill
Humphrey
Kennedy
Muskie
Pearson
Ribicoff
Robertson
Russell
Smathers
Stennis
Walters

So Mr. Lausche's amendment was rejected.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the amendment to be offered by the Senator from Texas [Mr. Yarborough], there be 10 minutes allotted, 5 minutes to a side; and, on the amendment to be offered by the Senator from West Virginia [Mr. Byrd] and the Senator from New York [Mr. Javits], there be 5 minutes, 2½ minutes to a side.

It is my understanding that those are the last two amendments to be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, reserving the right to object——

Mr. MANSFIELD. Too late. But I shall yield.

Mr. DIRKSEN. Mr. President, I ask the majority leader whether this is the last business tonight and what he proposes for the business tomorrow.

Mr. MANSFIELD. Mr. President, it is my understanding that there will be no rollcall votes on the amendments or on passage. So this will be the only business of any major consequence tonight.

I should like to take up some of the items on the calendar to which there is no objection.

I understand that the distinguished Senator from California [Mr. Kuchel] has a conference report which is noncontroversial. All other conference reports and measures will go over until tomorrow morning.

Mr. DIRKSEN. Mr. President, I ask the majority leader about the calendar for tomorrow.

Mr. MANSFIELD. Tomorrow, there will be conference reports on the intertie, on which certain Senators wish to be notified so that they may be present. There will be the Foreign Service buildings conference report, and the wilderness conference report. Whether or not the Senate will take up Appalachia at that time, I am not certain, but there is a possibility.

I understand that the social security report will not be ready until late tomorrow afternoon. Therefore, it is not anticipated, in view of the late developments, that the Senate will consider the social security measure this week. But it will be considered among the first items of business on August 31, when the Senate returns.

Mr. DIRKSEN. Mr. President, I wish to make sure that the Senate is assured now that the social security measure will not come up this week before the recess. Therefore, it will be an order of business some time in the week beginning August 31.

Mr. MANSFIELD. The first day.

Mr. DIRKSEN. The first day.

Mr. MANSFIELD. Yes. The reason that it is not being brought up this week is that we have not had the time to do so.

Mr. DIRKSEN. Mr. President, not wishing to disclose the sweet and intimate secrets that I have with the majority leader from time to time, I shall say that we have discussed the subject today on a number of occasions, and I know that on both sides of the aisle quite a number of Senators will probably be away from the Senate starting early Friday—perhaps Friday noon—and I had expressed the hope to him that the social security bill would not be considered this week because the continuity of the discussion would be lost. I thought it would be better if it came up at a later time. So I must accept some responsibility for having "pressured" my esteemed friend from Montana on this point. I am glad that he has so graciously assented to the order of business which he has stated. Since the report will not be filed until sometime tomorrow afternoon, Senators will be given an opportunity to familiarize themselves with the details of medical care as well as other amendments that will be offered. I express my appreciation and gratitude to the Senator for that.

Mr. MANSFIELD. Mr. President, I think the Record should be clear that while the distinguished minority leader did raise the question, I believe the use of the word "pressure' is a little too emphatic. Our decision was based on the fact that we could not obtain a report from the committee until late tomorrow afternoon. Furthermore, any Senator could object to calling up the social security bill tomorrow. Therefore, being a realist, I hope, at times, and being practical, I hope, also, there was what the distinguished minority leader would call a condition which could not be avoided. That is the reason why the Social Security bill is going over until Monday, August 31.

Mr. DIRKSEN. Mr. President, I am grateful to the majority leader, and the Senate ought to be likewise.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HOLLAND. I wish to advise the majority leader that the conference report on the Department of Agriculture appropriation bill has been completed. I hope that the majority leader will advise the Senate that if and when the House acts on the report—and it may act tomorrow—that it will be in order to take up the report in the Senate as quickly as possible.

Mr. MANSFIELD. You bet your life.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to my colleague.

Mr. DOUGLAS. Will either the majority leader or the minority leader inform me what the order of business will be tomorrow and Friday?

Mr. MANSFIELD. If the minority leader will allow me to state, the order of business will be the Foreign Assistance Act.

Mr. DOUGLAS. The Dirksen amendment?

Mr. MANSFIELD. The Dirksen-Mansfield amendment.

Mr. DOUGLAS. There will be a very thorough discussion of that subject.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MORSE. In view of the announcement which the majority leader has made, I should like to ask him if there is anything to the rumor that the leadership of the Senate, in view of the fact that there is almost $7 billion in the foreign aid pipeline, will consider the possibility of letting the foreign aid bill go over until the next Congress so that the State Department may have an opportunity to submit what I understand will be its revised program of policy in regard to foreign aid?

Mr. MANSFIELD. The answer is no.

Mr. DIRKSEN. The answer is that I have heard of no such rumor, and it sounds rather tenuous, slender, and remote to me.

Mr. MORSE. I should be very glad to give the minority leader, confidentially, the names of a couple of reliable newspapermen who disclosed that information to me.

Mr. DIRKSEN. Mr. President, I like the confidences of my distinguished friend from Oregon. After a while, if he will come over, I shall let him whisper in my ear.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10809) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. YARBOROUGH. Mr. President, I offer an amendment to the pending bill which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Texas will be stated.

The Legislative Clerk. On page 13, lines 4 and 5, it is proposed to strike out "$5,000,000 for carrying out section 13" and insert in lieu thereof "$30,000,000 for carrying out sections 13 and 14".

Mr. YARBOROUGH. Mr. President, in reporting the appropriation bill for the Department of Health, Education, and Welfare, the Senate Committee on Appropriations reduced the appropriations for vocational education by $25 million by excluding funds for the construction of five area residential vocational schools.

In Public Law 88–210 of December 18, 1963, the Congress for the first time provided by law for the establishment of area residential vocational education schools at which students would live in dormitories as at a conventional college or junior college.

As the bill came from the House, it contained the $30 million recommended by the administration in the budget for the establishment of such schools. That provision was stricken out by the Senate Committee on Appropriations. The reason is stated on page 11 of the Senate report. The Senate committee stated that it struck out that provision because the Office of Education had not selected sites for those schools.

Mr. President, I ask unanimous consent to have printed at this point in the Record the excerpt from the Senate report to which I referred.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> The estimate and House allowance included $25 million for the construction of five area residential vocational schools. The committee has been informed by the Office of Education that to date there has been no site selection for any of the schools, even though the legislative history suggests that one of the schools be constructed in the Metropolitan Washington, D.C., area. The committee does not believe that funds should be appropriated to construct these schools until such time as all of the sites have been selected and the committees notified and therefore has deleted $25 million from the bill.

Mr. YARBOROUGH. Mr. President, the action of the Senate committee in deleting the $25 million for the five area residential vocational schools puts HEW into an impossible position. The House of Representatives, as shown on page 10 of the House report of April 10, 1964, practically ordered HEW not to pick the sites until the money was appropriated. I ask unanimous consent to have printed at this point in the Record the excerpt from the report of the House of Representatives to which I have referred.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> At the current time the National Advisory Committee has not been appointed and there is serious question concerning the legality, or at least the propriety, of appointing the Committee before appropriations are available for the program. After the appointment of the National Advisory Committee, it will be necessary for that Committee to meet and agree on regulations for the program, and agree upon a State plan guide. After this step it will be necessary to print the materials for revision of State plans and promulgate the official regulations. Then these materials must be distributed to the State, the States must prepare their State plans and send them to the Office of Education. The State plans must be reviewed for conformity with the State plan guide and the regulations and, of course, in many cases it will be necessary to confer with State officials in order to get these plans into approvable form. It is only after this that payments to the States can begin.

Mr. YARBOROUGH. Mr. President, in its report and in the appropriation bill, the House of Representatives has told HEW, "Do not pick these sites until the money is appropriated." Then 4 months later the Senate struck the appropriation out because HEW had not picked the sites.

If that course should continue, there would never be any area residential vocational education schools, despite the fact that the Congress passed the law in December and it was signed by the President. One of the objectives of the Kennedy administration and the Johnson administration has been to train those youths in order to help reduce unemployment and to make them earning members of the community, able to contribute to society instead of being on some unemployment rolls or relief rolls. These are the young people from 15 to 21. Approximately 13 percent of them are unemployed. They constitute the heaviest percentage of the unemployed in our country.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a draft of August 7, 1964, from the Office of Education setting up criteria for the establishment of area vocational residential schools. This administrative order shows that they are moving forward as fast as they can under the limitation placed on them by the House committee.

There being no objection, the draft was ordered to be printed in the RECORD, as follows:

RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

Pursuant to section 14 of the Vocational Education Act of 1963 (pt. A of Public Law 88-210, 77 Stat. 403) the following regulations are promulgated to govern grants by the Commissioner to State boards, to colleges and universities, and, with the approval of the appropriate State board, to public educational agencies, organizations, or institutions for the construction, equipment, and operation of residential vocational education schools.

Section 105.21. Applicability.
Section 105.22. Definitions.
Section 105.23. Statement of conditions.
Section 105.24. Nature and purpose of grants.
Section 105.25. Eligibility of applications.
Section 105.26. Applications for grants.
Section 105.27. Criteria for evaluation of applications.
Section 105.28. Disposition.

Authority: Sections 105.21 to 105.28 issued under section 14 of Public Law 88-210, 77 Stat. 414, 20 U.S.C. 35-1.

SECTION 105.21 APPLICABILITY

The regulations of this part apply to grants made by the Commissioner of Education, pursuant to his authority under section 14 of the Vocational Education Act of 1963 (pt. A of Public Law 88-210, 77 Stat. 403, 20 U.S.C. 35-35n), for the purposes set forth in section 105.24.

SECTION 105.22 DEFINITIONS

As used in this part (a) "act" means the Vocational Education Act of 1963 (pt. A of Public Law 88-210, 77 Stat. 403, 20 U.S.C. 35-35n); (b) "Commissioner" means the U.S. Commissioner of Education; (c) "State board" means the State board for vocational education designated or created by a State to secure to the State the benefits of Federal grants for vocational education.

SECTION 105.23 STATEMENT OF CONDITIONS

Each applicant for a grant will receive appropriate application forms and a copy of the Conditions for Grants for Residential Vocational Education Schools which will define relevant terms in the statute, state the procedures to be followed by the applicant in applying for a grant, the criteria to be used by the Commissioner in evaluating applications, and the conditions under which the Commissioner will award grants, as well as the conditions under which the grantee shall comply in carrying out its program. Among such conditions, the Commissioner will require that, in the conduct of any activities under this grant, there shall be no discrimination because of race, color, creed, or national origin.

SECTION 105.24 NATURE AND PURPOSE OF GRANTS

The Commissioner is authorized under the act to award grants to eligible colleges, universities, State boards, or public educational agencies, organizations, or institutions for the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths with socioeconomic handicaps. Such grants may include the costs of construction, equipment, and operation of residential schools to provide vocational education for youths who are between the ages of 15 and 21 at time of enrollment, and who need full-time study on a residential basis in order to derive maximum benefit from vocational education. In making such grants the Commissioner will give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are employed and will seek to attain, as nearly as practicable in the light of the purposes of the act, an equitable geographical distribution of such schools.

SECTION 105.25 ELIGIBILITY OF APPLICATIONS

(a) Applicants: Any college, university, State board, or, with the approval of the appropriate State board, public educational agency, organization, or institution (other than a college or university) is eligible to apply for a grant award. The following are not eligible:

1. Individuals;
2. Any private nonprofit institution or agency including any corporation or association, other than a college or university;
3. Any institution or agency, including any corporation or association, if any part of its net earnings lawfully inures or may inure to the benefit of any individual.

(b) Proposals: Any proposal of an eligible applicant for the construction, equipment, and operation of a residential school to provide vocational education which the Commissioner determines to be within the scope of section 14 of the act will be considered for a grant award.

SECTION 105.26 APPLICATIONS FOR GRANTS

Any applicant eligible for a grant award under section 105.25 may file an application on forms prescribed by the Commissioner. Such application shall contain sufficient information to permit its evaluation in accordance with the criteria set out in section 105.27, and shall be executed by an individual authorized to act for the applicant. Applications and requests for information shall be sent to Division of Vocational and Technical Education, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C.

SECTION 105.27 CRITERIA FOR EVALUATION OF APPLICATIONS

All applications filed in accordance with section 105.26 will be evaluated by the Commissioner through such procedures as the Commissioner shall establish. The Commissioner's evaluation will take into account among other pertinent factors:

(a) The extent to which the proposed school will serve large urban areas having substantial numbers of youths who have dropped out of school or are unemployed;

(b) The geographical area to be served both in terms of size and in terms of the geographical areas to be served by other possible grantees;

(c) The probable ability of the applicant to operate the proposed school successfully;

(d) The suitability of existing resources and related community services designated for use in the operation of the proposed school;

(e) The time within which the proposed school may be put into operation;

(f) The probable availability of non-Federal support for operation of the proposed school beyond the period of Federal support, should such operation seem feasible and desirable;

(g) The cost in relation to the costs of other proposals which are for programs of similar size and location;

(h) The merits of the project as a demonstration activity and the ability of the applicant, independently or with others, to make a continuing objective evaluation of the desirability and feasibility of the activity.

SECTION 105.28 DISPOSITION

On the basis of his evaluation of an application pursuant to section 105.27, the Commissioner will either (1) approve the application, (2) disapprove the application, or (3) defer action on the application for such reasons as lack of funds or a need for further evaluation. Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission. The Commissioner will notify the applicant in writing of the disposition of the application. If the Commissioner makes a grant, the grant award letter will indicate the approved budget and grant conditions. The applicant shall indicate acceptance of the proposed grant by having an authorized official sign a copy of the grant award letter and by returning such copy to Division of Vocational and Technical Education, Office of Education, U.S. Department of Health, Education, and Welfare, Washington, D.C.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an excerpt from the budget justification, Office of Education, for the $30 million.

There being no objection, the budget request was ordered to be printed in the RECORD, as follows:

EXPANSION AND IMPROVEMENT OF VOCATIONAL EDUCATION, OFFICE OF EDUCATION

1964 proposed supplemental	0
1965 estimate	$30,000,000
Increase	+30,000,000

WORK-STUDY PROGRAMS AND RESIDENTIAL VOCATIONAL SCHOOLS (OBJECT CLASS 41)

An amount of $30 million, the maximum authorized, is requested to be appropriated for work-study programs and residential vocational schools. The Commissioner determines the portion to be used for each purpose and the amount so designated for work-study is to be allotted to the States on the basis of their respective populations in the 15- to 20-year age group.

RESIDENTIAL VOCATIONAL SCHOOLS

The large urban communities have thousands of young people between the ages of 15 and 21 years who are living under such crowded and slum conditions that they almost literally live on the streets and have no solid family or home environment. This condition often makes it impossible for them to obtain a normal education. They constitute a great educational challenge because of their economic and social problems. These youths are in need of full-time study on a residential basis in order to benefit from vocational training.

In order to demonstrate the feasibility of a residential school program, it is proposed to make grants for 100 percent of the construction cost of five residential schools during fiscal 1965. This is the number of schools which conforms to congressional intent as developed in testimony in the Senate. Proposals will be sought from State boards, institutions of higher education, and other educational agencies desirous of establishing and operating such schools.

In order that a flexible and complete curriculum may be offered, each school should provide for at least 1,000 students. The cost of such a facility is estimated to be $5 million and will provide 20 shops or laboratories, 20 classrooms, equipment, dormitories, health, dining, and recreation facilities. The per student cost for room, board, instruction, and related services is estimated to be $2,000 per year.

In making grants for the construction of residential schools the Commissioner will give special consideration to the needs of large urban areas with large numbers of youth who have dropped out of school or are unemployed and he will seek to attain equitable geographic distribution of such schools.

Mr. YARBOROUGH. Mr. President, I think it is shortsighted not to move forward with this program, on which for many years the Committee on Labor and Public Welfare has heard evidence. The Labor Committee is the committee which reported the Manpower Retraining Act. Special committees on unemployment have heard evidence for years on the same subject. They have stated that this is one of the most disadvantaged fields in the country. Here we find a continuance of poverty. Here we find people on the relief rolls who ought to be contributing members of our society. The best way to bring this about is to take young men, from ages 15 to 21, and teach them the skills necessary to hold jobs.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. YARBOROUGH. I ask the Senator from West Virginia to give me 1 minute of his 5 minutes.

Mr. BYRD of West Viriginia. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, this appropriation was authorized by law, and was requested by the administration, the Bureau of the Budget, and the Department of Health, Education, and Welfare. The sites have not been selected because the House of Representatives, in its report accompanying the bill, said that the Department of Health, Education, and Welfare was not to pick the sites until the appropriation was made. The committee is saying that it is striking out this item because the sites were not selected.

The Vocational Education Act of 1963 requires that the Commissioner seek the advice of an advisory committee on vocational education as to policies and procedures to govern the approval of such projects. The Commissioner could not receive applications and designate sites in advance of such committee action. This committee was appointed and met for the first time over the past weekend, August 15 and 16, and has now approved the criteria which will govern the selection of projects and sites. The Commissioner was delayed in the appointment of this committee by the report of the House Committee on Appropriations, issued in April, which raised a question as to the propriety of naming the committee before appropriations were available for the program. Until such criteria were established, it would have been highly improper and impractical for the Commissioner of Education to seek formal applications from interested areas.

I have learned from the Office of Education that approximately 40 inquiries and expressions of interest have been received by the Commissioner regarding these projects. In the judgment of the Office of Education about one-half of these proposals would appear to be potentially eligible under the terms which have been set forth in the draft regulations. It is abundantly clear that the Commissioner has proceeded in accordance with the wishes of Congress in awaiting the appointment of this advisory committee and awaiting action on the appropriation funds until requesting formal applications from eligible applicants. To have done otherwise would be an illegal deprivation to all eligible applicants of equitable opportunity for participation in the program.

Mr. President, I wish to move for the restoration of funds which have been deleted by the committee for this very important item, and I ask that the Senate join with me in this action. The Vocational Education Act of 1963 represented a great milestone in the history of educational legislation and was one of those acts that prompted President Johnson to label the 88th Congress as "the education congress." Let us not detract from that very worthy title by denying funds for one of the most pressing purposes for which the legislation was designed. I am sure that the Senate of the United States recognizes that the millions of unemployed and underprivileged youth, who have dropped out of school and who are today a threat to our economic and social progress, deserve one of the opportunities that the Congress through this legislation has made available. These schools, by providing both educational and residential facilities for needy and able youngsters who can thereby become productive members of our society, should be approved. I urge support of my amendment.

AMENDMENT OF DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT

Mr. BYRD of West Virginia. Mr. President, I yield to the Senator from Nevada [Mr. BIBLE].

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12196.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 12196) to amend the District of Columbia Police and Firemen's Salary Act of 1958, as amended, to increase salaries, to adjust pay alinement, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two House thereon.

Mr. BIBLE. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BIBLE, Mr. McINTYRE, and Mr. BEALL conferees on the part of the Senate.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10809) making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, the Senator from Texas [Mr. YARBOROUGH] has called attention to the language in the House report which indicates that the National Advisory Committee should not be appointed and to the fact that there was some question by the committee in the House as to the legality or propriety of such sites being selected before funds were made available. The fact is that, notwithstanding the House report language, the Advisory Committee was appointed before the appropriation of moneys, and the Advisory Committee met last Saturday.

Moreover, I call attention to a parallel situation in connection with the Health Professions Educational Assistance Act of 1963.

I ask unanimous consent that the first paragraph of section 725 of that act be included in the RECORD at this point.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

NATIONAL ADVISORY COUNCIL ON EDUCATION FOR HEALTH PROFESSIONS

SEC. 725. (a) There is hereby established in the Public Health Service a National Advisory Council on Education for Health Professions, consisting of the Surgeon General of the Public Health Service, who shall be chairman, and the Commissioner of Education, both of whom shall be ex officio members, and 16 members appointed by the Secretary without regard to the civil service laws. Four of the appointed members shall be selected from the general public and 12 shall be selected from among leading authorities in the fields of higher education, at least 8 of whom are particularly concerned with training in medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or the public health professions. In selecting persons for appointment to the council, consideration shall be given to such factors, among others as, (1) experience in the planning, constructing, financing, or administration of schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or schools of public health, and (2) familiarity with the need for teaching facilities in all areas of the Nation.

(b) The council shall advise the Surgeon General in the preparation of general regulations and with respect to policy matters arising in the administration of this part, and in the review of applications thereunder.

(c) The Surgeon General is authorized to use the services of any member or members of the council in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as he may determine. The Surgeon General shall in addition, make appropriate provision for consultation between and coordination of the work of the council and the National Advisory Council on Health Research Facilities with respect to matters bearing on the purposes and administration of this part.

(d) Appointed members of the council, while attending conferences or meetings of the council or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C.

73b-2) for persons in the Government service employed intermittently.

Mr. BYRD of West Virginia. Mr. President, under that section there was established in the Public Health Service a National Advisory Council on Education for Health Professions. This Council was to approve applications for medical and dental schools and other facilities to be constructed under the act. That Council met in June and gave approval to 11 applications, totaling $18 million, for dental schools. If that Council was legally, and with propriety, able to do the work before the appropriation was made, the same would undoubtedly be true in the situation that we are now discussing.

I am advised that time and time again the subcommittee asked the Office of Education for information concerning the designation of sites. The subcommittee warned the Office of Education that the subcommittee wanted these designations before any appropriations would be approved. But the Office of Education has not acted.

The House included the item. We can, therefore, go to conference. If the Office of Education will designate one or more of the five sites before the conference, I feel that the Senate conferees may be willing to recede up to $5 million on each of the sites so designated. The distinguished Senator from Texas has discussed this matter a number of times with me during the past 3 days and I fully understand his interest and concern.

Mr. YARBOROUGH. Mr. President, will the Senator yield me half a minute?

Mr. BYRD of West Virginia. I yield half a minute to the Senator from Texas.

Mr. YARBOROUGH. I am loath to press this matter in the absence of the chairman of the Appropriation Subcommittee on Labor and Health, Education, and Welfare, who is likewise the chairman of the Committee on Labor and Public Welfare. The distinguished Senator from Alabama [Mr. HILL] is in the hospital. He went there last week on emergency orders from the doctor. In his absence, I hestitate to ask for a vote. I feel that when he returns to the Senate—hopefully in the conference committee—this matter can be worked out. On the assurance of the Senator from West Virginia, I am hopeful that the Senate will not insist——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. YARBOROUGH. Mr. President, will the Senator yield me half a minute?

Mr. BYRD of West Virginia. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from West Virginia has half a minute left.

Mr. YARBOROUGH. Mr. President——

Mr. BYRD of West Virginia. Mr. President, I do not yield that half minute.

Mr. President, I cannot presume to commit the Senator from Alabama, but I am confident that this item will be given every proper consideration in conference. If I am a conferee, I, too, will give it careful and sympathetic consideration. I know how deeply the Senator from Texas [Mr. YARBOROUGH] feels about the matter. As I have indicated, he has been most diligent and anxious in pressing it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

Mr. YARBOROUGH. Mr. President, in view of the fact——

The PRESIDING OFFICER. The time on both sides has expired.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to be yielded half a minute, in order to save time, for the reason that I intend to withdraw the amendment.

The PRESIDING OFFICER: Is there objection? Without objection, it is so ordered.

Mr. YARBOROUGH. In view of the absence of the Senator from Alabama—in fact, I talked to him in the hospital—and on the assurance of the Senator from West Virginia, I withdraw the amendment, solely because of the unavoidable absence of the Senator from Alabama, who worked on this matter. I thank the Senator from West Virginia for his consideration and the careful way that he has handled this bill in the absence of the Senator from Alabama [Mr. HILL].

Mr. BYRD of West Virginia. I thank the Senator, and I congratulate him on the vigor and the determination with which he has acted. I thank him for withdrawing the amendment.

Mr. President, I call up my amendment, which I offer on behalf of myself, the Senator from New York [Mr. JAVITS], the Senator from Connecticut [Mr. RIBICOFF], the Senator from New York [Mr. KEATING], and the Senator from Minnesota [Mr. HUMPHREY].

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 41, line 20, after the word "used" to insert "on or after April 1, 1965".

Mr. JAVITS. Mr. President, will the Senator yield me half a minute?

Mr. BYRD of West Virginia. I yield half a minute to the Senator from New York.

Mr. JAVITS. Mr. President, this amendment carries out the understanding that was arrived at before with respect to the day care center problem.

I notice that the Senator from Oregon [Mr. MORSE] is listening intently. The Senator was not in the Chamber at the time.

Mr. MORSE. I want to know what it is about.

Mr. JAVITS. A while ago we found that the Appropriations Committee had made a provision in the appropriation bill which would, for practical purposes, require a 50-50 Federal-State contribution of funds for child day care centers. This matching fund provision, added by the Committee, changed the existing situation under which States appropriated funds by contributing on a sliding scale from one-third to two-thirds of all child expenditures for welfare services, including that of day-care centers.

There was apparently some general sympathy during floor discussion with the idea of 50–50 matching funds but it was considered to be a little impractical to require implementation of the matching fund program to begin immediately because many State legislatures would not meet for months, and therefore could not appropriate their share.

Therefore, by agreement with the Senator from West Virginia and by agreement with the Senator from New Hampshire——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, if I may have one-half minute more to continue, we worked it out so that the matching fund program would be deferred until April 1, 1965.

May I say now—and this is the reason I rose on the floor—that I believe enough sentiment was expressed in the Senate Chamber today so that we will look forward hopefully to having the amount appropriated by the committee adjusted as between the Senate and the House figure. We have a right to hope that the House figure, or very close to it, will prevail, because it is essential with the readjustment and the deferring of the 50–50 contribution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. We have great faith in the Senator from West Virginia. We look forward to a proper adjustment in this matter.

Mr. BYRD of West Virginia. Again, I cannot presume to speak for the chairman of the subcommittee, the senior Senator from Alabama [Mr. HILL]. I am sure that in his usual gracious, kind, and understanding way he will give every appropriate consideration to this item in conference. And I know that he will be joined in giving just and fair consideration by the capable senior Senator from New Hampshire, the ranking minority Member.

Mr. JAVITS. Mr. President, will the Senator yield only to permit me to say that I put the name of the Senator from Connecticut [Mr. RIBICOFF] on the amendment. He could not be physically present, but I hope it is understood that he will have a right to strike his name if there is any question about it.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia for himself and other Senators.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. COTTON. Mr. President, the senior Senator from Kentucky [Mr. COOPER] is necessarily absent. He has prepared a statement on the bill, and I ask unanimous consent that it may be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR COOPER

I know that this bill covers many important programs which affect our people and communities across the Nation. Its items include, among others, funds for use by county and State health authorities, and for libraries in many cities and rural communities. I have talked with the distinguished chairman of the Appropriations Subcommittee responsible for this bill [Mr. HILL] about several of these items, and knowing his long and constructive work on health and education programs, I want to record the interest of Kentucky in several particular programs.

In Kentucky, where health needs remain in many parts of our State, there are few centers for specialized work, and the formula grants, which help support the county health programs, are particularly important. I have received dozens of letters from health officers throughout the State expressing support for maintaining the level of the formula grants for the community health programs. I want to express my strong support for grants-in-aid to the States under this program, which takes into account their population and income and enables local authorities to adapt health programs to the pressing needs of each community. I hope the Senate may restore funds for this purpose at least to the levels allocated for formula grants for community health purposes last year.

I have also noted that the committee has increased the amounts of money available for tuberculosis control, and I join the health authorities in Kentucky in expressing appreciation for the committee's encouragement to continue the formula grant program in this field. In addition to support from Kentucky officials for facilities and services for the mentally retarded, I have also received a great deal of correspondence from citizens of my State urging approval of funds for community mental health centers and facilities for the mentally retarded, and I support funds for the programs in these fields financed by the bill.

I am particularly pleased that the committee has included the full budget amount of $55 million for library services, as I have testified nearly every year before the subcommittee in support of the full requests for funds for library services in rural areas. I was glad to speak and vote for the extension and expansion of the program when the Library Services and Construction Act passed the Congress last year, and the many friends of Kentucky libraries have been anxious to see full and adequate funds provided for this program. Approval of this amount will enable both rural and urban communities across our country to proceed with construction of facilities and improvement of the library services that are so important to this generation and to future generations of Americans.

The bill also contains funds for Public Law 874 payments to school districts in federally affected areas, for the Vocational Education Act of 1963, and for the extension of the Hill-Burton hospital construction program signed by the President yesterday. I commend the committee for its work in providing adequate funds for the many important programs financed by this bill, and at the same time holding the appropriation substantially under the total amount requested by the administration.

Mr. HUMPHREY. Mr. President, I should like to offer a few comments with regard to the pending bill, H.R. 10809.

Of the dozen regular appropriations bills which the Congress considers each year, few, if any, are closer to the heart and the well-being of our people than the particular legislation.

I shall touch on many phases of the bill—both health and nonhealth.

First, I shall turn to nonmedical areas—to day-care services for children; then, to the manpower needs of the National Labor Relations Board.

Thereafter, I shall turn to medical phases. Detailed attention will be devoted to those phases, because, as my colleagues are aware, I have long been deeply interested in health progress. In this connection, I shall submit observations on certain important programs of the U.S. Public Health Service—particularly the National Institutes of Health—as well as of the Vocational Rehabilitation Administration and the Food and Drug Administration.

WELFARE ADMINISTRATION—APPROPRIATION FOR DAY-CARE SERVICES—PAGES 40-41

I should like to start with one of the most significant elements of the bill, relating to our Nation's greatest resources—its children.

I have reference to the appropriation through the Welfare Administration of grants to States for public assistance, specifically, grants for day-care services.

Generous grants are provided in the pending bill for overall maternal and child welfare. The Nation has reason for gratitude for the Congress' warm understanding of the value of such assistance.

THE $4 MILLION REDUCTION AND THE MATCHING AMENDMENT

But as regards day care, the bill before us reduces $4 million from the budget estimate. This reduction is applied to the $8 million sought for grants to the States for day-care services.

The Senate version of the bill has, in addition, added this clause:

> *Provided further*, That none of the funds contained herein shall be used to pay in excess of one-half of the cost of day-care services under section 527(a) of the Social Security Act, as amended.

This 50-percent matching formula might ordinarily, in other connections, serve as a sound basis for Federal-State cooperation. But, in this instance, the immediate—I emphasize immediate—application of the restriction would have a very negative effect. I am, therefore, very pleased to support the amendment which sets the date for the grant-in-aid on a 50-50 basis, on or after April 1965.

STATES CANNOT IMMEDIATELY COMPLY ON MATCHING BASIS

Why? Because of a number of facts.

First. Of the 46 States which have filed day-care plans, only 8 have available specifically earmarked funds for day-care services. And nobody knows to what extent even these eight have individual funds to match what they would receive under a Federal grant to the individual State.

Second. Many of the State legislatures do not meet until 1965, so they will not have opportunity to assign—promptly—matching funds if the restriction goes into effect immediately.

Third. No one yet knows how many of the States with nonearmarked funds are in a flexible position to transfer general child funds for this purpose, so as not to lose the possibility of a Federal matching grant for day care.

In any event, most existing State funds go to the foster-care program. To take funds away from that vital program for another vital program like this poses a hard choice for State officials.

Let us recall that day-care assistance is relatively new. It was on May 17, 1963, that President Kennedy signed into law the first supplemental appropriation for these services. But, already, 46 States have filed approved State plans.

The program has a fantastically successful catalytic effect—encouraging factfinding surveys, new facilities, better training and higher standards—precisely the goals the Congress had in mind.

Many States have set up day-care centers for the very first time.

But, now, how do we stand? The House cut the $8 million budget estimate to $6 million. The Senate committee cut it $2 million more to $4 million. But, here is the important point, under the matching amendment, it seems almost certain that the States will not now be in a position to match even that $4 million. Therefore the effective date of on or after April 1, 1965, is most desirable.

VALUE OF DAY CARE

The day-care services are more vital than ever before to vast numbers of working mothers.

Such services are particularly needed at a time when the Nation is preparing to attack poverty. Over and over again in consideration of the Economic Opportunity Act of 1964, there was stressed the relationship of day care to the preparation of a young child who might otherwise become educationally and culturally deprived.

Studies show that, in families where husbands earn less than $3,000 a year, one out of every four mothers with children under age 6 works to help support her children. In many other families, the mother is the sole support. What will happen if even the present limited day-care services are reduced? Without this help, many of the children will be left without adequate supervision and care while their mothers work.

As these unsupervised children grow up, they will add to the grim numbers whose educational growth was slowed. And they will add to the number of eventual school dropouts.

State and local welfare and education officials know how crucial day-care assistance is for protecting the young. My own State has an outstanding day-care plan with many excellent projects scheduled in 1964.

Under the $8 million originally hoped for on a nationwide basis, Minnesota would receive $161,323. Under $6 million ceiling set by the House, Minnesota's share would drop to $120,781. What do these sums—the original or reduced sums—really provide?

THE MINNESOTA PLAN

Under the original 1964 budget, here are a few of the excellent uses to which the funds would be put: strengthened staff for licensing day-care facilities to assure protection to any child receiving day care; casework services for mentally retarded children in day-care centers; day care for children of migrant agricultural workers; a survey for the needs of Indian children; an experimental project to provide day care in certain homes for selected retarded, socially isolated, or mildly disturbed children.

What is the meaning in human terms of these projects? Let me cite a single example. Recently, seven Minnesota families, whose retarded children were on the waiting list for the State institution, were able to remove their youngsters from that list once day care became available and, thus, keep the children at home. No one can assign a significance in financial terms to the meaning of this one act—being able to keep a retarded child at home who might otherwise have to be institutionalized.

This, then, is where we stand. I commend the consideration of these facts to my colleagues.

NATIONAL LABOR RELATIONS BOARD—PAGE 50 (OF THE BILL)

The pending bill proposes $24 million for the National Labor Relations Board, the same amount as proposed by the House.

It is a source of regret that the committee did not increase the appropriation to the level of the 1965 budget estimate, $25,250,000.

As Senate Report No. 1460—page 68—states, the amount which the committee does recommend is, fortunately, an increase of $1,540,000 over the 1964 appropriation. But this increase merely provides funds to meet mandatory increases in costs and some $600,000 for program increases.

The reduction of $1,250,000 below the budget estimates means that NLRB's capacity for the processing of cases will, unfortunately, be reduced by almost 7 percent.

Let me point out that the agency's workload which made the budget request necessary is not—I repeat—not within NLRB's control. The cases originate with the parties which file charges of unfair labor practices or petitions with the Board.

It is the Board's task to respond—as it does—to these incoming cases as promptly, as thoroughly, as competently as possible and as its limited resources may permit.

The question is: Will we give it the resources it needs to do the job it is required to do under law? Its job is not static.

Economic activity throughout the Nation is dynamic. Industry is changing, as is employment and, yes, unemployment, because of automation and other problems. Inevitably, cases mount under these circumstances.

By not giving NLRB the manpower it needs to fulfill its statutory responsibility, we deny it the chance to decrease its caseload—backlogged beyond its control—and to provide the timely—I emphasize timely—service which is so crucial to equitable solution of labor relations problems. Therefore the amendment by the Senator from Rhode Island [Mr. PASTORE] restoring $1,250,000 is fully justified and I support it and join in its sponsorship.

THE MEDICAL PHASES OF THE APPROPRIATION BILL

I should like to turn now to those portions of the bill which relate to health, rehabilitation, and related services.

I shall comment on this subject in detail because, as my colleagues know, it has been my privilege to devote much attention to these subjects, both in the work of the Appropriations Subcommittee and in related work by the Subcommittee on Reorganization and International Organizations, of which I am chairman, within the Senate Committee on Government Operations.

COMMENDATION OF SENATOR HILL

I should like to say, however, that in the area of medical appropriations, the most expert guidance comes this year, as it has for all the many years which he has served with such distinction, from the able chairman of our subcommittee, whom we are all proud and happy to acknowledge as the dean of the Congress health activities, the Senator from Alabama [Mr. HILL].

To this subject, he has brought not only the wisdom and expertness of his decades of intensive congressional activity, not only the insight, judgment, and dedication which are his heritage from an illustrious physician-father, but the deep compassion and humanity of a man personally consecrated to the well-being of his fellow man.

Whatever I have to say, therefore, I would regard merely as a supplement to the judgment which has already been presented within the committee report, within the Senate and in other public statements by Senator HILL.

As to what I shall say, I would not presume to speak for Senator HILL or anyone. But I feel confident that many, if not all of the views on medical research and other phases, which I will submit parallel his sentiments on the great scientific challenges ahead.

In addition, my judgment on these subjects has been aided by the counsel made available to the committee—orally and in printed and letter form by many physicians, particularly leading specialists, as well as interested laymen.

As in previous years, Mrs. Mary Lasker, and her associates of the National Health Education Committee, have made available expert judgment on the phenomenal achievements of medical research in the past and on the continuing and unfolding needs in the future.

EXPERT ADVICE ACKNOWLEDGED FROM MINNESOTA

Then, too, the abundance of medical talent in my own State has made it possible to get helpful professional judgment on needs for the grassroots and for the Nation, as a whole.

To name but a few of the leading physicians at this point, with whom I have been in contact, I acknowledge the helpful assistance of our State health officer, Robert Barr, M.D.—on continuing Federal-State cooperation for general health services; Gaylord Anderson, M.D., director of the School of Public Health, University of Minnesota—on the needs of the Nation's schools of public health—which are, fortunately, provided for by a $600,000 Senate increase for formula grants; David T. Carr, M.D., Mayo Clinic—on the Nation's TB control needs—which are, regrettably, not as well provided for; Frederick J. Kottke, M.D., professor and head, Department of Physical Medicine and Rehabilitation, Medical School, University of Minnesota; Paul M. Ellwood, Jr., M.D., executive director, Kenny Rehabilitation Foundation, together with a Minnesotan of whom I shall have more to say, Frank Krusen, M.D., a former president of the Minnesota State Department of Health and now professor and coordinator of physical medicine and rehabilitation at Temple University School of Medicine, after many years as head of the section at Mayo Clinic.

ADEQUATE APPROPRIATIONS ADD TO THE NATION'S WEALTH

I shall speak, very frankly, of certain specific areas in which we of the Congress might—in this year's appropriations—have provided still more adequately for the health needs of today and tomorrow.

I am not unmindful of either the many excellent provisions of this bill and of the appropriation laws we have enacted in recent years. To the contrary, I am profoundly grateful and proud of present and past contributions we have made.

And I am not unmindful that we have an obligation to be "economical" whenever possible.

But, as I see it, the fundamental fact which should be borne in mind is that when Congress appropriates adequately for human health, we are, in the finest sense, conserving and economizing. We are, in that sense, adding to, not detracting from, the Nation's wealth.

To save a human life is to preserve our greatest capital—the human mind, the human heart, the human body. To lose a life that need not be lost, to abandon to crippling disease a mind or body that could be healed—this is to waste, to squander an irreplaceable resource.

When we provide for more and better patient care, for more and better medical education, for more and even better medical research and rehabilitation, we perform acts of conservation.

We build assets—not debits—on the Nation's financial ledger.

We build the base for future Federal, State, and local taxation. We help to increase the national income and the gross national product. We enrich the Nation with our most precious asset—healthy people.

U.S. PUBLIC HEALTH SERVICE—CONTROL OF TUBERCULOSIS—PAGE 24

The committee took a forward step in increasing—if only modestly—the House allowance for tuberculosis control.

But this increase does not begin to fulfill the objective of rapid elimination of this scourge.

I concur in the sentiments which had been presented to the committee by the National Health Education Committee through its able vice chairman, Mrs. Alice Fordyce.

She had soundly pointed out that the Surgeon General's recently published report, "The Future of Tuberculosis Control," made this grim estimate: Even if the task force's recommendations are fulfilled, as of 10 years from now, the number of new and active TB cases will still be 21,600. That figure is intolerably high. We should not be content with such a target. We should accelerate the control program next year.

Ten years from now, we should have largely conquered this disease—using preventive BCG vaccine and other measures.

Otherwise, 10 years from now, hospitalization costs, alone, for TB will cost the Nation—not the $335 million of 1964—but, incredibly enough, $376 million.

We need not pay that price, provided we take the initiative with a massive counterattack against TB. This will take more funds for the short-term period, but it will save much vaster sums over the long term. And, most important, it will save lives.

NEEDED SUPPORT FOR POSTGRADUATE MEDICAL EDUCATION

Over a period of many years, I have spoken and written, again and again, on the dynamic needs of postgraduate medical education. Why? Because we live in an age when previously acquired knowledge becomes rapidly obsolete. Both undergraduate and postgraduate education are of course, fundamentally the responsibility of the dedicated medical profession, itself.

Yet, to his great credit, Surgeon General Terry has responded to the messages of request from the Appropriations Subcommittees and from professionals, generally, by preparing a Public Health Service program which would help to backstop the profession's own plans for enlarged continuing education.

Here is one of the greatest needs of the healing arts. It is tragic that only some practitioners possess the up-to-the-minute insight knowledge and skills which others could likewise use.

It is tragic that a patient living, perhaps, in some great financially endowed metropolis gets the benefit of, say, the latest 1964 discoveries while a patient elsewhere in the country is treated on the basis of outdated knowledge.

We need to provide, as Bernard V. Dryer, M.D., has so well proposed, opportunities for the "physicians' lifetime learning." We need to master the latest techniques—of programed instruction, closed circuit and conventional TV, FM broadcasting, other audiovisual techniques, computerized information. And, yes, perhaps most important of all, we need to know how to arouse strong and sustained professional motivation which will seek the best information that is available, and which will apply it.

NATIONAL LIBRARY OF MEDICINE—PAGES 36-37

The Appropriations Committee is to be commended for once again advancing the important program of the National Library of Medicine.

The committee flashes a welcome "green light" for extramural programs by the National Library, under section 301 of the Public Health Service Act. It makes available seven new positions to help realize somewhat more of the vast potential of "medlars"—the computerized medical literature analysis and retrieval system.

Our Senate Reorganization Subcommittee has already used and benefited from medlars. This modern system made available information to us within a few man-machine hours which would otherwise have taken days and would have been far less complete.

But medlars will continue to operate at only a fraction of its capacity unless Congress authorizes still more professionals to work with it.

That means professionals who will—through medlars—help fulfill the urgent information needs of the Public Health Service, the Vocational Rehabilitation Administration, the Food and Drug Administration, the pharmaceutical industry, medical specialty, paramedical and other organizations.

It will be recalled that one of the historic proposals of 1964 has been that of Stafford Warren, M.D., Special Assistant to the President for Mental Retardation. Dr. Warren has proposed a highly automated "National Library of Science System." Such a system would realize many of the coordinated information objectives which, I, for one, have worked for since 1957. The foundation for such a system in the area of biomedicine is, of course, a strengthened National Library of Medicine.

In a statement shortly to be published by the Senate Subcommittee on Reorganization and International Organizations, I will elaborate upon what I regard as the National Library's future role in spearheading computer "networks" for biomedical information throughout the Nation.

NATIONAL INSTITUTES OF HEALTH—PAGES 32 FF.

The Appropriations Committee has, once again, well expressed the great opportunity to realize the public good through the National Institutes of Health.

In the whole U.S. Government, there are probably few agencies which can mean more to the personal lives of 190 million Americans—and millions yet unborn—than this great organization, dedicated to solving the mysteries of disease.

The appropriations which the committee has recommended for the 1966 fiscal year for NIH provide considerable and welcome impetus. I am particularly pleased, for example, with the committee's farsighted recommendation of $10 million for a special program of cancer research; this will, as the report states, "permit the expansion of research on the viral origin of leukemia" and help exploit important new findings in this area.

But let me by very frank. With complete respect for the committee's diligent, overall review, I do not believe that, this year, the committee has fully enabled NIH to build upon the strength of its evolving scientific programs to the extent that many Americans would have wished and hoped.

I am not alone in this sentiment. Leading physicians and laymen had told the committee of vast, unfulfilled research and training needs for each of the major categorical areas—for heart, for cancer, mental health, neurology, arthritis, human, development, general medical sciences and the others.

It is a source of regret to me that the bold but sound recommendations of the Citizens Committee are not incorporated in the bill which we will now send to conference. I know that our able subcommittee chairman received with deepest sympathy and understanding the Citizens Committee recommendations. No one on our committee knows better than he the vistas of scientific discovery which still lie before us.

Dedicated doctors and citizens who support NIH's steady progress are, of course, profoundly grateful for the splendid support which the administration and the Congress have generously given in recent years.

RISING FINANCIAL NEEDS FOR RESEARCH SUPPORT

But they know—and I know—that, while this support has been most commendable, there is still enormous unmet need. The unalterable fact is that scientific research often brings to light as many baffling problems as it solves. These emerging problems—of biology, of chemistry, of biochemistry, of biophysics, or of clinical medicine—cannot be shunted aside or ignored. They must be resolved, if possible, by providing added resources. So, too, as scientific answers are discovered, they must be capitalized upon, exploited, as in a military breakthrough. Then, too, NIH support of scientific training is not an end in itself; it is a preparation—a beginning—toward facilitating a continuing, lifelong quest. Trained personnel require continued support and, indeed, rising support, if sharpened skills are to be put effectively to work.

Meanwhile, the cost of living is not stationary, nor is the cost of instrumentation or of facilities. A dollar total last year will buy somewhat less science this year. All of these factors make it necessary that we not rest on the laurels of our past levels of support. We should, I believe, view the overall NIH program—dynamically—in terms of the long haul and not as a static, a fixed, a limited program which can be arbitrarily frozen—at some plateau for a year or 2 years or 5 years.

Look at the toll which cancer, for example, still takes—or the toll still taken by heart disease, or by mental illness, among other scourges. Can any of us say that we have done all that we might do—should do—must do—to counterattack these killers and these cripplers—now and for next year?

Time, my colleagues are aware, is of the essence. The research investment, the training investment which we make possible in fiscal year 1965 will not "pay off"—cannot possibly "pay off"—until years from now.

Only now—this year—are we getting the "payoff" from prior years of Congress and the administration's foresight and generosity in building NIH to its present potential.

NIH'S ESTEEM IN SCIENTIFIC COMMUNITY

NIH is not perfect. No organization with its record of growth and its unprecedented scientific mission could be perfect. But it is striving constantly for ever higher administrative and scientific standards. And the supreme fact about NIH remains that its name is a hallmark—a symbol of excellence in the scientific community of the world.

Among the foremost private M.D.'s and Ph. D.'s, among the brightest luminaries of academic and industrial science, NIH is not merely "accepted"; it is praised; it is lauded; it is esteemed; it is respected.

We are getting our money's worth from NIH, more than our money's worth. Dollar for dollar, I know of virtually no area in the vast Federal budget—save in national defense and in education, as such—in which the American taxpayer receives more ample and more continuing "dividends."

INSTRUMENTATION AND COMPUTER CENTERS

Under "General Research and Services"—page 36 of the report—I should like to underline reference to the important work of the Division of Research Facilities and Resources at NIH. I have particular reference to this Division's contributions to biomedical engineering and to computer research and applications.

The Division has an outstanding group of scientists. They know that excellent progress has been made, thanks in large part to initiative and support on Capitol Hill. But they also know how much there is still to be done.

At present, there is—in the entire Nation—but one biomedical engineering center, at Northwestern University. But, as I have pointed out in earlier years, there is urgent need for more such centers—at least 6. These centers would bring together the major talents in engineering, in biological sciences and in mathematics necessary for interdisciplinary research, for training and development.

At present, most NIH support for biomedical engineering is still for relatively routine application of known principles to biological systems. But NIH's experts are eager to be given the opportunity—which means, let us state very frankly, the resources—to develop new transducers, new methods of approach to biological systems, employing bold, innovative approaches.

As regards computers, at present, NIH funds less than a million dollars for the development of computers specifically tailored for biological purposes.

Then, too, I should like to recall that 7 years ago, the Biology Council of the National Academy of Sciences-National Research Council recommended a clearinghouse of information on biomedical instrumentation. There is still no such clearinghouse. It is urgently needed. So is a specialized subcenter on biomedical applications of computers.

Three years ago, I secured information for the Congress, for the executive agencies, and the professional community on the need for coordinated activities on medical electronics, as such. Only a few of the goals then envisioned have, as yet, come to pass, unfortunately.

NIH'S INTERNATIONAL PROGRAM

I turn to still another NIH front, the international scene. Once again, this year I renew my recommendation to the Bureau of the Budget—do not allow concern for America's "balance-of-payments" problem to intrude into a relatively tiny—from a fiscal standpoint—but absolutely crucial—from a medical standpoint—area of NIH contribution. I refer to its support of oversea research, exchange and training.

NIH's Office of International Research—page 37 of the report—is a small but immensely important unit on the scene of world health. Its coordinated "seed" money overseas has already begun to harvest very considerable fruit for the good of mankind.

This Nation is the "light of the world" in medical research; the Russians do "not hold a candle" to us. If the Soviets land a man on the moon tomorrow, it would mean less to the world than what the Salk or Sabin vaccines meant or, infinitely more important, what the cure for a major type of cancer could mean to the 3 billion inhabitants on this planet.

CLEARINGHOUSE ON DRUG AND OTHER INFORMATION

Among other phases, in Senate Report 1460, the committee in commenting on several of the Institutes, points out the splendid progress and further opportunity for drug research. I commend these observations. Chemotherapy will write even brighter chapters in the next decade than we have seen in the war and the postwar period.

It is my hope, however, that the drug research will, at the same time, be accompanied by expanded and accelerated drug communication of the highest accuracy and reliability.

Specifically, I am looking forward to receipt in the 1966 fiscal year presentation of a specific estimate and request—as promised by the former special assistant to the Secretary of Health, Education, and Welfare—Mr. B. Jones—to lay the operational foundations for a national clearinghouse on drug information.

The Senator from Alabama [Mr. HILL] and I had discussed the need for such a clearinghouse in a colloquy in the Senate last year on the HEW bill.

A clearinghouse is more urgently needed now—next year—and the year after that—than ever before. The Public Health Service needs it, particularly NIH. The Veterans' Administration needs it, the Department of Defense needs it, the Food and Drug Administration needs it. So do industry and the professional community as a whole.

The clearinghouse would serve to link what are now largely disconnected, isolated, fragmented, overlapping and often duplicating efforts.

Insofar as purely private groups are concerned, their participation in it would be entirely voluntary. There would always be ample safeguards for protection of genuinely proprietary or other type information which merits security-type restrictions. So, too, raw, unevaluated drug information—like the adverse reaction reports—would be carefully identified as such.

CONSTRUCTIVE EMPHASIS

Let me reemphasize—the goal is that a drug clearinghouse will communicate more rapidly, more accurately, more reliably than ever before—the facts about drugs, whatever those facts may be.

Hopefully, pharmaceutical science will be more and more productive and creative, so that the information input and output will consist more and more of positive facts, of facts about the merits—not just the disadvantages—of drugs, their safety, their efficacy, their unanticipated favorable—not necessarily, unfavorable—side effects.

The drug clearinghouse is not designed to "accentuate the negative"; far from it; we seek affirmative goals.

We believe in drug science. We want to strengthen it, to enhance it, to raise it to greater heights of achievement.

But whether incoming drug facts prove—what some may regard as positive or negative, encouraging or discouraging, favorable or unfavorable, so long as the facts are scientific, they must be placed in the mainstream of access by the whole scientific community—instead of being lost, as so frequently occurs at present, or almost impossible to find.

CLEARINGHOUSE ON CHILD AND ADULT POISONS

The same should be said of the national clearinghouse on poison control centers. This ongoing system under the U.S. Public Health Service's Division of Accident Prevention renders invaluable, literally lifesaving service. It provides crucial facts for emergency use—about antidotes and treatment.

Thus, it helps save a great many victims of accidents and of suicide attempts.

We still lose too many such victims. We pay a dreadful price in human suffering and loss. Strengthening information services, alone, will not of itself greatly reduce that price, but it would help to do so.

At present, the system of poison control centers functions in relatively primitive manual form—at a fraction of its potential capacity—with only limited coverage of the open literature, even smaller coverage of unpublished information and next to no systematic links with any advanced system with related, for example, drug information.

At least this clearinghouse is in being—if only in rudimentary form.

The same cannot be said of another goal I have long sought—a proposed national clearinghouse on food information, as well as a clearinghouse on cosmetic information and on other chemical information.

NEW PESTICIDE CENTER

Fortunately, thanks to the administration's initiative and the outstanding contributions by Senator ABRAHAM RIBICOFF, who has served as acting chairman in the pesticide study by the Subcommittee on Reorganization and International Organizations, there is going to be a Pesticide Information Center.

This Center—which is of vital interest in the Public Health Service—will function under the auspices of the U.S. Department of Agriculture and, specifically, the National Agricultural Library.

It would not be appropriate at this point to discourse on the latter Library's needs—for more professional manpower, for a new modern building, long planned and for mechanization of its system. Suffice it to say that the National Agricultural Library will not be able to work fully side by side with the two other National Libraries—the National Library of Medicine and the Library of Congress—until the appropriations bill for the Department of Agriculture makes available increased and sustained resources for the bibliography of agriculture and other NAL activities.

NAL is not just an agricultural resource, a resource for veterinary medicine; it is a resource for the U.S. Department of Health, Education, and Welfare—for the Public Health Service, for NIH, for FDA, for the National Science Foundation, for other agencies and the scientific community.

PHARMACOLOGY AND TOXICOLOGY NEEDS

What goes into these information resources must be of highest quality. The undeniable fact is that we are not getting highest quality—uniformly—from the Nation's pharmacology efforts.

Skilled manpower is tragically scarce, especially in clinical pharmacology. That is why I had hoped NIH would have requested and we would have approved massive increased support for increased professional training and for increased research facilities for clinical pharmacology, in particular.

We have more and more splendid NIH-supported clinical centers. But where are the clinical pharmacologists to work at these and other centers? Where are the interdisciplinary trained men and women who will perform highest quality double blind and other controlled studies? Where are the scientists who will turn out top quality professional papers to replace the widespread, bias-ridden jumbles of unsubstantiated clinical impressions?

And where—for drug, for pesticide, and for other needs—are the toxicologists and pathologists who are scarcer today than proverbial hen's teeth? When will we have adequate members of these specialties—in 1974—in 1994? That is about what the time schedule looks like as of the limited rate of training in 1964.

FOOD AND DRUG ADMINISTRATION

I am delighted that the committee concurs in the House action for full funding of the 1965 budget estimate of $39.2 million for this vital agency. Senate report 1460 well states—page 10—that this appropriation is necessary "to meet growing problems of consumer health resulting from the growth of the Nation's economy and population and technological developments," as well as to implement the 1962 drug law.

The Kefauver-Harris law does impose on FDA a massive workload. This workload is only now beginning to be felt in terms of the requirement for FDA's review of the efficacy of thousands of drugs which had been released during the period of 1938 to June 1963, but which had been cleared previously only as to safety, not as to efficacy.

In its overall organization and procedures, FDA has, in recent months, made important progress. I would like to see its momentum maintained.

It is my personal belief that the 1966 fiscal year budget for the Agency will require expanded funds for scientific activities—drugs and pesticides—as well as for communication and other evolving phases of the Agency's program.

FDA needs to be given the resources to develop close ties with university medical schools in a manner similar to that of the National Institutes of Health. FDA needs a two-way flow of ideas, experience, research projects, personnel, and training opportunity—with university departments of clinical pharmacology and other teaching units—throughout the country.

VOCATIONAL REHABILITATION ADMINISTRATION—PAGES 18–20

The present bill will enable the Vocational Rehabilitation Administration to achieve the fine objective of rehabilitating 133,000 disabled people under expanded Federal-State support—up from almost 120,000 this year.

This goal represents another inspiring milestone.

Yet, it is the hope of many of us who have a deep interest in rehabilitation that we might accelerate and expand this program still more rapidly in the years ahead.

In 5 years, we would like to be able to rehabilitate at an annual rate of 200,000 per year. This will not be easy, particularly, as we come to grips with the challenges facing us as regards the several disabled, the mentally retarded, the exmentally ill and other hard-core groups.

A backlog of 2½ million disabled faces us as a nation.

VRA stands ready to serve at whatever pace we in the Congress choose to set for it.

VRA has given deep consideration to its future role in the Nation's war against poverty. VRA has long known that a far heavier proportion of the poor are disabled than among other income groups. We must help these disabled poor to help themselves.

In the great society which is so well envisioned by President Johnson, VRA can and will play a particularly vital role.

On still another useful front, VRA is giving much thought to a possible National Information Center on Disability and Rehabilitation. This could be a great instrument for serving the information needs of the professional community.

Meanwhile, under the present budget, a Sixth Regional Rehabilitation and Training Center will come into being. Since their very inception, regional centers—as the Senate and House committees have so well stated—have fulfilled their goals of serving as, in effect, beacons of professional excellence for their areas and for the Nation.

MINNESOTA AND NEW YORK UNIVERSITY

Two of the centers in which I have been particularly interested are those at the University of Minnesota and at New York University—Bellevue. Without in any way detracting from their worthy sister institutions elsewhere, these centers have demonstrated particular capacity for setting the national pace at the frontiers of physical medicine and rehabilitation.

I was delighted to learn, therefore, that VRA recognizes that these centers merit continued strong mandate and support. No fixed or arbitrary ceiling should impair their orderly growth or their evolving program of regional service.

PROPOSAL BY FRANK KRUSEN, M.D.

It has been my pleasure, in messages to my colleagues on the committee, to "second" certain appeals from leading physicians in physical medicine. Regrettably, the bill which is pending before us will not achieve some of the objectives which these physicians had in mind.

One such appeal which struck, I know, a deep and respondent chord in the heart of our chairman, the Senator from Alabama [Mr. HILL], was that which came from one of the most outstanding leaders in physical medicine, Frank Krusen, M.D. This great leader, who has received about as many honors as a doctor can receive from his admiring colleagues and from community and State, had looked ahead toward the provision of $1 million to provide "seed funds" which would enable five medical schools to lay the foundation for developing comprehensive medically oriented programs for research and training in rehabilitation of the handicapped.

I unreservedly renew my endorsement of Dr. Krusen's objective and commend it particularly to the U.S. Bureau of the Budget. I earnestly hope that the Bureau will approve in the VRA budget estimate for the 1966 fiscal year specific provision for this "seeding grant" purpose.

THE FORTHCOMING REPORT BY THE PRESIDENT'S COMMISSION

Fortunately, a constructive national response is forthcoming. By December 31 of the year, we will have the benefit of what I am sure will be an outstanding report by the Commission on Heart Disease, Cancer, and Stroke, as appointed by President Johnson.

The Chairman of that Commission is one of the most remarkable cardiovascular surgeons and dynamic physicians in the world, Dr. Michael de Bakey of Baylor College of Medicine.

The membership of the Commission is a "blue ribbon" collection of some of the foremost figures in U.S. medicine and among expert citizen organizations.

The Commission is looking at the research problem, the scarcity of professional manpower problem, the research, education and rehabilitation facility, as well as allied problems. And, yes, it is looking at the communication problem, also—at the matter of applying the medical knowledge which is already known but not fully used.

I must admit that I was particularly gratified that the Commission has been kind enough to acknowledge the interest in this communication phase by the Senate Reorganization Subcommittee.

What is most important, it is my hope and expectation that some of the preliminary thinking of the Commission will receive consideration as part of the planning by the Administration of the 1966 fiscal year budget presentation. That means that, in the budget which is in process of preparation at this very time, the Commission's—at least—tentative concepts will receive attention.

Thus, by the time the final report has been prepared and issued, the HEW and the Bureau of the Budget will have had the benefit of some of the expert, although tentative judgment of the Commission. By this consultative process, we can, in effect, save a whole fiscal year which might otherwise be lost—in the ultimate review and implementation of those Commission recommendations which receive approval.

The chairman and members of the Appropriations Subcommittees will, I am sure, continue to be apprised by the Commission, as its vital work proceeds.

PROPOSALS BY ADDITIONAL LEADERS OF AMERICAN MEDICAL FOUNDATIONS

A related meritorious appeal came from physicians who recognize the awesome challenge to provide for the needs of the chronically ill.

The growth of medical service within the past few years has been devoted by and large to the needs of the acutely ill. Yet, America's aging population will more and more require medical services for long-term care and treatment and restoration. Among the leaders speaking for an adequate response to these long-term needs are Dr. Krusen's colleagues in the American Rehabilitation Foundation. Headquartered in Minneapolis, but representing leadership throughout the Nation, ARF urges the Nation to address itself now to strengthening undergraduate and post-graduate medical education, so as to prove adequate to the problems of millions of the chronically ill.

CONCLUSION—SERVING THE NEWBORN

I have concluded these comments at the point of service to the men and women of advanced years, men and women who should be enjoying the golden years of their lives.

But as is important as is service of their needs, I would prefer to conclude at the other end of life's spectrum—at the beginning of life—on the needs of the newborn.

The present WA-PHS-NIH-FDA budgets will permit expanded activity to assure the health of the 4 million American babies who will be ushered into life this year, next year, and the years which will follow.

But these agencies' present resources are not enough. Many tasks which they might properly fulfill remain unfulfilled. Let me cite but one example.

For years, there has been an urgent need for Federal support for the private Foundation for Medical Research Perinatal Study which had, in earlier years, received support from the American Medical Association and several philanthropic sources. This is an outstanding physician-run, physician-serving computer system providing up-to-the-minute facts on 300,000 births recorded at cooperating hospitals. It has not received a nickel of much-needed Federal assistance for operational activity. And so, it has had to practically close down and function at minimal levels. I offer this example—as but one illustration of the continuing need for expanded and coordinated Federal collaboration with the professional community.

I cite it as an illustration of the horizons of untended health needs.

Mr. President, I shall take only a few additional moments to comment especially on some recommendations by the committee with respect to the Food and Drug Administration. I do this because the subcommittee, of which I am privileged to be the chairman, the Subcommittee on Reorganization and International Organization has for the past 3 or 4 years been looking into the Food and Drug Administration and making recommendations for its reorganization and strengthening.

From time to time I have expressed my deep feeling that this agency was not given the proper support by Congress. The Kefauver-Harris law imposed a new workload upon it, and has required considerable more activity on the part of that agency.

I am pleased that the budget for this year takes recognition of these new obligations, and provides a reasonable amount of money for the FDA to do its job.

I mention this because there has been a great deal of criticism of the Food and Drug Administration. Much of that criticism should be shared by Congress, which regrettably in the past has not always provided the funds that were necessary for this agency of Government.

I also wish to support the action that was taken here by amendment for the National Labor Relations Board, by restoring its budget reduction. That is very essential and much needed. The NLRB has heavy responsibilities and should be permitted to do its job with an adequate staff. This was a vital amendment.

The Subcommittee on Reorganization and International Organization of the Committee on Government Operations, under the acting chairmanship of the Senator from Connecticut [Mr. RIBICOFF] conducted a pesticide study. I am pleased that the administration saw fit to institute a center which will go into the matter of the use of pesticides and their relationship to the public health. This is also provided for in the appropriation bill.

I regret to say that much that I had hoped would be accomplished in the field of communication has not been fully supported in the appropriation bill.

I wish to sound one warning note. It is not economy to ignore communications in the drug and medical field. I hope Senators will let this sink in. If medical information from the researcher to the manufacturer to the physician to the pharmacist to the patient is not adequate, we are refusing to recognize the needs of modern society, and inviting the occurrence of another tragedy such as occurred in the thalidomide incident. That tragedy was due to one thing, namely, the fact that in the field of science and medicine there was no exchange of information which was adequate to the flow of scientific information in the medical and drug field.

I have urged repeatedly the establishment of a clearinghouse for medical and drug information. By our failure to establish it we are denying ourselves much needed medical information.

In the main, this is a very helpful appropriation bill. The chairman of the committee is to be commended for his outstanding work. One area in which it does not accomplish what I consider to be essential is in the post graduate medical education field. As I understand—and the acting chairman of the committee can correct me if I am wrong—only $500,000 was provided in that area. We spend hundreds of millions of dollars on the National Institutes of Health. We spend hundreds of millions of dollars on research and scientific advances in the field of medicine and drugs, but then we fail to communicate much of this information to the public, to the physician, and to the pharmacist.

We are still 10, 15, or 20 years behind in the communication of medical and drug information. Medicine and drugs are available that can save lives. We appropriate hundreds of millions of dollars for research, and we appropriate pennies for communication. This is false economy. I will raise my voice on this subject whenever I have the opportunity, until something is done about it.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. In the last analysis, the person who suffers is the doctor's patient, not the doctor.

Mr. HUMPHREY. The Senator is absolutely correct. We have had one example after another in this field. We have also had examples of drugs being used with very harmful effects. The Senate and the House know it. I call this to the attention of the Senate in my rather aggressive manner tonight because it bothers me to know that this information is available and that it could be helpful to millions of people, and it is not getting to them.

CONSERVATION OF NATION'S WILDLIFE RESOURCES ON THE PACIFIC FLYWAY—CONFERENCE REPORT

Mr. KUCHEL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 793) to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Aug. 18, 1964, p. 20155, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. KUCHEL. Mr. President, the Senate will recall our passage, on July 15, 1963, of this legislation—an important milestone in sound conservation legislation. The action we took was a victory for principles assuring the broadest public interest in the management of four crucial national wildlife refuges located near the California-Oregon border. Of particular importance is our decision as to what guidelines should govern the maintenance of water levels in two vital sumps within the Tule Lake refuge.

Our action received the widest possible endorsement of interested public agencies, conservationists, and thousands of concerned individuals—up and down my State and elsewhere. For example, the Pacific Flyway Council, composed of public servants in the fish and game departments of several Western States, strongly endorsed our action. So did the California Fish and Game Commission, So did scores of groups too numerous to list here.

When this bill went to the House of Representatives, that body seemed to take a somewhat different view of how the Tule Lake sumps should be administered. The House changed the Senate provision on this matter, set forth in section 6 of the Senate bill, and did so with language in its committee report which was disturbing. In a word, the House action caused fears that its version of section 6, if left standing, might conceivably be construed as subverting the Secretary's responsibility to sound conservation in the determination on how the water levels were to be administered.

I insisted that the Senate refuse to accept the House amendment of section 6. The Senate agreed and conferees were appointed. We had some difficult sessions in conference, but on agreed new language. I am most gratified to say, fully carries out the intent written into the Senate version of the bill.

This bill is in the public interest. It rejects the theory of the House committee report by which, in effect, that committee apparently interpreted an existing contract with the irrigation district so as to require an inferior role for the waterfowl purposes to which this area has historically been devoted.

In conference, I proposed a new section 6. It was supported by conservationists and by the Assistant Secretary of the Interior for Fish and Wildlife. I am glad to say it was accepted by representatives of the Tule Lake Irrigation District. I applaud the district's ultimate acceptance of a reasonable solution.

Mr. President, I ask that there be printed in the RECORD at this point in my remarks a letter from Assistant Secretary of the Interior Briggs to the distinguished conservationist, C. R. Gutermuth. This letter makes clear the proper interpretation of the conferees decision on this water level question.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 14, 1964.

Mr. C. R. GUTERMUTH,
Vice President, Wildlife Management Institute, Washington, D.C.

DEAR MR. GUTERMUTH: You recently requested our views on the enclosed amendment which, as you have indicated, may be proposed as a substitute for the present version of section 6 of S. 793 as it passed the House of Representatives.

In our view, this proposed substitute amendment carries out the principal objective of the Department in relation to the sump levels in the Tule Lake National Wildlife Refuge. This objective is to provide a clear directive to the Secretary of the Interior that, when issuing regulations establishing sump levels in the Tule Lake Refuge pursuant to the contract between the United States and the Tulelake Irrigation District, he shall, to the maximum extent practicable, accommodate the needs of waterfowl management. This objective is in harmony with the present workable arrangements in the Tule Lake sumps.

We understand that the enclosed language is satisfactory to both the Tulelake Irrigation District and you. We believe that the statutory directive contained therein is, as indicated above, highly desirable.

Sincerely yours,
FRANK P. BRIGGS,
Assistant Secretary of the Interior.

Mr. KUCHEL. Mr. President, we now have a bill which, while recognizing the rights the irrigation district has under its contract, does not stultify the prime, natural, historic, and legal devotion of this area to salutary use as a wildlife habitat. Under our agreed-upon language, the waterfowl management needs must be met if they can be met at all, not simply if the irrigation district approves; not only if the district would not be inconvenienced; not only if the district would not be put to additional expense; not only if the district's needs would also be served; but, rather, as the section says and Secretary Briggs' letter makes clear, simply "to the maximum extent practicable."

Mr. President, this is an important action we take today. By our approval of this measure, including two clarifying amendments and the new section 6, we send to the President an excellent piece of legislation among those other conservation measures which we have already enacted.

Mr. President, so that the record may be complete as to the significance of this bill, I ask that the text of the bill, as finally agreed upon, and excerpts from our committee report of June 28, 1963, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the text of the bill and excerpts from the report were ordered to be printed in the RECORD, as follows:

S. 793

An Act to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal reclamation project and the Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Clear Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States.

SEC. 2. Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be included within the boundaries of the area dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, and shall not be opened to homestead entry: Hanks Marsh, and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuge; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in Siskiyou County, California, lettered as tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "N" totaling approximately three thousand two hundred and ninety-two acres, and tract "P" in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956, prepared by the United States Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States.

SEC. 3. Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after the date of this Act to the counties in which such refuges are located, such payments to be made on a pro rata basis to each county based upon the refuge acreage in each county: *Provided,* That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further,* That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the payments to the Klamath Drainage District as full reimbursement for the construction of irrigation facilities within said district, and that the priority of use of the total net revenues collected from the leasing of the lands described in this section shall be (1) to credit or pay from each revenues to the Tulelake Irrigation District the amounts already committed to such payment or credit: (2) to pay from such revenues to the Klamath Drainage District the sum of $197,315; and (3) to pay from such revenues to the counties the amounts prescribed by this section.

SEC. 4. The Secretary shall, consistent with proper waterfowl management, continue the present pattern of leasing the reserved lands of the Klamath Straits unit, the Southwest Sump, the League of Nations unit, the Henzel lease, and the Frog Pond unit, all within the Executive order boundaries of the Lower Klamath and Tule Lake National Wildlife Refuges as shown in plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956. Leases for these lands shall be at a price or prices designed to obtain the maximum lease revenues. The leases shall provide for the growing of grain, forage, and soil-building crops, except that not more than 25 per centum of the total leased lands may be planted to row crops. All other reserved public lands included in section 2 of this Act shall continue to be managed by the Secretary for waterfowl purposes, including the growing of agricultural crops by direct planting and sharecrop agreements with local cooperators where necessary.

SEC. 5. The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres.

SEC. 6. In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended, or the Migratory Bird Conservation Act (45 Stat. 1222), as amended, waters under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by regulations issued by the Secretary pursuant to the contract between the United States and the Tulelake Irrigation District, dated September 10, 1956, or any amendment thereof. Such regulations shall accommodate to the maximum extent practicable waterfowl management needs.

SEC. 7. The Secretary is hereby directed to complete studies that have been undertaken relating to the development of the water resources and waterfowl management potential of the Clear Lake National Wildlife Refuge. The results of such studies, when completed, and the recommendations of the Secretary shall be submitted to the Congress.

SEC. 8. The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this Act.

AMENDMENTS

On April 24, 1963, the Irrigation and Reclamation Subcommittee conducted a full hearing on S. 784, introduced by Senator Engle, and S. 793, introduced by Senator Kuchel for himself and Senator Robertson. S. 793 is virtually the same bill as S. 1988, 87th Congress, which was approved by this committee and thereafter by the Senate on May 16, 1963.

Both the subcommittee and the full Committee on Interior and Insular Affairs gave careful consideration to those provisions of the two bills that indicated some differences. The committee believes that the amendments set out above have resulted in a merger which has improved S. 793. Section 5 of Senator Engle's bill, S. 784, replaces the original section 4 of S. 793. This section provides that the present pattern of leasing the reserved lands within the area shall continue.

The second amendment assures the settlers and the Tulelake Irrigation District that the operation of the sump levels in the Tule Lake Wildlife Refuge will be in conformance with the contract between that district and the United States, dated September 10, 1956, which shall be levels that in the judgment of the Secretary are adequate and practicable for waterfowl management purposes. The bill, as reported, reassures the farmers in the local area of the protection of their valid existing rights.

That section of the bill, thus amended, reads:

"Water under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by the contract between the United States and the Tulelake Irrigation District, dated September 10, 1956, or any amendment thereof, and regulations pursuant thereto, which shall be levels that in the judgment of the Secretary are adequate and practicable for waterfowl management purposes."

The third amendment, adding section 8, merely confirms the Secretary's power to issue regulations under this proposed act.

The action taken by the committee conforms to the recommendation of Governor Brown, of California, when he urged a single bill encompassing the interests of the various parties concerned. The committee has tried to do this subject to the basic objective of the legislation which is conservation of valuable public resources.

DISCUSSION

The purpose of this measure is to achieve an equitable solution to a public land utilization problem that has been before the Department of the Interior for over 20 years. This bill would dedicate for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, the land and water areas of four existing wildlife refuges established by Executive order plus additional nearby public lands of some 6,891 acres for a total of some 133,000 acres so dedicated.

The basic question before the committee was whether to preserve the area primarily for conservation or to permit agricultural purposes and management techniques to limit the conservation purposes in certain respects. The committee resolved this issue in favor of conservation, primarily waterfowl management purposes, because it clearly appears that such a priority is in the public interest, not only for reasons of conservation of the important national and international resource of waterfowl but also because the maintenance of an assured safe habitat for these migratory fowl is in the best interests of the great majority of affected agriculturalists. A good habitat at this location holds the birds until after the harvesting of crops to the south throughout California.

In resolving the priority issue in favor of waterfowl, the committee believes that it is not necessarily so that harm to the local agricultural interests of the Tulelake Irrigation District will follow. Representatives of the district testified that operation of the water sumps within the Tule Lake Refuge since an unfortunate incident in 1959 has been under regulations of the Secretary in a manner which has not caused the district harm, and yet it also appears that the interests of waterfowl have been adequately protected as the bill provides that they shall be. It is hoped that such enlightened and mutually beneficial operation of the waters can continue.

The bill also provides for—

(1) Continuation of the present pattern of leasing, at prices designed to obtain maximum revenues, of certain lands in the Lower Klamath and Tule Lake Refuges.

(2) The revenues from the leases (after deducting up to $50,000 per year due the Tulelake Irrigation District and the sum of $197,315 to the Klamath Drainage District) will be shared equitably with the local counties on the basis of payment of 25 percent of the net lease revenues but not to exceed 50 percent of the average per-acre tax levied on similar lands in private ownership.

The committee believes that S. 793, as amended, is a proper solution to the management of these important public lands lying at the waist of the three-nation Pacific flyway. Further disposal of lands is prohibited, a financial contribution to local government, out of revenues from the lands, is provided for, financial obligations to two affected irrigation districts are assured out of revenues from the lands, and conservation is clearly established as the priority purpose of management in the area.

The Department of the Interior has recommended enactment of this legislation in the form reported by the committee. The California Fish and Game Commission and all conservation organizations in America favor this legislation.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965

The Senate resumed the consideration of the bill (H.R. 10809) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies for the fiscal year ending June 30, 1965, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I would be remiss in my duty if I did not express gratitude to the competent and faithful clerk of the subcommittee, Mr. Herman Downey, for the extremely able assistance which he has given to me.

I also express appreciation to the ranking Republican member of the subcommittee, the distinguished senior Senator from New Hampshire [Mr. COTTON], for the support and assistance he has rendered. Also, I thank my Senate colleagues for their forbearance and patience toward me, in view of the fact that I had not previously had experience in handling this appropriation bill. I was asked only last Saturday to attempt to handle it, and therefore have had very little time in which to prepare for it. I have done my best. I thank the majority leader and all other Senators who have so loyally supported the position I have taken in standing by the decisions of the committee.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 10809) was passed.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate insist upon its amendments, and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. EDMONDSON in the chair) appointed Mr. HILL, Mr. RUSSELL, Mr. STENNIS, Mr. PASTORE, Mr. BIBLE, Mr.

Byrd of West Virginia, Mr. Cotton, Mrs. Smith, and Mr. Allott conferees on the part of the Senate.

Mr. LAUSCHE. Mr. President, I desire to have the Record show that on the voice vote on the passage of H.R. 10809, the appropriation bill for the Departments of Labor, and Health, Education, and Welfare, I voted "no."

MAKING THE WORLD SAFE FOR DIVERSITY

Mr. HUMPHREY. Mr. President, on June 8, Mr. Thomas L. Hughes, Director of Intelligence and Research of the Department of State, in addressing a conference of officers of the Latin American armed forces, delivered one of the most clear and incisive addresses on American foreign policy that I have read in recent months. It should be required reading for every American seeking to understand the nature and status of present East-West relations.

Most of the major problems that make our world complex are noted, but what is distinctive is the clear perspective given them taken together. There are the dilemmas of a depolarizing world; the changing character and terms of conflict; the new forms of conflict between Communist nations and the predicament of our seeing a successful policy—containment—become inadequate to the new problems growing out of that success. In short, new dimensions of complexity and variety are confronting both the non-Communist and the Communist worlds, and are requiring major adjustments to the struggle on both sides.

We have reached a major turning point in the cold war. The tide of the cold war has turned clearly in our favor. The Communist world had launched the threat of direct, overt aggression and challenged us to an arms race, in order to attain the raw power to achieve their objectives. We responded with a policy of containment and a program to win that arms race in terms of our having a preponderance of nuclear power with which to deter any aggressor who chose to use such force. The policy of containment has contained. Today the stark and simple confrontation of just two power centers—Russia and the United States—is a picture of the past. We have declined to impose ourselves on anyone. We have made clear we shall suffer no imposition by direct aggression on the free world. Mr. Khrushchev has recognized that a nuclear war with the United States would annihilate his own society. To commit it would be irrational and suicidal. This is not to say absolutely that nuclear war will not happen. It is to say that the danger of it has receded. This is so because the United States is preeminently strong and is determined to remain so. We do this not because we are itching to use this awesome power. We do not hoard megatons like a miser hoards gold. Our determination for peace has been made credible as much by our restraint in the use of force, as by our determination to acquire and maintain an unmatched military force.

But if the world has shifted from the abnormal simplicity of stark nuclear confrontation to the diversity of other forms of struggle, there are and will continue to be many problems. The world struggle has shifted to economic competition, internal subversion, guerrilla, and other forms of paramilitary agitation, and to efforts to manipulate a social discontent bred by conditions of misery and despair. As the threat of major violence by nuclear holocaust recedes, the threat of lesser violence indeed grows. The result is a much more sophisticated kind of struggle in which it is easy, but dangerous, to be frustrated.

Each side in the struggle—non-Communist and Communist worlds—has comparative advantages. The Communist world can manage its economy outside the democratic process. They can tailor their foreign aid program unhindered by extraneous restrictions.

On the other hand, the non-Communist world enjoys advantages, too. There is no disarray among allies here compared to the Sino-Soviet rift, which is reverberating in Communist parties around the world. We also have much more varied power and greater capacity for graduated deterrence. If there is an effort to sting us, as in the Tonkin Gulf, we can strike back with an appropriate force. We do not have to swat a fly with a sledgehammer. We have enough power to afford to keep cool. And we have begun to go beyond the defensiveness of containment. We have begun on the margins to poke holes in the Iron Curtain in Eastern Europe and to exploit the nationalistic traits of those countries with expanded trade. These nations have begun to demand and get a longer leash. Mr. Khrushchev has been forced to admit, in granting it, that "they are too big to spank."

In brief, the world is loosening up. It is more fluid and diverse. This is more to the disadvantage of the Communists than it is to us. The so-called disarray of NATO represents the growing pains of the successful development of strength in free nations. The breakup of the Communist monolith is the beginning of defeat for them.

America is not omnipotent in this world. We do have a responsibility for leadership, although we have no power for imposition, and we do not seek to impose either our will or our way on anybody. We have a major, but subtle, role to play in which strength, restraint, resourcefulness, sophistication, patience, and perseverance are called for, if we aim to win without war.

Fear of atomic or other direct aggression once cemented us with our allies. Fear must be replaced by cooperation. We must continue to organize for common defense, but in more complicated terms. We must help in building defenses within a nation that will protect it from subversion within or without, and then go on to build with them a better society of nations.

These are not times for overoptimism, nor for false assumptions. We must resist impulses for cheap victories, short-term results, simple slogans, and easy solutions.

These and many other ideas are elaborated on in this thoughtful, cogent, and very timely address by Mr. Hughes. I ask unanimous consent to have the whole address printed in the Record at this point. I commend it to the attention of Senators.

There being no objection, the address was ordered to be printed in the Record, as follows:

Making the World Safe for Diversity

(By Thomas L. Hughes, director of intelligence and research[1])

Gen. Andrew P. O'Meara, distinguished representatives of the armed forces of the Americas, and fellow citizens of the American Republics: When I was invited to be with you this morning, I was asked to try to give you a broad picture of worldwide problems and policies as viewed from Washington.

As I thought about how best to comply with General O'Meara's request, various alternative titles occurred to me: "The Dilemmas of a Depolarizing World," or "The Changing Shape of Conflict," or "The Predicaments of Partial Success," or "The Distractions of Diversity," or "The Continuing Communist Challenge."

In any case what I have to say this morning will have much to do with all these themes. For any overview of the world political situation today is bound to consider the new dimensions of complexity and variety that now affect the Communist and non-Communist worlds alike. Indeed, on our side they are the products of the very diversity for which we have been fighting and working to make the world safe.

IMPRESSIONS OF DIVERSITY

It was a year ago this month, in his famous speech at American University,[2] that President Kennedy spoke of making the world "safe for diversity." Since then it has become clearer than ever before that we live at a floodtide of diversity and change in all the continents.

Of course there is the continuing fact that we are still confronted with an authoritarian ideology which seeks our destruction and which is inventive in the means of pursuing it. But there is also the human fact of the "revolution of rising expectations" sweeping the southern continents. There is the psychological fact of cold war battle fatigue. There is the physical fact that we are riding the crest of a revolution in science and technology. There is the frustrating fact that all of this is occurring in a world of some 120 countries, of some 120 foreign policies, of some 120 sets of national goals or national appetites.

New forms of nationalism are expressing themselves just at a time when international organizations are both more plentiful and more necessary than ever before. In many parts of the world the psychological awkwardness of the contest continues between the Communists, who say they will uproot the status quo, and the rest of us, who say that we do not really favor the status quo actually. Differing views of the world are seen from the different national capitals—the big pictures and the little pictures blurring one another even as they overlap in the varying perspectives of Mexico City, Tokyo, Baghdad, Léopoldville, Ottawa, Paris, and Saigon. In some parts of the world old ideologies are dying. In other parts the thrust for new ideologies is a prime political fact.

Leaders, governments, and people, responding to their own political necessities and current national needs, are moving ahead on different historical schedules. The last 12 months alone have unpredictably seen the advent of new administrations in Washington, London, Rio, Bonn, Rome, and New Delhi. There are no generally accepted international political timetables. Indeed, many of us must operate daily in a host of situations where it is clear that this generation of the world's political leaders are, understandably but often, out of phase with one another. Incidentally, these asymmetrical facts of life have a great deal to do with the relevance which one nation's military, scientific, technological, political, and economic experience has for other nations—even for its good friends and allies.

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[1] Address made at a conference of officers of the Latin American armed forces, sponsored by the U.S. Southern Command, in the Panama Canal Zone on June 8.

[2] Bulletin of July 1, 1963, p. 2.

On our part the "illusion of American omnipotence" is an illusion we have long since overcome, if indeed it ever existed. There was also a time when some people thought that we North Americans tended to look out on the world seeing only two kinds of people: Russians and potential manpower that we and the Russians could compete for. If ever true, those days too are gone. The thoughtful citizens of the United States increasingly understand that it is a rather honorable thing to be in a historical situation where we cannot save ourselves without helping others save themselves as well.

Two years ago Washington was preoccupied with the ominous threat of a direct nuclear confrontation between the United States and the U.S.S.R. in the crises over Berlin and Cuba. Today, while we can never neglect the possibility that such direct crises will return abruptly we nevertheless find ourselves worrying much more of the time about crises in which the United States and the U.S.S.R. are far less directly involved—crises like Cyprus, Zanzibar, the Congo, and Kashmir, not to speak of Laos and South Vietnam, where the U.S.S.R. claims to have little involvement and less influence.

In a sense the tide of the cold war has definitely turned. There is an unmistakable movement away from a bipolar confrontation of the two superpowers toward a more diversified world. We are moving from a period of dangerously abnormal simplicity into a period of more relatively normal diversity.

But freedom's struggle against communism is far from over and far from won. Indeed, to the extent that the Communist threat and the danger of nuclear war have been major factors in unifying the free non-Communist world, our very success in completing phase one of the struggle against communism threatens to complicate matters by eroding our unity for the new phase which has now begun.

I should like to examine some of the problems posed by this decomposition of the bipolar world. It is a problem very much on our minds in Washington, and I suspect it is very much on the minds of your governments as well. I take it that the main purpose of this inter-American conference is, in fact, to provide a forum for a mutually profitable discussion of the new dimensions of our ongoing struggle with international communism.

Let us review some of the essential elements of this struggle as they affect the world political scene.

CONTAINMENT: ITS SUCCESS AND OBSOLESCENCE

In the wake of World War II the issue was stark and clear. Freedom was directly and imminently threatened by Stalinist-directed expansionism. Admittedly, our concept of containment was, strictly speaking, a negative one. It was designed to muster the necessary strength to bar the way to Communist expansion. While Moscow saw its historic mission as one of making over the world on a Communist model, the United States and other countries who joined in a series of defensive alliances set themselves the opposite goal. Our objective was not to force our institutions upon other countries but to help preserve freedom of choice against those who would deny that freedom.

Broadly speaking, the policy of containment has both succeeded and become obsolete. The conspicuous forward motion of conventional Communist armies has been stopped. Uniformed Communist troops have not spilled in force over borders since June 1950 in Korea.

The bedrock of containment has been the military strength of the free world and, in particular, the ability of the United States to deter Soviet use of nuclear weapons. We have had no illusions about Soviet magnanimity for the weak, and when, in the late 1950's, the Soviets used their Sputnik and their newly developed ICBM to challenge us to an arms race, our determination stiffened.

We set about building a nuclear force which could withstand any Soviet attack and then retaliate with devastating effect. Sophisticated U.S. strategic weapons systems, long in development and only shortly behind the operational readiness dates of the more simplified Soviet program, were rushed to completion. Polaris submarines, largely immune from enemy attack, were deployed in the oceans around the U.S.S.R. The alert status of SAC [Strategic Air Command] bombers, both on the ground and airborne, was further improved. U.S. intercontinental missiles, notably the solid-fueled, quick reacting Minuteman, were dispersed and hardened. This year we are spending approximately $8 billion more on defense than we were in 1960.

There can be no question today that our second-strike capability is credible to the Soviets. They know as well as we do that the U.S. Air Force has 540 strategic bombers on alert which could, in the face of a surprise missile attack, take off for their targets. In contrast we estimate that the Soviets could place over the United States, on two-way missions, no more than approximately 120 heavy bombers plus perhaps an additional 150 medium bombers over Alaska and our Northwest. Today our Air Force has some 750 ICBM's on launchers. The Soviets have less than one-fourth that number in operation. We have 192 Polaris missiles deployed. The Soviets have substantially fewer submarine-borne missiles in operation. Those they do have cannot be launched while the submarine remains submerged, and they have a range of less than a third of Polaris's 1,500 miles.

Clearly a nuclear attack by the Soviet Union would have to be an irrational decision. No one can guarantee against that, but the likelihood of it has receded.

Yet if our nuclear strength is a relatively firm hedge against nuclear attack today, it is by no means a cure-all for the host of remaining political problems. Nuclear threats cannot be invoked lightly. The United States could employ its nuclear forces only upon the gravest provocation. Even assuming for an instant that an American surprise attack on the Soviet Union were not morally repugnant, as every American President of the nuclear age has declared it to be, it would still have to be ruled out on grounds of impracticality. Even in the most optimistic appraisal of the potential results of a nuclear exchange, i.e., one in which the United States was assumed to have the advantage of striking first, the casualties to the West would still number in the tens of millions of lives.

MAINTAINING A STRATEGIC ADVANTAGE

We recognize that for the foreseeable future a major portion of our military expenditures will have to continue to be devoted to maintaining our strategic advantage. But the largest items in our mammoth defense budget are consciously being appropriated in the profound hope that the weapons systems which they finance will never be used. Thus our Nation's leaders of both political parties are willing to cope with the domestic problems of spending billions of dollars on missiles which, if our policies are successful, will not be launched.

We intend our strategic advantage not only to deter actual Soviet aggression but to limit Soviet ability to use nuclear weapons for purposes of intimidation. The Cuban missile crisis showed to what lengths the Soviet Union might go in order to improve its strategic leverage upon both North and South America—although the relatively careless manner in which the Soviets attempted to install their offensive missiles, and the speed with which they withdrew them, suggest strongly that the Communist leaders in Moscow miscalculated badly the risks they thought they were running. We think that the Cuban crisis taught the Soviets a lesson, and we do not expect them to miscalculate so rashly again.

Since, however, the purpose of our nuclear forces is to deter aggression and contribute to the avoidance of nuclear war, we have no desire to amass megatons as a miser hoards gold. We are deeply interested in probing every possible approach to effective arms control if it would afford a safer means to assure stability and security.

Our interest in arms control and disarmament is sometimes misunderstood. I wish to assure any of you who may be worried that this effort is one we are undertaking with our eyes wide open. We know what we are doing. The tentative steps already taken in the direction of arms control are designed to create more security, not less. We have far too great an investment in our present military strength ever to jeopardize it without proportionate gain. We have no intention of gambling with it whimsically or amateurishly.

We will, however, look both to continued improvement of our own defenses and to responsible disarmament measures to the degree that either points to our main objective: increasing the safety of the free, non-Communist world. We recognize that an unchecked arms race, together with the possible spread of increasingly devastating weapons to more and more countries, takes us further away from the kind of security which might otherwise eventually be ours under an international peace-keeping system providing a reliable means of effective, enforcible arms control.

THE NEED FOR FLEXIBILITY

In the meantime, as the likelihood of a surprise nuclear attack, or even a surprise conventional attack, by the Soviets has decreased, the necessity for a more diversified and rapidly reacting capability to meet local crises has become more important. A variety of threats requires a variety of possible responses. We realize all too well that the so-called nuclear stalemate does not rule out the possibility of other forms of Communist military aggression. We ourselves have been committed to developing forces capable of an increasingly flexible response to the variety of military threats which fall short of general nuclear war. As a result, U.S. military options have steadily increased, U.S. ability to meet less than outright aggression has improved, and U.S. "command and control" capabilities to insure reliability and conformity to our larger national objectives have become more sophisticated. We have aided, and will continue to aid, other free, non-Communist countries in building up their own defenses to meet the new conditions. Thus the free, non-Communist world will possess graduated capabilities both to deter Communist or Communist-sponsored external threats at varying levels of intensity and to respond to the diversified aggression of Communist-supported internal insurgency.

Pursuing this policy of graduated deterrence and flexible response, we have consciously been promoting a worldwide mobility of our forces—not only strategic but tactical as well. Thus, while our strategic strike forces remain ready for action on an instant's notice, our tactical aircraft, ground forces, and naval units are increasingly able to bring U.S. military elements to virtually any part of the world where they may be needed. Tactical fighter aircraft take off in the Far East and land a few hours later in Arizona. Army divisions are moved by air to Europe and back again, without losing their operational readiness. American naval power from either the Atlantic or the Pacific Oceans can go on short notice to patrol the Indian Ocean. The U.N. peacekeeping force now on Cyprus was transported there largely by American airpower.

I think we should be quite clear about the purpose of all this. If, as Mr. Khrushchev has declared, deliberate nuclear war is unthinkable, and if deliberate conventional war between the United States and the U.S.S.R. is also less likely because it may so easily turn into a nuclear war, it does not follow that international violence is unthinkable. In fact, to the degree that the Communists forsake or postpone the use of major violence to achieve their ends, the danger of lesser levels of violence is probably increased.

Thus at the same time as the Cuban crisis we had a sudden, limited attack with conventional forces by Communist China upon India, in the isolated and forbidding terrain of the Himalayan Mountains. Thus there have been guerrilla training, sabotage planning, and infiltration and subversion of free Latin American countries proceeding from Cuba. Thus harassing actions short of violence, as well as acts of suspicious but anonymous violence, occur in much of the non-Communist world.

Often these situations produce requests for immediate, on-the-spot U.S. action. Often they bear within themselves the potentialities of escalation to vastly destructive proportions. There has been nothing yet to indicate that the Communists will leave their neighbors in peace, or that they will refrain from deliberate subversion and the fomenting of violence in other countries, or that they will restrain themselves from infiltrating cadres to stiffen and direct guerrilla warfare in violation of international agreements.

The fact that Communist military aggression from within a country is becoming more frequent, and the fact that it is more complicated to deal with, do not make it less dangerous. By far the greater part of the Vietcong forces in South Vietnam are South Vietnamese, and the preponderance of Vietcong weapons come not from Communist countries but from capture, purchase, and local manufacture. Thus, while controlling the war from Hanoi, the Communists are able to claim that the conflict in South Vietnam is internal, and even, with their customary hypocrisy, that it is a war of resistance against American imperialism. In Laos similar tactics are being pursued, with the same objective of gaining control over the entire country. In Cuba the revolution was ostensibly led by non-Communist Cubans. Certainly it was supported by millions of non-Communist Cubans. It was only after the revolution succeeded that the relationship with Moscow became overt.

This is in truth a more sophisticated and dangerous form of aggression, when the leaders of an aggressive war cannot be located, when their sources of supply can rarely be interdicted, when enemy forces are usually not outsiders, and when truces do not halt the conflict. These factors reinforce the underlying wisdom of policies designed to foreclose, at level after level on the scale of military violence, the options open to the Communists for using force to gain their purposes. These policies must proceed. They are more important than ever now that outright military aggression across national boundaries appears less likely than previously. For, while Communist methods have changed, and the nature of the Communist threat is changing, Communist objectives remain unchanged. Indeed the increased diversification and sophistication of the Communist military threat has been matched by a diversification and sophistication of the economic and political threats as well.

SOVIET ECONOMY: PERSEVERANCE THROUGH STRAIN

I mentioned what seems to me to have been the Soviet miscalculation in the Cuban missile crisis in 1962. There was another earlier Soviet miscalculation in 1958, in the first flush of new-found optimism over sputnik. Soviet leaders apparently assumed that they would not only be able to mount a new strategic challenge to the free world but that at the same time they could continue a rapid and balanced rate of economic growth sufficient to provide for consumer needs at home and effective economic aid abroad.

As it happened, the Soviet planners were proved wrong. Moscow's own statistics show how, under the pressure of a Soviet-initiated arms race and as a result of other flaws in the Soviet economic system, national income growth rates declined from an average of 9.5 percent per year between 1956 and 1959 to 6 percent in 1962 and 4.5 percent last year. At the same time the Soviet leadership had been promising more prosperity to its citizenry and whetting existing appetites for consumer goods. The result has been an ongoing debate in the Soviet hierarchy over the proper allocation of resources for new investment. The principal claimants—military expenditures, heavy industry, and consumer goods including agriculture—have tended to be relatively evenly matched. It has been a debate which no one has really won. Even though the economic situation deteriorated badly as a result of crop failures recently, the tendency has been to postpone any radical changes in the structure of the Soviet economy.

It is possible that these economic strains were a major factor last year in the Kremlin's willingness to conclude the limited test ban agreement and thus initiate a period of reduced tensions. At the same time, it would be unrealistic for us to assume that the Soviet Union is so poor that it has no freedom of choice in assessing its own priorities. For example, it might seem that, pressed as they are, the Soviets would cut back on foreign aid programs. Yet precisely at this time of economic adversity, Moscow is once again showing its willingness to tighten its belt if that is necessary to take advantage of political opportunities. Soviet commitments in foreign economic aid are rising again. New commitments in the first 5 months of this year are in excess of $600 million. The record high in the past was $859 million for all of 1959.

Moreover, in the aid field, as elsewhere, Moscow's flexibility is often enhanced by the authoritarian nature of its government. Its capacity for making rapid decisions at tactically useful moments contrasts with our own sober and methodical requirements which flows from our democratic form of government, from our Congress, and from our Bureau of the Budget. Thus the U.S.S.R. has the ability to offer additional credits to countries even though previous ones are not fully used, as it has recently done for the steel mill at Bone, Algeria. The U.S.S.R. has agreed to aid projects and announced firm commitments to them even before preliminary cost estimates, detailed surveys, or feasibility studies by the Soviets are made—Egypt's Aswan Dam and India's proposed Bokaro steel mill are examples. In both these cases the U.S.S.R. has benefited doubly by picking up projects previously considered by the United States which we, for one reason or another, were unable to assist.

In addition the U.S.S.R. aid authorities are able, when political needs require, to offer grants to recipients who, for political or economic reasons, or both, hesitate to become obligated to Moscow for credits. Nepal, Yemen, and Kenya have been beneficiaries recently of this practice. Moreover, there is no strong outcry in the Soviet leadership or the Soviet press when the Kremlin permits commingling of Soviet aid with Western assistance. Today, for instance, the Soviets are building a school in Ethiopia which will be staffed by teachers being trained in the United States.

Soviet flexibility is also illustrated by an occasional extension of an open line of credit for a fixed amount without any specific projects being mentioned. The $100 million credit extended last fall to Algeria was merely for "economic development." Thus the Soviet economic offensive continues, flexible and unabated.

THE COMMUNIST RIFT

The growing rift between Moscow and Peiping is also, of course, contributing to profound changes in the Communist world. Viewed broadly, a falling out among our potential enemies is a welcome development and one which, like so many other recent developments, calls for flexible responses on our part. But the Sino-Soviet rift, like the other changes, does not mean that the net Communist threat is receding everywhere or anywhere. On the contrary, the rift may diversify and intensify the threat at least in some areas, just as the ingredients and forms of the challenge will certainly be heavily conditioned by it.

The vilification of one another by the Soviet and Chinese Communists is having far-reaching effects upon the international Communist movement. Not even the epochal struggle between Stalin and the Trotskyites had such effects—the Trotskyites were outcasts from the start without the advantage of command over the most populous state in the world.

These effects cut two ways. On the one hand, the dispute has seriously tarnished the image of Communist unity as well as the authority and universality of Communist dogma, both of which have traditionally been essential to the elan of the Communist movement and its appeal to potential supporters. After all, a worldwide argument among Communists about fundamentals makes it painfully clear that Marxism is hardly a scientific method capable of producing clear answers to social problems.

On the other hand, the Sino-Soviet recriminations have greatly accelerated the fragmentation of control within the world Communist movement. Loosened controls have permitted Communist states and parties to pursue their objectives with greater freedom. Indeed, some of them are likely to benefit by the removal of prior handicaps. Local Communist leaders will have a wider range of choice and a freer hand in pursuing those policies which they regard as most effective in their own national environments.

As each attacks the other and defends its own position, Moscow and Peiping are bidding for the support of Communists throughout the world. The Soviets still have the backing—in one degree or another—of most party leaders and organizations, although the degree of support for Soviet tactics has tended to be more and more qualified. Even those parties most opposed to the Chinese Communists' theoretical propositions have been reluctant to support the Soviets in any effort to impose sanctions on the Chinese, lest their own freedom of action be curtailed by a resurgence of tightened control within the movement. The Chinese have gained the support of half a dozen foreign parties and have been actively supporting the formation of new Chinese-oriented Communist organizations. Above all, the mere existence of a rival Chinese line has weakened the established Soviet authority and encouraged greater independence among and within all parties.

In Hungary the other day, Khrushchev said that communism now stood for "better goulash and better ballet." While we may take it for granted that communism still means more than that to Khrushchev himself, it surely means more than that to Mao.

We may in one country or another find ourselves faced with rival Communist parties—one Moscow oriented and the other Peiping oriented, one seeking to infiltrate the existing government or a broadly based opposition by means of united-front tactics, while the other takes the road of revolutionary violence. We may face two or more enemies in a given situation instead of one.

This erosion of Communist unity does not by any means end the dangers of communism, but we should not gloss over it as insignificant. The result for us may be a two-front struggle, but it is not a deliberate deception contrived or arranged between the two Communist capitals. Instead, the whole Communist tradition of doctrinal discipline authoritatively interpreted, of party discipline ruthlessly enforced on an identifiable membership, of a disciplined worldwide subversive order of battle supported by a single power center which ultimately decides on timing and tactics—this whole Communist tradition is itself undergoing contradictions and is at the verge of breaking up. In the process of breaking up, the splinters may become exceedingly sharp.

For instance, competition with Communist China imposes upon the Soviet Union a new need to demonstrate to critical Communist audiences that the Soviet Union is not derelict in its revolutionary duty. It is not surprising, therefore, that a new emphasis on national liberation movements has appeared in Soviet public statements in the past 6 months. The extent to which Moscow will translate into action its avowed support for violence for these purposes remains to be seen. But at the least, the Soviet Union may be less likely to counsel restraint to those who champion violence, a factor which adds to the probabilities that the Communist challenge is an abiding, not a subsiding, one

THE DISARRAY OF SAFETY

Returning to our side of the Iron Curtain, we should note that holes are now being poked into it from the Baltic to the Black Sea. If containment was a negative policy—a policy of blocking communism's outward thrust into the free world—we now have an opportunity, a marginal but growing one, to pursue a positive policy of influencing developments in certain parts of the Communist world. In some ways we can contribute to the evolution of healthier trends.

I have in mind particularly the resurgence of nationalism in Eastern Europe. In part because of the weakening of controls within the bloc as a result of the Sino-Soviet dispute, the countries of Eastern Europe are increasingly able to pursue their own interests and to seek better relations with the West. We should not expect too much. But by judiciously responding to their approaches, we can aid these countries in their efforts to detach themselves a little further from Soviet control—and to move toward policies of their own which may become more expressive of their national interests than the old-style Communist ambitions for world conquest.

Yet in order to do so, we shall once more have to pursue increasingly flexible policies. Of course, one man's flexibility is another man's inconsistency. Doubtless there will be those who find elements of inconsistency in a policy which treats different Communists differently.

Indeed, the problem of coping with such seeming inconsistencies will be with us more and more. For if we continue to suceed in moderating the Communist threat, and in encouraging individual Communist countries to pursue less dramatically threatening policies toward us, we shall move into a period in which the whole pattern of international politics, familiar since World War II, will tend to blur.

Basically, containment was a simple policy, and, because the threat of nuclear war was so compelling, it tended to claim everyone's attention. Because containment was essentially a defensive policy, it tended to reinforce a conservative outlook, more often than not putting us in the position of reacting to others' initiatives. Our fundamental objective then as now was not to impose our political attitudes or institutions upon others but to help other countries preserve their freedom of choice against Communist expansion.

Today, at the moment of our success, we are finding that the very diversities we have sought to preserve are emerging in public, claiming attention themselves, and creating the appearance of considerable divisiveness among friends. The world seems to be less sharply divided into the Communist and the free. The once satellite countries of Eastern Europe are somewhat freer than they used to be. They are, says Khrushchev, "too big to spank." Benefiting by the contrast with Peiping, Moscow itself seems milder. Our preoccupation with the Soviet threat appears to many to be lessening. Alliances seem less secure. It has become something of a journalist's cliche to talk of the "disarray" in NATO and the OAS.

As the process of diversification continues in both the Communist and non-Communist worlds, thoughtful commentators worry that our alertness to Communist actions and our capacity to counteract them may wane. The warning is appropriate. These dangers exist, and we must guard against them. Let us hope, however, that they add up more to appearances than reality—that they are surface manifestations, not of decay, but of the growing pains of the Atlantic and American communities.

The question for all of us in the free, non-Communist nations is how to operate in this possibly safer, more diverse world. In the day-to-day business of foreign affairs one becomes almost nostalgic for the terror of the cold war. Things were more easily organizable then. Fear tended to cement alliances more closely, and policy could afford the luxury of slogans and simplification. But these were the incidental benefits of our proximity to Armageddon. Now, with the process of depolarization coinciding with the arrival of an apparently safer world, we shall have new opportunities as well as new dangers. It is important not to jeopardize the opportunities, just as it is essential not to indulge in self-delusion or false optimism over the prospects of a sudden epidemic of peace.

THE REVOLUTIONARY SITUATION

Here in the free, non-Communist world, as we concentrate more and more on internal subversion and the counterinsurgency measures necessary to counteract it, there are several things of which we should beware.

Let us beware of any lingering notion that the United States has the solution for everyone else's problems. No country in the world is less isolationist today than we. But we cannot come in and settle your problems for you. We know as well as you do that after all is said and done, after all our aid has come and gone, the problems remain yours, not ours.

Let us beware of any residual notion that it benefits a country to keep its Communist threat—that a local Communist menace can be a natural resource, like oil or diamonds, easily convertible into U.S. export. The day is gone, if it ever existed, when an alleged Communist menace would trigger an automatic Pavlovian response in Washington. In the months and years ahead, the United States will not necessarily respond most to those who have the most Communists.

Let us beware of thinking that all internal violence can be charged off to Communist influence, when that influence may often be merely one element among others. We cannot make the world behave the way the words behave. It will be increasingly important for us in our own minds to separate Communists from non-Communists at a time when the Communists are trying harder than ever to cloud over that distinction. We must avoid becoming entangled in the very confusions which the Communists themselves will be working overtime to cause.

For all of us engaged in the fight against communism there will be a new premium on the carefulness of our own analysis, the accuracy with which we choose our targets, and the wisdom which we employ in our tactics. In each situation we confront we must try to identify clearly the real problem, the real enemy, and the real opportunity.

Let us beware of giving the Communists more credit than they deserve. There are two sides to this notion of Communist "targets of opportunity." The Communists may have chosen the target, but the society concerned, by its previous lack of action, has provided the opportunity. These is something else about the phrase that bothers me. Even the notion of "target of opportunity" somehow makes the problem seem small, episodic, surprising, unexpected, and manageable by minimum effort. The phrase does not convey the endemic, historic, pervasive scale of the native-born revolutionary situations which actually confront much of the free, non-Communist world. Many of these are situations not in any sense dependent upon Communist sponsorship or inspiration, situations which would have been here to plague us if Marx, Lenin, Mao, or Khrushchev had never been born.

Infiltration is indeed a new form of aggression. Guerrillas, saboteurs, organizers, agitators, are indeed a new dimension of the threat. But in a larger sense, ideas are no respecters of boundaries. The fact that danger crosses a frontier should cause us to look at the conditions which attract the infiltrator in the first place, which make him choose this country rather than another as his target. Let us beware of thinking that people inside vulnerable societies can be insulated from revolutionary danger just by posting guards in the watchtowers on the frontiers, along the coastlines, and in the airport waiting rooms, or by making the customs officials more vigilant.

Likewise the probable new push of the Soviet-oriented wings of the Communist parties toward popular-front activities will require even greater discrimination, sensitivity, and political skill to combat. But the fact that popular fronts can once more be organized should itself constitute an early warning of danger, as well as a confession of past failure to meet real problems. It means that that particular society is already sufficiently sick and many of its people sufficiently frustrated for such a regrouping on the left to occur. It means that the objective situation itself is a storm petrel of genuine danger, of serious disease in the body politic, of growing odds against any kind of "stability."

In Cuba the revolution came first and the deliverance to communism came afterward. The Communists do not have to get out in front. They do not necessarily advertise themselves in advance. They count heavily on our own errors.

So above all let us beware of thinking that the problems which have attracted Communist attention are therefore somehow not real problems, or that once the Communists have been rounded up, jailed, or deprived of their civil rights, the problems themselves will somehow go away. In all likelihood these problems are not synthetic or artificial. In all likelihood they will not go away until they are met. In all likelihood we ignore them at our peril. In all likelihood there is no ultimate postponement except at the cost of a worse and more final reckoning.

Much depends on how we look at the world. Security, after all, has meaning only for those who have something to preserve. Some people who have things to preserve take a deeply pessimistic view, regarding the status quo as substantially nonviable, impossible to perpetuate much longer. If we take this view, then most of what we do becomes a deliberate holding operation and we hope only to escape at the end, luckily with our relics, lives, and perhaps our fortunes, but just in time. In the meantime our spiritual climate becomes reduced to the sheer enjoyment of one more banquet feast, knowing that the handwriting is already on the wall.

A more enlightened conservative view holds out the hope for prolonging the status quo by adjusting it under various rules of enlightened expediency. This way protest may be placated and the predictable upheaval will perhaps be put off to the successor generation.

But the real conservatives in today's world are likely to be more radical. Looking at the world with their eyes open, they have a nondoctrinaire appreciation of both the enormous problems and the remaining opportunities—opportunities for partnership, joint venture, and genuine cooperation before time runs out. They realize that radical measures are essential if anything is to be conserved, and they know that not everything is worth conserving. They will deliberately separate themselves from the latter distractions, work hard to broaden the indigenous centers of society, and concentrate their efforts in those points and places which are key—not only because of their potentiality for influence but also because of their capacity for democratic leadership.

I can think of no propositions more widely accepted in Washington than these. Our Assistant Secretary of State for Inter-American Affairs, Thomas C. Mann, who regretted very much indeed that he could not be here today, and whose special greetings I bring to you, had this to say less than a month ago: [3]

"I should like to state in the very beginning—and to say it very clearly—that the Government and people of the United States do not forget that their own Nation was born in revolution. Nor can we forget that the process of social, economic, and political change in our country has been continuous since 1776. It still goes on. We still seek that kind of change which will bring about the greatest good for the greatest number of our people.

"We therefore have a natural sympathy and affinity for those governments which seek change and progress. Those governments which institute bold, soundly conceived programs of reform designed to achieve national and individual freedom, a high and sustained level of economic growth, a greater degree of social justice, and equal opportunity for all to rise as high in society as their talents and efforts will take them, will find warmhearted sympathy in Washington."

That Secretary Mann's position is supported in depth by the highest authority of the U.S. Government is equally clear. President Johnson himself recently said: [4]

"To struggle to stand still in Latin America is just to 'throw the sand against the wind.'

"We must, of course, always be on guard against Communist subversion. But anticommunism alone will never suffice to insure our liberty or fulfill our dreams. That is going to take leadership, leadership that is dedicated to economic progress without uneconomic privilege, to social change which enhances social justice, to political reform which widens human freedom."

Likewise at his meeting with ambassadors at the White House on May 11, 1964, to review the Alliance for Progress, President Johnson proclaimed: [5]

"We will continue to join with you to encourage democracy until we build a hemisphere of free nations from the Tierra del Fuego to the Arctic Circle.

"But the charter of the Alliance is not confined to political democracy. It commands a peaceful, democratic, social revolution across the hemisphere. It calls upon us to throw open the gates of opportunity * * * to the poor and to the oppressed. It asks that unjust privilege be ended and that unfair power be curbed."

The President said, "We say now, if a peaceful revolution is impossible, a violent revolution is inevitable."

THE LATIN AMERICAN FRONTLINE

President Johnson was addressing himself to this hemisphere—to those "20 nations * * * who take strength from the richness of their diversity." [6] And what he said has particular relevance to this hemisphere because of the changing world challenge we have been discussing this morning. For at the height of the cold war, the American Republics were geographically not on the frontlines. Although presumably no one wanted to be closer to the frontlines, there was a feeling in some quarters that less attention was being paid to our hemispheric problems because of their distance from the fray.

The converse is true under today's conditions of nuclear stalemate. Today the problems confronting this hemisphere move more and more to the forefront. They become less and less distinguishable from the problems which the new forms of Communist aggression present worldwide. Vast oceans protect us less against these new forms than they did against the old. Targets for Communist attention in the Americas are now as inviting as they are anywhere in Africa, or the Middle East, or in south and southeast Asia.

Indeed, Latin America may appear to Moscow and Peiping to be especially valuable experimentally. In a sense the Communists may think they can risk more in Latin America. Cuba was a risk. The Communists lost gravely there in October 1962, but they by no means lost everything. Moreover, there is a special advantage which the Communists think they see in this hemisphere. They hope to manipulate in a direct way whatever specific anti-United States feeling they can find. They tell themselves that they can find it here in the Western Hemisphere more than elsewhere, and they would like to exploit the opportunity for as much as it is worth.

This hemisphere of ours has a rich and politically honored tradition against "intervention" from the outside, a feeling which we North Americans came to respect after a few unhappy and misguided attempts to infringe upon it ourselves in the Central American and Caribbean areas two generations ago. Yet as Communist-inspired threats to the peace and violations of human rights begin to occur increasingly within countries, rather than by direct aggression across borders, the ambit of our common interest grows. It does so in spite of our deep convictions for "sovereignty" and against "intervention." We all, in fact, have a stake in each successful popular government in the hemisphere.

In this connection the international community, too, will have to address itself increasingly to new, imaginative, and legal means for the internal safeguarding of our common interests. Recent United Nations activities in the Congo, Cyprus, and now Cambodia are hopeful examples of international action legitimatizing international intervention, just as the OAS action at the time of the Cuban missile crisis provided a necessary legal basis for inspection-by-reconnaissance over Cuba against a threat which endangered the whole hemisphere.

Then, too, there is another form of international involvement going on which will affect us more and more—an increasing internationalization of specialists. Military experts and advisers from various countries will be called upon, often under international auspices, for service in a variety of ways in foreign lands. Increasing attention is being paid to the new role of armies in transitional societies: the active furtherance in an orderly manner of the processes of progressive change. Successful experience in Latin America could become an invaluable laboratory for useful transplantation elsewhere.

But most of all, this new, diverse, differentiated world confronts us all with choices—with opportunities for deliberate preferences in the reordering of our priorities.

For you as for us, there will be decisions on the proper allocation of resources to and within your military budgets. There will be decisions on how to shape and keep power appropriate to your real needs.

For you as for us, it will be necessary to warn against overoptimism, false assumptions, and temptations toward collective streaks of indecisiveness. There will be the problem of acting when action is required, at the same time as we resist impulses for cheap victories, short-term results, simple slogans, and easy solutions.

For you as for us, there will be the necessity to follow several policies at once, taking initiatives all the while we hedge against their failure. There will be certain inherited and declining situations which seem to have gone beyond the point of reversal or arrest. There will be new claims on your attention and new appeals for your support.

For you as for us, answering the demand for economic and social progress will become essential, not only as an ideological preference but as a strategic necessity. In the struggle we face, economic growth and social reform are as critically important as military strength itself. We in the United States are still committed wholeheartedly to all three.

As the leaders of the American Armed Forces, you have a unique chance to influence these developments in a favorable direction. In many cases you alone can provide the crucial margin of influence which will spell success or failure. You know, better than most others, that power cannot indefinitely become a substitute for people. In the very nature of your work you have opportunities to set the course of your countries toward progress rooted in popular involvement, motivation, training, civic action, and citizenship—identifying yourselves with, and working among, the people whom armies and navies and air forces are supposed to serve. I know that there is a growing appreciation in Washington and elsewhere that many of you are already doing just that.

Everywhere all of our efforts are increasingly mixing civilian and military ingredients. Combating subversion is a typical case in point. But the subversion of the Communists cannot be met by subverting the Constitution in the process. In the long sweep of history the subversion of the right may be just as dangerous in terms of probable results for the hemisphere as the subversion of the left. The situation itself is revolutionary. We have the choice of joining the revolution and channeling it into the most constructive possible paths, or opposing it and delivering its leadership to forces which can destroy most that we hold dear. Much of what I have said, indeed, adds up to a requirement for a "revolution from above."

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[3] Ibid., June 1, 1964, p. 857.

[4] Ibid., May 11, 1964, p. 726.

[5] Ibid., June 1, 1964, p. 854.

[6] For an address by President Johnson on the third anniversary of the Alliance for Progress, see ibid., Apr. 6, 1964, p. 535.

PREDICAMENT AND PROPHECY

So I return to my beginning. The searching questions remain: Can we cooperate as well without the cementing fear of imminent nuclear catastrophe? Can we continue to organize for the "common defense" at the time when that defense is becoming more complicated? Can we join in creating the only lasting immunity against aggression from without or within—the quick and effective building of better societies?

Of course there are still a good many ways in which the world can stumble into world war III. We could all be brought up short again by a sudden new crisis pitting us against the U.S.S.R. once more on familiar cold war lines. But in the absence of such a crisis, all of us who cherish freedom will have to work harder together if we are to maintain our unity and cohesion in this new world with its emerging diversities and its requirements for flexibility. We shall have to consult one another more frequently and have to search harder for new and more imaginative forms of cooperation. We can less and less rely on our enemies to do our political thinking for us.

From all over the world this many-sided challenge is taking on a new urgency: Act now, white men, brown men, black men, Asians, Africans, Europeans and Americans. Act now together, creatively, ahead of chaos, so that this new opportunity is not lost, so that the tragic debacles of China and Indochina and Cuba need not become a pattern of an even larger tragedy. Act now, for in the next 10 years positive ideas, dedicated people, and peaceful action may do what no extra amount of guns, bombs, and bloodshed can ever accomplish later.

As we consider the challenge to this hemisphere, we can remember with profit the lesson of Bolivar's life and work—that revolutions can stagnate if they are not followed by the release of creative social energy. In the despair of his last days on earth, the Liberator lamented: "To serve a revolution is to plow the sea." "We must fearlessly lay the foundation of South American liberty," he had warned at an earlier moment of victory. "To hesitate is destruction." His warning, unheeded, had become prophetic.

And so too the time has come for each of us, in his own way, in his own position of responsibility, in his own American Republic, to heed the words of Lincoln, as poignant for our own generation as they were a hundred years ago:

"The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country."

WARMAKING POLICIES OF THE UNITED STATES IN ASIA

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at an appropriate place in the body of the Record a sampling of the correspondence I have received in the last few days in support of my position concerning the warmaking policies of the United States in Asia.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Senator Morse: I salute thee for your militant stand against continuing the war in Vietnam.

I salute thee for denouncing a most flagrant of unconstitutional moves—giving the power to declare war to the Chief Executive of the United States.

You are an American.

Respectfully,

Nino J. Maida.

Hayward, Calif.

Senator Morse: Congratulations on the stand you took regarding the Vietnam crisis. I can't imagine the courage it took for you to stand alone in the Senate on this issue. This is just a note to thank you for that courage. Too bad I can't vote for you next time.

God bless you,

Charles Putkey.

August 4, 1964.

As citizens and active Democratic club members, deeply concerned for maintaining peace, wishing to express our attitudes toward foreign policy Democratic administration, we have resolved urge you as we have urged President Johnson to continue all efforts toward solution of the grave situation in southeast Asia, not through unilateral military action and reaction but by honorable negotiation through United Nations.

Studio City Democratic Club.

Thousand Oaks,
August 12, 1964.

Hon. Wayne Morse,
Washington, D.C.

Dear Sir: I thank you for your courage and understanding of the world situation. I am referring in particular to Vietnam.

There are too few of you.

It was like a voice in the wilderness.

I have watched closely U.S. politics for over 50 years. It frightens me.

I saw bodies washed ashore in the First World War. I cried then and I have cried since when I think of all the unnecessary suffering, grief, and devastation caused by avarice, greed, and lust for power.

Again, in 1947, I saw the terrible havoc war causes. I saw Europe in shock. I heard then and I still hear cries of anguish of the innocent victims, children, sick, old, and helpless. Why? How long?

It must not happen again. You, the Senator from Alaska, and a few, too few, men in high places must arouse the inarticulate people whose very existence depends on peace.

Thank you again for giving a little hope.

Sincerely,

Mrs. Inga Lee Denys.

Alderwood Manor, Wash.,
August 13, 1964.

Hon. Senator Wayne Morse,
Washington, D.C.

Dear Sir: Thank you for revealing to us the truth about the Vietnam attack.

It takes courage to do that and you have it.

Very truly,

Elizabeth Ceis.

August 17, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I commend your courageous and principled vote against the resolution which, as you said, was a "predated declaration of war."

It is deplorable that the excellent speeches against our dangerous and immoral involvement in South Vietnam, made by you and Senator Gruening, have not been adequately covered in the press here. I am sure that if more Americans knew the facts of our actions in Vietnam there would be more support for the position you so ably advocate.

Sincerely yours,

Lyle and Barbara Mercer.

Studio City, Calif.,
August 10, 1964.

The Honorable Wayne Morse,
Senator, State of Oregon,
U.S. Senate, Washington, D.C.

Dear Senator Morse: I admire and respect the statement you made concerning our attack upon North Vietnam. Your high ideals and concern for ethical principles has certainly gained my admiration for a long time.

I thought I would drop you a note and tell you that I am behind you. I am sure that God's universal laws are fighting with you in the attempt you are making to bring our people to a realistic and spiritual understanding of their world responsibilities.

Sincerely yours,

Raymond K. Riebs.

Miami, Fla.,
August 17, 1964.

Hon. Senator Wayne Morse,
Senate of the United States,
Washington, D.C.

Dear Sir: It is certainly gratifying that someone is vocal about this Vietnam hysteria. Why should we force our values at the cost of our children's lives upon people whose outlook and way of life are totally different from ours and besides, live on the other side of the planet? Awareness to Castro and other subversives is evident. But risking war with 12 million Chinese glaring at us seems as futile as to help Rumania or Bulgaria escape from the Iron Curtain. Repulsive dictator De Gaulle has his big feet on the ground when he speaks of neutralization. I hope our leaders will listen to commonsense.

Respectfully,

Therese de Coriolis.

Hollywood, Calif.,
August 14, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I think it appropriate that Americans from all parts of the country not merely your own constituents, make known to you their appreciation for the consistent courage, sobriety, and devotion to principle which you demonstrate in the conduct of your office. Your willingness to be the lonely if not the lone voice for rationality and peace in the Senate, as evidenced by your recent vote against the Vietnam war resolution benefits all Americans, not merely those who elect you. The courage required to resist the juggernaut of war hysteria is admirable. This is particularly true in an era like the present one in which in one short generation we have seen developed in our country, a large, rich, bureaucratic Military Establishment, a strong know-nothing rightwing movement and an intimidated middle-of-the-road body politic that is becoming as fearful of being called liberal as it was a decade ago of being called radical.

On behalf of numerous colleagues and friends in the Los Angeles area, I wish to express our thanks to you for your courage and your wisdom and our hope that we and all Americans will continue to benefit from them for many years to come.

Sincerely yours,

Norman G. Rudman.

Berkeley, Calif.,
August 12, 1964.

Dear Senator Morse: I should like to express both my admiration for your courage in your solitary fight against the U.S. policy in Vietnam, and my support for the principles you have enunciated in this fight. Without doubt, U.S. policy toward southeast Asia is not only morally wrong, but also politically foolish; morally, we now symbolize a reactionary power determined to prevent any national, social revolution; politically we have the effect of pushing the nonalined Asian and African countries into the Red Chinese sphere.

Please keep up your dissent.

Sybil Weir.

Edmonds, Wash.,
August 12, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Please be advised your stand on "aid" and Asia greatly appreciated. Good thing someone tries to correct things.

Grant Riley.

P.S.—I have heard many favorable comments on your efforts on this as well as the oil lobby.

Woodinville, Wash.,
August 9, 1964.

Dear Senator Morse: Please accept my thanks for the way that you voted on the recent Vietnam legislation. I am fully aware that I am probably in the minority on this issue, but it is extremely pleasant to know that there is at least one U.S. Senator who is seriously concerned with preventing the outbreak of a third world war.

I hope your vote will help to influence some of your colleagues.

Sincerely,

John A. Broussard.

Federal Way, Wash.,
August 11, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: This is the first time in my 63 years that I have written to a Congressman. I'm not proud of this and mention it only to emphasize the esteem in which I hold your actions and record in Congress.

I certainly do not know if you are always right, but right or wrong, at least you do not imitate a sheep. In fact, you remind me of those 12 "willful Senators" of the World War I era. Borah, Norris, and others. Perhaps I admire you because I suppose that I am an isolationist. I don't know whether or not you are, but I really became enthused today in listening to an interview (over radio) in which you stated that we are sometimes the aggressor and also squander our money throughout the world.

I would like it if you were a Senator from my State. I hope providence will give you a long, and I am sure a useful life.

Very truly yours,

Harold C. Nimrick.

Washington Court House, Ohio,
August 13, 1964.

Senator Wayne Morse.

Dear Senator: I want to thank you for your words and vote on the war in Vietnam.

Unless our country can develop an intelligent and strong opposition, I despair of democratic government.

Thank you and may your courage increase.

Sincerely yours,

Wilbur W. Kamp.

P.S.—Sorry my Senators couldn't vote with you.

Redding, Calif.,
August 11, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Mr. Morse: I wish to express my agreement with and appreciation of your opposition to President Johnson's recent action in bombing North Vietnam. I believe it was a grave abuse of power, and in the long run can have only tragic results.

It was encouraging that you pointed out the moral significance of the action, for surely war is immoral and we must be held accountable for the havoc and death that we have imposed upon a helpless people with our backing of South Vietnam.

It is sad that there are so few in our Government that are capable of reasoned and independent action, and I hope that you will still find the courage to speak out for peace and right. I am sure that there are many who are grateful to you as I am.

Yours sincerely,

Mrs. Grace Smith.

Los Angeles, Calif.,
August 14, 1964.

Senator Wayne Morse,
Washington, D.C.

Senator Wayne Morse: Your fighting ability to expose the South Vietnam brush fire war is appreciated by the people who think.

One million dollars a day could buy a lot of rice and still build friendly relations with peoples of the world.

International trade with all nations is the only way to maintain the peace of the world.

Any other way is death for all.

Yours truly,

Montell T. Kinstad.

San Anselmo, Calif.,
August 10, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: May I express to you my unbounded approval and admiration of your voting against the President's emergency resolution re southeast Asia and hearty agreement that the resolution is "a predated declaration of war."

I believe that U.S. intervention in South Vietnam should cease, not be increased.

From reading the "Memo on Vietnam" by D. McReynolds and A. J. Muste, published by the War Resisters League, 5 Beekman Street, N.Y., I cannot but feel that the U.S. policy there has been one of utter folly and futility, both politically and militarily. There is good reason to suppose that the Indochinese states could, if they were left to be neutral and independent, could do the same thing in regard to China as Yugoslavia, Albania, and Rumania have done in relation to U.S.S.R. Chinese domination over Indochina is not inevitable but it is made more certain by the intransigence of current American policy.

China will accept neutral or independent Communist states to her south, but she will not tolerate an American base on her borders, as she demonstrated at great cost to everyone in Korea.

It is my earnest hope that all peace minded and liberal people and organization will speak out now, uncompromisingly, for the immediate end of the war in South Vietnam and demand support of plans toward the neutralization of the Indochinese states, ending all attempts to draw them into our pattern of military alliances.

Most respectfully yours,

Rosalind Watkin.

Philadelphia, Pa.,
August 14, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I commend you for your dissenting vote on the fight-if-we-must resolution introduced by President Johnson.

I agree with you on the Vietnam situation. I only regret that our Congress has so few clear thinking statesmen as yourself and Senator Ernest Gruening.

Respectfully,

Mrs. Rae Cohn.

Woodstock, N.Y.,
August 14, 1964.

Hon. Wayne B. Morse,
U.S. Senator,
Washington, D.C.

Dear Senator Morse: Enclosed is a copy of a letter I sent to the New York Times. I thought it might be of interest to you. If you, or perhaps Senator Gruening, should by any chance wish to make use of it, you are free to do so.

Sincerely,

Edward Schindeler.

"Woodstock, N.Y.,
"August 11, 1964.

"The Editor,
"The New York Times,
"New York, N.Y.

"Dear Sir: In the wake of last week's crisis in southeast Asia, some things were done and some things were said that in their political and moral significance may well prove to be of greater and more lasting importance than the event which evoked them, serious and ugly though this was in itself. First in point of time and weightiness was the passage of the resolution giving the President practically blanket power to escalate the Vietnam conflict by taking whatever military action he may personally deem warranted by events or conditions. By this action the Congress surrendered by an almost unanimous vote the power specifically vested in itself in article 8, to 'declare war'; and, in the parlance of the time, to 'grant letters of marque and reprisal, and make rules concerning captures on land and water'—or, in effect, to regulate whatever belligerent action the time and place would justify or require, in the judgment of the Congress.

"Following the passage of the resolution President Johnson, in expressing his satisfaction, said: 'I am sure the American people join me in expressing the deepest appreciation to the leaders and members of both parties * * * for their patriotic, resolute and rapid action.' In the total absence of proof, the President at the very least was guilty of overweening conceit in presuming to speak for the American people on so momentous an issue. Merely on the basis of casual talk, this writer is convinced that he is not speaking for himself alone in (a) challenging Mr. Johnson's confident assumption of all but unanimous approval of his own actions and congressional servility, and (b) voicing a strenuous protest both on behalf of dissenting Senators Morse and Gruening and those citizens who are in agreement with them, against the gross and libelous implication that they are deficient in patriotism as well as resolution. Far from wanting to bestow praise on Congress for its hasty, if not hysterical, acquiescence on the strength of what Senator Morse came close to describing as a deliberately U.S.-provoked crisis, we not only deplore the 'rapid' surrender of its much publicized and tirelessly taught function of providing a check and balance to executive power, but see the congressional action as a craven abdication of its moral as well as political responsibility in direct contravention of the unspoken mandate they have from the people to uphold the Constitution and do nothing to weaken or undermine it.

"It remained for one of the more universally respected Senators to supply the clue to the congressional reasoning that led to the precipitant granting of the President's demands. Senator George D. Aiken said: 'I am still apprehensive of the outcome of the President's decision, but * * * as a citizen I feel I must support our President whether his decision is right or wrong.'

"This is a restatement in personal terms of Stephen Decatur's 'My country right or wrong.' And since the Decatur dictum is mostly oratorical balderdash because one's country, whether in the abstract sense or in the physical can never be wrong, we are obliged to Senator AIKEN for correctly interpreting Decatur's 'country' to stand for nothing more than the party or President in power, and in doing so, to expose it for the unwarranted submission to temporal political figureheads it apostrophizes by indirection.

"Unfortunately, the Senator did not appear aware of the enormity contained in his words. We take it as axiomatic that a free citizen does not give his conscience in the keeping of another, whether he be an alderman or a President. This would be so even if the President were as towering a figure as Washington or Jefferson or Lincoln, i.e., of a moral and intellectual or humanitarian caliber that has long been absent from the Washington scene. We submit that it is the citizen's civic as well as his moral duty to oppose wrongness on every level. To do otherwise is to become a party and accessory to wrongdoing and result in a culpability that, at this juncture, may range from simple involvement in local or domestic villainy to the heinous crime of abetting a universal atomic holocaust with the destruction for eons to come of such measure of civilization as mankind has achieved to date.

"EARL SCHINDELER."

SOMERSET, N.J.

Hon. WAYNE MORSE:

Please find enclosed clippings which may be of interest for your office file. The Christian Science Monitor's statement that further involvement is "unavoidable" sounds like predestination. Even if our policy in Asia were entirely morally correct it would not change the fact that our course of action is irrational.

A good military commander does not attack a position which he knows he can't take just because he knows it should be his hill.

What is most disturbing is the apparent lack of any serious advance planning with a presentation of clear-cut realistic alternatives.

As my letter indicates I commend you and Senator ERNEST GRUENING for your courage on this issue.

Sincerely,

ARTHUR L. REUBEN.

PRINCETON, N.J.,
August 17, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Just a note to let you know that you have not been speaking to an entirely inattentive audience. For what it is worth, you have my support in your protest against the administration's policies in South Vietnam. I suppose it is too much to hope that American political parties could speak and act sensibly in foreign affairs during an election year, but I think you are to be commended for the effort; and I hope you will keep trying.

I have been out of the country a good portion of the past month and have not seen verbatim copies of your speeches. If you have any reprints available, I would like very much to see them.

Sincerely,

PAUL TILLETT.

LOS ANGELES, CALIF.,
August 17, 1964.

Hon. ERNEST GRUENING,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: Thank you very much for your letter of August 13 and for the copy of the CONGRESSIONAL RECORD of August 11, 1964, pages 19025–19050. I was particularly interested in the list of loans appearing at pages 19026–19028, all of them for 40 years. It might as well have been 1,000 years, as none of them will ever be repaid. The purposes for which these so-called loans were made are simply incredible. I note that the total of the loans made by the AID during the calendar year 1963, at three-fourths of 1 percent interest (on money borrowed by us at, I suppose, about 3 percent) is $1,057,925,000. I confidently venture the assertion that most of this money was wasted and am amazed that even the bureaucrats who handle these matters would not have better sense.

Referring to the Vietnam venture, you were quoted recently in some publication as saying that that entire enterprise was not worth the life of one American soldier. I am in complete agreement with that sentiment.

Query: Although the President of the United States is Commander in Chief of the Army and Navy, does he have the power to send American soldiers to risk their lives in wars between contending political factions in other countries? The Congress is the only agency which has the power to declare war, and it has not done so. Is our interference in South Vietnam anything more than a private enterprise undertaken by Kennedy and now continued, in a greatly amplified form, by Johnson? I hope there will be additional voices raised in the Congress against our interference in a fight between political factions in a tiny country 10,000 miles away in which we have no legitimate interest.

Very truly yours,

WALTER L. NOSSAMAN.

NEWTON HIGHLANDS, MASS.,
August 15, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I am writing this note to express my appreciation and support of your courageous action in speaking and voting against the resolution endorsing the President's recent military action in North Vietnam and any such military actions as he may wish to take at any time in the future.

I know that many more Americans agree with you than are willing to express their agreement, and that most Americans would agree if they were not misinformed by the self-censored media of mass communication.

I hope that some future President will make our actions in international affairs conform to our image of ourselves as champions of freedom and decency.

Sincerely,

MARVIN MILLER.

MORRISVILLE, PA.,
August 17, 1964.

Senator WAYNE MORSE,
The Senate
Washington, D.C.

DEAR SENATOR MORSE: For being so consistent in your fight to do what is humanly right, may I commend you. So few have spoken so forthright as you before the U.S. Senate in condemning this insidious war in Vietnam.

What blinds our Congress in endorsing this needless fight that can only lead to total destruction for everyone? Your courage and brilliance and love of human life make you outstanding.

Long life to you and may you be strong to continue to speak for the defenseless people.

Sincerely,

MRS. CELIA GLANTZ.

BROOKLYN, N.Y.,
August 17, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR: From time to time, your statements in the U.S. Senate in opposition to our Government's policy in the Far East—especially with respect to events in South Vietnam—have been reported in the press.

I find your opposition to the administration's disastrous course very enlightening. It is regrettable that few such voices are to be found in Congress.

I would very much appreciate it if you could send me reprints of your many speeches dealing with this subject.

Sincerely yours,

IRVING HERMAN.

LAKEWOOD, CALIF.,
August 14, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This note is just to let you know how greatly I and my friends honor you and Senator GRUENING for your continuing and effective opposition to our illegal involvement in South Vietnam. It took courage of a special order to vote "No" on the resolution giving broad powers to President Johnson. I am reminded of Representative Jeannette Rankin who twice said "I cannot vote for war." She gave up her political career in thus voting her conscience. But she will be long remembered.

I do what I can through Women Strike for Peace, and just yesterday we heard Gail Eaby (of Inglewood, Calif.) telling of her trip to The Hague with the NATO Women's Peace Force, to protest the spreading of nuclear weapons, through NATO, to West Germany and other nations. We deplore in particular the secrecy currently being imposed—so that details of the atomic agreements cannot be seen even by the Congress, except for members of two committees.

No nuclear weapons to Germany, now or later.

No need for you to reply; your valuable time can be put to better use in carrying on the struggle.

Sincerely,

RUTH P. KOSHUK.

NORTH HOLLYWOOD, CALIF.,
August 14, 1964.

DEAR SENATOR WAYNE MORSE: I commend you on your statement on our presence in South Vietnam. Be courageous dear Senator, we are with you.

Thankfully yours,

DAVE RUBIN.

NORTH HOLLYWOOD, CALIF.

DEAR SENATOR WAYNE MORSE: I enjoyed your speech on the Senate floor. Continue your good work. We all are rooting for you.

Thankfully yours,

PAULINE RUBIN.

BREMERTON, WASH.,
August 14, 1964.

DEAR SENATOR MORSE: I fully support your opposition to the escalation of the war in Vietnam.

I feel strongly that U.S. support of Dictator Khanh and his ambitions makes a mockery of America's oft stated "commitment to freedom."

President Johnson may need this incident to help in his campaign and the U.S. Navy may need this incident to justify existence at its present size, but I certainly have no need for more war and I doubt if the peoples of the world need more war.

Thank you,

JAMES F. OGG.

PORT JERVIS, N.Y.,
August 17, 1964.

Hon. WAYNE MORSE.

DEAR SIR: I wish to express my gratitude to you for your recent stand on the involvement of this country in southeast Asia. As you measured the possible loss of life and all the attendant grief and suffering against the possible gain and found that the lives of our sons was more valuable, you reached, I am sure, the only rational and, therefore, Christian conclusion possible.

I know it took great courage to do what you did. I admire you and respect you and will be eternally grateful for what you did. I also intend to write in your name for President in the next election. And I am telling all my friends what I am going to do.

This brings up another point: The difficulty of writing in a name on the voting machine. I believe this is deliberately made difficult to discourage write-ins, thus retaining greater control of the election by the two major parties. I believe, sir, that the truly worthwhile thing in the Constitution is we can change our form of economic or social life without resource to violence. It therefore follows that if the individual feels that neither party is giving him a chance to vote for what he wants he can do it anyway. And it should be just as easy to vote for someone not endorsed by a party as it is to vote for their candidates. Therefore, I believe the present situation as regards to write-ins is both illegal and unconstitutional. It does not give equal opportunity to all candidates and all voters. And every qualified person in this country is a candidate.

Write-ins should be encouraged by making it as easy as possible to write in a name. It might even ultimately prevent a revolution. Because I do not believe that we will tolerate forever governments forcibly taking our sons forcibly and unconstitutionally, and sending them to foreign lands, to support governments over which we have no control.

I do not feel that when I pledge allegiance to the flag I give my Government the right to bargain my life and the lives of my sons for the benefit of dictators and governments who can start wars on any pretext and whose policies are not subject to me for approval.

The constitutionality of our present voting machines should be tested. I believe it would be healthier and safer if we, the people, had a better chance to nominate our own candidates, by write-ins.

Once again I wish to congratulate you and express my deepest gratitude to you. I am sure you will be blessed for your courage and integrity.

Sincerely,

GEORGE F. MCCULLOUGH.

SWARTHMORE, PA.,
August 15, 1964.

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: I strongly support your efforts to bring about a change in policy in regard to Vietnam.

Sincerely yours,

ELIZABETH J. WRAY.

PALO ALTO, CALIF.,
August 14, 1964.

DEAR SENATOR: Heartfelt thanks to you for opposing the President's shooting war decision—which was not even properly debated in Congress. If the world is saved this time, thanks will go to such as you and Senator GRUENING.

Respectfully,

ELENA VARNECK.

LOS ANGELES, CALIF.,
August 12, 1964.

Hon. WAYNE MORSE,
U.S. Senate.
Washington, D.C.

DEAR SIR: While you have consistently shown yourself to be a man of great integrity, it must be especially difficult during this Vietnam affair, when so many, swept up in the cold war hysteria, refuse to let nationalism compromise with reason. Please know that there are many of us who greatly admire your courage and stand by you in the hope that your views, although now in dissent, will eventually prevail.

Sincerely,

ARTHUR MARGOLIS.
JAY RUSKIN.

CAMBRIDGE, MASS.,
August 15, 1964.

Senator WAYNE MORSE,
U.S. Senate.
Washington, D.C.

DEAR SIR: In the face of overwhelming bipartisan support of the President's recent actions in southeast Asia, it is heartening that at least two Senators have the courage to question both the political and military motivations for the attack on North Vietnam and the U.S. foreign policy in southeast Asia.

I have come to distrust official dispatches to the press about the situation in Vietnam as well as most other reportage on the administration's most recent war efforts in South Vietnam. I was particularly distressed to see how summarily most newspaper dismissed the opposition to the joint resolution granting the President advance approval in all steps deemed necesary by him to "repel any attack on U.S. forces in southeast Asia." The threat to peace in southeast Asia, and indeed in the world, in such an action is obvious, and the apparently less obvious threat to the system of checks and balances in our Government and likely atrophy of democratic processes resulting from such an action is foreboding for the freedom of this Nation.

Perhaps through some fault of my own I was not able to find in the newspapers the text of your speech opposing our recent actions in southeast Asia. Since I do not have ready access to the CONGRESSIONAL RECORD, I am hoping you have copies of your speech available for distribution. References to other registrations of protest by you and Senator GRUENING, of Alaska on the present situation in southeast Asia would be most welcome also, as the coverage of the American press on legislators' views opposing a more aggressive policy in southeast Asia seems to be at best muffled.

Sincerely yours,

LEIF C. W. LANDBERG.

SAN JOSE, CALIF.,
August 11, 1964.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: In the past few months I have become increasingly concerned over the course of American policy in southeast Asia, and ever increasingly interested and gratified by your continued public questioning of this policy. I have learned, but only from the most indirect sources, certainly not the press, that your speeches before the Senate are well worth the reading, and I should be very grateful if I could somehow lay my hands on any or all of your recent public comments on this subject.

Through the years I have come to rely on you, and recently Senator CLARK, for honest observations on American public policy. I should like to take this opportunity to encourage you to continue to call a spade a spade.

Very sincerely,

CHARLES L. SULLIVAN.

RIDLEY PARK, PA.

DEAR SENATOR MORSE: May I tender my heartfelt thanks for your lonely and courageous stand on the recent events in southeast Asia. It is a frightening thing that only you and Senator GRUENING should be the only Senators with the sanity to oppose these acts of war on the part of the United States of America under the cynical guise of freedom and democracy.

I fear for the future of my country when I compare the deadly parallel of the lack of response of the citizens of the United States with that of Germany in the 1930's. Are we bereft of every constructive emotion and faculty that these events go on, supported by the "liberals" as well as the lunatic fringe?

What has happened to Senator CLARKE who decries the degeneration of Congress into a "dead branch"? Must we have more "Bays of Pigs" while the American public remains blissfully ignorant of the most basic facts?

Or is it more important that President Johnson indulge in the antiquated horse trading and politics of a generation ago while space age realities snuff out humanities?

The God of power has made us not only blind but mad. How far can the end be? How soon will China have the weapons to retaliate in kind? In Poland in 1958 at the Poznan Trade Fair I saw an exhibit of Chinese machine tools that were of very advanced design, so it may be sooner than the American public dreams.

All I can hope is that your tiny minority can grow strong enough to change the suicidal course before we go over the brink.

Most sincerely yours,

W. J. BATCHELDER.

NORTH BERGEN, N.J.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: May I take this opportunity to congratulate you on your recent speech in the Senate which related to the situation in Vietnam.

I am thoroughly in accord with your expressed sentiments regarding our policy toward that unhappy land.

Though at the moment yours is, in the Senate, a minority voice, I feel that your views expressed the deep-felt desires of millions of Americans; in fact I believe yours is the view shared by the majority: firm, honorable negotiations under international law so that there will be a peaceful settlement on a basis of satisfaction of the interests of all parties involved.

Allow me to admire your courageous stand, and my hopes for your success.

Very truly yours,

JOHN SHIPLEY.

ALTADENA, CALIF.,
August 12, 1964.

DEAR SENATOR MORSE: We want you to know how proud we were of you and Senator GRUENING that you voted against the "predated declaration of war" on North Vietnam. We particularly appreciate your statement to the press charging that South Vietnam first attacked North Vietnam islands, while our Navy stood by.

We enclose copies of some other letters which we have written to Members of Congress.

And here are two fliers which were given out (in approximately 5,000 copies each) at a Hiroshima-Vietnam Vigil on Hollywood Boulevard last Saturday evening, August 8. The vigil was sponsored by the Unitarian Fellowship for Social Justice, and some 22 peace organizations cooperated to man 12 blocks on both sides of Hollywood (just west of Vine) with placards and leafleteers.

Yours with gratitude,

Mr. and Mrs. PAUL ORR.

ST. LOUIS, MO.,
August 14, 1964.

DEAR SENATOR MORSE: The courage you displayed on the floor of the Senate in the discussion of President Johnson's support resolution on Vietnam is rare indeed in present day American political life.

This kind of honest, righteous, individuality is the highest form of patriotism, in the best traditions of Americanism.

Sincerely,

DORIS BOLEF.

MIDDLETOWN, CONN.,
August 16, 1964.

DEAR SENATOR MORSE: I would like to express my gratitude to you for your courageous and rational stand on the war in Vietnam, and especially for your excellent speech against the August 5 resolution.

It is indeed disheartening to see that you and Senator GRUENING are the only Members of the Senate to have voted against the resolution. Equally depressing is it to see the lack of public protest against so blatant an act of aggression as the U.S. bombarding of North Vietnam.

We can only hope that the people of our country will rouse themselves to their necessary responsibilities before it is too late. Your outspokenness on this issue is hopefully a step in that direction. So few people in positions of national influence have the guts to talk up. That is why I write to you, something I have never done before; to say that, in my opinion, your position on South Vietnam is the only honest, human, and sensible way of looking at it. With the current, willful misrepresentation of the facts by the press, administration, etc., it is difficult to see how the citizens of this country will ever learn enough to make them realize what is going on.

You have been the true representative of the American people whether they know it or not. Please continue.

Sincerely yours,

LINDA RUDICH.

NEWCASTLE, CALIF.,
August 16, 1964.

Senator MORSE.

DEAR SIR: I do want to thank you from the bottom of my heart for your views on the Vietnam crisis. I've declared ever since our boys were sent there, they had no business there. Neither had our ships to be where they were. It was an invitation for incidents to create war. I'm so glad you said so; I only wish you were our President for all your life. You would save our boys' lives and parents' heartbreak.

I'm 81 years old and have four wonderful grandsons who deserve to keep their lives. Do help us and thank you.

EDITH LIVINGSTON.

SKOKIE, ILL.,
August 15, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: May we express our great admiration for your thoughtful and courageous speeches in the Senate concerning our policy in Vietnam. Certainly events of the past 10 days have proven the wisdom of your remarks.

It is our fond hope that not only will your efforts in behalf of peace continue, but that you will win many other Members of your body to your position.

With all good wishes.

Respectfully yours,

Mr. and Mrs. BORIS H. BRAIL.

FAIRFIELD, CONN.,
August 17, 1964.

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I wish to commend you (as well as Senator ERNEST GRUENING, to whom I am sending a similar letter) for voting against the resolution that was passed in the Senate on August 7, giving the President carte blanche in southeast Asia.

In my opinion this resolution—

1. Is a dangerous precedent because it is a predated declaration of war, which is unconstitutional. The power it gives to the President will, until it is revoked, pass to all succeeding President's, including Senator GOLDWATER, in the event that he is elected to that office.

2. Is, I gravely suspect, a preelection move, to disprove Senator GOLDWATER's criticisms of the administration's foreign policies.

3. Can be used to extend the war in Vietnam. It appears that only those Vietnamese are supporting the war who are (a) benefiting financially from U.S. intervention; (b) are not subject to napalm bombs made in the United States and dropped by U.S. planes, piloted by U.S. Air Force personnel.

Respectfully yours,

JAMES D. CAIRNS.

CHICAGO, ILL.,
August 10, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am in agreement with your position on the recent crisis in Vietnam. Not only do I hold the United States as the original provoker in the North Vietnam crisis but the unwanted intruder in the South Vietnam conflict also. To me, the foreign policy of the United States is objectionable in all of southeast Asia as well as in most all of its foreign policies all over the globe.

Specifically, in this communication, I plan to give evidence on why our action in Vietnam is objectionable, proof of this evidence in a somewhat novel fashion, and a solution to the existing problems in Vietnam. This procedure could also be applied to the rest of our existing foreign policy but, for a more persuasive argument, I will consider only the Vietnam issue.

Thank you for taking time to read the enclosed essay.

Respectfully yours,

EDWIN M. FALK.

SEATTLE, WASH.

DEAR SENATOR: I approve of your stand on the Vietnam issue. Once again you have shown the courage of your convictions. Which in my opinion are in the best interest of the people of the United States and the world.

I only wish we had more men like you representing us in the Government. Hoping you will continue to speak out as you have done in the past.

I remain,

Respectfully yours,

Mr. E. L. HEALEY.

SEAL BEACH, CALIF.,
April 14, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: My appreciation for your opposition to the resolution giving the President unlimited power to institute war without the approval of Congress.

It is my impression that there are many more people throughout the country, than Washington and the press would have us believe, who are against the provocative part we are playing in the Vietnam affair and are appreciative of your dissent against such action.

It was the great dissenters who carved their niche of fame in our country's history, and not those who merely gave routine rubberstamp approval to acts of extremism. I am tempted to move to Oregon so that I might have the honor and privilege of voting for you.

Very respectfully yours,

H. A. LAMONT, M.D.

DETROIT, MICH.,
August 15, 1964.

U.S. Senator WAYNE MORSE, of Oregon.

SIR: I wrote a boiling hot letter to President Johnson, on his hot war in Asiatic jungles.

He is trying to do what the British and French tried to do for 200 years—take military control over yellow and Hindu races, plus also the Arab races.

This long display of force has cost Britain her place in the world, as she is now little more than a third-class nation.

And, of course, Hitler tried to copy England and he has put Germany into military slavery that will be there for a long time to come. Johnson reminds me of a foreman branding cattle, he thinks he can put his brand on certain yellow men and that's it. And maybe this schoolboy Mr. Rusk thinks also, but it is not as simple as he and his theory leads him to believe.

I guess you saw that article in U.S. News & World Report by the longtime reporter, and asked positive questions—his only answer was we are there to win, to win what, a big bag of mosquitoes? If our country wants to go nuts why not go with GOLDWATER; he will do a finished job, why pussyfoot around with Johnson?

The main trouble, he has been in Government many years too long. Three-quarters of his time has been in Government.

There are many bullies all over the country who say we are coward if we don't stick it out.

But they are not in danger of getting over there.

How many Negroes has Johnson been able to get over there? I have seen no pictures of Negroes over there.

But it's the southern Senators who are the real big warmongers—their votes have been putting arms into most every small country on the face of the earth.

Then we send our white American boys over to get shot.

As bad as GOLDWATER may be I'll not vote for Johnson; he of course has no sons in danger.

In these wars it's always the case "let George do it."

And Governor Wallace seems to be a warmonger; he didn't talk against, he follows the warmongers of the South.

Both Johnson and GOLDWATER are a couple of first-class slickers; there really is no good choice.

Yours,

A LONG TIME VOTER.

PACOIMA, CALIF.,
August 14, 1964.

Senator WAYNE MORSE,
The Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: Bravo. Your stand on Vietnam is wonderful and the only answer to ending that horrible war.

I stand firmly behind you 100 percent.

Yours respectfully,

MICHAEL MARGULIES.

FRIENDS COMMITTEE ON
NATIONAL LEGISLATION,
Washington, D.C., August 17, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Friends Committee on National Legislation warmly applauded your reassurances to Congress that "the United States intends no rashness (in southeast Asia) and seeks no wider war." The world at large is undoubtedly grateful.

We wish to express deep concern, however, over our understanding that, in case of attack, the captains of the individual carriers in the 7th Fleet have been given authority to retaliate immediately against North Vietnamese bases, without consulting Washington first.

This is too heavy a responsibility to place upon men at the center of an action where confusion tends to be inevitable and rashness may ensue. The week of August 2 was a pointed reminder of how difficult it is to understand the motivations and actions of another land. Additional decisions to retaliate against land bases would seriously undermine U.S. efforts to build a world of law and order.

They could bring us all a step nearer to World War III.

Therefore our organization would welcome reassurances that we have been guilty of misinterpreting—both the comments on the interview with Captain Daniels, as carried in the August 11 New York Times (see enclosure, page 9), and subsequent seemingly confirming conversations with Pentagon officials.

Sincerely,

FRANCES E. NEELY.

CAMDEN, N.J.,
August 16, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your courageous efforts to keep our country out of war, have been deeply appreciated. War should become obsolete and I trust more progress will be made in solving world turmoil intelligently and peacefully. Thank you for all you have done.

Gratefully,

BERTHA JAMISON.

LOS ANGELES, CALIF.

WHITE HOUSE,
Washington, D.C.

YOUR HONOR SENATOR WAYNE MORSE: We congratulate you for voting "No" on South Vietnam.

Thank you very much.

HELEN DEUTCH,
Housewife.

SAN YSIDRO, CALIF.,
August 15, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I want to thank you from the bottom of my heart for your sane and valiant stand during the recent North Vietnam bombings.

Whatever the political, ideological or strategical circumstances involved, you were the most prominent man who kept sane and did not hysterically scream for blood as so many others did. Your posture was that of a man bound to the concepts of civilization as opposed to the human degeneration of which most of the world's history consists.

In the world it is not entirely possible to live without violence, but we must always strive to avoid becoming hysterical just because somebody broke one rule of our way to play the game.

The United States has now a history of many wars, interventions, and general meddling. Some justified and most, sadly to say, not. In 1911 the U.S. Navy bombarded Vera Cruz in Mexico. It started because a few American sailors were roughed up in Tampico.

In the past the United States managed to assume the stance of a peaceful nation because it had meek neighbors. In Europe, for example, the case was different. Deep, ugly nationality hatred (similar to our civil rights problem) was used by the interested rulers to conduct war after war. The United States had few neighbors and a vast wilderness separated the bordering countries. But now the world has become small—Thailand and Honduras, Madagascar, and Afghanistan are our neighbors now. This has increased the possibility for friction a hundredfold.

And friction there will be—in Indonesia, Thailand, Burma, India, Iran, Greece, Spain, Mozambique, Angola, South Africa, Rhodesia, Tanganyika, Congo, Morocco, Venezuela, Chile, Brazil, Nicaragua, Dominican Republic, Haiti, Guatemala, Bolivia, and several others.

During and after our lifetime there will be violent struggles in those and possible other countries. I am looking at it as a pathologist of history and not as an ideologist. And the United States will be involved. I am looking at it with horror.

One certain effect will be the complete "psychological exhaustion" of the United States (as Erich Fromm puts it). American nerves are frayed as is—the struggle of survival in the working life is still a big item, then the monsters of technology: motor noise, air pollution, insecticides, TV (the breeding ground for the wave of future neurotics), racial problems, the urban and rural slums, mass transportations.

I am seriously suggesting that we should have a Federal organism that studies the psychological effects of all political, economical and technological problems affecting Americans. This organism should then also issue advice to the different parts of the Federal Government as to how to maintain psychological strength and health. As you know, North Vietnamese General Guip has declared: "The United States has all resources for winning the Vietnam conflict except the psychological resources."

You see the current signs of political extremism in the United States—those are to some extent pathological symptoms. When you observe the individuals who lean toward extremism, you will come to the conclusion that under the ideology there are serious mental and psychological problems which are aggravated, activated by the "psychological war" between the United States and the forces of international Marxism and also by fanatical nationalism in underdeveloped countries.

Therefore men like you are valuable because they keep the stability and sanity (which was the one resource the Romans in their pre-Christian era did not lack—except of their crude ways of diversions—but then look at TV).

Yours truly,

JOHN RASPEY.

SANTA MONICA, CALIF.,
August 10, 1964.

DEAR SENATOR MORSE: Congratulations for your forceful, outright condemnation of our war escalating policy in North Vietnam.

Do continue your courageous stand and do all in your power to expose the constant flow of lies from every source, including Washington.

Even though you are a lonely voice of truth in the wilderness of lies—it is indeed a bright glow and a warm one you shed.

Thanks and bless you.

MRS. PEGGY FOX.

GARRISON, MONT.,
August 13, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I feel I must commend you for your negative vote against the resolution backing the President's actions during the recent crisis in Vietnam. Defending our ships and bases is one thing, but a "retaliatory" strike such as the world has just witnessed is another, and I fail to see how the incident has enhanced our position in southeast Asia or, indeed, any place else in the world.

Though not of your State, I would be proud to have a Senator representing me who has the moral courage to vote against something he does not believe in, even though he may be consequently singled out and probably condemned by many. The Senate and the American people would be in a far better position, if there were more who had felt as you, and voted against the resolution.

Yours very truly,

MRS. DONALD HEROUX.

BALTIMORE, MD.,
August 16, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am in complete agreement with your views concerning Vietnam. Believe the problem of Vietnam should be resolved by the Vietnamese people with the aid of the United Nations.

VIOLA M. DAMMANN.

SONOMA, CALIF.,
August 16, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I concur with your negative vote re the Vietnam resolution passed by Senate.

ELLIOTT JACOBS.

MIDDLEFIELD, CONN.,
August 15, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Bravo for your intelligent stand re recent resolution on Tonkin Gulf affair. You and Senator GRUENING bear the responsibility of sane men in an insane world. The responsibility is all the greater for the odds against you. Don't falter. Best wishes.

LOUIS ZEMEL.

SANTA ANA, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I read with interest in our paper of yours and Senator ERNEST GRUENING of Alaska casting the only dissenting votes on the emergency resolution approving all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression in Vietnam and I want to congratulate you men in that you not only stood for what you believed in the face of criticism but you believe what millions of other red-blooded Americans believe that we have no real reason to be in Vietnam.

We do not want any nation attacking our ships nor any part of our Armed Forces when they are attending to their own business and on our own property, but if Russia or any other country were as close to our shores like in Cuba for instance, we would be nervous but I have yet to find one who has been in Vietnam, as my son was for 6 months, who thinks South Vietnam wants our help or protection. They apparently do not know which side they are on or do they care.

My son, who is a navigator in the Air Force told us of old men whom he would meet on the streets of Saigon who would turn around and spit at him after he had passed. The French gave up trying to keep them in tow long ago; why should we keep our young men there to be killed one at a time and now perhaps by the hundreds?

Thank you Senator. I only wish our California Senators had the same foresight.

From one whose grandfather died to set the slaves free and whose ancestors helped to carve out America from the beginning,

Sincerely,

HARRY L. DADY.

SAN FERNANDO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Thank you, thank you for your integrity, courage and common sense in speaking against and voting against, the war in Vietnam.

It was like a cool breeze on a hot summer day—hearing you speak on TV against the bombing of the coast of North Vietnam.

Sincerely,

JOHN M. WEATHERWAX.

WASHINGTON, D.C.,
August 10, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: As one of the millions of Americans who believe in peace, justice, and right, I applaud your stand on civil rights, on southeast Asia in particular and your position on economic and world affairs in general.

I think you are the greatest statesman America has today. Continue to fight on and may God bless you with long life, good health, courage and vision.

Respectfully yours,

HOWARD S. PARKS.

AKRON, OHIO,
August 9, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Although I am not one of your constituents, I should like to compliment you on your courageous vote against the resolution concerning President Johnson's politically inspired aggression against North Vietnam.

I have frequently noted that your unpopular positions on key issues express my own thoughts, and I am gratified that there is such a person as yourself in a high position with the courage to voice such convictions.

Respectfully yours,

JOHN F. SIMPSON.

APTOS, CALIF.,
August 9, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. MORSE: We wish to express our gratitude for your solitary voice of reason, and for your courage in speaking out consistently on the terrible injustice of our southeast Asia policy. When will statesmen learn? Surely the example of the French debacle in Indochina should teach us a lesson. We can only hope that the reason for the action Lyndon Johnson has taken is expedient to the November election and that he will follow a more reasonable approach after he wins.

But, because of Senator GOLDWATER and such reasonless colleagues as you have, we cannot help but fear for our country, and, indeed, for our world.

Please, please continue at least one voice of reason.

Very truly yours,

IRENE and JOHN GARRISON.

ENGLEWOOD CLIFFS, N.J.,
August 13, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: This is to express my admiration of you and the Senator from Alaska for your opposing vote on Mr. Johnson's action in Vietnam. Two honorable men out of 90 in the Senate and only two honorable men out of the whole Congress of the United States: I would say that is a very good sample of the honorable humans in this so-called free world—two out of about every 525. My hopes were dashed when not one nay vote was cast by the congressional ladies. Now I know that I would not vote for a woman candidate.

Why don't you run independently for President? It would save humanity from the insanity of these power- and trigger-happy demagogs. No one that I know has anything good to say about either Johnson or GOLDWATER and they claim they will not vote for either one. It has come to a sad state of affairs when one has no choice but the lesser of two evils and it is questionable whether one is less than the other.

If you would make the sacrifice and run, you would have a chance of a landslide. People in general are disgusted with the lies and propaganda that they are fed. I will say this for Mr. Khrushchev: I have yet to catch him in a lie. Whenever he has described a situation and Washington has denied it, I found upon checking that Khrushchev was telling the truth. The foreign news versus the U.S. news has the same comparison; seek elsewhere if one wants the facts.

I hope and pray that you will run independently against these men, even though it is asking a great sacrifice on your part. I wish you everything of the best and the guidance of providence.

Sincerely yours,

HELEN CRISTANELLI.

HOLLYWOOD, CALIF.,
August 14, 1964.

DEAR SENATOR WAYNE MORSE: Please accept my sincere thanks for your courageous stand against our policy in Vietnam. I hope you will continue to speak up for what is right. All my best wishes to you and please go on with your work. All sane people are behind you.

Respectfully yours,

MRS. D. JACOBSON.

NASHVILLE, TENN.,
August 11, 1694.

DEAR SENATOR MORSE: This card is an expression of my support for and approval of your recent statements in criticism of the U.S. current stand in Vietnam (your article in the Progressive was most enlightening), and of your views concerning aid to certain "gunboat allies," re the Foreign Assistance Act. That the act's authorization could not be held below $3 billion is regrettable. Perhaps needless to say, I oppose the currently discussed "Dirksen rider" designed to hobble reapportionment; in its current wording, I question whether such legislation would hold in the courts.

Sincerely,

ROBERT T. KNUPP.

MALIBU, CALIF.

DEAR SENATOR MORSE: Your stand on U.S. bombing of North Vietnam is appreciated. Please keep speaking out. I only wish I could vote for you.

Sincerely,

PETER OXON.

MORRISTOWN, PA.,
August 15, 1964.

DEAR SIR: May I state my complete concurrence of your views of our Government's foreign policy?

You are indeed a standout among those high priced oafs in the Senate. If we don't get more like you then our country is headed "down the drain."

Congratulations, sir.

PENNSYLVANIA VOTER.

MALIBU, CALIF.,
August 11, 1964.

DEAR SENATOR MORSE: I am writing to endorse, as a private citizen, your recent actions and remarks in regard to the "situation" in South Vietnam. Events seem to bear out your contention that the United States does not belong in Vietnam.

MARIE FAY.

SANTA MARIA, CALIF.,
August 11, 1964.

DEAR SENATOR MORSE: Thank you for your sane position on the Vietnam situation. Please don't give up your struggle to prevent our complete embroilment in war.

Sincerely,

VITA MONES.

MALIBU, CALIF.,
August 12, 1964.

I would like to express my sincere admiration and appreciation of your courageous and outspoken denunciation of our (the United States) position in the Vietnam crisis.

MRS. DORIS W. STARRELS.

MALIBU, CALIF.,
August 11, 1964.

DEAR SENATOR MORSE: Please keep urging us (the United States) to get out of Vietnam. Thank you for your stand. Urge the whole thing to be put in the U.N. We're behind you.

WINONA SCHLIKS.

MALIBU, CALIF.,
August 13, 1964.

DEAR SIR: We wish to express our admiration of your recent actions in opposing almost singlehandedly the use of military methods in the attempt to solve our problems in Vietnam.

Sincerely,

Mr. and Mrs. EASTMAN N. JACOBS.

LOS ANGELES, CALIF.,
August 8, 1964.

DEAR MR. MORSE: As a relatively new, not proud American—I praise your stand for "peace" which is unpopular in America. They are too busy here murdering young people who believe everyone has the right to vote or worried about keeping property rights up at the cost of human life if necessary (someone else's). Keep up your stand on the Vietnam issue.

ALEXIS THOMPSON.

LOS ANGELES, CALIF.,
August 9, 1964.

DEAR SENATOR MORSE: Thank you so much for your words for peace and in defense of a future for America in a thermonuclear world. You speak for the majority of Americans and the finest of American tradition when you oppose these adventurous plans by a military minded government.

Truthfully,

PHILIP L. JOHNSON.

MINNEAPOLIS, MINN.,
August 14, 1964.

DEAR SENATOR MORSE: Often I disagree with your ideas, but as to foreign aid, the U.S. Government being a hypocrite and why are we in Vietnam, I agree. I'm glad a few of you have a mind of your own and use it.

LILLIAN SPIERING.

TACOMA, WASH.,
August 11, 1964.

DEAR SENATOR MORSE: This is to commend you for your courage to express yourself as opposed to further military buildup in Vietnam. All the Americans are not for such a move even though the press and radio would have us believe it. Fighting does not preserve freedom as witness the condition in South Korea today. We have a U.N. where such matters as Vietnam should be settled. If Red China were given a seat there it would help.

Sincerely,

EVELYN FISHER.

ST. PAUL, MINN.

SIR: I hope you will continue to present the truth on U.S. foreign policy.

Sincerely,

NED O'NEILL.

Oscoda, Mich.

Dear Sir: I have been reading with interest your efforts toward peace. May God bless you.

Sincerely,

M. Evans.

Hayward, Calif.

Dear Senator Morse: I would like copies of your speeches on Vietnam which I understand you have given on the Senate floor since June or so.

Has anyone answered your charges?

Thank you.

Mrs. Ilene Weinreb.

San Rafael, Calif.,
August 10, 1964.

Dear Sir: Thank you for arguing against the recent bill to fall behind the President in his Vietnam policies. I believe I am for him, but this blind follow the leader is not healthy for anyone.

Yours very truly,

Richard J. Wethun.

Berkeley Young Democratic Club,
Berkeley, Calif., August 13, 1964.
Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Senator Morse: I want to commend you for your valiant stand on the issues involved around the Vietnam situation. As in the past, you have shown your forthright determination not to allow the United States to cross the brink into a final, fatal war. The day may yet come when America's people will realize the seriousness of our intervention in Vietnam and will demand that our young men leave foreign soil and come back here where the job of defending democracy is needed in Mississippi and Alabama more than in Laos or Vietnam.

Sincerely,

Ted Cohen,
President,
Berkeley Young Democrats.

Chicago, Ill.,
August 15, 1964.

Dear Senator Morse: I wish to extend my praise and admiration to you for your outspoken stand against U.S. aggression in southeast Asia. Your's must be an extremely frustrating job * * * to speak to 535 "educated" men in the U.S. Senate and find your words landing on empty soil. If you could name one or two Senators you feel might be possibly approaching an understanding of the situation as it is, I would try to write them, and have my friends also, to encourage them to follow your example. Sometimes encouragement, even if from a nobody as myself, is all that is needed.

Sincerely,

Miss Marjorie Kursella.

Palo Alto, Calif.,
August 13, 1964.
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing to let you know of my wholehearted support of your position on the Vietnam issue.

Although your position in the Senate appears to be a rather lonely one, I am sure your courage has given strength to people all over the country, who, like myself, desire peace and an end to the senseless fighting in Vietnam. Your stand has made it possible for me, and I am sure, many others, to feel greater resolve to try to do what we can to bring peace to that area.

Again, let me thank you for your courageous leadership at this time. I am also writing a similar letter to Senator Gruening.

Sincerely,

Richard Fisch, M.D.

Los Angeles, Calif.,
August 9, 1964.

Senator Morse: Thank you for your defense for society. All our people who believe in it are thanking you.

Jacqueline Redesond.

The University of Chicago,
Chicago, Ill., August 14, 1964.
Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Allow me to congratulate you for your negative vote on the recent congressional resolution on southeast Asia.

Even if one leaves out of account the merits or demerits of the U.S. program in Vietnam, the underlying constitutional issue is, in my opinion, so serious as to require the most determined effort to inform the public about it.

I believe that the intent of the U.S. Constitution was that the ultimate power to commit the Nation to war reside in the Congress.

Doubtless, the executive has great constitutional powers in the direction of foreign policy; but it was surely not intended that the Congress be a mere rubberstamp in great decisions of war or peace. In the technological context of the 18th century, it was enough to reserve to the Congress the power to "declare war," or to "grant letters of marque and reprisal." In the present context, the President, as Commander in Chief of the Armed Forces, has acquired the power of committing the country irrevocably to war. Events now move so fast that Congress can never be presented with a real choice on the matter. Congress has thus lost one of its most vital functions to the executive branch.

This development seems in some respects inevitable, an adaptation of the national policy to an entirely unforeseen situation. Yet Congress must not give in too easily. Particularly, it must not further the demise of its constitutional powers in this sphere by giving the President vague advance sanctions for warlike acts in situations such as the present one in southeast Asia.

With highest regards, I am

Yours very truly,

Philip Kuhn,
Assistant Professor of History.

Harvard University,
Cambridge, Mass., August 15, 1964.

Dear Senator Morse: Your words of sense on the U.S. posture in Vietnam are rare, refreshing, and will be, I hope, heard by Democratic voters. (I despair of Republicans giving an ear to them, I'm afraid.) Democratic voters ought, don't you think, to guard against supporting administration moves which out-Goldwater Goldwater.

Sincerely yours,

Laurence H. Scott,
Teaching Fellow, Department of Slavic Languages and Literatures and Resident Tutor in Lowell House.

Northridge, Calif.,
August 17, 1964.
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: May I take this opportunity to congratulate you for your courage in speaking out against our actions in North Vietnam last week?

It is to be hoped that many of your colleagues will be inspired by your most commendable stand against our Government's dangerous and provocative bombing missions.

Very respectfully,

Catherine M. Blumberg.

San Diego, Calif.,
July 13, 1964.

Dear Senator: Heard your recent speech on TV—amen. I think you are right.

Please lend your support to keeping McCarran-Walter immigration law on the books.

Keep up your good work. There are too many rubberstamps in our Congress.

Sincerely,

L. M. Handby.

East Side Democratic Club,
Los Angeles, Calif., August 13, 1964.
Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: We, the members of the East Side Democratic Club, wish to express our commendation and gratitude for your's and your colleague, the Honorable Senator Gruening's, principled efforts in the U.S. Senate in criticizing and calling the attention of the American people to the unwise and perilous course being conducted by the administration and the Pentagon in southeast Asia.

Together with millions of other Americans we are deeply concerned over the threat of a major war with its implications of nuclear devastation erupting as a consequence of the administration's expansion of the Vietnamese war to the entire southeast Asian region. We feel that you and those of your colleagues who are in accord with your position on this issue are not only upholding the prestige and honor of our Nation but are also defending the survival of mankind.

Be assured that you have our wholehearted support in your demand that the U.S. military operation in Vietnam and Laos be halted, and the conflict be settled peacefully in accordance with our obligations and declared policy of peace by resort to the United Nations, or by a conference of all nations concerned.

Cordially yours,

Frank A. Kondray,
First Vice President.

P.S.—Enclosed is a copy of a resolution on the southeast Asia crisis, adopted by our membership on August 12, and forwarded to the President.

Copy of the resolution was also forwarded to the Democratic National Convention.

East Side Democratic Club,
Los Angeles, Calif.

Resolution on the Crisis in Southeast Asia and Its Effect on Democratic Party Prospects in the National Elections

(Addressed to the President, the Honorable Lyndon B. Johnson.)

Whereas in this nuclear age of weapons capable of total destruction, mankind and civilization face the greatest peril to their existence ever known. Aware of this overhanging calamity, the most universal demand for peace in history insists that the use of military force to settle international disputes be abandoned in favor of negotiations. Accordingly, prime responsibility rests with the heads of states, particularly the United States, to whom the world looks for initiatives to avoid armed conflict;

Whereas it is the declared official policy of the U.S. Government to strive toward easing world tensions and to promote world peace, which policy of peace, Mr. President, you have publicly affirmed;

Whereas there is at present a war in southeast Asia, in which the administration is heavily committed, and which has reached a dangerously critical stage, so much so as to endanger international peace. Recently our military forces took actions to spread this war over a wider area in that region. This development has greatly disturbed the people of the world and of our Nation; and

Whereas the Democratic administration is justifiably recognized as being dedicated to a greater degree than a Republican one, to the social needs and welfare of the general electorate. And this liberal record and program has created a favorable image of the

Democratic Party to the majority of the same electorate. Pursuit of the present administration policy in southeast Asia could substantially negate this favorable attitude, and thereby impair chances of success for Democratic candidates in the 1964 national election. The reason being that there is a growing conviction that the administration is yielding to pressure of Republican reaction for more drastic military action in that area. The resultant uneasiness could induce voters to reason that, with both parties posing an equal danger of a major war, there is no electoral choice on the transcendent issue of peace or war. Assuredly, Mr. President, the choice of the American electorate is for a candidate who promotes peace over one who would expand war: Therefore, it is

Resolved by the members of the East Side Democratic Club, Los Angeles, That we, as Democrats, are committed to the reelection of a liberal Democratic administration over Republican reaction. However, we maintain that this possibility must not be impaired by placing the survival of mankind on the scales against political expediency. As an alternative to the futile military solution of this crisis, we urge that, as members of the United Nations, having signed its charter, we fulfill our obligations to it and to peace by bringing this southeast Asian threat to international peace before that body, or, to participate with all other nations concerned in a conference to negotiate an honorable and peaceful end to this tragic and potentially dangerous war.

Approved by the East Side Democratic Club, August 12, 1964.

FRANK A. KONDRAY,
First Vice President.

SAN FRANCISCO, CALIF.,
August 13, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: We wish to thank you for your stand on Vietnam in March, and again for your recent vote on the resolution. You are one of the few Senators with the foresight to see that a world war is not the answer to our problems, and the willingness to say so.

You have taken an unpopular stand. However, we believe most of the other Senators are failing to take a careful realistic look at the problems that face our Nation and the world today. Reports are that the Senate was all but empty during the presentation of your statement. This is very discouraging. It would seem that most of the Senators intend to follow Presidential policies rather than listen to the wishes and needs of the people.

We feel that all who take the courageous stand against the threatened holocaust of a new world war need praise and support from the public. Those who, like Senators KUCHEL and SALINGER, voted in support of the resolution allowing the President to take warlike actions, must be told that this is not in the best interests of our country. We enclose for your information a copy of a letter we have sent to both California Senators.

The knowledge that people such as you are fighting to bring about a better world is encouraging. We know that as time progresses we can continue to advance toward this better world, with your help.

Cordially,

JOHN R. JENNINGS.
FRANCIS J. WALCOTT.

SAN FRANCISCO, CALIF.,
August 12, 1964.

Hon. THOMAS H. KUCHEL,
Senate Office Building,
Washington, D.C.

DEAR SIR: We wish you to know that we are not in agreement with your vote on the resolution approving the President's power to wage undeclared war.

There were two Senators opposing this resolution, which would weaken the Senate control over declaration of war in favor of action by the President alone, in starting action which could result in all-out war. As a result of such an action as in Vietnam, San Francisco could be among the first to suffer the holocaust. It is an uneasy feeling to fear a world war coming and realize that one man in this country has the power to stimulate it into existence. The knowledge that only two men spoke out against this is very disturbing. Surely, discussion of issues in question, before the United Nations is far more appropriate at this time.

We believe that Congressmen are there to represent the will of the people. Among the many people to whom we have talked, very few are in favor of the warlike action in Vietnam, and none in favor of the possible all-out war. We also believe that as Congressmen are to represent the people, they should be participating in congressional duties full time, and on the floor during important debates such as this one.

We wish to record our opposition to this method of dealing with any problems, and again state our belief controversies should be dealt with by the United Nations. Further, for a more lasting gain, negotiations should be started toward establishing trade with the Socialist countries. This would bring us rapidly closer to a true and lasting peace.

Yours very truly,

JOHN R. JENNINGS.
FRANCIS J. WALCOTT.

RIVERDALE, N.Y.,
August 14, 1964.

President JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am writing to tell you that I applaud the statements of Senator WAYNE MORSE that we may be as much at fault in the incidents which have recently taken place in the Gulf of Tonkin, and with him, urge you to see that the war is not carried by us into territory that will cause retaliation by the Chinese and so create a situation in which war could be set off in yet another part of the Middle East.

I would also urge that the United States be willing to meet again at Geneva to see that peaceful settlements in this part of the world could be found.

Copies of this letter are being sent to Senator WAYNE MORSE and to my Senators, JACOB JAVITS and KENNETH KEATING.

ADELE R. MEYER.

MODESTO, CALIF.,
August 12, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: It was with heartfelt thanks that we noted your vote on the recent congressional support of President Johnson's actions in southeast Asia. As Quakers we have a high regard for unanimity, but we are well aware that truth often stands alone, shunned by the raucous cries of the multitude. Sir, persist in the best lights God has given you.

Our best religious insights tell us that war and violence never achieve good ends, though it does, at times, seem to bring some resolutions in man's affairs. Truly, the ends never justify the means when viewed dispassionately in the wider reaches of time and space.

As rationalists and humanitarians there are reasons enough to question the attitudes and acts of our national leaders in this and other areas of world conflict. If the United States is to continue its leadership of the free world, we desperately need a sober and mature voice; for we are dealing in areas where mankind is at stake.

Once again, may we thank you for your good services to our Nation as well as the world.

Sincerely,

RUDY POTOCHNIK,
Acting Clerk, Delta Monthly Meeting of the Religious Society of Friends.

LOS ANGELES, CALIF.,
August 12, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Once again, I wish to commend you on your very courageous stand on Vietnam.

It is very good to hear a sane and considered voice at a time when the hasty action of our country might very well lead to a world war.

Please do continue your lone fight.

Respectfully yours,

MARGARET G. GINSBURG.

UNIVERSITY OF ILLINOIS,
CHICAGO, ILL.,
August 14, 1964.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

SIR: Forty-four members of the faculty of the University of Illinois, Chicago Undergraduate Division, have endorsed the enclosed petition which calls upon the U.S. Government:

—Not to enlarge the scope of the war in Vietnam;

—To begin immediate negotiations to bring about a reasonable settlement;

—To seek the neutralization of the area in order to maintain peace there in the future.

A copy of the petition is enclosed and the names of those endorsing it. We speak for ourselves and not for the university.

Very truly yours,

WILLIAM D. GRAMPP,
Professor of Economics.

THE PETITION

We, 5,000 American college and university educators, urge a neutralized Vietnam.

It would end the terror and suffering of this war-ravaged land.

It would end the continuing loss of American and Vietnamese lives.

It would be preferable to deeper involvement or irresponsible pullout.

We, therefore, appeal to you, Mr. President, not to enlarge the scope of the war, but instead to work for a neutralized North and South Vietnam, as separate, federated, or reunified states, protected by international guarantees and peacekeeping forces against all outside interferences.

In recognition of the imminent danger of the war in Vietnam escalating into a direct conflict between the United States and Communist China, we, the undersigned faculty members of the University of Illinois in Chicago endorse the above statement and urge immediate negotiations to bring about a settlement of the Vietnam war through neutralization of southeast Asia.

THE PETITIONERS

William D. Grampp, professor of economics.

Oscar Miller, assistant professor of economics.

John McNee, Jr., professor of art.

Daniel K. Andrews, assistant professor of accounting.

Willis C. Jackman, assistant professor of English.

Louis Chandler, associate professor of physics.

Ted R. Jackson, assistant professor of speech.

P. C. Smith, instructor of history.

Twiley W. Barker, associate professor of political science.

Elaine Z. Herzog, instructor of chemistry.

Nancy A. Tomasek, instructor of French.

Charles P. Warren, instructor of anthropology.

Lawrence Lipkin, assistant professor of accounting.

Joan Chillag, instructor of English.

Lloyd C. Englebrecht, instructor of library administration.

James B. Stronks, associate professor of English.

Nan E. McGehee, assistant professor of psychology.

R. R. Page, instructor of philosophy.

Robert E. Gallagher, associate professor of English.

Irving M. Miller, instructor of English.

Dolores L. Keranen, instructor of English.

Moreen C. Jordan, associate professor of English.

Robert W. Nickle, associate professor of art.

R. D. Kozlow, instructor of library administration.

M. J. Klatt, assistant professor of library administration.

Donald P. Dimmitt, instructor of art.

Sabine A Casten, instructor of chemistry.

F. P. Wiesinger, associate professor of engineering.

B. R. Kogan, associate professor of English.

J. N. Pappademos, assistant professor of physics.

R. H. Krupp, lecturer, physics.

Herman B. Weissman, associate professor of physics.

Don A. Masterton, associate professor of art.

Robert K. Adams, instructor of architecture.

Martin Hurtig, assistant professor of art.

John E. Walley, professor of art.

Henry M. Pitts, assistant professor of psychology.

Donald Hanson, associate professor of architecture.

Herbert J. Curtis, associate professor of mathematics.

Ronald J. Matlon, instructor of speech.

Theodore V. Kundrat, instructor of speech.

James A. Bond, assistant professor of biology.

Roger Whitmer, lecturer, architecture.

Canio Radice, professor of art.

August 13, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: This letter is to express strong support of the position you have taken in regard to the U.S. involvement in southeast Asia and also of the constructive criticism that you have made of the American foreign aid program. Of course, your position on these two issues finds its basic justification in the vital interests of the American people. However, I believe that this type of loyal opposition is a great contribution to the present administration, and I nominate you and Senator Gruening as the truest Democrats of the year. May the party soon catch up with you.

Sincerely,

Lewis M. Latané.

Baltimore, Md.

Los Angeles, Calif.,
August 11, 1964.

President Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: I would like to tender my thanks, to you, for the fine job you have done for our country since the death of our beloved John F. Kennedy. Especially in the civil rights field. Although I have usually voted the Democratic ticket I have never actively worked for Democrats during campaigns, but this year I feel so strongly that you are the man we desperately need during the coming crucial years that I plan to call my local Democratic club and do whatever I can to help you and your party get into office. However, I would like to urge you to endorse Senator Morse in his policy toward Vietnam. I believe that the United States has a great chance to become a world leader and to spread democracy around the earth but we must be above reproach in our dealings with all countries and eschew aggression and domination without understanding. I hope my letter is only one among many you get asking you to listen to Senator Morse's proposals and to act as swiftly as possible on them.

Thank you for your kind attention,

Yours truly,

Jean Mitchell.

Lancaster, Calif.,
August 12, 1964.

Senator Wayne Morse: I wish to join the thousands of decent-minded Americans who are praising you for your outstanding integrity in refusing to endorse the President's resolution asking congressional approval of the present war policy in southeast Asia.

How disheartening and shameful that all, with exception of you and Senator Gruening, wish to continue the brutal, useless war against innocent people who want only to establish peace in their countries and get on with the business of establishing a stable government capable of serving all the people's needs.

How long will it take the policymakers of the United States to learn they cannot ever win this war or any other with the aim of destroying communism. In fact, the present policy only strengthens the Communist cause everywhere on earth. Every day more Americans are being sacrificed in this war of aggression and thousands more of the resisting Vietnamese are being slaughtered.

Your contribution in the August issue of the Progressive is priceless and should get into the hands of every American. Too bad that it cannot be circulated by the millions. I would like to help do it.

Sincerely,

Ruth Cameron.

Los Angeles, Calif.,
August 12, 1964.

Dear Senator Morse: I know you have already spoken out on the NATO–NLF proposal to Congress. This note is only to encourage you or anyone else to continue to ask for open hearings and debate against President Johnson's message of June 30. The whole idea is frightening and so few people are really aware of it.

Sincerely,

Florence Katz.

August 11, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing this letter to you to commend you on your clear thinking and courage in expressing it in relation to the terrible and threatening situation in southeast Asia.

Every thoughtful person will agree that your recommendations must be followed if civilization and mankind is to survive this and later generations.

I cannot fail to mention to you the significance that your comments in the newspapers had on a considerable number of people.

Sincerely yours,

Walter Briehl,
Lieutenant Colonel, MC; USAAF, Inactive.

August 11, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: In the last few hours, I have seen you twice on my television screen emphatically opposing President Johnson's current Vietnam policy and action.

I congratulate you on what must be a brave stand and send my earnest plea that you will have the strength and courage to say again and again what you know is right—a conviction which must be shared by a considerable number of people throughout the world. Of course it is better to try to negotiate settlements for peace at the conference table—preferably at the U.N.—than to initiate militarism which may lead us over the brink into nuclear war. To a reasonably sane person, the question hardly seems to warrant further discussion.

Please, Senator Morse, do your very best for my children and for children throughout this sad world.

Your very sincerely,

Mrs. Margaret S. Bowen.

San Diego, Calif.,
August 12, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: It is a little late to be thanking you for your stand on Vietnam, but months go by before I catch up with things. I am so very grateful to you for expressing my ideas on the situation in that far country that even now I must tell you so. More power to you.

Sincerely,

Eika Herz.

La Verne, Calif.,
August 13, 1964.

Dear Senator Morse: For your stand of statesmanship against the vote to give the President unconditional power in southeast Asia, I want to commend you.

May the time come when all nations, great and small, will resort to conference with the United Nations.

Some of us (maybe more than anybody realizes) do not like the brinkmanship approach by either party and certainly not with a flavor of partisanship.

Yours sincerely,

A. R. Coffman.
Carrie C. Coffman.

ENDLESS STRUGGLE IN VIETNAM COSTS THE UNITED STATES $2 MILLION A DAY—CALLS FOR WAR AGAINST THE COMMUNISTS LOUDER EVERY DAY

Washington.—The war in Vietnam costs the United States $2 million a day; there will soon be 20,000 American soldiers in this southeast Asian state risking their lives 20,000 kilometers away from their homes; up to 1963 Washington sent $2½ billion to Vietnam; during the last 3 years 262 Americans have been killed, 17 have been lost, and 2,000 have been wounded.

The American Government declares that she limits her role in Vietnam to supporting an independent state, threatened by communistic aggression and infiltration. Critics of the U.S.A. point out that the government of Diem was forced on Vietnam by the machinations of Washington and its Secret Service, and Senator Mike Mansfield has pointed out that since 1955 nothing has been done to solve the inland problems of Vietnam. And also in Laos, Washington has helped to support the corrupt regime of Gen. Phoemi Nosavan.

But these critics of the American policy in southeast Asia are a very small minority. The great majority does not realize that America is often supporting dubious, reactionary, often corrupt, leaders of undeveloped countries. In doing so she, viz, the United States of America, is herself making the feeding ground for communism, and thereby the cause of a resulting lack of enthusiasm of the people in fighting against the Red infiltrations.

Most of these critics in the United States of America itself repeat what GOLDWATER has said, and advocate strict measures against the Communists, even an open war. Talks, neutralization, international treaties, and guarantees are looked upon as synonyms for capitulation.

In spite of hard facts these parties maintain that the Communists are the only ones to blame, and that America is only striving to secure freedom and independence of South Vietnam and its neighbors.

But the questions at stake are not at all so simple, because communism spreads in countries where the leaders' policy is not socially progressive, nor based on the will of the people, but on the contrary is only supported by the dollars of the American CIA, used only to enrich the leaders themselves.

(Translation of an article in Haarlem's daily paper on Tuesday, Aug. 11, 1964.)

(Translated by Mrs. L. E. Lindeman-Davies, Westerhoutpark 34, Haarlem, Netherlands.)

LOS ANGELES, CALIF.,
August 13, 1964.

DEAR SENATOR MORSE: We are again moved to write to you congratulating you on your courageous stand on the subject of our involvement in South Vietnam.

We cannot believe that there aren't other men who feel as you do, but are too cowardly to express themselves the way you do. That makes your stand all the more heroic and honest.

How could we possibly be exporting democracy when we have so many fences to repair right here at home?

We are proud of you and embrace you as the type of American that we admire. Would that there were more like you in the greatest deliberative body in the world today.

Cordially yours,
MAX POSCHIN.
ELEANOR POSCHIN.

NEW YORK, N.Y.,
August 10, 1964.

DEAR SENATOR MORSE: I wanted to thank you for your speech regarding Vietnam. I think that it is a shame that more Senators do not have your integrity and spirit.

I hope that you will continue to exercise your independence in the defense of a realistic and honest foreign policy.

Sincerely,
THOMAS CONNOR.

ANN ARBOR, MICH.,
August 12, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I would like to express my appreciation of and support for your determined stand against continued U.S. intervention in North and South Vietnam and Laos. Although the texts of your speeches in Congress are not usually reported in detail by the newspapers, I gather that you oppose such intervention both on legal and moral grounds. It is very difficult for the average citizen to form a clear conception of what is happening in southeast Asia, but your statements seem to me to echo what many Americans must suspect—certainly what I suspect—about the faultiness of our policies in that area.

I urge you to continue to speak out against military intervention by the United States in violation of treaties, the charter of the United Nations, and the dictates of a humane conscience. I hope you will support and help to initiate a foreign policy aimed at defeating communism by alleviating the conditions of poverty and hunger which nourish it, in southeast Asia and elsewhere.

Yours very truly,
JAMES A. CLARK.

SEATTLE, WASH.,
August 13, 1964.

DEAR SENATOR MORSE: Your stand in the Vietnam affair deserves the citizens' support.

It is less than 200 years since our Revolution and the word "Hessian" still has a bad meaning. But that is what we act like in Vietnam.

It is less than 25 years since Russia attacked Finland. Few Americans then or now would accept the explanation from Moscow that the Karelian isthmus was necessary for their defense. But you hear such an excuse from Washington to explain Vietnam.

It is encouraging to find someone in the capital who will stand up to the Knight-Errant diplomacy of the State Department and do something about keeping peace and worldwide order.

J. B. WALL.

HEMET, CALIF.,
August 13, 1964.

DEAR SENATOR MORSE: Please do all you can to open hearings and debate on the proposed agreement to release nuclear weapons information to NATO countries. You are very wise in your understanding of the true situation. Do continue to speak out. Also, blessings on you for your courage in exposing the true situation in Vietnam.

Respectfully yours,
MRS. JEAN ZWICKEL.

SCARSDALE, N.Y.,
August 14, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I should like to express my hearty approval of your stand on the war in South Vietnam. It seems a pity that more Congressmen cannot view their actions objectively, but we have been swept out so far on a wave of hatred that it is difficult for them to face the truth. Therefore you should be the more commended for taking this unpopular stand rather than a characteristic one.

Your restrictions on the foreign aid bill showed the same wide understanding. I regret that more of them did not pass.

Though yours may seem to be a voice crying in the wilderness I hope that eventually it will be heard and heeded by the whole country.

Sincerely,
SUSAN COLLINS.

LOS ANGELES, CALIF.,
August 12, 1694.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to express the thanks of my family and myself to you for your brave and stalwart position on the Vietnam problem.

Even though you are very much in the minority, your courageous statements give all thinking Americans some hope. Please keep up the wonderful work.

Sincerely yours,
HELEN RUBENSTEIN.

LOS ANGELES, CALIF.

DEAR SENATOR MORSE: I support your stand on the Vietnam situation. I have also written my Senators, informing them of my attitude, and asking them to support you and Senator GRUENING.

Sincerely,
MRS. ELAINE HYMAN.

NEW YORK, N.Y.,
August 6, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I thank you from the bottom of my heart for the sane head and sane vote you exhibited today on the Vietnam resolution.

You are not alone despite your courageous lone vote. Many of us agree with you that this is a United Nations matter. The new events only confirm this the more.

I am writing to President Johnson and my two Senators to tell them of my agreement with you and that I have so written you.

Many, many thanks again.

Very sincerely,
MISS GERTRUDE ETTENSON.

AUGUST 13, 1964.

DEAR SENATOR MORSE: We are so thankful you were courageous and spoke truth to the Government and hellbent for Vietnam Senate warriors re illegality, immorality in situations in East.

We have written telegrams, night letters, special delivery letters to agree with you to President, Senators and State Department with scant replies. The President's secretaries (unlike President Kennedy's) merely sending them to State Department, ignore what you write, sending a polite noncommittal letter saying nothing, enclosing news from Vietnam (mimeo) they sent a year ago. What can a citizen do? Again with profound admiration.

Respectfully,
ARTHUR AND ETHEL COLLINS.

PASADENA, CALIF.,
August 11, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you very much for opposing the recent militant U.S. action in Tonkin Gulf. I, too, believe that the United States should leave Vietnam. I urge that we negotiate the problem of Vietnam in a conference set up by the United Nations. Secretary General U Thant's proposal to reconvene the Geneva Conference, with the peacekeeping machinery of the U.N. would serve this purpose, I believe.

I am glad that you speak out firmly even on issues that are unpopular. May you continue to press for peace instead of war in southeast Asia. Thank you again.

Sincerely yours,
MRS. NANCY E. BENSON.

SEATTLE, WASH.,
August 12, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I thought you might find of interest the enclosed items. One is a reply from the Defense Department to a letter which I sent Senator MAGNUSON about a month ago. He forwarded it on to me. As you can see, it says absolutely nothing. In answer to this, I have sent the three-page letter a copy of which is enclosed. You are welcome to insert this letter in the CONGRESSIONAL RECORD—as I am sure that Senator MAGNUSON will not do so.

In addition—although you may have seen these before—I am enclosing "Vietnam—Symptom of a World Malaise" by David Arnold, who served as a USIA officer in the Mekong Delta area for 14 months; until he resigned in disgust. He holds a Ph.D. in linguistics from Harvard. The other article is by Bronson Clark, former director of the American Friends Service Committee relief programs in Morocco and western Algeria, His striking parallel between the French in

Algeria and the Americans in South Vietnam is well made.

I work in the peace education program of the American Friends Service Committee. While I have not had time to check out this idea with the people above me who will have to give the go-ahead, I have been formulating the idea for a workshop-symposium on Vietnam which could be held in Seattle. Would there be any possibility of obtaining your services as panelist and guest speaker for such an affair in September? If so, what would be the best dates for you? We, of course, would pay travel expenses and an honorarium. I would envision this as a major attempt at involving mass media personnel, with the focus on stimulating responsibility in the press. Also, because of the distinguished Far East Department at the University of Washington, we would be able to draw heavily upon their resources.

I am on the steering committee for an ad hoc group formed at the time of the crisis to sponsor leafleting and demonstrations opposing extension of the war and calling for withdrawal of American troops. We are going to attempt to move in as many ways as possible to focus public attention on this situation; visibily showing our opposition to present policy. The workship I mentioned, which AFSC could possibly sponsor, would augment this other type of activity.

Lastly, I want to commend you for the fine presentations you have been making in the Senate of the case against U.S. involvement in Vietnam. We receive the Congressional Record daily, so I have been keeping tract of all the dialog. We would welcome 500 of any of your speeches on the subject which have been made within the last month; the more recent, the better. We will be glad to reimburse you for the printing cost.

Sincerely,

Craig Campbell.

Seattle, Wash.,
August 11, 1964.

Hon. Warren G. Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: I appreciate very much your letter of August 4 with the enclosed reply from the Assistant Secretary of Defense on the subject of U.S. policy in Vietnam. I certainly did not expect my opinions to go quite so far. Unfortunately, however, this reply neatly avoided answering any of my main points. This avoidance of discussing openly the history and nature of the situation in South Vietnam is characteristic not only of the Defense Department, but of the administration and the mass media as well.

There is such a gulf—between the "official" bureaucratic point of view toward operations such as our involvement in South Vietnam—as witnessed by the reply from the Defense Department to my letter—and the actual, personal level effect of such operations on the population as a whole, so as to make discussion almost pointless.

There are a number of irrefutable facts concerning South Vietnam which are relevant to any discussion of our present policy there. One is that France colonized the area, built the cities, affected the culture—and yet was not able to retain Indochina. Another is that the United States declined to sign the 1954 Geneva agreements which partitioned the country. This does not give us the right to flagrantly violate these agreements, which forbid the introduction of soldiers of any nation (except specified numbers from France) into the area; which forbid the use of jet aircraft in the area; which called for elections in 2 years to unify North and South Vietnam. In violation of these agreements (Stevenson's U.N. speech notwithstanding) we have introduced 15,000 "advisers" (soldiers) into the area; have constructed a huge jet base; and have supported three dictators in a row. Diem, the first one, was schooled in America and installed largely at the insistence of Dulles. There is considerable evidence that he was removed with the active assistance of the CIA for three main reasons: He had made recent peace "feelers" to North Vietnam; he was unwilling to push the war as hard as U.S. advisers wanted him to; and his nepotism and internal repression was becoming an embarrassment to the United States. This theory is widely held among correspondents and diplomats.

Since then, we have seen two dictators who seem to possess even less popularity than Diem. What, then, do we mean when we speak of the "Government of South Vietnam"? Walter Lippmann wrote in the Washington Post of April 21, 1964, that no more than 30 percent of the people support the Saigon government, and that the government controls no more than 25 percent of the land area of the country. The "Vietcong" not only control but administer (schools, hospitals, local governments) the rest of the country.

The plain and simple fact—supported by almost all journalists who are covering this area—is that the United States is fighting a war against almost the entire peasant population of South Vietnam; and is, by virtue of its methods, driving most of the rest of the people into active opposition also.

You do not win friends by spraying vast areas with chemicals which kill crops and cattle, defoliate trees, and in some instances, cause death to humans. You do not win over the population by razing whole villages with napalm bombs and artillery.

SEATTLE TIMES, MARCH 21, 1964, A.P. DISPATCH

"Included in American military aid is napalm, liquid-petroleum jelly which explodes across villages in a rush of fiery death. A newer weapon here is a phosphorus explosive fired from artillery and fighter bombers. This erupts in a white cloud, burning through everything it touches. With explosives such as these, civilians are bound to be hurt. Americans and Vietnamese argue that they have no choice but to use the explosives. The spectacle of children lying nearly dead with napalm burns was revolting to Vietnamese and Americans entering a village on the Cambodian border after it had been under air attack by Government planes Thursday."

There have been numerous stories and photographs published internationally showing American "advisers" standing by while Vietcong prisoners are beaten and tortured. Life magazine printed several about a month ago showing bound prisoners being subjected to water poured down their nostrils.

Is this what we call bringing "freedom to South Vietnam"?

Do we really think we can win over the population by forcing entire villages to move into virtual concentration camps, euphemistically termed "strategic hamlets"? Bronson Clark, former director of the American Friends Service Committee relief program in Morocco and Western Algeria from 1961 to 1963, wrote an interesting article in the July 15, 1964, issue of Friends Journal which compares Vietnam with Algeria. He draws a remarkable parallel between the methods employed by the French with their "regroupment camps" and the Americans with "strategic hamlets." He also finds it "curious and perhaps frightening to realize that in the United States we have a lemminglike attitude toward the actions of our Government in the Far East, although the wire services report that we are engaged in 'earthscorching' practices in which, after burning villages, destroying livestock and rice stores, and stripping and killing all foliage, we regroup any civilians who survive into what the Pentagon now has the audacity to call 'new life hamlets.' It seems frightening, I say, to realize that there has been almost no outcry on the part of the organized church against these acts committed in our name and in our behalf."

I am appalled to consider the possibility that politically the administration can do nothing at present to alter the present course of events in South Vietnam. It appalls me even more to see that Johnson is seemingly pandering to the Goldwaterites by "getting tough." The vast amount of support Goldwater commands is all the more reason for bringing these issues out in the open; away from the emotional cries for "unity" and the misleading black-and-white descriptions of the situation.

The true nature of the conflict in Vietnam cannot be understood without reference to the history, geography, and culture of the area. It is simply fallacious and misleading to assume that the present situation is a result of infiltration from North Vietnam. The Mekong Delta area, south of Saigon and 500 miles from North Vietnam, was the center of resistance to the French more than 15 years ago and is the center of resistance to the U.S.-supported government today.

I would like to close by recording my opposition to the recent strikes in North Vietnam. The nature of the targets chosen strongly suggests that an excuse was manufactured to give us the "legal" right to destroy these bases; which were obviously preselected. Senator Morse rightly charges that our ships were probably backing up South Vietnamese boats which earlier attacked North Vietnamese island ports. (This also mentioned by James Reston, columnist.) General Khanh's air force general, in an interview about 3 weeks ago, revealed (to the consternation of the American "adviser" present) that they had been carrying out sabotage and air drops in North Vietnam for the last 3 years.

There has also been evidence lately that Khanh fears a coup; that hints of such a happening have come from high up in his own regime. This would be very significant in explaining his attempt to divert attention—at least world attention—from his own precarious situation.

History will record this war as one fought by the United States with an overwhelming technical superiority in weapons against a peasant population indigenous to the area. It will be recorded as the testing ground for new methods of counterinsurgency, or killing people. And it will also be recorded as a war which we lost—as did the French 10 years before us—unable to force our view of the correct society onto the population.

I would welcome any evidence from responsible, independent sources—not the Defense Department or the CIA, with their vested interests—to refute any claims I have made herein.

I am enclosing the article by Bronson Clark which I mentioned earlier. Also, I am enclosing an article by David Arnold, who served in South Vietnam for 14 months with the USIA office on the Mekong Delta area, and who resigned from Government service in protest. He holds a Ph. D. from Harvard and is now executive assistant at the Woodrow Wilson National Fellowship Foundation in Princeton, N.J.

Sincerely,

Craig Campbell.

Washington, D.C.,
June 30, 1964.

Hon. Warren G. Magnuson,
U.S. Senate,
Washington, D.C.

Dear Senator Magnuson: I am replying to your June 2 referral to the Department of Defense of a letter to you from Mr. Craig Campbell.

Both the President and Secretary McNamara believe that the problems of southeast Asia require periodic meetings between American key officials in Washington and in the Far East having responsibility for these problems. These face-to-face exchanges, at Saigon and at Honolulu, have provided the Secretary of Defense, General Taylor, and other officials with an opportunity to review the counterinsurgency operations of the South Vietnamese, to review our programs of assistance to Vietnam, and to consider what additional actions, if any, are required from the United States to make more effective the activities of the South Vietnamese in countering guerrilla operations.

Mr. Campbell raised the question of the chance of success of our policies in Vietnam. I believe that the Government of Vietnam must overcome many formidable obstacles before the Communist insurgency will be suppressed. Events leading to the overthrow of the Diem regime and the subsequent disruption in administrative and military operations caused initially a setback in the war against the Vietcong terrorists. Since the advent of the Khanh government early this year, however, there has been a marked recovery in both the military and civilian spheres. As Secretary McNamara testified recently before Congress:

"It is clear, I think, that the road ahead will be long and hard there. We have said that before, I want to repeat it again today. But it is not the tradition of this country to back off when the going gets tough. I am sure all of you would agree with that. We don't propose to back off now. I am convinced and our senior military and political officials are convinced—that includes the Ambassador in Saigon and the Commander of the U.S. military assistance in Saigon—that persistent execution of the plans of the Khanh government, plans with which we agree, will lead to success. We propose to achieve that."

I appreciate Mr. Campbell's interest in Vietnam and trust that the above will serve to answer the points raised in his letter.

Sincerely,

PETER LUBERT,
Deputy Assistant Secretary.

[From Fellowship, May 1964]

VIETNAM: SYMPTOM OF A WORLD MALAISE

(By David Arnold)

(In May 1963, David Arnold, who had been serving in South Vietnam for the past 14 months with the USIA office on the Mekong Delta area, resigned from government service in protest. Assigned to the branch public officer in Can Tho, he was responsible for explaining U.S. policy and goals to the Vietnamese in that area. Dr. Arnold, who holds a Ph. D. from Harvard in linguistics, is now executive assistant at the Woodrow Wilson National Fellowship Foundation in Princeton, N.J.)

It would be easy to blame the French for Vietnam. For the hundred years or so preceding 1940, it was their country, part—along with Cambodia and Laos—of their colony of Indochina. The germs of the present situation were loosed by them; they have thrived beautifully under our care.

We became involved in Vietnam during World War II. The Japanese had occupied the country with little resistance from the French. Though they were unable to exploit the vast wealth of raw materials, these resources were denied the West. In the early years of the war, we could only harass the Japanese. When our OSS infiltrated Vietnam to develop guerrilla forces capable of operating behind Japanese lines, they found an already well-developed resistance group calling themselves nationalists. Their Vietnamese title was Viet Minh, abbreviations for League for the Revolution and Independence of Vietnam. Their leader was one Ho Chi Minh, who had been trained as a Communist in his youth. The Viet Minh impressed us with their organization and determination to defeat the Japanese; we supplied them and worked with them for the duration of the war.

With Japanese defeat imminent, President Roosevelt made plans for the future of Indochina. He recognized the strength of nationalist forces at work and proposed, at the Cairo and Teheran conferences in December 1943 and January 1944, that Indochina be placed under an international trusteeship as a final step toward complete independence. But Roosevelt's hope for a trusteeship over Indochina died with him. Key policymaking personnel in the Truman administration were concerned with what they saw as the more pressing problems of Europe. In 1946, France reasserted her claim over her former colonies with scarcely a protest from us.

The Viet Minh, however, had other ideas. They had rallied the support of the peasants to fight the Japanese and now had their backing to demand independence from the French. France appeared at first to meet the Viet Minh demands. In return for political, military, and economic concessions, she agreed to recognize the Republic of Vietnam "as a free state, having its own government, parliament, army, and treasury, belonging to the Indochinese Federation and the French Union." However, a few months later, she reneged on her promises and prepared to reoccupy the country.

The Viet Minh turned to us, as their allies of the war, for support. We were unwilling and unprepared to anger France—we refused. They then turned to Russia. She, too, was more concerned with events in Europe, and also turned them down. Ho Chi Minh asked France for further negotiations—his pleas were ignored. French forces reentered Vietnam, armed largely with American lend-lease weapons. The Viet Minh went underground, pledging guerrilla warfare until their demands were met.

At the end of the war in 1946 the Viet Minh had been relatively moderate and friendly to the West. French military reoccupation of the country produced a Viet Minh thoroughly hostile to the West and completely Communist oriented. Although Russia continued her unwillingness to aid them, by 1949 a newly Communist China recognized a way to fulfill both her ideological convictions and her ancient imperial designs on southeast Asia. Vietnam had once been under Chinese rule for a period of 1,000 years, and China offered her support to the Viet Minh with a long eye to the future.

The ensuing Indochinese War was a shock to the French. Chinese training and supplies for the Viet Minh were seemingly endless. Prepared for pitched battles, the French were ill-equipped for guerrilla warfare. Their tanks mired in the rice fields, and their slow moving convoys were easily ambushed along jungle roads. They received no support from the Vietnamese peasants, whose appetite for independence had been well developed by Ho Chi Minh.

SUPPORT GOES TO FRANCE

As an ally, we supplied the French with equipment and supplies. Our aid averaged $500 million annually through 1953. This proved of little help, for the French were fast losing. By the time the Eisenhower administration took office, a detached observer might have been able to see that we were committed to a hopleless situation. Yet, we either had no detached observers, or they did not have the ears of our new administrators—we did not change our policy. Instead we put more effort into making the old policy produce better results. Fiscal 1954 aid was increased to $885 million; we promised $1.133 billion for fiscal 1955.

The French did not last until 1955. In the spring of 1954, the bloody battle of Dien Bien Phu intervened. A strategic French fortress in the northern plains fell to the Communists—this was the final crushing blow. France called for a truce. Russia, China, the United States, Britain, and France sat down at the conference table in Geneva. Vietnam was divided at the 17th parallel; Viet Minh troops were to withdraw to the north, French troops to the south. The accords prohibited the introduction of new military equipment or personnel into either sector, except as replacements for existing equipment and personnel. Neither zone was to join any military alliance or permit the establishment of foreign bases. The country was to be reunified through general elections scheduled for July 1956. The United States refused to sign the accords, but stated that we took note of the agreements and "would refrain from the threat of the use of force to disturb them."

For this interim period, Ho Chi Minh headed a Democratic Republic of North Vietnam. The French supported a South Vietnamese Government headed by the former Emperor Bao Dai. Athough we and other Western powers recognized South Vietnam as an independent state, the Bao Dai government was little more than a thin facade for continued French presence. The French controlled the army, the administration, and much of the economy.

BAO DAI LASTS A YEAR

This French-sponsored government lasted a little over a year. We had had our Korea, and the cornerstone of our foreign policy was now containment. We decided that continued French presence in South Vietnam would be a difficult obstacle to our plans for checking further Communist advances in Asia. We set about taking a more active role in the future of South Vietnam. An ardent anti-Communist Vietnamese nationalist by the name of Ngo Dinh Diem had been invited back from exile to serve as Premier of the Bao Dai government. He soon caught our eye as a possible alternative to Bao Dai himself. With a promise of massive American aid, he successfully persuaded the Emperor to hold a popular referendum on the future form of the government of South Vietnam. This referendum, held in October 1955, produced an announced 98 percent majority in favor of a Republic headed by Ngo Dinh Diem. Bao Dai left in exile for the French Riviera—the French had been pushed aside. We began developing South Vietnam into what we called "a bastion of the free world."

Considering the conditions that existed in South Vietnam in 1955, it is a wonder that we even thought we could succeed. The war had left roads and railroads destroyed, communications disrupted. Vietnamese industry and most natural resources were located in the north. Many Viet Minh had not withdrawn to the north, but had gone underground in the south, retaining the loyalty of peasants. The population of North Vietnam was 18 million and that of the South only 14 million. Even had President Diem been as genuinely popular as he claimed to be, it was clear that just by weight of numbers the Communists would win the nationwide elections scheduled for 1956 by the Geneva accords.

NO ELECTIONS FOR DIEM—OR US

Therefore we backed Diem's refusal to follow the accords. We agreed with him that genuinely free elections could not be held in a Communist North Vietnam, but said nothing about whether genuinely free elections could be held in the south.

There were no nationwide elections. Our aid poured in. Diem had quashed dissident Buddhist sects challenging his authority to speak for the country, and he now rebuilt the army. Within a few years he extended the power of his government into rural areas which the French, even at the height of their power, had never reached. He made beginnings in land reform and redeveloped large areas of swamplands in which to settle the nearly 1 million refugees who had fled the north.

But for a government supported by the greatest democracy in the world, the Republic of South Vietnam was proving to be amazingly undemocratic. Ngo Dinh Diem called himself a President. He was an autocrat ruling from a palace, refused to share powers of decision outside his own family. He tolerated no opposition. No one unfriendly to Diem managed to hold a seat in his Chamber of Deputies. The country's population was 70 percent Buddhist, but positions of responsibility were given only to members of the Roman Catholic Church, to which the Ngo family had belonged for over three centuries.

None of this bothered us too much. We made it clear by word and action that as long as Diem continued to be anti-Communist, we would back him in whatever he did. The tragedy, however, was that Americans in positions of responsibility never knew exactly what he did. Of the more than 500 American diplomatic, military, and aid personnel in South Vietnam, no more than 50 lived and worked outside the capital city. We gathered our information on the political and military situation from Saigon sources, who carefully filtered out disquieting news from the provinces. If lower-level American officials in the field submitted reports of growing unrest among the peasants of South Vietnam, the reports never managed to reach Washington.

TROUBLE IN THE NEWS

In 1960, the American people were suddenly told that there was trouble in Vietnam again. The news may have been sudden, the trouble was not. Guerrillas had started reappearing in 1958, capitalizing on a feeling of political and social impotence among the peasants. They urged the peasants to resist the authority of their government and demand reunification with their brethren in the north. They promised the peasants a voice in a government that gave equal consideration to all its citizens and gave no preference to one group over another. Many of these so-called Vietcong were former Viet Minh who had never left the south. Others had infiltrated along the celebrated Ho Chi Minh trail through Laos. Many were new recruits. They were all well received by the peasants.

Diem's reaction to the increasing subversion was a further tightening of the reins of government. As the guerrillas won more peasants, Diem became more authoritarian. Any Vietnamese who spoke up in public against the increasing repressive acts of his government was jailed. Any Americans who felt our mission in Vietnam might be jeopardized by a blind allegiance to a government that was violating what we considered to be the basic rights of all individuals everywhere were called defeatists—ignored, or sometimes transferred.

During this period, our Embassy was approached by several anti-Communist but dissident Vietnamese groups asking support to overthrow the Diem government. Many commanded widespread backing among the military and the intelligentsia. We ignored their petitions.

By the fall of 1960, the Communists had gained control of large sections of the Vietnamese countryside. Six days after the election of President Kennedy, one of the groups that had approached us earlier for support attempted a coup. They were crushed. We dismissed the affair as an isolated incident, not in the least symptomatic of conditions in the country. We found out several months later that the young military officers behind the coup had thought, with the election of President Kennedy, that we would now be more sympathetic to their cause.

By spring 1961, our new administration did recognize that there were problems in Vietnam. Vietnamese hopes rose as President Kennedy assigned a new Ambassador, Frederick Nolting, and sent Vice President Johnson on a factfinding tour in May. Johnson's trip was followed by a study mission headed by Gen. Maxwell Taylor. By fall we had prepared what we called a "new policy" for South Vietnam.

It was not a new policy. We were only trying harder to make the old policy work. We continued to back Ngo Dinh Diem, our new administration said, because there was no other alternative. (This we said, of course, about Chiang Kai-shek before we lost mainland China, about Batista before we lost Cuba, and about Rhee before he was overthrown.) We did, however, recognize the need for making the Diem government more palatable to the Vietnamese people, and we were planning to press for political and social reforms in return for massive buildup in economic and military aid.

During the winter of 1961–62, we sent millions of dollars of equipment and supplies and 12,000 military and civilian advisers to South Vietnam. I was one of the civilians. The focus of our civilian efforts was the strategic hamlet program. Following the British success in Malaya in the mid-fifties, we were planning to help the Vietnamese Government regroup its peasant population in fortified villages. These strategic hamlets, as we called them in Vietnam, would theoretically protect the peasants from Vietcong propaganda and terrorism and would cut the guerrillas off from food and information sources. We then planned to convince the Vietnamese Government to introduce democratic forms of self-government into the strategic hamlets, with the hope that, given an increased sense of individual responsibility, the peasant might come to respect his government.

NEW POLICY ALSO FAILS

I was in South Vietnam for 14 months. Within 6 months it was obvious to those of us in the field that, for all of the talk of "cautious optimism" and "qualified success" among Americans in Saigon and the State Department, our new policy was working no better than the old.

Both Americans and Vietnamese were taking the strategic hamlet program seriously and were hailing it as the turning point in the struggle against Vietcong. I visited strategic hamlets in the Mekong Delta every day and saw differently. Fortified villages in Malaya probably did win the war. The British, through means never revealed to Parliament, managed to separate the Communist from the non-Communist before enclosing the village with a wall. The Vietnamese did not. Anyone could live in the strategic hamlet if he said he wanted to or could be forced to. In Malaya the walls were 12 feet high, the gates were closed at sundown, and anyone found outside the walls was shot on the spot, no questions asked. In the Delta some walls managed to rise to 3 feet, and for the peasants who couldn't be bothered with stepping over them, the gates were always open. In Malaya, the inhabitants were kept armed, to ward off guerrilla attacks. In South Vietnam, weapons were kept locked in the hamlet chief's office and distributed in emergencies. Emergencies managed to come too fast for effective distribution. In Malaya, the Communists were effectively cut off from the peasants. In Vietnam, the flow of propaganda, terror, food and information continued unhindered.

We were preening ourselves over the beginnings of democratic self-government we had introduced into the strategic hamlets. The Vietnamese were sharing our public enthusiasm by announcing that a long-sought social revolution had taken hold of their country. Hamlet residents were now given an opportunity to elect their own leaders and to vote themselves on possible self-help programs founded by the United States. I asked a close Vietnamese friend of mine in the government whether the peasants were in fact being given this opportunity. "Of course not," he answered. "The day before the election, the district chief instructs the peasants in what choices they are to make. Then, the following day, when you Americans are there, the peasants know exactly how to vote." "Have the peasants ever made up their own minds?" I asked. He was surprised that I would ask such a ridiculous question.

Militarily, we claimed to have turned the tide against the Communists. We were proudly reporting "mopping up" operations on the Voice of America with statistics kindly supplied us by the Vietnamese Government information service, listing 200 Vietcong killed and one Government soldier wounded. Yet, even with such a high mortality rate among the Communists, within 18 months 10,000 Vietcong regulars managed to swell to 25,000.

The Communists were exploting the situation beautifully. We were the successors to the French, they said, moving our men and equipment into the country to destroy Vietnamese independence and convert the country into a colony of Western imperialism. They revived Ho Chi Minh's cry of the Indochinese war for freedom from the Western colonialists. They portrayed Diem as a puppet of the West, who had no concern for the interest of his countrymen. They made no move, however, to topple the government, for they were convinced that it would fall by itself.

The horror of the situation came not from what the Vietnamese were doing, but from what Americans thought they were doing. As the New York Times had consistently pointed out, there was little relationship between what we lower echelon people were seeing and reporting from the field, and what the highest American officials in Saigon were reporting back to Washington. The State Department now blames the Central Intelligence Agency for stopping the flow of realistic information to Washington, but there was a ban on negative reporting throughout the entire American Mission in Saigon until only recently.

DIEM LOSES WHILE HE WINS

All of us, I am sure, the Ambassador included, knew at least unconsciously that we were winning no war, that Diem was winning no support of his people, and that there was no prospect of victory over the Communists with our present policy. If it was to be "sink or swim with Ngo Dinh Diem," we all knew that we were sinking. But those who had to take responsibility for our actions no longer dared to reverse themselves. They had spent too many billions, been in Vietnam too many years, and lost too many men to admit that it had been in vain. To protect themselves, they could accept only those facts that would support the only policy they thought possible.

When I left Vietnam, most of us in the field knew what would happen next. It is true that we had not known that the violent protest would be led first by Buddhists. We had guessed the young military or the students. Our top officials saw nothing coming. Over the summer, as the Buddhists revolt grew, our Americans in Saigon seemed to become more blind, and more willing and even eager to accept official Vietnamese pronouncements that the anti-Government demonstrations were Communist-directed. When Ngo Dinh Nhu, President Diem's brother, used his CIA-sponsored special forces to sack the pagodas on the night of August 21, I thought the end of any American influence in South Vietnam was in sight.

The Vietnamese people had called upon us to help them, and we were silent. American-made rifles clubbed the Buddhist nuns and priests into submission, and American-made trucks hauled them to prison and torture. Our money was supporting a government hated by the whole country. How could we not expect that this hate would turn toward us?

In September, 1 month after the arrival of Ambassador Lodge, Washington recalled our head CIA representative in South Vietnam, a man personally committed to Ngo Dinh Nhu. It was only a matter of weeks after he left that the first successful coup against Ngo Dinh Diem came. I do not know if we took the initiative with the Vietnamese generals, or whether they came to us first for support. This perhaps does not matter. The military could not have succeeded without us. As our money, our equipment, and our supplies had been used by Diem to maintain power, so they were used to overthrow him. The Diem government was American-sponsored. Its successors have been American-sponsored. Whether the Vietnamese people want an American-sponsored government has apparently not yet occurred to our policymakers.

The two post-Diem military governments have proved to be no solution. Vietcong terrorism increases, their hold on the countryside tightens, and even Saigon now begins to show signs of panic.

At this point there appear to be five possible directions the Vietnam situation could take.

PROPOSAL NO. 1: BUILD UP KHANH

The first, which we have proposed, involves building up the present military strong man, General Khanh, as the popular leader we once thought Diem to be. For this, even if Khanh had the potential, it is too late. The Vietnamese people will not give us another opportunity to show them what "democracy" can do for their country.

The second, another of our proposals, would be to complete American military withdrawal from the country by the end of 1965, allowing the South Vietnamese to take sole responsibility for the war. This would be the cruelest of all possible solutions. The current war is almost completely the product of our own policies. We must stay at least long enough to help the Vietnamese people fashion a more constructive policy.

The third possibility is also our proposal—to carry the war to North Vietnam, giving the North Vietnamese, we have said, "some of their own medicine." But as Secretary of State Rusk has pointed out, the trouble is in South Vietnam. Extending hostilities will not eliminate them.

A fourth recommendation has come from the North Vietnamese and the Communist Chinese, with a call for a Geneva Conference to negotiate a ceasefire and a neutralization of South Vietnam. We answer that this would lead to an eventual takeover by North Vietnam.

The final proposal has been offered by General de Gaulle. After establishing a ceasefire, the Geneva Conference would negotiate reunification of the south with the north and neutralization of the entire country. We answer that North Vietnam is already too dominated by Communist China to be effectively neutral in the cold war.

Any decision as to the direction of Vietnam must obviously take into account the feelings of the Vietnamese people. As all peoples, they want peace. As the people of a divided country, they want reunification. As the pawns once of colonialism and now of communism, they want an opportunity to work out their own destiny.

The nation, the group of nations, the international organization that could guarantee a reunified and peaceful Vietnam, freed from the pressures of the cold war, would have the support of all Vietnamese—in the north, in the south, or in exile.

[From Fellowship, May 1964]

The Background

(By David Arnold)

(Mr. Arnold's paper and contributions by three other specialists on Vietnam: Jerrold Schecter, Helen Lamb, and Helen Mears, were considered on February 28, 29, 1964, at Shadowcliff, national headquarters of the Fellowship of Reconciliation at Nyack, N.Y. Executives from the following peace organizations were also present: National Committee for a Sane Nuclear Policy, Turn Toward Peace, Women's International League for Peace and Freedom, the American Friends Service Committee, the War Resisters League, the Methodist Board of Social Concerns, Friends Committee for National Legislation, Friends Peace Committee, Committee for Nonviolent Action, National Service Board for Religious Objectors, Promoting Enduring Peace, Mennonite Central Committee, and Committee for World Development and World Disarmament.)

Leaders of 14 organizations devoted to peaceful solutions to world conflict spent a weekend recently focusing on the festered sore in southeast Asia known as Vietnam. Four specialists provided background details and overall summaries of the Vietnam situation, among them David Arnold, who supplied this key article.

Vietnam, partitioned as cruelly and illogically as Germany and Korea—is a stage for big-power plays locked in dubious battle. It soon became apparent to the conferees that no lasting solution to Vietnam exists apart from a radical examination of the whole world situation.

Within the large frame of a triple revolution of human rights, technology, and weapons, the drama of southeast Asia is being played out by three great powers—the United States, China, and the U.S.S.R.—and a host of figures representing nationalist and independent movements. That the nostrums and long-range prescriptions are having little effect in the cure of the running sore of Vietnam is in itself evidence of the general malaise of world society.

As affairs stand in mid-1964, only five principal courses are possible in South Vietnam for the United States (elaborated somewhat by David Arnold in his article): (1) Shoring up the present regime; (2) withdrawal; (3) carrying the war to North Vietnam; (4) negotiation; and (5) neutralization.

All but the latter two carry with them the ever-present possibility of escalation into major war. Yet beginnings can and must be made in Vietnam lest its local troubles spread to epidemic proportions. Among the irreducible conditions for enough stability for a new start are these:

A Geneva Conference similar to the one on Cambodia in 1954 with China as participant, directed first of all to negotiate a ceasefire agreement in Vietnam.

Resumption of trade between South and North Vietnam.

A strict embargo on all arms to Vietnam.

Internationally supervised elections in both countries.

The neutralization of the whole Indochina peninsula.

Immediate questions of U.N. auspices, of who should participate in the conference, of the responsibility of powers not native to the region, of the introduction of basic land reform, of the form of a reunited Vietnam, and other economic or political realities of the area are too complex to be dealt with here. All must, in any case, await the stop of a fratricidal, enormously costly war that daily becomes more purposeless, more inconclusive.

Vietnam is not just a trouble spot. It is the most visible and virulent local eruption of deep world sickness. Weaponry, atomic and otherwise, in its advanced state of revolution, is delicate enough to be touched off by such a trigger. Technology, in its rapid spread of cybernetic controls and exploding unemployment, threatens all the old concepts of land, livelihood, markets, and resources. And the revolution in human rights is heavily felt in every corner of southeast Asia today.

The Fellowship of Reconciliation (and to some extent the groups listed who participated in the conference on Vietnam) is deeply committed to the whole concept of a world at peace. But it realizes that short-term and piecemeal approaches are often irrelevant and sometimes even backward steps, when not seen in the genuinely revolutionary and apocalyptic vision of the actual shape of a world at peace. Studies and papers dealing with such a world are now in process of preparation and production. For more information on the program and the philosophy of the Fellowship of Reconciliation, write Box 271, Nyack, N.Y.

[From Friends Journal, July 15, 1964]

Algeria and Vietnam: Telltale of Disaster

(By Bronson P. Clark)

Quaker workers in Algeria regard as commonplace the numerous stories of atrocities which grew out of the 8-year Algerian struggle for independence. A tree was pointed out to me where women were hung by their arms until they would tell where their sons were hidden. I was shown the cistern in which 20 or 25 men were jammed for special punishment, as well as the single water tap for an entire regroupment camp, where the water was shut off for 18 days during one period of repression.

These and similar stories grew out of the efforts by the French to pacify the civilian population. Despite the creation of thousands of regroupment camps in which millions of Algerians were imprisoned, and in spite of massive military superiority, the French could not succeed.

It was on a day when I stood in a small western Algerian town on the edge of the Sahara, talking with the mayor, that the similarity between the efforts of the French in Algeria and of the American Government in South Vietnam struck me as a parallel. I had just read in the New York Times of the machinegunning of water buffalo in South Vietnam when the Algerian mayor pointed out that during the war the camels had been machinegunned by the French in an effort to deprive the guerrillas operating in the desert area of their usefulness.

As the months have gone by, the parallel has become more and more striking. During the Diem era, the U.S. Government announced that 8,000 strategic hamlets, financed by the United States, would be built in South Vietnam. The reason given for regrouping civilian populations into camps (for the most part forcibly) is that it prevents the guerrilla, operating in the countryside, from terrorizing the peasants into providing support. The same argument had been used in Algeria, but the fact of the matter was that the French soldiers could not determine whether an Algerian peasant was simply an innocent farmer or was in fact a peasant fighter or sympathizer. Since they were not able to trust anyone, their idea was to move everyone behind barbed wire and then to declare that anyone found outside was obviously hostile.

In the kind of bush and guerrilla warfare going on in South Vietnam, where Americans finance and direct the overall operation, our military face a similar problem. But foreign correspondents have made it clear to us that the governments which we have financed and supported do not have the support of local peasants, and that repressive tactics similar to those in Algeria have (as in the Algerian case) sealed the hostility of the peasants against the Saigon Government and the U.S.-financed army. The continued regrouping of large numbers of Vietnamese into camps, with the frequent burning of their former homes, will serve only to create additional support for the Vietcong. The torture of dragging prisoners through muddy paddy fields behind vehicles (as depicted in the New York Times of May 23) is only one example of the atrocities which will alienate what peasant support is left.

At the time of some of the Algerian atrocities there were protests by the Catholic Church in France against the harsh practices of the French Army. There were also demonstrations of civil disobedience by French draftees, particularly with respect to the Algerian war. It is curious and perhaps frightening to realize that in the United States we have a lemming-like attitude toward the actions of our Government in the Far East, although the wire services report that we are engaged in "earthscorching" practices in which, after burning villages, destroying livestock and rice stores, and stripping and killing all foliage, we regroup any civilians who survive into what the Pentagon now has the audacity to call "new life hamlets." It seems frightening, I say, to realize that there has been almost no outcry on the part of the organized church against these acts committed in our name and in our behalf.

One might wonder why the American Government persists so vigorously in prosecuting a war which most thoughtful observers agree cannot be resolved militarily, but (as Walter Lippmann often has pointed out) must ultimately be negotiated into a political settlement in which the Vietcong or Communists are given a recognized status. At the least, the issue should be brought before the United Nations. American reluctance to do this can be understood only if one glances back in the broadest possible sweep of understanding at the American position in the Far East during the last 25 years.

Those of us who were in Quaker service in China in the middle forties recall how amazed the American public was when the American Government intervened so aggressively in the Chinese Civil War. The U.S. Air Force flew Chiang Kai-shek's troops from west China, where they had been pushed by the Japanese, to the eastern cities of China, to forestall those cities' being occupied by nearby Chinese Communist troops. After the surrender of the Japanese at the end of the Second World War, United States Marines were used to hold Chinese railway lines for the Nationalists in an effort to keep the lines from falling into the hands of the Chinese Communists.

We set up a military advisory group in China to equip and train Chiang Kai-shek's troops in a new war to kill Chinese Communists. Everyone knows we were ultimately defeated when Chiang was forced to retreat to Formosa. For some people it has been an inexplicable situation that in the Far East we have tenaciously tied ourselves to a sterile and bankrupt policy which has blocked China's admission to the world community, prevented our citizens from traveling to China, and prohibited cultural and scientific interchange and world trade with a fifth of the human race. Our Government will punish any American journalist who attempts to report to us directly from China.

Those Americans who did not realize the enormous extent of our involvement in the Chinese Civil War cannot understand our continuing involvement in the growing war in southeast Asia. The fact is that the Pentagon has not forgotten its defeat at the hands of the Chinese Communists and regards its maneuvers in South Vietnam and its increasing military adventures in Laos as prejockeying and eventually coming to grips with what the Pentagon regards as the principal target or enemy: Communist China.

It is difficult for the American people or the Congress to play a very significant role, as little is known about the Far East. Most of our high schools have no courses whatever on Far Eastern history, and only a handful of colleges give a major in Far Eastern affairs. Only occasionally is there a student of Far Eastern languages.

Our general ignorance of Asian language, race, religion, history, and geography prevents us from making an impact upon our Congressmen, whose main concerns continue to be, on the one hand, a wide-eyed, childlike version of bogeyman communism, and, on the other, anxiety that the military contracts dealt out by the Pentagon go to their constituents. The pressure on Congress is enormous to continue military programs and to maintain supply depots, navy yards, obsolete tank manufacturing plants, etc. A recent 2-day visit to Washington, during which I had a series of interviews on South Vietnam with Pentagon and State Department personnel, convinced me that the Congress had declared its last war. From now on, our military adventures will begin as the White House (using a combination of Pentagon-CIA-State Department advice) sees fit to begin them.

While similarities with Algeria have been pointed out, they can be carried only so far. One of the differences is that France was strained to the limit economically by her military adventures abroad. Also, the liberal tradition within the French political stream created a tension within her community which predisposed the French people to withdrawing from the Algerian venture. These two factors do not exist for us in southeast Asia. We are wealthy, strong, and arrogant. We are not predisposed to withdraw, having not yet reached the political maturity to realize that there are many kinds of communism, some of which provide quite an adequate way of life for some peoples; nor have we the sophistication to realize that it is not given to the United States—particularly majority white Americans—to dictate to small brown people of another religion and another language how they shall think and feel and to what loyalties they shall respond.

Rather than present our military face to these people in Asia, we should—as Supreme Court Justice Douglas long ago pointed out—endorse with enthusiasm their attempts to break with their fuedal past and to shake off their enormous poverty, and should join side by side with them in building a new society in which they might share in some measure such standards of food, health, and education as we have in America.

If thoughtful and religious people in America do not soon impinge upon our Government's fatal and immoral policy, we shall be led further into a series of events beyond our control which we shall not be able to stop. China cannot long permit our continued intervention without weighing direct intervention herself. Who dares forecast after that? I await with anxiety the awakening of America's conscience.

DAYTON, OHIO,
August 13, 1964.

Senator MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I want to express my appreciation for your stand on the Vietnam crisis. I am horrified at the extent this "war" has gone and how little the American (U.S.) people know about it.

I had written to the President about my concern before—several times before his talk of August 6. I was hopeful he would approach the Vietnam issue from a conciliatory angle—directly opposite to what I understand Mr. GOLDWATER takes. But this hope was shattered August 6. I note in a report in our newspaper that you still stand firm in the belief which I hold also (if I interpret this correctly). Where do we (U.S.) go from here?

Sincerely yours,

JOE M. DEXTER.

ANCHORAGE, ALASKA,
August 8, 1964.

Senator ERNEST GRUENING,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR GRUENING: I wish to extend to you and to Senator MORSE a vote of confidence and appreciation for your long and continued stand on the southeast Asia situation. The conventional press has not recorded your remarks on the floor of the Senate; however, through subscribing to several liberal publications, I had been aware of your sane and sensible stand. I have long felt that we had no business whatsoever in southeast Asia; that the countries in that area are capable of self-determination and self-government; and that we have problems within the borders of our own country which should be resolved before sticking our nose into other people's business.

Please keep up the good fight. The intelligent people of this country will applaud and the vacuum heads will jeer.

Sincerely yours,

PETER W. LANNEN.

MELBOURNE, AUSTRALIA,
August 8, 1964.

DEAR SENATOR: From faraway Australia, I would like to congratulate you on your lone stand against the recent military action in the Gulf of Tonkin and the coast of North Vietnam.

When a war hysteria grips a people it is very hard to hear the quieter voice of sanity. Amid all the dark news of last week your vote and protest were a most encouraging and hopeful light.

Will the U.S. administration realize in time that you cannot capture men's hearts and minds by shooting their brothers?

Haven't the peoples of Asia the right to expect something better from the world's richest nation than bombs and bloodshed?

Your courageous protest served the cause of America and world peace well.

Yours sincerely,

VINCENT MATTHEW.

HARPURSVILLE, N.Y.
August 13, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you in your attempts to get our troops withdrawn from Vietnam.

So many of us, especially the young people, feel so helpless to do anything to stop the futile loss of men, the outpouring of our money and our disgraceful actions there, both political and military.

I hope that these silent despairing citizens may voice their ideas and help you to save our men.

Yours truly,

GENEVIEVE KARR HAMLIN.

NEW YORK, N.Y.,
August 11, 1964.

Hon. WAYNE L. MORSE,
Senate of the United States,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to express my extreme concern over the situation in Vietnam and the position which our Government has taken and continues to take with regard to it. In addition, I want to say that I appreciate your position particularly on the vote taken in the Senate Friday in which you did not support the President's military action.

I urge you to continue to press for our withdrawal from Vietnam. Time has become of the essence.

Sincerely yours,

Deborah A. Jackson.

San Francisco, Calif.,
August 11, 1964.

Hon. Wayne Morse,
Senate of the United States,
Washington, D.C.

Dear Senator Morse: As a longtime admirer of your great State of Oregon, I was pleased to discover that Oregon has a Senator whose integrity matches her beauty.

I thank you for the courageous stand on the war in Vietnam, and for your efforts to end hyprocisy in our foreign aid program.

I also urge you to work for full implementation of the new civil rights law, and for protection of civil rights workers and Negroes in the South.

I sincerely hope that you and Senator Gruening will keep up the struggle. Thank you.

Yours sincerely,

Donald Johns.

Point Arena, Calif.,
August 10, 1964.

Dear Sir: I wish to thank you for your opposition to President Johnson's action in Vietnam, and to say I firmly support the reasons for your stand, and your whole position in regard to the war in Vietnam.

I am a schoolteacher in rural northern California.

Yours sincerely,

Mrs. Rosalie Borthwick.

August 6, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: I am a student at the University of Washington and a registered voter of King County, Wash. I have followed your calm dissent with the majority views regarding Vietnam for the past year with amazement.

Last fall I prepared a research speech for a class on the conditions in South Vietnam, I used such sources as the New Republic and the Nation—even Dean Rusk's speeches. Sir, you are absolutely correct regarding our deplorable role in that country. Why are our violations of the Geneva Agreements of 1954 and international custom regarding the use of chemical warfare completely ignored in this country?

You have been dispassionate, reasoned, and courageous in expressing your views. We are in a minority regarding this matter; I hope that somehow you can continue to express what you know and feel to be true. I also hope the people of Oregon recognize your worth.

Sincerely,

Mrs. Jo Senters.

Beverly Hills, Calif.,
August 13, 1964.

Dear Senator Morse: The coverage and wisdom you displayed during the recent clash with North Vietnam is deeply admired and appreciated, by me, my family, and all of our friends.

We are in complete accord with your views, and fully realize the strength of character and depth of conviction that you so ably expressed during this crisis.

Our humble thanks to you for bolstering our belief that truth will always prevail in the person of men like yourself.

Respectfully,

Mrs. James J. Brown.

August 10, 1964.

Senator Wayne Morse.

Dear Senator Morse: By reputation, you should be able to cancel out Senator Goldwater all by yourself.

Milton R. Scheiern.

Livingston, N.J.,
August 15, 1964.

Dear Senator Morse: I have just taken the time to read both sides of the issue of the attack in the Gulf of Tonkin. I have now made up my mind.

I wish to congratulate you and Senator Gruening (Alaska) for your courage and vision in voting against the President's action. What makes me feel sad about our country is that you and Gruening are the only two in the Senate and the House who saw the issue so clearly.

What is wrong with our country? Is President Johnson so sensitive of Goldwater? We now know unfortunately that the despotic South Vietnam regime (democratic?) could fabricate a war similar to the battleship *Maine* incident. It is odd but most history does repeat itself.

Keep up the good work. Don't loose heart. Even though we are a very small minority, "we shall overcome."

Respectfully,

Leon M. Mosner.

Venice, Calif.,
October 12, 1961.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Honorable Sir: Your stand against our undeclared war in southeast Asia is well taken because:

(1) We cannot win the way we are going.

(2) We are being drawn into a war with China, on their terms, in their front yard, 6,000 miles from home.

Their plan is to eat into southeast Asia slowly, so we will not go all out while they do not have the atomic bomb. That way they win.

What should we do?

(1) Pull out slowly (4 months) and suck them in.

(2) Tell them to get out of Vietnam and all other territory not Chinese, including India. They would declare war then.

(3) Warn them to get out in 3 months.

(4) Declare war and after warning them to evacuate noncombatants we bomb their cities and communications.

(5) No American soldiers used ever.

What do we accomplish by this provided we can convince our people and the world that it is our duty to stop them?

(1) We set them back 10 years and make it probable that their people will revolt.

(2) If they get the atomic bomb in that time prepare to suffer defeat in Asia, temporarily; draw back to the Philippines from where we would continue the bombing until they are destroyed as a power.

If the yellow peril is real the above will be necessary for our survival.

What are the chances of our getting allies, or at least approval from NATO and Russia? Slim, I'd say, until we turn the tide.

How would our people react? Support—if we make clear our plan to keep our soldiers out. Cancel the draft and reduce all Armed Forces except air.

The alternative to some successful plan to stop the Chinese is to train our grandsons to pull a rickshaw.

A. E. Burton.

San Bernardino, Calif.,
August 13, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: The enclosed editorial spurred me to write you in comendation for your stand on Vietnam. I go much further in my support for you than the editorial, and I should have written you much sooner. You and the Senator from Alaska and Walter Lippmann are the only ones making sense regarding the situation.

It would indeed be folly—disastrous folly—to become involved in war on the Chinese mainland. We have gone far in that direction. In the morning paper Mr. Lippmann writes, just as you have said:

"We must make our readiness to negotiate an accommodation as credible as we make our readiness to retaliate against aggression."

Very sincerely and cordially,

Mrs. Obed E. Smelser,
Independent voter—as yet favoring President Johnson.

[From the San Bernardino (Calif.) Daily Sun, Aug. 13, 1964]

Defending a Nay-Sayer

A reader inquires: "Why does not someone shove a gag down Senator Wayne Morse's throat?"

Obviously our subscriber is vexed over the Oregon Senator's persistent dissent to the joint resolution on southeast Asia. Or, maybe this reader is aggravated with Wayne Lyman Morse's selection of foreign aid legislation as his prime target for criticism.

The reader's question is not difficult to answer.

Senator Morse, because of the freedom our constitutional government provides, has a right to speak his mind. And he does. Nonetheless, Oregon voters must be happily satisfied with their Senator's performance. Otherwise they would never return him to the Senate.

Objectively, Wayne Morse possesses a razor-keen intellect. His whiplash of scorn is respected. Few colleagues can equal his oratory. He usually speaks with considerable substance. What Senator can compete as a debater with Morse's shrewdness, agility, overpowering logic, and seemingly inexhaustibility? He is categorized as the Senate's ablest expert on labor law. He ranks among the best as a constitutionalist.

We concur that Senator Morse, at times is almost intolerable in the self-righteous conviction with which he pursues his goals. We dislike the manner in which he often seems to impute sinister motives to those colleagues who disagree with him. Yet, we do not minimize his capacities as a legal and legislative scholar. To be respected is Morse's standing as a leading Democratic liberal.

True, the Democrats certainly have found Morse no more tractable than the Republicans did. His conversion to the Democrats actually seems to have sharpened his combativeness.

Although we often disagree with Senator Morse's verbal utterances on the critical issues of our time, like Voltaire we will defend to the death his right to speak his mind. We admire his forthrightness in this age of conformity.

Askov, Minn.,
August 14, 1964.

Senator Wayne Morse,
U.S. Senate Building,
Washington, D.C.

Dear Sir: I admire your courage tremendously on your stand on Vietnam. I wrote the President, McCarthy, Humphrey, and Blatnik a letter of protest on their stand the following "I protest vigorously your stand on Vietnam. We have no legal or moral business there. We're deliberately lied to that they attacked us, later it comes out we attacked them. Same as U–2 incident. We're becoming known as the country with the gun and napalm bombs all over the world. We're playing with dynamite. Sometimes those things backfire."

More power to you.

Sincerely,

Mrs. Jorgon Jorgeasia.

Calhan, Colo.,
August 12, 1964.

Senator Wayne Morse.

Dear Sir: I would like to express my view on the stand you have taken on the resolution that was voted upon by the U.S. Senate a few days ago.

My hat is off to a man like you, Senator. Not a "yes" man, but a man that will stand before 190 million Americans and tell them what he thinks of the whole dirty mess in Vietnam. Also, my hat is off to Senator Gruening when he argued before the Senate that Vietnam is not worth the life of a single American boy.

The more I look at things in our country, the more I think that the men of both Senate, and House of Representatives want to keep their hands clean. Yes, Mr. President, you are the boss. Have it your way. Election is coming soon, if anything goes wrong, our hands are clean.

Here is hoping we had more men like Senator Ernest Gruening, and you, Senator Morse.

Very truly yours,

John Roskos.

Dewey, Okla.,
August 11, 1964.

Dear Senator Morse: I wish to thank you for your continuing opposition to the administration's Vietnam policy, and in particular your recent vote against putting the leashes of the dogs of war in President Johnson's hands.

It's all too easy to get disgusted with every facet of American politics—but when I hear of you and Senator Gruening, I believe there are at least two honest men in Washington. Don't lose heart—Wilson once said something to the effect that it often got very lonely in Washington, far from the voice of the Nation. I hope that someday that voice is heard—and when it is perhaps you and Senator Gruening will not be voting in the minority.

Carry on, there are quite a few of us counting on you.

Sincerely,

John Kelly Karasek.

August 11, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: With regard to the situation in southeast Asia, our foreign policy and your recent statements: you are obviously one of the very few people in public office who is not driven by greed, vanity, and self-interest. You should know that other people do recognize your consistent pursuit of the truth—the simple facts—in a situation which may be purposefully confused. To me your honesty and fearlessness are supremely admirable. It is truly heartening to see that you have not been seduced or deluded by nationalism or any devisive dogma and that you do not cling to archaic myths for emotional support. I may be attributing too much virtue to you but you do appear to be a man of principle, truly concerned with human welfare and justice.

Keep it up for the sake of all of us.

Ira Z. Schiller.

Dimondale, Mich.

Dear Senator Morse: I applaud your recent performance in regard to our country's behavior in Vietnam. It occurs to me that anticommunism often becomes so intense that all sense of objectivity is lost and the result is undemocratic and totalitarian, completely disregarding the needs or desires of people. If this is extremism in the defense of liberty, its bad.

Very truly yours,

Daniel R. Brown.

P.S.—I urge you to oppose any effort by Congress to deny the Federal courts jurisdiction in State apportionment (legislative) cases.

D. B.

Crossville, Tenn.,
August 14, 1964.

Dear Senator Morse: When the drums of war beat, few refuse to march to that beat.

You are one of the few men in our Government, to speak against our military involvement in Asia.

In my opinion your stand is a rational one, among irrational.

I hope you will continue to speak out.

Sincerely,

Vaughn H. Kerley.

Pasadena, Calif.,
August 12, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: I admire your stalwart adherence to your principles. It is probably the hardest thing in the world to stand up and be counted when 98 of your colleagues are against you, as you did on the occasion of the Vietnam resolution.

I believe that the Vietnamese and all other southeast Asian problems should be settled through negotiation.

Respectfully yours,

Mrs. Betty Baital.

San Francisco, Calif.,
August 9, 1964.

Letters to the Editor,
The Register-Guard,
Eugene, Oreg.

Dear Editor: I congratulate the city of Eugene and the State of Oregon for sending Senator Wayne Morse to Washington.

I sometimes think there are three grades of Senators: (1) Those who represent their home States, (2) those who represent our whole country, and (3) a top few who represent the people of the world. In Senator Morse's strong, steady stand and voting for Vietnam I am sure he represents the majority of the people of the world. He puts life before politics. He leads on the road to peace.

Helen Rand Miller.

Madison, Wis.,
August 12, 1964.

Dear Senator Morse: I wish to write only a short letter, to commend you for voting against the resolution backing the President's actions in the Gulf of Tonkin and to tell you of my admiration for your statements on the entire southeast Asian situation. You and a handful of other Senators (Gruening, Mansfield, etc.) seem to be voices crying in the wilderness, but I urge you to cry louder. We need more men who will attempt to assess situations with some sort of objectivity rather than with emotionalism. It seems most necessary that the American people be made aware of the double standard under which our foreign policy seems to operate: if we do something (use napalm bombs, do aerial reconnaissance, operate fleets off foreign shores) it's to "defend democracy" and if anyone else does it, they're up to no good. The illogic of it all is never even hinted at in the mass news media.

Please keep making speeches. But what can I do to see that these speeches, ignored by most of the press, are given wider coverage?

Sincerely,

Mrs. Walter Grengg.

Lincoln Park, Mich.,
August 10, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: I must express my gratitude, as an American, for your courageous stand on the Vietnam question. No one else dared express their misgivings, or ask the natural question: Were our vessels aiding the South Vietnamese forces in their raids on the northern portion of that country?

Although you may not be correct (I think you are), you deserve a united tribute from the citizens of this country.

I hope that you continue to serve America in the way you have in the past. My only regret is that there is no one in my State of Michigan to aid you in your struggle to sustain freedom of expression.

Respectfully yours,

Anthony J. Papalas.

La Puente, Calif.,
August 10, 1964.

Dear Senator Morse: Thank you and may you be richly blessed for your determined position regarding our country's presence and actions in and about Vietnam.

I could not agree more, but opinions like these are not very popular—it would seem that peacemaking and the seeking of moral justice are unfashionable if not downright questionable these days.

Ignorance, stupidity, and the quest for the almighty dollar bill have allowed fear, hate, and distrust to permeate America like dry-rot—and I, in turn, am frightened by what I see.

But then a moment such as last week comes along and I see a man like you have the courage to speak for what he believes and for what I believe—never minding the consequences—and I was so grateful I cried.

Since 1952 I have been an admirer and champion of yours. You always have a friend in California.

Most sincere thanks and best wishes for a long and rewarding career.

Mrs. Patricia Phillips.

La Crescenta.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Senator Morse: I want to praise you for giving full coverage to Senator Wayne Morse on Vietnam: this is all the more praiseworthy as I am sure that his remarks were not in full accord with your editorial policy.

This is in the best tradition of journalism; the people should be given both sides on important matters.

It is high time that we got rid of John Foster Dulles' ukase, "Foreign policy is not debatable." Why not?

It makes no sense if we can discuss the shortcomings of the post office but not matters involving life and death.

Robert Shillaker.

Los Angeles, Calif.,
August 12, 1964.

Re Vietnam resolution.
Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I congratulate you for your position, the only valid one in my opinion, on the "blank check" Vietnam resolution recently passed by Congress.

In time the correctness of your opposition will be demonstrated. Your almost solo stand showed courage and individuality in the highest quality of statesmanship.

Keep up the fight because its right.

Sincerely,

Seymour Mandel.

LYNWOOD, CALIF.

Senator WAYNE MORSE,
U.S. Senate Building,
Washington, D.C.

HONORABLE SIR: Bully for you—the one man with sufficient sanity and courage to shake a fist and rally the Nation against our warmongers.

Your article in the Progressive is correct. We are pursuing neither law nor peace nor freedom in southeast Asia.

Have just wired President Johnson: "Get out of civil war in Vietnam and seek international conference. United States is agressor and provocateur."

I feel sure the Nation will rally to your side. I am joining a group for vigil on Hollywood Boulevard Saturday night. Keep slugging

Respectfully,
MRS. FRANCES SAUNDERS.

AUGUST 13, 1964.

DEAR MR. SENATOR: Thank you for your very courageous stand on Vietnam. Yours is one of the few sane voices heard these days.

I have been grateful to you for giving us the real facts.

Please keep up the good work. You are a great hero.

Admiringly,
ALFRED WM. STAHL, Jr.,
1st Lt. USAR (retired), formerly Administrator Medical Laboratories Division, Pennsylvania Health Department.

MINNEAPOLIS, MINN.,
August 10, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. MORSE: Congratulations on your refusal to give the President a blank check for the Vietnam crisis.

We are being kept in the dark far too much regarding our foreign policy. The public is entitled to know how and why we got into the present mess in Vietnam. Is it true that our State Department tried to force Chang Kai Shek upon a hitherto friendly Viet Cong, and that this precipitated the trouble?

We Americans know that a war is going on and that we are wasting billions of dollars and, worse, lives, in a crazy conflict that is getting nowhere; that the whole thing is a mysterious, hushed-up catastrophe; that in the Eisenhower, Kennedy, and Johnson administrations our foreign policy has been disastrous.

You could do our country a great service if you would come forth with a public analysis of the situation in southeast Asia, and the disasters caused by pouring billions into the pockets of crooked leaders whom their people hate.

Sincerely yours,
D. JACKSON.

P.S.—Is anything being done to protect the rights of men like Otepka? I am afraid McNamara is ruining our defense effort.

TUCSON, ARIZ.,
August 13, 1964.

Re telegram, August 11, 1964.
Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

"Tucsonans support your proposals to negotiate to end aimless Vietnam war. Names follow."

Roslyn Einfrank, Hannah Cowell, Sue Hibbs, Virginia Walsh, Helen Goldblatt, Jane Webster, Debbie Hibbs, Mr. and Mrs. Vernon Elfbrandt, Sonia Gavin, A. Gavin, Lillian Kaplan, Mr. and Mrs. Charles Hammill, Doris Stanislowski, Dan Stanislowski, Mr. and Mrs. Paul Smith, Mr. and Mrs. Paul Martin, Milton Frank, Mr. and Mrs. Charles Clement, Mr. and Mrs. Jack Heimowitz, Mr. and Mrs. Sidney Goodman, Mrs. Helen Girard, Mr. and Mrs. Joseph Berkowitz, Anne Poltere, Mr. and Mrs. Robert White, Mildred Faulkner, Mary Alice Forster, Gay Turner, Charles Turner, Mr. and Mrs. Ray Turner, Mr. and Mrs. George Miller, Mr. and Mrs. Edward Einfrank, Mr. and Mrs. Leon Gardner, Mr. and Mrs. Larry Dalrymple, Jane Webster, Elizabeth Estrada, Gladys Richardson, Mr. and Mrs. Gordon Hedgecock, Mr. and Mrs. Eugene Fessenbecker, Mr. and Mrs. Hy Rosen, Miss Sarah Sipkin, Mr. and Mrs. George Goldmark, Mr. and Mrs. George Cossack, Mr. and Mrs. Harold Eisenberg, Mr. and Mrs. Bill Shoult, Mr. and Mrs. Edward Oresman, Mr. and Mrs. Joseph Zashin, Elinor Frank, Leslie Forster.

DENVER, COLO.,
August 12, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I was glad that you spoke out in the Senate and presented your ideas on the Vietnam situation recently.

Sincerely,
MRS. CHARLES FOREMAN.

CAMPBELLSPORT, WIS.,
August 12, 1964.

Senator WAYNE MORSE, of Oregon.
Washington, D.C.

HONORABLE SENATOR MORSE: I wish to commend you on your stand in southeast Asia. Why should priceless American blood run to preserve corruption such as South Vietnam has in power thanks to our tax dollars.

Thank you.

Sincerely yours,
EUGENE D. GUDEX.

NEW YORK, N.Y.,
August 14, 1964.

MY DEAR SENATOR MORSE: My wife and I want to thank you for your courageous stand in the messy business of Vietnam and the foreign aid appropriation. Men like you give us faith that perhaps our son will be the citizen of a true democracy some day.

Very sincerely yours,
CHARLES KORVIN.

YUCCA VALLEY, CALIF.,
August 12, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I revere your courage and strength in holding out almost single handedly against those who are serving their political and financial ambitions by carrying on the aggressive and undeclared war against the people of Vietnam in support of a puppet government.

As a voter of California, I have no choice in voting but between candidates who pose as patriots by whooping for war, each trying to outdo the other. Your sanity and steadfastness during the shouting gives hope that reason and decency will emerge.

Very truly yours,
LUCY H. JOHNSON.

AUGUST 10, 1964.

Senator WAYNE MORSE,
Congress of the United States,
Washington, D.C.

DEAR SIR: We have often had reason to commend you for your courageous speeches and votes advocating a sane foreign policy for our country. And although we have not previously communicated our plaudits, we cannot allow your vote against the resolution authorizing President Johnson to take all steps necessary to "defend southeast Asia" to pass without expressing our deep appreciation.

Although it may be the case, as asserted in section 2 of the resolution, that maintenance of international peace and security in southeast Asia is vital to the national interests of the United States and to world peace, it is not clear to us that U.S. military intervention is the best or any way to secure such peace.

We regret and fear the situation in southeast Asia. We are obviously not experts on U.S. foreign policy; but given the information available to us, we feel that it is a tragic error to risk an already tenuous peace by active participation in the civil war of another country.

Although unable to express our commendation in the form of votes, it is our hope that your constituents will continue to return you to the Congress that your arguments for rationality will continue to reach a large audience.

Sincerely,
DONALD L. and
MERRILL B. PROVINCE.
STANFORD, CALIF.

SAN ANSELMO, CALIF.

Senator MORSE.

DEAR SIR: I support your stand and vote on Vietnam.

Keep it up.

Sincerely,
JOE BUCHWALD.

MILL VALLEY, CALIF.,
August 9, 1964.

Senator MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR MORSE: I would like to take this chance to express my feelings about your actions during the Vietnam crisis and about your voting on the resolution.

Most admirable. Most courageous. Most levelheaded. Most mature.

Your insistence on truth and your kind of action is the kind of doing which reflects so well on all Americans.

Vietnam is not worth the life of one single American boy.

Sir, again my respect and admiration for your voice and vote of sanity in a time of great peril.

Sincerely,
PETER MERKIN.

TACOMA, WASH.,
August 11, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I certainly applaud your rather lonesome stand on the proposal to step up the war in southeast Asia. I notice it is being bruited about quite openly that this idea was hatched in the mind of President Johnson as a simon-pure political move to counter the Republican cry about being "soft on communism." That slogan is getting so badly shopworn that I wish we could have done with it. A courageous repudiation such as you so often demonstrate is the only constructive step in that direction. I wish a lot of other Senators would stand up and be counted as you do.

With brush fires breaking out all over and the tide of color rising as it is, our world could catch on fire any minute.

I want to think that a lot more people would flock to the Johnson standard if he would go all-out for a peaceful settlement in Asia rather than risk a showdown with China as the present action suggests. No nation on earth can afford restraint as well as the United States.

Cordially,
STANLEY T. SHAW.

Seal Beach, Calif.,
August 11, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: Your interview on foreign aid over KABC tonight was excellent. It is a blessing to have honest courageous men such as you and the Senator from Alaska as Members of the U.S. Senate.

Keep up the great work. You are correct in your positions on South Vietnam and foreign aid.

With best wishes.

Sincerely,

Evan Thomas.

August 10, 1964.

Senator Wayne Morse.

Dear Sir: You must forgive me, a foreigner, for writing you but I felt I must do so in view of your speech of August 6 in Washington mentioned in the London Times. It is heartening to know that there is one voice in the great American Congress that is not silenced and overwhelmed by false patriotism. It is indeed a mark of statesmanship when a man can publicly question whether his own country's attitude in Vietnam might be a danger to peace and that there is at any rate a possibility that the United States was as much of a provocateur as North Vietnam. This sort of thing takes courage as your predecessors Tom Paine and Robert Ingersoll found in their day.

Your words find an echo amongst the many in Europe and elsewhere who have experienced war. Surely there is enough to do in the world, aye, and in one's own country without seeking trouble abroad. The mass of people want to live at peace to bring up their families in some sort of security. I have a daughter in New Jersey and two grandchildren there and from their letters I have formed the opinion that America (like every other country) could look after its own better instead of indulging (as we once did) in purposeless crusades in the East.

Again, sir, thank you for the first touch of sanity that I have read for some time. No, I'm not a Communist or fellow traveler.

Yours sincerely,

George S. Speed.

Philadelphia, Pa.,
August 13, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I wish to take this opportunity to congratulate you on your courageous actions in the Senate of the United States on August 5, both for your speech against the resolution giving President Johnson advance approval for war in southeast Asia, and for your vote against the resolution. And I hardily agree with your position as outlined in that speech. It is unfortunate that only one of your colleagues in the Senate agrees with you on this vital matter, but there are a number of people, at least among my acquaintances, who agree with you also.

How much longer will the United States continue to wage an undeclared war against an undisclosed enemy in conjunction with a militaristic despot whose only interest is his own political ambition? We have waged this type of war now for 10 years, supporting one dictator after another, without any signs of fighting for freedom, except in name. And all this in violation of the U.N. Charter, the Geneva agreement of 1954, and the Constitution of the United States. In short, this war may go down in history as one of the worst military and diplomatic debacles on record.

My own belief is that South Vietnam's premier, Nguyen Khanh, either provoked the attacks on American destroyers in the Gulf of Tonkin, or else directed the attacks to be made himself. The only person who benefited at all from the conflict was Khanh, whose hold on the government has been strengthened by the conflict; rumors of a new coup against him have been squelched. Further, his desire to escalate the war to the North has been vindicated. This theory is one of the most reasonable to be derived from the facts, and should certainly be considered seriously, although it merited no comment either in the press or among government officials.

I am convinced that, with the cost of the war approaching $2 million a day, American deaths mounting, and our policies in Asia becoming more and more aggressive, our only choice is to withdraw our massive military commitment to southeast Asia, which only endangers the peace, freedom, and security of all mankind.

Sincerely yours,

John T. Jensen.

August 13, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I want to congratulate you and thank you for speaking out against our latest Vietnam action. You and Senator Gruening must have felt lonely in the Senate that day. I too believe that we can and must establish peace around the conference table. Then we must let Vietnam work out its own destiny with constructive help from us, if necessary.

Again, thank you for your courage and wisdom.

Ida Terkel.

Chicago, Ill.

Nampa, Idaho,
August 10, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am not a constituent of yours and unfortunately cannot vote for you, and indeed there have been times when I was poles apart from your viewpoint in national affairs.

However, I am writing to you what is in effect a "fan letter"—to tell you how I admired your stand on the President's sending our troops to Vietnam recently, and in his seeking extraordinary powers in this and other matters pertaining to war, declared or undeclared.

I do feel that communism is a great international threat and certainly I am not one of the "rather Red than dead" clan. However, I thrilled to the truth of the statement which you made on television "the whole of south Asia is not worth the death of one American boy."

I am writing to tell you how I applaud your stand in this and other matters recently and to tell you also that many, many others agree with you, who no doubt will not take the trouble to write and tell you so.

Sincere best wishes.

Yours,

Marion Marbeiter.

Palo Alto, Calif.,
August 10, 1964.

Dear Senator McGovern: I am honestly confused about the almost blanket endorsement that Congress gave the President recently to go ahead with military action in Vietnam. It seems to me that this war has been almost as unpopular in this country as the Korean war was. I have sincere doubts that the action taken by Congress represented the will of the people.

I called one of my friends in the Council for a Livable World, who had earmarked funds sent to that council for your campaign. He could give no satisfactory explanation either, although he felt sure, he said, that you had some valid reasons for supporting this resolution. Two other friends I called were just as puzzled. They did agree with me that the United States seemed to be again flexing its muscles and asserting its "masculinity" by bypassing the U.N. Of course, we know that its "case" was referred to the U.N., but only after this country had taken unilateral action. This seems to negate the usefulness of the U.N. Must our own national security always come first before the security of the world (which is always threatened by the possibility of nuclear warfare)? If so, it seems to me that the U.N. is only a farce, and that we are simply giving it lipservice. It would be almost better (but not quite) to be honest and get out of it.

From what I heard Wayne Morse say twice on television recently and from his excellent article in the August Progressive, I am convinced that a protest vote should have been taken against the President's action. What do you have to say to Senator Morse's advice that we should remember that Secretary Dulles refused to sign the Geneva agreement of 1954, an agreement whose violations we paradoxically now regard with grave concern. Didn't we violate the agreement ourselves when we gave aid to South Vietnam immediately after the agreement had been signed by other nations? Article 16 said: "The introduction into Vietnam of any troop reinforcements and additional military personnel is prohibited." Senator Morse says that, for all practical purposes, the United States made a protectorate out of South Vietnam, sending 15,000 troops there by 1961 as "advisers." At no time, says the Senator, has South Vietnam had a government of its own choosing, but one established by coups of our proteges. Do we have a right to employ armed might to enforce an international agreement to which we were not a party?

Senator Morse also points out that we are violating article 2, section 4; article 33, section 1; and article 37 of the U.N. Charter, an even more serious matter. I will be anxiously awaiting your explanation of your support for the President's actions in Vietnam, and my three friends have asked me to call them when I have heard from you and tell them what your answer is. Please believe the sincerity of my questioning. It is extremely difficult for the average citizen to know what is going on.

Congratulations, Senator Morse, for your stand against the resolution.

Sincerely,

Mrs. John Ledgerwood.

Monterey Park, Calif.,
August 12, 1964.

Dear Senator Morse: I want to congratulate you on your stand on the Vietnam situation. I acclaim your courage.

I am also writing to Congressman George Brown and Senators Kuchel and Salinger of my support of your opinion.

Sincerely,

Mrs. Evelyn Kostove.

Beverly Hills, Calif.,
August 12, 1964.

Hon. Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator: First I want to express my appreciation for your heroic effort to modify our belligerent foreign policy which is doing so much damage to American prestige throughout the world. We may, with our bribes, hold the support of tyrannical rulers; but among the people everywhere abroad hatreds are building up against us because of our fanatical anti-Communist obsession. Bombs and napalm can only intensify the hatreds. Sooner or later we will have to accept coexistence and peaceful competition with the Communist world. Either that or coextermination. Preoccupation with the "Red menace" abroad has meant neglect of vital social reforms here at home. Internal warfare, spreading crime, neuroses, misery and discontent—these are a bigger threat to our security. Bombers and battleships can't cope with this danger. Americans must face this fact. We can meet the Communist challenge only by building for a contented citizenry, not by dissipating our resources trying to build a world in our image. All social systems are changing, including communism. Let's compete peacefully and profit from each other's successes and failures, the true path to progress.

The Center for the Study of Democratic Institutions (Fund for the Republic subsidiary) have issued some fine booklets on our problems, including foreign policy. These are widely circulated here and abroad. I wonder if you, (or perhaps you in collaboration with Senators McGovern, Church, Gruening, and Fulbright) would consider doing an effective essay that could be published by the center. I know some of the leaders in that institution and would be glad to discuss it with them. I am confident that they will welcome the idea. Please let me know how it strikes you. Much more should be done to awaken Americans to the danger of a nuclear holocaust resulting from miscalculation, escalation, or accident.

With best wishes, I remain,

Yours truly,

Irving H. Flamm.

San Francisco, Calif.,
August 8, 1964.

Hon. Wayne L. Morse,
U.S. Senate, Washington, D.C.

Dear Senator Morse: With all my heart I support the stand you have taken on the issue of Vietnam. I am shocked at the way in which the U.S. Government continues to ignore plain facts. The resolution supporting the President's ordering of air strikes against North Vietnamese bases amounts to a blank check for war. I urge you to persist in your efforts to expose and end this grotesque outrage.

Although such things as the debacle of southeast Asia tend to make me cynical about American foreign policy, I cannot really believe that the President and all his advisers and appointees are just plain stupid. I am forced to suspect that there is in fact some sinister intent underlying American policy and action. Is it possible that this historic home of democracy and justice is knowingly attempting to bring about the "final solution" to the human problem?

Both as a former Oregonian and as one who loves the good of which the United States is capable, I have long followed and admired your service in the Senate. Please accept my most sincere congratulations on proving again that the "Tiger in the Senate" is a man of vision and judgment.

Sincerely,

Scott Beach.

Searsport, Maine,
August 12, 1964.

Senator Wayne Morse,
Senate Building,
Washington, D.C.

Honorable Sir: I am thankful that we had two sane men in Congress who refused to betray the American people by granting the President the right to wage war, if, when, and where he chooses; the choice being made, of course, by his masters, the oil magnates.

It is unfortunate that said American oil magnates, who now have complete control of our Government, do not share your evaluation of human life. They would say that the whole people of another nation, or group of nations, are not worth 100 tons of oil. These oil magnates, insane with greed, have lost all sense of honor, morality, decency, and other values which distinguish a man from a rat. History does seem to repeat. Instead of one Caligula, we are ruled by several.

I do not believe the people want either Johnson or Goldwater. (A Hobsen's choice.) This is an ideal time for a third party that would pledge to replace government by oil magnates by democratic rule. I nominate you.

Sincerely yours,

J. Ernest Bryant.

Portland, Oreg.,
August 11, 1964.

Dear Senator: Thank you for your good letter explaining about the Health Institute. I can always depend on you.

Right now I just want to assure you of my confidence and support in the stand you have taken on Vietnam. The situation has turned out as we might have expected, after the folly of going in there in the first place. That I deplore these developments is an understatement. I resent them. What happens now is anyone's guess.

Some time ago I heard and applauded your fine talk on this subject before the City Club.

Please accept my apologies for this poorly typed letter. It's warm today, and I don't seem to be up to my usual form.

With every kind wish.

Cordially,

Elizabeth Olsen.

P.S.—Thanks, also, for the always welcome news report.

Portland, Oreg.,
August 13, 1964.

Dear Sir: I recently heard you state (via radio) that you felt very strongly that Senator Wayne Morse should be defeated for reelection by the people of Oregon. Your immediate reason was because of his recent stand (alone) on the crisis in the Orient.

Sir, I remember, and evidentally you have forgotten, a few years ago, our Senator Morse took a similar stand (alone again) regarding Castro in Cuba. Castro was a public hero at that time but as soon as his true nature began to show, Morse had the courage to stand up and warn us. He was too late to save Cuba and even too late to save us from the effects but we did turn some weeks later.

Our Senator Morse has the people's viewpoint in mind and so, therefore, is a wise politician in the proper place, at home. He is the world's worst politician in Washington, D.C. He refuses to take part in our massacre. He, once a year, makes a statement of his financial affairs, and has tried to make it a practice by all. He has been against the fantastic increases in salary which recently were handed out to congressional Members, Supreme Court judges, and most all other Government employees.

Again, I would like to suggest that before you say such things, you should put yourself in our position and take a closer look at the convictions of Senator Morse.

Sincerely,

Glenn W. Kenny.

Klamath Falls, Oreg.,
August 9, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Mr. Morse: I was happy to read of your opposition to President Johnson's "Fight if We Must" resolution. I hope you will continue to fight against it. Please explain further to the people the great disadvantage of going to war and the other alternatives they may seek. The people of the United States do not want war, some are simply deluded by a heroic feeling but are not thinking ahead to the terrible consequences they may suffer.

I hope you are able to gain the support of other Senators and bring about disapproval of this resolution.

Sincerely an Oregon voter,

Ramona Wasson.

Portland, Oreg.,
August 6, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Concerning southeast Asia, we agree with you completely. We are always so proud of you.

Just a word to let you know.

Yours very truly,

Elizabeth Shane.
William V. Shane.

Monmouth, Oreg.,
August 10, 1964.

Hon. Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I would like to commend you for your refusal to support President Johnson's recent order to use armed force at the Gulf of Tonkin. Although I cannot pretend to know all the facts of the complex Vietnam war, I do think that resorting to a "hotter" war there is not the answer. If only it were politically possible to have a chat now and then with the Chinese Communists. So many things can be resolved by negotiation rather than force.

Congratulations on an outstanding political career, Senator Morse. You are one of Oregon's few sophisticated statesmen.

Sincerely,

Mrs. Robin Staab.

Portland, Oreg.,
August 11, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Words cannot adequately express my admiration for your courageous voting, along with Senator Ernest Gruening, of Alaska, against the President's resolution. History will vindicate your stand.

It should occur to our fellow Americans that it takes a mighty amount of conviction and truth on your part to be able to stand up against the massive weight of public propaganda and vote as you did. I wouldn't be surprised that a great many people in this country are aware that there is something rotten, and it isn't in Denmark, either. It is obvious that the present American policy of getting Asians to fight Asians makes it possible for our present policy to continue without appreciable public resistance. If American boys were dying in any numbers, we would probably see a lot of protest.

For some time now I've been listening to some of those hatemongers, like Dr. Carl McIntire, C. H. Burpo, and Stuart McBurney, who are all supposed to be ministers of the gospel, but who have a weird idea of what constitutes Christianity. Dr. McBurney (spelling may be wrong) operates out of Glendale, Calif., his Voice of Americanism; and he called you unspeakable on one of his recent programs. It is amazing how skeptical and cynical he is of anyone who chooses to make use of our civil liberties, but on the other hand, how naive in accepting Fascist ideas from whatever source, without question. I suppose it is too much to expect a reasonable amount of consistency from these types.

Sincerely,

Nordin L. Larson.

Eugene, Oreg.,
August 11, 1964.

Senator Wayne Morse,
Washington, D.C.

My Dear Senator: I will try to make this brief. You are a busy man.

First, how proud we are that we have a Senator that will stand up for what he knows is right. This goes for some of both parties.

That foreign aid bill—I would like to see some of them work for what they get. That is what I do.

South Vietnam: bring our boys home and let them see what they can do. Are we a wet nurse for all those places? We are paydollars out when many here could use the interest of 1 day of the dollars they get. More power to you and the Senator from Alaska.

I never heard anything more on my correspondence with you on the widows' railroad annuity being cut because of her social security. Will we get the big nickel raise for railroad annuity and social security? And when will we be able to earn for them $1,200. Don't you think a few of us in the good old United States shouldn't be left out when the millions are being given away. Just a dime would help.

My very best wishes, Senator.

Esther Dunlop.

Salem, Oreg.,
August 9, 1964.

Senator Wayne Morse.

Dear Sir: After reading your informative article on Vietnam in the August Progressive, I felt a word of encouragement from a stanch supporter of yours was the least I could do.

It is regrettable that we have so few Congressmen and Senators who can see the handwriting on the wall and who have the courage to stand up and fight for the right.

Old Fighting Bob LaFollett was such a man to fight the pack on world issues, and only God can give him his just rewards.

Let us have more such articles in the Progressive. This magazine has been in our household since 1911.

Your life will surely be an inspiration and your memory will ever remain a benediction, which is my hope and prayer.

John J. Moritz.

Dant & Russell, Inc.,
Portland, Oreg.,
August 14, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Wayne: Let me congratulate you on the success you have had on the foreign aid appropriation bill. True, you did not get 100 percent, but you did a wonderful job. It appears that you have saved the taxpayers over $1 million per day and we should be forever grateful. A job well done.

In regard to your policy on southeast Asia, I do not yet get all of the picture. I do not think, however, that we should be monkeying around in little halfhearted affairs. I think that we had better give a good look at events and possibilities before we enter, and not get ourselves involved in any "loss of face" propositions. If we are to be involved in anything we should make sure that we are right first, and then be prepared to give it all we have or stay clear out. I do not think that we can keep a little island of freedom in southeast Asia, we either have to protect it all or stay out.

Thanks again for what you have done.

Sincerely,

Stanley Bishoprick.

Eugene, Oreg.,
July 31, 1964.

Hon. Senator Morse,
Senate Chamber,
Washington, D.C.

Dear Senator: I have saved the enclosed clipping to send to you. This man, Glenn Ross, really tells it without any trimmings and covering up any issues. Now, no wonder the French gave up after 10 years of trying to win a war like that.

Mrs. Wendel and I are very much in accord with your views and continued fighting efforts to turn the whole unwholesome mess over to the United Nations.

What prompted us to get in there in the first place? We have no security problems that far away from our shores. But we do have plenty just 90 miles away. That's where our efforts should be. Latin America, etc. Those Asian countries don't appreciate what we do for them anyway, so let's get the hell out of there. Who else can I write to so we can get more help for you in the fight for getting out of such a hopeless mess?

We receive your monthly reports from Washington, D.C. Thanks very much.

We now have two of our children in New York City in show "Biz" and will soon have a third one, Dave, on his way. He's been in San Francisco doing Shakespeare plays.

Who knows, someday we will be famous?

Our weather has been beautiful this July here in Eugene.

Sincerely yours,

John J. Wendel.

IN SAIGON—BUILDING BOSS TELLS OF TERROR

(By Joe Frazier, Register-Guard)

The bars in Saigon have bars on the windows, according to Glenn Ross. The reason: to stop terrorist bombs and grenades.

Ross, a construction foreman, recently returned from a 19-month stay in South Vietnam where he was in charge of building airfields and ammunition dumps for the Vietnamese.

Formerly of Ames, Iowa, Ross has spent the past 14 years abroad in Morocco, Iran, Afghanistan, and Vietnam working on construction projects. He was in Eugene last week staying at the home of relatives at 2145 Friendly.

"When the newspapers talks about lots of terrorism in Saigon, they are right, Ross said. Our machine shops were within 200 feet of that American ship that was blown up in the Saigon harbor. We heard of a kid who rode by on a bicycle and threw a bomb shaped like a loaf of bread into an Army jeep. The driver rolled out of the jeep and was not hurt when the bomb went off. Then he whipped out his pistol and shot the kid in the jaw."

Ross said at the airfield where he was working a grenade once rolled into a tent. "A Vietnamese laborer threw himself on the bomb, and was blown to bits. One American was killed by it as it was. If it had not been for that laborer four or five would have died."

Ross said he was never bothered personally, but "The roads between Saigon and Benhoa were lined with bamboo and brush so thick you could not see 6 feet into it," he said.

He said one battle was fought within 5 miles of the runway on which he was working. He said he could hear the planes, and even see them, especially when they went down.

"The South Vietnamese warn an airbase by loudspeaker when they are going to bomb it," Ross said. "This is done to give the civilian laborers a chance to get out of there. But I think the Vietcong leaves too, so they never kill many Communists."

Ross said as a civilian he was fairly safe if he obeyed the restrictions of the U.S. military officers in the area. "They did not have any authority over us, but the rules were for our own good, so we stuck by them," Ross said.

He said one of the biggest problems with the Vietnamese Army was that 90 percent of its members were Buddhist and didn't believe in killing anything, even a fly.

"In my free time, I would mostly just lie around and read. Some of the boys went fishing around Saigon, but it got pretty spooky, especially if they knew there were a lot of the Vietcong in the area."

"The only trouble was, you could not tell the good guys from the bad guys, because they all looked alike."

"At one training school the army ran, over there, the Vietnamese troops were being given ground training. When the day for graduation came, only about one-third of them showed up. The rest just sent notes thanking the Army for the ammunition and training, and went off to rejoin the Vietcong."

Hillsboro, Oreg.,
August 10, 1964.

Senator Morse.

Dear Friend: I just must drop you a few lines to let you know how much I enjoy reading about you giving 'em hell as Truman used to say, to boil it down. I think you are an intellectual giant with the greatest courage. I have heard it said, what good does it do, to expose those greedy moves; I say what would it be if we didn't have one like you to expose these grafts.

If we, labor, wouldn't have fought in past years, labor conditions wouldn't be what they are now.

I was in a few battles; I know—I am 76 years old and retired. All I do now is study world affairs.

As I got it doped out, if nothing is done to curb greed there's little hope for civilization. Mr. Morse, I don't want to burden you with a long letter, I just want to let you know, you're a man of "me own heart" as the trashmen would say.

I am with you till hell freezes over.

We need you for President.

Jonathan Hoff.

Eugene, Oreg.,
August 9, 1964.

My Dear Senator Morse: Congratulations on your stand on southeast Asia. I believe that you are right.

Sincerely,

R. Morrison Orum.

August 9, 1964.

Senator Wayne Morse.

Dear Sir: I have been following your political career for several years both as a Republican and as a Democrat. And I am proud to say I have voted for you in both parties. I have been wholly in accord with you on the stands you have taken in the Senate, I am doubly so in the stand you are taking in regard to Vietnam. I can't see that we have any business over there only to protect the interests of a few capitalists. If they would treat those people over there as they should, they would not need our boys over there to protect them and their interests. It seems to me that every place we go we want to treat those people as inferiors. I will admit that some of those countries are far more backward than ours. But they still have sense enough to know when they are being mistreated. I am afraid that we are getting too many nations against us. Past history points out what happens to a nation that gets too arrogant. There is Germany, Franco Spain, Belgium, Italy, and even China. Have all gone way down. All mostly on account of arrogance. We are all powerful. We have seen those things happen in our time. So go right ahead Wayne; there is one 80-year-old Oregonian that is patting you right on the back.

Yours very truly,

Robert H. Goff.

Grants Pass, Oreg.

Sutherlin, Oreg.,
August 9, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Sir: First, let me say that for once I agree with a position you have taken. I feel that if the Vietnamese want to go Communist, let them. There is no reason we should become more involved there. I feel that war is the greatest catastrophe that can befall a nation (much worse than a depression, poverty or what have you). For us to lose men over there is ridiculous. If the Burmese, Indians, Pakistanis and Malays go Communist also, let them.

Now, as to the true reason for this letter. I was appalled when I heard over the radio one day that the House of Representatives had passed a bill which included physicians in the Social Security System. We, as a group, have consistently opposed our own inclusion in the system. I do not intend ever to retire. I enjoy my work. I have made provision, through life insurance, for my family in case of my early demise. I am sure most physicians feel the way I do. I do not want social security.

Sincerely,

W. A. KADAS, M.D.

SALEM, OREG.

Senator MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I wish to commend you on your vote on the North Vietnam issue. Not only because I agree with your sentiments, but because you were almost alone in espousing an unpopular idea—at least with your constituents. Perhaps I am mistaken, but I believe you will find that the folks back home agree wholeheartedly with you that our soldiers—and money, belong at home. I have no quarrel with helping other nations to stand up on their own feet, but I do not believe any nation—my own included—can solve the problems of any other nation. Through the United Nations, we can sit down at the conference table, and iron out differences, learn the ways of these other nations, and, perhaps, teach them some of our ways. Specific projects can then be decided upon, and financed through the organization. Surely this is the best method of teaching the idea of democracy. I also believe that all nations should be invited to join the United Nations—not only those who believe as we do, but those who do not.

It seems to me that this money could well be spent in alleviating the unemployment problem of our own country—housing, educational facilities, recreation, to name a few much-needed projects. A goal reached of decent housing for all, and education for all who can benefit from it would go far in solving the unemployment problem, and, I believe, would give us such fringe benefits as less juvenile delinquency, race riots, better health, and higher national morale.

Sincerely,

RUTH C. ANDERSON.

AUGUST 10, 1964.

DEAR MR. MORSE: This is just a note to say that we appreciate your courage in making an "unpopular" comment about our actions in Vietnam. We are of the opinion that such conflicts are extremely dangerous in the world in which we live and that international peacemaking machinery needs to be strengthened so that it can deal more effectively in a peaceful way with such crisis.

Sincerely yours,

MRS. WILLIAM FOSTER.

MYRTLE POINT, OREG.,
August 6, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your principled stand in opposing the use of military force in Asia without first taking the problems to the U.N.

It is unfortunate for the people in the United States and, indeed, in the whole world, that more of your colleagues do not have the knowledge of international law, the world vision of realizable goals and the real interest in people that you and Senator GRUENING have. It takes great vision and courage to do what you did. Any shortsighted foolish person can beat war drums. More power to you both.

Sincerely,

MRS. C. H. SCHUDDAHOPP.

EUGENE, OREG.,
August 9, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You are to be commended upon your stand on Vietnam. I want you to relay my gratitude to Senator GRUENING for his stand, too.

By what moral reasoning can the United States act internationally like an "outlaw" and be in a position to criticize other nations for doing likewise? When Russia approaches anything of an unilateral action with Castro, our politicos get all worked up about how "aggressive" it is. I am sure that if war is avoided, it will not be because of America's sane and unemotional course of action. We act like a little boy at times.

Sometimes I get the feeling that our "civilian" Representatives and Senators want to evade their political responsibility by handing over such serious matters to the Pentagon or the President.

I plan to write Senator Maurine Solomon to find out just where she was during your 2-hour period of protest. She should resign and let the voters elect someone that is interested in the job.

Please continue to be a beacon light in the Senate. The country needs a voice in the wilderness.

Respectfully,

GEORGE W. ROMINE.

AUGUST 12, 1964.

The EDITOR'S MAILBAG,
Eugene Register-Guard,
Eugene, Oreg.

GENTLEMEN: I should like to go on record as wholeheartedly supporting Senator WAYNE MORSE's courageous stand on the Vietnam situation, as well as foreign aid.

Thank you.

Yours very truly,

C. DAN CHRISTENSEN.

Cc: Senator WAYNE MORSE, Washington, D.C.

MULTNOMAH MONTHLY MEETING,
RELIGIOUS SOCIETY OF FRIENDS
(QUAKERS),
Portland, Oreg., August 7, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Wasington, D.C.

DEAR SIR: We wish to express our debt of gratitude to you for your courage in speaking out on the Vietnam situation.

We fully realize that it is not always politically expediate to remain a firm minority in the light of political pressure at such times.

Our support of your views have been made known to the local newspaper editors as per the attached copy of our letter to each of them.

We affirm our faith that solutions to the southeast Asian problems can best be solved through the use of the United Nations and an ultimate neutralization of the area.

Sincerely,

PEACE AND SOCIAL SERVICE
COMMITTEE,
ESTHER RICHARDS,
Clerk.
ROBERT MORRIS SMITH,
Chairman.

MULTNOMAH MONTHLY MEETING,
RELIGIOUS SOCIETY OF FRIENDS
(QUAKERS),
Portland, Oreg., August 7, 1964.

DEAR SIR: As Friends we wish to express our grave concern regarding the situation in South Vietnam—a situation particularly tragic to the Vietnamese people.

We urge the placing of the entire Vietnam situation before the United Nations and the withdrawal of U.S. military forces from this area of southeast Asia as soon as United Nations personnel can be assigned.

We strongly support and commend Oregon's Senator WAYNE MORSE for his forthright stand and his outspoken desire to correct this phase of U.S. foreign policy.

Likewise the Oregon State Democratic Platform Committee is to be commended for supporting the position of Senator MORSE.

As events of the past week have demonstrated we are fast approaching a point of no return. Immediate steps must be taken to neutralize this area of conflict.

Sincerely,

PEACE AND SOCIAL SERVICE
COMMITTEE,
ESTHER RICHARDS,
Clerk.
ROBERT MORRIS SMITH,
Chairman.

CAVE JUNCTION, OREG.

DEAR SENATOR MORSE: I just want to tell you that I admire your stand on the Vietnam affair. I believe you are right in every detail.

And I certainly think you are one honest politician to be able to stand up, alone, and fight for your belief.

I do not think that Johnson will win the November election unless he can scare up a war between now and then. I am a stanch Democrat, but I will do without voting before I will vote for him. I have never known of so many Democrats voting for a Republican as they plan to do this year.

I don't think they like GOLDWATER, I don't. But everyone wants a change from taxes, foreign aid, and too much Government power. They have had enough.

We all appreciate you and your ideals.

Sincerely,

MRS. PANSY HALLOCK.

EUGENE, OREG.,
August 11, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wholeheartedly support your stand on Vietnam. It took tremendous courage to vote "No" on the President's resolution, and I thank you for upholding your convictions.

Sincerely,

MRS. ELLEN HUBBE.

[From the Eugene Register-Guard, Aug. 10, 1964]

BACKS MORSE

To the EDITOR:

It seems to me that Senators GRUENING and MORSE deserve our warmest applause for their sensible and forthright—indeed, in these days, courageous—stand on the recent Vietnam crisis. It is comforting to know that there are at least a few people in the U.S. Government who are not looking for the first chance they can find to run off half cocked to the barricades or the launching pad. With more people such as them we might have a little more objectivity and calm in this world, a little less of the apparently prevailing rage and frenzy.

HAROLD B. BARCLAY.

MOUNT ANGEL, OREG.,
August 9, 1964.

DEAR SENATOR MORSE: No doubt by now you have received any number of communications in which you have been called all sorts of names because of your refusal to approve the President's action in Vietnam. When I first read of your stand on this issue I was reminded of a story I heard some years ago concerning you.

The story tells of one of the Senators who went to the President and asked that something be done about you; the President was told, "He's nothing but an ignorant s.o.b." The President is supposed to have replied, "I know, but with so many of them in the country they're entitled to representation."

I supposed that if this is true I must be ranked among those whom you represent. I can truly say that I have always been proud to know that you represent me in the Senate—but never prouder than when I read of your stand on the joint resolution for which the President had asked.

I have just completed teaching a summer session class in Latin American history and in doing so have had to point out the numerous times that our country has been guilty of less than noble motives and of out-and-out aggression. Of course, one likes to think that these matters are items of history and that times have changed. Our actions in Vietnam, however, must give us pause.

Again, Senator, thank you for your stand on this question. I am sure that while politicians will blame you for it, the course of history will show that your courageous stand was in the right. I am proud of you. If I can ever be of any assistance to you here in Oregon please do not hesitate to call upon me.

Sincerely,

Thomas P. Sullivan, Ph. D.

Eugene, Oreg.,
August 5, 1964.

Dear Senator Morse: Your statement on Vietnam over TV today was the only spot of light in an extraordinarily depressing day. Where are the other sane minds? I know you say you do not care what other's views are, but I assume you don't mind hearing from someone who agrees with you. Blessings on you.

David F. Aberle.

August 6, 1964.

Dear Mr. Morse: My husband and myself are in full agreement with your stand on South Vietnam crisis. It is to our sorrow that our "peaceful" Nation has to ignore the functions of the United Nations.

Sincerely,

Mary C. Schell.
(Mrs. H. A.).

Seaside, Oreg.

Dear Senator Morse: I wish to express to you my strong opposition to the bill giving President Johnson power to take "whatever action necessary" to "keep the peace" in southeast Asia. This bill is an insult to Congress, and passage of it would constitute a surrender of Congress constitutional duty to evaluate, endorse, or block declarations of war.

Your condemnation of American bombing of North Vietnam as "excessive" is excellent. I hope you will continue your rather lonely habit of speaking the truth in Washington. I wish that there were 99 other Senators like you. Thanks.

Marilyn H. Tobey.

Portland, Oreg.,
August 8, 1964.

Hon. Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Mr. Morse: Thank you so much for standing up and declaring yourself for all clear-thinking Americans.

I have heard so many comments pro and con on whether the United States had the right to go in and bomb North Vietnam. I am no lawyer, but my reasoning is that we have a right to defend ourselves on the high seas, but not to retaliate by bombing the bases that these boats or ships came from unless we are in a declared war.

When I heard about the incident I was frankly shocked, and it flashed across my mind that this could be a political move. If it is then whoever conceived the idea has no business to be in such a high position of authority.

All this, of course, I am making my own decisions on, on the assumptions that the news media are giving us correct and complete information.

This sort of action could cause us to get involved in another action such as we had in Korea only many times worse. As you know, we have heard a lot about extremism in the past few weeks. From where I sit it looks to me like this the most foolish wholehearted kind of extremism that we could nave. I frankly was shocked when I heard that so many Members of Congress seemed to be so wholeheartedly in favor of it. If this is the kind of action that men who are supposed to be levelheaded leaders and are sent to Congress to make decisions for our great United States, then I think that we are sadly in need of a great change. If any great power can just go ahead and do as they please because they do have the power then why in the hell are we paying in so much money to the United Nations and Southeast Asia Treaty Organization and bodies such as these that are supposed to take action in situations such as this. Please don't think that I stand alone in my convictions on this action. I did not see him but I have heard so many people say that Secretary McNamara sure looked like a boy who had just found out how he could run a new toy, at the news conference when he announced the news about the bombings.

If I am wrong, Mr. Morse, please set me straight, but as you know I have a son who is over there along with thousands of other sons who have to take the consequences of the irrational decisions of those in command. I don't know that any one man can change the course of things there in Congress but I do appreciate the fact that you have the guts to get up and speak out on your own ideas.

Thank you so much for your initiative and courage to speak out as a leader who has some good commonsense left.

Yours truly,

Jerry J. Bell.

Phoenix Mutual Life Insurance Co.,
Portland, Oreg., August 8, 1964.

Hon. Wayne L. Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I write hastily to thank you for your stand on Vietnam.

Most certainly the United Nations should be handling this situation.

Sincerely yours,

Roy A. Gage.

Salem, Oreg.

We like your courageous stand on the current Vietnamese war.

Mr. and Mrs. J. W. Brasher.

Portland, Oreg.

Mr. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: I appreciate your stand on Vietnam. I think you are very courageous in defending what you think to be right and best for the American people.

I think we are dead wrong and should have never got involved, but history can't be turned back.

Your friend,

Lloyd W. Head.

Portland, Oreg.,
August 8, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for speaking and voting against our military action in Vietnam.

I have long been unable to understand our entanglement—for no logical reason, with no announced goal, and with no hope for achieving any meaningful, worthy victory. I resent the financial drain and the loss of life, when we have matters at home requiring attention.

I admire your courage. Keep up the good work.

Sincerely,

Mrs. George L. Bailey.

Eugene, Oreg.

Dear Senator Morse: I approve of your stand on Vietnam and admire your courage in taking it. The prevailing feeling seems the other way, although I can't imagine how people can justify our interference there.

This is a matter for the U.N. We have broken a treaty by being there.

Mrs. George Prince.

P.S.—I enjoy your newsletter.

Portland, Oreg.,
August 8, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: My sincere thanks and admiration for your courage is speaking out on our reprehensible policy in Vietnam. It is sorrowful to think that only two of our Senators and no Representatives are deeply informed on U.S. policy in Vietnam. Otherwise they could not have rubberstamped our mistaken deeds.

Sincerely yours,

Mrs. Dauforth Hoggan.

Portland, Oreg.,
August 11, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

If possible please send, airmail, copy of your Friday's speech opposing resolution for support of present Vietnam policy. It was scarcely quoted here. We are working on printed leaflet excerpting your speeches for churches and organizations here and elsewhere. Will send copies of all we do.

Carl Urner.

Portland, Oreg.,
August 9, 1964.

Hon. Senator Morse:

May I say you are foremost and great indeed as for the stand on the Vietnam issue.

Yours truly,

Sulo Juoni.

Portland, Oreg.,
August 10, 1964.

Wayne Morse,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Please accept my sincere congratulations on the position you have taken on the current North Vietnam crisis.

It is certainly a tragedy that you must stand practically alone in your attempts to introduce some honest inquiry in regard to the State Department-Pentagon prepared foreign policy issues that come before the Senate; though perhaps a nation that appears to be increasingly typified by muttonheaded apathy and cupidity and by cranky extremism is only getting the government it deserves.

However, as I'm sure your mailbag will testify, there are many people, at home and abroad, who are immensely grateful for your courage and humanity in going against the established grain in so many crucial matters. Posterity, if we are granted one, will tell.

Sincerely,

Frederick W. Stokeld.

Rockaway, Oreg.,
August 11, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: A few days after "Hiroshima Day," we write to congratulate you on your forthright and courageous stand. You were one of only two who had the human decency to vote against escalating the "dirty little war" in South Vietnam.

We thank you.

Margaret and Lew Levy.

For President—Wayne Morse, our darkhorse.

Lewis & Clark College,
Portland, Oreg., August 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Merely a note indicating my rather violent agreement with your views toward foreign aid in general and concretely and toward our Vietnam policy.

If the purposes, the liberal purposes, foreign aid was initiated for aren't remotely being attained after some 15 years, it's past time for reevaluation. We evidently don't learn from experience; one wonders why not.

As for Vietnam, one can only ask, Why a deeper commitment? What conceivable great good is being pursued here? What is the ultimate objective of our policy—the physical destruction of Communist China? One wonders if most Americans have any idea precisely where Vietnam is and precisely what we're doing there and have done there. It all seems a blind alley which will painfully and at great cost have to be retraced someday for other alternatives.

Sincerely,

Dr. John A. Crampton,
Associate Professor of Political Science.

Eugene, Oreg.,
August 10, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Sir: I am currently a graduate student at the University of Oregon; I did my undergraduate work at Reed, and I recall that, when you were running for President in 1960, there was a big sign in the commons which said simply: "Morse—Courage."

At that time I thought the adjective "courage" was quite fitting, but never, in my opinion, has it been more justified than during the current crisis about Vietnam. To my mind, it takes real courage to stand for the rule of law rather than supranationalism, to state that keeping the peace does not require dangerous flirtation with nuclear war. And above all, it takes courage to say these things in the U.S. Senate, where the stakes are the highest, and the pressures to bend to the will of the majority are the greatest.

I know that I speak not only for myself, but for many other university students as well; we have a keen interest in this matter, since many of us would provide the "cannon fodder" in the event that the illegal "McNamara's war" escalates into the genocidal "McNamara's world war."

Let me close by reemphasizing my support for your fight against those who persist in waging a false war for a false democracy in a far land.

Sincerely yours,

Gregory F. Bachelis.

Eugene, Oreg.,
August 10, 1964.

Dear Senator Morse: Thank you for having the courage to vote as your conscience dictates on the question of South Vietnam.

I feel that history and the true facts will vindicate the position that you and Senator Gruening have taken.

Sincerely,

Dorothy Leeper
Mrs. Robert Leeper.

Eugene, Oreg.,
August 7, 1964.

Dear Senator Morse: The luminously sensible, and at the same time, most courageous and high-principled stand you took, almost alone, in the Vietnam situation, confirmed again my admiration and respect for you. I think you may be nearer the sentiments of the people—as you are certainly nearer their best interests—than those who voted to increase the tensions and escalate the possibility of war in southeast Asia. You keep alive the hope that U.S. policy may some day once again be animated by traditional American ideals, and play a worthier part in human affairs than it has played of late.

Keep up your battle for truth and sanity, for you have support, and will find more.

Wickes joins me in this; and in sending you personal regards and warmest best wishes.

Sincerely yours,

Edwin F. Beal.

McMinnville, Oreg.,
August 8, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: In the past, as a Republican, I have disagreed with you on many of your actions, but in this matter of intervention in North Vietnam I am with you 100 percent and so are many others, although they are afraid to say so openly for fear of being branded unpatriotic. If this goes on, it can easily lead to a war we can't win and which will lead us to economic chaos. I applaud your courage in this very serious matter.

Sincerely yours,

Carl H. Malone.

Klamath Falls, Oreg.,
August 8, 1964.

Hon. Wayne Morse,
U.S. Senator,
Senate Office Building,
Washington, D.C.

Dear Senator: I feel that the State of Oregon should be proud to have one Senator that has the backbone and fortitude to stand back of their or his convictions and opinions.

It appears that the most of our representatives in public office have been brainwashed and have no backbone or guts to stand up for what is right. But each night I thank the good Lord and ask Him to guide and protect our good Senator Wayne Morse. May the Lord bless you and your good family.

I remain,

Sincerely,

M. Walter S. Miller.

Eugene, Oreg.,
August 7, 1964.

U.S. Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Hearty congratulations on your forthright and sensible Vietnam stand. I am only sorry you could not be the one who is opposing the Arizona aardvark in November. I have, incidentally, written to Huntley and Brinkley inquiring why they so completely ignored your remarks on this southeast Asia crisis, not that I expect a straight answer.

Sincerely yours,

Harold B. Barclay,
Assistant Professor of Anthropology, University of Oregon.

(The following letter was sent to President Johnson on August 7, 1964:)

Eugene, Oreg.

Dear Mr. President: I am totally and completely opposed to your policies and decisions in regard to southeast Asia, and particularly in regard to the retaliatory strikes against North Vietnam.

1. You have overreached your constitutional authority by ordering an attack in an undeclared war. The declaration of war is the prerogative of Congress, as representatives of the people.

2. The presence of U.S. fighting ships in the proximity of North Vietnam and thousands of miles from these shores, even though in international waters, is unnecessary and provocative.

3. The presence of the United States in South Vietnam is a violation of the Geneva agreement, of international ethics, of American principles, of commonsense, and a bypass of the United Nations.

4. The United States has demeaned itself in the eyes of the entire world. By retaliation, tough talk, and the mobilization of warships and troops in southeast Asia, we appear like a grizzly bear baring its teeth, unsheathing its claws, and growling in an effort to pick a fight with an ant. The disparity between the population and particularly between the economic and military power of North Vietnam and the United States makes the solemn and serious threats and pronouncements of the United States unutterably ridiculous.

5. The proximity of U.S. naval ships to North Vietnam has brought about this defeat in world prestige. By allowing ourselves to be attacked, we must either present the world the ridiculous spectacle of fighting this ant or running away from its bite.

6. We have abandoned the principles of freedom and self-determination which created this Nation and made it great. We are no longer great in motivation or principle, only in power. If this situation continues, it is the beginning of the end of this country as a great nation.

7. The extreme secrecy of the CIA and its involvement in affairs such as these make it an international conspiracy as obnoxious as international communism. I am fast developing as much distrust for the CIA and consequently for the news reports of foreign affairs and the pronouncements of this Government as I have for those of Communist nations.

8. International communism will be defeated by the implementation of superior principles, not by military power.

9. Enclosed is a copy of an address entitled "South Vietnam and United States Foreign Policy," which attempts to spell out such principles.

Sincerely,

Carl J. Nelson.

Wallowa, Oreg.,
August 8, 1964.

Dear Senator Morse: I want to tell you how much I admire your courageous and consistent stand against that dirty Vietnam war, for to my mind it is a dirty war if I have the straight of it.

Your calling the Government there a puppet of the United States and the impossibility of winning a conventional war in Asia seems true. And you rightfully denounce our going it alone and without U.N. sanction and without congressional debate and war declaration.

I read in the July 30, 1954, issue of the U.S. News & World Report the text of the 1954 Geneva Conference agreements, and the expressions of relief from different ones that the long war was over. I read what Eisenhower said, "as loyal members of the U.N., we also say that in compliance with the obligations and principles contained in article

II of the U.N. Charter, the United States will not use force to disturb the settlement." Walter Bedell Smith, Under Secretary of State, said the same.

Mendes France: "Within a few days, and very rapidly in the main districts, blood will have ceased flowing and we will not have the poignant feeling that the youth of our country is being decimated there. It is the end of a nightmare." Anthony Eden: "A real gain for peace"; Nehru: "This is one of the outstanding achievements of the postwar era, and for the first time there will be no war anywhere in the world."

According to the agreements, as you doubtless know, the demarcation line between North and South Vietnam was a temporary line and not to be permanent. The two Vietnams were to be united under a single government by free elections in July 1956. Why did we not push for these free elections, I would like to know? No foreign powers were to intervene, no military bases by a foreign power, and no more than 685 military advisers.

I trust you will keep up the fight. Am sure there are a lot of people with you.

Yours respectfully,

David Scott.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I want to express my appreciation for the stand you are taking against the war in Vietnam.

Sincerely,

Mrs. Sharon MacKay.

Eugene, Oreg.,
August 8, 1964.

Hon. Wayne L. Morse,
U.S. Senator From Oregon.

Dear Sir: After listening to reports from all sources on happenings around the world and the way we are sticking our nose into things that are none of our business I can truthfully say: Thank God the State of Oregon has Wayne L. Morse.

Where do we go from here?

My history tells me that my own country has top rating as the worst aggressor, dating back to about the time the last of the signers of the Declaration of Independence had passed away.

The Mexican War was about the first move and stands out as the big plum of aggression of all time. This was before my time but since I have a perfect memory of the following happenings.

The rape of the Hawaiian Islands by the McKinley administration was one of the first after the turn of the century.

The Panama Canal deal by Theodore Roosevelt was the first time the U.S. Navy was used to back up a rotten steal against a helpless country.

The reputation of Admiral Dewey in the conquest of the Philippine Islands after the Spanish-American War was an insult to the civilized world.

The authorizing of slavery under the American flag by a President of the United States about 30 years after the Civil War. (This can be verified by congressional records.)

How many times the Marines have been sent into small countries to collect private bills of crooked private manipulators I have no way of telling but the proof is there for the looking. Here I will insert a quotation from one of our ex-Presidents: "History will have the duty to keep our shortcomings out of the history books."

In this election year we have no choice but to write in one's own name and put an X in front of it and hope for courage for right.

Yours truly,

Guy A. Rogers.

Portland, Oreg.
August 7, 1964.

Dear Senator Morse: I suppose you (not for the first time) are feeling somewhat like a onetime Senator from Kansas who laid his political life on the line to vote against the impeachment of President Johnson the First: "I had the feeling of looking down into my political grave." And he was!

I hope it will be just a little bit of comfort to you to know that at least one insignificant person has been and still is with you all the way in this wholly unfortunate situation in Vietnam.

There is an eerie (unreal) air about this current brinkmanship, as if it had been arranged.

I realize this is no time for President Johnson the Second to be telling the American people the truth. He has an election to win. I hope the Chinese and the North Vietnamese understand this.

In view of the failure of the many members of United Nations to whoop it up for your idea of laying the whole matter in the lap of the U.N., it is reasonable to believe they understand the situation.

I have felt that this whole situation (rather than being aggression by the North Vietnamese and Chinese) is a civil-religious war in South Vietnam between the Catholics and the Buddhists. Apparently the so-called guerrilla forces are using U.S. weapons supplied by Buddhist boys who join the army to learn to use them, then go over the hill with all the weapons and ammunition they can carry away. Just what happened when the northern Chinese invaded China proper.

At any rate, I appreciate the fight you are giving the ruling military in this country. Time should prove you to be right, but it is difficult to get past the tight censorship of American news media which feel they have to go along with the pseudopatriotism of the moment.

With very highest regards, I am,

Very truly yours,

Herbert L. Fryback.

Portland, Oreg.,
August 6, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Mr. Morse: Thank you for your definite stand on the Vietnam situation; you are not standing alone but you do have the courage to stay with your convictions.

I am sure all the facts have not been brought out. Adlai Stevenson only told our side of it. I feel sure there were provocations which caused them to fire on our aircraft carriers. Hope the other side gives their version of it. We even boasted of the amount of damage we did to them. I hope the U.N. demands a fair hearing. It looks to me like we wanted to get into a skirmish in order to provoke the Communist countries to show their hand.

I heard Bob McNamara on TV and he couldn't look the people in the face, but kept shifting his eyes everywhere else. I think it could be called his war.

I am old enough to remember the Spanish-American War, when we blamed Spain for the sinking of the battleship *Maine*, and went to war over it, only to find out later that it was sunk by an inside explosion, but it created enough bad feelings that many men lost their lives over this false accusation, and we succeeded in getting control over Cuba, which has turned into a bad headache for us.

It sort of irks me to hear them say they are fighting for a free country. What countries are free? Our hands are tied at every turn. The Negroes have waited for over 100 years for the freedom they were granted, and we can't build even a small house on our own property without getting permission.

I hope and pray that some good will come out of this U.N. discussion, and that we will have learned a good lesson.

Hope Senator Goldwater is defeated in November. I never saw anyone who could say so many things and then turn around and say he was misquoted.

Keep up your good work. We need many more like you.

Sincerely,

Mrs. Eata Calahan.

Portland, Oreg.,
August 6, 1964.

Hon. Wayne Morse,
Office Building of the Senate,
Washington, D.C.

Dear Senator Morse: I agree with you that our country shares responsibility for the incidents in the Tonkin Bay, and I congratulate you on your forthright statements these last days. Such candor is all too rare in American political life.

Sincerely yours,

John L. Hammond.

Eugene, Oreg.,
August 6, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I have little regard for politics, letters to editors, plaguing elected officials, etc., but I feel that at this time, when you are representing yourself at the apex of your courageous, intelligent service, I must do more than content myself that I have always been a stanch supporter and vote caster for you.

For no other reason than to let you know that the small voices whom you represent so well, that is, those of us who rarely if ever write to editors, speak from soapboxes, or generally voice our inclinations other than at an election, are very proud of you at this moment as we always are when you respond to the need for intelligent, humane, devoted, and enlightened performance in the U.S. Senate.

Sorry for the verbosity, but I thought perhaps that you might find some comfort and delight in the unequivocated support of one of your constituents.

Most sincerely,

Stephen N. Stivers.

Salem, Oreg.,
August 6, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Wayne: Many, many congratulations on your courageous stand. You are building a place for yourself in history. Your colleagues are digging their political graves.

I know when the people of Oregon understand the facts, you will have their united support.

I am writing some letters to the press and hope to get them published. Kindest regards and best wishes. Keep up the fight.

Sincerely,

Arthur H. Bone.

August 5, 1964.

Hon. Wayne Morse,
Washington, D.C.

Dear Senator Morse: Your stand on the Vietnam situation is right, courageous, and honorable.

As you state, the aggression of North Vietnam should have been taken to the United Nations.

For a powerful military nation to have done so would have strengthened the peacekeeping machinery of the United Nations, and also have set a noble example of restraint before the nations of the world, too prone to destroy each other.

Occasions like this make us feel proud of you as our Senator.

Most gratefully,

GEORGE J. CLAUSS.

PORTLAND, OREG.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

Senator MORSE: Following Lyndon Johnson's statement on television Tuesday, I read the texts you kindly sent me of your speeches in the Senate April 24 and June 3 and of the speech to the City Club. Needless to say, I was impressed. Your arguments are more than convincing: they are compelling.

But what bothers me most, Senator, is the unstated question that necessarily lurks in any discussion of our policy in Vietnam. Why is the Government spending so much and violating so many agreements to pursue this war effort? I am a young man, Senator—I cast my first vote in your most recent campaign for office. But I have a degree in history from Harvard and like to think that I am neither soft-headed nor naive about politics. I am prepared to see, and do see, lying, cheating, injustice, and hypocrisy in the conduct of national affairs. But I am not prepared for and do not understand such massive and unredemmed stupidity as now prevades our Government. One can only, sadly, surmise that our leaders have been bullied by the opposition, and conned by the pictures of Life photographers into the present unworthy, undignified, and foolhardy policy of belligerence.

As, bewilderingly, Adlai Stevenson stammers into dishonor, you emerge, Senator, as the hero of the American left. One wishes one could offer more than a letter of approval and the promise of a vote; but please accept these.

Sincerely,

ARTHUR JOHN MOREY.

REDMOND, OREG.,
August 6, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We've often thanked God that we are represented in the U.S. Senate by an American in the best sense of what that word implies. A man who, like those in the days when our Government was being founded, stated his convictions and presented the logic on which they were based, and then stood steadfast with them. Regardless of the consequence.

Individuals with that kind of courage and integrity were able to establish the most successful and satisfactory system of government yet devised and so long as we have even some of them in public office we can have confidence that our institutions will remain safe.

The citizens of this Nation surely are not as stupid and blind as some people seem to think they are and if someone has the courage to keep presenting the truth, no matter how unpopular for awhile, then in due time the citizens will come to understand and exercise their power to effect correction.

In the present Vietnam affair you appear to have been cast in the unevitable role of "opposer" to a course of action that has popular appeal, but in pursuance of which, that fact that it is illegal, fraught with grave potential dangers, and deviates from rationality, has been disregarded.

We applaud your courage and assure you of our unqualified endorsement of the stand you have taken. It is not true that the majority is always right and sometimes the cause of the unpopular minority triumphs because it is based on a concept of truth and commonsense that is eventually appreciated by enough people to make it effective.

What you said had to be said by someone and we are proud that it was our Senator who spoke.

Our friends, Dr. and Mrs. C. E. Stewart, 631 West Antler Avenue, Redmond, Oreg., join with us in commendation and approval.

May God bless and sustain you in this unhappy time.

Sincerely yours,

DONALD S. KNOWLES.
MRS. DONALD KNOWLES.

PORTLAND, OREG.,
August 5, 1964.

U.S. Senator W. L. MORSE.

DEAR SIR: I listened to your talks on television while back in our home State and have always realized how right you are. I hope you may have some great influence on Congress, because we stand a great chance of getting into another war. The great warmongers of our time, Johnson, Goldwater, and McNamara, Secretary of Defense, are just bound to get us in war. I am a World War I veteran and realize that our Spanish-American War was caused by hotheads and warmongers.

Sincerely,

D. W. SONNELAND.

THE DALLES, OREG.,
August 6, 1964.

Hon. WAYNE MORSE,
Washington, D.C.

MY DEAR MR. MORSE: I have just read in the Oregonian the article saying "MORSE Attacks U.S. Action as Provocative."

Although we are Republicans, my family and I are behind you 100 percent in your Senate speech. That is just what we and many other Americans think.

We are thankful that we have a man of influence from Oregon in the Senate and a member of the Foreign Relations Committee that will tell us the truth.

Respectfully yours,

ELIZABETH SCHERRER VANDERSLICE.

PORTLAND, OREG.,
August 7, 1964.

Senator WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing to tell you that I am completely in agreement with the position you have taken on Vietnam. I am proud to be your constituent.

You will be interested in knowing that not only are the members of my family behind you but at coffee yesterday all three of my coworkers were behind you. Thank you, Senator MORSE.

Yours truly,

ART LIND.

KLAMATH FALLS, OREG.,
August 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. MORSE: Unbounded thanks to you for your stand against our operation in southeast Asia. God bless you. Keep up the fight until we withdraw our military from this foolhardy enterprise.

I enclose the letter which I have sent to President Johnson, and, with changes, several Senators.

Please let us know if we can strengthen your hands in any way.

Thank you, too, for your vote for cloture and fine support of the civil rights bill.

Sincerely and gratefully,

HARRIET YARROW.

MALIBU, CALIF.,
August 7, 1964.

Senator THOMAS KUCHEL,
Senate Office Building,
Washington, D.C.

DEAR MR. KUCHEL: I send you my profound thanks for your vote for cloture on the 10th of June. We are grateful for your leadership in passing the civil rights bill.

Now may I have your assurance that you will challenge the President's policy in Vietnam instead of supporting it? Let us stop the shooting and call back our military from Vietnam. Our vague goals there can only lead us from tragedy to tragedy, if not larger catastrophe. We gain no friends abroad by this folly; no logic can justify the loss of another American or Vietnamese life. We can only lose power and security with each hour that we pour our dollars into this constantly worsening situation.

It is difficult to excuse irresponsibility in high office even in an election year. If Mr. Johnson consults GOLDWATER, we are lost indeed. This evening I searched with a sad heart in vain for your vote against our operation in southeast Asia. How can we send military equipment and personnel to Vietnam in violation of the Geneva agreement of 1964, and abrogating our pledge of 1962, nay, our signature to the United Nations Charter. Then we hide behind the fact that our warships were a few miles outside of North Vietnam waters. How can we sponsor such foolhardiness as to believe that the world will be in love with us, or awed by us?

Why do you not stand for our withdrawal from our illegal position in Vietnam and the placing of the question in the hands of the United Nations, or a commission appointed by the United Nations?

Sincerely and respectfully,

HARRIET YARROW.

PORTLAND, OREG.,
August 6, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: Heard your statement about South Vietnam.

Just a note to tell you we are with you.

Best wishes.

Sincerely,

MISS LEE COVACH.

PORTLAND, OREG.,
August 8, 1964.

DEAR SENATOR MORSE: Just a note to express our appreciation for your courage on your stand about the Vietnam crisis.

We have for many years admired your independent thinking. Although it is difficult for us to determine the merits or demerits of a particular issue, it is reassuring to have men with your intelligence and courage judging them for us.

Sincerely,

MRS. DONALD LARKINS.

BEND, OREG.,
August 6, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: On July 21, 1964, a letter which I had sent to the editor was printed in our local paper, the Bulletin. Enclosed is a copy.

Although recent developments have, I believe, strengthened the U.S. right to be in Vietnam, I still think the U.N. would be the best course for us to take.

When the United States found it necessary to bomb the coast of North Vietnam, President Johnson spoke to the American people on August 4 and our Ambassador to the United Nations spoke on August 5. If you have copies of these speeches, I would appreciate a copy.

I am also doing research on the history and purpose of the Congressional Record. If you could send me some historical and statistical information about the Record, I would be thankful.

Please, also give your view on how well the Record fulfills its purpose to the citizens of the United States.

I cannot afford to subscribe to the Record, but I enjoy looking at what copies I do receive.

I would like at this point to thank you for all the help you and your staff have given me in the past. I hope you are in the Senate for a good many more years.

Yours truly,

Harold C. McLean.

VIETNAM SOLUTION PROPOSED BY WRITER

To the Editor:

We have entered into a tragic and perilous war in South Vietnam.

In direct violation of our Constitution we have sent American servicemen to their deaths in a civil war which is not between two countries, which is often states, but between forces in one country.

But how can we attack the North Vietnam violations, when we are also breaking the agreements by giving South Vietnam direct military aid?

We must sweep our own back porch before we try to sweep North Vietnam's.

But even more tragically, at the same time we break the agreements by being in Vietnam, we are upholding the very articles of the Geneva agreements which limit our power to win the war in Asia.

These articles prohibit the introducing of military equipment other than what was already there in 1954.

How can we send our servicemen to their deaths without giving them the modern equipment they deserve?

We must uphold all of the agreements, thus strengthening our charges against North Vietnam.

If we withdraw from South Vietnam, thus upholding all of the Geneva agreements, we then can, with justice, take the whole matter to the United Nations.

The U.N. would take the necessary steps to insure world peace, possibly penalizing North Vietnam for their alleged violations of the 1954 agreements.

This is basically the stand which Senator Morse has taken on this issue and I hope the rest of Congress joins with him.

Respectfully yours,

Harold McLean.

Bend, Oreg., *July 14, 1964.*

Jacksonville, Oreg.,
August 6, 1964.

Dear Senator Morse: We have just finished reading a recent book by Anna Louise Strong, "Cash and Violence in Laos and Vietnam." It gives a detailed account of the intrigue and atrocities we have been committing in the Indochina area. You seem to be pretty well informed but if you would read this little book we would be glad to send it to you. It is full of documented evidence which fairly makes one ashamed to admit being an American.

Words fail us in expressing our appreciation of your wisdom and courage in protest against such a policy.

We once expended some effort to make you our President. You have proved your greatness by being right instead of President.

Very sincerely,

Bert Harr.
Christine Harr.

Scappoose, Oreg.
August 7, 1964.

Dear Senator Morse: Even if you stand alone in your fight against the resolution concerning the action in Vietnam, we want you to know that there are people here in Oregon who support your views and actions.

In all the years we have lived here there has never been a time when we doubted your honesty, and I can't write that about any other political figure. I know expediency is often considered "good politics," but we need to be able to believe that at least one man means what he says.

I hope the faith and belief of people like us is of some comfort, when you receive criticism, or worse, for the courageous stand you have taken.

Thank you so much.

Molly Meuleneld.

Scappoose, Oreg.
August 7, 1964.

Dear Senator Morse: I wish to commend you and support your stand on the resolution to support our Government's action in North Vietnam.

I hope that someday we, the public, get all the facts on these incidents as they seem to me to have come at a too opportune a time.

I and a number of people I have talked to wish to thank you for your steadfast position on southeast Asia. Please, do not change.

Respectfully,

Tom Meuleneld.

Portland, Oreg.,
August 6, 1964.

Dear Senator: Thanks for the news release on the bombardment by South Vietnamese of North Vietnamese islands. That enabled many thinking people to put the pieces together. I don't mean the editorial writers of the Oregonian or the Reporter, either. I mean honest-thinking people.

Another thanks for your veto vote on the administration's resolution for a predated declaration of war, as you properly put it. Obviously there are few constitutional liberals in sight back there on Capitol Hill, when the going gets a little rough. Both my wife's and my hat are off to you.

Sincerely,

John Mettam.

Albany, Oreg.,
August 6, 1964.

Senator Wayne Morse.

Dear Mr. Morse: You are absolutely correct in the stand you have taken concerning Vietnam. From the very beginning—in Eisenhower's regimes—this country should have been the responsibility of the United Nations. Now look at our situation. It must be very difficult for our friends in the U.N. to stand with us, knowing we began wrong originally.

Another thing: I am suspicious of this intertie between the Pacific Northwest and California. Is the private power pool to have precedence over public utilities—city, county, REA, etc.? Because if it is, I am absolutely opposed. Is the Government actually going to build its own line? If it doesn't, I am against the entire program. That will mean private power will run the dam output all over the West. It would be much better if the Government called all the shots. Much.

Sincerely,

Virginia Stauble
Mrs. F. J. Stauble.

The Methodist Church,
Ebbert Memorial,
Springfield, Oreg., August 5, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing to tell you that I wholeheartedly back your stand that the United States ought to get out as a participant in the war in South Vietnam and that United Nations ought to be called upon to deal with this situation and to establish a peacekeeping force there.

I have read the information that recently came from your office giving your views on the foreign aid bill, and I must say again, I am behind you. I have long believed our country ought to do all it can to help others help themselves, but I certainly agree with you we ought to eliminate expenditures that are wasteful or that do not get results.

Sincerely,

Ross Knotts.

Portland, Oreg.,
August 7, 1964.

Senator Wayne Morse,
Washington, D.C.

Sir: Today's paper indicates that only you and Senator Gruening, of Alaska, opposed blanket support of the Vietnam issue. Good for you. It took real courage to stand up and voice your opinions.

I believe you to be one of the very few worthwhile people over there in that town of Washington. Your detractors might well say, "Just another letter from an ardent blind supporter and yes-man". That is not the case since I have differed with your opinions on a number of issues. The fact remains, however, that we always know where you stand and that is what is important to me. So many officials have no backbone and simply vote with the mob. Principle means nothing to them.

Some of this group are naive enough to think that they can fool people indefinitely, but such is not the case. True, we need an adequate foreign policy and program, but why do we support so many unworthy cliches, causes, and individuals?

Once again, you have spoken your mind. Let the chips fall where they may.

Respectfully,

G. A. Whitehead.

Portland, Oreg.,
August 6, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: Recently I was fortunate enough to tune in KATU when you were being interviewed on foreign affairs by two young newspapermen.

I just wanted to let you know I enjoyed it thoroughly.

I also appreciate your letters and the copy of the foreign affairs speech recently received.

It is my firm belief that if we had more statesmen and less stooges in the House and the Senate this country of ours could be made a showplace for the rest of the world to look up to.

Sincerely yours,

W. G. Raymond.

P.S.—Just heard your short interview with CBS. More power to you.

Eugene, Oreg.,
August 7, 1964.

Hon. Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Senator Morse: As new Oregonians, we wish to express our admiration and appreciation of the forthright and courageous stand you have taken on the Vietnam crisis. Minority positions such as yours are very necessary to draw out more complete information on the United States' role in international affairs, since the various news media available to us fail, or are unable, to furnish enough information to enable the public to reach appropriate and sensible opinions. (Would that more of the elected refused the sheep's role.) Our endorsement and encouragement of your senatorial actions.

We would appreciate receiving any materials you may have on this and other national and local issues.

Sincerely yours,

John and Alea de Jung.

PORTLAND, OREG.,
August 7, 1964.

Hon. WAYNE MORSE,
Senator from Oregon,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: The purpose of this letter is to thank you for your leadership and the stand that you have taken in the matter of foreign aid. I agree with your position completely. I am grateful that you have the intelligence and forthright courage to take such a stand.

And further, it is even more cause for thankfulness that you have taken the position reported in the press and radio in the crisis in Vietnam. It is cause for profound thankfulness that at least someone stands up to oppose a policy that is so likely to involve us ever deeper in an unfortunate foreign struggle, if it does not, indeed lead ultimately to a nuclear holocaust. I hope that you will keep up the lopsided endeavor to get this whole mess into the hands of the United Nations. Will we have to call on another Eisenhower to get us out of an Asian imbroglio? Surely Senator GOLDWATER would not do us much good. Keep up the good work.

Sincerely yours,
C. V. GUSTAFSON.

PORTLAND, OREG.

DEAR SENATOR MORSE: I am very proud to be represented by a man intelligent enough to see the Vietnam situation as it really is—and brave enough to stand up and be counted in a highly emotional situation.

Yours sincerely,
ELEANOR KAFOURY.

PORTLAND, OREG.,
July 27, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I never thought the day would come when I would be writing a letter commending you. If this startles you a little, you must bear in mind that in 1956 I was executive director of the Republican State Central Committee, spent hours helping to research and write "Let's Look at the Issues, Senator MORSE" and wound up as Doug McKay's campaign manager.

In any event, Senator MORSE, I want to congratulate you on two positions you have taken. First on your stand concerning our country's position in Vietnam. Second on your recent vote concerning the disclosure of income of elected officials.

And while I am at it, I might as well add a third (and this might disclose how long I have been begrudgingly seeing your good points). I want to commend you for your denunciation of the consumption of alcoholic beverages in our legislative buildings. It is just as wrong to allow drinking there as it is to allow drinking in the trust department of our bank. I am not a "blue nose" and will drink with the best of them but I agree with you on this matter.

Yours truly,
DOUGLAS P. HUEGLI.

PORTLAND, OREG.,
August 7, 1964.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I am extremely interested in your views on the current southeast Asia situation. Could you please send me some information which explains your position on our policy there, or direct me to sources which accurately report your position in detail. Also, could you recommend any news publications which you think present a nonpartisan view of the situation. I am most interested in your interpretation of our purpose in Vietnam and in your statement regarding the events which directly preceded the North Vietnamese attack on our ships. Thank you very much.

Sincerely yours,
J. RODGER BERNARD.

PORTLAND, OREG.,
August 5, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Just a line to express approval and support of your position in regard to Vietnam.

I heard you at the City Club and approved your position as did many other members.

Keep up the fight.

Sincerely,
HOWARD H. VAN NICE.

PORTLAND, OREG.,
August 7, 1964.

Senator MORSE,
Washington, D.C.

DEAR SENATOR: I heartily agree with your views on the Vietnam situation and do hope you do all in your power to kill the resolution in Congress whereby the President is given the power to interfere in Vietnam and other countries with military intent.

Keep up the good work and try to get enough support to kill this unconstitutional resolution.

Yours respectfully,
ALICE HEDGPETH.

PORTLAND, OREG.,
August 6, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have always agreed with you that we should pull out of South Vietnam and put the whole problem into the hands of the United Nations.

Now, having just finished reading the new book, "The Invisible Government," and in view of recent developments, I am all the more convinced that we should get out of southeast Asia before the CIA gets us in any deeper.

I hope those "cloakroom Senators" that you mentioned on TV last night will have the courage to join you openly in your objection to the resolution.

Sincerely yours,
CLARA J. DAVIS
Mrs. Leslie C. Davis.

PORTLAND, OREG,
August 5, 1964.

DEAR SENATOR MORSE: I heartily back your stand on Vietnam. Please continue to bring your point of view to the attention of the American public.

Sincerely,
JUDITH BOGGS.

CLATSKANIE, OREG.,
August 6, 1964.

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

Hon. MORSE: We been getting your reports. It is nice to hear from Government's activity on what is been done for our country, at this time, seems we are at war with someone in Far East. If we have interest in there, why can be settled peaceably, and stop killing boys.

Mr. MORSE, do your best to stop this war, and correct our economy at home, so people will have better understanding at home. Most States. Coming people are on relief, how long? To be at such ordeal, or we all become surplus, cannot see, or cannot understand from our leaders' standpoint.

Again, we say stop the war, please.

Yours truly,
GEORGE MINKOFF.

AMERICAN PIPE & CONSTRUCTION
CO., NORTHWEST DIVISION,
Portland, Oreg., August 6, 1964.

Hon. Senator WAYNE L. MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your statement regarding our activities in Vietnam reflects my opinion exactly. Congratulations.

Your continued opposition to an administration policy which appears determined to involve us in a senseless Asian conflict is most appreciated.

Keep up the good work.

With best regards.

Very truly yours,
DEAN H. MITCHELL,
Controller.

PORTLAND, OREG,
August 6, 1964.

Hon. WAYNE MORSE,
U.S. Senator from Oregon,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your stand on Vietnam is to be commended. You have expressed my views 100 percent. Keep up the good work. When the time comes, if ever, that the United States takes a slightly different tack on foreign relations I am sure our position as a world power will be restored.

With best regards from a fellow Democrat and constituent.

Sincerely,
IOLA MCINTYRE.

PORTLAND, OREG.,
August 4, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: A few nights ago I saw you on the "Insight" program. I believe you made a very informative and valuable presentation. Some of the points you presented should be developed further.

You brought out the point that the United States is presently violating certain articles of the United Nations Charter.

I believe that we are a great country. An essential factor of greatness is goodness. Goodness involves, among other things, morality and respect for the law. Law based on moral principles must be obeyed, not just when it is easy, convenient, or suits our purposes to obey the law, but all the time.

A country can be powerful without being great. A country must be good to be great.

We stated in our Declaration of Independence that we wanted the world to know why we believed in what we were doing in framing that document. I think the phrase "a decent respect for the opinion of mankind" is included in the Declaration of Independence.

In other words, world public opinion is important; that decent respect of the world is important. Senator GOLDWATER seems to think that we should not care a bit about world opinion. This is a big mistake on his part.

We cannot rely on world public opinion to make our foreign policy, but world public opinion is important, and must always be considered.

We must take all threats to the peace to the United Nations. The point is not whether the United Nations can or will do anything about a particular threat. The point is that the United Nations is the body designed for handling world threats.

Many people are willing to have other people bring their problems to the United Nations, or they are willing to bring problems to the United Nations if they are stuck with a problem they cannot handle, or if they want to delay taking immediate action on a problem.

We should not bring problems that involve the peace of the world to the United Nations only when it is easy or convenient to do so. We should do this every time a threat to world peace arises.

I believe that the reason we have not taken the Vietnam problem to SEATO and the United Nations is due to the fact that we are emotionally blocked by semantics. We are emotionally locked in (semantically) on Vietnam.

Let me give you some examples, and I am certain you could provide a dozen more.

If a Member of Congress argues with President Johnson on our policy in South Vietnam he is undercutting the President, and undermining our foreign policy.

If he persists, he is uninformed in regard to the facts, and the administration has more knowledge, possesses all the facts, and is better able to decide the issue.

If he does not wish to extend the war, he is "soft"; if he wishes to change our policy he is guilty of appeasement; or he wishes to neutralize the area and surrender to communism. Neutralization is becoming a dirty word.

Frankly, if our case is as strong as President Johnson says it is, we should be eager to use SEATO and the United Nations to help solve this problem.

The trouble is that we are now using certain emotional words that are actually reason destroying words.

Once we can escape our fear of certain words, we can more intelligently handle our foreign problems.

Sincerely,

ROBERT PARNAS.

ENGINEERING & SALES CO.,
Portland, Oreg.,
August 5, 1964.

In re Vietnam.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to express my complete support of your position on Vietnam.

I was amazed to hear Johnson's war proclamation and regret very much that the American Government will honor an aggressive militaristic attack. The pretext in which no casualties or damage was inflicted sounds ridiculous. The enormous extent of the retalitory attack leads us to believe American military either promoted, agitated for, or welcomed the so-called attack.

It appears that this is a method of salvaging the South Vietnam Government past the November election.

Sincerely yours,

CARL G. SANTESSON.

SALEM, OREG.,
August 6, 1964.

DEAR SENATOR MORSE: In my opinion your position on the present crisis in Asia is the correct one. I agree with you absolutely.

You are one of the few informed people of our times who has the courage to dissent. God bless you.

Sincerely,

JAMES LARSEN.

SALEM, OREG.,
August 6, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

We are 100 percent behind you in your stand on Vietnam.

Very best wishes.

GILES G. SMITH.

SALEM, OREG.,
August 6, 1964.

U.S. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I fully support your position that the United States is the provocateur in South Vietnam and that you will not support a "predated declaration of war" in Asia. I fully support your position as stated in this morning's Oregon Statesman, Thursday, August 6.

Respectfully yours,

VERN NELSON.

GRANTS PASS, OREG.,
August 6, 1964.

DEAR SENATOR: It is good to know there is one voice of sanity in the current war situation. It is my modest opinion that Johnson wants war in an election year. This war would be extremely popular. People have gone utterly mad.

If war is declared, about the only one I will vote for is you. You seem to be the only one that knows what's going on.

Yours truly,

I. HEYER.

FOREST GROVE, OREG.,
August 6, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I wish to thank you for your valiant stand against the warmongers in Washington. Voice the antiwar people is the cry from so many peace-loving citizens.

We have no business over there—just intruders; no reason only to protect some big oil business or the Catholic Church, and to make votes for Johnson. Too bad that our Government should neglect important things at home and risk the lives of millions in a third war.

We read your great effort before Congress to set them right. Thanks that we have someone there to champion what is right. God strengthen your hand.

Kindest regards and God's blessing.

THOMAS MORGAN.

SPRINGFIELD, OREG.,
August 4, 1964.

MY DEAR SENATOR MORSE: I just finished reading your article in the Reporter regarding former French Indochina. I also take the Nation. You have also written some good articles for it. I am proud of you, WAYNE, and always pass the papers on, but it is surprising how few people are interested in what our Congressmen are doing. Chas. Sauler, you, and I had a nice visit together while eating lunch together. I am sorry to tell you that Mrs. Sales died suddenly and we buried her a week ago. Beans and cherries need to be picked but it rains some every 24 hours. I think Bob Strank's prospects are good.

This is it for this time. Kindest regards to Mrs. Morse and the rest of the family.

Sincerely your friend,

JOHN H. STRUBE.

PORTLAND, OREG.,
August 4, 1964.

DEAR SENATOR MORSE: Having followed your debate with Senator COOPER, having read your article in August Progressive, I cannot but admire your courage in presenting so many facts on the question in an election year.

Of course you were right in spite of the mighty armament interests and our Government's foolish involvement in such a mess. Our present policy seems to feel obligated to pursue the policies of Dulles, who knew little of the dangers. This was the grave mistake.

Now to be elected for any office from dogcatcher to President it seems necessary to bring out the old paranoid prop (fight communism), and you qualify on that score. Reason, United Nations, SEATO, and the Geneva accord are forgotten.

I am glad you are on the record in opposition to this departure in foreign policy. Your effort was superb but I doubt the administration will have the nerve to stop, look or listen during the campaign.

Felix Green's book on China engaged my keen interest and convinced me that China is on the make and that the West has inflicted great injury on that country as history shows.

With kind regards and best of wishes.

Sincerely,

WALLACE A. PRATT.

PORTLAND, OREG.,
July 29, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: How many more American youths are to be sacrificed in a way with no chance of victory, a war with little support and much opposition from the people being "defended," a war that for U.S. soldiers hasn't even a name?

The people of southeast Asia have an indelible resentment of Western involvement in their affairs, a resentment acquired over decades of foreign rule. No military campaign lacking genuine support of the people has the slightest chance of success, regardless of how many dollars are siphoned from the rank-and-file American taxpayer to finance it. This has been amply demonstrated, of course, by the bankruptcy and collapse of French military involvement in Indochina.

If for no other reason, the cynical pronouncement made July 28 by Premier Khanh that he will send U.S. arms and men where he sees fit, in defiance of administration policy, should force us to withhold this extravagant assistance.

What "national interest" can possibly be served by continuing to invest potentially creative lives and vast amounts of money in a government which cannot rally the support of the population it purports to rule? The investment would be more to the point here at home, where many millions still lack the decent material conditions prerequisite to true freedom.

Very sincerely yours,

JOHN P. VAN HYNING.

SALEM, OREG.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I have read in the American Legion magazine for August the arguments in "Pro & Con": Should U.S. troops be withdrawn from Vietnam?

In my opinion the Federal Government should withdraw our troops from Vietnam.

If the people in Vietnam prefer communism, let them have it. If all of Asia goes Communist, let it go. Can't we buy the products we need from that part of the world and sell to them what they need from us? That would stimulate trade and save our boys' lives.

MICHAEL G. PANEK.

HEPPNER, OREG.,
July 28, 1964.

WAYNE MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR MORSE: I received your last report today and read every word of it, and it was wonderful; you are doing a marvelous job for the United States and your powerful brain is continually at work to cut down the enormous waste of unnecessary expenditures.

I will not write a long letter as I realize the thousands of letters you receive and have to answer, but I did want to let you know that I agree with you in many things you are fighting for and especially Vietnam, where we have wasted over a billion dollars and lost so many of our boys and what have we gained except waste of our taxpayers' money and loss of face, if we did drive Red China out of Vietnam as soon as we withdrew our troops Red China would be right back in Vietnam again just like Khrushchev was right back in Cuba again as soon as the blockade was removed.

Now, please take care of yourself and get plenty of rest as our bodies have a limit for work and we need you so bad, we do not want anything to happen to you.

With very best regards and wishes, I remain,

Yours very truly,
ARCHIE D. MCMURDO, M.D.

GOLDSMITH, SIEGEL & GOLDSMITH,
PORTLAND, OREG.,
July 22, 1964.

Re southeast Asia policy.
Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: Even before your historic address before the Portland City Club I had noted with approval your point of view opposing the unilateral action of our country in South Vietnam.

Your address before the City Club was as carefully reasoned and supported by authority as the best arguments before the Supreme Court.

What logical answer can either Secretary Rusk or Secretary of Defense McNamara make to your position?

Has there been introduced any bill in the Senate to terminate our unilateral action in southeast Asia, or requesting that United Nations undertake the burden? Possibly you could generate some action in the Foreign Relations Committee itself looking toward such an end.

In any event, be the Paul Revere warning this country of the terrible debacle we are getting into in southeast Asia. At least in Korea there was the backing of the United Nations, whereas in the Vietnam situation our allies apparently believe, and probably correctly so, that this is a matter for the people of southeast Asia themselves to work out.

Cordially yours,
ARTHUR A. GOLDSMITH.

PORTLAND, OREG.,
August 8, 1964.

DEAR MR. MORSE: Today's Oregonian carried the sad news of congressional endorsement of Vietnam policy. The one bright spot in the story is of your courage to vote "no."

Your general position on our involvement in Vietnam has been sound from the beginning, and is yet.

So I thank you for truly representing my conviction (and for helping to form my conviction in the matter, too, I'm sure). Patriotism is not proven by emotional adherence to any official policy, but by courage to seek the real values even when they fly in the face of official or popular values.

More power to you.

Sincerely,
VERNON E. ROSS, Jr.

P.S.—I discovered Thursday evening that all my peace-minded friends have similarly rejoiced in your stand. I hope some write you.

R.

[From the U.S. Farm News, February 1964]

IS THE UNITED STATES MAKING WAR ON THE VIETNAMESE PEOPLE?

(By Hugh B. Hester)

The violent attacks of the Diem government upon the Buddhists were helpful in one respect. These attacks enabled the people of the United States to see for the first time the cruel, corrupt, and vile character of the government which the leaders of the United States had placed in power in South Vietnam. This information, many believe, was made available to the people only because the rulers of the United States became convinced that the Diem regime could not win the war against the Vietnamese people and therefore had to be replaced. In addition, Diem and his brother Nhu, unfortunately for themselves and families, made the fatal mistake of getting in touch with the Communist leaders in Hanoi, North Vietnam. (See New York Times, Nov. 8, 1963, and John M. Swomley's article, "The Vietnam Revolt," "Fellowship of Reconciliation," November issue, 1963, New York, N.Y., Box 271.)

This was a "traitorous" act under the Acheson-Dulles doctrine of world domination, euphemistically called Communist containment. The immediate results were (1) President Diem was murdered; (2) the Diem regime destroyed; (3) the CIA gained another Pyrrhic victory; (4) U.S. international prestige was further lowered, and finally, a golden opportunity was lost to stop the senseless slaughter of the Vietnamese people.

The assassination of Diem and his brother Nhu, therefore, accomplished nothing of value. The military junta, "free" world style, immediately took over and the usual diplomatic recognition promptly followed. Other probable results are: (1) The war against the Vietnamese will go on as formerly; (2) the usual starvation, torture, and murder of the little people of this small and defenseless country will continue; and finally, the U.S. Government will go on fighting and financing this undeclared war against a people whose only "crime" is a desire for peace, national unification, and independence of outside interference.

The U.S. Government has financed this war for the past 18 postwar years: 9 years for the French Government (a government which Churchill and Truman insisted be returned to Indochina at the end of World War II against the earlier advice of Roosevelt). And since 1954 for reasons which the U.S. "leaders" have never fully explained to their own people.

Was it not the U.S. Government, under the control of John Foster Dulles and his crowd, that repudiated the 1954 Geneva Convention in violation of a Dulles pledge: a pledge given at the time, in the name of the U.S. Government, not to interfere with its provisions? Had the provisions of this convention been fully implemented, no Buddhist monk would have found it proper to commit suicide; the peasants would not have been placed in concentration camps, euphemistically called strategic villages; the crops of the people, the foliage and forests of the nation would not have been destroyed or denuded by U.S. chemicals; and no Vietnamese man, woman, or child would have been "fried" by U.S. napalm bombs, dropped by pilots trained and directed by U.S. servicemen.

Was it not Dulles and his crowd, therefore, who prevented the unification of Vietnam, 1956, through free elections as provided for at Geneva, 1954? And was it not Dulles and his crowd that brought the brutal, cruel, and ruthless gangster group of Diem to power in South Vietnam? So long as the Diem regime confined its barbarous methods to the torture and murder of the "godless" opponent, the Vietcong, apparently no pangs of conscience troubled Mr. Dulles.

For once it became possible to label the opponent a Communist and make it stick, nothing else mattered. He then became an outlaw and outcast. He no longer belonged to the family of man. This dehumanizing of people, of course, has always been the objective of the directors of cold wars, whatever the race, color, or creed, or the time and place in history. First make a monster of the opponent, and then his murder became honorable, free from "Christian" conscience. In the First World War it was praiseworthy and honorable for Americans to kill Germans because the Germans were "Huns." In the Second World War it was lawful and laudable for the German "Huns" to murder millions of innocent men, women, and children, first because they were Jews and later because they were Jews, Poles, Russians, French, Norwegians, and/or Communists, all members of "inferior" races.

And so it is now in South Vietnam. The brutality of our ally in this basically civil war has been dramatically revealed and documented by the distinguished Australian war correspondent, Wilfred G. Burchett, in his latest book, "The Furtive War: The United States in Vietnam and Laos," recently published in New York by International Publishers. (Price $3.95.) Even much worse than the U.S. Government's support of this monstrous regime has been U.S. planning of the concentration camps, euphemistically called strategic villages, under the direction of Dr. Eugene Staley, the denuding of the forests, the destruction of crops, the killing of birds and animals and even people with U.S. chemicals, again under the direction of the U.S. military forces. All of these are recorded and documented by the author. In this book, in condensed form, for the first time, the U.S. reading public has access to the plots, counterplots, intrigues, and Machiavellian-like maneuvers of its Government in southeast Asia.

This writer, in a short article in Liberation magazine, June-July issue, 1961, quoted from Joseph Alsop's column, "Matter of Fact," New York Herald Tribune, September 9, 1959, to show how the U.S. Government plotted the overthrow of the neutralist government of Laos in 1958, and was planning its overthrow again in 1960. In the same article he quoted the British writer, Graham Greene, London Times, January 6, 1961, who reported, "Nobody with any knowledge of Laos is likely to deny that Prince Souvanna's government has been undermined by the aid given by the United States to the rightwing forces," and continued, "In four winters in Vietnam I was an unhappy witness to the disintegration caused by the intrigue of the American underground agencies." Jack Raymond (New York Times, January 9, 1961), gives an even more bizarre account of American meddling. Under the headline, "U.S. General Runs Quiet Laos Team," he wrote, "Whatever success the Laotian Government has scored in battles with pro-Communist Pathet Lao forces can be attributed in large part to effective training by a special U.S. unit, headed by a colorful West Pointer nicknamed "the Prussian." "The Prussian" was U.S. Brig. Gen. John Arnold Heintges, a German by birth, then on loan to the CIA. Later, according to the Associated Press, April 21, 1961, "the Prussian" and the members of his unit were put into U.S. Army uniform.

All through this period the U.S. mass information media were reporting that only the Communists: Red China and North Vietnam, were violating the Geneva Convention of 1954, which had been established to end the Indochinese war. A United Nations investigation team found these charges false, but it failed as usual to report the illegal activities of the U.S. Government noted by Graham Greene, Joseph Alsop, Jack Raymond, and the Associated Press.

Throughout much of 1962 the U.S. mass information media again charged Laotian Reds, the Pathet Lao, with violations of the 1961 cease-fire agreement. Author Burchett explodes this by quoting from a dispatch of the London Times Washington correspondent, May 24, 1962, to the effect that the U.S. CIA was responsible for the cease-fire breach, not the Pathet Lao. The dispatch stated, "The CIA provided the (Gen. Phoumi Novasan and his forces) with funds from their capacious budget * * *." It is apparently not uncommon at all for the department of the sovereign state to pronounce a public policy for propaganda purposes, while using another department as a cover to carry out its real policy. In this case the CIA was actually making policy and it is highly improbable that it was not doing so with the approval of the Commander in Chief, President Kennedy, if not under his direct orders.

Hugh Deane, a distinguished U.S. citizen and writer, places the responsibility for what is now happening in southeast Asia quite bluntly in these words: "The events that led directly to the war in South Vietnam began in 1954, and the decision primarily responsible for them was made in Washington." In this small pamphlet, "The War in Vietnam," (a Monthly Review Press publication, New York, N.Y., 50 cents per copy) Author Deane confirms as much of what Burchett recorded in "The Furtive War: The United States in Vietnam and Laos," as space permitted.

In the August 10, 1963, issue of the Nation magazine, Helen B. Lamb (a former economic analyst for the Center for Economic Studies, MIT) reports: "The exiles (in Paris) all give the same answer as to how the rebellion in South Vietnam started. It was triggered, they said, not by the machinations of North Vietnam, but by the peasants themselves, reacting to the savage, repressive acts of Diem's army." She continued: "The exiles are unanimously horrified by America's military conduct of the war (such as) destroying crops by poisonous chemicals, forcing people to live in strategic camps (called concentration camps by the exiles), and burning whole villages as revenge for harboring a single Vietcong guerrilla."

All the sources this writer has been able to discover confirm the report of the "Paris Exiles" that the South Vietnamese rebellion was triggered by the Diem regime and its murderous measures made possible only by U.S. support and often at U.S. direction. Most of the South Vietnamese problems clearly bear the trademark "Made in the United States." Even if the cruel crimes committed by this authoritarian, inhuman, and tyrannical regime were not participated in by U.S. military and civilian forces, as some clearly are now, the massive material and military support given it would make the U.S. Government a party to these crimes. The Diem regime could not have committed these crimes without support. No one has ever proven that Adolf Hitler personally murdered anyone, but he made it possible for the murder of millions.

Unfortunately, the average U.S. citizen knows little or nothing about these things. Why? Largely because his press, radio, and television commentators and his Government have not deemed it prudent to fully and truthfully inform him. They are afraid he would, like the "Paris Exiles" be horrified by the inhuman acts of his Government. They are afraid to let U.S. citizens know the truth about Government activities. Is this not why the U.S. Government permits only its chosen agents to travel to Albania, China, Cuba, North Korea, and South Vietnam?

The problems of Vietnam, like the other divided states and the underdeveloped areas generally cannot be solved by the United States or any of the other big powers. They can only be solved by the people directly involved. This presupposes, however, noninterference in the affairs of other nations and people by the big powers. It assumes also the free exercise of the right of self-determination as proclaimed for all, but usually denied the small- and medium-sized nations.

Mr. John Foster Dulles, then U.S. Secretary of State, quite frankly and openly repudiated the principle itself—determination in a speech before the Overseas Press Club, March 29, 1954, when he said, "Under conditions of today the imposition on southeast Asia of the political system of Communist Russia and its Chinese Communist ally, by whatever means, would be a great threat" ("On the Brink," p. 96, by Davis and Hester, a Lyle Stuart publication, New York, N.Y.). This statement of U.S. foreign policy has never been changed or repudiated by the U.S. Government.

The people in the underdeveloped areas, of course, need economic assistance from anyone capable of giving it, but this should be supplied through the United Nations and under its direction. One of the greatest blunders of the Truman administration, notable primarily for its blunders, was the destruction of the United Nations Relief and Rehabilitation Administration. UNRRA, as it was commonly known, was truly universal in scope, based on real need, noncharitable, as all nations contributed proportionately to their abilities, and it was nonpolitical in character. Aid designed for political purposes is worse than no aid at all. This is so because it is usually military in character, and this either promotes war or prevents necessary change. The latter in turn makes revolution necessary in order to achieve economic freedom from oppression. Any objective analysis of U.S. postwar aid will clearly show this.

The problem of Vietnam belongs in the United Nations, with the full participation of its own people and neighboring states which are not members of that world organization. The U.S. Government cannot solve the Vietnam problem even though it is now probably at the peak of its power. The U.S. Government cannot rule the world, and its rulers should abandon the attempt to do so; nor can any other government or group of governments, and they, too, should abandon the ideas. The world is too large, its people too diverse, and its needs too complex for this. International cooperation must replace force, if we are to survive.

The failure of U.S. leaders to recognize this basic fact is primarily responsible for their difficulties in China, Cuba, Germany, Korea, and elsewhere. Mr. Kennedy put the South Vietnamese situation quite neatly in his Senate speech, April 6, 1964, when he stated, "I am frankly of the opinion that no amount of American assistance in Indochina can conquer an enemy which is everywhere and at the same time nowhere * * *. For the United States to intervene unilaterally and send troops into the most difficult terrain in the world * * * would mean that we would face a situation which would be more difficult than even that which we encountered in Korea."

Now is the time for President Johnson to apply the wisdom of Senator KENNEDY's Senate speech. Now is the time for him to repudiate once and for all time the paranoiac policies of Dean Acheson and the late John Foster Dulles. Fortunately for him, General de Gaulle has suggested an honorable way out: Get the United States out of South Vietnam as he got the French out of Algeria. And he should do it now.

Even the conservative New York Times states, "President de Gaulle's proposal to neutralize the Indochina states is neither new, radical or unthinkable, despite the current public hostility of Washington and Saigon." (New York Times editorial, Feb. 1, 1964.)

And Mr. Walter Lippmann, certainly not a Chinese apologist, has this to say on the same subject, "In southeast Asia we have bolted the door and do not have that indispensable part of any sound strategy, a fallback position. This is where General de Gaulle is in fact rendering us a signal service. He is opening the door to the possibility that southeast Asia can be saved from Chinese conquest by political development which can be stimulated by any diplomatic bargaining which can be undertaken" (New York Herald Tribune, Feb. 4, 1964).

The Maginot-minded people in the U.S. Department of State, the Pentagon, and much of the U.S. power elite, it seems to this writer, make the fundamental mistake of assuming that the character of so-called communism is changeless and its nature necessarily monolithic. No myth in ancient or current history is more insupportable, more untenable, or more absurd than this parochial concept of today's world.

Nevertheless the U.S. Secretary of Defense, Robert S. McNamara, reported to the House Armed Services Committee, January 27, 1964, that the Vietnamese war "was going badly" and the United States must be ready "to take all necessary measures" to prevent a Communist victory. He did not spell out these "necessary measures" but every informed person must now realize that the so-called Vietnamese government forces are not going, whether this junta or several later, to win the war against the Vietnamese people.

The U.S. Government has these choices: (1) Get out of Vietnam as President de Gaulle recommends and turn it over to an international conference; (2) carry on as presently, which can only mean eventual military defeat; or (3) escalate the war by taking it over completely as was done in Korea.

This is why it is imperative that the concerned people of the United States inform their leaders by every nonviolent means possible that they do not want war in Vietnam and cannot support one there. They should insist that the U.S. leaders call an international conference for the settlement of this dispute. And they should be supported in this call by people everywhere. For this is a world problem, and the world must have a voice in its solution. Otherwise, it is almost certain to escalate into the unthinkable thermonuclear war and "journey's end" for man.

HUGH B. HESTER,
Brigadier General, U.S. Army (Retired).

(The writer of this article was Director of Procurement of Supplies for General MacArthur's forces in the southwest Pacific from Australian sources under Reverse Lend Lease Agreements, 1942–45, and in charge of the Food and Agricultural Program, U.S. Zone of Germany, 1945–47.)

[Twenty-five copies of this leaflet for $1]

CHINESE ATTITUDES VERSUS U.S. AGGRESSIONS

(By Hugh B. Hester)

According to the Associated Press, October 16, 1963, President Kennedy told seven editors of women's magazines in two on-the-record interviews (June 14 and August 1, 1963) that "General and complete disarmament will not be possible without a change of attitude by Communist China." Didn't the President put the cart before the horse? Is it not U.S. policies that prevent general and complete disarmaments instead of Chinese attitudes?

What does the record show? Did not the U.S. Government violate the United Nations Charter provision, prohibiting one nation from interfering in the domestic affairs of another, when Mr. Truman placed the 7th U.S. Fleet in the Chinese Straits of Formosa, June 1950? Was this not an act of war also against China by the United States?

The Chinese leaders so consider it for the reasons noted below. They point out that Chiang Kai-shek, Winston Churchill, and Franklin Roosevelt agreed at Cairo, Egypt, 1943, that Formosa was a part of China and would be returned to China after victory over the Japanese. This was confirmed at Potsdam (Berlin, Germany) by Atlee, Stalin, and Truman, August 1945. In accordance with these agreements, they continue, the Japanese military forces on these islands surrendered to Chinese military forces at the end of the war in the Pacific. It is true that the Cairo and Potsdam agreements were not formal treaties, but executive agreements generally have the same force in international law as treaties. Most of this vast code consists of the former.

The record also shows that the illegal U.S. act of war against China, June 1950, took place 4 months before the Chinese entered the Korean war. Allen S. Whiting, in a Rand Corp. research study, "China Crosses the Yalu" (the MacMillan Co., N.Y., 1960) completely exonerated China from any complicity surrounding the start of the Korean war. He also shows as the "United Nations" forces approached the 38° parallel in the counter offensive that the Chinese leaders tried desperately to warn them against crossing the North Korean border, stating such an act would involve one of China's core interests. These warnings were disregarded with the result: "China Crosses the Yalu."

Many people in the United States do not know it, but some very distinguished international lawyers believe that the United Nations forces, under U.S. command, committed an act of aggression when they crossed the 38° parallel. There is even considerable evidence to support the charge that some U.N. forces crossed this parallel even before authority was given by the United Nations for them to do so.

Did the editors ask the President why the United States insists upon keeping Chiang Kai-shek in nominal possession of Formosa, the Pescadores, Quemoy, and Matsu Islands? Or didn't they know that the U.S. Government agreed in 1943, and again in 1945, that these islands belonged to the Chinese? Did they ask the President why the U.S. Government has violated, and continues to violate, Chinese territory by air, land, and sea through aid to the pretender, Chiang Kai-shek?

There is no evidence that the above facts were discussed by the President with the editors of the women's magazines. What answers, if any, were given by the President to the following questions: Who has kept China from occupying her charter seat in the United Nations? Who has refused normal relations including trade, and who has done everything possible, except actual invasion, to prevent others from normalization of their relations with her?

These are not rhetorical or theoretical questions. An honest answer to all of them is required, if we are to have peace. The record will show, in the opinion of this writer, that the U.S. Government has committed many acts of aggression against the Republic of China of which only a few have been listed above. China is not the sole victim of these illegal—in an international sense—acts. Charges of U.S. aggression against Iran, 1953, Guatemala, 1954, Cuba, 1961-62, could be made and supported in the opinion of many international lawyers.

Whether charges of aggression against the U.S. Government in the instances cited above would be sustained by an international court would ultimately depend, of course, upon the composition of the court. But no court, however corrupt or prejudiced, could fail to find that the U.S. Government has violated its commitments under the United Nations Charter in many instances, and in addition, the OAS Charter in the case of Cuba. The fact that the U.S. Government has not been so found by the U.N. General Assembly, or the U.N. Security Council, is attributed solely to the simple fact that the U.S. Government and her "allies" control too many votes in these two bodies. The Assembly and Security Council are political, not judicial bodies.

In the light of the above, does it not come with poor grace for the President to try to cover up the massive increases made, and continuing to be made, in armament by his administration by charging that "general and complete disarmament will not be possible without a change in attitude by Communist China"? Isn't this typical "Kennedian" doubletalk? Harrop Freeman, a distinguished professor of law, Cornell University, and his wife, Ruth, in a book, "Dear Mr. President," cite scores of instances of doubletalk in Mr. Kennedy's career. These seem to be an innate part of his political philosophy.

What would be the attitude of the people of the United States toward a foreign government which had announced as public policy many times its intention of destroying the U.S. Government? And what is even much more important, the U.S. Government has not only announced these intentions against both China and Cuba, but has been for years taking active steps to implement them.

Why the feigned hurt and surprise by the Kennedy administration and its two predecessors, that the Chinese Government and people do not like the U.S. Government. Would the people of the United States be fond of a foreign government that placed a Benedict Arnold on Staten Island, and maintained him there, as a pretender to power over them?

That a change in attitude of the Chinese Government and people is necessary before disarmament is possible, is true, but a fundamental change in the U.S. Government's policies toward China is a sine qua non of China's change in attitude. It is U.S. Government policies around the world, not Chinese attitudes, that make impossible general and complete disarmament.

Hugh B. Hester,
Brigadier General, U.S. Army (Retired).

Postscript: This was written before Mr. Kennedy was assassinated, but it was the policies of his administration the writer was criticizing. These have not changed and, unless and until these are changed, nothing can prevent eventual world disaster. China simply cannot live with these policies permanently and concerned citizens should never permit an opportunity to pass without so informing the U.S. power elite of this lone fact.

Hugh B. Hester.

VIETNAM, 1964—KOREA, 1950

Senator Wayne Morse, of Oregon, has declared that the United States is already extending the Vietnamese war into North Vietnam and the "plan is to use nuclear weapons." (See Congressional Record, Apr. 14, 1964, p. 7927.)

Senator Morse and too few other outstanding Senators are warning their colleagues and hoping to alert the people of this Nation to "McNamara's war," as Morse dubbed it.

Our newspaper editorial in July of 1950 said: "We pointblank refuse to peddle the delusion that the Korean adventure is a way to peace. We also bluntly reject the thesis that American honor and prestige will be advanced by those who seek to make our country the policeman for world reaction and counterrevolution."

This newspaper and its farm organization stood alone against the NFU's 75-year war then. U.S. action in Vietnam now is merely an extension of the same policy by the same establishment.

Recent information of Truman's order to recognize China in March of 1950 was reversed by the hidden government that, like a panther, has laid in wait to pounce upon the defenseless peoples of the world who seek their freedom as we sought and got ours in 1776.

Misinformation on the alleged strength of the United States in Korea is one of the greatest dangers we face. Morse rightly warns: "If the advocates of our present policy could only get a wide section of American public support for that kind of operation, we would start losing American boys by the score."

In 1950 Marcantonio fought alone against the Korean "police action." Now there are many allies in the Senate, but the people are silent.

Correspondence with the White House and the State Department on U.S. activity in Vietnam appears in the April issue of Farm News.

Two dollars gets U.S. Farm News and a campaign to get out of Vietnam. 1024 Grand (9), Des Moines, Iowa.

New Bedford, Mass.,
August 10, 1964.

Dear Senator Morse: Many thanks for your thoughtful and independent position in the Senate in reaction to the Vietnam crisis. Our U.S. provocation in the area has been enormous. If the truth were presented to the U.S. people clearly I think that all of us would see how doubtful our actions in defense of "freedom" in the area have been. Ultimately the problems of the area have to be solved over the conference table. Let us all bend our efforts to this end.

Very truly yours,
Mrs. C. M. Patterson, Jr.

Pomona, Calif.,
August 9, 1964.

Dear Senator: My family and I support your views regarding the war in South Vietnam. Continue your courageous fight on our behalf.

Sincerely,
R. M. Yerby.

Brooklyn, N.Y.,
August 9, 1964.

Dear Senator Morse: Your forthright, logical position on the dangerous southeast Asia turmoil is the only correct one.

Our Nation's democratic tradition is being sullied by our interference with other democratic processes.

Louis Dinnerstein.

New York, N.Y.,
August 9, 1964.

Senator Wayne Morse: Thank you greatly for your latest demonstration of courage, sanity, humanity, practicality, and responsibility in voting against support of Presidential power in Vietnam. The war in Vietnam is criminal; the U.S. Government is involved in a criminal act, and those who support it are to one degree or another, criminal.

Michael Murphy.

August 9, 1964.

Dear Senator Morse: I want to thank you for voting against stepping up the Vietnam war.

I trust you will continue in your opposition to it.

Sincerely yours,
Marian C. Frenyeer.

P.S.—Written on train.

M.C.F.

Los Angeles, Calif.,
August 8, 1964.

Dear Senator: Your stand against our making war in Vietnam is a courageous one—and this is to extend our appreciation and thanks for your voice—against this great provocation for another Korea—or worse.

It is madness. There must be millions of people in this country for whom you are the only spokesman. So please continue to wage the good peace.

Harold Kays.

Brooklyn, N.Y.,
August 9, 1964.

Dear Sir: History will vindicate you and Senator Gruening, 2 of 90.

MacArther's warning about war on the Asian mainland will haunt us. Also the U.N. Charter pledges: "No interference in the internal affairs of sister states."

You have the thanks of all unblinkered Americans.

Sincerely,
Ellwood Gross.

SAN FRANCISCO, CALIF.,
August 7, 1964.

DEAR SIR: Congratulations on your courage and integrity and sense in foreign policy, both southeast Asia and foreign aid. Keep it up.

M. RAOS.

I certainly want to pat you on the back for your stand on the southeast Asia war, also the Alaska Senator.

Your truly,

A. CARPENTER.

CHICAGO, ILL.,
August 10, 1964.

Hon. Senator WAYNE MORSE:

Your negative vote on President Johnson's actions in North Vietnam meets with my approval. I commend you for your courage to carry through your convictions.

Would you please send me a copy of your speech made on the Senate floor.

Thank you.

Sincerely yours,

HARRY GOOD.

EUCLID, OHIO,
August 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Keep up the dissension. Keep us out of southeast Asia. Yours is the lone sane voice.

J. D. VON PISCHKE.

AUGUST 6, 1964.

DEAR SENATOR MORSE: Thank you for your strong stand on the Vietnam issue. We appreciate your courage in going against the tide.

We don't want another war. We don't even want another "police action."

Let us, as a peace-loving people, abide by the Geneva Convention. Let us withdraw all U.S. forces from southeast Asia.

Respectfully,

MRS. RUTH KAHN.
TRUDI KAHN.
NIRIA KAHN.
LAURIE KAHN.

LONG BEACH, CALIF.,
August 7, 1964.

DEAR SENATOR MORSE: Just to assure you of my support for your continued opposition to the war in South Vietnam and your vote in the Senate today in not supporting the President's action in Tonkin Bay.

Sincerely,

EILEEN E. FOLSOM.

My admiration on your refusal to support the united front resolution favoring the incident's response.

Give 'em hell at the convention, WAYNE.

J. MARQUARD.

SEATTLE, WASH.,
August 6, 1964.

DEAR SENATOR: Have just read an article in the morning P.I. "MORSE Says United States Shares Blame for Viet Crisis." Like a voice crying in the wilderness, but how right you are.

Hope you can get the President and others to see the truth of what you say and not let us get dragged into a predated war. So few people really understand what has been going on over there for so long. Have tried to talk about it with my own family and even they think I am soft on communism. All we can do is keep on trying. Will write my own Senators now, too.

Sincerely,

MRS. ADELINE B. ISTAS.

RESPONSE ON VIETNAM

To those who have taken the time and effort to inform themselves on the background of U.S. involvement in Vietnam and the alternatives which were open to us to resolve the situation, the military escalation directed by President Johnson comes as an appalling shock.

With only Senators MORSE and GRUENING voicing opposition to our policy, at this writing, it occurred to me to inquire at their respective offices as to the response being registered by their constituents, via letter and telegram, to their dissenting position. I was informed that Senator MORSE had received 200 telegrams by 11 o'clock on the morning of August 6, and that "all but 1 or 2" congratulated him on his stand, taken the previous afternoon, condemning our actions in Vietnam. Senator GRUENING's office reported on the same morning that of several thousand letters received during the past few weeks on Vietnam the percentage was "between 400 and 500 to 1 in support of the Senator."

It may be that the constituents of Senators GRUENING and MORSE are better informed than most of the American public, but a poll of the general electorate in this country might well reveal, on the basis of the above statistics, that our war in Vietnam is not only stupid and unjust, but lacks the support of the average American citizen.

MARK W. CORNELIS.

WASHINGTON.

[From Washington News, Aug. 13, 1964]

VIETNAM GIMMICK

SIR: Is President Johnson's belated action in Vietnam going to fool the American public? I don't think so. It was obviously a vote-getting gimmick. Election year jitters?

BARRY GOLDWATER has been urging for years that we stop shaking our knees every time the Commies raise their ugly little PT boat heads.

Apparently the President, realizing that he cannot control the racial riots at home, has decided to divert the attention of news media to one of the many areas that should have been cleaned out long ago.

RUTH COULTER.

LET'S GET OUT

President Johnson's order for United States air action in North Vietnam increases the danger for a world conflagration. We invite intervention by China and Russia, and with it, the escalation into nuclear war. The location of our ships was legal but provocative in the present tense situation.

Just why are we in South Vietnam? Does this country belong to us? Is it not possible that there is a legitimate revolution of the people going on there? The Government now in South Vietnam was not elected by the people and does not represent them. South Vietnam has known nothing but tyranny for the last 10 years, yet we insist on a policy of noninterference in everything but fighting.

A negotiated settlement by all countries concerned is the best solution. The President must call for the reconvening of the Geneva powers—the countries, including the People's Republic of China, which settled the French Indochina War in 1954—to plan the demilitarization and neutralization of the whole southeast Asia area.

MIRIAM LEVIN.

CHEVY CHASE.

THE "MADDOX" INCIDENT

Taken at face value the account by the Defense Department of the battle in the Gulf of Tonkin appears to be a clear-cut case of unprovoked attack by North Vietnam on American naval ships in international waters. But if one stops a moment to consider why such an attack should be launched the picture becomes murky indeed. Why should North Vietnam, without provocation, attack two U.S. destroyers? Did North Vietnam, with its 40 or 50 torpedo boats, expect to do in the U.S. 7th Fleet? Hardly.

The answer as I see it is that North Vietnam was very definitely provoked and, further, that it was provoked for a very definite reason. The question of how the provocation was brought off is secondary. The fact that the President and the chief U.N. delegate assume self-righteous postures is simply par for the course, which has been played often in the past few years. It is, in fact, expressly the value of such provocation, if successful, relative to the American position in South Vietnam that leads to the conclusion that the situation must have been provoked. In other words, considering the weakness of the American position in the south, the sudden appearance of the Tonkin Gulf battle and its outcome is simply too fortuitous an event for that position to be viewed as independent of it. As to why North Vietnam took the bait, even under the most extreme provocation; it miscalculated badly.

Furthermore, this action is probably preparatory to the landing of South Vietnamese forces in some number on the long northern coatline, a coastline no longer defended by 40 or 50 torpedo boats.

By way of conclusion it is not difficult to see that what is taking place now in Vietnam is a nautical variation of the tactic used against the Cuban Air Force in the days before the Bay of Pigs invasion. I believe we can expect at least one and possibly two more related moves before the actual landings begin. In general, however, I believe that the liabilities which fractured the Cuban adventure will shortly appear in this new effort. In short, we are about to be graced with a Far Eastern Bay of Pigs. We deserve nothing less.

HERMAN M. HEYN.

BALTIMORE.

TUCSON, ARIZ.,
August 11, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Tucsonians support your proposal to negotiate to end aimless Vietnam war. Names follow.

ROSLYN EINFRANK.

SAN FRANCISCO, CALIF.,
August 10, 1964.

WAYNE B. MORSE,
Senate Office Building,
Washington, D.C.:

Congratulations. You are right. Bombs will not bring democracy to Vietnam. Give us peace.

LAWRENCE ROSE, M.D.

SAN FRANCISCO, CALIF.,
August 11, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Sincerest appreciation, your truth in Senate, where sorely needed. Many with you. Peace in honor.

ROBERT M. MAXEY.

SAN FRANCISCO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Please accept my congratulations on your sane and courageous stand regarding Vietnam. Keep it up.

MRS. V. SURIAN.

NUTLEY, N.J.,
August 9, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: When I read your statements concerning our Vietnamese and southeast Asian policies, I regretted not being a resident of the State of Oregon. I would be proud indeed to have a voice like yours to represent me and my family in the Senate of the United States.

It is heartening to realize that there is at least one Senator who has the intelligence and the courage to point out the immoral nature of our presence militarily in southeast Asia and the violation of international agreements which this presence entails. It is particularly difficult to speak out at times when jingoism and bipartisan "patriotism" both insist that other nations of the world must be cast in a mold formed by some of our political and military leaders.

May your courage not fail you in the future when it becomes necessary to speak out against false self-righteousness in our foreign policy, and may you find increasing support among the liberal Members of the Senate.

Respectfully yours,

GERALD STILLMAN.

cc: Senator HARRISON WILLIAMS.

SAN FRANCISCO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Thoroughly support your sane, courageous opposition to U.S. military adventure in Vietnam. Hope you prevail.

MRS. RAY CHAPMAN.

BERKELEY, CALIF.

OAKLAND, CALIF.,
August 11, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Admire and support your courageous stand against Vietnam war.

CORRINE and TOM GOLDSTICK.

SAN FRANCISCO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I support your position on Vietnam. Thanks for your sanity. You must be heard.

BARBARA BLASKO.

BAYSIDE, N.Y.,
August 11, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

Heartily support your stand on withdrawing troops from Vietnam and reconvening Geneva Convention.

BENJAMIN, DOROTHY, PETER HOLZMAN.

SAN FRANCISCO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Bravo for your stand for peace in the Vietnam crisis.

JANE BISHOP.

BERKELEY, CALIF.

SAN FRANCISCO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Your fight against Vietnam war wonderful. Tell Senator GRUENING, too. My future children thank you.

WILLIAM D. LEARNED.

WASHINGTON, D.C.,
August 10, 1964.

U.S. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I am one of your stanch supporters even though I've known Sig Unander for over 20 years. Mentally, he would flounder about in but one of your shoes.

Your fight against the press has far more importance than is at first apparent to our fellow citizens. I have watched with dismay the gradual change of their mission, which is to purvey the news—the facts—to what the press now regards as its primary mission, that of molders of public opinion. Public opinion, if I read the publishers' aims correctly, should coincide with that of the editors and this they strive to accomplish by use of semantics in the reporting of the news, columnists of whom they are sure, and sometimes by deliberately falsifying the news by leaving out some of the pertinent facts.

Editors are free to have thier own opinions but it should be restricted to the editorial pages or under the signature of the editors, not by pretending to report the facts. This is a most serious question that confronts us.

I am also in accord with your fight against aid, but not on the grounds that we are throwing away our money. I believe that our help should be restricted to what the country can produce within its own confines. Take food as an example. We are changing the eating habits of people. We are giving them means to buy meat and wheat which the country itself has never produced, and can never produce. As long as we provide the means, this will work. One day, we will get tired of this drain on our own resources and their people will have to go back to the rice, beans, etc., which has nourished them for centuries. The result will be discontent, disease, and even starvation because the country itself cannot produce what we have obliged them to be accustomed to. The same goes for steel mills and other facilities which we are installing in countries which cannot produce the raw materials. It will then be our own fault.

Keep up the good work.

Sincerely,

OSCAR COLCAIRE.

SAN FRANCISCO, CALIF.,
August 11, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

We strongly support your stand against American intervention in Vietnam.

Keep it up.

Sincerely,

Mr. and Mrs. VITOR HONIG.

SAN FRANCISCO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

You have earned place American history. Keep up the fight.

Mr. and Mrs. AUBREY GROSSMAN.

SAN FRANCISCO, CALIF.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Congratulations for your forthright stand on Vietnam. Please keep up good fight. We're with you.

MARCIA ROSE.

AUGUST 6, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Over the radio, several times, I have heard your expressions of concern over our active participation in the war in South Vietnam. I should like to take this opportunity of commending you on your courage in declaring your principles. I must say it takes a lot of courage, in the light of what happened in Dallas almost a year ago, to voice a contrary opinion, publicly. Even though your voice in the interests of humanity is but one of a minute minority, it will and must be heard; and it is.

I am deeply concerned about our activities in southeast Asia. Why are we actively engaged in an undeclared war, many, many thousands of miles from our shores which, to all appearances, poses no threat to our homeland. Our concern about the spread of communism is no excuse for helping to bolster up rotten regimes which are already tottering. Furthermore, if communism is an idea, it cannot be killed, no matter how many people are killed, and we might as well become realistic and accept the world as it is, not as it might have been in the Dark Ages.

I am for peace and would like to see elected an administration which will maintain peace; but, it would appear that both our political parties stand on the same platform, with this difference that Senator GOLDWATER openly comes out for war, while our present administration is carrying on a war—even one not declared by Congress.

Very respectfully yours,

NETTIE SCHWARTZ,

SAN MARCOS, CALIF.

LANSING, MICH.,
August 11, 1964.

WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

Urge favorite son candidacy to present your Vietnam and constitutional views to Nation. Wholehearted support.

MORGAN COLLINS.

SANTA MONICA, CALIF.,
August 6, 1964.

Hon. Senator WAYNE MORSE: Thank you for your remarks to the Senate (and to the press) concerning our behavior in South Vietnam and particularly concerning our part in the PT boat affair. Are you the only intelligent, honest, and courageous person left in government?

Basing my thinking on previous collusion between the military, the CIA, and the press, my first thought was that the PT boat attack had been staged. Lack of details is tending to confirm my hunch.

Sincerely,

JAMES KOHFELD.

SOMERVILLE, N.J.,
August 8, 1964.

DEAR SENATOR MORSE: I support your stand on southeast Asia 100 percent. Keep up your work for peace. You speak for the interests of the majority of the people in the United States. If it is not too much trouble could I have copies of what you consider your recent important speeches to pass around to interested friends.

Stand firm.

ALLEN GOLDBERG.

REDDING, CALIF.,
August 8, 1964.

Hon. Senator MORSE,
Washington, D.C.

DEAR SENATOR MORSE: We want you to know that we are grateful and proud of your wise and courageous stand in general, and in the present east Asian crisis in particular. And there are many who share our appreciation of you.

Sincerely,

Mrs. F. W. WENNER.

AUGUST 7, 1964.

SENATOR MORSE; I feel a deep sense of gratitude to you for your courageous stand against our action in Asia. If only more of our leaders were of your strength and wisdom, there may be hope for this world.

Sincerely,

MARCELINE JONES.

INDIANAPOLIS, IND.

SOUTH ORANGE, N.J.,
August 8, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: Once again you have proved to be a giant among little men.

We gratefully support your efforts to bring an end to the immoral, illegal war in Vietnam and to achieve a diplomatic solution.

Respectfully yours,

ROBERT F. and LUCILLE BECKER.

Senator WAYNE MORSE.

DEAR SIR: Thank you for taking your stand to expose those things that are not right. We appreciate the fact that this is not the way to make friends of influential people, and sometimes it is political suicide. We admire your courage and forthrightness.

Many times you will be standing alone, but stand, won't you? Others seeing your bravery will rally around, for guts begets guts.

At your leisure, should you desire, send us names of honest courageous souls who need encouragement.

A friend of the cause.

Sincerely,

JIM PUGH.

NEW YORK, N.Y.,
Saturday.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: This is to express support for your Vietnam stand. Thank you for having the courage to say what you did.

Having viewed pictures in Life magazine of the atrocities committed by "our side," I wonder at our claims of moral superiority.

Whatever happened to Senator FULBRIGHT's suggestion that we reassess our foreign policy?

Cordially,

BEATRICE RUTH WILLIAMS
Mrs. R. C. Williams.

ST. LOUIS, MO.,
August 10, 1964.

DEAR SENATOR MORSE: This is to commend you for your stand in the Senate on the Vietnam issue and to say that I and many others agree with you. We should not be in South Vietnam. It is not a military problem, and should be dealt with in the U.N. or a 14-nation conference.

I see no reason why the United States should refuse such a meeting. President Johnson claims it would be a conference to ratify terror—which is a false, meaningless statement.

In the face of the possibilities a hot war which would develop into nuclear bombing and involve all the great powers—such excuses cannot be tolerated.

We must work for a solution—but not a military one—because it is not possible. The U.N. should be strengthened and all nations should be members—this is where the world's hope for peace lies—and we must use it.

Respectfully yours,

ILSE SHANK.

HAVERTOWN, PA.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to commend you for your forthright and courageous statements regarding the Vietnam situation. With your voice being heard I feel that all is not quite lost in the battle for reason in this problem.

Please keep fighting. There are many behind you.

Respectfully yours,

MRS. JULIAN J. GASPARRO.

ANAHEIM, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: In these days of hysteria in high places, I commend you for your stand on Vietnam.

Very truly yours,

ARTHUR A. TIFFANY.

HURON, S. DAK.,
August 8, 1964.

U.S. Senator WAYNE MORSE,
Washington, D.C.

HONORABLE SENATOR MORSE: Just a word of praise for your (almost alone) determined stand against the so-called Asian resolution. It appears there was no need for it at this time.

Sincerely yours,

J. B. HENRICHSEN.

LILLINGTON, N.C.,
August 10, 1964.

DEAR SENATOR MORSE: I wish to take this opportunity to commend you for your vigorous fight against so much foreign aid that serves no great useful purpose and also for your almost single opposition against the surrender of congressional control of the use of power by the President in the area of war. Further, I like your spirit of independence and the firm stand for right under law, even in the face of great opposition. I would like to see a greater voice in favor of law and order for more enforcement against crime and violence. I enclose copy of letter that expresses my individual opinion against present-day conditions, with the understanding that you are not in any way bound by my view.

Yours very truly,

WALTER LEE JOHNSON.

FORT WORTH, TEX.,
August 8, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You are right by wanting to refuse placing all power in the President's hands. It seems to me we should fight our own wars. I do not have any faith in the United Nations. Look what happened at Suez; at least, as I remember, the U.N. took the responsibility of the situation there, and put the canal right back into the hands of the Egyptian Government.

I still believe our Congress should declare war, and that looks like we have one.

Senator MORSE, it seems to me we should at all times keep a strong defense of our country. I just do not believe we should merge in a one-world government. That looks like this disarmament program is a bad thing for the United States.

Thanks to you for speaking out on these matters. They are very serious.

Very truly yours,

MRS. EDITH KNIGHT.

MINNEAPOLIS, MINN.,
August 6, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: It must be very difficult to steadfastly maintain as you have that the United States should remove themselves from the Vietnam civil war. For your position up to date I have admired you. For your very courageous dissent yesterday, you have a good deal more of my respect.

I agree completely that the United States, whether 3 miles offshore, or 6 miles offshore, had no business "patrolling" in the waters off North Vietnam. It was, in my eyes, provocation of the most highhanded sort. The "retaliation" of the United States against the gunboat bases was outrageous and very dangerous gamesmanship-type stuff.

Again, my most sincere regard for you and best wishes in the dissents to come.

Sincerely yours,

MRS. ELLEN B. SIMER.

LOS ANGELES, CALIF.,
August 9, 1964.

Senator HUBERT HUMPHREY,
Washington D.C.

DEAR SENATOR HUMPHREY: Escalation of the war in Vietnam would be madness. Immediate negotiation is the only rational course. Senator WAYNE MORSE has made abundantly clear that our Vietnam policy has been open to severe criticism in the past and that our present claim that we are resisting aggression is obviously false. I strongly urge you to support Senator MORSE's stand.

Yours truly,

JULIET GREEN.

WHITTIER, CALIF.,
August 7, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: As one U.S. citizen, I heartily approve of your no vote on the measure giving President Johnson the war power.

Yours truly,

WALTER PLAUT.

LOS ANGELES, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: Our sincere compliments to you for your forthright, courageous stand on our recent actions in Vietnam.

Yours, it seems, is the only voice the people have with the courage and conviction to question policies and actions that could lead to another international conflict.

More power to your, sir.

Cordially yours,

AUL ZUDAW.

ANNA BROADCASTING CO., INC.,
ANNA, ILL., *August 8, 1964.*

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I admire your courage. There are too few who are willing to take a stand they believe in and stick to it. You are in a much better position to learn the facts of the Vietnam situation than I but you may be interested in the enclosed editorial.

If you have time to drop a line giving your reaction to this, I would certainly appreciate it.

Sincerely,

DON MICHEL,
Manager, Radio-Anna.

P.S.—You might pass the extra copy to the Senator from Alaska if you think he would be interested.

[Radio-Anna editorial, Aug. 6, 1964]

THE CRISIS IN VIETNAM AND OUR GOVERNMENT

The current crisis in Vietnam is cause for great concern to all of us. In this case, as in some previous instances we must depend for the time being, almost entirely, on news released by our Government, since there is little else available. The action is taking place in areas where our correspondents are not permitted to be. Therefore, as one of the top United Press International men in New York told WRAJ yesterday, it is somewhat like trying to describe a penquin battle at the North Pole, through secondhand reports.

We must, he said, take some things "on faith" at this point, remembering that the record of our Government for truthfulness has, overall, been considerably better than that of the Communists.

However, that is not to say there is not reason to look between the lines of the Government dispatches. It is a sobering fact of life, that our Government has, in recent times, given us cause to doubt the truthfulness of some of its statements.

Quite fresh in our memory is the Cuban incident in which our Central Intelligence Agency trained an exile army, equipped it secretly and sent B-26 bombers over Cuba to bomb Castro's airfields, with fake Cuban markings on the planes, and had the pilots land in Florida and say they had deserted from Castro's air force, while in fact they were trained, equipped, and sent over Cuba by our own Government.

You will recall that our Ambassador to the United Nations, Adlai Stevenson, eloquently defended us against charges that we were guilty of aggression against Cuba, only to learn later that these were, in fact, our planes.

There have been other incidents: the U-2 flight over Russia that President Eisenhower at first denied was a spy flight, even though we had been carrying out such flights for some time, and others.

These incidents cause thinking people not to always take at face value our official Government pronouncements. Again quoting a high United Press official: "we used to believe that an official Government announcement could be depended upon * * * after the Cuban incident, we became so wary that if the Government made an announcement that 'Today is Tuesday' we began to look around at the calendar and wonder if it really was."

This is not to say that any falsehoods have been perpetrated in the current Vietnam crisis by our Government. At this point all we can do is take on faith the news from our Government sources in Vietnam. And we recognize that our Government has, overall, earned a reputation for being truthful. It is disturbing, however, to realize that there are instances in the not too distant past when the American people have been deceived.

One high Government official—Assistant Secretary of Defense Arthur Sylvester—even made the statement after the Cuban crisis that the Government has an inherent right to lie, to save itself when it's going up into a nuclear war. This is a policy which cannot be tolerated and which was promptly challenged by the news media of this country and was to have been thrashed out once and for all in a conference between Government and the press. That meeting was postponed and never held; so the question remains unanswered, Does the Government have the right to lie, at any time? We think not. For this then puts the responsibility on mortal men of deciding just when it is necessary.

We don't think men are capable of rendering this judgment.

The purpose of this editorial is to point out the need for concern, the need for insistence upon the part of the American public, on basic honesty and integrity in the Government of our great country. For if we would stray from these principles too far we would become like those countries whom we now oppose. The Communists have long been guided by the principle that the end justifies the means. Chester Bowles said in an interview over this station one time that the Communists cannot be counted on to keep their word—only so long as it is to their advantage to do so.

In times of crisis like these we must unite. We must pull together. If war should come, we must all put our shoulders to the wheel and bear the burden, for we have a truly great Nation, the most freedom, the highest privileges of any citizens on the earth. And we cherish these freedoms dearly.

We must, however, guard against destructions of these freedoms from within, by insisting upon absolute, basic honesty from those who we choose to lead us, from the precinct committeemen to the highest officials of the land.

For if honesty should ever become obsolete our Nation would fall.

Let us hope that when the Vietnam crisis of 1964 becomes a part of history, that our Nation will have more reason to hold its head high than it did after the Cuban Bay of Pigs fiasco of 1961.

Don Michel,
Manager-Editor.

Lancaster, Calif.,
August 11, 1964.

Senator Wayne Morse:

It is gratifying that you continue your efforts to oppose the policy of the State Department and the militarists in their war in southeast Asia. You are outstanding in honesty and decency. Have just learned that only you and Senator Gruening have the integrity to vote against the President's request for congressional approval of continuation of U.S. war against the people of that brutalized country and surroundings.

It is certain when the history of this time is recorded for posterity you will be the most outstanding personality to honor.

It still remains a fact that the United States cannot ever win the war against the Asian people even with all its military might. And every day this senseless and sickening brutality against a nation continues it takes us nearer to the point of no return.

The best of good wishes and praise to you.

Sincerely,

Pearl R. Gooding.

August 6, 1964.

Dear Senator Morse: Thank you for continuing to be intelligent and independent. I thoroughly approve your stand against the resolution backing more military action in Vietnam.

It appears to me that a deliberate attempt has been made recently to create a war-scare mentality concerning Vietnam in the news media. I would appreciate your sending me a copy of any statements you have made recently on the subject, especially since I feel that the news generally available is so distorted.

Sincerely,

Mrs. Elaine V. Davenport.

Renton, Wash.

Chicago, Ill.,
August 9, 1964.

Senator Wayne Morse,
U.S. Senate,
Washington, D.C.

Honorable Sir: I want to thank you for your principal action in refusing to vote in favor of the President's authorization of attack in North Vietnam. I am in accord with your belief that the Congress should not abdicate its responsibility to declare war.

Very truly yours,

Helen Rueben.

Monterey, Calif.

Sir: Information here is hard to come by, but on one radiocast your name was mentioned as having opposed President Johnson's actions in Vietnam, if this is true, and I hope it is, I would like to compliment you on your stand. It was undoubtedly considered unpopular, un-American, and unpatriotic.

It seems at this time that this precipitous action has not led to immediate consequences, but it well might have, and was (as far as my meager information can tell) unwarranted. Looked at from even an objective American standpoint, the apparent aggression of the United States is hard to continence. Looked at, as it must be, by the rest of the world, it is nothing less than outright aggression. It seems to me that a country as powerful as the United States need not retaliate to such an extent.

I attend Reed College, Portland, and if you would care to speak there, I could possible arrange it, though I represent only myself. Anyway, I wanted to let you know that some people do agree with your position.

Stafford Leland.

Bronx, N.Y.,
August 8, 1964.

Dear Senator Morse: May I be privileged to add my voice to that of the minority in our country. Your voice of reason has given us a beacon of hope for a world at peace.

Is it not time to reappraise over policy of using force and with if the menacing threat of a full-scale war?

We have the peacekeeping machinery to maintain a world at peace. The present policy of Mr. Johnson in Vietnam strikes terror the very hearts of all of us.

Your courage and your strength are in the best traditions of all that we hold most dear—an independence of mind and the courage to articulate it.

With profound respect.

Triz Merde.

August 10, 1964.

The President,
The White House,
Washington, D.C.

Dear Sir: Hurrah for Senators Morse and Gruening.

They're the only ones in Congress with enough brains and honesty to see the Vietnamese situation clearly.

Withdraw American forces from North Vietnam. Negotiate.

We know that the official version of the story of the attack on the *Maddox* omitted to mention a crucial fact—that the American ship was escorting South Vietnamese raiders.

E. W. Brockman.

Washington, D.C.

August 10, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.:

I wish to express my sincere admiration for your convictions and the courage to express them. Let me assure you that a good many people share your convictions and regard you as their spokesman. Even in the Senate there were 10 abstentions when the vote on our policy in Vietnam was taken.

This certanly is an instance when the minority is the purveyor of truth, and not the majority as we are used to thinking.

Guns and bombs cannot settle international problems, they can only destroy; therefore, we must reject them. We must rely on negotiation, on neutralizing of South Vietnam. We must use peaceful means in order to live.

So keep up the good work for peaceful solutions, or else guns and bombs will destroy us all.

Respectfully,

Ida Good.

Chicago, Ill.

Forest Hills, N.Y.,
August 9, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: I apologize for not having written sooner; there is no excuse.

Thank you very much for having stood up against the war hysteria in the Vietnam crisis. It is becoming increasingly common that whenever some incident occurs, the factors causing it are ignored, and it is viewed simply as a matter of national honor. There can be no honor in aggression, or in accusing the victim for defending itself.

It is difficult forming an accurate judgment of exactly what happened, for we only have one version of the incident. There must be some way of increasing the availability of information. I do not think this is a danger to our security, but the converse is definitely a threat to democracy.

Once again, thank you for following your conscience. I wish you were Senator from New York.

Sincerely,

Robert Pam.

Lakeland, Fla.,
August 10, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Thank you for your opposition to the participation by the United States in the internal affairs of Vietnam. Your analysis of the situation is just, and I was glad to see Mr. Reston of the New York Times questioning who was first to punch.

Defensive war usually turns out to be offensive and defensive weapons are a temptation to any military mind. It is why I am a pacifist and for total disarmament. To use it is the best way, the Christian, if not American, way.

Sincerely,

Jessica Price.

P.S.—I urge you to please back the Quebec - Washington - Guantanamo Peace Walk (CNVA) in its efforts to gain permission to sail from Maimi to Cuba at once.

J.P.

Berkeley, Calif.,
August 10, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator: No doubt you received many letters thanking you for your stand against our policy of aggression in Vietnam. Unfortunately it becomes more and more apparent that our democracy is not strong enough to stay the bloody hands of the Pentagon with its warmakers; while you stand alone as one shining light above those many who act as rubberstamps and remain too cowardly to cry out against the needless slaughter in South and North Vietnam.

Respectfully yours,

Irene Land.

San Francisco, Calif.

Dear Senator Morse: I want you to know how very much our family respects you. You personify intellectual integrity, courage, and true humanitarianism in an age where belligerent nationalism is the safe and accepted role for the politician. We have heard some of your speeches read over KPFA, listeners sponsored radio in Berkeley, and applaud your stand on Vietnam. Certainly, the problem there (and elsewhere) is essentially political and economic and not military.

Thanks to you, a voice of reason is heard in the land: As Socrates was to Athens, so you are to the United States. Please continue to do all you can to enlighten your colleagues and the American people. You are not alone, Senator; there are a great many for whom you speak.

May God bless you in every way.

Yours,

J. W. Hackett.

St. Louis, Mo.,
August 9, 1964.

Dear Sir: May I join the hundreds whom I am sure have written to you extolling your vote against allowing the President a free hand in southeast Asia.

I feel that the retaliatory bombing of North Vietnam shows a complete lack of understanding of present world situation. It is a return to the anachronism of the old policy of containment.

Peace can best be achieved through an expansion of the United Nations and neutralization of peripheral areas, such as southeast Asia.

I am beginning to feel that for Democrats such as myself there seems to be no home. President Johnson is, unfortunately, adopting many of the stances of Senator Goldwater. There are a great many, even here in this midwestern heartland, who wish to do something but are stymied. It is as though we the people have no voice in any of the affairs in our country. We can write to the newspapers and write to our Congressmen.

What do you suggest?

Sincerely,

Justine Eiseman
Mrs. Wm. B. Eiseman.

August 9, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: I have just written to Senators Clark and Scott voicing my displeasure with the exodus from the Senate before your speech the other day and telling them that I am in complete agreement with your views on Vietnam. I shall follow this letter with letters to Fulbright and Keating.

Your courageous stand in this situation has made me very happy. It's nice to know that even one person isn't afraid to speak the truth. Unfortunately, one isn't enough. Keep up the good work, though and perhaps there will be people who will listen.

I think the United States is the greatest country on earth and I long to see us become a world leader in the true sense—that of a nation concerned with the welfare of all other people; with the liberty of all other people. To see the United States prostituting its great technological advances to exploit and terrorize lesser nations is indeed a sad thing.

Again, keep up the good work. Some of the people have heard already; others must hear also.

Gratefully,

P. A. Powers.

Philadelphia, Pa.

Corona Del Mar, Calif.,
August 7, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: We have been following your work on the Vietnam situation and regardless of the fact that we are backing the President to the fullest of our capabilities we do have the feeling that you are right on the Vietnam situation. It is quite possible that North Vietnam is well off with their present type of government and at no expense to us. A recent television series tends to bear out this fact. One thing for sure the kids are getting a good education just as they are in the U.S.S.R. and Cuba, too for that matter. The fact that the educational system is not being run by some outside religious institution is of course "the nigger in the woodpile." We do not feel that some of those countries are ready for our type of so-called freedom. We cannot blame them if they had to accept if they (in taking on our ideology) had to accept some of the ideas concerning civil rights, exploitation by the "loan sharks" and the sinister "tax dodging" foundations, a dishonest stock market, collusive bidding against the Government, etc., in the package. In other words we have a lot of "dirty linen" that should be cleaned up before we advise some of these new nations how to "set up shop." We holler a lot about freedom but evidently there can be too much of this sort of thing and it has; as Mr. F.D.R. so aptly put it, "Freedom of the wolf." And it is more of this sort of freedom that the Goldwater crowd would thrust upon the country. Make the rich richer and the poor poorer is the motto which is nailed at the masthead of the Goldwater brand of GOPism. Give our best regards to the Senator from Alaska who is working with you. I am sending a copy of this letter to Secretary Rusk. He would be surprised to know the number of "run of the mill" folks who believe that we are wasting our time and money in Vietnam.

Sincerely yours,

Warren S. Loud.

P.S.—Sure glad to see you appearing on television. It gives the people something to think about.

Winnetka, Ill.,
August 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Sir: Many thanks for your courageous stand against giving the President the right to declare war without coming to the Congress for approval. Yours is a lone voice for sanity today, but we live and hope that your colleagues in Congress will follow your lead and stop this mad race toward extinction.

—— ——.

August 10, 1964.

Hon. Senator Wayne Morse,
Washington, D.C.

Dear Sir: The American people who are not brainwashed will thank you forever for your courageous stand against the intervention of President Johnson in Vietnam which has ruined the good name of America around the world.

Thank you again.

Yours truly,

Joseph Quaranta.

Youngstown, Ohio.

Bellflower, Calif.,
August 7, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: I want to commend you on your courageous stand against the Government policy in Vietnam. I am sincerely in accord with you and believe that our present policy of supporting these corrupt unwanted governments should be stopped.

I think also it is about time to change our ridiculous position on Cuba and go along with our European allies and also Canada and open up trade with her again. She would of probably never turned to Russia for help, but we intended to starve her into submission so what else could she do.

Sincerely,

Carl O. Benson.

Silver Spring, Md.,
August 9, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: I want to congratulate you, and I want you to know that I fully support the stand you have taken on Vietnam, both now and in these last months.

Please do not lose heart because you are a great voice and force to all of us who want peace more than anything in life.

Your ardent admirer,

Ruth Starin.

Detroit, Mich.,
August 8, 1964.

Hon. Wayne Morse,
U.S. Senator,
Washington, D.C.

Dear Sir: I thank you for standing up and voting against the North Vietnam resolution.

The course being followed of magnifying the authority of the President as Commander in Chief of the Army and Navy and ignoring the constitutional power of Congress over the military I regard as of far greater danger to the Republic than any Communist menace.

The bombing of North Vietnam bases was a face-saving action necessitated by Presidential big talk—Presidential commitments made without constitutional authority—that gave the "free world" dictator of South Vietnam a beautiful opportunity to call on the President to make good his words.

There is irony in the fact that Great Britain now comes forth with paper support, while not sufficiently concerned to come forward with real military support of the President's program in South Vietnam. Mr. Lodge should have a very interesting time making explanations abroad.

Respectfully,

George M. Montross.

Baltimore, Md.,
August 7, 1964.

Hon. Wayne Morse,
U.S. Senate,
Washington, D.C.

Dear Senator Morse: Be strengthened by the thought that many are thankful that there is at least one voice in our Senate that speaks sanely of the events in Vietnam. Hold firm and talk loudly, in the hope that reason may yet prove as contagious as fear and panic.

Sincerely,

Richard W. Ireland.

Milwaukee, Wis.,
August 8, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: More power to you for your stand opposing President Johnson's resolution. I am ashamed for my country. We are presenting ourselves as bullies to the world.

There are too many pressing problems here at home. Instead of wasting our money, why not spend it on our own people. Just think of all the free medical care we could afford with the money spent in Vietnam. We could even afford to support all our poor, deserving or not.

I felt sad that only you and Senator Gruening saw the Vietnam situation for what it is.

This country plays games with war because it has never seen the horrors of World Wars I and II on our own blessed soil.

Oh, well, like the saying, "God takes care of fools and children."

Sincerely,

Mrs. Concetta Sagert.

Chicago, Ill.
August 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington. D.C.

Dear Senator Morse: I wish to congratulate you on your courageous stand in voting against the resolution backing President Johnson's actions in the current Vietnam crisis. I believe, with you, that the President should not be given so much power to wage war, and in the particular situation, that the United States has no business in Vietnam. The area should be neutralized and arbitrated by some neutral body, such as the United Nations.

Sincerely yours,

Evelyn Lewert
Mrs. Robert Lewert.

Rye, N.Y.,
August 8, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am glad you voted against the action in Vietnam. Thousands of mothers like me will thank you for it.

Any unilateral action of this sort is bound to weaken the United Nations. And I had hoped for some more mature response from a country like the United States that has such a superiority of weapons at its disposal. I think we set a bad example which the Turks are now following.

Please keep up your efforts no matter what criticism you receive.

Sincerely,

Mrs. Gordon Webber.

New York, N.Y.,
August 10, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Sir: Thank you for television broadcast and your vote against the recent bombings in the Middle East. Not enough people are aware of the danger of a trigger-happy administration.

Yours truly,

Madeleine G. Sachs.

Scarsdale, N.Y.,
August 5, 1964.

Hon. Wayne Morse,
U.S. Senate Office Building,
Washington, D.C.

Dear Sir: Thank you for your position on the President's actions in Vietnam. It is quite refreshing in this day of "going along with the majority" to see a human being of your stature standing up for what he feels is right. A government cannot expect its citizens to follow the law or have respect for the latter when they see our leaders so obviously take advantage of their positions and not use our Constitution as it was intended.

I will add that the action taken was what should have been done. I only feel it should have been the decision of Congress and not the Executive.

Although you and I are not in agreement many times, I felt compelled to go on record when we were. Thank you again, sir.

Sincerely,

Dorget Lomax.

Brooklyn, N.Y.,
August 8, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator Morse: There is no need for me to remind you of the cynicism of the policy of our Government as a whole regarding the crisis in Vietnam. You have shown the American people that you lack neither understanding nor courage by taking a forthright stand against this obnoxious policy.

The provocative actions in the Gulf of Tonkin—actions ordered by the President of the United States—culminate a series of atrocities which will one day rank with those perpetrated by the Nazis. Unfortunately we Americans have even less justification for claiming ignorance than do the Germans. Our press, though bias, has until very recently reported a great deal of the truth. The nature of chemical warfare, the ordeal of the Buddhists, the unpopularity of the many governments of South Vietnam, and the hypocrisy of the United States regarding the Geneva agreements should be apparent to all. Can anyone forget the photographs of the victims of our air attacks on Cambodia? Yet it is true that the American people do not care to remember and are united in its support of a man who has insured his election by betraying the real interest of the people.

This sad commentary on our country may indicate that we are no longer fit for world leadership. It certainly indicates that we are not morally fit for world leadership. While we may deserve destruction, it is impossible for me to see my young students, so full of life and yet so ready to die for false idols, without breathing a sigh of regret.

Very truly yours,

Parker Baratta.

New York, N.Y.,
August 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Congratulations on your courageous and forthright stand on the Vietnam crisis.

I am sure that all intelligent Americans are grateful for the two lone voices of reason in the Senate. Would that you could persuade some of your colleagues to join you before the situation deteriorates any further.

Cordially,

Marianne Welch.

August 8, 1964.

Senator Wayne Morse.

Dear Sir: Congratulations for your worthy, moral, and human stand on the Vietnam situation. If your request for the cease-fire there is recognized, it will be a great service to the good and welfare of all mankind. Attached is a letter (duplicate) of the one I wrote to President Johnson. Could you show it to Senators Church (Idaho), Mansfield (Montana), and Congressman Ryan (New York) who are also concerned with stopping small wars, that could lead up to a total-suicide war in which no one would win.

Attached is a leaflet that was handed to me. I asked for more. I signed one and sent it to President Johnson with the letter I wrote him.

Bless you and Senators Aiken, Bartlett, Church, Cooper, Ellender, Gruening, Johnston, Mansfield, Proxmire, and Congressmen Ryan, Farbstein, Burton, Siler, and the others who are also concerned for peace.

Good luck to you in your worthy endeavors to bring peace, sanity, and safety to the world.

Respectfully,

Harold E. Fackert.

Jersey City, N.J.

(Copy of letter I sent to President Johnson:)

August 8, 1964.

Hon. Lyndon B. Johnson.

Dear Sir: It is to be hoped that all small wars and every war shall be stopped now, before someone presses the total-world-suicide button and annihilates the whole human race. Remember, please remember, our worthy late President John F. Kennedy said: "Mankind must put an end to war or war will put an end to mankind." And Dwight Eisenhower said: "No member of the human race can discover victory from such desolation a nuclear war would bring."

I hope you will take this Vietnam situation to the conference table and help save this earth planet for the children and posterity. Peace is the only deterrent, to prevent the world's destruction and stop small wars that are a threat of bringing the horrible, terrible, final blow.

Think of your children's welfare and all other children throughout the world. As Dagmar Wilson said:

> "To this new life we brought to birth
> We owe our heritage, the earth."

Yes, I would like to see you keep on living too, and carry on President Kennedy's traditions.

Yours respectfully,

Harold E. Fackert.

Jersey City, N.J.

P.S.—Author George Adams said: "More war anywhere is unthinkable for intelligent human beings."

I hope all mankind will reach this heighth of intelligence and prevent wars.

H.F.

Philadelphia, Pa.,
August 10, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator: Thank God we have in our legislative body one man with the courage and conviction to stand before the American people and tell the truth about our involvement in Vietnam and associated areas. Like Alexander the Great, we want to control the world, and I fear that we are fast losing the respect and confidence of many of the other nations.

With appreciation and respect for your position, I am,

Yours sincerely,

MILDRED C. WHITNEY.

BROOKLYN, N.Y.
August 7, 1964.

Senator WAYNE MORSE.

DEAR SENATOR: Just a note of gratified endorsement that there is at least one sane mind on Capitol Hill with guts enough to buck the zombies.

Please don't abandon your great efforts to bring a measure of truth to the American public on the frightful Far Eastern crisis.

Very truly yours,

WYNN KAPIT.

ALLENDALE, N.J.,
August 10, 1964.

DEAR SENATOR MORSE: This is just a note to say that I am in accord with your thinking on Vietnam. I just don't think we belong there. It takes much courage for a Member of the House or Senate to take a stand opposed to conflict even though it is more sensible. To talk tough seems to be the preferred way, although I don't for the life of me, see why.

Good luck.

STILES THOMAS.

EDISON, N.J.,
August 10, 1964.

DEAR SENATOR MORSE: I am writing to tell you that my family and I are in full support of your stand on Vietnam. Americans must realize that the risk of world war should not be taken to protect one dictatorship from another. Perhaps the Vietnamese want the Communists, and maybe not, but we should not impose our will upon them.

It appears as if the North Vietnamese were wrong, but for a nation whose goal is peace, our response was greatly exaggerated and could have been very dangerous. I would appreciate it if you sent me a copy of your statement of Wednesday, the 5th, and other information on Vietnam. We must remember that the risk of a little lost prestige is nowhere near as important as the risk of war. I thank you.

Sincerely,

MICAH D. BERTIN.

BROOKLYN, N.Y.,
August 8, 1964.

Mr. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: May I thank you for the courageous stand you have taken against the congressional resolution backing the President's policy in southeast Asia?

Senator ERNEST GRUENING and you are doing the Nation a great service. I am positive that as time goes on more and more of us will see that we have no right to interfere in the affairs of the Vietnamese and that the only way out for us is negotiations. The administration will be compelled by the force of events, if it truly does not want an H-war, to take the step of negotiations.

I was heartened by the reports of your speech attacking the resolution.

The President has heard from me again and again, and I am writing to him once more.

Respectfully yours,

MOA BRAGIN.

NEW YORK, N.Y., *August 8, 1964.*

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: The special emergency meeting that sent the enclosed letter to President Johnson has asked me to convey to you their deep appreciation for your courageous stand and their support for your efforts.

They urge you to continue your outspoken attack on the present ruinous policies followed in southeast Asia. Many of the organizations represented have given this issue the highest priority on their agendas and will devote their energies and resources to the goal of an immediate cessation of military operations and a negotiated solution on terms that can bring a sound and durable peace to the area.

Sincerely,

CHARLES BLOOMSTEIN
(For the Ad Hoc Meeting on Vietnam).

AD HOC MEETING ON VIETNAM,
New York, N.Y., August 7, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: A hastily summond meeting to discuss the critical developments in Vietnam brought together representatives of 20 voluntary organizations of American citizens. Their presence reflects the deep concern we all feel about these developments.

We wish to communicate to you our urgent conviction that the United States should take the initiative in negotiating a settlement that will end military operations, reduce the danger of large-scale war, and resolve this whole tragic conflict.

As a beginning, we hope that the U.S. agreement to the appearance of representatives of both North and South Vietnam before the Security Council means that this in fact will occur and that further efforts will be made to involve all interested parties in these discussions.

We are convinced that those who call for extension of the war to North Vietnam or China represents only a minority of the American people. The vast majority of your fellow citizens, we believe, profoundly desire the end of the conflict and the establishment of means of negotiation.

Several of our organizations have already taken action on this matter, and some of their statements have been communicated to you. For your information, we attach copies of those that have come to our attention.

Respectfully submitted by the individuals listed below. Organizational reference is for identification only, with the exception of those with asterisks who sign not as individuals but officially for their organizations:

Robert S. Browne, economist.

Betty Elkin, executive secretary, Socialist Party-Social Democratic Federation.

Ruth D. Freeman, member of the national board, Women's International League for Peace and Freedom.

Alfred Hassler, executive secretary, Fellowship of Reconciliation.

Neil Haworth, executive secretary, Committee for Nonviolent Action.

William Huntington, director, Quaker United Nations Program.

Donald Keys, program director, National Committee for a Sane Nuclear Policy.

Joan E. Lewis, regional organizer, New York Student Peace Union.

*David Livingston, president, District 65, Retail, Wholesale, and Department Store Union, AFL–CIO.

A. J. Muste, chairman, Committee for Nonviolent Action.

Albert Reiner, member of national executive committee, Campus Americans for Democratic Action.

Raymond S. Rubinow, former n.g.o. representative at the United Nations.

Bayard Rustin, executive secretary, War Resisters League.

Emily Parker Simon, executive director, Committee for World Development and World Disarmament.

Carl Soule, executive secretary, Division of Peace and World Order, Methodist Office for the United Nations.

Norman Thomas, chairman, Post War World Council; cochairman, Turn Toward Peace.

Hyman Weber, attorney.

LOS ANGELES, CALIF.,
August 7, 1964.

Hon. WAYNE MORSE,
Senate Office Building.

DEAR SENATOR MORSE: It is with deep conviction that we commend you on your courageous stand on the President's resolution. We are shocked that a powerful country, such as we, continue to support dictators, even after the previous corrupt regimes in Vietnam. Have we forgotten to negotiate and debate about the critical issues of the day? It is unfortunate that your repeated warnings have not been heeded. It is unfortunate that we seldom hear or see the entirety of your speeches.

Today we received our La Wisp and were shocked that some people believe MLF is a new cigarette. Why isn't the public informed about this on TV or radio, particularly on "public discussion" programs on Sunday? Is our communications media failing us? We urge you in your courageous stand to oppose "sharing" our nuclear force with the West Germans and Nazis who are continuing to play roles in the Government. We are aware that Nazi Heusinger has had a permanent planning post in NATO. We know that Adenauer had a Nazi police guard with him when he visited in Texas and was later exposed on TV and thus recognized.

La Wisp informs us shockingly that a secret document will be forwarded without knowledge of the Congress, except the Joint Committee on Atomic Energy. Since our present law provides U.S. nuclear weapons must remain under U.S. jurisdiction, we urge you to introduce another resolution to reject this agreement for exchange of additional nuclear weapons agreement to NATO and/or individual nations.

We see in the papers that a $150 million estate was left by General Thonariel, of Thailand, our ally. Also that $50 million of this was found in various banks in Thailand. Pray tell us why are we assisting Thailand? Were the people or the economy developed or are we just building military roads and bases?

We see that General Motors will be in partnership with an unnamed West German firm to build new tankers for 1970's with huge sums of our dollars. Another huge military connections bill was passed for overseas. We still remember the Dr. Spiegel exposé of the scandel in West Germany during the "Ike" administration. When are we going to start an economic miracle at home—here in the United States?

Concernedly yours,

ANGELO PRAMENKO,
JENNIE PRAMENKO.

P.S.—Kindly place us on your mailing list. Thank you.

NEW YORK, N.Y.,
August 7, 1964.

DEAR SENATOR WAYNE MORSE: This is just a note to express my deep respect for your undaunted position on the Vietnam issue. Very little truth is given to American people about what is happening in southeast Asia. As a specialist on Asia I have been closely watching the events there, and the unfortunate mess created by the American involvement.

You will be proud to know that many intellectuals I talked to agree with your position. We hope that your lonely position will not deter you from the constructive part you can play before we are all blown up in a mischievous holocaust.

With respect.

ROMESH SHAH.

PECOS, N. MEX.,
August 7, 1946.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My husband and myself wish to congratulate you on your courageous and intelligent vote in the Senate against the resolution giving the President powers to use force in southeast Asia.

Your voice makes it easier for many people like us to continue to work for a saner and more peaceful foreign policy. Thank you, and wishing you better luck in the future, we are,

Very sincerely,
Mr. and Mrs. JUDITH and ARNOLD FRIEDMAN.

UPPER MIDVALE, N.J.,
August 8, 1964.

DEAR SENATOR MORSE: I want to express my profound appreciation for your "nay" vote and statement on the President's resolution asking congressional support for his military intervention against North Vietnam.

Your courage, in the face of so much opposition, is an inspiration to all those who want to express dissent from the status quo.

Please let me know what I can do to aid you in this effort to preserve the peace.

Sincerely,
EUGENIA B. SHULMAN.

INDIANAPOLIS, IND.

Senator MORSE,
Washington, D.C.

DEAR SENATOR MORSE: May God bless you for the courageous stand which you have taken. What we need is for more men to take a stand for what they believe. This Nation needs to remember the Golden Rule, "Do unto others as you would have them do unto you." I strongly uphold you in your stand. I think that we ought to beat our swords into plowshares and think of war no more.

Respectfully yours,
FAITH J. PRITCHARD.

INDIANAPOLIS, IND.

Senator MORSE,
Washington, D.C.

DEAR SENATOR MORSE: May God bless you for the courageous stand which you have taken. What we need is for more men to take a stand for what they believe. This Nation needs to remember the Golden Rule, "Do unto others as you would have them do unto you." I strongly uphold you in your stand. I think that we ought to beat our swords into plowshares and think of war no more.

Respectfully yours,
EDITH E. CORDELL.

PRINCETON, *N.J.,*
August 10, 1964.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Your recent refusal to support President Johnson's actions in Vietnam is to be commended. I have been greatly impressed by your objectivity in assessing the crises in southeast Asia. If only there were more men with your abilities sitting with you in the Senate, perhaps the citizenry could spend less time fearing World War III.

I congratulate you for your courage and wisdom.

Respectfully,
Mrs. VIRGINIA DAVIDSON.

AUGUST 7, 1964.

DEAR SENATOR MORSE: There are too few men in politics today who have your courage and conviction. As a private citizen, I have long objected to the U.S. position in Vietnam, and have done what little I could to change what I believe to be a fruitless and dangerous policy. I have often thought of writing to you commending your refusal to accept the false reports and the distorted political commentaries about what is going on in Vietnam. And now with your position during this last week, in the face of the growing war hysteria, you have moved me to write to you.

Carry on the fight and know that there are those who have not been impressed with the false impressions which have been created by irresponsible political and journalistic figures. Thank you for speaking out with courage, for as long as men like yourself can be found in politics this country can preserve and generate its ideals. As long as men like yourself continue to look at world politics without the blinders of self-righteous nationalism, we still have a chance.

Sincerely,
PHILLIP B. ZEIGLER.
MILLBRAE, CALIF.

AUGUST 6, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR MR. MORSE: I am enclosing a copy of a letter I sent to the President, the Secretary of State, and several New York newspapers.

I'm certain the newspapers won't publish this letter because they don't want the people to know that we are unfortunately the aggressors in Vietnam and not the Communists.

God bless you for being the American conscience and speaking out for justice and truth. It is a rare and courageous person who will speak out in a society that has become conformist in every area.

How I wish you were a candidate for the office of the Presidency of these United States. We need someone like you desperately.

Respectfully yours,
Mrs. T. KAHN.
JAMAICA, N.Y.

AUGUST 6, 1964.

President LYNDON JOHNSON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Writing this letter is very painful to me because I am torn between my love of country and my devotion to truth and justice, plus my intense desire to see my fine 20-year-old son and all young people live out their lives in a normal manner. If die they must, let it at least be in defense of our country.

In far-off South Vietnam our boys are killing South Vietnamese and they are killing our boys. We are in this undeclared war against a tiny country whose people have never hurt us and who can't possibly be a threat to us even if they have a Communist government.

North Vietnam has been a Communist government for some years and hasn't bothered us. Furthermore, history teaches us that ideas cannot be fought with bullets, but only with a better idea.

We have a better idea—our democracy—but we don't use it. That's the only way we can win.

Instead of helping these people to form a democratic government we forced a series of bloody dictators on these unfortunate people. The result is that these people are fighting against our puppet government there, as well as our boys, whom we send in ever-increasing numbers to help these creatures stay in power.

The French fought these people for years and couldn't win. We have been losing too.

Now in desperation and to save face, in my opinion, we are in the process of extending the war to North Vietnam. This means that China will most likely come into the war as she will feel threatened by our coming so close to her border.

If China or Russia invaded our neighbor, Mexico, we certainly wouldn't stand by either. It is naive of us to think that China will allow us on her borders. This could mean a third and perhaps last world war on earth.

We are told this war is to save the Vietnamese from communism. If this is so, we wouldn't be losing. It seems to me the Vietnamese don't want us to save them—they just want us to get out of their country. If the Vietnamese don't want communism let them fight against it, they haven't so far.

We have the United Nations to settle international disputes, but our Government doesn't use it for that purpose. First we make war on little countries then we go to the United Nations to explain our aggressions.

War today has become unthinkable. We must end this madness while there is still time.

Sincerely,
TILLIE KAHN.

ELIZABETH, N.J.,
August 9, 1964.

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I was privileged to hear, on TV, part of your statements of opposition to present U.S. policy in Asia. I want to congratulate you for having the courage, guts, and level headedness to stand up and state the truth, in the face of so many opponents. You are absolutely right, and I want you to know that what you said expresses my thoughts and feelings, too. You certainly do represent me. It was thrilling to hear a sane man speak, for a change.

My personal feelings with regard to the war in Vietnam are these: The whole action was wrong in the first place. The United States is not an international policeman to go into other people's houses and stop them from having fights, and overthrowing their rulers, if they want to. They know more about their own leaders, good and bad, than we do, and what policies they want to follow. Who gave us the right to dictate to them?

The Lodges, and Dulleses have done nothing but get this country into trouble, and get us hated and feared all over the world. Old John Foster Dulles with his brinkmanship, and now another one; and now Henry Cabot Lodge's personal war in Vietnam. Who are we kidding? Lodge, Rusk, McNamara, and McCone are the only ones whose prestige would be hurt (the poor things would lose face) if this senseless war in Vietnam were stopped, as it should be, right now. My prestige certainly wouldn't be hurt, nor that of any other sensible person; and after all, they are supposed to be carrying out our wishes (this is a democracy, remember?) not dictating to us, what they will do.

As you said, the President, nor any small select group in the Pentagon or the CIA has the right to just go ahead and wage war on any nation, without first getting the approval of Congress—House and Senate. That is in the Constitution. Furthermore, on an issue as important as this, in a nuclear age, the question should be taken to the people themselves, so we can vote on whether somebody's "prestige image" is worth our getting atomically destroyed over.

Those aforementioned men have been trying, through one subterfuge or another (and succeeding pretty well, too) to circumvent the legal, lawful ways of doing things in this country, and have a "do it yourself" government by them, independent of us, long enough. The time to stop those egomaniacs is right now.

I, and all the thousands of other people who are against the Vietnam war are not going to be silenced or swept under the rug. They can pretend there's no opposition to this thing all they want to, but there is opposition, and they're going to be in for a rude shock if they keep on.

McNamara is a bigot. He spoke on TV about things that he couldn't "get across" to "these people," referring to Asians. Their mentality was "different," their thinking was "different." The "these people" is a key, to anyone who knows how prejudiced people regard Negroes, or anyone else not of their race. It is as though they were totally alien; there is no identification with "these people," or "you people." It's a dead giveaway. The reason is simple. If they only once put themselves in the position of the other person, then the other person's thinking would be perfectly comprehensible. But this, a bigot absolutely refuses to do. He refuses to ascribe the same feelings of pride and independence to a person of another race, that he reserves for himself. Thinking thusly, he is frustrated and angered when the other person refuses to allow him to decide what's best for them, or bend to the imposition of his will over theirs. The Bible calls it false pride. We call it ego or prestige.

A racial bigot like McNamara is so convinced that he knows what's best for the rest of the world, that he's ready to blow "these people" up, if they won't do what he says. Their "stubborn" refusal to obey him, has caused him to "blow his top," therefore he will blow them up in retaliation. But that's him. He doesn't represent or speak for the rest of us. We say, they have the same right to live out their lives in peace, free from our interference, as we expect from them. Their blood is on his head and hands. As a citizen of this country, however, I share in this country's guilt for oversea murders, and hereby, in the only way I know how to, I register my disapproval and opposition to the war in Vietnam. Henry Cabot Lodge's war, not mine.

Now as far as the "binding treaties" talk: that is the greatest farce of all. We sign a "treaty" with a certain ruling group or faction that we convince to see things "our way"; then when they wise up, and want to change their minds, or are pressured by their people to break the "treaty," CIA assassins move in to engineer their murder, and we perpetuate the "treaty" with a new leader or group. It takes two parties to make a contract binding, but whenever the other persons want to break an "agreement" with us, however disastrous for them, we won't hear of it. Is this fair or just?

To me, this resembles a man who has married a woman. Sure, he has a marriage contract, and has pledged to "love, honor, and protect" her. However, if she finds herself abused by him, being made a fool of, and enslaved, she may decide she doesn't want his "love and protection" any more. She wants to be free of him—to break the marriage contract.

He, however, refuses to give her a divorce, continues to claim his "rights," reminding her of their marriage contract, and if she tries to leave him, bullies and beats her up. How valid is his case? He maintains his right to "protect" her, but who is going to protect her against him? If he continues to refuse to get out and leave her alone, she might have to call upon another man, who is stronger, to help her obtain her freedom from the unwanted contractual "bondage." This, to me, typifies exactly the U.S. position in Vietnam.

The same can be said of the U.S. "treaty" with Panama. They want to break it; we won't let them. An international bully, the United States has become.

The Cyprus situation, however, really caps the climax. We scream to Cyprus: "Don't do as we do; do as we tell you." If the situation wasn't so serious, it would be funny. North Vietnam, a pygmy, steps on the corns of the mighty United States of America. Powerful United States retaliates by kicking them in the pants, blackening their eyes, and knocking their teeth out. Hooray for us. When Turkey follows our example, and massively retaliates against Greek Cypriots, we holler, "Stop that fighting. You mustn't do what we did." Do you think we have provided any good moral example? People judge you by what you do; not by what you say. Don't you agree? Thank you for reading this letter.

Here is a poem inspired by the enclosed article, before the Cyprus trouble erupted:

LOVE CONQUERS ALL

He was Greek, and she a Turk—
Friends said it would never work;
Still, she nearly drove him daffy,
Had to have his Turkish taffy.

Just one way to break the barrier,
He just up, and had to marry her;
Now the two are gaily blended,
And the Cyprus war is ended.

—ELEANOR PEREZ.

Well, it's a nice thought, anyway, don't you think?

Sincerely,

ELEANOR PEREZ.

P.S.—Those Turks must be terrific lovers.

AUGUST 10, 1964.

Senator WAYNE MORSE.

DEAR SIR: A copy of enclosed telegram was sent to each Senator listed: Senator THOMAS KUCHEL, Senator PIERRE SALINGER, Senator J. W. FULBRIGHT, and Senator HUBERT HUMPHREY.

Thank you for your efforts toward world peace.

Sincerely yours,

MARK FEIGER.

AUGUST 10, 1964.

We urge you to support Senator WAYNE MORSE for a negotiated peace in southeast Asia.

Mr. and Mrs. MARK FEIGER.

LAKEWOOD, CALIF.

SAN PEDRO, CALIF.,
August 8, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SENATOR: We have read your articles on Vietnam and heard your stand on the recent Vietnam crisis.

We are with you in full agreement and wish to commend you for your integrity.

May we ask you to stand firm?

Sincerely,

Mr. and Mrs. T. N. QUINN, Jr.

ALTADENA, CALIF.,
August 10, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I desire to congratulate you on your "No" vote on the recent resolution to extend the war in Vietnam.

Must the United States support that Castro-type South Vietnamese dictator, complete even to the goatee, already a millionaire from U.S. aid money?

Sincerely,

PRESTON D. OREM.

WELLFLEET, MASS.,
August 10, 1964.

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SENATOR MORSE: In this age of instant anxiety and blind brinkmanship, we must tell you how grateful we are for your sane voice raised in lonely defense of reality and constitutionality.

After Korea, the United States should have learned that war must never again be declared by blanket resolution in defiance of our Constitution. Furthermore, war should never again be declared by any country. In this nuclear era, war has become impossible as a means of solution to any problem.

Like it or not, negotiations, conferences, and intelligent compromise have become the only weapons with which any nation can defend itself. The alternative is annihilation of all nations, the principled together with the unprincipled, the guilty and the innocent.

We thank you and Senator GRUENING for recognizing this hard fact and we urge you to continue to fight the most important battle of our time—the battle for survival. Whether they know it now or not, the American people are behind you if only because they have nothing to gain and everything to lose from a nuclear war.

And when history is written (if our earth endures long enough for history to be written), your name will be proudly remembered when the names of those who voted so shamefully are long forgotten.

Very sincerely yours,

NED and JANE LEHAC.

(Copies to President Lyndon B. Johnson, Senator Ernest Gruening, Senator Leverett Saltonstall, Senator Edward Kennedy, Representative Hastings Keith.)

AUGUST 10, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I cannot too strongly commend you or your stand on the Vietnam situation, and, for that matter, on all of the positions you have taken on the crucial issue of peace in the world.

I hope you will not be discouraged by the seeming lack of support on the part of the people of the United States. We are so inarticulate but there is a great desire for peace and I don't know what we would do if we did not have your strong voice in the Congress.

Sincerely,

KATHERINE GWATHMEY.

NEW YORK, N.Y.

SKOKIE, ILL.,
August 8, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Please allow us to express our gratitude for the courage you displayed in voting against the Johnson "war" resolution, and for your singlehanded fight against our involvement in Vietnam.

We agree wholeheartedly with you that the whole Vietnam adventure is dangerous and immoral, and can lead our country into a tragic debacle.

We hope you will persist in exposing this terrible mistake.

Yours sincerely,

Mr. and Mrs. H. L. SANDERS.

NEW YORK, N.Y.,
August 10, 1964.

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: Am very grateful to you for voicing your strong disapproval of our escalating our involvement in South Vietnam. Our unilateral action in carrying the war into North Vietnam is fraught with danger and can only result in more and more lives being lost.

It would seem that the only possible alternative is another Geneva conference and an earnest effort by all parties concerned to arrive at a peaceful solution. More and more bloodshed never resolved anything.

Thank you again for your forthright stand.

Respectfully yours,

HELEN LEMBERG.

P.S.—Have wired the above sentiments to President Johnson.

Jackson Heights, N.Y.,
August 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: Bravo. I feel that I must tell you I agree wholeheartedly with your statement regarding Vietnam.

You are one of the few honest and brave men in our country today.

Keep up the good work.

Sincerely,

Mrs. Regina Lerner.

Los Angeles, Calif.,
August 9, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: I am writing to urge open hearings and debate on President Johnson's proposal to give nuclear weapons secrets to NATO countries through MLF. I am opposed to the spread of nuclear weapons to any country, and especially to Germany, West, or East.

I would like also to commend you on your minority vote in the Vietnam crisis.

Sincerely,

Florida Friebus.

Los Angeles, Calif.,
August 9, 1964.

Hon. Senator Wayne Morse:

I wish to express my congratulations for your courageous stand you have taken on the question of Vietnam.

Respectfully yours,

Sam Kugler.

Philadelphia, Pa.,
August 10, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: May I express my gratitude for your stand on Vietnam and my congratulations for your courage in casting one of the two negative votes on the President's resolution.

I have written Senators Fulbright and Clark urging them even at this late date, to work for cease-fire pending discussion at the U.N. and negotiation looking toward a neutralized and demilitarized southeast Asia.

Respectfully,

Lucy P. Carner.

Cranford, N.J.,
August 6, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: My sincerest best wishes and deepest respect go out to you for your vote in the Senate against President Johnson's carte blanche resolution on Vietnam.

If only a few others would raise their voices.

Again, thank you.

Lester Goldberg.

August 8, 1964.

Dear Senator Morse: Please allow me to express my agreement and admiration of your efforts to counter the political policies and military actions that our country has followed in South Vietnam.

I heartily approve of your vote against the extension of the war in southeast Asia. It seems horribly tragic that debate on such matters has been overridden by blind conformity at every level in the country.

I observe, however, that despite an unquestioning acceptance of all political and military policies carried out by the Government, that persons of my acquaintance generally desire peace and are quite fearful of a little war that might escalate into a world war. In this respect, I feel that your opposition to the military adventures in southeast Asia, has wide support.

I urge you to continue to fight against the further extension of military action in a war that apparently no one except the U.S. Defense Department is really anxious to fight.

Respectfully yours,

Harold Scharf.

New Paltz, N.Y.

East Longmeadow, Mass.,
August 9, 1964.

Dear Senator Morse: We wish to express our thanks for your efforts to prevent the spread of the war in southeast Asia and to bring about the eventual withdrawal of American military forces.

Please continue to do what you can to influence our Government's policy and to keep us from further war.

Sincerely yours,

Mr. and Mrs. Herbert Pomeroy.

Hanover, N.H.,
August 7, 1964.

Senator Wayne Morse.

Dear Senator Morse: I have been following your remarks on Vietnam with interest, and would like to take this opportunity to say that I agree with the positions you have taken. I have previously written the President, and my own Senators (Case and Williams, from New Jersey) urging a neutralized South Vietnam and a negotiated U.S. withdrawal—but obviously to no avail.

Sincerely yours,

Arthur Forer.

August 8, 1964.

Hon. Wayne Morse,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: This letter is to thank you for having the courage to vote against the President's request for permission to take whatever steps he wished in the Vietnam situation.

While on this issue you stood almost alone in the Senate, I am sure that you spoke for millions of Americans who continue to feel that we should be seeking a negotiated settlement rather than a military solution to the problem.

Sincerely,

John C. Schuder.

Columbia, Mo.

Marion, Ohio,
August 7, 1964.

Dear Mr. Senator: I would like to congratulate you for the stand you took against the resolution backing President Johnson's dangerous military actions in southeast Asia.

I have admired your position on several different issues in the past and appreciate the fact that you vote for what you feel is right and just and not for what is political expedient.

I am sure this makes you a very lonely man at times, but I hope that you keep it up, even if the majority is against you many times.

Maybe with Senators such as you we will be able to preserve peace and do as a country what is right.

Respectfully yours,

Oswald F. Merz.

New York, N.Y.,
August 7, 1964.

Hon. Wayne Morse,
U.S. Senate Building,
Washington, D.C.

Dear Senator: I am very pleased and encouraged by your stand on the U.S. position in Vietnam.

When all the false standards of face saving and revenge are eliminated it is so obvious that the area in question should be neutralized and we should be out.

I hope your voice will be strong enough to carry to the people to prevent the Government from prodding the opposition to a major war.

I am sure your sentiments are shared more by the people than by our colleagues.

Sincerely,

Mort Junger.

Easton, Conn.,
August 10, 1964.

Senator Morse,
Washington, D.C.

Dear Senator: Thanks a million for your defense of the human race. Both you and Senator Gruening deserve accolade for your work in trying to save the world from its last final fling.

More power to you Senator.

> "They are slaves who fear to speak,
> For the fallen and the weak
> They are slaves who will not choose
> Hatred, scoffing and abuse
> Rather than in silence shrink
> From the truth the needs must think
> They are slaves who dare not be
> For the right with two or three."
> —James Russel Lowell.

Sincerely,

Abraham Young.

August 6, 1964.

Dear Sir: I only wished I could find an expression of my sincere admiration for you in words and convey them.

Your help in making H.R. 1829 a decent bill is one aspect of your humane endeavor, but especially today—after reading your protest against American aggression in Vietnam, North and South—I cannot help but write this letter in gratitude that the power structure of political opportunities has left enough room for the courage, intelligence, and humaneness of a man like yourself.

In hope for your (our) victory.

Marketa Kimbrell.

Madison, Wis.,
August 5, 1964.

Dear Senator Morse: I am a graduate student in American history here at Wisconsin. For the past several years you have been my political idol. As I interviewed many old La Follette progressives for the Wisconsin Historical Society, I was amazed to find the large numbers of them who share my respect for you.

It is not domestic affairs but foreign policy which prompts this note. After reading your speech calling for reductions in aid before crucial reforms are enacted, I told my wife that I wanted to let you know that at least some people agree with you. Then, yesterday, when L.B.J. ordered the attack on North Vietnam, I wondered what Morse would say. Stupid me. I should have expected to find you on the right side, as you were. So now I write to applaud both of your statements. Your mail is doubtless 100 to 1 against you, but someone must be that 1.

You are probably familiar with the critiques of American foreign policy offered by William Appleman Williams, who formerly taught at the great University of Oregon. I suspect that when (and if) we can get some perspective on this anticommunism smokescreen, historians will record Morse as the prophet without honor. When we come to see that money doesn't buy friends (has it ever?), that different nations at diffent times have needs for different types of economic systems—that "freedom" and "communism" and right and wrong are not the same thing, that the Communist world is as divided as the "free world," that there is little difference between one imperialism and another, etc., then we shall start listening to Morse.

I have just two questions, both academic, about our foreign policy. How can we provide the capital which emerging nations need (and presumably want) without getting into the bind of insisting that they adopt our definition of the proper social order? Why must we insist that they be of strategic use in the "fight against communism" before we offer money? Would an emerging nation be willing to accept private loans from American banks, as we accepted them from European nations during our industrial infancy? Are these emerging nations able to evolve entrepreneurial classes before we skim off the profits from their raw materials? My second question is sort of silly: How can we, Mr. and Mrs. Grassroots, do something to help make our policymakers and our fellow citizens realize that there are other issues in foreign policy besides freedom and communism, and that this issue is clouding our perspective. Having defined our policy in these terms, when we are unable to win any major victories, we must inevitably produce Goldwaters who play on our obvious failure to achieve victory.

I have a request, too. Could you put me on your mailing list for your newsletter, if you have one, and send along copies of your speeches on foreign affairs, particularly the last two—one on the need for reform in foreign aid and the one which finds the United States as guilty as North Vietnam for the present mess? The Milwaukee Journal attempted to summarize them, but I want to see your whole argument. I'm sorry I'm not one of your constituents, but I regard you as my voice in Washington.

Thank you very kindly.

Sincerely,

DAVID THELEN.

PARAMOUNT, CALIF.,
August 6, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: What documents can you quote to support your contention that the United States is a provocator in southeast Asia? Where and how can I obtain copies of these documents?

Could you shed some light upon the real reason why the United States is involved in southeast Asia?

Very truly yours,

HARRY E. MONNIER.

AUGUST 9, 1964.

DEAR SENATOR MORSE: I was proud of your great courage in standing up for what you thought right in this present crisis.

It seems to me that the Goldwater candidacy has created pressures that finally tempted Johnson to some action. I still feel we peace people have to wind up voting for Johnson on the basis of his being better than GOLDWATER. But these surely are sad days.

I would very much like to get copies of the CONGRESSIONAL RECORDS that contained your speeches on the crisis.

I am a Minnesota University law grad and once visited you in Eugene when I was out looking for a location to practice law in about 1936.

Cordially,

W. E. PLYMAL.

P.S.—I wound up as president of an insurance company I organized.

SAN FRANCISCO, CALIF.,
August 8, 1964.

Senator WAYNE MORSE,
Senator ERNEST GRUENING,
Senate Office Building,
Washington, D.C.

GENTLEMEN: Thank you Senators for your protest voiced in the Senate yesterday against the aggressive actions of the Johnson administration in southeast Asia. It is sad indeed that there were only two of you but I am confident that the silent masses throughout this planet are with you if only they are allowed by the propaganda mass media to hear and read what you had to say.

There comes to mind the names of a few other Senators—old Bob La Follette, the great man from Nebraska, George W. Norris, Edgar Borah from Idaho. They stood alone denounced by the press, and hysterical, cowardly politicians.

But history proved them right and today there statues occupy places of honor and distinction in the Halls of Congress. And the generations to come and history will honor you for what you said yesterday in the Halls of Congress.

By the way Senator MORSE only two short paragraphs of your 1 hour and 40 minute speech appeared in the San Francisco Chronicle this morning, a paper that boasts the largest circulation in northern California.

Will you oblige me with copies of your speeches?

Most sincerely,

HERMAN STUYVELAAR.

NORWALK, OHIO,
August 6, 1964.

Hon. WAYNE MORSE,
Senator, U.S. Senate Office Building,
Washington, D.C.

DEAR SIR: We write you to commend you for your courage and independence of mind in the stand you have taken on the affairs of the attack made by our Armed Forces on the PT bases in North Vietnam. We also wish to assure you that on this issue we stand foursquare with you.

Will you please send us copies of the speeches that you and some of your colleagues have made in the Senate on the entire subject of Vietnam?

Yours with many thanks,

BARNES C. GRAHAM.
MRS. ALENE M. GRAHAM.

CHRISTIAN COMMUNITY
CHURCH OF MARKHAM,
MARKHAM, ILL.,
August 7, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: Would you please send me available copies of your addresses and public pronouncements on Vietnam?

We are grateful for your courageous mind and voice lifted up in this time of tragic moral confusion and conformity. May God give you strength to continue.

Respectfully,

REV. T. W. SIMER.

MARKHAM, ILL.

NEW YORK., N.Y.,
August 8, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Heartfelt thanks and admiration for your courageous stand on the southeast Asia resolution. I still remember gratefully your similar stand (with Herbert Lehman) on the Formosa resolution in 1955. The people and the historians of the future will remember what you have done. I hope that at least it will be possible to carry the issue of constitutionality further, since the people of this country are deprived of their right to determine their own life and death destinies. And also that the intent of the Nelson resolution will be respected by the administration, as indicated by Senator FULBRIGHT.

As I had written to you earlier, with the profound hold of Buddhism over the large majority of people in that area and their disbelief in violence as well as positions of so-called overwhelming strength, there is no chance of a victory which I hope the administration may be made to see after the election.

I should appreciate it if you would be good enough to send me the CONGRESSIONAL RECORD of yesterday's debate as well as your own speeches on the Vietnam issue during the last week.

May I recall by way of personal introduction that I met you when I was teaching at Columbia.

Yours gratefully and respectfully,

ERNEST DALE,
Professor, the University of Virginia.

VALLEJO, CALIF.,
August 4, 1964.

Senator WAYNE MORSE,
Senator from Oregon,
Senate Office Building,
Washington, D.C.

SIR: In the April 6 issue of I. F. Stone's Weekly a section is abridged from your March 25 speech in the Senate on South Vietnam.

The Weekly states in its abridgement: "We are there we say at the invitation of the South Vietnamese Government. But that Government is our own creature. We know it and the world knows it. One might as well try to claim that the Soviet Army is in East Germany only at the invitation of the East German Government."

It continues further on in the article: "There are no Chinese soldiers fighting in Vietnam; there are no Russian soldiers. The only foreign troops are Americans. Every time an American dies in Vietnam, the flag should be lowered to half mast over the Capitol, over the White House, over the Pentagon because boys are dying in the execution of a unilateral policy that no longer has a direct bearing on the defenses of the United States."

If this is the correct sense of your Senate speech, it is a severe indictment of U.S. action in South Vietnam.

I. F. Stone, himself, speaking on KPFA radio (a listener-supported radio station in Berkeley, Calif.) stated that news correspondents from other countries covering South Vietnam found that of all the arms recovered from the Vietcong, a vast majority were United States made and only a small proportion were made in Communist China. If this is so, it makes talk of taking the war north irrelevant if not dangerous. The above-noted observation indicates further, I think, that the fighting is a revolution internal to South Vietnam; the U.S. arms were stolen by the Vietcong from South Vietnamese.

Statements such as the above, by responsible citizens such as you and Mr. Stone, have raised grave doubts in my mind as to the justice of U.S. actions in South Vietnam. Doubtful though I may be and respectful of your opinions, sir, I find myself with a scarcity of facts to substantiate criticism of the administration's present course of action.

I would very much appreciate it if your office would send me a statement of your own on the South Vietnam action and of what are the true U.S. interests in the area. In addition I would like a catalog of the hard facts (along with independent sources) by which you document your view and the reasoning behind it.

If I find the documentation adequate, I will be glad to join you "out on (your) limb" and, in my small capacity as a citizen, I will help you in any way I can.

Very truly yours,

JOHN P. WEBBER.

CAMBRIDGE, MASS.,
August 8, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I should like first of all to express my gratitude and admiration for the courageous stand you have consistently taken against the aggressive foreign policies of this country. How is it that you are virtually the sole person in the Senate who has not made himself a stooge for the

Military Establishment and the business community I do not know, but your lone dissent has my full support.

I am a student at the Harvard Graduate School in the field of Soviet studies. I am planning to do an analytic and interpretative study of U.S. policy in Vietnam, and I shall endeavor to place this in the full historical context of American policy in Asia. Since, however, my major objective is to elucidate the real nature of what is going on in that part of the world today and what is likely to happen in the near future, I am very much concerned with the serious difficulties which one faces in obtaining reliable information. The recent crisis was enormously frustrating to one who refuses to accept the veracity of official Government statements and explanations.

Since the American Government has quite consistently and deliberately lied to the American people with regard to matters concerning Indochina, and since you alone have sought to counter this deception, it seemed useful for me to find out if you could provide me with any information. Your membership on the Senate Foreign Relations Committee and your deep concern with developments in Indochina have no doubt made you one of the best informed persons in these matters.

I should like to know, therefore, if there is any information which you could send me and which it would be permissible for me to quote, including any specific remarks which you yourself might care to make. I am particularly interested in the extent to which the United States and our South Vietnamese puppets have been carrying out air attacks, dropping sabotage teams, supporting naval attacks, etc., on North Vietnamese territory. Also, do you have official information relevant to the myth of North Vietnamese and Chinese aggression, infiltration, and supplying of arms and men? I have followed most, if not all, of your remarks which have found their way into the newspapers, including more sympathetic publications, such as I. F. Stone's Weekly.

Thank you very much for whatever additional information with which you can provide me, and thank you again for you voice of dissent against the increasingly dangerous policies of the American Government.

Sincerely,

STEVEN J. ROSENTHAL.

COSTA MESA, CALIF.,
August 7, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: You are certainly to be congratulated on your splendid stand for right as you have drawn so clearly the picture of the southeast Asian problem.

The people (meaning the man or woman on the street) are not well informed with regard to most of today's crisis situations. Nor are we thoroughly informed as to your position. But, it is the thought of some of us that you have objected to the military giveaway—the interference on our part in a war that we cannot win, etc.

Many of us feel that the whole of southeast Asia should be neutralized and that the U.N. should have a firm hand. We hope for the reconvening of the Geneva Conference. We feel that the policy started by Dulles and carried on in support of the corrupt Diem regime was totally bankrupt, and we feel the same way about Khan. We deplore the strategic hamlets, the abuse of the people, and the no-win, wasteful situation, as we see it.

You may not agree at all, but De Gaulle has, to the way of many people's thinking, offered some ideas worth considering out there.

More than all else, today, we believe that U Thant is the wise one. We believe that you and Senator GRUENING have taken a less warlike position, and we feel that a third world war is the destruction of civilization. We deplore the quick money for arms and feel that negotiation—use of the U.N., etc.—are the wise moves. Walter Lippmann always stands tall.

On foreign aid, many of us would see technical help, an expansion of the Peace Corps. In place of the military (except for genuine internal security), we would see schools, hospitals, roads, dams, help to the people. That would be a "win" policy, whether done at home or abroad.

Mr. MORSE, will you please send a dozen of the CONGRESSIONAL RECORD sheets, showing your position, that I may put them in the hands of responsible people?

Thank you.

ANGINNETTE SHERMAN GORES.

RIALTO, CALIF.,
August 5, 1964.

DEAR SENATOR: I always used to be impressed with your views, because regardless of party affiliations, all other needs of conformity, I think you are one of those who says what he thinks.

It is impossible to get full text of your speech on Vietnam, which must include lots of facts press and TV decline to tell or print.

If possible I like to have full text of your speech on Vietnam you gave on August 5.

Because of my knowledge of history of Vietnam since 15th century and United States, French, and Vietnamese relations before Dienbienphu and since I see not much moral base on U.S. arguments about independence of South Vietnam.

U.S. position in South Vietnam is similar to Russian position in Hungary.

United States paid $2.7 billion to French to kill Vietnamese when their only crime was to fight to kick French out of their country, yet United States did not mind to give Ho Chi Minh and Pathet Lao when they were fighting against Japanese.

After World War II was over, despite the loose talk about Four Freedoms, Atlantic Charter and all those freedom nonsense French did not mind to grab those lands back, with approval of United States of course.

Before Bao Dai and after moral position of United States was vulnerable at Vietnam, especially unkept parts of Geneva agreement on Vietnam, when United States stayed out, after Mendes France said put up or shut up to Dulles, when they were beaten at Dien Bien Phu by Pathet Lao and Ho Chi Minh and Wo Nguyen Giap.

It is nice to see that there are men like you still existing, when heads are hot, it takes guts to criticize oneself.

Sincerely,

HALIL S. GURELLI,
Turkish Student.

BROOKLYN, N.Y.,
August 6, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This is to confirm today's telegram wishing you courage in the continuing fight against our policy in Vietnam which inevitably leads to war.

Enclosed, too, are copies of wires I have sent to my two Senators.

It would be helpful to me in talking with friends and neighbors to have any available copies of transcripts of the talks you have been making on this question. Truthfully, I had given but passing attention to the inconspicuous newspaper reports of your speeches. But shocked as I was by the President's message on Tuesday night, and the subsequent developments, I was overjoyed when I saw and heard you on TV this morning. It bolstered my hope and my determination to see that you are there and still fighting in the face of this veritable landslide of war incitement.

Keep up the good fight. I am sure there are many like myself who want to help in any small way we can.

Sincerely,

CLARA COLÓN.

BROOKLYN, N.Y.,
August 6, 1964.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: It is not my custom to dash off letters to public officials at the drop of a hat. But since hearing your message to us fellow Americans last Tuesday night, I have not had a moment's peace of mind. When you said that our planes at that moment were in action, I shuddered remembering the nightmare of the Korean war behind us and aghast at the possibility of nuclear war ahead of us. As every passing hour brings new efforts through radio, TV, and the papers to raise a war fever, I am increasingly alarmed. I could not go to work this morning before writing to you.

If we are indeed a country whose Government exercises power by consent of the governed, I must in good conscience raise my small voice to declare I do not consent to your message of Tuesday night, nor your speech at Syracuse, nor Ambassador Stevenson's presentation at the U.N. Security Council yesterday, nor the joint resolution being debated in Congress today. And I have so wired to my Senators.

Without any hesitation I am ready to make every sacrifice for the genuine defense of my country. But I am convinced that my country is in no way threatened by North Vietnam's PT boats in the Gulf of Tonkin. At this moment, incited by publicity, many people may be horrified by an "unprovoked" attack upon our destroyers. But these same people, if furnished more information and given a chance to really judge, would probably join me in asking, "What are our destroyers doing there in the first place?" Why have we let our Government get into the business of upholding one corrupt and shaky regime after another, none of which have enjoyed the confidence of its own people? Wasn't the experience of France, and its inevitable debacle at Dien Bien Phu lesson enough for us? Do we have to step into France's outworn colonialist shoes? And at what cost to us taxpayers?

You seemed to take pride and comfort, Mr. President, in the fact that Senator BARRY GOLDWATER supports your conduct in the Vietnam situation. I am frankly shocked. It was bad enough to see a candidate of Senator GOLDWATER's extremist views nominated by a major political party, but at least we had the alternative of supporting a mature, forward-looking, thoughful, reasoning leader in the other party. Do you not realize there is no statesmanship in capitulating to Senator GOLDWATER's brinkmanship?

Let me refer again to the astronomical cost of our Vietnam policy. How can we keep on spending billions in support of a dubious "freedom" in Vietnam (which the majority of people in Vietnam reject) at the cost of building the foundation for real freedom for the Negro 20 percent of our citizens here at home? Just imagine what effective application could be given to both the civil rights law and the antipoverty program if the funds now used for a false defense of freedom in Vietnam were allocated to a real defense of freedom at home in the form of job opportunities, job training, quality education in integrated schools, slum clearance and new low-rent housing. This would be of tremendous benefit not only to the underprivileged of all races but to the whole population, and especially to the Negro people as well as the Puerto Rican and Mexican-American minorities.

President Johnson, many of your fellow citizens hope you will have the courage and the bigness to recognize the error of your policy on Vietnam (which is a result of the unfortunate policies you inherited from previous administrations) and will withdraw the joint resolution, pull out our Armed Forces from that area and give the people of Vietnam the liberty to solve their own problems in their own way.

Respectfully and sincerely,

Clara Colón.

August 6, 1964.

Senator Jacob K. Javits,
Senate Office Building,
Washington, D.C.:

For sake of peace please vote against resolution giving President power to declare instant war.

Clara Colón.

Brooklyn, N.Y.

August 6, 1964.

Senator Kenneth B. Keating,
Senate Office Building,
Washington, D.C.:

To preserve peace urge vote against resolution tantamount declaration of war.

Clara Colón.

Brooklyn, N.Y.

Chicago, Ill.,
August 5, 1964.

Senator Wayne Morse,
Senate Office Building,
Washington, D.C.

Dear Senator Morse: It takes guts to take the stand you did on the NBC program this evening. Your courage and integrity in pointing out our violations of the Geneva agreement are exemplary. We have read an abridged version of your speech to the Senate on June 29. Please send us a copy of the entire speech. We heartily concur in your statement, "Before any administration threatens to take the United States into war it should exhaust the last possibility to avoid it." We can hardly believe that bombing bases in North Vietnam fits into this possibility. Apparently we have learned nothing from the disaster that befell the French in Indochina, and by escalating the war we may all of us "pay the uttermost farthing."

Cordially,

Dr. and Mrs. Alfred Stein.

Evansville College,
Evansville, Ind.,
August 6, 1964.

Hon. Wayne C. Morse,
Senator from Oregon,
Senate Office Building,
Washington, D.C.

My Dear Senator Morse: Congratulations upon your forthright affirmation of sound moral truth in the midst of the belligerent nationalistic spirit of the day.

The radio and television reports have given only partial extracts of what you said, however, but by putting together what each of the three networks quoted I suppose we have a fair representation of what you really said.

If it is possible to have a copy of these statements and of other statements that you will make in the near future, I shall be very grateful to be on your mailing list for such materials. Some of the materials will be directly useful in my teaching of a course in ethics, and the rest will be interesting and morale-boosting for me to have personally.

Thank you. With all good wishes, I am,

Sincerely yours,

Harris D. Erickson,
Professor of Philosophy.

Pittsburgh, Pa.,
August 5, 1964.

Senator Wayne Morse,
Washington, D.C.

Dear Senator: Were your remarks regarding the situation in south Asia extended into the Record? If so I would appreciate a copy. At least there some Senators who are concerned about sending our boys to war.

Sincerely yours,

Richard J. Wagner.

Pittsburgh, Pa.

Burlington, Vt.,
August 5, 1964.

Wayne Morse,
U.S. Senator,
Washington, D.C.

Dear Senator Morse: Congratulations on all your past speeches on the errors of our foreign policy in southeast Asia. All our citizens owe you a debt today for the courageous way in which you expressed the "nagging doubts" which many of us feel over President Johnson's decision to attack military installations in North Vietnam when our fleet was in no immediate danger. I would like very much to have copies of any of your speeches on this topic which may be available. Keep up the good work.

Sincerely yours,

Thomas J. Spinner, Jr.

Los Angeles, Calif.,
August 5, 1964.

Dear Senator Morse: I fully agree with your position on refusal to agree with the resolution on engagement in North Vietnam. The parents of all children should be grateful that there is at least one Senator who can expose the onesided argument of President Johnson to engage in aggressive war.

Please send me your entire speeches on this vital issue before the Senate now. What can the people do when all the news media are controlled? Even the proceedings of the U.N. weren't carried in its entirety here in Los Angeles. What can be done to make these channels open to the public?

Yours truly,

Joseph Siegel.

MISADVENTURE IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Misadventure in Vietnam: The Mix of Fact and Myth," written by John Gange, and published in Nation magazine for August 24, 1964.

John Gange is director of the Institute of International Studies and Overseas Administration, of the University of Oregon. He served for some years as an officer in the State Department. I am proud to ask unanimous consent that this scholarly article by an outstanding professor at the University of Oregon be printed in the Record. His scholarship has won for him a high reputation.

If one will read Mr. Gange's article, entitled "Misadventure in Vietnam: The Mix of Fact and Myth," he will find further substantiation of the criticisms of U.S. warmaking policies in Asia that the junior Senator from Alaska [Mr. Gruening] and the senior Senator from Oregon have been presenting on the floor of the Senate for the past 6 months. They will find ample support for the position of the Senator from Alaska and the Senator from Oregon in refusing to vote for a joint resolution which, as we said at the time, constitutes a predated declaration of war, giving to the President, in clear violation of the Constitution, the right to make war in the absence of a declaration of war.

I also ask unanimous consent to have printed in the Record a second article published in the Nation magazine for August 24, 1964, this one entitled "The Only War We've Got." It was written by Daniel F. Ford. Mr. Ford, a freelance journalist, has been in South Vietnam for the past 2 months on a magazine writer's grant from the Philip M. Stern Family Fund. This is the last article in a series he has written for the Nation from this most unfortunate war zone, in the creation of which the United States, since 1954, will have to assume a large share of the responsibility and burden in the pages of history.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Misadventure in Vietnam—the Mix of Fact and Myth

(By John Gange)

The weathered headstones in the old Protestant cemetery of Portuguese Macao tell of the misadventures of many Americans in the Gulf of Tonkin and the South China Sea. In the early years of our Republic, the Americans who died in this faraway area were sailors, Yankee traders, missionaries, and visionary diplomats—like Edmund Roberts, who first sought treaties for the United States in southeast Asia, journeying to Cochin China, Siam, and Muscat in 1832. Today, the headlines toll the death of many Americans pursuing the political interests of the United States in southeast Asia.

From small beginnings our interest in southeast Asia swelled to include a colonial empire highlighted by our half century in the Philippines. The United States blundered into empire in 1898 by defeating the weak Spanish imperialists in the Battle of Manila Bay. Now we are fighting again in the Gulf of Tonkin and in the steaming jungle of old Indochina. For many Americans today our deep involvement in southeast Asia's civil wars is as inexplicable as was our plunge into empire in the Philippines. For 14 years we have propped the French effort to keep Indochina, or have underwritten the "democratic" regimes of such as Bao Dai, Ngo Dinh Diem and the subsequent military dictators. We have stumbled into "colonial" responsibilities without corresponding authority since the defeat of France by the Vietnamese in 1954.

The dilemma we faced in mid-1954 was very different in some respects from the dilemma President McKinley faced in 1898 when he was informed that all of the Philippine Islands were ours for the taking—and holding. In 1954, there was nothing ready for the taking in Indochina—unless we were prepared to battle the well-armed, well-led and tough Vietnamese and almost certainly the colossus of Communist China. We nevertheless decided to try to hold South Vietnam against a Communist takeover.

In doing so we underestimated Communist power and the response of great numbers of the Vietnamese to Ho Chi Minh's leadership, plus the extent of Communist outside aid, especially from the Chinese. When Secretary Dulles went to the Geneva Conference of April 1954, called to discuss Korea and dispose of the pieces of the broken French empire in Indochina, reportedly he refused to look at the chief Communist Chinese delegate, Premier Chou En-lai. This news sparked one of Fletcher Knebel's best quips to the effect that the Republicans were an odd lot, for Senator Joseph R. McCarthy saw Communists where they did not exist, and Secretary Dulles couldn't see them where they did exist. And here is a large part of our trouble: the refusal to look at facts which we dislike and hope will go away.

It has taken the French, through the voice of General de Gaulle, to tell us that no settlement of any Asian problem is possible that doesn't take Communist China fully into account. The British recognized this fact in 1950 but they have not been so blunt in asserting its validity. Americans have not dealt with a strong, unified China since 1842, when the British forced the opening of several Chinese ports to Western trade with various related privileges. In 1844, we got our treaty with China, including trading rights and extraterritorial courts for our citizens in China. This period of wars with the West marked the end of a strong China for a hundred years. It is time we now adjusted ourselves to the fact of a new China. Is this hard to accept? Indeed it is, and for a long time we will no doubt fight this gross fact of our times. Eventually, it will have to be accepted and it must henceforth be included in the ingredients that shape our Asian policy.

In 1954, we chose not to join in the final declaration of the Geneva Conference on Indochina of July 21, 1954. (The United States made a unilateral statement, however, accepting the armistice agreements.) All the other nations (United Kingdom, France, U.S.S.R., People's Republic of China, Laos, Cambodia, and the People's Republic of Vietnam [North Vietnam]) at this Conference, except the State of Vietnam (South Vietnam), accepted the agreements drawn there. South Vietnam, with our backing, refused to carry out the provisions of the 1954 Geneva Agreement for elections in North and South Vietnam to form one government and instead set its course against the intent of this agreement. South Vietnam refused to permit the elections, began its military buildup, and prepared for the inevitable war of Vietnamese against Vietnamese, with both sides drawing on outside aid to maintain the fight. From here on it is the old familiar story of who first violated the accords or the intent of the accords, etc., etc. The fact that we first refused to accept them puts both the United States and South Vietnam in a dubious role—in the objective light of history—a role our Government has been diligent to gloss over. We refused to permit "free elections" in Vietnam because we were sure we would lose them.

When we found the 1954 Geneva Agreements unacceptable to us, although acceptable to the other signatory nations, we had two broad alternatives open to us. One alternative was to reject the final conclusions of the Conference, disregarding thereby the majority decision, and continue our own bilateral policy with South Vietnam. This we chose to do.

The second alternative was to seek a higher forum than the Geneva Conference nations. Resort to the United Nations through various possible approaches would have involved all who were concerned with peace and freedom, which we alleged were threatened in Indochina. The U.N. supervised an election and a plebiscite on the restoration of the monarchy in wartorn Greece in 1946. The conditions were hardly worse in all Vietnam in 1954, or even 1956, when a general election was to be held in July of that year. To those who say that a U.N.-supervised election in Vietnam would not have been acceptable to North Vietnam and Communist China, one answer is that we never tried this course of action and hence we can't say what the response might have been. Instead, we pressed for a southeast Asian military security pact, which Secretary Dulles had urged in 1954.

The Eisenhower administration had just swallowed the bitter pill of negotiating with Communist China and North Korea an armistice in the Korean war. The Republican campaign oratory of 1952 would have sounded hollow and mocking indeed if the Dullesian trumpets of "liberation from communism" had sounded another retreat on the "rollback" front. Some prominent Republicans had wanted our fighting forces to join the Indochinese fray in early 1954, beside France, but the general in the commander in chief's chair had overruled that, as he had rejected any renewal of fighting in Korea above the 38th parallel. Nevertheless, Republican leaders knew from innumerable charges of their own what a powerful weapon the Democrats would have in our domestic politics if the Republican administration now lost Indochina. Ironically enough, as with mainland China allegedly lost by the Democrats, the United States never had Indochina and couldn't have held it if we had tried. Therefore, another war in Asia was not a feasible political course for a U.S. administration, even one led by a five-star general.

Yet we did decide to try to hold at least part of Indochina; namely, the new State of Vietnam below the 17th parallel. And so the newest phase of Western adventure in Indochina began with that decision. We have been trying for 10 years to prove it a sound one.

In retrospect the foundations for our 1954 decision appear to be part fact and part myth—a fairly common mix in foreign as well as domestic policy decisions. The facts were that (1) southeast Asia was a recognized target of Communist subversion and possible takeover; (2) many of the native occupants of the Indochinese peninsula wanted no part of a future regime that might be dominated by Communist-oriented leaders. For religious, economic, and political reasons many feared the kind of society they would have if Ho Chi Minh and others of his strong Communist belief became the new rulers of this war-weary part of Asia. The foreign businessmen, rubber planters, and mine operators also, of course, feared the consequences of a Communist regime.

Moreover, the United States had become so conspicuously identified with the French in their struggle against Ho Chi Minh, albeit in the name of defense against international communism, that no further action by us now would mean that we, as well as the French, had gone down to defeat in another sector of the containment periphery of militant anticommunism.

So much for three quite substantial facts: A strong Communist drive for southeast Asia; internal Indochinese anti-Communist opinion; and the posture, or "face," of the United States if no further efforts were made to "save" Indochina.

On the side of the myths that entered into our policy calculations, directly or indirectly, there was first the one, still often expressed, that it was possible to "draw a line" beyond which there would not be tolerated any expansion of Communist control. This appealing myth evokes images of a resolute U.S. cavalry stand at the pass, or "ils ne passerant" at Verdun in World War I, or a more sophisticated but still quite naive "containment of communism" concept. Thinking of communism as an ideology ought to make people chary of expounding on "drawing a line" to stop the spread of ideas. Interestingly, history provides no example of appealing ideas having been impeded effectively in their spread and adoption because of lines drawn on political maps.

The second myth that we embraced was that military action would be an acceptable substitute for basic political and social action. Again the lessons of the bitter and frustrating American experience in Nicaragua, Haiti, and Santo Domingo in the years between World Wars I and II were passed over or rejected, if ever remembered. Military force—if sufficient in amount and ruthless enough in direction—can suppress rebellions, but rarely has it produced the reforms of conditions which lead men to join the ranks of rebellion. We ventured to combine some economic and technical aid with military support, but the rationale for military measures has prevailed increasingly as our efforts in Indochina have persisted. The creation of SEATO in 1954 epitomizes this futile faith in military power to solve the problems of disorder in politically inchoate states desperately in need of social reform.

The third myth that we followed was the "domino" theory of the inevitable loss of all of Asia and a vital threat to our own continental security if any additional part of Asia came under Communist control. This theory was the delight of Senator William Knowland, who trumpeted it in the Senate and across the land as if it had the infallibility of Newton's law of gravity. Even President Kennedy repeated the arguments of the "domino" theory and few voices were raised to question its logic of inevitable, irresistible and sequential massive defeat once the first (additional) little "domino" fell against the bastions of our friends.

The "domino" theory overlooks the possibility of strong reaction by other nations at different points when they are confronted by new circumstances clearly threatening their security. The theory assumes that all powerful forces are on only one side, always moving outward, and it neglects the possibility of disruptive internal forces and counterforces moving against the presumed massive seismic wave set in motion by any little change of political status. It is a negative, fearful, and mechanistic view of politics and man, but for those very reasons it finds countless advocates.

So we took some facts and added some myths and came up with a decision—many times reaffirmed—to deny all southeast Asia to communism, with military aid, and we created SEATO to do the job for us. Ten years later this queasy foundation of fact and myth finds us mired very deeply and sinking in more and more. After expending many billions of dollars and sacrificing hundreds of lives in combat or related services, after twistings and turnings of CIA undercover operations, with resulting changes of leaders in some of the states, there is still no end in sight.

What could we have done that we didn't do? If it had been possible for the Republicans to have done otherwise—or for the Democrats to have altered that policy after they took over in 1961—one would like to think that they would surely have done so. The losses of American lives, the outpouring of many billions of taxpayers' dollars and the strains on our friendship with many other nations which have not seen the issues as we have seen them, would not normally be called assets to any political party seeking voter support. And so the American people have been told over and over that there were—and still are—no other alternatives but to stand on the 17th parallel (or well south of it) and fight the devils (allegedly all from the north) in the ancient battlegrounds of Indochina. What we have done is intervene in a third civil war in Asia; China and Korea being the other two very costly interventions.

Until recently, too, we have lacked critical voices which, while not acting as "the devil's advocate," would at least ask if we are sure that what we are attempting is the only possible alternative acceptable to our people. Like McKinley and the Philippines, the vast majority of the American people in 1954 had only the vaguest notion of where Laos, Cambodia, and Vietnam were—and they cared less. Do they even now believe these areas so vital to their welfare that every extensive and longterm involvement is all that we can consider?

In due time, probably later than would have been an optimum time for us, we will be forced to face the "unthinkable" possibility of the neutralization of all of the Indo-Chinese peninsula. Secretary of State Rusk and Secretary of Defense McNamara repeatedly say that no thought is being given to this alternative to our present massive military aid-cum-cheers-for-Khanh as our approach to the problem. The McNamara shuttle to Saigon carries threadbare calls for "greater resolve" and warnings of "an unforseeable end to the effort," and then the familiar and unconvincing reports of "gratifying progress" and "encouraging developments" on the westbound run back to Washington. In the meantime, the Vietcong strike villages and cities at will in South Vietnam and simultaneously detail spare forces to push their campaign in Laos. Recruits and military equipment are picked up in abundance from the South Vietnamese civilian and military forces.

"Why are we involved in southeast Asia?" "Where do we go for the next 10 years?" These are the questions that beg and receive no clear answers, other than "Carry on. What was valid in 1954 is still valid in 1964" although the Asian world has changed greatly since then. At some point—and soon perhaps—we must face up to: (1) our dubious legal position in South Vietnam, with our shooting and destroying of military forces under the thin deceit of being "advisers"; (2) the soundness of our continuing passivity toward a strong role for the U.N. in southeast Asian strife, while at the same time we have pressed for U.N. action in the internecine fighting of the Congo, Cyprus and the Middle East; (3) a new look at neutralization of "border" areas between East and West in Asia and the established examples, both satisfactory and unsatisfactory, of neutralization in Europe and elsewhere; (4) a hard review of all our interests in Asia eventually in conference with Communist China; and (5) abandoning the shibboleth of containing communism along artificial latitudes or longitudes. The truth is that the ideological appeal of Marxist doctrine and the reforms that communism often has espoused effectively appeal to many people around the world; and the spread of these ideas will not be stopped by military fiat. Nor will it help at all to continue the repeated plaintive lament of Secretary Rusk that there would be peace in Indo-China if only the North Vietnamese and the Chinese would leave their neighbors alone. If all countries would leave their neighbors alone, it would be a very different world, but it is not realistic to expect this change in our times. To expand the war would assure only another Korea or worse, with all the possibilities of a nuclear war.

Will the new year or the postelection period see us reexamine our decade of active defense in southeast Asia's Indochinese Peninsula? Perhaps not; it has become a habit to argue as we have for so long. Apparently only a Senator WAYNE MORSE can change his mind as fully as the circumstances require and still retain his following. Politics does not stop at the water's edge, but rather it governs all we do. Only a statesman above politics can change our course now. Events in Indochina may not wait for our politicians to clear the November election hurdle before they can lead our discontented people to a new and more realistic settlement in southeast Asia, and extricate us from a misadventure born of good motives based on some faulty calculations and expectations.

THE ONLY WAR WE HAVE GOT

(By Daniel F. Ford)

SAIGON, VIETNAM.—You hear the phrase everywhere. A young special forces captain, fresh from Okinawa declares, "All I want from Vietnam is the CIB" (the combat infantryman's badge, a long rifle on a blue field with a silver wreath behind it). "Hell, man, it is the only war we have got." And an earnest major in corps headquarters says: "You will meet the bravest and best soldiers in the U.S. Army right here. This is the only war we have got, and I would rotate the whole Army through here if I could. As it is, I am told the volunteers are backed up for 4 months."

Which is one reason why we are fighting a war and losing a revolution in South Vietman. The backbone of any army is its NCO's and company-grade officers, and it is no accident that most of the American advisers attached to the Vietnamese Army are sergeants, first lieutenants, and captains in their 20's. A man must see combat before he is truly a soldier. Our World War II veterans are middle-age desk soldiers now, and even our Korean veterans are in their 30's and passing beyond the stage where they might be leading platoons and companies in a future war. Thus there is a very human desire on the part of the U.S. Army to exploit the chaos in southeast Asia to train a new generation of combat-experienced soldiers.

Not all American servicemen in south Vietnam share this attitude. Many, probably a majority, did not want to come here, and now that they are here they would like nothing better than to go home. But the professional soldiers are positively gleeful at this chance to advance their professional status.

Professionalism is not the only reason we are overemphasizing the military's role in southeast Asia. There is also the fact that soldiers are bound to view affairs from a military standpoint, even if the results are discouraging, as they have been so far. The appointment of Gen. Maxwell Taylor as our Ambassador to South Vietnam can hardly be expected to reverse this tendency.

But even more crucial is our refusal to name the fighting here for what it is: a revolution. For a people born out of a revolution, we are strangely reluctant to recognize the symptoms in other lands. We insist that this is war—guerrilla war, limited war, counterinsurgency war, some kind of war—despite all evidence to the contrary. I have spent 2 months in South Vietnam. I have been shot at, rained on, and chewed by insects, but never have I had the feeling that I was witnessing a war. Most correspondents who go out into the field have a similar experience. Full-scale battles are such a rarity here that when one does take place, like the Do Xa operation in June, the trophies are flown to Saigon for exhibition, and mass decorations are awarded in the public squares.

I tried the notion of revolution upon several American advisers. The most common retort was: "If this isn't a war, why are they shooting at me?" I pointed out that men were being shot for civil rights activities in the States. Was that war? "But they're not using automatic weapons," was the reply, ignoring the fact that most of the Vietcong's automatic weapons have been captured from government forces.

A more sophisticated argument goes like this: Revolutions are indigenous to the country, while the fighting in South Vietnam is directed from Hanoi. This "masked aggression" theory is official Army doctrine. Quite apart from the fact that most revolutions—including our own—were assisted by foreign powers, it overlooks the evidence which suggests that even hard-core Vietcong are recruited locally. They may have been sent to North Vietnam for training, but most of them were born south of the 17th parallel. And our trust in military force is helping guarantee that this situation will continue. As long as the countryside is considered enemy territory, the Vietnamese-American campaign will generate as many Vietcong guerrillas as it kills. That is one reason why our estimate of hard-core Vietcong strength—25,000 to 30,000 men—has remained almost constant since 1961.

In a wry echo of the headquarters major, an elderly representative of the U.S. Operations Mission (USOM is the local alias of the Agency for International Development) said to me:

"We have some of the finest soldiers in the world assigned to South Vietnam. But what does a military man know about the people? Will they talk to a soldier, knowing what they do of soldiers? No. But I am a fat old man; they talk to me. They ask me why the United States talks about democracy while it is supporting a military dictatorship. They ask me why we talk about freedom when we are taking them from their homes and herding them into strategic hamlets, like criminals. I have no answer.

"What would he do for a Western victory in South Vietnam?

"We should cut our military advisers to the 1962 level, 5,000 or 6,000 men, and put the difference into volunteers who know the people, who want to help the people. Like the IVS workers (International Voluntary Service, similar to the Peace Corps and predating it). The people trust them. I have never heard of an IVS worker being harmed, or even threatened. Soldiers must travel in convoys here, but the IVS can go anywhere."

Quality goes down as numbers go up, but there is no doubt that several thousand young volunteers—teachers, nurses, and technicians—could do far more than the same number of soldiers to bring Western ideals to South Vietnam. And they could do it far more cheaply. The Peace Corps has functioned admirably around the world without benefit of officers' clubs, post exchanges and all the other accessories that go with a U.S. Army compound.

It would be unfair to suggest that our military effort in South Vietnam is entirely confined to hunting the elusive Vietcong. The army is trying hard to adjust to the demands of revolution, by whatever name. "Civil action" is almost a cant phrase in military circles these days—there is even a new S–5 section in the Army staff organization, devoted to psychological warfare and civic action. Army engineers are digging wells and building bridges all over South Vietnam, and Special Forces is constructing a model farm near Pleiku where montagnard peasants can learn to use fertilizer and irrigation pipes. There are dedicated, inventive soldiers in every outfit, but any ex-GI knows how much of this dedication and inventiveness is destined to be smothered by the routine of army life. Whatever the U.S. military is doing now to help the Vietnamese, the same number of volunteer civilians could do far more.

Opportunities are particularly abundant in the central highlands where the montagnard population is only beginning to emerge from the dark ages. A few miles from Pleiku, the military headquarters for fully one-fourth of South Vietnam, I visited montagnard settlements which had never seen a doctor or a schoolteacher.

"Talk about people that don't have a chance," one American captain said in amazement. "What will these kids do with their lives? Why, I'll bet if you asked every one of the 400 people in this village who the premier of their country was, they wouldn't be able to tell you."

That was overstating the extent of education among the montagnards. Most of them do not know that they have a country, let alone a premier.

I asked the USOM representative in Pleiku why we did not spend more of our money for schools, instead of for armored personnel carriers. "A schoolteacher here earns 600 piasters a month—about $6," he said. "A coolie sweeping the streets can earn 30 piasters a day. We can't recruit enough teachers to staff the schools we are building."

So I asked him why we didn't match the teachers' salaries with an equal amount from American funds, and he could only shrug.

The highlands are an especially fertile area for such programs because they are militarily quiet. The Mekong Delta may have deteriorated too far for education, agriculture and medicine to win the countryside back from the Vietcong, and there a military solution may be the only feasible one. But the highlands are a different matter. The Vietcong operates only in small units, usually consisting of irregulars, and even the U.S. military regards two vehicles as a sufficient convoy in most areas. For this reason the highlands have the lowest priority in everything—even in the assignment of IVS and USOM workers. Yet if the military believed its own doctrine—that the revolution here is a war staged and supplied from North Vietnam—surely the opposite should be the case. The highlands are the logical infiltration route from Laos and Cambodia. If the montagnards were won over to the Vietnamese Government, the Vietcong supply line would be cut and (if the military view is correct) their war in the delta would be choked off. Whether the "masked aggression" theory is right or wrong, we are making a tragic mistake in the highlands.

More likely, the fighting in the delta would continue even if the highlands were pacified. But that is a military assessment, and our error in South Vietnam has been to think in military terms. A peaceful, prosperous central highlands would demonstrate to the rest of the nation that the Government has more to offer than the Vietcong. Victory for the West in this revolution waits upon that demonstration. If we make it, we shall win; if we do not, we deserve to lose.

I shall never forget the afternoon I watched three young men through binoculars, convinced that they were hard core Vietcong soldiers. They were strong featured and alert, dressed in black; they were cooking dinner behind a boulder about 500 yards from the spot where our strike force patrol was taking a 10-minute break. A squad had been sent out to encircle them. But the young men heard the snap and rustle of moving soldiers. They stood up, ready to flee. The American Special Forces sergeant in charge of the patrol decided to fire while he still had a target. He fired twice, aiming into a cleft in the boulder, and his buddy did the same. Then we sprinted up the hill. The three young men had fled, unharmed, leaving behind not weapons but a much-thumbed copybook of the kind used in rural schools.

The sergeant was troubled by the idea of shooting at schoolboys.

"Well, I'm glad we missed," he said. Then he brightened. "But if those guys weren't Vietcong an hour ago, they sure as hell are by now."

Things were right in his world again. He did not seem at all concerned by the likelihood that, instead of lessening the Vietcong threat, our patrol had added to it.

PROBLEMS IN THE MEDITERRANEAN

Mr. MORSE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Johnson's Problems in the Mediterranean," written by James Reston, and published in the New York Times of August 19, 1964.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHNSON'S PROBLEMS IN THE MEDITERRANEAN

(By James Reston)

WASHINGTON, August 18.—The rising opposition in the Congress to U.S. foreign military aid is vividly illustrated by the current Greek-Turkish crisis over Cyprus.

For the Congress is now confronted by the fact that the Greeks and Turks are withdrawing U.S. military equipment from the North Atlantic alliance and threatening to use these American supplies on one another.

This has put the Johnson administration in a delicate and untenable position. The President does not want to pass judgment on who is to blame for the fighting on Cyprus, but at the same time, he cannot explain to the Congress why American arms intended to maintain the peace are being diverted for possible military action on Cyprus.

From 1946 to 1963, the United States supplied military aid to Greece totaling $1,656 million. The total for Turkey in this same period was $2,404 million. In the fiscal year 1963, the Greek allocation was $85,800,000 and the Turkish $160,800,000.

THE LEGAL RESTRICTIONS

That these impressive sums should be voted for arms to bring some kind of decent order into the eastern Mediterranean and then be used in part in the bitter communal struggle in Cyprus is the sort of thing that makes the Congress balk every time the foreign aid bill comes to debate.

President Johnson has been trying quietly to bring an end to the fighting. He sent this week a curt note to President Makarios ignoring the latter's plea for more aid and advising him bluntly to cooperate with the United Nations and avoid any action that might make the bitter struggle between the Greek and Turkish Cypriots any worse than it now is.

Meanwhile, disturbed by the Turkish use of American planes and arms to attack the Greek Cypriots, he has been in personal communication with the Turkish Government to halt all military activities. The answer of both the Ankara and Athens governments was to withdraw arms from the NATO command.

This sort of thing cannot, however, go on without placing the foreign aid program of the United States in jeopardy. In fact, continued defiance of Washington's requests for a peaceful settlement of the Cyprus dispute, and constant vilification of the United States for its efforts to produce a peaceful settlement there can easily force the President to cut off aid from both Greece and Turkey.

The bilateral agreement between the United States and Turkey on the furnishing of aid is quite specific on this point. The aid is made available by Washington to help secure the freedom and independence of Turkey and the allies. The U.S. retains the right to withdraw its equipment if its arms are used in such a way as not to further the interests of the United States.

Furthermore, section 506(d) of the Foreign Assistance Act of 1961 states that "Any country which hereafter uses defense articles or defense services furnished such country under this act * * * in substantial violation of the provisions of this chapter * * * shall be immediately ineligible for further assistance."

Also, the so-called Gruening amendment, to the Foreign Assistance Act of 1961, section 620(i), insists that "No assistance shall be provided under this or any other act * * * to any country which the President determines is engaging in or preparing for aggressive military efforts directed against (1) the United States, (2) any country receiving assistance under this or any other act (Cyprus is receiving assistance under the act)."

THE TURKISH ARGUMENT

There is little doubt here that American arms have been used in the Cyprus crisis in violation of these amendments, but the administration has been hesitating to invoke the law for fear of creating an even more serious crisis within the NATO alliance.

The Turkish argument apparently is that they not only have the right to withdraw their military units and American arms from NATO but that they are using these arms legitimately in protection of their treaty rights in Cyprus.

If this argument can be sustained, however, it is all the more likely to provoke new and sterner amendments to the Foreign Assistance Act to make sure that U.S. arms cannot be used legitimately in any such adventures in the future.

In fact, it is only the preoccupation of the Congress with the presidential election and other matters in the closing days before the Democratic Nominating Convention that is keeping the Cyprus controversy from provoking another anti-foreign-aid storm on Capitol Hill.

Meanwhile, pro-Greek elements in this country, which are vocal and influential in some of the big electoral States, are beginning to demand that military aid to Turkey be cut off and withdrawn. Thus the controversy affects not only the President's relations with the Congress and the allies, but with the voters as well, and he will no doubt be forced to act unless he begins to get some kind of settlement of the dispute before long.

DOCUMENTATION OF MILITARY POWER

Mr. MORSE. Mr. President, one of the most useful documents published anywhere in the world is the annual summary of military power, published by the Institute of Strategic Studies, in London. If one sought in the United States the information that is contained in this document, much of it would be marked "Secret." This bears out the point which the senior Senator from Oregon has made for many years, namely, that the American people are being given a "snow job" by their Government. Citizens are being denied access to the public business in regard to the military power of the United States. It is business which they are entitled to know.

This British document contains much military information that one cannot get from the Pentagon.

This article shows how perfectly absurd our so-called top secret policy is in the United States. It serves for the most part only to deny to the American people the facts which they should have if they are properly to judge and to appraise the unsound policies of the United States in the field of military aid and in the building up of a war machine in this country far beyond the kind of war machine we need to protect the security of the free world.

In my judgment, as I have said this annual summary of the world's military power published by the Institute of Strategic Studies in London, is one of the most useful documents published anywhere in the world.

As I did last year, I am going to have it printed in the CONGRESSIONAL RECORD, so that it will be more readily available to Americans who are interested in the facts of the world's military power.

I particularly call attention to the analysis of the military strength of Communist China. This report indicates that while China maintains an armed force of 2,476,000, it has 130 million men of military age. It also estimates that China's military power has declined over the last 5 years, and that its concentration of forces has moved away from the Taiwan Straits to China's northern and southern borders.

I also point out that the Institute estimates the size of the Soviet Army at no more than 2,300,000 and possibly only 2 million. It also describes a 25 percent downward revision of Soviet tactical air strength, and a doubling of the number of nuclear-powered submarines compared to last year.

I ask unanimous consent to have the entire publication "The Military Balance, 1963–64" printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MILITARY BALANCE, 1963–64

FOREWORD

This is the fifth of the institute's annual estimates of the nature and size of military forces of the principal powers involved in the cold war. It covers the Communist bloc and those countries with which the United States has mutual defense treaties. This year information has also been included on a number of important nonalined countries.

The institute assumes full responsibility for the facts and judgments which the pamphlet contains. It owes a considerable debt to a number of its own members and consultants who have cooperated in compiling and checking the material. However, not all countries have been equally cooperative in producing information and some figures have been estimated.

This pamphlet examines the military balance as it existed at the end of October 1963, and as it will, on present indications, change during the ensuing year. No longer-range projections of force levels or weapons beyond 1964 have been included.

The material in this pamphlet should not be regarded as a comprehensive guide to the nature of the balance of strategic power: it does not reflect the facts of geography, vulnerability, efficiency, etc., on both sides. It may, however, be found useful in the context of discussions on disarmament and the general balance of power.

Note on the figures

Manpower figures given are those of regular forces, although an indication of the size of paramilitary forces, militia or reserve forces, has been given in the sections dealing with individual countries. Naval strengths are those of active fleets and ships in commission only, except where otherwise stated. All vessels of less than 100 tons standard displacement have been excluded. Fighting ships below 400 tons have been classed as light coastal units. Figures for defense budgets are exclusive of American military aid. Fighter and strike squadrons of allied air forces have 25 aircraft and wings have 75 aircraft, except where otherwise stated.

PART I. THE COMMUNIST POWERS

The Soviet Union, population: 225 million

The main lines of Soviet defense policy in 1963 have changed little from those of the preceding 2 years. The slow buildup of the strategic deterrent force of ICBM's is continuing. Soviet policy still lays stress on high-yield warheads for the small number of missiles available. It would appear that the deployment of MRBM's is now complete. The procurement of the longer range IRBM's, of the type which were first publicly known to be operational when launching pads for them were built in Cuba in 1962, is probably continuing.

Defense expenditure has increased slightly. This is probably due to the demands of research and development, and to some extent of the modernization of the armed forces. It is notable that the U.S.S.R. is continuing the procurement of medium-range supersonic bombers which are clearly expected to continue in service for the foreseeable future. Though the Soviet Union has a force of fleet ballistic missiles, it is doubtful whether Soviet claims to have developed a true equivalent to the American Polaris submarines can yet be taken literally.

But although the main lines of Soviet policy are unchanged, there have been a number of developments which indicate changes of emphasis, and to some extent of force levels. In the spring of 1963, the Chief of the General Staff, Marshal Zakharov, was replaced by Marshal Biryuzov who had previously held the key posts of chief of Soviet air defense from 1955–62 and commander of the strategic rocket forces from 1962–63. The increasing influence of officers with a scientific background which this indicated is likely to continue. Marshal Malinovsky, the Defense Minister, may be the last of the generation of military commanders whose authority arises from the part they played in the Second World War. It should, however, be noted that the book "Military Strategy," edited by Marshal Sokolovsky, has been criticized in the Soviet Union over the past year, not only for ignoring the importance of scientific developments in determining military strategy, but also for paying no attention to the political and ideological factors in maintaining morale and military efficiency. The debate between traditional military leaders and younger technocrats will doubtless continue in the years ahead. From the Soviet viewpoint the most noticeable feature of the Sokolovsky book was perhaps the fact that for the first time it presented an accurate picture to the Russian public of the strategic strength of the United States. The book has been criticized for ignoring the possible circumstances in which nuclear weapons could not be used if war broke out: the significance of this criticism may be revealed when the revised edition of the book appears later this year.

The test ban treaty is unlikely to inhibit Soviet development and advance in the one field where Soviet prowess is apparently inferior to that of the United States—very low yield nuclear weapons. Official doctrine has, however, laid little stress on these in the past. The treaty may inhibit the antiballistic missile program, but it would appear that the Soviet Union has resigned itself to a period without any effective defense against missiles, and believes that the same will be true of the United States. This resignation seems to be a part of the general Soviet approach to the present strategic confrontation: it appears that the Soviet authorities are debating future policy in terms of their own resources and of the current strategic controversies within NATO before they decide whether any large reorientation of their own policy is necessary.

Meanwhile the Sino-Soviet dispute provides a complicating factor. Apart from 17 Soviet divisions in the Far East, troops already in central Asia, and a few detachments beyond Lake Baikal, the Soviet Union has no military formations, other than border guards, along its border with China. There is unlikely to be any shift of forces from Europe or European Russia, but there might be military pressure for a reactivation of the cadre divisions in the Soviet Union, and a reorganization of naval and air defense. It is doubtful whether this policy will be put into effect. In European Russia the reorganization of the Soviet forces has resulted in a reduction of the number of men in uniform rather than an increase. The Soviet Union is also feeling the effects of the low birth rate of the war years, although the age for compulsory registration was lowered from 18 to 17 in 1962. (The figures of youths of military age will begin to increase again after 1965.) It was announced in September 1963 that all those born in 1944 would now be called up. But the size of the Soviet forces in October 1963 was estimated at a maximum of 3,300,000 men, or 300,000 less than in the autumn of 1962.

The Soviet defense budget for 1963 (calendar year) shows an increase of about 4 percent over the preceding year, but the proportion of the total budget being spent on defense is about the same. The 1963 defense budget totals $15,400 million. This does not include space or defense research. At a realistic rate of exchange this figure would translate at about $34 billion.

Rocket Forces

The present figure of operational ICBM's is in the neighborhod of 100. It is uncertain how many of these are the second generation ICBM which appears to have a storable liquid fuel and which has been under development in recent years. This is likely to be easier to conceal than those of the first generation. The proportion of these in service is probably low. Soviet ICBM's have powerful boosters and larger warheads than their American counterparts.

A number of ICBM sites have now been hardened, but it appears that Soviet policy relies to a great extent both on concealment and on active defense measures for protection. There is no evidence that the Soviet Union has made any further progress than the United States in developing a reliable antimissile system at an acceptable cost.

The number of MRBM's is now stable at a total of about 750. These are deployed in sufficient numbers to deal with strategic and semitactical targets—such as fighter airfields—in Western Europe, including Britain, and in the Far East. There are two types, one with a range of 700 statute miles, the other with a range of 1,100 statute miles. They are sited near the western, southern, and eastern borders of the Soviet Union, on the Pacific coast and in Siberia. The IRBM which has been operational for over a year has a two-stage liquid fueled engine with a range of 2,100 miles. This force is still building up. The strategic missile forces are now under the command of Marshal Krylov.

Air Forces

The air force comprises about 12,500 operational aircraft, organized into five major components, namely:

1. The long-range strategic bomber force.
2. The tactical, or front-line force, which includes fighters and tactical bombers.
3. The fighter interceptor force of air defense command.
4. The land-based fleet air arm.
5. The air transport force.

The heavy bomber force has been kept at a considerably lower strength than that of the U.S. Strategic Air Command, though the general lines of development, including stand-off bombs and missiles, are similar. On the other hand the Soviet Union has built up a very strong force of medium bombers suitable for use all over the Eurasian theater and its coasts, which may now be in process of reduction, and an efficient light bomber force. The following gives some indication of Soviet air power:

(1) Strategic striking power

The strategic bomber force consists mainly of the following aircraft:

(a) 70 Turboprop Bears (TU–20); now able to carry one large winged missile.

One hundred and twenty 4-jet Bisons; now able to carry a winged missile.

(b) 1,000 twin-jet medium bomber Badgers (TU–16). In addition the naval air force contains a strike force of about 400 Badgers with winged missiles for ship attack.

(c) A twin-engined supersonic medium bomber, the Blinder, now coming into service with a long-range air-to-ground missile. This is probably a replacement for Badger.

LRAF is grouped in three areas: Western Russia, the central Ukraine and in the Far East. In addition airfields in the Arctic are maintained for training, dispersal, and staging purposes.

(ii) Tactical air power

The U.S.S.R. probably has about 3,000 tactical bombers (this is a reduction of about 25 percent on earlier estimates). Older aircraft like the turbojet IL–28 Beagle have now been largely replaced. The Flashlight B with transonic capabilities and a radius of action of about 570 miles has entered into service, and large numbers of a further development of this aircraft, the supersonic Firebar A are operational. A number of other developments indicate the intensive work that has been going on in the field of high-performance aircraft. The tactical bomber forces still contain, however, a large proportion of obsolescent aircraft, such as the Mig–15 in a fighter-bomber role. It is basically an interdiction force.

(iii) Air defense

The number of ground-to-air guided missiles has steadily increased and an extensive early warning system is in operation. The quality of fighter aircraft in service has also improved. The following are details of air defense weapons:

Ground-to-air guided missiles: An antiaircraft missile which has a slant range of 18 miles.

A two-stage solid fuel missile which has been in service for some time. Its slant range is 20 miles, and it is effective at a height of well over 12 miles (60,000 feet).

There is also a higher altitude guided missile.

Fighters: The number of operational aircraft is probably about 8,000. The most common standard fighter in air defense formations is the Sukhoi Fishpot C, a supersonic aircraft with four air-to-air rockets. The chief multipurpose long-range interceptor, which can also carry both bombs and guided weapons, and two long-range air-to-air missiles is the Yakovlev Fiddler. Its maximum speed is about mach 1.9. A number of other supersonic interceptors have also been developed including Flashlight C.

The most important day fighters are:

	Maximum speed (miles per hour)	Ceiling (feet)
Mig-19 Farmer	900	55,000
Mig-21 Fishbed	1,200	60,000
SU-15 Fishpot	1,300	60,000
SU-? Fitter	1,400	60,000

The Mig–23 Flipper may now also be in service with a speed of about mach 2.5.

There are 500,000 men in the Soviet air and rocket forces, a slight reduction on earlier years.

Land Forces

The size of the Soviet Army and the number of active divisions have been somewhat reduced in recent years as the cost of complex new equipment has come to consume an increasing proportion of the Army's budget, and as the country has encountered endemic manpower problems. The total size of the Army is now estimated at a maximum 2,300,000 men. Some Western authorities believe the Army may now number no more than 2 million men.

It is organized in about 150 divisions. Geographically their distribution is as follows:

1. Eastern Europe, 26.
2. European Russia, 75.
3. Far East, 17.
4. Central Russia, 32.

Of these 150 divisions, about half are capable of undertaking operations without reinforcement, a quarter would need limited reinforcement, while the balance, which are at cadre strength, would require major reinforcement.

The Soviet mobilization capacity is large, and in theory all the 150 divisions could be at full strength after 30 days uninterrupted mobilization.

By types of division the distribution would be approximately:

1. Armored or tank divisions: 50 (of 9,000 men, 430 medium and heavy tanks at full strength).
2. Motorized divisions: 100 (11,000 men, 195 medium tanks at full strength).

It will be noted that the size of Soviet divisions has markedly decreased.

The airborne forces total approximately 70,000 men in 9 divisions. The resources of the transport fleet would allow two divisions plus other elements to be airlifted simultaneously over short to medium ranges.

The 20 Soviet divisions in East Germany (10 tank, 10 motorized) are among those maintained at full strength. There are two divisions in Poland (one tank, one motorized) and four divisions in Hungary (two tank, two motorized). This force of 26 divisions could be reinforced to a total of some 70 divisions in 30 days if unimpeded by interdiction.

The military value of the satellite armies is hard to assess, despite recent improvements in equipment. Some could undoubtedly be used as a substitute for Soviet divisions if Soviet communications and logistics were disrupted in the event of war.

The major reorganization of the Soviet Army to meet the conditions of nuclear warfare has led to an increase in nuclear firepower and mobility, to a reduction in conventional artillery, and in the overall size of divisions, although this has not significantly affected their nonnuclear firepower. Tactical missile units are now organic to all formations including the Soviet forces in East Germany. The main emphasis of training continues to be the advance of tank and APC-borne infantry formations across radiation-contaminated ground at an average rate of 60 miles a day. This is in accordance with Soviet doctrine which envisages a major offensive role for the ground forces in the event of nuclear war.

The Soviet Union has not shown as much interest as the United States in the development of very low yield nuclear missiles for tactical purposes, but all the missiles mentioned below are designed to carry nuclear warheads. The Soviet Army also has an offensive chemical capability and is well trained and equipped for chemical defense.

Soviet Army equipment includes:

(i) Tanks

The standard medium tank (T54/55) has a 100-millimeter gun. The 54-ton heavy tank (T.10) has a 122-millimeter gun. Soviet tanks can deep-wade up to about 15 feet.

(ii) Artillery

The Soviet Army remains strong in artillery. Field guns are towed and the main types are 85 millimeter, 100 millimeter, 122 millimeter, 130 millimeter, and 152 millimeter. The main antitank gun is 57 millimeter. Self-propelled assault guns are becoming obsolescent except in airborne divisions. The Soviet Army has also retained a considerable air defense capability and has surface-to-air missiles, LAA guns and AA heavy machineguns.

(iii) Missiles

Tactical missiles for use by the ground forces include those with ranges from 10 to about 300 miles, some of which are carried on modified tank chassis. The smaller missiles are all on amphibious tracked chassis.

Seapower

The Soviet Navy, including the naval air force, is manned by about 500,000 officers and men. It is the second largest navy in the world with a total fleet of about 1,600,000 tons.

(i) Submarines

The main strength of the Soviet Navy continues to lie in the submarine fleet, which comprises some 420 units. Over 300 of these are oceangoing. It is estimated that there are now 20 nuclear-powered submarines (this figure has doubled in a year). There are four fleets: 70 conventional submarines are based in the Baltic, at least 150 in the Arctic, 50 in the Black Sea, and 120 or more in the Far East. There are estimated to be at least 30 missile-carrying submarines with a strategic role with the Arctic and Far East fleets. It is not known what proportion of these 30 can launch missiles when submerged.

The following are details of the conventionally powered submarine fleet:

F class: about 300 feet long, has a displacement of 2,000 tons, and a large radius of action. At least 10 of these are in service. This is basically a submarine hunter.

G class: 310 feet long and has a submerged displacement of 3,000 tons. It has a very large conning tower for the vertical launching of missiles which are fired when on the surface.

The W class makes up the bulk of the Soviet submarine fleet. It is 245 feet long, with a displacement of 1,050 tons. It has a speed of 16 knots on the surface, and 13 knots submerged, and a radius of action of 10,000 miles.

The R class is a modernized form of the W. Together, these comprise some 200 submarines.

Z class: 290 feet long with a submerged displacement of 2,600 tons. It is capable of 20 knots on the surface and 13 knots submerged, with a radius in excess of 20,000 miles. There are at least 20 of these in service. A small number have been converted to fire missiles, probably in a manner similar to the G class. They are stationed principally in the Arctic and the Far East.

There are two other classes of submarines, both of small displacement and designed for operations in the Baltic and Black Sea; the K and Q types. The K is now becoming obsolete. The Q is still serviceable, and has a radius of action of 3,500 miles.

(ii) Surface ships

The surface ships of the Soviet Navy consist of: Cruisers, 19; destroyers, 100; missile firing destroyers, 12; fast patrol boats, many with surface-to-surface missiles, 400; other vessels, 2,000. (There are a number of disguised trawlers used for radar and reconnaissance purposes.)

These are distributed more or less equally among the four fleets. The cruisers are of three different types:

Sverdlov: Launched between 1951 and 1957, displacement 20,000 tons, speed 34 knots, armament twelve 152-millimeter guns and 32 antiaircraft guns. One or two have recently been reequipped with medium-range surface-to-air missile launchers, probably as an experiment.

Chapayev: Completed between 1948 and 1951, of 11,500 tons displacement, with the same speed and armament as the *Sverdlov*.

Kirov: Launched between 1936 and 1945, displacement 8,500 tons; speed 30 knots; armament nine 180-millimeter guns and 20 anti-aircraft guns.

New destroyers include:

Kynda class: Displacement 6,500 tons; speed 35 knots; armament: 16 surface-to-surface missiles; 30 surface-to-air missiles; 4 antiaircraft guns; 6 torpedo tubes; 2 antisubmarine missile launchers.

Krupny class: Displacement 4,500 tons; speed 35 knots; armament: 12 surface-to-surface missile launchers; 16 antiaircraft missiles; 6 torpedo tubes; 2 antisubmarine missile launchers.

Kildin class: Displacement 3,800 tons; speed 35 knots; armament: 6 surface-to-surface missile launchers; 16 antiaircraft guns; 2 antisubmarine missile launchers.

Ketlin class: Displacement 3,800 tons; speed 35 knots; armament: 20 antiaircraft guns; 10 torpedo tubes; other antisubmarine weapons.

(iii) Fleet air arm

There are no aircraft-carriers in the Soviet Navy, but there is a land-based Naval Air Force with about 750 aircraft. It is estimated to have 500 bombers, of which about 450 are based on the European shores of the Soviet Union. They consist mainly of:

(a) The TU 16 *Badger*—range of 3,500 miles;

(b) The torpedo-carrying IL 28 *Beagle*, with a range of 1,500–1,800 miles;

(iv) Sea-to-ground missiles

The Soviet claim, that a true Polaris-type missile, which can be fired from a submerged submarine, has been successfully developed, must be treated with caution. But the Soviet Union has not neglected fleet missiles. There is a cruise missile with a range of about 100 miles, which can be fired from a surfaced submarine. There is also a 400-mile ballistic missile of which some 90 are deployed on G and Z class submarines for surface firing. There are also 12 missile-firing destroyers.

Paramilitary forces

Although the Soviet DOSAAF organization is several million strong, the active participants in intensive paramilitary training probably number about 1½ million. There are also 300,000 security and border troops.

THE WARSAW PACT

There has been a considerable improvement in the coordination of the forces of the Warsaw Pact over the past year, and it appears to be taken more seriously by the Soviet Union as a military organization. Communications and command and control procedures had begun to be improved at the time of the Berlin crisis in 1961. There has been a noticeable growth in the efficiency of the Polish and East German armies, though the latter is not well-equipped. The probable order of efficiency of the Warsaw treaty powers is: Poland, Bulgaria, East Germany, Czechoslovakia, Rumania, Hungary, Albania.

(NOTE.—It is only possible to present defense expenditures on a standard basis by using official exchange rates which may distort the true value of defense budgets in these countries.)

Poland

General

Population: 31 million.

Length of military service: Army 18 months, air force and navy 3 years. There is also a form of service of 27 months in the internal security forces.

Total regular forces: 257,000.

Defense budget: $911,000,000.

Army

Total strength: 200,000; 14 divisions organized on Soviet lines, 4 are armored divisions, 9 are motorized, and 1 is airborne.

There are 2,750 tanks.

Navy

Total strength: 12,000; 7 submarines, 3 escort vessels, 12 minesweepers, 4 coastal minesweepers, 80 other ships.

Air force

Total strength: 45,000; 5 fighter regiments, mainly with Mig–19's and Mig–21's are being introduced, 4 ground attack regiments, mainly with Mig–17's 2 bomber regiments with IL 28's.

Paramilitary forces

Including armored brigades of the frontier defense force: 45,000.

Bulgaria

General

Population: 8 million.

Length of military service: 2 years. Total regular forces: 135,000. Defense budget: $256 million.

Army

Total strength: 110,000; 10 divisions, of which 2 are tank, and 8 motorized. They are maintained at about 50 percent of war strength. There are about 2,300 tanks, mainly T–34's with a number of T–54's.

Navy

Total strength: 5,000; 3 submarines; 3 escorts, 11 minesweepers, 9 coastal minesweepers, 60 smaller craft.

Air Force

Total strength: 20,000; 2 interceptor groups and a reconnaissance group, each consisting of 2 squadrons of Mig–17's. An independent interceptor is reported to be reequipping with Mig–21's. A fighter-bomber group has Mig–15's. A fighter-bomber group has Mig–15's. There is a small transport group.

Paramilitary forces, 10,000.

Czechoslovakia

General

Population: 14 million. Length of military service: 2 years. Total regular forces: 185,000. Defense budget: $789 million.

Army

Total strength: 150,000; 15 divisions: 2 tank and 12 motorized. One of the three Czech armies may soon be reorganized into a tank army with three tank divisions and one mechanized infantry division. There are 3,000 tanks. T–54's and T–10's are now replacing older Soviet tanks. The army is maintained at approximately 65 percent of war strength.

Air Force

Total strength: 35,000; 5 interceptor regiments equipped with Mig–17's, Mig–19's and Mig–21's; 4 ground attack regiments with Mig–15's and Mig–17's. The total firstline strength is about 400 aircraft.

Paramilitary forces, 35,000.

East Germany

General

Population: 17 million. Length of military service: 12–18 months, according to specialization. Total regular forces: 116,000. Defense budget: $65 million.

Army

Total strength: 90,000; 6 divisions, of which 2 are tank, and 4 motorized. There has been a great increase in the firepower of the East German Army over the past 18 months, and motorization is now proceeding rapidly. There are about 1,500 amphibious vehicles, including tanks.

Navy

Total strength: 11,000; 4 escorts, 16 minesweepers, 135 small vessels. A program of landing craft construction, begun in 1961, suggests a growing interest in amphibious operations.

Air Force

Total strength: 15,000; 2 air divisions of interceptors with Mig 19's and 21's, and Mig 15 and 17 fighter-bombers. Each division nas three wings of three squadrons. First line aircraft total about 400.

Paramilitary forces

Excluding the 350,000-strong Kampfgruppen (some formations of which provide a serious military force) there are 60,000 security and frontier troops.

Rumania

General

Population: 19 million. Length of military service: 2 years. Total regular forces: 227,000. Defense budget: $342 million.

Army

Total strength: 200,000; 13 divisions, 9 infantry divisions and supporting tank and artillery elements, 1 tank division, 3 motorized divisions.

Navy

Total strength: 7,000; 2 submarines, 3 escorts, 14 minesweepers, 22 coastal minesweepers, 24 other ships.

Air Force

Total strength: 20,000; three fighter regiments, each possessing two wings of three squadrons. It is believed that Mig–21's are beginning to replace the Mig–17's, one light bomber regiment with IL–28's. Paramilitary forces: 60,000.

Hungary

General

Population: 10 million. Length of military service: 2½ years. Total regular forces: 99,000. Defense budget: $277 million.

Army

Total strength: 90,000; five divisions, one armored, four motorized. There are about 1,000 tanks, for the most part T–34's, with some T–54's.

Air Force

Total strength: 9,000; three fighter regiments, each of two groups of three squadrons. Reequipment with Mig–21's began in 1962, but the bulk of the interceptor force is still Mig–17's; one bomber regiment with IL–28's. Surface-to-air missile batteries equipped with Soviet missiles.

Paramilitary forces, 35,000.

Albania

General

Population: 1,800,000. Total regular forces: 35,000. Albania is still nominally a member of the Warsaw Pact,though there is now minimal cooperation with her other allies, and she is the principal European champion of Chinese views.

Army

Total strength: 25,000; 5 brigades.

Navy

Total strength: 2,800; 4 submarines, 350 other ships.

Air Force

Total strength: 7,200; 2 squadrons Mig-17's.

Paramilitary forces, 10,000.

China

Population: 726 million.

Total armed forces: 2,476,000.

The armed forces are organized by the ministry of defense, advised by a national defense council which is presided over by the chairman of the Central People's Government. Control is exercised through 13 military regions.

There were about 130 million men of military age in 1963. Only about 700,000 men, a small proportion of potential conscripts, are called up each year. They serve 3 years in the Army.

In addition, the declared intention of the Chinese Government is to embody every third person in the population in the militia, but this is still scantily armed and sketchily organized. It is as much a labor as a defense force. There are about 300,000 men in the public security force, including the armed police.

There has been a gradual debilitation of Chinese military power over the last 5 years. The size of the armed forces is growing, and may be further increased, but their effectiveness is not increasing.

There has been some movement of troop concentrations away from the Fukien area over the past year, which suggests that the main preoccupations of the Chinese Government now lie in the Indian border region, and possibly to the north.

Some equipment is beginning to become obsolete. The last deliveries of Soviet military material were in 1960. Apart from a few Chinese prototypes, the only tanks possessed by the army are some T–34/85's and T–58's. The latest combat aircraft are Mig–19's.

Army

Total strength: 2,250,000: 120 divisions. There are two or three armored divisions and one is an airborne division, supporting troops and cavalry for desert areas. There appears to be a barely adequate supply of small arms up to light antitank weapons, but artillery and ammunition are scarce. The army is not a highly mobile organization. It is tied to a rudimentary railway network, and faces heavy transport and logistic problems.

Navy

Total strength: 136,000, including marines. There are 31 submarines, of which about half are Soviet W Class Four escort ships.

Air Force

Total strength: 90,000. There are perhaps 2,000 firstline aircraft, of which some 25 percent are light bombers, mainly IL–28's. The bulk of the remainder are Mig–15's and Mig–17's, and a small number of Mig–19's. The most modern transport available to the Chinese Air Force is a small number of British viscounts. There are perhaps 10,000 pilots, but shortage of fuel prevents adequate training.

North Vietnam

Population: 17,000,000.

Both the Soviet Union and China still appear to be giving active assistance to support a conscript army of about 250,000 in 15 divisions, but the arms supplied appear, apart from some mortars in the hands of the Vietcong guerrillas, to be less modern than those used by the Vietminh in the final stages of the Indochina war. Paramilitary formations total about 100,000 men. The Vietcong guerrillas operating from North Vietnam are estimated to total between 25,000 and 30,000 men.

North Korea

Population: 10,000,000.

It its not known how far the Soviet-North Korean mutual defence treaty, concluded in 1961, remains in force in the circumstances of the Sino-Soviet rift. The North Korean Army is estimated at 280,000 men, organized in 16 divisions. The Air Force has about 30,000 men, and some 500 aircraft, mainly Mig–15's.

Cuba

Population: 7,200,000.

The Soviet forces in Cuba totalled some 17,000 men in March 1963, according to American official statements. There is reason to suppose that this number had diminished by about 9,000 by October. They are equipped with modern armaments which include a surface-to-surface missile (with a nuclear capability and a range of 25 miles), and modern antitank missiles. There are 24 antiaircraft missile sites. There are also T–54 tanks, SU–100 assault guns, and wheeled APC's. The Soviet air units on the island are estimated to have some 42 Mig–21's, equipped with air-to-air missiles.

The Cuban army totals about 90,000, and there is a strong militia of 200,000 men and women. It is organized only at battalion level, and equipped with light and heavy mortars, some light tanks, self-propelled artillery and light antiaircraft guns suitable for low-flying aircraft. The Cuban Air Force appears to have Mig–17's and Mig–19's and a small number of IL–28s.

The navy has 4 old cruisers and perhaps 25 modern Soviet torpedo boats.

PART II: THE WESTERN ALLIANCES

Strategic nuclear forces

Both the United States and the United Kingdom maintain substantial forces specifically designed for strategic nuclear retaliation. France is creating a striking force for the same purpose.

(1) U.S. air and missile power: the U.S. strategic retaliatory forces are expected to deter war with the Soviet Union by an ability to destroy Soviet warmaking potential, including nuclear strike forces, military installations, and urban society itself.

Strategic Air Power

The present force of about 1,300 strategic bombers in the Strategic Air Command will be reduced to about 700 in the next 2 years if the plans to phase out some 600 B–47 bombers are carried through. No new strategic bombers are on order. The main element of the bomber force is 630 intercontinental B–52's organized into 14 wings based on the continental United States. These aircraft carry a heavy and varied bomb load. The B–52G series are equipped with two Hound Dog air-launched missiles. There have been suggestions that both these and the B–52H series would be adjusted to carry four Hound Dogs. The B–52H bombers were designed as the platform for the skybolt airborne ballistic missile which was canceled in late 1962. Quail decoy missiles are carried by B–52's. There are two wings of the B–58 Hustler supersonic medium bombers in frontline service. Plans to procure large numbers of these aircraft have been dropped. The fleet of 600 KC–135 tankers for refueling bombers in flight is being enlarged for supporting the B–52 and B–58 bombers in the 1965–68 period. These tankers also support tactical aircraft.

Strategic Missiles

All 13 planned Atlas squadrons are in place. Of the total of 126 missiles, 60 are on hardened sites. Some of the 66 soft-based missiles are to be phased out, though the dates have not been decided. All but a few of the 108 Titan missiles are deployed on hardened bases and this buildup is due to be completed by the end of 1963. Minuteman solid-fuel missiles which can be fired from underground are being ordered in large numbers, with 800 due to be in place by the middle of 1965. Funds have been voted for a total of 950. About 180 Minuteman missiles are now in place and this force is being increased at a rate of 20 a month.

Ten nuclear submarines each with 16 Polaris missiles are in commission. Eight more are due to enter service before mid-1964. The first 5 carry the Polaris A–1 missile, the 6th to the 18th the Polaris A–2 and the balance of the planned fleet of 41 will carry the Polaris A–3. The 5 submarines equipped with the Regulus missile (a total of 17 missiles) are being phased out.

Command and Control

The command and control system of the Strategic Air Command is now part of the Strategic Retaliatory Forces program. Fifty percent of the manned bomber force is maintained on a 15-minute ground alert. A fleet of specially equipped KC–135 command post aircraft has been acquired and B–47's have been converted for communications relay. This airborne element of the postattack command and control system is already in operation and the system will be completed by mid-1964. To give the long endurance which this airborne system cannot achieve, a deep underground support center is being created.

(2) British airpower: The medium bomber squadrons of Royal Air Force Bomber Command consist of Vulcan and Victor bombers, Mark 1 and Mark 2. This force of about 180 aircraft is equipped with thermonuclear weapons in the megaton range; and the later marks of aircraft are equipped with the Blue Steel air-launched missile. Targeting for general war has for some years been done jointly with the U.S. Strategic Air Command. The force has now been assigned to the European command of NATO. A force of all-weather Valiant bombers, armed with both nuclear and conventional weapons, was already committed to Allied Command Europe. Bomber Command keeps a proportion of its aircraft on ground alert.

(3) French air power: The first of 50 Mirage IV supersonic light bombers appears to have entered service in October 1963. They are being equipped with medium-yield atomic bombs (probably about 60 kilotons). The force is being given strategic striking range by the purchase of 12 KC–135 tankers from the United States which will be delivered at the end of 1963. A Commandement Aérien Stratégique has been formed and targeting is the responsibility of a committee of the Secrétariat de la Defénse Nationale. The Government is constructing a permanent command post; and the operations center of the Strategic Air Force is also being made a hardened installation. It is planned to put 30 percent of the available aircraft on a 5-minute alert status. Training flights will, as far as possible, be done with weapons.

(4) Seapower: The United States at present maintains 15 attack carriers in commission, nine of them of the *Forrestal* class. The U.S. Navy has a large inventory of aircraft with a nuclear capability of the order of 1,000 planes or more. These include the subsonic A–4C Skyhawk, a newer version, the A–4E, a smaller number of A–3D Skywarriors, and the supersonic A–5 Vigilante. However, the nuclear retaliatory functions of the carrier are passing to the Polaris force, and it is probable that the attack carrier force will be reduced to 12 ships and its limited war role given high priority.

The Royal Navy maintains four carriers for which there will be three squadrons of Buccaneer aircraft capable of delivering a thermonuclear bomb, by the end of 1963. The French, Netherlands, and Canadian carriers do not have a nuclear capability.

North American air defense

This has been conducted for 6 years by a joint Canadian-American command, Norad, at Colorado Springs. Its function is the defense of the continent against manned bomber attack, and the alerting of SAC and other retaliatory forces in the case of a missile attack.

Norad's air defenses consist of about 1,500 fighters, the F–101, the CF–101, F–102, F–104, and F–106, about one third of which are manned by the National Guard. One-third of this force is maintained on 15-minute ground alert. Its missiles include 180 Bomarc A (250-mile range) and about 170 Bomarc B (440-mile range). The Canadian Government has now agreed to create stockpiles of nuclear warheads for Bomarcs and CF–101's based in Canada. In addition there are 180 Nike batteries around the major cities and industrial targets of the United States; the Nike-Hercules can carry a nuclear warhead and is said to have a slant range of 75 miles; the older nonnuclear Nike-Ajax is being phased out by the middle of 1964.

Norad's warning system stretches halfway across the Northern Hemisphere. Its central components are: (a) three lines of radar stations across northern and central Canada, which are extended by air and seaborne radar pickets into the mid-Pacific and the eastern Atlantic; (b) a space detection and tracking system (spadats) which keeps an inventory of all objects in space and extends warning to the southern quarter of Northern America; (c) the ballistic missile early warning system (BMEWS) which is designed to provide 15 minutes warning of missiles on the United States. There is one station in Alaska, one in Greenland, and one in Yorkshire; and (d) a bomb alarm system which would automatically provide data on nuclear explosions resulting from an attack on North American targets.

No decision has been taken to install an antimissile defense system though about

$500 million a year is spent on the study of alternative systems.

Strategic Army reserves

The deepening nuclear stalemate between the great powers has given a strategic significance to mobile ground forces. The United States has a Strategic Army Corps of three divisions (two airborne, one infantry) with headquarters in North Carolina. This is under joint Army-Air Force command, and one division is maintained in a high state of readiness. The British strategic reserve consists of one division of two infantry brigades and one paratroop brigade based in southern England. France is developing a "force d'intervention" of one division. Canada has one brigade designed for such a role.

North Atlantic Treaty Organization

There are three major military commands in NATO—those of Europe, the Atlantic, and the Channel, respectively. Of these only Allied Command Europe has national forces assigned to its operational control in peacetime. However, all three commands include earmarked forces—forces which member countries have agreed to place at the disposal of the commanders in the event of war. Other forces remain under national control either to insure the defense of the national territories or to meet commitments outside the NATO area.

The number of tactical nuclear weapons deployed in Western Europe has increased by 60 percent in the last 2 years. The principal army weapons involved are Honest John at brigade or divisional levels and Corporal and Redstone at corps or army levels. The United States is the only NATO country which has produced any nuclear warheads appropriate for operational ground based missiles and she retains control over them even when the missiles themselves are operated by other national forces. Under the "double-key" arrangements, which is being reinforced by a "permissive link" or electronic lock, the nuclear warheads can only be fired by the mutual agreement of the United States and the host country. During 1963 Pershing and Sergeant have started to replace Redstone and Corporal, respectively, in the U.S. 7th Army. Pershing will be acquired also by the Bundeswehr. The 7th Army has introduced Davy Crockett mortars, which can throw a nuclear or high explosive shell 2,000–4,000 yards, down to the level of armored reconnaissance companies but it appears that nuclear warheads are retained at a higher echelon. There are about 25 of these mortars in each of the 7th Army divisions.

The NATO infrastructure program in Europe has been responsible for the development of 220 standard NATO airfields capable of all-weather operation of all types of aircraft. They constitute the chief bases for the 5,500 or so tactical aircraft belonging to the air forces in Europe of the NATO powers. Other major infrastructure achievements include the building of 5,300 miles of fuel pipelines together with storage tanks for 160,000 tons and the construction of 27,000 miles of communications and signals networks.

Certain pieces of equipment have been designated as standard for NATO although this does not mean that they have been, or are intended to be, introduced into all national forces. The major weapons systems concerned include the F–104G Starfighter and Fiat G–97 fighters, the Bréguet 1150 Atlantique maritime patrol aircraft, the Hawk ground-to-air missile launcher, the Bullpup guided bomb, the Sidewinder air-to-air missile, and the MK 44 homing torpedo. F–104G's are being produced jointly by Belguim, Germany, Italy, and the Netherlands. Germany is to receive 700 of the total, Italy 125, the Netherlands 120, and Belgium the remainder. Over 250 F–104's have now been delivered under this program. Other multilateral programs include one for enough Hawks to equip 22 battalions on the central front. Nine nations have been producing Sidewinders since 1961. Early in 1964 Bullpups being manufactured jointly by Britain, Norway, Denmark, and Turkey will start entering service. Later in 1964 the first Bréguet Atlantiques, will enter service.

1. Allied Command Europe

This has its headquarters near Paris and it covers the land area extending from the North Cape to the eastern border of Turkey excluding the United Kingdom, the ground defense of which is a national responsibility, and Portugal which falls under Allied Command Atlantic. It also includes Danish and Norwegian coastal waters.

Following a decision taken at the NATO Council meeting in May 1963, a deputy to the supreme commander (a Belgian general) has been appointed with special responsibility for nuclear planning. At the same time the United States assigned three Polaris submarines to the supreme commander and Britain her V–bomber force.

The following field commands are subordinate to Allied Command Europe:

(a) Allied Forces Central Europe has its headquarters in Fontainebleau and comprises 26 divisions[1] (out of a proposed 30) assigned to the Supreme Commander as follows:

Germany	10
United States	6
United Kingdom	2⅓
France	2
Belgium	2
Netherlands	2
Canada brigade group	1

The tactical air forces available include some 3,500 aircraft of which 500 or more are American fighter-bombers, a smaller number of British Canberras and Valiants, and F–104G and CF–104G of several air forces have a nuclear capability and the range to cover important sections of Western Russia. An integrated early-warning and air defense system has been developed for Britain, West Germany, the Low Countries, and Northeast France.

The command is subdivided into Northern Army Group and Central Army Group. Northern Army Group is responsible for the defense of the sector north of—roughly speaking—the Göttingen-Liège axis. It includes the British and Benelux divisions, 3 of the German divisions, and the Canadian brigade. It is supported by 2d Allied Tactical Air Force which is composed of British, Dutch, Belgian, and German units. Other land forces are under CENTAG and other air forces under the corresponding air command—4th ATAF.

So far seven countries have committed one or more reinforced infantry battalions to form a mobile task force. It is intended that this group should have nuclear weapons and organic air and sea transport. It is to serve as a mobile reserve for NATO as a whole.

Central Europe is taken to include the Heligoland Bight and so the command would control the German North Seas Fleet and part of the Dutch Navy in the event of war.

(b) Allied Forces northern Europe has its headquarters at Kolsaas, in Norway and is responsible for the defense of Norway, Denmark, Schleswig-Holstein, and the Baltic approaches. All the Danish and Norwegian land, sea, and tactical air forces are earmarked to it. The Germans have assigned one division, two combat air wings, and their Baltic Navy.

(c) Allied Forces southern Europe has its headquarters in Naples and is responsible for the defense of Italy, Greece, and Turkey. The forces assigned include 14 divisions from Turkey, 8 from Greece, and 7 from Italy, as well as the tactical air forces of these countries which comprise some 1,000 warplanes. Various other divisions have been earmarked for AFSOUTH and so has the U.S. 6th Fleet which would become Striking Force South if NATO became involved in war.

(d) Allied Forces Mediterranean has its headquarters in Malta and is primarily responsible for safeguarding communications in the Mediterranean and territorial waters of the Black Sea and for protecting the Sixth Fleet. The national fleets and maritime air forces of Italy, Greece, and Turkey, together with the British Mediterranean Fleet, are assigned to or earmarked for this command.

2. Allied Command Atlantic

This has had its headquarters at Norfolk, Va. The duties of Supreme Allied Command Atlantic in the event of war are (a) to participate in the strategic strike and (b) to protect sea communications from attack from submarines and aircraft. For these purposes the eight NATO naval powers which border on the Atlantic have earmarked forces for exercises and, if need be, for war. Saclant is responsible for the North Atlantic area north of the Tropic of Cancer including the northern North Sea. Three subordinate commands have been established—Western Atlantic area, Eastern Atlantic area, and striking force Atlantic. The nucleus of the NATO striking force is provided by the U.S. Second Fleet with its two or three attack carriers.

There are probably about 450 escort vessels serving in the navies of the nations concerned of which a high proportion are wholly or partly designed for antisubmarine work. About 250 of these are normally serving outside the Atlantic area. Most NATO navies are equipping and training their submarine forces primarily for ASW and well over 150 boats are potentially available in the Atlantic for such duties. The 8 nations in Allied Command Atlantic also have about 375 long-range land-based maritime patrol planes in operation, a large majority of which are stationed on or near Atlantic coasts. Furthermore, the U.S. Navy alone has over 1,000 carrier-borne specialist antisubmarine fixed-wing aircraft and helicopters of which about half are embarked at any one time. Another 300 or so are serving in the other navies concerned. The overall total that could be quickly operational from carriers out on Atlantic sea stations is probably around 400.

All these estimates include units earmarked for Channel Command.

3. The Channel Command

The role of Channel Command is to exercise maritime control of the English Channel and the southern North Sea. Many of the smaller warships of Belgium, France, the Netherlands, and the United Kingdom are earmarked for this command as are some maritime aircraft.

NATIONAL FORCES

BELGIUM

General: Population: 9,260,000. Length of military service: 12 months. Total armed forces: 110,000 (34 percent conscripts). Defense budget: $444 million.

Army: Total strength: 85,000; 2 infantry divisions with M–47 tanks; 2 reserve divisions; 1 paracommando regiment. The active divisions are NATO assigned and the reserve ones are earmarked for NATO.

Navy: Total strength: 5,000; 4 escorts, 47 minesweepers.

Air Force: Total strength: 19,000; 2 F–104G squadrons, 4 F–84F fighter-bomber squadrons, 1 transport wing with 35 C–119G's, 4 Nike Ajax/Hercules batteries are located in Germany. All the Air Force and naval units are NATO assigned.

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[1] Including one German division in Allied Forces Northern Europe.

CANADA

General: Population: 18,930,000. Military service: voluntary. Total forces: 124,000. Defense budget: $1,480 million.

Army: Total strength: 50,000. In Canada: three infantry brigade groups, two of these are earmarked for NATO, the third forms the Defense of Canada Force, one battalion is available for U.N. service. In Europe: 1 Canadian infantry brigade group; 50,000 militia.

Navy: Total strength: 22,000. One aircraft carrier with one squadron of Tracker aircraft and one squadron of helicopters; 26 destroyers, 17 frigates, 10 minesweepers, 4 submarines (3 on loan from United Kingdom), 4 squadrons of shore-based aircraft.

Air Force: Total strength: 52,000. Europe: One air division of 8 squadrons in France and Germany. The 8 squadrons are to be equipped with 200 CF–104 Super Starfighter aircraft by the end of 1963. North American Air Defense: 5 squadrons of CF–101B Voodoo aircraft, 2 Bomarc B squadrons. Coastal aircraft: 3 Argus squadrons on the east coast. (NATO earmarked); one Neptune squadron on the west coast; 800 Army and 80 RCAF personnel in UNEF Middle East. 280 Army and 24 RCAF in the Congo.

DENMARK

General: Population: 4,690,000. Length of military service: 14 months in Navy, 16 months (24 months for NCO's) in the Army and Air Force. The standard period is to be reduced to 14 months in the Air Force and parts of the Army in 1964. Total armed forces: 49,000. Defense budget: $225 million. The Danish forces are earmarked for NATO.

Army: Strength: 33,600 (75 percent conscript); 2⅔ armored infantry brigades each with 6,000 men in 5 battalions including one tank battalion with Centurions; 2 Honest John battalions (with high explosive warheads only); 4 reservist armored infantry brigades; 56,000 Army Home Guards for local defense.

Navy: Strength: 7,000 (75 percent conscript); 18 escorts, 3 submarines, 12 minesweepers, 20 other ships.

Air Force: Strength: 8,400 (75 percent conscript); 3 F–100's, 3 F–86's and 1 Hunter squadron with C–47's and C–54's, 1 air/sea rescue squadron with helicopters and amphibians, 1 RF–84F tactical reconnaissance squadron, 1 Nike Ajax and Nike Hercules battalion. In the autumn of 1964, 29 F–104G's are scheduled to be delivered.

FRANCE

General: Population: 48,100,000. Length of military service: 18 months. Total armed forces: 636,000. Defense Budget: $4,062,000,000.

Army: Total strength: 430,000. In terms of command organization, the French Army is organized on two separate lines: The forces de manoeuvre, which are divided into the forces under national command stationed in France, the forces assigned to NATO, and the land component of the French strategic reserve, the forces d'intervention. The forces du territoire which are organized at local brigade or regimental level. In terms of divisions, the organization is 3 light divisions of 3 brigades each, which will be fully equipped in 1965. They will receive the new AMX light tank. One airborne/marine division. Two divisions in Germany, one mechanized and one armored. They are equipped with Honest John launchers. Over 2,000 French troops are stationed in Berlin. There are still 60,000 troops in Algeria. Withdrawal from Bizerta is almost complete.

Navy: Total strength: 76,000; two 22,000 ton aircraft carriers, one 10,000 ton carrier, one 10,000 ton helicopter carrier, two cruisers, one experimental guided missile ship, 72 escorts, 24 submarines, of which 6 are ocean-going, 210 other ships.

The greater part of the French fleet will be transferred from its Mediterranean station to the North Atlantic over the next 18 months. The Mediterranean squadron at present comprises some 40 ships, including 3 aircraft carriers.

Naval Aviation includes 4 fighter squadrons with 80 Etendard IV aircraft, 3 Alizé ASW squadrons, 5 Neptune maritime reconnaissance squadrons, and 3 helicopter squadrons. Deliveries of 25 F–8E Crusaders are due to begin in 1964.

Air Force: Total strength: 125,000. (*a*) Strategic Air Command (see p. 12); (*b*) Air Defense Command: 9 Super Mystère squadrons, 3 Vautour squadrons; (*c*) 1st Tactical Air Force (1st CATAC), has 450 combat aircraft assigned to the 4th Allied Tactical Air Force. They include 9 F–84F squadrons that will start to convert to Mirage III E's in 1964, 6 F–100D squadrons, 6 Mirage III C squadrons, 3 Mystère IV A squadrons, 3 RF–84 F squadrons that will convert to Miracle IIIR in 1964, 2 Nike-Ajax and Nike-Hercules brigades in Germany.

GERMANY

General: Population: 55,000,000. Length of military service: 18 months plus 9 months reserve full-time training liability up to the age of 45. Total armed forces: 404,000 (160,000 conscripts). All except the territorial force are NATO assigned. Defense budget: $4,607,000,000.

Army: Total strength: 256,000, plus a territorial force of 27,000 held for rear area duties; 7 armored infantry divisions, 3 armored divisions, 1 mountain division, 1 airborne division. One of the divisions is not yet completed. The battle tank force contains about 1,500 M–47's and 1,000 M–48's.

Navy: Total strength: 28,000. Naval air wing; 68 Sea Hawks and 15 Gannets, 42 escorts, 62 minesweepers, 18 submarines, 69 light coastal units, 9 amphibious warfare craft, 50 other ships.

Air Force: Total strength: 92,000; 4 Sabre fighter wings, 2 F–104G fighter-bomber wings, 4 F–84F fighter-bomber wings (to convert to F–104G's in 1964), 4 F–104G and Fiat–G91 R reconnaissance wings, 3 Noratlas transport wings, 6 Nike-Hercules battalions.

GREECE

General: Population: 8,500,000. Length of military service: 18 to 24 months. Total armed forces: 160,000. Defense budget: $167 million.

Army: Total strength: 120,000; 11 infantry divisions of which 3 are kept close to full strength in peacetime, 1 armored division with M–47 tanks, 8 divisions are NATO assigned. Some Honest John batteries are in service.

Navy: Total strength: 19,000; 14 escorts, 2 submarines, 6 minesweepers, 15 light coastal units, 29 amphibious warfare craft.

Air Force: Total strength: 22,000; 3 F–84F fighter-bomber squadrons, 3 F–86 fighter squadrons, 1 RF–84F photoreconnaissance squadron. Over the next 2 years about 40 F–104G Starfighters and some Northrop F–5A's are to be procured. Nike-Ajax and Nike-Hercules batteries.

ITALY

General: Population: 50,270,000. Length of military service: 18 months for the Army and Air Force, 24 months for the Navy. Total armed forces: 470,000. Defense budget: $1,510 million.

Army: Total strength: 380,000 (including 80,000 carabinieri); 5 infantry divisions with M–47 tanks, 2 armored divisions with M–47 tanks, 5 alpine brigades, 5 independent infantry brigades, 1 independent cavalry brigade with M–47 tanks, 1 parachute brigade (7 of the divisions and some of the independent brigades are assigned to NATO).

Navy: Total strength: 40,000; 2 cruisers, 62 escorts, 6 submarines, 74 minesweepers, 14 light coastal units, 72 other ships.

Air Force: Total strength: 60,000. (a) Assigned to 5th Allied Tactical Air Force: 3 F–104G strike squadrons, 2 F–86E day fighter squadrons, 4 F–84F fighter-bomber fighter squadrons, 2 G–91 fighter-bomber squadrons, 3 F–86K all-weather fighter squadrons, 2 RF–84F photoreconnaissance squadrons, 2 C–119G transport squadrons, 3 Nike-Ajax and Nike-Hercules squadrons, (b) Under national command: 3 F–86E day fighter squadrons, 3 SA–16A air-sea rescue squadrons, 3 Tracker antisubmarine squadrons.

LUXEMBORG

General: Population: 323,000. Length of military service: 9 months; defense budget: $7,000,000.

Army: Total strength: 5,500. An infantry brigade would be available to NATO after mobilization.

NETHERLANDS

General: Population: 12,000,000. Length of military service: 20–24 months, plus 15 years reserve liability; total armed forces: 141,000; defense budget: $618,000,000.

Army: Total strength: 98.000. 2 mechanized divisions assigned to NATO. 1 infantry division, 3 infantry brigades and army corps troops to be formed by call-up of reservists earmarked for NATO. 8 active and 2 reservist tank battalions are organic to the above formations. They have a total of 600 Centurion tanks. Honest John units are in service.

Navy: Total strength: 22,000, including 3,000 marines; 1 16,000-ton carrier, 2 cruisers, 27 escorts, 5 submarines, 68 minesweepers, 2 amphibious warfare craft. Naval aviation includes: 1 Sea Hawk strike squadron, 4 ASW squadrons equipped with P–2H Neptune and S–2F Trackers, 2 helicopter squadrons.

Air Force: Total strength: 21,000. (a) Assigned to 2d Allied Tactical Air Force: 4 F–84F fighter-bomber squadrons; 1 RF–84F photo reconnaissance squadron; two of the fighter-bomber squadrons will be equipped with F–104G's by late 1964. (b) Under national command: 4 fighter squadrons with Hunters and F–86K's. By 1965 two of these will have been reequipped with F–104G's and the others disbanded. The 6 Nike-Ajax and Nike-Hercules squadrons will increase to 8 in the near future; 12 Hawk squadrons are soon to be established; 1 transport squadron.

NORWAY

General: Population: 3,670,000. Length of military service: 16 months for the Army, 18 months for the Navy and Air Force. Total armed forces: 36,000. Defense budget: $197,000,000.

Army: Total strength: 18,000. Two active brigades of which one is in Arctic Norway. This brigade has an Honest John battery attached with high explosive warheads, but this is soon to be disbanded. These brigades have M–24 light tanks. Mobilization would produce 10 reservist brigades plus supporting units. This force would total 75,000. Local defense and home guard forces are 100,000 strong.

Navy: Total strength: 8,000 including 2,500 coast artillery, 8 escorts, 7 submarines, 11 minesweepers, 11 other ships.

Air force: Total strength: 10,000; 4 F–86F squadrons, one of which is now converting to F–104G's; 3 F–86K squadrons; 1 RF–84 photo reconnaissance squadron; 2 HU–16 Albatross maritime patrol squadrons; 1 C–119 and C–47 transport squadrons; 4 Nike Ajax and Nike Hercules sites are located around Oslo.

PORTUGAL

General: Population: 9,200,000. Length of military service: 18 to 25 months for the army, 36 for the air force, 48 for the navy. Total armed forces: 102,000. Defense budget: $176 million.

Army: Strength: 80,000 plus 14,000 African troops. Half the Europeans are conscripts. About 40,000 European and 7,000 African troops are serving in Angola; 16,000 European troops are serving in Mozambique and 5,000 in Guinea.

Navy: Total strength: 9,700 plus 500 marines; 14 escorts; 3 submarines; 18 minesweepers; 43 light coastal units; 11 other ships.

Air force: Total strength: 12,500 including 3,500 parachute troops; 300 aircraft including 2 squadrons of F-86F Sabres, and 1 reconnaissance squadron of P-2V Neptunes. The Neptune squadron is NATO assigned.

TURKEY

General: Population: 29,500,000; length of military service: 2 years for the army and air force; 3 years for the navy; total armed forces: 452,000; defense budget: $235 million.

Army: Total strength: 400,000; 16 divisions most of which have 5 brigades: 14 with Honest Johns are NATO assigned, 6 armored brigades with M-47 tanks, 2 independent parachute battalions, Nike-Ajax and Hercules units are deployed. There are 2,500,000 reservists.

Navy: Total strength: 32,000; 18 escorts, 29 minesweepers, 10 submarines, 27 other ships.

Air Force: Total strength: 20,000; 1 F-104 G fighter-bomber squadron, 10 F–100 fighter-bomber squadrons, 4 F–86 interceptor squadrons, 1 RF–84F photographic reconnaissance squadron (all these are NATO assigned), 1 C–47 and C–54 transport wing.

UNITED KINGDOM

General: Population: 53,800,000, voluntary military service. Total armed forces: 429,000; defense budget: $5,140,000,000.

Army: Total strength: 189,000 (of which 14,000 are Gurkhas); the army is organized into 68 battalions, of which 57 are British infantry battalions, 3 are parachute battalions, and 8 are Gurkha infantry battalions; 22 armored regiments, of which the normal distribution is 14 tank regiments and 8 armored car regiments; 31 artillery regiments; and engineer and signal regiments. About 80,000 men are maintained in the United Kingdom, including the Strategic Reserve of 2 infantry brigades and a parachute brigade. The British Army of the Rhine, based in Germany, has about 53,000 men. It is being reorganized into 3 divisions, each of 2 brigades, which could reach their full wartime establishment with the use of reserves from the Territorial Army and Army Emergency Reserve. Air defense is provided by the Thunderbird surface-to-air guided weapons. Some artillery regiments have a nuclear capacity with the Corporal and Honest John missiles and 8-inch howitzers. These are being supplemented by the 175-mm. American medium gun.

1 British brigade is maintained in Kenya as a theater strategic reserve and British, Australian, and New Zealand troops together form a Commonwealth brigade in Malaysia. Other garrisons include 3,000 men in Berlin, 6,000 men in Borneo, and troops in Hong Kong, Aden, Libya, Cyprus, Malta, Gibraltar, and the Caribbean.

There are 157,206 men in the Territorial Army and 122,236 in the Army Emergency Reserve.

Navy: Total strength: 96,000; ships in the operational fleet and on trials and training include: 4 aircraft carriers, 2 commando carriers, 3 cruisers, 4 guided-missile destroyers, 13 other destroyers, 52 frigates, 1 nuclear submarine, 35 conventional submarines, 62 minesweepers, 4 landing ships, 4 landing craft, 89 fleet support and other ships.

In addition, 263 ships (including one aircraft carrier, 4 cruisers, 56 destroyers and frigates, 18 submarines, and 119 minesweepers) are in reserve or undergoing major modernization.

The Fleet Air Arm has a nuclear strike capacity with Buccaneer bombers and Scimitar fighter-bombers. The air defense of the fleet is carried out by County class destroyers with the Sea Slug and Seacat guided weapons, Sea Vixen interceptors armed with Firestreak, and Scimitars armed with Sidewinder. Wessex and Wirlwind helicopters serve in both the antisubmarine and the commando-carrying role.

The Royal Marines are organized into 5 commandos of 600 men each.

There are 11,589 men in the naval and marine reserves.

Air Force: Total strength: 138,000.

(a) Bomber Command: see page 12.

(b) Fighter Command is equipped with Lightning interceptors armed with Firestreak air-to-air guided weapons and with Bloodhound surface-to-air guided weapons. Deployment of the air transportable Bloodhound 2 is beginning.

(c) Coastal Command is equipped with Shackleton long-range reconnaissance and antisubmarine aircraft.

(d) Transport Command has 23 Britannia and 10 Comet airliners for strategic airlift. In addition, it is acquiring 11 long-range jet VC–10's for passengers and freight and 10 long-range Belfasts for heavy equipment. Two medium-range Argosy freighter squadrons have been built up in Britain, 1 in the Middle East and 1 in the Far East. Short-range transport squadrons in Britain and Germany are being steadily increased and there is a steady rise in the numbers of helicopters.

(e) RAF Germany is equipped with Canberras for nuclear and conventional interdiction and for photographic reconnaissance. Javelin interceptors armed with Firestreak have taken over the all-weather fighter role of the command.

(f) RAF Near East in Cyprus is equipped with Canberra bombers in support of CENTO and Canberra and Shackleton reconnaissance aircraft. RAF Middle East in Aden is equipped with Shackletons and Hunter fighter/ground attack aircraft. RAF Far East is equipped with Shackletons, Canberras, Belvedere helicopters, and Hunter FGA's.

UNITED STATES

General: Population: 189,440,000. Length of military service: selective service for 2 years. Total Armed Forces: 2,700,000. Defense budget: The administration requested $52,400 million for the period mid-1963–64. This includes military aid and certain projects on which funds would not necessarily be spent during that period. It appears probable that the amount voted by Congress for current expenditure will be $47,280 million.

Army: Total strength: 975,000.

The Army is organized into 16 divisions—5 mechanized, 6 infantry, 3 armored, and 2 airborne. The divisions have now been reorganized from their pentomic systems designed for nuclear war to the ROAD system, which with a three-brigade structure is adapted to frontal conventional war. New units are now being created to study the possibilities of substantially increased air mobility for troops. Tests of the costs and military effectiveness of two types of units are being carried out: (1) air assault divisions equipped with 460 aircraft (including helicopters) with air transportable weapons; and (2) air cavalry brigades for flanking or rear attacks on an enemy in helicopters using large numbers of antitank weapons.

The 7th Army, with 240,000 men, is stationed in Germany and 3 divisions are maintained in the Far East. The 7th Army is organized into 3 mechanized and 3 armored divisions. Reequipment with the M–60 tank should be completed late in 1964. This tank, with its 105-millimeter gun, is considered necessary only in Europe; formations in other areas will continue with the M–48 tank (90 mm. gun) until the new main battle tank is developed. New solid-fuel bombardment missiles are being deployed in Europe. Redstone is being replaced by Pershing and Corporal by Sergeant. In addition, the tactical nuclear weapons available include substantial numbers of Davy Crockett mortars and Little John, Honest John, and Lacrosse missiles. Large numbers of Hawk, and Nike-Hercules antiaircraft guided weapons are deployed with the Army and production orders have been placed for the light mobile Mauler air-defense missiles; 6,000 men are in Berlin.

The Special Forces, the Army's specialized troops for counterinsurgency operations, are being reorganized. The force structure is being increased from four to six groups with a total strength of 5,600 men.

The Army Reserve contains 274,500 men and the Army National Guard 375,500. They will provide: (1) 6 divisions, 11 brigades, and the units needed to round out the Active Army within 8 weeks of mobilization; (2) two theater reinforcement divisions for Alaska and Panama with 4 to 12 weeks readiness; (3) 21 divisions and other nondivisional units to be ready within 24 to 36 weeks.

Navy: Total strength: 665,000.

The general purpose fleet is 836 ships (for fleet ballistic missile submarines, see p. 11). It is divided into four fleets: the 1st in the Eastern Pacific, the 2d in the Atlantic, the 6th in the Mediterranean and the 7th in the Western Pacific. The 6th and 7th Fleets are each built around 3 aircraft carriers.

The ships of the Active Fleet are approximately as follows: 15 attack aircraft carriers, 11 support aircraft carriers, 3 command ships, 12 guided missile cruisers, 8 light and heavy cruisers, 240 escorts, 19 nuclear-powered submarines, 86 conventional submarines.

In addition, there are over 400 escorts and about 16 cruisers in reserve. The Active Fleet and Reserves include about 250 amphibious ships, 220 minesweepers, and 870 service, patrol, and other craft.

The Navy has approximately 7,000 aircraft in its inventory. In the interceptor role, the F–8 Crusader is being built up in numbers and will later be replaced by the F–4B Phantom. In the attack role, the Navy is acquiring A–4E Skyhawk light aircraft for close support and the A–6A Intruder for all-weather low-level strike. Both aircraft are subsonic and able to carry either nuclear or conventional weapons. The supersonic A–5C Vigilantes now in service are being modified to a dual attack and reconnaissance role. A carrier-based long-range search aircraft, the S–2E, is being put into service and rising numbers of the SH–3A antisubmarine helicopter.

The manpower strength of the Naval Reserve is 126,000. A force of 40 antisubmarine destroyers and escorts and 12 mine warfare vessels is kept ready at sea at all times. About 700 ships are maintained in the "mothball" fleet.

Marine Corps: The Marine Corps maintains 190,000 men organized into 3 divisions and 3 air wings. The Regular force also maintains the nucleus of a 4th division/air wing which can be formed in a few weeks by calling up the Marine Corps Reserve. The Reserve now stands at 45,500 men. It is planned to expand the aircraft strength of the Marine Corps to give the air mobility being considered for elements of the U.S. Army. Like the Navy, the Marine Corps is replacing its Crusader fighters (F8U) with the Phantom 2 (F–4H). The reconnaissance version of the Phantom (the RF–4B) will give the corps day and night photographic capability. Procurement of equipment is going ahead in a quantity adequate to allow all 4 divisions to stay in combat for a substantial period of time and to allow two-thirds of the 4 air wings to remain in combat. Various types of chemical ammunition are included in the buildup.

Air Force: Total strength: 865,000. Strategic Air Command: see page 11. Continental missile and air defense forces: see Norad, page 12.

The General Purposes Forces of the Air Force include bombers, fighter-bombers, fighters, reconnaissance aircraft and missiles with a tactical role. (The Strategic Air Command has taken over responsibility for the air-refuelling of these squadrons.) It has been decided to embark on a rapid modernization of the 21-wing tactical fighter force. This is now equipped with the F–84, F–100C, F–104, and F–105 fighter-bombers as well as B–57 tactical bombers. The modernization is based on large orders for the F–4C Phantom 2 and later the F–111 (TFX). Reconnaissance squadrons, which are now based on the RF–101 and RB–66, are being increased in numbers and equipped with the RF–4C reconnaissance version of the Phantom. Air defense for installations behind battle areas is provided by the F–102 interceptor. Five Mace A bombardment missile squadrons are maintained in Europe on soft bases. One squadron of the hardened Mace B missile is in Europe and two are in Okinawa. Tactical aircraft are being given protection against non-nuclear attack by the construction of earth-covered steel shelters.

The Air National Guard contains 72,000 men and about 500 aircraft organized into 19 fighter squadrons and 13 reconnaissance squadrons. The reequipment of the active tactical fighter force will give the Guard a substantial number of supersonic F–100, F–101 and F–104 aircraft as well as increased numbers of F–84's. The Air Force Reserve, which provides units for supporting aircraft dispersed to civilian airfields, contains 61,000 men.

CENTRAL TREATY ORGANIZATION

The members of CENTO are Pakistan, Iran, Turkey (p. 20) and the United Kingdom (p. 20). The United States is an associate member, but is represented on the coordinating Council of military deputies and on the economic and countersubversion committees. CENTO does not have an international command structure nor are forces allocated to it. The air striking power is supplied by British Canberra bombers based on Cyprus, and the U.S. 6th Fleet.

IRAN

General: Population, 21,800,000. Length of military service, 2 years. Total armed forces, 208,000. Defense budget, $170 million.

Army: Total strength, 200,000 plus a gendarmerie of 30,000; 12 infantry divisions and 6 independent brigades, there are M–47, Sherman and T–34 tanks.

Navy: Total strength, 1,000; 2 escorts, 3 minesweepers, 5 other ships.

Air Force: Total strength, 7,000; 3 F–84G fighter-bomber squadrons. These are expected to start converting to Northrop F–5's in the course of 1964; 1 transport wing with 4 C–130B Hercules and some C–47's.

PAKISTAN

General: Population: 98,570,000. Voluntary military service. Total armed forces: 253,000. Defense budget: $240,000,000.

Army: Total strength: 230,000; 8 divisions organized on a triangular basis and equipped with Patton tanks, 250,000 lightly armed militia and about 30,000 Azad Kashmir troops.

Navy: Total strength: 7,700; 7 escorts, 6 minesweepers.

Air Force: Total strength: 15,000; 250 aircraft including 2 B–57 B light bombers squadrons (these are a Canberra variant); 1 F–104 Starfighter squadron; 4 F–86F Sabre squadrons.

SOUTHEAST TREATY ORGANIZATION

The members of SEATO are Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom, and the United States. They are committed to build up collective economic and military strength and to consult with a view to joint defensive action in the event of direct or indirect aggression against a member or against the protocol states of Laos, Cambodia, and South Vietnam. The treaty area is the Southwest Pacific theater south of 21°30′ N. There is no central command structure and forces remain under national control. American support for the treaty powers is exercised by the 7th Fleet, based on Taiwan and the Philippines, and American air and ground forces based on Guam and Okinawa. The 28th Commonwealth Brigade (consisting of British, Australian, and New Zealand forces) plus supporting air units is based in Malaysia as are British naval forces which would operate in support of the treaty powers in the event of war. France maintains no forces in direct support of the alliance.

AUSTRALIA

General: Population: 11 million. Military service: voluntary. Total armed forces: 50,700. Defense budget: $533 million.

Army: Total strength: 22,700. 1 infantry battalion with artillery support in Malaysia, 1 tank regiment with 70 Centurion V's. Their 76 mm. guns are to be replaced by guns of 105 mm. caliber, 2 battle groups (large reinforced infantry battalions) becoming 3 over the next 12 months, 1 Pacific Island Regiment battalion. Others are being formed under a 5-year plan. There are 28,300 men in the Citizen Military Forces organized in 8 battle groups with armored car and Centurion support.

Navy: Total strength: 12,000; 1 fleet carrier (used for ASW), 1 carrier (fast transport), 8 escorts, 6 minesweepers, 5 other ships; 100 naval aircraft including: 1 Sea Venom all-weather fighter squadron, 1 Gannet ASW squadron, 1 helicopter squadron with 29 Wessex MK 31's.

Air Force: Total strength: 16,000; 4 F–86 fighter squadrons. These will convert to the Mirage III O beginning in March 1964; 3 Canberra bomber squadrons, 2 Neptune maritime reconnaissance squadrons, 3 transport squadrons with C–130 Hercules and C–47 Dakota, 18 Caribous will start entering service in March 1964, 1 Bloodhound Mk 1 surface-to-air missile squadron is in service.

NEW ZEALAND

General: Population: 2,550,000. Military service: voluntary. (This is supplemented by Selective National Service for 2,100 recruits annually for the army territorial force.) Total armed forces; 12,000. Defense budget: $87,000,000.

Army: Total strength: 5,000 regulars and 10,000 territorials; 1 regular brigade, including a battalion in Malaysia.

Navy: Total strength: 2,900; 1 cruiser, 7 escorts, 4 minesweepers.

Air Force: Total strength: 4,100; 1 Canberra light bomber squadron, 1 Sunderland maritime reconnaissance squadron, 3 transport squadrons.

PHILIPPINE REPUBLIC

General: Population: 27,500,000. Military service: voluntary. Total armed forces: 30,000 plus a paramilitary national police. Defense budget: $63,000,000.

Army: Total strength: 20,000; 1 active division, 3 cadre divisions. There is a reserve of 100,000 men.

Navy: Total strength: 4,000; 8 escorts, 2 light coastal units, 2 minesweepers, 7 amphibious warfare ships, 10 other ships.

Air Force: Total strength: 6,000. 3 F–86F day fighter squadrons, 1 F–86D all-weather fighter squadron.

TABLE I.—*Comparisons on defense expenditure*

Country	1953	1958	1962 [2]	1963 Defense budgets	
				Actual (million dollars)	Increase or decrease compared with 1962 budget (million dollars)
	As percentage of GNP [1]				
I. NATO:					
Belgium	4.9	3.6	3.4	444	+88
Canada	9.0	6.0	5.1	1,480	−109
Denmark	3.7	3.3	3.5	225	+45
France	11.0	8.0	7.8	4,062	+531
Germany	5.0	3.8	6.0	4,607	+857
Greece	6.1	5.8	[3] 4.5	167	−3
Italy	4.6	4.3	4.0	1,510	+255
Luxembourg	3.2	2.1	1.6	7	----------
Netherlands	6.2	5.0	5.0	618	+63
Norway	5.7	4.0	4.2	197	+6
Portugal	4.5	4.5	8.9	176	+18
Turkey	5.4	5.4	[3] 5.0	235	−52
United Kingdom	11.3	7.8	7.4	5,146	+327
United States	14.8	11.1	10.7	[4] 52,400	+400
Total	----------	----------	----------	71,274	+2,418
II. SEATO:	As percentage of national income				
Australia	----------	----------	3.3	533	+61
New Zealand	----------	----------	2.4	84	+3
Pakistan	----------	----------	[3] 4.5	240	+30
Philippines	----------	----------	[3] 1.9	63	----------
Thailand	----------	----------	[3] 0.4	10	----------
Total	----------	----------	----------	930	+94
III. U.S.S.R. [5]	----------	----------	9.0	15,400	+660

[1] Based on a standard definition of defense expenditure which does not necessarily cover the same items as national defense budgets.

[2] Provisional.

[3] Excludes U.S. military aid.

[4] Includes military aid. This is a higher figure than will actually be expended between mid-1963 and mid-1964.

[5] This is based on official Soviet estimates of the defense budget and national income. On the more realistic figure of $34,000,000,000 for the Soviet defense budget, the proportion of national income was about 18 percent.

THAILAND

General: Population: 26,000,000. Length of military service: 2 years. Total armed forces: 134,000 plus 30,000 militarized police. Defense budget: $10,000,000.

Army: Total strength: 90,000. 3 infantry divisions (nominally with 3 brigades each) and 1 composite division with armor.

Navy: Total strength: 18,000 plus 4,000 marines; 7 escorts, 1 minesweeper, 21 light coastal units, 4 amphibious warfare craft, 11 other ships.

Air Force: 40 F-86F Sabres in a fighter-bomber wing, 30 F-84G Thunderjets, T-6 and T-28 armed training aircraft are also in service in close-support squadrons.

THE PROTOCOL STATES

SOUTH VIETNAM

Total armed forces: 216,000. Army: Total strength: 200,000. The army is organized on the basis of 4 Army Corps areas. The organization of antiguerrilla warfare is based partly on the local forces in the "strategic hamlets," partly on small units of the regular army. The greater part of the army is now committed to antiguerrilla operations and only a small part is held in reserve. The combat units are equipped with Ar-15 rifles, 105-millimeter guns, M-113—114 amphibious APC's. They are supported by UH-1A and other American helicopters. There are 6 battalions of paratroops.

There are about 6,000 special security troops under separate command, responsible for political security.

The American military advisers in South Vietnam total some 12,000. About one-third of these are actively engaged. Some American officers are in direct command of Vietnamese Rangers recruited from the ethnic minorities.

Navy: Total strength 10,000, including a marine corps; 3 escort ships, 5 coastal patrol boats (5 more are to be delivered), 300 armed junks for river patrol.

CAMBODIA

Total armed forces: about 28,000.

Army: Total strength, about 27,000.

The Cambodian Army is organized along two main lines: the static defense system of the villages, with a militia officered by small group of officers and NCO's; and the mobile detachments where a popular militia is equally heavily represented. A considerable proportion of the army is engaged on economic and social services. In command terms, it is organized into 29 infantry battalions, 2 parachute battalions, and 1 armored regiment. There is a French military training mission.

Navy: Total strength, 1,100, 4 patrol vessels, 1 support gunboat, 56 small craft. There is a small marine corps.

Air Force: This is concerned solely with internal police and transport duties.

LAOS

In the autumn of 1963, the distribution of forces was roughly as follows:

The Pathet-Lao, some 20,000 strong, occupied the greater part of northern Laos, and were stretched in an arc from the Chinese to the South Vietnamese frontiers.

The Nationalist force of 50,000 men controlled most of the Mekong Valley, the main road axes, the principal agricultural plains, including elements in the Plain of Jars area.

Partisans of the mountain tribes continue to harry the Pathet-Lao forces.

The Neutralist forces were reduced to some 10,000 based largely on some enclaves in Northern Laos and the mountains around the Plain of Jars.

The Pathet Lao is now dependent on Chinese and North Vietnamese assistance for equipment and supplies, which mainly reach them by road. Soviet aircraft which were formerly used to supply these forces have been placed at the disposal of the government, but have since become inoperable as their crews and technicians have been withdrawn.

U.S. MUTUAL DEFENSE TREATIES

The following Pacific states have mutual defense treaties with the United States.

JAPAN

General: Population: 95,180,000. Military service: voluntary. Total armed forces: 243,000. Defense budget: $675 million.

Army: Total strength: 171,500 (planned expansion to 180,000 with 30,000 reserves by 1965), 13 divisions of 7–9,000 men, each organized into 3–4 battle groups. One division, based in Hokkaido, is mechanized.

The army has 280 light aircraft and helicopters and 960 American-built tanks including M–4A3's and M–47's. By 1964 the first of 100 Japanese Type–61 tanks will be in service. One Hawk battery will enter service in 1964.

Navy: Total strength: 34,000, 44 escorts, 6 submarines, 129 antisubmarine aircraft (P2V-56, S2F–59; HSS–14).

The naval air component has about 240 aircraft including helicopters.

TABLE II.—*Some strategic indicators*

Country	Armed Forces		1963 defense expenditure	Demographic		
	Total active (in thousands)	As percentage of male population between 15 and 64	Dollars per head of population	Percentage of population in cities of over 100,000	Number of cities of over 100,000 inhabitants	Population density per square kilometer (1962)
Belgium	110.0	3.7	48	28	4	301.30
Canada	124.0	2.3	78	23	12	1.80
Denmark	49.0	3.3	48	25	4	106.88
France	636.0	4.6	79	19	32	83.30
Germany	404.0	2.2	83	30	52	215.36
Greece	160.0	5.8	21	27	3	64.16
Italy	470.0	2.8	30	24	30	169.31
Luxembourg	5.5	4.8	22	0	----------	135.14
Netherlands	141.0	3.9	51	66	14	345.13
Norway	36.0	3.1	54	17	2	11.11
Portugal	102.0	3.7	18	4	2	90.49
Turkey	452.0	5.3	8	13	5	38.46
United Kingdom	429.0	2.5	96	44	50	215.00
United States	2,700.0	4.5	276	29	130	19.69
Total, NATO	5,818.5	3.8	----------	----------	340	21.80
Australia	51.0	1.5	49	53	7	1.36
Iran	208.0	3.2	8	17	8	12.80
New Zealand	12.0	1.6	33	44	4	8.93
Pakistan	253.0	1.0	2	6	6	101.62
Philippines	30.0	.4	2	13	7	83.42
Thailand	134.0	1.7	1	9	1	50.58
Total, all Western alliances	6,506.5	3.2	----------	----------	373	19.80
Japan	243.0	.8	7	27	[1] 38	255.10
South Korea	627.0	9.0	2	19	4	230.85
Taiwan	544.0	19.4	16	18	5	279.32
Total, all U.S. treaty powers	7,920.5	3.2	----------	----------	420	23.27
Albania	35.0	7.1	----------	8	1	59.15
Bulgaria	135.0	5.2	----------	12	3	71.22
Czechoslovakia	185.0	4.3	----------	15	5	115.36
East Germany	116.0	2.4	----------	16	10	158.40
Hungary	99.0	3.2	----------	23	5	108.53
Poland	257.0	3.0	----------	20	22	96.47
Rumania	227.0	3.7	----------	23	6	77.71
U.S.S.R	3,300.0	6.4	[2] 152	30	174	9.74
Total, Warsaw Pact	4,354.0	5.3	----------	----------	226	13.55
China	2,476.0	1.3	----------	10	[3] 100	73.44
North Korea	310.0	11.5	----------	----------	1	175.18
North Vietnam	262.0	5.7	----------	7	2	90.72
Cuba	120.0	5.2	----------	----------	6	59.39
Total, Communist bloc	7,522.0	2.6	----------	----------	335	31.76

[1] Cities of 200,000 population or above.

[2] Based on a figure of real expenditure of $34,000,000,000.

[3] Estimated.

TABLE III.—*Some estimates of comparative strategic strength, early 1964*

Category	Western alliances	Communist bloc
ICBM's (over 2,500-mile range)	475	100+
Fleet ballistic missiles	192	100
IRBM's and MRBM's (600 to 2,100 miles)	----------	800
Long-range bombers (over 5,000-mile range)	630	200
Medium-range land-based bombers (over 2,000 miles, excluding carrier air-based aircraft)	780	1,400
Carrier-based bombers (over 2,000-mile range)	600	----------
Carriers (including commando and escort carriers)	38 (37)	----------
Cruisers	33 (25)	19 (2)
Escorts	742 (358)	124 (248)
Nuclear submarines	33	23
Conventional submarines	219 (42)	446 (55)
Active forces:		
(a) Armies	5,696,300	6,035,000
(b) Navies	1,211,269	661,800
(c) Air Forces	1,658,775	771,000

NOTE.—Figures in parentheses denote ships in reserve.

Air Force: Total strength: 44,000, 1 tactical squadron, 7 fighter-interceptor wings.

The first of 70 F-104J's have been accepted; they will partially replace 100 F-86D's and 340 F-86E's in service. The F-104's and some of the F-86E's are to have Sidewinders.

The first wing of 72 Nike-Ajax missiles and 36 launchers is operational in the Tokyo and Yokohama areas.

TAIWAN

General: Population: 11,510,000. Length of military service: 2 years and reserve liability. Total armed forces: 544,000. Defense Budget: $185,000,000.

Army: Total strength: 400,000 including 80,000 on Quemoy and Matsu, 21 infantry divisions, 2 armored divisions, 1 Nike-Hercules battalion.

Navy: Total strength: 35,000 plus 27,000 marines, 28 escorts, 11 minesweepers, 21 light coastal units, 56 amphibious warfare craft, 27 other ships, (the assault shipping available is enough for one division).

Air Force: Total strength: 82,000; 3 F-86 and F-104 interceptor wings, 1 F-100 fighter-bomber wing.

SOUTH KOREA

General: 25 million; military service: voluntary and conscript; total armed forces: 627,000; defense budget: $40 million.

Army: total strength: 570,000 plus 12,000 Koreans serving in the U.S. Army in Korea. The 1st Army has 18 divisions plus 50 independent artillery and 7 independent tank battalions.

The 2d Army has 10 divisions. It is planned to reduce the overall order of battle by five divisions.

Navy: total strength: 17,000 plus 25,000 marines, 15 escorts, 12 minesweepers, 11 light coastal units, 23 amphibious warfare craft, 10 other ships.

Air Force: total strength: 15,000, 8 F-86 interceptor squadrons, 1 photo reconnaisance squadron with 12 RF-86F aircraft, 18 C-46 and C-47 transports, 90 miscellaneous aircraft.

PART III: NONALINED COUNTRIES

INDIA

General: Population: 462,000,000; military service: voluntary; total armed forces: 585,000; defense budget: $1,820,000,000.

Army: Total strength: 550,000 plus at least 250,000 in a volunteer reserve Territory Army organized on a battalion basis. At least 13 divisions including 3 recently formed mountain divisions. Another 3 mountain divisions are being formed. All divisions are still suffering from serious equipment shortages. There is one armored division with Centurions, one armored brigade with Shermans, and four light tank regiments with AMX-13's.

Navy: Total strength: 16,000; 1 16,000-ton carrier; 16 escorts; 6 minesweepers; 2 light coastal units; 2 amphibious warfare craft; 7 other ships. Naval aircraft include 24 Sea Hawk strike/interceptor planes and 15 Alizé ASW planes.

Air Force: Total strength: 18,000; 4 interceptor squadrons with 25 Mystére IV's each; 4 interceptor squadrons with 25 Gnats each; 4 bombers squadrons with 20 Canberras each; 6 fighter-bomber squadrons with 25 Hunters each. Several Ouragan and Vampire fighter-bomber squadrons; 1 reconnaissance squadron with 8 Canberras. The transport force includes 80 C-119's, 24 Antonov 12's, and about 50 C-47's. Avo 748's and Caribous are being acquired. The 7 Auxiliary Air Force squadrons chiefly fly Harvard and Vampire trainers.

INDONESIA

General: Population: 98,000,000, total armed forces: 375,000, defense budget: $431,000,000.

Army: Total strength: 350,000. The Army is in the main organized only at battalion level, and is scattered throughout the main Indonesian islands. The infantry battalions are equipped with American and some Russian small arms. The Army also has 57 mm. Soviet antiaircraft guns and associated radar equipment, and at least one battery of Soviet 105 mm. howitzers. There are some 30,000 paratroopers. Para-military forces and police: 20,000.

TABLE IV.—*Major nuclear delivery systems, 1963–64*

(A) AIRCRAFT

Name	Origin	Unrefueled range (miles)	Speed mach No. (m.p.h.)	All-up weight (lb.)	Became operational	Typical warload
B-52 Stratofortress	United States	10,000	0.88 (665)	420–488,000	1955–61	Quail decoys, 2 Hound Dog, etc.
Tu-20 Bear	U.S.S.R.	7,000	.78 (580)	330,000	1956	25,000 pounds.
My-? Bison	U.S.S.R.	6,050	.85 (600)	250,000	1956	20,000 pounds.
Vulcan B1 and B2	United Kingdom	3,500	.95 (630)	200,000	1957	Blue Steel.
Victor B1 and B2	do	3,500	.95 (630)	200,000	1958	Blue Steel.
B-47 Stratojet	United States	3,200	.83 (650)	200,000	1952	20,000 pounds.
Valiant	United Kingdom	4,500	.84 (567)	175,000	1955	21,000 pounds.
Tu-16 Badger	U.S.S.R.	3,500	.87 (610)	150,000	1955	ASM.
B-58 Hustler	United States	2,000+	2.1 (1,385)	163,000	1960	12,000 pounds?
Tu-? Blinder	U.S.S.R.		1.5 (1,030)	150,000	1962	ASM, 12,000 pounds?
A-3 Skywarrior	United States	3,000	.83 (610)	73,000	1956	8,000 pounds?
Mirage IV	France	2,000	2.3 (1,520)	66,000	1963–65	8,000 pounds?
A-5c Vigilante	United States	2,000	2.1 (1,385)	60,000	1961	6,000 pounds.
Canberra B(L)8	United Kingdom	3,800	.83 (580)	56,000	1955	8,000 pounds.
F-105D Thunderchief	United States	2,000+	2.15 (1,420)	48,000	1961	8,000 pounds.
Buccaneer S.1	United Kingdom	3,860	.95 (720)	46,000	1962	8,000 pounds?
F-4B Phantom II	United States	2,000+	2.6 (1,504)	45,000	1962	7,000 pounds?
Scimitar	United Kingdom	1,500	.97 (710)	35,000	1958	4,000 pounds.
F-100D Super Sabre	United States	1,500	1.3 (864)	28,000	1957	6,000 pounds.
F-104G Starfighter	do	2,200	2.2 (1,450)	27,000	1962	4,200 pounds.
A-4c Skyhawk	do	3,200	.9 (685)	24,500	1956	5,000 pounds.

(B) MISSILES—SURFACE-TO-SURFACE

Name	Weight propellant	Launching weight (pounds)	Range (statute miles)	In service	Estimated warhead
United States:					
Atlas	Liquid fuel	260,000	9,000+	1959	3 megaton.
Titan 1	Liquid fuel	220,000	9,000+	1961	4 megaton.
Titan 2	Storable liquid fuel	300,000	14,000	1963	5 megaton.
Minuteman	Solid fuel	65,000	6,300	1962	1+ megaton.
Polaris A1	Solid fuel	28,000	1,380	1960	0.7 megaton.
Polaris A2	Solid fuel	32,000	1,700	1963	0.7 megaton.
Polaris A3	Solid fuel		2,800?	1964	0.7 megaton.
Mace B	Turbojet	15,000	1,380	1963	Nuclear or thermonuclear.
Pershing	Solid fuel	30,000	400	1964	20 kiloton?
Redstone	Liquid fuel	61,000	250	1956	?
Sergeant	Solid fuel	10,000	85	1962	20 kiloton?
Corporal	Liquid fuel	11,500	80	1955	20 kiloton?
U.S.S.R.:					
Intercontinental ballistic missile	Liquid fuel	300,000	8,000+	1955	10 metaton.
Intercontinental ballistic missile	Storable liquid fuel			1963	30+ megaton.
Intermediate range ballistic missile	Liquid fuel	122,000	2,100	1959	
Medium range ballistic missile	Liquid fuel		1,100	1961	
Medium range ballistic missile			600		
Submarine surface-launched missile	Solid fuel		400	1959	
Submarine surface-launched missile	Solid fuel		100	1959	
Short-range missile	Liquid fuel		120	1957	
Short-range missile	Turbojet		175–350	1961	

ASM—Air-to-surface missile.

The inconsistency between mach numbers and speed in miles per hour is accounteu for by differences in operational ceilings.

Navy: Total strength: 26,000, 1 Soviet-built heavy cruiser, equipped with surface-to-air missiles (ex *Sverdlov* class), 5 destroyers, at least two of which are equipped with surface-to-air missiles, 4 frigates, 15 escort ships, 27 light coastal craft, 6 landing craft, 20 submarines. The Indonesian Navy has also announced the successful firing of a surface-to-surface missile with a 15-mile range. It is to be assumed that the missile is of Soviet origin. It is not known whether it has yet entered operational service. The Naval Air Arm maintains an antisubmarine squadron equipped with helicopters and *Gannets*. There is a strong Marine Corps.

Air Force: Total strength: 20,000. The Indonesian Air Force is organized into 7 main air areas, each with one main base and some auxiliary bases and combining the separate commands. There are about 450 aircraft; Fighters: Over 100 Mig–15's, 17's, and 19's. A small number of Mig 21's; Bombers: TU–16's, some with an air-to-surface missile. About 50 IL–28's. Some B–26's. Transports: Some IL–14 and C–130 B Hercules. There is also a considerable number of Soviet and Japanese helicopters. There is at least one surface-to-air missile unit, which is claimed to be equipped with an advanced missile.

SWEDEN

General: Population: 7,600,000; length of military service: 10 months for privates and ratings and up to 22 months for officers and NCO's. Reserve service up to the age of 47. Total armed forces: 80,000 including 60,000 conscripts. On mobilization the total would become 780,000. Defense budget: $594,000,000.

Army: Total strength: 10,000 regular and 45,000 conscripts becoming 655,000 after mobilization organized into about 12 divisions of 3 brigades apiece. British Centurion tanks including some mounting a 105 millimeter gun are in service in armored and infantry divisions. The first Hawk squadron is now being formed.

Navy: Total strength: 12,000 including 7,000 conscripts, 2 cruisers, 23 escorts, 44 minesweepers, 26 submarines, 26 light coastal units, 2 amphibious warfare craft, 36 other ships.

Air Force: Total strength: 13,000 including 7,500 conscripts, 9 SAAB–29F day fighter squadrons, 3 Hunter day fighter squadrons, 6 Lansen and 9 Draken all-weather fighter squadrons, 6 squadrons of Bloodhound 2 antiaircraft missiles, 12 SAAB–32A Lansen attack squadrons, 5 SAAB–29C and SAAB–32C reconnaissance squadrons. (A combat squadron normally contains 12 aircraft.) In 1964 SAAB–35D and F Drakens will replace the Hunters, SAAB–35E will start to replace the SAAB–29C's.

SWITZERLAND

General: Population: 5,720,000. Length of military service: About 4 months initial basic training followed by 12 years in the first reserve and 18 in second line reserves. Total armed forces: 28,500 active and 600,000 reserves. Defense budget: $740,000,000.

Army: Total strength: 500 regular, 16,000 serving conscripts and 550,000 reserves, 3 mechanized divisions, 6 infantry divisions, 2 mountain divisions, 9 border brigades. About 300 Centurion tanks are organic to the mechanized divisions. They have 76-millimeter guns but are to replace these with 105-millimeter ones.

Air Force: Total strength: 6,000 regular, 6,000 serving conscripts and 50,000 reserves, 5 Hunter interceptor squadrons, 11 Venom close-support squadrons, 5 Vampire close-support squadrons, 3 Ju 52/3 transport squadrons. A combat squadron normally has 18 aircraft. Four of these squadrons are manned by full-time personnel and kept at a constant state of readiness.

YUGOSLAVIA

General: Population: 19,070,000, total armed forces: 300,000, defense budget: $830,000,000. Army: Total strength: 250,000 plus 19,000 Frontier Guards, 21 infantry divisions, 3 armored divisions with M–47 and T–34/85 tanks. About 18 independent brigades including a parachute brigade, 1,000,000 reservists.

Navy: Total strength: 30,000, 7 escorts, 9 minesweepers, 2 submarines, 19 light coastal units, 5 amphibious warfare craft, 35 other ships.

Air Force: Total strength: 24,000, 200 F–84G Thunderjets, 250 F–86 Sabres, 100 F–47 Thunderbolts. Staff talks that have taken place between Yugoslavia and the U.S.S.R. in 1963 may result in an early resumption of deliveries of Soviet combat aircraft.

STUDIES IN INTERNATIONAL SECURITY

PUBLICATIONS OF THE INSTITUTE FOR STRATEGIC STUDIES

1. "NATO in the 1960's" by Alastair Buchan. Revised edition 1963. "Buchan has an exceptionally profound and unified understanding of NATO and its problems."—The Bulletin of the Atomic Scientists. Chatto & Windus. 21s.
2. "The Control of the Arms Race," by Hedley Bull. "An admirably comprehensive and reasoned survey of the major issues of disarmament."—The Economist. Weidenfeld and Nicholson. 21s.
3. "Men in Uniform," by M. R. D. Foot. "An important contribution not only to strategic planning but also to the planning of any form of disarmament."—Neue Zücher Zeitung. Weidenfeld and Nicolson. 21s.
4. "World Order and New States," by Peter Calvocoressi. "Interesting and comprehensive * * * an excellent analysis."—The Listener. "This is a very valuable study which should be widely read."—International Relations. Chatto & Windus. 12s. 6d.
5. "The Spread of Nuclear Weapons," by Leonard Beaton and John Maddox. "Tightly argued and full of facts * * * remarkably useful."—The Economist. "A major study superseding all earlier work in this field."—The Year Book of World Affairs, 1963. Chatto & Windus. 18s.
6. "Arms and Stability in Europe," by Alastair Buchan and Philip Windsor. "A report of a Franco-German-British enquiry." Chatto & Windus. 21s.

To be published shortly

7. "Strategic Mobility," by Neville Brown. Chatto & Windus (Nov. 1963).
8. "The Security of Southern Asia," by D. E. Kennedy. Chatto & Windus (summer 1964).

All these books are also published by Frederick Praeger in New York.

Survival

Every 2 months, Survival, the, journal of the Institute for Strategic Studies, reprints the most significant contributions to the understanding of the problems of strategy and security in the nuclear-missile age. Survival is now found indispensable by governments, libraries and thoughtful private citizens in 59 countries.

JAMES BENNETT RETIRING AS DIRECTOR OF THE FEDERAL BUREAU OF PRISONS

Mr. MORSE. Mr. President, a wonderful and dedicated public servant, James Bennett, is retiring as the Director of the Federal Bureau of Prisons. Mr. Bennett has been in Government service since 1919. He became Assistant Director of the Bureau of Prisons in 1930, and has been the Director of the Bureau of Prisons since 1937. He has given to the American people 27 years of dedicated public service.

Tonight I wish briefly in these remarks to salute him, to congratulate him, and to thank him for this service.

I have the greatest respect for Jim Bennett.

My own friendship with him goes back to the days of Attorney General Homer Cummings, when I was editor in chief of the Attorney General's survey of release procedures and Jim Bennett was on the executive committee. Director Bennett gave us a great deal of assistance on the project and I became familiar with his progressive views on the administration of justice and authoritative knowledge of penology.

He shared my enthusiasm for the indeterminate sentence, and for the next 20 years he worked indefatigably to introduce this sound principle into the Federal jurisdiction. In 1950 he and his associates were successful in obtaining enactment of an indeterminate sentencing procedure for youthful offenders, and in 1958 he was a key figure in getting the principle extended on a discretionary basis to all convicted defendants. He has also obtained enactment of many other proposals for the improvement of criminal justice in this country.

He is perhaps most widely known, however, for his contributions to the field of penology. More than anyone else, he was instrumental in the creation of the Bureau of Prisons, and more than anyone else he built it into an organization of high stature in Government.

The most striking evidence of his effectiveness in guiding the work of the Bureau of Prisons is found in the recently completed Ford Foundation study which indicates that nearly 70 percent of all prisoners released from institutions of the Federal prison system do not again return to prison. I can remember the day when these proportions were almost exactly reversed.

Jim Bennett's name already ranks with the great humanitarians. It ranks with John Howard, the 18th-century sheriff and jailor who devoted his life to the improvement of the disgraceful conditions prevailing in the treatment of English prisoners of that day. It ranks with Capt. Alexander Maconochie, the 19th-century penologist who introduced the concept of rehabilitation to the vicious prison colonies of Australia. It ranks with Sir Walter Crofton, who took Maconochie's ideas and adapted them to the needs of the nation of Ireland. In the 20th century there is no question but that Jim Bennett has been the towering figure in corrections.

His high sense of principle is also evident in his activities beyond prison administration. He has always been concerned about preserving the constitutional rights of criminal defendants; he began pressing for a better system of providing counsel for impoverished defendants immediately following the famous Johnson against Zerbst decision in 1938. But it was not until the 88th Congress that his efforts and the efforts of many others who had joined in the cause produced the Criminal Justice Act of 1964. He has been a firm advocate of the Mallory rule and the other decisions of recent years intended to preserve the Bill of Rights and place proper restraints upon the use of police power. In the pursuit of such interests he has been the confidant of Justices, judges, and legislators.

Dr. Bennett has been a great friend and supporter of adequate assistance to the police, but Jim Bennett has stood up as a giant against giving to anyone the police-state powers. There is a great difference between adequate support of the police and giving to them procedural powers to make it possible for them to run roughshod over the civil liberties of free men and women.

Some weeks ago, I had lunch with Dr. Bennett in the Senate dining room. He talked to me then about the stand that I have taken in the past several years in support of the unanimous decision of the U.S. Supreme Court in the Mallory case.

He spoke in opposition to a section of the omnibus crime bill which is pending on the calendar in the Senate which seeks in effect to undermine, to undercut—yes, even to reverse this precious protection of the Mallory rule. The Mallory rule simply says that when the police arrest anyone they must proceed without delay to take the arrested person before a committing magistrate.

What in the world is wrong with that?

Any attempt to undermine that precious right which the Supreme Court has unanimously recognized in the Mallory decision is an attempt to give to the police of the District of Columbia police-state powers.

I worked in this field of criminology for years before I came to the Senate. I shall continue to do everything that I can to protect this precious civil liberty of the American people, so that when the hand and the voice of the law says, "You are under arrest," that officer must proceed forthwith to take that person before a committing magistrate who will determine whether there is probable cause for the arrest.

If there is not present probable cause for an arrest, a policeman in this Nation has no right to throw any person into jail and then to subject him to the third-degree tactics that some police departments are notorious for—and, let me say, which have been alleged to exist in the District of Columbia.

That is why I am going to put up one of the strongest fights I have ever made in my 20 years in the Senate if there is an attempt, between now and adjournment, to foist upon the citizens of the District of Columbia—and, yes, upon the citizens of America who may be arrested in the District of Columbia, this police-state device that is contained in the omnibus crime bill. It is a device which seeks to give to the police of the District of Columbia the right to arrest a person, to throw him into jail, and to keep him there for 6 hours at their discretion—arbitrary, capricious, discretion, before he is taken before a judicial officer for the determination of one simple question: "Was there probable cause for the arrest?"

I salute the Director of the Bureau of Prisons for his courageous stand against the attempt to put through the Congress a proposal to nullify the Mallory rule, a proposal which amounts in effect to undercutting and reversing a unanimous decision of the U.S. Supreme Court. Let me say to Senators that I recognize there are no votes for them in the District of Columbia.

Many of those who are supporting this undercutting of the Mallory rule would talk in different language if this were proposed in their home States.

As long as we deny to the people of the District of Columbia the precious right of being first-class citizens so that they might govern themselves under a home rule law, we have no right whatsoever to reverse the Supreme Court in the Mallory case.

That is why I say in paying my tribute to Jim Bennett tonight, that I salute him also for his courage in standing firmly against giving a police-state procedural power to police in the United States.

All of this is not to say that Jim Bennett is maudlin, molly-coddling or overly soft in his sympathies for offenders. When judges refer cases to him for sentencing recommendations, as they do some 500 times a year, he gives full weight to the principle of deterrence. And on the rare occasions when there has been some crisis in a Federal institution—as in 1946 during the battle of Alcatraz and in 1959 when a group of Federal dangerous prisoners at the Springfield, Mo., hospital captured five guards—he directed his officers with dispatch and resourcefulness.

Jim Bennett is a great American, and I share with my colleagues a deep sense of regret that he has decided to retire. I know, however, that even in retirement he will devote all his energies to the causes he has so long espoused. They are the causes of mankind's unfortunates, and my best wishes for continued success go with him.

I yield the floor.

PROPOSALS TO CLOSE PRESIDENTIAL SUCCESSION LOOPHOLES

Mr. MANSFIELD. Mr. President, it has been 9 years since former President Eisenhower was struck down by illness. In that period of time there has been much talk, some discussion, but no action taken on the question of Presidential succession.

I am delighted that under the chairmanship of the distinguished Senator from Indiana [Mr. BAYH] a bill has been at long last reported from the Committee on the Judiciary which seeks to face this most serious and difficult question.

I realize, of course, that principally due to circumstances having to do with time, it may well be that no action will be taken in both Houses this year. But I believe that much credit should go to the Senator from Indiana for ending this long delay and coming forth with a policy that has a great deal of merit.

After 9 long years, it is my hope that even though action is not taken on the bill this year, that at least, the matter will be discussed, and the foundation laid so that it can be brought up next year and considered by the two Houses. I would hope that a good beginning has been made.

Mr. President, I ask unanimous consent that an article published in the Christian Science Monitor of August 16, 1964, entitled "Point of View: Proposals To Close Succession Loopholes," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POINT OF VIEW: PROPOSALS TO CLOSE SUCCESSION LOOPHOLES

(By Roscoe Drummond)

WASHINGTON.—After long and potentially perilous delay, the Senate Judiciary Committee is acting to close the dangerous gap in the Constitution which is either silent or vague on two crucial points:

What to do if the President is, for any period or any reason, unable to perform his duties.

How to fill the office of Vice President when it becomes vacant during his elected term.

The Senate Judiciary Committee is recommending an amendment now which deals constructively with these grave constitutional loopholes. It is none too soon.

In this century alone seven Presidents either have died in office, have been assassinated, have been the target of attempted assassination, or have been incapacitated. They are Presidents Garfield, Wilson, Harding, Franklin Roosevelt, Truman, Eisenhower, and Kennedy. Four Presidents—Theodore Roosevelt, Coolidge, Truman, and Johnson—have been without a Vice President for a considerable period.

Here is what is being urged now as the wisest solution:

The proposal: Whenever there is a vacancy in the Vice Presidency, as there is now, the President would nominate a replacement who would take office upon confirmation by a majority vote of the Senate and the House.

Its merit: There are three advantages. It would mean that the Office would be promptly filled. It would guarantee continuity of party and policy in the White House. It would partake of the elective process since the President's nomination of a Vice President would have to be approved by the elected Members of Congress.

The proposal: If the President declares in writing that he is unable to discharge his powers and duties, the Vice President would serve as Acting President until the President countermands the request.

Its merit: This provision formalizes the private agreements reached between former President Eisenhower and Richard M. Nixon, the late President Kennedy and Lyndon B. Johnson, and between President Johnson and House Speaker John McCormack, now next in line. It would constitutionalize the prevailing procedure.

The proposal: Whenever the President sends Congress a written declaration that his disability no longer exists, he would automatically resume his powers with one exception. The exception would be if the Vice President, with the written concurrence of the Cabinet or any other body Congress might designate, should notify Congress that the President is actually unable to perform his duties and if Congress confirms this decision by a two-thirds vote of both Houses.

Its merit: This deals prudently with an unlikely but possible contingency. In the kind of world we are in today no gap in continuity of the U.S. Government, especially at its highest level, should be left unnecessarily to vagary.

The proposal: If a President is unable or unwilling to declare his inability to discharge his duties—through perversity (as in the case of Woodrow Wilson) or acute sickness or because he is totally isolated by a nuclear attack—the Vice President, with the written approval of a majority of the Cabinet, would send to Congress a written declaration of the facts whereupon he would become Acting President.

Most of these provisions reflect the informal arrangements and ideas advanced by General Eisenhower and Mr. Johnson. They draw upon the advice of three Attorneys General, Herbert Brownell, William H. Rogers, and Robert F. Kennedy. The initiative for bringing the amendment forward belongs to Senator BIRCH BAYH, Democrat, of Indiana, who deserves credit for ending the long delay—9 years—since General Eisenhower's illnesses brought the need to sharp national attention.

Obviously these proposals will need to be thoroughly debated. The debate may reveal how they can be improved. There will be plenty of time since Congress cannot possibly act on them until next year and, after congressional action, the proposed amendment would have to be approved by three-fourths of the State legislatures before it could become binding.

A good beginning has been made.

TRIBUTE TO MORRIS M. CLEAVENGER

Mr. MANSFIELD. Mr. President, a good friend, a fine reporter, and a man who had the West at heart has passed on to his reward.

Morris Cleavenger for many years served as an AP correspondent covering the Rocky Mountain States, stationed in Washington. He also served Colorado, Montana, Wyoming, New Mexico, and elsewhere.

Actually, Morris Cleavenger had been sick for some time. I did not realize that he was as sick as he was. But he has gone to his reward, and a good man will no longer be with us.

I shall miss him. He was wise in his counsel, and sound in his advice.

Mr. President, I ask unanimous consent that an article from the 1960 AP World, which I understand is distributed among the staffers of AP, entitled "Green Grass of Early Retirement Good Browsing for Cleavenger," be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREEN GRASS OF EARLY RETIREMENT GOOD BROWSING FOR CLEAVENGER—WASHINGTON REGIONAL MAN HANDICAPPED SINCE OPERATION

(By Gordon Brown)

WASHINGTON.—Morris M. Cleavenger, whose dry, caustic wit enlivened many a cabbages-and-kings philosophic discussion around the Capitol press galleries, has retired after nearly 20 years with the AP, the last 16 in the Washington bureau.

Cleavenger, who ended his AP service recently at the age of 55, quit for reasons of health. He had been on a leave of absence for the preceding year.

Two years ago he underwent an operation for replacement of arteries in his legs. But he never fully regained his strength and the old leg man for the Rocky Mountain States finally decided on full retirement in an effort to recover his health.

Morris has hopes of a trip to Europe—if he can get that far from his doctors and if his legs will hold up.

Cleavenger's coverage of Washington for the States of Colorado, Montana, Wyoming, and New Mexico drew many a bouquet from members in those States and one publisher once wrote that his weekly column "Looking Westward" had become a household word to readers.

Cleavenger airily brushed aside observations of envious colleagues who contended that the publisher didn't say what kind of household word he had in mind.

Sometimes Cleavenger was referred to as "The Sportsman," chiefly because of his penchant for luring unwary colleagues into impossible wagers.

Born October 3, 1904, in Hanover, Kans., Cleavenger worked for 6 years on the Rocky Mountain News in Denver. He entered AP service at Denver February 2, 1941, and was transferred to Washington in the fall of 1944 to specialize in coverage for the Rocky Mountain area.

He was an expert on many a western topic, including reclamation, and was as much at home in the Interior Department as in offices of western Senators and Representatives—and he was highly regarded in all of these offices.

A heart attack a few years ago slowed him down for a time, but he came back strong and took over his run with the old vigor. But then the legs began to give out and, as all old leg men know, that's a catastrophe.

"You know," Morris said after a couple months of browsing on the green grass of retirement, "this is a pretty good life. I enjoy it and think I'm going to like it."

FAIRPLAY—FINANCIAL POSITION OF THE PRESIDENT AND HIS FAMILY

Mr. MANSFIELD. Mr. President, in the Philadelphia Inquirer of August 19, there appears an editorial entitled "Fairplay." It deals with the tendency in some quarters to take "potshots" at the financial position of the President and his family. The editorial properly castigates the political prowlers who slink into the financial history of the Johnson family and, finding nothing suitable for jackals, slink out again to spread the half-truth and half-innuendo.

This is an election year and there is a desperate search underway for political missiles to hurl at the admirable conduct of the Presidency by Mr. Johnson during the past 9 months. I suppose, in the circumstances, it is understandable if there is a desperate resort to extremism in this respect. But it is nonetheless despicable and deplorable.

In my judgment, the people have enough sense to turn away from these political prowlers who pander to the worst in political taste. Their merchandising of suspicion as to the integrity of the Johnson family will not hurt the President. But it will do the Nation no good if, confronted as we are with great issues of national unity and stability in a world of cataclysmic change, we countenance a Presidential campaign attuned to the titillations of a pitchman at a financial peepshow.

I am delighted, therefore, that the President has seen fit to make public a full statement of his financial situation which, according to the news ticker, he intends to do today. If this sort of information must enter into the considerations of the November election at all, it is best, then, that it enter accurately rather than through the backdoor of the political bookie.

I would hope but would not except, in the light of the desperation of the opposition, that the President's statement will put an end to the matter. I would hope and would expect that Democrats will not respond in kind.

Mr. President, I ask unanimous consent that the editorial previously cited be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FAIRPLAY

It has become an increasingly popular pastime in some quarters, as the election campaign heats up, to take potshots at President Johnson's family wealth.

The unfairness of this sniping maneuver, as well as its political motivations, are obvious. Until something irregular and improper has been brought out concerning whatever assets the President and his family may possess, there is no excuse, outside of the sphere of partisan harassment, for the continuing exploitation of the Johnson finances.

Like any other American citizen, Lyndon Johnson has had the right to engage in free enterprise. If his enterprise has resulted in substantial gains, why should he be penalized, and criticized, because of it?

Life magazine, the latest of several publications which have been trying to place a price tag on the Johnson fortune, has appended to its conjectures this statement: "This process of accumulation violated no tradition in a republic which is founded upon the principles of free enterprise and which has never demanded of its servants—whether at Federal, State, or courthouse level—that they practice economic celibacy." This is a reasonable statement.

In playing the game of guess-how-much, Life has fixed the worth of the President's family at $14 million, in the same issue containing a statement from the trustee of the Johnson holdings setting an evaluation of $4 million.

Speculation of this kind proves nothing. Certainly it embodies no evidence that there has been any crossing of the line of conflict between the public and the private interest.

There is general agreement among all pryers into the private business of the President's family that the cornerstone of the Johnson holdings is KTBC, a successful radio-TV operation in Austin, Tex. That station was a losing venture in 1943, when Mrs. Johnson purchased it. She later applied for a television license, a perfectly proper procedure, and obtained it in 1952.

It might be granted that the President's wife showed perspicacity in obtaining that particular radio station at the time, in foreseeing the rich future in TV, and in acting on that foresight. But that is no reason for holding suspect any profits she may have garnered because of her enterprise.

Some small-minded persons have been trying desperately to make a campaign issue out of something that is half-smear, half-insinuation. We do not believe it will work—because it is viciously unfair, and the American people are devoted to fairplay, in politics, as in other aspects of our life.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of certain measures on the calendar, beginning with Calendar No. 1397, and that the following measures be considered in sequence; and I ask unanimous consent that at the appropriate point in connection with these measures, I may be authorized to have printed in the RECORD excerpts from the reports.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the first measure to be considered.

JUDGE FRANCIS CARR POWERHOUSE, CLEAR CREEK, CALIF.

The Senate proceeded to consider the joint resolution (H.J. Res. 733) to designate the powerhouse on Clear Creek at the head of Whiskeytown Reservoir, in the State of California, as Judge Francis Carr Powerhouse which has been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the resolving clause and insert:

That the one hundred and thirty thousand kilowatt capacity powerhouse on Clear Creek at the head of Whiskeytown Reservoir shall hereafter be known as Judge Francis Carr Powerhouse in honor of Judge Francis Carr, of Redding, California, a lawyer, judge, public servant, and advocate of reclamation development including the great Central Valley project developed to meet the serious water shortages in the San Joaquin Valley and Sacramento Valley of California. The Secretary of the Interior is hereby directed to place a suitable plaque at the site. Any law, regulation, document, or record of the United States in which such powerhouse is designated or referred to shall be held to refer to such powerhouse under and by the name of Judge Francis Carr Powerhouse.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bureau of Commercial Fisheries of the Department of the Interior is hereby authorized and directed to conduct a survey of the character, extent, and condition of the marine and fresh-water commercial fishery resources, including both those resources now being utilized and those potential resources which are latent and unused, of the United States, its territories and possessions, including high seas fishery resources in which the United States may have interests or rights; the economic status and organization of the industry based thereon; the economic, legal, and other institutional handicaps to industrial development and conservation of fishery resources; the effects thereon of existing conventions and treaties relating to the living marine resources of the high seas, and the nutritive and industry values of fishery products and byproducts affecting or potentially affecting the fishery industry and its economy; such survey to include but not to be limited to the following:

(a) The current methods, practices, facilities, and equipment used in producing commercial fishery products.

(b) The accretion or depletion of the various species and stocks of living marine resources of commercial use and value of the United States and its contiguous waters resulting from methods, practices, facilities, and equipment used in their production or exploitation by the fishery industry of the United States and other nations fishing in waters contiguous to the United States, or from the absence of methods, practices, facilities, and equipment by nations fishing in waters contiguous to the United States conducive to maintaining optimum sustained yields of fisheries of commercial value.

(c) The accretion or depletion of the various species and stocks of living marine resources of commercial use and value of the United States and its contiguous waters resulting from agreements, conventions, or treaties entered into by the United States with another nation or several nations, or with the indigenous inhabitants of the United States, or from international conventions or treaties involving only nations other than the United States.

JOHN MUIR NATIONAL HISTORIC SITE, CALIFORNIA

The bill (H.R. 439) to provide for the establishment of the John Muir National Historic Site in the State of California, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1463), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 439 is to provide for the establishment of the John Muir National Historic Site in Martinez, Calif., H.R. 439 was introduced by Congressman BALDWIN.

NEED

John Muir (1838–1914) was one of the world's outstanding conservationists during his era. Born in Scotland, he came to the United States with his parents as a boy, grew up in Wisconsin, and moved to California. He became known first to the scientific community as a glaciologist and botanist and later to the Nation as a leading exponent of the importance of preserving its forests and scenic wonders. His writings over a long period of years in local and national publications, a series of widely read books ("The Mountains of California," "My First Summer in the Sierra," "Our National Parks," "Stickeen," and others), and his friendship with leading figures of the day—Theodore Roosevelt, Robert Underwood Johnson, Walter Hines Page, John Burroughs, Asa Gray, Ralph Waldo Emerson, and others—aided him greatly in spreading his gospel and getting action on it. His greatest concrete accomplishments in the public field connect him with the establishment of Yosemite National Park and the passage of the Forest Reserve Act of 1891. Muir's name will last without the establishment of the proposed national historic site, but with it his place in an important phase of American scientific and cultural life will be better appreciated than it otherwise would be.

The property which H.R. 439 proposes be acquired for and administered as a national historic site includes the house which was home to John Muir during the most productive period of his life. This house was built about 1882 by his father-in-law, Dr. John T. Strentzel. John Muir and his family moved to it in 1890 after Dr. Strenzel's death and lived there until his own death in 1914. The house is in virtually the same condition as it was when Muir lived there, and the grounds surrounding it contain plantings which he gathered from all over the world. In addition there is another house on the tract to be acquired—the Martinez adobe house—which was constructed during the early days of the gold rush and is an excellent example of the architecture of that period. The acquisition of both the Muir and the Martinez adobe houses has been recommended by the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments "as of exceptional value for the purpose of illustrating and commemorating the history of the United States." Options to purchase these two properties at considerably less than their probable market value are held by the Contra Costa Historical Society and the John Muir Memorial Association. The options expire May 1, 1964.

COST

The estimated cost of acquiring the properties involved in H.R. 439, as amended, is $169,000 and the cost of making necessary restorations and improvements for public use is about $128,000. Annual operating costs are estimated at $37,000.

JOINT RESOLUTION PASSED OVER

The joint resolution (S.J. Res. 6) to cancel any unpaid reimbursable construction costs of the Wind River irrigation project, Wyoming, chargeable against certain non-Indian lands was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE AND JOHNSTOWN FLOOD NATIONAL MEMORIAL IN THE STATE OF PENNSYLVANIA

The bill (H.R. 931) to provide for the establishment of the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial in the State of Pennsylvania, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1465), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Enactment of H.R. 931 will authorize the Secretary of the Interior to establish the Allegheny Portage Railroad National Historic Site in Blair and Cambria Counties and the Johnstown Flood National Memorial in Cambria County, Pa., and to maintain them as units of the national park system.

THE ALLEGHENY PORTAGE RAILROAD

The Allegheny Portage Railroad was constructed by the State of Pennsylvania as one link in its 394-mile main traffic artery between Philadelphia and Pittsburgh. The first link in this artery was the railroad which the State constructed between Philadelphia and Columbia, the second its water route from Columbia to Hollidaysburg, the third the Allegheny Portage Railroad across the mountains, and the fourth the water route from Johnstown to Pittsburgh. The entire trip from Philadelphia to Pittsburgh required 4 days and, for a passenger in 1840, cost $7.

Built in 1831–34, the Allegheny Portage Railroad overcame the 1,400-foot rise on the eastern slope between Hollidaysburg and Blair's Gap with a series of five inclined planes plus intermediate level-track sections and the 1,200-foot drop on the western slope between Blair's Gap and Johnstown with another five inclined planes, a 900-foot tunnel, and level-track sections. Its overall length was 36 miles. It was one of the great engineering wonders of its day.

The principal features of the railroad facilities and associated developments which enactment of H.R. 931 will authorize the Secretary of the Interior to include in the new national historic site are the Lemon House at the summit of the railroad, the Skew Arch Bridge, the Portage Railroad (Staple Bend) tunnel, and portions of the railroad right-of-way on the eastern slope. The bill fixes 950 acres as the maximum that may be included.

The Lemon House, during the years when the railroad was operating, was a hostelry at which many famous travelers on the railroad stayed. The Skew Arch Bridge was constructed in 1832–33 to carry a turnpike over inclined plane No. 6. The Staple Bend tunnel, 901 feet long, was the first railroad tunnel in America; 600 feet of its length are cut through living rock. The tunnel is now closed to visitors as a pipeline owned by the Bethlehem Steel Co. traverses its length. Although the tunnel, the plane to its west and the level to its east, are now an integral part of the Johnstown plant of the Bethlehem Steel Co., the committee has been informed that the corporation is willing to enter into an agreement with the Secretary of the Interior and the National Park Service for the preservation, to the best of the corporation's ability, of these portions of the historic site contemplated by H.R. 931 for eventual incorporation in the historic site.

The committee regrets that it is not possible to include the entire route of the Allegheny Portage Railroad within the site but it realizes that much of this route has been obliterated by modern developments. The remnants that survive, including those that have just been mentioned and a few others, will serve to remind those who stop to enjoy it of the part the Allegheny Portage Railroad played in the competition between Pennsylvania and its neighboring States to develop a route to the West, of its important role in the development of the trans-Appalachian region, and of its significance as a New World engineering achievement. These considerations make the preservation of its remains a worthy project.

THE JOHNSTOWN FLOOD SITE

Closely connected historically with the Allegheny Portage Railroad, but more famous for other reasons, is the South Fork Dam on the Little Conemaugh River. This dam was constructed to provide water for operation of the part of the Pennsylvania Canal between Johnstown and Pittsburgh. It created what was, at the time it was built, probably the largest artificial lake in the country—3 miles long and more than a mile wide at various places.

When the Allegheny Portage Railroad system was abandoned, operation of the dam and reservoir was also abandoned. They came into the hands of other parties in due course but the dam failed on May 31, 1889, and caused what all history now refers to as the Johnstown flood in which between 2,000 and 3,000 lives were lost—the greatest disaster up to that time in America.

The remnants of this dam, the committee believes, ought also to be preserved and kept available to help our citizens remember our history. The bill calls for the acquisition and inclusion within the memorial of not more than 55 acres.

COST

Current estimates are that it will cost approximately $2 million for land acquisition and development under H.R. 931. Operating expenses are expected to be about $75,000 a year.

DEVELOPMENT OF COAL ON THE PUBLIC DOMAIN

The Senate proceeded to consider the bill (S. 2327) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain which had been reported from the Committee on Interior and Insular Affairs with an amendment at the top of page 2, to insert a new section, as follows:

Sec. 2. (a) Subsection (a) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(a)), is further amended by the deletion from the first sentence of the words "but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract".

(b) Subsection (b) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(b)), is further amended by changing the words "two thousand five hundred and sixty acres" in the first sentence thereof to "five thousand one hundred and twenty acres".

(c) For the purpose of more properly conserving the natural resources of any coalfield or prospective coal area, or any part or zone thereof, lessees and permittees and their representatives may enter into a contract with each other or others for collective prospecting, development, or operation of such field or prospective coal area, or any part or zone thereof, whenever determined and certified by the Secretary of the Interior to be in the public interest. A contract approved hereunder shall not provide for an apportionment of production or royalties among the separate tracts comprising the contract area, but may provide for the commingling of production with appropriate allocations to the tracts from which produced. Notwithstanding any provision of this section to the contrary, the Secretary may, with the consent of the lessees or permittees involved, establish, alter, change, or revoke mining, producing, rental, minimum royalty, and royalty requirements of such leases or permits, and issue regulations that are applicable to such leases or permits or contracts. The Secretary is authorized to enter into a contract with a single lessee or permittee embracing his leases or permits. The Secretary may authorize the consolidation of separate Federal permits or leases into a lesser number of permits or leases, or into a single permit or lease.

(d) Coal leases and permits operated under a contract approved or executed by the Secretary pursuant to subsection (c) of this section may be excepted from limitations on maximum holdings or control imposed by this Act if the Secretary finds that such exception is required to permit economic development of the coal resources and is otherwise consistent with the public interest.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 27 of the Act of February 25, 1920, as amended (30 U.S.C. 184), is further amended to read as follows:

"(a) No person, association, or corporation shall take, hold, own, or control at one time, whether acquired directly from the Secretary under this Act or otherwise, coal leases or permits on an aggregate of more than forty-six thousand and eighty acres in any one State."

Sec. 2. (a) Subsection (a) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(a)), is further amended by the deletion from the first sentence of the words "but in no case exceeding two thousand five hundred and sixty acres in any one leasing tract".

(b) Subsection (b) of section 2 of the Act of February 25, 1920, as amended (30 U.S.C. 201(b)), is further amended by changing the words "two thousand five hundred and sixty acres" in the first sentence thereof to "five thousand one hundred and twenty acres".

(c) For the purpose of more properly conserving the natural resources of any coalfield or prospective coal area, or any part or zone thereof, lessees and permittees and their representatives may enter into a contract with each other or others for collective prospecting, development, or operation of such field or prospective coal area, or any part or zone thereof, whenever determined and certified by the Secretary of the Interior to be in the public interest. A contract approved hereunder shall not provide for an apportionment of production or royalties among the separate tracts comprising the contract area, but may provide for the commingling of production with appropriate allocations to the tracts from which produced. Notwithstanding any provision of this section to the contrary, the Secretary may, with the consent of the lessees or permittees involved, establish, alter, change, or revoke mining, producing, rental, minimum royalty, and royalty requirements of such leases or permits, and issue regulations that are applicable to such leases or permits or contracts. The Secretary is authorized to enter into a contract with a single lessee or permittee embracing his leases or permits. The Secretary may authorize the consolidation of separate Federal permits or leases into a lesser number of permits or leases, or into a single permit or lease.

(d) Coal leases and permits operated under a contract approved or executed by the Secretary pursuant to subsection (c) of this section may be excepted from limitations on maximum holdings or control imposed by this Act if the Secretary finds that such exception is required to permit economic development of the coal resources and is otherwise consistent with the public interest.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1466), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF MEASURE

The purpose of S. 2327, which is sponsored by Senator Moss, of Utah, is to promote the development of the enormous coal deposits in the publicly owned lands of the United States and make more low-cost electric power available, particularly in the West. It would accomplish this purpose by amending the Mineral Leasing Act of 1920 to increase the maximum acreage of Federal coal lands any one person, association, or corporation may hold under lease to an overall total of 46,080 acres. The present maximum is 5,120 acres, with the Secretary of the Interior authorized to permit an additional 5,120 acres to be held where necessary for economical operation and in the public interest.

Amendments adopted by the committee would remove the limitation on a single competitive lease, now 2,560 acres, increase the area that can be covered by a prospecting permit from its present 2,560 acres to a maximum of 5,120 acres, and authorize the Secretary to approve agreements between lessees and permittees for collective prospecting, development, or operation of coalfields on the public lands if such action is found to be necessary for economic development and consistent with the public interest.

NEED FOR LEGISLATION

At the hearings, evidence was submitted to the committee that demands for electrical energy are increasing rapidly, especially in the West. Technological advances, while making possible utilization of lower grade coals and more effective production, also require very large investments in plant and facilities. Substantial reserves of coal are necessary in order to warrant such investments, and present-day limitations are not adequate for this purpose.

Some 35 million acres of the public lands are classified by the U.S. Geological Survey as coal lands, and the Survey reports that there are many other hundreds of thousands, or millions, of additional acres of the public domain that, while not formally so classified, are believed to contain coal deposits. Of this vast amount, only 305,652 acres are currently under lease.

This large acreage available for leasing makes any danger of monopoly on Federal coal lands extremely remote, the committee is convinced.

In 1962, approximately 422 million tons of coal were mined in the United States, of which less than 13 percent was produced in the Western States, from both public and private lands. Since most of the lands subject to S. 2327 are in the West, the increase would permit greater utilization of the vast coal where mined in the United States, of coal deposits they contain and thus promote the industrial and general economic development of the region, as well as contribute to the economy of the Nation.

THE COMMITTEE AMENDMENT

In reaching the conclusion that an increase to 46,080 acres in the maximum acreage allowable was in the public interest, the committee also determined, on the basis of the hearings, that the present restriction of each lease or permit to 2,560 acres was illogical. Accordingly, the bill was amended to eliminate the ceiling, and to authorize prospecting permits of up to 5,120 acres.

The purpose of prospecting is obvious and retaining a specific limitation will insure adequate control. In the case of leasing, the committee believes that the Secretary of the Interior should have greater flexibility in determining the area of individual leases but directs that, in determining such size, the Secretary shall take into consideration the area required for plant facilities and the physical conditions of the lands being leased including the thickness and density of the coalbed. This will give recognition to the fact that some lands are more productive than others.

Finally, the committee took into consideration the fact that mine mouth generation of power and the sizable investments which will be required may indicate the economics in specific instances of cooperative development contracts. Provision has therefore been made to permit such cooperative development contracts to be entered into with the approval of the Secretary of the Interior, who would have the further authority to except coal leases and permits operated under contract from the acreage limitation that would otherwise be imposed.

The foregoing changes are embodied in a single amendment, consisting of a new section, section 2, which has been added to the measure. The amendment has the approval of the Department of the Interior.

COST

No increase in budgetary requirements is authorized or contemplated by S. 2327, as amended.

BILLS PASSED OVER

The bill (S. 2687) to amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of the District of Columbia Court of General Session, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H.R. 5871) to amend section 11 of the act of April 1, 1942, in order to modify the retirement benefits of the judges of this District of Columbia Court of General Sessions, the District of Columbia Court of Appeals, and the Juvenile Court of the District of Columbia, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Mr. President, over.

The PRESIDING OFFICER. The bill will be passed over.

SURVEY OF MARINE AND FRESH-WATER COMMERCIAL FISHERY RESOURCES OF THE UNITED STATES, ITS TERRITORIES, AND POSSESSIONS

The Senate proceeded to consider the joint resolution (S.J. Res. 174) to authorize and direct the Bureau of Commercial Fisheries to conduct a survey of the marine and fresh-water commercial fishery resources of the United States, its territories, and possessions which had been reported from the Committee on Commerce, with amendments on page 3, line 6, after the word "resources", to insert "including both those resources now being utilized and those potential resources which are latent and unused,"; in line 12, after the word "thereon", to insert "the economic, legal, and other institutional handicaps to industrial development and conservation of fishery resources;"; on page 4, at the beginning of line 19, to strike out "international"; in line 21, after the word "nations", to insert "or with the indigenous inhabitants of the United States,"; on page 5, after line 16, to insert:

> (h) The economic and legal factors that may handicap the efficient and effective development of full utilization of existing or potential marine fisheries or their conservation.

And, on page 6, line 20, after the word "fisheries", to insert "and new or revised laws and regulations that will stimulate and encourage rational, economically efficient development of full utilization of presently unutilized or underutilized potential resources"; so as to make the joint resolution read:

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1462), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of the resolution is to honor the memory of a distinguished leader in California water matters by fixing his name to an important public facility which is one of the many beneficial works which constitute the fruit of his efforts.

The only cost involved in the enactment of this joint resolution would be for a suitable commemorative plaque at the powerhouse.

EXPLANATION

The 130,000-kilowatt-capacity powerhouse referred to in the resolution is a feature of the Trinity River division of the Central Valley project. It is located at the head of the Whiskeytown Reservoir, the establishment of which was advocated by Judge Francis Carr as part of developing the tributaries on the upper Sacramento River for flood control and water conservation as a part of the project. The reservoir is now emerging as a recreational asset and the powerhouse itself will help to defray project costs and to provide a return on the Federal Government's investment. The facility is located a short distance from Shasta, the historic settlement where, nearly a century ago, Judge Francis Carr's father, a pioneer lawyer and teacher, first established his home after moving to California.

The late Francis Carr, of Redding, Calif., was a water lawyer for more than 40 years. In 1932 he was appointed to the State water resources commission and also served as chairman of the State relief commission during the depression. His distinguished record of public service in varied fields for the good of his fellow Californians is further evidenced in his service to his local community as judge.

Judge Carr helped to develop a plan and obtain legislative support for the great Central Valley project on which construction began in 1935 in order to meet serious water problems in vast areas of California. Following through, he was, for several years, the principal advocate for the Trinity River division of the Central Valley project. He served as chairman of a two-county committee to bring about the construction of that particular division. The efforts of Judge Carr on behalf of this project were of crucial importance in bringing this project into being.

The utilization of the fishery resources of waters contiguous to the United States by the fisheries industries of other nations and the effects of this utilization on the domestic and export markets of the United States for such resources.

(e) The methods, practices, facilities, and equipment used in processing, preserving, distributing, transporting, marketing, and storing fishery products, including an assessment of measures existing or in the process of development for the augmented protection or preservation of these commodities.

(f) The methods, practices, facilities, and equipment which may be practicable for expanding the utilization of the existing or potential marine and fresh-water commercial fishery resources.

(g) The laws and regulations that govern the commercial fisheries.

(h) The economic and legal factors that may handicap the efficient and effective development of full utilization of existing or potential marine fisheries or their conservation.

SEC. 2. The Bureau of Commercial Fisheries of the Department of the Interior is directed to submit a report to the Congress as soon as practicable, but not later than January 1, 1967, concerning the results of the survey authorized and directed in the preceding section, and also shall submit recommendations with respect to the following:

(a) New and revised regulations or precautionary measures deemed to be necessary or advisable for the protection, conservation, and management on a sustained-yield basis of the fishery and other renewable marine and fresh-water commercial resources.

(b) New or revised regulations or precautionary measures deemed to be necessary or desirable to insure adequate protection of the fishery and other biological resources from contamination by pollution or other hazards, including chemical preparations used as pesticides, herbicides, or fungicides, and to prevent spoilage or deterioration of fishery products.

(c) New or revised regulations or precautionary measures deemed to be necessary or desirable to insure adequate protection of the fishery and other biological resources and applicable to the catching, landing, processing, transporting, marketing, or storing of fishery products or commodities derived from the fisheries, and new or revised laws and regulations that will stimulate and encourage rational, economically efficient development of full utilization of presently unutilized or underutilized potential resources.

(d) The opportunities for, and the advisability of, further arrangements for coordinating fishery administration and management through State fishery compacts with the consent of the Congress as authorized by article 1, section 10, of the Constitution of the United States of America, and opportunities for, and the advisability of additional coordinated management and administration of international fisheries.

(e) The opportunities for, and the advisability of, further international agreements, conventions, or treaties for the conservation of the fishery resources of the high seas by, but not necessarily limited to, establishing methods, practices, facilities, and equipment in furtherance of the conservation and maintenance of such resources on an optimum sustained-yield basis.

(f) Means of effecting the maximum utilization, consistent with their continued preservation at an optimum level of productivity, of the marine and fresh-water fishery resources utilized, or potentially capable of utilization for commercial fishing, giving special consideration to methods of managing and increasing fishery production, including artificial impoundments and farm ponds.

(g) New and improved methods of capturing, landing, processing, storing, distributing, and marketing fishery products or commodities, including increasing consumption as food and the industrial utilization of fishery products through public education, or other activities, such recommendations to contemplate the full and cooperative use of the personnel and facilities of the appropriate State, territorial, county, local, or other organizations, as well as those of private and industrial or other organizations.

(h) A program of economic stabilization of the fisheries and of Federal, State, or other assistance needed to effect the orderly development and expansion of the commercial fisheries and allied industries, and to secure and provide for the fisheries benefits comparable to those afforded the food production activities and industries dependent upon the lands.

(i) New and improved methods of stimulating and encouraging exports of United States fishery products and commodities, including industrial byproducts of the commercial fisheries and allied industries.

(j) Special and regular appropriations necessary to carry out a program for the optimum utilization of the marine and fresh-water commercial fishery resources such as may be necessary to accomplish the specific purposes and objectives hereinbefore mentioned, including funds for the publication and dissemination of technical and practical information.

Sec. 3. There is authorized to be appropriated, out of moneys in the Treasury not otherwise appropriated, such funds as may be necessary for the purpose of carrying out the provisions of this joint resolution, but not to exceed $100,000.

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was amended, so as to read:

Whereas the fishery resources of the United States and its contiguous waters are so varied and so abundant that prior to 1957 the fisheries industries had assumed a world position with respect to the production of fishery commodities second only to that occupied by Japan, but since have declined to fifth position being surpassed not only by Japan but also by Peru, Communist China, and the Soviet Union; and

Whereas, despite the magnitude of these fishery resources and the economic importance to the fishing industry, the United States has failed to develop, to utilize, and to conserve her fishery resources to the fullest extent and to a degree commensurate with the development, utilization, and conservation of the resources of the land, or to a degree commensurate with the development and utilization of marine resources by many other nations; and

Whereas the fishery resources of the United States and of waters contiguous to the United States have, by their variety and abundance of fishery resources, attracted the fisheries industries of many European and Asiatic nations and encouraged them to send fleets of fishing vessels to these waters more numerous, larger, and superior in capacity and equipment to those of the United States and with such enterprise and capabilities as to threaten these resources with depletion or extinction; and

Whereas the demands for fishery products as food, for fishery products and byproducts for industrial uses, and upon fisheries as a potential adjunct to the defenses of the United States, far exceed even the most optimistic estimates; and

Whereas it is in the interest of all the people of the United States to insure the fullest permanent development, utilization, and protection of the marine fishery resources of the high seas which may be subject to utilization by United States nationals, and of the marine and fresh-water commercial fishery resources within the limits of territorial jurisdiction; and

Whereas it is in the interest of all peoples that fishery resources of the high seas be conserved to maintain optimum sustained yields and that for this purpose international agreements, conventions, or treaties based on factual information of stocks, abundance, reproduction, mortality, and depletion, including causes of depletion, and which have the purpose of international conservation of high seas fishery conservation, be entered into between nations with high seas fisheries industries; and

Whereas it is in the interest of all the people of the United States and of people throughout the world that the nutritive value of fish and fishery commodities and the industrial value of fishery byproducts be studied and determined and that the findings of these studies be made publicly known: Therefore be it

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1469), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE JOINT RESOLUTION

The purpose of Senate Joint Resolution 174, as amended, is to obtain, through a comprehensive survey by the Bureau of Commercial Fisheries, information and data on marine and fresh-water resources, existing and potential, which will enable the commercial fishery industries of the United States to meet the need for their distinctive protein-rich food products, for byproducts required by expanding industrial uses, and, in the event of national emergency, for such vessels and manpower as may be necessary or useful to our maritime defense. Such a survey also is needed so that Congress may legislate properly and wisely on matters pertaining to the development, utilization, and conservation of these valuable resources, many of which presently are threatened with serious depletion.

APPROPRIATE REIMBURSEMENT BY THE WEATHER BUREAU

The bill (S. 2315) to authorize the Weather Bureau to make appropriate reimbursement between the respective appropriations available to the Bureau, and for other purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act to provide basic authority for certain functions and activities of the Weather Bureau, and for other purposes", approved June 2, 1948 (62 Stat. 826; 15 U.S.C. 325), is amended by inserting "(a)" immediately before "Appropriations", and by adding at the end thereof the following new subsection:

"(b) Subject to limitations applicable with respect to each appropriation concerned, each appropriation available to the Weather Bureau may be charged at any time during a fiscal year, for the benefit of any other appropriation available to the Weather Bureau, for the purpose of financing the procurement of materials and services, or financing activities or other costs, for which funds are available both in the financing appropriation so charged and in the appropriation so benefited; except that such expenses so financed shall be charged on a final basis, as of a date not later than the close of such fiscal year, to the appropriation so benefited, with appropriate credit to the financing appropriation."

Sec. 2. The amendments made by the first section of this Act shall be effective with respect to each fiscal year which begins on or after July 1, 1963.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1470), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

The purpose of the bill is to permit purchase by the Weather Bureau of expendable supplies for inventory for the "Salaries and expenses" appropriation for use in all Bureau programs regardless of appropriation. Charges would be made to the using appropriation at time of issue from inventory with credit to the purchasing appropriation. Similar authority was provided the Bureau of the Census in Public Law 87–489, approved June 19, 1962, and to the Atomic Energy Commission in the Supplemental Appropriation Act, 1959.

To facilitate cost-based budgeting, overhead would be charged to a single appropriation with later distribution to the benefiting appropriation.

Need for the proposed legislation, according to the Department of Commerce, became apparent in 1961, when a comprehensive audit of the Bureau by the General Accounting Office disclosed that the "Salaries and expenses" appropriation was not being charged for maintenance services performed by technicians whose total salaries were paid from the appropriation "Establishment and maintenance of meteorological facilities." Enactment of S. 2315 would permit later charging of actual salary costs to benefiting appropriations with reimbursement to the appropriation from which the full salaries were paid.

The Department of Commerce advises that approximately $300,000 would be involved annually in the reimbursement process, or ½ to 1 percent of the "Salaries and expenses" appropriation. Later, it states, when overhead is established, an additional $1 million may be involved for a total of about 2 percent of the "Salaries and expenses" appropriation.

The bill would amend an act to provide basic authority for certain functions and activities of the Weather Bureau, and for other purposes approved June 2, 1948 (62 Stat. 826; 15 U.S.C. 325), and would be effective at the beginning of each fiscal year following enactment.

COSTS

No additional costs will be incurred by the enactment of this legislation.

AMENDMENT TO THE FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ACT WITH REGARD TO FILING DESIGNATION OF BENEFICIARY

The bill (S. 1974) to amend the Federal Employees' Group Life Insurance Act, as amended, with regard to filing designation of beneficiary was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first item of the order of precedence in section 4 of the Federal Employees' Group Life Insurance Act of 1954, as amended, is amended to read as follows:

"First, to the beneficiary or beneficiaries as the employee may have designated by a signed and witnessed writing received prior to death in the employing office or, if insured because of receipt of annuity or of Federal Employees' Compensation Act benefits as provided in section 6(b) or 6(c) of this Act, in the Commission. For this purpose, no designation, change, or cancellation of beneficiary in a last will or testament or in any other document not so executed and filed shall have any force or effect;".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1472), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this measure, proposed by the U.S. Civil Service Commission, is to clarify beyond any doubt the intent of the Congress with regard to the filing of designation of beneficiary under the Federal Employees' Group Life Insurance Act. A clear statement of congressional intent would obviate an increasing amount of litigation and would permit the prompt payment of claims upon the death of the employee or retiree.

Section 4 of the act (5 U.S.C. 2093) specifies the order of precedence for payment of the life-insurance claim as follows:

"First to the beneficiary or beneficiaries as the employee may have designated by a writing received in the employing office prior to death."

Section 4 then enumerates the other classes of contingent beneficiaries in the following order of precedence:

"(2) Widow or widower.

"(3) Children or descendants by representation.

"(4) Parents or surviving parent.

"(5) Executor or administrator.

"(6) Other next of kin under law of decedent's domicile at time of death."

Pursuant to the act, the Civil Service Commission issued a regulation governing the filing and changing of insurance designations. The applicable regulation follows:

"(a) The designation of beneficiary shall be in writing, signed, and witnessed, and received in the employing office (or, in the case of (1) a retired employee and (2) an employee whose insurance is continued while he is receiving benefits under the Federal Employees' Compensation Act * * *, in the Civil Service Commission) prior to the death of the designator.

"(b) No change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by the regulations in this part, shall have any force or effect."

This regulation was incorporated in the basic contract between the Civil Service Commission and the Metropolitan Life Insurance Co., which carries the program.

The Civil Service Commission advises that the difficulty which has arisen with regard to the language of the act and the clarifying regulation stems from a decision of the U.S. Court of Appeals for the Ninth Circuit in the case of *Austin* v. *Sears*, which held that a beneficiary named in a will was entitled to payment.

While other court decisions have held to the contrary, finding that the decedent must have filed the designation as provided by the statute if a beneficiary is to be paid, the Civil Service Commission reports that if the *Austin* v. *Sears* decision were to prevail, confusion as to the identity of the official designation of beneficiary could ensue, causing hardship to the true designee, creating time-consuming administrative difficulties in resolving claims, and encouraging litigation. The Commission advises that a steadily increasing number of court actions are being sought by claimants and that if the court of appeals interpretation stands it will be necessary to delay payment in every case to provide an opportunity for every person who may possess a document affecting the designation of the beneficiary to present it for consideration.

S. 1974 provides that the order of precedence shall be first to the beneficiary designated in a signed and witnessed writing received before the insured's death in the employing office. If the insured is a Federal annuitant or the recipient of benefits under the Federal Employees' Compensation Act, the writing must be received by the Civil Service Commission. It provides further that no designation, change, or cancellation of beneficiary in a will not executed and filed as required above will have any effect.

It is the committee's understanding that when an employee retires, his written designation of beneficiary is transferred, pursuant to regulations set forth in the "Federal Personnel Manual," from the office of the employing agency to that of the Civil Service Commission. Thus, it is not necessary for the retiring employee to file a new designation with the Commission when his retirement becomes effective. If he wishes to change his designation of beneficiary, he should, of course, file a new properly executed designation not with the agency at which he was formerly employed but with the Civil Service Commission.

Under the provisions of S. 1974, there would be no uncertainty as to the beneficiary, irrespective of the existence of conflicting designations in a will, so that prompt payment of claims would be made at a time when the family of the Federal employee or retiree is usually in need of immediate funds.

The Civil Service Commission advises that enactment of this measure will incur no cost to the Federal Government, but will permit an administrative saving in connection with the adjudication of claims.

REIMBURSEMENT OF CENSUS ENUMERATORS FOR CERTAIN TELEPHONE TOLLS AND CHARGES

The bill (H.R. 9425) to amend title 13, United States Code, to authorize reimbursement of certain enumerators for certain telephone tolls and charges was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1473), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This legislation, an administration proposal and a companion to S. 2157, would amend 13 U.S.C. 24 to provide for reimbursement for the cost of telephone charges incurred by employees of the Bureau of the Census in the transaction of official business.

In many metropolitan areas of the United States, telephone companies have established charges in addition to monthly service rates for calls which extend beyond certain geographical limits but which are not classified as long-distance calls. Census enumerators in large cities frequently pay as much as $20 a month in additional charges because of these recently adopted rates. The Bureau of the Census has about 800 regular part-time employees who conduct surveys. Some of these interviews can be advantageously conducted by telephone if the person interviewed consents to such a method. Savings in time and money are thus effected. However, under a ruling by the Comptroller General (35 Comp. Gen. 615), these charges for local calls are not reimbursable. Present law does authorize reimbursement for local toll charges for certain employees of the Corps of Engineers and the U.S. Forest Service (31 U.S.C. 680 and 16 U.S.C. 580f). This system of reimbursement has worked successfully and safeguards to prevent illegal claims are conducted administratively by the agencies involved.

The Bureau of the Census estimates that about $10,000 a year will be saved by authorizing reimbursement for these charges. The average cost of conducting a personal house-to-house survey is $1.79 each. By utilizing the enumerator's private-residence telephone, this could be reduced to an estimated 52 cents. In addition, the inconvenience of making calls from public telephone booths, which carries the disadvantage of travel, limitation of space for completing census forms, and lack of complete privacy, would be eliminated. Enumerators would submit statements from the telephone company to claim reimbursement, and the Bureau can and will conduct periodic checks to ascertain the validity of the claims.

DUTIES OF ENUMERATORS OF THE BUREAU OF THE CENSUS

The bill (H.R. 4818) to amend section 25, title 13, United States Code, relating to the duties of enumerators of the Bureau of the Census, Department of Commerce, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1474), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

H.R. 4818 would eliminate the requirement that census enumerators visit each dwelling house or usual place of abode within his particular district to obtain census information. This legislation, a companion to S. 619, represents an official request of the administration.

Section 25 of title 13, United States Code, requires census enumerators to visit personally each house or place of abode to gather census information. Eliminating this requirement will permit the Bureau of the Census to effect economies, improve the quality of the 1970 Census of Population and Housing, and effectively utilize postal facilities in many census districts. To prepare for the actual enumeration of the 1970 census, work must be done now to plan for partial enumeration through the mails. It would be useless to conduct testing and preparatory work unless the requirement for door-to-door canvassing is eliminated. Preliminary studies indicate that the number of enumerators required for the 1970 census would be at least 200,000. If the requirement is eliminated, about 80,000 enumerators would be used. The average length of time employed for these 80,000 would be greater than the average in past years but the total enumerator hours required would be substantially reduced. Door-to-door canvassing would still be necessary in congested metropolitan areas, foreign-language-speaking areas, and some other places. Fewer enumerators would allow the Bureau to provide better training and supervision for those employed. Concentration upon problem areas will result in an improved census report.

The Post Office Department will assist in preliminary planning and testing and in the development of procedures to be followed in using the mails for the major portion of the enumeration.

Utilization of postal facilities will in the future offset the anticipated costs of planning, testing, and preparatory work in the immediate future.

TAKING OF ECONOMIC CENSUSES 1 YEAR EARLIER STARTING IN 1968

The bill (H.R. 3545) to amend section 131 of title 13, United States Code, so as to provide for taking of the economic censuses 1 year earlier starting in 1968 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1475), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This legislation, an administration proposal and a companion to S. 616, provides for taking the quinquennial economic census 1 year earlier, beginning in 1968 to improve the operational efficiency of the Bureau of the Census by spreading out the workload, particularly with respect to the computing activities, and by alleviating the irregularity in work requirements of the Bureau of the Census.

Under existing law, the censuses of manufactures, mineral industries, and other businesses (known as economic censuses), are conducted every fifth year.

This legislation provides that the economic census scheduled for 1969 will be advanced to 1968, and that thereafter such census shall be taken every fifth year. This change in scheduling these censuses will permit better utilization of facilities in the Census Bureau over a 10-year cycle of major census programs.

Improved procedures made possible by the use of electronic computers permit more efficient operation if the timing of major periodic censuses is changed. The proposed change in timing of economic censuses provided in this legislation will permit computer utilization during a 10-year cycle to be more evenly distributed than can now be achieved under existing law.

The Bureau of the Census has advised the committee that approximately 10,000 additional hours of computer utilization time can be achieved by moving up the year in which the economic census is taken. This will allow the Government to use its own machinery rather than contracting out this work to private industry at substantially greater cost to the taxpayer.

This legislation will not cost but its enactment will result in substantial savings in the operation of the Bureau of the Census by reason of more efficient use of equipment and personnel.

PARTICIPATION OF CERTAIN DISTRICT OF COLUMBIA TEACHERS IN HEALTH BENEFITS PLAN

The Senate proceeded to consider the bill (H.R. 5932) to amend the Federal Employees Health Benefits Act of 1959, so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such act and to amend the Federal Employees' Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers which had been reported from the Committee on Post Office and Civil Service, with amendment, on page 2, after line 21, to strike out:

Sec. 3. This Act shall take effect on the first day of the first month which begins not later than the sixtieth day after the date of its enactment.

And, in lieu thereof, to insert:

Sec. 3. (a) Title V of the Government Employees Salary Reform Act of 1964 (Public Law 88–426), is amended by adding a new section, to read as follows:

"Sec. 503. (a) Nothwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the rates of compensation of officers and employees of the Federal Government and of the municipal government of the District of Columbia whose rates of compensation are fixed by administrative action pursuant to law and are not otherwise increased by this Act are hereby authorized to be increased, effective on or after the effective date prescribed by section 501(a), by amounts not to exceed the increases provided by this Act for corresponding rates of compensation in the appropriate schedule, scale, or level of pay.

"(b) Nothing contained in this section shall be deemed to authorize any increase in the rates of compensation of officers and employees whose rates of compensation are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(c) Nothing contained in this section shall affect the authority contained in any law pursuant to which rates of compensation may be fixed by administrative action."

(b) Section 508 of title 28, United States Code, as amended by section 306(a)(1) of the Federal Executive Salary Act of 1964, is amended by striking out "subsection (f)" and inserting in lieu thereof "subsections (f) and (g)".

(c) Section 306(a)(2) of the Federal Executive Salary Act of 1964 is amended by striking out "section 303(f)" and inserting in lieu thereof "section 303 (f) and (g)."

(d) The third sentence of section 2 of the Act of May 29, 1959, as amended by section 306(h) of the Federal Executive Salary Act of 1964, is amended by striking out "subsection (f)" and inserting in lieu thereof "subsections (f) and (g)".

(e) Section 308 of the Federal Executive Salary Act of 1964 is amended by inserting after "Federal Reserve Act (12 U.S.C. 248),", in the second sentence, the following: "in section 121 of title 2 of the Panama Canal Zone Code (76A Stat. 15),".

Sec. 4. The foregoing provisions of this Act shall take effect upon the first day of the first month which begins not later than the sixtieth day after the date of its enactment, except that section 3 of this Act shall take effect as of the first day of the first pay period which began on or after July 1, 1964.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to amend the Federal Employees Health Benefits Act of 1959 so as to authorize certain teachers employed by the Board of Education of the District of Columbia to participate in a health benefits plan established pursuant to such Act, to amend the Federal Employees Group Life Insurance Act of 1954 so as to extend insurance coverage to such teachers, to provide for retroactive salary increases for certain civilian employees of the Federal Government, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1476), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

This legislation would permit temporary teachers employed by the District of Columbia Board of Education to elect coverage under the Federal employees health benefits program and the Federal employees' group life insurance program if their total service aggregates two or more school years. Despite the so-called temporary nature of their employment, many of these teachers are in fact reemployed from year to year, some having been employed for as long as 20 years. Since temporary teachers are currently excluded from both the health and life insurance programs, the Board of Commissioners of the government of the District of Columbia, seeing their exclusion as an inequity, has officially requested this legislation.

Under section 3(a) of the Federal Employees Health Benefits Act of 1959, section 2(a) of the Federal Employees' Group Life Insurance Act of 1954, and Civil Service Commission regulations issued pursuant to these measures, employees serving under appointments limited to 1 year or less are excluded for these two programs. The committee believes it was the clear intent of Congress to exclude employees whose periods of employment were demonstrably temporary. Although the term "temporary" is applied to some 1,921 teachers of the District of Columbia public school system, many of them are reemployed year after year and can be considered to fall within the category of those Federal employees whom the Congress intended should be covered by the Federal Employees Health Benefits Act of 1959 and the Federal Employees' Group Life Insurance Act of 1954.

The approximately 5,000 full-time school teachers of the District system are divided into 3 classes: probationary, permanent, and temporary, the first 2 classes being covered by the Health Benefits and Life Insurance Acts. The probationary appointment, for a 2-year period, is designed to lead to a permanent appointment if the teacher is successful during the 2-year period.

If a teacher is to receive a probationary or permanent appointment, he must meet all the requirements for a teaching license. He must be a citizen of the United States, be of good moral character, and possess a bachelor's degree from a recognized college or university. If he is to teach in senior high school, he must have a master's degree; he must have a specified number of college credits in his major teaching field; he must have a specified number of college credits in professional educational courses; he must be not more than 50 years old at the beginning of his probationary service; he must have completed a course in practice teaching or 2 years of satisfactory teaching service in an accredited school system; and he must pass a comprehensive written and oral examination.

Temporary teachers are required to meet the test of being of good moral character; they must be citizens of the United States; and they must possess a bachelor's degree. They are, however, a group who have not met all the technical requirements for appointment in the probationary or permanent category. Nevertheless, the committee concludes from testimony presented at hearings in connection with this measure that temporary teachers are a valuable and integral part of the District public school system.

Some temporary teachers are excluded from appointment as probationary or permanent teachers solely by the age limit of 50. A teacher could leave the school system for a number of years, for example to marry and have a family, and then later wish to return as a teacher. If this teacher were age 50—even though he or she were a competent and experienced teacher—the age-limit regulation would prevent his or her reemployment except as a temporary teacher.

Of the approximately 1,920 temporary teachers now employed, 700 have served 2 or more years; 270 have served for more than 5 years; and some have taught for 15 and 20 years.

Temporary teachers who continue to teach from year to year are usually appointed July 1, beginning their actual teaching assignments the following September at the beginning of the school year and teaching until the close of school on or about June 30. Thus, the term "school year" means from September until the close of school in June. Teachers are paid their salaries in monthly increments of 10 per year. Thus, a teacher who has taught for an aggregate of 20 months is deemed to have served for 2 school years.

INCLUDE CERTAIN U.S. COMMISSIONERS WITHIN PURVIEW OF FEDERAL EMPLOYEES HEALTH BENEFITS ACT OF 1959 AND THE FEDERAL EMPLOYEES GROUP LIFE INSURANCE ACT OF 1954

The bill (H.R. 5708) to bring certain U.S. commissioners within the purview of the Federal Employees Health Benefits Act of 1959 and the Federal Employees Group Life Insurance Act of 1954 was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1477), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

This bill would amend the Federal Employees Health Benefits Act of 1959 and the Federal Employees' Group Life Insurance Act of 1954 to extend coverage of these fringe benefits to certain U.S. commissioners.

U.S. commissioners are appointed by district judges for 4-year terms. They perform a number of services for the courts; primarily they serve as magistrates. They are compensated on a fee basis. Their incomes range from a minimum of $4 to a maximum of $10,500 per annum. In 1956, Congress amended the Civil Service Retirement Act to provide retirement benefits for those commissioners whose annual income derived from their official duties exceeds $3,000 in each of 3 consecutive calender years. The $3,000 income figure established a dividing line between those whose services were considered full time and those whose duties allowed them opportunities for outside employment.

H.R. 5708 would extend life and health insurance to commissioners who qualify for retirement benefits under existing law. The Civil Service Commission estimates that only 55 of 695 U.S. commissioners qualify for such coverage at this time.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL REPORTS OF COMMITTEES

The following reports of committees were submitted:

By **Mr. MORSE**, from the Committee on the District of Columbia, with an amendment:

S. 860. A bill to amend the District of Columbia minimum wage law to provide broader coverage, improved standards of minimum wage and overtime compensation protection, and improved means of enforcement (Rept. No. 1487).

By **Mr. HAYDEN**, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 273. Concurrent resolution to place temporarily in the rotunda of the Capitol a statue of Father Eusebio Francisco Kino, and to hold ceremonies on such occasion (Rept. No. 1483);

H. Con. Res. 274. Concurrent resolution accepting the statue of Father Eusebio Francisco Kino, of Arizona, presented by the State of Arizona, to be placed in the Statuary Hall collection (Rept. No. 1484); and

H. Con. Res. 275. Concurrent resolution providing for printing of proceedings in connection with the unveiling of the Father Eusebio Francisco Kino, or Arizona, statue (Rept. No. 1485).

By **Mr. JORDAN** of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 352. Resolution to increase the amount of funds authorizing a study of administrative practice and procedure (Rept. No. 1489);

S. Res. 353. Resolution to increase the amount of funds to investigate antitrust and monopoly laws of the United States (Rept. No. 1490);

S. Res. 354. Resolution to increase the amount of funds authorizing a study of matters pertaining to constitutional amendments (Rept. No. 1491);

S. Res. 355. Resolution to increase the amount of funds to investigate matters pertaining to constitutional rights (Rept. No. 1492);

S. Res. 356. Resolution to increase the amount of funds to study matters pertaining to immigration and naturalization (Rept. No. 1493);

S. Res. 358. Resolution to increase the amount of funds to investigate problems created by the flow of refugees and escapees from communistic tyranny (Rept. No. 1494);

S. Res. 362. Resolution to print additional copies of part 9 of the hearings entitled "Administration of National Security" (Rept. No. 1498);

H. Con. Res. 330. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System (Rept. No. 1499);

H. Con. Res. 336. Concurrent resolution to provide for the printing of 4,000 additional copies of School Prayer Hearings (Rept. No. 1500);

H. Con. Res. 346. Concurrent resolution authorizing the printing of additional copies of hearings on the Federal Reserve System (Rept. No. 1501);

H. Con. Res. 347. Concurrent resolution authorizing the printing of additional copies of House Report 176, 88th Congress, 1st session, entitled "Annual Report for the Year 1962, Committee on Un-American Activities" (Rept. No. 1502);

H. Con. Res. 348. Concurrent resolution to print as House documents the publications "World Communist Movement—Selective Chronology, 1818–1957, Volume 2 and Volume 3", and to provide for the printing of additional copies (Rept. No. 1503);

H. Con. Res. 349. Concurrent resolution authorizing the printing of additional copies of House Reports 1480 (Rept. No. 1504); and

H. Con. Res. 350. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the U.S. Capitol", as a House document, and for other purposes (Rept. No. 1505).

By **Mr. JORDAN** of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 357. Resolution to increase the amount of funds to investigate the administration, operation, and enforcement of the Internal Security Act (Rept. No. 1495);

S. Res. 359. Resolution to increase the amount of funds for a study of the Revision and Codification of the Statutes of the United States (Rept. No. 1496); and

S. Res. 360. Resolution to increase the amount of funds to investigate juvenile delinquency (Rept. No. 1497).

By **Mr. PELL**, from the Committee on Rules and Administration, without amendment:

H.R. 10178. An act to authorize the Smithsonian Institution to employ aliens in a scientific or technical capacity (Rept. 1488).

ASSISTANCE FOR STUDENTS IN HIGHER EDUCATION—REPORT OF A COMMITTEE—INDIVIDUAL AND MINORITY VIEWS (S. REPT. NO. 1486)

Mr. MORSE. Mr. President, from the Committee on Labor and Public Welfare, I report an original bill to provide assistance for students in higher education by establishing programs for scholarships, loan insurance, and work-study, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with the individual views of the Senator from Vermont [Mr. Prouty], the individual views of the Senator from New York [Mr. Javits], and the minority views of Senators Goldwater, Tower, and Jordan of Idaho.

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Oregon.

The bill (S. 3140) to provide assistance for students in higher education by establishing programs for scholarships, loan insurance, and work-study, reported by Mr. Morse, from the Committee on Labor and Public Welfare, was read twice by its title, and placed on the calendar.

MARGE DESTITO—REPORT OF A COMMITTEE

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 364); which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Marge Destito, widow of Ross Destito, an employee of the Senate at the time of his death, a sum equal to 3 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ADDITIONAL BILL

Mr. MORSE, by unanimous consent, reported an original bill (S. 3140) to provide assistance for students in higher education by establishing programs for scholarships, loan insurance, and work-study, which was ordered to be placed on the calendar.

(See the remarks of Mr. Morse when he reported the above bill, which appears under a separate heading.)

RESOLUTIONS

AUTHORIZING A REVIEW OF THE NATIONAL NEEDS FOR LOCAL AIRLINE SERVICE

Mr. HUMPHREY (for himself, Mr. McCarthy, Mr. Nelson, Mr. Proxmire, Mr. McGovern, Mr. Hart, Mr. Boggs, Mr. Morton, Mr. Williams of Delaware, and Mr. Cooper) submitted a resolution (S. Res. 363) authorizing a review of the national needs for local airline service, which was referred to the Committee on Commerce.

(See the above resolution printed in full when submitted by Mr. Humphrey, which appears under a separate heading.)

MARGE DESTITO

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 364) to pay a gratuity to Marge Destito, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. Jordan of North Carolina, which appears under a separate heading.)

A NATIONAL POLICY FOR LOCAL AIRLINE SERVICE

Mr. HUMPHREY. Mr. President, I submit, on behalf of myself and the junior Senator from Minnesota [Mr. McCarthy], the senior Senator from Wisconsin [Mr. Proxmire], the junior Senator from Wisconsin [Mr. Nelson], the Senator from South Dakota [Mr. McGovern], the Senator from Michigan [Mr. Hart], the Senator from Delaware [Mr. Boggs], the Senator from Kentucky [Mr. Morton], the Senator from Kentucky [Mr. Cooper], and the Senator from Delaware [Mr. Williams] and ask for its appropriate reference, a resolution authorizing a thorough review by the Committee on Commerce of the national needs for local airline service and expressing the sense of the Senate that pending the outcome of this review the Civil Aeronautics Board shall maintain air service to all points now served.

The future of airline service for American communities urgently requires a new statement of national policy to keep pace with a fast growing nation.

Many complaints from cities, States, and National organizations, such as the Local Airline Service Action Committee, charge that local airline service is inadequate. Cases before the Civil Aeronautics Board threaten discontinuance or downgrading of service at more than 100 points among some 540 now on the airline map.

The cities have spent hundreds of millions of dollars to provide adequate airports with the implied promise, both from the airlines and from the Federal Government, that they would receive adequate airline service. Many feel that the promise is not being kept.

This is a matter not merely of civic pride but of economic necessity. As American industry expands, the cities with good transport facilities are at great advantage in gaining and holding their share of the Nation's prosperity. Those without it are at a grievous disadvantage.

Cities that have lived upon farm income are most dependent upon air transportation to develop new industry, new income, and new employment that will compensate for a loss of farm population to cities.

The Federal Aviation Act was wisely adopted to promote "adequate, economical, and efficient service by air carriers at reasonable charges," and to develop "an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States."

It is a step backward even to consider reduction or downgrading of service. The Civil Aeronautics Board disagrees within itself. Decisions between a restrictive, backward-moving policy and a progressive, forward policy often are reached by a 3 to 2 vote.

Such a close division on a matter of such importance requires a clear statement of policy which only Congress can provide.

This is a difficult and controversial area of policy implementation and I believe all interests would be served through a careful review of the situation by the Committee on Commerce. In particular, I wish to commend the distinguished Senator from Oklahoma [Mr. Monroney], chairman, Subcommittee on Aviation, for his long-standing concern and interest with this vexing problem. I am confident that his advice and counsel in this area would be extremely beneficial in the development of an equitable and progressive national air service policy.

I ask unanimous consent that the full text of this resolution be printed at this point in the Record, and that the resolution remain at the desk for an additional 3 days so that other interested Senators will have an opportunity to join as cosponsors. I also ask unanimous consent that a fact sheet setting forth the details of local communities threatened with loss of scheduled airline service be printed at this point in the Record.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection, the resolution and fact sheet will be printed in the Record, and the resolution will be held at the desk, as requested by the Senator from Minnesota.

The resolution (S. Res. 363) was referred to the Committee on Commerce as follows:

Whereas it is recognized by the Federal Aviation Act that air transport is essential to economic progress and that hundreds of communities, with or without aid under the Federal Airport Act, have financed airports to keep their place in a growing nation; and

Whereas complaints as to lack of adequate airline service have been sent to Congress;

Whereas cases before the Civil Aeronautics Board threaten the discontinuance of air service at more than 100 points and there is a narrow division within the Board between a policy of restriction and one of expanding service: Now, therefore, be it

Resolved. That the Committee on Commerce shall make a thorough review of the needs for airline service with a view to setting a progressive national policy and recommending any necessary legislation; and

That it is the sense of the Senate that, pending the outcome of such review, the Civil Aeronautics Board shall maintain scheduled air service to all points now served, on a frequency not less than at present.

The fact sheet presented by Mr. Humphrey is as follows:

Local Airline Service—Facts

USE IT OR LOSE IT

A total of 86 communities face loss of local airline service under the use-it-or-lose-it rule of the Civil Aeronautics Board, requiring not less than 5 enplaned passengers per day, unless they build traffic beyond that minimum. Many of these cities have only local airline connections and thus would be off the airline map.

Such cities also may find it hard to get grants-in-aid for airport improvements from the Federal Aviation Agency.

Many other cities are uncomfortably close to the minimum; 59 are between 5 and 7 passengers per day.

The following list is from the CAB's latest report on local airline traffic, for the 12 months ended March 31, 1964:

STATE AND CITIES UNDER FIVE PASSENGERS PER DAY

Arizona: Page, Prescott, Safford.

Arkansas: Jonesboro.

California: Oakland.

Colorado: Lamar.

Idaho: Burley, Coeur d'Alene, Hailey Ketchum, Payette, Rupert, Sun Valley.

Indiana: Columbus, Richmond.

Kansas: Dodge City, Garden City, Goodland.

Louisiana: Morgan City.

Maryland: Salisbury.

Michigan: Alpena, Cadillac, Jackson, Pontiac, Port Huron, Reed City.

Minnesota: Fairmont, Mankato, Thief River Falls, Worthington.

Mississippi: Pascagoula.

Missouri: Kirsville.

Montana: Cut Bank, Glasgow, Glendive, Great Falls, Havre, Lewiston, Miles City, Sidney, Shelby, Wolf Point.

Nebraska: Sidney.

New Jersey: Trenton.

New Mexico: Sante Fe.

New York: Jamestown, Ogdensburg, Olean.

North Carolina: Elizabeth City.

North Dakota: Devil's Lake.

Ohio: Findlay, Portsmouth.

Oklahoma: Guymon, McAlester, Muskogee.

Oregon: Baker, Bend, Burns, Lakeview, Medford, Ontario, Pendelton, Redmond, Roseburg, Salem.

South Carolina: Myrtle Beach.

South Dakota: Brookings.

Tennessee: Rockwood, Shelbyville, Tullahoma.

Texas: Big Springs, Brownwood, Galveston, Paris, Port Arthur.

Utah: Logan, Moab.

Vermont: Rutland.

Washington: Bellingham, Olympia.

West Virginia: Martinsburg.

Wisconsin: Clintonville, Marshfield.

Wyoming: Powell, Rawlins.

STATES AND CITIES WITH FIVE TO SEVEN PASSENGERS

Arizona: Grand Canyon, Winslow.

California: Long Beach, Marysville, Yuba City.

Colorado: Gunnison.

Illinois: Rock Falls, Sterling.

Indiana: Marion.

Kansas: Coffeyville, Great Bend, Independence, Parsons.

Kentucky: Corbin, London.

Maryland: Hagerstown.

Massachusetts: Worcester.

Michigan: Ironwood.

Minnesota: Winona.

Mississippi: Greenwood, Oxford, University, Vicksburg.

Missouri: St. Joseph.

Montana: Kalispell.

Nebraska: Alliance, Chadron, McCook, Norfolk.

New Hampshire: Keene.

New Mexico: Carlsbad, Clovis, Hobbs.

New York: Buffalo.

North Carolina: Aberdeen, Charlotte, Pinehurst, Southern Pines.

North Dakota: Williston.

Ohio: Cambridge, Zanesville.

Oklahoma: Duncan, Enid.

Pennsylvania: Dubois.

South Carolina: Charleston, Greenwood.

South Dakota: Mitchell, Yankton.

Tennessee: Nashville.

Texas: Borger, Ft. Worth, Lufkin.

Washington: Port Angeles.

West Virginia: Elkins, Beckley.

Wisconsin: Ashland, Land O'Lakes.

Wyoming: Cody, Worland.

REGIONAL AIRPORTS

By joint policy between the Civil Aeronautics Board and the Federal Aviation Agency, efforts are being made to consolidate airline service at airports to serve two or more cities each. This would eliminate service to other airports now serving the cities individually. Federal aid airport funds may be withheld from the losers. In some cases, cities now served by nearby fields would be as far as 50 miles from the proposed regional airport.

It is CAB's intention to pursue such cases in all parts of the country. So far, airports serving 36 communities are involved in cases not yet completed, as follows:

Connecticut: Bridgeport, New Haven.

Michigan: Battle Creek, Kalamazoo.

Minnesota: Winona.

Montana: Glasgow, Sidney, Wolf Point.

North Carolina: Camp Lejeune, Goldsboro, Greenville, Jacksonville, Kinston, New Bern, Rocky Mount, Wilson.

Texas: Brownsville, Dallas, Edinburg, Fort Worth, Harlingen, McAllen, Mission, San Benito.

Wisconsin: Appleton, Ashland, Clintonville, Green Bay, Ironwood, La Crosse, Land O'Lakes, Marshfield, Rhinelander, Stevens Point, Wausau, Wisconsin Rapids.

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 8960) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of coal on the public domain and for other purposes, was read twice by its title and ordered to be placed on the calendar.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, in accordance with the previous order, I move that the Senate stand in adjournment until 10 o'clock a.m. tomorrow.

The motion was agreed to; and (at 7 o'clock and 20 minutes p.m.) the Senate adjourned, under the previous order, until tomorrow, Thursday, August 20, 1964, at 10 o'clock a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 19, 1964:

Commodity Credit Corporation

John A. Schnittker, of Kansas, to be a member of the Board of Directors of the Commodity Credit Corporation.

Postmasters

ALABAMA

Leonard W. Moyers, Athens.

Reginald Richardson, Greensboro.

Evelyn B. Andrews, Louisville.

Ora C. Cark, Munford.

Robert A. Bryant, Remlap.

Gail P. Mosley, Stapleton.

ALASKA

George S. Schwamm, Anchorage.

James E. Webb, Copper Center.

Maxine M. Millard, Glennallen.

Edith M. Arnold, Nome.

Durwood F. Huls, Valdez.

CALIFORNIA

Patrick H. McMahon, Cathedral City.

John H. Kirk, Coalinga.

Guy J. Collette, El Segundo.

Michael T. Lane, Lawndale.

Rex Huddleston, Live Oak.

R. Ollie Mapes, McClellan Air Force Base.

Gene W. Wooten, Olivehurst.

F. Culver Parker, Palm Springs.

William J. Wilson, Poway.

Charles M. Long, Reedley.

William F. Goward, San Leandro.

Raymond W. Wood, Sequoia National Park.

Lloyd C. Perkins, Soda Springs.

Lawrence R. Unser, Springville.

Barbara L. Tudor, Tecopa.

DELAWARE

George E. West, Selbyville.

FLORIDA

Edward A. Williams, Jr., Bonifay.

Robert A. Ballard, Goulds.

Evangel B. Cooksey, Lamont.

Richard T. Maltinos, Oldsmar.

Irene C. Collins, Satsuma.

Alton V. Cain, Shalimar.

Leonard F. Stansel, Wellborn.

GEORGIA

R. Guy Thomas, Milan.

Ouida J. Clements, Morgan.

Charles L. Ricks, Soperton.

IDAHO

Eugene L. Nelson, Council.

ILLINOIS

Stanley J. Jalovec, Argo.

Wilma K. Voll, Groveland.

INDIANA

James E. Ross, Crawfordsville.

Catherine L. Bradfield, Donaldson.

Robert C. Crouse, Monticello.

Omer C. Bixel, Plymouth.

George W. Brook, Remington.

Ralph R. Seavers, Upland.

Charles D. Prickett, Wolflake.

Glenn Walters, Wyatt.

IOWA

William H. Krueger, Arnolds Park.

Laura L. Knapp, Dolliver.

David M. Anderson, Forest City.

Robert J. Neal, Marble Rock.

Harvey C. Young, New Market.

William A. Fisher, Swisher.

Eugene J. Doyle, Williams.

KENTUCKY

Stanley W. Gosney, De Mossville.

Helen D. Wolford, Phelps.

LOUISIANA

Cleo H. Gaines, Olla.

Homer E. Adams, Rodessa.

MAINE

Russell J. Bryant, Belfast.

Albert L. Marcoux, Burnham.

Eldred F. Huntley, East Machias.

William L. Kinch, Livermore Falls.

Francis J. Brougham, North Jay.

F. Dale Speed, Princeton.

Ralph A. Dunton, New Sharon.

John J. McAuliffe, Rockland.

MARYLAND

James J. O'Rourke, Barton.

Genevieve M. Coale, Churchville.

William B. Orndorff, Cumberland.

Tilghman H. Williams, Goldsboro.

Clyde J. Embert, Jr., Greensboro.

Margaret C. Wallace, Sherwood.

Anna E. Brooks, Woolford.

MASSACHUSETTS

Owen J. Justin, Amesbury.

William H. Hodsdon, East Dennis.

Elizabeth A. Stanton, Fitchburg.

Armand A. Desjardins, Gilbertville.

Bernard E. Hickey, Griswoldville.

James F. Higgins, Hingham.

Paul H. Benoit, Southbridge.

Lillian M. Dziembowski, South Grafton.

MICHIGAN

James B. Koyne, Bellaire.

Reo A. Goff, Dimondale.

Lena L. Bryan, Douglas.

Earl A. Rosier, Eagle.

Frederick W. Ahola, Houghton.

Richard K. Boomer, Lakeview.

Berniece C. Hill, Lansing.

John O. Boynton, St. Ignace.

MINNESOTA

Fred J. Kronebusch, Altura.

Lawrence J. Mahan, Brandon.

Violet L. Howard, Lyle.
Matt J. Pecarina, Parkville.
Lee W. Davis, Vergas.

MISSISSIPPI

John E. Millender, Okolona.
Percy P. Pounders, Jr., Olive Branch.

MISSOURI

James G. Curry, Jr., Bucklin.
Erwin M. Otte, Chesterfield.
Hubert J. Ortwerth, Florissant.
Harold F. Taylor, Jonesburg.
William E. Jones, Neosho.
W. Pleas Wilson, Paris.
John Hoshor, Savannah.

MONTANA

Teddy R. Andrew, Columbia Falls.
Eugene Kennedy, Manhattan.
Sarah M. Riley, West Yellowstone.

NEBRASKA

Howard W. Knutzen, Cedar Bluffs.
Clifford L. Fauquier Central City.
Leo D. Coslett, Mead.
Lowell D. Hanson, Osceola.
Harland W. Burger, Plymouth.
Arthur W. Hovey, Trenton.
Edwin S. Pavlik, Verdigre.

NEVADA

Carroll W. Baber, East Ely.
Elfrieda C. Franck, Stewart.

NEW HAMPSHIRE

Alton G. Desnoyer, Claremont.
Lucille L. LaRose, New Castle.

NEW JERSEY

Sylvio E. Bertagni, Allentown.
Claude R. Poyer, Belvidere.
Norman H. Levbarg, Lakewood.
Robert N. Bailey, Mays Landing.
William E. Nagle, Vernon.
Harold F. Burd, Jr., Washington.

NORTH CAROLINA

Thelma B. Yelverton, Fountain.
Willard W. Reavis, Hamptonville.
David E. Yeomans, Harkers Island.
Charles R. Cowan, Mount Mourne.
Charles E. Morrison, Raeford.
Sidney Hofler, Washington.

NORTH DAKOTA

Florian P. Weinmann, Harvey.

OHIO

E. Wayne Blake, Belmont.
Donald J. Nagy, Brilliant.
Gayle A. Bowman, Bryan.
Michael J. Lotko, Jr., Elyria.
Donald R. Pettay, Freeport.
Roger R. Miller, Fresno.
Emmett J. Hagans, Gambier.
Irven E. Barcus, Sr., Johnstown.
James E. Stewart, Leetonia.
Edward H. Shrodes, Martins Ferry.
Russell H. White, St. Clairsville.
Vernon A. Bonar, Shadyside.
Don F. Shuler, Troy.
Mary E. Darrow, Unionville.

OKLAHOMA

Cora H. Gossmann, Arapaho.
Margaret C. Hill, Coalgate.
Carl B. Grimes, Elmer.
William M. Lindsey, Elmore City.
Edna L. McNatt, Foss.
Lloyd J. Carey, Grove.
Robert L. Stangl, Sparks.

OREGON

Marjorie E. Leach, Bonneville.

PENNSYLVANIA

Charles H. Heffner, Arendtsville.
George M. Guswiler, Mechanicsburg.
Robert P. DeLotto, New Kensington.
Ned M. Hartsell, Oil City.

SOUTH CAROLINA

Edwin C. McCants, Anderson.
DeWitt T. Branham, Jr., Lugoff.
Edwin L. Platts, Ridge Spring.
Otis P. Smith, St. Stephen.
Warren L. Walkup, Timmonsville.
Frank W. Nabors, Union.
William R. Busbee, Wagener.

SOUTH DAKOTA

Theron C. Halsted, Centerville.
Clair C. Simmons, Elk Point.
Edna I. Bingham, Hot Springs.
John C. Travis, Mound City.

TENNESSEE

Robert H. Easterly, Cleveland.
William B. Milstead, Hornsby.
Edward P. Peeler, Jr., Stanton.
James H. Miller, Surgoinsville.
Thomas B. Ferguson, Western State Hospital.

TEXAS

T. A. Warner, Bellevue.
Ernest H. Davis, Deweyville.
William L. Warren, Paint Rock.
Arthur C. Wendel, Richmond.
John M. Tidwell, Roanoke.
Virgie M. Holmes, Tolar.

UTAH

Wesley M. Farrer, Beaver.
Joseph L. Larsen, Huntington.

VERMONT

Mary J. Reagan, Moretown.
Richard H. Pittsley, South Barre.
Dorothy D. Beauchamp, South Woodbury.
William E. Flower, Woodstock.

VIRGINIA

Ralph S. Coffman, Mount Sidney.
James B. Sult, Mount Vernon.
J. White Marcum, Rose Hill.
Emmett F. Good, Stanley.

WASHINGTON

Melvin F. Thompson, Brinnon.
Carroll C. Emry, Buckley.
Homer V. Gage, Hoquiam.
Fae B. Trantham, Humptulips.
William H. Stiles, Jr., Longview.
Howard E. Burnett, Okanogan.
Richard B. Green, South Bend.
Elver R. Buckley, Wilbur.

WEST VIRGINIA

Maurice B. Morrison, Charlton Heights.
Q. Darrell Thompson, Coal City.
Robert M. Campbell, Grantsville.
Harper H. Galford, Green Bank.
Lee B. Coleman, Lost Creek.
Dual L. Hill, Princeton.

WISCONSIN

Ione R. Marshall, Argonne.
Allan R. Peterson, Elk Mound.
Clarence E. Meinhardt, Greenwood.
Donald S. Weindenfeller, Hollandale.
Roy H. Kreger, Lomira.
John E. Jacob, Lone Rock.
Thomas N. Hayden, Marshfield.
Richard W. Beranek, New Berlin.
James E. Wyse, Princeton.
Elaine E. Ouellette, Townsend.
Oscar L. Dingman, Troy Center.

WYOMING

Virginia L. Gregory, Hanna.

EXTENSIONS OF REMARKS

Twentieth Anniversary Celebration—American Airlines: San Antonio and the Golden West

EXTENSION OF REMARKS
OF
HON. HENRY B. GONZALEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 19, 1964

Mr. GONZALEZ. Mr. Speaker, on Sunday, August 16, it was my great honor and privilege to have been present at a double ceremony on the occasion of the 20th anniversary celebration of American Airlines service in the San Antonio area and to Mexico.

The first event was the inaugural ceremony for flight 163—a Boeing jet on the first nonstop passenger flight from San Antonio, Tex., to San Francisco, Calif., of the Golden West. This was a most auspicious occasion for many reasons. For one, it is a fast direct link between two of the most unique cities in the United States—San Francisco and San Antonio. On board the flight were distinguished leaders of San Antonio's city government and business. Also present were distinguished visitors from Mexico, such as the great industrialist from Monterrey, Nuevo Laredo, Mexico, Mr. Pepe Muguerza and his lovely and charming wife, Mrs. Muguerza; Mr. Mario Garza Castillon, of Mexico City, a distinguished and successful businessman and one of the pioneers of aviation in Mexico; Mr. and Mrs. Miguel Guajardo, who are well known in the official government family in Washington as a longtime and dear friend of President Lyndon Johnson, and who is active in a new effort to stimulate tourism and tourist traffic between Mexico and the United States.

Also present were Mr. M. D. Miller, retired American Airlines regional vice president; Mr. T. G. Rea, American Airlines manager for the Southwest; Mr. Garza Cantu, vice consul of Mexico in the city of San Antonio; Mr. and Mrs. W. S. Clark, local executive of the American Airlines; Mr. R. F. Lambert, regional vice president; Mr. and Mrs. J. P. Morris, American Airlines district sales manager; Mr. and Mrs. Douglas Stockdale, vice president and general manager of American Airlines in Mexico.

Also present to recount a most interesting and educational discussion on "What Flying to Mexico Was Like 20 Years Ago," was American Airlines pilot, Capt. Eddie Johnson.

The second event was a breakfast ceremony following the departure of the inaugural flight commemorating the 20th anniversary of American Airlines service into Mexico. This was indeed a foresighted and intrepid venture of an enterprising and successful airline company—American Airlines. For 20 years ago nobody, even in the wildest imagination, could have foreseen the tremendous developments that such great service companies as American Airlines have brought about in the passenger transportation service of our country.

There were many other distinguished guests present on this occasion and it is proper that I refer to them:

Mr. Starr Kealhoffer, administrative assistant, San Antonio Chamber of Commerce; Mr. and Mrs. John Gatti, mayor pro tempore; Mr. and Mrs. John Saunders, director of aviation; Mr. and Mrs. Carlos Freyman, HemisFair public relations director; Mr. Pat Swearingen, cochairman of aviation committee; Mr. Jack Roth, manager, KONO radio; Mr. and Mrs. Harry Mooradian, KONO radio; Mr. Vigil Cassle, U.S. Customs; Mr. Bob Jamison, assistant director of aviation; Mr. and Mrs. Bill Lydle, KENS–TV; Mr. and Mrs. Joe Draper, Express & News; Mr. and Mrs. Bob Roth, KONO–TV; Mr. and Mrs. Bob Dunn, director, chamber of commerce; Mr. and Mrs. Walt Warner, Texas Tourist Development Committee; Mr. and Mrs. Gene Crockett, WOAI; Mr. M. C. Gonzales, president, Mexican Chamber of Commerce; Mr. and Mrs. Martin Bussell, KITE; Mr. Jimi Ragsdale; Miss Eileen Hauge, and Miss June Brooks.

Following is a brief outline of the program:

Welcome and invocation.

Champagne brunch.

Introduction of guests.

What this event means to American Airlines.

What this event means to Mexico.

What this event means to San Antonio.

What flying to Mexico was like 20 years ago.

Presentation of "Alcalde" certificates.

Sunday, August 16, was indeed a historic occasion and was an occasion for reminiscence of historic accomplishments. Not only all San Antonians but all fellow Americans should acknowledge this contribution, performance and excellence of service in American Airlines and its indispensable partnership in the development and enhancement of communities such as San Antonio and San Francisco.

Harold Ensley—The Sportsman's Friend

EXTENSION OF REMARKS

OF

HON. ROBERT F. ELLSWORTH

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 19, 1964

Mr. ELLSWORTH. Mr. Speaker, we on the Fisheries and Wildlife Subcommittee of the House of Representatives are privileged to know many of America's finest and most outstanding conservationists, hunters, fishermen, and personalities who are the driving forces behind the development and expansion of outdoor recreational opportunities and facilities in this country.

Such a man is Mr. Harold Ensley—the sportsman's friend—KCMO, Kansas City, radio and television personality, a man who not only delights and relishes in the opportunities provided by the out of doors but who is privileged to report on them and bring an awareness of them to others.

In this day of expanding population and diminishing space it is imperative, Mr. Speaker, that Americans fully understand and appreciate the challenge we have in maintaining and improving our outdoor heritage and in developing and expanding outdoor recreational facilities and opportunities. In this day of deep tensions it is important for individuals to realize and utilize the great therapy and enjoyment the great outdoors can bring to them. Harold Ensley, by his concern, his example, and his reporting, brings that awareness to hundreds of thousands of midcontinent Americans in an appealing, articulate, and effective way.

Harold Ensley has received national acclaim and recognition from sports and conservation organizations, associations, and publications for the great work that he is doing in his area of endeavor. He has won, literally, scores of awards for his personal prowess and ability as a fisherman, conservationist, outdoorsman, athlete.

It is refreshing, gratifying, and encouraging, Mr. Speaker, that we have people of the caliber and personal ability of Harold Ensley carrying the message of conservation, recreation, and the potential of life in the great out of doors to our people. It is vital to our Nation's welfare and happiness.

Bernard M. Baruch

EXTENSION OF REMARKS

OF

HON. W. J. BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 19, 1964

Mr. DORN. Mr. Speaker, Bernard M. Baruch is one of the greatest South Carolinians and one of the greatest Americans of all time. Mr. Baruch, by his close association with every American President since Woodrow Wilson, and Members of Congress, has influenced the destiny of this Nation and indeed the free world.

Mr. Baruch, and we in South Carolina are proud of it, epitomizes more than anyone of our time the true southern gentleman—courteous and gracious in manner, erect, dignified and distinguished in physical appearance, keen in mind and truly a financial genius in both private and public finance.

South Carolina and the Nation pause to pay Mr. Baruch homage today on his 94th birthday. My people join me and my family in wishing him many more happy birthdays and always the best.

Mr. Speaker, I noticed in the Post this morning a word of wisdom beneath his picture:

> We stand at a fork in the road of history; one path leads to destruction, the other to a bright, new future.

Freeman Speaks Up for Rural America

EXTENSION OF REMARKS

OF

HON. HAROLD D. COOLEY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 19, 1964

Mr. COOLEY. Mr. Speaker, the Democratic Party is the party of parity and prosperity in rural America.

The platform committee of this great party now is meeting in Washington, preliminary to the opening of the Democratic National Convention in Atlantic City on Monday.

Hon. Orville L. Freeman, the Secretary of Agriculture, presented to that platform committee this morning a ringing statement of this party's unremitting dedication to the well-being of agriculture and of Main Street America—to all the vast countryside of this great land of ours. He left no doubt where this Democratic administration stands where the fortunes of rural America are concerned. The Democratic platform will show where this party stands, dedicated and determined to achieve again a parity of opportunity and prosperity for all of America's great countryside.

Mr. Speaker, Secretary Freeman's statement to the Democratic platform committee is of such quality and force that I feel the entire membership of this body should have the opportunity to read and study it; therefore, with the permission of the House, I am inserting his statement in the RECORD:

STATEMENT BY SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN BEFORE THE PLATFORM COMMITTEE OF DEMOCRATIC NATIONAL CONVENTION, AUGUST 19, 1964

Mr. Chairman, members of the platform committee, I am here today to ask that the Democratic Party dedicate itself to the goal of parity of opportunity for rural America.

By this I mean:

Parity of income for the farm family.

Job and income opportunities in rural America equally as attractive as those in the cities and their suburbs; young people who want to live in rural America should have that chance rather than be forced by economic pressures to go to the city.

Educational and technical training opportunities for young people in rural areas which are as good as those for young people in cities and suburbs.

Public services and facilities in rural America which are equal to those available elsewhere.

What I propose to say here is far different from the usual farm policy statement—but we live in a different age and a different time.

The family farm is the key element in the economic and social structure of rural America—this has been true in the past and it will be true in the future. But the majority of people in rural America, while they may be dependent directly or indirectly upon the land, do not make their living today on farms. Thus the progress of farm families and nonfarm families in rural America is inextricably entwined.

The concern of the Democratic Party, therefore, is with both. We are concerned, as we have always been, with the incomes of those who grow cotton, wheat, corn and other crops and livestock. We are equally concerned with the progress of nonfarm families in rural communities—with educational opportunities, with modern community facilities and services, and with jobs.

During the next decade, millions of young people will be coming of working age in rural America. Not more than one young man out of 35 will become the operator of an adequate-sized family farm. To provide employment for the other 34, as well as those in rural America who now are underemployed or unemployed, will require the creation of about 5 million new jobs over this decade. As many of these jobs as possible ought to be created in rural America so that the smaller towns and villages of our country can prosper, too. Then the young people who grow up there can find the economic opportunity that will enable them, if they choose, to live and raise their families in their home communities.

The Democratic farm program for the 1960's is devoted to helping bring new vitality to all of rural America. To this end, it emphasizes three broad areas:

Commodity programs, consumer programs, and community programs.

When the Democratic administration took office in 1961, commodity programs had been severely impaired by 8 years of unsympathetic and hostile administration.

Net farm income had fallen from $14.4 billion in 1952 to $11 billion by 1957, the lowest level of the postwar years, while unrestrained production had choked the Nation's warehouses with mounting surpluses. Since 1960 stocks of feed grains have been reduced by over 400 million bushels and stocks of wheat by over 500 million bushels. If our surpluses had remained at 1960 levels, storage and handling charges alone would have cost the taxpayers $226 million over the 4-year period.

Virtually every piece of legislation to strengthen commodity programs has been enacted over the bitter opposition of almost all of the Republican Members of the House of Representatives and an overwhelming majority of Republican Senators.

The success of Democratic policies is reflected in the rise of net farm income by $800 million a year over the 1960 levels, and the increase of net income per farm by 18 percent in 3 years to a record $3,500 per farm—$540 more than in 1960. Gross farm income—which is spending power on Main Street—is up by $2.8 billion a year over the 1960 levels.

These gains we have made are set forth in more detail in the following tables:

Year	Realized net income		Per capita personal income of farm population			
	Total	Per farm	Total	Percent of nonfarm	After taxes	Percent of nonfarm
	Millions					
1960	$11,692	$2,961	$1,254	54.3	$1,165	58.0
1961	12,573	3,299	1,362	57.9	1,264	61.8
1962	12,611	3,420	1,426	58.3	1,319	62.2
1963	12,518	3,504	1,488	59.0	1,376	63.1

In 3 years we have narrowed the difference in the income an individual earns on the farm and the income which other Americans enjoy. In 1960, the net income of the average farmer from all sources was 58 percent of what the average nonfarmer earned, while today this gap has closed to 63 percent. This is still woefully inadequate, but we are making progress. Steady improvement of our commodity programs—under the leadership of the Democratic Party that conceived them and has strengthened them over a generation of history—will help attain the goal of income parity for family farmers. And a healthy agriculture will be good for the food processors and distributors, for the consumers, and indeed for all America.

Let us move now to consumer programs, and to the efforts to make imaginative and effective use of our food abundance. We have fortified the battery of protective services and regulations, of research and education, and extension that have made it possible for us to be the best fed and clothed Nation in history, and at the lowest percentage of real income—19 percent—ever known.

President Kennedy's first Executive order of January 21, 1961, directed that the volume and diversity of food distributed to the needy be doubled. It was doubled, and then doubled again. Shortly thereafter a pilot food stamp program was launched. And that program, which proved vastly superior as a means of getting food to low-income families, will now become nationwide and permanent as the result of legislation just passed by the Congress. We have since 1960 increased the volume of food distributed to hungry people, and to schoolchildren in this country, from less than $400 million worth to over $700 million in the past fiscal year.

This effort has not been limited to the United States. We have given strong emphasis to trade and aid programs with great success.

Commercial exports for dollars have reached an alltime high—44 percent greater than in 1960—totaling almost $4.6 billion in fiscal 1964. Agriculture is by far this country's biggest earner of export dollars, and contributed most to our balance of payments.

Exports under food for peace are up 15 percent since 1960, reaching $1.5 billion in fiscal 1964.

U.S. food donations will provide school lunches for some 40 million children in friendly countries this September. Three years ago, about 24 million children abroad ate American food in school lunches.

Today, $1 out of every $6 earned by farmers comes from export markets—and 1 out of 4 acres harvested today goes into export.

And under the Democratic administration, food has become an important tool in international economic development. Food is working capital; it becomes education when school lunch programs provide a better meal than a child gets anywhere else; our food capacity can be and is an essential means of stimulating growth in the economy of the developing world.

Commodity programs and consumer programs both contribute to the vigor of the rural economy, and when they are combined with community development programs, the stage is set for building the great society throughout the American countryside and to contribute significantly to the great society everywhere in the land.

Community development programs involve Federal, State, and local governments, community organizations of all kinds and the efforts of countless individual citizens.

To give impetus to these programs, we held a series of land and people conferences throughout the country to discuss how local leadership could organize and carry out action programs which would make use of Federal assistance. These meetings culminated in the rural areas development effort which now involves over 100,000 local citizens in 2,100 rural counties. Each county has a technical action panel made up of department personnel working in those counties who provide technical assistance and advice.

And today, leaders in most rural counties of American have comprehensive development programs which they are actively putting into effect.

They have been aided through numerous programs enacted or expanded by the Democratic Congress—including the Area Redevelopment Act, the Accelerated Public Works Act, the Manpower Development and Training Act, rural housing legislation, loans for electric, telephone, water systems and other community facilities, small watershed projects, loans and technical assistance for recreation development and other programs.

The Economic Opportunity Act of 1964 will now enable many rural communities to broaden and intensify their attacks on the causes of poverty.

The results of this effort have been substantial, especially considering the short time this comprehensive approach has been in effect.

Let me cite a few of them:

An estimated 212,000 new nonfarm jobs have been created in rural America as the direct result of the work of rural development committees. We estimate that 148,000 more jobs have been created as an indirect result of committee projects.

More than 20,000 farmers are developing outdoor recreation as another source of income for themselves and enjoyment for city people who hunger for the beauty of forests, fields, and lakes.

Some 254,000 rural Americans today have access to modern water systems in 460 rural communities because of water system loans made by the Farmers Home Administration over the past 3 years.

Construction of small reservoirs and related works has provided 5,000 man-years of employment and stimulated creation of another 5,000 new jobs.

Rural electric cooperatives, as a result of expanded loan programs since 1960, have improved services to customers, while lowering their power costs $7.5 million this year alone.

Over 49,000 rural families, including 2,700 elderly persons, have built new homes or remodeled their present dwellings through programs which have become available or have been expanded since 1960.

Occupational training projects begun with Federal aid in 1961 have enabled 14,135 persons in rural areas to gain new skills.

The national forests are producing a record harvest of 10 billion board feet a year, and a record harvest also of recreation—135 million visits a year.

These are some of the instances of progress in rural America with which I am most familiar. There are many others, and all of them together only begin to fill the need. But they do represent a new force for progress. Local leadership is responding to the challenges of rural communities that need to grow, and resources from Federal, State, and local sources are being made available in many ways for the first time.

Thus rural America is becoming better prepared day by day and year by year to participate in the new age of abundance that is the promise of our democracy. The people of rural America seek parity of opportunity. Their goal is, and should continue to be, our goal as well—the goal, and the pledge, of the Democratic Party, which is dedicated to advancing the cause of all who seek a better life.